PUBLICATION NO: 2575

REEL NO: 119

TITLE: FEDERAL REGISTER

VOLUME: 29 DATE: October 1, 1964-November 28, 1964

*University Microfilms, A Xerox Company, Ann Arbor, Michigan*

# VOL 29

# OCT

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET

# FEDERAL REGISTER

VOLUME 29 1934 NUMBERS 192–214

# INDEX

## OCTOBER 1964

36-000—64——1

## THE FEDERAL REGISTER INDEX

**The Index to the daily *Federal Register* is published separately, covering the contents of the *Federal Register* as follows: Monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.**

**Entries in the Index are carried primarily under the names of the issuing agencies, with the most significant entries additionally carried in appropriate alphabetical position.**

**A cumulative codification guide, keyed to the *Code of Federal Regulations*, is also published monthly. The guide lists titles, parts, and sections, and indicates the nature of changes effected by *Federal Register* documents published to date in the calendar year. Proposed rules are listed at the end of pertinent titles.**




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# FEDERAL REGISTER

VOLUME 29 NUMBERS 1–214

# CODIFICATION GUIDE
## and PARALLEL TABLE
# JANUARY–OCTOBER 1964

36-000—64——1

## THE CODIFICATION GUIDE

**The Codification Guide is published monthly on a cumulative basis. It lists titles, parts, and sections of the Code of *Federal Regulations* amended or otherwise affected by documents published in the *Federal Register* since January 1, 1964. Entries indicate the nature of changes effected. Proposed rules are listed at the end of appropriate titles.**

**Daily guides listing parts affected are carried following the Contents of each issue of the *Federal Register*, and within-the-month cumulations appear at the end of each issue.**

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- Heading amended; (a) revised; (b) amended; (c), (d), (e), and (f) redesignated as (d), (e), (f), and (g), respectively; new (c) added; newly redesignated (d) amended 14157

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- (b) deleted; (c) redesignated as (b) 5510

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728.73
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- Revised 6671
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- Added 5510
- Revised 6676

728.75
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728.100—728.106
- Subpart added 5510

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- Redesignated as 728.201—728.205 9655

728.101
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- (a) amended, (b) revised 13635

728.103
- (c)(1) revised; (c)(2), (d) and (e) amended 13635

728.105
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728.107
- Added 13635

728.108
- Added 13635
- (b) corrected 14486

728.201—728.205
- Redesignated from 728.101—728.105 9655

728.207
- Added 9930
- Corrected 11443

728.208
- Added 11690
- (e) corrected 12358
- (e) amended 13595

728.1183
- (e)(5) added 13245

729.1424
- (c) amended 7802

729.1432
- Revised 7802

729.1433
- (a) and (b) revised 7802

729.1435
- (a) amended; (b) revised 7802
- (b) corrected 7983

729.1457
- (c) added 13027

729.1505
- Added 4665

729.1507
- Added 14101

730
- Subpart added 11901

730.972
- Amended 7916

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730.1509
- Added 252

730.1511
- (h) amended 12001

730.1521
- (f) revised 2909

730.1525
- (a)(1) amended 2909
- (b)(3) revised 3612
- (a)(1) amended, (c) revised 12001

730.1529
- (g) added 12001

730.1551—730.1596
- Subpart added 11901

750.183
- Amended 589

750.294d
- (a) amended 589

750.515
- Amended 589

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751.20
- (c) revised 6677

751.51—751.90
- Subpart added 13559

775
- Subpart added 590

775.202
- (b)(2) amended; (c)(2) revised; (d)(2)(ii) amended 589

775.205
- (c)(1) amended 12507

775.207
- (d) amended 589

775.208
- (a)(1) amended 589

775.210
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775.213
- (g) amended 569

775.220
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775.228
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775.301—775.326
- Subpart added 590

775.302
- (q)(2) amended 2485
- (b)(2)(iii), (c)(2)(vi) and (d)(2)(v) revised; (q)(2) amended; (r) added 9479

775.304
- (b)(4) and (c)(2) amended 9479

775.305
- Amended 9479

775.306
- (a) and (c) amended; (e) corrected; (f) amended 9579

775.307
- (a)(14) amended 9479

775.310
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- Amended 9479

775.312
- (h) revised 9479

775.315
- (e) amended 9480

775.317
- (a) revised 9480

775.318
- (b) (1) and (2) amended; (b) (3) and (c) (3) and (4) revised; (c)(5) and (f) amended 9480

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- (c) amended 9480

775.321
- (d) revised 9480

775.324
- Amended 9480

775.327
- Added 3332
- Corrected 4717

776.106
- (a)(2) amended 2329

776.107
- (d) and (f) amended 2329

776.109
- (b)(6) redesignated as (7); (b)(6) added; (c)(1) amended 2329

776.111
- (g) amended 2329

776.118
- (b)(3) revised; (g) amended 2329

777
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- Appendix I amended 7984
- Appendix II added 7987
- Appendix III added 7988
- Appendix II corrected 10495

777.3
- (f) revised; (l) and (o) amended; (p) and (q) added 7984
- (b)(1)(v) amended; (c)(2) revised; (c)(4) redesignated as (c)(5), new (c)(4) added 11643
- Effective date of amendment of (b)(1)(v), revision of (c)(2), redesignation of (c)(4) as (c)(5), and addition of new (c)(4) 13471

777.4
- (a) revised 7984
- Introductory text of (b) revised; (b)(4) added 11643
- Effective date of revision of introductory text of (b) and addition of (b)(4) 13471

777.5
- Extension of time for registration 6677
- (a) amended 11643

777.6
- (g) revised; (l) added 7984
- (d) and (e) revised 11643

777.7
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777.9
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- Amended 11643
- Effective date of amendment 13471

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777.11
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- (b) amended 11643

777.12
- Added 7986
- (h) added 11643
- Effective date of addition of (h) 13471

777.13
- Added 7987

777.14
- Added 7987
- (c) corrected 10495
- (c) revised 11644

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777.16
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- Added 7867

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- (f) added 9840

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- (i) corrected 8460

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811.23
- (b) revised 3221

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- (e)(3) added 12452

831
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831.4
- Revised 11824

831.9
- (c) revised 131

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833.11
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- (a)(6) amended 4139
- (a)(6)(i) corrected 4767

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846.7
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849
- Heading revised 8253

849.2
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849.6
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849.7
- Added 11702

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- Added 14620

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- (h) added 397
- (i) revised; (k) and (l) added 4666
- (m) and (n) added 5537
- Revised 12819
- (a) amended; (d) revised; (g)(2)(iii), (h)(2)(iii), (i)(2)(iii), (j)(2)(iii), (k)(2)(iii), (l)(2)(iii), (m)(2)(iii), (n)(2)(iii), and (o)(2)(iii) amended 14780

855.10
- Added 6521
- Revised 13595
- (g) amended 14102

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- (c) revised 11913

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- Added 13315

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- (i) redesignated as (j); new (i) added 4144

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877.16
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905.410
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905.413
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907.341
- (b)(2) revised 1643

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- (b)(1) (i) and (ii) revised 2926

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- (b)(1) (i) and (ii) revised 3467

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730.4
(d) and (e) (9) and (11) revised ... 3141
730.4a
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730.6
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730.15
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730.16
(a) and (b) revised ... 3144
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(d) revised, (k) added ... 5226
732.3
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Added ... 10512
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(e) revised 3517
112.2
(a) and (b) revised 3518
112.4
(e)(1), (3), (4)(iii) and (6) and (f) revised 2758
113.2
Revised 3518
113.4
(b) revised 7934
113.5
(c) added 3518
114.1
(b) revised 3518
114.2
Revised 8009
114.3
(a) and (b) revised 7934
121.5
(b)(6) added 3518
121.6
(a)(2) revised; (a)(4), (b)(3), and (c)(4) amended 3518
(a)(3) revised 9538
121.8
Added 3520
122.1
(c) revised 3520
122.3
(b) revised 3520
122.4
(a) and (c) revised 3520
122.5
(a) and (b)(1)(ii) and (4) revised 3521
131.3
(c) added 3521
131.5
(c) revised 3521

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136.1
Revised 2759
137.2
Revised 2759
137.3
(a) revised 2759
(c) revised 3521
137.5
(a) revised 3521
141.3
(c) revised 9796
141.4
Revised 9796
141.5
Revised 9796
142.2
(b) and (i) revised 8009
151.5
Introductory text of (d)(4) revised 6089
(f)(2) revised 9538
162.2
(d)(10) revised 3521
(a)(4) redesignated as (5); new (a)(4) added; (c)(4) deleted 6090
(d)(17) revised; (d)(19) added; (f) revised 8009
163.2
Revised 8009
168.5
Amended 258
Amended 2912
Amended 6090
Amended 7509
Amended 8009
Amended 9338
Amended 11183
Amended 12369
Amended 12588

*Proposed rules:*
22 13822, 13903
113 5476
114 5476

## 41 CFR

Title heading revised; Subtitle C (Chapters 101–149) and Subtitle D (Chapters 150 et seq.) added 13251

Chapter 1:

1–1
Revised 10102
1–2
Revised 10102
1–2.202–4
(a) through (e) revised 14494
1–3
Revised 10102
1–4
Revised 10102
1–5
Revised 10102
1–5.901
(b) revised 1690
1–6
Revised 10102
1–7
Revised 10102
1–8
Revised 10102
1–10
Revised 10102
1–11
Revised 10102
1–12
Revised 10102

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Chapter 1:

1–12.402–1
Introductory text of (a) corrected 13387
1–14
Revised 10102
1–15
Revised 10102
1–16
Revised 10102
1–16.901–20
Corrected 11271
1–16.901–23
Corrected 11271
1–16.901–23A
(b) corrected 10461
1–17
Revised 10102
1–19
Added 12918
1–19.202–2
(c) corrected 13194
1–19.302
(b)(4) corrected 13194
1–30
Added 10102

Chapter 2:

2–1.310–6
Added 3574
2–1.310–10
Added 3574
2–1.310–50
Added 3574
2–12
Canceled 3575
2–16
Subpart 2–16.2 recodified, revised 4966
2–16.200—2–16.260–2
Subpart 2–16.2 recodified from 2–16.250 and 2–16.251; revised 4966
2–16.250, 2–16.251
Subpart 2–16.2 recodified as 2–16.200—2–16.260–2; revised 4966

Chapter 3:

3–1
Added 6494

Chapter 4:

Parts 4–1—4–50 added 14264
4–1
Added 14264
4–2
Added 14264
4–3
Added 14264
4–4
Added 14264
4–5
Added 14264
4–6
Added 14264
4–7
Added 14264
4–8
Added 14264
4–10
Added 14264
4–12
Added 14264
4–14
Added 14264
4–15
Added 14264
4–16
Added 14264
4–17
Added 14264

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Chapter 4—Continued
4–30 Added 14264
4–50 Added 14264
Chapter 5:
5–1 Subpart 5–1.54 revised 11154
5–1.317 Added 231
5–1.5401—5–1.5405 Subpart 5–1.54 revised 11154
5–2.201–50 Deleted 286
5–3.102–50 Deleted 286
5–7 Revised 286
5–16.850 Deleted 287
5–16.852 Amended 288
5–16.853 Deleted 2490
5–16.857 Revised 288
5–16.861 Added 288
5–53 Subpart 5–53.2 recodified, revised 288
5–53.201—5–53.203 Subpart 5–53.2 recodified from 5–53.201—5–53.208; revised 288
5–53.201—5–53.208 Subpart 5–53.2 recodified as 5–53.201—5–53.203; revised 288
Chapter 5B:
5B–2 Subpart 5B–2.2 recodified, revised 232
5B–2.201—5B–2.205–4 Subpart 5B–2.2 recodified from 5B–2.201 and 5B–2.201–70; revised 232
5B–2.201, 5B–2.201–70 Subpart 5B–2.2 recodified as 5B–2.201—5B–2.205–4; revised 232
Chapter 6:
6–1.105 Revised 12070
6–1.302–1 Revised 12070
6–1.352–2 Revised 12070
6–2 Added 12070
6–5 Added 12070
6–6 Added 12070
6–7 Added 12070
6–11 Added 12070
Chapter 8:
8–1.108–2 (e) added 12771
8–1.150 Added 12771
8–1.310–6 Added 12771
8–1.310–9 Revised 12772
8–2.201 (e) revised, (f) added 6956
8–2.203–1 (a) revised 6956
8–2.407–1 Revised 12772
8–2.407–8 Revised 12772
8–3.210 (b) revised 12772
8–3.604–6 Revised 14365
8–3.606–5 Revised 14365
8–4.5002 Revised 1690; Heading revised 12873
8–4.5003—8–4.5003–3 Added 12873
8–4.5101 Revised 14365
8–6 Subpart 8–6.2 added 9829
8–6.203—8–6.250 Subpart 8–6.2 added 9829
8–6.5301–1 Revised 6155
8–7.150–7 Revised 12874
8–7.150–8 Revised 12874
8–7.150–10 Added 7548
8–7.150–11 Added 7548
8–7.650–2 Revised 9829
8–7.650–3 Revised 9829
8–7.650–4 Revoked 9829
8–7.650–5 Revised 9829
8–7.650–6 Revised 9829
8–7.650–6 Amended 9830
8–7.650–7 Revised 9830
8–7.650–8 Revoked 9830
8–7.650–9 Revised 9830
8–7.650–10 Revised 9830
8–7.650–11 Revoked 9830
8–7.650–12 Revoked 9830
8–7.650–13 Amended 9830
8–7.650–14 Revised 9830
8–7.650–15 Added 9830
8–7.650–16 Revised 9830
8–7.650–17 Revoked 9831
8–7.650–18 Revoked 9831
8–7.650–19 Revised 9831
8–7.650–21 Revised 9831
8–7.650–22 Revised 9831
8–7.651–3 Revised 9831
8–10.5001 Amended 9831
8–11.302 Revised 1690
Chapter 8—Continued
8–14 Added 7548
8–16.350 Revised 14365
8–16.350–1 Revised 14365
8–51 Added 7548
8–52 Added 7548
8–52.101 Revised 12773
8–52.109 Added 12773
8–75.101 (a) (8) and (9) redesignated as (a) (9) and (10); (a) (8) added 14365
8–75.201–1 Revised 4912
8–75.201–2 Revised 4912
8–75.201–3 Revised 4912; Heading revised 14365
8–75.201–5 Revised 4912; Revised 14365
8–75.201–8 Revised 14365
8–75.201–10 Added 4912; Revised 14366
Chapter 9:
9–1 Subpart 9–1.51 added 13141
9–1 Subpart 9–1.6 added 13811
9–1.314 Added 13574
9–1.600—9–1.606–58 Subpart 9–1.6 added 13811
9–1.702 (b) (3) revised 5343
9–1.705–3 Added 5343
9–1.5101—9–1.5104 Subpart 9–1.51 added 13141
9–4.5109–7 (a) revised 12646
9–4.5201—9–4.5203 Subpart 9–4.52 added 13251
9–5 Subpart 9–5.50 added 1385; Subpart 9–5.51 added 3361; Subpart 9–5.51 corrected 7549
9–5.5100—9–5.5103 Subpart 9–5.51 added 3361; Subpart 9–5.51 corrected 7549
9–5.5001 Subpart 9–5.50 added 1385
9–6 Subparts 9–6.1 and 9–6.2 added 13813
9–6.100—9–6.151 Subpart 9–6.1 added 13813
9–6.202—9–6.251 Subpart 9–6.2 added 13813
9–7.5004–6 Revised 6255
9–7.5006–9 (d) (8) (i) revised 1835; Amended 3361
9–7.5006–10 (d) (8) (i) revised 1835; Amended 3361
9–7.5006–12 (d) (8) (i) revised 1835; Amended 3362




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Chapter 9—Continued
9–10 Added 13574
9–15.5010–14 Introductory text of (b) and (m) revised 1835
9–15.5010–15 Added 3362
9–15.5010–16 Added 10515
9–16.104–50 Amended 13605
9–16.404–52 Amended 13605
9–16.5002–2 Amended 13605
9–16.5002–4 Amended 13605
9–16.5002–5 Amended 13605
9–16.5002–6 Amended 13605
9–16.5002–8 Amended 12646; Amended 13605
9–16.5002–9 Amended 12647; Amended 13605
9–16.5002–12—9–16.5002–14 Added 3005
9–30 Added 13575
9–56 Revised 13252
9–56.001 (a) corrected 1645
9–58 Added 3004
Chapter 11:
11–1.311 Added 12924
11–1.313 Added 6495
11–1.315 Added 12924
11–1.317 Added 11455
11–1.508 Added 7240
11–1.508–2 Added 7240
11–1.508–3 Added 7240
11–1.606 Added 6495
11–1.750 Added 7384
11–1.1050 Added 6496
11–1.1603–3 Added 6496
11–2 Subpart 11–2.2 added 6496; Subpart 11–2.4 added 6496
11–2.201 (a) (54) and (55) added 11838; (a) (54) revised 14853
11–2.201—11–2.205–5 Subpart 11–2.2 added 6496
11–2.402—11–2.408 Subpart 11–2.4 added 6496
11–3.204 (b) (2) (v) revised 5343
11–3.605–2 Added 6497
11–4 Subpart 11–4.50 added 5343
11–4.5000—11–4.5007 Subpart 11–4.50 added 5343
11–5 Added 11156
11–5.303 Added 7384
11–7 Subpart 11–7.6 added 6282; Subpart 11–7.50 added 7384
11–7.101–67 Added 12924
11–7.101–68 Added 12924
11–7.600—11–7.602–72 Subpart 11–7.6 added 6282
11–7.602–73 Added 12924
11–7.602–74 Added 12924
11–7.602–75 Added 12924
11–7.5000—11–7.5001–9 Subpart 11–7.50 added 7384
11–8 Added 13255
11–10 Added 14723
11–16.301–2 Added 6497
11–50 Added 6856; Subpart 11–60.1 recodified from Subpart 116.04 of 33 CFR Part 116 6856
11–60.101—11–60.117 Subpart 11–60.1 recodified from 33 CFR 116.04–1—116.04–80 6856
11–60.200—11–60.205 Subpart 11–60.2 added 7325
11–75.102 Heading revised; text transferred to 11–75.102–1 11159
11–75.102–1 Added; text transferred from 11–75.102 11159
11–75.102–2 Added 11159
11–75.201 (d) (1) and (3) revised; (d) (5) added 11159
Chapter 14:
14–1.107–1 (b) revised 2452
Chapter 18:
18–9 Revised 12275
Chapter 50:
50–202.2 Revised 3575
50–202.4 Deleted 3576
50–202.8 Deleted 3576
50–202.11 (c) revised 3576
50–202.12 Deleted 3576
50–202.13 Deleted 3576
50–202.23 (b) (4) revised, (c) (1) (iv) deleted 3576
50–202.24 Deleted 3576
50–202.29 Revoked 13322
50–202.33 (b) revised 3576
50–203 11842
50–204.305—50–204.310 Effective date postponed 260; Effective date postponed 1438
50–204.305 (c) (3) revised 1438
50–204.306 (d) (1), (3), (4) revised 1438; Corrected 1620
50–204.307 Amended 1438
50–204.308 Revised 1442
50–204.309 Redesignated as 50–204.317 1442
50–204.309—50.205.316 Added 1442–1444
50–204.310 Redesignated as 50–204.319 1442
50–204.317 Redesignated from 50–204.309 1442
50–204.318 Added 1444
50–204.319 Redesignated from 50–204.310 1442
50–204.320 Added 1444; Heading revised; text designated as (a); (b) added 6091
Chapter 51:
51–1.1 (b) revised 5796
Chapter 60:
60–80.2 Added 9658
Chapter 101:
Added 13255
101–1 Added 13255
101–25 Added 13255
101–26 Added 14724
101–31 Added 13255
101–36 Added 13255
101–38 Added 14724
101–39 Added 13255
*Proposed rules:*
50–203 14445
50–204 266, 1476
60–80 5909


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Chapter I:
52.14 (f) added 9831
53.112 Revised 6498
54 Added 5947; Subpart C added 5951; Subpart A added 12647
54.1—54.7 Subpart A added 12647
54.101 (a) corrected 6682
54.105 Corrected 6682
54.201–54.215 Subpart C added 5951
56 Revised 12967




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Chapter I—Continued
57.101 (a) corrected 6682
57.105 Corrected 6682
57.201–57.215 Subpart C added 5951
Chapter II:
81.1 Added 13255
81.2 Added 13255
81.25 Added 13255
81.26 Added 14724
81.31 Added 13255
81.36 Added 13255
81.38 Added 14724
81.39 Added 13255
Chapter III:
301.1 Added 13255
301.25 Added 13255
301.26 Added 14724
301.31 Added 13255
301.36 Added 13255
301.38 Added 14724
301.39 Added 13255


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Chapter I:
1.1 (b) revised 5796
1.2 Added 9658
Chapter II:
Added 13255
201–1 Added 13255
201–25 Added 13255
201–26 Added 14724
201–31 Added 13255
201–36 Added 13255
201–38 Added 14724
201–39 Added 13255
Chapter III:
301.1 Added 13255
301.25 Added 13255
301.26 Added 14724
301.31 Added 13255
301.36 Added 13255
301.38 Added 14724
301.39 Added 13255
Chapter IV:
401.1 Added 13255
401.25 Added 13255
401.26 Added 14724
401.31 Added 13255
401.36 Added 13255
401.38 Added 14724
401.39 Added 13255
Chapter V:
501.1 Added 13255
501.25 Added 13255
501.26 Added 14724
501.31 Added 13255
501.36 Added 13255
501.38 Added 14724
501.39 Added 13255
Chapter VI:
601.1 Added 13255
601.25 Added 13255
601.26 Added 14724
601.31 Added 13255
601.36 Added 13255
601.38 Added 14724
601.39 Added 13255
Chapter VII:
701.1 Added 13255
701.25 Added 13255
701.26 Added 14724
701.31 Added 13255
701.36 Added 13255
701.38 Added 14724
701.39 Added 13255
Chapter VIII:
801.1 Added 13255
801.25 Added 13255
801.26 Added 14724
801.31 Added 13255
801.36 Added 13255
801.38 Added 14724
801.39 Added 13255
Chapter X:
1001.1 Added 13255
1001.25 Added 13255
1001.26 Added 14724
1001.31 Added 13255
1001.36 Added 13255
1001.38 Added 14724
1001.39 Added 13255




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Chapter I:
1.1 (b) revised 5796
1.2 Added 9658
Chapter II:
Added 13255
201–1 Added 13255
201–25 Added 13255
201–26 Added 14724
201–31 Added 13255
201–36 Added 13255
201–38 Added 14724
201–39 Added 13255
Chapter III:
301.1 Added 13255
301.25 Added 13255
301.26 Added 14724
301.31 Added 13255
301.36 Added 13255
301.38 Added 14724
301.39 Added 13255
Chapter IV:
401.1 Added 13255
401.25 Added 13255
401.26 Added 14724
401.31 Added 13255
401.36 Added 13255
401.38 Added 14724
401.39 Added 13255
Chapter V:
501.1 Added 13255
501.25 Added 13255
501.26 Added 14724
501.31 Added 13255
501.36 Added 13255
501.38 Added 14724
501.39 Added 13255
Chapter VI:
601.1 Added 13255
601.25 Added 13255
601.26 Added 14724
601.31 Added 13255
601.36 Added 13255
601.38 Added 14724
601.39 Added 13255
Chapter VII:
701.1 Added 13255
701.25 Added 13255
701.26 Added 14724
701.31 Added 13255
701.36 Added 13255
701.38 Added 14724
701.39 Added 13255
Chapter VIII:
801.1 Added 13255
801.25 Added 13255
801.26 Added 14724
801.31 Added 13255
801.36 Added 13255
801.38 Added 14724
801.39 Added 13255
Chapter X:
1001.1 Added 13255
1001.25 Added 13255
1001.26 Added 14724
1001.31 Added 13255
1001.36 Added 13255
1001.38 Added 14724
1001.39 Added 13255

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Chapter I—Continued
57
Heading revised; text redesignated as Subpart A of Part 57; Subpart C added 6858
Subpart A revised 12649
57.1—57.10
Part 57 redesignated as Subpart A of Part 57 6858
Subpart A revised 12649
57.201—57.211
Subpart C added 6858
61.9
(c) revised; (d) redesignated as (e); (d) added 5003
61.10
Revised 5003
72.25
(b) (5) revised 11652
73.1
(i) (5) (iii) amended 13387
73.14
Heading amended 13387
73.32
(h) amended 13387
73.36
(b) amended 13387
73.73
(f) (5), (8), and (10) amended 13387
73.74
(a) (2) revised 13387
73.101
(e) (1) amended 13387
73.140
(e) amended 13387
73.145
Amended 13387
73.152
(c) amended 13387
*Proposed rules:*
73 13399


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Subtitle A:
1
Revised 143
6
Revised 260
6.1
(g) corrected 6498
6.2
(d) (10) (ii) and (e) (5) corrected 6498
6.8
(b) corrected 6498
16
Recodified from Subpart 3105; revised 9383
Chapter I
Land Management Bureau regulations (except §§ 230.54–230.62, 230.64–230.100, and 230.115–230.121) redesignated as Ch. II; revised 4302
Reclamation Bureau regulations redesignated from Ch. II 4302
63.3
(d) revised, (i) added 1803
63.11
Heading and (a) revised; (c) added 1804
63.13
Revised 1804
63.16
(b) and (c) revised 1804
63.17
(b) revised 1804


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Chapter I—Continued
63.20
Revised 1804
63.23
Redesignated as 63.24 1804
63.23
Added 1804
63.24
Redesignated from 63.23 1804
Revised 1805
101.2
Heading revised, (b) amended, (c) added 1805
101.18
(d) added 1805
101.19
Heading revised; text designated as (a); (b) and (c) added 2543
140.3
Revised 2543
140.10
Revised 2338
192.42
(a), (b), and (c), and (e) (1) and (4) (i), and (g) (1) revised 2503
192.43
(b) and (c) revised 2503
192.43a
Added 1437
Recodified as 3100.0–5; revised 6245
192.43b
Added 1437
192.44
Deleted 2503
192.141
(a) (4) added 1437
200.8
(a), (b) and (d) revised 2503
230.54—230.62
Transferred from Land Management Bureau to Reclamation Bureau 4302
230.64—230.100
Transferred from Land Management Bureau to Reclamation Bureau 4302
230.115—230.121
Transferred from Land Management Bureau to Reclamation Bureau 4302
417
Added 13605
Chapter II
Land Management Bureau regulations (except §§ 230.54–230.62, 230.64–230.100, and 230.115–230.121) redesignated from Ch. I; revised 4302
Reclamation Bureau regulations redesignated as Ch. I 4302
1810.3
Added 6628
1821.2–2
Heading revised; (f) and (g) added 14439
1821.3–5
Deleted 11126
1823.2–4
(a) revised; (b) deleted 11126
1852.1–4
(e) added 9565
1852.2–2
(i) added 9565
2211.1–3
(a) revised 11126


## 43 CFR—Continued


Chapter II—Continued
2211.2–5
Added 6628
2211.9–7
(a) (3) added 6628
2220
Subpart 2225 revoked 13388
2225.0–3—2225.4
Subpart 2225 revoked 13388
2226.0–5
Added 6628
2226.0–7
(a) (3) revised 6628
2226.1–5
(a) (1) added 6628
2226.3–2
Revised 11126
2234.1–1
(a) (1) revised 14075
(a) (1) revised 14494
2234.7—2234.7–4
Added 14075
2234.8—2234.8–2
Added 14494
2241.5–1
(c) added 12874
2243
Subpart recodified, revised 10462
2243.0–2—2243.2
Subpart 2243 recodified from 2243.0–3—2243.2; revised 10462
2243.0–3—2243.2
Subpart 2243 recodified as 2243.0–2—2243.2; revised 10462
3100.0–5
Recodified from 192.43a; revised 6245
3101.2
Revised 4967
3105
Subpart recodified as Part 16; revised 9383
3105.1
Subpart 3105 recodified as Part 16; revised 9383
3122.1
(c) and (d) added 4967
3123.2
(c) (1) and (g) revised; (e) (1) and (h) added 4967
3128.2
(a) (1) and (b) revised 4968
3128.6
Revised 4968
3212.1
(a) revised 14366
3212.3
(d) revised 4968
3221.4
(f) revised 13971
3222.6–2
Revised 13971
3612
Subpart revised 7935
3612.0–3—3612.2–4
Subpart 3612 recodified from 3612.1–3612.8; revised 7935
3612.1—3612.8
Subpart 3612 recodified as 3612.0–3—3612.2–4; revised 7935
4111.4–2
(a) through (e) revised 13424
4114.1–1
Revised 6440
4114.1–2
Revised 6440
4114.1–3
Revised 6440




## 43 CFR—Continued


Chapter II—Continued
4114.1–5
(d) revised 13425
4115.2–1
(a) (2), (h), and (k) (3) revised 13425
*Public land orders:*
144
Revoked in part by PLO 3438 12114
487
See PLO 3332 2676
738
Revoked by PLO 3440 12115
977
Revoked in part by PLO 3332 2676
1159
See PLO 3390 6384
1408
Revoked by PLO 3343 3131
See PLO 3404 7720
1486
Revoked in part by PLO 3439 12114
1843
Revoked in part by PLO 3406 7765
2198
Modified by PLO 3460 14594
2320
Revoked by PLO 3367 5037
2942
Corrected by PLO 3301 264
2956
Revoked in part by PLO 3376 5078
3012
Modified by PLO 3327 2424
3118
Corrected by PLO 3319 1621
3155
Revoked in part by PLO 3392 6385
3263
Corrected 529
3268
Corrected by PLO 3339 3010
3282
Corrected by PLO 3302 431
3284
Corrected by PLO 3301 264
3286
Corrected by PLO 3339 3010
3294 144
3296
Corrected by PLO 3302 431
3301 264
3302 431
3303 431
3304 431
3305 432
3306 607
3307 608
3308 609
3309 609
3310 609
3311 609
3312 610
3313 610
3314 1327
3315 1328
3316 1328
3317 1620
3318 1621
3319 1621
3320 1621
3321 1722
3322 1723
3323 1723
3324 2423
3325 2423
3326 2423
Corrected by PLO 3384 6498
3327 2424


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*Public land orders*—Continued
3328 2448
3329 2449
3330 2449
3331 2676
3332 2676
3333 2676
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# FEDERAL REGISTER

VOLUME 29 NUMBER 192

Washington, Thursday, October 1, 1964

THE UNIVERSITY OF MICHIGAN
OCT 1964
MAIN READING ROOM

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# Rules and Regulations

## Title 1—GENERAL PROVISIONS

### Chapter I—Administrative Committee of the Federal Register

### CFR CHECKLIST

This checklist, arranged in order of titles, shows the issuance date and price of current volumes and pocket supplements of the Code of Federal Regulations. The rate for subscription service to all revised volumes and pocket supplements issued as of January 1, 1964, is $100 domestic, $30 additional for foreign mailing. The subscription price for revised volumes and pocket supplements issued as of January 1, 1965, will be at the same rate. Order from Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

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| 1-4 | (Rev. Jan. 1, 1961) | $4.00 |
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| 3 | 1938-1943 Cum. Supp. | 3.00 |
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| | 1959 Supp. | .60 |
| | 1960 Supp. | .60 |
| | 1961 Supp. | .60 |
| | 1962 Supp. | 1.75 |
| | 1963 Supp. | 1.00 |
| 5 | (Rev. Jan. 1, 1964) | 4.75 |
| 6 | (Rev. Jan. 1, 1964) | 1.00 |
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| 12 | (Rev. Jan. 1, 1963) | 4.75 |
| | Supp. (Jan. 1, 1964) | .50 |
| 13 | (Rev. Jan. 1, 1963) | 4.25 |
| | Supp. (Jan. 1, 1964) | .40 |
| 14 | Parts: | |
| | 1-19 (Rev. Jan. 1, 1964) | 2.50 |
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| | 200-399 (Rev. Jan. 1, 1964) | 1.25 |
| | 400-end (Rev. Jan. 1, 1964) | 1.00 |
| 15 | (Rev. Jan. 1, 1964) | 1.50 |
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| 25 | (Rev. Jan. 1, 1958) | 4.50 |
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| | Supp. (Jan. 1, 1964) | .65 |
| | 1 (§§ 1.401—1.860; Rev. Jan. 1, 1961) | 5.50 |
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| | Spec. Supp. (Apr. 1, 1964) | 2.25 |
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| | Supp. (Jan. 1, 1964) | .50 |
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| General Index | (Rev. Jan. 1, 1964) | .65 |

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 213—EXCEPTED SERVICE

#### Department of the Army

Section 213.3307 is amended to show that the position of Administrative Assistant to the Personal Physician to the President is no longer excepted under Schedule C. The section is also amended to show the exception under Schedule C of one additional position of Secretary in the Office of the Military Aide to the President. Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (b) is revoked and subparagraph (2) is amended as set out below.

§ 213.3307 Department of the Army.

* * * * * * *

(b) *General.* * * *

(2) One Administrative Assistant and two Private Secretaries to the Military Aide to the President.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-9966; Filed, Sept. 30, 1964; 8:48 a.m.]

### PART 213—EXCEPTED SERVICE

#### Department of Agriculture

Section 213.3113(a)(8) is amended to extend the authority for hiring Cuban refugees until December 31, 1966. Effective upon publication in the FEDERAL REGISTER, subparagraph (8) of paragraph (a) of § 213.3113 is amended as set out below.

§ 213.3113 Department of Agriculture.

(a) *General.* * * *

(8) Until December 31, 1966, not to exceed 100 positions directly concerned with programs of the Department for employment of Cuban refugees possessing college-level training appropriate for such positions: *Provided*, That employment under this authority in any one individual case shall be on a temporary basis for periods not to exceed one year and shall not exceed two years without the prior approval of the Civil Service Commission.

* * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-9968; Filed, Sept. 30, 1964; 8:48 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 32—HUNTING

### Upper Mississippi River Wildlife and Fish Refuge

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The public hunting of upland game species and unprotected birds and mammals consisting of foxes, groundhogs, and crows on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin is permitted on the areas designated by signs as open to hunting during the dates of October 31, 1965, through March 1, 1965, in Illinois; October 3, 1964, through March 1, 1965, in Iowa; October 3, 1964, through March 1, 1965, in Minnesota and October 10, 1964, through March 1, 1965, in Wisconsin except as listed under special conditions. Restricted hunting is also permitted on the areas designated by signs as closed to hunting. The open areas comprising 153,000 acres, and the closed areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn., 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408.

Hunting shall be in accordance with all applicable state regulations subject to the following special conditions:

(1) Hunting on designated closed areas concurrent with applicable state seasons is permitted from the first day after the close of the last hunting season for ducks and coots applicable to the geographic area concerned, until the end of the applicable state seasons, or until March 1, 1965, whichever occurs first.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until revised.

R. W. BURWELL,
*Regional Director.*

SEPTEMBER 24, 1964.

[F.R. Doc. 64-9949; Filed, Sept. 30, 1964; 8:47 a.m.]

## PART 32—HUNTING

### Klamath Forest National Wildlife Refuge, Oregon

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

KLAMATH FOREST NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, coots and gallinules on the Klamath Forest National Wildlife Refuge is permitted from October 10, 1964, through January 7, 1965, and the hunting of snipe is permitted from October 26, 1964, through December 12, 1964, only on the area designated by signs as open to hunting. This open area, comprising 3,675 acres, is delineated on a map available at the refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Boats with motors not larger than 10 horsepower may be used for access to the hunting area. Sculling and airthrust boats are prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 7, 1965.

PAUL T. QUICK,
*Regional Director,*
*Portland, Oregon.*

SEPTEMBER 23, 1964.

[F.R. Doc. 64-9950; Filed, Sept. 30, 1964; 8:47 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

## PART 203—BRIDGE REGULATIONS

### Charles River, Massachusetts

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.75 is hereby amended with respect to paragraph (h) changing the title and revising subparagraphs (1) and (3) to govern the operation of the Metropolitan Transit Authority Bridge across Charles River, Boston, Massachusetts, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.75 Boston Harbor, Mass., and adjacent waters; bridges.

* * * * *

(h) *Charles River*—(1) *Bridges from mouth to and including Metropolitan District Commission Bridge at Charles River Dam.* The draws of all bridges, except the Charlestown Bridge and the Metropolitan Transit Authority Bridge, from the mouth to and including the Metropolitan District Commission bridge between Boston and Cambridge (at Charles River Dam) shall not be required to be opened for the passage of vessels between 6:15 and 9:10 a.m., and 4:15 and 7:40 p.m., except on Sundays and on legal holidays observed in the locality: *Provided,* That when high tide at Charlestown Navy Yard occurs between 6:15 and 9:10 a.m., the draws shall be opened within 45 minutes before or after high tide for a period of 10 minutes for the passage of all vessels or other watercraft whose draft is 12 feet or over if there be any such desiring to pass, the exact time of opening to be prescribed by the railroad companies, due regard being had for causing minimum interference with railroad schedules, highway traffic, and the interests of navigation, and the opening time of each bridge to be so fixed as to permit continuous passage through the next and following bridges located in direction of course of the vessels or other watercraft.

* * * * *

(3) *Metropolitan Transit Authority (East Cambridge Viaduct) Bridge.* The draw need not be opened for the passage of vessels, and paragraphs (b) to (f), of this section, shall not apply to this bridge. However, the operating machinery of the draw shall be maintained in an operable condition.

* * * * *

[Regs., Sept. 15, 1964, 1507-32 (Charles River, Boston, Mass.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

L. H. WALKER, Jr.,
*Brigadier General, U.S. Army,*
*Acting The Adjutant General.*

[F.R. Doc. 64-9947; Filed, Sept. 30, 1964; 8:47 a.m.]

# Title 13—BUSINESS CREDIT AND ASSISTANCE

## Chapter I—Small Business Administration

[Amdt. 1]

## PART 109—ADJUDICATIVE PROCEEDINGS; SMALL BUSINESS INVESTMENT COMPANIES

### Miscellaneous Amendments

Pursuant to authority contained in sections 308 and 309 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, there is amended, as set forth below, § 109.3 and § 109.27 of Part 109 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations as published in 27 F.R. 459.

*Information and effective date.* Part 109 published in 27 F.R. 459 established rules of practice governing SBA adjudicative proceedings. SBA considers it appropriate to amend § 109.3, relating to appearances and § 109.27, relating to ex parte communications, to provide for the insertion of ex parte communications into the record; afford an opportunity to rebut such communications; and prescribe penalties for the making of unauthorized communications. Since the amendment relates to SBA rules of practice, it is exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003) and since SBA has determined that it is necessary to promptly apply the subject amendment in the administration of the Act it shall become effective upon publication in the FEDERAL REGISTER.

Part 109—Adjudicative Proceedings; Small Business Investment Companies, is amended as follows:

1. By deleting § 109.3(e)(2) and inserting in lieu thereof the following:

§ 109.3 Appearances.

* * * * *

(e) *Suspension or disbarment of attorneys.* * * *

(2) The Administrator for good cause shown may, in accordance with the procedures set forth in Part 104 of this chapter, suspend or disbar any alleged offender from practice before the Administration.

* * * * *

2. By deleting present paragraph (c) of § 109.27 and inserting in lieu thereof the following:

§ 109.27 Ex parte communication.

* * * * *

(c) In an adjudicative proceeding, if any oral or written ex parte communication is made to or by the examiner, or employee involved in the decisional process, in violation of paragraph (a) or (b) of this section, such examiner or employee, as the case may be, shall promptly deliver to the Administrator any such written communication or, in the case of an oral communication, a report giving the substance thereof in writing, together with a written statement of the circumstances under which it was made. If the Administrator determines that any such communication should, in fairness, be brought to the attention of all parties to the proceeding, the relevant written material pertaining thereto shall be made a part of the record of the proceeding to which it applies and the Secretary shall send copies thereof to all parties respondent.

3. By adding new paragraphs (d) and (e) to § 109.27 which read as follows:

§ 109.27 Ex parte communication.

* * * * *

(d) In any case where the Administrator determines that the dictates of fairness so require, any party requesting an opportunity to do so may rebut, on the record, any facts or contentions contained in any such ex parte communication.

(e) The Administrator may censure or may, in accordance with the procedures contained in Part 104 of this chapter, suspend or revoke the privilege of any person who makes or solicits the making of an unauthorized ex parte communication, to practice or appear before SBA.

Dated: September 25, 1964.

EUGENE P. FOLEY,
*Administrator.*

[F.R. Doc. 64-9927; Filed, Sept. 30, 1964; 8:45 a.m.]



# Title 20—EMPLOYEES' BENEFITS

## Chapter IV—Employees' Compensation Appeals Board, Department of Labor

## PART 501—RULES OF PROCEDURE

### Employees of Canal Zone Government

Pursuant to section 32 of the Federal Employees' Compensation Act (5 U.S.C. 783), Reorganization Plan No. 2 of 1946 (3 CFR 1943-1948 Comp., p. 1064), and Reorganization Plan No. 19 of 1950 (3 CFR 1949-1953 Comp., p. 1010), and in accordance with Public Law 88-508 amending section 42 of the Federal Employees' Compensation Act (5 U.S.C. 793) to extend the right of appeal to the Employees' Compensation Appeals Board to employees of the Panama Canal Zone Government, I hereby amend 20 CFR 501.1 (c) and (d) as provided below.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these rules involve matters which relate only to procedure. I do not believe such participation and delay will serve a useful purpose here. Accordingly, this amendment shall become effective immediately.

As amended paragraphs (c) and (d) of § 501.1 read as follows:

§ 501.1 Definitions.

* * * * *

(c) "Bureau" means the Bureau of Employees' Compensation and in the case of employees of the Canal Zone Government and of the Panama Canal Company, the Governor of the Canal Zone.

(d) "Director" means the Director of the Bureau and in the case of employees of the Canal Zone Government and of the Panama Canal Company, the Governor of the Canal Zone.

* * * * *

(Sec. 32, 39 Stat. 749, 5 U.S.C. 783)

Signed at Washington, D.C., this 25th day of September, 1964.

W. WILLARD WIRTZ,
*Secretary of Labor.*

[F.R. Doc. 64-9944; Filed, Sept. 30, 1964; 8:46 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 6213]

[Special Federal Aviation Reg. 8]

## PART 91—GENERAL OPERATING AND FLIGHT RULES [NEW]

### Prohibition of Air Traffic Over and in Vicinity of Eufaula Dam Site, Eufaula, Okla.; Special Federal Aviation Regulations

On September 25, 1964, President Lyndon B. Johnson will visit the Eufaula Dam Site, Eufaula, Oklahoma. The interest of the public in the President and the large assemblage of persons resulting from his presence should attract numerous aircraft in the area that will be operated over the Eufaula Dam Site and through the airspace generally used by other aircraft. In addition, the Federal agency responsible for the security of the President has requested that we take appropriate action for his safety and the safety of other persons present.

In order to provide appropriate safeguards for aircraft operations in the area and for persons and property on the ground, I have determined that a temporary restriction must be imposed on air traffic to prohibit the operation of all types of aircraft in the vicinity of the Eufaula Dam Site below 3,000 feet mean sea level unless authorized by air traffic control. This authorization may be obtained most readily by communicating with the Davis Field Tower, Muskogee, Oklahoma.

I have determined that there is a requirement for the immediate adoption of this regulation for the safety of air commerce. Therefore, I find it contrary to the public interest to comply with the notice and public procedure provisions of the Administrative Procedure Act and that good cause exists for making this regulation effective immediately.

In consideration of the foregoing, the following Special Federal Aviation Regulation is adopted:

(1) Unless otherwise authorized by the Davis Field Tower, no person may operate an aircraft during the period 1930 GMT to 2200 GMT on September 25, 1964, below 3,000 feet mean sea level within a 5 statute mile radius of 35°18' N. latitude; 95°22' W. longitude (Eufaula Dam Site, Eufaula, Oklahoma).

(2) This regulation becomes effective immediately and expires at 2200 GMT, September 25, 1964.

(Sec. 307, Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C. on September 24, 1964.

HAROLD W. GRANT,
*Deputy Administrator.*

[F.R. Doc. 64-9929; Filed, Sept. 30, 1964; 8:45 a.m.]

[Reg. Docket No. 6186; Amdt. 393]

# PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

## Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Wasco LF/VHF Int | BC LFR (final) | Direct | 1600 | T-dn | 300–1 | 300–1 | 200–½ |
| Bakersfield VOR | BC LFR | Direct | 2700 | C-dn | 700–1 | 700–1 | 700–1½ |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn W side NW crs, 321° Outbnd, 141° Inbnd, 2700′ within 10 miles.
Crs and distance, facility to airport, 150°—1.3 miles.
Minimum altitude over facility on final approach crs, 1600′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.3 miles after passing BC LFR, turn right (W) and climb to 3000′ on NW crs within 20 miles, or when directed by ATC, climb to 3000′ on the SW crs within 15 miles.
NOTES: Final approach from holding pattern at BC LFR not authorized. Procedure turn required.
MSA within 25 miles of facility: N—7000′; E—8600′; S—3500′; W—3500′.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 488′; Fac. Class., SBMRAZ; Ident., BC; Procedure No. 1, Amdt. 10; Eff. Date, 3 Oct. 64; Sup. Amdt. No. 9; Dated, 18 Apr. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Jamestown VOR | JS LFR | Direct | 3100 | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-d | 400–1 | 500–1 | 500–1½ |
| | | | | C-n | 400–1½ | 500–1½ | 500–1½ |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn N side E crs, 078° Outbnd, 258° Inbnd, 3100′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 276°—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles after passing JS LFR, climb on W crs JS LFR within 10 miles, reverse crs and continue climb to 3100′ direct to JS LFR, then hold E, 1-minute right turns, 258° Inbnd.
NOTES: Final approach from holding pattern at LFR not authorized. Procedure turn required.
Other changes: Deletes caution note.
MSA within 25 miles of facility: NE—2700′; SE—2900′; SW—3300′; NW—3300′.

City, Jamestown; State, N. Dak.; Airport Name, Jamestown Municipal; Elev., 1496′; Fac. Class., SBMRAZ; Ident., JS; Procedure No. 1, Amdt. 10; Eff. Date, 3 Oct. 64; Sup. Amdt. No. 9; Dated, 3 June 61

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Trinidad Int | LMM | Direct | 2000 | T-dn | 300–1 | 300–1 | 200–½ |
| FOT VOR | LMM | Direct | 2000 | C-dn | 700–1 | 700–1 | 700–1½ |
| | | | | A-dn | 1000–2 | 1000–2 | 1000–2 |

Procedure turn W side of crs, 200° Outbnd, 020° Inbnd, 1500′ within 10 miles.
Procedure turn W side of crs, high terrain E.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 314°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing LMM, turn left, climb to 1500′ on crs of 270° from LMM within 20 miles.
#CAUTION: All maneuvering W of airport. High terrain E.
MSA within 25 miles of facility: 000°–090°—7500′; 090°–180°—6500′; 180°–270°—3000′; 270°–360°—4500′.

City, Arcata; State, Calif.; Airport Name, Eureka-Arcata; Elev., 217′; Fac. Class., LMM; Ident., CV; Procedure No. 1, Amdt. 1; Eff. Date, 3 Oct. 64; Sup. Amdt. No. Orig.; Dated, 10 Mar. 60



ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Edgerton Int | DFI RBn | Direct | 2600 | T-dn | 300–1 | 300–1 | NA |
| Gerald Int | DFI RBn | Direct | 2600 | C-dn | 900–1 | 900–1 | NA |
| McClure Int | DFI RBn | Direct | 2600 | A-dn | NA | NA | NA |
| Antwerp Int | DFI RBn | Direct | 2600 | | | | |

Procedure turn S side of crs, 300° Outbnd, 120° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of the Defiance RBn, climb to 2600′ within 10 miles on 120° crs, return to Defiance RBn, hold NW, 1-minute right turns, 120° Inbnd.
NOTE: Nearest weather available at FWA or FDY.
MSA within 25 miles of facility: 000°–360°—2300′.

City, Defiance; State, Ohio; Airport Name, Bryan Defiance Memorial; Elev., 707′; Fac. Class., MHW; Ident., DFI; Procedure No. 1, Amdt. Orig.; Eff. Date, 3 Oct. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| MOL VOR | HSP RBn | Direct | 6000 | T-dn | 500–1 | 500–1 | NA |
| Natural Well Int | HSP RBn | Direct | 6000 | C-dn | 800–2 | 800–2 | NA |
| ROA VOR | HSP RBn | Direct | 6000 | S-dn | NA | NA | NA |
| | | | | A-dn | NA | NA | NA |

Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 5300′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 4600′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of HSP RBn, make immediate right-climbing turn to 6000′ Outbnd HSP RBn 060° bearing, hold NE of HSP RBn, 240° Inbnd, 060° Outbnd, right turns, 1-minute.
NOTES: 1. Sliding scale not authorized. 2. No reduction in landing visibility minimums authorized for local conditions. 3. No reduction in takeoff minimums authorized. 4. HSP RBn operated by Piedmont Airlines; the Federal Government disclaims responsibility for non-Federal navigation facilities.
CAUTION: Terrain 4289′, 1.6 miles SSW airport boundary.
MSA within 25 miles of facility: 000°–090°—5500′; 090°–180°—4700′; 180°–270°—5300′; 270°–360°—4700′.

City, Hot Springs; State, Va.; Airport Name, Ingalls Field; Elev., 3792′; Fac. Class., HW; Ident., HSP; Procedure No. 1, Amdt. Orig.; Eff. Date, 3 Oct. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| MLS VOR | MLS RBn | Direct | 4500 | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn S side crs, 237° Outbnd, 057° Inbnd, 4500′ within 10 miles.
Minimum altitude over facility on final approach crs, 3300′.
Crs and distance, facility to airport, 057°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing MLS RBn, climb to 4500′ on 057° crs of RBn within 10 miles.
NOTE: Final approach from holding pattern at RBn not authorized. Procedure turn required.
MSA within 25 miles of facility: 000°–360°—4400′.

City, Miles City; State, Mont.; Airport Name, Miles City; Elev., 2628′; Fac. Class., SABH; Ident., MLS; Procedure No. 1, Amdt. 2; Eff. Date, 3 Oct. 64; Sup. Amdt. No. 1; Dated, 14 Sept. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Corinne RBn | OGD RBn | Direct | 8000 | T-dn* | 300–1 | 300–1 | 200–½ |
| OGD VOR | OGD RBn | Direct | 7000 | C-dn** | 500–1 | 500–1 | 500–1¼ |
| Layton FM | OGD RBn | Direct | 6400 | A-dn | 800–2 | 800–2 | 800–2 |
| Pineview Int # | OGD RBn | Direct | 10,000 | | | | |
| Promontory Point Int | OGD RBn | Direct | 7000 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 287° Outbnd, 107° Inbnd, 7000′ within 10 miles.
Minimum altitude over facility on final approach crs, 5500′.
Crs and distance, facility to airport, 102°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing OGD RBn, turn right immediately and climb to 7000′ on crs of 287° from OGD RBn within 10 miles.
#Pineview Int: Int OGD VOR R–055 and SLC VOR R–342; 5-miles DME fix R–055 of OGD VOR.
*T–dn runway 3, 400–1.
**600′ minimum circling altitude S of airport due to 4743′ tower.
MSA within 25 miles of facility: 060°–150°—10,800′; 150°–240°—7600′; 240°–330°—8600′; 330°–060°—10,800′.

City, Ogden; State, Utah; Airport Name, Ogden Municipal; Elev., 4455′; Fac. Class., SABHZ; Ident., OGD; Procedure No. 1, Amdt. 4; Eff. Date, 3 Oct. 64; Sup. Amdt. No. 3; Dated, 15 July 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| PVU VOR | Riverton FM | Direct | 9000 | T-dn# | 300–1 | 300–1 | 200–½ |
| Riverton FM | LOM | Direct | 6100 | C-dn | 600–1 | 600–1 | 600–1½ |
| | | | | S-dn–34 L and R. | 600–1 | 600–1 | 600–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized.
Minimum altitude over LOM on final approach crs, 6100′; over LMM, 4620′.
Crs and distance, LOM to Runway 34L, 338°—5.5 miles; LMM to Runway 34L, 338°—0.6 mile.
Crs and distance, LOM to Runway 34R, 343°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, turn left, climb to 9000′ on R–248 SLC VOR within 20 miles or, when directed by ATC, climb to 9000′ on R–329 within 12 miles.
#Takeoff not authorized Runway 7.
MSA within 25 miles of facility: 060°–150°—12,500′; 150°–240°—11,600′; 240°–330°—7700′; 330°–060°—10,800′.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City Municipal No. 1; Elev., 4220′; Fac. Class., LOM; Ident., SL; Procedure No. 1, Amdt. Orig.; Eff. Date, 3 Oct. 64; Sup. Amdt. No. 2, Orig.; Dated, 30 Mar. 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| ADW LFR | DC RBn | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| Herndon VOR | DC RBn | Direct | 2000 | C-dn | 700-1 | 700-1 | 700-1½ |
| Potomac Int | DC RBn | Direct | 2000 | S-dn-36 | 500-1 | 500-1 | 500-1 |
| GTN RBn | DC RBn | Direct | 2000 | A-dn | 800-2 | 800-2 | 800-2 |
| Ironsides Int | DC RBn | Direct | 2000 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 181° Outbnd, 001° Inbnd, 2000' within 10 miles.
Nonstandard to avoid A1 drews traffic.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport 001°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing DC RBn, make a left-climbing turn as soon as practicable, climb to 2000', proceed to GTN RBn, hold NW GTN RBn on bearing 144°, 1-minute right turns.
CAUTION: 442' monument 1.7 miles W of final approach crs, 193' stacks 1.3 miles S of airport, 596' monument approximately 1.6 miles N of airport.
MSA within 25 miles of facility: 000°-270°—1600'; 270°-000°—2000'.

City, Washington, D.C.; Airport Name, Washington National; Elev., 15'; Fac. Class., SABH; Ident., DC; Procedure No. 1, Amdt. 1; Eff. Date, 3 Oct. 64; Sup. Amdt. No. Orig.; Dated, 28 Mar. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Herndon VOR | GTN RBn | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| Unit Int | GTN RBn | Direct | 2000 | C-dn | 900-1 | 900-1 | 900-1½ |
| ADW LFR | GTN RBn | Direct | 2000 | S-dn-15 | 900-1 | 900-1 | 900-1 |
| Ironsides Int | GTN RBn | Direct | 2000 | A-dn | 1000-2 | 1000-2 | 1000-2 |
| DC RBn | GTN RBn | Direct | 2000 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 144°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing GTN RBn, climb to 1000' on crs of 144°, make a right turn and proceed to DC RBn 1800', climb in holding pattern to 2000', hold S DC RBn on bearing 181° Outbnd, 001° Inbnd, 1-minute left turns.
CAUTION: 596' monument 1.6 miles N of airport.
MSA within 25 miles of facility: 090°-270°—1800'; 270°-360°—2300'.

City, Washington, D.C.; Airport Name, Washington National; Elev., 15'; Fac Class., MHW; Ident., GTN; Procedure No. 2, Amdt. 1; Eff. Date, 3 Oct. 64; Sup. Amdt. No. Orig.; Dated, 28 Mar. 64

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Wasco VHF Int | BFL VOR (final) | Direct | 1500 | T-dn | 300-1 | 300-1 | 200-½ |
| Bakersfield LFR | BFL VOR | Direct | 2800 | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-12L | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn E° side of crs, 322° Outbnd, 142° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 131°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing BFL VOR, turn right (W) and climb to 3000' on R-322 within 20 miles, or when directed by ATC, climb to 3000' on R-227 within 15 miles.
NOTE: Final approach from holding pattern at BFL VOR not authorized. Procedure turn required.
°All turns E side of crs, traffic restrictions W.
MSA within 25 miles of facility: 000°-090°—8600'; 090°-180°—7700'; 180°-360°—3500'.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 488'; Fac Class., BVORTAC; Ident., BFL; Procedure No. 1, Amdt. 8; Eff. Date, 3 Oct. 64; Sup. Amdt. No. 7; Dated, 18 Apr. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Jamestown LFR | JMS VOR | Direct | 3000 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-d | 400-1 | 500-1 | 500-1½ |
| | | | | C-n | 400-1½ | 500-1½ | 500-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn E side of crs, 120° Outbnd, 300° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 2700'.
Crs and distance, facility to airport, 300°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing JMS VOR, climb on R-300 within 10 miles of JMS VOR, reverse crs and continue climb to 3000' direct to JMS VOR, then hold S 1-minute right turns, 300° Inbnd.
MSA within 25 miles of facility: 000°-090°—2000'; 090°-180°—2800'; 180°-270°—3300'; 270°-360°—3200'.

City, Jamestown; State, N. Dak.; Airport Name, Jamestown Municipal; Elev., 1498'; Fac. Class., BVOR; Ident., JMS; Procedure No. 1, Amdt. 4; Eff. Date, 3 Oct. 64; Sup. Amdt. No. 3; Dated, 6 May 61



VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Miles City RBn | MLS VOR | Direct | 4500 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-4 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S side of crs, 211° Outbnd, 031° Inbnd, 4500' within 10 miles.
Minimum altitude over VOR on final approach crs, 3500'; over Fort Int,* 3100'.
Crs and distance, VOR to airport, 031°—3.4 miles; Fort Int* to airport, 031°—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing MLS-VOR, climb to 4500' on R-062 within 10 miles.
NOTE: Final approach from holding pattern at VOR not authorized. Procedure turn required.
*Fort Int: Int MLS VOR R-031 and 121° bearing from MLS RBn.
MSA within 25 miles of facility: 000°-360°—4400'.

City, Miles City; State, Mont.; Airport Name, Miles City; Elev., 2628'; Fac. Class., BVORTAC; Ident., MLS; Procedure No. 1, Amdt. 6; Eff. Date, 3 Oct. 64; Sup. Amdt. No. 5; Dated, 14 Sept. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| COL VOR | Arlene Int* | Via COL R-407 | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | LDIN-dn-13L%. | 800-2 | 800-2 | 800-2 |
| | | 16.8 miles | 2000 | LDIN-dn-13R%. | 1000-3 | 1000-3 | 1000-3 |
| Arlene Int* | CRI VOR (final) | Via R-220# | **1000 | C-dn | NA | NA | NA |
| | | | | A-dn | 1000-3 | 1000-3 | 1000-3 |

Procedure turn not authorized.
Minimum altitude over facility on final approach crs, **1000'.
Crs and distance, facility to lead-in lights, 040°—1.8 miles. Arc distance via lead-in lights to Runway 13L, 4.8 miles; 13R, 3.7 miles.
If visual contact not established upon descent to authorized landing minimums within 1.8 miles or if landing not accomplished, proceed direct to JFK VOR thence via JFK R-078 to DPK VOR climbing to 3000'. Hold E 1-minute left turns, Inbnd crs 257°.
*Arlene Int: Int of CRI VOR R-220 and SBJ VOR R-104 and COL VOR R-047.
#Radar vectors authorized in accordance with approved radar patterns.
%LDIN (lead-in light system) must be operational to execute this procedure.
When visual reference established at 1.8 miles beyond CRI VOR, follow lead-in lights to Runway 13L or 13R.
Do not descend below 520' until runway threshold in sight.
**When directed by ATC cross CRI VOR at 1600' or 1500', or cross JFK VOR R-280 at 1500' or 2000'.
MSA within 25 miles of facility: 000°-090°—1900'; 090°-180°—1400'; 180°-270°—1600'; 270°-360°—2500'.

City, New York; State, N.Y.; Airport Name, John F. Kennedy International; Elev., 12'; Fac. Class., VOR-W; Ident., CRI; Procedure No. VOR-13L/13R, Amdt. Orig.; Eff. Date, 1 Oct. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Colin Int | Mud Flat Int | Direct | 8600 | T-dn° | 300-1 | 300-1 | 200-½ |
| Corinne RBn | Mud Flat Int | Direct | 9000 | C-dn°° | 500-1 | 500-1 | 500-1½ |
| Mud Flat Int | OGD VOR (final) | Direct | 5500 | S-dn-7 | 400-1 | 400-1 | 400-1 |
| Pineview Int# | OGD VOR | Direct | 10,000 | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 299° Outbnd, 119° Inbnd, 6500' within 10 miles. Nonstandard due to terrain.
Minimum altitude over facility on final approach crs, 5500'.
Crs and distance, facility to airport, 098°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing OGD VOR, immediate right turn, climb to 9000' on R-299 within 20 miles.
#Pineview Int: Int OGD VOR R-065 and SLC VOR R-342; 5-miles DME Fix R-065 of OGD VOR.
°T-dn Runway 3, 400-1.
°°600' minimum circling altitude S of airport due to 4743' tower.
MSA within 25 miles of facility: 060°-150°—10,800'; 150°-240°—7600'; 240°-330°—8600'; 330°-060°—10,800'.

City, Ogden; State, Utah; Airport Name, Ogden Municipal; Elev., 4455'; Fac. Class., BVORTAC; Ident., OGD; Procedure No. 1, Amdt. 11; Eff. Date, 3 Oct. 64; Sup. Amdt. No. 10; Dated, 18 July 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Layton FM | SLC VOR (final) | Direct | 4900 | T-dn# | 300-1 | 300-1 | 200-½ |
| Salt Lake City RBn | SLC VOR | Direct | 6500 | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn-16R-L° | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side crs, 329° Outbnd, 149° Inbnd, 6500' within 10 miles.
Minimum altitude over facility on final approach crs, 4900'.
Crs and distance, facility to Runway 16R, 158°—2.9 miles; to Runway 16L, 149°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing VOR, make a right-climbing turn, climb 9000' on R-248 within 20 miles or, when directed by ATC, make a right-climbing turn, climb to 9000' on R-329 SLC VOR within 12 miles.
CAUTION: 5000' terrain 4.6 miles E of VOR. High terrain S. 4541' radio tower 3 miles SE of VOR.
#Takeoff not authorized Runway 7.
°400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 060°-150°—12,500'; 150°-240°—11,600'; 240°-330°—7700'; 330°-060°—10,800'.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City Municipal No. 1; Elev., 4226'; Fac. Class., BVORTAC; Ident., SLC; Procedure No. 1, Amdt. 8; Eff. Date, 3 Oct. 64; Sup. Amdt. No. 7; Dated 30 Mar. 63

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Schoolcraft Int** | Sugar Int* (final) | Direct | 1600 | T-dn | 300–1 | 300–1 | 200–½ |
| BTL VOR | AZO VOR | Direct | 2200 | C-dn | 400–1 | 400–1 | 500–1½ |
| GRR VOR | AZO VOR | Direct | 2900 | S-dn-5 | 400–1 | 400–1 | 400–1 |
| PMM VOR | AZO VOR | Direct | 2500 | A-dn# | 800–2 | 800–2 | 800–2 |
| Cooper Int | AZO VOR | Direct | 2200 | | | | |
| Leroy Int | AZO VOR | Direct | 2200 | | | | |
| Lawton Int | AZO VOR | Direct | 2600 | | | | |
| Centerville Int | AZO VOR | Direct | 2500 | | | | |

Procedure turn S side of crs, 232° Outbnd, 052° Inbnd, 2100′ within 10 miles.
Minimum altitude over Sugar Int* on final approach crs, 1600′, over facility, 1300′.
VOR on airport.
Crs and distance, Sugar Int* to VOR, 052°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing AZO-VOR, make climbing left turn to 3000′ and proceed to Cooper Int via AZO R-321 or, when directed by ATC, climb to 2400′ on AZO VOR R-052, then reverse crs and proceed direct to the AZO VOR.
NOTE: Dual VOR receivers required.
#Alternate minimums authorized only when AZO Tower operational or for air carrier with weather reporting service. Tower operates 0700–2300 local time.
*Sugar Int: Int AZO R-232 and PMM R-125.
**Schoolcraft Int: Int AZO R-232 and PMM R-134.
MSA within 25 miles of facility: 000°–090°—2900′; 090°–180°—2200′; 180°–270°—2400′; 270°–360°—2400′.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874′; Fac. Class., BVOR; Ident., AZO; Procedure No. TerVOR-5, Amdt. 6; Eff. Date, 3 Oct. 64; Sup. Amdt. No. 5; Dated, 25 Jan. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Potomac Int | DCA VOR | Direct | 2000 | T-dn | 300–1 | 300–1 | 200–½ |
| Herndon VOR | DCA VOR | Direct | 2000 | C-dn | 700–1 | 700–1 | 700–1½ |
| Andrews LFR | DCA VOR | Direct | 2000 | S-dn-15 | 700–1 | 700–1 | 700–1 |
| Nottingham VOR | DCA VOR | Direct | 2000 | A-dn | 800–2 | 800–2 | 800–2 |

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn S side, 320° Outbnd, 140° Inbnd, 2000′ within 10 miles of Georgetown MHW.
Minimum altitude Abeam GTN RBn* on final approach crs, 1600′. Descend to landing minimums after passing abeam GTN RBn on crs 140°.
Crs and distance abeam GTN RBn to breakoff point 140°—5.0 miles; breakoff point to runway, 140°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing DCA VOR, climb to 1000′ on crs 140°, make a right turn and proceed to Washington RBn at 1500′ climbing to 1800′ in holding pattern 181° Outbnd, 001° Inbnd, 1-minute left turns.
CAUTION: Washington Monument, 596′ 1.6 miles N of airport. Antenna on top of building 400′ 2.8 miles NW of airport.
*Maintain 1600′ until abeam GTN RBn. If position abeam GTN RBn not identified, descent below 1600′ not authorized.
MSA within 25 miles of facility: 090°–270°—1600′; 270°–090°—2000′.

City, Washington, D.C.; Airport Name, Washington National; Elev., 15′; Fac. Class., BVOR; Ident., DCA; Procedure No. TerVOR-15, Amdt. 11; Eff. Date, 3 Oct. 64; Sup. Amdt. No. 10; Dated, 11 July 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Forest Int* | Oxon Int** | Direct | 1300 | T-dn | 300–1 | 300–1 | 200–½ |
| Oxon Int** | Eagle Int# (final) | Direct | 600 | C-dn | 700–1 | 700–1 | 700–1½ |
| | | | | S-dn-33 | 500–1 | 500–1 | 500–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized.
Radar vectors to final approach crs authorized, approach radial DCA 160°.
Minimum altitude over facility on final approach crs 500′.
Crs and distance, breakoff point to Runway 33, 330°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of DCA VOR, make climbing left turn to 2000′ altitude on R-320 DCA VOR, proceed to Potomac Int, hold NW on DCA R-320, 140° Inbnd, 1-minute right turns.
NOTE: Functioning dual receivers required.
CAUTION: Terrain and buildings 240′, 1.3 miles SE of airport. Washington Monument 596′, 1.6 miles N of airport. 193′ stack 1.3 miles SW of airport.
*Forest Int: Int R-160 DCA VOR and R-278 OTT VOR.
**Oxon Int: Int R-160 DCA VOR and R-265 ADW VOR.
#Eagle Int: Int R-160 DCA VOR and R-285 ADW VOR.
MSA within 25 miles of facility: 090°–270°—1600′; 270°–090°—2000′.

City, Washington, D.C.; Airport Name, Washington National; Elev., 15′; Fac. Class., BVOR; Ident., DCA; Procedure No. TerVOR-33, Amdt. 1; Eff. Date, 3 Oct. 64; Sup. Amdt. No. Orig.; Dated, 25 Apr. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Potomac Int | DCA VOR | Direct | 2000 | T-dn | 300–1 | 300–1 | 200–½ |
| Herndon VOR | DCA VOR | Direct | 2000 | C-dn 15, 18, 21, 3 | 700–1 | 700–1 | 700–1½ |
| Andrews LFR | DCA VOR | Direct | 1600 | C-dn-33## | 500–1 | 500–1 | 500–1½ |
| Nottingham VOR | DCA VOR | Direct | 1600 | S-dn-36 | 500–1 | 500–1 | 500–1½ |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 186° Outbnd, 006° Inbnd, 1500′ within 10 miles of Washington RBn. Nonstandard due to traffic.
Minimum altitude over facility on final approach crs, 500′. Maintain 1400′ until passing Alexandria Int.*#
Crs and distance, breakoff point to approach end of Runway 36, 003°—0.5 mile; Alexandria Int# to approach end of Runway 36, 003°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make a left-climbing turn as soon as practical, climb to 2000′ on R-320 DCA VOR and proceed to Potomac Int. Hold NW on DCA VOR R-320, 1-minute right turns.
CAUTION: Washington Monument 596′ 1.6 miles N of airport; 193′ stack 1.3 miles SW of airport. 316′ stack 1.5 miles E of airport.
*Descend to landing minimums after passing Alexandria Int.#
#Alexandria Int: Int 270° bearing from DC SABH and R-186 DCA-VOR.
##Circling to Runway 33 not authorized beyond the DCA VOR R-157.
MSA within 25 miles of facility: 090°–270°—1600′; 270°–090°—2000′.

City, Washington, D.C.; Airport Name, Washington National; Elev., 15′; Fac. Class., BVOR; Ident., DCA; Procedure No. TerVOR-36, Amdt. 9; Eff. Date, 3 Oct. 64; Sup. Amdt. No. 8; Dated, 16 May 64



TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Oakwood Int* | Groveton Int** (final) | Direct | 1400 | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 700–1 | 700–1 | 700–1½ |
| | | | | S-dn | NA | NA | NA |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 203° Outbnd, 023° Inbnd, 1500′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 700′. Maintain 1400′ altitude until passing Groveton Int.**
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of DCA VOR, make immediate left-climbing turn to 2000′ on R-320 DCA VOR and proceed to Potomac Int., hold NW on DCA R-320, 140° Inbnd, 1-minute right turns.
CAUTION: 442′ temple 2.5 miles SW of airport.
596′ monument 1.6 miles N of airport.
*Oakwood Int: Int R-203 DCA VOR and R-278 OTT VOR.
**Groveton Int: Int R-203 DCA VOR and R-286 OTT VOR.
MSA within 25 miles of facility: 090°–270°—1600′; 270°–090°—2000′.

City, Washington, D.C.; Airport Name, Washington National; Elev., 15′; Fac. Class., BVOR; Ident., DCA; Procedure No. TerVOR R-268, Amdt. 1; Eff. Date, 3 Oct 64; Sup. Amdt. No. TerVOR R-205, Orig., Dated, 25 Apr. 64

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| GLS VOR | 10-mile DME fix R-134 | Direct | 1700 | T-dn | 300–1 | 300–1 | 200–½ |
| 10-mile DME fix R-134 | 1.6-mile DME fix R-134 (final) | Direct | 600 | C-dn* | 400–1 | 400–1 | 400–1½ |
| | | | | S-dn-30* | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 134° Outbnd, 314° Inbnd, 1700′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over 1.6-mile DME fix on final approach crs, 600′.
Facility on airport.
Crs and distance breakoff point to runway, 306°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing HOU VOR, turn left, climb to 1800′ on HOU VOR R-306 or, when directed by ATC, turn left, climb to 1800′ on HOU VOR R-282.
CAUTION: 1232′ tower 11 miles SSE of HOU VOR. 753′ tower 6 miles NW of HOU VOR.
HOU RBn or radar fix may be used in lieu of 1.8-mile DME fix.
*If 1.8-mile DME fix, HOU RBn passage, or radar fix not received, descent below 600′ not authorized.

City, Houston; State, Tex.; Airport Name, Houston International; Elev., 80′; Fac. Class., H-BVORTAC; Ident., HOU; Procedure No. VOR/DME No. 4, Amdt. Orig.; Eff. Date, 3 Oct. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| LAS R-199/15-mile DME fix | LAS R-199/10-mile DME fix | Direct | 6000 | T-dn | 300–1 | 300–1 | 200–½ |
| LAS R-199/10-mile DME fix | LAS R-199/6-mile DME fix | Direct | 4300 | C-dn | 500–1 | 500–1 | 500–1½ |
| LAS R-199/6-mile DME fix | LAS R-199/3-mile DME fix | Direct | 3100 | S-dn-1 | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn not authorized.
Minimum altitude over 3-mile DME fix on final approach crs, 3100′; over 2-mile DME fix, 2800′; over VOR, 2600′.
Facility on airport.
Breakoff point to runway, 009°—0.83 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of LAS VOR, turn right, climb to 5000′ on R-065 to 12.9-mile DME fix (Kids Int).
NOTE: When authorized by ATC, DME may be used at 15 miles at 9000′ from LAS R-029 clockwise to LAS R-210 to position aircraft for straight-in approach with the elimination of the procedure turn.

City, Las Vegas; State, Nev.; Airport Name, McCarran Field; Elev., 2171′; Fac. Class., H-BVORTAC; Ident., LAS; Procedure No. VOR/DME No. 3, Amdt. Orig.; Eff. Date, 3 Oct. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 10-mile DME fix R-211 | 0-mile DME fix R-211 | Direct | 3500 | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | S-dn-4 | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn S side of crs, 211° Outbnd, 031° Inbnd, 4500′ within 10 miles.
Minimum altitude over 1.5-mile DME fix R-031 on final approach crs, 3100′.
Crs and distance, 1.5-mile DME fix R-031 to airport, 031°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.4-mile DME fix R-031, climb to 4500′ on R-062 within 10 miles.
NOTES: (1) When authorized by ATC, MLS DME may be used to position aircraft for straight-in approach at 4500′ between R-027 clockwise to R-271 via 10-mile DME arc with the elimination of procedure turn. (2) Final approach from holding pattern at VOR not authorized. Procedure turn required.
Other change: Deletes transition from 15-mile DME fix to 10-mile DME fix R-211.
MSA within 25 miles of facility: 000°–360°—4400′.

City, Miles City; State, Mont.; Airport Name, Miles City; Elev., 2628′; Fac. Class., BVORTAC; Ident., MLS; Procedure No. VOR/DME No. 1, Amdt. 4; Eff. Date, 3 Oct. 64; Sup. Amdt. No. 3; Dated, 16 Nov. 63

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| 17-mile DME fix R299 OGD VOR | 9-mile DME fix R299 OGD VOR | Direct | 6000 | T–dn* | 300–1 | 300–1 | 200–½ |
| 9-mile DME fix R299 OGD VOR | OGD VOR | Direct | 5500 | C–dn** | 500–1 | 500–1 | 500–1½ |
| OGD VOR | 3.7-mile DME fix R098 OGD VOR | Direct | 4900 | S–dn–7 | 400–1 | 400–1 | 400–1 |
| Pineview Intf | OGD VOR | Direct | 10,000 | A–dn | 800–2 | 800–2 | 800–2 |
| 15-mile DME fix R259 OGD VOR | 13-mile DME fix R259 OGD VOR | Direct | 8200 | | | | |
| 13-mile DME fix R259 OGD VOR | 9-mile DME fix R259 OGD VOR | Direct | 6500 | | | | |
| 9-mile DME fix R259 OGD VOR | 9-mile DME fix R299 OGD VOR | Via 9-mile arc | 6000 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 299° Outbnd, 119° Inbnd, 6500′ within 10 miles.
Minimum altitude over facility on final approach, 5500′.
Crs and distance, facility to airport, 098°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing OGD VOR or at 3.7-mile DME fix R–098, make immediate right turn, climb to 9000′ on R–299 within 20 miles. When authorized by ATC, DME may be used within 9 miles at 6000′ between R–159 clockwise to R–328 to position aircraft for final approach with the elimination of procedure turn.
*T–dn–Runway 3, 400–1.
**9000′ minimum circling altitude S of airport due to 4743′ tower.
¶Pineview Int: Int OGD VOR R–065 and SLC VOR R–342; 5-mile DME fix R–065 of OGD VOR.
MSA within 25 miles of facility: 060°–150°—10,800′; 150°–240°—7600′; 240°–330°—8600′; 330°–060°—10,800′.

City, Ogden; State, Utah; Airport Name, Ogden Municipal; Elev., 4455′; Fac. Class., BVORTAC; Ident., OGD; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. Date, 3 Oct. 64; Sup. Amdt. No. 2; Dated, 18 July 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 15-mile DME fix, R–329 | 10-mile DME fix, R–329 | Direct | 6500 | T–dn* | 300–1 | 300–1 | 200–½ |
| 10-mile DME fix, R–329 | 0-mile DME fix, R–329 | Direct | 4900 | C–dn | 600–1 | 600–1 | 600–1½ |
| 0-mile DME fix, R–158 | 2.9-mile DME fix, R–158 | Direct | 4600 | S–dn–16R¶ | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 329° Outbnd, 149° Inbnd, 6500′ within 10 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 2.9-mile DME fix R–158, make a right-climbing turn, climb to 9000′ on R–248 SLC VOR within 20 miles.
NOTE: When authorized by ATC, DME may be used within 15 miles, from the 248 Radial clockwise to the 329 Radial at 9000′ to position aircraft for final approach, with the elimination of procedure turn.
CAUTION: 5000′ terrain 4.6 miles E of VOR. 4541′ radio tower 3 miles SE of VOR.
*Takeoff not authorized Runway 7.
¶400–¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 060°–150°—12,500′; 150°–240°—11,600′; 240°–330°—7700′; 330°–060°—10,800′.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City Municipal No. 1; Elev., 4226′; Fac. Class., BVORTAC; Ident., SLC; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. Date, 3 Oct. 64; Sup. Amdt. No. 2; Dated, 23 Mar. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 34-mile DME fix, R–158 | 20-mile DME fix, R–158 | Direct | 9000 | T–dn* | 300–1 | 300–1 | 200–½ |
| 20-mile DME fix, R–158 | 15-mile DME fix, R–158 | Direct | 7300 | C–dn | 600–1 | 600–1 | 600–1½ |
| 15-mile DME fix, R–158 | 10-mile DME fix, R–158 | Direct | 6100 | S–dn–34L¶% | 400–1 | 400–1 | 400–1 |
| 10-mile DME fix, R–158 | 6.5-mile DME fix, R–158 | Direct | 4800 | A–dn | 800–2 | 800–2 | 800–2 |
| 6.5-mile DME fix, R–158 | 4.6-mile DME fix, R–158 | Direct | 4600 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.6-mile DME fix R–158, make a left-climbing turn, climb to 9000′ on the R–248 SLC VOR within 20 miles.
CAUTION: 5000′ terrain 4.6 miles E of VOR. 4541′ radio tower 3 miles SE of VOR.
*Takeoff not authorized Runway 7.
¶400–¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
%400–½ authorized, except for turbojet aircraft, with operative ALS and high-intensity runway lights.
MSA within 25 miles of facility: 060°–150°—12,500′; 150°–240°—11,600′; 240°–330°—7700′; 330°–060°—10,800′.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City Municipal No. 1; Elev., 4226′; Fac. Class., BVORTAC; Ident., SLC; Procedure No. VOR/DME No. 2, Amdt. 3; Eff. Date, 3 Oct. 64; Sup. Amdt. No. 2; Dated, 27 Apr. 63.

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 15-mile DME fix, R–329 | 10-mile DME fix, R–329 | Direct | 6500 | T–dn* | 300–1 | 300–1 | 200–½ |
| 10-mile DME fix, R–329 | 0-mile DME fix, R–329 | Direct | 4900 | C–dn | 600–1 | 600–1 | 600–1½ |
| 0-mile DME fix, R–149 | 3.6-mile DME fix, R–149 | Direct | 4600 | S–dn–16L¶ | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 329° Outbnd, 149° Inbnd, 6500′ within 10 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.6-mile DME fix R–149, make a right-climbing turn, climb to 9000′ on R–248 SLC VOR within 20 miles.
NOTE: When authorized by ATC, DME may be used within 15 miles from R–248 clockwise to R–329 at 9000′ to position aircraft for final approach with the elimination of procedure turn.
CAUTION: 5000′ terrain 4.6 miles E of VOR. 4541′ radio tower 3 miles SE of VOR.
*Takeoff not authorized Runway 7.
¶400–¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 060°–150°—12,500′; 150°–240°—11,600′; 240°–330°—7700′; 330°–060°—10,800′.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City Municipal No. 1; Elev., 4226′; Fac. Class., BVORTAC; Ident., SLC; Procedure No. VOR/DME No. 3, Amdt. 2; Eff. Date, 3 Oct. 64; Sup. Amdt. No. 1; Dated, 23 Mar. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| TUS R–260/37-mile DME fix | R–260, 17-mile DME fix | Direct | 5000 | T–dn | 300–1 | 300–1 | 200–½ |
| R–260, 17-mile DME fix | R–260, 10-mile DME fix | Direct | 4200 | C–dn | 500–1 | 500–1 | 500–1½ |
| R–260, 10-mile DME fix | R–260, 6.9-mile DME fix | Direct | 3100 | A–dn | 800–2 | 800–2 | 800–2 |
| TUS R–303/20-mile DME fix | R–260, 20-mile DME fix | Via 20-mile DME orbit. | 6000 | | | | |

Procedure turn S side of crs, 260° Outbnd, 080° Inbnd, 5000′ within 17.0 miles.
Minimum altitude over 10-mile DME fix R–260 on final approach crs, 4200′.
Crs and distance, 10-mile DME fix R–260 to airport, 080°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6.9-mile DME fix, make right-climbing turn, climb via R–260 to 17-mile DME fix at 5000′ or, when directed by ATC, climb ahead to VOR, turn right, climb via R–230 to cross 16-mile fix at 6000′ orbit via 17-mile DME arc to R–260, or climb ahead to VOR, turn left, climb via R–303 to 20-mile DME fix at 6000′, orbit via 20-mile DME counterclockwise to R–260.
NOTES: When authorized by ATC, DME may be used within 20 miles from 238°–303° at 6000′ to position aircraft for a straight-in approach with the elimination of the procedure turn.
MSA within 25 miles of facility: 000°–090°—9800′; 090°–180°—10,300′; 180°–270°—9600′; 270°–360°—10,200′.

City, Tucson; State, Ariz.; Airport Name, Tucson International; Elev., 2630′; Fac. Class., H–BVORTAC; Ident., TUS; Procedure No. VOR/DME No. 2, Amdt. 1; Eff. Date, 3 Oct. 64; Sup. Amdt. No. Orig.; Dated, 8 June 63



6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T–dn* | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 600–1 | 600–1 | 600–1½ |
| | | | | S–dn–16R¶ | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized.
Minimum altitude over Lake Radar fix, 6000′.
Crs and distance, Lake Radar fix to airport, 158°—6 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing Lake Radar fix, make a climbing right turn, climb on SLC–VOR R–248 to 9000′ within 20 miles.
NOTE: If radar contact not established or radar inoperative, execution of this procedure not authorized.
*Takeoff not authorized Runway 7.
¶400–¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City Municipal No. 1; Elev., 4226′; Fac. Class., ILS; Ident., I–SLC; Procedure No. ILS–16R (back crs), Amdt. 4; Eff. Date, 3 Oct. 64; Sup. Amdt. No. 4; Dated, 6 July 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Provo VOR | Riverton FM | Direct | 9000 | T–dn¶% | 300–1 | 300–1 | 200–½ |
| Riverton FM | LOM (final)** | Direct | 6100 | C–dn | 600–1 | 600–1 | 600–1½ |
| | | | | S–dn–34L¶* | 200–½ | 200–½ | 200–½ |
| | | | | S–dn–34R | 600–1 | 600–1 | 600–1 |
| | | | | A–dn | 600–2 | 600–2 | 600–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized.
Altitude of glide slope and distance to approach end of runway at Riverton FM, 9140′—14.9 miles; at LOM, 5975′—5.5 miles; at LMM, 4435′—0.6 mile.
Crs and distance, LOM to Runway 34R, 343°—5.4 miles.
If visual contact not established upon decent to authorized landing minimums or if landing not accomplished, make a climbing left turn, climb to 9000′ on R–248 SLC–VOR within 20 miles or, when directed by ATC, climb to 9000′ on R–329 within 12 miles.
*400–¾ required when glide slope not utilized.
**Maintain 6100′ until interception of glide slope. Descend on glide slope to cross LOM at 5975′.
¶Takeoff not authorized Runway 7.
%Runway Visual Range 2600′ authorized for landing on Runway 34L; provided that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are in satisfactory operating condition. Descent below 4426′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
%Runway Visual Range 2600′ also authorized for takeoff on Runway 34L in lieu of 200–½ when 200–½ authorized, providing high-intensity runway lights are operational.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City Municipal No. 1; Elev., 4226′; Fac. Class., ILS; Ident., I–SLC; Procedure No. ILS–34L, Amdt. 22; Eff. Date, 3 Oct. 64; Sup. Amdt. No. 21; Dated, 30 Mar. 63

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| 060° | 360° | Within 30 miles | 14,000 | Surveillance approach | | | |
| Radar transitions and vectoring authorized with approved radar patterns and sector altitudes. | | | | T–dn** | 300–1 | 300–1 | 200–½ |
| | | | | C–dn–A11 | 600–1 | 600–1 | 600–1½ |
| | | | | S–dn–34L*¶, 34R¶ and 16R | 400–1 | 400–1 | 400–1 |
| | | | | S–dn–16L | 400–1 | 400–1 | 400–1 |
| | | | | A–dn–A11 | 800–2 | 800–2 | 800–2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing turn to the W and climb to 9000′ on R–248 SLC–VOR within 20 miles or, when directed by ATC, climb to 9000′ on R–329 within 12 miles.
*400–¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
**400–½ authorized, except for turbojet aircraft, with operative ALS and high-intensity runway lights.
¶Takeoff not authorized Runway 7.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City Municipal No. 1; Elev., 4226′; Fac. Class., Salt Lake City; Ident., Radar; Procedure No. 1, Amdt. 5; Eff. Date, 3 Oct. 64; Sup. Amdt. No. 4; Dated, 27 Apr. 63

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on August 28, 1964.

JAMES F. RUDOLPH,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-9003; Filed, Sept. 30, 1964; 8:45 a.m.]

## Chapter II—Civil Aeronautics Board

### SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-417]

## PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

### Amendment to Require Reporting of Indebtedness Data and Miscellaneous Modifications to Form 41

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of September 1964.

In EDR-65 and EDR-66, dated January 29 and January 30, 1964 (29 F.R. 1658 and 1737), respectively, the Board proposed amendments to Part 241 that would, in the first case, merely clarify, simplify and correct inadequacies in present reporting requirements and, in the second case, require detailed reports of major debt issues and leases. The reports on indebtedness were to be submitted as part of the annual report for calendar year 1963, due March 31, 1964. At the request of many airlines through the Air Transport Association (ATA), an informal conference was held between the Board's staff and carrier representatives on March 10, 1964 (pursuant to notice in 29 F.R. 2949) to discuss industry objections and alternative proposals for supplying necessary financial data without an annual report on the public record. All comments received at the conference and in written submittals have been carefully considered by the Board. The Board has decided to require annual reports of Form 41, of major debt and flight equipment leases, but has eliminated or simplified many of the proposed reporting requirements in the light of carrier comments, as discussed hereafter.

*Indebtedness.* The carriers objected to the proposed reporting of indebtedness on Form 41 chiefly on the grounds that confidential information would be placed in the public record and that annual reports of substantially the same data would be an undue burden on the carriers. The carriers suggested, as an alternative, that the indebtedness data furnished the Board as of the end of 1961 be brought up to date from time to time, either by letter request when needed or by special forms to be filed at intervals longer than a year. There was a difference of opinion as to whether changes in holdings resulting from scheduled repayments should be reported.

The Board takes cognizance of the shift in carrier financing from equity to debt that has taken place during the past few years. In fact carrier debt has increased during the recent years of jet re-equipment to the point where it now totals nearly two billion dollars and accounts for almost two-thirds of the total capitalization of air carriers. In performing its statutory regulatory duties, which include fostering sound economic conditions in the industry, the Board is obligated to keep itself currently informed on such a substantial area of carrier financing. The requirement for reporting major sources of debt capital, in excess of 5 percent of total outstanding debt, will supplement information now specifically required by the Act with respect to holdings of more than 5 percent of capital stock.

We find unconvincing the assertions of the carriers that the disclosures called for by the reports would reduce the availability of credit. Financial institutions have announced considerable details of their aviation interests and do not appear to consider secrecy essential to such transactions. The carrier proposal that the reports of debt be furnished in response to specific Board requests for such information, rather than on an annual reporting basis, fails to take into account that the utility of the information sought is in its easy and ready availability for general use. In practical effect the listing of the outstanding indebtedness in subsequent years would entail little more than recording the effect of changes from year to year.

Indebtedness of the magnitude specified in the proposed rule will be reported on new Schedule B-46 of Form 41, but many proposed items of the Schedule have been eliminated or simplified. Thus, two proposed items have been entirely eliminated; item 8 requiring the security or collateral behind the debt, and item 13 requiring a summary of the terms and conditions relating to voting rights and other restrictive covenants. The carriers contended that item 13 was particularly burdensome, and proposed that they supply copies of the agreements upon request rather than attempt to summarize complex terms and conditions. The Board will therefore continue its present practice of specifically requesting such information as it is required. The summary of conversion provisions (item 11) and scheduled payments (item 12) have been deleted as detailed items, and only the principal provisions necessary to identify the issues will be reported in the general description (item 1).

*Lease obligations.* The reporting of lease obligations on proposed Schedule B-47 has been severely curtailed by limiting the reports to flight equipment only. Thus, this modification of Schedule B-47 and the simultaneous deletion of the report of leases on Schedule B-2 will actually decrease the existing reporting requirements for lease obligations. Although certain real estate leases have annual rentals of the magnitude specified, the Board is more particularly interested in leases with purchase options that are in reality a means of financing flight equipment acquisitions. The cost of the property to the lessor (item 5) and the rate of interest reflected in payments (item 7) have been deleted, however, as being unavailable to the carrier or difficult to ascertain. The summary of purchase option provisions has been replaced by a simple "yes" or "no" notation.

Concurrently with the issuance of this amendment to Part 241 an amendment to Part 299 will also be issued. Part 299, by way of an exemption from section 408, now permits certain aircraft lease transactions to be effected without the necessity of Board approval, but excludes from this exemption those leases between a carrier and a lessor where there are interlocking relationships between the companies. The amendment to Part 299 will make it necessary in addition to apply for Board approval where stockholders of the lessor are interlocked with the carrier even where the lessor is not. Information bearing on the ownership of aircraft leasing companies is not required on a recurrent basis and will not be called for by Schedule B-47.

*Miscellaneous amendments.* With respect to EDR-65, the new schedule A-1, the check-off list of accounting and statistical plans required to be filed, has been retained. However, in the light of carrier objections, the catch-all phrase on this schedule "changes in other accounting and statistical procedures" has been dropped from the schedule and its instructions.

The suggestion that separation of direct costs for all-cargo aircraft should not be required for carriers operating a "minimal" number of such aircraft has not been incorporated in the rule. The Board agrees that it is difficult to obtain meaningful costs on the operation of a type of aircraft when the carrier operates only one such aircraft. However, operation of only one all-cargo aircraft is believed to be the exceptional case, and the Board intends to grant relief through waiver of the requirement when justified.

In addition to the changes proposed in the Notice, the carriers requested that the income statement for the third month of each quarter be eliminated or, if retained, the separation by reporting entity for the monthly reports be discontinued. The Board has decided that the monthly income statement should be simplified by eliminating the reporting entity separation unless the carrier requires such a separation for its own management reports. Also, the income statement and the balance sheet for the third month of the fourth calendar quarter will not be required if the preliminary fourth-quarter Form 41 is filed within 30 days rather than within the prescribed 40 days, thus eliminating two reports during the peak accounting load period. The Department of Defense requested that supplemental air carriers also be required to report aircraft utilization by aircraft type on amended Schedule T-3.1. Since such reports would impose an additional requirement not contained in the notice of proposed rule making, the Board believes that the proposal should not be adopted without further rule making proceedings.

This amendment also incorporates changes in air carrier names and groupings that had previously been authorized and eliminates Schedule T-5(a), which is no longer needed by the Board. Other minor editorial changes have also been made to correct typographical errors and omissions. Since the editorial changes are non-substantive and the elimination of Schedule T-5(a) relieves a restriction, additional notice and public procedure on them are not required.

*Initial reporting periods.* As proposed in the notice, Schedules B-46 and B-47 will be effective for the reporting year 1963 and will be required to be filed on or before November 1, 1964. Schedule A-1 shall be filed for the year ended June 30, 1964 on or before November 1, 1964. Amended Schedule T-3.1 shall be filed by the supplemental carriers beginning with the September 1964 report, and the additional data for "revenue passenger originations" (line 21) added by this amendment shall be compiled for each of the other preceding months of 1964 and submitted along with the September report. In view of the length of time these proposed reporting changes have been known to the carriers, the Board finds that the final rule may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Accordingly, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective October 1, 1964, as follows:

1. Amend Section 03—Definitions, by adding a definition of "Continental United States", immediately after the definition of "Compensation (of personnel)", to read:

*Continental United States*—the 48 contiguous States and the District of Columbia.

2. Amend Section 04—Air Carrier Groupings and Standard Name Abbreviations, by making the following changes:

In Group I Air Carriers—Route Carriers:

(1) Add the line "Aerovias Sud Americana, Inc ---- Aerovias" at the top of the list.

(2) Delete the line "Avalon Air Transport, Inc ---- Avalon."

(3) Delete the line "Samoan Airlines, Ltd ---- Samoan."

(4) Add the line "San Francisco & Oakland Helicopter, Inc ---- SFO Helicopter" immediately following the line "Reeve Aleutian Airways, Inc ---- Reeve."

In Group II Air Carriers:

(1) Delete the line "Aerovias Sud Americana, Inc ---- Aerovias" and add in its place the line "Airlift International, Inc ---- Airlift" immediately before the line "Allegheny Airlines, Inc ---- Allegheny."

(2) Delete the line "Riddle Airlines, Inc ---- Riddle."

(3) Delete the line "Transportation Corporation of America ---- Transport Corporation" and add in its place the line "Trans Caribbean Airways, Inc ---- Trans Car."

(4) Add "Inc." to the name of "Trans-Texas Airways."

In Group III Air Carriers:

Delete the line "Capital Airlines, Inc ---- Capital."

With the foregoing changes, the section reads as follows:



### Section 04—Air Carrier Groupings and Standard Name Abbreviations

GROUP I AIR CARRIERS

| *Name, route carriers* | *Abbreviations* |
|---|---|
| Aerovias Sud Americana, Inc | Aerovias. |
| Alaska Coastal-Ellis Airlines | Alaska Coastal. |
| Caribbean-Atlantic Airlines, Inc | Caribair. |
| Chicago Helicopter Airways, Inc | Chicago Helicopter. |
| Cordova Airlines, Inc | Cordova. |
| Kodiak Airways, Inc | Kodiak. |
| Los Angeles Airways, Inc | LA Airways. |
| Mackey Airlines, Inc | Mackey. |
| New York Airways, Inc | NY Airways. |
| Northern Consolidated Airlines, Inc | Northern Consol. |
| Reeve Aleutian Airways, Inc | Reeve. |
| San Francisco & Oakland Helicopter, Inc | SFO Helicopter. |
| South Pacific Air Lines | South Pacific. |
| Western Alaska Airlines, Inc | Western Alaska. |
| Wien Alaska Airlines, Inc | Wien. |
| *Name, supplemental carriers* | |
| AAXICO Airlines, Inc | AAXICO. |
| American Flyers Airline Corp | American Flyers. |
| Capitol Airways, Inc | Capitol. |
| Johnson Flying Service, Inc | Johnson. |
| Modern Air Transport, Inc | Modern. |
| Overseas National Airways, Inc | Overseas National. |
| Purdue Aeronautics Corp | Purdue. |
| Saturn Airways, Inc | Saturn. |
| Southern Air Transport, Inc | Southern Air Transp. |
| Standard Airways, Inc | Standard. |
| Trans International Airlines, Inc | Trans International. |
| U.S. Overseas Airlines, Inc | U.S. Overseas. |
| Vance Roberts | Vance Roberts. |
| World Airways, Inc | World. |
| Zantop Air Transport, Inc | Zantop. |

GROUP II AIR CARRIERS

| | |
|---|---|
| Airlift International, Inc | Airlift. |
| Allegheny Airlines, Inc | Allegheny. |
| Aloha Air Lines, Inc | Aloha. |
| Bonanza Air Lines, Inc | Bonanza. |
| Central Airlines, Inc | Central. |
| Frontier Airlines, Inc | Frontier. |
| Lake Central Airlines, Inc | Lake Central. |
| North Central Airlines, Inc | North Central. |
| Ozark Air Lines, Inc | Ozark. |
| Pacific Air Lines, Inc | Pacific. |
| Southern Airways, Inc | Southern. |
| Trans Caribbean Airways, Inc | Trans Car. |
| Trans-Texas Airways, Inc | Trans-Texas. |
| West Coast Airlines, Inc | West Coast. |

GROUP III AIR CARRIERS

| | |
|---|---|
| Alaska Airlines, Inc | Alaska. |
| American Airlines, Inc | American. |
| Braniff Airways, Inc | Braniff. |
| Continental Air Lines, Inc | Continental. |
| Delta Air Lines, Inc | Delta. |
| Eastern Air Lines, Inc | Eastern. |
| The Flying Tiger Line, Inc | Flying Tiger. |
| Hawaiian Airlines, Inc | Hawaiian. |
| Mohawk Airlines, Inc | Mohawk. |
| National Airlines, Inc | National. |
| Northeast Airlines, Inc | Northeast. |
| Northwest Airlines, Inc | Northwest. |
| Pacific Northern Airlines, Inc | Pacific Northern. |
| Pan American-Grace Airways, Inc | Panagra. |
| Pan American World Airways, Inc | Pan American. |
| Piedmont Aviation, Inc | Piedmont. |
| Seaboard World Airlines, Inc | Seaboard. |
| Slick Corp | Slick. |
| Trans World Airlines, Inc | Trans World. |
| United Air Lines, Inc | United. |
| Western Air Lines, Inc | Western. |

3. Amend Section 5–3 Property and Equipment, by deleting the last sentence of paragraph (c) "A footnote • • • Schedule B–2 Notes to Balance Sheet", which is no longer required.

4. Amend Section 6–2120 Accrued Vacation Liability, by adding a new paragraph (c) to read:

(c) Each air carrier shall file a statement with the Board fully describing the accounting procedures followed in accruing liability for personnel vacations. The statement shall include such information as (1) bases of accrual; (2) whether the accruals are made pursuant to a firm labor agreement or contract; and (3) whether the accruals cover all employees or certain categories only. (See section 22(d) or 32(d), as applicable.)

5. Amend Section 21—Introduction to System of Reports, by making the following changes in listings of "Reporting Entities" in paragraph (l):

(1) Add the line "Airlift International, Inc.—{Dom-Cargo. / Ter/Dom-Latin Amer." immediately following "Aerovias Sud Americana, Inc."

(2) Delete the line "Avalon Air Transport, Inc.—Dom-Special."

(3) Delete the line "Riddle Airlines, Inc.—{Dom-Cargo. / Ter/Dom-Latin Amer."

(4) Delete the line "Samoan Airlines Ltd.—Int/Ter-Pacific."

(5) Add the line "San Francisco & Oakland Helicopter, Inc.—Dom-Special" immediately following "Reeve Aleutian Airways, Inc.—Dom-Special."

(6) Change "Transportation Corporation of America" to read "Trans Caribbean Airways, Inc."

(7) Add the word "Inc." to "Trans-Texas Airways."

(8) Change the Operations Abbreviation of Wien Alaska Airlines, Inc. from "Dom-Special" to "Dom/Can-Special."

6. Amend Section 22—General Reporting Instructions, by deleting the line for "Schedule B–45"; adding lines for "Schedule A–1", "Schedule B–46" and "Schedule B–47", in correct numerical order; revising the title of Schedule T–5; and revising "Footnote 2" so that the table of schedules in paragraph (a) reads as follows:

**Section 22—General Reporting Instructions**

(a) • • •

| Schedule No. | | Filing | |
|---|---|---|---|
| | | Frequency | Postmark interval (days) |
| A | Certification | Quarterly | 40 |
| A–1 | Status of Accounting Plans Required to be Filed | Annually | 40 |
| B–1 | Balance Sheet | Quarterly | 40 |
| B–2 | Notes to Balance Sheet | do | 40 |
| B–3 | Paid-In Capital; Self-Insurance Reserves; and Appropriations of Retained Earnings; Deferred Income Taxes. | do | 40 |
| B–4 | Reserve for Uncollectible Accounts; Accounts with Associated Companies and Nontransport Divisions. | do | 40 |
| B–5 | Property and Equipment | do | 40 |
| B–7 | Airframes and Aircraft Engines Acquired | do | 40 |
| B–7(a) | Reinvestment of Flight Equipment Capital Gains | (1) | (1) |
| B–7(b) | Flight Equipment Acquired | Quarterly | 40 |
| B–8 | Property and Equipment Retired | do | 40 |
| B–8(a) | Flight Equipment Capital Gains Invested or Deposited for Reinvestment in Flight Equipment. | (1) | (1) |
| B–9 | Inventory of Flight Equipment Spare Parts and Assemblies | Semiannually | 40 |
| B–10 | Developmental and Preoperating Costs | Quarterly | 40 |
| B–41 | Investments Held by, or for the Account of, Respondent | Annually | 90 |
| B–42 | Accounts 1410 Short-Term Prepayments, 1550 Special Funds—Other, 1830 Long-Term Prepayments, 1880 Other Intangibles, 1890 Other Deferred Charges, 2290 Other Deferred Credits. | do | 90 |
| B–43 | Inventory of Airframes and Aircraft Engines | do | 90 |
| B–44 | Transactions With Associated Companies | do | 90 |
| B–46 | Long-Term and Short-Term Non-Trade Debt | do | 90 |
| B–47 | Lease Obligations—Flight Equipment | do | 90 |
| P–1.1 | Income Statement—Group I Air Carriers | Quarterly | 40 |
| P–1.2 | Income Statement—Group II and Group III Air Carriers | do | 40 |
| P–2 | Notes to Income Statement | do | 40 |
| P–3 | Transport Revenues; Depreciation and Amortization; Nonoperating Income and Expense—Net; Income Taxes. | do | 40 |
| P–4 | Incidental Revenues—Net; Explanation of Special Items; Explanation of Deferred Federal Income Tax Adjustments, Dividends Declared and Retained Earnings Adjustments. | do | 40 |
| P–5.1 | Aircraft Operating Expenses—Group I Air Carriers | do | 40 |
| P–5.2 | Aircraft Operating Expenses—Group II and Group III Air Carriers. | do | 40 |
| P–6 | Maintenance, Passenger Service, and General Services and Administration Expense Functions—All Air Carrier Groups. | do | 40 |
| P–7 | Aircraft and Traffic Servicing, Promotion and Sales, and General and Administrative Expense Functions—Group II and Group III Air Carriers. | do | 40 |
| P–8 | Aircraft and Traffic Servicing, and Promotion and Sales Expense Subfunctions—Group III Air Carriers. | do | 40 |
| P–9.1 | Distribution of Ground Servicing Expenses by Geographic Location—Group I Air Carriers. | do | 40 |
| P–9.2 | Distribution of Ground Servicing Expenses by Geographic Location—Group II and Group III Air Carriers. | do | 40 |
| P–10 | Payroll | do | 40 |
| P–41 | Taxes | Annually | 90 |
| | Interim Income Statement | Monthly | 30 |
| T–1 | Monthly Statement of Summarized Traffic and Capacity Statistics | do | 30 |
| T–1(a) | Monthly Statement of Traffic and Capacity Statistics by Component Operations. | do | 30 |
| T–2 | Monthly Statement of Scheduled Services Traffic and Capacity Statistics. | do | 30 |
| T–3 | Quarterly Statement of Aircraft Operating Statistics | Quarterly | 30 |
| T–4 | On-Line Airport Activity Data | do | 40 |
| T–5 | Monthly Listing of Summarized Passenger Loads by Flight Stages—Local Service Air Carriers. | Monthly | (2) |

[1] In accordance with the provisions of §§ 235.4 and 235.5 of Part 235 of this subchapter.
[2] The deck of machine accounting punch cards and Schedule T–5—Monthly Listing of Summarized Passenger Loads by Flight Stages—Local Service Air Carriers shall be filed simultaneously with the submission of CAB Form 545 "Air Carrier's Claim for Subsidy."

7. Amend Section 22, by adding new item (13) to paragraph (d) and revising the paragraph immediately following the numbered items, to read:

(13) Procedures for the accrual of vacation liability, as required by Section 6–2120(c).

The foregoing statements, where applicable, shall be filed in duplicate either before or with the Form 41 report for the quarter in which procedures are either established or revised. Each statement shall be submitted on a separate page to facilitate processing and filing.

8. Amend Section 23—Certification and Balance Sheet Elements, by adding new center subheading and text for "Schedule A–1", immediately following the text for "Schedule A", to read as follows:

*Schedule A–1—Status of Accounting Plans Required To Be Filed*

(a) This schedule shall be filed by all route carriers.

(b) This schedule shall be filed for the overall or system operations of the air carrier.

(c) The indicated data shall be entered on this schedule for each accounting plan listed in section 22(d).

(d) Columns 1 and 2 shall reflect the title of the accounting plan and its applicable section under this Uniform System of Accounts and Reports.

(e) Column 3 shall indicate for each plan, by insertion of either "Yes" or "No", whether the plan was revised this period.

(f) Columns 4 and 5 shall reflect for each plan the date filed with the Board and its effective date.

9. Amend Section 23, by deleting paragraph (d) from "Schedule B–2—Notes to Balance Sheet."

10. Amend Section 23, by revising paragraphs (e) and (f) of "Schedule B–43—Inventory of Airframes and Aircraft Engines" to read:

(e) The data to be reported shall include owned and rented airframes and aircraft engines currently in operation or in conversion. The data shall be grouped separately as to owned or leased operating equipment. Totals for owned operating equipment shall agree with property and equipment accounts 1601 Airframes; 1611 Reserve for Depreciation—Airframes; 1602 Aircraft Engines; 1612 Reserve for Depreciation—Aircraft Engines; and 1629 Flight Equipment Airworthiness Reserves. The airworthiness liabilities for rented equipment included in accounts 2190 Other Current Liabilities and 2290 Other Noncurrent Liabilities shall be shown in column 13. Data pertaining to nonoperating airframes and aircraft engines shall be reported in a group below the data for operating equipment.

(f) Data pertaining to rented airframes and aircraft engines shall be listed in columns 1 through 7 and in column 13; the cost of improvements thereto shall be listed in columns 8 through 12.

11. Amend Section 23, by deleting the center subheading "Schedule B–45—Flight Equipment Airworthiness Reserves by Airframe and Aircraft Engine Types" and accompanying instructions.



12. Amend Section 23, by adding new center subheadings and text for "Schedule B–46" and "Schedule B–47", immediately following the text for "Schedule B–44", to read as follows:

*Schedule B–46—Long-Term and Short-Term Non-Trade Debt*

(a) This schedule shall be filed by all route air carriers and shall reflect information pertaining to each issue of long-term debt and short-term debt (other than trade liabilities) in excess of 5 percent of total outstanding debt.

(b) A single set of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier.

(c) Column 1 shall reflect a description of each particular issue of debt, such as "Sinking Fund Debentures", "Bank Notes", "Credit Agreement", etc. This column shall also reflect for each issue a brief description of the terms of payment and, where applicable, conversion privileges, including conversion periods, rates of conversion and the securities into which convertible.

(d) Columns 2, 3, and 4 shall reflect the date of issue, date of maturity, and the interest rate per annum, respectively.

(e) Column 5 shall reflect the amount of bonds or other evidences of debt originally issued, as distinguished from the amount authorized.

(f) Columns 6 and 7 shall reflect the balance outstanding at the end of the reporting period in accounts 2210 Long-Term Debt and 2010 Current Notes Payable on Schedule B–1, respectively.

(g) Columns 8 and 9 shall reflect the name and address of holders of more than 5 percent of the issue or $500,000, whichever is smaller, showing for each such holder the amount held as at the end of the reporting period.

*Schedule B–47—Lease Obligations—Flight Equipment*

(a) This schedule shall be filed by all route air carriers and shall reflect information pertaining to each flight-equipment lease obligation with annual rental of $500,000 or 1 percent of total debt and equity capital, whichever is less, but excluding leases with annual rental of less than $100,000.

(b) A single set of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier.

(c) Column 1 shall reflect a description of each item of flight equipment under lease by the reporting carrier of the magnitude specified in paragraph (a).

(d) Column 2 shall reflect the beginning date of the lease.

(e) Column 3 shall reflect the life of the lease and any renewal periods. Where a lease is not renewable, the word "none" shall be reported.

(f) Column 4 shall reflect the name and address of the lessor.

(g) Column 5 shall reflect the aggregate amount of the contractual obligation payable over the full life of the lease, including interest and other charges.

(h) Column 6 shall reflect the total amount due and payable under the lease in the ensuing twelve-month period including interest and other charges. If the lease is conditional, the minimum amount due in the twelve months shall be stated with explanation. Where the amount varies from year to year, a schedule of payments shall be attached.

(i) Column 7 shall indicate whether the lease contains purchase option provisions by insertion of the word "yes" or "no".

13. Amend Section 23, by revising the text under "Interim Balance Sheet" to read as follows:

*Interim Balance Sheet*

Each route carrier shall file each month two copies of a balance sheet as at the end of each month, which may be in the form prepared for management purposes: *Provided*, That such balance sheet need not be filed as at the close of calendar quarters where the amount reflected in the "Stockholder Equity" section thereof agrees with similar data reflected on Schedule B–1 as at the same date: *And provided further*, That a balance sheet for the third month of the fourth calendar quarter need not be filed if the preliminary fourth-quarter Form 41 report is filed within a 30-day period rather than the prescribed 40-day period.

14. Amend Section 24—Profit and Loss Elements, by revising paragraph (e) of Schedules P–5.1 and P–5.2—Aircraft Operating Expenses, to read:

(e) "Aircraft type" refers to models, such as B–707–100, B–707–300, CV–240, DC–6, etc., as designated by the manufacturer. Data applicable to aircraft designed primarily for cargo services and only incidentally used for passenger services shall be reported in separate columns, and the word "cargo" shall be inserted after the aircraft type at the head of the column. The prescribed reporting by aircraft types may be reviewed from time to time upon request by individual air carriers, or upon the initiative of the Board, and groupings of aircraft types for reporting purposes may be prescribed or amended in specific instances.

15. Amend Section 24, by adding objective account 97 (special income tax credits and debits—net) to paragraph (d) of Schedule P–41—Taxes, so that the paragraph reads:

(d) The "Grand Total" of taxes reported on this schedule shall agree with the sum of the amounts reported in accounts 68, 69, 91, 92, 95, and 97 for the twelve months ended December 31.

16. Amend section 24, by revising the text under "Interim Income Statement" to read:

*Interim Income Statement*

(a) Each route air carrier shall file each month two copies of a monthly income statement, which may be in the form prepared for management purposes. Such income statement need not show a separation of revenues and expenses between operating entities unless such a separation is generally prepared for management purposes.

(b) An income statement for the third month of the fourth calendar quarter need not be filed if the preliminary fourth-quarter Form 41 report is filed within a 30-day period rather than the prescribed 40-day period.

17. Amend section 25—Traffic and Capacity Elements, by changing the column mention from "17" to "18" in the first sentence and by adding the clarifying phrase "served by multiple airports" in the last sentence of paragraph (d) of "Schedule T–4—On-Line Airport Activity Data", so that the paragraph reads:

(d) Each point maintained for service under certificates of public convenience and necessity shall be listed in column 1 in alphabetical sequence and the indicated data reported in columns 2 through 18, inclusive. Each airport used in servicing each certificated point served by multiple airports and the data pertaining thereto shall be separately identified.

18. Amend section 25, by eliminating Schedule T–5(a) and revising the title and instructions for Schedule T–5 to read as follows:

*Schedule T–5—Monthly Listing of Summarized Passenger Loads by Flight Stages—Local Service Air Carriers*

(a) This schedule shall be filed monthly by each local service air carrier upon its own machine accounting forms simultaneously with the submission of CAB Form 545 "Air Carrier's Claim for Subsidy." The schedule shall consist of a tabular machine accounting listing of information prescribed in paragraphs (c), (d) and (e) of these instructions and one deck of 80-column machine accounting punch cards with the information required by paragraph (b) of these instructions punched in the prescribed card columns.

(b) The deck of machine accounting punch cards shall include the required information for all revenue flights operated during the month. An individual card containing monthly summaries of the information below shall be included for each common flight stage and each common aircraft type of each flight. Each card shall be punched by columns as follows:

12); and major totals shall be shown for each aircraft type (columns 13–14) for the entire tabulation. Cards with an "X(11)" or "R(12)" in column 8 shall be listed; however, they shall not be added into major control totals.

(f) The aircraft type codes for each aircraft type to be used for reporting on this schedule shall be as follows:

| Aircraft types: | Aircraft type codes |
|---|---|
| Convair: | |
| CV-880 | 24 |
| CV-240 | 25 |
| CV-340/440 | 26 |
| Douglas DC-3 | 37 |
| Fairchild F-27 | 48 |
| Martin: | |
| M-202 | 69 |
| M-404 | 70 |

As additional aircraft types are placed in service, carriers will be advised by the Chief, Office of Carrier Accounts and Statistics of the code numbers to be used for reporting purposes.

(g) Revenue aircraft miles for all aircraft types shall agree with revenue aircraft miles reported for Item 5386, Schedule T–1.

19. Amend Section 32—General Reporting Instructions, by adding lines for "Schedule A–1", "Schedule B–46", "Schedule B–47", and "Schedule G–43" in correct numerical order, so the table of Schedules in paragraph (a) reads as follows:

**Section 32—General Reporting Instructions**

(a) • • •

| Schedule No. | | Filing: Frequency | Filing: Postmark Interval (days) |
|---|---|---|---|
| A | Certification | Quarterly | 90 |
| A–1 | Status of accounting plans required to be filed | Annually | 90 |
| B–1 | Balance sheet | Quarterly | 90 |
| B–2.1 | Notes to balance sheet; corporate paid-in capital; analysis of sole proprietorship capital or partnership capital | do | 90 |
| B–7 | Airframes and Aircraft Engines Acquired | do | 90 |
| B–8 | Property and Equipment Retired | do | 90 |
| B–11 | Current and long term receivables; current and long term payables | Monthly | 90 |
| B–12 | Anticipated cash requirements | Quarterly | 90 |
| B–41 | Investments Held by, or for the Account of, Respondent | Annually | 90 |
| B–43 | Inventory of Airframes and Aircraft Engines | do | 90 |
| B–45 | Interim Balance Sheet | Monthly | 90 |
| B–46 | Long-Term and Short-Term Non-Trade Debt | do | 90 |
| B–47 | Lease Obligations—Flight Equipment | do | 90 |
| P–1.1 | Income Statement—Group I Air Carriers | Quarterly | 90 |
| P–2 | Notes to Income Statement | do | 90 |
| P–3.1 | Transport revenues | do | 90 |
| P–5.1 | Aircraft Operating Expenses—Group I Air Carriers | do | 90 |
| P–6 | Maintenance, Passenger Service, and General Services and Administration Expenses | do | 90 |
| T–3.1 | Interim Income Statement | Monthly | 30 |
| T–8 | Statement of traffic and capacity statistics | do | 30 |
| T–9 | Flight report | do | 30 |
| G–41 | Agent report | do | 30 |
| G–42 | Persons Holding More than 5 per centum of Respondent's Capital Stock or Capital | Annually | 90 |
| G–43 | Compensation and Expenses of All General Officers and Directors and of Management Personnel Receiving $20,000 or more per Annum for Personal Service | do | 90 |
| G–43 | Compensation and Expenses of Persons and Firms (Other than Directors, Officers, and Employees) Receiving $5,000 or More During the Calendar Year | do | 90 |
| G–44 | Corporate and securities data | do | 90 |

20. Amend Section 32, by adding new item (12) to paragraph (d) and revising the paragraph immediately following the numbered items, to read:

(12) Procedures for the accrual of vacation liability, as required by section 6–2120(c).

The foregoing statements, where applicable, shall be filed in duplicate either before or with the Form 41 report for the quarter in which procedures are either established or revised. Each statement shall be submitted on a separate page to facilitate processing and filing.

21. Amend Section 33—Certification and Balance Sheet Elements, by adding a new center subheading and text for "Schedule A–1", immediately following the text for "Schedule A", to read as follows:

*Schedule A–1—Status of Accounting Plans Required To Be Filed*

(a) This schedule shall be filed by each supplemental air carrier.

(b) This schedule shall be filed for the overall or system operations of the air carrier.

(c) The indicated data shall be entered on this schedule for each accounting plan listed in section 32(d).

(d) Columns 1 and 2 shall reflect the title of the accounting plan and its applicable section under this Uniform System of Accounts and Reports.

(e) Column 3 shall indicate for each plan, by insertion of either "Yes" or "No", whether the plan was revised during this period.

(f) Columns 4 and 5 shall reflect for each plan the date filed with the Board and its effective date.

22. Amend Section 33, by deleting paragraph (d) of "Schedule B–2.1—Notes to Balance Sheet, etc.", and redesignating paragraphs (e), (f), (g), and (h) as (d), (e), (f), and (g), respectively.

23. Amend Section 33, by adding new center subheadings and text for "Schedule B–46" and "Schedule B–47", immediately following the text for "Schedule B–43", to read as follows:

*Schedule B–46—Long-Term and Short-Term Non-Trade Debt*

(a) This schedule shall be filed by each supplemental air carrier and shall reflect information pertaining to each issue of long-term debt and short-term debt (other than trade liabilities) in excess of 5 percent of total outstanding debt.

(b) A single set of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier.

(c) Column 1 shall reflect a description of each particular issue of debt, such as "Sinking Fund Debentures", "Bank Notes", "Credit Agreement", etc. This column shall also reflect for each issue, a brief description of the terms of payment and, where applicable, conversion privileges, including conversion periods, rates of conversion, and the securities into which convertible.

(d) Columns 2, 3, and 4 shall reflect the date of issue, date of maturity, and the interest rate per annum, respectively.

(e) Column 5 shall reflect the amount of bonds or other evidences of debt originally issued, as distinguished from the amount authorized.

(f) Columns 6 and 7 shall reflect the balance outstanding at the end of the reporting period in accounts 2210 Long-Term Debt and 2010 Current Notes Payable on Schedule B–1, respectively.

(g) Columns 8 and 9 shall reflect the name and address of holders of more than 5 percent of the issue or $500,000, whichever is smaller, showing for each such holder the amount held as at the end of the reporting period.

*Schedule B–47—Lease Obligations—Flight Equipment*

(a) This schedule shall be filed by each supplemental air carrier and shall reflect information pertaining to each flight-equipment lease obligation with annual rental of $500,000 or 1 percent of total debt and equity capital, whichever is less, but excluding leases with annual rental of less than $100,000.

(b) A single set of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier.

(c) Column 1 shall reflect a description of each item of flight equipment under lease by the reporting carrier of the magnitude specified in paragraph (a).

(d) Column 2 shall reflect the beginning date of the lease.

(e) Column 3 shall reflect the life of the lease and any renewal periods. Where a lease is not renewable, the word "none" shall be reported.

(f) Column 4 shall reflect the name and address of the lessor.

(g) Column 5 shall reflect the aggregate amount of the contractural obligation payable over the full life of the lease, including interest and other charges.

(h) Column 6 shall reflect the total amount due and payable under the lease in the ensuing twelve-month period including interest and other charges. If the lease is conditional, the minimum amount due in the twelve months shall be stated with explanation. Where the amount varies from year to year, a schedule of payments shall be attached.

(i) Column 7 shall indicate whether the lease contains purchase option provisions by insertion of the word "yes" or "no".

24. Amend Section 33, by revising the text under "Interim Balance Sheet" to read as follows:

*Interim Balance Sheet*

Each supplemental air carrier shall file each month two copies of a balance sheet as at the end of each month, which may be in the form prepared for management purposes: *Provided*, That such balance sheet need not be filed as at the close of calendar quarters where the amount reflected in the "Stockholder Equity" section thereof agrees with similar data reflected on Schedule B–1 as at the same date: *And provided further*, That a balance sheet for the third month of the fourth calendar quarter need not be filed if the preliminary fourth-quarter Form 41 report is filed within a 30-day period rather than the prescribed 40-day period.

25. Amend Section 33, by revising paragraphs (d) and (e) of "Schedule B–43—Inventory of Airframes and Aircraft Engines" to read:

(d) The data to be reported shall include owned and rented airframes and aircraft engines currently in operation or in conversion. The data shall be grouped separately as to owned or leased operating equipment. Totals for owned operating equipment shall agree with property and equipment accounts 1601 Airframes; 1611 Reserve for Depreciation—Airframes; 1602 Aircraft Engines; 1612 Reserve for Depreciation—Aircraft Engines; and 1629 Flight Equipment Airworthiness Reserves. The airworthiness liabilities for rented equipment included in accounts 2190 Other Current Liabilites and 2290 Other Noncurrent Liabilities shall be shown in column 13. Data pertaining to nonoperating airframes and aircraft engines shall be reported in a group below the data for operating equipment.

(e) Data pertaining to rented airframes and aircraft engines shall be listed in columns 1 through 7 and in column 13; the cost of improvements thereto shall be listed in columns 8 through 12.

26. Amend Section 34—Profit and Loss Elements, by deleting part of the first sentence and adding a new sentence in paragraph (d) of "Schedule P–5.1—Aircraft Operating Expenses—Group I Air Carriers," so that the paragraph reads as follows:

(d) "Aircraft type" refers to models, such as DC–6, DC–6A, CV–240, L–649, etc., as designated by the manufacturer. Data applicable to aircraft designed primarily for cargo services and only incidentally used for passenger services shall be reported in separate columns, and the word "cargo" shall be inserted after the aircraft type at the head of the column. The prescribed reporting by aircraft types may be reviewed from time to time upon request by individual air carriers, or upon the initiative of the Board, and groupings of aircraft types for reporting purposes may be prescribed or amended in specific instances.

27. Amend Section 34, by revising the text under "Interim Income Statement" to read:

*Interim Income Statement*

(a) Each supplemental air carrier shall file each month two copies of a monthly income statement, which may be in the form prepared for management purposes.

(b) An income statement for the third month of the fourth calendar quarter need not be filed if the preliminary fourth-quarter Form 41 [1] report is filed within a 30-day period rather than the prescribed 40-day period.

28. Amend Section 35—Traffic and Capacity Elements, by redesignating paragraphs (i), (j), and (k) as paragraphs (j), (k), and (l), respectively, of "Schedule T–3.1—Statement of Traffic and Capacity Statistics" and inserting a new paragraph (i) to read:

(i) Revenue passenger originations shall represent an unduplicated count of passengers originating journeys on the lines of each reporting entity. (See Section 03 "Passenger originations.")

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.[2]

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64–9883; Filed, Sept. 30, 1964; 8:45 a.m.]

[1] Form filed as part of the original document.

[2] Dissenting statement of Member Chan Gurney filed as part of the original document.



| Card column | Item | Description |
|---|---|---|
| 1–2 | Carrier | The two-letter name code as required for reporting the OAB Origin and Destination Survey data. |
| 3–7: 3–4 | Date: Day | Leave blank. |
| 5–6 | Month | The month of year covered by the card, numbering each month consecutively "01" through "12" beginning with January. |
| 7 | Year | The last digit only of the current year shall be used. |
| 8 | Scheduled, extra section, or exempted trip. | Flight stages on each revenue trip operated pursuant to flight schedules filed with the Board shall be so punched that: (1) flight stages operated as extra sections shall be punched X(11) and, (2) flight stages operated without authority to transport mail or on a nonsubsidy basis as well as flight stages (exempted trips) operated over route segments or in serving a point where suspension has been authorized shall be punched R(12). |
| 9–12 | Flight number | The flight number, pursuant to flight schedules filed with the Board, for each flight stage flown. Flight numbers in excess of 4000 (thus 4001, 4002, etc.) shall be indicated by punching in card column 9 for each successive section operated the digits 1, 2, 3, etc., or any numeric digit (no alpha) currently in use by the reporting carrier. |
| 13–14 | Aircraft type code | The aircraft type code as set forth in paragraph (f) of these instructions. |
| 15–19 | Blank | Leave blank. |
| 20–21 | Flight stage: From | The three-letter alpha code used in the Origin-Destination Survey. |
| 22–23 | To | The three-letter alpha code used in the Origin-Destination Survey. |
| 24–33 | Aircraft miles | The total revenue aircraft miles flown during the month for the flight stage identified in card columns 20–23. |
| 34–37 | Monthly total passenger load | The total number of revenue passengers during the month carried on the flight stage identified in card columns 20–23. |
| 38–39 | Trips operated | The total number of trips operated during the month for the flight stage identified in card columns 20–23. |
| 40–80 | Blank | Leave blank. |

(c) The carrier's name, month and year of the report, page number and number of pages shall be shown (in handwriting if desired) at the upper right of each page of the listing. The full prescribed name for each column heading shall be shown as either a heading or footing strip, unless forms are preprinted.

(d) Prescribed column headings shall be as follows:

(1) Column 1 "Carrier" shall reflect the name code for the reporting air carrier as required for reporting the Origin and Destination Survey data.

(2) Column 2 "Day" shall remain blank.

(3) Column 3 "Month" and column 4 "Year" shall reflect the month and year of operation of each flight stage. The year shall be identified by the last digit thereof.

(4) Column 5 "Flight Number" shall reflect the flight number set forth in the carrier's flight schedules filed with the Board.

(5) Column 6 "Aircraft Type" shall reflect the type code for each aircraft type operated as set forth in paragraph (f) of these instructions.

(6) Column 7 "From" and Column 8 "To" shall reflect the alpha city codes for each flight stage operated.

(7) Column 9 "Revenue Aircraft Miles Flown" shall reflect for each flight stage the revenue miles flown between points listed in Columns 7 and 8.

(8) Column 10 "Number of Passengers" shall reflect for each flight stage the number of passengers carried between points listed in Columns 7 and 8.

(9) Column 11 "Trips Operated" shall reflect the total number of trips operated for each flight each month.

(e) This listing shall be a tabulation of the deck of machine accounting cards required to be filed with the Board by paragraph (a) and described in paragraph (b) of these instructions. Prior to tabulation the cards shall be sorted into regular trip sequence within aircraft type code (columns 13–14), within "zero", "X(11)", or "R(12)" (column 8), within flight number (columns 9–12). In tabulating, a line shall be skipped before and after each summary total, and tabulation shall be continuous without regard to such totals. Minor control totals shall be shown wherever there is a change from a regular flight to an extra section or to an exempted flight (column 8), a change in points served (columns 20–25), or a change in aircraft type (columns 13–14); an intermediate total shall be shown wherever there is a change in flight number (columns 9–

# Title 21—FOOD AND DRUGS

**Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare**

**SUBCHAPTER B—FOOD AND FOOD PRODUCTS**

**PART 121—FOOD ADDITIVES**

**Subpart D—Food Additives Permitted in Food for Human Consumption**

**METHYL GLUCOSIDE-COCONUT OIL ESTER**

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5A1532) filed by Hodag Chemical Corporation, 7247 North Central Park Avenue, Skokie, Illinois, and other relevant material, has concluded that § 121.1151 should be amended to prescribe the safe use of methyl glucoside-coconut oil ester as an aid in the crystallization of dextrose. Therefore pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1151(b) is amended to read as follows:

**§ 121.1151 Methyl glucoside-coconut oil ester.**

* * * * *

(b) It is used as an aid in crystallization of sucrose and dextrose at a level not to exceed the minimum quantity required to produce its intended effect.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 25, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-9970; Filed, Sept. 30, 1964; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

**Agricultural Marketing Service**

**[ 7 CFR Part 46 ]**

**PERISHABLE AGRICULTURAL COMMODITIES**

**Proposed License Fee**

Notice is hereby given that the United States Department of Agriculture is considering a revision of § 46.6 of the regulations (other than rules of practice) (7 CFR 46.1–46.44) effective under the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531, et seq., as amended; 7 U.S.C. 499a et seq.).

*Statement of considerations leading to the proposed revision.* This Act is designed to prevent unfair and fraudulent practices of persons engaged in the business of marketing fresh or frozen fruits and vegetables or cherries in brine in interstate or foreign commerce. All persons engaged in business subject to the Act are required to be licensed.

The cost of administering this Act, except for the cost of legal services, is financed entirely by the license fees.

The Act was amended on October 1, 1962, authorizing the Secretary of Agriculture to increase license fees up to a maximum of $50 when deemed necessary to meet reasonably anticipated expenses for administering the Act. The Secretary shall give public notice of any increase to be made in the annual fee and shall allow a reasonable time prior to the effective date of such increase for interested parties to file their views relative to such increase.

The amendments further provided that certain retailers and frozen food brokers are exempted from license. At the time the Act was amended there were 24,550 licenses in effect under the Act. The amendments and the continued trend of mergers and consolidations of many firms have materially decreased the number of firms engaged in business subject to the Act so that currently there are 22,148 licenses in effect. However, there has been no significant reduction in the number of complaints submitted to the Department for handling. On the basis of the current $36 fee per license, this reduction in licenses represents a loss of revenue of approximately $90,000 a year.

The salaries of employees administering the Act represent 75 percent of the total expenses under this law. Because of salary increases and other higher operating costs, the $36 fee is not producing sufficient revenue to meet current administrative expenses. Therefore, to assure continued, effective administration of the Act, it is deemed necessary to increase the annual fee to $42.

All persons who desire to submit written data, views, or comments concerning the proposed increase in the fee should file the same, in quadruplicate, with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, not later than thirty days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed revision of § 46.6 reads as follows:

**§ 46.6 License fee.**

The annual fee is forty-two dollars ($42). The Director may require the fee be submitted in the form of a money order, bank draft, cashier's check, or certified check made payable to Agricultural Marketing Service. Authorized representatives of the Division may accept fees and issue receipts therefor.

Done at Washington, D.C., this 28th day of September 1964.

G. R. GRANGE,
*Acting Deputy Administrator, Regulatory Programs, Agricultural Marketing Service.*

[F.R. Doc. 64-9994; Filed, Sept. 30, 1964; 8:50 a.m.]

**[ 7 CFR Parts 1033, 1034 ]**

[Docket Nos. AO-166-A29, AO-175-A20]

**MILK IN GREATER CINCINNATI AND DAYTON-SPRINGFIELD MARKETING AREAS**

**Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and Orders**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Greater Cincinnati and Dayton-Springfield marketing areas, which was issued September 21, 1964 (29 F.R. 13269), is hereby extended to October 10, 1964.

Signed at Washington, D.C., on September 28, 1964.

ROY W. LENNARTSON,
*Associate Administrator.*

[F.R. Doc. 64-9978; Filed, Sept. 30, 1964; 8:50 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

**Food and Drug Administration**

**[ 21 CFR Part 27 ]**

**CANNED FRUIT NECTARS**

**Proposed Definitions and Standards of Identity**

Notice is given that a petition has been filed by the National Canners Association, 1133 20th Street NW., Washington, D.C., proposing the establishment of definitions and standards of identity for canned fruit nectars. As proposed, this standard reads as follows:

**§ 27.—— Canned fruit nectars; identity; label statement of optional ingredients.**

(a) The canned fruit nectars for which definitions and standards of identity are prescribed by this section are the pulpy liquid foods prepared from one or more of the optional fruit ingredients specified in paragraph (b) of this section in an amount not less than the percentage by weight of fruit ingredients specified in that paragraph, water, and one of the optional saccharine ingredients specified in paragraph (e) of this section. Such food may contain one or more of the optional ingredients specified in paragraph (d) of this section. Such food is sealed in a container and so processed by heat, before or after sealing, as to prevent spoilage. The consistency of the finished product is such that the time of flow is not less than 30 seconds, as determined by the method described in "Consistency Measurement of Fruit Nectars and Fruit Juice Products," p. 411, Vol. 42, No. 2, 1959, of the Journal of the Association of Official Agricultural Chemists.

(b)(1) The optional fruit ingredients referred to in paragraph (a) of this section are fruit puree, fruit pulp, fruit juice or concentrates thereof, computed to a single-strength basis, prepared from one or more of the following mature fruits: Apricot, blackberry, boysenberry, guava, loganberry, mango, nectarine, passion fruit, papaya, peach, pear, plum.

In addition, apple, cherry and pineapple may be used as fruit ingredients but only in combination with one or more of the above-listed fruit ingredients.

(2) The fruit ingredients contain finely divided insoluble fruit solids but do not contain seeds, pits, or other coarse or hard substances. When only one fruit ingredient is present, the weight of such ingredient is not less than 40 percent by weight of the finished product except for apricot which is 35 percent, guava 25 percent, and papaya 33⅓ percent. The weight of a combination of fruit ingredients is not less than the sum of the

products obtained by multiplying the minimum required percentage shown for each single fruit ingredient in the combination by the percentage it comprises of the total fruit ingredients present. No fruit ingredient may be used in a combination unless it imparts a definite flavor or other characteristic to the product.

(c) Any requirement of this section with respect to the weight of any fruit, combination of fruits, or fruit ingredient means:

(1) In the case of fruit prepared by the removal in whole or in part of pits, seeds, skins, cores, or other parts, the weight of such fruit exclusive of the weight of all such substances removed therefrom; and

(2) The weight of fruit exclusive of the weight of water or other substance added for any processing or packing or canning or otherwise added to such fruit, calculated on a single-strength basis.

(3) For the purpose of subparagraph (2) of this paragraph, the weight of any concentrated fruit ingredient shall be converted to the equivalent amount of single-strength fruit ingredient having a Brix level not less than that of the original fruit ingredient before concentration.

(d) The optional ingredients referred to in paragraph (a) of this section are: Citric acid, lemon juice, ascorbic acid.

(e) The optional saccharine ingredients referred to in paragraph (a) of this section are: Sugar; any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; any combination of sugar and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar used; any combination of sugar, dextrose, and corn sirup or glucose sirup in which twice the weight of the solids of dextrose used added to three times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar used; or honey, either alone or in combination with any of the foregoing, in which the weight of the solids of the honey is not less than 40 percent of the weight of the sugars used.

(f) The specified names of the fruit nectars for which definitions and standards of identity are prescribed by this section are as follows:

(1) If the fruit ingredient is a single fruit, the name is "nectar" preceded by the name whereby such fruit is designated in paragraph (b) of this section; for example "Apricot nectar".

(2) If the fruit ingredient is a combination of two or more fruits and the weight of each fruit ingredient is not less than one-tenth of the weight of the combined fruit ingredient, the name is "nectar" preceded by the names whereby such fruit ingredients are designated in paragraph (b) of this section in the order of predominance, if any, of such fruit ingredients in the combination; for example, "Apricot and papaya nectar."

(3) If the fruit ingredient is a combination of two or more fruit ingredients specified in paragraph (b) of this section and the weight of any fruit ingredient is less than one-tenth of the weight of the combination, the name shall be as prescribed in subparagraph (1) or (2) of this paragraph for those fruits present in a quantity of more than one-tenth of the weight of the combination of all fruit ingredients with the words "With added _____," or "_____ added" immediately following the name, the blank being filled in with the name or names of the fruit present in a quantity of less than one-tenth of the weight of the combination of all fruit ingredients.

(4) If the fruit ingredient is a combination of four or more fruit ingredients specified in paragraph (b) of this section, and the weight of each of at least four such fruit ingredients is at least one-tenth of the weight of the combination, the name shall be as prescribed in subparagraph (2) of this paragraph or, optionally, "Blended fruit nectar," with those four or more fruit ingredients each of whose weight is at least one-tenth that of the combination listed thereafter in the order of predominance, if any, of such fruits; although such listing need not be on the same line nor in equally prominent type as the words "blended fruit nectar." In cases where the name "Blended fruit nectar" is used and the combination of fruit ingredients includes, in addition to the four or more each of whose weight is at least one-tenth that of the combination, any fruit ingredient or ingredients in weight less than one-tenth of the weight of the combination, the listing specified in the preceding sentence shall be immediately followed by the words "with added _____" or "_____ added," the blank being filled in with the name or names of the fruit or fruits present in quantity of less than one-tenth of the weight of the combination of all fruit ingredients.

(5) When ascorbic acid is added, the label shall bear the statement "fortified with _____" or "_____ added," preceded or followed by the term "ascorbic acid" or "vitamin C," and the label shall relate the quantity of ascorbic acid present in the product to the human requirements therefor, as prescribed in Part 125 of this chapter; *Provided, however,* That where ascorbic acid is added as an antioxidant rather than for a nutritive purpose the label shall bear the statement "Ascorbic acid added to preserve color and flavor," or optionally, "Ascorbic acid added as a preservative."

(6) When the optional saccharine ingredient honey is used, the label shall bear the statement "Prepared with honey."

(g) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), all interested persons are invited to submit written views or comments regarding the proposal published in this notice. Such views and comments should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 25, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-9971; Filed, Sept. 30, 1964; 8:49 a.m.]

## [ 21 CFR Part 27 ]

## PINEAPPLE-GRAPEFRUIT JUICE DRINK; DILUTED FRUIT JUICE BEVERAGES

### Republication of Proposal; Extension of Time for Comments

There was published in the FEDERAL REGISTER of May 6, 1960 (25 F.R. 3987) a notice that a petition had been filed by California Packing Corporation, San Francisco, California, Hawaiian Pineapple Company, San Jose, California, and Gerber Products Company, Fremont, Michigan, proposing the adoption of a definition and standard of identity for canned pineapple-grapefruit juice drink. Comments on the proposal were received and are on file with the Hearing Clerk, Department of Health, Education, and Welfare, Washington, D.C.

Proposals by Sunkist Growers, Inc. and the Commissioner of Food and Drugs to adopt definitions and standards of identity for diluted fruit juice beverages were published in the FEDERAL REGISTER of August 13, 1964 (29 F.R. 11621). A period of 60 days was provided for commenting on these proposals.

It has been requested by the petitioners in the first-named action that their proposal be republished, so that all the proposals may be commented on simultaneously and all comments considered concurrently before establishment of definitions and standards of identity for this class of food. It has been concluded that the request for republication is supported by reasonable grounds and it is granted.

Accordingly, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended, 70 Stat. 919; 21 U.S.C. 341, 371) and delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the Commissioner of Food and Drugs invites all interested persons to present their views in writing, regarding the proposal published in this notice. All views and comments should be submitted, preferably in writing and in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 60 days from the date of publication of this notice in the FEDERAL REGISTER. All comments received pursuant to the original publication and this republication will be given due consideration in arriving at a final order. Any previously submitted comments need not be resubmitted.



It is proposed that the following definition and standard of identity be adopted:

**§ 27.—— Canned pineapple-grapefruit juice drink; identity; label statement of optional ingredients.**

(a) Canned pineapple-grapefruit juice drink is the food prepared from the fruit juice ingredients specified in paragraph (b) of this section, water, and one or more of the optional sweetening ingredients specified in paragraph (e) of this section. Such food has a viscosity such that it gives a reading of not more than 29.9 seconds when tested according to the method described in the Journal of the Association of Official Agricultural Chemists, May 1959, pages 411–416, inclusive, under the title "Consistency Measurement of Fruit Nectars and Fruit Juice Products," by Frank C. Lamb and Lawrence D. Lewis. Such food may also contain one or more of the optional ingredients specified in paragraph (d) of this section. The food is sealed in a container and so processed by heat, before or after sealing, as to prevent spoilage.

(b) The fruit juice ingredients referred to in paragraph (a) of this section are pineapple juice, grapefruit juice, concentrated pineapple juice, and concentrated grapefruit juice. Each fruit juice ingredient may contain finely divided insoluble fruit solids but does not contain seeds, pits, or other coarse or hard substances. Each fruit juice ingredient is an optional ingredient of this food. The adjusted weight of the combination of these fruit juice ingredients shall be not less than 50 percent of the weight of the finished food, calculated by the method specified in paragraph (c) of this section. The pineapple juice ingredient is present in an amount greater than the grapefruit juice ingredient.

(c) Determine the percent of soluble solids in such fruit juice ingredients by the method prescribed in section 29.11 of Official Methods of Analysis of the Association of Official Agricultural Chemists, Eighth Edition, page 534, under "Solids." Use this method, notwithstanding the presence of insoluble solids. Multiply the result so found by the weight of such fruit juice ingredient and divide the product by the following standard Brix value for each such fruit ingredient.

| Name of fruit: | *Brix value* |
|---|---|
| Pineapple juice | 13.0 |
| Grapefruit juice | 9.5 |

The result is the adjusted weight of the fruit juice ingredient.

(d) The optional ingredients referred to in paragraph (a) of this section are:

(1) Citric acid.

(2) Citrus oil flavoring (orange, lemon, grapefruit).

(3) Sodium citrate.

(4) Ascorbic acid (vitamin C).

(e) The optional sweetening ingredients referred to in paragraph (a) of this section are: Sugar; any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half of the weight of the solids of the sugar used; any combination of sugar and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third of the weight of the solids of the sugar used; any combination of sugar, dextrose, and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar used.

(f) For the purposes of this section, the terms "sugar," "dextrose," "corn sirup," and "glucose sirup" mean the ingredients defined in § 27.1 *Definitions.*

(g) The name of the food is "pineapple-grapefruit juice drink."

(h) (1) When ascorbic acid (vitamin C) is added, the label shall bear the statement "_____ added," or "with added _____," the blank being filled in with the name "ascorbic acid" or "vitamin C." When ascorbic acid is added, the label shall relate the quantity of ascorbic acid present in the product to the human requirements therefor, as prescribed in § 125.3 of this chapter.

(2) All optional ingredients used in the food shall be listed in the order of their predominance.

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this section, showing the ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

The period for comment provided in the proposals for the establishment of definitions and standards of identity for diluted fruit juice beverages is extended for 60 days following the date of publication of this notice in the FEDERAL REGISTER to coincide with the comment period provided for in the republished proposal.

Dated: September 22, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-9972; Filed, Sept. 30, 1964; 8:49 a.m.]

# Notices

## DEPARTMENT OF STATE

[Public Notice 287; Delegation of Authority 28–H]

### CHIEF, DIVISION OF SUPPLY AND TRANSPORTATION MANAGEMENT

**Delegation of Responsibility for Administration of Waivers Affecting Contracts Under the Mutual Educational and Cultural Exchange Act of 1961**

By virtue of the authority vested in me by sections 4(a) and 2(b) of Delegation of Authority 105, dated August 14, 1962, I hereby delegate to the Chief, Division of Supply and Transportation Management the responsibility for carrying out the directives contained in section 8(b) of Executive Order 11034. This authority may not be redelegated.

Dated: September 17, 1964.

WILLIAM J. CROCKETT,
*Deputy Under Secretary for Administration.*

[F.R. Doc. 64–9945; Filed, Sept. 30, 1964; 8:46 a.m.]

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[T.D. 56275; Customs Delegation Order No. 21]

### ASSISTANT COMMISSIONER OF CUSTOMS ET AL.

**Establishing Order of Succession of Persons To Act as Commissioner of Customs**

SEPTEMBER 25, 1964.

Under the authority conferred upon me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 F.R. 2875), it is hereby ordered that the following officers of the Bureau of Customs, in the order of succession enumerated, shall act as Commissioner of Customs during the absence or disability of the Commissioner of Customs, or when there is a vacancy in such office:

1. The Assistant Commissioner of Customs;
2. The Deputy Commissioner of Customs, Office of Administration;
3. The Deputy Commissioner of Customs, Office of Investigations;
4. The Deputy Commissioner of Customs, Office of Operations;
5. The Deputy Commissioner of Customs, Office of Regulations and Rulings.

This order supersedes the order of succession established in Delegation Order No. 19 dated July 20, 1962 (T.D. 55669; 27 F.R. 7128), and reinstated on January 14, 1964, by T.D. 56090 (29 F.R. 480).

[SEAL] PHILIP NICHOLS, Jr.,
*Commissioner of Customs.*

[F.R. Doc. 64–9956; Filed, Sept. 30, 1964; 8:47 a.m.]

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

### ADMINISTRATOR, SOUTHWESTERN POWER ADMINISTRATION, ET AL.

**Notice of Basic Compensation**

Pursuant to the provisions of section 309 of the Government Employees Salary Reform Act of 1964 (Public Law 88–426, approved August 14, 1964), the salaries of the Administrator, Southwestern Power Administration, the Governor of Guam, and the Governor of the Virgin Islands were adjusted to $24,500 per annum effective August 14, 1964.

Dated: September 25, 1964.

KENNETH HOLUM,
*Acting Secretary of the Interior.*

[F.R. Doc. 64–9948; Filed, Sept. 30, 1964; 8:47 a.m.]

### Office of Water Resources Research

[Order OWRR–1]

### ASSOCIATE DIRECTOR, OFFICE OF WATER RESOURCES RESEARCH

**Redelegation of Authority**

SEPTEMBER 18, 1964.

SECTION 1. Associate Director. The Associate Director, Office of Water Resources Research, is authorized to exercise the authority delegated to the Director by Secretary's Order No. 2879 dated July 17, 1964 (29 F.R. 9845).

JOHN C. CALHOUN, Jr.,
*Acting Director, Office of Water Resources Research.*

[F.R. Doc. 64–9967; Filed, Sept. 30, 1964; 8:48 a.m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### MINNESOTA AND NEBRASKA

**Designation of Areas for Emergency Loans**

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Minnesota and Nebraska natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MINNESOTA

| | |
|---|---|
| Chippewa. | Lake of the Woods. |
| Gage. | Johnson. |
| Seward. | |

NEBRASKA

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Minnesota counties after December 31, 1965, or in the above-named Nebraska counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of September 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64–9979; Filed, Sept. 30, 1964; 8:50 a.m.]

### OHIO

**Designation and Extension of Areas for Emergency Loans**

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Ohio a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

OHIO

| | |
|---|---|
| Hocking. | Pickaway. |
| Madison. | Ross. |

It has also been determined that in the hereinafter-named counties in the State of Ohio which are presently designated (28 F.R. 14341), the above-mentioned natural disaster has caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

| Ohio: | *Previous designation* |
|---|---|
| Adams | 29 F.R. 5178 |
| Athens | 28 F.R. 13322 |
| Pike | 29 F.R. 5178 |
| Scioto | 29 F.R. 5178 |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of September 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64–9980; Filed, Sept. 30, 1964; 8:50 a.m.]





## DEPARTMENT OF COMMERCE

### Bureau of International Commerce

[Case No. 334]

### PECHINEY PROGIL OVERSEAS, S.A., ET AL.

**Order Denying Export Privileges**

In the matter of Pechiney Progil Overseas, S.A., 22, Rue De La Cite, Geneva, Switzerland, and 20 Rue des Docks, Lyons, Terreaux, France; Mr. Enno Krogman, Mr. G. Duparc, c/o Pechiney Progil Overseas, S.A., 22, Rue De La Cite, Geneva, Switzerland, Case No. 334; respondents.

By charging letter dated July 30, 1964, the above-named respondents were charged by the Investigations Division, Office of Export Control, Bureau of International Commerce, with violations of the Export Control Act of 1949, as amended, and regulations thereunder. The respondents appeared by counsel.

In accordance with the provisions of § 382.10 of the Export Regulations, with agreement of the Director, Investigations Division, the respondents have proposed that a consent order, substantially in the form hereinafter set forth, be entered against them. For the purpose of this compliance proceeding only the respondents admitted the charges against them, waived all right to an oral hearing before the Compliance Commissioner, and further waived all rights of administrative appeal from, and judicial review of, such order.

The charging letter, respondents' proposal, together with the evidence and other supplemental material were presented to the Compliance Commissioner. He has reviewed such material, approved the proposal, and reported the facts to the undersigned with his recommendation that the consent proposal be accepted.

After reviewing the facts in the case and considering the Compliance Commissioner's recommendations, I hereby make the following findings of fact:

1. Pechiney Progil Overseas, S.A., is a corporation and maintains places of business in Geneva, Switzerland, and Lyons, France. It is engaged in the import and export of various materials, including chemicals. The respondent Enno Krogman is an official in the International Division of said company and the respondent G. Duparc is an official in the Export Section of the Administrative and Commercial Service of said company. The said respondents, Krogman and Duparc, acting on behalf of the respondent corporation, were the individuals primarily responsible for the transactions hereinafter set forth.

2. On or about May 29, 1962, Pechiney Progil Overseas, S.A. (hereinafter referred to as PPO), entered into a contract with Sojuzchimexport, Moscow, U.S.S.R., for the sale of 3,250 tons of DDT to the Soviet Union. To fulfill this contract PPO procured 1,900 metric tons of U.S.-origin DDT through a U.S. company with which it has close business connections and an additional 1,000 metric tons through a Dutch firm. All of this U.S.-origin DDT was shipped from the United States to the Port of Antwerp, Belgium, where, on arrangements by PPO, the material was transferred to two Russian ships which sailed for Soviet ports on June 26, 1962, and July 14, 1962, respectively.

3. At the time the contract between PPO and Sojuzchimexport was entered into there were restrictions by the U.S. Government on the shipment of U.S.-origin DDT to Communist countries.

4. The respondent Krogman, as an employee of PPO, participated in the negotiation and signing of the contract with Sojuzchimexport and thereafter he assisted in fulfilling said contract by procuring U.S.-origin DDT from the aforementioned two suppliers. Said Krogman knew or had reason to know, prior to and contemporaneously with the execution and fulfillment of said contract, that there were U.S. Government restrictions on the shipment of U.S.-origin DDT to Communist countries.

5. The U.S. firm which supplied the DDT transmitted three invoices and accompanying bills of lading to PPO in Switzerland which documents were received by the respondent Krogman. The three bills of lading and at least one of the invoices contained destination control statements, either prohibiting disposition of the material to the Soviet bloc without authorization from the United States or stating that the material was licensed for ultimate destination in Belgium and that diversion contrary to U.S. law was prohibited.

6. The respondent Duparc, as an employee of PPO, participated in the financing and forwarding of the U.S.-origin DDT which was the subject of the contract between PPO and Sojuzchimexport. In the course of this participation he learned that the source of most of this DDT was the United States and that the intended destination was the Soviet Union. In making arrangements to transship a quantity of the DDT to the U.S.S.R. there came to Duparc's attention the bill of lading, covering this U.S.-origin material, which contained a destination control notice to the effect that the ultimate destination of the material was Belgium and that diversion contrary to U.S. law was prohibited.

Based on the foregoing I have concluded that the respondents violated §§ 381.2, 381.4, and 381.6 of the Export Regulations in that they: caused, aided, and permitted the doing of acts prohibited by said regulations; ordered, bought, sold, transported, financed, and forwarded commodities exported from the United States with knowledge that a violation of the Export Control Act and regulations was about to and intended to occur; knowingly exported, diverted, and transshipped quantities of a commodity to the Soviet Union in violation of the Export Control Act and contrary to provisions of export control documents.

In considering the appropriateness of the sanction to which respondents have agreed, it is recognized that the commodity in question was not of potential military or economic significance which could adversely affect the national security of the United States. At about the time the violation in question occurred, the Office of Export Control had licensed agricultural pesticides, and also herbicides, to countries of the Soviet bloc. It is also recognized that the commodity in question was not on the U.S. Positive List and was generally available to the U.S.S.R. from sources other than the United States.

After considering the record herein, the consent proposal, and the Compliance Commissioner's report and recommendations, I have concluded that the sanctions proposed are fair and reasonable and designed to achieve effective enforcement of the law.

*Accordingly, it is hereby ordered:*

I. During the period of effective denial as set forth in Parts II and IV of this order no exportation shall be made by or to the respondents, or by any person, firm, or other business organization on behalf of the respondents under any export license in which respondents appear as a party.

II. Except as qualified in Part IV hereof the respondents for a period of six months from the effective date of this order are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction either in the United States or abroad shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor firm or other business organization.

IV. The privileges denied under Part II hereof shall be restored conditionally to the respondent Duparc 15 days after the effective date hereof and to the respondents Pechiney Progil Overseas, S.A., and Enno Krogman 30 days after the effective date hereof. The conditions of probation for all respondents are that they shall fully comply with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder. In addition to the foregoing conditions of probation the following conditions shall apply only to the respondent Pechiney Progil Overseas, S.A.: (1) Said respondent will not refer any transaction

or divert any business prohibited by the terms of this order to or through subsidiary or affiliate organizations during the 20-day period of effective denial of export privileges; (2) said respondent will maintain a vigorous program of education on the U.S. export control law which will be sufficient to apprise all officers and employees of said company who are involved in or supervise transactions dealing with U.S.-origin commodities or technical data of the U.S. export control law generally and its particular application to their role in the company; (3) every 60 days during the period of denial and probation (to wit, 60 days, 120 days, and 180 days, respectively after the effective date of this order) said respondent will provide the Office of Export Control with information on the conduct of said educational program, as more fully set forth in respondents' consent proposal and approved by the undersigned.

V. In the event any of the respondents violate the terms and conditions of this order during the period of probation, or violate any of the laws or regulations relating to export control at any time during the entire period of the order, it shall be within the discretion of the Director of the Investigations Division to apply to the Compliance Commissioner, with or without notice to respondents of such proposed application, for an order revoking all export privileges of such respondents who are in violation, for a period not in excess of five months. If such action is taken, it will in no way limit the Bureau of International Commerce from taking further action based on such violation as shall be deemed necessary and proper. If the Director of the Investigations Division deems it necessary to apply to the Commissioner for an order revoking export privileges for respondent, Pechiney Progil Overseas, S.A., any order which may result may be made applicable to all persons and/or firms related to Pechiney Progil Overseas, S.A., within the purview of § 381.10 of the U.S. Export Regulations.

Any person affected by an order revoking a probationary period without notice may request that such order be set aside by filing with the Compliance Commissioner his objections thereto and may request an oral hearing as provided in § 382.16 of the Export Regulations. Such request will not stay the effective date of the order of revocation.

VI. During the time when any respondent or other person within the scope of this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any respondent or other person denied export privileges within the scope of this order, or whereby any such respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on October 1, 1964.

Dated: September 18, 1964.

FORREST D. HOCKERSMITH,
*Director,*
*Office of Export Control.*

[F.R. Doc. 64-9951; Filed, Sept. 30, 1964; 8:47 a.m.]

## Maritime Administration

[Docket No. S-174]

### MOORE-McCORMACK LINES, INC.

### Notice of Application and of Hearing

Notice is hereby given of the application of Moore-McCormack Lines, Inc., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to permit its owned vessel, the "SS Robin Kirk," which is under time charter to States Marine Lines, Inc., for a period of about three to five months from August 10, 1964, to load lumber and/or lumber products, commencing about October 20, 1964, for carriage on one eastbound voyage from U.S. North Pacific ports to U.S. Atlantic ports.

This application may be inspected by interested parties in the Chief Hearing Examiner's Office, Maritime Subsidy Board/Maritime Administration, Room 3043, GAO Building, 441 G Street NW., Washington, D.C.

A hearing on the application has been set for October 9, 1964, at 10:00 a.m., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on October 7, 1964, notify the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Subsidy Board/Maritime Administration, petitions for leave to intervene received after the close of business on October 7, 1964, will not be granted in this proceeding.

Dated: September 29, 1964.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
*Secretary.*

[F.R. Doc. 64-10006; Filed, Sept. 30, 1964; 8:50 a.m.]

## Office of the Secretary

[Dept. Order 134 (Revised), Amdt. 1]

### ASSISTANT SECRETARY OF COMMERCE FOR ADMINISTRATION

### Delegation of Authority

The following amendment to the order was issued by the Secretary of Commerce on September 16, 1964. The material appearing at 28 F.R. 7310-7311 of July 17, 1963.

Sections 3, 5, and 6 of Department Order No. 134 (Revised), dated July 1, 1963, are hereby amended as follows:

A. Section 3 is amended to read:

SECTION 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by law, and by delegation of authority from the General Services Administrator with respect to the procurement of property and services under Title III of the Federal Property and Administrative Services Act of 1949, as amended, and subject to such policies and directives as the Secretary of Commerce may prescribe, the Assistant Secretary of Commerce for Administration is hereby authorized to perform the functions and to exercise the authority of the Secretary of Commerce on all matters of administration and management within the Department of Commerce.

.02 Subject to applicable laws and regulations, the Assistant Secretary for Administration may redelegate his authority to any officer or employee of the Department of Commerce subject to such conditions in the exercise of such authority as he may prescribe.

B. Section 5.03-3 is amended to read:

SEC. 5. *Duties and responsibilities of the assistant secretary of commerce for administration.* • • •

.03 The Assistant Secretary for Administration shall:

• • • • • •

3 Direct and supervise the staff service offices engaged in activities which include but are not limited to budget planning and administration; management planning and evaluation; organization planning; policy development; personnel administration; audits; administrative operations and services, including procurement; publications; security and investigations; and continuity of Government and civil defense;.

C. A new section 6.04 is added as follows:



SEC. 6. *Saving provision.* .04 This order shall be deemed consistent with Department Order No. 46 (Revised).

Effective date: September 16, 1964.

HERBERT W. KLOTZ,
*Assistant Secretary*
*for Administration.*

[F.R. Doc. 64-9932; Filed, Sept. 30, 1964; 8:45 a.m.]

[Dept. Order 194]

### COMMUNITY RELATIONS SERVICE

### Functions and Responsibilities

The following order was issued by the Secretary of Commerce on September 15, 1964.

SECTION 1. *Purpose.* .01 The purpose of this order is to provide for the operation of the Community Relations Service ("the Service") in the Department of Commerce and to describe its general functions and responsibilities.

SEC. 2. *General.* .01 The Community Relations Service has been established in and as a part of the Department of Commerce by Title X of the Civil Rights Act of 1964 (Public Law 88-352). The Community Relations Service is hereby designated as a primary organization unit of the Department of Commerce.

.02 Pursuant to the provisions of Title X of the Civil Rights Act of 1964, the Community Relations Service shall be headed by a Director who shall be appointed by the President with advice and consent of the Senate for a term of four years. The Director shall appoint a Deputy Director, who will discharge such duties as he may be assigned by the Director and perform the functions of the Director in the latter's absence. The Director also shall appoint such other personnel as may be necessary to enable the Service to carry out its functions and duties and report to the Secretary of Commerce regarding the work and progress of the Service at such times and in such manner as the Secretary shall request.

.03 In the conduct of its activities the Community Relations Service shall comply with Department Orders and Administrative Orders. Each officer or employee who performs a function assigned by a Department Order or Administrative Order which affects the activities of primary organization units of the Department may, within his area of responsibility, grant an exception to the provisions of a Department Order or Administrative order as it affects the Service.

SEC. 3. *Functions and responsibilities.* .01 The Community Relations Service shall carry out the following functions and responsibilities as provided by sections 204(d) and 205 of Title II and by Title X of the Civil Rights Act of 1964:

a. Provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, color, or national origin which impair the rights of persons in such communities under the Constitution or laws of the United States or which affect or may affect interstate commerce.

b. Offer its services in cases of such disputes, disagreements, or difficulties whenever, in its judgment, peaceful relations among the citizens of the community involved are threatened thereby, and it may offer its services either on its own motion or upon the request of an appropriate State or local official or other interested person.

c. As may be necessary, investigate and hold hearings with respect to any complaints referred to it by a court under the provisions of section 204(d) of Title II of the Civil Rights Act of 1964. The Service shall conduct such hearings in executive session, and shall not release any testimony given therein except by agreement of all parties involved in the complaint and with the permission of the court. The Service shall endeavor to bring about a voluntary settlement between the parties involved in the complaint.

d. Whenever possible, in performing its functions, seek and utilize the cooperation of appropriate State or local, public, or private agencies.

e. Take necessary steps so that the Director, subject to the confidentiality provisions of section 205 of Title II and section 1003(b) of Title X of the Civil Rights Act of 1964, on or before January 31 of each year shall submit to the Congress, through the Secretary of Commerce, a report of the activities of the Service during the preceding fiscal year.

f. Endeavor to prevent disputes, disagreements, and difficulties relating to discriminatory practices based on race, color, or national origin which impair the rights of persons under the Constitution or laws of the United States, or which affect or may affect commerce, through programs designed to encourage voluntary compliance with the Civil Rights Act of 1964.

.02 In connection with the performance of the functions of the Community Relations Service:

a. The activities of all officers and employees of the Service, and of any other persons authorized to act for on its behalf, in providing conciliation assistance shall be conducted in confidence and without publicity. The Service shall hold confidential any information acquired in the regular performance of its duties upon the understanding that it would be so held. (Section 1003(b) of the Civil Rights Act of 1964 provides express penalties for any officer or employee violating these confidentiality requirements.)

b. No officer or employee of the Service shall engage in the performance of investigative or prosecuting functions of any department or agency in any litigation arising out of a dispute in which he acted in behalf of the Service.

SEC. 4. *Organization and assignment of functions.* .01 An Organization and Function Supplement to this order, prescribing the organization and assignment of functions within the Community Relations Service, shall be developed and issued by the Director in accordance with the provisions of Department Order No. 1.

Effective date: September 15, 1964.

HERBERT W. KLOTZ,
*Assistant Secretary*
*for Administration.*

[F.R. Doc. 64-9933; Filed, Sept. 30, 1964; 8:45 a.m.]

### PROCUREMENT FUNCTIONS

### Delegation of Authority

The following order was issued by the Secretary of Commerce on September 16, 1964. This material supersedes the material appearing at 23 F.R. 8939 of November 15, 1958.

SECTION 1. *Purpose.* .01 This order delegates certain procurement authority, including authority to approve and execute contracts, and otherwise provides for the performance of procurement functions within the Department.

SEC. 2. *Delegations of Authority.* .01 Pursuant to authority vested in the Secretary of Commerce by law, the head of each organization unit listed in Part I of Appendix A, subject to the provisions of this order and applicable laws and regulations, is hereby delegated procurement authority for his organization, including authority to approve and execute:

a. Advertised contracts and accompanying bonds, including annual bid bonds;

b. Any contract which is supplemental to an advertised contract; and

c. Negotiated contracts and accompanying bonds, including annual bid bonds; or any contract supplemental thereto. (For purposes of this order, a negotiated contract is one entered into without advertising, whether or not it falls within any of the exceptions mentioned in R.S. 3709 (41 U.S.C. 5).)

.02 The head of an organization unit may redelegate the authority granted herein and may impose such conditions and limitations as he deems necessary.

.03 The authority delegated by this Section does not include procurement authority delegated to the Secretary of Commerce by the Administrator, General Services Administration under Title III of the Federal Property and Administrative Services Act (63 Stat. 393; 41 U.S.C. 251), as amended. These authorities are generally redelegated to heads of affected primary organization units on an individual basis as the need arises.

SEC. 3. *General provisions.* .01 The Assistant Secretary for Administration is hereby authorized and directed to exercise the procurement authority (including authority to approve and execute contracts) delegated to him in Department Order No. 134 (Revised), either through the Office of Administrative Services or as he otherwise directs, on behalf of the organizational units listed in Part II of Appendix A.

.02 The Assistant Secretary for Administration may redelegate to the head



of any organization unit listed in Part II

of any organization unit listed in Part II of Appendix A authority to procure items and services not deemed practicable of procurement on a centralized basis by the Office of Administrative Services.

.03 Procurement by or under delegation from the Assistant Secretary for Administration, of items and services of a scientific or technical nature for the organization units listed in Part II of Appendix A shall be limited to those items and services requested and approved by the head of the organization unit or his designee(s).

.04 No contract, supplement thereto, or amendments thereof for management consulting services shall be executed by any organization unit of the Department without the prior approval of the Assistant Secretary for Administration, regardless of amount. This approval is in addition to any legal review required under Section 3.05. For the purposes of this order, the term "management consulting services" includes any examination, survey, study, review, analysis, assistance, consultation or advice having as its purpose improvement of the effectiveness, efficiency and economy of the management and operations of the Department of Commerce or any of its components. It includes, but is not limited to, studies of organizational roles, missions, functions or structure, administrative systems, performance standards, methods and procedures, and plant/office layouts.

.05 Contractual documents shall be cleared by the Office of the General Counsel or by the primary organization unit legal staff, where one exists, in accordance with such instructions as may be issued from time to time by the Office of the General Counsel.

SEC. 4. *Saving provision.* .01 This order shall be deemed consistent with Department Order No. 134 (Revised).

Effective date: September 16, 1964.

HERBERT W. KLOTZ,
*Assistant Secretary for Administration.*

APPENDIX A

PART I—ORGANIZATION UNITS DELEGATED PROCUREMENT AUTHORITY

National Bureau of Standards.
Weather Bureau.
Bureau of the Census.
Maritime Administration.
Bureau of Public Roads.
U.S. Commission—New York World's Fair.

PART II—ORGANIZATION UNITS ON BEHALF OF WHICH THE ASSISTANT SECRETARY EXERCISES PROCUREMENT AUTHORITY

Office of the Secretary, including constituent units.
Office of Business Economics.
Community Relations Service.
Business and Defense Services Administration.
Bureau of International Commerce.
Office of Foreign Commercial Services.
Office of Field Services.
Office of Administration (DIB).
Office of Publications and Information (DIB).
United States Travel Service.
Area Redevelopment Administration.
Patent Office.
Coast and Geodetic Survey.

[F.R. Doc. 64-9934; Filed, Sept. 30, 1964; 8:45 a.m.]

[Dept. Order 109 (Revised), Amdt. 1]

## BUREAU OF PUBLIC ROADS

### Organization and Functions

This material amends the material appearing at 29 F.R. 25-27 of January 1, 1964.

The Organization and Function Supplement of December 12, 1963, to Department Order No. 109 (Revised) is hereby amended as follows:

1. Section 2.03-3 is amended to read:

SEC. 2. *Organization.* • • •

3 Office of Planning:

Current Planning Division
Advance Planning Division
Urban Planning Division
National Highway Planning Division
Highway Statistics Division

2. Section 2.03-5 is amended to read:

5 Office of Research and Development:

Program Management Staff
Economics and Requirements Division
Engineering Systems Division
Materials Division
Structures and Applied Mechanics Division
Traffic Systems Division

3. Section 9 is amended to read:

SEC. 9. *Functions of the office of planning.* The Office of Planning shall develop and prescribe systematic programs for: (1) master planning and long-range programing of national highway systems; (2) standards and techniques for the orderly and progressive development of integrated networks of Interstate and Federal-aid highways; (3) highway planning in metropolitan areas in relation to trends, problems, and needs peculiar to urban transportation; and (4) national highway planning from the standpoint of the total transportation facilities and needs of the nation. In addition, the Office of Planning shall analyze and disseminate statistics on highway revenue and expenditures and on the extent and improvement of highway systems.

4. Section 11 is amended to read:

SEC. 11. *Functions of the office of research and development.* The Office of Research and Development shall organize and direct a continuing program leading to the application of new knowledge for improving the national highway transportation system through research and development concerned with (1) the long-range social, economic, environmental, and unit requirements for transportation; (2) the operational definition of the efficient flow of traffic, including safety; and (3) analytic consideration of the nature, characteristics, and mechanics of the behavior of materials and structural systems under stress.

Effective date: September 16, 1964.

HERBERT W. KLOTZ,
*Assistant Secretary for Administration.*

[F.R. Doc. 64-9935; Filed, Sept. 30, 1964; 8:46 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-212]

### GENERAL DYNAMICS CORP.

### Notice of Issuance of Facility License

Please take notice that the Atomic Energy Commission has issued Facility License No. R-96, set forth below, to General Dynamics Corp. authorizing operation of the fast critical assembly-type nuclear reactor on the corporation's laboratory site at Torrey Pines Mesa, Calif. Notice of proposed issuance of this license was published in the FEDERAL REGISTER August 29, 1964, 29 F.R. 12435.

The Commission has found that:

A. The application for license complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. The reactor has been constructed in conformity with Construction Permit No. CPRR-82 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

C. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

D. General Dynamics Corp. is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations, and to assume financial responsibility for Commission charges for special nuclear material;

E. The possession and operation of the reactor, and the receipt, possession and use of the special nuclear material, in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

F. General Dynamics Corp. has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

The notice of proposed action published in the FEDERAL REGISTER on August 29, 1964, provided that in accordance with § 2.106(c) of the "Commission's rules of practice", no further notice would be given in connection with the issuance of the operating license. However, since the publication of the notice, the applicant has amended its application and requested additional authority to conduct experiments involving irradiation of certain electronic devices. The regulatory staff has concluded that the proposed experiments do not involve significant hazards considerations different from those previously evaluated and have prepared a supplemental hazards analysis which is available to the public as set forth below. However, the Commission is providing an additional period of notice.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's Regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this license, see (1) a related Supplemental Hazards Analysis prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, and (2) the licensee's application amendment dated September 3, 1964, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request, addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 22d day of September, 1964.

For the Atomic Energy Commission.

SAUL LEVINE, Chief,
*Test and Power Reactor Safety Branch, Division of Reactor Licensing.*

[License No. R-96]

1. This license applies to the Fast Critical Assembly type nuclear reactor (hereinafter "the reactor"), owned by the Atomic Energy Commission and furnished to General Dynamics Corporation (hereinafter, "the licensee") for use in connection with the program being conducted for the Defense Atomic Support Agency under Contract No. DA-49-146-xz-171. The reactor is located at the licensee's laboratory site at Torrey Pines Mesa near San Diego, California, and is described in the licensee's application for operating license dated August 19, 1963, and amendments thereto dated September 27, 1963, December 2, 1963, June 30, 1964, August 27, 1964, August 28, 1964, and September 3, 1964 (hereinafter, "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses General Dynamics Corporation:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities" to possess, use, and operate the reactor in accordance with the procedures and limitations described in the application;

B. Pursuant to the Act and Title 10, CFR, Ch. I, Part 70, "Special Nuclear Material" to receive, possess, and use up to 65 kilograms of contained uranium 235 in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Ch. I, Part 30, "Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in §30.32 of Part 30, § 50.54 of Part 50 and § 70.32 of Part 70; and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. *Operating restrictions.* 1. The licensee shall not operate the reactor at steady state power levels in excess of 500 watts (thermal) without prior written authorization from the Commission.

2. The licensee shall not operate the reactor to generate more than 100 watt-hours in any 24 hour interval.

3. The licensee shall limit the amount of excess reactivity available to the operator to less than 0.5% delta k/k during operation of the reactor.

4. The licensee shall not operate the reactor in an approach to criticality starting with a gap worth more than 0.35% delta k/k.

5. A licensed senior operator shall be present at the facility during all reactor operations, all fuel manipulations, all testing and/or calibration of the reactor and associated systems, and during any maintenance or modifications to the reactor systems.

6. The licensee shall maintain attended and closely observed nuclear control instrumentation in operation at all times during operations which could involve changes in core reactivity when the facility is shutdown.

B. *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

1. Reactor operating records, including power levels and periods of operation at each power level.

2. Records showing radioactivity discharges into the air or water beyond the effective control of General Dynamics Corporation as measured at or prior to the point of such release or discharge.

3. Records of emergency shutdowns and inadvertent scrams, including reasons for emergency shutdowns.

4. Records of maintenance operations involving substitution or replacement of reactor equipment or components.

5. Records of experiments installed including description, measured and calculated reactivity worths, locations, exposure time, total irradiation and any unusual events involved in their performance and in their handling.

C. *Reports.* In addition to reports otherwise required under this license and applicable regulations, the licensee shall make an immediate report in writing to the Commission of any occurrence of a possible unsafe condition relating to the operation of the reactor, including, without implied limitation:

1. any substantial variance disclosed by operation of the reactor from the predicted performance set forth in the application; and

2. any accidental release of radioactivity, whether or not resulting in property damage or personal injury or exposure above permissible limits.

This license shall be effective as of the date of issuance and shall expire at midnight, September 30, 1965.

Date of issuance: September 22, 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-9965; Filed, Sept. 30, 1964; 8:48 a.m.]

[Docket No. 50-106]

### OREGON STATE UNIVERSITY

### Notice of Issuance of Facility License Amendment

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on June 3, 1964, 29 F.R. 7252, the Atomic Energy Commission has issued Amendment No. 6 to Facility License No. R-51. The license amendment, in accordance with the application dated January 31, 1964, authorizes Oregon State University ("the licensee") to operate its Model AGN-201 nuclear reactor ("the reactor") at the new location in the Radiation Center Building on the University's campus in Corvallis, Oreg.

The Commission has found that:

A. Removal of the reactor from its original location in Dearborn Hall and reconstruction of the reactor in the new Radiation Center Building have been completed in accordance with the terms and conditions of Construction Permit No. CPRR-80;

B. There is reasonable assurance that the licensee will operate the reactor at its new location so as to comply with the application and the provisions of the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Chapter I, CFR, including the regulations in Part 20, and so that the health and safety of the public will not be endangered.

The license amendment as issued is in the form published in the notice of proposed action.

Dated at Bethesda, Md., this 22d day of September 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-9966; Filed, Sept. 30, 1964; 8:48 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 15419]

### BLOCKED SPACE AIR FREIGHT TARIFFS

### Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a), 403, 404, and 1002 thereof, that the above-entitled proceeding is hereby assigned for hearing on October 5, 1964, at 10 a.m., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

Without limiting the scope of the issues raised by the pleadings and the Board's orders, particular attention will be directed to the following matters:

(1) Whether the rates, charges, and provisions described in appendix A to orders E-21076, dated July 17, 1964, E-21122, dated July 27, 1964, and E-21167, dated August 10, 1964, including subsequent revisions and reissues thereof, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful;

(2) What lawful rates, charges, and provisions should be determined and prescribed.

For further details with respect to the issues involved in this proceeding, inter-

cated persons are referred to the orders and notices entered herein, the documents filed by the parties, the examiner's report of prehearing conference served August 12, 1964, and the supplemental report of prehearing conference served August 18, 1964, all of which are on file with the Docket Section, Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board on or before October 2, 1964, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D.C., September 25, 1964.

[SEAL] RALPH L. WISER,
*Hearing Examiner.*

[F.R. Doc. 64-9978; Filed, Sept. 30, 1964; 8:49 a.m.]

[Docket No. 14941 etc.]

## FRONTIER EXCURSION FARES CASE

### Notice of Oral Argument

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 28, 1964, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., September 28, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-9974; Filed, Sept. 30, 1964; 8:49 a.m.]

[Docket No. 14668 etc.]

## MICHIGAN POINTS "USE IT OR LOSE IT" CASE

### Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on October 21, 1964, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., September 28, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-9975; Filed, Sept. 30, 1964; 8:49 a.m.]

[Docket No. 15478]

## TACA INTERNATIONAL AIRLINES, S.A.

### Notice of Prehearing Conference

Application of TACA International Airlines, S.A., for amendment of its foreign air carrier permit so as to include San Pedro Sula and Tela, Honduras, as intermediate points.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on October 21, 1964, at 10:00 a.m., e.d.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., September 28, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-9976; Filed, Sept. 30, 1964; 8:49 a.m.]

[Docket No. 13908]

## UNITED STATES OVERSEAS AIRLINES, INC.; INTERIM CERTIFICATION INVESTIGATION

### Notice of Hearing

Notice is hereby given pursuant to the provisions of section 401(n) of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on October 8, 1964, at 10:00 a.m., e.d.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., September 28, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-9977; Filed, Sept. 30, 1964; 8:50 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 64-SO-17]

## UNIVERSITY OF NORTH CAROLINA

### Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-4354) to determine its effect upon the safe and efficient utilization of the navigable airspace.

The University of North Carolina, Chapel Hill, N.C., proposes to construct a television antenna structure at latitude, 35°53'59" north, longitude 76°20'52" west, near Columbia, N.C. The overall height of the structure would be 1,049 feet above mean sea level (1,041 feet above ground).

The structure would exceed the standards for determining hazards to air navigation in § 77.23(a)(1) of the Federal Aviation Regulations by 541 feet since it would be more than 500 feet above ground.

The study disclosed that the structure would be located approximately three miles south of the Pamlico Navy-Air Force weapons range; however, it was found that it would not interfere with the aeronautical operations conducted in this area.

The study also disclosed that the structure would not require an increase in instrument flight rule (IFR) minimum en route altitudes and would not have an adverse effect on any IFR procedures. Further, it would not be located in proximity to a known visual flight rule (VFR) route or in an area where there is a significant volume of VFR traffic.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on September 17, 1964.

GEORGE R. BORSARI,
*Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64-9931; Filed, Sept. 30, 1964; 8:45 a.m.]

# FEDERAL HOME LOAN BANK BOARD

[No. 18,466]

## ORGANIZATION AND FUNCTIONS

SEPTEMBER 23, 1964.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of stating and publishing a description of its central and field organization and of identifying the established places at which and the methods whereby the public may secure information or make submittals or requests to the Board or to the Federal Savings and Loan Insurance Corporation, hereby adopts the following statement of organization and functions:

SECTION 1. *Functions and responsibilities of the Board.* The Board is responsible for the administration and the enforcement of the Federal Home Loan Bank Act, the Home Owners' Loan Act of 1933 and Title IV of the National Housing Act.

The General Regulations of the Federal Home Loan Bank Board, governing the operations of the Board, are published as Chapter V(A), Title 12, Banks and Banking, of the Code of Federal Regulations. The principal functions of the Board are:

a. *Federal Home Loan Bank System.* The Board establishes policies, issues regulations and supervises the operations of the twelve Federal Home Loan Banks to provide a credit reservoir for thrift and home-financing institutions through the Banks. Included among the Board's functions are periodic examinations of the twelve Banks and an annual report to Congress on their operations. The Board appoints the "public interest" directors to the boards of directors of the twelve Banks and conducts the elections of the remaining directors by the members of the Banks. In addition, it approves the purchase and sale by the Banks of certain investment securities and issues consolidated obligations which are the joint and several obligations of the Banks. The Board also approves all dividend declarations of the Banks, elections of officers and counsel of each Bank and the operating budget of each Bank. The Board acts on applications for membership in the Federal Home Loan Bank System. The Regulations for the Federal Home Loan Bank System are published as Chapter V(B), Title 12, Banks and Banking, of the Code of Federal Regulations.

b. *Federal Savings and Loan System.* The Board charters, regulates and supervises Federal savings and loan associations. The Board issues charters for the associations, is responsible for their examination and supervision and prescribes regulations governing their operations. In addition, the Board authorizes the establishment of branch offices and acts upon applications for conversion from State to Federal or Federal to State charter. The Rules and Regulations for the Federal Savings and Loan System are published as Chapter V(C), Title 12, Banks and Banking, of the Code of Federal Regulations.

c. *Federal Savings and Loan Insurance Corporation.* The Board directs the operations of the Federal Savings and Loan Insurance Corporation, created by Section 402 of the National Housing Act. The Corporation insures the accounts of all Federal savings and loan associations and insures the accounts of building and loan, savings and loan and homestead associations and cooperative banks organized and operated according to the laws of the State, district, territory, or possession in which they are chartered or organized. The Board examines or, with State supervisory authorities, jointly examines all State-chartered associations insured by the Corporation and prescribes regulations governing certain aspects of the operations of insured institutions. The Rules and Regulations for Insurance of Accounts, governing insured institutions, are published as Chapter V(D), Title 12, Banks and Banking, of the Code of Federal Regulations.

SEC. 2. *Organization.* As an independent agency in the executive branch of the Government, the Federal Home Loan Bank Board consists of a three man Board, the Chairman as executive and administrative head of the Agency, the immediate offices of the three Board Members and a staff consisting of thirteen Offices and Divisions.

a. *The Board.* Except as hereinafter provided with respect to certain administrative functions, the Board is responsible for all plans, programs and actions of the Agency. Members are appointed by the President by and with the consent of the Senate. The Chairman is designated by the President and the Chairman in turn designates a Board Member to act as Chairman in his absence or in the event of his disability. Any two members of the Board constitute a quorum for the transaction of business.

b. *Chairman.* The Chairman is the principal executive officer of the Agency responsible for all executive and administrative functions except those reserved to the Board. Reorganization Plan No. 6 of 1961 (75 Stat. 838) transfers certain executive and administrative functions from the Board to the Chairman and governs the performance of the transferred functions.

c. *Board Members Offices.* Each Board Member's office is subject to his exclusive jurisdiction. Persons employed there regularly and full time are selected by him, perform such duties as he may assign, and are responsible to him alone.

d. *The Staff.* The Board's staff is comprised of thirteen Officers and Divisions as follows:

1. *Office of Examinations and Supervision.* The Office of Examinations and Supervision is responsible for examining and supervising the institutions over which the Federal Home Loan Bank Board has jurisdiction. The Board has the sole examining and supervisory responsibility for Federal savings and loan associations. While State authorities have primary responsibility for insured State-chartered associations, the Board also has the responsibility for assuring the effective examination and supervision of these institutions.

Examinations are made to determine the financial condition of an association, its operating results, policies and trends, to observe the extent of its compliance with statutes, regulations, charter and bylaws and to test, to a reasonable extent, the integrity and accuracy of the accounts and records. Reports of examination enable the Board to supervise the institutions subject to its jurisdiction and to bring about correction or discontinuance of acts or practices that are in violation of applicable statutes or regulations, to prevent the development or continuance of unsafe and unsound financial practices and to effect correction of such practices when detected.

Every insured institution is required to have an annual audit. If such audit is not made by an independent qualified accountant, or if the institution has not adopted and maintained an acceptable internal audit program, the supervisory examination is expanded to include an audit.

In the review and analysis of all reports of examination of insured institutions, particular attention is given to such fundamental matters as financial condition and trends, soundness of policies and practices with respect to lending, investing, reserve building and operations; compliance with statutory and regulatory requirements; adequacy of accounting procedures and internal control; and adherence, generally, to recognized acceptable standards of operations.

2. *Office of the General Counsel.* The General Counsel is responsible for all legal matters for the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation and the Federal Home Loan Bank System. The Office is divided into four Sections, as follows, each headed by an Associate General Counsel.

The Opinions and Regulations Section has responsibility in connection with the preparation and drafting of rules and regulations relating to the operations of the Federal Home Loan Bank Board, the Federal Home Loan Banks, the Federal Savings and Loan System and the Federal Savings and Loan Insurance Corporation and the interpretation of the statutes and rules and regulations relating to the foregoing.

The Legislation Section has responsibility for the preparation of all legislation submitted by the Board to Congress affecting the operations of the Board, the Federal Savings and Loan Insurance Corporation, the Federal Home Loan Banks and Federal and State-chartered insured savings and loan associations, for preparing amendments proposed by the Board with respect to pending legislation affecting such operations and for preparing analyses for the Board of any legislative proposals with which the Board is concerned. The Section is also responsible for preparing testimony concerning legislation to be given by Board Members before the Congress.

The General Section holds hearings on applications for Federal charters, for branch offices of Federal savings and loan associations and for insurance of accounts of State-chartered institutions, and is concerned with legal problems in connection with the processing of such applications addressed to the Board, the Insurance Corporation and a Federal Home Loan Bank. This Section has responsibility for advising the Board and the Insurance Corporation on day-to-day operations and for preparing resolutions and other documents to effectuate the decisions of the Board.

The Litigation Section is responsible for litigation involving the Board or the Federal Savings and Loan Insurance Corporation, including the preparation for and the trial of actions involving the Board or the Insurance Corporation. In addition, the Litigation Section represents the Board's interests in administrative proceedings involving appointments of conservators and receivers and in proceedings for cancellation of insurance of insured institutions.

3. *Office of Research and Home Finance.* The Office of Research and Home Finance analyzes economic, financial, mortgage, and housing market data and conditions to support the development of policy by the Board and the Federal Savings and Loan Insurance Corporation.

More specifically, the Office is charged with designing and executing a research program which would permit evaluation and revision of the liquidity and port-

folio practices of the Federal Home Loan Banks and the Federal Savings and Loan Insurance Corporation. This Office provides general program guidance to the Operating Analysis Division (Data Processing) of the Office of Administration, with particular reference to the evaluation and redesign of the Board's statistical programs handled by that Division.

The Office of Research and Home Finance is concerned with studying factors influencing demand for housing and is responsible for advising the Board regarding the economic impact of various savings and loan practices and trends on existing and prospective Board policy and on legislation and regulation. It is responsible, for example, for evaluating the influence of Federal Home Loan Bank advances on cyclical developments in the economy and, accordingly, advises the Board with regard to rules and regulations governing advances to, and liquidity requirements for, member institutions. The Office also makes economic studies for the Board's consideration in relation to granting new Federal charters, authorizing the establishment of Federal branch offices, and approving applications for insurance of accounts from new State-chartered associations.

The Office advises the Board in its relationships with other Government agencies, such as the Bureau of the Budget, Council of Economic Advisors, Treasury Department, Board of Governors of the Federal Reserve System, Housing and Home Finance Agency, and Veterans Administration, with respect to matters of mutual interest.

4. *Office of the Director, FSLIC.* The Federal Savings and Loan Insurance Corporation operates under the supervision of the Federal Home Loan Bank Board, and expenses are paid completely out of its income, which consists of premiums paid by savings and loan associations, interest on its investments, and admission fees.

The Corporation, under supervision of the Director, Office of the Director, FSLIC, reviews all pertinent insurance matters and is responsible for developing policy guidelines for use of the Board and the staff.

Specifically, this Office reviews all applications for insurance of accounts after initial processing by the Applications Division and such other proposed actions affecting the Insurance Corporation as mergers, cash contributions, purchase of bulk assets, etc.

The Insurance Settlement Section of the Office of the Director supervises the development of plans for settlement of insurance and payments to insured account holders. It takes steps authorized by law to prevent default or restore insured institutions to normal operation.

The Corporation acts as receiver for any Federal savings and loan association declared in default and for insured State-chartered associations, when so authorized.

The Corporation is responsible for the liquidation of assets acquired in its capacity as receiver and of those acquired as a result of actions to rehabilitate insured institutions.

The Corporation also has responsibility for processing the payment of claims by insured accountholders, which, at the option of the accountholder, may be made in cash or by the establishment of an equivalent new account in another insured association.

5. *Office of the Secretary.* The Office of the Secretary is responsible for the secretariat functions of the Federal Home Loan Bank Board, serving the Board, its staff offices, the Federal Savings and Loan Insurance Corporation and the Federal Home Loan Bank System. The Secretary to the Board serves as the Board's Personnel Security Officer.

6. *Office of Administration.* The Office of Administration, headed by the Executive Assistant to the Chairman, has supervisory responsibility for the administration of the Board's Comptroller's Division, Organization and Methods Division, Operating Analysis Division (Data Processing) and Administrative Services Division.

The Comptroller's Division is responsible for the initiation and administration of policies and procedures involving the fiscal operations of the Board and the Federal Savings and Loan Insurance Corporation; the supervision and management of the annual election of directors of the Federal Home Loan Banks; the preparation of the annual budget submission and the control of all Board and Insurance Corporation expenses including the examination, processing, and certification thereof for payment. The Division's fiscal operations involve the planning, organization, and direction of the internal budgetary, accounting, and fiscal functions of the Board and the Corporation. It is responsible for the preparation of financial and statistical reports, budgetary and other forecasts and estimates and for the control of all operations relating to the receipt and disbursement of funds. Included in these duties are the submission of bills and collection of monies for services rendered to insured institutions by the Board's Office of Examinations and Supervision; handling of payroll and leave operations and the processing of travel expense claims. In addition, the Division is responsible for management of the investment portfolios and for the receipt and disbursement of all funds for the Corporation. The Comptroller's Division also supervises field accounting operations required in insurance settlement cases.

The Organization and Methods Division has been established to make studies and recommendations with respect to organizational structure and administrative procedures as well as programs and procedures for use in reviewing activities of operating staff units of the Board. In addition, it is the responsibility of this Division to develop a management reporting system, a records control system, a performance standards program and a forms development and control program.

The Operating Analysis Division (Data Processing) compiles, assembles and analyzes information essential in measuring the operations of both insured and uninsured members of the Federal Home Loan Bank System. The Division's studies cover such areas as general real estate and economic conditions on a local, regional and national basis; the volume and trends of mortgage reportings; home-financing activities of the member associations and of the savings and loan industry as a whole; mortgage foreclosures; and trends in savings and withdrawals.

The Administrative Services Division is subdivided into Emergency Planning, Office Services and Duplicating Sections.

The Emergency Planning Section directs the Board's program for continuity of operations and relocation of the Agency in the event of an emergency. The primary function of the Section is to maintain the operations of savings and loan associations and to facilitate the restoration of operation should they become temporarily disrupted because of an emergency.

The Office Services Section conducts the purchase and supply operations for the Board and its staff units, receives, sorts and distributes incoming and outgoing mail and performs other housekeeping functions for the Board.

The Duplicating Section operates as a duplicating and reproducing plant as authorized by the Congressional Joint Committee on Printing. It handles duplicating reproductions and photographic work required by the Board and other Government agencies.

7. *Office of Applications.* The Office of Applications is concerned with processing applications for permission to organize Federal savings and loan associations, applications for branch offices by existing Federal savings and loan associations and with analysis and evaluation of insurance risk in connection with applications for insurance of accounts from new Federal associations or State-chartered institutions. The Office is also responsible for applications from institutions insured by the Federal Savings and Loan Insurance Corporation relating to such matters as conversion from State to Federal charter and from Federal to State charter; change in corporate structure of State-chartered insured institutions; waiver or modification of insurance conditions; increases in insurable accounts; membership in the Federal Home Loan Bank System; investment in office buildings; change of office locations; releases of pledged savings; releases or transfer of escrowed permanent stock; designation of Federal insurance reserve; extension of lending areas; sale of loans; purchase or sale of assets; development of uniform security forms and bylaw provisions for insured institutions; amendments to charters, constitutions, bylaws and security forms; and mergers and voluntary dissolutions. The Office consists of the Office of the Director, a legal section, and State-chartered and Federal-chartered Facilities and Operations Divisions. The State-chartered and Federal-chartered Facilities and Operations Divisions are, in turn, divided into separate operations and facilities sections.

8. *Office of the Director of Audits.* The Office of the Director of Audits conducts a continuing audit of the operations of



the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation. In addition, this Office is responsible for the annual examination of the twelve Federal Home Loan Banks and for the report to the Congress on the operations of the Banks.

9. *Office of Information.* The Office of Information is responsible for the public information activities of the Board and the Federal Savings and Loan Insurance Corporation including the issuance of press releases and the publication of the Federal Home Loan Bank Board Digest. In addition, the Office of Information advises agency officials and provides coordinating assistance in connection with the issuance of reports, public statements and speeches.

10. *Division of Federal Home Loan Bank Operations.* The Division of Federal Home Loan Bank Operations initiates, controls and coordinates the operating policies and procedures for the twelve Federal Home Loan Banks and the Banks' fiscal agent. The Division supervises Bank activities, handles financing and investments, sets accounting and report standards and serves in an advisory capacity to the Federal Home Loan Bank Board and the twelve Banks. In exercising supervisory responsibility over the Banks, the Division determines whether the Banks are operating in compliance with statutory requirements, rules, regulations and administrative policies of the Board, analyzes all phases of the Banks' activities and makes recommendations to the Board on such matters as the election of officers and counsel for the Banks, salaries of officers and counsel and budgets, dividends, leases and by-laws of the twelve Banks. The Division is responsible for handling administrative and operative details in connection with the purchase and sale of securities by the Banks and the issuance and retirement of consolidated Federal Home Loan Bank obligations. In carrying out its varying responsibilities, the Division serves in an advisory capacity to the Board. It consults and advises other divisions and offices of the Board and the Federal Savings and Loan Insurance Corporation in connection with matters affecting the Bank system.

11. *Division of Regulations.* The Division of Regulations is charged with the continuing responsibility of reviewing existing regulations and recommending to the Board any amendments thereto designed to simplify, clarify or make such regulations more effective, to recommend to the Board new regulations, to review any proposed amendments of regulations received from sources outside the Board and to confer with representatives of the savings and loan industry and others and to seek from such sources suggestions, views and counsel as to the best means to discharge the responsibilities of the Division.

12. *Budget Office.* The Budget Office plans and coordinates all budgetary matters of the Board and the Insurance Corporation and establishes and supervises procedures for preparing and justifying annual and any special budget estimates. The Budget Office maintains liaison with the Bureau of the Budget and appropriations committees of Congress. It is also responsible, with the assistance of the Office of the General Counsel for handling all matters relating to the former Home Owners' Loan Corporation.

13. *Division of Personnel.* The Division of Personnel is responsible for the development and administration of the personnel management activities of the Board and the Federal Savings and Loan Insurance Corporation including recruiting and screening applicants, supervising employee training programs and maintaining liaison with the Civil Service Commission.

SEC. 3. *Offices of the Board; Information and Submittals.* (a) The headquarters of the Federal Home Loan Bank Board is located in the Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C. Information concerning general matters pertaining to the Federal Home Loan Bank Board, the Federal Home Loan Bank System, the Federal Savings and Loan System or the Federal Savings and Loan Insurance Corporation may be obtained in person at that office or by a written request addressed to the Federal Home Loan Bank Board, Washington, D.C., 20552.

(b) The twelve Federal Home Loan Banks located as hereinafter set forth are incorporated institutions and do not constitute field offices of a Government agency in the customary sense. §§ 501.10 and 501.11 of the general regulations of the Federal Home Loan Bank Board (12 CFR 501.10, 501.11) describe the circumstances under which the president of a Federal Home Loan Bank or other officers of a Federal Home Loan Bank function as agents and supervisory agents for the Federal Home Loan Bank Board.

In addition to the agents and supervisory agents, a Chief Examiner in charge of a staff of field examiners and office personnel is stationed in each of the twelve Federal Home Loan Bank districts. Under the direction of the Director of the Office of Examinations and Supervision in Washington, each Chief Examiner is responsible for examinations and audits conducted in his district. The office of each Chief Examiner is at the same location as that of the district Federal Home Loan Bank.

All requests for information, interpretations, decisions or other actions relating to a particular Federal Home Loan Bank or its members and all submittals in connection therewith should be made to the President of the Federal Home Loan Bank serving the area.

(c) The Federal Home Loan Banks are located as follows and serve the States indicated:

(1) Federal Home Loan Bank of Boston, Ten Post Office Square, Boston, Massachusetts, 02109. District 1: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

(2) Federal Home Loan Bank of New York, 165 Broadway, New York, New York, 10006. District 2: New Jersey, New York, Puerto Rico, Virgin Islands.

(3) Federal Home Loan Bank of Pittsburgh, Four Gateway Center, Pittsburgh, Pennsylvania, 15222. District 3: Delaware, Pennsylvania, West Virginia.

(4) Federal Home Loan Bank of Greensboro, 617 West Market Street, Greensboro, North Carolina, 27402. District 4: Alabama, District of Columbia, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia.

(5) Federal Home Loan Bank of Cincinnati, 309 Vine Street, Cincinnati, Ohio, 45202. District 5: Kentucky, Ohio, Tennessee.

(6) Federal Home Loan Bank of Indianapolis, 111 Monument Circle, Indianapolis, Indiana, 46204. District 6: Indiana, Michigan.

(7) Federal Home Loan Bank of Chicago, 104 South Michigan Avenue, Chicago, Illinois, 60603. District 7: Illinois, Wisconsin.

(8) Federal Home Loan Bank of Des Moines, 1400 Des Moines Building, Des Moines, Iowa, 50309. District 8: Iowa, Minnesota, Missouri, North Dakota, South Dakota.

(9) Federal Home Loan Bank of Little Rock, 4th and Center Streets, Little Rock, Arkansas, 72203. District 9: Arkansas, Louisiana, Mississippi, New Mexico, Texas.

(10) Federal Home Loan Bank of Topeka, Seventh and Harrison Streets, Topeka, Kansas, 66601. District 10: Colorado, Kansas, Nebraska, Oklahoma.

(11) Federal Home Loan Bank of San Francisco, One Bush Street, San Francisco, California, 94104. District 11: Arizona, California, Nevada.

(12) Federal Home Loan Bank of Spokane, North 811 Howard Street, Spokane, Washington, 99201. District 12: Alaska, Hawaii and Guam, Idaho, Montana, Oregon, Utah, Washington, Wyoming.

Resolved further that the Secretary to the Board is directed to transmit the foregoing to the Office of the Federal Register for publication.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 64-9958; Filed, Sept. 30, 1964; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket Nos. G-2655 etc.]

## NEMOURS CORPORATION ET AL.

### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 22, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

| Docket No. and date filed | Applicant | Purchaser, field and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| CI63-604 C 9-16-64 | Allerton Miller | Equitable Gas Co., Meade and Boughman Districts, Wetzel County, W. Va. | 26.0 | 15.325 |
| CI63-780 A 1-8-63 | Hanley Co., et al | El Paso Natural Gas Co., Spraberry Field, Glasscock County, Tex. | [1] 18.0 | 14.65 |
| CI63-752 E 9-14-64 | PIP Petroleum Corp. (successor to Pampas Petroleum Co.). | Hope Natural Gas Co., Center District, Gilmer County, W. Va. | 20.0 | 14.825 |
| CI63-753 E 9-14-64 | do | United Fuel Gas Co., Butler and Union Districts, Wayne County, W. Va. | 26.0 | 15.325 |
| CI63-1358 O&D 9-16-64 | Allerton Miller | Equitable Gas Co., Warren and Elk Districts, Upshur and Harrison Counties, W. Va. | 26.0 | 15.325 |
| CI63-469 B 9-11-64 | Gulf Oil Corp. (Operator), et al. | Michigan Wisconsin Pipe Line Co., North Oakdale Field, Woods County, Okla. | [2] 15.0+Btu adjustment | 14.65 |
| CI63-602 E 9-17-64 | O. W. Mayhew, d/b/a Mayhew Oil & Gas Developments (successor to William E. Allen, et al.). | Equitable Gas Co., Elk Lick District, Braxton County, W. Va. | 25.0 | 15.325 |
| CI63-1389 C 9-11-64 | Wackie Oil Co., Inc | United Gas Pipe Line Co., Donner Field, Terrebonne Parish, La. | 18.0 | 15.025 |
| CI65-220 B 9-11-64 | E. W. Bowers and Associates, et al. | Hope Natural Gas Co., Murphy District, Ritchie County, W. Va. | Uneconomical | |
| CI65-221 B 9-11-64 | Conrad 20-Acre Lease | do | Uneconomical | |
| CI65-222 B 9-11-64 | Philip Lemon, et al | do | Uneconomical | |
| CI65-223 A 9-14-64 | Joseph E. Seagram & Sons, Inc. d/b/a Texas Pacific Oil Co. | El Paso Natural Gas Co., Gallegos Canyon Unit, Dakota Field, San Juan County, N. Mex. | 13.0 | 14.65 |
| CI65-224 A 9-14-64 | Aladdin Oil Co., Inc | Transcontinental Gas Pipe Line Corp., Bayou Corne Field, St. Charles Parish, La. | 19.0 | 15.025 |
| CI65-225 A 9-14-64 | Monsanto Co. (formerly Monsanto Chemical Co.). | Bass Gas Gathering System, Inc., Flank Field, Bass County, Colo. | [10] 12.0 | 14.65 |
| CI65-226 A 9-14-64 | Anchor Production Co | Panhandle Eastern Pipe Line Co., South Tegarden Field, Woods County, Okla. | 17.0 | 14.65 |
| CI65-227 A 9-14-64 | Westheimer - Neustadt Corp. | Lone Star Gas Co., Shoken Alecbem Field, Carter County, Okla. | 15.0 | 14.65 |
| CI65-228 A 9-14-64 | Horton Oil & Gas Co. of Texas. | Bass Gas Gathering System, Inc., Flank, Greenwood and Midway Fields, Bass County, Colo. | 12.0 | 14.65 |
| CI65-229 A 9-14-64 | Horton Oil & Gas Co. of Texas (Operator), et al. | Bass Gas Gathering System, Inc., Various Fields, Bass County, Colo. | 12.0 | 14.65 |
| CI65-230 A 9-14-64 | George J. Despot | Texas Gas Transmission Corp., Sugar Creek Field, Claiborne Parish, La. | [11] 14.75 | 15.025 |
| CI65-231 A 9-14-64 | Howard C. Johnson and Judith T. Johnson (successor to Union Production Co.). | Lone Star Gas Co., North Dibble Area, Love County, Okla. | 15.0 | 14.65 |
| CI65-232 F 9-14-64 | Javelin Oil Co., Inc | United Gas Pipe Line Co., Bethany Field, Panola County, Tex. | 10.8876 | 14.65 |
| CI65-233 B 9-11-64 | Suburban Reserve Corp. (Operator), et al. | Texas Eastern Transmission Corp., Kittie West Field, Live Oak County, Tex. | Depleted | |
| CI65-234 A 9-11-64 | The California Co., a division of California Oil Co. | Tennessee Gas Transmission Co., Bay La Four Field, Terrebonne Parish, La. | 19.5 | 15.025 |
| CI65-235 F 9-14-64 | Amerada Petroleum Corp. (successor to Humble Oil & Refining Co.). | El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex. | [12] 17.2265 | 14.65 |
| CI65-236 A 9-14-64 | W. Leslie Rogers | Equitable Gas Co., Greenwood Field, Doddridge County, W. Va. | 26.0 | 15.325 |
| CI65-237 B 9-9-64 | Barber Gas Operations, Inc. | Oliver Sand Co., Wigton Field, Barber County, Kans. | (3) | |
| CI65-238 A 9-10-64 | Time Petroleum Co | Panhandle Eastern Pipe Line Co., acreage in Kingman County, Kans. | 13.0 | 14.65 |
| CI65-239 A 9-16-64 | Cities Service Oil Co | El Paso Natural Gas Co., acreage in Pecos County, Tex. | [13] 15.2025 | 14.65 |
| CI65-240 A 9-16-64 | Amaz Petroleum Corp | Michigan Wisconsin Pipe Line Co., acreage in Ellis County, Okla. | 19.5 | 14.65 |
| CI65-241 A 9-17-64 | The Atlantic Refining Co., et al. | Northern Natural Gas Co., West Perryton Field, Ochiltree County, Tex. | 15.0 | 14.65 |
| CI65-242 A 9-17-64 | Socony Mobil Oil Co., Inc. | Lone Star Gas Co., Penn-Griffith Field, Rusk County, Tex. | 14.4900 | 14.65 |
| CI65-243 A 9-17-64 | Dependable Pipe & Supply Co. | Equitable Gas Co., Courthouse District, Lewis County, W. Va. | 26.0 | 15.325 |
| CI65-244 F 9-17-64 | Robert E. King, et al. (successor to Monsanto Chemical Co.). | Texas Gas Transmission Corp., Ada Field, Bienville Parish, La. | 18.25 | 15.025 |
| CI65-245 A 9-15-64 | Charley Chan | United Fuel Gas Co., acreage in Martin County, Ky. | 16.0 | 15.325 |

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 19, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

| Docket No. and date filed | Applicant | Purchaser, field and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| G-2855 D 9-14-64 | Nemours Corp. (partial abandonment). | United Gas Pipe Line Co., Monroe Field, Union Parish, La. | Uneconomical | |
| G-6981 C 9-16-64 | Union Texas Petroleum, a division of Allied Chemical Corp. | El Paso Natural Gas Co., acreage in Lea County, N. Mex. | 9.0 | 14.65 |
| G-8817 C 9-11-64 | The California Co., a division of California Oil Co. | Tennessee Gas Transmission Co., Main Pass Block 69 Field, Plaquemines Parish, La. | 23.09167 | 15.025 |
| G-10690 E 9-14-64 | International Petroleum Exploration Co. (successor to Fred Whitaker). | United Gas Pipe Line Co., Bethany Field, Harrison County, Tex. | [1] 10.75 | 14.65 |
| G-10852 E 9-14-64 | do | do | [1] 10.75 | 14.65 |
| G-11476 E 9-16-64 | Republic Royalty Co. (successor to Chas. T. McCord, Jr. (Operator), et al.). | Texas Eastern Transmission Corp., Huxley Field, Shelby County, Tex. | 14.6 | 14.65 |
| G-12771 E 9-11-64 | Petroleum Property Management, Inc. (Operator) et al. (successor to Cheyenne Oil Corp. (Operator), et al.). | Texas Gas Transmission Corp., South Elton Field, Jefferson Davis Parish, La. | 17.0 | 15.025 |
| G-14121 D 9-11-64 | Phillips Petroleum Co., (partial abandonment). | Northern Natural Gas Co., Emperor North Anadarko Basin Morrow Sand Gas Area, Hansford County, Kans. | Declined in Pressure (4) | |
| G-16010 D 9-8-64 | Sunray DX Oil Co | Field, Clark County, Kans. | (5) | |
| G-16215 D 9-10-64 | Gulf Oil Corp | Transwestern Pipeline Co., acreage in Ellis County, Okla. | (5) | |
| G-16662 7-29-64 [2] | Mobley & McCain 1967 (Mobley & Stephens). | Texas Gas Transmission Corp., North Dubberly Area, Webster Parish, La. | [4] 18.25 | 15.025 |
| G-17470 D 8-27-64 | Tidewater Oil Co | Hope Natural Gas Co., West Rayne Area, Acadia Parish, La. | (5) | |
| G-19213 E 9-11-64 | Petroleum Property Management, Inc. (Operator), et al. (successor to Cheyenne Oil Corp. (Operator) et al.). | United Gas Pipe Line Co., North Lewisburg Field, St. Landry Parish, La. | 17.0 | 15.025 |
| CI61-816 C 9-14-64 | Pan American Petroleum Corp. | Michigan Wisconsin Pipe Line Co., Quinlan Field, Woodward County, Okla. | [6] 21.645 | 14.65 |
| CI61-889 E 9-14-64 | R. Olsen (successor to Howard Olsen Development Co. (Operator), et al.). | Transwestern Pipeline Co., Atoka-Pennsylvania Gas Pool, Eddy County, N. Mex. | 16.0 | 14.65 |
| CI61-1772 C 9-11-64 | Pan American Petroleum Corp. | Lone Star Gas Co., Southeast Durant Field, Bryan County, Okla. | 17.9 | 14.65 |

See footnotes at end of table.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.



| Docket No. and date filed | Applicant | Purchaser, field and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| CI65-246 F 9-17-64 | Robert E. King, et al. (successor to the Atlantic Refining Co.). | United Gas Pipe Line Co., Ada Field, Bienville Parish, La. | 18.25 | 15.025 |
| CI65-247 F 9-14-64 | George L. Buckles (successor to Sinclair Oil & Gas Co.). | El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex. | 9.0 | 14.65 |

[1] Plus tax reimbursement of 1.28 percent.
[2] Deletes from basic contract acreage from which gas has never been sold.
[3] Motion to amend certificate to show change in name.
[4] Application erroneously noticed August 11, 1964, in Docket Nos. G-3270, et al. at a rate of 17.5 cents per Mcf.
[5] Petition to amend certificate to delete Tidewater's interest in gas sales from the Klumpp "D" Sand Unit F.
[6] Inclusive of price adjustment of 1.0 cents per Mcf for heating content and 1.045 cents per Mcf tax reimbursement.
[7] By letter filed June 23, 1964, Applicant agreed to accept a permanent certificate at a rate of 16.0 cents per Mcf at 14.65 psia.
[8] In addition to adding acreage, amendment also deletes expired leases from basic contract.
[9] Settlement rate approved by Commission order issued March 30, 1964, in Docket Nos. G-19417, et al.
[10] Price subject to compression reduction, treating and/or Btu enrichment charges, if applicable.
[11] Plus 1.75 cents per Mcf Louisiana Severance Tax Reimbursement.
[12] Price currently being collected subject to refund in Docket Nos. G-16415, RI60-443, RI61-380, and RI65-11.
[13] Probably closed because of litigation.
[14] Inclusive of tax reimbursement.

[F.R. Doc. 64-9881; Filed, Sept. 30, 1964; 8:45 a.m.]

[Docket No. E-7182]

## ARIZONA PUBLIC SERVICE CO.

### Notice of Application

SEPTEMBER 24, 1964.

Take notice that on September 15, 1964, application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act by Arizona Public Service Company (Applicant), a corporation organized under the laws of the State of Arizona under the name of Central Arizona Light and Power Company (subsequently changed), and doing business in the States of Arizona and New Mexico, seeking authorization to sell a 230 kv oil circuit breaker, less relaying equipment, a 230 kv disconnect switch and associated metering equipment to the Bureau of Reclamation of the Department of Interior of the United States. In the alternative, Applicant seeks a disclaimer of jurisdiction.

The facilities to be sold to the Bureau of Reclamation are located at the Prescott Substation of the Parker Davis Project of the United States, and comprise part of the interconnected transmission systems and terminal facilities at this substation.

The Applicant represents that the proposed disposition to the Bureau of Reclamation will have no effect upon any contract of the Applicant for the purchase, sale or interchange of electric energy and that there will be no change in location, use or operation of the facilities after the transfer, since the facilities will continue in use and remain in place despite change of ownership.

The application recites that the consideration to be paid to the Applicant by the Bureau of Reclamation for this equipment is to be based upon the installed cost of such facilities as determined from certified data to be provided by the Applicant less depreciation at the rate of 3% per year. The original cost to the Applicant of the facilities to be disposed of was, as of June 30, 1964, approximately $183,243, and the original cost depreciated is approximately $150,628. Applicant states that the result of the sale of this equipment will permit both parties to avoid construction of certain transmission facilities which otherwise would have been required, and provides for coordination and integration of transmission facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 12, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-9937; Filed, Sept. 30, 1964; 8:46 a.m.]

[Docket No. CP65-7]

## CENTRAL ILLINOIS PUBLIC SERVICE CO.

### Notice of Application

SEPTEMBER 23, 1964.

Take notice that on July 6, 1964, Central Illinois Public Service Company (Applicant), of Quincy, Ill., filed in Docket No. CP65-7 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Eastern Transmission Corporation (Texas Eastern) to establish a physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver to Applicant its natural gas requirements for the Village of Goreville, Johnson County, Ill., and its environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the physical connection sought by Applicant would require Texas Eastern to construct, own and operate a line tap and metering and regulating station at or on its transmission line at a point approximately one-half mile north of Goreville, Illinois. At present there is no natural gas service to Goreville. Applicant received approval from the city of Goreville on February 4, 1964, to construct and operate a distribution system for servicing the natural gas needs to this small city of approximately 625 population within 3 years after acceptance by Applicant, and likewise received a certificate of public convenience and necessity from the Illinois Commerce Commission on June 2, 1964, to construct, operate and maintain the proposed interconnection with Texas Eastern's main transmission line to the city gate of Goreville and to construct and operate the distribution system within the city itself.

Applicant would construct, own, operate and maintain a town border station at or near the corporate limits of Goreville and from such town border station would construct gas distribution mains for the purpose of operating and maintaining a gas distribution system to serve the town and its environs. Construction of these facilities would begin within approximately sixty days after the granting by the Commission of the order requested and would be completed within approximately ninety days thereafter. The connection between the city gate and Texas Eastern's proposed tap and metering station would consist of a 2-inch gas transmission pipeline approximately one-half mile in length.

The natural gas requirements for Goreville are estimated as follows:

| Year | Requirements in Mcf | |
|---|---|---|
| | Peak day | Annual |
| First | 97 | 9,431 |
| Second | 148 | 14,063 |
| Third | 190 | 18,588 |

The total cost of Applicant's proposed construction is estimated at $81,602 and will be financed by funds derived from internal sources.

Texas Eastern answered the application of Applicant on August 6, 1964, stating that the maximum daily quantity of gas requested by Applicant for the third year of service amounts to only 190 Mcf, and that the delivery of this small volume of gas is not economically feasible. However, it will abide by whatever decision the Commission may make on the merits of the application.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 16, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-9938; Filed, Sept. 30, 1964; 8:46 a.m.]

[Docket No. CP65-47]

## FLORIDA GAS TRANSMISSION CO.

### Notice of Application

SEPTEMBER 24, 1964.

Take notice that on August 14, 1964, Florida Gas Transmission Company (Applicant) filed in Docket No. CP65-47 an application for a certificate of public

convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing the construction and operation of the facilities necessary to sell and deliver natural gas on a direct preferred interruptible basis to Edgar Brick Company (Edgar) for use in a new brick plant now under construction near Edgar, Fla., all as more fully set forth in the application on file with the Commission and open to public inspection.

The applicant proposes to construct and operate a line tap and approximately 100 feet of 4½-inch O.D. lateral pipeline extending in a general northerly direction from a point of connection on its existing 2½-inch Edgar Plastic Kaolin Company-United Clay Mines Company lateral in Putnam County, Fla., to a terminus at a point of connection with facilities for the receipt of gas to be constructed by Edgar, where a meter and regulator station will be constructed and operated by Applicant. By means of these facilities, Applicant proposes to sell and deliver to Edgar up to 2,300 M'Btu of natural gas per day and up to 300,000 M'Btu of natural gas annually.

The application further states that the natural gas will be used by Edgar as process fuel for the production of various types of brick to be marketed locally. The estimated cost of the proposed facilities is approximately $21,500, which will be financed out of funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 19, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-9939; Filed, Sept. 30, 1964; 8:46 a.m.]

[Docket No. CP64-313]

## NORTHERN UTILITIES, INC.

### Notice of Application

SEPTEMBER 24, 1964.

Take notice that Northern Utilities, Inc. (Applicant), Casper, Wyo., filed in Docket No. CP64-313 an application on June 30, 1964 and a supplement thereto on August 19, 1964, pursuant to sections 7(b) and 7(c) of the Natural Gas Act for, (a) permission to abandon certain natural gas facilities, (b) authorization to install, construct and operate certain other natural gas facilities subject to the jurisdiction of the Commission to increase the capacity of its interstate transmission line and (c) authorize Applicant to transport for and redeliver to Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) at the inlet of side of Kansas-Nebraska's Casper compressor station the maximum volume of 51,000 Mcf daily of natural gas at 15,025 psia, all as more fully set forth in the application and supplement on file with the Commission and open to public inspection.

Applicant proposes to, (1) abandon by transfer from its interstate operations to intrastate operations approximately 44.9 miles of 10-inch pipeline and 52.62 miles of 12-inch pipeline between mileposts 0.0 and 97.5, (2) operate a 20 mile segment and a 14.4 mile segment of 16-inch existing pipeline between mileposts 0.0 and 20.0 and 55.0 and 69.4 respectively, by transfering pipeline from intrastate to said interstate service, (3) construct and operate 20 miles of 16-inch pipeline between mileposts 35.0 and 55.0, 5 miles of 16-inch pipeline between mileposts 69 and 74, and 15 miles of 20-inch pipeline between mileposts 84 and 99 and (4) install and operate a 500 Hp field compressor station.

The application states the proposed transfers of pipeline from interstate to intrastate use, from intrastate to interstate use, and construction and operation of pipeline as described above will provide Applicant with a pipeline consisting of a 16-inch line from milepost 0 to 84, a 20-inch line from milepost 84 and 98, and a 12-inch line from milepost 98 to 106.5 for use as an interstate pipeline providing service for Kansas-Nebraska; and will in addition provide Applicant with two separate lines for intrastate service from Sand Draw to Casper.

The estimated cost of facilities to be constructed and transfers to be effected is $1,494,047, and will be defrayed out of cash on hand and that generated from operations.

The Commission issued Applicant a temporary certificate for the proposed facilities on September 3, 1964.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 16, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-9940; Filed, Sept. 30, 1964; 8:46 a.m.]

## INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

### COTTON TEXTILE PRODUCTS IN CATEGORY 46 PRODUCED OR MANUFACTURED IN PORTUGAL

### Level of Restraint

SEPTEMBER 24, 1964.

There is published below a letter of September 23, 1964, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that 10,000 dozen cotton textile products in Category 46, produced or manufactured in Portugal which were exported from Portugal to the United States on or after August 6, 1964, be permitted entry for consumption and withdrawal from warehouse for consumption, effective as soon as possible, even though these may be in excess of the level of restraint designated for Category 46, as adjusted to reflect prior entries. The United States has received satisfactory assurances from Portugal regarding compensation for these entries.

This letter constitutes an amendment to the directive of March 25, 1964, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, published in the FEDERAL REGISTER on March 31, 1964 (29 F.R. 4176).

THOMAS JEFF DAVIS,
*Acting Chairman, Interagency Textile Administrative Committee, and Acting Deputy to the Secretary of Commerce for Textile Programs.*



THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
*Washington 25, D.C.*
SEPTEMBER 23, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
*Washington, D.C.*

DEAR MR. COMMISSIONER: On March 25, 1964, I wrote to you directing that cotton textile products in Category 46, among others, produced or manufactured in Portugal, be prohibited from entry for consumption, or withdrawal from warehouse for consumption, in excess of the level designated for the twelve month period extending through December 31, 1964.

Following recent consultations contemplated under the Bilateral Agreement with Portugal, the United States has agreed to permit entry for consumption and withdrawal from warehouse for consumption, in excess of the level designated in my directive of March 25, of 10,000 dozen cotton textile products in Category 46 produced or manufactured in Portugal which were exported from Portugal to the United States on or after August 6, 1964.

The purpose of this letter is to direct you to permit entry for consumption, and withdrawal from warehouse for consumption, through December 31, 1964, effective as soon as possible, of cotton textile products in Category 46, not in excess of 10,000 dozen, produced or manufactured in Portugal, which were exported from Portugal to the United States on or after August 6, 1964, even though these are in excess of the level of restraint designated for Category 46 in my directive of March 25, 1964, as adjusted to reflect previous entries.

A detailed description of Category 46 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551), and amendments thereto on March 24, 1964 (29 F.R. 3679).

In carrying out the above directive, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textiles and cotton textile products from Portugal have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. D. MARTIN, Jr.,
*Acting Secretary of Commerce, and Acting Chairman, President's Cabinet Textile Advisory Committee.*

[F.R. Doc. 64-9952; Filed, Sept. 30, 1964; 8:47 a.m.]

## CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

### Levels of Restraint

SEPTEMBER 28, 1964.

On October 19, 1963, the United States Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a bilateral agreement with the Republic of China concerning exports of cotton textiles from the Republic of China to the United States over a four-year period (TIAS 5482). Under this agreement the Republic of China has undertaken to limit its exports to the United States of certain cotton textiles and cotton textile products to specified annual amounts. The second year of the agreement will commence on October 1, 1964, and extend through September 30, 1965. The categories which are subject to specific export limitation under the agreement are as follows: 1, 2, 5, 6, 9, 15, 18, 19, 22, 23, 26, 28, 30, 41–42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 57, 59, 60, 62, and 63.

There is published below a letter of September 28, 1964, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs directing that the amounts of cotton textiles and cotton textile products in Categories 1, 2, 5, 6, 9, 15, 18, 19, 22, 23, 26, 28, 30, 41–42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 57, 59, 60, 62, and 63, produced or manufactured in the Republic of China which may be entered, or withdrawn from warehouse, for consumption in the United States from October 1, 1964, through September 30, 1965, be limited to certain designated levels. The levels set forth in this letter have been adjusted to take account of deductions from the export limitations in certain categories as provided for in the agreement and subsequent arrangements between the United States and the Republic of China.

THOMAS JEFF DAVIS,
*Acting Chairman, Interagency Textile Administrative Committee and Acting Deputy to the Secretary of Commerce for Textile Programs.*

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
*Washington 25, D.C.*
SEPTEMBER 28, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
*Washington, D.C.*

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective October 1, 1964, and for the period extending through September 30, 1965, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 1, 2, 5, 6, 15, 18, 19, 23, 28, 30, 41–42, 43, 44, 45, 47, 49, 53, 54, 55, 57, 59, 60, 62, and 63, produced or manufactured in the Republic of China in excess of the following corrected levels of restraint:

| Category | 12-month level of restraint | Corrected level of restraint |
|---|---|---|
| 1 | 525,000 lbs. | 525,000 lbs. |
| 2 | 82,687 lbs. | 82,687 lbs. |
| 5 | 947,152 sq. yds. | 800,065 sq. yds. |
| 6 | 385,875 sq. yds. | 377,784 sq. yds. |
| 15 | 525,000 sq. yds. | 513,961 sq. yds. |
| 18 | 761,250 sq. yds. | 745,229 sq. yds. |
| 19 | 223,125 sq. yds. | 174,963 sq. yds. |
| 23 | 630,000 sq. yds. | 616,857 sq. yds. |
| 28 | 892,500 pieces | 892,500 pieces. |
| 30 | 1,575,000 pieces | 1,575,000 pieces. |
| 41–42 | 81,585 doz. | 77,385 doz. |
| 43 | 11,025 doz. | 8,925 doz. |
| 44 | 15,750 doz. | 15,750 doz. |
| 45 | 9,450 doz. | 8,050 doz. |
| 47 | 26,250 doz. | 26,250 doz. |
| 49 | 3,307 doz. | 3,307 doz. |
| 53 | 10,500 doz. | 10,500 doz. |
| 54 | 22,050 doz. | 22,050 doz. |
| 55 | 3,307 doz. | 3,307 doz. |
| 57 | 26,250 doz. | 26,250 doz. |
| 59 | 26,250 doz. | 26,250 doz. |
| 60 | 19,845 doz. | 14,845 doz. |
| 62 | 16,537 lbs. | 10,637 lbs. |
| 63 | 131,250 lbs. | 113,350 lbs. |

and you are directed to prohibit, effective October 1, 1964, and for the period extending through September 30, 1965, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 9, 22, 26, 46, 50, 51, and 52, produced or manufactured in the Republic of China, in excess of the following quarterly cumulative levels of restraint, as corrected:

| Category | Corrected levels of restraint | | | |
|---|---|---|---|---|
| | Oct. 1, 1964–Dec. 31, 1964 | Oct. 1, 1964–Mar. 31, 1965 | Oct. 1, 1964–June 30, 1965 | Oct. 1, 1964–Sept. 30, 1965 |
| 9 | 5,766,223 sq. yds. | 11,532,446 sq. yds. | 16,250,265 sq. yds. | 17,473,404 sq. yds. |
| 22 | 279,814 sq. yds. | 559,629 sq. yds. | 788,568 sq. yds. | 847,924 sq. yds. |
| 26 | 1,037,920 sq. yds. | 2,075,841 sq. yds. | 2,925,049 sq. yds. | 3,145,215 sq. yds. |
| Duck sublevel in 26* | 623,700 sq. yds. | 1,247,400 sq. yds. | 1,757,700 sq. yds. | 1,890,000 sq. yds. |
| 46 | 116,375 doz. | 186,200 doz. | 232,750 doz. | 232,750 doz. |
| 50 | 54,954 doz. | 87,927 doz. | 109,909 doz. | 109,909 doz. |
| 51 | 102,900 doz. | 164,480 doz. | 205,600 doz. | 206,600 doz. |
| 52 | 65,625 doz. | 105,000 doz. | 131,250 doz. | 131,250 doz. |

*T.S.U.S.A. Nos. 320.–01, 320.–02, 320.–03, 320.–04, 320.–06, 320.–08, 321.–01, 321.–02, 321.–03, 321.–04, 321.–06, 321.–08, 322.–01, 322.–02, 322.–03, 322.–04, 322.–06, 322.–08, 326.–01, 326.–02, 326.–03, 326.–04, 326.–06, 326.–08, 327.–01, 327.–02, 327.–03, 327.–04, 327.–06, 327.–08, 328.–01, 328.–02, 328.–03, 328.–04, 328.–06, and 328.–08.

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 1, 2, 5, 6, 9, 15, 18, 19, 22, 23, 26, 28, 30, 41–42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 57, 59, 60, 62, and 63, produced or manufactured in the Republic of China, which have been exported to the United States from the Republic of China prior to October 1, 1964, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1963, through

September 30, 1964. In the event that the level of restraint established for the period October 1, 1963, through September 30, 1964, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Categories 1, 2, 5, 6, 9, 15, 18, 19, 22, 23, 26, 28, 30, 41–42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 57, 59, 60, 62, and 63, in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551), and amendments thereto on March 24, 1964 (29 F.R. 3679).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textiles and cotton textile products from the Republic of China have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. D. MARTIN, Jr.,
*Acting Secretary of Commerce, and Acting Chairman, President's Cabinet Textile Advisory Committee.*

[F.R. Doc. 64–9957; Filed, Sept. 30, 1964; 8:48 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 811–1220]

## SDM&R, INC.

### Notice of Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

SEPTEMBER 25, 1964.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that SDM&R, Inc. ("applicant"), 5417 N. Fifth Street, Philadelphia, Pennsylvania, a Pennsylvania corporation and a registered closed-end diversified management investment company, has ceased to be an investment company by reason of the exception contained in section 3(c)(1) of the Act.

Applicant states that its securities are beneficially owned by less than 100 persons and that it is not making and does not presently propose to make a public offering of its securities. Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 16, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64–9936; Filed, Sept. 30, 1964; 8:46 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 483]

## ARIZONA

### Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1964, because of the effects of certain disasters, damage resulted to residences and business property located in the City of Phoenix in the State of Arizona;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid city and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about September 17, 1964.

OFFICES

Small Business Administration Regional Office
312 West 5th Street
Los Angeles, California

Small Business Administration Branch Office
2727 North Central Avenue
Phoenix, Arizona

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1965.

Dated: September 18, 1964.

ROSS D. DAVIS,
*Executive Administrator.*

[F.R. Doc. 64–9928; Filed, Sept. 30, 1964; 8:45 a.m.]

# TARIFF COMMISSION

[AA1921–43]

## WINDOW GLASS FROM CZECHOSLOVAKIA

### Notice of Investigation

Having received advice from the Treasury Department on September 23, 1964, that window glass, 16-ounce through 28-ounce thicknesses, from Czechoslovakia, is being, or is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No hearing in connection with this investigation has been ordered. If a hearing is ordered, due notice of the time and place thereof will be given. In this connection, interested parties are referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may, within 15 days after the date of publication of this notice in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request.

Interested parties are also referred to § 208.5 of the Commission's rules regarding the submission of written statements of pertinent information. Written statements must be filed not later than October 30, 1964.

Issued: September 25, 1964.

By order of the Commission.

[SEAL] DONN N. BENT,
*Secretary.*

[F.R. Doc. 64–9943; Filed, Sept. 30, 1964; 8:46 a.m.]



# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 28, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39280: *Petroleum and Petroleum products between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 517), for interested rail carriers. Rates on petroleum and petroleum products, in tank carloads, from, to, and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same conditions.

Tariff: Supplement 46 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 963.

AGGREGATE-OF-INTERMEDIATES

FSA No. 39281: *Pullman charges in Eastern territory.* Filed by The Pullman Co. (No. 14), for interested rail carriers. Pullman charges for roomettes, between points in the United States.

Grounds for relief: Experimental space charges to meet competition of other modes of transportation.

Tariff: Supplement 3 to The Pullman Co. tariff I.C.C. A–81.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64–9953; Filed, Sept. 30, 1964; 8:47 a.m.]

[Notice 1053]

## MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 28, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 35390. By order of September 23, 1964, The Transfer Board approved the lease to Clarke L. Nichols, doing business as Des Moines Transfer & Storage, Des Moines, Iowa, of Certificate in No. MC 80011, issued September 5, 1940, to Theodore L. Juber, Des Moines, Iowa, authorizing the transportation of household goods, over irregular routes, between Des Moines, Iowa, on the one hand, and, on the other, points in Illinois, Minnesota, and Nebraska. Russell H. Wilson, 3839 Merle Hay Road, Des Moines, Iowa, 50310, attorney for applicants.

No. MC–FC 66730. By order of September 23, 1964, The Transfer Board approved the transfer to H. Crawford Associated Van Lines, Inc., 12 Malden Industrial Park, Malden, Mo., of the operating rights issued by the Commission June 22, 1956, under Certificate in No. MC 96395 to Crawford Moving Vans, St. Louis, Mo., authorizing the transportation, over irregular routes, of household goods, between points in Arkansas, on the one hand, and, on the other, points in Louisiana/Mississippi, Missouri, Oklahoma, Tennessee, Texas, and Alabama; between St. Louis, Mo., and points in Illinois and Missouri within 25 miles of St. Louis, on the one hand, and, on the other, points in Illinois, Arkansas, Indiana, Tennessee, Missouri, and Kentucky; between Indianapolis, Ind., on the one hand, and, on the other, points in Kentucky, Illinois, Ohio, and Michigan; between Pine Bluff, Ark., and points in Arkansas within 50 miles of Pine Bluff, on the one hand, and, on the other, points in Louisiana, Mississippi, and Tennessee; between points in Arkansas, on the one hand, and, on the other, points in Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, Texas, and Alabama, except between Pine Bluff, Ark., and points in Arkansas within 50 miles of Pine Bluff, on the one hand, and, on the other, points in Louisiana, Mississippi, and Tennessee; between points in Indiana, on the one hand, and, on the other, Louisville, Ky., St. Louis, Mo., and points in Iowa, Illinois, Indiana, Ohio, New York, Pennsylvania, West Virginia, Maryland, New Jersey, Connecticut, Massachusetts, the District of Columbia, and those in the lower peninsula of Michigan; and between points in Ohio and Illinois.

No. MC–FC 67215. By order of September 23, 1964, The Transfer Board approved the transfer to C. W. Bierkamp & Son, Inc., York, Pa., of Certificate in No. MC 123970, issued November 15, 1963, to Brooke O. Bierkamp, doing business as C. W. Bierkamp & Son, York, Pa., authorizing the transportation of: Limestone, crushed, ground or pulverized, in bulk, from the plant site of Thomasville Stone and Lime Co., Thomasville, Pa., to New York, N.Y., and points in Delaware, Maryland (except Baltimore, Md., and points in Frederick, Carroll, Baltimore, Cecil, and Harford Counties, Md.), and New Jersey. S. Harrison Kahn, Suite 733 Investment Building, Washington 5, D.C., attorney for applicants.

No. MC–FC 67234. By order of September 24, 1964, The Transfer Board approved the transfer to International Van Lines, Inc., Santa Maria, Calif., of Certificate in No. MC 11663 issued April 4, 1942, to Rudolph Bagdons, doing business as Bagdons Transfer & Storage, Santa Maria, Calif., authorizing the transportation of household goods, over irregular routes, from Santa Maria, Calif., to San Francisco and Los Angeles Harbor, Calif., and newsprint paper, over irregular routes, from the port of Hartford, Calif., to Santa Maria, Calif. Soma F. Baldwin, 505 South McClelland Street, Post Office Box 46, Santa Maria, Calif., 93456, attorney for applicants.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64–9954; Filed, Sept. 30, 1964; 8:47 a.m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

### CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Adamsville Shirt Manufacturing Co., Adamsville, Tenn.; effective 8–31–64 to 8–30–65 (ladies' blouses).

Angier Garment Co., Inc., Angier, N.C.; effective 9–3–64 to 9–2–65 (men's dress and utility shirts).

Anniston Sportswear Corp., 919 West Ninth Street, Anniston, Ala.; effective 9–10–64 to 9–9–65 (men's dress trousers).

Anvil Brand, Inc., Independence, Va.; effective 8–25–64 to 8–24–65 (dress jeans).

Brew-Schneider Co., Inc., Highway No. 62, Blakely, Ga.; effective 9–4–64 to 9–3–65 (washable service garments).

Caledonia Manufacturing Co., Inc., Caledonia, Miss.; effective 9–11–64 to 9–10–65 (men's dress and play slacks).

Carolina Underwear Co., Inc., Pajama and Carole Department, Thomasville, N.C.; effective 8–31–64 to 8–30–65 (men's, children's, ladies' pajamas).

Continental Manufacturing Co., Oskaloosa, Iowa; effective 9–20–64 to 9–19–65 (men's single pants).

Continental Manufacturing Co., Knoxville, Iowa; effective 9–20–64 to 9–19–65 (men's single pants).

Detroit Slacks, Inc., Detroit, Ala.; effective 9–1–64 to 8–31–65 (men's and boys' play slacks).

Ely and Walker, Kennett, Mo.; effective 9–5–64 to 9–4–65 (men's and boys' dress and western shirts).

Empire Dress Co., Inc., 89 East Northampton Street, Wilkes-Barre, Pa.; effective 8-24-64 to 8-23-65 (women's dresses).

Fairchild Tailored Slacks, Inc., P.O. Box F, Tifton, Ga.; effective 8-28-64 to 8-27-65 (men's trousers).

Granby Manufacturing Co., Inc., Granby, Mo.; effective 9-5-64 to 9-4-65 (men's work pants).

Monroe Manufacturing Co., Inc., 1005 Industry Circle SE., Roanoke, Va.; effective 9-5-64 to 9-4-65. Learners may not be employed at special minimum wage rates in the production of women's suits or skirts (women's dresses and blouses).

Lackawanna Pants Manufacturing Co., corner Brook Street and Cedar Avenue, Scranton, Pa.; effective 9-8-64 to 9-7-65 (trousers).

Loma Manufacturing Co., Inc., 101 South Main Street, Winchester, Ky.; effective 9-4-64 to 9-3-65 (ladies' blouses).

McCoy Manufacturing Co., Inc., Sulligent, Ala.; effective 9-1-64 to 8-31-65 (men's and boys' dress and play slacks).

Meyersdale Manufacturing Co., Meyersdale, Pa.; effective 9-4-64 to 9-3-65 (men's shirts).

Morehead City Garment Co., Inc., Morehead City, N.C.; effective 9-10-64 to 9-9-65 (men's sport shirts).

Pennsylvania Brassieres Corp., 406 Thomas Street, Meyersdale, Pa.; effective 9-12-64 to 9-11-65 (women's brassieres).

Salem Garment Co., Salem, S.C.; effective 8-25-64 to 8-24-65 (women's dresses).

Scamper Sportswear, Inc., 315 West 20th Street, Hazleton, Pa.; effective 9-4-64 to 9-3-65 (ladies' and children's jackets).

Sevier Industries, Sevierville, Tenn.; effective 8-24-64 to 8-23-65 (women's pants).

Henry I. Siegel Co., Inc., Fulton, Ky.; effective 9-14-64 to 9-13-65 (men's and boys' single pants).

Superior Surgical Manufacturing Co., Inc., 63 New York Avenue, Huntington, N.Y.; effective 9-5-64 to 9-4-65 (washable service apparel).

Vernon Manufacturing Co., Inc., Vernon, Ala.; effective 9-1-64 to 8-31-65 (men's dress pants).

Wendell Garment Co., Inc., 91 North Pine Street, Wendell, N.C.; effective 9-5-64 to 9-4-65 (men's sport shirts).

Williamson-Dickie Manufacturing Co., Bainbridge, Ga.; effective 8-26-64 to 8-25-65 (men's and boys' cotton pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bentonville Manufacturing Co., 1004 South Main Street, Bentonville, Ark.; effective 8-24-64 to 8-23-65; 10 learners (infants' wear, blouses, pants, jackets, etc.).

Covington Manufacturing Co., 1019 Washington Street, Covington, Ind.; effective 8-30-64 to 8-29-65; 10 learners (men's and boys' blouse jackets).

Green Bay Clothing Manufacturers, Inc., 607 Cedar Street, Green Bay, Wis.; effective 9-3-64 to 9-2-65 (men's and boys' coats and jackets).

Karen Manufacturing Co., Inc., Rural Delivery No. 2, Shickshinny, Pa.; effective 8-31-64 to 8-30-65; 10 learners (women's dresses).

Oregon Manufacturing Co., 120 North Third Street, Oregon, Ill.; effective 9-5-64 to 9-4-65; 10 learners (infants' and children's knit polo shirts).

Sanford Manufacturers, Inc., 918 West First Street, Sanford, Fla.; effective 9-8-64 to 9-2-65; 10 learners (men's and boys' cotton pajamas).

Sun-Flo Sportswear, 219 Arch Street, Nanticoke, Pa.; effective 9-18-64 to 9-17-65; 10 learners (ladies' blouses).

Tunxis Sportswear Manufacturing Co., Inc., and Laurel Togs, Inc., 82 Union Street, New London, Conn.; effective 8-28-64 to 8-27-65; 10 learners (girls' ski jackets and car coats).

Willmar Garment Co., City Auditorium, Willmar, Minn.; effective 9-9-64 to 9-8-65; 10 learners (children's outer garments).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Anvil Brand, Inc., Independence, Va.; effective 8-25-64 to 2-24-65; 50 learners (dress jeans).

Apco Manufacturing Co., 922 Exchange Avenue, Brodhead, Wis.; effective 8-31-64 to 2-28-65; 15 learners (infants' and children's polo shirts).

Bali Bra Manufacturing Co., Inc., 2445 Bedford Street, Johnstown, Pa.; effective 9-4-64 to 3-3-65; 25 learners (brassieres).

Empire Dress Co., Inc., 53 East Northampton Street, Wilkes-Barre, Pa.; effective 8-24-64 to 2-23-65; 15 learners (women's dresses).

Fairchild Tailored Slacks, Inc., P.O. Box F, Tifton, Ga.; effective 8-28-64 to 2-27-65; 35 learners (men's trousers).

H. D. Lee Co., Inc., Boaz, Ala.; effective 8-21-64 to 2-20-65; 50 learners (men's work clothing).

Reidbord Brothers Co., Livingston Street, Elkins, W. Va.; effective 9-2-64 to 3-1-65; 25 learners (men's trousers and work shirts).

Sevier Industries, Sevierville, Tenn.; effective 8-24-64 to 2-23-65; 175 learners (men's pants).

Triple A Trouser Manufacturing Co., Inc., Penn Avenue, at Larch Street, Scranton, Pa.; effective 9-1-64 to 2-28-65; 60 learners (boy's trousers).

W. F. Apparel Co., Inc., 902 West Main Street, West Frankfort, Ill.; effective 8-27-64 to 2-26-65; 50 learners (women's and misses dresses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Monte Glove Co., Inc., 34-38 East Jackson Street, Shelbyville, Ind.; effective 8-28-64 to 8-27-65; 10 learners for normal labor turnover purposes (cotton work gloves).

Northern Glove & Mitten Co., 1514 Morrow Street, Green Bay, Wis.; effective 9-3-64 to 9-2-65; 5 learners for normal labor turnover purposes (leather gloves and mittens).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Cameo Hosiery Co., 1421 South Elm Street, Greensboro, N.C.; effective 9-17-64 to 9-16-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless, full-fashioned).

Merrill Hosiery Co., Bank Street, Hornell, N.Y.; effective 9-3-64 to 9-2-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless, full-fashioned).

Portage Hosiery Co., Portage, Wis.; effective 9-5-64 to 9-4-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Carolina Underwear Co., Inc., Rayon and Forsyth Division, Thomasville, N.C.; effective 8-31-64 to 8-30-65; 5 percent of the total number of factory production workers engaged in the production of ladies' and children's panties for normal labor turnover purposes (ladies' and children's panties).

Circle Manufacturing Co., Thomasville, N.C.; effective 8-28-64 to 8-27-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' panties and men's shorts).

Mense, Inc., 2552 Albatross, North Sacramento, Calif.; effective 8-27-64 to 8-26-65; 5 learners for normal labor turnover purposes (minnie pants).

Mullins Textile Mills, Inc., Sutherland Avenue, Monroe, N.C.; effective 9-11-64 to 9-10-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knit underwear tee shirts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 18th day of September 1964.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 64-9946; Filed, Sept. 30, 1964; 8:46 a.m.]

FEDERAL REGISTER
Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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VOLUME 29 NUMBER 193

Washington, Friday, October 2, 1964

OCT — 1964
MAIN READING ROOM

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**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 11181

### CREATING A BOARD OF INQUIRY TO REPORT ON CERTAIN LABOR DISPUTES AFFECTING THE MARITIME INDUSTRY OF THE UNITED STATES

WHEREAS, there exist certain labor disputes between employers (or associations by which such employers are represented in collective bargaining conferences) who are (1) steamship companies or who are engaged as operators or agents for ships engaged in service from or to Atlantic and Gulf Coast ports from Searsport, Maine, to Brownsville, Texas, or from or to other ports of the United States or its territories or possessions, (2) contracting stevedores, (3) contracting marine carpenters, (4) lighterage operators, or (5) other employers engaged in related or associated pier activities and certain of their employees represented by the International Longshoremen's Association, AFL–CIO; and

WHEREAS, such disputes have resulted in a threatened strike which if permitted to occur, will, in my opinion, affect a substantial part of the maritime industry, an industry engaged in trade, commerce, transportation, transmission, or communication among the several States and with foreign nations, and which threatened strike will, if permitted to occur, imperil the national health and safety and affect the flow and utilization of necessary perishable products, including food, for heavily populated coastal, island, and insular areas;

NOW, THEREFORE, by virtue of the authority vested in me by Section 206 of the Labor-Management Relations Act, 1947 (61 Stat. 155; 29 U.S.C. 176), I hereby create a Board of Inquiry, consisting of Honorable Herbert Schmertz, as Chairman, Honorable James J. Healy, and Honorable Theodore W. Kheel, as Members, whom I hereby appoint to inquire into the issues involved in such disputes.

The Board shall have powers and duties as set forth in Title II of such Act. The Board shall report to the President in accordance with the provisions of Section 206 of such Act on or before Thursday, October 1, 1964.

Upon the submission of its report, the Board shall continue in existence to perform such other functions as may be required under such Act.

LYNDON B. JOHNSON

THE WHITE HOUSE,
*September 30, 1964.*

[F.R. Doc. 64–10067; Filed, Oct. 1, 1964; 9:33 a.m.]

# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

### PART 33—EXPORT APPLES AND PEARS

#### Miscellaneous Amendments

Notice was published in the FEDERAL REGISTER on August 26, 1964 (29 F.R. 12116) regarding proposed amendments to the regulations (7 CFR Part 33) issued pursuant to the provisions of the Export Apple and Pear Act (48 Stat. 123; 7 U.S.C. 581–589) and to the authority set forth in § 7.48 Stat. 124; 7 U.S.C. 587, for carrying out the provisions of said act.

The notice afforded interested persons opportunity to file with the Department written data, views or arguments pertaining to the proposed amendments for consideration in connection with the final disposition thereof.

A number of letters were received presenting views or arguments, all but one of which were favorable to the proposed amendment. The sole dissent expressed the opinion of an export shipper who opposed the liberalized exemption as a discrimination in favor of shippers to Venezuela. In this connection, it is pointed out here that anyone may ship pears to Venezuela and the enlarged exemption is therefore available to all export shippers.

After due consideration of all relevant material presented, including the proposals set forth in such notice and other available information, it is hereby found that the amendment of the said regulations as hereinafter set forth is in accordance with the provisions of and will effectuate the declared purposes of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that to be of maximum benefit during the current season the amendment should be made effective at the time hereinafter set forth; no special preparation is required for compliance with such amendment on the part of persons affected; and this amendment relieves restrictions on the exportation of pears.

The amendment (1) substitutes a definition of "Less than carload lot" for the definition of "shipment," and (2) permits shipment to Venezuela of pears in less than carload lots, providing that not more than one such lot may be shipped by any shipper to any one consignee or receiver on the same conveyance.

1. Section 33.8 is amended to read as follows:

**§ 33.8 Less than carload lot.**

Less than carload lot means a quantity of apples or pears in packages not exceeding 20,000 pounds gross weight or 400 standard boxes or equivalent.

2. The preamble and paragraph (a) of § 33.12 is revised to read as follows:

**§ 33.12 Apples and pears not subject to regulation.**

Except as otherwise provided in this section, any person may, without regard to the provisions of this part, ship or offer for shipment, and any carrier may, without regard to the provisions of this part, transport or receive for transportation to any foreign destination:

(a) A quantity of apples or pears to any foreign country not exceeding a total of 1,250 pounds gross weight or 25 boxes of apples or pears packed in standard boxes on a single conveyance: *Provided*, That pears may be shipped to Venezuela in less than carload lots not exceeding one such lot to any one consignee or receiver on a single conveyance.

* * * * *

Dated, September 29, 1964, to become effective October 5, 1964.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–10014; Filed, Oct. 1, 1964; 8:48 a.m.]

### Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment) Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

### PART 751—LAND USE ADJUSTMENT PROGRAM

#### Subpart—1964–1965 Cropland Conversion Program

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AUTHORITY: The provisions of this subpart issued under sec. 16(e), 76 Stat. 606; 16 U.S.C. 590p(a).

**§ 751.51 Definitions.**

As used in this subpart, the following terms shall have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator" means the Administrator or Acting Administrator of the Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(c) "Deputy Administrator" means the Deputy Administrator or Acting Deputy Administrator for State and County Operations, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(d) "Director" means the Director or Acting Director of the Conservation and Land Use Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(e) "State" means any one of the United States, Puerto Rico, and the Virgin Islands.

(f) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State committee under section 3(b) of the Soil Conservation and Domestic Allotment Act, as amended, except that, for Puerto Rico and the Virgin Islands, State committee means the Caribbean Area Agricultural Stabilization and Conservation Service Office, San Juan, Puerto Rico.





(g) "County" means a political subdivision of a State identified as a county and county committees under the general direction and supervision of the Administrator.

(b) A cropland conversion agreement



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(g) "County" means a political subdivision of a State identified as a county or parish, or, in Alaska and Hawaii, such area as is designated by the State committee as a county with the concurrence of the Deputy Administrator.

(h) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, except that, for Puerto Rico and the Virgin Islands, county committee means the Caribbean Area Agricultural Stabilization and Conservation Service Office, San Juan, Puerto Rico.

(i) "Person" means an individual, partnership, association, corporation, trust, estate, or other business enterprise, or other legal entity, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(j) "Tenant" means a person who rents land from another for cash, a fixed amount of a commodity, or a share of crops or the proceeds thereof.

(k) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(l) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm or ranch.

(m) "Farm" or "ranch" means that area of land defined as a farm under the regulations governing Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Base Acreages, 7 CFR Part 719, as amended.

(n) "Cropland" means that land considered as cropland under the regulations governing Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Base Acreages, 7 CFR Part 719, as amended.

(o) "Agreement" means a Cropland Conversion Agreement, including notice of cost-share approval (Form ACP–245).

(p) The "State ACP Development Group" consists of the State committee (including the State director of extension), the State conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the State.

### § 751.52 Purposes and objectives.

The general purposes and objectives of the 1964–1965 cropland conversion program are to improve family farm income by promoting better economic use, and conservation of farm and ranch land through agreements with farm and ranch owners providing for (a) conversion of land regularly used in the production of crops to other economic uses, (b) changes in cropping systems, and (c) practices or measures needed to conserve and develop soil, water, forest, wildlife and recreation resources.

### § 751.53 General.

(a) The cropland conversion program will be administered in the field by State and county committees under the general direction and supervision of the Administrator. Members of county committees are hereby authorized to sign "cropland conversion agreements" on behalf of the Secretary. State and county committees do not have authority to modify or waive any of the provisions of these regulations, or any amendment, supplement, or revision thereto.

(b) Farmers and ranchers desiring to share in the accomplishment of the purposes and objectives of the program will be given an opportunity to participate in the program in accordance with the provisions of the program as set forth in this subpart. A cropland conversion agreement will be executed for each participating farm or ranch based on a certification by the farmer that (1) the land conversion proposed is based on a farm conservation plan developed in cooperation with his local soil conservation district with technical assistance of the Soil Conservation Service, and (2) that conservation measures on which cost-sharing is requested are or will be included in that farm conservation plan.

(c) Detailed information concerning the program as it applies to an individual farm or ranch may be obtained from the county committee for the county in which the farm or ranch is located or from the State committee.

### § 751.54 Applicability of the program.

The program will be limited to pilot projects in counties designated by the Administrator.

### § 751.55 State programs.

The national regulations, together with such State supplementation as is needed to adapt the national program for use in the State, shall be the State program. The State supplementation shall include the approved practices, rates of cost-sharing, rates of adjustment payment, and such conditions and requirements as are needed to assure an effective program in the State. The State supplementation shall be approved by the Director.

### § 751.56 County programs.

The State program, together with such county supplementation as is needed to adapt the State program for use in the county, shall be the county program. The county supplementation shall include the approved practices, rates of cost-sharing, rates of adjustment payment, and such conditions and requirements as are needed to assure an effective program in the county. The county supplementation shall be approved by the State ACP Development Group. Copies of bulletins setting forth the State and county programs will be available in the office of the county committee.

### § 751.57 Cropland conversion agreement.

(a) Persons wishing to be considered for a cropland conversion agreement shall file a request for such agreement with the county committee on a form prescribed by the Administrator. The final date for filing such form shall be the date announced by the Deputy Administrator.

(b) A cropland conversion agreement shall be executed for each participating farm or ranch. The agreement shall be signed (1) by the owner of the designated acreage to be placed under the agreement, (2) by the operator of the farm or ranch for the first year of the agreement period, (3) by any other person who for the first crop year of the agreement has an interest as tenant or sharecropper in the designated acreage, and (4) by each other owner, tenant, or sharecropper on the farm or ranch who is to share in the adjustment payment.

(c) There shall be only one agreement for a farm or ranch.

(d) The final date for signing the agreement shall be the date announced by the Deputy Administrator.

### § 751.58 Land eligible for agreement.

Except as precluded by § 751.59, the following lands are eligible to be placed under agreement:

(a) Cropland which was devoted to the production of row crops or small grain crops in at least one of the three years preceding the first year of the agreement.

(b) Cropland devoted to orchards and vineyards provided the trees and vines are removed in the process of converting the cropland to other uses.

(c) Tame hayland on which the stand was planted and from which a crop of hay or hayseed was harvested in at least two of the three years preceding the first year of the agreement.

(d) Cropland which was designated under a conservation reserve contract which expired in one of the last three years preceding the first year of the agreement.

(e) Cropland which was designated under a conservation reserve contract which expired prior to three years preceding the first year of the agreement period provided the cropland, crop acreage, and crop allotment history for such land has been preserved under the regulations governing Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Base Acreages, 7 CFR Part 719, as amended.

(f) Cropland diverted under the feed grain, wheat stabilization, or wheat diversion program in one of the last three years preceding the first year of the agreement.

### § 751.59 Land not eligible to be placed under agreement.

Notwithstanding the provisions of § 751.58, the following lands are not eligible to be placed under the agreement:

(a) Farms not operated (idle) in the year preceding the first year of the agreement, i.e., on which no crops were planted, except where the county committee determines that failure to operate the farm was because of a natural disaster. This provision does not apply (1) to whole farms under a conservation reserve program contract expiring the year preceding the first year of the agreement, (2) to part farms under a conservation reserve contract expiring the year preceding the first year of the agreement if the county committee determines that no crops were planted in



such year because of the part farm contract, (3) to farms which participated in the feed grain, wheat stabilization, or wheat diversion program in the year preceding the first year of the agreement if the county committee determines that no crops were planted because of participation in such programs, or (4) to a farm on which a conservation reserve contract expired on December 31, 1963 and the county committee determines was not operated in 1964 because of anticipated participation in a 1964 land use adjustment program.

(b) Land already in forest trees or shrubs.

(c) Land already occupied by a water storage facility.

(d) Land which the county committee determines reasonably could not be expected to be devoted to the production of crops in the program year for which the determination is being made because of its physical condition or because of prohibitive laws of State or local government.

(e) Land with respect to which the ownership has changed during the two year period preceding the first year of the agreement period unless (1) the new ownership was acquired by will or succession as a result of the death of the previous owner, (2) the land becomes a part of an existing farm or ranch, or (3) the land is combined with other land as a farming or ranching enterprise which the Deputy Administrator determines will effectuate the purposes of the program. This provision shall not prohibit the continuation of an agreement by a new owner after an agreement has once been entered into under this subpart.

(f) Land owned by the United States or any agency thereof (except land upon which a homestead or desert land entry has been made and is in good standing) or by a State or a political subdivision or agency thereof.

(g) Land diverted under any other diversion program.

### § 751.60 Agreement period.

(a) The period to be covered by the agreement shall be five years.

(b) The first year of the agreement period shall begin on January 1, 1965, or the date of approval of the agreement by the county committee if approved after January 1, 1965, and shall end on December 31 of such year. Each subsequent year of the agreement period shall be on a calendar year basis with the agreement period ending on December 31 of the last year of the agreement period. A practice started before the agreement is approved and after the request for an agreement has been filed shall be considered as having been started during the agreement period.

### § 751.61 Designation and use of acreage.

Land placed in the program shall be specifically identified and designated for the period of the agreement. The designated acreage, for the duration of the agreement, shall be diverted from the production of crops to the proposed uses and practices specified in the agreement. The practices specified in the agreement shall be established and maintained for the duration of the agreement unless changed in accordance with the modification section of these regulations. The designated acreage may be grazed, but may not be harvested as grain, seed, hay, silage, green chopped feed, or otherwise, during the period covered by the agreement.

### § 751.62 Farm row crop and small grain base.

(a) A row crop and small grain base shall be established by the county committee for each farm or ranch on which land is placed under a cropland conversion program agreement. The row crop and small grain base for the farm shall be the average acreage of land devoted to row and grain crops during the base period applicable to the farm subject to adjustments by the county committee to make allowances for abnormal weather conditions to the extent that such abnormal weather conditions affected the acreage of such crops during the base period and to make allowance for odd and even year rotations to reflect an established summer fallow rotation system. The row crop and small grain base period for a farm shall be the three-year period immediately preceding the first year of the agreement period. The row and small grain crops shall consist of all crops produced or harvested on the farm other than (1) annual grasses, (2) biennial legumes, (3) perennial grasses and legumes, (4) annual legumes except soybeans, cowpeas, peanuts, field and canning peas and field and canning beans, (5) land devoted to a garden primarily for home consumption, and (6) orchards, vineyards, small fruits, and nursery stock including woody ornamentals such as azaleas, roses, and rhododendrons (flowers grown from seed or bulk for commercial use are considered base crops): *Provided*, That for the purpose of determining the row crop and small grain base acreage diverted during any year of the base period under the following programs and conditions shall be considered as having been devoted to row or small grain crops for such year: feed grain, wheat stabilization, or wheat diversion program; conservation reserve program (including the 1963 land use adjustment program) where the acreage diverted represented a reduction in soil bank base crops; and the cropland conversion program where the acreage diverted represented a reduction in nonconserving crops: *Provided further*, That for the purpose of determining the row crop and small grain base any cropland formerly in the conservation reserve and maintained in protective vegetative cover pursuant to the regulations governing Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Base Acreages, 7 CFR Part 719, as amended, under conditions which represented a reduction in soil bank base crops shall be considered as devoted to row and grain crops for each year for which such history is preserved.

(b) The county committee shall establish for each farm or ranch in which land is placed under a cropland conversion program agreement a permitted acreage of row and small grain crops. The permitted acreage shall be the row crop and small grain base minus the acreage designated under the agreement for which an adjustment payment is made: *Provided*, That the permitted acreage may be adjusted to provide different permitted acreages for alternate years where necessary to reflect an established summer fallow rotation system subject to the condition that the average of the permitted acreages for all years of the agreement period shall not exceed the permitted acreage computed without regard to this proviso.

(c) The producer shall agree not to devote any acreage on the farm during any year of the agreement period to row and small grain crops in excess of the farm permitted acreage of row and small grain crops. For the purpose of determining compliance with a farm's permitted acreage of row and grain crops, the acreage actually diverted from row and grain crops under other programs will be considered as devoted to these crops.

(d) Noncropland on the farm or ranch may not be broken out during the period covered by the agreement unless the breaking out of noncropland is approved by the county committee as a good farming practice.

(e) Notwithstanding any other provisions of this section, a number of acres of cropland equal to the tobacco acreage allotment which is leased and transferred in accordance with Part 724 of this chapter from a farm subject to a cropland conversion program agreement which might otherwise be devoted to row or grain crops shall be considered to be devoted to tobacco on the farm from which the allotment is leased and transferred and shall not be devoted to any other row or small grain crops during the period for which the tobacco allotment is leased and transferred.

### § 751.63 Adjustment payment.

(a) The rates of adjustment payment per acre for the county shall be established or approved by the Deputy Administrator for each category of land. In establishing such rates the Deputy Administrator shall take into consideration the permitted uses of the designated acreage for grazing, recreational purposes, wildlife habitat, tree growing; the change in operating costs (as compared to normal farming operations); the assurance of cost-sharing assistance during the period of the agreement; the enhancement in value of the land as a result of the performance of needed practices and other phases of the program; and other pertinent factors.

(b) Eligible land which represents a reduction from row and small grain crops on the farm will be classified by the county committee in one of at least five categories: well above average, above average, average, below average, and well below average according to its productivity. Additional categories may be established as authorized by the Director in areas in which variations in productivity or other conditions are such that the additional categories are needed to assure fair and equitable adjustment payments. In dividing eligible land into

these categories, the county committee will consider all information or knowledge it has concerning the past production of land designated and the relationship between the productive capacity of that land with other cropland on the farm and the relationship of the farm to other farms in the county.

(c) The number of acres which may be designated to receive an adjustment payment may not exceed the row crop and small grain base minus any acreage which the contract signers and other persons on the farm have agreed to divert from other programs during the first year of the agreement period which represents a reduction from row and small grain crops on the farm. Cost-sharing payments, however, may be authorized on any eligible cropland designated under the program in accordance with § 751.65.

(d) The adjustment payment shall be divided among landowners, tenants, and sharecroppers in the manner agreed upon by them as representing their respective contributions to the adjustments in land use required by the agreement, except that the county committee may refuse to accept any agreement with respect to which it considers the proposed division of the adjustment payment is not fair and equitable. The applicable adjustment payment and the division of the adjustment payment shall be specified in the agreement.

(e) Each person signing the agreement may choose to receive his share of the adjustment payment when the agreement is approved or in five equal annual payments during the five years of the agreement period.

**§ 751.64 Limitations on adjustment payments.**

(a) The maximum adjustment payment to all persons with respect to the farm or ranch under an agreement shall be $10,000 for the entire period of the agreement. The Deputy Administrator may establish a different limit where two or more farms are combined into a farming or ranching enterprise which effectuates the purposes of the program. All or any part of any adjustment payment which otherwise would be due may be withheld or required to be refunded if any scheme or device has been adopted which is designed to evade, or which has the effect of evading, the maximum adjustment payment limitation.

(b) Notwithstanding the provisions of paragraph (a) of this section, the total of all adjustment payments under an agreement shall not exceed 50 percent of the value of the diverted acreage for agricultural use (excluding the value of buildings) as determined by the county committee.

**§ 751.65 Cost-share payment.**

(a) Subject to the conditions and limitations in this subpart, cost-sharing may be authorized for practices needed during the period of the agreement to conserve and develop soil, water, forest, wildlife, and recreation resources. Such authorization shall be made on a form prescribed for that purpose and shall be a part of the agreement. Except in cases where the county committee determines that the conservation and development of such resources can best be effectuated by the performance of practices on adjacent or nearby land, the practices shall be carried out on the designated acreage. Payment of the cost-shares shall be made only upon application submitted on a form prescribed by the Deputy Administrator.

(b) Cost-sharing may be authorized for practices developed and approved for use under the cropland conversion program in accordance with regulations applicable to the agricultural conservation program, and for other practices needed in conserving and developing recreation resources which shall be developed and approved in a similar manner.

(c) The rates of cost-sharing shall be the same as the rates of cost-sharing for comparable practices under the agricultural conservation program, except that higher rates may be approved by the Director where, due to unusual conditions affecting the land covered by the agreement, such higher rates of cost-sharing are needed to obtain performance of the practices. The rates of cost-sharing for practices needed in conserving and developing recreation resources shall be established or approved by the Director.

(d) The total amount of cost-share payments for an agreement shall not exceed an amount determined by multiplying the number of acres of cropland designated under the agreement by an amount per acre established by the Director for each county.

(e) The rates of cost-sharing shall be revised where necessary during the period covered by the agreement to reflect substantial changes in the current costs of carrying out the practices from those used in establishing the rates of cost-sharing in effect at the time the agreement was approved. The revised rates of cost-sharing shall be effective with respect to practice approvals issued after the revisions are made.

(f) Practice specifications and requirements shall be the same as the practice specifications and requirements for comparable practices in the agricultural conservation program, except to the extent that the agricultural conservation program specifications and requirements are in conflict with the permitted uses of the designated acreage, and except for such modifications as are needed to effectuate the purposes of the cropland conversion program. Specifications and requirements for recreation practices shall be approved by the Director. Each practice shall be carried out in conformity with specifications and requirements which are applicable for the practice at the time the notice of practice approval is issued.

(g) The Forest Service and the Soil Conservation Service shall have the same technical responsibilities for cropland conversion program practices as they have for the same or similar agricultural conservation program practices and these responsibilities shall be exercised in the same way.

(h) The State and county committees may, in accordance with §§ 751.55 and 751.56, establish rates of cost-sharing lower than the rates authorized in paragraph (c) of this section.

(i) The establishment or installation of a practice shall be deemed to include the replacement, enlargement, or restoration of practices if all of the following conditions exist: (1) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem; (2) the failure of the original practice was not due to the lack of proper maintenance by the current operator; and (3) funds are available.

(j) The sharing of costs for the performance of approved conservation practices will be subject to the condition that the practices be maintained for the period of the agreement for the conservation purposes for which cost-sharing was authorized. In the event the foregoing condition is not met, any person receiving cost-sharing payments who is not a party to the agreement is jointly and severally responsible with the parties to the agreement for refund of such payments, provided the right to a refund of such payments accrues while such person is a producer on the farm.

(k) In addition to the provisions contained in this subpart, cost-sharing payments under the cropland conversion program shall also be subject to the following regulations of the 1965 agricultural conservation program (7 CFR 701.1–701.93, as amended): § 701.6 *Selection of practices*, § 701.7 *Adaptation of practices*, § 701.8 *Practice specifications*, § 701.9 *Use of liming materials and commercial fertilizers for vegetative cover*, § 701.11 *Rates of cost-sharing*, § 701.12 *Items of cost on which rates of cost-sharing may be based*, § 701.16 *Method and extent of approval*, § 701.18 *Repair, upkeep, and maintenance of practices*, § 701.19 *Pooling agreements*, § 701.20 *Completion of practices*, § 701.23 *Practices involving the establishment or improvement of vegetative cover*, § 701.24 *Failure to meet minimum requirements*, § 701.25 *Conservation materials and services*, § 701.26 *Practices carried out with aid from ineligible persons*, § 701.27 *Division of Federal cost-shares*, § 701.30 *Persons eligible to file application for payment of Federal cost-shares*, § 701.31 *Time and manner of filing application and required information* (paragraph (a)), §701.33 *Compliance with regulatory measures*, and § 701.38 *Misuse of purchase orders* of this chapter. For the purposes of applying such 1965 agricultural conservation program regulations to the cropland conversion program the terms "program" and the "1965 program" shall mean the "1964–1965 cropland conversion program" and the term "program year" shall mean the "period covered by the 1964–1965 cropland conversion agreement."

**§ 751.66 Appeals.**

Any person may obtain reconsideration and review of determinations made under this subpart in accordance with the Appeal Regulations, 7 CFR Part 780 (29 F.R. 8200), as amended.

**§ 751.67 Provision for handling exceptional cases.**

The Deputy Administrator may allow payment for performance not meeting



all program requirements, where not prohibited by statute, if in his judgment such action is needed to permit a proper disposition of the case. Such action may be taken only where the farmer or rancher acted in good faith and in reasonable reliance on any instruction or commitment of any member, employee, or representative of the State or county committee in meeting his obligations under the agreement and in so doing reasonably accomplished the purposes of the agreement. The amount of the payment shall be based on the actual performance and shall not exceed the amount to which the farmer or rancher would have been entitled if the performance rendered had met all requirements.

**§ 751.68 Reporting performance.**

The operator of the farm or ranch, in accordance with instructions issued by the Deputy Administrator, shall report to the county committee such information as is needed to determine the extent of compliance with the terms of the agreement.

**§ 751.69 Access to farms and ranches and to farm and ranch records.**

County committeemen or their authorized representatives, or any authorized representative of the Secretary of Agriculture, shall have such access to farms and ranches and to records pertaining thereto as is necessary to make acreage determinations and to determine the extent of compliance with the terms of the agreement.

**§ 751.70 Preservation of allotment, cropland, and crop acreage history.**

The cropland, crop acreage, and allotment history applicable to the designated acreage shall be preserved, for any Federal program under which such history is used as a basis for an allotment or other limitation on the production of such crop, for the period covered by the agreement and an equal period thereafter so long as the approved practice is maintained on the land.

**§ 751.71 Harvesting the designated acreage in the event of natural disaster.**

Notwithstanding the provisions of § 751.61, if the Secretary determines that harvesting of hay or other forage from the designated acreage in any year is needed to alleviate a shortage of forage for use in the area resulting from severe drought, flood, or other natural disaster, the Deputy Administrator may permit such harvesting: *Provided*, That persons benefiting from such harvesting shall refund, or be subject to deductions from, payments to which they are otherwise entitled, in an amount determined by the Deputy Administrator to be fair and reasonable.

**§ 751.72 Control of erosion, insects, weeds, and rodents.**

The farmer or rancher shall carry out such measures as are needed for the control of erosion, insects, weeds, and rodents on the designated acreage. If the county committee determines that the measures carried out by the farmer or rancher are not adequate, it shall prescribe and require the application of such other or additional measures as are needed.

**§ 751.73 Responsibility of signers of agreement.**

(a) The owner of the designated acreage is responsible for full compliance with the terms of the agreement and for any refunds or deductions for failure to comply fully with the terms of the agreement while he is a party to the agreement.

(b) Each other person signing the agreement is jointly and severally responsible with the owner of the designated acreage for full compliance with the terms of the agreeemnt and for any refunds or deductions for failure to comply fully with the terms of the agreement while he is a party to the agreement.

**§ 751.74 Modification of agreement.**

(a) If the farm or ranch is reconstituted in accordance with the regulations governing reconstitution of farms (7 CFR Part 719, as amended), because of purchase, sale, change of operation, or otherwise, the agreement shall be modified with respect to any resulting farm or ranch containing all or any part of the original designated acreage. Such modified agreement or agreements shall reflect the changes in the number of acres in any resulting farm or ranch, the designated acreage, the row crop and small grain base, interested persons, and divisions of payments. If persons who were not signatories to the original agreement are required to sign such modified agreement or agreements in accordance with § 751.57 but are not willing to become parties to the modified agreement or for any other reason a modified agreement is not entered into, adjustment payments shall be forfeited in an amount computed by multiplying the total amount of adjustment payments paid or payable under the agreement with respect to the designated acreage which is not continued in the program by the percentage which the unexpired period of the agreement is of the total period of the agreement, and the owner of such designated acreage prior to the reconstitution shall be responsible for refunding any part of the forfeited payments previously made, whether such payments were made to him or some other person. In addition to the forfeiture of any other payment, the owner of the designated acreage prior to the reconstitution shall be responsible for refunding all of the cost-share payments paid with respect to recreation practices on that part of the farm not continued in the program whether such payments were made to him or some other person, unless the Deputy Administrator determines that the recreation practices will be continued and used in such a manner as will accomplish the purposes of the program and that a refund of a lesser amount of such cost-share payment would therefore be appropriate.

(b) Except in cases in which the farm or ranch is reconstituted, if the ownership or operation of the farm or ranch changes in such a manner that the agreement no longer contains the signatures of persons required to sign the agreement in accordance with § 751.57, the agreement shall be modified to reflect the new interested persons and new divisions of payments. If such persons are not willing to become parties to the modified agreement or for any other reason a modified agreement is not entered into, adjustment payments shall be forfeited in an amount computed by multiplying the total amount of adjustment payments paid or payable under the agreement by the percentage which the unexpired period of the agreement is of the total period of the agreement, and the owner of such designated acreage prior to the change in ownership or operation shall be responsible for refunding any part of the forfeited payments previously made, whether such payments were made to him or some other person. In addition to the forfeiture of any other payment, the owner of the designated acreage prior to the change of ownership or operation shall be responsible for refunding all of the cost-share payments paid with respect to recreation practices, whether such payments were made to him or some other person, unless the Deputy Administrator determines that the recreation practices will be continued and used in such manner as will accomplish the purposes of the program and that a refund of a lesser amount of such cost-share payments would therefore be appropriate.

(c) Upon request of the agreement signers and approval of the county committee an agreement may be modified to change or add practices, or to make other changes which are not inconsistent with this subpart and applicable State and county supplementation.

(d) Upon the request of the agreement signers and when authorized by the Administrator, the agreement may be modified by the county committee to incorporate or reflect the provisions of any cropland conversion program for any year subsequent to 1965.

**§ 751.75 Transfer of interest in agreement.**

(a) If, during the period covered by an agreement, a person acquires an interest in all or part of the farm or ranch as owner, tenant, or sharecropper, he may, with the agreement of the remaining parties to the agreement and approval of the county committee, become a party to the agreement and share in any payments yet to be made. By becoming a party to the agreement he also becomes jointly and severally responsible for any remaining compliance with the terms of the agreement and liable for any deductions or refunds for failure to comply fully with the terms of the agreement that occurs after he acquires the interest in the farm or ranch.

(b) If an owner, tenant, or sharecropper who has signed an agreement ceases to be an owner, tenant, or sharecropper on the farm or ranch during the period covered by the agreement, he thereby ceases to be a party to the agreement. However, this will not relieve him of his liability for deductions and refunds for failure to comply fully with





the terms of the agreement while he was

or payable under the agreement, the

**§ 751.82 Filing of false claims**

the terms of the agreement while he was a party to the agreement. Also, this will not relieve the owner of the designated acreage of his liability for forfeiture or refund of payments under the agreement with respect to any portion of the designated acreage which is not continued in the program under § 751.74.

**§ 751.76 Deductions or refunds in cases of noncompliance.**

For each year during the period of an agreement that there is a failure to comply fully with the terms of the agreement, persons who are parties to the agreement shall be liable for a deduction or a refund. The amount of the deduction or refund shall be determined by multiplying the acreage involved in the noncompliance, as determined by the county committee, by 60 percent of the average per acre adjustment payment for the farm or ranch, or by 60 percent of the lowest per acre adjustment payment authorized for the county if no adjustment payment is to be made under the agreement. The amount of the deduction or refund may be based on a lower percent (but not less than 20 percent) of the applicable adjustment payment per acre in cases where it is established to the satisfaction of the county committee that the noncompliance was unintentional or without the fault or negligence of the agreement signers and that taking into consideration the nature and the extent of the noncompliance, the reduced deduction or refund would be adequate in relation to the adverse effect of the noncompliance on the accomplishment of the objectives of the agreement. The total amount of deductions and refunds shall not exceed the amount of payments paid or payable under the agreement. This deduction or refund shall be in addition to any deduction or refund which may be computed under applicable provisions pertaining to failure to maintain and use, for the purposes for which cost-sharing was approved, practices carried out on the designated acreage. Notwithstanding any other provision of this section, for any year in which the number of acres devoted to row and small grain crops exceed the farm permitted acreage of row and small grain crops under the agreement by not more than (a) the larger of 1 acre or 10 percent where such acreage is 20 acres or less, or (b) the larger of 2 acres or 5 percent where such acreage is more than 20 acres, the required reduction or forfeiture of adjustment payment shall be an amount determined by multiplying the number of acres by which the permitted acreage under the agreement is exceeded by 20 percent of the average per acre adjustment payment rate for the farm or ranch, or by 20 percent of the lowest per acre adjustment payment authorized for the county if no adjustment payment is to be made under the agreement.

**§ 751.77 Termination of agreement.**

(a) If, at any time during the period covered by the agreement, the total of the deductions or refunds computed for noncompliance with the terms of the agreement equals the total of the adjustment and the cost-share payments paid or payable under the agreement, the agreement shall be terminated.

(b) The agreement may be terminated at any time at the option of the parties to the agreement, upon forfeiture of all adjustment, and cost-share payments under the agreement, and repayment of any such payments previously made.

(c) The Deputy Administrator may consent to the termination of an agreement in cases where the parties to the agreement are unable to comply with the terms of the agreement due to conditions beyond their control, in cases where compliance with the terms of the agreement would work a severe hardship on the parties to the agreement, or in cases where termination of the agreement would be in the public interest, provided the parties to the agreement refund such part of the adjustment and cost-share payments made under the agreement as the Deputy Administrator determines appropriate.

**§ 751.78 Agreement not in conformity with regulations.**

If it is discovered, after an agreement is approved by the county committee, that through a misunderstanding of the program by the parties to the agreement acting in good faith, the agreement is not in conformity with these regulations, a new agreement shall be filed or the original agreement corrected to meet all requirements of the program. If the persons currently eligible to sign the new or corrected agreement are unwilling to do so, the agreement shall be terminated and all adjustment and cost-share payments paid or payable under the agreement shall be forfeited or refunded except as may be allowed by the Deputy Administrator under the provisions of § 751.67.

**§ 751.79 Signatures.**

Signatures to agreements and related forms shall be in conformity with the instructions on signatures and authorizations applicable to the agricultural conservation program. Such instructions are available in the office of the county committee.

**§ 751.80 Death, incompetency, or disappearance of a signer of an agreement.**

In case of the death, incompetency, or disappearance of a signer of an agreement, any payment due him shall be paid to his successor, as determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 707 of this chapter).

**§ 751.81 Practices defeating purposes of program.**

If the county committee finds that any person has adopted or participated in any practice which tends to defeat the purposes of the program, it may withhold, or require to be refunded, all or any part of the adjustment or cost-share payments which otherwise would be due him under the program. It shall be considered a practice defeating the purposes of the program if the contract signers do not make available for public use a recreation resource development for which costs are shared or an adjustment payment is made.

**§ 751.82 Filing of false claims.**

The making of a fraudulent representation by a person in the payment documents or otherwise for the purpose of obtaining a payment from the county committee shall render the person liable, aside from any additional liability under criminal and civil frauds statutes, for a refund of the payments received by him with respect to which the fraudulent representation was made.

**§ 751.83 Depriving others of payments.**

If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the payment due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the payment which otherwise would be due him under the program.

**§ 751.84 Payments not subject to claims.**

Any payments due any person shall be determined and allowed without regard to State law and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor, except as provided in § 751.85.

**§ 751.85 Set-offs.**

Set-offs shall be handled in accordance with regulations issued by the Secretary governing set-offs (7 CFR Part 13, 23 F.R. 3757) and any amendments thereto.

**§ 751.86 Liability for interest.**

(a) Where a refund is required under § 751.74 (a) or (b), interest shall be payable at the rate of six per centum per annum from the dates of the payments of the amounts required to be refunded to the date the refund is made.

(b) Where a refund is required under §751.76, interest shall be payable at the rate of six per centum per annum on the amount of the refund due from the date of written notice to persons liable for such refund to the date the refund is made, except that there shall be no interest due on any amount of such refund which is remitted to the office of the county committee within 30 days from the date of such notice.

(c) Notwithstanding the provisions of paragraph (b) of this section, where the agreement is terminated under paragraph (a) of § 751.77 for noncompliance, interest shall be payable on any amounts paid under the agreement at the rate of six per centum per annum from the date of payment of such amounts to the date of refund of such amounts. If interest has been paid on any amounts in accordance with the provisions of paragraph (b) of this section, the amount of such interest shall be credited against the amount of interest computed under this paragraph.

(d) Where a refund is made under § 751.77(b), interest shall be payable at the rate of six per centum per annum from the dates of payments of the amounts required to be refunded to the date the refund is made.

(e) Where a refund is required under any provisions of the regulations in this subpart and interest is not provided for in paragraphs (a), (b), and (c) of this section, interest shall be payable at the rate of six per centum per annum on the amount of the refund due from the date of written notice to persons liable for such refund to the date the refund is made, except that there shall be no interest due on any amount of such refund which is remitted to the office of the county committee within 30 days from the date of such notice.

**§ 751.87 Assignments prohibited.**

Payments earned under this program may not be assigned.

**§ 751.88 Delegation of authority.**

No delegation in this subpart to a State or county committee shall preclude the administrator, or his designee, from determining any question arising under the program or reversing or modifying any determinations made by a State or county committee, except that no revision of an executed agreement may be made other than as specifically authorized in this subpart.

**§ 751.89 Finality of determinations.**

The facts constituting the basis for any payment, or the amount thereof, under any agreement when officially determined in conformity with applicable regulations shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government.

**§ 751.90 Availability of funds.**

The provisions of this program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the payments provided for in this subpart are contingent upon such appropriations as the Congress has or may hereafter provide for such purpose, and the amounts of such payments must necessarily be within the limits finally determined by such appropriations.

Effective date: Date of signature.

Signed at Washington, D.C., on September 28, 1964.

RAY FITZGERALD,
*Acting Administrator, Agricultural Stabilization and Conservation Service.*

SEPTEMBER 28, 1964.

[F.R. Doc. 64–10016; Filed, Oct. 1, 1964; 8:48 a.m.]

## Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 873.17]

## PART 873—SUGARCANE; FLORIDA

### Fair and Reasonable Prices for 1964 Crop of Florida Sugarcane

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence presented at the public hearing held in Belle Glade, Florida, on May 15, 1964, the following determination is hereby issued:

**§ 873.17 Fair and reasonable prices for the 1964 crop of Florida sugarcane.**

A producer of sugarcane in Florida who is also a processor of sugarcane (herein referred to as "processor") shall have paid, or contracted to pay, for sugarcane of the 1964 crop grown by other producers and processed by him or shall have processed sugarcane of other producers under a toll agreement, in accordance with the following requirements.

(a) *Definitions.* For the purpose of this section, the term:

(1) "Price of raw sugar" means the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange No. 7 domestic contract, except that if the Director of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, determines that such price does not reflect the true market value of raw sugar, because of inadequate volume or other factors, he may designate the price to be effective under this section which he determines will reflect the true market value of raw sugar.

(2) "Season's average price of raw sugar" means (i) the weighted average price of raw sugar for the months in which 1964-crop sugar is delivered to the purchaser, determined by weighting the simple average of the daily prices of raw sugar for each month in which sugar is delivered to the purchaser by the quantity of 1964-crop raw sugar or raw sugar equivalent delivered during each corresponding month, or (ii) the average price of raw sugar received by a processor who disposes of all of his sugar under a single contract with a refiner.

(3) "Raw sugar" means raw sugar, 96° basis.

(4) "Net sugarcane" means the gross weight of sugarcane delivered by a producer to a processor minus a deduction equal to the average percentage weight of trash delivered with all sugarcane ground at each mill operated by a processor.

(5) "Trash" means green or dried leaves, sugarcane tops, dirt, and all other extraneous material delivered with sugarcane.

(6) "Standard sugarcane" means sugarcane containing 12.5 percent sucrose in the normal juice.

(7) "Average percent sucrose in normal juice" means (i) the average percent crusher juice sucrose of the producer's sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to factory crusher juice sucrose at the processor's mill; or (ii) the average percent sample mill juice sucrose of the producer's sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to the average sample mill juice sucrose analyses of producer's sugarcane. However, the method of subdivision (ii) of this subdivision, shall be used by the processor where the crusher juice is diluted or where the sugarcane of one producer is commingled with the sugarcane of another producer.

(8) "Average percent crusher juice sucrose" referred to in subparagraph (7)(i) of this paragraph means the percentage of sucrose in crusher juice as determined by direct analysis. "Factory normal juice sucrose" means the percentage of sucrose in undiluted juice as derived by multiplying factory diluted juice purity by factory normal juice Brix. Factory normal juice Brix is determined by multiplying factory crusher juice Brix, as determined by direct analysis by a dry milling factor which represents the ratio of normal juice Brix to crusher juice Brix. "Factory dilute juice purity" means the ratio of factory dilute juice sucrose to factory dilute juice Brix as determined by direct analysis.

(9) "Average percent sample mill juice sucrose" referred to in subparagraph (7)(ii) of this paragraph means the percentage of sucrose in juice extracted from producers' sugarcane by a sample mill determined by direct analysis. "Factory normal juice sucrose" is derived in one of the following ways (i) when sugarcane is washed and/or "cush-cush" is distributed in such a manner as to become commingled with sugarcane in front of the crusher mill (or first mill in the absence of a crusher), the crusher or first expressed juice is diluted and consequently cannot be used as a basis for computing factory normal juice Brix and sucrose. In such case, crusher juice Brix is derived by multiplying the daily average of all sample mill juice Brix determinations with respect to producers' sugarcane by a dilution compensation factor representing the ratio of factory crusher juice Brix to sample mill juice Brix extracted from dry sugarcane as determined by direct analysis. Such factory crusher juice Brix is multiplied by a dry milling factor to obtain factory normal juice Brix. Factory normal juice Brix is multiplied by the factory dilute juice purity to obtain factory normal juice sucrose; or (ii) where crusher juice is not diluted due to sugarcane washing or the return of cush-cush, factory normal juice Brix is determined by multiplying factory crusher juice Brix by a dry milling factor and factory normal juice sucrose is obtained by multiplying factory normal juice Brix by factory dilute juice purity.

(10) "Salvage sugarcane" means sugarcane containing less than 9.5 percent sucrose in the normal juice.

(11) "State Office" means the Florida State Agricultural Stabilization and Conservation Service Office, 412 Northeast 16th Avenue, Gainesville, Florida, 32601.

(12) "State Committee" means the Florida State Agricultural Stabilization and Conservation Committee.

(b) *Basic price for purchased sugarcane.* (1) The basic price for sugarcane purchased by a processor from producers shall be not less than $1.09 per ton of standard sugarcane for each one cent per pound of the season's average price of raw sugar.

(2) Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane by multiplying the total quantity of net sugarcane delivered by each producer by the applicable quality factor in accordance with the following table:

| Average percent sucrose in normal juice: | Standard sugarcane quality factor[1] |
|---|---|
| 9.5 | 0.70 |
| 10.0 | .75 |
| 10.5 | .80 |
| 11.0 | .85 |
| 11.5 | .90 |
| 12.0 | .95 |
| 12.5 | 1.00 |
| 13.0 | 1.05 |
| 13.5 | 1.10 |
| 14.0 | 1.15 |
| 14.5 | 1.20 |
| 15.0 | 1.25 |
| 15.5 | 1.30 |

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 15.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

(3) Molasses payment: The processor shall pay to the producer for each ton of net sugarcane ground an amount equal to the product of 5.6 gallons times one-half of the excess above 4.75 cents per gallon of the weighted average net sales price per gallon of blackstrap or final molasses, f.o.b. mill tanks, sold during the 12-month period ending May 31, 1965: *Provided*, That if the processor sells molasses for his own account and for the account of another processor the weighted average net sales price of molasses for all processors involved shall for the purposes of this paragraph be determined on the basis of the prices at which all molasses was sold by such processor during such 12-month period.

(4) General: (i) The price for sugarcane specified in this paragraph is applicable to sugarcane loaded on carts or trucks at the farm, or if sugarcane is transported by railroad, loaded in railroad cars at the railroad siding nearest the farm, and the processor is required to bear the cost of transporting sugarcane (gross weight) from such points to the mill: *Provided*, That if sugarcane is transported a distance of more than 14.9 miles to the mill by railroad or other common carrier, the producer may be required to bear the additional cost of transporting such sugarcane (based upon published tariffs): *Provided further*, That if the processor transports, in his own conveyance, or arranges for the transportation of sugarcane with other than a common carrier, he may charge the producer 5 cents per ton for each mile such sugarcane is transported in excess of 14.9 miles, or if the producer transports sugarcane to the mill by other than railroad or other common carrier the processor shall pay to the producer 5 cents per ton for each mile such sugarcane is transported, but not in excess of 14.9 miles.

(ii) Deductions for frozen sugarcane, fiber content determinations and deductions, definitions of delivery schedules and similar specifications employed in connection with the purchase of 1964-crop sugarcane shall be substantially in accordance with the general practices in Florida and as agreed upon between the producer and the processor.

(iii) Nothing in subdivision (ii) of this subparagraph shall be construed as prohibiting modification of customs and practices which may be necessary because of unusual circumstances, any such modification to be reported in writing by the processor to the State Office.

(iv) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose test of the sugarcane, payment for such sugarcane may be made as agreed upon between the producer and the processor subject to the written approval of the State Office upon a determination by the State Committee that the payment is fair and reasonable.

(v) The processor shall submit to the State Office for approval: (*a*) A statement setting forth the weighted average price of raw sugar upon which settlements with producers are based; and (*b*) A statement setting forth the gross proceeds and the handling and delivery expenses deducted in arriving at the weighted average net sales price of blackstrap molasses.

(c) *Salvage sugarcane.* The price for salvage sugarcane shall be as agreed upon between the processor and the producer, subject to the approval of the State Office.

(d) *Toll agreements.* The rate for processing sugarcane produced by a processor and processed under a toll agreement by another processor shall be the rate they agree upon.

(e) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

*Statement of bases and consideration*—(a) *General.* The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1964 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1964 Price determination.* This determination differs from the 1963 crop determination in the following respects: (1) The definition of "season's average price of raw sugar" is revised; (2) net sugarcane is to be computed by deducting from the gross weight of sugarcane delivered the average percentage of trash on all cane ground by a mill; (3) a definition of "trash" is provided; (4) the basic price per ton for standard sugarcane is increased from $1.07 to $1.09 for each one-cent per pound of the season's average price of raw sugar, and (5) the molasses payment is to be based on 5.6 gallons of blackstrap molasses instead of 5.5 gallons, reflecting the most recent 5-year average recovery.

A public hearing was held in Belle Glade, Florida, on May 15, 1964, at which interested persons were afforded an opportunity to testify with respect to fair and reasonable prices for the 1964 crop of sugarcane. The representative of the United States Sugar Corporation recommended that the raw sugar price to be used as the basis for sugarcane settlements with producers be the actual price received by the processor under its contract with the refiner less the costs incurred for the storage of raw sugar as required by the contract and less any extraordinary costs incurred in the handling of the raw sugar. He also recommended that the standard 4 percent deduction for trash used in determining net sugarcane be continued. The witness stated that no positive benefit would result from individual or mill average trash deductions and that the benefits of any such change would not justify the costs of testing sugarcane for trash content. He said that he would not object to a 5 or 6 percent standard deduction, instead of 4 percent, even though he believed that a higher deduction would make it more difficult for the mill to obtain clean cane.

A representative of Okeelanta Sugar Refinery, Glades County Sugar Growers Cooperative Association, Florida Sugar Corporation, Osceola Farms Inc., and Talisman Sugar Corporation, recommended that with respect to Okeelanta the raw sugar price to be used as the basis of settlements with producers be based upon the price received by this processor under its contract with the refiner, less costs of storage required by the contract, and that for the other processors the price to be used for settlements with producers be the price received by the processors from the sale of raw sugar. The witness recommended the retention of the present standard 4 percent deduction for trash and stated he was opposed to individual or mill average tests for trash.

A representative of independent producers testified that the majority of producers associated with the U.S. Sugar Corporation agreed with the recommendations of the processor representatives, including the recommendations that producers share in the costs of storage of sugar. The witness stated that the present 4 percent deduction for trash was the ideal figure and that a higher deduction would cause producers to be careless about trash.

Consideration has been given to the recommendations presented at the hearing, to data on the returns, costs, and profits of producing and processing sugarcane obtained by field survey for recent crops and recast in terms of prospective price and production conditions for the 1964 crop, and to other pertinent factors. This analysis indicates that the sharing relationship between producers and processors provided by this determination is equitable.



Prior determinations have defined net sugarcane as the gross weight of the sugarcane delivered by a producer to a processor minus a deduction for trash of 4 percent. During recent years, processors have been requested periodically to conduct trash tests to determine whether the standard deduction of 4 percent was equitable. These tests have indicated that the average trash content of sugarcane has increased due to a new variety of sugarcane and to the increase in the number of mills and new producers in this producing region. Further, the trash content has varied substantially as between mills and as between producers delivering to the same mill. For the 1963 crop, trash tests conducted by processors indicate an average trash content of about 6.0 percent—ranging by mills from 4.6 percent to 15.4 percent. Unfavorable weather conditions contributed to the higher range in percentage of trash. Because of such variations it is deemed equitable to change the method of determining net sugarcane used in prior determinations. Therefore, this determination provides that trash deductions be based on the average percent of trash in all sugarcane delivered to each mill during the 1964-crop season.

The change in the method of determining net sugarcane results in a decrease in the producers' share of total returns assuming that the average trash content of sugarcane under current production conditions is 6 percent rather than 4 percent as previously allowed. Accordingly, to maintain approximately the same sharing of returns between producers and processors, the pricing factor is increased from $1.07 to $1.09 per ton of standard sugarcane for each one-cent per pound of the season's average price of raw sugar.

This determination provides two alternatives which processors may use in determining the season's average price of raw sugar upon which sugarcane payments to producers are to be based: (1) The monthly average of the New York price of raw sugar weighted by the quantities of sugar delivered by the processor each corresponding month; or (2) the average price of raw sugar received by a processor who disposes of all of his sugar under a single contract with a refiner. The two methods are designed to provide a pricing basis which will meet the various marketing practices of the several processors in Florida and contemplates that the price of raw sugar upon which sugarcane settlements are based will correspond generally to the marketing opportunities of the processor.

The recommendation that the costs of storing quantities of raw sugar as required in the contracts between certain processors and a refiner be deducted from the price of raw sugar received by the processor under such contracts has not been adopted. Raw sugar storage costs in the normal operation of producing raw sugar are considered to be processing costs and as such are included in the development of the cost sharing ratio which is used as a basis for the distribution of returns between processors and producers.

On the basis of an examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended. (Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U.S.C. Sup. 1131, as amended.)

*Effective date.* This determination shall become effective on September 29, 1964, and is applicable to the 1964 crop of Florida sugarcane.

Signed in Washington, D.C., on September 29, 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64-10017; Filed, Oct. 1, 1964; 8:48 a.m.]

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Announcement PS-CN-2, Amdt. 3]

## PART 1427—COTTON

### Subpart—1964-66 Cotton Equalization Program—Payment-in-Kind Regulations

CERTIFICATED COTTON

The 1964-66 Cotton Equalization Program—Payment-In-Kind Regulations (Announcement PS-CN-2), dated July 1, 1964 (29 F.R. 8465), as amended, are further amended, in order to provide for the handling under the program of cotton which has been certificated for delivery against New York Cotton Exchange futures contracts, by adding § 1427.1974 to read as follows:

§ 1427.1974 Certificated cotton.

(a) Notwithstanding the foregoing sections of this subpart, the provisions of this section shall be applicable to the holders of warehouse receipts representing certificated cotton who desire to obtain Custodial Receipts from CCC and to the holders of Custodial Receipts issued by CCC under this section. "Certificated cotton," as used in this section, means eligible cotton which has been certificated by the U.S. Department of Agriculture and is deliverable under Contract No. 2 of the New York Cotton Exchange.

(b) Any cotton handler who is the holder of an insured bearer warehouse receipt (with the class certificate attached) representing a bale of certificated cotton may deliver such receipt to CCC, together with an original and two copies of an Application for Custodial Receipts (Form CCC-860), not later than July 1, 1966, in exchange for a Custodial Receipt (Form CGC-859) (referred to in this section as "Custodial Receipt") evidencing the delivery of the warehouse receipt to CCC. Upon the issuance of the Custodial Receipt, which will contain a picture copy of the warehouse receipt, the cotton handler's domestic consumption or export obligation account under § 1427.1959 shall be credited with the number of pounds of cotton specified on such warehouse receipt, thereby reducing his domestic consumption or export obligations to that extent.

(c) A cotton handler who is the holder of a Custodial Receipt issued hereunder and who has furnished to CCC performance security in accordance with § 1427.1958 may obtain the warehouse receipt covered by the Custodial Receipt upon surrender to CCC, prior to the close of business on July 31, 1966, of the Custodial Receipt together with a duly executed Application for Return of Warehouse Receipts (Form CCC-858), in duplicate, requesting the return of the warehouse receipt. Upon the delivery of the warehouse receipt by CCC to the cotton handler, the cotton handler will become obligated (1) to use in domestic consumption or export, or obtain the exportation of by another person, from the United States to an eligible destination a quantity of eligible cotton equal in unpatched gross weight to the quantity of cotton specified on the warehouse receipt during the performance period specified in § 1427.1956 and furnish to the New Orleans office satisfactory evidence of such domestic consumption or exportation as provided in the regulations, except to the extent such obligation is transferred by him in accordance with § 1427.1966 to another cotton handler, (2) to comply with his inventory requirement as provided in § 1427.1957, and (3) to pay to CCC liquidated damages as provided in § 1427.1969 if he fails to comply with the foregoing obligations. CCC will debit the cotton handler's domestic consumption or export obligation account under § 1427.1959 with the number of pounds of cotton specified on such warehouse receipt.

(d) Any person who is not a cotton handler and who is the holder of an insured bearer warehouse receipt (with the class certificate attached) representing a bale of certificated cotton may (unless he is the producer of such cotton) deliver such receipt to CCC, together with an original and two copies of an Application for Custodial Receipts (Form CCC-860), not later than July 1, 1966. CCC will issue to such person a Custodial Receipt evidencing the delivery of the warehouse receipt to CCC, which Custodial Receipt will contain a picture copy of the warehouse receipt, and will make a payment to such person on the number of pounds of cotton specified on the warehouse receipt. The amount of such payment shall be determined in accordance with § 1427.1954, and the provisions of §§ 1427.1955, 1427.1960, 1427.1961, 1427.1962, 1427.1963, 1427.1964, and 1427.1965, relating to the form of payment and the issuance and use of certificates, shall be applicable to such payment.

(e) The holder of a Custodial Receipt issued hereunder who is not a cotton handler and who has furnished to CCC performance security in accordance with this subpart may obtain the warehouse receipt covered by such Custodial Receipt upon surrender to CCC, prior to the close of business on July 31, 1966, of the Custodial Receipt, together with a duly executed Application for Return of Warehouse Receipts (Form CCC-858), in duplicate, requesting the return of

the warehouse receipt. Upon the delivery of the warehouse receipt by CCC to the person surrendering the Custodial Receipt, such person will become obligated to use in domestic consumption or export, or obtain the exportation of by another person, from the United States to an eligible destination a quantity of eligible cotton equal in unpatched gross weight to the quantity of cotton specified on such warehouse receipt during the performance period specified in the regulations and furnish to the New Orleans office satisfactory evidence of such domestic consumption or exportation as provided in the regulations, except to the extent such obligation is transferred by him to another person who is a cotton handler as provided below. The New Orleans office will maintain an account of the outstanding domestic consumption or export obligations of the person surrendering the Custodial Receipt, which shall be subject to the provisions of § 1427.1959 to the same extent as if such person were a cotton handler, and such account will be debited by CCC with the number of pounds of cotton specified on warehouse receipts returned to him in exchange for Custodial Recipts. Such person shall be subject to the inventory requirements of § 1427.1957, the performance security requirements of § 1427.1958, the export conditions provisions of § 1427.1968, the liquidated damages provisions of § 1427.1969, the records and reports provisions of § 1427.1970, and the good faith provisions of § 1427.1972 to the same extent as if he were a cotton handler, and he shall be entitled to transfer his domestic consumption or export obligations in accordance with the provisions of § 1427.1966 to the same extent as if he were a cotton handler.

(f) While any Custodial Receipt is outstanding, the cotton represented by the warehouse receipt shall not be considered to be in the inventory of the holder of the Custodial Receipt.

(g) The submission of the warehouse receipt and an Application for Custodial Receipts, the issuance by CCC of a Custodial Receipt, and the crediting of the Custodial Receipt holder's account or the making of a payment to him by CCC in accordance with this section shall result in a contract between the Custodial Receipt holder and CCC under which it is agreed as follows: The warehouse receipt will be redeemed from CCC in accordance with this section not later than the close of business on July 31, 1966. The failure to so redeem any such warehouse receipt will result in damages to the program provided for in this subpart and other programs of CCC. Inasmuch as it will be difficult, if not impossible, to prove the exact amount of such damages, CCC will be entitled to liquidated damages for such failure to redeem in an amount equal to the number of pounds of cotton specified on the warehouse receipt multiplied by the sum of the rate of payment in effect under this subpart on such date and one and one-half cents. If such liquidated damages have not been paid to CCC, CCC shall have the right, at any time after July 31, 1966, without notice to the holder of the Custodial Receipt, to sell the warehouse receipt or the cotton represented thereby and apply the proceeds in payment of such liquidated damages and the costs of selling such cotton. In any such case, the remaining proceeds shall be delivered by CCC to the holder of the Custodial Receipt upon surrender by him of the Custodial Receipt to CCC. CCC will not offset against such remaining proceeds any amount by reason of any other claim arising out of any other obligation to CCC or to the United States or any agency thereof. If the holder of the Custodial Receipt notifies CCC prior to the close of business on July 31, 1966, that he will not redeem the warehouse receipt from CCC in accordance with this section, he may obtain delivery from CCC of the warehouse receipt upon tender to CCC, at the time such notice is given, of the custodial Receipt and liquidated damages calculated as provided above except that the rate of payment in effect under this subpart on the date of such tender shall be used in lieu of the date of payment in effect on July 31, 1966. It is agreed that the amount of liquidated damages calculated as provided in this section is a reasonable estimate of the probable actual damages that would be incurred by CCC.

(Secs. 4, 5, 62 Stat. 1070, as amended, sec. 101, Pub. Law 88-297; sec. 203, 70 Stat. 188; 15 U.S.C. 714b, 714c, 7 U.S.C. 1853)

*Effective date.* This amendment shall be effective upon filing with the Office of the Federal Register.

Signed at Washington, D.C., on September 28, 1964.

RAY FITZGERALD,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 64-10018; Filed, Oct. 1, 1964; 8:48 a.m.]

# Title 12—BANKS AND BANKING

## Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

### PART 1—INVESTMENT SECURITIES REGULATION

### Merced River Development Revenue Bonds

§ 1.147 Merced River Development Revenue Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $36 million Merced Irrigation District, California, Merced River Development Revenue Bonds are eligible for investment by National Banks within the limitations of Paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Merced Irrigation District organized in 1919 in the San Joaquin Valley, California, covers an area of 163,864 acres of which 110,401 acres are irrigated. Proceeds of the $36 million bonds will be used to enlarge the Exchequer Dam, so as to utilize the water of the Merced River to increase the water storage, produce hydroelectric power, irrigate additional land, and improve flood control. A total expenditure of $130 million has been authorized to finance this development.

(2) Tliese bonds will be secured by revenues accruing under a power contract which provides for the sale of all hydroelectric power generated to the Pacific Gas and Electric Company. Under the power contract which becomes effective upon "the full operation date" or July 1, 1970, whichever is earlier, P. G. & E. obligates itself to pay $815 thousand semi-annually to cover debt service on the bonds plus an additional $22,500 monthly to cover operating and maintenance expenses until July 1, 2014, whether or not the project is operating.

(c) *Ruling.* A National Bank may in these circumstances prudently determine that there is adequate evidence that the District will be able to perform all that it undertakes to perform and that the $36 million Merced Irrigation District, California, Merced River Development Revenue Bonds meet the requirements of § 1.5(a) of this part and are eligible for investment by National Banks under the provisions and subject to the 10 percent limitation of Paragraph Seventh of 12 U.S.C. 24.

Dated: September 25, 1964.

[SEAL] JAMES J. SAXON,
*Comptroller of the Currency.*

[F.R. Doc. 64-9999; Filed, Oct. 1, 1964; 8:47 a.m.]

### PART 1—INVESTMENT SECURITIES REGULATION

### Bonds of Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority

§ 1.149 Bonds of the Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $150,000 Steamship Bonds dated March 1, 1961, and similar bonds of the Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority for dealing in, underwriting and unlimited holding by National Banks under the provisions of Paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority, a body corporate and a public instrumentality of the Commonwealth of Massachusetts, was created by an Act of the Massachusetts Legislature to succeed to the assets and liabilities of the old New Bedford, Woods Hole, Martha's Vineyard and Nantucket Steamship Authority, and to provide marine transportation between certain mainland ports and offshore islands in Massachusetts. This new Authority, which has the power to issue bonds to finance ships, equipment, terminals, and its various other requirements, has issued $150,000 Steamship Bonds to provide funds for the purpose of constructing, equipping and furnishing offices for the Authority at Woods Hole to replace offices of the old Authority in New Bedford.



(2) If the annual income of the Authority is not sufficient to meet the "cost of service", which term includes debt service of its bonds, the Authority must notify the State Treasurer of such deficiency and the Commonwealth of Massachusetts must pay the amount of the deficiency to the Authority for payment to its creditors and bondholders. Deficiency payments by the Commonwealth which are not covered by appropriations of its legislature are to be assessed against the towns of Falmouth and Nantucket, and the County of Dukes in proportions of 10, 40 and 50 percent, respectively. The amount assessed against the County of Dukes is in turn assessed against the towns in the County. The amounts assessed against all the towns for reimbursement to the Commonwealth are raised through the exercise of the general power of property taxation which they have under applicable laws.

(3) The towns of Falmouth and Nantucket, and the various towns of the County of Dukes, which are political subdivisions of the Commonwealth of Massachusetts, possessing resources sufficient to justify faith and credit, have, as authorized by the laws of Massachusetts, pledged their full faith and credit to make payments to the Authority of amounts which will be sufficient to provide for all required payments in connection with these bonds.

(c) *Ruling.* It is the conclusion of this Office that the $150,000 Steamship Bonds dated March 1, 1961, and similar bonds of the Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority are "public securities" as set forth in § 1.3(c) of this part, issued pursuant to 12 U.S.C. 24 Paragraph Seventh, and are therefore eligible for purchase, dealing in, underwriting and unlimited holding by National Banks.

Dated: September 25, 1964.

[SEAL] JAMES J. SAXON,
*Comptroller of the Currency.*

[F.R. Doc. 64-10000; Filed, Oct. 1, 1964; 8:47 a.m.]

### PART 1—INVESTMENT SECURITIES REGULATION

### Dormitory Bonds, Wisconsin University Building Corp.

§ 1.150 Dormitory Bonds of 1962 of the Wisconsin University Building Corporation.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $5,300,000 Dormitory Bonds of 1962 of the Wisconsin University Building Corporation for dealing in, underwriting, and unlimited holding by National Banks under the provisions of Paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* The Wisconsin University Building Corporation, a non-stock corporation whose income is not distributable to its members, directors, or officers, was organized in 1925 pursuant to the Wisconsin statutes. The Corporation's Board of Directors consists of five members from the staff of the University of Wisconsin and its purpose is to acquire, finance and improve real estate, and to lease such improved real estate to the University of Wisconsin.

(2) The State of Wisconsin, acting through the Regents of the University of Wisconsin, a body corporate and instrumentality of the State created for the purpose of providing higher education, intends to employ the Corporation as a means of constructing and financing a new dormitory at the University of Wisconsin. The Corporation will issue $5,300,000 of bonds to finance the construction of this dormitory to be leased to the Regents. The payment of principal and interest on these obligations is secured by a pledge of the net lease rental payments paid by the Regents, as lessee, which will be sufficient to satisfy all debt service requirements on the bonds. Rental payments due the Corporation from the Regents are to be paid from monies appropriated by the State which will be liable for accrued rentals, and any default under any lease or sublease.

(3) The State of Wisconsin, possessing resources sufficient to justify faith and credit, has as authorized by the laws of Wisconsin thus pledged its full faith and credit to make payments to the Corporation, through the Regents, of amounts sufficient to provide for all required payments in connection with these bonds. The Dormitory Bonds of 1962 are, therefore, general obligations of a state or political subdivision thereof within the meaning of § 1.3 (d) and (e) of this part.

(c) *Ruling.* It is the conclusion of this Office that the $5,300,000 Dormitory Bonds of 1962 of the Wisconsin University Building Corporation are "public securities" as set forth in § 1.3(c) of this part, issued pursuant to 12 U.S.C. 24, Paragraph Seventh, and are therefore eligible for dealing in, underwriting, and unlimited holding by National Banks.

Dated: September 25, 1964.

[SEAL] JAMES J. SAXON,
*Comptroller of the Currency.*

[F.R. Doc. 64-10001; Filed, Oct. 1, 1964; 8:47 a.m.]

### PART 1—INVESTMENT SECURITIES REGULATION

### Wisconsin State Agencies Building Corp.

§ 1.151 Wisconsin State Agencies Building Corporation.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $8,325,000 Educational Facilities Building Bonds, Series A of 1958; the $10,685,000 Educational Facilities Building Bonds, Series A of 1959; the $9,775,000 Educational Facilities Building Bonds, Series A of 1961; the $9,500,000 Welfare Department Facilities Building Bonds, Series A of 1961; the $12,185,000 Educational Facilities Building Bonds, Series A of 1962; and subsequent series of Bonds to be hereafter issued and secured under the statutes, or under statutes containing substantially the same relevant and material provisions as the statutes, pursuant to which the foregoing Bonds were issued by the Wisconsin State Agencies Building Corporation, as being eligible for dealing in, underwriting and unlimited holding by National Banks pursuant to the provisions of Paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* The State of Wisconsin has provided for the financing of the State building program by authorizing The Regents of the University of Wisconsin, The Board of Regents of State Colleges and the Department of Public Welfare to enter into long-term lease rental agreements with a nonprofit corporation for the construction and financing of buildings and other improvements related to activities under their control.

(2) The Wisconsin State Agency Building Corporation is a nonprofit corporation organized under the provisions of the Wisconsin Nonstock Corporation Law for the purpose of constructing buildings and other improvements for State university and State college purposes as well as for general State purposes. The proceeds of the bonds issued and to be issued by the Corporation are for the construction of facilities for leasing to the State university, the State colleges or the Department of Public Welfare, respectively, on long-term net leases. Rental payments under the leases are in an amount determined to be sufficient to pay the principal of and interest on the bonds issued in connection with the project. While funds from various sources may be pledged for the payment of the lease rentals, the State has provided standing appropriations of sums sufficient to pay the rentals on duly authorized projects and it has also specifically provided that it shall be liable and may be sued on contract for accrued rentals and for any other default under any such lease.

(3) The State of Wisconsin, possessing resources sufficient to justify faith and credit, has as authorized by the laws of Wisconsin thus pledged its full faith and credit to make payments to the corporation of amounts sufficient to provide for all required payments in connection with these bonds. These various issues of bonds are, therefore, general obligations of a State or political subdivision thereof within the meaning of § 1.3 (d) and (e) of this part.

(c) *Ruling.* It is the conclusion of this Office that the various issues of bonds of the Wisconsin State Agencies Building Corporation, as set forth above, are "public securities" as defined in § 1.3 (c) of this part, issued pursuant to Paragraph Seventh of 12 U.S.C. 24, and are therefore eligible for dealing in, underwriting, and unlimited holding by National Banks.

Dated: September 25, 1964.

[SEAL] JAMES J. SAXON,
*Comptroller of the Currency.*

[F.R. Doc. 64-10002; Filed, Oct. 1, 1964; 8:47 a.m.]

## PART I—INVESTMENT SECURITIES REGULATION

### Chicago Transit Authority Equipment Trust Certificates

**§ 1.152 Chicago Transit Authority Equipment Trust Certificates.**

(a) *Request.* The Comptroller of the Currency has been requested to rule that the outstanding Chicago Transit Authority Equipment Trust Certificates, through Series 11, are eligible for investment by National Banks within the limitations of Paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* The Chicago Transit Authority is an independent public agency established by a special Act of the Illinois Legislature in 1945 to acquire, unify, and modernize all major mass transit facilities serving Chicago and its major suburbs. The Equipment Trust Certificates of the Authority are secured by title to standard rolling stock held by the Harris Trust and Savings Bank, as trustee, and leased to the Authority. The lease rental payments of the Authority are used by the trustee to pay interest and principal of the Certificates, all of which are payable on parity.

(2) These Trust Certificates constitute a binding obligation of the Chicago Transit Authority payable solely out of and secured by a pledge of revenues derived by its transportation system, subject, however, to the debt service requirements of Revenue Bonds issued by the Authority. The Authority is required by statute and under the terms of certain Trust Agreements securing its Revenue Bonds and Equipment Trust Certificates, to adjust the rates so as to always meet, from earnings, all of its financial requirements.

(3) In 1947 the Authority began operating its mass transit system, and during each of the next sixteen years it was able to cover the debt service requirement of its Revenue Bonds. Since July 1950, when the Authority issued its first Equipment Trust Certificates, all interest has been paid promptly when due, and all principal retired on or before schedule. Retirement of these Certificates as of December 31, 1963, was equivalent to 77.29 percent of the $49,485,000 debt incurred. A comparison of the Authority's demonstrated cash producing ability during the last five years with all future debt service requirements for outstanding Certificates and Bonds, during the year 1964 through 1976, when all Trust Certificates are scheduled to mature, indicates that its earning at the current level will cover the maximum debt service requirements of any year through 1976, by 1.92 times. The depreciated value of the equipment securing the outstanding Certificates during their life greatly exceeds the amount of the Certificates.

(c) *Ruling.* It is the conclusion of this Office that a National Bank may in these circumstances at this time prudently determine that there is adequate evidence that the Authority will be able to perform all that it undertakes to perform and that the outstanding Equipment Trust Certificates, through Series 11, of the Chicago Transit Authority meet the requirement of § 1.5(a) of this part and are therefore eligible for investment by National Banks under the provisions and subject to the 10 percent limitation of Paragraph Seventh of 12 U.S.C. 24.

Dated: September 25, 1964.

[SEAL] JAMES J. SAXON,
*Comptroller of the Currency.*

[F.R. Doc. 64-10003; Filed, Oct. 1, 1964; 8:48 a.m.]

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER A—MISCELLANEOUS REGULATIONS

## PART 367—RULES GOVERNING OFFICIAL UNITED STATES GOVERNMENT ASSISTANCE TO SPONSORS OF INTERNATIONAL EXPOSITIONS HELD IN THE UNITED STATES

Part 367 is added to read as follows:

Sec.
367.1 Background and purpose.
367.2 Screening of applications; rules established.

AUTHORITY: The provisions of this Part 367 issued under President's letter of May 19, 1964 to the Secretary of Commerce.

**§ 367.1 Background and purpose.**

(a) The United States Government anticipates that there will be a Bicentennial Exposition in the year 1975 or 1976, to celebrate the 200th anniversary of the American struggle for independence. It will be essential to the success of this exposition that there be widespread official participation by foreign countries. This in turn will require that the anticipated Bicentennial Exposition be approved by the Bureau International des Expositions (BIE).

(b) The BIE is an international organization established by the Paris Convention of 1928 to regulate the conduct and scheduling of international expositions in which foreign nations are officially invited to participate. The United States is not now a member of the BIE. However, over 30 other nations, including almost all of Europe, are members. Under BIE rules, member nations may not ordinarily participate in international expositions unless the expositions are approved by BIE—and while expositions in nonmember countries such as the United States may be approved, expositions in member countries take priority over them. Thus BIE approval is a practical necessity, if there is to be widespread foreign participation in the contemplated Bicentennial Exposition, and United States membership in BIE would be advantageous in securing such approval.

(c) Accordingly President Johnson has directed (1) that the possibility of United States membership in the BIE be explored; (2) that BIE approval of a bicentennial exposition in the United States in 1975 or 1976 be immediately requested; (3) that so far as possible United States Government assistance to international expositions in the United States be limited to those which do not conflict with each other or with the anticipated Bicentennial Exposition.

(d) In pursuance of the latter objective, President Johnson has instructed the Secretary of Commerce to screen all applications for United States Government assistance to international expositions to be held in the United States. Currently international expositions are planned for some sixteen United States cities during the next twelve years. To carry out their plans the sponsors of some or all of these expositions may ask the United States Government (1) to assist in obtaining BIE approval of their expositions; (2) to officially invite foreign governments to participate; or (3) to participate financially in the expositions, through the building of a United States pavilion, or otherwise.

**§ 367.2 Screening of applications; rules established.**

(a) To facilitate reaching a judgment as to what, if any, assistance might appropriately be rendered to the sponsors of proposed international expositions held in the United States, the following rules are hereby established:

(1) Sponsors of international expositions who desire assistance from the United States Government in connection with their plans for such expositions must apply to the Department of Commerce, specifying the nature of the assistance sought.

(2) Requests for assistance must be consistent with the anticipated holding of a Bicentennial Exposition in 1975 or 1976, and with the obtaining of BIE approval for such exposition.

(3) There must be substantial financial support from the local government, the State government, and private interests in the community in which the proposed exposition is to be held.

(4) If U.S. Government assistance in obtaining BIE approval for the exposition is sought, the proposed exposition must appear to conform to the BIE frequency rules for expositions of its type.[1]

[1] The BIE frequency rules require that an interval of 15 years must elapse between "General Expositions of the First Category" held in a particular country, and an interval of 10 years must elapse between "General Expositions of the Second Category" held in that country. For "Special Expositions" an interval of 5 years must ordinarily elapse between special expositions of the same kind, or 3 months between special expositions of different kinds.

The BIE defines General Exposition of the First Category as an exposition dealing with progress achieved in a particular field applying to several branches of human activity, at which the invited countries are responsible for erection of their own pavilion. A General Exposition of the Second Category is a similar exposition in which no country has the option to construct or build its pavilion. Special expositions are those which deal only with one particular technique, raw material, or basic need. More detailed BIE classification and scheduling criteria and regulations are contained in the Paris Convention of 1928. Applicants not having a copy may obtain one by writing to U.S. International Expositions Review Committee, Bureau of International Commerce, Department of Commerce, Washington, D.C.





(5) If the proposed exposition is of a type regulated by the BIE, requests for the United States Government to officially invite foreign countries to participate will not be acted upon prior to approval of the exposition by the BIE.

(6) Where the direct financial support of the United States Government is sought (through the building of a United States pavilion or otherwise), the role of the Executive Branch of the government will be limited to advising the Congress, at its request, of the Executive's views as to the advisability of such participation. It will be the responsibility of the exposition sponsors themselves to obtain the necessary legislation.

(b) Sponsors of expositions who desire assistance or have questions with regard to the preceding rules may communicate to U.S. International Expositions Review Committee, Bureau of International Commerce, Department of Commerce, Washington, D.C.

Dated: September 24, 1964.

FRANKLIN D. ROOSEVELT, Jr.,
*Acting Secretary of Commerce.*

[F.R. Doc. 64-9993; Filed, Oct. 1, 1964; 8:46 a.m.]

# Title 13—BUSINESS CREDIT AND ASSISTANCE

## Chapter I—Small Business Administration

[Amdt. 9 [Rev. 4]]

## PART 121—SMALL BUSINESS SIZE STANDARDS

### Definition of Small Business for Receiving Priority Payment

The Small Business Size Standards (Revision 4) (29 F.R. 86), as amended (29 F.R. 2998, 3222, 6945, 7312, 11525, 11707, 12585) is hereby further amended by:

1. Revising paragraph (b) of § 121.3-13 to read as follows:

**§ 121.3-13 Definition of Small Business for receiving priority payment under section 213(a) of the War Claims Act of 1948, as amended.**

* * * * *

(b) *Request for size determination.* Requests for size determinations may be received only from the Foreign Claims Settlement Commission of the United States and determinations of the size status of a claimant shall be made by the SBA Regional Director for the region in which the claimant resides, or, in the case of claimants residing in foreign countries, by the SBA Regional Director at Richmond, Va.: *Provided, however,* That the Foreign Claims Settlement Commission certifies to SBA that the claimant qualifies under section 202(a) of the War Claims Act of 1948, as amended.

Effective date: September 1, 1964.

EUGENE P. FOLEY,
*Administrator.*

[F.R. Doc. 64-9998; Filed, Oct. 1, 1964; 8:47 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. 8580]

## PART 13—PROHIBITED TRADE PRACTICES

### Jacques Kreisler Manufacturing Corp. and Tobias Stern

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* 13.1900-35 Foreign product as domestic.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Jacques Kreisler Manufacturing Corporation et al., North Bergen, N.J., Docket 8580, Sept. 16, 1964]

*In the Matter of Jacques Kreisler Manufacturing Corporation, a corporation, and Tobias Stern, individually and as an officer of said corporation*

Order requiring a North Bergen, N.J., distributor to manufacturers, distributors of watches and retailers of metal watch bands, consisting in whole or substantial part of components imported from Japan, to cease offering the watch bands for sale with no disclosure of the foreign country of origin.

The order to cease and desist is as follows:

*It is ordered,* That respondent Jacques Kreisler Manufacturing Corporation, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of watchbands, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing any such products which are substantially, or which contain a substantial part or parts, of foreign origin or fabrication without affirmatively disclosing the country or place of foreign origin or fabrication thereof on the products themselves, by marking or stamping on an exposed surface, or on a label or tag affixed thereto, of such degree of permanency as to remain thereon until consummation of consumer sale of the products, and of such conspicuousness as likely to be observed and read by purchasers and prospective purchasers making casual inspection of the product.

2. Offering for sale, selling, or distributing any such product packaged, or mounted in a container, or on a display card, without disclosing the country or place of foreign origin of the product, or substantial part or parts thereof, on the front or face of such packaging, container, or display card, so positioned as to clearly have application to the product so packaged or mounted, and of such degree of permanency as to remain thereon until consummation of consumer sale of the product, and of such conspicuousness as likely to be observed and read by purchasers and prospective purchasers making casual inspection of the product as so packaged or mounted.

3. Placing in the hands of manufacturers, distributors, retailers, and others, means and instrumentalities by and through which they may deceive and mislead the purchasing public concerning any merchandise in the respects set out above.

*It is further ordered,* That the complaint be and hereby is dismissed as against respondent Tobias Stern, individually.

By "Final Order", further order requiring report of compliance is as follows:

*It is further ordered,* That respondent Jacques Kreisler Manufacturing Corporation, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist set forth in the initial decision.

Issued: September 16, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
*Secretary.*

[F.R. Doc. 64-9982; Filed, Oct. 1, 1964; 8:45 a.m.]

[Docket No. 8570]

## PART 13—PROHIBITED TRADE PRACTICES

### Vislo Corp. and Eugene A. Griffin

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-12 Auxiliary, improving, or supplementary; § 13.190 *Results.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Vislo Corporation et al., Great Neck, N.Y., Docket 8570, Sept. 15, 1964]

*In the Matter of Vislo Corporation, a corporation, and Eugene A. Griffin, individually and as an officer of said corporation*

Order requiring a Great Neck, N.Y., distributor of tinted glasses under the name of "Rayex Night Glasses" to dealers and distributors for resale to retailers, to cease representing falsely in newspaper, magazine and other advertising that wearing said glasses would eliminate glare from the eyes of the wearer, enable him to see in the dark and through fog glare, improve his night driving vision and allow all the light to reach his eye.

The order to cease and desist is as follows:

*It is ordered*, That respondents Vislo Corporation, a corporation, and its officers, and Eugene A. Griffin, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of Vislo Night Glasses, or any other device of similar composition or possessing substantially similar properties, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that:

(a) The wearing of respondents' tinted glasses will eliminate or substantially reduce glare from the eyes of the wearer.

(b) The wearing of respondents' tinted glasses will enable the wearer to see in the dark.

(c) The wearing of respondents' tinted glasses will enable the wearer to see through fog glare.

(d) The wearing of respondents' tinted glasses will improve night driving vision.

(e) The wearing of respondents' tinted glasses will allow all the light to reach the eye of the wearer.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondents' device in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains the representations prohibited in Paragraph 1 hereof.

By "Final Order", further order requiring report of compliance is as follows:

*It is further ordered*, That respondents shall, within sixty (60) days after service of the order herein upon them, file with the Commission a report in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: September 15, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-9983; Filed, Oct. 1, 1964; 8:45 a.m.]

[Docket No. C-831]

## PART 13—PROHIBITED TRADE PRACTICES

### Jacob Weinstein et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-40 Federal Trade Commission Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition:* 13.1590-20 Federal Trade Commission Act.*

*New.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Jacob Weinstein et al. trading as A. Weinstein & Son Co., Worcester, Mass., Docket C-831, Sept. 11, 1964]

*In the Matter of Jacob Weinstein and Rose Weinstein, Individually and as Copartners Trading as A. Weinstein & Son Co.*

Consent order requiring Worcester, Mass., manufacturers of garnetted fiber products to cease misrepresenting the fiber content of certain of their products by making such statements on invoices and shipping memoranda as "100% Wool" when the product so described contained substantially different fibers and amounts of fibers than represented.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondents Jacob Weinstein and Rose Weinstein, individually and as copartners trading as A. Weinstein & Son Co., or under any other trade name, and respondents' representatives, agents and employees directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of garnetted fibers or any other textile products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in garnetted fiber products or any other textile products on invoices or shipping memoranda applicable thereto or in any other manner.

*It is further ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 11, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-9984; Filed, Oct. 1, 1964; 8:45 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

POLYOXYETHYLENE (20) SORBITAN TRISTEARATE; POLYSORBATE 60 (POLYOXYETHYLENE (20) SORBITAN MONOSTEARATE); SORBITAN MONOSTEARATE

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1351) filed by Drew Chemical Corporation, 416 Division Street, Boonton, New Jersey, and other relevant material, has concluded that an amendment should issue to provide for the safe use of polyoxyethylene (20) sorbitan tristearate, polysorbate 60 (polyoxyethylene (20) sorbitan monostearate), and sorbitan monostearate as emulsifiers in edible vegetable fat-water emulsions. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471, §§ 121.1008, 121.1029, and 121.1030 of the food additive regulations are amended as follows:

1. In § 121.1008, paragraph (c) is amended by adding thereto a new subparagraph (4), reading as follows:

§ 121.1008 Polyoxyethylene (20) sorbitan tristearate.

* * * * *

(c) * * *

(4) As an emulsifier in solid-state, edible vegetable fat-water emulsions intended for use as substitutes for milk or cream in beverage coffee, with or without one or a combination of the following:

(i) Sorbitan monostearate.

(ii) Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

The maximum amount of the additive or additives shall not exceed 0.4 percent by weight of the finished edible vegetable fat-water emulsion.

* * * * *

2. In § 121.1029, paragraph (c) is amended by adding thereto a new subparagraph (5), reading as follows:

§ 121.1029 Sorbitan monostearate.

* * * * *

(c) * * *

(5) As an emulsifier in solid-state, edible vegetable fat-water emulsions intended for use as substitutes for milk or cream in beverage coffee, with or without one or a combination of the following:

(i) Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

(ii) Polyoxyethylene (20) sorbitan tristearate.

The maximum amount of the additive or additives shall not exceed 0.4 percent by weight of the finished edible vegetable fat-water emulsion.

* * * * *

3. In § 121.1030, paragraph (c) is amended by adding thereto a new subparagraph (9), reading as follows:

§ 121.1030 Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

* * * * *

(c) * * *

(9) As an emulsifier in solid-state, edible vegetable fat-water emulsions intended for use as substitutes for milk or cream in beverage coffee, with or without one or a combination of the following:

(i) Polyoxyethylene (20) sorbitan tristearate.

(ii) Sorbitan monostearate.



The maximum amount of the additive or additives shall not exceed 0.4 percent by weight of the finished edible vegetable fat-water emulsion.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 25, 1964.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 64-10008, Filed, Oct. 1, 1964; 8:48 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYTERPENE RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4B1454) submitted by Hercules Powder Company, Wilmington, Delaware, 19899, and other relevant material, has concluded that a new food additive regulation should be issued to provide for the use of polyterpene resins as components of polypropylene film intended for food contact. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), Part 121 is amended by adding to Subpart F the following new section:

§ 121.2503 Polyterpene resins.

Polyterpene resins identified in this section may be safely used as components of polypropylene film intended for use in contact with food, in accordance with the following prescribed conditions:

(a) The polyterpene resins are the hydrogenated polymers of terpene hydrocarbons obtainable from sulfate turpentine.

(b) The polyterpene resins have a drop-softening point of 118° C.–138° C. and an iodine value of less than 20.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Date: September 28, 1964.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 64-10009; Filed, Oct. 1, 1964; 8:48 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

## PART 8—NATIONAL SERVICE LIFE INSURANCE

### Application and Medical Evidence

1. In Part 6, § 6.80 is revised to read as follows:

§ 6.80 Application and medical evidence.

The applicant for reinstatement of United States Government life insurance, during his lifetime and before becoming totally and permanently disabled, must submit a written application signed by him and furnish evidence of health as required in § 6.79 at the time of application satisfactory to the Administrator of Veterans Affairs and upon such forms as the Administrator shall prescribe or otherwise as he shall require. Applicant's own statement of comparative health may be accepted as proof of insurability for the purpose of reinstatement under § 6.79(a), but, whenever deemed necessary in any such case by the Administrator, report of physical examination may be required. Applications for reinstatement submitted after expiration of the applicable period mentioned in § 6.79(a) must be accompanied by evidence of good health satisfactory to the Administrator: *Provided*, That if the insurance becames a claim after the tender of the amount necessary to meet reinstatement requirements but before full compliance with the requirements of this section, and the applicant was in the required state of health at the date that he made the tender of the amount necessary to meet reinstatement requirements, and that there is satisfactory reason for his noncompliance the Deputy Director for Underwriting, Accounts and Insurance Claims in Central Office and the Insurance Officer, VA Center, Philadelphia, Pennsylvania, may, if the applicant be dead, waive any or all of the requirements of this section (except payment of the necessary premiums) or, if the applicant be living, allow compliance with this section as of the date the required amount necessary to reinstate was received by the Veterans Administration.

(72 Stat. 1114, 1158, as amended; 38 U.S.C. 210, 740–760, 781–788)

2. In Part 8, § 8.24 is revised to read as follows:

§ 8.24 Application and medical evidence.

The applicant for reinstatement of National Service life insurance, during his lifetime must submit a written application signed by him and furnish evidence of health as required in § 8.23 at the time of application satisfactory to the Administrator of Veterans Affairs and upon such forms as the Administrator shall prescribe or otherwise as he shall require. Applicant's own statement of comparative health may be accepted as proof of insurability for the purpose of reinstatement under § 8.23 (a), but, whenever deemed necessary in any such case by the Administrator, report of physical examination may be required. Applications for reinstatement submitted after expiration of the applicable period mentioned in § 8.23(a) must be accompanied by evidence of good health satisfactory to the Administrator: *Provided*, That if the insurance becomes a claim after the tender of the amount necessary to meet reinstatement requirements but before full compliance with the requirements of this section, and the applicant was in a required state of health at the date that he made the tender of the amount necessary to meet reinstatement requirements, and that there is satisfactory reason for his noncompliance, the Deputy Director for Underwriting, Accounts and Insurance Claims in Central Office and Insurance Officers, VA Centers, St. Paul, Minnesota, and Philadelphia, Pennsylvania, may, if the applicant be dead, waive any or all requirements of this section (except payment of the necessary premiums) or, if the applicant be living, allow compliance with this section as of the date the required amount necessary to reinstate was received by the Veterans Administration.

(72 Stat. 1114, 1148, 1164, as amended; 38 U.S.C. 210, 701–724, 781–788)

These VA Regulations are effective September 1, 1964.

Approved: September 28, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
*Deputy Administrator.*

[F.R. Doc. 64-9997; Filed, Oct. 1, 1964; 8:47 a.m.]

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 9—Atomic Energy Commission

## PART 9-1—GENERAL

### Subpart 9-1.3—General Policies

The following § 9-1.314 will be added:

**§ 9-1.314 Solicitations for informational or planning purposes.**

The allowance for the cost of preparing quotations referred to in FPR 1-1.314 shall be determined in acordance with AEC cost principles set forth in AECPR 9-15.5010-13, "Bidding expense and costs of proposals."

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

*Effective date.* This regulation shall become effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 25th day of September 1964.

For the U.S. Atomic Energy Commission.

R. J. HART,
*Acting Director,*
*Division of Contracts.*

[F.R. Doc. 64-9987; Filed, Oct. 1, 1964; 8:45 a.m.]

## Chapter 9—Atomic Energy Commission

## PART 9-10—BONDS AND INSURANCE

The following part is added:

Sec.
9-10.000 Scope of part.

Subpart 9-10.1—Bonds

9-10.102 Definitions.
9-10.102-50 Fidelity bond.
9-10.103 Bid guarantees.
9-10.103-1 Policy on use.
9-10.104 Performance bonds.
9-10.104-1 Construction contracts.
9-10.104-2 Other than construction contracts.
9-10.105 Payment bonds.
9-10.105-1 Construction contracts.
9-10.105-2 Other than construction contracts.
9-10.150 Fidelity bonds.
9-10.151 Execution and administration of bonds.
9-10.152 Contract articles.

Subpart 9-10.2—Sureties on Bonds

9-10.250 Corporate co-sureties.
9-10.251 Partnerships as sureties.
9-10.252 Substitution or replacement of a surety.

Subpart 9-10.3—Insurance

9-10.350 Basic policy.
9-10.351 Contract article.

AUTHORITY: The provisions of this Part 9-10 issued under sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; Section 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

**§ 9-10.000 Scope of part.**

This part implements and supplements the requirements on bonds and insurance set forth in FPR 1-10.

### Subpart 9-10.1—Bonds

**§ 9-10.102 Definitions.**

**§ 9-10.102-50 Fidelity bonds.**

A blanket Fidelity bond is a bond under which the obligor agrees to indemnify an employer up to an amount stated in the bond for losses caused by dishonesty on the part of all employees except those expressly excluded by written endorsement on the bond. A blanket position fidelity bond affords the employer such protection with respect to all positions except those expressly excluded by written endorsement on the bond. An individual fidelity bond affords the employer such protection with respect to a named individual, and a schedule fidelity bond protects the employer against the dishonesty of any employee or employees included in a schedule of named individuals.

**§ 9-10.103 Bid guarantees.**

**§ 9-10.103-1 Policy on use.**

(a) In addition to the restrictions on use of bid guarantees in FPR 1-10.103-1 (a), a bid guarantee may be required only for lump-sum or unit price contracts entered into as a result of formal advertising, and may not be required for negotiated contracts. However, a bid guarantee may be required for a lump-sum or a unit-price construction subcontract under a prime cost-type contract when the subcontract is entered into under procedures similar to formal advertising.

**§ 9-10.104 Performance bonds.**

Performance bonds shall not be furnished at Government expense in connection with AEC cost-type contracts and cost-type subcontracts.

**§ 9-10.104-1 Construction contracts.**

(a) Performance bonds should be required for all lump-sum and unit-price construction subcontracts in excess of $2,000 where the subcontracts are under cost-type prime contracts (or under cost-type subcontracts under cost-type prime contracts), unless the contracting officer determines that the interests of the Government are otherwise adequately protected. The penal amounts should be as set forth in FPR 1-10.104-1(b).

**§ 9-10.104-2 Other than construction contracts.**

(b) Situations in addition to those listed in FPR 1-10.104-2(b) which may warrant requiring a performance bond are:

(4) Where doubt exists as to the financial or technical ability of all possible suppliers.

(5) Where the contractor's talent is overly concentrated in a few key personnel whose illness or departure could seriously impair the contractor's ability to perform the proposed work.

(6) Where other commitments of the contractor might delay performance.

(7) Where performance of the proposed work might disrupt other operations of the contractor and impair its overall efficiency.

(8) Where the item being manufactured is a component for another article and is required by a particular date in order to avoid delay in delivery of the end product.

**§ 9-10.105 Payment bonds.**

Payment bonds shall not be furnished at Government expense in connection with cost-type contracts and cost-type subcontracts.

**§ 9-10.105-1 Construction contracts.**

(a) Payment bonds should be required for all lump-sum and unit-price construction subcontracts in excess of $2,000 where the subcontracts are under cost-type prime contracts (or under cost-type subcontracts under cost-type prime contracts), unless the contracting officer determines that the interests of the Government and of persons furnishing labor and materials for the contract work are otherwise adequately protected. The penal amounts should be as set forth in FPR 1-10.105-1(b).

**§ 9-10.105-2 Other than construction contracts.**

(a) Determinations that it is in the best interest of the Government to require payment bonds in connection with other than construction contracts may be made by the contracting officer on individual procurements. In the case of either advertised or negotiated procurements, whenever the contracting officer has reason to believe that work under a proposed contract might be delayed because of the concern of subcontractors or suppliers over the credit standing of a potential prime contractor, he should consider the advisability of requiring a payment bond.

**§ 9-10.150 Fidelity bonds.**

(a) *Basic policy.* Fidelity bonds shall not be required in connection with fixed-price contracts. Under cost-type contracts, as a general rule, fidelity bonds should not be recommended by contracting officers for approval even though under the terms of a particular contract or subcontract losses normally covered by such bonds might fall upon the Government. See AECM Chapter 1401 and Appendix for complete information on AEC policies (and exceptions to policies), practices, and procedures relating to the use of fidelity bonds.

**§ 9-10.151 Execution and administration of bonds.**

(a) *Bid bonds.* In the case of prime actions, prior to award of a contract the contracting officer shall obtain review of the bid bond furnished with the successful bid (1) as to legal form and sufficiency by counsel, and (2) as to acceptability of the surety by the local AEC insurance representative. In the case of construction subcontract actions, prior to award of a subcontract the contracting officer or, with his approval, the cost-type contractor shall obtain review of the bid bond furnished with the successful bid (1) as to legal form and sufficiency, and (2) as to acceptability of the surety and adequacy of the bond.

(b) *Performance and payment bonds.* In the case of prime actions, the contracting officer shall obtain review of such bonds (1) as to legal form and sufficiency, and (2) as to adequacy. In the case of construction subcontract actions, the contracting officer or, with his approval, the cost-type contractor (or cost-type subcontractor under a cost-type prime contractor), shall obtain review of such bonds (1) as to legal form and sufficiency, and (2) as to acceptability of the surety and adequacy of the bond.

**§ 9-10.152 Contract articles.**

Standard contract articles pertaining to bonds are set forth in FPR 1-7.101-9 and AECPR 9-7.5004-19.

### Subpart 9-10.2—Sureties on Bonds

**§ 9-10.250 Corporate co-sureties.**

More than one corporate surety may be accepted as surety upon any recognizance, stipulation, bond or undertaking in connection with either construction contracts or contracts other than construction contracts, provided that in no case will the liability of any such co-surety exceed the maximum penal sum in which the corporate surety is qualified to underwrite any one obligation. On bonds covering contracts other than construction contracts, where the amount of the bond is greater than the underwriting limitation of the corporate surety, the latter may reinsure with a corporation on the acceptable list of corporate sureties having the required underwriting capacity. Reinsurance agreements are not acceptable in connection with construction contracts. Corporate co-sureties need not obligate themselves for the full amount of the bond. Each corporate surety may, by setting forth the limit of its liability in the bond as a definite and specified sum, limit such liability. The co-sureties must, however, bind themselves "jointly and severally" for the purpose of allowing a joint action or actions against any or all of them.

**§ 9-10.251 Partnerships as sureties.**

A partnership or other unincorporated association, as such, shall not be accepted as a surety. The individual members of the partnership or association may, of course, qualify as sureties, provided they meet the requirements set forth in FPR 1-10.203. Individual members of a partnership or association shall not, however, be acceptable as sureties on bonds under which the partnership or association, or any co-partner or member thereof, is the principal obligor.

**§ 9-10.252 Substitution or replacement of a surety.**

In case of financial embarrassment, failure or other disqualifying cause on the part of a surety under a bond, the contracting officer shall require the substitution of a new surety satisfactory to him.

### Subpart 9-10.3—Insurance

**§ 9-10.350 Policy.**

See AECM Chapter 1401 and Appendix for complete information on AEC policies, practices, and procedures relating to contractor insurance programs.

**§ 9-10.351 Contract article.**

The contract article pertaining to insurance is set forth in AECPR 9-7.5004-19.

*Effective date.* These regulations shall become effective 45 days following publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md., this 25th day of September 1964.

For the U.S. Atomic Energy Commission.

R. J. HART,
*Acting Director,*
*Division of Contracts.*

[F.R. Doc. 64-9988; Filed, Oct. 1, 1964; 8:45 a.m.]

## PART 9-30—CONTRACT FINANCING

The following part is added:

Sec.
9-30.000 Scope of part.

Subpart 9-30.1—Forms of Financing

9-30.102 Guaranteed loans—description.
9-30.109 Partial payments—description.

Subpart 9-30.2—Basic Policies

9-30.209 Order of preference.

Subpart 9-30.4—Advance Payments

9-30.400 Scope of subpart.
9-30.402 Interest.
9-30.404 Standards—amounts—need.
9-30.406 Responsibility— delegation of authority.
9-30.414 Agreement for special bank account and contract provisions.

Subpart 9-30.5—Progress Payments Based on Costs

9-30.517 Contract financing office clearance.
9-30.528 Consideration for amendments providing for progress payments.

Subpart 9-30.7—Assignment of Claims

9-30.701 General.
9-30.703 Contract clause—Assignment of Claims.
9-30.708 Examination of assignment.

AUTHORITY: The provisions of this Part 9-30 issued under sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

**§ 9-30.000 Scope of part.**

(a) This part implements and supplements FPR 1-30 for use in the placement and administration of contracts for the procurement of materials and services by or for the account of AEC. Managers of Field Offices shall require their cost-type contractors to observe the policies prescribed in this part with respect to subcontracts awarded by them.

(b) This part does not apply to integrated cost-type contractors, who are financed through special arrangements outlined in AEC Manual Appendix 1101, Part III, Section A.

### Subpart 9-30.1—Forms of Financing

**§ 9-30.102 Guaranteed loans—description.**

The following implements the FPR by stating AEC Procedure, Criteria and Policies:

(a) *Procedure.* The procedure for obtaining a guaranteed loan is essentially the same as the procedure for obtaining a conventional loan. The contractor or prospective contractor, who requires additional funds to perform the contract, applies to his bank for a loan or credit of the required amount. The amount may be such that the bank can grant the loan for its own account. However, if for any reason the bank deems it necessary to require a guarantee, the bank may apply to AEC through the appropriate Federal Reserve Bank for the required guarantee. AEC certification of guaranteed loan applications shall be made only by the General Manager or his delegate for that purpose.

(b) *Criteria.* The following criteria apply to the approval of guaranteed loans by AEC:

(1) The materials or services to be furnished by the contractor are necessary to the national defense.

(2) Such materials or services cannot practicably be obtained from alternate sources without delaying or impeding the national defense (see below) except that no small business concern shall be held ineligible for the issuance of such guaranty by reason of alternative sources of supply.

(3) The contractor has demonstrated his inability to obtain the necessary financing in conventional credit channels without the guarantee.

(4) There is reasonable assurance that the loan can be repaid.

(5) The contractor is competent to perform the contract.

Eligibility under subparagraphs (1), (2) and (5) of this paragraph is determined on the basis of findings by the appropriate Field Office. Eligibility under subdivisions (3) and (4) of this paragraph is determined by the Office of the Controller, based on information contained in the application, the Federal Reserve Bank's report, and information furnished by the Field Office concerned.

(c) *Policies.* The following policies governing the exercise by AEC of its loan guarantee authority have been established by the Commission.

(1) The use of the loan guarantee authority is not restricted to contracts or subcontracts of any particular types or classes. Each case is to be evaluated on its own merits and under the particular circumstances applicable thereto.

(2) The fact that a contract has been awarded as a result of competitive bidding should not of itself render the loan ineligible for guarantee by AEC if the contractor is financially responsible and his need for working capital is the result of the impact of the defense program.

(3) The guarantee authority should, in general, not be used in connection with loans to contractors required to furnish performance bonds, except in those cases in which the time likely to be required for the surety or the AEC to take over in event of default, will result in delays which cannot be tolerated by the particular program concerned. When performance bonds have been furnished, the surety shall be required to subordinate its rights and in favor of the guaranteed loan.

(4) The criterion that the materials or services to be provided cannot readily be procured from alternative sources does not require the finding that the materials or services are absolutely unobtainable elsewhere. The criterion should be so applied as to permit guarantees of loans when, although the materials or services can be obtained elsewhere, such factors as the urgency of supply schedules, technical capacity of the contractor, comparative prices, and time and expense involved in reletting the contract, including termination payments, establish that it is to the Government's advantage not to resort to alternative sources merely because the contractor or subcontractor may require a guaranteed loan.

(5) If it is known at the time the contract is to be awarded that the low offeror who is technically qualified and competent to furnish the required materials and services will require a guaranteed loan, the contracting officer should obtain appropriate staff advice and in reaching a decision should consider at least the following:

(i) The savings to be realized by awarding the contract to the low offeror;

(ii) The risk to the Government in guaranteeing a loan;

(iii) The likelihood, if award is made to the second low offeror, of his applying for a guaranteed loan at a later date. Extreme care shall be exercised in rejecting a low bid or proposal simply because the low offeror requires a guaranteed loan.

(6) The amount of the loan should bear a reasonable relationship to the value and terms of the contract, the probable investment required to be made by the contractor in payrolls and inventories, etc., the frequency with which contract payments are to be made, and the borrower's current working capital position.

(7) Borrowings for working capital purposes under guaranteed loans shall be limited to the amount necessary to perform the defense contracts for which the loan is sought. In order that the contractor will also use his own funds in the performance of the contracts, amounts outstanding under the loan or line of credit shall be limited to an amount not to exceed 90% of the borrower's investment in his defense contracts regardless of the total amount of the loan or line of credit authorized. The borrower's investment includes all items for which the borrower would be entitled to payment on performance or termination of defense contracts, but does not include any items for which no work has been done nor expenditures made.

(8) Unless there are exceptional circumstances, the loan should mature not later than thirty days after the estimated date of final payment under the contract.

### § 9–30.109 Partial payments—description.

Partial payments, as a financing device may be used in conjunction with other methods of financing, such as guaranteed loans.

## Subpart 9–30.2—Basic Policies

### § 9–30.209 Order of preference.

(a) With respect to cost-type procurements generally, contractors are expected to employ private financing with or without assignment of contract payments (FPR 1–30.7). Periodic interim reimbursement on account of incurred cost and payment of fixed fee (if any) will normally be made, reducing the amount of necessary financing for working capital (AECPR 9–7.5006–25). In some instances, where no other means of adequate financing is available on reasonable terms, the AEC may approve (in order of preference) a guaranteed loan or an advance payment for performance of the contract.

(b) Partial payments, as provided for in the standard form of supply contract (FPR 1–16.901–32), should be considered as a form of contractor financing in the second place in the order of preference.

## Subpart 9–30.4—Advance Payments

### § 9–30.400 Scope of subpart.

(b) See § 9–30.000 regarding advance payments to cost-type contractors.

### § 9–30.403 Interest.

(a) Interest at the rate of 5 percent will be charged on all advance payments, provided that advance payments may be made without interest:

(1) Pursuant to FPR 1–30.403,

(2) In CPFF contracts for construction or engineering services, and

(3) Where the contract provides that title to the advance has been retained by the Government (AECPR 9–7.5006–23).

### § 9–30.404 Standards—amounts—need.

The total advance payment shall not exceed 90 percent of the value of the uncompleted portion of the contract and shall not include any portion of the anticipated profit or the fixed fee.

### § 9–30.406 Responsibility — delegation of authority.

(a) The Manager of the Field Office or his delegate shall have the responsibility and authority for making the findings and determinations referenced in FPR 1–30.406.

### § 9–30.414 Agreement for special bank account and contract provisions.

(See AECPR 9–7.5006–23, 24 under which the Government retains title to the funds advanced.)

## Subpart 9–30.5—Progress Payments Based on Costs

### § 9–30.517 Contract financing office clearance.

The prior approval specified here shall be obtained from the Office of the Controller.

### § 9–30.528 Consideration for amendments providing for progress payments.

To the extent applicable and appropriate, these provisions may also relate to a Partial Payments clause. If justified, an amendment for this purpose may be made without consideration pursuant to FPR 1–17 and AECPR 9–17. When any such amendment is made, the consent of sureties, if any, should be obtained.

## Subpart 9–30.7—Assignment of Claims

### § 9–30.701 General.

FPR 1–30.701 is implemented as follows:

(a) In the case of prime contracts, when it has been determined that the financing of defense contracts will be facilitated in the interest of the AEC program, it is the policy of AEC that such contracts provide, or be amended without consideration (see Assignment of Claims Act of 1940) to provide, that payments to be made to an assignee shall not be subject to reduction or set-off:

(1) For any liability of any nature of the assignor to the United States or any department or agency thereof which arises independently of such contracts;

(2) For any liability of the assignor on account of:

(i) Renegotiation under any renegotiation statute or under any statutory renegotiation article in the contract;

(ii) Fines;

(iii) Penalties (which term does not include amounts which may be collected or withheld from the assignor in accordance with, or for failure to comply with, the terms of the contract);



(iv) Taxes, social security contributions, or the withholding or nonwithholding of taxes or social security contributions, whether arising from or independently of such contract.

(b) In the case of subcontracts, when loans are made for the purpose of financing performance of subcontracts under AEC prime contracts, financing institutions (or the Government as guarantor in those instances in which such loans are guaranteed) should not be required to incur risks of loss by reason of possible diversion of assigned subcontract proceeds for payment of other claims of the prime contractor against the borrower otherwise unrelated to the assigned subcontracts. In the interest of national defense financing, Managers of Field Offices shall require the adoption of these policies and practices by AEC prime contractors with respect to AEC subcontract work. Managers should inform the Controller of each contractor of AEC who is unwilling to adopt policies consistent with this paragraph and the reasons given in support of the contractor's position.

### § 9–30.703 Contract clause — Assignment of Claims.

Add the following to the final paragraph of FPR 1–30.703:

The last two sentences of paragraph (a) of the foregoing clause shall also be deleted in all contracts for transportation services.

### § 9–30.708 Examination of assignment.

(b) In classified contracts, the assignee should ordinarily be furnished, upon request, with the following information, as applicable, in lieu of a copy of the contract:

(1) Name and address of the AEC prime contractor;

(2) Prime contract number and date;

(3) The AEC office and address receiving the material or service;

(4) Subcontract number or purchase order number;

(5) Date of the subcontract or purchase order;

(6) Date on which prime contract, subcontract or purchaser order is to be completed;

(7) Total amount of the subcontract or purchase order;

(8) Dollar amount remaining to be delivered on prime contract, subcontract or purchase order; and

(9) A statement as to the assignability of the prime contract, subcontract or purchase order.

(c) (1) It is AEC policy that any assignment of claims shall cover all amounts payable under the contract and not already paid. Partial assignments shall not be permitted unless they are primarily for the benefit of the Government, as exampled in FPR 1–30.708 (c) (1).

*Effective date.* These regulations shall become effective 46 days following the date of publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md., this 25th day of September 1964.

For the U.S. Atomic Energy Commission.

R. J. HART,
*Acting Director,*
*Division of Contracts.*

[F.R. Doc. 64–9989; Filed, Oct. 1, 1964; 8:46 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 32—HUNTING

### Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

### § 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, brant, and coots on the Bombay Hook National Wildlife Refuge, Delaware, is permitted only on two areas designated by signs as open to hunting. They are known as the South Public Hunting Area and the West Public Hunting Area. These open areas, comprising 2,653 acres, are delineated on maps available at the refuge headquarters, Smyrna, Delaware, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston, Mass., 02111.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, brant, and coots subject to the following special conditions:

(1) Ducks, geese, brant, and coots may be hunted on the South Public Hunting Area during the period from November 7, 1964 to December 26, 1964, inclusive, except Sundays.

(2) Ducks, geese, brant, and coots may be hunted on the West Public Hunting Area from sunrise to 12:00 noon (standard time) Tuesdays, Thursdays, and Saturdays during the period from November 7, 1964 through December 26, 1964, inclusive. Geese and brant only may be hunted on the West Public Hunting Area from sunrise to 12:00 noon (standard time) Tuesdays, Thursdays, and Saturdays during the period from December 27, 1964 through January 14, 1965, inclusive.

(3) The construction of blinds by the public is not permitted. Hunting shall be only from those blinds constructed and labeled by refuge personnel and the possession of a loaded gun and shooting on the refuge is not permitted outside of a blind except when in active pursuit of crippled waterfowl.

(4) No person shall use or have in his possession on the West Public Hunting Area any shell containing shot smaller than #6 fine shot or larger than #2 fine shot.

(5) Dogs are not permitted on the West Public Hunting Area.

(6) A Federal permit is required to enter the public hunting areas. A permit to enter the South Public Hunting Area may be obtained at the checking station located at Port Mahon from one hour before sunrise until 3:30 p.m. (standard time) from November 7, 1964 through December 26, 1964, inclusive, except Sundays. These permits must be surrendered at the checking station prior to one-half hour after sunset each hunting day. A permit to enter the West Public Hunting Area may be obtained at refuge headquarters from one hour before sunrise to 10:00 a.m. (standard time) Tuesdays, Thursdays, and Saturdays during the period from November 7, 1964 through January 14, 1965, inclusive. A permit to enter the West Public Hunting Area may be obtained only by parties of not less than 2 nor more than 4 hunters. Permits to enter the West Public Hunting Area must be surrendered and all game taken thereon must be presented for checking at refuge headquarters prior to 12:30 p.m. (standard time) each hunting day.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 14, 1965.

JOHN S. GOTTSCHALK,
*Regional Director,*
*Boston, Mass.*

SEPTEMBER 22, 1964.

[F.R. Doc. 64–9992; Filed, Oct. 1, 1964; 8:46 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Coast Guard

[CGFR 64–59]

### JAMES RIVER

### Closure to Navigation During Firing of Catapults Aboard Aircraft Carrier "America"

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and Executive Order 10173, as amended, by Executive Orders 10277 and 10352, I hereby affirm for publication in the FEDERAL REGISTER the order of O. C. Rohnke, Rear Admiral, United States Coast Guard, Commander, Fifth Coast Guard District, as corrected September 23, 1964, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE JAMES RIVER

Under the authority of Title II of the Espionage Act of June 15, 1917 (40 Stat. 220), as amended and Executive Order 10173, as amended, and 14 USC 91, I declare that from Tuesday the 22nd day of September 1964 to Friday the 6th day of November 1964 the following area is a prohibited area and I order it be closed to any person or vessel from 7:00 AM EST to 7:00 PM EST during the test firings of catapults aboard AMERICA (CVA–66).

The water of the James River, Norfolk-Newport News Harbor, Virginia, within the coordinates of Latitude 36 degrees 59 minutes 07 seconds North, Longitude 76 degrees 26 minutes 25 seconds West, thence westerly to Latitude 36 degrees 58 minutes 56 seconds North, Longitude 76 degrees 26 minutes 51 seconds West, thence southeasterly to Latitude 36 degrees 58 minutes 30 seconds North, Longitude 76 degrees 26 minutes 35 seconds West, thence easterly to Latitude 36 degrees 58 minutes 42 seconds North, Longitude 76 degrees 26 minutes 07 seconds West at a point near the foot of 27th street, Newport News, Virginia.

This prohibited area will be marked by two special purpose temporary buoys painted with orange and white horizontal bands as shown on the enclosed chart section.

No person or vessel may remain in or enter this prohibited area.

The Captain of the Port, Norfolk-Newport News Area, Virginia, shall enforce this order.

The Captain of the Port may be assisted by employees and facilities of any state or political subdivision thereof or any Federal Agency.

For violation of this order Title II of the Espionage Act of June 15, 1917 (40 Stat. 220), as amended, provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be fined not more than $10,000 or imprisoned not more than two years, or both."

The document CGFR 64–58, dated September 21, 1964, F.R. Document 64–9738, published September 25, 1964 (29 F.R. 13351), is superseded by this document.

Dated: September 30, 1964.

[SEAL] E. J. ROLAND,
*Admiral, U.S. Coast Guard, Commandant.*

[F.R. Doc. 64–10084; Filed, Oct. 1, 1964; 11:14 a.m.]

### Bureau of Customs

[AA 643.3–b]

### DINITROSOPENTAMETHYLENETETRAMINE FROM JAPAN

### Purchase Price; Foreign Market Value

SEPTEMBER 28, 1964.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of dinitrosopentamethylenetetramine imported from Japan is less, or likely to be less, than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of dinitrosopentamethylenetetramine from Japan pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

The allegation in this case was received on February 17, 1964.

[SEAL] LESTER D. JOHNSON,
*Acting Commissioner of Customs.*

[F.R. Doc. 64–10004; Filed, Oct. 1, 1964; 8:48 a.m.]

### Office of the Secretary

[T.D. 56276; Treasury Dept. Order 165, Revised, Amdt.]

### CLAIMS, FINES, PENALTIES, AND FORFEITURES

### Delegation of Authority

SEPTEMBER 23, 1964.

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 (3 CFR, 1949–1953 Comp. p. 1017) and pursuant to authorization given to me by Treasury Department Order No. 190, Revision 2 (28 F.R. 11570), it is hereby ordered that subparagraph (h) of paragraph 1 of Treasury Department Order No. 165, Revised, dated November 2, 1954 (T.D. 53654; 19 F.R. 7241), as amended, is further amended by deleting:

(h) No decision with respect to any claim (including claim for liquidated damages), fine, or penalty (including forfeiture) in excess of $20,000 shall be made without the approval of the Secretary of the Treasury, except that such approval shall not be required with respect to any claim (including claim for liquidated damages), fine, or penalty (including forfeiture) incurred or arising under:

and substituting in lieu thereof the following:

(h) Any decision with respect to any claim (including claim for liquidated damages), fine, or penalty (including forfeiture) in excess of $100,000 shall be made by the Secretary of the Treasury, except decisions with respect to claims (including claims for liquidated damages), fines, or penalties (including forfeitures) incurred or arising under:

[SEAL] JAMES A. REED,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64–10005; Filed, Oct. 1, 1964; 8:48 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[BLM 079869; Survey Group 31]

### ALABAMA

### Notice of Filing of Plat of Survey

SEPTEMBER 25, 1964.

The plat of survey of an island in the Alabama River in Sec. 20, approved and accepted July 28, 1964, will be officially filed effective October 30, 1964.

ST. STEPHENS MERIDIAN, ALABAMA

T. 10 N., R. 6 E.,
Sec. 20, Lot 1, containing 24.29 acres.

The plat represents the survey of an island which was not included in the original surveys of T. 10 N., R. 6 E., represented upon the plat of survey approved January 29, 1847.

The island is in the approximate position as shown on the undated plat compiled from the survey made about 1815 by Thomas Freeman, Surveyor of U.S. Lands South of Tennessee; the plat compiled from the survey made in 1825 by Benjamin Harris, Deputy Surveyor and the resurvey made in 1846–1847, by Richard S. Coffee, Deputy Surveyor.

The island is rolling and gently rolling land, with rich black loam soil. The timber species consists of elm, maple, hackberry, ash, willow, cottonwood and sycamore. The undergrowth is young timber and vines.

The island reaches to approximately 25 feet above the normal water level of the Alabama River, and is upland in character.

The showings reflected upon the three plats above referred to together with the similarity of the island to that of the nearby lands included in the original surveys attest to the fact that the island has been in existence since 1819, when Alabama was admitted into the Union and at all subsequent dates, and therefore has the status of public lands.

The island is open to application and selection under the public land laws, subject to valid existing rights and the requirements of applicable laws and regulations. All applications must be accompanied by a petition for classification and no occupancy will be permitted or disposition made of the island until it has been classified.

All inquiries relating to the island should be directed to the Manager, Eastern States Land Office, Bureau of Land Management, Washington, D.C., 20240.

DORIS A. KOIVULA,
*Manager, Land Office.*

[F.R. Doc. 64–9990; Filed, Oct. 1, 1964; 8:46 a.m.]





[BLM 079869; Survey Group 68]

### ARKANSAS

### Notice of Filing of Plat of Survey

SEPTEMBER 25, 1964.

The plat of survey approved and accepted July 28, 1964, will be officially filed in this office effective at 10 a.m. on November 5, 1964.

FIFTH PRINCIPAL MERIDIAN, ARKANSAS

T. 18 N., R. 1 W.,
Sec. 28, lot 1, containing 9.07 acres.

The plat represents the survey of an island in Eleven Point River in sec. 28, which was not included in the original survey of T. 18 N., R. 1 W., represented upon the undated plat and the plat of resurvey approved May 14, 1855. The plat of 1855 depicts the outline of an unsurveyed island within Eleven Point River, in sec. 28. The survey was undertaken to identify the public lands in order to carry out the administrative responsibilities of the Branch of Technical Services, Eastern States Land Office in the Bureau of Land Management.

The island is gently rolling land, with rich black loam soil. The timber species consists of maple, boxelder, sycamore, elm, hackberry, cottonwood, ash, sweet gum, walnut, and oak, ranging in size from 4 to 30 inches in diameter. The undergrowth is young timber and vines.

The island reaches to approximately 15 feet above the water level of Eleven Point River and is upland in character. However, it is subject to overflow during high water periods.

The island is in the approximate position as shown on the plat compiled from the 1854 resurvey. The character of the land and the timber thereon attests to its existence in 1836, when Arkansas was admitted into the Union, and at all times since. It is held to be public land.

The highest part of the island has been cleared for a field, and has been farmed for many years. There are no other improvements on the island.

The island is open to application and selection under the public land laws, subject to valid existing rights and the requirements of applicable laws and regulations. All applications must be accompanied by a petition for classification and no occupancy will be permitted or disposition made of the island until it has been classified.

All inquiries relating to the island should be directed to the Manager, Eastern States Land Office, Bureau of Land Management, Washington, D.C., 20240.

DORIS A. KOIVULA,
*Manager, Land Office.*

[F.R. Doc. 64–9991; Filed, Oct. 1, 1964; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

### CERTAIN OFFICIALS, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

### Delegation of Authority To Suspend and Debar Individuals and Firms

Pursuant to the authority vested in me by the Suspension and Debarment Regulations published in the FEDERAL REGISTER, dated July 29, 1964 (29 F.R. 10495), I hereby delegate to the directors of divisions and offices of the Agricultural Stabilization and Conservation Service (ASCS) that report to me as Deputy Administrator, Management, ASCS, authority to suspend and debar persons under the provisions of such Suspension and Debarment Regulations, except that any authority specifically vested by such regulations in the Executive Vice President or Vice President of CCC is not hereby delegated.

Effective date: Date of signature.

Signed at Washington, D.C., on August 31, 1964.

R. P. BEACH,
*Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 64–10019; Filed, Oct. 1, 1964; 8:48 a.m.]

### CERTAIN OFFICIALS, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

### Delegation of Authority To Suspend and Debar Individuals and Firms

Pursuant to the authority vested in me by the Suspension and Debarment Regulations published in the FEDERAL REGISTER, dated July 29, 1964 (29 F.R. 10495), I hereby delegate to the State Executive Directors of the Agricultural Stabilization and Conservation Service (ASCS) State offices and the directors of divisions and offices that report to me as Deputy Administrator, State and County Operations, ASCS, authority to suspend and debar persons under the provisions of such Suspension and Debarment Regulations, except that any authority specifically vested by such regulations in the Executive Vice President or Vice President of CCC is not hereby delegated.

Effective date: Date of signature.

Signed at Washington, D.C., on September 14, 1964.

RAY FITZGERALD,
*Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 64–10020; Filed, Oct. 1, 1964; 8:48 a.m.]

### DIRECTOR, PRODUCER ASSOCIATIONS DIVISION, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

### Delegation of Authority To Suspend and Debar Individuals and Firms

Pursuant to the authority contained in Docket ECZ 244, entitled "Commodity Credit Corporation Policies With Respect to Debarment and Suspension of Individuals and Firms," approved January 30, 1964, I hereby delegate to the Director, Producer Associations Division, Agricultural Stabilization and Conservation Service, the authority to suspend and debar persons in accordance with the provisions of the Suspension and Debarment Regulations published in the FEDERAL REGISTER, dated July 29, 1964 (29 F.R. 10495), except that any authority specifically vested by such regulations in the Executive Vice President or Vice President of CCC is not hereby delegated.

Effective date: Date of signature.

Signed at Washington, D.C., on September 25, 1964.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 64–10021; Filed, Oct. 1, 1964; 8:49 a.m.]

### ASSOCIATE ADMINISTRATOR, FOREIGN AGRICULTURAL SERVICE

### Delegation of Authority To Suspend and Debar Individuals and Firms

Pursuant to the authority vested in me by the Suspension and Debarment Regulations published in the FEDERAL REGISTER, dated July 29, 1964 (29 F.R. 10495), I hereby delegate to the Associate Administrator, Foreign Agricultural Service (FAS), who reports to me as Administrator, FAS) authority to suspend and debar persons under the provisions of such Suspension and Debarment Regulations, except that any authority specifically vested by such regulations in the Executive Vice President or Vice President of CCC is not hereby delegated.

Effective date: Date of signature.

Signed at Washington, D.C., on September 29, 1964.

RAYMOND A. IOANES,
*Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 64–10022; Filed, Oct. 1, 1964; 8:49 a.m.]

## CERTAIN OFFICIALS, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

### Delegation of Authority To Suspend and Debar Individuals and Firms

Pursuant to the authority vested in me by the Suspension and Debarment Regulations published in the FEDERAL REGISTER, dated July 29, 1964 (29 F.R. 10495), I hereby delegate to the Directors of the divisions and offices of the Agricultural Stabilization and Conservation Service (ASCS) that report to me as Deputy Administrator, Commodity Operations, ASCS, authority to suspend and debar persons under the provisions of such Suspension and Debarment Regulations, except that any authority specifically vested by such regulations in the Executive Vice President or Vice President of CCC is not hereby delegated.

Effective date: Date of signature.

Signed at Washington, D.C., on August 28, 1964.

ROBERT G. LEWIS,
*Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 64-10023; Filed, Oct. 1, 1964; 8:49 a.m.]

## Federal Crop Insurance Corporation

[Notice No. 5]

## CITRUS CROP IN FLORIDA

### Extension of Closing Date for Filing of Applications for Insurance for 1964 and Succeeding Crop Years

Pursuant to the authority contained in § 401.3 of Title 7, as amended, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing of applications for citrus crop insurance for the 1964 and succeeding crop years in all counties in Florida where such insurance is otherwise authorized to be offered is hereby extended until the close of business on October 9, 1964, solely for the purpose of allowing persons, who previously filed timely applications which were rejected, to re-apply. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JACK H. MARRISON,
*Acting Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 64-10015; Filed, Oct. 1, 1964; 8:49 a.m.]

# CIVIL AERONAUTICS BOARD

## WINGS AND WHEELS EXPRESS, INC.

### Notice of Application for Tariff-Filing Authority Pick-up and Delivery Zone

SEPTEMBER 29, 1964.

In accordance with Part 222 (14 CFR Part 222) of the Board's Economic Regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 15581, from Wings and Wheels Express, Inc., 142-42 41st Avenue, Flushing, New York, for authority to provide true pickup and delivery service of air freight shipments between Cleveland, Ohio, and the points hereinafter named:

| | |
|---|---|
| Andover. | Louisville. |
| Akron. | Massillon. |
| Akron-Canton Airport. | Middlefield. |
| Alliance. | Minerva. |
| Ashtabula. | Navarre. |
| Barberton. | Niles. |
| Canal Fulton. | North Canton. |
| Canton. | Orrville. |
| Conneaut. | Painesville. |
| Cuyahoga Falls. | Ravenna. |
| Garrettsville. | Ravenna Army Arsenal. |
| Geneva. | Suffield. |
| Girard. | Tallmadge. |
| Hartville. | Wadsworth. |
| Independence. | Warren. |
| Kent. | Wooster. |
| Lisbon. | Youngstown. |

Under the provisions of § 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application within fifteen (15) days after publication of this notice in the FEDERAL REGISTER. An executed original and nineteen copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-10012; Filed, Oct. 1, 1964; 8:48 a.m.]

## WINGS AND WHEELS EXPRESS, INC.

### Notice of Application for Tariff-Filing Authority Pick-up and Delivery Zone

SEPTEMBER 29, 1964.

In accordance with Part 222 (14 CFR Part 222) of the Board's Economic Regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 15582, from Wings and Wheels Express, Inc., 142-42 41st Avenue, Flushing, New York, for authority to provide true pickup and delivery service of air freight shipments between Indianapolis, Indiana, and Terre Haute, Indiana.

Under the provisions of § 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application within fifteen (15) days after publication of this notice in the FEDERAL REGISTER. An executed original and nineteen copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-10013; Filed, Oct. 1, 1964; 8:48 a.m.]

# HOUSING AND HOME FINANCE AGENCY

## Office of the Administrator

## COMMUNITY FACILITIES COMMISSIONER

### Redelegation of Authority With Respect to Certain Claims Held by Secretary of Interior Under Alaska Public Works Act

The Community Facilities Commissioner is hereby authorized to execute the functions, powers, and duties vested in the Secretary of the Interior, and delegated to the Housing and Home Finance Administrator, with respect to the collection, compromise, or release of claims or obligations arising from agreements entered into by the United States of America under section 5 of the Alaska Public Works Act, as amended (63 Stat. 627, as amended; 48 U.S.C. 486).

(Delegation of authority from Secretary of Interior to Housing and Home Finance Administrator effective April 17, 1964, 29 F.R. 5516, April 24, 1964)

Effective as of the 2d day of October 1964.

[SEAL] ROBERT C. WEAVER,
*Housing and Home Finance Administrator.*

[F.R. Doc. 64-10010; Filed, Oct. 1, 1964; 8:48 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

## CONTINENTAL VENDING MACHINE CORP.

### Order Suspending Trading

SEPTEMBER 28, 1964.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;



*It is ordered,* Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 29, 1964 through October 8, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-9985; Filed, Oct. 1, 1964; 8:45 a.m.]

[File No. 1-4722]

## TASTEE FREEZ INDUSTRIES, INC.

### Order Suspending Trading

SEPTEMBER 28, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 29, 1964 through October 8, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-9986; Filed, Oct. 1, 1964; 8:45 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-II; Amdt. 2]

## NEW YORK REGIONAL AREA

### Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9) as amended, 29 F.R. 11777, 12570 and 13354 Delegation of Authority No. 30-II, as amended, 29 F.R. 12488 and 12951 is hereby further amended by revising Items I.C.3., I.K.1. and I.K.2.a. to read as follows:

I.
I. • • •
C. • • •
3. To approve the following:
a. Business loans
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.
b. Disaster loans
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.
2.
I. • • •
K. • • •
1. To approve the following:
a. Direct loans not exceeding $100,000.
b. Participation loans not exceeding $250,000.
c. Simplified Bank Participation loans not exceeding $350,000.
d. Simplified Early Maturities Participation loans not exceeding $350,000.
e. Direct disaster loans not exceeding $350,000.
f. Participation disaster loans not exceeding $350,000.
3.
I. • • •
K. • • •
2. To decline the following:
a. Business loans not exceeding $250,000.

• • • • •

Effective date: September 14, 1964.

CHARLES H. KRIGER,
*Regional Director,*
*New York, N.Y.*

[F.R. Doc. 64-9981; Filed, Oct. 1, 1964; 8:45 a.m.]

[Declaration of Disaster Area 484]

## TEXAS

### Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1964, because of the effects of certain disasters, damage resulted to residences and business property located in the City of Killeen in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid City and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about September 17, 1964.

OFFICES

Small Business Administration Regional Office,
1025 Elm Street,
Dallas 2, Tex.

2. A temporary office will be established in Killeen, Texas, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1965.

Dated: September 18, 1964.

ROSS D. DAVIS,
*Executive Administrator.*

[F.R. Doc. 64-10011; Filed, Oct. 1, 1964; 8:48 a.m.]

# TARIFF COMMISSION

[AA1921-40; TC Publication 140]

## WINDOW GLASS FROM U.S.S.R.

### Determination of No Injury or Likelihood Thereof

SEPTEMBER 29, 1964.

On June 29, 1964, the Tariff Commission was advised by the Assistant Secretary of the Treasury that window glass, 16-ounce through 28-ounce thicknesses, from the U.S.S.R. is being, or is likely to be, sold in the United States at less than fair value as that term is used in the Antidumping Act, 1921, as amended. Accordingly, the Commission on that day instituted an investigation under section 201(a) of that act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the investigation was published in the FEDERAL REGISTER (29 F.R. 9546). The Commission did not order a public hearing, but referred interested parties to § 208.4 of its rules of practice and procedure (19 CFR 208.4) which provides that they may, within 15 days after the date of publication of the Commission's notice of investigation in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request. No request for a hearing was received.

In arriving at this determination, the Commission gave due consideration to all written statements submitted by interested parties and all information obtained by its staff.

On the basis of the investigation, the Commission has unanimously determined that an industry in the United States is not being and is not likely to be, injured, or prevented from being established, by reason of the importation of window glass, 16-ounce through 28-ounce thicknesses, from the U.S.S.R., sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

*Statement of reasons.* U.S. imports of window glass[1] from the U.S.S.R. were negligible in 1960, but they rose significantly thereafter. In 1962 they accounted for 6 percent of the total imports of such glass. At the close of that year, unsold warehouse stocks of window glass from the U.S.S.R. in the United States were large. While imports of window glass from the U.S.S.R. were virtually nil in 1963, sales of such glass to U.S.

[1] As used herein, the term "window glass" refers to sheet glass weighing from 16 ounces to not more than 28 ounces per square foot. Window glass is used predominantly for glazing windows and doors.

users (largely from warehouse) were materially larger in 1963 than in any previous year. Entries of glass from the U.S.S.R. were at a considerably lower annual rate during the first half of 1964 than during 1961–62.

The imports of window glass from the U.S.S.R. at less than fair value have had no discernible effect on U.S. producers of window glass. The aggregate U.S. sales of window glass from the U.S.S.R. in 1961–63 were equivalent to 1 percent of shipments of window glass by the domestic producers. The corresponding ratio for sales of window glass imported from all countries was 28 percent. Annual shipments of domestically produced window glass have risen steadily since 1961; the increase in such shipments has been several times as large as the annual imports from the U.S.S.R. at their peak. The glass from the U.S.S.R., moreover, has provided little price competition for the domestic product, as evidenced by the prices of domestic window glass having been increased on three successive occasions since 1961.

Window glass from the U.S.S.R. has been sold in the United States predominantly to manufacturers of storm windows and doors located in New England and the New York City and Philadelphia areas. Because of the severe price competition in these products, some manufacturers have used low-priced window glass not only from the U.S.S.R. but also from other foreign suppliers. Most of those using glass from the U.S.S.R. had previously used window glass imported from other countries.

Even if imports of window glass from the U.S.S.R. continue, it is not likely that they will materially injure an industry in the United States. Among other factors, the erratic and generally inferior quality of the glass from the U.S.S.R., together with ideological objections to its use, distinctly limit its consumption in the United States. Importers have experienced considerable difficulty in moving stocks in the past, and in all probability will continue to do so.

This determination and statement of reasons are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended.

By the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 64–10007; Filed, Oct. 1, 1964; 8:48 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 29, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39282: *Joint motor-rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 349), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central States territory, on the one hand, and points in middlewest and southwestern territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 27 to Middlewest Motor Freight Bureau, agent, tariff MF–I.C.C. 417.

FSA No. 39283: *Corn and other coarse grains from points in Kansas.* Filed by Southwestern Freight Bureau, agent (No. B–8612), for interested rail carriers. Rates on corn and other coarse grains, in carloads, from points in Kansas, to points in Arkansas.

Grounds for relief: Carrier competition.

Tariff: Supplement 47 to Southwestern Freight Bureau, agent, tariff I.C.C. 4494.

FSA No. 39284: *Grain and grain products from Cheswick, Pa.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2743), for interested rail carriers. Rates on grain and grain products, in carloads, from Cheswick, Pa., to points in trunk line and New England territories.

Grounds for relief: Rate relationship.

Tariff: Supplement 11 to The Pennsylvania Railroad Company tariff I.C.C. 3854.

FSA No. 39285: *Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference agent (No. 98), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, between points in southern territory, on the one hand, and points in middle Atlantic, New England and southwestern territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 11 to Southern Motor Carriers Rate Conference, agent, tariff MF–I.C.C. 1298.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–9995; Filed, Oct. 1, 1964; 8:46 a.m.]

[Notice 1054]

## MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 29, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66377. By order of September 28, 1964, The Transfer Board approved the transfer to Heavy Duty Haulers, Inc., Columbia, S.C., of a portion of the Certificate in No. MC 514, issued March 18, 1957, to Clifford Skipworth, doing business as United Warehouse & Transfer, Johnson City, Tenn., authorizing the transportation of: Heavy machinery, between Johnson City, Tenn., on the one hand, and, on the other, points in Virginia and North Carolina within 100 miles of Johnson City. R. J. Reynolds, Jr., Suite 403, Healey Building, Atlanta, Ga., 30303, attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–9996; Filed, Oct. 1, 1964; 8:47 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 30, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39286: *Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 99), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 6 to Southern Motor Carriers Rate Conference, agent, tariff MF–I.C.C. 1314.

FSA No. 39287: *Asphalt to Waukon, Iowa.* Filed by Trans-Continental Freight Bureau, agent (No. 420), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain, or varnish), in tank carloads, subject to minimum of 10 cars per shipment, from Billings, East Billings, Great Falls, and Laurel, Mont., to Waukon, Iowa.

Grounds for relief: Carrier competition.

Tariff: Supplement 26 to Trans-Continental Freight Bureau, agent, tariff I.C.C. 1701.

FSA No. 39288: *Substituted service—CRI&P for Strickland.* Filed by J. D. Hughett, agent (No. 58), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flatcars, between Amarillo, Tex., on the one hand, and Memphis, Tenn., Dallas, and Houston, Tex., on the other on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motortruck competition.

Tariff: Supplement 7 to J. D. Hughett, agent, tariff MF–I.C.C. 375.

FSA No. 39289: *Substituted service—CRI&P for Red Ball Motor Freight.* Filed by J. D. Hughett, agent (No. 61), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flatcars, between Denver, Colo., on the one hand, and Dallas and Fort Worth, Tex., also Oklahoma City, Okla., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motortruck competition.

Tariff: Supplement 7 to J. D. Hughett, agent, tariff MF–I.C.C. 375.

FSA No. 39290: *Returned shipments of rice to Southwestern Territory.* Filed by Southwestern Freight Bureau, agent (No. B–8613), for interested rail carriers. Rates on rice and rice products, in carloads, returned to original point of origin, to points in official (including Illinois), southern, southwestern and western trunk-line territories, to points in Arkansas, Louisiana, and Texas, also Memphis, Tenn.

Grounds for relief: Carrier competition.

Tariff: Supplement 23 to Southwestern Freight Bureau, agent, tariff I.C.C. 4539.

FSA No. 39291: *Bituminous coal to points in Pennsylvania.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2742), for interested rail carriers. Rates on bituminous coal, as described in the application, in carloads, from points in Maryland, Pennsylvania, and West Virginia, to specified points in Pennsylvania on the lines of Reading Company.

Grounds for relief: Abandonment of a portion of Cornall Railroad Company under authority of Finance Docket No. 23021.

Tariffs: Supplement to Baltimore and Ohio Railroad Company tariff I.C.C. 3278 and 5 other schedules named in the application.

FSA No. 39292: *Joint motorrail rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 84), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central States territory.

Grounds for relief: Motortruck competition.

Tariff: Supplement 12 to Central States Motor Freight Bureau, Inc., agent, tariff MF–I.C.C. 1087.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–10049; Filed, Oct. 1, 1964; 8:49 a.m.]

# FEDERAL POWER COMMISSION

[Docket Nos. RI65–185 etc.]

## PHILLIPS PETROLEUM CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 22, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I) and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 4, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65–185 | Phillips Petroleum Co. (Operator) Bartlesville, Okla., Attn: Mr. W. B. Gaul. | 7 | 10 | El Paso Natural Gas Co. (Goldsmith Plant, Goldsmith Field, Ector County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area). | $212,768 | 8–24–64 | [1] 9–24–64 | 2–24–65 | [1] 13.6155 | [1] [4] 15.1290 | G–20404. |
| | Phillips Petroleum Co. (Operator). | 9 | 17 | El Paso Natural Gas Co. (Crane Plant, Crane Field, Crane County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area). | 190,368 | 8–24–64 | [1] 9–24–64 | 2–24–65 | [1] 13.3632 | [1] [4] 14.8767 | G–20404. |
| | do | 64 | 13 | El Paso Natural Gas Co. (Eunice Plant, Eunice Field, Lea County, N. Mex.) (Permian Basin Area). | 205,816 | 8–24–64 | [1] 9–24–64 | 2–24–65 | [1] [6] 13.6966 | [1] [5] [6] 15.2195 | RI63–453. |
| | do | 243 | 16 | El Paso Natural Gas Co. (Hobbs and Lee Gasoline Plants, Lea County, N. Mex.) (Permian Basin Area). | 99,024<br>213,920 | 8–24–64 | [1] 9–24–64 | 2–24–65 | [1] [7] 13.6966<br>[1] 14.2042 | [1] [4] [7] 15.2195<br>[1] [4] 15.7272 | RI63–453.<br>RI63–453. |
| | do | 359 | 14 | El Paso Natural Gas Co. (Winkler Plant, Winkler Field, Winkler County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area). | 32,409 | 8–24–64 | [1] 9–24–64 | 2–24–65 | [1] 17.1632<br>[1] 16.0 | [1] [4] 18.1823 | RI61–30. |
| | do | 363 | 12 | El Paso Natural Gas Co. (Tunstill Plant, Tunstill Field, Reeves County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area). | 74,553 | 8–24–64 | [1] 9–24–64 | 2–24–65 | 14.6968 | [1] [4] 16.2160 | G–20417. |
| RI65–186 | Phillips Petroleum Co. | 10 | 15 | El Paso Natural Gas Co. (Keystone Plant, Keystone Field, Winkler County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area). | 12,327 | 8–24–64 | [1] 9–24–64 | 2–24–65 | [10] 17.1236 | [1] [4] [10] 18.1332 | G–20405. |

See footnotes at end of table.

[1] Does not consolidate for hearing or dispose of the several matters herein.

| Docket No. | Respondent | Rate Sched. No. | Supp. No. | Purchaser and Producing Area | Amount of Annual Increase | Date Filing Tendered | Effective Date Unless Suspended | Date Suspended Until | Cents per Mcf: Rate in Effect | Cents per Mcf: Proposed Increased Rate | Rate in Effect Subject To Refund In Docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-186 | Phillips Petroleum Co. | 66 | 7 | El Paso Natural Gas Co. (Denton Plant, Denton Field, Lea County, N. Mex.) (Permian Basin Area). | $1,165 | 8-24-64 | [3] 9-24-64 | 2-24-65 | [4] 17.2368 | [5] [6] 18.2529 | RI64-4. |
| | do | 238 | 2 | El Paso Natural Gas Co. (South Four Lakes Field, Lea County, N. Mex.) (Permain Basin Area). | 3,784 | 8-24-64 | [3] 9-24-64 | 2-24-65 | 17.0657 | [5] [6] 18.0696 | G-20405. |
| RI65-187 | Phillips Petroleum Co. (Operator), et al. | 32 | 26 | El Paso Natural Gas Co. (Goldsmith and Fullerton Plants, Ector and Andrews Counties, Tex.) (R.R. Dist. No. 8), and Eunice Plant, Lea County, N. Mex.) (Permian Basin Area). | 357,458<br>269,644 | 8-24-64 | [3] 9-24-64 | 2-24-65 | [11] [4] 13.6155<br>[6] [12] 13.6966 | [5] [4] [6] [13] 15.1290<br>[5] [4] [6] [13] 15.2195 | G-20403, RI63-452. |
| | do | 33 | 13 | do | 450,736 | 8-24-64 | [3] 9-24-64 | 2-24-65 | [5] [1] 13.6155 | [5] [4] [6] [13] 15.1290 | G-20403, |
| | | | | | [10] 0 | | | [5] [12] [4] [6] 13.6966 | [5] [4] [6] [13] 15.2195 | RI63-452. |
| RI65-188 | Reserve Oil and Gas Co. (Operator), et al., 1700 Fidelity Union Tower, Dallas, Tex., 75201. | 3 | 12 | El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area). | 2,573 | 8-24-64 | [14] 9-24-64 | 2-24-65 | [14] 15.5599 | [5] [4] [14] [15] 16.6318 | RI60-12. |
| | Reserve Oil and Gas Co. (Operator), et al. | 16 | 10 | El Paso Natural Gas Co. (Langlie-Mattrix and Jalmat Fields, Lea County, N. Mex.) (Permian Basin Area). | 9,111 | 8-24-64 | [14] 9-24-64 | 2-24-65 | [14] 15.5599 | [5] [4] [14] [15] 16.6318 | RI60-13, |
| | do | 17 | 9 | El Paso Natural Gas Co. (Langlie-Mattrix and Jalmat Fields, Lea County, N. Mex.) (Permian Basin Area). | 343 | 8-24-64 | [14] 9-24-64 | 2-24-65 | [14] 15.5599 | [5] [4] [14] [15] 16.6318 | RI60-13. |
| RI65-189 | Reserve Oil and Gas Co. | 15 | 10 | El Paso Natural Gas Co. (Langlie-Mattrix and Jalmat Fields, Lea County, N. Mex.) (Permian Basin Area). | 2,830 | 8-24-64 | [14] 9-24-64 | 2-24-65 | [14] 15.5599 | [5] [4] [14] [15] 16.6318 | RI60-13. |
| | do | 18 | 11 | El Paso Natural Gas Co. (Langlie-Mattrix and Jalmat Fields, Lea County, N. Mex.). (Permian Basin Area). | 2,208 | 8-24-64 | [14] 9-24-64 | 2-24-65 | [14] 15.5599 | [5] [4] [14] [15] 16.6318 | RI60-13. |
| RI65-190 | General Crude Oil Co., P.O. Box 2252, Houston, Tex., 77001, Attn: Mr. W. P. Barnard. | 8 | 4 | West Lake Natural Gasoline Co. [17] (Nena Lucia Field, Nolan County, Tex.) (R.R. Dist. No. 7-B). | 415 | 8-24-64 | [14] 9-24-64 | [16] 1-1-65 | 8.5 | [4] [16] 9.0 | RI60-372. |
| RI65-191 | MWJ Producing Co. (Operator), agent, 413 First National Bank Building, Midland, Tex. | 1 | 5 | El Paso Natural Gas Co. (Sprayberry Field, Reagan County, Tex.) (R.R. Dist. No. 7-C) (Permian Basin Area). | 709 | 8-26-64 | [14] 9-26-64 | 2-26-65 | 17.2295 | [5] [4] 18.2430 | RI61-370. |
| | MWJ Producing Co. (Operator), agent. | 2 | 2 | El Paso Natural Gas Co. (Sprayberry Field, Reagan County, Tex.) (R.R. Dist. No. 7-C) (Permian Basin Area). | 253 | 8-26-64 | [14] 9-26-64 | 2-26-65 | 17.2295 | [5] [4] 18.2430 | RI-61370. |
| | do | 3 | 4 | El Paso Natural Gas Co. (Sprayberry Field, Reagan County, Tex.) (R.R. Dist. No. 7-C) (Permian Basin Area). | 223 | 8-26-64 | [14] 9-26-64 | 2-26-65 | 17.2295 | [5] [4] 18.2430 | RI-61370. |
| | do | 4 | 2 | El Paso Natural Gas Co. (Sprayberry Field, Reagan County, Tex.) (R.R. Dist. No. 7-C) (Permian Basin Area). | 284 | 8-26-64 | [14] 9-26-64 | 2-26-65 | 17.2295 | [5] [4] 18.2430 | RI61-370. |
| RI65-192 | Martin, Williams & Judson, et al., c/o Bryce Rea, Jr., 1329 "E" Street NW., Washington, D.C., 20004. | 2 | 2 | El Paso Natural Gas Co. (Sprayberry Field, Reagan County, Tex.) (R.R. Dist. No. 7-C) (Permian Basin Area). | 51 | 8-26-64 | [14] 9-26-64 | 2-26-65 | 17.2295 | [5] [4] 18.2430 | RI61-306. |
| RI65-193 | Martin, Williams & Judson (Operator), et al. | 3 | 3 | Transwestern Pipeline Co., (Atoka Field, Eddy County, N. Mex.) (Permian Basin Area). | 29,750 | 8-25-64 | [14] 9-25-64 | 2-25-65 | [18] 16.0 | [5] [4] 21.9429 | |
| RI65-194 | British-American Oil Producing Co., The P.O. Box 749, Dallas 21, Tex. | 61 | 4 | United Fuel Gas Co (Deep Lake Field, Cameron Parish, La.) (South Louisiana). | 4,940 | 8-7-64 | [3] 11-1-64 | 4-1-65 | [18] [19] 21.5 | [5] [21] [18] [19] 21.5 | RI64-662. |
| RI65-195 | Roger Milliken, et al., c/o Coloma Oil & Gas Corp., Guaranty National Bank Building, Corpus Christi, Tex. | 2 | 3 | United Gas Pipe Line Co. (Fox Field, Refugio County, Tex.) (R.R. Dist. No. 2). | 982 | 8-27-64 | [3] 11-19-64 | 4-19-65 | [18] 14.1792 | [5] [4] [22] 15.1920 | |
| RI65-196 | Chaplin Oil & Refining Co. (Operator), et al., P.O. Box 9365, Fort Worth, Tex., 76107, Attn: Mr. Charles B. Johnson, Jr. | 5 | 11 | Tennessee Gas Transmission Co. (Stratton-Ague Dulce Fields, Nueces County, Tex.) (R.R. Dist. No. 4). | 253,000 | 8-28-64 | [3] 11-1-64 | 4-1-65 | [18] 14.6 | [5] [4] [22] 15.6 | |
| | Champlin Oil & Refining Co. (Operator), et al. | 8 | 6 | Tennessee Gas Transmission Co. (La Reforma Field, Hadalgo and Starr Counties, Tex.) (R.R. Dist. No. 4). | 32,850 | 8-28-64 | [3] 11-1-64 | 4-1-65 | [18] [19] 14.6 | [5] [4] [22] 15.6 | |
| | do | 27 | 4 | Tennessee Gas Transmission Co. (Chapman Ranch Field, Nueces County, Tex.) (R.R. Dist. No. 4). | 24,000 | 8-28-64 | [3] 11-1-64 | 4-1-65 | [18] 14.6 | [5] [4] 15.6 | |
| | do | 3 | 8 | Tennessee Gas Transmission Co. (Carthage Field, Panola County, Tex.) (R.R. Dist. No. 6). | 295,000 | 8-28-64 | [3] 11-1-64 | 4-1-65 | [18] [19] 14.4248 | [5] [4] [22] 15.4248 | |

See footnotes at end of table.



| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-196 | Champlin Oil & Refining Co. (Operator), et al. | 18 | 4 | Tennessee Gas Transmission Co. (Carthage Field, Panola County, Tex.) (R.R. Dist. No. 6). | $21,600 | 8-28-64 | [3] 11-1-64 | 4-1-65 | [23] 14.4248 | [5] [4] [23] 15.4248 | |
| | do | 23 | 4 | Tennessee Gas Transmission Co. (Carthage Field, Panola County, Tex.) (R.R. Dist. No. 6). | 48 | 8-28-64 | [3] 11-1-64 | 4-1-65 | [23] 14.4248 | [5] [4] [23] 15.4248 | |
| RI65-197 | Champlin Oil & Refining Co. | 6 | 5 | Tennessee Gas Transmission Co. (Rachal Field, Brooks County, Tex.) (R.R. Dist. No. 4). | 3,100 | 8-28-64 | [3] 11-1-64 | 4-1-65 | [23] [24] 14.6 | [5] [4] [23] 15.6 | |
| | do | 7 | 5 | Tennessee Gas Transmission Co. (Los Indies Field, Hidalgo County, Tex.) (R.R. Dist. No. 4). | 8,100 | 8-28-64 | [3] 11-1-64 | 4-1-65 | [23] [24] 14.6 | [5] [4] [23] 15.6 | |
| RI65-198 | Champlin Oil & Refining Co., et al. | 9 | 7 | Tennessee Gas Transmission Co. (El Ebanite, Starr County, Tex.) (R.R. Dist. No. 4). | 13,200 | 8-28-64 | [3] 11-1-64 | 4-1-65 | [23] [24] 14.6 | [5] [4] [23] 15.6 | |
| RI65-199 | Ashland Oil & Refining Co., P.O. Box 1503, Houston 1, Tex. | 132 | 4 | Kansas-Nebraska Natural Gas Co., Inc. (Grand Valley (Camrick) Field, Texas County, Okla.) (Panhandle Area). | 64 | 8-24-64 | [3] 10-1-64 | 3-1-65 | [23] 17.4 | [5] [4] [23] 17.6 | RI64-127. |
| RI65-200 | Socony Mobil Oil Co., Inc., 150 East 42d Street, New York, N.Y. | 342 | 3 | Colorado Interstate Gas Co. (Hugoton Field, Grant and Kearny Counties, Kans.). | 10,025 | 8-28-64 | [3] 9-29-64 | 2-29-65 | [24] 11.0 | [5] [4] [23] 12.0 | |
| RI65-201 | Midwest Oil Corp., 1700 Broadway, Denver 2, Colo. | 19 | 1 | Michigan-Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) (Panhandle Area). | 243,872 | 8-24-64 | [25] 10-8-64 | 2-8-65 | [23] 17.0 | [5] [4] [23] 19.5 | |

[3] The stated effective date is the effective date requested by Respondent.
[4] Periodic rate increase.
[5] Pressure base is 14.65 psia.
[6] Subject to a deduction of 1.75; per Mcf for compression, plus 0.75 cent per Mcf for gas volumes used by Phillips in operating its extraction facilities.
[7] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[8] Rate for gas delivered from Hobbs Gasoline Plant.
[9] Rate for gas delivered from Lee Gasoline Plant.
[10] Rate for all acreage except that added by Supplement No. 13.
[11] Subject to a reduction of 1.0 cent per Mcf for quality deficiencies (gas is unable to meet quality specifications of basic contract as amended).
[12] Rate for gas delivered from Goldsmith and Fullerton Plants (Texas Production).
[13] Rate for gas delivered from Eunice Plant (New Mexico Production).
[14] No sales estimated.
[15] The stated effective date is the first day after expiration of the required statutory notice.
[16] Subject to reduction of 0.4467 cent per Mcf compression of low pressure gas (below 600 psig).
[17] Includes partial reimbursement for 0.55 percent increase in New Mexico Emergency School Tax.
[18] For resale to El Paso Natural Gas Company under West Lake Natural Gasoline Company (Operator), et al. FPC Gas Rate Schedule No. 1.
[19] Revenue-sharing rate increase.
[20] End of suspension period for West Lake's related increased rate suspended in Docket No. RI65-29.
[21] Initial rate.
[22] Pressure base is 15.025 psia.
[23] Rate subject to downward Btu adjustment.
[24] Includes 1.5 cents per Mcf tax reimbursement.
[25] Rate is the result of a settlement offer approved by Commission order issued June 27, 1960, in Docket Nos. G-9277, et al.
[26] Subject to upward and downward Btu adjustment.
[27] Contractual effective date.

Reserve Oil and Gas Company and Reserve Oil and Gas Company (Operator), et al., request that their proposed rate increases be made effective as September 1, 1964. General Crude Oil Company (General Crude); MWJ Producing Company (Operator), agent, and William & Judson, et al., request waiver of notice to make their proposed rate increases effective as of August 1, 1964, the contractually provided effective date. Martin, Williams & Judson (Operator), et al., request a retroactive effective date of September 1, 1963, as provided by the contract, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

The proposed periodic rate increases filed by Phillips Petroleum Company (Operator), et al. (Supplements Nos. 26 and 13 to its FPC Gas Rate Schedules Nos. 32 and 33, respectively); Supplements Nos. 13 and 16 to Phillips Petroleum Company (Operator) FPC Gas Rate Schedules Nos. 64 and 243, respectively, and Supplement No. 7 to Phillips Petroleum Company's FPC Gas Rate Schedule No. 66, include partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 percent to 2.55 percent effective April 1, 1963. The buyer, El Paso Natural Gas Company (El Paso), questions the right of Phillips ((Operator), et al., and (Operator)) under the tax reimbursement clauses to file rate increases reflecting reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, the hearings provided for herein for the rate supplements numerated above, shall concern themselves with the contractual basis as well as the statutory lawfulness of Phillips' proposed rate filings.

General Crude proposes a revenue-sharing increase for a sale to West Lake Natural Gasoline Company (West Lake) which is 50 percent owned by El Paso. West Lake gathers and processes the gas, sells it to El Paso under its FPC Gas Rate Schedule No. 1 and pays its suppliers 50 percent of the amount received from El Paso. On July 1, 1964, West Lake filed for a periodic increase from 17.0 cents to 18.0 cents per Mcf for its sale to El Paso which exceeded the area ceiling of 11.5 cents per Mcf and was suspended by the Commission until January 1, 1965, in Docket No. RI65-29. General Crude's proposed rate increase is based upon West Lake's suspended 18.0 cents rate. Although the instant filing is below the area ceiling, it is suspended until January 1, 1965, the end of the suspension period for West Lake's related increased rate.

With the exception of the increased rate filed by General Crude, referred to above, all of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[F.R. Doc. 64–9882; Filed, Oct. 1, 1964; 8:45 a.m.]

[Docket Nos. RI65–205 etc.]

## PHILLIPS PETROLEUM CO. ET AL.

### Order Accepting Rate Filings, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 23, 1964.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-205 | Phillips Petroleum Co., Bartlesville, Okla., 74004, Attn: Mr. W. P. Gaul. | 47 | 5 | El Paso Natural Gas Co. (Jack Herbert Field, Upton County, Tex.)(R.R. Dist. No. 7–C) (Permian Basin Area). | $1,824 | 8–31–64 | [3]10– 1–64 | 3– 1–65 | 15.7093 | [3] [4] 16.7228 | G–20405. |
| | Phillips Petroleum Co. | 151 | 7 | El Paso Natural Gas Co. (Jal Field, Lea County, N. Mex.) (Permian Basin Area). | 2,138 | 8–31–64 | [3]10– 1–64 | 3– 1–65 | [3] [6] 15.8562 | [3] [4] [6] 16.8792 | RI63–454. |
| | do | 260 | 4 | El Paso Natural Gas Co. (Noelke Field, Crockett County, Tex.) (R.R. Dist. No. 7–C) (Permian Basin Area). | 142 | 8–31–64 | [3]10– 1–64 | 3– 1–65 | 14.6958 | [3] [4] 15.7093 | G–20405. |
| | do | 309 | 7 | El Paso Natural Gas Co. (Jack Herbert Field, Upton County, Tex.) (R.R. Dist. No. 7–C) (Permian Basin Area). | 866 | 8–31–64 | [3]10– 1–64 | 3– 1–65 | 13.6823 | [3] [4] 15.2025 | G–20523. |
| | do | 315 | 2 | El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (R.R. Dist. No. 7–C) (Permian Basin Area). | 507 | 8–31–64 | [3]10– 1–64 | 3– 1–65 | 17.2295 | [3] [4] 18.2430 | G–20405. |
| | do | 358 | 4 | El Paso Natural Gas Co. (Noelke Field, Crockett County, Tex.) (R.R. Dist. No. 7–C) (Permian Basin Area). | 193 | 8–31–64 | [3]10– 1–64 | 3– 1–65 | 14.6958 | [4] [7] 15.7093 | RI60–2. |
| | do | 307 | 1 | El Paso Natural Gas Co. (Lancaster Hills Area, Crockett County, Tex.) (R.R. Dist. No. 7–C) (Permian Basin Area). | 15,202 | 8–31–64 | [3]10– 1–64 | 3– 1–65 | [7] 15.7093 | [3] [4] 16.7228 | |
| RI65–206 | Phillips Petroleum Co. (Operator), et al. | 65 | 12 | El Paso Natural Gas Co. (Jal Field, Lea County, N. Mex.) (Permian Basin Area). | 11,458 | 8–31–64 | [3] 10–1–64 | 3– 1–65 | [3] [6] 15.8562 | [3] [4] [6] 16.8792 | RI63–452. |
| | do | 256 | 5 | El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (R.R. Dist. No. 7–C) (Permian Basin Area). | 233 | 8–31–64 | [3] 10–1–64 | 3– 1–65 | 17.2295 | [3] [4] 18.2430 | G–20403. |
| | do | 274 | 4 | El Paso Natural Gas Co. (Crosby-Devonian Field, Lea County, N. Mex.) (Permian Basin Area). | 6,946 | 8–31–64 | [3] 10–1–64 | 3– 1–65 | [3] [6] 15.8562 | [3] [4] [6] 16.8792 | RI63–452. |
| RI65–207 | Shell Oil Co., 50 West 50th Street, New York, N.Y. | 305 | 3 | El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area). | 3,923 | 9– 1–64 | [3] 10–2–64 | 3– 2–65 | 13.5 | [3] [4] 15.2025 | G–20525. |
| RI65–208 | Union Texas Petroleum, a Division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex., 77001, Attn: Mr. Elliott G. Flowers. | 30 | 6 | El Paso Natural Gas Co. (South Fullerton Plant, Andrews County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area). | 720 | 9– 2–64 | [4] 10–3–64 | 3– 3–65 | 17.2295 | [3] [4] 18.2430 | RI60–149. |
| RI65–209 | Socony Mobil Oil Co. Inc., 150 East 42d Street, New York, N.Y., 10017, Attn: Messrs. H. H. Beeson and Tom P. Hamill. | 346 | 5 | El Paso Natural Gas Co. (Spraberry Trend, Reagan and Upton Counties, Tex.) (R.R. Dist. No. 7–C) (Permian Basin Area). | 265 | 8–28–64 | [3] 9–29–64 | 2–28–65 | 10.096 | [4] 18.1728 | |
| | Socony Mobil Oil Co., Inc. | 347 | 5 | El Paso Natural Gas Co. (Spraberry Trend, Reagan County, Tex.) (R.R. Dist. No. 7–C) (Permian Basin Area). | 265 | 8–28–64 | [3] 9–29–64 | 2–28–65 | 10.096 | [3] [4] 18.1728 | |
| | do | 351 | [11] 7 | El Paso Natural Gas Co. (Spraberry Trend, Midland County, Tex.) | | 8–28–64 | 9–29–64 | Accepted | 10.096 | | |
| | | 351 | 8 | (R.R. Dist. No. 8) (Permian Basin Area). | 4,431 | 8–28–64 | [3] 9–29–64 | 2–28–65 | 10.096 | [3] [4] 18.1728 | |
| | do | 353 | [11] 2 | do | | 8–28–64 | 9–29–64 | Accepted | 10.096 | | |
| | do | 353 | 3 | | 4,422 | 8–28–64 | [3] 9–29–64 | 2–28–65 | 10.096 | [12] [4] 18.1728 | |
| | do | 355 | 6 | El Paso Natural Gas Co. (Spraberry Trend, Midland County, Tex.) (Permian Basin Area). | 354 | 8–28–64 | [3] 9–29–64 | 2–28–65 | 17.0 | [3] [4] 18.2430 | |
| RI65–210 | Socony Mobil Oil Co., Inc.(Operator), et al. | 348 | [11] 13 | El Paso Natural Gas Co. (Spraberry Trend, Midland County, Tex.) | | 8–28–64 | 9–29–64 | Accepted | 10.096 | | |
| | | 348 | 14 | (R.R. Dist. No. 8) (Permian Basin Area). | 3,319 | 8–28–64 | [3] 9–29–64 | 2–28–65 | 10.096 | [3] [4] 18.1728 | |
| | do | 349 | [11] 2 | do | | 8–28–64 | 9–29–64 | Accepted | 11.0 | | |
| | | 349 | 3 | | 3,357 | 8–28–64 | [3] 9–29–64 | 2–28–65 | 11.0 | [3] [4] 18.1728 | |
| | do | 350 | [11] 6 | do | | 8–28–64 | 9–29–64 | Accepted | 10.096 | | |
| | | 350 | 7 | | 6,496 | 8–28–64 | [3] 9–29–64 | 2–28–65 | 10.096 | [3] [4] 18.1728 | |
| RI65–211 | Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001, Attn: Messrs. Fred T. O'Leary and Bruce R. Merrill. | 253 | ([13]) | El Paso Natural Gas Co. (Spraberry Field, Upton County, Tex.) (R.R. Dist. No. 7–C) (Permian Basin Area). | 868 | 8–31–64 | 10–1–64 | Accepted | 10.0 | | |
| | | 253 | (9) | | | 8–31–64 | [3]10– 1–64 | 3– 1–65 | 10.0 | [14] [4] 17.2295 | |
| RI65–212 | Gordon Street, Inc., Wheland Office Building, Signal Mountain Road, Chattanooga 5, Tenn. | 2 | 10 | El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area). | 218 | 8–27–64 | [3] 9–27–64 | 2–27–65 | 17.2295 | [3] [4] 18.2430 | RI61–373. |
| | Gordon Street, Inc. | 3 | 9 | El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (R.R. Dist. No. 7–C) (Permian Basin Area). | 802 | 8–27–64 | [3] 9–27–64 | 2–27–65 | 17.2295 | [3] [4] 18.2430 | RI61–372. |

See footnotes at end of table.



| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65–212 | Gordon Street, Inc. | 4 | 5 | do | $1,429 | 8–27–64 | [3] 9–27–64 | 2–27–65 | 17.2295 | [3] [4] 18.2430 | RI61–372. |
| RI65–213 | R & G Drilling Co., Inc. (Operator), et al., 12 West 72d Street, New York 23, N.Y., Attn: Mr. William C. Russell. | 4 | 2 | Southern Union Gathering Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area). | 7,000 | 8–24–64 | [3] 9–24–64 | 2–24–65 | 13.0 | [3] [6] 14.0 | |
| RI65–214 | MWJ Producing Co., (Operator), Agent 613 First National Bank Building, Midland, Tex. | 5 | 4 | El Paso Natural Gas Co., (Spraberry Field, Reagan County, Tex.) (R.R. Dist. No. 7–C) (Permian Basin Area). | 557 | 8–27–64 | [3] 9–27–64 | 2–27–65 | 17.2295 | [3] [4] 18.2430 | RI61–370. |
| | MWJ Producing Co. (Operator), agent. | 6 | 10 | El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area). | 253 | 8–27–64 | [3] 9–27–64 | 2–27–65 | 17.2295 | [3] [4] 18.2430 | RI61–370. |
| RI65–215 | Martin, William & Judson, (Operator), et al., c/o Thomas M. Knebel, 1329 "E" Street NW., Washington, D.C., 20004. | 1 | 3 | El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.), (R.R. Dist. No. 7–C) (Permian Basin Area). | 71 | 8–27–64 | [3] 9–27–64 | 2–27–65 | 17.2295 | [3] [4] 18.2430 | |
| RI65–216 | Forest Oil Corp. (Operator), et al. 1300 National Bank of Commerce Building, San Antonio, Tex., 78205. | 14 | 2 | Transcontinental Gas Pipe Line Corp., (Mesquito Bay Area, Terrebonne Parish, La.) (South Louisiana). | 13,520 | 8–31–64 | [3]10– 1–64 | 3– 1–65 | [17] [18] [19] 20.0 | [12] [6] [14] [18] [20] 23.55 | |
| | Forest Oil Corp. (Operator), et al. | 18 | 3 | American Louisiana Pipe Line Co., (Veltin Field, St. Landry Parish, La.) (South Louisiana). | 3,891 | 8–31–64 | [3]10– 1–64 | 3– 1–65 | [21] [22] 20.0 | [22] [3] [23] [24] 21.5 | |
| RI65–217 | Forest Oil Corp. | 17 | 3 | Transcontinental Gas Pipe Line Corp., (Block 129 Field, Vermilion Area) (Offshore Louisiana). | 13,191 | 8–31–64 | [3]10– 1–64 | 3– 1–65 | [14] [17] [19] 18.5 | [20] [24] [14] [24] 21.4 | |
| RI65–218 | Dorn & Miller Co., 1300 National Bank of Commerce Building, San Antonio, Tex., 78205. | 2 | 3 | do | 6,595 | 8–31–64 | [3]10– 1–64 | 3– 1–65 | [14] [17] [19] 18.5 | [12] [6] [14] [18] [19] 21.4 | |
| RI65–219 | Sinclair Oil & Gas Co., P.O. Box 521, Tulsa, Okla., 74102, Attn: Mr. W. L. Mattura. | 240 | 2 | Transcontinental Gas Pipe Line Corp., (Dilworth Dome Field, McMullen County, Tex.) (R.R. Dist. No. 1). | 354 | 9– 2–64 | [3]10– 3–64 | 3– 3–65 | [20] 14.1890 | [24] [20] 15.2025 | |
| | Sinclair Oil & Gas Co. | 192 | 7 | H. L. Hunt, et al.[21] (N. Lansing Field, Harrison County, Tex.) (R.R. Dist. No. 6). | 745 | 9– 2–64 | [3]11– 1–64 | 4– 1–65 | [20] 15.1 | [3] [20] 15.3 | RI64–267. |
| RI65–220 | Phillips Petroleum Co. (Operator) Bartlesville, Okla. | 5 | 31 | Panhandle Eastern Pipe Line Co., (Hansford Plant, Hugoton Field, Hansford County, Tex.) (R.R. Dist. No. 10). | 258,410 | 9– 2–64 | [3]10– 3–64 | 3– 3–65 | [24] 13.0 | [3] [24] 14.0 | G–20830. |
| RI65–221 | M. M. Argo, P.O. Box 1710, Birmingham, Ala. | 2 | 6 | Tennessee Gas Transmission Corp. (Bethany Area, Panola and Harrison Counties, Tex.) (R.R. Dist. No. 6). | 5,610 | 9– 4–64 | [3]11– 1–64 | 4– 1–65 | [14] 13.5 | [3] [14] 14.5 | |
| RI65–222 | Charles F. DeBardeleben, Jr. (Operator), et al., 87 Cherokee Road, Mountain Brook, Birmingham, Ala. | 1 | 5 | Tennessee Gas Transmission Corp. (Bethany Area, Panola and Harrison Counties, Tex.) (R.R. Dist. No. 6). | 3,270 | 9– 4–64 | [3]11– 1–64 | 4– 1–65 | [14] 13.5 | [3] [14] 14.5 | |
| RI65–223 | Barnwell Production Co., Beck Building, Shreveport, La. | 7 | 3 | Tennessee Gas Transmission Corp. (Bethany Area, Panola and Harrison Counties, Tex.) (R.R. Dist. No. 6). | 827 | 9– 4–64 | [3]11– 1–64 | 4– 1–65 | [14] 13.5 | [3] [14] 14.5 | |
| | Barnwell Production Co. | 8 | 5 | Tennessee Gas Transmission Corp., (Bethany Area, Panola and Harrison Counties, Tex.) (R.R. Dist. No. 6). | 240 | 9– 4–64 | [3]11– 1–64 | 4– 1–65 | [14] 13.5 | [3] [14] 14.5 | |

[1] The stated effective date is the effective date requested by Respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 psia.
[4] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[5] Subject to reduction of 0.4467 cent per Mcf for compression of low pressure gas (below 600 psig).
[6] Initial rate.
[7] The stated effective date is the first day after expiration of the required statutory notice.
[8] Pressure base is 15.025 psia.
[9] (Footnote 10 is not used in this order.)
[10] Amendatory agreement which eliminates "favored nations" clause and substitutes periodic increases of 1.0 cent per Mcf every 5 years and is the basis for the present rate increase filing.
[11] Renegotiated rate increase.
[12] Producer is filing from a certificated rate to an initial contract rate.
[13] Rate subject to downward Btu adjustment.
[14] Moratorium provision in Commission order issued July 23, 1964 (Opinion No. 436), Docket Nos. G–13221, et al., provided for no change in rate in excess of 23.55 cents, inclusive of tax reimbursement, until final determination of Docket No. AR61–2 or July 1, 1967, whichever is earlier. Producer is filing for initial contract rate.
[15] Includes 2.05 cents per Mcf tax reimbursement.
[16] Rate permanently certificated in the Commission's order issued July 23, 1964. (Opinion No. 436), Docket Nos. G–13221, et al.
[17] Includes 1.5 cents per Mcf tax reimbursement.
[18] State tax not applicable, sales are in Federal domain.
[19] Rates subject to downward adjustment from 1000 Btu. Estimated heating value of 926 Btu's corresponds to a downward adjustment of 1.008 cents and 1.080 cents, respectively.
[20] H. L. Hunt, et al., Rate Schedule No. 4 covers resale of subject gas to Texas Eastern Transmission Corporation and is under suspension proceedings in Docket Nos. G–13565, et al.
[21] Subject to 0.75 cent per Mcf deduction by buyer for compression.

Union Texas Petroleum Company, a Division of Allied Chemical Corporation, and Phillips Petroleum Company (Operator), request an effective date of October 1, 1964, for their proposed rate increases. R. G. Drilling Company, Inc. (Operator), et al., request a retroactive effective date of January 1, 1964, for their proposed rate filing. MWJ Producing Company (Operator), agent, and Martin, William & Judson (Operator), et al., request waiver of notice to make their proposed rate increases effective as of August 1, 1964. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

Supplement No. 7 to Phillips Petroleum Company's FPC Gas Rate Schedule No. 151, and Supplements Nos. 12 and 4 to Phillips Petroleum Company (Operator), et al.'s FPC Gas Rate Schedules Nos. 65 and 274, respectively, include partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The buyer, El

Paso Natural Gas Company (El Paso), has protested the rate increases filed by the aforementioned producers. El Paso questions the right of the producers under the tax reimbursement clauses to file rate increases reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearings provided for herein for the producers referred to in this paragraph shall concern themselves with the contractual basis for their rate filings which El Paso has protested, as well as the statutory lawfulness of the increased rates contained in the proposed supplements. The total rates in these three cases exceed the applicable ceiling by more than just the amount of the tax and are therefore suspended for five months as hereinafter ordered.

Forest Oil Corporation, Forest Oil Corporation (Operator), et al., and Dorn & Miller Company propose changes in rate from rates permanently certificated by Commission order issued July 23, 1964, in Union Texas Petroleum, et al. (Opinion No. 436), to the highest initial rates provided for in the contracts involved. The proposed rates exceed the area initial and increased ceiling level and should be suspended. The increased rates do not establish a new plateau for increased rates nor do they themselves trigger rates in the area affected.

Socony Mobil Oil Company, Socony Mobil Oil Company (Operator), et al., and Continental Oil Company have tendered Amendatory Agreements as part of their rate increases suspended herein. These amendatory agreements eliminate the favored-nation provisions of the related contracts, extend the contract terms and establish revised schedules of periodic price escalations which provide the basis for the proposed increased rates.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown that the Amendatory Agreements designated as Supplement Nos. 13, 2 and 6 to Socony Mobil Oil Company, Inc. (Operator), et al. FPC Gas Rate Schedules Nos. 348, 349 and 350, respectively; Supplement No. 7 to Socony Mobil Oil Company, Inc.'s FPC Gas Rate Schedule No. 351, and Supplement No. 4 to Continental Oil Company's FPC Gas Rate Schedule No. 253, should be accepted for filing and permitted to become effective on the date shown in the "Effective date" column of the foregoing tabulation.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplements Nos. 12, 2 and 6 to Socony Mobil Oil Company, Inc. (Operator), et al.'s FPC Gas Rate Schedules Nos. 348, 349 and 350, respectively; Supplement No. 7 to Socony Mobil Oil Company, Inc.'s FPC Gas Rate Schedule No. 351, and Supplement No. 4 to Continental Oil Company's FPC Gas Rate Schedule No. 253, are hereby accepted for filing and permitted to become effective on the date shown in the "Effective date" column of the foregoing tabulation.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(C) Pending hearings and decisions thereon, the above designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date suspended until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 12, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–9941; Filed, Oct. 1, 1964; 8:45 a.m.]

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[Docket Nos. RI65–202 etc.]

## TENNECO OIL COMPANY ET AL.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

SEPTEMBER 23, 1964.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 12, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.



APPENDIX A

| Docket No. | Respondent | Rate sched. No. | Sup. No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-202 | Tenneco Oil Co. (Operator), et al., Post Office Box 15, Tennessee Building, Houston, Tex. Attn: Mr. John C. Breed. | 1 | 2 | El Paso Natural Gas Co. (Gallegos Fork Field, San Juan County, N. Mex.) (San Juan Basin Area). | $385 | 9-2-64 | [3]10-3-64 | [2]10-4-64 | [6][8]13.0495 | [4][5][7][8]13.2534 | RI64-57. |
| | Tenneco Oil Co. (Operator), et al. | 17 | 3 | El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area). | 232 | 9-2-64 | [3]10-3-64 | [2]10-4-64 | [6][8]13.0495 | [4][5][7][8]13.2534 | RI64-57. |
| | do | 37 | 2 | El Paso Natural Gas Co. (Blanco (M.V.) Field, San Juan County, N. Mex.) (San Juan Basin Area). | 81 | 9-2-64 | [3]10-3-64 | [2]10-4-64 | [6][8]13.0495 | [4][5][7][8]13.2534 | RI64-75. |
| | do | 45 | 2 | El Paso Natural Gas Co. (Totah Gallup, West Huerfano and West Kutz Dakota Fields, San Juan County, N. Mex.) (San Juan Basin Area). | 5,913 | 9-2-64 | [3]10-3-64 | [2]10-4-64 | [6][8]13.0495 | [4][5][7][8]13.2534 | RI64-37. |
| | do | 47 | 2 | El Paso Natural Gas Co. (Artec (Mesa Verde) Field, San Juan County, N. Mex.) (San Juan Basin Area). | 83 | 9-2-64 | [3]10-3-64 | [2]10-4-64 | [6][8]13.0495 | [4][5][7][8]13.2534 | RI64-37. |
| | do | 57 | 2 | El Paso Natural Gas Co. (Blanco Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area). | 132 | 9-2-64 | [3]10-3-64 | [2]10-4-64 | [6][8]13.0495 | [4][5][7][8]13.2534 | RI64-75. |
| | do | 60 | 2 | El Paso Natural Gas Co. (West Huerfano Field, San Juan County, N. Mex.) (San Juan Basin Area). | 14 | 9-2-64 | [3]10-3-64 | [2]10-4-64 | [6][8]13.0495 | [4][5][7][8]13.2534 | RI64-38. |
| RI65-203 | Tenneco Oil Co. | 21 | 3 | El Paso Natural Gas Co. (Flora Vista and Palluche Wash Fields, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area). | 322 | 9-2-64 | [3]10-3-64 | [2]10-4-64 | [6][8]13.0536 | [4][5][7][8]13.2534 | RI64-55. |
| | do | 39 | 2 | El Paso Natural Gas Co., (Blanco Field (M.V.) Rio Arriba County, N. Mex.,) (San Juan Basin Area). | 143 | 9-2-64 | [3]10-3-64 | [2]10-4-64 | [6][8]13.0495 | [4][5][7][8]13.2534 | RI64-76. |
| | do | 51 | 2 | El Paso Natural Gas Co., (Blanco Field (Mesa Verde Formation) Rio Arriba County, N. Mex.) (San Juan Basin Area). | 48 | 9-2-64 | [3]10-3-64 | [2]10-4-64 | [6][8]13.0495 | [4][5][7][8]13.2534 | RI64-38. |
| | do | 120 | 4 | El Paso Natural Gas Co., (West Kutz Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area). | 10 | 9-2-64 | [3]10-3-64 | [2]10-4-64 | [6][8]13.0495 | [4][5][7][8]13.2534 | RI64-38. |
| | do | 121 | 3 | El Paso Natural Gas Co., (Gallegos Fork Area, Fulcher South Blanco Area and Terrace Area, San Juan County, N. Mex.) (San Juan Basin Area.) | 1,895 | 9-2-64 | [3]10-3-64 | [2]10-4-64 | [6][8]13.0495 | [4][5][7][8]13.2534 | RI64-38. |
| | do | 124 | 4 | El Paso Natural Gas Co., (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area). | 1,702 | 9-2-64 | [3]10-3-64 | [2]10-4-64 | [6][8]13.0495 | [4][5][7][8]13.2534 | RI64-38. |
| | do | 126 | 2 | El Paso Natural Gas Co., (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area). | 211 | 9-2-64 | [3]10-3-64 | [2]10-4-64 | [6][8]13.0495 | [4][5][7][8]13.2534 | RI64-38. |
| RI65-240 | R & G Drilling Co., Inc. (Operator), et al. 12 West 72d Street, New York 23, N.Y. Attn: Mr. William C. Russell. | 2 | 6 | El Paso Natural Gas Co. (Basin Dakota and Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area). | 2,000 | 8-24-64 | [9]9-24-64 | [9]9-25-64 | [8]13.0 | [8][10]14.0 | |

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] The suspension period is limited to 1 day.
[3] Tax reimbursement increase.
[4] Pressure base is 15.025 psia.
[5] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[6] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[7] Tax computed on the rate of 13.0 cents per Mcf inclusive of 1 cent per Mcf minimum guarantee for liquids.
[8] Includes partial reimbursement for 0.55 percent increase in New Mexico Emergency School Tax.
[9] Periodic rate increase.

Tenneco Oil Company, Tenneco Oil Company (Operator), and Tenneco Oil Company (Operator), et al. (all referred to herein as Tenneco), request an effective date of September 30, 1964, for their proposed rate increases. R & G Drilling Company, Inc. (Operator), et al., request an effective date of July 21, 1964, the date of issuance of certificate authorizing R & G to partially succeed to Great Lakes Oil & Chemical Company's FPC Gas Rate Schedule No. 1, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4 (d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

The proposed rate increases filed by Tenneco include partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 percent to 2.55 percent effective April 1, 1963. The buyer, El Paso Natural Gas Company (El Paso), questions the right of Tenneco under the tax reimbursement clauses to file rate increases reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, the hearings provided for herein for Tenneco shall concern themselves with the contractual basis as well as the statutory lawfulness of Tenneco's proposed rate filings. Since the proposed increases reflect tax reimbursement, the suspension period for each may be shortened to one day from October 3, 1964, the date of expiration of the statutory notice.

The periodic rate increase filed by R & G Drilling Company, Inc. (Operator), et al. (R & G), did not include as part of their proposed rate the contractually provided for 1.0 cent per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate results in a total rate in excess of the 13.0 cents per Mcf area ceiling for increased

rates in the San Juan Basin Area and should be suspended for one day from July 24, 1964, the date of expiration of the statutory notice.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[F.R. Doc. 64-9942; Filed, Oct. 1, 1964; 8:45 a.m.]

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FEDERAL REGISTER

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3619

### VETERANS DAY, 1964

### BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

Our national policy is directed toward the attainment of world peace, and our resources are committed to the task of securing and maintaining peace among the nations of the world. In recognition of this, the Congress has designated the eleventh of November as a legal holiday to be known as Veterans Day and has dedicated it to the cause of world peace (Act of May 13, 1938, 52 Stat. 351, as amended (5 U.S.C. 87a)).

As we honor on this day the millions of men and women who have honorably and devotedly served in our armed forces in time of war, we should also demonstrate our continued dedication to the attainment of world peace, giving outward evidence of our determination to seek the blessings of peace for all people. This we can do by participating in public ceremonies on that day.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, call upon the people of this Nation to observe Wednesday, November 11, 1964, as Veterans Day, remembering with respect and affection those who have defended this Nation in time of war and rededicating ourselves to the cause of world peace.

I request the officials of the Federal and State Governments to associate themselves with the Veterans Day National Committee in order that people in all parts of our country may have an opportunity on that day to participate personally in public ceremonies and exercises.

I also direct the appropriate officials of the Government to arrange for the display of the flag of the United States on all public buildings on Veterans Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington this thirtieth day of September in the year of our Lord nineteen hundred and sixty-four, and of the Independence of the United States of America the one hundred and eighty-ninth.

[SEAL]

LYNDON B. JOHNSON

By the President:

Dean Rusk,
*Secretary of State.*

[F.R. Doc. 64–10159; Filed, Oct. 2, 1964; 11:28 a.m.]

# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 213—EXCEPTED SERVICE

#### Department of Health, Education, and Welfare

Section 213.3216 is added to show the exception under Schedule B of 50 temporary positions in the Office of Education concerned with advising on education policies, practices, and procedures under unusual and abnormal conditions. Effective upon publication in the FEDERAL REGISTER, § 213.3216, paragraph (a) (1) is added as set out below.

**§ 213.3216 Department of Health, Education, and Welfare.**

(a) *Office of Education.* (1) Fifty positions, GS–7 through GS–11, concerned with advising on education policies, practices, and procedures under unusual and abnormal conditions. Persons employed under this provision must be bona fide elementary school and high school teachers. Appointments under this authority may be made for a period of not to exceed one year, and may, with the prior approval of the Civil Service Commission, be extended for an additional period of one year.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64–10043; Filed, Oct. 2, 1964; 8:46 a.m.]

### PART 213—EXCEPTED SERVICE

#### Small Business Administration

Section 213.3132 is amended to authorize the temporary exception under Schedule A of certain personnel engaged in making and administering loans, either directly or cooperatively, to small business organizations in areas affected by the Florida-Georgia hurricane disaster. Effective upon publication in the FEDERAL REGISTER, paragraph (b) is added to § 213.3132 as set out below.

**§ 213.3132 Small Business Administration.**

* * * * *

(b) For the duration of the disaster caused by hurricanes in Florida and Georgia in September 1964 as declared by the President, temporary appointment of personnel employed to make and administer small loans either directly or cooperatively to small business organizations under section 7(b) (2) of the Small Business Act, as amended by P.L. 88–264 of February 5, 1964. Such appointments shall not exceed six months initially, but may with prior approval of the Commission be extended for an additional six months.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64–10044; Filed, Oct. 2, 1964; 8:47 a.m.]

## Title 7—AGRICULTURE

### Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

### PART 728—WHEAT

#### Subpart—1965–66 Marketing Year

DETERMINATION OF COUNTY NORMAL YIELDS FOR 1965 CROP FOR PARISHES OF ALLEN AND SAINT JAMES, LOUISIANA

Pursuant to section 301(b)(13)(D) of the Agricultural Adjustment Act of 1938, as amended, there was published on August 15, 1964 (29 F.R. 11690), the determination of county normal yields for the 1965 wheat crop. Subsequent to such determination, it was determined that wheat would be grown in 1965 in the parishes of Allen and Saint James of the State of Louisiana for the first time, and it is necessary that county normal yields be determined for said parishes for the proper administration of the wheat certificate and diversion payment programs. Since yield data for such parishes are not available, an appraised yield for 1965 for each parish has been determined on the basis of the yields obtained in surrounding parishes during the years 1959 through 1963, as provided by the act. Since the county normal yields for the 1965 crop of wheat relate only to loans, grants, benefits, and contracts, the notice, procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) are not applicable, and this amendment shall become effective upon its publication in the FEDERAL REGISTER.

Section 728.208(e) is amended by adding for the State of Louisiana between the normal yields for the parishes of Acadia and Jefferson the normal yield for the parish of Allen, and at the end of all other parish yields, the yield for the parish of Saint James as follows:

* * * * *

| | |
|---|---|
| Allen | 21.0 |

* * * * *

District 9:

| | |
|---|---|
| Saint James | 19.0 |

(Secs. 301, 375, 52 Stat. 38, as amended, 66, as amended; 7 U.S.C. 1301, 1375)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on 29th day of September 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64–10047; Filed, Oct. 2, 1964; 8:47 a.m.]

### Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 855.10, Rev. 1]

### PART 855—MAINLAND CANE SUGAR AREA

#### Proportionate Shares for Farms; 1965 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (hereinafter referred to as "act") § 855.10 (29 F.R. 6521) is hereby revised to read as follows:

**§ 855.10 Proportionate shares for sugarcane farms in the Mainland Cane Sugar Area for the 1965 crop.**

(a) *Definitions.* For the purpose of this section, the terms:

(1) "Secretary", "Deputy Administrator", "State Committee", "County Committee", "Producer" and "Operator" shall have the meaning set forth in Part 892 of this chapter.

(2) "Farm" shall have the meaning set forth in Part 822 of this chapter.

(3) "Accredited acres" or "Accredited acreage" shall have the meaning set forth in Part 892 of this chapter: *Provided,* That for the purpose of establishing farm proportionate shares (hereinafter referred to as "shares"), consideration of 1962 and 1964-crop acreages shall be limited to the acreages of sugarcane determined by the County Committee to have been planted prior to April 16, 1962, and May 2, 1964, respectively.

(4) "New Producer" means the operator of a farm for which a share may not be established pursuant to the provisions of paragraph (d) of this section.

(b) *General provisions.* General provisions pertaining to conditional payments, including instructions for filing

applications for payment, are set forth in Part 892 of this Chapter; and provisions governing requests for reconsideration and review of determinations by county and State committees or the Deputy Administrator are set forth in Part 780 of this Title.

(c) *Farm bases.* A farm base shall be established by the County Committee for each farm, as constituted for the 1964 crop at the time the 1965-crop share is established, which is located in such county or parish, and which has accredited acres in either of the crop years 1962 or 1963, or on which the County Committee determines that 1964-crop sugarcane is being grown which may qualify as accredited acreage. Such farm base shall be the larger of (1) 90 percent of the 1964 accredited acreage on the farm or (2) the average accredited acreage on the farm for the crop years 1962, 1963 and 1964, which acreage shall be determined by the County Committee from the best information available at the time the farm base is established.

(d) *Farm proportionate shares.* The County Committee shall establish a 1965-crop share for any farm for which a farm base is established by applying to such farm base an adjustment factor of .91.

(e) *Redetermination of farm bases and shares.* Farm bases and shares shall be cancelled and new bases and shares shall be redetermined and established by the County Committee under the following circumstances:

(1) *Use of incorrect acreage data.* Where incorrect acreage or estimated acreage which differs from the acreage finally determined was used in the original establishment of the farm base and share, a redetermination shall be made in accordance with paragraphs (c) and (d) of this section using correct or final acreages.

(2) *Improper constitution of a farm.* If the County Committee determines after a 1965-crop share is established that the farm was not properly constituted for the 1965 crop pursuant to the definition of a farm, the farm or farms involved shall be reconstituted in accordance with such definition. A farm base and a share shall be established for each recohstituted farm for purposes of the 1965-crop sugarcane program in accordance with paragraphs (c) and (d) of this section, if permitted under the provisions of such paragraphs, on the basis of the accredited acreages which are credited to the newly constituted farm or farms in accordance with paragraph (d) of Part 892 of this chapter, except that the share for a reconstituted farm which is a new-producer farm shall be established as provided in paragraph (g) of this section, if permitted under the provisions of such paragraph. Shares established for reconstituted farms shall be subject to adjustments as provided in paragraph (f) of this section, within the acreage, if any, used for adjustments in the shares for the farm or farms prior to reconstitution. In making such adjustments, County Committees shall particularly take action to avoid the unnecessary plowing out of sugarcane acreage which normally would be harvested in accordance with customary crop rotation practices or to avoid the retention of sugarcane acreage which normally would be plowed out in accordance with customary crop rotation practices.

(f) *Adjustments in shares.* Adjustments in shares may be made in the following circumstances and within the limitations provided:

(1) A maximum of 850 acres is established for Louisiana, and a maximum of 550 acres is established for Florida. Whenever the County Committee determines that the share established for a farm, as provided in paragraph (d) of this section, is not reasonably comparable to the shares for other farms in the county, considering the availability and suitability of land, adequacy of drainage, availability of production facilities, production experience of the operator and the ability of the operator to plant sugarcane, the County Committee shall forward to the State Committee the factual information upon which the share was determined, together with its recommendations as to the level of a suitable adjustment and the reasons therefor. The State Committee shall review the information submitted and the County Committee's recommendation and make such modification in the recommendation as it deems necessary in consideration of the foregoing factors. If the total of the recommendations of the County Committee as modified by the State Committee does not exceed the acreage made available under this subparagraph (1), the State Committee shall authorize County Committees to adjust the shares in accordance with such recommendations and modifications. If the total of the recommended adjustments as modified by the State Committee exceed the acreage made available under this subparagraph (1), the State Committee shall prorate the acreage available to all farms for which adjustments have been recommended on the basis of such recommendations as modified and shall authorize County Committees to adjust the shares in accordance with such proration.

(2) To offset proportionate share acreages which will be unused on farms in Florida, the State Committee may distribute such unused acreages to farms on which acreages may be utilized in excess of the shares determined pursuant to paragraph (d) of this section as adjusted pursuant to subparagraph (1) of this paragraph (f) and for which requests for additional acreage are filed with the Glades-Hendry ASCS County Office on or before August 1, 1965. Such distribution shall be prorated among such farms on the basis of the shares determined pursuant to paragraph (d) of this section and as adjusted pursuant to such subparagraph (1).

(3) To offset proportionate share acreages which will be unused on farms in Louisiana, 10,000 acres are available. Any operator of a farm in Louisiana for which a share is determined under paragraph (d) of this section may within 7 days after the notice of such proportionate share is mailed to him file a request with the County Committee for an increase in such share, on a form available at the local Agricultural Stabilization and Conservation Service County Office (hereinafter referred to as "County Office"). However, requests may be accepted after such date if acreage is available under this subparagraph and if the State Committee determines that the persons desiring such increases were prevented from filing by such date because of absence, due to illness or other reasons beyond their control. The County Committee shall recommend to the State Committee the extent that each such request should be granted by considering the ability of the farm operator to use additional acreage in light of the availability and suitability of land, adequacy of drainage, availability of production and marketing facilities, establishment of proper sugarcane rotation practices, the maintenance of a proper relationship between total sugarcane acreage and suitable cropland and the need for minimum acreages in his mill area. The County Committee shall forward the request and its recommendation to the State Committee. The State Committee shall examine each request and the recommendation of the County Committee and make such modification as it deems necessary in consideration of the foregoing factors. If the total of the requests for additional acreage, as recommended by the County Committees and as modified by the State Committee, does not exceed the acreage made available under this subparagraph (3), the State Committee shall authorize County Committees to increase the shares of farms in accordance with such recommendations and modifications. If the total of the requests for additional acreage, after modification by the State Committee, exceeds the acreage made available under this subparagraph (3), the State Committee shall prorate the acreage available to all farms for which increases have been requested on the basis of the shares determined in Louisiana pursuant to paragraph (d) of this section, as adjusted pursuant to subparagraph (1) of this paragraph, and including any acreages requested pursuant to this subparagraph (3) as modified by the State Committee. The State Committee shall authorize County Committees to increase shares for such farms in accordance with the proration. If the total measured acreage of 1965 crop sugarcane covered by shares established for farms in Louisiana under paragraph (d) of this section including adjustments as provided in subparagraph (1) of this paragraph and this subparagraph (3), exceeds the total acreage of shares for farms in Louisiana authorized under paragraph (d) of this section including adjustments as provided in subparagraph (1) of this paragraph, the State Committee shall deduct such excess acreage from the shares that have been increased by adjustments pursuant to this subparagraph (3), by reducing such shares by distributing prorata such deduction, based on the amount of the increase in each share under this subparagraph and which is utilized.



(g) *Establishment of shares for new producer farms.* Shares may be established within the following limitations for farms to be operated in the 1965-crop season by new producers. A maximum of 1,100 acres and any acres made available to Florida under paragraph (f) (1) of this section and not used are available to that State and 1,700 acres and any acres made available to Louisiana under paragraph (f) (1) of this section and not used are available to that State. Any person desiring a new producer share shall file a request therefor with the County Committee on or before October 8, 1964, on a form available at the local County Office (in Florida, at the Glades-Hendry ASCS Office, Moore Haven, Florida). Each County Committee receiving a request for a new producer share shall rate the applicant on a form provided by the State Committee, as outstanding, qualified or not qualified by taking into consideration whether sugarcane has been planted for 1965-crop harvest, the ability of such person to utilize sugarcane acreage in light of the availability and suitability of land, adequacy of drainage, and the availability of production and marketing facilities. Only those applicants on whose farms sugarcane is growing and who are qualified under the other considerations shall be rated as outstanding. These rating forms shall be forwarded by the County Committee to the State Committee. The State Committee shall review the ratings and make such changes as are appropriate to reflect consideration of the foregoing factors. If the acreage made available to the State under this paragraph is insufficient to establish shares of 50 acres or a lesser acreage, if requested, or if the available cropland will not support a share of 50 acres, for all farms whose operators are rated as outstanding and qualified under the aforestated considerations, shares shall be established for farms whose operators are rated as outstanding. Any acreage made available to the State under this paragraph and remaining after establishing shares for all farms whose operators are rated as outstanding may be utilized to increase the shares for such farms on which more than 50 acres of cane are growing. Any acreage made available to the State and remaining after the foregoing actions have been taken shall be used to establish shares of 50 acres, or a lesser acreage, if requested, or if the available cropland will not support a share of 50 acres, for farms whose operators are rated as qualified and who are selected by lot. Any remaining acreage may be used to increase the shares for farms whose operators are rated as qualified and for which farm shares in excess of 50 acres were requested. If the acreage made available to the State under this paragraph is insufficient to establish shares of 50 acres or a lesser acreage, if requested, or if the available cropland will not support a share of 50 acres, for all farms whose operators are rated as outstanding under the aforestated considerations, shares shall be established for those farms whose operators are rated as outstanding and who are selected by lot. Whenever selection is by lot, each drawing shall be supervised by a representative of the State Committee. Each person requesting a new-producer share and who is rated as outstanding or qualified shall be given a reasonable advance notice of the drawing and an opportunity to attend. The names (or corresponding numbers) of all such persons shall be placed in a container in such a manner that they are indistinguishable to the person making the "draws". Before the drawing, the person in charge shall announce whether the selections are to be made on consecutive draws or on some other specific basis. All acreage set aside for new producers shall be allotted to qualified new producers, if requested.

(h) *Eligibility for payment under the act.* In addition to fulfilling the conditions of payment set forth in Part 892 of this chapter, a producer of sugarcane also must comply with the provisions of this paragraph in order to be eligible for payment under the Act.

(1) The total acreage of 1965-crop sugarcane on the farm harvested for seed or marketed (or processed) for the production of sugar or liquid sugar shall not exceed the share determined in accordance with this section, except that any sugarcane grown on acreage in excess of such share may be marketed (or processed) for the extraction of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the operator of the farm furnishes weight tickets to the County Committee evidencing that such sugarcane was sold by him, or was processed by or for him for the extraction of sugar or liquid sugar for livestock feed or the production of livestock feed, and if so sold, was purchased by the processor for such purpose. Notwithstanding the foregoing provisions of this subparagraph, the producer shall be deemed to have met the requirements for payment with respect to marketings (or processings) within the share where sugarcane was marketed (or processed) for sugar or liquid sugar from an acreage on the farm exceeding the share: *Provided*, That (i) such excess acreage is not more than the larger of two-tenths acre or one percent of the share but not in excess of three acres, (ii) the County Committee finds that the farm operator did not intentionally market (or process) sugarcane from an acreage in excess of the share for the farm and the State Committee concurs in such findings, and (iii) within one year from the date of the processing of such excess sugarcane, the operator has arranged for the raw value equivalent of sugar produced from sugarcane in the Mainland Cane Sugar Area, which had not been marketed to fill a quota for such area as provided in Part 816 of this chapter, to be made subject to a bond given pursuant to the provisions of Part 816 of this chapter which provides that a condition of such bond be that the sugar shall be used for livestock feed or for the production of livestock feed. The Sugar Act payment in any such case shall be limited to the amount of sugar commercially recoverable from the sugarcane marketed (or processed) from the acreage within such share.

(2) The number of share tenants or sharecroppers engaged in the production of sugarcane of the 1965-crop on the farm shall not be reduced below the number so engaged with respect to the previous crop, unless the reduction is approved by the County Committee. In considering such approval, the County Committee shall be guided by whether the reduction was the result of a voluntary action of the share tenants or sharecroppers, or was otherwise beyond the control of the producer.

(3) The producer shall not have entered into any leasing or cropping agreement to divert any payments to which share tenants or sharecroppers would be entitled if their leasing or cropping agreements for the previous crop were in effect.

(4) If the County Committee determines there is excess acreage of sugarcane on a farm;

(i) Any excess acreage which the operator elects to plow-out, abandon, or harvest separately must, except as provided in subdivision (ii) of this subparagraph, be so disposed of before or after the harvest of sugarcane for sugar or seed. Appropriate notification must be given by the operator to permit verification, by a County Committee representative, of the action taken.

(ii) Any excess acreage of sugarcane which is disposed of concurrently with acreage being harvested for sugar, liquid sugar or seed within the share must be staked out or similarly and clearly identified by a representative of the County Committee. The designated excess acreage must be so located that it may be disposed of without interfering with the harvest of the proportionate share acreage. The identity of the sugarcane harvested from excess acreage must be maintained separately after harvest to assure its disposition: *Provided*, That, if sugarcane is harvested from excess acreage for the manufacture of sirup concurrently with the harvest of sugarcane for seed or the production of sugar or liquid sugar, other than sugar for livestock feed, and such acreage is not clearly identified as provided above in this subdivision (ii), the producer shall not market a quantity of sugarcane for the production of sugar or liquid sugar or seed greater than the total of the tonnages of sugarcane marketed for sugar, liquid sugar, seed and sirup multiplied by the percentage that the acreage harvested for sugar, liquid sugar and seed on the farm is of the total acreage of all sugarcane marketed.

(iii) An estimate of the average tons of sugarcane per acre growing on excess acreage which has been staked-out or otherwise identified and which has been designated for harvest for sirup or sugar for livestock feed must be made before harvest by a representative of the County Committee and the farm operator. The estimate must be in writing, signed by the operator and filed at the county office.

(iv) Any farm operator who markets sugarcane for sirup from excess acreage must furnish weight tickets to the County Committee evidencing that such sugarcane was sold by him or processed by or for him for such purpose, and in the case where excess acreage is staked-out and an estimate is made as provided in

subdivision (iii) of this subparagraph, if the average tonnage of sugarcane per acre grown on such excess acreage, as computed by dividing the total tonnage of sugarcane marketed for sirup by the excess acreage, is less than 80 percent of the estimate made pursuant to subdivision (iii) of this subparagraph, no payment shall be made until the operator furnishes acceptable proof to the County Committee that the sugarcane from all excess acreage on the farm was marketed or disposed of other than for seed or the production of sugar or liquid sugar except sugar or liquid sugar for livestock feed.

(v) The farm operator must maintain a record of the excess acreage in each field or parts of fields and the method and purpose of disposal of sugarcane grown on excess acreage in each such case, until receipt of the Sugar Act payment for the 1965 crop of sugarcane.

*Statement of Bases and Considerations—Sugar Act Requirements.* As a condition for payment to producers, section 301(b) of the act, as modified by section 302(b)(6), provides that there shall not have been marketed (or processed), except for livestock feed or for the production of livestock feed, an amount of sugarcane grown on the farm and used for the production of sugar or liquid sugar or for seed in excess of the proportionate share for the farm, if farm proportionate shares are determined by the Secretary pursuant to section 302 of the act.

Section 302(a) provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed by the producer) for sugar or liquid sugar not in excess of the proportionate share for the farm, if farm proportionate shares are determined by the Secretary.

Subsections (1) and (6) of section 302(b) provide that in determining the proportionate share for a farm, the Secretary may take into consideration the past production on the farm of sugarcane marketed (or processed) for the extraction of sugar or liquid sugar or used for seed (within proportionate shares when in effect), and the ability to produce such sugarcane.

Section 302(b)(5) provides that in determining farm proportionate shares the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or sharecroppers, and of producers in any local producing area whose past production has been adversely, seriously and generally affected by drought, flood, storm, freeze, disease, insects or other similar abnormal and uncontrollable conditions.

Pursuant to section 302(b)(6) of the act, it is hereby determined to be necessary for the effective administration of the provisions of subsection (b) of section 302 of the act, that consideration be given to acreages of sugarcane harvested for seed on farms in addition to past production of sugarcane for the extraction of sugar in determining farm proportionate shares for farms in the Mainland Cane Sugar Area for the 1965 crop of sugarcane.

*General.* Pursuant to the foregoing provisions of the act, proportionate shares are required in any area for a given crop when the indicated production will be greater than the quantity needed to enable the area to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

Proportionate shares (farm acreage allotments) were not required in the Mainland Cane Sugar Area for the crops of 1960 through 1962. Shares were initially established for the 1963 crop in August 1962. In May of 1963, production restrictions were removed because of increased marketing opportunities of the area, low world sugar stocks and drastic price increases of the commodity. At the same time, the Department announced that acreage restrictions would not be imposed on the 1964 crop in view of the world shortage and high prices of sugar.

Sugar production from the 1963 crop of sugarcane in the area exceeded the current quota by almost 300,000 tons. The unrestricted 1964-crop acreage in Florida is estimated to be about 45 percent greater than for the previous crop and that for Louisiana about 11 percent greater. Although the present world situation is still fundamentally one of short supplies, present indications point to a restoration of the balance between world sugar production and consumption in the relatively near future. By the late fall of 1965, when 1965-crop mainland cane sugar begins to come on the market, it is expected that there will be adequate supplies of world sugars. In view of the foregoing and the interest in further acreage expansion in the area, the imposition of restrictions on the 1965 crop is deemed necessary to avoid a supply of sugar greater than that needed to meet probable marketing opportunities and carryover requirements.

*Meeting with industry representatives and public hearing.* In March of this year, representatives of sugarcane producers in Florida and Louisiana recommended to the Department that 1965 production be controlled to avoid the accumulation of excess sugar stocks.

On May 19, 1964, an informal public hearing was held in New Orleans, Louisiana, to obtain the views and recommendations of interested persons on all matters relating to the establishment of 1965-crop proportionate shares. Because of the uncertainty as to the area's marketing opportunities for the current and subsequent years, recommendations were requested regarding the total acreage to be allotted at each of several assumed quota levels, with recognition to the need for maintaining much larger inventories of sugar than heretofore to meet all possible marketing opportunities. Interested persons were also requested to submit their views and recommendations on all other matters relating to establishing proportionate shares.

About 150 persons attended the public hearing, with seven persons presenting testimony. In addition, several briefs have been filed with the Department.

The spokesman for the American Sugar Cane League, which is composed of sugarcane producers who produce more than 95 percent of the sugarcane grown in Louisiana and all of the processors of sugarcane for sugar in that State made several recommendations, including the following: (1) That a farm base be established for each farm at the larger of (a) 112.5 percent of the average acreage on the farm for the crop years 1962, 1963 and 1964 or (b) 100 percent of the 1964 acreage on the farm; (2) that a proportionate share be established for each farm with a farm base by applying a factor to achieve the desired acreage level dependent upon what quota action is taken by the Congress; (3) that the proportionate share for any farm should not exceed the largest acreage on the farm in any one of the years 1962, 1963 and 1964; (4) that a reserve, equivalent to 5 percent of the total of the proportionate shares in Louisiana resulting from the foregoing procedure, be established and made available to Louisiana farmers who request shares above the levels established pursuant to the formula, thus offsetting underplantings by other growers and (5) that the regulation pertaining to the establishment of shares be issued at an early date and, if necessary, without the adjustment factor to be applied to farm bases.

The spokesman for the Sugar Advisory Committee of the Louisiana Farm Bureau Federation generally endorsed the recommendations of the American Sugar Cane League. Special reference was made to the desirability of somewhat smaller reductions in acreage for growers having records of several years of sugarcane production or uniform production records than for growers who have just begun production or who increased their acreages in anticipation of high sugar prices.

The spokesman for the majority of the Florida sugarcane producers and all of the existing processors in that State recommended that farm bases be established at the largest acreage of sugarcane in any of the crop years 1962, 1963 and 1964. Farm proportionate shares would be established by applying to farm bases a factor to achieve the desired acreage level. The Florida spokesman stated that in view of the encouragement for expansion of the production of sugar in the area, as evidenced by the suspension of proportionate share acreage controls for 1963 and 1964, any acreage cut should be applied against the highest acreage achieved by a farmer. He recommended that 1964 new producers or old producers who expanded not be required to take a larger percentage reduction than old producers who failed to increase their acreages. In briefs submitted subsequent to the hearing, Florida spokesmen objected to the "reserve" acreage recommended by Louisiana representatives, unless it is made applicable to both States.

Witnesses representing persons who were planning to begin growing sugarcane for sugar for the first time in 1965 recommended that restrictions not be imposed on the 1965 crop.

There was general agreement among those testifying that sugar inventories should be increased above levels pertaining in most previous years. There was also general agreement in the handling of other matters relating to proportionate shares, such as set-asides for new producers, for adjustments in shares and the selection of new producers.

*Determination.* This determination provides that a 1965-crop farm base will be established for each farm on which sugarcane was harvested for sugar, liquid sugar or seed or on which there was bona fide abandonment in any of the crop years 1962, 1963 or 1964. For each farm, the farm base shall be the larger of (1) 90 percent of the 1964 accredited acreage on the farm or (2) the average accredited acreage on the farm for the crop years 1962, 1963 and 1964. As was previously announced by the Department, credit for 1962- and 1964-crop sugarcane acreages will be limited to those acreages planted prior to April 16, 1962, and May 2, 1964, respectively. Since 1965 shares will be established before disposition of 1964-crop acreage is known, data for the latter crop must be estimated. If the County Committee determines that the actual 1964-crop acreage record for any farm is different than the estimated acreage used in establishing the share, the share will be revised.

In establishing farm bases, the most recent three crops have been selected as the index of past production. However, a number of growers produced sugarcane for the first time in 1964 and others expanded their acreages in that year. To avoid a severe cutback from 1964 acreages for these growers, each grower will have the opportunity of selecting either his average acreage for the last three crops or 90 percent of his 1964-crop acreage.

The determination provides for the application of a factor of 0.91 to farm bases to achieve the desired acreage level. While a greater reduction in acreage could have been justified to bring sugar supplies in line with quota and carryover requirements, such further reduction is deemed inadvisable in view of the uncertainties of production from both the 1964 and 1965 crops and the need for adequate stocks to serve the requirements of consumers. The crops in both States are subject to freeze and other weather damage which could adversely affect sugar outturns.

During the years of acreage restrictions since World War II, farmers in Louisiana have failed to fully utilize their proportionate shares by from about 2½ percent to almost 8 percent. Average unused acreages have been about 5½ percent. During this same period, very few acres remained unused in Florida. One of the reasons for this difference in utilization is the fact that Florida can make replacement plantings in the spring, whereas Louisiana cannot. To offset estimated underplantings of 1965-crop proportionate shares in Louisiana, 10,000 acres are made available for increasing the shares for farms, the operators of which file timely written requests for such acreages. Authority is granted to the Louisiana State Committee to modify the requests which are made for additional acreages under this provision in consideration of the availability of land on individual farms and other factors having a bearing on the ability of the operators to produce sugarcane. A provision has been included in the determination to make certain that the total acreages harvested for sugar, liquid sugar and seed and which are classified as bona fide abandonment on old farms in Louisiana will not exceed the sum of the proportionate shares as established for such farms before increases from the acreage reserve. In distribution of the acreage reserve, new criteria have been included which will enable county committees and the State Committee to give special consideration to growers who have not grown sugarcane during a sufficient number of years to establish a crop rotation system. In adjusting shares for individual farms, special consideration may also be given to minimum acreages required by a mill for an economic operation.

To permit farms in Florida to fully utilize farm proportionate shares, provision is made for the reallocation of unused proportionate share acreages in that State to other farms that can utilize additional acreage.

For the purpose of establishing new-producer shares, 1,700 acres are made available in Louisiana and 1,100 acres are made available in Florida. In establishing new-producer shares, first consideration will be given to those farms the operators of which have sugarcane growing for 1965-crop harvest. Generally, such shares will be established at 50 acres each, unless the available cropland or other relevant factors for a farm dictate a smaller acreage. Because of economic factors involved in a new sugarcane venture, it is believed that a 25 acre share, as recommended by Louisiana and Florida spokesmen, would not provide an economic operation for a new sugarcane grower. In both States, any unused adjustment acreage may be utilized for new producers.

As was the case for the 1963 restrictive program, acreages are again being made available for adjustments in the proportionate shares resulting from the application of the formula.

Where a farm is subdivided after the establishment of a proportionate share, new farm bases and shares will generally be established on the basis of the sugarcane record of the newly constituted farms. Adjustments in such new shares will be made within the acreage adjustment, if any, in the share of the farm before being subdivided.

Provisions heretofore included in proportionate share determinations relating to determination of eligibility and basis for payment, appeals for review of proportionate shares, notifications of shares and excess acres, erroneous notice of proportionate shares and filing applications for payment are now included in Part 892 of this chapter.

The other provisions of this determination are generally similar to those which were in effect for the 1963 program.

The 1965-crop sugarcane acreages resulting from this determination should provide a quantity of sugarcane which will enable the area to meet its quota under the Act and provide a normal carryover inventory.

The provisions of this determination provide an equitable basis for establishing proportionate shares for farms in the area for the 1965 crop of sugarcane.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the Act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on September 30, 1964.

ORVILLE L. FREEMAN,
*Secretary of Agriculture.*

[F.R. Doc. 64-10062; Filed, Oct. 2, 1964; 8:48 a.m.]





## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Tangerine Reg. 19]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

§ 905.425 Tangerine Regulation 19.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 5, 1964. The Growers Administrative Committee held an open meeting on September 29,

1964, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangerines grown in the production area, and this regulation, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangerines grown in the production area at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§ 51.1810–51.1834 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 5, 1964, and ending at 12:01 a.m. e.s.t., October 19, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than 2⁹⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Tangerines.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 1, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-10103; Filed, Oct. 2, 1964; 8:50 a.m.]

[Tangelo Reg. 20]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

**§ 905.426 Tangelo Regulation 20.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 5, 1964. The committee held an open meeting on September 29, 1964, to consider recommendations for a regulation, in accordance with the said amended marketing agreement and order, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangelos, grown in the production area, and this regulation, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangelos, grown in the production area, at the start of this marketing season; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relative to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 5, 1964, and ending at 12:01 a.m., e.s.t., October 19, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2⁵⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 1, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-10104; Filed, Oct. 2, 1964; 8:50 a.m.]

[Orange Reg. 40]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

**§ 905.424 Orange Regulation 40.**

(a) *Finding.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 29, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 5, 1964, and ending at 12:01 a.m., e.s.t., October 19, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 1; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2⁵⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2⁵⁄₁₆ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2¹⁄₁₆ inches in diameter or smaller.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 1, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-10105; Filed, Oct. 2, 1964; 8:50 a.m.]



[Grapefruit Reg. 41]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

**§ 905.423 Grapefruit Regulation 41.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 29, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 5, 1964, and ending at 12:01 a.m., e.s.t., October 19, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than 3¹⁵⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit;

(iii) Any seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1;

(iv) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least U.S. No. 1 Russet: *Provided*, That such grapefruit which grade U.S. No. 2 or U.S. No. 2 Bright, may be shipped if such grapefruit meet the requirements as to form (shape) and color specified in the U.S. No. 1 grade; or

(v) Any seedless grapefruit grown in the production area, which are smaller than 3⁹⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 1, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-10106; Filed, Oct. 2, 1964; 8:50 a.m.]

[Lemon Reg. 131]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

**§ 910.431 Lemon Regulation 131.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the han-

dling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 29, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 4, 1964, and ending at 12:01 a.m., P.s.t., October 11, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 186,000 cartons;

(iii) District 3: 39,400 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 1, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–10085; Filed, Oct. 2, 1964; 8:49 a.m.]

[Orange Reg. 7]

## PART 944—FRUITS; IMPORT REGULATIONS

### Oranges

§ 944.306 Orange Regulation 7.

(a) On and after 12:01 a.m., e.s.t., October 7, 1964, the importation into the United States of any oranges is prohibited unless such oranges are inspected and grade at least U.S. No. 3, and are of a size not smaller than 2⅜6 inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in individual containers in such lot, may be of a size smaller than 2⅜6 inches in diameter.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of oranges that are imported into the United States under the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674; 75 Stat. 303–306). Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of oranges, is required on all imports of oranges. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of oranges should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the oranges will be imported:

| Ports | Office | Advance Notice |
|---|---|---|
| All Texas points. | W. T. McNabb, 222 McClendon Building, Harlingen, Tex. (Phone—Garfield 3-5644), or James L. Williams, Room 516 U.S. Court House, El Paso, Tex. (Phone—Keystone 2-9351, Ext. 340). | 1 day. Do. |
| All New York points. | Edward J. Beller, 346 Broadway, Room 306, New York 13, N.Y. (Phone—Rector 2-8000, Ext. 807). | Do. |
| All Arizona points. | R. H. Bertelson, Room 202, Trust Building, Nogales, Ariz. (Phone—Atwater 7-3466). | Do. |
| All Florida points. | Lloyd W. Boney, 1200 Northwest 21 Terrace, Room 5, Miami, Fla. (Phone—Franklin 1-6933), or Hubert S. Flynt, 775 Warner Street, Orlando, Fla. (Phone—Garden 2-2447). | Do. Do. |
| All California points. | Carley D. Williams, 794 South Central Avenue, Room 294, Los Angeles 21, Calif. (Phone—Madison 2-8756). | 3 days. |
| All other points. | D. S. Matheson, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250 (Phone—Dudley 8-4560). | Do. |

(c) Inspection certificates shall cover only the quantity of oranges that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any oranges to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provision of this regulation, any importation of oranges which, in the aggregate, does not exceed five 1⅗ bushel boxes, or equivalent quantity, may be imported without regard to the restrictions specified herein.

(g) It is hereby determined that imports of oranges, during the effective time of this regulation, are in most direct competition with oranges grown in the State of Texas. The requirements set forth in this section are the same as those in effect for oranges grown in Texas (Orange Regulation 5; § 906.309, 29 F.R. 12868).

(h) No provisions of this section shall supersede the restrictions or prohibitions on oranges under the Plant Quarantine Act of 1912.



(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning prior to importation any shipment of oranges for the purpose of making it eligible for importation under the act.

(j) The terms "U.S. No. 3" and "diameter" shall have the same meaning as when used in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680–51.712). "Importation" means release from custody of the United States Bureau of Customs.

On September 15, 1964, notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12926) regarding proposed restrictions on the importation of oranges into the United States. Such notice afforded interested parties an opportunity to submit data, views, or arguments for consideration in connection with the proposed action. No such data, views, or arguments were received.

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674; 75 Stat. 303–306), which makes such regulation mandatory; (b) the grade and size requirements of this import regulation are the same as those in effect on domestic shipments of oranges under Orange Regulation 5 (§ 906.309, 29 F.R. 12868); (c) notice that this action was being considered was published in the FEDERAL REGISTER issue of September 15, 1964 (29 F.R. 12926), and interested parties were afforded an opportunity to submit written data, views, or arguments for consideration in connection therewith; (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time; (e) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (f) such notice is hereby determined, under the circumstances, to be reasonable.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 29, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–10048; Filed, Oct. 2, 1964; 8:47 a.m.]

[Grapefruit Reg. 7, Amdt. 1]

## PART 944—FRUITS; IMPORT REGULATIONS

### Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of Grapefruit Regulation 7 (§ 944.103; 29 F.R. 12762) are hereby amended to read as follows:

(a) On and after 12:01 a.m., e.s.t., October 5, 1964, the importation of any grapefruit is prohibited unless such grapefruit are inspected and meet the following applicable requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than 3⅛6 inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit; or

(2) Seedless grapefruit shall (i) grade at least U.S. No. 1 Russet: *Provided*, That such grapefruit which grade U.S. No. 2 or U.S. No. 2 Bright may be imported if such grapefruit meet the requirements as to form (shape) and color specified for the U.S. No. 1 grade, and (ii) be of a size not smaller than 3⅛6 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under Grapefruit Regulation 41 (§ 905.423); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 1, 1964, to become effective at 12:01 a.m., e.s.t., October 5, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–10107; Filed, Oct. 2, 1964; 8:50 a.m.]

## PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

### Expenses of Walnut Control Board and Rates of Assessment for 1964–65 Marketing Year

Notice was published in the FEDERAL REGISTER on September 17, 1964 (29 F.R. 13037), that there was under consideration a proposal regarding expenses of the Walnut Control Board and rates of assessment for the 1964–65 marketing year which began August 1, 1964. The proposal was based on the recommendation of the Walnut Control Board and other available information, pursuant to amended Marketing Agreement No. 105 and Order No. 984 (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments pertaining to the proposal. The prescribed time has elapsed and no such communications have been received.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that expenses of the Control Board in the amount of $120,400 are reasonable and likely to be incurred by the Board during the 1964–65 marketing year and rates of assessment of 0.10 cent per pound of merchantable inshell walnuts and 0.20 cent per pound of merchantable shelled walnuts are necessary to provide funds to meet authorized Board expenses.

Therefore, the expenses of the Control Board and rates of assessment for the marketing year beginning August 1, 1964 are established as follows:

§ 984.316 Expenses of the Walnut Control Board and rates of assessment for the 1964–65 marketing year.

(a) *Expenses.* In accordance with § 984.68, the expenses that are reasonable and likely to be incurred by the Walnut Control Board during the marketing year beginning August 1, 1964, will amount to $120,400, and the Board is authorized to incur such expenses.

(b) *Rates of assessment.* The rates of assessment fixed for said marketing year, payable by each handler in accordance with § 984.69, shall be 0.10 cent per pound for merchantable inshell walnuts and 0.20 cent per pound for merchantable shelled walnuts.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said amended marketing agreement and this part require that rates of assessment fixed for a particular marketing year shall be applicable to all assessable walnuts from the beginning of such year; and (2) the current marketing year began on August 1, 1964, and the rates of assessment herein fixed will automatically apply to all such assessable walnuts beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 30, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division.*

[F.R. Doc. 64–10063; Filed, Oct. 2, 1964; 8:49 a.m.]

# Title 12—BANKS AND BANKING

## Chapter II—Federal Reserve System

### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

### PART 204—RESERVES OF MEMBER BANKS

#### Unsecured Negotiable Notes

**§ 204.109 Issuance of unsecured negotiable notes by member banks.**

For text of this interpretation, see § 217.138 of this subchapter.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 461 and 462)

Dated at Washington, D.C., this 10th day of September 1964.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 64-10024; Filed, Oct. 2, 1964; 8:45 a.m.]

[Reg. Q]

### PART 217—PAYMENT OF INTEREST ON DEPOSITS

#### Interest on Unsecured Negotiable Notes

**§ 217.138 Issuance of unsecured negotiable notes by member banks.**

(a) In response to questions with respect to the applicability of Part 204 of this chapter (Reserves of Member Banks) and this Part 217 to unsecured negotiable notes issued by member commercial banks as a means of obtaining funds, the Board of Governors has stated that, since such notes constitute borrowings, they are not subject, under present law and regulation, to the interest rate limitations or reserve requirements prescribed for deposits by the Board.

(b) The legality of the issuance of notes of the type referred to must be determined in the light of applicable Federal and State laws, and it is assumed that any bank borrowing by means of such notes will satisfy itself that their issuance is authorized. Borrowings of this type would, of course, be so identified in financial statements and call reports and added to all other borrowings in the application of statutory or other limitations on the total amount of debt a bank may incur. Any liabilities thus incurred by a bank would increase the necessity for maintaining an adequate cushion of liquidity and equity capital.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 371a, 371b, and 461)

Dated at Washington, D.C., this 10th day of September 1964.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 64-10025; Filed, Oct. 2, 1964; 8:45 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Airspace Docket No. 64-SW-44]

### PART 73—SPECIAL USE AIRSPACE [NEW]

#### Alteration of Restricted Area

The purpose of this amendment to § 73.38 (29 F.R. 1253) is to reduce the size of Restricted Area R-3801, Camp Claiborne, Louisiana.

The United States Air Force has concurred in the Federal Aviation Agency's request that the southeast boundary of R-3801 be altered to uncover United States Highway No. 165 and the Missouri Pacific Railroad tracks. These two landmarks are frequently used by VFR pilots operating between Lake Charles, La., and Alexandria, La. The action taken herein removes restricted area R-3801 from the flyway.

Since this amendment will reduce a burden on the public, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, Part 73 [New] of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.38 (29 F.R. 1253), the Camp Claiborne, Louisiana, Restricted Area (R-3801) is amended to read:

*R-3801 Camp Claiborne, Louisiana.*

*Boundaries.* Beginning at latitude 31°05'-50" N., longitude 92°31'15" W.; to latitude 31°03'51" N., longitude 92°31'56" W.; to latitude 31°01'53" N., longitude 92°34'17" W.; to latitude 31°07'30" N., longitude 92°40'45" W.; to latitude 31°11'07" N., longitude 92°36'35" W.; to the point of beginning.

*Designated altitudes.* Surface to 18,000 feet MSL.

*Time of designation.* Sunrise to sunset.

*Controlling agency.* Federal Aviation Agency, New Orleans ARTC Center.

*Using agency.* Commander, England Air Force Base, Louisiana.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on September 29, 1964.

CLIFFORD P. BURTON,
*Acting Director,*
*Air Traffic Service.*

[F.R. Doc. 64-10026; Filed, Oct. 2, 1964; 8:45 a.m.]

## Chapter III—Federal Aviation Agency

### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6223; Amdt. 817]

### PART 507—AIRWORTHINESS DIRECTIVES

#### General Dynamics Model 30 Aircraft

Changes have been made to the emergency electric stabilizer trim system circuit on Convair Model 30 Series aircraft. The purpose was to interlock the up and down relays so that they could not be operated at the same time. It has been found that the changes result in a condition which may cause a stabilizer runaway. In order to correct this condition an airworthiness directive is being issued to require that all aircraft which have had the emergency electric stabilizer trim system so changed be either restored to the original type certification design or modified to a new approved design which the manufacturer has developed.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

GENERAL DYNAMICS. Applies to Model 30 Series aircraft which have been altered in accordance with either American Airlines Fleet Campaign Directive No. 194K or General Dynamics/Convair (990) Service Bulletin No. 27-66, dated December 6, 1963.

Compliance required within 300 hours' time in service following the effective date of this AD unless already accomplished.

American Airlines Fleet Campaign Directive No. 194K and General Dynamics/Convair (990) Service Bulletin No. 27-66 describe emergency electric stabilizer trim system circuit changes which interlock the "up relay" and "down relay" coils. Under certain circumstances the emergency electrical stabilizer trim systems which incorporate these circuit changes could permit a runaway stabilizer condition to exist. To correct this condition, modify the aircraft emergency electric stabilizer trim system circuits in accordance with either paragraph (a) or (b). The circuit changes described in General Dynamics/Convair Service Bulletin No. 27-66, which interlock the coils of the "up relay" and "down relay", may be used when the changes described in paragraph (b) are accomplished.

(a) Restore the emergency electric stabilizer trim system circuits to the original Convair type certification design; or

(b) Replace the single pole, double throw, emergency electric stabilizer control "nose up"—"nose down" switch, (S-246) with a double pole, double throw, momentary on, center position off, momentary on switch, in accordance with General Dynamics/Convair (990) Service Bulletin No. 27-66A dated April 22, 1964, or by an equivalent approved by the Aircraft Engineering Division, FAA Western Region, by connecting the added poles of the switch so that the power control relay (K-276) is energized with the "up relay" (K-124) and with the "down relay" (K-123) but is not energized when the switch is in the "off" position.

This amendment shall become effective October 3, 1964.

(Secs. 313(a), 601, 603: 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 25, 1964.

G. S. MOORE,
*Director,*
*Flight Standards Service.*

[F.R. Doc. 64-10027; Filed, Oct. 2, 1964; 8:45 a.m.]



# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 9—Atomic Energy Commission

### PART 9-16—PROCUREMENT FORMS

#### Subpart 9-16.1—Forms for Advertised Supply Contracts

#### Subpart 9-16.4—Forms for Advertised Construction Contracts

#### Subpart 9-16.50—Contract Outlines

MISCELLANEOUS AMENDMENTS

Section 9-16.104-50(a), subparagraphs 28, 29, 30, and 31 are deleted and the following substituted therefor:

28. Termination for the Convenience of the Government (FPR 1-8.701 or 1-8.708-1, as appropriate).
29. Permits (AECPR 9-7.5004-9).
30. Priorities, Allocations, and Allotments (AECPR 9-7.5004-23).

Section 9-16.404-52(a), subparagraphs 28 and 29 are deleted and the following substituted therefor:

28. Priorities, Allocations, and Allotments (AECPR 9-7.5004-23).

Section 9-16.5002-2, subparagraphs (16), (29), and (31) are deleted and the following substituted therefor:

(16) Contract Work Hours Standards Act—Overtime Compensation—FPR 1-12.303 or Walsh-Healey Public Contracts Act, FPR 1-12.605, if the contract exceeds $10,000.
(29) Covenant against contingent fees—§ 9-7.5004-2.
(31) Equal opportunity—FPR 1-7.101-18.

Section 9-16.5002-4, Article XXII, paragraphs (b), (d), (e), (f), (g), and (h) are deleted and the following substituted therefor:

(b) *Contract Work Hours Standards Act—Overtime Compensation.* Insert contract clause set forth in Standard Form 19A. (Until modified, use the clause in FPR 1-12.303.)
(d) *Payrolls and payroll records.* Insert contract clause set forth in Standard Form 19A.
(e) *Compliance with Copeland Regulations.* Insert contract clause set forth in Standard Form 19A.
(f) *Withholding of funds.* Insert contract clause set forth in Standard Form 19A.
(g) *Subcontracts.* Insert contract clause set forth in Standard Form 19A.
(h) *Equal opportunity.* Insert contract clause set forth in FPR 1-7.101-18.

Section 9-16.5002-4, Article XXII, a new paragraph (j) is added as follows:

(j) *Contract termination—Debarment.* Insert contract clause set forth in Standard Form 19A.

Section 9-16.5002-5, Articles XIII and XXIII are deleted and the following substituted therefor:

*Article XIII—Required bonds and insurance—exclusive of Government property.* Insert contract clause set forth in AECPR 9-7.5004-19.
*Article XXIII—Labor.*
(a) *Contract Work Hours Standards Act—Overtime Compensation.* Insert contract clause set forth in FPR 1-12.303.
(b) *Equal opportunity.* Insert contract clause set forth in FPR 1-7.101-18.
(c) *Convict labor.* Insert contract clause set forth in FPR 1-12.203.

Section 9-16.5002-6, Article XVI is deleted and the following substituted therefor:

*Article XVI—Labor.*
(a) *Contract Work Hours Standards Act—Overtime Compensation.* Insert contract clause set forth in FPR 1-12.303.
(b) *Equal opportunity.* Insert contract clause set forth in FPR 1-7.101-18.
(c) *Convict labor.* Insert contract clause set forth in FPR 1-12.203.

Section 9-16.5002-8, Articles B-XII and B-XIV are deleted and the following substituted therefor:

ARTICLE B-XII—EQUAL OPPORTUNITY

Insert FPR 1-7.101-18.

ARTICLE B-XIV—CONTRACT WORK HOURS STANDARDS ACT—OVERTIME COMPENSATION

Insert Article set forth in FPR 1-12.303.

Section 9-16.5002-9, Articles B-15 and B-20 are deleted and the following substituted therefor:

ARTICLE B-15—EQUAL OPPORTUNITY

Insert FPR 1-7.101-18.

ARTICLE B-20—CONTRACT WORK HOURS STANDARDS ACT—OVERTIME COMPENSATION

Insert Article in FPR 1-12.303.

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; Section 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

*Effective date:* These amendments are effective 45 days following publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md., this 28th day of September 1964.

For the U.S. Atomic Energy Commission.

R. J. HART,
*Acting Director,*
*Division of Contracts.*

[F.R. Doc. 64-10039; Filed, Oct. 2, 1964; 8:46 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Reclamation, Department of the Interior

### PART 417—PROCEDURES FOR THE ADOPTION OF DETERMINATIONS RELATING TO WATER CONSERVATION PRACTICES WITH RESPECT TO WATER REASONABLY REQUIRED TO BE DELIVERED TO CONTRACTORS UNDER BOULDER CANYON PROJECT ACT CONTRACTS WITH THE UNITED STATES FOR THE DELIVERY OF COLORADO RIVER WATER FOR USE IN ARIZONA, CALIFORNIA, AND NEVADA

***Basis and purpose.*** Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Boulder Canyon Project Act (45 Stat. 1057, 1060) and by the contracts for the storage and delivery of Colorado River water pursuant to that Act ("Boulder Canyon Project Act Contracts"), heretofore made between the United States and certain public or private organizations ("Contractors"), a new part is hereby added to Title 43 of the Code of Federal Regulations. The purpose of this new part is to establish procedures leading to the formulation and issuance of determinations pertaining to water conservation measures and operating practices in the diversion, delivery, distribution and use of Colorado River water to the end that deliveries of Colorado River water to each Contractor will not exceed that reasonably required for beneficial use under their respective Colorado River contracts.

This new part relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). However, it is the policy of the Department of the Interior to afford those dealing with the Department a full and fair opportunity to be heard and to have their views considered on matters affecting their interests. Accordingly, provision is made in these procedures for consultation on, appeal and review of, the determinations to be made pursuant thereto. It is intended by these procedures to give Contractors an opportunity to have their views considered in the formulation of the above determinations, consistent with the Secretary's responsibilities in the administration of the Boulder Canyon and other Federal water resource projects on the Lower Colorado River. In view of these consultation provisions and the importance of adoption of these procedures at as early a date as possible, so as to give maximum notice to the concerned Contractors, advance consultation on the form of these procedures is unnecessary. These procedures are hereby adopted and shall become effective upon publication.

A new Part 417 is added to Title 43, Chapter I, reading as follows:

Sec.
417.1 Scope of part.
417.2 Consultation with contractors.
417.3 Notice of proposed determinations.
417.4 Adoption of final determinations.
417.5 Changed conditions, emergency, or hardship modifications.
417.6 General regulations.

AUTHORITY: §§ 417.1 to 417.6 issued under 45 Stat. 1057, 1060; 43 U.S.C. 617.

**§ 417.1 Scope of part.**

The procedures established in this Part shall apply to every public or private organization ("Contractor") in Arizona, California, or Nevada, which has a contract pursuant to the Boulder Canyon Project Act (45 Stat. 1057, 1060) for the delivery of Colorado River water ("Boulder Canyon Project Act Contract"), except that neither this Part nor the term "Contractor", as used herein, shall apply to any person or entity which has a contract for the delivery or use of Colorado River water made pursuant to the Warren Act of February 21, 1911 (36 Stat. 925) or the Miscellaneous Purposes Act of February 25, 1920 (41 Stat. 451).

**§ 417.2 Consultation with Contractors.**

The Regional Director, Bureau of Reclamation, Boulder City, Nevada, or his representative, will arrange for and conduct consultations with each Contractor with regard to the making of annual determinations relating to water conservation measures and operating practices in the diversion, delivery, distribution and use of Colorado River water to the end that deliveries of Colorado River water to each Contractor will not exceed that reasonably required for beneficial use under their respective Boulder Canyon Project Act contracts.

**§ 417.3 Notice of proposed determinations.**

Following consultation with each Contractor, the Regional Director will formulate proposed determinations relating to the matters specified in § 417.2. In formulating the proposed determinations, the Regional Director will give consideration to all relevant comments and suggestions advanced by the Contractors in such consultations. These proposed determinations shall, with respect to each Contractor, be based upon but not necessarily limited to such factors as the character of soil, the area to be irrigated, climatic conditions, location, soils classifications, the kinds of crops raised, the type of irrigation system in use, the operating efficiencies and methods of irrigation of the water users, municipal water requirements, and the pertinent provisions of the Contractor's Boulder Canyon Project Act water delivery contract. The proposed determinations shall be transmitted to each Contractor, and shall be published in the FEDERAL REGISTER, together with a notice which shall, among other things, provide for the submission of written comments or objections to the Regional Director by each Contractor and an opportunity for the Contractor to appeal to the Secretary of the Interior ("Secretary") from a final determination of the Regional Director if the Contractor is aggrieved thereby, before determinations are made effective.

**§ 417.4 Adoption of final determinations.**

After consideration and determination of the matters presented pursuant to the perceding section, the Regional Director (or in the case of a determination which has been appealed, the Secretary or his designee) will transmit to each Contractor and issue annual determinations pertaining to water conservation measures and operating practices in the diversion, delivery, distribution and use of Colorado River water to the end that deliveries of Colorado River water to each Contractor will not exceed that reasonably required for beneficial use under their respective Boulder Canyon Project Act contracts. The determinations shall be published in the FEDERAL REGISTER and shall take effect as provided therein.

**§ 417.5 Changed conditions, emergency, or hardship modifications.**

A Contractor may at any time apply to the Regional Director for temporary modification of any final determination by reason of changed conditions, emergency or hardship. The Regional Director's decision on any such application shall be effective when issued subject, however, to modification upon review by the Commissioner of Reclamation at the request of the applicant. The Regional Director may initiate temporary modifications on his own motion which, except for emergencies as determined by him, shall not take effect pending an opportunity for the Contractor to appeal to the Secretary or his designee. The Regional Director shall afford the fullest practicable opportunity for consultation with a Contractor when acting under this subsection. Each modification under this section shall be published in the FEDERAL REGISTER and shall take effect in accordance with its terms.

**§ 417.6 General regulations.**

In addition to the determinations formulated according to the procedures set out above, the right is reserved to issue regulations of general applicability to the topics dealt with herein.

STEWART L. UDALL,
*Secretary of the Interior.*

SEPTEMBER 30, 1964.

[F.R. Doc. 64-10053; Filed, Oct. 2, 1964; 8:50 a.m.]

# Title 49—TRANSPORTATION

[Ex Parte No. 171 (Sub No. 12)]

## PART 136—INSTALLATION, INSPECTION, MAINTENANCE, AND REPAIR OF SYSTEMS, DEVICES AND APPLIANCES

### Locking, Hand-Operated Switch

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 22d day of September A.D. 1964.

It appearing that by petition filed June 16, 1964, the Chicago, Milwaukee, St. Paul and Pacific Railroad Company seeks a declaratory order under section 5(d) of the Administrative Procedure Act so as to remove uncertainty as to whether the order of the Commission entered in Ex Parte No. 171 Rules, Standards, and Instructions for Signal Systems, 313 I.C.C. 441, decided April 3, 1961, operates retroactively to authorize removal of locks installed before the date of that order when any one of the excepting circumstances exist, and if the order does not presently authorize such removal under such circumstances it seeks an affirmative order so finding;

It further appearing that the aforesaid order has no retroactive effect and does not authorize the removal of locks installed before the date of the order, but that such removal would be safe and consistent with the public interest in situations where exceptions (1) or (2) enumerated in the rule apply, provided that certain procedures and actions as herein set forth are accomplished;

It further appearing that the relief herein granted should be made applicable to the entire railroad industry and not just to the petitioner herein;

And it further appearing that hearing on the matters and things involved has been held and said division having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon which said report is hereby referred to and made a part hereof;

*It is ordered*, Having in mind § 136.410 of the rules, standards and instructions as revised on April 3, 1961, and the need for removing uncertainty as to the retroactive effect of the order of April 3, 1961, and the need for giving it retroactive effect, acting under the authority of both section 5(d) of the Administrative Procedure Act, and section 25(c) of the Interstate Commerce Act, it is ordered that each rail carrier subject to section 25 of the Interstate Commerce Act, be, and it is hereby authorized to remove electrical or mechanical locks now installed within the purview of § 136.410 when either exception (1) or (2) of the present rule is satisfied, subject to the condition that the following procedures and actions be accomplished:

1. Each carrier intending to remove a lock under the findings made herein and based on the existence of one or more of the circumstances as set forth in exceptions (1) or (2) as contained in the revised section, shall:

(a) Notify the Commission by letter setting forth the location of the lock involved and the specific exception on which removal is based.

(b) Include in the letter to the Commission an assurance that the excepting circumstance relied upon will not be changed without either reinstallation of the electric or mechanical lock, or approval by the Commission of the changed circumstances.

(c) Publish in its Time Table the not-to-exceed 20 miles per hour speed limit covering the area of the switch, when that is the exception relied upon; or, where exception (2) is relied upon, publish either in the Special Instructions part of its Time Table or in separate printed Special Instructions the location of each hand-operated switch where electric or mechanical lock is removed and, where train movements are made in excess of twenty (20) miles per hour, concurrently issuing specific instructions, by stating therein, that trains are not to be permitted to clear the main track at such switch.

2. Following the foregoing, and upon acknowledgment of the letter to the Commission, such acknowledgment to be made promptly as an administrative action by the Commission's Bureau of Safety and Service, and such acknowledging letter to be retained by the carrier as authority for the removal and as a record of the exception on which relied, the lock may then be removed.

*It is further ordered*, That 49 CFR 136.410 be and the same is hereby supplemented by the inclusion of an additional note setting forth the foregoing findings, thus revising the entire section to read as follows:

**§ 136.410 Locking, hand-operated switch.**

(a) Each hand-operated switch in main track shall be locked either electrically or mechanically in normal position, except where:



(1) Train speeds over switch do not exceed 20 miles per hour; or

(2) Trains are not permitted to clear the main track at such switch; or

(3) Both switch and traffic-control system were installed prior to October 1, 1950.

(b) Approach or time locking shall be provided and locking may be released either automatically, or by the control operator, but only after the control circuits of signals governing movement in either direction over the switch and which display aspects with indications more favorable than "proceed at restricted speed" have been opened directly or by shunting of track circuit.

NOTE 1: Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier. Relief heretofore granted to any carrier by order of the Commission shall constitute relief to the same extent from the requirements of this part.

NOTE 2: Each carrier subject to this rule is hereby authorized to remove electrical or mechanical locks now installed within the purview of Section 136.410 when either exception (1) or (2) of the present rule is satisfied, subject to the condition that the following procedures and actions be accomplished:

1. Each carrier intending to remove a lock under the findings made herein and based on the existence of one or more of the circumstances as set forth in exceptions (1) or (2) as contained in the revised section, shall:

(a) Notify the Commission by letter setting forth the location of the lock involved and the specific exception on which removal is based.

(b) Include in the letter to the Commission an assurance that the excepting circumstance relied upon will not be changed without either reinstallation of the electric or mechanical lock, or approval by the Commission of the changed circumstances.

(c) Publish in its Time Table the not-to-exceed 20 miles per hour speed limit covering the area of the switch, when that is the exception relied upon; or, where exception (2) is relied upon, publish either in the Special Instructions part of its Time Table or in separate printed Special Instructions the location of each hand-operated switch where electric or mechanical lock is removed and, where train movements are made in excess of twenty (20) miles per hour, concurrently issuing specific instructions, by stating therein, that trains are not to be permitted to clear the main track at such switch.

2. Following the foregoing, and upon acknowledgement of the letter to the Commission, such acknowledgement to be made promptly as an administrative action by the Commission's Bureau of Safety and Service, and such acknowledging letter to be retained by the carrier as authority for the removal and as a record of the exception on which relied, the lock may then be removed.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64-10052; Filed, Oct. 2, 1964; 8:47 a.m.]



# Title 50—WILDLIFE AND FISHERIES

**Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior**

SUBCHAPTER F—AID TO FISHERIES

## PART 253—COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT

On Pages 9454 through 9456 of the FEDERAL REGISTER of July 10, 1964, there was published a notice and text of a proposed new Part 253 of Title 50, Code of Federal Regulations. The purpose of the new part was to provide for procedures to be used by the Secretary of the Interior in providing financial assistance to State Agencies for research and development of the commercial fisheries resources of the Nation and, in cooperation with State Agencies, directly to the commercial fisheries in cases where he has determined that there is a commercial fishery failure due to a resource disaster arising from natural or undetermined causes, or where he may prevent such a resource disaster.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed new part; except, that comments with respect to § 253.4 *Use of resource disaster funds*, were required to be submitted to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C., 20240, within a period of 10 days.

In paragraph (a) *Determination*, of § 253.4 *Use of resource disaster funds*, it was noted the Secretary shall cause to be published in the FEDERAL REGISTER a notice of finding that a commercial fishery failure due to a resource disaster arising from natural or undetermined causes when such a finding is made. After such publication, resource disaster funds may be used for specified purposes with the cooperation of the respective State Agencies.

The FEDERAL REGISTER of July 25, 1964, included a notice of determination by the Secretary of the Interior that a commercial fishery failure due to a resource disaster within the meaning of section 4(b) of Public Law 88-309 existed in the Great Lakes fishing industry.

On August 27, 1964, there was published in the FEDERAL REGISTER § 253.4 *Use of resource disaster funds*, as a formal regulation. Comments have now been received for all other sections of Part 253. Consideration has been given to such comments and appropriate clarifying changes made in §§ 253.1 to 253.12, inclusive. These sections are hereby added to § 253.4, which has already been published as a regulation, and Part 253 is now published in its entirety.

Sec.
253.1 Definitions.
253.2 Interpretation of the authorization.
253.3 Use of research and development funds.
253.4 Use of resource disaster funds.
253.5 Use of new commercial fishery funds.
253.6 Financial responsibility.
253.7 Reporting.
253.8 Record retention.
253.9 Audit and inspection.
253.10 Officials not to benefit.
253.11 Patents and inventions.
253.12 Convict labor.

AUTHORITY: The provisions of this part 253 issued under sec. 8, Public Law 88-309.

**§ 253.1 Definitions.**

As used in this part, terms shall have the meaning ascribed in this section.

(a) *Secretary.* The Secretary of the Interior or his authorized representative.

(b) *Act.* Public Law 88-309, Commercial Fisheries Research and Development Act of 1964.

(c) *Research and development funds.* Funds, the appropriation of which, were authorized by subsection 4(a) of the Act.

(d) *Resource disaster funds.* Funds, the appropriation of which, were authorized by subsection 4(b) of the Act.

(e) *New commercial fishery funds.* Funds, the appropriation of which, were authorized by subsection 4(c) of the Act.

(f) *Person.* Individual, association, partnership or corporation, any one or all as the context requires.

(g) *Primary producer or commercial fisherman.* A person owning, having a beneficial interest in, managing, or operating a vessel or gear engaged in harvesting raw fish for commercial purposes.

(h) *Net profits.* The net profit, before taxes, as computed in accordance with generally accepted accounting standards with due regard to the practices in the locality in which the fishing operation is conducted.

(i) *Reasonable amount as determined by the Secretary for the salary of the fisherman.* A computed amount equal to the average income of the applicant from fishing operations during the 3 preceding calendar years, with a maximum of $3,000, computed from applicant's income tax returns for those years.

(j) *Contractor.* A person, agency or institution performing services, under contract with the State Agency, in carrying out the provisions of a project agreement.

(k) *Commercial fisheries resources.* Stocks of raw fish available or potentially available for harvesting with the primary intent of moving the product into channels of commercial trade.

**§ 253.2 Interpretation of the authorization.**

The terms used in the Act to describe the authorization to the Secretary are construed to be limited to the meanings ascribed in this section.

(a) Supplement, and, to the extent practicable, increase the amounts of State funds. The words "supplement, and, to the extent practicable, increase the amounts of State funds" mean that State funds, to be used for at least 25 percent of the cost of a project financed with research and development funds, will be additional funds provided for that project and will not represent funds diverted from some other commercial fishery project except that during fiscal years 1965 and 1966, the fact that a State Legislature did not meet after approval of this Act will be considered evi-

dence that it is not practicable for the State Agency to furnish funds that have not been previously used for other commercial fishery projects.

(b) *Resource disaster arising from natural or undetermined causes.* The words "resource disaster arising from natural or undetermined causes" mean a serious disruption of a fishery caused by alteration of habitat affecting present and future productivity, inability to catch the raw fish, or inability to sell the catch, because of a natural or undetermined cause. It does not include inability to sell the catch because of competition from imported or other competitive products.

(c) *Developing a new commercial fishery.* The words "developing a new commercial fishery" mean the development of a fishery for species of fish not common to the commercial fishery in the State in which the development is anticipated, or on stocks of fish not then being utilized commercially.

(d) *Manufactured or processed fishery merchandise.* The words "manufactured or processed fishery merchandise" mean fishery products which are included in the tables entitled Manufactured Fishery Products appearing in the annual Bureau of Commercial Fisheries Statistical Digests, Fishery Statistics of the United States. Data on new products, or the collection of statistics on products not formerly covered in these tabulations, will only be included in the subsequent year's determination of the apportionments.

**§ 253.3 Use of research and development funds.**

(a) *Apportionment and obligation.* On July 1 of each year, or as soon thereafter as practicable, the Secretary shall certify to the respective State agencies and the Secretary of the Treasury the amount of the respective apportionments of funds appropriated pursuant to section 4(a) of the Act. The Governor of each State shall notify the Secretary which agency of the State government is the agency authorized under its laws to regulate commercial fisheries and a duly authorized official of the State shall certify as to the duly appointed official authorized in accordance with State law to commit the State to participation under the provision of the Act, to sign project documents, and to receive payments. Each interstate agency shall provide similar certification prior to participation in the program. The Secretary shall be advised promptly of any change made in such authorizations. No funds may be obligated until aforesaid certification has been received. Proposed projects may be submitted at any time after the apportionment is made, but must be submitted at least 120 days prior to the end of the fiscal year following the year in which the apportionment to be charged was made. Notice of obligation of the funds will be furnished the applicable State agency as soon as possible after approval of the project by the Secretary.

(b) *Preliminary project statement.* A preliminary project statement shall be submitted for each proposed project which shall contain such fundamental information as the Secretary may require, in order to determine if the project should be approved. The preliminary project statement shall include plans, specifications, duration, experimental design, personnel and cost estimates, as well as the source of funding.

(c) *Project agreement.* After the Secretary shall have approved a preliminary project statement, mutual obligations to be undertaken by the cooperating agencies shall be evidenced by a project agreement to be executed between the State agency and the Secretary for each such project.

(d) *Prosecution of work.* (1) The State Agency shall carry all approved projects through to a stage of completion acceptable to the Secretary with reasonable promptness. Failure to render satisfactory progress reports or failure to complete the project to the satisfaction of the Secretary shall be cause for the Secretary to withhold further payments until the project provisions are satisfactorily met. Projects may be terminated upon determination by the Secretary that satisfactory progress has not been maintained. The Secretary shall have the right to inspect and review work being done at any time.

(2) Research and/or development work shall be continuously coordinated by the State Agency with studies conducted by other State and non-State Agencies in order to avoid unnecessary duplication.

(3) All work shall be performed in accordance with applicable State laws, except when contradictory to Federal laws or regulations, in which case Federal law or regulations will prevail.

(e) *Economy and efficiency.* No project shall be approved until the State has shown to the satisfaction of the Secretary that appropriate and adequate means shall be employed to achieve economy and efficiency in the completion of the project.

(f) *Contracts.* Supply, service, equipment and construction contracts involving an expenditure of $2,500 or more entered into by a State Agency for the execution of approved project activities shall be based upon free and open competitive bids. If a contract is awarded to other than the lowest responsible bidder, the payment of the Federal portion of the cost of the project shall be based on the lowest responsible bid, unless it is satisfactorily shown that it was advantageous to the project to accept a higher bid. Upon request, the State Agency shall certify and promptly furnish to the Secretary a copy of each contract executed and copies of all bids received concerning the contract.

(g) *Form of vouchers.* Vouchers on forms provided by the Secretary and certified as therein prescribed, showing amounts expended on each project and the Federal portion claimed to be due on account thereof shall be submitted to the Secretary by the State Agency either after completion of each project or as the work progresses.

(h) *Safety and accident prevention.* In the performance of each project, the State shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation. The State shall be responsible that all safeguards, safety devices, and protective equipment are provided and will take other needed actions reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of work on the project.

(i) *Personnel.* The State agency or the contractor shall maintain an adequate and competent force of employees to initiate and carry approved projects through to satisfactory completion. Personnel employed on approved projects by the State Agency shall be selected on the basis of their competence to perform the services required and shall conduct their duties in a manner acceptable to the Secretary.

(j) *Nondiscrimination.* Each project agreement shall contain the applicable sections of Executive Order No. 10925, dated March 6, 1961, as amended, pertaining to nondiscrimination and shall also be subject to Public Law 88–352 and any regulations promulgated thereunder.

**§ 253.4 Use of resource disaster funds.**

(a) *Determination.* The Secretary shall cause to be published in the FEDERAL REGISTER a notice of finding that a commercial fishery failure due to a resource disaster arising from natural or undetermined causes exists at the time such a finding is made. After such publication, resource disaster funds may be used for the following purposes with the cooperation of the respective State Agencies:

(1) Payments causing the removal from the usual markets of stocks of fish or shellfish of the species listed in the said finding which are preventing normal trade operations. No payments will be made under this paragraph unless the Secretary deems such action necessary to aid in restoring normal trade operations; the person receiving such payment, if not the primary producer, provides evidence that he has reimbursed the primary producer, or such other person from whom the raw fish was purchased; the person receiving such payments has furnished the Secretary with such information regarding purchases, costs, sales, etc., as the Secretary may require; and satisfactory evidence of removal of the products from channels of distribution, including storage, shall be provided to the Secretary. No payments may be made for any product which was removed from storage or other channels of distribution prior to the approval of this Act.

(2) Payments to primary producers of the species of fish listed in the said finding to assist them in obtaining gear or equipment necessary to operate in the same or a different fishery than that affected by the said resource disaster. No payments will be made under this paragraph unless the Secretary deems such action necessary to aid in restoring primary producers adversely affected by the said commercial fishery failure to a condition where they can operate profitably; the person receiving such payments furnishes the Secretary with such information regarding catches, sales and costs as the Secretary may require; and



the person receiving such payments agrees to operate the gear purchased with the assistance of such payment in a manner satisfactory to the Secretary.

(3) Short-term loans for operating expenses of primary producers. When loans are made under this paragraph, the interest rate shall be 3 percent and repayment will be required only from net profits of the fishing operation, which net profit shall be reduced by such reasonable amount as determined by the Secretary for the salary of the fisherman. No such loans will be made unless the Secretary deems such action necessary to aid in restoring primary producers adversely affected by the said commercial fishery failure to a condition that will permit them to resume operations; the funds are not otherwise available on reasonable terms; and the past earning and credit record of the applicant is such that it provides reasonable assurance of repayment.

(4) Payments to State Agencies for projects directly related to the restoration of the fishery affected by the said resource disaster or to prevent a similar failure of the fishery in the future. Such preliminary project proposals and their processing will be subject to all regulations relating thereto in this Part, except that these projects will be given preference over other proposed projects with reference to the use of funds obtained under subsection 4(b) of the Act, and Federal funds may be used for 100 percent of the cost of the project if all of the funds are obtained from appropriations authorized under subsection 4(b) of the Act.

(b) *Non-determination.* At any time when there is no finding of a commercial fishery failure as described in subsection (a) of this section, the Secretary may, if he deems such action to be in furtherance of the purposes of the Act, approved preliminary project proposals for funding under subsection 4(b) of the Act from funds carried over from previous fiscal years; provided however, that no preliminary project proposal from any State will be funded under this subsection until that State has had all of its available apportioned funds, if any, obtained from appropriations authorized under subsection 4(a) of the Act, obligated.

**§ 253.5 Use of new commercial fishery funds.**

Preliminary project proposals leading to the establishment of a new commercial fishery may be approved for funding under this section when the Secretary finds that the proposal, if approved and carried out, will reasonably assure the establishment of a new commercial fishery within the State submitting the proposal. All proposals under this section will be subject to all applicable regulations of this Part, except that 100 percent of the project costs may be paid from Federal funds and, if the Secretary deems that the proposal will further the purposes of the Act, these proposals may be approved without the requirement that the State submitting the proposal first have obligated all of its apportioned funds, if any.

**§ 253.6 Financial responsibility.**

(a) State Agencies are required to account for each approved project. Cost accounting records, consistent with generally accepted accounting standards, shall be maintained for each project separately.

(b) State Agencies are responsible for the financial management of the project. Appropriate internal controls will, therefore, be adopted and installed to insure that the project is accomplished in the most efficient and economical manner.

**§ 253.7 Reporting.**

(a) Quarterly progress reports on approved projects will be furnished by State Agencies. These reports will be compiled on forms approved by the Secretary. Progress payments or other disbursements will not be made unless reporting requirements are met.

(b) Completion reports, on forms approved by the Secretary, are required when the project is completed pursuant to the project agreement. Final progress payments to State Agencies on individual projects will not be made until a completion report has been rendered and accepted by the Secretary. Completion reports with respect to research and development projects will contain a certification that the State Agency has contributed at least 25 percent of the total project cost.

(c) A mutual release will be executed by the State Agency and the Secretary, or his authorized representative, when both parties have fulfilled their respective obligations under the agreement or contract.

(d) Copies of audit reports on audits of projects made by State auditors or inspectors shall be furnished the Secretary and will not be returned to State Agencies.

**§ 253.8 Record retention.**

(a) All records of accounts, reporting and supporting documentation thereto will be retained by the State or State Agency for a period of 3 years after the project is completed.

(b) Loan applicants, to whom a loan has been granted pursuant to section 9 of Public Law 88–309 or § 253.4(a)(3), shall retain all records incident to the fishing operation for a period of 3 years after the Note has been satisfied.

**§ 253.9 Audit and inspection.**

(a) Authorized representatives of the Department of the Interior and the United States General Accounting Office shall have the right to audit, examine or inspect accounts, books, documents and other pertinent records involving operations and transactions under the regulations in this part.

(b) State Agencies are expected to provide for a system of periodic internal review or audit by State employees.

(c) Periodic audits will be performed on projects with State Agencies and other operations provided for in Public Law 88–309 by authorized representatives of the United States Government. Audits may be performed on active projects and within 3 years after the project is completed.

(d) Audit exceptions involving adjustments in payment to any State Agency on any project, whether active or completed, may be applied to other approved projects or to applicable apportionments of funds to State Agencies.

**§ 253.10 Officials not to benefit.**

No member of or delegate to Congress or resident commissioner, shall be admitted to any share or any part of an agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

**§ 253.11 Patents and inventions.**

Determination of the patent rights in any inventions or discoveries made in the course of or under any research and development contract entered into pursuant to the Act shall be governed by the Statement of Government Patent Policy promulgated by the President in his memorandum of October 10, 1963 (3 CFR 1963 Supp. p. 238, 28 F.R. 10943).

**§ 253.12 Convict labor.**

In connection with the performance of work, the State Agency agrees not to employ any person undergoing sentence of imprisonment at hard labor.

This amendment shall become effective on the date of publication in the FEDERAL REGISTER.

JOHN M. KELLY,
*Acting Secretary of the Interior.*

OCTOBER 1, 1964.

[F.R. Doc. 64–10116; Filed, Oct. 2, 1964; 9:23 a.m.]

# Proposed Rule Making

## FEDERAL AVIATION AGENCY

**[ 14 CFR Part 71 [New] ]**

**[Airspace Docket No. 64–SO–57]**

### CONTROL ZONE

### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 (New) of the Federal Aviation Regulations which would alter the control zone at Atlanta, Georgia.

The Atlanta, Georgia (Atlanta Airport) control zone is presently designated as within a 5-mile radius of Atlanta Airport (latitude 33°38'42" N., longitude 84°25'37" W.); within 2 miles each side of the Atlanta ILS localizer W course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Atlanta ILS localizer SE course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Atlanta ILS localizer E course, extending from the 5-mile radius zone to the INT of the localizer E course and the McDonough, Georgia, VORTAC 333° radial; within a 3-mile radius of Morris AAF (latitude 33°37'20" N., longitude 84°20'30" W.); within 2 miles each side of the Rex, Georgia, VOR 271° radial, extending from the 5-mile radius zone to 8.5 miles E of the Atlanta Airport and within 2 miles each side of the Fulton, Georgia, VOR 151° radial, extending from the Atlanta Airport 5-mile radius zone to the Fulton County 5-mile radius zone.

The FAA has under consideration the alteration of the Atlanta (Atlanta, Georgia) control zone by revoking the extension within 2 miles each side of the Fulton, Georgia, VOR 151° radial extending from the Atlanta Airport 5-mile radius zone to the Fulton County 5-mile radius zone and by adding a control zone extension within 2 miles each side of the Atlanta ILS runway 9 right localizer W course extending from the 5-mile radius zone to the OM. The extension NW, based upon the Fulton VOR 151° radial, is no longer required due to the cancellation of the VOR approach to the Atlanta Airport utilizing the Fulton VOR. The addition of the control zone extension to the W, based upon the Atlanta ILS runway 9 right localizer, is required for the protection of proposed instrument approach procedures to runway 9 right.

Concurrently with the alteration of the control zone configuration the present control zone description would be amended editorially to refer to the existing Atlanta ILS localizer as the Atlanta ILS runway 9 left localizer.

The Atlanta, Georgia (Atlanta Airport) control zone would be designated as within a 5-mile radius of Atlanta Airport (latitude 33°38'42" N., longitude 84°25'37" W.); within 2 miles each side of the Atlanta ILS runway 9 left localizer W course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Atlanta ILS localizer SE course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Atlanta ILS runway 9 left localizer E course, extending from the 5-mile radius zone to the INT of the localizer E course and the McDonough, Georgia, VORTAC 333° radial; within 2 miles each side of the Atlanta ILS runway 9 right localizer W course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Rex, Georgia, 271° radial, extending from the 5-mile radius zone to 8.5 miles E of the Atlanta Airport and within a 3-mile radius of Morris AAF (latitude 33°37'20" N., longitude 84°20'30" W.).

Interested persons may submit such written data, views or argument as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Region Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Georgia.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on September 25, 1964.

ARVIN O. BASNIGHT,
*Director, Southern Region.*

[F.R. Doc. 64–10028; Filed, Oct. 2, 1964; 8:45 a.m.]

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**[ 14 CFR Part 71 [New] ]**

**[Airspace Docket No. 64–WA–69]**

### POSITIVE CONTROL AREA

### Proposed Designation

The Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations that would extend positive control in that area northeast of Augusta, Maine, to the United States/Canadian border.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

Positive control areas are designated within the continental control area above Flight Level 240 to provide positive separation of aircraft through the use of radar identification and observation to en route and local aircraft operations. This reduces the likelihood of midair collisions. Designation of the additional positive control airspace proposed herein will provide uniformity and consistency in this type of service and added degree of safety now provided throughout most of the United States.

This action would designate as positive control area that airspace from flight level 240 to and including flight level 600 within the area bounded by a line:

Begining at latitude 45°01'00" N., longitude 71°29'00" W.; to latitude 45°17'00" N., longitude 71°20'10" W.; to latitude 45°17'20" N., longitude 71°16'00" W.; thence along the United States/Canadian boundary to latitude 45°18'10" N., longitude 71°05'40" W.; to latitude 45°19'00" N., longitude 70°56'00" W.; thence along the United States/Canadian boundary to latitude 45°19'55" N., longitude 70°49'00" W.; to latitude 45°20'40" N., longitude 70°39'30" W.; to latitude 45°40'40" N., longitude 70°30'30" W.; thence along the United States/Canadian boundary to latitude 45°40'20" N., longitude 67°46'30" W.; to latitude 45°37'30" N., longitude 67°46'30" W.; to latitude 45°27'00" N., longitude 67°29'00" W.; thence along the United States/Canadian boundary to latitude 44°48'00" N., longitude 66°53'00" W.; thence via a line three nautical miles from the coastline to latitude 44°01'00" N., longitude 69°01'00" W.; to latitude 45°00'00" N., longitude 70°00'00" W.; thence to the point of beginning.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on September 24, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–10029; Filed, Oct. 2, 1964; 8:45 a.m.]

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**[ 14 CFR Part 71 [New] ]**

**[Airspace Docket No. 64–AL–10]**

### FEDERAL AIRWAY

### Proposed Revocation

The Federal Aviation Agency (FAA) is considering amending Part 71 [New] of the Federal Aviation Regulations which would revoke Blue Federal airway No. 32 which extends from the Anchorage, Alaska, radio range to the Talkeetna, Alaska, radio beacon, via the Skwentna, Alaska, radio range.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire: Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501. All comments received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Blue Federal airway No. 32 was originally designated to provide alternate routing capability for traffic control purposes at the Anchorage terminal area. With the advent of terminal and en route radar along with new VOR Federal airways, the requirement for alternate low frequency airway routing no longer exists. The latest FAA IFR peak-day-survey for Blue Federal airway No. 32 shows no aircraft movements.

In consideration of the foregoing, it is proposed that § 71.109 (29 F.R. 1008) be amended by revoking B–32.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on September 24, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–10030; Filed, Oct. 2, 1964; 8:45 a.m.]

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**[ 14 CFR Part 71 [New] ]**

**[Airspace Docket No. 64–CE–21]**

### FEDERAL AIRWAY

### Proposed Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would revoke Blue Federal airway No. 9 from Duluth, Minn., to the Canada-United States international border, and to revoke the Duluth radio beacon as a reporting point associated with Blue 9.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

Blue Federal airway No. 9 extends from the Duluth, Minn., radio beacon to the Lakehead, Ontario, Canada, radio range, excluding the portion within Canada. An estimated daily average of less than one aircraft uses Blue 9. Consequently, the amount of air traffic using Blue airway No. 9 does not justify its continued designation as a Federal airway. The Department of Transport, Canada, concurs in this conclusion and will revoke the Lakehead/International Border segment of Blue airway No. 9 should affirmative action be taken on this proposal. If Blue 9 is revoked, there would no longer be a requirement for the Duluth radio beacon as a reporting point.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on September 25, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–10031; Filed, Oct. 2, 1964; 8:46 a.m.]

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**[ 14 CFR Part 71 [New] ]**

**[Airspace Docket No. 64–CE–49]**

### TRANSITION AREA

### Proposed Designation and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Helena, Montana, terminal area.

The following controlled airspace is presently designated in the Helena, Montana, terminal area:

1. That portion of the Great Falls, Montana, control area extension SW of Great Falls within 9 miles SE and 6 miles NW of the Great Falls VOR 222° radial extending from 8 miles NE of the INT of the Great Falls VOR 222° and the Helena, Montana, VOR 352° radials to V–2.

2. The Garrison, Montana, transition area is designated as that airspace extending upward from 1200 feet above the surface within 10 miles N and 7 miles S of the Drummond, Montana, VOR 091° radial, extending from 9 miles W to 20 miles E of the INT of the Drummond VOR 091° and Butte, Montana, VOR 002° radials.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Helena, Montana, terminal area, including studies attendant to the implementation of the provisions of the Civil Air Regulations Amendments 60–21/60–29, proposes the following airspace actions:

1. Revoke the Garrison transition area.

2. Designate the Helena, Montana, transition area to comprise that airspace extending upward from 700 feet above the surface within 6 miles N and 8 miles S of the Helena VOR 089° and 269° radials extending from 17 miles E to 7 miles W of the VOR; within 6 miles SW and 8 miles NE of the SE course of the Helena RR extending from the RR to 17 miles SE of the RR; and that airspace extending upward from 1200 feet above the surface within 6 miles S and 9 miles N of the Helena VOR 089° and 272° radials extending from 12 miles E of the VOR to 45 miles W of the VOR and within 6 miles NW and 9 miles SE of the Great Falls, Montana, VOR 222° radial extending from 8 miles NE to 27 miles SW of the INT of the Great Falls VOR 222° and Helena VOR 352° radials.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

As a result of the foregoing proposals, no changes or alterations would be required in the controlled airspace which is presently designated as the Helena, Montana, control zone.

A revocation of the Great Falls control area extension which currently coincides in part with the transition area proposed for designation herein, will be processed at a later date under the Civil Air Regulations Amendments 60–21/60–29 implementation program proposed for the Great Falls terminal area.

The portion of the proposed transition area with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach procedures at Helena during the time the aircraft are descending from 1500 feet to 1000 feet above the surface. It would also provide protection for aircraft departing Helena during the time the aircraft are climbing from 700 feet to 12000 feet above the surface. The portion of the proposed transition area with a floor of 1200 feet above the surface would provide protection for aircraft executing prescribed instrument holding and departure procedures within the Helena terminal area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein but operational complexity would not be increased nor would aircraft performance or landing minimums be adversely affected.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Cen-

tral Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on September 23, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64-10032; Filed, Oct. 2, 1964; 8:46 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[BLM 079895; Survey Group 45]

### LOUISIANA

### Notice of Filing of Plat of Survey

SEPTEMBER 28, 1964.

The plat of Limited Dependent Resurvey and Survey of an island in Eighth Bayou Tensas, in sec. 29, approved and accepted August 10, 1964, will be officially filed in this office effective 10 a.m. on November 13, 1964.

LOUISIANA MERIDIAN, LOUISIANA

T. 9 S., R. 9 E.,
Sec. 29, lot 15, containing 37.07 acres.

The survey was undertaken pursuant to application BLM 061897, filed by the State of Louisiana through its Register of State Lands under the Swamp Land Grant, for the unsurveyed area. The land described by metes and bounds is also included in oil and gas lease BLM 055208, issued to Edwin W. Stockmeyer and Charles J. Babington, effective May 1, 1961.

The plat represents the survey of an island in Eighth Bayou Tensas which was not included in the original survey of the township represented on the plat approved December 30, 1840. This island was noted in the field note record and appears on the official plat of survey of 1832 and 1833. The local general description in the field note record thereof is "no sign of recent overflow, good soil cane, vines, palmetto and briars, oak, gum, ash, and cypress."

The island is upland in character, with an elevation from 4 to 7 feet above mean-high-water. The soil is of rich sandy clay loam which supports a dense covering. The timber growth consists of hickory, locust; sweet and black gum; black, live and water oak; hackberry, maple, ash, pecan, persimmon, cottonwood, sycamore, cypress and willow, ranging in size from 4 to 50 inches in diameter. The undergrowth consists of dense young trees, palmetto, vines, arrow weeds, papaya, poison oak and ivy. Most all of the cypress was cut off, leaving stumps measuring up to 7 and 8 feet in diameter at the ground level. The island's formation is in all regards similar to the opposite mainland. The examination of the selected lands discloses that they are not of recent origin, formed by accretion, reliction or disposition of recent date, but, rather, are permanent lands, stable in their location. The character of the island and the timber and undergrowth thereon attest to its existence in 1812, when Louisiana was admitted into the Union and at all subsequent dates, and therefore has the status of public lands.

The island is well over 50 percent upland in character within the interpretation of the swamp land grant acts.

There is no evidence of improvements, present use or occupancy of the island.

The land above described is open to application and selection under the public land laws, subject to valid existing rights and the requirements of applicable laws and regulations. All applications must be accompanied by a petition for classification and no occupancy will be permitted or disposition made of the island until it has been classified.

All inquiries relating to the land should be directed to the Manager, Eastern States Land Office, Bureau of Land Management, Washington, D.C., 20240.

DORIS A. KOIVULA,
*Manager, Land Office.*

[F.R. Doc. 64-10040; Filed, Oct. 2, 1964; 8:46 a.m.]

### Office of the Secretary

[Order No. 2882]

### TRUST TERRITORY OF THE PACIFIC ISLANDS

### Legislative Authority for the Congress of Micronesia

Whereas, pursuant to the Trusteeship Agreement between the United States and the Security Council of the United Nations, the United States has undertaken to promote self-government in the Trust Territory of the Pacific Islands; and

Whereas, in 1956 the High Commissioner of the Trust Territory created an Inter-District Advisory Committee composed of Trust Territory citizens to assist in the development of programs and policies for the area; and

Whereas, the Inter-District Advisory Committee in 1961 was reconstituted as the Council of Micronesia, selecting its own chairman; and

Whereas, the deliberations of the Council of Micronesia have been of a uniformly high order; and

Whereas, the Council of Micronesia has has recommended the establishment of a legislature for the Trust Territory of the Pacific Islands to be known as the Congress of Micronesia;

Now, therefore, there is hereby created the Congress of Micronesia, as set forth in the following order:

SECTION 1. *Purpose.* The purpose of this Order is to grant certain legislative authority to the Congress of Micronesia in the Trust Territory of the Pacific Islands, to delimit its membership, duties, and procedures, and to define its relationships to other branches of the Government of the Trust Territory of the Pacific Islands.

SEC. 2. *Organization.* The Legislature of the Trust Territory of the Pacific Islands shall be known as the "Congress of Micronesia" and shall consist of two Houses, the House of Delegates and the General Assembly. The two Houses shall sit separately except as otherwise provided herein.

When the Congress shall convene, each House shall organize by the election of one of its number as presiding officer and such presiding officer shall be designated by the title of "President of the House of Delegates" or "Speaker of the General Assembly", as the case may be. When the Congress meets in joint session, the Speaker of the General Assembly shall preside.

SEC. 3. *Legislative power.* The legislative power of the Congress of Micronesia shall extend to all rightful subjects of legislation, except that no legislation may be inconsistent with

(a) treaties or international agreements of the United States;

(b) laws of the United States applicable to the Trust Territory;

(c) Executive Orders of the President of the United States and orders of the Secretary of the Interior; or

(d) sections 1 through 12 of the Code of the Trust Territory.

No law shall be passed by the Congress imposing any tax upon property of the United States or property of the Trust Territory of the Pacific Islands; nor shall the property of nonresidents be taxed at a higher rate than the property of residents. No import or export levies shall be imposed on goods transported between or among the Districts of the Trust Territory, as described in section 39 of the Code of the Trust Territory, or any political subdivision thereof, and the levy of duties on goods imported into the Trust Territory is hereby reserved to the Congress of Micronesia and the High Commissioner.

SEC. 4. *Powers of the High Commissioner.* At the opening of a legislative session and at any time thereafter the High Commissioner may submit to the Congress and recommend the enactment of legislation.

In the event that the High Commissioner has submitted to the Congress proposed legislation which he has designated as urgent, and the Congress has failed to pass the same in its original form or an ammended form acceptable to the High Commissioner at the session at which it was submitted, the High Commissioner may himself, with the approval of the Secretary of the Interior, promulgate such legislation as law: *Provided,* That such designation as urgent shall be made no later than seven days prior to the end of the session.

SEC. 5. *Budget.* Prior to his final submission of the annual budget of the Trust Territory to the Secretary of the Interior, the High Commissioner shall submit a preliminary budget plan to the Congress of Micronesia in joint session for its review and recommendations. The High Commissioner shall adopt such recommendations of the Congress as he may deem apporpriate, but he shall

transmit to the Secretary of the Interior all recommendations he has not adopted. Legislation enacted by the Congress of Micronesia requiring the expenditure of funds other than as budgeted shall include revenue measures to provide the needed funds.

SEC. 6. *Membership.* For the purpose of representation in the Congress, the Trust Territory is divided into six Districts as described in section 39 of the Code of the Trust Territory.

The House of Delegates shall consist of twelve members, who shall be known as "Delegates", of which each District shall elect two.

The General Assembly shall consist of twenty-one members, who shall be known as "Assemblymen", and who shall be elected from each District as follows:

In the Mariana Islands District, three;
In the Marshall Islands District, four;
In the Palau District, three;
In the Ponape District, four;
In the Truk District, five;
In the Yap District, two.

Each of the six Administrative Districts shall be subdivided initially into single member election districts of approximately equal population, in such manner as the High Commissioner shall determine, and each such election district shall elect one of the Assemblymen to which the Administrative District is entitled. Future subdivisions shall be established by law.

Election districts shall be reapportioned every 10 years on the basis of population, but each District (as described in section 39 of the Trust Territory Code), shall be entitled to at least two Assemblymen regardless of population. The first such reapportionment shall be made in 1971.

SEC. 7. *Qualification of Legislators.* In order to be eligible to election as a member of the Congress a person shall:

(a) Be a citizen of the Trust Territory for at least five years;

(b) Have attained the age of twenty-five years at the time of his election; and

(c) Have been a bona fide resident of the District (as described in section 39 of the Code of the Trust Territory), from which he is elected for at least one year next preceding his election.

No person who has been expelled from the Congress for giving or receiving a bribe or for being an accessory thereto, and no person who has been convicted of a felony, shall sit in the Congress, unless the person so convicted has been pardoned and has had restored to him his civil rights.

SEC. 8. *Franchise.* The franchise shall be vested in residents of the Trust Territory who are citizens of the Trust Territory and eighteen years of age or over. Additional qualifications may be prescribed by the Congress: *Provided,* That no property, language, or income qualification shall ever be imposed or required of any voter, nor shall any discrimination in qualification be made or based upon literaracy, tribal custom, or social position, nor upon difference in race, color, ancestry, sex, or religious belief.

SEC. 9. *General elections.* General elections shall be held biennially in each even numbered year on the first Tuesday following the first Monday in November. All elections shall be held in accordance with such procedures as this order and the laws of the Trust Territory may prescribe. Legislators shall be chosen by secret ballot of the qualified electors of their respective districts.

SEC. 10. *Term of office.* Each Delegate shall hold office for a term of four years: *Provided,* That of the Delegates elected at the first general election, one from each District shall hold office for two years only, and the determination of which Delegate shall serve the short term shall be made by drawing lots.

Assemblymen shall each hold office for a term of two years.

The terms of all members of the Congress shall commence at noon on the third day of January following their election, except as otherwise provided by law.

SEC. 11. *Disqualification of government officers and employees.* No person holding a position as a Department Head or Assistant Department Head in the Headquarters of the Trust Territory Government, as a Department Head or Assistant Department Head in a District Administration, as a District Administrator or Assistant District Administrator, or as a Judge, and no person serving as a member of a District Legislature, shall be eligible to serve as a member of the Congress while holding said position: *Provided,* That this disqualification shall not become effective until the third general election to the Congress.

The High Commissioner shall permit any employee of the Government of the Trust Territory to be accorded leave without pay, for a period not to exceed 30 days prior to and including the day of the general election, for the purpose of seeking election to the Congress.

No member of the Congress shall, while on official legislative business, receive any other compensation from the Government of the Trust Territory or any political subdivision thereof.

SEC. 12. *Legislative sessions.* There shall be a regular session of the Congress held in each year beginning on the second Monday of July and continuing for not to exceed 30 consecutive calendar days. Each such regular session shall be held at the seat of the Government of the Trust Territory.

The High Commissioner may call special sessions for such period of time, and at such time and place, as in his opinion the public interest may require. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the High Commissioner to the Congress while in such session.

SEC. 13. *Enacting clause.* The enacting clause of all bills shall be: "Be it enacted by the Congress of Micronesia," and no law shall be enacted except by bill. Bills may originate in either House, and may be amended or altered or rejected by the other.

SEC. 14. *Veto by the High Commissioner.* Every bill passed by the Congress shall, before it becomes a law, be presented to the High Commissioner. If the High Commissioner approves the bill, he shall sign it. If the High Commissioner disapproves the bill, he shall, except as hereinafter provided, return it, with his objections, to the Congress within ten consecutive calendar days after it shall have been presented to him. If the High Commissioner does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the Congress by adjournment prevents its return, in which case it shall be a law if signed by the High Commissioner within thirty days after it shall have been presented to him; otherwise it shall not be a law.

Not later than 14 months after a bill has been vetoed by the High Commissioner, it may be passed over his veto by a two-third's majority of the entire membership of each House but may not be so repassed at the same session at which originally passed. A bill so repassed shall be re-presented to the High Commissioner for his approval. If he does not approve it within 20 days, he shall send it together with his comment thereon to the Secretary of the Interior. Within 90 days after its receipt by him, the Secretary of the Interior shall either approve or disapprove the bill. If he approves it, it shall become a law; otherwise it shall not.

If any bill presented to the High Commissioner should contain several items of appropriation of money, he may object to one or more of such items, or any part or parts thereof, while approving the other items or parts of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the item or items, part or parts thereof, to which he objects, and the item or items, part or parts thereof, so objected to shall have the effect of being vetoed.

SEC. 15. *Adjournment.* Neither House may adjourn for more than two consecutive days nor may either House adjourn sine die without the concurrence of the other House.

SEC. 16. *Publication of laws.* The High Commissioner shall make provision for publishing laws and resolutions within thirty days after the close of each session and for their distribution to public officials and sale to the public.

SEC. 17. *Procedure*—(a) *Quorum.* A majority of the members of each House shall constitute a quorum of such House for the transaction of business. A smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each House may provide.

(b) *Reading of bills—passage.* A bill in order to become a law shall pass two readings in each House, on separate days, the final passage of which in each House shall be by a majority vote of all the members present and voting, which vote shall be entered upon the journal.

(c) *Title.* Every legislative act shall embrace but one subject and matters properly connected therewith, which



subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such an act shall be void only as to so much thereof as shall not be embraced in the title.

(d) *Certification of bills from one House to the other.* Every bill when passed by the House in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and sent to the other House for consideration.

(e) *Amendment and revisions by reference.* No law shall be amended or revised by reference to its title only; but in such case the act, as revised, or section or subsection as amended, shall be re-enacted and published at full length.

(f) *Language.* All legislative proceedings shall be conducted in the English language: *Provided,* That knowledge of the English language shall not be a qualification for membership in the Congress. Nothing herein shall limit the right of a member to use his native language if he lacks fluency in English, and the Congress shall provide for interpretation into English in such cases.

(g) *Journal.* Each House shall keep a journal of its proceedings, and publish the same in English.

(h) *Public sessions.* The business of the Congress, and of the Committee of the Whole, shall be transacted openly and not in secret session.

(i) *Procedural authority.* The Congress shall be the sole judge of the elections and qualifications of its members, shall have and exercise all the authority and attributes inherent in legislative assemblies, and shall have the power to institute and conduct investigations, issue subpoenas to witnesses and other parties concerned, and administer oaths.

SEC. 18. *Immunity.* No member of the Congress of Micronesia shall be held to answer before any tribunal other than the Congress for any speech or debate in the Congress, and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the Congress and in going to and from the same.

SEC. 19. *Compensation.* Each member of the Congress shall be paid $16 for each day the Congress is in session, regular or special. Each member shall also be paid $16 for each day during which he is engaged in official legislative business, when the Congress is not in session. Compensation at this daily rate shall be paid for each day the member is in a travel status to and from each session or while on other official legislative business. Travel shall be performed by the most expeditious and direct means. Compensation shall be paid for days when travel is delayed for reasons beyond the control of the member. Travel shall be arranged by the Trust Territory Government by the most direct and expeditious means, and travel expenses and per diem at the standard Trust Territory Government rates shall be allowed: *Provided,* That compensation, travel, and per diem shall not be allowed in excess of such amount as may be budgeted therefor.

SEC. 20. *Appointment to new offices.* No member of the Congress shall, during the term for which he was elected or during the year following the expiration of the term for which he was elected, be appointed to any office which was created by the Congress during such term.

SEC. 21. *Vacancies.* Whenever, prior to six months before the date of the next general election, a vacancy occurs, the High Commissioner shall call a special election to fill such vacancy. In case of a vacancy occurring within six months of the next general election, no special election shall be held and the District Administrator of the District wherein such vacancy arises may fill such vacancy by appointment.

SEC. 22. *Conversion into a unicameral body.* At its fifth regular session following the effective date of this order, the Congress shall convene in joint session to consider whether the bicameral legislature should be continued, or whether the legislature should be converted into a unicameral body. The final recommendation to the High Commissioner shall be adopted by a majority vote, and the recommendation shall be submitted to the High Commissioner and by him to the Secretary of the Interior.

SEC. 23. *Legislative counsel.* Prior to the first regular session of the Congress of Micronesia, the High Commissioner shall designate a legislative counsel to assist and advise the Congress during that session. During the course of the first session, and biennially thereafter, the Congress may by joint resolution nominate a legislative counsel of its own choosing to serve the Congress during and between subsequent sessions, subject only to the High Commissioner's concurrence in the competency of the designated legislative counsel. Compensation for the legislative counsel shall be budgeted by the High Commissioner at a grade level equivalent to that of the highest grade Assistant Attorney General of the Trust Territory. The High Commissioner shall also make budgetary provision for such supporting staff for the legislative counsel as the Congress may request by joint resolution, and as the High Commissioner may deem necessary.

SEC. 24. *Amendment.* This order may be amended only by further order of the Secretary of the Interior. The Congress may, during any regular session, by a two-thirds majority vote of the membership of each House, recommend to the High Commissioner the amendment of any part of this order. The High Commissioner shall transmit such recommendation, together with his own recommendations thereon, to the Secretary of the Interior.

SEC. 25. *Existing laws.* All laws and regulations of the Trust Territory not inconsistent with the provisions of this order shall continue in effect until modified or repealed by competent authority.

SEC. 26. *Temporary extension of export and import duties.* Notwithstanding any other provision of this order, any District or municipal import and export duties in effect upon signature of this order may continue in effect until July 1, 1965, unless sooner reduced or repealed by the District Legislature or municipality concerned: *Provided,* That no such District or municipal import or export duty may be increased above its rate as of the date of signature of this order.

SEC. 27. *Effective date.* The provisions of this order shall become effective upon signature, with the first general election to the Congress of Micronesia to be held on Tuesday, January 19, 1965, in accordance with such regulations as may be promulgated by the High Commissioner therefor: *Provided,* That subsequent general elections shall be held as provided in Section 9 of this order: *Provided, further,* That the terms of members elected to the first Congress of Micronesia shall commence February 16, 1965.

SEC. 28. *Prior orders.* Section 3 of Order No. 2876 is superseded, effective July 12, 1965, or effective on the date the Congress of Micronesia meets in special session, whichever first occurs. Provisions of other prior orders of the Department of the Interior, insofar as they are inconsistent with the provisions of this order, are hereby superseded.

STEWART L. UDALL,
*Secretary of the Interior.*

SEPTEMBER 28, 1964.

[F.R. Doc. 64-10041; Filed, Oct. 2, 1964; 8:50 a.m.]



## DEPARTMENT OF COMMERCE

### Bureau of International Commerce

[File No. 24-62A]

### JOSE LUIS MUSSOT

### Order Temporarily Denying Export Privileges

In the matter of Jose Luis Mussot, Mexicali No. 53-2, Mexico City, Mexico, File No. 24-62A; respondent.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, United States Department of Commerce, pursuant to the provisions of § 382.11 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying all export privileges to the above named respondent. It was requested that the order remain in effect for a period of thirty days pending continued investigation into the facts and transactions giving rise to the application and the commencement of such proceedings as may be deemed proper under the law against said respondent.

The Compliance Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, together with his recommendation that the application be granted and that a temporary denial order be issued for thirty days.

The evidence and recommendation of the Compliance Commissioner have been considered. The respondent Jose Luis Musot is a resident of Mexico City, Mexico. On the evidence presented there is substantial basis to believe that the respondent has participated in the purchase of substantial quantities of U.S.-origin commodities with knowledge that their intended ultimate destination was Cuba and the respondent also participated in the reexportation, diversion and transshipment of said commodities from Mexico to Cuba. There is also reasonable basis to believe that said respondent will continue such conduct in contravention of the Export Control Act and regulations unless U.S. export privileges are temporarily denied. I find that an order temporarily denying export privileges to the respondent is reasonably necessary for the protection of the public interest and national security: *Accordingly, it is hereby ordered:*

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent, his successors or assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities for technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents and employees and to any successor and to any person, firm, corporation, or business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall take effect forthwith and shall remain in effect for a period of thirty days from the date hereof, unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the United States Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondent.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: September 29, 1964.

FORREST D. HOCKERSMITH,
*Director,*
*Office of Export Control.*

[F.R. Doc. 64-10042; Filed, Oct. 2, 1964; 8:46 a.m.]

[File No. 23-862]

## GERMAR WEISS

### Order Denying Export Privileges for an Indefinite Period

In the matter of Germar Weiss, Mainzer Landstrasse 148, Frankfurt on the Main, Federal Republic of Germany, File No. 23-862; respondent.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above named respondent all export privileges for an indefinite period because the said respondent failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent Germar Weiss is engaged in the business of importing and exporting and otherwise dealing in electronic equipment, and has a place of business in Frankfurt on the Main, Federal Republic of Germany; that the aforesaid Investigations Division is conducting an investigation into the disposition by said respondent of certain U.S.-origin electronic equipment of a strategic nature. It is impracticable to subpoena the respondent and relevant and material interrogatories and request to furnish certain specific documents relating to the transactions in question were served on him pursuant to § 382.15 of the Export Regulations. Said respondent has failed to furnish answers to said interrogatories or to furnish the documents requested, as required by said section, and he has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

*Accordingly, it is hereby ordered:*

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent, his successors or assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.



III. Such denial of export privileges shall extend not only to the respondent, but also to his agents and employees and to any successor and to any person, firm, corporation, or business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers, written information and documents in response to the interrogatories heretofore served upon him or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent..

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondent may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on October 2, 1964.

Dated: September 25, 1964.

WILSON E. SWEENEY,
*Acting Director,*
*Office of Export Control.*

[F.R. Doc. 64-10059; Filed, Oct. 2, 1964; 8:48 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 15495]

## COMPANIA PANAMENA DE AVIACION, S.A. (COPA)

### Notice of Prehearing Conference

Application of Compania Panamena de Aviacion, S.A. (COPA) under section 402 of the Federal Aviation Act of 1958, as amended, for foreign air carrier permit to engage in foreign air transportation in scheduled and nonscheduled operations with respect to mail, persons and property between the Republic of Panama and Miami, Florida, U.S.A.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 8, 1964, at 10:00 a.m., e.d.s.t., in Room 607, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., September 29, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-10061; Filed, Oct. 2, 1964; 8:48 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15429, 15430; FCC 64M-942]

## DOVER BROADCASTING CO., INC., AND TUSCARAWAS BROADCASTING CO.

### Memorandum Opinion and Order Continuing Hearing

In re applications of Dover Broadcasting Company, Inc., Dover-New Philadelphia, Ohio, Docket No. 15429, File No. BPH-3560; The Tuscarawas Broadcasting Company, New Philadelphia, Ohio, Docket No. 15430, File No. BPH-4196; for construction permits.

1. The Tuscarawas Broadcasting Company filed on September 15, 1964, a petition to postpone the hearing in this proceeding which is currently scheduled for October 20, 1964. Subsequently, Dover Broadcasting Company filed comments on said petition in which it, inter alia, pleaded that Dover could not consent to an indefinite postponement of the hearing. In essence what the petitioner here seeks is an indefinite postponement of the hearing date, as well as an indefinite continuance of certain procedural dates heretofore scheduled upon joint request filed by the applicants on August 28, 1964, and granted by an order released September 1, 1964, FCC 64M-824. The request for indefinite postponement of the hearing date will not be granted.

2. In the order released September 1, 1964 the time for the exchange of lay exhibits was to be on or before September 15, 1964, while the notification of witnesses desired for cross-examination was to be accomplished on or before October 5, 1964. As the petitioner's pleading sets out, there is now pending before the Commission several petitions filed in Docket No. 14711 requesting the Commission to reconsider its Report and Order and the amendments in said docket, which was referred to by an order released August 18, 1964, FCC 64M-788. It is here regarded appropriate that the hearing should not be held prior to the ultimate decision that the Commission may reach relative to the reconsideration of its Report and Order in Docket No. 14711. In view of the fact that the Commission now has the matter under consideration the procedural and hearing dates heretofore referred to will be cancelled. A new hearing date will be set but the time for the exchange of lay exhibits and for notification of witnesses desired for cross-examination will be determined at a later date.

*Accordingly, it is ordered,* This 22d day of September 1964, that the petition of The Tuscarawas Broadcasting Company, filed September 15, 1964, is granted in part and denied in part, in that: The date for the exchange of lay exhibits and the date for the notification of witnesses desired for cross-examination be and the same are hereby cancelled, and the hearing now scheduled for October 20, 1964, be and the same is hereby rescheduled for November 30, 1964, 10:00 a.m., in the Commission's offices, Washington, D.C.

Released: September 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10064; Filed, Oct. 2, 1964; 8:49 a.m.]

[Docket No. 15178 etc.; FCC 64M-959]

## WTIF, INC., ET AL.

### Order Re Procedural Dates

In the matter of revocation of license of radio station WTIF, Inc. for standard broadcast station WTIF, Tifton, Georgia, Docket No. 15176; in re applications of WMEN, Tallahassee, Florida, Docket No. standard broadcast station WDMG, Douglas, Georgia, Docket No. 15177, File No. BR-1709; WMEN, Inc. for renewal of license of standard broadcast station WMEN, Tallahassee, Florida, Docket No. 15274, File No. BR-3030; B. F. J. Timm, Jacksonville, Florida, Docket No. 15275, File No. BP-13649; for construction permit.

Upon oral request of the Chief of the Hearing Division of the Commission's Broadcast Bureau, and with the consent and concurrence of all other counsel:

*It is ordered,* This 28th day of September 1964 that the hearing in the above-entitled matter now scheduled for September 29, 1964, is converted to a further hearing conference and is con-

tinued to a date, not later than October 20, 1964, to be ordered by the Hearing Examiner after informal consultation with all counsel.

Released: September 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10065; Filed, Oct. 2, 1964; 8:49 a.m.]

[Docket No. 15396]

## TELEVISION AND LAND MOBILE SERVICE

### Order Extending Time for Filing Comments

In the matter of an inquiry into the Optimum Frequency Spacing Between Assignable Frequencies in the Land Mobile Service and the Feasibility of Frequency Sharing by Television and the Land Mobile Service.

The Commission has before it for consideration in the above-captioned proceeding a "Request for Extension of Time for Filing Comments" filed by the Land Mobile Communications Section of the Electronics Industry Association (EIA), and a "Request for Modification of Comment Schedule" filed by the Associated Public Safety Communication Officers Inc. (APCO).

EIA requests that the time for filing comments in this proceeding be extended 6 months, from October 1, 1964, to April 1, 1965. In support of its request, it states that EIA and the Joint Technical Advisory Committee (JTAC) were specifically requested by the Commission to respond to the issues set forth in the Notice of Inquiry; that the named groups are particularly qualified to undertake the necessary studies; that manpower which might have been utilized in making these studies has been utilized instead during the last several months in other projects in which the Commission has an interest; and that it will be impossible to make useful and adequate studies within the time allowed.

APCO requests that it and other frequency user groups be authorized to file their comments approximately 60 days after comments have been submitted by EIA and JTAC. In support of its request, APCO states its understanding that EIA and JTAC propose to submit substantial basic technical data; and that groups can make a more useful contribution, based on their operating experience, if they have an opportunity to review this data before submitting their comments.

It is our understanding that EIA and JTAC are planning to conduct tests and to compile empirical data which will be of material assistance to the Commission and to persons who may desire to file comments in this proceeding. There is a great need for experimental information in this area, and it is appreciated that time is required to conduct the tests required to compile such information. In our judgment, therefore, EIA's request for a 6 month extension is reasonable and a grant of the request will serve the public interest, convenience and necessity.

We feel there is merit also in APCO's position that comment by user groups be deferred until after the empirical data compiled by EIA and JTAC have been made available. In our judgment, however, 30 days will be an adequate period for analysis of the EIA and JTAC data and the preparation of comments based thereon. Accordingly, we are authorizing parties other than EIA and JTAC to file original comments on or before May 3, 1965. Fifteen days will be allowed for the filing of reply comments.

In view of the foregoing, and in accordance with § 0.251(b) of the rules and regulations: *It is ordered*, This 16th day of September 1964, that the time allowed EIA and JTAC for the filing of comments in this proceeding is extended from October 1, 1964, to April 1, 1965; that other interested persons may file comments on or before May 3, 1965; and that reply comments may be filed on or before May 18, 1965.

Released: September 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10066; Filed, Oct. 2, 1964; 8:49 a.m.]

# FEDERAL MARITIME COMMISSION

## LYKES BROS. STEAMSHIP CO., INC., AND NOUVELLE COMPAGNIE HAVRAISE PENINSULAIRE DE NAVIGATION

### Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Lykes Bros. Steamship Co., Inc.,
821 Gravier Street,
New Orleans 12, La.

Agreement 9383 between Lykes Bros. Steamship Company, Inc., and Nouvelle Compagnie Havraise Peninsulaire De Navigation, establishes a through bill of lading arrangement for the movement of cargo from U.S. Gulf ports (Brownsville/Key West range, inclusive) to ports in Malagasy, Comores Islands, Mauritius, and Reunion with transhipment at a Southern African port (Capetown/Beira range, inclusive), under terms and conditions set forth in said agreement.

Dated: September 29, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10045; Filed, Oct. 2, 1964; 8:47 a.m.]

## PORT OF PORT ANGELES AND BLACKBALL TRANSPORT, INC.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Edward G. Dobrin, Bogle, Bogle & Gates for
Blackball Transport, Inc.,
14th Floor, Norton Building,
Seattle, Wash.

Agreement No. T-852, between the Port of Port Angeles (Port) and Blackball Transport, Inc. (Blackball), provides for Blackball's lease of certain property at the Port. The leased property will be operated as a marine, motor vehicle, and storage terminal facility at a flat monthly rental.

Blackball intends to operate a year-round ferry service for passengers and motor vehicles between the Port and Victoria, British Columbia. If they fail to provide such service, the Port may require Blackball to permit others to use the leased premises.

Dated: September 29, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10046; Filed, Oct. 2, 1964; 8:47 a.m.]



# FEDERAL POWER COMMISSION

[Docket No. CP65-68]

## EL PASO NATURAL GAS CO.

### Notice of Application

SEPTEMBER 25, 1964.

Take notice that on September 11, 1964, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, 79999, filed in Docket No. CP65-68 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1965 and the operation of routine field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities covered by this application will not exceed a maximum of $5,000,000, with no single project to exceed a cost of $500,000, which costs are proposed to be financed from current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 16, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-10034; Filed, Oct. 2, 1964; 8:46 a.m.]

[Docket No. AB61-1]

## PERMIAN BASIN AREA RATE PROCEEDING

### Order Extending Time for Filing Exceptions and Replies Thereto and Fixing Date of Oral Argument

SEPTEMBER 25, 1964.

The presiding examiner's initial decision in the above-designated matter was issued on September 17, 1964, and the record therein certified to the Commission.

This proceeding is the lead case instituted by the Commission in its area rate program to establish just and reasonable rates which may be charged by producers of natural gas in various gas producing areas of the United States. We are confronted in this proceeding with legal, factual, and policy determinations of the greatest importance to both the producers and consumers of natural gas throughout the country.

Considering the importance and novelty of the matter, the large number of parties involved, and the many issues in the case, we recognize that the parties should have a reasonable period beyond the time prescribed by our rules within which to file exceptions and replies thereto, and on our own motion we are allowing an extension. In fixing a schedule we have also considered the overriding public interest in the earliest possible Commission decision in this proceeding. We think, under all these circumstances, participants may be allowed until November 23, 1964, for the filing of exceptions to the initial decision and proposed order, and until December 24, 1964, for replies to the exceptions. We are issuing this order at this time so that all participants will have prompt notice of the schedule which we expect to follow.

In view of the importance of the present proceeding, we believe that at least two days should be set aside for oral argument. Accordingly, this order will provide that oral argument will take place commencing January 12, 1965. The allowance of time for oral argument will be determined by the Commission after requests for allotments of time have been received. Each participant who wishes to be heard on oral argument shall so indicate by December 7, 1964, and at the same time shall indicate to the Commission the amount of time which he requests to present his argument.

The Commission has noted the commendable efforts of the majority of the participants to join with others taking the same position in the presentation of evidence and briefs before the examiner. We expect that these efforts will continue during the presentation of exceptions, replies, and oral arguments before the Commission, and counsel for all participants with a common interest are requested to explore the possibility of presenting combined briefs and also of joining in the presentation of oral argument to avoid duplication. The Commission may require reasonable groupings for purposes of argument.

Several parties have moved for an extension of time to file exceptions to the presiding examiner's decision. The present order also disposes of their request.

The Commission finds:

(1) The time for filing exceptions and replies thereto on the presiding examiner's decision should be fixed as hereinafter prescribed.

(2) The importance of the matters for determination renders it desirable that oral argument should be had in this matter.

The Commission orders:

(A) Exceptions to the presiding examiner's decision in the above-entitled matter may be filed on or before November 23, 1964.

(B) Replies to the aforesaid exceptions and briefs may be filed on or before December 24, 1964.

(C) The limitations as to length of briefs on exceptions and replies thereto specified in § 1.31(b)(2) are hereby waived.

(D) Oral argument shall be had in the above-entitled matter commencing at 10 a.m. on January 12, 1965, in Washington, D.C., at a place to be hereafter designated.

(E) Each person desiring to present oral argument shall file his request for an allotment of time for his argument on or before December 7, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-10035; Filed, Oct. 2, 1964; 8:46 a.m.]

[Docket Nos. CP64-5, CP64-6]

## TEXAS EASTERN TRANSMISSION CORP. AND ALGONQUIN GAS TRANSMISSION CO.

### Notice of Applications To Amend

SEPTEMBER 25, 1964.

Take notice that on July 30, 1964, Texas Eastern Transmission Corporation (Texas Eastern), Texas Eastern Building, Houston, Texas, filed in Docket No. CP64-5 and Algonquin Gas Transmission Company (Algonquin), 25 Faneuil Hall Square, Boston, Massachusetts, filed in Docket No. CP64-6, applications to amend the Commission's order issued December 19, 1963, in said dockets to authorize each Applicant to construct and operate certain additional facilities, and, also, in the case of Texas Eastern to accelerate the construction of third-year facilities heretofore authorized by said order, and to sell and deliver additional volumes of natural gas, all as more fully set forth in the applications to amend on file with the Commission and open to public inspection.

The order of December 19, 1963, authorized Texas Eastern and Algonquin, among other things, each to construct and operate certain facilities increasing their respective pipeline systems' peak day capacity in order to sell and deliver additional volumes of natural gas.

Texas Eastern was authorized to construct facilities over a four year period and to commence selling the additional volumes of gas with the 1964–65 heating season. Algonquin was authorized to commence selling certain additional volumes of gas on November 1, 1964 and certain other additional volumes on November 1, 1965.

Texas Eastern proposes herein to sell the following additional daily volumes to three existing customers and to one proposed new customer, York County Gas Company (York Gas):

| Customer | Rate schedule | Commencing | | |
|---|---|---|---|---|
| | | November 1964 | November 1965 | Total |
| | | *Mcf* | *Mcf* | |
| Algonquin | GS | | 3,079 | 3,079 |
| Lewistown Gas Co. | GS | 322 | 698 | 1,020 |
| The Brooklyn Union Gas Co. | WS | 10,200 | 15,300 | 25,500 |
| York Gas | WS | 4,800 | | 4,800 |
| Total | | 15,112 | 19,068 | 34,199 |

Texas Eastern states that the proposed deliveries are needed to meet the increased requirements of the above customers. Subsequent to the issuance of original authorization in Docket No. CP64–5, said customers found that they needed the additional requested volumes of gas. The sale to Brooklyn Union is for a two-year period ending November 15, 1966. Texas Eastern also proposes to construct and operate a metering and regulating station in York County, Pennsylvania, at an estimated cost of $54,000, in order to render the proposed service to York Gas. Further, Texas Eastern proposes to accelerate construction of the third-year facilities originally authorized in Docket No. CP64–5 in order to be able to render gas service as currently proposed.

Algonquin proposes herein to sell daily additional volumes of gas to three existing customers and to reduce the sale of gas to a fourth customer, the Norwood Gas Company (Norwood), all as follows:

| Customer | Presently Authorized | Additional request | Total proposed commencing November 1, 1965 |
|---|---|---|---|
| | *Mcf* | *Mcf* | *Mcf* |
| Cambridge Gas Co. | 13,775 | 500 | 10,275 |
| Norwood | 2,928 | (200) | 2,686 |
| Providence Gas Co. | 21,000 | 2,000 | 23,000 |
| Worcester Gas Light Co. | 17,200 | 800 | 18,000 |
| Total | | 3,079 | |

Algonquin states that operating experience has demonstrated the need for and such customers have in fact requested the above changes in their maximum daily quantities commencing November 1, 1965.

Algonquin also proposes to construct and operate 23.9 miles of 30-inch pipeline loop between Glastonbury, Connecticut, and a point approximately one mile east of Mansfield, Connecticut, in lieu of constructing the 22.2 miles of 30-inch pipeline loop between Coventry and Pomfret, Connecticut, previously authorized in Docket No. CP64–6 Algonquin states that this change in facilities is required in order to render the proposed additional service.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 16, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–10036; Filed, Oct. 2, 1964; 8:46 a.m.]

[Docket No. CP65–35]

## TRANSCONTINENTAL GAS PIPE LINE CORP.

### Notice of Application

SEPTEMBER 25, 1964.

Take notice that on August 6, 1964, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas, 77001, filed in Docket No. CP65–35 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for a new delivery point for natural gas service to Piedmont Natural Gas Company, Inc. (Piedmont), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a sales meter station and appurtenant equipment on its main 30-inch transmission line "A" near Stokesdale in Guilford County, North Carolina. Gas delivered at the proposed new delivery point will be used by Piedmont to provide natural gas service to the Foremost Screen Print Plant of Fieldcrest Mills, Inc. and to a tourist court and residences in the area. The application indicates that the larger part of the load at this point will be interruptible, with the third year over-all total annual volume estimated to be 55,000 Mcf. The volumes of natural gas to be delivered at the new point will be out of allocations to Piedmont previously authorized by the Commission.

The proposed facilities are estimated to cost approximately $19,100, which cost will be initially financed by Applicant from its general funds. Piedmont has agreed to reimburse Applicant in full for the entire cost of facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 19, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–10037; Filed, Oct. 2, 1964; 8:46 a.m.]

# GENERAL SERVICES ADMINISTRATION

## RAW SILK AND SILK NOILS HELD IN NATIONAL STOCKPILE

### Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of the proposed disposition of approximately 113,500 pounds of raw silk and approximately 969,500 pounds of silk noils now held in the national stockpile.

The Office of Emergency Planning has made revised determinations pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98a (a), of the quantities of raw silk and silk noils to be stockpiled. As a result of these revised determinations said quantities of raw silk and silk noils are no longer needed for the stockpile.

Since the revised determinations were not by reason of obsolescence of the raw silk and silk noils for use in time of war, these proposed dispositions are being referred to the Congress for its express approval as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to make said raw silk and silk noils available for transfer to other Government agencies, to offer the materials for sale on a competitive basis or otherwise to dispose of them in the best interest of the Government, upon the express approval by the Congress of these proposed dispositions, but not prior to the expiration of six months after the date of publication of this notice in the FEDERAL REGISTER.

The entire quantity of raw silk will be offered for sale within a period of one year from the date when first eligible for disposal. Timing of any offering will depend on the seasonal silk market and the demand then existing. The first offering of silk noils for public sale will range between 100,000 and 300,000 pounds. Subsequent offerings will be made after evaluation of earlier sales and market conditions then existing. The raw silk and silk noils will be made available in quantities of interest to any potential buyer, including those who qualify as small business.

The plans and dates of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets, as well as the protection of the United States against avoidable loss.

Dated: September 23, 1964.

BERNARD L. BOUTIN,
*Administrator.*

[F.R. Doc. 64–10060; Filed, Oct. 2, 1964; 8:45 a.m.]



# OFFICE OF EMERGENCY PLANNING

## NEBRASKA

### Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Nebraska, dated July 22, 1964, and published July 29, 1964 (29 F.R. 10537), is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 20, 1964:

Butler.

Dated: September 28, 1964.

EDWARD A. MCDERMOTT,
*Director,*
*Office of Emergency Planning.*

[F.R. Doc. 64–10038; Filed, Oct. 2, 1964; 8:46 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1703]

## BROAD STREET SALES CORP.

### Notice of Application

SEPTEMBER 28, 1964.

Notice is hereby given that Broad Street Sales Corporation ("applicant"), 65 Broadway, New York, New York, 10006, has filed an application on behalf of Broad Street Sales Plans for the Accumulation of Shares of National Investors Corporation ("New Plans"), a unit investment trust, registered under the Investment Company Act of 1940 ("Act"), (a) requesting approval under section 11(c) of the Act of the exchange of the securities of New Plans for the presently outstanding securities of Plans for the Accumulation of Shares of Continental Growth Fund, Inc. ("Old Plans"), also a registered unit investment trust and (b) requesting, pursuant to section 6(c) of the Act, an exemption from the initial capital requirements of section 14(a) of the Act in connection with a proposed public offering of the securities of New Plans in exchange for the presently outstanding securities of Old Plans. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

Old Plans was organized on August 25, 1960. On April 30, 1964, it had outstanding $289,751 face amount of Fully Paid Plans held by 125 persons; and it had sold $3,693,300 face amount of Systematic Investment Plans held by 828 persons and upon which a total of $586,502 had been paid. Pursuant to orders entered in Securities and Exchange Commission v. Continental Growth Fund, Inc. et al., (S.D.N.Y., 63 Cov. No. 2252) (1) outstanding Old Plans may not be completed, transferred or redeemed; and (2) a Receiver has been appointed for Old Plans and for Continental Growth Fund, Inc. ("Continental"), a registered open-end investment company, shares of which are the underlying security held by Old Plans.

A plan of reorganization of Continental recommended by the Receiver and approved by the court, subject to the approval of Continental's shareholders, was approved by stockholders at a meeting held on July 31, 1964. Under the plan of reorganization, Continental's assets are to be sold to National Investors Corporation ("National"), a registered open-end investment company, in exchange for shares of National which will be distributed pro rata to Continental's shareholders. Following the distribution of National's shares, Continental will be dissolved. The distribution will result in the receipt by the Custodian bank under Old Plans of National's shares in exchange for the shares of Continental which are presently held by the Custodian bank.

As part of the reorganization plan, National has agreed to use reasonable efforts, in cooperation with the Receiver, to make available to the planholders of Old Plans an arrangement pursuant to which they may complete the payments called for under their Old Plans, and thus purchase shares of National on substantially the same terms under which they have been purchasing shares of Continental. The proposed arrangement will make it possible for the holders of Old Plans to avoid any loss which termination of the Old Plans might produce as a result of the large percentage of sales commissions deducted from the first twelve payments made by a planholder. No securities other than those offered in exchange for Old Plans will be offered for sale by applicant.

The terms of the proposed offering provide that, unless a holder of an Old Plan to whom an offer of exchange is made indicates prior to the effective date of the exchange (which it is contemplated will be not less than 20 days after the offer is made) that he elects not to accept the exchange, he will be deemed to have accepted the exchange. This provision has been included in order to eliminate inconvenience to the holders of Old Plans and to simplify the administration of the exchange. Prominent disclosure of this provision will be made on the cover page of the prospectus used in making the exchange offer. If a holder of an Old Plan indicates that he elects not to accept the exchange, his Old Plan will be terminated and he will receive either his National shares or, if he so elects, cash.

The terms of the securities of New Plans to be offered by applicant are equivalent in all material respects to the terms of the outstanding securities of Old Plans, except that (a) no new plans may be purchased, (b) group creditor life insurance may be continued but may not be obtained or reinstated, and (c) monthly payments will be applied to the purchase of National's shares on only one day in each month. Additional plans will not be sold on the ground that the only purpose of organizing New Plans is to satisfy the request of the Receiver for Old Plans that provision be made to protect the interests of holders of Old Plans. The insurance arrangements differ because the insurers have conditioned their agreement to continue present coverage upon the understanding that they will not be required to accept additional risks. The arrangement with respect to the investment of monthly payments is proposed to induce the present custodian of the assets of Old Plans to accept the custodianship of the assets of New Plans by reducing the losses it expects to incur in serving in that capacity for a company of New Plans' anticipated limited size. Applicant believes that none of the aforesaid differences will prevent it from accomplishing the Receiver's essential purpose.

Sections 11(a) and 11(c) of the Act provide, in pertinent part, that no registered unit investment trust, such as New Plans, may make or cause to be made an offer of exchange of its securities for the securities of any other investment company, such as Old Plans, unless the terms of the offer have first been submitted to and approved by the Commission.

Section 14(a) of the Act provides, in pertinent part, that no registered investment company and no principal underwriter for such a company, shall make a public offering of its securities unless such company has a net worth of at least $100,000. At the present time New Plans has no assets or liabilities and it will have none except to the extent the proposed exchange offer described above is accepted.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or any rule or regulation thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any person may, not later than October 12, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason

for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–10083; Filed, Oct. 2, 1964; 8:46 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–IV (Amdt. 2)]

## REGIONAL OFFICES

### Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9) as amended, 29 F.R. 11777, 12570 and 13354; Delegation of Authority No. 30–IV, as amended, 29 F.R. 12489 and 12892 is hereby further amended by revising Items I.C.3., I.K.1. and I.K.2.a. to read as follows:

1.
I. • • •
C. • • •
3. To approve the following:
a. Business loans:
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.
b. Disaster loans:
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.
2.
I. • • •
K. • • •
1. To approve the following:
a. Direct loans not exceeding $100,000.
b. Participation loans not exceeding $250,000.
c. Simplified Bank Participation loans not exceeding $350,000.
d. Simplified Early Maturities Participation loans not exceeding $350,000.
e. Direct disaster loans not exceeding $350,000.
f. Participation disaster loans not exceeding $350,000.
3.
I. • • •
K. • • •
2. To decline the following:
a. Business loans not exceeding $250,000.

• • • • •

Effective date: September 14, 1964.

CLARENCE P. MOORE, *Regional Director, Richmond.*

[F.R. Doc. 64–10054; Filed, Oct. 2, 1964; 8:47 a.m.]

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[Delegation of Authority No. 30–V (Amdt. 2)]

## REGIONAL OFFICES

### Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9) as amended, 29 F.R. 11777, 12570 and 13354; Delegation of Authority No. 30–V, as amended, 29 F.R. 12491 and 13126 is hereby further amended by revising Items I.C.3., I.K.1. and I.K.2.a. to read as follows:

1.
I. • • •
C. • • •
3. To approve the following:
a. Business loans
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.
b. Disaster loans
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.
2.
I. • • •
K. • • •
1. To approve the following:
a. Direct loans not exceeding $100,000.
b. Participation loans not exceeding $250,000.
c. Simplified Bank Participation loans not exceeding $350,000.
d. Simplified Early Maturities Participation loans not exceeding $350,000.
e. Direct disaster loans not exceeding $350,000.
f. Participation disaster loans not exceeding $350,000.
3.
I. • • •
K. • • •
2. To decline the following:
a. Business loans not exceeding $250,000.

• • • • •

Effective date: September 14, 1964.

JAMES F. HOLLINGSWORTH, *Regional Director, Atlanta.*

[F.R. Doc. 64–10055; Filed, Oct. 2, 1964; 8:47 a.m.]

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[Delegation of Authority No. 30–VI (Amdt. 2)]

## REGIONAL OFFICES

### Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9) as amended, 29 F.R. 11777, 12570 and 13354; Delegation of Authority No. 30–VI, as amended, 29 F.R. 12492 and 13126 is hereby further amended by revising Items I.C.3., I.K.1. and I.K.2.a. to read as follows:

1.
I. • • •
C. • • •
3. To approve the following:
a. Business loans
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.
b. Disaster loans
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.
2.
I. • • •
K. • • •
1. To approve the following:
a. Direct loans not exceeding $100,000.
b. Participation loans not exceeding $250,000.
c. Simplified Bank Participation loans not exceeding $350,000.
d. Simplified Early Maturities Participation loans not exceeding $350,000.
e. Direct disaster loans not exceeding $350,000.
f. Participation disaster loans not exceeding $350,000.
3.
I. • • •
K. • • •
2. To decline the following:
a. Business loans not exceeding $250,000.

• • • • •

Effective date: September 14, 1964.

JAMES G. GARWICK, *Regional Director, Cleveland, Ohio.*

[F.R. Doc. 64–10056, Filed, Oct. 2, 1964; 8:47 a.m.]

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[Delegation of Authority No. 30–XV (Amdt. 2)]

## REGIONAL OFFICES

### Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9) as amended, 29 F.R. 11777, 12570 and 13354; Delegation of Authority No. 30–XV, as amended, 29 F.R. 12500 and 12951 is hereby further amended by revising Item I.C.3. to read as follows:

1.
I. • • •
C. • • •



3. To approve the following:
a. Business Loans
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.
b. Disaster Loans
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.

Effective date: September 14, 1964.

ROBERT F. PHILLIPS, *Regional Director, Detroit.*

[F.R. Doc. 64–10057; Filed, Oct. 2, 1964; 8:48 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket Nos. 50–172, 50–176]

## LOCKHEED AIRCRAFT CORP., AND THE GENERAL SERVICES ADMINISTRATION

### Notice of Proposed Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission proposes to issue Amendment No. 6, set forth below, to Facility License No. R–86, as amended to the Lockheed Aircraft Corporation and to the General Services Administration concerning the Radiation Effects Reactor located in Dawson County, Georgia. The amendment will authorize Lockheed Aircraft Corporation to perform irradiation experiments involving the use of liquid hydrogen in close proximity to the reactor.

The Commission has found that:

(1) The applications for amendment comply with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(2) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) Lockheed Aircraft Corporation's application for license amendment dated December 19, 1963 and supplemental letters dated May 28, 1964, June 4, 1964, June 16, 1964, June 22, 1964, and September 21, 1964, (2) a related hazards analysis prepared by the Test & Power Reactor Safety Branch of the Division of Reactor Licensing, (3) report of the Advisory Committee on Reactor Safeguards dated July 15, 1964, and (4) Addendum No. 1 to Appendix "A", Technical Specifications, a 5 page document to be attached to Proposed Amendment No. 6, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of items (2), (3), and (4) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 2d day of October 1964.

For the Atomic Energy Commission.

R. L. DOAN, *Director, Division of Reactor Licensing.*

[License No. R–86 Amdt. 6]

License No. R–86, as amended, issued to Lockheed Aircraft Corporation and General Services Administration, is hereby amended in the following respects:

1. In addition to the activities previously authorized by the Commission in License No. R–86, as amended, Lockheed Aircraft Corporation is authorized to conduct an irradiation program involving the use of liquid hydrogen as described in its application for license amendment dated December 19, 1963, and supplemental letters dated May 28, 1964, June 4, 1964, June 16, 1964, June 22, 1964, and September 21, 1964.

2. The Technical Specifications set forth in Appendix "A" to License No. R–86, as amended, are hereby modified as set forth in Addendum No. 1 to Appendix "A" attached hereto.

This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

[F.R. Doc. 64–10157; Filed, Oct. 2, 1964; 11:24 a.m.]

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FEDERAL REGISTER

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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VOLUME 29 NUMBER 195

Washington, Tuesday, October 6, 1964


THE UNIVERSITY OF MICHIGAN OCT 1964 MAIN READING ROOM

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**UNITED STATES STATUTES AT LARGE**

**[88th Cong., 1st Sess.]**

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Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402



**FEDERAL REGISTER**
Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3620

### INTERNATIONAL COOPERATION YEAR

**By the President of the United States of America**

**A Proclamation**

WHEREAS the United Nations General Assembly has designated the year 1965 as International Cooperation Year; and

WHEREAS the year 1965 also marks the twentieth anniversary of the United Nations; and

WHEREAS international cooperation is essential to the achievement of a peaceful world order; and

WHEREAS international organizations are vital in the modern world and provide the necessary foundation for a peaceful world community; and

WHEREAS the world has moved rapidly toward international cooperation and organization in recent years—especially within the family of the United Nations agencies; and

WHEREAS the movement for international cooperation has had, and will continue to have, the enthusiastic support of the Government of the United States of America; and

WHEREAS it is highly desirable to assess this development and examine promptly what further steps can be taken in the immediate future toward enhancing international cooperation and strengthening world organization:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby

—proclaim the year 1965 to be International Cooperation Year in the United States of America;

—rededicate the Government of the United States to the principle of international cooperation; and

—direct the agencies of the Executive Branch to examine thoroughly what additional steps can be taken in this direction in the immediate future.

I also call upon our national citizen organizations to undertake intensive educational programs to inform their memberships of recent progress in international cooperation and urge them to consider what further steps can be taken.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this second day of October in the year of our Lord nineteen hundred and sixty-four, and [SEAL] of the Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
*Secretary of State.*

[F.R. Doc. 64-10206; Filed, Oct. 5, 1964; 10:21 a.m.]

## Executive Order 11182

### ESTABLISHING FEDERAL DEVELOPMENT PLANNING COMMITTEES FOR ALASKA

WHEREAS the Federal Reconstruction and Development Planning Commission for Alaska has substantially completed the execution of those of its functions which pertain to the reconstruction of the State of Alaska following the earthquake of March 27, 1964; and

WHEREAS the Federal Government and the State of Alaska continue to have a common interest in assuring the most effective use of Federal and State programs and funds in advancing the long-range progress of the State; and

WHEREAS such effective use is dependent upon coordination of Federal and State programs which affect the general economic development of the State and the long-range conservation and use of its natural resources and upon cooperative Federal and State effort with respect to the planning of such programs; and

WHEREAS the State of Alaska has established a State body the duties of which include planning for the general economic development of the State and the long-range conservation and use of its natural resources; and

WHEREAS the authorities of the State of Alaska are desirous of arranging coordinated and cooperative Federal and State approaches to the planning and execution of such programs:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

PART I. FIELD COMMITTEE

SECTION 1. *Establishment of Field Committee.* (a) There is hereby established the Federal Field Committee for Development Planning in Alaska (hereinafter referred to as the "Field Committee").

(b) The Field Committee shall be composed of the following members: (1) a Chairman, who shall be appointed by the President, (2) nine members who shall be designated by and represent the following-named officers, respectively: the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Housing and Home Finance Administrator, the Administrator of the Federal Aviation Agency, and the Administrator of the Small Business Administration, (3) one member who shall represent the Federal Power Commission and shall be designated by the Chairman of that Commission, and (4) two public members who shall be appointed by the President.

(c) The Chairman may request any head of a Federal agency who is not referred to in subsection (b), above, to designate a representative to participate in meetings of the Field Committee concerned with matters of substantial interest to such Federal agency head.

(d) The principal place of business of the Field Committee shall be located in the State of Alaska.

SEC. 2. *Functions of the Field Committee.* (a) Subject to the general direction and guidance of the President's Review Committee for Development Planning in Alaska (established by the provisions of Part II of this order; hereinafter sometimes referred to as the "Review Committee"), the Field Committee shall serve as the principal instrumentality for developing coordinated plans for Federal programs which contribute to economic and resources development in Alaska and for recommending appropriate action by the Federal Government to carry out such plans.

(b) The Field Committee shall cooperate with representatives designated by the Governor of Alaska for purposes related to this order in accomplishing the following:

(1) Making or fostering surveys and studies to provide data for the development of plans and programs for economic and resources development in Alaska.

(2) Preparing and keeping current coordinated plans for economic and resources development in Alaska deemed appropriate to carry out existing statutory responsibilities and policies of Federal, State, or local agencies. Such plans shall be designed to promote optimum benefits from the expenditures of Federal, State, and local funds for consistent objectives and purposes.

(3) Preparing legislative and other recommendations with respect to both short-range and long-range programs and projects for Federal, State, or local agencies.

SEC. 3. *Field Committee procedures.* (a) The Field Committee shall meet at the call of its Chairman.

(b) The Field Committee may prescribe such regulations relating to the conduct of its affairs as it may deem to be necessary and not inconsistent with the provisions of this order.

(c) The Field Committee may establish such subcommittees of that Committee as may be necessary.

(d) Activities carried on by personnel employed by or detailed to the Field Committee (1) shall be carried out in accordance with such policies and programs as may be approved by the Field Committee, and (2) shall be under the direction and supervision of the Chairman or, to such extent as may be determined by the Chairman, under the direction of a principal member of the Field Committee's staff.

(e) The Field Committee shall transmit copies of plans or recommendations tentatively formulated by it to the Review Committee, the heads of interested Federal agencies, and the Governor of Alaska, for review and comment. The Field Committee shall consider any comments received by it within 90 days in pursuance of such transmittal and may revise the plans and recommendations as it may deem appropriate.

(f) The Field Committee shall transmit copies of its revised plans and recommendations, together with copies of any comments with respect to the tentative plans or recommendations received by the Field Committee in pursuance of the provisions of subsection (d), above, to the Governor of Alaska and to the Review Committee.

SEC. 4. *Personnel; compensation.* (a) The Chairman of the Field Committee is authorized to appoint such personnel as may be necessary to assist the Field Committee in connection with the performance of its functions and to obtain services in accordance with the provisions of Section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

(b) The Chairman of the Field Committee shall receive such compensation as shall be fixed in accordance with the standards and procedures of the Classification Act of 1949, as amended.

(c) Each member of the Field Committee appointed under the provisions of Section 1(b)(4) hereof may receive compensation for each day he is engaged in meetings of that Committee or is with the approval of the Chairman of the Field Committee engaged in other work in pursuance of the provisions of this order (5 U.S.C. 55a).

(d) Members and personnel of the Field Committee may be allowed travel expenses and per diem in lieu of subsistence as authorized by law.

SEC. 5. *Financing; agency cooperation.* (a) Each Federal agency the head of which is referred to in Section 1(b) of this order shall, as may be necessary, furnish assistance to the Field Committee in accordance with the provisions of Section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691). In general, each such Federal agency shall, consonant with law, extend its cooperation to the Field Committee in connection with the carrying out of the functions of the Field Committee, including, as may be appropriate, (1) the furnishing of relevant available information to the Field Committee, (2) the making of studies and the preparation of reports in pursuance of requests of the Field Committee, and (3) in connection with the development of programs and priorities of the agency, the giving of full consideration to any plans and recommendations made by the Field Committee.



(b) Federal agencies the heads of which are not referred to in Section 1(b) of this order shall, to the extent permitted by law, furnish the Field Committee such information or advice bearing upon the work of the Field Committee as the Chairman thereof may from time to time request.

PART II. REVIEW COMMITTEE

SEC. 11. *Establishment of Review Committee.* (a) There is hereby established the President's Review Committee for Development Planning in Alaska (hereinafter referred to as the "Review Committee").

(b) The Review Committee shall be composed of the following members: the Secretary of Commerce, who shall be the Chairman, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Housing and Home Finance Administrator, the Administrator of the Federal Aviation Agency, the Administrator of the Small Business Administration, the Chairman of the Federal Power Commission, and two public members who shall be appointed by the President. Each member of the Review Committee, other than a public member, may designate an alternate to represent him at meetings of the Review Committee which he is unable to attend.

(c) The Review Committee shall meet at least once each calendar year, at the call of its Chairman.

(d) The Review Committee may prescribe such regulations relating to the conduct of its affairs as it may deem to be necessary and not inconsistent with the provisions of this order.

SEC. 12. *Functions of the Review Committee.* The Review Committee shall provide general direction and guidance to the Field Committee; receive, review, and comment on the tentative plans or recommendations of the Field Committee; and receive and consider the final plans and recommendations of the Field Committee and transmit them, together with its own comments, to the President and the heads of interested Federal agencies.

SEC. 13. *Compensation; travel expenses.* (a) Each public member of the Review Committee may receive compensation for each day he is engaged in meetings of that Committee or is with the approval of the Chairman of the Review Committee engaged in other work in pursuance of the provisions of this order (5 U.S.C. 55a).

(b) Members and personnel of the Review Committee may be allowed travel expenses and per diem in lieu of subsistence as authorized by law.

SEC. 14. *Assistance by agencies.* Each Federal agency the head of which is referred to in Section 11(b) of this order shall, as may be necessary, furnish assistance to the Review Committee in accordance with the provisions of Section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691).

SEC. 15. *Administrative services.* The Department of Commerce is hereby designated as the agency which shall provide administrative services for the Review Committee.

PART III. OFFICE OF EMERGENCY PLANNING

SEC. 31. *Functions related to earthquake.* The provisions of Section 41 hereof notwithstanding and so long as the President's declaration of a major disaster with respect to the earthquake which occurred in Alaska on March 27, 1964, remains in effect, the Director of the Office of Emergency Planning shall carry out the functions (heretofore assigned to the Federal Reconstruction and Development Planning Commission for Alaska by the provisions of Executive Order No. 11150 of April 2, 1964) of developing coordinated plans for Federal programs which contribute to reconstruction in Alaska and recommending appropriate action by the Federal Government to carry out such plans.

PART IV. MISCELLANEOUS PROVISIONS

SEC. 41. *Termination of existing Commission.* (a) Executive Order No. 11150 of April 2, 1964 (29 F.R. 4789), is hereby revoked and the Federal Reconstruction and Development Planning Commission for Alaska established thereby is abolished.

(b) The Director of the Bureau of the Budget shall make such arrangements related to the termination of the said Commission as he may deem necessary. Without limiting the generality of the foregoing the said Director is authorized, as he shall deem to be necessary or appropriate, to assign to Federal agencies duties with respect to the liquidation of the outstanding affairs of the Commission and to effect or arrange the transfer of records, property, personnel, and funds of the Commission to other Federal agencies.

(c) Nothing in this order shall preclude or limit the transferability, pursuant to law, of unobligated balances of funds appropriated for the Commission abolished by Section 41(a) of this order (78 Stat. 209) or the use of such balances in connection with this order.

SEC. 42. *Construction.* Nothing in this order shall be construed as subjecting any Federal agency, or any function vested by law in, or assigned pursuant to law to, any Federal agency, to the authority of any other Federal agency, or as abrogating or restricting any such function in any manner.

SEC. 43. *Definition.* Except as may be inconsistent with the provisions of this order or otherwise inappropriate, the term "Federal agency", as used herein, includes any department or other agency or instrumentality of the executive branch of the Government of the United States and any officer thereof (including the Field Committee and the Review Committee).

LYNDON B. JOHNSON

THE WHITE HOUSE,
*October 2, 1964.*

[F.R. Doc. 64-10178; Filed, Oct. 2, 1964; 4:09 p.m.]



## Executive Order 11183

### ESTABLISHING THE PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

WHEREAS it is in the national interest that our future leaders in all walks of life have opportunities to observe at firsthand the important and challenging tasks of American Government; and

WHEREAS participation in Government service early in their careers will help young persons with high qualifications to become well-informed and public-spirited citizens; and

WHEREAS it is appropriate that public recognition be given to young persons of exceptional promise who are willing to devote their time to increasing their understanding of the public business:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Commission.* (a) There is hereby established the President's Commission on White House Fellowships, hereinafter referred to as the Commission. The Commission shall consist of such outstanding citizens from the fields of public affairs, education, the sciences, the professions, other fields of private endeavor, and the Government service, as the President may from time to time appoint. One of the members appointed from private life shall be designated by the President to serve as Chairman of the Commission.

(b) Members of the Commission shall serve at the pleasure of the President. Federal officials shall receive no additional compensation by reason of their service on the Commission. Members appointed to the Commission from private life shall serve without compensation.

SEC. 2. *Functions of the Commission.* (a) The Commission shall prescribe such standards and procedures as may be necessary to enable it to recommend annually a group of outstanding young persons from among whom the President may select White House Fellows. Following publication of such standards and procedures, the Commission may accept (1) applications from individuals, and (2) nominations from non-Federal sources, for consideration for its recommendation.

(b) The standards and procedures to be prescribed by the Commission shall be so drawn as to limit the selection of White House Fellows to persons who—

(1) Have demonstrated unusual ability, high moral character, outstanding motivation, and a broad capacity for leadership;

(2) Show exceptional promise of future development;

(3) Are dedicated to the institutions of the United States and the values of American civilization; and

(4) Will have attained the age of twenty-three but not the age of thirty-six prior to the beginning of their service.

(c) White House Fellows shall be recommended by the Commission and selected by the President without discrimination on the basis of sex, race, color, creed, national origin, or political affiliation.

SEC. 3. *White House Fellows.* White House Fellows will be appointed to serve for approximately fifteen months on the staff of the White House Office, the Vice President's office, or the offices of the heads of the ten executive departments, as they may be assigned, beginning on or about June 1 of the year in which they are selected. White House Fellows may, with the approval of the Commission, accept reasonable fellowship stipends from private nonprofit organizations.

SEC. 4. *Federal Agencies.* (a) Consonant with law, each Federal agency which may be represented on the Commission shall furnish necessary assistance to the Commission as authorized by section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691).

(b) The United States Civil Service Commission shall provide administrative assistance for the Commission and, upon the request of the Commission, shall assist in the conduct of the Commission's work.

LYNDON B. JOHNSON

THE WHITE HOUSE,
*October 3, 1964.*

[F.R. Doc. 64-10242; Filed, Oct. 5, 1964; 11:11 a.m.]

# Rules and Regulations

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### 1964–65 Marketing Year

DETERMINATIONS OF COUNTY NORMAL YIELDS FOR 1964 CROP FOR COUNTIES OF GRANT AND TRAILL, NORTH DAKOTA

Pursuant to 301(b)(13)(D) of the Agricultural Adjustment Act of 1938, as amended, there was published on May 12, 1964 (29 F.R. 6235), the determination of county normal yields for the 1964 wheat crop. Subsequent to such determination, it was discovered that the yields for Grant and Traill Counties of North Dakota, had been incorrectly tabulated, and this amendment is made to correct such errors. Since the 1964 county yields relate only to grants and benefits, the notice, procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) are not applicable, and this amendment shall become effective upon it publication in the FEDERAL REGISTER.

Section 728.8(d) is amended by correcting the county normal yields for Grant and Traill Counties of North Dakota to read as follows:

Grant ------- 15.8 Traill ------- 30.0

(Secs. 301, 375, 52 Stat. 38, as amended 66; 7 U.S.C. 1301, 1375)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 1, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-10109; Filed, Oct. 5, 1964; 8:49 a.m.]

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[Amdt. 1]

### PART 728—WHEAT

### Subpart—Farm Wheat Certificate Program for 1964 and 1965

MISCELLANEOUS AMENDMENTS

The regulations governing the Farm Wheat Certificate Program for 1964 and 1965, 29 F.R. 5510, are amended as follows:

**§ 728.101 [Amended]**

1. Section 728.101(a) is amended by adding the following new sentence at the end thereof: "For 1965, this percentage is 80."

**§ 728.102 [Amended]**

2a. Section 728.102(a) is amended by substituting a colon for the period at the end of the paragraph and adding the following: "*Provided*, That persons sharing in the crop of wheat on a 1965 new wheat farm shall not receive marketing certificates."

b. Section 728.102(b) is amended to read as follows:

(b) *Farm requirements.* A farm shall be eligible for wheat marketing certificates if producers on the farm file an intention to participate and application for certificates (herein called Form 477 (Wheat)) for the current year in accordance with § 728.61 of the regulations governing the Wheat Diversion Program and the farm is eligible for a wheat diversion payment or would have been eligible for such payment except for the fact that (1) the diverted acreage was devoted to a substitute crop in lieu of payment; (2) the producers on the farm, while diverting the minimum acreage required under § 728.51(b)(2), failed to divert an acreage equal to the number of acres stated on Form 477 (Wheat) as required under § 728.50(b) of the regulations governing the Wheat Diversion Program; (3) a 1964 new farm wheat allotment was established for the farm; (4) for 1964, the payment otherwise earned has been reduced to zero under § 728.51(c)(2)(ii) because the wheat allotment on another farm has been exceeded but is within the tolerance prescribed in that section; (5) the acres eligible for payment are zero because of the application of § 728.64(d)(3) but the total conserving acreage is within the tolerance prescribed in § 728.64(b)(4) and any tolerance prescribed in § 728.64(c); (6) the diversion payment has been reduced to zero for authorized harvesting or grazing under the provisions of § 728.52; or (7) for 1965, no payment is authorized for the minimum diversion acreage as determined under § 728.51(b)(2). Effective only with respect to the crop of wheat planted for harvest in the calendar year 1965, and notwithstanding the foregoing provisions of this paragraph, a producer on a farm on which the acreage of wheat exceeds the farm allotment shall be eligible for wheat marketing certificates if (i) the operator files a Form 477 (Wheat) under the provisions of § 728.61 and indicates thereon his intention to produce excess wheat; (ii) the acreage of wheat does not exceed the allotment by more than 50 per centum; (iii) an amount of wheat is stored as required under the provisions of § 728.107; (iv) the producer meets the cross-compliance requirements of § 728.51(c)(2)(ii); and (v) within any tolerance prescribed in § 728.64(c), an acreage of cropland equal to the minimum diversion requirement determined under § 728.51(b)(2) is devoted to one or more of the conservation uses specified in § 728.53 and the limitations on use of such acreage specified in § 728.52 are complied with and an acreage of cropland equal to the conserving base established for the farm under § 728.55 is devoted to one or more of the conservation uses specified in such section: *Provided*, That to the extent that such reduction may be necessary in order to produce the acreage of wheat permitted by subdivision (ii) of this subparagraph, the acreages otherwise required to be devoted to conservation uses under subdivision (v) of this subparagraph may be reduced, first from the acreage required to be devoted to the uses specified in § 728.55 and then from the acreage required to be devoted to the uses specified in § 728.53.

**§ 728.103 [Amended]**

3a. Section 728.103(c)(1) is amended to read as follows:

(1) For 1964, domestic marketing certificates for a farm shall be issued for 50 per centum of the farm marketing allocation, and, for 1965, 56.25 per centum of such allocation: *Provided*, That the number of bushels for which domestic certificates are issued for any farm shall not exceed the number of bushels computed under paragraph (b)(2) of this section.

b. Section 728.103(c)(2) is amended by deleting the words "for 1964".

c. Section 728.103(d) is amended by adding the following new sentence at the end thereof: "For 1965, each domestic certificate issued for a farm shall be valued at 75 cents per bushel and each export certificate shall be valued at 30 cents per bushel."

d. Section 728.103(e) is amended by inserting a period following the word "value" and deleting the words "at any ASCS county office."

4. Section 728.105 is amended to read as follows:

**§ 728.105 Setoffs and assignments.**

(a) *Producer indebtedness.* Setoffs against the value of wheat marketing certificates which a producer is eligible to receive shall be made as provided in the regulations issued by the Secretary governing setoffs and withholdings, Part 13 of this title (29 F.R. 9425), and any amendments thereto.

(b) *Assignments.* The right to receive wheat marketing certificates under the regulations in this part may not be assigned.

5. New §§ 728.107 and 728.108 are added to read as follows:

**§ 728.107 Storage of excess wheat.**

(a) *Amount.* The amount of wheat required to be stored for the purpose of § 728.102(b) shall be an amount equal to twice the normal yield of wheat per acre established for the farm multiplied by the number of acres of such crop of wheat on the farm in excess of the farm acreage allotment for such crop unless a producer on the farm files an application for

downward adjustment of excess within 60 days after the date the notice provided in paragraph (b) of this section is mailed from the county office. If the total actual production for the excess farm is established to the satisfaction of the county committee, the amount of wheat required to be stored shall be such actual production less the actual production of the farm wheat acreage allotment based upon the average yield per acre for the entire wheat acreage on the farm: *Provided*, That the amount of wheat required to be stored shall not be larger than the amount by which the actual production so established exceeds the normal production of the farm wheat acreage allotment.

(b) *Notice of excess.* As soon as practicable following the wheat disposal date in § 728.10(q), producers on farms for which a timely intention to produce excess wheat was filed under § 728.102(b) and on which the wheat acreage exceeds the allotment by not more than 50 percent shall be notified of the amount of initial excess determined for such farms and of the storage requirements of this section.

(c) *Application.* Application for storage of excess wheat shall be filed in writing by any producer sharing in the wheat crop within 60 days after the date the notice in paragraph (b) of this section is mailed from the county office. In the case of farm storage, the producer shall be required to pay a service fee in an amount determined by the county committee to be sufficient to cover the cost of initial inspection and subsequent reinspections.

(d) *Storage requirements.* The wheat stored shall be equal to or better than the average quality of wheat produced on the excess farm. Excess wheat may be stored either (1) in an elevator or warehouse duly licensed and authorized to issue warehouse receipts under Federal or State laws, hereinafter referred to as "licensed storage": *Provided*, That if a State has no elevator or warehouse licensing law, warehouse receipts may be accepted from elevators or warehouses in such State unless the county committee and the State executive director determine that the elevators or warehouses are unreliable, such storage also to be referred to as "licensed storage," or (2) in any other place adapted to the storage of wheat, hereinafter referred to as "non-licensed storage." In the case of licensed warehouse storage the producer shall remain liable for all warehouse storage charges, and in the case of unlicensed storage shall be responsible for maintaining quality and quantity.

(e) *Security.* A corporate surety bond of indemnity in an amount not less than 150 per centum of the value of certificates issued with respect to the excess farm in the year of excess, shall be executed and filed with the county office manager not later than 60 days following the date the notice in paragraph (b) of this section is mailed from the ASCS county office. Each bond shall be subject to the conditions that the full amount computed under § 728.108 shall be paid at the time of the depleting of any amount stored which is not authorized under § 728.108 and if at any time any producer on the farm prevents the inspection of wheat so stored the entire amount computed under § 728.108 shall be paid. The principal amount of the bond shall not be reduced or the bond released until the entire amount of stored excess wheat is released as authorized by the county committee in § 728.108. In the case of licensed warehouse storage, the warehouse receipt, properly endorsed, shall also be deposited with the county office manager to be held in escrow.

(f) *Substitution.* Unlicensed or licensed stored wheat of any year's crop may be substituted for excess wheat in farm or warehouse storage provided that (1) prior approval for such substitution is obtained from the county committee, (2) the wheat to be used for substitution is in storage in accordance with the provisions of this section and is of equal or better quality than the excess wheat in storage, and (3) if unlicensed storage wheat is substituted for licensed storage wheat, the service fee provided for under paragraph (c) of this section is collected.

(g) *Commingling.* In the case of licensed storage, commingling of wheat shall be permissible. In the case of unlicensed storage, stored excess wheat may be commingled with excess wheat from another farm if the producers sharing in the excess wheat in storage are the same.

**§ 728.108 Depletion of stored excess wheat.**

(a) *Unauthorized.* At the time and to the extent of any depletion in the amount of wheat stored under § 728.107, except depletion under paragraphs (b) and (c) of this section or depletion resulting from some cause beyond the control of the producer, the producer shall pay an amount to the ASCS county office equal to one and one-half times the value of the wheat marketing certificates issued with respect to the farm for the year in which the wheat on the acreage in excess of the allotment was produced. Notwithstanding the foregoing, if a producer having an interest in the excess wheat in storage no longer shares in the wheat crop on any farm in years subsequent to the year the stored excess was produced, such producer shall be relieved of paying the amount otherwise required to be paid under this paragraph provided the right, title, and interest in his share of the excess wheat remaining in storage is conveyed to the Secretary by the tender of the warehouse receipts to the county committee in accordance with instructions issued by the Administrator. Such instructions will be available at the county ASCS office.

(b) *Underplanting.* Whenever the farm in which he shares in the wheat crop. The amount so released shall be limited to the normal production of the underplanted acres multiplied by his per centum share of the wheat crop on the underplanted farm. For the purpose of this paragraph the acreage, if any, diverted from the production of acres by which the farm acreage allotment exceeds the wheat acreage: *Provided*, That if a producer having an interest in the excess wheat in storage no longer shares in the wheat crop on the farm, such producer may obtain the release of his share of the stored excess wheat by underplanting on any other farm in which he shares in the wheat crop. The amount so released shall be limited to the normal production of the underplanted acres multiplied by his per centum share of the wheat crop on the underplanted farm. For the purpose of this paragraph the acreage, if any, diverted from the production of wheat under a conservation reserve contract, a cropland conversion agreement, great plains conservation program contract, or under any authorized wheat diversion program shall be considered wheat acreage. The acreage considered to be diverted from the production of wheat under a conservation reserve contract shall be the acreage placed in the conservation reserve at the regular rate, not to exceed the amount by which the wheat acreage allotment for the farm exceeds the wheat acreage determined for such farm: *Provided*, That in the event the farm also has one or more other commodity allotments and the acreage placed in the conservation reserve at the regular rate is less than the sum of the amount by which each allotment (after release and before reapportionment, where applicable) exceeds the actual acreage determined for each such allotment crop on the farm, the acreage placed in the conservation reserve at the regular rate shall be prorated and credited to each allotment commodity. If the acreage placed in the conservation reserve at the regular rate is equal to or is in excess of the sum of the amount by which each allotment (after release and before reapportionment, where applicable) exceeds the actual acreage determined for each allotment crop on the farm, no excess wheat may be removed from storage. The acreage diverted from wheat in order to carry out a great plains conservation program contract shall be determined by the county committee after consultation with the producer and the work unit conservationist. A producer shall not be entitled to remove excess wheat from storage under this paragraph by underplanting the allotment on Government-owned land under a lease restricting the production of wheat.

(c) *Underproduction.* Whenever the actual production of the wheat acreage is less than the normal production of the farm acreage allotment and the conditions of paragraph (d) of this section are met, the total amount of wheat from any previous crops required to be stored under § 728.107 for such farm shall be reduced by that amount which together with the actual production of the then current crop will equal the normal production of the farm acreage allotment, less the normal production of the underplanted acreage for the farm which was or could have been determined under paragraph (b) of this section: *Provided*, That if a producer having an interest in the excess wheat in storage, no longer shares in the wheat crop on the farm, such producer may obtain the release of his share of the stored excess wheat by underproduction



on any other farm on which he shares in the wheat crop to the extent of such determined underproduction multiplied by his per centum share of the wheat crop on the underproduced farm. For purposes of this paragraph, any acreage considered to be diverted from the production of wheat under the soil bank, cropland conversion, great plains programs, and any authorized wheat diversion program shall be deemed to have produced the normal production of wheat when determining the actual production for the farm.

(d) *Conditions of release.* Release of stored excess wheat by the county committee under paragraphs (b) and (c) of this section is subject to the following conditions: (1) A producer having an interest in the excess wheat files a written request for release of stored excess on or before December 31 of the year of harvest in which the underplanting or underproduction occurred, (2) in the case of underproduction the producer shall establish actual production to the satisfaction of the county committee and if the county committee determines a farm and warehouse visit is necessary to verify production, the producer shall also be required to remit a service fee to cover cost of such visit, (3) the required amount of excess wheat is in the storage at the time of application.

(Sec. 379(j), 76 Stat. 630)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 1, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-10108; Filed, Oct. 5, 1964; 8:48 a.m.]

## Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 864.11]

## PART 864—WAGES; SUGARCANE; LOUISIANA

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Houma, Louisiana, on July 9, 1964, the following determination is hereby issued:

**§ 864.11 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Louisiana.**

(a) *Requirements.* A producer of sugarcane in Louisiana shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting work shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but not less than the following:

(i) *For work performed on a time or piecework basis:*

| Class of Worker or Operation | Rate |
|---|---|
| Harvest work: | *per hour* |
| Harvester and loader operators | $1.05 |
| Tractor drivers, truck drivers, harvester bottom blade operators, and hoist operators | 1.00 |
| Hand cutters, and scrappers behind loaders | .90 |
| All other harvesting workers | .85 |
| | *Rate* |
| Cutting top and bottom: | *per ton* |
| Large barrel varieties[1] | $1.35 |
| Small barrel varieties[2] | 1.55 |
| | *Rate* |
| Production and cultivation work: | *per hour* |
| Tractor drivers | $0.95 |
| All other production and cultivation workers | .85 |

[1] Large barrel varieties: Co. 290; C.P. 29/103; C.P. 29/116; C.P. 32/243; C.P. 36/13; C.P. 36/105; C.P. 29/120; C.P. 43/47; C.P. 44/101; C.P. 44/155; N. Co. 310; C.P. 47/193; C.P. 48/103; C.P. 52/68; and C.P. 55/30.

[2] Small barrel varieties: All other.

(ii) *Workers between 14 and 16 years of age when employed on a time basis.* For workers between 14 and 16 years of age, the wage rate per hour (maximum employment is 8 hours per day for such workers without deduction from Sugar Act payments to the producer) shall be not less than three-fourths of the applicable hourly wage rates for adults provided under subdivision (i) of this subparagraph.

(iii) *Other piecework rates.* For any piecework performed on a unit basis for which a rate is not specified in subdivision (i) of this subparagraph, the rate shall be as agreed upon between the producer and worker: *Provided*, That the hourly rate of earnings of each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks), shall average for the time worked at piecework rates during such pay period not less than the applicable hourly rate prescribed in subdivisions (i) and (ii) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point or a tractor shed, located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to an assembly point located on the farm, or from a central recruiting point to the field, is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. However, the worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(b) *Workers not covered.* The requirements of this section are not applicable to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugarcane, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

(c) *Evidence of compliance.* Each producer subject to the provisions of this section shall keep and preserve, for a period of two years following the date on which his application for a Sugar Act payment is filed, such wage records as will fully demonstrate that each worker has been paid in full in accordance with the requirements of this section. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this section have been met.

(d) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements in this section through any subterfuge or device whatsoever.

(e) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the local County Agricultural Stabilization and Conservation Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the local County ASCS office. Upon receipt of a wage claim the County office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Committee, 3737 Government Street, Alexandria, Louisiana 71303, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not

acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payments under the act are concerned. Appeals procedures are set forth and explained fully in Part 780 of this chapter (29 F.R. 8200).

*Statement of bases and considerations.* (a) *General.* The foregoing determination establishes fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Louisiana as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various producing areas.

(c) *Wage determination.* This determination differs from the prior determination in the following respects: the bonus payment for harvest work performed on a time basis is discontinued; the harvest worker classification is simplified; the minimum rate for hoist operators is increased 10 cents per hour; and producers are required to keep and preserve for a period of two years, records which will fully demonstrate that workers have been paid in full in accordance with the requirements of the determination.

A public hearing was held in Houma, Louisiana, on July 9, 1964, at which interested persons were afforded the opportunity to present testimony as to whether the wage rates established by the determination which became effective October 18, 1963, and an amendment effective November 4, 1963, continue to be fair and reasonable or whether the determination should be amended or superseded. The notice of hearing specifically requested testimony and recommendations on (1) elimination of the wage rate differential for tractor drivers employed in harvesting work and production and cultivation work; (2) elimination of the piecework rates for cutting cane; and (3) the regrouping of the harvest worker classifications and evaluation of rate differentials to provide a more simplified basic minimum wage structure.

A Louisiana State University economist presented data obtained from a study of large-scale and family-size sugarcane farms in Louisiana and stated that for some sugarcane producers the 1962-crop, the most recent for which complete records were available, was a good crop while for others it was the worst on record. The witness discussed the variability of year-to-year costs and returns, stating that the studies showed large-scale farms in 1962 averaged a net income of 2 cents per ton of cane compared to $1.44 in 1961 and a loss of 2 cents per ton for the 5-year period 1955–59; that family-type sugarcane farms averaged a profit of $2.17 per ton of cane in 1962, compared with $2.86 in 1961, and a profit of 23 cents per ton for the 5-year period 1955–59; that on large-scale sugarcane farms direct labor costs during the 5-year period 1955–59 accounted for 48 percent of total direct costs compared with 46 percent for the 3-year period 1960–62; that for family-type sugarcane farms direct labor costs accounted for 39 percent of total direct costs in the 5-year period 1955–59 compared with 35 percent for the 3-year period 1960–62; that labor costs have not decreased proportionately in relation to man-hours; and that labor received a larger share of the benefits of improved technology than the grower. The witness made no recommendations regarding wage rates.

The Chairman of the Employee Relations Committee of the American Sugar Cane League recommended that the wage-price bonus provision of the prior determination be discontinued; that the worker classifications for loaders, spotters, ropemen, grabmen, teamsters, toppers, strippers, cutters and loaders, and pilers be discontinued since, generally, they were no longer used; that truck drivers be excluded because they were not regarded as being directly employed in either the production, cultivation, or harvesting of sugarcane; that the basic minimum rate for hoist operators be increased 10 cents—from 90 cents to $1.00 per hour; and that other provisions of the determination be continued unchanged.

A representative of the Louisiana Farm Bureau Federation recommended retention of the differential in wage rates for tractor drivers in harvesting work and production and cultivation work; that the piecework rates for cutting sugarcane be continued; that there be no change in the classifications of harvest workers; and, that if the Department estimates that the price of raw sugar will be below the price objective of the Sugar Act during the Louisiana raw sugar pricing period, that the new determination adopt an across-the-board reduction of at least 10 cents per hour in the minimum determination wage rates.

No testimony was presented by representatives of workers.

Consideration has been given to the recommendations made at the public hearing, to data on returns, costs, and profits of producing sugarcane obtained by field survey in a prior year and recast to reflect prospective conditions for the 1964 crop and to other pertinent factors. Analysis of these data indicate that the basic minimum wage rates established in this determination are fair and reasonable and are within the producer's ability to pay.

The production of sugarcane in Louisiana has been a profitable operation during recent years, due largely to favorable yields of sugarcane and sugar, increased income per ton of sugarcane and per acre, and improvements in production practices which have resulted in greater labor productivity. Current prospects for 1964 indicate another crop substantially above average.

The revised harvest worker classification recommended by the Employee Relations Committee of the American Sugar Cane League has been adopted. This results in four classifications of harvest workers instead of five. If any workers are employed for the classifications no longer designated, the applicable rate for such work shall be that applicable to "All other harvesting workers." The Committee's recommendation that the rate for hoist operators be increased by 10 cents per hour also has been adopted. Data indicate that in recent years these workers were paid wage rates comparable to the higher skilled workers. The recommendation that truck drivers be excluded from the rate scale has not been adopted. However, truck drivers employed by a contractor who furnishes only trucking services to the producer are not covered by this determination.

Prior wage determinations have provided that the producer was required to furnish, upon request, to the county committee acceptable and adequate proof that all workers had been paid in accordance with the requirements of the determination. This determination strengthens that requirement. Producers are required to keep and preserve for a two-year period beyond the date of filing his application for a Sugar Act payment, adequate records relating to wage payments to sugarcane workers on the farm. The requirement that wage payment records be kept for a period of two years after applying for a Sugar Act payment coincides generally with the period in which a worker may file a wage claim. This additional requirement will facilitate the settlement of wage claims which may be filed by workers.

This determination is issued on a continuing basis and will be effective until amended, superseded or terminated. The Department will keep the wage situation under review and will conduct such investigations and hold such hearings as may be necessary.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1132)



(The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

*Effective date.* This determination shall become effective on October 5, 1964, and shall remain in effect until amended, superseded, or terminated.

Signed at Washington, D.C., on September 30, 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64–10088; Filed, Oct. 5, 1964; 8:47 a.m.]

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 1]

## PART 1485—DAIRY PRODUCTS

### Subpart—Dairy Products Export Payment-In-Kind Program—Terms and Conditions (SM–7)

MISCELLANEOUS AMENDMENTS

The Terms and Conditions of the Dairy Products Export Payment-In-Kind Program (SM–7) (F.R. Doc. 63–11585) are, with regard to any registration number assigned by the Office of the General Sales Manager resulting from a Notice of Sale Form CCC–138, on and after the date of publication in the FEDERAL REGISTER of this Amendment I, amended as follows:

1. Section 1485.218(b) is amended by deleting subparagraph (3) and inserting the following subparagraphs (3) and (4):

§ 1485.218 Description of certificate.

* * * * *

(3) The adjusted pounds of butter (as determined in this subsection) exported multiplied by the export payment rate in effect at the time of sale or registration, whichever is lower. The adjusted pounds of butter shall be determined by multiplying the net pounds of butter exported for each of the categories of butter listed below by the following factors as applicable:

| | Factor |
|---|---|
| Standard butter (80.0–81.9 percent milkfat) | 1.0000 |
| Higher fat butter (82.0–82.9 percent milkfat) | 1.0250 |
| Higher fat butter (83.0 percent milkfat or more) | 1.0375 |

The adjusted pounds of butter shall be determined for each churn of butter and shall be based on grading certificates submitted to CCC in support of exporter's applicaton for export payment.

(4) The number of pounds of milkfat products (other than butter) exported adjusted to a basis of 80 percent milkfat by the export payment rate for butter in effect at the time of sale or registration, whichever is lower. The milkfat content of products (other than butter) exported shall be evidenced by grading certificate submitted in support of exporter's applications for dairy products export payments.

2. Section 1485.228 is amended to read as follows:

§ 1485.228 Assignments.

No assignment shall be made by an exporter of the exporter's agreement, or any rights thereunder, except that the exporter may assign the payments due the exporter under the Application for Dairy Products Export Payment, Form CCC–135, to any bank, trust company, Federal lending agency, or other financing institution, and subject to the approval of the CCC, assignment may be made to any other person or firm: *Provided, however,* That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment together with a signed copy of the instrument of assignment, in accordance with the instructions on Form CCC–251, Notice of Assignment, which form must be used in giving notice of assignment to CCC: *And provided further,* That any such assignment shall cover all amounts payable and not already paid under the contract or registration, and shall not be made to more than one party and shall not be subject to further assignment except that any such assignment may be made to one party as agent or trustee for two or more parties participating in the financing transaction for which such assignment is given as security. The instrument of Assignment may be executed on Form CCC–252 or the assignee may use his own form of assignment subject to acceptance by CCC. Forms may be obtained from the Minneapolis ASCS Commodity Office.

§ 1485.234 [Amendment]

3. Section 1485.234 *Setoff* is amended by adding the following: "Notwithstanding any assignment pursuant to § 1485.228, CCC may set off any amounts due CCC, if CCC notifies the assignee of such indebtedness to be set off at the time acknowledgment is made of receipt of the notice of assignment. CCC may set off any indebtedness of exporter to CCC as to which the assignee was not so notified against any amount due and payable under the contract which remains after deduction of amounts (including interest and other charges) owing by contractor to the assignee for which the assignment was made."

Effective date: On date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on September 25, 1964.

C. R. ESKILDSEN,
*Vice President, Commodity Credit Corporation; Administrator, Foreign Agricultural Service.*

[F.R. Doc. 64–10111; Filed, Oct. 5, 1964; 8:49 a.m.]

# Title 45—PUBLIC WELFARE

## Chapter I—Office of Education, Department of Health, Education, and Welfare

## PART 105—VOCATIONAL EDUCATION: SPECIAL GRANTS

Pursuant to section 4(c) of the Vocational Education Act of 1963 (Part A of P.L. 88–210, 77 Stat. 403), the following regulations (Subpart A of Part 105) are promulgated to govern grants by the Commissioner to colleges and universities and other public or nonprofit private agencies and institutions, to State boards, and, with the approval of the appropriate State board, to local educational agencies, to pay part of the cost of research and training programs and of experimental, developmental, or pilot programs developed by such institutions, boards, or agencies, and designed to meet the special vocational education needs of youths, particularly youths in economically depressed communities who have academic, socio-economic, or other handicaps that prevent them from succeeding in the regular vocational education programs.

Pursuant to section 14 of the Vocational Education Act of 1963 (Part A of P.L. 88–210, 77 Stat. 403) the following regulations (Subpart B of Part 105) are promulgated to govern grants by the Commissioner to State boards, to colleges and universities, and, with the approval of the appropriate State board, to public educational agencies, organizations, or institutions for the construction, equipment, and operation of residential vocational education schools.

The grants under this part provide Federal financial assistance subject to the requirements of Title VI of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat. 252; P.L. 88–352). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Grants made pursuant to the regulations set forth below are subject to such applicable rules, regulations, or orders as may hereafter be issued with the approval of the President to effectuate the provisions of section 601.

### Subpart A—Research, Training and Experimental, Developmental or Pilot Programs in Vocational and Technical Education

Sec.
105.1 Applicability.
105.2 Definitions.
105.3 Statement of conditions.
105.4 Nature and purpose of grants.
105.5 Eligibility of applicants.
105.6 Programs eligible.
105.7 Applications for grants.
105.8 Criteria for evaluation of applications.
105.9 Disposition.

Subpart B—Residential Vocational Education Schools

Sec.
105.21 Applicability.
105.22 Definitions.
105.23 Statement of conditions.
105.24 Nature and purpose of grants.
105.25 Eligibility of applications.
105.26 Applications for grants.
105.27 Criteria for evaluation of applications.
105.28 Disposition.

## Subpart A—Research, Training and Experimental Developmental or Pilot Programs in Vocational and Technical Education

AUTHORITY: The provisions of this Subpart A issued under sec. 4(c) of Public Law 88–210, 77 Stat. 405, 20 U.S.C. 35c(c).

### § 105.1 Applicability.

The regulations of this part apply to grants made by the Commissioner of Education pursuant to his authority under section 4(c) of the Vocational Education Act of 1963 (Part A of Public Law 88–210, 77 U.S.C. 403, 20 U.S.C. 35–35n) for the purposes set forth in § 105.4.

### § 105.2 Definitions.

As used in this part

(a) "Act" means the Vocational Education Act of 1963 (Part A of Public Law 88–210, 77 Stat. 403, 20 U.S.C. 35–35n).

(b) "Commissioner" means the U.S. Commissioner of Education.

(c) "Local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political sub-division in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program.

(d) "State board" means the State board for vocational education designated or created by a State to secure to the State the benefits of Federal grants for vocational education.

### § 105.3 Statement of conditions.

Each applicant for a grant will receive appropriate application forms and a copy of the Conditions for Special Grant Programs in Vocational and Technical Education which will define relevant terms in the statute, state the procedures to be followed by the applicant in applying for a grant, the criteria to be used by the Commissioner in evaluating applications, and the conditions under which the Commissioner will award grants, as well as the conditions with which the grantee shall comply in carrying out its program.

### § 105.4 Nature and purpose of grants.

The Commissioner is authorized under the Act to award grants to eligible agencies, institutions, State boards, or local educational agencies. Such grants shall pay part of the cost of research and training programs in vocational education. Such grants shall also pay part of the cost of experimental, developmental, or pilot programs in vocational education developed by the grantees, which programs shall be designed to meet the special vocational education needs of youths, with emphasis on those youths in economically depressed communities who have academic, socioeconomic or other handicaps that prevent them from succeeding in the regular vocational education programs.

### § 105.5 Eligibility of applicants.

Any college, university, and other public or nonprofit private agency and institution, State board, and, with the approval of the appropriate State board for vocational education, local educational agency, is eligible to apply for a grant award. The following are not eligible:

(1) Individuals;

(2) Any institution or agency, including any corporation or association, if any part of its net earnings lawfully inures or may inure to the benefit of any individual.

### § 105.6 Programs eligible.

Any program of an eligible applicant which the Commissioner of Education determines to be a research or training program, or an experimental, developmental or pilot program within the meaning of section 4(c) of the Act will be conisdered for a grant award. Experimental, developmental or pilot programs, in order to be eligible for consideration, must be designed to meet the special vocational education needs of youths. The Commissioner will give priority to experimental, developmental or pilot programs designed to meet the needs of youths in economically depressed communities who have academic, socioeconomic, or other handicaps that prevent them from succeeding in regular vocational education programs. This requirement does not mean that an experimental, developmental or pilot program which is in part directed to meet the needs of other persons is ineligible, provided a substantial part of such program is devoted to the needs of youths.

### § 105.7 Applications for grants.

Any applicant eligible for a grant award under § 105.5 may file an application on forms prescribed by the Commissioner. Such application shall describe the nature, duration, purpose and plan of the proposed program, the qualifications of the principal staff who shall be responsible for the program, the total facilities and resources that will be available, a justification of the amount of grant funds requested, the portion of the cost to be borne by the applicant, and such other pertinent information as the Commissioner may require. The application shall be executed by an individual authorized to act for the applicant. Applications and requests for information shall be sent to:

Division of Vocational and Technical Education, Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C., 20202.

### § 105.8 Criteria for evaluation of applications.

All applications filed in accordance with § 105.7 will be evaluated by the Commissioner through such procedures as the Commissioner will establish. The Commissioner's evaluation will take into account among other pertinent factors the educational significance, the program design or plan, the competence of personnel designated to carry out the program, the adequacy of facilities, the economic efficiency, and the feasibility of the proposed program.

### § 105.9 Disposition.

On the basis of his evaluation of an application pursuant to § 105.8, the Commissioner will either (a) approve the application in whole or in part, (b) disapprove the application, or (c) defer action on the application for such reasons as lack of funds or a need for further evaluation. Any deferral or disapproval of an application shall not preclude its reconsideration or resubmission. The Commissioner will notify the applicant in writing of the disposition of the application. If the Commissioner makes a grant, the grant award letter will include the approved budget and grant conditions. The applicant shall indicate acceptance of the proposed grant by having an authorized official sign a copy of the grant award letter and by returning such copy to:

Division of Vocational and Technical Education, Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20202.

## Subpart B—Residential Vocational Education Schools

AUTHORITY: The provisions of this Subpart B issued under sec. 14 of Public Law 88–210, 77 Stat. 414, 20 U.S.C. 351.

### § 105.21 Applicability.

The regulations of this part apply to grants made by the Commissioner of Education, pursuant to his authority under section 14 of the Vocational Education Act of 1963 (Part A of Public Law 88–210, 77 Stat. 403, 20 U.S.C. 35–35n), for the purposes set forth in § 105.24.

### § 105.22 Definitions.

As used in this part

(a) "Act" means the Vocational Education Act of 1963 (Part A of Public Law 88–210, 77 Stat. 403, 20 U.S.C. 35–35n).

(b) "Commissioner" means the U.S. Commissioner of Education.

(c) "State board" means the State board for vocational education designated or created by a State to secure to the State the benefits of Federal grants for vocational education.

### § 105.23 Statement of conditions.

Each applicant for a grant will receive appropriate application forms and a copy of the Conditions for Grants for Residential Vocational Education Schools which will define relevant terms in the statute, state the procedures to be followed by the applicant in applying for a grant, the criteria to be used by the Commissioner in evaluating applications, and the conditions under which the Commissioner will award grants, as well as the conditions with which the grantee shall comply in carrying out its program.



### § 105.24 Nature and purpose of grants.

The Commissioner is authorized under the Act to award grants to eligible colleges, universities, State boards, or public educational agencies, organizations, or institutions for the purpose of demonstrating the feasibility and desirability of residential vocational education schools for certain youths with socioeconomic handicaps. Such grants may include the costs of construction, equipment, and operation of residential schools to provide vocational education for youths who are between the ages of 15 and 21 at time of enrollment, and who need full-time study on a residential basis in order to derive maximum benefit from vocational education. In making such grants the Commissioner will give special consideration to the needs of large urban areas having substantial numbers of youths who have dropped out of school or are employed and will seek to attain, as nearly as practicable in the light of the purpose of the Act, an equitable geographical distribution of such schools.

### § 105.25 Eligibility of applications.

(a) *Applicants.* Any college, university, State board, or, with the approval of the appropriate State board, public educational agency, organization or institution (other than a college or university) is eligible to apply for a grant award. The following are not eligible:

(1) Individuals;

(2) Any private nonprofit institution or agency including any corporation or association, other than a college or university;

(3) Any institution or agency, including any corporation or association, if any part of its net earnings lawfully inures or may inure to the benefit of any individual.

(b) *Proposals.* Any proposal of an eligible applicant for the construction, equipment and operation of a residential school to provide vocational education which the Commissioner determines to be within the scope of section 14 of the Act will be considered for a grant award.

### § 105.26 Application for grants.

Any applicant eligible for a grant award under § 105.25 may file an application on forms prescribed by the Commissioner. Such application shall contain sufficient information to permit its evaluation in accordance with the criteria set out in § 105.27, and shall be executed by an individual authorized to act for the applicant. Applications and requests for information shall be sent to:

Division of Vocational and Technical Education, Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20202.

### § 105.27 Criteria for evaluation of applications.

All applications filed in accordance with § 105.26 will be evaluated by the Commissioner through such procedures as the Commissioner will establish. The Commissioner's evaluation will take into account among other pertinent factors:

(a) The extent to which the proposed school will serve large urban areas having substantial numbers of youth who have dropped out of school or are unemployed;

(b) The geographical area to be served both in terms of size and in terms of the geographical areas to be served by other possible grantees;

(c) The probable ability of the applicant to operate the proposed school successfully;

(d) The suitability of existing resources and related community services designated for use in the operation of the proposed school;

(e) The time within which the proposed school may be put into operation;

(f) The probable availability of nonfederal support for operation of the proposed school beyond the period of Federal support, should such operation seem feasible and desirable;

(g) The cost in relation to the costs of other proposals which are for programs of similar size and location;

(h) The merits of the project as a demonstration activity and the ability of the applicant, independently or with others, to make a continuing objective evaluation of the desirability and feasibility of the activity.

### § 105.28 Disposition.

On the basis of his evaluation of an application pursuant to § 105.27, the Commissioner will either (a) approve the application, (b) disapprove the application, or (c) defer action on the application for such reasons as lack of funds or a need for further evaluation. Any deferral or disapproval of an application shall not preclude its reconsideration or resubmission. The Commissioner will notify the applicant in writing of the disposition of the application. If the Commissioner makes a grant, the grant award letter will include the approved budget and grant conditions. The applicant shall indicate acceptance of the proposed grant by having an authorized official sign a copy of the grant award letter and by returning such copy to:

Division of Vocational and Technical Education, Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20202.

[SEAL] WAYNE O. REED,
*Acting U.S. Commissioner of Education.*

SEPTEMBER 4, 1964.

Approved: September 28, 1964.

ANTHONY J. CELEBREZZE,
*Secretary.*

[F.R. Doc. 64–10099; Filed, Oct. 5, 1964; 8:48 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 32—HUNTING

### Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota and Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

### § 32.32 Special regulations; big game; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The public hunting of deer on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin is permitted on the areas designated by signs as open to hunting. Restricted hunting of deer is also permitted on the areas designated by signs as closed to hunting. All deer hunting shall be within the outside dates of the applicable state seasons as follows:

ILLINOIS

Bow and arrow seasons—from one-half hour before sunrise to one-half hour before sunset, c.s.t., October 1, 1964, through November 15, 1964; and from one-half hour before sunrise to one-half hour before sunset, c.s.t., November 24, 1964, through November 29, 1964, and December 7, 1964, through December 31, 1964. Shotgun season—from 6:30 a.m. to 4:00 p.m., c.s.t., November 20 through November 23, 1964.

IOWA

Bow and arrow season—from one-half hour before sunrise to one-half hour after sunset, c.s.t., October 17, 1964 through December 6, 1964. Shotgun season—from 8:00 a.m. to 4:00 p.m., c.s.t., December 12 through December 15, 1964.

MINNESOTA

Early bow and arrow season—from sunrise to sunset, c.s.t., October 3, 1964, through October 21, 1964. Shotgun and bow and arrow season—from sunrise to sunset, c.s.t., November 7, 8, and 9, 1964. Late bow and arrow season—from sunrise to sunset, c.s.t., November 28, 1964, through December 20, 1964.

WISCONSIN

Bow and arrow season for either sex—from one-half hour before sunrise to sunset, c.s.t., September 26, 1964, through November 17, 1964, and December 5, 1964, through December 31, 1964. Shotgun only and bow and arrow season for either sex—one-half hour before sunrise to sunset, c.s.t., November 21, 1964, through November 22, 1964, in Buffalo,

Trempealeau, La Crosse, and Vernon Counties, and for legal bucks only November 23, 1964, through November 29, 1964, in Buffalo County. Rifle, shotgun, and bow and arrow season for legal bucks only—one-half hour before sunrise to sunset, c.s.t., November 23, 1964, through November 29, 1964, in Trempealeau, La Crosse and Vernon Counties. Rifle, shotgun, and bow and arrow season for either sex—one-half hour before sunrise to sunset, c.s.t., November 21, 1964, through November 23, 1964, in Crawford and Grant Counties.

The open areas comprising 153,000 acres, and the closed areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn., 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408.

Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following special conditions.

(1) Gun hunting on designated open areas concurrent with applicable State seasons is permitted from the first day of the first waterfowl hunting season applicable to the geographic area concerned, until the end of the applicable State seasons, or until March 1, 1965, whichever occurs first.

(2) Bow hunting is permitted on designated open areas concurrent with applicable State seasons, but not later than March 1, 1965.

(3) Bow and gun hunting on designated closed areas concurrent with applicable State seasons is permitted from the first day after the close of the last hunting season for ducks and coots applicable to the geographic area concerned, until the end of the applicable State seasons, or until March 1, 1965, whichever occurs first.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1965.

R. W. BURWELL,
*Regional Director.*

SEPTEMBER 29, 1964.

[F.R. Doc. 64-10080; Filed, Oct. 5, 1964; 8:46 a.m.]

## PART 32—HUNTING

### Moosehorn National Wildlife Refuge, Maine

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.32 Special regulations; big game; for individual wildlife refuge areas.**

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Moosehorn National Wildlife Refuge, Maine, is permitted from November 1, 1964, through December 5, 1964, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 21,000 acres, is delineated on maps available at refuge headquarters, 3 miles west of Calais, Maine, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston, Mass., 02111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Every deer killed must be checked out at refuge headquarters before hunters leave the refuge.

(2) A Federal permit is required to enter the public hunting area. It may be obtained by applying in person at the refuge headquarters Monday through Friday from 7:30 a.m. to 4:00 p.m. during the 15 days prior to the hunt and thereafter on the days and during the hours when hunting is permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 5, 1964.

FRED L. JACOBSON,
*Acting Regional Director,*
*Boston, Massachusetts.*

SEPTEMBER 25, 1964.

[F.R. Doc. 64-10081; Filed, Oct. 5, 1964; 8:46 a.m.]

## PART 32—HUNTING

### Parker River National Wildlife Refuge, Massachusetts

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

**§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.**

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese (except snow geese), brant, and coots on the Parker River National Wildlife Refuge, Massachusetts, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 550 acres, and known as the Pine Island Hunting Area and the Canada Goose Hunting Area, are delineated on maps available at the refuge headquarters, Newburyport, Massachusetts, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston, Mass., 02111. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, brant and coots, subject to the following special conditions:

(1) The open season for hunting ducks, geese (except snow geese), brant, and coots on the Pine Island Hunting Area is from October 17, 1964, through October 31, 1964, inclusive, and from November 27, 1964, through December 26, 1964, inclusive.

(2) The open season for hunting geese (except snow geese) on the Canada Goose Hunting Area is from December 1, 1964, through December 5, 1964, inclusive, and from December 21, 1964 through January 9, 1965, inclusive.

(3) The daily bag limit on the Canada Goose Hunting Area shall be 1 Canada goose.

(4) Hunting on the Canada Goose Hunting Area shall be only from within 50 feet of a numbered stake driven into the ground and labeled by refuge personnel.

(5) Shooting and possession of a loaded gun on the Pine Island Hunting Area shall be only from within a corridor marked by refuge personnel.

(6) Blinds—The construction of permanent blinds and the digging of pits by the public are not permitted.

(7) A Federal permit is required to enter the public hunting areas. A seasonal permit to enter the Pine Island Hunting Area may be obtained at the checking station at the entrance to the refuge during the hours and on the days when hunting is permitted and at refuge headquarters from 8:00 a.m. to 4:30 p.m. Monday through Friday. A daily permit to enter the Canada Goose Hunting Area may be obtained at the checking station from 4:00 a.m. to 6:00 a.m. on the days when hunting is permitted. Permits to enter the Canada Goose Hunting Area shall be turned in to refuge personnel upon leaving the hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 9, 1965.

FRED L. JACOBSON,
*Acting Regional Director,*
*Boston, Massachusetts.*

SEPTEMBER 29, 1964.

[F.R. Doc. 64-10082; Filed, Oct. 5, 1964; 8:46 a.m.]

## PART 32—HUNTING

### Brigantine National Wildlife Refuge, New Jersey

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

**§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.**

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

The public hunting of ducks and coots on the Brigantine National Wildlife Refuge, New Jersey, is permitted from October 24, 1964, through November 14, 1964, inclusive, and from December 11, 1964, through January 2, 1965, inclusive, and public hunting of geese (except snow geese) and brant is permitted from October 24, 1964, through January 1, 1965, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 4,430 acres, is delineated on maps available at the refuge headquarters, Oceanville, New Jersey, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 59 Temple Place, Boston, Mass., 02111. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, brant, and coots.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 2, 1965.

FRED L. JACOBSON,
*Acting Regional Director,*
*Boston, Massachusetts.*

SEPTEMBER, 25, 1964.

[F.R. Doc. 64-10083; Filed, Oct. 5, 1964; 8:46 a.m.]

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs., Amdt. 91]

### MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following revisions and amendments are made in the Export Regulations:

### PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

**§ 370.5 Exportations authorized by Government agencies other than Office of Export Control.**

* * * * * *

(e) *Vessels.*[1] The sale to a foreign purchaser and/or the transfer to foreign registry of vessels which are owned by citizens of the United States, regardless of size, type, or documentation, is subject to the approval of the U.S. Maritime Administration under the authority of Sections 9 and 37 of the United States Shipping Act of 1916, as amended (46 U.S.C. 808 & 835; 46 CFR Part 221). Vessels of war, as defined in the United States Munitions List (see paragraph 370.5(a)), require export authorization from both the U.S. Department of State and the U.S. Maritime Administration. Vessels (including vessels of war) exported for the purpose of scrapping, dismantling, dismembering, or destroying the hulls or hulks thereof, require export authorization from both the Office of Export Control and the U.S. Maritime Administration for exportation to Hong Kong, Macao, Subgroup A destinations, Poland (including Danzig), Rumania, and Cuba. For exportation to other destinations export authorization is required from the U.S. Maritime Administration only.

* * * * * *

**§ 370.8 Shipments entering foreign trade zones.**

(a) *Foreign origin commodities.* * * *

(1) *Hong Kong, Macao, Poland (including Danzig), Rumania and Subgroup A destinations.* Shipments to Hong Kong, Macao, Poland (including Danzig), Rumania, or a Subgroup A destination require a validated license if a shipment of similar goods of United States origin could not be made from the customs territory of the United States to such a destination under the provisions of a general license.

* * * * * *

(3) *Shipments originating in Canada.* Shipments of commodities originating in Canada require a validated license only:

(i) If the shipment does not meet the conditions set forth in § 371.9(b)(1); or

(ii) If the shipment is exported to an ultimate destination to which the same commodities could not be exported directly from the United States under General License GO.

* * * * * *

### PART 371—GENERAL LICENSES

**§ 371.8 General License GRO; shipments of non-Positive List commodities.**

(a) *Scope of license.* A general license designated GRO is hereby established, authorizing the exportation to all destinations of all commodities not included on the Positive List of Commodities (§ 399.1), subject to the other provisions set forth in this § 371.8,[1] except that:

(1) No exportations may be made under this general license to Hong Kong, Macao, a Subgroup A destination, or Cuba;

(2) No exportations of the commodities listed in Supplement No. 2 to Part 371 may be made under this general license to Poland (including Danzig) or Rumania;

(3) No exportations of inbred corn seed, except sweet corn seed (Schedule B No. 10317); inbred grain sorghum seed (Schedule B No. 10350); or inbred sweet corn seed (Schedule B No. 24690) may be made under this general license to Rumania; and

(4) No exportations of the following commodities may be made under this general license to the Republic of South Africa:

| Schedule B No. | Commodity description |
|---|---|
| 94730 | Shotguns. |
| 94745 | Components and parts specially fabricated for shotguns. |
| 94812 | Shotgun shells. |
| 94819 | Components and parts specially fabricated for shotgun shells (including empty shotgun shells, primers for shotgun shells, and percussion caps). |

NOTE: Gift parcels containing commodities not on the Positive List may be shipped under General License GRO except as indicated in paragraph 371.8(a) above. Any commodity on the Positive List requires a validated license for export, even though intended as a gift, unless exportable under one of the other general licenses such as GO (see § 371.7), or GLV (see § 371.10).

**§ 371.9 General License GIT; intransit shipments.**

(a) *General provisions.* * * *

(3) Only those exportations of foreign origin which, if of United States origin, could be made respectively to Hong Kong, Macao, Poland (including Danzig), Rumania, or a Subgroup A country, under the provisions of a general license, may be exported to Hong Kong, Macao, Poland (including Danzig), Rumania, or a Subgroup A country, respectively, under General License GIT.

NOTE: 1. A commodity is not considered as "moving in transit" within the meaning of General License GIT if it is covered by a warehouse entry and withdrawn from warehouse under a withdrawal-for-exportation customs entry or if its transit is broken by a warehousing or processing operation under another type of customs entry.

2. General License GIT is not applicable to exportations of commodities licensed by agencies of the United States Government other than the Office of Export Control.

3. See § 370.7 regarding shipments moving in transit via the United States without unloading from the carrier.

* * * * * *

**§ 371.10 General License GLV; shipments of limited value.**

* * * * * *

(d) *Positive List commodities.* Commodities included on the Positive List of Commodities (§ 399.1), whether or not included in a single entry, may be exported in a single shipment under this general license to all destinations, except Hong Kong, Macao, Poland (including Danzig), Rumania, a Subgroup A destination (see § 371.3(a)), or Cuba, as follows:

* * * * * *

**§ 371.11 General licenses BAGGAGE and TOOLS OF TRADE.**

(a) *Definitions.* (1) Accompanied baggage or tools. Baggage or tools taken by a person departing from the United States on the same carrier on which he departs.

(2) Unaccompanied baggage. Baggage sent from the United States on a carrier other than that on which a person departs.

(b) *General License BAGGAGE*—(1) *General provisions.* A general license designated BAGGAGE is hereby established authorizing a person leaving the United States, but not including members

[1] See § 399.3 for Schedule B numbers covered by regulations of the Atomic Energy Commission and the U.S. Maritime Administration.

[1] The Export Regulations provide that commodities may not be supplied under any general license for use on a vessel or aircraft departing from the United States, unless such exportation is authorized under General License Ship Stores or Plane Stores. (See paragraphs 371.2(c)(2), 371.13(a) and 371.13(b).)

of crews on vessels and aircraft,[1] to take to any destination, as personal baggage, accompanied or unaccompanied, the classes of commodities listed below. Unaccompanied shipments under this general license shall be clearly marked "BAGGAGE." Shipments of unaccompanied baggage may be made at the time of, or within a reasonable time prior to or after, departure of the consignee or owner from the United States. However, commodities listed on the Positive List of Commodities may not be taken out of the United States to any Subgroup A country, Poland (including Danzig), Rumania or Cuba under this general license.

(i) *Personal effects.* Usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, toilet articles, medicinal supplies, food, souvenirs, games, and similar personal effects, and their containers.

NOTE: As used in the Export Regulations, usual and reasonable quantities and kinds of food should be limited, generally, to the quantities and kinds necessary and appropriate for use by a traveler or members of his immediate family during the outgoing and any immediate return voyage. Consequently, where a traveler desires to include, under General License BAGGAGE, food in such quantities as to be obviously used for consumption after he has finished his voyage, or to be distributed as "gifts," such food is not included within the provisions of this general license.

(ii) *Household effects.* Usual and reasonable kinds and quantities of furniture, household effects, household furnishings, and their containers.

(iii) *Vehicles.* Usual and reasonable kinds and quantities of vehicles, such as passenger cars, station wagons, trucks, trailers, motorcycles, bicycles, tricycles, perambulators, and their containers.

*Provided*, That the above-indicated personal effects, household effects, and vehicles shall include only such articles as are owned by such person or members of his immediate family; are necessary and appropriate for the use of such person or his immediate family; are intended for his use or the use of his immediate family; and are not intended for sale.

(c) *General license TOOLS OF TRADE.* A general license designated TOOLS OF TRADE is hereby established, authorizing a person leaving the United States to take abroad usual and reasonable kinds and quantities of tools necessary in his trade, occupation, or employment under the conditions described in subparagraphs (1) and (2) of this paragraph. In all cases such tools must be accompanied by the person leaving the United States.

(1) *Tools owned by person leaving the United States.* Where the person leaving the United States owns the tools, such tools may be taken to any destination subject to the following conditions:

(i) The tools shall consist of implements or instruments used in such person's trade, occupation, or employment and may include the containers for such implements or instruments;

(ii) The tools shall be for the personal use of the person taking the commodities abroad;

(iii) The tools shall not be sold abroad; and

(iv) If the tools are listed on the Positive List of Commodities they shall not be exported or reexported to any Subgroup A destination, Poland (including Danzig), Rumania, or Cuba under this general license.

(2) *Tools not owned by person leaving the United States.* Where the person leaving the United States does not own the tools, such tools may be taken to any destination except Subgroup A destinations, Poland (including Danzig), Rumania, Hong Kong, Macao, and Cuba for use in installing, inspecting, testing, calibrating, or repairing any type of commodity subject to the following conditions:

(i) The tools shall consist of instruments or implements used in installing, inspecting, testing, calibrating, or repairing any type of commodity and may include the containers for such instruments or implements;

(ii) The tools shall be exported temporarily and may not be sold abroad;

(iii) From the time the tools are exported from the United States until they are returned to the United States, they shall be under the control of a person who is employed by or acting as agent for the owner of the tools.

(iv) The owner of the tools or a responsible official of the organization owning the tools shall promptly inform the Office of Export Control by letter that tools will be or have been shipped under General License TOOLS OF TRADE. This letter shall be addressed to the U.S. Department of Commerce, Office of Export Control, Attn: BIC–7340, Washington, D.C., 20230, and shall include the following information:

(*a*) General description and the approximate value of the tools;

(*b*) Temporary destination of the tools;

(*c*) Date the tools will be or were shipped; and

(*d*) The following certification:

I (We) hereby certify that the tools described in this letter (1) will be used in installing, inspecting, testing, calibrating, or repairing a commodity; (2) will not be exported or reexported to any Subgroup A destination, Poland (including Danzig), Rumania, Hong Kong, Macao, or Cuba; (3) will be exported temporarily and shall not be sold abroad; (4) will be under the control of a person who is employed by or acting as agent for (me) (us) from the time the tools are exported from the United States until they are returned to the United States. Further (I) (We) certify that _____ is authorized by (me) (us) to take these tools abroad.

(d) *Requirement for filing declaration.* A shipper's Export Declaration must be filed in accordance with § 379.1 whenever a shipment is exported under General License BAGGAGE or General License TOOLS OF TRADE when shipped under a Bill of Lading. If the shipment is not made under a Bill of Lading, an oral declaration must be made to the Collector at the port of exit (see paragraph 371.2(a)).

NOTE: 1. *Commodities for sale.* Commodities exported for sale, even though carried in the baggage, with the tools of a traveler, or by a crew member, may not be exported under either General License BAGGAGE, TOOLS OF TRADE, or CREW. Commodities exported for sale must be declared as a commercial shipment and may be exported only under a validated export license or under a general license applicable to such commercial shipments.

2. *Validated license requirement.* The provisions of paragraph 379.1(a)(1) also require the filing of a Declaration for authentication whenever a shipment is exported under a validated license.

3. *Oral declaration.* As stated in paragraph 371.2(a), whenever the filing of a Declaration is not required by the Export Regulations or by the Foreign Trade Statistics Regulations, an oral declaration describing the commodity or commodities shall be made to a Collector at the port of exit.

(e) *Customs authority to limit or prohibit shipments.* Collectors of Customs shall limit or prohibit the export of any commodity or commodities under General License BAGGAGE or General License TOOLS OF TRADE whenever the kind or quantity is in excess of the limitations set forth in this Section, or whenever they shall have cause to suspect that such exportation is being made for the purpose or with the intent of evading any of the regulations of the Office of Export Control.

**§ 371.13 General Licenses SHIP STORES, PLANE STORES, CREW, and RCS (Registered Carrier Stores).**

(a) *General License SHIP STORES—*
(1) *Scope.* * * *

(ii) Equipment and spare parts for permanent use on a vessel, when necessary for the proper operation of such vessel, may be exported on board a vessel of any registry, except a vessel registered in, owned or controlled by, or under charter or lease to a Subgroup A country, Poland (including Danzig), Rumania, Cuba or a national of any of these countries.

(2) *Restrictions on the exportation of petroleum and petroleum products.*—(i) *Far Eastern Communist ports.* No exportation of petroleum or petroleum products (including those used as bunker fuel) listed in subparagraph (3) of this paragraph may be made under this general license on a foreign vessel of 500 gross registered tons or more departing from the United States for use on board such vessel if the vessel (*a*) has called at a port under Far Eastern Communist control[1] during the 180 days immediately preceding the date on which such commodities are to be laden aboard the vessel; (*b*) will call at a port under Far Eastern Communist control[1] within 120 days after the date on which such commodities are laden aboard the vessel; or (*c*) will carry within the next 120 days commodities, of any origin, known by the owner, master, or agent to be destined directly or indirectly to these ports, unless the commodities so carried are covered by an export license issued by the Office of Export Control or any other agency of the United States Government.

(ii) *Cuban ports.* No exportation of petroleum or petroleum products (including those used as bunker fuel) listed in subparagraph (3) of this paragraph may be made under this general license on a foreign vessel, regardless of tonnage, departing from the United States for use on board such vessel if the vessel (*a*) will call at a port under Cuban control on its current voyage or (*b*) is ineligible to carry United States Government financed cargo because it has called at a port under Cuban control at any time since January 1, 1963.

(iii) *Registry restrictions.* No exportation of petroleum or petroleum products (including those used as bunker fuel) listed in subparagraph (3) of this paragraph may be made under this general license on a foreign vessel of 500 gross registered tons or more departing from the United States for use on board such vessel if the vessel is registered in, owned or controlled by, or under charter or lease to a Subgroup A country, Poland (including Danzig), Rumania, or a national of any of these countries. No such exportation may be made on a foreign vessel, regardless of tonnage, if the vessel is registered in, owned or controlled by, or under charter or lease to Cuba or a Cuban national.

* * * * * *

(b) *General License PLANE STORES—*
(1) *Scope.* * * *

(ii) Equipment and spare parts for permanent use on an aircraft, when necessary for the proper operation of such aircraft, may be exported on board an aircraft of any registry, except an aircraft registered in, owned or controlled by, or under charter or lease to a Subgroup A county, Poland (including Danzig), or Rumania, or a national of any of these countries.

(2) *Restrictions on the exportation of petroleum and petroleum products for use on aircraft.* No exportation of petroleum or petroleum products (including those used as fuel) listed in paragraph (a)(3) of this section may be made under this general license on a foreign aircraft of 12,000 pounds or more gross load departing from the United States, for use on board such aircraft if the aircraft (i) has called at any point under Far Eastern Communist control[1] during the 30 days immediately preceding the date on which such commodities are to be laden aboard the aircraft, (ii) will call at any point under Far Eastern Communist control within 30 days after the date such commodities are laden aboard the aircraft, (iii) will carry within this 30-day period commodities, of any origin, known by the owner, aircraft commander, or agent to be destined directly or indirectly to any point under Far Eastern Communist control, unless the commodities so carried are covered by an export license issued by the Office of Export Control or any other agency of the United States Government; or (iv) is registered in, owned or controlled by, or under charter or lease to a Subgroup A country, Poland (including Danzig), or Rumania, or a national of any of these countries.

* * * * * *

**§ 371.16 General License GTF; goods imported for trade fairs.**

* * * * * *

(b) *Exportation to other destinations.* * * *

(2) Where the exportation from the United States will be made to Hong Kong, Macao, Poland (including Danzig), Rumania, a Subgroup A destination, or Cuba.

* * * * * *

**§ 371.18 General License GLR; return of certain commodities imported into the United States.**

* * * * * *

(a) *Commodities sent to the United States for inspection, testing, calibration or repair.* * * *

(2) The provisions of this paragraph (a) do not apply to:

(i) Exportations to Hong Kong, Macao, Poland (including Danzig), Rumania, a Subgroup A destination, or Cuba.

(ii) Commodities disposed of by United States Government agencies under foreign excess property disposal programs.

* * * * * *

**§ 371.23 General License GHK; shipments of certain commodities to Hong Kong or Macao.**

A general license designated GHK is hereby established authorizing the exportation to Hong Kong or Macao of commodities bearing the symbol "H," in the commodity listing shown in Supplement No. 1 to Part 371.[2]

**§ 371.24 General License GLSA; shipments of certain commodities to specified Subgroup A destinations.**

A general license designated GLSA is hereby established authorizing the exportation of the commodities bearing the symbol "S", in the listing shown in Supplement No. 1 to Part 371. This general license may be used for shipments to the following destinations only: Albania, Bulgaria, Czechoslovakia, East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin), Estonia, Hungary, Latvia, Lithuania, Outer Mongolia, and the Union of Soviet Socialist Republics except the Pacific region of the Union of Soviet Socialist Republics which comprises the Maritime Provinces of Primorskiy Kray and Khabarovskiy Kray, Sakhalin Island and the Kurile Islands under USSR administration.[1]

**§ 371.25 General License GATS; aircraft on temporary sojourn.[2]**

* * * * * *

(a) *Foreign registered aircraft.* An operating civil aircraft of foreign registry which has been in the United States on a temporary sojourn may depart from the United States under its own power for any destination except Poland (including Danzig), Rumania, or a destination in Subgroup A, provided that the aircraft has not been sold or disposed of while in the United States, and provided it does not carry from the United States any commodity for which export authorization has not been granted by the appropriate United States Government agency.

(b) *United States registered aircraft.* * * *

(1) A United States operating civil aircraft may depart from the United States under its own power for any destination except Poland (including Danzig), Rumania, a Subgroup A destination, or Cuba, provided that:

* * * * * *

**§ 371.26 General License GMS; shipments under the Mutual Security Act.**

(a) A general license designated GMS is hereby established authorizing the exportation of commodities sold by the Department of Defense to a foreign government, other than the government of a Subgroup A country, Poland (including Danzig), Rumania, or Cuba, under the provisions of the Mutual Security Act of 1954, Public Law 665, 83rd Congress, approved August 26, 1954 (68 Stat. 832), as amended. In addition to entering the symbol GMS on the Shipper's Export Declaration (see § 371.2(b)), the MSMS (Mutual Security Military Sales) case number assigned by the Department of Defense to the transaction shall be entered on the Declaration.

* * * * * *

**§ 371.51 [Amended]**

Section 371.51 *Supplement 1; Commodities subject to General License GHK or GLSA* is amended by revising the commodity description for the entry "Textile specialty compounds except texzyme tablets", Schedule B No. 82385, to read as follows:

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[1] See General License CREW (paragraph 371.13(c)).

[1] "Port under Far Eastern Communist control" means any port in any of the following destinations: (1) China, including Inner Mongolia, the provinces of Tsinghai and Sikang, Sinkiang, Tibet, and Manchuria (including the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning Province); but excluding Outer Mongolia and Taiwan (Formosa); (2) Communist-controlled area of Viet-Nam; (3) North Korea; (4) Pacific region of the Union of Soviet Socialist Republics which comprises The Maritime Provinces of Primorskiy Kray and Khabarovskiy Kray, as well as Sakhalin Island and the Kurile Islands under USSR administration.

[1] "Point under Far Eastern Communist control" means any point in any of the following destinations: (1) China, including Inner Mongolia, the provinces of Tsinghai and Sikang, Sinkiang, Tibet, and Manchuria (including the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning Province); but excluding Outer Mongolia and Taiwan (Formosa); (2) Communist-controlled area of Viet-Nam; (3) North Korea; (4) Pacific region of the Union of Soviet Socialist Republics which comprises the Maritime Provinces of Primorskiy Kray, Khabarovskiy Kray, Sakhalin Island and the Kurile Islands under USSR administration.

[2] Single shipment of any non-Positive List commodities may be made to Hong Kong or Macao under General License GLV if the quantity classified under a single Schedule B Number is valued at $25 or less (see § 371.10(e)).

[1] Shipments under General License GLSA are not permitted to move in transit via any Subgroup A destination other than those listed in § 371.24.

[2] Also see § 371.15(a), General License GLC.

| Commodity description | Schedule B No. | Symbol |
|---|---|---|
| Textile specialty compounds, except benzyme tablets and textile catalysts | 32365 | H 8 |

## PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

**§ 372.7 License applications for ship stores, plane stores, supplies, and equipment.**

• • • • •

(b) *Preparation of license applications.* • • •

(3) *Operating vessels and aircraft.* • • •

(i) *Country of ultimate destination.* Show country where the vessel or aircraft will take on the commodities or technical data. If it is uncertain at the time of filing the license application as to where the vessel or aircraft will take on the commodities or technical data, but it is known that the commodities or technical data will not be shipped to Hong Kong, Macao, Poland (including Danzig), Rumania, a Subgroup A destination, or Cuba, enter the following statement on the license application:

Uncertain; however, shipment(s) will not be made to Hong Kong, Macao, Poland (including Danzig), Rumania, a Subgroup A destination, or Cuba.

An export license issued under this circumstance will bear the following destination restriction:

Shipment(s) may be made to the named (vessel) (aircraft) at any port in any country except Hong Kong, Macao, Poland (including Danzig), Rumania, a Subgroup A destination, or Cuba.

• • • • •

(c) *Exportations of petroleum and petroleum products, including bunker fuel, for use on vessels and planes departing from the United States*

• • • • •

(4) *Commodity description.* (i) In addition to a description of the commodities to be exported, list for each of the carrier's calls at any point under Far Eastern Communist control[1] within 180 days prior to the date of application (or 30 days in the case of aircraft), the dates of each call and a statement, or a copy of the manifest, showing the cargo loaded or discharged. (If the carrier was in ballast, so state.)

(ii) Also submit the carrier's proposed calls at any point under Far Eastern Communist control for the next 120 days in the case of vessels (30 days in the case of aircraft) from the anticipated date of departure from the last port in the United States.

(iii) If the carrier's itinerary for all of the next 120 days in the case of vessels (or 30 days in the case of aircraft) is not known and cannot be ascertained, the itinerary shall be stated so far as it may be known or ascertainable. In addition, all other available information as to the future destinations and areas of operation shall be submitted.

(iv) If the carrier will call at a point under Far Eastern Communist control within the next 120 days in the case of vessels (30 days in the case of aircraft) from the date of departure, or if the carrier is registered in Poland (including Danzig), Rumania, or a Subgroup A country, or if the carrier is under charter to or control of a national of Poland (including Danzig), Rumania, or a Subgroup A country, state whether any commodities included on the Positive List of Commodities (§ 399.1), the United States Munitions List (§ 370.5(a)), or the United States Atomic Energy List (§ 370.5(d)), are carried on board the vessel or aircraft and destined directly or indirectly to any point under Far Eastern Communist control. If the answer is in the affirmative, indicate where such commodities will be discharged.

• • • • •

**§ 372.9 Documents accompanying license applications.**

• • • • •

(b) *Original must be available.* The Office of Export Control may demand the original of any copy of a document submitted in support of an export license application. Such original[1] shall be kept and made available for inspection in accordance with the provisions of § 381.11. (The Export Regulations contain further record keeping requirements. See § 381.11.)

• • • • •

**§ 372.12 Reexportation.[2]**

(a) *Prohibited exportations and reexportations.* Unless the reexportation of a commodity or technical data exported from the United States under a validated license has been specifically authorized by the Office of Export Control or is otherwise authorized under the provisions of paragraph (d) of this section, no person in the United States or in a foreign country may:

(1) Reexport such commodity or technical data, directly or indirectly, in whole or in part, from the country or countries of ultimate destination shown on the export license or in the destination control statement on the Shipper's Export Declaration, Bill of Lading, or commercial invoice; or

(2) Export such commodity or technical data from the United States with the knowledge that it is to be reexported, directly or indirectly, in whole or in part, from the country or countries of ultimate destination shown on the export license or in the destination control statement appearing on the Shipper's Export Declaration, Bill of Lading, or commercial invoice.

(b) Reexportation request accompanying license application. If it is stated on an export license application that the commodity or technical data to be exported is intended for distribution or resale in a country or countries other than the named country of ultimate destination, the validated license will specifically name the country or countries to which distribution or resale is authorized. (See paragraph (c) (2) of this section for special provisions for specified countries.) The only exception to this rule is the Time Limit (TL) License (see Part 377) where reexport authority may be granted on a document other than the license itself.

(1) *Statement on license.* Authorization will be granted or withheld by an appropriate statement on the face of the validated license, as follows:

(i) "Distribution or resale of the commodities listed above is permitted in the country of ultimate destination only"; or

(ii) "Distribution or resale of the commodities listed above is permitted in (name of country of ultimate destination) and (names of other approved countries)."

(2) *Limitations on reexportation authorization.* As indicated in paragraph (c) (2) of this section, the authorization by the Office of Export Control of a reexportation from Switzerland or Liechtenstein to any country or a reexportation from any country to the specific destinations listed in paragraph (c) (2) (ii) of this section is limited to a specified quantity and to a specified person or firm in the country to which the reexportation will be made. Accordingly, where a validated license authorizes distribution or resale from Switzerland or Liechtenstein or distribution or resale in a country listed in paragraph (c) (2) (ii) of this section, such authorization is limited to the specific reexportation transaction for that country as described on the related application for export license. In addition, any authorization to reexport or redistribute commodities or technical data to a Subgroup A destination, Poland (including Danzig), Rumania, or Cuba, whether authorized on the validated export license or separately pursuant to paragraph (c) of this section, expires on the last day of the sixth month following the month in which the reexportation is authorized unless otherwise specified. The United States exporter shall, in connection with each authorization, furnish written notification to the ultimate consignee of this limitation on the validity period of the reexportation authorization.

Requests for authorization to reexport from Switzerland or Liechtenstein to any country or to reexport from any country to the destinations listed in paragraph (c) (2) (ii) of this section shall be supported by the information and documentation set forth in paragraph (c) (2) of this section.

NOTE: 1 *Destination control statement.* See § 379.10 for requirement for destination control statement on Shipper's Export Declaration, Bill of Lading and commercial invoice covering exports from the United States.

2. Notice to consignee of distribution and resale authority. In those cases where the Office of Export Control has disapproved an authorization request for distribution or resale, in whole or part, it is suggested that the United States exporter may wish to advise his foreign consignee of the Office of Export Control decision in advance of the required notification in the form of the Destination Control Statement on the Bill of Lading and commercial invoice.

(c) *Reexportation request subsequent to submission of license application.*—(1) *General requirements.* Where additional distribution or resale authority is required subsequent to the submission of a license application to the Office of Export Control, such request for authority shall be made as follows:

(i) If the license application is still pending with the Office of Export Control, or if the export license has been issued and the proposed shipment has not been cleared for export by the United States Collector of Customs, Form IT– or FC–763 shall be submitted to the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230, in accordance with the United States Department of Commerce, procedure described in § 380.2(g). On the Form IT– or FC–763, in the space headed "Amend license to read as follows," the applicant should state, "Add permission to reexport to (name of countries)." (See subparagraphs (2) and (3) of this paragraph for special provisions for specified countries.)

(ii) If the shipment has been cleared for export by the United States Collector of Customs, a letter request, in duplicate, shall be submitted to the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230. The letter request shall identify the export license number (if known) and include the commodity description and quantity proposed for distribution or resale in each country of distribution or resale. (See subparagraphs (2) and (3) of this paragraph for special provisions for specified countries.)

(2) *Additional special requirements.* In addition to the provisions of subparagraph (1) of this paragraph, the request for authority to reexport shall include the following:

(i) If the export was made, or will be made, from the United States to Switzerland or Liechtenstein under a validated export license, and the commodity(ies) or technical data covered is to be reexported from Switzerland or Liechtenstein, the request shall include the name and address of each person or firm to whom reexportation will be made, the quantity and value of the commodities to be reexported to each such person or firm, and the number and date of the Swiss Blue Import Certificate(s) which was submitted in support of the application for license to export the commodities from the United States.

(ii) If the reexportation is to be made to any one of the following countries (regardless of the country to which the commodities or technical data were originally shipped from the United States), additional information shall be furnished as set forth in (*a*) and (*b*) of this subdivision.

Burundi, Kingdom of.
Cambodia.
Congo, Republic of the (Leopoldville)[1] (formerly known as the Belgian Congo).
Hong Kong.
Indonesia.
Laos.
Lebanon.
Liechtenstein.
Macao.
Malaya, Federation of.
Poland (including Danzig).
Rumania.
Rwanda, Republic of.
Singapore, State of.
Subgroup A countries.
Switzerland.
Thailand.
Viet-Nam, Republic of.
Yugoslavia.

(*a*) The name and address of each person or firm to whom reexportation will be made, and the commodity description, quantity, and value of the commodities which will be reexported to each such person or firm, and

(*b*) Consignee/purchaser statement or other documentation from the new ultimate consignee which would be required by Part 373 if the reexportation were a direct export from the United States to the new country. Where this document is a Yugoslav End Use Certificate or a Swiss Blue Import Certificate, and the same document must be furnished to the export control authorities of the country from which reexportation will be made, the Office of Export Control will accept a reproduced copy of the document being furnished to the country of reexportation.

(3) *Notice to consignee.* Where the Office of Export Control has authorized a type of reexportation described in subparagraph (2) (i) or (ii) of this paragraph, the United States exporter shall advise his foreign consignee of the amount of reexportation and name of person or firm to whom the reexportation has been approved.

(i) Any authorization to reexport or redistribute commodities or technical data to a Subgroup A destination, Poland (including Danzig), Rumania, or Cuba, whether authorized on the validated export license or separately pursuant to this paragraph (c), expires on the last day of the sixth month following the month in which the reexportation is authorized unless otherwise specified. The United States exporter shall, in connection with each such authorization, furnish written notification to the ultimate consignee of this limitation on the validity period of the reexportaton authorization.

(ii) A request for an extension of the validity period of a reexportation or redistribution authorization shall be submitted in the same manner as a request for the reexportation authorization (see subparagraphs (1) and (2) of this paragraph), except that the documentation required by subparagraph (2) (ii) (*b*) of this paragraph need not be resubmitted if the original documents remain valid. The request for extension shall, in addition to the other information required, include information identifying the original authorization, the date of the authorization, the names of the countries covered, the commodities and quantities originally authorized for reexportation, and the commodities and quantities remaining to be reexported.

(iii) The document authorizing reexportation shall be kept and made available for inspection in accordance with the provisions of § 381.11. (The Export Regulations contain further record-keeping requirements. See § 381.11.)

• • • • •

## PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

**§ 373.3 Statement by foreign importer of aircraft or vessel repair parts.**

(a) *Definitions.* (1) Foreign importer of aircraft or vessel repair parts. As used in this § 373.3, the term "Foreign Importer of Aircraft or Vessel Repair Parts" means a person or firm which is located in any foreign country except a Subgroup A country, Poland (including Danzig), Rumania, or Cuba, and which is either:

(i) Engaged in the repair, maintenance or servicing of aircraft or vessels, either exclusively or as part of a related business; or

(ii) Engaged in supplying United States origin parts, accessories, equipment, or components directly to aircraft or vessels for use on such aircraft or vessels, either exclusively or as part of a related business. Such foreign person or firm need not maintain an aircraft repair hangar or ship repair yard provided that he is engaged in one of the activities set forth in this procedure.

• • • • •

(f) *Records and reports.* • • •

(2) As a minimum, the records or reports shall include the following with respect to each vessel or aircraft on which United States origin parts, accessories, equipment, or components are supplied:

(i) Name, business address and nationality of the owner;

(ii) Country of registry;

(iii) Type of aircraft and model number;

(iv) If a vessel, the name of the vessel or other identification, and type of vessel;

(v) Date the commodities are supplied to the vessel or aircraft; and

(vi) The commodity description and units of quantity or value of the commodities supplied to the vessel or aircraft.

(The Export Regulations contain further record keeping requirements. See § 381.11.)

[1] "Point under Far Eastern Communist control" means any point in any of the following destinations: (1) China, including Inner Mongolia, the provinces of Tsinghai and Sikang, Sinkiang, Tibet, and Manchuria (including the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning Province); but excluding Outer Mongolia and Taiwan (Formosa); (2) Communist-controlled area of Viet-Nam; (3) North Korea; (4) Pacific region of the Union of Soviet Socialist Republics which comprises the Maritime Provinces of Primorskiy Kray, Khabarovskiy Kray, Sakhalin Island and the Kurile Islands under USSR administration.

[1] After the expiration of twelve months from the beginning of the prescribed retention period, a reproduction of the original document may be substituted. (See paragraph 381.11(d).)

[2] See § 371.4 for additional reexportation provisions.

[1] This destination does not include the Republic of Congo (Brazzaville) which was formerly known as the French Congo.

(g) *Extension of validity period of Form FC–43.* (1) If there are no changes with respect to the facts and commitments set forth in the Form FC–43 previously approved by the Office of Export Control, a foreign importer may request the extension of an expiring Form FC–43 by submitting a letter to the Office of Export Control, in an original and four copies, which includes the certification set forth below. However, if there will be a change, to take effect upon validation of the extension, with respect to the facts previously certified on the previously approved Form FC–43, a new Form FC–43 must be submitted to the Office of Export Control.

I (We) certify that:

(i) I (We) have reread the Form FC–43 which was executed on ----------, and which expires on ----------.

(ii) The facts contained in that Form have not changed to date and accurately and completely reflect the intended use and disposition of the commodities to be imported under Station No. ------ for the period ending (insert June 30 next year or an earlier termination date if desired).

(iii) The commodities imported will not be used in the maintenance, repair, or servicing of vessels or aircraft under the registry, ownership, operation, charter, lease or control of any country in the Soviet Bloc, Communist China, North Korea, the Communist-controlled area of Viet-Nam, Poland (including Danzig), Rumania, or Cuba, or a national of any of these countries, unless prior approval is received from the Office of Export Control.

(iv) I (We) will maintain records, in the detail set forth in the United States Export Regulations, of commodities imported from the United States and supplied to vessels or aircraft, for a period of three years from the date the commodities are supplied to such vessel or aircraft. These records will be available for inspection, upon demand, by the Office of Export Control or by a United States Foreign Service post.

(v) I (We) shall obtain the approval of the Office of Export Control with respect to any change in the facts or intentions which may occur after the signing of this certification.

---------- (Name of foreign firm)

---------- (Signature of official of foreign firm)

---------- (Date of signing)

---------- (Typed or printed signature)

(2) If the request for extension is approved, one copy of the foreign importer's letter will be returned to him imprinted with the seal of the U.S. Department of Commerce. Where the request for extension is not approved, the foreign importer will be advised by letter.

**§ 373.4 Distribution of United States commodities by foreign-based subsidiary, affiliate, or branch.**

(a) *Definitions.* • • •

(3) *Distributor.* • • •

(iv) The subsidiary, affiliate, or branch is located in a country other than a Subgroup A country, Poland (including Danzig), Rumania, or Cuba.

(4) *Customer.* The term "customer," as used in this regulation, means a person or firm in a country other than a Subgroup A country, Poland (including Danzig), Rumania, or Cuba, who is supplied United States-origin commodities through a distributor as defined in subparagraph (3) of this paragraph.

• • • • •

(c) *Exportations, reexportations, and distributions under the Form FC–243 procedure.* • • •

(4) Where a commodity, customer, distributor, or destination is not approved under the Form FC–243 procedure, the exporter is not precluded from using any other applicable export procedure, authorization, or provision. Persons or firms located in Poland (including Danzig), Rumania, Cuba, or in a Subgroup A country will not be approved as distributors under the Form FC–243 procedure. Customers in Poland (including Danzig), Rumania, Cuba, or in a Subgroup A destination may be approved only on an individual transaction basis with the prior written approval of the Office of Export Control for each shipment from the foreign-based stock.

• • • • •

(f) *Application for export license.* • • •

(2) *General provisions.* An application for export license described in paragraph (f)(1) above shall be completed in accordance with the provisions of § 372.5 except as modified by this subparagraph (2) or by subparagraph (3), (4), or (5) of this paragraph. All commodities having the same processing code may be included on one application, regardless of the related commodity group number of the commodities.[1] Positive List descriptions and Schedule B numbers, however, must be shown for each commodity in accordance with the provisions of § 372.5. In submitting an application, the applicant is not required to provide the Office of Export Control with an Import Certificate, Statement by Consignee and Purchaser or any other supporting document other than Form FC–143 or Form FC–243.

• • • • •

(5) *Shipments of parts and components direct to distributor's customer.* • • •

(ii) The commodities described on the license application represent parts and components which will be used by the distributor's customer in repairing equipment originally manufactured by the United States exporter or which will be supplied by the distributor's customer to another party exclusively for this purpose. If the parts and components are reexported for this purpose, the reexportation will be made only to the countries specified on the customer's validated Form FC–243. In addition, the parts and components will not be used in repairing equipment owned or controlled by, or leased or chartered to a Subgroup A country, Poland (including Danzig), Rumania, or Cuba, or a national of any of these countries.

• • • • •

(i) *Extension of validity period—(1) Form FC–143.* (i) In lieu of a new Form FC–143, a request for extension of the validity period of a previously approved Form FC–143 will be considered for approval by the Office of Export Control if there are no changes in the facts, intentions, or responsibilities set forth in the form previously approved. The request for extension shall be submitted by the United States exporter by means of a letter, in six copies, which shall include the certification shown below. If the request for extension is approved, two copies of the exporter's letter will be returned to him imprinted with the seal of the U.S. Department of Commerce. If the request for extension is not approved, the exporter will be advised by letter.

(ii) The following certification shall be signed by the exporter:

I (We) certify that I (we) have reread the Form FC–143 which was executed on ---------- and which expires on ----------, and I (we) hereby specifically reaffirm all of the facts, intentions, and responsibilities set forth thereon for the period ending (insert June 30 next year or an earlier termination date if desired). The commodities covered will be distributed exclusively to customers approved by the Office of Export Control and under no circumstances will they be distributed, directly or indirectly, to Poland (including Danzig), Rumania, Cuba, or a Subgroup A country, without prior approval from the Office of Export Control or to any person in any country if there is reason to believe that the commodities will be reexported to an unauthorized destination.

The Form FC–143 originally approved and the validated copies of this extension, if approved, shall be retained for a period of three years from the date of the validation of this extension, and all records relating to any distribution, sale, or reexportation under the Form FC–243 procedure shall be retained in accordance with the Export Regulations.

A supplementary statement will be submitted for the approval of the Office of Export Control disclosing any change of facts or intentions which may occur after the submission of this extension request.

---------- (Name of firm)

---------- (Signature of official of firm)

---------- (Date of signature)

---------- (Typed or printed signature)

• • • • •

**§ 373.6 Commodities exported for exhibition, demonstration or testing purposes.**

• • • • •

(c) *Return of commodities to the United States.* Where commodities are returned to the United States after display at a trade fair, exhibition, demonstration, or test in a Subgroup A country, Poland (including Danzig), or Rumania, the applicant shall notify the Office of Export Control in writing of the case number shown on the related United States validated export license, the customs import entry number (if any) of the returned shipment, the date of return, and the port of entry at which all or any part of the commodities were returned to the United States. If only a part of the commodities are covered by the notification, a full explanation shall be included, and an additional written notification shall be sent for each partial return until the entire shipment described on the related United States validated export license is returned.

• • • • •

Section 373.18 *Sugar, beet and cane* is amended by adding a new paragraph (d) to read as follows:

**§ 373.18 Sugar, beet and cane.**

• • • • •

(d) *Establishment of export licensing quota.* An export licensing quota of 1250 metric tons is established for sugar, beet and cane, Schedule B No. 16190, for the third quarter of 1964.

• • • • •

**§ 373.49 Machinery and parts.[1]**

• • • • •

(d) An application for a license to export ball or roller bearings, or balls for bearings (Schedule B Nos. 76910, 76920, and 76933) to a Subgroup A destination, Poland (including Danzig), or Rumania shall include the following information in addition to the other information required by the provisions of this § 373.49:

• • • • •

**§ 373.51 Aircraft and equipment, parts, accessories, and components therefor.**

(a) *Spare parts accompanying aircraft.* Notwithstanding the provisions of paragraphs 372.5 (a), (d) and (e), where the applicant intends to export aircraft and accompanying spare parts for such aircraft to any destination except a Subgroup A destination, Poland (including Danzig), Rumania, or Cuba, the applicant may (1) include both the aircraft and the accompanying spare parts on a single application even though these commodities may not have the same processing code or the same related commodity group numbers; and (2) show on the application the total value of all the accompanying spare parts without the necessity for indicating the value of each Schedule B entry shown on the application, if at the time of submitting the application the applicant is unable to determine the value of the parts for each Schedule B number.

The provisions of this § 373.51 do not relieve the applicant from classifying the commodities shown on the application in accordance with Schedule B or from describing the commodities in accordance with Positive List or Schedule B commodity description terminology.

NOTE: Questions and answers regarding export licensing of civil aircraft and related commodities.

• • • • •

19. Q. Where one export order covers a number of different commodities, all of which are licensed by the Department of Commerce, may all commodities be included in one license application, using a general description and one total price?

A. A single license application may include only those commodities shown on the Positive List as having the same processing code and the same commodity group number. Where such commodities are covered in separate Positive List entries, they must be listed separately on the license application, with a separate price shown for each listing (see paragraphs 372.5 (d) and (e)).





One exception to this rule is permitted. Where the applicant intends to export aircraft and accompanying spare parts for such aircraft to any destination except Poland (including Danzig), Rumania, a Subgroup A destination, or Cuba, the applicant may (1) include both the aircraft and the accompanying spare parts on a single application even though these commodities may not have the same processing code or the same related commodity group number; (2) show on the application the total value of all the accompanying spare parts without the necessity for indicating the value of each Schedule B entry shown on the application, if at the time of submitting the application the applicant is unable to determine the value of the parts for each Schedule B number. This exception does not relieve the applicant from classifying the commodities shown on the application in accordance with Schedule B or from describing the commodities in accordance with Positive List or Schedule B commodity description terminology. Exporters are reminded that the value must be shown on the Shipper's Export Declaration in accordance with the regulations of the Bureau of Census, even though the value may not appear on the export license. • • •

26. Q. Does the U.S. Department of Commerce require a validated license for a shipment transiting the United States?

A. No. An in-transit shipment of foreign-origin commodities under the licensing authority of the U.S. Department of Commerce is permitted to enter the United States without a license and may leave the United States under General License GIT. This general license does not apply to any shipment to Hong Kong, Macao, Poland (including Danzig), Rumania, or a Subgroup A destination, however, unless such shipment could be made direct from the United States to that destination under some other general license. (Also see Question No. 27.) • • •

28. Q. If a new engine is installed in an aircraft while it is in the United States, is a validated license required to cover exportation of the new engine?

A. Exportation of the engine is covered by General License PLANE STORES except if the engine is installed on an aircraft registered in a Subgroup A country, Poland (including Danzig), or Rumania, or an aircraft controlled by or under charter to a Subgroup A country, Poland (including Danzig), or Rumania, or a national of a Subgroup A country, Poland (including Danzig), or Rumania. Where General License PLANE STORES does not apply, a validated license is required. (Also see Questions Nos. 29 and 30.)

29. Q. Where an aircraft is brought to the United States for repair or overhaul, must a validated license be obtained to return the aircraft to the country from which it came to the United States?

A. The aircraft usually may be returned under General License GLR. This general license does not apply, however, to aircraft being exported to Hong Kong, Macao, Poland (including Danzig), Rumania, a Subgroup A country, or Cuba, or to aircraft disposed of by a United States government agency under the Foreign Excess Property Disposal Program (see § 371.13).

30. Q. If an aircraft is brought to the United States to be converted from piston to turbo-prop, is a validated license required to return the converted plane?

A. The aircraft may be returned under General License GLR to any destination except Hong Kong, Macao, Poland (including Danzig), Rumania, a Subgroup A country, or Cuba. A validated license is required for the return of the aircraft to Hong Kong, Macao, Poland (including Danzig), Rumania, a Subgroup A country, or Cuba.

31. Q. May an aircraft be exported under General License GLR for purposes of repair and return to the United States?

A. Yes. General License GLR may be used to export the complete aircraft, or any equipment, parts, accessories, or components therefor, to the foreign country in which it was manufactured or from which it was imported into the United States, except to Hong Kong, Macao, Poland (including Danzig), Rumania, a Subgroup A destination, or Cuba, for purposes of repair and return to the United States.

• • • • •

(b) *Exchange of aircraft equipment, parts, accessories, and components by airlines.* (1) Any airline[1] operating abroad which has received commodities from the United States for use in the maintenance, repair, or operation of its aircraft may, for the purpose of maintaining in operation aircraft of another airline, lend or sell such commodities to that airline, without written authorization from the Office of Export Control, provided that:

(i) The transaction is subject to an agreement or arrangement that the lender will not receive any monetary profit from the transaction and either that the same or like commodities will be returned to the lender or that payment for the commodities will be limited to no more than the original purchase price to the lender plus any expenses incurred in handling the commodities, e.g., transportation costs, warehousing costs, etc.;

(ii) The commodities will not be supplied for use on any aircraft registered in, or owned or controlled by, or chartered or leased to a Subgroup A country, Poland (including Danzig), Rumania, or to Cuba, or a national of one of these countries; and

(iii) The commodities will not be supplied for use on any aircraft located in a Subgroup A country, Poland (including Danzig), Rumania, or Cuba.

• • • • •

## PART 376—PERIODIC REQUIREMENTS (PRL) LICENSE

**§ 376.1 Periodic Requirements (PRL) License.**

This part establishes a procedure for obtaining a Periodic Requirements (PRL) License which authorizes the exportation of the licensed commodity or commodities to one or more ultimate consignees in a single country of destination for a period of one year from issuance of the license. The PRL licensing procedure is applicable to all destinations except Hong Kong, Macao, Poland (including Danzig), Rumania, or any Subgroup A destination. An application may cover as much as six-months estimated requirements of the named consignee for the commodities included in the application.

**§ 376.7 Amendment of license.**

If the amount licensed under a PRL License proves insufficient to meet an exporter's requirements for any country, he may request an increase in the quantity or value authorized for export under the license at any time during the first

[1] See paragraph 370.1(p) for definition of airline.

six months of the validity period of the license. Requests for amendments shall be submitted on Form IT- or FC-763, Request for and Notice of Amendment Action, in accordance with the provisions of § 380.2. Amendments of a PRL License involving extension of the validity period will not be granted, however, and a new license application shall be filed for such purpose. A new license application shall also be filed to ship additional quantities over those shown on the license during the last six months of the validity period.

## PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

**§ 379.10 Destination control.**

• • • • • •

(c) *Statement regarding ultimate destination on declaration, bill of lading, and commercial invoice.*

• • • • •

(2) *Destination control statements.* An appropriate destination control statement[1] shall be entered on all copies of the Declaration presented for authentication to the Collector of Customs, in accordance with the provisions set forth below, for all shipments subject to the provisions of this paragraph (c).

(i) The following statement shall be entered on the Declaration covering an exportation under either a validated or general license, other than General Licenses BAGGAGE TOOLS OF TRADE, GIT, G-PUB, GTDP, or GTDS, with the blank space filled in with the name of the country of ultimate destination set forth in the Declaration;[1] unless, instead of this statement, an appropriate statement as provided in subdivision (ii) or (iii) of this subparagraph has been entered:

These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to United States law prohibited.

NOTE: *Notification of permissive reexportations.* In some instances the destination control statement used by an exporter or his agent for a specific shipment may indicate that the shipment cannot be reexported to a destination to which the ultimate consignee or purchaser wishes to sell or distribute the commodities. The reexportation provisions of the Export Regulations (§§ 371.4 and 372.12) may nevertheless permit the reexportation.

In this situation, the exporter, without obtaining written approval of the Office of Export Control, may inform the foreign importer or other party in possession of the commodities, that distribution or resale may be made in accordance with the reexportation provisions where applicable. In all other instances, written approval shall be obtained from the Office of Export Control.

(ii) Instead of the statement set forth in subdivision (i) of this subparagraph, the following statement may be substituted with the blank spaces filled in as instructed below, except where the shipment is made under General License GMS:

These commodities licensed by the United States for ultimate destination (name of country) and for distribution or resale in (name of country or countries). Diversion contrary to United States law prohibited.

(*a*) If the exportation is made under a general license, other than General Licenses BAGGAGE, TOOLS OF TRADE, GIT, GMS, G-PUB, GTDP, or GTDS, insert the name of the country to which the shipment is being made in the first blank space and the following words in the last blank space, "any destination except Soviet Bloc,[2] Communist China, North Korea, Macao, Hong Kong, Communist controlled areas of Viet-Nam, or Cuba unless otherwise authorized by the United States".

(*b*) Where this destination control statement is entered on a Declaration covering the exportation to any destination of a non-Positive List commodity excepted from the provisions of General License GRO for a specified destination or destinations (see § 371.8(a)(1) for list of commodities excepted from the provisions of General License GRO for a specified destination or destinations), the destination or destinations excepted from the provisions of General License GRO must be included in the list of prohibited destinations set forth on the statement, unless exportation to the excepted destination is authorized, and is being made, under the general license used. For example, where commodities listed in Supplement No. 2 to Part 371 are exported to any destination other than Poland (including Danzig) or Rumania under any general license, the list of prohibited countries set forth on the destination control statement must also include Poland (including Danzig) or Rumania.

(2) Where a shipment is made under the provisions of General License GLSA, the phrase "Soviet Bloc" may be deleted from the insertion in the last blank space of the above statement. Similarly, if a shipment is made under the provisions of General License GHK, the destination "Hong Kong" or "Macao" may be deleted from the insertion in the last blank space of the above statement. In addition, where a shipment is made under any general license, an excepted destination included in the insertion in the last blank space of the above statement may be deleted: *Provided*, That § 371.4(b) permits such reexportation. For example, if a shipment is made from the United States to France under General License GRO, and the commodity being shipped is subject to the provisions of General License GLSA, the phrase "Soviet Bloc" may be deleted from the insertion in the last blank space of the above statement.

(*b*) If the exportation is made under a validated license, insert in the first blank space the name of the country shown on the license as country of ultimate destination. In the last blank space, insert the names of the countries shown on the license as approved destinations for distribution or resale. If no country is shown on the license as approved for distribution or resale, insert the word "none" in the last blank space.

NOTE: The Notes following the destination control statement set forth in paragraph (c)(2)(i) of this section are also applicable to requests for permission to distribute or resell where the statement set forth in paragraph (c)(2)(ii) of this section is used.

(iii) Where a shipment is made under a general license, other than General Licenses BAGGAGE, TOOLS OF TRADE, GIT, GMS, G-PUB, GTDP, or GTDS, the following statement[1] may be entered on the Declaration instead of the statements set forth in subdivisions (i) and (ii) of this subparagraph:

United States law prohibits disposition of these commodities to the Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, Communist controlled areas of Viet Nam, or Cuba, unless otherwise authorized by the United States.

(*a*) Where this destination control statement is entered on a Declaration covering the exportation to any destination of a non-Positive List commodity excepted from the provisions of General License GRO for a specified destination or destinations (see § 371.8(a)(1) for list of commodities excepted from the provisions of General License GRO for a specified destination or destinations), the destination or destinations excepted from the provisions of General License GRO must be included in the list of prohibited destinations set forth on the statement, unless exportation to the excepted destination is authorized, and is being made, under the general license used. For example, where commodities listed in Supplement No. 2 to Part 371 are exported to any destination other than Poland (including Danzig) or Rumania under any general license, the list of prohibited countries set forth on the destination control statement must also include Poland (including Danzig) and Rumania.

(*b*) If a shipment is made under the provisions of General License GLSA, the phrase "Soviet Bloc" may be deleted from the above statement. Similarly, if a shipment is made under the provisions of General License GHK, the destination "Hong Kong" or "Macao" may be deleted from the above statement. In addition, where a shipment is made under any general license, a prohibited destination included in the destination control statement set forth in subdivision (iii) of this subparagraph, may be deleted provided that paragraph 371.4(b) permits reexportation to the deleted destination. For example, if a shipment is made from the United States to France under General License GRO, and the commodity being shipped is subject to the provisions of General License GLSA, the phrase "Soviet Bloc" may be deleted from the above statement.

NOTE: The note following the destination control statement set forth in paragraph (c)(2)(i) of this section is also applicable to requests for permission to distribute or resell where the statement set forth in paragraph (c)(2)(iii) of this section is used.

• • • • •

## PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

**§ 380.4 Extension of licenses.**

(a) *Time for submission of requests.* A licensee may submit a request for extension of the validity period of a license which will expire before shipment can be made, except that a request to extend the validity of a license issued under the emergency clearance procedure set forth in § 372.5(i) will not be granted. It is essential that the request for extension be submitted sufficiently in advance of the expiration date to allow the Office of Export Control to send an advice of amendment by regular mail to the licensee and the Collector of Customs holding the license before the license expires. However, except for licenses covering exportations to Subgroup A destinations, Poland (including Danzig), Rumania, Yugoslavia, or Cuba, where unusual circumstances have made it impossible for the licensee to submit his request for extension before the expiration date, a request for extension will be considered if received within one month after the expiration date shown on the license. The Office of Export Control will not consider for approval any request for extension of the validity period of a license for an exportation to a Subgroup A destination, Poland (including Danzig), Rumania, Yugoslavia, or Cuba, unless it is submitted prior to the expiration of the license. If a license does not qualify for extension under the terms set forth above, a new application for export license shall be submitted in accordance with the procedure described in paragraph (d) of this section.

• • • • •

## PART 381—ENFORCEMENT PROVISIONS

**§ 381.11 Record keeping.**

(a) *Transactions subject to this regulation.* This § 381.11 applies to transactions involving exportations of commodities or technical data from the United States and any known reexportations, transshipments, or diversions of commodities or technical data originally exported from the United States, regardless of whether the exportation or reexportation is made, or proposed to be made, by any person with or without authorization by a validated license, a general license, or any other export authorization. It includes all negotiations connected with such transactions, except that a mere preliminary inquiry or offer to do business and negative response thereto shall not constitute negotiations, unless the inquiry or offer to do business proposes a transaction which a reasonably prudent exporter would believe likely to lead to a violation of Export Orders or Regulations. It includes as well any exportations to Canada, if, at any stage in the transaction, it appears that a person in a country other than the United States or Canada has an interest therein or that the commodity or technical data involved is to be reexported, transshipped, or diverted from Canada to another foreign country.

(b) *Persons subject to this regulation.* Any person in the United States who, as principal or agent (including a forwarding agent), participates in any transaction described in paragraph (a) of this section, and any person in the United States or abroad who is required to make and keep records pursuant to any provisions of the Export Regulations, shall keep all the records described in paragraph (c) of this section which are made or obtained by such person, and shall produce them in the manner provided in paragraph (f) of this section.

(c) *Records to be kept.* The records to be kept pursuant to this § 381.11 shall include memoranda, notes, correspondence, books, export control documents, and other written matter pertaining to the transactions described in paragraph (a), of this section, which may be made or obtained by a person described in paragraph (b) of this section. In addition to the records required to be kept by this § 381.11, the provisions of §§ 368.1, 371.8, 372.4; 372.9, 373.3, 373.4, 373.51, 376.3, 377.3, 379.10, and 380.1 of the Export Regulations require certain records to be made and kept by persons in the United States or abroad in connection with export transactions. The revocation or revision of any such provision of the Export Regulations which requires the making and keeping of records shall not be retroactive in effect unless specifically provided and shall not affect the original requirement to keep such records for the prescribed period.

(d) *Reproduction of records—(1) Definition.* "Reproduction" for the purpose of this paragraph 381.11(d) is defined to include any photographic, photostatic, microfilm, miniature photographic or other process which accurately and durably reproduces the original record.

(2) *Use of reproductions.* Reproductions may be substituted for original documents with respect to all categories of records required to be retained under any provision of the Export Regulations or of any Order, provided that all of the following conditions are met;

(i) Reproductions may not be substituted for any category of records until twelve months after the beginning of the retention period set forth in paragraph (e) of this section;

(ii) All significant information, marks, and/or other characteristics on the original document must be clearly visible and legibly reproduced; and

(iii) Appropriate facilities must be provided and maintained for the preservation of the reproduced records during the retention period and for the ready location and inspection of the records, including a projector for viewing films if needed.

(e) *Period of retention.* Records required to be kept under this § 381.11 shall be kept for a period of three years from, whichever is later, the time of:

(1) The exportation from the United States; or

(2) Any known reexportation, transshipment, or diversion; or

(3) Any other termination of the transaction, whether formally in writing or by any other means.

(f) *Production and inspection of records.* Every person, whether in the United States or abroad, required to keep records by any provision of the Export Regulations or of any Order shall produce all records or reproductions of records (see § 381.11(d)) required to be kept, and make them available for inspection and copying upon request by any authorized agent, official, or employee of the Bureau of International Commerce, the Bureau of Customs, or a United States Foreign Service post, or by any other accredited representative of the United States Government, without any charge or expense to such agent, official or employee.

## PART 384—GENERAL ORDERS

**§ 384.4 Disclosure of license issuance and other information.**

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(b) *Unshipped balance information.* Effective on June 1, 1962, the Office of Export Control will make available daily, certain information with regard to unshipped balances remaining on expired, revoked, or cancelled licenses issued for Subgroup A destinations, Poland (including Danzig), Rumania, Yugoslavia, or Cuba. This information will include a general description of the commodity, the value of the unshipped balance of the licensed commodity and the country of destination specified on the license.

• • • • • •

**§ 384.5 Revocation of authorization to reexport or redistribute commodities and technical data to Subgroup A destinations, Poland (including Danzig), Rumania, or Cuba.**

Any authorization to reexport or redistribute commodities or technical data to a Subgroup A destination, Poland (including Danzig), Rumania, or Cuba which was specifically granted prior to March 1, 1962, by the Office of Export Control or any predecessor agency, and which is not generally permitted by the provisions of § 371.4, is revoked, effective August 31, 1962. Any United States exporter who was granted specific authorization to reexport or redistribute commodities to these destinations shall immediately notify the ultimate consignee named therein of the expiration date of the outstanding authorization.

NOTE: A request for extension of the validity period of a specific authorization to reexport or redistribute commodities to the destinations listed above after August 31, 1962, may be made under the provisions of § 372.12(c)(3).

[1] Where the country of ultimate destination is Viet-Nam, the destination control statement shall be filled in as required by § 378.68, regardless of the country designation shown on the Shipper's Export Declaration, and regardless of whether the shipment is made under a validated or a general license.

[2] As used in the destination control statement, the term "Soviet Bloc" means all destinations listed in the Subgroup A country designation (see paragraph 371.3(a)(2) for destinations covered by Subgroup A). It will be noted that Poland (including Danzig), Rumania, and Yugoslavia are not included in Subgroup A.

The words "and Laos" may be inserted at the exporter's discretion in the destination control statement after the entry of "Viet-Nam."

[1] As used in the destination control statement, the term "Soviet Bloc" means all destinations listed in the Subgroup A country designation (see paragraph 371.3(a)(2) for destinations covered by Subgroup A). It will be noted that Poland (including Danzig), Rumania, and Yugoslavia are not included in Subgroup A.

## PART 385—EXPORTATION OF TECHNICAL DATA

**§ 385.2 General licenses.**

* * * * *

***(c) General License GTDU; unpublished technical data.***

(1) *Applicability.* A general license designated GTDU is hereby established authorizing the exportation of unclassified technical data, which are either unpublished or not generally available in published form (that is, technical data not exportable under the provisions of General License GTDP), subject to the other provisions and limitations set forth in this paragraph (c).

(2) *Destination restrictions.* This general license shall not be applicable to any exportation of technical data directly or indirectly to any Subgroup A destination, Poland (including Danzig), Rumania, or Cuba; except that technical data such as manuals, instruction sheets, or blueprints may be exported to any destination other than Communist China, North Korea, or the Communist-controlled area of Viet-Nam, provided that the technical data are:

(i) Sent as part of the transaction involving, and directly related to, a commodity licensed for export from the United States to the same consignee and destination to which the commodity was or will be exported;

(ii) Sent no later than one year following the shipment of the commodity to which the technical data are related;

(iii) Of a type normally delivered with the commodity;

(iv) Necessary to the assembly, installation, maintenance, repair, or operation of the commodity; and

(v) Not related to the production, manufacture, or construction of the commodity.

(3) *Restriction relating to types of technical data.* This general license shall not be applicable to technical data relating to the commodities described below in this paragraph (3). The limitations set forth in this subparagraph (3) do not apply to the exportation of operating and maintenance instructional material or to technical data included in an application for the foreign filing of a patent, provided such foreign filing of a patent application is in accordance with the regulations of the United States Patent Office.

(i) Civil aircraft, civil aircraft equipment, parts, accessories, or components listed on the Positive List of Commodities (§ 399.1);

(ii) The following electronic commodities listed on the Positive List of Commodities (§ 399.1):

(a) Electrical and electronic instruments. Schedule B Nos. 70372 and 70379, specially designed for testing or calibrating the airborne direction finding, navigational and radar equipment described in Schedule B Nos. 70797 and 70867;

(b) Airborne transmitters, receivers, and transceivers, Schedule B No. 70779;

(c) Airborne direction finding equipment, Schedule B No. 70797; or

(d) Airborne electronic navigation apparatus and airborne radar equipment, Schedule B No. 70867.

(iii) Neutron generators, employing the electrostatic acceleration of ions and designed for operation without an external vacuum system, and specially fabricated parts and accessories for such neutron generators, Schedule B No. 70999.

(4) *Requirement of written assurance for certain data, services, and materials.* No exportation of technical data of the kind described in subdivisions (i), (ii), and (iii) of this subparagraph may be made under the provisions of this General License GTDU until the exporter has received written assurance from the importer that neither the technical data nor the direct product[1] thereof is intended to be shipped, either directly or indirectly, to a Subgroup A country, Poland (including Danzig), Rumania, or Cuba, except as provided in subdivision (iv) of this subparagraph. The required assurance may be in the form of a letter or other written communication from the importer evidencing such intention, or a licensing agreement which restricts disclosure of the technical data to use only in a country other than Subgroup A, Poland (including Danzig), Rumania, or Cuba, and prohibits shipment of the direct product[1] thereof by the licensee to a Subgroup A country, Poland (including Danzig), Rumania, or Cuba. An assurance included in a licensing agreement will be acceptable for all exportations made during the life of the agreement. If such assurance is not received, this general license is not applicable and a validated export license is required. An application for such validated license shall include an explanatory statement setting forth the reasons why such assurance cannot be obtained. In addition, this general license is not applicable to any exportation of technical data of the kind described in subdivisions (i), (ii), and (iii) of this subparagraph, if, at the time of exportation of the technical data from the United States, the exporter knows or has reason to believe that the direct product to be manufactured abroad by use of the technical data is intended to be exported or reexported directly or indirectly to a Subgroup A destination, Poland (including Danzig), Rumania, or Cuba.

[1] The term "direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data, except that petroleum or chemical products other than molecular sieves or catalysts are not included in this definition. The coverage of the term does not extend to the results of the use of such "direct product." An example of the direct product of technical data is reforming process equipment designed and constructed by use of the technical data exported, but the aromatics produced by the reforming process equipment are not immediate or direct products of these technical data. However, if the technical data are a formula for producing aromatics, the aromatics, although they are immediate products of the data, are not included in this definition of direct product, since they are petroleum products. Conversely, if the technical data are a formula for producing either molecular sieves or catalysts, the foreign-produced molecular sieves and catalysts are included in the definition of direct product.

(i) Technical data and services listed in (*a*) of this subdivision for the plants, processes, and equipment listed in (*b*) of this subdivision:

(*a*) Types of technical data and services:

(*1*) Proprietary research and the results therefrom;

(*2*) Processes developed pursuant to research (including technology with regard to component equipment items);

(*3*) Catalyst production, activation, utilization, reactivation and recovery;

(*4*) Plant and equipment design and layout to implement the processes; and

(*5*) Construction and operation of plant and equipment.

(*b*) Types of plants and processes:

The following plants or processes usable in the treatment of petroleum or natural gas fractions or of products derived directly or indirectly therefrom:[2]

| | |
|---|---|
| alkylation | oxidation |
| aromatization | oxo process |
| cracking | ozonolysis |
| dehydrogenation | polymerization |
| desulfurization | reduction |
| halogenation | reforming |
| hydrogenation | selective absorption |
| isomerization | selective adsorption |
| nitration | |

(ii) Technical data relating to the following commodities usable in processes listed in subdivision (i) (*b*) of this subparagraph.

| Dept. of Commerce Schedule B No. | Commodity description |
|---|---|
| 77046 | Stationary positive displacement air and gas compressors, reciprocating, capable of receiving a power input of 500 horsepower or greater and specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions. |
| 77046 | Stationary positive displacement air and gas compressors, reciprocating, over 125 horsepower, having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1. |
| 77063 | Parts and accessories, n.e.c., specially fabricated for compressors included above under Schedule B No. 77046. |
| 77073 | Centrifugal air and gas compressors capable of receiving a power input of 500 horsepower or greater and specifically designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions. |
| 77073 | Centrifugal air and gas compressors having all flow-contact surfaces made of or lined with any of the material specified in footnote 1. |
| 77076 | Axial flow and mixed flow air and gas compressors capable of receiving a power input of 500 horsepower or greater and specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions. |
| 77076 | Axial flow and mixed flow air and gas compressors having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1. |
| 77078 | Parts and accessories, n.e.c., specially fabricated for compressors included above under Schedule B Nos. 77073 and 77076. |
| 77101 | Centrifugal pumps specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions. |

[1] See footnote at end of table.

[2] This includes plants, or processes for the production, extraction, and purification of petroleum products, petrochemical products, and products derived therefrom. Examples of petrochemical products include methane, ethane, propane, butane, and other aliphatics, as well as olefins, aromatics, naphthenes, and elements and other compounds.



| Dept. of Commerce Schedule B No. | Commodity description |
|---|---|
| 77101 | Centrifugal pumps having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1. |
| 77103 | Turbine pumps specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions. |
| 77103 | Turbine pumps having all flow-contact surfaces made of or lined with any or the materials specified in footnote 1. |
| 77106 | Rotary pumps specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions. |
| 77106 | Rotary pumps having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1. |
| 77107 | Reciprocating power pumps specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions. |
| 77107 | Reciprocating power pumps having flow-contact surfaces made of or lined with any of the materials specified in footnote 1. |
| 77117 | Pumps, n.e.c., specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions. |
| 77117 | Pumps, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1. |
| 77119 | Parts and accessories, n.e.c., specially fabricated for pumps included above under Schedule B Nos. 77101, 77103, 77106, 77107, and 77117. |
| 77126 | Heat exchangers having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1, and specially fabricated parts and accessories, n.e.c. |
| 77450 | Pipe valves, iron or steel, specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions. |
| 77450 | Pipe valves, iron or steel, having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1. |
| 77455 | Pipe valves, brass, bronze or other nonferrous metals, specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions. |
| 77455 | Pipe valves, brass, bronze or other nonferrous metals, having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1. |
| 77460 | Automatic control or regulating pipe valves specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions. |
| 77460 | Automatic control or regulating pipe valves having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1. |
| 77465 | Pipe valves, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1. |
| 77465 | Parts and accessories specially fabricated for valves listed above under Schedule B Nos. 77450, 77455, 77460, and 77465. |
| 77526 | Equipment, n.e.c., specially designed for use in the following units: (a) solvent processing, (b) fractionating, rectifying and dephlegmatizing, (c) hydrogenation, (d) dehydrogenation, (e) isomerization, (f) polymerization, (g) aromatization, (h) alkylation, (i) desulphurization, (j) thermal or catalytic cracking, reforming or platforming; and specially fabricated parts and accessories therefor, n.e.c. |
| 77567 | Nonelectric industrial furnaces (heaters) of the following types: (a) cylindrical having a suspended deflecting cone, or (b) radiant wall employing multiple independently controlled ceramic cup burners. |
| 77570 | Parts and accessories, n.e.c., specially designed for the furnaces (heaters) included above under Schedule B Nos. 77567. |
| 77572 | Oil burners, ceramic cup type only. |
| 77576 | Gas combustion burners, ceramic cup type only. |
| 77579 | Parts and accessories, n.e.c., specially fabricated for ceramic cup burners. |
| 77582 | Mixing and blending machines and specially fabricated parts and accessories, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1. |
| 77585 | Fractionating columns as follows: (a) having, or having provisions for, 25 or more trays, or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1; and specially fabricated parts and accessories, n.e.c. |
| 77585 | Other processing vessels, non-mixing, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1; and specially fabricated parts and accessories, n.e.c. |
| 77588 | Separators and collectors, industrial process types, n.e.c., and specially fabricated parts and accessories, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1. |
| 77599 | Pulsation dampeners, and specially fabricated parts and accessories, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1. |

[1] The materials applicable to the flow-contact surfaces of this equipment are: (a) 90 percent or more tantalum, titanium, or zirconium either separately or combined, (b) 50 percent or more cobalt, molybdenum, nickel or tungsten either separately or combined, (c) 13 percent or more silicon, (d) steel alloys containing any combination of chromium, with either or both molybdenum or tungsten in which the sum of the alloying elements exceeds 3 percent of the total, (e) 2.5 percent or more nickel, (f) fluoro and/or silico resins, (g) glass (acid-, heat-, or shock-resistant), (h) ceramics, (i) carbon, (j) graphite, or (k) acid/heat resistant cement.

(iii) Technical data relating to the following materials and equipment:

(*a*) Steel line pipe of a size greater than 19 inches o.d. and having a yield strength greater than 40,000 psi as determined by API test (Schedule B No. 60627 and 60630);

(*b*) Forged steel pipe fittings having a pipe size connection greater than 19 inches o.d. and having a yield strength greater than 40,000 psi as determined by API test (Schedule B No. 61857);

(*c*) Centrifugal pumps designed for an internal pump-case working pressure of over 300 psi and a power input greater than 1,000 hp, and specially fabricated parts and accessories (Schedule B Nos. 77101 and 77119);

(*d*) Air and gas compressors, reciprocating, centrifugal, axial flow and mixed flow types, capable of receiving a power input greater than 2,000 hp and designed for a discharge greater than 300 psi, and specially fabricated parts and accessories (Schedule B Nos. 77046, 77073, 77076, and 77078);

(*e*) Steel valves, with an inlet or outlet dimension 17 inches or greater and designed for a working pressure of over 300 psi, and specially fabricated parts and accessories (Schedule B Nos. 77450, 77460, and 77465);

(*f*) O-ing and U-ing presses specially designed for the manufacture of steel pipe of a size greater than 19 inches o.d., and specially fabricated parts and accessories (Schedule B Nos. 74459 and 74468);

(*g*) Straightener-expander for pipes or tubes of a size greater than 19 inches o.d., and specially fabricated parts and accessories (Schedule B Nos. 74459 and 74468);

(*h*) Portable pneumatic and hydraulic drilling machines capable of tapping steel line pipe of a size greater than 19 inches o.d. without interruption of flow (Schedule B Nos. 74570 and 74601);

(*i*) Meters with inlet or outlet diameter 10 inches or larger specially designed to measure flow in petroleum and/or natural gas pipe line (Schedule B No. 76680);

(*j*) Valves specially designed for temporarily stopping off or plugging a section of steel line pipe of a size greater than 19 inches o.d. (Schedule B No. 77450);

(*k*) Automatic pipe welding machines capable of welding the joints of steel line pipe of a size greater than 19 inches o.d., and specially fabricated parts and accessories (Schedule B Nos. 70106 and 70108);

(*l*) Pipe mills specially designed for the manufacture of steel pipe of a size greater than 19 inches o.d., and specially fabricated parts and accessories (Schedule B No. 74480);

(*m*) Molecular sieves (for example, crystalline calcium alumino-silicate; crystalline sodium alumino-silicate; crystalline alkali metal alumino-silicates, etc.) (Schedule B Nos. 83799 and 83990);

(*n*) Pyrolytic graphite (i.e., graphite and doped graphites produced by vapor deposition) in any form (Schedule B No. 54809); semi-finished or finished materials or products containing pyrolytic graphite as a standing body, a coating, a lining, or a substrate (Schedule B Nos. 54730, 54805, and 54809); and

(*o*) Electric industrial melting and refining furnaces and metal heat-treating furnaces specially designed for the production or processing of vapor deposited (pyrolytic) graphite or doped graphites whether as standing bodies, coatings, linings or substrates (Schedule B Nos. 70741 and 70744).

(*p*) Cementing equipment; sidewall coring equipment; blowout preventers; fishing tools incorporating integral moving parts, casing cutters, and casing pullers; drilling control and surveying instruments; safety joints, jars, back-off tools, slip or telescopic joints; pipe and casing tongs, power type; percussion or vibratory attachments for rotary drilling; and drawworks and rotary tables designed for an input of 150 hp and over (Schedule B No. 73225);

(*q*) Rotary drill rigs incorporating rotary tables and with draw works designed for an input of 150 hp and over (Schedule B Nos. 73091 and 73095);

(*r*) Rotary rock drill bits (cone or roller types), and specially fabricated parts and accessories, n.e.c. (Schedule B Nos. 73115, 73119, and 73222);

(*s*) Well logging instruments and equipment (Schedule B No. 76698);

(*t*) Casing head and Christmas-tree assemblies, 2,000 psi and over, chokes and components; perforating equipment; formation and production testers, and packers; gas lift equipment and bottom hole pumps; and work-over rigs (Schedule B No. 73395); and

(*u*) Gravity meters (gravimeters) (specify by name); and seismograph equipment, except observatory type (Schedule B No. 76698);

(*v*) Acetal resins (Schedule B No. 82591);

(*w*) Alpha trioxymethylene (trioxane) (Schedule B No. 83299).

(iv) The limitations set forth in this paragraph (c) (4) do not apply to the exportation of technical data included in an application for the foreign filing of a patent, provided such foreign filing of a patent application is in accordance with

the regulations of the United States Patent Office.

(5) *Requirement of written assurance for certain additional products and destinations.* (i) Except for technical data requiring a written assurance in accordance with the provisions of paragraph (c) (4) of this section, and except as provided in paragraph (v) below; no exportation of technical data relating to the commodities described below in this paragraph (c) (5) (i) may be made under the provisions of this General License GTDU, until the United States exporter has received a written assurance from the foreign importer (including any Canadian importer) that, unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly:

(*a*) Reexport, directly or indirectly, to any Subgroup A destination, to Poland (including Danzig), to Rumania or to Cuba, any technical data relating to commodities listed on the Positive List of Commodities or Supplement No. 2 to Part 371;

(*b*) Export, directly or indirectly, to Communist China, North Korea, the Communist-controlled area of Viet-Nam, or Cuba, any direct product [1] of the technical data if such direct product is listed on the Positive List of Commodities or in Supplement No. 2 to Part 371; or

(*c*) Export, directly or indirectly, to any destination in the European Soviet bloc [2] or to Poland (including Danzig) any direct product [1] of the technical data if such direct product is identified on the Positive List of Commodities by the symbol "A."

(ii) If the direct product [1] of any technical data is a complete plant or any major component of a plant which is capable of producing a commodity shown on the Positive List of Commodities, or in Supplement No. 2 to Part 371, or in the United States Munitions List, a written assurance by the person who is or will be in control of the distribution of the products of the plant (whether or not such person is the importer) shall be obtained by the United States exporter (via the foreign importer), stating that, unless prior authorization is obtained from the Office of Export Control, such person will not knowingly:

(*a*) Reexport, directly or indirectly, to any Subgroup A destination to Poland (including Danzig), to Rumania, or to Cuba, the technical data relating to the plant or the major component of a plant;

(*b*) Export, directly or indirectly, to Communist China, North Korea, the Communist-controlled area of Viet-Nam, or Cuba, the plant or the major component of a plant (depending upon which is the direct product [1] of the technical data) or any product of such plant or of such major component if such product of the plant is listed on the Positive List of Commodities, or in Supplement No. 2 to Part 371, or in the United States Munitions List; or

(*c*) Export, directly or indirectly, to the European Soviet bloc,[2] to Poland (including Danzig), or to Rumania, the plant or the major component of a plant (depending upon which is the direct product of the technical data) or any product of such plant or of such major component, if such product is identified on the Positive List of Commodities by the symbol "A" or in the United States Munitions List.

NOTE: Pursuant to the provisions of Current Export Bulletin 891, effective April 1, 1964, paragraph (c) (5) (ii) (*b*) and (*c*) of this section required certain written assurances relating to the disposition of the products of a complete plant or major component of a plant which is the direct product of unpublished technical data of United States origin exported under General License GTDU.

Except as to items which are identified on the Positive List of Commodities by the symbol "A" and items on the United States Munitions List, the effective date of the written assurance requirements for plant products as a condition of using General License GTDU for exportation of this type of technical data is hereby deferred to and including December 31, 1964, subject to the following limitations:

1. The exporter shall, at least two weeks before the initial exportation of the technical data, notify the Office of Export Control, by letter, of the facts required to be disclosed in an application for a validated export license covering such technical data; and

2. The exporter shall obtain from the person who is or will be in control of the distribution of the products of the plant (whether or not such person is the importer) a written commitment that he will notify the United States Government, directly or through the exporter, whenever he enters into negotiations to export any product of the plant to any destination covered by paragraph (c) (5) (ii) (*b*) of this section, and such product is listed on the Positive List of Commodities but not identified by the symbol "A", or is listed in Supplement No. 2 to Part 371. The notification should state the product, quantity, country of destination, and the estimated date of shipment.

Moreover, during the period of deferment, the remaining written assurance requirement of paragraph (c) (5) (ii) (*b*) and (*c*) of this section as to plant products which are identified on the Positive List of Commodities by the symbol "A", or are on the United States Munitions List, will be waived if the plant is located in one of the following Cocom countries: Belgium, Canada, Denmark, The Federal Republic of Germany, France, Greece, Italy, Japan, Luxembourg, The Netherlands, Norway, Portugal, Turkey, and the United Kingdom.

This deferment applies to exportations of technical data pursuant to any type of contract or arrangement, including licensing agreements, regardless of whether entered into before or after April 1, 1964.

However, exporters of technical data for complete plants and major plant components pursuant to any pre-January 1, 1965, licensing agreement are advised that after December 31, 1964, written assurances may be required under paragraph (c) (5) (ii) (*b*) and (*c*) of this section as to the future disposition of products of such plants or major plant components.

(iii) The required assurance may be in the form of a letter or other written communication from the importer or, if applicable, the person in control of the distribution of the products of a plant; or the assurance may be incorporated into a licensing agreement which restricts disclosure of the technical data to use only in authorized destinations, and prohibits shipment of the direct product [1] thereof by the licensee to any unauthorized destination. An assurance included in a licensing agreement will be acceptable for all exportations made during the life of the agreement. If such assurance is not received this general license is not applicable and a validated export license is required. An application for such validated license shall include an explanatory statement setting forth the reasons why such assurance can not be obtained.

(iv) In addition, this general license is not applicable to any exportation of technical data of the kind described in this paragraph (c) (5) if, at the time of exportation of the technical data from the United States, the exporter knows or has reason to believe that the direct product [1] to be manufactured abroad by use of the technical data is intended to be exported directly or indirectly to any unauthorized destination.

(v) The limitations set forth in this paragraph (c) (5) do not apply to the exportation of technical data included in an application for the foreign filing of a patent, provided such foreign filing of a patent application is in accordance with the regulations of the United States Patent Office.

NOTE: A written assurance is not required for the exportation under this General License GTDU of any technical data which do not fall within the description set forth in paragraph (c) (4) or (5) of this section.

* * * * *

§ 385.4 Exportation under a validated license.

* * * * *

(c) *Completion of application form and application processing card.* * * *

(2) *Special provisions for certain commodities.* * * *

(iv) For all license applications covering technical data relating to any of the commodities in subdivisions (i), (ii), or (iii) of this subparagraph for export to any destination other than Poland (including Danzig), Rumania, a Subgroup A destination, or Cuba, an applicant shall attach to the license application a written statement of assurance from his foreign consignee that the technical data will not be reexported directly or indirectly to any country without prior authorization from the Office of Export Control. The statement shall also show that the direct product [1] produced by use of the technical data will not be exported directly or indirectly to Poland (including Danzig), Rumania, a Subgroup A destination, or Cuba, without prior authorization from the Office of Export Control. However, if the United States exporter is not able to obtain the required statement, or the consignee is unwilling to furnish assurances with respect to all of the requirements, the exporter may attach an explanatory statement to his license application setting forth the reasons therefor.

* * * * *

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
*Director,*
*Office of Export Control.*

[F.R. Doc. 64-10091; Filed, Oct. 5, 1964; 8:47 a.m.]

[1] The term "direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data.

[2] The term "European Soviet bloc", as used in this paragraph 385.2(c) (5), means the following destinations: Albania, Bulgaria, Czechoslovakia, East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin), Estonia, Hungary, Latvia, Lithuania, Outer Mongolia, and the Union of Soviet Socialist Republics.



# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket C-832]

## PART 13—PROHIBITED TRADE PRACTICES

### Clairol Inc.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-40 *Exaggerated as regular and customary:* § 13.240 *Special or limited offers.* Subpart—Discriminating in price under Sec. 2, Clayton Act—price discrimination under 2(a): § 13.730 *Customer classification.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Clairol Incorporated, New York, N.Y., Docket C-832, Sept. 14, 1964]

Consent order requiring one of the largest concerns in the United States in volume of sales of hair coloring and other beauty products—which it sold to beauty salons, beauty supply dealers, beauty schools, department stores, and drug wholesalers and retailers—to cease discriminating in price in violation of section 2(a) of the Clayton Act by charging beauty salons classified as "chain" its "List Price" or "Regular Price" less a discount of 40 percent plus 15 percent on certain of its largest volume products, while charging "non-chain" beauty jobbers and salons the "List Price" less only 40 percent; and charging "chain" beauty salons the "List Price" less 33⅓ plus 15 percent on other products while charging "non-chain" jobbers and salons "List" less 40 percent; and to cease representing falsely in brochures and sales material distributed to beauty jobbers, by such statements as "Offer for Limited Time only * * * Reg. $9.00 doz. Deal Price $7.20 doz.", that the difference between the higher and lower prices represented savings to purchasers, when the higher "Reg." price was in excess of former prices and the lower price was not a "Deal Price" available for a limited time only.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondent Clairol Incorporated, a corporation, its officers, agents, representatives and employees, directly or indirectly, through any corporate or other device, in or in connection with the sale of beauty products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Discriminating, directly or indirectly, in the price of such products of like grade and quality by selling to any beauty salon or to any distributor for supply to any beauty salon at net prices higher than the net prices charged any other purchaser who, in fact, competes in the use, consumption or resale of said products with the purchaser paying the higher price or with a customer of the purchaser paying the higher price.

*It is further ordered,* That respondent Clairol Incorporated, a corporation, its officers, agents, representatives and employees, directly or indirectly, through any corporate or other device, in connection with the sale, offering for sale, or distribution of beauty products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the words "Regular Price", "Reg.", or words of similar import, to refer to a former price, the amount of which is in excess of the actual, bona fide price at which such merchandise has been offered for sale on a regular basis for a reasonably substantial period of time in the recent, regular course of business in the trade area or areas where the representations are made; or misrepresenting in any manner the actual, bona fide price of such merchandise;

(2) Representing, with regard to prices other than introductory prices, that savings are afforded to purchasers unless the price at which such merchandise is offered constitutes a substantial reduction, and a reduction equal to any amount stated or otherwise directly or by implication represented, from the actual, bona fide price at which such merchandise was offered to purchasers on a regular basis for a reasonably substantial period of time in the recent regular course of business in the trade area where the representation is made;

(3) Representing, directly or by implication, that savings are afforded to purchasers by a special deal or introductory price unless respondent establishes that such is the fact;

(4) Representing directly or by implication that the selling price, special deal or any offer being advertised is limited in point of time or in any other manner unless such restriction or limitation is actually imposed, and adhered to, by respondent;

(5) Placing in the hands of beauty jobbers means and instrumentalities by and through which they may deceive and mislead the purchasing public concerning any such merchandise in the respects set out above.

*It is further ordered,* That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: September 15, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
*Secretary.*

[F.R. Doc. 64-10092; Filed, Oct. 5, 1964; 8:47 a.m.]

See footnote on page 13654.

# Title 32—NATIONAL DEFENSE

## Chapter VII—Department of the Air Force

## RECODIFICATION OF PARTS 800—999

Chapter VII, Parts 800—999, of Title 32 of the Code of Federal Regulations is recodified as set forth below to reflect a rearrangement of the subchapters and a renumbering of the parts without substantive change. All amendments which have been published through 29 F.R. 7807, June 19, 1964, have been incorporated in this republication.

The following table shows the redesignations made by this recodification:

| Old section No. | New section No. |
|---|---|
| 800.1–800.6 | 800.1–800.6 |
| 803.1–803.2 | 883.1–883.2 |
| 804.1–804.6 | 827.1–827.6 |
| 804.101–804.107 | 824.1–824.7 |
| 804.301–804.304 | 801.1–801.4 |
| 804.401–804.414 | 840.1–840.14 |
| 804.501 | 814.1 |
| 805.1–805.29 | 850.1–850.29 |
| 806.1–806.8 | 825.1–825.8 |
| 808.1–808.2 | 820.1–820.2 |
| 813.1–813.8 | 884.1–884.8 |
| 822.1–822.19 | 855.1–855.19 |
| 823.1–823.4 | 857.1–857.4 |
| 824.1–824.3 | 822.1–822.3 |
| 825.1–825.2 | 856.1–856.2 |
| 826.1–826.4 | 859.1–859.4 |
| 827.1–827.6 | 858.1–858.6 |
| 828.1–828.6 | 821.1–821.6 |
| 834.1–834.5 | 841.1–841.5 |
| 836.1–836.130 | 842.1–842.132 |
| 836.200–836.207 | 843.1–843.8 |
| 836.300–836.307 | 843.50–843.57 |
| 837.1–837.5 | 844.1–844.5 |
| 838.1–838.4 | 802.1–802.4 |
| 845.1–845.18 | 904.1–904.18 |
| 846.0–846.7 | 900.1–900.8 |
| 855.1–855.8 | 810.1–810.8 |
| 856.1–856.7 | 811.1–811.7 |
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### SUBCHAPTER A—ADMINISTRATION

## PART 800—DEPARTMENT OF THE AIR FORCE SEAL

Sec.
800.1 Purpose.
800.2 Description of the Seal.
800.3 Use of the Seal.
800.4 Coat of Arms.
800.5 Official drawings.
800.6 Headquarters USAF responsibilities.

AUTHORITY: The provisions of this Part 800 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

### § 800.1 Purpose.

This part describes the Department of the Air Force Seal, prescribes its use, and tells when the Seal may be reproduced in whole or in part.

### § 800.2 Description of the Seal.

The Air Force Seal, established by Executive Order 9902, November 1, 1947, is the impression used on official documents and records of the Department of the Air Force.

(a) The Coat of Arms, in the center portion of the Seal, consists of two components:

(1) The Crest includes the eagle, cloud formation, and heraldic wreath. The American bald eagle symbolizes the United States and its airpower; the wreath beneath the eagle, composed of six alternate folds of metal and color, repeats the principal metal and color used in the Shield, white (representing silver) and light blue. The cloud formation behind the eagle depicts the creation of a new firmament—the Department of the Air Force.

(2) The Shield, immediately below the eagle, is divided horizontally into two parts by a nebuly line representing clouds. The top portion of the shield bears the heraldic thunderbolt, which portrays striking power through the medium of aerospace.

(b) The 13 encircling stars represent the original 13 colonies.

(c) Roman numerals beneath the shield indicate 1947, the year the Department of the Air Force was established.

(d) The band encircling the whole design bears the inscription "Department of the Air Force" and "United States of America."

(e) The official Air Force colors, ultramarine blue and golden yellow, are used in the Seal. Ultramarine blue is used for the circular background of the Seal, while the upper part of the Shield of the Coat of Arms is light blue, representing the sky. The lower part of the shield is white, representing the heraldic metal silver. The thunderbolt is golden yellow with flames in natural color. Alternate twists of white and light blue make up the wreath of the crest; the eagle and cloud are in their natural colors. The 13 stars are white, and the Roman numerals golden yellow. White, edged in golden yellow with black letters, is used on the encircling band.



### § 800.3 Use of the Seal.

(a) *Official policy.* Use of the Seal or any part thereof is permitted only as authorized in this part, or as approved by the Department of the Air Force in specific instances. Falsely making, forging, counterfeiting, mutilating, or altering the Seal, or knowingly using or possessing with fraudulent intent any such altered Seal, is punishable by law (62 Stat. 714; 18 U.S.C. 506).

(b) *Authorized uses.* The Seal or any part thereof, in black and white, color, monochrome reproduction, pictorial, or sculptured relief, may be used as follows:

(1) Motion pictures and television: In Air Force-approved training films, public relations films, and official USAF motion picture and television programs.

(2) Memorials and monuments: Those erected by the Department of the Air Force or for which both the purpose and design are specifically approved by Headquarters USAF.

(3) Display: With any official Air Force exhibit.

(4) Wall plaques: By museums, military societies, and governmental institutions, when specifically approved by Headquarters USAF.

NOTE: When use of the entire Seal or any part thereof is desired and the specific case is not covered in this part, request for approval will be forwarded through channels to Hq USAF (AFPMP–12–C), Washington, D.C., 20330.

(c) *Unauthorized uses.* The Seal will not be used:

(1) On souvenir or novelty items of an expendable nature.

(2) On printed matter reproduced or procured by an Air Force activity, except as provided in paragraph (b)(1) of this section.

(3) On toys or commercial gifts and premiums.

(4) As a letterhead design on stationery.

(5) On menus, matchbook covers, sugar envelopes, calendars, and similar items.

(6) To adorn civilian clothing.

(7) On membership cards of military or quasi-military clubs, societies, etc.

(8) On athletic clothing and equipment.

(9) On any article which may discredit the Seal or reflect unfavorably upon the Department of the Air Force.

(10) In any manner which implies Air Force indorsement of commercial products or services.

(11) On commercial or private printed matter.

### § 800.4 Coat of Arms.

Authorized uses of the Coat of Arms are given below:

(a) Coat of Arms, with or without encircling stars, in black and white, color, monochrome reproduction, pictorial or sculptured relief, may be used for ornamentation, for nonofficial use, on articles of jewelry, such as watches, rings, tie clasps, cuff links, bracelets, cigarette lighters, and similar articles where use of the Coat of Arms is in good taste and appropriate to the occasion.

NOTE: Use of the Coat of Arms in instances mentioned in paragraph (a) of this section must be specifically approved by Hq USAF (AFPMP–12–C), Washington, D.C., 20330. When Headquarters USAF approves use of the Coat of Arms for nonofficial purposes, it will do so only with the understanding that such usage in no way reflects Air Force endorsement of the product involved.

(b) Coat of Arms without encircling stars, in black and white, color, monochrome reproduction, pictorial, or sculptured relief, may be used for ornamentation by USAF military personnel, including members of the Reserve components and USAF retired personnel, as follows:

(1) For display on personal stationery or framing for display in the home as a painting or a wall plaque.

(2) For wear on civilian jackets or blazers of conservative color.

NOTE: Although Headquarters USAF approval is not required for use of the Coat of Arms without encircling stars in the cases mentioned in paragraph (b) of this section, Air Force personnel are reminded that it is the obligation of each member to protect the dignity of the Air Force Coat of Arms by insuring that its display is in good taste and is appropriate to the occasion.

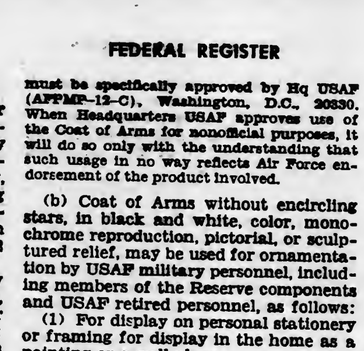
### § 800.5 Official drawings.

Official drawings of the Seal or any part thereof required for reproduction purposes may be obtained through channels from Hq USAF (AFCAS–50), Washington, D.C., 20330. The request will be accompanied by a complete justification.

### § 800.6 Headquarters USAF responsibilities.

(a) The Administrative Assistant, Office of the Secretary of the Air Force, is the custodian of the Air Force Seal, and is solely responsible for approving use of its impression on official departmental documents and records.

(b) The Deputy Chief of Staff, Personnel, is responsible for approving use of facsimiles of the Seal, or portions thereof, on insignia, flags, medals, and similar items. He is also responsible for authorizing such other uses of elements of the Seal as Air Force organizations, civilian groups, and industry may request.




## PART 801—ADMISSION OF LABOR UNION REPRESENTATIVES TO AIR FORCE INSTALLATIONS

Sec.
801.1 Purpose.
801.2 Policy.
801.3 Procedures on admission to unclassified areas.
801.4 Limitations.

AUTHORITY: The provisions of this Part 801 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

### § 801.1 Purpose.

This part announces the Air Force policy governing admission of labor union representatives to Air Force installations.

### § 801.2 Policy.

(a) Air Force policy is to cooperate with authorized labor union representatives by granting them admission to Air Force installations when they are engaged in legitimate union business.

(b) The admission of labor union representatives to Air Force installations will be governed by the following:

(1) Where union agents desire to enter an installation to conduct union business during working hours, the base commander may authorize such visits: *Provided*, That the entry of the agents does not violate applicable safety and security regulations and, that their entry, presence, or activities will not interfere with base operations or the progress of work.

(2) Where construction on Air Force installations is administered by a construction agent of the Air Force, such as the Corps of Engineers, United States Army, commanders should notify the construction agent of the proposed visit and the purpose thereof. They should also determine whether the proposed visit will interfere with the work progress.

### § 801.3 Procedures on admission to unclassified areas.

Permission to enter an Air Force installation may be granted by the commander to labor union representatives to:

(a) Discuss with the commander those policy matters which relate to employees who are engaged in work on the installation and who are members of the union represented by the visitor.

(b) Visit contractors, contractor representatives, or union stewards to discuss and review conditions of employment, grievances, and related matters within the terms of the collective bargaining agreements involving employees.

(c) Visit individual employees of contractors, provided that discussion and review of matters within the collective bargaining process cannot otherwise be accomplished.

### § 801.4 Limitations.

(a) Approval of visits to labor representatives should include the limitations and restrictions applicable to visitors. In addition, notification should specify that permission to visit an Air Force activity does not include the right to hold meetings, collect dues, make speeches, or distribute inciting or provocative material.

(b) Organizing activities carried on during work hours are considered to be disruptive; therefore, visits will not be authorized for this purpose.

(c) Nothing contained in these sections should be interpreted as requiring that permanent passes be issued to labor representatives to conduct union business.

(d) The provisions of Part 850, Subchapter E of this chapter govern admission to classified areas.

## PART 802—AUTHORITY OF ARMED FORCES PERSONNEL TO PERFORM NOTARIAL ACTS

Sec.
802.1 Purpose.
802.2 Federal authority to administer oaths, and the legal effectiveness of such oaths.
802.3 Federal authority to perform other notarial acts, and the legal effectiveness of such acts.
802.4 Restrictions.

AUTHORITY: The provisions of this Part 802 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

### § 802.1 Purpose.

This part sets forth for both Federal and non-Federal purposes the authority of U.S. Armed Force members to administer oaths; take affidavits, sworn statements, depositions, and acknowledgments; and perform other notarial acts.

### § 802.2 Federal authority to administer oaths, and the legal effectiveness of such oaths.

(a) *Federal authority to administer oaths.* (1) The following U.S. Armed Force members on active duty may administer oaths for purposes of military administration, including military justice (Art. 136, UCMJ; 10 U.S.C. 936):

(i) All judge advocates of the Army and the Air Force.

(ii) All law specialists.

(iii) All summary courts-martial.

(iv) All adjutants, assistant adjutants, acting adjutants, and personnel adjutants.

(v) All commanding officers of the Navy, Marine Corps, and Coast Guard.

(vi) All staff judge advocates and legal officers, and acting or assistant staff judge advocates and legal officers.

(vii) All other persons designated by Armed Forces regulations or by statute. Although otherwise qualified under subdivision (iv) of this subparagraph, Directors of Administrative Services, Deputy Directors of Administrative Services, Chiefs of Administrative Services, Administrative Officers, and similarly titled officers are hereby so designated by the Air Force.

(2) The following U.S. Armed Force members on active duty may administer oaths to any person when it is necessary in the performance of their duties (Art. 136, UCMJ; 10 U.S.C. 936):

(i) President, law officer, trial counsel, and assistant trial counsel for all general and special courts-martial.

(ii) President and counsel for the court of any court of inquiry.

(iii) All officers designated to take a deposition.

(iv) All persons designated to conduct an investigation.

(v) All recruiting officers.

(vi) All other persons designated by Armed Forces regulations or by statute.

(3) Any U.S. Armed Force commissioned officer of any Regular or Reserve component, whether or not on active duty, may administer:

(i) Oath of enlistment (10 U.S.C. 501 and 1031).

(ii) Oath required for appointment of any commissioned or warrant officer grade (10 U.S.C. 1031).

(iii) Any other oath required by law in connection with enlistment or appointment of any person in any U.S. Armed Force (10 U.S.C. 1031).

(b) *Legal effectiveness.* Oaths administered under these authorities are proper and legally effective for the purposes stated.

### § 802.3 Federal authority to perform other notarial acts, and the legal effectiveness of such acts.

(a) *Federal authority.* Under authority of Art. 136, UCMJ (10 U.S.C. 936), in addition to administering oaths for the purposes described in § 802.2(a), U.S. Armed Force members listed in § 802.2(a)(1) have general powers of a notary public and a U.S. consul to administer oaths and take affidavits, sworn statements, depositions, and acknowledgments to be accomplished by U.S. Armed Force members, wherever they may be, and by persons serving with, employed by, or accompanying the Armed Forces outside the United States and outside the Canal Zone, Puerto Rico, Guam, and the Virgin Islands.

(b) *Legal effectiveness for non-Federal purposes.* The legal effectiveness of any notarial act generally is dependent on the laws of the jurisdiction in which the instrument is actually to be used. This jurisdiction determines what officials may perform notarial acts, and the conditions under which they may be performed. Federal authority contained in Art. 136, UCMJ (10 U.S.C. 936), for the performance of notarial acts by certain U.S. Armed Force members may or may not be accepted as adequate compliance with the requirements of the jurisdiction in which the instrument actually is to be used.

### § 802.4 Restrictions.

Commissioned officers on the active list of the Regular Air Force or Army should not take depositions under a "commission" issued by any court. Accepting such commission may terminate the officer's appointment in the Air Force or Army. (10 U.S.C. 3544(b) and 8544(b).)

## SUBCHAPTER B—SALES AND SERVICES

CROSS REFERENCE: For regulations with respect to transportation of persons on military aircraft, see Part 180 of this title.

## PART 810—SALE OR RELEASE OF MOTION PICTURE AND SOUND TRACK STOCKFOOTAGE

Sec.
810.1 Purpose.
810.2 Definitions.
810.3 Sale, use, and release of stockfootage.
810.4 Responsibility.
810.5 Requesting stockfootage.
810.6 Established fees.
810.7 Requests exempt from fees.
810.8 Collection of fees.

AUTHORITY: The provisions of this Part 810 issued under sec. 8012, 70A Stat. 488, sec. 501, 65 Stat. 290; 10 U.S.C. 8012, 5 U.S.C. 140.

### § 810.1 Purpose.

This part states the policy on the sale, use, and release of unclassified Air Force motion picture stockfootage and the dissemination of classified stockfootage. It does not cover the sale of prints made from completed Air Force motion pictures. Nor does it cover the use of stockfootage in films produced for the Air Force.

### § 810.2 Definitions.

For the purpose of this part the following definitions apply:

(a) *Stockfootage.* Specific scenes or sound tracks from Air Force film footage intended for use in completing a motion picture production, or for use in engineering analysis, intelligence, training, or for other miscellaneous purposes.

(b) *Service.* The search of film files, screening of stockfootage, selection of scenes, actual reproduction of scenes or sound track required, and shipping.

### § 810.3 Sale, use, and release of stockfootage.

(a) Sale or release of reproductions from unclassified stockfootage is authorized within the provisions of this part. Classified stockfootage may be disseminated only when an official requirement exists, when Part 850, Subchapter E of this chapter is complied with, and when there is no limitation affecting the specific release imposed by the contributing military activity. The sale or release of the original negative is prohibited.

(b) Activities contributing film to the USAF Motion Picture Film Depository will insure that any limitation desired on further dissemination is clearly stated in a notation placed on the film.

(c) Requests for classified stockfootage received from foreign governments or their representatives will be sent for approval to Headquarters USAF (AFCIN).

(d) Recipients will not use stockfootage to show by implication or otherwise that the Air Force indorses a product.

(e) Exclusive rights to stockfootage may not be claimed by any other agency or person.

(f) Waiver of proprietary and privacy rights will not pass with the sale or release of stockfootage unless these rights and the right of transfer are owned by the Air Force.

(g) The sale of stockfootage which is available from commercial motion picture sources is prohibited.

(h) Film received from Air Force contractors will not be released or sold to competitive contractors unless the Air Force contracting officer having jurisdiction over the contract determines that it is in the best interest of the Air Force.

(i) There are currently in existence agreements formalized between the Air Force and certain other Government agencies providing for photographic and related services. If such agreements are not in accordance with this part regarding the release of stockfootage to these agencies, the provisions of the formal agreement will apply.



### § 810.4 Responsibility.

The USAF Motion Picture Film Depository will provide the services stated herein and such other services as the Commander, Air Photographic and Charting Service directs.

### § 810.5 Requesting stockfootage.

(a) *Preliminary inquiry.* Before submitting his request, a person may obtain preliminary information on available stockfootage in general subject areas for which access has been granted. Such inquiries to the USAF Motion Picture Film Depository do not constitute a formal request.

(b) *Release of unclassified stockfootage to public.* The person requesting unclassified stockfootage for release to the public will:

(1) Forward his request to: Secretary of the Air Force (SAFOI), Wash. 25, D.C.

(2) Include in each request a film sequence outline or script clearly indicating those scenes for which he desires stockfootage.

(3) State preference for type of film and the approximate number of screen feet required.

When notified by Headquarters USAF that his request is favorably considered, the requester may communicate direct with the USAF Motion Picture Film Depository to arrange for selecting the stockfootage.

(c) *Unclassified stockfootage for internal use.* The person requesting unclassified stockfootage for use within the Federal Government will:

(1) Forward his request to: 1350th Motion Picture Squadron, Attn: USAF Motion Picture Film Depository, Wright-Patterson, AFB, Ohio.

(2) Include in each request a statement of intended use.

(3) State preference for the type of film and the approximate number of screen feet required.

NOTE: An Air Force contractor requiring unclassified stockfootage to meet film production requirements specified in an Air Force contract will forward his request through the Air Force contracting officer having jurisdiction over the contract. If stockfootage is for a film production intended for public release, he must submit his request in accordance with paragraph (b) of this section.

(d) *Requests for classified stockfootage by Air Force contractor.* An Air Force contractor requiring classified stockfootage will forward his request for review and approval through the Air Force contracting office having jurisdiction over the contract involved.

(e) *Other requests for classified stockfootage.* The person outside the Air Force requesting classified stockfootage will:

(1) Forward his request to: Hq USAF (AFXOP-GF) Washington, D.C. 20330.

(2) Include a statement of intended use.

When notified by Headquarters USAF that his request is favorably considered, the requester may communicate direct with the USAF Motion Picture Film Depository to arrange for selecting the stockfootage.

(3) If he is not in Executive Branch of the Government, furnish assurance that the classified information will be handled in accordance with Part 850, Subchapter E of this chapter. He must also explain the measures he will take to safeguard the information.

### § 810.6 Established fees.

(For still photography fees, see Part 811.)

The following fees are charged for stockfootage and service:

| | |
|---|---|
| 16mm or 35mm black and white unedited footage and/or optical sound track, per foot | $0.10 |
| Color unedited footage: | |
| 16mm, per foot | .20 |
| 16mm, inter-negative | .25 |
| 35mm, per foot: | |
| Viewing or release print, each | .25 |
| Color inter-positive, each | .55 |
| Color inter-negative, each | .55 |
| Magnetic Tape (per foot): | |
| 16mm (Direct Dubb), each | .05 |
| 35mm (Direct Dubb), each | .05 |
| Searching (including direct overhead)—Each hour or fraction thereof (per hour) | 5.00 |

All film materials, such as masters, specially prepared in order to furnish a requested end product will be charged for on a per foot basis.

Minimum charge (including stock search) per order $10.00

### § 810.7 Requests exempt from fees.

To the extent that funds are available, those requests received from the sources and for services listed in this section may be exempt from payment of fees, provided that furnishing such service does not hamper the mission of the furnishing agency, is consistent with this part and is accomplished during normal work schedules.

(a) *Sources.* (1) Department of Defense agencies and other departments of the Federal Government for use in furtherance of approved departmental activities.

(2) Members of Congress for use in furtherance of official government activities.

(3) Federal, State, territorial, county, or municipal government, or an agency thereof, carrying on a function related to, or in furtherance of, an Air Force or other Department of Defense objective.

(4) Nonprofit organizations carrying on a function related to, or in the interest of, public health and welfare.

(5) Members of the Armed Forces in a casualty status, or their next of kin or authorized representative, when requested stockfootage relates to source of casualty.

(b) *Services.* (1) Service which is occasional and incidental (including a request from resident of a foreign country), when it is determined that a fee would be inappropriate in such case.

(2) Service determined by the Office of Information, Office of the Secretary of the Air Force, to be in the best interest of the Air Force.

(3) Service which is furnished free in accordance with statutes or Executive Orders.

(4) Service that the Federal Government will ultimately pay for.

### § 810.8 Collection of fees.

Payments will be accepted in cash, United States money orders, certified checks, or their equivalent. Negotiable instruments will be drawn payable to the Treasurer of the United States. When appropriate, fees will be collected before release of stockfootage. Searching fees will be collected whether or not stockfootage is ordered as a result of such search.

## PART 811—SALE OF AERIAL AND DOCUMENTARY STILL PHOTOGRAPHY

Sec.
811.1 Purpose.
811.2 Sale of photographs.
811.3 To whom sold.
811.4 Policy covering sales.
811.5 Furnishing photographs free of charge.
811.6 Schedule of fees.
811.7 Collection of fees.

AUTHORITY: The provisions of this Part 811 issued under sec. 8012, 70A Stat. 488; sec. 501, 65 Stat. 290; 10 U.S.C. 8012, 5 U.S.C. 140.

### § 811.1 Purpose.

This part governs the sale of unclassified Air Force aerial and documentary still photographs and provides guidance for furnishing materials free of charge; furnishes a schedule of fees; and outlines collection procedures.

### § 811.2 Sale of photographs.

(a) Only the USAF Central Print and Index Library is authorized to sell official Air Force aerial mapping and reconnaissance photographs.

(b) Any Air Force activity which has custody of still documentary negatives and transparencies may sell copies in accordance with this part.

### § 811.3 To whom sold.

(a) Members and agencies of the Federal Government.

(b) The public, which includes any person or group of persons, such as associations, organizations, partnerships, corporations, businesses, municipalities, counties, States, or territorial governments.

### § 811.4 Policy covering sales.

(a) Authorized for sale are reproductions or prints and duplicate negatives made from existing black and white negatives; duplicate color negatives and duplicate color transparencies from existing counterpart color material; and Printon color prints made from existing color transparencies.

(b) Sale of photographs is discouraged. When they are sold, the number of prints sold from each negative will be limited to the minimum necessary.

(c) Selling prints or furnishing related photographic services which compete with commercial organizations is prohibited.

(d) Sale of photographs that are unrelated to Air Force activities is prohibited, even though Air Force photographers make such photographs.

(e) Sale of Air Force photographs for any use which implies Air Force endorsement of a service or product is prohibited, unless the recipient has obtained approval in writing from the Office of Information, Office of the Secretary of the Air Force.

(f) Each print sold will bear the official Air Force credit line as follows:

U.S. AIR FORCE PHOTO

Released by ---------- Air Force Base

(g) Sale of prints does not include waiver of propriety or privacy rights, unless these rights and the right of transfer belong to the Air Force.

(h) Exclusive rights to official Air Force photographs may not be claimed by any person or persons.

(i) Before releasing prints to a purchaser, the commander of the Air Force activity making the sale will insure that the purchaser understands the restrictions outlined herein.

(j) Release of aerial photographs of foreign countries is subject to prior approval of the country concerned; persons desiring such approval should apply to the country's Embassy. Many countries now have their own aerial photographs and can furnish information on their availability.

### § 811.5 Furnishing photographs free of charge.

Photographs required to conduct official Department of Defense business will be furnished without charge. To the extent that work-load and funds permit, prints requested from the following sources and for the purposes specified will be furnished without charge:

(a) The general public in furtherance of the Armed Forces recruiting program or in the interest of public understanding of the Armed Forces.

(b) Members of Congress for use in official governmental activities.

(c) Nonprofit organizations carrying on a function related to, or in the interest of, public health and welfare.

(d) Members of the Armed Forces in a casualty status, or their next of kin or authorized representatives, when prints requested relate to source of casualty.

(e) Prints which may be required in accordance with statutes or Executive orders.

(f) Prints required by agencies carrying on a function related to an Air Force objective.

(g) Occasional and incidental requests (including requests from a resident of a foreign country) of the type not requested often, if it is administratively determined that a fee would be inappropriate.

### § 811.6 Schedule of fees.

All prices are subject to change without notification.

(a) Pictorial and documentary photographs (includes prints of USAF aircraft, guided missiles, ground equipment, personnel, historical photographs of USAF installations, record-establishing flights or projects, etc.) will be furnished according to the following limitations and fees:

(1) Photographs are only available in print sizes indicated.

(2) Color photographs can be furnished only when available.

(3) Glossy prints normally will be furnished unless otherwise specified. If double weight, matte finish prints are desired, $0.05 should be added to the price of each black and white print.

| | | Each |
|---|---|---|
| Black & White (prints) | 8" x 10" | $0.55 |
| Color (Printon Prints from Transparency) | 8" x 10" | 4.00 |
| Duplicate Color Transparency | 4" x 5" | 5.00 |
| Duplicate Color Transparency | 8" x 10" | 10.00 |
| Duplicate Ektacolor Negative | 4" x 5" | 5.00 |
| Duplicate Ektacolor Negative | 8" x 10" | 10.00 |

NOTE: Ektacolor negatives and color transparencies can be used by a purchaser to obtain ektacolor paper prints or dye transfer prints from commercial sources.

(b) Photostat copies of records (8½" x 10") pertaining to documentary or historical events can be made available at $0.20 each.

(c) Aerial photographs (include verticals and obliques of ground areas or subjects).

(1) Contact print size is determined by the size of the original negative and the purchaser cannot exercise a choice as to scale or size.

(2) All aerial photographs available for sale are black and white.

(3) Glossy prints will be furnished unless otherwise specified; however, no additional charge will be made for double weight, semi-matte finish.

| Size | No. of separate photographs | Price each |
|---|---|---|
| 4" x 5½", 5" x 7" | 1 to 100 | $0.70 |
| 7" x 9" or 9" x 9" | 101 to 1,000 | .55 |
| | Over 1,000 | .50 |
| 9" x 18" | 1 to 100 | 1.40 |
| | 101 to 1,000 | 1.10 |
| | Over 1,000 | 1.00 |

(d) Mosaics or photographic indexes:

(1) Mosaics or photographic indexes are not prepared for all areas of U.S. Air Force photographic coverage. Each area of interest will be reviewed and the purchaser advised accordingly.

(2) Mosaics and indexes vary in size, but are generally 20" x 24".

(3) The price per mosaic or index print is $1.20.

(e) Aerial photographic information material (including individual plot maps, coverage diagrams, composite prints, etc.) when available, will be charged for according to the labor and time involved in production. Hand-drawn plots and sketches will be charged for at the rate of $2.00 minimum for an individual item or $2.00 for each hour of labor when more than one item is required.

### § 811.7 Collection of fees.

Payments will be accepted in cash, United States money orders, certified checks or their equivalent. Negotiable instruments will be drawn payable to the Treasurer of the United States. The Air Force activity making the sale will collect payments in advance, basing charges on the size, type, and prices established herein.

NOTE: Refunds will not be made because a regulation, directive, or fee schedule is changed after the service is performed, or for overpayments of one dollar or less.

## PART 812—CHARGES FOR CERTAIN GOVERNMENT SERVICES AND PROPERTY

Sec.

812.1 Purpose.
812.2 General policy.
812.3 Determining costs and fees for special services.
812.4 Determining charges for lease or sale.

AUTHORITY: The provisions of this Part 812 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

### § 812.1 Purpose.

This part prescribes general policy for developing an equitable and uniform system of charges for certain Government services and property.

### § 812.2 General policy.

A reasonable charge, as described in this section, should be made to each identifiable recipient for a measurable unit or amount of Government service or property from which he derives a special benefit.

(a) *Special services.* Where a service or privilege provides special benefits to an identifiable recipient above and beyond those which accrue to the public at large, a charge should be imposed to recover the full cost of rendering that service. No charge should be made for services when the identification of the ultimate beneficiary is obscure and the service can be primarily considered as broadly benefiting the general public. For example, a special benefit will be considered to accrue and a charge should be imposed when an Air-Force-rendered service:

(1) Enables the beneficiary to obtain more immediate or substantial gains or values, which may or may not be measurable in monetary terms, than those which accrue to the general public.

(2) Provides business stability or assures public confidence in the business activity of the beneficiary.

(3) Is performed at the request of the recipient and is above and beyond the services regularly received by other members of the same industry or group, or of the general public.

(b) *Lease or sale.* Where federally owned resources or property are leased or sold, a fair market value should be obtained.

### § 812.3 Determining costs and fees for special services.

(a) *Determining costs.* Costs shall be determined or estimated from the best available records in the Air Force activity, and cost accounting systems will not be established solely for this purpose. The cost computation shall cover the direct and indirect costs incurred by the activity performing the service, including but not limited to:

(1) Civilian salaries, military pay and allowances at standard rates, employee leave, travel expense, cost of fee collection, postage, material and supplies used, maintenance and operation of buildings and equipment (including depreciation when appropriate), and personnel costs other than direct salaries (e.g., retirement and employee insurance).



(2) A proportionate share of the management and supervisory costs of the activity performing the service.

(3) The costs of research, establishing standards, enforcements, and regulation, to the extent they are determined by the Air Force activity to be properly chargeable to the services performed.

(b) *Establishing fees to recover costs.* Fees will be established in accordance with the policies and procedures of this part (§ 812.2). However, the provisions of this part are not to be construed in such a way as to reduce or eliminate fees and charges in effect on the date of its issuance. The maximum fee for a special service will be governed by its total cost and not by the values of the service to the recipient. (If the amount of the fee can be determined in advance, it should normally be collected before rendering the service). The cost of providing the service shall be reviewed every year and the fees adjusted as needed. In establishing new fees and increasing existing fees, exceptions may be made to the general policy which requires a reasonable charge (§ 812.2), under such conditions as follows:

(1) If the cost of collecting the fees would be unduly large in proportion to the receipts from the activity.

(2) If the furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization; or comparable fees are set on a reciprocal basis with a foreign country.

(3) If the recipient is engaged in a non-profit activity designed for the public safety, health, or welfare.

(4) If payment of the full fee by a State, local government, or nonprofit group would not be in the interest of the program.

### § 812.4 Determining charges for lease or sale.

Where federally owned resources or property are leased or sold, a fair market value should be obtained. Charges should be determined, so far as practicable and feasible, in accordance with comparable commercial practices. Charges need not be limited to the recovery of costs—they may produce net revenues to the Government.

## PART 813—SCHEDULE OF FEES AND CHARGES FOR COPYING, CERTIFYING AND SEARCHING RECORDS

CROSS REFERENCE: See Subchapter P, Part 288, Chapter I of this title.

## PART 814—RESPONSIBILITY OF THE CONTRACTOR

### § 814.1 Contract food service attendants.

In any contract food service attendant arrangement, the contractor provides, but is not limited to:

(a) Food service attendants to maintain food service facility sanitation, to prepare (washing, peeling, and cutting) vegetables for cooking and to serve food from steam tables.

(b) Management and supervision of food service attendants.

(c) Uniforms and the laundering thereof.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)

SUBCHAPTER C—PUBLIC RELATIONS

## PART 820—COMPETITION WITH CIVILIAN BANDS

AIR FORCE BANDS

Sec.

820.1 Use of Air Force bands.
820.2 Use of volunteer units.

AUTHORITY: The provisions of this Part 820 issued under secs. 8012, 8634, 8635, 70A Stat. 488, 532; 10 U.S.C. 8012, 8634, 8635.

### § 820.1 Use of Air Force bands.

(a) *Limitations.* The use, employment, or assignment of Air Force bands off military reservations is governed by the following:

(1) U.S. Code, Title 10, Section 8634. "No Air Force band or member thereof may receive remuneration for furnishing music outside the limits of an air base in competition with local civilian musicians."

(2) U.S. Code, Title 10, Section 8635. "No enlisted member of the Air Force on active duty may be ordered or permitted to leave his post to engage in a civilian pursuit or business, or a performance in civil life, for emolument, hire, or otherwise, if the pursuit, business, or performance interferes with the customary or regular employment of local civilians in their art, trade, or profession."

(3) The Secretary of Defense. The Secretary of Defense has set forth policies for effective and economical utilization of Armed Forces bands in connection with public events, demonstrations, ceremonies, and other activities in the civilian domain. Except as otherwise indicated in this part, the Secretary of Defense retains the authority to approve participation by Air Force bands within the geographic limits of the United States in:

(i) Public events in the Washington, D.C., area.

(ii) Events of national or international significance.

(iii) Events of more than local significance which involve two or more of the Armed Forces.

(iv) In tours or other activities in the civilian domain outside the area of the base of assignment involving bands, choral groups, or vocalists.

All requests for performance which fall within the purview of the Secretary of Defense as indicated in this section will be forwarded with full information concerning the performance(s) to: Secretary of the Air Force (SAFOI) Washington, D.C., 20330, for the approval of the Assistant Secretary of Defense (Public Affairs). Normally, requests should be submitted to arrive not less than 30 days before the occasion.

(4) For command areas outside the continental limits of the United States, the authority reserved for the Secretary of Defense as outlined in subparagraph (3) of this paragraph has been delegated to the Commanders-in-Chief of the unified commands. Notice of activities planned by an oversea commander which involve Air Force band participation in events of national or international character, or those requiring coordination among the Armed Forces or with other agencies of the Federal Government, will be forwarded with full information concerning the performance to the unified command before final commitment. In this connection, Department of Defense Directive 5410.6 is quoted for the information and guidance of all concerned: "These commanders-in-chief shall consult with the Assistant Secretary of Defense (Public Affairs) regarding requests or plans for participation in events of major international interest or importance."

(5) On plans for performances in oversea commands by Air Force bands stationed in the United States, the Director of Information will obtain coordination of the Assistant Secretary of Defense (Public Affairs) before any commitments are made.

(b) *Responsibilities.* Commanders exercising operational control over Air Force bands will determine whether the use of the band at a public gathering conflicts with the provisions quoted in paragraph (a) of this section and will enforce instructions governing the use of Air Force bands. Such commanders are authorized to approve participation of Air Force bands in local events or activities in the vicinity of the installation at no cost to the Government. Commanders approving such participation will be guided by the following examples of suitability:

(1) For all uses on military and naval installations or vessels, and other places or circumstances when on duty with military forces.

(2) When music is a part of occasions officially sponsored and attended by senior Government or military dignitaries in the performance of their official duties. Music may be broadcast or telecast with the other features of the program. Such occasions do not include social activities and entertainments these officers attend as guests—such as dinners and luncheons given by civilians or civic associations.

(3) Broadcasts and telecasts of concerts, when such programs are not for commercial purposes and originate on military or naval reservations or vessels.

(4) Broadcasts and telecasts originating on or off a military reservation or vessel:

(i) When such programs are of value to the Service concerned, provided all proper clearances are secured by the sponsors with respect to musical rights, labor agreements, etc., and provided the programs are not for commercial purposes.

(ii) When such programs are for purely recruiting drives or to present to the public certain matters which the Air Force considers important enough to require radio or television dissemination.

(5) Musical programs at any United States Government hospital for the entertainment of patients.

(6) Concerts in the Capitol grounds, Government buildings, and public parks

of the City of Washington, D.C., which are open to the public free of charge.

(7) Free social and entertainment activities conducted exclusively for the benefit of enlisted personnel and their guests in Service clubs and social centers maintained for the use of enlisted personnel on active duty.

(8) Official occasions and free social and entertainment activities held off military installations, if such activities are conducted exclusively for the benefit of military personnel on active duty and their guests.

(9) Parades and ceremonies incident to patriotic occasions, or gatherings of personnel of the Armed Forces, veterans, or patriotic organizations, which are nonpolitical community affairs, nonsectarian, and nonprofit.

(10) Fund drives for officially recognized Armed Forces relief or charitable organizations, and for civilian charitable organizations, such as the United Givers Fund, Community Chest, Red Cross, National Health Agencies, and Joint Crusade as a group, when the benefits are donated to these agencies.

NOTE: Fund drives of a local party, sect, or similar group whether for charitable or other purposes, are not considered appropriate occasions for the use of Air Force bands.

(11) Athletic contests in which one or more Armed Forces teams are participating. Band participation is not authorized in professional sports events such as basketball, baseball, or football games or in events which have no connection with the military mission and are sponsored and conducted to promote commercial interests, such as Christmas shopping parades.

(12) In connection with purely recruiting activities for the Armed Forces.

(13) Local, State, and regional fairs, exhibitions, or similar events, provided the presentation is open to the public at no charge other than the general admission, and the bands do not perform any service for which civilian musicians would have been hired.

(14) Use of Air Force bands or choral groups in support of commercial motion picture premieres and other showings in the civilian domain is not authorized.

**§ 820.2 Use of volunteer units.**

The provisions of § 820.1, governing the use of Air Force bands, apply to all volunteer units.

## PART 821—MISSION AND FUNCTIONS OF THE 4520TH AERIAL DEMONSTRATION SQUADRON, "THUNDERBIRDS"

Sec.
821.1 Purpose.
821.2 Organization of the Squadron.
821.3 Squadron mission.
821.4 Demonstration explained.
821.5 Rules governing demonstration.
821.6 When and how to submit requests for demonstrations.

AUTHORITY: The provisions of this Part 821 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

**§ 821.1 Purpose.**

This part states the mission, functions, and operations policy of the 4520th Aerial Demonstration Squadron, "Thunderbirds", and tells how to request Thunderbird demonstrations.

**§ 821.2 Organization of the Squadron.**

The 4520th Aerial Demonstration Squadron, "Thunderbirds," is established as the official Air Force tactical precision flying demonstration team.

**§ 821.3 Squadron mission.**

The 4520th Aerial Demonstration Squadron plans and presents precision aerial maneuvers to exhibit air power and the flexibilities of modern tactical aircraft, as well as the high degree of professional skills required to operate high performance aircraft. Objectives are:

(a) To portray some of the capabilities of air power on military or public occasions.

(b) To stimulate favorable international attitudes and actions toward realizing United States national objectives.

(c) To further the Air Force recruiting programs by motivating the youth of America.

(d) To further aerospace power education by conducting an active public information program through direct contact with the public and all available information media.

**§ 821.4 Demonstration explained.**

As used in this part, a "demonstration" is precision aerial performance, flown by a team of skilled pilots, in assigned mission aircraft, in the subsonic speed range, before a given audience. Each demonstration is narrated by a qualified squadron member, and after the demonstration a ground display of appropriate aircraft and equipment is made available to the audience. The pilots participating in the demonstration are also available for discussions.

**§ 821.5 Rules governing demonstration.**

All Thunderbird demonstrations will be performed as follows:

(a) Aerial maneuvers will be flown within the capability of the assigned mission aircraft at the discretion of the Squadron commander and as authorized by the Commander, TAC.

(b) Aerial maneuvers of an acrobatic nature are not authorized:

(1) Over congested areas of cities, towns, or settlements. This does not prohibit normal flight of aircraft conducted in accordance with FAA regulations. Positioning turns and maneuvers made away from the designated spectator area(s) following passes in front of such area(s), in order to permit aircraft to return over the field, are not considered acrobatic maneuvers.

(2) Closer than 1,500 feet horizontal distance from the designated spectator area. Normal takeoffs and landings are not considered part of the demonstration; however, no takeoff or landing will be made toward or over the designated spectator area.

(3) Unless the demonstration is conducted in a direction which most nearly parallels the boundaries of the designated spectator area.

(4) Where the number of aircraft in formation exceeds 12 and the total number of participating aircraft exceeds 16.

(5) Unless all aircraft operate at subsonic speeds.

(c) Minimums to be adhered to for aerial demonstrations are:

(1) *Weather minimums.* Visibility of at least five miles and ceiling 1,000 feet or more above the peak altitude of the highest vertical maneuver or altitude to be flown during the demonstration. In no case will a "flat" aerial demonstration be authorized if the ceiling is less than 3,000 feet.

(2) The minimum altitude above terrain for a maneuver:

(i) Formation—minimum safe.

(ii) Single aircraft—minimum safe.

(d) All aerial demonstrations require a written agreement, with appropriate FAA representative, clearly specifying air speeds, altitudes, route of flight maneuvers, etc., to be used. No aerial demonstration, excluding practice in the designated area near Nellis Air Force Base, will be conducted without this definitive written agreement.

(e) Aerial demonstrations will not be conducted at air fields not closed to other traffic during the performance, except in most unusual cases where specific authority is provided by Headquarters TAC.

**§ 821.6 When and how to submit requests for demonstrations.**

(a) Military requests for Thunderbird demonstrations are addressed to Hq USAF (SAFOI-2), Washington, D.C. 20330. Civilian requests are addressed to the Assistant Secretary for Public Affairs, Department of Defense, Washington, D.C. 20330. All requests must be on file not later than December 15th for the following year's events. All requests are considered when the Thunderbird schedule is prepared in January. Every attempt is made to schedule Thunderbird demonstrations by geographical areas for three-week periods. Requests for Thunderbird demonstrations, other than those submitted in December, are honored when possible.

## PART 822—UNIDENTIFIED FLYING OBJECTS (UFO)

Sec.
822.1 Purpose.
822.2 Unidentified flying objects.
822.3 Maintaining public relations.

AUTHORITY: The provisions of this Part 822 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

**§ 822.1 Purpose.**

This part establishes the UFO Program to investigate and analyze UFO's over the United States. Such investigation and analysis are directly related to Air Force responsibility for the defense of the United States. The UFO Program provides for the prompt reporting and rapid identification of UFOs.



**§ 822.2 Unidentified flying objects.**

Any aerial phenomena, airborne object or objects which are unknown or appear out of the ordinary to the observer because of performance, aerodynamic characteristics, or unusual features.

**§ 822.3 Maintaining public relations.**

The Office of Information, Office of the Secretary of the Air Force is responsible for releasing information and answering correspondence to the public relating to UFO's. Private individuals or organizations desiring AF interviews, briefings, lectures, or private discussions on UFO's will direct their requests to the Office of Information, Office of the Secretary of the Air Force.

## PART 823—INDIVIDUALS AND ORGANIZATIONS AUTHORIZED COMMISSARY STORE PRIVILEGES

Sec.
823.1 Authorized patrons.
823.2 Abuses of commissary privileges.

AUTHORITY: The provisions of this Part 823 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

**§ 823.1 Authorized patrons.**

Commissary privileges may be granted to the following individuals, organizations, and activities for their own use or, in the case of individuals, for the use of members of their families.

(a) *Widows.* Widows who have not remarried and who were wives of:

(1) Members of the Regular Army, Navy, Air Force, Marine Corps, and Coast Guard;

(2) Retired personnel of the Army, Navy, Air Force, Marine Corps, and Coast Guard including non-Regular personnel of the Army and Air Force who retired under the Act of April 3, 1939 (53 Stat. 559), as amended (10 U.S.C. 1201, 1203), and who were certified to the Veterans' Administration according to Executive Order 8099, April 28, 1939.

(3) Service personnel who died in line of duty while actively serving as inductees with the Army of the United States, the United States Navy, the United States Air Force, and the United States Marine Corps; the Public Health Service as regular members; and the Reserve components of the United States Armed Forces.

(4) Personnel of the Reserve components retired under 10 U.S.C. 1331, 8911.

(5) Personnel on the Emergency Officers' Retired Lists of the Army, Navy, Air Force, and Marine Corps, who retired under the Act of May 24, 1928 (45 Stat. 735; 38 U.S.C. 581, 582), and members of the Fleet Reserve of the Navy and Fleet Marine Corps Reserve.

(b) *Contract surgeons.* Sales to contract surgeons will be made only during periods of their contracts.

(c) *Uniformed personnel of the Red Cross.* Include only those uniformed Red Cross professional staff personnel who reside onbase and who perform duties at the installation. Sales will be made to such personnel only where the installation commander finds that it is impracticable for them to purchase subsistence from civilian sources.

(d) *Hospitalized veterans.* Honorably discharged veterans of the armed services and the Coast Guard, whether totally disabled or not. Sales may be made to such individuals only when they are hospitalized where commissary store facilities are available.

(e) *Totally disabled veterans.* Honorably discharged veterans of the armed services and the Coast Guard who are totally disabled as the result of a service incurred or aggravated disability, and who are receiving medical care or undergoing treatment in a hospital or in a private domicile through the Veterans' Administration. The medical care and treatment furnished must be a continuous service, even though furnished from an out-patient clinic. Totally disabled veterans who are receiving medical care or undergoing medical treatment on an occasional out-patient service are not entitled to commissary store privileges. Specific inclusions and exclusions are as follows:

(1) Totally disabled veterans receiving continuous medical care and treatment are those that have scheduled future appointments to receive medical care and treatment regardless of frequency of the appointments. These persons are entitled to commissary store privileges.

(2) Totally disabled veterans receiving one-time medical care and treatment are those that do not have scheduled future appointments to receive medical care and treatment. These persons are not authorized commissary store privileges.

(f) *Retired civilian employees of the Coast Guard.* Retired civilian employees of the Coast Guard who were serving on June 30, 1939, as officers or crew members of Lighthouse Service vessels, lightkeepers, or depot keepers in the former Lighthouse Service; and who after June 30, 1939, and at the time of retiring, were civilian employees of the Coast Guard serving as lighthouse keepers or serving on board lightships or other Coast Guard vessels.

(g) *Lighthouse Service personnel.* Retired officers and crews of vessels of the former Lighthouse Service, and retired lightkeepers and depot keepers of the former Lighthouse Service.

(h) *Young Men's Christian Association (YMCA).* At installations where YMCA buildings have been constructed under the provisions of 10 U.S.C. 9778, YMCA secretaries may purchase available subsistence supplies needed for their official installation activities.

(i) *Others.* Sales may be made to other individuals, organizations, and activities in oversea areas not specifically covered by this part when authorized by the major commander.

(j) *Agents.* Sales of subsistence may be made to members of families of individuals listed in this section when such members are residing in the sponsor's household; have been designated as agents of such authorized individuals; and are making purchases in their behalf. Installation commanders may limit agent privileges of minor children because of limited facilities or to prevent abuse of commissary store privileges.

**§ 823.2 Abuses of commissary privileges.**

At the discretion of the installation commander and for reasons thought sufficient by him, commissary privileges may be withdrawn from any person for any type of commissary abuse. Commissary officers will post notices in the commissary store to advise patrons that all commissary store purchases are for their own use or for the use of members of their immediate families and that they will not sell, give away, trade, or otherwise dispose of articles purchased in the commissary store. This matter will also be brought to the attention of authorized commissary store patrons by pertinent base publications.

## PART 824—AIR FORCE PARTICIPATION IN PUBLIC EVENTS

Sec.
824.1 Purpose.
824.2 Policy.
824.3 Use of personnel.
824.4 Equipment.
824.5 Use of aircraft.
824.6 Specifications for insurance.
824.7 Exceptions.

AUTHORITY: The provisions of this Part 824 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

**§ 824.1 Purpose.**

This part governs Air Force participation in public exhibitions, demonstrations, ceremonies, and other similar events.

**§ 824.2 Policy.**

(a) Participation in public events is considered essential to satisfy public interest, keep the public informed on Air Force preparedness, stimulate patriotic spirit, aid community relations, and otherwise further public understanding of the Air Force.

(b) In general, the cost of Air Force participation in public events will not be borne by the USAF, except the pay of military personnel and small incidental expenses for activities of a local nature in areas adjacent to a base or other unit. Transportation and operating costs of equipment used, costs of transportation of personnel, housing and standard per diem allowances, and all other costs, when the activity is beyond the post, camp, base or station area, will be borne by the civil organization sponsoring the activity unless an exception is made by the Secretary of Defense.

(c) No provision of this part authorizes the release, compromise, or downgrading of classified equipment or performance data. Upon the occasion of an "Open House", commanders will insure the safeguarding of classified equipment and/or areas containing such equipment.

(d) Participation must not directly or indirectly benefit or appear to benefit any private individual, commercial venture, sect, or political or fraternal group.

(e) From such participation no monetary gain shall accrue to any individual or organization, except that which is to

be used in the interest of the general public or a bona fide philanthropy.

(f) Except as otherwise indicated in this part, the Secretary of Defense retains the authority to approve:

(1) All public participation in the Washington, D.C., area.

(2) All events of national or international significance.

(3) All events of more than local significance involving two or more of the Services.

(4) Parachute jumps and equipment drops, except as regularly scheduled training programs on Armed Forces installations.

### § 824.3 Use of personnel.

Authority for utilization of personnel is delegated to all major commands and may be further delegated. Air Force personnel may participate in parades, demonstrations, public rallies and exhibitions, and the like:

(a) When such participation is an appropriate part of official occasions attended by senior officers of the government in the performance of official duties.

(b) When these events are sponsored by bona fide veterans' organizations.

(c) In support of fund drives for officially recognized Armed Forces relief agencies or charitable organizations.

(d) In support of athletic contests involving one or more Armed Forces teams.

(e) In connection with recruiting activities.

(f) The use of USAF Bands is governed by Part 820.

### § 824.4 Equipment.

Authority for the presentation of USAF equipment, displays, and exhibits, other than operable aircraft at public occasions, is delegated to major air commands.

(a) In events of local nature, involving community relations, recruiting, and public information, public liability and property damage insurance is not required.

(b) For any other occasion, the sponsor will be required to provide an adequate public liability and property damage insurance applicable to such Air Force equipment as may be on display.

### § 824.5 Use of aircraft.

Aircraft participation is considered to be the inflight demonstration or static display of one or more aircraft in connection with a public event. Insofar as practicable, flying time devoted to aerial demonstrations will be utilized for flying proficiency or training purposes. Types of participation and their requirements are defined as follows:

(a) *Class I (flyover).* Aircraft depart a USAF installation and return without landing at the site of the event.

(1) Approving authority for Class I participation on Armed Forces Day, Memorial Day, Independence Day, and Veterans Day only is delegated to major commanders and may be further delegated, if desired.

(2) Requirements: No aerobatics or competitive speed runs will be flown. No public liability and property damage insurance is required. Sponsor is not required to defray fuel or per diem expenses.

(3) Authorized occasions for this class are:

(i) Civic sponsored local celebrations of national holidays, specifically Armed Forces Day, Memorial Day, Independence Day, and Veterans Day.

(ii) Memorial services for deceased nationally recognized military or government figures.

(iii) Celebrations or receptions of prominent representatives of foreign governments.

(iv) National conventions of bona fide veterans' organizations.

(v) Occasions which are primarily designed to encourage the advancement of aviation and are of more than local interest and importance.

(b) *Class II (major air show).* Aircraft depart home bases as necessary to arrive before the event, participate as practicable, refuel as necessary, and are based at other than home station for duration of the event.

(1) Approving authority is retained by the Department of Defense. The civilian requestor for such participation may be advised to direct his request to the Department of Defense, Office of Public Information and Special Activities.

(2) Requirements: Transportation and operating costs of equipment used, costs of transportation of personnel, housing, and standard per diem allowances, and all other costs will be borne by the sponsor of the occasion unless an exception is made by the Secretary of Defense.

(3) Authorized occasions for this class are those which are primarily designed to encourage or promote the advancement of aviation and are of national or international significance.

(c) *Class III (open house).* Aircraft are demonstrated as practicable for public audiences on a government-owned or leased installation. Demonstration consists of aircraft under the command and jurisdiction of the headquarters approving the open house. (The phrase "government-owned or leased installations" is considered to include Air Force units operating from a municipal or county airport.)

(1) Approving authority is delegated to major commands and may be further delegated if desired.

(2) Requirements: Open house may be utilized at the discretion of approving authority to the best interests of the USAF.

(3) Authorized or suitable occasions are those that the approving authority determines to be in the interest of the Air Force.

(4) Headquarters USAF will monitor open house activities only on occasions of national or international significance.

(d) *Class IV (minor show).* Aircraft depart home station, arrive at destination before the event, remain on static display; and depart after the event to return to home station.

(1) Approving authority is delegated to major commands for participation on Armed Forces Day, Memorial Day, Independence Day, and Veterans Day only.

(2) Requirements: Sponsor must defray the expenses of suitable hotel accommodations, meals, and transportation of all personnel involved. Sponsor must provide public liability and property damage insurance as prescribed in § 824.6, to safeguard the U.S. Government from any claims arising as a result of the participation.

(3) Suitable occasions for Class IV participation are those primarily designed to encourage or promote the advancement of aviation, such as airport dedications, or to support recruiting or major programs of other Federal agencies, including civic sponsored local celebrations of Armed Forces Day, Memorial Day, Independence Day, and Veterans Day.

### § 824.6 Specifications for insurance.

(a) *Participation not requiring insurance.* (1) Demonstration flights conducted at installations owned or leased by the United States Government.

(2) Flight of aircraft to and from place of exhibition.

(3) Class I demonstrations (flyover).

(4) Class III demonstrations (open house).

(b) *Participation requiring insurance.*

(1) Class II (major shows).

(2) Class IV (minor shows).

(c) *Kind of insurance required*—(1) *Type.* A public liability insurance policy and, when circumstances require, property damage insurance will be considered adequate coverage.

(2) *Amount.* Public liability insurance to the extent of $50,000/$500,000 for personal injury or death, $250,000 for property damage is considered adequate coverage for normal participation. Where grandstands or other mass gathering places are to be utilized for spectators at an air show, the amounts should be increased to $100,000/$2,500,000 for personal injury or death. Should any air show be performed near an area of exceptionally high real estate values, property damage insurance should be increased proportionately.

(d) *Extent of coverage.* The insurance policy must state clearly the intent to cover accidents caused by or resulting from the maintenance, use, or operation of aircraft or equipment material, owned by the United States Government and officers or employees of the United States Government acting within the scope of their employment. The policy should name the United States Government as co-insured with the sponsor and contain essentially the same elements as the following indorsement:

SAMPLE INDORSEMENT

(1) The coverage provided by this policy shall extend to any loss from liability imposed by law for any and all bodily injuries (or death resulting therefrom, including loss of services) to persons, or damage to, or destruction of property of every description (including loss of use thereof) caused by, arising out of, or resulting from the participation, operation, use, maintenance, or presence in or at the _____, of any aircraft, equipment, or materiel of any description owned by the United States Government, or caused by, arising out of, or resulting from any action or nonaction of the United States Government, its officers and employees acting within the scope of their office or employment.

(2) The coverage provided by this policy shall extend continuously from the first moment of arrival of the first aircraft, or piece of equipment or materiel of any description owned by the United States Government, at any place or places reasonably or necessarily incident to participation in _____ until the last moment of departure from said place or places of the last of said aircraft, equipment or materiel, and shall extend continuously during the presence at said place or places of the United States Government, its officers or employees, acting within the scope of their employment.

(3) The coverage provided by this policy shall not extend to any liability for loss on account of bodily injury (or death therefrom, including loss of services) of any officer or employee of the United States Government acting within the scope of his office or employment or to any liability for loss on account of any damage to or destruction of any aircraft, equipment, or materiel of any description owned by the United States Government.

(4) It is understood and agreed that the immunity to sue the United States Government, its officers or employees acting within the scope of their office or employment, shall not constitute a bar to recovery nor be pleaded as such in defense of any suit against the United States Government, its officers, or employees, or by the underwriters when defending such suits in their behalf.

(e) *Submission of policy.* The insurance policy must be submitted through channels to Headquarters USAF, Attention, SAFOI, at least 35 days prior to date of the event.

### § 824.7 Exceptions.

In unusual circumstances exceptions to the rules in this part may be made by Headquarters USAF. Requests for such exceptions will be submitted through channels to the Director of Information Services, Office of the Secretary of the Air Force, Washington, D.C., 20330.

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## PART 825—AIR FORCE NEWSPAPERS, BASE GUIDES AND DIRECTORIES

Sec.


825.1 Purpose and scope.
825.2 What Air Force newspapers are.
825.3 Who is responsible for Air Force newspapers.
825.4 Mastheads for unofficial newspapers.
825.5 Unofficial newspapers, base guides, and yearbooks.
825.6 Political advertising.
825.7 Commercial advertising.
825.8 Mailing newspapers.


AUTHORITY: The provisions of this Part 825 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

### § 825.1 Purpose and scope.

This part prescribes policy and procedures for establishing and publishing Air Force newspapers, base guides, and directories. It defines the relationship of the Air Force to commercial enterprise newspapers, and describes the services provided the Air Force News Service (AFNS) and the Armed Forces Press Service (AFPS).

### § 825.2 What Air Force newspapers are.

An Air Force newspaper is a publication produced at any level of command by personnel assigned to offices of information, or through the cooperation of such an office. Its purpose is to provide Air Force news and information not immediately available from other sources to military and civilian members of the Air Force and their families at specific locations. Air Force civilian employee newspapers and papers published by or for Air National Guard and USAF Reserve units are considered Air Force newspapers, but publications produced by or for wives' clubs and members of the Civil Air Patrol and Air Force Reserve Officers' Training Corps are not. There are two types of Air Force newspapers—official and unofficial.

(a) Official newspapers are financed by appropriated or nonappropriated funds, and will not carry commercial advertising.

(b) Unofficial newspapers are commercial enterprise newspapers produced by civilian concerns exclusively in the interest of Air Force personnel of a particular base or organization, at no cost to the U.S. Government. Also included under this category are comic supplements and commercial enterprise base guides.

(1) A commercial enterprise newspaper is similar to an official newspaper except as noted in paragraph (a) of this section.

(2) A commercial enterprise comic supplement may be distributed with either official or unofficial newspapers as an insert, provided requirements of § 825.5 are met.

(3) A commercial enterprise base guide, usually published annually, is a guide to an Air Force installation and the adjacent community and geographical area, and is published without cost to the U.S. Government.

### § 825.3 Who is responsible for Air Force newspapers.

(a) The Director of Information, Office of the Secretary of the Air Force, will exercise general editorial policy supervision over Air Force newspapers in keeping with policies established by the Secretary of the Air Force.

(b) Commanders of major air commands are responsible for approving and monitoring newspapers published within their commands.

(c) Base commanders will supervise Air Force newspapers published within their commands to insure compliance with standards and policies laid down in this part.

(d) Base commanders will not:

(1) Permit official Air Force newspapers to be distributed as inserts in civilian published newspapers.

(2) Allow any civilian-published newspaper or comic supplement to be distributed as an official Air Force newspaper.

### § 825.4 Mastheads for unofficial newspapers.

(a) The title masthead of commercial enterprise newspapers should be easily identifiable and should include the name of the newspaper, the volume and issue number, the geographical location of the installation (if not prohibited by security limitations), and the day of the week published. The following statement will be printed on the first page or front cover of each commercial enterprise newspaper or supplement and on the front cover of each guide:

The (name of newspaper) is an unofficial newspaper published (frequency of publication) in the interests of personnel at (name of Air Force installation) of (major air command). It is published by (name of publisher), a private firm (or individual), in no way connected with the Department of the Air Force. Opinions expressed by publishers and writers are their own and are not to be considered an official expression by the Department of the Air Force. The appearance of advertisements in this publication does not constitute an endorsement by the Department of the Air Force of the products or services advertised.

### § 825.5 Unofficial newspapers, base guides, and yearbooks.

The content of a commercial enterprise newspaper is not subject to military control. Nevertheless, commanders have the authority to prohibit circulation of material within their commands which they consider in bad taste, detrimental to discipline, subversive, or otherwise contrary to the best interests of their commands or the Air Force. A commander who authorizes the distribution of a commercial enterprise newspaper within his command will insure that the following policies are observed:

(a) A commercial enterprise newspaper will not state that it is an official newspaper of the Air Force nor use the name, insignia, or emblem of the Air Force, command, base, or unit in any manner that might imply that it is an official Air Force publication. Nor will the name of the base appear in the date line of the newspaper. The flag of the paper may carry the base name as long as the words "Air Force Base" or "AFB" are not included in the flag.

(b) Air Force military personnel on extended active duty and Air Force civilian personnel are not permitted to be members of the editorial or administrative staffs of a commercial enterprise newspaper and will not authorize their name to be carried in the masthead. This policy does not prohibit news releases through normal channels, nor does it prohibit the names of Air Force military or civilian personnel from appearing as bylines in a commercial enterprise newspaper, as long as there is no editorial title attached to the byline and the material does not imply that the author has an official position on the newspaper.

(c) All news made available by the Air Force to a commercial enterprise newspaper will be made available on an equal basis to any other publisher who requests it.

(d) In selecting a commercial enterprise publication for distribution within their control, commanders will afford an equal and fair opportunity to any responsible bidder to submit specifications and price per copy if a charge from nonappropriated funds is required. The selection should be for a period of not less than one year, and distribution normally will be limited to one commercial enterprise publication at any military installation. Two or more such publications may be authorized, if in the opinion of the commander, local conditions make such action appear desirable.

(e) An official newspaper will not be distributed as a supplementary insert in a commercial enterprise newspaper, nor will a commercial enterprise newspaper be distributed as a part of an official newspaper. However, a commercial en-

terprise comic supplement, with commercial advertising, may be distributed as an insert in an official newspaper: *Provided:*

(1) Fair and equal opportunity is provided for responsible persons or organizations to compete for the privilege as provided in paragraph (d) of this section.

(2) The front page of the supplement carries a statement, and each succeeding page carries a statement in similar type, to the effect that the appearance of commercial advertisements in the supplement does not constitute Department of the Air Force endorsement of the products or services advertised.

(f) On the front cover of a civilian enterprise base guide, as defined in § 825.2(b)(3), the name of the civilian publisher will be printed prominently just above the disclaimer. The format for the entire guide will be designed so that even a casual observer could not mistake the publication for an official guide or directory. Before agreeing to accept any such guide for distribution, base commanders will notify the prospective civilian publisher in writing of the terms and conditions under which the guide will be accepted for distribution on the base. Conditions specified will include the points previously set forth in this section, plus these:

(1) No telephone numbers of base personnel, or complete military organizational phone numbers, charts, or listings will be included. At the discretion of the base commander emergency and service numbers, i.e., hospital, air police, etc., may be included.

(2) The unofficial nature of the guide will be made plain to every person or firm solicited for advertising. Any brochure or letter from the publisher to a prospective advertiser must make this clear. Specifically, no statement may be made that the commander or any of his staff will pass upon advertising submitted.

(3) On one of the inside pages, the publisher's name, permanent address, and telephone number will be shown plainly.

(4) The name of the installation, organization, or military post office address will be excluded from the publisher's letterhead or mailing address.

(5) References to base exchanges or commissaries will contain only the location and hours of operation.

(g) Base or equivalent commanders concerned may authorize publication of organization or base yearbooks provided such publications do not contain information determined to be of possible value to a potential enemy. Types of such information include, but are not limited to:

(1) Detailed biographic data of other than key personnel.

(2) Information on special combat equipment.

(3) Detailed manning and specialties of key combat and support units.

(4) Other detailed air order of battle data.

**§ 825.6 Political advertising.**

Political advertisements in commercial enterprise newspapers should be clearly recognizable as advertisements and the line "This is a paid political advertisement" should appear at top and bottom of the advertisement.

**§ 825.7 Commercial advertising.**

(a) To be acceptable for on-base distribution, no advertising in commercial enterprise newspapers shall be worded or phrased to give the reader the impression that the Air Force in any way endorses, guarantees, or sponsors any product or service. Advertisements which appear as editorials or news stories may be confused as such by readers, and should be clearly labelled, top and bottom, as advertisements.

(b) Military and civilian personnel are prohibited from soliciting or endorsing advertisements carried in commercial enterprise newspapers.

(c) Commanders authorizing the distribution of commercial enterprise newspapers within their commands will insure that newspaper advertisements conform to the principles of good taste, and that the amount of space in each issue used for advertisements does not detract from the primary purpose of the publication, which is to provide news and information of particular interest to the command.

(d) Satisfactory ratio of advertising copy versus news copy is:

(1) 8-page newspaper, 50 percent ads.

(2) 12–16 page newspaper, 55 percent ads.

(3) 20–24 page newspaper, 60 percent ads.

(4) Over 24 page newspaper, 65 percent ads.

**§ 825.8 Mailing newspapers.**

Air Force newspapers transmitted through the mails will be made to conform to the provisions of 18 U.S.C. 1302. Specifically, newspapers are to avoid mention of lotteries or games of chance of any kind. The penalties for mailing newspapers containing such information call for fines up to $1,000 or two years imprisonment.

## PART 826—GIFTS TO INDIVIDUALS OF THE AIR FORCE

Sec.
826.1 Purpose.
826.2 Applicability.
826.3 Definitions.
823.4 Policy.
826.5 Gifts for distribution to individuals.
826.6 Acceptable gifts.
826.7 Responsibility.
826.8 Procedures.
826.9 Constitutional prohibition.
826.10 Members of military assistance advisory groups and aid missions.
826.11 Posthumous awards.

AUTHORITY: The provisions of this Part 826 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

**§ 826.1 Purpose.**

This part sets forth rules relative to solicitation, proffer, and acceptance of gifts by individuals of the Air Force.

**§ 826.2 Applicability.**

(a) This part applies to all military personnel, civilian employees, and activities of the Air Force.

(b) This part does not apply to purely personal and individual gifts from the family and friends of Air Force personnel.

**§ 826.3 Definitions.**

(a) *Individuals of the Air Force.* Unless otherwise indicated this term means Air Force civilian employees and military personnel.

(b) *Solicitation.* This term means asking for, suggesting, or inviting the donation of gifts, or contributions toward gifts, whether for a specific person or for distribution to individuals.

(c) *Military personnel.* This term includes military personnel of all services on duty with the Air Force.

(d) *Gift.* A voluntary proffer of property by persons or organizations for distribution to individuals of the Air Force for their personal use or consumption.

(e) *Receive, receipt, receiving.* These words all have relation to the assumption, by the Air Force, of physical possession of gift property and not to an "acceptance" of such property. The acceptance of gift property is accomplished with the use or consumption thereof by the individual donees.

**§ 826.4 Policy.**

(a) Solicitation of gifts by individuals of the Air Force for individuals or groups is prohibited. The purpose of this prohibition will not be evaded by presenting the gift to a member of the family of the true recipient. Solicitation for such a purpose likewise is prohibited.

(b) There is no objection to the donations of gifts of a nominal value to individuals of the Air Force unless such gifts are contrary to a constitutional or statutory provision, or standards of conduct set forth in this or other Air Force directives.

(c) Gifts which may involve a violation of public trust or a conflict between personal and official interests may not be accepted (see Part 920 of this chapter).

**§ 826.5 Gifts for distribution to individuals.**

Sections 826.5 to 826.8 establish policy and procedures for the receipt by the Air Force of certain types of gifts, as specified herein, for distribution to military personnel. It is emphasized that the gifts discussed in this part are gifts to individuals of the Air Force in their individual capacities and are not gifts to the Department of the Air Force.

**§ 826.6 Acceptable gifts.**

Only gifts of a nominal value of a desirable and useful nature which contribute to the health, comfort, convenience, or morale of the person may be received under the provisions of §§ 826.5 to 826.8. (Examples of gifts of nominal value are: "playing cards for airmen of the Third Air Force", "books for hospitalized airmen", "writing material for airmen in Korea", and so forth.)

**§ 826.7 Responsibility.**

Subject to the policies, procedures, and limitations contained herein.

(a) CONUS major air commanders may receive gifts intended for distribution to personnel within their respective commands. This authority may be delegated to subordinate commanders.



(b) Oversea major air commanders may receive gifts from donors located within their geographic areas. This authority may be delegated to subordinate commanders.

(c) The Director of Military Personnel, Hq USAF, is designated to receive gifts from persons or organizations in the United States for distribution to oversea commands, and for distribution in the CONUS when gifts are intended for military personnel of more than one major command.

**§ 826.8 Procedures.**

(a) *Advertising and publicity.* Receipt of gifts of the nature contemplated by §§ 826.5 to 826.8 will be subject to the following provisions regarding advertising and publicity:

(1) By the donor of the gift: Restrictions will not be placed on advertising or publicity by the donor. However, such advertising or publicity should not imply an indorsement of the product by the Air Force or any member thereof.

(i) There is no objection to the action of a donor of a gift in placing upon the gift a marking of some description which identifies the property as being donated by a particular person, group, or organization. However, such marking must be in good taste and must not be worded so as to state or imply an indorsement of the product by the Air Force or any member thereof.

(ii) Receipt by an Air Force commander of gift property so marked will not be construed as either advertising or publicity of the gift by the Air Force.

(2) By the commander receiving the gift for distribution:

(i) Except in special cases specifically authorized by the Secretary of the Air Force, public acknowledgment of receipt of the gift will not be made. The commander authorized to receive such gifts will, on behalf of the military personnel of the command concerned, acknowledge receipt of the gift by an appropriate letter to the donor.

(ii) Arrangements will not be made which entail granting of special concessions or privileges to the donor.

(iii) Publicity will not be initiated by the receiving commander.

(b) *Packaging and transportation charges.* With the exception of the cases set forth in paragraph (c) of this section, receipt of gifts under §§ 826.5 to 826.8 will be subject to the provision that all packaging and transportation charges will be paid by the donor to the following points:

(1) Gifts for distribution in the CONUS: Gifts will be sent to the distribution point or points designated by the receiving commander or the Director of Military Personnel, Hq USAF.

(2) Gifts for distribution in oversea commands: Gifts will be sent to the port of embarkation or other coastal activity designated by the Director of Military Personnel, Hq USAF, or to the point designated by the receiving oversea commander. Oversea commanders will make all necessary arrangements with the port of embarkation for shipment of gift property to its destination in the oversea command.

(c) *Temporary custody of gift items.* Ordinarily, no question will arise concerning temporary custody of gifts covered by §§ 826.5 to 826.8. However, if a proffer of property for distribution to individuals as described in paragraph (b) of this section is made to an individual who is not authorized to receive it, and the donor specifically requests that the Air Force assume custody while the proper procedure is being determined, the donor will be informed that the Air Force cannot assume responsibility for any loss of or damage to the property before it is delivered to the point designated by the person authorized to receive the gift.

**§ 826.9 Constitutional prohibition.**

The Constitution of the United States prohibits the acceptance of gifts from foreign personages and governments in the following language: "No title of Nobility shall be granted by the United States: and no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State." (U.S. Const. Art. I, sec. 9, cl. 8.) This constitutional prohibition applies to:

(a) All service members of the Department of the Air Force on active duty and to all civilian employees of the Air Force.

(b) All members of the Reserve components when the gift is in recognition of services performed while on active duty, in their capacity as members of a Reserve component, or on inactive duty.

(c) Retired officers of the Regular Air Force.

(d) Discharged persons when they have assumed a new "office of profit or trust" under the United States.

(e) Members of military assistance advisory groups and aid missions.

**§ 826.10 Members of military assistance advisory groups and aid missions.**

Personnel performing any duty whatsoever in connection with the Military Assistance Program may not accept the tender of any gift from foreign governments or officials for duty of this nature. Participation in ceremonies involving any such tender is not authorized. To avoid embarrassment, the appropriate foreign officials should be advised of this prohibition. However, awards proffered in recognition of actual combat services or heroism involving the saving of life are excepted.

**§ 826.11 Posthumous awards.**

Nothing in §§ 826.5 to 826.8 apply to posthumous awards.

## PART 827—RELEASE OF MATTERS OF OFFICIAL RECORD

Sec.
827.1 Purpose.
827.2 Definition.
827.3 Policy.
827.4 Submitting applications.
827.5 Action on applications.
827.6 Fees.

AUTHORITY: The provisions of this Part 827 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

**§ 827.1 Purpose.**

This part prescribes the procedures and states the places where the public may apply for access to matters of official record under the control of the Department of the Air Force.

**§ 827.2 Definition.**

The public: Includes agencies of State and local governments, private organizations, and individuals, including U.S. Government personnel (military and civilian) whose official duties do not entitle them to the matters of official record to which they may desire access.

**§ 827.3 Policy.**

It is the policy of the Department of the Air Force to make matters of official record available to persons properly and directly concerned and who have a legitimate and valid reason, except for:

(a) Information and documents that relate solely to the internal management of the Department of the Air Force.

(b) Matters of official record which, in the public interest, should not be released. For example:

(1) If it is classified in the interest of the defense of the United States.

(2) If it is Atomic Energy Restricted Data as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011–2281).

(3) If its release would interfere unduly with the efficient and effective performance of functions of the Department of the Air Force or some other Government department or agency. This includes but is not limited to functions such as: law enforcement, maintenance of discipline, the conduct of investigations, or relations with foreign governments.

(4) If its release would violate a legal or moral obligation to hold the information or its source in confidence.

(5) If the information contains unsubstantiated derogatory allegations to the character or conduct of an individual which might injure an innocent person if released.

**§ 827.4 Submitting applications.**

(a) Except as prescribed in paragraphs (b) and (c) of this section, write the Secretary of the Air Force, Washington, D.C., 20330. If the applicant is an agent, attorney, or physician acting for another, inclose evidence of authority to act for the principal, client, or patient. The application should:

(1) Identify as precisely as possible the documents or records involved.

(2) Indicate whether access to, copies of, or information from the records are desired.

(3) State the nature of the applicant's interest in sufficient detail to demonstrate that the applicant is properly and directly concerned with a legitimate and valid reason for the application.

(b) Write directly to the places specified in this paragraph for matters of official record concerning Air Force military personnel. Include, in addition to the information described in paragraph (a) of this section: the first name, middle name or initial, surname, date of birth, and service number of the individual concerned.

(1) USAF officers (active duty and retired)—to Hq USAF (AFDASE), Washington, D.C., 20330.

(2) USAF airmen (active duty and retired)—to USAF Airmen Records Annex (AFDASEH), Randolph AFB, Texas, 78148.

(3) Air Force Reserve (not on active duty)—Air Reserve Records Center, 3800 York Street, Denver, Colo., 80205.

(4) Former Air Force military personnel (not on active duty or reserve)—Military Personnel Records Center (Air Force), 9700 Page Boulevard, St. Louis, Mo., 63132.

(c) Send applications for matters of official record for use in litigation to Hq USAF (AFJALF), Washington, D.C., 20330, or directly to the records custodian if known. Part 840, Subchapter D of this chapter prescribes policies and procedures.

§ 827.5 Action on applications.

The Secretary of the Air Force or a person designated by him will approve or disapprove each application in accordance with the policies prescribed in § 827.3, and he will notify the applicant of the decision. If the application is approved, he will advise the applicant when appropriate, of the time and place that he may have access to the records.

§ 827.6 Fees.

A charge may be made for copying, certifying, and searching records in accordance with Subchapter P, Part 288, Chapter I of this title.

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SUBCHAPTER D—CLAIMS AND LITIGATION

## PART 840—RELEASING INFORMATION FOR LITIGATION, AND APPEARANCE OF WITNESSES BEFORE COURTS AND OTHER CIVIL TRIBUNALS

Sec.


840.1 Purpose.
840.2 Definitions.
840.3 Air Force policy.
840.4 Responsibilities.
840.5 Limitations.
840.6 Fees and charges.
840.7 Requests for interviews or statements.
840.8 Authentication of documents.
840.9 Release to the Department of Justice.
840.10 Release to Government contractors.
840.11 Compliance with subpoena.
840.12 Witnesses in private litigation.
840.13 Witnesses in suits involving the United States.
840.14 Depositions.


AUTHORITY: The provisions of this Part 840 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

§ 840.1 Purpose.

This part explains what types of official information may be released from Air Force files for litigation purposes; it also provides policies and procedures for the guidance of Air Force military and civilian personnel who are requested to appear as witnesses. It takes precedence over conflicting instructions in any other regulation.

§ 840.2 Definitions.

(a) *Official information.* All documents, files, records, or papers within the possession of the Department of the Air Force, its officers, agents, or employees, and all matters within the knowledge of such officers, agents, or employees obtained by them as a result of or in connection with the performance of their official duties.

(b) *Litigation.* Prospective or pending lawsuits, controversies, hearings, investigations, or other civil administrative proceedings in civilian courts, commissions, boards, or other tribunals.

§ 840.3 Air Force policy.

Official information will be made available for use in litigation, and military and civilian personnel will be permitted to testify concerning such information in its files if material and relevant to the litigation, unless the information is classified defense information, is privileged by law or regulation, or other valid reason exists for its nonrelease.

§ 840.4 Responsibilities.

(a) The Judge Advocate General, USAF, is responsible for:

(1) Authorizing the release of Air Force information for use in prospective or pending litigation.

(2) Prescribing the type of information which is releaseable, and the circumstances under which it may be released by custodians of the information or by persons appearing as witnesses before civilian courts or tribunals.

(b) Each person in the Air Force who has custody of written information desired for use in litigation, or who is requested to appear as a witness and testify, is primarily responsible for compliance with this part.

(c) Provisions of this part do not apply when no Air Force documents or records are involved, and/or the desired testimony of the Air Force witness has no connection with his Air Force duties and the subject matter does not concern Air Force matters. In those cases, the witness is governed by the usual rules of law applicable to witnesses in the jurisdiction concerned. Section 840.12 sets forth circumstances under which these persons can testify.

§ 840.5 Limitations.

When the United States is a party to the litigation in question, information will be released only after authorization by The Judge Advocate General, USAF, the Staff Judge Advocate of the major air command concerned, The Attorney General of the United States, or a United States Attorney.

(b) When disclosure of the requested information might aid in litigation or prosecution of a present or prospective claim against the United States, custodians of records and prospective witnesses will seek advice from their Staff Judge Advocate. The Staff Judge Advocate will refer the matter immediately, through channels, to The Judge Advocate General, USAF, or to the Staff Judge Advocate of the major air command concerned, who will notify The Judge Advocate General, USAF, immediately of the decision reached. The Staff Judge Advocate will take every precaution to insure that any authorized release of requested information is made by the custodian or prospective witness "in the proper discharge of official duties" and, therefore, not in violation of the Federal criminal statute (18 U.S.C. 283).

(c) When litigation is not pending, custodians of Air Force records should satisfy themselves that:

(1) The request for information is not frivolous or unreasonable.

(2) Litigation is actually contemplated.

(3) The person requesting the information has a need and the right to know it.

If these three tests are not met, the custodian should decline to divulge the information pending institution of the litigation.

(d) Information of a personal nature in Air Force files is treated "confidentially" and will not be released unless:

(1) A subpoena duces tecum—issued by a court or other body having such powers and in whose jurisdiction the custodian is located—is properly served on the custodian, or

(2) Authorized by the Staff Judge Advocate of the major air command concerned or The Judge Advocate General, USAF.

(e) Release of medical information from Air Force files is governed by AFR 160–35 (Administering Medical Treatment Facilities), and will not otherwise be released unless:

(1) A subpoena duces tecum—issued by a court or other body in whose jurisdiction the custodian is located—is properly served on the custodian, or

(2) Authorized by the Staff Judge Advocate of the major air command concerned or The Judge Advocate General, USAF.

(f) Classified defense information cannot be released to unauthorized persons or courts under any circumstances, unless the classification is removed. If classified information is properly subpoenaed and cannot be declassified, the documents, records, or files in question will be forwarded to The Judge Advocate General, USAF, for review of the decision by Headquarters, USAF. Pending this decision, the custodian on whom the subpoena duces tecum has been served will answer the subpoena, tell the court what action he has taken, and inform the court of the contents of this part.

§ 840.6 Fees and charges.

Custodians or other persons who release information outside the Air Force under the provisions of this part are responsible for collection of fees and charges required by Subchapter P, Part 288, Chapter I of this title.

§ 840.7 Requests for interviews or statements.

(a) Requests by parties to private controversies preliminary to actual litigation for permission to interview or to obtain statements from Air Force personnel concerning matters related to their official duties or concerning information obtained in their official capacity may be granted by commanders, on the advice of their Staff Judge Advocates, at appropriate times and places and under



circumstances which will insure that the provisions of this part are not violated.

(b) Identical rules apply in taking depositions of Air Force personnel.

§ 840.8 Authentication of documents.

(a) Properly authenticated copies of Government records, papers, or documents are admissible in evidence in Federal courts (see 28 U.S.C. 1733).

(b) Most State courts and other tribunals will admit into evidence properly authenticated copies of Air Force records, papers, or documents without further identification by the custodian or other witness.

(c) The method of authentication is set out in Rule 44 of the Federal Rules of Civil Procedure (28 U.S.C. 2072), which is further implemented by AFR 110–10 (Authentication of Official Records for Use as Evidence).

(d) In appropriate cases, custodians of records, files, or documents are encouraged to release the requested information with a proper certificate; in many instances this will be satisfactory to the person requesting the information and avoid the necessary court appearance by the custodian.

§ 840.9 Release to the Department of Justice.

(a) Requests for official information received from local United States Attorneys should be honored by the custodian, if possible.

(b) When the requested information is classified defense information, consideration for its declassification and release should be given by persons having such authority under AFR 205–1 (Safeguarding Military Information).

(1) If it is determined that declassification is not possible, the United States Attorney will be so informed promptly.

(2) Unless the subject matter is such that disclosure of classified defense information would adversely affect the security of the United States, the United States Attorney may be permitted to examine the documents, records, or files in question. If, after reviewing the material, the United States Attorney still requests release, he should be advised to forward his request for the information to the Department of Justice.

§ 840.10 Release to Government contractors.

Contracting officers receiving requests for information from Government contractors for use in contractor litigation should comply with those requests, provided that the provisions of this part are not violated.

§ 840.11 Compliance with subpoena.

(a) Subpoenas properly served on the prospective witness by a representative of the court or tribunal which has jurisdiction over the witness and the requested record, file, or document will be complied with, if not otherwise prohibited by this part.

(1) When this part prevents the witness from testifying or producing the subpoenaed documents, the witness will appear at the time and place stated in the subpoena and respectfully advise the court or tribunal that Air Force regulations prevent him from testifying on the subject matter in question and/or producing the documents in question. If this does not satisfy the court or tribunal, the witness will furnish them a copy of this part and respectfully request leave of the court for time to submit the problem to The Judge Advocate General, USAF, for decision.

(b) In cases covered by this section, Staff Judge Advocates are authorized to accompany the subpoenaed witness to court and act as his counsel.

(c) If a subpoena has not been properly issued and served by a court or tribunal having the requisite jurisdiction over the prospective witness, it will be treated as a request for release of information and processed under the provisions of this part.

(d) When this part prohibits release of documents or other information properly subpoenaed, the appropriate custodian or Staff Judge Advocate should consider the appropriateness of informally contacting legal counsel who caused the subpoena to issue. All aspects of the matter should be fully explained to him and releasable information offered to him, in authenticated form if appropriate.

§ 840.12 Witnesses in private litigation.

(a) Air Force personnel who are requested to appear and testify in any litigation in which the Federal Government has no interest may be authorized to do so, provided that this part does not prohibit the release of the information desired, and no expense to the Government is involved.

(1) If there is any travel, subsistence, or other expense involved, it should be paid and arranged for in advance between the prospective witness and the person requesting him to testify.

(2) The witness must be willing to take official leave if his absence from duty will exceed his normal pass privileges. Civilian employees will obtain prior approval for annual leave under these circumstances. Commanders are encouraged to be liberal in granting passes or leave for this purpose.

(b) Persons who are requested to appear and testify in cases falling within the provisions of this section are encouraged to consult with their Staff Judge Advocates for advice and guidance.

§ 840.13 Witnesses in suits involving the United States.

(a) Arrangements for attendance of Air Force military or civilian personnel as witnesses in litigation in which the United States is a party generally are made in Washington between the Department of Justice and The Judge Advocate General, USAF. Local United States Attorneys may request that a witness be furnished them in Government litigation. This request may be honored, provided that no travel or temporary duty are involved. If either is involved, the United States Attorney should be advised to submit his request to the Administrative Division of the Department of Justice pursuant to instructions contained in title VII, page 120, of the United States Attorneys Manual. Headquarters USAF will then issue appropriate orders directing the travel.

(b) The Air Force is required by law to furnish witnesses on behalf of the United States. Travel and per diem expenses of such witnesses are borne by the Air Force "in any case involving" the Air Force (see 28 U.S.C. 1823(a)).

(c) The same procedures apply in cases not "involving" the Air Force, except that the Air Force is reimbursed by the Department of Justice or other Government department or agency for the amounts expended for the travel and temporary duty of the witness. In these cases, Headquarters USAF will issue complete instructions concerning recoupment of all funds expended by the Air Force for the travel and temporary duty of military or civilian personnel who appear as witnesses for the Government.

§ 840.14 Depositions.

All provisions of this part also apply to testimony given by military and civilian personnel in deposition form. Individuals who are asked to testify by deposition are encouraged to consult with their Staff Judge Advocate before testifying.

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## PART 841—PATERNITY CLAIMS

Sec.


841.1 Purpose.
841.2 Policy.
841.3 Active duty personnel.
841.4 Personnel not on active duty.
841.5 Former service personnel.


AUTHORITY: The provisions of this Part 841 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

§ 841.1 Purpose.

This part outlines the procedures for processing paternity claims made against Air Force personnel.

§ 841.2 Policy.

(a) Paternity disputes: The Air Force is without authority to adjudicate paternity claims made against Air Force personnel. The commander of the Air Force member concerned may only determine if the contention of the member is made in good faith. If the parties concerned cannot arrive at a decision as to paternity, then a court of competent jurisdiction adjudicates the dispute.

(b) If a court order, including one from a court of foreign jurisdiction, is issued, which determines paternity, the Air Force member concerned is expected to comply with it. The Air Force is without authority to relieve personnel of obligations imposed by a court order. Personnel must obtain relief through a judicial system of competent jurisdiction.

(c) Established paternity: If paternity is established, either by admission or by judicial decree, the commander of the Air Force member concerned will:

(1) Counsel him on his legal and moral obligations to the child.

(2) Encourage him to render the necessary financial support to the child.

(3) Counsel him on his legal rights, and

(4) Take other actions as deemed appropriate under the circumstances.

(d) Leave:

(1) The commander of the service member concerned should approve leave to the serviceman when:

(i) The serviceman and the complainant desire to marry, and

(ii) No legal obstacle exists to the marriage, and

(iii) Paternity has been established or admitted.

(2) Overseas, the serviceman may be granted emergency return if the conditions in subparagraph (1) of this paragraph apply.

### § 841.3 Active duty personnel.

A paternity claim against an Air Force serviceman on active duty received by the Air Force will be brought to the attention of the member concerned by his immediate commander. After the serviceman concerned has had an opportunity to consult with an attorney, the serviceman will be advised of his rights under Article 31b, UCMJ, and then requested by his commander to make a sworn statement about the paternity claim. If he admits paternity, he will state if he desires to marry the complainant and if he intends to support the child or make other arrangements on the child's behalf. The commander will correspond directly with the complainant for:

(a) Furnishing information as to the Air Force member's intentions in the matter;

(b) Furnishing information that the Air Force has no authority to enforce or adjudicate paternity claims against its personnel;

(c) Requesting that he be furnished with a doctor's certification of pregnancy if the child is not yet born, or a copy of the birth certificate, and

(d) Requesting that he be furnished certified copies of all judicial orders or decrees of paternity or support, including those rendered by a court of foreign jurisdiction.

### § 841.4 Personnel not on active duty.

A paternity claim made against an Air Force serviceman not on active duty will be forwarded to him in a manner to insure delivery to the addressee only. Military channels will be used whenever practicable. Otherwise, correspondence will be forwarded to the last known mailing address of the member by Certified or Registered Mail, Return Receipt Requested—Deliver to Addressee Only. After delivery of the correspondence, the complainant will be advised of the date of delivery without disclosing the member's mailing address. The complainant will be informed that the matter has been left to the discretion of the member complained of since he is in a civilian status and the Department of the Air Force has no direct control over him.

(a) Correspondence concerning Inactive Reservists will be forwarded to:

Commander, Air Reserve Records Center, 3800 York Street, Denver, Colo., 80205.

(b) Correspondence concerning Retired members will be forwarded to:

Directorate of Personnel Services, Retired Activities Branch (AFPMPP-DS), Randolph AFB, Tex., 78148.

### § 841.5 Former service personnel.

A paternity claim made against a former Air Force member will be returned to the complainant. The complainant will be advised that the member complained of is no longer in the Air Force in any capacity. Additionally, the date of discharge or final separation will be given, and the complainant will be informed that the Air Force has no responsibility for the whereabouts of former Air Force personnel. Only in cases in which the complainant has sent a certified copy of a judicial order or decree of paternity or support rendered by a United States or foreign court of competent jurisdiction, the former member's last known address will be given. In all other cases the last known address of the person concerned will not be given to the complainant.

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## PART 842—ADMINISTRATIVE CLAIMS


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AUTHORITY: The provisions of this Part 842 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

### § 842.0 Scope.

This part sets forth the legal requirements, policies, and procedures utilized in adjudicating administrative claims against and in favor of the United States, and furnishes references to pertinent authorities.

## Subpart A—Processing Claims

### § 842.1 Definitions.

(a) *Claim.* Any written demand on the Air Force for the payment of a sum certain, other than for ordinary obligations incurred in the regular procurement of services, supplies, equipment, or real estate. An oral demand may be considered a claim under Subparts B and E of this part. Assertable claims comprise all claims in favor of the United States based on tort liability of some third person.

(b) *Small claim.* A claim for property damage presented for $250 or less.

(c) *Claimant.* An individual, partnership, association, corporation, country, State, Territory, or their political subdivisions. The term does not include the United States Government or any of its instrumentalities (see § 842.113), except for claims in favor of the United States (see Subparts F through H and Subpart J of this part). Proper claimants are further defined in other sections of this Instruction.

(d) *Military personnel.* Individual members of the active Air Force.

(e) *Civilian personnel.* Civilian employees of the Air Force paid from appropriated funds. However, this term also may include prisoners of war and interned enemy aliens engaged in labor for pay, and volunteer workers and others serving as employees of the Air Force without compensation, except claims under Subparts C, M and N of this part.

(f) *Scope of employment.* Acts or omissions of Air Force military or civilian personnel expressly or impliedly directed, or authorized by competent authority.

(g) *Combat activities.* Activities resulting from action by the enemy, or by United States Armed Forces engaged in or in immediate preparation for impending armed conflict.

(h) *Noncombat activities.* This term relates to nonnegligence activities that are peculiarly military, having little parallel in civilian pursuits, and that historically have been considered as furnishing a proper basis for paying claims. Ordinary traffic accident and other tort-type claims are not included in this interpretation, although such claims may be payable under other statutory provisions. This term is explained in greater detail in Subparts D and L of this part.

(i) *Inhabitant of a foreign country.* A person who is domiciled in a foreign country (see Subpart E of this part).

(j) *Settle.* To consider, ascertain, adjust, determine, and dispose of a claim, whether by approval or disapproval in whole or in part.

### § 842.2 Claims authorities.

(a) *Initiating authority.* Any officer who has responsibility to investigate and process claims presented to or asserted by the Air Force.

(b) *Approving authority.* Any judge advocate designated by the Secretary of the Air Force, and any foreign claims commission appointed by him or his designee, to settle certain claims.

(c) *Reviewing authority.* The approving authority at the next higher headquarters in appropriate claims channels from the authority taking final disposition action on a claim.

### § 842.3 Real property.

The claimant will be required to submit the following information:

(a) *Proof of ownership.* (1) When the amount claimed for damage to or loss or destruction of real property does not exceed $1,000, proof of ownership ordinarily may consist of the claimant's statement or affirmation on the executed claim form that he had legal title to the property or property right on the date of the accident or incident giving rise to the claim, or a statement of his interest in the property or property right.

(2) When the amount claimed for damage to or loss or destruction of real property exceeds $1,000:

(i) The claimant will be required to submit an affidavit to include:

(*a*) Legal description of the property.

(*b*) A statement that he had legal title to the property on the date of the accident or incident giving rise to the claim; if he did not have legal title, a statement of his interest on that date.

(*c*) A statement how title or other interest was acquired—such as by warranty deed, tax deed, court decree, lease, will, or otherwise.

(*d*) Date of any legal instrument or document conveying legal title or other interest to claimant.

(*e*) Name and location of office of record where instrument or document conveying title or other interest to claimant was recorded, date of recording, and book and page number where instrument was recorded.

(*f*) Statement whether he has the identical title or interest in the property as that held at the date of damage, destruction, or loss.

(*g*) Statement whether any other person has an interest or asserted interest in the property, and the name and address of such person and description of such interest.

(*h*) If any of the required items of information are not included, the claimant will explain their absence in his affidavit.

(ii) If a single instrument or document of record exists which conveyed title or other interest to the claimant, the claimant will be required to submit a properly authenticated copy of such instrument or document.

(b) *Land and soil damage.* (1) Cost of rehabilitation of the land and steps taken to effect rehabilitation are required, including a report on whether complete restoration was effected, cost of fertilizer, tillage, holes covered, persons doing work, and any additional damage caused during such rehabilitation.

(2) If pasture or grazing land is involved, determine the value of the destroyed grasses and include the length of time the claimant will be denied the use of the land for pasture or grazing purposes, whether substitute land is available reasonably to the claimant, expenses incurred by the claimant for rent or use of substitute land, loss of rents from the affected land, and other pertinent information.

(3) In the event of permanent damage, or when a claim is made for a reduction in value of land, the claimant will be required to submit a statement from a qualified real estate appraiser of the before and after market value and the date of purchase and purchase price.

(c) *Crop losses.* (1) A detailed description of the damage and the area affected is required, including the type of crop involved, the loss in terms of appropriate units—such as bushels, bales, or pounds—acreage involved, monetary loss, size of claimant's farm, and the general nature of the farming operation.

(2) Since crop yields cannot be accurately known until harvest time, certain information is essential in calculating a loss:

(i) Claimant's past production record.

(ii) Average yields per acre for the affected crop in the county or locality where the land is located.

(iii) Market price of the crop at maturity.

(iv) Any special problems of irrigation involved.

(3) A statement whether any crops involved were subject to any Federal or state production restrictions, allocations, aids, or benefits, and, if so, give details.

(4) A statement showing any steps taken to minimize the loss—such as substitute planting where possible, harvesting, and crop and land rotation.

(5) A statement showing any loss of rentals and any crop agreements involved in leased land.

(d) *Houses, stores, barns, outbuildings, fences, or other structures affixed to the realty.* (1) A detailed description of the damage is required.

(2) Ordinarily at least two detailed written estimates of cost of repairs will be furnished by the claimant. If repairs have been accomplished, claimant will furnish the bill, receipt, or a copy thereof.

(3) Whether a building or other structure is repairable or has been destroyed is sometimes a question of fact which must be carefully considered:

(i) If it has been destroyed, the claimant will be required to submit written appraisals of the market value by two qualified real estate appraisers. These appraisals will include the date of construction, cost of construction, market value at time of destruction, local real estate conditions that may have affected market value, improvements made after original construction, and the condition of the structure at the time of destruction. Evidence as to reconstruction cost has probative value and may be considered.

(ii) If it is not possible to obtain an appraisal, the measure of damage may be determined by using the reconstruction cost, less a deduction for depreciation. Depreciation is determined by the age of the destroyed building or other structure, as compared to its normal life expectancy. Depreciation schedules may be found in publications of the Internal Revenue Service or may be those employed in local business practices.

(4) The damage to or destruction of a building or other structure used for commercial or residential purposes may give rise to a claim for loss of use:

(i) On residential structures, the file will include a detailed breakdown of the cost of rent for substitute quarters, and any extra expenses incurred for food, utilities, transportation, or any other item claimed. To permit determination of the damage, the file must include information concerning the period of time reasonably required to effect repairs or reconstruction, whether the claimant has made reasonable efforts to effect repairs or reconstruction, claimant's normal living expenses, expenses other than housing, food, and utilities, and whether such expenses were reasonable and necessary. When available, the claimant will be required to furnish the claims officer with bills, receipts, or other documentary evidence in support of such expenses.

(ii) On commercial structures, the file will include a statement of the cost of rent for any necessary substitute structure, the period of time reasonably required to effect repairs or reconstruction, and whether the claimant has made reasonable efforts to effect repairs or reconstruction. When available, the claimant will be required to furnish the claims officer with documentary evidence in support of rental expenses.

(iii) If a claim for loss of profits is made, the claimant will be required to submit an affidavit explaining in detail such alleged loss and the basis therefor, including comparison of profits for the year immediately preceding the damage and the period for which the loss is claimed.

(5) If the claimant has effected repairs himself, the cost of materials used, the reasonable value of his labor, and any wages lost from regular employment to effect repairs may be considered in determining the damage.

(e) *Trees, grass, bushes, plants, or vines.* (1) A detailed description of the damage is required.

(2) Trees, grass, bushes, plants, or vines not grown for commercial purposes. When permanently damaged or destroyed, the claimant will be required to submit a written appraisal by a qualified real estate appraiser of the market value of the land immediately before and after damage or destruction. It is emphasized that the replacement cost of a tree not grown for commercial purposes is not the measure of damage for the loss of such tree.

(3) Trees, grass, bushes, plants, or vines grown for commercial purposes:

(i) The measure of damage for sawtimber and pulpwood destroyed is stumpage—the market value of the tree standing in the forest. For young trees, it is generally the cost of replacement for destroyed trees, plus an allowance for lost growth. When any size tree is only damaged and it survives, an allowance may be made for lost growth. In fires, soil damage may also be considered.

(ii) Fruit and nut trees and vines grown in commercial orchards:

(*a*) When destroyed, the measure of damage generally is the loss of profits during the period required for a young tree or vine to reach bearing age, plus an allowance for removing the remains of the destroyed item and replacing it with a young tree or vine.

(*b*) Evaluation of the damage requires information concerning the type and number of trees or vines affected, total orchard or vineyard acreage, produce market prices, age of trees or vines at time of destruction, maturity period for the trees or vines, years of profitable bearing, cultivation, harvesting, and marketing costs, and any special factors peculiar to the locality.

(iii) Trees, bushes, plants, or vines grown in commercial nurseries. When the item itself is merchantable and is destroyed, the local market value at the time of destruction must be determined.

**§ 842.4 Personal property.**

(a) The claimant will be required to submit the following evidence and information:

(1) Proof of ownership of personal property damaged, lost, or destroyed ordinarily may consist of the claimant's statement or affirmation on the executed claim form that he owned the property on the date of the incident giving rise to the claim, or a statement of his interest in the property. If the claims officer has reason to doubt the claimant's ownership, he will require the claimant to furnish additional evidence.

(2) A statement of the amount claimed for each item.

(3) For personal property which has been or can be economically repaired, an itemized receipt for payment of necessary repair costs, or an itemized written statement or estimate of the repair costs from a competent individual or firm.

(4) For personal property which is not economically repairable, or is lost or destroyed, a statement listing the month and year of purchase, purchase price of each item, and any salvage value.

**§ 842.5 Death or personal injury.**

(a) *Death.* (1) In support of a claim for death, including any pain and suffering preceding death, the claimant will be required to submit the following evidence and information:

(i) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of deceased.

(ii) An affidavit showing:

(*a*) Deceased's employment or occupation at time of death, including monthly or yearly salary or earnings (if any), and length of time at last employment or occupation.

(*b*) Full names, birth dates, kinship, and marital status of all survivors, including identification of those survivors who were dependent for support upon deceased at the time of his death.

(*c*) Degree of support afforded by the deceased to each survivor dependent for support upon deceased at the time of his death.

(*d*) Educational benefits that survivors might reasonably have expected from deceased had he lived.

(*e*) Deceased's general physical condition before death.

(*f*) Any other evidence which would have a bearing on the determination of the proper claimants and award.

(iii) Itemized and signed bills for medical and burial expenses arising out of the accident or incident causing death, or itemized receipts of payment for such expenses.

(iv) In support of the element of pain and suffering incident to death, a physician's detailed statement concerning injuries suffered, duration of pain and suffering, drugs administered for pain, and deceased's physical condition in the interval between injury and death.

(b) *Personal injury.* (1) In support of a claim for personal injury, including pain and suffering, the claimant will be required to submit the following evidence and information:

(i) A written report by his attending physician or dentist showing the nature and extent of the injury, nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity.

(ii) Itemized and signed bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(iii) If the prognosis reveals the necessity for future treatment, a statement of expected expenses for such treatment.

(iv) When a claim is made for loss of time from work or loss of earnings, a written statement from his employer showing actual time lost from employment, whether he is a full- or part-time employee, and wages or salary actually lost.

(v) When claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(2) In addition, the claimant may be requested to submit to a physical examination at a military medical facility, or by a physician from such a facility.



**§ 842.6 Domestic animals and fowl; fish and wildlife.**

(a) *Death or injury to domestic animals and fowl.* (1) A statement will be required from the claimant that he owns the animals or fowl, and the number and description of those affected.

(2) In injury cases, the claimant will be required to submit a detailed statement describing the injuries and cost of treatment, supported by any bills or receipts. The claimant also will be required to furnish written statements from any veterinarian in attendance showing the cause and extent of injuries or losses.

(3) In the case of fur-bearing animals kept for pelting or sale, the claimant will be required to state:

(i) Length of time he has been in the business of raising the animals for sale or pelting.

(ii) Name of any breeding or marketing association to which he may belong, and whether or not he occupies the position of an officer in the association.

(iii) Number and type of adult and young animals at the location of the incident immediately before the incident.

(iv) Number, type, and ages of all the adults and young animals affected.

(v) When destroyed, the market value of each animal and the expected profit on each animal.

(vi) On each animal for which claim is made, whether the damage is based on the value of the animal for pelting or sale as breeding stock.

(vii) Market prices received for his last sales of pelts or breeding stock before the incident.

(viii) Name and address of his pelt buyer or market.

(ix) Normal mortality rate per litter.

(b) *Loss of weight or production and other disabilities.* (1) The local market price of the animals, fowl, or their produce at the time of damage is a factor in all cases. Since a damaged claimant is only entitled to any loss of profits, all raising and marketing costs will be considered.

(c) *Fish and wildlife.* (1) When a claim is made for loss of income from fish, oysters, or other marine life, or trapping, the claimant will be required to furnish an affidavit showing his profits from the previous three seasons.

(2) When diminution in the value of land is alleged, the claimant will be required to submit written appraisals from at least two qualified persons.

**§ 842.7 Admiralty accidents or incidents.**

(a) When property is damaged by an admiralty accident or incident, surveys should be held as soon as possible. Opposing interests will be notified of the occurrence and may participate in the Government survey or conduct their own survey. Private operators should afford the Government the same opportunity when they damage its property.

(b) The claimant must establish its damage by statements of witnesses and documentary evidence.

**§ 842.8 Explosion, concussion, or vibration.**

(a) In all cases except sonic booms, the claimant will be required to submit the following evidence and information:

(1) Proof of ownership as required by § 842.3(a) and a description of the property, including its age, state of repair, date and extent of additions, remodeling, or renovation.

(2) A statement of the cause and extent of the damage incurred.

**§ 842.9 Sonic boom.**

In all sonic boom cases the claimant will be required to submit the following information:

(a) Damage due to sonic boom:

(1) Detailed description of alleged damage.

(2) Detailed description of the building or structure involved, including significant details of construction, size of rooms, age, and its general state of repair.

(3) Detailed examination and description of any alleged plaster damage involved.

(4) Existence or absence of glass damage in allegedly damaged building or structure, and whether any other glass damage resulting from this incident was reported and verified.

(5) Whether windows and doors were open or closed.

(6) Whether any loose objects—such as dishes, glassware, or trinkets—inside the building or structure were moved.

(b) At times complaints will be made that the sonic boom gave rise to cracks in brick walls, driveways, concrete foundations, and other major structural elements; however, Air Force studies have shown that a sonic boom will not generate over-pressures of sufficient intensity to cause such major structural damages.

**§ 842.10 Claims presented by a member of another United States Armed Force.**

A member of another U.S. Armed Force may present to the Air Force a claim for loss of personal property incident to his service, although it must be referred to his service for settlement.

**§ 842.11 Action by claimant.**

(a) *Property damage.* (1) A claim for damage to, or loss or destruction of property may be presented by the owner of the property, his duly authorized agent or legal representative, or survivors, only as authorized in other sections of this Instruction.

(2) As used in this Instruction, owner includes:

(i) For real property: The mortgagor and when appropriate the mortgagee, depending on whether the mortgagee can maintain a cause of action in the local courts involving a tort to that specific property. When notice of divided interests in real property is received the claim should, if possible, be treated as a joint claim.

(ii) For personal property: A bailee, lessee, mortgagor, and conditional vendee. However, a mortgagee, conditional vendor, or others having title for purposes of security only are not included. If more than one party has a real interest in the property damaged, all must join in the claim.

(b) *Personal injury or death.* (1) A claim for personal injury may be presented by the injured person, his duly authorized agent, or legal representative.

(2) A claim based on death may be presented by the executor or administrator of the deceased's estate, or by any other person legally or beneficially entitled in accordance with local law governing the rights of survivors.

(c) *Insurance subrogees.* Claims of subrogees are governed by applicable sections of this Instruction.

**§ 842.12 Claim forms.**

(a) *Presenting claim forms.* Claimant will present his claim in triplicate on authorized official forms; SF 95, Claim for Damage or Injury, or AF Form 529, Claim for Personal Property. The following information will be included on these forms, where appropriate:

(1) In connection with personnel claims processed under Subpart C of this part, the address of the claimant will be that address at which claimant is most likely to receive his mail promptly.

(2) Facts of the accident or incident, including date, place, property, and persons involved.

(3) Nature and extent of damage, loss, or injury, and amount claimed in a sum certain.

(4) Ownership of property or property right for which claim is presented.

(5) Cause or occasion of the accident or incident.

(6) Whether litigation has been instituted in any court on the subject matter of the claim, and, if so, the name and location of the court, style of the lawsuit, amount demanded by plaintiff, and the status or outcome of such litigation.

(7) Whether damage or loss is covered in whole or in part by insurance and, if covered, the amount of coverage and name and address of insurer; whether a claim has been presented to an insurer, and, if so, in what amount; and whether the insurer has or is expected to pay the claim.

(b) *Signatures on claim forms*—(1) *How to sign.* Claim forms will be signed in ink by the claimant, or in his name by a duly authorized representative. The signatures will include the first name, middle initial (if any), and surname of both the claimant and the person signing the claim on his behalf. A married woman must sign her claim in her given name—for example, "Mary A. Doe" rather than "Mrs. John Doe." The

claim, if presented by an agent or legal representative, will be presented in the name of the owner, be signed by the agent or legal representative, show the title or capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative—for example, "John Doe by Richard Roe, Attorney in Fact." The authority to present a claim will have been executed within 180 days of presentation of the claim.

(2) *Corporation claims.* A claim presented by a corporation will show the title or capacity of the corporate officer signing, and the corporate seal (if any) will be affixed to the claim form. When other than an officer of a corporate claimant signs the claim form on behalf of the corporation, a certification by a corporate officer that the person whose signature appears on the claim form is an agent of the corporation duly authorized to present and settle the claim will be presented with the claim, and the corporate seal (if any) will be affixed thereto.

(3) *Joint interests.* In states or countries where community property laws exist, both the husband and wife will sign the claim form when a claim is presented for property damage or personal injury to either spouse. Where joint ownership or interest in real property is recognized by law, both the husband and wife also must sign the claim form.

(4) *Insurance subrogation claims.* A subrogee may present its claim separately or jointly with the insured (but see §§ 842.24(c), 842.32(b) and 842.53(c)).

**§ 842.13 Where to present claim forms.**

The claim will be presented to the commander of the military or civilian personnel involved, if known, otherwise it will be presented to the commander of the unit or installation at or nearest to which the accident or incident occurred. If the accident or incident occurred in a foreign country where no Air Force unit is stationed, the claim will be presented to the United States air attaché, any attache of the United States Armed Forces, or those Military Assistance Advisory Group personnel authorized to receive claims.

**§ 842.14 Evidence to be submitted by claimant.**

The claimant will submit competent evidence and information concerning the cause of the damage or injury for which claim is made, proof of ownership of property, and the correctness of the amount claimed.

(a) *Property damage.* See § 842.4 for the evidence and information to be submitted by a claimant.

(b) *Personal injury or death.* See § 842.5 for the evidence and information to be submitted by a claimant.

(c) *Recoveries from third parties.* If the claimant has elected to proceed against a third party as a joint tortfeasor, or has recovered from his insurer or common carrier, he will report the facts of such action and any amounts recovered with respect to items of damage which otherwise may properly be included in the claim against the Government.

(d) *Excluded items.* The following items generally are not considered proper elements of damage within the meaning of this Instruction. However, the claimant will not be prevented from including itemized accounts and complete and substantiating evidence with regard to any such damage.

(1) Interest on any award will not be allowed.

(2) Cost of preparation and presentation of the claim, including but not limited to expenditures incident to obtaining evidence—such as fees for appraisals and estimates of damage, travel and telephone expenses in connection with presenting the claim, attorney fees, and the cost or value of the claimant's or another's time and labor in preparing the claim. However, see § 842.75.

(3) Inconvenience, including but not limited to the monetary value alleged by the claimant for hardship, mental anguish, loss of use of noncommercial property, and other intangible damage and loss which may be considered punitive damages, as opposed to compensatory damages. In death claims, mental anguish may be a proper element of damage.

**§ 842.15 Action if claim is withdrawn.**

If the claim is withdrawn, the only papers that may be returned to a claimant are his original claim form and such supporting documents as the claimant has furnished.

**§ 842.16 Action on approved claims.**

(a) *Settlement agreement.* (1) When either a claim within the settlement limits of the approving authority has been approved for less than the amount claimed, or any personal injury or death claim is approved, the claimant will be required to sign a claims settlement agreement or other written release, in triplicate.

(2) In claims settled under Subpart C of this part no settlement agreement is required or will be obtained.

(3) In all claims paid under Subparts L, M, and Q of this part, a settlement agreement is required as provided therein.

(b) *Transmitting checks.* Checks will not be transmitted to any person other than the payee or his attorney without specific written authority from the payee. However, checks may be placed in the temporary custody of a representative of the Air Force for the purpose of delivery to the payee, or his duly authorized agent or legal representative.

**§ 842.17 Action on disapproved claims.**

If a claim is disapproved in whole or in part, the approving authority will notify the claimant in writing informing him of that action. The requirements of the sections of this Instruction under which the disapproval action was taken will control appeals, when authorized by law.

**§ 842.18 Emergency payments.**

(a) The Judge Advocate General, The Assistant Judge Advocate General, and the Chief, Claims Division, Headquarters USAF, may authorize emergency payments in accordance with 10 U.S.C. 2736 in an amount not to exceed $1,000, before presentation of a claim, to a potential claimant for damage, injury, or death resulting from an accident involving an aircraft or missile under Air Force or ANG control.

(b) Emergency payments are limited to cases where the amount otherwise would be payable under Subparts D, and E or L of this part. When provisions of Subpart E of this part are preempted by claims provisions of an international agreement, concurrence of the foreign government concerned will be obtained before making an emergency payment. This concurrence will include an assurance by the foreign government that the amount of the emergency payment will be deducted from the award made by the foreign government, and that the United States will be credited with the full amount of the payment on any request for reimbursement.

(c) An emergency payment is not a gift or grant, but an advance payment against future settlement. It is intended to relieve immediate hardship and suffering.

**§ 842.19 Transfers and assignments of claims.**

Transfers and assignments of claims against the United States ordinarily are null and void by reason of the provisions of 31 U.S.C. 203, except assignments of claims by operation of law—such as to receivers or trustees in bankruptcy or administrators of estates. A power of attorney or other purported authority to receive payment of all or a part of any claim in another's name is null and void. However, provisions of the statute do not apply to claims of insurance subrogees based on involuntary assignments arising under Subparts D, F through I, or L through M of this part.

**§ 842.20 Participation in prosecution of claims and disclosure of information.**

(a) *Aid or assistance prohibited.* Air Force personnel are forbidden to represent, aid, or assist any claimant or potential claimant in the prosecution or support of any claim against the United States, or to receive any gratuity, share, or interest in any such claim. This includes disclosing or furnishing information or documents which may be made the basis of a claim, or any evidence of record in a claim matter—such as reports of investigation, statements of witnesses, photographs, and medical reports.

(b) *Official duty exception.* The prohibition against furnishing aid and assistance does not apply to the proper discharge of official duties. Upon inquiry, a claimant may be advised how to present a claim, and evidence originally furnished by the claimant may be exhibited or returned to him or his representative (see § 842.15). Documentary evidence required to be submitted by a claimant under Subpart C of this part may be furnished on request, and, when necessary, claimants may be assisted in preparing the claim form and assembling the evidence.



## Subpart B—Article 139 UCMJ Claims (10 U.S.C. 939)

**§ 842.21 General.**

(a) Provisions of Article 139, UCMJ, may be invoked by those whose property has been damaged or wrongfully taken by members of the service. However, recovery is provided solely for willful damage to or wrongful taking of property, and does not extend to personal injuries or death claims.

(b) There is no limitation on the total amount allowable under Article 139.

(c) There is no legal or other authority that will support "voluntary agreements" to pay for alleged damages in lieu of proceedings under Article 139 when the facts reveal that Article 139 would not apply. A charge against the airman's pay thereunder would be illegal.

(d) Procedures authorized under Article 139 provide the only legal remedy whereby an Armed Forces member can be made to make reimbursement out of his pay for civil damage to the party concerned.

(e) Liability may only be assessed against Armed Force members.

**§ 842.22 Proper claimant.**

Claimant means any person or legal entity except an insurer or a subrogee. The term claimant includes military personnel, a State, county, or municipality, but does not include the United States or any instrumentality thereof.

**§ 842.23 Cognizable claims.**

Any claim within the provisions of Article 139, UCMJ, not hereinafter excluded, may be presented to any Air Force commander for consideration under this subpart, and, in proper cases, approved for payment. However, such damage, loss, or destruction of property by military personnel must be caused by riotous, violent, or disorderly conduct, or acts of depredation, willful misconduct, or reckless disregard of property rights carrying an implication of guilty intent.

**§ 842.24 Claims not cognizable.**

Claims otherwise within the scope of this subpart nevertheless are not cognizable under their provisions when the damage, loss, or destruction of property involves any of the following:

(a) Claims cognizable under this subpart, Subparts D through I, K through M of this part: However, if a claim is within the scope of this subpart, and Subparts E or M of this part, but the act or omission occurred outside the scope of the member's employment, the claim may be processed under this subpart, either in whole or part, when specific authority to do so has been obtained from the approving authority concerned.

(b) Claims resulting from simple negligence.

(c) Subrogation claims.

(d) Any portion of a claim covered by insurance, regardless of whether claim is made against the insurer or not.

(e) Claims for personal injury or death.

(f) Claims for damage, loss, or destruction of property resulting from acts or omissions of military personnel while acting within the scope of their employment.

(g) Claims arising from larceny, forgery, deceit, embezzlement, fraud, misappropriation, and misapplication, when the wrongful taking is accomplished under conditions of stealth, deception, trickery, or device, unaccompanied by any force, riotous, violent, or disorderly conduct. However, claims for subsequent physical damage to the stolen property are cognizable.

(h) Complaints presented more than 90 days after the incident out of which the claim arises, unless the commander taking action on the report of the board determines that good cause has been shown for the delay in making complaint. Such commander's determination that good cause has or has not been shown is final.

(i) Claims for Government property, including property furnished through the Armed Forces Clothing Monetary Allowance System or through issue.

(j) Claims for damage, loss, or destruction of property caused wholly or partly by a negligent or wrongful act of the claimant, his agent, or his employee.

(k) Claims for indirect damages (see Subpart A of this part).

(l) If payment of a claim is made by the United States under a claims statute or international agreement, reimbursement will not be obtained from the offender.

(m) Claims resulting from acts or omissions of civilian employees.

**§ 842.25 Procedure for processing claims.**

(a) *Action by claimant.* Any person who believes that his property has been willfully damaged or wrongfully taken by military personnel may complain, orally or in writing, to the commander of the alleged offender. However, if the unit of the alleged offender is not known, the claimant may complain to the commander of the nearest Air Force base, station, installation, unit, or attaché. Before final action is taken, such a complaint will be accompanied by a written claim in triplicate, for a definite amount. When appropriate, such a claim may be regarded as the complaint.

(b) *Action on complaint*—(1) *Commander receiving complaint.* The commander to whom such a complaint is presented will convene a board of from one to three officers to investigate the complaint, ascertain and report the facts, and make findings and recommendations relating to the complaint.

**§ 842.26 Reconsideration of claims.**

Article 139 provides for no appeal from the action of the commander by either the claimant or the offender. However, it is always possible for a commander to reconsider any action taken by him in order to correct an injustice. A successor in command may change the original action even though the offender may have been transferred, but only on the basis of newly discovered evidence, fraud, or obvious error of law, fact, or calculation appearing on the face of the record. A transfer of an offender to a new unit does not give any authority to the new commander to change a decision that was favorable or unfavorable to the offender.

**§ 842.27 Statute of limitations.**

There are no provisions in Article 139 concerning the period within which such complaints must be asserted, however, see § 842.24(h).

**§ 842.28 Settlement authority.**

Claims may be settled in any amount.

## Subpart C—Personnel Claims (10 U.S.C. 2732)

**§ 842.29 General.**

This subpart governs administrative settlement and payment of claims presented by Air Force military and civilian personnel and Air National Guard and Air Force Reserve military personnel for personal property damaged or lost incident to their service.

**§ 842.30 Proper claimants.**

(a) All Air Force military and civilian personnel.

(b) Air National Guard and Air Force Reserve military personnel while engaged in inactive duty training pursuant to Federal law.

(c) The authorized agent or legal representative of persons in paragraph (a) or (b) of this section.

(d) Survivors of persons in paragraph (a) or (b) of this section in the following order of precedence:

(1) Spouse.
(2) Child or children.
(3) Father or mother, or both.
(4) Brothers or sisters, or both.

(e) A claim may not be presented under this subpart by or for the benefit of a subrogee, assignee, conditional vendor, or other third party.

**§ 842.31 Cognizable claims.**

Claims for personal property lost or damaged incident to service are cognizable; provisions of paragraphs (a) and (b) of this section are intended to encompass the contingencies and circumstances which render a claim "incident to service."

(a) *Claims payable.* (1) Claims are payable under this subpart only for such types, quantities, or amounts of tangible personal property (including money) as the approving authority shall determine to be reasonable, useful, or proper under the circumstances existing at the time and place of the loss. In determining what is reasonable, useful, or proper the approving authority will consider the type and quantity of property involved, circumstances attending acquisition and use of the property, and whether possession or use by the claimant at the time of loss or damage was incident to his service.

(i) What is reasonable is a question of fact to be determined in the light of the officer's or airman's rank or the civilian employee's rating, together with his duty, job, and station assignment.

(ii) The Government does not underwrite all personal property losses that a claimant may sustain, and it does not underwrite individual taste. While the Government does not attempt to limit

possession of property by an individual in the service, payment for loss or damage is made only to the extent deemed reasonable, useful, or proper. If individuals possess excessive quantities of items and/or expensive items, they should have such property privately insured.

(2) Property borrowed from others may be the subject of a claim.

(3) Specific types of claims payable include:

(i) Losses at quarters or other authorized places by theft (see subdivision (vii) of this subparagraph) or unusual occurrence, including fire, flood, hurricane, typhoon, tornado, cyclone, explosion, earthquake, and similar catastrophes or disasters. Lightning is not considered an unusual occurrence. However, property must be located at:

(*a*) Quarters, wherever situated, which were occupied by the claimant and were assigned to him or otherwise provided in kind by the Government.

(*1*) To substantiate a claim for loss at quarters the claimant must show that:

(*i*) Such quarters were in fact occupied by him. Of course, this does not mean that the claimant must be physically present in the quarters at the time of the loss.

(*ii*) The loss was caused by one of the enumerated or similar disasters and was not caused by his own negligence.

(2) When the loss occurred within the United States at quarters assigned or otherwise provided in kind, assignment of such quarters must be substantiated by competent orders showing the assignment by the billeting office or other qualified agency.

(3) When quarters are assigned which are classed as substandard and the total basic allowances for quarters is not forfeited, the quarters are still considered "assigned" within the meaning of this section and this subpart.

(4) As a general rule, when the claimant has drawn his full basic allowance for quarters and is not required to reimburse the Government or a Government-controlled agency for any part thereof in the form of rent, such quarters are considered private rental and not quarters otherwise provided in kind.

(5) Quarters includes garages, carports, or attached buildings.

(*b*) Quarters outside the United States which were occupied by the claimant but were neither assigned to him nor otherwise provided in kind by the Government, except when the claimant was a civilian employee who was a local inhabitant.

(*1*) Quarters includes garages, carports, or attached buildings.

(c) Any warehouse, office, hospital, baggage holding area, or other place (except quarters) authorized for receiving or storing property, if:

(*1*) Storage was authorized by a competent authority,

(2) The place was designated as suitable for receiving and storing property, and

(3) The claimant complied with pertinent regulations concerning such storage.

(ii) Transportation losses incident to transportation or storage pursuant to orders; in connection with travel under orders; in performance of duty; including property in the custody of a common or contract carrier or any other commercial concern under contract with the Government, an agent or agency of the Government, or a claimant while in a private or public conveyance in which he is traveling in performance of duty.

(*a*) Joint Travel Regulations generally do not include as proper items for shipment thereunder property acquired after effective date of orders under which the particular move is to be made. However, it is Air Force policy not to disapprove claims for reasonable household goods so purchased if it is evident that they were turned over to a packer with the rest of the shipper's household goods or hold baggage. A bailment has been created when the property is accepted, and if the property is damaged or lost in shipment the damage or loss will be favorably considered.

(*b*) It is Air Force policy not to approve more than $25 for tools that are shipped with an automobile. It has been determined that this is a reasonable price for standard automobile tools. All other tools should be shipped with household goods. However, if there is no shipment of household goods by the service member and tools in excess of standard automobile tools are shipped with the car, the individual may be compensated up to the maximum on tools as outlined in the current Allowance List approved by the Judge Advocate General.

(c) The Air Force will consider in accordance with 10 U.S.C. 2732, claims for loss or damage to any personal property a transportation officer authorizes to be shipped by expedited mode.

(d) Claims arising out of a Government custody or bailment relationship frequently are for losses from fire, mildew, or other damage while stored pursuant to an authorized move, in a Government or a commercial warehouse which has been officially designated to receive the property by competent authority and orders. If, however, property is stored at a commercial facility for the personal convenience of the claimant at his expense, a claim for loss or destruction of the property is not payable, as Government custody was not involved.

(iii) Losses due to marine or aircraft disaster as a consequence of perils of the sea or air:

(*a*) Because claims under the perils of the sea provision are rare, no discussion of such claims is required. Shipping losses are generally covered under the transportation provisions in this subpart.

(*b*) Claims considered under the aircraft disaster provisions generally concern losses of baggage jettisoned in flight or damaged by fire or otherwise damaged incident to an emergency or crash landing. Claims presented under this subsection may include items of clothing being worn by the claimant at the time of the accident, money (in an amount determined reasonable to have in possession), jewelry (not to exceed maximum amounts payable), and other items lost in the aircraft crash.

(*c*) Losses sustained while on a leave or furlough status ordinarily are not cognizable under this subpart. Granting of leave or furlough normally does not require travel, and when travel is authorized it is at no expense to the Government. However, when such leave or furlough is accompanied by travel on a space-available basis on a military aircraft by active duty Air Force personnel a bailment condition arises with regard to property so placed aboard the aircraft, and that factor will lead to favorable consideration of a claim. These claimants generally are in a "hitchhiker" status, and are carried on the aircraft passenger list, although they generally are traveling only under leave or furlough orders.

(iv) Losses due to enemy action or public service as a direct consequence of:

(*a*) Action by an enemy, or threat thereof preventing capture or confiscation, or combat, guerrilla, brigandage, or other belligerent activity, whether or not the United States was involved, or unjust confiscation by a foreign power or its nationals.

(*b*) Action by the claimant in an attempt to quiet a civil disturbance or to alleviate a public disaster.

(c) Efforts by the claimant to save human life or Government property.

(v) Loss of money when:

(*a*) Commercial facilities are not available or normally are not used.

(*b*) Personal funds when accepted by responsible Government personnel with apparent authority to receive them for such purposes as safekeeping, deposit in airman deposit accounts, transmission by personal transfer account, purchase of United States bonds or postal money order, or conversion into military payment order, Government check or other kind of currency, or other authorized disposition, and such personal funds are neither applied as directed by the owner nor returned to him.

(c) In airman deposit cases, if the claim is determined to be payable, the airman is entitled to the full value of his account at the time of approval of claim.

(*d*) Forcibly taken by a thief from assigned quarters in the United States, or forcibly taken by a thief from quarters wherever situated outside the United States.

(vi) Damage to or loss of privately owned automobiles and other motor vehicles and their component parts (including tools) when shipped to, from, or between overseas areas under change of station orders or on a space required reimbursable basis in connection with overseas travel under orders. This includes on-loading and off-loading operations. Under special or unusual circumstances, damage or loss of component parts (including tools) that have been accepted by the Government for shipment may be recommended to the approving authority for consideration as a transportation loss (see subdivision (ii) of this subparagraph (3)).

(vii) Theft of property claims are payable, provided the claimant exercised due care in protecting his property, while located at:

(*a*) Quarters outside the United States. Quarters need not have been assigned or provided in kind by the Government, except when the claimant is a civilian employee who is a local inhabitant.

(*b*) Quarters within the United States that were assigned to the claimant or otherwise provided in kind by the Government. However, claims of this nature are payable only when definite proof of a larceny, burglary, or housebreaking exists.

NOTE: There are two formulas to be followed. Overseas theft from quarters cases require only that the claimant exercise due care in protecting his property. In the United States due care as well as definite proof of larceny must exist before the claim is payable. Money, jewelry, cameras, and other small items of substantial value are always highly susceptible to theft. Therefore, due care requires that items of this type be secured within quarters, as well as having the quarters secured. Mysterious disappearance claims will not be paid.

(c) Any warehouse, hospital, baggage holding area, storeroom, or other place designated by competent authority as suitable for receiving and/or storing property and the property has been accepted by Government personnel acting within the scope of their employment.

(viii) Damage to or loss of clothing and accessories worn on the person—such as eye glasses, hearing aids, or dentures—but not if Government property. For replacement in kind see § 842.37.

(b) *Claims not payable.* Claims otherwise within the scope of this subpart are nevertheless not payable under it when the damage or loss of personal property incident to service involves any of the following:

(1) Articles acquired for other persons: Claims are not payable for articles intended directly or indirectly for persons other than the claimant or members of his immediate family. This includes articles acquired at the request of others and articles to be disposed of as gifts or for sale or for use in a private business enterprise.

(2) Small items of substantial value and money: Claims are not payable for small articles of substantial value and money when shipped with household goods or as unaccompanied baggage. Articles that are easily pilfered usually are worn or carried, including watches and expensive jewelry such as rings, pins, brooches, necklaces, and bracelets. These limitations do not apply to the articles described when the loss is cognizable under paragraph (a)(3)(i) (*a*) and (*b*) of this section.

(3) Intangible property: Claims are not payable for choses in action, or evidence thereof, such as bankbooks, promissory notes, stock certificates, bonds, bills of lading, warehouse receipts, baggage checks, insurance policies, money orders, and travelers' checks.

(4) Government property: Claims are not payable for property owned by the United States, including property furnished through the Armed Forces Clothing Monetary Allowance System or through issue.

(5) Enemy property, including war trophies.

(6) Losses (including theft) at quarters not assigned or otherwise provided in kind occupied by the claimant within the United States.

(7) Portable housing, other than trailer type.

(8) Losses recoverable from insurer or carrier: Claims are not payable for losses, or any portion thereof, that are recovered or recoverable from an insurer or carrier.

(9) Contractual coverage: Claims are not payable for losses, or any portion thereof, that have been recovered or are recoverable pursuant to contract.

(10) Negligence of claimant: Claims are not payable when the damage or loss of personal property was caused in whole or in part by any lack of due care, negligence, or wrongful act on the part of the claimant, his agent, or employee while acting within the scope of his employment.

(11) Fees for obtaining estimates of repair: Claims are not payable for fees paid to obtain estimates of repair in conjunction with submitting a claim under this subpart. Exception: When, in the opinion of the approving authority, the claimant could not obtain an estimate without paying a fee, such fee will be allowed. However, it will be allowed only in an amount determined by the approving authority to be reasonable in relation to the value or the cost of repairs of the items on which the estimate was made.

(12) Violation of directives: Claims are not payable for items which, according to the evidence, were acquired, possessed, or transported in violation of pertinent directives or regulations of any U.S. Armed Force.

(13) Motor vehicles (including automobiles, motor bikes, motor scooters, bicycles, and boats):

(i) Claims are not payable for damage to an automobile of a claimant when it is being used while the claimant is on TDY or PCS orders with travel by POV authorized.

(ii) Claims are not payable, either in the United States or overseas, for motor vehicles which are lost due to theft from an area adjacent to assigned quarters; while parked in a designated parking lot; or, in the case of a boat, at a pier or on the water.

(14) Items fraudulently claimed: When investigation discloses that a claimant, his agent, or employee has intentionally misrepresented an item claimed, as to cost, condition, cost to repair, etc., the item will be disallowed in its entirety, even though some actual damage has been sustained. However, if the remainder of the claim is proper it will be paid. This does not preclude investigation and action under UCMJ if warranted.

§ 842.32 Claims not cognizable.

(a) Any claim that did not arise incident to service.

(b) Subrogation claims.

(c) Assigned claims.

(d) Conditional vendor claims.

(e) Claims by non-Air Force personnel—such as Red Cross employees, contractor employees, nonappropriated fund employees (but see Subpart M of this part), and Civil Air Patrol members and cadets. However, a member of another United States Armed Force may present a claim to the Air Force for loss of or damage to personal property incident to his service under 10 U.S.C. 2732.

(f) Damage to motor vehicles on base is not incident to service. Claims for this type of damage will be processed under Subpart D of this part.

§ 842.33 Statute of limitations.

A claim may be settled and paid under this subpart only if presented in writing within 2 years after it accrues, except that if it accrues in time of war or armed conflict, or if war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, the claim may be presented within 2 years after the cause ceases to exist, but not more than 2 years after the war or armed conflict is terminated.

(a) As used in this section, a war or armed conflict is one in which any U.S. Armed Force is engaged. Dates of commencement and termination of an armed conflict shall be established by concurrent resolution of Congress or by determination of the President.

(b) For purposes of this subpart a claim will be determined to have accrued at such time as the loss or damage is or should have been discovered or ascertained through exercise of due diligence by the claimant, even though such loss or damage may have happened at a prior time.

§ 842.34 Factors involved.

(a) *Cost or value.* The amount awarded on any item of property will not exceed the cost of the item (either the price paid in cash or property, or the value at the time of acquisition if not acquired by purchase or exchange). The amount payable will be determined by applying the principles of depreciation to the adjusted dollar value or other base price of property lost or damaged beyond economical repair; and by allowing the cost of repairs when an item is economically repairable, provided cost of repairs does not exceed the depreciated value of the item.

(b) *Depreciation.* (1) Depreciation in value of an item is determined by considering the type of article involved, its cost, condition when lost or damaged beyond economical repair, and the time elapsed between the date of acquisition and the date of accrual of the claim.

(2) To assure Air Force-wide uniformity in applying the principles of depreciation, the Chief, Claims Division, Office of The Judge Advocate General, Headquarters USAF, is authorized to issue from time to time guides for determining:

(i) Estimated life of various classes of items.

(ii) Maximum amount allowable for specific articles as set forth in the allowance list. Maximum allowances must be applied, with one exception: If a U.S. Armed Forces aircraft or missile crashes

on assigned quarters and destroys the property of the service member, the maximum allowance on all items will be waived except for the ceiling of $6,500.

(iii) Maximum quantities that will be considered, as well as claimant's income and social obligations, size of his family, and his need to have more than the average quantities.

(3) In applicable cases, the Chief, Claims Division, Headquarters USAF, will adjust the method of computing the base cost of items on which depreciation will be figured to allow for increases in the cost of living as authorized by the Judge Advocate General.

(c) *Appreciation.* There will be no allowance for replacement cost or appreciation in the value of the property.

(d) *Expensive articles.* Allowance for expensive items (including heirlooms and antiques) or for items purchased at unreasonably high prices will be based on the fair and reasonable purchase price for substitute articles of a similar nature.

(e) *Acquisition.* Allowance for articles acquired by barter will not exceed the cost of the articles tendered in barter. No reimbursement will be made for articles acquired in black market or other prohibited activities.

**§ 842.35 Evidence to be submitted by claimant.**

Requirements as to evidence generally are covered in Subpart A of this part. However, the following types of claims require evidence in addition to the statement of facts and circumstances attending the loss.

(a) *Claims for property located at quarters.* Indicate:

(1) Geographic location.

(2) Whether quarters were assigned by the Government or otherwise provided in kind.

(3) Whether quarters were regularly occupied by the claimant.

(4) If claimant is a civilian employee:

(i) Whether claimant is a local inhabitant.

(ii) Whether claimant was a "direct hire" civilian employee of the United States Air Force when the claim accrued.

(5) Measures taken to protect the property.

(b) *Claims for property located at other authorized places.* Indicate:

(1) Geographic location.

(2) Name of the authority, if any, who designated the place of storage for the property.

(3) Measures taken to protect the property.

(c) *Claims for transportation losses.* (1) Include a copy of the orders authorizing the travel, transportation, or shipment. If such copies are not obtainable, a certificate explaining their absence, and giving their substance and sufficient facts to establish that the travel, transportation, or shipment was authorized.

(2) If transportation or shipment of property was by common or contract carrier or Government agent or agency, include the bill of lading, if applicable, and the inventory of property shipped and delivered.

(3) Include a copy of the demand on carrier or insurer, or both, when required, and the reply, if any.

(4) In cases of missing baggage or household effects, indicate action taken by claimant and claims officer to locate property, and include related correspondence.

(5) Indicate whether, at the time the shipment was received from the last common carrier or local civilian carrier, a "clear" receipt was given; or whether the delivering inventory acknowledging receipt of the shipment was noted to indicate any loss, damage, or discrepancy.

(6) Indicate whether application was made pursuant to the Joint Travel Regulations if loss results from the shipment of articles of gold or silver, paintings, or other items of extraordinary value. For purposes of this subpart, sterling silver flatware, hollowware and silver service are not included within the meaning of "items of extraordinary value," and do not require special handling, except when shipped in a mobile home on a Government Bill of Lading.

(d) *Claims arising out of marine or aircraft disaster.* Include a copy of orders or other available evidence to establish claimant's lawful right, and that of his property, to be on board.

(e) *Claims arising out of enemy action or public service.* (1) Include a copy of orders or other available evidence to establish claimant's rightful entry into area or location involved.

(2) Indicate applicable cause (see § 842.31(a)(3)(iv)), with facts and circumstances involved.

(f) *Claims for money delivered to another.* (1) Indicate geographic location of the unit.

(2) Indicate name, grade, service number (if any), and address of the person who received the money, and any other person(s) involved.

(3) Indicate the name and designation of the authority who authorized such personnel to accept personal funds, and the disposition requested.

(4) Include receipts or written sworn statements explaining failure to account for the funds.

(g) *Claims for damage to motor vehicles.* Include a copy of orders or other available evidence to establish claimant's lawful right to have the property shipped, and evidence to establish damage in transit.

(h) *Claim for theft at quarters.* Indicate:

(1) Geographic area of the loss.

(2) Whether small items of substantial value were secured within the quarters, and whether quarters also were secured.

**§ 842.36 Demand on carrier, contractor, warehouseman or insurer.**

(a) *Carrier, contractor, or warehouseman*—(1) *General.* (i) In all cases where personal property is damaged or lost while being transported by a carrier, contractor, or warehouseman, the owner-claimant must provide the claims officer with sufficient information so that a written demand for reimbursement can be made, in accordance with provisions of the bill of lading or other contract, on the carrier, contractor, or warehouseman who was in possession of the property when it was lost or damaged. Exception: If the property was shipped on a thru bill of lading, demand will be made on the carrier to whom the bill of lading was issued.

(ii) If the responsible carrier, contractor, or warehouseman is not known or cannot be determined, a demand will be made on the last such carrier, contractor, or warehouseman known or believed to have handled the shipment.

(iii) If more than one bill of lading or contract was issued, a separate demand will be made on the last carrier, contractor, or warehouseman, under each.

(iv) No demand will be made if:

(*a*) It is apparent that the estimated weight of the damaged or lost property is such that any recovery would be insignificant.

(*b*) It is clearly evident that the damage or loss was caused by faulty packing by Government employees.

(*c*) There is some other cogent reason why a demand would be impracticable.

(v) If the property was being carried under an MSTS shipping contract by a commercial ocean carrier, the shipper-owner, will not make a demand on the ocean carrier. Claims against such ocean carriers are the sole responsibility of MSTS, and, after settlement of the claim by the Air Force, the Chief, Claims Division, Office of The Judge Advocate General, Headquarters USAF, will transmit the assignment of claim to MSTS for appropriate action.

(b) *Insurer*—(1) *General.* In all cases where damaged or lost personal property was insured in whole or part, the claimant will make a written demand on the insurer for reimbursement under the terms and conditions of the insurance coverage. Such demand should be made before filing the claim against the Government under 10 U.S.C. 2732 and this subpart, and within the time limit prescribed by the policy.

(2) *Action on claim while demand on insurer pending.* (i) Normally, the demand on the insurer should be concluded before the claim file is forwarded, unless this will unduly delay processing of the claim.

(ii) However, on traffic-type accidents and other motor vehicle damage which occur on base in the United States, its territories, Commonwealth, or possessions, the approving authority will make no settlement until the demand on the insurer has been accepted or rejected.

(3) *Insurance recovery.* The claimant should be encouraged to consult with the base staff judge advocate before accepting any insurance offer that is not in full satisfaction of the claim.

(c) *Application of recovery.* (1) Any amount recovered or recoverable from a carrier, contractor, warehouseman, or insurer will be deducted from the amount otherwise allowable under this subpart. Exception: A deduction will not be made for the recovery for any item which cannot be allowed by the Air Force for payment.

(2) When the amount recovered or recoverable from a carrier, contractor, warehouseman, or insurer is equal to or greater than the amount otherwise payable by the Air Force, no compensation will be allowed under this subpart. The amount otherwise payable is that amount determined by the application to the total amount claimed of depreciation factors and limitations and exclusions provided in this subpart and its implementing guides and instructions. In cases where the amount determined to be payable by the Air Force exceeds $6,500 after all deductions have been made, the claimant will be awarded $6,500.

(d) *Transfer and assignment of rights.* (1) The claimant will assign to the United States, to the extent of any payment on his claim accepted by him, all his rights, title, and interest in any claim he may have against any carrier, contractor, warehouseman, insurer, or other party arising out of the incident on which the claim against the United States is based. On request, he also will furnish such evidence as may be required to enable the United States to enforce the claim.

(2) After payment of his claim by the United States, if the claimant receives any payment from a carrier, contractor, warehouseman, insurer, or other party, he will pay the proceeds to the United States to the extent of the payment received by him from the United States (see § 842.42).

**§ 842.37 Replacement in kind.**

(a) The commander or a designated officer of the organization to which the claimant is assigned or attached may direct that personal property damaged or lost be replaced in kind from available Air Force stocks. However, this does not apply if the items claimed are Government property, including property furnished through the Clothing Monetary Allowance System or through issue.

(1) Annual appropriations for claims do not contain funds for payment of claims resulting from the damage, loss, destruction, capture, or abandonment of items of uniform clothing furnished to airmen by the Government, whether under the Clothing Monetary Allowance System or otherwise. Settlement of such claims is the sole responsibility of the base commander under survey procedures.

(2) If a claim is properly cognizable under survey procedures, and was disapproved by proper authority, it will not be open to review by refiling under this subpart.

(3) Claims are cognizable, and, if the facts warrant, payable under this subpart when military clothing is lost or damaged in shipment incident to a service member's last move before release from active duty, or when the items are in excess of the quantity required under the Clothing Monetary Allowance System.

(b) A claim that may be settled under this section will be processed in accordance with other pertinent provisions of this subpart. However it will not be forwarded to higher authority for approval action. The action by or for the commander directing replacement in kind, and the replacement made to comply with such action, will be for all purposes a final and conclusive settlement of the claim.



**§ 842.38 Claims procedure.**

(a) *Presenting claim.* After discovery of the damage or loss, all claims should be submitted as soon as possible to the claims officer of the organization to which the claimant is attached or assigned. If a person inquires about the procedure for presenting a claim, he will be furnished appropriate claim forms, advised where they may be presented, and informed of the statute of limitations. A claim will not be refused even though it is presented at the wrong place, on the wrong form, or appears not to be within the provisions of this subpart.

(b) *Claim form.* The claim will be submitted by presenting a detailed statement in quadruplicate, signed by or on behalf of the claimant, on AF Form 529, Claim for Personal Property. However, any writing will be received and considered a claim if it makes a demand for a sum certain, sets forth the facts and circumstances in detail, and contains substantially the same information required by the claim form.

**§ 842.39 Settlement authority.**

Personnel claims for more than $6,500 may be presented, but cannot be administratively paid in excess of that amount.

**§ 842.40 Notice to claimant.**

When the authorized designee disapproves a claim in whole or in part, the claimant will be notified in writing of the action taken and the reasons therefor.

**§ 842.41 Reconsideration of action.**

(a) The action of the approving authority in disapproving a claim in whole or in part will be final and conclusive for all purposes. No appeal is provided to the Secretary of the Air Force or any any other Government agency.

(b) However, the approving authority may reconsider any claim when the claimant submits evidence showing errors or irregularities in the submission or settlement of the claim or new evidence which was not before the approving authority at time of adjudication.

(c) Requests for such reconsideration or review will be submitted to the approving authority in writing within 60 days after the date of mailing the notification of disapproval or partial approval of his claim.

(d) If, upon reconsideration, the approving authority determines that a further amount is due the claimant, a supplemental voucher will be prepared which will show the check and voucher numbers of the initial payment, and indicate that the amount thereof is in addition to the previous payment.

**§ 842.42 Property recovered by claimant.**

(a) The claimant is put on notice when he files a claim that if any of the property for which the claim is made is later recovered, he is required to notify Headquarters USAF (AFJALD) immediately. This notice is incorporated in AF Form 529.

(b) Air Force policy is to grant the claimant three alternatives regarding property recovered after payment of his claim. The claimant may:

(1) Accept all of the property and return the monies paid to him by the Air Force.

(2) In the presence of the claims officer, examine the property and decide whether he wants to keep certain items for which he has been paid. In this event the approving authority or the office where the closed claim is stored will advise the claims officer of the amount paid on each item the claimant elects to retain. The claimant will then forward a check or money order, payable to the Treasurer of the United States, through the claims officer to the approving authority in the total amount paid for the items retained. The monies will then be credited to the appropriation out of which the claim was paid.

(3) Disclaim any interest in the property and request that it be turned over to the salvage officer at the nearest Air Force installation. The salvage receipt will be forwarded to the approving authority.

## Subpart D—Claims Under the Military Claims Act (10 U.S.C. 2733)

**§ 842.43 General.**

This subpart governs administrative settlement and payment of claims against the United States for damage to or loss of property, or for personal injury or death, when caused by Air Force military or civilian personnel, or otherwise incident to Air Force noncombat activities.

**§ 842.44 Proper claimants.**

(a) All persons who suffer personal injury or death as a result of Air Force activities, or their legal representatives, as outlined in § 842.45. Exception: Military or civilian personnel employed by the Air Force who suffer personal injury or death incident to their service may not recover under the Military Claims Act.

(b) Property owners or their representatives:

(1) Owner includes not only the record owner, but also others who stand in certain defined legal relationships to the record owner. Thus a claim may be submitted by a bailee, lessee, mortgagor, or conditional vendee. One who holds title only for purposes of security (e.g., conditional vendor) may not submit a claim (however, see § 842.11).

(2) Payment of a claim to the record owner for property damage bars payment of a claim for the same damage presented by one who has purchased the property under an executory agreement. However, all interested parties should be joined, if possible.

(3) An authorized agent or legal representative may present a claim in the name of the claimant. In such instances evidence of authority to act on behalf of the claimant must be contained in the file.

(c) Subrogees (also see § 842.71(c)):

(1) A claim for loss wholly compensated by an insurer will be settled only with the insurer. A claim for loss par-

tially compensated by an insurer may be settled with the parties individually, as their respective interests appear, or jointly if the claim is so presented. When settlement is joint, a check for the approved amount will be made payable to the subrogor and subrogee and mailed to the latter. When claims of the subrogor and subrogee, actual or potential, aggregate more than the monetary jurisdiction of the approving authority, settlement may not be made with either.

(2) An insured claimant will make detailed disclosure concerning his insurance coverage in his claim or in an attached statement, indicating:

(i) Insurer's name and address.

(ii) Kind and amount of insurance.

(iii) Insurance policy number.

(iv) Whether a claim has been presented to the insurer, and, if so, in what amount.

(v) Whether insurer has paid or is expected to pay the claim.

(3) Each insurer or other subrogee will substantiate his claim by appropriate documentary evidence showing that payment of the amount claimed or a larger amount has been made to or assumed on behalf of the insured or subrogor.

(d) Military or civilian personnel of the U.S. Armed Forces may be proper claimants for damage to or loss of personal property, unless their claim is cognizable under Subparts C or I of this part.

(e) State or state agencies, counties, and municipalities.

(f) Prisoners of war or interned enemy aliens in the United States, if their claims are otherwise payable, may submit a claim for damage to or loss of personal property in the custody of the United States. In bailment claims of prisoners of war or interned enemy aliens, a determination of "friendliness" is not required.

(g) Claimants excluded:

(1) Military or civilian personnel who suffer personal injury or death incident to their service, or their legal representatives.

(2) Citizens of a country engaged in war or armed conflict with the United States, citizens of countries allied with an enemy nation, or corporations controlled by citizens of any enemy nation or its allies, unless the approving authority or the local military commander (subject to review by the approving authority) determines that the claimant was and is friendly to the United States.

(3) Claims of nonappropriated fund instrumentalities for property damage or loss caused by their employees are not payable under this subpart (but see Subpart M of this part).

(4) Other agencies or departments of the U.S. Government (see § 842.113). Exception: Post Office Department claims (see § 842.109).

### § 842.45 Cognizable claims.

(a) *Types of cognizable claims.* (1) Claims by other than an inhabitant of a foreign country which arise from negligent or wrongful acts or omissions of Air Force military or civilian personnel acting within the scope of their employment occurring in a foreign country.

(i) Military personnel: In determining whether negligent acts or omissions of military personnel will give rise to a claim it is necessary to differentiate between scope of employment and line of duty.

(ii) Civilian personnel: Prisoners of war and interned enemy aliens are considered to be civilian personnel when engaged in labor for pay. The acts or omissions of volunteer workers and others serving as Air Force employees, even though without compensation, may give rise to cognizable claims under this subpart; but when the acts or omissions of volunteer workers are involved it must be established that they were acting under supervision and control of authorized Air Force personnel. Household servants—such as cooks, janitors, and waiters—employed in the quarters of military or civilian personnel are not employees of the Air Force. The source of their wages and who exercises control over their activities with respect to the result to be accomplished and the means to be used are the determining factors. Usually, domestics are not Air Force employees, but are employees of the military or civilian personnel for whom they work.

(2) Claims by other than an inhabitant of a foreign country which arise incident to Air Force noncombat activities.

(i) All Air Force activity other than combat activity is not necessarily noncombat activity. Noncombat activity claims are those arising out of any authorized activities which are peculiarly military activities, having little parallel in civilian pursuits, and which historically have been considered as furnishing a proper basis for the payment of claims. Some examples of noncombat activities include maneuvers and special field exercises; practice firing of heavy guns; practice bombing; operation of aircraft, including the generation of sonic booms; use of balloons, animals, or instrumentalities having latent mechanical defects; and movement of combat vehicles or other equipment designed especially for military use.

(ii) On the facts developed in individual cases, certain claims—such as those arising out of aircraft accidents—might appear to be based on negligence, but for historical and practical reasons they nevertheless are treated as arising from noncombat activities.

(iii) The noncombat activities provision provides the only means by which the Air Force may settle many claims that arise from its activities. In the case of missile experiments and aircraft operations (including sonic booms), it would be difficult for the claimant to establish negligence on the part of Air Force personnel.

(iv) Claims that arise from accidents or incidents common in the average civilian community—such as motor vehicle collisions—will not be settled under the noncombat activities provision of this statute; they will be considered under the acts or omissions section of this subpart if arising in a foreign country.

(a) The Air Force may settle claims arising from the use of prime movers, amphibious vehicles, and other military vehicles not primarily designed for road use. The use of vehicles of this type is considered a noncombat activity.

(b) Responsibility for damage or injury from motor vehicles which are civilian in design or use will not be assumed by the Air Force on the basis of the noncombat activities provision unless the damage results from a latent mechanical defect. A claim for damage resulting from operation of an ordinary tractor-trailer would not be approved as incident to noncombat activities.

(v) It is not necessary for the claimant to allege or prove negligence or a wrongful act on the part of military or civilian personnel to recover for damage or injury resulting from noncombat activities, since the nature of those activities would make it extremely difficult in a legal sense to establish the negligent or wrongful acts. It is also unnecessary for the claimant to allege or prove that the military or civilian personnel causing the damage or injury were within the scope of their employment. Therefore, for approval of a claim based on a noncombat activity the claimant need only prove a causal connection between an authorized noncombat activity and the injury or damage which serves as the basis of the claim.

(vi) Even though the claimant alleges negligence in his claim, it will be processed under the noncombat activities provisions of this subpart if in fact the damage was caused by noncombat activities.

(3) Claims which arise from damage to or loss of bailed property.

(i) A bailment is not created merely by the act of placing personal property in a Government area. There must be authority for transferring the custody of the property to the Government, and the property must be accepted on behalf of the Air Force by authorized personnel. In adjudication of bailment claims the cause of the loss usually is not material. What must be established is the creation of the bailment with the Air Force through acceptance of personal property by authorized personnel acting in an official capacity; and the breach of the bailment relation by the nonreturn of the property or its return in a damaged condition. Air Force negligence is not required.

(ii) Claims for damage to or loss or destruction of personal property loaned, rented, or otherwise bailed to the Air Force under an express or implied agreement are payable under this subpart, even though legally enforceable against the Government as contract claims. Bailment claims may, however, if in the best interest of the United States, be processed as contract claims.

(iii) Claims for damage to or loss of personal property shipped at Government expense by persons not proper claimants under Subpart C of this part may be settled under this subpart. If it appears that the damage or loss occurred under circumstances in which a carrier is responsible, the claimant must make a demand on the carrier or insurer for payment as required by § 842.36.

(iv) Bailment claims are not payable under this subpart if the bailor has by express agreement assumed the risk of damage, loss, or destruction.

(v) Claims for rent, as such, of personal property are not payable under this subpart.

(vi) A claim is not payable if the loss or damage resulted from the negligence or contributory negligence of the claimant, his agent, or employee.

(4) Claims which arise from damage to or loss or destruction of registered and insured mail while in the custody of authorized Air Force military or civilian personnel—such as unit mail clerks—are payable even though resulting from criminal acts or Air Force noncombat activities. These claims are processed as bailment claims.

(i) Upon delivery of registered or insured mail by the Post Office Department or Military Postal Service (APO or FPO) to the Air Force, it assumes responsibility for transporting and distributing it to the authorized military or civilian personnel. Any claim for loss or damage occurring before delivery of the mail to authorized Air Force personnel, or after redelivery to the Post Office Department or Military Postal Service will be presented to the Post Office Department for consideration under its contract of indemnity with the sender.

(ii) The Air Force is not an insurer, and does not assume the contract of indemnity issued to the sender by the Post Office Department. Therefore, upon delivery to authorized personnel, the indemnity contract terminates and the measure of damages is not controlled by the amount of the insurance coverage. However, the declaration of the sender as to the value or the amount of coverage obtained will be considered as some evidence of value.

(iii) If a package was not delivered or returned by the Air Force, the registration or insurance fee, as well as postage, is payable. If a registered or insured article was actually received by the addressee with a portion of the package intact, the postage and registration or insurance fee will not be paid.

(iv) Ordinary mail and minimum fee insured mail carrying no insurance number and not requiring hand-to-hand receipts is not within the scope of this Instruction.

(v) Losses of registered and insured mail due to enemy action are not payable under this Instruction.

(5) Claims which are enforceable under a lease or other contract may be settled under this subpart, if otherwise cognizable, or under contract procedures, as deemed in the best interests of the United States. Settlement under contract procedures is preferable.

(b) *Proximate cause.* To be payable a claim for damage or injury must have been proximately caused by the act or omission of military or civilian personnel or otherwise incident to Air Force noncombat activities.

(1) If the proximate cause of an accident or incident is the joint or concurrent tortious acts or omissions of military or civilian personnel and of one or more persons other than the claimant, his agent, or employee, the claim is payable except to the extent, if any, already paid by or on behalf of such other person or persons.

(2) Acts or omissions constituting mere conditions without the existence of which an incident could not have occurred, and which are not a proximate cause of the damage or injury for which claim is made, are not proper bases for payments under this subpart. This is the rule even if local law or ordinances forbid the acts or omissions concerned. However local law ordinarily will control the questions of proximate cause, imputed negligence, and family purpose doctrine.

(c) *Contributory negligence.* Negligence or wrongful act on the part of the claimant or his agents or employees acting within the scope of employment, in whole or in part the proximate cause of the incident, bars recovery. It is immaterial that the law of the situs follows the comparative negligence doctrine. Negligence or contributory negligence of the claimant bars payment of a claim. The presence or absence of contributory negligence normally is determined by local law.

(d) *Types of cognizable claims which are payable.* When claims are proximately caused by the activities set forth in paragraph (a) of this section, without contributory negligence on the part of the claimant, payment is authorized for:

(1) Personal injury or death, as well as pain and suffering preceding death (see § 842.5). The law permits recovery for loss of time, earnings, services, diminished earning capacity, permanent injury, physical disfigurement, anticipated medical expenses, and death benefits. However, allowable compensation will not include reimbursement for medical, hospital, or burial expenses furnished or otherwise provided at the expense of the United States.

(2) Damage to or loss of property, including:

(i) Real property used and occupied, except as excluded by § 842.46(m).

(ii) Personal property bailed to the United States under an expressed or implied agreement, unless the owner has expressly assumed the risk of damage or loss (see § 842.46 (j) and (k)).

(iii) Registered or insured mail in the possession of the Air Force.

### § 842.46 Claims not cognizable.

This subpart does not apply to a claim which arises:

(a) From combat activities of military forces during time of war or armed conflict.

(b) For property damage occurring to, or injury or death of military personnel incident to their service.

(c) For injury or death of a civilian employee cognizable under the Federal Employees' Compensation Act (5 U.S.C. 751), or the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 901), as made applicable to certain civilian employees of nonappropriated fund instrumentalities of the United States Armed Forces (5 U.S.C. 150k) under the Act of July 18, 1958 (5 U.S.C. 150k–1).

(d) In a foreign country and presented by a claimant to the authorities of a foreign country and final action taken thereon under Article VIII of the NATO Status of Forces Agreement, Article XVIII of the Japanese Status of Forces Agreement, or other similar treaty or agreement.

(e) In a foreign country and the claimant is an inhabitant of a foreign country.

(f) From transaction purely contractual in nature.

(g) From private, as distinguished from Government, transactions.

(h) Solely from compassionate grounds.

(i) For patent or copyright infringement.

(j) For war trophies, and articles intended directly or indirectly for persons other than the claimant or members of his immediate family, such as articles acquired to be disposed of as gifts or for sale to another, voluntarily bailed to the Air Force, except registered or insured mail. No allowance will be made for any item when evidence indicates that the acquisition, possession, or transportation thereof was in violation of any regulation or directive.

(k) For precious jewels and other articles of extraordinary value, voluntarily bailed to the Air Force, unless within the provisions of § 842.45(d)(2)(iii). Allowance for articles acquired by barter will not be more than the cost of the articles tendered in barter.

(l) From the operations of a nonappropriated fund activity, unless arising from acts or omissions of military personnel while performing assigned military duties or civilian personnel paid from appropriated funds while performing official duties (see Subpart M of this part).

(m) For rent, damage, or other payments involving the acquisition, possession, and disposition of real property or interests therein by and for the Air Force.

(n) From the taking of private real property by trespass resulting from the flight of aircraft.

(o) [Reserved]

(p) For loss or damage to mail of any type in the possession of the Post Office Department or a Military Postal Service.

(q) From wrongful acts or omissions of military or civilian personnel acting within the scope of their employment and occurring outside a foreign country (see Subpart I of this part).

(r) Claims presented while litigation commenced by the claimant and arising from the same accident or incident, is pending against the United States.

### § 842.47 Statute of limitations.

A claim may be settled under this subpart only if presented in writing within 2 years after it accrues, except that if it accrues in time of war or armed conflict, or if war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, the claim may be presented within 2 years after the cause ceases to exist.

(a) As used in this section, a war or armed conflict is one in which any U.S. Armed Force is engaged. Dates of commencement and termination of an armed conflict shall be established by concurrent resolution of Congress or by determination of the President.

(b) Some persons fail to take into consideration that the claim must accrue in time of war or armed conflict, or war or armed conflict must intervene within the statutory period, if the period of limitation is to be extended. Further, good cause must be shown for any delay in excess of the statutory period.

§ 842.48 Claims procedure.

The procedure set forth in Subpart A of this part will be followed with the following exceptions:

(a) The action of the approving authority is final and conclusive for all purposes in the absence of an appeal to the Secretary of the Air Force within 30 days after the date of the letter of notification.

(b) When the approving authority disapproves a claim in whole or in part, he will notify the claimant of the action taken and the reason therefor. He will advise the claimant of his right to appeal to the Secretary of the Air Force, through the approving authority, within 30 days after the date of such notification, and that an appeal should state the basis therefor.

(c) When an appeal is presented to the approving authority, he will forward it and the related claim file to Headquarters USAF (AFJALD) for determination by the Secretary of the Air Force. This does not prohibit a reconsideration by the approving authority.

(d) The claimant will be required to execute a settlement agreement, unless the claim is for property damage only, is approved in the full amount claimed, and does not arise from an incident in which personal injury or death is involved. Acceptance by the claimant of any award constitutes a complete release of any claims against the United States and against the military or civilian personnel whose act or omission gave rise to the claim.

(e) Settlement agreements for claims cognizable under this subpart will state that the award is made pursuant to the provisions of 10 U.S.C. 2733, which provides for administrative settlement of claims arising from Air Force activities, and is not to be construed as an admission of liability on the part of the United States, its agents, or employees, but is a release of the United States, its agents, or employees from any liability.

§ 842.49 Settlement authority.

Claims for more than $5,000 are cognizable, but cannot be administratively paid by the Air Force in excess of that amount. However, if the Secretary of the Air Force considers a claim meritorious and would otherwise be cognizable under this subpart, he may after receipt of a settlement agreement in full satisfaction of the entire claim pay the claimant $5,000 and report the excess to Congress for its consideration.

§ 842.50 Emergency payments.

See § 842.18.

## Subpart E—Foreign Claims (10 U.S.C. 2734)

§ 842.51 General.

This subpart governs administrative settlement and payment of claims against the United States by inhabitants of foreign countries for death, personal injury, or damage to or loss of property which arise in a foreign country and are caused by military or civilian personnel.

§ 842.52 Definitions.

(Other terms used in this subpart are explained in Subpart A of this part:

(a) *Foreign country.* A national state other than the United States. This includes any place under the jurisdiction of the United States in a foreign country.

(b) *Inhabitant of a foreign country.* A person who is domiciled in a foreign country, including a corporation or other business association. A corporation or other business association is excluded as an inhabitant if organized under United States law.

§ 842.53 Proper claimants.

(a) Claimants (or decedents in death claims) must have been inhabitants of a foreign country at the time of the incident, and not otherwise excluded as a claimant.

(1) United States citizens may be claimants if it is established that they actually are domiciled in a foreign country.

(2) Foreign military personnel may be claimants in death or injury claims, if the claim does not arise out of joint missions with United States military personnel and if it is otherwise within the purview of the Foreign Claims Act.

(3) The national government of a foreign country and each of the political subdivisions (such as a provisional government or a municipal government of such country) are considered proper claimants under the Foreign Claims Act unless the waiver provisions of any applicable agreements exclude such claims.

(4) In claims involving death of inhabitants of a foreign country, the residence or abode of the heirs is immaterial; the controlling factor is the residence of the deceased.

(b) Claimants excluded:

(1) A national (or corporation controlled by a national) of a country at war or engaged in armed conflict with the United States, or of any country allied with such enemy country, unless the foreign claims commission considering the claim or the local military commander determines that at the time of the incident the claimant was and is friendly to the United States.

(i) In unusual cases where the claimant is a national of an enemy country simply by force of circumstances, and actually is friendly to and cooperative with the United States, he would be a proper claimant if the foreign claims commission or the local military commander determines him to be friendly to the United States.

(ii) A corporation organized in the United States is not an inhabitant of a foreign country.

(2) United States Armed Forces military and civilian personnel and their dependents who are domiciled in the United States and in a foreign country primarily because of their sponsor or military orders.

(3) United States citizens who are not inhabitants of a foreign country, including tourists, contractor employees and their dependents.

(c) An insurer or other subrogee may not present a claim in his own name. A claim for the entire amount of damage or injury sustained will be presented by and settlement made solely with the insured, without regard to insurance.

(d) Claims by inhabitants of the USSR, Albania, Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, Romania, North Korea, The Peoples Republic of China, Cuba, and Yugoslavia will be considered on an individual basis only, and will be forwarded through claims channels to Headquarters USAF (AFJALD) for appropriate action.

§ 842.54 Cognizable claims.

(a) *Proximate cause.* A determination is required that the incident giving rise to the claim was proximately caused by:

(1) A noncombat activity (explained in § 842.45(a)(2)(i)), or

(2) One of the following:

(i) Military personnel.

(ii) Civilian personnel, including volunteer workers, who are United States citizens.

(iii) Civilian personnel, including volunteer workers, who are not United States citizens and who were:

(*a*) Hired in one country for employment in another, or

(*b*) Indigenous personnel, prisoners of war, or interned enemy aliens acting within the scope of their employment. Exception: Claims arising from the operation of United States Armed Forces or DOD vehicles while being driven by these personnel. In these circumstances scope of employment is not required.

(3) A claim is cognizable under the Foreign Claims Act if the damage, loss, personal injury, or death was proximately caused by an act or omission of Air Force military or civilian personnel or is otherwise incident to Air Force noncombat activities. These acts or omissions may be criminal, negligent, willful, wrongful, or mere mistakes of judgment. Acts or omissions involving lack of reasonable care are the usual bases of such claims. The test is whether the damage was caused by USAF personnel and/or its noncombat activities. In determining this the ordinary legal doctrine of proximate cause applies. Proof of negligence is not necessary, except when the incident from which the claim arises is a traffic-type accident. In such instances the ordinary principles of negligence will apply.

(b) *Scope of employment.* (1) Scope of employment is a prerequisite to a finding of responsibility on the part of the United States Goverment only in the case of persons in the category stated in paragraph (a)(2)(iii)(b) of this section. In such cases consider all of the facts and attendant circumstances, including:

(i) Time, place, and purpose of the activity. (Ordinarily a slight deviation as to time or places does not constitute a departure from scope of employment; the deviation must be material in order to take the activity out of scope of employment.)



(ii) Whether the activity was for the furtherance of the general interest of the Air Force.

(iii) Whether the activity is usual for personnel of the grade and classification involved, or reasonably to be expected of such personnel.

(iv) Whether the instrumentality from which the damage or injury resulted was owned or furnished by the Air Force.

NOTE: A claim for damage caused by escaped prisoners of war would be disapproved.

(2) Whether persons listed in paragraph (a)(2)(i), (ii), and (iii)(*a*) of this section were acting within the scope of their office or employment is immaterial. It would make very little difference from the point of view of the claimant-inhabitant of the foreign country whether the military or civilian personnel who were responsible for his damage or injury were acting within the scope of their employment. Furthermore, if the act is criminal and therefore clearly without the scope of employment, the need for compensating the injured person and desirability that prompt disciplinary action be taken against the offender is amplified. In the case of United States citizens and noncitizens hired in one foreign country for employment in another foreign country, a certain responsibility rests on the United States in that it has placed the employees in the foreign country and should be responsible for their actions.

(3) In the case of volunteer workers and other serving as employees of the Air Force, with or without compensation, scope of employment may or may not have to be determined, depending on their citizenship or place of employment. The theory underlying this is that if the Air Force uses the services of such individuals in its activities, it assumes the responsibility for their acts and services while they are so engaged.

(c) *Location.* To be cognizable, claims must arise outside the United States, its territories, Commonwealth, and possessions.

(d) *Contributory and comparative negligence.* (1) Contributory negligence on the part of the claimant, his agent, or employee is not a bar to recovery unless that is the rule under local law or custom.

(2) Where applicable, the comparative negligence doctrine will be applied, and the adjudication will reflect the percentage of negligence of each party. The amount of damage sustained by both parties is then apportioned in accordance with local law.

(e) *Types of cognizable claims which are payable.* When claims are cognizable as outlined, payment is authorized for:

(1) Damage to or loss of real property of any foreign country or of any political subdivision or inhabitant of a foreign country, including damage or loss incident to use and occupancy, except as excluded by paragraph (f)(9) of this section.

(2) Damage to or loss of personal property of any foreign country or of any political subdivision or inhabitant of a foreign country, including property bailed to the United States.

(3) Personal injury to or death of any inhabitant of a foreign country.

(i) Items allowable for personal injury may include actual and reasonable medical and hospital expenses, reasonable compensation for physical pain and suffering and temporary or permanent disability, and loss of wages or earning capacity; and, if death results, actual and reasonable burial expenses and compensation for loss of life. However, moral damages, court costs, and similar items are not payable.

(ii) In death claims, only one claim arises for all beneficiaries. If the claimant is a foreign national and not an inhabitant of the country where the accident or incident occurred, the allowable compensation ordinarily will be determined by the law of the domicile of the claimant.

(iii) Allowable compensation will not include reimbursement for medical, hospital, or burial expenses furnished at the expense of the United States.

(f) *Types of claims which are cognizable but not payable.* (1) A claim which arises in a foreign country, is presented to the authorities of a foreign country, and settled under Article VIII of the NATO Status of Forces Agreement, Article XVIII of the Japanese Status of Forces Agreement, or other similar treaty or agreement.

(2) A claim which is purely contractual in nature.

(3) A claim for court costs or reimbursement for a satisfied judgment against Air Force military or civilian personnel.

(4) A claim which arises from private contractual or domestic obligations. All claims arising from a contractual relationship between such personnel and third parties regarding property leases, public utilities, hiring of domestic servants, and debts of any description should be forwarded for action to the commander of the individual concerned.

(5) A claim based solely on compassionate grounds (solatium).

(6) Bastardy claims.

(7) Claims for patent or copyright infringement.

(8) Claims waived under an international agreement.

(9) Claims for rent, damage, or other payments involving regular acquisition, possession, and disposition of real property or interests therein by and for the Air Force.

(10) Irregular procurement damage claims may be settled under this subpart if no contract or lease has been executed regularizing the original taking action.

(11) Claims for taking of private property by trespass resulting from the flight of aircraft. Actual physical damage is required. Accordingly, claims for technical trespass, overflight of aircraft, or a taking under the Fifth Amendment to the U.S. Constitution are not payable.

(12) Claims under any workmen's compensation law or regulation, whether:

(i) Federal Employees' Compensation Act of September 7, 1916 (5 U.S.C. 751, et seq.).

(ii) Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 901, et seq.).

(iii) Local law or custom.

(iv) Compensation or similar benefits are provided by insurance or by United States contract, and the costs or premiums are indirectly paid by the United States.

EXCEPTION: When a claim is within subdivisions (iii) or (iv) of this subparagraph (11), an award by a foreign claims commission may be authorized, in each case, by the Chief, Claims Division, Office of The Judge Advocate General, Headquarters USAF, or any of the persons listed in § 842.57.

§ 842.55 Claims not cognizable.

(a) Claims resulting directly or indirectly from combat activities, or when settlements are suspended by a commander during a war or armed conflict.

(b) Claims based on negligence of a United States concessionnaire or other independent contractor, or his employees and dependents.

(c) Claims arising out of the activities of dependents of Air Force military or civilian personnel, their guests, servants, or pets.

(d) Nonappropriated fund claims will be paid as provided by regulation of the service concerned. (See Subpart M of this part for Air Force claims.)

(e) Claims presented while litigation, commenced by the claimant and arising from the same accident or incident, is pending against the United States.

§ 842.56 Statute of limitations.

A claim must be presented within 2 years after it accrues to the appropriate United States or foreign government officials under an international agreement (see § 842.1(a) and Subpart K of this part).

§ 842.57 Foreign claims commissions.

(a) *General.* (1) Foreign claims commissions settle and pay claims against the United States which are presented for their consideration under this subpart or Subpart D of this part when such claims are within their monetary jurisdiction.

(2) In addition to commissions activated in foreign countries, a 3-man commission has been appointed in the Claims Division, Office of The Judge Advocate General, Headquarters USAF, and another 3-man commission is located at the Air Force Missile Test Center, Patrick AFB, Florida. These commissions permit processing and settling of claims arising out of specialized USAF activities outside the United States.

§ 842.58 Claims procedure.

(a) *Action by foreign claims commission.* (1) When a commission receives a claim and related investigation, it will consider the claim and determine how it should be processed for settlement. If necessary, the commission may conduct a further investigation or refer the claim to appropriate authorities for investigation. It may confer with the claimant, to

resolve or determine facts and, if deemed in the best interests of the United States and warranted by the factual situation, it may conduct a hearing and take testimony.

(2) Awards and settlement agreements will be expressed in the currency of the country where the incident occurred or where the claimant resides. An approximate dollar amount and the rate of exchange will be included in parentheses.

(b) *Settlement agreement.* On claims recommended for settlement for more than $5,000, an acceptance or settlement agreement will not be obtained from the claimant until after approval action by the appointing authority or the Secretary of the Air Force, as appropriate.

(c) *Payment.* Payment will be made in the currency of the country where the accident or incident occurred, or where the claimant resides, depending on the physical presence of the claimant at the time of payment.

(d) *Reconsideration.* Although the Foreign Claims Act provides that a settlement made by a commission shall be final and conclusive for all purposes, a commission composed of the original members may reconsider its own errors, or may reopen, reverse, or reconsider in whole or in part any claim decided by it. However, if there has been a change in the membership of a commission, the settlement action may be reconsidered only when new and material evidence is presented, or to correct manifest mistakes of fact, errors in calculation, or for fraud or collusion. On reconsideration, the opinion of a commission will state the reason for the reconsideration. In this connection, the General Accounting Office has held that a court judgment on a claim is not a sufficient basis for reconsideration.

§ 842.59 Settlement authority.

(a) *Claims for more than $15,000.* Claims not amended to an amount within the jurisdiction of a foreign claims commission nevertheless will be processed by a three-man commission and forwarded for action by the Secretary of the Air Force. If the Secretary of the Air Force considers that the claim is meritorious and would otherwise be cognizable under the Foreign Claims Act, he may:

(1) Refer the claim to a foreign claims commission for settlement in an amount not over $15,000, or

(2) After receipt of a settlement agreement in full satisfaction of the entire claim, certify the claim to Congress.

(b) *Claims for $15,000 or less.* (1) Such claims may be settled by a three-man foreign claims commission.

(c) *Claims for $1,000 or less.* (1) Unless specifically limited in the appointing orders, a one-man foreign claims commission has authority to settle claims presented for $1,000 or less. Claims for more than $1,000 not amended to an amount within its jurisdiction will be referred to an Air Force three-man commission designated by the appointing authority.

(2) Claims may be presented to foreign claims commissions which are not cognizable under this Subpart because the claimant is not an inhabitant of a foreign country. If these claims are cognizable under Subpart D of this part and are not for more than $1,000, they may be settled, subject to appeal to the Secretary of the Air Force, by any Air Force foreign claims commission if within its monetary jurisdiction.

§ 842.60 Emergency payments.

See § 842.18.

## Subpart F—Admiralty Claims (10 U.S.C. 9801–9804, 9806)

§ 842.61 General.

This subpart governs procedures for settlement, payment, or compromise of claims for or against the United States, not the subject of pending litigation, which arise from marine accidents or incidents.

§ 842.62 Compromise settlements.

The Secretary of the Air Force and certain designees in the Office of The Judge Advocate General have authority to enter into negotiations with claimants and respondents and to effect the compromise settlement of claims, both in favor of and against the Government.

§ 842.63 Proper claimants.

(a) The general policy of waiving tort claims for damage by one department or agency of the Federal Government against another (explained in § 842.113) is followed unless the claim is payable by commercial underwriters or other private interests. However, certain classes of claimants are excluded in § 842.65.

(b) Subrogee claims (see § 842.71(c)) are cognizable under this subpart and Subparts G and H of this part to the extent subrogated. Claimants may file a claim jointly or separately. Joint claims must be asserted in the names of and signed by all parties, and payment thereof is made jointly. If separate claims are filed, payment to each party is limited to the extent of such party's undisputed interest.

## Subpart G—Claims Against the United States

§ 842.64 Cognizable claims.

(a) *Settlement or compromise of claims against the United States for damage to or loss of property, or personal injury or death, caused by vessels of or in the service of the Department of the Air Force.* (1) Vessels: Air Force liability is limited to tort liability, and parallels the Government's liability under the Public Vessels Act.

(2) Personal injury or death: Claims based on personal injury or death of stevedores and other personnel who are not attached to the vessel constitute damage by a public vessel, and are subject to suit under the Public Vessels Act as well as being within the provisions of Subparts F through H of this part.

(b) *Settlement or compromise of claims for towage and salvage services (including contract salvage) rendered to vessels of or in the service of the Department of the Air Force when the net amount payable by the United States does not exceed $500,000.*

(1) Towage: Claims for towage services are subject to suit and also are within the purview of Subparts F through H of this part.

(2) Salvage:

(i) Subparts F through H of this part are limited to claims for compensation for salvage services rendered to vessels of or in the service of the Air Force.

(ii) Generally, the following elements must exist in order to constitute a valid salvage claim:

(a) A marine peril, not occasioned by the salvor, to a vessel or her cargo.

(b) Services of the salvor must be voluntary and not rendered in pursuance of any duty owed to the owner or to the property.

(c) The property or some portion of it must have been saved from the impending peril, or the service rendered must have contributed to such success.

(iii) The amount of salvage to be awarded cannot be reduced to precise values, but depends on consideration of all the circumstances of each case. In many instances, so-called salvage efforts amount only to a towing service.

(iv) A salvage contract is an agreement containing the conditions by which a vessel in distress accepts the proposed services of a salvor in return for remuneration. These agreements usually are made on the "no cure, no pay" basis. The amount of remuneration in event of success is definitely fixed, usually with a provision for arbitration of differences.

§ 842.65 Claims not cognizable.

(a) Claims for damage to or loss or destruction of property, or for personal injury or death, resulting from action by an enemy or resulting directly or indirectly from any act by United States Armed Forces engaged in combat or in immediate preparation for impending combat.

(b) Claims for personal injury or death of United States Armed Force members incurred incident to their service.

(c) Claims for personal injury or death of civilian employees of the United States to whom the Federal Employees' Compensation Act of September 7, 1916 (5 U.S.C. 751, et seq.) applies.

(d) Claims for damage to or loss or destruction of property or for personal injury or death caused by other than vessels of or in the service of the Department of the Air Force.

(e) Claims which have been made the subject of a suit by the United States, unless the suit is dismissed when payment is made (46 U.S.C. 786).

(f) Claims which have been made the subject of a suit against the United States.

(g) Claims cognizable under a status of forces agreement, such as NATO SOFA.

(h) Claims presented while litigation, commenced by the claimant and arising from the same accident or incident, is pending against the United States.

§ 842.66 Statute of limitations.

(a) Settlement of a claim presented under Subparts F through H of this part must be authorized by the Secretary of the Air Force and accepted by the claimant before expiration of a 2-year period from the date of the origin of the cause of action; thereafter the cause of action ceases to exist and there is no authority to effect settlement administratively. Presentation of a claim or its consideration by the Department of the Air Force neither waives nor extends the 2-year limitation period.

(b) When a claim cognizable under Subparts F through H of this part or notice of intention to file such a claim is received, the receiving claims office will advise the claimant or potential claimant of the comprehensive application of this time limit.

§ 842.67 Settlement authority.

(a) *Claims against the United States for more than $500,000.* The Secretary of the Air Force may settle or compromise admiralty claims. However, claims which are settled or compromised for more than $500,000 must be certified to Congress for payment.

(b) *Claims against the United States for $500,000 or less.* The Secretary of the Air Force may settle or compromise and pay these claims.

(c) *Claims against the United States for $1,000 or less.* The Secretary of the Air Force has authorized certain officers in The Office of The Judge Advocate General to settle or compromise and pay these claims.

## Subpart H—Claims in Favor of the United States

§ 842.68 Cognizable claims.

(a) Claims of a kind that are within the admiralty jurisdiction of a Federal District Court of the United States.

(b) Claims for damage caused by a vessel or floating object to property under the jurisdiction of the Department of the Air Force or property for which the Department has assumed an obligation to respond for damages, when the net amount payable to the United States does not exceed $500,000.

(c) Claims for towage or salvage services performed by the Department of the Air Force for any vessel in any amount.

§ 842.69 Claims in favor of the United States for $500,000 or less.

The Secretary of the Air Force may settle or compromise and receive payment.

## Subpart I—Claims Under the Federal Tort Claims Act (28 U.S.C. 2671–2680)

§ 842.70 General.

This subpart governs administrative settlement and payment of claims against the United States that arise other than in a foreign country for damage to or loss of property, or for personal injury or death resulting from the negligent act or omission of Air Force military or civilian personnel while acting within the scope of their employment.

§ 842.71 Proper claimants.

There is no reference as such to claimants in the Act. However, other statutes and case law relate to the following:

(a) *Military personnel.* (1) The present state of the law is that military personnel who suffer personal injuries caused by the negligent acts of others in the service may recover if the injuries were "not incident to service;" there may be no recovery if the injuries were incurred "incident to service." The determinative fact in recent cases has not been whether the serviceman was on or off the military reservation at the time he was injured or killed, or whether he was at the time on pass, furlough, or leave, although those factors have a bearing on the ultimate question. It depends on whether his actions at the time were "in the course of activity incident to service."

(2) The Military Personnel Claims Act (see Subpart C of this part), however, is the exclusive remedy of a serviceman for virtually all incident to service property damage occurring anywhere in the world.

(b) *Dependents of military personnel.* Dependents may recover under the Act. Allied with the question of the right of military personnel to recover for their service-connected injuries is the question of whether dependents of military personnel may recover for injuries suffered as a result of alleged negligent medical treatment by service medical personnel.

(c) *Subrogees.* Subrogees are proper claimants under this subpart. When a claim has been wholly compensated by insurance, settlement will be made solely with the subrogated insurer. In cases of partial subrogation, separate claims may be presented by the insurer and insured or joint claims may be presented. However, the total amount of both claims may not exceed $2,500, the jurisdictional limit for administrative consideration.

(d) *Veterans.* This Act covers injuries sustained by veterans, provided such injuries do not arise out of or incident to military service.

(e) *Claimants excluded.* (1) Civilian employees: The Federal Employees Compensation Act (5 U.S.C. 751) is the exclusive remedy for civilian employees of the Department of the Air Force who suffer personal injury or death in the performance of duty.

(2) Military personnel suffering damage, injury, or death incident to service.

(3) Prisoners in Federal penal institutions.

§ 842.72 Cognizable claims.

(a) *Types of cognizable claims.* Claims caused by negligent or wrongful acts or omissions of military or civilian personnel while acting within the scope of their employment and under circumstances in which the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

(1) Employees: The Act provides that the Government is liable for damages caused by the negligent or wrongful acts or omissions of any "employee of the Government." Employees are defined as including "officers or employees of any Federal agency, members of the military or naval forces of the United States, and persons acting on behalf of a Federal agency in an official capacity, temporarily or permanently in the service of the United States, whether with or without compensation".

(2) Scope of employment: Acts or omissions of military and civilian personnel of the Department of the Air Force give rise to liability under this subpart only if they occur while military or civilian personnel are acting within the scope of their employment.

(3) Proximate cause: The claimant's damage or injury must be proximately caused by the negligent or wrongful act or omission of military or civilian personnel while acting within the scope of their employment under circumstances where the United States, if a private person, would be liable according to the law of the place where the damage or injury occurred.

(4) Basis and extent of liability:

(i) The law of the place where the act or omission occurred pertaining to proximate cause, contributory or comparative negligence, and to joint tortfeasors will be applied in determining liability. When there is a conflict between local law and an express provision of the Federal Tort Claims Act (28 U.S.C. 2671–2680), the latter governs.

(b) *Types of cognizable claims which are payable.* When claims for $2,500 or less are proximately caused by the acts or omissions of Air Force military or civilian personnel acting within the scope of their employment, payment is authorized for:

(1) Personal injury and death, as well as pain and suffering preceding death (see § 842.5).

(2) Damage to or loss of property, including:

(i) Real property used and occupied.

(ii) Personal property bailed to the United States under an expressed or implied agreement.

(c) *Types of cognizable claims which are not payable.* The United States may not be held liable for punitive damages.

§ 842.73 Claims not cognizable.

(a) Claims for more than $2,500, even though otherwise cognizable under this subpart, cannot be considered or settled administratively. All subrogated interests must be included in determining whether a claim exceeds $2,500.

(b) Claims arising from an act or omission of military or civilian personnel, exercising due care, in the execution of a statute or directive, whether or not such statute or directive be valid, or based on the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or a Government employee, whether or not the discretion involved be abused.

(c) Claims arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(d) Claims arising in respect to assessment or collection of any tax or customs duty, or detention of any goods or merchandise by any officer, of customs or excise or any other law enforcement officer.

(e) Claims for which a remedy is provided by 46 U.S.C. 741–799, relating to

claims or suits in admiralty against the United States.

(f) Claims arising out of an act or omission of any Government employee in administering the provisions of the Trading with the Enemy Act (50 U.S.C. App. 1–31).

(g) Claims for damages caused by the imposition or establishment of a quarantine by the United States.

(h) Claims arising from willful torts—assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, negligent or intentional misrepresentation, deceit, or interference with contract rights.

(i) Claims for damages caused by fiscal operations of the Treasury or by regulation of the monetary system.

(j) Claims arising from combat activities of military forces during time of war. It has been held that wartime target practice in training for combat is not a combatant activity.

(k) Claims arising in a foreign country.

(l) Claims for property damage, personal injury, or death of military or civilian personnel incurred incident to service.

(m) Claims arising from operations of a nonappropriated fund instrumentality unless arising from acts or omissions of military personnel while performing assigned military duties, and civilian employees paid from appropriated funds while performing official duties (see Subpart M of this part).

(n) Claims arising under the Federal Employees' Compensation Act (5 U.S.C. 751), or the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 901) as made applicable to certain civilian employees of nonappropriated fund instrumentalities of the United States Armed Forces (5 U.S.C. 150k) under the Act of July 18, 1958 (5 U.S.C. 150k–1).

(o) Claims arising from activities of the Tennessee Valley Authority.

(p) Claims arising from activities of the Panama Canal Company.

(q) Claims arising from activities of a Federal Land Bank.

(r) Claims arising during periods of emergency.

(s) Claims arising from floods.

(t) Claims arising from the inherent risk in a given activity (e.g., taking a flight in a Government airplane), when the individual has accepted the inherent risk by signing a "covenant not to sue."

(u) Claims arising where the Government has taken an easement in air space over land, and passage of military aircraft over land seriously impaired its value for residential purposes.

(v) In the absence of specific statutory authority, claims involving damage to the property of U.S. Government departments or agencies.

(w) Claims presented while litigation, commenced by the claimant and arising from the same accident or incident, is pending against the United States.

### § 842.74 Statute of limitations.

(a) Claims must be presented in writing, within 2 years after they accrue.

(1) In computing time to determine whether the period of limitation has expired, exclude the first day and include the last day.

(b) If an administrative claim for $2,500 or less is presented, a suit may be filed in a U.S. District Court within 2 years after the claim accrues, or 6 months after notice of the final disposition of the claim is mailed to the claimant, or the claim is withdrawn by the claimant, whichever is later.

(c) Presentation of a claim for more than $2,500 within 2 years after it accrues will not extend the time within which a suit may be filed, nor permit administrative consideration of the claim, even though reduced to $2,500 or less more than 2 years after it accrues.

### § 842.75 Attorneys' fees.

The approving authority may, but only on written request made before the award by the claimant or his attorney, determine and allow reasonable attorneys' fees as part of the award. If the award is $500 or more, the fees shall not exceed 10 percent of the award. Fees shall be paid to the attorney representing the claimant out of, but not in addition to, the amount of the award.

### § 842.76 Settlement authority.

Claims for more than $2,500 cannot be administratively considered.

## Subpart J—Property Damage Tort Claims in Favor of the United States (31 U.S.C. 71)

### § 842.77 General.

This subpart governs procedures for administrative determinations, assertion, and collection of claims for damage to or loss or destruction of Government property through a negligent act or omission.

### § 842.78 Definitions.

(a) *Debtor.* An individual, partnership, association, corporation, or governmental body, foreign or domestic, other than an instrumentality of the United States against whom the United States has a claim.

(b) *Government property.* Real or personal property in the possession, custody, or control of the Air Force and its nonappropriated fund instrumentalities, or personal property on loan to the Air National Guard (see 32 U.S.C. 702 and 710), the Civil Air Patrol (see 10 U.S.C. 9441), or Air Force contractor-held or furnished property (see § 842.80 (a)).

### § 842.79 Assertable claims.

Unless otherwise prescribed, assertable claims comprise all tort claims for damage to or loss or destruction of Government property of more than $25—including claims for damage caused by negligent operation of privately owned vehicles by military or civilian personnel. Claims for lesser amounts may be included when assertion thereof is considered in the interest of the Air Force. However, claims will not be made against:

(a) Nonappropriated funds, as the interdepartmental waiver applies to claims against and in favor of these Federal activities (see § 842.113).

(b) Foreign governments unless specifically authorized by Headquarters USAF (AFJALD).

### § 842.80 Claims not assertable.

(a) Claims cognizable under contract, except when Air Force contract authorities determine that settlement cannot be made under the contract or such settlement would be too expensive.

(b) Claims cognizable under AFRs 176–8 (Protection of Assets), 147–20 (Insurance and Claims Procedures for CONUS Exchanges) or 147–21 (A & AFES Insurance and Claims Procedures for Oversea Exchanges).

(c) Claims cognizable under report of survey procedures. Reports of survey relate only to property accounting responsibility (pecuniary liability), and collection of any charges raised against individuals having command, supervisory, or custodial responsibility.

(1) Procedures in this subpart will apply when individuals who had property responsibility are relieved of accountability and responsibility under a report of survey and the evidence indicates that a third party may be liable in tort. This includes military or civilian personnel of the U.S. Armed Forces when the damage to Air Force property is caused by the negligent operation of their privately owned vehicles. It also applies to third party tort claims involving Air Force property on loan to the Air National Guard (32 U.S.C. 702, 710), the Civil Air Patrol (10 U.S.C. 9441), or to Air Force contractors when it is determined that settlement cannot be made under the contract or such settlement would be too expensive.

(d) Admiralty claims cognizable under Subparts F through H of this part.

### § 842.81 Statute of limitations.

Claims will be processed and asserted regardless of the passage of time from their accrual. Neither statutes of limitation nor laches are a defense in actions by the Government.

### § 842.82 Receipts.

The staff judge advocate, or any officer designated by him, may execute and deliver a receipt to a debtor who makes payment in full, or offers a compromise settlement.

### § 842.83 Releases.

When a debtor or his insurer tenders payment in full and demands a release, the commander or his staff judge advocate is authorized to accept payment and execute a release.

(b) When the repair of Government property is effected by the debtor or his insurer, and the repairs are certified by the officer having responsibility for such property as having returned the property to a condition equal to that which existed prior to the incident causing damage, the base staff judge advocate is authorized to execute a release.

(c) When Government property is on loan to the Air National Guard, Civil Air Patrol or Air Force contractor, the staff judge advocate at the base, station, or installation, nearest to the site where the property is ordinarily located, is authorized to accept payment and execute a release. When the debtor or his insurer effects the repairs, a release may be executed if the appropriate United States Property and Fiscal Officer, Air Force-CAP Wing Liaison Officer, Air Force Plant Representative, or other qualified person certifies that the repairs have returned the property to a condition equal to that which existed prior to the incident causing the damage.



## Subpart K—Claims Under the NATO Status of Forces Agreement

### § 842.84 General.

This subpart governs the law and procedure relating to investigating and settling or adjudicating certain claims under the NATO and Status of Forces Agreements—which define the rights and responsibilities of U.S. forces and civilian components stationed or located in certain foreign countries, and those of other contracting parties stationed or located in the U.S.

### § 842.85 NATO Status of Forces Agreement (U.S. as receiving State).

(a) The United States is responsible for investigating accidents or incidents and for processing claims arising from the acts or omissions in the United States, its territories, Commonwealth, and possessions of members of the forces or civilian components of parties to the Agreement Regarding the Status of Forces of Parties to the North Atlantic Treaty under the provisions of Article VIII thereof, and of military or civilian personnel assigned or attached to or employed by international military headquarters under the provisions of the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty, dated August 28, 1952.

(b) Under the authority of the Secretary of Defense, the Secretary of the Army has designated the Claims Division, Office of The Judge Advocate General, Fort Holabird, Baltimore 19, Maryland, as the receiving state office for claims cognizable under the Agreement.

### § 842.86 Where to file claims.

A claim should be submitted to the commander of the Armed Forces installation nearest the place where the accident or incident occurred, but may be filed at any other such installation.

## Subpart L—Air National Guard Claims (32 U.S.C. 715)

### § 842.87 General.

This subpart governs administrative settlement and payment of claims that arise for damage to or loss of property, or for personal injury or death resulting from the negligent act or omission of Air National Guard military or caretaker (air technician) personnel while acting under the provisions of Title 32, United States Code, within the scope of their employment or otherwise incident to Air National Guard noncombat activities.

### § 842.88 Proper claimants.

(a) All persons who suffer personal injury or death as a result of ANG activities, or their legal representatives, as outlined in § 842.89. Exception: If ANG military or air technician personnel suffer personal injury or death incident to their service, recovery is not allowed under 32 U.S.C. 715.

(b) Property owners or their representatives:

(1) Owner includes not only the record owner, but also others who stand in certain defined legal relationships to the record owner. Thus a claim may be submitted by a bailee, lessee, mortgagor, or conditional vendee. One who holds title only for purposes of security (e.g., conditional vendor) may not submit a claim (see § 842.11).

(2) Payment of a claim for property damage to the record owner of property bars payment of a claim for the same damage presented by one who has purchased the property under an executory agreement. However, every effort should be made to join all interested parties.

(3) An authorized agent or legal representative may present a claim in the name of the claimant. In such instances evidence of authority to act on behalf of the claimant should be contained in the file.

(4) Claims presented by air technicians for loss or damage to personal property as a result of Air National Guard activities will be settled under this subpart.

(c) Subrogees (also see § 842.71(c)):

(1) A claim for loss wholly compensated by an insurer will be settled only with the insurer. A claim for loss partially compensated by an insurer may be settled with the parties individually, as their respective interests appear, or jointly if the claim is so presented. When settlement is joint, a check for the approved amount will be made payable to the subrogor and subrogee and mailed to the latter. When claims of the subroger and subrogee, actual or potential, aggregate more than the monetary jurisdiction of the approving authority, settlement may not be made with either. Each of such claims received will be forwarded with the related file and comments to Headquarters USAF (AFJALD).

(2) An insured claimant will make detailed disclosure concerning his insurance coverage in his claim or in an attached statement, indicating:

(i) Insurer's name and address.

(ii) Kind and amount of insurance.

(iii) Insurance policy number.

(iv) Whether a claim has been presented to the insurer, and, if so, in what amount.

(v) Whether insurer has paid or is expected to pay the claim.

(3) Each insurer or other subrogee will substantiate his claim by appropriate documentary evidence showing that payment of the amount claimed or a larger amount has been made to or assumed on behalf of the insured or subrogor.

(d) Any state or state agencies, except the state maintaining the unit to which the ANG military person or air technician causing the accident or incident from which the claim arises is assigned or employed; counties; or municipalities.

(e) Claimants excluded:

(1) ANG military or air technician personnel who suffer personal injury or death incident to their service, or their legal representatives.

(2) ANG military personnel who suffer loss or damage to personal property for which a claim may be settled under Subpart C of this part.

(3) Other agencies or departments of the U.S. Government (see § 842.113). As a matter of policy, this concept has been extended to claims otherwise cognizable under this subpart.

### § 842.89 Cognizable claims.

(a) *Types of cognizable claims.* (1) Claims which arise from negligent or wrongful acts or omissions occurring while ANG military or air technician personnel are acting within the scope of their employment under the provisions of 32 U.S.C. 316, 502–505, and 709, and 37 U.S.C. 301.

(2) Claims which arise incident to ANG noncombat activities under the provisions of Title 32, United States Code.

(3) Claims which arise from damage to or loss or bailed property.

(4) Claims which arise from damage to or loss of destruction of registered and insured mail while in the custody of authorized ANG military or air technician personnel.

(5) Claims which are enforceable under a lease or other contract may be settled under this subpart, if otherwise cognizable or under contract procedures, as deemed in the best interests of the United States. Settlement under contract procedures is preferable.

(b) *Proximate cause.* To be payable a claim for damage or injury must have been proximately caused by the act or omission of ANG military or air technician personnel or otherwise incident to ANG noncombat activities.

(c) *Contributory negligence.* Negligence or a wrongful act on the part of the claimant or his agents or employees acting within the scope of employment, in whole or in part the proximate cause of the incident, bars recovery.

(d) *Types of cognizable claims which are payable.* When claims are proximately caused by the activities set forth in paragraph (a) of this section, without contributory negligence on the part of the claimant, payment is authorized for:

(1) Personal injury or death, as well as pain and suffering preceding death (see § 842.5). The law permits recovery for loss of time, earnings, services, diminished earning capacity, permanent injury, physical disfigurement, anticipated medical expenses, and death benefits. However, allowable compensation will not include reimbursement for medical, hospital, or burial expenses furnished or otherwise provided at the expense of the United States.

(2) Damage to or loss of property, including:

(i) Real property used and occupied.

(ii) Personal property bailed to the ANG under an expressed or implied agreement, unless the owner has expressly assumed the risk of damage or loss.

(iii) Registered or insured mail in ANG possession.

**§ 842.90 Claims not cognizable.**

This subpart does not apply to a claim which arises:

(a) Before September 13, 1960.

(b) From combat activities of military forces during time of war or armed conflict.

(c) Wholly or partly from the negligent or wrongful act of the claimant, his agent, or his employee. The doctrine of comparative negligence is not applicable.

(d) For property damage occurring to, or injury or death of ANG military personnel incident to their service.

(e) For injury or death of an air technician and others cognizable under the Federal Employees' Compensation Act (5 U.S.C. 751), or the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 901).

(f) In a foreign country and presented by a claimant to the authorities of a foreign country and final action is taken thereon under Article VIII of the NATO Status of Forces Agreement or other similar treaty or agreement.

(g) From a transaction purely contractual in nature.

(h) From private, as distinguished from ANG, transactions.

(i) Solely from compassionate grounds.

(j) For patent or copyright infringement.

(k) For war trophies, and articles intended directly or indirectly for persons other than the claimant or members of his immediate family—such as articles acquired to be disposed of as gifts or for sale to another—voluntarily bailed to the ANG, except registered or insured mail. No allowance will be made for any item when evidence indicates that the acquisition, possession, or transportation thereof was in violation of any regulation or directive.

(l) For precious jewels and other articles of extraordinary value, voluntarily bailed to the ANG, unless within the provisions of § 842.89(d)(2). Allowance for articles acquired by barter will not be more than the cost of the articles tendered in barter.

(m) From the taking of private real property by trespass resulting from the flight of aircraft.

(n) For claims cognizable under Subpart I of this part.

(o) For loss or damage to mail of any type in possession of the Post Office Department or a Military Postal Service (APO or FPO).

(p) Claims presented while litigation, commenced by the claimant and arising from the same accident or incident, is pending against the United States.

**§ 842.91 Statute of limitations.**

A claim may be settled under this subpart only if presented in writing within 2 years after it accrues, except that if it accrues in time of war or armed conflict, or if war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, the claim may be presented within 2 years after the cause ceases to exist.

(a) As used in this section, a war or armed conflict is one in which any U.S. Armed Force is engaged. Dates of commencement and termination of an armed conflict shall be established by concurrent resolution of Congress or by determination of the President.

(b) The claim must accrue in time of war or armed conflict, or war or armed conflict must intervene within the statutory period, if the period of limitation is to be extended. Further, good cause must be shown for any delay in excess of the statutory period.

**§ 842.92 Settlement authority.**

Claims for more than $5,000 are cognizable but cannot be administratively paid by the Air Force in excess of that amount. However, if the Secretary of the Air Force considers a claim meritorious and otherwise would be cognizable under this subpart, he may, after receipt of a settlement agreement in full satisfaction of the entire claim, pay the claimant $5,000 and report the excess to Congress for its consideration.

**§ 842.93 Emergency payments.**

See § 842.18.

## Subpart M—Nonappropriated Fund Claims

**§ 842.94 General.**

This subpart governs administrative settlements and payment of: (a) Claims against nonappropriated fund instrumentalities arising out of acts or omissions of nonappropriated fund employees, or otherwise caused by a nonappropriated fund instrumentality, and (b) nonappropriated fund employees' personnel claims. It also provides for defense of lawsuits against such persons and instrumentalities, and authorizes processing of certain claims in favor of nonappropriated funds.

**§ 842.95 Air Force policy.**

All tort, tort-type, and personnel claims arising out of the operation of a nonappropriated fund instrumentality or from the authorized use of its property will be processed and settled in the manner authorized for similar claims against an appropriated fund activity, except as provided in this subpart. Substantiated claims against an instrumentality will be paid from nonappropriated funds or by an insurer, as appropriate.

**§ 842.96 Tort and tort-type claims.**

(a) *Commercially insured claims.* All such claims will be referred to the insurer for settlement. Under certain limited circumstances foreign claims covered by insurance may be settled under this subpart.

(b) *Claims not covered by commercial insurance*—(1) *Cognizable claims.* Claims arising out of the operation of a nonappropriated fund instrumentality, or from accidents of incidents involving acts or omissions of employees, members, participants, or authorized users of nonappropriated fund instrumentality property are cognizable and payable only from nonappropriated funds if they are caused by:

(i) Military personnel or appropriated fund civilian employees while performing part-time nonappropriated fund duties for which pay is being received from a nonappropriated fund instrumentality.

(ii) Off-duty participation of members, participants, or authorized users of nonappropriated fund recreational instrumentality property, such as the use of airplanes, boats, horses, hobby shops, etc., but excluding patrons of exchanges and theaters.

(iii) Civilian employees of nonappropriated fund instrumentalities while performing assigned duties.

(iv) Negligent condition or operation of nonappropriated fund interior premises as distinguished from facility construction or maintenance.

(2) *Claims not cognizable.* Claims payable from appropriated funds will not be considered, settled, or paid under this subpart.

**§ 842.97 Personnel claims.**

Claims of paid civilian employees of nonappropriated fund instrumentalities for damage or loss of personal property incident to their employment are cognizable under this subpart.

**§ 842.98 Compensation claims.**

(a) *Longshoremen's and Harbor Workers' Compensation Act.* (1) Paid civilian employees of nonappropriated fund instrumentalities employed within the continental United States, and paid nonappropriated fund employees outside the continental limits of the United States who are United States citizens or permanent residents of the United States or a territory, are covered by the provisions of the Longshoremen's and Harbor Workers' Compensation Act.

(2) Claims that are covered by the Longshoremen's and Harbor Workers' Compensation Act are the sole responsibility of the Bureau of Employees' Compensation, U.S. Department of Labor.

(b) *Local law or custom.* Employees who are not citizens of the U.S. or permanent residents of the U.S. or a territory, who are employed outside the continental United States by any nonappropriated fund instrumentality, are excluded from compensation coverage under the Longshoremen's and Harbor Workers' Compensation Act. However, disability or death benefits in accordance with local laws, customs, or treaties will be provided these employees through insurance or otherwise.

(c) *Other claims procedures.* Claims covered by insurance policies relating to employees covered under local laws, customs, or treaties are the responsibility of the insurer. These policies are required to contain provisions for settling claim disputes by arbitration.

(d) *Compensation benefits are exclusive remedy.* Benefits provided for compensated employees for disability or death resulting from accident or death arising out of an injury in the course of employment is provided by law to be the exclusive remedy against the United States or such instrumentality, and the decision of the arbitrator is final and conclusive.

**§ 842.99 Customer complaints.**

Although certain types of sales and service claims may properly fall in the category of tort claims, authority has been granted to local officers in charge of revenue-producing nonappropriated



fund instrumentalities to settle claims generated by their activities by a cash payment out of funds on hand, by additional service, or by replacement in kind from stock.

**§ 842.100 Settlement authority.**

Tort and tort-type claims payable from nonappropriated funds, except those settled as customer complaints, will be settled by the same approving authorities authorized to settle appropriated fund claims within the following limitations.

EXCEPTION: The Judge Advocate General, USAF, has authority to settle nonappropriated fund claims without regard to monetary limitations.

## Subpart N—Civil Air Patrol Claims

**§ 842.101 General.**

This subpart governs procedures for processing certain administrative claims for and against the United States which arise out of CAP activities when their services are being used by the Air Force on specifically assigned operational missions under the direction of the Air Force, or when U.S. Government property is damaged by the CAP or a third party.

(5 U.S.C. 803 and 803a; 10 U.S.C. 2733, 2734, 9441 and 9801–9806; 28 U.S.C. 2671–2680; 31 U.S.C. 71; and 36 U.S.C. 201–208)

**§ 842.102 Definition.**

The CAP is a nonprofit civilian corporation established by law as a volunteer civilian auxiliary of the Air Force, which authorizes the Air Force to render certain limited assistance to it and accept and utilize its services in fulfilling the Air Force noncombat mission (see 10 U.S.C. 9441 and 36 U.S.C. 201–208). CAP senior members and cadets are members of a corporation, and are not Air Force military or civilian personnel within the meaning of Subpart C of this part. Nothing in this subpart shall be construed to confer military or veteran status on any person.

(5 U.S.C. 803 and 803a; 10 U.S.C. 2733, 2734, 9441 and 9801–9806; 28 U.S.C. 2671–2680; 31 U.S.C. 71; and 36 U.S.C. 201–208)

**§ 842.103 Third party claims.**

(a) *Cognizable claims.* Claims for personal injury, death, or property damage arising out of CAP accidents or incidents are cognizable under this Instruction if proximately caused by the CAP, acting under Air Force direction on a specifically assigned mission. This subpart will not be construed to create a bailment or loan to the Air Force of privately owned property.

(b) *Claims not cognizable.* (1) Reimbursement claims for the use of or depreciation to privately owned property used by the CAP, its senior members, or cadets on any mission specifically assigned by the Air Force.

(2) Indemnity claims for damage to or loss of privately owned property used on any mission specifically assigned by the Air Force, and resulting from acts or omissions of the owner or operator.

(3) Claims for personal services or expenses incurred by the CAP, its senior members, or cadets while engaged in any mission specifically assigned by the Air Force (see 10 U.S.C. 9441 for CAP-reimbursable expenses).

(4) Claims arising out of CAP accidents or incidents when the CAP is not under Air Force direction, or which occur outside the time limit prescribed for the mission specifically assigned by the Air Force.

(5) Claims based solely on Government ownership of property on loan to the CAP.

(c) *Processing tort-type claims.* CAP accidents, incidents, and claims will be investigated, settled and paid by approving authorities in the same manner as any other claim arising out of Air Force activities (see Subpart A of this part, and Subparts D through I of this part).

(5 U.S.C. 803 and 803a; 10 U.S.C. 2733, 2734, 9441 and 9801–9806; 28 U.S.C. 2671–2680; 31 U.S.C. 71; and 36 U.S.C. 201–208)

**§ 842.104 Compensation claims.**

(a) *Coverage.* Compensation benefit claims by volunteer civilian CAP members (except CAP cadets) or their survivors for personal injury—including death and medical and burial expenses relating to such injury or death—are limited, and Federal law applies only in special situations. These claims are cognizable under the Federal Employees' Compensation Act and regulations of the Bureau of Employees' Compensation, U.S. Department of Labor.

(1) Included are claims that arise incident to active service, or travel to and from such service, rendered in performance or direct support of operational CAP missions under Air Force direction and under written authorization by competent authority covering a specific assignment and prescribing a time limit for such assignment.

(2) CAP cadets are specifically excluded from coverage under this law, but may be provided limited services while at encampments, including emergency hospital and medical care.

(b) *Presentation of claim and reports.* The claimant (member or survivor) and the local commander of the CAP unit (immediate superior) are responsible for initiating and submitting claims, and obtaining supporting documents required by the Department of Labor. To avoid reporting delays, Air Force civilian personnel officers, on request, will provide employee, supervisor, and medical "CA" forms, and assist the claimant and the CAP unit commanders in carrying out their responsibilities. However, reports, claims, and forms should be submitted to the appropriate office of the Bureau of Employees' Compensation through the local commander of the CAP unit concerned.

(c) *Responsibility for limited investigation.* CAP compensation claims are processed, investigated, and settled by the Bureau of Employees' Compensation. However, under law the Bureau of Employees' Compensation may request Air Force advice (Headquarters USAF, AFJALD) concerning the claimant's status and facts of the injury.

(5 U.S.C. 803 and 803a; 10 U.S.C. 2733, 2734, 9441 and 9801–9806; 28 U.S.C. 2671–2680; 31 U.S.C. 71; and 36 U.S.C. 201–208)

## Subpart O—Other Claims

**§ 842.105 General.**

This subpart discusses a wide variety and category of claims that may be presented, some of which are cognizable under claims statutes and chapters of this Instruction. However, the majority of the claims either are not cognizable or not payable under claims statutes, but contain equitable aspects or elements of legal liability that warrant their consideration.

**§ 842.106 Claims for reimbursement arising from industrial security regulations.**

The Secretary of the Air Force has responsibility for processing claims for monetary restitution arising under the Industrial Personnel Access Authorization Review Program insofar as Air Force contracts are concerned. These claims are processed only in the Claims Division, Hq USAF. Any inquiries should be referred to Headquarters USAF (AFJALD).

**§ 842.107 Air Force Reserve Claims.**

(a) A claim by a member of the Air Force Reserve for damage or loss of personal property incident to his service (inactive duty training) will be processed and settled under Subpart C of this part.

(b) Claims for injury or death of Reserve personnel while engaged in training incident to their service are not cognizable under claims statutes, and will be processed under other procedures applicable in these cases.

(c) Claims of third parties for damage, loss, injury, or death arising out of the activities of members of the Air Force Reserve engaged in inactive duty training, whether for pay or not, will be processed and settled as any other claim against the Air Force.

**§ 842.108 AFROTC Claims.**

(a) Claims arising out of the activities of student members (cadets) of the Air Force Reserve Officers Training Corps (AFROTC) are the responsibility of the educational institution where enrolled, except when:

(1) Engaged in Air Force flight instruction or training camp duties, as distinguished from flight orientation.

(2) Their property is damaged or they are injured by Air Force personnel in the performance of official duty.

(b) Cognizable claims may arise when the Air Force transports these members to Air Force bases for physical examinations, orientation, and for other military purposes. Accordingly, if a student member is injured while being transported by a military department, his claim will be processed as any other claim under Subparts D or I of this part.

(c) The Federal Employees' Compensation Act has been extended (5 U.S.C. 802) to apply to disability or death claims of AFROTC members while:

(1) Engaged in flight instruction under Federal law.

(2) Performing authorized travel to or from or while attending a training camp under Federal law.

(d) Claims against the United States arising out of the military activities of USAF personnel assigned to AFROTC duty at educational institutions will be processed as any other claim against the Air Force.

**§ 842.109 Post Office Department claims.**

Reimbursement claims of the Post Office Department for APO losses or shortages in postal accounts, caused by unbonded Air Force military personnel designated as postal clerks or custodians, will be processed under 39 U.S.C. 712. These claims are presented on SF 1080, Voucher for Transfers Between Appropriations and/or Funds, to Headquarters USAF (AFJALD).

**§ 842.110 Laundry and dry cleaning claims.**

Claims involving Air Force Industrial Fund laundry and dry cleaning establishments will be processed by the Laundry Officer and the Claims Officer as provided in AFR 148–1 (Laundry and Dry Cleaning Services and Operations).

**§ 842.111 Contract claims.**

(a) Claims which arise from Air Force contracts, expressed or implied, ordinarily are covered under procurement regulations and are not payable under any section of this Instruction.

(b) However, in some cases an informal commitment cannot be regularized as a contract, or the claim cannot be settled or paid under contract procedures. In these circumstances, if otherwise cognizable, the claim may be processed under claims procedures after the appropriate procurement authority determines that the claim cannot be settled under contract procedures.

**§ 842.112 Real estate claims.**

Claims for rent, damage, and other payments involving the regular acquisition and disposition of real property or interest therein by and for the Air Force will be processed under contract and procurement procedures. These claims normally are not cognizable under any section of this Instruction.

**§ 842.113 Government Department claims (interdepartmental waiver).**

Tort or tort-type claims for damage to the property of one U.S. department or agency normally cannot be asserted against another U.S. department or agency.

**§ 842.114 Meritorious claims act.**

31 U.S.C. 236 authorizes the General Accounting Office to consider meritorious claims against the United States that are not subject to lawful adjustment. When a claim or demand, in the judgment of the Comptroller General of the United States, contains such elements of legal liability or equity as to be deserving of the consideration of Congress, he is authorized to submit it to Congress, with his recommendation thereon.

**§ 842.115 Military rescue and assistance claims.**

(a) *Fire Department claims.* These claims should be referred to the Air Force Accounting and Finance Center for referral to the General Accounting Office under 4 GAO 2015.10.

(b) *Ambulance claims.* If an unpaid claim of this type appears meritorious, it should be referred to Headquarters USAF (AFJALD), for appropriate action.

(c) *Sea rescue expense claims.* Such claims should be forwarded to the Air Rescue Service, Orlando AFB, Florida, 32813, for consideration.

(d) *Land rescue expense claims.* If the service was requested by Air Force authorities, or the claim otherwise is meritorious, the claim should be referred to Headquarters USAF (AFJALD), for appropriate action.

(e) *Air crew assistance.* Such claims may be referred to Headquarters USAF (AFJALD). Claims arising prior to September 26, 1947 will be referred to the Judge Advocate General, Department of the Army.

(1) The basis of previous payments of escape and evasion claims usually has been predicated on the expense to the claimant, and not the risk that he may have incurred in rendering assistance to U.S. airmen.

## Subpart P—Hospital Recovery Claims in Favor of the United States (42 U.S.C. 2651–2653)

**§ 842.116 General.**

(a) The statute provides generally that in any case in which the United States is authorized or required by law to furnish hospital, medical, surgical, or dental care and treatment (including prothesis and medical appliances) to a person who is injured or suffers a disease after December 31, 1962 under circumstances creating a tort liability upon some third person to pay damages therefor, the United States shall have the right to recover from said third person the reasonable value of such care and treatment so furnished or to be furnished and shall as to this right be subrogated to any right or claim that the injured or diseased person, his guardian, personal representative, estate, dependents, or survivors has against such third person to the extent of the reasonable value of the care and treatment so furnished or to be furnished.

(b) The President has provided by Executive Order No. 11060 of November 7, 1962 that the Director of the Bureau of the Budget shall determine and establish rates that represent the reasonable value of hospital, medical, surgical, or dental care and treatment (including prothesis and medical appliances) furnished or to be furnished.

(c) Except as to determination and establishment of rates as set forth in paragraph (b) of this section, the Executive Order provides that The Attorney General shall prescribe regulations to carry out the purpose of the Act. The Attorney General has promulgated regulations in accordance therewith which are set forth in 28 CFR 43.1–43.4. These regulations prescribe that in each case wherein hospital, medical, surgical, dental care or treatment is furnished a determination be made as to whether or not a third party is liable in tort, and thereupon assert a claim for the reasonable value of the injured parties hospitalization care and/or treatment. In addition, the individual receiving such medical or dental treatment is required to assign to the United States his claim or cause of action against the third person to the extent of the reasonable value of the care and treatment furnished or to be furnished; to cooperate in the prosecution of claims and actions by the United States; to notify the department concerned of any offer of settlement or the institution of suit against the third party. These regulations authorize the department concerned to accept the full amount of a claim and execute a release therefor in any amount, or to compromise and settle any claim where the amount claimed is $2,500 or less. Annual reports are required to be submitted to The Attorney General.

**§ 842.117 Definitions.**

(a) *Assertion of claim.* A demand on a third party tortfeasor for a sum certain determined to be the reasonable value of medical care.

(b) *Medical care.* Includes hospital, medical, surgical, or dental care and treatment (including prosthesis and medical appliances) furnished or to be furnished by the United States.

(c) *Reasonable value of medical care.* The value of the medical care furnished or to be furnished as a result of the injury or disease which gave rise to the claim determined only in accordance with rates prescribed by the Bureau of the Budget.

(d) *Base staff judge advocate.* The staff judge advocate of the base furnishing legal services to the United States Air Force medical facility furnishing medical care to the injured party. If medical care is provided in other than a United States Air Force medical facility, then the staff judge advocate of the Air Force base nearest to the location where the medical care was provided.

(e) *General courts-martial jurisdiction (GCM).* The command exercising general courts-martial jurisdiction over the organization of the base staff judge advocate.

(f) *Major air command.* The major air command to which the general courts-martial jurisdiction is assigned.

(g) *Injured party.* Any person who is furnished authorized medical care and does not personally or through his agent pay the existing rate for the same (see § 842.118).

(h) *Notice to tortfeasor.* Initial notice to apparent tortfeasor of intent to assert claim SF 96, "Notice of Claim".

(i) *Debtor.* An individual, partnership, association, corporation, or governmental body, foreign or domestic (other than an instrumentality of the United States or an employer of seamen treated under the provisions of 42 U.S.C. 249).



**§ 842.118 Assertable claims.**

Assertable claims comprise all claims which are based upon injuries or disease occurring after December 31, 1962 within the purview of this subpart for which medical care has been furnished by the Air Force without reimbursement, or for which the Air Force is the responsible sponsoring agent, under circumstances creating a tort liability upon some third person (other than or in addition to the United States). Subsistence charges, interservice rate, interagency rate or dependent rate for medical care are not considered as reimbursement for the purposes of this section.

**§ 842.119 Claims not assertable.**

(a) Claims for less than 2 days' hospitalization or for less than four outpatient definitive treatments unless:

(1) A property damage tort claim is to be asserted.

(2) A tortfeasor or his insurer requests a release from the United States as a condition precedent to payment of other damages to the injured party.

(b) Claims for medical care furnished by the Veterans Administration to an eligible veteran for a service-connected disability under the provisions of 38 U.S.C. 601–643.

(c) Claims against employers of seamen treated under the provisions of 42 U.S.C. 249.

**§ 842.120 Statute of limitations.**

The Act provides that the United States is subrogated to the right of the injured party. Accordingly, it is desirable that all actions be taken timely so as to preclude the running of any statute of limitations based on local law. As to actions to be brought in the name of the United States, it has been historically the position of the United States that no defense of statute of limitations or laches may be interposed. However, whenever a formal claim has not been asserted or if the claim has been asserted and has not been settled within 4 months prior to the running of the statute of limitations based on local law, the entire file will be forwarded to Headquarters USAF (AFJALD) with appropriate recommendations.

**§ 842.121 Medical care furnished by other Federal medical facilities.**

A Federal medical facility other than an Air Force medical treatment facility which gives definitive medical care at the expense of the Air Force to a person who has been injured or who has incurred a disease because of apparent third party tort liability, will submit a report thereof to the staff judge advocate of the Air Force base nearest to the facility rendering the care.

**§ 842.122 Action by base staff judge advocate.**

(a) Upon receipt of a report (AF Form 438 (Medical Care—Third Party Liability Notification)), the report will be reviewed and if it is incomplete every effort will be made to obtain the required supplementary information.

(1) Advise the injured party, his guardian, personal representative, estate, dependents or survivors that:

(i) A Power of Attorney and Assignment (SF 96–A) must be executed in triplicate assigning to the United States the claim or cause of action against the third person to the extent of the reasonable value of the care and treatment to be furnished, or any portion thereof. One copy of the executed SF 96–A will be retained by the party executing the same.

(ii) A full and complete written statement concerning the circumstances giving rise to injury, including name and address of all third parties and witnesses to the incident, must be furnished.

(iii) Complete information must be furnished the responsible staff judge advocate concerning any action instituted or to be instituted by or against a third person, any offer of settlement, and that no settlement with third person or his insurer should be made without the concurrence of the responsible staff judge advocate.

(iv) They are required by law to cooperate in the prosecution of all claims and actions by the United States against such third persons.

**§ 842.123 Settlement authority.**

The Secretary of the Air Force or his designees may accept the full amount of any hospital recovery claim found due the United States or compromise or waive any such claim not in excess of $2,500.

**§ 842.124 Medical records.**

Notwithstanding any provision of AFM 160–20 (Administration of Medical Treatment Activities), records as to medical history, diagnosis, findings, or treatment will be withheld from injured party or other party claiming through such injured party until the SF 96–A is properly executed. Subsequent to the proper execution of SF 96–A, such records may be released in accordance with AFM 160–20 upon the approval of the appropriate staff judge advocate.

## Subpart Q—Claims Incident to the Use of Government Property Not Cognizable Under Any Other Law (10 U.S.C. 2736; Public Law 87–769)

**§ 842.125 General.**

This subpart governs the administrative processing, settlement, and payment of claims against the United States for damage to or loss of property, or for personal injury or death, incident to the use of Government property by Air Force military or civilian personnel, not cognizable under any other law.

**§ 842.126 Definitions.**

(Other terms used in this subpart are explained in Subpart A of this part.)

(a) *Civilian official or employee.* Any civilian employee of the Air Force receiving pay from appropriated funds at the time of the incident which resulted in the claim. It does not include other persons covered under § 842.1(e), such as local hire or wage rate indigenous employees assigned to the Air Force for duty by foreign countries, prisoners of war, interned enemy aliens, employees of the Air National Guard and nonappropriated fund instrumentalities, Red Cross personnel, CAP members and cadets, or other volunteer workers.

(b) *Member of the Air Force.* All Air Force military personnel (see § 842.1(d)).

(c) *Vehicle.* For purposes of this subpart only, every description of carriage or other artificial contrivance used or capable of being used as a means of transportation on land (see 1 U.S.C. 4).

(d) *Property of the United States.* Any property under the jurisdiction of the United States, including vehicles.

**§ 842.127 Proper claimants.**

(For purposes of this subpart only):

(a) *General.* Except as limited herein and by § 842.1(d), any person may present a claim under this subpart.

(b) *Claimants excluded.* (1) Military personnel who suffer private property damage, injury or death incident to their service (including their heirs and legal representatives) who receive benefits under any other Federal law.

(2) Civilian employees of the United States who suffer personal injury or death in the performance of duty and receive benefits under the Federal Employees Compensation Act (5 U.S.C. 751), and Department of Defense and military department employees when their property damage or loss occurred incident to their service and they receive payment under 10 U.S.C. 2732.

(3) Claimants subrogated to or assigned the rights of another.

(4) Inhabitants of foreign countries whose claim arose in a foreign country (see Subpart E of this part).

(5) Claimants who obtained their rights under an indemnifying law or indemnity contract.

**§ 842.128 Cognizable claims.**

The following types of claims must be settled under the sections indicated, rather than under this subpart: Willful damage and depredation claims, Subpart B of this part; personnel claims, Subpart C of this part; Military Claims Act claims, Subpart D of this part; foreign claims, Subpart E of this part; admiralty claims, Subparts F through H of this part; tort claims, Subpart I of this part; international agreement claims, Subpart K of this part; ANG claims, Subpart L of this part; and nonappropriated fund claims, Subpart M of this part.

(a) *Types of cognizable claims—(1) General.* Any claim against the United States, not cognizable under any other provision of law, arising on or after October 9, 1962, that is timely presented by a proper claimant for damage to or loss of property, real or personal, or for personal injury or death, caused by Air Force military or civilian personnel or officials either:

(i) Incident to the use of a vehicle of the United States at any place; or

(ii) Incident to the use of any other property of the United States on a Government installation.

(2) *Outside scope.* A claim is cognizable if the act or omission of Air Force military or civilian personnel was outside the scope of their employment, pro-

vided it is not cognizable under other settlement authority (see Subpart E of this part). This includes, in appropriate cases, the unauthorized use of Government property (including its vehicles), as well as a substantial deviation from assigned duties.

(3) *Within scope.* A claim is cognizable if the act or omission of Air Force military or civilian personnel was within the scope of their employment, provided it is not cognizable under other law. This includes, in appropriate cases, the authorized use of Government property (such as weapons) when claims resulting from their use are not cognizable under any other law (28 U.S.C. 2672, 2680).

(b) *Proximate cause.* To be payable, a claim for damage, injury, or death must have been proximately caused by the act or omission of Air Force military or civilian personnel.

(1) Proximate cause refers to the immediate or motivating cause, involving a natural and continuous sequence unbroken by an effective intervening cause.

(2) If the proximate cause of an accident or incident is the joint or concurrent tortious act or omission of Air Force military or civilian personnel and of one or more persons other than the claimant, his agent, or employee, the claim is payable except to the extent, if any, already paid by or on behalf of such other person or persons.

(3) Acts or omissions constituting mere conditions without the existence of which an incident could not have occurred, and which are not a proximate cause of the damage or injury for which claim is made, are not proper bases for payments under this subpart, even if the law of the situs forbids the acts or omissions concerned. However, local law ordinarily will control questions of proximate cause, imputed negligence, and family purpose doctrine.

(c) *Claimant's negligence.* A negligent or wrongful act on the part of the claimant, his agent, or his employee, in whole or in part, which is the proximate cause of the incident, bars recovery. It is immaterial that the law of the situs follows the comparative negligence doctrine. Negligence or contributory negligence of the claimant bars payment of a claim, as determined by the facts and the law.

(d) *Payment requirement.* No claim will be paid under this subpart unless the amount tendered is accepted by the claimant in full satisfaction.

**§ 842.129 Claims not cognizable.**

The following types of claims and elements of damage are excluded (see also § 842.14(d)):

(a) A claim cognizable under any other provision of law or this part.

(b) A claim for damages for personal injury or death, or elements of damage incident thereto. However, this does not preclude the payment of the cost of reasonable medical, hospital, and burial expenses actually incurred.

(c) A claim for medical, hospital or burial services furnished or paid by the United States.

(d) A claim not presented in writing for a sum certain within 2 years after it accrues.

(e) A claim for property damage, personal injury, or death caused wholly or partly by the negligent or wrongful act of the claimant, his agent, or his employee.

(f) Subrogated claims.

(g) A claim or any part thereof, the amount of which is legally recoverable by the claimant under an indemnifying law or indemnity contract.

(h) Attorney fees; and no effort will be made to fix such a fee in connection with the settlement of a claim.

**§ 842.130 Statute of limitations.**

No claim may be allowed or paid under this subpart unless it is presented in writing within 2 years after it accrues.

**§ 842.131 Settlement agreement.**

A settlement agreement is required before any payment, even though tendered in the full amount claimed.

**§ 842.132 Settlement authority.**

Claims for more than $1,000 may be considered but cannot be administratively approved or paid in excess of that amount.

## PART 843—STATUTORY REIMBURSEMENT FOR LAND

**Subpart A—Reimbursement to Owners and Tenants of Land Acquired by the Department of the Air Force Pursuant to Public Law 534, 82d Congress**


Sec.
843.1 Statutory provisions.
843.2 Definitions.
843.3 Scope.
843.4 Delegation.
843.5 Filing of application.
843.6 Limitation of amount of payment.
843.7 Conditions of reimbursement.
843.8 Payment.


**Subpart B—Reimbursement to Owners and Tenants of Land Acquired by the Air Force Pursuant to Public Law 155, 82d Congress**


843.50 Statutory provisions.
843.51 Definitions.
843.52 Scope.
843.53 Delegation.
843.54 Filing of application.
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843.57 Payment.


### Subpart A—Reimbursement to Owners and Tenants of Land Acquired by the Department of the Air Force Pursuant to Public Law 534, 82d Congress

AUTHORITY: The provisions of this Subpart A issued under sec. 401, 66 Stat. 624, as amended.

**§ 843.1 Statutory provisions.**

The Secretary of the Air Force is authorized, to the extent he determines to be fair and reasonable, under regulations approved by the Secretary of Defense, to reimburse the owners and tenants of land to be acquired for any public works project of the Department of the Air Force for expenses and other losses and damages incurred by such owners and tenants, respectively, in the process and as a direct result of the moving of themselves and their families and possessions because of such acquisition of land, which reimbursement shall be in addition to, but not in duplication of, any payments in respect of such acquisition as may otherwise be authorized by law: *Provided*, That the total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of the fair value of such parcel of land as determined by the Secretary of the Air Force. No payment in reimbursement shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damages so incurred, shall have been submitted to the Secretary of the Air Force within one year following the date of such acquisition or within one year following the date that the property is vacated by the applicant, whichever date is later. The authority for reimbursement of owners and tenants for moving costs conferred by this subsection shall be in addition to but not in duplication of authority contained in subsection 501(b) of the act of September 28, 1951 (65 Stat. 365) for the reimbursement to owners and tenants of land acquired pursuant to authorization in said act.

NOTE: Regulations implementing subsection 501(b) of the act of September 28, 1951 (65 Stat. 365) are contained in Subpart B of this part. "*Provided, further*, That with respect to land acquired subsequent to July 27, 1954 but prior to July 15, 1955, reimbursement shall be restricted to those owners and tenants who used such land for residential or agricultural purposes."

**§ 843.2 Definitions.**

(a) *The act.* Public Law 534, 82d Congress, approved July 14, 1952.

(b) *Owner.* Any owner of land who moves himself, his family, or his possessions because of acquisition of his land for any public works project of the Department of the Air Force.

(c) *Tenant.* One who under proper authority uses or occupies land and who moves himself, his family, or his possessions because of acquisition of such land for any public works project of the Department of the Air Force.

(d) *Land to be acquired for any public works project.* Acquisition by the Department of the Air Force of any interest in land required for military purposes, except industrial installations not within the boundaries of an authorized multiple ownership project being acquired under circumstances similar to those involved in the normal acquisition of property for an airfield, camp or reservoir.

(e) *Industrial installations.* Any unit of real property which when acquired by the United States is being used or is useful for the production of materiel, munitions and supplies or for industrial research and development.

(f) *Date of acquisition.* The date on which title to land being acquired vests in the United States or the date on which the temporary term commences if a possessory interest only is being acquired.

(g) *Date of vacating.* The date on which an owner or tenant moves himself, his family, and his possessions subsequent to January 1, 1958, from land acquired on or subsequent to July 14, 1952.



(h) *Fair value.* The value of the land as determined in accordance with Department of the Air Force appraisal procedure.

**§ 843.3 Scope.**

Pursuant to the provisions of the act, reimbursement may only be made to the extent determined fair and reasonable for items of expense and other losses and damages incurred by owners or tenants in the process and as a direct result of the moving of themselves and their families and possessions. The types of reimbursable items and non-reimbursable items described in paragraphs (a) and (b) of this section are not intended to be exclusive.

(a) *Types of reimbursable items.* (1) Moving expenses, such as costs of transportation, insurance, crating and uncrating.

(2) Temporary storage expenses.

(3) Expenditures for obtaining new site or land such as cost of appraisals, surveys, and title searches, where such expenses are normally borne by the purchaser. This does not include any part of the purchase price for the new site or any expenditures for the purpose of adding to the value or utility of the new site.

(b) *Types of non-reimbursable items.* (1) Costs of conveying property to the Government.

(2) Consequential damages or losses, such as loss of good will, loss of profits, loss of trained employees, or expenses of sales and losses because of such sales.

**§ 843.4 Delegation.**

Authority is delegated to the Chief of Engineers, Department of the Army, and such officers and employees of the Corps of Engineers as he may designate and are approved by the Secretary of the Air Force, to perform all functions and make all determinations which are authorized to be performed by the Secretary of the Air Force with respect to reimbursement under the provisions of section 401(b) of the act.

**§ 843.5 Filing of application.**

All applications for reimbursement must be delivered to or mailed to the appropriate Division or District Engineer, Corps of Engineers, Department of the Army within one year from the date of acquisition or within one year from the date that the property is vacated by the applicant, whichever date is later. Applications must be supported by an itemized statement of the expenses, losses, and damages incurred for which reimbursement is requested.

**§ 843.6 Limitation of amount of payment.**

The act provides that the total amount of reimbursement to all owners and tenants of any parcel of land shall not exceed 25 per centum of the fair value of such parcel of land. In the event that the approved amount of reimbursement for all owners and tenants exceeds 25 per centum of the fair value of the land, each applicant will receive the same proportion of the 25 per centum of the fair value as the approved amount for each application is of the total amount approved for all applications.

**§ 843.7 Conditions of reimbursement.**

In determining whether reimbursement will be made and the extent and amount thereof, consideration will be given to the following:

(a) Reimbursement shall not be made unless and until reasonable proof of the expenses or other losses and damages incurred, in the form of receipts therefor or the next best evidence thereof when receipts are not available, have been submitted.

(b) Reimbursement shall not be made to the extent the applicant's negligence, or wrongful act has contributed to the amount of the expenses, losses or damages.

(c) Reimbursement shall not be made for any expenses, losses or damages which were allowed in establishing the compensation paid or to be paid for the interest acquired in the land.

**§ 843.8 Payment.**

Appropriate action will be taken to accomplish payment in accordance with prescribed procedure and regulations. Reimbursement will be made from funds appropriated to the Department of the Air Force pursuant to any act authorizing military public works projects for the Department of the Air Force, to the extent available.

### Subpart B—Reimbursement to Owners and Tenants of Land Acquired by the Air Force Pursuant to Public Law 155, 82d Congress

AUTHORITY: The provisions of this Subpart B issued under sec. 501, 65 Stat. 365, as amended.

**§ 843.50 Statutory provisions.**

The Secretary of the Air Force is authorized, to the extent he determines to be fair and reasonable, to reimburse owners and tenants of land acquired by the Air Force pursuant to the provisions of Public Law 155, 82d Congress, for expenses and other losses and damages incurred by such owners and tenants, respectively, in the process and as a direct result of the moving of themselves and their families and possessions because of such acquisition of land, which reimbursement shall be in addition to, but not in duplication of, any payments in respect of such acquisition as may otherwise be authorized by law: *Provided*, That the total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of the fair value of such parcel of land as determined by the Secretary of the Air Force. No payment or reimbursement shall be made unless application therefor, supported by an itemized statement of the expenses, losses and damages so incurred shall have been submitted to the Secretary of the Air Force within one year following the date of such vacating (sec. 501(b), Pub. Law 155, 82d Cong.): *Provided, further*, That with respect to land acquired subsequent to July 27, 1954, but prior to July 15, 1955, reimbursement shall be restricted to those owners and tenants who used such land for residential or agricultural purposes.

**§ 843.51 Definitions.**

(a) *The act.* Public Law 155, 82d Congress, approved September 28, 1951.

(b) *Owner.* Any owner of land, who moves himself, his family, or his possessions because of acquisition of his land pursuant to the act.

(c) *Tenant.* One who under proper authority uses or occupies land and who moves himself, his family, or his possessions because of acquisition of such land pursuant to the act.

(d) *Acquisition pursuant to the act.* Acquisition by the Air Force of any interest in land for any project authorized by the act.

(e) *Date of vacating.* The date the owner or tenant moves himself, his family and his possessions.

(f) *Fair value.* The value of the land as determined in accordance with Air Force appraisal procedure.

**§ 843.52 Scope.**

Pursuant to the provisions of the act, reimbursement may only be made to the extent determined fair and reasonable for items of expenses and other losses and damages incurred by owners or tenants in the process and as a direct result of the moving of themselves and their families and possessions. The types of reimbursable items and non-reimbursable items described in paragraphs (a) and (b) of this section are not intended to be exclusive.

(a) *Types of reimbursable items.* (1) Moving expenses, such as costs of transportation, insurance, crating and uncrating.

(2) Temporary storage expenses.

(3) Expenditures for obtaining new site or land such as cost of appraisals, surveys, and title searches, where such expenses are normally borne by the purchaser. This does not include any part of the purchase price for the new site or any expenditures for the purpose of adding to the value or utility of the new site.

(b) *Types of non-reimbursable items.* (1) Costs of conveying property to the Government.

(2) Consequential damages or losses, such as loss of good will, loss of profits, loss of trained employees or expenses of sales and losses because of such sales.

**§ 843.53 Delegation.**

Authority is delegated to the Chief of Engineers, Department of the Army, and such officers and employees of the Corps of Engineers as he may designate and are approved by the Secretary of the Air Force, to perform all functions and make all determinations which are authorized to be performed by the Secretary of the Air Force with respect to reimbursement under the provisions of section 501(b) of the act.

**§ 843.54 Filing of application.**

All applications for reimbursement will be filed with the appropriate Division or District Engineer, Corps of Engineers, Department of the Army, for forwarding to the Chief of Engineers for final action. Such applications must be

delivered to or mailed to such Division or District Engineer within one year from the date of vacating and must be supported by an itemized statement of the expenses, and the losses and damages incurred and for which reimbursement is requested.

**§ 843.55 Limitation of amount of payment.**

The act provides that the total amount of reimbursement to all owners and tenants of any parcel of land shall not exceed 25 per centum of the fair value of such parcel of land. In the event that the approved amount of reimbursement for all owners and tenants exceeds 25 per centum of the fair value of the land, each applicant will receive the same proportion of the 25 per centum of the fair value as the approved amount for each application is of the total amount approved for all applications.

**§ 843.56 Conditions of reimbursement.**

In determining whether reimbursement will be made and the extent and amount thereof, consideration will be given to the following:

(a) Reimbursement shall not be made unless and until reasonable proof of the expenses or other losses and damages incurred, in the form of receipts therefor or the next best evidence thereof when receipts are not available, have been submitted.

(b) Reimbursement shall not be made to the extent the applicant's negligence, or wrongful act has contributed to the amount of the expenses, losses or damages.

(c) Reimbursement shall not be made for any expenses, losses or damages which were allowed in establishing the compensation paid or to be paid for the interest acquired in the land.

**§ 843.57 Payment.**

Appropriate action will be taken to accomplish payment in accordance with prescribed procedure and regulations. Reimbursement will be made from funds appropriated to the Department of the Air Force pursuant to the act, to the extent available.

## PART 844—TAXATION, LEGAL AND ADMINISTRATIVE ACTIONS, AND LEGAL PROCESS

Sec.


844.1 When and how to report a suit, action, or proceeding.
844.2 Government representation of an Air Force contractor.
844.3 Government representation of an individual; employment of private counsel.
844.4 Civil suits, actions, and proceedings in foreign countries.
844.5 Lawsuits under the Federal Tort Claims Act.


AUTHORITY: The provisions of this Part 844 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

**§ 844.1 When and how to report a suit, action, or proceeding.**

Except in tax disputes, the person or command involved will submit an initial teletype or telegraphic report direct to The Judge Advocate General, Headquarters USAF, Washington, D.C., 20330, immediately upon receipt of notice of the institution of a suit, action, or proceeding.

**§ 844.2 Government representation of an Air Force contractor.**

If an Air Force contractor requests Air Force representation, the following written agreement, signed by an official representative of the contractor, is required:

REQUEST FOR GOVERNMENT REPRESENTATION

The undersigned hereby requests the Attorney General of the United States to designate counsel to defend on behalf of the undersigned the action entitled:

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It is agreed that the assumption by the Attorney General of the defense of said action does not alter or increase the obligations of the United States under United States Contract No. ---------- It is further agreed that such representation will not be construed as a waiver or estoppel of any rights which any interested party may have under said contract.

**§ 844.3 Government representation of an individual; employment of private counsel.**

This section implements 28 U.S.C. 2679 b, c, d, and e, and 28 CFR 15.1–15.4. It applies only to civil actions and proceedings commenced as a result of accidents or incidents occurring on or after March 21, 1962.

(a) When lawsuits filed against Air Force military or civilian personnel arise out of the performance of their official duties, such persons may request Government legal representation through The Judge Advocate General, USAF. The request must be made in writing by the defendant. The Government will not be responsible for expenses of private counsel without special authorization.

(b) When Air Force military or civilian personnel are sued as the result of operation of any motor vehicle while acting within the scope of their office or employment:

(1) The person sued shall promptly deliver to the Staff Judge Advocate furnishing legal services to his organization:

(i) All process and pleadings served on him, or an attested true copy thereof.

(ii) All other information regarding the accident or incident out of which the lawsuit arises.

**§ 844.4 Civil suits, actions, and proceedings in foreign countries.**

The provisions of the proceeding sections of this part are fully applicable and will be adhered to in civil proceedings initiated in foreign countries. The foregoing includes any suit or proceeding in which the United States, although not named as party defendant, has an interest such as by virtue of an obligation under international agreement to share the expense of any judgment finally awarded. In addition, the following policies and procedures will be observed:

(a) *Initiation of proceedings and service of process.* United States Government agencies and instrumentalities in foreign countries (e.g., military units and installations, base exchanges, open messes, military missions, etc.) lack judicial personality under United States law. Under established concepts of international law, such Government activities of the United States are not subject to civil proceedings or service of process in foreign countries. Claims nominally against such activities are in legal fact claims against the United States and, except as to proceedings against United States personnel arising out of performance of official duties (see § 844.3), the United States is the only proper party defendant or respondent in any foreign civil proceedings. Further, the only United States activity specifically designated and authorized to receive and accept service of foreign process is the United States embassy or diplomatic mission within the country concerned, and such service normally is accomplished through diplomatic channels.

(1) Suits against the United States: Any writ, summons, notice of legal proceeding, or other foreign civil process served upon or otherwise delivered to an Air Force officer, employee, or activity will be referred immediately upon receipt to the staff judge advocate, who will return the document to the issuing authority with a suitable statement respectfully and tactfully explaining the lack of authority of the person or activity to accept service on behalf of the United States, and suggesting that service or delivery be made upon the United States embassy or diplomatic mission through established channels. Exceptions to this procedure are not authorized other than upon prior approval from The Judge Advocate General, USAF, and clearance from the Chief of the United States Diplomatic Mission in the country concerned.

(2) Garnishment and attachment proceedings: The United States and its agencies and instrumentalities are not subject to garnishment orders or money attachment proceedings in foreign countries aimed at wages or other funds due and payable by the United States to alleged or adjudicated debtors of the parties on whose behalf garnishment or attachment is attempted.

(i) Any writ, order, or petition for garnishment or money attachment served upon or otherwise delivered to an Air Force officer, employee, or activity will be referred immediately upon receipt to the staff judge advocate, for return to the issuing authority as outlined in subparagraph (1) of this paragraph. Concurrently with the return of process, the staff judge advocate will advise the foreign court or other agency concerned that, without prejudice to the immunity of the United States from foreign suit or process, the United States military authorities will be pleased to cooperate with the local authorities concerned to the extent of furnishing advance notification of the date, time, and place of payments made to the debtor, thereby enabling the creditor to pursue his remedies under local law directly against the debtor.

(b) *Cooperation with foreign counsel.* Staff Judge Advocates will cooperate with foreign counsel retained by the Department of Justice to represent United States interests by providing required information and evidence.



(c) *Communication with Department of Justice.* Foreign counsel are retained, instructed and paid by the Department of Justice; communication with that Department concerning litigation will be by retained counsel.

**§ 844.5 Lawsuits under the Federal Tort Claims Act.**

By statute, service of the summons and complaint in these actions is on the United States Attorney and by registered mail on The Attorney General.

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SUBCHAPTER E—SECURITY

## PART 850—SAFEGUARDING CLASSIFIED INFORMATION

Sec.


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850.2 Industrial security program.
850.3 Assignment of classification.
850.4 Declassification for public release.
850.5 Espionage law notation.
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850.11 General rules for safeguarding.
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850.13 Transportation of classified material.
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850.16 Industrial Security Manual.
850.17 Contracting and security responsibility.
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850.19 Contracts performed on installations.
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850.21 Contracts performed by foreign contractors.
850.22 Releasing classified information.
850.23 Sponsoring meetings.
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850.25 Contractor's use of COMSEC material and crypto devices.
850.26 Personnel access authorizations for contractor employees.
850.27 Denial, suspension, and revocation of clearances for contractor employees.
850.28 Interim Secret clearances—immigrant aliens.
850.29 Foreign national employees of contractors.


AUTHORITY: The provisions of this Part 850 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

**§ 850.1 Dissemination.**

Requirement for access: Knowledge or possession of classified information is permitted only to persons who need it to do their job. No one has a right to classified information solely by virtue of his rank or position. The responsibility for determining whether or not a person's duties require access to classified information rests with the official having custody of the classified material. This requirement applies to all classified information.

**§ 850.2 Industrial security program.**

To be effective, the security program must provide protection for classified information entrusted to contractors as well as that held only by the Government. Therefore, an information security system and program have been established by the Department of Defense to safeguard classified information entrusted to DoD contractors and their employees. The Industrial Security Program, given effect by the execution of a Security Agreement between DoD and the contractor, establishes security requirements and access authorization procedures which are similar to those that apply in the Air Force, but which have been adapted to the operating requirements of industry, educational institutions, research activities, and consultants. The security procedures that contractors must follow are set forth in the DoD Industrial Security Manual for Safeguarding Classified Information (ISM); and the security and procurement responsibilities of the Air Force in relation to the DoD Industrial Security Program are set forth in AFR 205–4 (Armed Forces Industrial Security Regulations) and supplemented in this part. Familiarity with those provisions is required any time a procurement action is proposed or undertaken which involves the release of classified information to a contractor or his employees, which requires the contractor or his employees to have access to classified information, or which will result in developing or producing information or material that will be assigned a classification.

**§ 850.3 Assignment of classification.**

The provisions of Executive Order 10501, as implemented in the DoD directives and this part, apply only to official information of the United States Government and do not extend to privately-owned information. Therefore, the assignment of a defense classification to privately-owned information is not authorized. Normally, AFR 11–30 (Custody, Use and Preservation of DoD Official Information Which Requires Protection in the Public Interest) provides the means for withholding from public release privately-owned information entrusted to the Air Force when its release would be contrary to the public interest. However, the Patent Secrecy Act of 1952 (35 U.S.C. 181–188) provides one means whereby the Government can enjoin the public release of privately-owned information (see § 850.12).

**§ 850.4 Declassification for public release.**

Release by the office of primary responsibility: Classified information approved for public release must be declassified before it is released. Persons who cancel or approve the cancellation of the classification or information, and simultaneously approve its release to the public, must take action to notify each addressee to whom he transmitted the material, regarding change or cancellation of classification, as soon as possible. When the release involves a weapon system for which a System Program Office has been established, the command having primary system management responsibility must also be notified. The issuance of timely declassification notices is necessary to preserve the effectiveness and integrity of the security classification system, and to conserve Air Force resources.

**§ 850.5 Espionage law notation.**

A classified document furnished to a DoD contractor, or to any other person or activity outside the Executive Branch, shall bear the following additional notation at least once:

> This material contains information affecting the national defense of the United States within the meaning of the Espionage Laws (Title 18, U.S.C., sections 793 and 794), the transmission or revelation of which in any manner to an unauthorized person is prohibited by law.

**§ 850.6 Authorized dissemination.**

(a) (1) *DoD contractors.* Persons and other legal entities, such as educational, scientific, and industrial organizations, may be authorized access to classified information if it is required for the negotiation or performance of a DoD contract and they have been determined to be trustworthy pursuant to AFR 205–4.

(2) *Other persons and entities.* Persons and legal entities, other than those described in subparagraph (1) of this paragraph, may be authorized access to classified information only if they must have it to perform a function which, in the judgment of the releasing official, will be in the interest of promoting national defense; they have been determined to be trustworthy; and they can and will protect the information adequately. These provisions apply to educational, scientific, and industrial organizations not acting in the capacity of DoD contractors; to officials and agencies of a State or of a Federal agency not part of the Executive Branch; and to private persons.

NOTE: For any purpose not stated in subparagraph (2) of this paragraph, problems involving dissemination to private persons or activities should be solved by declassification, rather than by expanding authorized access to classified matter.

(b) *Non-DoD information.* Classified information possessed by the Department of Defense but originated by another Federal department or agency shall be disseminated outside DoD only with the consent of the originating agency. The one exception to this rule is provided by section 102, National Security Act of July 26, 1947 (50 U.S.C. 403), which authorizes the Director of Central Intelligence to correlate and to evaluate intelligence relating to the national security, and to provide for the appropriate dissemination thereof within the Government.

NOTE: A contracting agency possesses a proprietary interest in information originated in connection with one of its contracts. Therefore, for classification and dissemination purposes, information originated by a contractor in connection with a Government contract is considered to have been originated by the contracting Government department or agency.

**§ 850.7 Determining requirement for access.**

(a) *Policy.* Knowledge or possession of classified information is permitted only to persons to whom the information is essential in order to perform their duties in the interest of national security. No one has a right to have access to classified information solely by virtue of his rank or position; if a person does not need the information to perform his officially assigned duties, he shall not be given access to it.

(b) *Applicability.* The prerequisites for dissemination, and the authority to disseminate, vary according to the status of the intended recipient. A person or organization can, and frequently does, have more than one status; for example:

(1) One person can be a Reserve officer, a Government employee, and a private citizen, and

(2) An organization or person can be a contractor or consultant to the Government, and a contractor to a nongovernmental enterprise. In all such cases, the following rules apply:

(i) Before approving a release of classified information, the releasing official must determine the status or capacity in which the intended recipient is acting in connection with each proposed release or dissemination of classified information.

(ii) The basis for dissemination, and the authority to approve it, as provided in §§ 850.6 through 850.10, vary according to the intended recipient's status in relation to the proposed release. Thus, for example, if the recipient is acting in the capacity of a DoD contractor, §§ 850.6 (a) (1) and 850.9(f) would apply; if the same recipient is acting in a private capacity, §§ 850.6(a) (2) and 850.9(h) would apply.

**§ 850.8 Dissemination for personal or private use.**

Classified information shall not be released for private use (personal or commercial, or as background material). Any person who requests classified information for such use is considered a "private individual." His request shall not be approved even though he may have been partly or solely responsible for production of the information. This rule applies to requests from military personnel on active duty or in retired status, members of the Reserve Forces, and civilian officials, as well as other individuals.

**§ 850.9 Dissemination and disclosure authority.**

(a) *To other U.S. Government personnel and agencies.* Unless otherwise provided in §§ 850.6 through 850.10, designated officials are authorized to make or to approve dissemination to other departments, agencies, branches, and personnel of the U.S. Government. Each such release shall be made through the normal channels of communication established between the Air Force and the department or agency concerned, and the release shall be reviewed for propriety and desirability at each intervening Air Force element.

(b) *To Congress.* All requests by the Congress or its committees or members for classified information will be referred to the Secretary of the Air Force (Director of Legislative Liaison, SAF–LL) according to AFR 11–7 (Air Force Relations with Congress).

(c) *To General Accounting Office (GAO).* Authority and procedures for disclosing classified information to GAO representatives are prescribed in AFR 11–8 (Air Force Relations with the General Accounting Office).

(d) *For litigation purposes.* Requests or subpoenas for the appearance of witnesses before civil tribunals or for classified information to be used in connection with litigation will be acted upon as directed in Part 840, Subchapter D of this chapter.

(e) *To the Renegotiation Board.* By agreement between the Department of Defense and the Renegotiation Board, certain appropriately cleared and specifically designated personnel of the Renegotiation Board are authorized to have access to DoD classified information, provided such access is necessary in connection with the official functions of the Renegotiation Board. Lists of Renegotiation Board personnel certified to the Department of Defense for such access are revised at least annually, and are distributed to major air commands concerned. Inquiries about these provisions or lists should be sent through channels to Hq USAF (AFISL–3), Washington, D.C., 20333.

NOTE: The functions of the Renegotiation Board are specified in the Renegotiation Act of 1951 (Public Law 9, 82d Congress); in addition, certain powers, functions, and duties of the Secretary of Defense are delegated to the Renegotiation Board by DoD Directive 4105.16.

(f) *For procurement, research, and development purposes*—(1) *General limitations.* Knowledge or access to classified information shall be permitted to bidders, contractors, or grantees only when it is essential to the accomplishment of a function which is necessary in the interest of promoting the national defense.

(2) *Dissemination authority.* The major air command responsible for the negotiation, award, or administration of a contract for the procurement of materiel, supplies, or services is authorized to disseminate the classified information and material which is essential to the performance of the contract. The major air command having responsibility for the project involved in a procurement action is also authorized to disseminate classified information and material which is essential to the performance of the project. In addition, the Commanders, Air Force Systems Command and Office of Aerospace Research, are authorized to disseminate classified information and material to the extent necessary for the successful fulfillment of the objectives of the grantee and long-range planning program. The Commander, Defense Documentation Center, is authorized to disseminate classified information and material to the extent provided in DoD Directive 5100.36, provided the need for the information in a specific field of interest has been certified by the contracting officer or project office concerned.

(3) *Safeguarding requirements.* Classified information and material disseminated according to subparagraph (2) of this paragraph shall be permitted only to persons or activities participating in the DoD Industrial Security Program as the result of the negotiation of a DoD Security Agreement (DD Form 441). Prior to dissemination, it must be ascertained (according to AFR 205–4) that the proposed recipient has an appropriate and current facility security clearance and the capability to safeguard the classified material. (See §§ 850.16 through 850.25 for further details on the industrial security program.)

(g) *To foreign nationals.* Classified defense information will not be furnished or disclosed to any foreign national except as stated in this paragraph:

(1) *Foreign governments and their representatives.* The Assistant Chief of Staff, Intelligence, Hq USAF, is responsible for developing and implementing Air Force policy relating to the disclosure of classified defense information to foreign governments and international organizations. Pertinent instructions are contained in AFR 200–9 and AF–DCMI 1956 (Department of the Air Force document, Disclosure of Classified Military Information to Foreign Governments).

(i) Orders or written instructions which attach foreign nationals to installations or permit them to visit installations or contractors will: (*a*) Authorize their access to military information, and (*b*) specifically identify the classification category and subject matter of any classified information that may be disclosed. Commanders and chiefs of offices must restrict access to military information by foreign nationals to that specifically authorized.

(ii) When release of classified material is authorized, the method of transmitting classified material to a foreign government or to its designated representative must be one that is authorized by this part. In addition, and regardless of the classification category of the information, a receipt shall be obtained; the Receipt for Documents Released to Accredited Representatives of Foreign Nations (AF Form 349) shall be used for this purpose.

(2) *Foreign contractors.* See § 850.21.

(3) *Foreign national employees of the Air Force.* See AFR 205–10 (Security Policy on the Use of Non-U.S. National Employees).

(4) *Foreign national employees of contractors.* See AFR 205–6 (Personnel Investigations, Security Clearances and Access Authorizations).

(5) *Other foreign nationals.* These provisions apply to foreign nationals other than those described in subparagraphs (1) through (4) of this paragraph. The disclosure of classified information to foreign nationals or foreign organizations acting in a private (i.e., nongovernmental) capacity is not authorized. Requests from, or proposals to disclose classified information to such individuals or organizations shall be sent through normal command channels to Hq USAF (AFNICBB), Washington, D.C., 20330, for action or disposition.

NOTE: When appropriate in the interest of promoting national defense, AFNIN will initiate action so that the prospective recipient is officially sponsored by his government, whereupon the provisions of subparagraph (1) of this paragraph will apply.

(6) *Reports of disclosures to foreign visitors.* When a visit report is specifically requested by Hq USAF, commanders shall send through channels to Hq USAF (AFNICBB) a report on foreign nationals who visit their installations and who have access to classified information under Air Force control or jurisdiction. Similarly, when a foreign national visits a contractor's facility and has access to Air Force classified information pursuant to paragraph 3–103*h*, AFR 205–4, and 28*h*, ISM, the cognizant security office shall, when a visit is requested, obtain the necessary information from the contractor and forward a report through channels to Hq USAF (AFNICBB). The major air command that indorses the report shall review it for completeness and accuracy, and shall determine whether the disclosures were within the policy referred to in subparagraph (1) of this paragraph. When requested, a similar report shall be submitted by chiefs of Hq USAF offices on the directorate and higher levels regarding visits by foreign nationals to their offices. Reports must reach Hq USAF within 20 days after the completion of the visit. Each report will include:

(i) Name, official position, and nationality of each visitor.

(ii) Specific authority for visit. (If the visit was authorized by Hq USAF, the USAF authorization number will be quoted; if authorized by a major air commander, quote the specific authority upon which the commander's action was based.)

(iii) A brief of what was shown, discussed, explained, and refused.

(iv) Highest classification of the information authorized for disclosure, and the highest classification of the information disclosed.

(v) Any remarks the reporting officer believes of importance in the final evaluation of the report.

(h) *For historical research.* All requests by persons outside the Executive Branch of the Government for access to classified information required in connection with historical research projects shall be forwarded through channels to the Office of Information (SAF–OI), OSAF, Washington, D.C., 20330, for action.

**§ 850.10 Visits to Air Force installations and activities.**

(a) *Restrictions on movements of visitors.* To protect classified information, the commander must restrict the movement of visitors entering his installation. Visitors authorized to have access to classified matter will be accompanied by the commander, or his representative, who has been informed of the restrictions placed upon the visitor.





(b) *Visits by DoD contractor personnel.* Requests for visit approval are prepared by DoD contractors and their personnel in accordance with the DoD Industrial Security Manual.

(c) *Visits by other personnel.* Requests for the approval of a visit involving access to classified information shall be submitted early enough to allow time for consideration, decision, and reply by the approving authority. The requests shall include the following information, as applicable:

(1) Name in full, grade, title, position.

(2) Nationality of visitor (immigrant aliens will furnish alien registration number), date, and place of birth.

(3) Current residence or military assignment.

(4) Employer or sponsor.

(5) Name and location of installation or activity to be visited.

(6) Date, time, and duration of visit.

(7) Purpose of visit, in detail.

(8) Level of classified access authorized and name of authority granting access authorization (if clearance has previously been granted).

**§ 850.11 General rules for safeguarding.**

(a) *Location of meetings.* Because of the security hazards inherent in the use of any normally-public meeting place for the presentation or discussion of classified information, classified meetings or classified sessions of a meeting shall, whenever possible, be held only on a U.S. Government installation or at a cleared facility of a DoD contractor. The only exception that may be made to this rule is a meeting at which information classified no higher than Confidential is to be disclosed or discussed may be held at other locations provided: (1) An adequate U.S. Government installation or a cleared DoD contractor facility is not available, and (2) it has been specifically authorized in writing at numbered air force or comparable or higher level.

(b) *Attendance by foreign nationals.* The following provisions apply only to meetings in which classified information is to be discussed or disclosed at one session or more.

(1) Foreign nationals of countries outside the Sino-Soviet Bloc may be approved for attendance at an Air Force conducted meeting provided such attendance is individually and specifically authorized in accordance with § 850.9 (g) (1).

(2) Representatives of Sino-Soviet Bloc countries shall not normally be authorized to attend any session, or any other portion, of a meeting conducted by an Air Force activity. However, when the attendance of such individuals at an unclassified session appears to be desirable, a request for approval of such attendance shall be submitted through channels to Hq USAF (AFNICB), where action will be taken in accordance with DoD Directive 5200.12. Such requests shall include: the names of the individuals, the dates on which attendance is desired, the subject matter scheduled for presentation, the location of the meeting, and the subject titles of scientific, technical, or other papers scheduled for presentation by foreign nationals. In any case, those so approved shall be excluded without exception from all classified sessions, presentations, and displays.

(c) *Individual activities.* Military and civilian personnel shall not include classified information in any personal or commercial article, presentation, thesis, book, or other product written for commercial publication or public distribution.

(d) *Use to preclude inadvertent disclosure.* If the sender or the recipient of a classified document determines that its anticipated handling or distribution renders it liable to inadvertent disclosure to a foreign national at a given unit or location, he shall apply the special handling notice described in paragraph (e) of this section. (The need for this would arise when a classified document is sent to a headquarters or unit to which foreign nationals are assigned or attached, or when it is sent to the U.S. element of an international pact headquarters or organization.)

(e) *Special handling notice.* When a determination is made, it shall be annotated appropriately to reflect that decision. The abbreviation "NOFORN" may be used when appropriate. In other cases, the following special handling notice shall be used:

> SPECIAL HANDLING REQUIRED
> NOT RELEASABLE TO FOREIGN NATIONALS
>
> The information contained in this document will not be disclosed to foreign nationals or their representatives.

**§ 850.12 Patent Secrecy Act.**

The Patent Secrecy Act of 1952 (35 U.S.C. 181–188) provides that if, in the opinion of the Atomic Energy Commission, the Secretary of Defense, or the head of another designated Executive department or agency, the publication or disclosure of an invention by the granting of a patent therefor would be detrimental to the national security, the Commissioner of Patents shall order that the invention be kept secret and shall withhold the grant of a patent for such period as the national interest requires, and shall so notify the applicant. DoD Directive 5535.2 delegates to the Secretaries of the Army, Navy, and Air Force the authority to make such determinations on behalf of the Secretary of Defense. Patent applications on which secrecy orders have been imposed, and the substance of the information they contain, shall be handled in the Air Force as follows:

(a) *Official information.* A defense classification can be assigned only to official information. If a patent application contains official information which requires protection under Executive Order 10501, the information shall be assigned a defense classification. In this case, the document shall be marked and safeguarded as prescribed by this part for its assigned classification, with special attention given to the requirements for marking individual paragraphs.

(b) *Private information.* If the patent application does not contain official information, the following procedures shall be used:

(1) The information shall be withheld from public release; its dissemination within the Air Force shall be severely limited; and the applicant shall be instructed not to disclose it to any unauthorized person. Documents containing the information shall be afforded secure storage, and the document shall be transmitted, if transmission is necessary, in double covers by U.S. Registered or Certified mail.

(2) Ordinarily, the document need not be marked in any way. However, when it is necessary or desirable to inform or to warn the intended recipient that the information is the subject of a secrecy order issued pursuant to the Act of 1952, instructions should be included in a covering letter of transmittal substantially as follows:

> The attached material contains information relating to a patent application on which secrecy orders have been issued by the U.S. Patent Office after determination that its publication or disclosure would be detrimental to the national security. See the Patent Secrecy Act of 1952, 35 U.S.C. 181–188.
>
> In view of this determination, the attached material affects the national defense within the meaning of the espionage laws (18 U.S.C. 793–794). Its transmission or revelation in any manner to an unauthorized person is prohibited by law.

When necessary, however, documents and material containing the information in the patent application may also be marked with a shorter notice as follows:

> Withheld under the Patent Secrecy Act of 1952 (35 U.S.C. 181–188)

(c) *Foreign registration.* When a patent application, on which secrecy orders have been issued, is approved for registration with a foreign government under the provisions of the Act of 1952 and agreements on the interchange of patent rights and technical information for defense purposes, additional considerations are involved. In such cases, action must be taken to invoke the protection of the foreign government's national security system. Therefore, the copies of the patent application prepared for foreign registration (but only those copies) shall be marked on the bottom of each page with a notation specifying the degree of protection (Secret or Confidential) as determined by the Armed Services Patent Advisory Board. For example:

> Withheld under the Patent Secrecy Act of 1952 (35 U.S.C. 181–188). Handle as:
>
> SECRET

### § 850.13 Transportation of classified material.

(a) *Shipments protected by Government or contractor escort via commercial carrier within the United States.* Top Secret, Secret, or Confidential material may be shipped within the continental U.S., and within (but not between) Alaska, Hawaii, a U.S. possession, or the Commonwealth of Puerto Rico, by any commercial carrier that is approved by the appropriate regulatory authority (e.g., I.C.C., C.A.B., etc.) or by the appropriate military commander within the Commonwealth of Puerto Rico or a U.S. possession, provided:

(1) For shipments made by an Air Force contractor or subcontractor, the classified material is kept under the continuous protection of appropriately cleared military or civil service personnel or, when specifically authorized by the Air Force contracting officer, the continuous protection of appropriately cleared employees of the contractor or subcontractor involved.

(b) *Shipments protected by commercial carrier in the United States*—(1) *Limitation on categories and types.* Top Secret material, registered cryptomaterial, and certain Atomic Energy Restricted Data shall not be shipped by commercial carrier without being protected by an authorized courier, and by guards if necessary. Other Secret and Confidential material may be shipped wholly within the continental U.S., Hawaii, Alaska, the Commonwealth of Puerto Rico, or a U.S. possession, as provided in paragraphs (c) through (e) of this section, without U.S. Government or contractor escort.

(c) *Air carriers.* (1) Confidential material may be shipped by commercial airline under these conditions:

(i) Hand-to-hand receipting is required from the time the shipment leaves the hands of the consignor until delivered to the consignee; and

(ii) The airline must provide constant security measures to protect the material (including periods that the material is in flight, grounded in transit, awaiting transit, and awaiting pickup by, or delivery to, consignee). Commanders must make advance arrangements to make sure that the carrier is informed of the necessary protection and agrees in writing to provide it. However, such bilateral arrangements need not be made when a shipment is routed via a carrier referred to in subparagraph (2) of this paragraph.

(2) The Rule 6.10 commercial air carrier signature service referred to in AFM 75–1, which is provided only by certain participating commercial airlines, meets the security requirements necessary for the shipment of Confidential material. While the shipments in subparagraph (1) of this paragraph may not be transferred by one airline to any other carrier, consignors may route a shipment of Confidential material via more than one airline participating in the Rule 6.10 service.

(d) *Motor carrier.* Confidential material may be shipped by commercial truck, including a tractor-trailer combination, or by commercial bus, subject to the following:

(1) The carrier shall be required to have his employees protect the shipment constantly. Security measures must include continuous direct surveillance over the shipment, over the vehicle, or over any storage facility that is used.

(2) The material involved shall be prepared for shipment so as to protect classified information from view.

(e) *Railway freight.* Confidential material may be shipped by railway frieght either in a closed car or on an open car. Prepare the material for shipment so as to protect classified information from view. If an open car is used, shipping containers and uncrated materiel must be suitably locked or sealed to the car.

NOTE: External features of classified materiel that do not reveal classified information need not be covered, provided the materiel is always under proper supervision and control to prevent unauthorized access to or disclosure of the classified internal features.

### § 850.14 Precluding unauthorized inspection or access to classified shipments by State authorities.

(a) *General.* Within the United States and its territories and possessions, the transportation or shipment of classified material by or for the Federal Government, and the protection of such classified material while in transit, constitute a Federal function. As such, the function is exempt from control or unreasonable interference by representatives of State or local governments (hereafter referred to, for convenience, as "State authorities"). In performing this function, the Federal Government may act through its own agents, officers, enlisted personnel, or employees, using its own vehicles and equipment; or it may act through a contractor and contractor employees, including a commercial carrier. Regardless of the means used, it remains a Federal function and, although the technical rules applicable in each instance may vary, the practical effect remains the same: unless authorized by the Federal Government, officers or agencies of a State may not lawfully search or inspect shipments of classified material transported by or on behalf of the Federal Government.

(b) *Extent and limitations on the immunity and rights of personnel accompanying classified shipments.* (1) Any person (military, civil service employee, or contractor employee) properly detailed to guard, or to guard and transport, a shipment of classified material has the legal right and responsibility to protect such material from inspection or access by any and all unauthorized persons, including State authorities and their officers or employees. In his protecting and securing of such classified material, he may use such force at his command as is reasonable to a prudent man under the circumstances.

(2) The foregoing would not preclude an authorized representative of the Federal Government from making an otherwise lawful search (although by interdepartmental agreements they usually refrain from such searches). Further, the immunity from search or inspection by State authorities does not preclude State agents from stopping and, in appropriate instances, arresting drivers and other attending personnel for misconduct or other violations of State law arising through acts in excess of their authority or not a part of their official duties.



(c) *Rules governing shipments.* To some extent, the technical rules applicable to various shipments of classified material will differ, depending on whether shipment is being effected by Government vehicle or by a commercial carrier or other contractor.

(1) Shipment by Government vehicle: The shipment of classified material by military or civil service personnel in a Government vehicle is a function which carries all of the Federal sovereign immunities outlined in paragraphs (a) and (b) of this section.

(2) Shipment by commercial carrier or contractor: Generally, commercial carriers or contractors do not have the sovereign immunities of the Federal Government as such. Thus, within limits, a State may regulate and control the activities of contractors and commercial carriers operating within its boundaries. However, the extent to which State authorities may regulate or control a commercial carrier or contractor transporting classified material is limited to that which would not unreasonably impede or defeat the purpose of the contract with the Government. Thus, for example, a State may properly require compliance with vehicle licensing laws, vehicle automotive inspection laws, drivers' licensing laws, vehicle weight laws, and other requirements for the operation and maintenance of vehicles on public roads. However, where a contractor or commercial carrier has been employed by the Federal Government to transport and keep secure classified material, a State does not have a legal right to search or inspect such classified shipments if the effect would be to subject the classified material to compromise, as the security of the classified material is the very essence of the performance required by the Federal Government. In such instances, therefore, the carrier or contractor is under no legal obligation to submit the classified material to search or inspection by State authorities, but he has the legal right and responsibility as the agent of the Federal Government to protect and secure the classified material in his custody.

(3) Use of firearms: Guard and escort personnel are never required by this part to bear firearms for the protection of classified information, nor should they be required to bear arms solely for that purpose. However, when required for reasons other than the protection of classified information, or when the responsible commander deems it necessary, he may require the use of armed guards for the protection of material under his jurisdiction. Military and civil service personnel are authorized to be armed as deemed necessary without regard to State laws concerning weapons, so long as the individual remains within the scope of his orders on wearing and using arms. Such personnel, however, must comply with the provisions of Federal law when applicable. Commercial carrier personnel and contractor personnel bearing arms in the accomplishment of the shipment of classified material do so under the authority and control of both State and Federal laws which apply. The commercial carrier or contractor is responsible for arranging any necessary permits in this regard.

(d) *Instructions for personnel accompanying classified shipments*—(1) Commanders responsible for the shipment of classified material shall insure that personnel accompanying each shipment are properly instructed concerning their rights and responsibilities in the protection of that shipment. In particular, such personnel shall be advised that, in dealing with State authorities, the display or use of arms or physical force should be avoided if at all possible short of compromising the classified material. State and local governments have as great and as patriotic an interest in the national defense as the Federal Government; therefore, in most instances, classified shipments can be protected from unauthorized access, search, or inspection by State authorities if the personnel accompanying the shipment explain the nature of the shipment to the State representatives, exercise good judgment and common-sense, and produce proper identification. When necessary, however, personnel accompanying the shipment should call for assistance from the nearest military agency, and should the need arise, they may relinquish custody of the shipment to representatives of the nearest U.S. military agency or to representatives of any other appropriate Federal agency.

(2) Instructions to personnel accompanying shipments of classified material shall be in written form, and shall include, in addition to the requirements of subparagraph (1) of this paragraph: (i) Provisions for contacting the nearest military establishment if the classified shipment is detained for any reason; (ii) provisions for insuring the maintenance of custody and the prevention of compromise of the classified material in the event of accident, arrest arising from a violation of State law, or other comparable situations; and (iii) a formal notice for presentation to any person or agency attempting to interfere with the shipment, reading substantially as follows:

> You are hereby placed on notice that this is a classified shipment by the Federal Government, and that this shipment is immune and exempt from search or inspection by any unauthorized persons, including State authorities.

The notice must be prepared to show its official nature, origin, applicability, and duration. This shall be accomplished by: preparing the notice on official letterhead stationery signed by the commander responsible for the shipment (or his designee), and bearing the organizational seal if one is available; specifying in the notice the shipment or transaction to which it applies; stating the approximate inclusive dates of the shipment or transaction; and invalidating the notice on the terminal date of the shipment.

NOTE: In the case of classified shipments containing explosives or other dangerous articles, the instructions in this section apply in addition to those prescribed in chapter 216, AFM 75–2 (Military Traffic Management Regulation). In case of accident, fire, or comparable situations involving classified shipments of explosives or other dangerous articles, the interest of the public safety shall transcend the responsibility to preclude access, thereby permitting access by firefighting, demolition, or other emergency personnel as necessary.

### § 850.15 Visits to DoD contractor facilities.

Visits to DoD contractors involving access to Restricted Data in their custody shall be processed as prescribed in AFR 205–4 unless the DoD contractor is also an Atomic Energy Commission contractor. In the latter case, if the visit would also involve access to the Restricted Data pertaining to the AEC contract, the prescribed access and visit procedures shall apply.

### § 850.16 Industrial Security Manual.

The Industrial Security Manual for Safeguarding Classified Information (ISM) is a Department of Defense publication which contains detailed security rules for bidders and contractors in the United States, including firms in the United States which perform classified contract work in foreign locations. The manual is made applicable to a bidder by execution of the Department of Defense Security Agreement (DD Form 441), and to a contractor by including a security requirements clause in the contract.

### § 850.17 Contracting and security responsibility.

(a) *Retention and recovery of classified material.* (1) The contracting officer is responsible for prompt, positive action to recover all classified material released or produced in connection with a bid, proposal, or contract, except that which has been destroyed in accordance with paragraph 14, ISM, or that which the contractor has specifically been authorized to retain pursuant to paragraph 5k, ISM. The PCO is responsible for this action in the case of a bid or proposal. The ACO is responsible for the action upon the completion or termination of a contract.

(2) When a contracting officer authorizes a contractor to retain classified material under the authority given in paragraph 5k, ISM, he shall furnish a list or description of the material and a copy of the authorization to the cognizant security office concerned. In addition, when he authorizes such retention, the contracting officer retains a residual responsibility, in accordance with paragraph 1–308, AFR 205–4, for appropriate classification actions in regard to the classified information involved, and for recovering the material at the end of the authorized retention period. This responsibility continues until the classified information has been destroyed, declassified, or recovered in accordance with subparagraph (1) of this section.

### § 850.18 Facility clearances and personnel access authorizations.

(a) *Facility security clearances.* A facility security clearance is an administrative determination that a facility is eligible, from a security viewpoint, for

access to classified information of the same or lower category as the clearance granted. Classified information may be disclosed only to organizations which have executed a DoD Security Agreement (DD Form 441) and which have been granted a facility security clearance. A facility security clearance may be granted to meet (1) a Government need, or (2) the need of a Government contractor who intends to negotiate a classified subcontract. When a PCO has a requirement to enter into precontract negotiations involving the disclosure of classified information, or to award a classified contract, he shall submit to the appropriate cognizant security office a request for the issuance of a facility security clearance. The ACO shall take similar action when a contractor has a requirement to enter into precontract negotiations with a subcontractor involving the disclosure of classified information, or to award a classified subcontract. In addition, when the PCO is aware of a future classified procurement need, and believes that undesirable delays will result if he waits until he is ready to start precontract negotiations before initiating facility security clearance action, he may submit the request for a clearance of any facility that is capable of and interested in filling that procurement need.

(b) *Granting facility security clearances.* Only those facilities located in the 50 States, the District of Columbia, U.S. possessions, or Puerto Rico may be granted facility security clearances.

(c) *Personnel access authorizations.* Contractor personnel requiring access to classified defense information may be granted access authorizations in accordance with the instructions contained in AFR 205–6. That regulation also contains instructions on the suspension, denial, or revocation of access authorizations for contractor personnel.

**§ 850.19 Contracts performed on installations.**

(a) The Air Force Procurement Instruction requires that each classified contract contain as a minimum a security clause requiring the contractor to apply the principles of his Security Agreement (DD Form 441) for the purpose of safeguarding classified information. The contractor is bound by this requirement regardless of where the contract is performed. However, security matters pertaining to Air Force installations are not governed by the ISM or AFR 205–4. Therefore, the following instructions apply to classified contracts which require performance on Air Force installations. With the exception of paragraph (d) of this section (which applies only to installations located in the United States, U.S. possessions, or Puerto Rico), this section applies to all Air Force activities, world-wide.

(b) Installation security support: When classified contracts are to be performed on an installation, the commander thereof shall normally be required to provide certain security support to the contractor in order to insure effective and economical protection of classified material in possession of the contractor, as well as to insure integration, to the extent appropriate, of the contractor's security operations with those of the installation. The extent and nature of the support to be provided should be determined by agreement between the project command, contracting command, and the installation commander, and may include such items as physical security, storage facilities for classified material, and the use of the installation's facilities for transmission and accounting for classified material.

(c) Security supervision functions: The commander responsible for security supervision shall require the contractor to report to the installation commander any occurrences, incident to the contractor's on-base operation, which involve espionage, sabotage, or subversive activity; or the compromise or suspected compromise of classified information. These reports will be in addition to those the contractor must make to his cognizant security office, pursuant to paragraph 6, ISM.

(d) Limitation on facility security clearances: A facility security clearance will not be granted for contractor operations within an Air Force installation, except when the contractor operation is to be relatively permanent or when the operation is to be autonomous and is not to be integrated with the military operation. When the contractor's on-base operation is not cleared as a separate facility, the contractor must have executed a DoD Security Agreement and have an active facility security clearance for that facility of his organization which is responsible for the contract being performed on the installation. In those instances when a contractor's activity is located on an installation in the U.S., its possessions, or Puerto Rico and is a separate operating entity performing classified contract work of an industrial nature, it may be designated a separate facility.

(e) Visits to installations: Contractor personnel who make visits to Air Force installations in the performance of their duties will be treated as visitors in accordance with AFR 205–4, if they require access to classified information.

(f) Additional security requirements: Necessary security requirements which are additional to or different from those in the ISM must be made effective by including them in, or modifying, the contract pursuant to paragraph 5b, ISM. The specific duties and responsibilities of the contractor and of the installation where the contract is to be performed should be clearly defined (see paragraph (b) of this section). In those instances where the contractor's on-base operation is designated a separate facility (see paragraph (d) of this section), it normally is necessary only to include a special clause requiring compliance by the contractor with the appropriate security directives of the installation. Therefore, contracting officers shall incorporate, as a minimum, the following security requirements clause in any classified contract or subcontract which will require performance on an Air Force installation:

Notwithstanding any other provision in this contract affecting military security requirements, the contractor shall comply with such modifications or changes in such security requirements as are prescribed in writing by the commander of the Air Force installation at which the work under this contract or any part thereof is being performed. Should any such modifications or changes in security requirements result in an increase or decrease in security costs under this contract, the contract price shall be subject to an equitable adjustment by reason of such increased or decreased costs. Any equitable adjustment shall be accomplished in the same manner as if such modifications or changes were directed under the "Changes" clause in this contract.

**§ 850.20 Contracts performed outside the United States.**

(a) *Transmission outside the U.S.* (1) If the transmission of classified information to or from a contractor or contractor employee located outside the continental United States is approved pursuant to paragraph 121, ISM, the material must be addressed to a military authority for delivery to the contractor or his employee. Also the material must be routed through the same channels as are authorized in this part for transmitting classified material in the custody of Air Force units. (Classified material will be transmitted only through U.S. Government channels and under the control of U.S. Government activities. Normally, transmission will be by registered mail through the U.S. military postal services or by the Armed Forces Courier Service.)

(2) When transmission of classified material between oversea locations through normal military or other U.S. Government channels would create unacceptable operational problems, appropriately cleared contractor personnel may be appointed in writing by the ACO, upon approval of the activity responsible for the security supervision of the contract, to act as courier or escort for the material, provided the transmission does not cross national boundaries, is accomplished (begun and completed) during normal daytime duty hours of the same day, and is in accordance with the agreements in effect with the country concerned.

(3) When contract work within a foreign country involves a project of joint interest to the foreign government and the United States, it may be necessary to make special arrangements for transmitting classified information held jointly by the two governments. The phrase "held jointly by the two governments," as used in this section, refers to U.S. classified information which has been released to the foreign government, foreign classified information released to the United States, or classified information developed jointly by the two governments concerned. In such cases, the classified material may be transmitted to the contractor by either government. The procedures for transmission may be those prescribed by this part, or when transmission is within the host country, the procedures authorized by that country may be used. However, the ACO, in collaboration with the project officer, should develop specific procedures which meet the practical



requirements of the project while maintaining required standards of security for the information. Such procedures must be coordinated with the activity having security supervisory responsibility for the contractor's oversea operation involved.

(4) If a U.S. contractor engaged in a bilateral project requires access to U.S. classified information which is releaseable under § 850.9(g) (but which has not been approved for release) to the foreign government involved in the bilateral project, the procedures prescribed in this part for transmission of such material normally will be used. In exceptional cases, however, special transmission procedures may be established to meet unique operational requirements. In such cases, the ACO, in conjunction with the project officer and the activity responsible for security supervision of the contractor's activity, may develop appropriate procedures which will meet operational requirements while maintaining the necessary degree of security. The proposed procedure shall be forwarded for approval to Hq USAF (AFISL–3). The request for approval must include a detailed statement of facts and justification.

(b) *Storage in foreign countries.* (1) The storage of classified defense information in a foreign country within any location other than a U.S. military installation or other U.S. Government controlled installation is prohibited. Contractor personnel in foreign countries who must be given access to classified material will be advised that it is necessary, in order to assure security, for the material to remain under U.S. Government control. (If storage at a U.S. military installation is not practical, the contracting officer must arrange for storage with a U.S. military attache, Military Assistance Advisory Group (MAAG), or a U.S. diplomatic or consular officer.)

(2) However, if the contract work involves a bilateral project (see paragraph (a)(3) of this section), special arrangements for storing classified information held jointly by the participating governments may be developed. In such cases, the classified material may be retained for the contractor under the custody of that government which has an activity most conveniently located with regard to the contractor's operation. If such procedures are established, the material shall be stored and safeguarded in accordance with the rules of the government accepting responsibility for the material and providing the storage facilities.

**§ 850.21 Contracts performed by foreign contractors.**

(a) *General.* The major air commander who has a requirement for procuring supplies or services in a foreign country from an individual, company, or other legal entity of that country may initiate procurement action which will involve the release or disclosure of classified defense information, provided:

(1) The classified information involved has been approved for release (or is determined to be releasable) to the government of the foreign country as described in § 850.9(g).

(2) A government-to-government agreement exists or is established between the Unied States and the foreign government whereby the foreign government has obligated itself to assume responsibility for the adequate protection of the classified information involved in or released with the contract.

(3) A government-to-government agreement exists or is established between the United States and the foreign government whereby that government agrees to permit the United States to contract with individuals, companies, or other legal entities under its jurisdiction. Such agreements may permit the United States Government to negotiate directly with the prospective contractor, or they may require the negotiations to be conducted through government-to-government channels.

(b) *Industrial security measures.* The effect of the agreement referred to in paragraph (a)(2) of this section is that the foreign government legally imposes its own "industrial security program" on the contractor in order to protect the United States classified information involved in the contract. The procedures for safeguarding classified information, the clearance of the contractor and his employees, and other security measures, are the responsibility of, and are conducted according to the rules prescribed by, the foreign government concerned.

**§ 850.22 Releasing classified information.**

(a) *Recording and routing material.* The chief of an office who plans to release classified information to bidders and contractors will first determine that the contractor or facility has been cleared, has been declared eligible, and can properly safeguard the information concerned (see paragraphs 2–108 and 2–109, AFR 205–4). In addition to §§ 850.6 through 850.10, which govern dissemination of classified material, all instructions for recording and preparing material for transmission will be observed. Classified material for contractors shall be addressed only to the official address of cleared facilities. When the information is intended for an individual (who has been authorized access), it shall be addressed to a cleared facility and marked for the attention of the individual concerned.

(b) *Defense Documentation Center (DDC).* DoD Instruction 5100.38 provides the authority and purpose of the Defense Documentation Center for Scientific and Technical Information (DDC). This instruction is implemented in the Air Force by AFR 80–29 (The Scientific and Technical Information (STINFO) Program). The primary function of the DDC is to acquire, store, announce, retrieve, and provide secondary distribution of scientific and technical documents, as well as other related functions. DDC service is available to educational, industrial, and scientific organizations which have been granted a facility security clearance of an appropriate degree according to AFR 205–4, provided the project office concerned approves the dissemination. The program does not apply to documents containing information of the following types: (1) Top Secret, (2) crypto material, (3) designated special categories of intelligence, (4) registered documents or publications, (5) contract proposals, administrative reports, orders, and memoranda, or (6) information furnished the U.S. by foreign governments when its dissemination is forbidden by the foreign government.

(i) Bidders, contractors, or grantees, and others participating in the AFSC Long-Range Planning Program, may be certified for unclassified DDC service by submitting a completed Field-of-Interest Register (FOIR) to DDC. For classified DDC service, they must submit the FOIR (DDC Form 20) to the ACO, who in turn will forward the form to the project office for approval. In addition, they must submit the Facility Clearance Register (DDC Form 62) to their cognizant security office for approval. DDC Forms 20 and 62 are available from Hq DDC (TIMA), Cameron Station, Alexandria, Va., 22314, or DDC Field Offices.

(ii) The project office is responsible for approving the FOIR, which establishes the proposed recipient's eligibility for DDC service and, where classified service is authorized, also constitutes certification of the proposed recipient's requirement for knowledge or classified information to perform a DoD contract, agreement, or grant (i.e., need-to-know). Information concerning the effective dates of contracts, agreements, or grants will be shown on the FOIR. Contracts, agreements, or grants so reported will not themselves be submitted to DDC. The project office is responsible for notifying DDC promptly of subsequent premature terminations of contracts, agreements, or grants, of extensions to them, and of any changes in need-to-know. Concurrent with these actions to approve and subsequently to terminate prematurely, the project office is responsible for notifying the appropriate cognizant security office of the establishment or disestablishment of a contractor's eligibility.

(iii) The cognizant security office of the proposed recipient is responsible for certifying the facility security clearance, which constitutes certification as provided in AFR 205–4 that the proposed recipient has a current clearance of the appropriate degree and has facilities to protect classified material of the specified classification category entrusted to him. The cognizant security office, in accordance with AFR 205–4, is responsible for notifying DDC should the revocation, suspension, termination, or inactivation of a clearance, or an unsatisfactory security condition, require the withholding or termination of classified DDC service.

**§ 850.23 Sponsoring meetings.**

(a) *Sponsorship by the Air Force.* When the subject matter to be discussed at meetings is of principal interest to the Air Force, the project commander primarily concerned shall be responsible for determining if the proposed meeting will serve an Air Force interest and, if so, he may approve and sponsor the meeting on

behalf of the Department of Defense. When there is no apparent project commander, the major air command having primary functional responsibility in the Air Force for the subject matter may assume sponsorship on behalf of DoD.

NOTE: The approval and sponsorship of such contractor conducted meetings requires a positive finding that the meeting will serve a Government purpose and that it will provide a definite advantage to the United States. Such meetings normally will also serve to promote the functions and interests of the project office or staff agency charged with responsibility for the subject, project, or activity involved. Therefore, over-all responsibility for approval and sponsorship should normally be assumed by or assigned to the organizational entity having primary functional responsibility for the subject or project. However, when the interests of economy, efficiency, and security would be served best thereby, the sponsoring activity may request assistance from other military agencies or staff activities for the performance of some on-site functions.

(b) *Location of meetings.* Air Force agencies shall not approve the use of auditoriums, halls, gymnasiums, etc., located on the campus of a college or university for meetings when Top Secret or Secret information is to be disclosed in the meeting. Such buildings are not considered to be part of the cleared facility, since they are used primarily for campus activities such as plays, athletic events, faculty meetings, student rallies, and other events open to the public. Moreover, they were not constructed or designed with any security considerations in mind and, consequently, are vulnerable to unauthorized visual, audio, or physical access. Meetings at which Top Secret or Secret information is to be disclosed may, however, be conducted at a U.S. Government installation or within a building, room, or laboratory located on the campus of a college or university provided that:

(1) The building, room, or laboratory has been identified by the cognizant security office as an integral part of the cleared facility, and

(2) The cognizant security office has, during the performance of the recurring inspections, determined that the security controls over the building, room, or laboratory are adequate and would preclude unauthorized access during the conduct of a classified meeting.

### § 850.24 Consultants.

(a) *Part-time Government employees.* Part-time Government employees include (1) Consultants who are employed by the Air Force without compensation (WOC), and (2) experts and consultants employed by the Air Force and compensated on a when-actually-employed (WAE) basis. After proper clearance and access authorization, these employees may be given access to classified material within the area of the Air Force agency concerned. They are not authorized to remove classified material from the Air Force agency, and it may not be sent to them.

(b) *Prime contractors.* Individuals who enter into a contract to provide personal services to an Air Force agency, which requires the consultant to have physical custody of classified information at his place of business, are considered prime contractors. These consultants must be granted a facility security clearance according to AFR 205–4 and the ISM, and their facility must be approved for storing classified information before they may take classified information outside the Air Force agency, or before it can be sent to them. These consultant facilities are subject to inspection by cognizant security offices.

(c) *Personal services consultants.* Personal services consultants are individuals who enter into a contract to provide personal services to an Air Force agency, wherein all service will be performed at the Air Force agency. These consultants must be granted a personnel security clearance according to AFR 205–4 and the ISM prior to being granted access to classified material. A facility clearance is not required, provided the certificate prescribed in paragraph 2–114.2b, AFR 205–4, is accomplished. They are not authorized to remove classified material from the Air Force agency, and it may not be sent to them.

(d) *Personal services contractors.* A personal services contractor is a contractor who enters into a contract for one or more of his employees to perform personal services for an Air Force agency. This service may be provided under two conditions:

(1) The contractor shall be cleared as a facility in accordance with AFR 205–4, if the performance of such services involves access to classified information and requires classified information to be in the physical custody of the contractor. The contractor and employees concerned must be granted personnel security clearances prior to being granted access to classified material. Also, the contractor's facility is subject to inspection by a cognizant security office.

(2) If the consultant services will be performed on the premises of the Air Force agency and the classified information not be removed from such premises, no facility clearance is required. The contractor and his employees performing the personal services must jointly execute the certificate prescribed in paragraph 2–114.2c, AFR 205–4. Those personnel requiring access to classified information must be granted a personnel security clearance prior to being granted access.

### § 850.25 Contractor's use of COMSEC material and crypto devices.

(a) General: Air Force classified cryptographic information and other communications security information is made available to DoD contractors, and to their subcontractors, vendors, and suppliers, under one or more of the following conditions:

(1) When the contractor requires the use of crytographic systems in the performance of his contract.

(2) When the contractor is required to accomplish research, development, or production of crytographic systems or equipment.

(3) When the contractor is required to install, maintain, or operate crytographic equipment for an activity of the U.S. Government.

### § 850.26 Personnel access authorizations for contractor employees.

(a) *Cognizant security command.* The commander of a major air command having security cognizance of a contractor's facility has the authority to effect interim and final personnel security clearances. This authority will be exercised regarding all Department of Defense clearances required at the facility, except those granted by the Army or the Navy according to AFR 205–4.

NOTE: Special authorization must be obtained in accordance with § 850.28 for the issuance of an interim Secret clearance for an immigrant alien, and for any interim Top Secret clearance.

(b) *Contracting command.* The commander of the major air command having responsibility for negotiating or administering a contract is responsible for effecting security clearances when:

(1) The Army or Navy command having security cognizance of the contractor's facility involved is unable to provide clearance service due to extenuating circumstances.

(2) Restricted Data classified Confidential is to be disclosed to U.S. citizen employees, and the facility involved is under Army or Navy security cognizance.

(c) *Clearance criteria.* Instructions for determining the eligibility of bidders and contractors and their employees to have access to classified defense information are contained in the Department of Defense Industrial Personnel Security Regulation.

### § 850.27 Denial, suspension, and revocation of clearances for contractor employees.

(a) *DoD policy.* Instructions which are published as an attachment to AFR 205–12 establish uniform standards and criteria applying to clearances for contractors and their employees. Paragraph 2–209, AFR 205–4, explains how to dispose of cases which involve the denial, suspension, or revocation of such clearances. Paragraph 2–202e, AFR 205–4, prescribes the action to be taken when a contractor employee terminates his employment before clearance action or review action has been completed.

(b) *Withdrawal of interim clearances.* The withdrawal of an interim personnel security clearance is not subject to the rules prescribed for the denial, suspension, or revocation of final clearances. In this connection, an interim facility security clearance must be withdrawn promptly if significant derogatory information (defined in AFR 205–12) is developed on an individual who was issued an interim personnel security clearance as part of the facility security clearance action. However, a final clearance for access to a lower category of classified information may not be revoked except as provided in paragraph 2–111d, AFR 205–4.

(c) *Derogatory information.* According to paragraphs 6 a, b, and d of the ISM, a contractor is required to give the cognizant security office information concerning: (1) Subversive activity, (2) compromises or suspected compromises of classified information, and (3) individuals whose access to classified information might not be clearly consistent with the interests of national security. In addition, Air Force commanders will submit to the cognisant security office and to contracting commanders certain information on technical representatives or similar type contractor personnel who have been or are being cleared for access to classified matter. Specifically, this will include information indicating that such access would not be consistent with the interests of the national security. An Air Force cognizant security commander who receives such information will take action as follows:

(i) For a person who has access or who is being cleared for access to classified information:

(*a*) If the information indicates that retention of a security clearance would constitute an immediate threat to the security interests of the United States, the procedures contained in AFISL letter to AFSC, AAC, ADC, SAC, and AFLC, subject: Emergency Suspension of Industrial Personnel Access Authorizations, April 8, 1963, will be followed.

(*b*) If the facts indicate a need for further information, the OSI should be requested to initiate necessary investigation. When the reports of investigation are received and reviewed, an administrative determination will be made to do one of the following: (*1*) Process the case to the Director, Office of Industrial Personnel Security Review; (2) issue a Letter of Consent; or (3) continue or administratively restore the clearance, as appropriate.

(ii) For a person not referred to above, the derogatory information will be referred to the OSI. It will include a statement that the person does not have a clearance for, nor access to, classified information. The receipt of the information will be acknowledged to the contractor and the contractor will be advised to refer to the Government any future requirement for access to classified information.

### § 850.28 Interim Secret clearances; immigrant aliens.

The Secretary of the contracting military department may authorize the issuance of an interim Secret personnel security clearance for an immigrant alien. This authorization may be given only after a favorable National Agency Check.

### § 850.29 Foreign national employees of contractors.

This section applies to Air Force contracts awarded to U.S. firms in the United States which are to be performed either within or outside of the United States.

(a) *General.* Except as specified in paragraph 2–203, AFR 205–4, a foreign national is not eligible for a personnel security clearance. However, if the facts indicate an impelling necessity to permit disclosure of the classified information involved, the commander may request that a limited access authorization be approved.

(b) *Authority and criteria for approval.* A Deputy Chief of Staff (or an officer having an equivalent position) in Hq USAF who has primary interest in the procurement aspects of the contract (or contracts) involved may approve a request from a contractor for permission to use a foreign national on duties involving access to classified information, provided that:

(1) There is an impelling necessity in the interest of essential Air Force procurement operations to permit the foreign national to have such access. (A foreign national will never be used if a qualified individual who can be cleared is available for employment in the duties involved.)

(2) The person's employment is for a designated task or project and the classified information to be disclosed will be limited to Air Force information directly connected with a specific Air Force contract or contracts.

(3) Top Secret information, Restricted Data, or classified cryptographic systems or equipment will not be involved.

(4) The classified information is releaseable to the individual's government according to policy in AFR 200–9.

(5) As much of a Background Investigation as is feasible has been completed by the appropriate investigative agency.

(6) Concurrence is obtained from Hq USAF from the Assistant Chief of Staff, Intelligence, and the Inspector General.

(c) *Initial routing request.* (1) A request from a contractor for permission to use a foreign national employee on duties requiring access to classified information will be submitted to the contracting officer concerned. If there is more than one contract, the contractor should select the contracting officer who appears to have the greatest interest; however, each contract will be identified. Each request must include sufficient information to support the requirement of paragraphs (b) (1) and (2) of this section, and to permit an evaluation to be made. In addition, the request must specifically identify the classified information involved.

(2) If the immediate commander of the contracting officer believes the request to be sufficiently justified for further consideration in the Air Force, he will send it and his comments through command channels to the commander having direct responsibility for the project involved in the contract or contracts. If project responsibility rests in Hq USAF, the contracting command will route the request to the chief of the major staff office concerned.

(3) When the contracting and project offices are in different major air commands, correspondence regarding the use of a foreign national will follow the same channel used for other communications between the two offices.

(d) *Action by a project command.* (1) If it appears that the proposal for disclosing classified information meets the criteria for approval in paragraph (b) of this section, the request will be sent through project command channels to the chief of the office of primary responsibility in Hq USAF. Requests which are disapproved will be returned direct to the contracting officer.

(2) Recommendations for approval of a request must include complete information showing why approval is necessary. Also the basis for the classification assigned to the information involved must be stated.

(e) *Signatures on recommendations and approvals.*—(1) *Recommendations.* The commander or deputy commander of each headquarters that recommends approval of a request must sign the recommendations. However, at a major air command headquarters the chief of staff or a general officer in the staff office having primary interest in the project may be authorized to sign for the commander.

(2) *Approvals.* In Hq USAF, an approval or concurrence must be signed by the officer designated in paragraph (b) of this section, or by his deputy or principal assistant, after the concurrences specified in paragraph (b) (6) of this section have been obtained.

(f) *Action after approval.* (1) The notification of approval of a request will be channeled through the project command to the contracting commander.

(2) The contracting officer will prepare and forward a letter of notification to the contractor. The instructions in this letter will be in the nature of a limited access authorization in the same form as prescribed in AFR 205–10 for foreign national employees of the Air Force. The "letter of limited access authorization" must show specifically and completely:

(i) The task or project and the contract or contracts on which duty assignment is authorized;

(ii) The highest classification and description of classified information to which the employee may be given access;

(iii) Restrictions against permitting access to designated types of classified information when circumstances indicate the need for such definitive instructions;

(iv) Applicable instructions concerning the security of classified documents; and

(v) Any other security requirement necessary to preclude unauthorized disclosure of classified information.

(3) The contracting officer will send copies of the "letter of limited access authorization" to:

(i) The project commander; and

(ii) The commander having security cognizance of the contractor's facility where the foreign national is employed (if industrial security cognizance has been assigned under AFR 205–4), or to the commander responsible for security supervision of the contractor's operations (see § 850.19).

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SUBCHAPTER F—AIRCRAFT

## PART 855—USE OF AIR FORCE INSTALLATIONS BY OTHER THAN UNITED STATES GOVERNMENT-OWNED AIRCRAFT

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AUTHORITY: The provisions of this Part 855 issued under sec. 8012, 70A Stat. 488, secs. 1107, 1108, 72 Stat. 798; 10 U.S.C. 8012, 49 U.S.C. 1507, 1508.

### § 855.1 Purpose.

This part establishes the responsibilities and describes the procedures for use of Air Force installations by other than U.S. Government-owned aircraft under the authority of the Federal Aviation Act of 1958 (secs. 1107 and 1108) 72 Stat. 798; 49 U.S.C. 1507, 1508.

### § 855.2 Definitions.

Terms used in this part are explained as follows:

(a) *Installation.* An officially defined area of real property which:

(1) The U.S. Air Force controls; or

(2) Hq USAF has designated as an Air Force installation; or

(3) The U.S. Air Force utilizes in a foreign country by agreement or by right of occupation; and

(4) The U.S. Air Force operates as an airfield facility.

(b) *Regular use.* Use of an AF installation on a scheduled or recurring basis over more than a 5-day period.

(c) *Weather alternate use.* Use of an AF installation for a weather alternate as required by Part 40, Civil Air Regulations (14 CFR 40.5).

(d) *Civil aircraft.* Domestic or foreign aircraft operated by private individuals or corporations of any national registry, and foreign government-owned aircraft operating for commercial purposes.

(e) *Military aircraft.* Aircraft operated by military agencies of any government.

(f) *Government aircraft.* Aircraft (other than those included in paragraphs (d) and (e) of this section) owned, operated, or controlled by either the U.S. or a foreign government; or aircraft owned and operated by any agency of the States of the U.S., or by a political subdivision of a State. All responsibility for operating the aircraft must reside with the State, municipality, or county.

(g) *Contract aircraft.* Civil aircraft operated under contract with any U.S. Government department or agency and under operational control of that department/agency.

(h) *Charter aircraft.* Civil aircraft the entire capacity of which is chartered by a U.S. Government department or agency to move Government passengers or cargo or for other U.S. Government missions. The charter agreement may be written or oral. It is usually for single or multiple trips over a short period of time.

(i) *Bailed, leased, or loaned aircraft*—(1) *Bailed aircraft.* Government-owned aircraft delivered by the Government to a Government contractor for a specific purpose directly related to a Government contract. The identity of the bailed aircraft and the rights and obligations of the parties in connection with the bailment are evidenced by a bilateral agreement. Operators of bailed aircraft are required to comply with §§ 855.1 to 855.19 before use of an Air Force installation.

(2) *Leased aircraft.* Government-owned aircraft delivered by the Government to a lessee subject to terms and conditions prescribed in a bilateral agreement. The agreement generally includes the requirement for payment of rental fees for the aircraft, but excludes provisions limiting the lessee's use of the aircraft to Government business or performance of Government contracts. A leased aircraft is defined as a civil aircraft.

(3) *Loaned aircraft.* Government-owned aircraft delivered by the Air Force gratuitously to another Government agency or to an USAF Aero Club. The nature of the organization to which the aircraft is loaned determines the applicability of this part.

(j) *User.* Individual, corporation, or company, owning or operating civil aircraft. A user will be named on AF Form 180, "Hold Harmless Agreement"; AF Form 181, "Civil Aircraft Landing Permit"; and AF Form 203, "Certificate of Insurance."

(k) *Joint-use installation.* An AF installation where a specific agreement—between the U.S. Government and a foreign government (diplomatic agreement), or between the Air Force and a community—provides for civil aircraft use of the runways and taxiways. Civil aircraft terminal, parking, and servicing facilities are established and controlled by a community or other agent, and normally are located in a civil area separate from the military use. At joint-use installations, civil aircraft (except those described in paragraphs (g) and (h) of this section) normally are restricted to the civil parking and terminal areas. Civil aircraft with a requirement to use the Air Force area of a joint-use installation must comply with all provisions of this part.

(l) *AF Form 180, "Hold Harmless Agreement."* An agreement to be executed by a user. In it, the user agrees to release the U.S. Government from all liabilities in connection with civil aircraft use of AF installations.

(m) *AF Form 181, "Civil Aircraft Landing Permit."* A landing permit that, when completed by the user and an approving authority (see § 855.11), authorizes civil aircraft to use AF bases in accordance with the terms of the permit.

(n) *AF Form 203, "Certificate of Insurance."* A certificate executed by an insurance company, in accordance with this part, as evidence of the amount of aircraft liability insurance carried by the user.

(o) *Foreign government aircraft landing request.* A request by a foreign government for use of AF installations for landing foreign military or government-owned non-commercially operated aircraft.

(p) *Approving authority.* An installation commander, air attache, major air commander, or Headquarters USAF (AFNIN) and (AFOAP) possess delegated authority under this part to approve or disapprove use of an AF installation and to execute the required AF Form 181 or the "Foreign Government Aircraft Landing Request." (See § 855.11.)

(q) *Official business.* Business, in the interest of the U.S. Government, which personnel aboard an aircraft must transact with U.S. Government personnel, units, or organizations at or near the AF installation concerned. Use of an AF installation to petition for U.S. Government business is not official business.

(r) *Authorized supplier.* A commercial petroleum company (doing business in the United States or its territories) which has an agreement with the Air Force to guarantee payment for aviation fuel and oil furnished by the Air Force to civil, contract, and charter aircraft. (When applicable, the name of an authorized supplier will be shown in the space provided on AF Form 181.)

### § 855.3 Policy.

AF installations are established only to support the USAF mission, and facilities, personnel, and material are maintained only to the extent necessary to support AF operations.

(a) *Civil aircraft.* AF policy is that civil aircraft may use AF installations only when U.S. Government interests will be expedited. Other types of use may be approved as described in § 855.7. Civil aircraft use of AF installations, for other than official business, is approved only under exceptional circumstances.

(1) Users (except those declaring an inflight emergency) must have an approved AF Form 181 aboard the aircraft before making any landings at AF installations.

(2) Users should submit AF Form 181 and related documents to the appropriate approving authority (see § 855.11).

(b) *Foreign aircraft (non-civil).* All military and government aircraft of a foreign government must have written authorization from Hq USAF (AFNIN) before landing at AF installations. (See § 855.8(b).)

(c) *All aircraft*—(1) *Restrictions on use of AF installations.* Approval of any type of use is contingent upon its not:

(i) Interfering with the military mission or its security.

(ii) Endangering unduly the facilities or equipment.

(2) *Radio equipment.* Each aircraft must have two-way radio equipment capable of voice communication with the control tower on standard AF frequencies.



(3) *Diplomatic clearance.* Permission to land at an AF installation (in the U.S. or another country) does not constitute nor take the place of diplomatic clearance. The user or foreign government must obtain, when appropriate, permission to overfly and land in the United States or other countries. The requesting government or user must obtain this permission through diplomatic channels from each country to be overflown and/or where landing is intended.

(4) *Emergency landing.* Any aircraft involved in an inflight emergency endangering the safety of passengers or aircraft may land at any AF installation. Advance authorization or an approved AF Form 181 is not required. (See § 855.5.)

(5) *Use of non-AF installations.* AF authority applies only to the use of AF installations. Permission necessary for landing at civil or other non-AF installations must be obtained by a foreign government or user direct from the appropriate controlling agency.

(6) *Extent of authorization.* Permission to use an AF installation under the provisions of this part extends only to the landing, taxiing, and normal parking of aircraft. Permission to permanently base aircraft at AF installations and to use or lease facilities must be obtained under other regulations and/or agreements (see § 855.16). This part authorizes civil aircraft use of an installation only when an official requirement exists for the aircraft or its passengers to be at the installation, a written agreement permits use or, because of exceptional circumstances, the Air Force permits use for private reasons. The installation commander and/or the agency requiring the aircraft and passengers to be at the installation is responsible for and authorized to control the activities of the aircraft and passengers while in the AF controlled area of the installation.

### § 855.4 Exceptions.

Certain agreements, concerning use of AF installations by other than U.S. Government-owned aircraft, take precedence over the provisions of this part. The agreements will vary and compliance with this part in whole or part may or may not be required. Agreements that take precedence over this part are those between the:

(a) U.S. Air Force and a community, for joint use.

(b) U.S. Air Force and a foreign air force, for reciprocal use by military aircraft.

(c) U.S. Government and a foreign government.

### § 855.5 Emergency landings at Air Force installations by civil aircraft.

The Air Force policy is that any aircraft may land at any Air Force installation in any type of aircraft emergency. However, in order to avoid any interference with the combat alert and minimum reaction time capability, the Air Force prefers that the pilot of a civil aircraft land at a civil airfield when the emergency is such that he can select the time and place of landing. The following will apply when an emergency landing has been made:

(a) *Clearance of runway.* The Air Force reserves the right to use any method or means to clear a runway of aircraft or wreckage. Care will be taken to preclude unnecessary damage in removing wrecked aircraft consistent with actual national defense requirements.

(b) *Payment of costs to the Air Force.* The user making the emergency landing will be billed for all charges incurred to the Government as a direct result of the emergency landing (see Part 812, Subchapter B of this chapter). Charges will not include landing fees. Charges will include cost of labor, materials, or parts expended or furnished, rental of equipment and tools, and so forth, for:

(1) Spreading foam on the runway before the aircraft crash-lands.

(2) Fire and crash control, and rescue.

(3) Movement and storage of aircraft or wreckage.

(4) Damage to runway, lights, navigation aids, and so forth.

(c) The base operations officer will provide the base accounting and finance officer with necessary data or documentation of all costs incurred by the Air Force as a result of a civil aircraft emergency. The base accounting and finance officer will prepare billings and collect therefor.

(d) The pilot of the aircraft or the employer of the pilot will be requested to file a complete narrative report of the emergency with the installation commander. If such a report cannot be obtained, the base operations officer will file the report, using the most reliable facts available.

(e) The commander of the installation will complete AF Form 181 (without requiring AF Forms 180 and 203). In item 7 of the AF Form 181 show the circumstances of the emergency landing. Make normal distribution of the AF Form 181. Also, report the circumstances of the emergency landing to:

(1) The General Aviation District Office of the Federal Aviation Agency if the installation is within the United States, its Territories, or possessions.

(2) The USAF air attache if the installation is within a foreign country.

### § 855.6 Uses of AF installations normally approved.

Civil aircraft use of AF installations is normally approved in connection with:

(a) The performance of a U.S. Government charter/contract with an air carrier for the movement of passengers or cargo when the use of AF installations is required for loading, or en route or terminal stops (e.g., AF contract, National Aeronautics Space Agency contract, or Defense Traffic Management Service charter (DTMS)) while operating under any U.S. Government agency control or agreement.

(b) The on- or off-loading of military passengers and cargo, while operating at the request of an authorized AF contracting or transportation officer.

(1) A Government bill of lading, cargo manifest, or transportation request must accompany the aircraft.

(2) Non-Government passengers or cargo must not be on- or off-loaded.

(c) Commercial activities of scheduled air carriers for regular or weather alternate use only when:

(1) The Air Force has specifically designated the installation for use by International Civil Aviation Organization (ICAO) air carriers. The air carriers must be registered in a country that is a member of ICAO and operate on international air routes.

(2) Authorized under the terms of a diplomatic, right or occupation, or other agreement.

*Limitation.* Aircraft may not be dispatched from a point of departure to an approved weather alternate. Diversion to or actual use of a designated alternate installation is authorized only when unforecast weather conditions require the aircraft to change from its original to an alternate destination while in flight.

### § 855.7 Special types of use.

The intent of this section is to further define, but not limit, the types of use of AF installations that may be approved.

(a) *Civil aircraft*—(1) *Non-commercial use.* (i) The aircraft is privately owned and operated by Government personnel:

(*a*) Military personnel on active duty, for private, non-revenue producing purposes or for official transportation to AF installations when on official business required by written orders.

(*b*) Military personnel of the Air National Guard (ANG) or Air Force Reserve (AFRes) for official transportation to an AF installation:

(*1*) To participate in scheduled official activities or

(*2*) To perform duty with the ANG or AFRes.

Passengers or cargo may not be carried for revenue-producing purposes.

(*c*) Retired military personnel, for transportation to AF installations to participate in activities authorized to retirees by law. Passengers or cargo may not be carried for revenue-producing purposes.

(*d*) Civil employees of the U.S. Government, for official transportation to AF installations on official business required by written orders. Only official passengers may be carried. Passengers or cargo may not be carried for revenue-producing purposes.

(ii) The aircraft is owned by either the Civil Air Patrol (CAP) or its members and operated by them in connection with CAP activities. All aircraft owned or operated by the CAP are civil aircraft and must comply with this part.

(iii) The aircraft is privately owned and operated by non-U.S. Government personnel:

(*a*) An individual or corporation, for transportation to AF installations in connection with sales or services (maintenance) representation to authorized military agents (e.g., the exchange, commissary, or contracting officer). This use may be considered as official business, when authorized by the installation commander. Passengers or cargo may not be carried for revenue-producing purposes.

(*b*) An individual or corporation, with a specific U.S. Government contract to perform work at AF installation(s), for transporting the contractor's supplies and personnel. Contract numbers must

be cited in the justification for use of each installation.

*Limitations.* (a) The aircraft cannot be used to transport passengers or cargo not connected with performance of the specific contract.

(b) The aircraft cannot be used for daily transportation of employees in competition with public transportation.

(c) Manufacturers and others to demonstrate or show civil aircraft or installed equipment to official representatives of the U.S. Government (e.g., Department of Defense, the Federal Aviation Agency (FAA), Members of Congress, or the Executive Department).

*Limitations.* (a) The U.S. Government must have a procurement interest, or

(b) U.S. Government officials must have expressed interest and have responsibility for approval or certification of the aircraft or equipment, or

(c) Major air commanders must have requested a demonstration or showing.

(d) Aircraft manufacturers and others, for development testing and/or aircraft certification:

*Limitations.* The aircraft is being produced according to U.S. Government specifications (either with or without Federal funds), and

(a) The Government has a procurement interest, or use is:

(1) In the best interest of the U.S. Government, or

(2) In the best interest of public safety, or

(3) To fulfill Federal Aviation certification requirements.

(2) *Commercial use.* (i) Scheduled air carriers may be permitted to use AF installations located within the Continental United States (CONUS), Hawaii, and Alaska, for:

(*a*) Regular use: Scheduled use of AF installations is not encouraged and will be considered only when there will be no interference with AF operations. Feeder airline-type operations only will be considered when they are necessary to provide scheduled service to communities having no adequate civil airfield available. The community must have requested—and the Civil Aeronautics Board must have issued—a Certificate of Necessity authorizing the service to the community.

NOTE: Even though other requirements of this part are met, approval will not be given under (*a*) of this subdivision unless an area is available for civil operations separate from AF operations.

(*b*) Weather alternate use: When required as an alternate weather airfield by U.S. registered aircraft operating on domestic air routes only. Aircraft may not be dispatched from a point of departure to an approved weather alternate. Diversion to or actual use of an alternate installation is authorized only when unforecast weather conditions require the aircraft to change from its original to an alternate destination while in flight.

(ii) Nonscheduled air carriers may be permitted to use AF installations:

(*a*) For air taxi operations when such service is required by an AF commander. The services must be obtained by a contract or written agreement. Only official passengers or cargo may be carried.

(b) When chartered by individuals or corporations requiring use of an AF installation under the circumstance described in subparagraph (1)(iii) of this paragraph. The individuals or corporations must submit a justification with the request for such use.

(3) *Joint use.* Hq USAF will evaluate, individually, requests from authorized representatives of a community for joint use of an AF installation within the United States. Joint use will be considered only when:

(i) The community lacks adequate public airfields to accommodate the current and future needs of civil aviation in the community.

(ii) The FAA concurs in the community's request.

(iii) The amount and type of proposed civil operations are compatible with current and programmed military operations.

(iv) An area is available for development as a civil area, separate from the Air Force area of operations. (The area may be available from land that is excess to AF requirements or from privately owned land adjacent to the installation.)

(v) The community agrees to acquire, construct, and maintain all of the facilities required for civil aviation operations. These facilities will include, as necessary, a terminal building, parking ramp, taxiway, and civil runway.

(b) *Foreign aircraft (non-civil).* Military and other government noncommercially operated aircraft may be permitted to use AF installations when the aircraft are being:

(1) Used for training aircrews.

(2) Used to transport the foreign government's personnel or cargo.

(3) Ferried.

(c) *Other aircraft.* (1) Aircraft owned by USAF Aero Clubs may be permitted to use AF installations if the club is established in accordance with AFR 34–14 (AF Aero Clubs). Such clubs are not required to complete AF Form 180, 181 or 203. Aero clubs of other U.S. military services may also be authorized use, if they have similar organization and insurance coverage.

(2) Aircraft operated by a State, municipality, or county may be permitted to use AF installations when landing in connection with official business of their respective organizations.

(3) Civil aircraft operated by the Federal Aviation Agency under a lease or other contractual agreement. Such aircraft are used by FAA employees in connection with official FAA business, and are within the definition of § 855.2(f). AF Forms 180, 181, and 203 are not required.

(4) Civil aircraft operated by USAF–CAP liaison officers under U.S. Government contract. Such aircraft are used by USAF–CAP liaison officers in connection with official USAF business and are within the definition of § 855.2(f). AF Forms 180, 181, and 203 are not required.

NOTE: Do not confuse these aircraft with CAP aircraft discussed in paragraph (a)(1)(ii) of this section.

### § 855.8 How to request use of Air Force installations.

(a) *Civil aircraft.* The user will:

(1) Complete AF Forms 180 and 181 and have his insurer complete AF Form 203 (see §§ 855.9 and 855.10 and AFR 55–20, Attachment 1) as follows:

(i) Forward one signed copy each of the AF Forms 180 and 203 and six signed copies of AF Form 181 to the appropriate approving authority (see § 855.11). Prepare a separate set of AF Form 181 for each type of use requested.

(2) Forward the completed forms (with or without a letter of transmittal) direct to the appropriate approving authority as authorized in § 855.11, 30 days before the date of the first intended landing. (See § 855.17 concerning purchase of aviation fuel and oil, if appropriate.)

(b) *Foreign aircraft (non-civil).* For military or other government non-commercially operated aircraft, the foreign government will:

(1) Submit a written request. (AF Forms 180, 181, and 203 are not required.)

NOTE: Permission to land at an AF installation does not provide nor authorize diplomatic clearance. (See § 855.3(c)(3).)

(2) Forward the request through its air attache to Hq USAF (AFNINCBB), Washington, D.C., 20330, at least 10 days before the first intended landing.

(3) Submit a concurrent request to the U.S. Department of State, if a military overflight agreement does not exist with that Department.

*Exceptions.* (1) Canada, Costa Rica, Dominican Republic, Guatemala, Honduras, Nicaragua, and United Kingdom may use AF installations in accordance with existing Bi-lateral Military Air Transit Agreements.

(2) All Latin American countries are authorized to send requests, for use of Albrook Air Force Base or other AF installations in the Canal Zone, direct to the Commander, Caribbean Air Command.

(c) *Joint use.* (1) A community's request for joint use of an Air Force installation within the United States will be accepted only from authorized community representatives (mayor, airport committee, city council). The request should be in a letter addressed to the commander of the installation where joint use is desired. When discussing this matter with the community representatives, commanders are not authorized to comment on long-term use of the installation by the Air Force or to refer to the possibility of joint use being approved, until specifically authorized to do so in writing by Headquarters USAF. Commanders will forward the request with his comments through military channels to Headquarters USAF (AFOAP). The request must include:

(i) The type and number of aircraft to be located on the installation.

(ii) An estimate of the amount of general aviation aircraft operations annually over a 5-year period.

(iii) An estimate of the amount of scheduled airline operations annually over a 5-year period.

(2) The community must forward a duplicate copy of the request to the FAA for approval. The FAA will forward requests it approves to Headquarters USAF (AFOAP). Headquarters USAF will not give final consideration to the community's request until it has been forwarded by the FAA.

(3) If joint use can be permitted, an agreement will be negotiated.

(4) The provisions of this part normally will apply to all use authorized by the joint-use agreement.

(d) *State, municipality, or county aircraft.* Each agency must obtain oral or written clearance from the installation commander before use of the installation and furnish any information the commander may require. AF Forms 180, 181, and 203 are not required.

### § 855.9 Where to obtain required forms.

Air Force Regulation 55–20 and AF Forms 180, 181, and 203 may be obtained from any AF installation or approving authority. The "Foreign Government Aircraft Landing Request" is not a printed form; it should be prepared by the foreign government in the prescribed format.

### § 855.10 Preparation of required forms.

(a) *AF Form 180.* The user must complete both sides. If completed by a corporation, two officials must sign. After the executed agreement has been accepted by an approving authority, it is valid indefinitely and need not be resubmitted with future requests to the same approving authority.

(b) *AF Form 181.* The user and the approving authority will complete the pertinent portions. The approving authority may correct entries to conform to this part, but he will not amend the entries after the permit has been approved and distributed. If changes are required, a new AF Form 181 must be submitted.

(c) *AF Form 203.* The insurer must complete this certificate. All amounts must be stated in U.S. dollars.

(d) *Foreign government aircraft landing request.* (See AFR 55–20, attachment 2.)

### § 855.11 Who may approve use of Air Force installations.

The authority to disapprove or approve (and sign the AF Form 181, "Civil Aircraft Landing Permit," or the "Foreign Government Aircraft Landing Request," as appropriate) is delegated to (but cannot be redelegated below their headquarters):

(a) *Air Force installation commanders.* For civil aircraft landing at airfields under their control when use is:

(1) Directly connected with official business.

(2) A one-time request:

(i) For not more than 8 landings within a 5-day period, in connection with Government or community interests, and

(ii) No adequate civil airport is available.

(3) By Aero Clubs.

(4) By aircraft owned or operated by the CAP or its members.

(5) By aircraft owned or operated by Government personnel when such use is in accordance with § 855.7(a)(1)(i).

(6) By civil aircraft either owned or personally chartered by:

(i) The President or Vice President or past President of the United States.

(ii) The head of any Federal department or agency, or

(iii) A Member of Congress.

(7) By a bailed, leased, or loaned aircraft when operated in connection with official business only.

NOTE: 1. Use under subparagraph (6) of this paragraph may be for official or personal business. In either case, compliance with this part is necessary. If time does not permit normal processing of such requests, an AF Form 181 need not be completed until after the aircraft has arrived at the installation. When use is not for official purposes, landing fees will be collected.

NOTE 2. Installation commanders receiving requests for foreign civil aircraft to land at AF installations in any country, other than the country where the aircraft is registered, will forward the request for consideration by Hq USAF (AFNINCBB).

NOTE 3. Installation commanders may not approve use of any installation other than their own and may not approve use for commercial, training, or testing purposes.

(b) *Any USAF air attache.* For civil aircraft to use (for a one-time operation) any AF installation located within the country to which he is accredited, if the aircraft is registered in that country. The use should be in connection with official interests of either that country's or the U.S. government and only when an adequate civil airport is not available. The approval is limited to a one-time operation not to exceed 8 landings within a 5-day period. The air attache should not approve frequent requests for such use, but should refer them to other approving authority.

(c) *Major air commands.* For civil aircraft landing at airfields under their control when use is:

(1) Directly connected with official business.

(2) A one-time request:

(i) For not more than 8 landings within a 5-day period, in connection with Government or community interests, and

(ii) No adequate civil airport is available.

(3) In accordance with § 855.7(a)(1) and (2)(b).

(d) *Commander, Caribbean Air Command.* For military or Government aircraft of any Latin American country to use Air Force installations under his control.

(e) *Commander, Alaskan Air Command.* In addition to paragraph (c) of this section, may approve occasional use of the various airstrip-type installations under his control without restriction as to type of use when such use does not interfere with the Air Force mission and does not involve use of any Air Force supplies, equipment, or facilities except a landing strip.

(f) *Headquarters USAF*—(1) *Assistant Chief of Staff, Intelligence (AFNIN).* For foreign military or foreign government non-commercially operated aircraft to use Air Force installations.

(2) *Directorate of Aerospace Programs (AFOAP).* For all other requests for civil aircraft to use Air Force installations, such as for:

(i) More than one installation on one permit.

(ii) Flights between different countries or over international areas, except that delegated to USAF air attaches in § 855.11(b).

(iii) The major civil airfield in a community, by either commercial or general aviation.

(iv) Regular use for other than official business, except the types stated in § 855.7(a)(1)(i). (See paragraph (a) of this section.)

(v) Commercial, training, or testing purposes.

Limitations: Reference paragraph (f)(2)(iii) and (v) of this section. AF Form 181 may not be approved with an authorized supplier shown in item 20 of the form. All use approved must be for flights operating only within the geographical area of the country within which the installations are located and not involving flight over international areas.

### § 855.12 Action by approving authority.

Each approving authority will:

(a) Determine the validity of the request and compliance with this part.

(b) Determine the availability and/or capability of the installation to accommodate the type of use requested.

(c) Disapprove or approve requests.

NOTE: Hq USAF (AFNIN) will assign an aircraft landing authorization number (ALAN) to each approved foreign request.

(d) Distribute, before the date of the first landing, copies of approved AF Forms 181 or foreign requests as follows:

(1) Original to Hq USAF (AFOAPDA), Washington, D.C., 20330.

(2) Two copies to the user.

(3) One copy to each installation to be used. (Except those approved for U.S. Government charter/contract use. These copies are distributed only to Hq Air Force Logistics Command, Military Air Transport Service, and Defense Traffic Management Service.)

(4) One copy to each major air command concerned.

(5) Retain one copy for file.

(e) Retain one copy of each "authorized supplier letter" he accepts, and forward one copy each to:

(1) Hq USAF (AFOAPDA) and

(2) Director of Air Force Aerospace Fuels, Chemicals and Petroleum Products, Middletown AMA, Olmsted AFB, Pa., 17057.

### § 855.13 Required types and amounts of insurance and policy provisions.

Owners or operators of civil aircraft, except aircraft exempted by paragraph (c) of this section, must carry minimum amounts of insurance (stated in U.S. dollars). Policies must be carried with companies acceptable to the Air Force, and at the expense of the aircraft's owner or operator.

(a) *Aircraft required to have insurance and amounts.* (1) Privately owned commercially operated aircraft used for cargo carrying only, aircraft being flight tested without passengers, and aircraft being ferried without passengers, will be insured for:

(i) Bodily injury liability (excluding passengers): At least $50,000 for each person in any one accident, with at least $500,000 for any one accident;

(ii) Property damage liability: At least $500,000 for each accident.

(2) All privately owned commercially operated aircraft used for carrying passengers, and privately owned noncommercially operated aircraft of 12,500 pounds or more certified maximum gross takeoff weight, will be insured for:

(i) Bodily injury liability (excluding passengers): At least $50,000 for each person in any one accident, with at least $500,000 for any one accident;

(ii) Property damage liability: At least $500,000 for each accident.

(iii) Passenger liability: At least $50,000 for each passenger and, subject to the limit for each passenger, a minimum accident limit determined as follows: Multiply the minimum $50,000 for each passenger by a whole number equal to not less than 75 percent of the total number of passenger seats (exclusive of crew seats). (For example: The accident limit for an aircraft with 94 passenger seats would be computed as follows: 94×0.75=70.5, 71×$50,000=$3,550,000.)

(3) Privately owned non-commercially operated aircraft of less than 12,500 pounds will be insured for:

(i) Bodily injury liability (excluding passengers): At least $50,000 for each person in any one accident, with at least $200,000 for any one accident.

(ii) Property damage liability: At least $150,000 for each accident.

(iii) Passenger liability: At least $50,000 for each passenger and, subject to the limit for each passenger, a minimum accident limit determined as follows: Multiply the minimum $50,000 for each passenger times the full number of passenger seats (exclusive of crew seats).

(4) The amount for aircraft insured with a single limit of liability, must be equal to or more than the combined minimum amounts of bodily injury, property damage and passenger liability specified in this paragraph. (For example: The single liability limit for aircraft in the example in subparagraph (2) of this paragraph is $500,000+$500,000+$3,550,000=$4,550,000 single liability limit.)

(5) The combined amounts of bodily injury, property damage and passenger liability, respectively, for aircraft insured by a combination of primary and excess policies, must satisfy the requirements stated in either subparagraph (1), (2), or (3) of this paragraph.

(b) *Indorsements required.* All policies will specifically provide:

(1) "A waiver of any right of subrogation the insurer may have against the United States by reason of any payment under the policy for damage or injury which might arise out of or in connection with the insured's use of any Air Force installation or facilities."

(2) That the insurance "afforded by the policy applies to the liability assumed by the insured under AF Form 180, 'Hold Harmless Agreement.'"

(3) That if the:

(i) "Insurer elects to cancel or reduce the amount of insurance afforded under the policy, the insurer hereby agrees that such cancellation shall not be effective unless written notice thereof shall be sent by the insurer by registered mail not less than thirty (30) days in advance of such cancellation" direct to Hq USAF (AFOAP), Washington, D.C., 20330, and

(ii) "Named insured requests such cancellation or reduction, the insurer agrees to notify the foregoing immediately upon receipt of such request."

(c) *Aircraft exempt from having insurance.* (1) Foreign military or government aircraft, when non-commercially operated.

(2) Aircraft owned and operated by States, counties, and municipalities of the United States.

(3) Aircraft operated AF Aero Clubs: (Aero Clubs of other U.S. military services also are exempt if they are organized as sundry fund activities and operated as instrumentalities of the Federal Government.)

### § 855.14 Cooperation with customs, immigration, and health authorities.

AF installation commanders will cooperate with local customs, immigration, health, and other public authorities when necessary, in connection with aircraft arrivals and departures. Mutually acceptable procedures will be made standard at each installation concerned. Clearance for take-off will not be issued until all requirements have been met. The user of an AF installation will be responsible for:

(a) Complying with laws and regulations administered by public authorities.

(b) Paying fees, charges for overtime services, and all other costs connected with administering such laws.

### § 855.15 Fees for landing, parking, and storing aircraft.

(a) The commander of each AF installation will collect fees from all users of his facilities, except for:

(1) Aircraft owned and/or operated by:

(i) A military department of the United States or foreign government not engaged in commercial activities.

(ii) Agencies of foreign governments (unless the foreign government charges fees for U.S. Government aircraft) for non-commercial purposes.

(iii) States, counties, or municipalities of the United States.

(iv) Military and auxiliary personnel (CAP, AF Reserve, ANG, AFROTC), either retired or on active duty, unless the aircraft are used for commercial purposes.

(v) AF Aero Clubs established in accordance with AFR 34–14.

(vi) Other U.S. military services' Aero Clubs if they are organized as sundry fund activities and operated as instrumentalities of the Federal Government.

(2) Cargo or passenger aircraft under charter or contract to the U.S. Government or its agencies.

(3) Aircraft under production by U.S. Government contract.

(4) Private aircraft authorized to land in connection with official business.

(5) Aircraft employed in training operators in the use of ground-controlled approach or instrument-landing systems and so forth, when no landing is made.

(b) Landing fees are computed on the basis of:

(1) The frequency of operations and

(2) The aircraft's authorized maximum gross take-off weight to the nearest 1,000 pounds.

NOTE: Maximum gross take-off weight appears on the AF Form 181 or in the "Airplane Flight Manual" carried aboard the aircraft. If the weight cannot be determined, it should be estimated.

(c) Parking fees are computed on the basis of:

(1) Amount of time on the ground; and

(2) Gross weight of aircraft.

NOTE: Installation commanders may limit the amount of time that an aircraft will be permitted to remain at the installation.

(d) All active and inactive AF installations will charge the fees listed in subparagraphs (1) and (2) of this paragraph.

NOTE: Except for emergency landings, if an aircraft lands without advance authorization, the usual fee will be doubled to take care of any special handling.

(1) Landing fees within the CONUS normally will be:

| Landings per month per user | Weight of aircraft | Amount per landing |
|---|---|---|
| First 90 | 25,000 lbs or less | $2.50 |
| | Over 25,000 lbs | 2.50+$0.04 [1] |
| Next 90 | 25,000 lbs or less | 1.75 |
| | Over 25,000 lbs | 1.75+ .04 [1] |
| After first 180 | 25,000 lbs or less | 1.00 |
| | Over 25,000 lbs | 1.00+ .04 [1] |

[1] Per 1,000 lbs in excess of 25,000 lbs.

(2) Landing fees outside the CONUS normally will be the same as those at the nearest suitable civil airport within the same country; however, if the rates shown in the table are higher, they will be charged.

| Landings per month per user | Weight of aircraft | Amount per landing |
|---|---|---|
| First 90 | 10,000 lbs or less | $3.00 |
| | 10,000 lbs to 25,000 lbs | 5.00 |
| | Over 25,000 lbs | 5.00+$0.15 [1] |
| Next 90 | 25,000 lbs or less | 4.00 |
| | Over 25,000 lbs | 4.00+ .12 [1] |
| After first 180 | 25,000 lbs or less | 3.00 |
| | Over 25,000 lbs | 3.00+ .10 [1] |

[1] Per 1,000 lbs in excess of 25,000 lbs.

(3) Parking fees inside a hangar will be 20 cents per 1,000 pounds; minimum, $3.00 per aircraft for each 24-hour period or fraction thereof when parking is emergency, temporary, or intermittent, and nonexclusive.

(4) Parking fees outside a hangar will be 10 cents per 1,000 pounds; minimum, $1.00 per aircraft for each 24-hour period or fraction thereof; the charge will start 6 hours after the plane lands.

(5) Free storage of aircraft owned and operated for non-commercial purposes by military personnel on active duty may be permitted when facilities are available and storage will not interfere with military requirements.

(e) All fees due will be collected by the base operations officer at time of use, unless other agreements specify differently. Base operations officers will daily remit all fees collected to the base accounting and finance officer with supporting documentation.

### § 855.16 Permission to use real property.

If a user requires use of real estate or real property at an AF installation, in connection with a landing permit, he must request such use from the installation commander.

### § 855.17 Purchase of aviation fuel and oil.

Air Force aviation fuel and oil may be purchased by operators of:

(a) Civil aircraft: If the operator desires to purchase fuel on credit by the "authorized supplier method," he must obtain an "authorized supplier letter." He must submit three signed copies of the letter to each approving authority to whom an AF Form 181 is submitted. If an authorized supplier has been established, the name and address will be shown on the AF Form 181.

(b) Foreign aircraft (non-civil), as authorized by separate agreement or as stated in each approved landing request.

### § 855.18 Reporting violations.

When a violation of this part occurs, the installation commander (in addition to other action taken) will:

(a) Inform the aircraft operator of the provisions of this part.

(b) Require the aircraft operator to:

(1) Complete AF Form 180.

(2) Complete AF Form 181 (AF Form 203 is not required), including in item 7 a statement of the reasons for landing. (Note: The installation commander will make normal distribution of the AF Form 181.)

(3) Pay in cash three times the amount of the normal landing fee (except that no landing fee will be collected if the aircraft landed because of an emergency as explained in § 855.3(c)(4)).

(c) Report the violation to:

(1) The General Aviation District Office of the Federal Aviation Agency if the installation is within the United States, its Territories, or Possessions.

(2) The USAF air attaché if the installation is within a foreign country.

### § 855.19 Cancellation of insurance, authorized supplier letter, and approved AF Form 181.

When Hq USAF (AFNINCBB) receives a notice of cancellation of either the user's insurance or his authorized supplier credit guarantee, all current approved AF Forms 181 for that user will be cancelled. A cancelled AF Form 181 will not be reinstated. A new request must be submitted if renewal is desired.

## PART 856—AIRCRAFT ARRESTING SYSTEMS

Sec.
856.1 Purpose.
856.2 Use of arresting systems by non-U.S. Government aircraft.

AUTHORITY: The provisions of this Part 856 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

### § 856.1 Purpose.

This part outlines the responsibilities for operating aircraft arresting systems at Air Force installations and joint-use civil airports.

### § 856.2 Use of arresting systems by non-U.S. Government aircraft.

In an emergency, pilots of nongovernment aircraft may, upon request, use arresting systems installed by the Air Force at Air Force or joint-use airfields in the U.S. or overseas. However, the Air Force will accept no liability for damages resulting from attempted engagements by such aircraft.

## PART 857—PROVIDING WEATHER SERVICE TO NONMILITARY AGENCIES OR INDIVIDUALS

Sec.
857.1 Purpose.
857.2 Responsibility.
857.3 Guidance for providing meteorological service.
857.4 Exchanges with national meteorological services.

AUTHORITY: The provisions of this Part 857 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

### § 857.1 Purpose.

This part prescribes the conditions under which the Air Force provides meteorological service to nonmilitary agencies or individuals.

### § 857.2 Responsibility.

A country's national meteorological service (in the United States, the Weather Bureau) is responsible for providing weather service to nonmilitary agencies or individuals. However, when a national meteorological service requests assistance in carrying out this responsibility, the Air Force, through the Air Weather Service, will make every effort to provide it. If help cannot be provided, the Air Force will explain why.

### § 857.3 Guidance for providing meteorological service.

(a) Aircraft pilots authorized to use an Air Force facility where an Air Weather Service detachment is located will, on request, be furnished local observations and weather information required for clearance purposes.

(b) Civilian airlines using Air Force bases where the Air Weather Service facility has been designated an International Civil Aviation Organization (ICAO) Main or Dependent meteorological station will be furnished local observations, clearance information, in-flight service, and planning information in accordance with ICAO procedures.

(c) Other nonmilitary agencies or individuals will be furnished requested meteorological service provided that all of the following criteria have been satisfied:

(1) The national meteorological service normally responsible for the service has requested that the service be provided. Agencies or individuals who have not cleared their requests through the meteorological service will be asked to do so.

(2) Military mission accomplishment will not be impaired.

(3) Additional personnel and facilities will not be required.

(4) Recipient is advised that the Air Force can assume no legal, financial, or moral responsibility for the weather service provided.

(d) In an emergency, where immediate action is required to avert or lessen the loss of human life and property damage, service will be furnished without regard to the limitations described in paragraph (c) of this section. Moreover, major air commands, attaché offices, and comparable agencies, will inform Headquarters USAF (AFOWX) whenever a particular situation arises in which they feel it would be in the national or Air Force interest to furnish meteorological service not otherwise authorized by this part.

### § 857.4 Exchanges with national meteorological services.

This part is not intended to affect or inhibit the normal exchange of meteorological data between the Air Force and civilian meteorological services.

## PART 858—ORIENTATION AND INDOCTRINATION FLIGHTS

Sec.
858.1 Purpose.
858.2 Definitions.
858.3 Who may approve flights.
858.4 Requirements for flights.
858.5 Limitations placed on flights.
858.6 Certificate authorized.

AUTHORITY: The provisions of this Part 858 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

### § 858.1 Purpose.

This part authorizes orientation and indoctrination flights for selected passengers in Air Force aircraft and states the limitations and requirements for such flights. It also authorizes a certificate of achievement in recognition of an orientation or indoctrination flight.

### § 858.2 Definitions.

Terms used in this part are explained as follows:

(a) *Orientation and indoctrination flight.* A flight in an Air Force aircraft, with take-off and landing at the same base, carrying a selected passenger(s) to familiarize him (them) with the aircraft—its operating capabilities and concept of employment—in furtherance of public understanding and appreciation of the Air Force.

(b) *Selected passenger.* An influential person who because his position permits ready contact with the various segments of the public, can improve understanding and appreciation of the Air Force. Also includes military and civilian foreign nationals of allied countries who have a similar position in their country.

### § 858.3 Who may approve flights.

Major air commanders may approve orientation and indoctrination flights on an unclassified basis for selected passengers, when such flights are, in their opinion, of value in promoting greater public understanding and appreciation of the Air Force and the problems associated with its operations.

(a) The Commander, Tactical Air Command, may delegate to the 4520th Aerial Demonstration Squadron Commander authority to approve orientation flights.

(b) An orientation flight, which is likely to cause unusual or national interest will not be authorized without approval of the Secretary of the Air Force (SAFOI–3c). Examples are: A flight during which a record attempt is made; a first flight of an aircraft just accepted into Air Force inventory carrying a media representative; or the first media flight over an isolated geographical area.

### § 858.4 Requirements for flights.

(a) *Selection of crew.* Highly qualified Air Force personnel will be selected to conduct orientation and indoctrination flights.

(b) *Briefing passenger(s).* The designated officers will:

(1) Require each passenger to sign a release as required in AFR 76–6 (Responsibilities and Policies for Movement of Traffic on Other Than MATS Scheduled Aircraft), absolving the Government of liability in case of accident.

(2) Brief each passenger as specified in AFR 60–16 (General Flight Rules). Include any other information that may be pertinent for passenger safety and comfort. Tactfully explain each item in the briefing to avoid passenger fear or apprehension.

(3) Orient passenger(s) on the aircraft's exterior if considered appropriate.

(4) Brief passenger(s) on procedures, controls, and instrumentation if he (they) will occupy a crew member's position.

### § 858.5 Limitations placed on flights.

The following limitations apply to orientation and indoctrination flights.

(a) Flights will terminate at point of origin.

(b) Flights will be performed during daylight visual flight conditions with minimum ceiling of 5,000 feet and visibility of 5 miles which has existed for at least 1 hour before take-off and is forecast to exist for one hour after landing. However, on flights of several hours' duration, weather minimums will be as prescribed by the approving authority.

(c) Provisions of AFR 50–27 (AF Physiological Training Program) pertaining to flight altitudes and physiological training apply to passengers receiving orientation and indoctrination flights in all types of aircraft.

(d) Formation flying will not be performed unless required for a specific purpose and authorized by the approving authority.

### § 858.6 Certificate authorized.

The certificate of achievement is suggested as an award for the passenger in recognition of his flight. Appropriate photographs may also be presented to the passenger.

## PART 859—NON-AIR FORCE PILOTS FLYING AIR FORCE TEST AIRCRAFT

Sec.
859.1 Purpose.
859.2 Explanation of test aircraft.
859.3 Who may fly Air Force test aircraft.
859.4 Approval of flights.

AUTHORITY: The provisions of this Part 859 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

### § 859.1 Purpose.

This part authorizes the flying of Air Force test aircraft by non-Air Force pilots, and tells who may approve such flights.

### § 859.2 Explanation of test aircraft.

A test aircraft is any aircraft undergoing USAF research and development testing or used by the USAF for conducting component or related tests in the research and development program. Initial models of production aircraft undergoing acceptance testing are not included.

### § 859.3 Who may fly Air Force test aircraft.

Non-Air Force pilots who possess qualifications comparable to Air Force standards may fly Air Force test aircraft provided:

(a) Flights are in the interest of the Air Force development program and do not hinder the Air Force testing program.

(b) A report of the findings of each flight is submitted to the Air Force. The person making the flight will submit the report to the agency which approved the flight.

(c) Classified information is not disclosed or revealed except with specific approval.

### § 859.4 Approval of flights.

(a) The Director of Systems Acquisition, Headquarters USAF, is authorized to approve:

(1) Flying of Air Force test aircraft by:

(i) Persons sponsored by or representing foreign governments.

(ii) Other non-United States citizens.

(iii) United States citizens who are not members of the Department of Defense, NASA, or FAA.

(2) Flying research or scarce experimental aircraft by persons not directly involved in the testing program for that aircraft.

(b) The Commander, AFSC, is authorized to approve test flight requests of:

(1) United States citizens who are members of the Department of Defense, NASA, or FAA.

(2) Civilian contractor personnel actively engaged in approved USAF test programs.

(c) The cognizant Air Force representative will approve flights of contractor personnel in Air Force test aircraft provided through bailment agreement in accordance with Parts 1013 and 1059, Subchapter W of this chapter.

SUBCHAPTER G—BOARDS

## PART 865—PERSONNEL REVIEW BOARDS

Subpart A—Air Force Board for Correction of Military Records

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### Subpart A—Air Force Board for Correction of Military Records

AUTHORITY: The provisions of this Subpart A issued under secs. 1552, 8012, 70A Stat. 116, 488; 10 U.S.C. 1552, 8012.

### § 865.1 Purpose.

This subpart establishes procedures for making application, and the consideration of applications, for the correction of military records by the Secretary of the Air Force acting through the Air Force Board for the Correction of Military Records (referred to in this part as the "Board").

### § 865.2 Establishment, function, and jurisdiction of the Board.

(a) *Establishment and composition.* Pursuant to 10 U.S.C. 1552, the Air Force Board for the Correction of Military Records has been established in the Office of the Secretary of the Air Force. The Board consists of civilians of the executive part of the Department of the Air Force in such number, not less than three, as may be appointed by the Secretary of the Air Force. Three members present shall constitute a quorum of the Board. The Secretary designates one member as chairman. In the absence or incapacity of the chairman an acting chairman chosen by the Board shall act as chairman for all purposes.



(b) *Function.* The function of the Board is to consider all applications properly before it for the purpose of determining the existence of an error or an injustice and to make appropriate recommendations to the Secretary of the Air Force.

(c) *Jurisdiction.* The Board shall have jurisdiction to review and determine all matters properly brought before it, consistent with existing law.

### § 865.3 Application for correction.

(a) *General requirements*—(1) *Submission.* The application for correction should be submitted on DD Form 149, "Application for Correction of Military or Naval Record," or exact facsimile thereof, and should be addressed to: Hq USAF (AFDASED3), Washington, D.C., 20330. Forms and explanatory matter may be obtained from Hq USAF (AFDASED3), Washington, D.C., 20330.

(2) *By whom signed.* Except as provided in subparagraph (3) of this paragraph, the application shall be signed by the person requesting corrective action with respect to his record and will either be sworn to or will contain a provision to the effect that the statements submitted in the application are made with full knowledge of the penalty provided by law for making a false statement or claim (18 U.S.C. 287, 1001).

(3) *When person is unable to submit application himself.* When the record in question is that of a person who is incapable of making application himself, or whose whereabouts are unknown, or when such person is deceased, for the purpose of bringing the matter before the Board, the application may be made (except where compliance with the provisions of the law with respect to time limitations for filing an application may require otherwise) by such person as the Board shall determine to be competent and suitable and to have a proper interest therein, including but not limited to, a spouse, a parent, or relative. Such proof of suitability and proper interest shall be submitted as may be required by the Board.

### § 865.4 Time limit for filing application.

A claimant, his heir, or legal representative, must file the application for correction of a record with the Secretary of the Air Force within three years after discovery of the alleged error or injustice. Failure to file within the time prescribed may be excused by the Board if it finds it would be in the interest of justice to do so. If the claimant, his heir, or legal representative files an application more than three years after he discovers the error or injustice, he must include in his application his reasons why the Board should find it is in the interest of justice to excuse his failure to file the application within the time prescribed in this section.

### § 865.5 Exhaustion of other remedies.

No application will be considered until the applicant has exhausted all effective administrative remedies afforded him by existing law or regulations, and such legal remedies as the Board shall determine are practical and appropriately available to the applicant.

### § 865.6 Other proceedings not stayed.

The application to the Board for correction of a record shall not operate as a stay of any proceedings being taken with respect to the person involved.

### § 865.7 Review of application.

Each application and the available military or naval records pertinent to the corrective action requested will be reviewed to determine whether to authorize a hearing or to deny the application without a hearing. The Board will make this determination in all cases except those in which the application has been denied administratively for the reason that the applicant has not exhausted all other effective administrative remedies available to him, or for the reason that the applicant did not file his application within three years after he discovered the alleged error or injustice and did not submit any reason why the Board should find it to be in the interest of justice to excuse his failure to file the application within the prescribed three years. In connection with any application which it considers, the Board may recommend to the Secretary that the records be corrected, as requested by the applicant, without a hearing. The Board may deny an application if it determines that insufficient evidence has been presented to indicate probable material error or injustice, that the applicant has not exhausted other effective administrative or legal remedies available to him, that effective relief cannot be granted, or that the applicant did not file his application within three years after he discovered the alleged error or injustice and insufficient evidence has been presented to warrant a finding that it would be in the interest of justice to excuse the failure to file within the prescribed three years. The Board will not deny an application on the sole ground that the record or records involved were made by or by direction of the President or the Secretary in connection with proceedings other than proceedings of a Board for correction of military or naval records. If the application is denied, the applicant will be advised of the denial and that he is privileged to submit new and material evidence for consideration.

### § 865.8 Entitlement to hearing, notice, counsel, witnesses, and access to records.

(a) *General.* In each case in which a hearing is authorized, the applicant will be entitled to appear before the Board either in person or by counsel of his own selection or in person with counsel.

(b) *Notice*—(1) *To applicant and counsel.* In each case in which a hearing is authorized, the Board will transmit to the applicant and counsel, if any, a written notice stating the time and place of hearing. The notice will be mailed to the applicant and counsel, if any, at least 30 days prior to the date of hearing, except that an earlier date may be set where the applicant waives his right to such notice in writing.

(2) *Notifying Board.* Upon receipt of notice of hearing, the applicant will notify the Board in writing at least 15 days prior to the date set for hearing as to whether he will be present at the hearing and will indicate to the Board the name of counsel, if represented by counsel, and the names of such witnesses as he may intend to call in his behalf. Cases in which the applicant notifies the Board that he does not desire to be present at the hearing will be considered in accordance with § 865.10(b).

(c) *Definition of counsel.* The term "counsel" will be construed to include members in good standing of the Federal bar or the bar of any State, accredited representatives of veterans' organizations recognized by the Administrator of Veterans' Affairs under Title 38, United States Code, section 3402, and such other persons who, in the opinion of the Board, are considered to be competent to present equitably and comprehensively the request of the applicant for correction, unless barred by law.

(d) *Witnesses.* The applicant will be permitted to present witnesses in his behalf at hearings before the Board. It will be the responsibility of the applicant to notify his witnesses and to arrange for their appearance at the time and place set for hearing.

(e) *Access to records*—(1) *Official records.* The applicant shall have access to such official records as are deemed necessary to an adequate presentation of his case. It will be the responsibility of the applicant to procure such evidence not contained in the official records of the Department of the Air Force as he desires to present in support of his case.

(2) *Classified or privileged matter.* Classified or privileged matter shall not be disclosed or made available without express finding of the chairman that such disclosure is required in the case and is not detrimental to the public interest. Such disclosure shall not be contrary to existing law and departmental regulations concerning the security of classified material. When appropriate, the applicant may be supplied only with a summary or extract of classified matter.

### § 865.9 Convening the Board.

The Board will be convened at the call of the chairman and will recess or adjourn at his order.

### § 865.10 Conduct of hearing.

(a) *By chairman.* The hearing shall be conducted by the chairman, and shall be subject to his rulings so as to insure a full and fair hearing. The Board shall not be limited by legal rules of evidence but shall maintain reasonable bounds of competency, relevancy, and materiality.

(b) *When applicant is not present or represented at hearing.* If the applicant, after being duly notified, has indicated to the Board that he does not desire to be present or to be represented by counsel at the hearing, the Board will consider the case on the basis of all the material before it, including, but not limited to, the application for correction filed by the applicant, any documentary evidence filed in support of such appli-

cation, any brief submitted by or in behalf of the applicant, and all available pertinent records.

(c) *When applicant fails to appear at time and place set for hearing.* If the applicant, after being duly notified, has indicated to the Board that he will be present or be represented by counsel at the hearing, and without good cause and timely notice to the Board, he or his representative fails to appear at the time and place set for the hearing, the Board may consider the case in accordance with the provisions of paragraph (b) of this section, or will make such other disposition of the case as is indicated under the circumstances.

(d) *Testimony.* All testimony before the Board shall be given under oath or affirmation. The proceedings of the Board and the testimony given before it will be recorded verbatim.

**§ 865.11 Continuance.**

The Board may continue a hearing on its own motion. A request for continuance by or in behalf of the applicant may be granted by the Board if a continuance appears necessary to insure a full and fair hearing.

**§ 865.12 Action by the Board.**

(a) *Deliberations, findings, decisions, and recommendations*—(1) *Deliberations.* Only members of the Board and its staff shall be present during the deliberations of the Board.

(2) *Further information.* During the course of review of the case, when it appears to the Board's satisfaction that the facts have not been fully and fairly disclosed by the records or by the testimony and other evidence before the Board, the Board may require the applicant to obtain, or the Board may obtain, such further information as it may consider essential to a complete and impartial determination of the facts and issues.

(3) *Findings, decisions, and recommendations.* Following a hearing, the Board will make written findings, decisions, and recommendations. A majority vote of the members present on any matter before the Board will constitute the action of the Board and shall be so recorded.

(4) *Separate communication.* Where the Board considers it necessary to submit comments or recommendations to the Secretary of the Air Force as to matters arising from but not directly related to the issues of any case, such comments and recommendations shall be the subject of separate communication.

(b) *Minority report.* In case of a disagreement between members of the Board, a minority report may be submitted, either as to the findings, decision, or the recommendations or to all, including the reasons therefor.

(c) *Record of proceedings.* When the Board has completed its proceedings, a record thereof shall be prepared. Such record shall indicate whether or not a quorum was present at the hearing and at the Board's deliberations. The record shall include the application for relief, a transcript of any testimony, affidavits, papers, and documents considered by the Board, briefs and written arguments filed in the case, the findings, decision and recommendations of the Board and all other papers, documents, and reports necessary to reflect a true and complete history of the proceedings. The record so prepared will be certified by the chairman or his designee as being true and complete.

(d) *Withdrawal.* The Board may permit an applicant to withdraw his application without prejudice at any time before its proceedings are forwarded to the Secretary of the Air Force.

**§ 865.13 Action by the Secretary of the Air Force.**

The record of proceedings of the Board will be forwarded to the Secretary of the Air Force who will direct such action in each case as he determines to be appropriate, which may include the return of the record to the Board for further consideration when deemed necessary.

**§ 865.14 Staff action.**

(a) *Returning case to Board.* Upon final action by the Secretary of the Air Force, the complete record in each case will be returned to the Board. The Board will transmit the decision of the Secretary of the Air Force to the Chief of Staff, USAF, for appropriate action.

(b) *Communicating decision to applicant and counsel.* Upon receipt of the record of proceedings after final action by the Secretary of the Air Force, the Board will communicate the decision to the applicant and counsel, if any.

(c) *Informing applicant when administrative action has been completed.* When all necessary administrative action has been completed by the Air Staff, the applicant will be informed of such action by the Air Staff office designated by the Chief of Staff, USAF.

(d) *Written notice to chairman of Board.* Written notice specifying the action taken and the date thereof will be transmitted to the chairman of the Board.

(e) *Filing record of decision of the Secretary of the Air Force.* The record of the decision of the Secretary of the Air Force will not be filed in the military records of the subject of the application where the effect of such action would be to nullify the relief granted or in those cases wherein the application is denied.

(f) *Inspection of record of proceedings.* After the Secretary of the Air Force has taken action on the record, the applicant or his counsel is entitled upon request to inspect the Record of Proceedings and to receive a copy of the Board's findings, decisions, and recommendations, unless the Chairman considers that granting the request would be detrimental to the public interest.

**§ 865.15 Further hearing before the Board.**

After final adjudication, further hearing before the Board will be granted only upon presentation by the applicant of newly discovered relevant evidence not previously considered by the Board and then only upon recommendation of the Board and approval by the Secretary of the Air Force.

**§ 865.16 Settlement of claims.**

(a) *Authority*—(1) *Claims authorized to be settled and paid.* The Department of the Air Force is authorized to pay claims in accordance with Title 10, United States Code, section 1552.

(2) *Claims not authorized to be paid.* The Department of the Air Force is not authorized to pay any claim heretofore compensated by Congress through enactment of a private law, or to pay any amount as compensation for any benefit to which the claimant might subsequently become entitled under the laws and regulations administered by the Administrator of Veterans' Affairs.

(b) *Application for settlement*—(1) *Filing claims.* Settlement and payment of claims shall be made only upon a claim of the person whose record has been corrected or of his legal representative, his heirs at law, or his beneficiaries. Such claim for settlement and payment may be filed as a separate part of the application for correction of the record.

(2) *To whom payments will be made if person is deceased.* In case the person whose record has been corrected is deceased, and where no demand is presented by a duly appointed legal representative of the estate, payments otherwise due shall be made to the decedent's spouse, heir or beneficiaries, in order of precedence as prescribed in Title 10, United States Code, section 1552.

(3) *Determining status as proper parties to claim.* Upon request, the applicant or applicants shall be required to furnish requisite information to determine their status as proper parties to the claim for purposes of payment under applicable provisions of law.

(c) *Settlement*—(1) *Basis for settlement.* Settlement of claims shall be based on the decision of the Secretary of the Air Force. Computation of the amounts due shall be made by the Comptroller of the Air Force, Headquarters USAF, or his representative. In no case will the amount found due exceed the amount which would otherwise have been paid or have become due under applicable laws had no error or injustice occurred. To the extent authorized by law and regulations, amounts found due may be reduced by the amount of any existing indebtedness to the Government, arising from military service.

(2) *Advising as to nature and amount of various benefits.* Prior to or at the time of payment, the person to whom payments are to be made shall be advised by the Comptroller of the Air Force, Headquarters USAF, or his representative, as to the nature and amount of the various benefits represented by the total settlement, and shall be advised further that acceptance of such settlement shall constitute a complete release by the claimants involved of any claim against the United States on account of the correction of records.

(d) *Report of settlement.* In every case where payment is made, the amount of such payment and the name of the payee or payees, shall be reported to the chairman of the Board.



**§ 865.17 Staff assistance.**

(a) *Assembling and transmitting available military records.* At the request of the Board, the appropriate staff office will assemble the original or certified copies of all available military records pertinent to the corrective action requested. Such records together with the application and all supporting papers will be transmitted to the Board with a certification from the staff office designated by the Chief of Staff, USAF, that the corrective action requested cannot be granted through administrative action by any staff office.

(b) *Facilities of staff offices.* The facilities of all staff offices will be made available as required to assist the Board in accomplishing its function. Upon request of the Board, personnel of the Air Staff will be made available for presentation before the Board of matters within their functional areas and which relate to the issues under consideration.

**§ 865.18 Expenses.**

No expense of any nature whatsoever, voluntarily incurred by the applicant, his counsel, his witnesses, or by any other person in his behalf, will be paid by the Government.

**§ 865.19 Changes in procedures.**

The Board may initiate recommendations for such changes in procedures as established herein as may be considered necessary for the proper functioning of the Board. Such changes will be subject to the approval of the Secretary of the Air Force and the Secretary of Defense.

## Subpart B—Air Force Discharge Review Board

AUTHORITY: The provisions of this Subpart B issued under sec. 8012, 70A Stat. 488, sec. 1553, 72 Stat. 1267; 10 U.S.C. 8012, 1553.

**§ 865.100 Organization and purpose.**

The Air Force Discharge Review Board (hereinafter called the "Board") is a part of the Secretary of the Air Force Personnel Council, and is administered and supervised by the Director of that Council. It is an administrative agency which, on its own motion or at the request of former military members (or their appropriate agents), reviews the type and nature of discharges or dismissals from service unless the separations resulted from sentences of general courts-martial.

**§ 865.101 Jurisdiction and authority.**

The Board has jurisdiction and authority in cases of former military personnel who, at the time of their separation from the service, were members of the U.S. Army aviation components (Aviation Section, Signal Corps; Air Service; Air Corps; or Air Forces) or the U.S. Air Force. The Board does not have jurisdiction and authority concerning personnel of other arms and services who, at the time of their separation, were assigned to duty with the Army Air Forces or the U.S. Air Force.

(a) The Board determines whether the type of discharge or dismissal the former service man or woman received was equitably and properly given and, if not, instructs the Director of Administrative Services (AFDAS) to adjust the discharge or dismissal in accordance with the facts presented to the Board. The Board's findings are subject to review only by the Secretary of the Air Force.

(b) The Board is not authorized to revoke any discharge or dismissal, to reinstate any person in the military service subsequent to his separation, or to recall any person to active duty.

(c) The Board may on its own motion consider a case, which appears likely to result in a decision favorable to the former military member, without his knowledge or presence. If the decision is favorable, the Board directs AFDAS to notify the former member at his last known address. If the decision is unfavorable, the Board returns the case to the files without record of formal action. It will reconsider the case without prejudice if the former member subsequently files an application for review.

(d) The Board does not reconsider a case after it has rendered a formal decision unless new, pertinent, and material evidence is found which might change the original decision. If new evidence is discovered, the former member (or his appropriate agent) may request a rehearing. The request for rehearing must be written (a letter is permissible) and be submitted within a reasonable time. It must include the new evidence and show that (1) The applicant diligently tried to obtain and present all available evidence at the original hearing and (2) the delay in discovering the new evidence was not the applicant's fault.

**§ 865.102 Application for review.**

The Air Force must receive applications for review within 15 years after the effective date of the former member's discharge or dismissal.

(a) The former member (or his appropriate agent) will submit (see paragraph (c) of this section) a single copy of DD Form 293, "Application for Review of Discharge or Separation from the Armed Forces of the United States," and supporting affidavits and other evidence. The application must show:

(1) Member's full name, grade, and service number.

(2) Organization or assignment at date of separation.

(3) Date and place of separation.

(4) Type and nature of the discharge or dismissal.

(5) Basis of the claim for review.

(6) Conclusive action desired of the Board.

(7) Whether the applicant desires:

(i) To appear personally before the Board.

(ii) To be represented by counsel before the Board; if so, the name and address of the designated counsel.

(8) Mail address for receipt of correspondence concerning the review.

(b) The spouse, next of kin, or legal representative of a former member may request the review as agent for the member, but proof of the member's death or mental incompetency must accompany the request.

(c) Applicants will forward their requests for review as follows: Mail to Air Force Section, Military Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri, 63132.

(d) The agency receiving an application for review assembles the originals or official copies of all available military records pertaining to the former service man or woman and transmits the records, application, and supporting documents to the Board.

**§ 865.103 Convening the Board.**

(a) The president convenes, recesses, and adjourns the Board. If the president is absent, the next senior member acts as president.

(b) The president indicates the time and place the Board will convene, usually in Washington, D.C.

(c) The Board assembles in either open or closed session to consider cases presented to it. It considers cases in closed session when the applicant has not asked to appear in person or to have properly designated counsel appear in his behalf, or when applicant fails to appear when scheduled. Such cases are decided on the basis of documentary evidence, including briefs submitted by or for the applicant.

**§ 865.104 Procedures for hearings.**

(a) *Applicant's rights.* The law entitles the applicant for a review to appear, at his request, before the Board in open session either in person or by counsel of his own selection, and to present such witnesses as he may desire. In this subpart, "counsel" includes members in good standing of the Federal or a State bar, accredited representatives of veterans organizations recognized by the Veterans' Administration under section 200 of the Act of June 29, 1936 (38 U.S.C. 3402), and any other person the Board considers to be competent to present the applicant's claim equitably and comprehensively. The Government does not pay expenses or compensation of the applicant's witnesses or counsel. The applicant may submit any documents he wishes as evidence for the Board's consideration. Such documents may include, but are not limited to, police clearances, character references, and statements by employers.

(1) When an applicant has requested a personal appearance, the Board will send him (and his designated counsel, if any) written notice of the hearing time and place. The notice will be mailed at least 30 days before the hearing date. If the applicant wishes he may waive the time limit and in such case the Board may set an earlier hearing date. Evidence will be placed in the record to show how and when the notice was given.

(2) If an applicant has requested a personal appearance and, after being notified of the hearing time and place, fails to appear at the appointed time, either in person or by counsel, he waives his right to be present.

(b) *Board actions.* The Board conducts hearings in a way to insure full and fair inquiries. Applicants or their counsel will not be allowed access to any classified reports of investigation or any document received from the Federal Bureau of Investigation. When neces-

sary to inform an applicant about the substance of such a document, the Board requests an appropriate official to prepare a summary of or extract from the document without including references to sources of information and other matter that would be detrimental to public interest if disclosed. The summary may be made available, with or without classification, to the applicant or his counsel.

(c) The Board, in conducting its inquiries, is not limited by the rules of evidence applicable in judicial proceedings.

(d) Witnesses may testify either in person under oath or by affidavit. If a witness testifies under oath, he is subject to examination by Board members. At the request of applicant or his counsel, and at the discretion of the Board, witnesses may be allowed to make unsworn statements in respondent's behalf, in which case they will not be examined by Board members.

(e) The Board may continue a hearing on its own motion or, at its discretion, grant an applicant's (or his counsel's) request for continuance if this appears necessary to insure a full and fair hearing.

(f) The Board, at its discretion and for good cause, may permit an applicant to withdraw his request without prejudice at any time before the Board begins its deliberations.

**§ 865.105 Findings and conclusions.**

(a) The Board, in closed session, prepares written findings and conclusions in each case. The conclusions state whether the Air Force should correct the discharge or dismissal. Corrective action cannot exceed the Board's jurisdiction (see § 865.101).

(b) The Board's findings and conclusions constitute those of a majority of its members.

**§ 865.106 Disposition of proceedings.**

(a) When the Board has concluded its proceedings in any case, the recorder prepares a complete record. The record includes the application for review; a transcript of the hearing, if any; documentary evidence considered; the findings, conclusions, and directions (see § 865.101); minority reports of dissenting Board members; and all other documents necessary to a true and complete history of the proceedings. The Board president signs the record and the recorder authenticates it as true and complete. If the recorder is absent or incapacitated, a voting member of the Board may authenticate the record.

(b) The Board transmits a record of its proceedings, including a transcript of testimony, and directions in each case to AFDAS. This office administratively carries out the Board's directions and reports the results to the applicant (and/or his counsel, if any). The applicant, his guardian, or legal representative, may request in writing that AFDAS furnish a copy of the Board proceedings, findings, and conclusions. Information that appears to be potentially injurious to the applicant's physical or mental health is furnished only to his guardian or legal representative.

(c) Unclassified records of Board proceedings are open to perusal by the Administrator of Veterans Affairs or his authorized representative.

## Subpart C—Air Force Disability Review Board

AUTHORITY: The provisions of this Subpart C issued under sec. 8012, 70A Stat. 488, secs. 301, 302, 58 Stat. 286, as amended; 10 U.S.C. 8012, 38 U.S.C. 693h, 693l.

**§ 865.200 Constitution and purpose.**

The Air Force Disability Review Board (referred to in this part as the Review Board) is an administrative agency established within the Department of the Air Force pursuant to section 302 of the Servicemen's Readjustment Act of 1944, as amended (58 Stat. 287, as amended; 38 U.S.C. 693l), Transfer Order 16 (13 F.R. 3461), to review, at the request of an officer retired or released from active service, without pay for physical disability pursuant to the decision of a retiring board, disposition board or physical evaluation board, the findings and decisions of such board.

**§ 865.201 Jurisdiction and authority.**

(a) The Review Board has jurisdiction and authority in cases of officers who, at the time of their separation or release from active service, were members of the Aviation Section, Signal Corps, United States Army; the Air Service, United States Army; the Air Corps, United States Army; the Army Air Forces; or the United States Air Force. However, Army personnel of other arms and services who, at the time of their separation from the service, were assigned to duty with the Army Air Forces or the United States Air Force, are excluded from such jurisdiction and authority.

(b) Upon timely application therefor, the Review Board is authorized to review the proceedings and findings of boards referred to in § 865.200 and to receive additional evidence bearing thereon. The Review Board is charged with the duty, in cases within its jurisdiction, of ascertaining whether an applicant for review, who was separated from the service or released to inactive service without pay for physical disability, incurred physical disability in line of duty or as an incident of the service. When the Review Board determines in an individual case within its jurisdiction that physical disability was so incurred, it is authorized to reverse prior findings in the case and to make such findings in lieu thereof as are warranted by the evidence or pertinent regulations. Such remedial action is intended primarily to insure that no officer separated from the service or returned to an inactive status without pay, for disability, will be deprived unjustly of retirement pay benefits, or retired status and retired pay, as the case may be, by reason of erroneous findings.

(c) In carrying out its duties the Review Board will have the same powers as exercised by, or vested in, the board whose findings and decisions are being reviewed.

**§ 865.202 Application for review.**

(a) Any officer desiring a review of his case will make a written application therefor on AF Form 436, "Application for Review of Department of the Air Force Retiring Board Proceedings," and AF Form 436a, "Supplement to Application for Review of the Department of the Air Force Retiring Board Proceedings."

(b) An application for review will not be granted unless received by the Department of the Air Force prior to June 22, 1959, or within 15 years after the date on which the officer was separated from the service or released to inactive service, without pay, for physical disability, whichever date is later.

(c) Upon receipt of an application for review, the Director of Military Personnel will note thereon the time of receipt thereof and, in cases where the jurisdiction for review by the Review Board is established, will assemble the originals or certified copies of all available service and/or other records pertaining to the health and physical condition of the applicant, including the record of the proceedings and findings of all retiring, disposition, and physical evaluation boards in question and the records of all administrative and/or executive action taken thereon. The records, together with the application and any supporting documents submitted therewith, will be transmitted to the president of the Review Board.

**§ 865.203 Convening of Review Board.**

(a) The Review Board will be convened at the call of its president and will recess or adjourn at his order. In the event of the absence or incapacity of the president, the next senior member will serve as acting president for all purposes.

(b) Unless otherwise directed by its president, the Review Board will convene in Washington, D.C., at the time and place indicated by him.

(c) The Review Board will assemble in open session for the consideration and determination of cases presented to it. After the conclusion of the hearing, the Review Board, as soon as practicable, will convene in closed session for determination.

**§ 865.204 Hearings.**

(a) An applicant for review, upon request, is entitled by law to appear before the Review Board in open session either in person or by counsel of his own selection. Witnesses will be permitted to present testimony either in person or by affidavit. As used in the regulations contained in this subpart, the term "counsel" will be construed to include members in good standing of the Federal bar and/or the bar of any State, accredited representatives of veterans organizations recognized by the Veterans' Administration under section 200 of the Act of June 29, 1936 (49 Stat. 2031; 38 U.S.C. 101), and any other person who, in the opinion of the Review Board, is considered to be competent to present equitably and comprehensively the claim of the applicant for review. In no case will the expenses or compensation of counsel for the applicant be paid by the Government.

(b) In every case in which a hearing is authorized, the Review Board will transmit to the applicant and to designated counsel for the applicant, if any, a written notice by registered mail stating the time and place of hearing. The notice will be mailed at least 30 days in advance of the date on which the case is set for hearing except in cases in which the applicant waives the right of personal appearance and/or representation by counsel. The notice will constitute compliance with the requirement of notice to applicant and his counsel.

(c) An applicant may waive his right to a personal hearing in writing or by his failure to appear in person or by counsel at the appointed time and place. In the event of a waiver of appearance, the board will nevertheless consider the case on the record.

(d) In the conduct of its inquiries, the Review Board will not be limited by the restrictions of rules of evidence.

(e) In a case wherein it is advisable and practicable, the Review Board, upon its own motion, may request any Armed Forces medical facility to detail one or more medical officers to make a physical examination of the applicant, if available, and report the examination results either in person or by affidavit. When testifying in person at a hearing, such medical witnesses will be subject to cross examination. Similarly, the medical members of the Review Board may examine the applicant, if available, and testify as witnesses concerning the results of the examination.

(f) Expenses incurred by the applicant, his witnesses, or in the procurement of their testimony, whether in person, by affidavit or by deposition, will not be paid by the Government.

(g) The Review Board may continue a hearing on its own motion. A request for continuance by the examiner or by or on behalf of the applicant may be granted, if in the Review Board's discretion, a continuance appears necessary to insure a full and fair hearing.

**§ 865.205 Finding and conclusions.**

(a) The Review Board will make findings in closed session in each case. Such findings will include a finding affirming or reversing the findings of the retiring, disposition, or physical evaluation board under review and of the administrative action taken subsequent thereto, specifying which of the findings and administrative actions are affirmed and which are reversed.

(b) In the event the Review Board reverses any of such original findings, the Review Board will then make substitute findings for those reversed so that the affirmed and substituted findings will aggregate the following complete findings:

(1) Whether the applicant was permanently disabled for active service at the time of his separation from the service or released to inactive service.

(2) The cause or causes of the disability.

(3) The approximate date of origin of each disabling defect.

(4) The date the officer become disabled for active service.

(5) Whether the cause or causes of the disability was or was not an incident of the service.



(6) Whether the cause or causes of the disability had been permanently aggravated by military service.

(7) Whether the disability for active service was or was not the result of an incident of the service.

(8) Whether the officer's disability was incurred in combat with an enemy of the United States.

(9) Whether the officer's disability, if incurred prior to January 1, 1951, resulted from an explosion of an instrumentality of war in line of duty, or whether the disability, if incurred subsequent to January 1, 1951, was caused by an instrumentality of war in line of duty.

(c) In the event the Review Board finds the officer permanently incapacitated for active service and that the incapacity was an incident of the service, it will make an additional finding specifying the grade in which the officer is entitled to be retired or to be certified for retirement pay benefits or the benefits provided by the Career Compensation Act of 1949 as amended (63 Stat. 802).

(d) The findings and conclusions of a majority of the Review Board will constitute the findings and conclusions of the Review Board, and when made, will be signed by the president of the Review Board and authenticated by the recorder.

**§ 865.206 Disposition of proceedings.**

(a) When the Review Board has concluded its proceedings in any case, the recorder will prepare a complete record thereof. The record will include the application for review; a transcript of the hearing, if any; affidavits, papers and documents considered by the Review Board; all briefs and written arguments filed in the case; the report of the examiner; the findings and conclusions of the Review Board; any minority report prepared by dissenting members of the Review Board; and all other papers and documents necessary to reflect a true and complete history of the proceedings. The record so prepared will be signed by the president of the Review Board and authenticated by its recorder as being true and complete. In the event of the absence or incapacity of the recorder, the record may be authenticated by a participating member of the Review Board.

(b) Normally, all records of the proceedings of the Review Board will be without classification. Upon written request from the applicant, a copy of the proceedings of the Review Board, less any exhibits which may be impractical to reproduce, will be furnished by the custodian of the master personnel records. In cases where there is possible harm to the mental health of the applicant, a copy of the proceedings of the Review Board will be furnished to the guardian or legal representative upon written request. The copy of the proceedings furnished will include as a minimum the following:

(1) A copy of the order appointing the Review Board.

(2) The findings of the retiring board or physical evaluation board affirmed.

(3) The findings of the retiring board or physical evaluation board reversed.

(4) The findings of the Review Board.

(5) The conclusions which were made by the Review Board. Subject to the foregoing restrictions and upon request of the applicant or, in cases where there is possible harm to the mental health of the applicant, upon request of the guardian or legal representative, the custodian of the master personnel records will make available for inspection a record of the proceedings of any case reviewed by the Review Board.

**§ 865.207 Action upon proceedings.**

When the Review Board has completed the proceedings and has arrived at its decision, the proceedings, together with the Review Board's decision, will be transmitted to the Director of Military Personnel for appropriate Department of the Air Force action. The Director of Military Personnel, in the name of the President of the United States, will indicate on the record of such proceedings and decision the President's approval or disapproval of the action of the Review Board, will perform the necessary administerial acts, and thereafter will notify the applicant and/or his counsel of the action taken.

**§ 865.208 Rehearings.**

(a) After the Review Board has reviewed a case and its findings and decision have been approved, the case normally will not be reconsidered, except on the basis of new, pertinent, and material evidence which might reasonably be expected to cause findings and decision other than those rendered as the result of the original review.

(b) Any officer desiring a rehearing of his case will make a written application therefor on AF Form 437, "Application for Review of Findings of the Department of the Air Force Disability Review Board."

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## SUBCHAPTER H—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

## PART 870—POLICIES AND PROCEDURES FOR THE ORGANIZATION, ADMINISTRATION AND OPERATION OF THE AFROTC

Sec.


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870.20 Credit for previous military training.
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AUTHORITY: The provisions of this Part 870 issued under secs. 8012, 8540, 9381–9387, 70A Stat. 488, 527, 568–571; 10 U.S.C. 8012, 8540, 9381–9387.

### § 870.1 Purpose.

This part prescribes the policies and procedures for the organization, administration, and operation of the Air Force Reserve Officers' Training Corps (AFROTC) during peacetime, national emergency, or full-scale mobilization.

### § 870.2 Definitions.

In this part, the following terms apply:

(a) *Air Force ROTC detachment.* An Air Force organization manned by Regular or Reserve Air Force personnel assigned to Air Force ROTC, with duty station at a civilian educational institution.

(b) *Sub-detachment.* An AFROTC detachment under the administrative control of another (parent) detachment whose physical location is separate from the parent detachment.

(c) *Air Science.* The official designation of the Air Force ROTC program of instruction.

(d) *Department of Air Science.* An integral academic subdivision of an educational institution which includes all Air Force ROTC activities conducted at the institution as stipulated in a contract with the Air Force.

(e) *Basic course.* The first- and second-year program of instruction in Air Science.

(f) *Advanced course.* The third- and fourth-year program of instruction in Air Science.

(g) *Air Force ROTC summer training.* A period of training for the advanced course cadets conducted at an Air Force installation.

(h) *Summer training unit (STU).* The training organization established annually as the camp authorized by Section 9385, Title 10, United States Code, to conduct the training cited in paragraph (g) of this section.

(i) *Professor of Air Science (PAS).* The senior Air Force commissioned officer assigned to command a detachment or a sub-detachment of the Air Force ROTC.

(j) *Institutional phase.* That portion of the entire Air Force ROTC program conducted at a civilian educational institution (as distinguished from the Air Force ROTC summer training phase).

(k) *Academic year.* The period that begins with the opening date of registration for the fall term and ends the day before the opening date of the fall term registration of the following year.

(l) *Cadet.* A student who has been admitted to full membership in the AFROTC and is entitled to all benefits authorized by law and regulations pertaining thereto.

(m) *Conditional cadet.* A cadet who is tentatively accepted for enrollment in the advanced course pending determination of his eligibility for enrollment, when his lack of eligibility is caused by factors over which the cadet has no control.

(n) *Pursuing student.* A student who is not a member of the AFROTC nor a candidate for appointment as a commissioned officer on the basis of the completion of the AFROTC program, but who is permitted to pursue the institutional phase of the AFROTC course for academic credit only.

(o) *Category.* An enrollment classification of advanced course cadets, used to identify their potential utilization as a commissioned officer, and based on their qualifications, personal preferences, and USAF officer production requirements. (See categories I–P, I–N, II, III, and IV, in § 870.15.)

(p) *AFROTC graduate.* A cadet who has successfully completed the AFROTC program prescribed by law and regulations, including the prescribed AFROTC summer training, and has been awarded a baccalaureate degree.

(q) *Extended active duty (EAD).* A tour of active military service performed by a Reserve officer who occupies an authorized troop space in the active military establishment.

(r) *Active duty for training.* A 6-month tour of active military service for Reserve training under orders that provide for automatic reversion to an inactive duty training status upon completion of the specified period of active military service.

(s) *Friendly foreign nations.* Those nations outside Communist domination or influence, or which are known to have military or political pacts with the United States.

(t) *Officer training program.* Any portion of training received in OCS, OTS, advanced course Army, Navy, or Air Force ROTC, or any of the service academies.

(u) *Completed cadet.* A cadet who has completed the AFROTC program of instruction at least one quarter or semester before he completes his degree requirements, or who has completed the AFROTC program of instruction (including summer training) and has graduated from the institution, but who for reasons beyond his control cannot be commissioned until all commissioning requirements have been met.

### § 870.3 Policy on officer procurement.

The Air Force Reserve Officers Training Corps (AFROTC) is a major officer procurement program of the Air Force. It is conducted jointly with the cooperating educational institutions, as outlined in this part. AFROTC or other equivalent peacetime program will be the officer candidate program conducted in colleges and universities during a national emergency or war.

### § 870.4 Mission and objectives of the Air Force ROTC.

The mission of the Air Force ROTC is to produce officers of appropriate quality to satisfy stated Air Force officer requirements. The objectives of the AFROTC are:

(a) To develop a selection base broad enough to insure the Air Force a wide choice of officer material.

(b) To screen, select, and enroll enough candidates of a suitably high quality to meet Air Force requirements.

(c) To provide appropriate precommissioning education and training which will qualify the candidate for active duty as a junior officer and strongly motivate him toward an Air Force career.

(d) To commission as second lieutenants those graduates who meet all requirements.

### § 870.5 Organization of the Air Force ROTC.

The Department of the Air Force determines the plans and policies to implement Chapter 905, Title 10 U.S.C., and other Federal statutes relating to the AFROTC; it also supervises the execution of all laws, plans, and policies affecting the conduct of the AFROTC program by major air commanders.

(a) The Air Force ROTC program exists only at accredited degree-granting institutions; it is planned to coincide with the normal academic program leading to a baccalaureate degree. In the event of full-scale mobilization, the educational institution shall be responsible for the educational program of the officer candidates. Academic program acceleration and baccalaureate degree requirements shall be as follows:

(1) A minimum of 48 weeks of academic instruction per year will be required.

(2) Current credit requirements for baccalaureate degree shall be maintained at the respective institutional minima.

(3) Any off-campus work done by the officer candidates in "cooperative schools" or courses shall be done in laboratories or industries approved by Air University.

(4) All students shall be placed on the same accelerated schedule, if feasible.

(b) The Air Force ROTC is organized as a subordinate unit of the Air University and has a central unit, detachments, and sub-detachments. A detachment is established/disestablished only with the approval of the Secretary of the Air Force, although the Commandant, AFROTC, and the educational institution may establish/disestablish a sub-detachment by mutual agreement. If Headquarters USAF establishes a sub-detachment, it cannot be disestablished without Headquarters USAF approval.

(c) The agreement between the institution and the Air Force stipulates that each cadet who has enrolled in either course must complete that course as a prerequisite to his graduation from the institution. This obligation may be waived only:

(1) Under regulations prescribed by the Secretary of the Air Force.

(2) When the Professor of Air Science, with the concurrence of the institutional authorities, disenrolls a basic or advanced cadet from AFROTC (see § 870.22).

### § 870.6 Selection of educational institutions.

To assure the selection of educational institutions (to receive new units of AFROTC or of any similar on-campus precommissioning program) on a common and equitable basis under peacetime, national emergency, or full-scale mobilization conditions, each institution selected must:

(a) Have applied to receive a unit;

(b) Be fully accredited by the appropriate regional or national authority;

(c) Provide adequate physical facilities; and

(d) Be capable of producing a number of officers adequate to justify the Department of Defense resources invested, considering (among other factors) the number of students enrolled who are prospective officer candidates, and the proportion of each entering academic class who normally receive degrees from the institution.

### § 870.7 Organization of the training program.

This training program includes the institutional phase (the basic and advanced courses) and the summer training phase.

(a) *The institutional phase.* This phase consists of a 2-year basic course and a 2-year advanced course. Completion of the basic course does not guarantee acceptance in the advanced course (but it or the equivalent is a prerequisite). The student must voluntarily apply for the advanced course and compete with all applicants for selection. (Sections 870.8 to 870.17 describe the eligibility requirements for enrollment in each course, and tell what categories of enrollment exist in the advanced course.) Entrance into the advanced course is normally phased so that its completion coincides with the awarding of the baccalaureate degree. The Commandant, AFROTC, may prescribe policies which are an exemption to this.

(b) *Compression, curtailment, or concurrent pursuit of courses.* The basic and advanced courses are expected to cover four full academic years, and the law forbids that the basic course be compressed or curtailed into less than two academic years. However, the Commandant, AFROTC, may permit compression of the entire program through concurrent enrollment in both courses, or through compression of the advanced course when these circumstances exist:

(1) When a cadet is enrolled in an academic program that requires less than 4 years of resident study for the degree.

(2) When a cadet with outstanding leadership qualities is enrolled, who would otherwise be unable to complete the entire AFROTC course before his degree is awarded.

(3) When the academic program of an educational institution having AFROTC or equivalent program is accelerated during full-scale mobilization.

### § 870.8 Legal requirements.

Before a student is eligible to enroll in the Air Force Reserve Officers Training Corps, he must be:

(a) A male citizen of the United States.

(b) Not less than 14 years of age.

(c) Physically qualified for military service at the time of enrollment or will be so on becoming of military age.

(d) A student at an institution where an AFROTC unit is established.

NOTE: A student may not enroll in an AFROTC unit unless the unit is hosted by the same institution where he is enrolled.

### § 870.9 Who may not enroll in AFROTC.

(a) Commissioned officers (present/former) of any component of the Army, Navy, Air Force, Marine Corps, or Coast Guard.

(b) Officers (present/former) of the U.S. Public Health Service.

(c) Members of any component of the U.S. Armed Forces on extended active duty.

### § 870.10 Character requirements.

Good moral character is a prerequisite for enrolling and continuing in the AFROTC; a candidate becomes ineligible under these circumstances.

(a) *Military or civil offenses.* If a student has been convicted by a court-martial, or by a civil court for any offense other than a minor traffic violation, he will not be certified for Selective Service deferment as a basic student, nor will he be enrolled or continued in the advanced course unless a waiver is granted. The Commander, AU, has waiver authority for all offenses. The Commandant, AFROTC, is authorized to grant or deny waivers of nonrecurrent minor violations that are not prejudicial to the applicant's performance of duty as an Air Force officer and do not indicate unacceptable traits of character. The authority to waive nonrecurrent minor violations may be delegated to the PAS.

(b) *Unsuitability.* If a student is eliminated from a service academy or from any officer training program of the Army, Navy, or Air Force:

(1) For military inaptitude, indifference, major honor violations, or undesirable traits of character, he may not enroll in AFROTC or wear the AFROTC uniform. This includes persons who resign in the face of impending charges, as well as those eliminated by official action. A student who has been eliminated for disciplinary reasons may enroll as a basic cadet, but he cannot be certified for Selective Service deferment and cannot enter the advanced course without a waiver from Headquarters USAF (AFPTR).

(2) For academic deficiency, he may be enrolled in the basic course. He may also be conditionally enrolled in the advanced course but his application must be referred through channels to Headquarters USAF (AFPTR) for review and final decision; if his application is approved, he may be enrolled. (See §§ 870.18 to 870.20 for conditional enrollment procedures.)

### § 870.11 Loyalty requirements.

The PAS will make sure that any U.S. citizen who fails to do the following is not permitted to wear the AFROTC uniform:

(a) *Sign the oath of allegiance.* A student is not enrolled in the basic course unless he signs the following certificate, which becomes part of his record. (He may, because of conscientious scruple, substitute the word "affirm" for "swear," and delete the phrase "so help me God" for the same reason.)

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God.

(b) *Complete the Armed Forces Security Questionnaire.* If an advanced course applicant fails or refuses, after instruction, to fill out DD Form 98, "Armed Forces Security Questionnaire," in its entirety, the PAS will deny him enrollment in the advanced course. Also, if he makes entries on this form which provide reason to believe that his enrollment is not clearly consistent with the interests of national security, or if he qualifies an entry by a remark other than "none" or "none to my knowledge" in the Remarks section, he will be denied enrollment or appointment until after a full and complete investigation discloses that his enrollment or appointment is not prejudicial to the national interest. (Such an applicant may be conditionally enrolled in the advanced course until his eligibility for enrollment or commissioning is determined; see §§ 870.18 to 870.20 for conditional enrollment procedures.)

(1) The student must file the DD Form 98 sufficiently in advance of the announced enrollment date to permit such an investigation, if one is required.

### § 870.12 Age requirements.

A student may not enroll/reenroll in the advanced course after a lapse in training if he would be too old to complete all requirements for appointment as a Reserve of the Air Force by the time he is 26 years and 6 months old (if he is programmed for flying training) or 28 years old (if he is programmed for other than flying training).

(a) *Waivers permitted.* The Commandant, AFROTC, may extend the age limit for an AFROTC cadet who has served on active duty with any branch of the military service, by not more than the number of months the cadet served on EAD, if this does not permit the cadet to be commissioned after his 30th birthday.

(b) *Waivers not permitted.* Category I cadets are never entitled to the waiver in paragraph (a) of this section.

### § 870.13 Policy on eligibility for the advanced course.

As many qualified students may be enrolled in each category as are necessary to fill, but not exceed, quotas set by Headquarters USAF (and sub-allotted by the Commandant, AFROTC) for the graduating class in which they will be appointed.

(a) Priority consideration should be given to Civil Air Patrol members who hold a CAP certificate of proficiency.

(b) Waivers to permit the enrollment of a cadet in an advanced course are discouraged.

(c) A graduate student may be enrolled in the advanced course, if he:

(1) Is selected within the prescribed production requirements.

(2) Is selected in competition with undergraduate students.

(3) Has completed the basic course or has received credit for it, as prescribed in § 870.19.

(d) A conscientious objector may not be enrolled in the advanced course.

### § 870.14 Prerequisites for enrollment in the advanced course.

Each cadet enrollment in the advanced course:

(a) Must have completed the basic course or must have received credit for it, as prescribed in § 870.19.

(b) Must meet the physical requirements required by the Air Force.

(c) Must successfully complete any general survey or screening test prescribed for entrance into his category.

(d) Must sign a deferment agreement as required by Part 871.

NOTE: The PAS must make certain that the cadet understands that the deferment agreement and the category agreement (1056 series of Air Force forms) do not conflict; instead, the former quotes a statute, and the latter a contractual agreement.

### § 870.15 Categories of training for advanced ROTC.

Students accepted in the advanced course may be enrolled in four categories as follows:

(a) *Category I.* These are cadets who qualify for flying training. There are two sub-categories: I–P for pilot candidates, and I–N for navigator candidates. AF Form 1056, "Category I Agreement," is used to enroll these cadets.

(1) To enroll in Category I, the cadet must sign the Career Reserve Statement.

(2) The cadet may not enroll in Category I–P if he has been eliminated from an aviation cadet pilot training class of the Air Force or Navy for flying deficiency. If the same authority that eliminated him recommends it, however, the PAS may enroll him as a cadet in Category I–N or other categories.

(3) The cadet may not enroll in Category I–N if he has been eliminated from an aviation cadet navigator training class of the Air Force or Navy for flying deficiency. If the same authority that eliminated him recommends it, however, the PAS may enroll him as a cadet in Category I–P or in other categories.

(4) The Commandant, AFROTC, will not commission such cadets (in subparagraphs (2) and (3) of this paragraph) until the date of graduation of the class from which they were eliminated.

(5) A cadet in Category I who fails or refuses to apply for flying training within the established time limit is discharged from the AFROTC program.

(b) *Category II.* These are cadets enrolled in a college program leading to a baccalaureate degree, with a major in a prescribed engineering or scientific field, who meet the physical standards for an Air Force commission.

(1) AF Form 1056a, "Category II, III Agreement," is used to enroll cadets in this category.

(2) These cadets may sign the Career Reserve Statement either at the time they enroll or during the course, at their option.

(c) *Category III.* These are cadets enrolled in a college program leading to a baccalaureate degree, generally with a major other than engineering or science, who meet the physical standards for an Air Force commission.

(1) AF Form 1056a, "Category II, III Agreement," is used to enroll cadets in this category.

(2) These cadets have the same option as Category II cadets as to whether they will sign their Career Reserve Statements.

(d) *Category IV.* These are cadets who have fulfilled their active duty Selective Service requirements, except those who have served on active duty for training as provided in the Reserve Forces Act of 1955 (Public Law 305). AF Form 1056b, "Category IV Agreement," is used to enroll cadets in this category.

### § 870.16 Appointment as Reserve of the Air Force.

A member of the advanced course AFROTC accrues no vested right to a commission in any Air Force component by virtue of such membership. If he is otherwise qualified, such a graduate is tendered an appointment as second lieutenant, Reserve of the Air Force:

(a) Upon successful completion of prescribed military training and upon the award of a baccalaureate degree; or

(b) When an authorized institutional official certifies that he has qualified for a degree to be awarded officially at a later date.

### § 870.17 Extended active duty for AFROTC graduates.

Under the terms of his category agreement, a cadet enrolled in one of the first three categories and commissioned from it upon graduation from the AFROTC, must serve an initial active duty period within one year, unless a delay is approved. A cadet enrolled in Category IV is not ordered to extended active duty unless he volunteers and is selected for active duty.

### § 870.18 Conditional enrollment in advanced course.

The Commandant, AFROTC, prescribes specific policy for conditional enrollment of cadets, which enables the PAS to accept tentatively a cadet in the advanced course until his eligibility is determined or the enrollment quota is received.

(a) *Statement required from the cadet.* Before his conditional enrollment, each cadet must sign the following statement:

I understand and agree that no rights or benefits will be made available to me, or in my behalf, unless and until it is determined by proper authority that I am fully qualified and selected for enrollment in the advanced course of the Air Force ROTC; that, upon such determination being made by proper authority, I will be entitled to receive all rights and benefits I would have earned and accrued but for the conditional nature of my enrollment from the date upon which I began work of the advanced course under the terms of this agreement. I further understand and agree that, if I am found to be not fully qualified and selected for such enrollment, I will be considered as not having been an advanced course cadet and will not be entitled to any rights or benefits under the terms of this agreement.

(b) *Deferment.* Cadets accepted for conditional enrollment are authorized deferment as outlined in Part 871.

### § 870.19 Enrollment of pursuing students.

If a student cannot be enrolled or conditionally enrolled in the AFROTC program, the institutional authorities and the PAS may authorize him to pursue the basic or advanced course for academic credit only.

(a) *Commutation.* A pursuing student is not entitled to commutation of subsistence or Government uniforms or uniform allowances, but he may purchase the required AFROTC uniform at his own expense to wear during the course.

(b) *Equipment.* A pursuing student may use available arms and equipment issued for instructional purposes, but such equipment will not be procured solely for his benefit.

(c) *Statement required.* A pursuing student must sign the following statement:

I, ----------(name)----------, do hereby agree and understand that as a pursuing student, I am not a member of the Air Force ROTC; that, notwithstanding the fact that I am permitted to pursue the Air Force ROTC course for academic credit, I am not qualified for, nor will the Air Force tender me, a commission as a Reserve of the Air Force, based upon my successful completion of the institutional phase of the advanced course, nor will I be permitted to attend the summer training.

(d) *Who may be a pursuing student.* Any student (including a citizen of a friendly foreign nation) who cannot be enrolled or conditionally enrolled in the AFROTC program, unless otherwise not eligible.

### § 870.20 Credit for previous military training.

(a) *Credit for the basic AFROTC course.* An AFROTC cadet who transfers to another AFROTC detachment will receive credit for that part of the course he successfully completed at the losing institution. An Army or Navy ROTC cadet who desires enrollment in the AFROTC program may receive credit for that portion of the senior division Army or Navy ROTC basic course which he successfully completed at the losing institution. In addition, the Commandant, AFROTC, may waive the first year of the AFROTC basic course for successful completion of three years of junior division Army ROTC; this authority may be delegated to the PAS. The PAS may also waive the basic course for any cadet that has successfully completed Military Schools Division courses MST–1, MST–2, MST–3, and MST–4 of Army ROTC (high school level) at a military school or academy. Although the full basic course may be waived, the PAS should consider requiring the cadet to complete at least one semester or one-quarter of the basic course in order to better evaluate the cadet for entrance into the advanced course.

(b) *Credit for active service.* A cadet may request a waiver of the basic AFROTC course, or a portion of it, required to enroll in the advanced course, based on his previous honorable active service (includes 6 months active duty for training) in the Air Force, Army, Navy, Marine Corps, or Coast Guard. The PAS may waive as much of the basic course as he considers equivalent to the active service training. Note: To provide a broader basis for evaluating and training, the PAS should encourage each veteran who enters an institution at the freshman or sophomore level, who desires a commission through AFROTC, to take the remaining portion of the basic program in phase with his nonveteran contemporaries.

(c) *Credit for academy or senior division ROTC training.* If the candidate is eligible to enroll and is accepted, the PAS may waive on a year-for-year basis as much of the AFROTC program as he considers equivalent to previous training at the U.S. Air Force Academy, U.S. Military Academy, U.S. Naval Academy, U.S. Coast Guard Academy, or in the senior division of the Army ROTC or Naval ROTC. Requirements for the successful completion of the summer training phase are never waived. (Section 870.15(a)(4) applies to these cadets also.)

(d) *Granting advanced standing.* Advanced standing is not granted for the following:

(1) Training received before the student's 14th birthday.

(2) Training received as a member of the Civil Air Patrol.

(3) Training received as a member of a Reserve component of any of the Armed Forces of the United States, when not in the active military service.

(4) Training received at an institution where no commissioned officer of the active military forces is detailed by orders of the appropriate department as Professor of Military Science, Professor of Naval Science, or Professor of Air Science.

### § 870.21 Disenrollment from the advanced course.

(a) *Reasons for disenrollment.* With the concurrence of the head of the institution (or his designated representative) the PAS will disenroll a cadet from the advanced course for any of the following reasons:

(1) Inability to continue regular enrollment in the institution.

(2) Failure to remain medically qualified for commission.

(3) Failure to maintain acceptable retention standards under prescribed competitive criteria.

(4) Individual request for release for justifiable reasons.

(5) Ineptitude, indifference to training, incompatibility, evading the terms of the advanced course agreement, disciplinary reasons, or reasons involving undesirable traits of character.

(b) *Investigations.* When a cadet is considered for disenrollment for any of the reasons in paragraph (a) (3) through (5) of this section, the PAS will appoint an officer to investigate the case, interview the cadet, and return a written report.

(c) *Records.* If a cadet is disenrolled from the advanced course, a DD Form 785, "Record of Disenrollment from Officer Candidate-Type Training," is completed showing any specific recommendations for his further officer training. All of the above disenrollments will be "For the convenience of the Government" and no refund is required for commutation of subsistence paid to the cadet.

(d) *Reenrollment.* The Commandant, AFROTC, prescribes policies and procedures for reenrolling cadets that have been disenrolled for the reasons in paragraph (a) (1) through (4) of this section. No cadet who wilfully promotes his own disenrollment for any of the reasons in paragraph (a) (5) of this section, or whose conduct has brought dishonor to the Corps or himself, is eligible to reenroll in any Air Force procurement program or be appointed in any AF component.

### § 870.22 Disenrollment from the basic course.

With the concurrence of the institutional authorities the PAS may disenroll a cadet from the basic AFROTC course. Such disenrollment releases the institution from the agreement described in § 870.5(c), to require the cadet concerned to complete the basic course as a prerequisite for graduation.

## PART 871—DEFERMENT OF AIR FORCE ROTC CADETS

Sec.
871.1 Purpose.
871.2 Deferment policy.
871.3 Participating military colleges.
871.4 When cadet may be deferred.
871.5 Period of cadet's deferment.
871.6 Obligation of cadets.
871.7 Deferment agreement.
871.8 Cadet transfer procedure.
871.9 Enrollment of member of Reserve as Air Force ROTC cadet.

AUTHORITY: The provisions of this Part 871 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; 50 U.S.C. App. 451–473.

### § 871.1 Purpose.

This part states the policy and procedure by which cadets of the Air Force Reserve Officers' Training Corps (ROTC) may be deferred from induction in the Armed Forces under the Universal Military Training and Service Act, hereinafter referred to as "the Act."

### § 871.2 Deferment policy.

The sole purpose of the Air Force ROTC deferment procedure outlined in §§ 871.2 to 871.9 is to enable selected cadets to qualify for appointment as commissioned officers in a component of the Air Force through uninterrupted completion of academic and military courses. A cadet who cannot ultimately qualify for a commission through enrollment and training afforded by the Air Force ROTC or who evidences lack of desire to become an officer will not be selected for deferment.

### § 871.3 Participating military colleges.

Under section 6(a) of the Act, a student enrolled in the Air Force ROTC program at a military college—the curriculum of which has the approval of the Secretary of Defense—is not required to register under section 3 of the Act and is relieved from liability for training and service under Section 4 of the Act. In other words, the cadet need not be granted deferment. The following military colleges, approved and designated by the Secretary of Defense, participate in the Air Force ROTC program:

(a) The Citadel, Charleston, South Carolina.

(b) Virginia Military Institute, Lexington, Virginia.

(c) Agricultural and Mechanical College of Texas, College Station, Texas.

(d) Virginia Polytechnic Institute, Blacksburg, Virginia.

### § 871.4 When cadets may be deferred.

(a) The PAS is authorized to select for deferment any qualified cadet enrolled in the basic course. Dates for deferment are as follows:

(1) Fall enrollee in Air Science I is not deferred until February 16th.

(2) Midyear enrollee in Air Science I is not deferred until he completes one academic semester or quarter at the institution.

(b) The PAS will defer each advanced cadet subject to induction under the Act.

(c) Once a cadet's deferment is cancelled, he may not again be eligible for deferment unless the Commandant, Air Force ROTC, approves his deferment. The Commandant may delegate this authority to the PAS.

### § 871.5 Period of cadet's deferment.

(a) The deferment will continue until the cadet completes the Air Force ROTC and academic programs and is commissioned; *Provided*, That:

(1) Air Force ROTC enrollment is continuous.

(2) Degree requirements will be met within the 12-month period after he completes the Air Force ROTC program.

(b) The PAS will strictly control deferments by reviewing them at the end of each quarter or semester for possible cancellations.

### § 871.6 Obligation of cadets.

The PAS (or his officer representative) will explain to Air Force ROTC cadets the obligation they assume in signing the deferment agreement (AF Form 1041) as follows:

(a) A cadet continued in a deferred status under section 6 of the Act remains liable for training and service in the Armed Forces until his 35th birthday:

(1) His deferment ceases when he enters on extended active duty under the six-year obligation and he is then exempt from induction while serving on extended active duty under section 6(a) of the Act. After he completes his required tour of extended active duty, he is exempt from induction under section 6(b)(3) of the Act.

(2) If he enters on active duty for training and incurs the eight-year obligation, he continues in a deferred status. After he completes the required tour of active duty for training, his deferment continues as long as he participates satisfactorily in a Ready Reserve unit or mobilization assignment position. After he completes a total period of

eight years of required active duty for training and satisfactory participation in a Ready Reserve training program, his deferred status ceases.

(b) Upon being commissioned, a cadet assumes either a six-year or an eight-year obligation, as stated in the agreement. That obligation is distinct from any total-service obligation he may have incurred under other provisions of law, and the partial or entire discharge of that other obligation does not affect the one resulting from the Air Force ROTC appointment.

(c) Unless enrolled in the Air Force ROTC program at a military college, a cadet between the ages of 18 and 26 is not excused from registration and must register under section 3 of the Act on the day(s) proclaimed by the President.

### § 871.7 Deferment agreement.

Unless enrolled in a college specified in § 871.3, each cadet accepted for enrollment in the Air Force ROTC course must complete AF Form 1041, "Deferment Agreement," to be eligible for deferment: (a) At the time of enrollment, and (b) before signing an advanced course contract if he is liable for induction under the Act. AF Form 1041 states in part:

I . . . . hereby agree to complete the basic course, if enrolled therein; to enroll in and complete the advanced course at the proper time, if accepted therefor; upon completion or termination of the course of instruction therein, to accept a commission, if tendered; to serve on active duty in the Air Force for a period of not less than 2 years after receipt of such commission, subject to call by the Secretary of the Air Force; and to remain a member of a Regular or Reserve component of the Air Force until the sixth (6th) anniversary of the receipt of my commission; or, if the Air Force does not require my service on active duty for 2 years in fulfillment of my obligation, to serve on active duty for training with the Air Force for a period of 6 months after receipt of my commission and thereafter to remain a member of an appropriate Reserve unit until the eighth (8th) anniversary of the receipt of my commission.

A cadet who voluntarily signs AF Form 1041 while otherwise liable for induction is bound by the provisions of his deferment agreement and, upon failure or refusal to fulfill it, may be subject to the penalties stated in section 12 of the Act.

### § 871.8 Cadet transfer procedure.

When a cadet transfers to another institution and enrolls in AFROTC, the gaining PAS will send a revised DD Form 44 to the cadet's Selective Service Board. On the form he enters the cadet's new Air Force unit and requests that the previously submitted form be rescinded.

### § 871.9 Enrollment of member of Reserve as Air Force ROTC cadet.

(a) An enlisted man or warrant officer of the National Guard of the United States, the Air National Guard of the United States, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air Force Reserve, or the Coast Guard Reserve may enroll in the basic course of the Air Force ROTC on the same basis as any other student if he is otherwise qualified and is not on active duty. He is not exempt, however, under other provisions of law from call to active military service as a member of a Reserve component.

(b) Before a member of a Reserve component of another Service or of the Air National Guard of the United States may formally enroll in the Air Force ROTC advanced course or be selected for deferment, he must be discharged from his component or transferred to the Air Force Reserve. For further information, see Part 870.

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SUBCHAPTER I—MILITARY PERSONNEL

## PART 880—MEDICAL, DENTAL, AND VETERINARY CARE FROM CIVILIAN SOURCES

Sec.


880.1 Purpose.
880.2 Definitions.
880.3 Policies.
880.4 Care authorized from civilian sources.
880.5 For whom authorized.
880.6 Who authorizes.
880.7 When not authorized.
880.8 Emergencies.
880.9 Eye refractions obtained by individuals.
880.10 Surgical and orthopedic appliances.
880.11 Information required on statements and bills from civilian hospitals, physicians, dentists, and nurses.
880.12 Veterinary care authorized.
880.13 When to authorize civilian veterinary care.
880.14 Bills for veterinary service.


AUTHORITY: The provisions of this Part 880 issued under secs. 8012, 672(d), 8721–8723, 70A Stat. 488, 27, 538, 569; 10 U.S.C. 8012, 672(d), 8721–8723, 9385.

### § 880.1 Purpose.

This part tells how to authorize and reimburse at Air Force expense for:

(a) Essential medical and dental care from civilian sources when Government facilities are not available for:

(1) Air Force members on active duty and

(2) Air Force military personnel of the NATO Forces stationed in or passing through the United States in connection with their official duties;

(b) Supplemental medical care necessary for uniformed service members, including eligible military personnel of the NATO Forces while under treatment at Air Force medical treatment facilities;

(c) Veterinary service for Air Force-owned animals when Government veterinary service is unavailable.

### § 880.2 Definitions.

For the purpose of this part, the following terms will apply:

(a) *Civilian medical care.* Physical examination, professional advice, and treatment provided by a civilian physician or civilian medical agency to sick or injured military personnel. The term includes nursing, hospital care, medicine, whole blood or blood derivatives, laboratory and X-ray services, physical therapy, etc.

(b) *Civilian physician.* Any person legally qualified and licensed without limitation to administer drugs and to perform surgical procedures in the geographic area where such service is provided.

(c) *Civilian dentist.* Any person legally qualified and licensed without limitation in the geographic area concerned to administer drugs and to perform all procedures related to the teeth, jaws, and structures contiguous to one or the other.

(d) *Emergency care.* Medical or dental care required to save life, limb, sight, or to prevent undue suffering.

(e) *Uniformed services.* The Army, Navy, Air Force, Marine Corps, Coast Guard, the Commissioned Corps of the Coast and Geodetic Survey, and the Commissioned Corps of the Public Health Service.

(f) *Member of a uniformed service.* A person appointed, enlisted, inducted, called, ordered, or conscripted into a uniformed service who is serving on active duty or active duty for training.

(g) *Civilian veterinary service.* Treatment, surgery, or hospitalization by a civilian veterinarian. This term includes surgical appliances and medicine where indicated.

(h) *Civilian veterinarian.* Any person legally qualified and licensed without limitation to practice veterinary medicine where the veterinary service is performed.

(i) *NATO Forces.* Military personnel belonging to the land, sea, or air armed services of any State which is a party to the North Atlantic Treaty. These nations are Belgium, Canada, Denmark, Federal Republic of Germany, France, Greece, Iceland, Italy, Luxembourg, Netherlands, Norway, Portugal, Turkey, and the United Kingdom.

### § 880.3 Policies.

(a) *When treatment is authorized.* Civilian medical and dental attendance for Air Force military personnel and authorized NATO Air Force member at public expense is authorized only when the required treatment cannot be obtained from available facilities of the Air Force or other Government agencies such as Army, Navy, Veterans' Administration, and U.S. Public Health Service.

(b) *Paying civilian agencies.* Vouchers for payment to civilian agencies will ordinarily be prepared by the director of base medical services of the Air Force installation nearest the civilian facility which provided the medical care and will be processed through the local accounting and finance officer for payment. Approving authority, see § 880.6, or certifying officers, will prepare vouchers at locations where there is no director of base medical services.

(c) *Itemized statement.* When charges appear excessive, an itemized statement will be obtained from the doctor or hospital before payment is made. The itemized statements should be submitted to the local medical society or referred to the next Air Force echelon of command for evaluation. This will avoid placing the Air Force medical facility commander in a position of controversy with doctors or hospitals.

(d) *Unsatisfactory identification.* If satisfactory identification of an individual as an Air Force member, former Air Force member or NATO Air Force member, or his unit of assignment, cannot be obtained, inquiry should be made as follows:

(1) USAF Airmen—USAF Airmen Records Annex (AFDASEF), Randolph Air Force Base, Texas, 78148.

(2) USAF Officers—Hq USAF (AFDASEB), Washington, D.C., 20330.

(3) NATO Air Force Personnel—Military Representative to NATO, % Embassy of the respective NATO Country, Washington, D.C.

(e) *NATO military personnel in the United States.* NATO Forces military personnel listed in § 880.2(i), stationed in or passing through the United States in connection with their official duties, may be provided civilian medical and dental care under the same conditions and comparable to that authorized active duty U.S. military personnel at Department of Defense, other Federal and civilian medical facilities.



### § 880.4 Care authorized from civilian sources.

Medical and dental care from civilian sources at Air Force expense is limited to that which would be provided by Air Force medical or dental facilities if they were available. Such care is authorized at Air Force expense as follows:

(a) When an Air Force member and authorized NATO Air Force member within the meaning of § 880.5 requires essential medical or dental care and there is neither an Air Force medical or dental facility nor any other Government medical or dental facility available.

(b) When an Air Force medical or dental facility is unable to provide an essential medical or dental service for a uniformed service member due to a limitation of the facility or its staff.

(c) Civilian ambulance service at Air Force expense is authorized to move an Air Force member and authorized NATO Air Force member who is absent without leave or in desertion to a civilian medical facility or place of treatment or to a Government medical facility if the Air Force member is returned to military control or custody during or directly after such transportation or treatment.

### § 880.5 For whom authorized.

Medical and dental care from civilian sources in the absence of Air Force or other Government medical facilities is authorized at Air Force expense for the following Air Force personnel:

(a) Active duty military personnel of the Air Force, including Air Force Academy cadets and aviation cadets, on a duty status or in authorized absence, i.e., leave, pass, or authorized travel.

(b) Members of the Air Force Reserve who are injured or contract a disease in line of duty while on active duty or who are injured in line of duty while performing inactive-duty training or while voluntarily participating in an aerial flight in a Government-owned aircraft under proper authority and as an incident of training. Rehospitalization may be authorized under the provisions of this section for the same condition for which hospitalization at Air Force expense was initially required until no improvement will derive from further treatment.

(c) Members of the Air National Guard who are injured or become ill in line of duty when on active duty for the purpose of performing Air Force directed missions such as ferrying aircraft, runway alert, or such other duties as the Secretary of the Air Force may direct on competent Air Force orders. (Air National Guard members who are on active duty for training or inactive-duty training are also eligible for medical and dental care from civilian sources in accordance with ANG directives at Air National Guard expense. Such hospitalization may be authorized by the Air National Guard organization or Air Force base commander. This does not preclude admission and treatment of Air National Guard members at Air Force medical facilities.

(d) Members of Air Force Reserve Officer Training Corps (AFROTC) who are injured or become ill in line of duty while en route to or from or while participating in summer encampments only. An AFROTC member is not entitled to medical service from civilian sources at Air Force expense beyond the training period specified in his training orders.

(e) Members of NATO Air Forces, stationed in or passing through the United States in connection with their official duties, are authorized medical and dental care under the same conditions and comparable to that provided active duty U.S. Air Force personnel.

### § 880.6 Who authorizes.

Authority to approve civilian medical and dental attendance at Air Force expense is the responsibility:

(a) In emergencies, of the commander of the Air Force base or his authorized representative nearest the civilian medical facility providing the medical care. Emergency medical service will not be delayed pending approval (see § 880.8).

(b) In other than emergencies, of the Air Force base commander or his authorized representative under whose jurisdiction the member requiring medical care is assigned, or the commander of the unit to which a member is assigned in cases where the member's organization is not at an Air Force base.

(c) For supplemental care, of the director of base medical services.

### § 880.7 When not authorized.

Civilian medical or dental care at Air Force expense is not authorized for:

(a) Persons other than those stated in § 880.5. (For dependents, see AFR 160–41 (Dependents' Medical Care) and AFR 160–29 (Civilian Medical Care for Eligible Dependents in Areas Other than ConUS, Alaska, Hawaii and Puerto Rico).)

(b) Elective treatment.

(c) Treatment when adequate medical or dental service is available from an Air Force or other Government medical or dental facility.

(d) Retired or discharged members of the Air Force. (An exception will be made for periodic examination, in whole or in part of Air Force members and authorized NATO Air Force member temporarily retired for disability (TDRL) when ordered by competent authority to civilian medical facilities for such examination.)

(e) Air Force military personnel and authorized NATO Air Force member absent without leave or in desertion.

NOTE: Charges incurred for civilian medical care when absent without authority are the sole responsibility of the individual concerned. Payment of charges for civilian medical care obtained after return of the individual to military control may be made from Air Force funds. Return to military control is effected when an absentee or deserter surrenders to, is delivered to, or is apprehended by an agent of the Armed Forces authorized to apprehend. (For ambulance service see § 880.4(c).)

(f) Air Force Reserve, Air National Guard, and AFROTC members other than those listed in §880.5.

### § 880.8 Emergencies.

Emergency civilian medical or dental care at Air Force expense may be obtained without prior authority by or in behalf of Air Force members and authorized NATO Air Force member authorized in § 880.5. Emergency dental care is limited to relief of pain, treatment of acute septic conditions, or essential correction of dental injuries requiring immediate correction.

### § 880.9 Eye refractions obtained by individuals.

In the absence of an Air Force medical facility, and when eye refraction cannot be obtained from other Government agencies, refractive examinations necessary for the fitting of spectacles may be obtained from a civilian physician or licensed optometrist at Air Force expense by Air Force personnel and authorized NATO Air Force member on active duty only.

(a) *Authority.* Eye refraction under this section shall be approved by the authority in § 880.6 (a) or (b). Exception: Prior authority will not be required for refractions for Air Force personnel and authorized NATO Air Force member on duty in foreign countries away from a uniformed service unit.

(b) *Prescribing lenses.* Civilian physicians or optometrists performing refractions for Air Force personnel and authorized NATO Air Force member will be requested to prescribe lenses to the closest ¼ diopter.

(c) *Costs.* The charge for refraction should be at local rates and should include the adjustment of frames and fitting of spectacles when delivered.

(d) *Procuring spectacles.* Procurement at Government expense of spectacles from civilian physicians or optometrists who perform refractions is not authorized. Spectacles are supplied and will be shipped to the Air Force member and authorized NATO Air Force member for whom prescribed.

### § 880.10 Surgical and orthopedic appliances.

Items authorized for base procurement may be provided by the civilian medical facility in connection with treatment and services otherwise authorized by this part.

**§ 880.11 Information required on statements and bills from civilian hospitals, physicians, dentists, and nurses.**

(a) *Hospital service.* (1) Hospitalization charges at the daily or weekly rate will be shown with applicable dates.

(2) Charges for services not included in the daily or weekly rate including dates of such charges as, use of operating room, laboratory service, X-ray, medicine, ambulance service, etc., will be shown as follows:

(i) X-rays: Aggregate.

(ii) Routine laboratory tests: Aggregate.

(iii) Special laboratory tests by name.

(iv) Medicines: Aggregate.

(v) First aid or emergency treatment: State the exact nature of the services.

(vi) Ambulance service: Show the mileage involved and the flat rate or rate per mile, as the case may be. See § 880.3(c).

(vii) Long distance telephone call or telegram charges: Must be accompanied by certificate or copy of telegram.

(viii) Use of operating room: Indicate if this includes administration of anesthetic and if administered by a member of hospital staff. If not, show the charge separately in the name of the person administering the anesthetic. If the hospital has paid anesthetist, charge may be listed on hospital voucher, but must be accompanied by receipted bill from the anesthetist showing payment by hospital.

(ix) Items incident to treatment: List and itemize separately, crutches, special therapy, etc.

(x) Physician and nurses: Include only those regularly employed on a salary basis by the hospital and for whose services payments are due to the hospital. If this is the case, state that nurse or physician is a salaried member of hospital staff. If the hospital has paid physicians and nurses who are not salaried members of the staff, such charge may be included in the hospital bill but must be accompanied by a receipted bill showing payment by the hospital.

(b) *Bills for physicians' or surgeons' services.* (1) Visits: Show where visits were made, i.e., hospital, doctor's office, patient's home, etc. List date and charge for each visit chronologically. If two or more visits are made on any one day, enter the number for each day and mark them "first visit" and "second visit," etc. List date and charge for operations separately. List chronologically the date of each visit after the operation and itemize the charges and the services rendered.

(2) Other services (such as X-rays, laboratory services, and medicines): Aggregate.

(3) Medicines: Aggregate. If furnished from physician's own stock, certify on the voucher that they were furnished from his stock, charges, etc.

(c) *Special nursing service.* Indicate place where service was rendered, the hour it began and ended, the number of hours served each day or night, the rate per day or night, and the number of days or nights served.

NOTE: If a nurse went on duty at 11:00 p.m. on one day and went off duty at 7:00 a.m. the next day, only one night will be counted, although two dates are involved.

(d) *Dental services.* (1) Show each service rendered, such as extraction, filling, etc., and the charge for each. Identify each tooth involved. Show the number of tooth surfaces involved and filling material used.

(2) Filling operations, treatment of chronic lesions, prosthetic replacements, dental repair, and prolonged or extensive procedures, such as those required following the relief of immediate emergency, require prior approval of the authority cited in § 880.6.

**§ 880.12 Veterinary care authorized.**

Veterinary care is limited to that which would be available from an Air Force veterinarian if he were available. Civilian veterinary care for Government-owned animals assigned to Air Force units only is authorized at Air Force expense within the limitations of this part.

**§ 880.13 When to authorize civilian veterinary care.**

Civilian veterinary care is authorized only in emergencies where the services of a military veterinarian are not economically available.

**§ 880.14 Bills for veterinary service.**

(a) List each service rendered, such as X-rays, laboratory service, hospitalization, medical treatment, splints, pins, etc., and the charge for each.

(b) Indicate on the vouchers if veterinary care was provided in an emergency.

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## PART 881—[RESERVED]

## PART 882—DECORATIONS AND AWARDS

**Subpart A—Decorations**

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### Subpart A—Decorations

AUTHORITY: The provisions of this Subpart A issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.



**§ 882.1 Purpose.**

This subpart explains the Air Force policy on awarding decorations to military and civilian personnel.

**§ 882.2 Objective of decorations.**

The primary purpose of the decorations program is to foster morale, incentive, and esprit de corps through the prompt public recognition of acts of exceptional bravery, outstanding achievement, and meritorious service. To preserve the integrity of the decorations program, awards must be restricted to the recognition of acts or services which are so clearly and distinctly outstanding by nature and magnitude that they place an individual's performance significantly above that of other individuals of like grade and responsibility and can be appropriately recognized in no other way.

**§ 882.3 List of authorized decorations.**

(a) *Decorations awarded by the Air Force.* The decorations awarded by or upon the recommendation of the Air Force are as follows:

*Military*

Medal of Honor.
Air Force Cross.
Distinguished Service Medal.
Silver Star.
Legion of Merit.
Distinguished Flying Cross.
Airman's Medal.
Bronze Star Medal.
Air Medal.
Air Force Commendation Medal.
Purple Heart.

*Nonmilitary*

Medal for Merit.
President's Certificate of Merit.
National Security Medal.
The Presidential Medal of Freedom.
Department of Defense Medal for Distinguished Public Service.
Exceptional Service Award.
Air Force Scroll of Appreciation.

NOTE: §§ 882.26 and 882.27 indicate to whom authorized decorations are awarded and the criteria prescribed for their award.

(b) *Decorations awarded by Department of Defense.* The Joint Service Commendation Medal is awarded in the name of the Secretary of Defense, as indicated in § 882.28.

**§ 882.4 Eligibility to receive a decoration.**

The eligibility of a person to receive a decoration listed in § 882.3 depends upon the following factors:

(a) *Nature and magnitude of the act, achievement, or service.* Sections 882.26 and 882.27 explain which types of acts, achievements, and services are considered worthy of recognition.

(b) *Relationship of the person to the Air Force.* (1) All military personnel on active duty are eligible to receive any U.S. military decoration. With the exception of the National Security Medal, nonmilitary decorations are not awarded to United States military personnel for an act or service performed as a military member.

(2) Members of the Reserve components, while participating in authorized periods of training or while in inactive status, may be considered for all military decorations provided the act, achievement, or service was in furtherance of an Air Force mission or function and meets the established criteria. However, acts, achievements, or services which are of principal benefit to private citizens are not the basis for military decorations.

(c) *Posthumous awards.* Decorations may be awarded following the decease of the persons being honored, in the same manner as awarded to a living person.

(d) *Character of service.* (1) No decoration will be awarded or presented to any individual whose entire service during or subsequent to the time of the distinguished act, achievement, or service shall not have been honorable. (See 10 U.S.C. 8744; 8749.)

(2) Any award for meritorious service may be revoked prior to presentation if facts subsequently determined would have prevented original approval of the award. Commanders becoming aware of any such instances must immediately report the circumstances and make recommendations to the awarding authority for review and determination of appropriate action.

**§ 882.5 Number of decorations and medals a person may receive.**

(a) There is no limitation placed on the number of decorations that may be awarded to an individual. However, only one decoration may be awarded for the same act, achievement, or period of service. Any subsequent recommendations for the same decoration should be based upon increasingly higher standards of performance and meritorious service.

(b) Unless otherwise indicated in this subpart, only one medal of a decoration is presented unless the recipient is a foreign national or the award is posthumous, in which case an additional medal is presented. In all other instances, oak-leaf clusters are used in lieu of additional medals of the same decoration.

**§ 882.6 Preparing, submitting, and processing recommendations.**

(a) *Who may submit recommendations.* Any person having knowledge of the act, achievement, or service believed to warrant the award of a decoration may initiate a recommendation for the award. Preferred recommendations are those initiated by the person's commander or supervisor at the time the act, achievement, or service was performed.

(b) *Special considerations for submitting recommendations based on meritorious service or outstanding achievement*—(1) *General.* (i) To preserve the integrity of decorations, recommendations should be restricted to the recognition of meritorious service and outstanding achievements that are incontestably exceptional and of a magnitude that clearly places an individual above his peers.

(ii) Recommendations should be based on specific projects, plans, programs, or actions, the implementation of which has been successful and the benefits to the Air Force positively ascertained, or that have progressed to a point where results expected at some future date can be accurately predicted.

(iii) Superior performance does not, in itself, constitute justification for a military decoration. Favorable communications and appropriate remarks on Effectiveness or Performance Reports provide ample means of recognizing the praiseworthy duty performance that is expected of Air Force personnel.

(iv) Service terminated by voluntary early retirement or involuntary release under any Air Force quality control program requires the careful weighing of all related facts to insure that the award of a decoration is fully justified.

(v) The reassignment or retirement of a commander or supervisor is not a basis for initiating recommendations for awards to his subordinates.

(2) *Meritorious service.* A recommendation based on meritorious service must be for a completed period of service.

(3) *Outstanding achievement.* An outstanding achievement award is intended to recognize a single specific act or accomplishment that is separate and distinct from regularly assigned duties. The period of an outstanding achievement normally is short and characterized by definite beginning and ending dates. The specific achievement must be sufficiently outstanding to be readily distinguishable from meritorious service and must clearly warrant immediate recognition. A recommendation based on an outstanding achievement may be submitted at any time; however, to insure maximum benefit to morale and incentive, such an award should be recommended as soon as possible after the achievement upon which it is based. The award of a decoration in recognition of a single act of heroism or a single achievement does not necessarily preclude an award for meritorious service at termination of assignment. In such instance, and to avoid duplication, the previously recognized act or achievement cannot be included in the justification for, or consideration of, the subsequent award.

(c) *Special consideration for submitting recommendations based on aerial achievements.* The completion of a specified number of missions, sorties, special flights, or accident-free flying hours does not, in itself, constitute adequate justification for an award recommendation. There are other equally important factors to be considered in evaluating a recommendation based on meritorious aerial achievements. Accordingly, all recommendations must clearly substantiate exceptional performance and outstanding airmanship above that normally expected of professional airmen.

(d) *Special considerations for submitting recommendations for awards to members of the armed forces of friendly foreign nations*—(1) *Type of service recognized.* The award of United States decorations in peacetime is authorized to recognize:

(i) Service of marked international significance where the interests of the United States are involved.

(ii) Service which has aided the United States in furthering its national policies.

(iii) Service which has furthered the interests of the security of the United States or of any nation allied or associated with the United States during a period of national emergency declared by the President or the Congress.

(iv) An act of heroism, outstanding achievement, or meritorious service which has been of mutual benefit to a friendly foreign nation and the United States.

(2) Appropriate award: The following United States military decorations may be recommended to recognize acts or services described in subparagraph (1) of this paragraph when they meet the standards prescribed for similar awards to United States Air Force personnel:

(i) While serving in any capacity with the Air Force: Any military decoration, except the Medal of Honor and the Purple Heart (see § 882.26).

(ii) While not serving with the Air Force:

(*a*) Legion of Merit.

(*b*) Air Force Commendation Medal.

(3) Awards to British, Canadian, and Australian Personnel: The British, Canadian, and Australian governments do not permit their personnel to accept foreign decorations in recognition of peacetime meritorious service or achievement. Commanders desiring to recognize meritorious service or achievement rendered by these personnel may initiate a recommendation for the award of a British, Canadian, or Australian equivalent of a specific United States military decoration.

*Example.* Recommendation for award of the British equivalent of the (Legion of Merit) (Air Force Commendation Medal):

Either the major air commander or deputy commander must personally indorse each recommendation.

(4) Information to be included:

(i) Recommendations originating from oversea commanders must include a statement that the proposed award has been coordinated with the senior commanders of the other United States services in the area or theater and with the United States Ambassador to the country concerned.

(ii) A recommendation for an award to a member of the armed forces of a foreign nation, initiated by a commander of an organization performing temporary duty in an oversea theater, must be processed through the appropriate oversea commander, who will include the information required by subdivision (i) of this subparagraph and forward it to the major air commander of the recommending individual.

(e) *When to submit recommendations.* (1) Timely presentation is essential to exploit the full potential of decorations. Accordingly, recommendations must be submitted as soon as possible after the act, achievement, or service considered to justify award of a decoration.

(2) When heroism is involved and immediate recognition is essential, commanders on the scene are authorized to use electrical means to transmit recommendations for award of decorations to the awarding authority. Electrically transmitted recommendations must be fully justified and sufficiently detailed to permit proper evaluation and decision.

(3) When it is definitely established that a person will be reassigned, retired, or separated on a specific date and presentation is desired before the individual's departure, a recommendation may be initiated before the date of reassignment, retirement, or separation. The recommendation should include the desired presentation date. Such recommendations should be initiated sufficiently early to permit normal processing and arrival at the awarding headquarters 60 days prior to the desired presentation date. Recommendations for awards of decorations to foreign nationals and to U.S. civilians require extensive processing and clearance within the Department of Defense, and concurrence of other departments of the Government on those decorations for foreign nationals. Because of this, recommendations for U.S. civilians should arrive at the USAF Military Personnel Center (AFPMPP), Randolph Air Force Base, Texas, 78148, 60 days before the desired presentation date, and those for foreign nationals 120 days before this date.

(f) *How to prepare recommendations*—(1) *Format.* Individual recommendations are prepared on AF Form 642, "Recommendation for Decoration," or, when form is not available, in the letter format shown in § 882.7. Letter format will be used only when AF Form 642 is not available. When additional space is needed for the narrative description of the act, achievement, or service, use plain 8 x 10½" bond paper. The recommending individual must also sign the last sheet. The citation is prepared on separate paper in accordance with subparagraph (3) of this paragraph and included with the recommendation. The citation is not stapled to the recommendation, but is inserted, unfolded, in an envelope or other protective covering, which must be securely attached to the recommendation.

(i) When more than one person is recommended for the same decoration and for the same act, achievement, or service, a separate AF Form 642 must be prepared for each person, except that only one narrative description of the act, achievement, or service is required to be attached to the package. However, a separate citation for each person must be prepared and forwarded with the form.

(ii) When the letter format shown in § 882.7 is used, and more than one person participated in and shared responsibility for the same act, achievement, or service, the contributions of all of the participants may be combined into one recommendation. However, the recommendation must indicate the decoration for which each individual is being recommended. A separate citation for each person is required as indicated in subdivision (i) of this subparagraph.

(2) *Content of narrative description.* Each recommendation for a decoration is evaluated on the merits of the justification contained therein. Recommendations based on generalities, broad or vague terminology, superlative adjectives, or a recapitulation of duties performed, normally do not permit competent evaluation. Justification should be specific and factual. Give concrete examples of exactly what the person did, how he did it, and what benefits or results significantly exceeded expected performance of duty. In addition, the following should be included:

(i) Supporting documentary evidence, if the person initiating the recommendation does not have first-hand knowledge of the act or service performed; and

(ii) Official supporting records, if considered advisable by the recommending individual.

(3) *Citation.* Citations must be prepared in accordance with the instructions contained in attachment 5, AFR 900–7 and in the format prescribed in attachment 6, AFR 900–7. The citation must agree with the recommendation as to date of the act or inclusive dates of the achievement or service, and the duty position and assignment of the individual. Citations are frequently published in news media and subsequently become valued personal mementoes of the recipients (see § 882.7). Accordingly, citations should be in good taste and of a quality that will give the recipients a high degree of lasting prestige. A final citation (single spaced and in quadruplicate) for each person recommended must accompany each award recommendation requiring Department of the Air Force approval. Citations normally are not revised or retyped by Headquarters USAF. For approved awards, Headquarters USAF affixes the Air Force Seal to the citation as submitted, and returns the citation for presentation along with other elements of the award.

NOTE: Recommendations, including classified, requiring Department of the Air Force approval, are forwarded in an original and one copy to Hq USAF (AFPMPP). Citations are submitted in quadruplicate as indicated in subparagraph (3) of this paragraph. However, when the recommendation is classified, an unclassified citation, in quadruplicate, must accompany the recommendation.

(g) *Processing recommendations.* (1) All recommendations are forwarded through command channels to the designated awarding authority. To accelerate final action, processing at each intermediate headquarters should be as expeditious as possible, consistent with full and considered evaluation.

(2) Either the commander or deputy commander at each intermediate headquarters must personally indorse each recommendation. Comments and/or alternate recommendations by intermediate commanders are encouraged, as they are helpful to the awarding authority in making a final determination. In his forwarding indorsement, each intermediate commander must recommend approval or disapproval of the recommendation or recommend award of a lesser decoration.

(3) All recommendations placed in official channels, i.e., forwarded to the next highest echelon above the initiator, must be forwarded through channels to the designated awarding authority for final action, regardless of whether or not an intermediate commander considers that the requirements for the recommended award have been met. Recommendations may be returned at any level of command for administrative correction or inclusion of essential supporting data. However, these recommendations are not considered as having been removed from official channels, and they must be returned without delay through channels to the awarding authority.

(4) When a recommendation for the award of a decoration is disapproved, the awarding authority will reconsider the recommendation to determine whether the award of a lesser decoration is appropriate.

(5) When a recommendation originates in a unified or joint command or exercise, MAAG, or mission, the recommendation is forwarded to the unified or joint commander or the chief of the MAAG or Mission for comment; he then forwards it to the awarding authority.

(6) Recommendations previously disapproved by the awarding authority may be submitted for reconsideration only if new evidence is furnished (see paragraph (h) (2) of this section).

(h) *Time limitations on submitting recommendations.* (1) Time limitations are based generally upon law (10 U.S.C. 8744). With the exception of the Purple Heart, recommendations for the award of military decorations must be formally entered into official military channels within 2 years of the date of the act, achievement, or service performed.

(2) A request for reconsideration of a recommendation also must be in official channels within 2 years of the date of the act, achievement, or service performed.

(3) Recommendations which were officially placed in military channels within the prescribed time limitations, but were not acted upon through loss or inadvertence, may be resubmitted for consideration.

(i) Such recommendations must be accompanied by the following:

(*a*) A copy of the original recommendation or a reconstructed version thereof.

(*b*) Conclusive evidence that the recommendations were officially placed in military channels within the prescribed time limit.

(c) Conclusive evidence that the recommendation was not acted on through loss or inadvertence.

(ii) Consideration of an award under these provisions is contingent upon the presentation of evidence required by subdivisions (i) (*a*) through (c) of this subparagraph. Recommendations not so documented normally are returned without action, because the extensive and time-consuming research involved is a workload which Headquarters USAF cannot perform, and which is not considered justified because of the lapse of time.

### § 882.7 Format of letter recommendation.

(Headquarters Designation)

(Date)

SUBJECT: Recommendation for Award of Decoration

TO: (Commander of next higher headquarters)

1. It is recommended that the following individual(s) be awarded the decoration(s) indicated:

a. (Grade, first name, middle initial, last name, and service number.)

b. (Name of decoration. Indicate numbered cluster, if applicable.)

c. (Present organization and station.)

d. (Permanent home address.)

e. (Grade, duty assignment, and unit of assignment of the individual at time of the act or service.)

f. (List of United States decorations previously awarded to the individual(s) with complete authorities therefor and dates of service recognized. Do not include service medals, battle credits, unit citations, or foreign decorations.)

g. (Date of last promotion.)

h. (Date of reassignment, retirement, or separation, if applicable, and whether retirement or separation is voluntary or involuntary. Also include TAFCSD, TAFMSD, TFCSD, and TMSD for individuals being retired or separated.)

NOTE: Provide same information as in a. through h. for additional individuals being recommended for same act or service.

2. Give a narrative description of the heroism, achievement, or service. The narrative should be specific and factual. Give concrete examples of exactly what the person did, how he did it, what benefits or results were realized, and why or how such benefits or results significantly exceeded expected superior performance of duty. In addition, include supporting documentary evidence, if the person initiating the recommendation does not have first-hand knowledge of the act or service performed, and/or official supporting records, if considered advisable by the recommending individual.

3. Furnish a statement indicating that the service in the Air Force of the person recommended has been honorable subsequent to the act or service for which recommended.

4. Furnish statement if other individuals are being recommended for the same act or service. If recommendations for these individuals are not a part of this recommendation, explain delay, indicate date recommendations will be forwarded, and identify the individuals concerned by grade, name, service number, present organization, and station.

5. Furnish a statement indicating that an unclassified citation is attached (see § 882.6 (*f*) (3) (Note).

6. Furnish a statement indicating whether or not other recommendations for awards to the same individual are pending.

7. Furnish a statement indicating that a previous award has not been made to the same individual for the act or service described.

8. If applicable, furnish a statement indicating that the proposed award is posthumous, or that the person recommended is missing in action or a prisoner of war. In all such instances, state the name, address, and relationship of the next of kin.

9. State the date on which presentation of the award is desired if the recommendation is approved. Also indicate the place to which the award elements should be forwarded for presentation.

(Signature of recommending official)

---- Atchs.

1. Citation.

2. (Attach other records, as applicable.)

### § 882.8 Presentation of decorations.

Presentations afford excellent opportunities for the enhancement of command and community relations. Accordingly, close coordination should be effected with the information officer of the command conducting a presentation to permit adequate public relations and publicity planning and coverage of the event, except as noted in § 882.9(b). Presentations should be conducted with an appropriate air of formality and should reflect the high esteem with which the Air Force regards its outstanding personnel. The service uniform appropriate for the occasion must be worn by all military participants in presentation ceremonies. Whenever possible, commanders should personally make presentations. Approved awards for presentation to foreign nationals are transmitted by the Assistant Chief of Staff, Intelligence, Headquarters USAF, to the appropriate presenting official as determined by protocol and other considerations.

(a) *Types of presentation ceremonies.* Ceremonies may range from presentations made at formal reviews to small office ceremonies at which the citation is read and the decoration presented to the recipient.

(b) *Elements of the award.* At a presentation, the elements of the award include a leatherette or plastic case containing the medal with suspension ribbon, ribbon bar, clusters (if any), lapel button or rosette (as applicable); a certificate; and a citation, except for the Purple Heart Award. The awarding authority issues the certificate and citation. Special orders published by the awarding authority are not essential at the time of the ceremony but may be furnished later. Normally, field commanders in combat areas do not present certificates.

(1) Whenever a second or subsequent award of the same decoration is presented, except in awards to foreign nationals (see subparagraph (2) of this paragraph) and those presented posthumously (see § 882.9(a)(2)), the appropriate basic medal, with oak-leaf cluster(s) attached to the suspension ribbon, is used for presentation purposes only. After the ceremony, this medal is recovered and the recipient is issued the appropriate oak-leaf clusters for attachment to the medal and ribbon bar originally awarded. The recipient must be instructed in the proper placement of these oak-leaf clusters. Oak-leaf clusters are issued in two sizes—large and small—and in two colors—bronze and silver. The large size is worn on the suspension ribbon of the medal and the small size on the ribbon bar. A bronze oak-leaf cluster is used for the second through the fifth, seventh through tenth, etc., awards. A silver oak-leaf cluster is used for the sixth, eleventh, etc., award, or in lieu of five bronze oak-leaf clusters.

(2) Whenever the oak-leaf cluster is presented to a foreign national, it is attached to the appropriate medal and ribbon bar as indicated above, and the complete decoration is retained by the recipient following the ceremony regardless of whether the basic medal was previously issued.

(c) *How to present the decoration.* The decoration may be pinned on the clothing of the recipient, whether in uniform or civilian clothing. Standard attachment hooks are available, designed to make it easier to pin the medal or ribbon on the uniform or clothing at presentation ceremonies. These attachment hooks are available in two styles—

one for pinning the ribbon bar, and the other for pinning the medal pendant.

(d) *Transmitting elements of decoration.* Whenever it becomes necessary to transmit elements of decorations, extreme care must be taken to prevent damage in transit. Elements must be protected by heavy corrugated cardboard within the envelope or must be inserted in heavy duty mailing tubes. Soiled, creased, torn, or otherwise damaged elements lessen the prestige of decorations. Damaged elements must be returned to the issuing headquarters for replacement.

(e) *Time limitation on presenting decorations.* Time limitations are based generally upon law (10 U.S.C. 8744). The decoration must be presented not later than 3 years after the termination date of the act or service performed, except as noted in § 882.6(h).

**§ 882.9 Presentation of posthumous, missing-in-action, and prisoner-of-war decorations.**

(a) *Posthumous.* Next of kin are entitled to receive decorations earned but not presented because of the death of the recipient. The next of kin listed in order of precedence are: Widow, widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild. However, when a decoration is presented to the widow (widower), or their children, duplicates of all elements of this decoration are furnished cost free to the parent(s) of the deceased. Request for authority to make posthumous presentation of decorations to eligible next of kin, other than in the order listed in this paragraph, must be forwarded to Hq USAF (AFPMPP) for approval.

(1) Types of presentation ceremonies: Presentation ceremonies are held in accordance with the desires of the next of kin eligible to receive the award. Unless otherwise indicated by the next of kin, one of the following ceremonies may be arranged for this purpose:

(i) A formal parade and ceremony, in which base personnel participate.

(ii) An office ceremony, normally held in the base commander's office or other appropriate room or office of his headquarters, where members of the commander's staff are present.

(iii) An informal ceremony at the residence of the recipient, where the commander or his designated representative reads the citation and presents the award elements.

(2) Elements of the award: The elements of the award include a leatherette or plastic case containing the medal with suspension ribbon, ribbon bar, clusters (if any), lapel button or rosette (as applicable), a certificate, the citation, and the special order announcing the award. A decoration is awarded posthumously when the individual is deceased at the time the decoration is approved by the awarding authority. In those cases, the citation must indicate that the award is being made posthumously. The word "posthumous" appears beneath the title of the decoration (see attachment 6, AFR 900–7). The special orders also must indicate that the award is being made posthumously. However, the word "posthumous" is omitted from the certificate accompanying the decoration. Whenever the oak-leaf cluster is presented, it is attached to the appropriate medal and ribbon bar, and the complete decoration is retained by the next of kin following the ceremony regardless of whether the basic medal was previously issued to the deceased.

(3) How to present the decoration: The decoration may be pinned on the clothing of the next of kin. However, this must not be construed as authority for any person other than the individual who earned the decoration to wear it. As an alternative to pinning the decoration, it may be handed to the next of kin in the open decoration case. The method of presentation is optional with the presenting official.

(b) *Missing-in-action and prisoner-of-war.* All elements of decorations earned but not presented to personnel who later become missing or prisoners of war must be forwarded to Hq USAF (AFPMPP). Awards of this nature are not publicized until Headquarters USAF officially announces a final determination of the recipient's status.

**§ 882.10 Issue and use of certificates.**

Headquarters USAF (AFPMPP) stocks and issues blank certificates relating to the decorations authorized in this part. These certificates must not be reproduced locally, unless authorized by Headquarters USAF.

(a) *Signature on certificates.* Certificates issued by awarding authorities, other than Headquarters USAF, normally contain the signature of the awarding commander or his deputy in the place provided on the lower left line of the certificate.

**§ 882.11 Issuance and replacement.**

(a) *Issuing decorations to personnel not on active duty*—(1) *Members of the Air Reserve Forces assigned to specific Reserve Units, and Air National Guard personnel.* The immediate commanders issue authorized decorations to such persons.

(2) *Members of the Air Force Reserve not on active duty and not assigned to specific Reserve Units.* Such persons may obtain decorations from: Air Reserve Records Center, 3800 York Street, Denver Colorado, 80205.

(3) *Retired Air Force personnel.* Retired Air Force personnel normally will have received all awards prior to retirement, or at the time of retirement. If, for any reason, decorations are not issued prior to or at time of retirement, retired personnel may obtain them from the air base of retirement. If records are no longer available and entitlement cannot be established in some other manner, the air base of retirement may request a thermofax copy of the appropriate page of AF Form 7 or 11 from Hq USAF (DASEB) (for officers) or (DASEF) (for airmen).

NOTE: Request received in Headquarters USAF from personnel retired after April 1, 1963, normally will be referred to the air base of retirement for necessary action.

(4) *Persons not on active duty and not members of a Reserve Component.* Authorized decorations may be obtained from: General Services Administration, Air Force Branch, Military Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri, 63132.

(b) *Replacement of decorations.* A member of the Air Force on active duty, a member of a Reserve component of the Air Force, or a retired member may have a lost or destroyed decoration replaced without charge if the decoration was lost or destroyed through no fault or neglect on his part. Replacement is made upon application to the commander having custody of the member's unit personnel records, for active duty personnel, or to the records custodians indicated in paragraph (a) (1) and (2) of this section, for members of the Reserve component, and to Headquarters USAF (AFPMPP), for retired members. Former members of the Air Force and next of kin of deceased personnel may have a lost or destroyed decoration replaced, at cost price, by sending application to custodian of records indicated in paragraph (a) (4) of this section. A copy of the orders announcing the award, if available, or the authority for the award, should accompany each request.

(c) *Replacement of certificates.* All members and former members may have a lost or destroyed certificate replaced as follows:

(1) Active duty members, members of the Air Force Reserve, and Air National Guard personnel may apply for a replacement certificate to the commander having custody of the unit personnel records. The records custodian will verify entitlement to the decoration and forward the letter for replacement action to the headquarters which originally awarded the decoration, provided that headquarters is still on the active list. If the headquarters which originally awarded the decoration is not an active organization, the letter will be forwarded by the records custodian to the USAF Military Personnel Center (AFPMPP) for replacement action.

(2) Retired Air Force personnel may apply for a replacement certificate by letter direct to the USAF Military Personnel Center (AFPMPP).

(3) Persons not on active duty and not members of a Reserve component may apply for a replacement certificate by letter to the records custodian indicated in paragraph (a) (4) of this section.

**§ 882.12 Requests for documentation and establishment of authority for decorations.**

(a) *Where to send requests.* If the authorization for a decoration is not included in the unit's records or in the member's private file, the individual's commander may request substantiating information pertaining to a specific decoration in accordance with the following Table and paragraphs (b) and (c) of this section.



Where to send request for supporting documentation:

| Rule | When request is for— | Then forward request addressed to— |
|---|---|---|
| 1 | Officers and Warrant Officers on Extended Active Duty. | Hq USAF (AFDASE). |
| 2 | Officers, Warrant Officers, and Airmen in paid retired status. | Do. |
| 3 | Air Force Reserve Officers, Reserve Warrant Officers, and Reserve Airmen not on Extended Active Duty. | Air Reserve Records Center, 3800 York St., Denver Colo. 80205. |
| 4 | Members of the Retired Reserve not in a paid retired status. | Do. |
| 5 | Air National Guard Officers and Warrant Officers not on Extended Active Duty. | Chief, National Guard Bureau (AFPM), Washington D.C. 20310. |
| 6 | All Airmen, except those in paid retired status (2 above) and Air Force Reserve not on Extended Active Duty (3 above). | General Services Administration, Air Force Branch, Military Personnel Records Center, 9700 Page Blvd., St. Louis, Mo. 63132. |
| 7 | Persons with no current military status. | Do. |

NOTE: Data furnished by the agencies listed above will be limited to substantiating only those decorations that are of record in the master personnel records group. If the master personnel records group fails to substantiate the decoration, the provisions of § 882.6(h) will apply.

(b) *Information to be included.* Each request for authentication of a decoration must be limited to one individual and must include the person's full name, grade, and service number(s), all known facts and circumstances, and any other pertinent information available on the award in question. In the case of airmen, indicate date of entry on current enlistment and inclusive dates and branch of service for each prior enlistment period. This information will be helpful in determining the location of prior records for the period of service involved. (Two or more requests may be sent in the same envelope, but "list" cases containing more than one name are not acceptable.)

(c) *Avoid unnecessary requests.* The agencies listed in paragraph (a) of this section cannot provide expeditious authentication of decorations for World War II and the Korean Operation because of the extensive research of records required and manpower limitations. Before a commander or individual submits a request, he must be sure that adequate justification for submission exists and that the information cannot be obtained from available official or personnel records.

**§ 882.13 Special entitlements.**

(a) *Increase in retired pay.* Any Regular enlisted member of the Air Force retired under section 8914, Title 10, U.S. Code, credited with extraordinary heroism in the line of duty, is entitled to 10 percent increase in retired pay. An enlisted man who has been awarded the Medal of Honor, Air Force Cross, Distinguished Service Cross, or Navy Cross satisfies the requirements for extraordinary heroism for the purpose of this additional pay. The determination of the Secretary of the Air Force regarding such increases in pay is final for those awarded the Distinguished Flying Cross, Airman's Medal, Soldier's Medal, or equivalent Navy decoration, where extraordinary heroism was involved.

(b) *Medal of Honor recipients*—(1) *Medal of Honor Roll.* Each living recipient of the Medal of Honor, who has attained the age of 50 years, and upon written application to the Secretary of the Air Force, may have his name entered on the Medal of Honor Roll, if the Medal of Honor was awarded: While engaged in an action against an enemy of the United States; while engaged in military operations involving conflict with an opposing foreign force; or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party. Each person whose name is placed on the Roll is certified to the Veterans Administration as being entitled to receive a special pension of $100 per month for life, if he so desires, payable monthly by that agency. The payment of this special pension is in addition to, and does not deprive the pensioner of, any other pension, benefit, right, or privilege to which he is or may be thereafter entitled. (Sections 560–562, Title 38, U.S.C.) Necessary application is automatically furnished each Air Force recipient of the Medal of Honor not less than 90 days prior to his reaching age 50.

(2) *Air transportation.* Living recipients of the Medal of Honor are entitled to free transportation on military aircraft within the continental limits of the United States on a "space available" basis. Identification cards for this purpose are furnished by Headquarters USAF (AFPMPP).

(3) *Admission to United States Service Academies.* Sons of Medal of Honor recipients, otherwise qualified, are not subject to quota requirements for admission to any of the United States Service Academies. (See annual catalog, United States Air Force Academy.)

(4) *Wearing of Air Force uniform.* Persons awarded the Medal of Honor are authorized to wear the uniform at any time, except as prohibited in AFM 35–10 (Service and Dress Uniforms for Air Force Personnel).

**§ 882.14 Decorations for use in exhibitions.**

(a) *By public institutions and patriotic societies.* Upon approval by the Secretary of the Air Force, sample decorations for exhibit purposes may be furnished at cost price, including charges for packing, transportation, and engraving each decoration with the words "Exhibition Only." Sample decorations may be furnished only to museums, libraries, and historical, numismatic, and military societies and institutions of such public nature as to provide an opportunity for the public to view them under circumstances beneficial to the Air Force.

(b) *By United States military organizations and United States governmental agencies outside the Department of Defense.* Upon approval by the Secretary of the Air Force, sample decorations may be furnished for display at the headquarters of a major air command and at such other Air Force activities as approved by the major air commander. They may also be furnished for public display purposes to United States governmental agencies not under military jurisdiction.

(c) *Where to send requests.* All requests for decorations for exhibit or display will be submitted to Hq USAF (AFPMPP) for approval by the Secretary of the Air Force.

(d) *Where to send requisitions.* Upon approval, requisitions for sample decorations are submitted by military organizations in accordance with AFM 67–1 (USAF Supply Manual). Upon approval for other than military organizations, Headquarters USAF makes arrangements for issuing the decorations.

**§ 882.15 Manufacture, sale, and possession of decorations.**

By law (18 U.S.C. 704), the manufacture, sale, or wearing of any United State Air Force decoration or device, or the pictorial representation in regulation size of such decoration or device, is prohibited unless authorized by the Department of the Air Force.

**§ 882.16 General policy concerning acceptance of decorations awarded by foreign governments.**

Clause 8, Section 9, Article I, of the Constitution of the United States provides in part that "no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatsoever from any king, prince, or foreign state." The Attorney General has rendered an opinion (24 op. Atty. Gen. 117) to the effect that any type of gift, whether a present, title, or simple remembrance of courtesy, falls within the prohibition against the acceptance of "any present * * * of any kind whatsoever." Except as prohibited in § 882.21, token acceptance of a decoration presented by or on behalf of a foreign government is permissible. However, such decoration may not be retained or worn without the specific authorization of Congress.

**§ 882.17 Prior Congressional authorization.**

Congressional authority was given to United States Armed Forces personnel to accept decorations proffered by friendly foreign governments in recognition of service performed during the periods listed in paragraphs (a) through (c) of this section. However, the decorations must have been presented to and accepted by

the intended recipient before the termination date of the applicable Public Law:

(a) World War II—December 7, 1941, through July 24, 1948 (Public Law 314, 80th Congress).

(b) Berlin Airlift—June 26, 1948 through September 20, 1951 (Public Law 503, 81st Congress).

(c) Korean Operation—June 27, 1950 through July 27, 1955 (Public Law 354, 83d Congress).

**§ 882.18 Requesting Congressional authorization.**

(a) *Procedure.* Congressional authorization is requested only through Headquarters USAF. The recipient must send all original elements of the award, including the medal, badge, and appurtenances, and any required documents by letter of transmittal to Hq USAF (AFPMPP). Documents include, but are not limited to, the following:

(1) A statement in explanation of the award.

(2) Full name, grade, and service number of the recipient.

(3) The identity of the award and the country offering it.

(4) The organization, station, and a brief description of the recipient's duty assignment during the time recognized by the award.

(5) The date and place of the presentation, and the name and title of the person making the presentation.

Headquarters USAF will acknowledge receipt of the decoration and forward all elements to the Department of State, where they will be held in escrow pending authorization by the Congress for the recipient to accept the award. Recipients of foreign decorations, awards, or gifts, are not permitted to retain any part of these awards prior to Congressional authorization. When the elements are sent to the Department of State, they must include all components of the award.

(b) *When Congress will authorize.* The Department of State is directed by law to prepare an omnibus authorizing bill on all foreign decorations or gifts held for retired persons, for transmittal to the Second Session of each alternate Congress, or every fourth year; i.e., 1966, 1970, 1974, etc. At the present time, such legislation may not be introduced for other than retired personnel. Upon retirement, the recipient of a foreign decoration(s), award(s), or gift(s) should notify the office indicated in paragraph (a) of this section of his status and request inclusion of his name on the next omnibus bill presented to the Congress by the Department of State.

**§ 882.19 Applicability.**

The prohibition stated in § 882.16 applies to:

(a) All service members of the Department of the Air Force on active duty and all civilian employees of the Department of the Air Force.

(b) All members of Reserve components of the Air Force in recognition of services performed while on active duty, in their capacity as members of a Reserve component of the Armed Forces, or on inactive duty.

(c) Decorations, awards, or gifts offered or presented to members of the immediate families of the military or civilian members defined in paragraphs (a) and (b) of this section.

**§ 882.20 Participating in presentation ceremonies.**

If a member is advised that a friendly foreign nation wishes to award him a decoration and that his presence is desired at a formal presentation ceremony, he may participate in the ceremony and make a token acceptance of the decoration without the consent of Congress. (This provision does not apply to members of Military Assistance Advisory Groups and Air Missions—see § 882.21.) The receipt of the decoration at the ceremony does not, however, constitute an official acceptance. The acceptance is not official until the Congress authorizes it. The individual should submit a request for this authorization immediately following the ceremony, following procedures explained in § 882.18. No foreign decoration (including foreign aviation badge), ribbon, or other device may be worn prior to Congressional authorization. In no case may a member make a token acceptance of a decoration offered by a foreign nation without diplomatically advising an appropriate representative of that nation of the requirement of the Constitution cited in § 882.16.

**§ 882.21 Members of Military Assistance Advisory Groups and Air Missions.**

Air Force service members and civilian employees, regardless of assignment, performing any duty whatsoever in connection with the Military Assistance Program, may not accept the tender of any decoration, award, or gift from foreign governments or officials for duty of this nature. Participation in ceremonies involving any such tender is not authorized. To avoid embarrassment, the appropriate foreign officials should be advised of this prohibition. However, awards proffered in recognition of actual combat services or heroism involving the saving of life are excepted and may be received and treated as prescribed in § 882.20.

**§ 882.22 Decorations to retired personnel.**

A retired member of a Reserve component of the Air Force or a retired airman of the Regular Air Force, not holding an office of profit or trust under the United States Government, may without specific consent of the Congress, accept foreign decorations, provided that the decorations are not proffered in recognition of service performed while the member was on active duty with the Armed Forces of the United States. Retired officers of the Regular Air Force are considered as occupying an office of profit or trust under the United States Government and may not accept foreign awards without the consent of the Congress. Token acceptance is permissible, but elements of the award must be forwarded in accordance with § 882.20.

**§ 882.23 Decorations awaiting Congressional approval for personnel honorably discharged from the Air Force.**

Congressional approval is not required for acceptance and wearing of foreign decorations by personnel who have been honorably discharged from any of the components of the Air Force, provided they have acquired no new office of profit or trust under the United States Government. Persons may obtain their awards by sending a request to Hq USAF (AFPMPP). A signed statement certifying that the person is not employed in any capacity with the United States Government must accompany each request.

**§ 882.24 Posthumous awards of foreign decorations to deceased members of the Air Force.**

The approval of Congress is unnecessary in cases where a foreign decoration is awarded posthumously to a deceased member of the Armed Forces of the United States. If a recipient should die during the period the decoration is held by the Department of State, the elements are withdrawn and forwarded to the legal next of kin.

**§ 882.25 Awards accepted while a bona fide member of the Armed Forces of a friendly foreign nation.**

Decorations tendered or awarded for service while the recipient was a bona fide member of the Armed Forces of a friendly foreign nation may be retained without the consent of Congress, provided the decoration or award was accepted prior to the recipient's entrance into active service of the Armed Forces of the United States and acceptance was in accordance with the regulations of the country making the award. (See Part 826, Subchapter C of this chapter for information concerning gifts proffered by foreign governments to individual members of the Air Force.)

**§ 882.26 Military decorations.**

(a) The following chart explains how individuals must distinguish themselves to receive military decorations awarded by, or upon the recommendation of the Air Force. It also tells who has the authority to approve and disapprove recommendations for awards.

(b) Military personnel awarded the decorations described in this chart will wear them in accordance with AFM 35–10.



DECORATION

| 1. Medal of Honor | | | | 2. Air Force Cross | | | | 3. Distinguished Service Medal | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Awarded to— | | | | Awarded to— | | | | Awarded to— | | | |
| Military | | Civilian | | Military | | Civilian | | Military | | Civilian | |
| U.S. | Foreign | U.S. | Foreign | U.S. | Foreign | U.S. | Foreign | U.S. | Foreign | U.S. | Foreign |
| X | | | | X | X | X | X | X | X | X | X |
| *Awarded for* Conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty, while a member of the Air Force:<br>1. While engaged in an action against an enemy of the United States;<br>2. While engaged in military operations involving conflict with an opposing foreign force; or<br>3. While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.<br>[Each recommendation for the Medal of Honor must incontestably prove that the self-sacrifice or personal bravery involved conspicuous risk of life, the omission of which could not justly cause censure.] | | | | *Awarded for* Extraordinary heroism, not justifying the award of a Medal of Honor, while serving in any capacity with the Air Force:<br>1. While engaged in an action against an enemy of the United States;<br>2. While engaged in military operations involving conflict with an opposing foreign force; or<br>3. While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party. | | | | *Awarded for* Exceptionally meritorious service to the United States Government in a duty of great responsibility, while serving in any capacity with the Air Force. During wartime, a duty of great responsibility is one that involves the exercise of authority or judgment in matters which decide the successful outcome of a major military operation. In peacetime, it is duty which carries the ultimate responsibility for the successful operation of a major command, activity, installation or major program. The discharge of such duty must involve the acceptance and fulfillment of the obligation so as to greatly benefit the interests of the United States. | | | |

DECORATION

| 4. Silver Star | | | | 5. Legion of Merit | | | | 6. Distinguished Flying Cross | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Awarded to— | | | | Awarded to— | | | | Awarded to— | | | |
| Military | | Civilian | | Military | | Civilian | | Military | | Civilian | |
| U.S. | Foreign | U.S. | Foreign | U.S. | Foreign | U.S. | Foreign | U.S. | Foreign | U.S. | Foreign |
| X | X | X | X | X | X | | | X | X | | |
| *Awarded for* Gallantry in action, that does not warrant a Medal of Honor or Air Force Cross, while serving in any capacity with the Air Force:<br>1. While engaged in an action against an enemy of the United States;<br>2. While engaged in military operations involving conflict with an opposing foreign force; or<br>3. While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.<br>[Gallantry in action means heroism of high degree involving risk of life.] | | | | *Awarded for* Exceptionally meritorious conduct in the performance of outstanding service to the United States.<br>In peacetime, awards to U.S. military personnel are generally limited to recognizing:<br>1. Service of marked national or international significance where the interests of the United States are involved;<br>2. Service which has aided the United States in furthering its national policies; or<br>3. Service which has furthered the interests of the security of the United States.<br>[Superior performance of normal duties will not alone justify award of this decoration (see § 882.6(b) for other considerations).]<br>Awards to United States military personnel are made without degree. Peacetime awards to members of the armed forces of friendly foreign nations are limited to recognizing:<br>1. and 2. (same as above).<br>3. Service which has furthered the interests of the security of the United States, or of any nation allied or associated with the United States during a period of national emergency declared by the President or Congress.<br>Awards to foreign military personnel are made in the Degrees of Chief Commander, Commander, Officer and Legionnaire. The degrees of Chief Commander and Commander are comparable to awards of the Distinguished Service Medal to U.S. personnel. Degrees of Officer and Legionnaire are comparable to awards of the Legion of Merit to U.S. military personnel. In order to maintain the prestige and dignity of the medal, and to insure uniformity in awarding the various degrees to foreign nationals, the following criteria are established: | | | | *Awarded for* Heroism or extraordinary achievement while participating in aerial flight, and serving in any capacity with the Air Force. Both heroism and achievement must be entirely distinctive, involving operations that are not routine. (See § 882.6(c) for other considerations.) | | | |

DECORATION

LEGION OF MERIT

| Degree | Awarded to— |
|---|---|
| Chief Commander | Foreign chiefs of state or heads of government. |
| Commander | The equivalent of a U.S. military Chief of Staff or higher, but not to chief of state. |
| Officer | General or flag rank personnel below the equivalent of a U.S. military chief of staff; to ranks parallel to colonel (or captain USN) for service in assignments equivalent to those normally held by general or flag rank personnel in the U.S. military service; and to foreign attachés. |
| Legionnaire | To all other eligibles. |

When the decoration is awarded more than once to a military member of a friendly foreign nation, subsequent awards are never made in a degree lower than the one originally awarded. Duplicate awards are given to recipients previously awarded the Legion of Merit in any of the degrees mentioned above.

DECORATION

| 7. AIRMAN'S MEDAL | | | | 8. BRONZE STAR MEDAL | | | | 9. AIR MEDAL | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Awarded to— | | | | Awarded to— | | | | Awarded to— | | | |
| Military | | Civilian | | Military | | Civilian | | Military | | Civilian | |
| U.S. | Foreign | U.S. | Foreign | U.S. | Foreign | U.S. | Foreign | U.S. | Foreign | U.S. | Foreign |
| X | X | | | X | X | X | X | X | X | X | X |
| *Awarded for* | | | | *Awarded for* | | | | *Awarded for* | | | |
| Heroism involving voluntary risk of life under conditions other than those of conflict with an armed enemy of the United States, while serving in any capacity with the Air Force. The saving of a life or the success of the voluntary heroic act is not essential. | | | | Heroic or meritorious achievement or service (not involving participation in aerial flight) under one or more of the following conditions, while serving in or with the Air Force after December 6, 1941:<br>1. While engaged in an action against an enemy of the United States.<br>2. While engaged in military operations involving conflict with an opposing foreign force.<br>3. While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.<br>When awarded for heroism, the Bronze Star Medal is marked by a bronze letter "V" (for Valor) clasped to the suspension ribbon and ribbon bar. Only one such "V" is authorized.<br>Persons who were awarded the Combat Infantryman or Medical Badge for exemplary conduct in ground combat against an armed enemy between December 7, 1941 and September 2, 1945, may, upon application, have such badges converted to an award of the Bronze Star Medal.<br>The specific authority for the badge must be indicated in each application, which will be forwarded to USAF Military Personnel Center (AFPMPP), Randolph AFB, Texas, for referral to the Department of the Army for awarding action. Conversion of an award of the Bronze Star Medal will terminate the individual's authority to wear the Combat Infantryman or Medical Badge on the Air Force uniform. | | | | Meritorious achievement while participating in aerial flight, and serving in any capacity with the Air Force.<br>The required achievement to warrant award of the Air Medal is less than that required for award of the Distinguished Flying Cross, but must nevertheless be accomplished with distinction above and beyond that normally expected of professional airmen. (See § 882.5(c) for other considerations.) | | |



DECORATION

| 10. AIR FORCE COMMENDATION MEDAL | | | | 11. PURPLE HEART | | | |
|---|---|---|---|---|---|---|---|
| Awarded to— | | | | Awarded to— | | | |
| Military | | Civilian | | Military | | Civilian | |
| U.S. | Foreign | U.S. | Foreign | U.S. | Foreign | U.S. | Foreign |
| X | X | | | X | | X | |
| *Awarded to* | | | | *Awarded for* | | | |
| 1. United States military personnel below the grade of brigadier general.<br>*Awarded for*<br>Meritorious achievement or meritorious service rendered specifically on behalf of the Air Force, acts of courage which do not meet the requirements for award of the Airman's Medal or Bronze Star Medal, and sustained meritorious performance by crewmembers may be considered for award of the Air Force Commendation Medal. (The Air Force Commendation Medal will not be awarded to general or flag officers for achievements or services performed while serving in a general or flag officer grade.)<br>It is particularly desirable that emphasis be placed on the award of this decoration to outstanding company grade officers and airmen whose achievements and services meet the prescribed standards.<br>Superior performance of normal duties does not, in itself, constitute automatic justification for an award of the Air Force Commendation Medal. Appropriate remarks on Effectiveness and Performance Reports, favorable communications, locally developed certificates, etc., provide ample means of recognizing the high caliber performance expected of Air Force personnel. Awards should be restricted to the recognition of achievements and services which are clearly outstanding and unmistakably exceptional when compared to similar achievements and accomplishments of personnel of like rank and responsibilities. The successful accomplishment of a predesignated number of tasks or functions is not a valid basis for an automatic award. However, unusual and extraordinary sustained performance may be used as a point of departure in justifying meritorious achievement or service. In instances where many individuals are affiliated with an exceptionally successful program, project, or mission, the Air Force Commendation Medal should be awarded only to the relatively few individuals whose contributions clearly stand out from the others, and who have contributed most to the success of the program.<br>*Awarded to:*<br>2. Members of the Armed Forces of a friendly foreign nation:<br>*Awarded for:*<br>An act of heroism, extraordinary achievement or meritorious service, performed after June 1, 1962, which has been of mutual benefit to a friendly foreign nation and to the United States Air Force. (The award of the Air Force Commendation Medal to a member of the armed forces of a friendly foreign nation shall be based upon an act, a service, or an achievement that would satisfy the criteria governing award of this decoration to a military member of the United States Air Force.) | | | | Wounds received, or death after being wounded, under any of the following conditions, while serving in any capacity with one of the United States Armed Forces, after April 5, 1917:<br>1. In any action against an enemy of the United States;<br>2. In any action with an opposing armed force of a foreign country in which the armed forces of the United States are or have been engaged;<br>3. While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party;<br>4. As a result of an act of any such enemy or opposing armed force; or<br>5. As the result of an act of any hostile foreign force.<br>Posthumous Awards: The Purple Heart will be awarded posthumously to any person covered by, and under the circumstances described above, who, after April 5, 1917, has been or may hereafter be killed, or who has died or may hereafter die after being wounded. For such awards, the Purple Heart and appropriate ribbon and appurtenances will be forwarded to the next of kin without respect to whether a previous award has been made to such person, except that if the award results from service prior to December 7, 1941, the next of kin must submit application to the Secretary of the Air Force.<br>Definitions and Criteria: A Purple Heart is authorized for the first wound suffered under the conditions indicated above, but for each subsequent award, an oak leaf cluster shall be awarded. Not more than one award will be made for more than one wound or injury received at the same instant or from the same missile, force, explosion, or agent. For the purpose of considering an award of this decoration, a "wound" is defined as an injury to any part of the body from an outside force or agent sustained under one or more of the conditions listed above. A physical lesion is not required, provided the concussion or other form of injury received is directly due to enemy, opposing armed force, or hostile foreign force action.<br>A person who is wounded, injured, or killed as a result of a parachute jump from an aircraft disabled by enemy or hostile fire, or, who, after April 22, 1962, is wounded, injured or killed by his captors while in a prisoner of war status, is considered to have received such wounds or injuries as a direct result of enemy, hostile, or opposing force actions. A sworn statement from a released prisoner of war outlining circumstances and extent of injury, including date and place injury was incurred, must be submitted and considered in conjunction with other evidence. Further, a wound for which the award is made must have required treatment by a medical officer, and the records of medical treatment for wounds or injuries received under the conditions described above, must have been made a matter of official record. In those instances where medical records are not available for injuries or wounds received while a prisoner of war, a statement must be submitted by a medical officer that examination reveals that the person apparently received injuries or wounds while in a prisoner of war status, and that such injury or wound should have received medical treatment.<br>Application: Any person who believes himself eligible for the Purple Heart, but through unusual circumstances no award was made, may submit available facts and evidence to USAF Military Personnel Center (AFPMPP), Randolph AFB, Texas, for evaluation and awarding action, if appropriate. | | | |

**§ 882.27 Nonmilitary decorations.**

**(a) The following chart explains how individuals must distinguish themselves to be eligible to receive nonmilitary decorations. It also tells who has the authority to approve recommendations for the awards.**

**(b) Other civilian awards for Air Force employees are described in AFR 40-475 (Honorary Recognition).**

DECORATION

| 1. Medal for Merit | | | | 2. President's Certificate of Merit | | | | 3. National Security Medal | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Awarded to— | | | | Awarded to— | | | | Awarded to— | | | |
| Military | | Civilian | | Military | | Civilian | | Military | | Civilian | |
| U.S. | Foreign | U.S. | Foreign | U.S. | Foreign | U.S. | Foreign | U.S. | Foreign | U.S. | Foreign |
| | | X | X | | | X | X | X | X | X | X |
| *Awarded for* | | | | *Awarded for* | | | | *Awarded for* | | | |
| Exceptionally meritorious conduct in the performance of outstanding services. In the past, awards to foreign personnel have been limited to those of the Allied Nations of World War II. | | | | A highly meritorious act or service aiding the United States or its allies during World War II. | | | | Distinguished achievement or outstanding contribution on or after July 26, 1947, in the field of intelligence relating to the national security. This contribution may consist of either exceptionally meritorious service performed in a position of high responsibility, or of an act of valor requiring personal courage of a high degree and complete disregard of personal safety.<br><br>Recommendations may be initiated by any person having personal knowledge of the facts of the exceptionally meritorious conduct or act of valor, either as an eyewitness or from the testimony of others who have personal knowledge or were eyewitnesses. Complete documentation, including necessary certificates, affidavits, or sworn transcripts of testimony, will accompany the recommendation.<br><br>Each recommendation must show the exact status of the individual at the time he performed the act or service, including information regarding his citizenship and employment. Recommendations will be submitted to Hq USAF (AFPMPP) for transmittal to the Executive Secretary of the National Security Council by the Secretary of the Air Force. | | | |

DECORATION

| 4. The Presidential Medal of Freedom | | | | 5. Department of Defense Medal for Distinguished Public Service | | | | 6. Exceptional Service Award | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Awarded to— | | | | Awarded to— | | | | Awarded to— | | | |
| Military | | Civilian | | Military | | Civilian | | Military | | Civilian | |
| U.S. | Foreign | U.S. | Foreign | U.S. | Foreign | U.S. | Foreign | U.S. | Foreign | U.S. | Foreign |
| X | X | X | X | | | X | X | | | X | X |
| *Awarded for* | | | | *Awarded for* | | | | *Awarded for* | | | |
| An especially meritorious contribution to (1) The security or national interests of the United States, or (2) World peace, or (3) Cultural or other significant public or private endeavors.<br>This new decoration, in two degrees, replaces the Medal of Freedom, which will no longer be awarded.<br>(The Department of Defense will issue further implementing instructions. When available, these instructions will be included in a subsequent change to this chart. In the meantime, commanders are requested to defer the submission of recommendations for this decoration pending receipt of further implementing details.) | | | | Exceptionally meritorious civilian service since the date of the National Security Act (1947) to the Department of Defense as a whole.<br>To be eligible for this award, the civilian nominee must be one that:<br>1. Does not derive his principal livelihood from Government employment; and<br>2. Has served at considerable personal sacrifice and inconvenience, motivated by patriotism, good citizenship, and a sense of public responsibility.<br>It will not be awarded to groups, organizations or employees of other Government agencies.<br>Posthumous awards may be presented to eligible next of kin in accordance with § 882.9, except that the eldest brother, eldest sister, and eldest grandchild are not eligible in this instance. | | | | Exceptional services rendered to the Department of the Air Force by United States civilians, not employed by the United States Government; or<br>For an act of heroism, involving voluntary risk of life, by any civilian, U.S. or foreign, not employed by the United States Government.<br>Type of services recognized: Services must have been completely voluntary and performed as a public service or by patriotic motivations with no implication of financial or other remuneration. Contractors, contractor technicians, corporations, and organizations which have a commercial or profit-making relationship with the Air Force, and render services inherent or implied by contract, do not qualify. If appropriate, commanders may recognize such service through award of favorable communications or other means of recognition available to them. However, an act of heroism by an employee of any of the foregoing is a basis for a recommendation for award of the Exceptional Service Award, provided that the act benefitted the Air Force.<br>(This decoration is comparable to the Distinguished Service Medal to military personnel.) | | | |



DECORATION

| 7. Air Force Scroll of Appreciation | | | |
|---|---|---|---|
| Awarded to— | | | |
| Military | | Civilian | |
| U.S. | Foreign | U.S. | Foreign |
| | | X | X |
| *Awarded for* | | | |
| Meritorious achievement or service rendered to any activity of the Department of the Air Force by civilians, U.S. and foreign, not employed by the United States Government.<br>Acts of courage which do not meet the risk of life requirements for award of the Exceptional Service Award may be considered as evidence of a meritorious achievement warranting award of the Air Force Scroll of Appreciation.<br>Type of services recognized: Services must be completely voluntary and performed as a public service or by patriotic motivation with no implication of financial or other remuneration.<br>Instructions governing award of the Exceptional Service Award to contractors, contractor technicians, etc., equally apply to award of the Air Force Scroll of Appreciation.<br>(The Air Force Scroll of Appreciation may be awarded to groups or organizations as well as to individuals.) | | | |

**§ 882.28 Joint Service Commendation Medal (Department of Defense).**

(a) This chart describes the Joint Service Commendation Medal and explains who has authority to approve recommendations for its award and how individuals must distinguish themselves to receive it. Recommendations for this decoration will be prepared in format and submitted through channels prescribed by the awarding authority.

(b) Air Force personnel awarded this decoration will wear it in accordance with AFM 35–10. The Joint Service Commendation Medal takes precedence with the Air Force Commendation Medal but takes precedence above the AFCM when worn.

JOINT SERVICE COMMENDATION MEDAL

| *Awarded to—* | *Awarded for—* |
|---|---|
| Any member of the Armed Forces of the United States serving in an assignment in any of the following joint activities, after January 1, 1963:<br>(1) Office of the Secretary of Defense.<br>(2) Organization of the Joint Chiefs of Staff.<br>(3) Defense Supply Agency.<br>(4) National Security Agency.<br>(5) Other Department of Defense agencies or joint activities reporting through the Joint Chiefs of Staff.<br>(6) Headquarters, unified and specified commands.<br>(7) Headquarters of joint task forces, joint commands or control groups reporting through the Joint Chiefs of Staff, unified, specified or subordinate joint commanders, to include service components assigned to a joint command for exercise purposes (e.g., STRIKE Command).<br>(8) Other joint activities reporting to commanders of unified or specified commands (e.g., Military Assistance Advisory Groups or joint missions). | Meritorious achievement or service which distinguished the member while serving in a capacity indicated above. The Joint Service Commendation Medal shall not be awarded to any individual for a period of service for which the Air Force Commendation Medal, or the Commendation Medal of other services, has been awarded. |

## Subpart B—Service Awards

AUTHORITY: The provisions of this Subpart B issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

### § 882.100 Purpose.

Subparts B through E of this part describe the Air Force service awards and explain who is eligible to receive them, how and by whom they are awarded, and how they are supplied, issued, and worn. It includes information on service awards conferred by other United States agencies and foreign countries.

### § 882.101 Reason for awards.

Service awards are normally awarded to recognize honorable, active Federal military service during periods of war or national emergency. For the purpose of Subparts B through E of this part, the term "active Federal military service" is defined as all periods of military service in a Regular component of the Armed Forces of the United States or any of the Reserve components listed in § 882.214 (b) while on extended active duty, and service as a cadet or midshipman at the United States Air Force, Army, or Naval Academies.

### § 882.102 Types of awards.

Service awards include medals, service ribbons, lapel buttons, and other types of devices such as clasps, stars, arrowheads, etc.

### § 882.103 List of authorized service medals and ribbons.

The service medals and ribbons described in Subparts B through E of this part are listed in the following paragraphs. The order of precedence for these medals and ribbons is prescribed in AFM 35–10 (Service and Dress Uniforms for Air Force Personnel).

(a) Good Conduct Medal or Air Force Good Conduct Medal.
(b) American Defense Service Medal.
(c) Women's Army Corps Service Medal.
(d) American Campaign Medal.
(e) Asiatic-Pacific Campaign Medal.
(f) European-African-Middle Eastern Campaign Medal.
(g) World War II Victory Medal.
(h) Army of Occupation Medal.
(i) Medal for Humane Action.
(j) National Defense Service Medal.
(k) Korean Service Medal.
(l) Antarctica Service Medal.
(m) Armed Forces Expeditionary Medal.
(n) Air Force Longevity Service Award Ribbon.
(o) Armed Forces Reserve Medal.
(p) USAF NCO Academy Graduate Ribbon.
(q) Small Arms Expert Marksmanship Ribbon.
(r) Philippine Defense Ribbon.
(s) Philippine Liberation Ribbon.
(t) Philippine Independence Ribbon.
(u) United Nations Service Medal.
(v) United Nations Medal.

### § 882.104 Eligibility.

(a) *Who is eligible.* A person is generally eligible for a service award if he:

(1) Was assigned or attached to and present for duty with a unit serving within the prescribed geographical area established for the award during the designated time period;

(2) Was assigned or attached to and present for duty with a unit designated in appropriate administrative orders as having received the award during the prescribed time period; or

(3) Otherwise meets the requirements for the award stated in Subparts C through E of this part.

(b) *Who is ineligible.* No service award will be awarded to a person whose entire service for the period covered by the award was not honorable, nor to a person whose service for the period covered by the award was terminated under other than honorable conditions. However, if a person was awarded and presented an award for service prior to his dishonorable behavior, the award will not be revoked unless specifically directed by Headquarters USAF.

### § 882.105 Number of awards a person may receive.

Only one award of a specific United States service medal or Philippine service ribbon will be made to the same person. Devices will be awarded to denote additional awards in those instances specified in Subparts B through E of this part.

### § 882.106 Posthumous awards.

The service awards and devices listed in Subparts B through E of this part may be awarded posthumously. In addition, the next of kin is entitled to receive a complete set of the service awards earned by the deceased member of the Air Force whether or not they were previously presented to him. If desired by the next of kin, the commander of the base furnishing casualty assistance will be responsible for furnishing a complete set of the awards. The next of kin, in order of precedence, are: widow, widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild. Awards to eligible next of kin, other than in the order given, must be approved by Headquarters USAF. Duplicate awards may be furnished free to the parents of the deceased when awards are given to the widow or widower.

### § 882.107 Awards by other United States agencies.

Service awards are also awarded by the United States Army, Navy, Marine Corps, and Coast Guard. Such awards are made in conformance with the regulations of the awarding authority. Service awards made by United States Government agencies other than the military services noted, or by States and other jurisdictions subordinate to the Federal Government, will not be worn on the Air Force uniform.

### § 882.108 Awards by foreign countries.

(a) *When acceptance and wearing of foreign service awards is unauthorized.* With the exception of the United Nations Service Medal and United Nations Medal (Subpart D of this part), service awards tendered by foreign governments to an officer or airman for services rendered while a member of the United States Air Force or its Reserve components may not be accepted or worn on the Air Force uniform. See Subpart A of this part for acceptance and wear of foreign decorations.

(b) *Wearing of foreign service awards by persons who earned them as members of a friendly foreign force.* Foreign service awards earned while a bona fide member of the armed forces of a friendly country may be retained by the person, provided that they were presented to him prior to his entry on duty with the Armed Forces of the United States. However, to wear such awards on the Air Force uniform, the consent of the Congress is required, unless such Congressional authority was delegated under Public Law.

(1) Requesting congressional authorization: Congressional authorization is requested through Headquarters USAF. The member will send all elements of the award, including the medal, ribbon, and original certificate, and other documents pertaining to the award, to AFPMP–12C, Headquarters USAF. These will be sent by letter of transmittal including full name and service number of the member, name of the award and the country making it, citizenship status at time of the award, and inclusive dates of service recognized by the award. Headquarters USAF will forward the award to the Department of State, where it will be held pending authorization by Congress for the member to wear it.

(2) Notification to member when Congress authorizes wear on uniform: When Congress authorizes official wear, Headquarters USAF will withdraw the award from the Department of State and forward it to the member. This section does not apply to the Philippine service awards described in Subparts B through E of this part.

NOTE: Pursuant to a White House instruction, the Department of State prepares an omnibus authorizing bill on all foreign awards held for retired persons, for transmittal to Congress one full month before the beginning of the Second Session of each alternate Congress, or every fourth year, i.e., 1962, 1966, etc. At the present time, such legislation may not be introduced for other than retired personnel. Since the seeking of authority to wear a foreign service award is at the option of the individual concerned, commanders should thoroughly explain the procedures stated in this section so that the individual will be fully aware of the legislative requirements before he elects to seek Congressional authorization to wear the award.

### § 882.109 Replacement of service medals.

10 U.S.C. 8751 provides that any medal that is lost, destroyed, or becomes unfit for use without fault or neglect of the owner may be replaced at cost. However, if the owner is a member of the Air Force, the medal may be replaced without charge.



### § 882.110 Furnishing authorized awards.

Persons not on active duty and not members of a Reserve component may obtain authorized awards from the General Services Administration, Air Force Branch, Military Personnel Records Center, 9700 Page Boulevard, St. Louis, Mo., 63132.

### § 882.111 Items not available.

Miniature service medals and service ribbons are neither issued nor sold by the Department of the Air Force, but may be purchased from commercial sources.

### § 882.112 Engraving.

Service medals will not be engraved at Government expense. Recipient may have the medal engraved with his name at his own expense.

### § 882.113 Use of awards in exhibitions.

(a) *By public institutions and patriotic societies.* Upon approval by the Secretary of the Air Force, sample service awards for exhibit purposes may be furnished at cost price, including charges for packing, transportation, and engraving each medal with the words "Exhibition Only." Samples will be furnished only to museums; libraries; and historical, numismatic, and military societies and institutions of such public nature as to assure an opportunity for the public to view them under circumstances beneficial to the Air Force.

(b) *By U.S. agencies outside the Department of Defense.* Upon approval by the Secretary of the Air Force, sample service awards may be furnished without charge for public display to United States Government agencies not under military jurisdiction.

(c) *Where to send requests.* All requests for service awards for exhibit or display will be submitted to AFPMP–12C, Headquarters USAF, for approval by the Secretary of the Air Force.

### § 882.114 Manufacture, sale, and possession of awards.

By law (18 U.S.C. 701 and 704), the manufacture, sale, or possession of any Air Force service award, or the pictorial representation in regulation size of such award, is prohibited unless authorized by the Department of the Air Force.

### § 882.115 Sources of information on other types of awards.

Subpart A of this part governs the award of decorations.

## Subpart C—Service Medals and Longevity Service Award Ribbon

AUTHORITY: The provisions of this Subpart C issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

### § 882.200 Good Conduct Medal and Air Force Good Conduct Medal.

(a) *Requirements for award—(1) Quality of service.* The Good Conduct Medal or the Air Force Good Conduct Medal is awarded for exemplary behavior, efficiency, and fidelity in an enlisted status while in the active Federal military service of the United States. During the period considered for the award, there must be no conviction by a civil court (other than for a minor traffic violation), or by court martial, or record of punishment under Article 15. Where such conviction or record of punishment exists, creditable service toward the Good Conduct Medal or the Air Force Good Conduct Medal begins the day following any time lost under 10 U.S.C. 8638 and/or the day following the completion of any punishment imposed by a court martial, including punishment under Article 15. Any period of service covered by a "referral" Airman Performance Report, AF Form 75, is disqualifying for the award of the medal. Table 1 explains the basis for award.

TABLE 1

BASIS FOR AWARD OF GOOD CONDUCT MEDAL OR AIR FORCE GOOD CONDUCT MEDAL

| *For service from—* | *Basis for award* |
|---|---|
| August 27, 1937, to September 30, 1957. | All "character" and "efficiency" ratings must have been recorded as "excellent" or higher, except that the following ratings are not disqualifying: ratings of "unknown"; service school efficiency ratings below "excellent" awarded prior to March 3, 1946. |
| October 1, 1957, to April 14, 1960. | Specific recommendation of the unit commander must have been recorded in section X of AF Form 75, "Airman Performance Report." |
| April 15, 1960, to present. | Specific recommendation of the unit commander, who will consider carefully the prerequisite requirements for the award—exemplary behavior, efficiency, and fidelity; the chronological listing of past service creditable for award of the medal (Note); information contained in AF Form 75, "Airman Performance Report"; and all other information available within the unit reflecting the quality of service of the airman concerned. |

NOTE: Information contained in "Remarks," AF Form 7; see paragraph 8–18, AFM 35–12 (Airman Military Personnel Records System).

(2) *Length of service.* Provided the above quality requirements are met, the basic Good Conduct Medal or Air Force Good Conduct Medal may be awarded for periods of continuous service given in Table 2.

(b) *Type of medal to be awarded.* An airman who qualified for award of the basic Good Conduct Medal or a successive award of the Good Conduct Medal on or before May 31, 1963 will be awarded the Good Conduct Medal, or the appropriate clasp. An airman who completes the qualifying service on or after June 1, 1963, will be awarded the Air Force Good Conduct Medal. When both medals have been awarded, they must be worn with the Air Force Good Conduct Medal taking precedence over the Good Conduct Medal. After award of the first Air Force Good Conduct Medal, successive awards will be denoted by oak leaf clusters, which are identical to the clusters used to denote additional awards of military decorations. Oak leaf clusters are issued in two sizes—large and small—and in two colors—bronze and silver. The large size is worn on the suspension ribbon of the Air Force Good Conduct Medal, and the small size on the ribbon bar. A bronze oak leaf cluster is used for the second through fifth, seventh through tenth, etc., awards of the Air Force Good Conduct Medal. A silver oak leaf cluster is used for the sixth, eleventh, etc., award, or in lieu of five bronze oak leaf clusters. (See AFM 35–10 for the proper placement of oak leaf clusters on the suspension ribbon and ribbon bar.)

(c) *Computation of total service.* Periods of service as a commissioned officer or warrant officer, other than Regular Air Force, will not be considered as an interruption of continuous service, although such periods will not be included in computation of total service accumulated. A period in excess of 24 hours between enlistments or between periods of commissioned and enlisted service will be considered a break in continuous active service. Time spent in either aviation cadet or officer candidate status is creditable provided it meets the requirements of paragraph (a)(1) of this section.

(d) *Service in the Navy, Marine Corps, or Coast Guard.* Service performed in the United States Navy, Marine Corps, or Coast Guard may not be credited for award of the Good Conduct Medal or Air Force Good Conduct Medal under Subparts B through E of this part.

(e) *Time period required after basic award.* After the basic award of the Good Conduct Medal or Air Force Good Conduct Medal, a 3-year period of continuous active service is always required for additional awards of these medals. Service must always meet the requirements of paragraph (a)(1) of this section.

TABLE 2. Length-of service requirements for basic award of Good Conduct Medal or Air Force Good Conduct Medal

| For service during— | Upon completion of continuous active Federal service for a period of— | Upon separation | | Basic award will be the— |
|---|---|---|---|---|
| | | Completion of 1 year but less than 3 continuous years active Federal military service [1] | For physical disability incurred in the line of duty for less than 1 continuous year | |
| | Years | | | |
| Aug. 27, 1937–Dec. 6, 1941 | 3 | | | Good Conduct Medal. |
| Dec. 7, 1941–Mar. 2, 1946 (WWII) | 1 | | | Do. |
| Mar. 3, 1946–June 26, 1950 | 3 | X (2) | X (2) | Do. |
| June 27, 1950–July 27, 1954 (Korean Operation) | 1 | X | X | Do. |
| July 28, 1954–May 31, 1963 | 3 | X | X | Do. |
| June 1, 1963–indefinite, or | 3 | X | X | Air Force Good Conduct Medal. |
| During any future period while U.S. is at war | 1 | X | X | Do. |

[1] Includes termination of active Federal military service in an enlisted status in order to accept a commission.
[2] Applicable only if some portion of the service is performed after June 27, 1950.

### § 882.201 American Defense Service Medal.

Established by Executive Order 8808, June 28, 1941.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing in front an armed figure symbolic of defense under the inscription "American Defense." The ribbon is basically yellow, with blue, white, and red stripes right to left, and left to right symmetrically near the edges.

(b) *Requirements for award.* Awarded for any period of active duty service completed between September 8, 1939, and December 7, 1941, provided that the active duty orders specified service for a period of 12 months or longer.

(c) *Foreign Service Clasp.* The requirements for the Foreign Service Clasp are the same as for the medal itself, except that the service must have been performed outside the continental United States. Section 882.401(b) describes the clasp and explains how it is worn.

### § 882.202 Women's Army Corps Service Medal.

Established by Executive Order 9365, July 29, 1943.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing in front the head of Pallas Athene in profile facing dexter, superimposed on a sheathed sword crossed with oak leaves and a palm branch within a circle composed of the word "Women's" in the upper half, and in the lower half "Army Corps." The ribbon is predominantly moss-tone green with gold borders.

(b) *Requirements for award.* Awarded for service performed in both the Women's Army Auxiliary Corps between July 20, 1942, and August 31, 1943, and the Women's Army Corps between September 1, 1943, and September 2, 1945.

### § 882.203 American Campaign Medal.

Established by Executive Order 9265 November 6, 1942, as amended by Executive Order 9706, March 15, 1946.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing in front an offshore scene depicting a cruiser, an airplane, and a sinking submarine underneath the inscription "American Campaign." The ribbon is predominantly medium blue, striped white, black, red, and white from right to left, and left to right within each edge. In the center are three stripes of red, white, and blue. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* Awarded for service within the American Theater between December 7, 1941, and March 2, 1946, under any of the following conditions:

(1) Permanent assignment outside the continental United States.

(2) Permanent assignment as an aircrew member of an airplane making frequent flights over ocean waters for a period of 30 consecutive days or 60 days not consecutive.

(3) Outside the continental United States in a passenger status or on temporary duty for 30 consecutive days or 60 days not consecutive.

(4) In active combat against the enemy, provided that the individual was awarded a combat decoration or furnished a certificate by the commander of his unit stating that he actually participated in combat.

(5) Within the continental United States for an aggregate period of 1 year.

(c) *Antisubmarine Campaign Service Star.* A person assigned or attached to and present for duty with a unit which was accorded battle credit for the "Antisubmarine" campaign is entitled to wear a bronze service star. Section 882.402 explains how the star is worn.

### § 882.204 Asiatic-Pacific Campaign Medal.

Established by Executive Order 9265, November 6, 1942, as amended by Executive Order 9706, March 15, 1946.

(a) *Description.* A metal disk, 1¼ inches in diameter, depicting in front a tropical landing beneath the words "Asiatic-Pacific Campaign." The ribbon is basically yellow, with yellow, red, and white stripes near each end. In the center are three equal stripes of blue, white, and red. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* Awarded for service within the Asiatic-Pacific Theater between December 7, 1941, and March 2, 1946, under any of the following conditions:

(1) Permanent assignment.

(2) Passenger status or on temporary duty for 30 consecutive days or 60 nonconsecutive days.

(3) In active combat against the enemy, provided that the individual was awarded a combat decoration or furnished a certificate by the commander of his unit stating that he actually participated in combat.

(c) *Service stars.* A service star is awarded to denote participation in a battle campaign. Section 882.402 explains how the star is worn.

### § 882.205 European-African-Middle Eastern Campaign Medal.

Established by Executive Order 9265, November 6, 1942, as amended by Executive Order 9706, March 15, 1946.

(a) *Description.* A metal disk, 1¼ inches in diameter, depicting a landing scene beneath the words "European-African-Middle Eastern Campaign." The ribbon is principally dark-green, edged with brown bands separated from the green by green, white, and red stripes on the left (wearer's right), and by white, black, and white stripes on the right (wearer's left). In the center are equal stripes of blue, white, and red. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* Awarded for service within the EAME (European - African - Middle Eastern) Theater between December 7, 1941, and November 8, 1945, under the same conditions described in § 882.204(b) (1), (2), and (3).

(c) *Service stars.* A service star is awarded to denote participation in a battle campaign. Section 882.402 explains how the star is worn.

### § 882.206 World War II Victory Medal.

Established by Public Law 135, 79th Congress (59 Stat. 461).

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing in front the figure of liberation holding a broken sword in the dawn. The ribbon is predominantly red with wide rainbow borders.

(b) *Requirements for award.* Awarded for any period of service between December 7, 1941, and December 31, 1946.

### § 882.207 Army of Occupation Medal.

Established by War Department General Orders 32, 1946.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing on the front of the disk a pictorial representation of the Remagen Bridge and on the reverse Mount Fujiyama and two Japanese junks. The ribbon is bordered with white bands with equal black and red stripes in the center. The black stripe is worn to the wearer's right.

(b) *Requirements for award.* Awarded for 30 consecutive days at a normal post of duty (as contrasted to inspector, visitor, courier, escort, passenger status, temporary duty, or detached service) while assigned to the United States occupation forces during the prescribed time limits in any of the following areas:

(1) Germany (exclusive of Berlin): Between May 9, 1945, and March 5, 1955.



Service between May 9, 1945, and November 8, 1945, may be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(2) Berlin, Germany: Between May 9, 1945, and a terminal date to be announced later. Service between May 9, 1945, and November 8, 1945, will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(3) Austria: Between May 9, 1945, and July 27, 1955. Service between May 9, 1945, and November 8, 1945, may be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(4) Italy: Between May 9, 1945, and September 15, 1947, in the compartment of Venezia Giulia E Zara or Province of Udine, or with a unit specifically designated in Department of the Army General Orders 4, 1947. Service between May 9, 1945, and November 8, 1945, may be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(5) Japan: Between September 3, 1945, and April 27, 1952, in the four main islands of Hokkaido, Honshu, Shikoku, and Kyushu; the surrounding smaller islands of the Japanese homeland; the Ryukyu islands; and the Bonin-Volcano Islands. Service between September 3, 1945, and March 2, 1946, may be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945. By the same token, service which meets the requirements for the Korean Service Medal (§ 882.210) may not be counted in determining eligibility for this award.

(6) Korea: Between September 3, 1945, and June 29, 1949. Service between September 3, 1945, and March 2, 1946, may be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945.

(c) *Berlin Airlift Device.* Service for 90 or more consecutive days between June 26, 1948, and September 30, 1949, while assigned or attached to a unit designated in general orders of the Department of the Air Force for participation in the Berlin Airlift, qualifies a person for award of the Army of Occupation Medal with Berlin Airlift Device. Section 882.404 describes the device and explains how it is worn.

### § 882.208 Medal for Humane Action.

Established by Public Law 178, 81st Congress.

(a) *Description.* A metal disk, 1¼ inches in diameter, depicting a C–54 airplane within a border of wheat centering the coat of arms of Berlin. The ribbon is predominantly blue with black edges, followed by white, red, and white stripes. The center bears three stripes: white, red, and white, in the order named.

(b) *Requirements for award.* Awarded to personnel who were assigned or attached to and present for duty for at least 120 days during the period June 26, 1948, and September 30, 1949, inclusive, with any of the units cited in general orders of the Department of the Air Force for participation in the Berlin airlift or for direct support thereof. The geographical boundaries of the Berlin airlift operations are as follows:

(1) Northern Boundary: 54th parallel north latitude.

(2) Eastern Boundary: 14th meridian east longitude.

(3) Southern Boundary: 48th parallel north latitude.

(4) Western Boundary: 5th meridian west longitude.

(c) *Award to members of foreign armed forces and civilians.* The Medal for Humane Action may be awarded to members of foreign armed forces and civilians (United States and foreign) for meritorious participation in the Berlin airlift. In each instance, however, an individual recommendation indicating meritorious participation is required.

(d) *Award to persons whose lives were lost participating in the Berlin airlift.* Persons whose lives were lost while participating in the Berlin airlift, or as a direct result of participating therein, may be awarded the Medal of Humane Action without regard to the length of such service, provided that all other requirements are met.

NOTE: The Berlin Airlift Device described in § 882.404 is not awarded or worn with the Medal for Humane Action.

### § 882.209 National Defense Service Medal.

Established by Executive Order 10448, April 22, 1953.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing on the obverse an eagle displayed with inverted wings standing on a sword and palm branch, all beneath the inscription "National Defense." The ribbon is basically red with a yellow band in the center. Equal stripes of white, blue, white, and red border the center yellow band.

(b) *Requirements for award.* Awarded for any period of honorable active duty service between June 27, 1950, and July 27, 1954. For the purpose of this award, the following persons shall not be considered as performing active duty service:

(1) Inactive Reserve personnel ordered to active duty for short periods of training under the Inactive Reserve Training program.

(2) Reserve component personnel on temporary active duty to attend service schools or serve on boards, courts, commissions, etc.

(3) Any person on active duty for the sole purpose of undergoing a physical examination.

(4) Any person on active duty for purposes other than for extended active duty.

### § 882.210 Korean Service Medal.

Established by Executive Order 10179, November 8, 1950, as amended by Executive Order 10429, January 17, 1953.

(a) *Description.* A metal disk, 1¼ inches in diameter. On the obverse is a Korean gateway; encircling the design is the inscription "Korean Service." On the reverse is the Korean symbol taken from the center of the Korean national flag, representing the essential unity of all beings, with the inscription "United States of America," and a spray of oak and laurel encircling the design. The medal is suspended by a ring from a silk moire ribbon composed of white piping on the ends, a center of United Nations blue intersected by a white band.

(b) *Requirements for award.* Awarded to persons assigned or attached to combat or service units designated by the Commander, Far East Air Forces, in general orders for service within the Korean Theater or adjacent areas between June 27, 1950, and July 27, 1954. The term "Korean Theater" as used herein is defined as those areas which encompass North and South Korea, Korean waters, and the air over North and South Korea, and over Korean waters.

(c) *Conditions for award.* (1) The Korean Service Medal is awarded for participation in any engagement against the enemy in North or South Korean territory, in Korean waters, or in the air over North or South Korea or over Korean waters. A person will also be considered as having participated in an engagement if that person:

(i) Was a member of a designated combat or service unit in the Korean Theater.

(ii) Was a member of a combat or service unit, other than one within the Korean Theater, which has been designated by the Commander, Far East Air Forces, as having directly supported the military operations in the Korean Theater.

(iii) Was a member of a designated headquarters of the Far East Air Forces who exerted a distinct and contributory effort to the military operations in the Korean Theater.

(2) The service prescribed must have been performed while:

(i) On permanent assignment;

(ii) On temporary duty with a designated unit or headquarters for 30 consecutive days or 60 nonconsecutive days; or

(iii) In actual combat against the enemy. In this case, the individual must have been awarded a combat decoration or furnished a certificate by the commander of a division, comparable or higher unit; commander of a ship, comparable or higher unit; or commander of an Air Force group, comparable or higher unit, stating that he actually participated in combat.

(d) *Award of service stars.* Service stars are awarded to members of designated combat or service units in combat, or units assigned to the command of the Far East Air Forces, or on temporary duty with Army Ground Forces under any of the following conditions:

(1) If the person was a member assigned or attached to and present for duty with a designated combat or service unit during the period which the unit participated in combat.

(2) If the person was under orders in the combat zone and, in addition, was awarded a combat decoration, or was furnished a certificate by a commander of a division, comparable or higher unit; commander of a ship, comparable or higher unit; commander of an Air Force group, comparable or higher unit, or independent force, stating that he actu-

ally participated in combat or served at a normal post of duty (as contrasted to occupying the status of an inspector, observer, or visitor) or aboard a vessel other than in a passenger status. A certificate must be furnished by the home port commander of the vessel for actual service in the combat zone of the Korean Theater.

(3) If the person was an evadee or escapee in the combat zone or recovered from a prisoner-of-war status in the combat zone during the time limitations of the campaign. Prisoners of war will not be given credit for the time spent in confinement or while otherwise in restraint under enemy control. Section 882.402 explains how the service star is worn.

(e) *Award of arrowhead.* An arrowhead is awarded to members of designated combat or service units in combat, units assigned to the command of the Far East Air Forces, or units on temporary duty with the Army Ground forces who have participated in an airborne or amphibious assault within the territorial limits of Korea. Section 882.403 describes the arrowhead and explains how it is worn.

### § 882.211 Antarctica Service Medal.

Established by Public Law 86–600, 86th Congress, July 7, 1960.

(a) *Description.* The medal, accompanying ribbon, and other appurtenances are presently being designed by the Department of the Navy for the approval of the Secretary of Defense. When the medal is available, announcement will be made by Headquarters USAF.

(b) *Requirements for award.* Awarded to the following for service during the period January 1, 1946 to a date to be subsequently established by the Secretary of Defense:

(1) Any member of the U.S. Armed Forces or civilian citizen, national, or resident alien of the U.S. who, as a member of a U.S. expedition, participates in or has participated in scientific, direct support, or exploratory operations on the Antarctic continent.

(2) Any member of the U.S. Armed Forces or civilian citizen, national, or resident alien of the U.S. who participates in or who has participated in a foreign Antarctic expedition on that continent in coordination with a U.S. Antarctic expedition and who is or was under the sponsorship and approval of competent U.S. Government authority.

(3) Any member of the U.S. Armed Forces who participates in or who has participated in flights as a member of the crew of an aircraft flying to or from the Antarctic or within the Antarctic continent in support of operations on that continent.

(4) Any member of the U.S. Armed Forces who serves or has served in a U.S. ship operating south of latitude 60° south in support of U.S. operations in Antarctica.

NOTE: Any person, including a citizen of a foreign nation, who does not meet the requirements in subparagraphs (1), (2), (3), or (4) of this paragraph, but who participated in or participates in a U.S. Antarctic expedition on that continent at the invitation of a participating U.S. agency, may be awarded the medal by the Secretary of the Department under whose cognizance the expedition falls, provided the commander of the military support force as senior U.S. representative in Antarctica considers that he has performed outstanding and exceptional service and shared the hardship and hazards of the expedition.

No minimum time limits of participation are prescribed under the foregoing qualifications. No person is authorized to receive more than one award of the medal.

(c) *Wintering over.* Personnel who stay on the Antarctic continent during the winter months shall be eligible to wear a bronze clasp with the words "Wintered Over" on the suspension ribbon of the medal. This eligibility will also be denoted by a bronze disk of 5/16-inch diameter, with an outline of the Antarctic continent inscribed thereon, fastened on the bar ribbon representing the medal. A gold clasp or disk is authorized in lieu of the second clasp or disk, and a silver clasp is authorized for personnel who winter over three times or more. Not more than one clasp or disk shall be worn on the ribbon.

### § 882.212 Armed Forces Expeditionary Medal.

(a) *Requirements for award.* Awarded to any member of the Armed Forces of the United States, who after July 1, 1958, participates or has participated in the following operations to the degree and during the periods indicated:

(1) United States military operations and inclusive dates:

| | |
|---|---|
| Berlin | Aug. 14, 1961, to June 1, 1963. |
| Lebanon | July 1, 1958, to Nov. 1, 1958. |
| Quemoy and Matsu Islands | Aug. 23, 1958, to June 1, 1963. |
| Taiwan Straits | Aug. 23, 1958, to Jan. 1, 1959. |
| Cuba | Oct. 24, 1962, to June 1, 1963. |

(2) U.S. operations in direct support of the United Nations and inclusive dates:

| | |
|---|---|
| Congo | July 14, 1960, to Sept. 1, 1962. |

(3) U.S. operations of assistance for friendly foreign nations and inclusive dates:

| | |
|---|---|
| Laos | Apr. 19, 1961, to Oct. 7, 1962. |
| Vietnam | July 1, 1958, to a date to be announced. |

(4) Degree of participation: Individual must be a bona fide member of a unit engaged in the operation, or meet one or more of the following criteria:

(i) Shall serve not less than 30 consecutive days in the area of operations.

(ii) Be engaged in direct support of the operation for 30 consecutive days or 60 nonconsecutive days provided this support involves entering the area of operations.

(iii) Serve for the full period when an operation is of less than 30 days duration.

(iv) Be engaged in actual combat, or duty which is equally as hazardous as combat duty, during the operation, with armed opposition, regardless of time in the area.

(v) Participate as a regularly assigned crew member of an aircraft flying into, out of, within, or over the area in support of the military operation.

(vi) Be recommended, or attached to a unit recommended, by the Chief of a Service or the commander of a unified or specified command for award of the medal, although the criteria in this subparagraph have not been fulfilled. Such recommendation may be made to the Joint Chiefs of Staff for duty of such value to the operation as to warrant particular recognition.

(b) *Explanation of terms.* (1) "Bona fide member of a unit" means an assigned or attached member who is or was present with the unit during the operation.

(2) "A unit engaged in the operation" means a complete unit (not elements or aircraft of a unit) which is or was physically present in the area of operations during the specified period.

(3) "Area of operations" means the foreign territory specifically designated by Subparts B through E of this part upon which troops have actually landed or are present and specifically deployed for the direct support of the designated military operations; the adjacent water areas in which ships are operating, patrolling, or providing direct support of operations; the air space above and adjacent to the area in which operations are being conducted.

(4) "Direct support" means service being supplied the combat forces in the area of operations by ground units, ships, and aircraft providing supplies and equipment to the forces concerned, provided it involves actually entering the designated area; and ships and aircraft providing fire, patrol, guard, reconnaissance, or other military support.

(c) *Subsequent awards.* Not more than one medal shall be awarded to any person, but for each succeeding operation justifying such an award, a bronze service star will be awarded to be worn as outlined in § 882.402.

(d) *Limitations.* The medal shall be awarded only for operations for which no other United States campaign medal is approved. The service qualifying the person for the award shall have been honorable.

### § 882.213 Air Force Longevity Service Award Ribbon.

Established by Department of the Air Force General Orders No. 60, November 25, 1957.

(a) *Description.* An ultramarine blue service ribbon divided by four equal stripes of turquoise blue. There is no medal authorized for this award.

(b) *Requirements for award*—(1) *Basis of eligibility.* Eligibility is based upon honorable active Federal military service with any branch of the United States Armed Forces.

(2) *Who is eligible.* (i) All members of the Air Force on active duty.

(ii) All members of the Reserve components not on active duty with the Air Force who meet the criteria in subparagraph (3) of this paragraph.

(iii) All retired personnel who are carried on the Air Force retired lists.

(3) *Award criteria.* (i) Basic award: An aggregate of 4 years of honorable active Federal military service with any branch of the United States Armed Forces.

(ii) Subsequent awards: A bronze oakleaf cluster for each additional 4 years of honorable active Federal military service. A silver oakleaf cluster is worn in lieu of five bronze clusters. The oak-leaf clusters mentioned herein are identical to the clusters used to denote additional awards of the same military decoration (see Subpart A of this part). Although oak-leaf clusters are issued in two sizes (large and small), only the small clusters will be worn on the Air Force Longevity Service Award Ribbon.

NOTE: The Air Force Longevity Service Award Ribbon replaces the Federal Service Stripes optionally worn by enlisted personnel.



### § 882.214 Armed Forces Reserve Medal.

Established by Executive Order 10163, September 25, 1950, as amended by Executive Order 10439, March 19, 1953.

(a) *Description.* A metal disk, 1¼ inches in diameter. The obverse (same for all services) is a flaming torch in front of a crossed powder horn and bugle within a circle composed of 13 stars and 13 rays. The reverse (Air Force) is the American eagle symbolizing the United States and its air power, centered within the inscription "Armed Forces Reserve" placed around and near the outer rim. The medal is suspended by a ring from a silk ribbon which is buff bordered with blue and buff stripes, and the center section of buff is intersected by a blue line followed by blue and buff stripes.

(b) *Requirements for award.* Awarded to members or former members of the Reserve components of the Armed Forces of the United States who complete or have completed a total of 10 years of honorable and satisfactory service as defined in Public Law 810, 80th Congress, Army and Air Force Vitalization and Retirement Equalization Act of 1948. The 10 years of service need not be consecutive, provided that such service was performed within a period of 12 consecutive years. For the purpose of this award, service as a member of a Reserve component will include those Reserve components which are enumerated in title III, section 306(c) Public Law 810, 80th Congress, as follows:

(1) The National Guard of the United States.

(2) The National Guard while in the service of the United States.

(3) The federally recognized National Guard prior to 1933.

(4) A federally recognized status in the National Guard.

(5) The Officers' Reserve Corps and the Enlisted Reserve Corps prior to enactment of Public Law 460, 80th Congress approved March 25, 1948.

(6) The Organized Reserve Corps.

(7) The Army of the United States without component. (Normally, all enlisted service prior to July 1940 was with the Regular component and not creditable. Conversely, service subsequent to July 1940 was Army of the United States and is creditable for this award.)

(8) The Naval Reserve and the Naval Reserve Force, excluding those members of the Fleet Reserve and the Fleet Naval Reserve transferred thereto after completion of 16 or more years of active naval service.

(9) The Marine Corps Reserve, and the Marine Corps Reserve Forces, excluding those members of the Fleet Marine Corps Reserve transferred thereto after completion of 16 or more years of service.

(10) The Limited Service Marine Corps Reserve.

(11) The Naval Militia who have conformed to the standards prescribed by the Secretary of the Navy.

(12) The National Naval Volunteers.

(13) The Air National Guard.

(14) The Air Force Reserve (officer or enlisted sections).

(15) The Air Force of the United States without component.

(16) The Coast Guard Reserve.

(c) *Creditable service.* Each year of active or inactive honorable service as a member of any of the Reserve components listed in paragraph (b) of this section may be credited toward award of the Armed Forces Reserve Medal until July 1, 1949. For service performed on or after July 1, 1949, members must accumulate during each anniversary year a minimum of 50 retirement points as prescribed in section 302(b), Army and Air Force Vitalization and Retirement Equalization Act, 1948 (62 Stat. 1087; 10 U.S.C. 1332), except that those persons in the Army of the United States or Air Force of the United States must compute time as follows:

(1) Active or inactive service prior to July 1, 1948, is creditable for those Army of the United States or Air Force of the United States officers appointed under the Act of September 22, 1941 (55 Stat. 728). After July 1, 1948, only active duty under such Army of the United States or Air Force of the United States appointments will be creditable.

(2) Active or inactive service prior to July 1, 1949, will be creditable for those Army of the United States or Air Force of the United States officers appointed under section 127a, National Defense Act, or section 515(e), Officer Personnel Act of 1947 (61 Stat. 906; 10 U.S.C. 8444).

(3) For the purpose of computing eligibility for the Armed Forces Reserve Medal, all Army of the United States or Air Force of the United States appointments will be considered as having been made under the Act of September 22, 1941, unless otherwise indicated in the official records.

(d) *Service not creditable*—(1) *General.* Service in the following may not be credited:

(i) Inactive National Guard.

(ii) Inactive Air National Guard.

(iii) Nonfederally recognized status in the National Guard or Air National Guard.

(iv) Inactive Reserve Section or Honorary Reserve Section of the Officers' Reserve Corps.

(v) Inactive Section or Honorary Section of the Air Force Reserve.

(vi) Honorary Retired List of the Naval and Marine Corps Reserve.

(vii) Inactive Status List of the Standby Reserve.

(viii) Retired Reserve.

(ix) Women's Army Auxiliary Corps.

(2) *Regular service.* Service as a Regular officer, warrant officer, or Regular enlisted person in the Armed Forces, including the Coast Guard, and service for which the Naval Reserve Medal, Organized Marine Corps Reserve Medal, or the Marine Corps Reserve Ribbon has been or may be awarded, will not be credited toward the award of the Armed Forces Reserve Medal, except that service in a Reserve component which is concurrent, in whole or in part, with service in a Regular component of the Armed Forces will not be considered a break in the necessary service period of 12 consecutive years (see paragraph (b) of this section).

(3) Attendance at aviation cadet training schools considered regular service: For the purpose of Subparts B through E of this part, periods of attendance at aviation cadet training schools (for those persons appointed "Aviation Cadets") are considered Regular service.

(e) *Determining eligibility.* Eligibility may be determined from data contained in items 5 and 19 of AF Form 11, "Officer Military Record"; AF Form 190, "USAF Reserve Personnel Record Card"; or a statement from the person concerned certifying that his service in a Reserve component meets the requirements of satisfactory Federal service as defined in section 306(b), Army and Air Force Vitalization and Retirement Equalization Act, 1948 (62 Stat. 1089; 10 U.S.C. 1332).

(f) *Hour-glass device.* One hour-glass device, with a Roman numeral "X" superimposed, may be worn on the suspension and service ribbon of the Armed Forces Reserve Medal to denote service for each additional 10-year period of service under the same conditions as prescribed for award of the basic medal. Section 882.100 describes the device and explains how it is worn.

### § 882.215 USAF NCO Academy graduate ribbon.

(a) *Requirement for award.* Awarded to graduates of accredited Air Force Noncommissioned Officer Academies as defined in AFR 50–39 (Noncommissioned Officer Training) and the annual Hq USAF NCO Academy accrediting letter. Graduates of USAF NCO Academy classes conducted prior to original publication of AFR 50–39 are authorized to wear the ribbon only if the major air command which supervised the training determines that course standards were sufficiently high to merit award of the ribbon. Graduation from NCO leadership courses and similar training conducted by other military services does not qualify an individual for this award.

### § 882.216 Small Arms Expert Marksmanship Ribbon.

(a) *Requirement for award.* Awarded to Air Force personnel, including Reserve component members whether or not on active duty, who, after January 1, 1963, qualify as "expert" in small arms marksmanship on the weapons specified and in accordance with AFR 50–8 (Small Arms

Marksmanship Training). By issuance of appropriate special orders, the ribbon is awarded only once, regardless of the number of times an individual may qualify, and it may be permanently retained and worn by the qualifying individual.

### § 882.217 Philippine Defense Ribbon.

Established by General Orders 8, Army Headquarters, Commonwealth of the Philippines, 1944.

(a) *Description.* A red ribbon divided by wide white bands and centering three white stars which form a triangle. The single star is worn uppermost.

(b) *Requirements for award.* Awarded for combat service in the defense of the Philippines from December 8, 1941, to June 15, 1942, if the individual:

(1) Was a member of the Bataan or Manila Bay forces, or of a unit, ship, or airplane under enemy attack; or

(2) Was assigned or stationed in Philippine territory or in Philippine waters for at least 30 days during the period cited above.

(c) *Bronze service star.* A person who meets both conditions set forth in paragraph (b) of this section is authorized to wear a bronze service star on the ribbon.

### § 882.218 Philippine Liberation Ribbon.

Established by General Orders 8, Army Headquarters, Commonwealth of the Philippines, 1944.

(a) *Description.* A red ribbon with equal stripes of blue and white in the center. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* Awarded for participation in the liberation of the Philippines from October 17, 1944, to September 3, 1945, if the individual:

(1) Participated in the initial landing operations on Leyte or adjoining islands from October 17, 1944, to October 20, 1944. A person will be considered as having participated in such operations if he landed on Leyte or adjoining islands, was on a ship in Philippine waters, or was a crew member of an airplane which flew over Philippine territory during the period.

(2) Participated in any engagement against the enemy during the campaign on Leyte and adjoining islands. A person will be considered as having participated in such operations if he was a member of and present with a unit actually under enemy fire or air attack, served on a ship which was under enemy fire or air attack, or was a crew member in an airplane which was under enemy aerial or ground fire.

(3) Served in the Philippine Islands or ships in Philippine waters for not less than 30 days during the period cited above.

(c) *Bronze Service Star.* Persons who meet more than one of the conditions set forth in paragraph (b) of this section are authorized to wear a bronze service star on the ribbon for each additional condition under which they qualify.

### § 882.219 Philippine Independence Ribbon.

Established by General Orders 383, Army Headquarters, Commonwealth of the Philippines, 1946.

(a) *Description.* A predominantly blue ribbon edged with yellow stripes and bearing red, white, and red stripes, in the order named, in the center.

(b) *Requirements for award.* Awarded to personnel who are recipients of both the Philippine Defense and Philippine Liberation ribbons.

NOTE: Personnel who were awarded the Philippine Independence Ribbon in accordance with the criteria formerly announced in AFR 35–50 (now obsolete) may continue to wear the award notwithstanding the change in requirement stated in paragraph (b) of this section.

## Subpart D—Non-United States Service Medals

AUTHORITY: The provisions of this Subpart D issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

### § 882.300 United Nations Service Medal.

Established by the United Nations General Assembly Resolution 483(V), December 12, 1950. The President accepted for the United States Armed Forces.

(a) *Description.* A metal disk, 1¼ inches in diameter. On the obverse is the emblem of the United Nations. On the reverse is the inscription "For Service In Defense Of The Principles Of The Charter Of The United Nations." The medal is suspended from a silk ribbon consisting of 17 stripes, 9 of United Nations blue and 8 of white, alternating, each stripe 0.08 inch wide. A bar bearing the word "Korea" constitutes a part of the suspension of the medal from the ribbon.

(b) *Requirements for award*—(1) *Qualifications.* Personnel must be:

(i) Members of the Armed Forces of the United States dispatched to Korea or adjacent areas of military operations specifically for service on behalf of the United Nations in the Korean Theater; or

(ii) Other personnel dispatched to Korea or adjacent areas as members of para-military and quasi-military units designated by the United States Government for service in support of the United Nations action in Korea and certified by the United Nations Commander-in-Chief as having directly supported the military operations in that area.

NOTE: Personnel awarded the Korean Service Medal automatically establish eligibility for the United Nations Service Medal.

(2) *Service.* The service must have been performed between June 27, 1950, and July 27, 1954, inclusive, under any of the following conditions:

(i) While on permanent assignment to any designated combat or service unit;

(ii) While attached to any designated combat or service unit for a period of 30 days, consecutive or nonconsecutive; or

(iii) While in active combat against the enemy under conditions other than those prescribed in subdivisions (i) and (ii) of this subparagraph, provided that the individual was awarded a combat decoration or furnished a certificate by the commander of a division, comparable or higher unit; commander of a ship, comparable or higher unit; or commander of an Air Force group, comparable or higher unit, stating that he actually participated in combat.

(c) *Persons ineligible for award.* Personnel of the United Nations, its specialized agencies, or of any government service other than as prescribed in paragraph (b) of this section, and International Red Cross personnel engaged for service under the United Nations Commander-in-Chief with any United Nations relief team in Korea, will not be eligible for the award of the United Nations Service Medal.

### § 882.301 United Nations Medal.

Established by The Secretary General of the United Nations by Dispatch 109, July 30, 1959, and Regulations for the United Nations Medal, July 1959. The President accepted for the United States Armed Forces.

(a) *Description.* A round metal disk, 1¼ inches in diameter. On the obverse is the emblem of the United Nations and the letters "U.N." On the reverse is the inscription "In The Service Of Peace." The medal is suspended from a ribbon of United Nations blue with two single narrow white stripes ¼ inch from each edge.

(b) *Requirements for award.* Military personnel who have been or are specifically identified by the United Nations as having performed qualifying service with one of the following organizations are eligible for an award of the medal:

(1) United Nations Observation Group in Lebanon.

(2) United Nations Truce Supervision Organization in Palestine.

(3) United Nations Military Observer Group in India and Pakistan.

(c) *Policy and procedures.* (1) Military personnel presently serving with any of the specified groups and those subsequently assigned will be awarded the United Nations Medal in the field by the Senior Representative of the Secretary General.

(2) A minimum period of 6 months has been established by the Secretary General of the United Nations as the period of service required for eligibility to receive the award.

(3) Individuals with previous United Nations service with the specified groups who believe themselves eligible for the United Nations Medal may submit applications to AFPMP–12–C, Headquarters USAF. Each application should include complete details related to United Nations duty including geographical location and inclusive dates of service. Such applications will be referred to the United Nations for consideration and determination of eligibility.

## Subpart E—Service Medal Ribbons, Devices, and Lapel Buttons

AUTHORITY: The provisions of this Subpart E issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

### § 882.400 Service medal ribbon bars.

A service medal ribbon is a service ribbon identical in color with the suspension ribbon of the service medal it represents, attached to a bar, 1⅜ inches long and ⅜ inch wide, equipped with (or without) an attaching device. The appropriate service ribbon is issued with each service medal described in Subpart C of this part.

### § 882.401 Clasps.

Clasps are authorized for wear on the Good Conduct Medal, American Defense Service Medal, and Army of Occupational Medal.

(a) *Good Conduct Medal Clasp.* A bar, ⅛ inch wide and 1⅜ inches long, of bronze, silver, or gold, with loops, indicative of subsequent awards. It is worn on both the service ribbon and suspension ribbon of the medal itself. Clasps authorized for successive periods of service are as follows:

| Successive periods of service: | Type of clasp |
|---|---|
| 2d | bronze, 2 loops |
| 3d | bronze, 3 loops |
| 4th | bronze, 4 loops |
| 5th | bronze, 5 loops |
| 6th | silver, 1 loop |
| 7th | silver, 2 loops |
| 8th | silver, 3 loops |
| 9th | silver, 4 loops |
| 10th | silver, 5 loops |
| 11th | gold, 1 loop |
| 12th | gold, 2 loops |
| 13th | gold, 3 loops |
| 14th | gold, 4 loops |
| 15th | gold, 5 loops |

(b) *American Defense Service Medal Clasp.* A bronze bar, ⅛ inch wide and 1½ inches long; bearing the words "Foreign Service." It is worn only on the suspension ribbon of the medal. A bronze service star is worn on the service ribbon to denote award of the foreign service clasp.

(c) *Army of Occupation Medal Clasp.* A bronze bar, ⅛ inch wide and 1½ inches long, bearing the word "Germany" or "Japan." It is awarded to differentiate service in the various occupation areas during World War II.

(1) Areas represented by clasps:

(i) Germany Clasp: Represents service with the United States occupation forces in Germany, Italy, or Austria.

(ii) Japan Clasp: Represents service with the United States occupation forces in Japan or Korea.

(2) How worn: The clasp is worn only on the suspension ribbon of the Army of Occupation Medal. There is no device worn on the service ribbon to denote possession of the clasp. For wear of the Berlin Airlift Device, see § 882.404.

### § 882.402 Service stars.

The service star is a bronze or silver five-pointed star of 3/16-inch diameter. It is worn:

(a) On the service ribbon of the American Defense Service Medal to denote possession of the Foreign Service Clasp.

(b) On the service and suspension ribbons of the American Campaign, Asiatic-Pacific Campaign, European-African-Middle Eastern Campaign, and Korean Service Medals to denote battle participation credit. A silver service star is worn in lieu of five bronze service stars.

(c) On the Philippine Defense and Liberation Ribbons to denote additional honors.

(d) On the service and suspension ribbon of the Armed Forces Expeditionary Medal to denote participation in more than one operation. A silver service star is worn in lieu of five bronze service stars.

### § 882.403 Arrowheads.

(a) *Description and requirements for award.* The arrowhead, a bronze replica of an Indian arrowhead, ¼ inch in height and ⅛ inch in width, is awarded to denote participation in a combat parachute jump, combat glider landing, or amphibious assault landing. The combat glider landing or parachute jump must have been made as an assigned or attached member of an organized force carrying out an assigned tactical mission. (An emergency combat parachute jump into enemy-held territory does not constitute eligibility for award of the arrowhead.) Units entitled to this award are designated in appropriate administrative orders.

(b) *How worn.* The arrowhead is worn on both the service and suspension ribbons of the Asiatic-Pacific Campaign Medal, European-African-Middle Eastern Campaign Medal, and the Korean Service Medal, point up, in a vertical position to the wearer's right of all service stars. Only one arrowhead will be worn on any one service or suspension ribbon, regardless of the number of times a person becomes eligible for the device.

### § 882.404 Berlin Airlift Device.

The Berlin Airlift Device is a gold-colored metal miniature of a C–54 aircraft of ⅜-inch wing span, other dimensions proportionate. It is worn on both the service and suspension ribbons of the Army of Occupation Medal, with the nose of the aircraft pointed upward at a 30° angle and toward the wearer's right shoulder.

### § 882.405 Hour-glass device.

This device is an hour-glass with a Roman numeral "X" superimposed thereon, of bronze, 5/16 inch in height. It is worn centered on both the service and suspension ribbons of the Armed Forces Reserve Medal.

### § 882.406 Lapel buttons.

The authorized lapel buttons are listed below. They may be worn only with civilian clothes.

(a) *Good Conduct Medal, American Defense Service Medal, and Women's Army Corps Service Medal lapel buttons.* These lapel buttons are 21/32 inch wide and ⅛ inch long and are in colored enamel, being a reproduction of the service ribbon.

(b) *World War II Honorable Service lapel button.* This button is of gold-colored metal, bearing an eagle on a ring around 13 stripes. It is awarded for honorable Federal military service between Septmber 8, 1939, and December 31, 1946.

(c) *Air Force Lapel Button.* The Air Force Lapel Button consists of the winged Air Force star in gold- and silver-colored metal. All members of the Air Force on active duty; members of the Reserve components, including members of the Air Force Reserve Officers' Training Corps; and personnel carried on Air Force retired lists are entitled to wear the lapel button.

## Subpart F—Certificate of Honorable Service and Gold Star Lapel Button

AUTHORITY: The provisions of this Subpart F issued under sec. 8012, 70A Stat. 488, secs. 2, 3 and 4, 61 Stat. 710, as amended; 10 U.S.C. 8012, 36 U.S.C. 182a–182d.

### § 882.500 Purpose.

This subpart states the procedures for awarding certificates of honorable service and the gold star lapel button to next of kin of military personnel.

### § 882.501 Certificate of honorable service.

This certificate is a testimonial of honest and faithful service which is signed by the Secretary of the Air Force and awarded to the next of kin of those who die in line of duty in time of peace while honorably serving on active duty with the Air Force.

### § 882.502 Gold star lapel button.

This lapel button is made up of a gold star one-fourth inch in diameter mounted on a purple disc three-fourths inch in diameter. The star is surrounded by gold laurel leaves in a wreath five-eighths inch in diameter. The opposite side bears the inscription, "United States of America, Act of Congress, August 1947," and has space for engraving the recipient's initials. It has either a pin or clutch type fastening device.

(a) *Origin of lapel button.* The Gold Star Lapel Button is awarded to widows, widowers, parents, and certain other relatives of members of the United States Armed Forces who lost their lives in the armed services of the United States during World War I (April 6, 1917 to March 3, 1921); World War II (September 8, 1939 to July 25, 1947 at 12 o'clock noon); Korean Operation (June 27, 1950, to July 27, 1954). It also may be awarded to the next of kin of members who lose their lives during any future war or period of armed hostilities in which the United States may be engaged.

(1) Initial issue (without cost): One Gold Star Lapel Button is furnished without cost to the widow or widower (remarried or not), and to each parent (mother, father, stepmother, stepfather, mother through adoption, father through adoption, and foster parents who stood in loco parentis).

(2) Initial issue (at cost): One button is furnished, at cost, to each child, brother, sister, half-brother, half-sister, step-child, and adopted child.

(3) Replacements: Relatives may obtain, at cost, replacements for Gold Star Lapel Buttons that have been lost, destroyed or made unfit for use through no fault or neglect of the persons to whom they were furnished.

(4) Source of supply: Gold Star Lapel Buttons, either the initial issue or replacement, may be obtained by writing to: General Services Administration, Air Force Branch, Military Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri, 63132.

(b) *Penalty for fraudulent use.* The law specifies that: "Whoever shall (1) wear, display on his person, or other-

wise use as an insignia, any Gold Star Lapel Button issued to another person under the provisions of the law; (2) falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or aid in falsely making, forging, or counterfeiting any lapel button authorized by law; or (3) sell or bring into the United States, or any place subject to the jurisdiction thereof, from any foreign place, or have in his possession any such false, forged, or counterfeited lapel buttons, shall be fined not more than $1,000 or imprisoned not more than two years, or both."

## PART 883—APPREHENSION AND ARREST

Sec.
883.1 Purpose.
883.2 Persons not subject to UCMJ.

AUTHORITY: The provisions of this Part 883 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

### § 883.1 Purpose.

This part informs Air Force members of their right, under certain circumstances, to apprehend persons not subject to the Uniform Code of Military Justice (UCMJ).

### § 883.2 Persons not subject to UCMJ.

(a) All Air Force members have the ordinary right of civilians to assist in maintaining the peace. Therefore, when a felony, or a misdemeanor amounting to a breach of the peace is committed, Air Force members usually have the right to apprehend the perpetrator, no matter what his status. However, the law of apprehension varies considerably from one locality to another, and action should not be taken before ascertaining the law of the particular jurisdiction, if possible.

(b) When persons not subject to military law are found within the limits of military jurisdiction in the act of committing a breach of regulations which does not amount to a felony or a breach of the peace, the commanding officer may order them removed therefrom and not to reenter. 18 U.S.C. 1382 states the penalty imposed for reentrance after ejection.

## PART 884—DELIVERY OF AIR FORCE PERSONNEL TO U.S. CIVILIAN AUTHORITIES FOR TRIAL

Sec.
884.1 Purpose.
884.2 Applicability.
884.3 Authority.
884.4 Policy.
884.5 Procedure for delivery.
884.6 Procedure upon refusal of request.
884.7 Release on bail or recognizance.
884.8 Cases involving special circumstances.

AUTHORITY: The provisions of this Part 884 issued under sec. 8012, 814, 70A Stat. 488, 41; 10 U.S.C. 8012, 814.

### § 884.1 Purpose.

This part sets forth the authority, policy, and procedures for delivery of Air Force personnel to United States civil authorities for trial.

### § 884.2 Applicability.

(a) This part applies to all military personnel in the Air Force.

(b) It does not apply to delivery of personnel to foreign authorities. It is not applicable where a State, having concurrent jurisdiction for the purpose of executing criminal process, proceeds by service of process to take custody of an Air Force member without making formal request for his delivery.

### § 884.3 Authority.

In accordance with Article 14, Uniform Code of Military Justice, a commander exercising general court-martial jurisdiction, or a wing or base commander when authorized by the officer exercising general court-martial jurisdiction, may authorize delivery of a member of the Air Force under his command, when such member is accused of a crime or offense made punishable by the laws of the jurisdiction making the request, to the civil authorities of the United States or of a State of the United States under the conditions prescribed in this part.

### § 884.4 Policy.

(a) *Offenses punishable by imprisonment for more than 1 year.* (1) Air Force policy is to turn over to the civil authorities of the Federal Government or a State of the United States, upon their request, members of the Air Force charged with an offense against civil authority punishable by imprisonment for more than 1 year, when such request is accompanied by a copy of the indictment, information, or other document which may be used in the particular jurisdiction to prefer formal charges of the commission of a criminal offense.

(2) Air Force policy is to turn over to Federal authorities, upon their request, members of the Air Force for whom a warrant of arrest has been issued for a Federal offense punishable by imprisonment for more than 1 year, when such request is accompanied by a statement from a United States attorney that an indictment has been issued or will be sought and that substantial grounds exist for belief that an indictment will be returned.

(b) *Offenses punishable by imprisonment for 1 year or less.* Upon request of civil authorities for the delivery of a member of the Air Force charged with an offense against civil authority punishable by imprisonment for 1 year or less, the commander authorized to deliver will exercise his discretion after consideration of the nature of the offense charged, other facts and circumstances, and the existing military situation. The request for delivery will be accompanied by a copy of the information or other document which may be used in the particular jurisdiction to prefer formal charges.

(c) *Request for delivery by a State other than the State in which person requested is located.* With respect to extradition process, military personnel are in the same status as persons not in the Armed Forces. It is contrary to Air Force policy to transfer an Air Force member from a station within one State to a station within another State for the purpose of making him amenable to prosecution by civil authorities. Accordingly, if the delivery of an Air Force member is requested by a State other than the State in which he is located, the authorities of the requesting State will be required, in the absence of a waiver of extradition process by the member concerned, to complete extradition process according to the prescribed procedures to obtain custody of a person from the State in which the individual is located and to make arrangements to take the individual into custody there.

(d) *Requests for custody of members stationed outside the United States.* All such requests will be forwarded to Hq USAF (AFJAM) for appropriate action.

### § 884.5 Procedure for delivery.

(a) *Delivery to state authorities.* Before making delivery to civil authorities of a State, the commander having authority to deliver will obtain from the Governor or other duly authorized officer of such State, a written agreement substantially in the following form:

> In consideration of the delivery of ----------, (Name, grade, and service number) United States Air Force, to ---------- at ----------, for trial upon the charge of ----------, I hereby agree, pursuant to the authority vested in me as ---------- that the commander of ---------- will be informed of the outcome of the trial and that said ---------- will be returned to Air Force authorities at the aforesaid place of his delivery, or to such other place as may be designated by the Department of the Air Force, or issued transportation thereto without expense to the United States or to the person delivered, immediately upon completion of his trial upon the charge aforesaid in the event that he is acquitted upon said trial, or immediately upon satisfying the sentence imposed, or upon other disposition of his case, unless the Air Force authorities shall have indicated that return is not desired.

Where, under the laws of the State concerned, no authority exists permitting agreement to one or more of the conditions set out in the form, appropriate modification may be authorized by the commander. The Air Force considers this agreement substantially complied with when the Air Force authority who delivered the accused is informed of his prospective release for return to Air Force authorities, and when the individual is furnished transportation back to his station together with necessary funds to cover his incidental expenses en route thereto.

(b) *Delivery to Federal authorities.* Persons desired by the Federal authorities for trial will be called for and taken into custody by a United States marshal, deputy marshal, or other officer authorized by law upon agreement that the alleged offender will be returned to the custody of the Air Force immediately after having answered to the civil authorities for his offense, including service of any unsuspended sentence to confinement, except where the Air Force has advised the Federal authorities that



the return of the offender is not desired. (At the time of delivery, the United States marshal, deputy marshal, or other officer should be advised, in writing, as to the location of the Air Force station nearest the place of trial where the delivered person may be returned to the custody of the Air Force.)

### § 884.6 Procedure upon refusal of request.

In any case where a request is made for delivery to the civil authorities of a State or to the Federal authorities and such request is refused, the circumstances of the case and the basis for the refusal will be reported without delay to The Judge Advocate General, USAF, through when applicable, the officer exercising general court-martial jurisdiction.

### § 884.7 Release on bail or recognizance.

The civil authority to which an Air Force member is delivered under this part may release the member on bail or his own recognizance before final disposition of the charges against him. The commander authorized to deliver or his designee will, before delivery, direct the member in writing to report to a designated Air Force unit, activity, or recruiting office for further instructions should he be so released. If the civil authority to which delivery was authorized is in the immediate vicinity of the member's station, the activity designated ordinarily will be the member's unit. The designated authority will be advised of this action. The authority to whom the member reports will communicate, by the fastest practicable means, the member's name, rank, service number, organization, and other pertinent information to and request disposition instructions from the commander who authorized the member delivered to civil authorities. If contact with such commander is not feasible, instructions will be obtained from Hq USAF (AFPMPKA).

### § 884.8 Cases involving special circumstances.

The policies stated in § 884.4 are intended to provide guidance only and are not to be considered as providing a solution for every case. In cases involving special circumstances, the commander authorized to deliver may transmit the request to The Judge Advocate General, USAF, for determination of appropriate action.

## PART 885—APPOINTMENT OF OFFICERS IN THE REGULAR AIR FORCE

Sec.
885.1 Purpose.
885.2 Applicable forms.
885.3 Buildup of the Regular Air Force.
885.4 Citizenship.
885.5 Physical qualification.
885.6 Background requirements.
885.7 Probationary period.
885.8 Statutory authority.
885.9 Basic eligibility for Distinguished AFROTC graduates.
885.10 Basic eligibility for dentist.
885.11 Service credit.
885.12 Service credit for dental officers.
885.13 Permanent grade.
885.14 Temporary grade; dentist.
885.15 Consideration for Regular appointment.
885.16 How to apply.
885.17 Sample letter.
885.18 Dental screening board.

AUTHORITY: The provisions of this Part 885 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

### § 885.1 Purpose.

This part tells who is eligible for consideration for appointment as a commissioned officer in the Regular Air Force. It also explains which of those officers considered may be tendered such an appointment.

### § 885.2 Applicable forms.

(a) AF Form 17, "Application for Appointment in the Regular Air Force."

(b) AF Form 17a, "Supplement to Application for Commission in the United States Air Force—Medical Service."

(c) DD Form 398, "Statement of Personal History."

### § 885.3 Buildup of the Regular Air Force.

Air Force policy is to conduct an orderly buildup of the Regular Air Force toward authorized officer strength. This will be done by selecting the best qualified individuals possessing abilities, qualities, and experience required by the Air Force. Selections will be made on a best qualified basis by Hq USAF Selection Boards. However, a person may not be selected unless the board also considers him fully qualified. Appointments will be tendered in Regular grades as determined by the Secretary of the Air Force to those selectees who desire to accept and who are found to be medically qualified for Regular Air Force appointment.

### § 885.4 Citizenship.

An individual must be a United States citizen to be eligible for appointment. Any person selected for Regular appointment who is not a citizen by birth will be requested by Hq USAF to furnish documentary evidence of citizenship.

### § 885.5 Physical qualification.

Physical qualification is a prerequisite to appointment. Determination of such qualification will be made by the Surgeon General, USAF, according to the physical standards for commission. Upon notification of selection and provided he desires to accept, each person selected for Regular appointment who has not previously undergone medical examination in connection with application for Regular appointment will be required by Hq USAF (AFPMPJC1) to report to the nearest Air Force medical examining facility to undergo a medical examination for such appointment. Full instructions will be provided at that time.

### § 885.6 Background requirements.

(a) Each appointee must be of such background, character, and reputation to insure that his appointment in the Regular Air Force is clearly consistent with the best interests of the Air Force. He must be the subject of a favorable national agency check (NAC) prior to his appointment.

(b) Hq USAF will request a statement from each selectee who desires to accept appointment that he has not resigned or been dismissed from any officer training program of the Army, Navy, or Air Force for reason of Honor Code violation, military inaptitude, indifference, undesirable traits of character, or disciplinary reason. Any person who cannot validly make the above statement will not be eligible for appointment unless he can provide Hq USAF (AFPMPJC1) with a favorable recommendation for waiver by the superintendent or commander of the officer training program from which he was disenrolled, and provided such waiver is approved at Hq USAF. If a similar recommendation for waiver was previously obtained and approved in order to attain commissioned status, further action in that regard will not be necessary. However, the selectee must furnish his written statement to Hq USAF (AFPMPJC1), giving full details of the incident or incidents leading to resignation, dismissal, or disenrollment; and citing the approving authority for attaining his commissioned status.

(c) Male selectees are not restricted with regard to dependents. However, a female selectee may not be appointed if she:

(1) Is the parent by birth or adoption of a child under 18 years of age of whom she has personal or legal custody.

(2) Is the stepparent of a child under 18 years of age and the child is within her household for a period of more than 30 days a year; or

(3) Has or assumed personal custody of any child under 18 years of age.

### § 885.7 Probationary period.

Appointment of any person under this part is probationary for 3 years and may be revoked by the Secretary of the Air Force at any time before the third anniversary of the acceptance of such appointment.

### § 885.8 Statutory authority.

| If individual is to be considered for Regular appointment as— | Then statutory authority for appointment in the Regular Air Force is 10 U.S.C. | And to determine basic eligibility see— |
|---|---|---|
| Distinguished AFROTC graduate. | 8284–8288 | § 885.9. |
| Dentist | 8067, 8284, and 8294 | § 885.10. |

### § 885.9 Basic eligibility for Distinguished AFROTC graduates.

A Distinguished AFROTC graduate:

(a) Must hold a valid appointment as a Reserve of the Air Force officer and be serving on extended active duty.

(b) At time of appointment must be at least 21 years of age and of such age that would permit completion of 20 years of active commissioned service in the U.S. Armed Forces before his 55th birthday.

(c) Individual must be in the top 20 percent of his class and have been designated as a distinguished graduate by appropriate authority.

(d) To determine service credit see § 885.12.

an application in advance of graduation when informed that he will probably meet the criteria for designation as a Distinguished Graduate. No applications will be submitted after graduation. (See § 885.16.)

All Distinguished Military Graduates who do not apply prior to graduation will be automatically considered after they complete at least 90 days of active duty.

**§ 885.16 How to apply.**

| If individual is— | Then he will prepare and submit— | And will include with application— | And will submit application to— | And in addition will forward a request for a letter of reference to each individual— |
|---|---|---|---|---|
| Applying in advance as a Distinguished AFROTC graduate. | AF Form 17 in 2 copies. | 5 copies of DD Form 398; 1 copy of FD Form 258; transcript of college credits earned before application and, after graduation, a certified copy of the diploma awarding the degree; a current photo 3" x 7" or larger, with his name and name of school printed or typed on back of photo. | The Professor of Air Science. | Listed in paragraph 1 of AF Form 17, one of which must be the Dean of his Dental School (see § 885.17). |
| A dentist not on extended active duty and applying more than 1 year after graduation from dental school. | AF Form 17 and 17A in 2 copies. | A current photo 3" x 5" or larger, and on the back of photo will type or print his name; copy o discharge certificate for any prior military service; copy of diploma awarding DDS degree and evidence of post graduate work or residency and state license (see note). | Hq USAF (AFPMPJC1) Washington D.C. 20330. | Listed in paragraph 1 of AF Form 17, one of which must be the Dean of his Dental School (see § 885.17). |
| A dentist not on extended active duty and applying less than 1 year after graduation from dental school. | AF Form 17 and 17A in 2 copies. | Copy of discharge certificate for any prior military service; copy of diploma awarding DDS degree and evidence of post graduate work or residency; copy of state license; and a copy of shoulder-to-shoulder type photo 5" x 7" or larger, with his name typed or printed on back of photo. | Hq USAF (AFPMPJC1) Washington D.C. 20330. | Listed in paragraph 1 of AF Form 17, one of which must be the Dean of his Dental School (see § 885.17). |

NOTE: A statement that he has not resigned or been dismissed from an officer training program of the Army, Navy, or Air Force for reasons of (None of) his unfitness, misconduct, unsatisfactory performance, or lack of aptitude, military inaptitude, moral or professional dereliction, or for the convenience of the Government, unless he is recommended by a favorable recommendation from the superintendent or commander of the officer training program from which the applicant was disenrolled; such a recommendation will be attached to the application.)

**§ 885.10 Basic eligibility for dentist.**

| If individual to be considered is— | Then at time of appointment must be at least 21 years of age and may not exceed the age of 35 by more than the number of years, months, and days that he served on active duty as a commissioned officer of the U.S. Armed Forces (see note). | And individual must be a graduate of— | To determine service credit see § 885.12 |
|---|---|---|---|
| Dentist not on active duty and applying more than 1 year after graduation from dental school. | X | A dental school acceptable to the Surgeon General and possess a license to practice dentistry in a state or territory of the United States or in the District of Columbia. | X |
| Dentist not on active duty and applying less than 1 year after graduation from dental school. | X | A dental school acceptable to the Surgeon General USAF. | X |

NOTE: Age requirement may be waived upon recommendation by the Surgeon General, USAF.

**§ 885.11 Service credit.**

If individual is selected for appointment as a Distinguished AFROTC graduate:

(a) Upon appointment in the Regular Air Force he will be credited with an amount of service equal to the length of active Federal commissioned service that he performed in the U.S. Armed Forces before Regular appointment and after becoming 21 years of age.

(b) See § 885.13.

**§ 885.12 Service credit for dental officers.**

(a) Normally, doctors of dentistry will be given 4 years promotion list service credit as of their date of graduation from dental school. In such cases, the promotion list service date will be determined by subtracting 4 years from the date of graduation. However, if the Surgeon General determines that an applicant has had outstanding professional training or experience he may recommend that an earlier promotion list service date be awarded, thereby permitting Regular appointment in a higher grade.

(b) The amount of promotion list service credit possessed by an applicant will be determined by subtracting the promotion list service from date of appointment.

(c) To determine permanent grade upon appointment see § 885.13.

| If promotion list service credit is— | Then Regular grade upon appointment will be— |
|---|---|
| Less than 3 years | 2d Lt. |
| 2 years but less than 7 | 1st Lt. |
| 7 years but less than 12 | Captain |
| 12 years but less than 21 | Major |
| 21 years or more (see note). | Lt. Col. |

NOTE: When the Surgeon General determines that a dental applicant has had outstanding professional training or experience, and recommends that he be awarded more than 20 years promotion list service credit upon Regular appointment, such appointment will be made in the grade of Colonel. Dental appointments in the grade of Major and above normally will require the individual to have served a minimum of 1 year in grade and/or to have outstanding qualifications for a special position as determined by the Surgeon General.

**§ 885.13 Temporary grade; dentist.**

A dentist not serving on active duty and being appointed in the Regular Air Force grade of 1st Lieutenant or Captain, will, upon acceptance of Regular appointment, be appointed to the temporary grade of Captain with rank from date of graduation. (See § 885.15.)

**§ 885.15 Consideration for Regular appointment.**

(a) A Dentist not on extended active duty must submit an application for appointment. (See § 885.16.)

(b) A Distinguished AFROTC graduate: An AFROTC student may submit an application in advance of graduation when informed that he will probably meet the criteria for designation as a Distinguished Graduate. No applications will be submitted after graduation. (See § 885.16.)

Applicants that are not United States citizens by birth will furnish a certificate accomplished by an officer, notary public, or other person authorized by law to administer oaths, as follows:

I certify that I have this date seen the original Certificate of Citizenship No. ------ (or certified copy of court order establishing citizenship) stating that ---------- was admitted to United States citizenship by the ---------- Court of ---------- (District or County, State) on ---------- (Date)

NOTE: Facsimiles or copies, photographic or otherwise, of naturalization certificates will not be made under any circumstances. (18 U.S.C. 1426(h).)

(Full name)



**§ 885.17 Sample letter.**

Dear ----------:

I am applying for a commission in the Regular Air Force. My application must be indorsed by members of our profession who can render a personal evaluation of my suitability for such an appointment, professional capabilities and potential, relative class standing,[1] personal attributes, and any other comments deemed appropriate. I have listed your name for such reference. Please furnish this information to Hq USAF (AFMSMBA2), Washington, D.C., 20330. It will be held in strict confidence and not disclosed to me.

**§ 885.18 Dental screening board.**

The screening board will:

(a) Conduct an oral examination that will include operative dentistry, prosthetics, crown and bridge, oral surgery, periodontia, oral diagnosis, dental roentgenology, and treatment planning.

(b) Conduct a practical examination that will include insertion of the following restorations, a multisurface amalgam, a silicate, and a ¾ crown; also, the impression procedure for a complete denture, the removal of a tooth, and the exposure of a full mouth set of X-ray film. Additional technical procedures may be required for a thorough evaluation of the applicant.

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SUBCHAPTER J—CIVILIAN PERSONNEL

## PART 890—EMPLOYMENT POLICIES

Sec.
890.1 Purpose.
890.2 Employment objective.
890.3 Factors to consider in making employee selections.
890.4 Keeping employees informed on policies.
890.5 Releasing employees for position change or transfer.

AUTHORITY: The provisions of this Part 890 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

**§ 890.1 Purpose.**

This part states employment policies for positions in either the competitive or the excepted service when paid from appropriated funds. These policies also apply to non-U.S. citizen personnel in foreign areas and in Guam, provided that they are not in conflict with the local laws, customs, and practices.

**§ 890.2 Employment objective.**

The principal objective of the Air Force civilian personnel program is to recruit, place, and retain the best available civilian personnel to provide the maximum productivity and economy of operation for the Air Force.

**§ 890.3 Factors to consider in making employee selections.**

(a) *Order of consideration.* Air Force employees and former employees on the reemployment priority list are given first consideration for positions which provide advancement or opportunity for growth. Present or long-range management needs, however, may require recruiting of new employees who have potential or who possess qualifications not readily available to the same extent in the workforce. In considering applicants outside the Air Force, provision will be made for adequate consideration of qualified employees and comparative evaluation of outside applicants, but formal ranking of these applicants with Air Force employees is not required.

(b) *Unbiased consideration.* In filling positions, recommendations and selections will be based on merit and qualifications. This means that selections must be made without regard to age, race, sex, color, religion, national origin, physical handicap, marital status, or lawful political or group affiliation. For the majority of positions these factors are not related to qualification requirements and to use them as such constitutes discrimination.

(c) *Sex consideration.* Consideration of eligibles for appointment, noncompetitive action, or for purposes of training, will not be restricted by sex, except in unusual circumstances where such action is found justified by the Civil Service Commission.

**§ 890.4 Keeping employees informed on policies.**

The civilian personnel officer will keep employees informed of Air Force, command, and installation policies for filling positions—both by recruitment and in-service placement. He provides this information through planned staff visits to supervisors, base newspapers, bulletin boards, orientation sessions, or other communications media.

**§ 890.5 Releasing employees for position change or transfer.**

(a) Attempting to restrict employees from accepting position changes is contrary to the Air Force policy of maintaining a competent career service and of making maximum use of available skills. It is an undesirable practice which results in employee dissatisfaction, lowered efficiency, and the loss of desirable employees through resignation, the consequences of which are more detrimental to the Air Force as a whole than the loss to a particular unit of the services of an employee. Also, employees will not be refused a release for the purpose of accepting a position in another Federal agency.

(b) Employees will be released promptly for position change, whether within an installation or between Air Force installations. Normally, a release will be granted within 20 calendar days following notice to the losing supervisor of the selection. In unusual cases the release may be extended by mutual agreement to a maximum of 30 calendar days. A release will not be conditioned upon ability to obtain a replacement.

(c) In negotiating the date an employee will leave to accept appointment with another Federal agency, supervisors may request two weeks' notice; or when a longer period is necessary to permit training of a replacement, they may request up to 30 days. In no case will a period be requested which would jeopardize the employee's transfer.

[1] Include only in letter to the Dean.



## PART 891—SECURITY PROGRAM

Sec.
891.1 General policy statement.
891.2 Definitions.
891.3 Responsibilities.
891.4 Establishment of Boards.
891.5 Standard.
891.6 Criteria for application of standard.
891.7 Review of reports of investigation of applicants.
891.8 Referral of possible derogatory information.
891.9 Initial action by Director of Special Investigations.
891.10 Action by commanders.
891.11 Action by Central Security Board.
891.12 Proceedings by the Hearing Board.
891.13 Conduct of hearings.
891.14 Hearing Board findings and recommendations.
891.15 Action by Security Review Board.
891.16 Notice to employee.
891.17 Release of information.
891.18 Resignation policy.
891.19 Reimbursement of employees.

AUTHORITY: The provisions of this Part 891 issued under sec. 8012, 70A Stat. 488; sec. 1, 64 Stat. 476, 67 Stat. 336, secs. 1–3, 69 Stat. 624, 625; 10 U.S.C. 8012, 5 U.S.C. 22–1, 118p–118r, E.O. 10450, 18 F.R. 2489, 3 CFR, 1953 Supp.

**§ 891.1 General policy statement.**

(a) No civilian will be employed for, assigned to, or retained in any position in the Air Force Establishment if such employment, assignment, or retention is not clearly consistent with the interests of the national security.

(b) Established national policies, founded upon statutes of the United States and Executive Orders of the President, require exclusion and removal from Federal employment of individuals who are unfit for employment for security reasons. Public Law 733, 81st Congress (sec. 1, 64 Stat. 476, 5 U. S. C. 22–1) authorizes the Secretary of the Air Force to suspend summarily without pay any civilian officer or employee when he deems such suspension necessary in the interest of national security, and to terminate the employment of such officer or employee if he determines such termination is necessary or advisable in the interest of national security. Section 9 (a) of the Hatch Act (sec. 9A, 53 Stat. 1148; 5 U. S. C. 118j) makes it unlawful for any employee whose compensation is paid from funds authorized or appropriated by Congress to have membership in any political party or organization which advocates the overthrow of our constitutional form of Government in the United States. That section also provides that any person violating its provisions shall be removed immediately from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress for such position shall be used to pay the compensation of such person. The current appropriation act applicable to the Air Force (Pub. Law 179, 83d Cong.) prohibits payment of funds appropriated by Congress to any employee who advocates or who is a member of an organization that advocates overthrow of the Government of the United States by force or violence. Executive Order 10450 (18 F. R. 2489; 3 CFR, 1953 Supp.) provides

that the interests of the national security require that all persons privileged to be employed in the Air Force shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States. Executive Order 10450 requires an effective program to insure that the employment or retention in employment of any civilian officer or employee is clearly consistent with the interests of the national security. It also provides that any person whose employment is suspended or terminated under the authority granted to heads of departments and agencies by or in accordance with Public Law 733, 81st Congress, or pursuant to Executive Order 9835 (12 F. R. 1935; 3 CFR, 1947 Supp.), or any other security or loyalty program relating to officers or employees of the Government, shall not be reinstated or restored to duty or reemployed in the same department or agency and shall not be reemployed in any other department or agency, unless the head of the department or agency concerned finds that such reinstatement, restoration, or reemployment is clearly consistent with the interests of the national security, which findings shall be made a part of the records of such department or agency; and that no person whose employment has been terminated under such authority may be employed thereafter by any other department or agency except after a determination by the Civil Service Commission that such person is eligible for such employment.

(c) It is the policy of the Air Force that every possible safeguard will be provided to insure that no employee of the Air Force is removed from his employment arbitrarily or without full consideration and review of his case. No employee having a permanent or indefinite appointment who has completed his probationary or trial period and who is a citizen of the United States will be removed from his employment without an opportunity for a full and impartial hearing. Other individuals covered by this part may be afforded such a hearing at the discretion of the Central Security Board. It will, however, be the policy of the Board to grant such a hearing in all such cases except where the national security would otherwise be immediately affected.

(d) Security determinations will be made pursuant to the standard and criteria set forth in §§ 891.5 and 891.6. Such determinations, however, cannot be made in the abstract nor can general rules be laid down which will resolve individual cases automatically. In each case consideration should be given first to whether an individual is a suitable Air Force employee in his regularly assigned position. Where it is determined that an individual is not disqualified on security grounds for employment by the Department in any capacity, consideration should be directed to his fitness to hold the particular position to which he is assigned. The habits, activities, attitudes, associations, trustworthiness, reliability, and discretion of the individual involved are all relevant to the question of whether, because of his access to Air Force installations, information or material by virtue of his employment in the position involved, he might, either intentionally or inadvertently, disclose to unauthorized persons classified security information or other information, the disclosure of which is prohibited by law, or otherwise act against the security interests of the United States. In making this determination, the nature of the regularly assigned or official position involved (as distinguished from any position to which an employee may have been temporarily detailed as an interim security measure, and the opportunity afforded to the occupant of such position to have access (authorized or unauthorized) to security information, or to act to the detriment of national security, must be evaluated together with the information available to the Air Force and a common-sense decision rendered as to the ultimate question in each case.

(e) The suspension and removal procedures provided for in this part are based on the authority granted by Public Law 733, 81st Congress, and their use will be limited to cases in which the interests of national security are involved. These procedures will be used to supplement, not to substitute for, applicable civilian personnel removal procedures which will be used as appropriate where national security is not a consideration.

### § 891.2 Definitions.

(a) *Alien.* As used in this part, the term "alien" means any individual not a citizen of the United States.

(b) *Continental United States.* As used in this part, the term "Continental United States" means the forty-eight States and the District of Columbia.

(c) *National security.* As used in this part, the term "national security" relates to the protection and preservation of the military, economic, and productive strength of the United States, including the security of the Government in domestic and foreign affairs, against or from espionage, sabotage, and subversion, and any and all other illegal acts designed to weaken or destroy the United States.

(d) *United States.* As used in this part in a geographical sense, the term "United States" includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

### § 891.3 Responsibilities.

In carrying out the objectives and requirements of the security program, the following responsibilities are assigned:

(a) Over-all supervision and responsibility for the program are vested in the Assistant Secretary of the Air Force (Management).

(b) The Deputy Chief of Staff, Personnel, through the Director of Civilian Personnel, is responsible for the general administration of the program and for the continuing appraisal of the adequacy of the program from the standpoint of effective personnel administration.

(c) The Inspector General, Department of the Air Force, is responsible for the continuing appraisal of the adequacy of the program from the standpoint of effective security protection.

(d) Each commander is responsible for taking the action necessary to carry out the policies prescribed in this part, for taking action, as prescribed in this part, for the processing of all security cases involving civilian officers and employees under his command and for providing appropriate support for Security Hearing Boards convened at his installation as prescribed in this part.

### § 891.4 Establishment of Boards.

(a) The Central Loyalty-Security Board, established in the Department of the Air Force, is redesignated the Central Security Board. It will make initial adjudications and prepare charges, when required, in all security cases referred to it in accordance with this part, or by the Secretary of the Air Force. The Board will be composed of at least three members appointed by order of the Secretary of the Air Force. One will be selected by the Deputy Inspector General, Headquarters USAF, from activities under his jurisdiction, one from the Office of the Director of Civilian Personnel, and one from either the Office of the General Counsel or the Office of The Judge Advocate General of the Air Force. One of the members will be appointed to serve as chairman. Any three members of the Board will constitute a quorum.

(b) The Loyalty-Security Hearing Boards established at each Air Force activity outside the Continental United States, except those in Alaska, Canal Zone, Hawaii, Puerto Rico, and Virgin Islands, which maintains a central civilian personnel office are redesignated Security Hearing Boards. Each Board will hear and consider all security cases which are referred to it by the Central Security Board. Each Security Hearing Board will be composed of at least three members. Any three or more members of each Board will constitute a quorum, provided a majority of those present are civilians. The commander of the Air Force activity will nominate the members of the Board for confirmation and appointment by order of the Secretary of the Air Force, and will designate a chairman as required from among the members so appointed. The commander is responsible for taking the steps required on his part sufficiently far in advance so that a Board, appointed in accordance with the provisions of this part is available at all times.

(c) Other Security Hearing Boards to hear and consider cases involving civilian personnel of Air Force activities within the Continental United States, Alaska, Canal Zone, Hawaii, Puerto Rico, and Virgin Islands, will be established by the Secretary of the Air Force in appropriate areas.

(d) The Security Review Board is established in the Office of the Secretary of the Air Force to review all security cases submitted to it in accordance with this part and make recommendations thereon to the Secretary. The Board will be composed of members appointed by the Secretary of the Air Force.

(e) The Director of Civilian Personnel will provide an Executive Secretary, Civilian Personnel Security Program, and a Secretariat. The Executive Secretary will perform such administrative duties as are directed by the Secretary of the Air Force, or by the Boards.



### § 891.5 Standard.

The standard for the refusal of employment or the removal from employment in the interests of the national security shall be that, based on all the available information, it is determined that employment or retention in employment of the person concerned is not clearly consistent with the interests of the national security.

### § 891.6 Criteria for application of standard.

(a) Information regarding an applicant for employment, or an employee, which may preclude a finding that his employment or retention is clearly consistent with the interests of the national security, shall relate, but shall not be limited, to the following:

(1) Depending on the relation of the employment to the national security:

(i) Any behavior, activities or associations which tend to show that the individual is not reliable or trustworthy.

(ii) Any deliberate misrepresentations, falsifications, or omission of material facts.

(iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

(iv) An adjudication of insanity, or treatment for serious mental or neurological disorder without satisfactory evidence of cure.

(v) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security. Among matters which should be considered in this category would be the presence of a spouse, parent, brother, sister, or offspring in a nation, a satellite thereof, or an occupied area thereof, whose interests might be inimical to the United States.

(2) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor, or conspiring with, or aiding or abetting, another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

(3) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means.

(4) Advocacy of use of force or violence to overthrow the Government of the United States, or of the alteration of the form of Government of the United States by unconstitutional means.

(5) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons which is totalitarian, Fascist, Communist, or subversive, or which has adopted, or shows, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks to alter the form of Government of the United States by unconstitutional means.

(6) Intentional, unauthorized disclosure to any person of security information, or of other information disclosure of which is prohibited by law.

(7) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(8) Refusal by the individual, upon the ground of constitutional privilege against self-incrimination, to testify before a Congressional committee regarding charges of his alleged disloyalty or other misconduct.

(9) Participation in the activities of an organization established as a front for an organization referred to in subparagraph (5) of this paragraph when his personal views were sympathetic to the subversive purposes of such organization.

(10) Participation in the activities of an organization with knowledge that it had been infiltrated by members of subversive groups under circumstances indicating that the individual was a part of or sympathetic to the infiltrating element or sympathetic to its purposes.

(11) Participation in the activities of an organization, referred to in subparagraph (5) of this paragraph, in a capacity where he should reasonably have had knowledge of the subversive aims or purposes of the organization.

(12) Sympathetic association with a member or members of an organization referred to in subparagraph (5) of this paragraph (ordinarily this will not include chance or occasional meetings, nor contacts limited to normal business or official relations).

(13) Currently maintaining a close continuing association with a person who has engaged in activities or associations of the type referred to in subparagraphs (2) through (11) of this paragraph. A close continuing association may be deemed to exist if the individual lives at the same premises as, frequently visits, or frequently communicates with such person.

(14) Close continuing association of the type described in subparagraph (13) of this paragraph, even though later separated by distance, if the circumstances indicate that renewal of the association is probable.

(15) Willful violation or disregard of security regulations.

(b) In regard to paragraph (a) (5), (9), (10) and (11) of this section, designations of organizations by the Attorney General of the United States are made solely for the purpose of guidance to departments and agencies in the discharge of their obligations under Executive Order 10450 as amended. An employee's membership in, affiliation with, or sympathetic association with any organization, whether specifically designated pursuant to that Executive Order or not, is but one of the factors which will be considered in making the security determination. In evaluating such membership, affiliation, or association, consideration will be given to the employee's statements concerning the reasons and circumstances which led to his joining the organization involved, and his knowledge of the purposes of the organization.

(c) The activities and associations listed in paragraph (a) of this section are of varying degrees of seriousness. Therefore, the ultimate determination of whether employment or retention in employment is clearly consistent with the interests of national security must be an overall common-sense one based on all available information.

### § 891.7 Review of reports of investigation of applicants.

Commanders concerned will take action as prescribed in this section upon receipt of reports of investigation of applicants. (The provisions of §§ 891.9 to 891.17 apply with regard to reports of investigations which contain derogatory information relating to employees, including persons appointed to positions pending completion of investigative action.)

(a) *Nonderogatory reports.* If information relating to matter enumerated in § 891.6(a) is not contained in the report, and sufficient investigative action has been completed the individual may be appointed to the position involved.

(b) *Derogatory reports.* (1) If derogatory information relating to the criteria stated in § 891.6(a) is contained in the report, and the commander concerned is of the opinion that the employment of the applicant in the position involved would not be clearly consistent with the interests of the national security, the commander will not appoint the applicant to such position.

(2) If, notwithstanding the presence of such derogatory information in the report, the commander concerned is if the opinion that the employment of the individual in the position involved would be clearly consistent with the interests of the national security, the commander:

(i) May appoint the individual to the position if it is a nonsensitive position, provided that he is eligible for such appointment under the provisions of other applicable regulations;

(ii) Will not appoint the individual to the position if it is a sensitive position unless the case is processed in accordance with §§ 891.9 to 891.17.

(c) *Disposition of derogatory reports.* Irrespective of the action taken by the commander under this section, reports of investigation containing derogatory information relating to matter enumerated in § 891.6(a) will be forwarded to the Executive Secretary, Central Security Board, together with a statement by the commander as to the action taken in the particular case. Where an individual has been appointed to a position under the provisions of this section, the

commander will include in his statement the position title and organizational location and a detailed description of the duties which the employee is required to perform in the position.

**§ 891.8 Referral of possible derogatory information.**

(a) Executive Order 10450 requires that whenever there is developed or received by any department or agency information indicating that the retention in employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, such information will be forwarded to the head of the employing department or agency or his representative. Such information as may become known to commanders within the Air Force will be furnished promptly to the appropriate Office of Special Investigations, which will be responsible for forwarding the information to the appropriate representative within the department or agency concerned.

(b) In cases referred to the Air Force, other than reports of investigation, the commander concerned will forward the information to the Office of Special Investigations for necessary investigative action. The reports of investigation will be forwarded to the commander concerned in accordance with § 891.9, and the case will be processed in accordance with all other applicable provisions of §§ 891.9 to 891.17.

**§ 891.9 Initial action by Director of Special Investigations.**

Reports of investigation which contain information relating to matter enumerated in § 891.6(a) will be delivered to the Director of Special Investigations, Office of The Inspector General, Department of the Air Force, who will transmit the complete file direct to the installation commander for action under this part. At the same time the Director of Special Investigations will forward a copy of the entire file concerning any employee to the Central Security Board. The Director of Special Investigations will recommend that the Central Security Board direct the immediate suspension of an employee before forwarding the file to the installation commander if, in his opinion, such suspension is necessary in the interest of national security.

**§ 891.10 Action by commanders.**

(a) Upon receipt of an investigative file or other information of a derogatory nature reflecting upon an employee's fitness from a security standpoint, the commander will determine whether, in his opinion, the retention of the employee in his regularly assigned position is clearly consistent with the interests of the national security in the light of the standard and criteria set forth in §§ 891.5 and 891.6.

(b) If in the opinion of the commander, the employee's continued employment may not be clearly consistent with the interests of national security, the commander may, subject to the provisions of paragraphs (c) and (d) of this section and only when there is no other practicable method of protecting the security of the installation or of classified security information suspend the employment of the person involved in accordance with paragraph (e) of this section.

(c) Under no circumstances will an employee be suspended under authority provided in this part pending further investigation when the available information indicates that retention in a duty status during such investigation would not be likely to have a material adverse effect on the security of the activity or of classified security information or material, or on mere suspicion, or for disciplinary reasons which can be appropriately handled under some other authority. Interim action other than suspension will be used to the fullest practicable extent. Examples of action which may be appropriate are: temporary removal from the employee's position of those duties which involve access to classified security information, detail of the employee to another position or to other duties, or placing the employee on annual leave.

(d) To avoid unwarranted or premature suspensions and to insure the orderly processing of cases, the commander, wherever possible, will consult by telephone directly with the Executive Secretary before taking suspension action.

(e) Whenever the employee is suspended, notice of suspension will be given on SF 50, which will state under "Remarks" only, "Immediate suspension is necessary in the interest of national security under authority of Public Law 733, 81st Congress, pending adjudication of your case under AFR 40–12", and will be given to the employee in person. Information contained in the investigative file will not be disclosed to the employee. The employee will be furnished a copy of AFR 40-12, and will be advised that he will receive a statement of charges or other instructions from the Central Security Board.

**§ 891.11 Action by Central Security Board.**

(a) The Central Security Board will review the case in the light of the standard and criteria set forth in §§ 891.5 and 891.6, and will determine whether the reported information warrants a finding favorable to the individual, further investigation, or further processing with a view to possible removal action. It may, in appropriate cases, recommend other administrative action such as initiation of removal proceedings under other applicable directives instead of under this part.

(b) The Central Security Board, either on its own motion, or on the recommendation of the Director of Special Investigations or the commander of the employing activity, may direct the suspension of an employee under Public Law 733, 81st Congress, if it deems such action necessary in the interest of national security. If suspension has already been effected, the Board will review such action to determine whether the employee should be restored to duty. In making its determination, the Board will take into consideration: (1) The necessity for providing maximum protection to the security of the employing activity or of classified security information or material, (2) the fact that an unwarranted or premature suspension may result in needless effort or embarrassment on the part of the employee of the Air Force, (3) those requirements of Public Law 733, 81st Congress, which provide that a suspended employee will be given a written statement, within 30 days after his suspension, of the charges against him which will be subject to amendment within 30 days thereafter, and which will be stated as specifically as security considerations permit, (4) the instruction in § 891.10(c), that commanders take interim action other than suspension whenever practicable, (5) the responsibility of the Board to insure that the file and the reported information are as complete as is reasonably practicable before it directs suspension of the employee, issues charges, or takes its final action in the case.

(c) If the Central Security Board finds favorably to the employee, it will prepare its findings in accordance with § 891.14(d) (2) and (3), and will recommend to the Secretary of the Air Force that action favorable to the employee be taken. Upon approval of such favorable finding, the commander of the employing activity will be so notified. Wherever appropriate, the notice will state that it constitutes the employee's personnel security clearance for access to the specific category of classified security information necessary for his regularly assigned position and to no other information. The commander will make an appropriate notation in the employee's official personnel folder based upon the instructions in the letter.

(d) If the Central Security Board determines that the reported information does not warrant a finding favorable to the individual, it may issue interrogatories to him, request further investigation, or prepare a notice of proposed removal action and statement of charges. The statement of charges will set forth the reasons for initiating the proposed removal action in as great detail as, in the opinion of the Board, security considerations permit in order to provide the employee with sufficient information to prepare his defense. The notice will inform the employee (1) of his right within 30 calendar days from the date of his receipt of the notice (plus an additional 30 days in the event amended charges are issued) to answer the charges in writing under oath or affirmation, together with such statements, affidavits, or other documentary evidence as he may desire to submit by way of defense, (2) of his right to an administrative hearing on the charges before a designated Security Hearing Board upon his request, if one is authorized by law or by the Central Security Board, and (3) when appropriate, of his right to appear before the Security Hearing Board personally, to be represented by counsel or a representative of his own choosing, if he desires, and to present evidence in his own behalf. The notice will state the work and pay status in which he will be carried during the notice period and until notification of the action in the case. The notice will also inform the



employee that the proposed removal will not become effective in less than 30 calendar days from the date he receives the notice, and it will state the authority under which the notice is sent.

(e) The Central Security Board will forward the notice and statement of charges direct to the commander of the employing activity and will forward a copy of both, together with the complete file of the case to the designated Security Hearing Board. The Central Security Board normally will instruct the commander to suspend the employee without pay at the time he has the notice and statement of charges delivered to him. The commander will have the notice of proposed removal action and statement of charges delivered to the employee in person, and will obtain a signed receipt therefor; if personal delivery is not practicable, the notice will be sent to the employee by registered mail with a request for a return receipt signed "by addressee only." The signed receipt will be forwarded direct to the designated Security Hearing Board for inclusion in the complete file of the case.

**§ 891.12 Proceedings by the Hearing Board.**

(a) Following delivery to the employee of the notice of proposed removal and statement of charges, the designated Security Hearing Board will proceed as follows with respect to cases referred to it:

(1) If the employee does not request a hearing within the time specified in the notice of proposed removal action, the entire file, including any answer to other material submitted by the employee, will be returned to the Executive Secretary for action in accordance with § 891.15.

(2) If the employee requests a hearing within the time specified, the Board will set a time and place for the hearing and will notify the employee thereof regardless of whether the employee submitted a formal reply in writing. The hearing will be held as soon as practicable allowing the employee a reasonable length of time to obtain witnesses if desired.

(b) Each individual case file referred to a Hearing Board will be studied, prior to the hearing, by each Board member who is to participate in the hearing and in the determination of the case. In this way, Board members will be able to conduct the hearing in an intelligent manner by being informed in advance of the facts giving rise to the case, and thereby become aware of those areas of doubt which will require exploration and explanation at the hearing. However, it must be borne in mind constantly when studying the file prior to the hearing that the investigative reports, statement of charges, and other information in the file may represent only one side of the case, and that the employee has not, as yet, introduced his entire defense. Board members should not form any premature conclusions as to the eventual determination of the case.

(c) When the employee requests the assistance of the Board in securing the attendance of witnesses, or when in the opinion of the Board the testimony of persons not confidential informants might be helpful, the Board may invite such witnesses or persons to appear and testify, may endeavor to take their depositions, or may ask them to answer written interrogatories or to submit written statements. All Boards are instructed to invite, in all cases whenever practicable, every witness who (1) is personally identified in the investigative file, (2) has given the investigative agency pertinent information adverse to the employee, and (3) has not expressly indicated his unwillingness to appear at the hearing and to testify in the employee's presence and to subject himself to cross-examination. Invitations should be extended in a suitable manner, a reasonable time in advance of the hearing, if possible, so as to afford witnesses an opportunity to attend. Invitations should state the time and place the hearing will be held and that the Board cannot pay witness fees or reimbursement for travel or other expenses. However, the Board will not be bound by the testimony of such witnesses by reason of having called them. Reasonable cross-examination of witnesses by the Board, by the employee, or by his counsel or representative, will be permitted. The refusal of such witnesses to cooperate with the Board will be taken into consideration in determining the probative value of any information attributed to them in the file.

**§ 891.13 Conduct of hearings.**

(a) Hearings are designed to accomplish two major purposes: (1) To permit the employee to present evidence in his behalf and (2) to give the Board an opportunity to consider all available information and make searching inquiry to aid in reaching a fair and impartial determination. Accordingly, such hearings are not to be conducted with the formality of a court proceeding. Rather, the hearings will be conducted as administrative inquiries held for the purpose of affording the employee an opportunity to be heard and to permit the Board to inquire fully into the matters related to the particular case.

(b) Hearings will be conducted in an orderly manner, with dignity and decorum. They may be attended only by the members of the Board participating in the hearing, the employee and his counsel or representative, the legal advisor, other Government personnel authorized by the chairman, and such witnesses as the Government or the employee desires to introduce. The employee and his counsel or representative will be permitted to be present throughout the hearing. Usually a witness may be present only when he is actually testifying.

(c) The Board may consider any information either oral or written which, in the minds of reasonable men, is of probative value to determine the issue involved. Strict rules of evidence will not be followed, but reasonable bounds with respect to relevancy, materiality, and competency will be maintained. Every reasonable effort will be made to obtain the best information available. Hearsay matter may be admitted without regard to technical rules of admissibility and accorded such weight as the circumstances warrant.

(d) Whenever practicable, the Executive Secretary will arrange to have a legal advisor present at the hearing to represent the Assistant Secretary of the Air Force (Management), to furnish legal advice to the Board, and to assist it in making certain that the record is as complete and adequate as possible. The legal advisor may interrogate all witnesses who appear before the Board, including the employee if he chooses to testify. In the event the employee appears without counsel, the legal advisor will advise him of his rights and assist him with respect to procedure. No function performed by the legal advisor, however, will relieve the Board of its responsibility for insuring that the record is complete, that the employee is advised of his rights, and that all pertinent information both favorable and unfavorable to the employee, is considered. The legal advisor is in no sense a prosecutor and he will not conduct himself as such. In the discretion of the Board, the legal advisor may attend executive sessions of the Board but he will not attend the executive session at which the Board arrives at its final findings and recommendation.

(e) Hearings will be called to order by the chairman who will make an opening statement substantially as follows:

The Security Hearing Board of (name of activity) appointed by order of the Secretary of the Air Force in accordance with Air Force Regulation 40–12, is now ready to proceed with the hearing in the case of (name employee). This is not a court of law and strict rules of evidence and court procedure are not followed. This is an administrative hearing held for the purpose of affording you an opportunity to be heard and to permit the Board to inquire fully into the matters related to your case. You have the right to participate in this hearing and to be represented by counsel or other representative and to present witnesses in your behalf. You can assist the Board in arriving at a fair and just determination in your case by giving full and frank answers to all questions the Board may have and by confining your attention to matters related to your case. The transcript to be made of this hearing will not include all material in the file of the case, in that it will not include reports of investigation. Neither will it contain classified security information, information concerning the identity of confidential informants, or information which will reveal the source of confidential information.

Wherever appropriate, after a careful review of the case in the light of paragraph (h) of this section, the Chairman will include the following sentence in the opening statement:

However, you are hereby informed that security considerations in this case do not prohibit informing you fully of the relevant information against you and accordingly the substance of all the relevant information against you which has been referred to the Board for its consideration has been made available to you, or will be made available during the course of this hearing. You will be furnished a copy of the transcript to be made of this hearing if you request it.

(f) Following the opening statement, the Chairman will read the statement of charges (and interrogatories issued to the employee if any) and inform the

employee that if he so desires he may make any statement he wishes and introduce any witnesses in his behalf. Statements by the employee and all testimony of witnesses must be made under oath or affirmation administered by the Chairman in the following manner:

Do you, (name of employee or witness) solemnly (swear) (affirm) that the testimony you are about to give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth (so help you God)?

(g) Subsequent to the employee's statement, if any, and the introduction of such witnesses as he may desire, the hearing will proceed as directed by the Board. The Board may recess the hearing at any time and meet in executive session. During an executive session the Board may call the reporter to review any portion of the record of the hearing and may obtain technical assistance as desired from such persons as the legal adviser or a security officer. No transcript of an executive session will be made as such session is not considered a part of the hearing.

(h) Boards are directed to conduct proceedings in such maner as to protect from disclosure classified security information or information tending to compromise investigative sources or methods. While the Board's questions should cover all grounds for proposed removal and should be designed to give employees the fullest possible opportunity consistent with security considerations to explain or refute derogatory information contained in the investigative reports, it is imperative that proposed lines of questioning be considered carefully in the light of security principles. (See § 891.17.) It is particularly important that security considerations be considered before the employee is notified, in accordance with paragraph (e) of this section, that he has been, or will be, informed of the substance of all the relevant information against him. In any case where doubt exists as to the propriety of a question or the advisability of revealing certain information, advice should be obtained, preferably in advance of the hearing. However, no information which does not appear in the statement of charges or which has been excluded from the hearing but which is relevant to the charges against the employee will be used as a basis for terminating his employment unless it has been excluded from the statement of charges and the hearing for valid security reasons, or unless it has been revealed to the employee during the adjudication process in such a manner that his ability to present a defense thereto has not been prejudiced.

(i) In each case, the Board should insure that the case file contains detailed information concerning the employee's regularly assigned position, and the opportunity afforded the occupant of the position to act to the detriment of the national security.

(j) Before the Board adjourns the hearing it should ask the employee or his counsel whether he desires additional time to secure and present evidence to the Board. Any period up to 30 days is permissible, but the employee should be urged to present his evidence as soon as possible. Usually the evidence will be in affidavit or documentary form.

(k) A verbatim stenographic transcript will be made of the hearing (prepared in quadruplicate) by qualified reporters and the transcript will be made a permanent part of the record in each case. The transcript will include a copy of the statement of charges and interrogatories issued to the employee, if any. No other transcript will be made.

(l) The employee will be furnished a copy of the transcript without cost if he, or his counsel or representative, requests it. The Board will review the copy of the transcript to be given to the employee, before releasing it to him, to insure that it contains no classified security information. Advice on such matters should be requested from the appropriate Air Force security officer when deemed desirable. Deletions will be made only when required by security considerations, and a notation will be made on all copies retained by the Air Force of the portions which were deleted from the copy furnished the employee.

(m) If the employee or his counsel or representative desires to submit corrections in the transcript to the Board, he will note the corrections on a separate statement, designating the page and line. The statement of corrections must be filed within the time set by the Board. The Board will determine what corrections are allowable and will inform the employee thereof. It will enter upon the transcript by marginal notation the corrections which are allowed, and will enter on the statement filed by the employee, his counsel or representative, the corrections which are rejected. The statement filed by the employee, his counsel or representative, will be made a part of the original transcript so that it may be a permanent part of the complete file. The Board in its discretion may call upon the employee, his counsel or his representative, for a discussion of the corrections prior to its determination thereon. Corrections will be allowed solely for the purpose of conforming the transcript to the actual testimony, except as to matters deleted for security reasons as provided in paragraph (l) of this section.

### § 891.14 Hearing Board findings and recommendations.

(a) As soon as practicable after the close of the hearing, the Hearing Board will meet in executive session for the purpose of arriving at its findings and recommendation. The Board will consider the complete file, including the original file, the transcript of testimony at the hearing, any brief submitted by the employee or by his counsel or representative, and all other relevant material.

(b) The Board will take into consideration the fact that the employee may have been handicapped in his defense by the nondisclosure to him of classified security information or by the lack of opportunity to cross-examine persons constituting sources of information, and will weigh derogatory information carefully in the light of its recency, relative seriousness, attendant circumstances, whether it was given under oath, whether it is relevant to the charges specified, whether the employee has had an opportunity to rebut it, and whether there is similar or supporting information.

(c) The Board will make its findings and recommendation in writing, which will be signed by all members of the Board voting for them. Dissenting opinions may be submitted.

(d) The findings will include:

(1) A finding with respect to each of the allegations set forth in the statement of charges and an analysis of the information and a detailed statement of the reasoning upon which each finding is based. Even though the Board finds that each of the allegations in the statement of charges is true, it need not recommend removal of the employee.

(2) Any other statement which may be helpful to the reviewing authorities.

(3) A finding in the following form:

Based on all the available information, it is found that the employment or retention in employment of (name of employee) (is) (is not) clearly consistent with the interests of the national security.

This finding will be supported by an analysis of the information and a detailed statement of the reasoning upon which the finding is based.

(e) If the Board finds that the employee's employment is clearly consistent with the interests of the national security, it will recommend that he be restored to his regularly assigned position. If it finds adversely to the employee, it may find further, on the basis of the criteria set forth in § 891.6, that the employee's employment would be clearly consistent with the national security if he were reassigned from his regularly assigned position to a non-sensitive position, and the Board may recommend such reassignment, if it has determined, after consultation with the commander, that a suitable vacancy exists and that the commander concurs in the reassignment. Commanders should positively assure themselves that a suitable vacancy under applicable Civil Service Commission and civilian personnel directives in fact does exist within their area of responsibility prior to concurring in such reassignment. The commander's concurrence will be made a matter of record and included in the file. In other cases, the Board will recommend that the employee's employment be terminated.

(f) The Hearing Board will transmit the complete file directly to the Executive Secretary, Civilian Personnel Security Program. The complete file consists of all reports of investigation or other inquiry, all charges and interrogatories, all transcripts of hearings and exhibits, all memoranda analyzing the evidence or setting forth conclusions, findings, recommendations, determinations, decisions, or other action in the case, and all affidavits, supporting documents, correspondence or memoranda in connection with the investigation and processing of the case.

(g) Upon receipt of the case from the Hearing Board, the Executive Secretary will review the file for completeness and will transmit it to the Security Review Board.



### § 891.15 Action by Security Review Board.

The Security Review Board will review the file to determine the regularity of the procedures followed, and to determine whether the information supports the findings and recommendation of the Hearing Board. It will consider any additional written evidence or brief submitted by the employee or his counsel or representative. It is authorized to take action necessary to correct any irregularities in the proceedings, and to obtain additional information pertinent to the resolution of issues in the case by remanding the case to the Hearing Board for further action, by requesting further investigation, by obtaining depositions, and otherwise. After the Security Review Board has made its findings and recommendation, it will submit the entire file to the Office of the Secretary of the Air Force for decision.

### § 891.16 Notice to employee.

The Executive Secretary will notify the employee through the commander of the employing activity of the decision in the case. He will also notify the commander of the action to be taken in the case. Wherever appropriate, the notice will include personnel security clearance authority as prescribed in § 891.11(c).

### § 891.17 Release of information.

All Government personnel, including all members of the Boards, will comply with applicable directives pertaining to the safeguarding of classified security information and the handling of investigative reports. No classified security information or any information which might compromise investigative sources, investigative methods, or the identity of confidential informants will be disclosed to any officer or employee whose case is being considered in this program or to his counsel or representative, or to any other person not requiring such information in the performance of his official duties. No information concerning the status of any security case will be disclosed to any person outside the Department of the Air Force or to any other person not requiring the information in the course of his official military or other governmental duties unless approved by the Executive Secretary.

### § 891.18 Resignation policy.

Any employee whose case is being processed under this part may resign at any time. However, if he resigns after he has been suspended, or after he has received an interrogatory or a letter of charges from the Central Security Board, or after he has been informed in some other way that proceedings under this part are pending against him, the SF 50 effecting the resignation will bear the notation, "Resigned while action pending to adjudicate security case under Public Law 733, 81st Congress." In all other cases, the SF 50 will contain only the routine data, and no mention will be made thereon of the pending security case. If the employee resigns, the entire case file will be forwarded without further action to the Central Security Board for appropriate disposition.

### § 891.19 Reimbursement of employees.

The commander of the Air Force activity concerned usually will be instructed to pay to any employee whose employment is suspended or terminated pursuant to Public Law 733, 81st Congress, and who is later reinstated or restored to duty, compensation for the period of the suspension or termination in an amount equal to the difference between the amount such employee would normally have earned during the period of such suspension or termination at the rate he was receiving on the date of his suspension or termination and his interim net earnings. However, no employee will be compensated for any extension of the period of suspension or termination caused by the employee's voluntary action and not the result of action by the Air Force in suspending or terminating his employment.

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## SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

## PART 900—INSTITUTE OF TECHNOLOGY (IT)

Sec.
900.1 Purpose.
900.2 Mission.
900.3 How the IT is organized and operated.
900.4 What the IT will do.
900.5 Academic degrees.
900.6 Professional education and training-with-industry program.
900.7 Special short courses.
900.8 Medical postgraduate courses.

AUTHORITY: The provisions of this Part 900 issued under secs. 8012, 9301, 9314, 70A Stat. 488, 559, 561; 10 U.S.C. 8012, 9301, 9314.

### § 900.1 Purpose.

This part states the mission of the Institute of Technology (IT). It outlines the IT's role in Air Force educational and training programs; announces policies for planning and conducting IT programs; states general eligibility criteria for participation.

### § 900.2 Mission.

The mission of the IT is to provide education and training in scientific, engineering, managerial, medical, and other fields as directed by Headquarters USAF.

### § 900.3 How the IT is organized and operated.

The IT is an educational institution located on Wright-Patterson Air Force Base, Ohio. It is organized and operated under the command jurisdiction of Commander, Air University, in accordance with the policies established by Headquarters USAF.

### § 900.4 What the IT will do.

(a) The IT will plan, organize, conduct, and/or administer educational and training programs in residence and at selected civilian educational institutions and industrial organizations in accordance with directives from Headquarters USAF.

(b) In developing IT educational programs, the following policies will prevail:

(1) Programs will be established to improve the professional competence of career officers in specific Air Force Career Areas, Utilization Fields, and Specialties.

(2) Programs will be planned and developed in terms of the Air Force requirement for which they were established. The Air Force Educational Requirements Board will provide information for the development of educational programs in residence and in cooperation with civilian institutions.

(3) Programs will provide sufficient flexibility to allow each officer's experience and academic background to be considered in the development of his curriculum.

(4) The curriculum followed by each officer will enable him to reach the proficiency required by the Air Force need for which he is being educated in the minimum period of time.

(5) Programs will be planned so as to provide for the admission of all officers selected by Headquarters USAF.

(6) An academic degree will be an objective when the foregoing criteria have been met and when the educational program developed in support of an Air Force requirement is degree worthy. In view of the recognized value of the degree, minor modifications that do not compromise the requirement, or increase the cost or length of a program, may be made in an officer's curriculum.

(c) Admission standards for IT programs will be developed in terms of the policies established by Headquarters USAF for the operation of the programs and the educational background and experience of the officer corps from which the students are drawn. The problem of admission will further be considered in terms of the adult officer corps, and the particular career officers within the corps whom it is most desirable to educate from an Air Force viewpoint. Full use will be made of tests and other measures of aptitude and achievement to determine officers' qualifications for further education.

(d) Headquarters USAF will establish quotas for the various fields of study for IT programs unless otherwise specified by this part.

(e) Civilian institutions will be utilized to provide education and training required by the Air Force when they are able to meet the needs of the Air Force.

(f) When education or training authorized under this part is conducted in a resident program, priority will be given to filling resident program quotas.

(g) The Commandant, IT, will make all agreements and contractual negotiations with civilian educational and industrial organizations to provide education and/or training authorized by this part. Agreements and negotiations with Government-operated schools will be carried out in accordance with instructions furnished by Headquarters USAF.

(h) Only career officers, Regular and Reserve, will be entered into the IT Professional Education Program. Reserve officers with an established date of separation may be issued letters of eligibility for training by the Com-

mandant, IT. To determine their availability for training these officers may complete applications and forward them to Headquarters USAF. When Headquarters USAF selects such officers for schooling, each officer must elect to sign a career reserve statement and be approved for career Reserve status before entrance into an educational program. All officers selected to attend the IT will be required to indicate knowledge of the service commitment they will incur. This acknowledgment will be included as part of the officer's application.

(i) Headquarters USAF will control the initial assignment of Air Force officers completing IT programs other than those classed as TDY courses. These officers will be assigned to periods of directed duty appropriate to Air Force training programs.

(j) The maximum length of each educational program authorized by this part will be established by Headquarters USAF at the time the program is authorized. Students will complete their study within the period of time authorized for the particular program to which they are assigned or in a lesser period of time when they can do so. Headquarters USAF may extend an academic tour when a student's work has been interrupted due to illness or other circumstances beyond his control. In no instance will an officer be retained in an IT program beyond the length of time specified for the program without prior approval of Headquarters USAF. An officer may be eligible for a second tour in IT programs after completing an interim duty assignment of at least 3 years. The total time a student may be in IT education, including prior training-with-industry programs and extensions, will not exceed 48 months. Tours of duty of officers of the Medical Service engaged in residency training in any of the medical or dental specialties will not be limited by the foregoing but will be established by the Surgeon General, USAF, to conform to requirements of the appropriate national accrediting agencies.

**§ 900.5 Academic degrees.**

(a) Section 9314, Title 10, United States Code, authorizes the Commander, Air University, to confer appropriate academic degrees on persons who meet established requirements for degrees in fields of study conducted by the IT Resident Program.

(b) The academic requirements for obtaining degrees at the IT parallel the requirements for similar degrees in colleges and universities. Degree requirements are established by the IT and approved by Air University and Headquarters USAF.

**§ 900.6 Professional education and training-with-industry programs.**

(a) *Description.* (1) The IT offers undergraduate and graduate level educational programs at Wright-Patterson Air Force Base and in civilian institutions. Courses of study authorized vary from year to year as determined by Air Force requirements.

(2) The IT School of Engineering, School of Logistics, and Civil Engineering Center offer educational training programs that are peculiar to the needs of the Air Force. Programs are established as directed by Headquarters USAF.

(3) Training-with-Industry programs provide Air Force officers with on-the-job training at various industrial concerns so that they may gain an understanding of their operations in support of the national defense effort. Students assigned to these programs receive training similar to that provided executives of industrial organizations.

(b) *Eligibility.* Eligibility criteria normally applicable to IT Resident Programs, and Civilian Institutions and Training-with-Industry Programs are:

(1) Applicants must be officers serving in the grade of lieutenant colonel or below. (The term "officer" or "officers" as used in this part includes warrant officers.)

**§ 900.7 Special short courses.**

These courses are of less than 20 weeks duration and are designed to provide concentrated instruction in specialized subjects related to an officer's duty assignment. Headquarters USAF authorizes the establishment and tailoring of these courses to meet specific needs of the Air Force.

**§ 900.8 Medical postgraduate courses.**

Such courses are of less than 20 weeks duration and are established and conducted by civilian institutions. They provide concentrated instruction in many subject areas and are announced by the institution conducting the program. Qualified Air Force medical service officers may be authorized to enroll when a need for training in a particular field is established within the major air command. Quotas are not established or allocated for these courses by Headquarters USAF.

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## PART 901—APPOINTMENT TO THE UNITED STATES AIR FORCE ACADEMY

Sec.
- 901.1 Purpose.
- 901.2 Policy.
- 901.3 Appointment vacancies.
- 901.4 Sources of nomination.
- 901.5 Basic requirements.
- 901.6 Nomination requirements and procedures.
- 901.7 Where applicant will report.
- 901.8 How to notify Director of Admissions of change of address or station assignment.
- 901.9 Suggested letter formats.

AUTHORITY: The provisions of this Part 901 issued under secs. 8012, 9331–9355, 70A Stat. 488, 523; 10 U.S.C. 8012, 9331–9355.

**§ 901.1 Purpose.**

This part explains application procedure and appointment to the United States Air Force Academy.

**§ 901.2 Policy.**

Persons eligible for nomination to the Air Force Academy are encouraged to apply in every category in which they are eligible.

**§ 901.3 Appointment vacancies.**

Appointment vacancies are authorized by law to specific nominating authorities.

**§ 901.4 Sources of nomination.**

(a) United States Senators and Representatives.

(b) Resident Commissioner of Puerto Rico; Governor of the Panama Canal Zone; Governor of American Samoa; Governor of Guam; Governor of the Virgin Islands; and the Commissioners of the District of Columbia.

(c) Air Force and Army enlisted Regular competitive category.

(d) Air Force and Army enlisted Reserve competitive category.

(e) Presidential competitive category.

(f) Vice Presidential category.

(g) Sons of Deceased Veterans competitive category.

(h) Honor Military and Honor Naval Schools competitive category.

(i) Sons of Congressional Medal of Honor winners.

(j) Allied Students. ("Designated"—"To receive instruction" 10 U.S.C. 9344, 9345.)

**§ 901.5 Basic requirements.**

All applicants must meet the following basic requirements:

(a) *Age.* Applicant must be at least 17 years of age but must not have passed his 22d birthday by July 1st of the year in which he enters the Air Force Academy. A nominee is required to legally substantiate his date of birth.

(b) *Citizenship.* Applicant must be a male citizen of the United States. If an applicant is a citizen by naturalization, the following certificate is required, authenticated by a notary public or other persons authorized by law to administer oaths:

I certify that I have this date seen the original certificate of citizenship number ------ stating that ---------- was granted United States Citizenship by the ---------- on ---------- The
(Name of court) (Date)
following person was named in the certificate as a minor child ----------
(Name of child)
age -------.

Facsimiles or copies, photographs or otherwise, will not be made of naturalization certificates under any circumstances as stated in 18 U.S.C. 1426(H).

(c) *Domicile.* An applicant nominated by an authority designated in § 901.4 (a) or (b) must be domiciled within the constituency of such authority.

(d) *Moral character.* Applicant must be of highest moral character. Commanders will furnish information to the Director of Admissions, United States Air Force Academy, Colorado, on any military applicant or nominee whose official records show:

(1) He is or has been a conscientious objector. In this case, an affidavit expressing his abandonment of such beliefs and principles so far as they pertain to his willingness to bear arms and to give full and unqualified military service to his country is required.

(2) Any facts which give reason to believe that his appointment may not be clearly consistent with the interests of national security.

(3) Conviction by court-martial for other than a "minor offense" (par. 128b, p. 229, MCM 1951) or conviction of a felony in a civilian court.

(4) Elimination from any officer training program or any preparatory school of the Army, Navy, or Air Force academies for military inaptitude, indifference, or undesirable traits of character. This includes any person who resigned in the face of impending charges or who was eliminated by official action.

(5) Habitual intemperance.

(6) Any behavior, activity, or associations which tend to show that he is of questionable moral character or reputation.

(e) *Physical standards.* Each applicant must meet the physical requirements.

(f) *Marital status.* Applicant must not be and never have been married. Cadets are not permitted to marry until after graduation.

**§ 901.6 Nomination requirements and procedures.**

Young men desiring appointment to the Air Force Academy must first apply for and obtain nomination in at least one of the following categories:

(a) *Congressional.* Any United States resident who meets the basic requirements listed in § 901.5 may apply directly to the United States Senators of his State of residence and/or the Representative of his District of residence (see § 901.9 (a)). The nominating authority will advise the applicant of further action, and will forward AF Form 1196 (used only by Hq USAF and Congressmen) for each nominee through the Air Force Academy Activities Group, Hq USAF, Washington, D.C., 20330, to the Director of Admissions, U.S. Air Force Academy, Colorado. The Director of Admissions will then schedule the nominee for testing. After nomination, the nominee should address all correspondence, forms, etc., to the Director of Admissions.

(b) *District of Columbia and United States Possessions.* Residents of the District of Columbia apply to the Commissioners of the District of Columbia. Residents of Puerto Rico apply to the Resident Commissioner. Sons of civilians residing in the Panama Canal Zone, or sons of civilian employees of the United States Government and the Panama Canal Company residing in the Republic of Panama, apply to the Governor of the Panama Canal Zone. Residents of American Samoa, Guam, and the Virgin Islands apply to their respective Governors. Applications should be submitted in writing (see § 901.9(a)) as early as May of the year preceding that in which admission to the Academy is desired. The nominating authority will advise the applicant of further action and will forward the nomination for processing as described in paragraph (a) of this section.

(c) *Presidential (competitive).* The son of a member of a Regular component of the Armed Forces of the United States is eligible for nomination. The Regular component member must be on active duty, retired or deceased, but not discharged before retirement or death. The son of a member of a Reserve component is eligible in this category if his parent received a Reserve commission or warrant while a member of a Regular component, remained on continuous extended active duty, and retained the right to revert to Regular status. An adopted son is eligible if adoption proceedings were initiated before his 15th birthday. In addition, applicants must meet the basic eligibility requirements listed in § 901.5. An eligible individual may apply to the Director of Admissions, U.S. Air Force Academy, Colorado, requesting nomination in accordance with § 901.9(b).

(d) *Vice Presidential.* Any individual who meets the basic eligibility requirements listed in § 901.5 may apply to the Vice President for nomination. The request may be submitted as early as May of the year preceding the one in which he desires appointment to the Academy. The application should be addressed to the Vice President, United States Senate, Washington, D.C., and should contain all information outlined in § 901.9(c).

(e) *Sons of deceased veterans (competitive).* The son of a deceased member of the Armed Forces of the United States is eligible for nomination in this category if he meets the basic requirements listed in § 901.5, and if the deceased parent (male or female) was killed in action, or died as a result of wounds or injuries received, disease contracted in, or pre-existing injury or disease aggravated by, active service during World War I, World War II (December 7, 1941 through December 31, 1946), or the Korean Conflict (June 27, 1950 through January 31, 1955). An individual eligible for a nomination in this category will submit a written request to the Director of Admissions, U.S. Air Force Academy, Colorado, in accordance with § 901.9(d).

(f) *Honor Military and Honor Naval Schools (competitive).* Three honor graduates or prospective honor graduates from each designated honor military and honor naval school may be nominated to fill the vacancies allocated to such schools. Vacancies are filled in the order of merit, regardless of the schools from which the nominations are made. Appropriate school authorities must certify that each nominee is an honor graduate and meets the basic eligibility requirements listed in § 901.5. Nominations must be submitted to the Director of Admissions, U.S. Air Force Academy, Colorado, by January 31st of the year in which the nominees desire appointment. Nominations are not limited to honor graduates of the current year. An individual eligible for nomination in this category will apply to the administrative authority of his school. The application will include:

(1) Full name, address, and date of birth. If in the service, grade, service number, organization, and station.

(2) Reasons for requesting nomination to the Air Force Academy.

(g) *Sons of Congressional Medal of Honor winners.* The son of any Congressional Medal of Honor winner who served in any branch of the armed services may apply for nomination. If an applicant meets the eligibility criteria and qualifies on the entrance examinations, he will be admitted to the Academy. An applicant must write to the Director of Admissions, U.S. Air Force Academy, Colorado, requesting a nomination in this category. The letter must include:

(1) Full name, address, and date of birth. If in the service, give grade, service number, organization, and station.

(2) Full name, rank, service number, and branch of service of the parent to whom the Medal of Honor was awarded.

(h) *Citizens of the American Republics and the Philippines.* These persons may apply for designation to receive instruction at the Air Force Academy. The Academy is authorized to provide instruction to as many as 20 persons at any one time from Canada and the American Republics. However, not more than three students from one republic or from Canada may receive instruction at the same time. In addition, one student from the Republic of the Philippines may be admitted in each entering class. A citizen of an American Republic or Canada must apply to the Government of his own country. A Filipino applies to the President of the Republic of the Philippines. The application should contain complete particulars about his background and should be submitted at least a year before the time of desired admission to the Academy. Applicants in these categories must meet the eligibility requirements established for all Academy candidates and must be able to read, write, and speak English proficiently. With the exception of the American Republics, Canada, and the Philippines, a student from any other foreign country may not be admitted to the Air Force Academy unless he has received specific authorization by legislation of the United States Congress.

**§ 901.7 Where applicant will report.**

An applicant nominated in one or more of the above categories (except § 901.6(h)) will be notified by the Director of Admissions, U.S. Air Force Academy, Colorado, to report to an Air Force Academy and Aircrew Examining Center for final qualification testing. The nominee will also be instructed concerning the College Entrance Examination Board tests. All requirements are listed in the letter of instructions. No nominee will be considered for appointment until scores on all tests are received.

**§ 901.8 How to notify Director of Admissions of change of address or station assignment.**

Each applicant or nominee is personally responsible for notifying the Director of Admissions of every change of address or station assignment. Notifications are sent direct to the Director of Admissions, U.S. Air Force Academy, Colorado, and will include complete name, grade, service number, and new organization or unit to which assigned. Reassignment of military personnel to any duty station will not be delayed pending action by the Director of Admissions.







**§ 901.9 Suggested letter formats.**

(a) *Request to Senator or Congressman.*

Dear Senator (Congressman) ----------:

I am a male citizen of the United States, and will be ---- years old on July 1, 19--. I am desirous of receiving an appointment to the United States Air Force Academy, Colorado, and request your nomination.

Sincerely yours,

(b) *Request to Director of Admissions, U.S. Air Force Academy, Colorado.*

Dear Sir:

I am a male citizen of the United States, and will be ---- years old on July 1, 19--. I am desirous of receiving an appointment to the United States Air Force Academy, Colorado, and request nomination in accordance with § 901.9(b).

Sincerely yours,

(c) *Request to Vice President.*

Dear Mr. Vice President:

I am a male citizen of the United States, and will be ---- years old on July 1, 19--. I am desirous of receiving an appointment to the United States Air Force Academy, Colorado, and request your nomination.

Sincerely yours,

(d) *Request to Director of Admissions, U.S. Air Force Academy, Colorado.*

Dear Sir:

I am a male citizen of the United States, and will be ---- years old on July 1, 19--. I am desirous of receiving an appointment to the United States Air Force Academy, Colorado, and request nomination in accordance with § 901.9(d).

Sincerely yours,

[F.R. Doc. 64-9900; Filed, Oct. 5, 1964; 8:45 a.m.]

**§ 901.9 Suggested letter formats.**

(a) *For requesting nomination in categories of Congressional, Canal Zone, District of Columbia, Puerto Rico, and Possessions.*

Date.

HONORABLE _____,
HOUSE OF REPRESENTATIVES,
Washington, D.C. 20515.
DEAR MR. _____:

OR

HONORABLE _____,
UNITED STATES SENATE,
Washington, D.C. 20510.
DEAR SENATOR _____:

It is my desire to attend the Air Force Academy and to make the United States Air Force my career. I respectfully request that I be considered as one of your nominees for the class that enters the Academy in June _____.

The following personal data is furnished for your information:
Name: (As recorded on birth certificate).
Address: (City, county, State).
Parents' name:
Date of birth:
High school attended:
Date of high school graduation:
Approximate grade average:
I have been active in high school extracurricular activities shown on the attached list.

I shall greatly appreciate your consideration of my request for a nomination to the Air Force Academy.

Sincerely,

Signature.

(b) *For requesting a Presidential nomination.*

Date.

DIRECTOR OF ADMISSIONS,
USAF ACADEMY, COLORADO 80840.
DEAR SIR: I request a nomination under the Presidential category for the class that enters the Academy in June _____, and submit the following data:
Name: (Give name as shown on birth certificate. If different from the one you use, attach a copy of court order, if applicable.)
Address: (Give permanent and temporary.)
Date and place of birth: (Spell out month.)
Date of high school graduation:
If Member of Military: (List rank, serial number, component, branch of service, and organizational address—do not use CMR or Box No.)
If Previous Candidate: (List year and candidate number.)

INFORMATION ON PARENT

Name, Rank, Serial Number, Component and Branch of Service:
Organizational Address:
Retired or Deceased: (Give date and attach copy of retirement orders or casualty report.)
Officer Personnel: (Attach Statement of Service prepared by personnel officer specifying Regular or Reserve status for all periods of service.)
Enlisted Personnel: (Attach statement prepared by personnel officer listing date of enlistment, date of enlistment expiration, component and branch of service.)
Sincerely,

Signature (As recorded on birth certificate).

(c) *For requesting a Vice Presidential nomination.*

Date.

THE VICE PRESIDENT,
UNITED STATES SENATE,
Washington, D.C. 20510.
DEAR MR. VICE PRESIDENT: It is my desire to attend the Air Force Academy and to make the United States Air Force my career. I respectfully request that I be considered as one of your nominees for the class that enters the Academy in June _____ (year).

The following personal data is furnished for your information:
Name:
Address:
Parents' name:
Date of birth:
High school attended:
Date of high school graduation:
Approximate grade average:
[1] _____
I have been active in high school extracurricular activities shown on the attached list.

I shall greatly appreciate your consideration of my request for a nomination to the Air Force Academy.

Sincerely,

Signature.

(d) *For requesting a son of deceased veteran nomination.*

Date.

DIRECTOR OF ADMISSIONS,
USAF ACADEMY, COLORADO 80840.
DEAR SIR: I request a nomination under the Sons of Deceased Veterans category for the class that enters the Academy in June _____, and submit the following data:
Name: (Give name as shown on birth certificate. If different from the one you use, attach a copy of court order, if applicable.)
Address: (Give permanent and temporary.)
Date and place of birth: (Spell out month.)
Date of high school graduation:
If Member of Military: (List rank, serial number, component, branch of service, and organizational address—do not use CMR or Box No.)
If Previous Candidate: (List year and candidate number.)

INFORMATION ON PARENT

Name, Rank, Serial Number, Regular or Reserve Component and Branch of Service:
Date and place of death:
Cause of death:
Veterans Administration XC Claim Number:
Address of VA Office Where Case is Filed:
Sincerely,

Signature (As recorded on birth certificate).

[1] If in the Military Service, give Grade, Service Number, Organization, and Station.

## PART 902—USAF OFFICER TRAINING SCHOOL (OTS)

Sec.
902.1 Purpose.
902.2 Mission.
902.3 Definitions.
902.4 Information sources.
902.5 How the training is conducted.
902.6 Eligibility requirements.
902.7 Who is ineligible to apply.
902.8 Eligibility of eliminees from precommission training courses.
902.9 Waivers of minor offenses.
902.10 How to apply.
902.11 Clothing.
902.12 Preliminary processing.
902.13 Procedures for civilians.
902.14 Air Force Academy and Aircrew Examining Centers (AFAAEC).
902.15 Information furnished applicants.
902.16 Disposition of applicants.
902.17 Selection and assignment.
902.18 Civilian applicants.
902.19 Relief from training.
902.20 Students relieved from training.
902.21 Reinstatement of former students.
902.22 Offer and refusal of appointment as an Officer, Reserve of the Air Force.
902.23 Discharge.
902.24 Assignment of graduates.
902.25 Exception authority.
902.26 Eligibility requirements; Air National Guard.

AUTHORITY: The provisions of this Part 902 issued under secs. 8012, 9411, 70A Stat. 488, 571; 10 U.S.C. 8012, 9411.

**§ 902.1 Purpose.**

This part tells how to apply for USAF Officer Training School and explains the disposition of eliminees and graduates of the school.

**§ 902.2 Mission.**

The USAF OTS trains selected personnel to meet the fundamental requirements for newly commissioned officers in the Air Force.

**§ 902.3 Definitions.**

(a) *Officer training program.* A program established to insure the Air Force a complement of career-minded officers, well educated in subjects related to essential positions. Graduates are tendered appointments as Reserve officers of the Air Force.

(b) *Officer trainee.* A selected applicant who is on active duty and enrolled in OTS.

(c) *Airmen applicants.* Air Force male or female enlisted personnel in the active military service of the United States and airmen of the Air Force Reserve (AFRes) assigned to AFRes units.

(d) *Civilian applicants.* United States male or female citizens who are not in the military service or members of AFRes units. The term "civilian" includes all other members of Reserve components of the Armed Forces and the National Guard.

(e) *Preliminary processing.* An all-inclusive procedure to determine whether an applicant meets the basic eligibility requirements before he is referred for final processing.

(f) *Final processing.* A series of tests designated by Headquarters USAF for final qualification of officer trainee applicants.

(g) *Tentatively qualified applicant.* An applicant (male or female) who has successfully completed the required examinations and whose application has been forwarded to Lackland Military Training Center (Mil. Tng. Cen.), Lackland AFB, Texas, for further processing.

(h) *Fully qualified applicant.* An applicant who has successfully completed all qualifying examinations.

(i) *Selection board.* A board appointed by the Commander, Lackland Military Training Center, to make the final selections. The chairman of the board will be a senior officer in grade of colonel or lieutenant colonel. When female applicants are being considered, a WAF officer of field grade or a senior WAF captain is to be a member of the board.

(j) *Selected applicant.* A fully qualified applicant who has been notified in writing by the Lackland Military Training Center, of his selection and class assignment.

(k) *Air Force Academy and Aircrew Examining Center (AFAAEC).* A Headquarters USAF-designated facility, centrally located with respect to source of applicants and with facilities adequate for final examination of such applicants.



**§ 902.4 Information sources.**

Information concerning OTS may be obtained from:
(a) Air Force recruiting offices.
(b) Air Force bases.
(c) Professor of Air Science at any AFROTC unit.
(d) Air National Guard (ANG) or AFRes units.

**§ 902.5 How the training is conducted.**

Air Training Command (ATC) will procure, select, train, and commission applicants for this program. Applicants will undergo rigid examinations before they are selected for officer training; when selected, they will be required to complete a precommission training course. After successfully completing this course, the officer trainee will be commissioned a second lieutenant, Reserve of the Air Force, in Career Reserve status. The graduating male officer will be assigned direct to duty or will pursue a pilot, navigator, or technical training course. The graduating female officer will be assigned direct to duty or will pursue a technical training course. The training course selected for each individual will be based on his desire and qualifications correlated with the needs of the Air Force.

**§ 902.6 Eligibility requirements.**

This section prescribes the basic eligibility requirements and requisite qualifications which must be met by applicants. The provisions of this section normally will not be waived.

(a) *Citizenship and age.* (1) Applicants for nonrated duty must be:
(i) United States male or female citizens between the ages of 20½ and 29½ years when applying.
(ii) Commissioned before reaching the 30th birthday.

(2) Applicants for flying training must be:
(i) United States male citizens between the ages of 20½ and 26½ years when applying.

(b) *Marital restrictions.* (1) *Males.* No restrictions.

(2) *Females.* Must be unmarried and have no dependents when applying, and must agree in writing to remain unmarried during the training program.

(c) *Educational qualifications.* (1) Applicants must be college graduates with a baccalaureate or higher degree from a college or university listed in the latest issue of Part 3, "Higher Education," Education Directory, published by the Department of Health, Education, and Welfare.

(2) An applicant who is a graduate of an unlisted or foreign college or university, if otherwise qualified, may meet the educational requirements by submitting evidence that the college's credits have been and are accepted as if coming from an accredited institution by not fewer than three U.S. accredited institutions.

(3) Students enrolled in the senior year of college may submit applications 210 days before scheduled graduation date. These persons will be processed as college graduates. Applicants will not be enlisted until documentary evidence has been submitted showing they have been awarded their degrees. This document will be returned to the individual concerned and will not be part of his enlistment file.

(d) *Moral character.* Applicants must be of the highest moral character.

(e) *Medical standards.* (1) Male applicants will be examined for "commission standard" only, unless they express a desire to enter flying training. Applicants for flying training may be qualified for "commission only" if they meet commission standards after failing flying standards. Item 77, SF 88, will show the category in which applicants are qualified, e.g., Class I, Class IA, or Commission.

(i) Male applicants applying for training in administrative or technical career areas will be given a commission-type physical examination only. This may be accomplished at any Air Force medical facility, or other military medical facility equipped to perform commission-type physical examinations.

(ii) Male applicants applying for flying training will be examined only at Air Force Academy and Aircrew Examining Centers for flying Class I, or IA, whichever is applicable. Item 77, SF 88, will show the category in which applicants are qualified, e.g., Class I, IA, or Commission.

(2) Female applicants will be given a commissioning-type physical examination. This may be accomplished at any Air Force medical facility or other military medical facility equipped to perform commission-type physical examinations, or it may be performed by a licensed doctor of medicine. When the services of a civilian physician are necessary, USAF Recruiting Service funds will be used for this purpose.

(3) Applicants must meet the medical standards for the training they desire and for which they are selected.

**§ 902.7 Who is ineligible to apply.**

The following persons are ineligible to apply for this training:
(a) A person not eligible for enlistment or reenlistment in the Air Force except for dependency and grade restrictions.
(b) For pilot training, a person who holds or has held the aeronautical rating of pilot, or comparable rating in any of the Armed Forces of the United States. (Army aviation is not comparable for this purpose.)
(c) For navigator training, a person who holds or has held the aeronautical rating of navigator or comparable rating in any of the Armed Forces of the United States.
(d) A person in the active military service of the United States other than the Air Force.
(e) An enlisted member of a Reserve Force of the United States who has received orders calling him to active military service with any of the Armed Forces other than the Air Force.
(f) A member of a Reserve Force other than the ResAF who has not obtained a conditional release from the specific service.
(g) A person currently enrolled in any U.S. Armed Forces training program leading to commissioned status, unless his application has been approved and further training recommended by an authorized official of the parent service conducting the training.
(h) A person who: (1) Has or has held a commission in any of the U.S. Armed Forces.
(2) Holds a certificate of completion of a course leading to a commission in any of the U.S. Armed Forces, and the commission is to be granted at a later date.
(i) A person who is undergoing board action on information indicating the applicant possesses undesirable personal qualities, or for whom a personnel security clearance has been denied or revoked.
(j) A person who has a record of conviction by any court-martial or civilian court (other than for a minor traffic violation) except that, if appropriate, a waiver of a minor offense not prejudicial to the performance of duty as an officer may be requested and considered in accordance with § 902.9. Punishment imposed under Article 15, Uniform Code of Military Justice, is nonjudicial punishment and will not be considered as conviction by court-martial. A general guide for determining whether an offense may be considered "minor" is contained in paragraph 128b, Manual for Courts-Martial, 1951. A waiver will not be granted for an offense that involves moral turpitude.
(k) A person who is a conscientious objector.
(l) A person whose entry into or retention in the Air Force may not be clearly consistent with the interest of national security.
(m) A Selective Service System registrant who has been ordered to report for active military service with any of the Armed Forces.
(n) Minor applicants (below age 21), without the written consent of either parent or guardian (DD Form 373, "Consent, Declaration of Parent or Legal Guardian").
(o) An applicant who has failed to obtain the minimum qualifying score on any portion of the Air Force Officer Qualifying Test (AFOQT) is ineligible to reapply or be reexamined for one year from date of last written examination.

**§ 902.8 Eligibility of eliminees from precommission training courses.**

Persons who have been eliminated from a course of training leading to commissioned officer status are governed by the following policy and procedures. This policy does not pertain to those who were disenrolled or eliminated from the basic phase of any ROTC course.

(a) *Policy.* (1) Persons who either resign or are dismissed from officer training programs of the Army, Navy, or Air Force, because of military inaptitude, indifference, undesirable traits of character, or for disciplinary reasons, are not eligible for enrollment in an Air Force training program leading to commis-

sioned officer status; nor are they eligible to apply for Air Force commissions. Superintendents of military academies and commanders of officer training programs may recommend waivers of this policy only in exceptional cases worthy of consideration.

(2) Persons who have been eliminated for lack of academic progress or breaches of the Honor Code may apply for enrollment in Air Force training programs leading to commissioned officer status; however, their applications will be referred to Hq USAF (AFPTR) for review and approval before enrollment.

(3) AFROTC cadets who have been eliminated from a civilian-operated military institution, because of minor violations of the institution's Honor Code, may apply for Air Force officer training programs; however, such applications will be referred to Hq USAF (AFPTR) for review and approval before enrollment.

**§ 902.9 Waivers of minor offenses.**

(See § 902.7(j).)

A civilian applicant may submit a request for waiver. Headquarters, USAF Recruiting Service, is authorized to grant or deny waivers except waivers for:

(a) Four or more traffic violations, or one single violation involving drunken driving;

(b) Accidents resulting in injuries or fatalities;

(c) Leaving the scene of the accident; and

(d) Similar violations that local law enforcement agencies deem to be of major consequence.

These cases will be forwarded to Headquarters ATC for determination.

**§ 902.10 How to apply.**

The applicant will fill out AF Form 56, in duplicate. His attention will be directed to item 24, whereby he agrees that, on completion of the training course, he will accept an appointment as an officer, Reserve of the Air Force, in Career Reserve status. Further, he agrees to remain on extended active duty as a commissioned officer with a minimum four-year active duty commitment unless sooner relieved by competent authority. He agrees to accept the current active duty commitment for the training undertaken after being commissioned. If the applicant is a minor, he will sign the agreement with the consent of either parent or guardian (DD Form 373). An officer or noncommissioned officer assigned to the USAF Recruiting Service may verify the signatures on both copies of the DD Form 373; however, the verifying official must be present when the applicant's parent or legal guardian signs the form. Each application will contain:

(a) Evidence of date of birth, which may be a birth certificate, an authenticated copy thereof, or other documentary evidence.

(b) Evidence of citizenship (if the applicant is not a citizen by birth), which is a certificate signed by an officer, notary public, or other person authorized by law to administer oaths. This certificate must give the following information:

I certify that I have this date seen the original certificate of naturalization number ------ (or certified copy of court order establishing citizenship) stating that ---------- was admitted to United
(Full name)
States citizenship by the ---------- Court of ---------- ---------- on
(District or County) (State)
----------
(Date)

NOTE: Facsimiles or copies, photographs or otherwise, will not be made of naturalization certificates under any circumstances. (This is a criminal offense under Act of June 25, 1948, 62 Stat. 767, 18 U.S.C. 1426(h)).

(c) An official transcript of college credits indicating the undergraduate or graduate degree awarded and grades received. A student enrolled in his senior year of college must provide a statement from his school attesting to that fact, the date he is scheduled to graduate, the degree to be awarded, and his college major.

(d) A completed DD Form 98, "Armed Forces Security Questionnaire." If, after proper instruction, the applicant fails to complete DD Form 98, or completes it with qualifications, or makes entries thereon which indicate that his appointment would not be clearly consistent with the best interests of national security, he must prepare six copies of DD Form 398, "Statement of Personal History," and one copy of FD Form 258, "FBI Fingerprint Card."

(e) A completed DD Form 369, "Police Records Check." An additional DD Form 369 is required for the period between initial application and enlistment.

(f) At least three character references, on DD Form 370, "Request for Report From (Employer) (School) (Personal Reference)," from clergymen, past employers, or college officials such as the dean of the college.

(g) A statement prepared as follows, if an applicant has relatives in Communist or Communist-controlled countries or has been in any of the countries listed in attachment 10, AFM 39-9 (Enlistment and Reenlistment in Regular AF) (except under the auspices of the U.S. Government):

CERTIFICATE

(Date)

I ----------,
(First, middle, and last name)

certify that I am a United States citizen and that I have not been present in any of the following countries after the period indicated by date, except for authorized presence under auspices of the United States Government. I further certify that I do not now have a spouse, parent, brother, sister, or offspring residing in the countries listed below: (List the countries currently identified in attachment 10, AFM 39-9.)

(Signed) ----------
(Applicant's signature)

**§ 902.11 Clothing.**

Officer trainees selected from civilian status will be provided clothing under the clothing monetary allowance system.

**§ 902.12 Preliminary processing.**

(a) Male applicants must indicate on the application form their preference for pilot, navigator, or administrative and technical training or for all three programs. Female applicants may apply for administrative and technical training. If an applicant for all three programs is found disqualified for the training of his first choice, he will continue his processing to determine whether he is qualified for his second or third choice. Applicants are required to undergo two phases of processing preliminary and final qualifying examinations.

(1) Preliminary processing is administered locally at an Air Force recruiting detachment for civilian applicants. Preliminary processing procedures include:

(i) Completion of AF Form 56, in duplicate, by the applicant. The following statement will be entered in the "remarks section" of the AF Form 56 for each male applicant, "I (will) (will not) accept flying training if selected for the Officer Training School. The service commitment for personnel selected for flying training has been explained to me." The applicant will be required to place his initials immediately following the statement.

(ii) A check to insure that the applicant meets the eligibility requirements and has necessary supporting data, such as birth certificate and scholastic records.

(iii) An interview to counsel the applicant and to determine whether he should be considered for testing.

(iv) A notice to the applicant, if not recommended for testing, giving the reasons for his disqualification.

(v) Recruiting Service detachment commanders or their authorized test control officers may administer the AFOQT on the college campuses or in the field. The AFOQT will be scored by AFAAECs.

(2) Final processing is covered in §§ 902.14 through 902.16.

**§ 902.13 Procedures for civilians.**

(a) *Where to apply.* A civilian applicant normally will apply at a USAF Recruiting Service office or, in remote areas, at the nearest Air Force base.

(b) *Responsibility for processing.* The USAF Recruiting Service is responsible for the preliminary processing of officer trainee applicants from civilian sources and is specifically responsible for stimulating interest in the officer training program throughout civilian communities and educational centers. Air Force recruiters will insure that applicants meet eligibility requirements and have necessary supporting data such as birth certificates and scholastic records. In addition, recruiting detachment commanders will:

(1) Ascertain that applicants meet basic age, citizenship, and educational requirements and that documentary evidence is attached to the application.

(2) Arrange for scheduling and transporting tentatively qualified applicants to the nearest Air Force medical facility, or other military medical facility equipped to do commission-type examinations. (Exception: Applicants desiring flying training.) Arrange for scheduling and transporting tentatively qualified flying training applicants to the nearest AFAAEC for final processing. Inform all applicants, commission-only and flying training, of the hour and date on which they are to appear.

(3) Advise disqualified applicants of the reason for disqualification during any phase of preliminary processing.

(4) Enlist selected applicants for two years.

**§ 902.14 Air Force Academy and Aircrew Examining Centers (AFAAEC).**

(a) *General.* Each tentatively qualified applicant referred to an AFAAEC for final processing will be given:

(1) The applicable booklets of the AFOQT, provided he has not been administered the AFOQT by authorized Recruiting Service personnel;

(2) A complete medical examination as prescribed in § 902.6(e), and other examinations as directed by Headquarters USAF.

(i) Waivers for failure to meet commissioning standards will be granted only by Headquarters ATC. Applicants who have previously qualified on AFOQT will not be retested if official record scores are available. The written examination will be given and scored before scheduling the medical examination. An applicant who fails to attain the minimum qualifying score on the officer quality portion of the AFOQT will not be processed further. A person will not be retested under any circumstances on the AFOQT before one year from the date he was last tested.

(b) *Responsibilities.* AFAAECs will:

(1) Furnish test-day schedules to the appropriate recruiting detachments for tentatively qualified applicants.

(2) Provide suitable billeting accommodations, dining facilities, and necessary local transportation for applicants.

(3) Administer the current AFOQT to derive scores in the following aptitude and interest clusters, as applicable:

(i) Males—Aptitude: Pilot, Navigator-Technical, Officer Quality, Verbal, Quantitative; Interest: Flying, Technical, Administrative, Quantitative.

(ii) Females—Aptitude: Officer Quality, Verbal, Quantitative.

**§ 902.15 Information furnished applicants.**

(a) *Fully qualified applicant.* When an applicant has successfully completed all qualifying examinations, Lackland Military Training Center will place his application before a selection board and notify him of his selection or nonselection within 10 workdays after initially receiving the application.

(1) *Changes affecting status of fully qualified applicants.* Fully qualified applicants need not take any further action regarding their applications unless requested to do so. However, the applicants must inform Lackland Military Training Center of any changes which affect an applicant, such as:

(i) Enlistment in the Regular Air Force or any of the other military services.

(ii) Notice from the Selective Service System ordering the civilian applicant into the active military service of the United States.

(iii) Change of address.

(iv) Modification of physical status which would be disqualifying for training.

(v) Change of desire for training.

(2) *Conviction of offenses committed after notification of qualification.* Civilian applicants who commit offenses after the date they have been determined to be fully qualified, will be processed under the provisions of AFM 39-9.

(b) *Selected applicant.* (1) The applicant will be considered by the selection board for at least two classes. If he has been considered for one class and not selected, he will be notified that his application is being retained for further consideration. If the applicant is not selected, he will be notified of the nonselection and his personal documents will be returned. If eligible, a nonselected applicant may reapply six months from the date of his last application.

(2) A draft-eligible civilian applicant, who subsequently is notified of his acceptance for officer training will not be furnished a draft deferment. If the Selective Service System orders an applicant to report to active military service before he has received written notice of his selection, his application for officer training will be canceled.

(3) Selected civilian applicants will be required, after notification of selection and class assignment, to enlist in the Regular Air Force as E-1 (basic airman) for two years, unless authorized under current enlistment directives to enlist in a higher grade.

(4) At the time of enlistment, a male civilian applicant who enters training after July 1, 1963, must be advised and must agree in writing that, if eliminated at any point in the training program for other than medical reasons, he will be required to remain on active duty and complete the remainder of his initial 2-year enlistment. The signed paper becomes an allied paper to his application for training.

(c) *Disqualified applicants.* Disqualified applicants will be advised as soon as possible of the reason for disqualification. An applicant who fails to attain the minimum qualifying score on the AFOQT will not be told the scores he made on the tests but only that he failed to attain the minimum qualifying score.

**§ 902.16 Disposition of applicants.**

(a) *Disqualified applicants.* When an applicant is found disqualified for other than medical reasons, his personal documents will be returned. Other documents will be destroyed.

(b) *Notifying disqualified applicants.* If an applicant is found disqualified for officer training during preliminary processing at recruiting agencies, the USAF recruiting detachment commander or the officer selection specialist will notify him orally concerning the reasons. If the disqualification becomes apparent during the final processing phase at the examining center, the officer in charge of the AFAAEC will notify him either in writing or orally. When civilian applicants are rejected by the Selection Board, the Board will furnish a copy of the letter of nonselection to the appropriate recruiting detachment.

**§ 902.17 Selection and assignment.**

Lackland Military Training Center will select fully qualified applicants for training.

**§ 902.18 Civilian applicants.**

Lackland Military Training Center will furnish letters of acceptance, two certified copies of SFs 88 and 89, and class assignments to fully qualified and selected applicants. Letters of acceptance will authorize selected applicants to enlist in the Regular Air Force for two years in accordance with AFM 39-9. After enlisting, each selected applicant, who has received class assignment instructions, will be assigned to the Air Force OTS. Upon entering training, the applicant will be promoted to the grade of E-5 (staff sergeant).

**§ 902.19 Relief from training.**

When the faculty board of an Air Force school determines that an officer trainee is no longer qualified to continue in his course of training, the commandant or Air Force supervisor, as applicable, will suspend the student from training. Upon final approval of the faculty board proceedings, as prescribed in AFR 53-15 (USAF Schools), the commandant will terminate the student's appointment as an officer trainee. In all instances, the faculty board proceedings will indicate whether the student is recommended for further training leading to a commission at a later date. The faculty board proceedings will contain specific reasons for failure to recommend. The responsible commander will insure that, at the time of elimination, the student is given a thorough and proper hearing and that all extenuating circumstances have been completely reviewed.

**§ 902.20 Students relieved from training.**

(a) *Grade.* For a student eliminated from training, the Commander, Lackland Military Training Center will issue orders as follows:

(1) Civilians, to E-1 (airman basic). Members of the ResAF processed as civilians will revert to the grades held before enlistment in the Air Force for the OTS Program.

(b) *Service credited.* Periods of service as an officer trainee will be credited as time spent in the airman grade held at time of appointment as an officer trainee and will be credited in computing the service remaining under the original contract.

(c) *Reassignment.* Eliminated or disqualified students, other than those discharged or released from active duty in accordance with paragraph (d) of this section will be reassigned.

(d) *Separation from the Air Force.* An eliminated trainee:

(1) Whose current enlistment was specifically for OTS will be afforded the opportunity to elect, in writing, to complete his enlistment contract on active duty or to be immediately separated. If he elects to complete his enlistment contract on active duty, he will not again be permitted to request relief from active duty or discharge under this authority.

(2) Who requests release from active duty and who has a remaining military service obligation will be transferred to the AFRes for the remainder of his military service obligation, and will be initially assigned to the Ineligible Reserve

Section, Air Reserve Records Center, Denver, Colorado.

NOTE: Personnel who become members of the AFRes are deferred or exempt from induction provided they meet participation requirements.

(3) Whose original term of service (enlistment before extension) expired while he was undergoing training will:

(i) Have the unused portion of the extension canceled, and

(ii) Be immediately separated by reason of expiration of term of service (ETS).

(e) *Trainees entering after July 1, 1963.* The following procedures will apply to all male trainees who enter training after July 1, 1963 and are subsequently eliminated:

(1) An eliminated trainee whose current enlistment was specifically for OTS will be required to complete his enlistment contract on active duty if he is eliminated for other than medical reasons.

### § 902.21 Reinstatement of former students.

Students eliminated from training because of:

(a) Academic deficiency will not be reinstated at a later date unless the faculty board recommended them for further officer training. At least one year must elapse from the date of termination of students status before reapplication.

(b) Military deficiency will not be reinstated.

(c) Medical disqualification may reapply, if a later medical examination indicates that the previous disqualifications has been corrected or no longer exists. However, the former student must meet all other requirements for appointment and must have been recommended for reinstatement by the eliminating authority.

(d) Resignation will not be reinstated.

(e) Emergency leave granted under regulations issued by Lackland Military Training Center. In such instances they will be held over for succeeding classes, if necessary. The length of time involved or the number of "hold overs" granted any one student will be determined by Lackland Military Training Center.

### § 902.22 Offer and refusal of appointment as an Officer, Reserve of the Air Force.

(a) *Tendering appointment.* A student who successfully completes the prescribed officer training course and who is mentally, morally, and physically qualified will be tendered appointment as second lieutenant, Reserve of the Air Force, for an indefinite term.

(1) Each graduate so appointed will be ordered into active military service as a career Reserve officer. He will serve at least four years, from the date he graduates from officer training, unless sooner relieved by orders of competent authority. In addition, each officer undergoing training after commissioning will incur an active duty service commitment for training.

(2) Each graduate appointment will be assigned direct to duty or will be given additional training appropriate to his qualifications and desires, as correlated with Air Force requirements. The type of additional training the graduate will pursue will be determined by Lackland Military Training Center in accordance with quotas established by Headquarters USAF.

(b) *Graduates who decline to accept appointment.* A graduate who declines to accept an appointment, as an officer Reserve of the Air Force, will be disposed of as an eliminated student. His appointment as an officer trainee, or status as an eliminated student, will be terminated as outlined in § 902.19 and he may be reassigned within the Air Force in accordance with § 902.20.

### § 902.23 Discharge.

When the student is commissioned in accordance with § 902.22, he will be discharged from his airman status. The commandant will prepare a discharge certificate, DD Form 214, and report of acceptance of appointment as a commissioned officer. The discharge certificate and DD Form 214 will not be delivered to the graduate until after he has taken the oath, AF Form 133, "Oath of Office," as a commissioned officer. The reason and authority for discharge will be entered on the report of separation.

### § 902.24 Assignment of graduates.

(a) The Commander, ATC, will assign graduates to pilot and navigator training in accordance with existing criteria. ATC will assign graduates to technical training schools or direct to duty according to instructions provided by Headquarters USAF.

(b) Graduates of flying training or technical training schools will incur at least four years' active duty service commitment for the type of training received. Officers desiring release from extended active duty will submit requests in accordance with existing directives.

(c) Graduates who are assigned direct to duty will incur a directed duty in the occupational field containing the AFS in which initially assigned.

### § 902.25 Exception authority.

The Secretary of the Air Force is authorized to make exceptions to the requirements prescribed in this part.

### § 902.26 Eligibility requirements; Air National Guard.

The applicant may either be an airman of the Air National Guard or a civilian, but in all cases must meet the eligibility requirements prescribed in § 902.6.

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## PART 903—AVIATION CADET TRAINING; NAVIGATOR

Sec.


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AUTHORITY: The provisions of this Part 903 issued under secs. 8012, 8257, 70A Stat. 488, 504 as amended; 10 U.S.C. 8012, 8257.

### § 903.1 Purpose of training program.

The aviation cadet navigator training program is designed to train qualified and selected young men to become navigators in the Air Force. It provides commissioned flying officers for active duty and enables the Air Force to maintain a sizable reserve in the lower age brackets.

### § 903.2 Definitions.

Terms used in this part are defined as follows:

(a) *Air Force Academy and aircrew examining center (AFAAEC).* An examining facility designated by Headquarters USAF, centrally located at the source of aviation cadet applicants and having adequate facilities for complete final examination of such applicants.

(b) *Air Force officer qualifying test (AFOQT).* A written examination designed to evaluate those aptitudes and interests which are important to flying training and commissioned officer performance and success.

(c) *Air Force precommission screening test (AFPST).* A written examination designed to screen precommission training applicants in order to eliminate those with little chance of qualifying on the much longer AFOQT.

(d) *Air National Guard applicants.* Enlisted personnel of the Air National Guard who apply for aviation cadet training under the quota provided the Air National Guard.

(e) *Aviation cadet.* A special and separate enlisted grade in the Regular Air Force as defined in Title 10 U.S.C. 8257.

(f) *Civilian applicant.* United States male citizen who is not in the active military service or a member of an Air Force Reserve unit. The term civilian includes members of other Armed Forces Reserve Forces and the Air National Guard.

(g) *Fully qualified applicant.* An applicant who has successfully completed all qualifying examinations and who has been furnished written notification of his eligibility to compete for selection by the Commander, Air Training Command (ATC).

(h) *Student.* Unless otherwise specified in this part, the term "student" used alone applies to both aviation cadet and aviation student.

(i) *Tentatively qualified applicant.* An applicant who has successfully completed the AFPST and the preliminary physical examinations.



(j) *United States.* The term "United States" means the Continental United States. When used with reference to citizenship requirements, it means the 50 States, the District of Columbia, Puerto Rico, the Panama Canal Zone, and Guam.

### § 903.3 Information sources.

Information concerning the aviation cadet navigator training program may be obtained from:

(a) Air Force recruiting offices.

(b) Air Force bases.

(c) Air National Guard or Air Force Reserve units.

### § 903.4 How training is conducted.

The Air Training Command procures, selects, trains, and commissions applicants for the training program. Applicants must undergo rigid examination before they are selected for aviation cadet training. After successfully completing the training course, students are commissioned as second lieutenant, Reserve of the Air Force, and are awarded the aeronautical rating of navigator. They are then assigned to Air Force units or sent as student officers to highly specialized advanced training courses.

### § 903.5 Basic eligibility requirements for training.

This section outlines the basic eligibility requirements and prerequisite qualifications an applicant must have at the time of application. The examining officer will reject all applicants who fail to meet the minimum eligibility requirements.

(a) *Age and citizenship.* Applicant must be a male citizen of the United States between the ages of 19 and 26½ at the time of application. Selected applicant must be enrolled in navigator training before his 27th birthday. An applicant under 21 must have the written consent of either parent or guardian in accordance with § 903.10. DD Form 373, "Consent, Declaration of Parent or Legal Guardian," is used for this purpose.

(b) *Marital status.* Applicant must be unmarried at the time of application and must agree in writing to remain unmarried for the duration of the training program. See item 24, AF Form 56, "Application for Commission, For Training Leading to a Commission, or For Flying Training in Officer Grade."

(c) *Air Force base or residence.* (1) A civilian applicant must be residing at time of application in any one of the 50 States, Puerto Rico, the Panama Canal Zone or the District of Columbia.

(d) *Education.* The minimum educational requirement is high school graduate level; however, some college is highly desirable. A civilian applicant must have completed high school as evidenced by a diploma or certificate of graduation. A prior service applicant not graduated from high school may apply if he has completed the entire battery of United States Armed Forces Institute (USAFI) high school level General Educational Development (GED) test with a minimum standard score of 35 on any one or with an average standard score of not less than 45 on all five tests as evidenced by a USAFI certificate. Documentary evidence of highest educational level achieved is required with the application.

(e) *Eligibility for enlistment.* Applicant must be eligible to enlist or reenlist in the Air Force under AFM 39-9 (Enlistment and Reenlistment in the Regular AF).

(f) *Moral character.* Applicant must be of good moral character.

(g) *Medical standards.* Applicant must meet medical standards.

(h) *Security background.* Applicant must meet the security requirements of AFR 35-62 (Security Program).

### § 903.6 Who is ineligible to apply.

The following persons are ineligible to apply for aviation cadet navigator training:

(a) A person who holds or has held the aeronautical rating of navigator or comparable rating in any of the Armed Forces of the United States.

(b) A person who has been eliminated from a course of training leading to commissioned officer status as stated in § 903.7.

(c) A person who: (1) Holds or has held a commission in one of the other Services.

(2) Holds a certificate of completion of a course leading to a commission in one of the other Services and the commission is to be granted at a later date.

(d) A person who has a record of conviction by any court-martial or civilian court, other than for a minor traffic violation, except that, if appropriate, a request for waiver of a minor offense not considered prejudicial to the performance of duty as an officer may be considered in accordance with § 903.8. A waiver may not be granted for an offense involving moral turpitude.

(e) A person who is a conscientious objector.

(f) A person whose entry or retention in the Air Force may not be clearly consistent with the interests of national security.

(g) A Selective Service System registrant who has been ordered to report for active military service with any one of the Services.

(h) A minor applicant (below age 21) without the written consent of either parent or guardian. See § 903.10.

(i) An applicant who failed to attain the minimum qualifying score on one of the prescribed written tests until one year has elapsed from the date of last written examination.

(j) A nonselected applicant until one year has elapsed from the date of his last application.

### § 903.7 Application policy for person disenrolled from an officer training program.

Upon entry into training the aviation cadet should be made fully aware of the policy contained in this section. A student eliminated from aviation cadet training for any reason mentioned in paragraph (a) of this section, should be advised in writing that he may be ineligible for any future training which may lead to a commission in the Air Force. This policy does not apply to a person disenrolled or eliminated from the basic phase of any ROTC course.

(a) *Policy.* (1) A person who resigns or is dismissed, disenrolled, or eliminated from officer training programs of the Army, Navy, or Air Force because of military inaptitude, indifference, undesirable traits of character, or for disciplinary reasons, may not be enrolled into an Air Force training program leading to commissioned officer status; nor is he eligible to apply for an Air Force commission. Superintendents of military academies and commanders of officer training programs may recommend waivers of this policy only in exceptional cases.

(2) A person eliminated for lack of academic progress or a breach of the Honor Code may apply for enrollment in Air Force training programs leading to commissioned officer status; however, his application must be referred to Hq USAF (AFPTR), Washington, D.C., 20330, for review and approval before his enrollment.

(3) An AFROTC cadet eliminated from a civilian-operated military institution by the educational authorities because of minor violations of the institution's Honor Code may apply for Air Force officer training programs; however, his application must also be referred to Hq USAF (AFPTR) as indicated in subparagraph (2) of this paragraph.

(b) *Procedures.* (1) The Superintendent of the Air Force Academy or the commander of an Air Force officer training program, upon the disenrollment or elimination of any student, prepares DD Form 785, "Record of Disenrollment from Officer Candidate-Type Training," with specific remarks concerning recommendations for further training. In cases involving breach of the Honor Code, section III of the form, will state "Minor Breach of Honor Code" or "Breach of Honor Code," with a concise explanation of the circumstances. This statement must be supported by an appropriate recommendation under section IV of the form.

(2) An activity responsible for the preliminary processing of applications for Air Force precommission training requests the DD Form 785 of any applicant who indicates he was disenrolled or eliminated from a course of training leading to a commission in any Service. The Superintendent of the Air Force Academy or the commander of an Air Force officer training school will provide the DD Form 785 when requested.

(3) If upon receipt of the DD Form 785, the authorities determine that the applicant was disenrolled or eliminated for any reason cited in paragraph (a) of this section, Headquarters USAF determines the eligibility. Such requests are sent through channels to Hq USAF (AFPTR) (see subdivision (a) of this subparagraph) and will include:

(i) Information on the type of training for which the current application is being made.

(ii) The applicant's AFOQT scores (applicant is given the AFOQT if scores are not available).

(iii) A copy of the DD Form 785, and

(iv) An official transcript of the applicant's academic record.

(c) Requests for determination of the eligibility for those applicants who were disenrolled or eliminated for any reason specified in paragraph (a)(1) of this section, will not be forwarded to Headquarters USAF except in those rare cases of sufficient merit to justify consideration.

(b) Determination of eligibility of persons disenrolled or eliminated from any officer training program for any reason not listed in paragraph (a) of this section, may be made by the preliminary processing activity after a review of the DD Form 785 in all cases and by the faculty board proceeding, when applicable.

(4) The recruiting detachment commander requests information on all civilian applicants. The request, forwarded as indicated below, will include:

(i) Name of the applicant.

(ii) Service number (if applicable).

(iii) Course or type of training.

(iv) Place and date of disenrollment or elimination, and

(v) Type of training for which application is being made.

(a) Send request to the Commandant, Professor of Air Science, or the Air Force supervisor of the appropriate school for the person disenrolled or eliminated from Air Force officer candidate-type training courses.

(b) Send request to Hq USAF (AF PTR) for the person disenrolled or eliminated from an officer training school conducted by a Service other than the Air Force. The request for DD Form 785 will include an official transcript of the applicant's academic record and his AFOQT scores. (Applicant is given AFOQT if scores are not available.)

**§ 903.8 Waivers of minor offenses.**

See also § 903.6(d).

(a) A civilian applicant may submit a request for waiver of a minor offense to any USAF recruiting detachment commander. The commander forwards the applicant's completed application (AF Form 56) and request for waiver to the Commander, ATC. Each request for waiver must contain complete information regarding the offense and circumstances involved and be considered on its own merits as substantiated by the following:

(1) Statement outlining nature of offense and a brief description of the details surrounding commission of the offense.

(2) Statement of maximum term of imprisonment by which punishable under the law tried.

(3) Date of offense and age at that time.

(4) Date of trial and sentence imposed.

(5) Date of release from confinement, if applicable, or date of unconditional release from parole, probation, or other form of supervision or restraint.

(6) Recommendation of investigating officer or recruiting officer and any other information pertinent to the case which will provide a sound basis for reaching a decision.

(7) Three letters of recommendation from reputable citizens (other than relatives), such as persons in the educational field, local government officials, clergymen, or professional people.

(b) A request for waiver is not authorized until the applicant is released from all restraint, probation, or parole for a minimum period of six months, or until six months has elapsed from the date of conviction, provided that no confinement, parole, or probation was imposed.

(c) A request for waiver must be completely processed before applicant can be processed at the AFAAEC.

**§ 903.9 Administration of the AFPST for civilian applicants.**

The USAF Recruiting Service is authorized to administer the AFPST at recruiting offices and on high school/college campuses if prior approval of the schools concerned is obtained. Before giving the AFPST, the recruiting detachment commander insures:

(a) That applicants are otherwise qualified to apply for aviation cadet navigator training.

(b) That the test is administered only by properly designated test control officers or test examiners.

(c) That the test examiners use the strict control necessary to handle, administer, and score the AFPST.

(d) In addition to the above:

(1) Before giving the AFPST, he insures that the appropriate blocks on AF Form 338 "Officer Testing Record Card," are completed in duplicate.

(2) Upon completion of the AFPST, he enters the test score on AF Form 338. Normally, the AFPST is given and scored before scheduling further processing.

(3) If an applicant does not attain a passing score on the AFPST, he sends the original copy of AF Form 338 to the Commander, ATC for statistical purposes and retains the duplicate at the recruiting detachment for a period of one year. No further processing is accomplished.

(4) In all cases where the civilian applicant is determined tentatively qualified on the AFPST and medical examinations, he initiates further processing in accordance with §§ 903.10, 903.12 (a) and (b).

**§ 903.10 How to apply.**

Application is made on AF Form 56, in duplicate. The applicant's attention will be directed to item 24 whereby he agrees that, on completion of the training course, he will accept an appointment as an officer, Reserve of the Air Force, in career Reserve status. Further, he agrees to remain on extended active duty as a commissioned officer with a minimum four-year active duty commitment unless sooner relieved by competent authority. If applicant is a minor, such agreement will be signed with the consent of either parent or guardian (DD Form 373). An officer or noncommissioned officer assigned to the USAF Recruiting Service may verify the signatures on both copies of the DD Form 373; however, the verifying official must be present when the form is signed by the applicant's parent or guardian. Each application must contain:

(a) Evidence of date of birth—a birth certificate or an authenticated copy thereof, or other documentary evidence. (See AFM 39–9.)

(b) Evidence of citizenship if the applicant is not a citizen by birth—a certificate, signed by an officer, notary public, or other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original certificate of naturalization number ------ (or certified copy of court order establishing citizenship) stating that ------ (Full ------ was admitted to United States name)
citizenship by the ---------- Court of ---------- on ----------
(District or county) (State) (Date)

NOTE: Facsimiles or copies, photographs or otherwise, will not be made of naturalization certificates under any circumstances. Such is a criminal offense under the Act of June 25, 1948, 62 Stat. 767, 18 U.S.C. 1426(h). (AFM 39–9 also applies.)

(c) An official transcript of college credits indicating the undergraduate or graduate degree awarded. A student enrolled in his senior year must provide a statement attesting to that fact, the date he is scheduled to graduate, and the degree to be awarded. The applicant is processed as a college graduate and the statement is used in place of the official transcript of college credits until the transcript is available after graduation.

(d) Evidence of having completed high school as outlined in § 903.5(d).

(e) A completed DD Form 98, "Armed Force Security Questionnaire." Each applicant is required to read AFR 35–62 before he completes the form. If, after proper instruction, he fails to complete the certificate in its entirety or completes it with qualifications or makes entries thereon which provide reason to believe that his appointment would not clearly be consistent with the interests of national security, he will be requested to complete six copies of DD Form 398, "Statement of Personal History," a copy of FD Form 258, "FBI Fingerprint Card," and a statement concerning the reason for qualifying DD Form 98. These forms, together with AF Form 56, are then sent to Hq USAF (AFPTR–PR–1) for appropriate action and decision.

(f) AF Form 338.

(g) A statement pertaining to the applicant, prepared as follows:

CERTIFICATE

Under the provisions of paragraph 32, AFM 39–9, May 2, 1960, I ----------
(First, middle, and
---------- certify that I am a
last name)
United States citizen and that I have not been present in any of the following countries after the period indicated by date, except for authorized presence under the auspices of the United States Government. I further certify that I do not now have a wife, parent, brother, sister, or offspring residing in the countries listed below: (List the countries currently identified in attachment 10, AFM 39–9).

(Signed) ----------
(Applicant's signature)



If an applicant has relatives in communist or communist-controlled countries (as defined in Paragraph 32, AFM 39–9) or has been present in any of the countries outlined in attachment 10, AFM 39–9, except under the auspices of the Federal Government, six copies of DD Form 398 and one copy of FD Form 258 will be forwarded together with the completed application to the Commander, ATC, for review and necessary action.

**§ 903.11 How clothing is provided.**

The aviation cadet selected from civilian status is provided clothing under the clothing monetary allowance system.

**§ 903.12 Preliminary processing.**

(a) *Procedures for all applicants.* Aviation cadet preliminary processing is administered locally by USAF recruiting detachment offices for civilian applicants. Civilian applicants who successfully complete the preliminary phase are considered tentatively qualified. Aviation cadet applicants who were former candidates for the Air Force Academy or former AFROTC students who have been administered the AFOQT are not required to take the AFPST, if the attained AFOQT scores were qualifying for the training requested and if these scores are available. Civilian applicants are scheduled for final processing at the nearest AFAAEC. Preliminary processing procedures include:

(1) Completion of AF Form 56, in duplicate.

(2) A check to insure that applicant meets the eligibility requirements and has necessary supporting data, such as birth certificate and scholastic records.

(b) *Procedures for civilian applicant.* A civilian applicant normally applies at a USAF Recruiting Service office. In areas remote from a recruiting office, he may apply for aviation cadet training at the nearest Air Force base and be processed in accordance with subparagraph (2) of this paragraph.

(1) The USAF Recruiting Service, Armed Forces Examining Stations, and recruiting processing units are responsible for the preliminary processing of civilian applicant. The functions of procurement and processing are as follows:

(i) The USAF Recruiting Service is charged with the specific responsibility of stimulating interest in the aviation cadet navigator training program throughout civilian communities and educational centers. Air Force recruiters will insure that applicants meet eligibility requirements and have necessary supporting data, such as birth certificates and scholastic records. In addition, recruiting activities:

(a) Review each application for completeness and accuracy.

(b) Arrange for scheduling and transportation to the nearest AFAAEC for final processing if the applicant qualified on the AFPST, as stated in § 903.9; inform applicant of the date and hour to appear.

(c) Inform applicant who fails to attain the minimum qualifying score on the AFPST, or who is disqualified medically, why he was disqualified, and explain that he may reapply one year after the date of the past written examination, provided he is otherwise qualified.

(d) Inform applicant who successfully completes the processing that he is tentatively qualified for aviation cadet navigator training, but that a final determination of his eligibility for training cannot be made until he completes the final written and medical examinations and is notified in writing. The recruiting detachment commander makes a definite appointment for the tentatively qualified applicant to appear at the nearest AFAAEC. When scheduled, the applicant is furnished round-trip Government paid transportation, as authorized in paragraphs 5050 or 5051, Joint Travel Regulations. AF Form 56 (in duplicate), stapled to AF Form 338, together with a copy of school transcript or certified statement on the number of passing semester hours the applicant has attained are handcarried or mailed to the AFAAEC.

(e) Obtain and record the following information for each applicant processed and maintain for a period of one year:

(1) Name and address of applicant.

(2) Type of training (by choice) for which application was made.

(3) AFPST score and date tested.

(4) AFAAEC to which applicant was sent and the date.

(5) The notification of selection results as provided by the Commander, ATC.

(6) If disqualified for any reason, the specific cause.

NOTE: Under no circumstances will test scores be divulged to disqualified applicants.

(ii) USA and USAF recruiting processing units:

(a) Receive and process all aviation cadet applicants sent by the Air Force Recruiting Service and Air National Guard units.

(b) Record the AFPRT number, the last two digits of the year of publication, date tested, test scores attained on the AFPST, and preliminary qualification action on AF Form 338. The answer sheet of each applicant, tentatively qualified or disqualified, is forwarded in accordance with AFM 35–8 (AF Military Personnel Evaluation Manual).

(c) Insure that each applicant is familiar with information outlined in § 903.14(b)(3), then enlist selected applicants in accordance with AFM 39–9.

(2) When an eligible civilian from a remote area applies directly to an Air Force base, the Base Commander provides the initial processing and examinations. If the applicant is qualified, he arranges for scheduling and transportation to the nearest AFAAEC for final processing and return. Transportation, quarters, and meals are furnished civilian applicants at Government expense from the applicant's place of residence to the place of enlistment, as authorized by AFM 170–7, (USAF Account Structure and Codes), AFM 39–9, and the Joint Travel Regulations.

**§ 903.13 Final processing of applicants at AFAAEC.**

Each tentatively qualified civilian applicant referred to an AFAAEC for final processing is given the AFOQT, a complete medical examination for flying training, and any other examination directed by Headquarters USAF. An applicant who has previously qualified on the AFOQT will not be retested if official record scores are available. The written examinations are given and scored before scheduling the medical examination. An applicant will not be retested on the AFOQT to improve his available qualifying score. An applicant will not be retested under any circumstance on the AFOQT before one year from the date he was last tested.

**§ 903.14 Information furnished applicants.**

(a) *General.* Each applicant who successfully completes the final processing will, before his departure from the examining center, be advised that he is fully qualified to compete for selection, subject to administrative and medical review of his application by the Commander, ATC. His application is forwarded to the Commander, ATC, where it is reviewed and considered for selection on a competitive basis. Selection is based on the results of the examinations completed, and the applicant's over-all qualifications. The Commander, ATC, informs each applicant in writing of his status, as soon as possible, but not later than two weeks from date of final qualification. Applicants who are not selected within a period of six months from the date of final qualification are notified and their personal documents returned.

(b) *Fully qualified applicants.* (1) A draft eligible civilian applicant who is subsequently notified of his selection for aviation cadet navigator training is furnished a four-month draft deferment by the Commander, ATC. If an applicant is ordered to report to active military service by the Selective Service System before his deferment is issued or after his deferment expires, his application for aviation cadet training will be canceled.

(2) A report of medical examination (SF Form 88) must be accomplished within 90 days of the date of application for aviation cadet navigator training. At the time of entry into training, the report of medical examination must not be more than one year old. If the report of medical examination has expired, the selected applicant will be required to undergo a second medical examination. A fully qualified civilian applicant will be instructed to submit the two copies of the completed SF Form 88 furnished him to the enlisting agency.

(3) After notification of selection and class assignment, a selected civilian applicant will be required to enlist in the Regular Air Force for a period of two years in the grade authorized by current enlistment directives. The applicant is then appointed aviation cadet or aviation student immediately upon completion of enlistment proceedings. These additional requirements apply:

(i) At the time of enlistment, an applicant must be advised, and agree in writing that, if eliminated at any point in the training program, he will be required to remain on active duty and

complete the remainder of his initial two-year enlistment. The signed agreement will become an allied paper to his application for training. If a selected applicant who enlisted specifically for aviation cadet training is eliminated from such training, he will be retained in the service to complete his two-year enlistment contract, except as provided below.

(a) A selected applicant who had previously completed more than 6 months of continuous active service at the time of enlistment may request separation under paragraph 3h, AFR 39–14 (Separation for Convenience of the Government), if he is eliminated in the nonflying phase of training. If he is eliminated in the flying phase of training, he is not eligible to request separation under this authority.

(b) A selected applicant, with or without prior service, who is eliminated from any phase of the training program because of a medical defect that existed at the time of enlistment may request separation under paragraph 3h, AFR 39–14. However, he may elect to complete his enlistment contract if the defect is not disqualifying for general military service.

(c) An eliminee who elects to complete his enlistment contract will not be eligible to request separation at a later date because of his elimination from aviation cadet training.

(ii) A fully qualified but nonselected prior service aviation cadet applicant who desires to enlist for aviation cadet training in a grade higher than Airman Second Class (E–2), will be advised that his application will be canceled should he enlist in a higher grade than E–2 before he receives a letter of selection and class assignment. This precludes any prior service applicant with a critical skill from enlisting specifically for aviation cadet training in a grade higher than E–2.

(iii) A prior service applicant with a critical skill who enlists in a higher grade than E–2 for a specific assignment in that skill may later apply for aviation cadet training, if otherwise qualified. Additionally, a prior service applicant without a critical skill who is enlisted for technical training may later apply for aviation cadet training upon completion of the technical training course, if otherwise qualified.

(iv) In the letter of notification of selection and class assignment, the Commander, ATC, will advise the applicant of the earliest date on which he can be enlisted so that the applicant will not arrive at the base of training earlier than is necessary for the start of training.

(4) A fully qualified or selected applicant need not take any further action regarding his application unless requested to do so. However, the Commander, ATC (ATPOP–PA), must be informed of any changes affecting an applicant, such as:

(i) Enlistment in the Regular Air Force.

(ii) For those enlisted, advancement to noncommissioned officer grade which would permit assignment to training as an aviation student.

(iii) Change of address.

(iv) Modification of physical status which would be disqualifying for navigator training.

(v) Change of desire for training.

(vi) Receipt of notification from the Selective Service System ordering the applicant into the active military service of the United States.

(vii) Change in marital status.

(viii) Receipt of orders to enter the active military service. (Applies to a fully qualified or selected applicant who is a member of a Reserve Force of the United States other than the Air Force.)

(5) A civilian applicant guilty of offenses committed after the date he is determined fully qualified is processed under the provisions of AFM 39–9. Unit commanders will report conviction of offenses committed by airmen applicants to the Commander, ATC, for determination of eligibility for entrance into training.

(6) A student applicant enrolled in his senior year of college who applies for aviation cadet navigator training within 135 calendar days of his scheduled graduation date is processed as a college graduate. If he is determined fully qualified, he is requested to furnish a copy of his college transcript to the Commander, ATC, so that he may receive selection priority. Immediately upon receipt of the college transcript, the Commander, ATC, will furnish the applicant a tentative class assignment.

### § 903.15 Selection of applicants.

The Commander, ATC, selects fully qualified applicants on a competitive basis by applying the best qualified method of selection with emphasis given to formal educational achievement. Class assignment to training is made in the following order of priority:

(a) Applicant having a baccalaureate degree or higher.

(b) Applicant having completed two or more years of college (60 passing semester hours or 90 passing quarter hours), but less than a baccalaureate degree.

NOTE: To receive priority under paragraph (a) or (b) of this section, the school from which the education was attained must be listed in the latest issue of Part 3, "Higher Education," *Education Directory*, published by the Office of Education, Department of Health, Education, and Welfare, Washington, D.C., 20201. Copies of this publication may be obtained directly from that department.

(c) Other applicants, based on:

(1) Scores made on the AFOQT.

(2) Date of qualification.

(d) A person eliminated or disenrolled from a course of training normally leading to commissioned officer status in any of the military services of the United States, who has been determined eligible to apply for and enter aviation cadet navigator training, may not be appointed an officer in the Air Force until after the date of graduation of the class from which he was eliminated or disenrolled.

### § 903.16 Civilian applicants.

The Commander, ATC, furnishes draft deferments (DD Form 44, "Record of Military Status of Registrant"), letter of acceptance, and class assignment to selected applicants. (The applicant is furnished the duplicate copy of DD Form 44; the original is forwarded without delay to the local Selective Service Board of the applicant.) Applicant from the Air National Guard does not require a draft deferment. The letter of acceptance will authorize selected applicant to enlist in the Regular Air Force for a period of two years in accordance with AFM 39–9. After enlisting and being appointed an aviation cadet, the selected applicant is assigned as directed by the Commander, ATC.

### § 903.17 National Agency Check for selected applicants.

The Commander, ATC, initiates the National Agency Check for a civilian applicant.

### § 903.18 Reinstatement of former students.

A student previously eliminated from a flying training course conducted by one of the services may not be reinstated unless recommended for further aircrew training by the eliminating authority. A student previously eliminated from a course of navigator training by reason of flying deficiency may not be reinstated in the same course of training under any circumstance. A student applying for training under this section will not normally have the written evidence indicating recommendation for further flying training. Therefore, his completed application is forwarded through military channels to Hq USAF (AFPTR–F). It is then reviewed and a final determination made on the eligibility for reinstatement based upon recommendations of the eliminating authority.

(a) *Academic deficiency.* A student eliminated from training because of academic deficiency may not be reinstated at a later date unless recommended for further officer training by the faculty board. At least one year must elapse from the date of termination of student status before reapplication.

(b) *Military training deficiency.* A student eliminated from training because of military deficiency may not be reinstated.

(c) *Medical.* A student eliminated from training because of medical disqualification may reapply, if a later medical examination indicates that the previous disqualification has been corrected or no longer exists. However, the former student must meet all other requirements for appointment and be recommended for reinstatement by the eliminating authority.

(d) *Self-initiated elimination (SIE).* A student who initiates his own elimination from the training program may not be reinstated.

(e) *Emergency leave.* A student may be granted emergency leave under regulations issued by the Commander, ATC. In such instance, he will be held over for succeeding classes, if necessary. The length of time involved or the number of "holdovers" granted any one student is determined by the Commander, ATC.

(f) *Reinstated students.* The phase of training to which eligible students may be reinstated is determined by the Commander, ATC.



### § 903.19 Appointment as an Officer, Reserve of the Air Force.

(a) *Tendering appointment.* A student who successfully completes the prescribed undergraduate flying training program and who is mentally, morally, and physically qualified is tendered appointment as second lieutenant, Reserve of the Air Force, for an indefinite term. Each graduate so appointed is ordered into active military service as a career reserve officer. He must serve for a minimum of four years from the date of graduation from undergraduate flying training unless sooner relieved by orders of competent authority. Each graduate is awarded the aeronautical rating of navigator and concurrently ordered to participate in regular and frequent flights. In addition, officers undergoing training after commissioning incur active duty service commitments for training as stated in AFR 36–51 (Active Duty Service Commitments for Career Officers and Procedure for Attaining Career Reserve Status).

(b) *Review.* Before graduation, the faculty board of the school reviews the qualifications of each student and prepares for each a report indicating that he is or is not mentally, morally, physically, and professionally qualified for appointment in the grade of second lieutenant, Reserve of the Air Force, with appropriate recommendations for appointment. The physical qualifications for appointment are determined by using any medical examination, sufficiently detailed for each determination prescribed in AFM 160–1 (Medical Examination), completed within 12 months immediately preceding the date of appointment as an officer, Reserve of the Air Force, unless reexamination is indicated because of a serious intervening illness or injury. If the recommendation is negative, appropriate elimination action is initiated.

(c) *Report.* The faculty board report of proceedings are forwarded to the Commander, ATC.

(d) *Graduates who decline to accept appointment.* A graduate who declines to accept an appointment as an officer, Reserve of the Air Force, is treated as an eliminated student. His appointment as an aviation cadet or status as an aviation student is terminated, and he is reassigned within the Air Force.

## PART 904—DETAILING PERSONNEL TO NON-FEDERAL ESTABLISHMENTS FOR AVIATION INSTRUCTION

Sec.
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AUTHORITY: The provisions of this Part 904 issued under secs. 8012, 9301–9304, 70A Stat. 488, 559; 10 U.S.C. 8012, 9301–9304.

### § 904.1 Purpose.

This part provides for aviation instruction of AF personnel in established civilian flying and technical schools.

### § 904.2 General.

No expense will be incurred by the United States except:

(a) The authorized pay of personnel detailed to the school,

(b) The cost of tuition at educational institutions, provided that the tuition for personnel during the period of their detail may be paid from any funds which may hereafter be made available for the foregoing expense,

(c) The cost of maintenance of personnel who may be detailed as supervisors or inspectors, and

(d) The cost of equipment assigned to supervisors or inspectors for official use.

### § 904.3 Definition.

The term "accredited aviation schools" means the flying schools or aviation mechanics schools selected by the Chief of Staff, USAF, in accordance with § 904.5.

### § 904.4 Agreement with institutions for instruction.

Services of schools will be procured by a written contract, made pursuant to 10 U.S.C. 2301 et seq. The contract will state the terms and conditions governing the furnishing of instruction. The cost of tuition for courses of instruction will be established by negotiation.

### § 904.5 How institutions will be selected.

The primary consideration will be the suitability of an institution to satisfactorily accomplish the training needed by the Air Force. The following factors, when applicable, will have special importance:

(a) Geographical location as it relates to the cost of government transportation, other expense, and the functioning of the system of supply and repair of Government property.

(b) Capacity for instruction of military personnel.

(c) Ability to maintain output of trained military personnel at a uniform rate.

(d) Ability to conduct the desired training without undue hazard to personnel or property.

(e) Conditions affecting health and safety of military personnel and the preservation and maintenance of Government property.

(f) Availability of suitable housing and messing facilities near the place of instruction.

(g) Adequacy of instructional facilities and methods, and quality of instruction.

(h) Adequacy of facilities for maintaining and preserving Government property.

(i) Provisions for maintaining the governmental supervisory and administrative establishment.

### § 904.6 Responsibilities of institutions.

Before assignment of military personnel for instruction, institutions will be required to agree to:

(a) Provide satisfactory housing and messing facilities, or make arrangements for them, at a reasonable cost to the military students.

(b) Provide satisfactory office and other space needed by Government administrative personnel in the performance of their duties.

(c) Comply with regulations prescribed by civil authorities to insure safety and any necessary supplementary instructions issued by the Chief of Staff, USAF, or his representatives.

(d) Relieve the Government from liability for any injury or damage to persons and property, except Government personnel.

(e) Keep complete records pertaining to the training and progress of each military student. These will be kept in the school registrar's office and be available to the Chief of Staff, USAF, or his representatives. Records should be kept as prescribed by the Chief of Staff, USAF.

(f) Give Government representatives access to account books and records at any time it is necessary for the Government to determine the actual cost of instruction.

(g) Open all facilities used for the training of military personnel for inspection by authorized Government representatives, at any time.

### § 904.7 Air Force training unit or detachment.

An AF Training Unit or Detachment will normally be required at institutions operating under this part to administer attached students and to provide the necessary liaison between the Air Force and the institution.

### § 904.8 Training unit or detachment commander's responsibilities.

The Unit or Detachment Commander will be the intermediary between the Air Force and the institution to which he is assigned in all matters pertaining to the instruction of military students. In addition to his duties of command, the Unit or Detachment Commander will:

(a) Determine the continued adequacy and suitability of contractors' facilities and methods as they apply to the instruction of military students.

(b) Keep informed on the progress of military students and pass upon the eligibility of any student to receive a certificate of graduation.

(c) Determine the proficiency of students in their assignments at any time during the course of instruction.

(d) Be responsible for the discipline of military students at all times.

(e) Suspend the instruction of any military student when necessary.

(f) Insure that no officer or enlisted man conducts or pursues any course of instruction at the school without proper authority of the Air Force.

(g) Furnish reports prescribed by the Chief of Staff, USAF. A special written report will be submitted covering any serious breach of contract or agreement on the part of any school or school representative, if adequate corrective action has not been taken within a reasonable length of time.

### § 904.9 Faculty board to act on termination of student status.

A board, composed of officers, will be appointed as directed by the Chief of Staff, USAF, at each institution designated to give aviation instruction to military personnel. This board will:

(a) Consider all cases referred to it by the AF Commander which involve the fitness of a student, for any reason, to continue instruction. The board will make recommendations relating to the disqualification, or reinstatement of any student.

(b) Comply with all instructions issued by the Chief of Staff, USAF.

### § 904.10 Conditions governing loan and sale of Government property.

(a) The AF is authorized to lend to accredited civilian aviation schools, to which military students are detailed, aircraft, aircraft parts, aeronautical equipment, and accessories on hand and belonging to the U.S. Government. This will be done at the discretion of the Secretary of the Air Force and under rules, regulations, and limitations prescribed by him. This authority applies only to articles required for instruction, training, and maintenance. (See 10 U.S.C. 9656.)

(b) All loans of Government property, described in paragraph (a) of this section, will be made subject to return upon request of the Government and without Government obligation to repair or replace the items in whole or in part unless otherwise specifically provided for by written agreement with the institution.

(c) The Secretary of the Air Force may sell aviation spares and accessories to civilian flying schools at which AF personnel are receiving flight training. Such schools must be under contract requiring them to repair and maintain aircraft provided them by the Air Force for flight training. (See 10 U.S.C. 9628.)

### § 904.11 Administrative provisions.

(a) Loans of Government property necessary for instruction will be made at the discretion of the Chief of Staff, USAF. He will also determine the quantity and type of property and the conditions under which loans will be made.

(b) Administrative details respecting the loan of Government property and its maintenance, including the extent to which an institution will be held responsible for replacement, repair, and overhaul will be determined by the Chief of Staff, USAF.

### § 904.12 Government property to be consigned to the AF Commander.

All Government-owned property required at institutions, regardless of the purpose for which intended, will be consigned to the AF Commander of the local AF training unit or detachment or a designated accountable officer. Property transactions between the AF Commander or the designated accountable officer and a school will be governed by paragraph (b) (1) of § 904.14. The Chief of Staff, USAF, will designate an accountable officer who will act for all Government-owned industrial property; the contract provision will provide that accountability therefor will be maintained in accordance with appropriate directives.

### § 904.13 Eligibility for loans of Government equipment.

(a) To be eligible to receive loans of Government equipment, the institution must be an accredited school as defined in § 904.3 and under contractual obligations with the Government for training AF personnel pursuant to this part.

(b) The detail of military personnel as students will not create any Government obligation to provide property for their instruction except as stated in formal agreements between the Government and the institution concerned.

### § 904.14 Requisitions, provisions, and accounting for loan of Government property.

(a) *Requisitions.* The institution will submit requests for the issue of Government property to the AF Commander or accountable officer. When authorized, he will issue the items to the institution or, if the items are not on hand, he will requisition them.

(b) *Provisions.* (1) Government property will be loaned to institutions by the AF Commander or the designated accountable officer on custody receipt. He will furnish credit custody receipts to the institution for property returned to the Air Force.

(2) The responsible head or corresponding executive of the institution will designate in writing a representative who will sign all property papers in the name of the school.

(3) Reports concerning the quantity and condition of Government property in its possession will be made by the institution as required by the Chief of Staff, USAF.

(4) The institution will make settlement for property held on custody receipt, within terms of the contract, as required by the AF Commander.

(c) *Accounting.* Property will be accounted for as prescribed in § 904.12.

### § 904.15 Transportation of property.

(a) Property authorized to be loaned under § 904.10 will be delivered to an institution through the AF Commander or the designated accountable officer by air, rail, or motor transportation as interests of the Government may require. Transportation will be at Government expense except for drayage (see paragraph (b) of this section). Property that requires rail, motor, or air transportation, including property in possession of the AF Commander or the designated accountable officer, will be returned by the institution, f.o.b. carrier's freight dock in the city nearest the institution concerned. Property will be packed, boxed, crated, and prepared for shipment to the destination determined by the Government, in accordance with AF specifications and carrier tariff requirements.

(b) All drayage of Government property to and from carrier's terminal in city nearest the institution concerned will be furnished by and at the expense of the institution. Bills of lading will be prepared accordingly.

### § 904.16 Lost, damaged, or destroyed property.

(a) The institution will not be liable for Government property which becomes unserviceable through fair wear and tear. Such property may be returned to the Government for replacement or credit, or should be repaired by the institution in accordance with its written agreement with the Government.

(b) The institution will not be liable for Government property lost, destroyed, or damaged by fire, flood, theft, tornado, aircraft accident, or other similar causes, without fault or neglect on the part of the institution, its servants, or employees. To determine whether such fault or neglect existed, a survey will be made by a surveying officer appointed in accordance with instructions issued by the Chief of Staff, USAF. Reports of survey for property in the possession of an institution will be prepared by the AF Commander.

(c) The institution will make good all other loss, damage, or deterioration of Government property for which an institution is responsible. The Comptroller of the Air Force, Hq. USAF, will take action to obtain reimbursement.

(d) The AF Commander or the designated accountable officer will report to the authorities of the institution in writing any facts, circumstances, or conditions which he believes to be prejudicial to the proper protection of Government property against loss through fire, flood, theft, tornado, accident, or similar causes. If proper corrective action is not taken by the institution it will be reported to the Chief of Staff, USAF. All such reports will be made available to surveying officers appointed under paragraph (b) of this section.

(e) The relief of institutions from liability in connection with property referred to in paragraph (b) of this section will in no way nullify any written agreement made by them with the Government for repairs and maintenance.

### § 904.17 Maintenance and repair of property.

(a) The institution will maintain property loaned to it in good repair and in the same condition as when received, usual wear, tear, and usage excepted, unless otherwise specifically provided for in a written agreement made with the institution.

(b) Authorized Government representatives will have free access to all Government property loaned to an institution to ascertain the condition of the property and the manner in which it is being safeguarded, stored, maintained, and repaired.

(c) The Chief of Staff, USAF, may prescribe regulations that will facilitate proper inspection and maintenance of loaned Government property, when such regulations are consistent with the contractual obligations of the institution.

### § 904.18 Care and safekeeping of property.

(a) None of the property owned by the Government and furnished to an institution under this part will be removed by the institution from the continental limits of the United States. The property will not be used for any other purpose than the instruction of military personnel or the performance of formal contracts pertaining to such instruction unless specifically authorized by the Chief of Staff, USAF.

(b) Proper storage facilities will be furnished by the institution for all Government property in its possession and in the possession of the AF Commander. The place and manner of storage will satisfactorily provide for the care and safekeeping of Government property to prevent undue and avoidable deterioration.

(c) Government parts, accessories, and supplies will in no case be stored or mingled with similar articles that belong to the institution. The manner of storage will permit ready identification of the property that is loaned by the Government and facilitate its inventory when required.

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SUBCHAPTER I—STANDARDS OF CONDUCT

## PART 920—STANDARDS OF CONDUCT

Sec.


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AUTHORITY: The provisions of this Part 920 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

### § 920.1 Scope of part.

This part prescribes the standards of conduct, relating to possible conflict between private interests and official duties, required of all Air Force personnel, regardless of assignment. Close adherence to these principles will insure compliance with the high ethical standards demanded of all public servants. It is in consonance with the President's Memorandum (28 F.R. 4539, May 7, 1963) concerning Special Government Employees and the Code of Ethics for Government Service contained in House Concurrent Resolution 175, 85th Congress, which applies to all Government personnel. It also includes standards of conduct based on the revisions of the conflict of interest laws enacted in 1962 (§§ 920.14 through 920.17).

### § 920.2 Code of Ethics for Government Service.

HOUSE CONCURRENT RESOLUTION 175

85TH CONGRESS, 2D SESSION

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including officeholders:

*Code of Ethics for Government Service*

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.

3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

9. Expose corruption wherever discovered.

10. Uphold these principles, ever conscious that public office is a public trust.

### § 920.3 Definitions.

(a) "DOD personnel," as used in this part, unless the context indicates otherwise, means all civilian officers and employees of all the offices, agencies, and departments in the Department of Defense (including nonappropriated fund activities) and all officers and enlisted members of the Army, Navy, Air Force, and Marine Corps.

(b) "Air Force personnel," as used in this part, unless the context indicates otherwise, means all civilian officers and employees in the Department of the Air Force (including nonappropriated fund activities) and all officers and enlisted members of the Air Force.

(c) "Officers" includes both commissioned and warrant officers.

(d) "Reserve officers" includes both officers of the Air National Guard of the United States and Air Force Reserve.

### § 920.4 Applicability.

(a) This part applies to all Air Force personnel and activities.

(b) All Air Force personnel should be familiar with §§ 920.3 to 920.11 and those parts of §§ 920.12 and 920.13 which pertain to them.

### § 920.5 Ethical standards of conduct.

(a) *General.* Air Force personnel are bound to refrain from any private business or professional activity which would place them in a position where there is a conflict between their private interests and the public interests of the United States. Even though a technical conflict, as set forth in the statutes cited in this part, may not exist, Air Force personnel must avoid the appearance of such a conflict, from a public confidence point of view. Air Force personnel will not engage in any private activity which involves the use of, or the appearance of the use of, inside information gained through an Air Force position for private gain for themselves, their families or business associates. Air Force personnel must not use their official position in any way to induce, or give the appearance of inducing, another person to provide any financial benefit to themselves, or persons with whom they have family, business or financial ties.

(b) *Dealing with present and former military and civilian personnel.* Air Force personnel will not knowingly deal with military or civilian personnel, or former military or civilian personnel, of the Government, if such action will result in a violation of a statute or policy set forth in this part.

(c) *Presidential appointees.* Executive Order 10939 of May 5, 1961 (3 CFR, 1961 Supp., p. 107) prescribing special standards for Presidential appointees and others is self-explanatory.

### § 920.6 Bribery and graft.

In general, Air Force personnel may be subject to criminal penalties if they solicit, accept, or agree to accept anything of value in return for being influenced in performing or in refraining from performing an official act (see 18 U.S.C. 201).

### § 920.7 Gratuities.

(a) Air Force personnel will not accept any favor, gratuity, or entertainment directly or indirectly, from any person, firm, corporation, or other entity which has engaged, is engaged, or is endeavoring to engage in procurement activities or business transactions of any sort with any agency of the Department of Defense, where such favor, gratuity, or entertainment might affect, or might reasonably be interpreted as affecting, or give the appearance of affecting the objectivity and impartiality of such personnel in serving the Government. Favors, gratuities, or entertainment bestowed upon members of the immediate families of Air Force personnel are viewed in the same light as those bestowed upon Air Force personnel. Ac-

ceptance of entertainment, gifts, or favors (no matter how innocently tendered or received) from those who have or seek business dealings with the Department of Defense may be a source of embarrassment to the Department and to the personnel involved, may affect the objective judgment of the recipient, may impair public confidence in the integrity of business relations between the Department and industry, and must be discouraged.

(b) Procedures with respect to gifts from foreign governments are set forth in Parts 826 and 882 of this chapter.

**§ 920.8 Prohibition of contributions or presents to superiors.**

No officer, clerk, or employee in the United States Government employ shall at any time solicit contributions from other officers, clerks, or employees in the Government service for a gift or present to those in a superior official position; nor shall any such officials or clerical superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the Government employ. (R.S. 1784; 5 U.S.C. 113.)

**§ 920.9 Use of Government facilities, property, and manpower.**

Government facilities, property, and manpower, such as stenographic and typing assistance, mimeograph services and chauffer services, shall be used only for official Government business. Sections 920.3 to 920.11 are not intended to preclude the use of Government facilities for activities which would further military-community relations provided they do not interfere with the military mission.

**§ 920.10 Use of civilian and military titles in connection with commercial enterprises.**

(a) All civilian personnel, and military personnel on active duty, are prohibited from using their civilian and military titles or positions in connection with any commercial enterprise or in endorsing any commercial product. For the purpose of this section, the term "commercial enterprise" includes any organization other than a nonprofit or charitable organization which is exempt from Federal income taxation because it comes within subsection (1), (3), (4), (6), (7), (8), (9), (10), (11), (13), or (14) of section 501(c) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 501). No civilian person and no military person on extended active duty will use his civilian or military title or position in connection with any organization unless he first determines from the organization involved that it is exempt from taxation under one of the above subsections of the Internal Revenue Code. The foregoing shall not be deemed to preclude publication by such personnel of books or articles which identify them as author by reference to their military or civilian title or position, provided that publication of such material has been cleared under existing Air Force procedures.

(b) All retired military personnel and all members of Reserve components, not on active duty, are permitted to use their military titles in connection with commercial enterprises. Such use of military titles shall in no way cast discredit on the Air Force or the Department of Defense. Such use is prohibited in connection with commercial enterprises when such use, with or without the intent to mislead, gives rise to any appearance of sponsorship, sanction, endorsement, or approval by Department of the Air Force or the Department of Defense. The Department of the Air Force may restrict retired personnel and members of reserve components not on active duty, from using their military titles in connection with public appearances in oversea areas.

**§ 920.11 Outside employment of Air Force personnel.**

(a) Air Force personnel shall not engage in private outside employment with or without compensation, which:

(1) Interferes with the performance of their Government duties,

(2) May reasonably be expected to bring discredit upon the Government or the agency concerned, or

(3) Is inconsistent with § 920.5(a).

(b) No enlisted member of the Air Force on active duty may be ordered or permitted to leave his post to engage in a civilian pursuit or business, or a performance in civil life, for emolument, hire, or otherwise, if the pursuit, business, or performance interferes with the customary or regular employment of local civilians in their art, trade, or profession. (10 U.S.C. 8635)

**§ 920.12 Conflict of interest laws.**

(a) *Full-time officers and employees*—(1) *Definition.* The term "full-time officer or employee" includes all civilian officers and employees, and all military officers on active duty, except those who are "special Government employees" (see paragraph (b) of this section). It does not include enlisted personnel.

(2) *Prohibitions.* Section 920.14 contains a discussion of these criminal laws and the exemptions therefrom. In general, a full-time officer or employee is subject to the following major prohibitions:

(i) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (see 18 U.S.C. 203 and 205).

(ii) He may not receive any salary, or supplementation of his Government salary, from a private source as compensation for his services to the Government (see 18 U.S.C. 209).

(iii) He may not participate[1] in his Governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment, has a financial interest (see 18 U.S.C. 208). Instead of participating in such a matter, he must promptly disqualify himself in accordance with subparagraph (4) of this paragraph, except as provided in subparagraph (3) of this paragraph.

(3) *Nondisqualifying financial interest.* A full-time officer or employee need not disqualify himself under subparagraph (2)(iii) of this paragraph, if the financial holdings are in shares of a widely-held diversified mutual fund or regulated investment company.

(i) The indirect interests in business entities which the holder of shares in a widely-held diversified mutual fund or regulated investment company derives from ownership by the fund or investment company of stocks in business entities is hereby exempted from the provisions of 18 U.S.C. 208(a), in accordance with the provisions of 18 U.S.C. 208(b)(2) as being too remote or inconsequential to affect the integrity of the Government officers' or employees' services.

(4) *Disqualification procedures.* (i) In any case where a full-time officer or employee must disqualify himself under subparagraph (2)(iii) of this paragraph, he will promptly notify his superior thereof and make a full disclosure of the financial interest. The superior will thereupon relieve him from his duty and responsibility in the matter, unless the Government official responsible for his appointment makes a written advance determination that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from the officer or the employee. The original copy of such written determination will be made a matter of permanent record and will become a part of the Official Civilian Personnel Folder or the Military Officer Unit Personnel Record Group, as appropriate.

(ii) In the case of a military officer or a civilian employee, the "official responsible for his appointment" shall, for the purpose of this paragraph (a), be his superior, or such other person as the commander may designate, who is a full-time officer or employee serving in the grade of major, or GS-12, or higher. The designation, authorized to be made by commanders in the previous sentence, may be made by directors or heads of comparable offices in the Office of the Secretary of the Air Force and in Hq USAF for personnel assigned to their respective offices.

(iii) In addition, where a superior thinks anyone responsible to him may have a disqualifying interest, he will discuss the matter with that person and, if he finds such an interest does exist, he will relieve the person of duty and responsibility in the particular matter.

(iv) In cases of disqualification under this paragraph (a), the matter will be reassigned for decision and action to someone else who is not subordinate to the disqualified person.

(b) *Special Government employees*—(1) *Definition.* The term "special Government employee" includes an officer or employee who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis (see 18 U.S.C. 202). The term also includes a Reserve officer while on active duty solely for training for any length of time, one who is serving on active duty involuntarily for any length of time, and one who is serving voluntarily on extended active duty for 130 days or less. It does not include enlisted personnel.

(2) *Prohibitions.* The President's Memorandum (28 F.R. 4539, May 7, 1963) contains a detailed discussion of these criminal laws. In general, a special Government employee is subject to the following major prohibitions:

(i) He may not, except in the discharge of his official duties, represent anyone else:

(*a*) Before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government (see 18 U.S.C. 203 and 205).

(*b*) In a matter pending before the agency he serves unless he has served there no more than 60 days during the past 365 (see 18 U.S.C. 203 and 205). He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially.

The restrictions described in this subdivision apply to both paid and unpaid representation of another.

(ii) He may not participate in his Governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment, has a financial interest (see 18 U.S.C. 208). Instead of participating in such a matter, he must promptly disqualify himself in accordance with paragraph (a)(4) of this section, except as provided in paragraph (a)(3) of this section.

(iii) After his Government employment has ended, he is subject to the prohibitions in paragraph (c)(2) of this section as a "former employee" (see 18 U.S.C. 207).

(c) *Former officers or employees*—(1) *Definition.* The term "former officer or employee" includes those full-time civilian officers or employees and former military officers who have left Government service, special Government employees who have left Government service, retired Regular officers, and Reserve officers released from active duty. It does not include enlisted personnel.

(2) *Prohibited activities.* Section 920.15 contains a more detailed discussion of the criminal law. In general, a former officer or employee is subject to the following major prohibitions:

(i) He may not, at any time after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (see 18 U.S.C. 207(a)).

(ii) He may not, for one year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (see 18 U.S.C. 202(b) and 207(b)). This temporary restraint, of course, gives way to the permanent restriction described in subdivision (i) of this subparagraph, if the matter is one in which he participated personally and substantially.

(d) *Retired Regular officers*—(1) *Prohibitions.* Section 920.16 contains a summary of the laws applicable to retired Regular officers. In general, a retired Regular Air Force officer is subject to the following major prohibitions:

(i) As an officer whose "employment has ceased," he may not engage in the prohibited activities listed in paragraph (c) of this section (see 18 U.S.C. 207).

(ii) He may not, at any time, assist in prosecuting a claim against the United States if he worked on that claim while on active duty (see 18 U.S.C. 283).

(iii) He may not, within two years after his retirement, assist in prosecuting a claim which involves the Department in whose service he holds a retired status (see 18 U.S.C. 283).

(iv) He may not, at any time, sell anything to the Department in whose service he holds a retired status (see 18 U.S.C. 281).

(v) He may not, within three years after retirement, sell supplies or war materials to any agency of the Department of Defense, the Coast Guard, the Coast and Geodetic Survey, or the Public Health Service (see 37 U.S.C. 801(c), as amended October 9, 1962, Public Law 87-777, formerly 5 U.S.C. 59(c)). (See definition of "Selling," § 920.16.)

(2) *Required statement of employment.* (i) Each Regular retired Air Force officer will file the following "Statement of Employment," DD Form 1357,[2] with the Retired Pay Division, Directorate of Allotments and Retired Pay, Air Force Accounting and Finance Center (AR), 3800 York Street, Denver, Colorado, 80205. Each Regular officer retiring hereafter will file this Statement within 30 days after retirement. Whenever the information in the Statement is no longer accurate, each such officer shall file a new DD Form 1357; however, a new Statement need not be filed solely because of the revision of the DD Form 1357.

(ii) The Air Force Accounting and Finance Center will review the "Statement of Employment" to assure compliance with applicable statutes and regulations. Where it appears that a possible violation of a policy or statute, as set forth in this part may be involved, the Retired member may be requested to furnish clarifying information.

(iii) The Retired member will request additional copies of DD Form 1357 from AFAFC (AR), 3800 York Street, Denver, Colorado, 80205.

(e) *Officers of the Reserve components.* (1) A Reserve officer who is voluntarily serving a period of extended active duty in excess of 130 days is a full-time Government officer, and paragraph (a) of this section applies to him. Exception: Any Reserve who, before being ordered to active duty, was receiving compensation from any person may, while he is on that duty, receive compensation from that person (see 10 U.S.C. 1033).

(2) A Reserve officer who is serving on active duty involuntarily for any length of time, and a Reserve officer who is voluntarily serving on extended active duty for 130 days or less, is a "special Government employee," and paragraph (b) of this section applies to him.

(3) A Reserve officer (unless otherwise a full-time officer or employee of the United States) who is on active duty solely for training for any length of time is a "special Government employee," and paragraph (b) of this section applies to him.

(4) When he is released from active duty, a Reserve officer described in subparagraph (1), (2), or (3) of this paragraph, is a "former officer," and paragraph (c) of this section applies to him.

(5) Membership in a Reserve component of the Armed Forces or in the National Guard does not, in itself, prevent a person from practicing his civilian profession or occupation before or in connection with any department (see 5 U.S.C. 30r (c), (d)).

(6) An officer of a Reserve component, whether in the Ready, Standby, or Retired Reserve, who is not on active duty is not, solely because of his status as a Reserve, considered to be an officer or employee of the United States for the purpose of bringing him within the prohibitions summarized in paragraphs (a), (b), or (c) of this section (see 5 U.S.C. 30r (c), (d)).

(7) Receipt of retired pay by a Reserve or a former Reserve does not, in itself, make him an officer or employee or a former officer or employee for the purpose of bringing him within the prohibitions summarized in paragraphs (a), (b), or (c) of this section. Paragraph (d) of this section does not apply to a retired Reserve.

**§ 920.13 Advisers, consultants, and temporary or intermittent employees.**

(a) *Applicability.* This section implements the President's Memorandum of May 2, 1963, titled "Preventing Conflicts of Interest on the Part of Special Government Employees" (28 F.R. 4539, May 7, 1963). It will be noted that, while the Memorandum relates to all special Government employees, its primary thrust is to advisers and consultants.

(1) The President's Memorandum and this section apply to the following categories of personnel, including members of advisory committees established under AFR 25-7, "Air Force Committee Management":

(i) Advisers and consultants (including experts) employed under AFR 40-921, "Employment of Experts and Consultants" (publication pending); AFR

[1] A person may "participate" through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise.

[2] Form filed as part of original document.

160-97, "Civilian National Consultants"; or AFR 35-4, "Expert and Consultant Services."

(ii) Temporary or intermittent employees appointed under regular Civil Service appointment procedures; and

(iii) Industry or other representatives (including representatives of labor and agriculture) who are not appointed as Air Force employees, but who are requested to appear before an activity of the Air Force to present the views of a non-governmental organization.

(2) The following categories of personnel are not considered "advisers and consultants" within the meaning of this section when performing the specific services listed in subdivisions (i) through (v) of this subparagraph, and they are not required to file the "Statement of Employment and Financial Interests" referred to in paragraph (b)(2)(i)(b) of this section. The other provisions of this part, and the laws referred to therein, apply to such employees either as full-time or as special Government employees.

(i) Physicians, dentists, and allied medical specialists performing care and service to patients.

(ii) Veterinarians providing veterinary service to animals.

(iii) Lecturers participating in educational activities.

(iv) Chaplains performing religious services.

(v) Individuals of national prominence in the motion picture and television fields who are utilized as narrators or actors in motion picture or television productions produced by the Department of Defense.

(b) *Specific responsibilities* — (1) *Over-all responsibility.* Each commander is responsible for implementing all of the provisions of the President's Memorandum of May 2, 1963, pertaining to his command.

(2) *Advisers and consultants.* (i) Each adviser and consultant employed, or to be employed, will:

(a) Familiarize himself and comply with the President's Memorandum of May 2, 1963, and those parts of this part which pertain to him.

(b) Complete and file with the civilian personnel office of the employing activity the following "Statement of Employment and Financial Interests" prior to his appointment or reappointment, and file with that office a revised Statement whenever the one previously submitted by him is no longer accurate. He will report on the Statement his Government employment (including his anticipated employment with the Air Force and with any other Government agencies) and his private employments, as prescribed in the President's Memorandum of May 2, 1963, and his financial interests. He must list all of his investments and other financial interests, such as a pension; retirement; group life, health, or accident insurance; and profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer. He is not required to list precise amounts of investments.

S-A-M-P-L-E

STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

1. *Private Employment*

(Name of all companies, firms, State or local governmental organizations, research organizations, and educational or other institutions for which you are serving as employee, officer, member, director, adviser or consultant. Also list any organization with which you are negotiating or have an arrangement concerning prospective employment.)

2. *Federal Government Employment*

a. I anticipate I will be employed by the U.S. Government during the 365 days following _____ (date of proposed appointment), as follows:

*Employing Agency:* _____
*Estimated Days of Service:* _____

b. During the 365 days prior to _____ (date of proposed appointment) I will have been employed by (Army), (Navy), (Air Force), (OSD) as follows:

*Employing Agency:* _____
*Days Served:* _____

3. *Financial Interests*

(Names of *all* companies, firms, research institutions or other organizations in which you, or to your knowledge, your spouse, or your children, own securities or other financial interests—precise amounts of investments need not be revealed.)

Name _____
Address _____
Date _____

(ii) The central civilian personnel office of the employing activity will:

(a) Arrange to give each prospective adviser or consultant, and each adviser or consultant now employed, a copy of this part, to invite his attention especially to this section and the President's Memorandum of May 2, 1963, and to advise him of the name of the legal office from which he should seek legal assistance should he have any question relating to conflict of interest.

(b) Prior to appointment or reappointment, arrange to secure a completed "Statement of Employment and Financial Interests" or a revised Statement as applicable.

(c) Prior to appointment or reappointment, arrange to furnish the operating official who will supervise the adviser or consultant, and the legal office, copies of the Statement and to obtain their comments thereon (see subdivisions (iii) and (iv) of this subparagraph).

(d) Maintain the original "Statement of Employment and Financial Interests," and other papers relating thereto as prescribed in AFM 40-2 (Civilian Personnel Actions, Records, Files and Reports). The Statement and related papers are official personnel records and must be treated accordingly.

(e) Determine whether the adviser or consultant is a special or full-time employee in accordance with the procedure set forth in paragraphs (a) through (g) of the President's Memorandum of May 2, 1963 (28 F.R. 4541-4542, May 7, 1963). Any service expected to be rendered with other departments or agencies during the period will be taken into account in making this determination. This determination will be based on the Statement filed by the individual.

(f) Record, as appropriate, one of the following in the remarks section of the SF 50, "Notification of Personnel Action":

(1) "Subject to conflict of interest laws and regulations as a special Government employee."

(2) "Subject to conflict of interest laws and regulations as a regular Government employee."

(g) Determine if the 60-day rule in § 920.12(b)(2)(i)(b) applies and advise the individual in writing of this determination. This determination is made in accordance with paragraphs (f) and (g) of the President's Memorandum of May 2, 1963 (28 F.R. 4541-4542, May 7, 1963), based on the Statement filed by the individual.

(iii) The official who supervises, and who will supervise, an adviser or consultant, will:

(a) Familiarize himself and comply with all of the provisions of the President's Memorandum of May 2, 1963, and the provisions of this part, pertaining to him and to advisers and consultants.

(b) Review each "Statement of Employment and Financial Interests," and each revised Statement and furnish, for use by the legal office and for filing in the central civilian personnel office, a statement whether, during the course of his employment, the adviser or consultant will participate in any matter the outcome of which would have a direct and predictable effect on any of the non-Governmental organizations listed in paragraphs 1 and 3 of his "Statement of Employment and Financial Interests." In an appropriate case, he will consult with the legal office before preparing this Statement.

(iv) *Legal office.* The legal office providing legal assistance to the commander of the employing activity, will:

(a) Furnish legal advice and assistance to the central civilian personnel office, the supervisors, and advisers and consultants, on all matters relating to conflict of interest.

(b) Review each "Statement of Employment and Financial Interests" and each revised Statement together with the report of the supervisor (subdivision (iii)(b) of this subparagraph) and furnish a written opinion thereon to the central civilian personnel office for filing.

(v) *The Directorate of Civilian Personnel, Hq USAF.* The directorate will arrange for furnishing information requested by other agencies on advisers and consultants employed within the Air Force. Requests from other agencies are directed to Hq USAF (AFPCPAA), Washington, D.C., 20330.

(3) *Temporary or intermittent employees.* The central civilian personnel office will:

(i) Brief each individual employed on a temporary or intermittent appointment.

(ii) Make the determinations, as set forth in paragraphs (a) through (g) of the President's Memorandum of May 2, 1963 (28 F.R. 4541-4542, May 7, 1963), on the basis of personnel records, and advise the employee of these determinations.

(iii) Record one of the appropriate remarks on the SF 50 as provided in subparagraph (2)(ii)(b) of this paragraph.

(4) *Industry or other representatives.* (i) Each industry, labor, agriculture, or other representative who is requested to appear before an activity of the Air Force to present the views of a non-Governmental organization or group which he represents will be familiar, and comply, with those provisions of the President's Memorandum of May 2, 1963, pertaining to him.

(ii) The official who requests or receives the views of any industry or other representative (28 F.R. 4545, May 7, 1963) will:

(a) Furnish the representative a copy of this part and invite his attention to the President's Memorandum of May 2, 1963.

(b) Be familiar and comply with that Memorandum.

### § 920.14 Digest of conflict of interest laws.

New laws applicable to full-time officers and employees (these laws are set out in full in the Appendix to the President's Memorandum (28 F.R. 4539, May 7, 1963)):

(a) *18 U.S.C. 203.* (1) Section 203(a) in general prohibits an officer or employee of the United States in any branch or agency of the Government from soliciting or receiving compensation for services rendered on behalf of another person before a Government department or agency in relation to any particular matter in which the United States is a party or has a direct and substantial interest. Section 203(a) does not preclude compensation for services rendered on behalf of another in court.

(2) Section 203(b) makes it unlawful for anyone to offer or pay compensation, the solicitation or receipt of which is barred by section 203(a).

(b) *18 U.S.C. 205.* (1) Section 205 contains two major prohibitions. The first prevents an officer or employee of the United States in any branch or agency of the Government from acting as agent or attorney for prosecuting any claim against the United States, including a claim in court, whether for compensation or not. It also prevents him from receiving a gratuity, or a share or interest in any such claim, for assistance in the prosecution thereof.

(2) The second main prohibition of section 205 is concerned with more than claims. It precludes an officer or employee of the Government from acting as agent or attorney for anyone else before a department, agency or court in connection with any particular matter in which the United States is a party or has a direct and substantial interest.

(3) 18 U.S.C. 203 and 205 overlap. The following are the few important differences between sections 203 and 205 as they apply to officers and employees of the Government:

(i) Section 203 bars services rendered for compensation solicited or received, but not those rendered without such compensation; section 205 bars both kinds of services.

(ii) Section 203 bars services rendered before the departments and agencies but not services rendered in court; section 205 bars both.

It should be noted, however, that for all practical purposes section 205 completely overshadows section 203.

(4) Exemptions:

(i) Section 205 permits a Government officer or employee to represent another person, without compensation, in a disciplinary, loyalty or other personnel matter. Another provision declares that the section does not prevent an officer or employee from giving testimony under oath or making statements required to be made under penalty for perjury or contempt.

(ii) Section 205 also authorizes a limited waiver of its restrictions and those of section 203 for the benefit of an officer or employee, including a special Government employee, who represents his own parents, spouse or child, or a person or estate he serves as a fiduciary. The waiver is available to the officer or employee, whether acting for any such person with or without compensation, but only if approved by the official making appointments to his position. In no event does the waiver extend to his representation of any such person in matters in which he has participated personally and substantially or which, even in the absence of such participation, are the subject of his official responsibility.

(iii) Finally, section 205 gives the head of a department or agency the power, notwithstanding any applicable restrictions in its provisions or those of section 203, to allow a special Government employee to represent his regular employer or other outside organization in the performance of work under a Government grant or contract. However, this action is open to the department or agency head only upon his certification, published in the FEDERAL REGISTER, that the national interest requires it.

(c) *18 U.S.C. 208.* (1) Section 208 forbids certain actions by an officer or employee of the Government in his role as a servant or representative of the Government. Its thrust is therefore to be distinguished from that of 18 U.S.C. 203 and 205 which forbid certain actions in his capacity as a representative of persons outside the Government.

(2) Section 208(a) in substance requires an officer or employee of the executive branch, including a special Government employee, to refrain from participating as such in any matter in which, to his knowledge, he, his spouse, minor child or partner has a financial interest. He must also remove himself from a matter in which a business or nonprofit organization with which he is connected or is seeking employment has a financial interest. Under this section 208, a "particular matter" may be a matter less concrete than an actual contract, because the concept of a "particular matter involving a specific party or parties" is not used here as in other U.S.C. sections. However, a "particular matter" is something more specific than rule making or abstract scientific principles. The test for determining whether the action of the individual involves a particular matter in which he (or the other enumerated parties) has a financial interest is whether he might reasonably anticipate that his action or the decision in which he participates or with respect to which he advises, will have a direct and predictable effect upon a financial interest of himself, his spouse, minor child, partner or organization with which he is connected or seeking employment.

(3) Section 208(b) permits the agency of an officer or employee to grant him an ad hoc exemption from section 208(a) if the outside financial interest in a matter is deemed not substantial enough to have an effect on the integrity of his services. Financial interests of this kind may also be made nondisqualifying by a general regulation published in the FEDERAL REGISTER.

(d) *18 U.S.C. 209.* (1) Section 209(a) prevents an officer or employee of the executive branch, an independent agency or the District of Columbia from receiving, and anyone from paying him, any salary or supplementation of salary from a private source as compensation for his services to the Government.

(2) Section 209(b) specifically authorizes an officer or employee covered by section 209(a) to continue his participation in a bona fide pension plan or other employee welfare or benefit plan maintained by a former employer.

(3) Section 209(c) provides that section 209 does not apply to a special Government employee or to anyone serving the Government without compensation, whether or not he is a special Government employee.

(4) Section 209(d) provides that section 209 does not prohibit the payment or acceptance of contributions, awards or other expenses under the terms of the Government Employees Training Act:

### § 920.15 New law applicable to former officers and employees.

(a) 18 U.S.C. 207 (this law is set out in full in the Appendix to the President's Memorandum (28 F.R. 4539, May 7, 1963)):

(1) Section 207 (a) and (b) contains post-employment prohibitions applicable to persons who have ended service as officers or employees of the executive branch. The prohibitions for persons who have served as special Government employees are the same as for persons who have performed regular duties.

(2) The restraint of section 207(a) is against a former officer or employee's acting as agent or attorney for anyone other than the United States in connection with certain matters, whether pending in the courts or elsewhere. The matters are those involving a specific party or parties in which the United States is one of the parties or has a direct and substantial interest and in which the former officer or employee participated personally and substantially while holding a Government position.

(3) Section 207(b) sets forth a one-year post-employment prohibition in re-

spect of three matters which were within the area of official responsibility of a former officer or employee at any time during the last year of his service but which do not come within section 207(a) because he did not participate in them personally and substantially. More particularly, the prohibition of section 207 (b) prevents his personal appearance in such matters before a court or a department or agency of the Government as agent or attorney for anyone other than the United States. Where, in the year prior to the end of his service, a former officer or employee has changed areas of responsibility by transferring from one agency to another, the period of his post-employment ineligibility as to matters in a particular area ends one year after his responsibility for that area ends. For example, if an individual transfers from a supervisory position in the Internal Revenue Service to a supervisory position in the DOD and leaves DOD for private employment nine months later, he will be free of the restriction of section 207(b) in three months insofar as Internal Revenue matters are concerned. He will of course be bound by it for a year in respect of DOD matters.

(4) The proviso following section 207 (a) and (b) authorizes a department head, notwithstanding anything to the contrary in their provisions, to permit a former officer or employee with outstanding scientific qualifications to act as attorney or agent or appear personally before the department for another in a matter in a scientific field. This authority may be exercised by the department head upon a "national interest" certification published in the FEDERAL REGISTER.

(5) Section 207(a) describes the activities it forbids as being in connection with "particular matters involving a specific party or parties" in which the former officer or employee had participated. Section 207(b) relates to matters which were under his official responsibility. The language of both does not include general rule-making, the formulation of general policy or standards, or other similar matters. Thus, past participation in or official responsibility for a matter of this kind on behalf of the Government does not disqualify a former employee from representing another person in a proceeding which is governed by the rule or other result of such matter. Similarly, in the scientific field past participation in discussion of scientific or engineering concepts, the feasibility of scientific or technical accomplishments or proposed Government programs in early stages prior to the formulation of contract or a contract proposal where specific parties become involved in a matter, does not disqualify the former employee from representing his company with respect to a contract entered into at a later time even though the same general scientific matters may be involved in such a contract.

(6) Section 207(a) bars permanently a greater variety of actions than section 207(b) bars temporarily. The conduct made unlawful by the former is any action as agent or attorney, while that made unlawful by the latter is a personal appearance as agent or attorney. However, neither subsection precludes post-employment activities which may fairly be characterized as no more than aiding or assisting another. An individual who has left the department to accept private employment may, for example, immediately perform technical work in his company's plant in relation to a contract for which he had official responsibility—or, for that matter, in relation to one he helped the agency negotiate. On the other hand, he is forbidden for a year, in the first case, to appear personally before the department as the agent or attorney of his company in connection with a dispute over the terms of the contract. He may at no time appear personally before the department or otherwise act as agent or attorney for his company in such dispute if he helped negotiate the contract. Under both subsections the disability is personal, and neither section would prevent the former officer or employee from becoming the president or other officer of a corporation which has contracts with the Government, so long as such former officer or employee does not personally act as the agent or attorney of the company in dealing with the matters covered under subsection (a) and (b).

### § 920.16 Summary of laws applicable to retired regular officers not on active duty.

(a) *Prohibited activities*—(1) *Matters connected with former duties or official responsibilities.* A retired regular officer not on active duty is considered to be a "former officer" for the purposes of 18 U.S.C. 207 and therefore, the prohibitions discussed in §§ 920.12(c) and 920.15 apply to him.

(2) *Claims.* A retired regular officer of the armed forces may not, within two years of his retirement, act as agent or attorney for prosecuting any claim against the Government, or assist in the prosecution of such a claim or receive any gratuity or any share of or interest in such claim in consideration for having assisted in the prosecution of such a claim, if such claim involves the department in whose service he holds a retired status. Nor may a regular retired officer at any time act as an agent or attorney for prosecuting any claim against the Government or assist in prosecution of such claim, or receive any gratuity or any share of or interest in such a claim in consideration for having assisted in the prosecution of such claim, if such claim involves any subject matter with which he was directly connected while on active duty (see 18 U.S.C. 283).

(3) *Selling.* (i) A retired regular officer is prohibited, at all times, from receiving or agreeing to receive any compensation for representing any person in the sale of anything to the Government through the department in whose service he holds a retired status (see 18 U.S.C. 281).

(ii) 37 U.S.C. 801(c) as amended October 9, 1962, Public Law 87-777, formerly 5 U.S.C. 59(c) provides:

No payment shall be made from appropriations in any Act to any officer on the retired lists of the Regular Army, Regular Navy, Regular Marine Corps, Regular Air Force, Regular Coast Guard, Coast and Geodetic Survey, and Public Health Service for a period of *three* years after retirement who for himself or for others is engaged in the selling of or contracting for the sale of or negotiating for the sale of to any agency of the Department of Defense, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service any supplies or war materials.

(a) For the purpose of this statute, "selling" means:

(1) Signing a bid, proposal, or contract;

(2) Negotiating a contract;

(3) Contacting an officer or employee of any of the foregoing departments or agencies for the purpose of:

(i) Obtaining or negotiating contracts,

(ii) Negotiating or discussing changes in specifications, price, cost allowances, or other terms of a contract, or

(iii) Settling disputes concerning performance of a contract, or

(4) Any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another person.

However, it is not the intent of this part to preclude a retired regular officer from accepting employment with private industry solely because his employer is a contractor with the Government.

(b) *Exemptions from law applying to officers on active duty.* A regular officer who has been retired continues to be an "officer" of the United States for purposes of many statutes. However, the laws applying to officers on active duty listed in § 920.12(a) do not normally apply to retired regular officers not on active duty. The law specifically provides that 18 U.S.C. 203 and 205 do not apply to a retired officer while not on active duty who is not otherwise an officer or employee of the United States (see 18 U.S.C. 206). In addition, as a practical matter, 18 U.S.C. 208 and 209 do not apply to a retired officer not on active duty who is not performing services for the Government, solely because of his status as a retired regular officer.

### § 920.17 Other related criminal laws applicable to all Department of Defense personnel.

(a) The following activities may subject present and former DOD personnel to criminal penalties:

(1) Aiding, abetting, counseling, commanding, inducing, or procuring another to commit a crime under any criminal statute (see 18 U.S.C. 2).

(2) Concealing or failing to report to proper authorities the commission of a felony under any criminal statute if such personnel knew of the actual commission of the crime (see 18 U.S.C. 4).

(3) Conspiring with one or more other persons to commit a crime under any criminal statute or to defraud the United States, if any party to the conspiracy does any act to effect the object of the conspiracy (see 18 U.S.C. 371).



SUBCHAPTER M—ANIMALS

## PART 930—USAF SENTRY DOG PROGRAM

Sec.
930.1 Procuring dogs.
930.2 Non-government-owned dogs not to be used.

AUTHORITY: The provisions of this Part 930 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

### § 930.1 Procuring dogs.

All sentry dogs required by the Air Force will be procured by the Air Force Logistics Command through the Quartermaster General, United States Army, under the terms of an interservice agreement between the Department of the Air Force and the Department of the Army. All individuals offering dogs for sale or donation to the sentry dog program will be advised to direct correspondence to: FWGD, U.S. Army Animal Procurement Office, P.O. Box 52, Lackland Air Force Base, Texas.

### § 930.2 Non-government-owned dogs not to be used.

Only dogs procured according to § 930.1, and through procedures established by oversea commanders, will be used by any Air Force unit. Other dogs will not be trained or used in any manner that would make the Air Force responsible for their care or actions. The installation's local stray dog pound will not be operated as an integral part of the sentry dog facility, nor will it be located in the immediate or adjacent area.

## PART 931—EXPERIMENTAL ANIMALS

Sec.
931.1 Purpose.
931.2 Definition.
931.3 Responsibilities.
931.4 Care of experimental animals.

AUTHORITY: The provisions of this Part 931 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

### § 931.1 Purpose.

This part states responsibilities and procedures for the care and use of experimental animals of Air Force medical research programs.

### § 931.2 Definition.

For the purpose of this part "experimental animals" are those used in support of Air Force medical research, research-laboratory operations, development, tests, experiments, and evaluation programs.

### § 931.3 Responsibilities.

(a) *Contracting activities.* Air Force contractors will insure that contracts for research which may require use of experimental animals contain a proviso that the research will be conducted according to the National Society for Medical Research (NSMR), "Principles of Laboratory Animal Care."

(b) *Animal handlers and laboratory staffs.* Personnel in charge of experimental animals will insure that the animals are treated kindly, fed properly, and housed as comfortably and sanitarily as possible at all times (including time of transportation).

### § 931.4 Care of experimental animals.

Laboratory staffs and animal-housing facilities of all Air Force agencies or Air Force-sponsored civilian contractors must be able to (a) provide high standards of care, sanitation, and cleanliness of facilities and equipment and (b) minimize the spread of disease among animals.

SUBCHAPTERS N THROUGH V—[RESERVED]

## PARTS 932–999 [RESERVED]

FREDERICK A. RYKER,
*Lt Colonel, USAF, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64-10058; Filed, Oct. 5, 1964; 8:45 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Coordination Product of Zinc Ion and Maneb; Tolerance for Residues

A petition was filed (PP 422) with the Food and Drug Administration by Rohm and Haas Company, 222 West Washington Square, Philadelphia 5, Pennsylvania, requesting the establishment of a tolerance for residues of a coordination product of zinc ion and maneb containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylenebisdithiocarbamate (calculated as zinc ethylenebisdithiocarbamate), in or on papayas at 10 parts per million on the whole fruit, with no residue present in the edible pulp after the peel is removed and discarded.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.176 a tolerance for papayas and by inserting in the introductory paragraph immediately before "calculated as * * *" the words "the whole product of which is". Section 120.176 is amended to read as follows:

### § 120.176 Coordination product of zinc ion and maneb; tolerances for residues.

Tolerances for residues of a fungicide which is a coordination product of zinc ion and maneb (manganous ethylenebisdithiocarbamate) containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylenebisdithiocarbamate (the whole product of which is calculated as zinc ethylenebisdithiocarbamate), are established as follows:

15 parts per million in or on bananas, of which not more than 2 parts per million shall be in the pulp after peel is removed and discarded. The tolerance applies to accumulative residues from both preharvest and postharvest use.

10 parts per million in or on the whole fruit of papayas, with no residue present in the edible pulp after the peel is removed and discarded.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: September 30, 1964.

WINTON B. RANKIN,
*Assistant Commissioner for Planning.*

[F.R. Doc. 64-10098; Filed, Oct. 5, 1964; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[ 26 CFR Part 1 ]

### INCOME TAX; OPTIONS ACQUIRED IN CONNECTION WITH LOANS

#### Notice of Hearing on Proposed Regulations

The proposed amendment to the regulations under sections 61 and 1232 of the Code, relating to options acquired in connection with loans, was published in the FEDERAL REGISTER for August 25, 1964.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Thursday, October 15, 1964, at 10:00 a.m., e.d.t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Acting Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, by October 12, 1964.

[SEAL] CHARLES R. SIMPSON,
*Director, Legislation and Regulations Division.*

[F.R. Doc. 64-10094; Filed, Oct. 5, 1964; 8:47 a.m.]

[ 26 CFR Part 1 ]

### INCOME TAX; APPEARANCES, ETC., WITH RESPECT TO LEGISLATION

#### Notice of Hearing on Proposed Regulations

The proposed amendment to the regulations under section 162 of the Code, relating to appearances, etc., with respect to legislation, was published in the FEDERAL REGISTER for August 4, 1964.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Tuesday, November 10, 1964, at 10:00 a.m., e.s.t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Acting Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, by November 5, 1964.

[SEAL] CHARLES R. SIMPSON,
*Director, Legislation and Regulations Division.*

[F.R. Doc. 64-10095; Filed, Oct. 5, 1964; 8:47 a.m.]



[ 26 CFR Part 1 ]

### INCOME TAX; INCOME OF CONTROLLED FOREIGN CORPORATION FROM INSURANCE OF UNITED STATES RISKS

#### Notice of Hearing on Proposed Regulations

The proposed amendment to the regulations under section 953 of the Code, relating to income of a controlled foreign corporation from insurance of United States risks, was published in the FEDERAL REGISTER for July 30, 1964.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Tuesday, October 27, 1964, at 10:00 a.m., e.s.t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Acting Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, by October 23, 1964.

[SEAL] CHARLES R. SIMPSON,
*Director, Legislation and Regulations Division.*

[F.R. Doc. 64-10096; Filed, Oct. 5, 1964; 8:47 a.m.]

[ 26 CFR Part 1 ]

### INCOME TAX; GAIN FROM DISPOSITIONS OF CERTAIN DEPRECIABLE PROPERTY

#### Notice of Hearing on Proposed Regulations

The proposed amendment to the regulations under section 1245 of the Code, relating to the gain from dispositions of certain depreciable property, was published in the FEDERAL REGISTER for August 6, 1964.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Thursday, November 5, 1964, at 10:00 a.m., e.s.t., in Room 5569, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Acting Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, by October 30, 1964.

[SEAL] CHARLES R. SIMPSON,
*Director, Legislation and Regulations Division.*

[F.R. Doc. 64-10097; Filed, Oct. 5, 1964; 8:48 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Parts 1061, 1064 ]

[Docket Nos. AO 23-A26, AO 327-A5]

### MILK IN GREATER KANSAS CITY AND ST. JOSEPH, MISSOURI, MARKETING AREAS

#### Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Kansas City, Missouri, on September 17, 1964, pursuant to notice thereof issued on September 4, 1964 (29 F.R. 17779).

The material issues on the record of the hearing related to:

1. The need for an emergency increase in the Class I milk prices established by the orders regulating the handling of milk in the above designated marketing areas; and

2. Whether an emergency exists concerning Issue No. 1 which requires the omission of a recommended decision and opportunity for interested persons to file exceptions thereto and the immediate issuance of a final decision.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price increase.* The Class I prices established by orders regulating the handling of milk in the Greater Kansas City and St. Joseph, Missouri, marketing areas should be increased 10 cents per hundredweight through February 1965. Since the St. Joseph order specifies that the Class I price in that area shall be the Kansas City Class I price minus 10 cents, an amendment to the Kansas City order will accomplish the increase in both markets.

Milk sales routes of handlers in these two markets overlap to such an extent that it is necessary to maintain close alignment of Class I prices. Also, they are served by a common milk supply area. Most of the counties supplying the smaller St. Joseph market also supply milk to Kansas City handlers. Within the past year handlers' operations have shifted Class I sales from St. Joseph to Kansas City and some producers who formerly delivered to the St. Joseph handlers now ship to Kansas City handlers. Hence, the Class I sales in these two markets and the available supply of milk must be considered on a combined basis to reach a meaningful appraisal of their milk supply in relation to Class I sales.



The hearing was called at the request of cooperative associations of producers serving each of these markets. Producers requested an increase of 25 cents per hundredweight to become effective as soon as possible and extend at least through March 1965.

The proponents testified that milk supplies in these markets are currently inadequate as demonstrated by the milk imported from other areas in August and early September this year. They maintained that drought conditions had reduced the supply of feed grains and hay available in the area and that pasture conditions have been generally below normal for a considerable period. These adverse production conditions, according to the proponents, would reduce milk supplies in the coming months and require the importation of milk from other areas at a cost greater than the Class I prices in these areas.

Handlers opposed the proposed price increase, contending that milk supplies are now and are likely to continue to be sufficient for Class I sales. Some handlers proposed that if a price increase is made effective it apply only to Class I sales other than those made in fulfillment of sales contracts let on a bid basis prior to the effective date of such an increase. One handler opposed this selective application of a Class I price increase and asked that any increase be applicable to all Class I sales.

There is no doubt that extreme drought conditions have prevailed in some of the counties where milk for these two areas is produced. All but two counties in Missouri have been approved, because of drought conditions, for the release of soil bank and conservation reserve acreage for grazing and haying privileges. Kansas counties on the western boundary of the milk supply area have received the same privileges. The counties which have been designated as drought areas supplied more than half the milk for these markets in May 1964.

While the record shows that drought conditions have prevailed in much of the milkshed for these markets, drought relief as such cannot properly be granted to producers through amendments to the orders issued under the Agricultural Marketing Agreement Act of 1937. Under the Act, the Secretary is required to fix prices which will reflect factors affecting market supply and demand for milk in a marketing area, insure a sufficient quantity of pure and wholesome milk and be in the public interest. The adequacy of milk supplies therefore is an important factor in fixing prices under an order. In areas where supplies of producer milk have been substantially decreased in relation to Class I sales and where they have reached the point where an adequate supply of milk is threatened, it is proper to provide a price increase within the framework of the Agricultural Marketing Agreement Act.

During January-August this year 74.4 percent of producer milk in these two markets was used in Class I compared to 75.6 percent in the same period last year. Although Class I utilization in August dropped sharply below August 1963, this appears to be largely due to the change in number of peak delivery days in the respective months. Class I sales of producer milk in August 1964 were 1.9 percent lower than in August 1963. However, Class I sales in July were 1.4 percent above the previous year and in June were 8.9 percent higher. In May, on the other hand, Class I sales were up only 1.6 percent over May 1963. During the first eight months this year Class I sales were 3.2 percent above sales in the same period of 1963. Hence, on an average, for the rest of this year, we can expect Class I sales to be about 3.2 percent above sales a year ago.

Receipts of milk from producers for these two markets in August were 3.5 percent above August 1963 receipts and have averaged 3.5 percent above a year earlier for the five latest months, with individual monthly increases ranging from 2.6 to 4.3 percent. If the 3.5 percent rate of increase continues it will about equal the anticipated increase in Class I sales. Thus, according to projected supply-sales relationships, these markets may be expected to be as short of milk as they were last year when an emergency increase of 10 cents per hundredweight was made effective for three months.

On the basis of importations of milk from other areas, the markets appear to be shorter than they were last year. Imports for the Kansas City area by one cooperative which supplies several handlers were negligible in August 1963 but one-quarter million pounds in August 1964. Imports in the first eight days of September this year were nearly one-half million pounds, double the receipts in the same period of 1963. The average cost of this imported milk in August was 22 cents per hundredweight higher than the Kansas City Class I price and in September was 44 cents higher.

Another cooperative supplying handlers in the Topeka part of the Kansas City area was unable to locate enough milk on three days in early September to permit one handler to maintain his bottling schedule. Some milk was imported and the handler also paid haulers an additional 10 cents per hundredweight to pick up three milkings instead of four on some days.

Five truck loads of milk were imported to meet requirements for the St. Joseph market in the first half of September and it was anticipated another five loads would be needed before the end of the month. Only half this amount of milk was imported in September 1963. A cooperative which supplies both St. Joseph and Kansas City handlers testified it could not fill all requests for milk in September.

In summary, the milk supply-sales outlook for these markets in the coming fall and winter months is about the same as last year, with the current level of imports indicating a slightly shorter supply. To provide an adequate supply in this period it is concluded, therfore, that an emergency 10-cent increase in the Class I prices for these markets should be made effective as soon as possible and extend through February 1965.

This 10-cent increase for November through February (and for that part of October for which it can be made effective) will be only slightly more than the 10-cent increase granted last year for three months. The increase should be made effective earlier this year in order to provide an immediate incentive to maintain milk production. Also, the increase is needed particularly in October and November to bring the Class I price nearer to the cost of imported milk. The Class I prices in areas from which milk has been imported are at their seasonal peak in October and November and then decline in December and again in March.

It is concluded that a temporary increase of 10 cents per hundredweight in the Class I prices in these markets is necessary for a period beginning with the earliest date on which the orders can be amended and continuing through February 1965. This temporary increase, along with the increases in the basic formula price which is slightly higher than a year ago, should serve to maintain an adequate supply for these markets. If the price were increased more than this, it is likely that a more than adequate supply of milk would be attracted to the market.

Handlers testified that milk supplies in the markets are adequate and that no price increase was needed. However, several of these handlers stated that they had received milk which was imported by the cooperative associations whose representatives described the difficulties in obtaining sufficient milk for the market. These handlers did not know the cost of this milk or, in some instances, where it came from.

Some handlers testified that if the requested Class I price increase were granted, it should not apply to Class I sales to Government institutions delivered under contracts entered into prior to the date of the hearing. They contended that otherwise it could result in substantial losses on such sales.

This argument has little weight since a handler enters into such contracts knowing that changes in the level of manufacturing prices or in the supply-demand situation in the local market can affect the Class I price by fairly substantial amounts in a short time. The recommended increase is no more than has sometimes taken place as a result of changes in the above mentioned factors. A handler is cognizant of this possibility and should make allowance for it when submitting a bid. The possibility of such changes in Class I prices is a part of the risk which the handler assumes in bidding on contracts. Such an increase does no more than offset a windfall which might occur as the result of a decrease in Class I prices because of an unforeseen drop in the level of manufacturing prices or because of the effect of the supply-demand adjustor

when supplies increase relative to sales.

Since the Class I price in the St. Joseph order is presently tied directly to the Class I price in the Kansas City order, it is necessary in this decision to amend only the Kansas City order to effectuate the price increase intended for both the Kansas City and St. Joseph orders.

The price increases should be made effective at the earliest possible date even though it should fall other than at the beginning of the monthly accounting period. There will probably be little difference in returns to producers whether the Class I prices are prorated over the month's utilization based on the number of days each price was effective or whether two accounting periods in the same month are established. Each handler should therefore be given the option of either filing two reports for the month or having the two class prices prorated according to the number of days within each month for which the different price levels are effective. The option chosen by the handler should be indicated at the time of filing his report of receipts and utilization.

2. *Emergency action.* The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and also the opportunity to file exceptions thereto, on the above issue.

The conditions in the market are such that it is urgent that remedial action be taken as soon as possible.

Any delay in informing interested parties in the Greater Kansas City and St. Joseph markets of the conclusions reached will render less effective the price increase herein granted.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considdered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* (a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Greater Kansas City Marketing Area" and "Order Amending the Order, Regulating the Handling of Milk in the Greater Kansas City Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of August 1964 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order, regulating the handling of milk in the Greater Kansas City marketing area, is approved or favored by producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on October 1, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in the Greater Kansas City Marketing Area*

§ 1064.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1064.51(a) the introductory text preceding subparagraph (1) is revised to read as follows:

§ 1064.51 Class prices.

* * * * *

(a) *Class I milk.* The Class I price shall be the basic formula price for the preceding delivery period plus $1.10 during each of the delivery periods of April, May, June, and July, and plus $1.40 during all other delivery periods; plus 10 cents from the effective date of this amended order through February 28, 1965; and plus or minus a supply-demand adjustment of not more than 45 cents, computed as follows:

* * * * *

[F.R. Doc. 64-10086; Filed, Oct. 5, 1964; 8:46 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

## [ 7 CFR Parts 1104, 1106 ]

[Docket Nos. AO-298-A5, AO-210-A17]

## MILK IN RED RIVER VALLEY AND OKLAHOMA METROPOLITAN MARKETING AREAS

### Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Oklahoma City, Oklahoma, on September 15, 1964, pursuant to notice thereof issued on September 4, 1964 (29 F.R. 12779).

The material issues on the record of the hearing related to:

1. The need for an emergency increase in the Class I prices under the Oklahoma Metropolitan and Red River Valley milk orders, and

2. Whether an emergency exists concerning Issue No. 1 which requires the omission of a recommended decision and opportunity for interested persons to file exceptions thereto and the immediate issuance of a final decision.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price increase.* The Class I prices established by orders regulating the handling of milk in the Oklahoma Metropolitan and Red River Valley marketing areas should be increased 10 cents per hundredweight for the period beginning with the effective date of the amended order proposed herein through March 1965.

The Class I price under the Oklahoma Metropolitan order is determined monthly by adding to the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, adjusted to a 3.5 percent butterfat basis, a fluid milk differential of $1.48 for the months of April, May, and June and $1.88 for all other months. This price is subject to contraseasonal adjustments in the months of September through December and April through June and to supply-demand adjustments of not more than 50 cents. The Class I price under the Red River Valley order is the Oklahoma Metropolitan order Class I price plus 15 cents.

Three dairy cooperative associations proposed that the Class I prices under the Oklahoma Metropolitan and Red River Valley orders be increased on an emergency basis 25 cents per hundredweight for each of the months of October 1964 through March 1965. The associations indicated that such a price increase was necessary because of shortening milk supplies caused by severe drought conditions prevailing in the milkshed areas of these markets.

The record shows that drought conditions exist generally throughout the areas from which milk is supplied to these markets. Rainfall during January through July of this year has been considerably below normal in Oklahoma and this situation was preceded by an even greater rainfall deficiency in 1963. A lack of needed rain in both 1963 and 1964 in the Red River Valley milkshed area in northern Texas was described also. Greater than normal rainfall experienced in August of this year cannot be expected to diminish to any great extent the problems which have arisen in the markets because of the extended drought.

Below normal rainfall, coupled with exceedingly high temperatures, has reduced substantially the availability of pastures and the production of hay and feed-grains. Pastures for the recent five-month period of April through August averaged 68 percent of normal in Oklahoma and 63 percent of normal in Texas. In August this year pastures were 50 percent and 43 percent of normal in the respective States. Producers have been feeding during the recent summer months feed supplies normally used during the winter. Substantial purchases of hay and grain will be necessary until pastures are available next spring. Prices of such feed were quoted at levels which are slightly higher than the relatively high levels prevailing last year when feed supplies were short.

The severity of the drought is pointed up by the large number of counties in Oklahoma which have been approved for assistance uhder Federal drought disaster programs. Sixty-two counties have been approved for the grazing and haying program and 19 of these counties also have been approved for the livestock feed program. Over 30 percent of the producers on the Oklahoma Metropolitan and Red River Valley markets in August were located in the Oklahoma counties approved for both types of programs. An additional one-fourth of the producers were located in the Oklahoma counties approved only for the grazing and haying program.

Drought relief as such cannot be granted to producers through amendments to orders issued under the Agricultural Marketing Agreement Act of 1937, as amended. Under this Act the Secretary is required to establish prices at levels which will reflect factors affecting the supply and demand for milk in a marketing area, insure a sufficient quantity of pure and wholesome milk, and be in the public interest. The adequacy of milk supplies is therefore an important factor in fixing prices under an order. In areas where supplies of producer milk have decreased substantially in relation to Class I sales and where they have reached the point where an adequate supply of milk is threatened, it is proper within the framework of the Act to provide a price increase.

Milk supplies and sales in the Oklahoma Metropolitan and Red River Valley markets are interrelated because of intermarket movements of packaged milk and because milk supplies are shifted between these markets by a cooperative association according to the fluid milk requirements of handlers. Accordingly, a determination of the adequacy of milk supplies must be made on the basis of combined data for the two markets.

For the period January through August the total volume of producer receipts this year in the two markets changed little compared with producer receipts in the same period last year. Class I sales this year, on the other hand, have increased during this period 2.4 percent over a year ago. While there has been a relative shortening of available producer milk for these markets, such supplies have been generally sufficient for the fluid milk requirements of handlers.

There are indications, however, that milk supplies are becoming shorter in relation to fluid sales at a more rapid rate than in 1963 when it was necessary to provide an emergency price increase to induce greater milk production. Producer receipts in the two markets decreased 5.3 percent from July to August this year while last year there was a 2.4 percent decrease. This may be compared with a 2.9 percent increase in Class I sales from July to August this year and a 3.1 percent increase in Class I sales at that time last year. A further indication of the more rapid decline in available milk supplies is that average daily producer deliveries this year in the two markets decreased 14.8 percent from May, the month of greatest production, to August as compared with a 10.2 percent decrease last year.

With drought-induced shortages of hay and grain supplies, any substantial increase in producer receipts is not expected before the onset of the 1965 pasture season. Last year producer receipts relative to Class I sales on a combined-market basis were shortest in the months of October and November when 82 percent and 83 percent, respectively, of producer receipts were used in Class I. During each of these months over one million pounds of other source receipts were classified as Class I milk. Under the present situation of somewhat shorter supplies of local milk than existed last year, importation of supplemental milk for Class I use is probable in view of the expected seasonal increase in Class I sales and further decline in receipts this fall.

A representative of one of the proponent cooperative associations indicated that the association already has had to import milk to meet its obligations to handlers. Based on the association's experience in seeking still additional milk, supplemental supplies appear difficult to obtain. Milk is generally unavailable in nearby markets because of widespread drought conditions throughout much of the south central part of the United States. Prices which are expected to prevail for alternative milk supplies from plants in the Iowa and Chicago markets are in excess of the Class I prices in the Oklahoma Metropolitan and Red River Valley markets plus transportation. Additional expense is incurred at times because of the need to have State of Oklahoma health officials personally certify a certain percentage of the farms in the distant market from which supplemental milk is obtained.

Supplemental milk is being received by two handlers in the Red River Valley market from a cooperative association in Texas. A representative of the organization indicated that a failure to increase the Class I price under the Red River Valley order could likely result in the association making a lesser amount of milk available for the market in view of the short supply situation in the Texas Federal order markets and the considerably better price which may be obtained there.

The adequate supplying of fluid milk requirements of the two markets during a time of shortening supplies of producer milk is complicated by the fact that most handlers are now bottling milk only five days each week. This results in an extra heavy demand for milk on certain days. Importation of supplemental milk from other markets thus

may be necessary to meet this demand. Yet, over the long run the market may appear to be adequately supplied with local producer milk.

Under the circumstances described above, it is necessary that the Class I prices in the Oklahoma Metropolitan and Red River Valley markets be increased until such time as seasonal increases in milk production may be expected in the spring of 1965. An increase of 10 cents per hundredweight will tend to encourage the maintenance of adequate milk supplies for the two markets.

A Class I price increase greater than this is not necessary. Class I prices under the two orders have averaged 9 cents per hundredweight higher in the first nine months of this year as compared with the same period last year. Five cents of this increase is attributable to higher basic formula prices. Additional improvement resulted through an emergency price increase of 10 cents for January and February and through the action of the supply-demand adjustor. Supply-demand adjustments in August and September this year were minus one cent and zero, respectively, as compared with adjustments of minus four cents and minus six cents, respectively, for these months last year. The adjustment for October this year is zero. Should a shortage of producer receipts continue, an increase in Class I prices can be expected because of action of the supply-demand adjustor.

Because the Class I price under the Red River Valley order is fixed at 15 cents over the Oklahoma Metropolitan order Class I price, any change in the latter price will be reflected in the Red River Valley order price. It is therefore necessary to amend only the Oklahoma Metropolitan order to effectuate the proposed increase in Class I prices in both orders.

The amendment should be made effective at the earliest possible date even though it may not be at the beginning of a monthly accounting period. It should make little difference in returns to producers whether the Class I prices are prorated over the month's utilization based on the number of days each price was effective or whether two accounting periods in the same month are established. Each handler should be given the option of either filing two reports for the month or having the two Class I prices prorated according to the number of days within each month for which the different price levels are effective. The option chosen by the handler should be indicated at the time of filing his report of receipts and utilization.

The Oklahoma Metropolitan order now provides that handlers may request two accounting periods for one month. No accounting period, however, can be of less than five days duration and the request for two accounting periods must be made at least 48 hours prior to the end of the first accounting period in the month. Further, the order now provides that a handler electing two accounting periods shall pay twice the rate of administrative assessment fixed for a monthly accounting period. It is not intended that these time limitations or the increased rate of administrative assessment should be applicable under the circumstance of establishing two accounting periods because of this Class I price change during a month. The proposed price change is not an action initiated by the handler and the present accounting period provisions thus are not appropriate for this situation.

2. *Emergency action.* The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto on Issue No. 1. The conditions in the markets are such that it is urgent that remedial action be taken as soon as possible. Any delay in informing interested parties of the conclusions reached will tend to make ineffective the relief sought. The time necessarily involved in the preparation, filing and publication of a recommended decision and the filing of exceptions thereto would in this instance contribute to the threat of an insufficient supply of milk for the two markets.

The notice of hearing stated that consideration would be given to the economic and emergency marketing conditions relating to the proposed amendments. Action under the procedure described above was requested by proponents at the hearing.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Oklahoma Metropolitan Marketing Area" and "Order Amending the Order, Regulating the Handling of Milk in the Oklahoma Metropolitan Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of August 1964 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Oklahoma Metropolitan marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on October 1, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in the Oklahoma Metropolitan Marketing Area*

**§ 1106.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Oklahoma Metropolitan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the Oklahoma Metropolitan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1106.51(a), the introductory text which precedes the proviso is revised to read as follows:

**§ 1106.51 Class prices.**

* * * * *

(a) *Class I milk.* The basic formula price for the preceding month plus $1.48 during the months of April, May, and June and $1.88 during all other months; plus 10 cents for the period from the effective date of this amended order through March 31, 1965:

* * * * *

[F.R. Doc. 64-10087; Filed, Oct. 5, 1964; 8:46 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.



# SECURITIES AND EXCHANGE COMMISSION

**[17 CFR Part 240]**

**[Release 34-7432]**

## SECURITIES SPECIALISTS

### Notice of Proposed Rule Making

The Securities and Exchange Commission announced it has under consideration a proposal to adopt a rule under the Securities Exchange Act of 1934 ("Exchange Act") and particularly sections 11(a), 11(b), and 23(a) thereof, governing the activities of specialists on the two large New York exchanges. In releasing the text of the proposed rule, the Commission invited views and comments of the securities industry and of any other interested persons. Provision has been made for the exemption of the regional exchanges.

The Commission also announced that the New York Stock Exchange ("NYSE") and the American Stock Exchange ("Amex") are modifying and expanding their present rules and policies regulating the conduct of specialists and are adopting certain new ones. Proposed Commission Rule 11b-1 (17 CFR 240.11b-1) and the rules to be adopted by the NYSE and the Amex all form an integrated regulatory program governing specialists. The changes worked out between the Commission and the respective exchanges reflect a constructive joint evaluation of the various recommendations of the Special Study.[1] The Commission and the exchanges believe that these changes are in the public interest.

The proposed Commission rule contains three major parts. First, the rule sets forth certain areas in which an exchange must have rules governing the activities of specialists. Second, the rule establishes a procedure by which the Commission can review and disapprove new exchange rules relating to specialists if the Commission finds that they are inadequate to achieve the purposes described in the rule or are inconsistent with the public interest or the protection of investors. The Commission believes that the rules of the NYSE and the Amex relating to specialists, including those rules described below which these exchanges propose to adopt, meet the standards contained in proposed Rule 11b-1 (17 CFR 240.11b-1). Finally, if an exchange fails to take prompt and effective action where a specialist engages in transactions inconsistent with his obligations, the rule establishes a procedure by which the Commission can institute proceedings directly against the specialist to cancel or suspend his registration in one or more of the securities in which he is registered.

*Functions of specialists.* Specialists are exchange members who "specialize" in some or all of the issues traded at a particular place on the floor of an exchange known as the "post".[2] They are registered with the exchange of which they are members and are granted permission by the exchange to trade as specialists in each of their specialty stocks. Registration as a specialist in a particular security is in effect a privilege granted by an exchange to one of its members and that registration may be cancelled or suspended by the exchange.

A specialist performs two basic functions with respect to the issues in which he specializes. First, as a broker's broker, he holds and executes orders entrusted to him by other brokers on behalf of the latter's customers. These are generally "limited price" orders specifying prices "away" from the market, that is, orders to buy if and when the price declines to a particular point, or orders to sell if and when it rises to a specified figure. Since these orders cannot be immediately executed, they are left with the specialist, who acts as a central repository for them.

The second important function of the specialist is to purchase and sell securities for his own account in order to assist in maintaining a fair and orderly market in each security in which he is registered. In this capacity, the specialist will buy securities in the public market when there is no public demand at a price reasonably related to the last transaction and will sell securities in the public market under the same circumstances. Section 11 of the Exchange Act permits the specialist to act as a dealer but his dealer functions must be restricted "so far as practicable to those reasonably necessary to permit him to maintain a fair and orderly market." In general, the specialist's contribution to a fair and orderly market is to use his own capital to minimize temporary disparities between supply and demand and, thus, to contribute to price continuity.

Currently, there are 358 specialists registered on the NYSE out of a total membership of 1,366. They are organized into 104 units or firms of between 1 and 9 specialists each. On the Amex there are 160 specialists organized into 56 units and the total regular membership is 597.

One of the striking facts about the specialist system on both exchanges is the lack of competition among specialist units. The Special Study found a significant trend toward fewer competing specialist units.[3] Thus, as recently as 1957, 50 units on the NYSE competed in a total of 226 stocks. By 1963, this was reduced to 13 units competing in 37 stocks. This trend has continued. At present there are only 2 specialist units on the NYSE which compete with each other in 2 stocks.[4] The absence of competing specialists makes an effective system of regulation and surveillance particularly important.

It was a basic finding of the Special Study that the specialist system on the two major exchanges "appears to be an essential mechanism for maintaining continuous auction markets and in broad terms appears to be serving its purposes satisfactorily." However, the Study also found that while there was no need "for any broad and drastic change in the system" there was need for "a number of important, specific improvements in specialist practices and in regulatory concepts and methods * * *."[5] The Special Study described a number of specific problems concerning the dealer and

[1] See Report of the Special Study of Securities Markets, Pt. 2, pp. 167-171.

[2] For a detailed description of the specialist system reference is made to the Special Study Report, Pt. 2, pp. 57ff.

[1] See Special Study Report, Pt. 2, p. 62 and table VI-3. The Special Study did not recommend that competition among specialist units be fostered. Competition among specialists does not seem to result in the economic benefits usually associated with competition. In addition, there may be difficult regulatory problems arising from the division of responsibility for maintaining fair and orderly markets in the same stock.

[2] At present there are no competing units on the Amex.

[3] Special Study Report, Pt. 2, p. 167.

brokerage functions of specialists and the combination of these functions, and with respect to the surveillance methods of the exchanges. These problems and the manner in which the proposed rules of the NYSE and the Amex are designed to meet them are discussed below. Following this discussion, the provisions of proposed Commission Rule 11b–1 (17 CFR 240.11b–1) are described.

*Dealer activities of specialists.* The Special Study concluded that the present capital requirements of the NYSE which require that each specialist unit have sufficient capital to carry 400 shares of each specialty stock were inadequate in view of current market needs.[1] The Study consequently recommended at least a threefold increase in NYSE specialist minimum capital requirements. The NYSE has agreed to adopt a rule which will increase the minimum capital in common stocks in which specialists are registered to the minimum recommendation of the Special Study, i.e., sufficient capital to carry 1,200 shares of each specialty common stock. It was also agreed that the NYSE would review its specialist capital requirements periodically in light of the level of prices, volume and other needs of the market and that the first such review would take place about one year after the new requirement becomes effective.[2] Current data indicate that the new requirements will have a direct impact on about 5 percent of the specialist units on the NYSE and will probably have indirect effects upon another 5 percent whose capital is close to the new minimum.

The Study recommended that specialists be prohibited from changing prices at openings against the direction indicated by public supply and demand. The exchanges have agreed to adopt a rule which will provide that in normal situations specialists will not change prices against the public balance of supply and demand as indicated by orders in their possession at the opening.

With respect to trading after the opening, the Special Study recommended that limitations be added to existing rules concerning the specialist's ability, under ordinary circumstances, to engage in certain destabilizing transactions when establishing or increasing his own position in specialty stocks. The Study also concluded that existing regulations limiting the specialist's ability to liquidate positions did not adequately inhibit potential disruptive market effects that could follow from an extensive liquidation or reduction of a specialist's position.

The exchanges have responded to these conclusions with the adoption of new rules which make it clear that specialist liquidations should conform to certain standards and that, while engaging in liquidations, the specialist continues to have a responsibility to maintain a fair and orderly market in his specialty stocks. This responsibility means that specialists are required to avoid liquidating or reducing positions in a manner which disrupts the markets for such stocks. In establishing or increasing a long or short position, specialists would be prevented under rules proposed by the exchanges from creating imbalances in the market by purchasing or selling an undue quantity of stock offered or bid for.

The Study also concluded that the basic standards governing specialist dealer performance placed too little emphasis on the specialist's affirmative obligation to use his own capital by engaging in transactions necessary to assist in the maintenance of a fair and orderly market. A related finding was that there was too much emphasis upon transaction by transaction price continuity, as distinguished from the concept of depth, i.e., the ability of the market to supply and absorb reasonable quantities of stock before significant price changes occur. In this connection, the Study also found that some specialists furnished "nominal" quotations in their less active stocks, i.e., a bid or offer which does not reflect a reasonable price for the particular security in the light of preceding transactions and anticipated succeeding transactions.

The new exchange rules meet the first problem by making it clear that the allocation of a stock to a specialist is subject to the willingness of that specialist to engage in a course of dealings for his own account in the maintenance, so far as practicable, of a fair and orderly market. The substantial or continued failure of a specialist to employ his professional judgment and capital in this manner may result in the cancellation or suspension of his registration in one or more stocks in which he his registered.[1] The second problem has been met by an amendment to existing rules which specifically adds the concept of market depth to the obligations of specialists as dealers. The third problem, that of nominal quotations, will be made the subject of a circular to specialists which directs their attention to existing rules and policies which have the effect of prohibiting such practices by requiring that all quotations be reasonable ones.[2]

*Broker activities of specialists.* The Special Study made a number of recommendations with respect to the functions of specialists as brokers. Many of these were designed to deal with certain problems arising from the combination of dealer activities and brokerage responsibilities. The exchanges have agreed to adopt a number of rules related to these recommendations.

Three rules relate to situations in which a specialist participates as principal in transactions where his brokerage function is also involved. One such rule will require that a broker forwarding a customer's order to a specialist confirm in writing the price of the transaction when the specialist has dealt as principal with the customer. Another rule will require that when a specialist engages in successive transactions for his own account with customers whose orders were forwarded to him, that all such customers receive the benefit of the best price which any of them will receive. A third rule extends this principle to situations where the specialist is acting both as broker for others and as principal when participating in a large block transaction. The proposed rule will require that a specialist not pay or receive a better price in transactions for his own account than his brokerage customers pay or receive.[1]

The exchanges have also agreed to adopt rules which would prohibit specialists from servicing the accounts of issuers, corporate insiders, or institutional investors, and to formalize existing policies which prohibit specialists from recommending their own specialty stocks as investments.[2] The Amex will also institute more intensive surveillance and reporting requirements with respect to other transactions by specialists for their own public customers.[3] It has been agreed that these rules and procedures will be reviewed as sufficient experience has been accumulated to determine their effectiveness in meeting the problems presented where specialist firms also service public customers.

The practice of "stopping stock" against orders on the specialist's book, i.e., guaranteeing to a broker that his customer will obtain a specified price, is to be modified by providing that, with certain limited exceptions, a specialist who gives such a guarantee will be required to commit his own funds and may not allocate unexecuted orders of his brokerage customers for the purpose of such guarantee. The proposed rule also requires that such guarantees result in narrowing quotations on the exchanges.

Finally, the Special Study noted that an appreciable number of transactions were omitted from exchange ticker tapes, including transactions in "stopped stock". The Special Study recommended that every transaction taking place on the floor of the exchange be reported on the tape and the NYSE has agreed to adopt a rule requiring the reporting of such transactions, except those that cannot be reported because of mechanical limitations or reporting errors. Initially, "stopped" transactions on that Exchange will not be required to appear on the tape until after the close. However, it is agreed that the NYSE will review the feasibility of reporting all such transactions in their proper sequence after the Exchange has its faster ticker service in full operation some time next year. The Amex has agreed, subject to the solution of certain technical problems, to report all omitted transactions in sequence on its ticker tape. Transactions involving stopped stock which are presently omitted will be reported with a special designation.

*Surveillance of specialist activities.* The Special Study made various recommendations with respect to the surveillance of specialist activities. Among these recommendations were the development of new performance tests, the reporting of specialist brokerage and dealer income to the exchanges, the possibility of the use of automated techniques, closer control of specialist capital positions and, in general, a greater allocation of exchange resources to this area.

Since the Special Study Report was issued and even while the Special Study was in progress, both the NYSE and the Amex have made significant progress in the further refinement of surveillance techniques. Both exchanges have reoriented their automation programs with the view to the ultimate use of such techniques in the area of floor surveillance. The Amex has recently been engaged in certain experimental programs which may lead to the electronic reporting of specialist transactions. Furthermore, both exchanges have assigned additional personnel to floor surveillance and it is anticipated that in the future even greater emphasis will be placed on these matters. Both exchanges have agreed that the development of new performance tests are important and should be pursued cooperatively with the Commission. The Amex, in particular, has devoted considerable energy to the development of new performance tests which would utilize data collected through automation.

The NYSE has agreed to adopt a rule which would require specialists to keep records showing commission income and dealer profits and losses by stock. This rule specifies that such records shall be kept so that they will be available "when the Exchange requests them * * * for the purpose of surveillance and study of specialist operations."[1] It is the Commission's understanding that both exchanges intend to use specialist income data gathered through these rules for study and surveillance purposes.

Each exchange has agreed to adopt a rule which would require that member firms financing a specialist must immediately inform the exchange of any intention to terminate or change a financing arrangement or to issue a margin call to a specialist. Both exchanges have also agreed to inform the Commission immediately by telephone if it appears that a specialist unit will not be able to meet promptly a margin call or to continue in business because of its inability to obtain a new financing arrangement. These rules will enable the exchanges and the Commission to keep informed about the financial condition of specialists during critical periods.

*Description of the proposed rule.* The Study recommended that for the most part, specific improvements in specialist practices and regulatory concepts and methods be accomplished through changes in the rules and procedures of the exchanges. The specific changes in rules and procedures which the NYSE and the Amex have agreed to adopt to implement the Special Study recommendations have been described above. However, the Study also recommended that since the Commission is not empowered to enforce rules of the exchanges,[1] a Commission rule should be adopted under section 11 of the Exchange Act which would enable the Commission to exercise some direct regulatory control over specialist activities. Proposed Rule 11b–1 (17 CFR 240.11b–1) implements that recommendation of the Study.

In general, the purpose of the proposed rule is to provide a new framework for regulation of specialists, under which the exchanges have been given maximum self-regulatory responsibility with the Commission actively exercising its oversight responsibilities.[2]

Under section 11(b) of the Exchange Act, if a specialist is permitted by the rules and regulations of the Commission to act as a dealer, such rules and regulations "shall restrict his dealings so far as practicable to those reasonably necessary to permit him to maintain a fair and orderly market." Paragraph (a)(1) of the proposed rule would permit national securities exchanges to register members as specialists who can act as dealers. However, if an exchange permits its specialists to act as dealers then its rules governing specialists must meet the standards described in paragraph (a)(2) and any change in or addition to such rules is subject to review and disapproval by the Commission under the provisions of paragraph (a)(3). The rules of an exchange governing specialists must include adequate minimum capital requirements, provisions restricting specialist dealer activities to the standards set forth in section 11(b) of the Exchange Act, provisions setting forth the brokerage responsibilities of specialists, a requirement that as a condition of registration a specialist affirmatively participate as a dealer and methods to provide for effective and systematic surveillance of specialist activities. Copies of these rules and of any change in or addition to exchange rules relating to specialists must be filed with the Commission. Any such change or addition may be disapproved after a hearing if the Commission finds such change or addition inconsistent with the standards prescribed in the rule.

Paragraph (b) of the proposed rule permits the Commission to institute proceedings to require cancellation or suspension of a specialist's registration in one or more of his securities if he engages in transactions which are not necessary to permit him to maintain a fair and orderly market.[1] Paragraph (b) of the proposed rule places maximum reliance upon self-regulation by requiring exchange rules to spell out the basic specialist obligations and provides a means for direct enforcement by the Commission when necessary.

The proposed rule also provides for an exemption from its provisions for regional securities exchanges. Since the Commission has not made any studies of the structure of regional exchange specialist systems, the Commission expects to exempt such exchanges from the proposed rule pending studies of the questions of responsibilities and privileges of their specialist members.

The text of the proposed rule (§ 240.11b–1) is as follows:

(a)(1) The rules of a national securities exchange may permit a member of such exchange to register as a specialist and to act as a dealer. Any change in or addition to the rules of such exchange in the areas covered by subparagraph (2) of this paragraph made after this section becomes applicable to such exchange shall be subject to the provisions of subparagraph (3) of this paragraph.

(2) The rules of a national securities exchange permitting a member of such exchange to register as a specialist and to act as a dealer shall include:

(i) Adequate minimum capital requirements in view of the markets for securities on such exchange;

(ii) Requirements, as a condition of a specialist's registration, that a specialist engage in a course of dealings for his own account to assist in the maintenance, so far as practicable, of a fair and orderly market, and that a finding by the exchange of any substantial or continued failure by a specialist to engage in such a course of dealings will result in the suspension or cancellation of such specialist's registration in one or more of the securities in which such specialist is registered;

(iii) Provisions restricting his dealings so far as practicable to those reasonably necessary to permit him to maintain a fair and orderly market or necessary to permit him to act as an odd-lot dealer;

(iv) Provisions stating the responsibilities of a specialist acting as a broker in stocks in which he is registered; and

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[1] The Amex revised its specialist capital requirements during the course of the Special Study and no further review of such requirements on that Exchange was recommended by the Special Study.

[2] The collection and study of specialist income data which the NYSE intends to undertake as described below, should considerably increase its ability to arrive at an informed judgment on appropriate capital requirements.

[1] The fact that this remedy is spelled out in the rule would not preclude the respective exchanges from imposing more severe penalties in appropriate cases under other provisions of their constitutions and rules.

[2] The Study also discussed certain other problems in connection with the dealer function of specialists involving certain tax motivated transactions. One of these were year-end purchases or sales for the purpose of obtaining tax advantages under the LIFO system of valuing inventory. The exchanges have agreed to adopt new rules prohibiting transactions made solely for the purpose of adjusting LIFO inventories. Another tax problem is the segregation by some specialists of holdings of securities in which they are registered into long-term investment accounts. Such segregation is made for the purpose of realizing long term capital gains. This problem has been deferred pending a Treasury Department ruling on this matter.

[1] The particular rules adopted by the NYSE and Amex on this point differ somewhat in content but their effect is the same.

[2] The Amex has an existing rule prohibiting any business transaction by a specialist with the issuer or its officers or directors.

[3] The NYSE already has certain reporting requirements which it initiated during the course of the special study.

[1] The Amex has agreed to adopt a rule along similar lines. Special accounting problems are presented on the Amex where the odd-lot function is performed by specialists unlike the NYSE where there is a separate odd-lot system.

[1] See Special Study Report, Pt. 4, pp. 706–711.

[2] Section 11 of the Exchange Act grants to the Commission broad and direct rulemaking power over the activities of specialists and adoption of proposed Rule 11b–1 (17 CFR 240.11b–1) would in no way foreclose the Commission from exercising its residual power of direct regulation.

[1] The Commission continues to have the direct disciplinary powers granted to it over specialists under other sections of the Exchange Act.

(v) Methods to provide for the effective and systematic surveillance of the activities of specialists.

(3) Every national securities exchange not exempted from this section shall file with the Commission copies of its rules in the areas covered by subparagraph (2) of this paragraph. Any change in or addition to such rules shall take effect in the manner provided for by the rules of such exchange and the provisions of the Act and rules and regulations thereunder, except that such change or addition shall not continue in effect after the Commission enters an order disapproving such change or addition; and the Commission shall enter an order disapproving such change or addition if the Commission finds that it is inadequate to achieve for the purposes of the provisions set forth in subparagraph (2) of this paragraph or is inconsistent with the public interest or the protection of investors. The Commission will not disapprove any such change or addition unless it has given such exchange written notice of its intention to determine whether or not such change or addition should be disapproved and such notice shall be given within 30 days after the filing thereof. Within 60 days after such notice, such exchange shall have the opportunity to present to the Commission any evidence or arguments with respect to such change or addition. After consideration of all relevant material presented in writing or at a hearing, the Commission may enter an order disapproving such change or addition, or may permit such change or addition to continue in effect: *Provided, however,* That the validity, force or effect of any act or omission by an exchange or a member, officer or employee thereof in *bona fide* reliance on such change or addition prior to the entry of such an order of disapproval shall not be affected thereby.

(b) If after appropriate notice and opportunity for hearing the Commission finds that a member of a national securities exchange registered with such exchange as a specialist in a specified stock or stocks has, for any account in which he, his member organization, or any participant therein has any beneficial interest, direct or indirect, effected transactions in such stock or stocks which were not part of a course of dealings reasonably necessary to permit such specialist to maintain a fair and orderly market, or to act as an odd-lot dealer, in the stocks in which he is registered and were not effected in a manner consistent with the rules adopted by such exchange pursuant to paragraph (a)(2)(iii) of this section, the Commission may by order direct such exchange to cancel, or to suspend for such period as the Commission may determine, such specialist's registration in one or more of the securities in which such specialist is registered: *Provided, however,* If such exchange has itself suspended or cancelled such specialist's registration in one or more of the securities in which such specialist is registered, no further sanction shall be imposed pursuant to this paragraph (b) except in a case where the Commission finds substantial or continued misconduct by a specialist: *And provided further,* That the provisions of this paragraph (b) shall not apply to a member of a national securities exchange exempted pursuant to the provisions of paragraph (d) of this section.

(c) For the purposes of this section, the term "rules" of an exchange shall mean its constitution, articles of incorporation, by-laws, or rules or instruments corresponding thereto, whatever the name, and its stated policies.

(d) Any national securities exchange may apply for an exemption from the provisions of this section in compliance with the provisions of section 11(c) of the Act.

(Secs. 11(a), 11(b) and 23(a), 48 Stat. 891, 892, 901, as amended, 15 U.S.C. 78k(a), 78k(b), 78w.)

All interested persons are invited to submit their views and comments, on the Commission's proposed rule to the Securities and Exchange Commission, Washington, D.C., 20549, on or before November 2, 1964. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 24, 1964.

[F.R. Doc. 64-10068; Filed, Oct. 5, 1964; 8:45 a.m.]

# Notices

## DEPARTMENT OF STATE

### Agency for International Development

[No. 21-A]

### DIPLOMATIC OFFICERS IN TOGO AND UPPER VOLTA, AFRICA

### Recision of Delegation of Authority Regarding Administration

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State, dated November 3, 1961, as amended; and in further implementation of the operational plans of the Regional USAID for Africa; there is hereby rescinded, effective September 30, 1964:

Delegation of Authority No. 21 to the principal diplomatic officers accredited in Togo and Upper Volta, dated November 20, 1962, from the Administrator of A.I.D. (27 F.R. 11821).

WILLIAM S. GAUD, *Deputy Administrator.*

SEPTEMBER 17, 1964.

[F.R. Doc. 64-10093; Filed, Oct. 5, 1964; 8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

[Amdt. 2]

### DEPUTY ADMINISTRATOR, COMMODITY OPERATIONS

### Organization and Functions; Delegations of Authority

Paragraph II 5 of 28 F.R. 4368 dated May 2, 1963 is amended to read as follows:

5. Deputy Administrator, Commodity Operations:

Inventory Management Division.
Procurement and Sales Division.
Evanston Commodity Office.
Kansas City Commodity Office.
Minneapolis Commodity Office.
New Orleans Commodity Office.

Paragraph III E of 28 F.R. 4368 dated May 2, 1963, is amended to read as follows:

E. *Deputy Administrator, Commodity Operations.* The Deputy Administrator, Commodity Operations, is primarily responsible for the administration of the acquisition, storage (except CCC-owned storage), management and disposition of all CCC-owned commodities acquired under the price support loan and purchase agreement programs, including maintenance of trade relationships and for operations under the International Wheat Agreement. The Deputy Administrator, Commodity Operations, provides program interpretations to approved program policy, and provides administrative and program direction and coordination to assigned divisions, staffs and offices, namely: Inventory Management Division, Procurement and Sales Division, the ASCS Commodity Offices located in Evanston, Illinois, Kansas City, Missouri, Minneapolis, Minnesota, and New Orleans, Louisiana; and carries out assigned defense activities. The Deputy Administrator, Commodity Operations, is also Vice President of the Commodity Credit Corporation.

Paragraph III E 4 of F.R. 4368 dated May 2, 1963 is deleted.

Signed at Washington, D.C., this 1st day of October 1964.

H. D. GODFREY, *Administrator, Agricultural Stabilization and Conservation Service.*

Approved:

ORVILLE L. FREEMAN, *Secretary of Agriculture.*

[F.R. Doc. 64-10110; Filed, Oct. 5, 1964; 8:49 a.m.]

### Office of the Secretary

### KANSAS, NORTH CAROLINA AND WISCONSIN

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Kansas, North Carolina and Wisconsin natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KANSAS

| | |
|---|---|
| Gove. | Rawlins. |
| Logan. | Thomas. |

NORTH CAROLINA

Perquimans.

WISCONSIN

Marquette.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Kansas counties after December 31, 1965, or in the above-named North Carolina and Wisconsin counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 1st day of October 1964.

ORVILLE L. FREEMAN, *Secretary.*

[F.R. Doc. 64-10112; Filed, Oct. 5, 1964; 8:49 a.m.]

### MINNESOTA

### Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Minnesota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MINNESOTA

Meeker.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 1st day of October 1964.

ORVILLE L. FREEMAN, *Secretary.*

[F.R. Doc. 64-10113; Filed, Oct. 5, 1964; 8:49 a.m.]

### TEXAS

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

| | |
|---|---|
| Archer. | Hamilton. |
| Brazos. | Leon. |
| Childress. | Lipscomb. |
| Clay. | Madison. |
| Crosby. | Martin. |
| Denton. | McCulloch. |
| Donley. | Van Zandt. |
| Grimes. | Wichita. |
| Hall. | |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 1st day of October 1964.

ORVILLE L. FREEMAN, *Secretary.*

[F.R. Doc. 64-10114; Filed, Oct. 5, 1964; 8:49 a.m.]

### WISCONSIN

#### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Wisconsin natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

WISCONSIN

La Crosse and St. Croix.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 1st day of October 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-10115; Filed, Oct. 5, 1964; 8:50 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of Education

### FEDERAL SHARE FOR PURPOSES OF LIBRARY SERVICES AND CONSTRUCTION ACT

#### Promulgation

Pursuant to section 104(d) of the Library Services and Construction Act, 70 Stat. 293, as amended, 20 U.S.C. 355(d), it having been found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce as to per capita income, are the years 1961, 1962, and 1963; the Federal shares for the several States of the Union, Puerto Rico, Guam, American Samoa, and the Virgin Islands for the purposes of said Act are hereby promulgated for the fiscal years ending June 30, 1966 and June 30, 1967, respectively as follows:

| State | Federal share (percent) | State | Federal share (percent) |
|---|---|---|---|
| Alabama | 66.00 | Louisiana | 64.06 |
| Alaska | 41.85 | Maine | 58.83 |
| Arizona | 55.33 | Maryland | 43.86 |
| Arkansas | 66.00 | Massachusetts | 41.79 |
| California | 38.99 | Michigan | 49.15 |
| Colorado | 48.77 | Minnesota | 52.65 |
| Connecticut | 34.97 | Mississippi | 66.00 |
| Delaware | 33.26 | Missouri | 49.20 |
| Florida | 56.65 | Montana | 55.14 |
| Georgia | 62.91 | Nebraska | 52.24 |
| Hawaii | 49.09 | Nevada | 33.57 |
| Idaho | 60.10 | New Hampshire | 52.62 |
| Illinois | 39.80 | New Jersey | 39.97 |
| Indiana | 50.06 | New Mexico | 60.27 |
| Iowa | 53.58 | New York | 38.10 |
| Kansas | 53.34 | North Carolina | 63.44 |
| Kentucky | 63.74 | North Dakota | 69.60 |
| Ohio | 49.07 | Texas | 57.24 |
| Oklahoma | 59.46 | Utah | 56.52 |
| Oregon | 49.24 | Vermont | 56.82 |
| Pennsylvania | 49.85 | Virginia | 58.23 |
| Rhode Island | 50.15 | Washington | 48.45 |
| South Carolina | 66.00 | West Virginia | 61.85 |
| South Dakota | 59.53 | Wisconsin | 51.29 |
| Tennessee | 64.03 | Wyoming | 49.24 |
| | | District of Columbia | 33.00 |

OUTLYING PARTS OF THE UNITED STATES

| | | | |
|---|---|---|---|
| American Samoa | 66.00 | Puerto Rico | 66.00 |
| Guam | 66.00 | Virgin Islands | 66.00 |

Dated: September 15, 1964.

[SEAL] FRANCIS KEPPEL,
*U.S. Commissioner of Education.*

Approved: September 28, 1964.

ANTHONY J. CELEBREZZE,
*Secretary.*

[F.R. Doc. 64-10100; Filed, Oct. 5, 1964; 8:48 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-156]

### REGENTS OF UNIVERSITY OF WISCONSIN

#### Notice of Proposed Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission ("the Commission") proposes to issue to the Regents of The University of Wisconsin ("the licensee") an amendment to Facility License No. R-74 substantially in the form set forth below. The license authorizes the licensee to operate its pool-type nuclear reactor ("the reactor") located on the University's campus in Madison, Wisconsin.

The proposed amendment would authorize (1) an increase in the steady state maximum power level from 10 kilowatts to 250 kilowatts (thermal), and (2) an increase in the limit on excess reactivity from 0.005 to 0.006. The proposed amendment was requested by the licensee in an application dated April 15, 1964, and supplement thereto dated July 27, 1964.

The Commission has found that:

A. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

B. There is reasonable assurance that (i) the activities authorized by this license amendment can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

C. The licensee is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

D. The University of Wisconsin is a nonprofit educational institution and will use the reactor for the conduct of educational activities and is therefore exempt from the financial protection requirement of subsection 170a. of the Atomic Anergy Act of 1954, as amended; and

E. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued. If no request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue the license amendment fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER.

For further details with respect to this proposed amendment, see (1) the application for license amendment dated April 15, 1964, and supplement thereto dated July 27, 1964, (2) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing and (3) the Technical Specifications designated as Appendix A to the license, as amended, all of which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the hazards analysis may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 1st day of October 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

[License No. R-74; Amdt. No. 6]

Effective as of the date of issuance specified below, License No. R-74, as amended, is amended in its entirety to read as follows:

1. This license applies to the pool-type nuclear reactor (hereinafter "the reactor") which is owned by the Regents of The University of Wisconsin (hereinafter "The University of Wisconsin") and located on The University of Wisconsin's campus in Madison, Wisconsin, and described in the application for license dated January 13, 1960, and amendments thereto dated September 19, 1960, and October 12, 1960, December 9, 1960, December 22, 1960, October 26, 1962, January 28, 1963, June 27, 1963, April 15, 1964, and July 27, 1964.

2. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission (hereinafter "the Commission") hereby licenses The University of Wisconsin:

A. Pursuant to Section 104c of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate the reactor as a utilization facility at the designated location on The University of Wisconsin's campus in Madison, Wisconsin;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material," to receive, possess and use in connection with the operation of the reactor 16 grams of plutonium contained in plutonium-beryllium neutron sources and up to seven kilograms of contained uranium 235; and

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material," to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in Section 50.54 of Part 50, Section 70.32 of Part 70, and Section 30.32 of Part 30 of the Commission's regulations, and to be subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum power level.* The University of Wisconsin shall not operate the reactor at steady state power levels in excess of 250 kilowatts (thermal).

B. *Technical specifications.* The Technical Specifications contained in Appendix A to this license (hereinafter the "Technical Specifications") are hereby incorporated in this license. The University of Wisconsin shall operate the reactor only in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR 50.59.

C. *Authorization of changes, tests, and experiments.* The University of Wisconsin may (1) make changes in the reactor as described in the Hazards Summary Report, (2) make changes in the procedures as described in the Hazards Summary Report, and (3) conduct tests or experiments not described in the Hazards Summary Report only in accordance with the provisions of Section 50.59 of the Commission's regulations.

D. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) The University of Wisconsin shall make an immediate report in writing to the Commission of any indication or occurrence of a possible unsafe condition relating to the operation of the reactor, including, without implied limitation, any possible unsafe condition arising out of:

a. Any substantial variance disclosed by operation of the reactor from the performance specifications set forth in the Hazards Summary Report, and

b. Any accidental release of radioactivity, whether or not resulting in property damage or personal injury or exposure above permissible limits.

(2) The University of Wisconsin shall report to the Commission in writing, within sixty (60) days, significant changes in plant organization and accident analyses, as described in the Hazards Summary Report.

E. *Records.* In addition to those otherwise required under this license and applicable regulations, The University of Wisconsin shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of The University of Wisconsin as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.



4. This license amendment is effective as of the date of issuance and shall expire at midnight June 7, 2000.

Date of issuance:

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-10116; Filed, Oct. 5, 1964; 8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order E-21332]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of September 1964.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names additional rates as set forth in the attachment hereto.[1]

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

*Accordingly, it is ordered:*

That Agreement C.A.B. 17666, R-54 through R-59, be and hereby is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-10101; Filed, Oct. 5, 1964; 8:48 a.m.]

[1] Filed as part of the original document.

[Docket No. 15595; Order E-21343]

### TRANS WORLD AIRLINES, INC., AND UNITED AIR LINES, INC.

#### Proposed Jet Coach Fares Between Los Angeles and San Francisco; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of September 1964.

By tariff revisions[1] marked to become effective October 10, 1964, Trans World Airlines, Inc. (TWA), proposes: (1) To reduce its local one-way jet day coach fares between Los Angeles and San Francisco/Oakland from $23.70 to $14.50, (2) to establish ten-trip jet coach commuter fares of $137.75 between the same points, with the ten-trip tickets being nontransferable and valid for 90 days, (3) to establish special excess baggage charges for jet coach service between the above points, and (4) to provide that the family-plan discount will not apply in connection with its local jet day coach fares between the same points. United Air Lines, Inc. (United), has also filed tariff revisions[2] proposing to reduce its one-way jet day coach fare between the same points to $14.50 effective October 10, 1964. In addition, effective October 25, 1964, United proposes to reduce its one-way jet coach fares in eight markets served through the Los Angeles-San Francisco market to the level of the combination of local fares constructed under the proposed Los Angeles-San Francisco fare.

Western Air Lines, Inc. (Western), has filed complaints requesting suspension and investigation of the TWA and United tariff revisions proposing the $14.50 fare for existing jet coach service between Los Angeles and San Francisco/Oakland. Western also requests suspension of the United tariff revisions proposing to reduce jet coach fares in the markets served through the Los Angeles-San Francisco market. The complaints allege that the proposals represent fare reductions of existing services without corresponding cost savings; that the proposals go beyond meeting the competition of United's new jet commuter fare since the latter represents an experiment specifically designed to serve the local commuter market; and that under the instant proposals, there is no prohibition of a lounge or of meal service, as is the case under the United commuter service. The complaints further allege that the proposals would have a substantial adverse effect on Western's revenues, not only in the Los Angeles-San Francisco market, but also in through and beyond markets; that the resulting fare differential between first-class and coach jet service in the Los Angeles-San Francisco market cannot be justified on either a cost of service or a value of service basis; and that the fare yield is out of

[1] Agent C. C. Squire's C.A.B. No. 43 and Trans World Airlines, Inc.'s, C.A.B. No. 127 bearing posting dates of August 26, 1964, and Agent C. C. Squire's C.A.B. No. 44, bearing a posting date of September 1, 1964.

[2] Revisions to Agent C. C. Squire's C.A.B. Nos. 43 and 44, filed September 10, 1964.

line with other comparable short-haul yields on the TWA and United systems.

In support of its filing and in answer to the complaints, TWA states that its proposals are being filed to meet the competitive commuter fares filed by United to become effective September 27, 1964, and that its purpose is the same as that of United, i.e., to offer the public the benefits of a low-fare jet coach service that compares favorably with other low-fare services presently offered in the Los Angeles–San Francisco market. TWA maintains that it does not intend to apply similar low yield fares to its coach services over its entire system, that there are no significant differences between its proposed service and the commuter service of United in this market, and that Western's claim of adverse impact on revenues is overstated. United claims its filing is being made to meet the reduced jet coach fares filed by TWA.

We note that the instant proposal of TWA, and the matching United filing, present a different situation than that arising from United's jet commuter fares that became effective September 27, 1964. In its simplest form, TWA is now proposing (and United is meeting) a substantial reduction of the fares for existing jet coach service to meet the fare level of a competitor's new service, without a showing that its existing service can be operated economically at the reduced fare level. The jet coach service offered at the present time would not be changed in conjunction with the fare reductions. Food service would still be available, seating density would be unchanged, and no cost savings are claimed. Moreover, there is no showing or allegation that the current jet coach fare is excessive in relation to the cost of the service. We are in favor of allowing carriers to reduce fares to meet the fares of other carriers when the services are comparable and competitive. However, we do not look with favor on a proposal which upgrades service while matching fares, such as now proposed, because the economic basis of the low-fare proposal would then be undermined.

Upon consideration of the matters of record, the Board finds that the proposed jet coach fares of TWA and United may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and that the tariff revisions should be investigated. Since we believe there is a substantial question as to the economic validity of the proposed fares and a likelihood of a substantial adverse economic impact on the industry from the proposed fare cuts, we have further concluded to suspend the effectiveness of the tariff revisions and defer their use pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 403, 404, and 1002,

*It is ordered*, That:

1. An investigation be instituted to determine whether the fares described in Appendix A attached hereto,[1] including subsequent revisions or reissues thereof, and rules, regulations, or practices affecting such fares, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful fares, and rules, regulations or practices affecting such fares;

2. Pending hearing and decision by the Board, the fares described in Appendix A attached hereto (except the fares between Vancouver and Los Angeles) are suspended and their use deferred to and including January 7, 1965, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated;

4. The complaints of Western Air Lines, Inc., in Dockets 15544 and 15551, to the extent granted herein, are consolidated in this docket; and

5. Copies of this order be filed with the aforesaid tariffs and be served upon Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64–10102; Filed, Oct. 5, 1964; 8:48 a.m.]

[1] Filed as part of the original document.

[4] Dissenting opinion of Vice Chairman Murphy and Member Minetti filed as part of original document.

# FEDERAL MARITIME COMMISSION

## CENTRAL GULF LINES AND ISTHMIAN LINES, INC.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. C. Pendleton, Secretary,
The Persian Gulf Outward Freight Conference,
11 Broadway,
New York, N.Y. 10004.

Agreement No. 7700–8 between the member lines of The Persian Gulf Outward Freight Conference has been filed with the Commission for approval to modify the Admission, Withdrawal, and Expulsion provisions of the basic agreement, pursuant to General Order 9 (46 CFR Part 523).

Dated: September 30, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64–10074; Filed, Oct. 5, 1964; 8:45 a.m.]

## COTTMAN CO. ET AL.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

The Cottman Company, Baltimore, Md., is party to the following agreements, the terms of which are identical. The other parties are:

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| Trade Lanes Shipping Corp., New York, N.Y. | FF–1695 |
| Dumont Shipping Co., Inc., New York, N.Y. | FF–1700 |
| Triangle Forwarding Corp., New York, N.Y. | FF–1704 |
| American Express Co., New York, N.Y. | FF–1705 |

The following agreements have similar terms:

| | |
|---|---|
| Loretz & Co., Los Angeles, Calif. (Offices at San Francisco and Houston) and Federal Storage and Forwarding Co., Washington, D.C. | FF–1683 |
| Karl Schroff & Associates, Inc., New York, N.Y., and Seaway Forwarding Co., Cleveland, Ohio | FF–1684 |
| T. J. Hanson, Inc., Beaumont, Tex., and Inter-Maritime Forwarding Co., Inc., New York, N.Y. | FF–1685 |
| Advance Shipping Co., New York, N.Y., and Westfeldt Brothers Forwarders, Inc., New Orleans, La. | FF–1686 |
| W. J. Byrnes & Co., San Francisco, Calif., and Henry A. Wess, Inc., Cincinnati, Ohio | FF–1687 |
| John H. Faunce Philadelphia, Inc., Philadelphia, Pa., and C. A. Hartnett Company, Boston, Mass. | FF–1688 |
| International Shipping Corp., Miami, Fla., and Copeland Shipping, Inc., New York, N.Y. | FF–1689 |
| Triangle Forwarding Corp., New York, N.Y., and Stone & Downer Co., Boston, Mass. | FF–1691 |
| Frank P. Dow Co., Inc., Seattle, Wash.; Frank P. Dow Co., Inc., San Francisco, Calif.; Frank P. Dow Co., Inc. of L.A., Los Angeles, Calif.; Frank P. Dow Co., Inc., Portland, Oreg.; and Amerford International Corporation, Jamaica, N.Y. | FF–1692 |
| Martin Lewin Forwarding Co., Hollywood, Calif., and Bernardine Shipping Co., Inc., New York, N.Y. | FF–1693 |
| Heemsoth-Kerner Corp., New York, N.Y., and Sockrider Forwarding Co., Lake Charles, La. | FF–1694 |
| Keer, Maurer Co., Philadelphia, Pa., and Norton & Ellis (N.Y. Inc.), New York, N.Y. | FF–1701 |
| Fred P. Gaskell Co., Inc., New York, N.Y.; Fred P. Gaskell Co., Inc., Norfolk, Va.; Fred P. Gaskell Co., Inc., New Orleans, La.; and Alltransport Inc., New York, N.Y. | FF–1704 |

Agreement No. FF–1690 between Frontier Freight Forwarders, Inc., Miami, Fla., and D. C. Andrews & Co., Inc., New York, N.Y., is a working arrangement under which forwarding and service fees are to be divided as agreed. Ocean freight compensation is to be divided equally between the parties.

Agreement No. FF–1696 between Bernardine Shipping Company, Inc., New York, N.Y., and The Cottman Company, Baltimore, Md., is a working arrangement under which forwarding and service fees are to be divided as agreed. Ocean freight compensation is to be retained by Bernardine Shipping Company, Inc.

Agreement No. FF–1697 between The Cottman Company, Baltimore, Md., party (a) and L. Grodwohl & Son, New York, N.Y., party (b) is an arrangement under which on shipments loaded at Baltimore, party (b) agrees to pay party (a) $2.00 for completing Export Declarations and filing them with the Custom House.

Agreement No. FF–1698 between The Cottman Company, Baltimore, Md., party (a), and Major Forwarding Company, Inc., New York, N.Y., party (b), is an arrangement under which on shipments loaded at Baltimore, party (b) agrees to pay party (a) $2.00 for completing Export Declarations and filing them with the Custom House.

Agreement No. FF–1699 between Atlas Forwarding Co., Inc., New York, N.Y., and The Cottman Company, Baltimore, Md., is a working arrangement under which forwarding and service fees are to be divided as agreed. Ocean freight compensation is to be retained by Atlas Forwarding Co., Inc.

Agreement No. FF–1702 between The Cottman Company, Baltimore, Md., and C. H. Powell Company, Inc., New York, N.Y., is a working arrangement under which forwarding and service fees are to be divided as agreed. Ocean freight compensation is to be retained by C. H. Powell Company, Inc.

Dated: September 30, 1964.

By the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64–10075; Filed, Oct. 5, 1964; 8:45 a.m.]

## HAMBURG-SUEDAMERIKANISCHE DAMPFSCHIFFAHRTS-GESELLSCHAFT, EGGERT AND AMSINCK (COLUMBUS LINE) AND BLUE STAR LINE LIMITED

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Casey, Lane & Mittendorf,
26 Broadway,
New York, N.Y. 10004.

Agreement No. 9384 between Hamburg-Suedamerikanische Dampfschiffahrts-Gesellschaft, Eggert & Amsinck (Columbus Line) and Blue Star Line Limited provides for the establishment of a joint service covering the transportation of freight traffic from ports in Australia to the United States Atlantic and Gulf ports. The parties intend to maintain alternate sailings spaced at approximately two-week intervals in accordance with the terms and conditions set forth in the agreement. No pooling or sharing of profits is involved. If the parties join any conference established in the trade as individual members rather than as a joint service, the joint service shall be terminated but the agreement will remain in effect as a sailing agreement.

Dated: September 30, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64–10076; Filed, Oct. 5, 1964; 8:45 a.m.]

[Docket No. 1182]

## JACKSONVILLE, FLORIDA/PUERTO RICO RATES

### Third Supplemental Order Notice of Expansion of Investigation and Change of Name of Proceeding

Whereas, by order dated April 30, 1964, the Commission entered into an investigation to determine whether the publication by Sea-Land Service, Inc., Puerto Rican Division (Sea-Land) of a different rate on a commodity from Jacksonville to Puerto Rico than it maintains on the same commodity from other Atlantic ports to Puerto Rico is unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

Whereas, by First Supplemental Order in this proceeding dated May 21, 1964, the Commission expanded the investigation in this proceeding to include the issue of whether TMT Trailer Ferry, Inc. (C. Gordon Anderson, Trustee) (TMT) is entitled to maintain a differential below the rate of Sea-Land because of TMT's slower barge service and any cost differential which may be inherent in TMT's barge operation;

Whereas, on August 6, 1964, Sea-Land filed 16th Revised Page No. 31, 16th Revised Page No. 32 and 25th Revised Page No. 33 to its Tariff FMC–F No. 2 (Pan-Atlantic Steamship Corporation Series) to become effective on September 10, 1964 (25th Revised Page 33 was postponed to and including September 17, 1964), which amended rates on used and scrap metals (scrap metal);

Whereas, the scrap metal rates from Puerto Rico to other Atlantic ports remain unchanged and said tariff pages filed August 6, 1964 result in different rates being assessed on Puerto Rico/Jacksonville cargo than on cargo moving to other Atlantic ports even though all of the cargo may move on the same vessel under the provisions of the tariff;

Whereas, TMT protested the Sea-Land tariff changes on grounds similar to those which caused the Commission to institute this investigation in the first instance;

Whereas, the Commission is of the opinion that said new Sea-Land tariff provisions should be included in the investigation to determine whether they are unjust, unreasonable, or otherwise unlawful, under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

*Now therefore it is ordered*, That this proceeding be, and it is hereby expanded to include an investigation into and a

hearing concerning the lawfulness of Sea-Land's scrap or used metal rates, effective September 10, and 18, 1964, and as later may be amended, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

*It is further ordered*, That (I) a copy of this order shall forthwith be served upon the respondents herein; (II) the said respondents be duly notified of the time and place of the hearing ordered; and (III) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 502.73).

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 64-10077; Filed, Oct. 5, 1964; 8:45 a.m.]

## MEDITERRANEAN-U.S.A. GREAT LAKES WESTBOUND FREIGHT CONFERENCE

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Eric G. Brown, Secretary,
Mediterranean-U.S.A. Great Lakes Westbound Freight Conference,
72, Rue de la Republique,
Marseille (Bouches-du-Rhone).

Agreement 8260-7 between member lines of the Mediterranean-U.S.A. Great Lakes Westbound Freight Conference, modifies the basic agreement (8260, as amended) to provide for the inclusion of procedures relating to Admission, Withdrawal, and Expulsion pursuant to General Order 9 (46 CFR Part 523).

Dated: September 30, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64-10078; Filed, Oct. 5, 1964; 8:46 a.m.]

## OCEAN STEAM SHIP CO., LTD., ET AL.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 5 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Thomas K. Roche,
Haight, Gardner, Poor & Havens,
80 Broad Street,
New York, N.Y. 10004.

Agreements 8529-1 and 8529-A-1 between Ocean Steam Ship Company, Ltd., the China Mutual Steam Navigation Co., Ltd. (carriers comprising The Blue Funnel Line joint service operating under approved Agreement 7568) and The Swedish East Asia Co., Ltd., modify the basic agreement to provide for a change in the trade name of the joint service from "Malaya Indonesia Line" to "Blue Sea Line" and to substitute the name Malaysia for the names of Malaya and Singapore so as to reflect the present designation of that trade area.

Dated: September 30, 1964.

By the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64-10079; Filed, Oct. 5, 1964; 8:46 a.m.]

# FEDERAL POWER COMMISSION

[Docket Nos. G-9287, etc.]

## HUMBLE OIL AND REFINING CO. ET AL.

### Order Requiring Report of Intended Disposition of Refunds

SEPTEMBER 29, 1964.

Humble Oil & Refining Company, Docket No. G-9287, et al.; Tennessee Gas Transmission Company, Docket No. RP65-6; Natural Gas Pipeline Company of America, Docket No. RP65-7; Trunkline Gas Company, Docket No. RP65-8; Mississippi River Fuel Corporation, Docket No. RP65-9; Lone Star Gas Company, Docket No. RP65-10; Gas Gathering Corporation, Docket No. RP65-11; Humble Gas Transmission Company, Docket No. RP65-12;[1] Southern Natural Gas Company, Docket No. RP65-13; Northern Natural Gas Company, Docket No. RP65-14; United Gas Pipe Line Company, Docket No. RP-15; Texas Gas Transmission Corporation, Docket No. RP65-16; Kansas-Nebraska Natural Gas Company, Docket No. RP65-17; Panhandle Eastern Pipe Line Company, Docket No. RP65-18; Colorado Interstate Gas Company, Docket No. RP65-19; El Paso Natural Gas Company, Docket No. RP65-20; Cities Service Gas Company, Docket No. RP65-21; United Fuel Gas Company, Docket No. RP65-22; American Louisiana Pipe Line Company, Docket No. RP65-23.

In our order issued July 8, 1964, as amended by our order of August 7, 1964, in Docket No. G-9287, et al., we conditionally approved a rate settlement proposal filed by Humble Oil & Refining Company. That order stated that we considered it our duty in carrying out the mandates of the Natural Gas Act to assure, within the limits of our jurisdiction, that refunds made pursuant to the settlement are actually flowed through to the parties legally and equitably entitled thereto.

The order went on to state that:

We are not here determining that a pipeline purchaser from Humble or one down the line in the chain of resales between the producer and ultimate consumer are never entitled as a matter of law or equity to retain all or part of the refunds received from a supplier. We conclude only that merely because a pipeline is under no special express requirement to flow refunds through to its customers and did not previously pass on to its customers the producer's price increase (or higher gas costs arising from sales temporarily certificated at prices higher than that fixed in the settlement), does not determine that it is entitled to retain such refunds. Unlike the corresponding refund provisions of the Federal Power Act (section 205(e), 16 U.S.C. 824(d)) and the Interstate Commerce

[1] The docket number is assigned for identification purposes only and is not intended as a classification of the company for other purposes.



Act (section 15(7), 49 U.S.C. 15(7)) which provided that refunds must be paid "to the persons in whose behalf such amounts [increased rates] were paid," section 4(e) of the Natural Gas Act does not specify to whom refunds are to be paid. And in the Federal Power Commission v. Interstate Natural Gas Company, 336 U.S. 577, the Supreme Court rejected the claim that pipeline purchasers were the legal owners of funds placed in escrow pursuant to the terms of a judicial stay of a Commission directed rate reduction, merely because the fund was created from their payments at the previous higher rate. See also Central States Company v. Muscatine, 324 U.S. 138 (1945) (dissenting opinion).

In the paragraph immediately following, our order issued July 8, 1964, in Docket No. G-9287, et al., set out the procedures we propose to follow to carry out our indicated policy. That paragraph and the procedures therein provided are incorporated herein.

It appears from the terms of the settlement between the parties and the appendices attached to our order issued July 8, 1964, that each of the companies listed in the caption may receive refunds directly from Humble through this settlement. Accordingly, it is necessary and appropriate that these companies submit the report hereinafter required setting out their proposed disposition of the refunds they may receive under the settlement of Docket Nos. G-9287, et al., as indicated in the report served upon them by Humble.

The Commission orders:

(A) The natural gas companies listed in the first paragraph (except Humble) shall submit, in their respective docket, within ten days of the issuance of this order, the report required by the paragraph of our order issued July 8, 1964, in Docket No. G-9287, et al., incorporated herein and shall serve such report upon its customers and the interested state commissions.

(B) Any of the above companies claiming the right to retain any portion of the amount it may receive from Humble, shall submit, in addition to the above report, a detailed statement of the legal and equitable basis for such claim.

(C) Pending further order of the Commission, Humble shall retain the amounts to be refunded in accordance with paragraphs (F), (G), and (H) of our order of July 8, 1964, as amended by our order of August 7, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10071; Filed, Oct. 5, 1964; 8:45 a.m.]

# SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

## TARIFF OF TOLLS

### Extension of Toll Review Period

Please take notice that by agreement entered on May 28, 1964 between the Saint Lawrence Seaway Development Corporation and The St. Lawrence Seaway Authority of Canada, supplementary to their agreement of January 29, 1959 respecting the St. Lawrence Seaway Tariff of Tolls, which supplementary agreement was confirmed by an exchange of notes between the Governments of the United States (Note No. 387) and Canada (Note No. 101) on June 30, 1964, the date for making a report to the Governments as to the sufficiency of the authorized Seaway tolls (24 F.R. 1925-6) to meet statutory requirements, has been extended to July 1, 1966. Accordingly, no change in tolls will be proposed at the present time, dispensing with the necessity for a public hearing under the circumstances as recited in the Corporation's notice published in the FEDERAL REGISTER on May 21, 1963 (28 F.R. 5070).

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] JOSEPH H. MCCANN, *Administrator.*

[F.R. Doc. 64-10073; Filed, Oct. 5, 1964; 8:45 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4234]

## JERSEY CENTRAL POWER AND LIGHT CO.

### Notice of Proposed Issuance and Sale of Debentures at Competitive Bidding

SEPTEMBER 30, 1964.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, N.J., 07960, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder regarding the following proposed transaction. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Jersey Central proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $5,000,000 principal amount of Debentures, __ percent Series due 1989. The interest rate of the debentures (which shall be a multiple of ⅛ of 1 percent and the price, exclusive of accrued interest, to be paid to Jersey Central (which shall be not less than 100 percent more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be issued under the Indenture dated as of October 1, 1963, between Jersey Central and Irving Trust Company, Trustee, as supplemented by a First Supplemental Indenture to be dated as of November 1, 1964.

The proceeds (other than premium, if any, and accrued interest) from the sale of the debentures will be applied toward Jersey Central's 1964 construction program (estimated at $42,000,000) or to reimburse partially Jersey Central's treasury for expenditures therefrom for that purpose.

Fees and expenses incident to the proposed transaction are estimated at $42,000, including counsel fees of $6,000 and accounting fees of $2,000. The fees and disbursements of counsel for the underwriters, to be paid by the successful bidder, will be supplied by amendment.

The application states that the issuance and sale of the new debentures are subject to the jurisdiction of the Board of Public Utility Commissioners of the State of New Jersey, the State commission of the State in which Jersey Central is organized and doing business, and that, although Jersey Central has qualified to do business in the Commonwealth of Pennsylvania, it is the position of the Pennsylvania Public Utility Commission that the Pennsylvania Public Utility Law does not apply to the proposed transaction. It is further stated that no other State commission has jurisdiction over the proposed transaction and that no Federal commission, other than this Commission, has jurisdiction over said transaction.

Notice is further given that any interested person may not later than November 2, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-10069; Filed, Oct. 5, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 1, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39293: *Manufactured tobacco from Reidsville, N.C.* Filed by O. W. South, Jr., agent (No. A4570), for interested rail carriers. Rates on manufactured tobacco, in carloads, from Reidsville, N.C., to Peoria, Ill., and Milwaukee, Wis.

Grounds for relief: Motortruck competition.

Tariff: Supplement 22 to Southern Freight Association, agent, tariff I.C.C. S-293.

FSA No. 39294: *Lime from Brazlime, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8611), for interested rail carriers. Rates on lime, quick, common hydrated and common lime, in carloads, from Brazlime, Tex., to points in Kentucky, Louisiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia.

Grounds for relief: Market competition.

Tariff: Supplement 23 to Southwestern Freight Bureau, agent, tariff I.C.C. 4520.

FSA No. 39295: *Tin or terne plate to Pascagoula, Miss.* Filed by O. W. South, Jr., agent (No. A4571), for interested rail carriers. Rates on tin or terne plate, as described in the application, in carloads, from East St. Louis, Ill., and St. Louis, Mo., to Pascagoula, Miss.

Grounds for relief: Barge competition.

Tariff: Supplement 143 to Southern Freight Association, agent, tariff I.C.C. S-163.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10069; Filed, Oct. 5, 1964; 8:47 a.m.]

[Notice 1055]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 1, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67231. By order of September 29, 1964, the Transfer Board approved the transfer to Brown Transfer Company, a corporation, Kearney, Nebraska, of the operating rights issued by the Commission October 26, 1949, under Certificate No. MC 107037, to Alvin H. Brown, doing business as Brown Transfer Company, Kearney, Nebr., authorizing the transportation, over regular routes, of general commodities, between Omaha, Nebr., and Scottsbluff, Nebr.; between Grand Island, Nebr., and Omaha, Nebr. F. M. Parker, c/o Munro, and Bridgeport, Nebr.; and vegetables, in truckload lots, from Morrill, Nebr., to Omaha, Nebr. F. M. Parker, c/o Munro, Parker & Munro, 8 West 23 Street, Kearney, Nebr., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10090; Filed, Oct. 5, 1964; 8:47 a.m.]

# Title 2—THE CONGRESS

## ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 88th Congress, Second Session.

### Approved October 2, 1964

S. 2049 ..... Public Law 88-611
To authorize the Secretary of Commerce to accept gifts and bequests for the purposes of the Department of Commerce, and for other purposes.

H.J. Res. 793 ..... Public Law 88-612
Authorizing the United Spanish War Veterans to erect a memorial in the District of Columbia or its environs.

H.R. 5042 ..... Public Law 88-614
For the relief of certain officers of the naval service erroneously in receipt of compensation based upon an incorrect computation of service for basic pay.

H.R. 11332 ..... Public Law 88-616
To authorize certain veterans' benefits for disability or death resulting from injuries sustained prior

H.R. 11626 ..... Public Law 88-613
To authorize the payment of expenses incident to the evacuation of dependents of military personnel from Panama and Cyprus.

H.R. 11913 ..... Public Law 88-615
To authorize the disposal, without regard to the prescribed six-month waiting period, of antimony from the national stockpile and the supplemental stockpile.

H.R. 12091 ..... Public Law 88-617
To authorize the disposal, without regard to the prescribed six-month waiting period, of approximately nine million five hundred thousand pounds of sisal from the national stockpile.

### Approved October 3, 1964

S. 1082 ..... Public Law 88-622
To establish in the Treasury a correctional industries fund for the government of the District of Columbia, and for other purposes.

H.R. 2501 ..... Public Law 88-620
To authorize the promotion of qualified Reserve officers of the Army and the Air force to existing unit vacancies.

H.R. 2509 ..... Public Law 88-624
To authorize Reserve officers to combine service in more than one reserve component in computing the four years of satisfactory Federal service necessary to qualify for the uniform maintenance allowance.

H.R. 2512 ..... Public Law 88-621
To clarify the status of members of the National Guard while attending or instructing at National Guard schools established under the authority of the Secretary of the Army or Secretary of the Air Force, as the case may be, etc.

H.R. 2753 ..... Public Law 88-626
To disclaim any title of the United States to certain real property in Modoc County, California.

H.R. 2859 ..... Public Law 88-623
To provide for the promulgation of rules of practice and procedure under the Bankruptcy Act, and for other purposes.

H.R. 9435 ..... Public Law 88-619
To improve judicial procedures for serving documents, obtaining evidence, and proving documents in litigation with internation aspects.

H.R. 10328 ..... Public Law 88-618
For the relief of certain commissioned officers of the Army or Air Force who were erroneously paid uniform allowance under the provisions of section 305 of the Career Compensation Act of 1949, as amended, and for other purposes.

H.R. 12033 ..... Public Law 88-625
Food Additives Transitional Provisions Amendment of 1964.



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VOLUME 29 NUMBER 196

Washington, Wednesday, October 7, 1964

THE UNIVERSITY OF MICHIGAN
OCT 21 1964
MAIN READING ROOM

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**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

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*Latest Edition*

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**[Revised as of January 1, 1964]**

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Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington, D.C., 20402



FEDERAL REGISTER

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3621

### COLUMBUS DAY, 1964

**By the President of the United States of America**

**A Proclamation**

WHEREAS four hundred and seventy-two years ago Christopher Columbus embarked on a daring voyage into an unknown sea and discovered a new world; and

WHEREAS, in the ensuing centuries, the continents of the world have been brought closer together in time and space by means of modern communications and transportation; and

WHEREAS closer relationships between the peoples of the world have increased our awareness of the need for a just and lasting peace; and

WHEREAS the vision, courage, and dedication of Columbus are a constant inspiration to us, both as individuals and as a Nation, as we seek a new world of peace and understanding; and

WHEREAS, in recognition of our debt to Columbus, the Congress of the United States, by a joint resolution approved April 30, 1934 (48 Stat. 657), requested the President to proclaim October 12 of each year as Columbus Day for the observance of the anniversary of the discovery of America:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate Monday, October 12, 1964, as Columbus Day; and I invite the people of this Nation to observe that day in churches, schools, and other suitable places with appropriate ceremonies in honor of the memory of Christopher Columbus.

I also direct that the flag of the United States be displayed on all public buildings on Columbus Day in honor of the great explorer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this third day of October in the year of our Lord nineteen hundred and sixty-four, and of the Independence of the United States of America the one hundred and eighty-ninth.

[SEAL]

LYNDON B. JOHNSON

By the President:

Dean Rusk,
*Secretary of State.*

[F.R. Doc. 64-10267; Filed, Oct. 5, 1964; 4:28 p.m.]

# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 213—EXCEPTED SERVICE

#### Peace Corps

Section 213.3360 is amended to show the exception under Schedule C of the position of Staff Adviser for International Programs in the Peace Corps. Effective upon publication in the FEDERAL REGISTER, paragraph (y) is added to § 213.3360 as set out below.

**§ 213.3360 Peace Corps.**

* * * * *

(y) One Staff Adviser for International Programs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64–10175; Filed, Oct. 6, 1964; 8:49 a.m.]

## Title 7—AGRICULTURE

### Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

### PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

#### Subpart A—Regulations

USE OF COPY OF COTTON CLASS CERTIFICATE IN TENDER OF COTTON

Under the authority of section 4863 of the Cotton Futures Provisions in the Internal Revenue Code of 1954 (26 U.S.C. 4863) the regulations for Cotton Classification under said legislation (7 CFR Part 27, Subpart A) are hereby amended as provided below.

*Statement of considerations.* The amendment is made in order to allow the use of a new form of cotton futures contract adopted by the New York Cotton Exchange to permit trading in cotton which will be held by the Commodity Credit Corporation (CCC) as security for the performance of consumption or export obligations under the 1964–66 Cotton Equalization Program—Payment-in-Kind Regulations issued by CCC pursuant to the Agricultural Act of 1964 (P.L. 88–297) (hereinafter called the PIK Regulations). If any other cotton futures exchange should adopt rules providing for a similar form of contract, consideration will be given to amending the regulations further to allow the use of such a contract.

Under the regulations for classification of cotton pursuant to the above-cited Cotton Futures Provisions, the class may be and usually is certified by a board of cotton examiners or the Appeal Board of Review Examiners on a certificate form attached to the warehouse receipt for the cotton involved. Under the PIK Regulations the holder of such a warehouse receipt may deliver the warehouse receipt to CCC to secure the performance of his obligations under the PIK Regulations. CCC will thereupon issue to him a "Custodial Receipt" reciting that CCC will deliver the warehouse receipt to any holder of the Custodial Receipt who complies with the PIK Regulations. The Custodial Receipt will contain true copies of the warehouse receipt and cotton class certificate. Amendment of the cotton classification regulations under the Cotton Futures Provisions is necessary to permit the use of such a copy of the cotton class certificate to meet the obligation to furnish a notice or cotton class certificate imposed upon the person tendering cotton for delivery on a futures contract under section 4863 of the Cotton Futures Provisions and the regulations thereunder.

Therefore a new § 27.48 is added to the cotton classification regulations to read as follows:

**§ 27.48 Use of copy of cotton class certificate in tender of cotton.**

Notwithstanding any contrary provisions of the regulations in this subpart, with respect to cotton tendered or delivered under section 4863 of the Act on a New York Cotton Exchange Contract No. 2, the notice or cotton class certificate to be furnished under said section 4863 and the regulations may be in the form of a copy of the cotton class certificate when attached to a copy of the warehouse receipt if such copies are contained in a Custodial Receipt issued by the Commodity Credit Corporation pursuant to regulations of the Department of Agriculture under the Agricultural Act of 1964 (Public Law 88–297), which Custodial Receipt evidences the possession by the Commodity Credit Corporation of the original warehouse receipt and the original cotton class certificate attached thereto.

(68A Stat. 582, 26 U.S.C. 4863; 19 F.R. 74, as amended)

This amendment relieves a restriction now imposed by the regulations and should be made effective as soon as possible in order to facilitate futures trading in cotton and to effectuate the objectives of the Cotton Equalization Program under the Agricultural Act of 1964. Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that notice and other public rule-making on the amendment are impracticable and unnecessary and since the amendment relieves a restriction it may be made effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective upon filing with the Office of the Federal Register.

Done at Washington, D.C., this 2d day of October 1964.

G. R. GRANGE,
*Deputy Administrator, Agricultural Marketing Service.*

[F.R. Doc. 64–10188; Filed, Oct. 6, 1964; 8:50 a.m.]

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 103, Amdt. 1]

### PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Limitation of Handling

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

*Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 908.403 (Valencia Orange Regulation 103, 29 F.R. 13378) are hereby amended to read as follows:

(ii) District 2: Unlimited movement.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 2, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–10154; Filed, Oct. 6, 1964; 8:48 a.m.]

## Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

## PART 1001—MILK IN GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

### Termination of Rules and Regulations

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and of the orders regulating the handling of milk in the Greater Boston, Springfield, and Worcester, Massachusetts, marketing areas (7 CFR Parts 1001, 1006, and 1007), it is hereby found and determined that the rules and regulations issued by me to effectuate the terms and provisions of the Boston, Springfield, and Worcester orders should be terminated effective on and after October 1, 1964.

On August 24, 1964 (29 F.R. 12236), the Secretary of Agriculture issued the Massachusetts-Rhode Island order (Part 1001) to be effective October 1, 1964. This order merges and consolidates the Boston, Southeastern New England, Springfield, and Worcester orders into one consolidated order. Some provisions of the rules and regulations presently in effect which were issued by me as Market Administrator of the Boston, Springfield, and Worcester orders have been incorporated into the Massachusetts-Rhode Island order. The other provisions of these rules and regulations are obsolete, or will become obsolete or unnecessary coincident with the effective date of the Massachusetts-Rhode Island order.

Accordingly, all of the provisions of the rules and regulations which were issued by me to effectuate the terms and provisions of the Boston, Springfield, and Worcester orders and which presently appear as a subpart of such orders (§§ 1001.101 through 1001.141 of the Boston order; §§ 1006.101 through 1006.141 of the Springfield order; and §§ 1007.101 through 1007.141 of the Worcester order) are hereby terminated effective on and after October 1, 1964.

Dated: August 25, 1964.

R. D. APLIN,
*Market Administrator.*

[F.R. Doc. 64–10155; Filed, Oct. 6, 1964; 8:48 a.m.]

# Title 12—BANKS AND BANKING

## Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

## PART 1—INVESTMENT SECURITIES REGULATION

### Oklahoma City Airport Trustees Bonds

**§ 1.148 Oklahoma City Airport Trustees Bonds.**

(a) *Request.* The Comptroller of the Currency has been requested to rule that the Oklahoma City Airport Trustees Bonds, Series one through ten, are eligible for dealing in, underwriting, and unlimited holding by National Banks under the provisions of Paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* The purpose of the Oklahoma City Airport Trust, which was established by a Trust indenture dated April 1, 1956, pursuant to Oklahoma law, is to provide financing for the construction of facilities now used and to be used as a permanent Aeronautical Center by the Federal Aviation Agency and to plan, develop and operate airports and air navigation facilities for the use and benefit of Oklahoma City. The Trust estate, which consists primarily of leasehold rights demised to the trustee by the beneficiary, Oklahoma City, includes Will Rogers Airport, Tulakes Airport, Cimarron Airport, and certain other real estate and personal property.

(2) The trustees have issued, pursuant to the foregoing Trust indenture, from July 1, 1956, to May 1, 1963, Oklahoma City Airport Trustees Bonds in ten series, with varying maturities all payable on parity of up to 27 years. The bond-financed facilities of the Center have been leased to the United States Government whose rental obligations are unconditional for a 20-year term, ending June 30, 1983, with certain renewal options. This lease, which combines nine earlier leases, provides the primary security for Series one through nine of the bonds. The rentals thereunder are payable at a rate sufficient to cover debt service requirements over the life of each series of bonds with additional annual payments being made for maintenance, insurance and ground rental. Series ten of the bonds is secured by a similar 20-year lease with rental to begin on January 1, 1965. A secondary source of funds pledged to the debt service requirements of the bonds is the gross revenues of the City's three airports leased to the Trust from Oklahoma City. Under its lease agreement with the Trust, Oklahoma City has agreed to provide, if necessary, from its general funds, all costs of operation and maintenance of all the airport and facilities therein.

(3) The trustees have irrevocably pledged the full faith and credit of the Trust to the payment of the principal and interest on the subject bonds. The lease rental payments from the United States Government, and the income from the operations of the three airports make the Oklahoma City Airport Trust an obligor possessing resources sufficient to justify faith and credit. The bonds of the Trust are the general obligations of a political subdivision of the State of Oklahoma as defined in § 1.3 (d) and (e).

(c) *Ruling.* It is the conclusion of this Office that the subject bonds are "public securities" as set forth in § 1.3 (c), issued pursuant to 12 U.S.C. 24 Paragraph Seventh, and are therefore eligible for dealing in, underwriting and unlimited holding by National Banks.

Dated: October 1, 1964.

[SEAL] JAMES J. SAXON,
*Comptroller of the Currency.*

[F.R. Doc. 64–10178; Filed, Oct. 6, 1964; 8:49 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Airspace Docket No. 64–CE–63]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to revoke an extension of the Des Moines, Iowa, control zone.

The Des Moines, Iowa, radio beacon is scheduled to be decommissioned on October 1, 1964. This will make the controlled airspace based on the beacon unnecessary.

Since this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may become effective without regard to the 30 day statutory period.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.171 (29 F.R. 1101) the Des Moines, Iowa, control zone is amended by deleting "within 2 miles each side of the Des Moines RBn 193° bearing, extending from the 5-mile radius zone to 12 miles S of the RBn" from the text.

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Kansas City, Mo., on September 29, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64–10122; Filed, Oct. 6, 1964; 8:45 a.m.]



[Airspace Docket No. 64–SW–41]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Transition Area

On August 21, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11977) stating that the Federal Aviation Agency proposed to alter the Hobart, Okla., transition area in the vicinity of Altus Air Force Base, Okla.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 (New) of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

In § 71.181 (29 F.R. 556), the Hobart, Okla., transition area is amended to read as follows:

*Hobart, Okla.*

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Hobart Municipal Airport; within 5 miles W and 8 miles E of the Hobart VOR 003° and 183° radials, extending from 5 miles N to 12 miles S of the VOR; within an 8-mile radius of the Clinton-Sherman AFB; within 5 miles W and 8 miles E of the Clinton-Sherman VOR 360° and 180° radials, extending from 5 miles N to 12 miles S of the VOR; within an 8-mile radius of the Altus AFB; within 5 miles W and 8 miles E of the 360° and 180° bearings from the Altus RBn, extending from 24 miles N to 12 miles S of the RBn; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°08'00" N., longitude 99°05'00" W.; to latitude 34°15'00" N., longitude 99°30'00" W.; to latitude 34°40'00" N., longitude 99°59'00" W.; to latitude 35°20'00" N., longitude 99°54'00" W.; to latitude 35°50'00" N., longitude 99°43'00" W.; to latitude 35°44'00" N., longitude 99°03'00" W.; to latitude 34°58'00" N., longitude 98°33'00" W.; to latitude 34°42'00" N., longitude 98°46'00" W.; to latitude 34°21'00" N., longitude 98°46'00" W.; to point of beginning; and that airspace extending upward from 8,000 feet MSL bounded by a line beginning at latitude 34°40'00" N., longitude 99°59'00" W.; thence W via latitude 34°40'00" N., to and counterclockwise along the arc of a 20-mile radius circle centered at the Childress, Tex., Municipal Airport (latitude 34°25'55" N., longitude 100°17'45" W.) to longitude 100°27'00" W.; to latitude 35°00'00" N., longitude 100°32'00" W.; to latitude 35°20'00" N., longitude 100°00'00" W.; to latitude 35°54'00" N., longitude 100°18'00" W.; to latitude 35°50'00" N., longitude 99°43'00" W.; to latitude 35°20'00" N., longitude 99°54'00" W.; to point of beginning. The portion of the transition area extending upward from 8,000 feet MSL is excluded from Federal airways.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on September 29, 1964.

P. M. SWATEK,
*Acting Director, Southwest Region.*

[F.R. Doc. 64–10123; Filed, Oct. 6, 1964; 8:45 a.m.]

## Chapter II—Civil Aeronautics Board

### SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER–420]

## PART 248—SUBMISSION OF AUDIT AND RECONCILIATION REPORTS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of October 1964.

By notice of proposed rule making issued July 21, 1964, EDR–70, Docket 15422, and published at 29 F.R. 9964, the Board advised of its intention to amend Part 248 of the Economic Regulations to require each supplemental air carrier which has caused an annual audit of its books to be made by independent public accountants to file with the Board a report showing the complete reconciliation of the balance sheet and profit and loss statement included in the audit report with the balance sheet and profit and loss statements filed with the Board as a part of CAB Form 41, Report of Financial and Operating Statistics for Certificated Air Carriers.

Interested persons were afforded an opportunity to participate in the making of this rule, but no comments were received. Therefore, the Board will now make final the rule as proposed.

Inasmuch as Part 248 has not been reissued since its adoption in November of 1956 and in view of the extensive amendments herein made, the Board believes that the part should be reissued at this time. Therefore, in consideration of the foregoing, the Board hereby amends and reissues Part 248 of its Economic Regulations (14 CFR Part 248) effective November 6, 1964 as set forth below:

Sec.
248.1 Applicability.
248.2 Filing of audit reports.
248.3 Reconciliation of reports.
248.4 Time for filing reports.
248.5 Withholding from public disclosure.

AUTHORITY: The provisions of this Part 248 issued under sec. 204(a) of the Federal Aviation Act of 1958, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 401(n) and 407, 76 Stat. 144–145; 72 Stat. 766; 49 U.S.C. 1371, 1377; secs. 7 and 9 of Public Law 87–528, 76 Stat. 146–149; 49 U.S.C. 1371.

**§ 248.1 Applicability.**

The requirements of this part shall be applicable to all air carriers subject to the requirements of Part 241 of this subchapter.

**§ 248.2 Filing of audit reports.**

(a) Whenever any air carrier, subject to § 248.1, shall have caused an annual audit of its books, records, and accounts to be made by independent public accountants, such air carrier shall file with the Board, in duplicate, a special report consisting of a true and complete copy of the audit report submitted by such independent public accountants, including all schedules, exhibits, and certificates included in, attached to, submitted with or separately, as a part of the audit report.

(b) Each air carrier, subject to § 248.1, which does not cause an annual audit to be made of its books, records, and accounts for any fiscal year, shall, at the close of such fiscal year file with the Board, as a part of its periodic reports, a statement that no such audit has been performed.

**§ 248.3 Reconciliation of reports.**

Each air carrier required to comply with Part 241 of the Economic Regulations which has caused an annual audit of its books, records, and accounts to be made by independent public accountants shall file with the Board, in duplicate, as a part of its CAB Form 41 reports, a special report consisting of a complete reconciliation of the balance sheet and profit and loss statement included in the audit report with the balance sheet and profit and loss statements filed with the Board as a part of CAB Form 41, Report of Financial and Operating Statistics for Certificated Air Carriers. Such special report shall clearly set forth in all material detail the essential elements of such reconciliation.

**§ 248.4 Time for filing reports.**

The reports required by this part shall be filed with the Board within 15 days after the due date of the appropriate periodic CAB Form 41 report, filed for the twelve-month period covered by the audit report, or the date the accountant submits his audit report to the air carrier, whichever is later.

**§ 248.5 Withholding from public disclosure.**

The special reports required to be filed by § 248.2 shall be withheld from public disclosure, until further order of the Board, if such treatment is requested by the air carrier at the time of filing.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board:

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64–10179; Filed, Oct. 6, 1964; 8:50 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket C–833]

## PART 13—PROHIBITED TRADE PRACTICES

### Alper Furs, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155–40 Exaggerated as regular and customary. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* 13.1865–40 Fur Products Labeling Act.





(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret



Matter of United Garment Manu-

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 66 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Alper Furs, Inc., et al., Chicago, Ill., Docket C-633, Sept. 17, 1964]

*In the Matter of Alper Furs, Inc., a Corporation, and Max Alper, Percy Alper, and Mildred Alper, Individually and as Officers of the Said Corporation*

Consent order requiring manufacturing furriers in Chicago to cease violating the Fur Products Labeling Act by failing, on labels and invoices, to show the true animal name of furs in fur products and to use the term "natural" for fur that was not bleached or dyed; labeling fur products with fictitious prices; invoicing furs deceptively as "Broadtail" and "Sable"; failing to show in newspaper advertisements when fur was artificially colored; and failing in other respects to comply with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondents Alper Furs, Inc., a corporation, and its officers, and Max Alper, Percy Alper and Mildred Alper, individually and as officers of the said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing, directly or by implication on labels, that any price, whether accompanied or not by descriptive terminology, is the respondents' former price of fur products when such amount is in excess of the actual, bona fide prices at which respondents offered the fur products to the public on a regular basis for a reasonably substantial period of time in the recent regular course of business.

2. Misrepresenting in any manner the savings available to purchasers of respondents' fur products.

3. Falsely or deceptively representing in any manner that prices of respondents' fur products are reduced.

4. Failing to affix labels to fur products showing in words and in figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

5. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

6. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

7. Failing to completely set out information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder on one side of the labels affixed to fur products.

8. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

9. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices as the term "invoice" is defined in the Fur Products Labeling Act showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur products.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

5. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

3. Represents directly or by implication that any price whether accompanied or not by descriptive terminology is the respondents' former price of fur products when such amount is in excess of the actual, bona fide price at which respondents offered the fur products to the public on a regular basis for a reasonably substantial period of time in the recent regular course of business.

4. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

5. Falsely or deceptively represents in any manner that prices of respondents' fur products are reduced.

D. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

*It is further ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 17, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-10131; Filed, Oct. 6, 1964; 8:46 a.m.]

[Docket 8577]

## PART 13—PROHIBITED TRADE PRACTICES

### United Garment Mfg. Co., Michigan Division, et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-180 Location; 13.15-230 Plant and equipment; 13.15-270 Size and extent; 13.15-278 Time in business; § 13.230 *Size or weight.* Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly:* 13.330-12 Boy Scouts of America. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act; § 13.1215 *Government, official or other sanction;* § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—prices: § 13.1811 *Fictitious pricketing.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, United Garment Manufacturing Co.—Michigan Division (Iron Mountain, Mich.) et al., Docket 8577, Sept. 16, 1964]



*In the Matter of United Garment Manufacturing Co.—Michigan Division, a Corporation, Lake-O-Woods Co., Inc., a Corporation, and Edward Maslon, Dorothy Palluconi, and Betty Maslon, Individually and as Officers of Said Corporations, and Albert Maslon, Individually and as an Officer of United Garment Manufacturing Co.—Michigan Division, and Warren Barrett, Individually and as an Officer of Lake-O-Woods Co., Inc.*

Order requiring two associated corporations and their common officers engaged in the manufacture of sleeping bags, sporting goods, and accessories, with manufacturing plant and main office in Iron Mountain, Mich., to cease such deceptive practices as attaching fictitious prices to their sleeping bags and listing them with fictitious prices in catalogs, labeling sleeping bags with a "cut size" larger than the finished size, and labeling them falsely as official Boy Scouts equipment; stating falsely in catalogs and other advertising that they operated two manufacturing plants, one located "in the West" and "in Los Angeles, Calif.", had been in business since 1901, and had a factory in Minneapolis, Minn.; and to cease violating the Textile Fiber Products Identification Act by failing to label textile fiber products with the true generic names and the percentage of the constituent fibers; labeling as "New" sleeping bags which were not composed wholly of virgin fibers; advertising textile products as "duck", flannel" and "poplin" without setting forth required fiber content information; and failing in other respects to comply with labeling and advertising requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondents United Garment Manufacturing Co.-Michigan Division, a corporation, Lake-O-Woods Co., Inc., a corporation, Edward Maslon and Betty Maslon, individually and as officers of said corporations, their officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the manufacture, offering for sale, sale or distribution of sleeping bags or other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising, labeling, representing in a catalog or otherwise representing the "cut", "cut size" or dimensions of material used in their construction, unless such representation is accompanied by a description of the finished or actual size, with the latter description being given at least equal prominence;

2. Misrepresenting the size of such products on labels or in any other manner;

3. Pricketing said merchandise with any amount or price in excess of the price at which said merchandise is being offered for sale, or otherwise representing in advertising or labeling that said merchandise is being offered at retail at a reduction from a higher price, when the pricketed amount or represented higher price appreciably exceeds the highest retail price at which substantial sales of the merchandise are being made in the trade area in which respondents are doing business;

4. Using the words "scout", "eagle scout", "cub scout" or "the scout deluxe" or any other word or words of similar import or meaning, to designate, describe or refer to respondents' sleeping bags or other products, or otherwise representing that said sleeping bags or other products are sponsored, endorsed, or approved by the organization known as the Boy Scouts of America or that said sleeping bags or other products form a part of the equipment of members of said organization;

5. Furnishing to others any means or instrumentality by or through which the public may be misled as to the prevailing retail price of respondents' merchandise or as to the size, endorsement, or approval of said merchandise;

6. Misrepresenting the length of time respondents have actually been engaged in the business of manufacturing sleeping bags, or in any other business;

7. Using the words "High Sierra Brand Made in the West", "High Sierra Brand Made in Los Angeles, Calif.", "Manufactured by" or "Made by United Garment Manufacturing Co. of Minneapolis, Minnesota" or otherwise representing that they own, operate or control a plant or factory wherein such products are manufactured at the stated locations;

8. Representing that they have a factory or manufacturing plant at any place other than the place in which a factory or plant owned, operated or controlled by them is located.

*It is further ordered*, That respondents United Garment Manufacturing Co.—Michigan Division, a corporation, Lake-O-Woods Co., Inc., a corporation, Edward Maslon and Betty Maslon, individually and as officers of said corporations, their officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment, in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product", are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Failing to affix labels to such textile fiber products showing in a clear, legible and conspicuous manner each element of information required to be disclosed by Section 4(b) of the Textile Fiber Products Identification Act.

2. Using a generic name or fiber trademark on any label, whether required or non-required, without making a full and complete fiber content disclosure on such label in accordance with the Act and Regulations the first time such generic name or fiber trademark appears on the label.

3. Failing to separately set forth the required information as to fiber content on the required label in such a manner as to separately show the fiber content of the separate sections of textile fiber products containing two or more sections where such form of marking is necessary to avoid deception.

4. Using the terms "New" or "Virgin" as descriptive of a textile fiber product, or any fiber or part thereof, where the product or part so described is not composed wholly of new or virgin fiber which has never been reclaimed from any spun, woven, knitted, felted, bonded or similarly manufactured product.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations, by disclosure or by implication, as to the fiber contents of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber products, unless the same information required to be shown on the stamp, tag, label or other means of identification under sections 4(b)(1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to separately set forth the information as to fiber content in the required fiber content disclosure in such a manner as to separately show the fiber content of the separate sections of textile fiber products containing two or more sections where such form of marking is necessary to avoid deception.

3. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

*It is further ordered*, That the complaint be, and the same hereby is, dismissed as to the respondents Dorothy Palluconi, Albert Maslon and Warren Barrett, without prejudice to any further action on the part of the Federal Trade Commission should it be made to appear that remedial action against them is or will become necessary.

*It is further ordered*, That respondents United Garment Manufacturing Co.—Michigan Division, Lake-O-Woods Co., Inc., Edward Maslon, and Betty Maslon shall within sixty (60) days after service upon them of this order file with the Commission a report, in writing, setting forth in detail the manner and form in

which they have complied with the order to cease and desist.

Issued: September 16, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-10132; Filed, Oct. 6, 1964; 8:46 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

## PART 121—FOOD ADDITIVES

## Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

HYGROMYCIN B

*Correction*

In F.R. Doc. 64-8799, appearing at page 12461 of the issue for Tuesday, September 1, 1964, the following correction is made in Table 1 of § 121.213(d): In the "Limitations" entry for Principal ingredient item 1c, Hygromycin B, the last phrase should read "plus streptomycin sulfate" instead of "plus bacitracin sulfate".

# Title 29—LABOR

## Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

## PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS, AND AMERICAN SAMOA

### Compensation of Committee Members

Pursuant to authority contained in the Fair Labor Standards Act of 1938 (29 U.S.C. 201), Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), I hereby amend 29 CFR 511.4 by changing its provision for industry member per diem compensation from $55 to $60.

As this amendment concerns only a matter of agency practice, notice of proposed rule making, opportunity for public participation, and delay in effective date are not required by section 4 of the Administrative Procedure Act (5 U.S.C. 1003). I do not believe such procedures will serve a useful purpose here. Accordingly, the amendment shall become effective immediately.

As amended, § 511.4 shall read as follows:

**§ 511.4 Compensation of committee members.**

Each member of an industry committee will be allowed a per diem of $60 for each day actually spent in the work of the committee, and will, in addition, be reimbursed for necessary transportation and other expense incident to traveling in accordance with Standard Government Travel Regulations then in effect. All travel expenses will be paid on travel vouchers certified by the Administrator or his authorized representative. Any other necessary expenses which are incidental to the work of the committee may be incurred by the committee upon approval of, and shall be paid upon certification of, the Administrator or his authorized representative.

(52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.; 5 U.S.C. 55a)

Signed at Washington, D.C., this 2d day of October 1964.

CLARENCE T. LUNDQUIST, *Administrator.*

[F.R. Doc. 64-10205; Filed, Oct. 6, 1964; 8:52 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

## PART 56—INTER-SERVICE TRANSFER OF OFFICERS (REGULAR)

The Secretary of Defense approved the following revision to Part 56 on September 1, 1964:

Sec.
56.1 Purpose.
56.2 Applicability and scope.
56.3 Policy.
56.4 Procedures.

AUTHORITY: The provisions of this Part 56 issued under sec. 716, Title 10, United States Code.

**§ 56.1 Purpose.**

This part establishes the policies which will govern implementation of 10 U.S.C., section 716 (P.L. 85-599) with respect to the transfer of commissioned officers between the Regular components of the Army, Navy, Air Force, and Marine Corps.

**§ 56.2 Applicability and scope.**

The provisions of this part apply to officers holding Regular commissions in the armed services, except officers of the medical services. The inter-service transfer of Regular officers holding commissions in the medical services will continue to be accomplished under existing regulations (DoD Instruction 1205.1, "Implementation of the Universal Military Training and Service Act with Respect to Medical and Dental Registrants," Section XI., September 27, 1960).

**§ 56.3 Policy.**

(a) It is the policy of the Department of Defense that a Regular officer of any military service who is especially qualified to contribute to the success of an activity of another service will be given an opportunity to do so without interruption of his service career, by being transferred from one service and appointed in another.

(1) No officer will be so transferred without his consent, nor will an officer transferred from one service be appointed in another service with a higher rank or precedence than that he held on the date prior to his transfer.

(2) Transfers will be made only within authorized strength limitations.

(b) While intended for use primarily in the technical fields to permit the full utilization of specialists, transfer between services is not restricted to technical specialists.

**§ 56.4 Procedures.**

(a) Requests for transfer will be initiated by (1) an appropriate agency of the military department desiring the services of an officer serving in another department, or by (2) the officer himself:

(i) *By a Military Department Agency.* If the transfer is initiated by other than the officer himself, request for transfer will be forwarded to the Secretary of Defense through the Secretaries of the gaining and losing Departments and will be accompanied by a statement that the officer concerned consents to the proposed transfer.

(ii) *By the officer.* (a) If initiated by the officer himself, the request will be forwarded through military channels to the Secretary of the military department in which he is presently commissioned, and will be accompanied by a justification of the requested transfer as being in the interest of national defense and the individual officer.

(b) The Secretary of the losing Department will forward the request to the Secretary of Defense through the Secretary of the gaining Department. Both Departmental Secretaries will indicate their concurrence or non-concurrence in the requested transfer.

(b) Inter-service transfers will be approved by the Secretary of Defense for the President.

(c) Termination of presently held commissions and reappointment in another service will be accomplished by the two Services affected without interruption of the continuity of the officer's total military service.

(d) An officer transferred under provisions of this Part will be placed on the applicable promotion list or lineal list of the armed force to which he is transferred in an appropriate position as determined by the amount of promotion-list service with which he was credited in his parent service on the day prior to his transfer. His permanent grade and date of rank will be determined by applying that amount of promotion-list service to the appointment laws in effect for the service to which he is being transferred. His temporary grade and date of rank will remain the same as that he held in his parent service on the day prior to his transfer.

(e) An officer transferred under provisions of this Part will be credited with the unused leave with which he was credited at the time of transfer, and with the total military service with which he was credited on the date prior to his transfer.

MAURICE W. ROCHE, *Administrative Secretary OASD (Administration).*

[F.R. Doc. 64-10152; Filed, Oct. 6, 1964; 8:48 a.m.]

## PART 137—STANDARDS OF CONDUCT

### Gratuities

The Deputy Secretary of Defense approved an amendment to § 137.5(a) on September 25, 1964, effective November 24, 1964. Amended § 137.5(a) now reads as follows:

**§ 137.5 Gratuities.**

(a) DoD personnel will not accept any favor, gratuity, or entertainment directly or indirectly, from any person, firm, corporation, or other entity which is engaged, or is endeavoring to engage in procurement activities or business transactions of any sort with any agency of the DoD except as provided in subparagraphs (1), (2), and (3) of this paragraph. Favors, gratuities, or entertainment bestowed upon members of the immediate families of DoD personnel are viewed in the same light as those bestowed upon DoD personnel. Acceptance of entertainment, gifts, or favors (no matter how innocently tendered or received) from those who have or seek business dealings with the Department of Defense may be a source of embarrassment to the Department and to the personnel involved, may affect the objective judgment of the recipient and impair public confidence in the integrity of business relations between the Department and industry.

(1) In some circumstances the interests of the Government may be served by participation of Defense personnel in widely-attended lunches, dinners and similar gatherings sponsored by industrial, technical and professional associations for the discussion of matters of mutual interest to Government and industry. Participation by Defense personnel is appropriate where the host is the association and not an individual contractor. However, acceptance of entertainment or hospitality from private companies in connection with such association activities is prohibited.

(2) In some circumstances the interests of the Government may be served by participation of Defense personnel in activities at the expense of individual Defense contractors. These activities include public ceremonies of mutual interest to industry, local communities and the Department of Defense, such as the launching of ships or the unveiling of new weapons systems; industrial activities which are sponsored by or encouraged by the United States Government as a matter of United States Defense or economic policy, such as sales meetings to promote off-shore sales involving foreign industrial groups or governments; and luncheons or dinners at a contractor's plant, on an infrequent basis, where the conduct of official business within the plant will be facilitated and where no provision can be made for individual payment.

(3) There may be a limited number of additional situations where, in the judgment of the individual concerned, the Government's interest would be served by participation by Department of Defense personnel in activities comparable to those enumerated above. In any such cases in which Department of Defense personnel accept any favor, gratuity or entertainment directly or indirectly from any person, firm, corporation, or other entity which is engaged or is endeavoring to engage in business transactions of any sort with the Department of Defense, a report of the circumstances will be made within forty-eight hours to the designee of the Secretary of the military department concerned, or to the designee of the Secretary of Defense in the case of Department of Defense personnel not within one of the military departments.

(R.S. 161, 5 U.S.C. 22)

MAURICE W. ROCHE, *Administrative Secretary, OASD (Administration).*

[F.R. Doc. 64-10153; Filed, Oct. 6, 1964; 8:48 a.m.]

## Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

## PART 803—DISPOSITION OF PERSONAL PROPERTY

A new Part 803 is added as follows:

Sec.
803.0 Purpose.

Subpart A—General Provisions

803.1 Definitions.
803.2 Authority for shipping property of deceased and missing persons.

Subpart B—Property of Deceased Active Duty Military Personnel

803.10 Persons responsible for disposing of property.
803.11 Persons entitled to receive property.
803.12 When legal representative or next of kin is present.
803.13 When legal representative or next of kin is known but not present.
803.14 When no legal representative or next of kin can be located.

Subpart C—Property of Deceased U.S. Civilians

803.20 Which civilians are covered.
803.21 When legal representative or next of kin is present.
803.22 When legal representative or next of kin is not present.

Subpart D—Property of Missing Persons

803.30 Disposing of the property of missing persons.

AUTHORITY: The provisions of this Part 803 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 143-6, July 9, 1963.

**§ 803.0 Purpose.**

This part tells how to dispose of the personal property of certain deceased and missing Air Force military personnel and civilians when such property is under the control of the Air Force.

### Subpart A—General Provisions

**§ 803.1 Definitions.**

(a) *Personal property.* This term includes:

(1) Household goods and household effects.

(2) Personal effects and property or estate, except real property, that is temporary, movable and subject to personal use or ownership.

(3) A privately owned motor vehicle. Also, a wheeled motor vehicle that is primarily for personal use as a passenger-carrying vehicle, including automobiles, station wagons, and similar vehicles; jeeps; motorcycles; motorscooters (2- or 3-wheeled); pick-up or panel trucks (not to exceed ¾ ton capacity); and small autobuses (not to exceed 9-passenger capacity).

(b) *Continental United States (CONUS).* The 48 contiguous States and the District of Columbia.

(c) *Missing person.* One reported as missing under the provisions of the Missing Persons Act, as amended (50 U.S.C. App. 1001-1016). If there is a question as to whether a person is subject to the Act, request a determination from a staff judge advocate.

**§ 803.2 Authority for shipping property of deceased and missing persons.**

(a) AFM 75-4 (Movement of Personnel and Personal Property) contains authority for shipping personal property at Government expense. A military member's property is limited to 11,000 pounds net, exclusive of professional books, papers and equipment which are without weight limitation. A civilian employee's property is limited as to weight by AFM 40-10 (Civilian Travel Manual).

(b) One privately owned motor vehicle may be shipped at Government expense as personal property provided:

(1) It is located outside the CONUS. (A privately owned vehicle located within CONUS cannot be shipped at Government expense.)

(2) The motor vehicle was the property of the sponsor involved or his lawful dependent and the ownership can be legally established.

(3) The motor vehicle was moved to the oversea location or lawfully procured there by the sponsor involved or his lawful dependent prior to the date the individual died or became missing.

(4) The motor vehicle is in a usable condition or is sufficiently valuable to warrant the expenditure of Government transportation funds.

### Subpart B—Property of Deceased Active Duty Military Personnel

**§ 803.10 Persons responsible for disposing of property.**

(a) The commander of the activity at or nearest to the place where the personal property is located will collect, safeguard and immediately dispose of that property which is under Air Force jurisdiction.

(1) If the legal representative or next of kin is not present to receive the property, the commander of the activity at/nearest the place where the property is

located will appoint a summary court to dispose of it.

(2) If the property is at two or more widely separated locations, the commander of each activity at/nearest the place where the property is located will appoint a summary court to work out disposition arrangements with the immediate commander of the organization to which the deceased was assigned.

(b) The aircraft commander (or the commanders of troops, as appropriate), will have the personal property of a person who dies aboard an air or water transport collected, inventoried, and safeguarded. He will turn the property over to the commander of the Air Force activity at, or nearest the base or port where the remains are off-loaded.

**§ 803.11 Persons entitled to receive property.**

(a) The following persons, listed in the order of precedence, are entitled to receive the property of a deceased military member (that is, to be "the recipient"):

(1) Surviving spouse or legal representative.
(2) Son.
(3) Daughter.
(4) Father (if he had not abandoned support of his family).
(5) Mother.
(6) Brother.
(7) Sister.
(8) Next of kin.
(9) Beneficiary named in the will of the deceased.

(b) If a dispute or question arises, or is expected to arise, over who is to be the recipient, request legal assistance from a staff judge advocate in making the determination.

(c) When the recipient is a minor, forward the property in care of the guardian or adoptive parent.

**§ 803.12 When legal representative or next of kin is present.**

(a) Turn over all property in quarters or at the decedent's duty station to the legal representative or next of kin. Be careful not to release property to a relative or friend of the deceased, simply because that person is present at the time, or because that person proceeded to the place of death to claim the property. Even though a friend or relative is present, determine who is entitled to receive the property as directed in § 803.11. Do not release this property to another person without the written request or approval of the legal recipient.

(1) Deliver all currencies, commercial paper, stocks, bonds, checks, etc., (except funds belonging to the Government, Government checks payable to the deceased which are drawn on the Treasurer of the United States or on foreign depositories, and military payment orders payable to the deceased) with other property.

(2) Prepare AF Form 1122, "Personal Property Inventory," in duplicate, for the property in Air Force custody; have the recipient sign the original of the form and retain the duplicate copy.

(b) Pack and ship the property at Government expense as authorized and requested by the legal representative or next of kin.

**§ 803.13 When legal representative or next of kin is known but not present.**

The Summary Court will:

(a) Inventory the property, and prepare AF Form 1122 in 4 copies.

(b) Forward the property to the recipient as quickly as possible and not later than 4 weeks from date of death. Do not delay shipment of all property pending the sale of motor vehicles and/or collection of outstanding debts. Ship other property and advise the recipient of actions pending and approximate date they will be completed.

(c) Shipping notification: When the property is shipped, send a letter, and 2 copies of AF Form 1122, to the addressee, giving the date and method of shipment and the anticipated date of arrival. Also, state that shipment of the property is being made as required by Federal law and that the vesting of title thereto is dependent upon the laws of the State of the decedent's legal residence. Enclose a self-addressed envelope, and ask that he sign the original and one copy of the AF Form 1122 upon receipt of the property, and return it to the Summary Court.

(d) Debt collection: To the extent feasible, collect all local debts due the decedent.

(e) Payment of debts: Pay undisputed local creditors with any available cash belonging to the decedent and obtain receipt for such payment.

(f) Other settlement: Advise the recipient by letter:

(1) Of all known unsettled debts due or owed by the decedent.

(2) Of any items which cannot be shipped at Government expense (for example, any motor vehicle in the CONUS; more than one motor vehicle located outside CONUS; airplanes; buses; boats; trucks). Request that the recipient arrange to dispose of this property, or submit a power of attorney authorizing the Summary Court to sell it by public or private sale.

(g) Funds: Dispose of funds (including proceeds from sales of property), commercial instruments, stocks, bonds, etc.

(h) Cash records: Record each sale and cash transaction on AF Form 1122a (in 3 copies); attach a certified copy of each bill of sale, and each receipt for payment of a creditor, to one copy of the AF Form 1122a, and mail to the recipient.

(i) After the recipient has signed and returned the AF 1122, give the signed copies and the AF Form 1122a to the commander for approval and signature, together with a detailed account of all transactions of the Summary Court:

(1) The original signed form, together with the account of the transactions of the Summary Court, is placed in the file established in accordance with AFM 143–1 (Mortuary Affairs).

(2) The duplicate becomes part of the records of the Summary Court.

(j) After reasonable efforts have been made, without success, to obtain signed copies of AF Form 1122, the case may be closed; include in the official file of the deceased, a statement of all such action taken in this regard.

**§ 803.14 When no legal representative or next of kin can be located.**

The Summary Court will:

(a) Inventory the property, and prepare AF Form 1122 in 3 copies.

(b) After collecting from local debtors and paying undisputed local creditors of the deceased, sell all property except the following; articles having value chiefly as keepsakes (as defined in 10 U.S.C. 9712(e), stocks, bonds, evidence of bank accounts, or other forms of purely commercial paper.

(1) Property will be sold only when the Summary Court, after diligent effort, has not been able to discover the existence or address of any of the persons entitled to receive the property and has stated this formally in writing.

(2) Do not sell property until at least 30 days after the death of the person to whom they belonged.

(c) Pay any remaining undisputed local creditors of the deceased with funds derived from sale of the property.

(d) Record all sales and cash transactions on an AF Form 1122a (in 3 copies).

(e) Forward all cash and checks remaining after settlement of debts (with the original and 2 copies of AF Form 1122a), to the local accounting and finance officer, for deposit as prescribed in AFM 177–108 (Paying and Collecting Transactions at Base Level). The accounting and finance officer will indicate receipt of the funds by signing and returning all copies of AF Form 1122a.

(f) Give the original and two copies of AF Form 1122 and 1122a and a detailed account of all transactions of the Summary Court to the commander for his approval and signature.

(1) Place the signed original form, together with the account of the transactions of the Summary Court in the file established in accordance with AFM 143–1.

(2) Forward one copy of the forms, together with any insignia, decorations, medals, other articles valuable chiefly as keepsakes, and all purely commercial papers such as stocks, bonds, evidence of bank accounts, etc., to the United States Soldiers Home, Washington, D.C., under the provisions of 10 U.S.C. 9712(f).

(3) Retain the remaining copy for the records of the Summary Court.

## Subpart C—Property of Deceased U.S. Civilians

**§ 803.20 Which civilians are covered.**

Any civilian serving with, employed by or accompanying Armed Forces personnel at a place or command under the jurisdiction of the Air Force.

**§ 803.21 When legal representative or next of kin is present.**

Permit legal representative or next of kin to take possession of the property.

**§ 803.22 When legal representative or next of kin is not present.**

(a) *In U.S. and U.S. possessions.* If property cannot be delivered or is not claimed within a reasonable time, deliver it with all available information to the recipient (in this case, the person designated by the judicial officer or by the local civil government with jurisdiction over the estates of deceased persons). Upon request of the local civil official concerned, personal property of deceased employees located outside the CONUS may be shipped to the place he designates as directed in § 803.2 and AFM 75–4 (Movement of Personnel and Personal Property).

(b) *In a foreign country.* The commander will collect and safeguard the property, and request the nearest U.S. consulate to take possession and dispose of it in accordance with State Department instructions. Upon request of the State Department official concerned, personal property may be shipped to the place he designates, as directed in § 803.2 and AFM 75–4.

## Subpart D—Property of Missing Persons

**§ 803.30 Disposing of the property of missing persons.**

Safeguard and hold personal property of a missing person for 30 days, or longer if circumstances warrant.

(a) If his status is officially changed from missing to dead, dispose of the property as directed in Subparts B and C of this part.

(b) If the person is still carried as missing after the prescribed waiting period expires, transfer the property to the custody of the person who would legally be entitled to receive it if the individual died.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lt. Colonel, United States Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64-10138; Filed, Oct. 6, 1964; 8:46 a.m.]

SUBCHAPTER C—PUBLIC RELATIONS

## PART 826—GIFTS TO INDIVIDUALS OF THE AIR FORCE

### Miscellaneous Amendments

Sections 826.9 and 826.10 are revised to read as follows:

**§ 826.9 Constitutional prohibition.**

(a) Article 1, section 9, clause 8 of the United States Constitution provides as follows: "No title of Nobility shall be granted by the United States: and no Person holding any office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State."

(b) Under policies of the Department of Defense and the United States Air Force, no person holding any office of profit or trust under the United States shall, without the consent of the Congress, accept any decoration, award, gift, emolument, office or title of any kind whatever from any King, Prince or official of a foreign government. This policy applies to:

(1) All service members of the Department of the Air Force on active duty and to all civilian employees of the Air Force.

(2) All members of Reserve components of the Air Force whether or not on active duty.

(3) Retired officers of the Regular Air Force.

**§ 826.10 Members of military assistance advisory groups and aid missions.**

As an exception to the general policy and procedures set forth in § 826.9, personnel performing any duty whatever in connection with the Military Assistance Program may not accept the tender of, or physically assume the possession of, any gift from foreign governments or officials for duty of this nature. Participation in ceremonies involving any such tender is not authorized. To avoid embarrassment, the appropriate foreign officials should be advised of this prohibition. However, awards proffered in recognition of actual combat services or heroism involving the saving of life are excepted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)
[AFR 11–27A, July 16, 1964]

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64-10140; Filed, Oct. 6, 1964; 8:47 a.m.]

## PART 828—REWARDS FOR RECOVERY OF LOST AIR FORCE PROPERTY

A new Part 828 is added as follows:

Sec.
828.1 Purpose.
828.2 Who may offer rewards.
828.3 Eligibility for rewards.
828.4 When to pay rewards.

AUTHORITY: The provisions of this Part 828 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.
SOURCE: AFR 67–5, August 18, 1958.

**§ 828.1 Purpose.**

This part authorizes monetary rewards to individuals and organizations for the recovery of, or information leading to the recovery of, lost Air Force property. It does not apply to stolen property.

**§ 828.2 Who may offer rewards.**

All commanders are authorized to offer rewards for the recovery of, or information leading to the recovery of, lost Air Force property. In doing so they will study carefully each offer of a reward. They will not only consider the dollar value of the property but also the importance of the recovery of the item to the Air Force. The following table will govern the monetary amounts of rewards offered.

| Item | Standard amount | Maximum amount |
|---|---|---|
| Aircraft | $100 | $500 |
| Missiles | 100 | 500 |
| Communications and electronic equipment | 50 | 200 |
| Any airborne item lost in flight or from crashed aircraft not located by search and rescue | 25 | 100 |
| Flying clothing and equipment | 25 | 50 |
| Other items | 25 | 50 |

**§ 828.3 Eligibility for rewards.**

(a) Rewards will not be paid:

(1) To military or civilian personnel of the Armed Forces of the United States or any other officer or employee of the U.S. Government.

(2) To agencies of the U.S. Government.

(3) When payment would be inconsistent with local laws, prevailing customs or practices, governing treaties or international agreements.

(b) Rewards will not be offered when such offer would be inconsistent with local laws, prevailing customs or practices, governing treaties or international agreements.

**§ 828.4 When to pay rewards.**

Commanders are authorized to pay rewards in the following instances provided that there has been a prior publication of the offer:

(a) To a person or organization who, having knowledge of the fact that a reward is being offered for the return of particular Air Force property or for information leading to its recovery, submits such property or information.

(b) To a person or organization who, having knowledge of the fact that there is a general practice of offering rewards for the return of lost Air Force property or for the submission of information leading to its recovery, submits property or information covered by a publicized offer.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64-10141; Filed, Oct. 6, 1964; 8:47 a.m.]

## PART 830—PROFESSIONAL ENTERTAINMENT PROGRAM IN OVERSEAS AREAS

A new Part 830 is added as follows:

Sec.
830.1 Purpose.
830.2 Air Force oversea entertainment policy.
830.3 How the program operates.
830.4 Sources of entertainment and types of entertainment units.
830.5 Local entertainment.

AUTHORITY: The provisions of this Part 830 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.
SOURCE: AFR 34–38, October 22, 1959.

§ 830.1 Purpose.

This part establishes policies and procedures governing the Armed Forces Professional Entertainment Program overseas.

§ 830.2 Air Force oversea entertainment policy.

(a) Entertainment will be allocated on a priority basis to oversea commands with a high proportion of remote and isolated installations.

(b) Appropriate unified and specified commands will be recognized in all correspondence on professional entertainment.

(c) Entertainment units which exceed the maximum criteria for type, size and number indicated by the oversea commanders will not be furnished.

(d) Gratuitous entertainment units will not be accepted when the value of the attraction offered to the Armed Forces is obviously less than that accruing to the entertainer or entertainment unit.

(e) Certification of press representatives and publicity agents as entertainers is prohibited.

(f) Delays en route at no expense to the Government may be granted only for the convenience of the Department of Defense (limited engagements or bookings at United States military installations or for operational reasons), or for the Department of State on a reimbursable basis, or for personal travel or convenience, provided the delay is prearranged and does not disrupt or delay scheduled military air transportation or special mission aircraft.

(g) Commercial bookings on the local economy or employment in other commercial ventures are specifically prohibited.

§ 830.3 How the program operates.

(a) As directed by the Secretary of Defense, the Secretary of the Army is responsible for determining, coordinating, and administering the Armed Forces Professional Entertainment Program.

(b) Under the supervision of the Deputy Chief of Staff, Personnel, Department of the Army, a joint activity has been established in the Office of The Adjutant General to coordinate and administer the professional entertainment program. This activity will:

(1) Determine the extent and scope of the program annually in conjunction with representatives of the other military departments and the Office of the Assistant Secretary of Defense (MP&R).

(2) Provide all services relative to accepting, rejecting, processing for travel, and otherwise making units available for oversea commands. Strict compliance with this provision is necessary to avoid embarrassment to the Department of Defense.

(3) Arrange for transportation within the United States and for military air transportation from the aerial port of embarkation to the oversea command and return. No military transportation will be provided to or from overseas for troop entertainment except as authorized by this agency.

§ 830.4 Sources of entertainment and types of entertainment units.

The recognized primary agency for the supply of professional entertainment is USO through its paid service. When USO is unable to furnish the desired amount or quality of paid service entertainment, the Department of the Army may negotiate for such additional entertainers or units from other appropriate sources. Types of entertainment units are:

(a) USO paid service consisting of entertainers who receive a salary under contract with USO, and are supported by the Department of Defense with transportation to and from the oversea theater, and are given per diem allowance.

(b) Commercially sponsored units consisting of entertainers who receive salary from manufacturers of nationally known products and who are assembled into a unit and provided to the Department of Defense in return for limited advertising privileges. Such units are supported by the Department of Defense with transportation to and from the oversea theater and are given per diem allowances.

(c) Gratuitous units consisting of entertainers who serve without salary but are supported by the Department of Defense with transportation to and from the oversea theater and are given per diem allowances.

§ 830.5 Local entertainment.

This part does not preclude oversea commanders from accepting or scheduling locally available entertainment for presentation to personnel within their commands.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
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[F.R. Doc. 64-10142; Filed, Oct. 6, 1964; 8:47 a.m.]

## PART 831—AWARDS TO ENTERTAINERS AND SPONSORS OF ENTERTAINMENT UNITS

A new Part 831 is added as follows:

Sec.
831.1 Purpose.
831.2 Definitions.
831.3 Policy on giving awards.
831.4 Eligibility criteria.
831.5 Publicity and presentations of awards.

AUTHORITY: The provisions of this Part 831 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 34-56, January 20, 1960.

§ 831.1 Purpose.

This part establishes policies and procedures governing the award of Certificates of Esteem or Letters of Appreciation to entertainers and sponsors who have given gratuitous entertainment to United States Armed Forces personnel in oversea areas.

§ 831.2 Definitions.

(a) *Entertainer.* Any performer (professional or amateur), theatrical or nontheatrical, including sports exhibitionists, whose sole purpose is to amuse or entertain military personnel. The term includes both United States citizens and foreign nationals.

(b) *Gratuitous entertainment performance.* Any performance given by an entertainer for which no compensation is paid by the United States Government or by any agency designated by the Department of Defense to procure officially such entertainment for Department of Defense personnel. Travel and/or subsistence shall not be considered compensation.

(c) *Sponsor of entertainment units* (hereafter referred to as sponsor). Any organization, private or public, local, national, or international, which sponsors gratuitous entertainment performances for military personnel.

(d) *High-quality performance.* Entertainment which, in the opinion of the Assistant Secretary of Defense (MP&R), promotes a well rounded morale, welfare, and recreation program for Armed Forces personnel.

§ 831.3 Policy on giving awards.

(a) Letters of Appreciation and Certificates of Esteem are given in recognition of entertainment services which advance the morale, welfare, and recreational program of the Armed Forces. Indiscriminate recommendations will be avoided to preserve the value of these awards.

(b) (1) Awards normally will be made on a one-time basis. A sponsor or an entertainer who has received a Certificate of Esteem usually will not be awarded this certificate for subsequent contributions to Armed Forces entertainment. Similarly, an entertainer who has received a Letter of Appreciation will not receive a second award of this nature, or a Certificate of Esteem.

(2) Exception: Subsequent awards will be made only when the sponsor or entertainer again fills the requirements of § 831.4 and the Secretary of Defense or the Secretary of the Army (acting as executive agent) determines, based on recommendations of the major air commander concerned, that a most outstanding contribution has been made after receipt of the initial award.

(c) The Certificate of Esteem may be awarded posthumously to entertainers, and presented to the next of kin in the following order: Widow or widower; eldest son; eldest daughter; father; and mother.

§ 831.4 Eligibility criteria.

(a) A Letter of Appreciation may be awarded to entertainers who have:

(1) Received in advance official clearance to give performances (see Part 830); and

(2) Given a minimum of 20 gratuitous high-quality performances before United States Armed Forces personnel in oversea areas.

(b) A Certificate of Esteem may be awarded:



(1) To sponsors who have provided gratuitously (see Part 830 of this chapter) an entertainment unit that has given 20 or more high-quality performances before United States Armed Forces personnel in oversea areas.

(2) In exceptional cases, to an individual performer in lieu of a Letter of Appreciation when either the Secretary of the Army (acting as executive agent) or the major air commander concerned recommends such action because of an exceptionally meritorious contribution to entertainment of United States Armed Forces personnel in oversea areas.

(c) Exceptions:

(1) The requirement that a minimum of 20 performances must have been given to attain eligibility may be waived when either the Secretary of the Army (acting as executive agent) or the major air commander concerned so recommends on the basis of justifiable circumstances.

(2) Entertainers or sponsors shall not be eligible for these awards when the value of the entertainment to the audience is considered to be less than the value the entertainer or sponsor receives in terms of experience, publicity, or other benefit.

§ 831.5 Publicity and presentations of awards.

Normally, awards will not be announced publicly. However, releases may be issued through normal Air Force public information channels.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
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[F.R. Doc. 64-10143; Filed, Oct. 6, 1964; 8:47 a.m.]

## PART 832—EMPLOYMENT OF CIVIL AIR PATROL

A new Part 832 is added as follows:

Sec.
832.1 Purpose.
832.2 What the CAP is.
832.3 How CAP services are obtained and supported.
832.4 Use of the CAP.
832.5 What funds are used.
832.6 Training assistance authorized.

AUTHORITY: The provisions of this Part 832 issued under sec. 8012, 9441, 70A Stat. 488, 572; 10 U.S.C. 8012, 9441.

SOURCE: AFR 46-5, July 22, 1964.

§ 832.1 Purpose.

This part explains the Civil Air Patrol (CAP) services that the Air Force will use to fulfill its noncombatant mission in peace and during a military emergency.

§ 832.2 What the CAP is.

Title 10, U.S.C. 9441, establishes the CAP as a volunteer civilian auxiliary air organization trained and equipped to assist in national and local emergencies. Besides conducting a Nation-wide program of aerospace education, its senior members operate and maintain light aircraft, mobile land rescue teams, and a Nation-wide radio communications network. The Air Force is authorized to use these services in fulfilling its noncombatant mission.

§ 832.3 How CAP services are obtained and supported.

Since CAP participation in any mission is voluntary, it must be formally requested, rather than directed by competent Air Force authority. The Air Force will supply the CAP with fuel and lubricants when it requests CAP's participation in specific missions.

§ 832.4 Use of the CAP.

The CAP may be used by the Air Force in the following missions:

(a) *Air search and ground rescue.* CAP voluntarily supports the national search and rescue mission by conducting search and rescue operations. Air Rescue Service (MATS) through its Rescue Coordination Centers (RCC) and the Air Force commanders in Alaska, Puerto Rio, Hawaii, and the Commander CAP-USAF may request the voluntary assistance of the CAP and authorize, coordinate, supervise, and control CAP resources in assisting the Air Force in its air search and ground rescue activities.

(b) *Air Force Reserve Recovery units.* CAP resources may be used by the Air Force in the support of the U.S. Air Force Survival, Recovery and Reconstitution Plan (USAFSRR Plan). Each CONAC (Continental Air Command) Air Force Reserve Region is authorized through its Reserve Recovery unit commanders to consummate agreements with CAP wing and squadron commanders for the use of CAP resources within their geographic areas.

(c) *Domestic emergency and disaster relief.* CAP resources may be used to assist the Air Force in fulfilling its authorized emergency and disaster relief mission. In the CONUS (Continental United States), CONAC, through its Air Force Reserve Regions may request, authorize, and coordinate the use of CAP capabilities.

(d) *Civil Defense assistance.* To help the Air Force accomplish its responsibilities during a Civil Defense emergency, CAP will be employed under Civil Defense direction, consistent with its other missions as a civilian auxiliary of the Air Force. CAP civil defense training and emergency responsibilities and tasks include, but are not limited to:

(1) Aerial radiological monitoring,
(2) Courier and messenger service,
(3) Aerial surveillance of surface traffic,
(4) Light transport flights for emergency personnel and supplies,
(5) Reconnaissance flights, and
(6) Radio communications.

(e) *Support of Air Force installations.* The CONAC Air Force Reserve Region commanders, the Air Force commander in Alaska, Hawaii, and Puerto Rico, and the Commander, CAP-USAF, or his designated representative may request and authorize the participation of CAP units in Air Force missions in support of Air Force installations.

§ 832.5 What funds are used.

(a) Appropriated funds will be used only to furnish CAP members with or reimburse them for:

(1) Fuel and lubricants used in actually performing a mission,

(2) Communications expenses incurred in alerting or controlling CAP members participating in a mission.

(b) Appropriated funds will not be used for:

(1) Reimbursing CAP members for depreciation of privately owned equipment,

(2) Establishing indemnity provisions for damage to aircraft or vehicles, or for personal injury or death of CAP members as a result of participating in an Air Force mission,

(3) Establishing indemnity claims for aircraft, vehicles, equipment, facilities used by the CAP or its members and obtained from private owners by loan, lease, contract, or otherwise,

(4) Paying personal services of CAP members engaged in Air Force missions.

§ 832.6 Training assistance authorized.

Although the Air Force assumes no direct responsibility for the training of CAP members, commanders may furnish advice and provide available training literature.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
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[F.R. Doc. 64-10144; Filed, Oct. 6, 1964; 8:47 a.m.]

SUBCHAPTER D—CLAIMS AND LITIGATION

## PART 842—ADMINISTRATIVE CLAIMS

### Subpart P—Hospital Recovery Claims

Subpart P is revised to read as follows:

Sec.
842.116 Purpose.
842.117 General.
842.118 Implementing directives.
842.119 Definitions.
842.120 Assertable claims.
842.121 Nonassertable claims.
842.122 Responsibility for investigation.
842.123 Treatment in civilian and other Federal medical facilities where apparent third party liability exists.
842.124 Action on medical care report.
842.124a Notice to third party.
842.124b Determination of liability by base staff judge advocate after formal investigation.
842.124c Action on payment and settlement offers.
842.124d Waiver.
842.124e Settlement authority.
842.124f Reports of litigation and other legal actions.
842.124g Medical records.

AUTHORITY: The provisions of this Subpart P issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012 (except as otherwise noted) [AFM 112-IL, August 28, 1964]

§ 842.116 Purpose.

This subpart establishes procedures for the recovery from tortiously liable third parties of the cost of hospital and medical care and treatment furnished by the Air Force.

§ 842.117 General.

(a) The Act of September 25, 1962 (42 U.S.C. 2651–3), the Medical Care Recovery Act, provides that:

(1) Where the United States is authorized or required by law to furnish hospital, medical, surgical, or dental care and treatment, including prostheses and medical appliances, to a person who, after January 1, 1963, is injured or suffers a disease under circumstances creating a tort liability upon a third party to pay damages therefor, the United States shall have the right to recover from such third party the reasonable value of the care and treatment furnished or to be furnished; and, as to this right, shall be subrogated to any right or claim, based on the care and treatment, the injured or diseased person, his guardian, personal representative, estate, dependents, or survivors may have.

(2) The head of the department or agency of the United States furnishing the care and treatment may require the injured party to assign his claim or cause of action against the third party to the extent of the medical care furnished by the United States.

(3) To enforce its right, the United States may intervene or join in any action or proceeding against the third party brought by the injured party. If no such action has been started within 6 months after the first day that care and treatment began, the United States may institute action against the third party in a State or Federal court, alone or in conjunction with the injured party.

(4) The President may prescribe regulations to carry out the act and to determine the value of care and treatment. As prescribed by such regulations, the head of the department or agency of the United States concerned may compromise or settle and release any claim under the act, or waive it, in whole or in part, for the convenience of the Government or where collection would cause undue hardship to the injured party.

(5) No action taken by the United States under the act shall operate to deny to the injured party the recovery of damages not covered thereunder.

§ 842.118 Implementing directives.

(a) In Executive Order No. 11060, November 7, 1962 (27 F.R. 10925), the President directed:

(1) The Director of the Bureau of the Budget to establish rates for the reasonable value of the care and treatment;

(2) The Attorney General to prescribe regulations to carry out the purposes of the act.

(b) The rates established by the Director of the Bureau of the Budget are published at 29 F.R. 12482.

(c) The regulations issued by the Attorney General (28 CFR 43) provide:

(1) The head of the department or agency responsible for furnishing the care and treatment, or his designee, shall determine whether third party tort liability exists and, if so, shall assert a claim for the reasonable value of such care and treatment.

(2) Any other department or agency may be requested by the Department of Justice, or the department or agency responsible for furnishing the care and treatment, to investigate, determine, or assert a claim.

(3) At the discretion of the department concerned, any person furnished care and treatment, his guardian, personal representative, estate, dependents, or survivors, may be required to fulfill certain obligations set out in § 842.124 (b)(2), and pertinent medical records may be withheld pending compliance therewith.

(4) Except where the claim has been previously referred to the Department of Justice, or the third party has sued the United States or the injured party and the suit is based on the incident which gave rise to the United States claim, the department head asserting the claim, or his designee, may accept the full amount of any claim; compromise or settle and execute a release of any claim not over $2,500.00; or, waive and execute a release of any claim not over $2,500.00, in whole or in part, for the convenience of the Government or where collection would cause undue hardship to the injured party.

(5) Claims for over $2,500.00, those referred to the Department of Justice, and those where the third party has sued the United States or the injured party, may be acted on only after prior approval of the Department of Justice.

§ 842.119 Definitions.

(a) *Assertion of claim.* Service of SF 96, "Notice of Claim," on a third party or a demand on a third party for a sum certain determined to be the value of medical care.

(b) *Base staff judge advocate.* The staff judge advocate of the base, station, or fixed installation providing legal services to the Air Force medical facility which furnished the initial medical care to the injured party. When an Air Force facility did not furnish the initial medical care, the staff judge advocate of the base, station, or fixed installation nearest the facility which furnished the initial medical care.

(c) *Injured party.* The person or the guardian, personal representative, estate, dependents, or survivors of such person, who received medical care for injury suffered or disease contracted through the tortious act of a third party.

(d) *Third party.* An individual, partnership, association, corporation, or governmental body, foreign or domestic (other than an instrumentality of the United States or an employer of seamen treated under 42 U.S.C. 249), against whom the United States has a claim under this subpart.

§ 842.120 Assertable claims.

Assertable claims are those based upon injury or disease occuring after January 1, 1963, under circumstances creating a tort liability upon a third party to pay damages therefor, where medical care is or will be furnished by, or is the responsibility of, the Air Force; and, at least one of the following conditions exists:

(a) The total value of medical care furnished to all injured parties from a Federal source, as computed by reference to 29 F.R. 12482, from a non-Federal source, or from a combination of both such sources, is $100.00 or more.

(b) A third party, his insurer, or other representative offers payment and requests a release from the United States as a condition precedent to payment of other damages to the injured party.

(c) A property damage tort claim will be asserted under 31 U.S.C. 71.

§ 842.121 Nonassertable claims.

(a) Claims for medical care for a service-connected disability furnished to a veteran by the Veterans Administration under 38 U.S.C. 601–43. Where the injured party is an Air Force member, later discharged and transfered to a Veterans Administration facility, the claim will cover only the reasonable value of medical care up to the date of discharge.

(b) Claims against employers of seamen treated under 42 U.S.C. 249.

§ 842.122 Responsibility for investigation.

(a) The base staff judge advocate is responsible for the investigation.

(b) When medical care is furnished to one or more injured parties at different locations, arrange a single investigation, if practicable, by coordination between the base staff judge advocates concerned. The investigating office must assert all claims based on the incident with the full cooperation of the other offices involved.

(c) Incidents involving potential claims against commercial carriers under Military Air Transport Service (MATS) contracts will be investigated and claims based thereon will be asserted by the Staff Judge Advocate, MATS, except where the incident occurs in a geographical area where there is single service claims responsibility. In the latter event, investigation, processing, and assertion will be in accordance with single service procedures established for the area concerned. Base staff judge advocates will furnish the information required by §§ 842.123 (a) and (b) and 842.124(c) to the Staff Judge Advocate, MATS, or to the designated office under single service procedures.

§ 842.123 Treatment in civilian and other Federal medical facilities where apparent third party liability exists.

(a) *Member of the Air Force.* The immediate commander of a person on active duty or participating in Reserve training, treated at Air Force expense at a civilian facility, will make a report thereof to the commander of the Air Force medical facility nearest the place of civilian treatment.

(b) *Nonmilitary patients.* Where the Air Force is responsible for reimbursement for medical treatment of nonmilitary patients at civilian facilities, the commander of an Air Force medical facility receiving notification of such treatment is responsible for initiating a report and forwarding it to the nearest base staff judge advocate, as defined in § 842.119(b).

(c) *Dependents.* Statements of treatment at civilian facilities under the Dependents Medical Care Act (10 U.S.C. 1071–85), are forwarded to the Office for Dependents Medical Care, Office of the Surgeon General of the Army, and are then sent to the responsible department. For Air Force dependents the statements are transmitted to the base staff judge advocate, as defined in § 842.119(b).

§ 842.124 Action on medical care report.

Upon receipt of any report of medical treatment under conditions indicating possible third party liability, the base staff judge advocate will review the report for completeness and act immediately to obtain any missing information, if material. When the report is complete, he will:

(a) If it is clear that there is no third party liability, take no further action.

(b) If third party liability is apparent or may be present, promptly contact, in person or through correspondence, the injured party or, where appropriate, his guardian, personal representative, estate, dependents, or survivors, and advise in writing that:

(1) Under 42 U.S.C. 2651–3, the United States is entitled to recover from the third party responsible for the injuries or disease the reasonable value of medical care furnished or to be furnished by the United States.

(2) The injured party is required to:

(i) Furnish such information as may be requested concerning the circumstances giving rise to the injury or disease and concerning any action instituted or to be instituted by or against the third party.

(ii) Notify the base staff judge advocate of any settlement offer from the third party, his insurer, or other representative.

(iii) Cooperate in the prosecution of all claims and actions by the United States against the third party.

(3) The injured party should not execute a release or settle any claim concerning the injury and should not furnish the third party, the third party's insurance company, or any other representative of the third party, any information or signed statement, without first notifying the base staff judge advocate and his attorney.

(c) After giving the foregoing instructions, obtain from the injured party a complete written statement concerning the events leading to the injury or disease. When this informal inquiry clearly shows no liability, no further action need be taken. Otherwise, he should proceed as set forth in paragraphs (d) and (e) of this section.

(d) Where responsibility for investigation of the claim is that of another department or agency, forward all available information to that department or agency.

(e) Where the Air Force is the responsible department and has not been reimbursed for the medical care, make a complete investigation. Make a complete investigation report, including:

(1) The name, address, and occupation of each apparent third party.

(2) If a third party is a member of a uniformed service or an employee of the United States, a statement whether such person was on duty and, if so, whether he was acting within his official duty or the scope of his employment at the time of the incident and whether he was grossly negligent or guilty of willful misconduct.

(3) A report on the financial status and responsibility of the third party, including all income and obligations, the nature and extent of any insurance coverage, and the name and address of the insurer.

(4) In vehicle accident cases, where the third party is uninsured:

(i) A report on whether any injured party, owner, driver, or passenger had uninsured motorist insurance coverage and whether it was mandatorily offered by the insurer in accordance with a state requirement.

(ii) Whether action has been taken under the financial responsibility law of the situs.

(5) A statement as to whether there will be any permanent disability and the degree thereof.

(6) The originals or copies of all bills or statements of cost incurred where treatment is furnished by civilian facilities.

(7) In cases of damage to Government property, itemized repair bills or estimates of repair.

(8) Copies of all pertinent correspondence, including the SF 96 served on the third party and any response thereto from him, his insurer, or other representative.

(9) The name and address of the injured party's attorney, and whether a suit has been or will be instituted.

(10) A statement whether the United States claim will be included in the injured party's demand or suit.

(f) After the investigation is complete, make a written determination concerning liability and the amount of any liability and state his reasons for the determination.

§ 842.124a Notice to third party.

(a) At any time before, during, or after investigation, when sufficient facts are developed to support a reasonable belief that third party liability exists, the base Staff Judge Advocate will send a Notice of Claim to the third party. Mail or otherwise deliver the original and one copy to the third party.

§ 842.124b Determination of liability by base staff judge advocate after formal investigation.

(a) When the value of medical care is established, make a written demand for that amount upon the third party. Send copies to his insurer and attorney.

(b) Establish active liaison with the injured party and his attorney and the third party, his attorney, and insurer, making certain that:

(1) They all know of the independent statutory right of the United States to recover the reasonable value of the medical care involved, notice to the insurer not being a condition precedent to collection; the injured party and his attorney know of the former's obligations with respect to that right (§ 842.124(b));

and, they all know that the United States is, by law, also subrogated to any right the injured party has to recover for such care.

(2) Collection efforts of the injured party and the United States are coordinated.

(3) When all other methods of collection have been exhausted, the United States has an opportunity to join or intervene in any action or proceeding brought by or against the injured party, or persons acting in his behalf, for damages arising out of the incident which made the medical care necessary.

(c) Pursue the United States claim with diligence, at all times keeping in mind that, until a claim is referred to the Department of Justice, he is the attorney representing the interests of the United States.

(d) Request the injured party and his attorney to include in his demand and as an item of special damages in any suit initiated, the amount of the United States claim for medical care.

(1) Payment of counsel fees from the United States claim is prohibited (5 U.S.C. 314).

(2) The injured party and his attorney should be assured of the Government's full cooperation in providing official medical records and testimony at no expense to the injured party.

§ 842.124c Action on payment and settlement offers.

(a) The staff judge advocate to whom the offer is made will accept an offer of payment in full and execute a release on behalf of the United States.

(b) If the third party offers to discharge the claim in full by means of installment payments, the staff judge advocate will, at his discretion, agree to such installments as will permit full payment of the claim within a reasonable period of time. When the claim is paid in full, he will execute a release on behalf of the United States.

§ 842.124d Waiver.

Waiver of all or a part of the United States claim may be granted for the convenience of the Government or to avoid financial hardship to the injured party. A request for waiver based on hardship must emanate from the injured party, his attorney, or other representative. The request must show a specific settlement offer from the tort-feasor or his representative, the amount available to pay the claims of the injured party and the United States, and the actual, not imagined, hardship to the injured party which will result if the United States does not waive all or part of its claim.

§ 842.124e Settlement authority.

(a) The Secretary of the Air Force may accept the full amount of any hospital recovery claim or compromise or waive any such claim not in excess of $2,500.00.

(b) The authority granted in paragraph (a) of this section shall not be exercised in any case in which:

(1) The claim has been referred to the Department of Justice.

(2) A suit has been instituted against the United States or the injured party, and the suit arises out of the incident which gave rise to the hospital recovery claim.

(3) A compromise offer is made in a claim involving both Government property damage under 31 U.S.C. 71 and medical care under this subpart.

(4) A counterclaim growing out of the incident which gave rise to the medical care claim has been presented.

**§ 842.124f Reports of litigation and other legal actions.**

(a) The initiation of a suit or any other legal action by or on behalf of the injured party, based upon an incident involving medical care, will be reported immediately to Hq USAF (AFJALD). The report must show whether the United States claim will be protected without United States intervention (§ 842.124b(d)).

(b) Suits and actions based on medical care, which are filed against the injured party or the United States, will be reported to Hq USAF (AFJALF), as required by §§ 844.1 to 844.5.

**§ 842.124g Medical records.**

Notwithstanding any provision of §§ 840.1 to 840.14 and AFM 160–20 (Administration of Medical Treatment Activities), records of medical history, diagnosis, treatment, and prognosis may be withheld from the injured party or other party claiming through him, pending compliance with the requirements of § 842.124 (b) (2) and (3) and (c), as applicable. After such compliance, the records may be released, but only in accordance with AFM 160–20. Whether or not there will be a fee charged for such records is specified in Subchapter P, Part 288, Chapter 1 of this title.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64–10145; Filed, Oct. 6, 1964; 8:47 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 8—NATIONAL SERVICE LIFE INSURANCE

TOTAL DISABILITY INCOME PROVISION

1. A new § 8.95b is added to read as follows:

**§ 8.95b Withdrawal of the right to issue the total disability income provision (§ 8.99) authorized by Public Law 85–678 and section 715 of Title 38, United States Code, in effect before January 1, 1965.**

Public Law 88–355, effective January 1, 1965, amends section 715 of Title 38, United States Code, and terminated, as of December 31, 1964, the authority for issuing the total disability income provision incorporated in § 8.99, except for the right to reinstate such provision in accordance with Veterans Administration regulations. The total disability income provision (§ 8.99) which has been issued and made a part of National Service life insurance policies will remain in effect in accordance with the provisions of § 8.99 unless surrendered pursuant to § 8.96(a).

2. In § 8.96, paragraph (a) is amended to read as follows:

**§ 8.96 Application for total disability income provision and application for reinstatement thereof.**

(a) Application for the total disability income provision authorized by section 715 of Title 38, United States Code, as amended by Public Law 88–355, effective January 1, 1965, must be made prior to the insured's fifty-fifth birthday except that prior to January 1, 1966, application may be made by the insured prior to his sixtieth birthday. The application and evidence of good health should be on such forms as may be prescribed by the Veterans Administration, but any statement in writing sufficient to identify the applicant and the amount of insurance applied for, together with evidence of good health satisfactory to the Administrator and a remittance to cover the first monthly premium will be sufficient as an application for the total disability income provision. Total disability insurance with benefits at the rate of $10 per month will be granted for each $1,000 of National Service Life Insurance in force in full multiples of $500, but not to exceed the amount of life insurance, other than extended insurance, in force under the policy at the time of the application, upon compliance with the requirements of this subparagraph. However, the total disability income provision authorized by 38 U.S.C. 715, as amended by Public Law 88–355, effective January 1, 1965, shall not be added to a National Service life insurance policy containing the total disability income provision issued under section 602(v) of the National Service Life Insurance Act, as amended, or the provisions of 38 U.S.C. 715, in effect before January 1, 1965, except (1) upon complete surrender of such total disability income provision with all claims thereunder (except as to rights which have matured for a period prior to the surrender); (2) written application signed by the applicant; (3) proof that the applicant is in good health, if required, satisfactory to the Administrator; and (4) payment of the premium determined by the Administrator to be required in such cases or submission of a signed agreement to pay the required premium or premiums when billed. No total disability income provision shall be included in insurance granted under the provisions of section 620 of the National Service Life Insurance Act, as amended, or section 722(a) of Title 38, United States Code.

* * * * *

3. In § 8.97, the headnote and paragraph (c) are amended to read as follows:

**§ 8.97 Effective date of the total disability income provision authorized by section 715 of Title 38, United States Code as amended by Public Law 88–355.**

The total disability income provision will be made effective as follows:

* * * * *

(c) No protection shall be granted on the total disability income provision issued under 38 U.S.C. 715, as amended by Public Law 88–355 unless the total disability commenced on or after January 1, 1965, and subsequent to the date of application for such provision or the effective date thereof, whichever is later.

4. A new § 8.99a is added and the former § 8.99a is revised and redesignated § 8.99b so that the new and revised sections read as follows:

**§ 8.99a Total disability income provision for National Service life insurance authorized by section 715 of Title 38, United States Code, as amended by Public Law 88–355, effective January 1, 1965.**

The total disability income provision for National Service life insurance authorized by 38 U.S.C. 715, as amended by Public Law 88–355, effective January 1, 1965, is as follows:

NATIONAL SERVICE LIFE INSURANCE

TOTAL DISABILITY INCOME PROVISION

Attached to and made a part of Policy No. ------ on the life of ----------

Premiums

Monthly ----------
Quarterly ----------
Semiannual ----------
Annual ----------

If the insured becomes totally disabled before his 65th birthday and remains so disabled for at least 6 consecutive months, there will be paid to the insured, for as long as the total disability continues, a monthly income of $10 for each $1,000 of face amount of this policy, and the payment of the premiums for this provision (as well as for this policy) will be waived, subject to the following clauses (A) to (L):

(A) Total disability is defined as any one of the following:

(1) Any impairment of mind or body which continuously renders it impossible for the insured to follow any substantially gainful occupation;

(2) The permanent loss of the use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye;

(3) The total loss of hearing of both ears; or

(4) The organic loss of speech.

(B) Total disability must be continuous and must exist for at least 6 consecutive months. It must have started:

(1) Before the insured's 65th birthday;

(2) After the date of application for this provision or the effective date hereof; whichever is later, and

(3) While this provision is in effect.

(C) The insured must file written application for total disability income benefits and must file the required proof that clauses (A) and (B) above have been fulfilled. The required proof must be filed while this provision is in force or within 1 year after this provision has ceased to be in effect. In the event the insured dies without filing application and the Administrator finds that the insured's failure to file such application was due to circumstances beyond the insured's control, the application and required proof may be filed by the beneficiary within 1 year after the date of death of the insured. In such cases, except for total disability which is due to one of the specific causes listed in (A)(2), (A)(3), and (A)(4) above, the monthly income payments may relate back to a date not exceeding 6 months prior to the date of death of the insured.

(D) The disability income payments will be paid from the first day of the seventh consecutive month of continuous total disability, except that if the total disability is not due to one of the specific causes listed in (A) (2), (A)(3), and (A)(4) above, the disability income payments will not relate back to a date more than 6 months prior to receipt at the Veterans Administration of the required proof, except as provided above in clause (C). Any disability income payments due the insured and not paid during his lifetime will be paid to the person entitled to the proceeds of this policy.

(E) Waiver of the payment of premiums for this provision (as well as for this policy) will be made effective with the first monthly premium due after the start of the continuous total disability, except that premiums due more than 1 year prior to receipt of claim will be waived only if the Administrator finds that the insured's failure to submit timely claim or satisfactory evidence of continuance of total disability was due to circumstances beyond the insured's control. Waiver of premiums will continue for as long as the total disability continues. Premiums paid to cover a period during which waiver of premiums is effective will be refunded without interest to the insured if living, otherwise to the person entitled to the proceeds of this policy.

(F) Notwithstanding the fact that proof of total disability may have been accepted as satisfactory, the Administrator may at any time require proof of continuance of total disability. If the insured fails to furnish evidence satisfactory to the Administrator of the continuance of such total disability, or if it appears to the Administrator that the insured is not totally disabled, no further total disability income payments will accrue and no further waiver of the payment of premiums will be granted. Thereafter, premiums on this policy (including this provision) will become due and payable as provided in the policy and in this provision.

(G) This provision will cease to be in effect on the insured's 65th birthday, or if this policy or this provision lapses, or if this policy is surrendered for its net cash value, or for extended term insurance, or is surrendered for paid-up life insurance of less than $1,000, or if the policy matures as an endowment, or expires as term insurance.

(H) If this policy is surrendered for paid-up life insurance of not less than $1,000 face amount, this provision may be continued by the payment of the required premiums as they become due. In that event the face amount of this policy, for the purposes of this provision only, will be the largest multiple of $500 which does not exceed the amount of the paid-up life insurance.

(I) If this provision has lapsed, it may be reinstated provided the following requirements are met:

(1) A written application signed by the insured, and evidence of health satisfactory to the Administrator must be furnished.

(2) The required premiums and interest must be paid.

(J) If there is a change of plan under this policy which results in a larger premium for this provision, then in order to continue this provision there must also be paid (1) the differences between the premiums already paid for this provision and those that would have been paid for this provision had this policy been in force on the new plan when this provision originally became effective, and (2) interest on such differences at the rate of 2½ percent a year compounded annually on insurance issued under section 723(b) of Title 38, United States Code, and on other National Service life insurance at the rate of 3 percent a year compounded annually. To this extent the provision entitled "Change of Plan" is modified.

(K) The benefits provided for in this provision will be in addition to all other benefits and privileges under this policy. If the policy to which this provision is attached is a participating policy, it may be separately classified for the purpose of dividend distribution from otherwise similar policies not containing such benefit. Disability income payments made under this provision will not reduce the face amount of this policy.

(L) This provision is granted in consideration of the application, evidence of good health, and payment of the monthly premium shown above (in addition to the monthly premium stated on the face of this policy), and, except as otherwise provided herein, the payment thereafter of the same amount on each succeeding monthly premium due date of this policy to the insured's 65th birthday, or until the end of the premium-paying period of this policy, if earlier. If any premium for this provision is not paid before the end of the 31-day grace period, this provision will lapse as of the due date of that premium. Premiums for this provision may also be paid quarterly, semiannually, or annually, in advance, but, except as otherwise provided herein, must be paid in the same manner as the premiums for this policy. If the policy to which this provision is attached is a twenty or thirty payment life policy which is fully paid-up or will be fully paid-up before the insured's 65th birthday and if the insured elected to pay premiums on this provision to his 65th birthday, then the premium payment conditions of this provision and of this policy are modified accordingly. If this provision is attached to a term policy the premium for this provision is subject to increase at each renewal of the term policy.

This provision takes effect on this -------- day of ---------- 19 -----.

/s/
Administrator of Veterans Affairs

**§ 8.99b Premium rates for the total disability income provision authorized by section 715 of Title 38, United States Code, as amended by Public Law 88–355.**

The premium rates for the total disability income provision authorized by section 715 of Title 38, United States Code, as amended by Public Law 88–355, are published in VA Pamphlets 29–13 and 29–13A.

(72 Stat. 1114, 1148, 1164, as amended; 38 U.S.C. 210, 701–724, 781–788)

These VA Regulations are effective January 1, 1965.

Approved: October 1, 1964.

By the direction of the Administrator.

[SEAL] W. J. DRIVER,
*Deputy Administrator.*

[F.R. Doc. 64–10170; Filed, Oct. 6, 1964; 8:49 a.m.]

# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

## PART 22—SECOND CLASS

### Applications for Publications

Regulations contained in § 22.3(c)(3) of Title 39, Code of Federal Regulations, as amended by 29 F.R. 563, which relate to applications for additional entry of second-class publications, are hereby amended for the purpose of clarification and to codify standards and procedures which are in effect.

These amended regulations will be effective for ninety days from date of publication in the FEDERAL REGISTER.[1]

As so amended § 22.3(c)(3) of Title 39, CFR reads as follows:

**§ 22.3 Application for second-class privileges.**

* * * * *

(c) *Applications for publications that have second-class privileges.* * * *

(3) If a publisher desires to mail copies at another office in addition to the one where he has second-class mail privileges, he may file a written application stating where the publication is printed, the approximate number and weight of copies to be mailed at the additional office, and the specific geographical area to be served. A form is not provided for this kind of application. The application must be filed at the office where the publication has been granted original second-class mail privileges. If the additional entry is authorized, all copies for delivery at the original office must be mailed there, and the geographical area served by the additional entry office must include the entire area of the additional entry office. The delivery arrangements provided by subparagraph (4) of this paragraph are for use by publishers who desire to mail copies at post offices located near the office of original entry. An additional entry will not be authorized at a nearby post office unless the publication is printed at such office nor at post offices which are not situated so as to handle the mailings efficiently from the transportation viewpoint.

NOTE: The corresponding Postal Manual section to be amended is 132.33c.

* * * * *

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4351–4370)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 64–10160; Filed, Oct. 6, 1964; 8:52 a.m.]

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 9—Atomic Energy Commission

## PART 9–1—GENERAL

### Subpart 9–1.6—Debarred, Suspended and Ineligible Bidders

The following subpart is added:

Sec.
9–1.600 Scope of subpart.
9–1.602 Establishment and maintenance of a list of concerns or individuals debarred, suspended or declared ineligible.

[1] For notice of opportunity to present written views concerning the procedures in § 22.3 (c)(3), see F.R. Doc. 64–10161, in Proposed Rule Making section, infra.

Sec.
9–1.602–1 Bases for entry on debarred, suspended or ineligible list.
9–1.603 Treatment to be accorded firms or individuals in debarred, suspended or ineligible status.
9–1.606 Agency procedure.
9–1.606–1 AEC procedural requirements.
9–1.606–50 Reporting procedures.
9–1.606–51 Collection of information and investigation.
9–1.606–52 Initiation of action.
9–1.606–53 Notice of proposed debarment.
9–1.606–54 Hearings.
9–1.606–55 Final debarment determination after hearing.
9–1.606–56 Request for reconsideration of final debarment after hearing.
9–1.606–57 Final debarment determination after the forfeiture of the right to be heard.
9–1.606–58 Notice of final debarment determination.

AUTHORITY: The provisions of this Subpart 9–1.6 issued under sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

### § 9–1.600 Scope of subpart.

This subpart implements and supplements the policies and procedures set forth in FPR Subpart 1–1.6 relating to the debarment, suspension or ineligibility of bidders for any cause.

### § 9–1.602 Establishment and maintenance of a list of concerns or individuals debarred, suspended or declared ineligible.

The Director, Division of Contracts, shall establish and maintain a list of firms or individuals debarred or ineligible for contracts with the AEC and with AEC cost-type prime contractors pursuant to § 1–1.602. This list shall be designated as the List of Disqualified Bidders and Ineligible Contractors, and its use by all AEC procuring activities is mandatory. The Director, Division of Contracts, shall periodically publish this list and distribute it to AEC contracting officers.

### § 9–1.602–1 Bases for entry on debarred, suspended or ineligible list.

The Director, Division of Contracts, shall place all firms and individuals within the categories specified in §§ 1–1.602–1 and 1–1.604 on the List of Disqualified Bidders and Ineligible Contractors as soon as determination is made of debarment or ineligibility. AEC debarments under § 1–1.604 are subject to the procedural requirements in § 9–1.606.

### § 9–1.603 Treatment to be accorded firms or individuals in debarred, suspended or ineligible status.

The Director, Division of Contracts, may determine, pursuant to § 1–1.603(a), that an exception is essential to the public interest for a specific procurement action only. Such action shall be documented to reflect the determination and the justification therefor.

### § 9–1.606 Agency procedure.

### § 9–1.606–1 AEC procedural requirements.

This section establishes AEC internal procedures for giving effect to Subpart 1–1.6 as required by § 1–1.606.

### § 9–1.606–50 Reporting procedures.

All Headquarters Divisions, Offices, Managers of Field Offices, and contracting officers are responsible for reporting any evidence of offenses or irregularities which may be grounds for debarment or suspension. The report shall be made to the Director, Division of Contracts. The report shall contain a full statement of facts, and shall be supported by appropriate exhibits. If all necessary information is not readily available, a preliminary report shall be forwarded to be followed as soon as practicable by a completely documented report.

### § 9–1.606–51 Collection of information and investigation.

(a) The Director, Division of Contracts, shall collect and evaluate information to determine whether an alleged offense or irregularity warrants the initiation of a debarment proceeding.

(b) The Director, Division of Contracts, may request assistance from the Division of Inspection whenever an investigation may be required. The Division of Inspection will make a thorough investigation of the circumstances as expeditiously as possible, and will report the results to the Director, Division of Contracts.

### § 9–1.606–52 Initiation of action.

The Director, Division of Contracts, with the concurrence of the Office of the General Counsel, and after consultation with the Division of Inspection, and such offices as he deems appropriate, shall determine whether causes and conditions exist to initiate a debarment action or to issue a notice of suspension.

### § 9–1.606–53 Notice of proposed debarment.

(a) The Director, Division of Contracts, shall initiate a debarment proceeding by sending a notice of proposed debarment by registered mail (return receipt requested) to the firm or individual proposed for debarment.

(b) A notice of proposed debarment will:

(1) Concisely state the facts on which the proposed debarment is predicated;

(2) Specify the period of the proposed debarment;

(3) Inform the firm or individual of the action which the AEC may take in the event a low bid or proposal is received from the firm or individual before the proposed debarment is finally determined;

(4) Inform the firm or individual of its right, within twenty (20) days of the date of the notice of the proposed debarment, or such other time as may be specified in the notice, to request a hearing;

(5) Provide that the firm or individual may submit a written reply to the notice of proposed debarment within twenty (20) days of its date, or such other time as may be specified in the notice. The reply shall set forth the facts on which the firm or individual relies and request a hearing, if one is desired.

(6) Inform the firm or individual that if no reply or request for hearing is received within twenty (20) days from the date of the notice of proposed debarment or such other time as may be specified in the notice, that the debarment will become effective on a date specified in the notice.

### § 9–1.606–54 Hearings.

Hearings shall be conducted before an AEC Board of Review appointed by the General Manager. The Chairman, Board of Review, will designate the time and place for the hearing. The hearing will be informal and the Chairman, Board of Review, will adopt procedures for the hearing which in his judgment will best serve the purpose of the hearing.

### § 9–1.606–55 Final debarment determination after hearing.

(a) If a proposed debarment is sustained by the AEC Board of Review after a hearing, the Chairman of the Board of Review shall notify, in writing, the firm or individual of the decision confirming the proposed debarment, the effective date, and the period of the debarment. The period of the debarment shall be no greater than that specified in the notice of proposed debarment.

(b) If a proposed debarment is not sustained by the AEC Board of Review, the Chairman of the Board of Review shall promptly notify the firm or individual.

### § 9–1.606–56 Request for reconsideration of final debarment after hearing.

(a) A firm or individual debarred in accordance with the procedure in this section may, within ten (10) days after the date of the decision confirming the proposed debarment, request the General Manager to reconsider the debarment.

(b) The General Manager may reconsider the debarment if the request for reconsideration demonstrates that:

(1) Substantial new evidence has been discovered and there is good cause why this evidence was not available in the original debarment proceeding; or

(2) A corporate reorganization has been completed whereby control of the corporation has passed to officials not involved in the actions resulting in the debarment; or

(3) There are other reasons as, in the opinion of the General Manager, are just.

(c) A request for reconsideration shall not stay the debarment determination unless the General Manager orders otherwise.

(d) No request for reconsideration may be submitted with respect to a debarment determination which has become effective because of the failure of a firm or individual to request a hearing.

### § 9–1.606–57 Final debarment determination after the forfeiture of the right to be heard.

(a) If the Director, Division of Contracts, on the basis of an analysis of all information submitted for his review determines that the proposed debarment is not warranted, he shall notify, in writing, the firm or individual concerned within forty (40) days after the notice of proposed debarment.

(b) If the Director, Division of Contracts, on the basis of an analysis of all information submitted for his review, determines that the proposed debarment is warranted, he shall transmit his recommendation for debarment, and all information on which such recommendation is based, to the General Manager. The General Manager shall determine in writing whether to debar. If the General Manager determines to debar, the Director, Division of Contracts, shall notify, in writing, the firm or individual within forty (40) days after the notice of proposed debarment. The General Manager's determination shall accompany the notice confirming the proposed debarment. The notice confirming the proposed debarment shall state the effective date and the period of the debarment. The period of the debarment shall be no greater than that specified in the notice of proposed debarment.

### § 9–1.606–58 Notice of final debarment determination.

(a) The Director, Division of Contracts, shall promptly notify all Headquarters Divisions, Offices, and Managers of Field Offices of all debarment actions taken pursuant to this subpart.

(b) The Director, Division of Contracts, shall notify the General Services Administration of the names of all firms or individuals placed on or removed from the List of Disqualified Bidders and Ineligible Contractors.

*Effective date:* These regulations shall become effective 45 days following the date of publication in the FEDERAL REGISTER but may be observed earlier.

Dated at Germantown, Md., this 29th day of September 1964.

For the U.S. Atomic Energy Commission.

E. J. BLOCH,
*Assistant General Manager for Operations.*

[F.R. Doc. 64–10176; Filed, Oct. 6, 1964; 8:49 a.m.]

## PART 9–6—FOREIGN PURCHASES

### Subpart 9–6.1—Buy American Act—Supply Service Contracts

### Subpart 9–6.2—Buy American Act—Construction Contracts

Subparts 9–6.1 and 9–6.2 are added to read as follows:

Sec.
9–6.100 Scope.
9–6.103 Nonavailability in the United States.
9–6.103–2 Exceptions.
9–6.104–4 Evaluation of bids and proposals.
9–6.150 Duties and customs.
9–6.151 AEC list of supplies excepted from Buy American Act (supplies to be procured for public use).

AUTHORITY: The provisions of this Subpart 9–6.1 issued under sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.



### Subpart 9–6.1—Buy American Act—Supply Service Contracts

### § 9–6.100 Scope.

This subpart implements Federal Procurement Regulation 1–6.1 and is applicable to AEC and its cost-type contractors.

### § 9–6.103 Nonavailability in the United States.

Contracting officers may make the determinations required by FPR 1–6.103–1 and 1–6.103–2 provided such determination is factually supported in writing.

### § 9–6.103–2 Exceptions.

Except as provided in § 9–6.104–4(a), the General Manager shall make the determination required by FPR 1–6.103–3.

### § 9–6.104–4 Evaluation of bids and proposals.

(a) If an award for more than $100,000 would be made to a domestic concern if the 12-percent factor is applied, but would not be made if the 6-percent factor is applied, Managers of Field Offices without power of redelegation may make the determination as to whether the award to the small business concern or labor surplus area concern would involve unreasonable cost or inconsistency with the public interest (see § 1–6.103–3).

(b) Managers of Field Offices shall submit proposed awards (in triplicate) to the Division of Contracts where:

(1) Rejection of an acceptable low foreign bid is considered necessary to protect essential national security interests such as maintenance of a mobilization base; and

(2) Rejection of any bid or proposal for other reasons of the national interest when it is considered necessary.

### § 9–6.150 Duties and customs.

Whenever any procurement office purchases supplies with respect to which there might arise a claim to a refund or drawback of customs duties paid thereon (to the extent such drawback is authorized pursuant to the Tariff Act of 1930, 19 U.S. Code, Chapter 4), the price paid shall ordinarily include the customs duties, and accordingly the supplier will have no claim to a drawback. On the other hand, when the price to be paid for any such purpose does not include the customs duties, then the supplier will have the right to claim any drawback with respect thereto provided (a) he has reserved such right in connection with such sale or consignment, and (b) he produces evidence that such reservation was made with the knowledge and consent of the exporter.

### § 9–6.151 AEC list of supplies excepted from Buy American Act (supplies to be procured for public use).

Antimony.
Asbestos.
Bauxite.
Bismuth.
Books, trade, text, technical, or scientific; newspapers, magazines; periodicals; printed briefs and films; not printed in the United States, and for which domestic editions are not available.
Cadmium.
Calcium cyanamide.
Castor oil.
Chrome ore or chromite.
Cobalt (ore and metals).
Cork.
Cryolite, natural.
Diamonds, industrial and abrasive.
Graphite, natural.
Iodine.
Jute and Jute burlaps.
Logs, veneer, and lumber from balsa, greenheart, lignum vitae, mahogany and teak.
Mica.
Nickel.
Crude petroleum, petroleum fuels and petroleum lubricants.
Platinum and related group metals.
Radium salts, source and special nuclear materials.
Rubber, crude and latex.
Rutile.
Spare parts for equipment of foreign manufacture, and for which domestic parts are not available.
Shellac.
Sperm oil.
Tin.

Suggestions for changes in and additions to the above lists, with appropriate justifications, shall be submitted to the Division of Contracts.

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Sec.
9–6.202 Scope.
9–6.202–1 General.
9–6.206 Violations of Buy American Act provisions in construction contracts.
9–6.251 Excepted supplies to be used in the construction, alteration or repair of any public work.

AUTHORITY: The provisions of this subpart 9–6.2 issued under sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

### § 9–6.202 Scope.

This subpart implements the Federal Procurement Regulations 1–6.2 and is applicable to AEC and its cost-type contractors.

### § 9–6.202–1 General.

(a) Contracting officers may make the determination required by FPR 1–6.202–1(b).

(b) The General Manager shall make the determination required by FPR 1–6.202–1 (a) and (b).

### § 9–6.206 Violations of Buy American Act provisions in construction contracts.

Contracting officers are required to make a complete written report (in triplicate) to the General Manager, through Director, Division of Contracts, of each violation of the Buy American Act provisions in contracts for construction. The General Manager, upon finding that there has been a failure to comply with the Buy American Act provision in the performance of a construction contract, shall make public his determinations (including therein the name of the contractor obligated under the contract). Thereafter, no other contract for the construction, alteration, or repair of any public building or public work in the United States or elsewhere shall be

awarded to such contractor, or to subcontractors, material men, or suppliers with which such contractor is associated or affiliated, within a period of three years after such finding is made public. The debarment procedures, in FPR Subpart 1–1.6 and AECPR Subpart 9–1.6 shall be followed.

**§ 9–6.251 Excepted supplies to be used in the construction, alteration or repair of any public work.**

The following list shall be noted in the specifications:

Antimony.
Asbestos.
Bauxite.
Chrome ore or chromite.
Cobalt.
Cork.
Graphite.
Jute and jute burlaps.
Logs, veneer, and lumber from balsa, greenheart, lignum vitae, mahogany and teak.
Mica.
Nickel.
Rubber, crude and latex.
Shellac.
Tin.

*Effective date:* These regulations shall become effective 45 days following the date of publication in the FEDERAL REGISTER but may be observed earlier.

Dated at Germantown, Md., this 29th day of September 1964.

For the U.S. Atomic Energy Commission.

E. J. BLOCH,
*Assistant General Manager for Operations.*

[F.R. Doc. 64–10177; Filed, Oct. 6, 1964; 8:50 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3453]

[Montana 064890]

### MONTANA

### Partly Revoking Departmental Order of February 28, 1907

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Departmental Order of February 28, 1907, so far as it withdrew the following described national forest land in the Bitterroot National Forest, Mont., for use of the Forest Service, Department of Agriculture, as a ranger station, is hereby revoked:

MONTANA PRINCIPAL MERIDIAN

CAMP CREEK RANGER STATION

T. 1 N., R. 19 W.,
Sec. 22 SW¼NW¼SW¼NW¼ and W½ SW¼SW¼NW¼

The areas described aggregate 7.5 acres.

2. At 10:00 a.m. on November 6, 1964, the land shall become subject to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

SEPTEMBER 30, 1964.

[F.R. Doc. 64–10146; Filed, Oct. 6, 1964; 8:47 a.m.]

[Public Land Order 3454]

[Idaho 013544]

[Idaho 014143]

### IDAHO

### Withdrawing Lands for Federal Aviation Agency Facility; Partly Revoking Departmental Orders of November 17, 1902, and March 18, 1908

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416) and section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws, and reserved for the maintenance of a Federal Aviation Agency air navigation facility:

BOISE MERIDIAN

T. 10 S., R. 22 E.,
Sec. 3, Tract M.

Containing 4.45 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws. However, leases, licenses or permits will be issued only if the Federal Aviation Agency finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the land.

3. The Departmental Orders of November 17, 1902, and March 18, 1908, which withdrew lands for reclamation purposes, are hereby revoked so far as they affect the land described in this order.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

SEPTEMBER 30, 1964.

[F.R. Doc. 64–10147; Filed, Oct. 6, 1964; 8:47 a.m.]

[Public Land Order 3455]

[Sacramento 056152]

### CALIFORNIA

### Withdrawing Lands for Federal Aviation Agency Facilities

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws, and reserved for the maintenance of a Federal Aviation Agency air navigation facility:

MOUNT DIABLO MERIDIAN

T. 32 S., R. 20 E.,
Sec. 31, Northeast 10 acres of lot 6, North 20 acres of lot 7, SE¼SW¼NE¼, SE¼ NE¼, E½NW¼SE¼ and NE¼SE¼.

The areas described aggregate approximately 140 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws. However, leases, licenses or permits will be issued only if the Federal Aviation Agency finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the lands.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

SEPTEMBER 30, 1964.

[F.R. Doc. 64–10148; Filed, Oct. 6, 1964; 8:47 a.m.]

[Public Land Order 3456]

[Nevada 051786]

### NEVADA

### Withdrawing Lands for Federal Aviation Agency Facilities

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws, and reserved for the maintenance of a Federal Aviation Agency air navigation facility:

MOUNT DIABLO MERIDIAN

T. 41 N., R. 35 E.,
Sec. 22, SE¼SW¼SW¼ and SE¼SE¼ SW¼;
Sec. 27, W½W½NW¼NE¼, E½NE¼NW¼, E½NW¼NW¼; E½W½NW¼NW¼, NE¼SW¼NW¼ and N½SE¼NW¼.

The areas described aggregate approximately 110 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws. However, leases, licenses or permits will be issued only if the Federal Aviation Agency finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the lands.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

SEPTEMBER 30, 1964.

[F.R. Doc. 64–10149; Filed, Oct. 6, 1964; 8:47 a.m.]



[Public Land Order 3457]

[Riverside 04221]

### CALIFORNIA

### Withdrawing Public Lands for Use of Department of the Navy in Connection With West Coast Microwave Space Relay System

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved for use of the Department of the Navy for a Microwave Space Relay Station:

SAN BERNARDINO BASE AND MERIDIAN

T. 17 S., R. 5 E.,
Sec. 23, lot 2, E½SW¼ and SE¼;
Sec. 24, lots 20, 22 and SW¼SW¼;
Sec. 25, W½;
Sec. 26, lots 1, 2, NE¼, E½NW¼, NE¼ SW¼, N½SE¼ and SE¼SE¼.

The areas described aggregate 1,078.81 acres.

The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining and mineral leasing laws.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

SEPTEMBER 30, 1964.

[F.R. Doc. 64–10150; Filed, Oct. 6, 1964; 8:48 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[FCC 64–894]

### PART 0—COMMISSION ORGANIZATION

### PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

### Miscellaneous Amendments

In the matter of amendment of Part 83 of the Commission's rules relative to licensing certain radiotelegraph transmitters which now require waiver of the rules under delegated authority and to delete the delegated authority pertaining thereto under Part 0.

*Order.* At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 30th day of September 1964;

It appearing, that § 83.136(d)(3) of the Commission's rules provides that a radiotelegraph transmitter operating on any frequency below 30 Mc/s need not meet the spurious emission limitations of that section if the transmitter was licensed by the Commission prior to January 1, 1959, for use on board the same vessel for which an application is filed; and

It further appearing, that certain radiotelegraph transmitters failed to qualify for the "same vessel" exception in § 83.136(d)(3) solely because the transmitters were formerly used in a station on board a U.S. Government or foreign vessel, and, therefore, had never been licensed by the Commission; and

It further appearing, that § 0.331(b)(13)(i) of the Commission's rules of delegates authority to the Chief of Safety and Special Radio Services Bureau to grant four-year waivers and renewals thereof from the spurious emission limitations of § 83.136 for any radiotelegraph transmitter that fails to qualify for the "same vessel" exception only because the transmitter was used in a station on board a U.S. Government or foreign vessel; and

It further appearing, that it is now desirable to delete the delegation of authority contained in § 0.331(b)(13)(i) and to amend § 83.136(d)(3) to provide for the licensing of such transmitters; and

It further appearing, that the amendments herein ordered will result in a more efficient administration of the Commission's functions; and

It further appearing, that the amendments herein ordered are nonsubstantive in that they relate to organizational and procedural matters, and, hence, the Public Notice and effective date provisions of section 4 of the Administrative Procedure Act are not applicable; and

It further appearing, that the authority for the amendments herein ordered is contained in sections 4(i) and 5(d)(1) of the Communications Act of 1934, as amended.

*It is ordered,* Effective October 12, 1964, that Parts 0 and 83 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154)

Released: October 1, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

A. Part 0, Commission Organization, is amended as follows:

1. Section 0.331, paragraph (b)(13) is amended to read:

**§ 0.331 Authority delegated.**

* * * * * * *

(b) * * *

(13) To grant, in the absence of unusual circumstances, a six month waiver of the type acceptance requirement of § 83.139 of this chapter in cases substantially the same as those in which the Commission en banc has taken similar action.

* * * * * * *

B. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. Section 83.136, paragraph (d)(3) is amended to read:

**§ 83.136 Spurious emission limitations.**

* * * * * * *

(d) * * *

(3) Radiotelegraph transmitters operating on any frequency assignment below 30 Mc/s which were: (i) Authorized in a station license issued to the same licensee or for a station on board the same vessel prior to January 1, 1959; or (ii) formerly used in a U.S. Government or foreign station on board the same vessel prior to January 1, 1959.

* * * * * * *

[F.R. Doc. 64–10193; Filed, Oct. 6, 1964; 8:51 a.m.]

[FCC 64–890]

### PART 1—PRACTICE AND PROCEDURE

### PART 17—CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES

### Miscellaneous Amendments

In the matter of amendment of Parts 1 and 17 of the Commission's rules to prescribe the use of FCC Form 714, Supplement to Application for New or Modified Radio Station Authorization.

*Order.* At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 30th day of September 1964;

The Commission having under consideration the above-captioned matter;

It appearing, that FCC Form 714 has been used by nonbroadcast applicants to inform the Commission whether notice has been given to the Federal Aviation Agency concerning a proposed antenna structure in accordance with Part 77 of the Federal Aviation Agency Rules, and that it is desirable to incorporate into the Commission's rules the practice and the form; and

It further appearing, that authority for the adoption of the form is contained in sections 303(r) and 308(b) of the Communications Act of 1934, as amended; and

It further appearing, that the amendments ordered herein are procedural in nature and that hence the prior notice and effective date provisions of section 4 of the Administrative Procedures Act are not applicable.

*It is ordered,* That effective November 9, 1964, Parts 1 and 17 of the Commission's rules are amended as set forth below.

(Secs. 4, 303, 308, 48 Stat. 1066, 1082, 1084, as amended; 47 U.S.C. 154, 303, 308)

Released: October 1, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

A. Part 1 is amended as follows:

Section 1.922 is amended by inserting in the proper numerical sequence the following:

§ 1.922 Forms to be used.

| FCC form | Title |
|---|---|
| • | • |
| 714 | Supplement to Application for New or Modified Radio Station Authorization (concerning antenna structure notification to FAA). |

B. Part 17 is amended as follows:

Section 17.4 is amended by adding paragraph (f) to read as follows:

§ 17.4 Commission consideration of proposed antenna structure with respect to possible hazard to air navigation.

• • • • •

(f) Applications in the nonbroadcast services which show on their face that the antenna structure will extend more than 20 feet above the ground or natural formation or more than 20 feet above an existing man-made structure (other than an antenna structure) shall be accompanied by FCC Form 714 indicating that notification has or has not been submitted to FAA.

[F.R. Doc. 64-10194; Filed, Oct. 6, 1964; 8:51 a.m.]

[FCC 64-888]

## PART 1—PRACTICE AND PROCEDURE

## PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

### Miscellaneous Amendments

In the matter of amendment of Part 43 of the Commission's rules and regulations, with respect to the filing by common carriers of periodic statistical reports of their overseas traffic.

*Report and order.* 1. The international carriers subject to the Communications Act are presently required by our Order No. 85 to file periodic statistical reports of their overseas traffic. This order, originally adopted by us on August 18, 1941, was subsequently amended on February 21, 1944 and again on February 21, 1951 in recognition of changes within the international telecommunications industry. Further amendment appears necessary to us at the present time in view of recent developments in international telecommunications and resulting shifts in the relative importance of the several services offered in providing revenue to the industry.

2. The present requirements of Order No. 85 apply only to reporting on certain telegraph services, i.e., message, facsimile, addressed program, and multiple addressed press services. At present there is no reporting requirement for overseas teleprinter exchange service (telex), leased record channel service, or for any voice services. However, since telex was introduced in 1950, its use has expanded rapidly, and it now is a significant segment of the international telegraph services. This is equally true of overseas leased channel record services. At the same time, the growth of overseas voice services has also reached the point where the revenues therefrom account for a considerable portion of the total revenues accruing from United States international telecommunication services.

3. Accordingly, it appears appropriate at this time that the scope of the traffic reporting requirements in Order No. 85 be broadened to provide for the filing of additional information with respect to these and other services, so as to enable the Commission to more efficiently carry out its regulatory duties in regard to international telecommunications. It also appears appropriate that these revised reporting requirements be adopted as part of the Commission's permanent rules and regulations.

4. With this in mind we prepared changes in Order No. 85 and submitted them by letter of August 19, 1963 for comment to the carriers subject to our jurisdiction engaging in international communications, e.g., American Telephone & Telegraph Company (AT&T), All America Cables and Radio, Inc., The Commercial Cable Company, Globe Wireless, Ltd., Mackay Radio and Telegraph Company, Inc., Radio Corporation of Puerto Rico, RCA Communications, Inc. (RCAC), The Western Union Telegraph Company, Tropical Radio Telegraph Company, Press Wireless, Inc., United States-Liberia Radio Corporation, Hawaiian Telephone Company, Cable and Wireless (West Indies) Ltd., and The French Cable Company. Comments were received from the American Cable & Radio Corporation,[1] AT&T, The French Cable Company, RCAC, Radio Corporation of Puerto Rico, and Western Union International, Inc.[2] These comments were considered by us in our letter of February 17, 1964, addressed to the international carriers, indicating those suggestions of the carriers with which we agreed, and giving reasons for our disagreement with certain other suggestions of the carriers.

5. Pursuant to invitation, comments on such letter were further submitted by AT&T, RCAC, Tropical Radio Telegraph Company and United States-Liberia Radio Corporation. Only AT&T and RCAC interposed specific objection to the proposed rule as revised. AT&T's objection stemmed from a misapprehension as to the intent of certain reporting requirements set out in the proposed rule. After clarification of the language in question, AT&T orally withdrew its objections. RCAC objected to portions of the proposed rule which would have required data for traffic between United States overseas points and foreign points equivalent in detail to that required for the continental United States. Although such traffic is growing rapidly and is increasing in importance, we agree that at this time the burden of making regular reports thereon in the same detail as required for continental United States traffic outweighs the value of the resultant statistics to the Commission. We have, therefore, in our final draft modified our proposed reporting requirements for this traffic to require only reports on telegraph and telephone message service, telex service, and leased channel services with those points to which the reporting carrier communicates directly.

6. All persons who will be obligated to file reports pursuant to the proposed rule thus have been notified of our intention to modify our international traffic reporting requirements and have been granted ample opportunity to be heard thereon. We therefore find, pursuant to § 1.412(a)(3) of our rules and section 4(a) of the Administrative Procedure Act, that notice of proposed rule making prior to our promulgation of rules on this subject is unnecessary.

7. The attached rule, which we shall adopt as § 43.61 of Part 43 of our rules and regulations (Reports of Communication Common Carriers and Certain Affiliates), revises reporting requirements for those telegraph services now covered by Order No. 85, introduces reporting requirements for telex, leased channel, and other record services not covered by Order No. 85, and introduces reporting requirements for voice services, including message and private line.

8. In addition, we are making certain editorial changes in Part 1 of our rules, deleting a procedural reference to Order No. 85 contained in § 1.790 and substituting a reference to Part 43 of our rules therefor.

9. The attached rules are to be effective November 10, 1964 and will be applicable to the reports called for therein covering the first six months of 1964, which are to be filed by November 15, 1964.

10. *Accordingly, it is ordered,* Pursuant to sections 4(i), 218, and 219(b), of the Communications Act, this 30th day of September 1964, that, effective November 10, 1964, Parts 43 and 1 of the Commission's rules and regulations are amended as set forth below, and that Commission Order No. 85 shall thereupon be superseded.

(Secs. 4, 218, 219, 48 Stat. 1066, as amended, 1077, 1077, as amended; 48 U.S.C. 154, 218, 219)

Released: October 1, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

Part 43 is amended by adding the following section:

§ 43.61 Reports of overseas telecommunications traffic.

(a) For the purposes of this section—

(1) "Telecommunications service between the continental United States and overseas points" means the transmission or reception of communications by cable or radio (i) which originate or terminate at points within the continental United States and terminate or originate at points located outside the area comprising the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico, and (ii) which both originate and terminate outside but transit the continental United States, except communications both originating and terminating at points located in the aforementioned area.

(2) "Addressed press service" means the transmission of news items or other material related to or intended for publication or public dissemination addressed to one or more persons named as subscribers to such service in accordance with § 23.53 of this chapter at one or more points of communication for which a charge is collected on a contract-time basis, and the reception of similar transmissions from abroad.

(3) "Chargeable words or minutes" means the number of words or minutes used to compute the charge for the communication handled, and shall include in all cases the minimum word or minute count where the communication handled is less than such minimum.

(4) "Continental United States" means the 48 contiguous states and the District of Columbia.

(5) "Facsimile, cablephoto, or radiophoto service" means the transmission or reception of a facsimile reproduction of a picture or document for which a charge is collected on the basis of the size in square centimeters or square inches or other similar measurements.

(6) "Leased channel or private line service" means the leasing of a channel of communication on a contract-time basis for the purposes of a customer-operated closed-circuit overseas telecommunication line, over which the customer has exclusive use, between the office of the customer and the office of a particular overseas correspondent of the customer.

(7) "Message telegraph service" means the transmission and reception of record matter for which the transmission is not directly controlled by the sender and for which a charge is collected on a per-word basis, and includes all categories of messages and the classes thereunder which are available to the public, governments, and press entities.

(8) "Message telephone service" means the transmission and reception of speech for which a charge is collected on a per-call basis, and does not include telephone service offered on a private basis where the user has exclusive use of the facilities for a contracted period of time.

(9) "Overseas point" means: (i) For reports required by paragraph (b) of this section, any country or point located outside the area comprising the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico, and shall include all overseas territories or possessions of the United States, as well as the State of Hawaii; and (ii) for reports required by paragraph (c) of this section, all points outside the particular state, territory, or possession for which a report is required.

(10) "Overseas teleprinter exchange service" means the transmission and reception of record matter (e.g., message, facsimile, and data), charged for on a per-call basis in which the transmission is directly controlled by the user.

(11) "Overseas terminal point" means: (i) In the case of radio operations, the country or area in which is located a specific point designated in the station license of the respondent carrier as one with which it is authorized to communicate; and (ii) In the case of cable operations, the country or area in which the overseas point of cable termination is located and at which traffic handled to and from the United States is originated or terminated or which is a transfer point for traffic handled to and from the United States from or to other overseas points on a transit basis with an intermediate carrier at such transfer point.

(12) "Paid traffic handled" means all communications for which charges are collected and which are actually handled over facilities operated by the respondent out of or into the continental United States.

(13) "Photo transmission or reception service on a scheduled basis" means the transmission of a facsimile reproduction of a picture or document for reception at one or more overseas points for which a charge is collected on a contract-time basis or an occasional use basis, and the reception on such bases of similar transmissions from abroad.

(14) "Program service" means the transmission and reception of program material for delivery to a broadcasting station for broadcasting to the public, or the monitoring of programs broadcast abroad, for which a charge is made on a time basis.

(15) "Revenues accruing to respondent" means the revenues from the overseas haul, consisting of total charges paid by the public for the particular service after deduction of such portions thereof as are applicable to terminal handling in the continental United States and, where connecting or other carriers perform a part of the service, such portion paid to or retained by such connecting or other carriers: *However,* For telephone message and overseas teleprinter exchange services, revenues accruing to respondent mean the total revenues paid by the public for such services after deduction only of that portion of total revenues paid to or retained by connecting or other carriers which perform part of the service outside the continental United States.

(16) "Transiting traffic" means: (i) For reports required by paragraph (b) of this section, communications which both originate and terminate outside but transit the continental United States, except communications both originating and terminating in the area comprising Alaska, Canada, Saint Pierre-Miquelon, and Mexico; and (ii) for reports required by paragraph (c) of this section, communications which originate and terminate outside but transit the particular state, territory, or possession for which a report is required.

NOTE: Transiting traffic shall be considered in two separate legs—one inbound and the other outbound.

(17) "United States" includes the fifty states, the District of Columbia, and overseas possessions and territories.

(b) Each common carrier engaged in furnishing telecommunications service between the continental United States and overseas points shall file with the Commission a report in triplicate with respect to such overseas telecommunications, not later than November 15 of each year for the preceding period of January through June, and not later than May 15 of each year for the preceding period of January through December, as provided hereafter in this section.

(c) Each common carrier engaged in furnishing telecommunications service between a United States point outside the continental United States and overseas points shall file with the Commission a report in triplicate with respect to such overseas telecommunications not later than November 15 of each year for the preceding period of January through June, and not later than May 15 of each year for the preceding period of January through December. These reports shall contain the information required by paragraphs (e)(1)(ii), (2)(ii), (3)(ii), and (8) of this section, excluding leased channel service with the continental United States, of this section. In applying such paragraphs and the definitions contained in paragraph (a) of this section the state, territory, or possession for which the report is made should be substituted for the words, "continental United States", where applicable.

(d) The information required under this section shall be furnished on forms supplied by the Commission or on reproductions of such forms.

(e) The reports required by this section shall show, where applicable, the following information for outbound and inbound traffic separately; the traffic by direction shall be further segregated so that outbound traffic transiting the continental United States shall be shown separately from traffic originating in the continental United States, and inbound traffic transiting the continental United States shall be shown separately from traffic terminating in the continental United States; totals shall be shown for the sums of outbound originating and transiting, and for the sums of inbound terminating and transiting: *Provided, however,* That the provisions with respect to the showing of transiting traffic separately shall not apply to subparagraphs (1)(ii), (2)(ii) and (3)(ii) of this paragraph:

(1) For message telegraph service:

(i) The number of messages and chargeable words of all classes of paid traffic combined handled with each overseas point of destination or origin and the corresponding revenues accruing to the respondent; and, for outbound traffic, the amounts of payouts to connecting carriers, other than for terminal handling in the continental United States, shall also be shown;

(ii) The number of messages and chargeable words of all classes of paid traffic combined handled with each overseas terminal point with which the respondent operates directly, segregated as to (*a*) traffic which terminates or orig-

[1] A holding company replying for its subsidiaries All America Cables & Radio, Inc., The Commercial Cable Company, Globe Wireless, Ltd., and Mackay Radio and Telegraph Company.

[2] The Western Union Telegraph Company, by agreement consummated on September 30, 1963, divested itself of its international telegraph operations to Western Union International, Inc. That latter company subsequently adopted Western Union's comments to our proposed rule.

inated at such terminal point, and (b) traffic which transits such terminal point; and

(iii) The total number of messages and chargeable words of paid message traffic, separately by classification (full rate, letter, press, etc.) handled with all overseas points combined, and the corresponding revenues accruing to the respondent.

(2) For message telephone service:

(i) The number of messages and chargeable minutes of all classes of paid traffic combined handled with each overseas point of destination or origin, and the corresponding revenues accruing to the respondent; and, for outbound traffic, the amount of payouts to connecting carriers, other than for terminal handling in the continental United States, shall also be shown;

(ii) The number of messages and chargeable minutes of all classes of paid traffic combined handled with each overseas terminal point with which the respondent operates directly, segregated as to (a) traffic which terminates or originates at such terminal point, and (b) traffic which transits such terminal point; and

(iii) The total number of messages and chargeable minutes of paid message traffic, separately by classification (day-rate, person, etc.) handled with all overseas points combined, and the corresponding revenues accruing to the respondent.

(3) For overseas teleprinter exchange service:

(i) The number of messages and chargeable minutes of all paid traffic handled with each overseas point of destination or origin, and the corresponding revenues accruing to the respondent; and, for outbound traffic, the amount of payouts to connecting carriers, other than for terminal handling in the continental United States, shall also be shown;

(ii) The number of messages and chargeable minutes of all paid traffic handled with each overseas terminal point with which the respondent operates directly segregated as to (a) traffic which terminates or originates at such terminal point, and (b) traffic which transits such terminal point; and

(iii) The total amount paid out for domestic teleprinter exchange service charges on overseas telex calls.

(4) For facsimile, cablephoto, and radiophoto services:

(i) The number of messages of all paid traffic handled with each overseas point of destination or origin, and the corresponding revenues accruing to the respondent; and, for outbound traffic, the amount of payouts to connecting carriers, other than for terminal handling in the continental United States, shall also be shown.

(5) For photo transmission or reception service on a scheduled basis:

(i) The number of chargeable minutes of all paid transmission or reception time, and the corresponding revenues accruing to the respondent.

(6) For program services:

(i) The number of chargeable minutes of all paid program service handled with each overseas point of destination or origin, and the corresponding revenues accruing to the respondent; and, for outbound traffic, the amounts of payouts to connecting carriers, other than for terminal handling in the continental United States, shall also be shown.

(7) For addressed press service:

(i) The number of chargeable minutes of all paid addressed press service transmitted from or received in the continental United States separately, and the corresponding revenues accruing to the respondent.

(8) For leased channel or private line service:

(i) The number of leases under which channels were furnished during the period covered by the report to (a) United States Government agencies, (b) foreign governments, (c) press entities, and (d) other users, and the associated revenues accruing to the respondent; and

(ii) (a) The number of leases in effect on the last day of the period covered in the report with (1) United States Government agencies, (2) foreign governments, (3) press entities and (4) other users, separately for cable and radio operations between the continental United States and each overseas point; (b) For each type of user, the number of leases shall be further reported as to (1) each type of channel provided by the respondent such as standard printer (transmission at normal speed, i.e., generally 66 words per minute), special printer (transmission at more than normal speed), sub-channels (or fractions of normal speed), facsimile, data transmission, voice transmission, alternate voice and non-voice transmission, etc.; and (2) service furnished for "Full Period" (twenty-four hours a day), and for each "Short Period" (less than twenty-four hours a day).

(9) Total amount collected from users in the continental United States for overseas telecommunications services:

(i) The total amount collected by the respondent directly from users in the continental United States, showing (a) receipts from message telegraph service, (b) receipts from message telephone service, (c) receipts from overseas teleprinter exchange services, (d) receipts from leased channel services, (e) receipts from other telegraph services, and (f) receipts from other telephone services.

(f) This section shall apply, where applicable, to any new overseas telecommunications service which may be offered from time to time by any carrier engaged in overseas telecommunications operations.

Section 1.790 is amended to read as follows:

**§ 1.790 Reports relating to traffic by international carriers.**

Carriers shall file periodic reports regarding overseas point-to-point traffic as required by Part 43 of this chapter. Carriers shall file periodic reports regarding marine telegraph traffic as required by Commission Order No. 86.

[F.R. Doc. 64-10195; Filed, Oct. 6, 1964; 8:51 a.m.]

[Docket No. 15598; FCC 64-906]

## PART 73—RADIO BROADCAST SERVICES

In the matter of amendment of § 73.606, Table of Television Channel Assignments (Harrisburg, Pennsylvania).

*Report and order.* 1. The Commission has under consideration: (1) The notice of proposed rule making issued herein July 31, 1964 (FCC 64-771), proposing to reserve Channel 33 at Harrisburg, Pa. for educational use; and (2) the comments and reply comments filed in response to that notice, by the following parties: South Central Educational Broadcasting Council (SCEBC, whose petition led to the Notice); Hudson Broadcasting Corp. (Hudson), permittee of Station WDTV on Channel 33 at Harrisburg (not operating); United Broadcasting Company of Eastern Maryland, Inc. (United), permittee on Channel 24 at Baltimore, Md.); Elmer Nolte; the Maryland State Board of Education (Maryland Board); Association of Maximum Service Telecasters, Inc. (MST) and Dixon Industries, Inc. (reply comments only). Except for the first two parties mentioned, the comments and replies relate to the effect of a Channel 33 assignment at Harrisburg on use of Channel 18 at Baltimore or Gaithersburg, Md.

2. SCEBC, the Pennsylvania state educational group for the Harrisburg area, received last June a construction permit on Channel *65, which is assigned to Harrisburg and reserved for educational use (its construction permit specifies Hershey, Pa.) Also assigned to Harrisburg are UHF Channels 21, 27 and 33, the former two occupied by operating stations. Channel 33 was assigned to Harrisburg in 1961 after a rule making proceeding (Docket No. 13610). WDTV, for which Hudson holds a permit on Channel 33, is the successor of Station WCMB-TV, which operated from 1954 until 1957 on another UHF channel there and then went dark; the station has not operated since. WCMB-TV was owned by a predecessor in interest of Hudson. SCEBC seeks Channel 33 because of certain advantages it attaches to the use of a channel in this part of the band. SCEBC also urges that this proceeding be resolved as quickly as possible, so that it may proceed with construction on Channel 33 so as to meet commitments to begin in-school programming by November.[1]

3. In the notice we mentioned two specific matters—the relation of the proposed assignment to use of Channel 18 at Baltimore, and the propriety of the agreement between SCEBC and Hudson, by which, in return for either $35,000 or $45,000 depending on when SCEBC wishes to pay it, Hudson agreed to the reservation of Channel 33 for education and deletion of WDTV's construction permit on the channel. (The agreement specifically covers no physical assets at all.)

4. With respect to the use of Channel 18, under § 73.698 of our rules UHF stations operating 15 channels removed must be at least 75 miles apart. This is to avoid "image" interference, which, ordinarily, would affect the lower channel but not the higher. If this separation is adhered to, possible use of Channel 18 at Baltimore is somewhat restricted; the Baltimore post office (reference point) is 74.1 miles from SCEBC's site (which it would use on Channel 33), and the location of the three Baltimore VHF stations is 70.7 miles from that site. It appears that if Channel 18 is to be assigned to Gaithersburg, there is a small area where it could be used at standard separations with respect to the SCEBC site. In Docket No. 14229, the over-all UHF allocation proceeding, we proposed to assign Channel 18 to Gaithersburg. SCEBC and Hudson urge that this consideration is irrelevant, since Channel 33 is now assigned to Harrisburg and would simply remain so assigned. They also argue that the deviation from standard separations would be small at most; SCEBC says it is willing to take an assignment subject to accepting a short separation down to 70 miles if Channel 18 is assigned to Baltimore.

5. The other parties' positions are essentially as follows: the Maryland Board opposes the Channel 33 assignment, because of its effect on use of Channel 18 at Baltimore, which the Board has sought (it is asserted that the desirable transmitter sites are all north of Baltimore, considerably closer to Harrisburg than the reference point).[2] United does not oppose the proposal as long as, at the same time, Channel 18 is assigned to Baltimore, with a 70-mile minimum separation (it also requests that its Channel 24 permit be modified to specify Channel 18, which it originally had and which was deleted when 33 was assigned to Harrisburg in 1961). It asserts that maintenance of standard spacings would require a site east or south of the center of Baltimore, an undesirably low area. Nolte takes substantially the same position with respect to the Channel 18 assignment, urging that the separations be waived (he would accept a restriction on radiation to afford Channel 33 equivalent protection). MST, which has consistently opposed short separations, urges that if Channel 33 is assigned to Harrisburg, it should be made clear that if Channel 18 is later assigned to Baltimore it will not be used at less than 75-mile separation (MST shows a substantial area east and south of Baltimore where a station would meet all applicable separations). Dixon Industries' reply comments are merely aimed at certain statements of MST concerning its Gaithersburg request.[3]

6. Upon consideration of this matter, we are of the view that the considerations concerning possible use of Channel 18 at Baltimore, or Gaithersburg, are no reason for not making the Channel 33 reservation at Harrisburg now if it is otherwise appropriate. This action does not alter the status of the pending requests for the assignment of Channel 18, since there was an outstanding construction permit for Channel 33 at Harrisburg when these petitions were filed. Furthermore, the Commission is not satisfied that the present allocation structure for the heavily populated New England and North Atlantic states area (or that proposed in Docket No. 14229) represents the most effective use of UHF channels, and the staff is currently engaged in a study to determine whether or not some other arrangement of channels, built around the existing framework of UHF stations which have been constructed and placed in operation, would more nearly meet the estimated needs of this area. It is quite possible that this study will show that some channel other than 18 will fit a more efficient pattern of channel assignments, thereby providing more needed assignments in this and other areas. In view of the uncertainties involved, we do not believe it to be in the public interest to defer action on the Harrisburg matter until the matter of possible use of Channel 18 is resolved in the over-all proceeding.

7. Turning to the arrangement between SCEBC and Hudson, by which either $35,000 or $45,000 would pass from the former to the latter in return for consent to the reservation and deletion of Hudson's CP, Hudson and SCEBC claim as justification for this the losses incurred in the operation of WCMB-TV from 1954 to 1957. This station was owned by Rossmoyne Corporation, and it is asserted that a "net unrecovered loss" of about $225,000 was incurred in the television operation. Hudson acquired control of Rossmoyne in December 1958, by buying out its 66⅔ percent shareholder and acquiring some of the stock of the other shareholder, Edgar K. Smith, for a total of 80 percent.[4] Later, Rossmoyne was merged into Hudson, with Mr. Smith getting a 20 percent interest in the latter in return for his Rossmoyne interest. At the time Hudson acquired control of Rossmoyne, some $60,000 in debts from the television operation were outstanding, and of these about $51,000 were later paid (the remainder was charged off). Along with the television CP, Hudson acquired from Rossmoyne a profitable AM operation, WCMB. SCEBC also advances as reason for the consideration the savings it may realize from operation on a lower UHF channel, said to be perhaps as much as $30,000 or $35,000 per year.

8. In its comments, Hudson took the position that its consent to reservation of Channel 33 and deletion of its permit is entirely conditioned on receiving the consideration mentioned; if the Commission disapproves of the arrangement, it withdraws its consent. On the basis of the facts before us, we are of the view that the agreement would have to be disallowed, for one reason because this is an allocations matter, in connection with which "payoffs" of this nature should not be allowed. Even if this were a more conventional assignment transaction, it would be open to serious question as to its propriety, in view of the facts that no physical assets would pass, the former UHF station has been silent for more than 7 years and never operated on Channel 33, and the losses were incurred by parties mostly different from those now involved.[5] However, we need not now finally decide this matter. In a letter filed September 28, 1964, Hudson noted the importance of a quick resolution of this matter and reservation of Channel 33 for education, and, while strongly urging the propriety of the above arrangement, stated that "it consents to the immediate assignment of Channel 33 to South Central irrespective of whether the financial arrangements between the two parties are approved." It states that it wishes to make a further showing, in the form of a brief, in support of the propriety of the financial arrangement, and possibly enter into a modified arrangement with SCEBC.

9. We conclude that immediate reservation of Channel 33 for education, and modification of the educational permit to specify that channel, is in the public interest. Immediate action will permit educational telecasting to proceed with certainty as soon as possible. Accordingly, we are taking these actions, effective immediately. The shift of SCEBC's permit to Channel 33 leaves Channel 65 available. Hudson has expressed no interest in this channel, and, indeed, in the letter mentioned above states that . . . "the surrender of Hudson's television construction permit will mean the termination of Hudson's interest in television broadcasting in Harrisburg." Therefore we are terminating Hudson's permit rather than modifying it, and as it requests we will permit Hudson to make a further showing concerning the propriety of its arrangement with SCEBC, as it presently stands or as it may be modified.

10. Authority for the rule amendment adopted herein is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. In view of the need for expeditious reassignment of Channel 33 for reasons mentioned above, the 30-day waiting period generally required by Section 4 of the Administrative Procedure Act would not be in the public interest, and the reservation of Channel 33 is accordingly made effective as quickly as possible.

11. In view of the foregoing, *It is ordered*, That, effective October 2, 1964, the Table of Assignments contained in § 73.606 of the Commission's rules is amended, insofar as the community named is concerned, to read as follows:

| *City* | *Channel No.* |
|---|---|
| Harrisburg, Pa | 21+, 27−, *33+, 65 |

12. *It is further ordered*, That, effective October 2, 1964, the outstanding au-

[1] Also, as SCEBC points out, if its station is to operate on Channel 33 it must obtain reservation of that channel before it can be eligible for matching Federal funds.

[2] The National Association of Educational Broadcasters (NAEB) has also proposed the assignment of Channel *18 at Baltimore.

[3] United, Nolte, the Maryland Board and Dixon have all filed petitions seeking assignment of Channel 18, as mentioned herein. These are under consideration in the over-all proceeding.

[4] In connection with getting Commission consent to its acquisition of control, Hudson in December 1958 made an unequivocal statement that, after taking control, within 8 months it would either return the television station to the air or surrender the CP. Neither of these developments has occurred.

[5] Tidewater Teleradio, Inc., FCC 62-1246, 24 R.R. 653; National Broadcasting Company, Inc., FCC 63-257, 25 R.R. 67.

thorization of South Central Educational Broadcasting Council for Station WITF-TV at Hershey, Pennsylvania, is modified to specify Channel 33+ instead of Channel 65, subject to the following conditions:

(a) That South Central Educational Broadcasting Council shall advise the Commission in writing by October 12, 1964, of its acceptance of the modification of its authorization to construct and operate Station WITF-TV; and

(b) That South Central Educational Broadcasting Council shall submit to the Commission by November 2, 1964, all necessary information for the preparation of modified authorization to construct and operate on Channel 33 with transmitting facilities meeting all of the requirements of the Commission's Rules and Regulations for operation on that channel.

13. *It is further ordered,* That the construction permit of Hudson Broadcasting Corporation for Channel 33+ at Harrisburg, Pennsylvania is deleted; and

14. *It is further ordered,* That Hudson Broadcasting Corporation may submit a brief and whatever further data it wishes concerning financial arrangements or understandings between it and South Central Educational Broadcasting Council, for consideration by the Commission in passing on the question of whether such arrangements or understandings are in the public interest, and that in all other respects this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: September 30, 1964.

Released: October 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10196; Filed, Oct. 6, 1964; 8:51 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 12—AREAS CLOSED TO HUNTING

### Certain Waters Within and Adjacent to Delta National Wildlife Refuge, Louisiana

On pages 11598 and 11599 of the FEDERAL REGISTER of August 13, 1964, there was published a notice and text of a proposed designation of an area closed to the hunting of migratory birds, under Part 12 of Title 50, Code of Federal Regulations. The purpose of the designation is to aid administration of the Delta National Wildlife Refuge and to increase the effectiveness of the refuge for the purpose for which it was established by the United States.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections to the proposed designations. No written communications were received, and the proposed designation is hereby adopted without change and is set forth below. This designation shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

JOHN M. KELLY,
*Acting Secretary of the Interior.*

OCTOBER 1, 1964.

The text of the designation is as follows:

This action is taken by virtue of and pursuant to section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, as amended; 16 U.S.C. 704), and by virtue of the Reorganization Plan II (53 Stat. 1431) and in accordance with section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238; 5 U.S.C. 1003).

Having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, I hereby designate as a closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, all of the water area in Plaquemines Parish, Louisiana, within the following described boundary:

Beginning at the southeast corner of section 13, T. 20 S., R. 18 E., St. Helena Principal Meridian; thence S. 00°01' E., 44.15 chains; thence S. 42°47' E., 5.94 chains; thence S. 41°23' E., 13.95 chains; thence S. 40°14' E., 13.95 chains; thence S. 37°27' E., 13.11 chains; thence East 9.76 chains; thence South 12.19 chains; thence S. 40°23' E., 13.12 chains; thence S. 42°58' E., 5.48 chains; thence S. 42°58' E., 8.47 chains; thence S. 44°23' E., 10.68 chains; thence East 14.48 chains; thence South 14.89 chains; thence S. 42°35' E., 10.95 chains; thence S. 42°21' E., 11.67 chains; thence S. 39°39' E., 10.95 chains; thence S. 39°39' E., 3.06 chains; thence S. 35°00' E., 14.00 chains; thence S. 35°00' E., 14.00 chains; thence S. 35°00' E., 14.00 chains; thence S. 33°30' E., 3.88 chains; thence East 9.67 chains; thence South 14.67 chains; thence S. 33°00' E., 5.94 chains; thence S. 32°31' E., 14.61 chains; thence S. 32°00' E., 9.46 chains; thence East 3.90 chains; thence South 6.24 chains; thence S. 32°00' E., 53.18 chains to the northwest corner of radial section 13, T. 21 S., R. 19 E.; thence southwesterly along the northwest line of said radial section 13 approximately 116 chains to the southwest corner thereof, which point lies now in the Mississippi River; thence southeasterly along the southwest lines of radial sections 13 through 27, inclusive, in T. 21 S., R. 19 E., to the southernmost corner of radial section 27, which point also lies in the Mississippi River; thence N. 47°54' E., 46.00 chains; thence S. 06°58' E., 16.35 chains to a point common to radial section 29, Lots 1 and 2 to radial section 28, Lots 1 and 2, marked by an 8" x 10" creosoted pine post scribed "T21S R19E 1 2 28"; thence S. 50°41' E., 13.84 chains; thence S. 47°53' W., 46.00 chains to the southernmost corner of radial section 29; thence S. 30°00' E., 41.00 chains to the southernmost corner of radial section 32, T. 21 S., R. 19 E.; thence N. 47°53' E., 116.00 chains to the northeast corner of radial section 32; thence S. 30°00' E., 56.00 chains; thence S. 30°51' E., 14.00 chains; thence S. 33°00' E., 16.62 chains; thence S. 23°27' E., 10.19 chains; thence S. 29°05' E., 10.45 chains; thence S. 49°16' E., 9.62 chains; thence S. 69°41' E., 11.01 chains; thence N. 85°45' E., 1.08 chains to the south point of the line common to fractional sections 25 and 26, T. 21 S., R. 19 E.; thence N. 85°45' E., 9.54 chains;

Thence N. 50°54' E., 11.79 chains; thence N. 47°16' E., 10.87 chains; thence N. 53°50' E., 10.73 chains, thence N. 43°23' E., 12.08 chains; thence N. 48°42' E., 13.05 chains; thence N. 62°00' E., 18.00 chains to corner common to radial sections 49 and 50 in S¼ boundary of fractional section 25; thence South 99.00 chains; thence East 59.00 chains to the southwest corner of T. 21 S., R. 20 E.; thence North 13.50 chains; thence S. 83°22' E., 30.49 chains; thence N. 51°08' E., 25.76 chains; thence S. 88°37' E., 41.25 chains; thence N. 83°34' E., 17.89 chains; thence N. 44°34' E., 7.54 chains; thence N. 65°41' E., 26.68 chains; thence N. 21°52' E., 19.70 chains; thence N. 59°22' E., 22.73 chains; thence N. 37°42' E., 13.64 chains; thence N. 54°12' E., 52.49 chains; thence N. 12°03' W., 18.18 chains; thence N. 47°28' E., 29.30 chains; thence S. 66°57' E., 21.26 chains; thence N. 60°50' E., 34.84 chains; thence S. 36°37' E., 22.72 chains; thence S. 86°37' E., 42.42 chains; thence N. 32°24' E., 13.12 chains; thence N. 07°07' W., 17.23 chains; thence N. 19°40' W., 25.00 chains, approximate intersection of north boundary of T. 22 S., R. 20 E., fractional section 1, and east boundary of T. 21 S., R. 20 E., fractional section 23; thence N. 13°20' E., 25.92 chains; thence N. 23°27' E., 50.92 chains; thence N. 36°04' E., 37.87 chains; thence N. 74°57' W., 23.24 chains; thence N. 23°28' W., 36.36 chains; thence N. 43°09' W., 19.28 chains; thence S. 88°26' W., 16.03 chains; thence N. 11°34' W., 42.42 chains; thence N. 42°26' E., 25.75 chains; thence N. 15°34' W., 25.75 chains; thence N. 53°04' W., 19.70 chains; thence N. 38°41' E., 29.91 chains; thence N. 79°13' E., 21.21 chains; thence N. 26°17' W., 50.00 chains; thence N. 58°21' W., 15.84 chains; thence N. 32°14' E., 10.61 chains; thence N. 29°16' W., 18.18 chains; thence N. 07°16' W., 15.15 chains; thence N. 36°14' W., 13.75 chains; thence N. 08°13' W., 13.64 chains; thence N. 57°44' W., 19.70 chains;

Thence N. 02°13' W., 18.18 chains; thence N. 29°12' W., 14.17 chains; thence N. 00°43' W., 24.24 chains; thence N. 60°14' W., 16.73 chains; thence N. 12°41' W., 31.82 chains; thence S. 72°17' W., 18.94 chains; thence S. 85°22' W., 30.37 chains; thence N. 02°38' E., 26.07 chains; thence N. 89°50' W., 5.75 chains; thence N. 89°50' W., 13.81 chains; thence N. 22°19' W., 15.15 chains; thence N. 88°42' W., 3.79 chains; thence S. 55°14' W., 11.73 chains; thence S. 85°11' W., 15.16 chains; thence N. 57°52' W., 9.92 chains; thence N. 44°37' W., 16.65 chains; thence N. 07°52' W., 17.63 chains; thence N. 25°52' W., 15.88 chains; thence N. 08°36' W., 17.79 chains; thence N. 06°40' W., 29.18 chains; thence N. 11°32' W., 17.37 chains; thence N. 01°54' E., 15.14 chains; thence N. 01°58' E., 7.59 chains; thence N. 24°58' W., 19.69 chains; thence N. 01°54' E., 22.74 chains; thence N. 36°06' W., 15.15 chains; thence N. 36°03' W., 21.63 chains; thence N. 25°18' W., 16.65 chains; thence N. 40°39' W., 26.38 chains; thence N. 40°37' W., 14.96 chains; thence S. 81°15' W., 5.96 chains to the mouth of Main Pass; thence southerly and with the right bank of Main Pass S. 6°48' E., 26.25 chains; thence S. 07°27' E., 13.84 chains to the line between T. 20 S., R. 20 E., fractional section 5, and T. 19 S., R. 20 E., fractional section 32, with the right bank of Main Pass; thence S. 07°27' E., 0.37 chain; thence S. 10°44' E., 21.50 chains; thence S. 10°42' E., 20.00 chains; thence S. 08°06' W. (crossing Cottam Pass) 20 chains; thence S. 16°35' W., 19.94 chains, to the intersection of the line between fractional sections 5 and 8 with the right bank of Main Pass; thence S. 16°35' W., 10.56 chains; thence S. 15°29' W., approximately 15.00 chains to a point on the right bank of Main Pass, thence due westerly across Main Pass approximately 30.00 chains to a concrete marker on the left bank of Main Pass, marked "22 R20E T20S S 7 SMC 1936", set and supported by a 4" x 4" cypress piling;

Thence N. 13°53' W., 10.63 chains; thence N. 45°08' W., 10.91 chains; thence N. 72°09' W., 12.21 chains; thence S. 56°14' W., 6.85 chains; thence S. 33°01' W., 6.90 chains; thence N. 77°45' W., 15.99 chains; thence S. 74°36' W., 5.83 chains; thence S. 74°31' W., 8.06 chains, in the line between T. 20 S. and Rs. 19 and 20 E., fractional section 7 and section 12; thence S. 74°31' W., 3.73 chains; thence S. 34°38' W., 10.73 chains; thence S. 71°28' W., crossing Octave's Pass, 3.62 chains to a point on the left bank of Octave's Pass; thence N. 65°17' W., 26.26 chains; thence S. 78°36' W., 11.04 chains; thence S. 78°18' W., crossing west fork 2.03 chains; thence N. 42°49' W., 5.20 chains; thence N. 32°51' W., 5.83 chains; thence N. 14°29' W., 7.06 chains; thence N. 05°58' W., 0.52 chain, to a point in the line between fractional section 1 and section 12 on the left bank of west fork; thence N. 05°58' W., 8.63 chains; thence N. 07°49' W., 16.00 chains; thence N. 40°47' W., 6.21 chains; thence S. 79°08' W., 6.78 chains; thence S. 63°06' W., 8.90 chains to a point in the line between fractional sections 1 and 2 on the south shore of Breton Sound, marked by a USBS standard concrete post marked "52 R19E T20S S1 S2 MC 1936", set and supported by a 4" x 4" concrete piling; thence S. 63°06' W., 1.00 chain; thence S. 17°35' W., 9.00 chains; thence S. 24°04' W., 16.20 chains to the line between fractional sections 2 and 11 on the south shore of Breton Sound; thence S. 24°04' W., 3.57 chains; thence S. 11°59' E., 11.41 chains; thence S. 86°47' W., 14.97 chains; thence S. 53°54' W., 7.56 chains; thence S. 39°11' W., 8.42 chains; thence S. 03°24' E., 11.66 chains; thence S. 47°37' E., 11.52 chains; thence S. 71°49' W., 6.66 chains; thence S. 70°58' W., 11.99 chains; thence N. 68°40' W., 21.24 chains; thence S. 66°31' W., 11.73 chains; thence S. 16°25' W., 18.66 chains, to a point in the line between fractional sections 10 and 11 in T. 20 S., R. 19 E., in a bayou; thence N. 46°46' W., 10.32 chains; thence N. 04°08' W., 19.10 chains; thence N. 53°30' W., 5.38 chains; thence S. 40°09' W., 9.29 chains, to a point at the mouth and at the right bank of Romere's Pass;

Thence N. 21°39' W., 14.39 chains; thence S. 89°17' W., 10.12 chains; thence S. 36°17' W., 23.87 chains; thence S. 47°04' W., 19.63 chains; thence S. 23°28' W., 15.35 chains; thence N. 68°58' W., 11.60 chains, to the line between fractional sections 9 and 10, T. 20 S., R. 19 E., on the south shore of Breton Sound; thence N. 68°58' W., 5.90 chains; thence S. 73°23' W., 11.96 chains; thence N. 86°57' W., 7.52 chains; thence S. 31°37' W., 6.47 chains, to the line between fractional sections 9 and 16, T. 20 S., R. 19 E., on the south shore of Breton Sound; thence S. 31°37' W., 25.09 chains; thence S. 45°36' W., 13.03 chains; thence S. 06°06' E., 18.00 chains; thence crossing the mouth of Yuratich Bend, N. 86°18' W., 11.92 chains; thence N. 49°43' W., 11.87 chains, thence S. 62°49' W., 4.39 chains; thence N. 61°06' W., 6.78 chains; thence N. 34°28' W., 1.48 chains, to a point in the line between fractional sections 16 and 17, T. 20 S., R. 19 E., on the south shore of Breton Sound; thence N. 34°28' W., 5.86 chains; thence S. 73°36' W., 8.32 chains; thence S. 63°11' W., 7.00 chains; thence S. 38°30' W., 9.47 chains; thence S. 67°49' W., crossing the mouth of Buras Bayou 3.16 chains; thence N. 54°06' W., 7.62 chains; thence S. 54°11' W., 9.23 chains, to the intersection of the north-south centerline, Sec. 17, T. 20 S., R. 19 E., with the south shore of Breton Sound, marked by a USBS standard concrete post "47 R19E T20S SMC S17 C–C 1936", and supported by a 4" x 4" concrete piling and an 8" x 10" creosoted pine post; thence S. 32.31 chains to the one-quarter corner between fractional section 17 and section 20, T. 20 S., R. 19 E.; thence east with the line common to Sec. 17 and Sec. 20, 4.61 chains; thence S. 33°01' W., 2.07 chains, crossing a bayou connecting Buras Bayou with Oscar's Pass; thence S. 32°59' W., 28.40 chains; thence S. 72°28' W., 24.82 chains; thence N. 52°58' W., 5.47 chains, to the line between fractional section 19 and section 20, in T. 20 S., R. 19 E.; thence N. 52°58' W., 3.35 chains; thence N. 52°59' W., 4.87 chains to the east bank of Oscar's Pass; thence N. 52°58' W., 10.88 chains; thence N. 52°56' W., 4.33 chains; thence N. 71°01' W., 47.91 chains; thence N. 89°56' W., 16.02 chains to the point of beginning.

[F.R. Doc. 64-10192; Filed, Oct. 6, 1964; 8:51 a.m.]

* Commissioner Hyde dissenting.

# Proposed Rule Making

## POST OFFICE DEPARTMENT

**[ 39 CFR Part 22 ]**

### SECOND CLASS MAILING PRIVILEGES

**Notice of Proposed Rule Making** [1]

Notice is hereby given of proposed rule making consisting of a proposed revision for the purpose of clarification of § 22.3(c)(3) of Title 39, CFR, as amended by 29 F.R. 563. This section relates to applications for additional entry of second-class publications.

Although the procedures in 39 CFR 22.3(c)(3) relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the postal service may have an opportunity to present written views concerning the procedures. Accordingly, such written views may be submitted to the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C., 20260, at any time prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed § 22.3(c)(3) reads as follows:

**§ 22.3 Application for second-class privileges.**

* * * * *

(c) *Applications for publications that have second-class privileges.* * * *

(3) If a publisher desires to mail copies at another office in addition to the one where he has second-class mail privileges, he may file a written application stating where the publication is printed, the approximate number and weight of copies to be mailed at the additional office, and the specific geographical area to be served. A form is not provided for this kind of application. The application must be filed at the office where the publication has been granted original second-class mail privileges. If the additional entry is authorized, all copies for delivery at the original office must be mailed there, and the geographical area served by the additional entry office must include the entire area of the additional entry office. The delivery arrangements provided by subparagraph (4) of this desire to mail copies at post offices loparagraph are for use by publishers who cated near the office of original entry. An additional entry will not be authorized at a nearby post office unless the publication is printed at such office nor at post offices which are not situated so as to handle the mailings efficiently from the transportation viewpoint.

[1] For revision of § 22.3(c)(3), effective for ninety days from date of publication in the FEDERAL REGISTER, see F.R. Doc. 64-10160, Title 39, Chapter I, *supra*.

NOTE: The corresponding Postal Manual section proposed to be revised is 132.33c.

* * * * *

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4351-4370)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 64-10161; Filed, Oct. 6, 1964; 8:52 a.m.]

## DEPARTMENT OF THE INTERIOR

**Bureau of Mines**

**[ 30 CFR Part 14 ]**

**[Bureau of Mines Schedule 21B]**

### FILTER-TYPE DUST, FUME, AND MIST RESPIRATORS

**Proposed Requirements for Investigation, Testing, and Certification**

On pages 2344-49 of the FEDERAL REGISTER of February 11, 1964, there was published a notice and text of a proposed revision of Part 14 of Subchapter B of Chapter 1, Title 30, Code of Federal Regulations, prescribing requirements for investigating, testing, and certifying Filter-Type Dust, Fume, and Mist Respirators.

Interested persons were given 30 days after the date of publication of the notice within which to submit written comments, suggestions, or objections, concerning the proposed regulations. Comments, suggestions, and objections were received from approximately 30 sources. As a result thereof, all sources that submitted comments were invited to attend and participate in a meeting, held on April 24, 1964, at the Bureau of Mines facility, 4800 Forbes Avenue, Pittsburgh, Pa., to discuss changes in the proposed revision of the regulations.

All proposals received at the meeting and by written communication prior thereto have been carefully considered. The suggested changes that were deemed valid and reasonable were so numerous that it was decided to publish and invite comments on a new proposed revision of Part 14. The new proposed revision is set forth below.

The purpose of the proposed revision is to: (1) Extend certification of approval to respirators designed to protect against dusts, fumes, or mists that are significantly more toxic than lead; (2) permit certification of combinations of dispersoid-filter and other types of respirators; (3) revise current test requirements to improve accuracy and speed of testing; and (4) revise the fees for inspecting and testing.

In accordance with the policy of the Department of the Interior, interested persons may submit written comments, suggestions, or objections with respect to the proposed revision of the regulations to the Director, Bureau of Mines, Interior Building, Washington, D.C., 20240, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

MARLING J. ANKENY,
*Director, Bureau of Mines.*

OCTOBER 1, 1964.

Part 14 of Title 30 is revised to read as follows:

**Subpart A—General Provisions**

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14.30 Facepiece tests.
14.31 Mechanical filter tests.
14.32 Tests of complete respirator.

AUTHORITY: The provisions of this Part 14 issued under sec. 5, 36 Stat. 370, as amended; 30 U.S.C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U.S.C. 3, 5.

### Subpart A—General Provisions

**§ 14.1 Purpose.**

The regulations in this part set forth the requirements for certification of respirators designed to remove particulate matter from inhaled air as permissible for use in atmospheres that are contaminated with certain dusts, fumes, or mists, or combinations thereof; procedures for applying for such certification; and fees.

**§ 14.2 Definitions.**

As used in this part—

(a) "Permissible," as applied to a dust, fume, or mist respirator, means that the respirator conforms to the requirements of this part, and that a certificate of approval to that effect has been issued.

(b) "Bureau" means the United States Bureau of Mines.

(c) "Certificate of approval" means a formal document issued by the Bureau stating that the respirator has met the requirements of this part for a dust, fume, or mist respirator and authorizing the use and attachment of an official approval label or marking so indicating.

(d) "Respirator" means a completely assembled device designed to provide respiratory protection against dusts fumes or mists or combinations thereof by removing these contaminants from the air inhaled by the wearer.

(e) "Applicant" means an individual, partnership, company, corporation, organization, or association that designs, manufactures, assembles, or controls the assembly of a respirator, and seeks a certificate of approval thereof.

(f) "TLV" means the most recent Threshold Limit Value adopted by the American Conference of Governmental Industrial Hygienists.

(g) "Concentration limits for radionuclides" means the concentration limits set forth in Appendix B, Table I, Column 1 of Title 10 CFR Part 20 by the Atomic Energy Commission.

(h) "DOP" means a homogeneous liquid aerosol, having a particle diameter of 0.3 micron, which is generated by vaporization and condensation of dioctyl phthalate.

(i) "Protection factor" means the ratio of the concentration of dust, fume, or mist present in the ambient atmosphere to the concentration of dust, fume, or mist within the facepiece while the respirator is being worn.

**§ 14.3 Consultation.**

By appointment, applicants or their representatives may visit the Bureau of Mines facility at 4800 Forbes Avenue, Pittsburgh, Pennsylvania, 15213, and discuss with qualified Bureau personnel proposed designs of respirators to be submitted in accordance with the requirements of the regulations of this part. No charge is made for such consultation and no written report thereof will be submitted to the applicant.

**§ 14.4 Types of respirators for which certificates of approval will be issued.**

(a) Certificates of approval will be issued only for completely assembled respirators. Certificates will not be issued for component parts or subassemblies.

(b) As regards their design and approval, respirators governed by the requirements of this part are subdivided into the following classes, according to the type of particulate matter against which they are designed to protect:

(1) Respirators for dusts (i) having a TLV not less than 0.1 milligram per cubic meter of air, including but not limited to arsenic, cadmium, chromium, lead, and manganese; or (ii) having a TLV not less than 2.4 million particles per cubic foot of air, including but not limited to aluminum, asbestos, coal, flour, iron ore, and free silica, resulting principally from the disintegration of a solid, such as the dust clouds produced invarious processes of mining, quarrying, and tunneling, and in various industrial operations, such as grinding, crushing, and general processing of minerals and other materials.

(2) Respirators for fumes of various metals having a TLV not less than 0.1 milligram per cubic meter, including but not limited to aluminum, antimony, arsenic, cadmium, chromium, copper, iron, lead, magnesium, manganese, mercury (except mercury vapor), and zinc, resulting from sublimation or condensation of their respective vapors, or from the chemical reaction between their respective vapors and gases.





(3) Respirators for mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot, as produced by spray coating with vitreous enamels; chromic-acid mist, as produced in chromium plating; and other mists of materials whose liquid vehicle does not produce harmful gases or vapors.

(4) Respirators for dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter, including but not limited to lithium hydride and beryllium, or for radionuclides; and where the contaminant concentration is known not to exceed 10 times the TLV or 10 times the concentration limits for radionuclides (protection factor of 10).

(5) Respirators for dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter, or for radionuclides; and where the contaminant concentration is known not to exceed 100 times the TLV or 100 times the concentration limits for radionuclides (protection factor of 100).

(6) Respirators for dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter, or for radionuclides; and where the contaminant concentration is known not to exceed 1,000 times the TLV or 1,000 times the concentration limits for radionuclides (protection factor of 1,000).

(7) Respirators for various combinations of the preceding types of particulate matter.

(8) Respirators that are a combination of mechanical filter and other type(s).

**§ 14.5 Applications.**

(a) Investigation or testing, including retesting of equipment that has been previously tested and disapproved, will be undertaken by the Bureau only pursuant to a written application, in duplicate, accompanied by all prescribed drawings, specifications, and related materials; and accompanied by a check, bank draft, or money order payable to the United States Bureau of Mines, to cover the fees. The application, all related matters, and all correspondence concerning it shall be sent to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa., 15213; Attention: Chief, Branch of Health Research.

(b) When an application is submitted that requires less work than is required for a complete investigation, the fee will be in proportion to the work involved. If the applicant is unable to determine the fee for such work, upon his request the Bureau will notify the applicant of the fee to be submitted with the application. Any surplus will be refunded to the applicant.

(c) The application shall state that the respirator has met the pertinent requirements of Subpart B and of Subpart C, §§ 14.30, 14.31, paragraph (a) of § 14.32, and subparagraphs (2), (3), and (4) of paragraph (b) of § 14.32, when tested by the applicant or his testing agency. Two copies of the results of the applicant's inspections and tests shall accompany the application.

(d) Drawings and specifications shall be adequate in number and detail to identify fully the design of the respirator and to disclose its materials and the dimensions of all its parts. Specifications shall be given for materials, component parts, and subassemblies.

(e) The application shall state the purpose of the respirator, giving the types and specific kinds of atmospheric contaminants against which it is designed to provide respiratory protection.

(f) The application shall state that the respirator is completely developed and shall further state that the applicant believes the design and materials are suitable for a finished, marketable product.

(g) The application shall describe the nature of the filter material and how each lot will be sampled and tested to maintain its protective qualities before it is used in the applicant's respirator. The Bureau reserves the right to have its qualified representative(s) inspect the applicant's control-test equipment and control-test records, and to interview the personnel who conduct the control tests in order to satisfy the Bureau that a proper procedure is being followed to insure the safety of the wearer of the respirator for the protective service, as stated in the application.

(h) When the Bureau notifies the applicant that the application has been accepted, it will also notify him as to the number of completely assembled respirators, together with the number of filters and other parts, that will be required for testing. All materials required for testing shall be delivered (charges prepaid) to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa., 15213; Attention: Chief, Branch of Health Research.

**§ 14.6 Fees.**

The following fees are charged for inspecting and testing filter-type dust, fume, or mist respirators. The fees pertain to complete respirators unless otherwise stated.

| | |
|---|---|
| (a) Dusts having a TLV not less than 0.1 milligram per cubic meter: | |
| (1) Single-use filter | $340 |
| (2) Reusable filter | 440 |
| (b) Dusts having a TLV not less than 2.4 million particles per cubic foot: | |
| (1) Single-use filter | $310 |
| (2) Reusable filter | 380 |
| (c) Dusts having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot: | |
| (1) Single-use filter | $375 |
| (2) Reusable filter | 545 |
| (d) Fumes of various metals having a TLV not less than 0.1 milligram per cubic meter | 395 |
| (e) Dusts having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot, and fumes of various metals having a TLV not less than 0.1 milligram per cubic meter | 495 |
| (f) Mists of materials having a TLV not less than 0.1 milligram per cubic meter | 375 |
| (g) Mists of materials having a TLV not less than 2.4 million particles per cubic foot | 345 |
| (h) Mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot | 445 |

(i) Dusts and mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot ---------- $545
(j) Dusts and mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot, and fumes of metals having a TLV not less than 0.1 milligram per cubic meter---- 665
(k) Dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter, or for radionuclides ---------- 585
(l) All dusts, fumes, and mists----- 935
(m) Facepiece only for respirators (a), (b), (c), (f), (g), and (h) ---------- 80
(n) Facepiece only for respirators (d), (e), and (j)---------- 100
(o) Facepiece only for respirators (k) and (l)---------- 460
(p) Additional examinations and tests of respirator in connection with other tests, per man-day ---------- 40

(q) Fees for testing unusually complicated equipment, for unusual tests, for tests not included in this list, or for tests required for extensions of certification, will be charged to cover the actual costs, as determined in advance by the Bureau. The applicant will be notified, and the fee shall be paid before the tests are begun.

NOTE: If a respirator fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant such part of the fee not required as compensation for its services.

**§ 14.7 Date for conducting tests.**

The date of acceptance of an application will determine the order of precedence for investigation and testing when more than one application is pending, and the applicant will be notified of the date on which investigation and testing will begin. If a respirator fails to meet any of the requirements, it shall lose its order of precedence. If an application is submitted to resume investigation and testing after correction of the cause of failure, it will be treated as a new application and the order of precedence for investigation and testing will be so determined.

**§ 14.8 Conduct of investigations, tests, and demonstrations.**

Prior to the issuance of a certificate of approval, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. The Bureau shall hold as confidential, and shall not disclose, principles or patentable features prior to certification, nor shall it disclose the results of analyses of materials, or any details of the applicant's drawings, specifications, and related material. After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved respirator, as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers.

**§ 14.9 Certificates of approval.**

(a) Upon completion of the investigation and testing of a respirator, the Bureau will issue to the applicant either a certificate of approval or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a certificate of approval is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompained by details of the defects resulting in disapproval, with a view to possible correction. The Bureau will not disclose, except to the applicant, any information on a respirator upon which a notice of disapproval has been issued.

(b) A certificate of approval will be accompanied by a list of the drawings and specifications, covering the details of design and construction of the respirator upon which the certificate of approval is based. The applicant shall keep exact duplicates of the drawings and specifications submitted to the Bureau relating to the respirator which has received a certificate of approval. The approved drawings and specifications shall be adhered to exactly in production of the certified respirator for commercial purposes. In addition, the applicant shall keep records of the control of filter materials, as stated in paragraph (g) of § 14.5.

**§ 14.10 Approval labels or markings.**

(a) A certificate of approval will be accompanied by photographs of designs for approval labels—one for the complete respirator and one for the filter unit. The labels shall bear the seal of the Bureau of Mines and shall be inscribed substantially as follows:

PERMISSIBLE RESPIRATOR
For
---
(Applicable type of dispersoid)
U.S. Bureau of Mines Approval No. ------
Issued to ---
(Name of applicant)
Approved for respiratory protection against the inhalation of ---
(Applicable type of dispersoid)
The approved assembly consists of BM-------- facepiece and BM- -------- filter.

(b) Appropriate instructions and caution statements on the use and limitations of the respirator shall be included on the approval label(s).

(c) The label for the respirator shall be reproduced legibly on the outside of each respirator container. The label for the filter shall be reproduced legibly on the outside of each container of extra filters.

(d) The facepiece shall be marked in a permanent, legible manner with the appropriate approval number. Each filter shall be marked with the appropriate approval number and with the type(s) of dispersoid covered by the approval.

(e) Full-scale designs or reproductions of approval labels and markings, and a sketch or description of their position shall be submitted for approval before final adoption to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania, 15213; Attention: Chief, Branch of Health Research.

(f) Use of the Bureau's approval label obligates the applicant to whom the certificate of approval was issued to maintain the quality of the complete respirator and to guarantee that the complete respirator is manufactured and assembled according to the drawings and specifications upon which the certificate of approval was based. Use of the approval label or markings is authorized only on respirators that conform strictly with the drawings and specifications upon which the certificate of approval was based.

**§ 14.11 Material required for record.**

(a) The Bureau reserves the right to retain as part of the permanent record of the investigation, a complete respirator or any component thereof that has been tested and certified. Material not required for record will be returned to the applicant at his request and at his expense on written shipping instructions to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa., 15213; Attention: Chief, Branch of Health Research.

(b) As soon as a certified respirator is commercially available, the applicant shall deliver a complete unit free of charge to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa., 15213; Attention: Chief, Branch of Health Research.

**§ 14.12 Changes after certification.**

If an applicant desires to change any feature of a certified respirator, he shall first obtain the Bureau's approval of the change, pursuant to the following procedures:

(a) Application shall be made as for an original certificate of approval, requesting that the existing certification be extended to cover the proposed change(s). The application shall be accompanied by drawings, specifications and related material(s), as in the case of the original application.

(b) The application and accompanying material(s) will be examined by the Bureau to determine whether testing of the modified respirator or components will be required. Testing will be necessary if there is a possibility that the modification may affect adversely the performance of the respirator. The Bureau will inform the applicant whether such testing is required, and of the fee to cover costs of testing.

(c) If the proposed modification(s) meet(s) the pertinent requirements of this part, a formal extension of certification will be issued, accompanied by a list of new and revised drawings and specifications to be added to those already on file as the basis for the extension of certification.

**§ 14.13 Withdrawal of certification.**

The Bureau reserves the right to rescind, for cause, any certificate of approval issued under this part.

## Subpart B—Respirator Requirements

**§ 14.20 Design and construction.**

The Bureau will investigate or test only a respirator that, in its opinion, is



constructed of suitable materials, evidences good workmanship, and is designed on sound scientific principles. Adequacy of design and construction will be determined with regard to the following factors: Kind and durability of materials; durability of construction; practicability of use by the wearer, such as freedom of movement, field of vision, fit of facepiece, and lack of discomfort; and performance characteristics during investigation and testing, including physiological effects on the wearer of the respirator. Since all possible designs, arrangements, or combinations of materials and components cannot be foreseen, the Bureau reserves the right to omit any test(s) or part of any test(s) described in Subpart C, or to modify such test(s), or to perform other test(s) not specifically stated, in order to obtain substantially the same information and to provide the same degree of safety as the tests described in Subpart C. The Bureau will notify the applicant accordingly.

**§ 14.21 Component parts.**

All component parts of a respirator shall be designed, constructed, and fitted in such manner that they will not create a hazard to the wearer of the equipment. Filters and other parts of short life shall be easily replaceable and after such replacement the effectiveness of the entire respirator shall be fully restored to protect the wearer against inward leakage of dusts, fumes, or mists.

**§ 14.22 Containers and markings.**

(a) A substantial, durable container shall be provided for each respirator to protect it when not in use. The respirator and its container shall be marked distinctly with the name of the applicant, and the type, letter, or number by which the respirator is commonly known.

(b) Filter units shall be protected by approved containers.

**§ 14.23 Facepiece.**

(a) *General requirements.* Each facepiece shall be constructed so as to assure a quick, dispersoid-tight fit on persons of widely varying facial shapes and sizes. The overall efficiency of a full-facepiece respirator shall not be affected by the optional use of corrective spectacles. A mouthpiece-type respirator with provision for nasal seal may be used provided the respirator meets all other pertinent requirements of this part. Coverings of cloth or other material for the face-contacting portion of the facepiece, approved as part of a respirator that is designed for respiratory protection against dusts, fumes, or mists, shall pass the complete facepiece tests for the particular type of respirator. The head harness shall be adjustable and replaceable.

(b) *Valves*—(1) *Respirators for dusts, fumes, and mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot.* Each respirator shall be provided with an exhalation valve(s). The use of an inhalation valve(s) is desirable, but optional.

(2) *Respirators for dusts, fumes, and mists of materials having a TLV less than 0.1 milligram per cubic meter, or for radionuclides.* Each respirator shall be provided with an exhalation valve(s) and an inhalation valve(s). The exhalation valve(s) shall be protected against damage or external influence, and shall be provided with a dead-air space or other means designed to prevent inward leakage of air during the inhalation phase of the breathing cycle.

**§ 14.24 Materials of construction.**

(a) All parts of the respirator that are in direct contact with portions of the wearer's body shall be of nonirritating composition.

(b) All materials used in the construction of a facepiece shall be of a composition that will withstand repeated disinfection or decontamination by methods that are recommended by the applicant and are acceptable to the Bureau. The accepted methods for disinfection or decontamination shall be described in the instructions supplied by the applicant for maintaining his device.

(c) All materials used in construction, fabrication, or assembly of filters shall not be damaged by normal handling during filter replacement.

**§ 14.25 Control of filtering characteristics.**

(a) *Filters designed for protection against dusts, fumes, and mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot.* To maintain the quality of protection that is required by this part, each lot of filter materials produced or obtained by an applicant shall have been adequately sampled and tested for filtering and resistance characteristics before being used in approved respirators.

(b) *Filters designed for protection against dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter or for radionuclides.* Before marketing, each filter unit shall be tested by the applicant against a concentration of 100 micrograms of DOP per liter of air, at 32 liters per minute flow rate for a period of 5 to 10 seconds. The penetration shall not exceed 0.03 percent. Where filters are to be used only in pairs, the flow rate shall be 16 liters per minute through each filter unit. Where threaded cartridge-type filters are used, the threads of each cartridge shall be examined for defects that may prevent correct sealing of the cartridge in the cartridge holder. Cartridges shall be packaged to prevent damage to threads and sealing surfaces.

(c) *Respirators designed for protection against dusts, fumes, and mists.* Each lot of assembled respirators shall be adequately sampled and tested before marketing.

## Subpart C—Test Requirements

**§ 14.30 Facepiece tests.**

(a) *Pressure-tightness test (applicable to all respirators designed for respiratory protection against dusts, fumes, and mists).* The complete respirator shall be fitted to the faces of 15 to 20 persons having a wide variety of facial shapes and sizes. To test the suitability of the fit of the respirator on these test subjects, the exhalation valve and the inhalation port(s) shall be held closed, and each subject shall exhale gently into the facepiece until a slight but definite positive pressure is built up in the facepiece. The absence of outward leakage of air between the facepiece and the subject's face shall be evidence of satisfactory fit of the facepiece.

(b) *Coal-dust-tightness test (applicable to respirators designed for respiratory protection against dusts and mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot).* Three test subjects, having full, average, and lean facial features, shall wear the respirators with suitable eye protection while a high concentration of finely divided bituminous-coal dust (through 200-mesh) is blown gently into their breathing zones for a minimum of three minutes. At the end of this period, the excess dust shall be removed from the periphery of each facepiece, after which the facepiece shall be carefully removed from the face of each subject. To meet the requirements of this test for each of the three test subjects, the following shall not show appreciably more black particulate matter than was observed before the test: The forced nasal discharge, as shown on a white cloth; the sputum; and the nasal cavities, when examined with the aid of a speculum and illumination; and that part of the face covered by the facepiece of the respirator.

(c) *Isoamyl-acetate-tightness test (additional test applicable only to respirators designed for respiratory protection against fumes of various metals having a TLV not less than 0.1 milligram per cubic meter).* The respirator shall be modified in such a manner that all of the air that normally would be inhaled through the inhalation port(s) is drawn through an efficient activated charcoal-filled canister, or cartridge(s), without interference with the face-contacting portion of the facepiece. Modified in this manner, the facepiece shall be worn by 15 to 20 persons for at least two minutes each in a test chamber containing 100 parts (by volume) of isoamyl-acetate vapor per million parts of air. To meet the requirements of this test, the odor of isoamyl acetate shall not be detected by the subjects while wearing the modified respirator in the test atmosphere.

(d) *Isoamyl-acetate-tightness test for respirators designed for respiratory protection against dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter, or against radionuclides.* The applicant shall provide a charcoal-filled canister or cartridge(s) of a size and resistance similar to the filter unit(s), with connectors which can be attached to the facepiece in the same manner as the filter unit.

(1) *Where the contaminant concentration is known not to exceed 10 times the TLV or 10 times the concentration limits for radionuclides.* The canister or cartridge will be used in place of the filter unit, and 20 persons each shall wear the modified facepiece for 5 minutes in a test chamber containing 100 parts (by volume) of isoamyl-acetate vapor per million parts of air. The following

work schedule shall be observed by each subject in the test chamber:

(i) Two minutes walking, nodding, and shaking head in normal movements.

(ii) Three minutes exercising and running "in place." To meet the requirements of this test, the facepiece shall be capable of adjustment, according to the applicant's instructions, to each subject's face, so that the odor of isoamyl acetate is not detectable by any test subject.

(2) *Where the contaminant concentration is known not to exceed 100 or 1,000 times the TLV or 100 or 1,000 times the concentration limits for radionuclides.* The canister or cartridge will be used in place of the filter unit, and 20 persons each shall wear the modified facepiece for 5 minutes in a test chamber containing 1,000 parts (by volume) of isoamyl-acetate vapor per million parts of air. The following work schedule shall be observed by each subject in the test chamber:

(i) Two minutes walking, talking, nodding, and shaking head in normal movements.

(ii) Three minutes exercising and running "in place." To meet the requirements of this test, the facepiece shall be capable of adjustment, according to the applicant's instructions, to each test subject's face, so that the odor of isoamyl-acetate is not detectable by any test subject.

**§ 14.31 Mechanical filter tests.**

(a) Silica-dust tests of respirators designed for respiratory protection against dusts having a TLV not less than 2.4 million particles per cubic foot: (1) *Single-use filters.* Three respirators will be tested with a mechanical-testing apparatus under the following controlled conditions:

(i) Relative humidity—20–80 percent.

(ii) Room temperature — approximately 25° C.

(iii) Rate of continuous air flow—32 liters per minute.

(iv) Test suspension—not less than 50 nor more than 60 milligrams of flint (99+ percent free silica) per cubic meter of air. The flint shall be ground to pass 99+ percent through a 325-mesh sieve. The particle-size distribution of the test suspension shall have a geometric mean of 0.4 to 0.6 micron, and the standard geometric deviation shall not exceed 1.96.

(v) Duration of sampling period—90 minutes for each respirator.

Tested under these conditions, the total amount of unretained test suspension shall not exceed a total of 4.5 milligrams for the three respirators nor more than 2 milligrams for any single respirator.

(2) *Reusable filters.* Respirators with filter elements designed for cleaning and reuse will be subjected to the tests described in subparagraph (1) of this paragraph. Each filter element shall be tested three times—once as received, once after cleaning, and once after recleaning. Three respirators shall be tested. The applicant's instructions for cleaning the filter element will be followed once for each of the three tests.

Tested under these conditions, the total amount of unretained test suspension shall not exceed a total of 4.5 milligrams for the three tests on any single respirator, nor more than 2 milligrams for any single test.

(b) Lead-dust tests for respirators designed for respiratory protection against dusts having a TLV not less than 0.1 milligram per cubic meter. (1) *Single-use filters.* Three respirators will be tested with a mechanical-testing apparatus under the following controlled conditions:

(i) Relative humidity—20–80 percent.

(ii) Room temperature—approximately 25° C.

(iii) Rate of continuous air flow—32 liters per minute.

(iv) Test suspension—not less than 15 nor more than 20 milligrams of lead (Pb) per cubic meter of air in a test suspension of National Lead Company's Negative Battery Mixture No. 111–R, which has the following approximate composition: Litharge, 75 percent; free metallic lead, 25 percent; carbon black, blanc fixe, and organic matter for expander purposes, 0.25–0.3 percent. The particle-size distribution of the test suspension shall have a geometric mean of 0.4 to 0.6 micron, and the standard geometric deviation shall not exceed 1.96.

(v) Duration of sampling period—90 minutes for each respirator.

Tested under these conditons, the total amount of unretained test suspension, which is analyzed and calculated as lead (Pb), shall not exceed 0.43 milligram of lead for any single respirator.

(2) *Reusable filters.* Respirators with filter elements designed for cleaning and reuse will be subjected to the tests described in subparagraph (1) of this paragraph. Each filter element shall be tested three times—once as received, once after cleaning, and once after recleaning. Three respirators shall be tested. The applicant's instructions for cleaning the filter element will be followed once for each of the three tests.

Tested under these conditions, the amount of unretained test suspension, which is analyzed and calculated as lead (Pb), shall not exceed 0.43 milligram of lead for any single test.

(c) Lead-fume test for respirators designed for respiratory protection against fumes of metals having a TLV not less than 0.1 milligram per cubic meter. Three respirators will be tested with a mechanical-testing apparatus under the following controlled conditions:

(1) Relative humidity—20–80 percent.

(2) Room temperature—approximately 25° C.

(3) Rate of continuous air flow—32 liters per minute.

(4) Test suspension—not less than 15 nor more than 20 milligrams of freshly generated lead-oxide fume, calculated as lead (Pb), per cubic meter of air. The fume shall be generated by impinging an oxygen-gas flame on molten lead.

(5) Duration of sampling period—312 minutes for each respirator. Samples of the test suspension shall be taken during this period for analysis.

Tested under these conditions, the total amount of unretained test suspension, which is analyzed and calculated as lead (Pb), shall not exceed 1.5 milligrams of lead for any single respirator.

(d) Silica-mist test for respirators designed for respiratory protection against mists of materials having a TLV not less than 2.4 million particles per cubic foot. Three respirators will be tested with a mechanical testing apparatus under the following controlled conditions:

(1) Room temperature—approximately 25° C.

(2) Rate of continuous air flow—32 liters per minute.

(3) Test suspension—not less than 20 nor more than 25 milligrams of silica mist, weighed as silica dust, per cubic meter of air, produced by spraying an aqueous suspension of flint (99+ percent free silica). The flint shall be ground to pass 99+ percent through a 325-mesh sieve.

(4) Duration of sampling period—312 minutes for each respirator. Samples of the test suspension shall be taken during this period for analysis.

Tested under these conditons, the total amount of silica mist unretained, weighed as silica dust, shall not exceed 2.5 milligrams for any of the three respirators.

(e) Chromic-acid-mist test for respirators designed for respiratory protection against mists of materials having a TLV not less than 0.1 milligram per cubic meter. Three respirators will be tested with a mechanical-testing apparatus under the following controlled conditions:

(1) Room temperature—approximately 25° C.

(2) Rate of continuous air flow—32 liters per minute.

(3) Test suspension—not less than 15 nor more than 20 milligrams of chromic-acid mist per cubic meter of air, which is analyzed and calculated as chromic anhydride ($CrO_3$), produced by electrolyzing an aqueous solution of chromic acid containing 200-500 grams of chromic anhydride per liter.

(4) Duration of sampling period—312 minutes for each respirator. Samples of the test suspension shall be taken during this period for analysis.

Tested under these conditions, the total amount of unretained chromic acid, which is analyzed and calculated as chromic anhydride ($CrO_3$), shall not exceed 1 milligram for any single respirator.

(f) Tests for respirators designed for respiratory protection against more than one type of dispersoid. Respirators designed for respiratory protection against more than one type of dispersoid (dust, fume, or mist) shall comply with all the requirements of this part, which pertain to the specific types of dispersoids involved.

(g) When a respirator has the characteristics of a combination of mechanical-filter and another type(s), it shall meet the specific requirements of this part, as well as the requirements of any other part(s) which might be germane.

**§ 14.32 Tests of complete respirator.**

(a) *Resistance to air flow (applicable to all dust, fume, and mist respirators).* The resistance to flow of air of a complete respirator on inhalation and on exhalation shall be determined on a mechanical apparatus before and after the tests are conducted, as described in § 14.31 and subparagraph (4) of paragraph (b) of this section. The continuous rate of air flow shall be 85 liters per minute. The resistance to inhalation shall not exceed 50 millimeters of water-column height immediately after each test, and the resistance to exhalation shall not exceed 25 millimeters of water-column height at any time.

(b) *Special tests for respirators designed for respiratory protection against dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter or against radionuclides.* Three complete respirators with their filters properly mounted shall be visually inspected to detect obvious defects. A probe to permit sampling the air within the respirator facepiece shall be attached without impairing the overall efficiency of the respirator or its serviceability (excepting subparagraphs (3) and (4) of this paragraph).

(1) *Uranine-chamber tests.* (i) The following test shall be made on three respirators: The complete respirator shall be sealed in an airtight manner to a head form which is so constructed that the air can be drawn through it from within the facepiece of the respirator. The head form, with respirator attached, shall be placed in a test chamber through which is flowing an aerosol containing not less than 1 nor more than 2 milligrams of uraniné per cubic meter of air. The particle-size distribution of the test suspension shall have a geometric mean of 0.2 micron and the standard geometric deviation shall not exceed 1.96. Air shall be drawn into and expelled through the respirator by a breathing machine that simulates human breathing at the rate of 32 liters per minute with 18 inhalation-exhalation cycles per minute. Samples of the atmosphere within the facepiece shall be taken during the inhalation phase of the breathing cycle.

(ii) To meet the requirements of the above test, the respirator shall perform in accordance with the following tolerances:

| Where the contaminant concentration does not exceed the TLV or concentration limits for radionuclides by a factor of: | Maximum allowable penetration for a single respirator—percentage of ambient concentration | Maximum allowable penetration for average of three tests—percentage of ambient concentration |
|---|---|---|
| 10 | 1 | 0.5 |
| 100 | 1 | 0.5 |
| 1,000 | 0.1 | 0.05 |

(2) *DOP man tests and chamber tests.* (i) Each of three complete respirators shall be worn by six different persons (totalling 18 wearings) utilized as test subjects. Each respirator shall be modified by inserting a sample probe through the facepiece at a place which avoids distortion of the facepiece fit. Each test subject shall enter a test chamber in which air, containing approximately 100 micrograms of DOP per liter, is flowing. While in the chamber, each test subject shall perform the following work schedule of exercises, with air samples being taken continuously from the interior of the facepiece at a rate of 8 liters per minute: Facial movements, 2 minutes; talking, 1 minute; and running "in place," 2 minutes.

(ii) The respirator with the highest DOP penetration of the three tested according to subdivision (i) of this subparagraph shall be worn by three different persons for two hours each while the following tests are performed in a chamber concentration of 100 micrograms of DOP per liter of air.

(a) *0–15 minutes:* Each test subject shall be seated and a sample will be drawn from the inside of the facepiece at the rate of 8 liters per minute; the sample will be compared with the chamber concentration. If excessive leakage is detected, the subject shall leave the chamber and a stream of DOP shall be directed at the respirator to determine the source(s) of leakage.

(b) *15–60 minutes:* Each test subject shall leave the chamber and carry on normal activities without adjusting or removing the facepiece.

(c) *60–75 minutes:* Each test subject shall return to the chamber that contains the test aerosol of DOP. A sample will be drawn from the inside of the facepiece at the rate of 8 liters per minute. During this period the test subject shall engage in the following activities and the percentage of leakage shall be determined: Cough*, turn his head from side to side, smile*, frown*, recite the alphabet loudly*, talk*, breath shallowly and deeply.

NOTE: For respirators where the contaminant concentration does not exceed 10 times the TLV or concentration limits for radionuclides, the test subject will not engage in the activities indicated with an asterisk (*).

(d) *75–105 minutes:* Each test subject shall engage in normal activities outside the chamber.

(e) *105–120 minutes:* Each test subject shall reenter the chamber and the routine for the 60–75 minute period shall be repeated.

(iii) To meet the requirements of subdivision (ii) of this subparagraph, a respirator shall perform in accordance with the following tolerances:

| Where the contaminant concentration does not exceed the TLV or concentration limits for radionuclides, by a factor of: | Maximum allowable penetration for the respirator—percentage of ambient concentration | Maximum allowable penetration for average of all tests—percentage of ambient concentration |
|---|---|---|
| 10 | 1 | 0.5 |
| 100 | 1 | 0.5 |
| 1,000 | 0.1 | 0.05 |

(3) *DOP filter tests.* All test filter units shall be tested in an atmospheric concentration of 100 micrograms of DOP per liter of air at continuous flow rates of 32 and 85 liters per minute for a period of 5 to 10 seconds. Where filters are to be used in pairs, the flow rates shall be 16 and 42.5 liters per minute, respectively, through a single filter. The filter shall be mounted on a connector in the same manner as used on the respirator. The total leakage for the connector and filter shall not exceed 0.03 percent of the ambient DOP concentration at either flow rate.

(4) *Silica-dust-loading test.* Three respirators shall be tested as described in subparagraph (1) of paragraph (a) of § 14.31 and paragraph (a) of this section.

[F.R. Doc. 64–10137; Filed, Oct. 6, 1964; 8:46 a.m.]



# CIVIL AERONAUTICS BOARD

**[ 14 CFR Part 288 ]**

[Economic Regs. Docket 15596]

## SHORT NOTICE MILITARY CONTRACTS AND SUBSTITUTE SERVICE

### Proposed Exemption of Air Carriers

OCTOBER 1, 1964.

Notice is hereby given that the Civil Aeronautics Board is proposing certain amendments to Part 288 which would establish minimum aircraft loads with respect to cargo carried on convertible flights and on mixed passenger-cargo flights. The principal features of the proposed amendments are explained in the attached Explanatory Statement. The amendments are proposed under the authority of sections 204(a) and 416 of the Federal Aviation Act of 1958 (72 Stat. 743, 771; 49 U.S.C. 1324, 1386).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before November 6, 1964 will be considered by the Board before taking action. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

*Explanatory statement.* Part 288, among other things, specifies the minimum rates applicable to certain charters performed for the Military Air Transport Service (MATS). Instead of expressing the minimum rates in terms of a plane mile rate for each type of aircraft, a uniform rate per passenger-mile or cargo ton-mile has been established to be multiplied by minimum load standards for the various types of aircraft. By ER–401, February 28, 1964, 29 F.R. 2938, we completed a general review of these minimum rates, effected certain reductions therein, and revised the terms of the part in a number of respects. For an understanding of the amendments proposed herein it is especially important to take notice of the following specific revisions:

(1) The round-trip passenger rate was made applicable to all segments of convertible charters (an all-passenger flight in one direction and an all-cargo flight in the other), and the special unit rate and minimum load standards formerly applicable to the cargo segment of convertible flights were dropped;

(2) Mixed charters (those on which both passengers and cargo are carried) were covered for the first time and the passenger minimum rate made applicable thereto; and

(3) A so-called "deficit traffic" provision was added permitting carriers to accept up to ten percent less than the minimum compensation when prevented from accommodating the minimum load specified for reasons other than adverse weather, off-loading by MATS, or the bulk of the cargo supplied by MATS.

Inasmuch as ER-401 made what in effect is a plane mile minimum rate (consisting of the passenger-mile rate multiplied by the established minimum passenger load) applicable to the cargo segments of convertible and mixed charters, we deemed it unnecessary to establish minimum cargo load requirements for such flights. However, in doing this we did not consider the possible need for such standards in connection with the application of the deficit traffic provision in the proviso to § 288.7 (b), and some confusion has resulted from this omission.

On the cargo segments of convertible charters, MATS, in accordance with the terms of the contracts, has taken the position that a deficit should be assessed if the minimum load specified for all-cargo flights cannot be accommodated. It proposes to assess a deficit not only where the carrier cannot provide the lift for such specified minimum tonnage, but also where the failure to accommodate such a load is due to the fact that the galley and other passenger servicing equipment required for the passenger segment take up cabin space on convertible jet aircraft that could otherwise be used to accommodate a thirteenth cargo pallet. It is the carriers' position that no deficit should be assessed as long as it is possible to carry the 36.5 ton minimum load specified for all-cargo flights, regardless of whether a thirteenth pallet can be accommodated. A similar question has also arisen in the case of the CL-44. There the galley is in the tail of the aircraft where the space will not accommodate a pallet. However, MATS has been requiring that 420 cubic feet in the tail be made available for bulk loading and the galley does cut into that space. Some contractors, however, have requested in correspondence that a specific minimum load be fixed for the cargo segments of convertible flights at a level slightly below that required for all-cargo flights.

Prior to ER-401, Part 288 always required a higher unit minimum rate and lower minimum load for the cargo segment of convertible charters than for all-cargo charters. This was done principally to reflect the reduced capacity on the cargo segment resulting from the necessity of carrying the passenger servicing equipment required for the passenger segment. It appears that this reduced capacity continues to be a factor on the turbine powered aircraft presently being used to perform the bulk of MATS charters. Accordingly, for the purposes of the deficit traffic provision, we propose to establish a minimum load standard for the cargo segment of convertible charters of 34 tons or 12 pallets in the case of pure jet aircraft and 27 tons or ten pallets for the CL-44 aircraft. These loads appear to be in line with the realistic capacity of such aircraft.

Also, for purposes of applying the deficit traffic provision, it appears to be desirable to establish minimum load requirements for mixed charters. The amendment proposed herein would cast such load requirements in terms of the number of pallets that should be accommodated with varying levels of passengers. In each case, we have attempted to establish a fairly close relationship between the minimum load requirement and the practical capacity of the aircraft in the particular type of service.

In addition, the minimum load standard applicable to all-cargo charters is presently expressed only in terms of the tonnage of lift that must be made available. There is no Part 288 requirement that the carriers furnish a sufficiently unencumbered cabin to accommodate loads of relatively light density. In this connection, it has been suggested that carriers employing convertible jet aircraft should not be required to remove the galley required for passenger flights in order to be able to accommodate a thirteenth pallet when such aircraft are performing all-cargo charters for MATS. It appears that failure to remove the galley does not affect the capability of such aircraft to provide the required lift, 36.5 tons, and that it is usually possible to accommodate the volume of such a cargo load on the twelve pallets that can be fitted into the cabin without removal of the galley. Nevertheless, we believe that volume limitations are of sufficient significance so that MATS should have the entire cabin space of the aircraft available to it on all-cargo charters, and we are, therefore, proposing to establish a minimum pallet requirement of 13 pallets, in cases where the load is less than 36.5 tons, for purposes of determining whether a deficit exists.

It is proposed to amend Part 288 of the Board's Economic Regulations (14 CFR Part 288) as follows:

In § 288.7(b), by changing the period at the end thereof to a semicolon and adding the following:

except that, effective ----------, in the case of the B-707-320-B/C, DC-8F, and CL-44 aircraft used on all-cargo charters and the cargo segment of convertible charters, this proviso shall not apply unless the cargo load carried is less than both the number of tons and number of pallets specified below:

| | All-Cargo Flights [2] | | Cargo Segments of Convertible Flights [1] | |
|---|---|---|---|---|
| | Tons [3] | Pallets | Tons [3] | Pallets |
| B-707-320-B/C | 36.5 | 13 | 34 | 12 |
| DC-8F | 36.5 | 13 | 34 | 12 |
| CL-44 | 29.35 | 10 | 27 | 10 |

[1] For purposes of this paragraph each loaded pallet shall be assumed to weigh a minimum of 5,615.4 pounds (including the weight of the pallet) and any deficit shall be computed in relation to such minimum or the actual weight whichever is greater.
[2] Including weight of pallets.

and in the case of the B-707-320-B/C and DC-8F aircraft used in mixed passenger-cargo services, this proviso shall not apply unless a traffic consist equaling any one of the following complements of cargo and passengers cannot be accommodated:

| *Passengers* | | *Pallets* [1] |
|---|---|---|
| 165 | and | 0 |
| [2] 120 | and | 3 |
| [2] 108 | and | 4 |
| [2] 96 | and | 5 |
| [2] 78 | and | 6 |
| [2] 66 | and | 7 |
| [2] 54 | and | 8 |
| 0 | and | 13 |

[1] For purposes of this paragraph each loaded pallet shall be assumed to weigh a minimum of 5,615.4 pounds (including the weight of the pallet) and any deficit shall be computed in relation to such minimum or the actual weight whichever is greater.
[2] Includes 3 courier seats.

[F.R. Doc. 64-10180; Filed, Oct. 6, 1964; 8:50 a.m.]

## FEDERAL AVIATION AGENCY

### [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-51]

### CONTROL ZONE AND TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to alter controlled airspace in the Bozeman, Montana area.

The following controlled airspace is presently designated in the Bozeman, Montana area.

1. The Bozeman control zone is designated as that airspace within a 3-mile radius of Gallatin-Bozeman Airport, Bozeman, Montana (latitude 45°46'50" N., longitude 111°09'20" W.).

2. The Bozeman transition area is designated as that airspace extending upward from 1200 feet above the surface within 10 miles N and 7 miles S of the Bozeman VOR 278° and 098° radials, extending from 9 miles E to 20 miles W of the VOR, excluding the airspace within Federal airways.

To implement the provisions of Amendments 60-21 (26 F.R. 570) and 60-29 (27 F.R. 4012) of Part 60 of the Civil Air Regulations, the Federal Aviation Agency proposes to take the following airspace actions:

1. Alter the Bozeman control zone by redesignating it as that airspace within a 5-mile radius of Gallatin-Bozeman Airport (latitude 45°46'50" N., longitude 111°09'20" W.) and within 2 miles each side of the Bozeman VOR 277° radial extending from the 5-mile radius zone to 6 miles W of the VOR.

2. Alter the Bozeman transition area by redesignating it as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Gallatin-Bozeman Airport and that airspace extending upward from 1200 feet above the surface within 6 miles S and 8 miles N of the Bozeman VOR 097° and 277° radials extending from 8 miles E to 13 miles W of the VOR.

The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floor of the transition area.

The action proposed herein would increase the size of the Bozeman control zone from a 3-mile radius to the normal 5-mile radius and add an extension to the west. This added controlled airspace will provide protection for aircraft executing prescribed instrument approach and departure procedures at Gallatin-Bozeman Airport. The portion of the transition area proposed with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach procedures at Bozeman during the time the aircraft are descending from 1500 feet to 1000 feet above the surface. Also, it would protect the aircraft departing Bozeman during the time the aircraft are climbing from 700 feet to 1200 feet above the surface. The portion of the proposed transition area extending upward from 1200 feet above the surface would provide protection for aircraft executing prescribed instrument holding, approach and departure procedures within the Bozeman terminal area.

Certain minor revisions to prescribed instrument procedures would be affected in conjunction with the actions proposed herein but operational complexity would not increase nor would aircraft performance or present landing minimums be adversely affected.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on September 23, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64-10124; Filed, Oct. 6, 1964; 8:45 a.m.]

### [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-59]

### TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to alter controlled airspace in the Joplin, Missouri, terminal area.

The Joplin, Missouri, transition area is presently designated as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Joplin ILS localizer NW course, extending from the arc of a 5-mile radius circle centered at the Joplin Municipal Airport (latitude 37°09'00" N., longitude 94°29'50" W.) to 8 miles NW of the OM, and the airspace extending upward from 1,200 feet above the surface within 8 miles NE and 6 miles SW of the Joplin ILS localizer NW and SE courses, extending from 12 miles NW to 31 miles SE of the OM.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Joplin, Missouri, terminal area as a result of recent changes in the VOR airway structure in the Joplin area, proposes the following airspace action:

Designate the Joplin, Missouri, transition area to comprise that airspace extending upward from 700 feet above the surface within 2 miles each side of the Joplin ILS localizer NW course, extending from the arc of a 5-mile radius circle centered at the Joplin, Missouri Municipal Airport (latitude 37°09'00" N., longitude 94°29'50" W.), to 8 miles NW of the OM, and the airspace extending upward from 1,200 feet above the surface within 8 miles NE and 6 miles SW of the Joplin ILS localizer NW and SE courses, extending from 12 miles NW to 31 miles SE of the OM, and within 5 miles each side of the Neosho VOR 345° radial extending north from the Neosho VOR to the Joplin ILS OM.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The proposed transition area would provide protection which was previously provided by VOR Federal Airway 13W between Neosho, Missouri, and Butler, Missouri, prior to its revocation on April 2, 1964, for aircraft executing prescribed instrument approach procedures at Joplin, Missouri. The proposed alteration would provide protection for aircraft transitioning from the Neosho VOR to the Joplin Outer Marker. This proposed action requires no changes or revisions to prescribed instrument procedures presently in effect.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on September 28, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-10125; Filed, Oct. 6, 1964; 8:46 a.m.]

### [ 14 CFR Part 151 [New] ]

[Docket No. 6227; Notice 64-44]

### FEDERAL AIRPORT ACT

#### Notice of Proposed Rule Making

The Federal Aviation Agency is considering amendments to Part 151 [New] of the Federal Aviation Regulations to reflect P.L. 88-280 that extends and further amends the Federal Airport Act (49 U.S.C. 1101, et seq.), and to limit Federal-aid Airport Program participation in the construction of field maintenance equipment buildings.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington,

D.C., 20553. All communications received on or before December 7, 1964, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The amendments to the Federal Airport Act made by P.L. 88-280 add Guam to the areas eligible for Federal aid; provide for advance planning and engineering grants; require proposals or projects to be reasonably consistent with existing area development plans of local public agencies; require sponsors' assurances as to restricting the use of land immediately adjacent to the airport to purposes compatible with normal airport operations; authorize record keeping requirements; and provide for access to sponsors' records for audit and examination. The FAA proposes to implement these provisions by amending existing provisions of Part 151 [New] and by adding a new Subpart D to Part 151 [New] to state the rules and to prescribe the procedures that apply exclusively to advance planning and engineering proposals.

Proposed amendments to Subpart A would add appropriate references to the new advance planning and engineering grants, and would implement those new provisions of the Federal Airport Act that apply generally to both advance planning and engineering grants and airport development project grants. Proposed amendments to Subparts B and C would reflect those new provisions of the Act that apply only to airport development project grants. Where an amendment is proposed to an existing section, editorial changes to improve and clarify the language of the section are sometimes proposed.

Amended section 2(7) of the Act adds Guam to the definition of "public agency". Amended section 6(b) of the Act makes Guam eligible for grants from the discretionary fund, thus permitting Guam to participate in the Federal-aid Airport Program. Amended section 9(c) of the Act allows the United States or its agencies to submit to the FAA advance planning and engineering proposals or project applications for Guam airports. An appropriate amendment to § 151.3 is proposed to reflect the inclusion of Guam in the National Airport Plan, and § 151.37 is to be amended to reflect the eligibility of Guam under the Federal-aid Airport Program.

Part 151 [New], as now written, refers to the "master plan layout" that the sponsor must submit to the Administrator for approval. New section 8 of the Act introduces and defines the term "airport layout plan" for the same concept in connection with advance planning and engineering grants. Section 151.5(a), as now written, states the contents, and requirements for approval of "master plan layouts". Since the definition of the Act and that of present § 151.5(a) are very similar, the FAA proposes to extend the definition of the Act to all "airport layout plans" (both those filed before approval of a project application and those resulting from an advance planning and engineering grant), by substituting "airport layout plan" for "master plan layout" throughout Part 151 [New], and by incorporating the definition of the Act into § 151.5(a). The present requirement of FAA approval of "airport layout plans" would be retained.

Paragraph (b), "Useful and usable unit", and paragraph (c), "National defense needs", of § 151.5 are to be amended so that their provisions will apply to both advance planning proposals and airport development projects.

Amended section 9(d)(1) of the Act requires that, before approving an advance planning and engineering proposal or a project application, the Administrator must be satisfied that the proposal or project "is reasonably consistent with plans (existing at the time of approval * * *) of public agencies for the development of the area in which the airport is located".

A new subparagraph (a)(4) would be added to § 151.39 to make this determination a specific condition for approval of project applications, and old subparagraphs (a) (4) and (5) would be redesignated as subparagraphs (a) (5) and (6).

Section 151.7 now contains the statement of general policies for Federal-aid Airport Program fund grants for airport development projects. Paragraph (a), "Compliance with sponsorship requirements", would be amended to apply to advance planning and engineering grants. The minimum amount of funds that the FAA will consider for an advance planning and engineering grant would be added to paragraph (b), "Small proposals or projects".

As now is the case with project applications, previously obligated work is not to be included in an advance planning and engineering proposal under the proposed change to paragraph (c), "Previously obligated work". The provisions of paragraph (d), "Land donation", would be deleted from § 151.7 and added to § 151.39 as new paragraph (c).

New section 11(4) of the Act adds a condition precedent to the approval of a project application. Under this new provision, the Administrator must receive satisfactory written assurances that "appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of the land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations including landing and take-off of aircraft". A new § 151.26 is proposed to be added to Subpart B stating the minimum information that the sponsor must include in Part II (see § 151.67(a)(2)(ii)) of its project application. Part III of the project application (see § 151.67(a)(2)(iii)) is being modified to add the sponsor's assurance as to the action the sponsor will take to assure compatible land use. Part II of the project application is being modified to require information from the sponsor as to the action it has taken to assure compatible land use. The modifications of the application forms are not repeated in Part 151.

New section 21(b) of the Act requires grant recipients to give access to any books, documents, papers, and records pertinent to the grant to the Administrator and to the Comptroller General of the United States, or to their duly authorized representatives. A proposed amendment to paragraph (d) of § 151.55 will require sponsors to give access to their records to the Administrator, the Comptroller General, or their representatives.

Due to the proposed addition of new Subpart D, several references throughout Subpart B to "this Part" would not be appropriate. Thus, several sections in Subpart B would be amended to substitute "Subparts B and C" for "this Part". The headings to Subparts B and C would be amended to read "Rules and Procedures for Airport Development Projects" and "Project Programming Standards", respectively.

The FAA proposes to limit Program participation in the construction of field maintenance equipment buildings to those intended to house snow removal and abrasive spreading equipment and to provide a minimum of protection for abrasive material, § 151.93(a). Participation would be limited further to construction projects in the fifteen states having a mean daily minimum temperature of zero degrees Fahrenheit for at least twenty days each year, based on the official statistics of the United States Department of Commerce Weather Bureau for the period 1921-1955, published in 1961.

Proposed new Subpart D would contain the rules, procedures, and standards applicable to advance planning and engineering proposals exclusively. Proposed new Subpart D would state the conditions for eligibility of proposals in new § 151.101, and for the eligibility of sponsors in new §§ 151.103 and 151.105. New §§ 151.107 and 151.109 would regulate application procedures, and new § 151.119 would prescribe the use of specified forms. New § 151.111 would require the sponsor to state its intent to begin airport development within three years of the advance planning agreement. New § 151.113 would limit the United States' share to 50 percent of the allowable proposal costs. New § 151.115 would regulate accounting and audit of the sponsors' records. If the proposal relates to selection of an airport site, new § 151.117(b) would allow the payment of federal funds only if the Administrator is satisfied that the site selected meets the requirement of reasonable consistency with area development plans, as amended section 9(d)(1) of the Act now requires. The proposed provisions of Subpart D would incorporate by reference existing provisions of Subparts A and B, to the extent feasible.

In consideration of the foregoing, it is proposed to amend Part 151 [New] of Chapter I of Title 14 of the Code of Federal Regulations as hereinafter set forth.

This proposal is made under the authority of the Federal Airport Act, as amended (49 U.S.C. 1101, et seq.).



Issued in Washington, D.C., on October 1, 1964.

COLE MORROW,
*Director, Airports Service.*

1. By amending § 151.3 to read as follows:

**§ 151.3 National airport plan.**

(a) Under the Federal Airport Act, the FAA prepares each year a "National Airport Plan" for developing public airports in the United States, Puerto Rico, the Virgin Islands, and Guam. In terms of general location and type of development, the National Airport Plan specifies the maximum limits of airport development that is necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics.

(b) If, within the forecast period, an airport will have a substantial aeronautical necessity, it may be included in the National Airport Plan. Only work on an airport included in the current Plan is eligible for inclusion in the Federal-aid Airport Program to be undertaken within currently available appropriations and authorizations. However, the inclusion of an airport in the National Airport Plan does not commit the United States to include it in the Federal-aid Airport Program. In addition, the local community concerned is not required to proceed with planning or development of an airport included in the National Airport Plan.

2. By amending § 151.5 to read as follows:

**§ 151.5 General policies.**

(a) *Airport layout plan.* As used in this part, "airport layout plan" means the basic plan for the layout of an eligible airport that shows, as a minimum—

(1) The present boundaries of the airport and of the offsite areas that the sponsor owns or controls for airport purposes, and of their proposed additions;

(2) The location and nature of existing and proposed airport facilities (such as runways, taxiways, aprons, terminal buildings, hangars, and roads) and of their proposed modifications and extensions; and

(3) The location of existing and proposed non-aviation areas, and of their existing improvements.

All airport development under the Federal-aid Airport Program must be done in accordance with an approved airport layout plan. Each airport layout plan, and any change in it, is subject to FAA approval. The Administrator's signature on the face of an original airport layout plan, or of any change in it, indicates FAA approval. The FAA approves an airport layout plan only if the airport development is sound and meets applicable requirements.

(b) *Safe, useful, and usable unit.* Except as provided in paragraph (d) of this section, each advance planning and engineering proposal or airport development project must provide for the planning or development of—

(1) An airport or unit of an airport that is safe, useful, and usable; or

(2) An additional facility that increases the safety, usefulness, or usability of an airport.

(c) *National defense needs.* The needs of national defense are fully considered in administering the Federal-aid Airport Program. However, approval of an advance planning and engineering proposal or a project application is limited to planning or airport development necessary for civil aviation.

(d) *Stage development.* In any case in which airport development can be accomplished more economically under stage construction, federal funds may be programmed in advance for the development over two or more years under two or more grant agreements. In such a case, the FAA makes a tentative allocation of funds for both the current and future fiscal years, rather than allocating the entire federal share in one fiscal year. A grant agreement is made only during the fiscal year in which funds are authorized to be obligated. Advance planning and engineering grants are not made under this paragraph.

3. By amending § 151.7 to read as follows:

**§ 151.7 Grants of funds: general policies.**

(a) *Compliance with sponsorship requirements.* The FAA authorizes the expenditure of funds under the Federal-aid Airport Program for airport planning and engineering or for airport development only if the Administrator is satisfied that the sponsorship requirements have been or will be met under existing and proposed agreements with the United States with respect to the airport involved.

(b) *Small proposals and projects.* Unless there is otherwise a special need for United States participation, the FAA includes an advance planning and engineering proposal or an airport development project in the Federal-aid Airport Program only if—

(1) The advance planning and engineering proposal involves more than $1,000 in United States funds; and

(2) The project application involves more than $5,000 in United States funds.

Whenever possible, the sponsor must consolidate small projects on a single airport in one grant agreement even though the airport development is to be accomplished over a period of years.

(c) *Previously obligated work.* Unless the Administrator specifically authorizes it, no advance planning and engineering proposal or project application may include any planning, engineering, or construction work included in a prior agreement with the United States obligating the sponsor or any other non-United States public agency to do the work, and entitling the sponsor or any other non-United States public agency to payment of United States funds for all or part of the work.

4. By amending the heading of Subpart B to read as follows: "Subpart B—Rules and Procedures for Airport Development Projects"

5. By adding the following new section to Subpart B:

**§ 151.26 Procedures: applications; compatible land use information.**

Each sponsor must state in its application the action that it has taken to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations including landing and take-off of aircraft. The sponsor's statement must include information on—

(a) Any property interests (such as airspace easements or title to airspace) acquired by the sponsor to assure compatible land use, or to protect or control aerial approaches;

(b) Any zoning laws enacted or in force restricting the use of land adjacent to or in the vicinity of the airport, or assuring protection or control of aerial approaches, whether or not enacted by the sponsor; and

(c) Any action taken by the sponsor to induce the appropriate government authority to enact zoning laws restricting the use of land adjacent to or in the vicinity of the airport, or assuring protection or control of aerial approaches, when the sponsor lacks the power to zone the land.

6. By deleting the words "master plan layout" wherever they occur and inserting in place thereof the words "airport layout plan".

7. By deleting the words "this Part" wherever they occur in §§ 151.31, 151.33, 151.35, 151.37, 151.39, 151.41, and 151.67 and inserting the words "Subparts B and C" in place thereof.

8. By deleting the words "the Virgin Island," in paragraph (a) of § 151.37 and inserting in place thereof the words "the Virgin Islands, Guam,"; and by deleting the words "or the Virgin Islands," in the last sentence of § 151.37 and inserting the words "the Virgin Islands, or Guam," in place thereof.

9. By deleting the reference "§ 151.25" in § 151.87(d) and inserting in place thereof "§ 151.43".

10. By deleting the reference "§ 151.89" in § 151.95(g)(1) and inserting "§ 151.91" in place thereof.

11. By redesignating subparagraphs (4) and (5) of § 151.39(a) as subparagraphs (5) and (6) and inserting a new subparagraph (4) to read as follows:

(4) The Administrator is satisfied that the project is reasonably consistent with existing plans of public agencies for the development of the area in which the airport is located;.

12. By adding the following new subpargraph to § 151.39:

(c) A project for acquiring land that has been or will be donated to the sponsor is not eligible for inclusion in the Federal-aid Airport Program, unless the project also includes other items of airport development that would require a sponsor's contribution equal to or more than the United States' share of the estimated value of the donated land.

13. By amending § 151.55(d) to read as follows:

(d) The sponsor shall allow the Administrator and the Comptroller Gen-

eral of the United States, or an authorized representative of either of them, access to any of its books, documents, papers, and records that are pertinent to grants received under the Federal-aid Airport Program for the purposes of accounting and audit. Appropriate FAA personnel may make progress audits at any time during the project, upon notice to the sponsor. If work is suspended on the project for an appreciable period of time, an audit will be made before any semi-final payment is made. In each case an audit is made before the final payment.

14. By amending the heading of Subpart C to read as follows: "Subpart C—Project Programming Standards"

15. By amending § 151.93 to read as follows:

(a) Only buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport, including fire and rescue equipment buildings, are eligible items under the Federal-aid Airport Program. To the extent they are necessary to house snow removal and abrasive spreading equipment, and to provide minimum protection for abrasive materials, field maintenance equipment buildings are eligible items for inclusion in projects in Alaska, Colorado, Idaho, Iowa, Montana, Michigan, Maine, Minnesota, Nebraska, New Hampshire, North Dakota, South Dakota, Vermont, Wisconsin, and Wyoming.

16. By adding a new Subpart D to read as follows:

## Subpart D—Rules and Procedures for Advance Planning and Engineering Proposals

### § 151.101 Advance planning and engineering proposals—general.

(a) Each advance planning and engineering proposal must relate to an airport layout plan or plans and specifications for the development of a new airport, or the further development of an existing airport. Each proposal must relate to a specific airport, either existing or planned, and may not be for general area planning.

(b) Each proposal for the development or further development of an airport must have as its objective either the development of an airport layout plan, under § 151.5(a), or the development of plans designed to lead to a project application, under §§ 151.21(c) and 151.27, or both.

(c) Each proposal must relate to planning and engineering for an airport that—

(1) Is in a location shown on the National Airport Plan; and

(2) Is not identified in the National Airport Plan as served by scheduled air carrier service in a large or medium hub.

(d) Each proposal must relate to future airport development projects eligible under this Part.

### § 151.103 Advance planning proposals—sponsor's eligibility.

The sponsor of an advance planning and engineering proposal must be a public agency, as defined in § 151.37(a), and must be legally, financially, and otherwise able to—

(a) Make the certifications, representations, and warranties required in the advance planning proposal, FAA Form ------;

(b) Enter into and perform the advance planning agreement;

(c) Provide enough funds to pay all estimated proposal costs not borne by the United States; and

(d) Meet any other applicable requirements of the Federal Airport Act and this Part.

### § 151.105 Advance planning proposals—cosponsorship and agency.

Any two or more public agencies desiring to jointly participate in an advance planning proposal may cosponsor it. The cosponsorship and agency requirements and procedures set forth in § 151.33, except § 151.33(a)(1), also apply to advance planning proposals. In addition, the sponsor eligibility requirements set forth in § 151.103 must be met by each participating public agency.

### § 151.107 Advance planning proposals—procedures; application.

(a) Each eligible sponsor desiring to obtain federal aid for the purpose of advance planning and engineering must submit a completed FAA Form ------, "Advance Planning Proposal", to the District Airport Engineer whose office is in the district where the sponsor is located.

(b) The airport layout plan, if in existence, must accompany the advance planning proposal. If the advance planning proposal includes preparation of plans and specifications, enough details to identify the items of development to be covered by the plans and specifications must be shown. The proposal must be accompanied by evidentiary material establishing the basis for the estimated costs under the proposal, such as an offer from an engineering firm containing a schedule of services and charges therefor.

### § 151.109 Advance planning proposals—procedures: funding.

The funding information required by § 151.23, except the last sentence, also is required in connection with an advance planning proposal. The sponsor's share of estimated proposal costs may not consist of or include the value of donated labor, materials, or equipment.

### § 151.111 Procedures: offer, amendment, acceptance, and advance planning agreement.

(a) The procedures and requirements of § 151.29 also apply to approved advance planning proposals. FAA's offer and the sponsor's acceptance constitute an advance planning grant agreement between the sponsor and the United States. The United States does not pay any of the advance planning costs incurred before the advance planning grant agreement is executed.

(b) No grant is made unless the sponsor intends to begin airport development within three years after the date of sponsor's written acceptance of a grant offer. The sponsor's intention must be evidenced by an appropriate written statement in the proposal.

### § 151.113 Allowable advance planning costs.

(a) The United States' share of the allowable costs of an advance planning proposal is stated in the advance planning grant agreement, but is not more than 50 percent of the total cost of the necessary and reasonable planning and engineering services.

(b) The allowable advance planning costs consist of planning and engineering expenses necessarily incurred in effecting the advance planning proposal. Allowable cost items include—

(1) Location surveys, such as preliminary topographic and soil exploration;

(2) Site evaluation;

(3) Preliminary engineering, such as stage construction outlines, cost estimates, and cost/benefit evaluation reports;

(4) Contract drawings and specifications; and

(5) Testing.

(c) To qualify as allowable, the advance planning costs paid or incurred by the sponsor must be—

(1) Reasonably necessary and directly related to the planning or engineering included in the proposal as approved by FAA;

(2) Reasonable in amount; and

(3) Vertified by sufficient evidence.

### § 151.115 Accounting and audit.

The requirements of § 151.55 relating to accounting and audit of project costs are also applicable to advance planning proposal costs. However, the requirement of segregating and grouping costs applies only to §§ 151.55(a) (5) and (7) classifications.

### § 151.117 Payments.

(a) The United States' share of advance planning costs is paid in two installments unless the advance planning grant agreement provides otherwise. Upon request by sponsor, the first payment may be made in an amount not more than 50 percent of the maximum obligation of the United States stipulated in the advance planning grant agreement upon certification by sponsor that 50 percent or more of the proposed work has been completed. The final payment is made upon the sponsor's request after—

(1) The conditions of the advance planning grant agreement have been met;

(2) Evidence of cost of each item has been submitted; and

(3) Audit of submitted evidence or audit of sponsor's records, if considered desirable by FAA, has been made.

(b) When the advance planning proposal relates to the selection of an airport site, the advance planning grant agreement provides that Federal funds are paid to the sponsor only after the site is selected and the Administrator is satisfied that the site selected for the airport is reasonably consistent with existing plans of public agencies for development of the area in which the site is located.



### § 151.119 Forms.

The forms used for the purpose of obtaining an advance planning and engineering grant are as follows:

(a) *Advance planning proposal, FAA Form*—(1) *Part I.* This part of the form contains a request for the grant of Federal funds under the Federal Airport Act for the purpose of aiding in financing a proposal for the development of an airport layout plan or plans, or both, designed to lead to a project application, with spaces provided for inserting information needed for considering the request, including the location of the airport, a description of the plan or plans to be developed, and the estimate of planning and engineering costs.

(2) *Part II.* This part of the form includes the sponsor's representations concerning its legal authority to undertake the proposal, the availability of funds for its share of the proposal costs, its intention to initiate construction of a safe, useful and usable airport facility shown on an airport layout plan developed under the proposal, or initiate the construction of the item or items of airport development shown on the plans developed under the proposal and designed to lead to a project application, or both, within three years after the date of acceptance of the offer. It also includes the sponsor's representation as to the method of financing the intended construction, approval of other agencies, defaults, possible disabilities, and a statement concerning acceptance to be executed by the sponsor and certified by its attorney.

(b) *Advance planning agreement, FAA Form*—(1) *Part I.* This part of the form contains an offer by the United States to pay a specified percentage not to exceed 50% of the allowable proposal costs, as described therein, on specific terms relating to the carrying out of the proposal, allowability of costs, payment of the United States' share and sponsor's agreement to comply with the exclusive rights provision of section 308(a) of the Federal Aviation Act of 1958.

(2) *Part II.* This part of the form contains the acceptance of the offer by the sponsor, execution of the acceptance by the sponsor, and the certification by the sponsor's attorney.

[F.R. Doc. 64-10126; Filed, Oct. 6, 1964; 8:46 a.m.]

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## [ 14 CFR Part 507 ]

[Reg. Docket No. 6226]

## AIRWORTHINESS DIRECTIVES

### Curtiss-Wright Model C-46 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to revise AD's 47-51-2, 47-51-3, 47-51-5, 49-12-1, 50-26-1, 50-29-1, and 51-20-1, published in the FEDERAL REGISTER December 4, 1956, for Curtiss-Wright Model C-46 Series aircraft. A number of AD's written for Curtiss-Wright Model C-46 aircraft were, at the time of publication, applicable only to specific models such as the C-46A, D, E, or F. Subsequently, a number of C-46 aircraft were remanufactured and redesignated the C-46R, C-46/CW20T, Super C-46, etc. In some cases, the old directives should apply; however, inasmuch as the earlier AD's listed specific models, compliance for the nonlisted models is not required. It is proposed to extend the applicability of current AD's to cover model designations which did not exist at the time of original publication. In addition, it is proposed to add, where appropriate, a provision permitting adjustment of the repetitive inspection intervals to the established inspection periods of the operator.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before November 5, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507) as follows:

1. By amending AD 47-51-2, 21 F.R. 9476, by changing the applicability and compliance statements to read:

Applies to Model C-46 Series aircraft equipped with horizontal stabilizer and elevator assemblies, Curtiss-Wright P/Ns 20-110-5001 and 20-180-5701, respectively.

Compliance required within 100 hours' time in service after the effective date of this amendment unless already accomplished.

2. By amending AD 47-51-3, 21 F.R. 9476, by changing the applicability and compliance statements and adding a new paragraph (p) to read:

Applies to Model C-46 Series aircraft equipped with aileron closure rib assembly, Curtiss-Wright P/N 20-030-5039.

Compliance required within every 100 hours' time in service after the effective date of this amendment until rework is accomplished.

(p) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Southern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the increase.

3. By amending AD 50-26-1, 21 F.R. 9500, by changing the applicability and compliance statements and adding a new paragraph 5, to read:

Applies to Model C-46 Series aircraft equipped with landing gear side braces, Curtiss-Wright P/Ns 20-310-1028 and 20-310-1029.

Compliance required within 100 hours' time in service after the effective date of this amendment, unless already accomplished within the last 400 hours' time in service, and at intervals thereafter not to exceed 500 hours' time in service from the last inspection.

5. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Southern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the increase.

4. By amending AD 47-51-5, 21 F.R. 9477, by changing the applicability and compliance statements to read:

Applies to Model C-46 Series aircraft equipped with aileron horn assembly, Curtiss-Wright P/N 20-050-5715.

Compliance required within 100 hours' time in service after the effective date of this amendment unless already accomplished.

5. By amending AD 49-12-1, 21 F.R. 9490, by changing the applicability and compliance statements and adding a new paragraph to read:

Applies to Model C-46 Series aircraft equipped with aileron tab motor bracket assembly, Curtiss-Wright P/N 20-030-5050.

Compliance required within 25 hours' time in service after the effective date of this amendment, unless already accomplished within the last 475 hours' time in service, and at intervals thereafter not to exceed 500 hours' time in service from the last inspection.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the increase.

6. By amending AD 50-29-1, 21 F.R. 9500, by changing the applicability and compliance statements and adding a new paragraph to read:

Applies to Model C-46 Series aircraft.

Compliance required within 25 hours' time in service after the effective date of this amendment, unless already accomplished within the last 175 hours' time in service, and at intervals thereafter not to exceed 200 hours' time in service from the last inspection.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Southern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the increase.

7. By amending AD 51-20-1, 21 F.R. 9507, by changing the applicability and compliance statements to read:

Applies to Model C-46 Series aircraft equipped with C-4 cockpit light assembly.

Compliance required within 100 hours' time in service after the effective date of this amendment unless already accomplished.

Issued in Washington, D.C., on September 29, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-10127; Filed, Oct. 6, 1964; 8:46 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 97 ]

[Docket No. 15640; FCC 64-893]

## AMATEUR RADIO SERVICE

### Eligibility for Conditional Class License

1. The Commission has under consideration the provisions of §§ 97.9(d)(1) and 97.27(a) of the rules governing eligibility for the Conditional Class license in the Amateur Radio Service. These rule sections provide that an individual may apply for the Conditional Class license if his actual residence and proposed station location are more than 75 airline miles distance from any Commission Field Office or quarterly examination point.

2. Review of the present status of the Conditional Class license shows that there are now more than 40,000 holders of this authorization. Over 90 percent of these licensees established their eligibility on the basis of being more than 75 airline miles distance from a Commission Field Office or quarterly examination point. Almost without exception, these licensees obtained an authorization after passing a code test and written mail examination under the supervision of a volunteer examiner.

3. Conditional Class licensees comprise over 20 percent of all licensees who are entitled to the higher amateur operating privileges. While this percentage is not alarming, it is the result of a constant increase through the last decade. This the Commission does not regard as desirable since it is our policy that, where feasible, the qualifications of those applicants for the higher classes of amateur licenses be directly verified by Commission personnel.

4. Accordingly, the Commission proposes to amend §§ 97.9(d)(1) and 97.27(a) to provide that only those individuals whose actual residence and proposed station location are more than one hundred and seventy-five airline miles distance from a Commission Field Office, quarterly or semiannual examination point shall be eligible for the Conditional Class license on a distance basis. It is not anticipated that these increased limitations will impose an undue burden upon applicants. There will be very few locations where potential applicants may have to travel more than 150 miles. Where travel conditions are difficult, such as in mountainous areas, there are almost invariably examination points well within 100 miles of potential applicants.

5. It should be emphasized that this proposed amendment does not in any way affect renewal by present holders of the Conditional Class license. Nor does the proposal affect eligibility for this class license on the basis of protracted disability, service in the armed forces or temporary overseas residence.

6. The specific proposed amended §§ 97.9(d)(1) and 97.27(a) are set forth in full below. The proposed amendment is issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before November 16, 1964, and reply comments on or before December 1, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all statements or comments shall be furnished the Commission.

Adopted: September 30, 1964.

Released: October 1, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

1. Section 97.9(d)(1) to read as follows:

§ 97.9 Eligibility for new operator license.

(d) * * *

(1) Whose actual residence and amateur station location are more than 175 miles airline distance from the nearest location at which examinations are held at intervals of not more than 6 months for General Class amateur operator licenses.

* * * * *

2. Section 97.27(a) to read as follows:

§ 97.27 Availability of Conditional Class license examinations.

* * * * *

(a) If the applicant's actual residence and proposed amateur station location are more than 175 miles airline distance from the nearest location at which examinations are conducted by an authorized Commission employee or representative at intervals of not more than 6 months for amateur operator licenses.

* * * * *

[F.R. Doc. 64-10197; Filed, Oct. 6, 1964; 8:52 a.m.]

# FEDERAL HOME LOAN BANK BOARD

[ 12 CFR Part 545 ]

[No. 18,473]

## URBAN RENEWAL INVESTMENT TRUSTS

### Determination Not to Adopt Proposed Amendment

OCTOBER 1, 1964.

Whereas by Resolution No. 16,981, dated April 3, 1963, and duly published in the FEDERAL REGISTER on April 13, 1963 (28 F.R. 3670), this Board resolved, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508), and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), to propose that Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) be amended by the addition of a new section, § 545.9-1, entitled "Urban Renewal Investment Trusts", in order to give effect to the provisions of section 901(d) of the Housing Act of 1961, the substance of which amendment was set out in said publication, and

Whereas section 903 of the Housing Act of 1964 substantially revises the provisions of the Home Owners' Loan Act of 1933, as amended, so that the outstanding proposal is no longer appropriate;

It is hereby resolved, that this Board determines not to adopt the amendment proposed by said Resolution No. 16,981.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
*Secretary.*

[F.R. Doc. 64-10190; Filed, Oct. 6, 1964; 8:50 a.m.]

[ 12 CFR Part 545 ]

[No. 18,475]

## FEDERAL SAVINGS AND LOAN ASSOCIATIONS

### Proposed Educational Loans

OCTOBER 2, 1964.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1) it is hereby proposed that Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) be amended by an amendment, the substance of which is as follows:

Amend Part 545 by adding after § 545.8 a new section as follows:

§ 545.8-1 Educational loans.

Any Federal association is authorized to invest in loans, obligations, and advances of credit (all of which are hereinafter referred to in this section as "loans") made for the payment of expenses of college or university education, but no Federal association shall make any investment in loans under this section if the principal amount of its investment in such loans, exclusive of any investment which is or which at the time of its making was otherwise authorized, would thereupon exceed 5 percent of its assets. Such loans may be secured, partly secured, or unsecured, and the association may require a co-maker or co-makers, insurance, or other protection against contingencies. A Federal association may invest in any such loan if repayment of at least 75 percent of the principal amount thereof is guaranteed under a governmental student loan guaranty plan, but shall not make any investment in any loan not so guaranteed unless the following requirements are met:

(a) The borrower shall certify to the association that (1) the proceeds of the loan are to be used by a full-time student solely for the payment of expenses of college or university education; (2) the proceeds received do not exceed the amount of such expenses incurred but unpaid or expected to be incurred during the ensuing 12 months; and (3) the unpaid principal amount of all loans, including any loan to which such certification relates, made for the payment of the expenses of the student's college or university education does not exceed $10,000;

(b) The loan shall be repayable in full within a period not to exceed 10 years or within a period not exceeding two times the number of years during which the student continues his college or university education, whichever period first expires.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than November 6, 1964, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
*Secretary.*

[F.R. Doc. 64-10191; Filed, Oct. 6, 1964; 8:51 a.m.]

# INTERSTATE COMMERCE COMMISSION

[ 49 CFR Part 170 ]

[No. MC-C-258]

## KANSAS CITY, MISSOURI, AND KANSAS CITY, KANSAS; COMMERCIAL ZONE

### Proposed Redefinition

OCTOBER 2, 1964.

Redefinition of the Kansas City, Mo.-Kansas City, Kans., commercial zone heretofore defined in MC-C-258; Kansas City, Mo.-Kansas City, Kans., Commercial Zone, 31 M.C.C. 5, 51 M.C.C. 833, 54 M.C.C. 288, 79 M.C.C. 513, and 81 M.C.C. 24.

Petitioner: Heart of America Council of Chambers of Commerce; Petitioner's attorneys: Lester G. Sever, Lawrence C. Powers, and Lee R. Cowles, 2522 Summit Street, Kansas City 8, Mo.

Upon consideration of a petition of Heart of America Council of Chambers of Commerce, comprised and representing the chambers of commerce of 23 cities located in the Kansas City metropolitan area, filed June 1, 1964, as amended and clarified by letter dated August 10, 1964, for reopening of this proceeding and redefinition of the zone adjacent to and commercially a part of Kansas City, Mo.-Kansas City, Kans., within the meaning of section 203(b)(8) of the Interstate Commerce Act, which was last defined on June 29, 1959, reported at 81 M.C.C. 24 (49 CFR 170.8), the Interstate Commerce Commission, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), hereby gives notice that amendment of the present zone boundaries is under consideration as follows: Beginning on the north side of the Missouri River at the western boundary line of Parkville, Mo., thence along the western and northern boundaries of Parkville to Missouri Highway 9, thence north along Missouri Highway 9 to the western limits of the City of Kansas City, Mo., thence along the western, northern and eastern limits of Kansas City, Mo., to Liberty, Mo., thence along the northern boundaries of Liberty to U.S. Bypass 71, thence south along U.S. Bypass 71 to Sugar Creek Road (4N), thence east along Sugar Creek Road (4N) to a common junction thereof with U.S. Highway 24 and an unnumbered highway, thence southeast over such unnumbered highway, to its junction with Jones Road, thence south on Jones Road to the northern limits of Independence, Mo., thence along the northern and eastern limits of Independence to Missouri Highway 7, thence south along Highway 7 to the northern limits of U.S. Government Lake City Arsenal, thence along the northern, eastern and southern limits of said Lake City Arsenal, including Lake City, Mo., to Truman Road (2N), thence west along Truman Road (2N), to the eastern limits of Independence, Mo., thence south along the eastern limits of Independence to the northern limits of the city of Blue Springs, Mo., thence along the northern, eastern, southern and western limits of Blue Springs to U.S. Highway 40, thence west along Highway 40, to the city limits of Independence, Mo., thence southwesterly along the limits of Independence to county road 10-E, thence south along county road 10-E to the northern limits of Lees Summit, Mo., thence along the northern, eastern, southern and western boundaries of Lees Summit to county road 10-S (Longview Road), thence west on county road 10-S to the city limits of Kansas City, Mo., at Judy Road, thence west, south, east, and south along the boundaries of Kansas City, Mo. to the Jackson County-Cass County line, thence west along said County Line to the northern limits of Belton, Mo., thence along the eastern, southern, and western boundaries of Belton to the Jackson County-Cass County line, thence west along said County line to the Missouri-Kansas State Line, thence south along said State Line to Kenneth Road, thence west on Kenneth Road to its junction with Mission Road, thence south on Mission Road to and including Redel, Kans., thence west on Redel Road (159th St.) to U.S. Highway 69 (Metcalf Ave.), thence north on Highway 69 to its junction with 151st Street (Morse-Olathe Road) at Stanley, Kans., thence west on 151st Street to its junction with Lone Elm Road, thence north on Lone Elm Road to the city limits of Olathe, Kans., thence along the western and northern boundaries of Olathe to Santa Fe Trail Road (Old Kansas City Road), thence north along Santa Fe Trail Road to the City Limits of Lenexa, Kans., thence along the western and northern boundaries of Lenexa to Pflumm Road, thence north along Pflumm Road to junction Kansas Highway 10, thence west on Kansas Highway 10 to junction Kansas Highway 7, thence due west across the Kansas River to the Wyandotte County-Leavenworth County Line (142nd Street) at Loring, Kans., thence west along a county road designated as "Access Road from Loring Store to Midcontinent Underground Storage, County Route No. 32," a distance of ¾ of a mile to and including the entrance to and facilities of Midcontinent Underground Storage, thence from Loring, Kans., north along Loring Lane and Linwood Avenue to the southern limits of Bonner Springs, Kans., thence west along the southern and western boundaries of Bonner Springs to Scheidt Lane, thence northwest along Scheidt Lane including the plant of Southwest Ornamental Iron Company with entrances on Scheidt Lane, to Kansas Highway 32, thence east along Kansas Highway 32 to the western limits of Bonner Springs, at East McDaniels Street, thence along the western, northern, and eastern boundaries of Bonner Springs to Kansas Highway 32, thence east on Kansas Highway 32 to junction 65th Street, thence north along 65th Street to junction U.S. Highway 24, thence east along U.S. Highway 24 to junction 64th Street Terrace, thence north along 64th Street Terrace to Parallel Road, thence west along Parallel Road to 81st Street, thence north along 81st Street to junction Kansas Highway 5, thence west and north along Kansas Highway 5, including Wolcott, Kans., to the Wyandotte County-Leavenworth County Line, thence due north to southern bank of the Missouri River, thence east along the southern bank of the Missouri River to a point directly across from the western boundary of Parkville, Mo., thence across the Missouri River to point of beginning.

The proposed extension, among others, includes the Lake City Ammunition Plant, Belton, Lees Summit and Blue Springs, Mo., Olathe, Wolcott, and Bonner Springs, Kans., and some areas adjacent thereto in Kansas and Missouri including Stanley, Redel, and Loring, Kans.

This proceeding is assigned for oral hearing on November 5, 1964, before Examiner Gerald F. Colfer at the Pickwick Motor Inn, McGee & 10th St., Kansas City, Mo.

Notice to the general public of the matters herein under consideration will be given by depositing a copy of this notice in the office of the Secretary of the Commission for public inspection, and by filing a copy hereof with the Director, Office of the Federal Register.

By the Commission, division 1.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64–10162; Filed, Oct. 6, 1964; 8:48 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Dept. Circ. 570, 1964 Rev. Supp. 7]

### WABASH FIRE AND CASUALTY INSURANCE CO.

#### Surety Company Acceptable on Federal Bonds

OCTOBER 1, 1964.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13.

An underwriting limitation of $100,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1965. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

*State in Which Incorporated, Name of Company and Location of Principal Executive Office*

INDIANA

Wabash Fire and Casualty Insurance Company, Indianapolis, Indiana.

[SEAL] JOHN K. CARLOCK,
*Fiscal Assistant Secretary.*

[F.R. Doc. 64–10174; Filed, Oct. 6, 1964; 8:49 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[Anadarko Area Office Redelegation Order 1, Amdt. 7]

### SUPERINTENDENTS AND CERTAIN OTHER OFFICIALS

#### Redelegation of Authority With Respect to Lands and Minerals

Anadarko Redelegation Order No. 1 (an Order by which the Area Director, Anadarko Area Office, Bureau of Indian Affairs, redelegates authority to Superintendents, Area Field Representatives, and School Superintendents), as amended, is further amended by the addition of a new section under the heading "Functions Relating to Lands and Minerals" to read as follows:

PART 2—AUTHORITY OF SUPERINTENDENTS, AREA FIELD REPRESENTATIVES, AND SCHOOL SUPERINTENDENTS

FUNCTIONS RELATING TO LANDS AND MINERALS

SEC. 2.15 *Allotment applications.* The issuance of certificates of eligibility for allotments on the public domain under authority of the Act of February 8, 1887 (25 U.S.C., 1946 ed., sec. 334), or the Acts of February 28, 1891, and June 25, 1910 (25 U.S.C., 1946 ed., sec. 336), and in the national forests pursuant to the Act of June 25, 1910 (25 U.S.C., 1946 ed., sec. 337).

JOHN O. CROW,
*Deputy Commissioner.*

OCTOBER 1, 1964.

[F.R. Doc. 64–10136; Filed, Oct. 6, 1964; 8:46 a.m.]

### Bureau of Land Management

### ALASKA

#### Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 30, 1964.

The Alaska Railroad has filed an application Serial Number Anchorage 061695 for the withdrawal of the lands described below from all forms of appropriation except the mineral leasing laws. The applicant desires the land for use as an industrial leasing area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska, 99501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will prepare a report for the consideration of the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the Alaska Railroad.

The determination of the Secretary will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

ANCHORAGE, ALASKA

A tract of land lying in Lot 10, Section 7, T. 13 N., R. 3 W., Seward Meridian, described as follows:

Beginning at a point on the latitudinal ¼ section line of said section 7 which bears W., 252.14 feet from the center ¼ corner of said section 7; thence N. 18°00' E., 464.0 feet; S. 76°01'15" W., 487.79 feet; S. 80°30" W., 90.0 feet; S. 1°25' E., 308.70 feet, to a point on the said latitudinal ¼ section line; East, 411.10 feet along said latitudinal ¼ section line to the point of beginning.

The area described aggregates approximately 3.6 acres.

ALFRED P. STEGER,
*Acting Manager, Anchorage District and Land Office.*

[F.R. Doc. 64–10151; Filed, Oct. 6, 1964; 8:48 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### FRESH BARTLETT PEARS

#### Notice of Purchase Program FMP 96a

In order to encourage the domestic consumption of Bartlett pears by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the United States Department of Agriculture offers to purchase fresh Bartlett pears of the 1964 crop, grown in the United States. The Agricultural Marketing Service will distribute the pears for use in school lunch programs. Purchases will be made on an offer and acceptance basis as a surplus removal activity. Details and specifications of the invitation to offer fresh Bartlett pears are contained in Announcement FV–363 issued by the Department on October 2, 1964. Quantities purchased will depend upon marketing conditions at the time of purchase, and availability of outlets for use of the pears without waste. Information concerning this purchase program may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C., 20250, or from the Division's Marketing Field Offices, 1218 Southwest Washington Street, Portland, Oregon, 97205, and 650 Capitol Avenue, Room 8518, Sacramento, California, 95814.

(Sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c)

Dated: October 2, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–10156; Filed, Oct. 6, 1964; 8:48 a.m.]

### Office of the Secretary

### MICHIGAN

#### Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the

Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Michigan natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MICHIGAN

| | |
|---|---|
| Alcona | Presque Isle |
| Alpena | St. Joseph |
| Chippewa | |

It has also been determined that in the hereinafter-named counties in the State of Michigan which are presently designated the above-mentioned natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

| *Michigan* | *Previous designation* |
|---|---|
| Allegan | 28 F.R. 10003 |
| Calhoun | 28 F.R. 10003 |
| Kalamazoo | 28 F.R. 10003 |
| Lenawee | 28 F.R. 12136 |
| Monroe | 28 F.R. 12136 |
| Van Buren | 28 F.R. 10003 |
| Washtenaw | 28 F.R. 10003 |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 2d day of October 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-10189; Filed, Oct. 6, 1964; 8:50 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 27-39]

## CALIFORNIA NUCLEAR, INC.

### Notice of Proposed Amendment for Byproduct, Source and Special Nuclear Material License

Please take notice that California Nuclear, Inc., 2323 South Ninth Street, Layfayette, Indiana, holder of License No. 13-10042-1, which authorizes receipt, and disposal of waste byproduct material, has applied for a license amendment which would:

1. Authorize the receipt, processing, repackaging, and storage of radioactive waste material at a new site located in Benton County, Washington, approximately one mile from the southwest corner of the area designated as the 200 East area, United States Atomic Energy Commission Hanford Works.

2. Authorize an increase in the maximum amount of radioactive material which the licensee may possess at any one time to provide for the activities to be conducted at the site in Washington. The licensee has requested possession of 50,000 curies of byproduct material; 4,000 pounds of source material; and 5,000 grams of special nuclear material with no single package to contain more than 20 grams of Uranium 235, 1 gram of Uranium 233 and 1 gram of Plutonium. The minimum volume of a package containing special nuclear material will be one cubic foot.

The Commission has reviewed the application and found that:

A. The applicant's facilities, equipment and procedures are adequate to protect health and minimize danger to life or property.

B. The applicant is qualified by training and experience to use the material in such manner as to protect health and minimize danger to life of property.

C. The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and Title X, Code of Federal Regulations, and is for a purpose authorized by that act.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the proposed issuance of this license may file a petition for leave to intervene. A request for a hearing and petitions for leave to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued. If no request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Director of Regulation will issue the license fifteen (15) days from the date of publication in the FEDERAL REGISTER.

For further details with respect to this proposed issuance, see (1) the application and amendments thereto and (2) the related hazard analysis prepared by the Isotopes Branch of the Division of Materials Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of Item (2) above may be obtained at the Commission's Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C., 20545. Attention: Director, Division of Materials Licensing.

The text of the proposed license is attached to this notice.

Dated at Bethesda, Maryland, October 5, 1964.

For the Atomic Energy Commission.

LYALL JOHNSON,
*Acting Director,*
*Division of Materials Licensing.*

[License No. 13-10042-1; Amdt. 1]

In accordance with application dated August 18, 1964, and amendments thereto dated August 28, 1964, and September 18, 1964, License No. 13-10042-1 is amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Licensing of Byproduct Material," 10 CFR Part 40, "Licensing of Source Material," 10 CFR Part 70, "Special Nuclear Material," and in reliance upon the statements and representations contained in the application dated October 23, 1963, and amendments thereto dated December 9, 1963, and April 21, 1964, and in the application dated August 18, 1964, and amendments thereto dated August 28, 1964, and September 18, 1964, a license is hereby issued to receive, transport to, process, repackage, and store waste byproduct, source and special nuclear material at the facility described in the application located in Benton County, Washington, and to dispose of these materials by transfer to authorized land burial sites.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than 50,000 curies of byproduct material; 4,000 pounds of source material; and 5,000 grams of special nuclear material of which not more than 20 grams of Uranium 235, 1 gram of Uranium 233 and 1 gram of Plutonium shall be in any single package. The minimum volume of a package containing special nuclear material shall be one cubic foot.

2. Operations shall be conducted by Frederick P. Beierle, William D. Johnson, George L. Helgeson or individuals designated by the licensee's radiation protection officer upon satisfactory completion of the training program described in the application.

3. A copy of the "Radiological Physics Safety Manual for Atomic Energy Commission Operations" dated April 21, 1964, shall be supplied to each employee engaged in operations under this license.

4. The transportation of AEC-licensed material shall be subject to the applicable regulations of the Interstate Commerce Commission, United States Coast Guard, and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements except as specifically provided by the Atomic Energy Commission:

A. Outside shipping containers.

(1) The containers shall meet any one of the following specifications described in Appendix A attached hereto:

a. 15A, 15B, 12B, 6A, 6B, 17C, 17H, 19A, or 19B for the containment of radioactivity in amounts not in excess of 2.7 curies; except polonium, 2 curies; or

b. Specification 55 for containment of solid cobalt 60, cesium 137, iridium 192, or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrep/hr beta-gamma radiation.

(3) The smallest dimensions of the container shall not be less than 4 inches.

(4) The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface and to reduce the secondary radiation at the surface of the container so that it does not exceed 10 mrem/24 hours at any time during transportation.

B. Inside containers.

(1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.



(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium or curium or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

C. Shielding.

Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A(4), A(5), and A(6) of this condition. The shield must be so designed that it will not open or break under normal conditions incident to transportation.

D. Labeling.

Each outside container label required under § 20.203(f) of 10 CFR Part 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source and special nuclear material, the total weight;

(2) principal radioisotope;

(3) radiation level at the surface of the container and at one meter from the source; and

(4) the name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with lettering at least 3 inches high as follows: "DANGEROUS—RADIOACTIVE MATERIAL."

F. Accidents.

In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radiation exposure of persons and to control contamination.

G. Exemptions.

Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of the license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Materials Licensing, Atomic Energy Commission, and should contain sufficient information to support such a request.

5. The licensee shall process, repackage, and store byproduct, source and special nuclear material only at its facility in Benton County, Washington.

6. Except as specifically provided otherwise by this license, the licensee shall receive, transport, process, repackage, store and dispose of byproduct, source and special nuclear material in accordance with the conditions, limitations, and procedures contained in the application dated October 23, 1963, and amendments thereto dated December 9, 1963, and April 24, 1964, and in the application dated August 18, 1964, and amendments thereto dated August 28, 1964, and September 18, 1964.

7. The licensee shall not receive any byproduct, source or special nuclear material for storage at the Benton County site until the fencing and other safeguards designed to protect against unauthorized entry have been completed.

The licensee shall not process or repackage any radioactive waste until the structures described in the application have been erected and until radiation safety equipment has been secured and installed.

At such time as the licensee begins to process and repackage waste material, the licensee shall notify the Chief, Isotopes Branch, Division of Materials Licensing.



This license shall be effective on the date issued and shall expire two years from the last day of the month in which the license is issued.

Dated at Bethesda, Md.

For the Atomic Energy Commission.

MEMORANDUM BY THE DIVISION OF MATERIALS LICENSING

Docket No. 27-39

OCTOBER 5, 1964.

By application dated August 18, 1964, and amendments thereto dated August 28, 1964, and September 18, 1964, California Nuclear, Inc., 2323 South Ninth Street, Lafayette, Indiana, has applied for amendment to License No. 13-10042-1 which would authorize the receipt, processing, repackaging, and storage of waste byproduct, source and special nuclear material at a 100-acre site located in the southeast corner of Section 9, Township 12, North Range 26, EWM, Benton County, Washington, approximately one mile from the southwest corner of the area designated as the 200 East area, United States Atomic Energy Commission Hanford Works.

The proposed amendment would provide for the possession by the licenbee of 50,000 curies of byproduct material; 4,000 pounds of source material; and 5,000 grams of special nuclear material, of which not more than 20 grams of Uranium 235, or 1 gram of Uranium 233, and 1 gram of plutonium would be in any single package. The minimum volume for a package containing special nuclear material would be one cubic foot.

The applicant will construct an office and maintenance building, which will be of concrete block construction with dimensions of approximately 40 feet by 60 feet and will house offices, health physics counting room and laboratory, maintenance facilities and storage of essential non-radioactive materials. Another building of metal and reinforced concrete construction with dimensions of approximately 20 feet by 36 feet will be a liquid solidification, decontamination, and storage building. These areas will be surrounded by a three-strand barbed wire fence. The areas within the fence will also serve as storage areas for radioactive waste materials. Waste radioactive material stored out-of-doors will be protected against the deleterious effects of weather.

The licensee has established adequate radiation safety procedures for each phase of the proposed operations. The applicant will have available radiation detection equipment appropriate for such operations.

The licensee has qualified personnel who will provide management supervision over the operations. The training and experience of Mr. Frederick P. Beierle and Mr. William D. Johnson was described in the Commission's memorandum dated June 8, 1964, relating to the proposed issuance of the License No. 13-10042-1. In addition, Mr. George L. Helgeson will also supervise activities to be conducted by the licensee. Mr. Helgeson was a member of the General Electric Company staff at the Hanford site in Richland, Washington, from 1948 to 1956. His initial position was Radiation Monitor and he was promoted to Shift Engineer in 1950. In 1951, he was promoted to supervisor and was responsible for the calibration of all portable radiation monitoring instrumenta at HAPO. From 1953 to 1956, Mr. Helgeson was Analyst, Radiation Studies in the Chemical Processing Department of HAPO. His main responsibility was to deal with unusual or nonroutine radiation monitoring problems and to act as consultant in the Chemical Processing Department. From 1956, to September 1964, Mr. Helgeson was employed by the General Electric Company, Atomic Power Equipment Department, San Jose, California, and Vallecitos Laboratory, Pleasanton, California. During this time, Mr. Helgeson was responsible for providing a technical basis for the radiation protection program in these facilities, for establishing and auditing the radiation protection training program, and for developing new equipment, procedures programs and standards to be utilized in the Atomic Power Equipment Department's radiation protection program. Mr. Helgeson joined California Nuclear, Inc. in September 1964. Mr. Helgeson is qualified to supervise activities to be conducted by California Nuclear, Inc.

The applicant has established a training program which will consist of both formal and on-the-job training in health physics and operating procedures. The formal aspect of the training program will consist of about 40 hours of classroom training. The on-the-job training would not have any specified time limit, but rather would continue until the California Nuclear, Inc. Radiation Protection Officer is satisfied that the individual is qualified to carry out assigned duties.

The licensee's facilities, equipment, procedures and personnel are adequate to carry out the operations and to handle the quantity of radioactive materials covered by this license amendment in such a manner as to protect health and minimize danger to life or property.

[F.R. Doc. 64-10258; Filed, Oct. 6, 1964; 8:52 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 15437; Order E-21340]

## CARIBBEAN-ATLANTIC AIRLINES, INC.

### Order Regarding Nonpriority Service Mail Rates Between Puerto Rico and Virgin Islands

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of September 1964.

The Board, on September 4, 1964, adopted Order E-21248 (Order) directing Caribbean-Atlantic Airlines, Inc., Airlift International, Inc., and the Postmaster General, to show cause why the Board should not adopt the proposed findings and conclusions and fix, determine, and publish the rates proposed therein for the mail transportation described.

The time designated for filing notice of objection has elapsed and no notice of objection or answer to the Order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a final decision of the Board fixing the final rate.

The Board, upon consideration of the record, hereby reaffirms and makes final the findings set forth in the said Order.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly section 204(a) and 406 thereof,

*It is ordered,* That:

1. The fair and reasonable final rate of compensation to be paid Caribbean-Atlantic Airlines, Inc., for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between San Juan, Puerto Rico, and St. Thomas, Virgin Islands; between San Juan, Puerto Rico, and St. Croix, Virgin Islands; and between St. Thomas, Virgin

Islands, and St. Croix, Virgin Islands, on and after August 1, 1964, is the rate specified in Show Cause Order E–21248, September 4, 1964, and said rate is incorporated by reference herein; and

2. This order be served upon Caribbean-Atlantic Airlines, Inc., Airlift International, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64–10181; Filed, Oct. 6, 1964; 8:50 a.m.]

[Docket No. 15439; Order E–21344]

## CITY OF MOORHEAD, MINN.

### Order To Show Cause

Petition of City of Moorhead, Minn. for amendment of the certificate of North Central Airlines, Inc. for Route 86 so as to redesignate the point Fargo, N. Dak. as Fargo, N. Dak.-Moorhead, Minn.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of October 1964.

On August 3, 1964, the City of Moorhead, Minnesota (Moorhead) filed its application requesting the redesignation of Fargo, N. Dak. (Fargo) as Fargo, N. Dak.-Moorhead, Minn. in the certificate issued to North Central Airlines, Inc. (North Central) for route 86.

In support of its petition, Moorhead attaches thereto its resolution, dated July 21, 1964 wherein it states that North Central operates commercial flights at the airport at Fargo, N. Dak.; that other transportation services which provide service for Moorhead and Fargo show in their schedules that they provide service for Moorhead; that the schedules of North Central show service to Fargo but not to Moorhead; that the stopping point of Fargo on North Central's operations is actually "Fargo-Moorhead", and that it is in the public interest that the point Fargo-Moorhead be specifically so designated.

No responses to Moorhead's petition have been filed.

The Board has decided to institute a proceeding under section 401(g) of the Federal Aviation Act of 1958, as amended (Act), to determine whether it is in the public interest to amend North Central's certificate of public convenience and necessity for route 86 so as to redesignate the present point Fargo, N. Dak. as Fargo, N. Dak.-Moorhead, Minn.

Fargo and Moorhead are contiguous communities, separated only by the Red River of the North, which is also the North Dakota-Minnesota boundary. By highway, the Fargo Airport is approximately five miles distant from Moorhead. The local newspaper is the Fargo Forum Moorhead News; the local baseball organization is the Fargo-Moorhead Baseball Club; one telephone exchange serves both cities; the Hotel and Motel Redbook cross references Fargo and Moorhead; and a number of business ventures set forth Fargo-Moorhead in their business names, including Fargo-Moorhead Retail Credit Association. "Fargo-Moorhead, N. Dak.-Minn," has been delineated as a Standard Metropolitan Statistical Area (SMSA).[1] In 1960, this SMSA had a total population of 106,027, with 63 percent residing in the North Dakota portion and 37 percent in the Minnesota portion. [The population of Fargo was 46,662, and that of Moorhead was 22,934 in 1960.] Such designation of this area as a Standard Metropolitan Statistical Area confirms the existence of a substantial community of interest between the two cities.[2]

From the factors noted above the Board concludes that Fargo and Moorhead constitute a metropolitan community. Redesignation in the manner requested would, accordingly, reflect a service actually being provided; would permit the carrier to show Moorhead in its schedules and advertising and result in obvious benefit to the traveling public as well as to the carrier. No increase in subsidy for North Central would be involved.

Upon consideration of the foregoing, the Board tentatively finds and concludes that the public convenience and necessity require that the certificate held by North Central for route 86 should be amended so as to redesignate the present point Fargo, as Fargo-Moorhead (to be served through a single airport) on segment 10 thereof.

*Accordingly, it is ordered:*

1. That a proceeding be and it hereby is instituted in Docket 15439, pursuant to section 401(g) of the Act, to determine whether the public convenience and necessity require, and the Board should order, the amendment of the certificate of public convenience and necessity held by North Central for route 86 so as to redesignate the present point Fargo as Fargo-Moorhead (to be served through a single airport);

2. That all interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue at an appropriate time to North Central an amended certificate of public convenience and necessity for route 86 redesignating the present point, Fargo, as Fargo-Moorhead (to be served through a single airport) on segment 10 thereof;

3. That any interested persons having objections to the issuance of an order making final the proposed findings, conclusions and certificate amendment set forth herein, shall, within 15 days of service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections, such statement to conform to the Board's Rules of Practice in Economic Proceedings;[3]

4. That if timely objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

5. That in the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action; and

6. That copies of this order shall be served on the following persons who are hereby made parties to this proceeding: North Central Airlines, Northwest Airlines, Inc., the City of Fargo, North Dakota, the City of Moorhead, Minnesota, the North Dakota Aeronautics Commission, the Minnesota Department of Aeronautics and the Postmaster General.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

### CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE (AS AMENDED) FOR ROUTE 86

NORTH CENTRAL AIRLINES, INC.

is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in air transportation with respect to persons, property, and mail, as follows:

1. Between the terminal point Chicago, Ill., the intermediate points Milwaukee, Green Bay, Madison, Wisconsin Rapids-Stevens Point, and Wausau, Wis., and (a) beyond Wausau, Wis., the intermediate point Eau Claire, Wis., and the terminal point Minneapolis-St. Paul, Minn., and (b) beyond Wausau, Wis., the intermediate points Rhinelander and Land O'Lakes, Wis., Ironwood, Mich., Ashland, Wis., and the terminal point Duluth, Minn.-Superior, Wis.;

2. Between the terminal point Chicago, Ill., the intermediate points Milwaukee, Oshkosh, Manitowoc-Sheboygan (to be served through Manitowoc Municipal Airport), and Green Bay, Wis., Marinette, Wis.-Menominee, Mich., and Escanaba, Iron Mountain-Kingsford, and Marquette, Mich., and the terminal point Hancock-Houghton, Mich.;

3. Between the terminal point Minneapolis-St. Paul, Minn., the intermediate points Duluth, Minn.-Superior, Wis., Chisholm-Hibbing, Minn., and the terminal point International Falls, Minn.;

4. Between the terminal point Green Bay, Wis., the intermediate points Clintonville, Wisconsin Rapids-Stevens Point, Wausau, and Eau Claire, Wis., and the terminal point Minneapolis-St. Paul, Minn.;

5. Between the terminal point Chicago, Ill., the intermediate points Beloit-Janesville, Madison, and La Crosse, Wis., Winona, Minn., Eau Claire, Wis., and the terminal point Minneapolis-St. Paul, Minn.;

6. Between the terminal point Detroit, Mich., the intermediate points Lansing, Grand Rapids, and Muskegon, Mich., and (a) beyond Muskegon, Mich., the intermediate points Green Bay, Wis., Marinette, Wis.-Menominee, Mich., Escanaba, Iron Mountain-Kingsford, and Marquette, Mich., and the terminal point Hancock-Houghton, Mich., and (b) beyond Muskegon, Mich., the terminal point Milwaukee, Wis.;

7. Between the terminal point Chicago, Ill., the intermediate points South Bend, Ind., Kalamazoo, Battle Creek, Jackson, and Ann Arbor, Mich., and the terminal point Detroit, Mich.;

8. Between the terminal point, Minot, N. Dak., the intermediate points Devils Lake and Grand Forks, N. Dak., Thief River Falls, Bemidji, and Brainerd, Minn., and the terminal point Minneapolis-St. Paul, Minn.;

9. Between the terminal point Minneapolis-St. Paul, Minn., the intermediate points Eau Claire, Marshfield, and Appleton, Wis., and the terminal point Milwaukee, Wis.;

10. Between the terminal point Omaha, Nebr., the intermediate points Norfolk, Nebr., Sioux City, Iowa, Yankton, and Sioux Falls, S. Dak., and (a) beyond Sioux Falls, S. Dak., the intermediate points Mitchell and Huron, S. Dak., and (i) beyond Huron, S. Dak., the intermediate points Aberdeen, S. Dak., and Bismarck-Mandan, N. Dak., and the terminal point Minot, N. Dak., and (ii) beyond Huron, S. Dak., the alternate intermediate points Watertown and Brookings, S. Dak., and the terminal point Minneapolis-St. Paul, Minn.; and (b) beyond Sioux Falls, S. Dak., the intermediate points Watertown, S. Dak., and Fargo, N. Dak.-Moorhead, Minn., and the terminal point Grand Forks, N. Dak.;

11. Between the terminal point Sioux Falls, S. Dak., the intermediate points Worthington, Fairmont, and Mankato, Minn., and the terminal point Minneapolis-St. Paul, Minn.;

12. Between the terminal point Rapid City, S. Dak., the intermediate points Pierre, Mobridge, Aberdeen, S. Dak., the alternate intermediate points Watertown and Brookings, S. Dak., and the terminal point Minneapolis-St. Paul, Minn.;

13. Between the terminal point Sault Sainte Marie, Mich., the intermediate point Pellston, Mich., and (a) beyond Pellston, Mich., the intermediate points Traverse City, Manistee-Ludington, Cadillac-Reed City, Grand Rapids, and Benton Harbor-St. Joseph, Mich., and the terminal point Chicago, Ill., and (b) beyond Pellston, Mich., the intermediate points Alpena and Saginaw-Bay City-Midland, Mich., and (i) beyond Saginaw-Bay City-Midland, Mich., the intermediate point Port Huron, Mich., and the terminal point Detroit, Mich., and (ii) beyond Saginaw-Bay City-Midland, Mich., the intermediate points Flint and Pontiac, Mich., and the terminal point Detroit, Mich.;

14. Between the terminal point Escanaba, Mich., the intermediate point Traverse City, Mich., and the terminal point Saginaw-Bay City-Midland, Mich.;

15. Between the terminal point Detroit, Mich., and the terminal point Cleveland, Ohio.

The service herein authorized is subject to the following terms, conditions, and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service hereinabove expressly prescribed, regularly serve a point named herein, other than a point required to be served through a single airport, through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of one of the fifteen numbered route segments in this certificate, the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control, or

(d) The holder has scheduled at least two daily round trips, in which case the holder may omit such point or points on any additional trip scheduled over all or part of such segment, subject to the conditions in paragraphs (4) through (8) below.

(4) The holder shall schedule service to a minimum of four intermediate points between the following pairs of points:

(a) Minneapolis-St. Paul, Minn., and Chicago, Ill.,

(b) Duluth, Minn.-Superior, Wis., and Chicago, Ill.: *Provided*, That the holder may schedule trips between such pairs of points (i) nonstop, (ii) with a single stop at Madison, Wis., and (iii) with stops at Milwaukee and Green Bay, Wis.

(5) The holder shall schedule service to a minimum of two intermediate points between the following pairs of points:

(a) Minneapolis-St. Paul, Minn., and Madison, Wis.,

(b) Minneapolis-St. Paul, Minn., and Milwaukee, Wis.,

(c) Duluth, Minn.-Superior, Wis., and Madison, Wis., except as provided in paragraph 4(b) above.

(6) The holder shall schedule service to a minimum of one intermediate point between the following pairs of points:

(a) Chicago, Ill., and Detroit, Mich.,

(b) Chicago, Ill., and Ann Arbor, Mich.,

(c) Omaha, Nebr., and Minneapolis-St. Paul, Minn.,

(d) Sioux Falls, S. Dak., and Minneapolis-St. Paul, Minn.,

(e) Rapid City, S. Dak., and Minneapolis-St. Paul, Minn. (exclusive of Pierre, S. Dak.),

(f) Madison, Wis., and Chicago, Ill., except as provided in paragraph 4(b) above,

(g) Milwaukee, Wis., and Detroit, Mich.

(7) If the holder has scheduled one daily round trip to Alpena, Cadillac-Reed City, Manistee-Ludington, or Pontiac, Mich., the holder may omit service to such point on any additional trips scheduled over all or part of segment 13.

(8) Green Bay, Wis., shall be served on segment 1 only in those instances where the holder schedules two-stop flights between Duluth, Minn.-Superior, Wis., and Chicago, Ill., via Milwaukee and Green Bay, Wis.

(9) Flights serving Cleveland, Ohio, shall originate or terminate at a point north or west of Detroit, Mich.

(10) The authorization to serve Land O'Lakes, Wis., on segment 1 shall be effective only between June 1 and September 30 (both dates inclusive) of each year.

(11) Fargo, N. Dak.-Moorhead, Minn., on segment 10 shall be served through a single airport.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

This certificate shall be effective on ------- The authorization to serve segment 12 shall expire on February 16, 1964.[1] The authorization to serve segment 14 shall expire on December 1, 1965.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the ----------.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64–10182; Filed, Oct. 6, 1964; 8:50 a.m.]

[Docket No. 15333]

## AEROLINEAS EL SALVADOR, S.A., FOREIGN PERMIT RENEWAL

### Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding now assigned to be held October 5, 1964, is postponed to October 19, 1964, at 10:00 a.m., e.d.s.t., in Room 607, Universal, Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., October 2, 1964.

[SEAL] JAMES S. KEITH,
*Hearing Examiner.*

[F.R. Doc. 64–10183; Filed, Oct. 6, 1964; 8:50 a.m.]

[Docket No. 15482]

## AERONAVES DE MEXICO, S.A.

### Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will commence on Monday, October 12, 1964, at 10:00 a.m. (local time), in Room 925 of the Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Is the applicant fit, willing and able properly to perform its proposed operation in air transportation between the terminal point Mexico City, and the terminal point Detroit, Michigan, and to conform to the provisions of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and requirements of the Board thereunder?

2. Will the operation described above be in the public interest?

3. Is the applicant substantially owned and/or effectively controlled by nationals of Mexico?

4. If the application is granted, what should be the duration of the permit and what terms, conditions and limitations, if any, should be attached thereto?

For further details of the issues involved in this proceeding, interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket

[1] Standard Metropolitan Statistical Areas, Executive Office of the President, Bureau of the Budget, 1961, p. 61.

[2] Ibid., Criteria of Integration, p. 4.

[3] No petition for reconsideration of this order will be entertained.

[1] On October 4, 1963, the holder filed an application in Docket 14792 for renewal of its authority to serve this segment.

of this proceeding, all of which are on file with the Civil Aeronautics Board.

Dated at Washington, D.C., October 1, 1964.

[SEAL] MERRITT RUHLEN,
*Hearing Examiner.*

[F.R. Doc. 64-10184; Filed, Oct. 6, 1964; 8:50 a.m.]

[Docket No. 15419]

## BLOCKED SPACE AIR FREIGHT TARIFFS

### Notice of Postponement of Hearing

By letter dated September 29, 1964, Trans World Airlines, Inc., requests a postponement of the hearing in order to afford time for counsel to reach an agreement with respect to deferral of hearing on issues which decision of the United States Court of Appeals for the District of Columbia may render unnecessary. American Airlines, Inc., United Air Lines, Inc., and Bureau counsel concur in the request, and the other parties do not object. Accordingly, the date for hearing in this proceeding is postponed to October, 19, 1964, at 10 a.m., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., October 1, 1964.

[SEAL] RALPH L. WISER,
*Hearing Examiner.*

[F.R. Doc. 64-10185; Filed, Oct. 6, 1964; 8:50 a.m.]

[Docket No. 15151]

## EASTERN'S SERVICE TO FLORENCE, SOUTH CAROLINA

### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on October 27, 1964, at 10 a.m. (local time) in the Municipal Courtroom, Florence, S.C., before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on August 24, 1964, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 1, 1964.

[SEAL] BARRON FREDRICKS,
*Hearing Examiner.*

[F.R. Doc. 64-10186; Filed, Oct. 6, 1964; 8:50 a.m.]

[Docket No. 15591]

## NIAGARA HELICOPTERS LTD.

### Notice of Hearing

Application of Niagara Helicopters Limited, Docket 15591, for a foreign air carrier permit, issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter is assigned to be held on October 14, 1964, at 10:00 a.m., e.d.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., October 1, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-10187; Filed, Oct. 6, 1964; 8:50 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 64-EA-8]

## E. ANTHONY AND SONS, INC.

### Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (EA-OE-5198) to determine its effect upon the safe and efficient utilization of navigable airspace.

E. Anthony and Sons, Inc., New Bedford, Massachusetts, proposes to increase by 88 feet the height of an existing radio antenna structure near West Yarmouth, Massachusetts, at latitude 41°38'07" north, longitude 70°14'06" west. The new overall height of the structure would be 305 feet above mean sea level (300 feet above ground).

The proposed structure would be located approximately 3.3 miles southeast of Barnstable Airport and would be within the boundaries of VOR Federal airways Nos. 141 and 167. It would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(2), of the Federal Aviation Regulations by 100 feet since it would be more than 200 feet above ground at the site of construction.

A previous proposal to increase the height of this structure to 371 feet above mean sea level (366 feet above ground) resulted in the issuance of a Determination of Hazard to Air Navigation in OE Docket No. 64-EA-3 on March 4, 1964.

The aeronautical study disclosed that the structure would be located approximately 1000 feet inland from the south shoreline of Cape Cod just outside the Hyannis control zone.

The structure would require no changes in instrument flight rule (IFR) altitudes or procedures and would have no substantial adverse effect on IFR operations. It would be located in proximity to routes used by visual flight rule (VFR) aircraft; however, at the proposed height, it would not have a substantial adverse effect upon normal VFR operations or upon aircraft conducting the special VFR procedures which are approved for this area.

Based on the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on September 29, 1964.

JOSEPH VIVARI,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64-10128; Filed, Oct. 6, 1964; 8:46 a.m.]

[OE Docket No. 64-SW-5]

## LANFORD TELECASTING CO., INC. (KALB-TV)

### Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (SW-OE-6860) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Lanford Telecasting Co., Inc. (KALB-TV), Alexandria, Louisiana, proposes to construct a television antenna structure at latitude 31°02'14" north, longitude 92°29'44" west, near Forest Hill, Louisiana. The overall height of the structure would be 1749 feet above mean sea level (1589 feet above ground).

The structure would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(1) of the Federal Aviation Regulations by 1089 feet since it would be more than 500 feet above ground at the site of construction.

The aeronautical study disclosed that the structure would be located approximately 30 miles south-southwest of the Esler, Louisiana, VOR, on an approved off-airway route between the Esler, VOR, and Lake Charles, Louisiana, VOR, and would require an increase from 2000 feet to 2700 feet in the minimum obstruction clearance altitude and from 2500 feet to 2700 feet in the minimum en route altitude (MEA) on the segment of the route between the Oakdale, Louisiana, Intersection, and the Esler VOR. The study revealed that the above changes would have no substantial adverse effect upon aeronautical operations provided an intersection is established north of the site of the tower thereby allowing an MEA of 2000 feet on the segment of the route between the tower and the Esler VOR. Therefore, if the proposed structure is built, the Agency will take the action necessary to establish such an intersection.

The structure would be approximately 20 miles southeast of the England Air Force Base (AFB) and would require an increase from 1700 feet to 2000 feet in the procedure turn altitude for standard instrument approach procedures (SIAPs) AL-13-VOR and JAL-13-VOR-2 to the England AFB. The change in procedure turn altitude would have no substantial adverse effect on these approach procedures since the rate of descent required by the increased procedure turn altitude would be well within prescribed standards. The structure would also be within the high altitude portion of the jet penetration for SIAPs JAL-13-ADF, JAL-13-VOR-1 and JAL-13-TACAN-1 to the England AFB. Since the procedure turns are completed at 4000 feet, the structure would have no substantial adverse effect on these approach procedures.

The study further disclosed that the proposed structure would be located 2.1 miles east of the Missouri Pacific Railroad and U.S. Highway 165 which are used for visual guidance by flights operating in accordance with visual flight rules (VFR) between Alexandria, Louisiana, and Lake Charles, Louisiana. This would place the structure an acceptable distance from the geographical features composing the VFR route. In addition, airspace action is being processed which will redesignate the eastern boundary of Restricted Area R-3801, Camp Claiborne, Louisiana, to a line approximately one-eighth of a mile west and parallel to U.S. Highway 165, thus, permitting pilots to fly this visual route without altering course to the east when passing the restricted area.

Based on the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on September 29, 1964.

JOSEPH VIVARI,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64-10129; Filed, Oct. 6, 1964; 8:46 a.m.]

[OE Docket No. 64-SO-18]

## TENNESSEE STATE BOARD OF EDUCATION

### Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-4529) to determine its effect upon the safe and efficient utilization of navigable airspace.

Tennessee State Board of Education, Nashville, Tennessee, proposes to construct a television antenna structure at latitude 36°22'52" north, longitude 83°-10'48" west, approximately 9.5 miles west of Rogersville, Tennessee. The overall height of the structure would be 3298.68 feet above mean sea level (618.68 feet above ground).

The structure would be located approximately 55 miles northeast of the Knoxville, Tennessee, VORTAC and within the boundaries of VOR Federal airway No. 16N. It would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(2) of the Federal Aviation Regulations, as applied to this airway, by 418.68 feet.

The aeronautical study disclosed that the structure if erected at the proposed height and location would require an increase from 4,000 feet to 4,300 feet in the minimum en route altitude on the segment of V16N between Yuma, Virginia, Intersection and the Tampico, Tennessee, Intersection.

This segment of V16N is regularly used to expedite the flow of traffic operating between McGhee-Tyson and Tri-City Airports in the Tri-City/Knoxville Tower-en route system. The loss of the cardinal altitude of 4,000 feet would require an increase of 1,000 feet in the altitude of aircraft operating in accordance with instrument flight rules on the affected segment of V16N. Such an increase in the minimum en route altitude would further restrict operations already penalized by the relatively high minimums now required by mountainous terrain. There are 18 scheduled air carrier flights daily between Knoxville and Tri-City Airports. The Agency peak day traffic figures revealed there were seven operations in the tower-en route system over the affected segment of the airway on the peak day for Fiscal Year 1964.

The study further disclosed that the proposed structure would be located adjacent to U.S. Highway 11W and the Holston River. The highway and river provide prominent visual landmarks for flights operating in accordance with visual flight rules between Knoxville and points northeast. Since the terrain along the highway and river is variable from 1,083 to 1,580 feet above mean sea level, aircraft can operate at altitudes below the height of the proposed structure without violating Federal Aviation Regulations. A survey of the data contained in the Agency's publication, "Air Traffic Patterns of VFR General Aviation for fiscal Year 1962," revealed that 1,320 flight plans were filed specifying routes which would place the aircraft in proximity of the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on September 29, 1964.

JOSEPH VIVARI,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64-10130; Filed, Oct. 6, 1964; 8:46 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15571; FCC 64M-965]

## INDIAN RIVER BROADCASTING CO. (WIRA)

### Order Continuing Prehearing Conference

In re application of Indian River Broadcasting Company (WIRA), Fort Pierce, Florida, Docket No. 15571, File No. BP-15740; for construction permit.

Upon verbal request of counsel for the Broadcast Bureau: *It is ordered*, This first day of October 1964, that the prehearing conference now scheduled for October 2, 1964, be and the same is hereby rescheduled for October 13, 1964, 9:00 a.m., in the Commission's offices, Washington, D.C.

Released: October 1, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10198; Filed, Oct. 6, 1964; 8:52 a.m.]

[Docket Nos. 15615, 15617; FCC 64M-869]

## LORENZO W. MILAM ET AL.

### Order Continuing Hearing

In re applications of Lorenzo W. Milam and Jeremy D. Lansman, a partnership, St. Louis, Missouri, Docket No. 15615, File No. BPH-4218; Christian Fundamental Church, St. Louis, Missouri, Docket No. 15617, File No. BPH-4402; for construction permits.

Pursuant to prehearing conference this date: *It is ordered*, This 1st day of October 1964, that the direct written case of the applicants herein shall be exchanged on or before November 10, 1964; that the notification date for witnesses desired for cross-examination is November 24, 1964;

*It is further ordered*, That the hearing now scheduled for November 3, 1964, be and the same is rescheduled for December 8, 1964, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: October 1, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10199; Filed, Oct. 6, 1964; 8:52 a.m.]

[Docket Nos. 15584, 15585; FCC 64M-867]

## VAUGHN-HANSSEN CO. AND CAPE CANAVERAL BROADCASTERS, INC.

### Order Continuing Hearing

In re applications of R. A. Vaughn and Thomas R. Hanssen d/b as Vaughn-Hanssen Company, not incorporated, Melbourne, Florida, Docket No. 15584, File No. BP-14921; Cape Canaveral Broadcasters, Incorporated, Eau Gallie, Florida, Docket No. 15585, File No. BP-15570; for construction permits.

A prehearing conference having been held on October 1, 1964, and it appearing from the record made therein that certain agreements were reached and certain rulings made which should be formalized by order;

*It is ordered*, This 1st day of October 1964, that:

(1) The procedures hereinafter set forth shall not apply to Issue No. 5, and the decision as to whether evidence is to be taken on Issue No. 5 will be reached after the adduction of evidence on the remaining issues has been concluded;

(2) The direct affirmative cases of the applicants shall be presented primarily in the form of sworn written exhibits, provided, however, that the written cases may be supplemented by oral testimony offered pursuant to the provisions of par. 6, infra;

(3) Copies of the applicants' exhibits directed to the engineering phases of the proceeding shall be exchanged informally on or before November 2, 1964;

(4) Formal exchange of engineering exhibits, as well as formal exchange of exhibits directed to non-engineering phases of the case, shall take place on or before November 9, 1964;

(5) Any party wishing to call for cross-examination any witness sponsoring another party's exhibit shall give notification thereof on or before November 18, 1964;

(6) In the event any party proposes to supplement its written case by oral testimony, such party shall give notification of the identity of its witnesses and the general scope of their testimony on or before November 18, 1964; and,

*It is further ordered*, That the hearing now scheduled to commence on November 4, 1964, is continued to November 23, 1964, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: October 1, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10200; Filed, Oct. 6, 1964; 8:52 a.m.]

[Docket No. 15426; FCC 64-891]

## OCEAN DATA SERVICE

### Pending Establishment of Frequencies and Allocation

1. The Commission, on April 22, 1964, adopted a Notice of Inquiry in the above captioned matter which was duly published in the FEDERAL REGISTER on May 6, 1964 (29 F.R. 5973). Pursuant to requests by the American Merchant Marine Institute, Inc. (AMMI) and by the Central Committee on Communication Facilities of the America Petroleum Institute (API), the time for filing comments and reply comments was extended for 30 days and that time has now expired. In addition to comments timely filed by AMMI and by API, comments were also timely filed by Collins Radio Company (Collins), the Boeing Company (Boeing) and by RCA Communications, Inc. (RCA).

2. The Notice of Inquiry was essentially informative in nature and indicated a potential demand upon the high frequency spectrum by the Ocean Data Service which is currently under international consideration. The proposed Ocean Data Service would require the allocation of frequencies for the purpose of transmitting data concerning oceanographic and meteorological phenomena from stations located on unmanned buoys and platforms located in prearranged patterns throughout the oceans of the world. The Intergovernmental Oceanographic Commission (IOC) proposed, through the International Frequency Registration Board (IFRB), that a channel 3.5 kilocycles wide in each of the maritime mobile bands between 4063 and 22720 kc/s be allocated to the proposed service on an exclusive basis. The United States position, developed after a series of meetings between representatives of appropriate Government agencies and scientific entities, supported the proposal and, for reasons set forth in the original Notice of Inquiry, recommended that certain of the ship radiotelephone channels shown in section B, Article 15, Geneva Radio Regulations (1959) should be used for the proposed service. Specifically, the channels 4133-4136.5 kc/s; 6200.5-6204 kc/s; 8265-8268.5 kc/s; 12400-12403.5 kc/s; 16530-16533.5 kc/s; and 22070-22073.5 kc/s were advocated.

3. Of the five respondents to the Notice of Inquiry, only RCA supported the proposal set forth in its entirety. Collins, API and Boeing agree that the proposed service has merit and should be supported; however, each has offered certain comments relative to the choice of frequencies or to the timeliness of considering the frequency needs of the proposed service. AMMI believes the proposed service to be more closely related to the meteorological service than to the maritime mobile. These comments, in addition to subsequent but related events concerning the proposed Ocean Data Service, will be discussed in succeeding paragraphs.

4. Collins believes it premature to conclude that the maritime mobile service does not require exclusive SSB frequencies, prior to a reasonable period of operation under rules adopted July 22, 1964, in Docket No. 15068. The Commission has not reached such a conclusion. The Notice of Proposed Rule Making in Docket No. 15068 of May 8, 1963 (28 F.R. 5052) warned of the potential need to accommodate an oceanographic data service in the frequency area concerned. The Notice of Inquiry in this proceeding indicated a first step in international negotiations to find a set of frequencies acceptable to most countries for oceanography. Simultaneous proposals from a number of countries indicate a consensus that oceanography should be accommodated on frequencies within the maritime mobile bands but on sets of frequencies other than suggested by the U.S. We are therefore abandoning our initial proposal in favor of a set of frequencies on which there was wider accord, recognizing that subsequent changes may be necessary as negotiations proceed.

5. Collins also believed that development of the proposed Ocean Data Service should be accommodated within the fixed service allocations pending review by ITU of the Table of Frequency Allocations and consideration of the frequency requirements of all services. It must be remembered that attempts to obtain international agreement concerning the use of channels within the fixed bands would be a most difficult and time consuming process, particularly since comments to date do not indicate any significant international leaning to the use of those bands by the proposed service. The fixed bands are heavily congested and have ever increasing demands placed upon them, not only by newly created nations, but by existing services as well. Accordingly, attempts to pursue the selection of sufficient portions of the fixed bands to satisfy the Oceanographic requirement would appear to be unrealistic.

6. Boeing, while recognizing a need for high frequencies (3-30 Mc/s) to support some of the oceanographic operational requirements, suggested that consideration also be given the use of VHF (30-300 Mc/s) for the forward scatter mode of propagation. Boeing is currently studying the feasibility of applying this mode to the collection of oceanographic data. The physical nature of this technique dictates a minimum range of 500-600 miles and a maximum range of about 1200 miles, whereas the areas of interest to oceanography range from just off-shore to 2400 miles. Hence, regardless of the feasibility of collecting data by the scatter at distances of 500-1200 miles, there will continue to be high frequency requirements at distances below and above those limits.

7. API believes the frequency requirements of the proposed Ocean Data Service have neither been sufficiently documented nor are as great as has been indicated. Consequently, in view of the action taken in Docket No. 15068, API believes that use of the frequencies proposed in this proceeding would be premature. AMMI does not agree that the proposed service has a close affinity with maritime operations and, as stated previously, believes the service to be basically meteorological. Further, AMMI is apprehensive that the system would not be "interim", but would, in fact, become a permanent one.

8. Contrary to API's belief, the oceanography interests appear to have presented a communication plan which meets their needs in a manner which would utilize radio spectrum most efficiently. When one considers the number of buoys involved in the collection of data from the oceans of the world (which cover 70 percent of the earth's surface), the distances over which the information must be transmitted and the fact that data transmission requires a clear channel, the system proposed appears to have been well planned. In order to maintain communication in the high frequency band, a family of frequencies must be assigned in a manner similar to maritime mobile and fixed operations in that band. Each 3.5 kc/s channel would be sub-divided into ten 300 c/s data channels, each of which would be time shared by a number of buoys thereby making maximum utilization of the frequencies by oceanographic interests.

9. While it is true that some of the data which would be obtained from the proposed Ocean Data Service would be meteorological in nature, a great deal of the information would pertain to maritime interests. Further, in view of the congestion prevalent in other portions of the high frequency band, the need for exclusive spectrum for data transmission and the general over-all demands on the radio spectrum, the Commission cannot concur in the proposals of API and AMMI.

10. Internationally, the responses to the IFRB query regarding the proposed Ocean Data System indicate general but guarded support for the communication needs of the oceanographic community. The choice of frequency bands appears to be narrowed to one of two choices—either the wide band, high capacity frequencies contained in Appendix A, section 15 of the Geneva Radio Regulations, (1959), or the single sideband frequencies shown in Appendix B of the same publication. All agreed that any arrangement would be an interim one.

11. As was pointed out in the Notice of Inquiry, the disparity of power between the proposed ocean data stations and existing stations on the wide band, high capacity frequencies, coupled with the extent of present occupancy on those channels, would undoubtedly preclude protection of even our own ocean data stations. Therefore, if the United States is to support the concept of an Ocean Data Service, it would appear that support of the single sideband frequencies recommended by the IOC would be appropriate. Because the bands initially recommended by the United States failed to receive significant international support, it is now believed appropriate to revise the U.S. recommendation to support, as a temporary measure under paragraph 115 of the Radio Regulations, the following bands for meeting the needs of the Ocean Data Service:

4136.5-4140 kc/s
6207.5-6211 kc/s
8276.5-8280 kc/s
12417.5-12421 kc/s
16558.0-16561.5 kc/s
22095.5-22099 kc/s

12. Only an Administrative Radio Conference of the ITU can establish a new international radio service, allocate frequencies to the service, and designate the category of the service; i.e., primary, secondary or permitted. Prior to such action on behalf of an "ocean data service", the use of any frequencies to meet oceanographic requirements would be in derogation of the international Table of Frequency Allocations. Such use would be permitted only under No. 115 of the Radio Regulations, which states in effect that harmful interference shall not be caused to services operating in accordance with the Table. Consequently, any arrangements which may be made, nationally or internationally, to accommodate oceanography would be interim in nature. Initiation of rule-making will not be undertaken until such time as there is general international agreement regarding the choice of assignable frequencies. Such rule-making would look toward determining the relative status to be afforded nationally to the "ocean data service" vis-a-vis other radio services presently administered by the Commission.

13. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on this matter on or before November 6, 1964, and reply comments on or before November 16, 1964.

14. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: September 30, 1964.

Released: October 1, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10201; Filed, Oct. 6, 1964; 8:52 a.m.]



[FCC 64-892]

## FEE REFUNDS FOR OVERPAYMENTS

### Notice of Discontinuance

SEPTEMBER 30, 1964.

The Commission wishes to announce that it will no longer issue fee refunds for overpayments of $2 or less.

Since the fee schedule became effective on March 17, 1964, the Commission has refunded all fee overpayments irrespective of the amount involved. The great number of overpayments which occurred during the first few months of the effectiveness of the fee schedule may be attributed mainly to the fact that applicants were not thoroughly familiar with the fee schedule. However, by this time applicants should be aware of the correct amount of the fees.

In view of the facts that (1) the cost of processing such refunds greatly exceeds the amounts refunded and (2) that applicants have had a reasonable time in which to become familiar with the fee schedule, the Commission does not believe it is feasible to continue the practice of refunding fee overpayments of $2 or less.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10202; Filed, Oct. 6, 1964; 8:52 a.m.]

[Docket No. 15201; FCC 64-905]

## AIRBORNE TELEVISION ORAL PROCEEDING

### Schedule

OCTOBER 2, 1964.

The en banc oral proceeding concerning the rule making to authorize the use of airborne television transmitters (Docket 15201) will be held in Room 7134, New Post Office Building, on Friday, October 9, beginning at 10:00 a.m. The approximate hours will be 10:00 to 12:30 and 2:00 to 4:30 p.m. The order of presentation and time allowed will be as follows:

MORNING SESSION

| | *Minutes* |
|---|---|
| Midwest Program on Airborne Television, Inc. by Dr. John E. Ivey, Jr., Chairman of Board of MPATI; John C. Prasch, Supt. of Schools, Racine, Wis.; Percy H. Russell, Atty | 60 |
| Chicago Board of Education, by Benjamin C. Willis, Supt. of Schools, Chicago | 10 |
| Archdiocese of Chicago, by Father William O. Goedert, Illinois Catholic Welfare Comm | 10 |
| State of Illinois, by Robert M. Shultz, Supervisor of Instructional Television | 15 |
| Junior Women's Club of Ironton, Ohio, by Mrs. Ray Williams | 10 |
| Middletown, Ohio, Board of Education, by Howard Cromwell, Supt. of Schools | 10 |
| MPATI Area Council, Wayne State Univ. Resource Area, by Mrs. Elaine Hawker, Principal, John Dewey Elem. School, Oak Park, Mich | 10 |

AFTERNOON SESSION

| | Minutes |
|---|---|
| National Assn. of Educational Broadcasters, by Norman E. Jorgensen, Atty | 30 |
| Joint Council on Educational Broadcasting, by Dr. Harold Wigren, Chairman | 15 |
| Assn. for Super. and Curric. Development (Natl. Educ. Assn.), by Margaret Gill, Exec. Secy | 10 |
| Council of Chief State School Officers (member of JDEB), by Edgar Fuller, Exec. Secy. and Dr. Fred M. Raubinger, Comm. of Educ., N.J. | 10 |
| American Assn. of School Admin., by William Ellena, Exec. Secy., and Dr. George Brain, Supt. of Schools, Baltimore | 10 |
| Association of Maximum Service Telecaster, Inc. by Edgar P. Czarra, Jr., Atty | 30 |
| Ohio Educ. Television Network Comm., by Cohn & Marks, Attys | 15 |
| Livonia Public Schools, by Benton Yates, Supt. of Schools; Alex Baskin, Director of Instructional Television, and Dr. Eric Bradner, Pres. of Schoolcraft College | 15 |

Adopted: September 30, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10203; Filed, Oct. 6, 1964; 8:52 a.m.]

# FEDERAL POWER COMMISSION

[Docket Nos. G-3895 etc.]

## GENERAL AMERICAN OIL COMPANY OF TEXAS ET AL.

### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 29, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 26, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

| Docket No. and date filed | Applicant | Purchaser, field and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| G-3895 D 9-14-64 | General American Oil Co., of Texas (partial abandonment). | The Shamrock Oil and Gas Corp., acreage in Hutchinson County, Tex. | Depleted | |
| G-5546 9-17-64 [2] | Z. N. Connolly, et al | Hope Natural Gas Co., Sherman District, Calhoun County, W. Va. | 20.0 | 15.325 |
| G-6296 C 9-21-64 | Leonard Oil Co | El Paso Natural Gas Co., Jalmat Oil Pool, Lea County, N. Mex. | 9.0 | 14.65 |
| G-14307 E 9-18-64 | Occidental Petroleum Corp. (successor to Jefferson Lake Sulphur Co., Operator). | Texas Gas Transmission Corp., Kerr Unit, Ellis Field, Acadia Parish, La. | [3] [9] 19.75 | 15.025 |
| | | Transcontinental Gas Pipe Line Corp., Kerr B-1 Unit, Ellis Field, Acadia Parish, La. | [4] [9] 23.0 | 15.025 |
| | | United Fuel Gas Co., Various Units, Ellis Field, Acadia Parish, La. | [4] [9] 19.9 | 15.025 |
| G-14895 E 9-18-64 | Occidental Petroleum Corp. (successor to Jefferson Lake Sulphur Co.). | United Gas Pipe Line Co., Cabeza Creek Area, Goliad County, Tex. | 12.15 | 14.65 |
| G-18710 E 9-21-64 | Tidewater Oil Co. (successor to Robert B. Prentice, et al.). | United Gas Pipe Line Co., Hollywood Field, Terrebonne Parish, La. | 20.25 | 15.025 |
| CI60-546 E 9-18-64 | Occidental Petroleum Corp. (successor to Jefferson Lake Sulphur Co., Operator). | Valley Gas Transmission, Inc., Ramirena Northeast and C. A. Winn Fields, Live Oak County, Tex. | 14.0 | 14.65 |
| CI62-1558 A 6-27-62 | Petroleum Management, Inc. (Operator), et al. | United Gas Pipe Line Co., Pistol Ridge Field, Forrest, Lamar and Pearl River Counties, Miss. | 20.0 | 15.025 |
| CI63-1583 C 9-23-64 [5] | Shell Oil Co | Arkansas Louisiana Gas Co., North Carter Field, Beckham County, Okla. | 15.0 | 14.65 |
| CI64-136 C 9-23-64 | Cities Service Oil Co | Arkansas Louisiana Gas Co., Southwest Lacy Field, Kingfisher County, Okla. | 15.0 | 14.65 |
| CI65-76 E 9-23-64 | Sinclair Oil & Gas Co. (successor to Hiawatha Oil and Gas Co.). | Northern Natural Gas Co., East Balko Field, Beaver County, Okla. | 17.0 | 14.65 |
| CI65-248 F 9-16-64 | Irwin Miller (successor to Hunt Oil Co.). | United Gas Pipe Line Co., South Mermentau Field, Acadia Parish, La. | [6] 20.25 | 15.025 |
| CI65-249 A 9-18-64 | Little Five Oil & Gas Co | Pennzoil Co., McClelland District, Doddridge County, W. Va. | 15.0 | 15.325 |
| CI65-250 A 9-18-64 | do | do | 15.0 | 15.325 |
| CI65-251 A 9-18-64 | do | do | 15.0 | 15.325 |
| CI65-252 B 9-18-64 | G. H. Vaughn, Jr., et al | Transwestern Pipeline Co., Wolf Creek Unit Area, Ellis County, Okla. | Assigned | |
| CI65-253 A 9-18-64 | Edwin Foster Blair & Associates, agent for Esther J. Cox Lease. | Carnegie Natural Gas Co., Batelle District, Monongalia County, W. Va. | 20.0 | 15.325 |
| CI65-254 F 9-18-64 | Westhoma Oil Co. (successor to The Fluor Corp., Ltd. and Jake L. Hamon). | Northern Natural Gas Co., Hugoton Field, Texas County, Okla. | 16.0 | 14.65 |
| CI65-255 A 9-18-64 | Oil and Gas Futures, Inc., Operator. | Northern Natural Gas Co., Acreage in Beaver County, Okla. | 17.0 | 14.65 |
| CI65-256 A 9-21-64 | Irwin Miller | Hope Natural Gas Co., South Bosco Field, Lafayette and Acadia Parishes, La. | 17.5 | 15.025 |
| CI65-257 A 9-21-64 | Texaco Inc | Northern Natural Gas Co., Various Fields, Beaver and Ellis Counties, Okla. | 17.0 | 14.65 |
| CI65-258 A 9-21-64 | Tidewater Oil Co | Lone Star Gas Co., East Cruce Field, Stephens County, Okla. | 15.0 | 14.65 |
| CI65-259 A 9-21-64 | Southwest Oil Industries, Inc. | Northern Natural Gas Co., Mocane-Laverne Field, Harper and Beaver Counties, Okla. | 17.0 | 14.65 |
| CI65-260 A 9-21-64 | Sohio Petroleum Co | Mississippi River Fuel Corp., Woodlawn Field, Harrison County, Tex. | 15.0 | 14.65 |
| CI65-261 A 9-21-64 | Oklahoma Natural Gas Co | Northern Natural Gas Co., North Linscott Field, Ellis County, Okla. | 17.0 | 14.65 |
| CI65-262 A 9-21-64 | Warren American Oil Co | Arkansas Louisiana Gas Co., Northwest Milton Field, Haskell County, Okla. | [10] 15.0 | 14.65 |
| CI65-263 A 9-21-64 | Southern Union Production Co. | Northern Natural Gas Co., acreage in Beaver County, Okla. | 17.0 | 14.65 |
| CI65-264 F 9-21-64 | Continental Oil Co. (successor to Sinclair Oil & Gas Co.). | Michigan-Wisconsin Pipe Line Co., Putnam Area, Dewey County, Okla. | [11] 15.0 | 14.65 |
| CI65-265 A 9-22-64 | Ambassador Oil Corp. (Operator), et al. | Panhandle Eastern Pipe Line Co., Light Field, Beaver County, Okla. | 16.0 | 14.65 |
| CI65-266 A 9-22-64 | L. B. Nichols, Jr., et al | Northern Natural Gas Co., Patti-Cake (Cleveland) Field, Lipscomb County, Tex. | 17.0 | 14.65 |
| CI65-267 A 9-22-64 | Anadarko Production Co | Panhandle Eastern Pipe Line Co., Arkalon Field, Seward County, Kans. | 16.0 | 14.65 |
| CI65-268 A 9-22-64 | Coastal States Gas Producing Co. | Trunkline Gas Co., North Delhi Field Area, Harris County, Tex. | 14.00 | 14.65 |
| CI65-269 A 9-23-64 | Worth Exploration Co., et al | Southern Natural Gas Co., Northeast Lafitte Field, Jefferson Parish, La. | 15.0 | 15.025 |
| CI65-270 A 9-23-64 | Harry C. Boggs | United Fuel Gas Co., Birch District, Braxton County, Washington District, Calhoun County and Smithfield District, Roane County, W. Va. | 27.0 | 15.325 |
| CI65-271 B 9-23-64 | Davidor & Davidor, Inc | Cities Service Gas Co., North Whiterock Area, Noble County, Okla. | [12] | |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.



| Docket No. and date filed | Applicant | Purchaser, field and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| CI65-272 B 9-23-64 | The Atlantic Refining Co | Panhandle Eastern Pipe Line Co., Southeast Liberal Field, Beaver County, Okla. | Assigned | |
| CI65-273 A 9-23-64 | Phillips Petroleum Co | El Paso Natural Gas Co., Eunice Field, Lea County, N. Mex. | 16.0 | 14.65 |
| CI65-274 A 9-23-64 | Cities Service Oil Co | Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla. | 12.0 | 14.65 |

[2] Amendment to certificate filed to reflect change in Applicant's agent from Holly Nester to Calhoun County Bank
[3] Inclusive of 1.75 cents per Mcf tax reimbursement.
[4] Rate effective subject to refund in Docket No. RI62-355.
[5] Inclusive of 1.5 cents per Mcf tax reimbursement.
[6] Rate effective subject to refund in Docket No. G-17997.
[7] Rate effective subject to refund in Docket No. RI61-330.
[8] Deleted.
[9] Adds acreage of nonoperator, Phillips Petroleum Co.
[10] Includes tax reimbursement.
[11] Plus 75 percent reimbursement of any calculated new tax.
[12] Plus Btu adjustment.
[13] Compression facilities no longer available for boosting gas pressure to purchaser's pipe line requirements.

[F.R. Doc. 64-10070; Filed, Oct. 6, 1964; 8:45 a.m.]

[Docket No. CP65-52]

## EL PASO NATURAL GAS CO.

### Notice of Application

SEPTEMBER 30, 1964.

Take notice that on August 20, 1964, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79999, filed in Docket No. CP65-52 an application pursuant to section 7 of the Natural Gas Act for authorization to abandon certain facilities located in Hockley County, Texas, and for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in said county, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application indicates that Applicant's Slaughter Compressor Station in Hockley County, was destroyed by fire. Said compressor station contained one 500 Hp compressor unit and appurtenant facilities. Applicant proposes herein to abandon the 500 horsepower unit and to construct and operate in place of said unit a 550 horsepower unit, together with appurtenant facilities. Applicant states that a unit comparable in size to the 500 Hp unit is no longer manufactured, and, therefore, Applicant proposes to replace said unit with a 550 Hp unit.

The application indicates the total estimated cost of the proposed facilities to be $210,000. Of this amount, the estimated out of pocket cost will be $78,000; the remainder of the estimated cost will be covered by an insurance claim credit of $130,000 and by a salvage value credit of $2,000. The estimated out of pocket cost will be financed out of current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 23, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-10133; Filed, Oct. 6, 1964; 8:46 a.m.]

[Project Nos. 2364, 2365]

## KENNEBEC RIVER PULP & PAPER CO., INC.

### Order Consolidating Proceedings and Fixing Hearing on Applications for Rehearing

SEPTEMBER 30, 1964.

On September 2, 1964, Kennebec River Pulp & Paper Company, Inc., (Applicant) filed application for rehearing of the Commission's license order issued August 3, 1964, with respect to Applicant's constructed Abenaki development located on the Kennebec River in Somerset County, Maine, in the towns of Anson and Madison, Project No. 2364. On September 10, 1964, Applicant filed a similar application for rehearing of our order of August 11, 1964, for its constructed Anson development on the Kennebec River in Somerset County, Maine, Project No. 2365. The orders would issue licenses for these projects for a period effective May 1, 1954 and terminating December 31, 1993.

Applicant objects to the period of the license as provided and requests that the period of the license be extended to 50 years from May 1, 1954 or from the date of issuance of the licenses. Applicant contends that licenses effective as of May 1, 1954 and terminating in 1993 would constitute a burden and a threat to the continued operation of applicant's pulp and paper mills and that the continued operation of its mills are of the greatest importance to the economy of the area. Applicant further objects to the insertion in the licenses of Article 11 of Form L-3 (revised November 1, 1963), which provides for the determination of the actual legitimate original cost of the project. In lieu thereof, Applicant seeks a license condition providing for the determination by the Commission, after notice to the licensee and opportunity for hearing, of the fair value of the projects in accordance with section 23(a) of the Act.

In its license orders the Commission found that, subject to the terms and conditions of the order, the projects will be best adapted to a comprehensive plan for improving and developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water power development, and for other beneficial public uses, including recreational purposes. Applicant objects to the terms and conditions of Articles 31 and 32 of the license order for Project No. 2364, reserving the right of the United States to construct or of the Commission to issue a license authorizing the construction of a hydroelectric project, which will more completely utilize the water resources involved and providing that the proffered license would be surrendered. In the event redevelopment is by the United States or another licensee, these conditions provide that Applicant would be paid the net investment in the existing Project No. 2364 and that Applicant shall not be entitled to any compensation for severance damages sustained by inundation or destruction of the project.

We are granting the applications for rehearing and shall consolidate the two cases and designate the consolidated proceeding for hearing upon the issues raised by the applications.

The Commission finds: It is appropriate and in the public interest to hold a public hearing respecting the matters involved and the issues presented.

The Commission orders:

(A) The aforesaid applications for rehearing are granted.

(B) The proceedings in Project No. 2364 and Project No. 2365 are consolidated for the purposes of a hearing.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 10(a), 308 and 313 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held in a Commission hearing room, 441 G Street NW., Washington, D.C., respecting the matters involved and the issues presented in these consolidated proceedings. The time of the

hearing is to be fixed by further notice of the Secretary.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10134; Filed, Oct. 6, 1964; 8:46 a.m.]

# FEDERAL RESERVE SYSTEM

## FIRST OKLAHOMA BANCORPORATION

### Notice of Request for Determination and Order for Hearing

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4(c)(6) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(6)) and § 222.5(b) of the Board's Regulation Y (12 CFR 222.5(b)), by First Oklahoma Bancorporation, Oklahoma City, Oklahoma, a bank holding company, for a determination that the activities planned to be undertaken by its proposed subsidiary, First Oklahoma Baninsurance, Inc., are of the kind described in the aforementioned sections of the Act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

Inasmuch as section 4(c)(6) of the Act requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing,

*It is hereby ordered,* That pursuant to section 4(c)(6) of the Bank Holding Company Act and in accordance with §§ 222.5(b) and 222.7(a) of the Board's Regulation Y (12 CFR 222.5(b), 222.7(a)), promulgated under the Bank Holding Company Act, a hearing with respect to this matter be held commencing on October 27, 1964, at 10 a.m., at the offices of the Federal Reserve Board in Washington, D.C., before a hearing examiner selected by the Civil Service Commission, pursuant to section 11 of the Administrative Procedure Act, such hearing to be conducted according to the Rules of Practice for Formal Hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The right is reserved to the Board or such hearing examiner to designate any other date or place for such hearing or any part thereof that may be determined to be necessary or appropriate for the convenience of the parties. The Board's Rules of Practice for Formal Hearings provide, in part, that "All such hearings shall be private and shall be attended only by parties and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however,* That on written request by a party or representatives of the Board, or on the Board's own motion, the Board, unless prohibited by law, may permit other persons to attend or may order the hearing to be public." (12 CFR 263.2(c))

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Kansas City, on or before October 16, 1964, a written request containing a statement of the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing examiner for his determination. Persons submitting timely requests will be notified of the hearing examiner's decision.

Dated at Washington, D.C., this 30th day of September 1964.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 64-10117; Filed, Oct. 6, 1964; 8:45 a.m.]

## FIRST WISCONSIN BANKSHARES CORP.

### Notice of Request for Determination and Order for Hearing

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4(c)(6) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(6)) and § 222.5(b) of the Board's Regulation Y (12 CFR 222.5(b)), by First Wisconsin Bankshares Corporation, Milwaukee, Wisconsin, a bank holding company, for a determination that proposed additions to the activities of its subsidiary, First Wisconsin Company, are of the kind described in the aforementioned sections of the Act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

Inasmuch as section 4(c)(6) of the Act requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing,

*It is hereby ordered,* That pursuant to section 4(c)(6) of the Bank Holding Company Act and in accordance with §§ 222.5(b) and 222.7(a) of the Board's Regulation Y (12 CFR 222.5(b), 222.7(a)), promulgated under the Bank Holding Company Act, a hearing with respect to this matter be held commencing on November 6, 1964, at 10 a.m., at the offices of the Federal Reserve Board in Washington, D.C., before a hearing examiner selected by the Civil Service Commission, pursuant to section 11 of the Administrative Procedure Act, such hearing to be conducted according to the Rules of Practice for Formal Hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The right is reserved to the Board or such hearing examiner to designate any other date or place for such hearing or any part thereof that may be determined to be necessary or appropriate for the convenience of the parties. The Board's Rules of Practice for Formal Hearings provide, in part, that "All such hearings shall be private and shall be attended only by parties and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however,* That on written request by a party or representatives of the Board, or on the Board's own motion, the Board, unless prohibited by law, may permit other persons to attend or may order the hearing to be public." (12 CFR 263.2(c))

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Chicago, on or before October 30, 1964, a written request containing a statement of the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing examiner for his determination. Persons submitting timely requests will be notified of the hearing examiner's decision.

Dated at Washington, D.C., this 30th day of September 1964.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 64-10118; Filed, Oct. 6, 1964; 8:45 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-VII [Amdt. 2]]

## REGIONAL OFFICES

### Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9) as amended, 29 F.R. 11777, 12570 and 13354; Delegation of Authority No. 30-VII, as amended, 29 F.R. 12493 and 12951 is hereby further amended by revising Items I.C.3., I.K.1. and I.K.2.a. to read as follows:

1.

I. • • •
C. • • •
3. To approve the following:
a. Business loans
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.
b. Disaster loans
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.

2.

I. • • •
K. • • •
1. To approve the following:
a. Direct loans not exceeding $100,000.
b. Participation loans not exceeding $250,000.
c. Simplified Bank Participation loans not exceeding $350,000.
d. Simplified Early Maturities Participation loans not exceeding $350,000.
e. Direct disaster loans not exceeding $350,000.
f. Participation disaster loans not exceeding $350,000.

3.

I. • • •
K. • • •
2. To decline the following:
a. Business loans not exceeding $250,000.

• • • • •

Effective date: September 14, 1964.

RICHARD E. LASSAR, *Regional Director, Chicago.*

[F.R. Doc. 64-10119; Filed, Oct. 6, 1964; 8:45 a.m.]



[Delegation of Authority 30-VIII [Amdt. 2]]

## REGIONAL OFFICES

### Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9) as amended, 29 F.R. 11777, 12570 and 13354; Delegation of Authority No. 30-VIII, as amended, 29 F.R. 12494 and 13056 is hereby further amended by revising Items I.C.3., I.K.1. and I.K.2.a. to read as follows:

1.

I. • • •
C. • • •
3. To approve the following:
a. Business loans
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.
b. Disaster loans
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.

2.

I. • • •
K. • • •
1. To approve the following:
a. Direct loans not exceeding $100,000.
b. Participation loans not exceeding $250,000.
c. Simplified Bank Participation loans not exceeding $350,000.
d. Simplified Early Maturities Participation loans not exceeding $350,000.
e. Direct disaster loans not exceeding $350,000.
f. Participation disaster loans not exceeding $350,000.

3.

I. • • •
K. • • •
2. To decline the following:
a. Business loans not exceeding $250,000.

Effective date: September 14, 1964.

HARRY A. SIEBEN, *Regional Director, Minneapolis.*

[F.R. Doc. 64-10120; Filed, Oct. 6, 1964; 8:45 a.m.]

[Delegation of Authority 30-XI [Amdt. 2]]

## REGIONAL OFFICES

### Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9) as amended, 29 F.R. 11777, 12570 and 13354; Delegation of Authority No. 30-XI, as amended, 29 F.R. 12496 and 13057 is hereby further amended by revising Items I.C.3., I.K.1. and I.K.2.a. to read as follows:

1.

I. • • •
C. • • •
3. To approve the following:
a. Business loans
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.
b. Disaster loans
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.

2.

I. • • •
K. • • •
1. To approve the following:
a. Direct loans not exceeding $100,000.
b. Participation loans not exceeding $250,000.
c. Simplified Bank Participation loans not exceeding $350,000.
d. Simplified Early Maturities Participation loans not exceeding $350,000.
e. Direct disaster loans not exceeding $350,000.
f. Participation disaster loans not exceeding $350,000.

3.

I. • • •
K. • • •
2. To decline the following:
a. Business loans not exceeding $250,000.

• • • • •

Effective date: September 14, 1964.

GEORGE E. SAUNDERS, *Regional Director, Denver.*

[F.R. Doc. 64-10121; Filed, Oct. 6, 1964; 8:45 a.m.]

# TARIFF COMMISSION

[TEA-F-4]

## NATIONAL TILE AND MANUFACTURING CO.

### Notice of Investigation for Determination of Eligibility to Apply for Adjustment Assistance

Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed September 28, 1964 by the National Tile & Manufacturing Company, 1200 East 26th Street, Anderson, Indiana, the United States Tariff Commission, on October 1, 1964, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, certain ceramic floor and wall tiles, like or directly competitive with articles produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The imported articles to which this investigation relates consist of ceramic mosaic floor and wall tiles and glazed ceramic (other than mosaic) floor and wall tiles. The ceramic mosaic tiles are currently dutiable under item 532.21 of the Tariff Schedules of the United States at the rate of 24.5 percent ad valorem, and the glazed ceramic (other than mosaic) tiles are currently dutiable under item 532.24 of the said schedules at the rate of 22.5 percent ad valorem.

Petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided the request is filed with the Secretary of the Tariff Commission within 10 days after this notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the office of the Secretary of the Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: October 1, 1964.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 64-10135; Filed, Oct. 6, 1964; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 323]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 2, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 69116 (Deviation No. 28), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill., 60606, filed September 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Rock Island, Ill., and Peoria, Ill., over Interstate Highway 74, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Rock Island over U.S. Highway 67 to junction Illinois Highway 92, thence over Illinois Highway 92 to junction U.S. Highway 150, thence over U.S. Highway 150 to Peoria, and return over the same route.

No. MC 69116 (Deviation No. 29), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill., 60606, filed September 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between York, Pa., and Baltimore, Md., over Interstate Highway 83, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From York over U.S. Highway 111 to Baltimore, and return over the same route.

No. MC 69116 (Deviation No. 30), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill., 60606, filed September 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: (a) From Wichita, Kans., over Interstate Highway 35W to Salina, Kans.; (b) from Wichita, over the Kansas Turnpike to Topeka, Kans.; and (c) from Wichita, over Interstate Highway 35 to Kansas City, Mo., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (a) From Wichita over U.S. Highway 81 to Salina; (b) from Wichita over U.S. Highway 81 to Newton, Kans., thence over U.S. Highway 50 to Emporia, Kans., thence over Kansas Highway 99 to junction U.S. Highway 56, thence over U.S. Highway 56 to junction U.S. Highway 75, thence over U.S. Highway 75 to Topeka; and (c) from Wichita over U.S. Highway 81 to Newton, thence over U.S. Highway 50 to Kansas City, and return over the same routes.

No. MC 74120 (Deviation No. 2), STRICKLAND MOTOR FREIGHT LINES, INC., Post Office Box 5689, Dallas, Tex., 75222, filed September 28, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, with certain exceptions, over a deviation route as follows: From Boston, Mass., over Interstate Highway 95 to Newark, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (A) From Boston over Massachusetts Highway 9 to West Brookfield, Mass., thence over Massachusetts Highway 67 to junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield, Mass., thence over Alternate U.S. Highway 5 to Hartford, Conn., thence over Connecticut Highway 9 to Middletown, Conn., thence over Connecticut Highway 17 to New Haven, Conn., and thence over U.S. Highway 1 to Newark; and (B) from Boston over U.S. Highway 20 to Springfield, thence over U.S. Highway 5 to New Haven, Conn., and thence over U.S. Highway 1 to Newark, and return over the same routes.

No. MC 104004 (Deviation No. 27), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y., 10017, filed September 23, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Asheville, N.C., and Greensboro, N.C., over Interstate Highway 40, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Asheville over U.S. Highway 70 to Statesville, N.C., thence over U.S. Highway 64 to Mocksville, N.C., thence over U.S. Highway 158 to Winston-Salem, N.C., thence over U.S. Highway 421 to Greensboro, thence over U.S. Highway 70 to Burlington, N.C. (also from Greensboro over U.S. Highway 70 to junction North Carolina Highway 100, thence over North Carolina Highway 100 to Glen Raven, N.C., thence over North Carolina Highway 87 to Burlington), and return over the same routes.

No. MC 111625 (Deviation No. 2), BERMAN'S MOTOR EXPRESS, INC., Post Office Box 1209, Binghamton, N.Y., 13902, filed September 28, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (a) From Binghamton, N.Y., over U.S. Highway 11 (also Interstate Highway 81) to junction Interchange 36 of the New York State Thruway, thence over New York State Thruway to junction Interchange B–3 of the Berkshire Section of the New York State Thruway, thence over the Massachusetts Turnpike to Boston, Mass.; and (b) from Elmira, N.Y. over New York Highway 14 to junction Interchange 42 of the New York State Thruway, thence over the New York State Thruway as specified above to Boston, Mass., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Binghamton over New York Highway 7 to Duanesburg, N.Y., thence over U.S. Highway 20 to junction Massachusetts Highway 9, thence over Massachusetts Highway 9 to Boston (also from junction U.S. Highway 20 and Massachusetts Highway 9 over U.S. Highway 20 to Boston); from Binghamton over New York Highway 17 via Owego and Elmira, N.Y., to Elmira Heights, N.Y., and from Binghamton over New York Highway 17C to Owego, and thence over New York Highway 17 to Elmira Heights, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 196), GREYHOUND LINES, INC. (Southern Greyhound Lines Division), 219 East Short Street, Lexington, Ky., filed September 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express, mail and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Fayetteville, N.C., over U.S. Highway 301 to junction Interstate Highway 95, north of Fayetteville, thence over Interstate Highway 95 to junction U.S. Highway 301, south of Wilson, N.C., thence over U.S. Highway 301 to junction U.S. Highway 158, thence over U.S. Highway 158 to junction Interstate Highway 95, west of Weldon, N.C., thence over Interstate Highway 95 to junction U.S. Highway 301, north of Emporia, Va., thence over U.S. Highway 301 to junction Interstate Highway 95, south of Petersburg, Va., thence over Interstate Highway 95 to Petersburg, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above specified property over deviation routes as follows: From Raleigh, N.C., over U.S. Highway 401 to Laurinburg, N.C.; and, from Richmond, Va., over U.S. Highway 1 via Petersburg and South Hill, Va., and Henderson, N.C., to Raleigh, and return over the same routes.

No. MC 1515 (Deviation No. 195), GREYHOUND LINES, INC. (Southern Greyhound Lines Division), 219 East Short Street, Lexington, Ky., filed September 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Fayetteville, N.C., over U.S. Highway 301 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction U.S. Highway 301, thence over U.S. Highway 301 to Florence, S.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above specified property over a pertinent service route as follows: From Raleigh, N.C., over U.S. Highway 401 to Laurinburg, N.C., thence over U.S. Highway 15 to Society Hill, S.C., thence over U.S. Highway 52 to Charleston, S.C., and return over the same route.

No. MC 1515 (Deviation No. 197), GREYHOUND LINES, INC. (Western Greyhound Lines Division), 371 Market Street, San Francisco, Calif., 94106. Carrier's attorney: W. T. Meinhold (same address as carrier), filed September 22, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express, mail and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 40 and unnumbered highway southwest of Lupton, Ariz. (Hawthorne Interchange, Ariz.), over Interstate Highway 40 to junction unnumbered highway northeast of Dean Kirk, N. Mex. (Dean Kirk Junction, N. Mex.), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above specified property over pertinent service routes as follows: From the point where U.S. Highway 66 intersects the New Mexico-Arizona State line, over U.S. Highway 66 to the point where it intersects the Arizona-California State line; and, from Albuquerque, N. Mex. over U.S. Highway 66 to the point where it intersects the New Mexico-Arizona State line, and return over the same routes.

No. MC 61599 (Deviation No. 3), QUEEN CITY COACH COMPANY, 417 West 5th Street, Charlotte, N.C. Carrier's attorney: James E. Wilson, 716 Perpetual Building, 111 E Street NW., Washington, D.C., filed September 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: Between junction Interstate Highway 95 and U.S. Highway 13, and the North Carolina-South Carolina State line near Rowland, N.C., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction Interstate Highway 95 and U.S. Highway 13, about six miles north of Fayetteville, N.C., over U.S. Highway 301, to the North Carolina-South Carolina State line, and return over the same route.

No. MC 61616 (Deviation No. 7), MIDWEST BUSLINES, INC., Post Office Box 1188, Little Rock, Ark., filed September 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage and express, mail and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Little Rock, Ark., over relocated U.S. Highway 65 to its junction with old U.S. Highway 65, near Hensley, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above specified commodities, over a pertinent service route as follows: From Little Rock, over U.S. Highway 65 to McGehee, Ark., and return over the same route.

No. MC 61616 (Deviation No. 8), MIDWEST BUSLINES, INC., Post Office Box 1188, Little Rock, Ark., filed September 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage and express, mail and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Little Rock, Ark., over relocated U.S. Highway 167 to its junction old U.S. Highway 167, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above described commodities, over a pertinent service route as follows: From Little Rock, over U.S. Highway 167 to Fordyce, Ark., thence over U.S. Highway 79 to Camden, Ark., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–10164; Filed, Oct. 6, 1964; 8:48 a.m.]



[Notice 686]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 2, 1964.

*Section A.* The following publications are governed by the new § 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

*Section B.* The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time, or 9:30 a.m., local d.s.t., if that time is observed, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A

No. MC 101868 (Sub-No. 1) (REPUBLICATION), filed September 2, 1964, published FEDERAL REGISTER, issue of September 24, 1964, and republished this issue. Applicant: EARLE M. GARDNER, Pine Plains, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed, dry feed ingredients, dry fertilizer, and lime*, in bulk, in tank vehicles, from Albany, N.Y., and the town of Bethlehem, Albany County, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, and *refused or rejected shipments*, on return.

NOTE: The purpose of this republication is to set forth the hearing information.

*HEARING:* October 23, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

SECTION B

No. MC 67783 (Sub-No. 5) (REPUBLICATION), filed September 5, 1963, published February 5, 1964, and republished, this issue. Applicant: MARION A. FRANK, doing business as FRANK DELIVERY SERVICE, 230 Market Street, Williamsport, Pa. Applicant's attorney: John M. Musselman, 400 North Third Street (Post Office Box 46), Harrisburg, Pa. By application filed September 5, 1963, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of such general merchandise as is dealt in by retail mail-order houses, in individual shipments not exceeding 150 pounds in weight, between Williamsport, on the one hand, and, on the other, points in that portion of Pennsylvania bounded by a line beginning at the New York-Pennsylvania State line, thence over U.S. Highway 219 to its junction with U.S. Highway 22, thence over U.S. Highway 22 to its junction with U.S. Highway 522, thence over U.S. Highway 522 to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to its junction with Interstate Highway 81, thence over Interstate Highway 81 to the Pennsylvania-New York State line, and via the same to the place of beginning, including points in the commercial zones or terminal areas located on the highways specified (except between Williamsport, and points within 50 miles of Williamsport), restricted against interchange at points other than Williamsport of traffic originated at or destined to points in Florida, Georgia, and South Carolina. Operating Rights Review Board No. 3, by its decision of June 17, 1964, served June 24, 1964, as modified after consideration of applicant's petition of June 29, 1964, by the order of Division 1, Acting as an Appellate Division, entered September 21, 1964, served October 1, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of such commodities as are dealt in by retail mail-order houses, between Williamsport, Pa., on the one hand, and, on the other, points in that portion of Pennsylvania bounded by a line beginning at the New York-Pennsylvania State line near Tuna, Pa., and extending over U.S. Highway 219 to its junction with U.S. Highway 22 at or near Ebensburg, Pa., thence over U.S. Highway 22 to its junction with U.S. Highway 522 at or near Mount Union, Pa., thence over U.S. Highway 522 to its junction with the Pennsylvania Turnpike at Interchange No. 13 near Fort Littleton, Pa., thence over the Pennsylvania Turnpike to junction Pennsylvania Turnpike Northeast Extension east of Norristown, Pa., thence over the Pennsylvania Turnpike Northeast Extension to junction Interstate Highway 81 north of Scranton, Pa., thence over Interstate Highway 81 to the Pennsylvania-New York State line at or near Hickory Grove, Pa., and thence west along the Pennsylvania-New York State line to the point of beginning, serving points located on the above-specified highways and the respective commercial zones of such points, restricted (1) against interchange at any points other than Williamsport, Pa., of traffic originating at or destined to points in Florida, Georgia, and South Carolina, and (2) against the transportation of any parcels, packages, or articles weighing in the ag-

gregate more than 150 pounds from one consignor at any one location to one consignee at any one location on any one day. The application, as filed, is ambiguous in that the intended junction of the Pennsylvania Turnpike and Interstate Highway 81 was not clearly defined. Because the modification granted to identify said junction as being north of Scranton, Pa., could be construed as a broadening of the application, it was ordered that notice of this modification be published in the FEDERAL REGISTER in order to allow a 30-day period during which any interested party who may be affected by the possible broadened scope of such grant, as compared to the notice of the application as previously published, may file an appropriate pleading.

No. MC 109689 (Sub-No. 154) (REPUBLICATION), filed February 24, 1964, published FEDERAL REGISTER, issue of March 4, 1964, and republished, this issue. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah. By application filed February 24, 1964, applicant seeks authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting liquid chemicals, in bulk, from Henderson, Nev., to points in Arizona. Hearing was held on March 10, 1964, at Phoenix, Ariz., before Examiner John S. Messer, with MC 114897 (Sub-No. 47) Whitfield Tank Lines, Inc., of El Paso, Tex. The setting of the Hatch application for hearing at the same time and place was at the request of applicant Hatch. The examiner is now informed by the Section of Hearings, Bureau of Operating Rights, that the assignment of this proceeding for hearing on March 10, 1964, was in error on their part (1) because it had been published in the FEDERAL REGISTER only 6 days prior thereto or on March 4, 1964, and (2) because there was no other comparable application set at the same time and place which was as extensive *both* commodity and territorially wise which could have been used as a predicate for normal statutory notice in the FEDERAL REGISTER. A Report and Order, served August 24, 1964, which became effective September 23, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *liquid chemicals*, in bulk, from Henderson, Nev., to points in Arizona, restricted against the transportation of sodium chlorate to Phoenix, Ariz.; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a certificate authorizing such operations should be granted, subject to a republication of notice of the authority applied for herein as amended in the FEDERAL REGISTER.

No. MC 114897 (Sub-No. 47) (REPUBLICATION), filed November 4, 1963, published FEDERAL REGISTER, issue of November 20, 1963, and republished this issue. Applicant: WHITFIELD TANK LINES, INC., 300–316 North Clark Road, El Paso, Tex., 79989. Applicant's attorneys: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah, and O. Russell Jones, 207 Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex. By application filed November 4, 1963, applicant seeks authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting liquid caustic soda, in bulk, in tank vehicles, from Henderson, Nev., to points in Arizona. Hearing was held on March 10, 1964, at Phoenix, Ariz., before Examiner John S. Messer, with MC 109689 (Sub-No. 154), W. S. Hatch Co., of Woods Cross, Utah. At the outset of the hearing an amendment was offered to change and enlarge the Whitfield application with respect to the commodity description to "liquid chemicals, in bulk restricted against the transportation of sodium chlorate to Phoenix, Ariz." The examiner allowed the amendment because of its similarity to the Hatch application which incidently was then restrictively amended as to the movement of sodium chlorate. A Report and Order, served August 24, 1964, which became effective September 23, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *liquid chemicals*, in bulk, from Henderson, Nev., to points in Arizona, restricted against the transportation of sodium chlorate to Phoenix, Ariz.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a certificate authorizing such operations should be granted, subject, to a republication of notice of the authority applied for herein as amended in the FEDERAL REGISTER.

NOTICE OF FILING OF PETITIONS

No. MC 114533 (Sub-No. 2) (PETITION FOR WAIVER OF RULE 1.101 FOR REOPENING AND RECONSIDERATION OF THE COMMISSION'S ORDER AND FOR CORRECTION OF CERTIFICATE), filed September 17, 1964. Petitioner: B.D.C. CORPORATION, Chicago, Ill. Petitioner's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill., 60603. By application filed July 31, 1956, petitioner sought a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting office records, such commercial papers, documents and written instruments, except coins, currency and negotiable securities, as are used in the conduct and operation of banks and banking institutions, between Chicago, Ill., on the one hand, and, on the other, points in fifteen Wisconsin counties, including Kenosha County and points in a specified territory in Indiana. Petitioner states that Joint Board No. 17, in its Report and Order, served December 6, 1956, recommended that the application be approved but inadvertently omitted Kenosha County from its findings and from the Order appended to its recommendation. By the instant petition, petitioner requests that the Commission reopen and reconsider the above-entitled proceeding on the record as made, and that it correct the Report and Order of Joint Board No. 17 to conform with the evidence and the obvious intent of the Joint Board, and that the Commission issue to it a corrected certificate including therein the authority to transport the involved commodities, between Chicago, Ill., on the one hand, and, on the other, points in Kenosha County, Wis. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 126590, filed September 21, 1964. Applicant: GARRISON ELEVATOR COMPANY, INC., Rural Route No. 1, Bringhurst, Ind. Applicant's attorney: Thomas F. Kilroy, Suite 1250, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed*, in containers from Louisville, Ky., to points in Illinois, Indiana, and Tennessee, (2) *fertilizer and fertilizer compounds*, in containers, from Louisville, Ky., Jeffersonville, New Albany, and Seymour, Ind., and Lockland, Ohio, and points within 3 miles of each, to points in Illinois, Indiana, and Kentucky, (3) *fertilizer and fertilizer compounds*, in bulk (except liquid fertilizer in bulk, in tank vehicles), from New Albany, Ind., and Lockland, Ohio, to points in Illinois and Kentucky, (4) *ammonium nitrate fertilizer, urea fertilizer, and urea feed grade*, dry, in bulk or in bags, from West Henderson, Ky., and points within 5 miles thereof, to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin and, (5) *empty containers* from points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin to West Henderson, Ky., and points within 5 miles thereof.

NOTE: Applicant states this authority is applied for to obtain common carrier authority in lieu of the contract carrier authority held by Garrison Elevator Company, Inc. vendor in No. MC–F–8803, under permits in No. MC 110333, No. MC 110333 Sub 2 and No. MC 110333 Sub 4.

This application is to be handled concurrently with MC–F–8803, published FEDERAL REGISTER, issue of July 15, 1964.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).



No. MC–F–8890. Authority sought for control by MAISLIN BROS. TRANSPORT LIMITED, 7401 Newman Boulevard, LaSalle, Province of Quebec, Canada, of NEW YORK & NEW BRUNSWICK AUTO EXPRESS CO., INC., Post Office Box 247, Edison, N.J., and for acquisition by SAM MAISLIN, SYDNEY MAISLIN, ALEX MAISLEN, and SAUL MAISLIN, all of LaSalle, Province of Quebec, Canada, of control of NEW YORK & NEW BRUNSWICK AUTO EXPRESS CO., INC., through the acquisition by MAISLIN BROS. TRANSPORT LIMITED. Applicants' attorney and representative respectively: A. David Millner, 1060 Broad Street, Newark 2, N.J., and William D. Traub, 10 East 40th Street, New York 16, N.Y. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between numerous specified routes and highways in New York, New Jersey, and Pennsylvania, between Marcus Hook, Pa., and Poughkeepsie, N.Y., via New Brunswick, Rahway, Elizabeth, Newark, and Paterson, N.J., and Highland, N.Y., between New York-New Jersey State line near Suffern, N.Y., and Harrison, N.J., over all highways and local roads (not included above) in certain points in New Jersey to Palisades, N.Y., via all bridges, ferries, and tunnels where the above routes are separated only by rivers crossed by such ferries, bridges and tunnels. RESTRICTION: The service authorized herein shall be rendered only: Between points in New York, on the one hand, and, on the other, points in New Jersey, and Pennsylvania, between points in New Jersey on and north of New Jersey Highway 33, on the one hand, and, on the other, points in Pennsylvania, between points in New Jersey, within Philadelphia, Pa., and within Lancaster, Pa.; serving numerous intermediate and off-route points in New York, New Jersey, and Pennsylvania, an alternate route for operating convenience only; *paper*, over regular and irregular routes, from New York, N.Y., and those intermediate and off-route New Jersey points immediately above, to Hagerstown, Md., serving no intermediate points; *munitions, military impediments, cartridges*, and *army supplies*, over irregular routes, between New York, N.Y., and the intermediate and off-route points in New Jersey, above, on the one hand, and, on the other, army posts, forts, military reservations, and camps located at Lickdale, Pa., and at points on or south of U.S. Highway 22 in Pennsylvania, and those on or east of U.S. Highway 11, in Pennsylvania, Maryland, and Delaware; and *dangerous explosives*, between Raritan Arsenal, N.J., on the one hand, and, on the other, points in New York within 75 miles of New York City, including New York City. MAISLIN BROS. TRANSPORT LIMITED is authorized to operate as a *common carrier* in New York and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8891. Authority sought for control and merger by NEWSOM TRUCKING COMPANY, INC., Post Office Box 509, Columbus, Ind., of the operating rights and property of COURIER EXPRESS, INC., Post Office Box 358, Logansport, Ind., and for acquisition by PAUL R. NEWSOM, also of Columbus, Ind., of control of such rights and property through the transaction. Applicants' attorneys: John E. Lesow, 3737 N. Meridian, Indianapolis, Ind., and Axelrod, Goodman & Steiner, 39 South La Salle St., Chicago 3, Ill. Operating rights sought to be controlled and merged: *General commodities*, as a *common carrier*, over regular routes, between Detroit, Mich., and La Fayette, Ind., serving all intermediate points between Fort Wayne and La Fayette, including Fort Wayne, three routes for operating convenience only; *general commodities*, excepting, among others, household goods and commodities in bulk, between certain specified points in Indiana, serving all intermediate and certain off-route points, between Fort Wayne, Ind., and Chicago, Ill., serving certain intermediate and off-route points, between South Bend, Ind., and Valparaiso, Ind., serving the intermediate point of LaPorte, Ind., between Hammond, Ind., and the junction of U.S. Highways 41 and 6, and Indiana Highway 152, serving no intermediate points, numerous alternate routes for operating convenience only. NEWSOM TRUCKING COMPANY, INC., is authorized to operate as a *common carrier* in Indiana, Kentucky, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Illinois, Ohio, West Virginia, Pennsylvania, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8892. Authority sought for purchase by IOWA PARCEL SERVICE, INC., 214 15th Street, Des Moines, Iowa, of the operating rights and property of CHARLES ILES AND HAROLD McKINNEY, a partnership, doing business as IOWA FILM DELIVERY, 214 15th Street, Des Moines, Iowa, and for acquisition by CHARLES F. ILES, and HAROLD E. McKINNEY, both of Des Moines, Iowa, of control of such rights and property through the purchase. Applicants' attorney: Homer E. Bradshaw, 510 Central National Building, Des Moines, Iowa, 50309. Operating rights sought to be transferred: *Motion picture films, film accessories, advertising material* used in connection with the exhibition of such films, *newspapers, magazines*, and *periodical publications*, as a *common carrier*, over regular routes, between Des Moines, Iowa, and East Moline, Ill., between Des Moines, Iowa, and Leon, Iowa, between Osceola, Iowa, and Burlington, Iowa, between Leon, Iowa, and Davenport, Iowa, between Des Moines, Iowa, and Corydon, Iowa, between Mount Pleasant, Iowa, and Iowa City, Iowa, between Des Moines, Iowa, and Omaha, Nebr., between Des Moines Iowa, and Spirit Lake, Iowa, serving all intermediate and certain off-route points; *general commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, limited to parcels, packages, and articles, with limitations of said parcels, packages, and articles weighing not more than 100 pounds and parcels, packages, and articles in the aggregate of not more than 200 pounds from one consignor at one location to one consignee at one location on any day, over irregular routes, between the Des Moines Municipal Airport, at Des Moines, Iowa, on the one hand, and, on the other, points in Iowa. RESTRICTION: The service authorized herein is subject to the following conditions: Operations shall be restricted to shipments having a prior or subsequent movement by air, the authority granted herein is subject to the right of the Commission, which is hereby expressly reserved to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act; *motion picture films, film accessories, advertising material* used in connection with the exhibition of such films, *newspapers, magazines*, and *periodical publications*, between Omaha, Nebr., on the one hand, and, on the other, Fulton, Ill., and certain points in Iowa, between Fulton, Ill., and points in the above Iowa territory, between Des Moines, Iowa, Omaha, Nebr., Fulton, Ill., points in the Davenport, Iowa-Rock Island and Moline, Ill., commercial zone, as defined by the Commission, and East Moline, Silvis and Milan, Ill., on the one hand, and, on the other, certain points in Missouri and Iowa; *cosmetics, toilet preparations*, and *advertising materials related thereto;* and *chemicals* limited to the following household articles: *Mothproofers, deodorants, room fresheners, insect repellants, household insecticides*, and *advertising materials, related thereto*, from Des Moines, Iowa, to certain points in Iowa. RESTRICTION: The service authorized herein is subject to the following conditions: Service shall be limited to parcels, packages, or articles weighing 60 pounds or less, no service shall be performed in the transportation of any parcels, packages, or articles weighing in the aggregate more than 120 pounds from one consignor at one location to one consignee at one location on any one date, the authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act. Vendee holds no authority from this Commission. However, its controlling stockholders, CHARLES F. ILES and HAROLD E. McKINNEY, are stockholders of DYER-O'HARE HAULING CO., Post Office Box 3460, 2001 Big Bend Boulevard, Maplewood, Mo., which is authorized to operate as a *contract carrier* in Illinois, Missouri, Indiana, and Iowa, and R. A. BROWN, C. F. ILES, AND H. E. McKINNEY, a partnership, doing business as MEADOWS TRANS-

FER COMPANY, Post Office Box 248, Bettendorf, Iowa, which is authorized to operate as a *contract carrier* in Illinois, Indiana, Michigan, Wisconsin, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8893. Authority sought for merger into CANTLAY & TANZOLA, INC., 2550 East 28th Street, Post Office Box 58267, Vernon Branch, Los Angeles, Calif., 90058, of the operating rights and property of WESTERN GILLETTE, INC., 2550 East 28th Street, Post Office Box 58267, Vernon Branch, Los Angeles, Calif., 90058, and for acquisition by DONALD E. CANTLAY (VOTING TRUSTEE), also of Los Angeles, Calif., and ESTATE OF JOSEPH TANZOLA (AILEEN C. TANZOLA, EXECUTRIX), % Russell & Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif., 90017, of control of such rights and property through the transaction. Applicants' attorney: Theodore W. Russell, 1010 Wilshire Boulevard, Los Angeles, Calif., 90017. Operating rights sought to be merged: General commodities, with specified exceptions; and numerous specified commodities, as a *common carrier*, over regular and irregular routes, from, to and between points in the States of California, Texas, Arizona, Nevada, New Mexico, Oklahoma, Missouri, Illinois, Arkansas, Tennessee, Indiana, Nebraska, Iowa, and Kansas, with certain restrictions, serving, in connection with the regular-route operations, various intermediate and off-route points, and numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC-8948 and Sub-numbers thereunder. This notice does not purport to be a complete description of all the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof. CANTLAY & TANZOLA, INC., is authorized to operate as a *common carrier*, in California, Arizona, Nevada, Utah, Idaho, Montana, New Mexico, Colorado, Wyoming, and Oregon. Application has not been filed for temporary authority under section 210a(b).

NOTE: CANTLAY & TANZOLA, INC., controls WESTERN GILLETTE, INC., through ownership of capital stock, pursuant to authority granted December 3, 1943.

No. MC-F-8894. Authority sought for purchase by SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis., 53246, of a portion of the operating rights of REFINERS TRANSPORT, INC., 1300 51st Avenue North, Nashville, Tenn., 37202, and for acquisition by FRED J. SCHWERMAN, CARL L. SCHWERMAN, and FRED SCHWERMAN, SR., individually or as trustees, all of Milwaukee, Wis., of control of such rights through the purchase. Applicants' attorneys: James R. Ziperski, 611 South 28th Street, Milwaukee 46, Wis., and Clarence Evans, Third National Bank Building, Nashville, Tenn. Operating rights sought to be transferred: *Fly ash*, in bulk, in hopper and tank-type vehicles, as a *common carrier*, over irregular routes, from the plant sites of the Tennessee Valley Authority located at or near Bridgeport and Pride, Ala., Grahamville, and Paradise, Ky., and Gallatin, Kingston, Johnsonville, and Robersville, Tenn., to points in Alabama, Kentucky, and Tennessee. Vendee is authorized to operate as a *common carrier* in Tennessee, Kentucky, Iowa, Illinois, Wisconsin, Minnesota, Missouri, Indiana, Georgia, Alabama, South Carolina, Florida, North Carolina, Mississippi, Virginia, Arkansas, Nebraska, North Dakota, Oklahoma, Kansas, Texas, West Virginia, Michigan, Ohio, Louisiana, South Dakota, Pennsylvania, and Maryland. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8895. Authority sought for purchase by PARKER TRANSFER COMPANY, Rural Delivery No. 1, Amherst, Ohio, of the operating rights and property of THE MOTOR HAULAWAY COMPANY, 413 Vulcan Street, Elyria, Ohio, and for acquisition by WESLEY A. PARKER, also of Amherst, Ohio, of control of such rights and property through the purchase. Applicants' attorney: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio, 44114. Operating rights sought to be transferred: *Heating and air-conditioning plants, equipment, accessories, and parts thereof*, as a *common carrier*, over irregular routes, from Elyria, Ohio, to Cleveland, Ohio, and certain points in Michigan, New York, West Virginia, and Pennsylvania; *oil burners, furnace casings*, and *parts of warm air furnaces*, from Buffalo, N.Y., to Elyria, Ohio; *warm air furnaces and air-conditioning equipment and supplies*, from Medina, Ohio, to Pittsburgh, Pa., Chicago, Ill., Louisville, Ky., and points in Indiana, Michigan, and New York; and *rubber* and *rubber products*, from Elyria, Ohio, to Akron and Cleveland, Ohio. Vendee is authorized to operate as a *common carrier*, in Ohio, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 64-10165; Filed, Oct. 6, 1964; 8:48 a.m.]

[Notice 21]

## APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OF REGISTRATION

OCTOBER 2, 1964.

The following applications are filed under section 206(a)(7) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.244, of the Commission's rules of practice published in the FEDERAL REGISTER, issue of December 8, 1962, page 12188, which provides, among other things, that protests to the granting of an application may be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. Protests shall set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. Protests containing general allegations may be rejected. A protest filed under these special rules shall be served upon applicant's representative (or applicant, if no practitioner representing him is named). The original and six copies of the protests shall be filed with the Commission.

The Special Rules do not provide for publication of the operating authority, but the applications are available at the Commission's office in Washington, D.C., and the field offices.

Applications not included in this publication will be published at a later date.

### CALIFORNIA

No. MC 99335 (Sub-No. 2) (REPUBLICATION), filed February 4, 1963, published in FEDERAL REGISTER, issue of June 12, 1963, and republished this issue. Applicant: WILLIAM B. WALTON, doing business as WALTON DRAYAGE & WAREHOUSE CO., 2424 Blanding Avenue, Alameda, Calif., and WALTON DRAYAGE & WAREHOUSE CO., INC., 2424 Blanding Avenue, Alameda, Calif., joint applicants. Applicant's attorney: Daniel W. Baker, 625 Market Street, San Francisco 5, Calif.

NOTE: The purpose of this republication is to show Walton Drayage & Warehouse Co., Inc., as joint applicant.

### KANSAS

No. MC 59368 (Sub-No. 4) (REPUBLICATION), filed February 3, 1963, published in FEDERAL REGISTER issue of June 12, 1963, and republished this issue. Applicant: MEROLD HURD (RUBY HURD, ADMINISTRATRIX), doing business as P & H TRUCK LINE, 1229 Oakland, Oakland, Kans., and HERB DAVIES, doing business as DAVIES TRUCK LINE, 1184 Garfield, Topeka, Kans., joint applicants—Kansas Certificate Route No. 425. MEROLD HURD (RUBY HURD, ADMINISTRATRIX), doing business as P & H TRUCK LINE, 1229 Oakland, Oakland, Kans., and ELDON O. BRIGHT, doing business as BRIGHT'S FREIGHT SERVICE, Rural Route 3, Topeka, Kans., joint applicants—Kansas Certificates Route Nos. 329, 786, and 2404.

NOTE: The authorized motor carrier, Merold Hurd (Ruby Hurd, Administratrix), doing business as P & H Truck Line has transferred his State issued Certificate Route No. 425 to Herb Davies Truck Line, and Certificates Route Nos. 329, 786, and 2404 to Eldon O. Bright, doing business as Bright's Freight Service. Previous publication showed Herb Davies, doing business as Davies Truck Line, joined as applicant. The purpose of this republication is to also show Eldon O. Bright doing business as Bright's Freight Service, as joint applicant.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 64-10166; Filed, Oct. 6, 1964; 8:48 a.m.]



[Notice 667]

## MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 2, 1964.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protests shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the Special Rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 1641 (Sub-No. 59) (AMENDMENT), filed September 1, 1964, published in FEDERAL REGISTER, issue of September 24, 1964, amended September 27, 1964, and republished as amended this issue. Applicant: PEAKE TRANSPORT SERVICE, INC., Post Office Box 366, Chester, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, and fertilizer solutions*, in bulk, in tank vehicles, from the site of the Phillips Petroleum Company plant, at or near Hoag, Nebr., to points in Iowa, Kansas, and South Dakota.

NOTE: The purpose of this republication is to add fertilizer solutions, in bulk, in tank vehicles, to the commodity description. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

No. 196——9

No. MC 2202 (Sub-No. 272), filed September 22, 1964. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309. Applicant's attorney: Anthony C. Vance, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the plants of the General Motors Corporation located in Lordstown Township, Trumbull County, Ohio, as off-route points in connection with applicant's regular route over Ohio Highway 5 between Akron, Ohio and Warren, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 2392 (Sub-No. 31) (AMENDMENT), filed September 2, 1964, published in FEDERAL REGISTER, issue of September 16, 1964, amended September 28, 1964, and republished as amended this issue. Applicant: WHEELER TRANSPORT SERVICE, INC., Box 432, Genoa, Nebr. Applicant's attorney: R. E. Powell, 1005-06 Terminal Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, and *fertilizer solutions*, in bulk, in tank vehicles, from the plant site of Phillips Petroleum Company at or near Hoag, Nebr., to points in Iowa, Kansas, and South Dakota, and *damaged or rejected shipments*, on return.

NOTE: The purpose of this republication is to add fertilizer solutions to the commodity description. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 10761 (Sub-No. 168), filed September 21, 1964. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616-618, Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the plant site of Blue Ribbon Beef Pack, Inc., located at or near Mason City, Iowa, to points in Michigan, Ohio, Pennsylvania, New York, Maryland, Delaware, Massachusetts, Vermont, New Hampshire, Maine, Connecticut, New Jersey, and the District of Columbia, and *refused and damaged shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 14641 (Sub-No. 6), filed September 23, 1964. Applicant: LUEKING TRANSFER COMPANY, INCORPORATED, 1531 East 14th Street, St. Louis, Mo. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis, Mo., 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages containers and parts thereof*, from St. Louis, Mo., to Belleville, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 18088 (Sub-No. 33), filed September 14, 1964. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC. Post Office Drawer 8, Sycamore, Ala. Applicant's attorney: John W. Cooper, 805 Title Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Textile products*, from Benton, Ala., to points in Alabama, Georgia, South Carolina, and Tennessee, and (2) *general commodities* (except articles of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Atlanta, Ga., Birmingham, Ala., Chattanooga, Tenn., and points in South Carolina, to Benton, Ala.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 157), filed September 21, 1964. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fort Dodge, Iowa, to points in Alabama, Louisiana, Mississippi, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Des Moines, Iowa.

No. MC 31600 (Sub-No. 574), filed September 23, 1964. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Wyandotte, Mich. to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 38403 (Sub-No. 2), filed September 21, 1964. Applicant: WELLING TRUCK SERVICE, INC., Aviston, Ill. Applicant's attorney: Delmar O. Koebel, 107 West St. Louis Street, Lebanon, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Maryland Heights, Mo., to points in Illinois, and *empty containers, or other such incidental facilities* (not specified), used in transporting the above-described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 42261 (Sub-No. 84), filed September 21, 1964. Applicant: LANGER TRANSPORT CORP., Route 1 and Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: Charles J. Wil-

liams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate*, dry, in bulk, in tank or hopper type vehicles, from the plant site of the Philadelphia Quartz Co. located at or near Rahway, N.J., to Skaneateles Falls, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42487 (Sub-No. 605), filed September 18, 1964. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: W. J. Hickey, 1530 Russ Building, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cutting fluids* (other than those derived from petroleum), in bulk, in tank vehicles, from Cincinnati, Ohio, to Lathrop, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 42537 (Sub-No. 25), filed September 24, 1964. Applicant: CASSENS TRANSPORT COMPANY, a corporation, Post Office Box 473, Edwardsville, Ill. Applicant's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks, busses, bodies, and cabs, chassis, and parts thereof*, when moving in connection therewith, in initial movements, in truckaway service, from Belvidere, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Tennessee, and Wisconsin, and (2) *automobiles, trucks, busses, bodies, and cabs, chassis, and parts thereof*, when moving in connection therewith, in secondary movements, in truckaway service, from Belvidere, Ill., to points in Minnesota and Wisconsin.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 43038 (Sub-No. 435), filed September 24, 1964. Applicant: COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, Mich. Applicant's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks, busses, bodies and cabs, chassis, and parts thereof*, when moving in connection therewith, in initial movements, in truckaway service, from Belvidere, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Tennessee, and Wisconsin, and (2) *Automobiles, trucks, busses, bodies and cabs, chassis, and parts thereof*, when moving in connection therewith, in secondary movements, in truckaway service, from Belvidere, Ill., to points in Minnesota and Wisconsin.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 50002 (Sub-No. 43) (AMENDMENT), filed August 31, 1964, published in FEDERAL REGISTER issue of September 16, 1964, amended September 24, 1964, and republished as amended this issue. Applicant: T. CLARENCE BRIDGE AND HENRY W. BRIDGE, doing business as, BRIDGE BROTHERS, Post Office Box 929, Lamar, Colo., 81052. Applicant's attorneys: Michael T. Corcoran, 1360 Locust Street, Denver, Colo., 80220, and C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, and fertilizer solutions*, from the sites of Phillips Petroleum Co. anhydrous ammonia and fertilizer solution plants, at or near Hoag, Nebr., to points in Colorado, Kansas, and Wyoming, and *damaged or rejected shipments*, on return.

NOTE: The purpose of this republication is to broaden the scope of the commodities proposed to be transported. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 55236 (Sub-No. 95), filed September 21, 1964. Applicant: OLSEN TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having prior movement by rail, between points in Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Utah, Wisconsin, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 60852 (Sub-No. 2), filed September 22, 1964. Applicant: WARCO SERVICE, INC., Post Office Box 293, Dunellen, N.J. Applicant's attorney: Leroy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, periodicals, newspapers, newspaper supplements, circulars, leaflets, catalogs, advertising matter, printed matter, printed forms, and calendars*, from Dunellon, N.J., Pennsylvania Railroad Station and Kennedy International Airport, New York, N.Y., to Carle Place, and Westbury, N.Y., and *returned and rejected shipments*, on return.

NOTE: If a hearing is deemed ncessary, applicant requests it be held at Newark, N.J.

No. MC 61396 (Sub-No. 112) (AMENDMENT), filed September 8, 1964, published FEDERAL REGISTER issue September 24, 1964, amended September 24, 1964, and republished as amended this issue. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, and fertilizer solutions*, in bulk, in tank vehicles, from the site of the Phillips Petroleum Co., located at or near Hoag, Nebr., to points in Iowa, Kansas, Minnesota, South Dakota, and points in Missouri on and west of U.S. Highway 63.

NOTE: The purpose of this amendment is to include "fertilizer solutions" in the commodity description, and to clarify the destination territory to read as shown above, in lieu of that as previously published. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 61788 (Sub-No. 20), filed September 21, 1964. Applicant: GEORGIA FLORIDA ALABAMA TRANSPORTATION COMPANY, a corporation, Post Office Box 678, Dothan, Ala. Applicant's attorney: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including classes A and B explosives* (but excluding commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Mobile, Ala., and Malone, Fla., from Mobile over U.S. Highway 90 through Marianna, Fla., to junction Florida Highway 71, thence over Florida Highway 71 to Malone, and return over the same route, serving all intermediate points; (2) between Mobile, Ala., and Crestview, Fla., from Mobile over U.S. Highway 90 to junction U.S. Highway 29, thence over U.S. Highway 29 to Pensacola, Fla., thence over U.S. Highway 98 to Fort Walton Beach, Fla., thence over Florida Highway 85 to Crestview, and return over the same route, serving the intermediate points of Pensacola, Fort Walton Beach, and Valparaiso, Fla., and the off-route points of Eglin Air Force Base and Niceville, Fla., (3) between De Funiak Springs, Fla., and Florala, Ala., from De Funiak Springs over U.S. Highway 90 to junction U.S. Highway 331, thence over U.S. Highway 331 to Florala, and return over the same route; and (4) between Florala, Ala. and Samson, Ala., from Florala over Alabama Highway 54 to junction Alabama Highway 52, thence over Alabama Highway 52 to Samson, and return over the same route, serving no intermediate points on above-described routes (3) and (4), for the purpose of joinder only, as alternate routes, for operating convenience only, in connection with applicant's authorized and proposed regular-route operations.

NOTE: Applicant states it proposes to join the authority sought herein to the authority presently held by it to enable it to perform through service between points herein sought to be served and points presently served, but restricted against the transportation of traffic moving between Atlanta, Ga., and points on U.S. Highway 90 between Crestview and Marianna, Fla., including Marianna. Applicant offers to surrender for cancellation concurrently with issuance of the above-described authority that portion of its certificate No. MC 61788 (Sub-No. 16), dated June 20, 1961, authorizing transportation of general commodities, with usual exceptions, serving Eglin Air Force Base and Fort Walton Beach, Fla., as off-route points in connection with carrier's regular-route operations between Dothan, Ala., and Pensacola, Fla. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.



No. MC 89520 (Sub-No. 14), filed September 23, 1964. Applicant: C. J. VAN BEEKUM, INC., 2223 Seventh Street, Lubbock, Tex. Applicant's attorney: Thomas F. Kilroy, Suite 1250, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate* from Neosho, Mo. to points in Louisiana, Oklahoma, Arizona, New Mexico, and Texas.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate No. MC 117149, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 596), filed September 21, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway, Director of Operating Rights, Watkins Motor Lines, Inc., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes and potato products*, in all forms, all types of processing or preserving and all packaging, from points in Montcalm County, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 597), filed September 21, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway, Director of Operating Rights, Watkins Motor Lines, Inc., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes and potato products*, in all forms, all types of processing or preserving and all packaging, from points in Montcalm County, Mich., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 598), filed September 21, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Maurice Dykes, Vice President, Watkins Motor Lines, Inc., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes and potato products*, in all forms, all types of processing or preserving and all packaging, from points in Montcalm County, Mich., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, Texas, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 96880 (Sub-No. 3), filed September 21, 1964. Applicant: J. W. HICKMAN, Main, Lakeland, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, property having a prior or subsequent out of State movement by rail, between Lakeland, Ga., and Valdosta, Ga., from Lakeland, over U.S. Highway 221, and return over the same route serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Ga.

No. MC 98749 (Sub-No. 20), filed September 21, 1964. Applicant: DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, Ryder Road and Eastman Road, Longview, Tex. Applicant's attorney: Joe T. Lanham, Suite 1102, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between Longview, Tex., on the one hand, and, on the other points in Texas.

NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 103378 (Sub-No. 296), filed September 21, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, from points in Gadsden County, Fla., to points in Louisiana, Oklahoma, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103926 (Sub-No. 14), filed September 23, 1964. Applicant: W. T. MAYFIELD SONS TRUCKING CO., 3881 Bankhead Highway, Station D, Post Office Box 2463, Atlanta, Ga., 30318. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–11, Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors regardless of how they are equipped* (except tractors used in pulling commercial highway trailers, and except those which because of size or weight require the use of special equipment), and (2) *parts, implements, attachments, accessories and supplies* for the commodities specified in (1) above, between points in Alabama, Arkansas, Florida, Georgia, Louisiana, Kentucky (except Louisville), Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 105678 (Sub-No. 21), filed September 23, 1964. Applicant: SECO TRUCKING CO., a corporation, 219 North Jackson, Mason City, Iowa. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate*, from Neosha, Mo., to points in Minnesota, Wisconsin, Michigan, Kansas, Arkansas, Indiana, Ohio, Pennsylvania, South Dakota, Illinois, North Dakota, Iowa, and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107002 (Sub-No. 225), filed September 18, 1964. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Jackson, Minn. Applicant's attorneys: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C., and Harold D. Miller, Jr., Post Office Box 1250, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay and volclay and foundry moulding sand additives including such commodities as wood flour, ground coal and iron ore*, in bulk, and in containers, from points in Lowndes County, Ala., and points in Monroe and Itawamba Counties, Miss., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107010 (Sub-No. 13) (AMENDMENT), filed September 1, 1964, published FEDERAL REGISTER, issue of September 16, 1964, amended September 25, 1964, and republished as amended this issue. Applicant: D & R BULK CARRIERS, INC., 1020 J Street, Auburn, Nebr. Applicant's attorney: R. E. Powell, 1005–06 Terminal Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, from the plant site of Phillips Petroleum Company located at or near Hoag, Nebr. to points in Iowa and Kansas, and *damaged and rejected shipments* of the above-named commodities on return.

NOTE: The purpose of this republication is to enlarge the commodity description by adding the words "and fertilizer solutions" and also to add the attorney's name. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107496 (Sub-No. 331) (AMENDMENT), filed September 3, 1964, published FEDERAL REGISTER, issue of September 24, 1964, and republished as amended this issue. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa.

Applicant's attorney: H. L. Fabrits (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, and *fertilizer solutions*, in bulk, and tank vehicles, from the plant site of Phillips Petroleum Co. at or near Hoag, Nebr., to points in Iowa, Kansas, Minnesota, South Dakota, and points in Missouri on and west of U.S. Highway 63.

NOTE: The purpose of this republication is to add fertilizer solutions to the commodity description. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 108380 (Sub-No. 67), filed September 21, 1964. Applicant: JOHNSTON'S FUEL LINERS, INC., Post Office Box 112, Newcastle, Wyo. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry petroleum products*, from points in Wyoming to points in Colorado, Montana, Nebraska, North Dakota, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Casper or Cheyenne, Wyo.

No. MC 110804 (Sub-No. 8), filed September 25, 1964. Applicant: INGRAM TRUCKING CO. INC., Ball Ground, Ga. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone* from points in Burnet, Llano, and Travis Counties, Tex., to points in Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Kentucky, Mississippi, Missouri, Virginia, Ohio, Pennsylvania, West Virginia, Illinois, Indiana, Michigan, New Jersey, New York, Delaware, Maryland, Arkansas, Wisconsin, Vermont, Louisiana, and the District of Columbia.

NOTE: Applicant states the proposed operations will be under a continuing contract, or contracts with Marble Product Company of Georgia, located at Whitestone, Ga. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112696 (Sub-No. 20), filed September 21, 1964. Applicant: HARTMANS, INCORPORATED, 833 Chicago Avenue, Harrisonburg, Va. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shoes, leather, heels, soles, uppers, and supplies and equipment* used in a shoe factory, (1) between Boston, Mass., and Camp Hill, Pa.; and (2) between Camp Hill, Pa., and Dillsburg, Pa.

NOTE: Applicant states it proposes to tack the authority sought above in (1) and (2) together and with its existing authority to perform a through service. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 46) (AMENDMENT), filed September 3, 1964, published in FEDERAL REGISTER, issue of September 24, 1964, amended September 24, 1964, and republished as amended this issue. Applicant: EARL BRAY, INC., Post Office Box 910, Linwood and North Streets, Cushing, Okla. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, and *fertilizer solutions*, in bulk, in tank vehicles, from the site of the Phillips Petroleum Co, Anhydrous Ammonia Plant, at or near Hoag, Nebr., to points in Kansas and that part of Missouri on and west of U.S. Highway 63, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: The purpose of this republication is to add fertilizer solutions to the commodity description. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 113336 (Sub-No. 70), filed September 21, 1964. Applicant: PETROLEUM TRANSIT COMPANY, INC., Post Office Box 921, Lumberton, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as defined in Appendix 13 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, and in containers, from Tampa, Fla., to points in Georgia, South Carolina, and North Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113624 (Sub-No. 19) (AMENDMENT), filed September 2, 1964, published in FEDERAL REGISTER, issue of September 16, 1964, amended September 28, 1964, republished as amended this issue. Applicant: WARD TRANSPORT, INC., Post Office Box 133, Pueblo, Colo. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, and fertilizer solutions*, in bulk, in tank vehicles, from the plant site of the Phillips Petroleum Co. anhydrous ammonia plant at or near Hoag, Nebr., to points in Kansas, Wyoming, and Colorado.

NOTE: The purpose of this republication is to add fertilizer solutions to the commodity description and to add Colorado as a destination state. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114211 (Sub-No. 63), filed September 18, 1964. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas, and petroleum, and their products, and byproducts), *fittings and accessories* therefor when moving with such pipe, from Council Bluffs, Iowa, to points in Arizona, Idaho, and Utah, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114725 (Sub-No. 14), filed September 21, 1964. Applicant: WYNNE TRANSPORT SERVICE, INC., 1528 North 11th Street, Omaha, Nebr. Applicant's attorney: Richard A. Peterson, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solutions* in bulk, in tank vehicles from Nebraska City, Nebr. to points in Minnesota, and South Dakota and *damaged or rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115067 (Sub-No. 2), filed September 22, 1964. Applicant: C. D. SPENCER, JR., AND LOUISE M. SPENCER doing business as INDEPENDENT MOTOR TRANSPORT, 530 West Queen Avenue, Albany, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Linn County, Oreg., on the one hand, and, on the other points in Multnomah County, Oreg. and Clark County, Wash.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany or Portland, Oreg.

No. MC 115841 (Sub-No. 195), filed September 18, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products*, and *dairy products* (except frozen), from Nashville, Tenn., to points in Arkansas (except Blytheville and Little Rock).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 115841 (Sub-No. 199), filed September 21, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2196, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and berries*, from Ranson, W. Va., to points in Tennessee, Alabama, and New Orleans, La.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.



No. MC 116077 (Sub-No. 168), filed September 21, 1964. Applicant: ROBERTSON TANK LINES, INC., Post Office Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 721 Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote oil*, in bulk, from Daingerfield and Lone Star, Tex., to points in Louisiana and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 116254 (Sub-No. 40) (AMENDMENT), filed September 4, 1964, published in FEDERAL REGISTER, issue of September 24, 1964, amended September 29, 1964, and republished as amended this issue. Applicant: CHEM-HAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, Nashville Bank & Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk (except cement), from Decatur, Ala., and points within 15 miles thereof, to points in Tennessee (except paving tar, and, except chemicals to Kingsport, Tenn.), Georgia, and Alabama.

NOTE: In the previous publication it was stated that the applicant sought authority to transport "(2) *paving tar*, from Decatur, Ala., and points within 15 miles thereof, to points in Tennessee, and (3) *chemicals*, from Decatur, Ala., and points within 15 miles thereof, to Kingsport, Tenn." The purpose of this republication is to show that applicant sought to restrict or exclude the commodities in (2) and (3), as described in this Note, from the authority sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 116254 (Sub-No. 43), filed September 21, 1964. Applicant: CHEM-HAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, from points in Lee County, Miss., to points in Tennessee and Alabama.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 116446 (Sub-No. 2), filed May 8, 1964. Applicant: HAROLD SCHUGEL, doing business as HAROLD SCHUGEL MILLING SUPPLIES, 301 North Water Street, New Ulm, Minn., 56073. Applicant's attorney: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, between points in Minnesota, on the one hand, and, on the other, points in the Vermillion, S. Dak., Blair, Fremont, and Grand Island, Nebr., commercial zones, and points in Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117119 (Sub-No. 171), filed September 23, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum foil plates, pans, trays*, nested or unnested, solid, with or without covers, from Paris, Tex., to Fayetteville, Ark.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 117574 (Sub-No. 94) (AMENDMENT), filed April 7, 1964, published FEDERAL REGISTER, issue of April 22, 1964 amended September 23, 1964 and republished as amended this issue. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural equipment and machinery and parts* from Tulsa, Okla. and points within 30 miles of Tulsa to points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, Maine, Massachusetts, Connecticut, New Hampshire, Vermont, North Carolina, and the District of Columbia.

NOTE: The purpose of this republication is to add points within 30 miles of Tulsa to the origin point and delete West Virginia and Rhode Island as destination states. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 106) (CORRECTION), filed September 8, 1964, published FEDERAL REGISTER, issue of September 24, 1964, and republished this issue. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, regardless of how they are equipped (except tractors used in pulling commercial highway trailers, and except those which because of size or weight require the use of special equipment), and (2) *parts, implements, attachments, accessories*, and *supplies*, for the commodities specified in (1) above, between points in Virginia, North Carolina, South Carolina, Florida, Georgia, Tennesseee, Alabama, Mississippi, Louisiana, Arkansas, and Kentucky (except Louisville, Ky.).

NOTE: The purpose of this republication is to show the correct sub number assigned thereto in lieu of Sub 105 as shown in previous publication, in error. However, this Sub No. 106 is a duplicate of Sub 104, published August 26, 1964, and, therefore, this Sub No. 106 will be dismissed.

No. MC 118292 (Sub-No. 7) (AMENDMENT), filed July 20, 1964, published FEDERAL REGISTER, issue of August 5, 1964, amended August 24, 1964, republished as amended September 10, 1964, and further amended September 23, 1964, and republished as further amended this issue. Applicant: BALLENTINE PRODUCE, INC., Alma, Ark. Applicant's attorney: Lester M. Bridgeman, Woodward Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Little Rock, Fort Smith, and Van Buren, Ark., to points in Alabama, Florida, Georgia, Louisiana, Michigan, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Texas.

NOTE: The purpose of this republication is to add Mississippi and Ohio as destination states. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 118434, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 119268 (Sub-No. 43), filed September 21, 1964. Applicant: OSBORN, INC., 228 North Fourth Street, Gadsden, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton, textiles and textile products made of natural or synthetic fibres, metallic yarn, dry goods, rugs, carpeting, carpeting products*, and *manufactured textile products* from Danville, Va. to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119390 (Sub-No. 7), filed September 22, 1964. Applicant: MAIRS TRANSPORT LTD., 7583 Edmonds Street, Burnaby, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand (olivene), and decorative stone*, in bulk, and in sacks, from Bellingham, Wash., to points on the international boundary line between the United States and Canada, located at or near Blaine, and Lynden, Wash.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 119390 (Sub-No. 9), filed September 22, 1964. Applicant: MARIS TRANSPORT, LTD., 7583 Edmonds Street, Burnaby, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bag kraft*, in rolls, from Tacoma, Wash., to points on the international boundary line between the United States and Canada, located at or near Blaine, Sumas, and Lynden, Wash.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 119390 (Sub-No. 8), filed September 22, 1964. Applicant: MAIRS TRANSPORT, LTD., 7586 Edmonds Street, Burnaby, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pulp screenings*, in bulk, from Bellingham, Wash., to points on the international boundary line between the United States and Canada, located at or near Blaine, and Lynden, Wash.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 119761 (Sub-No. 2), filed September 21, 1964. Applicant: E. VERL

MAXWELL AND GORDON D. GIFFORD, a partnership, doing business as G & M Carriers, 1222 14th Street, South, Fargo, N. Dak. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from LaCrosse, Wis., to Breckenridge and Detroit Lakes, Minn., (2) from Milwaukee, Wis., to Detroit Lakes, Minn., and Wahpeton, N. Dak., and (3) from Sheboygan, Wis., to Fargo, N. Dak., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 119848 (Sub-No. 5), filed September 22, 1964. Applicant: KENISON TRUCKING, INC., Post Office Box 323, 1975 South 1045 West, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (other than salt and salt products as an animal and poultry feed, animal and poultry foods, and ingredients used in the manufacture of both commodities), from Silsbee, Utah to points in California, Oregon, Colorado, Idaho, Montana, Nevada, Washington, and Wyoming, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 115504 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 124047 (Sub-No. 25), filed September 18, 1964. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aqua ammonia, anhydrous ammonia*, and *nitrogen fertilizer solutions*, in bulk, in tank vehicles, between the plant site of the Sohio Chemical Company, at Lima, Ohio, and points in Wisconsin, Illinois, Indiana, Kentucky, Pennsylvania, and the lower peninsula of Michigan.

NOTE: Applicant states that it holds permanent authority to transport the above-described commodities to the above-destination territory "from the plant site of the Sohio Chemical Company at Lima, Ohio," in certificate No. MC-124047 (Sub-No. 8). The purpose of this application is to provide for the return transportation of partial shipments of products not utilized by Sohio's customers at the end of the fertilizer season. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 124453 (Sub-No. 2), filed September 22, 1964. Applicant: RUSSO TRUCKING CO., INC., 2501 94th Street, North Bergen, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hard surface floor coverings, and incidental materials and supplies*, used in or in connection with the installation or laying thereof, when moving in the same vehicle therewith, from points in Hamilton Township, N.J., (1) to points in Houston, Madison, Mobile, Shelby, St. Clair, Tuscaloosa, Montgomery, and Jefferson Counties, Ala., (2) to points in Mississippi, Sebastian, and Pulaski Counties, Ark., (3) to points in Sumter, Muscogee, Whitfield, Troup, Floyd, Chatham, Dougherty, and Cobb Counties, Ga., (4) to points in Pinellas, Volusia, Duval, Polk, Brevard, Orange, Escambia, Sarasota, Hillsborough, and Palm Beach Counties, Fla., (5) to points in Warren, Muhlenberg, Christian, Davies, McCracken, Clark, Campbell, Fayette, and Jefferson Counties, Ky., (6) to points in Carter, Tipton, Dyer, Madison, Carroll, Loudon, Rutherford, Hamilton, Davidson, and Shelby Counties, Tenn., (7) to points in Raleigh, Mercer, Harrison, Kanawha, Randolph, Monongalia, and Wood Counties, W. Va., and (8) to points in Lee, Hinds, Lowndes, Washington, Jones, Forest, and Grenada Counties, Miss.

NOTE: Applicant states the proposed service will be restricted to service for the account of Bonafide Mills, Inc., Hamilton Township, N.J. Applicant has common carrier authority under MC 59576, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124755 (Sub-No. 4), filed September 21, 1964. Applicant: HOMER HOAG, doing business as HOAG TRUCKING CO., Philip, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aggregates, consisting of sand, gravel, and crushed rock*, from points in that part of South Dakota, west of U.S. Highway 83, and points in Platte and Goshen Counties, Wyo., to points in that part of Nebraska, west of U.S. Highway 83.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in permit No. MC-116751, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Rapid City or Pierre, S. Dak.

No. MC 125390 (Sub-No. 3), filed September 23, 1964. Applicant: J. A. McINTOSH, JR., doing business as McINTOSH BULK HAULERS, 51821 North Gratiot, New Baltimore, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal, coke and briquets*, between points in Michigan on and south of U.S. Highway 10 (except those in Wayne, Lenawee, and Monroe Counties), on the one hand, and, on the other, points in Ohio (except points in Ashtabula, Cuyahoga, Franklin, Geauga, Lake, Licking, Lorain, Muskingum, Portage, Summit, and Wayne Counties, Ohio), and Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 125650 (Sub-No. 2), filed September 22, 1964. Applicant: ALBERT M. GREENFIELD, doing business as GREENFIELD TRUCKING, Box 1012, Missoula, Mont. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash., 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats* and *meat products*, fresh, frozen, cured or smoked, in less-than truckload lots, in mechanically refrigerated vehicles, (a) from points in King County, Wash., to Bozeman, Great Falls, Helena, Missoula, and Ronan, Mont., and (b) between points in King County, Wash., and Butte, Mont., (2) *fruits, berries*, and *vegetables*, fresh or frozen, and *frozen foods*, including *juices, pies, dinners*, and *french-fried potatoes*, in less-than truckload lots, in mechanically refrigerated vehicles, from Milton-Freewater, Weston, and Portland, Oreg., and Seattle, Kent, Arlington, Auburn, Wenatchee, Yakima, Warden, Othello, Grandview, Prosser, Kennewick, Zillah, and Spokane, Wash., to Butte, Bozeman, Great Falls, Helena, Missoula, and Ronan, Mont., (3) *dairy products*, including *cheese and butter*, and *frozen dairy products* (excluding ice cream), in mechanically refrigerated vehicles, between points in King and Kittitas Counties, Wash., on the one hand, and, on the other, Bozeman, Butte, Great Falls, Helena, Ronan, and Missoula, Mont., (4) *fish*, frozen, loose or in sacks, *fish scrap, fish heads, fish entrails (mink food)*, frozen, in sacks, and *eggs*, whole fresh or frozen, when transported in the same vehicle and at the same time as nonexempt commodities, in mechanically refrigerated vehicles, from points in King and Snohomish Counties, Wash., to Clarks Fork, and Couer d'Alene, Idaho, and Darby, Victor, Great Falls, Helena, Missoula, Ronan, Bozeman, and Butte, Mont., and (5) *fresh or frozen dairy products, milk, cream, poultry*, when transported in the same vehicle and at the same time as nonexempt commodities, in mechanically refrigerated vehicles, between points in Montana, on the one hand, and on the other, points in Washington.

NOTE: Applicant states it proposes to transport exempt commodities on return trips. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 125756 (Sub-No. 2), filed August 20, 1964. Applicant: JOHN M. KELLEY, doing business as KELLY TRUCKING COMPANY, 534 Woodbine, Lexington, Ky. Applicant's attorney: Thomas P. Bell, Third Floor, Warren Building, 141 North Upper Street, Lexington, Ky., 40507. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products*, and *meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as defined by the Commission, from Lexington, Ky., to points in Fayette, Bourbon, Nicholas, Mason, Garrard, Jessamine, Madison, and Clark Counties, Ky., and *refused and rejected shipments*, on return.



NOTE: If a hearing is deemed necessary, applicant requests it be held at Frankfort, Ky.

No. MC 125974 (Sub-No. 1), filed September 29, 1964. Applicant: T & M TRUCKING CO., INC., 107 Russell Street, White Plains, N.Y. Applicant's attorney: Joseph P. Marcelle, 15 Park Row, New York 38, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum die casting and steel products* (1) for nickel and chrome plating, and (2) nickel and chrome plated, between Stratford, Conn., White Plains, N.Y., Roselle and Newark, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 125984 (Sub-No. 1), filed September 21, 1964. Applicant: RALPH L. CLINE & A. F. McDANIEL, doing business as C & M TRUCK LINES, 1720 East Fourth, El Paso, Tex. Applicant's attorney: Joe T. Lanham, Suite 1102, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial fertilizers* and *soil conditioners*, in bags, and in bulk in other than tank or hopper type motor vehicles, from points in El Paso, Harris, Brazoria, and Fort Bend Counties, Tex., to points in Dona Ana, Luna, Hidalgo, and Grant Counties, N. Mex. and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 125991 (Sub-No. 1), filed September 21, 1964. Applicant: LEON MOORE, doing business as LEON MOORE TRUCKING CO., 226 Russell Street, Nashville, Tenn. Applicant's attorney: Robert H. Cowan, Suite 434, Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Raw ground rock phosphate* under contract with Robin Jones Phosphate Co., and Ruhm Phosphate and Chemical Co., from points in Maury and Hickman Counties, Tenn. to points in Kentucky, Indiana, Iowa, Missouri, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 126316 (Sub-No. 7), filed September 22, 1964. Applicant: CARL R. ALLEN, doing business as ALLEN TRUCKING CO., Route 2, Box 51, Keithville, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust* and *shavings*, from Shreveport, La., to Marshall, Tex.

NOTE: Applicant states the above proposed transportation service will be performed for the account of Olin Mathieson Chemical Corporation, Forest Products Operations, West Monroe, La. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 126405 (Sub-No. 1), filed September 21, 1964. Applicant: CHARLES L. BARKMAN, SR., Post Office Box 124, Coxsackie, N.Y. Applicant's attorney: John H. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese curds* (in cheesecloth bags and tins, on ice), from Medusa, N.Y., to New York City, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 126407, filed July 14, 1964. Applicant: LAWRENCE MICHAELSON, doing business as JACK'S SUPER SERVICE STATION, 374 River Street, Cambridge, Mass. Applicant's attorney: A. W. Query, Jr., 39 Spellman Road, Westwood, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, between Cambridge, Mass., and points in Suffolk and Middlesex Counties, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, and Washington, D.C.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 126461 (Sub-No. 2), filed September 22, 1964. Applicant: PACIFIC FREIGHTWAYS LTD., 8603 11th Avenue, Burnaby, British Columbia, Canada. Applicant's attorney: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, Province of British Columbia. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pozzolan* in bulk, from the port of entry on the international boundary between the United States and Canada located at or near Blaine, Wash., to points in Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 126466 (Sub-No. 1), filed September 21, 1964. Applicant: WARREN PARKER, Revere, Minn. Applicant's attorney: Donald F. Hunter, State and Center Streets, New Ulm, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salad dressings, meat seasonings, barbeque sauces*, and *related display and advertising materials* from Lamberton, Minn., to points in North Dakota, South Dakota, Nebraska, Kansas, Iowa, Missouri, Arkansas, Oklahoma, Wisconsin, Illinois, Kentucky, Indiana, Michigan, Ohio, West Virginia, Pennsylvania, Tennessee, and Colorado and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 126472 (AMENDMENT), filed July 20, 1964, published FEDERAL REGISTER issue of August 19, 1964, amended September 24, 1964, and republished as amended this issue. Applicant: WILLCOXSON TRANSPORT, INC., Bloomfield, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Boone County, Mo., to points in Iowa.

NOTE: The purpose of this republication is to delete Marion County, Mo., as an origin point. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 126561 (AMENDMENT), filed September 11, 1964, published FEDERAL REGISTER issue of September 24, 1964, and republished as amended this issue. Applicant: STARLIN MITCHELL, doing business as MITCHELL TRUCKING COMPANY, 309 North Laurel Street, Corbin, Ky. Applicant's attorney: Ollie L. Merchant, 140 South 5th Street, Suite 202, Louisville, Ky., 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Kentucky and Tennessee, to points in Alabama, Georgia, Illinois, Indiana, Maryland, Michigan, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin.

NOTE: The purpose of this republication is to add Tennessee as an origin state. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 126581 (Sub-No. 1), filed September 21, 1964. Applicant: ELLIS WRIGHT, doing business as BUD'S EXPRESS MOVING & STORAGE, 410 Mississippi Street, Vallejo, Calif. Applicant's attorney: G. Alfred Roensch, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Solano, Napa, Sonoma, and Contra Costa Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126583 (Sub-No. 1), filed September 21, 1964. Applicant: KOZY MOVING & STORAGE, INC., 101 Benicia Road, Vallejo, Calif. Applicant's attorney: G. Alfred Roensch, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Solano, Napa, Sonoma, and Contra Costa Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126589, filed September 16, 1964. Applicant: FRED QUINN, doing business as QUINN MOVING AND STORAGE, Post Office Box 2377, San Antonio, Tex. Applicant's attorney: Alan F. Wohlstetter, One Farragut Square South, Washington, D.C. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points within a 50 mile radius of San Antonio, Tex., and between points within a 50 mile radius of Killeen, Tex., restricted to shipments having a prior or subsequent movement beyond said 50 mile radius of San Antonio and Killeen, Tex., respectively, in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, over irregular routes. (Area includes all points within the counties of Kendall, Comal, Bexar, Guadalupe, Wilson, Atascosa, Frio, Hays, Blanco, Kerr, Bandera and Medina, Tex., within a radius of 50 miles of San Antonio, Tex., and all points within the counties of Bell, Lampasas, Hamilton, Caryell, McLennan, Burnet, Falls and Williamson, Tex., within a radius of 50 miles of Killeen, Tex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex.

No. MC 126591, filed September 21, 1964. Applicant: ANGELO GEORGINNA, doing business as GEORGINNA TRUCKING, Apt 51D, Cordington Drive, Bound Brook, N.J., Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste rags and paper*, from Dunellen, N.J., to piers in New York Harbor, N.Y.

NOTE: Applicant states that the proposed operation will be under a continuing contract with Nu-Tex Corp., Dunellen, N.J. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126595 (Sub-No. 1), filed September 24, 1964. Applicant: JOHN W. A. DITTMAN, doing business as DITTMAN MOVING & STORAGE COMPANY, 426 Mississippi Street, Vallejo, Calif. Applicant's attorney: G. Alfred Roensch, 100 Bush Street, 21st Floor, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission in 17 M.C.C. 467, between points in Solano, Napa, Sonoma, and Contra Costa Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126598, filed September 24, 1964. Applicant: JOHN J. BISCEGLIE, doing business as BISCO TRUCKING SERVICE, 1536 North American Street, Philadelphia, Pa. Applicant's attorney: Morris J. Winokur, Suite 1920, 2 Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa., 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food materials and products* from the plant of Buitoni Foods Corporation, located at South Hackensack, N.J. to points in Philadelphia, Montgomery, Delaware, Chester, and Bucks Counties, Pa., and Wilmington, Del., and *returned or rejected shipments*, on return.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate MC 89940, therefore dual operations may be involved. Applicant also states the proposed operations will be under a continuing contract with Buitoni Foods Corporation. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 126604, filed September 23, 1964. Applicant: F. & M. INTERSTATE TRANSPORT CO., INC., 946 Springbrook Avenue, Moosic, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, building board*, and *insulating board*, (1) from Harding, and Williamsport, Pa., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Maryland, District of Columbia, Virginia, West Virginia, Ohio, North Carolina, South Carolina, Georgia, and LaGro, Ind., and *damaged and returned shipments*, on return, (2) from Lagro, Ind., to points in New York, New Jersey, Maryland, the District of Columbia, Harding, and Williamsport, Pa., and *damaged and returned shipments*, on return, and (3) from Williamsport, Pa., to Harding, Pa., restricted to shipments having a subsequent movement beyond the State of Pennsylvania, and *damaged and returned shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 107583 (Sub-No. 31), filed August 26, 1964. Applicant: SALEM TRANSPORTATION CO., INC., 113 West 42d Street, Suite 1004, New York, N.Y., 10036. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and effects*, in the same vehicle with passengers, in special operations, limited to the transportation of not more than eleven (11) passengers in any one vehicle, not including the driver thereof, between points in Baltimore County, Md., Baltimore, Md. Commercial Zone, as defined by the Commission, and Friendship International Airport, Anne Arundel County, Md., on the one hand, and, on the other, Washington, D.C., Wilmington, Del., Philadelphia, Pa., and Philadelphia International Airport, Philadelphia, Pa., Atlantic City, N.J., Fort Dix and McGuire Air Force Base, Wrightstown, N.J., and points in the Townships of New Hanover, North Hanover, Chesterfield, Bordentown, Mansfield, Springfield, and Pemberton, in Burlington County, N.J., New York, N.Y., La Guardia Airport, Kennedy (formerly Idlewild) International Airport, Fort Hamilton and Manhattan Beach Air Force Base, N.Y., and points in Westchester County, N.Y.

NOTE: Applicant states it presently holds authority in Certificate No. MC 107583 (Sub-No. 13), to serve Baltimore, Md. No duplicating authority is sought. Further, it intends to segment the proposed service with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlantic City, N.J., and Baltimore, Md.

No. MC 118848 (Sub-No. 6), filed September 23, 1964. Applicant: DOMENICO BUS SERVICE, INC., 764 Kennedy Boulevard, Bayonne, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, between Bayonne, N.J., and the plant site of the International Nickel Company, Inc., located at Sterling Forest Gardens, N.Y.

NOTE: Applicant states that the proposed operations will be restricted to the transportation of passengers who are picked up or discharged at the plant site of the International Nickel Company, Inc. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 125222 (Sub-No. 7), filed August 31, 1964. Applicant: RED ARROW LINES, INC., 19 West Fifth Street, Chester, Pa. Applicant's attorney: David Berger, 2220 Philadelphia Saving Fund Building, Philadelphia, Pa., 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) between Reading Railroad Terminal, Philadelphia, Pa., and New York City, N.Y., operating from the specified Reading Railroad Terminal over U.S. Highway 611 to Jenkintown, Pa., thence over Old York Road to junction Easton Road, thence over Easton Road via Willow Grove Interchange No. 27 to junction Pennsylvania Turnpike, thence over Pennsylvania Turnpike via Interchange No. 6 to junction New Jersey Turnpike, thence over New Jersey Turnpike via Interchange No. 14 and Holland Tunnel to New York City (also via Interchange No. 16 and Lincoln Tunnel to New York City), and return over the same route, serving the intermediate Reading Company Stations of North Broad Street and Wayne Junction in Philadelphia, Jenkintown (Wyncote), Noble and Willow Grove, Pa.; (2) between Reading Company Station, West Trenton, N.J., and New York City, N.Y., operating from the specified Reading Company Station over New Jersey Secondary Highway 579 to junction New Jersey Highway 29 (John Fitch Parkway), thence over John Fitch Parkway, Market Street and Greenwood Avenue in Trenton, N.J., to junction New Jersey Highway 33, thence over New Jersey Highway 33 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction New Jersey Highway 33, thence over New Jersey Highway 33 via Interchange No. 8 to junction New Jersey Turnpike, thence over New Jersey Turnpike as specified above to New York City, and return over the same route, serving no intermediate points (3) between Reading Company Station, Hopewell, N.J., and New York City, N.Y., operating from the specified Reading Company Station over New Jersey Secondary Highway 569 to Rosedale, N.J., thence over Rosedale Road in



Princeton Township, N.J., and Cleveland Lake in Princeton Borough, N.J., to junction Elm Road in Princeton Borough, N.J., thence over Elm Road to junction U.S. Highway 206, thence over U.S. Highway 206 to junction New Jersey Highway 27, thence over New Jersey Highway 27 to junction New Jersey Secondary Highway 571, thence over New Jersey Secondary Highway 571 to junction U.S. Highway 1, at Penns Neck, N.J., thence over U.S. Highway 1 to junction New Jersey Highway 18, thence over New Jersey Highway 18 via Interchange No. 9 to junction New Jersey Turnpike, thence over New Jersey Turnpike as specified above to New York City, and return over the same route, serving no intermediate points; and (4) between Reading Company Station, Belle Mead, N.J., and New York City, N.Y., operating from the specified Reading Company Station over U.S. Highway 206 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction Interstate Highway 287, thence over Interstate Highway 287 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction New Jersey Highway 35, thence over New Jersey Highway 35 via Interchange No. 11 to junction New Jersey Turnpike, thence over New Jersey Turnpike as specified above to New York City, and return over the same route, serving no intermediate points.

NOTE: Applicant states the within application is requested to be contingent upon approval by the Interstate Commerce Commission of the proposed discontinuance by the Reading Company of its through passenger rail service between Philadelphia, Pa., and New York City, N.Y., and certain intermediate points. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2359 (Sub-No. 15), filed September 25, 1964. Applicant: ROCCO D. DAMEO, 346 Central Avenue, Somerville, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, in bulk, in pressure differential tank vehicles, from the Town of West Windsor, Vt., to North Brunswick, N.J., and *rejected, returned and damaged shipments*, on return.

NOTE: Applicant states the proposed service will be under contract with Johnson & Johnson, Inc., and/or its subsidiaries and affiliates.

No. MC 30867 (Sub-No. 174), filed September 22, 1964. Applicant: CENTRAL FREIGHT LINES, INC., 303 South 12th Street, Waco, Tex. Applicant's attorney: Mert Starnes, 721 Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Galveston, Tex., and the San Luis Pass Bridge and causeway and to all of the construction site of the causeway and bridge being erected over San Luis Pass, Tex. (located approximately 25 miles southwest of Galveston), and between the site of the East Texas Pulp and Paper Company and Beaumont, Tex., (1) from Galveston over Stewart Road to its junction with San Luis Pass County road, thence over San Luis Pass County road to San Luis Pass, the San Luis Pass Bridge and causeway and all of the construction site of the said causeway and bridge being constructed over San Luis Pass, and return over the same route serving all intermediate points, and coordinating such service with that rendered under all other authority, and (2) between the site of the East Texas Pulp and Paper Company and the community adjacent thereto and Beaumont, Tex., from said plant and community over all access roads to U.S. Highway 96 and thence over U.S. Highway 96 to Beaumont, Tex., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, and coordinating the proposed service with all other authorized services of applicant.

No. MC 66663 (Sub-No. 4), filed September 22, 1964. Applicant: MASS. DELIVERIES, INC., 80 Kendall Park, Waltham, Mass. Applicant's representative: Frank J. Weiner, 182 Forbes Building, Forbes Road (at South Shore Plaza), Braintree 84, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by retail stores and mail order houses and *equipment, materials*, and *supplies* used in conducting such business, from Lowell, Mass., to points in Hillsborough, Rockingham, and Strafford Counties, N.H., and (2) *returned and repossessed merchandise*, from the above-specified destination points to Lowell, Mass. RESTRICTION: The operations authorized herein will be limited to a transportation service to be performed, under a continuing contract or contracts, with Sears Roebuck and Co.

NOTE: Applicant states it currently serves Sears Roebuck and Co. under continuing contracts from Lawrence, Haverhill and Saugus, Mass., to specified areas in New Hampshire. The purpose of this application is to conduct similar contract carrier operations from the new Sears Roebuck and Co. outlet at Lowell, Mass.

No. MC 125035 (Sub-No. 11), filed September 18, 1964. Applicant: RAY E. BROWN, doing business as RAY E. BROWN TRUCKING, 1132–55th Street NW., North Canton, Ohio. Applicant's attorney: Fred H. Zollinger, 800 Cleve-Tusc. Building, Canton, Ohio, 44702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and ice cream confections* such as but not limited to *fudgesicles, popsicles, eskimo pies, ice cream bars, ice cream sandwiches, drum sticks* and *creamsicles*, from Buffalo, N.Y., to Erie, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant states the proposed operation will be under a continuing contract with Sealtest Foods—Division of National Dairy Products Corporation.

No. MC 125708 (Sub-No. 5) (AMENDMENT), filed June 25, 1964, published FEDERAL REGISTER issue of July 15, 1964, amended September 11, 1964 and republished as amended this issue. Applicant: HUGH MAJOR 150 Sinclair Avenue, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel grinding balls in the rough* from Greenville, Ill., to points in Louisiana, Mississippi, Minnesota, New York, North Carolina, North Dakota, South Carolina, South Dakota, Virginia and West Virginia and (2) *Steel* from points in Indiana, Louisiana, Mississippi, Minnesota, North Carolina, North Dakota, South Carolina, South Dakota, Virginia, and West Virginia to Greenville, Ill., both restricted against the transportation of such commodities which because of size or weight require special handling or the use of special equipment.

NOTE: The purpose of this republication is to add the restriction, change commodity description in (2) above and to more clearly set forth the origin points requested by applicant. Applicant is also authorized to operate as a contract carrier under MC 116434 therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125773 (Sub-No. 3), filed September 28, 1964. Applicant: WALTER R. PLANKINTON, doing business as BEELINE EXPRESS, 9071 Cedar Ct., Thornton 29, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Live bees in hives and supplies used by beekeepers and farmers*, when such supplies are moving on the same vehicle and at the same time with live bees, between points in Colorado, on the one hand, and, on the other, points in Texas.

No. MC 126597, filed September 22, 1964. Applicant: ARTHUR HARVEY, doing business as A. HARVEY TRUCKING, 2571 Fischer, Detroit 14, Mich. Applicant's attorney: Arthur P. Boynton, 2850 Penobscot Building, Detroit, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from points in Ohio, Indiana, and Illinois, to points in Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne Counties, Mich.

NOTE: Applicant states the proposed service is to be under continuing contracts with Cadillac Brick Co., and Metropolitan Clay Products Co., of Detroit, Mich.

By the Commission.

[SEAL] HAROLD D. McCOY
*Secretary.*

[F.R. Doc. 64–10167; Filed, Oct. 6, 1964; 8:49 a.m.]

## NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 2, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC-4291 Sub-1, filed September 2, 1964. Applicant: SARTAIN TRUCK LINE, INC., 1354 North Second Street, Memphis, Tenn. Applicant's attorney: John L. Uhlian, 603 Stahlman Building, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, over the following route and serving the following points: From Union City to Trenton, Tenn., over U.S. Highway 45W from Trenton, Tenn., to Bells, Tenn., over Tennessee Highway 54; and from Bells, Tenn., to Brownsville, Tenn., over U.S. Highway 79, serving all intermediate points, including Union City and Brownsville, Tenn., to be used in conjunction with applicant's present operating authority.

*Hearing:* October 21, 1964, at 9:30 a.m., C-1 Cordell Hull Building, Nashville, Tenn.

Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. 17008, filed September 11, 1964. Applicant: KYLE E. ALLEN, doing business as SCOTTSVILLE BUS LINES, Scottsville, Va. Applicant's attorney: Fred S. Landess, Post Office Box 1191, Charlottesville, Va. Certificate of public convenience and necessity sought to operate as follows: Transportation of *passengers*, including *baggage, mail, light express*, and *newspapers*, between Charlottesville and Farmville, Va., over Virginia Highway 20 and U.S. Highway 15, serving all intermediate points and the off-route points of Dillwyn and Esmont, Va.

*HEARING:* November 16, 1964, at 10:00 a.m., in the courtroom, Blanton Building, Richmond, Va.

Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Virginia State Corporation Commission, Post Office Box 1197, Richmond 9, Va., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10168; Filed, Oct. 6, 1964; 8:49 a.m.]

[Notice 1056]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 2, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67202. By order of September 30, 1964, the Transfer Board approved the transfer to Ben Hamrick, Inc., Fort Worth, Tex., of the operating rights in Certificates Nos. MC 118130, MC 118130 Sub 1, MC 118130 Sub 3, MC 118130 Sub 5, MC 118130 Sub 7, and MC 118130 Sub 8, issued by the Commission August 25, 1961, June 26, 1962, May 29, 1962, February 11, 1964, October 22, 1963, and March 27, 1964, respectively, to Benjamin M. Hamrick, doing business as Ben Hamrick, Forth Worth, Tex., authorizing the transportation, over irregular routes, of bananas, coconuts, pineapples when transported in mixed loads with bananas, frozen potatoes, and frozen potato products, from and to specified points in Louisiana, Texas, Mississippi, Arkansas, Oklahoma, Colorado, New Mexico, Arizona, Alabama, California, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Tennessee, Utah, Washington, West Virginia, Wisconsin, and Wyoming, and Florida. M. Ward Bailey, 24th Floor Continental Life Building, Fort Worth 2, Texas, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10169; Filed, Oct. 6, 1964; 8:49 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 2, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39296: *Lumber from Nathan, Mont.* Filed by Trans-Continental Freight Bureau, agent (No. 421), for interested rail carriers. Rates on lumber, in carloads, from Nathan, Mont., to specified points in Michigan and Wisconsin.

Grounds for relief: Market competition.

Tariff: Supplement 143 to Trans-Continental Freight Bureau, agent, tariff I.C.C. 1581.

FSA No. 39297: *Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 100), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 5 to Southern Motor Carriers Rate Conference, agent, tariff MF-I.C.C. 1314.

FSA No. 39298: *Joint motor-rail rates—Southwestern Territory.* Filed by J. D. Hughett, agent (No. 60), for interested carriers. Rates on property moving on class and commodity rates, loaded in highway trailers and moving over joint routes of applicant rail and motor carriers, between points in Arkansas, Colorado, Oklahoma, Louisiana, Missouri, New Mexico, Texas and Wyoming, also Memphis, Tenn., Natchez and Vicksburg, Miss.

Grounds for relief: Motortruck competition.

Tariffs: Supplement 24 to J. D. Hughett, agent, tariff MF-I.C.C. 388 and 10 other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10163; Filed, Oct. 6, 1964; 8:48 a.m.]



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Washington, Thursday, October 8, 1964

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

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Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

**Chapter II—Employment and Compensation in the Canal Zone**

**PART 1201—GENERAL**

**Miscellaneous Amendments**

1. Effective upon publication in the FEDERAL REGISTER, Part 1201, *General*, amend paragraph entitled "Authority" by deleting same and substituting therefor the following:

AUTHORITY: The provisions of this Part 1201 issued under Title 2, CZC, Subchapter III, 76A Stat., and E.O. 11171 of August 16, 1964 (29 F.R. 11897). Additional authority is cited in parenthesis following sections affected.

2. Effective upon publication in the FEDERAL REGISTER, § 1201.1 is amended to read as follows:

**§ 1201.1 Purpose.**

By virtue of the authority contained in Title 2, CZC, Subchapter III, and in Executive Order 11171 of August 8, 1964 (29 F.R. 11897), the regulations in this chapter are issued for the purpose of establishing a Canal Zone Merit System governing employment in the Canal Zone and to provide a uniform system of compensation for such employment.

3. Effective upon publication in the FEDERAL REGISTER, the third item in the terms defined in § 1201.2 is amended to read as follows:

**§ 1201.2 Definitions.**

As used in this chapter the term:

* * * * *

Commander-in-Chief. "Commander-in-Chief" means Commander-in-Chief, United States Southern Command.

* * * * *

4. Effective upon publication in the FEDERAL REGISTER, § 1201.4(a) is amended to read as follows:

**§ 1201.4 Canal Zone Civilian Personnel Policy Coordinating Board.**

(a) *Establishment and membership.* There is hereby established a Canal Zone Civilian Personnel Policy Coordinating Board composed of the Governor of the Canal Zone and the Commander-in-Chief, or their designated representatives.

* * * * *

5. Effective upon publication in the FEDERAL REGISTER, subparagraph (4) of § 1201.5(a) is amended to read as follows:

**§ 1201.5 Delegations of Authority.**

(a) *Authority of Board.* The Board is hereby authorized to:

* * * * *

(4) Redelegate any of the authority vested in it by subparagraphs (2) and (3) of this paragraph to committees or other entities established under its supervision or to existing agencies.

* * * * *

(2 C.Z.C. sec. 155, 76A Stat. 19; E.O. 11171, 29 F.R. 11897)

STEPHEN AILES,
*Secretary of the Army.*

[F.R. Doc. 64-10207; Filed, Oct. 7, 1964; 8:45 a.m.]

## Title 12—BANKS AND BANKING

**Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury**

**PART 1—INVESTMENT SECURITIES REGULATION**

**Hospital Authority of Cobb County, Georgia**

**§ 1.153 Hospital authority of Cobb County, Georgia.**

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $1,850,000, 3¾ percent Revenue Certificates of the Hospital Authority of Cobb County, Georgia issued on June 1, 1964 are eligible for dealing in, underwriting and unlimited holding by National Banks pursuant to Paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* The Hospital Authority of Cobb County, created pursuant to the Hospital Authorities Law of the State of Georgia, as a public corporate body for the purpose of constructing and financing a hospital for the County, has issued Certificates the proceeds from which are being used to finance the construction of the hospital and related facilities. These Certificates are payable from the revenues from the Authority's contract with Cobb County made pursuant to the "Hospital Authorities Law" and funds derived from any other source. Under this contract, the County has agreed to pay for the period of the outstanding Certificates, ending in 1985, the Authority annually a definite amount which is sufficient to pay debt service on the Certificates. The County has also agreed to pay monthly the hospital's operation and maintenance costs which it has not earned itself. In order to make the payments under this contract the County is authorized to levy an ad valorem tax of up to five mills, and in certain circumstances an additional two mills may be levied, although it is anticipated that one mill will be sufficient to cover the demands of the contract.

(2) Cobb County, a political subdivision of the State of Georgia possessing resources sufficient to justify faith and credit, has, as authorized by the laws of Georgia, pledged its full faith and credit to make payments to the Authority of amounts which will be sufficient to provide for all required payments in connection with these bonds.

(c) *Ruling.* It is the conclusion of this Office that the $1,850,000, 3¾ percent Revenue Certificates of the Hospital Authority of Cobb County are "public securities" as set forth in § 1 3(c), issued pursuant to Paragraph Seventh of 12 U.S.C. 24, and are therefore eligible for purchase, dealing in, underwriting, and unlimited holding by National Banks.

Dated: September 30, 1964.

[SEAL] JAMES J. SAXON,
*Comptroller of the Currency.*

[F.R. Doc. 64-10171; Filed, Oct. 7, 1964; 8:45 a.m.]

## Title 32—NATIONAL DEFENSE

**Chapter VII—Department of the Air Force**

**SUBCHAPTER D—CLAIMS AND LITIGATION**

**PART 845—PAYMENT OF COUNSEL FEES AND OTHER EXPENSES IN FOREIGN COURTS**

A new Part 845 is added as follows:

Sec.
845.1 Purpose.
845.2 Statutory authority.
845.3 Responsibility.
845.4 Criteria for the provision of counsel and payment of expenses in criminal cases.
845.5 Provision of bail in criminal cases.
845.6 Criteria for furnishing counsel and payment of expenses in civil cases.
845.7 Procedures for hiring of counsel and payment of expenses.
845.8 Payment of counsel fees and other expenses.
845.9 Reimbursement.

AUTHORITY: The provisions of this Part 845 issued under sec. 8012, 70A Stat. 488, sec. 1037, 72 Stat. 1445; 10 U.S.C. 8012, 1037.

SOURCE: AFR 110-13, April 15, 1958; AFR 110-13A, June 30, 1959.

**§ 845.1 Purpose.**

This part establishes criteria and assigns responsibility for the provision of counsel, for the provision of bail, and for the payment of court costs and other necessary and reasonable expenses incident to representation in civil and criminal proceedings, including appellate proceedings, before foreign courts and foreign administrative agencies, which involve any persons subject to the court-martial jurisdiction of the Air Force. Payment of fines is not authorized hereunder.

**§ 845.2 Statutory authority.**

(10 U.S.C. 1037)

Counsel before foreign judicial tribunals and administrative agencies; court costs and bail

(a) Under regulations to be prescribed by him, the Secretary concerned may employ counsel, and pay counsel fees, court costs, bail, and other expenses incident to the

representation, before the judicial tribunals and administrative agencies of any foreign nation, of persons subject to the Uniform Code of Military Justice. So far as practicable, these regulations shall be uniform for all armed forces.

(b) The person on whose behalf a payment is made under this section is not liable to reimburse the United States for that payment, unless he is responsible for forfeiture of bail provided under subsection (a).

(c) Appropriations available to the military department concerned or the Department of the Treasury, as the case may be, for the pay of persons under its jurisdiction may be used to carry out this section.

**§ 845.3 Responsibility.**

Request for provision of counsel, provision of bail, or payment of expenses will ordinarily be made by the defendant accused or cited in a foreign court or agency through channels appropriate under the circumstances to the officer exercising general court-martial jurisdiction over him. This officer will determine whether the request meets the criteria prescribed in this part and based upon such determination will take final action to approve or disapprove the request. However, within their geographical areas of responsibility, the Commander-in-Chief, United States Air Forces in Europe, and the Commander-in-Chief, Pacific Air Force, in the interest of obtaining prompt and effective legal service, may designate as approval authority, instead of the officer exercising general court-martial jurisdiction, any subordinate USAF officer having area responsibility in a particular country for all USAF personnel subject to foreign criminal jurisdiction.

**§ 845.4 Criteria for the provision of counsel and payment of expenses in criminal cases.**

(a) Requests for the provision of counsel and payment of expenses in criminal cases may be granted in both trial and appellate proceedings in any one of the following criminal cases:

(1) Where the act complained of occurred in the performance of official duty; or

(2) Where the sentence which is normally imposed includes confinement in excess of six months, whether or not such sentence is suspended; or

(3) Where capital punishment might be imposed; or

(4) Where an appeal is made from any proceeding in which there appears to have been a denial of the substantial rights of the accused; or

(5) Where the case, although not within the criteria established in subparagraph (1), (2), (3), or (4) of this paragraph, is considered to have significant impact upon the relations of United States forces with the host country, or the case is considered to involve a particular United States interest.

**§ 845.5 Provision of bail in criminal cases.**

Funds for the posting of bail or bond to secure the release of personnel from confinement by foreign authorities before, during, or after trial may be furnished in all criminal cases. Safeguards should be imposed to assure that at the conclusion of the proceedings or on the appearance of the defendant in court the bail or bond will be refunded to the military authorities. Bail will be provided only to guarantee the presence of the defendant and will not be provided to guarantee the payment of fines or civil damages. It is contemplated that provision of bail will be made, in any case, only after other reasonable efforts have been made to secure release of pretrial custody to the United States by other normal methods.

**§ 845.6 Criteria for furnishing counsel and payment of expenses in civil cases.**

(a) Request for provision of counsel and payment of expenses in civil cases may be granted in both trial and appellate proceedings in either of the following civil cases:

(1) Where the act complained of occurred in the performance of official duty; or

(2) Where the case is considered to have a significant impact upon the relations of United States forces with the host country, or the case is considered to involve a particular United States interest.

(b) However, no funds shall be provided under this part in cases where the United States of America is in legal effect the defendant, without prior authorization of The Judge Advocate General, Headquarters USAF.

**§ 845.7 Procedures for hiring of counsel and payment of expenses.**

(a) The selection of individual trial or appellate counsel will be made by, or with the approval of, the defendant. Such counsel shall represent the individual defendant and not the Government of the United States. Selection shall be made from approved lists of attorneys. Normally these lists will be coordinated with the local court or bar association, if any, and the appropriate diplomatic mission of the United States. In any event, these lists will be composed only of attorneys who are qualified and admitted for full practice, on their own account, before the courts of the foreign country involved. Counsel fees and expenses should conform to amounts paid under similar circumstances by nationals of the foreign country where the trial is held. When appropriate and reasonable in the case, the payment of expenses, in addition to counsel fees, may include court costs, bail costs, charges for obtaining copies of records, printing and filing, interpreter fees, witness fees, and other necessary and reasonable expenses. Expenses will not include the payment of fines or civil damages, directly or indirectly.

(b) Whenever possible a written agreement between the selected counsel and the officer responsible under § 845.3, or his designee acting on behalf of the United States of America, shall be entered into. The agreement shall cover counsel fees and, when appropriate, other costs, arising in defense of the entire case in the court of the first instance, and shall bind both parties with respect thereto. If the case is appealed to higher tribunals, supplemental agreements shall be executed for each appeal. A copy of the contractual agreement shall serve as the obligating document.

(c) If, because of local conditions or customs, it is not practicable to enter into the formal contractual arrangement referred to in paragraph (b) of this section, a letter of understanding or letter of commission shall be executed between the officer responsible under § 845.3, or his designee and the selected counsel. Such letter of understanding or letter of commission will be used to contract for the selected counsel's services on a time or similar basis, and will not bind the Government to pay for services covering the entire defense of the case in the court of the first instance. If the selected counsel refuses to execute the letter of understanding or letter of commission, his services may nonetheless be requested in accordance with the letter of understanding or amendments thereto. Commitments and obligations for services obtained will be recorded in accordance with the provisions of paragraph (d) of this section.

(d) A firm order or authorization to execute a letter of understanding shall serve as the commitment document for the reservation of funds in the amount estimated in such order or authorization, whether or not the letter of understanding is subsequently executed by the selected counsel. When the letter of understanding, bearing an estimate of counsel fees and other expenses, is issued, the amount of the previously recorded commitment may be amended, if appropriate. Whether or not the letter of understanding is executed, the obligation shall be recorded at the time of the receipt of, and to the extent of, the bill for services (provided that acceptance of the services has been certified in accordance with § 845.8), or at the time of, and to the extent of, the payment for the services, whichever occurs first.

(e) The provision of counsel and payment of expenses under this part is not subject to the provisions of the Armed Services Procurement Regulations (Subchapter A, Chapter I of this title). However, the contract clauses set forth in Part 7, Subpart E, Subchapter A, Chapter I of this title, and Part 1007, Subpart E, Subchapter W of this chapter, may be used as a guide in contracting.

(f) In consideration of the desirability of timely procedural action, it is suggested that there be designated, from among the judge advocates on the staffs of officers responsible under § 845.3, necessary contracting officers with contracting authority limited to agreements described in this section. The effect of this designation would be to combine within one office the duties of contracting officer and judge advocate.

**§ 845.8 Payment of counsel fees and other expenses.**

Payment of bills submitted by the selected counsel and other costs, shall be made in accordance with the general provisions of the AFM 177 series relating to payment of contractual obligations. All payments under these procedures will be in local currency. Acceptance of services procured under these procedures shall be certified to by the officer responsible under § 845.3, or his designee. Payments of bail may be made when authorized by such officers. Such authorization shall be in the form of a directing letter or message citing 10 U.S.C. 1037.

**§ 845.9 Reimbursement.**

No reimbursement shall ordinarily be required from defendants with respect to payments made in their behalf under this part. However, all payments made in behalf of a defendant who willfully causes forfeiture of bail provided on his behalf under these procedures shall constitute a debt owed to the United States and shall be recovered from the defendant in accordance with the provisions of Air Force regulations.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64-10225; Filed, Oct. 7, 1964; 8:47 a.m.]

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## PART 846—PRIVATE INDEBTEDNESS AND SUPPORT OF LEGAL DEPENDENTS

A new Part 846 is added as follows:

Sec.
846.1 Purpose and scope.
846.2 Disputed claims.
846.3 Court orders.
846.4 Soldiers' and Sailors' Civil Relief Act of 1940.
846.5 Policy on support of legal dependents.
846.6 Policy on private indebtedness.
846.7 Action in cases of noncompliance.

AUTHORITY: The provisions of this Part 846 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 35-29, September 6, 1955; AFR 35-29A, September 6, 1963.

**§ 846.1 Purpose and scope.**

This part sets forth Air Force policy pertaining to matters of private indebtedness and support of legal dependents. It provides guidance for commanders in handling complaints of this nature and establishes the position of the Air Force in regard to court orders and disputed claims.

**§ 846.2 Disputed claims.**

Ordinarily the Air Force is without authority to adjudicate a genuine dispute regarding the facts or the law concerning an alleged debt or claim. If the parties involved cannot arrive at an agreement, the controversy then becomes a matter to be considered by a civil court of competent jurisdiction. However, when a dispute arises, the commander will determine whether the Air Force member's contention is made in good faith. Commanders should utilize their staff judge advocates when necessary to insure proper consideration and analysis of the member's contention. The provisions of this section do not apply to controversies and disputes that have been adjudicated by a court of competent jurisdiction. The policy concerning court orders and decisions is covered in § 846.3.

**§ 846.3 Court orders.**

As a general rule, the Air Force accepts a court order issued by a municipal, State, or Federal court of the United States in a case involving private indebtedness or support of legal dependents as the legal determination of the controversy. Compliance with the provisions of a court order is expected. The Air Force has no authority to relieve an individual of an obligation imposed by a court order, or arrearage accumulated thereunder. Relief must be obtained through a civil court of competent jurisdiction.

**§ 846.4 Soldiers' and Sailors' Civil Relief Act of 1940.**

The Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1178; 50 U.S.C. app. 501-590) provides certain protection and benefits for personnel of the Armed Services. The legal officer serving the command should be consulted when questions arise as to its application in specific cases.

**§ 846.5 Policy on support of legal dependents.**

(a) *General.* Air Force personnel must provide adequate and regular support to the best of their ability for legal dependents until relieved from such obligation by a civil court of competent jurisdiction. The Air Force has no authority to relieve an individual of this obligation. Failure of Air Force personnel to provide adequate support for their legal dependents without good cause reflects adversely upon the Air Force. Pending or contemplated court action does not relieve an individual from this obligation. Once a court order is issued which specifies a definite amount to be paid for support, this amount will usually be considered the extent of an individual's obligation. The legal obligation of Air Force personnel to support minor legitimate children continues even though a divorce decree is silent concerning their support. The assumption of additional responsibilities or remarriage does not release this obligation nor may parents waive the right of a minor child to support from the father; such relief must be obtained through legal action.

(b) *Lower grade airmen.* The Dependents Assistance Act of 1950 as amended (50 U.S.C. app. 2201, et seq.; and see AFM 177-105 (Military Pay—Volume 1 Policies and Personnel Procedures)) provides airmen in pay grades of E-1, E-2, E-3, and E-4 with less than 4 years of service a means of furnishing support for legal dependents through a Class Q allotment, provided the dependents do not occupy Government quarters. When a lower grade airman complies with this act, such compliance will generally be considered as meeting Air Force requirements for support in the absence of a court order or agreement between the parties to the contrary. However, where there are a large number of dependents, illness in the family, or any other factors which result in financial difficulties for his family, the airman should be counseled on his obligation to provide additional support to the best of his ability. A request for support in addition to a Class Q allotment will be referred to the airman concerned. Where the airman fails to initiate a Class Q allotment for his legal dependents, action will be taken in accordance with paragraph 30221, AFM 177-105. In appropriate cases dependency determinations will be referred to the Air Force Accounting and Finance Center, 3800 York Street, Denver, Colorado, 80205. in accordance with AFM 177-105.

(c) *Officers and Warrant Officers.* The amount constituting adequate support is to be determined primarily by agreement between the parties concerned. In the absence of an agreement in writing or a court order specifying a definite amount of support, the immediate commander will explain to the officer Air Force policy pertaining to his case. The officer will be counseled and given an opportunity to resolve the matter. The immediate commander will review the case to determine if the officer's decision is consistent with Air Force policy. The following will be taken into consideration:

(1) Needs of dependents.
(2) Amount of support normally provided per month prior to controversy.
(3) Number and age of legal dependents.
(4) Current pay and allowances of officer.
(5) Allowances received by officer by reason of his dependents.
(6) Any other facts pertaining to the individual case such as illness, financial difficulties of dependents, etc.

Request for support from the parents of an officer will be referred to the officer for his personal action. Parents will be advised of this referral.

(d) *Higher grade airmen.* In the absence of a court order or an agreement between the parties specifying an amount of support to be provided, an airman in the grade of E-4 with over 4 years of service or an airman of higher grade is expected to provide an amount at least equal to his quarters allowance as a minimum support for a wife and/or children of his present marriage unless a lesser amount is specified by or on behalf of the dependent. The Air Force has no legal authority to relieve an airman of his obligation to support his dependents or to determine the merits of a family dispute relative thereto, including the question of abandonment, unless the facts are admitted by both parties. Relief from an obligation for support is normally a matter for decision by a civil court of competent jurisdiction. The requirement to furnish the above-specified amount of support to dependents of a present marriage does not modify an airman's obligations to support dependents of previous marriages, and to comply with court orders relative thereto. Airmen who fail to comply with this policy will be considered for possible action under § 846.7.

**§ 846.6 Policy on private indebtedness.**

Air Force personnel are expected to pay promptly their legal obligations.

The fact that an individual is serving in the Air Force does not relieve him from financial responsibility for private debts even though the financial affairs of service personnel are of a private nature and as such beyond the authority of the Air Force to control. The Air Force has no authority to act as an intermediary to collect private debts on behalf of a complainant; nor do commanders have authority to direct personnel under their command to take specific action concerning their financial affairs. The pay of Air Force personnel is not subject to garnishment and cannot be diverted to satisfy private indebtedness. The only exceptions are in the case of support of legal dependents of airmen as provided for in the Dependents Assistance Act of 1950; when levies on account of delinquent Federal income taxes are served on Air Force finance officers by the Internal Revenue Service; or as otherwise specifically provided and required by law. Air Force personnel will make every effort to resolve their financial difficulties and to prevent them from becoming the subject of official correspondence. Continued non-payment of an acknowledged or adjudicated obligation without good cause reflects adversely upon the Air Force.

**§ 846.7 Action in cases of noncompliance.**

If, after counseling, the individual fails without good cause to resolve the issue or his actions bring discredit upon the Air Force, the immediate commander will determine if sufficient basis exists to warrant administrative or disciplinary action. Administrative or disciplinary action normally will not be required where the member is complying with his financial obligations to the best of his financial ability under the circumstances and where a failure to comply fully with his financial obligations is caused by a bona fide financial inability arising through no fault of the member. In cases of continued financial irresponsibility or where there are acts of evasion, fraud, or deceit, administrative or disciplinary action should be taken. This may be in the nature of an administrative admonition or reprimand, proceedings to determine the fitness of the offender to be retained in the service (AFRs 36–2 (Administrative Discharge Procedures (Unfitness, Unacceptable Conduct, or in the Interest of National Security)), 36–3 (Administrative Discharge Procedures (Substandard Performance of Duty)), 39–17 (Discharge of Airmen Because of Unfitness), 45–40 (Discharge of Officers of the AFRes by Reason of Misconduct or Inefficiency), or 45–43 (Administrative Discharge of Airmen Members of the AF Reserve)), nonjudicial punishment under Article 15 of the Uniform Code of Military Justice, or trial by court-martial. The action taken should be designed to improve discipline in the Air Force and to maintain the standards of conduct expected of Air Force personnel.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lt. Colonel, U.S. Air Force,*
*Chief, Special Activities*
*Group, Office of The Judge*
*Advocate General.*

[F.R. Doc. 64–10226; Filed, Oct. 7, 1964; 8:47 a.m.]

SUBCHAPTER E—SECURITY

## PART 850—SAFEGUARDING CLASSIFIED INFORMATION

### Miscellaneous Amendments

1. Revise § 850.9(h) to read as follows:

**§ 850.9 Dissemination and disclosure authority.**

* * * * *

(h) *For historical research by persons outside the Executive Branch of the United States Government.* All requests by persons outside the Executive Branch of the United States Government for access to classified information in connection with historical research projects shall be forwarded through channels to the Office of Information (SAFOI), OSAF, Washington, D.C., 20330, for action. SAFOI shall be responsible for the following in administration of this program:

(1) Determine if the access requested is clearly consistent with the interests of national defense.

(2) Obtain investigation of individuals for whom access is requested, as prescribed in AFR 205–6 for personnel outside the Executive Branch of the United States Government engaged in historical research projects.

(3) Determine trustworthiness of individuals for whom access is requested in accordance with the standard and criteria outlined in AFR 205–6.

(4) Authorize or deny access requested based on above determinations.

(5) Prescribe locations, schedules, and circumstances in which research may be conducted.

(6) Prohibit removal of any classified material, including classified notes and manuscripts, by researchers from the U.S. Government facility designated for the conduct of research.

(7) Establish specific arrangements for Air Force review of research notes and manuscripts.

(8) Forward manuscripts for review by Directorate for Security Review, Assistant Secretary of Defense (Public Affairs), if deemed necessary.

(9) Assure that classified information is not published in final historical research manuscripts or otherwise subjected to compromise.

**§ 850.10 [Amended]**

2. In § 850.10(a) the phrase "will be accompanied" is amended to read "must be accompanied." And in paragraph (c)(2), the phrase "aliens will" is amended to read "aliens must."

3. Add new § 850.17a as follows:

**§ 850.17a Security Requirements Check List (DD Form 254).**

(a) *Periodic review of DD Forms 254.* (1) The project commander shall establish a suspense system to insure that the DD Form 254 for a prime contract is reviewed at the times specified in paragraph 6–104, AFR 205–4. The project officer shall accomplish the review and shall notify the PCO, in writing, whether the classifications of information involved in a contract remain the same or have been changed or cancelled. The review shall include a check to insure that the classification of the various elements of the contract work is consistent with the most recent classification assigned by the commander having original classification authority. If security considerations fail to support fully the assigned classification, or if it appears that an item of information no longer warrants protection as security information, the project officer shall request that the classification be reviewed by the commander having original classification authority.

(2) The PCO is responsible for issuing a revised DD Form 254, when appropriate, or for notifying the ACO, contractor, and all other recipients of the form, in writing, of the results of the review, whether or not changes in classification requirements are involved.

(3) The ACO is responsible for checking on the fulfillment of contract obligations by the Government as well as by the contractor. Therefore, he must maintain a record for each classified contract he administers, showing the date the DD Form 254 was reviewed. If his records disclose that the project command has been delinquent in reviewing these forms, he shall request them to comply with the provisions of subparagraph (1) of this paragraph.

(4) Following the review of the DD Form 254 for a prime contract, the ACO must conduct a similar review of the classification instructions issued for related subcontracts. The ACO may request the prime contractor to assist in the revision of a subcontractor's classification instructions. Any notice of change must be approved and signed by the contracting officer.

**§ 850.19 [Amended]**

4. In § 850.19(d), in the first sentence of paragraph (d), the word "will" is amended to read "shall," and in paragraph (e), the word "will" is amended to read "shall."

**§ 850.20 [Amended]**

5. In § 850.20(a)(1) the word "will" in the last two sentences is amended to read "shall."

6. Revise § 850.24(d)(2) to read as follows:

**§ 850.24 Consultants.**

* * * * *

(d) * * *

(2) If the consultant services are performed on the premises of the Air Force agency and the classified information is not removed from such premises, no facility clearance is required. The contractor and his employees performing the personal services must jointly execute the certificate prescribed in paragraph 2–114.2a, AFR 205–4. Those personnel requiring access to classified information must be granted a personnel security clearance prior to being granted access.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)

[AFR 205–1A, May 1, 1964; AFR 205–1B, May 15, 1964]

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lt. Colonel, U.S. Air Force,*
*Chief, Special Activities*
*Group, Office of The Judge*
*Advocate General.*

[F.R. Doc. 64–10227; Filed, Oct. 7, 1964; 8:47 a.m.]



SUBCHAPTER H—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

## PART 870—POLICIES AND PROCEDURES FOR THE ORGANIZATION, ADMINISTRATION AND OPERATION OF THE AFROTC

### Miscellaneous Amendments

**§ 870.10 [Amended]**

1. In § 870.10 (b)(1) and (b)(2) amend "Headquarters USAF (AFPTR)" to read "USAF Military Personnel Center (AFPMPB), Randolph AFB, Tex. 78148."

2. Revise § 870.11(b)(1) to read as follows:

**§ 870.11 Loyalty requirements.**

* * * * *

(b) * * *

(1) The student must file the DD Form 98 sufficiently in advance of the announced enrollment date to permit a National Agency Check, or other investigation as may be required. Results should be available during the first term, quarter, or semester following enrollment.

* * * * *

3. Revise § 870.20(c) to read as follows:

**§ 870.20 Credit for previous military training.**

* * * * *

(c) *Credit for academy or senior division ROTC training.* If the candidate is eligible to enroll and is accepted, the PAS may waive on a year-for-year basis as much of the AFROTC program as he considers equivalent to previous training at the U.S. Air Force Academy, U.S. Military Academy, U.S. Naval Academy, or U.S. Coast Guard Academy, or in the senior division of the Army ROTC or Naval ROTC. A cadet may not be commissioned in the USAF unless the summer training phase is successfully completed or, in exceptional cases, unless credit is given for similar training taken while a member of another officer training program. The Commandant, AFROTC, is authorized to grant summer training accreditation for training taken while a member of another officer training program. (The provisions of § 870.15 (a)(4) also apply to these cadets.)

* * * * *

(Sec. 8012, 8540, 9381–9387, 70A Stat. 488, 527, 568–571; 10 U.S.C. 8012, 9382–9387)

[AFR 45–48A, August 4, 1964]

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
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[F.R. Doc. 64–10228; Filed, Oct. 7, 1964; 8:47 a.m.]

SUBCHAPTER I—MILITARY PERSONNEL

## PART 881—APPOINTMENT OF OFFICERS IN THE UNITED STATES AIR FORCE OR AS RESERVES OF THE AIR FORCE

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881.41 Clinical Psychologist (AFSC 9181).
881.42 Psychiatric Social Worker (AFSC 9191).


AUTHORITY: The provisions of this Part 881 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; 10 U.S.C. 591, 593, 8067, 8353, 8358, 8359, and 8444.

SOURCE: AFM 36–5, February 5, 1964.

### Subpart A—General

**§ 881.1 Purpose.**

Sections 881.1 to 881.42 state the policies and procedures that govern the direct appointment of commissioned officers as Reserves of the United States Air Force or as commissioned officers in the United States Air Force. They explain the method of application, eligibility requirements and where to apply for appointment.

**§ 881.2 Duration of appointment.**

All Reserve of the Air Force appointments are for an indefinite term. All United States Air Force (temporary) appointments effected during a war or emergency will continue unless sooner terminated, for the duration of such war or emergency and for 6 months thereafter.

**§ 881.3 Temporary appointments.**

Appointments in the United States Air Force without component (temporary) will be made only in accordance with special instructions issued by the Chief of Staff, United States Air Force.

**§ 881.4 Responsibility.**

(a) The Chief of Staff, United States Air Force, will make all of the following selections, except as may be otherwise delegated:

(1) Final selections for appointment in grades above Captain.

(2) All selections for appointment of persons designated to perform medical, dental, and allied specialist duties.

(3) All selections and appointments of former officers of the Regular Air Force.

(b) The Commander, Continental Air Command, will be responsible for the selection and appointment of Chaplins and all other personnel unless otherwise specified in this part or other procurement directives.

(c) The Commander, Air Training Command, will be responsible for the selection and appointment of Judge Advocate officers to meet active duty requirements.

(d) The Commanders delegated responsibility under this section will implement this part. They may determine administrative procedures necessary to accomplish the required procurement objectives and insure that only properly qualified persons are tendered appointments.

**§ 881.5 Delegation of authority.**

Commanders responsible for implementing this part may delegate to sub-

ordinate commanders, not below the equivalent of numbered Air Force level, such authority granted to them as they may consider appropriate in carrying out the provisions of this directive. Subordinate commanders may not redelegate such authority. Upon request of the responsible commander, other major air commanders will assist in the implementation of this part.

**§ 881.6 Procurement objectives.**

(a) Appointments will be made in such numbers, grades, and Air Force specialties as may be required and authorized from time to time by the Chief of Staff, United States Air Force. These authorizations will constitute procurement objectives and will establish quotas by number, grade, and Air Force specialty for all officers to be appointed.

(b) Persons selected for appointment must be fully qualified in accordance with criteria contained in this part and/or other directives. Procurement objectives will not be approved solely to permit the appointment of named persons. Appointment is not assured merely by reason of meeting the established requirements. Only those persons who are best qualified will be appointed.

(c) Appointments tendered in accordance with this part will be made to fill authorized Ready Reserve position vacancies or active duty requirements unless otherwise provided in this part.

(d) Outstanding persons in business, scientific, professional, or technical fields who do not meet eligibility criteria, but who have demonstrated through their civilian occupation that they are outstanding in their respective fields, may be appointed upon approval of the Secretary of the Air Force. Generally they must have attained such prominence in their field or specialty as to be nationally known.

## Subpart B—Eligibility Requirements

**§ 881.7 Who may apply for appointment.**

(a) *Eligible personnel.* Except for persons who are ineligible under § 881.8, qualified persons, with or without prior military service, are eligible to apply for appointment under this part. This includes all members of the Air Force Reserve seeking appointment in a grade higher than that presently held, provided that, in the case of officer applicants, they are not serving on extended active duty. Appointments will be made only to meet procurement objectives as authorized in § 881.6 or other directives, except for those persons referred to in paragraph (b) of this section.

(b) *Former officers of the Regular Air Force.* (1) An officer of the Regular Air Force who is separated honorably by reason of unqualified resignation and has a remaining service obligation, may be separated contingent upon acceptance of a Reserve appointment in grade to which entitled. The appointee will then be initially assigned to the Ineligible Reserve Section, Air Reserve Records Center, Continental Air Command, in a Ready Reserve Status.

(2) A former officer of the Regular Air Force, who has no service obligation and is separated honorably by reason of unqualified resignation, may at the time of tender of resignation or upon written application submitted within 1 year subsequent to discharge request an appointment as a Reserve Officer of the Air Force. Upon approval of the Chief of Staff, United States Air Force, personnel appointed under this authority will be initially assigned to the Non-Affiliated Reserve Section, Air Reserve Records Center (CONAC), in a Standby status, unless he applies for a Ready Reserve mobilization assignment in accordance with AFM 35–3 (Air Reserve Forces Personnel Administration).

(3) A former officer of the Regular Air Force who submits a written application for appointment as a Reserve officer of the Air Force within 1 year but subsequent to 90 days after discharge, must submit those documents required by § 881.13(a) (1), (2), (3), (4), (5), (6), (7), (11), and (12). Applications will be submitted direct to the Director of Military Personnel, Hq USAF (AFPMPJC2), Washington, D.C., 20333.

(4) Appointment may be made in the grade in which serving at time of discharge. Constructive service appropriate for the grade will be awarded based on length of active Federal commissioned service and education where applicable. In the event an applicant does not have the length of service which would permit the crediting of sufficient constructive service for Reserve appointment in the active duty grade, satisfactory performance in the active duty grade constitutes the basis for the award of the minimum amount of constructive service appropriate to the Reserve grade as indicated in the table at the end of this paragraph. Constructive service possessed by an applicant that is in excess of that required for the grade in which appointed will be awarded as service in grade and identified as a promotion service date (PSD). No individual will be appointed as a Reserve officer in the grade higher than that in which he served on active duty. Accordingly, constructive service credit in excess of the maximum authorized for the active duty grade will not be awarded regardless of length of actual service. For example, an applicant whose highest active duty grade was captain must be awarded at least seven but less than 14 years constructive service.

CONSTRUCTIVE SERVICE

| When active duty grade is: | *Minimum years of constructive service are* |
|---|---|
| First Lieutenant | 3 |
| Captain | 7 |
| Major | 14 |
| Lieutenant Colonel | 21 |
| Colonel | 23 |

(c) *Former Reserve officers of any of the services.* Former Reserve officers of any of the services may be appointed in any specialty for which they are qualified and for which there is a procurement quota. Former Reserve officers may not be tendered appointments based solely on prior service.

**§ 881.8 Persons ineligible to apply.**

The following persons are ineligible to apply for appointment as Reserve officers of the Air Force under this part:

(a) Commissioned officers of the Armed Forces serving on active duty, except as provided in Subpart D of this part.

(b) Persons who have previously made application for appointment under this part, and whose appointments have been denied by reason of nonqualification, are ineligible to apply for appointment for 12 months from the date of notification of previous rejection.

(c) Persons who have been eliminated from training programs leading to a commission as an officer, except as otherwise provided in this section:

(1) Who resigned or were dismissed from officer training programs of the Army, Navy, or Air Force because of military inaptitude, indifference, undesirable traits of character, or disciplinary reasons. Superintendents of military academies and commanders of Officer Training Programs may recommend waivers to the Secretary of the Air Force in exceptional cases.

(2) For lack of academic progress or a breach of the Honor Code; their applications will be referred to Director of Military Personnel Hq USAF (AFPMPJC2), for review.

(3) From a civilian operated military institution by the educational authorities because of minor violations of the institution's Honor Code; their applications will also be referred to Director of Military Personnel, Hq USAF (AFPMPJC2).

(4) No individual may be appointed as an officer until after the date of graduation of the class from which he has been eliminated.

(d) Persons who are conscientious objectors. Conscientious objectors may be defined as noncombatants or persons who for conscience sake object to warfare, military service, or the legitimate use of military weapons.

(e) Persons who admit or whose records show, or it is reasonably believed, that they have at any time engaged in any of the activities set forth in AFP 35–62 (Security Program).

(f) Persons having a record of conviction by any type of military or civil court for other than a minor traffic violation. Such personnel, however, may request the commander responsible for implementation of this part to consider granting a waiver in the case of other minor violations which are nonrecurrent and which are not considered prejudicial to performance of duty as an officer. Any request for waiver under this paragraph must be submitted by the applicant with his application, stating fully the circumstances of the case. Each request for waiver will be considered on its own merit.

(g) Former officers, warrant officers, or enlisted personnel of any of the Armed Forces who were discharged under conditions other than honorable, who were released from military service by reason of unsatisfactory service, or who were discharged from the Reserve under the provisions of AFRs 45–40 (Discharge of



Officers of the AF Reserve by Reason of Misconduct or Inefficiency), 45–41 (Administrative Separation of Officer Members of the AF Reserve (paragraphs 20 through 32)), 45–43 (Administrative Discharge of Airmen Members of the AF Reserve (paragraphs 15 through 28)), or similar directives of the Armed Forces.

(h) Former officers who resigned their commissions in lieu of courts-martial, reclassification, or elimination from the service.

(i) Officers separated or who resigned in lieu of separation under the following statutes:

(1) Title I, Army and Air Force Vitalization and Retirement Equalization Act of 1948 (formerly 10 U.S.C. 8781 and 8786, now repealed and superseded by subparagraph (6) of this paragraph).

(2) Section 514, Officer Personnel Act of 1947 (61 Stat. 902, formerly 10 U.S.C. 941a, now superseded) or 10 U.S.C. 8303.

(3) Section 23, National Defense Act (39 Stat. 181, formerly 10 U.S.C. 484a, now superseded) or 10 U.S.C. 8814.

(4) Section 249, Armed Forces Reserve Act of 1952 (66 Stat. 495, formerly 50 U.S.C. 992, now superseded) or 10 U.S.C. 1163.

(5) Section 509(b), 518(b), 522, 523, 524, and 525, Reserve Officer Personnel Act of 1954 as amended (68 Stat. 1174, 1178, 1180, formerly 50 U.S.C. 1339, 1348, 1350, 1352–1355, now superseded), 10 U.S.C. 8819, 10 U.S.C. 8377, or 10 U.S.C. 8843–8852.

(6) 10 U.S.C. Chapter 859 or 860 (10 U.S.C. 8781–8787 or 8791–8797).

(j) A female applicant who is the parent by birth or adoption of a child under 18 years of age for whom she has personal or legal custody; is the stepparent of a child under 18 years of age and the child is within her household for a period of more than 30 days a year; or has personal custody of any child under 18 years of age.

(k) Persons who will not be available for active duty within 30 days:

(1) From date of acceptance of appointment, for those persons whose appointments depend upon immediate entry on active duty.

(2) From date of issuance of orders calling that person to active duty in time of war or national emergency hereafter declared by the President or by Congress, or when otherwise authorized by law for those persons whose appointments are based upon Air Force Reserve requirements and not upon immediate entry on active duty.

(3) Because of being principally engaged or employed in key positions in essential civilian or government activities related to the defense effort.

(4) Because of undergoing apprenticeship training in critical civilian occupations.

(l) Persons who have been ordered to report for pre-induction medical examination or other appropriate processing usually conducted immediately preceding induction under the Selective Service Act or Universal Military Training and Service Act, and persons classified 1-A unless they obtain statements from their Selective Service Boards that they are not scheduled for induction within the following 120 days. Persons who have applied and who subsequently are classified 1–A may remain eligible for consideration until the date of notification to report for induction at which time they become ineligible for further consideration or appointment.

(m) Persons who at the time they reach 60 would not be eligible for retired pay.

**§ 881.9 Moral requirements.**

Applicant must possess high moral character and personal qualifications.

**§ 881.10 Citizenship requirements.**

An officer appointed as a Reserve of the Air Force under this part must at the time of appointment be a citizen of the United States. Applicants who are not citizens of the United States by birth must furnish a certificate by an officer, notary public, or other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original Certificate of Citizenship Number _____or certified copy of court order establishing citizenship stating that_____
(Full name)
_____was admitted to United States citizenship by the Court of_____
(District or county)
_____ on _____
(State) (Date)

NOTE: Facsimiles or copies, photographic or otherwise, will not be made of naturalization certificates under any circumstances.

19 U.S.C. 1426(h) provides that "whoever, without lawful authority, prints, photographs, makes or executes a print or impression in the likeness of a certificate of arrival, declaration of intention to become a citizen, or certificate of naturalization or citizenship, or any part thereof, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

**§ 881.11 Medical requirements.**

All applicants must be medically qualified, or medically acceptable with waiver for Air Force commission. A report of medical examination will be accomplished not more than 90 days prior to the date of application. Medical examination will include serology, chest X-ray, audiogram determination, microscopic urinalysis, lens correction, and for persons over 40 years of age, an electrocardiogram.

(a) Except for female applicants, medical examinations will be without expense to the Government. Female applicants for commission may be examined by qualified civilian physicians where no military examining capability exists. Funds provided for the operation of the USAF Recruiting Service will be used for this purpose. Travel performed in connection with medical examinations will be without expense to the Government.

**§ 881.12 Age, education, experience, and grade requirements.**

(a) *General.* An applicant must possess the minimum educational and experience requirements for appointment as specified herein for the particular specialty for which applying. Normally, the minimum educational requirements for appointment will be a baccalaureate degree in the field of study appropriate to the specialty for which applying. However, a few specialties may specify an educational requirement less than a baccalaureate degree. In these instances at least 2 years of college (60 semester hours or the equivalent) and 1 year of qualifying experience substituted for each year of college study required to qualify for the appropriate baccalaureate degree, will be minimum. Experience thus applied must be experience gained and evaluated as defined in paragraph (d) of this section.

(b) *Age.* By law no person will be appointed as a Reserve officer of the Air Force who is under the age of 18 years. Female applicants will not be appointed under the age of 21 years, except nurses, who may be appointed as second lieutenants at age 20. Females with no prior military service will not be appointed after they reach 35 years of age, unless they possess unusual qualifications. Females may not be appointed in a grade above lieutenant colonel. The following table, showing the maximum age for grade, will apply for appointments made under this part unless otherwise indicated.

| Grade: | *Year* |
|---|---|
| Second lieutenant | Less than 28 |
| First lieutenant | Less than 34 |
| Captain | Less than 40 |
| Major | Less than 46 |
| Lieutenant colonel | Less than 51 |
| Colonel | Less than 56 |

(c) *Education.* Only that education above high school level gained at an accredited institution will be acceptable for purposes of this part. Institutions recognized for credit under this part must have national or regional accreditations as listed in the Education Directory, Part 3, published by the Office of Education, Department of Health, Education, and Welfare. The persons whose credits are from other than a nationally accredited institution will be considered as meeting the educational requirements of this part upon presentation of evidence that their credits are acceptable for unconditional admission into the graduate school of, or for full transfer to, a nationally or regionally accredited college or university, except as otherwise provided in this part.

(d) *Experience.* Only that experience related to the specialty for which applying, gained through full-time employment in a responsible position, will be acceptable for the purpose of this part. Except as otherwise provided herein, no experience will be acceptable unless the applicant has completed a minimum of 12 months employment. In cases where an applicant's record of experience gained through employment is questionable, a statement from the applicant's employer will be obtained.

(e) *Grade.* The education possessed by an applicant that is pertinent to the specialty, will be converted to constructive credit by years as indicated in the following table.

| Degree: | Years of constructive credit |
|---|---|
| Baccalaureate degree | 0 |
| Master's degree | 1 |
| Doctor of philosophy | 3 |
| Bachelor of divinity | 3 |
| Bachelor of laws, Doctor of Veterinary Medicine, or equivalent degree | 3 |
| Doctor of Medicine or Dentistry | 4 |

Total experience by year, month, and day possessed by an applicant on the date of application that is pertinent to the specialty and in excess of that required by the specialty for appointment as second lieutenant, will be converted to constructive service by year, month, and day, on a day-for-day basis. The constructive education and experience credit thus possessed by an applicant on the date of application, will then be applied in accordance with the following table to determine the grade in which the applicant may be appointed.

| Required combined education and experience constructive credit: | Grade |
|---|---|
| Less than 3 years | Second Lieutenant. |
| At least 3 years but less than 7 years. | First Lieutenant. |
| At least 7 years but less than 14 years. | Captain. |
| At least 14 years but less than 21 years. | Major. |
| At least 21 years | Lieutenant Colonel. |

Appointment to the grade of colonel may, upon approval of the Chief of Staff, USAF, be tendered to those applicants who have more than 23 years of combined education and experience, and who have not reached their 56th birthday.

(f) *Award of constructive service.* (1) The constructive credit possessed by an applicant is the amount of education (paragraph (c) of this section) and experience (paragraph (d) of this section) credited for appointment and will be awarded as service in an active status and identified as total years service date (TYSD).

(2) The constructive credit possessed by an applicant that is in excess of that required for the grade in which appointed, but less than that required for the next higher grade, will be awarded as service in grade and identified as a promotion service date (PSD). When the applicant does not possess constructive credit in excess of the grade in which appointed, a promotion service date of "O" will be awarded.

(3) Persons with present or prior creditable commissioned service will be credited with such service subsequent to the determination of a grade in accordance with paragraph (e) of this section. Accordingly, such prior commissioned service will be added to the amount of constructive service awarded, except that in no case will any service be counted more than once in determining a TYSD.

(4) Persons with prior commissioned service creditable, except for physicians and dentists, for promotion service under 10 U.S.C. and its implementing regulations, which is in a grade equal to or higher than the grade awarded under this part, will be credited with this prior time in grade. Accordingly, such former promotion service will be added to the amount of constructive service awarded for promotion service, except that in no case will any commissioned service be counted more than once in determining a PSD. For PSD determination, doctors of medicine or doctors of dentistry appointed in the Air Force Medical Service to perform duties as medical or dental officers may not be credited with less than 4 years service, and physicians who have completed an internship will be credited with not less than 5 years. All additional periods of professional experience subsequent to date of graduation from medical school or dental school, but prior to the date of actual appointment in the Medical Corps or Dental Corps, may be credited. In any event, only that amount of service awarded for professional education, and experience gained subsequent to graduation from medical or dental school, will be considered in establishing a PSD for physicians and dentists. Prior commissioned service will not be credited for computation of PSD unless the prior commissioned service was in the Medical Corps or Dental Corps of one of the military departments now included in the Department of Defense.

(g) *Computing TYSD, PSD, and TFCSD.* The amount of service awarded to total years of service and promotion service, respectively, by year, month, and day will be subtracted from the date of acceptance of appointment to determine the TYSD and the PSD. All prior commissioned service possessed by an applicant on the date of acceptance of a new appointment will be subtracted from such date of acceptance to determine the total Federal commissioned service date (TFCSD). For persons without prior commissioned service, the TFCSD will be the date of acceptance of appointment. These three dates will be entered on the file copy of the appointment documents and on basic records as TYSD, PSD, and TFCSD, respectively.

## Subpart C—Application and Processing Procedures

### § 881.13 Method of application.

(a) The documents in subparagraphs (1) through (16) of this paragraph properly completed, constitute the application and allied papers. In assembling the application prior to forwarding, the requirements listed in subparagraphs (1) through (15) of this paragraph will be used as a checklist to insure that all necessary information and papers have been included, thus precluding delays which would result from the return of incomplete applications:

(1) AF Form 24, "Application for Appointment in the United States Air Force Reserve," in triplicate. In the upper right corner of the AF Form 24, applicant will specify the specialty for which application for appointment is being made.

(2) Original or photostat of honorable discharge certificate or certificate of service, a copy of the orders effecting discharge, and statement of service when applicable. In the case of Judge Advocate appointees, a copy of the individual's certificate of graduation from an accredited law school and a copy of his certificate of admission to the bar of a Federal court or the highest court of a state, as applicable, will be forwarded to The Judge Advocate General, Hq USAF.

(3) Completed Standard Form 88, "Report of Medical Examination," in duplicate, and completed copy of Standard Form 89, "Report of Medical History."

(4) Five copies of DD Form 398, "Statement of Personal History," with detailed chronological statement of employment attached.

(5) DD Form 98, "Armed Forces Security Questionnaire," (2 copies) as required by AFR 35–62.

(6) Completed FBI Applicant Fingerprint Card (2 copies).

(7) Two copies of documentary evidence of education level in the form of transcripts of college work. Graduates of recognized colleges of dentistry, medicine, optometry, pharmacy, and veterinary medicine, may submit two photostatic or certified copies of college diploma in lieu of transcript of college work.

(8) AF Form 125, "Application for Extended Active Duty With the United States Air Force," in duplicate, for those persons whose appointments are contingent upon immediate entry on active duty. Medical Service applicants will submit AF Form 99, "Application for Extended Active Duty With the USAF Medical Service," or AF Form 100, "Application for Extended Active Duty With the USAF Medical Service Corps," in lieu of AF Form 125.

(9) Conditional release from other Armed Force or component in which appointment is currently held, where applicable.

(10) A certificate similar to the following except for applicants for appointment under Subpart E of this part:

I certify that I have not been ordered to report for pre-induction medical examination (or other appropriate processing usually conducted immediately preceding induction under the Selective Service Act or subsequent Universal Military Training and Service Act). After submitting application for appointment as Reserve officer of the Air Force, I further understand that any appointment, enlistment, or order to active military service in a branch of the service other than the Air Force automatically renders me ineligible to accept an appointment as a Reserve officer of the Air Force.

(11) Any other documents or information the applicant may desire to submit as evidence of his qualifications for appointment under this part.

(12) For a person who is a civilian employee of the Federal Government, a "Certificate of Availability of Federal Employee," as required by AFM 35–3.

(13) The following statement, for those persons whose appointments are not contingent upon immediate entry on active duty:

I hereby apply for a Ready Reserve mobilization assignment. In the event national emergency conditions require the issuance of active military service order at some future date, I agree that I will not request a delay in the reporting date specified in such orders except for hardship reasons. It is also my understanding that, under current Air Force policy, I will normally be given 30 days' advance notification prior to being required to report for active military service. However, I further understand that this advance notification policy may be discontinued when military conditions, as determined by the Secretary of the Air Force, require such suspension in the interest of national security, and that I may be ordered to report for active military service immediately under such circumstances.

(Signature).

(14) Persons applying for appointment under Subparts D, E, F, or G of this part must submit additional documents as listed in those subparts, respectively.

(15) Male applicants who have not attained their 26th birthday and who have had no prior military status, must submit the following statement:

In the event I am tendered an appointment as a Reserve officer of the Air Force, I understand that upon acceptance of appointment I am required by law to serve on active duty and in a Reserve component for a total of 6 years unless sooner discharged on grounds of personal hardship, in accordance with regulations and standards prescribed by the Secretary of Defense. I understand that, although the appointment is tendered and accepted for an indefinite term, my obligated service will be for a period of 6 years. Of the time required to be served in the Air Force Reserve, I understand that the first 5 years of this 6-year period must be served as a combination of active duty plus Ready Reserve service. The remaining time required to complete 6 years may be as a Standby Reservist. I further understand that, while I am a Ready Reservist I will be required by law to participate in not less than 48 scheduled drills or training periods annually, and perform not more than 17 days of active duty for training each year, or to perform annually not more than 30 days of active duty for training. I understand that, if in any year I fail to perform such training duty satisfactorily as determined by the Secretary of the Air Force, I may be ordered, without my consent, to perform additional active duty for training for not more than 45 days. If such failure occurs during the final years of any period of obligatory membership in the Ready Reserve, I understand that such membership will be extended for such time, not exceeding 6 months, as may be required for performance of such additional active duty for training.

(16) AF Form 1288, "Application for Reserve Assignments," and a statement from the commander of the Ready Reserve unit that a vacancy exists within the unit and the appointment of the applicant is requested to fill the existing vacancy, for those whose appointment is for inactive duty.

(b) *Submission of application.* Applications and allied papers will be forwarded as follows:

(1) Persons applying for appointments in Judge Advocate General's Department under Subpart D of this part:

(i) Individuals seeking initial appointments as Judge Advocates will submit applications through the USAF Recruiting Offices to the Commander, Air Training Command.

(ii) Officers not on extended active duty who apply for reappointment as Judge Advocates will submit applications directly to the Air Reserve Records Center, 3800 York Street, Denver, Colorado.

(2) Persons applying for appointment as Chaplains under Subpart E of this part: Direct to the Commander, Continental Air Command.

(3) Persons applying for the appointment as officers to perform medical, dental, veterinarian, medical service corps, nursing, and medical specialist duties under Subparts F and G of this part: Direct to the Surgeon General, Hq USAF (AFMSM), Washington, D.C., 20333. Officers on active duty who apply for reappointment to a medical service specialty and vice versa will submit application through command channels.

(4) Former officers of Regular Air Force: Direct to the Director of Military Personnel, Hq USAF (AFPMPJC2).

(5) Reserve officers of other branches of the Armed Forces applying for appointment: Through the unit commander having an assignment direct to the Air Reserve Records Center, Continental Air Command, 3800 York Street, Denver, Colorado.

(6) All others: Direct to the Commander, Continental Air Command, or, if residing overseas, to the major air commander having jurisdiction over the area in which the person is located.

### § 881.14 Security certificate.

Each applicant will be required to comply with the provisions of AFR 35–62. The completed forms will be affixed to the application.

### § 881.15 Testing.

(a) Each applicant, with the exception of those covered in § 881.13(b) (1), (2), (3) (Medical Service Corps applicants excluded), and (4), will be administered the Air Force Officer Qualifying Test in accordance with current and appropriate instructions for administering and scoring of the AFOQT battery, to derive the following aptitudes:

(1) Officer quality.
(2) Observer technical aptitude.
(3) Verbal aptitude.
(4) Quantitative aptitude.

(b) The Air Force Officer Qualifying Test will be administered by a properly designated test control officer. Any applicant who does not attain the minimum qualifying stanine score on the Officer Quality portion of the test will not be further processed. A certified document of aptitude scores will be attached to the application for those successfully completing the AFOQT.

### § 881.16 Disqualified applicants.

Persons who are found not qualified for appointment will be notified of their nonselection.

## Subpart D—Appointment of Judge Advocate Officers

### § 881.17 Application.

In addition to the documents required by § 881.13(a), persons applying for appointment as Reserves of the Air Force, Judge Advocate General's Department, must submit the following:

(a) A certificate from proper authority showing admission to and present standing at the bar of a Federal court or of the highest court of a State.

(b) An affidavit from the applicant containing a chronological statement of his full legal experience. Legal experience may include governmental, judicial, teaching, military legal experience, and private practice.

(c) For officers applying for reappointment as Judge Advocates, a statement that the applicant understands that:

(1) Upon reappointment his current Reserve commission will be vacated;

(2) His service credit will be subject to recomputation as provided in § 881.12;

(3) His TYSD and PSD will be adjusted accordingly; and

(4) The additional constructive service credit awarded counts toward mandatory transfer to the Retired Reserve under 10 U.S.C. 863, as well as for appointment and promotion purposes under 10 U.S.C. 837.

### § 881.18 Professional qualifications.

Applicants possessing the following professional qualifications for the grade concerned and who are otherwise qualified, may apply for appointment as a Reserve of the Air Force, Judge Advocate General's Department.

(a) *First lieutenant.* For appointment as first lieutenant, the applicant must meet the age for grade requirements as established by § 881.12(b), and be a graduate of an accredited law school and a member of the bar of a Federal court or of the highest court of a State. A graduate of an accredited law school may apply for appointment prior to admission to the bar provided that such applicant will not be tendered an appointment until documentary evidence has been submitted showing admission to the bar. Seniors in attendance at an accredited law school may apply for appointment on the basis of their current transcripts, but not more than 90 days prior to their scheduled date of graduation. Final transcripts must be submitted as soon as possible, and in no event will applicants be tendered an appointment until after graduation from law school and submission of both their final transcripts and evidence of admission to the bar.

(b) *Grade above first lieutenant.* For appointment in grades above that of first lieutenant, applicant must possess all the qualifications specified in paragraph (a) of this section for appointment as first lieutenant, and meet the age and legal experience requirements as specified in § 881.12. Normally, appointments will not be made in field grades except in those cases where the applicant has had that type of legal experience which, in the opinion of The Judge Advocate General, qualifies the applicant to satisfactorily perform judge advocate duties in the grade sought, in a legal specialty critically required by the Air Force.

### § 881.19 Appointment and reappointment.

(a) *Appointment.* The Commander, Air Training Command, is authorized to tender appointments in all grades up to and including captain, as Reserve officers of the Air Force, to eligible applicants upon the recommendation of a board of officers as reviewed and recommended by the Staff Judge Advocate. Appointments in grades above captain may be made by the Commander, Air Training Command, only after review and approval of the applicants' qualifications

by The Judge Advocate General, or his designee, for the Chief of Staff. Original appointments in this specialty are contingent upon the applicants' consent to immediate entry upon extended active duty and submission of AF Form 125, "Application for Extended Active Duty With the USAF."

(b) *Reappointment.* Subject to the applicable provisions of Subpart B of this part and this subpart, Reserve officers of the Air Force who are not in a deferred status under 10 U.S.C. 8368 may apply for reappointment as Judge Advocates under this part under the following conditions:

(1) The reappointment of applicants on extended active duty will be made by Hq USAF.

(2) The reappointment of applicants not on extended active duty will be made by the Commander, Air Reserve Records Center (CONAC).

(3) Officers in the permanent or temporary grade of colonel or below must have been designated as Air Force Judge Advocates or assigned to The Judge Advocate General's Department, USAF, on the effective date of this part and be designated at the time of application. Application must be made under this subparagraph (3) within one year of the effective date of this part.

(4) Officers below the permanent and temporary grade of major who otherwise qualify for appointment as Judge Advocates and who are not designated as Judge Advocates or assigned to The Judge Advocate General's Department, may submit applications at any time.

(5) Officers who are reappointed under the provisions of this paragraph will be credited with constructive service under 10 U.S.C. 8353, which service will count for appointment and promotion, and toward mandatory transfer to the Retired Reserve under 10 U.S.C. 863.

(6) Applicants on extended active duty must be in career Reserve status.

(7) The reappointment of applicants not on extended active duty, who have not served on extended active duty, is contingent upon the applicant's consent to immediate entry upon extended active duty and submission of AF Form 125, "Application for Extended Active Duty With the USAF."

(8) Officers holding Reserve grades lower than those which they would be entitled to by virtue of the additional constructive service credit are not eligible for reappointment.

(9) Reappointments in grades above captain may be made only after review and approval of the applicant's qualifications by The Judge Advocate General, or his designee, for the Chief of Staff.

## Subpart E—Appointment of Chaplains

### § 881.20 Application for the Air Force chaplaincy.

(a) *General.* (1) Only qualified male persons will receive consideration for appointment to the Reserve of the Air Force as chaplains. Persons so qualified and appointed will be awarded the Air Force Specialty Code 8921.

(2) Applications will be considered for appointment only when military and denominational authorizations exist within the Reserve quotas allocated by the Chief of Staff, Hq USAF, to the Commander, Continental Air Command.

(b) *Application procedure.* (1) Individuals applying for appointment as Reserve officers of the Air Force with the specialty of chaplain will submit their applications directly to the Commander, Continental Air Command, for selection and appointment.

(2) The applications must include all the applicable forms and documents listed in Subpart C of this part, plus the following (to be submitted in duplicate):

(i) Ecclesiastical indorsement.

(ii) Certified scholastic transcripts.

(c) *Qualifications and requirements—*(1) *Age and grade.* (i) Maximum age and grade for appointment of chaplains will be:

Less than 34 years..... First Lieutenant.
Less than 40 years..... Captain.

(ii) In times of national emergency or war, or when a continuing serious shortage of Air Force chaplains exists within a denomination, the Chief of Air Force Chaplains may grant age waivers not to exceed the maximum age of appointment by 3 years.

(2) *Educational requirements.* Minimum educational requirements for appointment in the officer specialty of chaplain are:

(i) 120 semester hours of undergraduate study at an accredited or recognized institution of learning listed in the "Education Directory, Part 3, Higher Education," as published by the U.S. Department of Health, Education, and Welfare, Washington, D.C.

(ii) 90 semester hours of graduate theological study at an accredited or recognized theological seminary listed in the current "Bulletin" of the American Association of Theological Schools in the United States and Canada.

(3) *Appointment in the grade of first lieutenant.* Applicants may be initially appointed in the grade of first lieutenant if they do not exceed the age of 33 years and can qualify for one or the other of the following constructive service credit categories:

(i) Have completed 3 years of graduate study in an accredited or recognized theological seminary; have attained full ecclesiastical ordination status; and have had a minimum of 2 years of active professional experience as a minister, priest, or rabbi.

(ii) Have completed 4 years of graduate study in an accredited or recognized theological seminary; have attained full ecclesiastical ordination status; and have had a minimum of 1 year of active professional experience as a minister, priest, or rabbi.

(4) *Appointment in the grade of captain.* Applicants may be initially appointed in the grade of captain if they do not exceed the age of 39 years and can qualify for one or the other of the following constructive service credit categories:

(i) Have completed 3 years of graduate study in an accredited or recognized theological seminary; have attained full ecclesiastical ordination status; have had a minimum of 4 years of active professional experience as a minister, priest, or rabbi.

(ii) Have completed 4 years of graduate study in an accredited or recognized theological seminary; have attained full ecclesiastical ordination status; and have had a minimum of 3 years of active professional experience as a minister, priest, or rabbi.

### § 881.21 Compensatory professional considerations.

Applicants from religious denominations which do not operate accredited or recognized theological seminaries are unable to qualify for the theological requirements of § 881.20(c)(2)(ii). However, if such denominations have at least 5,000 constituents (enlisted and officer personnel) on active duty in the Air Force, applicants may receive compensatory professional recognition by the Chief of Air Force Chaplains if they:

(a) Have earned a minimum of 120 semester hours of undergraduate work in an accredited or recognized institution of learning in the United States of America or Canada.

(b) Have earned a minimum of 90 semester hours of postgraduate work either in the social sciences, the humanities, or in Christian theology (or a combination of all three) at an accredited or recognized institution of learning.

(c) Have attained full ordination status according to the terminology and requirements of their particular denomination.

(d) Have had a minimum of 2 years of active professional experience as an authorized functionary in their respective denominations.

(e) Are actively engaged in their religious vocation at the time of appointment.

### § 881.22 Ecclesiastical indorsement.

Applicants must include in their application a valid "Ecclesiastical Indorsement" from their denominational indorsing agency. The "Ecclesiastical Indorsement" will be considered valid only if it has been issued by a religious indorsing agency which has been formally recognized by the Armed Forces Chaplains Board of the Department of Defense. The appropriate indorsing agency must certify in the "Indorsement" that the applicant:

(a) Is a fully ordained minister, priest, or rabbi of the denomination the agency is legitimately authorized to represent, giving date, month, year, and place of applicant's ordination.

(b) Is professionally qualified and authorized to be appointed as a Reserve officer of the Air Force, with the specialty of chaplain.

(c) Is authorized to enter on extended active duty in the active establishment of the Air Force.

(d) Is engaged in the full-time pursuit of his religious vocation.

(e) Has fulfilled the required years of active professional qualifying experience.

### § 881.23 The chaplain candidate program.

(a) In addition to being otherwise qualified, applicants seeking appointment as chaplain candidates must:



(1) Have satisfactorily completed a minimum of 120 semester hours of undergraduate study at an accredited or recognized college or university as outlined in § 881.20(c)(2)(i).

(2) Be enrolled in the second year of study in an accredited or recognized theological seminary or school of religion as outlined in § 881.20(c)(2)(i) and (ii).

(3) Possess the potential professional qualifications required for chaplains as stated in § 881.20.

(4) Secure ecclesiastical approval to enter the Chaplain Candidate Program from the endorsing agency of the denomination under whose auspices he will qualify himself as a fully ordained minister, priest, or rabbi.

(b) *Procedure.* The application procedure established in Subparts C and E of this part will apply in the case of a chaplain candidate except:

(1) AF Form 125, "Application for Extended Active Duty With the United States Air Force," will not be accomplished or submitted.

(2) The application will include a statement of ecclesiastical approval signed by the applicant's ecclesiastical endorsing agent.

(c) *Appointment.* The appointment of a chaplain candidate is contingent upon a military authorization and a denominational quota vacancy as determined by the Commander, Continental Air Command.

(1) Theological students whose applications for appointment as chaplain candidates have been approved, will be commissioned in the grade of second lieutenant and will be awarded AFSC 8921. At the time of appointment, each student will be required to sign the following certificate, which will become a part of his permanent file:

I understand that to retain my commission as a Reserve officer of the Air Force I must successfully complete a minimum of 90 semester hours of graduate theological study at an accredited or recognized seminary. I further understand that failure to complete this theological training satisfactorily may result in the termination of my commission as a Reserve officer of the Air Force. (Authority: 10 U.S.C. 1162.) Upon meeting the qualifications as outlined in paragraph 24c (3), AFM 36-5, I will submit an application for appointment in the grade of first lieutenant, Reserve of the Air Force, with duty designation as a chaplain. I agree to serve a minimum of 3 full years on extended active duty as a chaplain if a quota for my denomination exists and if my services are required by the Department of the Air Force. If I am not ordered to extended active duty, I agree to apply for a Reserve assignment and serve for a minimum of 3 years unless called to extended active duty sooner. In the event I am ecclesiastically ordained but not commissioned as a chaplain, I understand that my commission will be terminated under appropriate directives and Public Law.

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(Signature of applicant)

(2) Submission of application: Applications, with allied documents, will be submitted direct to the Commander, Continental Air Command, for final review, approval, and appointment.

(d) *Title of chaplain candidates.* Chaplain candidates, when in military status, will be addressed as "Lieutenant" and will indicate their written title as:

2d Lt, AFRes
Chaplain Candidate

Chaplain candidates will not wear the chaplain insignia.

(e) *Termination of chaplain candidate status.* (1) The status of a chaplain candidate will be in force until his theological training has been completed, ordination rites have been conferred, and the candidate fully meets the requirements for appointment as an Air Force chaplain in accordance with the provisions of this part.

(2) A chaplain candidate's commission will be terminated under 10 U.S.C. 1162 if he fails to complete the required theological studies, or does not qualify as a chaplain under the provisions of § 881.20(c)(3), or is not appointed in the grade of first lieutenant, Reserve of the Air Force, with duty designation as a chaplain, or if his ecclesiastical approval is withdrawn.

## Subpart F—Appointment of Physicians, Dentists, Veterinarians, Nurses, and Medical Specialists

### § 881.24 Application.

Persons applying for appointment as Reserve officers of the Air Force in fields of medicine, dentistry, veterinary medicine, nursing, and medical specialties, may submit applications in accordance with § 881.13(b)(3). In addition to the documents required by § 881.13(a), each applicant must submit:

(a) AF Form 17A (Triplicate), "Supplement to Application for Commission in the United States Air Force—Medical Service."

(b) Two photostats of license to practice. Nurses must have active registration in at least one of the States or in the District of Columbia. Applications may be submitted prior to actual receipt of license, provided evidence of satisfactory completion of examination for licensure is included with the remainder of the documents requested. In addition, nurse anesthetists must have documentary evidence of current certification by the American Association of Nurse Anesthetists.

(c) Nurses must submit two photostatic or certified copies of both diploma and transcript of grades from schools of nursing and/or college or university.

(d) A recent 3 x 5-inch photograph.

### § 881.25 General qualifications for appointment.

(a) The appointment of persons who possess professional and technical qualifications and who are otherwise qualified, will be based on criteria established for each specialty. Waiver of the maximum age requirement may be granted by the Chief of Staff, USAF, for the appointment of persons concurrently requesting extended active duty.

(b) A reserve first lieutenant or captain of the Medical or Dental Corps entering on active duty shall be appointed to the grade of captain (temporary) effective the date of entry on active duty with date of rank as of date of graduation from medical or dental school, as appropriate. The temporary appointment to the grade of captain is contingent upon the individual's entry on active duty.

(c) Nurses commissioned as Reserve of the Air Force officers (NC) may be credited with all full-time nursing experience, subsequent to graduation from a school of nursing.

### § 881.26 Doctors of medicine.

(a) *Appointment as first lieutenant.* (1) For appointment as first lieutenant, applicant must:

(i) Be a graduate of a medical school approved by the Surgeon General or of a foreign medical school, and furnish evidence of a permanent certification by the Educational Council for Foreign Medical Graduates or permanent and unrestricted licensure in a state, the District of Columbia, the Commonwealth of Puerto Rico, or a Territory of the United States.

(ii) Have completed 1 year internship and be engaged in the ethical practice of medicine.

(iii) Possess a license to practice medicine in a state or in the District of Columbia or possess a diploma from the National Board of Medical Examiners.

(2) Waiver of license and actual engagement in practice may be made for graduates of approved medical schools and for those who have attained permanent certification by the Educational Council for Foreign Medical Graduates. Application for appointment must be made within 1 year after completion of internship or residency training, provided that formal postgraduate medical training has been continuous and uninterrupted since receipt of medical degree.

(b) *Appointment in higher grade.* For appointments in higher grades, applicants must possess all the qualifications specified in paragraph (a) of this section for first lieutenant and have had the following minimum additional professional experience, including internship, residency, fellowship, or other graduate study at a hospital, public health agency, school of public health, research institute, laboratory, medical college, recognized teaching center, or similar institution.

(1) Captain: Applicants must be engaged in the practice of medicine in environments normally associated with high professional standards. Applicants possessing these qualifications who have had 3 years of actual experience, are qualified for appointment in the grade of captain.

(2) Major: Applicants must have had a period of intensive postgraduate training in a medical specialty, sufficiently prolonged and of a caliber to insure the optimum in professional knowledge and technique, as judged by the standards normally associated with recognized teaching centers. Applicants, for direct appointment in the grade of major or higher, must ordinarily have been certified by one of the American specialty boards. Applicants possessing these qualifications who have had 10 years of actual experience are qualified for appointment in the grade of major.

(3) Lieutenant colonel: Applicants must have achieved such unequivocal prominence as to make them authorities in their field. Examples of such applicants are those persons who are outstanding contributors to scientific research and to the development of the specialty under consideration. Applicants possessing these qualifications who have had 17 years of actual experience are qualified for appointment in the grade of lieutenant colonel.

(4) Colonel: Applicants who have achieved the outstanding background and ability in a specialty as indicated in subparagraph (3) of this paragraph for lieutenant colonel and have had 25 years of actual experience are qualified for appointment in the grade of colonel.

**§ 881.27 Doctors of dentistry.**

(a) *Appointment as first lieutenant.* (1) For appointment as first lieutenant, applicants must:

(i) Possess a degree of doctor of dental surgery or doctor of dental medicine from a school of dentistry acceptable to the Surgeon General, USAF.

(ii) Possess a license to practice dentistry in a State or in the District of Columbia.

(iii) Actually be engaged in the ethical practice of dentistry.

(2) Waiver of license and actual engagement in practice may be made for graduates of approved dental schools, if application for appointment is made within 1 year after graduation or while undergoing appropriate postgraduate instruction or engaged in a dental internship.

(b) *Appointment in higher grades.* For appointment in higher grades, applicants must possess all the qualifications specified in paragraph (a) of this section for first lieutenant and have had the following additional minimum experience or training in environments normally associated with high professional standards:

(1) Captain: Applicants who possess the qualifications specified in paragraph (a) of this section for first lieutenant and have had 3 years of actual experience are qualified for appointment in the grade of captain.

(2) Major: Applicants must have had intensive postgraduate training in a dental specialty. Applicants for appointment in the grade of major or higher, ordinarily must have been certified by an American dental specialty board in the specialty for which such a board is constituted. Applicants possessing these qualifications who have had 10 years of actual experience are qualified for appointment in the grade of major.

(3) Lieutenant colonel: Applicants must have achieved such unequivocal prominence as to make them authorities in their particular fields. Examples of such applicants are those persons who are outstanding contributors to scientific research and to development of the dental specialty under consideration. Applicants possessing these qualifications who have had 17 years of actual experience are qualified for appointment in the grade of lieutenant colonel.

(4) Colonel: Applicants who have achieved the outstanding background and ability in a specialty as indicated in subparagraph (3) of this paragraph for lieutenant colonel and have had 25 years of actual experience are qualified for appointment in the grade of colonel.

(c) *Substituting graduate study for professional experience.* Graduate study in dentistry may be substituted for professional experience on a year-for-year basis, not exceeding 3 years.

**§ 881.28 Doctors of veterinary medicine.**

(a) *Appointment as first lieutenant.* (1) For appointment as first lieutenant, applicant must:

(i) Be a graduate of a school of veterinary medicine or veterinary surgery, approved by the Surgeon General, USAF.

(ii) Be licensed to practice veterinary medicine in a State or in the District of Columbia.

(iii) Be engaged in the ethical practice of veterinary medicine.

(2) Waiver of license and actual engagement in practice may be made for graduates of approved schools of veterinary medicine or surgery, if commissioned immediately upon graduation.

(b) *Appointment in other grades.* For appointment in other grades, applicants must, in addition to paragraph (a) (1) of this section, be qualified by minimum periods of acceptable professional experience as follows:

(1) Captain: Applicants must be engaged in the practice of veterinary medicine, a major portion of which must have been in environments normally associated with high professional standards. Applicants possessing these qualifications who have had 4 years of actual experience, are qualified for appointment in the grade of captain.

(2) Major: Applicants must give evidence of sufficient independent experience to indicate mature judgment and ability to function in the specialty without professional supervision. Applicants for appointment in grade of major or higher ordinarily must have been certified by an American Veterinary Specialty Board. Applicants possessing these qualifications who have had 11 years of actual experience are qualified for appointment in the grade of major.

(3) Lieutenant colonel: Applicants must give evidence of having achieved such unequivocal prominence as to make them authorities in their particular fields. Examples of such applicants are those persons who are outstanding contributors to scientific research, administrators, and contributors to the development of the specialty under consideration. Applicants possessing these qualifications who have had 18 years of actual experience are qualified for appointment in the grade of lieutenant colonel.

(4) Colonel: Applicants who have achieved the outstanding background and ability in a specialty as indicated in subparagraph (3) of this paragraph for lieutenant colonel and have had 25 years of actual experience are qualified for appointment in the grade of colonel.

**§ 881.29 Nurses.**

(a) *Appointment as second lieutenant.* For appointment as second lieutenant, applicants must be graduates of schools of nursing offering not less than a 3-year basic curriculum and which are acceptable to the Surgeon General, USAF, must be 20 years of age, and possess current registration in at least one of the States or in the District of Columbia. Applicants who have a baccalaureate degree in nursing or a nursing specialty may be granted one year of constructive service.

(b) *Appointment in other grades.* For appointment in other grades, applicants must, in addition to paragraph (a) of this section, be qualified by the indicated minimum number of years of professional experience and educational requirements as outlined:

(1) First lieutenant: (i) Three years appropriate professional experience, of which at least 6 months must have been spent in active nursing within the 12-month period prior to appointment, or

(ii) Two years appropriate professional experience and a baccalaureate degree in nursing or a nursing specialty, or

(iii) One year appropriate professional experience and a master's degree in nursing, a nursing specialty, or a field allied to nursing, or

(iv) Two years appropriate professional experience and qualified by examination as a nurse anesthetist by the American Association of Nurse Anesthetist, or

(v) One year appropriate professional experience, a baccalaureate degree in nursing or a nursing specialty, and qualification by examination as a nurse anesthetist by the American Association of Nurse Anesthetists. Applicants with more than 3 years of applicable experience who do not meet the qualifications for appointment in the grade of captain will be given constructive service credit to which entitled under this part, except that in no case will the applicant be credited with more than six years of service.

(2) Captain: Six years appropriate professional experience plus a baccalaureate degree in nursing or a nursing specialty, and 2 years of the required 6 years professional experience spent in a teaching and/or appropriate administrative position, or

(i) Five years appropriate professional experience plus a master's degree in nursing, a nursing specialty, or a field allied to nursing, and 2 years of the required 5 years professional experience spent in a teaching and/or appropriate administrative position, or

(ii) Six years appropriate professional experience, qualification by examination as a nurse anesthetist by the American Association of Nurse Anesthetists. Applicant must have had at least 12 months experience in the administration of anesthetics within the 2-year period immediately prior to appointment, or

(iii) Five years appropriate professional experience, a baccalaureate degree in nursing or a nursing specialty, and qualification by examination as a nurse anesthetist by the American Association of Nurse Anesthetists. Applicant must have had at least 12 months experience in the administration of anesthetics within the 2-year period immediately prior to appointment. Applicants with more than 6 years of applicable experience will be given constructive service credit to which entitled under this part, except that in no case will the applicant be credited with more than 13 years of service.

(3) Major and lieutenant colonel: Appointees will possess outstanding qualifications for special positions determined by the Surgeon General, USAF, as requirements necessitate.

**§ 881.30 Medical specialists.**

(a) *Dietitians.* (1) For appointment as second lieutenant, applicant must:

(i) Possess a bachelor's degree from an approved college or university.

(ii) Have completed an internship acceptable to the Surgeon General, USAF.

(2) Appointment in higher grades: For appointment in other grades, applicant must, in addition to subparagraph (1) of this paragraph, be further qualified by acceptable professional experience and training as follows:

(i) First lieutenant: A minimum of 2 years experience, one of which has been as dietitian in a hospital of 100 or more beds. Applicants with more than 3 years of applicable experience who do not meet the qualifications for appointment in the grade of captain will be given constructive service credit to which entitled under this part, except that in no case will the applicant be credited with more than 6 years of service unless so authorized by the Surgeon General, USAF.

(ii) Captain: A minimum of 6 years experience including 3 years in administration of a dietetic department of a hospital of 100 or more beds. Applicants with more than 7 years of applicable experience will be given constructive service credit to which entitled under this part, except that in no case will the applicant be credited with more than 13 years of service unless so authorized by the Surgeon General, USAF.

(iii) Major: Appointees will possess outstanding qualifications for special positions determined by the Surgeon General, USAF, as requirements necessitate.

(iv) Lieutenant colonel: Appointees will possess outstanding qualifications for special positions determined by the Surgeon General, USAF, as requirements necessitate.

(b) *Occupational therapists.* (1) For appointment as second lieutenant, applicant must:

(i) Possess a bachelor's degree from an approved college, university, or school.

(ii) Have completed an occupational therapy course acceptable to the Surgeon General, USAF.

(2) Appointment in higher grades: Applicant must possess all the qualifications in subparagraph (1) of this paragraph and be further qualified by acceptable professional experience and training as follows:

(i) First lieutenant: A minimum of 2 years professional experience in medical institutions. Applicants with more than 3 years of applicable experience who do not meet the qualifications for appointment in the grade of captain will be given constructive service credit to which entitled under this part, except that in no case will the applicant be credited with more than 6 years of service unless so authorized by the Surgeon General, USAF.

(ii) Captain: A minimum of 6 years professional experience in medical institutions, 3 of which must have been in a supervisory or administrative capacity. Applicants with more than 7 years of applicable experience will be given constructive service credit to which entitled under this part, except that in no case will the applicant be credited with more than 13 years of service unless so authorized by the Surgeon General, USAF.

(iii) Major: Appointees will possess outstanding qualifications for special positions determined by the Surgeon General, USAF, as requirements necessitate.

(iv) Lieutenant colonel: Appointees will possess outstanding qualifications for special positions determined by the Surgeon General, USAF, as requirements necessitate.

(c) *Physical therapists.* (1) For appointment as second lieutenant, applicant must:

(i) Possess a bachelor's degree from an approved college, university, or school.

(ii) Have completed a physical therapy training course acceptable to the Surgeon General, USAF.

(2) Appointment in higher grades: For appointment in other grades, applicant must, in addition to subparagraph (1) of this paragraph, be further qualified by acceptable professional experience and training as follows:

(i) First lieutenant: A minimum of 2 years professional experience in medical institutions. Applicants with more than 3 years of applicable experience who do not meet the qualifications for appointment in the grade of captain will be given constructive service credit to which entitled under this part, except that in no case will the applicant be credited with more than 6 years of service unless so authorized by the Surgeon General, USAF.

(ii) Captain: Minimum of 6 years professional experience in medical institutions, 3 of which must have been in a supervisory or administrative capacity. Applicants with more than 7 years of applicable experience will be given constructive service credit to which entitled under this part, except that in no case will the applicant be credited with more than 13 years of service unless so authorized by the Surgeon General, USAF.

(iii) Major: Appointees will possess outstanding qualifications for special positions determined by the Surgeon General, USAF, as requirements necessitate.

(iv) Lieutenant colonel: Appointees will possess outstanding qualifications for special positions determined by the Surgeon General, USAF, as requirements necessitate.

(d) *Appointment for training.* Unmarried female applicants between 21 and 26 years may be appointed as second lieutenants and ordered to active duty to complete training in one of the following courses:

(1) Dietetic training: Applicant must possess a bachelor's degree and have been accepted for an approved dietetic internship.

(2) Occupational therapy training: Applicant must be enrolled in the final year of an approved course leading to a bachelor's degree in occupational therapy; or possess a bachelor's degree and have completed all but the final year of an approved certificate course in occupational therapy.

(3) Physical therapy training: Applicant must possess a bachelor's degree and have been accepted for an approved certificate course in physical therapy; or be enrolled in the final year of an approved course leading to a bachelor's degree in physical therapy.

## Subpart G—Appointment of Officers in Medical Service, USAF

**§ 881.31 Application, processing, and selection.**

(a) Persons applying for appointment as a Reserve officer of the Air Force Medical Service Corps may submit application in accordance with § 881.13(b)(3). In addition to the documents required by § 881.13(a), each applicant must submit:

(1) A recent 3 x 5 inch photograph.

(2) Results of the Air Force Officer Qualifying Test in accordance with § 881.15.

(b) Grades in which selected applicants are to be appointed will be determined in accordance with § 881.12.

(c) Qualifying experience may include both military and civilian experience, provided the experience is directly related to the specialty for which application is made. For appointment in grades higher than second lieutenant, the experience must have been gained subsequent to attainment of the qualifying degree.

**§ 881.32 Medical Administrative Officers (AFSC 9021).**

(a) *Grade.* Appointments in this specialty may be made in grades of second lieutenant through lieutenant colonel as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in business administration, management, or in a related or included field of administration, management or a science. A master's degree in hospital administration or a related field is desirable.

(c) *Area of experience.* Qualifying experience must be that gained in administrative or management positions, including planning, organizing and directing such activities as hospital administration, medical registration, personnel, finance, evacuation and debarkation of patients, recreation, welfare, and installation maintenance.

**§ 881.33 Medical Supply Officer (AFSC 9031).**

(a) *Grade.* Appointments in this specialty may be made in grades of second lieutenant through lieutenant colonel as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in business administration, management, or a related or included field of

administration, management, or a science. A master's degree in hospital administration or a related field is desirable.

(c) *Area of experience.* Qualifying experience must be that gained in administrative or management positions, including planning, organizing, and directing activities which encompass ordering, receiving, storing, issuing, monitoring, designing, marketing, or budgeting and accounting for material.

**§ 881.34 Pharmacy Officer (AFSC 9051).**

(a) *Grade.* Appointments in this specialty may be made in grades of second lieutenant through colonel as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in pharmacy.

(c) *Area of experience.* Qualifying experience must be that gained in pharmacy positions, including conducting laboratory tests, manufacturing medications, and directing pharmacy personnel. A current license to practice pharmacy is mandatory. Waiver of licensure requirement may be made for individuals appointed within one year after date of graduation.

**§ 881.35 Optometry Officer (AFSC 9061)**

(a) *Grade.* Appointments in this specialty may be made in grades of second lieutenant through colonel as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a degree in optometry from an accredited school of optometry.

(c) *Area of experience.* Qualifying experience must be that gained in optometry positions, including conducting examinations of the eye to determine presence of visual defects; prescribing lenses and orthoptic therapy to correct, conserve, or improve vision; and examining and testing lenses for workmanship and conformance to prescriptions. Must possess a current license to practice optometry in one of the States or the District of Columbia or certification of the successful passing of all parts of the examination of the National Board of Examiners in optometry. Waiver of licensure requirement may be made for individuals appointed within one year after date of graduation.

**§ 881.36 Sanitary and Industrial Hygiene Engineer (AFSC 9121).**

(a) *Grade.* Appointments in this specialty may be made in grades of second lieutenant through major as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualifications in this specialty is a baccalaureate degree in sanitary, civil, chemical, or industrial hygiene engineering.

(c) *Area of experience.* Qualifying experience must have been gained in a professional capacity, including design, management, investigation, or construction of works or program for water supply, treatment, and distribution; the collection, treatment, and disposal of community wastes, namely, sanitary sewage, industrial wastes, and refuse, including salvage and reclamation of useful components of such wastes; the control of pollution of surface waterways and ground waters, and of surface and subsurface soils; milk and food facilities; housing, hospital, and institutional facilities; insect and vermin control or eradication; rural, camp, and recreation place facilities; the control of atmospheric pollution and air quality, and of light, noise, vibration, and toxic materials, including application to work spaces in industrial establishments; the prevention of radiation exposure; professional research and development work; and responsible teaching positions in engineering subjects in educational institutions of recognized standing.

**§ 881.37 Medical Entomologist (AFSC 9131).**

(a) *Grade.* Appointment in this specialty may be made in grades of second lieutenant through colonel as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in entomology. A master's degree is desirable.

(c) *Area of experience.* Qualifying experience must be that gained in medical entomology positions, including formulating policies and procedures, directing personnel engaged in medical entomological activities, and conducting field and laboratory studies regarding development, testing, and application of insect control measures.

**§ 881.38 Clinical Laboratory Officer (AFSC 9151).**

(a) *Grade.* Appointment in this specialty may be made in grades of second lieutenant through colonel as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in medical technology. Other allied sciences such as bacteriology, parasitology, chemistry, biochemistry, and pharmaceutical chemistry, may be considered qualifying for appointment in this specialty provided the applicant has sufficient qualifying experience. A master's degree or Ph. D. with a major study in one of the referenced fields is desirable.

(c) *Area of experience.* Experience must be that gained in clinical laboratory positions, including conducting clinical laboratory tests and developing and applying procedures in serology, bacteriology, parasitology, hematology, biochemistry, and tissue pathology.

**§ 881.39 Aviation Physiologist (AFSC 9161).**

(a) *Grade.* Appointments in this specialty may be made in grades of second lieutenant through colonel as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in physiology, biophysics, biochemistry, or zoology. A master's degree or Ph. D. with a major study in one of the referenced fields is desirable.

(c) *Area of experience.* Qualifying experience must be that gained in aviation physiological or related positions. Experience in physiological research and the development of physiological aids for aircrew personnel is desirable.

**§ 881.40 Health Physicist (AFSC 9171).**

(a) *Grade.* Appointments in this specialty may be made in grades of second lieutenant through colonel as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a master's degree in health physics, nuclear physics, radiobiology, radiological physics, or biophysics.

(c) *Area of experience.* Qualifying experience must be that gained in the control, shipping, and disposal of radiological materials; conducting radiological protection surveys; monitoring the treatment and disposal of radioactive wastes; calibration of instruments; instruction in health physics and supervision and direction of health physics program.

**§ 881.41 Clinical Psychologist (AFSC 9181).**

(a) *Grade.* Appointments in this specialty may be made in grades of second lieutenant through colonel as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a master's degree in psychology. Evidence of training in advanced clinical psychology is mandatory. A doctoral degree with a major and dissertation in clinical psychology from an approved university, including completion of internship in a medical setting, is desirable.

(c) *Area of experience.* Qualifying experience must be that gained, in clinical psychological positions, including formulating plans and policies for and directing personnel engaged in clinical psychology activities; administering psychotherapy in typical cases; selecting and interpreting results of psychological tests; and counseling maladjusted personnel on education and vocational problems.

**§ 881.42 Psychiatric Social Worker (AFSC 9191).**

(a) *Grade.* Appointments in this specialty may be made in grades of second lieutenant through colonel as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a master's degree in social work.

(c) *Area of experience.* Qualifying experience must be that gained in psychiatric case work positions, including administration of psychiatric social work programs as a member of the psychiatric team.



By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64-10229; Filed, Oct. 7, 1964; 8:47 a.m.]

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

## PART 905—MEDICAL SERVICE OFFICER PROCUREMENT PROGRAMS FOR IN-SERVICE TRAINING

## PART 906—MEDICAL SERVICE EARLY COMMISSIONING PROGRAM

New Parts 905 and 906 are added as follows:

Sec.
905.1 Purpose.
905.2 General requirements for program participation.
905.3 Determining the number of participants.
905.4 Submitting program applications.
905.5 Obtaining application forms and detailed information.
905.6 Participation in the civilian medical intern program.
905.7 Participation in the military medical and dental intern program.
905.8 Participation in the senior medical student program.
905.9 Participation in the medical specialist training program.
905.10 Participation in the medical allied science training program.
905.11 Authorized compensation.
905.12 Assignment and reappointment policy.

AUTHORITY: This Part 905 issued under sec. 8012, 70A Stat. 488; sec. 593, 70A Stat. 25, sec. 3357, 70A Stat. 194; 10 U.S.C. 8012, 593, 3357.

SOURCE: AFR 36-46, October 8, 1962; AFR 36-46A, June 23, 1964.

**§ 905.1 Purpose.**

This part outlines the requirements each applicant must meet to participate in one of the following Air Force medical officer training programs: The civilian medical intern program; the military medical and dental intern program; the senior medical student program; the medical specialist training program; and the medical allied science training program.

**§ 905.2 General requirements for program participation.**

Each applicant for one of the training programs described in this part must meet the general requirements for Reserve appointment, as outlined in Part 881, Subchapter I of this chapter, and the specific requirements for the particular program for which he applies (see §§ 905.6 through 905.10). He must also undergo a National Agency Check before he may be appointed to any of them.

**§ 905.3 Determining the number of participants.**

Headquarters USAF determines annually the number of authorized participants in this training, and announces that number in yearly schedules, to deans of colleges and universities throughout the Nation.

**§ 905.4 Submitting program applications.**

Applications are sent to the Surgeon General in accordance with the schedule announced annually. Each application consists of the following:

(a) All of the forms required by Part 881, Subchapter I of this chapter, to apply for a Reserve appointment.

(b) All of the forms required for each specific training program (for example, the civilian medical intern program requires AF Form 266, "Application for Assignment to Intern Training In a Civilian Hospital," AF Form 281, "Intern Training Agreement," and AF Form 281a, "Intern Training Agreement Supplement").

(c) A written agreement to serve on a specified time contract. The applicant must further agree to serve the minimum period of active duty after completion of his training as specified in AFR 36-51 (Career Reserve Status for Reserve Officers and Active Duty Service Commitments for Officers and Warrant Officers) for the appropriate program.

**§ 905.5 Obtaining application forms and detailed information.**

Applicants may obtain application forms and additional information about these training programs from Hq USAF (AFMSMBA), Washington, D.C., 20333.

**§ 905.6 Participation in the civilian medical intern program.**

Each applicant must:

(a) Be a male graduate or prospective graduate of a medical school acceptable to the Surgeon General, USAF.

(b) Have been accepted for a one-year internship (rotating, mixed, or straight) in an approved civilian hospital.

(c) Express in writing a positive interest in an Air Force career.

**§ 905.7 Participation in the military medical and dental intern program.**

The applicant must:

(a) Be a male graduate or prospective graduate of a medical or dental school acceptable to the Surgeon General, USAF.

(b) Participate in the National Intern Matching Program, and express in writing a positive interest in an Air Force career—if he is applying for a medical internship.

**§ 905.8 Participation in the senior medical student program.**

Each applicant must:

(a) Have completed successfully the first semester of his junior year at a medical school acceptable to the Surgeon General, USAF, at the time he applies; by the time he actually enters the program (effective date of duty) each selected applicant must be officially enrolled in his senior year.

(b) Express in writing a positive interest in an Air Force career.

(c) Agree in writing to participate in the Air Force Sponsored Intern Training Program. (If he participates, and is not matched for military internship or selected for a civilian internship, the Air Force will release him from active duty for 12 months to pursue a civilian internship at his own expense. Upon completing that internship, however, he will be recalled to active duty to fulfill the service obligation incurred as a result of the training received in the student program.)

**§ 905.9 Participation in the medical specialist training program.**

The applicant must:

(a) Be a female, in an unmarried status, with no dependents under 18 years of age.

(b) Be 21 years of age, but not have passed her 26th birthday on the date of her appointment in the Reserve Air Force (Medical Specialist Corps).

(c) Meet the physical requirements for appointment in the Regular Air Force.

(d) Express in writing a positive interest in an Air Force career.

(e) Meet the following education requirements if she is applying for:

(1) *Dietetic training.* Have a bachelor degree from an approved college or university and have been accepted for training in an American Dietetic Association approved internship.

(2) *Occupational therapy training.* Be enrolled in the final year of an approved bachelor degree course in occupational therapy; or have a bachelor degree and be enrolled in the final year of an approved occupational therapy certificate course.

(3) *Physical therapy training.* Be enrolled in the final year of an approved bachelor degree course in physical therapy; or have a bachelor degree and have been accepted for a physical therapy certificate course in an approved school.

**§ 905.10 Participation in the medical allied science training program.**

This program is designed to help students who are interested in an Air Force career gain an advanced degree in a medical allied science. The applicant must:

(a) Be a prospective male graduate of a college or university acceptable to the Surgeon General, USAF.

(b) Express in writing a positive interest in an Air Force career.

(c) Meet the following requirements if he is applying for:

(1) *Sanitary and industrial hygiene engineer.* Must have completed successfully the first semester of his senior year at a college or university with an undergraduate engineering curricula which includes Humanistics and Social Studies, Mathematics and Basic Science, Sequence of Engineering Analysis, Design and Engineering Systems, and electives. The master's degree curricula must include General Environmental Hygiene, Engineering Statistics, and Epidemiology—at least 25 percent of his study must be in these subjects; other subjects may consist of available electives at the school.

(2) *Nuclear health physicist.* Must have completed successfully the first semester of his senior year at a college or university with an undergraduate cur-

ricula that includes physics, chemistry (or engineering), mathematics (through calculus), and preparation in related fields. The master's degree study must lead to a Master of Science and must include the Elements of Atomic Physics, Health Physics and Radiobiology, Radio Physics, Nuclear Physics, and Electronics.

(d) By the time he actually enters the training program (effective date of active duty) each selected applicant must have received his bachelor's degree and be officially enrolled in an acceptable university for the graduate degree training.

**§ 905.11 Authorized compensation.**

(a) Each applicant who is selected for any medical training program described in this part will:

(1) Be appointed in the Reserve of the Air Force and receive the full pay and allowances normally authorized, except that medical and dental interns do not receive the special pay of $100 a month currently authorized for military physicians and dentists.

(2) Be subject to the restrictions imposed by AFM 177–105 (Military Pay—Volume 1 Policies and Personnel Procedures) (paragraphs 10321, 10411, 30841–30843) on compensation, quarters, or subsistence furnished by civilian medical facilities or institutions.

(b) Each applicant who is selected for the Senior Student Program, Medical Specialists Training Program, and the Medical Allied Science Training Program is personally responsible for the following, without reimbursement from the Air Force:

(1) Payment of all school tuition, related fees, and textbook purchases.

(2) Travel expenses incident to the program.

**§ 905.12 Assignment and reappointment policy.**

(a) Each medical training program participant who is training in a civilian facility/institution is assigned to the Air Force Institute of Technology, with duty station at the civilian facility/institution where the training is being held. When he completes this first phase, he is then reassigned to an Air Force Medical Service facility.

(b) Each participant in the Senior Medical Student Program is reappointed in the Reserve of the Air Force (Medical Corps) on the date of his graduation from medical school.

Sec.
906.1 Purpose.
906.2 Program objectives.
906.3 Scope of program.
906.4 Status of participants.
906.5 Eligibility.
906.6 How student applies.
906.7 Selecting students.
906.8 Training programs.

AUTHORITY: This Part 906 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.
SOURCE: AFR 36–6, November 21, 1962.

**§ 906.1 Purpose.**

This part establishes an early commissioning program for students enrolled in medical, dental, or veterinary school.

**§ 906.2 Program objectives.**

The objectives of the early commissioning program are:

(a) To insure the deferment from active duty of persons training in the critical specialties of medicine, dentistry, and veterinary medicine until completion of professional qualification.

(b) To provide an early association of future physicians, dentists, and veterinarians with the Air Force, as a means of interesting them in career programs.

**§ 906.3 Scope of program.**

(a) Students enrolled in schools of medicine, dentistry, or veterinary medicine may be appointed second lieutenants, Reserve of the Air Force, Medical Service Corps. When qualified in their specialty in accordance with Part 881, Subchapter I of this chapter, they will be transferred (reappointed) to the Medical Corps, Dental Corps, or Veterinary Corps, as appropriate.

(b) When offered by the Air Force, participants may volunteer for training programs of up to 90 days' duration and receive full pay and allowances during such periods of training.

**§ 906.4 Status of participants.**

(a) Appointments under this program are probationary and contingent upon subsequent qualification as a physician, dentist, or veterinarian. If participants in this program fail to achieve qualification for reappointment to the Medical, Dental, or Veterinary Corps (as appropriate), or, having qualified, decline to accept reappointment, they will be considered for discharge in accordance with AFR 45–40 (Discharge of Officers of the AF Reserve by Reason of Misconduct or Inefficiency), AFR 45–41 (Administrative Separation of Officer Members of the AF Reserve), or other related regulations.

(b) Appointments under this program are made only in the grade of second lieutenant, Reserve of the Air Force, Medical Service Corps. Upon appointment, participants are designated Ready Reservists and assigned to the Ineligible Reserve Section (IRS). However, participants will not be assigned for training to units of the Air Force Reserve or to the Air National Guard.

(c) Participants may volunteer for sponsorship training programs offered by the Air Force under Part 905.

(d) Upon completion of requisite professional education and/or training, participants are transferred (reappointed) to the appropriate Corps of the Medical Service and, consistent with active duty requirements, ordered to active duty for not less than two years. Physicians may be granted additional deferment beyond internship if selected for residency deferment through participation in the Armed Forces Physicians' Appointment and Residency Consideration Program (Berry Plan).

**§ 906.5 Eligibility.**

(a) The early commissioning program is limited to male students enrolled in an approved school of medicine, dentistry, or veterinary medicine. Students must not have commenced the final school year. Only those schools located in the United States, Puerto Rico, or Canada are acceptable for student participation in this program.

(b) Applicants must meet the eligibility criteria for appointment as prescribed in Subpart B, Part 881, Subchapter I of this chapter.

**§ 906.6 How student applies.**

The student:

(a) Submits AF Form 433, "Application for Air Force Medical Service Early Commissioning Program," in duplicate, direct to Hq USAF (AFMSMBA), Washington, D.C., 20333, after enrollment or acceptance for enrollment in a school of medicine, dentistry, or veterinary medicine.

(b) Includes with application the following:

(1) Transcript of applicant's grades from the beginning of college through the last completed school year. (2 copies)

(2) AF Form 24, "Application for Appointment in the Air Force Reserve." (2 copies)

(3) DD Form 98, "Armed Forces Security Questionnaire." (2 copies)

(4) DD Form 398, "Statement of Personal History." (5 copies)

(5) FD Form 258, "FBI Fingerprint Card." (2 copies)

(6) SF Form 88, "Report of Medical Examination." (2 copies)

(7) SF Form 89, "Report of Medical History." (1 copy)

(8) Photograph, head and shoulders type, not less than 3" x 5". (1 copy)

(9) Conditional Release from other Armed Force or component in which appointment or enlistment is currently held, where applicable.

(10) Submits the following statement if he has not completed his military service obligation under the Universal Military Training and Service Act or as otherwise required by law will:

In the event I am tendered an appointment as a Reserve officer of the Air Force, I understand that upon acceptance of appointment I am required to serve on active duty and in a Reserve component for the minimum period established by law, unless sooner discharged in accordance with regulations and standards prescribed by the Secretary of the Air Force and the Secretary of Defense. I further understand that, although the appointment is tendered as a conditional appointment contingent upon my subsequent qualification as a physician, dentist, or veterinarian and my acceptance of an appointment in the Medical, Dental, or Veterinary Corps when and if tendered, my appointment in the Reserve of the Air Force will be for an indefinite period and my total obligated service will be not less than six years. Of the time required to be served in the Air Force Reserve, not less than five years must be served as a combination of active duty and Ready Reserve service. The remaining time required to complete my obligated service may be as a Standby Reservist. I understand that my obligated tour of active duty will be not less than two years and that I hereby voluntarily agree to serve my active duty tour when so ordered by the Secretary of the Air Force unless sooner discharged or otherwise relieved of my active duty obligation in accordance with existing law or regulations and standards prescribed by the Secretary of Defense or the Secretary of the Air Force. I further agree and understand that if I am not reappointed to the Medical, Dental, or Veterinary Corps for any reason, I may be discharged from my appointment in the Air Force Reserve.

(11) Includes a certificate that he has not been ordered to report for preinduction processing. See § 881.13(a)(10), Subchapter I of this chapter.

(12) If he is a member of the Reserve forces of one of the military services, submits a certificate to the effect that he has not been ordered to report for extended active duty.

**§ 906.7 Selecting students.**

Selection of participants is made by the Office of the Surgeon General, Headquarters USAF.

**§ 906.8 Training programs.**

Off-term training programs appropriate to the professional specialties and/or officer orientation may be established by the Air Force and offered to participants. Programs will be announced to participants during the year preceding their eligibility for such training.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64–10230; Filed, Oct. 7, 1964; 8:47 a.m.]

SUBCHAPTER I—STANDARDS OF CONDUCT

## PART 920—STANDARDS OF CONDUCT

### Miscellaneous Amendments

1. Add new §§ 920.10a and 920.10b as follows:

**§ 920.10a Information to personnel.**

(a) Each commander will insure that new Air Force personnel under his jurisdiction are informed of the standards of conduct specified in this part upon employment, or entry on duty. Each commander will bring these standards of conduct to the attention of all Air Force personnel under his jurisdiction by appropriate means at least semi-annually. The Secretary of the Air Staff will insure that these requirements are met within Hq USAF. This requirement may be accomplished through various means, including, but not necessarily limited to personal consultation, requiring the individual to read this part, daily bulletins, bulletin board items, regularly published media, and commanders calls. The Commander, Continental Air Command, is responsible for insuring that nonactive duty Air Force Reserve personnel, other than Part I Reserves assigned to other major air commands, are appropriately informed. Major air commanders have this responsibility for Part I Reserves within their respective commands. The Chief of the National Guard Bureau has this responsibility for the Air National Guard of the United States.

(b) All Air Force personnel will be advised that they may obtain additional clarification of the provisions of this part and related laws, rules, and regulations from the local legal office providing legal service to their organization or activity. Military personnel may request advice concerning entitlement to retired pay from the Air Force Accounting and Finance Center (AR), 3800 York Street, Denver, Colorado, 80205.

(c) Questions which cannot be resolved by a legal officer will be referred, with recommendations, through channels to higher authority. The General Counsel of the Department of the Air Force, Office of the Secretary of the Air Force, is responsible for proper coordination and final disposition of all problems relating to conflict of interest.

**§ 920.10b Reporting suspected violations.**

Air Force personnel who have information which causes them to believe that there has been a violation of a statute or policy set forth in this part will promptly report such incidents to their immediate superiors. If the superior believes there has been a violation, he will report the matter for further action in accordance with AFR 124–8 (Violations of Public Trust in Contract, Procurement, and Disposal Matters). Any question or doubt on the part of the immediate superior will be resolved in favor of reporting the matter.

2. In § 920.12(d)(2), subdivisions (ii) and (iii) are amended by the addition of new material. These subdivisions now read as follows:

**§ 920.12 Conflict of interest laws.**

* * * * *

(d) * * *

(2) * * *

(ii) The Air Force Accounting and Finance Center will review the "Statement of Employment" to assure compliance with applicable statutes and regulations. Where it appears that a possible violation of a policy or statute, as set forth in this part may be involved, the Retired member may be requested to furnish clarifying information. In those instances where the Commander, Air Force Accounting and Finance Center, is unable to resolve the issues, he will submit the matter, with recommendations, to Hq USAF (AFJAG), Washington, D.C., 20330, for referral, if appropriate, with recommendations, to the General Counsel of the Department of the Air Force, Office of the Secretary of the Air Force.

(iii) The retired member will request additional copies of DD Form 1357 from AFAFC (AR), 3800 York Street, Denver, Colorado, 80205. DD Form 1357 is stocked and issued only by the Air Force Accounting and Finance Center. The Center is authorized to locally reproduce DD Form 1357 on 8 x 10½" paper.

* * * * *

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)
[AFR 30–30, August 26, 1963]

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64–10231; Filed, Oct. 7, 1964; 8:48 a.m.]

# Title 7—AGRICULTURE

## Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER—AGRICULTURAL CONSERVATION PROGRAM

[Bulletin NSCP 2901]

## PART 706—NAVAL STORES CONSERVATION

### Subpart G—1965

The purpose of the Naval Stores Conservation Program (hereinafter referred to as "this program") is to restrict turpentining to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water, and timber resources.

Through the 1965 program the Federal Government will share with turpentine farmers the cost of carrying out approved conservation practices in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. Cost-shares are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out.

This program provides cost-sharing for conservation practices only on turpentine farms having tracts or drifts of faces which were installed during, or after, the 1961 season, except as provided under § 706.318.

GENERAL PROVISIONS

Sec.
706.301 General requirements.
706.302 Required performance.
706.303 Double-headed nails requirement.
706.304 Fire protection.
706.305 Bark-bar requirement.
706.306 Inspection assistance.

CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES

706.309 Practice 1: Working only 9 inch d.b.h. or larger trees.
706.310 Practice 2: Working only 10 inch d.b.h. or larger trees.
706.311 Practice 3: Working only 11 inch d.b.h. or larger trees.
706.312 Practice 4: Working only 12 inch d.b.h. or larger trees.
706.313 Practice 5: Restricting turpentining to previously worked trees.
706.314 Practice 6: Working only selectively marked trees.
706.315 Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails.
706.316 Practice 8: Removal of cups and tins from faces on small trees.

Sec.
706.317 Practice 9: Pilot plant tests of new methods and equipment.
706.318 Practice 10: Hardware removal.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

706.319 Increase in small Federal cost-shares.
706.320 Maintenance of practices.
706.321 Practices defeating purposes of programs.
706.322 Federal cost-shares not subject to claims.
706.323 Assignments.
706.324 Death, incompetency, or disappearance of producer.
706.325 Maximum Federal cost-share limitation.
706.326 Evasion.

APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

706.327 Persons eligible to file application for payment of Federal cost-shares.
706.328 Time and manner of filing applications and required information.

APPEALS

706.329 Appeals.

DEFINITIONS

706.330 Definitions.

AUTHORITY, AVAILABILITY OF FUNDS, APPLICABILITY, AND ADMINISTRATION

706.331 Authority.
706.332 Availability of funds.
706.333 Applicability.
706.334 Administration.

AUTHORITY: The provisions of this Subpart G issued under sec. 4, 49 Stat. 164, secs. 7–17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g–590q.

## GENERAL PROVISIONS

### § 706.301 General requirements.

No tract or drift can qualify for cost-sharing under more than one conservation practice other than as provided for under practices specified in §§ 706.315, 706.316, and 706.318. In each of the practices the faces are to be worked sufficiently to obtain at least one dipping of gum from the current year's working.

### § 706.302 Required performance.

(a) *Approved conservation practices.* Each participating producer shall carry out at least one of the approved conservation practices in every tract or drift of faces operated by him during the 1965 turpentine season. This requirement will not apply if the Forest Service determines that the condition of a particular tract or drift does not warrant carrying out approved conservation practices as a practical or economic matter, in which case the Forest Service may approve face installations made without carrying out a conservation practice. In cases where such approval is given for specific tracts or drifts of the turpentine farm, no cost will be shared for any faces in such tracts or drifts.

(b) *Practice components.* Cost-sharing may be approved under the 1965 program for only the component parts of the practices which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of each practice.

(c) *First year working.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i.e., faces installed for the first working during the 1965 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 60 days after the producer is notified by the Forest Service, or the tract or drift will be considered only for qualification for cost-shares under the next lower practice for which qualified.

(d) *Second, third, fourth, or fifth year working.* The cost-shares for working of faces for second, third, fourth, or fifth years are applicable under the 1965 program to faces which were installed and met the eligible face requirements during the 1961, 1962, 1963, or 1964 season. Such cost-shares may also be allowed to new participating producers working tracts or drifts which had some undersized trees from which cups have been removed by the time of first elevation. New faces installed in 1965 and those installed in 1965 or prior years contrary to the requirements for eligible faces will disqualify the tracts or drifts for cost-sharing, unless the cups and tins on such faces shall be removed within 60 days after the producer is notified by the Forest Service. If such faces are not removed within the period approved by the Forest Service there may be withheld or required to be refunded the entire cost-shares for the tract or drift previously paid to the producer who installed the improper faces.

(e) Practices under §§ 706.309, 706.310, 706.311, 706.312, 706.313, 706.314, 706.315, or 706.317 which require more than one year for completion. Cost-shares may be approved under this program for the completion of a component of a practice only on the condition that the producer agrees in writing to complete the remaining components of the practice according to program provisions and within the time prescribed by the Forest Service, unless prevented from doing so by reasons beyond his control, or refund the cost-shares paid to him. The extension of the period for completion of the components shall not constitute a commitment to approve cost-shares therefor under a subsequent program. Approval of cost-sharing for other practices under a subsequent program may also be denied until the remaining components are completed.

### § 706.303 Double-headed nails requirement.

Use of double-headed nails is required in the elevation of all cups and tins.

### § 706.304 Fire protection.

Each producer shall during the 1965 turpentine season cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following approved forest fire protection on his turpentine farm.

### § 706.305 Bark-bar requirement.

No back face shall be worked on any tree unless a live bark-bar on each side of the back face is provided and maintained throughout the 1965 turpentine season, the total of the two bark-bars being not less than 7 inches in width, measured horizontally along the bark surface at the narrowest point: *Provided, however,* That the restriction with respect to the width of the bark-bar shall not apply to any tree which has on it two or more old faces, including any back face installed prior to 1965. Faces having bark-bars totaling less than 7 inches shall not be worked in a manner that will result in leaving bark-bars less than those of former workings measured at the narrowest point.

### § 706.306 Inspection assistance.

Each producer shall assist representatives of the Forest Service in the administration of this program by:

(a) Giving them free access to his turpentine farm or farms;

(b) Counting all faces and reporting separately thereon by tracts and drifts to the local inspector (Area Forester);

(c) Furnishing information on burned areas, cutting operations, and interest in other turpentine farms as requested;

(d) Furnishing competent labor to assist the local inspector (Area Forester) in counting faces;

(e) Submitting an application for payment of Federal cost-shares (Form NSCP–3200–1) and other prescribed forms;

(f) Notifying the Forest Service promptly of any change in ownership, control, or number of faces worked; and

(g) Otherwise facilitating the work of the inspector (Area Forester) in checking compliance with the terms and conditions of this program.

## CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES

### § 706.309 Practice 1: Working only 9 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 9 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 9 inch d.b.h. or larger trees; 2 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; ½ cent per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.315 is used.

### § 706.310 Practice 2: Working only 10 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 10 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 10 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 10 inch d.b.h. or larger trees; 4 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.315 is used.



### § 706.311 Practice 3: Working only 11 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 11 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 11 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 11 inch d.b.h. or larger trees; 6 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.315 is used.

### § 706.312 Practice 4: Working only 12 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 12 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 12 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 12 inch d.b.h. or larger trees; 7 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.315 is used.

### § 706.313 Practice 5: Restricting turpentining to previously worked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins over a period of two to five years only on trees having a previously worked face.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces on round trees.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of faces on previously worked trees; 7 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.315 is used.

### § 706.314 Practice 6: Working only selectively marked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on selectively marked trees over a period of two to five years.

(b) *Eligible faces.* Only trees 9 inches or more d.b.h. which should be removed to improve the timber stand may be cupped and only one face on trees less than 14 inches d.b.h. Cupping shall be limited to trees selectively marked in advance in accordance with good, approved timber management practices to insure production of larger diameter class timber or to provide other stand improvement measures as approved by the Forest Service: *Provided,* That the number of remaining uncupped trees per acre shall average at least the minimum number per acre specified by the Forest Service in its Minimum Stocking Guide issued June 4, 1956, as amended, and be well distributed over the area.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of selectively marked trees; 8 cents per face. If faces have been installed contrary to the requirements for eligible faces, the area will be considered only for qualification for cost-shares under one of the diameter cupping practices specified in §§ 706.309, 706.310, 706.311, or 706.312.

(2) Working of faces for second, third, fourth, or fifth year; 4 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.315 is used.

### § 706.315 Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails.

(a) *Purpose.* To minimize damage to the tree in installing faces for the virgin year or in the first elevation and to conserve the worked portion of the tree.

(b) *Description of practice.* This practice consists of using spiral gutters or Varn aprons attached with double-headed nails when cups and tins are initially installed on the face or when cups and tins are elevated for the first time.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 706.309, 706.310, 706.311, 706.312, 706.313, 706.314, and 706.317 may qualify for this practice, the cost-share for which is in addition to the aforesaid sections.

(d) *Component of practice and rate of cost-sharing.* (1) Initial use of spiral gutters or Varn aprons in the virgin installation or in the first elevation of cups and tins; 2 cents per face.

(i) The cost-share rate established for initiating this practice is limited to tracts or drifts having only virgin working faces, i.e., faces installed for the first working during the 1965 season or faces upon which the cups and tins are elevated for the first time during the 1965 season. On accepting cost-sharing for this practice the producer agrees to use the spiral gutter or Varn apron and double-headed nails to attach the tins in all subsequent raisings and attachment of tins to the face.

(ii) Cups and tins shall be installed in a manner that will minimize the loss of gum and restrict amount of damage to the tree. Spiral gutters or Varn aprons shall be used and the tins shall be attached to the tree with double-headed nails. In smoothing the tree and seating the cup for virgin installation, exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

### § 706.316 Practice 8: Removal of cups and tins from faces on small trees.

(a) *Purpose.* To encourage producers who have not participated in the 1963 or 1964 programs to discontinue working small unproductive trees, to promote improved naval stores and forestry practices, and to improve productivity of the woodland.

(b) *Description of practice.* This practice consists of removing the cups and tins and discontinuing the working of small unproductive timber and meeting all other requirements for participation in this program.

(c) *Eligible faces.* All faces installed for the first working in 1965 on trees under 9 inches d.b.h. and all but one face on trees between 9 and 14 inches d.b.h. having two or more faces. Working of faces shall be discontinued and cups and tins removed by tracts or drifts within 60 days after the producer is notified by the Forest Service to meet the eligible face requirements of § 706.309. Only producers who did not participate in the 1963 or 1964 programs are eligible for cost-sharing under this practice.

(d) *Component of practice and rate of cost-sharing.* (1) Removal of cups and tins on trees under 9 inches d.b.h. and on trees between 9 and 14 inches d.b.h. having more than one face; 8 cents per face. The cost-share for this component is applicable to faces discontinued by removal of cups and tins to permit

the tract or drift to meet the eligible face requirements of § 706.309.

**§ 706.317 Practice 9: Pilot plant tests of new methods and equipment.**

(a) *Purpose.* To conduct controlled demonstrations or experiments to test values of management practices, new methods and equipment for gum production.

(b) *Description of practice.* This practice consists of carrying out practical demonstrations or tests of management practices, new methods or equipment according to requirements of the Forest Service.

(c) *Eligible faces.* Only faces or check trees in selected tracts used in controlled demonstrations or tests carried out in accordance with provisions prescribed by the Forest Service are eligible for cost-sharing.

(d) *Components of practice and rates of cost-sharing.* (1) Eight cents per face for faces meeting the requirements of § 706.309.

(2) Eleven cents per face for faces meeting the requirements of §§ 706.310, 706.311, 706.312, 706.313, and 706.314.

**§ 706.318 Practice 10: Hardware removal.**

(a) *Purpose.* To encourage producers to remove all hardware to conserve the worked section of the tree for use in other products.

(b) *Description of practice.* This practice consists of removing all cups, nails, and tins by the producer who last worked the face.

(c) *Eligible faces.* All faces last worked in 1964 or 1965 on which no subsequent work will be done and from which all hardware is removed by December 31, 1965.

(d) *Component of practice and rate of cost-sharing; 2 cents per eligible face.* Use of this practice is optional. To qualify for cost-shares under this component in tracts or drifts having in excess of 5 percent of back-faced timber, all hardware must also be removed from the old faces or all trees with such old faces must be cut out of the tracts or drifts. No cost-share will be approved for the removal of hardware in any tract or drift unless all hardware is removed from all remaining trees with eligible faces.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

**§ 706.319 Increase in small Federal cost-shares.**

The total of the payment computed for any producer with respect to his turpentine farm under the Naval Stores Conservation Program and the cost-share computed for him on the same farm under the Agricultural Conservation Program shall be increased as follows: (a) Any Federal cost-sharing amounting to 71 cents or less shall be increased to $1.00; (b) any Federal cost-sharing amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent; (c) any Federal cost-sharing amounting to $1.00 or more shall be increased in accordance with the following schedule:

| Amount of cost-shares computed: | Increase in cost-shares |
|---|---|
| $1.00 to $1.99 | $0.40 |
| $2.00 to $2.99 | 0.60 |
| $3.00 to $3.99 | 1.20 |
| $4.00 to $4.99 | 1.60 |
| $5.00 to $5.99 | 2.00 |
| $6.00 to $6.99 | 2.40 |
| $7.00 to $7.99 | 2.80 |
| $8.00 to $8.99 | 3.20 |
| $9.00 to $9.99 | 3.60 |
| $10.00 to $10.99 | 4.00 |
| $11.00 to $11.99 | 4.40 |
| $12.00 to $12.99 | 4.80 |
| $13.00 to $13.99 | 5.20 |
| $14.00 to $14.99 | 5.60 |
| $15.00 to $15.99 | 6.00 |
| $16.00 to $16.99 | 6.40 |
| $17.00 to $17.99 | 6.80 |
| $18.00 to $18.99 | 7.20 |
| $19.00 to $19.99 | 7.60 |
| $20.00 to $20.99 | 8.00 |
| $21.00 to $21.99 | 8.20 |
| $22.00 to $22.99 | 8.40 |
| $23.00 to $23.99 | 8.60 |
| $24.00 to $24.99 | 8.80 |
| $25.00 to $25.99 | 9.00 |
| $26.00 to $26.99 | 9.20 |
| $27.00 to $27.99 | 9.40 |
| $28.00 to $28.99 | 9.60 |
| $29.00 to $29.99 | 9.80 |
| $30.00 to $30.99 | 10.00 |
| $31.00 to $31.99 | 10.20 |
| $32.00 to $32.99 | 10.40 |
| $33.00 to $33.99 | 10.60 |
| $34.00 to $34.99 | 10.80 |
| $35.00 to $35.99 | 11.00 |
| $36.00 to $37.99 | 11.20 |
| $37.00 to $37.99 | 11.40 |
| $38.00 to $38.99 | 11.60 |
| $39.00 to $39.99 | 11.80 |
| $40.00 to $40.99 | 12.00 |
| $41.00 to $41.99 | 12.10 |
| $42.00 to $42.99 | 12.20 |
| $43.00 to $43.99 | 12.30 |
| $44.00 to $44.99 | 12.40 |
| $45.00 to $45.99 | 12.50 |
| $46.00 to $46.99 | 12.60 |
| $47.00 to $47.99 | 12.70 |
| $48.00 to $48.99 | 12.80 |
| $49.00 to $49.99 | 12.90 |
| $50.00 to $50.99 | 13.00 |
| $51.00 to $51.99 | 13.10 |
| $52.00 to $52.99 | 13.20 |
| $53.00 to $53.99 | 13.30 |
| $54.00 to $54.99 | 13.40 |
| $55.00 to $55.99 | 13.50 |
| $56.00 to $56.99 | 13.60 |
| $57.00 to $57.99 | 13.70 |
| $58.00 to $58.99 | 13.80 |
| $59.00 to $59.99 | 13.90 |
| $60.00 to $185.99 | 14.00 |
| $186.00 to $199.99 | (1) |
| $200.00 and over | (2) |

[1] Increase to $200.
[2] No increase.

**§ 706.320 Maintenance of practices.**

The sharing of costs by the Federal Government for performance of approved practices included in this program will be subject to the condition that the producer with whom the costs are shared will maintain such practices in accordance with good forestry practices as long as the timber remains under his control. There may be withheld or required to be refunded all cost-shares on tracts or drifts in which failure to maintain any or all practices occurs, except as modified by this section or § 706.302(d). The producer shall not be expected to maintain and complete the practice when prevented by destruction of the timber by fire, weather, insects, diseases, or other conditions beyond his control. Measures which will be considered as failure to maintain practices in accordance with good forestry practices shall include, but are not restricted to, the following:

(a) The cutting contrary to good forestry practices of turpentine trees in tracts or drifts (including current nonworking areas) on which costs have been or would be shared under this or the 1961, 1962, 1963, or 1964 program. There may be withheld or required to be refunded the amount previously paid for each face for which costs were shared in 1961, 1962, 1963, 1964, or 1965 in the tracts or drifts in which such cutting occurs. Conformity to the following rules shall be considered good cutting practice:

(1) When turpentine trees are cut for thinnings at least the minimum number of trees per acre specified in the Minimum Stocking Guide issued by the Forest Service June 4, 1956, as amended, shall be left uncut and undamaged and well distributed over the cutting area.

(2) When turpentine trees are cut in a harvest cutting, at least 400 turpentine trees per acre shall be left uncut and undamaged and well distributed over the cutting area, or a minimum of the following number or combination of numbers of thrifty turpentine seed trees per acre: 9 inches or over d.b.h.—6 trees, 8 inches d.b.h.—9 trees, or 7 inches d.b.h.—12 trees, shall be left uncut and undamaged, or if clearcut, artificial planting of at least 500 trees per acre will be accomplished prior to April 1, 1968.

(b) Raising cups and tins without double-headed nails. There may be withheld or required to be refunded all of the cost-shares earned under this or previous programs on the tracts or drifts in which such improper raising occurs.

(c) Picking up additional faces after the first year's working will disqualify the tract or drift for any further cost-sharing, unless the hardware is removed to limit the working to one age class of faces. Such removal must be accomplished within 60 days of notification by the Forest Service.

(d) Failure to meet bark-bar requirement. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper chipping occurs.

(e) The burning by the producer on any tract or drift of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree reproduction. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper burning occurs.

(f) The installation of new faces on round trees less than 9 inches d.b.h. or more than one face on round trees less than 14 inches d.b.h. in tracts or drifts having working faces installed during or prior to the 1960 turpentine season. There may be withheld or required to be refunded 2 cents per face for each working face installed during or prior to 1960 in the tracts or drifts in which such installation occurs.



**§ 706.321 Practices defeating purposes of programs.**

If the Forest Service finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any cost-share which has been or otherwise would be made to such producer under this program, except as modified by § 706.302(d) or § 706.320.

**§ 706.322 Federal cost-shares not subject to claims.**

Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 706.323 and except for indebtedness to the United States subject to set-off under order issued by the Secretary (Part 13 of this title)) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**§ 706.323 Assignments.**

Any producer who may be entitled to any Federal cost-share under the 1965 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1965, including the carrying out of soil and water conserving practices. No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the regulations issued by the Secretary (Part 709 of this chapter), witnessed, however, by an inspector or the Program Supervisor of the Forest Service and filed with the Forest Service, Valdosta, Georgia.

**§ 706.324 Death, incompetency, or disappearance of producer.**

In case of death, incompetency, or disappearance of any producer, his share of cost-sharings shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122 as amended (Part 707 of this chapter).

**§ 706.325 Maximum Federal cost-shares limitation.**

The total of all cost-shares under the 1965 Naval Stores Conservation and the 1965 Agricultural Conservation Programs to any person with respect to farms, ranching units, and turpentine places in the United States, Puerto Rico, and the Virgin Islands for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

**§ 706.326 Evasion.**

All or any part of any Federal cost-share which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means which was designed to evade, or which has the effect of evading, the provisions of § 706.325.

APPLICATIONS FOR PAYMENT OF FEDERAL COST-SHARES

**§ 706.327 Persons eligible to file application for payment of Federal cost-shares.**

An application for payment of Federal cost-shares may be filed by any producer who contributed to the performance of any approved Naval Stores Conservation practice and is working faces for the production of gum naval stores, during the 1965 turpentine season, which were installed during or after the 1961 season. If it is determined that two or more producers contributed to carrying out the practice the Federal cost-shares shall be divided among such producers in the proportion which the Program Supervisor determines they contributed to carrying out the practice. In making this determination, the Program Supervisor shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the Program Supervisor that their respective contributions thereto were not in equal proportion. The furnishing of land, trees, or the right to use water will not be considered as a contribution to the carrying out of any practice.

**§ 706.328 Time and manner of filing applications and required information.**

Payment of Federal cost-shares will be made only when a report of performance is submitted to the Forest Service on or before December 31, 1965, on the prescribed form (NSCP–3200–1) Application for Payment. Payment of Federal cost-shares may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

**§ 706.329 Appeals.**

Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the Regional Forester in writing to review the recommendation or determination of the Program Supervisor in any matter affecting the right to or the amount of his Federal cost-shares with respect to the producer's turpentine farm. The Regional Forester shall notify the producer of his decision in writing within 60 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Regional Forester he may, within 15 days after the decision is forwarded to or made available to him, request the Chief of the Forest Service to review the case and render his decision, which shall be final.

DEFINITIONS

**§ 706.330 Definitions.**

(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine and gum rosin produced from living trees.

(b) *Producer or turpentine farmer.* Any person, firm, partnership, corporation, or other business enterprise doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either of the two species, longleaf pine (Pinus palustris) or slash pine (Pinus elliottii Engelm).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, herein referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer on which turpentine trees are growing and which are not being currently worked for gum naval stores, herein referred to as a nonworking area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Turpentine season.* The entire calendar year, or, if a farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), herein referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D.b.h.* Diameter breast height; i.e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* An idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or a dry face.

(o) *Back face.* A face placed on a tree having a previously worked face.

(p) *Spiral gutter.* A curved gutter that follows a spiral path around the tree.

(q) *Varn apron.* A curved two-piece adjustable apron with tacking flange.

(r) *Double-headed nail.* Double-headed nails specially designed for naval

stores use are produced commercially by several manufacturers. The use of a double-headed nail meeting the following minimum specifications is required where this practice is used: The overall length shall be 1⅜ inches; distance between heads a minimum of ¼ inch; its wire gauge no smaller than 13; the driving head shall be of the flat "Common Nail" type with diameter between 5/32 and ¼ inches and diameter of clinching head ¼ inch. Experience has shown that the use of double-headed nails meeting these specifications is satisfactory and meets the requirements for any type of installation and easy removal from the trees.

(s) *Virgin streak.* The first chipping of the tree following initial installation of the face.

(t) *Hardware.* All gutters, aprons, or metal strips of any kind whatsoever together with nails used to support same and nails used to support cups for the collection of raw gum resin.

AUTHORITY, AVAILABILITY OF FUNDS, APPLICABILITY AND ADMINISTRATION

**§ 706.331 Authority.**

This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended.

**§ 706.332 Availability of funds.**

(a) The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation and by the extent of participation in this program.

(b) The funds provided for this program will not be available for the payment of applications filed after December 31, 1966.

(c) If the total estimated cost-shares under the Naval Stores Conservation Program exceed the total funds available for cost-sharing, such cost-shares will be reduced equitably.

**§ 706.333 Applicability.**

(a) The provisions of this program are not applicable to any turpentining operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to lands owned by the United States which are administered by the Forest Service of the Department of Agriculture or by the Fish and Wildlife Service of the Department of the Interior).

(b) This program is applicable to:

(1) Turpentine farms on privately owned lands;

(2) Lands owned by a State or political subdivision or agency thereof; or

(3) Lands owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such government or corporation ownership and are not acquired or reserved for conservation purposes.

Of the lands covered by subparagraph (3) of this paragraph only turpentine farms on lands meeting eligibility provisions of subparagraph (3) of this paragraph that are administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, a Production Credit Association, or the U.S. Department of Defense, shall be considered eligible unless the Forest Service finds that land administered by any other agency complied with all of the foregoing provisions for eligibility.

**§ 706.334 Administration.**

The Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions and forms, and to make such determinations, as may be required to administer this program, pursuant to the provisions of this bulletin, and the field work shall be administered by the Forest Service through the office of the Regional Forester, U.S. Forest Service, 50 Seventh Street NE., Atlanta Ga., 30323. Information concerning this program may be secured from the Forest Service, Valdosta, Ga., or from any local Area Forester of the Forest Service.

Done at Washington, D.C., this 2d day of October 1964.

CHARLES S. MURPHY,
*Under Secretary.*

[F.R. Doc. 64-10268; Filed, Oct. 7, 1964; 8:50 a.m.]

## Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 871.17]

## PART 871—SUGARBEETS

### Fair and Reasonable Prices, 1964 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of evidence presented at public hearings held in December 1963 and January 1964 the following determination is hereby issued.

**§ 871.17 Fair and reasonable prices for the 1964 crop of sugarbeets.**

A producer of sugarbeets who is also a processor of sugarbeets (herein referred to as "processor") shall have paid, or contracted to pay for all sugarbeets of the 1964 crop grown by other producers and processed by him, in accordance with the following requirements:

(a) *Purchase agreements.* (1) The price for all sugarbeets delivered by a producer and processed by a processor, shall be not less than that required to be paid pursuant to the 1964-crop sugarbeet purchase contract between the processor and the producer for sugarbeets processed from the acreage specified in such contract.

(2) If the processor, in determining the net proceeds pursuant to the contract, makes a deduction from the gross sales price of sugar for factory site bulk sugar storage facilities owned by the processor, such deduction shall be limited to amortization of such facilities, including improvements, over a reasonable period, interest at prevailing rates on the unrecovered cost, taxes, insurance, maintenance, and operating costs properly applicable thereto. After the costs of the facilities, including improvements, have been fully recovered such deduction shall be limited to taxes, insurance, maintenance, and operating costs properly applicable thereto.

(3) In determining the net proceeds pursuant to the contract, the gross sales price per 100 pounds to be applicable to sugar sold to an affiliate company or other affiliate business entity, or to sugar used by the processor during the settlement period, shall be not less than the weighted average quoted basis price, less customary allowances, and plus appropriate prepays and package differentials which would have been applicable to such sugar had it been marketed to nonaffiliated purchases.

(b) *Reporting requirements.* The processor shall submit to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, within 60 days after the close of the sales period specified in the sugarbeet purchase contract an itemized statement, for each settlement district, certified by an independent accountant showing the computation of "net proceeds" or "net returns" as provided in such contract, such statement to be in substantially the form as that contained in Schedule A below: *Provided,* That, if the processor markets sugar to an affiliate company or other affiliate business entity or if the processor uses any beet sugar, the weighted average gross sales price for each category, the marketing expenses applicable to each, and the net proceeds derived therefrom shall be reported in substantially the form shown on Schedule A–1 below, to supplement the information submitted in accordance with Schedule A: *Provided further,* That, if the processor in determining net proceeds makes a deduction for factory-site bulk sugar storage facilities owned by the processor, the total cost of such facilities, including improvements, the amount of the deduction and the expenses used in determining such deduction shall be reported in substantially the form shown on Schedule A–2 below, to supplement the information submitted in accordance with Schedule A.

(c) *Subterfuge.* The processor shall not reduce returns to producers below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the Act, by a producer who processes sugarbeets of the 1964 crop grown by other producers.

(b) *Requirements of the Act.* Section 301(c)(2) of the act provides that the producer on the farm who is also, directly or indirectly, a processor of sugarbeets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarbeets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1964 fair price determination.* This determination provides that a processor shall be deemed to have complied with the fair price provisions of the Sugar Act if he has paid, or contracted to pay, prices for all sugarbeets processed that are not less than those determined pursuant to the applicable 1964-crop purchase contract with producers.

At the public hearings representatives of producers and processors reported that where 1964-crop purchase contracts had been negotiated with growers the provisions were generally much the same as the 1963-crop contracts.

Examination of the 1964-crop purchase contracts which have been negotiated by producers and processors and submitted to the Department subsequent to the hearing, indicates that in the majority of contracts the major provisions relating to payments for sugarbeets conform to those of the 1963 crop. Three processors have adjusted the payment scale in a number of their contracts—two processors increased the prices to be paid for beets at sugar content levels above the normal range for the area and decreased prices for beets at sugar content levels below normal; and one processor increased slightly the payment for beets at all levels of net proceeds realized from the sale of sugar, pulp, and molasses, above a certain level. New contracts in two settlement areas adopt, generally, the provisions of other contracts of the company. The basis of payment for quality of beets was changed in one contract from a factory average cossette test to an individual test basis adjusted by the average sugar content in cossettes. Other changes in the contracts relate to delivery schedules, the prices for sugarbeet seed, charges for the use of company-owned bulk sugar storage facilities, the participation by producers and processors in the freight costs for sugarbeets, and the methods of taring beets. Changes in the 1964 crop purchase contracts are not expected to alter significantly the sharing relationship between the producer and the processor at normal ranges of sugar prices and sucrose levels.

The contract of one processor who will operate a new plant in a locality which received an acreage commitment from the national acreage reserve authorizes a deduction of $1.00 per ton of beets by the processor in accordance with a Capital Contribution Agreement. Under that agreement, the producer has agreed to pay to the processor as a capital contribution $1.00 per ton of beets until the aggregate amount contributed by all producers equals $5 million.

Consideration has been given to the provisions of the purchase contracts, to the comparative average operating results of producers and processors obtained by field study for a prior crop and recast in terms of prospective price and production conditions for the 1964 crop, and to other pertinent factors. The analysis indicates that the payments for sugarbeets provided in the 1964 crop purchase contracts are fair and reasonable at levels of sugar prices which may be expected during the marketing season.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended. (Sec. 403, Stat. 932, 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929, 7 U.S.C. Sup. 1131.)

(The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

*Effective date.* This determination shall become effective on October 2, 1964, and is applicable to the 1964 crop of sugarbeets.

Signed at Washington, D.C., on October 2, 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

SCHEDULE A—STATEMENT OF AVERAGE NET RETURN OR NET PROCEEDS FROM SALES OF SUGAR [1]

Company _____
Settlement area _____
Settlement period _____

| | Per hundredweight sugar (dollars) |
|---|---|
| Gross sales price | |
| Less Sales and Marketing Expenses (Applicable to Sugar only): | |
| Federal excise tax | |
| Freight on sugar to destination | |
| Cash discount | |
| Allowances | |
| Public storage (actually paid) | |
| Off-site storage owned by the processor (amount charged) | |
| On-site storage (computed charge) [2] | |
| Loading and handling | |
| Cost of packing in excess of basis pack | |
| Taxes | |
| Insurance | |
| Brokerage and Commissions | |
| Advertising | |
| Sales department expenses: | |
| Salaries | |
| Travel | |
| Miscellaneous | |
| Other (specify) | |
| Total Expense | |
| Net Return or Net Proceeds | |

[1] Where the purchase contract provides that the proceeds from the sales of molasses and beet pulp are to be included in calculating the net return or net proceeds, show separately the gross sales price and the marketing expenses applicable to each.

[2] Obtain from Schedule A–2.

(Data will be held confidential and will not be published in any manner as would disclose the operations of any company.)

SCHEDULE A–1—STATEMENT OF GROSS SALES PRICES APPLICABLE TO SUGAR SOLD TO AFFILIATED COMPANIES OR ENTITIES AND USED BY THE PROCESSOR, AS COMPARED TO SALES TO NONAFFILIATED PURCHASERS

| | Affiliated purchasers | Used by processor | Nonaffiliated purchasers |
|---|---|---|---|
| Sugar sold or used ..... cwt. | | | |
| | *Dollars per cwt.* | *Dollars per cwt.* | *Dollars per cwt.* |
| Quoted basis price | | | |
| Customary allowances: (itemize) | | | |
| Open competitive | | | |
| Other: | | | |
| | | | |
| | | | |
| Basis price—less allowances | | | |
| Prepay | | | |
| Package differential | | | |
| Gross sales price | | | |
| Marketing expenses | | (1) | |
| Net proceeds | | | |

[1] If any marketing expenses are deducted from the Gross Sales Price by the processor in computing net return for this particular sugar, such expenses shall be itemized separately. (Data will be held confidential and will not be published in any manner as would disclose the operations of any company.)

SCHEDULE A–2—STATEMENT RELATING TO CHARGES FOR COMPANY-OWNED FACTORY-SITE BULK SUGAR STORAGE IN COMPUTING NET PROCEEDS, 1964 CROP (SUBMIT SEPARATE SCHEDULE FOR EACH FACILITY)

Company _____
Location of bulk sugar storage facility _____
Settlement areas included _____
Settlement period _____
Sugar sold during settlement period—cwt. _____

| | Total dollars |
|---|---|
| Original cost of facility (year first used ) | |
| Improvements (item and date): | |
| | |
| | |
| | |
| Total cost of facility including improvements | |
| Total amount recovered prior to 1964 crop | |
| Total unrecovered cost of facility | |

SCHEDULE A–2—Continued

| | |
|---|---|
| Operating costs or charges for 1964 crop: | |
| Interest on unrecovered cost | |
| Taxes | |
| Insurance | |
| Maintenance and operating (itemize) | |
| | |
| | |
| | |
| | |
| Total operating costs for 1964 crop | |
| Amount applied against 1964 crop to amortize cost of facility | |
| Total amount charged for facility in computing net proceeds—1964 crop (to be carried to Schedule A as amount of deduction) | |
| Unamortized cost of facility at end of 1964 crop | |

(Data will be held confidential and will not be published in any manner as would disclose the operations of any company.)

[F.R. Doc. 64–10246; Filed, Oct. 7, 1964; 8:48 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. C–834]

### PART 13—PROHIBITED TRADE PRACTICES

### Cotton City Wash Frocks, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising Expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Cotton City Wash Frocks, Inc., New York, N.Y., Docket C–834, Sept. 18, 1964]

Consent order requiring a New York City distributor of wearing apparel to cease discriminating in price in violation of section 2(d) of the Clayton Act by such practices as granting substantial promotional payments for advertising its products to certain department stores and others while not making comparable allowances available to all the competitors of the favored customers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondent Cotton City Wash Frocks, Inc., 1350 Broadway, New York 18, New York, a corporation, its officers, directors, agents and representatives and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(1) Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

*It is further ordered,* That the effective date of this order to cease and desist be and it hereby is postponed until further Order of the Commission.

Issued: September 18, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64–10217; Filed, Oct. 7, 1964; 8:46 a.m.]

[Docket No. C–835]

### PART 13—PROHIBITED TRADE PRACTICES

### Premier Knitting Co., Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 4 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Premier Knitting Co., Inc., New York, N.Y., Docket C–835, Sept. 18, 1964]

Consent order requiring a New York City distributor of wearing apparel to cease discriminating in price in violation of section 2(d) of the Clayton Act by such practices as granting substantial promotional payments for advertising its products to certain department stores and others while not making comparable allowances available to all the competitors of the favored customers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondent Premier Knitting Co., Inc., 1410 Broadway, New York, New York, a corporation, its officers, directors, agents and representatives and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(1) Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

*It is further ordered,* That the effective date of this order to cease and desist be and it hereby is postponed until further Order of the Commission.

Issued: September 18, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64–10218; Filed, Oct. 7, 1964; 8:46 a.m.]

[Docket No. C–836]

### PART 13—PROHIBITED TRADE PRACTICES

### Regal Knitwear Co., Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 5, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Premier Knitting Co., Inc., New York, N.Y., Docket C–835, Sept. 18, 1964]

Consent order requiring a New York City distributor of wearing apparel to cease discriminating in price in violation of section 2(d) of the Clayton Act by such practices as granting substantial promotional payments for advertising its products to certain department stores and others while not making comparable allowances available to all the competitors of the favored customers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondent Regal Knitwear Co., Inc., 1333 Broadway, New York, New York, a corporation, its officers, directors, agents and representatives and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(1) Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

*It is further ordered,* That the effective date of this order to cease and desist be and it hereby is postponed until further order of the Commission.

Issued: September 18, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64–10219; Filed, Oct. 7, 1964; 8:46 a.m.]



# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER A—GENERAL

### PART 8—COLOR ADDITIVES

### Subpart D—Listing of Color Additives for Food Use Exempt From Certification

### Subpart F—Listing of Color Additives for Drug Use Exempt From Certification

DILUENTS IN COLOR ADDITIVE MIXTURES; FINAL ORDER LISTING FOR FOOD AND DRUG USE

In response to the notice published in the FEDERAL REGISTER of July 16, 1964 (29 F.R. 9623), which proposed the listing of certain diluents in color additive mixtures for food and drug use, four comments were received. Three of the comments dealt with additions to the list of diluents. One comment, by the Certified Color Industry Committee, proposed that all color additive mixtures for food use be subject to certification.

The Commissioner of Food and Drugs has carefully considered the comments received, together with other relevant data, and has reached the following conclusions:

1. A requirement that all color additive mixtures for food use be subject to certification would require amendment of § 8.30 of the Interpretative and Procedural Color Additive Regulations. No evidence has been advanced, nor is information otherwise available, from which a conclusion can be reached that such an amendment is necessary to protect consumer interests.

2. It is concluded that grounds have been stated for the requests to include a number of other diluents in the proposed list, and the requests are granted, in part.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(c), (d), 74 Stat. 402, 403; 21 U.S.C. 376(c), (d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471); *It is ordered,* That §§ 8.390 and 8.6200 be adopted as set forth below:

1. Subpart D, Part 8 is amended by adding thereto the following new section:

**§ 8.390 Diluents in color additive mixtures for food use exempt from certification.**

The following substances may be safely used as diluents in color additive mixtures for food use exempt from certification, subject to the condition that each straight color in the mixture has been exempted from certification or, if not so exempted, is from a batch that has previously been certified and has not changed in composition since certification. If a specification for a particular diluent is not set forth in this Subpart D, the material shall be of a purity consistent with its intended use.

(a) *General use.* (1) Substances that are generally recognized as safe under the conditions set forth in section 201(s) of the act.

(2) Substances meeting the definitions and specifications set forth under Part 121 of this chapter, and which are used only as prescribed by such regulations.

(3) The following:

| Substance | Definition and specification | Restrictions |
|---|---|---|
| Castor oil | As set forth in U.S.P. XVI. | Not more than 500 p.p.m. in the finished food. Labeling of color additive mixtures containing castor oil shall bear adequate directions for use that will result in a food meeting this restriction. |

(b) *Special use*—(1) *Diluents in color additive mixtures for marking food*—(i) *Inks for marking gum and confectionery.* Items listed in paragraph (a) of this section and the following:

| Substances | Definitions and specifications | Restrictions |
|---|---|---|
| n-Butyl alcohol | | No residue in finished confectionery or gum. |
| Cetyl alcohol | As set forth in N.F. XI. | |
| Cyclohexane | | Do. |
| Ethyl cellulose | As set forth in § 121.1087 of this chapter. | |
| Ethylene glycol monoethyl ether | | Do. |
| Isobutyl alcohol | | Do. |
| Isopropyl alcohol | | Do. |
| Polyoxyethylene sorbitan monooleate (polysorbate 80). | As set forth in § 121.1009 of this chapter. | |
| Polyvinyl acetate | Molecular weight, minimum 2,000. | |
| Polyvinylpyrrolidone | As set forth in § 121.1139 of this chapter. | |
| Rosin and rosin derivatives | As set forth in § 121.1059 of this chapter. | |
| Shellac, purified | Food grade. | |

(ii) *Inks for marking fruit and vegetables.* Items listed in paragraph (a) of this section and the following:

| Substances | Definitions and specifications | Restrictions |
|---|---|---|
| Acetone | As set forth in N.F. XI | No residue. |
| Alcohol, SDA–3A | As set forth in 26 CFR Part 212 | Do. |
| Benzoin | As set forth in U.S.P. XVI | |
| Copal, Manila | | Do. |
| Ethyl acetate | As set forth in N.F. XI | |
| Ethyl cellulose | As set forth in § 121.1087 of this chapter. | |
| Methylene chloride | | Do. |
| Polyvinylpyrrolidone | As set forth in § 121.1139 of this chapter. | |
| Rosin and rosin derivatives | As set forth in § 121.1059 of this chapter. | |
| Silico dioxide | As set forth in § 121.1058 of this chapter. | Not more than 2 percent of the ink solids. |
| Terpene resins, natural | As set forth in § 121.1059 of this chapter. | |
| Terpene resins, synthetic | Polymers of α- and β-pinene | |

(2) *Diluents in color additive mixtures for coloring shell eggs.* Items listed in paragraph (a) of this section and the following, subject to the condition that there is no penetration of the color additive mixture or any of its components through the eggshell into the egg:

Alcohol, denatured, formula 23A (26 CFR Part 212), Internal Revenue Service.
Damar gum (resin).
Diethylene glycol distearate.
Dioctyl sodium sulfosuccinate.
Ethyl cellulose (as identified in § 121.1087 of this chapter).
Ethylene glycol distearate.
Japan wax.
Limed rosin.
Naphtha.
Pentaerythritol ester of fumaric acid-rosin adduct.
Polyethylene glycol 6000 (as identified in § 121.1057 of this chapter).
Polyvinyl alcohol.
Rosin and rosin derivatives (as identified in § 121.1059 of this chapter).

2. Subpart F, Part 8, is amended by adding thereto the following new section:

**§ 8.6200 Diluents in color additive mixtures for drug use exempt from certification.**

The following diluents may be safely used in color additive mixtures that are exempt from certification and which are

cation of rosin esters by countercurrent steam distillation be replaced by permitting purification by steam sparging or by steam stripping. This request was deemed valid. Additionally, it was requested that the drop-softening point specification included in the proposal be replaced by the method ASTM E 28–58T, entitled "Tentative Method of Test for Softening (by Ring and Ball Apparatus)." It has been concluded that drop-softening point will be specified, but industry is free to use any method available for the determination of softening point or melting point of "Plasticizing Materials (Softeners)" identified in this section, provided that the method of choice is scientifically adequate for such determination. For the purpose of determining compliance with the regulation, the Food and Drug Administration will use the drop-softening point.

On July 8, 1964 (29 F.R. 9326), § 121.1156 was promulgated authorizing the use of petroleum wax as a masticatory substance in chewing gum base. For the purpose of cross-referencing, it has been concluded that § 121.1059 should include a specific reference to § 121.1156.

Based upon the foregoing conclusion and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c), (d), 72 Stat. 1786, 1787; 21 U.S.C. 348 (c), (d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1059 of the food additive regulations is amended by adding to the list of synthetic masticatory substances, immediately before "Polyethylene", the component "Petroleum wax" and by revising the list of "Plasticizing Materials (Softeners)" to read as follows:

§ 121.1059 Chewing gum base.

(a) * * *

| Masticatory Substances |
|---|
| * * * |
| *Synthetic* |
| * * * |
| Petroleum wax. |
| * * * |
| Plasticizing Materials (Softeners) |
| Glycerol ester of partially dimerized rosin. |
| Glycerol ester of partially hydrogenated wood rosin. |
| Glycerol ester of polymerized rosin. |
| Glycerol ester of wood rosin. |
| Lanolin. |
| Methyl ester of rosin, partially hydrogenated. |
| Pentaerythritol ester of partially hydrogenated wood resin. |
| Pentaerythritol ester of wood rosin. |
| Rice bran wax. |
| Stearic acid. |
| Sodium and potassium stearates. |

*Specifications*

Complying with § 121.1156.

Having an acid number of 3–9, a drop-softening point of 109° C.–119° C., and a color of M or paler.

Having an acid number of 3–10, a drop-softening point of 79° C.–88° C., and a color of N or paler.

Having an acid number of 3–12, a melting-point range of 80° C.–126° C., and a color of M or paler.

Having an acid number of 5–9, a drop-softening point of 88° C.–96° C., and a color of N or paler. The ester is purified by steam stripping.

Having an acid number of 4–6, a refractive index of 1.5170–1.5205 at 20° C., and a viscosity of 23–68 poises at 25° C. The ester is purified by steam stripping.

Having an acid number of 7–18, a drop-softening point of 102° C.–110° C., and a color of K or paler.

Having an acid number of 6–16, a drop-softening point of 109° C.–116° C., and a color of M or paler.

Complying with § 121.1098.
Complying with § 121.1070.
Complying with § 121.1071.

to be used for coloring drugs, subject to the condition that each straight color in the mixture has been exempted from certification or, if not so exempted, is from a batch that has previously been certified and has not changed in composition since certification. Such listing of diluents is not to be construed as superseding any of the other requirements of the Federal Food, Drug, and Cosmetic Act with respect to drugs, including new drugs. If a definition and specification for a particular diluent is not set forth in this Subpart F, the material shall be of a purity consistent with its intended use.

(a) *Ingested drugs*—(1) *General use.* Diluents listed in § 8.390(a) and the following:

| Substances | Definitions and specifications | Restrictions |
|---|---|---|
| Alcohol, specially denatured | As set forth in 26 CFR, Part 212. | |
| Cetyl alcohol | As set forth in N.F. XI. | |
| Isopropyl alcohol | | In color coatings for pharmaceutical forms; no residue. |
| Polyoxyethylene (20) sorbitan monostearate (Polysorbate 60). | As set forth in § 121.1060 of this chapter. | |
| Polyoxyethylene (20) sorbitan tristearate (Polysorbate 65). | As set forth in § 121.1008 of this chapter. | |
| Polysorbate 80 | As set forth in § 121.1009 of this chapter. | |
| Polyvinyl-pyrrolidone | As set forth in § 121.1180 of this chapter. | |
| Sorbitan monooleate | | |
| Sorbitan monostearate | As set forth in § 121.1029 of this chapter. | |
| Sorbitan trioleate | | |

(2) *Special use; inks for branding pharmaceutical forms.* Items listed in § 8.390(b)(1)(i) and the following:

Ethyl lactate.
Polyoxyethylene sorbitan monolaurate (20).

(b) *Externally applied drugs.* Diluents listed in paragraph (a)(1) of this section and the following:

| Substances | Definitions and specifications |
|---|---|
| Benzyl alcohol | As set forth in N.F. XI. |
| Ethyl cellulose | As set forth in § 121.1087 of this chapter. |
| Hydroxyethyl cellulose. | |
| Hydroxypropyl cellulose. | As set forth in § 121.1160 of this chapter. |

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(c), (d), 74 Stat. 402, 403; 21 U.S.C. 376(c), (d))

Dated: September 30, 1964.

WINTON B. RANKIN,
*Assistant Commissioner for Planning.*

[F.R. Doc. 64-10254; Filed, Oct. 7, 1964; 8:48 a.m.]



Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409 (c), (d), 72 Stat. 1786, 1787; 21 U.S.C. 348 (c), (d))

Dated: September 30, 1964.

WINTON B. RANKIN,
*Assistant Commissioner for Planning.*

[F.R. Doc. 64-10255; Filed, Oct. 7, 1964; 8:48 a.m.]

## PART 121—FOOD ADDITIVES

### SUBCHAPTER C—DRUGS

## PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

### Amprolium

A. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1343) filed by Merck Chemical Division, Merck and Company, Inc., Rahway, New Jersey, and other relevant material, has concluded that the food additive regulations should be amended to provide the conditions under which combinations of amprolium with ethopabate, arsanilic acid, penicillin, and streptomycin may be safely used in chicken feed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), Part 121 is amended in the following respects:

1. Section 121.210(c) is amended by changing items a and c now under item 2.2 in table 1 to read as set forth below and by inserting new items 2.3 and 2.4. As amended, the affected portions are as follows:

§ 121.210 Amprolium.

* * * * * * *

(c) * * *

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED

| Principal ingredient | Grams per ton | Combined with— | Grams per ton | Limitations | Indications for use |
|---|---|---|---|---|---|
| 2.2 * * * | * * * | * * * | * * * | * * * | * * * |
| 2.3 Amprolium | 113.5–227 (0.0125%–0.025%) | Arsanilic acid | 90 (0.01%) | For broiler chickens; not for laying chickens; withdraw 5 days before slaughter. | Prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation. |
| 2.4 Amprolium | 113.5–227 (0.0125%–0.025%) | Ethopabate + Arsanilic acid | 3.6 (0.0004%) do 90 (0.01%) | do | Do. |
| a. 2.1, 2.2, 2.3, or 2.4. | 113.5–227 | Penicillin | 2.4–50 | For broiler chickens; as procaine penicillin. | Growth promotion and feed efficiency. |
| * * * | * * * | * * * | * * * | * * * | * * * |
| c. 2.1, 2.2, 2 3, or 2.4. | 113.5–227 | Penicillin+streptomycin. | 14.4–50 | For broiler chickens; as procaine penicillin plus streptomycin sulfate; 14.4–50 gm. of combination containing 16.7% of penicillin. | Do. |

2. Section 121.253(c) is amended by revising the table to read as follows:

§ 121.253 Arsanilic acid.

* * * * * * *

(c) * * *

ARSANILIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

| Principal ingredient | Grams per ton | Combined with— | Grams per ton | Limitations | Indications for use |
|---|---|---|---|---|---|
| 1.1 Arsanilic acid | 90 (0.01%) | | | For chickens and turkeys; withdraw 5 days before slaughter. | Growth promotion and feed efficiency; improving pigmentation. |
| 1.2 Arsanilic acid | 90 (0.01%) | Penicillin | 2.4–50 | For broiler chickens; as procaine penicillin; withdraw 5 days before slaughter. | Do. |
| 1.3 Arsanilic acid | 90 (0.01%) | Penicillin + streptomycin. | 14.4–50 | For broiler chickens; as procaine penicillin + streptomycin sulfate; 14.4–50 gm. of combination containing 16.7% of penicillin; withdraw 5 days before slaughter. | Do. |
| a. 1.1 | 90 | Amprolium | 36.3–227 (0.004%–0.025%) | § 121.210, table 1, items 1.1, 2.1, 3.1. | § 121.210, table 1, items 1.1, 2.1, 3.1. |
| b. 1.1, 1.2, or 1.3 | 90 | do | 113.5–227 (0.0125%–0.025%) | § 121.210, table 1, item 2.1. | § 121.210, table 1, item 2.1. |
| c. 1.1, 1.2, or 1.3 | 90 | do + Ethopabate | 113.5–227 (0.0125%–0.025%) 3.6 (0.0004%) | § 121.210, table 1, item 2.2. | § 121.210, table 1, item 2.2. |
| d. 1.1 | 90 | Zoalene, with or without: | 36.3–170.3 (0.004%–0.01875%) | For chickens and turkeys; as prescribed in § 121.207, table, items 1, 2, 3. | § 121.207 table, items 1, 2, 3. |
| | | i. Penicillin | 2.4–50 | For chickens; as prescribed in § 121.207, table, items 2, 3; as procaine penicillin. | § 121.207, table, items 2, 3. |
| | | ii. Penicillin plus bacitracin. | 3.6–50 | For chickens; as prescribed in § 121.207, table, items 2, 3; not less than 0.6 gm. of penicillin nor less than than 3.0 gm. of bacitracin; as procaine penicillin plus bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin. | Do. |
| | | iii. Bacitracin | 4–50 | For chickens; as prescribed in § 121.207, table, items 2, 3; as bacitracin bacitracin methylene, disalicylate, manganese bacitracin, or zinc bacitracin. | Do. |

(Sec. 409(c)(1), 72 Stat. 1786 as amended 76 Stat. 785; 21 U.S.C. 348(c)(1))

B. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507(c), 59 Stat. 463, as amended; 21 U.S.C. 357(c)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), the Commissioner finds that



### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

CHEWING GUM BASE

A proposal to amend § 121.1059 was published in the FEDERAL REGISTER of July 10, 1964 (29 F.R. 9456). Subsequently, a comment was received requesting that the requirement of purifi-

animal feed containing amprolium and arsanilic acid is safe and efficacious for use in the amounts and under the conditions prescribed in Part 121 of this chapter. Therefore, § 146.26 is amended in the following respects:

Paragraph (b) (44) and (54) is amended by changing the first sentence in each subparagraph to read as indicated below:

§ 146.26 Animal feed containing certifiable antibiotic drugs.

• • • • • •

(b) • • •

(44) It is a medicated chicken or turkey feed containing antibiotics and amprolium, with or without arsanilic acid, in the amounts and for the purposes indicated in § 121.210 of this chapter, and its labeling bears adequate directions and warnings for such use; *Provided, however,* That such medicated complete feed has been prepared from a concentrated amprolium-antibiotic medicated feed that contained not more than 0.05 percent amprolium. • • •

• • • • • •

(54) It is a medicated feed for growing broiler and replacement chickens; it contains amprolium, ethopabate (methyl-4-acetamido-2-ethoxy benzoate), and antibiotics, with or without arsanilic acid, in the amounts and for the purposes indicated in § 121.210 of this chapter; and its labeling bears adequate directions and warnings for such use; *Provided, however,* That such medicated complete feed has been prepared from a concentrated medicated feed that contained not more than 0.05 percent amprolium and not more than 0.0016 percent ethopabate. • • •

(Sec. 507(c), 59 Stat. 463 as amended; 21 U.S.C. 357(c))

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 507(c), 59 Stat. 463 as amended; 72 Stat. 1786 as amended; 76 Stat. 785; 21 U.S.C. 348(c)(1), 357(c))

Dated: September 30, 1964.

WINTON B. RANKIN,
*Assistant Commissioner for Planning.*

[F.R. Doc. 64-10256; Filed, Oct. 7, 1964; 8:48 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6759]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Receipt of Minimum Distributions From Controlled Foreign Corporations

*Correction*

In F.R. Doc. 64-9633, appearing at page 13323 of the issue for Friday, September 25, 1964, the following changes should be made:

1. Section 1.693-1, on page 13325, should be numbered § 1.963-1.

2. On page 13337, § 1.963-4(c)(2)(ii)(*a*) should read as follows:

(*a*) The foreign income tax which is paid or accrued by a foreign corporation for such year, by reason of the receipt and payment of earnings and profits counting toward such minimum distribution, is deemed paid under subdivision (i)(*a*) or (*b*) of this subparagraph,

3. In the 3d column on page 13339, ".96", shown as the last item under "A", should appear under "B".

4. In the 2d column on page 13340, "$0.52" in the 2d line should read "0.52", "$0.90" and "$0.52" in the 13th line should read "0.90" and "0.52", and "$0.52" in the 45th line should read "0.52".

5. In the 3d column on page 13340, "[0.22×0.26]" in the 28th line should read "[0.22+0.26]".

6. On page 13341, item (c) of Example (4) should read:

(c) Based upon the distributions which are made by corporations A, B, and C, M Corporation pays United States tax as follows for 1963 and 1964:

7. On page 13341 in the table headed "1963", "O" should be inserted on the last line under "B".

8. On page 13342, the year "1963" heading the two double columns should read "1964" in both instances.

9. In the 6th line on page 13342, "$0.52" should read "0.52".

10. On page 13343, the year "1963" heading the double column should read "1964".

11. In the 1st column on page 13346, "[0.20+$30]" in the 11th line should read "[0.20×$30]".

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

## PART 73—RADIO BROADCAST SERVICES

### Television Broadcasting in Guam, Mariana Islands

By Order dated September 21, 1964, the Commission amended the Table of Frequency Allocations in § 2.106 of the rules to delete the availability of television broadcast Channel 4 (66-72 Mc/s) for use by television broadcast stations in Guam, Mariana Islands, prior to July 1, 1970. Subject to agreement by the Commission, frequencies within that band may be authorized for use by Government stations in the maritime mobile service in the Mariana Islands and vicinity, until July 1, 1970. Through inadvertence, a concomitant amendment of § 73.603 of the Commission rules was omitted.

*Accordingly, it is hereby ordered,* That pursuant to the authority contained in sections 4(j) and 303 (c), (f) and (r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules, § 73.603 of the Commission's rules is amended, effective October 8, 1964, by adding the following new paragraph (d):

§ 73.603 Numerical designation of television channels.

• • • • • •

(d) In Guam, Mariana Islands, the frequency band 66-72 Mc/s (Television Channel 4) is not available for use by television broadcast stations prior to July 1, 1970. Subject to agreement by the Commission, frequencies within this band may be authorized until July 1, 1970, for use by Government stations in the maritime mobile service in the Mariana Islands and vicinity.

(Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303)

Adopted: October 2, 1964.

Released: October 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10259; Filed, Oct. 7, 1964; 8:49 a.m.]

[Docket No. 14711; FCC 64-904]

## PART 73—RADIO BROADCAST SERVICES

### Multiple Ownership of Standard, FM and Television Broadcast Stations

*Memorandum Opinion and Order.* 1. In a Report and Order (FCC 64-445) released in this proceeding on June 9, 1964, and published in the FEDERAL REGISTER on June 12, 1964 (29 F.R. 7535) we amended the "duopoly" portions of the multiple ownership rules (§§ 73.35, 73.240, and 73.636) effective July 16, 1964. Prior to amendment, they were couched in terms of prohibiting parties from owning, controlling, or operating (1) standard broadcast stations if their primary service contours overlapped substantially, (2) FM broadcast stations which served substantially the same area, and (3) television broadcast stations which served substantially the same area. The amendments substituted for these general norms the following fixed standards: (1) Standard broadcast stations—no overlap of predicted or measured 1 mv/m contours, (2) FM broadcast stations—no overlap of the predicted 1 mv/m contours, and (3) television broadcast stations—no overlap of the predicted Grade B contours.



2. In addition to the foregoing, the amendments specified that the new requirements would apply to applicants for new stations, major changes in existing stations, assignments of licenses, and transfers of control (except for assignments or transfers which are pro forma or by operation of law); that they would not apply to Class IV standard broadcast stations requesting power increases; that they would not apply to television stations which are primarily "satellite" operations; and that they would not require divestiture, by any licensee, of existing facilities, but that commonly owned stations with prohibited overlapping contours could not be transferred or assigned to a single person or entity.

3. The Commission now has before it petitions for reconsideration of the aforementioned Report and Order, and petitions for stay of the effective date of the new amendments adopted therein.[1] Many of the points raised in the petitions for reconsideration are substantially the same as those previously considered in this proceeding. We have disposed of them in the Report and Order released June 9, 1964, herein and adhere to our original reasoning and decisions concerning them, which were reached after careful consideration. They will therefore be given no further discussion here.[2]

4. Some petitioners raise matters which are considered at this stage either for the purpose of clarifying or elaborating our previously expressed views on the subject, for disposing of new arguments which we believe merit consideration, or because they make suggestions for modifications of the rules which we believe to be appropriate.

### OVERLAP EXISTING AFTER MAJOR CHANGE IN FACILITIES

5. CBS and American Broadcasting Stations, Inc., et al. (American) observe that the new rules state, in part, that a license will not be granted if the grant will result in any overlap of the kind proscribed for the particular broadcast service. They point out that since the new rules apply to applicants for major changes of existing facilities, this would appear to mean that a station in an overlap situation before the effective date of the new rules could not obtain a license for a major change which might result in a degree of overlap less than or the same as that existing before the proposed change, but could only obtain an authorization for a major change if it resulted in removing all overlap. CBS and American respectively urge that the rule should permit such major changes if there is no increase or no substantial increase in overlap. It is the intent of the Commission that after a major change of facilities of such a station, overlap need not be eliminated but may be equal to or less than that existing previously, and may consist partly or entirely of terrain not included in the previous overlap as long as the amount of area subjected to overlap is not increased, absent a substantial increase in "overlap" population. We are amending the rules accordingly.[3]

### COMPUTATION OF UHF GRADE B CONTOURS

6. The petition of American Broadcasting Stations, Inc., et al., directs attention to the fact that the newly adopted amendment to § 73.636 prohibits overlap of Grade B contours of television stations computed in accordance with § 73.684 of the rules. That section specifies that the distance to the field intensity contours of UHF stations shall be calculated in accordance with the F (50,50) field intensity chart in Figure 9 of § 73.699. Petitioners state that the use of the Figure 9 curves for UHF is inappropriate because the field strength indications therein are too optimistic for UHF service. It is averred that the Notice here, although not specifically so stating, implied the use of the "Appendix A" curves appearing in the Commission's T.R.R. Report No. 2.4.16, dated October 22, 1956, in the calculation of Grade A contours for UHF stations in connection with the Grade A overlap rule which was proposed in the Notice. It is suggested that we should permit the same method to be used in calculating the Grade B contours which we have adopted as the standard.

7. It is true that the Notice herein implied that the "Appendix A" curves could be used in the calculation of contours of UHF stations in connection with the duopoly rules. However, we anticipate issuing in the near future a Notice of Proposed Rule Making that will invite comments on proposed new curves for UHF which the Commission's staff has developed. Since for certain powers and heights the proposed new curves will be more optimistic with regard to Grade B coverage than the "Appendix A" curves (although less optimistic than the Figure 9 curves) we believe it would not be appropriate to adopt the "Appendix A" standard, if the purposes of the duopoly rule are to be achieved. We adhere to our original decision to use Figure 9 in calculating UHF Grade B contours for the purposes of the overlap rules pending the adoption of new curves which should not be too far in the future. However, as a matter of policy, in the meantime individual cases in which the applicant can show that it is in the public interest to use different criteria will be dealt with on an ad hoc basis.

### APPLICABILITY OF THE NEW RULES

8. Footnote 23 of the Report and Order stated that the new rules, the effective date of which was July 16, 1964, would apply to pending applications, including hearing cases, as well as to new applications. It touched briefly on the possibility of amendment of pending applications to comply with the new rules, and ended by saying that non-conforming applications not amended to comply would be dismissed when the new rules became effective. In a Public Notice (FCC 64-636) released July 9, 1964, the Commission announced its decision to liberalize this policy so that applications in hearing status concerning which a Hearing Examiner had released an Initial Decision prior to June 9, 1964 (the date of release of the Report and Order herein), would be disposed of under the old overlap rules in effect prior to July 16, 1964.

9. Some of the petitions for reconsideration request that the policy expressed in footnote 23 be changed so that the new rules will not be applicable to any applications which were on file on June 9, 1964, the release date of the Report and Order. Another request asks that they not apply to applications in hearing status with regard to which the record has been closed.

10. In reaching our May decision in this matter, we considered the question of whether or not the new rules should be applied to all applications, including those previously filed, or only to applications tendered in the future. Obviously, the adoption of any over-all rule more strict than previous rules may adversely affect applications filed under the earlier rules, and assertions of equitable claims in such cases are frequently made,

[1] Petitions for reconsideration were timely filed by the following: Vetreans Broadcasting Company, Inc.; Columbia Broadcasting System, Inc.; American Broadcasting Stations, Inc., et al.; William N. Udell; Abacoa Radio Corporation; Tidewater Broadcasting Company, Inc.; Northern Indiana Broadcasters, Inc.; Association on Broadcasting Standards, Inc.; Metromedia, Inc.; Storer Broadcasting Company; Southeastern Broadcasting Corporation; and The Broadcasting Company of the South. Petitions for stay were filed by: Station WFRA, Franklin, Pa.; William N. Udell; Abacoa Radio Corporation; Tidewater Broadcasting Company; Northern Indiana Broadcasters, Inc.; Storer Broadcasting Company; Veterans Broadcasting Company, Inc.; and American Broadcasting Stations, Inc., et al.

[2] As before, several parties urge that the ad hoc approach be used for dealings with duopoly problems instead of the fixed standards adopted in the new rules. Our reasons for adopting fixed standards are stated in the Report and Order and are not repeated here. In addition to arguing for the ad hoc approach, some petitions for reconsideration state that the fixed standard policy of the new overlap rules is inconsistent with the Commission's recently adopted policy (Memorandum Opinion and Order, FCC 64-590, released July 8, 1964) in Docket Nos. 14895 and 15233 under which, pending the outcome of the proceedings therein, we decided that we would treat on an ad hoc basis the question of imposing conditions on applications for microwave facilities intended to serve CATV systems located between the Grade A and Grade B contours of local television stations. The duopoly and the CATV situations involve dissimilar considerations, and therefore there is no inconsistency in our policies with regard to them.

[3] In general, the standard used in these situations will be that of area, as in our new AM assignment rules, rather than the much more complicated criterion of population. Such a standard will fulfill our objective of keeping commonly owned or controlled stations a reasonable distance apart. However, there may be situations where, with no increase in area, the "overlap" population would be increased by such an amount that the change in facilities would not be in the public interest. In these situations the Commission must reserve the power to deny the application, and the new rules so provide.

as they have been here.[4] But any "equities" must be secondary to the public interest. As we emphasized in the Report and Order, we regard the adoption of fixed standards concerning duopoly to be a matter of great importance in the public interest. Ad hoc determinations hitherto made have not resulted in a satisfactory pattern of administration. Therefore, we decided that, while divestiture of existing facilities would not be required, pending applications as well as future applications would be governed by the new rules. Later, as mentioned, we made an exception in hearing cases where the parties and the Hearing Examiner had been through the burden of hearing and the Hearing Examiner had prepared his Initial Decision. This we believe to be a reasonable balance under the circumstances, and we affirm our decisions in this respect.

WAIVERS

11. Many comments in this proceeding urged that the nature of the overlap problem is such that it needed to be treated on an ad hoc basis, as in the past, rather than on the basis of a fixed rule of the type adopted herein. In discussing this matter in the Report and Order (footnote 12), we pointed out that the adoption of a fixed rule did not mean that all flexibility is lost. We referred to the fact that the Commission continues to have the duty to make the "ultimate judgment whether the grant of a license would serve the 'public interest, convenience, or necessity.'" N.B.C. v. U.S., 319 U.S. 190, 225 (1943). And, citing U.S. v. Storer Broadcasting Co., 351 U.S. 192 (1956), we stated that a request for waiver of the new rule which showed on its face that application of the rule would be inappropriate would be entitled to a hearing.

12. Several parties in their petitions for reconsideration refer to the matter of waivers. Their arguments go in two directions. On the one hand it is stated that the hoped-for efficiency and definiteness of the approach of the fixed rule will not in fact materialize because requests for waiver will be entitled to a hearing and it is likely that duopoly hearings will continue to be held in the future although in the context of requests for waiver. On the other hand, it is averred that the fixed rule is likely to be administered so strictly that it will be an absolute rule with no waivers granted and no flexibility whatsoever, contrary to the N.B.C. and Storer cases.

13. We cannot agree with either of these arguments. Concerning the former, it may be pointed out that under the Storer case not all requests for waiver must be granted a hearing. Only those which set forth reasons, sufficient if true, to justify a waiver need be accorded such treatment. Thus no plethora of waiver hearings is to be expected. With regard to the latter argument, it is said that the new fixed rule is premised on the theory that contour overlap is the only factor of importance in deciding overlap problems, regardless of the existence of numerous particulars that formerly were given consideration under an ad hoc approach. Hence, it is stated, to grant a waiver based on special circumstances arising out of particular facts would be to deny the validity of the premise underlying the new rule; and waivers, therefore, cannot be expected to be granted. This does not follow. In adopting a fixed rule, we did so for the reasons stated in the Report and Order which led us to the conclusion that such a rule would be in the public interest. But we did not and do not now deny the existence of other factors that could be of importance in duopoly situations, and it certainly does not follow that adoption of the fixed rule forever forecloses giving consideration to the existence of special circumstances if waivers are requested.[5]

MAJOR CHANGES IN EXISTING FACILITIES

14. In paragraph 23 of the Report and Order we stated that the new overlap rules would apply to applications for major changes in existing facilities as well as for new facilities. Several petitioners urge that the new rules, effective July 16, 1964, should not apply to applications for major changes of facilities of stations which were in existence prior to July 16 ("older" stations), but only to major changes of stations authorized on or after that date. They argue that, as now applicable, the rules would effectively "freeze" some of the "older" stations in their present facilities. As some of these petitioners point out, the reason given in paragraph 23 for applying the new rules to applications for major changes as well as to applications for new stations—to prevent an applicant from getting a grant of facilities with intentionally limited service area to avoid overlap and then applying later for increased facilities which would involve it—applies to stations authorized in the future more than to existing stations. However, this is not the only reason for our decision on this aspect of the matter. Clearly, overlap resulting from increases in facilities is just the same, and has the same undesirable effects, as overlap from grant of new stations. Therefore, while we recognize (as mentioned before) that some "older" stations may have to continue with relatively limited facilities, in our view it is appropriate to apply the new rules to applications for increases in facilities, whether for stations now existing or for stations authorized in the future, except for now-existing UHF stations as discussed below.

15. The foregoing principle is appropriate as a general policy. However, consideration of another factor moves us to relax that position insofar as major changes in existing UHF stations are concerned. In the joint petition of American Broadcasting Stations, Inc., et al. it is urged that prohibition of Grade B overlap involving UHF stations would inhibit the full development of UHF television, contrary to the expressed policy and past actions of the Commission. Petitioners point out that to foster UHF television, the Commission has, among other things, adopted measures relaxing certain technical requirements for UHF stations.[6] In addition, petitioners mention that in a number of cases UHF stations have facilities which could and should be changed to improve coverage and competitive position, and that many of these stations contemplated future improvement when originally authorized under the then existing rules. They thus argue that the Grade B overlap standard works against the development of UHF not only with regard to new stations, but with regard to existing stations, and would favor a relaxation of the new rules in both types of situation. With regard to new UHF stations, we believe that while it is conceivable that a relaxation of the duopoly rules might hasten UHF development to a limited extent, it would be at the expense of diversity of programming and desired competition. On balance, we believe the loss in diversity would outweigh the speculative and limited gains which may be achieved in UHF development. In this connection, it must be borne in mind that we hope that ultimately UHF stations will exist in large numbers. It would not be appropriate to relax our standards for what will be a very large portion of the television service.

16. However, with regard to UHF stations now in existence, there are additional considerations. As pointed out by this petitioner, a number of these stations filed originally for relatively limited facilities, hoping to expand later as the economics of this service warranted. Many UHF operations have lost substantial sums during the lean early days of UHF. In our view, it would not be appropriate to adopt, as to existing UHF stations, rules stricter than those under which they applied originally. Moreover, to deny such stations the opportunity to improve service by new, stricter duopoly rules might tend to keep them in an inferior position competitively, thus thwarting the developments we have otherwise tried to encourage. Such denial could conceivably lead to a station's demise, thus lessening diversity and competition which it is the purpose

[4] Some of the petitions urging such claims mention particular situations which were later covered by our Public Notice concerning hearing cases in which an Initial Decision had been reached.

[5] Storer, in its petition for reconsideration makes an additional argument in support of the view that the fixed rules will be treated as absolutes in violation of the N.B.C. and Storer decisions. It states that in a case wherein it requested a waiver of the concentration of control portion of the multiple ownership rules concerning television stations, the Commission required an impossible burden of proof in support of a waiver request. Storer Broadcasting Company, FCC 56-1133, 14 Pike & Fischer, R.R. 742 (1956). The simple answer to this argument, as a reading of the case will show, is that the burden was not impossible but merely had not been met.

[6] Second Report and Order, Docket No. 14229, FCC 63-300, released April 2, 1963; Memorandum Opinion and Order, Docket No. 14229, FCC 63-300, released April 2, 1963; In addition, we have taken other steps toward this end, which include urging the passage of the all-channel receiver law, adopting and implementing rules, and authorizing the formation of an industry advisory committee—the Committee for the Full Development of All-Channel Broadcasting—for the purpose of expediting the expansion of UHF television service.



of these rules to achieve. The number of UHF stations now authorized is not large enough that overlap occurring from this source would substantially impinge on over-all diversity of programming and opportunity for competition. Therefore, as to major changes of UHF stations authorized as of September 30, 1964, which would result in Grade B overlap with a commonly owned, operated, or controlled television station, the two stations having been under common ownership, operation, or control as of September 30, 1964, the new Grade B standard will not apply. Section 73.636 set forth below is amended accordingly. As stated therein, applications of such stations for major changes will be considered on a case by case basis.

SATELLITE TELEVISION OPERATIONS

17. The new rules do not apply to television stations which are primarily "satellite" operations. The Report and Order and the new Note 4 to § 73.636 state that such operations will be examined on a case by case basis to determine whether a station is or is not primarily a satellite, and whether overlap with a commonly owned station exists to a degree contrary to the public interest. On further consideration of this matter, we believe that some discussion and elaboration of the satellite concept is in order.

18. A satellite station is one operating on a channel specified in the television Table of Assignments and meeting all of the technical requirements of our rules, but one which usually originates no local programming and which may, and often does, involve overlap with a commonly owned "parent" station to a degree which would not be consistent with the duopoly rules. It rebroadcasts the programming of the parent station, usually a station under the same ownership in the same region. Such stations have been authorized, since 1954, on the basis of relaxation of our policies concerning local program origination and, if necessary, waiver of § 73.636 as to overlap. The purpose has been to bring television service to small communities and sparsely settled areas where there is insufficient economic basis for a full-scale television operation. It has been our hope—fulfilled in many instances—that satellite stations would develop with time into more nearly full-scale operation, with local studios and local program origination.

19. We have no doubt that it is in the public interest to authorize satellite television stations. Nor do we doubt the wisdom of exempting them from the duopoly rule as we have done, in the interest of promoting service to the kind of areas they are intended to accommodate. In addition, we are of the opinion that satellites which ultimately achieve a financial base that permits them to originate local programming should be permitted to do so. Otherwise, local programming would be kept off the air contrary to the public interest. Accordingly, Note 4 to § 73.636 is amended to state specifically that a satellite television station having Grade B overlap with a commonly owned non-satellite parent television station may subsequently become a non-satellite station with local studios and locally originated programming. However, if a satellite has Grade B overlap with a commonly owned non-satellite parent station and the satellite achieves a position in which the amount of locally originating programming is such that the station is no longer a satellite, the rules prohibiting transfer or assignment of commonly owned stations with Grade B overlap to a single person, group, or entity will apply.

20. As mentioned, satellites involve a deviation from general Commission policy with respect to local programming, as well as to overlap. We shall require all applicants proposing such operations to make a showing as to why the satellite form of operation is necessary for the community for which they are applying. Our decision will depend on the facts of each case; but in general satellite grants will be made only in communities having no local television station. We have deviated from this principle in some past situations, but it does not appear equitable or in the public interest to relax our policies and rules for one station when its competitor in the same town is held to a higher standard and when the community appears able to support a full-scale operation. Any extension of this principle (for example, when there is an existing regular station in a nearby community) will be determined in individual situations. As mentioned in the Report and Order, where Grade B overlap would exist, consideration will also be given in each case to whether the degree of overlap with a commonly owned station is such as to be inconsistent with the public interest. Also, when the matter arises, individual consideration will be given to the question of whether a station is "primarily a satellite."

OTHER MATTERS

21. The petitions for stay filed herein request that the effective date of the new duopoly rules be extended until (1) the conclusion of Commission action on petitions for reconsideration, or (2) until conclusion of court appeals. With regard to the former request, it is now moot inasmuch as our action today disposes of the petitions for reconsideration.[7] As to the second request, we regard it as premature. The appropriate time for filing of such a request for stay is on or after the date of filing of a court appeal. No such appeal has been filed.

22. In view of the foregoing: *It is ordered*, That effective October 12, 1964, Part 73 of the Commission rules and regulations is amended as set forth below. Because these amendments relieve a restriction, because they are partly editorial in nature, and because it is in the public interest that they become effective as soon as possible in order to complement rules which became effective July 16, 1964, the usual thirty-day effective date provisions of section 4 of the Administrative Procedure Act are inapplicable.

23. *It is further ordered*, That the petitions for reconsideration mentioned in footnote 1 of this document are denied, except for that filed by Columbia Broadcasting System, Inc., which is granted, and the Joint Petition for Reconsideration by the Commission filed by American Broadcasting Stations, Inc., et al. which is granted insofar as it is consistent with the action taken herein and which in other respects is denied.

24. *It is further ordered*, That the petitions for stay mentioned in footnote 1 of this document are dismissed.

25. Authority for the adoption of the amendments to the rules herein is contained in sections 4 (i) and (j), 303, 307(b), and 405 of the Communications Act of 1934, as amended.

(Secs. 4, 303, 307, 405, 48 Stat. 1066, as amended, 1082, as amended, 1083, and 1095, as amended; 47 U.S.C. 154, 303, 307, 405)

Adopted: September 30, 1964.

Released: October 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[8]
[SEAL] BEN F. WAPLE,
*Secretary.*

1. Section 73.35 of the Commission rules is amended by adding the word "or" at the end of paragraph (a) which follows the introductory text and by changing the second sentence of Note 3 and adding parenthetical material following that sentence so that paragraph (a) and Note 3 will read as follows:

§ 73.35 **Multiple ownership.**

* * * * *

(a) Such party directly or indirectly owns, operates, or controls one or more standard broadcast stations and the grant of such license will result in any overlap of the predicted or measured 1 mv/m groundwave contours of the existing and proposed stations, computed in accordance with § 73.183 or § 73.186; or

* * * * *

NOTE: Paragraph (a) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Paragraph (a) will apply to applicants for new stations, assignments of licenses, transfers of control (except those applications for assignment of license or transfer of control listed in § 1.540(b) of this chapter), and major changes in existing stations except major changes that will result in overlap no greater in area than that already existing. (The resulting overlap areas in such major change cases may consist partly or entirely of new terrain. However, if the population in the resulting overlap areas substantially exceeds that in the previously existing overlap areas, the Commission will not grant the application if it finds that to do so would be against the public interest, convenience, and necessity.) Commonly owned stations with overlapping contours prohibited by paragraph (a) of this section may not be transferred or assigned to a single person, group, or entity. Paragraph (a) of this section will not

[7] We note, however, that prior to the August recess, in view of the fact that our reconsideration was not then complete, and so that no hardship would be worked on any party and the normal processes of the Commission would not be disrupted, dismissing of applications not conforming with the new rules was suspended by the Commission on its own motion. That suspension has continued to and terminates as of the present date.

[8] Concurring statement of Commissioner Lee in which Commissioner Hyde concurs filed as part of the original document.

be applied to Class IV stations requesting power increases.

* * * * *

2. Section 73.240 of the Commission rules is amended by adding the word "or" at the end of subparagraph (1) of paragraph (a) and by changing the second sentence of Note 3 and adding parenthetical material following that sentence so that subparagraph (1) of paragraph (a), and Note 3 will read as follows:

**§ 73.240 Multiple ownership.**

(a) * * *

(1) Such party directly or indirectly owns, operates, or controls one or more FM broadcast stations and the grant of such license will result in any overlap of the predicted 1 mv/m contours of the existing and proposed stations, computed in accordance with § 73.313; or

* * * * *

NOTE 3: Paragraph (a)(1) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Paragraph (a)(1) will apply to applicants for new stations, assignments of licenses, transfers of control (except those applications for assignment of license or transfer of control listed in § 1.540(b) of this chapter), and major changes in existing stations except major changes that will result in overlap no greater in area than that already existing. (The resulting overlap areas in such major change cases may consist partly or entirely of new terrain. However, if the population in the resulting overlap areas substantially exceeds that in the previously existing overlap areas, the Commission will not grant the application if it finds that to do so would be against the public interest, convenience, and necessity.) Commonly owned stations with overlapping contours prohibited by paragraph (a)(1) of this section may not be transferred or assigned to a single person, group, or entity.

* * * * *

3. Section 73.636 of the Commission rules is amended by adding the word "or" at the end of subparagraph (1) of paragraph (a), and by changing Note 3 and Note 4 to read as follows:

**§ 73.636 Multiple ownership.**

(a) * * *

(1) Such party directly or indirectly owns, operates, or controls one or more television broadcast stations and the grant of such license will result in overlap of the Grade B contours of the existing and proposed stations, computed in accordance with § 73.684; or

* * * * *

NOTE 3: Paragraph (a)(1) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Paragraph (a)(1) will apply to applicants for new stations, assignments of licenses, and transfers of control (except those applications for assignment of license or transfer of control listed in § 1.540(b) of this chapter). Paragraph (a)(1) will not be applied to major changes in UHF television broadcast stations authorized as of September 30, 1964, which will result in Grade B overlap with another television broadcast station that was commonly owned, operated, or controlled as of September 30, 1964. Such major changes will be considered on a case by case basis to determine whether such overlap exists with a commonly owned, operated, or controlled station as to be against the public interest. Paragraph (a)(1) will apply to major changes in other television broadcast stations, except changes that will result in overlap no greater in area than that already existing. (The resulting overlap areas in such major change cases may consist partly or entirely of new terrain. However, if the population in the resulting overlap areas substantially exceeds that in the previously existing overlap areas, the Commission will not grant the application if it finds that to do so would be against the public interest, convenience, and necessity.) Commonly owned stations with overlapping contours prohibited by paragraph (a)(1) of this section may not be transferred or assigned to a single person, group, or entity.

NOTE 4: Paragraph (a)(1) of this section will not be applied to television stations which are primarily "satellite" operations. Television "satellite" operations will be considered on a case by case basis in order to determine whether such overlap exists with a commonly owned, operated, or controlled station as to be against the public interest. Whether or not a particular station which does not present a substantial amount of locally originated programming is primarily a satellite operation will be determined on the facts of the particular case. An authorized and operating "satellite" television station the Grade B contour of which overlaps that of a commonly owned, operated, or controlled "non-satellite" parent television station may subsequently become a "non-satellite" station with local studios and locally originated programming. However, such commonly owned "non-satellite" stations with Grade B overlap may not be transferred or assigned to a single person, group, or entity.

* * * * *

[F.R. Doc. 64-10260; Filed, Oct. 7, 1964; 8:49 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 32—HUNTING

### Monte Vista National Wildlife Refuge, Colorado

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

The public hunting of pheasants and rabbits on the Monte Vista National Wildlife Refuge, Colorado, is permitted only on the area designated by signs as open to hunting. This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colorado, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants and rabbits subject to the following special conditions:

(1) The open season for hunting pheasants on the refuge extends from November 14 through November 22, 1964, inclusive.

(2) The open season for hunting rabbits on the refuge extends from November 14 through December 30, 1964, inclusive.

The provisions of this special regulation supplement the regulations which government hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 30, 1964.

JOHN C. GATLIN,
*Regional Director,*
*Albuquerque, New Mexico.*

SEPTEMBER 28, 1964.

[F.R. Doc. 64-10241; Filed, Oct. 7, 1964; 8:48 a.m.]

## PART 32—HUNTING

### Deer Flat National Wildlife Refuge, Idaho; Correction

In F.R. Doc. 64-9207, appearing on page 12828 of the issue for Friday, September 11, 1964, paragraph 1 should read as follows:

The public hunting of ducks, coots, and gallinules on the Deer Flat National Wildlife Refuge, Idaho, is permitted from October 10, 1964 through January 24, 1965, inclusive, but only on the area designated by signs as open to hunting. In addition, the hunting of geese is permitted on the Snake River Islands Unit. This open area, comprising 4,000 acres, is delineated on maps available at refuge headquarters, Nampa, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

PAUL QUICK,
*Regional Director,*
*Portland, Oregon.*

SEPTEMBER 28, 1964.

[F.R. Doc. 64-10243; Filed, Oct. 7, 1964; 8:48 a.m.]

## PART 32—HUNTING

### Kirwin National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

The public hunting of pheasants, quail and cottontail rabbits on the Kirwin National Wildlife Refuge, Kansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,890 acres, is delineated on maps available at refuge headquarters, 5 miles southwest of Kirwin, Kansas, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, quail and cottontail rabbits subject to the following special conditions:

(1) The open season for hunting pheasants on the refuge extends from November 14 through December 27, 1964, inclusive.

(2) The open season for hunting quail on the refuge extends from November 21 through December 6, inclusive, and December 8, 10, 12, 13, 15, 17, 19, 20, 22, 24, 25, 26, 27, 29 and 31, 1964, and January 1, 2 and 3, 1965, inclusive.

(3) The open season for cottontail rabbits on the refuge shall be only on those days during the open season for the taking of pheasants and quail.

(4) Shooting hours shall be from sunrise to sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 3, 1965.

JOHN C. GATLIN,
*Regional Director,*
*Albuquerque, New Mexico.*

SEPTEMBER 28, 1964.

[F.R. Doc. 64-10244; Filed, Oct. 7, 1964; 8:48 a.m.]

## PART 32—HUNTING

### Pahranagat National Wildlife Refuge, Nevada

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

NEVADA

PAHRANAGAT NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants, quail, and cottontail rabbits on the Pahranagat National Wildlife Refuge, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1040 acres, is delineated on maps available at refuge headquarters, Desert Game Range, 712 Vegas Drive, P.O. Box 440, Las Vegas, Nevada, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97203.

Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for hunting pheasants extends from November 1 through November 15, 1964. The open season for hunting quail extends from November 1 through December 31, 1964. The open season for hunting cottontail rabbits extends from October 1, 1964, through January 31, 1965.

(2) Hunters will report at such checking stations as may be established when entering or leaving the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1965.

PAUL T. QUICK,
*Regional Director,*
*Portland, Oregon.*

SEPTEMBER 30, 1964.

[F.R. Doc. 64-10245; Filed, Oct. 7, 1964; 8:48 a.m.]

## PART 32—HUNTING

### California; Colusa National Wildlife Refuge et al.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

CALIFORNIA

COLUSA NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Colusa National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,180 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Pheasants may be hunted only on the following days: November 21, 22, 25, 26, 28, 29 and December 2, 5 and 6, 1964.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 6, 1964.

DELEVAN NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Delevan National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,200 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Pheasants may be hunted only on the following days: November 21, 22, 25, 26, 28, 29 and December 2, 5 and 6, 1964.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 6, 1964.

MERCED NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Merced National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,160 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1062 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Pheasants may be hunted only on the following days: November 21, 22, 25, 26, 28, 29 and December 2, 5 and 6, 1964.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 6, 1964.

SACRAMENTO NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Sacramento National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,000 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Pheasants may be hunted only on the following days: November 21, 22, 25, 26, 28, 29 and December 2, 5 and 6, 1964.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 6, 1964.

SUTTER NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Sutter National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,100 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Pheasants may be hunted only on the following days: November 21, 22, 25, 26, 28, 29 and December 2, 5 and 6, 1964.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 6, 1964.

PAUL QUICK,
*Regional Director,*
*Portland, Oregon.*

SEPTEMBER 28, 1964.

[F.R. Doc. 64-10253; Filed, Oct. 7, 1964; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### [ 50 CFR Part 256 ]

### FISHING VESSEL CONSTRUCTION DIFFERENTIAL SUBSIDY PROCEDURES

### Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of June 12, 1960 (P.L. 86–516; 46 U.S.C. 1401–1413), as amended, it is proposed to revise 50 CFR Part 256 as set forth below. The purpose of the revision is to incorporate those changes necessitated by the enactment of the United States Fishing Fleet Improvement Act (P.L. 88–498) which was approved on August 30, 1964. This Act amended the Act of June 12, 1960, by extending the date for receipt of applications and changed the eligibility requirements as well as increasing the maximum amount of the subsidy which can be paid. Due to the numerous changes being proposed, the procedures will be more readily understood if the entire part is revised.

This proposed regulation relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, whenever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed amendments to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C., 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Part 256 reads as follows:


Sec.
256.1 Basis and purpose.
256.2 Definitions.
256.3 Eligibility requirements.
256.4 Applications.
256.5 Notice and hearing.
256.6 Subsidy contract.
256.7 Vessel operations.
256.8 Penalties.
256.9 Inspection of vessels.
256.10 Payment of subsidy.


AUTHORITY: The provisions of this Part 256 issued under sec. 10, P.L. 86–516, as amended.

**§ 256.1 Basis and purpose.**

(a) The Act of June 12, 1960 (P.L. 86–516), as amended and hereinafter referred to as the Act, authorizes the Secretary of the Interior to pay a subsidy for the construction of fishing vessels in shipyards of the United States.

(b) The purpose of this part is to prescribe rules and regulations governing the payment of these subsidies.

**§ 256.2 Definitions.**

(a) *Secretary.* The Secretary of the Interior or his authorized representative.

(b) *Administrator.* The Maritime Administrator in the Department of Commerce or his authorized representative.

(c) *Person.* Individual, association, partnership or corporation, or any one or all as the context requires.

(d) *Fishery.* A segment of the commercial fishing industry engaged in the catching of a single species or a group of species of fish and shellfish. To be considered as operating in a fishery, the catch of species in that fishery must amount to at least fifty-one percent (51%) (at the option of the owner by ex-vessel weight or ex-vessel value) of the total catch of the vessel during the calendar year.

(e) *Expanded areas.* Fishing grounds not usually fished by the majority of the vessels operating in the fishery for which the proposed vessel is designed.

(f) *Newly developed gear.* The most modern gear available that is suitable for use in the fishery for which the proposed vessel is designed.

**§ 256.3 Eligibility requirements.**

(a) Vessel will be of advance design: In order to be considered to be of advance design, the vessel must be designed to have significant advantages in utility and efficiency over a significant number of vessels engaged in the fishery in which the proposed vessel is designed to operate.

(b) No economic hardship to efficient vessel operators: The determination that operation of a proposed vessel will not cause economic hardship to efficient vessel operators already operating in that fishery shall be made by the Secretary after notice and hearing, taking into consideration the condition of the resource, the efficiency of the vessels and gear being operated in that fishery compared with the proposed vessel, the prospects of the market for the species caught, and the degree and duration of any anticipated economic hardship.

(c) Aid in the development of the United States fisheries: For the vessel to aid in the development of the United States fisheries under conditions that the Secretary considers to be in the public interest, the vessel must be a modern vessel which will upgrade the fleet. Special consideration will be given to vessels which will provide a significant contribution in helping the domestic fishery meet foreign competition.

(d) The applicant possesses the ability, experience, resources and other qualifications necessary to enable him to operate and maintain the proposed new fishing vessel. In making this determination, the Secretary will inquire into the economic feasibility of the fishing venture and will require reasonable assurance that the applicant can operate the vessel profitably.

**§ 256.4 Applications.**

Applications for a subsidy shall be made on forms prescribed by the Secretary and shall be filed with the Director, Bureau of Commercial Fisheries, Washington, D.C. The applications must be accompanied by three copies of the cross section, deck arrangement, outboard profile, and specifications of the proposed vessel. The Secretary may require such additional complete detailed construction plans as may be necessary after a review of the application and accompanying plans and specifications.

**§ 256.5 Notice and hearing.**

After receipt of an application eligible on its face for a construction differential subsidy the Secretary will publish a Notice of Hearing on a Subsidy Application in the FEDERAL REGISTER and hold hearings in accordance therewith. The purpose of the hearing will be to provide any person who feels he will be economically injured by the construction of the proposed vessel to cross-examine witnesses and/or present evidence that the operation of such vessel will cause economic hardship to efficient vessel operators already operating in the fishery for which the vessel is designed. Hearing procedures will be held in accordance with Part 257 of this subchapter.

**§ 256.6 Subsidy contract.**

(a) A contract for the payment of the subsidy will take effect when all contracts between the applicant for such subsidy and the shipbuilder, who is to construct such vessel, have been approved by the Administrator and the subsidy contract has been signed by the Secretary and the applicant; and

(b) The contract shall contain a finding of the useful life of the vessel as determined by the Secretary to be used in computing the amount of the total depreciated construction subsidy to be repaid to the Secretary in accordance with section 9 of the Act.

**§ 256.7 Vessel operations.**

(a) If the owner of a fishing vessel constructed with the aid of a subsidy desires to operate it in a different fishery than the one for which it was designed because of an actual decline in that particular fishery, he shall submit an application to the Secretary for permission to transfer the operations of the vessel to a different fishery. The application shall contain data showing the decline in the fishery for which the vessel was designed, how this decline is making the operation of the vessel uneconomical or less economical, and why the transfer will not cause economic hardship or injury to efficient vessel operators already operating in the fishery to which he wishes to transfer operations.

(b) Upon receipt of such an application the Secretary will publish a Notice of Hearing on an Application to Change Fishery in the FEDERAL REGISTER and hold hearings in accordance therewith. The purpose of the hearings will be to provide any person who feels he will be economically injured by said transfer of fishing operations an opportunity to cross-examine witnesses and/or present evidence that such a transfer of operations will cause economic hardship or injury to efficient vessel operators already operating in the fishery to which the vessel's operations would be transferred. Hearing procedures will be held in accordance with Part 257 of this subchapter.

**§ 256.8 Penalties.**

In case the Secretary shall find that a vessel has operated contrary to the provisions of the Act or of regulations issued thereunder, he shall immediately notify the owner in writing of the specific acts involved and the amount of the penalty. The vessel owner may appeal such a finding to the Secretary in writing within 30 days of the date of mailing such finding to the last known address of the vessel owner. The amount of penalty assessed in any one year shall be equal to the total subsidy paid multiplied by the ratio that one year bears to the total number of years determined, by the Secretary, as the useful life of the vessel: *Provided, however,* That if this amount is not paid within 60 days after receipt of notice then the amount due shall be the total amount of the subsidy paid depreciated to the beginning of the year in which the vessel operated unlawfully. Any amount due hereunder shall constitute a maritime lien against the vessel effective at the time the Secretary determines that the vessel has operated in violation of the Act or regulations.

**§ 256.9 Inspection of vessels.**

The Secretary or the Administrator shall have access at all times to all vessels which are being constructed under a contract providing for a construction subsidy provided for by the Act.

**§ 256.10 Payment of subsidy.**

The subsidy will be paid to the applicant after the vessel is completed and evidence of full payment to the shipyard constructing the vessel is presented; or jointly to the applicant and the shipyard upon completion and delivery of the vessel.

ROBERT M. PAUL,
*Deputy Assistant Secretary of the Interior.*

OCTOBER 2, 1964.

[F.R. Doc. 64–10252; Filed, Oct. 7, 1964; 8:48 a.m.]

## POST OFFICE DEPARTMENT

### [ 39 CFR Part 22 ]

### SECOND CLASS MAILING PRIVILEGES

### Notice of Proposed Rule Making

*Correction*

In F.R. Doc. 64–10161, published on page 13822 in the issue for Wednesday, October 7, 1964, the next to last sentence of § 22.3(c)(3) should read: "The delivery arrangements provided by subparagraph (4) of this paragraph are for use by publishers who desire to mail copies at post offices located near the office of original entry."

## DEPARTMENT OF LABOR

### Wage and Hour Division

### [ 29 CFR, Parts 610, 612, 614, 615 ]

[Administrative Order No. 586]

### INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

### Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby appoint Industry Committee No. 69–D for the men's and boys' clothing and related products industry in Puerto Rico (as defined in 29 CFR 615.1); Industry Committee No. 69–A for the needlework and fabricated textile products industry in Puerto Rico (as defined in 29 CFR 612.1); Industry Committee No. 69–B for the corsets, brassieres, and allied garments industry in Puerto Rico (as defined in 29 CFR 614.1); and Industry Committee No. 69–C for the children's dress and related products industry in Puerto Rico (as defined in 29 CFR 610.1).

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene each of the above-appointed industry committees;

(b) Refer to each of these industry committees the following: (1) The question of the minimum rate or rates of wages to be fixed for the industry with which it is concerned for employees who are engaged in commerce or in the production of goods for commerce, and (2) the question of the minimum rate or rates of wages to be fixed for any employees covered by the Act by reason of the Fair Labor Standards Amendments of 1961;

(c) Give notice of the hearing to be held by each of them at the times and places indicated below. Each industry committee shall investigate conditions in its industry, and each industry committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the aforementioned Act.

Industry Committee No. 69–D shall meet in executive session to commence its investigation at 10:00 a.m. on November 30, 1964, in the office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, seventh floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico, and shall commence its hearing at 1:30 p.m. on the same date at the same place. Following this hearing Industry Committees Nos. 69–A, 69–B, and 69–C shall meet seriatim at the same place at hours designated by the committee chairman to conduct their investigations and to hold their hearings.

Each industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of this Department the highest minimum wage rates (in the case of question (1) referred to the committee, not exceeding the minimum wage rate of $1.25 per hour, and in the case of question (2) referred to the committee, not exceeding the minimum wage rate of $1.15 per hour for immediate effect and $1.25 per hour for effect on and after September 3, 1965, and in no case less than the currently effective rate) which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands and American Samoa.

Whenever any industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry that may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determing the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare economic reports for the industry committees containing such data as he is able to assemble pertinent to the matters referred to them. Copies of each such report may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each industry committee shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearings.

The procedure of industry committees shall be governed by 29 CFR, Part 511. As a prerequisite to participation in the hearings, interested persons shall file prehearing statements containing the data specified in 29 CFR 511.8 not later than November 20, 1964.

Signed at Washington, D.C., this 2d day of October 1964.

W. WILLARD WIRTZ,
*Secretary of Labor.*

[F.R. Doc. 64-10266; Filed, Oct. 7, 1964; 8:49 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-57]

## CONTROL ZONE

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to designate a control zone at Decatur, Illinois.

Having completed a comprehensive review of airspace requirements at Decatur, Illinois, the Federal Aviation Agency proposes to establish a control zone at Decatur, Illinois.

The proposed Decatur control zone would be designated to comprise that airspace within a 5-mile radius of the Decatur Municipal Airport (latitude 39°50'03" N., longitude 88°52'52" W.) and within 2 miles each side of the Decatur VOR 351° radial extending from the 5-mile radius zone south to the VOR from 0600 to 2200 hours local time daily.

A Federal Aviation Agency control tower is planned for commissioning at the Decatur, Illinois, Municipal Airport during the spring of 1965. The proposed control zone designation will become effective concurrent with the commissioning of this tower.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on September 29, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-10209; Filed, Oct. 7, 1964; 8:45 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-58]

## CONTROL ZONE

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to designate controlled airspace at Alton, Ill.

A Federal Aviation Agency Control Tower is planned for commissioning at the Civic Memorial Airport, Alton, Illinois, during the spring of 1965. There is no control zone presently designated at Alton, Ill.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Alton terminal area, proposes the following airspace action:

Designate a control zone at Alton, Illinois, to comprise that airspace within a 5-mile radius of the Civic Memorial Airport (latitude 38°53'28" N., longitude 90°03'02" W.), and within 2 miles each side of the 009° bearing from the Civic Memorial Airport extending from the 5-mile radius zone to 7 miles N of the airport, and within 2 miles each side of the 103° bearing from the Civic Memorial Airport extending from the 5-mile radius zone to 8 miles east of the airport from 0600 to 2200 hours, local time, daily.

The Alton, Ill., control zone will become effective concurrently with the commissioning of the Federal Aviation Agency Control Tower at Civic Memorial Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on September 29, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-10210; Filed, Oct. 7, 1964; 8:45 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-SW-91]

## CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

### Proposed Alteration, Designation and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Wichita Falls, Tex., terminal area.

The following controlled airspace is presently designated in the Wichita Falls, Tex., terminal area:

1. The Wichita Falls, Tex., control zone is designated as that airspace within a 5-mile radius of Sheppard AFB/Municipal Airport, Wichita Falls, Tex.; within 2 miles either side of the centerline of the SE/NW runway extending from the 5-mile radius zone to 10 miles SE of the Wichita Falls LOM, and within 2 miles either side of the Wichita Falls VORTAC 286° radial extending from the 5-mile radius zone to 10 miles W of the VORTAC.

2. The Altus, Okla., control area extension is designated as that airspace bounded on the NE by V-17, on the SE by V-77, on the S by V-102, on the W by V-14 from Lubbock, Tex., to Childress, Tex., and V-114, from Childress, Tex., to Amarillo, Tex., and on the NW by V-12 excluding the portion of this control area extension which coincides with R-5601.

3. The Fort Worth, Tex., control area extension is designated as that airspace bounded on the NE, E and SE by V-163 extending from the Oklahoma City, Okla., 25-mile radius area to the Ardmore, Okla., VOR, and V-15 from the Ardmore VOR to the Waco, Tex., VORTAC, on the S and SW by V-17 from the Waco VORTAC to its INT with V-94, thence via V-94 to the Abilene, Tex., 35-mile radius area, on the W and NW by V-77, and on the N by the Oklahoma City 25-mile radius area.

4. The Wichita Falls, Tex., control area extension is designated as that airspace bounded on the NW by V-102 S alternate, on the E by V-77, and on the S by V-278.

5. The Abilene, Tex., control area extension is designated as that airspace within a 35-mile radius of the Abilene VOR, the airspace N of Abilene bounded on the E by V-77, on the N by V-278 E of Guthrie, Tex., VOR and V-102 W of Guthrie VOR, on the SW by a line 5 miles NE of the Lubbock VOR 101° and the Abilene VOR 327° radials; the airspace NW of Abilene within 8 miles W of the Abilene VOR 344° radial extending from the VOR to 46 miles NW; the airspace SE, S and SW of Abilene bounded on the N by V-94, on the E by V-163, on the S by V-76 N and on the SW by V-76, excluding the portion that coincides with the arc of a 35-mile radius circle centered on the San Angelo, Tex., VOR and on the NW by V-66, and including the airspace W of Abilene within 8 miles N and 12 miles S of the Abilene VOR 266° radial extending from the VOR to the arc of a 35-mile radius circle centered on the Big Spring, Tex., VOR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Wichita Falls, Tex., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, proposes the following airspace actions:

1. Redesignate the Wichita Falls, Tex., control zone as that airspace within a 5-mile radius of Sheppard AFB/Municipal Airport, Wichita Falls, Tex. (latitude 33°58'55" N., longitude 98°29'35" W.); within 2 miles each side of the Wichita Falls VORTAC 092° radial extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the ILS localizer SE course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Sheppard TACAN 333° radial extending from the 5-mile radius zone to 7.5 miles N of the TACAN, and within 2 miles each side of the Sheppard TACAN 163° radial extending from the 5-mile radius zone to 7 miles S of the TACAN.

2. Designate the Wichita Falls, Tex., transition area as that airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 34°11'30" N., longitude 98°38'00" W.; to latitude 34°07'30" N., longitude 98°25'30" W.; to latitude 33°50'30" N., longitude 98°11'30" W.; to latitude 33°46'00" N., longitude 98°14'00" W.; to latitude 33°43'00;; N., longitude 98°27'30" W.; to latitude 33°52'00" N., longitude 98°33'00" W.; to latitude 33°51'00" N., longitude 98°39'00" W.; to latitude 33°57'30" N., longitude 98°48'30" W., to latitude 34°09'00" N., longitude 98°45'30" W.; to point of beginning; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 34°10'00" N., longitude 97°49'00" W.; thence E via latitude 34°10'00" N. to and counterclockwise along the arc of a 25-mile radius circle centered at the Ardmore Airport, Ardmore, Okla. (latitude 34°18'00" N., longitude 97°00'50" W.), to longitude 97°18'00" W.; thence S via longitude 97°18'00" W.; to latitude 33°56'00" N., longitude 97°18'00" W.; to latitude 33°44'00" W.; to latitude 33°34'00" N., longitude 97°-44'00" W.; to latitude 33°22'00" N., longitude 97°55'00" W.; to latitude 33°16'00" N., longitude 98°30'00" W.; to latitude 33°16'00" N., longitude 98°51'00" W.; to latitude 33°02'00" N., longitude 98°51'00" W.; to latitude 32°52'00" N., longitude 99°02'00" W.; to latitude 32°52'00" N., longitude 99°14'00" W.; to latitude 33°31'00" N., longitude 99°14'00" W.; to latitude 33°31'00" N., longitude 99°49'00" W.; to latitude 33°56'00" N., longitude 99°42'30" W.; to latitude 34°15'00" N., longitude 99°30'00" W.; to latitude 34°08'00" N., longitude 99°05'00" W.; to latitude 34°21'00" N., longitude 98°46'00" W.; to point of beginning.

3. Revoke the Wichita Falls control area extension.

The floors of the airways and the portions of the Altus, Fort Worth and Abilene control area extensions that would traverse the transition area proposed herein would automatically coincide with the floor of the transition area. The revocation of the Altus, Forth Worth and Abilene control area extensions will be accomplished at a later date as a part of the CAR Amendments 60-21/60-29 program proposed for the terminal areas which adjoin the Wichita Falls terminal area.

The proposed alteration to the Wichita Falls control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Sheppard AFB/Municipal Airport. The proposed designation of the 1,200 foot floor portion of the Wichita Falls transition area and the revocation of the Wichita Falls control area extension would raise the floor of controlled airspace from 700 to 1,200 feet above the surface beyond the immediate vicinity of the Wichita Valley and the Sheppard AFB/Municipal Airports, yet sufficient controlled airspace would be retained to provide protection for aircraft executing prescribed instrument holding, arrival and departure procedures within the Wichita Falls terminal area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Fort Worth, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Tex., 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Texas. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on September 30, 1964.

P. M. SWATEK,
*Acting Director, Southwest Region.*

[F.R. Doc. 64-10211; Filed, Oct. 7, 1964; 8:45 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-SW-113]

## CONTROL ZONES, TRANSITION AREAS, AND CONTROL AREA EXTENSION

### Proposed Alteration, Designation and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Brownsville, Tex., terminal area.

The following controlled airspace is presently designated in the Brownsville, Tex., terminal area:

1. The Brownsville, Tex., control zone is designated as that airspace within a 5-mile radius of Rio Grande Valley International Airport, Brownsville, Tex. (latitude 25°54'25" N., longitude 97°25'-25" W.); within 2 miles either side of the 343° bearing from the Brownsville RBn extending from the 5-mile radius zone to 8 miles NW of the RBn, and within 2 miles either side of the Brownsville VOR 071° radial extending from the 5-mile radius zone to 8 miles E of the VORTAC, excluding the portion outside the United States.

2. The McAllen, Tex., control zone is designated as that airspace within a 5-mile radius of Miller International Airport (latitude 26°10'40" N., longitude 98°14'25" W.); within 2 miles either side of the McAllen VOR 095° and 322° radials, extending from the 5-mile radius zone to 7 miles E and NW of the VOR, excluding the portion outside of the United States.

3. The Brownsville, Tex., control area extension is designated as that airspace over the United States within a 40-mile radius of the Brownsville VORTAC S of latitude 26°30'00" N.; within 5 miles either side of the Harlingen, Tex., VOR 013° radial extending from the VOR to V-68, and that airspace W of V-68 S of

latitude 26°31'00" N., and E of longitude 98°00'00" W.

4. The McAllen, Tex., transition area is designated as that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 26°30'00" N., on the E by longitude 98°00'00" W., on the W by longitude 98°30'80" W. and on the S by the United States/Mexican border.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Brownsville, Tex., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, proposes the following airspace actions:

1. Redesignate the Brownsville control zone as that airspace within a 5-mile radius of Rio Grande Valley International Airport (latitude 25°54'25" N., longitude 97°25'25" W.); within 2 miles each side of the 344° bearing from the Brownsville RBn extending from the 5-mile radius zone to 7 miles N of the RBn, and within 2 miles each side of the Brownsville VORTAC 071° radial extending from the 5-mile radius zone to 7 miles E of the VORTAC, excluding the portion outside the United States.

2. Redesignate the McAllen control zone as that airspace within a 5-mile radius of Miller International Airport (latitude 26°10'40" N., longitude 98°14'25" W.), within 2 miles each side of the McAllen VOR 095° radial extending from the 5-mile radius zone to 7 miles east of the VOR, within 2 miles each side of the McAllen VOR 322° and 324° radials extending from the 5-mile radius to 7 miles northwest of the VOR, and within two miles each side of the 320° bearing from latitude 26°12'20" N., longitude 98°16'-05" W., extending from the 5-mile radius zone to 7 miles NW of latitude 26°12'20" N., longitude 98°16'05" W., excluding the portion outside the United States.

3. Revoke the Brownsville control area extension.

4. Designate the Brownsville, Tex., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Rio Grande Valley International Airport (latitude 25°54'25" N., longitude 97°25'-25" W.), within 2 miles each side of the Brownsville ILS localizer N course extending from the 7-mile radius area to 8 miles north of the OM, within 2 miles each side of the Brownsville VORTAC 071° radial extending from the 7-mile radius area to 8 miles E of the VORTAC, and within 2 miles each side of the 344° bearing from the Brownsville RBn extending from the 7-mile radius area to 8 miles N of the RBn, excluding the portion outside the United States; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 26°30'00" N., longitude 98°18'00" W.; to latitude 36°51'00" N., longitude 97°58'-30" W., to latitude 26°50'00" N., longitude 97°51'00" W.; thence NE to a point 3 nautical miles from the shoreline at latitude 27°11'20" N.; thence 3 nautical miles from and parallel to the shoreline south to the United States/Mexican border, thence W via the United States/Mexican border to longitude 98°25'00" W.; thence N via longitude 98°25'00" W. to latitude 26°17'00" N., longitude 98°25'00" W.; to point of beginning.

5. Designate the Harlingen, Tex., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Harlingen Municipal Airport (latitude 26°-12'10" N., Longitude 97°45'10" W.), and within 2 miles each side of the Harlingen VOR 337° and 157° radials extending from the 5-mile radius area to 8 miles N of the VOR.

6. Redesignate the McAllen, Tex., transition area as that airspace extending upward from 700 feet above the surface within 2 miles each side of the McAllen VOR 095° radial extending from the VOR to 8 miles E, within 2 miles each side of the 320° bearing extending from latitude 26°12'20" N., longitude 98°16'-05" W. to 8 miles NW, and within 2 miles each side of the McAllen VOR 322° and 324° radials extending from the VOR to 8 miles NW.

The floors of the airways that would traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

The proposed alteration of the Brownsville and McAllen control zones would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Rio Grande Valley and Miller International Airports.

The proposed designation of the 1,200 foot floor portion of the Brownsville transition area and the revocation of the Brownsville control area extension would raise the floor of the controlled airspace beyond the immediate vicinity of the Rio Grande Valley International, Harlingen Municipal, and Miller International Airports from 700 to 1,200 feet above the surface, yet the transition areas proposed would provide protection for aircraft executing prescribed instrument holding, arrival and departure procedures within the Brownsville terminal area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Fort Worth, Texas.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Texas An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Texas, on September 30, 1964.

PHILLIP M. SWATEK,
*Acting Director,*
*Southwest Region.*

[F.R. Doc. 64-10212; Filed, Oct. 7, 1964; 8:45 a.m.]

## [ 14 CFR Part 73 [New] ]

[Airspace Docket No. 64-SO-53]

## TEMPORARY RESTRICTED AREA

### Proposed Designation

The United States Air Force has submitted a proposal to the Federal Aviation Agency which would require amendment of § 73.62 of the Federal Aviation Regulations by establishing a temporary restricted area southwest of Nashville, Tennessee.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency has been requested by the U.S. Air Force to designate a temporary joint-use restricted area, described herein, to encompass air maneuvers in support of a proposed joint U.S. Air Force-U.S. Army exercise referred to as GOLD FIRE II. The exercise would be conducted during the period of March 1 through March 30, 1965. The Air Force has stated that the intensity and frequency of military air activity during the period of use would be of such a nature as to prohibit absorption of the normal flow of non-participating aircraft into the area without serious degradation of air safety. If the proposal is adopted, the temporary restricted area for GOLD FIRE II would be designated as follows:

*Boundaries.* Beginning at latitude 36°05' N., longitude 88°20' W.; to latitude 36°10' N., longitude 87°30' W.; to latitude 36°06' N., longitude 87°19' W.; to latitude 35°45' N., longitude 87°05' W.; to latitude 35°35' N., longitude 87°09' W.; to latitude 35°33' N., longitude 87°13' W.; to latitude 35°18' N., longitude 87°19' W.; to latitude 34°50' N., longitude 87°20' W.; to latitude 34°52' N., longitude 88°00' W.; to latitude 35°10' N., longitude 88°30' W.; to the point of beginning.

*Designated Altitudes.* Surface to and including 10,000 feet MSL, except that part of the area north of a line connecting 35°29' N., 88°26'30" W.; and 35°51' N., 87°09' W. where the ceiling would be 8,000 feet MSL.

*Time of Designation.* Continuous from 0001 c.s.t., March 1, 1965, to 2359 c.s.t., March 30, 1965.

*Controlling Agency.* Federal Aviation Agency, ARTCC, Memphis, Tennessee.

*Using Agency.* U.S. Air Force Forces, Strike Command (USAFSTRIKE). Langley AFB, Virginia.

At this time, specific details of the proposed exercise are not available. However, it would involve the employment of two infantry divisions, one airborne division, one air assault division, sixteen tactical fighter squadrons, two tactical reconnaissance squadrons, eight troop-carrier squadrons, and numerous other supporting Air Force troop-carrier and fighter aircraft. Although subject to adjustment, the total number of Air Force aircraft participating in the exercise, together with Army fixed wing and rotary aircraft, would be approximately 900.

Although no live ordnance would be expended, activities which would be conducted in the area would include troop and equipment drops, high speed jet-fighter aircraft simulating dive bomb, napalm, rocket and strafing attacks, and jet reconnaissance aircraft conducting numerous missions over employment bases in the exercise area. In addition, extensive air-landed assaults would be executed in support of ground forces. U.S. Army drone aircraft may be used within the area, thereby creating additional hazards to VFR aircraft. All tactical air maneuvers would be contained within the restricted airspace through direct control of an appropriate military Air Traffic Regulation Center and associated Combat Reporting Centers utilizing radar. The U.S. Army Corps of engineers plans to contact owners of airfields within the proposed restricted area to negotiate agreements for use of those airfields.

The Air Force has also advised the Agency that if a restricted area is designated, they will enter a joint-use agreement with Memphis ARTC Center, the controlling agency, and will release the entire area, or portions thereof, to the ARTC Center when not in use for the purpose designated. The Air Force also plans to make provisions for civil and non-participating military pilots to contact the Exercise Director by reverse-charge telephone calls for authorization to conduct flights within the area. Approval of such requests would be contingent upon the type and location of exercise activities in progress at the time of the proposed flight.

It is believed that the magnitude of this exercise, and the implied inflexibility of the request for the airspace necessary to conduct pertinent operations, might create serious inconveniences to the large number of nonparticipating aircraft operating from and through the area. Consequently, this proposal will be discussed at an Informal Airspace Meeting in the Atlanta Regional Office on October 13, 1964. The Agency earnestly solicits the attendance and comments of all interested persons at this meeting. Depending upon the results of the October 13, 1964 meeting, other informal airspace meetings may be scheduled.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on Oct. 1, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations*
*and Procedures Division.*

[F.R. Doc. 64-10213; Filed, Oct. 7, 1964; 8:46 a.m.]

## [ 14 CFR Part 73 [New] ]

[Airspace Docket No. 64-WE-44]

## RESTRICTED AREA

### Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 73 [New] of the Federal Aviation Regulations which would change the time of designation of Restricted Area R-2525 at Vernalis, Calif.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

At present, the time of designation for Restricted Area R-2525 is from "one hour before sunrise to one hour after sunset." The amendment proposed herein would change the time of designation to "one hour before sunrise to 2200 hours P.s.t." The necessity of this change is due to increased emphasis being placed on night ordnance delivery training for fleet units of the U.S. Navy. It is anticipated that the activity will continue for an indefinite period of time.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 1, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations*
*and Procedures Division.*

[F.R. Doc. 64-10214; Filed, Oct. 7, 1964; 8:46 a.m.]

## [ 14 CFR Part 91 [New] ]

[Reg. Docket No. 1620; Draft Release No. 63-8]

## OPERATION ON AND IN VICINITY OF AIRPORTS WITHOUT CONTROL TOWER

### Withdrawal of Advance Notice of Proposed Rule Making

On February 20, 1963, the Federal Aviation Agency published an advance notice of proposed rule making (14 CFR Part 60) concerning the operation of aircraft on or in the vicinity of airports without a control tower. The notice indicated that § 60.18(c) of the Civil Air Regulations [now recodified as Federal Aviation Regulation § 91.89 [New]] presently contains provisions dealing with communications requirements, the direction of turns when landing, and compliance with established traffic patterns when departing airports not having a control tower. The Agency believed it necessary to determine whether the present requirements of § 60.18(c) were adequate, or whether it was necessary for safety reasons to provide additional provisions such as traffic pattern entry procedures, traffic pattern altitude and speed requirements, use of specific runways, crosswind operations and avoidance of traffic patterns by en route aircraft. The public was invited to submit written comments and suggestions concerning this proposal. In addition, the Agency scheduled a series of informal conferences to be conducted during October and November 1963, at Philadelphia, Birmingham, Des Moines, Houston, Denver, Phoenix, Seattle, Oakland, Anchorage, and Honolulu, so that interested persons could express their opinions and make recommendations.

Many segments of the aviation industry responded through written comment to the advance notice. Because of the number and diversity of these comments, no effort will be made to individually treat them in this notice. The Agency also made a written record of the comments, opinions and recommendations expressed by persons who appeared at the various informal conferences.

After reviewing the comments and reconsidering all facets of this matter, it has been determined that at this time

the present regulation is adequate and a more definitive traffic pattern rule would serve no useful purpose. A universally applicable standard traffic pattern rule would be excessively burdensome to aircraft operators. The complexities associated with catering to the diverse circumstances and situations at the large number of airports in the United States would constitute over-regulation and provide little if any improvement in safety. The proposed rule change would therefore not be in the public interest.

In consideration of the foregoing, the advance notice of proposed rule making entitled "Operation on and in the Vicinity of Airports Without a Control Tower," and circulated as Notice 63-8, is hereby withdrawn.

This withdrawal shall become effective on publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on October 1, 1964.

CLIFFORD P. BURTON,
*Acting Director,*
*Air Traffic Service.*

[F.R. Doc. 64-10215; Filed, Oct. 7, 1964; 8:46 a.m.]

## [ 14 CFR Part 507 ]

[Reg. Docket No. 6228]

## AIRWORTHINESS DIRECTIVE

### Boeing Models 707 and 720 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive for Boeing 707 and 720 Series aircraft. There have been reports of malfunction of the horizontal stabilizer trim control system at altitude, as well as possible malfunction of the stabilizer position warning system. To correct these conditions this AD requires modification of the horizontal stabilizer trim control system to provide for improvement in reliability of operation.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before November 9, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

BOEING. Applies to Models 707 and 720 Series aircraft.

Compliance required as indicated.

Service experience has shown the need for certain modifications in the horizontal stabilizer trim control and position warning systems.

Accordingly, accomplish the following:

(a) Within 3,000 hours' time in service after the effective date of this AD:

(1) On Models 707 and 720 Series aircraft, modify stabilizer trim green band rigging and limit in accordance with Boeing Service Bulletin No. 1699(R-1)B or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(2) On Model 707 Series aircraft, modify stabilizer trim electrical limit in accordance with Boeing Service Bulletin No. 1990 or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) Within 5,000 hours' time in service after the effective date of this AD:

(1) On Models 707 and 720 Series aircraft, modify stabilizer trim actuator moisture control in accordance with Boeing Service Bulletin No. 1854 or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(2) On Models 707 and 720 Series aircraft, modify actuator assembly secondary brake in accordance with Boeing Service Bulletin No. 1946 or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Issued in Washington, D.C., on October 1, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-10216; Filed, Oct. 7, 1964; 8:46 a.m.]



# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[AA 643.3-b]

### CHLORINATED PARAFFIN FROM ENGLAND

### Exporter's Sales Price; Foreign Market Value

OCTOBER 5, 1964.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the exporter's sales price of chlorinated paraffin imported from England, manufactured by Imperial Chemical Industries Limited, England, is less or likely to be less than the foreign market value, as defined by sections 204 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 163 and 164).

Customs officers are being authorized to withhold appraisement of entries of chlorinated paraffin from England, manufactured by Imperial Chemical Industries Limited, England, pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

The allegation in this case was received on September 10, 1964, and was made by the Dover Chemical Corporation, Dover, Ohio.

[SEAL] LESTER D. JOHNSON,
*Acting Commissioner of Customs.*

[F.R. Doc. 64-10172; Filed, Oct. 7, 1964; 8:45 a.m.]

### Office of the Secretary

[Treasury Dept. Order 165-16]

### ACTING COMMISSIONER OF CUSTOMS

### Designation

By virtue of the authority vested in me as Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, Assistant Commissioner of Customs Lester D. Johnson is designated, effective upon the resignation of Philip Nichols, Jr., as Commissioner of Customs, to serve as Acting Commissioner of Customs with authority to perform all functions, without limitation, now authorized to be performed by the Commissioner of Customs. Mr. Johnson will continue to serve in this capacity until a new Commissioner of Customs has been appointed and assumes the duties of the office.

NOTE: The resignation of Philip Nichols, Jr. as Commissioner of Customs took effect on October 1, 1964, at 6:00 p.m. The designation of Lester D. Johnson as Acting Commissioner of Customs therefore became effective at that time.

Dated: September 30, 1964.

[SEAL] DOUGLAS DILLON,
*Secretary of the Treasury.*

[F.R. Doc. 64-10250; Filed, Oct. 7, 1964; 8:48 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### CALIFORNIA

### Notice of Termination of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 30, 1964.

The Forest Service, U.S. Department of Agriculture filed an application for withdrawal of lands from location and entry under the mining laws, serial number Los Angeles 0155815, on February 28, 1958. These lands have previously been withdrawn for the San Bernardino Forest Reserve by Presidential proclamation of February 25, 1893, and as such, have been open to entry under the mining laws.

Notice of proposed withdrawal and reservation of land under this application was published on October 2, 1962 (F.R. Doc. 62-9876).

The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2310 (formerly 43 CFR Part 295), such lands will at 10:00 a.m. on Monday, October 26, 1964, be relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 2 N., R. 2 W.,
Sec. 25, SW¼SW¼NW¼;
Sec. 26, S½SE¼NE¼.
T. 2 N., R. 3 W.,
Sec. 21, S½N½NE¼SW¼NW¼, S½NE¼SW¼NW¼, NW¼SW¼NW¼, S½S½NW¼, NE¼SE¼NW¼, S½N½NW¼SE¼NW¼, S½NW¼SE¼NW.

The area described aggregates 105 acres.

GLENDON E. COLLINS,
*Acting Manager.*

[F.R. Doc. 64-10232; Filed, Oct. 7, 1964; 8:48 a.m.]

### CALIFORNIA

### Notice of Termination of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 30, 1964.

The Forest Service, United States Department of Agriculture filed an application for withdrawal of lands from location and entry under the mining laws, serial number Riverside 05707, on September 9, 1964. Notice of proposed withdrawal and reservation of land under this application was published on September 17, 1964 (F.R. Doc. 64-9422). These lands have previously been withdrawn for the San Bernardino Forest Reserve by Presidential proclamation of February 25, 1893, and as such, have been open to entry under the mining laws.

The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2310 (formerly 43 CFR Part 295), such lands will be relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 1 N., R. 1 W.,
Sec. 22, lot 3.

The area described aggregates 2.50 acres.

GLENDON E. COLLINS,
*Acting Manager.*

[F.R. Doc. 64-10233; Filed, Oct. 7, 1964; 8:48 a.m.]

### COLORADO

### Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 30, 1964.

The Bureau of Reclamation of the Department of the Interior has filed an application, Serial Number Colorado 0123957, for the withdrawal from public entry, subject to existing valid claims, under the first form of withdrawal, as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388), certain public lands in the sections and townships described below.

The applicant desires the land for reclamation purposes in connection with the Whitewater Unit, Colorado River Storage Project.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Land Office Manager of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Insurance Exchange Building, 910 15th Street, Denver, Colo., 80202.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands affected are:

UTE PRINCIPAL MERIDIAN, COLORADO

Township 2 South, Range 1 East in section 4.

Lands proposed to be withdrawn in the above designated area aggregate approximately 360 acres.

EVERETT K. WEEDIN,
*Acting Land Office Manager.*

[F.R. Doc. 64-10234; Filed, Oct. 7, 1964; 8:48 a.m.]

## IDAHO

### Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 29, 1964.

The Department of Agriculture has filed an application, Serial Number Idaho 015692 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws, but excepting the mineral leasing laws.

The applicant desires the land for the proposed Montgomery Creek Townsite.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho, 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

COEUR D'ALENE NATIONAL FOREST

*Montgomery Creek Townsite*

T. 49 N., R. 3 E.,
Sec. 33, SE¼NE¼, N½NE¼SE¼, SW¼NE¼SE¼, and the SE¼NW¼SE¼;
Sec. 34, NW¼SW¼NW¼.

The area described aggregates 90 acres of public lands in Shoshone County, Idaho.

ORVAL G. HADLEY,
*Manager, Land Office.*

[F.R. Doc. 64-10235; Filed, Oct. 7, 1964; 8:48 a.m.]

## MONTANA

### Notice of Filing of Plat of Survey

OCTOBER 2, 1964.

1. Plat of survey of the land described below will be officially filed in the land office, Billings, Montana, effective at 10:00 a.m. on November 6, 1964:

PRINCIPAL MERIDIAN, MONTANA

T. 6 N., R. 20 W.,
Sec. 36, lot 1, SE¼NE¼, SE¼.

The area described contains 238.81 acres.

2. Except for and subject to valid existing rights, it is presumed that title to the above described lands passed to the State of Montana upon the acceptance of the above mentioned plat of survey, i.e., August 21, 1964.

R. PAUL RIGTRUP,
*Manager, Land Office.*

[F.R Doc. 64-10236; Filed, Oct. 7, 1964; 8:48 a.m.]

[Montana 066939]

## MONTANA

### Order Providing for Opening of Public Lands

OCTOBER 2, 1964.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), the following described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 14 N., R. 23 E.,
Sec. 19, NE¼NW¼.

The area described contains 40 acres.

2. The lands described above lie approximately five and one-half miles southwest of Grass Range, Montana. The topography is moderately rolling. The soil is a sandy loam. Vegetation consists of native short and mid-grasses with a thin stand of Ponderosa Pine suitable for posts and poles, the carrying capacity is estimated at 5A/AUM. Due to climatic, soil and topographic features, the subject lands are not suitable for sustained agricultural crops typical of this area.

3. No application for these lands will be allowed under the homestead, desert land, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of a petition-application. Any petition-application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to the filing of petition-applications, selections, and locations in accordance with the following:

(a) Petition-applications and selections under the nonmineral public land laws, except applications under the Small Tract Act, may be presented to the Manager mentioned below, beginning on the date of this order. Such petition-applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid petition-applications and selections under the nonmineral public land laws presented prior to 10 a.m., November 6, 1964, will be considered as simultaneously filed at that hour. Rights under such petition-applications and selections filed after that hour will be governed by the time of filing.

(b) The mineral rights in the lands described in paragraph 1 have been retained by the previous owner, as provided in section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing petition-applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning these lands should be addressed to the Land Office Manager, Montana Land Office, 1245 North 29th Street, Billings, Mont., 59101.

R. PAUL RIGTRUP,
*Manager, Land Office.*

[F.R. Doc. 64-10237; Filed, Oct. 7, 1964; 8:48 a.m.]

[Nevada 064968]

## NEVADA

### Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 30, 1964.

The Bureau of Land Management has filed the above application for the withdrawal of the lands described below, from all forms of appropriation including the mining laws but not the mineral leasing laws or the disposal of material under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended.

The applicant desires the land to protect an existing deer winter range and to develop public picnicking and camping sites.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 1551, Reno, Nev.

An authorized officer will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 14 N., R. 19 E.,
Sec. 1, W½ lot 1 of NE¼, lot 1 of NW¼, E½ lot 2 of NW¼, except lot 3, SW¼, W½SE¼;
Sec. 2, SE¼NE¼, E½SW¼, SE¼;
Sec. 11, NE¼, N½NW¼, SW¼NW¼, SE¼;
Sec. 12, W½NE¼, W½, SE¼;
Sec. 13;
Sec. 14, N½NE¼, SE¼NE¼, SE¼;
Sec. 23, NE¼;
Sec. 24, N½, NW¼SW¼.

The above described land contains approximately 3,114.58 acres.

DONALD I. BAILEY,
*Acting Manager.*

[F.R. Doc. 64-10238; Filed, Oct. 7, 1964; 8:48 a.m.]

## NEW MEXICO

### Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 30, 1964.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial Number New Mexico 0554897, for the withdrawal of lands described below from all forms of entry. Minerals are not owned by the United States. The applicant desires the lands for construction of a regulating reservoir in connection with an existing irrigation project in Quay County, New Mexico.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Manager, Land Office, Post Office Box 1449, Santa Fe, N. Mex., 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

NEW MEXICO

T. 10 N., R. 31 E.,
Sec. 16, W½E½, W½.

The area described contains 480 acres.

MICHAEL T. SOLAN,
*Manager.*

[F.R. Doc. 64-10239; Filed, Oct. 7, 1964; 8:48 a.m.]

[Utah 0140631]

## UTAH

### Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 24, 1964.

The Department of Agriculture, Forest Service, has filed the above application for the withdrawal of the lands described below, from all forms of appropriation except: Operation of the mining and mineral leasing laws.

The applicant desires the land for inclusion within the boundaries of the Cache National Forest and Wasatch National Forest. The Cache National Forest would be extended to include 1,079.95 acres of public land and 40 acres of private land. The Wasatch National Forest would be extended to include 261.57 acres of public land and 160 acres of private land. Rights of private land owners would be unaffected by the withdrawal. Under jurisdiction of the Forest Service, the lands would be fully utilized for all its resources with primary emphasis on watershed management.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Utah State Director, Post Office Box 11505, Salt Lake City, Utah, 84111.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

CACHE NATIONAL FOREST

*Public Lands*

T. 7 N., R. 1 W.,
Sec. 34: Lots 3 and 4, E½SE¼.
T. 12 N., R. 2 E.,
Sec. 7: E½SW¼.
T. 13 N., R. 2 E.,
Sec. 6: Lot 1, SE¼NE¼.
T. 14 N., R. 2 E.,
Sec. 20: E½W½;
Sec. 29: NE¼NW¼, NE¼SW¼.
Containing 559.95 acres.
T. 6 N., R. 1 W.,
Sec. 10: E½, E½W½, NW¼NW¼.
Containing 520.00 acres.

*Private Lands*

T. 14 N., R. 2 E.,
Sec. 29: SE¼NW¼.
Containing 40 acres.

WASATCH NATIONAL FOREST

*Public Lands*

T. 5 N., R. 1 E.,
Sec. 30: S½.
Containing 261.57 acres.

*Private Lands*

T. 5 N., R. 1 E.,
Sec. 29: SW¼.
Containing 160.00 acres.

Total public lands in Cache and Wasatch National Forest, 1,341.52 acres; total private lands in Cache and Wasatch National Forest, 200.00 acres. Total, 1,541.52 acres.

R. H. NIELSON,
*State Director.*

[F.R. Doc. 64-10240; Filed, Oct. 7, 1964; 8:48 a.m.]

[Classification No. 133]

## ALASKA

### Small Tract Classification

OCTOBER 1, 1964.

1. Pursuant to authority redelegated to me by Bureau Order 684, dated August

28, 1961 (26 F.R. 6215) as amended by the Alaska State Director in section 1, Delegation of Authority (29 F.R. 3015) dated March 5, 1964, I hereby classify the following described lands, totaling 1.44 acres near Kenai, Alaska, as suitable for lease and for sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended:

SEWARD MERIDIAN

T. 6 N., R. 11 W.,
Sec. 31, lots 175 to 178, inclusive.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except to applications under the mineral leasing laws and to selections by the State of Alaska in accordance with and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

3. The lands described in paragraph 1 were restored from withdrawal by Public Land Order No. 800 of February 1, 1952. They were retained in reserve status pending an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a).

4. The lands classified by this order shall not become subject to application under the Act of June 1, 1938 (52 Stat. 682a) as amended, until it is so provided by an order to be issued by an authorized officer opening the lands to applications or bids.

JAMES W. SCOTT,
*Manager, Anchorage District and Land Office.*

[F.R. Doc. 64-10251; Filed, Oct. 7, 1964; 8:48 a.m.]

## OREGON; ASSISTANT MANAGER, MINERALS ADJUDICATION BRANCH, ET AL.

### Redelegation of Authority

SEPTEMBER 29, 1964.

1. Pursuant to the authority contained in section 2.1 of Bureau of Land Management Order No. 701 (29 F.R. 10526), authority is hereby redelegated to the assistant manager, Minerals Adjudication Branch, to take action for the manager in all matters listed in section 2.6 of the above-cited order, and to the assistant manager, Lands Adjudication Branch, to take action for the manager in all matters listed in section 2.9, and to the assistant manager, Records and Public Services Branch, authority within his specific area of responsibility to take action for the manager as follows:

SEC. 2.2 *General and miscellaneous matters.* • • •

(c) *Copies of records.* Furnish copies and exemplifications of patents, plats, and other records.

• • • • • •

SEC. 2.3 *Fiscal affairs.* • • •

(a) *Bonds.* • • •

(1) Take all actions on bonds required in connection with matters pertaining to the lands or the resources thereof under the manager's jurisdiction.

(c) *Repayments.* Make repayment or refund from applicable funds in any case where payment has been made that is not required or is in excess of the amount required under the Public Land Administration Act (43 U.S.C. 1374); and repayments under 43 CFR part 1822.

• • • • • •

SEC. 2.6 *Minerals.* • • •

Reject applications filed under legal authorities cited in these sections if any or all of the following conditions prevail:

(1) The official land title and use records reveal that the land applied for is unavailable for the requested purpose;

(2) The land description in the application is inadequate to identify the land, or land which applicant was obligated to include in the description was not listed;

(3) The application is incomplete when submitted (for example, fees not paid, information not complete, unsigned, obsolete form);

(4) The requested land area does not meet legal requirements of compactness, contiguity, or acreage;

(5) The application was not successful in a public drawing held to establish priorities of conflicting applications.

• • • • • •

SEC. 2.9 *Land use.* • • •

Reject applications filed under legal authorities cited in these sections if any or all of the following conditions prevail:

(1) The official land title and use records reveal that the land applied for is unavailable for the requested purpose;

(2) The land description in the application is inadequate to identify the land, or land which applicant was obligated to include in the description was not listed;

(3) The application is incomplete when submitted (for example, fees not paid, information not complete, unsigned, obsolete form);

(4) The requested land area does not meet legal requirements of compactness, contiguity, or acreage;

(5) The application was not successful in a public drawing held to establish priorities of conflicting applications.

2. The authority delegated by this order may not be redelegated.

Effective date: October 12, 1964.

DOUGLAS E. HENRIQUES,
*Manager, Land Office.*

Approved:

GARTH H. RUDD,
*Acting State Director, Oregon-Washington Bureau of Land Management.*

[F.R. Doc. 64-10265; Filed, Oct. 7, 1964; 8:49 a.m.]

## Geological Survey

[Colorado 117]

## COLORADO

### Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following-described lands, insofar as title thereto remains in the United States, are hereby classified as follows:

SIXTH PRINCIPAL MERIDIAN, COLORADO

COAL LANDS

T. 32 S., R. 64 W.,
Sec. 8, N½NE¼;
Sec. 19, lot 1;
Sec. 27, NW¼SE¼.
T. 33 S., R. 64 W.,
Sec. 5, lots 3 and 4.
T. 30 S., R. 65 W.,
Sec. 18, NE¼SW¼, W½SE¼;
Sec. 19, lot 3;
Sec. 22, NW¼NW¼;
Sec. 34, SE¼SE¼;
Sec. 35, W½SE¼, SE¼SE¼.
T. 31 S., R. 65 W.,
Sec. 1, lot 4, SW¼NW¼, W½SW¼;
Sec. 2;
Sec. 3, lots 1 and 2, S½NE¼, E½SE¼;
Sec. 6, lots 1 and 2, S½NE¼;
Sec. 10, E½;
Sec. 11, N½, SW¼, W½SE¼;
Sec. 12, W½NE¼, SE¼NE¼, NW¼;
Sec. 17, E½SW¼;
Sec. 28, SW¼NW¼;
Sec. 33, NE¼NE¼.
T. 32 S., R. 65 W.,
Sec. 4, N½SE¼;
Sec. 6, lots 2, 3, 5, and 7, SE¼NW¼, SE¼SW¼;
Sec. 7, lot 1, NE¼NW¼;
Sec. 9, W½SE¼, SE¼ SE¼;
Sec. 30, NE¼SW¼, SE¼;
Sec. 31, N½NE¼, NE¼NW¼;
Sec. 32, NW¼NW¼.
T. 33 S., R. 65 W.,
Sec. 4, SW¼SE¼;
Sec. 6, lot 5, SE¼NW¼, E½SW¼;
Sec. 12, SW¼NE¼, NE¼NW¼, S½NW¼, SW¼;
Sec. 14, SW¼;
Sec. 18, lots 1, 2, 3, and 4, NE¼NE¼, E½W½, NE¼SE¼;
Sec. 19, lots 3 and 4, N½NE¼, SE¼NE¼, E½SW¼, SW¼SE¼;
Sec. 20, S½N½, W½SE¼;
Sec. 25, W½NW¼, SW¼, SW¼SE¼;
Sec. 26, E½, N½NW¼, SE¼NW¼, E½SW¼;
Sec. 27, SW¼SW¼;
Sec. 28, S½SW¼, SW¼SE¼;
Sec. 29, W½NW¼;
Sec. 32, NW¼NE¼.
T. 29 S., R. 66 W.,
Sec. 8, SE¼NE¼, NE¼SE¼.
T. 30 S., R. 66 W.,
Sec. 14, NW¼SW¼, SE¼SW¼;
Sec. 23, S½SE¼;
Sec. 25, NE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 36, E½NE¼;
Sec. 29, NW¼SW¼;
Sec. 30, NW¼NE¼.
T. 31 S., R. 66 W.,
Sec. 1, SE¼NW¼;
Sec. 12, E½NE¼, NE¼SE¼;
Sec. 20, NW¼, SW¼SE¼;
Sec. 21, NW¼;
Sec. 33, W½SW¼.
T. 32 S., R. 66 W.,
Sec. 2, lot 3;
Sec. 4, lot 4;
Sec. 5, lot 1;
Sec. 12, S½SW¼;
Sec. 15, SW¼NE¼, NE¼SE¼;
Sec. 23, S½NE¼, SW¼SW¼, N½SE¼;
Sec. 26, SE¼SW¼, NE¼SE¼;
Sec. 28, E½SW¼, NW¼SE¼;
Sec. 31, lots 3 and 4, E½NE¼, E½SW¼;
Sec. 32, W½NW¼;
Sec. 33, SE¼.
T. 33 S., R. 66 W.,
Sec. 1, lots 1 and 2, S½NE¼;
Sec. 2, SE¼NE¼, SW¼NW¼, NW¼SW¼, E½SE¼;



Sec. 8, E½SE¼;
Sec. 11, NE¼NE¼;
Sec. 13, SW¼NE¼, SE¼;
Sec. 15, SW¼NE¼, W½;
Sec. 17, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 19, SE¼SE¼;
Sec. 20, W½NE¼, SW¼SW¼, W½SE¼;
Sec. 21, N½NE¼, NE¼NW¼;
Sec. 22, W½;
Sec. 26, W½SW¼;
Sec. 27, N½SE¼, SW¼SE¼;
Sec. 28, NE¼NW¼;
Sec. 29, NE¼, NW¼NW¼, SE¼NW¼;
Sec. 33, NE¼NE¼, N½NW¼, SE¼NW¼.
T. 27 S., R. 67 W.,
Sec. 32, SW¼.
T. 28 S., R. 67 W.,
Sec. 5, SW¼;
Sec. 6, lots 1 and 2, SE¼NE¼, SE¼;
Sec. 7, lots 1 and 2, E½NW¼;
Sec. 22, N½SE¼.
T. 29 S., R. 67 W.,
Sec. 12, SW¼SW¼;
Sec. 17, NE¼;
Sec. 35, NW¼NE¼, N½NW¼, SW¼NW¼.
T. 30 S., R. 67 W.,
Sec. 8, SE¼NW¼;
Sec. 15, SW¼NE¼, N½SW¼, NW¼SE¼;
Sec. 26, SW¼NE¼, SE¼NW¼, W½SE¼.
T. 31 S., R. 67 W.,
Sec. 11, NW¼NE¼, NE¼ SW¼;
Sec. 13, SW¼NW¼;
Sec. 14, NE¼, E½NW¼;
Sec. 15, N½N½, SE¼SE¼;
Sec. 21, S½NE¼, NE¼SE¼;
Sec. 22, SW¼NW¼, NE¼SW¼, W½SE¼, SE¼SE¼.
T. 32 S., R. 67 W.,
Sec. 5, SW¼;
Sec. 11, SW¼SE¼;
Sec. 12, N½SE¼;
Sec. 15, SW¼SE¼;
Sec. 25, SE¼SW¼;
Sec. 30, NE¼NE¼;
Sec. 31, E½SE¼;
Sec. 32, SW¼.
T. 33 S., R. 67 W.,
Sec. 3, SW¼SW¼;
Sec. 4, SE¼SE¼;
Sec. 9, E½NE¼;
Sec. 11, SE¼SW¼, S½SE¼;
Sec. 12, SW¼SW¼;
Sec. 18, lots 2, 3, and 4, E½SW¼;
Sec. 19, lot 1, NW¼NE¼, NE¼NW¼;
Sec. 25, SE¼NE¼;
Sec. 29, lot 5.
T. 28 S., R. 68 W.,
Sec. 1, lot 1, SE¼NE¼, E½SE¼;
Sec. 3, SW¼NE¼, S½NW¼;
Sec. 5, lots 3 and 4, S½NW¼;
Sec. 9, SW¼;
Sec. 12, NE¼, NW¼NW¼;
Sec. 13, N½, E½SW¼, W½SE¼;
Sec. 14, N½N½, SE¼NE¼, SW¼NW¼, NW¼SW¼, NE¼SE¼;
Sec. 17, E½;
Sec. 27, S½SW¼, SW¼SE¼;
Sec. 28, SE¼NE¼.
T. 29 S., R. 68 W.,
Sec. 7, lots 3 and 4, E½SW¼, SE¼;
Sec. 19, lots 3 and 4;
Sec. 32, SW¼NW¼, NW¼SW¼.
T. 30 S., R. 68 W.,
Sec. 6, lot 5;
Sec. 10, NE¼NE¼;
Sec. 20, NE¼NE¼;
Sec. 29, NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 31, lots 2, 3, and 4, W½NE¼, E½W½.
T. 32 S., R. 68 W.,
Sec. 6, lot 1;
Sec. 7, lot 3;
Sec. 9, SW¼SE¼;
Sec. 12, N½NW¼;
Sec. 21, NW¼NW¼, S½NW¼.
T. 33 S., R. 68 W.,
Sec. 13, SE¼NE¼.
T. 30 S., R. 69 W.,
Sec. 11, SW¼NE¼;
Sec. 25, SW¼NE¼, NW¼SE¼.

RECLASSIFIED COAL LANDS FROM NONCOAL LANDS

Prior classification of the following subdivisions as noncoal lands is hereby revoked and the lands are reclassified as coal lands:

T. 32 S., R. 68 W.,
Sec. 19, NE¼NE¼;
Sec. 20, NW¼SW¼;
Sec. 29, NE¼NW¼, SW¼ SE¼;
Sec. 32, NE¼SE¼.
T. 33 S., R. 68 W.,
Sec. 5, lot 6.

The area described aggregates 19,397 acres, more or less, of which about 19,169 acres are newly classified as coal lands, and 228 acres previously classified as noncoal lands are now classified as coal lands.

'R. H. LYDDAN,
*Acting Director.*

OCTOBER 1, 1964.

[F.R. Doc. 64-10223; Filed, Oct. 7, 1964; 8:46 a.m.]

[Idaho 15]

## IDAHO

### Phosphate and Nonphosphate Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following-described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

BOISE MERIDIAN, IDAHO

PHOSPHATE LANDS

T. 2 N., R. 42 E.,
Sec. 22, E½NE¼;
Sec. 23, NW¼NW¼, S½NW¼, SW¼, W½SE¼;
Sec. 25, SW¼NW¼, W½SW¼;
Sec. 26, E½, E½NW¼;
Sec. 35, E½ NE¼;
Sec. 36, SW¼NE¼, NW¼, E½SW¼, NW¼ SW¼, SE¼.

NONPHOSPHATE LANDS

T. 2 N., R. 42 E.,
Sec. 14, SW¼;
Sec. 15;
Sec. 17, S½;
Sec. 18, SE¼;
Secs. 19, 20, and 21;
Sec. 22, W½NE¼, NW¼, SW¼, SE¼;
Sec. 23, W½NE¼, NE¼NW¼, E½SE¼;
Sec. 25, NW¼NW¼, E½SW¼;
Sec. 26, W½NW¼, SW¼;
Secs. 27 to 34, inclusive;
Sec. 35, W½NE¼, W½, SE¼;
Sec. 36, NW¼NE¼, SW¼SW¼.

The area described totals about 11,275 acres, of which about 1,520 acres are classified as phosphate lands, and about 9,755 acres are classified as nonphosphate lands.

R. H. LYDDAN,
*Acting Director.*

OCTOBER 1, 1964.

[F.R. Doc. 64-10224; Filed, Oct. 7, 1964; 8:47 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

### CENTRAL SOYA CO., INC.

### Notice of Withdrawal of Petition for Proposed Food Additive Titanium Dioxide

With reference to food additive petition (FAP 1450) filed by Central Soya Company, Inc., Chemurgy Division, 825 North Laramie Avenue, Chicago 39, Ill., published in the FEDERAL REGISTER of August 1, 1964 (29 F.R. 11166), the Commissioner of Food and Drugs has concluded that the proposed use of titanium dioxide as set forth in the aforesaid notice of filing would be provided for under existing regulations issued pursuant to section 706 (Color Additives) of the Federal Food, Drug, and Cosmetic Act.

Accordingly, the above-noted food additive petition is withdrawn without prejudice.

(Sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b))

Dated: September 30, 1964.

WINTON B. RANKIN,
*Assistant Commissioner for Planning.*

[F.R. Doc. 64-10257; Filed, Oct. 7, 1964; 8:49 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-154]

## MARTIN-MARIETTA CORP.

### Notice of Extension of Expiration Date

Please take notice that the Atomic Energy Commission has issued an order extending to September 30, 1965, the expiration date specified in license No. CX-18, as amended, concerning the Liquid Fluidized Bed Reactor located at Middle River, Md.

Copies of the Commission's order and of the application amendment by the Martin-Marietta Corp. are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 30th day of September 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-10208; Filed, Oct. 7, 1964; 8:45 a.m.]

[Docket No. 50-229]

## GENERAL ATOMIC DIVISION OF GENERAL DYNAMICS CORP.

### Notice of Application for and Proposed Issuance of Facility Export License

Please take notice that General Atomic Division of General Dynamics

Corporation, Post Office Box 608, San Diego, Calif., 92112, has submitted an application dated September 30, 1964, for a license to authorize the export of a 250 kilowatt thermal TRIGA Mark II research reactor to the Institute Josef Stefan, Ljubljana, Yugoslavia.

Upon finding that the reactor proposed for export is within the scope of the Agreement for Cooperation between the Government of the United States of America and the International Atomic Energy Agency, and unless within fifteen days after the publication of this notice in the FEDERAL REGISTER, a request for a formal hearing is filed with the U.S. Atomic Energy Commission by the applicant or an intervener as provided by the Commission's rules of practice (Title 10, CFR, Ch. I, Part 2), the Commission proposes to issue to General Atomic Division of General Dynamics Corporation a facility export license on Form AEC-250 containing the authority set forth in the text below authorizing export of the reactor described in the application.

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Ch. I, Code of Federal Regulations, the Commission has found that:

(a) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Ch. I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the facility to be exported.

A copy of the application, dated September 30, 1964, is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 5th day of October 1964.

For the Atomic Energy Commission.

EBER R. PRICE,
*Director, Division of State and Licensee Relations.*

PROPOSED EXPORT LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations of the U.S. Atomic Energy Commission issued pursuant thereto, and in reliance on statements and representations heretofore made, General Atomic Division of General Dynamics Corporation, Post Office Box 608, San Diego, Calif., 92112, is authorized to export a 250 kilowatt thermal TRIGA Mark II nuclear research reactor to the Institute Josef Stefan, Ljubljana, Yugoslavia, subject to the terms and provisions herein. The license to export extends to the licensee's duly authorized shipping agent.

Neither this license nor any right under this license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

This license is subject to the right of recapture or control reserved by section 108 of the Atomic Energy Act of 1954, and to all other provisions of said Act, now or hereafter in effect and to all valid rules and regulations of the U.S. Atomic Energy Commission. This license is effective as of the date of issuance and shall expire on November 30, 1965.

For the Atomic Energy Commission.

[F.R. Doc. 64-10099; Filed, Oct. 7, 1964; 8:50 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15641; FCC 64-908]

## INTERNATIONAL PANORAMA TV, INC.

### Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of International Panorama TV, Inc., Fontana, California, Docket No. 15641, File No. BPCT-3181; for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned application of International Panorama TV, Inc. for a construction permit for a new television broadcast station to operate on Channel 40, Fontana, California, filed April 22, 1963, and various pleadings filed in connection therewith.[1] Channel 40 is allocated to Riverside, California, but the applicant has specified Fontana, California, as its principal community to be served, under the provisions of § 73.607(b) of the Commission's rules (the "15-mile" rule). Operating as proposed, with a transmitter and tower located on Mount Wilson near those of the Los Angeles stations, the proposed new station would place a principal city signal over the whole of Los Angeles as well as over Fontana and Riverside. Petitioner is the permittee of Television Broadcast Station KMEX-TV, Channel 34, Los Angeles, California, and alleges standing in this proceeding on the basis that the proposed new station would compete with the petitioner for revenues in the Los Angeles market and that as a result of the diversion of revenues from petitioner's station, the petitioner will suffer economic injury. The applicant disputes petitioner's standing in this proceeding, alleging that the petition to deny was not timely filed, no waiver of § 1.580(i) of the Commission's rules was requested, and, in any event, the petitioner has not shown that it is a "party in interest" within the meaning of section 309(d) of the Communications Act of 1934, as amended.[2]

2. Section 1.580(i) of the Commission's rules requires a party in interest to file a petition to deny no later than 30 days after issuance of a public notice of the acceptance for filing of the application. Public notice of such acceptance for filing of this application was issued by the Commission on April 30, 1963 (Report No. 7018) and the petition to deny was filed May 18, 1964, nearly one year later. The petitioner did not, at the time it filed its petition, request a waiver of § 1.580(i) of the rules nor did it give any reason for its tardiness. In its reply to the applicant's opposition to the petition, the petitioner, for the first time and presumably because of the applicant's assertions as to the untimeliness of the petition, requested a waiver of the Rules. Petitioner admits that it had some evidence in its possession as early as November 1963, which raised question as to the character qualifications of Angel Lerma Maler, President and 75 percent stockholder of the applicant corporation. More important, however, is the fact that the basis for the questions which the petitioner now seeks to raise regarding the applicant's financial qualifications, its conformity with section 307(b) of the Communications Act, and its efforts, if any, to ascertain the programming needs and interests of the area proposed to be served, existed at the time the application was filed and could have been raised by the petitioner within the time limit imposed by the rules. In view of these facts, we are unable to find that the petitioner has shown good cause for a waiver of § 1.580(i) of the Rules and its request for a waiver will, accordingly, be denied.[3] The petition, being untimely filed, will be dismissed and we do not, therefore, find it necessary to rule on the question of whether the petitioner has standing as a "party in interest."[4]

3. Although we are not, under the circumstances, required by statute to reach the question of the merits of the petition, in view of the importance to the public interest of the questions raised by the petitioner as to whether the applicant has the requisite qualifications as to be a broadcast licensee, we will treat the petition as an informal objection filed pursuant to § 1.587 of the Commission's rules and will consider the questions raised therein on our own motion.

4. We are asked to consider four questions in this matter: whether the applicant is financially qualified; whether a grant of the application would be consistent with section 307(b) of the Communications Act and § 73.606 of the Commission's rules (the television Table of Assignments); whether the applicant has attempted to ascertain the programming needs and interests of the area proposed to be served (the so-called "Suburban" issue); and whether the applicant has the requisite character qualifications to be a broadcast licensee, in view of the disparaging letters discussed below. We believe it appropriate to dispose of all matters raised by the petitioner and we will, accordingly, consider them seriatim.

5. The application shows that the total cost of construction of the proposed new station will be approximately $479,000 and cash in the amount of approximately $192,000 will be required for the construction and initial operation of the proposed station. To meet the total costs of construction, the applicant relies upon deferred credit of $332,824, a bank loan of $150,000, and loans from subscribers of approximately $42,000,[5] a total well in excess of the necessary $479,000. The cash requirement consists of a down payment on equipment amounting to $110,942; buildings, $20,000; other items, $15,000; initial operation, $45,000;[6] and current liabilities, $1,250. To meet these cash requirements, the applicant shows the availability of a bank loan of $150,000, subscribers' loans of approximately $42,000, and a loan, if required, from Panorama Latino TV, Inc., a corporation owned by Mr. Angel Lerma Maler.[7] It is apparent from the foregoing that the applicant is financially qualified to construct, own and operate the proposed new station.

6. The petitioner alleges also that a grant of the application would be inconsistent with section 307(b) of the Communications Act and the television Table of Assignments (§ 73.606 of the Commission's rules) on the grounds that the applicant's proposal constitutes an attempt to be a Los Angeles station rather than a Fontana station. In support of this conclusion, the petitioner states that the proposed station would place a principal city signal over all of Los Angeles (stronger, petitioner alleges, than that which will be placed over Fontana and Riverside), that the applicant's programming is directed to the Spanish speaking population of Los Angeles, and that the proposed transmitter site is on Mount Wilson among those of the Los Angeles stations. Petitioner seems to suggest that the applicant propose to broadcast "predominantly" in the Spanish language, indicating that the applicant seeks to be a Los Angeles station rather than a Fontana station. The facts do not support petitioner's contention that the applicant proposes to program "predominantly" in the Spanish language. Approximately 18 percent of applicant's programming will be in Spanish, and an additional 12 percent will be in other foreign languages, the remaining 70 percent being in English. Petitioner estimates that the 1960 population of Fontana (14,659) is approximately 4 percent Spanish (675 persons) and that approximately 9 percent of the population of Fontana are of foreign birth. We are persuaded that the applicant has formulated its programming to be responsive to the needs and interests of Fontana as well as the other segments of its proposed coverage area. Moreover, the fact that the applicant proposes to locate its transmitter on Mount Wilson among those of the Los Angeles stations and will provide a principal city signal to Los Angeles does not constitute it a Los Angeles station rather than a Fontana station.[8]

7. Petitioner alleges that the applicant has not adequately ascertained the programming needs and interests of the entire area to be served, pointing out that the applicant amended its original application to effect a change of proposed transmitter site of about 22 miles, but made no changes in its programming proposal. The application, however, contains affirmative representations that the applicant surveyed not only its principal community, but communities throughout the proposed service area to ascertain the programming tastes, needs and interests. One such survey was conducted prior to the filing of the application and a further survey was conducted subsequent thereto. Under these circumstances, we find that an issue with respect to the applicant's efforts to ascertain the programming needs and interests of its proposed area to be served is not warranted.

8. The basic problem presented by this case is the question of whether the applicant has the requisite character qualifications to be a broadcast licensee. In order to place our decision in proper perspective, a brief summary of the events leading to the filing of the petition in this matter appears appropriate.

9. Mr. Angel Lerma Maler (also known as Angel Lerma) owns 75 percent of the stock of International Panorama TV, Inc., and his sister, Alma Clara Maler, owns the remaining 25 percent. Mr. Maler is also the sole stockholder of Panorama Latino TV, Inc., an organization which produces Spanish language television programming for Television Broadcast Station KCOP-TV, Channel 13, Los Angeles, California. Thus, an atmosphere of competition and rivalry exists between Maler and petitioner's Station KMEX-TV and its principals with respect to the Spanish speaking population of the Greater Los Angeles area. Beginning in July 1962, a series of letters bearing signatures of persons with Latin American names was sent to the Commission, all containing disparaging material concerning Station KMEX-TV evidencing a familiarity with the principals of Station KMEX-TV, and all being remarkably similar in language and format. In addition, a fifth disparaging letter, a carbon copy of a letter sent to the Attorney General of the State of California, was also received by the Commission. This letter bore the same distinguishing characteristics as the other four. All five letters were typewritten. The petitioner, in November 1963, secured and submitted informally to the Commission, the opinion of a questioned document examiner who stated that, on the basis of his examination of these letters compared with a letter known to have been typed on a typewriter in the offices of Panorama Latino, it was his professional judgment that all of the letters (including the known exemplar) were typed on the same typewriter. There are also other letters and documents involved which the petitioner alleges were sent by Maler to advertisers and others in an attempt to defame, injure and destroy Station KMEX-TV.

10. In January 1964, the applicant was apprised by the Commission of the information at hand and was requested to comment on the charges that the letters had originated in the offices of Panorama Latino TV. Maler thereupon submitted a categorical denial, under oath, stating that he had no knowledge whatsoever of the letters or their origin. Subsequently, the applicant instituted its own investigation into the matter and discovered that the letters had all been written by one Alexander G. Golomb (also known as Alexander G. Colombo), an employee of Panorama Latino TV. The applicant, however, states that the letters were written by Golomb for reasons of his own without the knowledge, consent or acquiescence of Maler. Maler steadfastly and categorically denies that he knew about the letters, that he had any connection therewith, or that he acquiesced in, condoned, or ratified Golomb's actions. The applicant has submitted affidavits to support its position, including one from Golomb in which he swears that he was solely responsible for the letters, that he wrote them in Maler's absence, that he wrote the letters at home, that he subsequently surreptitiously had the type on the typewriter changed, and that he used fictitious names. Among the letters written by Golomb was one to Maler, signed with the fictitious name "Bill Potz", containing allegedly derogatory matter concerning petitioner's station representative. Golomb's affidavit avers that Golomb persuaded Maler that he (Maler) knew "Potz" and then Golomb surreptitiously drafted a letter for Maler's signature transmitting the "Potz" letter to petitioner's station representative, and slipped the transmittal letter in among other letters for Maler's signature. It is stated that in this manner, Golomb secured Maler's signature without Maler's knowledge and Golomb then mailed the letter to petitioner's station representative hoping to damage the reputation of Station KMEX, its principals, and its station representative. With the exception of the circumstances surrounding Maler's signing of the letter transmitting the "Potz" letter, all of the foregoing facts are undisputed, but the petitioner contends that Maler knew or should reasonably have known, of the writing of these letters or, if he had no actual knowledge, responsibility is imputable to him under the legal doctrine of master and servant. Petitioner alleges that, in any event, Maler ratified Golomb's actions by re-

[1] The Commission also has under consideration: (a) Petition to Deny, filed May 18, 1964, by Spanish International Broadcasting Company; (b) Opposition, filed July 15, 1964, to (a), above; and (c) Reply, filed August 8, 1964, by petitioner, to (b), above. The applicant and petitioner requested and were granted extensions of time within which to file their various pleadings. On August 1964, the applicant filed a "Response" to (c), above, together with a "Petition for Acceptance of Responsive Pleading", requesting the Commission to accept the "Response". Since the applicant's "Response" was filed in violation of § 1.45 of the Commission's rules limiting pleadings which may be filed in a proceeding, its "Petition for Acceptance of Responsive Pleading" will be denied, and the "Response" filed in connection therewith will be dismissed.

[2] Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 60 S. Ct. 693, 9 RR 2008.

[3] United States v. Storer Broadcasting Corporation, 351 U.S. 192, 76 S. Ct. 763, 13 RR 2161; Oregon Radio, Inc., 14 RR 742.

[4] Valley Information Programs, Inc., FCC 64-61, 1 RR 2d 1077.

[5] The subscribers have agreed to lend a total of $150,000 to the applicant, but the figure of $42,000 represents the amount which the petitioner concedes that the subscribers can lend.

[6] Based on operation for a reasonable time without revenues.

[7] The financial statement of Panorama Latino TV shows that it has current and liquid assets in excess of current liabilities of more than $48,000 and has agreed to lend the applicant $42,000.

[8] New Jersey Television Broadcasting Corporation, FCC 64-296, 2 RR 2d 263; Reconsideration denied, FCC 64-583, 2 RR 2d 1097.







# FEDERAL POWER COMMISSION

[Docket No. RI65-100]

## ARKANSAS LOUISIANA GAS CO.

### Notice of Petition To Amend Order Fixing Rates

OCTOBER 2, 1964.

Take notice that on September 28, 1964, Arkansas Louisiana Gas Co. (Arkansas Louisiana), Post Office Box 1734, Shreveport, Louisiana 71102, filed a petition to amend the order issued August 28, 1964, in Docket No. RI65-100 by changing the rate therein prescribed for the sale of natural gas from the Carthage Area, Panola County, Texas, to Texas Gas Transmission Corporation (Texas Gas) in Rate Schedule No. 1 of Arkansas Louisiana's FPC Gas Rate Schedule No. 1.

Arkansas Louisiana states that the rate prescribed in the order of August 28, 1964, is 16.5 cents per Mcf at 15.025 psia, and that Arkansas Louisiana has been receiving 17 cents per Mcf at 15.025 psia for sales to Texas Gas from the Carthage Area. Arkansas Louisiana requests that the rate prescribed in the order of August 28, 1964, be changed to 17 cents per Mcf at 15.025 psia.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 19, 1964, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The petition to amend is on file with the Commission and is available for public inspection.

GORDON M. GRANT,
*Secretary.*

[F.R. Doc. 64-10100; Filed, Oct. 7, 1964; 8:50 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. RI65-101]

## ARKANSAS LOUISIANA GAS CO.

### Notice of Petition To Amend Order Fixing Rates

OCTOBER 2, 1964.

Take notice that on September 28, 1964, Arkansas Louisiana Gas Co. (Arkansas Louisiana), Post Office Box 1734, Shreveport, Louisiana 71102, filed a petition to amend the order issued August 28, 1964, in Docket No. RI65-101 by changing the rate therein prescribed for the sale of natural gas from the Carthage Area, Panola County, Texas, to Texas Gas Transmission Corporation (Texas Gas) in Rate Schedule No. 2 of Arkansas Louisiana's FPC Gas Rate Schedule No. 1.

Arkansas Louisiana states that the rate prescribed in the order of August 28, 1964, is 16.5 cents per Mcf at 15.025 psia, and that Arkansas Louisiana has been receiving 17 cents per Mcf at 15.025 psia for sales to Texas Gas from the Carthage Area. Arkansas Louisiana requests that the rate prescribed in the order of August 28, 1964, be changed to 17 cents per Mcf at 15.025 psia.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 19, 1964, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The petition to amend is on file with the Commission and is available for public inspection.

GORDON M. GRANT,
*Secretary.*

[F.R. Doc. 64-10101; Filed, Oct. 7, 1964; 8:50 a.m.]

taining Golomb in his employ after the authorship of the letters was discovered.

11. The only question to be resolved in this proceeding is the responsibility, if any, of Maler. There is presently insufficient information before the Commission to allow us to make a judgment as to the plausibility of the explanation offered by the applicant. Obviously, this application cannot be granted without resolving the question of whether Maler must bear some responsibility in this matter. While it is apparent that no person other than Maler and those associated with him could have the "personal knowledge" required of affiants by section 309(d) of the Communications Act, as to what Maler actually knew, it is conceivable that testimony could be elicited and evidence adduced from which valid inferences could be drawn as to Maler's responsibility, if any, for the actions of Golomb. Just as the public interest would require us to determine whether the applicant has the requisite qualifications to be a broadcast licensee if the evidence discloses Maler's complicity, so the public interest would seem to require a grant free of unresolved character questions if the evidence discloses Maler's innocence. It seems to us, therefore, that even if the evidence discloses that Maler was, to some extent and in some manner, responsible for the letters and other documents, we must further determine whether such responsibility necessarily reflects adversely on his character and, if so, whether the public interest would necessarily require us to deny the application. Clearly, a full and complete record of all of the facts and circumstances surrounding the writing of these letters and other documents is necessary in order to enable us to resolve these questions. An evidentiary hearing is the only tool available to us for that purpose. We will, therefore, upon our own motion, designate this matter for hearing. The Commission, after due deliberation, has determined that it will not make Spanish International a party to this proceeding.

12. In view of the foregoing, except as indicated by the issues specified below, we find that the applicant is legally, financially and technically qualified to construct, own and operate the proposed television station. However, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

*Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of International Panorama TV, Inc. is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Angel Lerma Maler was responsible for the actions of Alexander G. Golomb (also known as Alexander G. Colombo) in writing letters and other documents referred to in this Memorandum Opinion and Order and, if so, the nature and extent thereof.

2. To determine, if Issue 1 is resolved in the affirmative, whether the conduct of Angel Lerma Maler adversely reflects on the qualifications of the applicant to be a broadcast licensee.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

*It is further ordered,* That the request for waiver of § 1.580(i) of the Commission's rules, filed herein by Spanish International Broadcasting Company, is denied; that the Petition to Deny is, accordingly, dismissed, as untimely filed; that the "Petition for Acceptance of Responsive Pleading", filed herein by International Panorama TV, Inc., is denied; and that the "Response" filed by International Panorama TV, Inc., in connection therewith is, accordingly, dismissed, in accordance with § 1.45 of the Commission's rules; and

*It is further ordered,* That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order; and

*It is further ordered,* That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 30, 1964.

Released: October 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10262; Filed, Oct. 7, 1964; 8:49 a.m.]

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[Docket No. 15618; FCC 64M-972]

## MARION MOORE

### Order After Prehearing Conference

In re application of Marion Moore, Joshua Tree, California, Docket No. 15618, File No. BP-14358; for construction permit.

The Hearing Examiner having under consideration the procedures developed during prehearing conference held today;

*It is ordered,* This 2d day of October 1964, (1) that the hearing is hereby rescheduled and will commence at 10 a.m., on Monday, November 30, 1964, at the Commission's offices, Washington, D.C.; (2) that engineering data will be prepared in written affidavit form under oath of the consulting engineer having knowledge of the facts, and exchanged among other counsel, with one copy of each such exhibit to the Examiner, by not later than November 2, 1964; (3) that rebuttal data, if any, will be similarly prepared and exchanged by not later than November 23; and (4) that counsel will inform each other orally, by not later than November 25, of the names of witnesses desired for cross-examination;

*It is ordered further,* That the transcript of today's prehearing conference is incorporated herein by reference and will be utilized to guide the parties in their preparation for hearing;

*It is ordered further,* That exhibit material, including maps and computation sheets, will be completely paginated by use of Arabic numbers; that applicant's exhibits will be identified as "Moore Ex.", respondent's as "KDHI Ex." and Bureau's as "Bureau Ex."; and that each party's exhibits will be numbered successively beginning with "Ex. 1".

Released: October 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10263; Filed, Oct. 7, 1964; 8:49 a.m.]

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# CIVIL AERONAUTICS BOARD

[Docket No. 15573 etc.]

## SCANDINAVIAN AIRLINES SYSTEM ET AL.

### Notice of Prehearing Conference

Scandinavian Airlines System, Docket 15573; Lufthansa German Airlines, Dockets 15578 and 15579; KLM Royal Dutch Airlines, Docket 15580.

Applications of Scandinavian Airlines System, Lufthansa German Airlines, and KLM Royal Dutch Airlines for foreign air carrier permits to serve points in the State of Alaska.

Notice is hereby given that a prehearing conference on the above-entitled applications is assigned to be held on October 12, 1964, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., October 2, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-10269; Filed, Oct. 7, 1964; 8:50 a.m.]

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[Docket No. 15573 etc.]

## SCANDINAVIAN AIRLINES SYSTEM ET AL.

### Notice of Hearing

Scandinavian Airlines System, Docket 15573; Lufthansa German Airlines, Dockets 15578 and 15579; KLM Royal Dutch Airlines, Docket 15580.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled applications is assigned to be held on October 12, 1964, at 2:00 p.m., e.d.s.t., in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., October 2, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-10270; Filed, Oct. 7, 1964; 8:50 a.m.]

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# FEDERAL POWER COMMISSION

[Docket No. G-12245 etc.]

## MARSHALL R. YOUNG DRILLING CO. ET AL.

### Findings and Order

SEPTEMBER 28, 1964.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, making successors in interest co-respondents, redesignating proceedings, requiring filing of agreement and undertaking, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Marshall R. Young Drilling Company, Applicant in Docket No. G-12245, proposes to continue the sale of natural gas heretofore authorized in said docket as sole owner of the subject producing property and not as co-owner and operator. Marshall R. Young, former co-owner and non-operator, conveyed his interest in the property to Marshall R. Young Drilling Company effective as of August 1, 1961. The subject sale has been made pursuant to a contract heretofore designated as Marshall R. Young Drilling Company (Operator), et al., FPC Gas Rate Schedule No. 1. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI61-499. A change in rate has been suspended in Docket No. RI64-722 and has not been made effective. Accordingly, the certificate will be amended by changing the certificate holder to Marshall R. Young Drilling Company; the rate schedule will be redesignated as that of Marshall R. Young Drilling Company; Marshall R. Young Drilling Company will be made sole respondent in the proceedings pending in Docket Nos. RI61-499 and RI64-722; and the agreement and undertaking filed in Docket No. RI61-499 will be construed as though it were filed by Marshall R. Young Drilling Company as sole owner and not as co-owner and operator.

Amerada Petroleum Corporation, Applicant in Docket No. CI63-1426, proposes to continue the sale of natural gas heretofore authorized in said docket in lieu of Landmark Oil, Inc., pursuant to a contract heretofore designated as Landmark's FPC Gas Rate Schedule No. 1 which will be redesignated as a rate schedule of Amerada. Landmark acquired the subject properties from The Superior Oil Company as a partial successor in interest. Superior was authorized to sell natural gas from the subject properties pursuant to its FPC Gas Rate Schedule No. 30. The effective rate under the contract comprising Superior's and Landmark's rate schedules was in effect subject to refund in Docket No. RI62-445 at the time Superior assigned the property to Landmark and the rate at the present time is still in effect subject to refund in said docket. Accordingly, Landmark will be made a co-respondent in the proceeding pending in Docket No. RI62-445 insofar as said proceeding pertains to sales from January 1, 1963, to February 1, 1964, pursuant to its FPC Gas Rate Schedule No. 1; Amerada will be made a co-respondent in the proceeding pending in Docket No. RI62-445 insofar as said proceeding pertains to sales on and after February 1, 1964, pursuant to its FPC Gas Rate Schedule No. 120 (as so redesignated herein); said proceeding will be redesignated; and Landmark will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in Docket No. RI62-445. Amerada has filed an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in Docket No. RI62-445, and said agreement and undertaking will be accepted for filing.

After due notice a petition to intervene by Long Island Lighting Company and a notice of intervention by the New York Public Service Commission were filed in Docket No. G-12245 in the matter of the application filed June 1, 1964, in said docket. The petition to intervene and the notice of intervention have been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications in this order have been received.

At a hearing held on September 25, 1964, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-12245, CI61-658, CI63-148, CI63-738, CI63-951, CI63-1426, CI64-69, CI64-733, CI64-887, CI64-1355, and CI64-1427 should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) The certificates of public convenience and necessity heretofore issued to the Applicants herein, relating to the several abandonments hereinafter permitted and approved should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings pending in Docket Nos. RI61-499 and RI64-722 should be redesignated to reflect the acquisition of the interest of Marshall R. Young by Marshall R. Young Drilling Company, and the agreement and undertaking filed by Marshall

R. Young (Operator), et al., in Docket No. RI61–499 should be construed as though it were filed by Marshall R. Young Drilling Company as sole owner and not as co-owner and operator.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Landmark Oil, Inc., should be made a co-respondent in the proceeding pending in Docket No. RI62–445 insofar as said proceeding pertains to sales from January 1, 1963, to February 1, 1964, pursuant to its FPC Gas Rate Schedule No. 1; that said proceeding should be redesignated accordingly; and that Landmark should be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in Docket No. RI62–445.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Amerada Petroleum Corporation should be made a co-respondent in the proceeding pending in Docket No. RI62–445 insofar as said proceeding pertains to sales on and after February 1, 1964, pursuant to its FPC Gas Rate Schedule No. 120 (as so redesignated herein), that said proceeding should be redesignated accordingly; and that the agreement and undertaking submitted by Amerada in said proceeding should be accepted for filing.

(11) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein, should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's Regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. CI61–658, CI63–148, CI63–951, CI64–733, CI64–887, CI64–1355 and CI64–1427 are hereby amended by adding thereto and deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) The certificates heretofore issued in Docket Nos. CI63–738 and CI64–69 are hereby amended by deleting therefrom authorization granted herein, in Docket Nos. CI65–104 and CI65–82.

(F) The certificate heretofore issued in Docket No. G–12245 is hereby amended to reflect Marshall R. Young Drilling Company as sole owner of the subject producing property and not as co-owner and operator.

(G) The certificate heretofore issued in Docket No. CI64–1427 is hereby amended to include the additional dedication, and such authorization involving sales of gas by Anadarko Production Company to its parent, Panhandle Eastern Pipe Line Company is without prejudice to any action which the Commission may take in any subsequent rate proceeding involving either Anadarko or Panhandle Eastern.

(H) The order issuing a certificate in Docket No. CI63–1426 is hereby amended by changing the certificate holder to the successor in interest as set forth in the tabulation herein.

(I) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(J) The certificates heretofore issued in Docket Nos. G–7275, G–10691, CI61–700 and CI62–1116 are hereby terminated.

(K) The certificates issued in Docket Nos. CI65–43, CI65–82 and CI65–104 be and the same are hereby conditioned as follows:

(a) The initial price shall not exceed 15.0 cents per Mcf at 14.65 psia including tax reimbursement plus Btu adjustment;

(b) In the event that the Commission amends its Policy Statement No. 61–1 by adjusting the boundary between the Panhandle area and the "Other" Oklahoma area so as to increase the initial wellhead price for new gas in the area of the sale involved herein, Applicant may thereupon substitute the new rate reflecting the amount of such increase, and thereafter collect such new rate prospectively in lieu of the rate herein required; and

(c) The allowances for take-or-pay provisions and the upward Btu adjustment provisions in the related rate schedule are subject to the ultimate disposition with respect to such provisions in the rule-making proceedings in Docket Nos. R–199 and R–200; however, Applicant will not be required to file take-or-pay provisions for less than 80 percent of the annual contract quantities.

(L) The proceedings pending in Docket Nos. RI61–499 and RI64–722 be and the same are hereby redesignated [1] to reflect the acquisition of the interest of Marshall R. Young by Marshall R. Young Drilling Company; and the agreement and undertaking filed in Docket No. RI61–499 by Marshall R. Young Drilling Company (Operator), et al., shall be construed as though it were filed by Marshall R. Young Drilling Company as sole owner and not as co-owner and operator.

(M) Landmark Oil, Inc., be and it is hereby made a co-respondent in the proceeding pending in Docket No. RI62–445 insofar as said proceeding pertains to sales from January 1, 1963, to February 1, 1964, pursuant to its FPC Gas Rate Schedule No. 1.

(N) Amerada Petroleum Corporation be and it is hereby made a co-respondent in the proceeding pending in Docket No. RI62–445 insofar as said proceeding pertains to sales on and after February 1, 1964, pursuant to its FPC Gas Rate Schedule No. 120 (as so redesignated herein).

(O) The proceeding pending in Docket No. RI62–445 is hereby redesignated [2] to reflect the addition of Landmark Oil, Inc., and Amerada Petroleum Corporation as parties respondent.

(P) Within 30 days from the issuance of this order, Landmark Oil, Inc., shall execute, in the form set out below, and shall file with the Secretary of the Commission, an acceptable agreement and undertaking in Docket No. RI62–445 to assure the refund of any amounts collected pursuant to its FPC Gas Rate Schedule No. 1, together with interest at the rate of seven percent per annum, in excess of the amount determined to be just and reasonable in said docket. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. Said agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(Q) The agreement and undertaking submitted by Amerada Petroleum Corporation in Docket No. RI62–445 be and the same is hereby accepted for filing.

(R) Amerada Petroleum Corporation shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the Regulations thereunder, and the agreement and undertaking filed in Docket No. RI62–445 by Amerada shall remain in full force and effect until discharged by the Commission.

(S) The respective related rate schedules and supplements as indicated in the tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the succession herein, are hereby redesignated and accepted, subject to the applicable Commission Regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Marshall R. Young Drilling Company and J. C. Trahan, Drilling Contractor, Inc.

[2] The Superior Oil Company, A. W. Rutter, Jr. (Operator), et al., Landmark Oil, Inc., and Amerada Petroleum Corporation.



| Docket No., and date filed | Applicant | Purchaser, field and location | FPC rate schedule to be accepted: Description and date of document | No. | Supp. |
|---|---|---|---|---|---|
| CI65–104 (CI63–738) A 8–3–64 | Sohio Petroleum Co. (partial succession).[11] | Panhandle Eastern Pipe Line Co., acreage in Dewey County, Okla. | Ratification Agreement 10–1–62. | 108 | ..... |
| | | | Contract 5–5–60 | 108 | 1 |
| | | | Letter 7–17–64 | 108 | 2 |
| CI65–116 A 8–7–64 | Sun Oil Co. (Southwest division). | El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex. | Effective date: 4–1–64. Contract 7–22–64 [3] | 176 | ..... |
| CI65–117 (G–7275) B 8–4–64 | Penn-Ohio Gas Co. | Hope Natural Gas Co., Union District, Harrison County, W. Va. | Notice of Cancellation 8–4–64.[12] | 6 | 10 |
| CI65–118 (G–10691) B 8–6–64 | Skinner Corp. (Operator), et al. | Tennessee Gas Transmission Co., East Lavaca Field, Victoria County, Tex. | Notice of Cancellation 7–31–64.[12] | 3 | 7 |
| CI65–119 A 8–6–64 | R. H. Adkins d/b/a. Toney Gas Co. | United Fuel Gas Co., Duval District, Lincoln County, W. Va. | Contract 7–13–64 [3] | 91 | ..... |
| CI65–120 A 8–7–64 | Louis J. Ramires d/b/a Pacific States Gas and Oil Co. | Equitable Gas Co., Glimer District, Gilmer County, W. Va. | Contract 7–7–64 [3] | 1 | ..... |
| CI65–121 A 8–10–64 | Sohio Petroleum Co. | Cities Service Gas Co., Northeast Waynoka Field, Woods County, Okla. | Contract 2–12–64 [3] | 104 | ..... |
| CI65–123[14] A 8–10–64 | Ashland Oil & Refining Co. | Kansas-Nebraska Natural Gas Co., Inc., acreage in Beaver County, Okla. | Contract 1–20–64 Amendment 5–6–64 | 165 | 1 |
| CI65–124 A 8–10–64 | Amerada Petroleum Corp. | Cities Service Gas Co., Duncan-Bixler Unit, North Waynoka Field, Woods County, Okla. | Contract 7–13–64 [3] | 123 | ..... |
| CI65–125 A 8–10–64 | Sohio Petroleum Co. | Lone Star Gas Co., East Washington Field, Clain County, Okla. | Ratification 6–30–64 Contract 5–1–64 [3] | 105 105 | ..... 1 |
| CI65–126 A 8–12–64 | William Shepard | United Fuel Gas Co., Geary District, Roane County, W. Va. | Contract 11–15–63 [3] | 1 | ..... |
| CI65–128 (CI 61–700) B 8–11–64 | Anadarko Production Co. | Panhandle Eastern Pipe Line Co., Eva Area Field, Texas County, Okla. | Notice of Cancellation 4–17–64.[12] | 81 | 2 |
| CI65–129 A 8–12–64 | Eason Oil Co. | Lone Star Gas Co., Shoren Alechem Field, Carter County, Okla. | Contract 6–17–64 [3] | 30 | ..... |
| CI65–130 A 8–12–64 | Patrick J. O'Hornett. | Cities Service Gas Co., Beaver North Unit, Beaver County, Okla. | Contract 7–31–64 [3] | 2 | ..... |
| CI65–131 A 8–12–64 | Oxil Partnership | Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla. | Contract 5–11–64 [3] | 1 | ..... |
| CI65–134 A 8–13–64 | Sunray DX Oil Co. | Lone Star Gas Co., Pennington Field, Tex., Rusk County, Tex. | Contract 6–3–64 [3] | 247 | ..... |
| CI65–137 (CI62–1116) B 8–14–64 | Dorothy Collett, agent for Raymond Oil Co. | Hope Natural Gas Co., Union District, Tyler County, W. Va. | Notice of Cancellation 8–13–64.[12] | 1 | 2 |
| CI65–16 A 7–9–64 | Miles Kimball Co. | United Gas Pipe Line Co., Monroe Field, Morehead Parish, La. | Contract 9–26–57 Supplemental agreement 5–26–64. | 1 1 | ..... 1 |
| | | | Letter Agreement 8–30–64. | 1 | 2 |
| | | | Letter Agreement 12–1–63. | 1 | 3 |
| | | | Letter Agreement 12–23–63. | 1 | 4 |
| | | | Letter Agreement 7–1–60. | 1 | 5 |
| | | | Amendment 10–23–63 | 1 | 6 |
| | | | Assignment 3–1–64 | 1 | 7 |
| | | | Assignment 5–15–64 [4] | 1 | 8 |

[11] Amendment to certificate filed to reflect Marshall R. Young Drilling, Co. in lieu of Marshall R. Young Co. (Operator), et al., as holder of certificate thereof.
[12] Effective date: Date of initial delivery.
[13] Deletes the E/2 Section 30, T72–N, R10W from the contract which acreage is nonproductive.
[14] Effective date: Date of this order.



| Docket No., and date filed | Applicant | Purchaser, field and location | FPC rate schedule to be accepted: Description and date of document | No. | Supp. |
|---|---|---|---|---|---|
| G–12245 6–1–64 [1] | Marshall R. Young Co. (formerly Marshall R. Young Drilling Co. (Operator), et al.). | United Gas Pipe Line Co., Ashley Field, Hancock County, Miss. | Marshall R. Young Co. (Operator), et al., FPC GR8 No. 1. | 1 | ..... |
| | | | Supplement Nos. 1–2 | 1 | 1–2 |
| | | | Conveyance 7–11–61 | 1 | 3 |
| CI61–658 C 8–12–64 | A. M. Snider, et al. d/b/a Hundred Gas Co. | Hope Natural Gas Co., Middle District, Marshall County, W. Va. | Effective date: 8–1–61. Letter Agreement 7–14–64.[3] | 1 | 1 |
| CI63–148 D 7–27–64 | The Pure Oil Co. | Michigan-Wisconsin Pipe Line Co., acreage in Woodward County, Okla. | Notice of partial cancellation 7–23–64.[1 2] | 76 | 6 |
| CI63–951 C 8–12–64 | W. H. Hildreth, et al. | Hope Natural Gas Co., Spencer District, Roane County, W. Va. | Letter Agreement 6–22–64.[3] | 5 | 2 |
| CI68–1426 E 6–22–64 | Amerada Petroleum Corp. (successor to Landmark Oil, Inc.). | El Paso Natural Gas Co., Spraberry Trend Area, Glasscock County, Tex. | Landmark Oil, Inc., FPC GR8 No. 1.[3] | ..... | ..... |
| | | | Supplement No. 1 | [13] 120 | 1 |
| | | | Notice of succession 6–24–64. | 120 | 1 |
| | | | Assignment 2–1–64 | 120 | 2 |
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Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
See footnotes at end of table.

[6] Production limited from surface down to and including base of the Spraberry Formation plus 100 feet.
[7] Rate in effect subject to refund in Docket No. RI63-445; also subject to Orders in Docket Nos. G-12960 and G-15366.
[7] CRA will gather the gas, process it and resell the residue gas to Arkansas Louisiana Gas Co. under CRA's FPC GRS No. 6, pursuant to a certificate issued to CRA in Docket No. CI63-682.
[8] Present effective rate under basic contract is 15.0 cents per Mcf with a moratorium on the filing of a rate change until September 1, 1965, pursuant to Settlement Order issued July 1, 1963, as amended December 30, 1963.
[9] States Applicant's willingness to accept certificate under same terms and conditions as those in Opinion No. 350.
[10] Partial succession to Shell Oil Co.'s FPC GRS No. 201.
[11] Partial succession to S. J. Barkey's FPC GRS No. 2.
[12] Production no longer economically feasible.
[13] Source of gas depleted.
[14] Application limited to natural gas produced from below the base of the Wolfcamplan Series of the Permian System down to the base of the Mississippian System, and casinghead gas from all depths above the base of the Mississippian System.

SUGGESTED AGREEMENT AND UNDERTAKING BEFORE THE FEDERAL POWER COMMISSION

(Name of respondent)

Docket No. ------

Agreement and Undertaking of (Name of Respondent) To Comply With Refunding and Reporting Provisions of § 154.102 of the Commission's Regulations Under the Natural Gas Act

(Name of respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of Section 154.102 of the Commission's Regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------ (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto [1]) this ------ day of ---------, 196--.

(Name of Respondent)
By ----------
Attest:

[F.R. Doc. 64-10072; Filed, Oct. 7, 1964; 8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2394—7-2399]

### AMERICAN HOME PRODUCTS CORP. ET AL.

### Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 2, 1964.

In the matter of applications of the Cincinnati Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

American Home Products Corporation, File 7-2394; C.I.T. Financial Corporation, File 7-2395; Columbia Broadcasting System, Inc., File 7-2396; Communications Satellite Corp., File 7-2397; Eastern Air Lines, Inc., File 7-2398; Gillette Company, File 7-2399.

Upon receipt of a request, on or before October 18, 1964, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-10220; Filed, Oct. 7, 1964; 8:46 a.m.]

[1] If a corporation.

[File Nos. 7-2400—7-2405]

### GREAT ATLANTIC AND PACIFIC TEA CO., INC., ET AL.

### Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 2, 1964.

In the matter of applications of the Cincinnati Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

The Great Atlantic & Pacific Tea Co., Inc., File 7-2400; Lockheed Aircraft Corporation, File 7-2401; J. C. Penney Company, File 7-2402; Richardson-Merrell, Inc., File 7-2403; Sterling Drug, Inc., File 7-2404; Xerox Corporation, File 7-2405.

Upon receipt of a request, on or before October 18, 1964, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-10221; Filed, Oct. 7, 1964; 8:46 a.m.]

[File Nos. 811-840—811-845]

### MANAGED FUNDS PERSONAL INVESTMENT PLAN

### Notice of Application for Order Declaring That Companies Have Ceased To Be Investment Companies

OCTOBER 2, 1964.

In the matters of Managed Funds Personal Investment Plan, Electric Shares, File No. 811-840; Managed Funds Personal Investment Plan, Metal Shares, File No. 811-841; Managed Funds Personal Investment Plan, Paper Shares, File No. 811-842; Managed Funds Personal Investment Plan, Petroleum Shares, File No. 811-843; Managed Funds Personal Investment Plan, Special Investment Shares, File No. 811-844; Managed Funds Personal Investment Plan, Transport Shares, File No. 811-845.

Notice is hereby given, that Managed Funds Personal Investment Plan—Electric Shares, Metal Shares, Paper Shares, Petroleum Shares, Special Investment Shares, and Transport Shares ("applicants"), 85 Broad Street, New York 4, N.Y., unit investment trusts registered under the Investment Company Act of 1940 ("Act"), have filed an application pursuant to section 8(f) of the Act for an order declaring that applicants have ceased to be investment companies.

Channing Investment Funds, Inc. (formerly Managed Funds Incorporated), a registered open-end diversified management investment company filed, as depositor for applicants, Notifications of Registration and Registration Statements under the Act on October 28, 1958. Since that time the applicants have not offered or sold any securities to the public, have acquired no assets of any kind, and have not transacted any business. A resolution to deregister the Plans has been passed by the Board of Directors of Channing Investment Funds, Inc.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 23, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service by (affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-10222; Filed, Oct. 7, 1964; 8:46 a.m.]

## HOUSING AND HOME FINANCE AGENCY

### Office of the Administrator

### ACTING DIRECTOR, DIVISION OF FINANCE AND ACCOUNTS

### Designation

The officer appointed to the position of Deputy Director, Division of Finance and Accounts, Office of the Administrator, Housing and Home Finance Agency, is hereby designated to serve as Acting Director, Division of Finance and Accounts, during the absence of the Director, Division of Finance and Accounts, with all the powers, functions, and duties delegated or assigned to the Director, Division of Finance and Accounts.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of September 30, 1964.

[SEAL] ROBERT C. WEAVER, *Housing and Home Finance Administrator.*

[F.R. Doc. 64-10306; Filed, Oct. 7, 1964; 8:50 a.m.]



## OFFICE OF EMERGENCY PLANNING

### MISSOURI

### Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Missouri dated July 8, 1964, and published July 15, 1964 (29 F.R. 9579), as amended, dated July 22, 1964, and published July 29, 1964 (29 F.R. 10537) is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 8, 1964:

Holt. Mississippi.

Dated: October 2, 1964.

EDWARD A. MCDERMOTT, *Director, Office of Emergency Planning.*

[F.R. Doc. 64-10264; Filed, Oct. 7, 1964; 8:49 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 5, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this nctice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39299: *Soybeans to Fredonia, Kans.* Filed by Southwestern Freight Bureau, agent (No. B-8614), for interested rail carriers. Rates on soybeans, in bulk, in carloads, from specified points in Arkansas and Missouri, to Fredonia, Kan.

Grounds for relief: Carrier competition.

Tariffs: Supplements 13 and 48 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4483 and 4494, respectively.

FSA No. 39300: *Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 101), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middlewest territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 5 to Southern Motor Carriers Rate Conference, agent, tariff MF-I.C.C. 1312.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-10247; Filed, Oct. 7, 1964; 8:48 a.m.]

[Notice 1057]

### MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 5, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67142. By order of September 30, 1964, the Transfer Board approved the transfer to Fleming's Express, Inc., Walpole, Mass., of Certificate in No. MC 63772, issued October 24, 1951, to Edward J. Healy and William M. Healy, a partnership, doing business as Maurice Healy & Sons, Boston, Mass., authorizing the transportation of: Groceries, packinghouse products, and dairy products, from Boston, Mass., to Manchester and Nashua, N.H., and points in Massachusetts within 60 miles of Boston, and between Boston, Mass., on the one hand, and, on the other, Pawtucket and Providence, R.I. George J. Elbaum, 11 Beacon St. Boston, Mass., 02108, attorney for applicants.

No. MC-FC 67185. By order of September 30, 1964, the Transfer Board approved the transfer to Mark R. Reis, doing business as Reis Truck Line, 7 North Jackson Street, Aberdeen, S. Dak., of Certificate No. MC 120387 Sub 1, issued September 9, 1964, to Donald D. Rogers, Post Office Box 736, Aberdeen, S. Dak., authorizing the transportation of general commodities, including household goods and commodities in bulk, between Aberdeen, S. Dak., and Langford, S. Dak., serving intermediate points of Groton, Andover and Pierpont, S. Dak.

No. MC-FC 67193. By order of September 30, 1964, the Transfer Board approved the transfer to Zerkle Trucking Company, a corporation, Middleport, Ohio, of the operating rights issued by the Commission, September 30, 1960, under Certificate No. MC 119771, to Hallie Zerkle, doing business as Zerkle Transfer Co., Middleport, Ohio, authorizing the transportation, over irregular routes, of petroleum products, in metal cans and other packages, from Cabin Creek, W. Va., to points in Ohio, and empty petroleum containers, from points in specified parts of Ohio to Cabin Creek, W. Va.; petroleum products, in packages, from Cabin Creek, W. Va., to points in Ohio, and return with empty petroleum-product containers; fresh meats, packinghouse products, and such other commodities as are dealt in or distributed by packinghouses, and advertising matter used in promoting the sale of such commodities, from Middleport,

Ohio, and Huntington and Parkersburg, W. Va., to points in Ohio and West Virginia; food products, from Cincinnati, Ohio, to points in West Virginia; salt, from Pomeroy, Ohio, to points in West Virginia and Kentucky; meats, from Middleport, Ohio, to points in West Virginia; cheese and packinghouse products (not including meats) from Huntington and Parkersburg, W. Va., to points in Ohio, with restriction, oils and greases in containers, from St. Marys, W. Va., to Gallipolis, Ohio; and empty containers or other articles used in transporting the immediately above-specified commodities, from Gallipolis, Ohio, to St. Marys, W. Va. Herbert Baker and Robert T. Fitzsimons, 50 West Broad Street, Columbus, Ohio, 43215, attorneys for applicants.

No. MC-FC 67214. By order of September 30, 1964, the Transfer Board approved the transfer to Dyer Store Fixtures Co., a corporation, Gloucester City, N.J., of the operating rights in Permit No. MC 68234, issued by the Commission August 31, 1954, to Thomas M. Marshall Co., a corporation, Gloucester City, N.J., authorizing the transportation, over irregular routes, of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points within a described territory in New Jersey, Delaware, and Pennsylvania, and fruits, vegetables, farm products, poultry, and sea food, in the respective seasons of their production, from points in New Jersey, Pennsylvania, and Delaware to points in the described territory in New Jersey, Delaware, and Pennsylvania. Louis E. Levy, 226 South 16th Street, Philadelphia, Pa., 19102, attorney for applicants.

No. MC-FC 67249. By order of September 30, 1964, the Transfer Board approved the transfer to White Transport Corp., a corporation, Greenville, S.C., applicant in No. MC 97766 Sub 1, BOR-99 filed in the name of L. G. White, Corean G. White, Executrix, doing business as White Truck Line, Greenville, S.C., for certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act, supported by South Carolina certificate No. 51 B, authorizing the transportation of commodities in general, fertilizer and fertilizer material, farm products and livestock, electrical equipment, fixtures, tools, materials and supplies for Huntington and Querry, Inc., Greenville, S.C., sizing compounds, and materials and return of drums and barrels and canned goods, between specified and unspecified points in South Carolina. Henry P. Willimon, Post Office Box 1075, Greenville, S.C., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10248; Filed, Oct. 7, 1964; 8:48 a.m.]

[Notice 1057-A]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 5, 1964.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC-FC 67285. Application filed October 1, 1964 for CALHOUN TRUCKING CORPORATION, 319 Jacet Road, Kearny, N.J., to temporarily lease the operating rights of HUGH F. McGOLDRICK, INC., Hyannis, Mass., under section 210a(b). The transfer to CALHOUN TRUCKING CORPORATION of the operating rights of HUGH F. McGOLDRICK, INC., is pending.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10249; Filed, Oct. 7, 1964; 8:48 a.m.]

# Title 2—THE CONGRESS

## ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 88th Congress, Second Session.

### Approved October 6, 1964

S. 1024 ..... Public Law 88-629

To authorize the Commissioners of the District of Columbia to pay relocation costs made necessary by actions of the District of Columbia government, and for other purposes.

H.J. Res. 753 ..... Public Law 88-628

To authorize the President to proclaim October 15 of each year as White Cane Safety Day.

H.R. 4989 ..... Public Law 88-627

To amend title 28 of the United States Code to transfer the counties of Genesee and Shiawassee in the State of Michigan from the Northern Division to the Southern Division of the Eastern Judicial District and to authorize a term of court at Ann Arbor.

H.R. 5932 ..... Public Law 88-631

To amend the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan established pursuant to such Act, to amend the Federal Employees Group Life Insurance Act of 1954 so as to extend insurance coverage to such teachers, to provide for retroactive salary increases for certain civilian employees of the Federal Government, and for other purposes.

H.R. 10204 ..... Public Law 88-632

To extend the Osage mineral reservation for an indefinite period.

H.R. 12289 ..... Public Law 88-630

To establish the Lewis and Clark Trail Commission, and for other purposes.



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# FEDERAL REGISTER

VOLUME 29 NUMBER 198

Washington, Friday, October 9, 1964

THE UNIVERSITY OF MICHIGAN
OCT 21 1964
MAIN READING ROOM

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# Rules and Regulations

## Title 12—BANKS AND BANKING

### Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

### PART 1—INVESTMENT SECURITIES REGULATION

**§ 1.154 New York State Housing Finance Agency.**

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $62,765,000 Housing Finance Agency of the State of New York, State University Construction Bonds, 1963 Series A, and the $93,100,000 Housing Finance Agency of the State of New York, State University Construction Bonds, 1964 Series A, for investment by National Banks under the provisions of paragraph seventh, 12 U.S.C. 24.

(b) *Opinion.* The New York State Housing Finance Agency, a body corporate and a public instrumentality of the State of New York, was created in 1960 by an act of New York State Legislature to encourage the investment of private capital in academic buildings and other facilities at the State-operated institutions and statutory and contract colleges under the jurisdiction of the University of the State of New York and to assure their timely construction, acquisition, reconstruction, rehabilitation, and improvement. The subject bonds were issued to finance the construction, acquisition reconstruction, rehabilitation and improvement of additional facilities of the University of the State of New York to meet the needs of a growing enrollment.

(2) The 1963 Series A bonds mature serially from May 1964 to May 1995 and the 1964 Series A mature serially from November 1964 until November 1995. They are payable from revenues derived from a lease of the facilities by the Agency to the University of the State of New York, and they are secured by a pledge of these net lease rental payments and all funds and accounts established for their payment. The lease agreement provides for annual rentals sufficient to cover debt service requirements and administrative expenses. The need for these facilities appears to be great, and enrollment and income projections of the University appear sufficient to provide necessary funds.

(c) *Ruling.* It is the conclusion of this Office that a National Bank may in these circumstances determine that there is adequate evidence that the Agency will be able to perform all that it undertakes to perform and that the $62,965,000 Housing Finance Agency of the State of New York, State University Construction Bonds, 1963 Series A, and the $93,100,000 Housing Finance Agency of the State of New York, State University Construction Bonds, 1964 Series A, meet the requirements of § 1.5(a) and, therefore, are eligible for investment by National Banks under the provisions and subject to the 10 percent limitation of paragraph Seventh of 12 U.S.C. 24.

Dated: October 5, 1964.

[SEAL] JAMES J. SAXON,
*Comptroller of the Currency.*

[F.R. Doc. 64-10307; Filed, Oct. 8, 1964; 8:48 a.m.]

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666; Order No. 63]

### PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

#### Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board, held at Washington, D.C., on the 21st day of September 1964.

The matter of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing, that Notice No. 63, dated April 24, 1964, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on May 14, 1964 (29 F.R. 6329), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said Notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing, that said views and arguments with respect to the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above-referred-to Notice No. 63 are deemed justified and necessary;

*It is ordered,* That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in Appendix A attached to said Notice No. 63, dated April 24, 1964, as revised by the specific deletions and modifications set forth as follows:

In § 72.5 Commodity List, 1st column, amend the commodity description "Hydraulic accumulators (pressurized with nonflammable, nonliquefied compressed gas)" to read "Hydraulic accumulators (*pressurized with nonflammable, nonliquefied compressed gas*)."

In § 73.31 paragraph (a) (2), insert the word "relief" between "safety" and "devices" in the 6th line.

In § 73.31, amend paragraph (a) (3).

In § 73.31 paragraph (c) (9), amend the 1st sentence to read "After repairs requiring welding, riveting or calking of rivets, tanks must be retested as specified in Retest Table 1 of this paragraph before return to service."

In § 73.31, amend paragraph (c) (10).

In § 73.31 paragraph (c) (10) Retest Table 1, delete the entry "103C" and the retest requirements therefor; make the following itemized changes to Retest Table 1:

1. At the entry "105A300–W" and in the columns sub-headed "Start to discharge" and "Vapor tight", add footnote *n* to make the notations read "225 *n*" and "180 *n*" respectively;

2. At the entries "105A400–W" and "105A600–W" and in the column subheaded "Start to discharge", add footnote *m* to make the notations read "300 *m*" and "450 *m*" respectively;

3. At the entry "112A340–W" and in the columns sub-headed "Start to discharge" and "Vapor tight", add footnote *n* to make the notations read "255 *n*" and "204 *n*" respectively;

4. At the entry "112A400–W" and in the columns sub-headed "Start to discharge" and "Vapor tight", add footnote *n* to make the notations read "300 *n*" and "240 *n*" respectively;

5. At the entry "112A500–W" and in the 3 columns headed "Tank and interior heater systems" and the column headed "Safety relief valve", delete reference to footnote *a*.

6. At the entry "114A340–W" and in the columns sub-headed "Start to discharge" and "Vapor tight", add footnote *n* to make the notations read "255 *n*" and "204 *n*" respectively.

In § 73.31 paragraph (c) (10) Retest Table 1, footnote *i*, insert the word "relief" between "safety" and "devices" in the first line.

In § 73.31 paragraph (c) (10) Retest Table 1, add footnotes *m* and *n*.

In § 73.31 paragraph (d) (8), insert the word "relief" between "safety" and "devices" in the first sentence.

In § 73.31 paragraph (e) (1), add as the last sentence the following: "See paragraph (f) (1) of this section for procedure for handling tank car tanks with more than 25 percent of the tank surface damaged."

In § 73.34 amend paragraph (e) (10) table only; amend paragraph (l) (4).

In § 73.302 paragraph (c) (1), insert the word "relief" between "safety" and "devices" in the first line.

In § 73.303 paragraph (a) (2), insert the word "relief" between "safety" and "devices" in the 2d sentence.

In § 73.304 paragraph (a)(2) table, Note 2, insert the word "relief" between "safety" and "device" in the 1st sentence; in Note 5 insert the word "relief" between "safety" and "devices" in the 1st line.

In § 73.304 paragraph (c)(2) change the reference to "(e)(4)" in the 1st sentence to read "(d)(4)."

In § 73.304 paragraph (d)(3)(ii) table, Note 2, insert the word "relief" between "safety" and "devices" in the first line.

In § 73.305 paragraph (c)(1), insert the word "relief" between "safety" and "devices" in the second line.

In § 73.306 paragraph (e)(1)(i), insert the word "relief" between "safety" and "device" in the 1st sentence.

In § 73.314 paragraph (b)(4), change the reference to § 78.259 to read "§ 79.3."

In § 73.314 paragraph (c) table, amend the third column heading to read "Required tank car (see § 73.31(a)(2) and (3))"; amend the 1st, 2d, 4th, 7th through 24th, 26th, 28th, 29th, 33d, 35th, 42d, 45th through 47th, 49th through 51st, 53d through 55th, 57th through 60th, and the 62d entry in paragraph (c).

In § 73.314 paragraph (c), amend Note 11 to table.

In § 73.314 amend paragraphs (d)(1) and (2).

*It is further ordered,* That this order shall become effective December 19, 1964, and shall remain in effect until further order of the Commission;

*It is further ordered,* That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

*And it is further ordered,* That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board.

[SEAL] HAROLD D. McCOY, *Secretary.*

## PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5(a) Commodity List (15 F.R. 8263, 8264, 8266, 8267, 8268, 8269, 8270, 8272, Dec. 2, 1950) (26 F.R. 12701, Dec. 29, 1961) (21 F.R. 7596, 7597, Oct. 4, 1956) (23 F.R. 7645, Oct. 3, 1958) (23 F.R. 2322, Apr. 10, 1958) (22 F.R. 7835, Oct. 3, 1957) (19 F.R. 1276, Mar. 6, 1954) (18 F.R. 3133, June 2, 1953) (18 F.R. 6776, Oct. 27, 1953) (21 F.R. 670, Jan. 31, 1956) (17 F.R. 9833, Nov. 1, 1952) (24 F.R. 10109, Dec. 15, 1959) (26 F.R. 1013, Feb. 2, 1961) (26 F.R. 4994, June 6, 1961) (21 F.R. 4431, June 22, 1956) (23 F.R. 4028, June 10, 1958) (27 F.R. 6736, July 17, 1962) (18 F.R. 5270, Sept. 1, 1953) (24 F.R. 903, Feb. 6, 1959) (17 F.R. 4293, May 10, 1952) (27 F.R. 3426, Apr. 11, 1962) (22 F.R. 2224, Apr. 4, 1957) (26 F.R. 9399, Oct. 6, 1961) (19 F.R. 8524, Dec. 14, 1954) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) • • •

| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
|---|---|---|---|---|
| *Change* | | | | |
| Acetylene | F.G. | 73.306, 73.303 | Red Gas | 300 pounds. |
| Air, compressed | Nonf. G. | 73.306, 73.302 | Green | Do. |
| ◆Anhydrous ammonia | Nonf. G. | 73.306, 73.304, 73.314, 73.315 | do | Do. |
| *Aqua ammonia solution containing anhydrous ammonia. | Nonf. G. | 73.306, 73.304, 73.314, 73.315 | do | Do. |
| Argon | Nonf. G. | 73.306, 73.302, 73.314 | do | Do. |
| Argon, pressurized liquid | Nonf. G. | No exemption, 73.304 | do | Do. |
| Automobiles, motorcycles, tractors or other self-propelled vehicles. | See §§ 73.120, 73.306. | | | |
| Boron trifluoride | Nonf. G. | 73.306, 73.302 | Green | Do. |
| Butadiene, inhibited | F.G. | 73.306, 73.304, 73.314, 73.315 | Red Gas | Do. |
| Carbon dioxide gas, liquefied ("mining device"). | Nonf. G. | 73.304(a)(2) table Note 4 | Green | 6 pounds. |
| ◆Carbon dioxide, liquefied | Nonf. G. | 73.306, 73.304, 73.314, 73.315 | do | 300 pounds. |
| Carbon dioxide—nitrous oxide mixture. | Nonf. G. | 73.306, 73.304 | do | Do. |
| Carbon dioxide—oxygen mixture | Nonf. G. | 73.306, 73.304 | do | Do. |
| Carbon monoxide | F.G. | 73.306, 73.304 | Red Gas | 150 pounds. |
| ◆Chlorine | Nonf. G. | 73.306, 73.304, 73.314, 73.315 | Green | Do. |
| Compressed gases, n.o.s. | Nonf. G. | 73.306, 73.304, 73.302 | do | 300 pounds. |
| Compressed gases, n.o.s. | F.G. | 73.306, 73.304, 73.302 | Red Gas | Do. |
| *Crude nitrogen fertilizer solution | Nonf. G. | 73.306, 73.304, 73.314 | Green | Do. |
| Cyclopropane | F.G. | 73.306, 73.304 | Red Gas | Do. |
| Dichlorodifluoromethane | Nonf. G. | 73.306, 73.304, 73.314, 74.315 | Green | Do. |
| ◆Dichlorodifluoromethane-dichlorotetrafluoroethane mixture. | Nonf. G. | 73.306, 73.304, 73.314, 73.315 | do | Do. |
| ◆Dichlorodifluoromethane-monochlorodifluoromethane mixture. | Nonf. G. | 73.306, 73.304, 73.314 | do | Do. |
| ◆Dichlorodifluoromethane-trichloromonofluoromethane-monochlorodifluoromethane mixture. | Nonf. G. | 73.306, 73.304, 73.314 | do | Do. |
| ◆Dichlorodifluoromethane-trichlorotrifluoroethane mixture. | Nonf. G. | 73.306, 73.304, 73.314 | do | Do. |
| *Dichlorodifluoromethane-monofluorotrichloromethane mixture. | Nonf. G. | 73.306, 73.314, 73.315 | do | Do. |
| Dichlorodifluoromethane and difluoroethane mixture (*constant boiling mixture*). | Nonf. G. | 73.306, 73.304, 73.314, 73.315 | do | Do. |
| Difluoroethane | F.G. | 73.306, 73.304, 73.314, 73.315 | Red Gas | Do. |
| Difluoromonochloroethane | F.G. | 73.306, 73.304, 73.314 | do | Do. |
| Dimethylamine, anhydrous | F.G. | 73.306, 73.304, 73.314, 73.315 | do | Do. |
| Dimethyl ether | F.G. | 73.306, 73.304, 73.314 | do | Do. |
| *Dispersant gas, n.o.s.* | See §§ 73.314(c) table Note 13, 73.315(a) table Note 9. | | | |
| Engine starting fluid | F.G. | No exemption, 73.304 | Red Gas | 60 pounds. |
| Ethane | F.G. | 73.306, 73.304 | do | 300 pounds. |
| ◆Ethylene | F.G. | 73.306, 73.304 | do | Do. |
| *Fertilizer ammoniating solution *containing free ammonia.* | Nonf. G. | 73.306, 73.304, 73.314 | Green | Do. |
| Fire extinguishers | Nonf. G. | 73.306 | do | Do. |
| Fluorine | F.G. | 73.306, 73.302 | Red Gas | 6 pounds. |
| Helium | Nonf. G. | 73.306, 73.302, 73.314 | Green | 300 pounds. |
| Helium-oxygen mixture | Nonf. G. | 73.306, 73.302 | do | Do. |
| Hexafluoropropylene | Nonf. G. | 73.306, 73.304, 73.314, 73.315 | do | Do. |
| Hydraulic accumulators (*pressurized with non-flammable, nonliquefied compressed gas*). | See § 73.306 (e)(2). | | | |
| Hydrocarbon gas, liquefied | F.G. | 73.306, 73.304, 73.314 | Red Gas | Do. |
| Hydrocarbon gas, nonliquefied | F.G. | 73.306, 73.302 | do | Do. |
| ◆Hydrogen | F.G. | 73.306, 73.302, 73.314 | do | Do. |
| Hydrogen bromide | Nonf. G. | 73.306, 73.304 | Green | Do. |
| Hydrogen chloride | Nonf. G. | 73.306, 73.304 | do | Do. |
| Hydrogen sulfide | F.G. | 73.306, 73.304, 73.314 | Red Gas | Do. |
| Insecticide, liquefied gas | Nonf. G. | 73.306, 73.304 | Green | Do. |
| Liquefied hydrocarbon gas | F.G. | 73.306, 73.304, 73.314 | Red Gas | Do. |
| Liquefied nonflammable gases *charged with nitrogen, carbon diaxide, or air.* | Nonf. G. | 73.306, 73.304 | Green | Do. |
| ◆Liquefied petroleum gas | F.G. | 73.306, 73.304, 73.314, 73.315 | Red Gas | Do. |
| Machines or apparatus | See §§ 73.130, 73.306. | | | |
| Methane | F.G. | 73.306, 73.304 | Red Gas | Do. |
| Methyl acetylene- 15% to 20% propadiene mixture. | F.G. | 73.306, 73.304, 73.314 | do | Do. |
| ◆Methyl chloride | F.G. | 73.306, 73.304, 73.314, 73.315 | do | Do. |
| Methyl chloride-methylene chloride mixture. | F.G. | 73.306, 73.304, 73.314 | do | Do. |
| Methyl mercaptan | F.G. | 73.306, 73.304, 73.314, 73.315 | do | Do. |
| *Mine rescue equipment* | See §§ 73.306 (a)(2) and 76.703(d). | | | |
| Monobromotrifluoromethane | Nonf. G. | 73.306, 73.304, 73.314 | Green | Do. |



| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
|---|---|---|---|---|
| *Change* | | | | |
| Monochlorodifluoromethane | Nonf. G. | 73.306, 73.304, 73.314, 73.315 | Green | 300 pounds. |
| Monochloropentafluoroethane | Nonf. G. | 73.306, 73.304 | do | Do. |
| Monochlorotetrafluoroethane | Nonf. G. | 73.306, 73.304, 73.314 | do | Do. |
| Monochlorotrifluoromethane | Nonf. G. | 73.306, 73.304 | do | Do. |
| Monomethylamine, anhydrous | F.G. | 73.306, 73.304, 73.314, 73.315 | Red Gas | Do. |
| Neon gas | Nonf. G. | 73.306, 73.302 | Green | Do. |
| Nitrogen | Nonf. G. | 73.306, 73.302, 73.314 | do | Do. |
| *Nitrogen fertilizer solution | Nonf. G. | 73.306, 73.304, 73.314 | do | Do. |
| Nitrogen, pressurized liquid | Nonf. G. | No exemption, 73.304 | do | Do. |
| Nitrosyl chloride | Nonf. G. | 73.306, 73.304, 73.314 | do | Do. |
| ◆Nitrous oxide | Nonf. G. | 73.306, 73.304, 73.315 | do | Do. |
| Nonliquefied hydrocarbon gas | F.G. | 73.306, 73.302 | Red Gas | Do. |
| ◆Oxygen | Nonf. G. | 73.306, 73.302, 73.314 | Green | Do. |
| Oxygen, pressurized liquid | Nonf. G. | No exemption, 73.304 | do | Do. |
| *Refrigerant gas, n.o.s.* | See §§ 73.314 (c) table Note 13, 73.315(a) table Note 9. | | | |
| Refrigerating machines | See §§ 73.130, 73.306. | | | |
| *Self-propelled vehicles* | See §§ 73.120, 73.257, 73.306. | | | |
| Silicon tetrafluoride | Nonf. G. | 73.306, 73.302 | Green | Do. |
| ◆Sulfur dioxide | Nonf. G. | 73.306, 73.304, 73.314, 73.315 | do | Do. |
| Sulfur hexafluoride | Nonf. G. | 73.306, 73.304 | do | Do. |
| Tetrafluoroethylene, inhibited | F.G. | 73.306, 73.304 | Red Gas | Do. |
| *Tractor or truck body with refrigerating or heating equipment on flat cars.* | See §§ 73.120(c), 73.306. | | | |
| Trifluorochloroethylene | F.G. | 73.306, 73.304, 73.314 | Red Gas | Do. |
| Trimethylamine, anhydrous | F.G. | 73.306, 73.304, 73.314, 73.315 | do | Do. |
| Vinyl chloride | F.G. | 73.306, 73.304, 73.314, 73.315 | do | Do. |
| Vinyl fluoride, inhibited | F.G. | 73.306, 73.304 | do | Do. |
| Vinyl methyl ether, inhibited | F.G. | 73.306, 73.304, 73.314 | do | 20 pounds. |

## PART 73—SHIPPERS

### Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

Amend entire § 73.31 (15 F.R. 8278, 8279, Dec. 2, 1950) (22 F.R. 11030, Dec. 31, 1957) (24 F.R. 3595, May 5, 1959) (21 F.R. 4562, 4563, 4564, June 26, 1956) (25 F.R. 10389, 10390, Oct. 29, 1960) (22 F.R. 7835, Oct. 3, 1957) (24 F.R. 903, Feb. 6, 1959) (16 F.R. 2372, Sept. 15, 1951) (21 F.R. 3008, May 5, 1956) (22 F.R. 4788, July 9, 1957) (26 F.R. 9398, 9399, Oct. 6, 1951) (26 F.R. 12701, 12702, Dec. 29, 1961) (26 F.R. 4994, June 6, 1961) (23 F.R. 7646, Oct. 3, 1958) to read as follows:

§ 73.31 Qualification, maintenance, and use of tank cars.

(a) *General qualifications for use.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, every tank car used for the transportation of dangerous articles shall meet the requirements of the applicable specification and regulations for the transportation of the particular commodity. See subparagraph (3) of this paragraph.

(2) In addition to the tanks authorized in Part 73, tanks built prior to July 1, 1927, in compliance with the American Railway Association's Specifications for Tank Cars or tanks built in compliance with previous specifications of the Commission, if built or under construction on the effective dates thereof, are authorized for service as prescribed in the following table and notes, provided tanks and safety relief devices are retested as prescribed in paragraphs (c) and (d) of this section and equipped with approved valves, valve protection devices and safety relief devices.

| Specifications prescribed in current regulations | Other specifications permitted (subject to the notes) | Notes |
|---|---|---|
| 103 | ARA–II, ARA–III, ARA–IV. | 2, 3, 4 |
| 103A | ARA–II, ARA–III | 1, 2 |
| 103B or 103B–W | ARA–II and ARA–III rubber lined. | 2 |
| 104 | ARA–IV | 2, 4 |
| 105A200–W | 105A100–W | 5 |
| 105A200AL–W | 105A100AL–W | 5 |
| 105A300–W | ARA–V, ICC–105, 105–A300. | |
| 105A400–W | 105A400 | |
| 105A500–W | 105A500 | |
| 105A600–W | 105A600 | |
| 106A500–X | ICC–27, BE–27, 106A500 | |
| 106A800–X | 106A800 | |
| 107A**** | | 6 |

NOTE 1: ARA tanks must have been originally designed or subsequently reconstructed for the transportation of acids.

NOTE 2: Tank cars equipped with safety vents must have the vent closure so chained or otherwise fastened as to prevent misplacement.

NOTE 3: These cars must not be used for shipments of smokeless powder in water unless equipped with positive closure type bottom outlet valves.

NOTE 4: Until Jan. 1, 1965, on cars built prior to Jan. 1, 1956, 25 psi safety relief valves may be replaced with 35 psi safety relief valves not having an official rated capacity.

NOTE 5: Tanks built as Spec. ICC–105A100–W or 105A–100AL–W may be altered and reclassified as Spec. 105A–200–W or 105A200AL–W, respectively, by installing safety relief valves, retesting and stenciling in accordance with the applicable specification.

NOTE 6: The test pressures of tanks built in the United States prior to Jan. 1, 1956, may be increased to comply with current Spec. ICC–107A. Original and revised test pressure must be indicated and may be shown on a plate attached to the bulkhead of the car.

(3) Unless otherwise specifically provided, when class ICC–105A–W, 105A–AL–W, 106A, 109A–AL–W, 110A–W, 111A, 112A–W or 114A–W tank car tanks are prescribed, the same class tanks having higher marked test pressures than those prescribed may also be used.

(4) Tank cars and appurtenances may be used for the transportation of any commodity for which they are authorized. Tank cars proposed for a commodity service other than authorized, must be approved for such service by the Association of American Railroads Committee on Tank Cars. Transfer of a tank car from one authorized service to another may be made only by the owner or owner's authorization. Classes ICC–105A, 109A, 111A100–W–4, 112A or 114A tank cars may be used for any commodity for which they are approved by the Committee on Tank Cars when stenciled accordingly. When a tank car is stenciled to indicate that it is authorized for one commodity only, it must not be used for any other service.

NOTE 1: For additional requirements for tank cars for compressed gases, see § 73.314.

(b) *Loading and shipping*—(1) *Examination before shipping.* When tanks are loaded and prior to shipping, the shipper must determine to the extent practicable, that the tank, safety appurtenances and fittings are in proper condition for the safe transportation of the lading. Tanks with bottom discharge outlets must have their outlet caps off, or outlet cap plugs open, during the entire time tanks are being loaded. After loading, tanks with bottom outlet valves which permit more than a dropping of the liquid with the outlet caps off, or the outlet cap plugs open, must not be offered for transportation until proper repairs have been made. Tanks which show any dropping or leaking of liquid contents at seams or rivets, must not be offered for transportation until proper repairs have been made.

(2) *Loading requirements for tanks with interior heater coils.* Tank cars equipped with interior heater coils, except when coils are rendered inoperative by blocking off the inlet and outlet, must be loaded with heater coil inlet and outlet caps off during entire time tanks are being loaded and show no leakage with caps off.

(3) *Securing closures.* All closures of openings in tank cars and of their protective housings must be properly secured in place by the use of a bar, wrench, or other suitable tool. A wrench having a handle at least 36 inches long must be used to apply the outlet valve cap. Manway covers and outlet valve caps must be made tight against leakage of vapor and liquid, by use of gaskets of suitable materials, before cars are tendered to carrier for transportation. Luting materials must not be used in outlet cap or on threads of bottom outlet.

(4) *Inspection of safety relief devices on class ICC–106A and 110A tanks.* Safety relief devices of the frangible disc

or fusible plug type used on tanks of classes ICC–106A or 110A must be inspected before each loaded trip of tank by removing at least one vent for visual inspection; if it shows signs of deterioration, all devices must be removed and inspected and those which do not meet the requirements must be renewed.

(c) *Periodic retest and reinspection of single-unit tank car tanks.* (1) Tanks, interior heater systems, and safety relief valves must be retested periodically as specified in Retest Table 1 of this paragraph. Retests may be made at any time during the calendar year the retest falls due except as provided in the notes. Periodic retest of exterior heater systems is not a specification requirement.

(2) Each tank must be retested by completely filling the tank and manway nozzle or expansion dome with water or other liquid of similar viscosity except as otherwise provided for in Note (d) to Retest Table 1 and applying the specified pressure for 10 minutes if the tank is not insulated, or 20 minutes if the tank is insulated. There shall be no leakage or evidence of distress. The tank insulation and jacket need not be removed unless leakage is indicated by a drop in pressure. The liquid temperature must not exceed 100° F. during the test. Calking of welded joints to stop leaks developed during retests is prohibited.

(3) Tanks in service 10 years or over must be internally inspected and interior heater systems inspected for defects which would make leakage or failure probable during transit.

(4) Anchor rivet housings, if used, must not be removed during retest. They shall be retested by applying an air pressure of 100 psi through openings in the tank shell and must show no leakage.

(5) Interior heater systems must be retested hydrostatically at 200 psi and must show no leakage.

(6) Safety relief valves must be retested with air or gas and must start to discharge at the pressure prescribed within plus or minus 3 percent except that if the start-to-discharge pressure is under 100 psi, the valve must start to discharge at the pressure prescribed within plus or minus 3 psi. Valves must be vapor tight at the prescribed pressure.

(7) All ICC tanks built to one specification and authorized to be stenciled to another specification must be retested in accordance with the higher specification and the test pressure stenciled accordingly on the tank or jacket.

(8) Retests of tanks and safety relief devices must be reported by party making tests to car owner. Reports must show initials and numbers of cars, pressure to which tested, date and place of test, and by whom tested. Reports of latest retest must be retained by owner until the next retest has been accomplished and recorded.

(9) After repairs requiring welding, riveting or calking of rivets, tanks must be retested as specified in Retest Table 1 of this paragraph before return to service. Glass, lead or rubber lined tanks must be retested before lining is renewed. Interior heater systems must be retested before return to service after repairs or renewals of any part of the system.

(10) The month and year of tests of tanks, safety relief valves, heater system and pressure to which tested must be stenciled on the tank or on jacket if insulated.

RETEST TABLE 1

| Specification | Retest interval—years[1] | | | | Retest pressure—psi | |
|---|---|---|---|---|---|---|
| | Tank and interior heater systems | | | Safety relief valve | Tank | Safety relief valve |
| | Up to 10 years | Over 10 to 22 years | Over 22 years | | | Start to discharge / Vapor tight |
| ICC–103 | 10 | 10 | 10 | 10 | 60 | [a] 35 / 28 |
| 103AL | [d] 5 | 5 | 5 | 5 | 60 | 35 / 28 |
| 103–W | 10 | 10 | 10 | 10 | 60 | [a] 35 / 28 |
| 103AL–W | 10 | 10 | 10 | 10 | 60 | 35 / 28 |
| 103A | [d] 5 | 3 | 1 | 2 | 60 | 35 / 28 |
| 103A–W | [d] 5 | 3 | 1 | 2 | 60 | 35 / 28 |
| 103A–AL–W | [d] 5 | 3 | 1 | (*) | 60 | [b] 35 / 28 |
| 103A–N–W | [d] 5 | 3 | 1 | 2 | 60 | 35 / 28 |
| 103B | [f] 5 | [f] 3 | [f] 1 | None | 60 | |
| 103B–W | [f] 5 | [f] 3 | [f] 1 | None | 60 | |
| 103B100–W | [f] 5 | [f] 3 | [f] 1 | (*) | 100 | 75 / 60 |
| 103C–AL | | 2 | 1 | (*) | 60 | 60 |
| 103C–W | [d] 5 | 3 | 1 | (*) | 60 | [b] 35 / 28 |
| 103D–W | [d] 5 | 3 | 1 | (*) | 60 | 35 / 28 |
| 103E–W | [d] 5 | 3 | 1 | (*) | 60 | 35 / 28 |
| 104 | 10 | 10 | 10 | 10 | 60 | [a] 35 / 28 |
| 104–W | 10 | 10 | 10 | 10 | 60 | [a] 35 / 28 |
| 105 | | | [a] 10 | [a] 5 | 500 | [c] 225 / 180 |
| 105A100 | 10 | 10 | 10 | 5 | 100 | 75 / 60 |
| 105A100AL–W | 10 | 10 | 10 | 5 | 100 | 75 / 60 |
| 105A100–W | 10 | 10 | 10 | 5 | 100 | 75 / 60 |
| 105A200AL–W | 10 | 10 | 10 | 5 | 200 | 150 / 120 |
| 105A200–W | 10 | 10 | 10 | 5 | 200 | 150 / 120 |
| 105A300 | [a] 10 | [a] 10 | [a] 10 | [a] 5 | 300 | [c] 225 / 180 |
| 105A300AL–W | 10 | 10 | 10 | 5 | 300 | [c] 225 / [a] 180 |
| 105A300–W | [a] [f] 10 | [a] [f] 10 | [a] [f] 10 | [a] [k] 5 | 300 | [c] 225 / 180 |
| 105A400 | [a] 10 | [a] 10 | [a] 10 | [a] 5 | 400 | 300 / 240 |
| 105A400–W | [a] 10 | [a] 10 | [a] 10 | [a] 5 | 400 | [m] 300 / 240 |
| 105A500 | [a] 10 | [a] 10 | [a] 10 | [a] 5 | 500 | [b] 375 / 300 |
| 105A500–W | [a] [f] 10 | [a] [f] 10 | [a] [f] 10 | [a] [k] 5 | 500 | [b] 375 / 300 |
| 105A600 | [a] 10 | [a] 10 | [a] 10 | [a] 5 | 600 | 450 / 360 |
| 105A600–W | [a] 10 | [a] 10 | [a] 10 | [a] 5 | 600 | [m] 450 / 360 |
| 109A100AL–W | 10 | 10 | 10 | 5 | 100 | 75 / 60 |
| 109A200AL–W | 10 | 10 | 10 | 5 | 200 | 150 / 120 |
| 109A300AL–W | 10 | 10 | 10 | 5 | 300 | 225 / 180 |
| 109A300–W | 10 | 10 | 10 | 5 | 300 | 225 / 180 |
| 111A60AL–W | 10 | 10 | 10 | 10 | 60 | 35 / 28 |
| 111A60–F–1 | 10 | 10 | 10 | 10 | 60 | 35 / 28 |
| 111A60–W–1 | 10 | 10 | 10 | 10 | 60 | 35 / 28 |
| 111A100–F–1 | | 10 | 10 | 10 | 100 | 75 / 60 |
| 111A100–W–1 | 10 | 10 | 10 | 10 | 100 | 75 / 60 |
| 111A100–F–2 | 5 | 3 | 1 | 2 | 100 | 75 / 60 |
| 111A100–W–2 | 5 | 3 | 1 | 2 | 100 | 75 / 60 |
| 111A100–W–3 | 10 | 10 | 10 | 10 | 100 | 75 / 60 |
| 111A100–W–4 | 10 | 10 | 10 | 5 | 100 | 75 / 60 |
| 111A100–W–5 | [f] 5 | [f] 3 | [f] 1 | None | 100 | |
| 111A100–W–6 | [d] 5 | 3 | 1 | (*) | 100 | 75 / 60 |
| 112A200–W | 10 | 10 | 10 | 5 | 200 | 150 / 120 |
| 112A340–W | 10 | 10 | 10 | 5 | 340 | [a] 255 / [a] 204 |
| 112A400–F | | 10 | 10 | 5 | 400 | 300 / 240 |
| 112A400–W | 10 | 10 | 10 | 5 | 400 | [a] 300 / [a] 240 |
| 112A500–W | [a] 10 | [a] 10 | [a] 10 | 5 | 500 | [b] 375 / 300 |
| 112A60–W–2 | (†) | (†) | (†) | (†) | (†) | (†) / (†) |
| 114A340–W | 10 | 10 | 10 | 5 | 340 | [a] 255 / [a] 204 |
| EMERG. USG–A, B & C | | 10 | 10 | 10 | 60 | 25 |
| ARA–II | | | 10 | 10 | 60 | 25 / 20 |
| II acid (unlined) | | | 1 | None | 60 | |
| II (rubber lined) | | | (*) | None | 60 | |
| III | | | 10 | 10 | 60 | [a] 25 / 20 |
| III acid (unlined) | | | 1 | None | 60 | |
| III (rubber lined) | | | (*) | None | 60 | |
| IV | | | 10 | 10 | 60 | [a] 25 / 20 |
| IV–A | | | 10 | 5 | 100 | 35 / 28 |
| V | | | [a] 10 | [a] 5 | 300 | [c] 225 / 180 |

[a] Tanks and safety relief valves in chlorine service must be retested every 2 years at any time during the calendar month the retest falls due. See § 73.314(c) Note 12.

[b] Spec. 109C–W, and 103A–AL–W cars built prior to Aug. 31, 1956, equipped with safety relief valves set to start to discharge at 45 psi may be continued in service. Such valves may be set to start to discharge at 35 psi by installing a spring suitable for the lower pressure.

[c] See paragraph (a)(2) Note 4 or this section.

[d] A commodity for which a tank is approved may be used for filling tank and dome when retesting tanks in service not over 10 years.

[e] Safety relief valve retest period is same as tank retest period.

[f] Nickel clad tanks in bromine service and any glass, rubber, or lead lined tank need not be periodically retested, but the interior heater systems and safety relief valves must be retested at the prescribed interval. See also paragraph (c)(9) of this section.

[g] If safety relief valves are used in combination with breaking pins designed to break at 225 psi, the safety relief valves must be retested and must start to discharge at 213 psi plus or minus 3 percent.

[h] If safety relief valves are used in combination with breaking pins designed to break at 375 psi, the safety relief valves must be retested and must start to discharge at 360 psi plus or minus 3 percent.

[i] Tanks and safety relief devices in hydrocyanic acid service must be retested and inspected by a written procedure filed with and approved by the Bureau of Explosives.

[j] When the retest interval requirement changes due to the age of the tank, the new retest interval specified is effective from the last retest date.

[k] Safety relief valves in bromine service must be retested every 2 years.

[l] Tanks complying with this specification need not be periodically retested, but safety relief devices must be retested every 5 years.

[m] When a safety relief valve is used in combination with a breaking pin device, the breaking pin device shall be designed to fail at a pressure of 75 percent of the tank test pressure and safety relief valve shall be set for a start-to-discharge pressure of 71 percent of the tank test pressure.

[n] If the alternate safety relief valve start-to-discharge pressure setting is used, the start-to-discharge pressure of safety relief valves shall be in accordance with the provisions of § 73.102–11 of this chapter.



(d) *Periodic retest and reinspection of tanks other than single-unit tank car tanks.* (1) Tanks designed to be removed from cars for filling and emptying and tanks to spec. ICC–107A**** and their safety relief devices must be retested periodically as specified in Retest Table 2 of this paragraph. Retests may be made at any time during the calendar year the retest falls due.

(2) Each tank must be subjected to the specified hydrostatic pressure and its permanent expansion determined by an accurate method. Pressure must be maintained for 30 seconds and as much longer as may be necessary to secure complete expansion of the tank. Pressure gauge must permit reading to an accuracy of one percent. Expansion gauge must permit reading of total expansion to an accuracy of one percent. Expansion must be recorded in cubic centimeters. Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure and tank must not leak or show evidence of distress.

(3) Each tank, except tanks to spec. ICC–107A, must also be subjected to interior air pressure test of at least 100 psi under conditions favorable to detection of any leakage. No leaks shall appear.

(4) Safety relief valves must be retested by air or gas, must start to discharge at or below the prescribed pressure and must be vaportight at or above the prescribed pressure.

(5) Frangible discs or fusible plugs must be removed from the tank and visually inspected.

(6) Tanks must be retested as specified in Retest Table 2 of this paragraph before return to service after repairs involving welding or heat treatment.

(7) The month and year of test must be plainly and permanently stamped into the metal of one head or chime of each tank passing test; for example, 1–60 for January, 1960. On ICC–107A**** tanks, the date must be stamped into the metal of the marked end; except that if all tanks mounted on a car have been tested, the date may be stamped into the metal of a plate permanently applied to the bulkhead on the "A" end of the car. Date of previous tests and all prescribed markings must be kept legible.

(8) Retests of tanks and safety relief devices must be reported by party making tests to owner of tank. Reports must show registered identifying mark and serial number, pressure to which tested, date and place of test, and by whom tested. Reports of latest retest must be retained by owner until the next retest has been accomplished and recorded.

RETEST TABLE 2

| Specification | Retest interval—years | | Retest pressure—psi | | Safety relief valve pressure—psi | |
|---|---|---|---|---|---|---|
| | Tank | Safety relief devices | Tank hydrostatic expansion | Tank air test | Start-to-discharge | Vapor tight |
| ICC–27 | 5 | 2 | 800 | 100 | 375 | 300 |
| 106A500 | 5 | 2 | 500 | 100 | 375 | 300 |
| 106A500X | 5 | 2 | 500 | 100 | 375 | 300 |
| 106A800 | 5 | 2 | 800 | 100 | 600 | 480 |
| 106A800X | 5 | 2 | 800 | 100 | 600 | 480 |
| 106A800NCI | 5 | 2 | 800 | 100 | 600 | 480 |
| 107A**** | 5 | [a] 2 | (*) | None | None | None |
| 110A500–W | 5 | 2 | 500 | 100 | 375 | 300 |
| 110A800–W | 5 | 2 | 800 | 100 | 600 | 480 |
| BE–27 | 5 | 2 | 800 | 100 | 375 | 300 |

[a] If ICC–107A**** tanks are used for transportation of flammable gases, one frangible disc from each car must be burst at the interval prescribed. The sample disc must burst at a pressure not exceeding the marked test pressure of the tank and not less than 5/6 of the marked test pressure. If the sample disc does not burst within the prescribed limits, all discs on the car must be replaced.

[b] The hydrostatic expansion test pressure must at least equal the marked test pressure.

(e) *Tank car tanks subjected to the action of fire.* (1) Tank car tanks of other than classes ICC–106A, 107A or 110A bearing evidence of damage to the metal by fire must be withdrawn from transportation service except that if the damage to the tank is local only or confined to not more than 25 percent of the tank surface, the damaged material may be replaced. See paragraph (f)(1) of this section for the procedure for handling tank car tanks with more than 25 percent of the tank surface damaged.

(2) Tank car tanks of classes ICC–106A, 107A or 110A bearing evidence of damage to the metal by fire must be withdrawn from transportation service until they have been inspected inside and outside to determine that no reduction in wall thickness has resulted, and have been heat-treated and retested. These operations must be carried out, supervised and reported as prescribed by the specifications for original heat treatment and test.

(f) *Repairs or alterations.* (1) For procedure to be followed in making repairs or alterations to all tank car tanks and securing approval therefor, see Appendix R, Association of American Railroads Specifications for Tank Cars.

(2) After alterations of tank cars or equipment therefor from original design, a certificate of compliance with the respective specification must be furnished to the car owner, to the Bureau of Explosives, and to the Secretary, Mechanical Division, Association of American Railroads.

Amend entire § 73.34 (15 F.R. 8282, 8283, 8284, 8285, Dec. 2, 1950) (25 F.R. 10290, 10291, Oct. 29, 1960) (21 F.R. 7597, 7598, Oct. 4, 1956) (16 F.R. 9373, Sept. 15, 1951) (24 F.R. 10110, Dec. 15, 1959) (17 F.R. 7280, Aug. 9, 1952) (17 F.R. 1559, Feb. 20, 1952) (23 F.R. 2323, 2324, Apr. 10, 1958) (26 F.R. 9399, Oct. 6, 1961) (27 F.R. 11850, 11851, Dec. 1, 1962) to read as follows:

**§ 73.34 Qualification, maintenance and use of cylinders.[1]**

(a) *General qualification for use of cylinders.* (See §§ 73.1 through 73.30 for requirements applying to all shipments.)

(1) Gases must be in cylinders as specified, and such cylinders used more than once (refilled and reshipped after having been previously emptied) must be in such condition, including closing devices and cushioning materials, that they will protect their contents during transit as efficiently as new cylinders.

(2) When cylinders with a marked pressure limit are prescribed, other cylinders made under the same specification but with a higher marked service pressure limit are authorized. For example, cylinders marked ICC–4B500 may be used where ICC–4B300 is specified.

(3) A cylinder in domestic use previous to the date upon which specification therefor was first made effective may be used if the cylinder has been properly tested and otherwise complies with the requirements applicable for the gas charged therein.

(b) *Change of marked service pressure.* Marked service pressure may be changed only upon application to the Bureau of Explosives and receipt of written instructions as to the procedure to be followed (see paragraph (c)(2) of this section). This is not authorized for cylinders which have failed to pass the prescribed periodic hydrostatic retest unless they are reheat-treated and requalified in accordance with applicable requirements.

(c) *Change of marking.* Each cylinder must be marked in accordance with the specification under which it was made. Marking on cylinders must not be changed except as follows:

(1) Additional markings not affecting any of the prescribed markings may be made in accordance with marking requirements of the specification.

(2) Test pressure or service pressure markings may be changed when service pressure is changed in accordance with paragraph (b) of this section.

(3) Changes may be made in serial numbers and in the identification symbols by the owners. Identification symbols must be registered and approved by the Bureau of Explosives. Before remarking, a report in sufficient detail that previous serial numbers and identification symbols can be determined for each cylinder, arranged by lot numbers or consecutive serial numbers, must be made to the Bureau of Explosives and approval received before markings are changed.

(4) When the space originally provided for dates of subsequent retests becomes filled, the stamping of additional test dates into the external surface of footrings of cylinders is authorized.

(5) All prescribed markings on each cylinder must be maintained in a readable condition, or copy of said markings reproduced by stamping on metal plates may be permanently secured to the cylinder.

[1] Requirements covering cylinders are also applicable to spherical pressure vessels.

(d) *Safety relief devices.* Each cylinder charged with compressed gas, unless excepted in this paragraph, must be equipped with one or more safety relief devices approved, as to type, location, and quantity, by the Bureau of Explosives and must be capable of preventing explosion of the normally charged cylinder when it is placed in a fire. Cylinders shall not be shipped with leaking safety relief devices. Safety relief devices must be tested for leaks before the charged cylinder is shipped from the cylinder filling plant; it is expressly forbidden to repair leaking fuse plug devices, where leak is through the fusible metal or between the fusible metal and the opening in the plug body, except by removal of the device and replacement of the fusible metal.) Exceptions are as follows:

(1) Except as provided in Notes 1, 2, and 3, safety relief devices are not required on cylinders 12 inches or less in length, exclusive of neck, and 4½ inches or less in outside diameter.

NOTE 1: Safety relief devices are required on specs. 9, 40, and 41 (§§ 78.63, 78.66, and 78.67 of this chapter) cylinders.

NOTE 2: Safety relief devices are required on cylinders charged with a liquefied gas for which this part requires a service pressure of 1,800 psi or higher.

NOTE 3: Safety relief devices are required on cylinders charged with nonliquefied gases to a pressure of 1,800 psi or higher at 70° F.

(2) Safety relief devices are not required on cylinders charged with nonliquefied gas, except acetylene in solution, under pressure of 300 psi or less at 70° F.

(3) Safety relief devices are prohibited on cylinders charged with class A poisonous gas or liquid as defined in § 73.326 (a).

(4) Safety relief devices are prohibited on cylinders charged with fluorine.

(5) Safety relief devices are not required on cylinders charged with methyl mercaptan; with mono-, di-, or trimethylamine, anhydrous; with not over 10 pounds of nitrosyl chloride; or with less than 165 pounds of anhydrous ammonia.

(6) Safety relief devices are not required on drums containing liquefied petroleum gas as provided for in § 73.304 (d) (3) (ii).

(e) *Periodic retesting and reinspection of cylinders.* Each cylinder becomes due for periodic retest in accordance with the following table and exceptions thereto:

| Specification under which cylinder was made | Minimum retest pressure (psi) | Retest period (years) |
|---|---|---|
| ICC–3 | 3,000 psi | 5. |
| 3A, 3AA | 5/3 times service pressure, except noncorrosive service (see § 73.34(e)(11). | 5. |
| 3B, 3BN | 2 times service pressure | 5. |
| 3C | Retest not required | 5. |
| 3D | 5/3 times service pressure | 5. |
| 3E | Retest not required | |
| 3HT | 5/3 times service pressure | 3 (see § 73.34(e)(13). |
| 4 | 700 psi | 10. |
| 4A | 5/3 times service pressure | 5. |
| 4AA480 | 2 times service pressure | 5. |
| 4B, 4BA, 4B240ET | 2 times service pressure, except noncorrosive service (see § 73.34 (e)(9) and (e)(10). | 5. |
| 4C | Retest not required | |
| 4D, 4DA, 4DS | 2 times service pressure | 5. |
| 4E | do | 5. |
| 4L | Retest not required | |
| 7 | do | |
| 7–150 for liquefied petroleum gas. | 300 psi | 5. |
| 8, 8AL | Retest not required | |
| 9 | 400 psi (maximum 600 psi) | 5 (see § 73.34(e)(15). |
| 25 | 500 psi | 5. |
| 26 for filling at over 450 psi. | 5/3 time service pressure | 5. |
| 26 for filling at 450 psi and below. | 2 times service pressure, except noncorrosive service (see § 73.34 (e)(9) and (e)(10). | 5. |
| 33 | 300 psi | 5. |
| 38 | 500 psi | 5. |
| Any cylinder with marked test pressure. | Retest at marked test pressure | 5. |
| Foreign cylinder charged for export. | As marked on the cylinder, but not less than 5/3 of any service or working pressure marking. | See § 73.301(j). |

NOTE 1: For cylinders not marked with a service pressure, see § 73.301 (e) (1).

(1) This periodic retest must include a visual internal and external examination together with a test by interior hydrostatic pressure in a water jacket or other apparatus of suitable form for the determination of the expansion of the cylinder. The test apparatus must be approved as to type and operation by the Bureau of Explosives. The internal inspection may be omitted for cylinders of the type and in the service described under subparagraphs (9) and (10) of this paragraph.

(2) Cylinders of ICC–4 series, without regard to date of previous test, that show bad dents or other evidence of rough usage, or that are corroded locally to such extent as to indicate possible weakness, or that have lost as much as 5 percent of their official tare weight, must be retested before being again charged and shipped. After any retest, the actual tare weight for those cylinders passing the test may be recorded as their new official tare weight.

(3) In hydrostatic retesting of a cylinder the pressure must be maintained for at least 30 seconds and as much longer as may be necessary to secure complete expansion of the cylinder. The gauge indicating the total expansion of the cylinder must be such that the total expansion can be read with an accuracy of 1 percent, except that a reading to 0.1 cubic centimeter shall be acceptable. The gauge indicating the pressure must be capable of being read to within 1 percent of the test pressure. Any internal pressure applied previous to the test pressure shall not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 psi, whichever is the lower value.

(4) A cylinder must be condemned when it leaks, or when internal or external corrosion, denting, bulging, or evidence of rough usage exists to the extent that the cylinder is likely to be weakened appreciably, or when the permanent expansion exceeds 10 percent of the total expansion, except that for ICC–4E aluminum cylinders, when the permanent expansion exceeds 12 percent of the total expansion. Except for ICC–4E aluminum cylinders, a cylinder condemned for excessive permanent expansion may be reheat-treated. (See paragraph (g) of this section.) ICC–4 series cylinders, condemned for other than excessive permanent expansion, may be repaired and rebuilt as otherwise provided in this section.

(5) Records showing the result of reinspection and retest must be kept by the owner or his authorized agent until either expiration of the retest period, or until the cylinder is again reinspected or retested, whichever occurs first.

(6) Each cylinder passing the reinspection and retest must be marked with the date, (month and year), plainly and permanently stamped into the metal of the cylinder. For example, "4–57" for April, 1957. The dash between the month and year figures may be replaced by the mark of the testing or inspecting agency. Stamping must be in accordance with marking requirements of the specification. Dates of the previous tests must not be obliterated.

(7) Cylinders in chlorine or sulfur dioxide service made before April 20, 1915, must be retested at 500 psi.

(8) For cylinders of not over ten pounds water capacity which are authorized for service pressures not over 300 psi, the hydrostatic testing portion of the retest procedure may consist of application of the prescribed internal hydrostatic test pressure without the use of special apparatus and without the determination of total and permanent expansions. In this test the cylinders shall be examined while under pressure and must show no leak or other harmful defect as enumerated in subparagraph (4) of this paragraph.

(9) Cylinders made in compliance with specifications ICC–4B, ICC–4BA and ICC–26–300[1], (§§ 78.50 and 78.51 of this chapter) used exclusively for anhydrous dimethylamine, anhydrous monomethylamine, anhydrous trimethylamine, methyl chloride, liquefied petroleum gas, or dichlorodifluoromethane, difluoroethane, difluoromonochloroethane, monochlorodifluoromethane, monochlorotetrafluoroethane, monochlorotrifluorethylene or mixtures thereof or mixtures of one or more with trichloromonofluoromethane, commercially free from corroding components, and protected externally by suitable corrosion resisting coatings (such as galvanizing, painting, etc.) may be retested decennially (see Note 2) instead of quinquennially, or, such cylinders may be subjected to an internal hydrostatic pressure equal to at least 2 times the marked service pressure without determination of expansions (see Note 1), but this type of test must be repeated quinquennially after expiration of the first 10-year period (see Note 2). When subjected to this latter test cylinders must be carefully examined under the test pressure and removed from service if leaks or other harmful defects exist. All tests must be supplemented by a very careful examination of the cylinder at each filling, and must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

NOTE 1: Cylinders tested by the modified hydrostatic method shall be marked after each retest with the date of test as otherwise required but followed by the symbol S; for example, 8–57S indicating retest by the modified method in August, 1957.

NOTE 2: Until further order of the Commission, the decennial retest period may be extended to a 12-year period, and the quinquennial retest period may be extended to a 7-year period after expiration of the first 12-year period.

(10) Cylinders made in compliance with the specifications listed in the table below and used exclusively in the service indicated may, in lieu of the periodic hydrostatic retest, be given a complete external visual inspection at the time such periodic retest becomes due:

| Cylinders made in compliance with— | Used exclusively for— |
|---|---|
| ICC–3AA480, ICC–3AA480, ICC–3A480X, ICC–3B, ICC–4B, ICC–4BA, ICC–26–240,[1] or ICC–26–300.[1] | Liquefied petroleum gas which is commercially free from corroding components. |
| ICC–4, ICC–3A480, ICC–3AA480, ICC–3A480X, ICC–4A480, or ICC–4AA480. | Anhydrous ammonia of at least 99.95 percent purity. |
| ICC–3A480, ICC–3AA480, ICC–3A480X, ICC–4B300, or ICC–4BA300. | Fluorinated hydrocarbons and mixtures thereof which are commercially free from corroding components. |
| ICC–3A480, ICC–3AA480, ICC–3A480X, ICC–3B, ICC–4B, ICC–4BA, ICC–26–240,[1] or ICC–26–300.[1] | Butadiene, inhibited, which is commercially free from corroding components. |
| ICC–3A480, ICC–3AA480, ICC–3A480X, ICC–3B, ICC–4B, ICC–4BA, ICC–26–240,[1] or ICC–26–300.[1] | Liquefied hydrocarbon gas which is commercially free from corroding components. |

[1] Use of existing cylinders authorized, but new construction not authorized.

When this inspection is used in lieu of hydrostatic retesting, subsequent inspections are required 5 years after the first such inspection and periodically at 5-year intervals thereafter. Inspections shall be made only by competent persons and the results shall be recorded on a suitable data sheet, the completed copies of which shall be kept as a permanent record. The points to be recorded and checked on these data sheets are: Date of inspection (month and year); ICC specification number; cylinder identification (registered symbol and serial number, date of manufacture, and ownership symbol (if needed for adequate identification)); type cylinder protective coating (painted, etc., and statement as to need of refinishing or recoating); conditions checked (leakage, corrosion, gouges, dents or digs in shell or heads, broken or damaged footring or protective ring or fire damage); disposition of clyinders (returned to service, to cylinder manufacturer for repairs or scrapped); a cylinder which passes the inspection prescribed shall have the date recorded in the manner presently prescribed for the recording of the retest date, except that an "E" is to follow the date (month and year) indicating requalification by the external inspection method. All inspections must be supplemented by a very careful examination of the cylinder at each filling, and must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

(11) Cylinders made in compliance with specification ICC–3A480, ICC–3A480X, and ICC–4AA480 (§§ 78.36, 78.43, 78.56 of this chapter), used exclusively for anhydrous ammonia, commercially free from corroding components, and protected externally by suitable corrosion resisting coatings (such as painting, etc.) may be retested decennially instead of quinquennially. All tests must be supplemented by a very careful examination of the cylinder at each filling, and the cylinder must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

(12) All cylinders not exceeding 2 inches outside diameter and length less than 2 feet are exempted from hydrostatic retest.

(13) In addition to the requirements of this paragraph (e) cylinders marked ICC–3HT shall comply with the following:

(i) Cylinders shall be subjected, at least once in three years, to a test by hydrostatic pressure in a water jacket, for the determination of the expansion of the cylinder. A cylinder must be condemned if the elastic expansion exceeds the original elastic expansion by more than 5 percent.

(ii) A cylinder must be condemned if there is evidence of any denting or bulging.

(iii) A cylinder must be condemned at the termination of a 12-year period following the date of the original test or after 4,380 pressurizations (12×365), whichever comes first. If a cylinder is recharged more than once a day, an accurate record of the number of such rechargings must be maintained.

(iv) Retest dates shall be applied by low stress type steel stamping to a depth no greater than that of the original marking at the time of manufacture. Stamping on sidewall not authorized.

(14) Cylinders made in compliance with specifications ICC–3A, 3AA, 3B, 4A, 4BA (§§ 78.36, 78.37, 78.38, 78.49, 78.51 of this chapter), having service pressures up to and including 300 psi, used exclusively for methyl bromide, liquid, mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, mixtures of methyl bromide and petroleum solvents, liquid, or methyl bromide and non-flammable, non-liquefied compressed gas mixtures, liquid, commercially free from corroding components, and protected externally by suitable corrosion resisting coatings (such as galvanizing, painting, etc.) and internally by a suitable corrosion resisting lining (galvanized, etc.) may be tested decennially instead of quinquennially. All tests must be supplemented by a visual internal and external examination of the cylinder quinquennially. Examination shall be as required by the Compressed Gas Association's "Standard for Visual Inspection of Compressed Gas Cylinders." (CGA Pamphlet C–6–1959, available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, N.Y.) All tests must be supplemented by a very careful examination of the cylinder at each filling, and the cylinder must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

(15) All prescribed markings shall be maintained in a legible condition and if at any time the cylinder (spec. ICC–9) is returned for refilling and such marks are illegible, then the cylinder must not be returned to service until it has been retested as prescribed in § 78.63–13(a) of this chapter, and a new test date applied.

(f) *Cylinders subjected to the action of fire.* A cylinder which has been subjected to the action of fire must not again be placed in service until it has been properly reconditioned as follows:

(1) A cylinder made of plain carbon steel with not over 0.25 percent carbon nor over 0.90 manganese need not be reheat-treated but must pass the periodic retest requirements as specified in paragraph (e) of this section.

(2) ICC–8 cylinders made of plain carbon steel with not over 0.25 percent carbon nor over 0.90 percent manganese must be reinspected to determine the condition of the cylinder and the porous filling. If the cylinder is undamaged and the filler is unchanged and intact, the cylinder may be returned to service without reheat treatment or test.

(3) The inner cylinders made under specification ICC–4L (§ 78.57 of this chapter) may be used after again passing the original hydrostatic test.

(4) ICC–4E aluminum cylinders must be removed from service.

(5) Other cylinders must be reheat treated and reconditioned as specified in paragraph (g) of this section.

(g) *Reheat treatment.* (1) Previous to the reheat treatment procedure hereinafter prescribed, each cylinder must be subjected to a careful internal and external inspection.

(2) Cylinders must be segregated for reheat treatment in lots of 100 or less cylinders of the same general size having practically the same chemical composition.

(3) The reheat treatment operation must be carried out, supervised, and reported as prescribed for the heat treatment in the specification covering the

manufacture of the cylinder in question. Data from the original reports of manufacture of the cylinders must be available.

(4) The reheat treatment must be followed by hydrostatic retest, such retest to be carried out, supervised, and reported as prescribed for the hydrostatic tests in the specification covering the manufacture of the cylinder in question. The results of the retest must meet either of the following conditions:

(i) The permanent expansion shall be from zero to 10 percent of the total expansion in the hydrostatic retest and one cylinder from each lot shall pass the requirements of the flattening and physical tests prescribed. Failure to pass the flattening or physical tests will reject the lot or;

(ii) The permanent expansion shall not be less than 3 percent nor more than 10 percent of the total expansion in the hydrostatic retest, in which case the flattening and physical tests are not required. For this alternative method the hydrostatic retest pressure shall not exceed 115 percent of the minimum prescribed test pressure except with specific approval of the Bureau of Explosives.

(h) *Repair by welding or brazing of specifications ICC–3A, 3AA, 3B, 3C cylinders.* Repair of specifications ICC–3A, 3AA, 3B or 3C (§ 78.36, 78.37, 78.38 or 78.40 of this chapter) cylinders by welding or brazing authorized, but only for the removal and replacement of neckrings and footrings attached to cylinders originally manufactured to conform to §§ 78.36–9(a), 78.37–9(a), 78.38–9(a), and 78.40–9(a) of this chapter. Removal and replacement must be done by a regular manufacturer of this type of cylinder. After removal and before replacement of such parts, cylinders must be inspected, and defective ones rejected. Cylinders, neckrings, footrings, and method of replacement must conform to § 78.36–9(a), § 78.37–9(a), § 78.38–9(a), or § 78.40–9(a) of this chapter whichever applies. Replacement must be followed by reheat treating, testing, inspection, and supervised and reported as prescribed by the specification covering their original manufacture. Inspector's reports must conform with that required by the specification covering original manufacture with the word "repaired" substituted for "manufactured." Show original markings and the new additional markings added, and statement: "Cylinders were carefully inspected for defects after removal of neckrings and footrings and after replacement, which replacement was made by process of _____."
(Welding-brazing)

(i) *Repair by welding or brazing of ICC–4 series, and ICC–8, welded or brazed cylinders.* Repairs on ICC–4 series and ICC–8 series welded or brazed cylinders are authorized to be made by welding or brazing. Such repairs must be made by a manufacturer of these types of ICC cylinders or by a repair facility authorized by the Bureau of Explosives and by a process similar to that used in its manufacture and under the following specific requirements:

(1) Cylinders with injurious defects in welded joints in or on pressure parts must be repaired by completely removing the defect prior to rewelding.

(2) Cylinders with injurious defects in brazed joints in or on pressure parts must be repaired by rebrazing.

(3) Cylinders during welding must be free of materials in contact with the welded joint that may impair the serviceability of the metal in or adjacent to the weld. (Precautions must be taken to prevent acetylene cylinder steels from picking up carbon during repair.)

(4) Neckrings, footrings, or other nonpressure attachments authorized by the specification may be replaced or repaired. Repair or replacement of footrings, neckrings, or other nonpressure attachments authorized by the specification for ICC–4BA and 8AL (§§ 78.51 and 78.60 of this chapter) cylinders may be made without conforming to the requirements of subparagraph (1)(6) of this section provided the following requirements are met:

(i) Must be done by a manufacturer of these types of ICC cylinders or by a repair facility authorized by the Bureau of Explosives.

(ii) The welder shall have available to him information as to the procedure, equipment, and rod used during manufacture and shall use a similar method for repair.

(iii) Repairs must be by metal arc welding only. Welds shall be 3 inches maximum length and spaced at least 3 inches apart.

(iv) Welds shall not be made on or near a brazed joint (to prevent the possibility of copper penetration).

(v) After repair the welds are to be inspected visually for weld quality.

(vi) After repair the weld area is to be leak tested at the service pressure of the cylinder.

(5) After removal, and before replacement of attachments, cylinders must be inspected and defective ones rejected, repaired or rebuilt.

(6) After repair, cylinders must be reheat-treated, tested, inspected and reported when and as prescribed by the specification covering their original manufacture when welding or brazing seams in a pressure part of a cylinder; or when welding or brazing on pressure parts of cylinders of plain carbon steels with carbon over 0.25 percent or manganese over 1.00 percent or of alloy steels, except that the physical and flattening tests may be omitted when the cylinders are not reheat-treated.

NOTE 1: Heat-treatment is not required after welding or brazing weldable low carbon parts to attachments of similar material which has been previously welded or brazed to the top or bottom of cylinders and properly heat-treated, provided such subsequent welding or brazing does not produce a temperature in excess of 400° F. in any part of the top or bottom material.

(7) Repair of cylinders must be followed by a proof pressure leakage test at prescribed test pressure and visual examination for weld quality when welding or brazing on pressure parts of cylinders of plain carbon steel with carbon 0.25 percent or less and manganese 1.00 percent or less.

(j) *Repair of non-pressure attachments.* Repair of non-pressure attachments by welding or brazing without affecting a pressure part of the cylinder must be followed by visual examination for weld quality.

(k) *Prohibited repairs.* Walls, heads or bottoms of cylinders with injurious defects or leaks in base metal shall not be repaired, but may be replaced as provided for in paragraph (1) of this section.

(l) *Rebuilding of ICC–4 series and ICC–8, welded or brazed cylinders.* Rebuilding of ICC–4 series and ICC–8 series, welded or brazed cylinders is authorized. Such rebuilding must be done by a manufacturer of these types of ICC cylinders or by a repair facility authorized by the Bureau of Explosives and by a process similar to that used in its original manufacture and under the following specific requirements:

(1) The replacement of a pressure part such as wall, heads, or bottoms of cylinders or the replacement of the porous filling material, shall be considered as rebuilding.

(2) Rebuilt cylinders shall be considered as new cylinders and shall conform to all the requirements of the specifications applying, including verification of material, examination, inspection, etc., and the rendering of the proper reports to the purchaser, cylinder rebuilder, and the Bureau of Explosives. Report must show that cylinders were rebuilt.

(3) Information in sufficient detail regarding previous serial numbers and identification symbols must be filed with the Bureau of Explosives.

## Subpart F—Compressed Gases; Definition and Preparation

Amend entire § 73.300 (15 F.R. 8324, Dec. 2, 1950) (17 F.R. 7282, Aug. 9, 1952) (25 F.R. 3102, Apr. 12, 1960) to read as follows:

### § 73.300 Definitions.

For the purpose of Parts 71–78 of this chapter, the following terminology is defined:

(a) *Compressed gas.* The term "compressed gas" shall designate any material or mixture having in the container an absolute pressure exceeding 40 psi at 70° F. or, regardless of the pressure at 70° F., having an absolute pressure exceeding 104 psi at 130° F.; or any liquid flammable material having a vapor pressure exceeding 40 psi absolute at 100° F. as determined by the Reid method covered by the American Society for Testing Materials Method of Test for Vapor Pressure of Petroleum Products. (D–323)

(b) *Flammable compressed gas.* Any compressed gas as defined in paragraph (a) of this section shall be classified as "flammable compressed gas" if any one of the following occurs:

(1) Either a mixture of 13 percent or less (by volume) with air forms a flammable mixture or the flammable range with air is wider than 12 percent regardless of the lower limit. These limits shall be determined at atmospheric temperature and pressure. The method of sampling and test procedure shall be acceptable to the Bureau of Explosives.

(2) Using the Bureau of Explosives' Flame Projection Apparatus (see Note 1), the flame projects more than 18 inches beyond the ignition source with valve opened fully, or, the flame flashes back and burns at the valve with any degree of valve opening.

(3) Using the Bureau of Explosives' Open Drum Apparatus (see Note 1), there is any significant propagation of flame away from the ignition source.

(4) Using the Bureau of Explosives' Closed Drum Apparatus (see Note 1), there is any explosion of the vapor-air mixture in the drum.

NOTE 1: A description of the Bureau of Explosives' Flame Projection Apparatus, Open Drum Apparatus, Closed Drum Apparatus, and method of tests may be procured from the Bureau of Explosives, 63 Vesey Street, New York 7, N.Y.

(c) *Non-liquefied compressed gas.* A "non-liquefied compressed gas" is a gas, other than gas in solution, which under the charged pressure is entirely gaseous at a temperature of 70° F.

(d) *Liquefied compressed gas.* A "liquefied compressed gas" is a gas which, under the charged pressure, is partially liquid at a temperature of 70° F.

e) *Compressed gas in solution.* A "compressed gas in solution" is a non-liquefied compressed gas which is dissolved in a solvent.

(f) *Flammable range.* The term "flammable range" shall designate the difference between the minimum and maximum volume percentages of the material in air that forms a flammable compressed gas.

(g) *Filling density.* The term "filling density" shall designate the percent ratio of the weight of gas in a container to the weight of water that the container will hold at 60° F. (One pound of water equals 27.737 cubic inches at 60° F.) For example, for a liquified petroleum gas of 0.504/0.510 specific gravity, a 100-pound cylinder holds 238.1 pounds of water and the filling density is 42 percent; therefore the amount of gas permitted is 0.42×238.1 or 100 pounds.

(h) *Service pressure.* The term "service pressure" shall designate the authorized pressure marking on the container. For example, for cylinders marked "ICC–3A1800", the service pressure is 1800 psig (pounds per square inch gauge).

Amend entire § 73.301 (15 F.R. 8324, Dec. 2, 1950) (18 F.R. 3136, June 2, 1953) (20 F.R. 4417, June 23, 1956) (27 F.R. 11853, Dec. 1, 1962) (27 F.R. 11853, Dec. 1, 1962) (27 F.R. 6738, July 17, 1962) (21 F.R. 3011, May 5, 1956) (26 F.R. 9402, Oct. 6, 1961) to read as follows:

### § 73.301 General requirements for shipment of compressed gases in cylinders.[1]

(a) *Gases capable of combining chemically.* No container shall contain gases or materials that are capable of combining chemically so as to endanger its serviceability.

(b) *Ownership of container.* A container charged with a compressed gas must not be shipped unless it was charged by or with the consent of the owner of the container.

(c) *Retest of container.* A container for which prescribed periodic retest has become due must not be charged and shipped until such retest has been properly made.

[1] Requirements covering cylinders are also applicable to spherical pressure vessels.

(d) *Manifolding containers in transportation.* No means of interconnecting such as manifolding of individual containers may be employed for the transportation of compressed gases, except as hereinafter authorized. Containers so manifolded shall be supported and held together as a unit by structurally adequate means. Safety relief devices on manifolded horizontal containers charged with flammable compressed gas shall be arranged to discharge upward and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the containers.

(1) Manifolding is authorized for containers of the following gases: Argon, air, helium, nitrogen, oxygen, carbon dioxide, nitrous oxide, provided that each such container is individually equipped with approved safety relief devices as required by § 73.34(d) or § 73.315(1).

(2) Manifolding is authorized for containers of the following gases: Boron trifluoride, ethylene (nonliquefied), hydrogen, hydrocarbon gases (nonliquefied), methane, provided individual containers are equipped with approved safety relief devices as required by § 73.34(d) or § 73.315(i), and further provided that each container is equipped with individual shutoff valve, or valves, which shall be tightly closed while in transit. Manifold branch lines to these individual shutoff valves shall be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines. A temperature measuring device may be inserted in one container of a manifolded installation in place of the shutoff valve.

(3) Manifolding is authorized for containers of the following gases: Ethane, ethylene, propylene, liquefied petroleum gases, liquefied hydrocarbon gases, provided individual containers are equipped with approved safety relief devices as required by § 73.34(d) or § 73.315(i), and further provided that each container is equipped with individual shutoff valve, or valves, which shall be tightly closed while in transit, and that each such container must be separately charged and means shall be provided to insure that no interchange of container contents can occur during transportation. Manifold branch lines to individual shutoff valves shall be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines.

(4) Manifolding is authorized for containers of acetylene, provided that each container is individually equipped with approved safety relief devices as required by § 73.34(d), and further provided that each container is equipped with an individual shutoff valve, or valves, which shall be tightly closed while in transit. Manifold branch lines to these individual shutoff valves shall be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines. All manifold containers shall be transported in a vertical position. For the checking of tare weights or for replacement of solvent the container shall be removed from the manifold. This requirement is not intended to prohibit the charging of the acetylene cylinders while manifolded.

(e) *Container pressure.* The pressure in the container at 70° F. must not exceed the service pressure for which the container is marked or designated, except as provided in § 73.302(c).

NOTE 1: In certain cases with liquefied gases the pressure at 70° F. must be lower than the marked service pressure to avoid having a greater pressure at a temperature of 130° F. than is permitted.

(1) For authorized containers not marked with a service pressure, the service pressure is designated as follows:

| Specification marking | Service pressure—psig |
|---|---|
| ICC–3 | 1,800 |
| 3E | 1,800 |
| 4 | 300 |
| 8 | 250 |
| 9 | 200 |
| 25 | 300 |
| 33 | 480 |
| 38 | 250 |
| 40 | 200 |
| 41 | 240 |

(2) For containers made prior to the effective date of specifications, the service pressure is designated as the same as for the same type of container made in accordance with current specifications.

(f) *Container pressure at 130° F.* The pressure in the container at 130° F. shall not exceed 5/4 times the service pressure, except:

(1) Containers charged with acetylene, liquefied nitrous oxide and liquefied carbon dioxide.

(2) When a cylinder is charged in accordance with § 73.302(c), the pressure in the cylinder at 130° F. must not exceed 5/4 times the filling pressure authorized therein.

(g) *Container valve protection.* Containers charged with flammable, corrosive, or noxious gases, must have their valves protected by one of the following methods.

(1) By equipping the containers with securely attached metal caps of sufficient strength to protect the valves from injury during transit.

(2) By boxing or crating the containers so as to give proper protection to the valves.

(3) By so constructing the containers that the valve is recessed into the container or otherwise protected so that it will not be subjected to a blow when the container is dropped on a flat surface.

(4) By loading the containers compactly in an upright position and securely bracing in cars or motor vehicles, when loaded by the consignor and to be unloaded by the consignee.

(5) By equipping with valves strong enough to avoid injury during transit for containers containing non-liquefied gas under pressure not exceeding 300 psi at 70° F.

(h) *Compressed gas containers.* Compressed gases must be in metal containers built in accordance with the ICC specifications, as shown below, in effect at the time of manufacture, and marked as required by the specification and the regulation for retesting if applicable;

| Containers | | | |
|---|---|---|---|
| ICC-2P | ICC-3E | ICC-4C | ICC-8AL |
| 2¹ | 1HT | 4D | 8 |
| 2A | 4 | 4DA | 8P[1] |
| 2AGOX | 4A | 4DS | 38[1], |
| 2AA | 4AA | 4H | 39[1], |
| 2B | 4B | 4L | 51[1], |
| 2BN | 4B240FLW | 5 | 40, |
| 2O | 4B240X | 5F | 41. |
| 2D | 4BA | 7[1] | |
| | 4B240ET | 8 | |

[1] Use of existing cylinders authorized, but new construction not authorized.

(i) *Foreign containers in domestic use.* Except as authorized by § 73.9, a charged container of foreign manufacture must not be offered for transportation in domestic traffic unless it has been made in accordance with the applicable ICC specification and unless the tests required by such specification were made in this country and proper report rendered.

(j) *Charging of foreign containers for export.* Containers of foreign manufacture, received from foreign countries for charging with compressed gas, may be charged and shipped for export only.

(1) Provided that they are retested in accordance with § 73.34(e). This retest may be omitted only if the container can be definitely identified as having been retested under this provision within the prescribed retest period, and

(2) Provided further that the maximum filling density and service pressure for each container shall be in accordance with all packing requirements of this part for the compressed gas involved.

(3) Records showing the results of the tests made on all foreign containers must be preserved for inspection until the next scheduled retest date.

(4) Bill of lading or other shipping paper shall, when possible, identify the containers and shall carry the following certification: "These containers have been retested and refilled in accordance with the ICC requirements for export."

Amend entire § 73.302 (15 F.R. 8325, Dec. 2, 1950) (26 F.R. 4996, June 6, 1961) (21 F.R. 9357, Nov. 30, 1956) (26 F.R. 1015, Feb. 2, 1961) (21 F.R. 4432, 4433, June 23, 1953) (18 F.R. 3136, June 2, 1953) (21 F.R. 673, Jan. 31, 1956) (23 F.R. 4030, June 10, 1958) to read as follows:

### § 73.302 Charging of cylinders with non-liquefied compressed gases.

(a) *Detailed requirements.* Nonliquefied compressed gases (except gas in solution or poisonous gas) for which charging requirements are not definitely prescribed in § 73.304(a)(2) must be shipped, subject to § 73.301, and § 73.305 in specification containers as follows:

(1) Spec. 3,[1] 3A, 3AA, 3B, 3C, 3D, 3E, 4, 4A, 4B, 4BA, 4C, 7,[1] 25,[1] 26,[1] 33,[1] or 38[1] (§ 78.36, § 78.37, § 78.38, § 78.40, § 78.41, § 78.42, § 78.48, § 78.49, § 78.50, § 78.51, or § 78.52 of this chapter). (See §§ 73.34 and 73.301(e).)

NOTE 1: Authorized cylinders containing oxygen which is continuously fed to tanks containing live fish may be shipped irrespective of the provisions of § 73.24.

(2) Spec. 3HT (§ 78.44 of this chapter) cylinders are authorized for nonflammable gases, for use in aircraft only, for a maximum service life of 12 years, and must be equipped with safety relief devices as required by § 73.34(d). Only a frangible disc safety relief device, without fusible metal backing, shall be used with spec. ICC–3HT cylinders and the rated bursting pressure of the disc shall not exceed 90 percent of the minimum required test pressure of the cylinder with which the device is used. Cylinders must be shipped in strong outside containers.

(b) *Filling limits.* (See § 73.301(e).)

(c) *Special filling limits for spec. 3A and 3AA cylinders.* Specs. 3A and 3AA (§§ 78.36 and 78.37 of this chapter) cylinders may be charged with compressed gases, other than liquefied, dissolved, poisonous, or flammable gases to a pressure 10 percent in excess of their marked service pressure, provided:

(1) That such cylinders are equipped with frangible disc safety relief devices (without fusible metal backing) having a bursting pressure not exceeding the minimum prescribed test pressure.

(2) That the elastic expansion shall have been determined at the time of the last test or retest by the water jacket method.

(3) That either the average wall stress or the maximum wall stress shall not exceed the wall stress limitation shown in the following table (see Notes 1 and 2):

| Type of steel | Average wall stress limitation | Maximum wall stress limitation |
|---|---|---|
| Plain carbon steels over 0.35 carbon and medium manganese steels | 53,000 | 58,000 |
| Steels of analysis and heat-treatment specified in spec. 3AA | 67,000 | 73,000 |
| Plain carbon steels less than 0.35 carbon made prior to 1920 | 45,000 | 48,000 |

NOTE 1: The average wall stress shall be computed from the elastic expansion data using the following formula:

$$S=\frac{1.7EE}{KV}-0.4P$$

where—

$S$ = wall stress, pounds per square inch;
$EE$ = elastic expansion (total less permanent) in cubic centimeters;
$K$ = factor x $10^{-7}$ experimentally determined for the particular type of cylinder being tested;
$V$ = internal volume in cubic centimeter (1 cubic inch = 16.387 cubic centimeters);
$P$ = test pressure, pounds per square inch.

Formula derived from formula of Note 2 and the following:

$$EE=PKV\times\frac{D^2}{D^2-d^2}$$

NOTE 2: The maximum wall stress shall be computed from the formula:

$$S=P\,\frac{(1.3D^2+0.4d^2)}{D^2-d^2}$$

where—

$S$ = wall stress, pounds per square inch;
$P$ = test pressure, pounds per square inch;
$D$ = outside diameter, inches;
$d$ = $D-2t$, where $t$ = minimum wall thickness determined by a suitable method.

(4) That an external and internal visual examination made at the time of test or retest shows the cylinder to be free from excessive corrosion, pitting, or dangerous defects.

(5) That a plus sign (+) be added following the test date marking on the cylinder to indicate compliance with subparagraphs (2), (3), and (4) of this paragraph.

(d) *Fluorine.* Fluorine must be shipped in Specification 3A1000, 3AA1000, or 3BN400 (§ 78.36, § 78.37 or § 78.39 of this chapter) cylinders without safety relief device and equipped with valve protection cap. Such containers must not be charged to over 400 psig at 70° F. and must not contain over 6 pounds of gas.

(e) *Verification of container pressure.* (1) Each day, the pressure in a container representative of that day's compression must be checked by the charging plant after the container has cooled to a settled temperature and a record of this test kept for at least 30 days.

Amend entire § 73.303 (19 F.R. 6268, Sept. 29, 1954) (21 F.R. 366, 367, Jan. 19, 1956) to read as follows:

### § 73.303 Charging of cylinders with compressed gas in solution (acetylene).

(a) *Cylinder, filler and solvent requirements.* (Refer to applicable parts of Specs. ICC–8 and ICC–8AL.) Acetylene gas must be shipped in cylinders, spec. 8 or 8AL (§ 78.59 or § 78.60 of this chapter). The cylinders shall consist of metal shells filled with a porous material that has been tested with satisfactory results by the Bureau of Explosives, and this material must be charged with a suitable solvent.

(1) The specific gravity of acetone solvent in acetylene cylinders must be 0.796 or over at 15.5° C. (59.9° F.).

(2) The amount of solvent added in the refilling operation must not cause the tare weight of the cylinder to exceed its marked tare weight. The tare weight includes the weight of the cylinder shell, porous filling, valve, safety relief devices and solvent, but without removable cap.

(b) *Filling limits.* The pressure in cylinders containing acetylene gas must not exceed 250 psi at 70° F., and in case the cylinders are marked for a lower allowable charging pressure, at 70° F., then that pressure must not be exceeded.

(c) *Data requirements on filler and solvent.* Cylinders containing acetylene gas must not be shipped unless they were charged by or with the consent of the owner, and by a person, firm, or company having possession of complete information as to the nature of the porous filling, the kind and quantity of solvent in the cylinders, and the meaning of such markings on the cylinders as are prescribed by the Commission's regulations and specifications applying to containers for the transportation of acetylene gas.

(d) *Verification of container pressure.* (1) Each day, the pressure in a container representative of that day's compression must be checked by the charging plant after the container has cooled to a settled temperature and a record of this test kept for at least 30 days.

[1] Use of existing cylinders authorized, but new construction not authorized.



| Kind of gas | Maximum permitted filling density (see Note 1) | Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 73.34 (a), (b), § 73.301 (j) (see notes following table). |
|---|---|---|
| Liquefied nonflammable gases, liquids other than those classified as flammable, corrosive, or poisonous, and mixtures or solutions thereof, charged with nitrogen, carbon dioxide, or air | *Percent* Not liquid full at 130° F. | ICC–3AA2400; ICC–3AAM400; ICC–3E1800; ICC–4BA300; ICC–4BW400; ICC–4D5800; ICC–4E1800. |
| Methyl chloride | 50 | ICC–3AA240; ICC–3AA340; ICC–4B240; ICC–4BA240; ICC–4BW240; ICC–4B240ET. |
| Methyl mercaptan | 84 | ICC–3AA2400; ICC–4B225; ICC–4BA225; ICC–4B225ET; ICC–4BW225; ICC–4E1800; ICC–4L200; ICC–4L2000. Cylinders complying with ICC–4AA160; ICC–4B150; ICC–4AA180; and ICC–4B180 manufactured prior to Jan. 1, 1966. |
| Monochlorodifluoromethane (see Note 8). | 80 | ICC–3AA240; ICC–3AA340; ICC–4B240; ICC–4BA240; ICC–4BW240; ICC–4B240ET; ICC–4E1800; ICC–4L200; ICC–4L2000. |
| Monochloropentafluoroethane | 105 | ICC–4BA240; ICC–4B240ET; ICC–4E1800; ICC–4L200; ICC–4L2000. |
| Monochlorotrifluoromethane | 110 | ICC–4BA225; ICC–4B225; ICC–4E1800; ICC–4L200; ICC–4L2000. |
| Monomethylamine, anhydrous | 100 | ICC–3AA1800; ICC–3E1800. |
| Nitrogen, pressurized liquid | 60 | ICC–3AA180; ICC–3E1800. |
| Nitrosyl chloride | 88 | ICC–4BA225; ICC–4E1800. |
| Nitrous oxide (see Notes 7 and 9) | 110 | ICC–4BW400 only. |
| Oxygen, pressurized liquid | 68 | ICC–3AA1800; ICC–3E1800; ICC–4L200; ICC–4L2000. |
| Sulfur hexafluoride | 96 | ICC–4L200; ICC–4L2000. |
| Trifluorochloroethylene, inhibited | 126 | ICC–3AA2265; ICC–4BA225; ICC–4B225; ICC–4B240ET; ICC–4E1800. |
| Trifluorochloromethylene | 110 | ICC–3AA1000; ICC–4BA225; ICC–4B225; ICC–4E1800. |
| | 90 | ICC–3AA1800; ICC–3E1800. |
| | 115 | ICC–4BA300; ICC–4B300; ICC–4E1800. |
| Trimethylamine, anhydrous | 57 | ICC–3AA180; ICC–3E1800; ICC–4BA150; ICC–4B150; ICC–4E1800. |
| Vinyl chloride (see Note 8) | 84 | ICC–4B150, without brazed seams; ICC–4BA225, without brazed seams; ICC–4B225, without brazed seams; ICC–4AA150; ICC–4BA150; ICC–4B150; ICC–4E1800. |
| Vinyl fluoride, inhibited | 62 | ICC–3AA2400; ICC–3E1800; ICC–4E1800. |
| Vinyl methyl ether, inhibited (see Note 5). | 68 | ICC–4B150, without brazed seams; ICC–4BA225, without brazed seams; ICC–4AA150; ICC–4BA150; ICC–4B150; ICC–26; ICC–3E1800. |

NOTE 1: The "filling density" is hereby defined as the percent ratio of the weight of gas in a container to the weight of water that the container will hold at 60° F. (15.6° C.).

NOTE 2: Cylinders purchased after Oct. 1, 1944, for the transportation of chlorine must contain no aperture other than that provided in the neck of the cylinder for attachment of a valve equipped with an approved safety relief device. Cylinders purchased after Nov. 1, 1935, and charged with chlorine must not contain over 150 pounds of gas.

NOTE 3: The charge in carbon dioxide cylinders must not exceed 68 percent by weight of the water capacity of the cylinder. Cylinders rated for 75 pounds or for 100 pounds carbon dioxide capacity are the only cylinders authorized for charging with 50 pounds or more of carbon dioxide except that cylinders of sizes not over 9½ inches outside diameter by 24 inches long may be charged with 50 pounds of carbon dioxide containing at least 0 percent by weight of other gas or liquid, are exempt from the foregoing part of this sentence.

NOTE 4: Special carbon dioxide mining devices containing a heating element and charged with not over 8 pounds of carbon dioxide may be filled to a density of not over 85 percent, provided the cylinder is made of steel with a calculated bursting pressure in excess of 30,000 psi, be fitted with a frangible disc that will operate at not over 57 percent of that pressure, and be able to withstand a drop of 10 feet when striking crosswise on a steel rail while under a pressure equal to 1½ times the service pressure. It must be shipped in strong boxes or must be wrapped in heavy burlap and bound with the functioning of the frangible disc safety relief device. Shipments may be made so as not to interfere with the functioning of the frangible disc safety relief device. Shipments may be made by parcel post when not more than one cylinder is shipped in a box. Not more than 50 pounds of carbon dioxide gas (mining device)" and marked, labeled, and certified as prescribed for liquefied carbon dioxide.

NOTE 5: All parts of valve and safety relief devices in contact with contents of cylinders must be of a metal or other material, suitably treated if necessary, which will not cause formation of any acetylides.

NOTE 6: Cylinders having a water capacity in excess of one gallon shall be insulated with three coats of heat-resistant paint of a type approved by the Bureau of Explosives, applied over suitable primer and finished with suitable aluminum paint, or equivalent, to reduce the effect of heat from fire on the contents of the cylinder.

NOTE 7: Spec. 3HT (§ 78.44 of this chapter) cylinders are authorized for use in aircraft only, for a maximum service life of 12 years, and must be equipped with safety relief devices as required by § 73.34 (d). Only frangible disc safety relief devices, without fusible metal backing, shall be used with spec. 3HT cylinders and the rated bursting pressure of the disc shall not exceed 90 percent of the minimum required test pressure of the cylinder with which the device is used. Cylinders must be shipped in strong outside container.

Amend entire § 73.304 (15 F.R. 8326, Dec. 2, 1950) (24 F.R. 906, Feb. 6, 1959) (19 F.R. 8527, Dec. 14, 1954) (21 F.R. 3011, May 5, 1956) (21 F.R. 7602, Oct. 4, 1956) to read as follows:

### § 73.304 Charging of cylinders with liquefied compressed gas.

(a) *Detailed charging requirements.* Liquefied gases shall be charged in accordance with the specific provisions of subparagraph (2) of this paragraph or paragraph (e) of this section. Where charging requirements are not specifically prescribed, liquefied gases, except gas in solution or poisonous gas, must be shipped, subject to the applicable paragraphs under General Requirements for Shipment (see § 73.301), the charging requirements of this section for liquefied compressed gas, or the charging requirements for mixtures (see § 73.305), in containers manufactured under specifications, as follows:

(1) Spec. 3,[1] 3A, 3AA, 3B, 3BN, 3D, 3E, 4, 4A, 4B, 4BA–ET, 9, 25,[1] 26,[1] 38,[1] 40 or 41 (§§ 78.36, 78.37, 78.38, 78.39, 78.41, 78.42, 78.48, 78.49, 78.50, 78.51, 78.55, 78.63, 78.66, 78.67 of this chapter), except that specs. 9, 40, and 41 containers must not be charged and shipped with mixtures containing aluminum triethyl, aluminum trimethyl, carbon bisulphide (disulphide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin, zinc ethyl or poisonous materials, class A, B or C, as defined by these regulations, unless specifically prescribed in this part. (See §§ 73.34 and 73.301 (e).)

(2) The following restrictions must be complied with for the gases named:

| Kind of gas | Maximum permitted filling density (see Note 1) | Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 73.34 (a), (b), § 73.301 (j) (see notes following table). |
|---|---|---|
| Anhydrous ammonia | *Percent* 54 | ICC–4; ICC–3AA480; ICC–3AAM480; ICC–3AA480X; ICC–4AA480; ICC–4; ICC–4AA480; ICC–3E1800. |
| Argon, pressurized liquid | 118 | ICC–4L200; ICC–4L2000. |
| Carbon dioxide, liquefied (see Notes 3, 4, and 7) | 68 | ICC–3AA1800; ICC–4; ICC–3E1800; ICC–3HT2000. |
| Carbon dioxide-nitrous oxide mixture (see Note 7) | 68 | ICC–3AA1800; ICC–4; ICC–3E1800; ICC–3HT2000. |
| Carbon monoxide | | ICC–3AA1800; ICC–3E1800. The pressure in the cylinder must not exceed 1,000 pounds per square inch at 70° F. |
| Chlorine (see Note 2) | 125 | ICC–3AA2265; ICC–3AA480X; ICC–4AA225; ICC–3B225; ICC–4BA480; ICC–4B225; ICC–4BA225; ICC–4B240ET; ICC–7–300; ICC–3; ICC–3E1800. |
| Cyclopropane | 55 | ICC–4A225; ICC–4AA480; ICC–4B225; ICC–4BA225; ICC–4B240ET; ICC–7–300; ICC–3; ICC–3E1800. |
| Dichlorodifluoromethane (see Note 8) | 119 | ICC–3AA225; ICC–3AA2265; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225; ICC–4B240ET; ICC–4E1800. |
| Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) (see Note 8). | Not liquid full at 130° F. | ICC–3AA1800; ICC–3AA2240; ICC–3B240; ICC–4B240; ICC–4BA240; ICC–4. |
| Difluoroethane | 79 | ICC–3AA180; ICC–3AA2180; ICC–3B180; ICC–4B180; ICC–4BA225; ICC–4E1800. |
| Difluoromonochloroethane | 100 | ICC–3AA180; ICC–3B180; ICC–4B180; ICC–4BA225; ICC–4E1800. |
| Dimethylamine, anhydrous | 59 | ICC–3AA180; ICC–3B180; ICC–4B180; ICC–4BA225; ICC–4E1800. |
| Ethane | 35.8 | ICC–3AA1800; ICC–4; ICC–8E1800. |
| Do | 36.8 | ICC–3AA2000; ICC–3AA2000. |
| Ethylene | 31.0 | ICC–3AA1800; ICC–3AA1800; ICC–3; ICC–8E1800. |
| Do | 34.5 | ICC–3AA2000; ICC–3AA2000. |
| Do | 36.8 | ICC–3AA2400; ICC–3AA2400. |
| Hydrogen chloride | 60 | ICC–3AA1800; ICC–3AA1800; ICC–3; ICC–3E1800. |
| Hydrogen sulfide | 62.5 | ICC–3AA480; ICC–3AA480; ICC–3B480; ICC–4A480; ICC–4B480; ICC–4BA480; ICC–26–480; ICC–8E1800. |
| Insecticide, liquefied gas (see Note 8) | Not liquid full at 130° F. | ICC–3AA2400; ICC–3AA2800; ICC–3E1800; ICC–4B300; ICC–4BA300; ICC–8; ICC–40; ICC–41; ICC–3E1800. |

See footnotes at end of table.

[1] Use of existing cylinders authorized, but new construction not authorized.

NOTE 8: Specs. 4D, 4DA, 4DS, 9, 40, and 41 (§ 78.33, 78.36, 78.47, 78.63, 78.66, or 78.67 of this chapter) spheres and cylinders must be shipped in strong outside containers.
NOTE 9: Filling density for nitrous oxide may be 75 percent in cylinders made previous to Feb. 1, 1917, of less than 12 pound water capacity, and if known to have passed a test pressure of not less than 3,500 psi.

(b) ***Filling limits.*** (See § 73.301(f).)

**(1) For a liquefied compressed gas the liquid portion of the content at 130° F. must not completely fill the container.**

NOTE 1: Maximum filling densities are permitted by paragraph (a)(2) of this section for certain liquefied compressed gases, having critical temperatures below 130° F. that result in the container being liquid full below the critical temperature, but because of compressibility of the liquids, the maximum pressure requirements of § 73.301(f) are met up to and including 130° F.

NOTE 2: Cylinders containing vinyl fluoride, inhibited, may be liquid full at 130° F. provided the pressure at the critical temperature does not exceed one and one-fourth times the service pressure.

(2) The pressure in ICC–4L (§ 78.57 of this chapter) cylinders must be limited by a pressure controlling valve so sized and set as to limit the pressure to one and one-fourth times the marked service pressure. The liquid portion of the gas must not completely fill the cylinder. For ICC–4L cylinders insulated by a vacuum the pressure control valve must be set at least 15 psi lower than one and one-fourth times the marked service pressure. The other paragraphs of this section do not apply to ICC–4L cylinders.

(c) *Verification of content in cylinder.* (1) Liquefied gases must be charged by weight, by volume measurement of liquid, or when lower in pressure than required for liquefaction a pressure-temperature chart may be used in charging to insure that the service pressure at 70° F. times 5/4 will not be exceeded at 130° F.

(2) Except as noted in paragraph (d)(4) of this section, the amount of liquefied gas charged into a container must be determined by weight, or if charged at a pressure lower than the liquefaction point, by pressure shown on a chart for the specific gas. Weight must be checked, after disconnecting from the charging line, by the use of proper scales.

(d) *Requirements for liquefied petroleum gas.* (1) Filling density limited as follows:

| Minimum specific gravity of the liquid material at 60° F. | Maximum filling density in percent of the water-weight capacity of the container | Minimum specific gravity of the liquid material at 60° F. | Maximum filling density in percent of the water-weight capacity of the container |
|---|---|---|---|
| 0.271–0.289 | 26 | 0.504–0.510 | 42 |
| 0.290–0.306 | 27 | 0.511–0.519 | 43 |
| 0.307–0.322 | 28 | 0.520–0.527 | 44 |
| 0.323–0.338 | 29 | 0.528–0.536 | 45 |
| 0.339–0.354 | 30 | 0.537–0.544 | 46 |
| 0.355–0.371 | 31 | 0.545–0.552 | 47 |
| 0.372–0.388 | 32 | 0.553–0.560 | 48 |
| 0.389–0.425 | 33 | 0.561–0.568 | 49 |
| 0.426–0.440 | 34 | 0.569–0.576 | 50 |
| 0.441–0.452 | 35 | 0.577–0.584 | 51 |
| 0.453–0.462 | 36 | 0.585–0.592 | 52 |
| 0.463–0.472 | 37 | 0.593–0.600 | 53 |
| 0.473–0.480 | 38 | 0.601–0.608 | 54 |
| 0.481–0.488 | 39 | 0.609–0.617 | 55 |
| 0.489–0.495 | 40 | 0.618–0.626 | 56 |
| 0.496–0.503 | 41 | 0.627–0.634 | 57 |

(2) Subject to § 73.301(f), any filling density percentage prescribed in this section is authorized to be increased by 2 for liquefied petroleum gas in spec. 26 or 3 cylinders or in spec. 3A marked for 1,800 psig, or higher, service pressure.

(3) Liquefied petroleum gas must be shipped in specification containers as follows:

(i) Spec. 3,[1] 3A, 3AA, 3B, 3E, 4A, 4B, 4BA, 4B240ET, 4B240X,[1] (see Appendix A–1 to subpart C of Part 78 of this chapter), 4B240FLW, 4E, 4, 9, 25,[1] 26,[1] 38,[1] or 41 (§ 78.36, § 78.37, § 78.38, § 78.42, § 78.49, § 78.50, § 78.51, § 78.54 or § 78.68 of this chapter). Cylinders authorized under § 73.34(a) and § 73.301(j) may be used.

NOTE 1: Cylinders marked as complying with ICC spec. 4B240FLW bearing manufacturer's symbol WCO and serial numbers 47A–1 to 47A–59200, inclusive, varying from the specification requirements as to physical properties of steel, are authorized for the transportation of liquefied petroleum gases.

(ii) Additional containers may be used within the limits of quantity and pressure as follows:

| Type of container | Maximum capacity | | Maximum charging pressure-psig |
|---|---|---|---|
| | Cubic inches | Gallons | |
| ICC–2P (see Note 1) | 31.83 | | 45 psig at 70° F. and 105 psig at 130° F. (see Note 2). |
| ICC–2P (see Note 1) | 31.83 | | 26 psig and 70° F. and 84 psig at 130° F. |
| ICC–3C and ICC–4C | 3,881 | 16 + 5% tolerance. | 145 psig at 130° F. |
| ICC–7[1] made prior to Oct. 1, 1930 | 3,881 | 16 + 5% tolerance. | 70 psig at 70° F. and 145 psig at 130° F. |
| ICC–7–150[1] made prior to Oct. 1, 1930, and retested as per § 73.34(e) to 300 psig. | | | 187 psig at 130° F. |
| ICC–8 drums made prior to Oct. 1, 1930 of steel at least 16-gauge U.S. Standard. | | 11 | 28 psig at 70° F. and 70 psig at 130° F. |
| ICC–8F drums | | 11 | 28 psig at 70° F. and 86 psig at 130° F. |

NOTE 1: Containers must be packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Each completed container filled for shipment must have been heated until contents reached a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect. Each outside shipping container must be plainly marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED SPECIFICATIONS."
[1] Use of existing cylinders authorized, but new construction not authorized.

[1] Use of existing cylinders authorized, but new construction not authorized.

NOTE 2: Containers must be equipped with safety relief devices which will prevent rupture of the containers and dangerous projection of the closing devices when the containers are exposed to the action of fire.

(4) Verification of content. Containers with a water capacity of 200 pounds or more and for use with a liquefied petroleum gas with a specific gravity at 60° F. or 0.504 or greater may have their contents determined by using a fixed length dip tube gauging device. The length of the dip tube shall be such that when a liquefied petroleum gas with a specific volume of 0.03051 cu. ft./lb. at a temperature of 40° F. is charged into the container it just reaches the bottom of the tube. The weight of this liquid shall not exceed 42 percent of the water capacity of the container which must be stamped thereon. The length of the dip tube, expressed in inches carried out to one decimal place and prefixed with the letters "DT" shall be stamped on the container and on the exterior of removable type dip tube; for the purpose of this requirement the marked length shall be expressed as the distance measured along the axis of a straight tube from the top of the boss through which the tube is inserted to the proper level of the liquid in the container. The length of each dip tube shall be checked when installed by weighing each container after filling except when installed in groups of substantially identical containers in which case one of each 25 containers shall be weighed. The quantity of liquefied gas in each container must be checked by means of the dip tube after disconnecting from the charging line. The outlet from the dip tube shall be not larger than a No. 54 drill size orifice. A container representative of each day's filling at each charging plant shall have its contents checked by weighing after disconnecting from the charging line.

(e) *Refrigerant gases.* Refrigerant gases which are nonpoisonous and nonflammable under this part, must be shipped in cylinders as prescribed in paragraph (a)(1) or (2) of this section, or as follows:

(1) Spec. 2P (§ 78.33 of this chapter). Inside metal containers equipped with safety devices of a type approved by the Bureau of Explosives and packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container must not exceed 85 pounds psi absolute at 70° F. Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect. Each outside shipping container must be plainly marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED SPECIFICATION."

(f) *Engine starting fluid.* Engine starting fluid containing compressed gas or gases which are flammable under this part must be shipped in cylinders as



prescribed in paragraph (a)(1) of this section, or as follows:

(1) Inside nonrefillable metal containers of capacity not exceeding 32 cubic inches. Containers must be packaged in spec. 12B (§ 78.205 of this chapter) fiberboard boxes equipped with top and bottom pads which will provide three complete thicknesses of fiberboard on tops and bottoms of boxes, or spec. 15A, 15B, or 15C (§ 78.168, § 78.169, or § 78.170 of this chapter) wooden boxes. Pressure in the container must not exceed 140 psi, absolute, at 130° F. However, if the pressure exceeds 140 psi, absolute at 130° F., a spec. 2P (§ 78.33 of this chapter) container must be used. In any event, the metal container must be capable of withstanding without bursting a pressure of one and one-half times the pressure of the content at 130° F. The liquid content of the material and gas must not completely fill the container at 130° F. Each completed container filled for shipment must have been heated until content reaches a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect. Each outside shipping container must be plainly marked, "INSIDE CONTAINERS COMPLY WITH PRESCRIBED SPECIFICATIONS."

Amend entire § 73.305 (15 F.R. 8325, Dec. 2, 1950) to read as follows:

**§ 73.305 Charging of cylinders with a mixture of compressed gas and other material.**

(a) *Detailed requirements.* A mixture of a compressed gas and any other material must be shipped as a compressed gas if the mixture is a compressed gas as designated in § 73.300(a) and when not in violation of § 73.301(a).

(b) *Filling limits.* (See § 73.301(e).) For mixtures, the liquid portion of the liquefied compressed gas at 130° F. plus any additional liquid or solid must not completely fill the container.

(c) *Nonpoisonous and nonflammable mixtures.* Mixtures containing compressed gas or gases including insecticides, which mixtures are nonpoisonous and nonflammable under this part must be shipped in cylinders as prescribed in § 73.304(a) or as follows:

(1) Spec. 2P (§ 78.33 of this chapter). Inside metal containers equipped with safety relief devices of a type approved by the Bureau of Explosives and packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container must not exceed 85 psi absolute at 70° F. Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130° F., without evidence of leakage, distortion or other defect. Each outside shipping container must be plainly marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED SPECIFICATIONS."

(d) *Poisonous mixtures.* Mixtures containing any poisonous article, class A or class C, in such proportion that the mixture would be classed as poisonous under § 73.326(a) or § 73.381(a) must be shipped in containers as authorized for such poisonous articles.

Amend entire § 73.306 (15 F.R. 8326, Dec. 2, 1950) (19 F.R. 1279, Mar. 6, 1954) (26 F.R. 1015, Feb. 2, 1961) (17 F.R. 4294, 4295, May 10, 1952) (23 F.R. 4030, June 10, 1958) (22 F.R. 2226, 2227, Apr. 4, 1957) (22 F.R. 11031, Dec. 31, 1957) (26 F.R. 4996, June 6, 1961) to read as follows:

**§ 73.306 Exemptions from compliance with regulations for shipping compressed gas.**

(a) *General exemptions.* Compressed gases, except poisonous gases as defined by § 73.326(a) and except those for which no exemptions are provided as indicated by the "No exemption" statement in § 72.5 of this chapter, when in accordance with one of the following subparagraphs are, unless otherwise provided, exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(1) When in containers of not more than 4 fluid ounces water capacity. (7.22 cubic inches or less).

(2) When in metal containers filled with non-dangerous material to not over 90 percent capacity at 70° F. then charged with non-flammable, non-liquefied gas; each container must be tested to three times the gas pressure at 70° F., and, when refilled and reshipped, must be retested at this pressure before each shipment, provided one of the following conditions is met:

(i) Container is not over 1 quart capacity charged to not over 170 psig at 70° F.

(ii) Container is not over 30 gallons capacity charged to not over 75 psig pressure at 70° F.

(3) When in inside nonrefillable metal containers charged with a solution of materials and compressed gas or gases which is non-poisonous, provided all of the following conditions are met:

(i) Capacity must not exceed 32 cubic inches.

(ii) Pressure in container must not exceed 75 psi absolute at 70° F; however, if the pressure exceeds 55 psi absolute at 70° F., a specification 2P (§ 78.33 of this chapter) container must be used.

(iii) Liquid content of the material and gas must not completely fill the container at 130° F.

(iv) If the content is flammable as provided in § 73.300(b)(2), (3) and (4), the flash point, as determined by Bureau of Explosives method, must be not less than 20° F.

(v) Each completed container filled for shipment must be heated until content reaches a minimum temperature of 130° F. without evidence of leakage, distortion or other defect.

(4) When in inside nonrefillable metal containers charged with a solution of non-poisonous and non-flammable materials and non-liquefied compressed gas, provided all the following conditions are met:

(i) Capacity not to exceed 31.83 cubic inches (17.6 fluid ounces).

(ii) Pressure in container not to exceed 140 psi absolute at 130° F.

(iii) The metal container must be capable of withstanding without bursting a pressure of two times the pressure of the container at 70° F. or one and one-half times the pressure of the container at 130° F., whichever is greater.

(b) *Exemptions for foodstuffs, soap, cosmetics, beverages, biologicals, electronic tubes and audible fire alarm systems.* Compressed gases, except poisonous gases as defined by § 73.326(a) and except those for which no exemptions are provided as indicated by the "No exemption" statement in § 72.5 of this chapter, when in accordance with one of the following subparagraphs are, unless otherwise provided, exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817 and Part 197 of this chapter.

(1) Carbonated beverages.

(2) Foodstuffs or soaps in metal cans with soluble or emulsified compressed gas, provided the pressure in the container does not exceed 115 psi absolute at 70° F., or 150 psi absolute at 130° F. The metal container must be capable of withstanding without bursting a pressure of two times the pressure of contents at 70° F., or one and one-half times the pressure of the contents at 130° F., whichever is greater.

(3) Cream in metal containers with soluble or emulsified compressed gas. Containers shall be of such design that they will hold pressure without permanent deformation up to 375 psig and shall be equipped with a device designed so as to release pressure without bursting of the container or dangerous projection of its parts at higher pressures. This exemption applies to shipments offered for transportation by refrigerated motor vehicles only.

(4) Inside nonrefillable metal containers charged with a solution containing biological products or a medical preparation which will be deteriorated by heat and compressed gas or gases, which is nonpoisonous and nonflammable, and of capacity not to exceed 31.83 cubic inches (17.6 fluid ounces). Pressure in the container not to exceed 55 pounds psi absolute at 70° F., and the liquid content of the product and gas must not completely fill the container at 130° F. One completed container out of each lot of 500 or less, filled for shipment, must have been heated, until content reached a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect.

(5) Electronic tubes of not more than 30 cubic-inch volume charged with gas to a pressure of not more than 35 psig.

(6) Inside metal containers of a capacity not to exceed 35 cubic inches, charged with nonflammable, nonpoisonous liquefied compressed gas to be used

in conjunction with audible fire alarm systems. Pressure in the container must not exceed 85 psi absolute at 70° F. The completely assembled containers must be capable of withstanding without bursting a pressure of 1000 psi. The liquid portion of the gas must not completely fill the container at 130° F.

(c) *Fire extinguishers and component parts thereof.* Fire extinguishers and component parts thereof containing compressed gas for the purpose of expelling fire extinguishing contents, which must be nonliquefied gas when in containers exceeding 30 cubic inches capacity, when shipped under the following conditions are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter:

(1) Must be shipped as inside containers.

(2) The container under stored pressure shall have an internal volume not exceeding 1,100 cubic inches.

(3) The pressure in the container shall not exceed 200 psi at 70° F.

(4) The contents shall be nonflammable as covered in §§ 73.115 and 73.150; nonpoisonous as covered in § 73.325(a), class A, B, or C; and not corrosive as defined in § 73.240.

(5) Except as provided in subparagraph (6) of this paragraph, each container must be tested before shipment to at least three times the pressure in the container at 70° F. when charged and not less than 120 pounds per square inch, and before refilling and reshipping must be retested at this pressure before each shipment. The container shall show no leakage or damage when subjected to this pressure.

(6) When spec. 2P (§ 78.33 of this chapter) inside metal containers are used for pressures not exceeding 85 psi absolute, at 70° F. or 115 psi absolute, at 130° F. the test requirements of subparagraph (5) of this paragraph do not apply, but each container must be capable of having the contents heated to 130° F. without evidence of leakage or permanent distortion.

(d) *Truck bodies or trailers on flat cars; automobiles, motorcycles, tractors, or other self-propelled vehicles.* (1) Truck bodies or trailers with automatic heating or refrigerating equipment of the gas burning type may be shipped with fuel tanks filled and equipment operating or inoperative, when used for the transportation of other freight and loaded on flat cars as part of a joint rail-highway movement, provided the equipment and fuel supply are of a type approved by the Bureau of Explosives. The heating or refrigerating units are exempt from specification packaging, marking, and labeling requirements in this service and shall be considered as carriers equipment but not as shipments.

(2) Automobiles, motorcycles, tractors, or other self-propelled vehicles, equipped with liquefied petroleum gas or other fuel tanks, provided such tanks are securely closed, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter. When offered for transportation by carriers by rail freight or highway, drainage of fuel tanks is not required. When offered for transportation by rail express, fuel tanks must have been emptied and securely closed.

(e) *Refrigerating machines and hydraulic accumulators.* (1) Refrigerating machines or components thereof which are factory-made, factory-tested and intended to be shipped only once to the point of installation, containing not over 1,000 pounds of Group 1 refrigerant as classified in American Standard Safety Code for Mechanical Refrigeration (ASA–B9.1–1958) (or 50 pounds of refrigerant other than Group 1) in each pressure vessel and containing an aggregate of not more than 2,000 pounds of Group 1 refrigerant (or 100 pounds of refrigerant other than Group 1) when containing more than two charged vessels, when shipped under the following conditions are exempt from specification packaging, marking and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter:

(i) Each pressure vessel shall be equipped with a safety relief device meeting the requirements of the American Standard Safety Code for Mechanical Refrigeration (ASA–B9.1–1958). In a refrigerating machine containing more than one pressure vessel, each pressure vessel shall be equipped with individual shut-off valve or valves which shall be closed while in transportation. Such pressure vessels shall be manufactured, tested and inspected in accordance with American Standard B9.1–1958 and when over 6 inches internal diameter, in accordance with Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (1959 edition including all addendas through the Winter 1961 Addenda issued December 29, 1961). All parts subject to refrigerant pressure during shipment must be tested in accordance with American Standard B9.1–1958.

(ii) The liquid portion of the refrigerant, if any, must not completely fill any pressure vessel at 130° F.

(iii) The amount of refrigerant, if liquefied, must not exceed the filling densities prescribed in § 73.304.

(2) *Hydraulic accumulators.* Hydraulic accumulators and component parts thereof containing nonliquefied, nonflammable gas for the purpose of operation when shipped under the following conditions are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter:

(i) Must be shipped as inside containers.

(ii) The container under stored pressure shall have an internal volume not exceeding 1,100 cubic inches.

(iii) The pressure in the container shall not exceed 200 pounds psi at 70° F.

(iv) The contents shall be nonflammable as covered in § 73.115.

(v) Each container must be tested before shipment to at least three times the pressure in the container at 70° F. when charged and not less than 120 psi, and before refilling and reshipping must be retested at this pressure before each shipment. The container shall show no leakage or damage when subjected to this pressure.

Cancel entire § 73.307 (15 F.R. 8326, Dec. 2, 1950) (16 F.R. 9376, Sept. 15, 1951) (23 F.R. 7649, Oct. 3, 1958) (27 F.R. 3429, Apr. 11, 1962).

Cancel entire § 73.308 (15 F.R. 8326, 8327, Dec. 2, 1950) (16 F.R. 9376, Sept. 15, 1951) (21 F.R. 7602, Oct. 4, 1956) (22 F.R. 7837, Oct. 3, 1957) (17 F.R. 7282, Aug. 9, 1952) (23 F.R. 2327, Apr. 10, 1958) (18 F.R. 6779, Oct. 27, 1953) (23 F.R. 4030, June 10, 1958) (27 F.R. 3429, Apr. 11, 1962) (28 F.R. 4498, May 4, 1963) (19 F.R. 8527, Dec. 14, 1954) (24 F.R. 10111, Dec. 15, 1959) (24 F.R. 8059, Oct. 6, 1959) (21 F.R. 3012, May 5, 1956) (26 F.R. 1015, Feb. 2, 1961) (17 F.R. 9838, Nov. 1, 1952) (18 F.R. 951, Feb. 15, 1955) (19 F.R. 6269, Sept. 29, 1954) (24 F.R. 906, Feb. 6, 1959) (24 F.R. 5640, July 14, 1959) (28 F.R. 4498, May 4, 1963) (28 F.R. 14507, Dec. 31, 1963).

Cancel entire § 73.309 (15 F.R. 8327, Dec. 2, 1950) (16 F.R. 5325, June 6, 1951) (25 F.R. 3102, Apr. 12, 1960).

Cancel entire § 73.310 (15 F.R. 8327, Dec. 2, 1950) (21 F.R. 4433, June 23, 1956) (20 F.R. 951, Feb. 15, 1955) (26 F.R. 1016, Feb. 2, 1961).

Cancel entire § 73.311 (15 F.R. 8327, Dec. 2, 1950) (21 F.R. 3012, May 5, 1956).

Cancel entire § 73.312 (15 F.R. 8327, Dec. 2, 1950) (26 F.R. 1016, Feb. 2, 1961) (17 F.R. 9943, Nov. 4, 1952) (22 F.R. 2227, Apr. 4, 1957) (25 F.R. 10395, Oct. 29, 1960) (19 F.R. 1279, Mar. 6, 1954).

Cancel entire § 73.313 (15 F.R. 8328, Dec. 2, 1950) (20 F.R. 952, Feb. 15, 1955) (27 F.R. 11853, 11854, Dec. 1, 1962).

Amend entire § 73.314 (15 F.R. 8328, 8329, Dec. 2, 1950) (22 F.R. 2227, Apr. 4, 1957) (25 F.R. 10395, Oct. 29, 1960) (26 F.R. 4996, June 6, 1961) (22 F.R. 7837, Oct. 3, 1957) (27 F.R. 11854, Dec. 1, 1962) (27 F.R. 6738, July 17, 1962) (17 F.R. 9838, Nov. 1, 1952) (25 F.R. 3102, Apr. 12, 1960) (26 F.R. 1016, Feb. 2, 1961) (23 F.R. 2327, Apr. 10, 1958) (26 F.R. 9402, Oct. 6, 1961) (16 F.R. 9377, Sept. 15, 1951) (21 F.R. 9357, Nov. 30, 1956) (19 F.R. 3261, June 3, 1954) (22 F.R. 4791, July 9, 1957) (26 F.R. 12703, Dec. 29, 1961) (24 F.R. 8059, Oct. 6, 1959) (23 F.R. 4030, June 10, 1958) to read as follows:

### § 73.314 Requirements for compressed gases in tank cars.

(a) *Definitions.* For definitions of compressed gases, see § 73.300.

(b) *General requirements.*

(1) Tank cars containing compressed gases must not be shipped unless they were loaded by or with the consent of the owner thereof.

(2) Tank cars must not contain gases capable of combining chemically and must not be loaded with any gas which combines chemically with the gas previously loaded therein, until all residue has been removed and interior of tank thoroughly cleaned.

(3) For cars of the ICC–106A and 110A class, the tanks must be placed in position and attached to car structure by the shipper.

(4) Wherever the word "approved" is used in this part of the regulations, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 79.3 of this chapter.

(c) *Authorized gases, filling densities, tank cars.* Compressed gases transported in tank cars must be shipped as provided in paragraphs (b) to (g) of this section, § 73.432, and the following table:

| Kind of gas | Maximum permitted filling density, Note 1 | Required tank car, see §73.31(f) and (3) |
|---|---|---|
| | *Percent* | |
| Anhydrous ammonia | 50 | ICC–106A500–X, Note 7. |
| | 57 | ICC–105A300–W. |
| | 67 | ICC–112A400–F, 112A340–W, Note 15. |
| | 68.6 | ICC–112A400–W, 112A340–W, Note 15. |
| | 82 | ICC–105A100–W, 105A100–W–4, 109A100AL–W, 109A300–W, 111A100–W–4, Note 20. |
| Aqua ammonia solution containing anhydrous ammonia. | Note 21 | ICC–107A. |
| Argon | Note 20 | ICC–106A500X. |
| Butadiene (pressure not exceeding 75 pounds per square inch at 105° F.), inhibited. | Notes 18 and 21 | ICC–105A100, 105A100–W, 111A100–W–4, Note 4. |
| Butadiene (pressure not exceeding 255 pounds per square inch at 115° F.), inhibited. | Notes 18 and 21 | ICC–112A340–W, Notes 4 and 20. |
| Butadiene (pressure not exceeding 300 pounds per square inch at 118° F.), inhibited. | Notes 18 and 21 | ICC–112A400–W, Notes 4 and 20. |
| Carbon dioxide, liquefied | Note 5 | ICC–106A600–W, Note 6. |
| Chlorine | 125 | ICC–106A600X, Note 7. |
| | 125 | ICC–105A300–W, Notes 3 and 12. |
| Crude nitrogen fertilizer solution | Note 21 | ICC–105A300–W, 109A300–W, Note 20. |
| | | ICC–106A500X. |
| Crude nitrogen fertilizer solution (pressure not exceeding 75 pounds per square inch at 105° F.). | Note 21 | ICC–105A100–AL–W, 109A100–AL–W, Note 20. |
| Dichlorodifluoromethane; Note 13 | 119 | ICC–106A500X, 110A500–W, Note 7. |
| | 125 | ICC–106A300–W, 110A300–W, Note 7. |
| Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture); Note 13. | Note 21 | ICC–105A300–W, 110A500–W, Note 7. |
| Dichlorodifluoromethane-dichlorotetrafluoroethane mixture; Note 13. | 119 | ICC–106A500X, 110A500–W, Note 7. |
| | 125 | ICC–105A300–W. |
| Dichlorodifluoromethane-monochlorodifluoromethane mixture; Note 13. | 119 | ICC–106A500X, 110A500–W, Note 7. |
| Dichlorodifluoromethane-monochlorotrifluoroethane mixture; Note 13. | 125 | ICC–105A300–W. |
| Dichlorodifluoromethane-monochlorotrifluoroethane-monochlorodifluoromethane mixture; Note 13. | Note 22 | ICC–106A500X, 110A500–W, Note 7. |
| | 119 | ICC–106A500X, 110A500–W, Note 7. |
| | 125 | ICC–105A300–W. |
| Dichlorodifluoromethane-trichlorotrifluoroethane mixture; Note 13. | 119 | ICC–106A500X, 110A500–W, Note 7. |
| Difluoroethane | 125 | ICC–105A300–W, 110A500–W, Note 7. |
| | 79 | ICC–106A500X, 110A500–W, Note 7. |
| Difluoromonochloroethane | 84 | ICC–106A500X, 110A500–W, Note 7. |
| Dimethylamine, anhydrous | 100 | ICC–106A500X. |
| | 62 | ICC–105A300–W, Note 4. |
| Dimethylether | 59 | ICC–106A500X. |
| | 62 | ICC–106A300–W, Note 4. |
| Fertilizer ammoniating solution containing free ammonia. | Note 21 | ICC–106A500X, 110A500–W, 109A300–W, Note 20. |
| Fertilizer ammoniating solution containing free ammonia (pressure not exceeding 75 pounds per square inch at 105° F.). | Note 21 | ICC–106A500X, ICC–105A100–AL–W, 109A100–AL–W, Note 20. |
| Fertilizer ammoniating solution containing free ammonia (pressure not exceeding 150 pounds per square inch at 105° F.). | Note 21 | ICC–106A600X, ICC–105A200–AL–W, Note 20. |
| Helium | Note 20 | ICC–107A. |

See footnotes at end of table.





| Kind of gas | Maximum permitted filling density, Note 1 | Required tank car, see §73.31(f) and (3) |
|---|---|---|
| | *Percent* | |
| Hexafluoropropylene | 110 | ICC–106A500–X, 110A500–W, Note 7. |
| Hydrogen | Note 20 | ICC–107A, Note 2. |
| Hydrogen sulfide | 68 | ICC–106A500X, Notes 7 and 8. |
| Liquid hydrocarbon gas (pressure not exceeding 25 pounds per square inch at 105° F.). | Note 21 | ICC–106A100, 106A100–W, 111A100–W–4, Note 4. |
| Liquid hydrocarbon gas (pressure not exceeding 225 pounds per square inch at 105° F.). | Note 21 | ICC–106A300–W, Note 4. |
| Liquid hydrocarbon gas (pressure not exceeding 300 pounds per square inch at 105° F.). | Note 21 | ICC–106A400–W, Note 4. |
| Liquid hydrocarbon gas (pressure not exceeding 375 pounds per square inch at 130° F.). | Note 21 | ICC–106A400X. |
| Liquid hydrocarbon gas (pressure not exceeding 450 pounds per square inch at 105° F.). | Note 21 | ICC–106A500–W, Note 4. |
| Liquefied petroleum gas (pressure not exceeding 75 pounds per square inch at 105° F.). | Note 18 | ICC–106A100, 106A100–W, 111A100–W–4, Note 4. |
| Liquefied petroleum gas (pressure not exceeding 140 pounds per square inch at 105° F.). | Note 18 | ICC–105A200–W, 105A200AL–W, Note 4. |
| Liquefied petroleum gas (pressure not exceeding 225 pounds per square inch at 105° F.). | Note 18 | ICC–105A300–W, Notes 4 and 20. |
| Liquefied petroleum gas (pressure not exceeding 255 pounds per square inch at 115° F.). | Note 18 | ICC–112A340–W, Notes 4 and 20. |
| Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 105° F.). | Note 18 | ICC–112A400–W, Notes 4 and 20. |
| Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 115° F.). | Note 18 | ICC–112A400–F, 112A400–W, Notes 4 and 20. |
| Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 105° F.). | Note 18 | ICC–106A500–W, Notes 4 and 20. |
| Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 130° F.). | Note 18 | ICC–106A500X. |
| Liquefied petroleum gas (pressure not exceeding 600 pounds per square inch at 105° F.). | Note 18 | ICC–106A800–W, Notes 4 and 20. |
| Methyl acetylene–10% to 30% propadiene mixture. | 56 | ICC–106A300–W. |
| Methyl chloride | 84 | ICC–106A500X, Note 7. |
| | 80 | ICC–106A500–W, Note 4. |
| | 82 | ICC–106A500X, Notes 4 and 14. |
| Methyl chloride-methylene chloride mixture | Note 22 | ICC–106A300–W, Note 4. |
| | 80 | ICC–106A500–W, Note 4. |
| Methyl mercaptan | 124 | ICC–110A500–W, Notes 7 and 13. |
| Monobromotrifluoromethane | 105 | ICC–106A500X, 110A500–W, Note 7. |
| Monochlorodifluoromethane; Note 13 | 110 | ICC–106A300–W. |
| Monochlorotetrafluoroethane; Note 13 | 126 | ICC–106A500X, 110A500–W, Note 7. |
| Monomethylamine, anhydrous | 60 | ICC–106A300–W, Note 4. |
| Nitrogen | Note 20 | ICC–107A. |
| Nitrogen fertilizer solution | Note 21 | ICC–106A500X. |
| | | ICC–106A800–W, 109A800–W, 109A800AL–W, Note 20. |
| Nitrogen fertilizer solution (pressure not exceeding 75 pounds per square inch at 105° F.). | Note 21 | ICC–106A500X. |
| Nitrogen trichloride | | ICC–106A100–AL–W, 109A100–AL–W, Note 20. |
| Nitrosyl chloride | 110 | ICC–106A300–W, Note 7 and 11. |
| | 124 | ICC–106A500–W, Note 10. |
| Oxygen | Note 20 | ICC–107A. |
| Sulfur dioxide | 125 | ICC–106A500X, 110A500–W, Note 7. |
| | | ICC–105A300–W. |
| Trifluorochloroethylene | 115 | ICC–106A500X, 110A500–W, Note 7. |
| | 120 | ICC–106A300–W. |
| Trimethylamine, anhydrous | 67 | ICC–106A500X, 110A500–W, Note 7. |
| | 58 | ICC–106A300–W. |
| Vinyl chloride; Note 9 | 84 | ICC–106A500–X, Note 7. |
| | 87 | ICC–106A300–W, Note 4. |
| | 56 | ICC–106A500X, Notes 4 and 16. |
| Vinyl fluoride, inhibited | 58 | ICC–112A400–W, Note 4. |
| Vinyl methyl ether, inhibited; Note 9 | 68 | ICC–106A500–W, Note 17. |
| | 68 | ICC–106A500–X, Note 7. |

[1] Use of existing tank cars authorized, but new construction not authorized.

NOTE 1: The filling density for liquefied gases is hereby defined as the percent ratio of the weight of gas in the tank to the weight of water that the tank will hold. For determining the water capacity of the tank in pounds the weight of a gallon (231 cubic inches) of water at 60° F. in air shall be 8.32828 pounds.



| Kind of gas | Maximum permitted filling density, Note 1 | Required tank car, see §73.31(f) and (3) |
|---|---|---|
| | *Percent* | |
| Anhydrous ammonia | 50 | ICC–106A500–X, Note 7. |
| | 57 | ICC–105A300–W. |
| | 67 | ICC–112A400–F, 112A340–W, Note 15. |
| | 68.6 | ICC–112A400–W, 112A340–W, Note 15. |
| | 82 | ICC–105A100–W, 111A100–W–4, 109A100AL–W, 109A300–W, Note 20. |
| Aqua ammonia solution containing anhydrous ammonia. | Note 21 | ICC–107A. |
| Argon | Note 20 | ICC–106A500X. |
| Butadiene (pressure not exceeding 75 pounds per square inch at 105° F.), inhibited. | Notes 18 and 21 | ICC–105A100, 105A100–W, 111A100–W–4, Note 4. |
| Butadiene (pressure not exceeding 255 pounds per square inch at 115° F.), inhibited. | Notes 18 and 21 | ICC–112A340–W, Notes 4 and 20. |
| Butadiene (pressure not exceeding 300 pounds per square inch at 118° F.), inhibited. | Notes 18 and 21 | ICC–112A400–W, Notes 4 and 20. |
| Carbon dioxide, liquefied | Note 5 | ICC–106A600–W, Note 6. |
| Chlorine | 125 | ICC–106A500X, Note 7. |
| | 125 | ICC–105A300–W, Notes 3 and 12. |
| Crude nitrogen fertilizer solution | Note 21 | ICC–105A300–W, 109A300–W, Note 20. |
| | | ICC–106A500X. |
| Crude nitrogen fertilizer solution (pressure not exceeding 75 pounds per square inch at 105° F.). | Note 21 | ICC–105A100–AL–W, 109A100–AL–W, Note 20. |
| Dichlorodifluoromethane; Note 13 | 119 | ICC–106A500X, 110A500–W, Note 7. |
| | 125 | ICC–105A300–W, 110A300–W, Note 7. |
| Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture); Note 13. | Note 21 | ICC–105A300–W, 110A500–W, Note 7. |
| Dichlorodifluoromethane-dichlorotetrafluoroethane mixture; Note 13. | 119 | ICC–106A500X, 110A500–W, Note 7. |
| | 125 | ICC–105A300–W. |
| Dichlorodifluoromethane-monochlorodifluoromethane mixture; Note 13. | 119 | ICC–106A500X, 110A500–W, Note 7. |
| Dichlorodifluoromethane-monochlorotrifluoroethane-monochlorodifluoromethane mixture; Note 13. | 125 | ICC–105A300–W. |
| | Note 22 | ICC–106A500X, 110A500–W, Note 7. |
| | 119 | ICC–106A500X, 110A500–W, Note 7. |
| | 125 | ICC–105A300–W. |
| Dichlorodifluoromethane-trichlorotrifluoroethane mixture; Note 13. | 119 | ICC–106A500X, 110A500–W, Note 7. |
| Difluoroethane | 125 | ICC–105A300–W, 110A500–W, Note 7. |
| | 79 | ICC–106A500X, 110A500–W, Note 7. |
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| | 62 | ICC–105A300–W, Note 4. |
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| Fertilizer ammoniating solution containing free ammonia. | Note 21 | ICC–106A500X, 110A500–W, 109A300–W, Note 20. |
| Fertilizer ammoniating solution containing free ammonia (pressure not exceeding 75 pounds per square inch at 105° F.). | Note 21 | ICC–106A500X, ICC–105A100–AL–W, 109A100–AL–W, Note 20. |
| Fertilizer ammoniating solution containing free ammonia (pressure not exceeding 150 pounds per square inch at 105° F.). | Note 21 | ICC–106A600X, ICC–105A200–AL–W, Note 20. |
| Helium | Note 20 | ICC–107A. |

See footnotes at end of table.



| Kind of gas | Maximum permitted filling density, Note 1 | Required tank car, see §73.31(f) and (3) |
|---|---|---|
| | *Percent* | |
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| Hydrogen | Note 20 | ICC–107A, Note 2. |
| Hydrogen sulfide | 68 | ICC–106A500X, Notes 7 and 8. |
| Liquid hydrocarbon gas (pressure not exceeding 25 pounds per square inch at 105° F.). | Note 21 | ICC–106A100, 106A100–W, 111A100–W–4, Note 4. |
| Liquid hydrocarbon gas (pressure not exceeding 225 pounds per square inch at 105° F.). | Note 21 | ICC–106A300–W, Note 4. |
| Liquid hydrocarbon gas (pressure not exceeding 300 pounds per square inch at 105° F.). | Note 21 | ICC–106A400–W, Note 4. |
| Liquid hydrocarbon gas (pressure not exceeding 375 pounds per square inch at 130° F.). | Note 21 | ICC–106A400X. |
| Liquid hydrocarbon gas (pressure not exceeding 450 pounds per square inch at 105° F.). | Note 21 | ICC–106A500–W, Note 4. |
| Liquefied petroleum gas (pressure not exceeding 75 pounds per square inch at 105° F.). | Note 18 | ICC–106A100, 106A100–W, 111A100–W–4, Note 4. |
| Liquefied petroleum gas (pressure not exceeding 140 pounds per square inch at 105° F.). | Note 18 | ICC–105A200–W, 105A200AL–W, Note 4. |
| Liquefied petroleum gas (pressure not exceeding 225 pounds per square inch at 105° F.). | Note 18 | ICC–105A300–W, Notes 4 and 20. |
| Liquefied petroleum gas (pressure not exceeding 255 pounds per square inch at 115° F.). | Note 18 | ICC–112A340–W, Notes 4 and 20. |
| Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 105° F.). | Note 18 | ICC–112A400–W, Notes 4 and 20. |
| Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 115° F.). | Note 18 | ICC–112A400–F, 112A400–W, Notes 4 and 20. |
| Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 105° F.). | Note 18 | ICC–106A500–W, Notes 4 and 20. |
| Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 130° F.). | Note 18 | ICC–106A500X. |
| Liquefied petroleum gas (pressure not exceeding 600 pounds per square inch at 105° F.). | Note 18 | ICC–106A800–W, Notes 4 and 20. |
| Methyl acetylene–10% to 30% propadiene mixture. | 56 | ICC–106A300–W. |
| Methyl chloride | 84 | ICC–106A500X, Note 7. |
| | 80 | ICC–106A500–W, Note 4. |
| | 82 | ICC–106A500X, Notes 4 and 14. |
| Methyl chloride-methylene chloride mixture | Note 22 | ICC–106A300–W, Note 4. |
| | 80 | ICC–106A500–W, Note 4. |
| Methyl mercaptan | 124 | ICC–110A500–W, Notes 7 and 13. |
| Monobromotrifluoromethane | 105 | ICC–106A500X, 110A500–W, Note 7. |
| Monochlorodifluoromethane; Note 13 | 110 | ICC–106A300–W. |
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| Monomethylamine, anhydrous | 60 | ICC–106A300–W, Note 4. |
| Nitrogen | Note 20 | ICC–107A. |
| Nitrogen fertilizer solution | Note 21 | ICC–106A500X. |
| | | ICC–106A800–W, 109A800–W, 109A800AL–W, Note 20. |
| Nitrogen fertilizer solution (pressure not exceeding 75 pounds per square inch at 105° F.). | Note 21 | ICC–106A500X. |
| Nitrogen trichloride | | ICC–106A100–AL–W, 109A100–AL–W, Note 20. |
| Nitrosyl chloride | 110 | ICC–106A300–W, Note 7 and 11. |
| | 124 | ICC–106A500–W, Note 10. |
| Oxygen | Note 20 | ICC–107A. |
| Sulfur dioxide | 125 | ICC–106A500X, 110A500–W, Note 7. |
| | | ICC–105A300–W. |
| Trifluorochloroethylene | 115 | ICC–106A500X, 110A500–W, Note 7. |
| | 120 | ICC–106A300–W. |
| Trimethylamine, anhydrous | 67 | ICC–106A500X, 110A500–W, Note 7. |
| | 58 | ICC–106A300–W. |
| Vinyl chloride; Note 9 | 84 | ICC–106A500–X, Note 7. |
| | 87 | ICC–106A300–W, Note 4. |
| | 56 | ICC–106A500X, Notes 4 and 16. |
| Vinyl fluoride, inhibited | 58 | ICC–112A400–W, Note 4. |
| Vinyl methyl ether, inhibited; Note 9 | 68 | ICC–106A500–W, Note 17. |
| | 68 | ICC–106A500–X, Note 7. |

[1] Use of existing tank cars authorized, but new construction not authorized.

NOTE 1: The filling density for liquefied gases is hereby defined as the percent ratio of the weight of gas in the tank to the weight of water that the tank will hold. For determining the water capacity of the tank in pounds the weight of a gallon (231 cubic inches) of water at 60° F. in air shall be 8.32828 pounds.

NOTE 2: Each tank must be equipped with one or more safety relief devices of approved type and discharge area; the discharge outlet of each safety relief device must be connected to a manifold having an unobstructed discharge area of at least 1¼ times the total discharge area of the safety relief devices connected to the manifold; all manifolds must be connected to a single common header having an unobstructed discharge outlet pointing upward and extending above top of the car; the header and the header outlet must each have an unobstructed discharge area at least equal to the total discharge area of the manifolds connected to the header; the header outlet must be equipped with an approved ignition device which will instantly ignite any hydrogen discharged through the safety relief device.

NOTE 3: For tank cars other than ICC–106A class used for the transportation of chlorine, interior pipes of liquid discharge valves must be equipped with excess-flow valves of approved design.

NOTE 4: For tank cars other than ICC–106A class used for the transportation of liquefied flammable gases, interior pipes of loading and unloading valves must be equipped with excess-flow valves of approved design.

NOTE 5: The liquid portion of the gas at 0° F. must not completely fill the tank.

NOTE 6: Tank must be insulated with an approved material of a thickness so that the thermal conductance is not more than 0.05 B.t.u. per square foot, per degree F. differential in temperature per hour; except that the insulation thickness directly over the center sills may be reduced to give thermal conductance not exceeding 0.04 B.t.u. per square foot, per degree F. differential in temperature per hour; this reduction is to permit an anchorage which must not exceed 7 inches from top of center sills to bottom of tank. Tank must be equipped with one safety relief valve of approved design set to open at a pressure not exceeding ¾ of the test pressure of the tank and one frangible disc of approved design set to function at a pressure less than the test pressure of the tank. The discharge capacity of each of these safety relief devices must be sufficient to prevent building up of pressure in tank in excess of ¾ of the test pressure of the tank. Tanks must be equipped with two pressure-regulating valves of approved design set to open at a pressure not to exceed 500 psi on 105A500–W tanks and at a pressure not to exceed 400 psi on 105A300–W tanks. Each regulating valve and safety relief device must have its final discharge piped to the outside of the protective housing.

NOTE 7: Tanks complying with ICC–106A or 110A specifications, used for the transportation of compressed gases as authorized in paragraph (c) of this section may be transported in or on motor vehicles and in the manner authorized in § 77.840(e) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting. See § 74.560(b)(1) of this chapter.

NOTE 8: Tanks shall not be equipped with safety relief devices of any description and valves must be protected by supplemental gas-tight closures approved by the Bureau of Explosives.

NOTE 9: All parts of valves and safety relief devices in contact with content of tank must be of a metal or other material suitably treated if necessary, which will not cause formation of any acetylides.

NOTE 10: Tanks must be made of or clad with a metal not subject to rapid deterioration by the lading; all appurtenances such as manhole covers, venting, loading and discharge valves, safety relief valves, check valves, and eduction pipes, must be made of metal not subject to rapid deterioration by the lading; cork must be used as an insulating material.

NOTE 11: Tanks for nitrosyl chloride shall be nickel-clad and safety relief devices shall be of the fusible plug type and shall function at a temperature of not exceeding 175° F. and be vapor tight at 130° F.

NOTE 12: The quantity of chlorine loaded into a single-unit tank car must not exceed 60,000 pounds except that not more than 110,000 pounds nor less than 107,800 pounds of chlorine may be loaded in such cars if insulated with 4 inches of cork board and constructed, maintained, and retested in full compliance with ICC Specification 105A500–W. Cars may be registered and jackets stenciled either 105A300–W or 105A500–W and equipped with the safety relief valve required by the specification to which registered.

NOTE 13: This gas may be transported in authorized tank car tanks stenciled "DISPERSANT GAS" or "REFRIGERANT GAS."

NOTE 14: Container shall not be equipped with safety relief devices of any description.

NOTE 15: A filling density of 56.5 percent may be used during the months of November through March, inclusive. When this filling density is used, tank cars must be loaded and shipped directly to consumers for unloading. Storage in transit is not permitted.

NOTE 16: Openings in tank heads to facilitate application of nickel lining are authorized and must be closed in an approved manner.

NOTE 17: Tank must be insulated with an approved material of a thickness so that the thermal conductance is not more than 0.05 B.t.u. per square foot per degree F. differential in temperature per hour; except that the insulation thickness directly over center sills may be reduced to give thermal conductance not exceeding 0.04 B.t.u. per square foot per degree F. differential in temperature per hour; this reduction is to permit an anchorage which must not exceed 7 inches from top of center sills to bottom of tank. In addition to the safety relief valve required by § 78.289–13 of this chapter, the tank must be equipped with one frangible disc of approved design set to function at a pressure less than 600 pounds per square inch but not less than 450 pounds per square inch. The discharge capacity of each of these safety relief devices must be sufficient to prevent building up of pressure in tank in excess of 495 pounds per square inch. Each safety relief device must have its discharge piped to the outside of the protective housing. The temperature of the vinyl fluoride, inhibited when the car is offered in transportation shall not exceed zero degrees F. and the pressure shall not exceed 105 psi. The shipper shall notify the Bureau of Explosives whenever a car is not received by the consignee within 30 days from the date of shipment.

NOTE 18: See paragraph (f) of this section.
NOTE 19: See paragraph (f)(2) of this section.
NOTE 20: See paragraph (d)(1) of this section.
NOTE 21: See paragraph (d)(2) of this section.
NOTE 22: See paragraph (d) of this section.

(d) *Filling limits*—(1) *Non-liquefied and liquefied gas.* The gas pressure at 105° F. in any insulated tank car tank of the ICC–105A and 109A–W class or spec. ICC–111A100–W–4; at 115° F. in any uninsulated tank car tank of the ICC–112A–W and 114A–W class; or at 130° F. in any uninsulated tank car tank of the ICC–106A and 110A–W class must not exceed three-fourths times the prescribed retest pressure of the tank. The gas pressure at 130° F. in any uninsulated tank car tank of the ICC–107A series must not exceed seven-tenths of the marked test pressure of the tank.

NOTE 1: ICC–107A tanks may be charged with helium to a pressure 10% in excess of the marked maximum gas pressure at 130° F. of each tank.

(2) *Liquefied gas.* In addition to the requirements of paragraph (d)(1) of this section, the liquid portion of the gas at 105° F. must not completely fill an insulated tank, nor at 130° F. must not completely fill an uninsulated tank with the exception that the liquid portion of the gas at 115° F. must not completely fill an uninsulated tank car tank of the ICC–112A–W and 114A–W classes.

(e) *Verification of content.* The amount of liquefied gas loaded into each tank may be determined either, first, by weight, and this weight must be checked after disconnecting the loading line, by the use of proper scales, or second, the weight of liquefied petroleum gas, dimethylamine, monomethylamine, and trimethylamine may be calculated using the outage tables supplied by the tank car owners and the specific gravities as determined at the plant, and this computation must be checked by determination of specific gravity of product after loading. Carriers may verify calculated weights by use of proper scales.

(f) *Special requirements for liquefied petroleum gas and butadiene tank cars*—(1) *Single unit tank cars.* Maximum filling density in single unit tank cars shall be as shown in the following table:

Maximum permitted filling density

| Specific gravity at 60° F. | Insulated cars: April through October | Insulated cars: November through March (see Note 1) | Uninsulated cars: April through October | Uninsulated cars: November through March (see Note 1) |
|---|---|---|---|---|
| 0.500 | 45.800 | 47.40 | 44.88 | 46.88 |
| 0.501 | 45.600 | 47.51 | 45.00 | 47.00 |
| 0.502 | 45.700 | 47.62 | 45.13 | 47.10 |
| 0.503 | 45.800 | 47.73 | 45.25 | 47.20 |
| 0.504 | 45.900 | 47.84 | 45.38 | 47.30 |
| 0.505 | 46.000 | 47.95 | 45.50 | 47.40 |
| 0.506 | 46.125 | 48.06 | 45.60 | 47.50 |
| 0.507 | 46.250 | 48.17 | 45.70 | 47.63 |
| 0.508 | 46.375 | 48.28 | 45.80 | 47.75 |
| 0.509 | 46.500 | 48.39 | 45.90 | 47.88 |
| 0.510 | 46.750 | 48.51 | 46.00 | 48.00 |
| 0.511 | 47.000 | 48.61 | 46.13 | 48.10 |
| 0.512 | 47.125 | 48.72 | 46.25 | 48.20 |
| 0.513 | 47.250 | 48.83 | 46.38 | 48.30 |
| 0.514 | 47.375 | 48.94 | 46.50 | 48.40 |
| 0.515 | 47.500 | 49.05 | 46.63 | 48.50 |
| 0.516 | 47.625 | 49.16 | 46.75 | 48.63 |
| 0.517 | 47.750 | 49.27 | 46.88 | 48.75 |
| 0.518 | 47.875 | 49.38 | 47.00 | 48.88 |
| 0.519 | 48.000 | 49.49 | 47.13 | 49.00 |
| 0.520 | 48.125 | 49.60 | 47.25 | 49.10 |
| 0.521 | 48.250 | 49.70 | 47.38 | 49.20 |
| 0.522 | 48.375 | 49.81 | 47.50 | 49.30 |
| 0.523 | 48.500 | 49.92 | 47.63 | 49.40 |
| 0.524 | 48.500 | 50.03 | 47.75 | 49.50 |
| 0.525 | 48.700 | 50.14 | 47.88 | 49.63 |
| 0.526 | 48.800 | 50.25 | 48.00 | 49.75 |
| 0.527 | 48.900 | 50.36 | 48.13 | 49.88 |
| 0.528 | 49.000 | 50.47 | 48.25 | 50.00 |
| 0.529 | 49.125 | 50.58 | 48.38 | 50.10 |
| 0.530 | 49.250 | 50.69 | 48.50 | 50.20 |
| 0.531 | 49.375 | 50.79 | 48.63 | 50.30 |
| 0.532 | 49.500 | 50.90 | 48.75 | 50.40 |
| 0.533 | 49.625 | 51.01 | 48.88 | 50.50 |
| 0.534 | 49.750 | 51.12 | 49.00 | 50.63 |
| 0.535 | 49.875 | 51.23 | 49.13 | 50.75 |
| 0.536 | 50.000 | 51.34 | 49.25 | 50.88 |
| 0.537 | 50.100 | 51.45 | 49.38 | 51.00 |
| 0.538 | 50.200 | 51.56 | 49.50 | 51.10 |
| 0.539 | 50.300 | 51.67 | 49.00 | 51.20 |
| 0.540 | 50.400 | 51.78 | 49.70 | 51.30 |
| 0.541 | 50.500 | 51.88 | 49.80 | 51.40 |
| 0.542 | 50.625 | 51.99 | 49.90 | 51.50 |
| 0.543 | 50.750 | 52.09 | 50.00 | 51.63 |
| 0.544 | 50.875 | 52.20 | 50.13 | 51.75 |
| 0.545 | 51.000 | 52.31 | 50.25 | 51.88 |
| 0.546 | 51.100 | 52.41 | 50.38 | 52.00 |
| 0.547 | 51.200 | 52.52 | 50.50 | 52.10 |
| 0.548 | 51.300 | 52.62 | 50.63 | 52.20 |
| 0.549 | 51.400 | 52.73 | 50.75 | 52.30 |
| 0.550 | 51.500 | 52.84 | 50.88 | 52.40 |
| 0.551 | 51.625 | 52.94 | 51.00 | 52.50 |
| 0.552 | 51.750 | 53.05 | 51.13 | 52.63 |
| 0.553 | 51.875 | 53.16 | 51.25 | 52.75 |
| 0.554 | 52.000 | 53.26 | 51.38 | 52.88 |
| 0.555 | 52.125 | 53.37 | 51.50 | 53.00 |
| 0.556 | 52.250 | 53.48 | 51.60 | 53.10 |
| 0.557 | 52.375 | 53.58 | 51.70 | 53.20 |
| 0.558 | 52.500 | 53.69 | 51.80 | 53.30 |
| 0.559 | 52.625 | 53.80 | 51.90 | 53.40 |
| 0.560 | 52.750 | 53.91 | 52.00 | 53.50 |
| 0.561 | 52.875 | 54.01 | 52.13 | 53.63 |
| 0.562 | 53.000 | 54.12 | 52.25 | 53.75 |
| 0.563 | 53.100 | 54.22 | 52.38 | 53.88 |
| 0.564 | 53.200 | 54.33 | 52.50 | 54.00 |
| 0.565 | 53.300 | 54.43 | 52.63 | 54.10 |
| 0.566 | 53.400 | 54.54 | 52.75 | 54.20 |
| 0.567 | 53.500 | 54.64 | 52.88 | 54.30 |
| 0.568 | 53.600 | 54.75 | 53.00 | 54.40 |
| 0.569 | 53.700 | 54.85 | 53.10 | 54.50 |
| 0.570 | 53.800 | 54.96 | 53.20 | 54.60 |
| 0.571 | 53.900 | 55.06 | 53.30 | 54.70 |
| 0.572 | 54.000 | 55.17 | 53.40 | 54.80 |
| 0.573 | 54.125 | 55.27 | 53.50 | 54.90 |
| 0.574 | 54.250 | 55.38 | 53.63 | 55.00 |
| 0.575 | 54.375 | 55.48 | 53.75 | 55.13 |
| 0.576 | 54.500 | 55.59 | 53.88 | 55.25 |
| 0.577 | 54.600 | 55.69 | 54.00 | 55.38 |
| 0.578 | 54.700 | 55.80 | 54.10 | 55.50 |
| 0.579 | 54.800 | 55.90 | 54.20 | 55.60 |
| 0.580 | 54.900 | 56.01 | 54.30 | 55.70 |
| 0.581 | 55.000 | 56.11 | 54.40 | 55.80 |
| 0.582 | 55.100 | 56.22 | 54.50 | 55.90 |
| 0.583 | 55.200 | 56.32 | 54.63 | 56.00 |
| 0.584 | 55.300 | 56.43 | 54.75 | 56.13 |
| 0.585 | 55.400 | 56.53 | 54.88 | 56.25 |
| 0.586 | 55.500 | 56.64 | 55.00 | 56.38 |
| 0.587 | 55.625 | 56.74 | 55.13 | 56.50 |
| 0.588 | 55.750 | 56.85 | 55.25 | 56.60 |
| 0.589 | 55.875 | 56.95 | 55.38 | 56.70 |
| 0.590 | 56.000 | 57.06 | 55.50 | 56.80 |
| 0.591 | 56.090 | 57.15 | 55.60 | 56.90 |
| 0.592 | 56.180 | 57.25 | 55.70 | 57.00 |
| 0.593 | 56.270 | 57.34 | 55.80 | 57.10 |
| 0.594 | 56.360 | 57.44 | 55.90 | 57.20 |
| 0.595 | 56.450 | 57.53 | 56.00 | 57.30 |
| 0.596 | 56.540 | 57.63 | 56.13 | 57.40 |
| 0.597 | 56.630 | 57.73 | 56.25 | 57.50 |
| 0.598 | 56.720 | 57.82 | 56.38 | 57.60 |
| 0.599 | 56.810 | 57.91 | 56.50 | 57.70 |
| 0.600 | 56.900 | 58.01 | 56.62 | 57.80 |
| 0.601 | 56.990 | 58.10 | 56.73 | 57.90 |
| 0.602 | 57.080 | 58.20 | 56.84 | 58.00 |
| 0.603 | 57.170 | 58.29 | 56.95 | 58.13 |
| 0.604 | 57.260 | 58.39 | 57.07 | 58.25 |
| 0.605 | 57.350 | 58.49 | 57.18 | 58.38 |
| 0.606 | 57.440 | 58.58 | 57.30 | 58.50 |
| 0.607 | 57.530 | 58.68 | 57.41 | 58.63 |
| 0.608 | 57.620 | 58.77 | 57.52 | 58.75 |
| 0.609 | 57.710 | 58.87 | 57.64 | 58.88 |
| 0.610 | 57.800 | 58.97 | 57.76 | 59.00 |
| 0.611 | 57.890 | 59.06 | 57.87 | 59.10 |
| 0.612 | 57.980 | 59.16 | 57.98 | 59.20 |
| 0.613 | 58.070 | 59.26 | 58.09 | 59.30 |
| 0.614 | 58.160 | 59.35 | 58.21 | 59.40 |
| 0.615 | 58.250 | 59.45 | 58.32 | 59.50 |
| 0.616 | 58.340 | 59.55 | 58.43 | 59.63 |
| 0.617 | 58.430 | 59.64 | 58.55 | 59.75 |
| 0.618 | 58.520 | 59.74 | 58.66 | 59.88 |
| 0.619 | 58.610 | 59.84 | 58.77 | 59.97 |
| 0.620 | 58.700 | 59.94 | 58.89 | 60.07 |
| 0.621 | 58.790 | 60.03 | 59.00 | 60.18 |
| 0.622 | 58.880 | 60.13 | 59.12 | 60.28 |
| 0.623 | 58.970 | 60.23 | 59.23 | 60.38 |
| 0.624 | 59.060 | 60.32 | 59.34 | 60.49 |
| 0.625 | 59.150 | 60.42 | 59.46 | 60.59 |
| 0.626 | 59.240 | 60.52 | 59.57 | 60.70 |
| 0.627 | 59.330 | 60.61 | 59.68 | 60.80 |
| 0.628 | 59.420 | 60.71 | 59.80 | 60.90 |
| 0.629 | 59.510 | 60.81 | 59.91 | 61.01 |
| 0.630 | 59.600 | 60.91 | 60.02 | 61.11 |
| 0.631 | 59.690 | 61.00 | 60.13 | 61.18 |
| 0.632 | 59.780 | 61.10 | 60.28 | 61.28 |
| 0.633 | 59.870 | 61.19 | 60.34 | 61.38 |
| 0.634 | 59.960 | 61.29 | 60.44 | 61.47 |
| 0.635 | 60.050 | 61.39 | 60.55 | 61.57 |

NOTE 1: When these filling densities are used, tank cars must be shipped directly to consumers for unloading. Storage in transit is not permitted.

(2) *ICC–106A class tank cars.* Maximum filling density in ICC–106A class tank cars shall be as shown in § 73.304 (d)(1).

(g) *Foreign tank cars in domestic use.* Except as authorized by § 73.8 tank cars made in foreign countries, except Canada, must not be used in domestic traffic until they have been tested in this country and proper reports rendered as required by the specifications that apply.

[F.R. Doc. 64–10050; Filed, Oct. 8, 1964; 8:45 a.m.]

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 213—EXCEPTED SERVICE

### Housing and Home Finance Agency

Section 213.3344 is amended to show the exception under schedule C of the position of Assistant Commissioner for Property Improvement in the Federal Housing Administration. Effective upon publication in the FEDERAL REGISTER, subparagraph (21) is added to paragraph (b) of section 213.3344 as set out below.

§ 213.3344 Housing and Home Finance Agency.

* * * * *

(b) *Federal Housing Administration.* * * *



(21) One Assistant Commissioner for Property Improvement.

* * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
*Director,*
*Bureau of Management Services.*

[F.R. Doc. 64–10313; Filed, Oct. 8, 1964; 8:49 a.m.]

# Title 7—AGRICULTURE

## Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 64]

## PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

### Order Amending Order

**§ 1064.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective on the date of its publication in the FEDERAL REGISTER. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued October 1, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective on the date of its publication in the FEDERAL REGISTER, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Section 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

*It is therefore ordered,* That on and after the effective date hereof, the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1064.51(a) the introductory text preceding subparagraph (1) is revised to read as follows:

**§ 1064.51 Class prices.**

* * * * *

(a) *Class I milk.* The class I price shall be the basic formula price for the preceding delivery period plus $1.10 during each of the delivery periods of April, May, June, and July, and plus $1.40 during all other delivery periods; plus 10 cents from the effective date of this amended order through February 28, 1965; and plus or minus a supply-demand adjustment of not more than 45 cents, computed as follows:

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 5, 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64-10304; Filed, Oct. 8, 1964; 8:48 a.m.]

[Milk Order No. 106]

## PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

### Order Amending Order

**§ 1106.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Oklahoma Metropolitan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective on the date of its publication in the FEDERAL REGISTER. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued October 1, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective on the date of its publication in the FEDERAL REGISTER, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (section 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

*It is therefore ordered,* That on and after the effective date hereof, the handling of milk in the Oklahoma Metropolitan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1106.51(a), the introductory text which precedes the proviso is revised to read as follows:

**§ 1106.51 Class prices.**

* * * * *

(a) *Class I milk.* The basic formula price for the preceding month plus $1.48 during the months of April, May, and June and $1.88 during all other months; plus 10 cents for the period from the effective date of this amended order through March 31, 1965:

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 5, 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64-10305; Filed, Oct. 8, 1964; 8:48 a.m.]

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regulations, 1964-Crop Wheat Supp., Amdt. 5]

## PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

### Subpart—1964 Crop Wheat Loan and Purchase Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 8049, 8465, 9957, 11492, 12004, and 13135 and containing the specific requirements of the 1964-crop wheat loan and purchase program are hereby amended as follows:

Section 1421.2133(e) *Basic support rates (counties)* is amended to increase the basic county support rate for Idaho County, Idaho from $1.20 per bushel to $1.21 per bushel.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 107, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on October 6, 1964.

H. D. GODFREY,
*Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 64-10323; Filed, Oct. 8, 1964; 8:50 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

## PART 78—BRUCELLOSIS

### Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in part 78, as amended, title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:



**§ 78.13 Modified certified brucellosis areas.**

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

*Alabama.* Baldwin, Barbour, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, De Kalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Mobile, Morgan, Pike, Randolph, Russell, St. Clair, Shelby, Talladega, Tallapoosa, Walker, Washington, and Winston Counties;

*Arizona.* The entire State;

*Arkansas.* The entire State;

*California.* The entire State;

*Colorado.* Alamosa, Archuleta, Baca, Chaffee, Clear Creek, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jefferson, Kit Carson, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

*Connecticut.* The entire State;

*Delaware.* The entire State;

*Florida.* Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

*Georgia.* The entire State;

*Hawaii.* Honolulu County;

*Idaho.* The entire State;

*Illinois.* The entire State;

*Indiana.* Adams, Allen, Bartholomew, Benton, Blackford, Boone, Brown, Carroll, Cass, Clark, Clay, Clinton, Crawford, Daviess, Dearborn, Decatur, De Kalb, Delaware, Dubois, Elkhart, Fayette, Floyd, Fountain, Franklin, Fulton, Gibson, Grant, Greene, Hamilton, Hancock, Harrison, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Jay, Jefferson, Jennings, Johnson, Knox, Kosciusko, Lagrange, Lake, La Porte, Lawrence, Madison, Marion, Marshall, Martin, Miami, Monroe, Montgomery, Morgan, Newton, Noble, Ohio, Orange, Owen, Parke, Perry, Pike, Porter, Posey, Pulaski, Putnam, Randolph, Ripley, Rush, Saint Joseph, Scott, Shelby, Spencer, Starke, Steuben, Sullivan, Switzerland, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warrick, Washington, Wayne, Wells, White, and Whitley Counties;

*Iowa.* Audubon, Boone, Carroll, Cherokee, Clayton, Clinton, Delaware, Dickinson, Emmet, Fayette, Floyd, Franklin, Greene, Guthrie, Hamilton, Harrison, Humboldt, Lyon, Marshall, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Shelby, Story, Tama, Wapello, Warren, Winnebago, Woodbury, Worth, and Wright Counties;

*Kansas.* The entire State;

*Kentucky.* The entire State;

*Louisiana.* Ascension, Assumption, Bienville, Claiborne, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Washington, and Webster Parishes;

*Maine.* The entire State;

*Maryland.* The entire State;

*Massachusetts.* The entire State;

*Michigan.* The entire State;

*Minnesota.* The entire State;

*Mississippi.* Alcorn, Amite, Attala, Benton, Chickasaw, Choctaw, Clay, Covington, De Soto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

*Missouri.* The entire State;

*Montana.* The entire State;

*Nebraska.* Adams, Antelope, Banner, Boone, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

*Nevada.* The entire State;

*New Hampshire.* The entire State;

*New Jersey.* The entire State;

*New Mexico.* The entire State;

*New York.* The entire State;

*North Carolina.* The entire State;

*North Dakota.* Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grand Forks, Grant, Griggs, Hettinger, Kidder, LaMoure, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

*Ohio.* The entire State;

*Oklahoma.* Adair, Canadian, Choctaw, Cimarron, Delaware, Garfield, Grant, Haskell, Kingfisher, Latimer, McCurtain, Mayes, Noble, Nowata, Ottawa, Payne, Pushmataha, and Texas Counties;

*Oregon.* The entire State;

*Pennsylvania.* The entire State;

*Rhode Island.* The entire State;

*South Carolina.* The entire State;

*South Dakota.* Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Harding, Jerauld, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Sanborn, Spink, Turner, Union, Walworth, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;

*Tennessee.* The entire State;

*Texas.* Andrews, Armstrong, Bailey, Bandera, Baylor, Bexar, Blanco, Borden, Brewster, Briscoe, Burnet, Callahan, Cameron, Carson, Castro, Childress, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Fisher, Floyd, Gaines, Garza, Gillespie, Glasscock, Guadalupe, Hall, Hansford, Hardeman, Hartley, Haskell, Hays, Hidalgo, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Jones, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lubbock, Lynn, McCulloch, Martin, Mason, Medina, Menard, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Presidio, Randall, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Winkler, Yoakum, and Young Counties;

*Utah.* The entire State;

*Vermont.* The entire State;

*Virginia.* The entire State;

*Washington.* The entire State;

*West Virginia.* The entire State;

*Wisconsin.* The entire State;

*Wyoming.* Albany, Big Horn, Campbell, Crook, Fremont, Goshen, Hot Springs, Laramie, Lincoln, Natrona, Niobrara, Park, Platte, Sublette, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;

*Puerto Rico.* The entire area; and

*Virgin Islands of the United States.* The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111-113, 114a-1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

*Effective date.* The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Lamar County in Alabama; Clayton, Franklin, Harrison, Humboldt, Marshall, and Worth Counties in Iowa; and Collingsworth County in Texas.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(i): Adams County in Iowa, and Stephens County in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washintgon, D.C., this 5th day of October 1964.

E. E. SAULMON,
*Acting Director, Animal Disease Eradication Division, Agricultural Research Service.*

[F.R. Doc. 64-10324; Filed, Oct. 8, 1964; 8:50 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

## PART 67—PHONOGRAPH RECORD INDUSTRY

### Promulgation of Trade Practice Rules

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

*It is now ordered*, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of October 9, 1964.

*Statement by the Commission.* Trade practice rules for the phonograph record industry, as hereinafter set forth are promulgated by the Federal Trade Commission under its Trade Practice Conference procedure.

The industry for which these rules are established is composed of persons, firms, corporations, and organizations engaged in the manufacture, processing, sale or distribution of phonograph records, magnetic tapes, and similar devices upon which sound has been recorded.

The trade practice conference proceeding to establish rules for this industry was instituted pursuant to industry application. A set of proposed rules, consisting of industry and Commission staff proposals, was distributed to industry members and other interested parties for comment, and a public hearing was then held in Washington, D.C., on March 13, 1964. All parties were afforded opportunity to express their views, objections, and suggestions, both in writing and orally at the hearing, regarding all issues relevant to this proceeding.

Upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules for the industry in the form presented here and directed that they be promulgated.

Such rules become operative thirty (30) days from the date of their promulgation.

*The rules.* These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.

67.0 Definitions.

GROUP A

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GROUP B

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GROUP C

67.16 Misuse of "stereo" and "stereophonic".
67.17 Cancellation of membership in commercial club or membership organizations.
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67.19 Misrepresentation as to character of business.
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67.22 False invoicing.
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67.24 Guarantees, warranties, etc.
67.25 Use of the word "free".
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67.27 Misbranding, misrepresentation, and deceptive selling methods.

AUTHORITY: The provisions of this Part 67 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

### § 67.0 Definitions.

As used in this part the following terms shall have the meanings which have been assigned to them below:

(a) *Industry member.* Any person, firm, corporation or organization engaged in the manufacture, processing, sale or distribution of industry products as here defined. (Excluded from the scope of this part are such suppliers as phonograph record pressers, jacket fabricators, and music publishers.)

(b) *Industry products.* Phonograph records, magnetic tapes, and similar devices upon which sound has been recorded. (Specifically excluded are such commercial recordings as electrical transcriptions and recorded library services which are neither: (1) Distributed to the general public; nor (2) distributed to any industry member in connection with the sale or promotion of recordings which are distributed to the public. Also excluded are phonographs, tape recorders, and other similar devices and accessories.)

(c) *Recording (noun).* Any disc record, magnetic tape, wire, or other such device upon which sound has been recorded for subsequent reproduction.

(d) *Artist.* Any performer or other person, or any group of persons, who produces sounds which are captured on a recording (as recording is here defined).

GROUP A

### § 67.1 Prohibited discriminatory prices, rebates, discounts, etc.

(a) No member of the industry engaged in commerce, in the course of such commerce, shall grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however,*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this section shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this section shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: Subsection (b) of section 2 of the Clayton Act, as amended, reads as follows: "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

(b) The following are examples of price differential practices to be considered as subject to the prohibitions of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use, and when—

(1) The commerce requirements specified in this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential was not justified by cost savings (see paragraph (a)(2) of this section); and

(4) The price differential was not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a)(4) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a)(5) of this section):

*Example 1.* At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of the customer's purchases during such period and fails to grant a discount of the same percentage to other customers on their purchases during such period.

*Example 2.* An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

*Example 3.* An industry member sells goods directly to a retailer at a lower price than he charges distributors whose retail customers compete with the favored retailer.

*Example 4.* An industry member pays freight on shipments to a customer, or pays freight on shipments to a distributor's customer, and does not pay such freight for all customers of the industry member, thereby effecting a difference in price between customers of such member.

*Example 5.* Terms of 2/10 prox. are granted by an industry member to some customers on goods purchased by them from the industry member. Another customer or customers are, nevertheless, allowed to take an additional discount when making payment to the industry member within the time prescribed.

NOTE: *"Free" records.* In the phonograph record industry, "free" records of a particular type are customarily offered by sellers to their customers upon the condition that such customers purchase specified quantities of particular phonograph records.

Granting of free records or other merchandise illustrated by examples 6, 7, and 8 is considered violative of section 2(a) of the Clayton Act, as amended, provided that the requisites preceding the examples of this paragraph (b) of this section are met.



*Example 6.* An industry member invoices goods to all his customers at the same price but supplies additional quantities of such goods at no extra charge to one or more, but not to all, such customers; or supplies other goods or premiums to one or more, but not to all, such customers for which he makes no extra charge and which effects an actual price difference in favor of certain of his customers.

*Example 7.* An industry member grants to some of his customers "free" records based on a fixed percentage of the customer's purchase of records and fails to grant "free" records based on the same percentage to other customers, which effects an actual price difference in favor of certain of his customers.

*Example 8.* An industry member grants to all customers who purchase a specified "quota" of records a certain quantity of "free" records, but the "quota" is so high that some customers cannot attain it and thus do not receive the "free" records, effecting an actual price discrimination in favor of certain of the industry member's customers.

NOTE: *Functional discounts.* Neither this section, nor section 2(a) of the Clayton Act, as amended, of which this section is interpretive, expressly permits or prohibits the granting of functional discounts. The propriety of such discounts is contingent, principally, on whether they may substantially lessen competition or tend to create a monopoly. All price differentials, whether "functional" or otherwise, must meet the same tests.

Ordinarily, however, a seller may grant a lower price to wholesalers than to retailers to the extent that such wholesalers resell to retailers, without such effects as may substantially lessen competition or tend to create a monopoly. But if such wholesalers also sell at retail, in competition with other of the seller's retail customers, they may not properly be granted a price lower than the prices granted to competing retailers on that portion of the goods they sell at retail.

Examples 9 and 10 are illustrative of practices considered to be violative of section 2(a) of the Clayton Act, as amended, provided that the requisites preceding the examples of this paragraph (b) of this section are met.

*Example 9.* An industry member sells phonograph records to customers who resell the records by means of record racks placed in retail stores which are primarily engaged in the sale of non-record products and charges such customers 10 percent less than the price at which such industry member sells phonograph records to retail record store customers.

*Example 10.* An industry member sells phonograph records to a customer who resells to juke box operators and to retailers and who also is in competition with the latter, and charges such customer a lower price for the records he resells at retail than the industry member charges other retailers.

[Rule 1]

### § 67.2 Prohibited advertising or promotional allowances, or services or facilities.

(a) *Advertising or promotional allowances.* No member of the industry engaged in commerce shall pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is made known to and is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

NOTE 1: Industry members giving advertising allowances to competing customers must exercise precaution and diligence in seeing that all of such allowances are used in accordance with the terms of their offers.

NOTE 2: When an industry member gives allowances to competing customers for advertising in a newspaper or periodical, and it appears after reasonable inquiry that a lower advertising rate for equivalent space is available to one or more, but not all, such customers, such fact should not be regarded by the industry member as warranting the retention by such customer or customers of any portion of the allowance for his or their personal use or benefit.

(b) *Services or facilities.* No member of the industry engaged in commerce shall discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: Subsection (b) of section 2 of the Clayton Act, as amended, which is set forth in the note following paragraph (a)(5) of § 67.1 is also applicable to provisions of both paragraphs (a) and (b) of this section (67.2).

(c) *Examples.* The following are examples of discriminations in furnishing advertising or promotional allowances or services or facilities to be considered as subject to the prohibitions of this section when involving goods of like grade and quality, when the commerce requirements specified by this section are present, and when a suitable equivalent alternative allowance, service or facility is not accorded on proportionally equal terms to those customers to whom the allowance, service or facility set forth in these examples is not available under reasonable terms and conditions.

*Example 1.* An industry member grants an allowance for advertising to a customer based on a fixed percentage of that customer's purchases and fails to make known and available to other customers who are competing with the former an allowance of the same percentage of their purchases.

*Example 2.* An industry member furnishes free merchandise to a customer with the proviso that it be used for advertising or that the proceeds of its sale be used for advertising purposes. Such free merchandise is not offered and made available on proportionally equal terms to all competing customers.

*Example 3.* An industry member provides cooperative advertising allowances in the form of credit memoranda to particular customers on a negotiated, specific advertisement basis without making advertising allowances known to and available on proportionally equal terms to all competing customers.

*Example 4.* An industry member furnishes promotional services to a retailer customer in connection with the resale of the goods purchased and fails to make such services known to and available on proportionally

equal terms to other retail customers who are competing with the former.

*Example 5.* An industry member provides racks, brooms, bins, displays, special packaging, and other similar services and facilities to certain of its customers but does not make such services or facilities known to and available on proportionally equal terms to all competing customers.

*Example 6.* An industry member sponsors a radio program on which advertising is provided for certain of its customers. Such service is not made known to and available to all competing customers on proportionally equal terms.

*Example 7.* An industry member accords to one or more customers the privilege of returning for credit, refund or exchange any or all of the goods purchased by them and fails to accord the same privilege to another or other competing customers on proportionally equal terms.

(d) *Proportional equality of treatment of competing customers.* (The following is presented for the purpose of clarifying requirements with respect to the supplying of marketing services, facilities, or allowances by industry members to their customers, but it is not intended to imply that other methods which assure of proportional equality of treatment of competing customers may not also be used.) An industry member may simultaneously offer to each of his customers competing in the resale of his products the same kind of promotional service, facility or allowance of a cost value equal to a uniform percentage of the sales (or purchases) of the industry member's products by each customer during a specified and identical period of time: *Provided, however,* That where applicable the industry member complies with the following:

(1) When the service, facility, or allowance offered is of a type which under reasonable terms and conditions is not usable or suitable to the facilities and business of all customers, and is offered to any one customer, the member offers each of those customers to whom the service, facility, or allowance is not usable or suitable an alternative type of promotional service, facility, or allowance which is of equivalent measurable cost, is usable by the customer, and is suitable to his facilities and business, and promptly informs all competing customers of the kind and amount of services, facilities, or allowances which he has offered to each and the respective terms and conditions under which such services, facilities, or allowances are to be furnished by the industry member; and

(2) When the offer of any service, facility, or allowance to any customer is conditioned on such customer supplying some reciprocal service, facility, or payment, a reciprocal service, facility, or payment is required in the offers to all other customers and there is an equality of ratio among all customers as to the measurable cost of that which is supplied by the industry member and the reciprocal service, facility, or payment required of any customer.

NOTE: Where the seller has alternative promotional plans, his customers must be given the opportunity to choose among the plans.

[Rule 2]

**§ 67.3 Inducing or receiving an illegal discrimination in price, advertising or promotional allowances, or services or facilities.**

(a) No member of the industry engaged in commerce, in the course of such commerce, shall knowingly induce or receive a discrimination in price, advertising, or promotional allowances, or services or facilities, which is prohibited by the provisions of § 67.1 or § 67.2.

(b) The following are examples of inducing or receiving discriminations in price, advertising, or promotional allowances, or services or facilities, to be considered as subject to the prohibitions of this section when the requisites established by § 67.1 or § 67.2 for a violation of those rules on the part of the seller are present and the party receiving the discriminations knows or has reason to know that the discriminations are illegal.

*Example 1.* An industry member purchases records, purportedly for resale to retailers and to juke box operators, and is charged a lower price than the seller charges other customers for records which they resell at retail; but the member then transfers such records to another part of its business where they are resold at retail, thereby receiving a discrimination in price which is prohibited by § 67.1.

*Example 2.* An industry member induces suppliers to contribute sums of money to defray some or all of the costs of radio programs sponsored by such member and designed to promote the sale of records in its place of business, and which feature records distributed by the contributing suppliers, when the industry member knows or has reason to believe that allowances for such purpose are not made available on proportionally equal terms by the same suppliers to other customers competing with the favored member, thereby receiving a discrimination in promotional allowances which is prohibited by § 67.2.

[Rule 3]

**§ 67.4 Prohibited brokerage and commissions.**

No member of the industry engaged in commerce, in the course of such commerce, shall pay or grant, or receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid. [Rule 4]

GROUP B

**§ 67.5 Prohibited forms of trade restraints (unlawful price fixing, etc.).[1]**

Members of the industry, either directly or indirectly, shall not engage in any planned common course of action, or enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any industry products or otherwise unlawfully to restrain trade; or use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 5]

**§ 67.6 Tie-in sales; requiring purchase of one product as a prerequisite to the purchase of other products.**

No member of the industry shall require the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade. [Rule 6]

**§ 67.7 Exclusive dealing.**

Members of the industry shall not contract to sell or sell industry products, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 7]

**§ 67.8 Lifting of stocks.**

No member of the industry shall purchase the stock of a distributor or dealer which has been supplied by a competitor or competitors when such practice is used as an inducement to the distributor or dealer to discontinue handling competitive products and to handle such member's products exclusively, and where the effect of such act or practice may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 8]

**§ 67.9 Inducing breach of contract.**

Members of the industry shall not knowingly induce or attempt to induce the breach of existing lawful contracts between competitors and their customers or between competitors and their suppliers, or interfere with or obstruct the performance of any such contractual duties or services, under any circumstances having the capacity and tendency or effect of substantially injuring or lessening competition. [Rule 9]

**§ 67.10 Unlawful interference with purchases or sales.**

No member of the industry, by means of any monopolistic practices or through combination, conspiracy, coercion, boycott, threats, or any other unlawful means, directly or indirectly, shall interfere with any industry member's right to purchase his industry products and supplies from whomsoever he chooses, or to sell his products to whomsoever he chooses. [Rule 10]

**§ 67.11 Defamation of competitors or false disparagement of their products.**

Members of the industry shall not defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or falsely disparage competitors' products in any respect, or their business methods, selling prices, values, credit terms, policies, or service.

NOTE: Nothing in this section shall be construed as preventing full, fair, and nondeceptive comparison, by demonstration or otherwise, of competitors' products with the products of another industry member before purchasers or prospective purchasers.

[Rule 11]

**§ 67.12 Push money.**

An industry member shall not pay or contract to pay anything of value to a salesperson employed by a customer of the industry member, as compensation for, or as an inducement to obtain, special or greater effort or service on the part of the salesperson in promoting the resale of products supplied by the industry member to the customer—

(a) When the agreement or understanding under which the payment or payments are made or are to be made is without the knowledge and consent of the salesperson's employer; or

(b) When the terms and conditions of the agreement or understanding are such that any benefit to the salesperson or customer is dependent on lottery; or

(c) When any provision of the agreement or understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering sales of products of competitors of an industry member; or

(d) When, because of the terms and conditions of the understanding or agreement, including its duration, or the attendant circumstances, the effect may be substantially to lessen competition or tend to create a monopoly; or

(e) When similar payments are not accorded to salespersons of competing customers on proportionally equal terms in compliance with sections 2 (d) and (e) of the Clayton Act.

NOTE: Payments made by an industry member to a salesperson of a customer under any agreement or understanding that all or any part of such payments is to be transferred by the salesperson to the customer, or is to result in a corresponding decrease in the salesperson's salary, are not to be considered within the purview of this section, but are to be considered as subject to the requirements and provisions of section 2(a) of the Clayton Act.

[Rule 12]

**§ 67.13 Commercial bribery.**

Members of the industry shall not give, or offer to give, or permit or cause to be given, directly or indirectly, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 13]

**§ 67.14 Unauthorized shipment.**

No member of the industry shall engage in shipping industry products to customers or prospective customers, for the purpose of inducing purchase or acceptance on consignment of such products, without the express request or prior consent of the proposed consignee or purchaser. [Rule 14]

**§ 67.15 Aiding or abetting use of unfair trade practices.**

No person, firm, or corporation, being a member of this industry, shall aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in the rules in this part. [Rule 15]

GROUP C

**§ 67.16 Misuse of "stereo" and "stereophonic."**

(a) No member of the industry shall use the words "stereo" or "stereophonic," or any other word or phrase of like meaning, to describe or refer to a recording that does not have two distinctly separate modulations derived from an original live recording in which a minimum of two separate channels were employed; except that such word or phrase may be used in connection with a recording having two distinctly separate modulations derived from an original monophonic recording if a clear and conspicuous disclosure is made, in immediate conjunction therewith, that the recording has been altered, changed, or re-recorded to simulate stereophonic reproduction.

(b) No industry member shall use the words "true" or "genuine," or any other word or phrase of like meaning, in conjunction with the word "stereo" or "stereophonic," or any other word or phrase of like meaning, to describe or refer to a recording that was not derived from an original live recording in which a minimum of two separate channels were employed. [Rule 16]

**§ 67.17 Cancellation of membership in commercial club or membership organizations.**

In the operation or management of any commercial phonograph record club or membership organization, industry members shall not:

(a) Represent, directly or by implication, that persons may cancel membership if, in fact, cancellation is not always permitted without any conditions or limitations, unless a full and clear disclosure of all conditions, limitations or prerequisites to cancellation are made in immediate conjunction with all such representations; or

(b) Ship merchandise and attempt to collect the price of such merchandise when the right of cancellation of membership has been exercised and proper notification of cancellation has been given. [Rule 17]

**§ 67.18 Misrepresenting products as conforming to standard.**

In the sale, offering for sale, or distribution of any industry products, members of the industry shall not represent or imply, through advertising or otherwise, that such products conform to any standards recognized in or applicable to the industry when such is not the fact. [Rule 18]

**§ 67.19 Misrepresentation as to character of business.**

Members of the industry shall not represent, directly or by implication, in advertising, by trade or corporate name, or otherwise, that they produce or manufacture products of the industry, or that they own or control a plant making such products, when such is not the fact, or that they are a manufacturer, wholesale distributor, or a wholesaler when such is not the fact, or in any other manner misrepresent the character, extent, or type of their business. [Rule 19]

**§ 67.20 Deceptive use of trade or corporate names, trademarks, etc.**

Members of the industry shall not use any trade name, trademark, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the name, nature, or origin of any product of the industry, or of any material used therein, or which is false, deceptive, or misleading in any other material respect. [Rule 20]

**§ 67.21 Passing off through imitation or simulation of trademarks, trade names, etc.**

Members of the industry shall not mislead or deceive purchasers by passing off the products of one industry member as and for those of another through the imitation or simulation of trademarks, trade names, brands, or labels. [Rule 21]

**§ 67.22 False invoicing.**

No industry member shall withhold from or insert in invoices or sales tickets any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales tickets, with the

[1] The prohibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act, commonly referred to as the Fair Trade Amendment), which provides that with respect to a commodity which bears, or the label or container of which bears, the trademark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public in any material respect. [Rule 22]

**§ 67.23 Substitution of products.**

No member of the industry shall make an unauthorized substitution of products, where such substitution has the capacity and tendency or effect of misleading or deceiving purchasers, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making substitutions. [Rule 23]

**§ 67.24 Guarantees, warranties, etc.**

(a) Industry members shall not represent in advertising or otherwise that a product is "guaranteed" without a clear and conspicuous disclosure in close conjunction with such representation of:

(1) The nature and extent of the guarantee; and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor; and

(3) The manner in which the guarantor will perform thereunder; and

(4) The identity of the guarantor.

(b) Representations that a product is "guaranteed for life" or has a "lifetime guarantee," in addition to meeting the above requirements, shall contain a conspicuous disclosure of the meaning of "life" or "lifetime" as used (whether that of the purchaser, the product or otherwise).

(c) Guarantees shall not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as to have the capacity and tendency of misleading purchasers or prospective purchasers into the belief that the product so guaranteed has a greater degree of serviceability, durability or performance capability in actual use than is true in fact.

(d) This section has application not only to "guarantees" but also to "warranties," to purported "guarantees" and "warranties," and to any promise or representation in the nature of a "guarantee" or "warranty." [Rule 24]

**§ 67.25 Use of the word "free."**

In connection with the sale, offering for sale, or distribution of industry products, industry members shall not use the word "free," or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and,

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) Increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free," will not ordinarily be regarded as compliance.

[Rule 25]

**§ 67.26 Deceptive pricing.**

Members of the industry shall not represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

NOTE: The Commission promulgated Guides Against Deceptive Pricing effective January 8, 1964, superseding the Guides adopted October 2, 1958. The 1964 Guides are appended to these rules for additional guidance with respect to price savings representations.

[Rule 26]

**§ 67.27 Misbranding, misrepresentation, and deceptive selling methods.**

Members of this industry, in the course of the marketing or distribution of industry products, shall not:

(a) Use, or cause or promote the use of, any trade promotional literature, advertising matter, mark, brand, label, designation, depiction, or other type of oral or written representation, however disseminated or published, which directly or by implication, or through failure to disclose material information, has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to—

(1) the type, grade, quality, quantity, use, size, weight, nature, condition, durability, performance, serviceability, origin, manufacture, distribution, or price of any industry product; or,

(2) the identity of a performing artist as to either part or all of a recording, the recorded content of any recording, the name or commonly known title of a recording or a selection or tract of a recording, or the fact that a recording has been previously issued under a different title, or in any other material respect;

and shall not

(b) Offer for sale, sell, distribute, or promote the sale or distribution of, products of the industry under any other conditions or selling practices which have the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public in any material respect. [Rule 27]

Approved: September 14, 1964.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-10204; Filed, Oct. 8, 1964; 8:45 a.m.]

# Title 28—JUDICIAL ADMINISTRATION

## Chapter I—Department of Justice

## PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

### Subpart W—Authority To Compromise and Close Civil Claims

### Appendix—Redelegations of Authority To Compromise and Close Civil Claims

The following redelegation is added to the appendix to Subpart W of Part 0, Chapter I, Title 28 of the Code of Federal Regulations.

CIVIL DIVISION

[Directive No. 16]

DELEGATION OF AUTHORITY WITH RESPECT TO THE COMPROMISE OF LITIGATION

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.45, 0.46, 0.160, 0.162, 0.164, 0.166, and 0.168, it is hereby ordered as follows:

SECTION 1. *Delegation of authority to Section Chiefs and Attorneys in Charge of Field Offices.* Authority delegated to the Assistant Attorney General in charge of the Civil Division to accept or reject offers in compromise is hereby redelegated, in part, to the several Section Chiefs, and Attorneys in Charge of Field Offices, of the Civil Division as follows (subject to the exceptions set forth in section 2 of this directive):

(1) *Section Chiefs.* In all cases against the Government in which the amount to be paid by the Government pursuant to the offer, and in all cases involving claims asserted by the Government in which the amount demanded by the Government, does not exceed $20,000, exclusive of interests and costs.

(2) *Attorneys in Charge of Field Offices.* In all cases against the Government in which the amount to be paid by the Government pursuant to the offer, and in all cases involving claims asserted by the Government in which the amount demanded by the Government, does not exceed $10,000, exclusive of interests and costs.

SEC. 2. *Exceptions.* In any case in which any of the following-described conditions exist all offers in compromise, whether asserted against or on behalf of the Government, must be presented to the Assistant Attorney General for his consideration—



(1) Whenever the agency or agencies involved oppose the settlement;

(2) Whenever a new precedent or a new point of law is involved;

(3) Whenever in the opinion of the Section Chief or the Attorney in Charge of the Field Office, as the case may be, a question of policy is or may be involved;

(4) Whenever the United States Attorney has requested reconsideration of a compromise offer previously recommended by him and rejected;

(5) Whenever the total amount involved in other claims arising out of the same transaction exceeds the sum covered by the delegation; and

(6) Whenever, for any reason, the compromise of a particular claim, as a practical matter, will control the disposition of related claims totaling an amount in excess of the sum covered by the delegation.

SEC. 3. *Record of action.* In each case in which a compromise has been accepted or rejected by a Section Chief or Attorney in Charge of a Field Office pursuant to the authority delegated to him by this directive, a memorandum shall be prepared for the files which shall include:

(1) A statement of the offer;

(2) A statement of the action taken; and

(3) A full statement of the reasons for the action taken.

SEC. 4. *Necessity for submission to agency involved.* No offer in compromise, either of a claim asserted against or of a claim asserted on behalf of the Government, shall be finally acted upon pursuant to the authority delegated by this Directive without first obtaining the views of the agency or agencies involved, except in cases in which no question of policy or interest to the agency or agencies involved is present and one of the following-described conditions exists:

(1) The amount of the claim asserted on behalf of the Government, or the amount to be paid in satisfaction of the claim against the Government, does not exceed $5,000; or

(2) The compromise is based solely upon uncollectibility of the full amount of a claim asserted on behalf of the United States; or

(3) The compromise is one within the scope of section 784(1) of Title 38 of the United States Code.

SEC. 5. *Counteroffers by the Government.* The delegations of authority made by this directive to compromise include the authority to make counteroffers in situations in which the making of a counteroffer seems appropriate and might accelerate disposition of the case.

SEC. 6. *Recommendations for compromise submitted for approval of the Assistant Attorney General.* All recommendations for acceptance or rejection of compromise offers which require the approval of either the Attorney General or the Assistant Attorney General shall be prepared in conformity with the format prescribed for that purpose.

SEC. 7. *Prior directives superseded.* (a) Civil Division Directive No. 7 of June 27, 1963 (originally issued as Directive No. 5, Supplement 2) is hereby superseded.

(b) Civil Division Directive No. 2 of February 20, 1961 (26 F.R. 1642), is hereby superseded.

SEC. 8. *Effective date.* The provisions of this directive shall be effective upon the date of the publication of this directive in the FEDERAL REGISTER.

JOHN W. DOUGLAS,
*Assistant Attorney General.*

Approved: October 7, 1964.

NICHOLAS DEB. KATZENBACH,
*Acting Attorney General.*

[F.R. Doc. 64-10345; Filed, Oct. 8, 1964; 8:50 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter I—Office of the Secretary of Defense

### SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

### PART 10—BONDS, INSURANCE AND INDEMNIFICATION

### Aircraft—Ground and Flight Risk; Correction

F.R. Document 64-8335, appearing at 29 F.R. 11809-11824, August 19, 1964, is corrected to show the explanatory portion of paragraph 29, on page 11823, reading as follows:

29. Sections 10.404 and 10.404-1 are combined into one § 10.404, with the heading "Aircraft—ground and flight risk," and with paragraph (b)(2) revised to read as follows:

L. H. WALKER, Jr.,
*Brigadier General, U.S. Army,*
*Acting The Adjutant General.*

[F.R. Doc. 64-10287; Filed, Oct. 8, 1964; 8:46 a.m.]

## Chapter VII—Department of the Air Force

### SUBCHAPTER B—SALES AND SERVICES

### PART 815—PERSONS AUTHORIZED MEDICAL CARE

A new Part 815 is added as follows:

Subpart A—General Provisions

Sec.
815.1 Purpose.
815.2 Definitions.
815.3 Policies.

Subpart B—Retired Members of the Uniformed Services, Veterans' Administration (VA) Beneficiaries, and Soldiers Home Members

815.10 Retired members.
815.11 VA beneficiaries.
815.12 Members of the United States Soldiers Home.

Subpart C—Reserve Officers Training Corps, Civil Air Patrol, and Boy Scouts of America

815.20 Reserve Officers Training Corps Members (ROTC), Air Force, Army, and Navy.
815.21 Civil Air Patrol (CAP) members.
815.22 Boy Scouts.

Subpart D—Personnel Being Processed or Detained

Sec.
815.30 Applicants for enlistment or commission.
815.31 Maternity care for women of the uniformed services discharged or relieved from active duty.
815.32 Prisoners of war, internees, other persons in military custody or confinement, and nonmilitary federal prisoners.

Subpart E—Bureau of Employees' Compensation (BEC) Beneficiaries

815.40 Persons eligible for care.
815.41 Administrative procedures.
815.42 Transportation.
815.43 Prosthetic appliances, crutches, sacroiliac belts, spectacles, etc.

Subpart F—United States Public Health Service (USPHS) Beneficiaries and Certain Seamen

815.50 Persons eligible for care.
815.51 Physical examinations and immunizations.
815.52 Certain seamen.

Subpart G—Foreign Service Personnel

815.60 Department of State beneficiaries.
815.61 VA employees and their dependents in oversea offices.
815.62 Peace Corps volunteer personnel and their dependents.

Subpart H—Department of Justice (including Federal Bureau of Investigation), Federal Aviation Agency, Department of Defense, and Other Federal Agencies

815.70 Department of Justice.
815.71 Secret Service special agents.
815.72 Federal Aviation Agency (FAA).
815.73 Department of Defense and other government agency employees paid from appropriated and nonappropriated funds and their dependents outside CONUS.
815.74 Federal civilian employees health program.
815.75 Physical examinations for special categories of personnel.
815.76 U.S. Army National Guard technicians manning missile sites.

Subpart I—Miscellaneous Categories of Personnel

815.80 American National Red Cross personnel, other officially recognized welfare workers, and their dependents.
815.81 U.S. citizen scientific consultants, technical representatives, and and contract technicians and their dependents outside CONUS.
815.82 Alien scientific and technological specialists; employees of commercial airlines; civilian employees of "Cost-Plus-A-Fixed-Fee" contractors; and certain civilians (U.S. citizens) outside CONUS.
815.83 Civilians training in Air Force facilities, performing aircrew duties, or flying in Air Force aircraft.
815.84 Army and Air Force exchange service personnel proceeding overseas.
815.85 Persons not included elsewhere.

Subpart J—The Secretary of the Air Force and Designees

815.90 The Secretary of the Air Force and designees.

Subpart K—Nationals of Foreign Governments

815.95 NATO personnel in the United States.
815.96 Foreign nationals, other than personnel of NATO nations, in the United States.
815.97 Persons requiring hospitalization for more than 90 days.

Sec.
815.98 Trainees under the Military Assistance Program (MAP).
815.99 Foreign nationals outside CONUS.
815.100 Movement into the U.S. to obtain medical care.

Subpart L—Persons Authorized Medical Care

815.101 Members of the uniformed services.
815.102 Retired members of the uniformed services, VA beneficiaries, and soldiers home members.
815.103 Reserve Officers Training Corps, Civil Air Patrol, and Boy Scouts of America.
815.104 Personnel being processed or detained.
815.105 Bureau of Employees' Compensation beneficiaries.
815.106 USPHS beneficiaries and certain seamen.
815.107 Foreign service personnel.
815.108 Department of Justice, FAA, Department of Defense, and other Federal agencies.
815.109 Miscellaneous categories of personnel.
815.110 The Secretary of the Air Force and designees of the Secretary of the Air Force.
815.111 Nationals of foreign governments.

AUTHORITY: This Part 815 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 168-1, July 1, 1963; AFR 168-1A, May 1, 1964; AFR 168-1B, August 6, 1964.

## Subpart A—General Provisions

### § 815.1 Purpose.

This part specifies who is eligible for medical care in Air Force medical treatment facilities, prescribes the extent of care authorized, and provides guidance for charges for such care.

### § 815.2 Definitions.

(a) *Armed Forces.* The Air Force, Army, Navy, Marine Corps, and Coast Guard, including their reserve components.

(b) *Bureau of Employees Compensation (BEC) beneficiary.* A civilian employee, including a civilian officer, of the U.S. Government who is injured or incurs a disease in the performance of duty and is designated as a beneficiary by the Bureau.

(c) *Chronic disease.* Non-acute conditions and disabilities in which the prognosis indicates long continued duration of the illness.

(d) *Continental United States (CONUS).* United States territory including the adjacent territorial waters located within the North American Continent between Canada and Mexico.

(e) *Dependent.* Unless otherwise qualified, a person having one of the following relationships to his or her sponsor: The lawful wife, the unremarried widow, the lawful dependent husband, the unremarried dependent widower, an unmarried legitimate or adopted child, or a dependnt parent or parent-in-law, unless otherwise qualified.

(f) *Disability.* A disease, injury, or other physical or mental defect.

(g) *Elective medical care.* Medical, surgical, or dental care desired or requested by the individual or recommended by the physician or dentist which, in the opinion of professional authority, can be performed at another time or place without jeopardizing life, limb, health, or well-being of the patient. An example is surgery for cosmetic purposes.

(h) *Emergency medical care.* The immediate inpatient or outpatient medical care required to prevent loss of life, limb, or undue suffering.

(i) *Hospital commander.* The director of base medical service/commander of base medical unit, of hospitals or dispensaries, as appropriate.

(j) *Medical care.* Inpatient, outpatient, dental care, and related professional services, unless otherwise qualified.

(k) *Member of a uniformed service.* A person appointed, enlisted, inducted, called, ordered, or conscripted into a uniformed service who is serving on active duty or active duty for training.

(l) *Retired member of a uniformed service.* A former member of a uniformed service who is entitled to retired, retirement, retainer, or equivalent pay as a result of service in a uniformed service, other than a member or former member entitled to retired or retirement pay under 10 U.S.C. 1331–1337, who has served less than eight years on full-time duty in the active military service other than active duty for training. Retired personnel serving on active duty are considered the same as other active duty personnel.

(m) *Uniformed services.* The Air Force (including aviation cadets), Army, Navy, Marine Corps, Coast Guard, the Commissioned Corps of the Public Health Service, their reserve components, and the Commissioned Corps of the Coast and Geodetic Survey.

(n) *United States.* The 50 States and the District of Columbia.

(o) *Veteran (Veterans' Administration beneficiary).* A person who served on active duty in the Armed Forces and was discharged or released therefrom under conditions other than dishonorable.

### § 815.3 Policies.

(a) Approving authority: The hospital commander is the authority to approve medical care. He may provide medical care at his facility for authorized patients who are not uniformed service personnel if space and facilities are available and the capabilities of the professional staff permit. However, such persons must furnish the commander with satisfactory identification to prove their eligibility.

(b) Who may receive treatment for chronic disease: A person requiring only domiciliary care or treatment for chronic disease is not authorized admittance to an Air Force medical facility unless he is a:

(1) Member of the uniformed services on active duty.

(2) Member on the temporary disability retired list of a uniformed service who is to be admitted for medical evaluation.

(3) Person admitted in a bona fide emergency to preserve life or prevent undue suffering.

(c) The rate charged for subsistence furnished to persons in patient status who are not entitled to subsistence at Government expense will be in accordance with rates in AFR 168-7 (Rates for Hospitalization, Outpatient Treatment, and Subsistence in Air Force Medical Facilities).

(d) Use of Subpart L. Subpart L provides further information on the extent of medical care authorized and the related charges for hospitalization and treatment. Charts and references should be used together. (See also Part 880 and AFR 168-7.)

## Subpart B—Retired Members of the Uniformed Services, Veterans' Administration (VA) Beneficiaries, and Soldiers Home Members

### § 815.10 Retired members.

(a) Personnel in this category requiring domiciliary type care for chronic disease or invalidism are not normally admitted to an Air Force medical treatment facility and should apply for care in Veterans' Administration (VA) medical facilities. Subject to the availability of space, facilities, and capability of the medical staff, retired members and members on the Temporary Disability Retired List (TDRL) may be provided care in Air Force medical facilities as follows:[1]

(1) Members retired for other than physical disability may be provided the same inpatient and outpatient care as members on active duty, except Reserve personnel entitled to retired pay for nonregular service under chapter 67, 10 U.S.C., who have served less than eight years on active duty (other than for active duty training). (This is the category of personnel with less than eight years of extended active duty, other than for active duty training, who have earned a required number of points by actively participating in an appropriate Reserve component program and are at least 60 years of age.)

(2) Members temporarily or permanently retired for physical disability who have less than 20 years of active duty, may be provided inpatient and outpatient care, except inpatient care for the following chronic conditions: Chronic arthritis, malignancy, psychiatric disorders, neurological disabilities, poliomyelitis with disability residuals and degenerative diseases of the nervous system, severe injuries to the nervous system including quadriplegia, hemiplegia and paraplegia, tuberculosis, blindness and deafness requiring definitive rehabilitation, and major amputees. Hospitalization in such cases is provided by the VA. When VA medical facilities are not readily available, an exception may be made for an acute phase of a condition listed in this subparagraph, as determined by competent medical authority, or for brief periods of treatment to relieve suffering when approved by the hospital commander.

(3) Members temporarily or permanently retired for physical disability who have 20 years or more of active duty may be provided inpatient and outpatient care, except those with blindness, neuropsychiatric or psychiatric disorders, and tuberculosis, if approved by the hospital commander and if they elect not to receive hospitalization in VA medical facilities.

(4) Persons permanently retired for physical disability may elect to receive hospitalization in VA medical facilities regardless of the nature of the illness.

(b) Members placed on the TDRL requiring hospitalization in connection with their periodic physical examinations will be provided such hospitalization on the same basis as members of the uniformed services on active duty.

(c) Persons mentioned in paragraphs (a) and (b) of this section who are eligible for medical care in uniformed services facilities may be moved between such facilities and from uniformed services facilities overseas to CONUS facilities when directed, in writing, by competent medical authority.

(d) Medical services and supplies essential for the treatment of retired members of the uniformed services may be obtained from civilian sources at Air Force expense when such members are hospitalized in Air Force medical treatment facilities. Funds available for the operation and maintenance of the medical facility are used for this purpose. Air Force funds may not be used for medical services and supplies from civilian sources for outpatient care for retired members nor for their care in civilian medical facilities.

NOTE: A member temporarily or permanently retired for physical disability electing to receive disability compensation from the VA in place of retired pay is eligible for care in uniformed services medical facilities, except for those chronic conditions listed in paragraph (a) (2) of this section. A member removed from TDRL and discharged with severance pay is not eligible for medical care in uniformed services facilities at the expense of the Air Force although he is entitled to and receives disability compensation from the VA.

### § 815.11 VA beneficiaries.

(a) *Authority for hospital admission inside CONUS.* (1) Veterans who are VA beneficiaries will be admitted to Air Force hospitals having beds allocated to the VA upon written authorization from the VA facility having jurisdiction over the area in which the hospital is located.

(2) In an emergency, a VA beneficiary may be admitted upon his own application. Copy of discharge certificate, order for release from active duty under other than dishonorable conditions, or evidence of receipt of VA compensation or discharge for disability incurred or aggravated in line of duty will be accepted as evidence of eligibility. The hospital commander will notify the responsible VA field station of the admission within 72 hours and request written authorization and disposition instructions. Unless this requirement is met, the VA will not pay for the interval between admission and the date the authorization is furnished. After the emergency, disposition will be effected in accordance with VA instructions.

(b) *Authority for hospital admission outside CONUS.* (1) Veterans of the Armed Forces who are U.S. citizens residing or sojourning abroad may be provided medical care for service connected disabilities on presentation of a signed authorization. The responsibility for authorizing medical care in foreign countries is vested in:

(i) Western Europe—Manager, VA Office for Europe, APO 794, New York, N.Y.

(ii) Republic of the Philippines—Director, Outpatient Clinic, United States VA Regional Office, Manila, Philippines.

(iii) All other foreign countries—Director, Outpatient Clinic, Veterans Benefits Office, Veterans' Administration, Washington, D.C., 20036.

(2) A medical treatment facility furnishing a veteran emergency medical care will promptly notify the appropriate office and request authorization for treatment and instructions for the disposition of the patient. (Admission procedures include an examination of passport and/or visa to aid in verifying U.S. citizenship and legal address.) If the approving authority does not issue an authorization for this care, charges for medical care will be collected locally from the veteran at the full reimbursement rate (FRR) or the full outpatient rate (FOPR) unless medical care is otherwise authorized in this part.

(c) *Hospitalization of veterans with undesirable or bad conduct discharges.* Authorization for hospitalization of persons in this category is at the discretion of the VA.

### § 815.12 Members of the United States Soldiers Home.

Members of the Soldiers Home may be furnished medical care upon presentation of written authority from the Governor of the Home. This requirement may be waived in an emergency. In such cases the hospital commander will immediately request such authorization. Normally, dental care is not authorized for members of the home.

## Subpart C—Reserve Officers Training Corps, Civil Air Patrol, and Boy Scouts of America

### § 815.20 Reserve Officers Training Corps Members (ROTC), Air Force, Army, and Navy.

(a) *Authorization for medical care.* If they have the written, signed authorization of the appropriate commander, members of the Air Force, Army, and Navy ROTC may be admitted to Air Force medical treatment facilities under conditions described in this section. The authorization will include:

(1) The patient's full name.

(2) His ROTC status.

(3) The name of the training unit attended.

(4) The period of attendance.

(5) The diagnosis (if known).

(6) A statement that the disability was, or was not, incurred in the line of duty.

(7) A statement that the patient is entitled to medical care, as follows:

(i) For injury sustained while engaged in flight training: Care will be provided for any ROTC member who suffers disability from an injury incurred in line of duty while engaged in flight instruction under 10 U.S.C. 4384, 6901, and 6904.

(ii) For injury or disease incurred while traveling to, from, or during training: Care will be provided for disability from a disease or injury incurred in line of duty while performing authorized travel to or from such duty or while attending a training camp under 10 U.S.C. 4385 or 9385; a cruise under 10 U.S.C. 6091; or a cruise or camp prescribed by the Secretary of the Navy under 10 U.S.C. 6903.

(b) *Application of the Federal Employees' Compensation Act to ROTC members in case of disability.* The Federal Employees Compensation Act applies when the disability or death of a member of the Air Force, Army, or Navy ROTC occurs in line of duty as described in this paragraph. Such cases are administered in accordance with Subpart E of this part.

(1) A person's injury is considered to have been incurred in line of duty only if it results from his military or naval training or from his travel to or from that training as indicated in paragraph (a) (7) (ii) of this section.

(2) Any person who contracts a disease or illness as the result of performing training during the periods indicated in paragraph (a) (7) (ii) of this section is considered to have been injured in line of duty during that period.

(c) *Civilian medical attendance.* Air Force ROTC members may require civilian medical attendance during their training period if medical facilities of the uniformed services or other Government agenices are not readily available. However, prior approval must be obtained for such civilian medical attendance. (See Part 880 of this chapter.)

(d) *Medical service authorized for conditions not in line of duty.* Medical care is authorized for injury or disease contracted not in line of duty, as follows:

(1) During a specified training period an ROTC member—regardless of his line-of-duty status—may receive medical care from Air Force medical facilities, if available.

(2) An ROTC member requiring hospital treatment for a disability incurred not in line of duty may be retained in, or admitted to, an Air Force medical treatment facility after his specified training period ends if the hospital commander deems such action in the best interests of all concerned. Any member, physically unable to be moved from the place of training to his home, may be included under this provision. Hospitalization will be limited to what is necessary until:

(i) The patient can be disposed of to a State, municipal, or private institution designated by the patient or his next of kin, or

(ii) The patient's condition has so improved that he can be released from the hospital.

(e) *Physical examination.* When directed by competent orders, ROTC students at colleges, universities, or other institutions may be given physical ex-

[1] Retired members may not be provided medical care in other than uniformed services medical facilities at the expense of the Air Force, except as stated in § 815.10(b). U.S. Public Health Service facilities are classified as uniformed services facilities while VA facilities are not.

aminations at Air Force medical facilities, if available. Medical care is not authorized.

(f) *Disposing of ROTC members hospitalized after end of training.* When an ROTC patient no longer requires hospitalization, he will be brought before a board of medical officers for final disposition. This applies to ROTC members who remain in the hospital after the completion date of training and to members who are hospitalized for injuries sustained in line of duty while voluntarily flying in Government aircraft pursuant to competent orders.

(g) *Advice to ROTC members on release from a medical treatment facility.* When ROTC members are released from the hospital, they will be told how to obtain subsequent care at Government expense (see paragraph (b) of this section) for injuries or disease incurred as described in paragraph (a) of this section.

§ 815.21 Civil Air Patrol (CAP) members.

(a) CAP membership is divided into two groups:

(1) Seniors: Adults over 18 years of age.

(2) Cadets: Boys and girls who are U.S. citizens and have passed their 13th birthday or (if younger) are enrolled in high school or its equivalent (grade 9 or above) and are not more than 20 years of age. A cadet may become a senior member when he is 18 years old, but this status change is not mandatory.

(b) During a period of specified assignment, a senior CAP member may be provided medical care in an Air Force medical treatment facility for injury or disease incurred while he was engaged in authorized activities without regard to line of duty status. (See Part 832 of this chapter.) Authorized activities are those performed under Air Force direction and authorized in writing by competent authority. Such authorization must cover a specific assignment and prescribe a time limit for the assignment.

(c) A senior member who is injured or contracts a disease in line of duty and who receives medical care beyond the period of specified assignment will be reported to the Bureau of Employees' Compensation as a potential beneficiary of that Bureau. (See Subpart E of this part.) The benefits of the Federal Employees' Compensation Act have been extended by law (5 U.S.C. 803) to include senior CAP members who are injured or who contract a disease in line of duty while engaged in authorized activities. Such duty includes the period of travel to and from the place where service or duty is performed. Medical care beyond the authorized encampment period will not be provided at Air Force expense.

(d) Charges for medical care provided beyond the period of specified assignment for injury or disease incurred not in line of duty will be the responsibility of the patient.

(e) When attending encampments at Air Force installations, cadets will be provided medical care in an emergency. Senior member benefits do not apply to CAP cadets. Treatment required beyond the encampment period will be provided only until medical care can be arranged elsewhere and will not be provided at Air Force expense.

(f) Medical care is not authorized at Air Force expense in other than Air Force medical facilities for either senior or cadet members.

(g) Prior written authorization from the Air Force liaison officer of the CAP wing to which the member is assigned is required for admission to an Air Force medical facility, except in an emergency. In an emergency, written authorization is obtained with the least practicable delay.

§ 815.22 Boy Scouts.

Boy Scouts of America, including Explorer Scouts, may be provided medical care in emergencies occurring while the scouts are participating in visits, training exercises, and encampments at Air Force installations. Hospitalization beyond the period of emergency or medical care at other than Air Force medical facilities is not authorized at Air Force expense.

## Subpart D—Personnel Being Processed or Detained

§ 815.30 Applicants for enlistment or commission.

(a) Physical examinations for determining qualification for duty in the uniformed services will be provided for:

(1) Personnel ordered into active service under the Universal Military Training and Service Act.

(2) Applicants for enlistment or commission.

(3) Applicants for Air Force, Military, Naval, and Coast Guard academies.

Hospitalization is authorized when qualification for service cannot otherwise be determined. This period is to be used for diagnostic purposes only, not to correct disqualifying defects. Hospitalization furnished such individuals for emergency conditions occurring during the physical examination period will be administered as stated in § 815.85.

(4) Reservists not on active duty.

(5) Aviation medicine consultation service for Reservists.

(b) In addition to those persons in paragraph (a) of this section, applicants for the Air Force Academy may be afforded emergency hospitalization and treatment for injury incurred in the actual performance of physical aptitude examinations while at an Air Force facility. Hospitalization should not exceed three days. If final disposition cannot be effected within this period, instructions should be obtained from Hq USAF (AFMSHAD), Washington, D.C., 20333.

§ 815.31 Maternity care for women of the uniformed services discharged or relieved from active duty.

(a) Female members who are found pregnant upon final medical examination for separation from the uniformed services, or who are discharged or relieved from extended active duty under honorable conditions because of pregnancy, are eligible for maternity care in connection with that pregnancy, in military medical facilities. (Care in civilian medical facilities is not authorized at Government expense.) They should apply in writing to the commander of the military medical facility nearest their residence and include a copy of orders effecting separation and estimated date of confinement.

(b) Authorized treatment will include prenatal care, hospitalization, and postnatal care for mother and infant, incident to the pregnancy, either in the hospital or as an outpatient, for not more than six weeks after delivery.

(c) The mother must pay for subsistence during hospitalization and for travel to and from the medical facility. There is no charge for the infant while the mother is a patient. If the mother is discharged from the hospital and the infant must remain, charges will be for subsistence only.

§ 815.32 Prisoners of war, internees, other persons in military custody or confinement, and nonmilitary federal prisoners.

Medical care is authorized for:

(a) Prisoners of war; persons interned by the Air Force; other persons in military custody or confinement.

(b) Military prisoners (punitive discharge executed) hospitalized beyond expiration date of sentence.

(c) Nonmilitary Federal prisoners from prisoner camps located on Air Force installations.

(d) Other nonmilitary Federal prisoners may be provided emergency care only. (Written authorization is obtained from the official in charge as soon as practical.)

## Subpart E—Bureau of Employees' Compensation (BEC) Beneficiaries

§ 815.40 Persons eligible for care.

A person is not considered a BEC beneficiary until official notification of approval by the Bureau. The following persons may be provided medical care as BEC beneficiaries (or potential beneficiaries) under the Federal Employees' Compensation Act of 1916 as amended:

(a) Civilian employees of the Federal Government and the District of Columbia, except DOD nonappropriated fund employees and members of the District Police and Fire departments who sustain personal injury while performing duty or who incur a disease caused by the employment.

(b) ROTC members who are injured or who contract a disease in line of duty while engaged in training described in § 815.20 and who require medical care beyond the period of training specified in orders.

(c) Senior CAP members who are injured or who contract a disease in line of duty while engaged in authorized activities described in § 815.21(b) and who require medical care beyond the period of specified assignment.

§ 815.41 Administrative procedures.

(a) Except in an emergency, persons in § 815.40 applying for medical care in an Air Force facility must present three copies of one of the following forms:



(1) Form CA-16 "Request for Treatment of Injury Under the United States Employees' Compensation Act," or

(2) Form CA-17, "Request for Treatment of Injury Under the United States Employees' Compensation Act when Cause of Injury Is In Doubt." The supervisor or commander of the person applying for care will prepare these forms.

In an emergency, medical care (including hospitalization) may be furnished upon verbal authorization of the applicant's official supervisor. However, Form CA-16 or 17 will be required of the responsible individual within 48 hours after verbal authorization. The date entered on the form will be the date of hospitalization or treatment.

(b) Form CA-20, "Attending Physician's Report" will be submitted to the BEC on all cases. Also, a copy of SF 502, "Clinical Record—Narrative Summary," will be submitted to the Bureau on all hospitalized cases at the time of discharge. An interim SF 502 should be forwarded to the Bureau after 30 days in hospitalized cases of extended duration.

(c) Form CA-20 pertaining to ROTC and CAP members should be submitted to the appropriate district BEC office through the local commander of the unit concerned. Air Force civilian personnel officers will, upon request, assist the claimant and the unit commander in carrying out their responsibilities.

§ 815.42 Transportation.

(a) Inside CONUS: When necessary for proper treatment, a BEC beneficiary may be moved from an Air Force medical facility to another military medical facility. Except in an emergency, written approval must be obtained from BEC before moving the patient. In an extreme emergency a patient may be moved without prior authorization, but BEC must be notified as soon as possible.

(b) Inside oversea areas and from overseas to CONUS: (1) When necessary for proper treatment, a BEC beneficiary may be moved from one military medical facility to another military medical facility within the oversea area without prior authorization from BEC. BEC should be notified of the transfer as soon as possible.

(2) Upon prior authorization by BEC, a beneficiary may be returned to CONUS by aeromedical evacuation. Disposition instructions should be furnished by BEC before departure of the patient from the oversea area. The patient's next of kin will be advised of the patient's condition and of the approximate date and place of his arrival in CONUS. The patient's next of kin or sponsor, or the patient himself, if his condition permits, should be advised to communicate directly with the appropriate BEC office regarding arrangements for continued medical care. Medical records will include information on notifications and arrangements made prior to the patient's return.

(c) Transportation of a BEC beneficiary, when necessary for proper treatment, will be at BEC's expense.

§ 815.43 Prosthetic appliances, crutches, sacroiliac belts, spectacles, etc.

(a) Except in an emergency, BEC's approval will be obtained before a BEC beneficiary is furnished a prosthetic appliance. Request for approval will include complete identification of the beneficiary, justification for the appliance, approximate cost, and brief description of the appliance.

(b) Items required for the proper management of a hospitalized patient may be furnished without prior BEC approval. Such items include crutches, sacroiliac belts, elastic bandages, etc.

(c) BEC must give prior approval for furnishing or replacing spectacles without expense to the beneficiary. Moreover, the beneficiary's need for spectacles must be the result of injury or disease directly attributable to his occupation or employment. Spectacles will not be replaced at BEC's expense when damaged or broken as a result of (1) An accident in which the visual acuity is not affected, or (2) the beneficiary's misconduct or negligence.

## Subpart F—U.S. Public Health Service (USPHS) Beneficiaries and Certain Seamen

§ 815.50 Persons eligible for care.

The following persons may be provided medical care as beneficiaries of the U.S. Public Health Service (USPHS) when its facilities are not locally available:

(a) Crew members of vessels of the Coast and Geodetic Survey whether on active duty or retired.

(b) Members of the Coast Guard Auxiliary in case of injury incurred or disease contracted while on active Coast Guard duty.

(c) Seamen employed on vessels of U.S. registry, other than canal boats engaged in coastal trade.

(d) Seamen employed on State school ships.

(e) Cadets at State maritime academies on State training ships.

(f) Seamen on vessels of the Mississippi River Commission and officers and crews of vessels of the Fish and Wildlife Service.

(g) Members of the Merchant Marine Cadet Corps.

(h) USPHS commissioned officers on active duty for training for a specified period of 30 days or less.

(i) U.S. Coast Guard officers, warrant officers, enlisted personnel, and temporary members of the U.S. Coast Guard Reserve on active duty for training for a specified period of 30 days or less, including those on shore duty and detached duty.

(j) Commissioned Corps of the U.S. Coast and Geodetic Survey on active duty for training for a specified period of 30 days or less.

(k) Employees and noncommissioned officers in the field service of the U.S. Public Health Service when injured or taken sick in line of duty.

(l) Civilian seamen in service of ships operated by the Army or Military Sea Transportation Service (MSTS) within the United States and its possessions.

(m) American Indians in CONUS.

(n) American Indians, Eskimos, and Aleuts in Alaska.

§ 815.51 Physical examinations and immunizations.

USPHS reserve commissioned officers in inactive status may receive physical examinations and/or immunizations upon presentation of letter of authorization from the USPHS, Washington, D.C., 20201.

§ 815.52 Certain seamen.

(a) Civilian seamen in service of ships operated by the Army or MSTS outside the United States and its possessions may be provided medical care upon presentation of written authorization from the ship's master or appropriate Army authority (where the ship is in the service of the Army) or other administrative authority in case of MSTS ships.

(b) American seamen (officers and crews) outside CONUS on ships of U.S. registry may be provided medical care overseas upon presentation of written authorization from the ship's master or other administrative authority. Seamen in this category hospitalized overseas requiring prolonged hospitalization may be evacuated through military aeromedical evacuation channels as soon as their condition permits.

(1) Transportation charges will be made as applicable.

(2) Other than care en route, such seamen are not authorized care in Air Force medical facilities after return to the United States.

## Subpart G—Foreign Service Personnel

§ 815.60 Department of State beneficiaries.

(a) Outside CONUS: (1) Officers and employees (U.S. citizens) of the agencies listed in this subparagraph serving abroad and dependents residing abroad with their sponsor may be provided medical care (including physical examinations and immunizations) in Air Force medical facilities at the expense of the State Department. Dental treatment at State Department expense is authorized only for conditions resulting in hospitalization or when required for posthospitalization follow-up.

(i) Department of State.

(ii) U.S. Information Agency (USIA).

(iii) U.S. Agency for International Development (AID).

(iv) Foreign Agriculture Service, Department of Agriculture (USDA).

(v) Federal Aviation Agency (FAA).

(vi) Bureau of Public Roads, Department of Commerce.

(vii) U.S. Geological Survey employees detailed to an oversea assignment under AID auspices.

(viii) Staff members of the Peace Corps.

(ix) Such other agencies as may from time to time be included in the Foreign Service's Medical Program.

NOTE: Peace Corps volunteers, volunteer leaders, and their dependents are not in-

cluded in subparagraph (1) of this paragraph. (See § 815.62.) AID contractor employees and their dependents are not entitled to medical care at State Department expense. (See § 815.62(c).)

(2) "Dependent," as used in this subpart, includes those persons bearing the following relationship to the officer or employee: (i) Wife who is not an employee of an agency mentioned above; (ii) husband who is physically or mentally incapable of supporting himself; (iii) children, including step-children and adopted children, who are unmarried and under 21 years of age when in fact dependent on the officer or employee or, regardless of age, they are physically or mentally incapable of supporting themselves and are in fact dependent on the officer or employee for over one-half of his or her support. Parents (including step-parents and parents-in-law) and foster parents of the officer or employee who are dependent on the officer or employee for over one-half of their support and are residing in his household overseas may be provided medical care, but not at State Department expense.

(3) Except in an emergency, medical treatment must be authorized in writing by a principal or administrative officer of an established State Department foreign service post before treatment is initiated. In an emergency, such approval will be obtained as soon as possible.

(4) Elective medical or surgical treatment will not be authorized unless the hospital commander concerned believes that the patient requires such elective treatment to adequately perform his assigned duties and return to the U.S. for medical reasons would otherwise result.

(5) Persons specified in subparagraphs (1) and (2) of this paragraph requiring hospitalization for a prolonged period may be returned to CONUS upon the written request of the sponsoring agency.

(6) Dependent patients requiring prolonged hospitalization, who decline evacuation, will be released to the custody of their sponsor. Readmission for the same condition is authorized only to prevent loss of life or undue suffering.

(7) Authorization for medical care of dependents at State Department expense is normally limited to 120 days for each illness or injury. The 120 days cover the days for which expenses for treatment are incurred and need not be consecutive. Medical care beyond the 120 days may not be provided at State Department expense, except upon written authorization of the principal or administrative officer of the foreign service post concerned.

(8) If persons listed in subparagraphs (1) and (2) of this paragraph are furnished medical care which is not authorized at State Department expense, § 815.73 applies.

(9) Problems encountered in collecting locally from officers, employees, or dependents hospitalized for care not authorized at State Department expense will be referred to the immediate supervisor of the officer, employee, or sponsor.

(b) Inside CONUS: Upon prior written request of the State Department medical director (or appropriate official of the agency concerned), the following medical services may be provided in Air Force medical facilities inside CONUS:

(1) Pre-employment physical examinations and necessary immunizations of applicants for appointment as officers and employees in the foreign service of the agencies listed in paragraph (a) (1) of this section.

(2) Pre-embarkation and periodic physical examinations and immunizations for officers, employees, and eligible dependents. The written request will include instructions for disposition of the SF 88 and 89, "Report of Medical History."

(c) Upon written authorization provided by the State Department medical director, or a principal or administrative officer of the foreign service post concerned, persons listed in paragraphs (a) (1) and (2) of this section may be provided medical care in CONUS at State Department expense for illness or injury incurred overseas.

### § 815.61 VA employees and their dependents in oversea offices.

United States citizen employees of VA assigned to oversea United States VA regional offices, and their dependents, may be provided medical care, except as indicated in paragraph (a) of this section. The U.S. VA Regional Office, Manila, Philippines, or the Manager, VA Office for Europe, APO 794, New York, N.Y., as appropriate, will provide written authorization for care for beneficiaries mentioned in this paragraph prior to their admission and will furnish evacuation and disposition instructions for patients being returned to CONUS by aeromedical evacuation. In an emergency, approval will be obtained in writing as soon as practicable.

(a) Outpatient care, not a part of treatment provided in connection with hospitalization, is not authorized, except upon prior written request.

(b) Upon presentation of proper identification, an employee or dependent not entitled to care at VA expense may be provided care at the person's own expense under § 815.73.

### § 815.62 Peace Corps volunteer personnel and their dependents.

(a) *Inside CONUS.* (1) Peace Corps volunteer applicants (volunteers and volunteer leaders) may be provided preselection physical examinations at Air Force hospitals and "Class A" dispensaries.

(i) Those persons in subparagraph (1) of this paragraph will apply to the medical installation for appointment with a letter of authorization, SF 88, "Report of Medical Examination," and SF 89, "Report of Medical History," with detailed instructions regarding examination required, necessary consultations, and disposition of the two forms.

(ii) Air Force physicians are not required to assess the qualifications of individuals.

(iii) Hospitalization is not authorized in conjunction with these examinations.

(iv) Immunizations are authorized upon special request of the Peace Corps.

(2) Upon request of the Peace Corps, separation or other special physical examinations may be provided for volunteer personnel and their dependents. Instructions enumerated in subparagraph (1) of this paragraph apply.

(3) Medical care for illness or injury occurring during the training period may be provided volunteers and volunteer leaders (but not dependents of volunteer leaders) upon approval at departmental level. All such requests should be referred by the most expeditious means to Hq USAF (AFMSHAD), Washington, D.C., 20333.

(b) *Outside CONUS.* (1) Volunteers, volunteer leaders, and dependents of volunteer leaders may be provided medical care at Peace Corps expense when requested in writing by a representative or physician of a Peace Corps foreign service post. In an emergency, approval will be obtained in writing as soon as possible. (§ 815.2(e) applies.)

(2) Volunteers and volunteer leaders, and dependents of volunteer leaders, may be provided termination physical examinations. In most cases these examinations will be conducted by Peace Corps staff physicians, however, assistance may be requested for ancillary services. Reimbursement for the examination, in whole or in part, will be at the rate of $7.00 for each individual. Request for payment will be sent to the Peace Corps, Budget and Finance Division, Washington, D.C., 20525.

## Subpart H—Department of Justice (Including Federal Bureau of Investigation), Federal Aviation Agency, Department of Defense, and Other Federal Agencies

### § 815.70 Department of Justice.

(a) *Federal Bureau of Investigation (FBI).* (1) Upon presentation of a letter of authority from a special agent in charge of a field office of the FBI, investigative employees of the FBI, and applicants for employment as special agents with the FBI may be provided physical examinations and immunizations in Air Force medical facilities. The letter of authority will include instructions for disposition of SFs 88 and 89.

(2) Hospitalization is authorized when necessary to determine the employee's physical fitness. This period is to be used for diagnostic purposes only, not to correct disqualifying defects.

(3) FBI personnel stationed outside CONUS may be provided medical care in accordance with Subpart E or § 815.73, as applicable.

(b) *Other personnel of the Department of Justice.* (1) Deputy U.S. marshals stationed in Alaska may receive physical examinations in Air Force medical facilities upon presentation of a letter of authority from the Department of Justice. This letter will include instructions for the disposition of the completed SFs 88 and 89.

(2) Hospitalization is authorized if necessary to determine the applicant's physical fitness. This period is to be used for diagnostic purposes only, not to correct disqualifying defects.

(c) *Claimants.* Upon written authorization from the Department of Justice or the U.S. attorney in the case, claimants whose claims or suits are being defended by the Department of Justice may be furnished physical examinations to determine the extent and nature of injuries or disabilities claimed. Report of such examination will be furnished promptly to the U.S. attorney. Hospitalization is authorized if necessary to determine the applicant's physical condition, but it should not exceed three days.



### § 815.71 Secret Service special agents.

Upon presentation of a letter of authority from the Chief, U.S. Secret Service, special agents of that agency may be provided routine annual physical examinations in Air Force medical facilities. The examinations will be conducted and recorded in the same manner as the periodic medical examinations provided nonflying officers. Examinations will be conducted on an outpatient basis only. If hospitalization for diagnostic purposes is considered desirable, a statement to that effect is placed in item 73 or 75, as appropriate, of the SF 88, "Report of Medical Examination." The SF 88 and the SF 89, "Report of Medical History," (one copy of each) are forwarded to the Chief, U.S. Secret Service, Treasury Department, Washington, D.C., 20220.

### § 815.72 Federal Aviation Agency (FAA).

Upon receipt of a letter of authority, signed by a medical officer of the FAA, employees of that agency located on or in close proximity to Air Force bases in CONUS, may be provided immunization.

### § 815.73 Department of Defense and other government agency employees paid from appropriated and nonappropriated funds and their dependents outside CONUS.

(a) Unless otherwise covered in this part, U.S. citizens who are employees of the Department of Defense or other Federal agencies (paid from appropriated or nonappropriated funds), and their dependents, stationed outside CONUS may receive medical care in Air Force medical facilities. Here, "dependent" includes:

(1) Wife who is not an employee of a Federal agency.

(2) Husband who is physically or mentally incapable of supporting himself.

(3) Children, including stepchildren and adopted children, who are unmarried and have not passed their 21st birthday or are incapable of selfsupport because of a mental or physical incapacity that existed before reaching age 21; or who have passed their 21st, but not their 23rd birthday, are dependent on the sponsor for over one-half of their support and are enrolled in a full-time course of study in an accredited institution of higher learning.

(4) A parent or parent-in-law who is dependent on the sponsor for over one-half of his support and who is residing with the sponsor overseas.

(b) Non-U.S. citizen civilian employees of the Department of Defense paid from appropriated or nonappropriated funds may receive medical care in Air Force medical facilities when civilian medical facilities are not available or are not adequate. Charges will be imposed at the special reimbursement rate (SRR) prescribed in AFR 168-7, except where:

(1) It is determined by the oversea major air commander that salary rates paid non-U.S. citizen personnel are inadequate for a charge at the special reimbursement rate. In such instances, the only charge will be for subsistence.

(2) Other official agreements are made to provide medical care without charge.

(c) U.S. citizen employees or their dependents may be returned to CONUS in a patient status. Before transfer, the patient or next of kin will make arrangements for continuing the required medical care in CONUS.

(d) Subpart E of this part applies when a U.S. citizen employee, paid from appropriated funds, is a potential BEC beneficiary.

### § 815.74 Federal civilian employees health program.

Civilian employees of the Government paid from appropriated funds are entitled to outpatient type care for on-the-job illnesses and injuries and for other outpatient care as set forth in this section.

(a) Pre-employment physical examinations, including related medical services required to complete the examinations.

(b) Immunization of employees and their dependents before oversea assignment.

(c) Examinations following sickness absenteeism, when indicated.

(d) Examinations, when indicated, upon request of the employee's superior or competent medical authority.

(e) Periodic examinations to determine effect of environment.

(f) Emergency care for nonservice connected illness or injury. Care will be provided for the duration of the emergency or until the patient can be safely moved to another facility. Arrangements should be made promptly for further medical care by a civilian physician, or dentist of the patient's own choice. When admission is for 24 hours or more, personnel will be administered in accordance with § 815.85, unless they are otherwise entitled to such care.

(g) Treatment of minor illnesses during work hours when necessary to alleviate pain or when illnesses would require a disproportionate amount of time lost from the job.

NOTE: Upon the specific request of a local physician, special treatments on an outpatient basis are permitted to prevent loss of time from duty. Medicines needed for such treatments will be furnished by the employee, but will be administered without charge.

### § 815.75 Physical examinations for special categories of personnel.

(a) Pre-employment and periodic physical examinations may be provided for:

(1) Contract food service employees.

(2) Base exchange employees and base exchange concessionaire employees.

(3) Officer, NCO, and service club employees.

(4) School teachers when employed on base or in oversea areas when employed in Armed Forces schools operated by a U.S. military department.

(b) Examinations are confined to that required by Air Force or major air command directives and additional requirements considered necessary by the hospital commander.

(c) Domestic servants, when employed on base by Air Force personnel, may be given health inspections in Air Force medical facilities at Government expense when required by command directives as a condition of employment. When not required as a condition of employment, health inspection may be provided at the physical examination rate, collected locally from the sponsor. Health inspections are performed to insure that communicable disease will not go undetected at an Air Force installation. Medical care is not authorized in connection with these health inspections and only those procedures necessary to establish the presence or absence of communicable disease are carried out.

(d) Medical examinations in connection with disability retirement may be furnished civilian employees of all Federal agencies without charge when such examinations are requested by authorized representatives of the U.S. Civil Service Commission. Exception: When hospitalization is necessary to the proper conduct of these examinations, subsistence charges will be collected locally from the person concerned. Hospitalization is authorized for diagnostic purposes only, not to correct disqualifying defects.

### § 815.76 U.S. Army National Guard technicians manning missile sites.

U.S. Army National Guard technicians manning missile sites may be provided physical examinations.

## Subpart I—Miscellaneous Categories of Personnel

### § 815.80 American National Red Cross personnel, other officially recognized welfare workers, and their dependents.

American National Red Cross personnel and other officially recognized welfare workers may be furnished medical care at Air Force medical treatment facilities when assigned to full-time duty with a uniformed service. Dependents of American National Red Cross personnel may be furnished medical care only:

(a) When they reside with their principal while stationed outside CONUS, and

(b) When civilian medical facilities are not obtainable or adequate.

### § 815.81 U.S. citizen scientific consultants, technical representatives, and contract technicians and their dependents outside CONUS.

These categories of personnel may be provided medical care when the oversea commander determines that local civilian medical facilities are not available or are not adequate. Principals must be:

(a) Accompanying the Air Force in the field.

(b) On duty with the Air Force.

(c) Traveling under competent orders.

**§ 815.82 Alien scientific and technological specialists; employees of commercial airlines; civilian employees of "Cost-Plus-A-Fixed-Fee" contractors; and certain civilians (U.S. citizens) outside CONUS.**

(a) Alien specialists who have contracted with the U.S. Government to perform scientific and technological work for the military services will be provided emergency medical care at or near the project area to which assigned. The Air Force will not defray expenses incurred as a result of treatment by a civilian physician or hospitalization in a civilian hospital.

(b) Employees of commercial airlines under contract to MATS may be provided emergency medical care.

(c) Employees of a civilian "Cost-Plus-A-Fixed-Fee" contractor with the Government, upon written request of the contractor, may be provided medical care. Reimbursement will be in accordance with the terms of the contract. In the absence of specific agreement in the contract, medical care may be furnished at the full reimbusement rate specified in AFR 168–7 and collected locally from the contractor. Elective care is not authorized.

(1) Patients whose disabilities will preclude their return to work and those requiring prolonged treatment will be reported to the contractor for disposition. Such patients may be returned to CONUS as soon as their condition permits. Transportation costs will not be borne by the Air Force, but by the employee or the contractor.

(2) When the return of such patients is indicated and they are to travel in patient status, the contractor or patient will make arrangements for care required in CONUS before departing from the oversea hospital. Care in Air Force medical facilities in CONUS is not authorized except for intransit care and disposition purposes.

(3) Reimbursement for hospitalization is not required for the period these patients are traveling in the aeromedical evacuation system.

(d) When the oversea commander determines that local civilian facilities are not available or adequate, he may furnish medical care to the following personnel and their dependents who assist in mission accomplishment and are not authorized medical care under other provisions of this part. Such persons include, but are not limited to:

(1) News correspondents.

(2) Representatives of commercial airlines.

(3) Representatives of oil companies.

(4) Professional educators and instructors.

(e) The following U.S. citizens who assist the oversea commander in accomplishing his mission may be furnished emergency hospitalization and medical treatment without charge (except subsistence which will be collected locally from the individual):

(1) Civilian religious leaders or religious groups.

(2) Celebrities and entertainers.

(3) Athletic consultants or instructors.

(4) Representatives of the USO, other social agencies, and educational institutions.

(5) Persons in similar status who provide direct service to the U.S. Armed Forces and have obtained invitational orders from the Office of the Secretary of Defense or from one of the military departments to visit oversea military commands.

**§ 815.83 Civilians training in Air Force facilities, performing aircrew duties, or flying in Air Force aircraft.**

(a) When considered necessary or desirable in the Government interest, the following persons may be provided physical examinations to determine physical qualifications for training, for performing aircrew duties, or for flying in Air Force aircraft:

(1) Employees or prospective employees of Government contractors who have been otherwise approved for training in Air Force facilities or for performing aircrew duties.

(2) Passengers and maintenance personnel flying in high performance aircraft.

(3) Civilian employees of or under contract to the Department of Defense and of other Government departments or agencies who have been approved to perform aircrew duties or receive instructions in such duties.

(4) Test pilots of the Department of Defense; representatives of or persons sponsored by foreign governments; other non-U.S. citizens; and U.S. citizens not a part of the Department of Defense who have been otherwise approved for flying Air Force test aircraft under Part 859.

(b) The examinee may be hospitalized to complete the examination. Medical care is not authorized in this connection.

**§ 815.84 Army and Air Force exchange service personnel proceeding overseas.**

(a) Pre-embarkation physical examinations and immunizations may be provided without charge upon written request of the sponsoring agency. Hospitalization is not authorized in this connection.

(b) The extent of the examinations and immunizations to be accomplished will be prescribed by the requesting agency and will be comparable to those performed for employees of the Government prior to their employment overseas.

(c) See § 815.73 (a) and (b) for medical care authorized outside CONUS.

**§ 815.85 Persons not included elsewhere.**

Any person may be admitted to an Air Force medical facility in an emergency for humanitarian reasons upon the approval of the hospital commander or his designated representative. The full reimbursement rate (FRR) specified in AFR 168–7 applies and will be collected locally from the individual.

## Subpart J—The Secretary of the Air Force and Designees

**§ 815.90 The Secretary of the Air Force and designees.**

(a) The Secretary of the Air Force is authorized medical care in Air Force medical facilities. Individual designees of the Secretary may be provided care upon his prior written authority. Donors of organs for transplant to authorized personnel may be admitted upon the prior written authority of the Secretary. Unless specifically authorized otherwise by the Secretary, the full reimbursement rate, or the outpatient rate, whichever applies, will be collected locally from the individual.

(b) This authority is delegated to major air commanders having medical facilities outside CONUS for persons referred to in § 815.99(c). In those instances when the geographical dispersion of a major oversea command warrants such action, the authority may be redelegated to a major subordinate commander.

## Subpart K—Nationals of Foreign Governments

**§ 815.95 NATO personnel in the United States.**

(a) Military personnel of NATO nations listed in subparagraph (1) of this paragraph who, in connection with their official duties are stationed in, or passing through the United States, and their dependents residing in the United States with their sponsors may be provided medical care in Air Force medical facilities to the same extent and under the same conditions as comparable U.S. military personnel and their dependents:

(1) Belgium, (2) Canada, (3) Denmark, (4) France, (5) Federal Republic of Germany, (6) Greece, (7) Iceland, (8) Italy, (9) Luxembourg, (10) Netherlands, (11) Norway, (12) Portugal, (13) Turkey, and (14) United Kingdom.

(b) Here, "military personnel," "civilian personnel," and "dependent" mean:

(1) *Military personnel.* Persons belonging to the land, sea, or air armed services of any State which is a party to the North Atlantic Treaty when in the United States in connection with their official duties.

(2) *Civilian personnel.* Civilian persons accompanying military personnel as employees of an armed service of the NATO nation concerned, provided that such civilians are not stateless persons nor nationals of any State which is not a party to the North Atlantic Treaty, nor nationals of, nor ordinarily resident in, the United States. (Medical care for this category is the same as for comparable U.S. civilian personnel.)

(3) *Dependent.* (i) A wife.

(ii) A husband if he is dependent on the member for over one-half of his support and who either:

(a) Has not passed his 21st birthday.

(b) Is incapable of self-support because of a mental or physical incapacity that existed before he was 21 years old; or

(c) Has not passed his 23d birthday and is enrolled in a full-time course of study in an approved institution of higher learning.

(c) Eligible persons stationed in the United States who apply for care will present an appropriate DD Form 1173, "Uniformed Services Identification and Privilege Card." Each card will indicate the services authorized and bear an expiration date. Eligible persons passing through the United States on official duties who require care will present orders or other identification verifying their status.

(d) Effective July 1, 1963, NATO military personnel and their dependents, may receive medical care under the same conditions as comparable U.S. military personnel and their dependents, at military expense from the Department of Defense, other Federal sources and civilian sources.

**§ 815.96 Foreign nationals, other than personnel of NATO nations, in the United States.**

Personnel of foreign nations, when in the United States on a status officially recognized by an agency of the Department of Defense may be provided medical care in Air Force medical facilities to the same extent and under the same conditions as comparable U.S. personnel. Such persons include:

(a) Military personnel whose names appear on the Diplomatic List or the List of Employees of Diplomatic Missions published by the Department of State.

(b) Military personnel assigned or attached to U.S. military units for duty or training.

(c) Military personnel on duty in the United States at the invitation of the Department of Defense or one of the military departments.

(d) Military personnel accredited to joint U.S. defense boards or commissions.

(e) Dependents of military personnel listed in paragraphs (a) through (d) of this section when residing with their sponsor. "Dependent" in § 815.2(e) applies.

(f) Civilian personnel of foreign nations on duty in the United States at the invitation of the Department of Defense or one of the military departments may be provided care in an emergency. Arrangements will be made to transfer the individual to a civilian facility as soon as his condition permits.

**§ 815.97 Persons requiring hospitalization for more than 90 days.**

When it is determined that a person authorized care under §§ 815.95 and 815.96 will require hospitalization for a period in excess of 90 days, Hq USAF (AFMSHAD), Washington, D.C., 20333, will be advised by letter. The letter will include the patient's name, home country, official status, diagnosis, and expected duration of hospitalization.

**§ 815.98 Trainees under the Military Assistance Program (MAP).**

Foreign personnel (military or civilian) in the United States or stationed at U.S. Armed Forces installations overseas for training under the MAP may be provided medical care. Medical care from civilian sources may be authorized this category of personnel. Elective medical care, as defined in § 815.2(g), is not authorized.

(a) Transfer between medical facilities of the Armed Forces in CONUS is authorized when the medical facility to which the person was originally admitted cannot provide required care.

(b) When the hospital commander has determined that a MAP trainee requires medical treatment that will force discontinuance of his training for more than 90 days, the commander of the training facility will be so notified. When it is determined that the trainee is physically or mentally disqualified for further training, the hospital commander will:

(1) For a flying trainee, forward information to Hq USAF (AFMSPB), Washington, D.C., 20333, as follows: SF 88 and 89, a complete narrative summary, and recommendations on whether continued treatment in the United States or return to home country is indicated.

(2) For a nonflying trainee, forward information to Hq ATC (ATPAP–PF), Randolph AFB, Tex., 78148. Information will include name, grade, service number, home country, diagnosis, prognosis, expected time and type of disposition, and recommendation on whether return to home country is indicated.

(3) When a trainee is being returned to his home country, have a copy of the patient's clinical records and all personal effects forwarded with the patient.

(c) When dependents of MAP trainees live in CONUS or on U.S. Armed Forces installations overseas with their principal, they may be provided medical care subject to the availability of space and facilities and the capabilities of the medical staff. Dental care may be provided to the same extent and under the same conditions as for dependents of U.S. military personnel. "Dependent" in § 815.2 (e) applies.

**§ 815.99 Foreign nationals outside CONUS.**

Authority is hereby delegated to the oversea major air commander or comparable commander with oversea responsibility to issue regulations pertaining to medical care for nationals of foreign governments. Such regulations will designate categories of persons, both military and civilian, that may be authorized medical care. The general policy is as follows:

(a) Admission to Air Force medical facilities may be authorized subject to the availability of space and facilities and the capabilities of the professional staff, provided that the foreign nationals cannot obtain the necessary care from medical facilities of their own country. Foreign military personnel may be charged for subsistence only when this will help to advance or serve the best interests of the oversea command; otherwise medical care furnished will be at the full reimbursement rate.

(b) For non-U.S. citizens employed at Air Force oversea military installations, see § 815.73(b).

(c) For special category of foreign nationals, see § 815.90(b) and as follows:

(1) Medical care may be furnished outside the United States to foreign nationals not otherwise authorized care under this part when such action is determined to contribute to the advancement of the public interests of the United States.

(2) Persons in this category will be provided care as "Designees of the Secretary."

(3) Generally, care under this paragraph will be afforded only to foreign officials of high national prominence. However, care may be afforded to other foreign nationals when, because of unusual circumstances or the extraordinary nature of the case, such action would be in consonance with subparagraph (1) of this paragraph.

(4) Normally, care will not be afforded under this section for treatment of foreign nationals who suffer from incurable afflictions or who require excessive nursing care.

(5) The recommendations of the chief of the diplomatic mission to the country involved should be sought before determining whether care may be afforded under this section.

(6) Collection will be made locally, except in unusual cases the oversea major air commander may waive charges.

**§ 815.100 Movement into the U.S. to obtain medical care.**

(a) Foreign nationals (military or civilian) will not be moved into the United States for care in Air Force medical facilities without prior approval of the State Department, the Secretary of the Air Force, and the Chief of Staff, USAF. The responsibility for obtaining diplomatic approval rests with the foreign country concerned. Such approval and certification by the Surgeon General, USAF, of acceptance for treatment in an Air Force hospital must be obtained before scheduling the patient for departure from the oversea area.

(b) The request to move a foreign national into the United States to obtain medical care will be processed in the following manner:

(1) The request will be forwarded to Hq USAF (AFCAV), Washington, D.C., 20330, and will include:

(i) Full name and grade of service member.

(ii) The country of which a citizen.

(iii) Results of coordination with chief of the diplomatic mission to the country involved.

(iv) Medical report giving the history, diagnosis, clinical findings, results of diagnostic tests and procedures, and all other pertinent medical information.

(v) Availability of professional skills and adequacy of facilities for treatment in the member's country and oversea Air Force medical facilities.

(vi) Who will assume financial responsibility for costs of transportation and hospitalization.

(2) Upon approval of entry to the United States from the Department of State, the Chief of Staff, USAF, will determine appropriateness of acceptance of the patient for treatment in an Air Force medical facility. The Surgeon General, USAF, will furnish recommendations on medical aspects of the case based on subdivisions (iv) and (v) of this subparagraph, and identify the Air Force hospital having capability to provide required care. If approved, the Chief of Staff, USAF, will notify the oversea commander concerned and furnish the commander of the Air Force hospital written authorization for admission of the patient for treatment at the full reimbursement rate specified in AFR 168–7. Should the inability to pay for transportation and/or hospitalization become a factor, the Secretary of the Air Force will resolve the matter.

(3) When a case of this nature originates with, or is processed by, an agency outside the Department of Defense, the Defense official transmitting the recommendation or request should include a statement of agreement of the agency involved that any fiscal responsibility in the matter will be borne by the originating agency if necessary.

## Subpart L—Persons Authorized Medical Care

### § 815.101 Members of the uniformed services.

INPATIENT

FRR—Full reimbursement rate.
IAR—Interagency rate.
ISR—Interservice rate.
SRR—Special reimbursement rate.
DR—Dependent rate, AF personnel.
ISDR—Dependent rate, other uniformed services personnel.

OUTPATIENT

OPR—Outpatient rate.
SOPR—Special outpatient rate.
PER—Physical examination rate.
IR—Immunization rate.
FOPR—Full outpatient rate.

| Class of patients | Written authority required | Hospitalization or subsistence charge | Outpatient, immunization, or physical examination charge | Collect | Reports required for central reimbursement | Supplemental care at AF expense | Hearing aids, prosthetic devices, spectacles, or orthopedic footwear |
|---|---|---|---|---|---|---|---|
| Air Force: | | | | | | | |
| Officers, Warrant Officers, AF Academy Cadets, and Aviation Cadets. | No | Subsistence only. | None | Locally from individual. | None | Yes | Yes. |
| Enlisted personnel. Airmen OSI agents receiving basic allowance for subsistence (BAS) will be furnished rations in kind.) | No | None | None | None | None | Yes | Yes. |
| Army: | | | | | | | |
| Officers and Warrant Officers. | No | ISR | None | (1) | AF Form 235b [4] | Yes | Yes. |
| Enlisted personnel | No | ISR | None | (2) | AF Form 235b. | Yes | Yes. |
| USMA Cadets | No | ISR | None | (3) | DD Form 7. | Yes | Yes. |
| Navy and Marine Corps: | | | | | | | |
| Officers and Warrant Officers. | No | ISR | None | (1) | AF Form 235b. | Yes | Yes. |
| Aviation Cadets and enlisted personnel. | No | ISR | None | (2) | do | Yes | Yes. |
| Midshipmen of the U.S. Naval Academy. | No | ISR | None | (3) | DD Form 7 | Yes | Yes. |
| Coast Guard: | | | | | | | |
| Officers and Warrant Officers. | No | ISR | None | (1) | AF Form 235b. | Yes | Yes. |
| Coast Guard—Con. | | | | | | | |
| Enlisted personnel | No | ISR | None | (3) | do | Yes | Yes. |
| Coast Guard Academy Cadets. | No | ISR | None | (3) | DD Form 7. | Yes | Yes. |
| U.S. Public Health Service: | | | | | | | |
| Commissioned Corps. | No | ISR | None | (1) | AF Form 235b. | Yes | Yes. |
| Coast and Geodetic Survey: | | | | | | | |
| Commissioned Corps. | No | ISR | None | (1) | do | Yes | Yes. |
| AF and Army National Guard and AF, Army, Navy and Marine Corps Reserve personnel on active duty; active duty for training; or on inactive duty training: | | | | | | | |
| AF officers and Warrant Officers. | Yes | Subsistence only. | None | Locally from individual. | None | Yes [5] | (6). |
| AF enlisted personnel. | Yes | None | None | None | None | Yes [5] | (6). |
| Army officers or Warrant Officers. | Yes | ISR | None | (1) | DD Form 7. | Yes [5] | (6). |
| Army enlisted personnel. | Yes | ISR | None | (2) | do | Yes [5] | (6). |
| Navy and Marine Corps officers or Warrant Officers. | Yes | ISR | None | (1) | do | Yes [5] | (6). |
| Navy and Marine Corps enlisted personnel. | Yes | ISR | None | (2) | do | Yes [5] | (6). |

[1] Subsistence locally from the individual and hospitalization by Hq USAF (AFMSG).
[2] Central collection by Hq USAF (AFMSG).
[3] For injuries incurred or disease contracted in line of duty, when on active duty or on active duty for training; or for injuries incurred in line of duty when on inactive duty training.
[4] Title of AF Form 235b is "Report of Patients—Hospital Supplement."
[5] Eye refractions and spectacles are authorized without charge to Reservists actively performing duty involving flying, air traffic controlling, or weather observing at a weather observation site, regardless of the period of active duty.
[6] See footnotes at end of table.

### § 815.102 Retired members of the uniformed services, VA beneficiaries, and Soldiers Home members.

| Class of patients | Written authority required | Hospitalization or subsistence charge | Outpatient, immunization or physical examination charge | Collect | Reports required for central reimbursement | Supplemental care at AF expense | Hearing aids, prosthetic devices, spectacles or orthopedic footwear |
|---|---|---|---|---|---|---|---|
| Retired members: | | | | | | | |
| AF officers and Warrant Officers (§815.10). | No | Subsistence only. | None | Locally from individual. | None | Yes (see § 815.10 (d)). | (6). |
| AF enlisted personnel (§815.10). | No | None | None | None | None | do | (6). |

See footnotes at end of table.



| Class of patients | Written authority required | Hospitalization or or subsistence charge | Outpatient, immunization or physical examination charge | Collect | Reports required for central reimbursement | Supplemental care at AF expense | Hearing aids, prosthetic devices, spectacles, or orthopedic footwear |
|---|---|---|---|---|---|---|---|
| Retired members—Con. | | | | | | | |
| Army, Navy, Marine Corps, Coast Guard officers; Warrant Officers and the Commissioned Corps of the U.S. Public Health Service; the Coast and Geodetic Survey (§815.10). | No | ISR | None | (1) | AF Form 235b. | do | (6). |
| Army, Navy, Marine Corps, and Coast Guard enlisted personnel (§815.10) | No | ISR | None | (2) | do | do | (6). |
| VA beneficiaries (§815.11). | Yes | IAR | FOPR | (4) | None | Yes | (6). |
| Soldiers Home members (§815.12). | Yes | IAR | None | (3) | DD Form 7. | Yes | No. |

[1] Subsistence locally from the individual and hospitalization by Hq USAF (AFMSG).
[2] Central collection by Hq USAF (AFMSG).
[3] Issue and repair hearing aids, spare parts, etc., at AF expense. Prosthetic devices, spectacles, and orthopedic footwear may be furnished when facilities are adequate and available.
[4] Local collection based on SF 1080 series supported by DD Form 7 or 7A and letter of authorization to VA regional office having jurisdiction.
[5] Hearing aids, spectacles, artificial limbs, and like appliances will be furnished by the AF at hospitals where the VA has beds allocated.

### § 815.103 Reserve Officers Training Corps, Civil Air Patrol, and Boy Scouts of America.

| Class of patients | Written authority required | Hospitalization or subsistence charge | Outpatient, immunization or physical examination charge | Collect | Reports required for central reimbursement | Supplemental care at AF expense | Hearing aids, prosthetic devices, spectacles, or orthopedic footwear |
|---|---|---|---|---|---|---|---|
| ROTC: | | | | | | | |
| Air Force (§ 815.20) | Yes | None | None | None | None | (1) | (1). |
| Army—Navy (§ 815.20). | Yes | ISR | None | (2) | DD Form 7. | (1) | (1). |
| Civil Air Patrol (§§ 815.21 and 815.40(b)). | Yes | Subsistence only. | None | Locally from individual. | None | No | No. |
| Boy Scouts of America (§ 815.22). | No | do | None | do | None | No | No. |

[1] For injuries incurred or diseases contracted in line of duty. (See § 815.20(d).)
[2] Central collection by Hq USAF (AFMSG).

### § 815.104 Personnel being processed or detained.

| Class of patients | Written authority required | Hospitalization or subsistence charge | Outpatient, immunization or physical examination charge | Collect | Reports required for central reimbursement | Supplemental care at AF expense | Hearing aids, prosthetic devices, spectacles, or orthopedic footwear |
|---|---|---|---|---|---|---|---|
| Applicants for enlistment or commission (§815.30). | No | None [1] | None | No | None | No | No. |
| Maternity care for women of the uniformed services discharged or relieved from active duty (§815.31). | No | Subsistence only. | None | Locally from individual. | None | Yes | No. |
| Prisoners of war, internees, others in military custody or confinement, and nonmilitary Federal prisoners: | | | | | | | |
| POW's internees, and others in military custody or confinement (§ 815.32). | No | None | None | No | None | Yes | No. [2] |
| Military prisoners hospitalized beyond expiration of sentence (§ 815.32). | No | FRR | None | Locally from individual. | None | No | No. |
| Nonmilitary Federal prisoners from prisoner camps located on air bases (§ 815.32). | No | $1.75 per day | None | Locally from Dept. of Justice. | None | Yes | No. |
| Other nonmilitary Federal prisoners (§ 815.32). | Yes | IAR | OPR | (3) | DD Form 7 or 7A. | Yes | No. |

[1] No charge, except for emergency conditions occurring during physical examination period. (FRR applies in this instance with collection made locally.) (See § 815.55.)
[2] Prisoners of war may be furnished spectacles and prosthetic devices only.
[3] Central collection by Hq USAF (AFMSG).

### § 815.105 Bureau of Employees' Compensation beneficiaries.

| Class of patients | Written authority required | Hospitalization or subsistence charge | Outpatient, immunization or physical examination charge | Collect | Reports required for central reimbursement | Supplemental care at AF expense | Hearing aids, prosthetic devices, spectacles, or orthopedic footwear |
|---|---|---|---|---|---|---|---|
| U.S. Government employees who sustain personal injury while in performance of duty (§ 815.40). | Yes | IAR | None | (1) | DD Form 7. | Yes | (7). |
| Members of ROTC who are injured or who contract a disease while engaged in training and require medical care beyond the period of training (§ 815.40). | Yes | IAR | None | (1) | do | Yes | (7). |

See footnotes at end of table.



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| Class of patients | Written authority required | Hospitalization or subsistence charge | Outpatient, immunization or physical examination charge | Collect | Reports required for central reimbursement | Supplemental care at AF expense | Hearing aids, prosthetic devices, spectacles, or orthopedic footwear |
|---|---|---|---|---|---|---|---|
| Senior members of the CAP who are injured or who contract a disease and require medical care beyond the period of specified assignment (§ 815.40). | Yes | IAR | None | (1) | do | Yes | (2). |

[1] Central collection by Hq USAF (AFMSG).
[2] Spectacles and prosthetic devices only may be furnished with prior authorization. (See § 815.43.)

### § 815.106 USPHS beneficiaries and certain seamen.

| Class of patients | Written authority required | Hospitalization or subsistence charge | Outpatient, immunization or physical examination charge | Collect | Reports required for central reimbursement | Supplemental care at AF expense | Hearing aids, prosthetic devices, spectacles, or orthopedic footwear |
|---|---|---|---|---|---|---|---|
| Crew members of vessels of the Coast and Geodetic Survey; Coast Guard auxiliary personnel (§ 815.50(b)); seamen on ships of U.S. registry; seamen on State school ships; cadets at State maritime academies on State training ships; seamen on Mississippi River commission vessels and officers and crews of Fish-Wildlife Service; members of Merchant Marine Cadet Corps; Commissioned Officers USPHS on active duty for training for specified period of 30 days or less; U.S. Coast Guard personnel on active duty for training for a specified period of 30 days or less; Commissioned Corps of U.S. Coast and Geodetic Survey on active duty for training for a specified period of 30 days or less; employees and noncommissioned officers of the USPHS Field Service; civilian seamen in service of ships operated by the Army and MSTS within the U.S. and its possessions; American Indians in CONUS; and American Indians, Eskimos, and Aleuts in Alaska (§ 815.50). | Yes | IAR | OPR | (2) | DD Form 7A [4]. | Yes | (2). |
| USPHS Reserve commissioned officers in inactive status (§ 815.51). | Yes | (§ 815.51) | PER | (2) | DD Form 7A. | No | No. |
| Civilian seamen on ships operated by Army or MSTS outside U.S. and its possessions (§ 815.52). | Yes | IAR | OPR | (2) | DD Form 7 or 7A. | Yes | No. |
| American seamen outside CONUS on ships of U.S. registry (§ 815.52). | Yes | FRR | FOPR | (2) | None | No | No. |

[1] Central collection by Hq USAF (AFMSG).
[2] Prosthetic devices only may be provided with prior written authorization from proper authority.
[3] Collect locally from the individual or ship's agent.
[4] Title of DD Form 7A is "Report of Treatment Furnished Pay Patients; Out-Patient Treatment Furnished (Part B)."



### § 815.108 Department of Justice, FAA, Department of Defense, and other Federal agencies.

| Class of patients | Written authority required | Hospitalization or subsistence charge | Outpatient, immunization, or physical examination charge | Collect | Reports required for central reimbursement | Supplemental care at AF expense | Hearing aids, prosthetic devices, spectacles, or orthopedic footwear |
|---|---|---|---|---|---|---|---|
| Department of Justice: FBI investigative employees and applicants for employment as special agents (§ 815.70). | Yes | IAR when hospitalization is necessary (§ 815.70(e)(2)). | PER or IR as appropriate. | (1) | DD Form 7 or 7A. | Yes | No. |
| Deputy U.S. Marshals in Alaska (§ 815.70). | Yes | IAR when hospitalization is necessary (§ 815.70(b)(3)). | PER | (1) | do | Yes | No. |
| Claimants whose claims are administered by the Department of Justice (§ 815.70). | Yes | IAR when hospitalization is necessary (§ 815.70(q)). | PER [2] | (1) | do | Yes | No. |
| Secret Service Special Agents (§ 815.71). | Yes | N/A | PER [2] | DD Form 7A. | DD Form 7A. | No | No. |
| Federal Aviation Agency (§ 815.72). | Yes | N/A | IR | do | do | No | No. |
| U.S. citizen employees of Department of Defense (DOD) and other U.S. Government agencies outside CONUS and their dependents (§ 815.73). | No | FRR | SOPR | Locally from individual. | None | No | No. [3] |
| Non-U.S. citizen civilian employees of the Dept. of Defense when civilian medical facilities are not available (§ 815.73). | No | FRR | SOPR | Locally from individual. [4] | None | No | No. |
| Civilian employees covered by the Federal civilian employees health program (§ 815.74). | No | Subsistence only if hospitalized less than 24 hours. | None | Locally from individual. | None | No | No. |
| Special categories of personnel requiring medical examination (§ 815.75). | No | N/A [5] | None [6] | No [6] | None | No | No. |
| U.S. Army National Guard technicians manning missile sites (§ 815.76). | No | N/A | PER [2] | (1) | DD Form 7A. | No | No. |

[1] Central collection by Hq USAF (AFMSG).
[2] Spectacles may be furnished at the individual's expense when not available through commercial sources.
[3] See § 815.75(d).
[4] Only physical examinations and immunizations are authorized.
[5] See § 815.72(b)(1) and (2).
[6] Only physical examinations authorized.

### § 815.107 Foreign Service personnel.

| Class of patients | Written authority required | Hospitalization or subsistence charge | Outpatient, immunization or physical examination charge | Collect | Reports required for central reimbursement | Supplemental care at AF expense | Hearing aids, prosthetic devices, spectacles, or orthopedic footwear |
|---|---|---|---|---|---|---|---|
| U.S. citizen officers, employees, and authorized dependents of State Dept., U.S. Information Agency, U.S. International Development, Foreign Agriculture Service, Federal Aviation Agency (overseas), Peace Corps, Public Roads, U.S. Geological Survey, and staff members of the Peace Corps (§ 815.60). | Yes | IAR (for officers and employees) FRR (for authorized dependents). | OPR, PER, or IR as appropriate. | (1) | None | Yes | (2). |
| Officers, employees, and dependents listed above permitted at the individual's expense (§ 815.60). | Yes | FRR | SOPR | Locally from individual. | None | No | No. |
| U.S. citizen employees of the Peace Corps (§ 815.60). | Yes | IAR | OPR (§ 815.61 (a)(2)). | (2) | None | Yes | (2). |
| Peace Corps volunteer leaders, and dependents of volunteer leaders in overseas areas (§ 815.61). | Yes | IAR (for volunteers and volunteer leaders) FRR (for authorized dependents). | OPR, PER, or IR as appropriate. | (2) | None | Yes | (2). |
| Peace Corps volunteers in CONUS (§ 815.62). | Yes | IAR | OPR | (2) | None | Yes | (2). |

[1] Local collection based on SF Series 1080, "Voucher for Transfers Between Appropriations and/or Funds" supported by SF Form 7 and 7A and the original copy of the authorization to the VA office which authorized the medical service at Government expense.
[2] Spectacles may be furnished outside CONUS at the individual's expense when not available through commercial sources. Prosthetic devices, orthopedic appliances, etc., are authorized in connection with inpatient care only.
[3] Local collection based on SF Series 1080 supported by DD Form 7 or 7A and the original copy of the authorization to the VA office which authorized the medical service at Government expense.
[4] Local collection based on SF Series 1080 supported by SF Form 7 and 7A and the original copy of the authorization to the Peace Corps medical officer or physician of the foreign service post that authorized the medical service at Government expense. Billing for medical service furnished volunteers and volunteer leaders in the CONUS is processed in the same manner, except that SF 1080, DD Form 7 or 7A, and authorization are sent to the Chief, Medical Program Division, 806 Connecticut Ave., N.W., Washington, D.C., 20526. (Also see (§ 815.62(b)(2)).)



### § 815.109 Other persons.

| Class of patients | Written authority required | Hospitalization or subsistence charge | Outpatient, immunization or physical examination charge | Collect | Reports required for central reimbursement | Supplemental care at AF expense | Hearing aids, prosthetic devices, spectacles, or orthopedic footwear |
|---|---|---|---|---|---|---|---|
| Persons not otherwise listed in this section (§ 815.80). | Yes | IAR | OPR | (1) | DD Form 7 or 7A. | Yes | (2). |
| Persons not otherwise listed in this section (§ 815.80). | Yes | FRR | FOPR | (1) | None | No | No. |

[1] Collect locally from the individual or ship's agent.
[2] Prosthetic devices only may be provided with prior written authorization from proper authority.

### § 815.110 Persons not otherwise listed.

| Class of patients | Written authority required | Hospitalization or subsistence charge | Outpatient, immunization or physical examination charge | Collect | Reports required for central reimbursement | Supplemental care at AF expense | Hearing aids, prosthetic devices, spectacles, or orthopedic footwear |
|---|---|---|---|---|---|---|---|
| Persons not otherwise listed in this section (§ 815.80). | Yes | IAR | OPR | (1) | DD Form 7 or 7A. | Yes | (2). |
| Persons not otherwise listed in this section (§ 815.80). | Yes | FRR | FOPR | (1) | None | No | No. |

[1] Collect locally from the individual or ship's agent.
[2] Prosthetic devices only may be provided with prior written authorization from proper authority.

§ 815.110 The Secretary of the Air Force and designees of the Secretary of the Air Force.

| Class of patients | Written authority required | Hospitalization or subsistence charge | Outpatient, immunization or physical examination charge | Collect | Reports required for central reimbursement | Supplemental care at AF expense | Hearing aids, prosthetic devices, spectacles, or orthopedic footwear |
|---|---|---|---|---|---|---|---|
| Secretary of the Air Force (§ 815.90). | No | FRR | FOPR | Locally from individual. | None | Yes | Yes. |
| Secretary of the Air Force designee (§ 815.90). | Yes | FRR [1] | FOPR [1] | do | None | Yes [2] | Yes. [2] |

[1] Unless otherwise authorized by the Secretary. [2] When medical care is authorized at Government expense, otherwise not authorized.

§ 815.111 Nationals of foreign governments.

| Class of patients | Written authority required | Hospitalization or subsistence charge | Outpatient, immunization or physical examination charge | Collect | Reports required for central reimbursement | Supplemental care at AF expense | Hearing aids, prosthetic devices, spectacles, or orthopedic footwear |
|---|---|---|---|---|---|---|---|
| NATO personnel in U.S. (§ 815.95). | No | Subsistence only. | None | Locally from individual. | None | Yes | Yes. |
| Dependents of NATO personnel in U.S. (§ 815.95). | No | DR | None | do | None | Yes | (1). |
| Foreign nationals, other than personnel of NATO nations in U.S. (§ 815.96). | No | Subsistence only. | None | do | None | Yes | (1). |
| Dependents of foreign nationals other than personnel of NATO nations in U.S. (§ 815.96). | No | DR | None | do | None | Yes | No. |
| Trainees under the Military Assistance Program (§ 815.96). | No | Officers and enlisted personnel: Subsistence only. Civilians: FRR. | Officers and enlisted personnel: None. Civilians: FOPR. | (2) | None | Yes | (2). |
| Dependents of MAP trainees (§ 815.96). | No | DR | None | Locally from individual. | None | Yes | No. |

See footnotes at end of table.

§ 815.109 Miscellaneous categories of personnel.

| Class of patients | Written authority required | Hospitalization or subsistence charge | Outpatient, immunization or physical examination charge | Collect | Reports required for central reimbursement | Supplemental care at AF expense | Hearing aids, prosthetic devices, spectacles, or orthopedic footwear |
|---|---|---|---|---|---|---|---|
| American Red Cross and other officially recognized relief workers (§ 815.80). | No | Subsistence only. | None | Locally from individual. | None | Yes | No. |
| Dependents of American Red Cross personnel (outside CONUS only) (§ 815.80). | No | FRR | FOPR | do | None | No | No. |
| U.S. citizen, scientific consultants, technical representatives, and contract technicians and their dependents when authorized (outside CONUS) (§ 815.81). | No | FRR | FOPR | do | None | No | (1). |
| Alien scientific and technological specialists, employees of commercial airline, and civilian employees of contractors (outside CONUS) (§ 815.82). | No | FRR [2] | FOPR [2] | do | None | No | No. |
| U.S. citizens who assist the overseas commander in mission accomplishment and their dependents (§ 815.83). | Yes | None (see § 815.83(b)). | PER [3] | do | None | No | No. |
| Civilians training in AF facilities performing aircrew duties or flying in AF aircraft (§ 815.83). | Yes | N/A | None [4] | No | None | No | No. |
| American Red Cross service personnel proceeding overseas (§ 815.84). | No | FRR | FOPR | Locally from individual. | None | No | No. |
| Persons not included elsewhere (§ 815.86). | | | | | | | |

[1] Spectacles may be furnished at the individual's expense when not available through commercial sources. See § 815.86(e) for categories of personnel that pay subsistence charges only.

[2] Physical examinations only.

[3] Pre-embarkation physicals and immunizations only.



| Class of patients | Written authority required | Hospitalization or subsistence charge | Outpatient, immunization or physical examination charge | Collect | Reports required for central reimbursement | Supplemental care at AF expense | Hearing aids, prosthetic devices, spectacles, or orthopedic footwear |
|---|---|---|---|---|---|---|---|
| Foreign personnel outside U.S. (§ 815.99(a)). | No | FRR [4] | (5) | Locally from individual [6] | None | Yes | No. |
| Special category, foreign nationals outside U.S. (§ 815.99(e)). | No | FRR [4] | FOPR [6] | do | None | Yes | No. |
| Foreign nationals moved into U.S. for medical care (§ 815.100). | Yes | FRR [7] | N/A | do | None | Yes | No. |

[1] Dependents will not be provided artificial limbs, artificial eyes, hearing aids, orthopedic footwear, and spectacles, except as outlined in AFRs 168-9 (Dependents' Medical Care) and 168-3 (Civilian Medical and Dental Care for Dependents of Foreign Military Personnel of the NATO Nations in the United States).

[2] Spectacles only are authorized when the hospital commander considers that the patient needs them to adequately perform his assigned duties and when they are not available through commercial sources.

[3] Collect locally from officers and civilians. See AFM 50-29 (Education and Training of Foreign Military Personnel) for collection of airmen subsistence charges.

[4] See § 815.99(a).

[5] None when subsistence only is the rate for hospitalization. Otherwise the charge is the FOPR shown in AFR 168-7.

[6] See § 815.99(c)(6).

[7] See § 815.100(b)(2).

[8] When charges cannot be collected from the individual, the account will be processed in accordance with Chapter 2, AFM 177-102 (Commercial Transactions at Base Level).

[9] See AFM 177-102 for procedures applying to the 1st ROAF Air Division.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64-10139; Filed, Oct. 8, 1964; 8:45 a.m.]

## Chapter VII—Department of the Air Force

### SUBCHAPTER C—PUBLIC RELATIONS

### PART 827a—RELEASE OF INFORMATION ON ACCIDENTS

### PART 829—ORGANIZING AND OPERATING OFF-BASE PATROLS

New parts 827a and 829 are added as follows:

Sec.
827a.0 Purpose.

**Subpart A—General**

827a.1 Definitions.
827a.2 Policy.

**Subpart B—Aircraft and Missile Accidents Not Involving Nuclear Weapons, Warheads or Materials**

827a.3 Control of photography.
827a.4 Who will release information.
827a.5 How news releases will be prepared.
827a.6 Liaison with news media.

**Subpart C—Nuclear Accidents**

827a.7 Background.
827a.8 Who will release information.
827a.9 Release procedures.
827a.10 Liaison with news media.

AUTHORITY: The provisions of this part 827a issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 190-10, March 20, 1964; AFR 190-10A, September 11, 1964.

### § 827a.0 Purpose.

This part establishes procedures for releasing information on Air Force aircraft, missile, and nuclear accidents to news media as quickly as possible. It does not provide detailed instructions for every situation that might develop. It does furnish guidelines to positive actions which must be taken to protect classified defense information and, at the same time, meet the needs of public news media.

## Subpart A—General

### § 827a.1 Definitions.

For the purpose of this part and in the interest of clarity, the following terms will be used:

(a) *Classified defense information.* Official information which must be safeguarded in the interest of national defense and is classified for that purpose by an appropriate classifying authority. It includes documents, material, or equipment in which classified information is recorded or embodied.

(b) *Base.* Any Air Force installation on active status.

(c) *Photograph.* Any plate, negative, print, sketch, or other form of graphic representation.

(d) *Nuclear accident.* Any accident or incident involving nuclear weapons or materials.

### § 827a.2 Policy.

(a) Air Force policy is to keep the public informed on a timely basis of Air Force activities, whether favorable or unfavorable. Every consideration must be given to meeting the needs of public information media. Therefore, unclassified information about Air Force accidents or missing aircraft will be released promptly to news media representatives. Air Force units will provide maximum cooperation, consistent with national security responsibilities, to properly identified U.S. news media representatives who desire to cover military accidents.

(b) Following an accident, these actions are of major importance: Rescue of the injured; prevention of further injury and loss of life; protection of property and investigative data from loss or damage; safeguarding classified defense information; and meeting the needs of public information media. Satisfying these urgent requirements under the trying conditions normal at accident scenes calls for close cooperation and mutual understanding between the Air Force and news media representatives.

(c) Such cooperation is particularly important in the protection of classified defense information. The Air Force is authorized and obligated, by Federal law and Executive order, to protect such information. All Air Force personnel share the obligation to protect classified material, both on and off base. Therefore, following an accident, the safeguarding of classified defense information is of major concern. However, Air Force protective actions are concerned only with preventing compromise of classified defense information, not with executing Federal criminal law.

(d) Commanders of Air Force installations will advise local civil law enforcement officials in advance that the Air Force may call upon them for assistance and cooperation when military accidents occur outside military installations. These officials should be informed that Federal law makes the unauthorized photographing, unauthorized publishing, or refusal to properly surrender classified defense information a criminal offense (18 U.S.C. 793(e), 795, 797).

(e) Commanders and information officers will keep local news media and civil defense officials informed about Air Force policies on handling accidents and about the legal provisions mentioned in paragraphs (c) and (d) of this section. Whenever possible, the information will be provided through conferences attended by news media representatives, local civil defense officials, base information officers, and base operations and air police representatives.

(f) Next of kin of killed or seriously injured military personnel will be notified in accordance with AFM 30-4 (Casualty Services).

(g) Community relations aspects of off-base aircraft accidents will be handled in accordance with AFR 190-4 (Off-Base Aircraft, Missile, Ground, Water and Explosive Accidents—Emergency Assistance and Community Relations).

(h) When more than one service is involved in accidents, information will be released in accordance with AFR 190-8 (Release of Information When More Than One Service is Involved in Accidents or Incidents).

## Subpart B—Aircraft and Missile Accidents Not Involving Nuclear Weapons, Warheads or Materials

### § 827a.3 Control of photography.

(a) *Outside military installations within the United States and its territories.* (1) At the scene of an accident, when danger of an explosion or other hazard exists, Air Force representatives should, to the extent that it is feasible to do so, advise news media representatives not to go too close for their own safety. Media representatives will also

be advised not to interfere with fire-fighting and investigative activities. However, Air Force personnel will not forcefully exclude media representatives from non-nuclear accident areas.

(2) If the senior Air Force representative at the scene is qualified to do so, he will determine, as soon as possible, whether classified defense information is exposed. If he is not qualified, he will immediately summon an individual who is. It is emphasized that this determination must be made as soon as possible. If no classified defense material is exposed, the Air Force representative will permit photographs. If classified defense information is exposed, he will have it covered or removed immediately, if possible. He will then permit photographs.

(3) If exposed classified defense information cannot be removed or covered immediately, the senior Air Force representative will advise news media representatives that he cannot give permission to make photographs. He will take the following additional actions:

(i) Inform news media representatives of the presence of exposed classified defense information which cannot be removed or covered immediately, and ask them to cooperate in its protection. Photographers will be informed that violations of the prohibition on photographing classified defense information are also violations of Federal criminal statutes (18 U.S.C. 795, 797).

(ii) Refrain from using force if news media representatives refuse to cooperate in the protection of classified defense information, but request:

(a) The assistance of appropriate civil law-enforcement officials in preventing compromise of such material and in recovering all photographs, negatives, and sketches which are presumed to contain classified defense information; and

(b) The cooperation of the superiors of the offending news media representatives, informing them that publication of such classified defense information or refusal to return it to military authority will be a violation of Federal statutes (18 U.S.C. 793(e), 795, 797).

(iii) Submit to the Assistant Secretary of Defense (Public Affairs) (OASD/PA), through channels, a message report concerning refusals of news media representatives or their superiors to cooperate as prescribed in subdivisions (i) and (ii) of this subparagraph.

(4) If the senior Air Force representative at the accident scene does not know whether classified defense information is exposed, he will so inform photographers and advise them that he cannot give permission to make photographs. He will also explain that if they make pictures without permission, they may violate Federal law and compromise national security (18 U.S.C. 795, 797). Air Force personnel will not physically restrain news media photographers from making photographs.

(b) *Outside an Air Force installation in a foreign country.* Actions restricting photographs of accidents will be in accordance with treaties, inter-government agreements, understandings, laws of the host country, and implementing instructions issued by overseas commanders concerned.

(c) *Within an Air Force installation.* (1) Competent authority will determine as quickly as possible whether classified defense information is exposed. If none is, news media photographs will be permitted. If classified defense information is exposed, it will be removed or covered as soon as possible and photographs will then be permitted.

(2) If classified defense information is exposed and cannot be removed or covered, all civilian photographs will be forbidden. If photographs are made, they will be taken into military custody for prompt development and examination. Receipts for the photographs will be given. Upon development, photographs which show no classified defense information will be returned to the individuals who made them. Any which show classified defense information will be turned over to the Office of Special Investigation.

### § 827a.4 Who will release information.

Upon being advised that an accident has occurred, the commander of the base nearest the scene will instruct his information officer to provide all releasable information to news media as quickly as possible. If he does not have an information officer, the commander must personally assume responsibility for releasing information until a qualified information officer is available from another installation. After his initial report to news media, the commander or information officer will remain in communication with officials at the crash site and with news media. If additional information personnel are available at the base, the information officer will go to the site of the accident, or send a representative as quickly as possible. If both the commander and the information officer visit the scene, an information representative must remain at the base to answer queries from news media.

### § 827a.5 How news releases will be prepared.

(a) *Accidents in which casualties do not occur.* Unclassified facts, substantially as follows, will be released as quickly as possible to news representatives:

(1) Statement that the accident occurred.

(2) Location and time of accident.

(3) Time and place of aircraft departure and destination.

(4) Biographical information about persons involved.

(5) Type of aircraft.

(6) Facts of the mission in which the aircraft was engaged.

(b) *Accidents in which casualties occur.* Unclassified facts pertaining to the accident, as outlined in paragraph (a) of this section, may be released at once. Names of casualties will be released as follows:

(1) *Accidents on Air Force installations.* (i) Names and addresses of deceased military personnel will be withheld until the next of kin have received notification, or until 4 hours after the official notification has been dispatched. However, names may be released individually as soon as one of these criteria is met. Simultaneous release is not required. Names of survivors, including the seriously injured, may be released as soon as they are positively identified.

(ii) Every effort, consistent with requirements for accuracy, should be made to release names, ages, and addresses of survivors when news of the accident itself is released, or as soon thereafter as possible.

(2) *Accidents off Air Force installations.* (i) When a military aircraft crashes in or on the border of a city or town, or when an accident causes civilian casualties or appreciable damage to property, or otherwise results in a major impact on the civilian domain, the names and addresses of military personnel concerned should be released as soon as they are positively identified.

(ii) If a military aircraft crashes in a locality remote from populated areas and does not cause civilian casualties or appreciable property damage, or otherwise result in a major impact on the civilian domain, the names and addresses of military personnel may be withheld until the next of kin have received official notification of the accident, or until 4 hours after the notification is dispatched.

(iii) If military personnel figure in accidents involving civilian or military automobiles, trains, commercial or private airplanes, or in any other accident not involving a military aircraft, their names, ages, and addresses should be released as soon as they are identified.

(iv) The information officer of the departure base will immediately release to news media the entire passenger list (and the crew, if military) of military passenger or chartered aircraft officially declared missing or known to have crashed or ditched in a remote area.

(3) *Information from nonmilitary sources.* Sometimes news media representatives may obtain from nonmilitary sources positive identification of persons involved in a military accident. When this happens, military confirmation does not necessarily have to be withheld until next of kin have been officially notified.

(c) *Overseas.* (1) The major air commander may release names of casualties to news media 24 hours after the casualty report is transmitted under AFM 30-4, or when acknowledgment (ZDF) of the casualty report is received, whichever is earlier.

(2) Major air commanders may delegate release authority to subordinate commands.

(d) *Releasing names of foreign nationals.* When foreign nationals under Air Force auspices are accident casualties, regardless of where the accident occurs, release of their names will be withheld until 48 hours after dispatch of the casualty report to Hq USAF.

(e) *Air Force photography.* Official Air Force accident photographs which do not reveal classified defense information and do not show bodies or parts of bodies may be released to news media.

### § 827a.6 Liaison with news media.

(a) Accident areas outside military installations are sometimes roped off or surrounded by a cordon to protect the public from danger of fire and explosion; prevent disturbance or theft of government property, including material essential to determination of accident causes; or preclude compromise of classified defense information. Bona fide news media representatives normally will be permitted to enter the roped off or cordoned area. However, if a qualified military authority has determined that classified defense information is exposed:

(1) The Air Force representative will so advise media representatives and civil authorities. He will ask media representatives not to enter the area from which the classified information can be seen, or to leave it if they are already present. If they refuse to cooperate, the Air Force personnel will not restrain them by force. The procedures in § 827a.3(a)(3) will be followed.

(2) As rapidly as releasable information becomes available at the accident area Command Post, it will be released to media representatives who have been asked not to enter or remain in areas in which classified defense information is exposed. As soon as the classified defense information has been removed or covered, the information officer will invite news media representatives to enter the area.

(b) When feasible, Air Force information officers will furnish identifying badges to news media representatives who visit a crash area. The badges will be issued on a temporary basis and will be collected by the information officer or his representative as the newsmen leave the accident scene.

## Subpart C—Nuclear Accidents

### § 827a.7 Background.

(a) In the event of an accident or incident involving a nuclear weapon or nuclear warhead, the possibility of a nuclear explosion is remote. Other nuclear materials do not present a possibility of nuclear explosion.

(b) All U.S. nuclear weapons and warheads incorporate positive safety features. Sound operational procedures, coupled with constant training and supervision, further increase their safety.

(c) When an accident involves nuclear weapons or warheads, it is possible that the conventional high explosive component might explode or burn. Such an explosion or burning would not produce an atomic detonation and its associated fallout. However, the blast or burning of the high explosive components might scatter the raw nuclear materials and cause contamination.

(d) National security dictates that only limited information be released on nuclear weapons, warheads, or materials. Therefore, responsible commanders or information officers may announce the presence of nuclear weapons or warheads at the scene of an accident only when required to prevent public alarm or in the interest of public safety. If such announcements are required, local civil law enforcement and Civil Defense officials will be advised promptly that unclassified information about accidents in which nuclear weapons, warheads or materials are present, will be released, in accordance with this subpart, as soon as possible. Responsible commanders, defined in § 827a.3(a)(1), will give such releases priority after immediate emergency safety actions have been taken.

(e) Only responsible commanders and information officers may release information about nuclear accidents to the public or discuss such accidents with news media. Responsible commanders may authorize interviews with personnel concerned with the accident.

### § 827a.8 Who will release information.

(a) *In the United States.* (1) The Air Force commander having physical possession of nuclear weapons, warheads, or other nuclear materials involved in the accident has and maintains primary responsibility for the release of information concerning the accident.

(2) If the commander with primary responsibility is not immediately available or capable of making such releases, the commander of the military installation or facility nearest the scene of the accident will assume responsibility until relieved by the Air Force commander having primary responsibility.

(3) The commander of primary responsibility will assume release responsibility at the scene of the accident as soon as possible and will conduct all information activities until action on the accident is completed.

(4) The major air command concerned will immediately dispatch a senior information officer, and any other qualified specialists required, to the accident scene. The command information officer will assist the responsible commander in handling information about the accident.

### § 827a.9 Release procedures.

The following procedures have been established to insure prompt release of information by a responsible official at the scene, should a nuclear accident occur.

(a) *Within the United States and its territories.* (1) The responsible or interim commander (whichever is first on the scene) will immediately insure that all unauthorized personnel are cleared from the immediate vicinity of the accident for a distance of at least 2,000 feet (see AFTO 11N-20-11). He will authorize bona fide news media representatives to enter the cleared area as soon as he considers it safe and classified nuclear materials have been secured. To assure that the public promptly receives complete and accurate accident information, within security limitations, the commander will place information personnel at the accident-scene command post to assist news media representatives.

(2) The responsible (or interim) commander will release accident information to the public as soon as possible.

(3) After the responsible commander and his information officer arrive on the scene, the interim commander will continue to provide any information, personnel, and logistical support required.

(b) *Overseas.* Commanders, in consultation with the appropriate U.S. Ambassador, will develop contingency announcements and release methods of unified and specified commands outside the U.S. and its Territories.

### § 827a.10 Liaison with news media.

In preparing to cope with nuclear accidents, commanders will insure that all information officers will, in conjunction with base disaster control officers and directors of security and law enforcement, initiate and maintain an active program of briefings, meetings and personal contacts with local area police, fire, safety, and civil defense officials and news media. The program should accomplish these objectives:

(a) Promote widespread understanding about nuclear safety and the precautions and procedures the Air Force has established to eliminate hazards to personnel and the public should an accident involving nuclear weapons, warheads, or materials occur.

(b) Seek cooperation of local civil officials and news media to assure that information available to the public about nuclear accidents is accurate, timely, and as complete as security limitations permit.

(c) Encourage the preparation of joint plans and procedures that are complementary to Air Force, local base, and tenant unit plans for release of information on nuclear accidents. Air Force representatives should help local officials develop mutually beneficial plans and programs.



Sec.
829.1 Purpose.
829.2 Mission of off-base patrols.
829.3 Uniform and equipment.
829.4 Joint activities with civilian police.
829.5 Restrictions on patrol activities.

AUTHORITY: The provisions of this Part 829 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 125-19, February 27, 1964.

### § 829.1 Purpose.

This part establishes policies for organizing and operating off-base patrols.

### § 829.2 Mission of off-base patrols.

(a) The primary mission is to:

(1) Preserve order among members of the Armed Forces who are now on leave or on pass. The patrols will not control the way a member of the Armed Forces uses his free time unless the person's actions would be harmful to his health and welfare or would discredit the military service.

(2) Give assistance and information.

(3) Apprehend or otherwise control military personnel who violate laws and regulations. This action occurs mainly in the absence of civilian enforcement authorities or when there is a joint agreement between the Air Force and local enforcement authorities.

(b) The secondary mission is to apprehend deserters and members of the Armed Forces who are AWOL.

### § 829.3 Uniform and equipment.

(a) Air policemen on off-base patrol duty will wear the prescribed air police uniform and equipment. Firearms may be worn when authorized by the commander; however, the commander will make sure that personnel are fully qualified to handle and use the weapon.



SUBCHAPTER I—MILITARY PERSONNEL



the United States only when on activ

(b) Air Force vehicles used for off-base patrol will usually carry prescribed air police markings and accessories. However, Air Force vehicles utilized by Armed Forces police detachments will be distinctively marked.

**§ 829.4 Joint activities with civilian police.**

Air police are encouraged to cooperate with local civilian police agencies in order to insure mutual assistance and exchange of information. At the same time, they will observe the following limitations on direct participation in joint activities:

(a) Air police will not ride with civilian police in civilian patrol cars on regular patrol routes. However, they may accompany civilian enforcement authorities when joining with them to arrest military offenders and to investigate crimes incident to such arrests.

(b) Air police and other Air Force personnel may be detailed to assist local law enforcement officials at special functions or events attended by large numbers of military personnel. They will not be employed to direct, order, or otherwise exercise authority over civilians at such events.

(c) Air police will not be deputized or otherwise appointed to any position authorizing them to act as civil law enforcement officers, nor will they take any action to enforce or assist in the enforcement of civil law (Posse Comitatus Act).

**§ 829.5 Restrictions on patrol activities.**

(a) Air police on off-base patrol have no jurisdiction over civilians who are not subject to military law. If they suspect that a person in civilian clothing is a member of the Armed Forces who is AWOL or guilty of some other offense, they should ask civilian police to determine his identity.

(b) Air police will keep to a minimum the public pass checking of Armed Forces personnel in uniform. Indiscriminate checking of passes arouses resentment and ill feeling and usually accomplishes no useful purpose. Ordinarily, air police should not check a pass unless its owner's conduct or appearance requires correction or arouses suspicion.

(c) Air police patrols will not regularly enter public establishments. However, they may do so when necessary to observe the conduct of military patrons or put down a disorder, or when requested by the management. Also, commanders and directors or chiefs of security and law enforcement may designate particular establishments for regular patrol checks. Special attention should be given to "Off-Limits" establishments.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64-10288; Filed, Oct. 8, 1964; 8:46 a.m.]

SUBCHAPTER I—MILITARY PERSONNEL

## PART 886—EQUAL OPPORTUNITY AND TREATMENT OF MILITARY PERSONNEL

A new part 886 is added as follows:

Sec.
886.1 Purpose.
886.2 Policy.
886.3 Applicability.
886.4 Responsibility of commanders.
886.5 Principles of on-base implementation.
886.6 Principles of off-base implementation.
886.7 Off-base family housing.
886.8 Military and dependent education.
886.9 Policy on participation by military personnel in civil rights demonstrations.
886.10 Federal participation at segregated meetings.
886.11 Reports of racial incidents.
886.12 Complaints of racial discrimination.
886.13 Legal assistance.
886.14 Use of off-limits sanctions.

AUTHORITY: The provisions of this Part 886 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 35-78, August 19, 1964.

**§ 886.1 Purpose.**

This part prescribes Air Force policies regarding equal opportunity and treatment for military personnel and their dependents and contains guidance to commanders in implementing these policies both on and off-base.

**§ 886.2 Policy.**

It is the policy of the Air Force to conduct all of its activities in a manner which is free from racial discrimination, and which provides equal opportunity and treatment for all uniformed members irrespective of their race, color, religion, or national origin. All actions taken to implement the above policy will be based on the following fundamental principles.

(a) The equal and just treatment of all personnel is a well established principle of effective personnel management. Such treatment is essential to attaining and maintaining a high state of morale, discipline and combat readiness.

(b) Discriminatory practices directed against military personnel, all of whom lack a civilian's freedom of choice in where to live, to work, to travel, and to spend his off-duty hours, are harmful to military effectiveness.

(c) Commanders are responsible for the well being of their personnel. This responsibility can best be discharged by the early detection of, and continuing efforts to remove, those influences that adversely affect their personnel.

**§ 886.3 Applicability.**

(a) This part is applicable world-wide.

(b) This part applies to U.S. Air Force Reserve organizations and units and to U.S. Air Force Reservists when in uniform attending drill or other periods of inactive duty training or active duty for training.

(c) This part applies to units and members of the Air National Guard of the United States only when on active duty in a Federal status.

**§ 886.4 Responsibility of commanders.**

Every opportunity will be afforded the local commander to resolve problems peculiar to the local environment. Problems that require assistance at departmental level will be brought to the attention of appropriate authorities without delay. Commanders are responsible for:

(a) Insuring that this policy is implemented in all on-base activities.

(b) Orienting Air Force personnel periodically on the Air Force policy regarding equal opportunity and treatment.

(c) Appraising military personnel of the provisions of titles II, III and IV of the Civil Rights Act of 1964 (Public Law 88-352) and processing requests for suit by military personnel for action by the Attorney General.

(d) Fostering equal treatment of military personnel and their dependents in off-base civilian communities.

(e) Assuring that unsegregated accommodations are available for personnel attending or participating in command sponsored meetings, conferences or field exercises.

(f) Promoting racial harmony within units and installations as an essential part of total combat readiness. Prompt and impartial command action will be taken to correct any areas of unequal treatment, the development of undesirable cliques, or interracial difficulties within units.

(g) Reviewing this part and actions taken to effect its implementation promptly upon assuming command.

**§ 886.5 Principles of on-base implementation.**

To insure uniform implementation, the following will continue to apply to all activities under Air Force control:

(a) All personnel regardless of race, color, religion, or national origin, will be accorded equal opportunity for enlistment, appointment, advancement, professional improvement, promotion, assignment, and retention.

(b) There will be no racial or religious strength quotas in the Air Force troop basis.

(c) To meet the requirements of the Air Force for qualified individuals, Air Force activities will consider all personnel on the basis of individual merit and ability. All personnel must qualify according to prescribed standards for enlistment, attendance at schools, promotion, assignment to specific schools, etc.

(d) All enlisted personnel will receive identical processing through appropriate installations to assure proper classification and assignment.

(e) Directives pertaining to the release of personnel from the service apply equally to all persons, without reference to race, color, religion, or national origin.

(f) All on-base facilities and official activities will operate without racial discrimination.

(g) Commanders will take affirmative action in accordance with § 886.2(c) to insure that discriminatory practices do not exist in their commands.



**§ 886.6 Principles of off-base implementation.**

Complete uniformity of procedures to follow in off-base communities is not feasible, since commanders have no direct control over civilian community activities and each community presents a different situation which requires the development of local solutions. The final and effective resolution of off-base discriminatory problems must be accomplished by the local community. Commanders will encourage and assist community officials to eliminate any discriminatory treatment of military personnel and their dependents. The following recommended actions are provided to assist commanders in attaining this objective:

(a) Utilize the Base-Community Council to discuss local discriminatory practices, where appropriate, against military personnel and their dependents and recommend solutions to these problems.

(b) Meet with representative local trade associations and other bona fide groups and solicit their cooperation to preclude discrimination against military personnel and their dependents.

(c) Discuss with appropriate individuals and groups the elimination of barriers based on race, creed, color, or national origin for military personnel and their dependents seeking off-base quarters in existing multiunit housing developments and, where required, the construction of additional nonsegregated housing to meet military needs.

(d) Establish local liaison with other military services and Federal agencies with a view toward adopting common policies regarding off-base problems.

(e) Request the cooperation of local officials and leading citizens to the end that:

(1) Access is granted to all military personnel and their dependents on a nonsegregated basis to public accommodation facilities such as hotels, motels, restaurants, bowling alleys, theaters, etc.

(2) Service in all facilities is assured to all military personnel and their dependents at local business establishments.

(3) Military personnel and their dependents are admitted to all local sporting events on a nonsegregated basis.

(4) Military personnel and their dependents are admitted to all community controlled public facilities such as parks, swimming pools, golf courses, schools, etc., on a nonsegregated basis.

(f) Utilize appropriate opportunities to publicize on-base integration to the local community.

(g) In those States that have anti-discrimination laws, coordinate with appropriate local and State agencies in the solution of off-base problems.

(h) Govern military police relationships with local authorities to insure that no actual or tacit support is given to community discriminatory practices. The maintenance of peace and order, except in areas under military control, is primarily the responsibility of civil authorities. Consequently, commanders must establish close coordination and cooperation with civil law enforcement agencies. This relationship should insure that incidents involving military personnel are handled expeditiously and that uniform treatment of military personnel is accorded.

**§ 886.7 Off-base family housing.**

(a) Family housing and associated facilities should be available without discrimination because of race, creed, color, or national origin. Commanders will use their "good offices" in contacts with all appropriate agencies to improve the availability of housing consistent with this policy.

(b) Listings of available private housing maintained by base and family services housing offices will include only those units available without regard to the race, creed, color, or national origin of the prospective occupant.

(c) Executive Order 11063, November 20, 1962, requires that the benefits of Federal housing programs and assistance be made available without discrimination based on race, color, creed, or national origin. It applies to the following categories of housing:

(1) Housing owned or operated by the Federal Government;

(2) Housing financed in whole or in part with the aid of Federal loans, grants, advances, or contributions agreed to be made after November 20, 1962;

(3) Housing financed in whole or in part by loans insured, guaranteed, or otherwise secured by the credit of the Federal Government subsequent to November 20, 1962; or

(4) Housing provided by the development or redevelopment of real property obtained from a State or local public agency receiving Federal financial assistance for slum clearance and urban renewal under a loan or contract made after November 20, 1962.

(d) Executive Order 11063 requires all Federal departments and agencies to use their good offices to promote the abandonment of discriminatory practices with respect to residential property and related facilities of the types referred to in paragraph (c) of this section. If voluntary settlement cannot be achieved, military personnel who believe that they have been discriminated against in violation of Executive Order 11063 should be advised of their right to file a complaint with the regional office of the Housing and Home Finance Agency (HHFA). Base officials should establish liaison with the appropriate regional office to determine complaint procedures and deadlines and will assist military personnel in filing such complaints.

(e) If discrimination occurs in connection with housing subject to state law or local ordinance banning discrimination, commanders will make informal efforts to end the discrimination against military personnel, and, if unsuccessful, will assist individuals in filing complaints under such law or ordinance. If no law or ordinance covers the case, commanders will nevertheless use their good offices in contacts with appropriate agencies to improve the availability of housing to military personnel.

(f) All leases for family housing executed on behalf of the United States pursuant to the authority of section 515, Public Law 161-84, as amended, shall contain the following clause:

It is understood and agreed that the Government will assign the demised premises to military personnel in accordance with Executive Order No. 11063, dated November 20, 1962, which provides that housing and related facilities shall be available without discrimination among tenants because of race, color, creed, or national origin.

**§ 886.8 Military and dependent education.**

(a) Military personnel will not be sponsored or subsidized from Air Force funds while attending civilian educational institutions in the course of such programs as Operation Bootstrap, tuition assistance, and permissive TDY if the educational facility discriminates on the basis of race or color.

(b) The Department of the Air Force supports the right of dependent children of military personnel to be assigned to and to attend public schools without regard to race, color, religion, or national origin. Where deviations from this policy are practiced with respect to dependents of military personnel, commanders will make appropriate efforts on behalf of military children to eliminate these deviations. These efforts will include but are not limited to the following:

(1) Ascertain from local school authorities procedures for assignment and transfer of children to public schools on a nonracial basis.

(2) Advise sponsors of the Air Force policy stated in this paragraph and of local procedures for gaining assignment and transfer of children to schools on a nonracial basis.

(3) Counsel sponsors to include advice on pupil placement procedures for initial school assignments, deadlines for transfer, applications or appeals and of the availability of legal assistance.

**§ 886.9 Policy on participation by military personnel in civil rights demonstrations.**

(a) It is inappropriate for military personnel to participate in civil rights demonstrations. The requirement for commanders to maintain order and discipline within their commands so as to achieve maximum readiness for military operations is necessarily paramount over the right of the individual to participate in nonmilitary activities. Pursuant to this obligation, as determined by the local commanders, military personnel may not under any circumstances participate in civil rights demonstrations:

(1) During the hours when they are required to be present for duty;

(2) When they are in uniform;

(3) When they are on a military reservation;

(4) When they are in a foreign country;

(5) When their activities constitute a breach of law and order; or

(6) When violence is reasonably likely to result.

(b) The attempted exercise by individual military personnel of a right conferred or protected by the Civil Rights Act of 1964 is not in itself a civil rights demonstration. Commanders are to support military personnel and their dependents in the lawful assertion of such rights.

**§ 886.10 Federal participation at segregated meetings.**

(a) Air Force public information programs, educational activities and services of a like character are to be available to all persons on an equal basis. Care must be exercised that acceptance of speaking engagements and participation in conferences by military and civilian officials are consistent with this policy. Officials should not participate in conferences or speak before audiences where any racial group is segregated or excluded from the meeting or from any of the facilities used by the conference or meeting.

(b) When requests for speakers or participation are received under circumstances where segregation may be practiced, there is a clear obligation to make specific inquiry as to the practices of the group before acceptance is given. If the inviting group expresses a willingness to discuss modification of its practices for the occasion, obviously the Air Force should cooperate in such efforts.

(c) The Air Force will not sponsor, support, or financially assist, directly or indirectly, any conference or meeting held under circumstances where participants are segregated or are treated unequally because of race.

(d) If the objectives of Federal civil rights programs would be better served thereby, an exception to this policy in a particular case may be requested. Requests for exceptions will be forwarded, through channels, to Hq USAF (SAFOI).

(e) The restrictions in this section do not apply to military and civilian officials when they are acting as private citizens and are not representing the Air Force.

**§ 886.11 Reports of racial incidents.**

Racial incidents occurring either on or off-base and involving military personnel and their dependents will be reported in accordance with AFR 55-30 (Apex Beeline Report of a Serious Accident, Incident, or Disturbance). Each commander will insure that his higher headquarters is notified concurrently with Hq USAF.

**§ 886.12 Complaints of racial discrimination.**

(a) Complaints of discrimination will be processed in accordance with AFR 123-11 (Complaints). Military personnel will also be advised that they have free access to the staff judge advocate, the staff chaplain, and other appropriate staff agencies.

(b) Individuals will be encouraged to make maximum use of the command channel as the commander is ultimately responsible for all of his military personnel.

(c) Military personnel who request that the Attorney General initiate suit in their behalf under the provisions of titles II, III, or IV of the Civil Rights Act of 1964 may submit such requests through appropriate civilian channels or through military channels.

**§ 886.13 Legal assistance.**

Military personnel and their dependents who feel that they have been discriminated against in violation of the laws of the United States (Federal, State or political subdivisions thereof) will be provided legal assistance as authorized by AFR 110-4 (Legal Assistance Program). If it appears that the rights of the military member or his dependents may be endangered, and that an appearance in court or other legal action beyond the authority of the legal assistance program is required, the matter will be reported to The Judge Advocate General, USAF, for possible referral to the Department of Justice.

**§ 886.14 Use of off-limits sanctions.**

Commanders will not use the off-limits sanction in discrimination cases without the prior approval of the Secretary of the Air Force, and then only after all reasonable alternatives have failed to achieve the desired effects.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64-10289; Filed, Oct. 8, 1964; 8:46 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

## PART 202—ANCHORAGE REGULATIONS

## PART 203—BRIDGE REGULATIONS

## PART 207—NAVIGATION REGULATIONS

### Miscellaneous Amendments

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.245 governing explosives anchorages in Vieques Passage and Vieques Sound, Puerto Rico, is hereby revised by changing the title, revising paragraph (a)(1), changing the captions of paragraphs (a) (1) and (2), prescribing new subparagraph (a)(3) establishing a new explosives anchorage, and revising the regulations governing the use of the areas, effective 30 days after publication in the FEDERAL REGISTER, as follows:

**§ 202.245 Vieques Passage and Vieques Sound, near Vieques Island, P.R.**

(a) *The anchorage grounds*—(1) *Vieques Passage explosives anchorage and ammunition handling berth (Area 1).* A circular area having a radius of 2,000 yards with its center at latitude 18°09'-10", longitude 65°32'40".

(2) *Vieques Sound explosives anchorage and ammunition handling berth (Area 2).* A circular area having a radius of 2,000 yards with its center at latitude 18°11'48", longitude 65°26'06".

(3) *Southern Vieques Passage explosives anchorage and ammunition handling berth (Area 3).* A circular area having a radius of 2,000 yards with its center at latitude 18°05'51", longitude 65°36'14".

(b) *The regulations.* (1) No vessel or craft shall enter or remain in these anchorages while occupied by vessels having on board explosives or other dangerous cargo. Explosives in quantities no greater than 1,625 short tons will be handled in any area at one time.

(2) The regulations of this section shall be enforced by the Commander, Greater Antilles Section, U.S. Coast Guard Base, San Juan, Puerto Rico, and such agencies as he may designate.

[Regs., September 24, 1964, 1507-32 (Vieques Passages and Vieques Sound, P.R.)—ENGCW-ON] (Sec. 7, 38 Stat. 1053; 33 U.S.C. 471)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended, revoking subparagraph (1) (8-a) governing the operation of a pontoon bridge across Chattahoochee River at Fort Benning, Georgia, effective upon publication in the FEDERAL REGISTER, since the bridge has been removed, as follows:

**§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including the Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.**

* * * * *

(1) *Waterways discharging into Gulf of Mexico east of Mississippi River.* * * *

(8-a) Chattahoochee River, Ga. [Revoked]

* * * * *

[Regs., September 24, 1964, 1507-32 (Chattahoochee River, Ga.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

3. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.155 governing the use of restricted areas in Hampton Roads, Virginia, is hereby amended with respect to paragraph (b)(1) to prohibit the public from swimming in these areas, effective 30 days after publication in the FEDERAL REGISTER, as follows:

**§ 207.155 Hampton Roads off Norfolk Naval Base; Navy restricted areas.**

* * * * *

(b) *The regulations.* (1) No vessels other than Naval vessels and other vessels authorized to move to and from piers at the Norfolk Naval Base, and no person other than persons embarked in such vessels, shall enter the restricted areas.

* * * * *



[Regs., September 24, 1964, 1507-32 (Hampton Roads, Va.)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

L. H. WALKER, JR.,
*Brigadier General, U.S. Army, Acting The Adjutant General.*

[F.R. Doc. 64-10290; Filed, Oct. 8, 1964; 8:47 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management, Department of the Interior

## SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular No. 2166]

## PART 3220—LEASING UNDER THE REORGANIZATION ACT

## Subpart 3221—Prospecting Permits

## Subpart 3222—Competitive Leasing

### MINERAL LEASING ON ACQUIRED LANDS

On p. 7938 of the FEDERAL REGISTER of June 23, 1964, there were published a notice and text of a proposed amendment of §§ 3221.4(f) and 3222.6-2 of title 43, Code of Federal Regulations. The purpose of this amendment is to provide for a mineral lease of not exceeding 20 years together with the right of renewal, and for modification of the regulations pertaining to suspensions of operations and production under the lease terms.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections having been received, the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective on the date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
*Secretary of the Interior.*

OCTOBER 2, 1964.

1. Paragraph (f) of § 3221.4 is amended to read as follows:

**§ 3221.4 Reward for discovery; preference right lease; bond.**

* * * * *

(f) The terms and conditions of the lease, including the royalty rates, will be established on an individual case basis. If minerals other than that specified in the issued lease should be discovered and mined by the lessee, an applicable royalty rate will be established by the lessor for such mineral. The lessee will be required to post a lease bond on a form approved by the Director before the lease will be executed by the Government. The lease will be issued for a period not exceeding 20 years, the term to be determined upon the advice of the agency having jurisdiction over the surface and the United States Geological Survey. The lessee will be granted a right of renewal for successive periods, not exceeding 10 years each, under such reasonable terms and conditions as the Secretary of the Interior may prescribe, including the revision of or imposition of stipulations for the protection of the surface of the land as may be required by the agency having jurisdiction thereover. An application for renewal of the lease must be filed in a manner similar to that prescribed for extension of a permit in § 3221.3(a) and the provisions of § 3221.3(b) are applicable to leases.

2. Section 3222.6-2 is amended to read as follows:

**§ 3222.6-2 Suspension of operations and production.**

(a) Upon a showing of the need and upon application therefor, filed in triplicate in the office of the Regional Mining Supervisor and a copy filed in the proper land office, the lessee may be granted a suspension of the operating and/or producing requirements of the lease. A rental in lieu of royalty of not less than $1 per acre shall be paid annually during the period of suspension. The period of suspension shall be specified in an appropriate order of the Secretary or his authorized representative.

(b) Notwithstanding the provisions of the preceding paragraph, the Secretary, in the interest of conservation of natural resources, may suspend all operating and producing requirements and waive, suspend, or reduce the rental or minimum royalty.

[F.R. Doc. 64-10291; Filed, Oct. 8, 1964; 8:47 a.m.]

# Title 45—PUBLIC WELFARE

## Chapter I—Office of Education, Department of Health, Education, and Welfare

## PART 114—FEDERAL ASSISTANCE UNDER PUBLIC LAW 815, 81ST CONGRESS, AS AMENDED, IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

### First Deadline for Applications With Respect to Funds Available During Fiscal Year 1965

Subpart B of part 114, 45 CFR (23 F.R. 7291, September 19, 1958, as amended), issued pursuant to Public Law 815, 81st Congress, as amended (64 Stat. 967), (20 U.S.C. 631-645), is hereby amended by adding a new § 114.29b, establishing a first deadline date for filing applications with respect to funds available during fiscal year 1965. The new § 114.29b reads as follows:

**§ 114.29b First deadline for applications with respect to funds available during fiscal year 1965.**

For the purposes of sections 3 and 14 of the act, November 30, 1964, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under the act from funds then available for such purposes shall be filed.

(Sec. 208, 64 Stat. 975, as amended; 20 U.S.C. 642; secs. 303, 401, 67 Stat. 522, as amended; 20 U.S.C. 633, 644)

Dated: September 23, 1964.

[SEAL] FRANCIS KEPPEL,
*U.S. Commissioner of Education.*

Approved: October 2, 1964.

ANTHONY J. CELEBREZZE,
*Secretary of Health, Education, and Welfare.*

[F.R. Doc. 64-10311; Filed, Oct. 8, 1964; 8:49 a.m.]

# Title 46—SHIPPING

## Chapter IV—Federal Maritime Commission

## SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 4; Amdt. 7; Docket No. 1184]

## PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

### Duties and Obligations of Licensees

On May 22, 1964, the Federal Maritime Commission published a notice of proposed rulemaking in the FEDERAL REGISTER (29 F.R. 6689), setting forth a proposed amendment of paragraph (k) of § 510.23, of title 46 CFR, to prescribe the minimum financial records to be maintained by licensees in order to facilitate determination of the financial responsibility of said licensees.

Comments were received from six individual freight forwarders and four forwarder associations. Comments, except the one noted below, were confined to objections to subparagraph 2 of the proposed rule on the ground that it would result in a duplication of information contained in other readily accessible records kept in the normal course of business. In addition, one association contended that the forwarder methods which have been developed over the years for the handling of cotton and other specialized agricultural products do not lend themselves to the requirements of the proposed rule. The association claimed that the maintenance of a separate file for each individual shipment is contrary to the manner in which the forwarders in the Texas area customarily operate.

The proposed rule as adopted has been revised primarily to prescribe the minimum financial records to be maintained by the smaller independent ocean freight forwarders who heretofore have maintained inadequate or no financial records. It has not been designed to affect or disrupt the operations of those forwarders maintaining more sophisticated systems which make readily available the required records and corresponding information.

In view of the foregoing, the Commission has modified the proposed amendment so that the purpose of the amendment, which is to prescribe that minimum financial records be kept, has been clarified. The proposed rule as modified, in the opinion of the Commission, eliminates all objections of the com-

plaining parties without unduly affecting its purpose.

Therefore, pursuant to the authority of section 4 of the Administrative Procedure Act (5 U.S.C. § 1003) and sections 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 841(a) and 841(b)), paragraph (k) of § 510.23 of title 46 CFR is hereby amended to read as follows:

§ 510.23 Duties and obligations of licensees.

• • • • •

(k) Each licensee shall maintain in an orderly, systematic, and convenient manner, and keep current and correct, all records and books of account in connection with carrying on the business of forwarding. These records must be kept in such a manner as to permit authorized Commission personnel to determine readily the licensee's cash position, accounts receivable, and accounts payable. As a minimum requirement, the licensee must maintain the following records:

(1) A current running account of overall cash receipts, disbursements, and daily balance. This account may be maintained on check book stubs. The account must be supported by bank deposit slips, paid checks, and a monthly reconciliation of the bank statement.

(2) A separate file for each shipment, to include a copy or notation of each document prepared, processed, or obtained by the licensee with respect to each individual shipment or files which will make readily available such copies or notations with respect to each individual shipment. Records must be maintained which show the date and amount for payments received and disbursed by the licensee for the performance of services rendered or reimbursement for advance of out-of-pocket expenses.

• • • • •

*Effective date.* This amendment shall become effective 30 days after date of publication of this notice in the FEDERAL REGISTER.

By order of the Federal Maritime Commission.

[SEAL] THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10285; Filed, Oct. 8, 1964; 8:47 a.m.]

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

### PART 32—HUNTING

### California and Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

CALIFORNIA AND OREGON

LOWER KLAMATH NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Lower Klamath National Wildlife Refuge, California and Oregon, is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,890 acres, is delineated on maps available at refuge headquarters, Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for hunting pheasants on the portion of the Refuge in Oregon extends from October 17 through November 29, 1964. The open season in that portion of the refuge in California is as follows: November 21 and 22, 1964, for all refuge lands in the public hunting area except Administrative Units 2 and 3; November 21 through December 6, 1964, for Administrative Units 4, 7, 8, and 9.

(2) Camping will be permitted in designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in title 50, Code of Federal Regulations, part 32, and are effective through December 6, 1964.

CALIFORNIA

TULE LAKE NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Tule Lake National Wildlife Refuge, Calif., is permitted only on the area designated by signs as open to hunting. This open area, comprising 14,000 acres, is delineated on maps available at refuge headquarters, Route 1, Box 74, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Open season: November 21 through November 22, 1964, all refuge lands east of the Hill Road except that portion south of the center line in secs. 19, 20, 21, and 22, T. 47 N., R. 4 E., and west of Dike A and the west boundary dike of the Sump 1B and headquarters area.

November 21 through December 6, 1964, League of Nations, a strip ¼ mile wide along the west boundary of the Frog Pond, the south half of the Panhandle buffer strip, and that portion of Sump 1A and the area east to Hill Road which is north of the center line in secs. 19, 20, 21, and 22, T. 47 N., R. 4 E., except headquarters area.

(2) Camping will be permitted in designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in title 50, Code of Federal Regulations, part 32, and are effective through December 6, 1964.

J. T. BARNABY,
*Acting Regional Director,*
*Portland, Oregon.*

OCTOBER 1, 1964.

[F.R. Doc. 64-10286; Filed, Oct. 8, 1964; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[Docket No. FDC-74]

[ 21 CFR Part 19 ]

### COLD-PACK CHEESE FOOD

### Proposed Definitions and Standards of Identity; Findings of Fact and Proposed Order After Hearing

In the matter of amending the definition and standard of identity for cold-pack cheese food:

A notice of filing of a petition proposing amendments to the definitions and standards of identity for cold-pack cheese food (21 CFR 19.787) and cold-pack cheese food with fruits, vegetables, or meats (21 CFR 19.788), to provide for the optional use of guar gum and sodium propionate, was published in the FEDERAL REGISTER of September 20, 1962 (27 F.R. 9332).

By an order published in the FEDERAL REGISTER of May 4, 1963 (28 F.R. 4508), the proposal to cover the use of propionate mold inhibitors was adopted, but the proposal to list guar gum as an optional ingredient was rejected. Objections were filed to this ruling on guar gum, and a hearing to take evidence thereon was announced in the FEDERAL REGISTER of July 23, 1963 (28 F.R. 7472), and scheduled in the FEDERAL REGISTER of January 11, 1964 (29 F.R. 297).

On the basis of the evidence received at the hearing and pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.90; 29 F.R. 471), and after consideration of written arguments and suggested findings, which are adopted in part and rejected in part as is apparent from the detailed findings in this notice, it is proposed that the order hereinafter set forth issue:

*Findings of fact.*[1] 1. In the early 1930's several small firms in the Midwest began to make and distribute in interstate commerce foods which they called by names such as cold-pack cheese food and, in some cases, cheddar cheese spread. These products differed from cold-pack cheese in that in addition to cheese they contained acidifying agents, salt, sweeteners, and other ingredients such as cream, whey powder, skim milk powder, and water. (R. 55, 174, 339–341, 461)

2. The flavor and body characteristics of cold-pack cheese food are largely dependent on the selection of properly aged cheeses to impart desired cheese flavor and spreadable body that is easily "broken down" in the mixing of the cheese food. Such a breakdown characteristic affords a smooth, spreadable texture to the cold-pack article. Advocates of guar gum testified that they use cheese at least 9 months old and up to 24 months old. Introduction of young cheeses has been avoided because of an adverse effect on flavor and body of the cold-pack cheese food. (R. 83, 349, 407)

3. Advocates of the amendment testified that if they did not use vegetable gum a defect of leakage of fluid (called syneresis) was noted in the finished cold-pack cheese food, except when the cheese food was made from very young cheeses. This defect shows up when the food is subjected to warm temperatures. (R. 62, 64, 158, 357–358, 368)

4. When young, tough cheese is used, it is possible to omit the water-binding substances like guar gum. However, doing this results in a finished food lacking desirable cheese flavor. Test packs made with very young cheese exhibited a "sour-buttermilk" taste accompanied by lack of definite cured cheese flavor. If young cheeses are used, acidifiers—which are permitted by the standards—would be needed to produce a pungent, sharp taste. This sharp taste effect without definite cheese flavor has been considered unsatisfactory. (R. 81, 82, 157, 400, 401)

5. For many years it has been noted that following shipment of cold-pack cheese products the defect manifested by leakage of moisture has sometimes occurred in these products. Cold-pack cheese food has been packaged in a variety of materials during its history. It was first packaged in earthenware crocks. During handling, a water-like fluid exuded from the food in the crock when it was held at room temperature, and particularly at room temperature in the summer season. When plastic sheets made of thin pliofilm were used for "refill containers" the leakage defect was aggravated by the fact that these plastic packages are sealed only by a twist of the sack. Leaking packages were unsightly. (R. 64, 344, 347, 351, 357, 358, 359, 365, 368)

6. One of the advocates of the proposed amendment began using a water-binding gum to reduce syneresis about 1947. This firm has used gums since that time. Another firm has been using gum since 1957. Several gums were tried, including extract of Irish moss, locust bean gum, guar gum, and locust bean gum with guar gum. More recently a cold-water soluble type of guar gum has been available and it has come to be preferred for use to reduce the leakage of moisture from these cold-pack products. (R. 49, 356)

7. Advocates for the use of guar gum in cold-pack cheese food report guar gum to be quite effective. The gum prevents the migration of water in the food. They testified that it does not conceal inferiority of ingredients. Actual formulation and experience have shown that about 0.3 percent of guar gum is functional and effective in the food. (R. 61–62, 66, 89, 174, 304, 356, 465–466, 521)

8. To measure the effectiveness of the guar gum in cold-pack cheese food, some observations were made on a small set of samples produced by one of the firms but evaluated by an individual of expert background associated with another company not involved in the manufacture of cold-pack cheese food. The appraisal of the samples was made by a person who did not make or did not witness the making of the samples. (R. 189, 220; Ex. 5)

9. Twelve-ounce packages of cold-pack cheese food were placed in storage at refrigerator temperature (about 40° F.), ambient room temperature (about 75° F.), and in an incubator (100° F.). The packages marked "with gum" contained about 0.25 percent of guar gum. The controls were marked "without gum." Observation of exuded liquid in all samples without gum, which had been stored above refrigeration temperatures, led the investigator to conclude that the guar gum prevents the excess exudation of liquid in cold-pack cheese food. Both the control samples and those with guar gum did not show the leakage defect when held in the refrigerator throughout the 2-week period. (R. 197, 253, 260; Ex. 5)

10. The objector to the use of guar gum has made cold-pack cheese food for over 30 years. As formulated and compounded by his firm, to comply with the existing standard, from properly cured and selected cheddar cheese of varying age, with the addition of whey solids, cream, nonfat dry milk, dextrose, salt, and water, he found that they did not need to use a stabilizer such as guar gum. The product showed leakage only when subjected to higher holding temperatures which he considered to be an "abuse" that should be avoided. He also claimed that if "high acid" or "sweet curd" cheeses are used and gum is added, such use of gum would be deceptive. (R. 461–466, 478, 521)

11. A series of samples of cold-pack cheese food were prepared by a qualified dairy laboratory employing cheddar cheese of varying age. As cheese ages it loses its ability to hold water. Thus, the cold-pack samples were made using cheese of the following age categories: 6, 30, 168, 350 and 510 days old. For this study 13 different age-blend combinations were made. Duplicate samples were made so that one contained 0.25 percent of guar gum and the other was without guar gum. In distributing the cheese of different age groups in the mixtures,

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

an approximate 50–50 blend of cheeses of different ages was used. To the ground cheese was added, for each sample, whey powder, nonfat dry milk, salt, water, sodium propionate, cheese color and, where appropriate, 0.25 percent guar gum. All samples were standardized in their final moisture content to a calculated 43.5 percent. The samples were made up in batches of 2 pounds. The samples were packaged in 6-ounce, screw-top, glass jars and placed in 40° F. refrigerated storage for 2 days. After this, samples were distributed at 40° F. and 100° F., and some were held at ambient room temperature. Following a 9-day storage period all the samples were once again placed in the refrigerator. After 2 days the samples were brought to room temperature, held for 2 hours, and then observed for signs of leakage in the form of exuded liquid at the bottom of the jars or in the interstices of the blended cold-pack cheese food. From these observations the following conclusions were reported:

A. No samples containing added guar gum exhibited any signs of leakage after the storage for 9 days in the range of 40° F. to 100° F.

B. All samples that did not contain guar gum, and that were made of blends of an average age of 30 days or somewhat older, exhibited leakage characterized as very slight to some free liquid in the bottom of the jar after 9 days storage at ambient room temperature and at 100° F.

C. Samples containing blends of cheese of an average age of 18 days (made from 6- and 30-day old cheese) without guar gum did not exhibit leakage at ambient storage and at 100° F.

D. The cold-pack cheese food containing all 6-day cheese that did not contain guar gum exhibited no leakage at ambient and at 100° F. storage over the 9-day period. (R. 430–441, 443–445, 448–453; Ex. 24)

12. Cold-pack cheese food has consistently been recognized as a food that requires refrigerated storage from time of manufacture until it reaches the consumer's table. Testimony was adduced that indicated the leakage defect only occurs when the product is subjected to the shock of warm temperatures, such as summer heat or a few days at moderate room temperature (75° F.). The experience of the advocates of guar gum indicated a need for protecting the food against nonrefrigerated exposure. The product is invariably shipped to the large distributor from the site of manufacture under protected, refrigerated shipment. Breakdown of this system has been known to occur. There have been instances of inadvertent exposure of the product on receiving or shipping docks. Two distributors submitted statements supporting the need for guar gum to retard or prevent leakage. The objector to the proposed amendment indicated that the food always requires protected refrigerated care all the way to the consumer. He considered anything less than such care to be a form of mishandling. Despite his views, however, this semiperishable food can become exposed to temperatures high enough to destabilize the loosely held water in the product. This instability is aggravated by the tendency of aged cheeses to leak moisture when not held under constant refrigeration. The fact that the labels for some cold-pack cheese foods direct bringing the food to ambient temperature before serving may tend to encourage holding the packages at room temperatures for long enough periods to cause leakage to begin. (R. 357–359, 368, 373–376, 415, 463–465; Ex. 22, 23)

13. Returns of cold-pack cheese food have been reduced through the use of the guar gum. While not all returned merchandise is due to syneresis, perhaps two-thirds of the packages returned to the manufacturer are accounted for by leakage of moisture and resulting unsightly packages. Such packages are spoiled in an economic sense even though the leakage defect has not been accompanied by fermentation or other chemical breakdown. (R. 66, 370–372, 396, 403, 412, 518)

14. Employing guar gum to eliminate or reduce syneresis does not result in increasing the maximum content of moisture or reduction of the minimum quantity of butterfat in the product as required by the standard of identity. The presence of the gum in cold-pack cheese food can be detected by chemical analysis. (R. 57, 156, 214; Ex. 22, 23)

*Conclusion.* Cold-pack cheese food is a product that is subject to a leakage of moisture (called syneresis). This is caused by the nature of the cheeses, the optional ingredients used, and it is aggravated by elevated temperatures to which the product may be subjected during distribution and handling by distributors, retailers, and even consumers. The defect of syneresis produces an unsightly product, but it has not been found to be accompanied by changes of public health significance. Producers report that they use cheeses from 9 months to 24 months of age. Such cheeses impart a desirable cheese flavor and spreadable body to the food that cannot be obtained when young, fresh cheese is used in its place. A study was reported which indicated that syneresis can be avoided in cold-pack cheese food, without addition of guar gum, when the age of cheese used is less than 30 days. Although food acid may be added to the young cheese to impart some pungency of flavor, it has not been deemed that this alternative to the use of aged cheese would promote the interest of consumers. The employment of guar gum has been shown to be functional in cold-pack cheese food, and its use has no adverse effect on the wholesome properties of the cheese food. The standard of identity prescribes minimum fat and maximum moisture levels which are controlling whether or not guar gum is used. Optional use of the gum should be accompanied by label declaration.

On the basis of the foregoing findings of fact and conclusions, and taking into consideration the substantial evidence of the entire record, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definition and standard of identity for cold-pack cheese food by adding respectively to paragraphs (e) and (f) of § 19.787 proposed new subparagraphs (8) and (9), as follows:

§ 19.787 Cold-pack cheese food; identity; label statement of optional ingredients.

* * * * * * *

(e) * * *

(8) In the preparation of cold-pack cheese food, guar gum may be used in a quantity not to exceed 0.3 percent of the weight of the finished food.

(f) * * *

(9) When the optional ingredient guar gum is present in cold-pack cheese food, the label shall bear the statement "guar gum added" or "with added guar gum."

* * * * * * *

The identity standard for cold-pack cheese food with fruits, vegetables, or meats (§ 19.788) is cross-referenced to the standard for cold-pack cheese food (§ 19.787). Therefore, if the amendment proposed for § 19.787 is adopted it will be applicable to § 19.788.

Any interested person whose appearance was filed at the hearing may, within 30 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the findings of fact and proposed order and shall include specific references to the pages of the transcript of testimony and to the exhibits on which the exceptions are based. Exceptions may be accompanied by briefs in support thereof. Exceptions and accompanying briefs should be submitted preferably in quintuplicate.

Dated: October 2, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64–10309; Filed, Oct. 8, 1964; 8:49 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63–SW–55]

## CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

### Proposed Alteration, Transition and Revocation

The Federal Aviation Agency is considering amendments to part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Killeen, Tex., terminal area.

The following controlled airspace is presently designated in the Killeen, Tex., terminal area:

1. The Killeen, Tex., control zone is designated as that airspace within a 5-mile radius of Gray AFB, Killeen, Tex. (latitude 31°04'20" N., longitude 97°49'-45" W.), and within 2 miles each side of the extended centerline of runway 15/33 extending from the 5-mile radius zone to 8 miles NW and SE of the AFB, excluding the portion within the Fort Hood, Tex., control zone. The portion of this control zone within Restricted Area R–6302C shall be used only after obtaining prior approval from appropriate authority. This control zone shall be effective as specified in a Notice to Airmen issued no less than 24 hours in advance.

2. The Fort Hood, Tex., control zone is designated as that airspace within a 5-mile radius of Fort Hood AAF (latitude 31°08'15" N., longitude 97°42'50" W.), from 0600 to 2200 hours local time, daily, excluding the portion within R–6302A. The portions of this control zone within R–6302B and R–6302C shall be used only after obtaining prior approval from appropriate authority.

3. The Waco, Tex., control area extension is designated as that airspace W of Waco bounded on the W by V–163, on the NE and E by V–17 and on the S by V–76, excluding the portion of this control area extension within R–6302A. The portions of this control area extension within R–6302B and R–6302C shall be used only after obtaining prior approval from appropriate authority.

4. The Lometa, Tex., control area extension is designated as that airspace within 6 miles N and 10 miles S of the Lometa VORTAC 276° radial extending from the VORTAC to 30 miles W.

5. The Austin, Tex., control area extension is designated as that airspace within a 40-mile radius of latitude 30°-22'36" N., longitude 97°40'55" W.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Killeen, Tex., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, proposes the following airspace actions:

1. Redesignate the Killeen, Tex., control zone as that airspace within a 5-mile radius of Robert Gray AAF, Killeen, Tex. (latitude 31°04'20" N., longitude 97°49'-45" W.), within a 5-mile radius of Fort Hood AAF (latitude 31°08'15" N., longitude 97°42'50" W.), within 2 miles each side of the 339° bearing from the Gray RBN extending from the 5-mile radius zone to 7 miles N of the RBN, within 2 miles each side of the Hood VOR 271° radial extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the Hood VOR 352° radial extending from the 5-mile radius zone to the VOR. The portion of this control zone within R–6302A, R–6302B and R–6302C shall be used only after obtaining prior approval from appropriate authority.

2. Revoke the Fort Hood control zone.

3. Revoke the Lometa control area extension.

4. Designate the Killeen, Tex., transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Hood AAF (latitude 31°08'15" N., longitude 97°-42'50" W.), within a 7-mile radius of Robert Gray AAF (latitude 31°04'20" N., longitude 97°49'45" W.), within 2 miles each side of the 339° bearing from the Gray RBN extending from the Robert Gray AAF 7-mile radius area to 8 miles N of the RBN, and within 8 miles W and 5 miles E of the Hood VOR 352° and 172° radials extending from 5 miles N to 12 miles S of the VOR; that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at:

Latitude 30°48'00" N., longitude 97°39'00" W.; to latitude 30°48'00" N., longitude 98°-03'00" W.; to latitude 30°33'30" N., longitude 98°31'30" W.; to latitude 31°13'00" N., longitude 98°38'00" W.; to latitude 31°23'31" N., longitude 97°47'45" W.; to latitude 31°22'33" N., longitude 97°42'45" W.; to latitude 31°-20'48" N., longitude 97°40'32" W.; to latitude 31°19'37" N., longitude 97°40'32" W.; to latitude 31°13'45" N., longitude 97°32'35" W.; to latitude 31°06'06" N., longitude 97°32'42" W.; to latitude 30°57'00" N., longitude 97°-36'00" W.; to point of beginning.

The portions of this transition area within R–6302A, R–6302B, and R–6302C shall be used only after obtaining prior approval from appropriate authority.

The floors of the airways and the portions of the Waco and Austin control area extensions that would traverse the transition area proposed herein would automatically coincide with the floor of the transition area.

The proposed alteration of the Killeen control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at Robert Gray AAF and Hood AAF.

The proposed designation of the 1,200 foot floor portion of the Killeen transition area and the revocation of the Lometa control area extension would raise the floor of the controlled airspace beyond the immediate vicinity of Hood AAF and Robert Gray AAF from 700 to 1,200 feet above the surface. The portions retained would provide protection for aircraft executing instrument holding, arrival and departure procedures within the Killeen terminal area.

The revocation of the Waco and Austin control area extensions will be accomplished at a later date as a part of the CAR Amendments 60–21/60–29 program proposed for the terminal areas which adjoin the Killeen terminal area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Fort Worth, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on September 25, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64–10276; Filed, Oct. 8, 1964; 8:45 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64–SW–22]

## TRANSITION AREA

### Proposed Alteration

The Federal Aviation Agency is considering an amendment to part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Farmington, N. Mex., terminal area.

The Farmintgon, N. Mex., transition area is presently designated as that airspace extending upward from 700 feet above the surface within an 11-mile radius of Farmington Municipal Airport (latitude 36°44'35" N., longitude 108°-13'46" W.), and that airspace within 2 miles each side of the Farmington VORTAC 094° radial, extending from the 11-mile radius area to 8 miles E of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles N and 8 miles S of the Farmington VORTAC 094° radial, extending from the 11-mile radius area to 13 miles E of the VORTAC, and that airspace within 5 miles each side of the Farmington VORTAC 257° radial, extending from the 11-mile radius area to 17 miles W of the VORTAC.

The Federal Aviation Agency proposes to redesignate the Farmington, N. Mex., transition area as that airspace extending upward from 700 feet above the surface within an 11-mile radius of Farmington Municipal Airport (latitude 36°44'35" N., longitude 108°13'46" W.), within 2 miles each side of the Farmington VORTAC 094° radial extending from the 11-mile radius area to 8 miles E of the VORTAC, and within 2 miles each side of the Farmington VORTAC 086° radial extending from the 11-mile radius area to 12 miles E of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Farmington VORTAC excluding the portion within the Durango, Colo., transition area.

The proposed transition area would provide protection for aircraft executing prescribed instrument holding, arrival

and departure procedures in the Farmington terminal area, including the use of DME orbits within 20 nautical miles of the Farmington VORTAC, and would include the additional airspace within 26 nautical miles of the Farmington VORTAC required to protect aircraft executing turns on airways/routes in the Farmington terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on September 25, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-10277; Filed, Oct. 8, 1964; 8:45 a.m.]

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## [ 14 CFR Part 507 ]

[Reg. Docket No. 6230]

## AIRWORTHINESS DIRECTIVES

### Marvel-Schebler Models MA-3, MA-3A, MA-3SPA, MA-4SPA, MA-4-5, MA-4-5AA and MA-6 Carburetors

Amendment 30, 24 F.R. 5635, AD 59-13-7, and amendment 400, 27 F.R. 1454, AD 62-4-2, require modification of the float assembly and replacement of the solder safetied float bracket attaching screws and float valve assemblies, respectively, on Marvel-Schebler Models MA-3, MA-3A, MA-3SPA, MA-4SPA, MA-4-5, MA-4-5AA and MA-6 carburetors. Investigation indicates a need for an updated AD, since additional failures have occurred and some of the parts specified in amendments 30 and 400 are no longer available. It is proposed, therefore, to supersede these amendments with a new directive requiring inspection, parts replacement, installation of the positive retraction float valve assembly and safetying of the bowl screws by the use of safety wire.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before November 9, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of part 507 (14 CFR part 507), by adding the following airworthiness directive:

MARVEL-SCHEBLER. Applies to models MA-3, MA-3A, MA-3SPA, MA-4SPA, MA-4-5, MA-4-5AA and MA-6 carburetors used on various Franklin (Aircooled), Continental, Lycoming, and Ranger engines, except the carburetors listed herein or having the number "64" stamped on the nameplate.

| Marvel-Schebler P/N: | *Serial Number* |
|---|---|
| A10-3859-1 | W-4-262 and up. |
| A10-3878 | G-6-1902 and up. |
| A10-3965-12 | H-11-4119 and up. |
| A10-4025-12 | Z-2-1400 and up. |
| A10-4164-1 | K-3-1697 and up. |
| A10-4218-1 | AK-2-368 and up. |
| A10-4401-1 | AC-3-1395 and up. |
| A10-4404 | R-6-3344 and up. |
| A10-4404 | AO-3-996 and up. |
| A10-4438-1 | AH-4-626 and up. |

Compliance required within 1,000 hours' time in service or when the carburetor is removed or disassembled, whichever occurs first, after the effective date of this AD.

Numerous operational malfunctions have occurred on these carburetors, including those complying with AD's 59-13-7 and 62-4-2. These have resulted in erratic engine operation and, in some cases, complete engine stoppage. Unless previously accomplished, design features contributing to these malfunctions are to be removed or corrected by accomplishing the following:

(a) Replace all float assemblies having metal float chambers, whether reinforced or not, with float assemblies having moulded cellular rubber float chambers of the appropriate part number for the carburetor involved.

(b) Visually inspect solder safety on float valve bracket attach screws for security. If it is intact and provides positive safety, no action is required. If an unsatisfactory condition is noted or if screws are removed for any cause, replace screws with long-lok insert screws, A15-A21.

NOTE. Before installing these screws, the tapped holes on the carburetor body should be chamfered or countersunk using a 45° countersink to the major diameter (0.112 inch) of the screw to facilitate starting the nylon insert into the hole and remove any sharp edges or incomplete threads which may cut the nylon insert. The thread depth of any holes which will not accept the full length of the screw should be increased by carefully tapping with 4-40 bottoming tap. Early carburetors of the MA-3 series having 3-36 threads may be retapped to accept the 4-40 screw with a 4-40 bottoming tap after the chamfering or countersinking operation. The long-lok screws do not require solder safety.

(c) On models MA-3, MA-3A, MA-3SPA, and MA-4SPA, install P/N A233-615 float valve assembly having a positive retraction float valve clip, Marvel-Schebler P/N A29-184, and long-lok safety feature in accordance with instructions in Marvel-Schebler Service Bulletin No. A1-64. No solder safety is required.

(d) On models MA-4-5, MA-4-5AA and MA-6 series, install P/N A233-614 float valve assembly having a positive retraction float valve clip, Marvel-Schebler P/N A29-182, and long-lok safety feature in accordance with instructions in Marvel-Schebler Service Bulletin No. A6-63.

(e) Safety all bowl cover screws whether long-lok type or not, by the use of safety wire as described in Marvel-Schebler Bulletin No. A5-63 or standard procedure.

(f) After all modifications outlined in this AD have been accomplished, impression stamp or etch a small number "64" in the lower section of the nameplate to indicate compliance.

This supersedes Amendment 30, 24 F.R. 5635, AD 59-13-7, and amendment 400, 27 F.R. 1454, AD 62-4-2.

Issued in Washington, D.C., on October 2, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc 64-10278; Filed, Oct. 8, 1964; 8:46 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

### FEDERAL NATIONAL MORTGAGE ASSOCIATION

### Designation of Instruments for Exemption

OCTOBER 5, 1964.

Paragraph 12 of section 3(a) of the Securities Exchange Act of 1934, as amended, provides in part that when used in title I thereof, unless the context otherwise requires, the term "exempted security" or "exempted securities" shall include such securities issued or guaranteed by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or for the protection of investors.

The National Housing Act, as amended by section 701(a) of Public Law 88-560, approved September 2, 1964, provides that guaranteed participation certificates or other instruments guaranteed by the Federal National Mortgage Association under that Act, as thus amended "shall to the same extent as securities issued or guaranteed by the United States or its instrumentalities be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission."

Accordingly, notice is hereby given that guaranteed participation certificates or other guaranteed instruments of the Federal National Mortgage Association issued under the authority of the National Housing Act, as amended by section 701(a) of Public Law 88-560, approved September 2, 1964, were designated for exemption by the Secretary of the Treasury on October 5, 1964.

That designation for exemption may be revoked, modified or amended at any time by the Secretary of the Treasury with respect to certificates or other instruments not issued prior to such time.

[SEAL] JOHN K. CARLOCK,
*Fiscal Assistant Secretary of the Treasury.*

[F.R. Doc. 64-10308; Filed, Oct. 8, 1964; 8:49 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[BLM 079480; Survey Group 92]

### MINNESOTA

### Notice of Filing of Plat of Survey

OCTOBER 2, 1964.

The Plats of Survey in 5 sheets represent the survey of islands in Schram Lake, section 12; Leek Lake, sections 15 and 16; Hook Lake, section 21; and Lawrence Lake, section 26 which were not included in the original survey of T. 137 N., R. 41 W., represented on the plat approved June 2, 1871, and will be officially filed in this office effective 10 a.m. on November 20, 1964.

FIFTH PRINCIPAL MERIDIAN, MINNESOTA

T. 137 N., R. 41 W.,
- Sheet 1, sec. 12, lot 5; containing 3.76 acres; lot 6, containing 1.81 acres.
- Sheet 2, sec. 15, lot 9, containing 0.69 acres.
- Sheet 3, sec. 16, lot 9, containing 3.99 acres; lot 10, containing 2.75 acres; lot 11, containing 2.30 acres.
- Sheet 4, sec. 21, lot 11, containing 2.52 acres.
- Sheet 5, sec. 26, lot 11, containing 0.10 acres; lot 12, containing 0.24 acres; lot 13, containing 0.42 acres; lot 14, containing 0.09 acres; lot 15, containing 0.21 acres; lot 16, containing 0.36 acres.

The area described aggregates 19.25 acres.

The islands in Schram Lake, section 12 are in all regards similar to the opposing mainland, with an elevation ranging from 0 to 13 feet above mean-high-water line. The islands are of rich loam, land rolling; timber consists of birch, ash, balsam fir, basswood, larch, and oak, ranging in size from 4 to 21 inches in diameter, with undergrowth of young trees, brush, and grasses, being sparsely surrounded by water grasses.

The islands in Leek Lake, sections 15 and 16 are in all regards similar to the opposing mainland, with an elevation ranging from 0 to 41 feet above mean-high-water line. The islands are of rich loam with numerous rock outcrops; timber consists of maple, birch, ash, oak, butternut, elm and basswood, ranging in size from 4 to 40 inches in diameter; with undergrowth of dense young trees, brush, vines and grasses.

The island in Hook Lake, section 21 is in all regards similar to the opposing mainland, with an elevation ranging from 0 to 19 feet above mean-high-water line. The island is of rich loam, land rolling, timber consists of oak, maple, balsam fir, larch, basswood, and birch, ranging in size from 4 to 22 inches in diameter; undergrowth is composed of dense young trees, brush, vines and grasses.

The islands in Lawrence Lake, section 26 are in all regards similar to the opposing mainland, with an elevation ranging from 0 to 12 feet above mean-high-water. The islands are of rich loam and rocky, land rolling, timber consists of oak, birch, ash, elm, balsam fir, and butternut, ranging in size from 4 to 20 inches in diameter; undergrowth is composed of young trees, brush, and grasses.

The character of the islands and the timber growth thereon attest to their existence in 1858, when Minnesota was admitted into the Union, and at all times since. They are, therefore, held to be public lands.

The islands are well over 50 percent upland in character within the interpretation of the swamp land acts.

The State has been satisfied for its rights under School Land Grants (43 U.S.C. 851, 852) in this township. Therefore the newly surveyed islands in Sec. 16, are found to be public lands.

Except for valid existing rights the islands will not be subject to use and disposition under provisions of the public land laws, including the mining and mineral leasing laws until a further order is issued.

All inquiries relating to the islands should be directed to the Manager, Eastern States Office, Bureau of Land Management, Washington, D.C., 20240.

DORIS A. KOIVULA,
*Manager, Land Office.*

[F.R. Doc. 64-10292; Filed, Oct. 8, 1964; 8:47 a.m.]

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[Oregon 015247]

### OREGON

### Notice of Proposed Withdrawal and Reservation of Land

OCTOBER 2, 1964.

The Corps of Engineers, U.S. Department of the Army, has filed an application, serial number Oregon 015247, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws and mineral leasing laws, subject to valid existing rights.

The applicant desires the land in connection with the construction and operation of the Blue River Reservoir Project, which is being constructed primarily for flood control benefits.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oreg., 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Corps of Engineers.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

*Willamette National Forest*

T. 15 S., R. 4 E.,
Sec. 36.
T. 16 S., R. 4 E.,
Sec. 11;
Sec. 14;
Sec. 15;
Sec. 21.
T. 15 S., R. 5 E.,
Sec. 31.
T. 16 S., R. 5 E.,
Sec. 6;
Sec. 7.

The total area to be withdrawn is approximately 900 acres.

DOUGLAS E. HENRIQUES,
*Land Office Manager.*

[F.R. Doc. 64-10293; Filed, Oct. 8, 1964; 8:47 a.m.]

## ASSISTANT CHIEF, BRANCH OF PROCUREMENT, DIVISION OF ADMINISTRATIVE SERVICES

### Redelegation of Authority Regarding Contracts and Leases

SECTION 1. *Authority.* Pursuant to the authority contained in section 2 of order No. 698 of the Bureau of Land Management, the Assistant Chief, Branch of Procurement, Division of Administrative Services, is hereby redelegated the authority contained in section 1(a) of said order.

The above delegation is effective September 28, 1964, and may not be redelegated.

J. F. HUCHINGSON,
*Chief,*
*Division of Administrative Services.*

SEPTEMBER 28, 1964.

[F.R. Doc. 64-10294; Filed, Oct. 8, 1964; 8:47 a.m.]

# DEPARTMENT OF COMMERCE

## Maritime Administration

## ALASKA STEAMSHIP CO.

### Notice of Tentative Findings Justifying the Continuance of Bareboat Charters Covering 3 C1-M-AV1 Type Government-owned Vessels

Notice is hereby given that the Acting Maritime Administrator has tentatively found, in accordance with section 5 (e)(1), Merchant Ship Sales Act of 1946, as amended, that conditions exist justifying the continuance of the bareboat charters covering the Government-owned C1-M-AV1 type vessels "Coastal Monarch," "Coastal Nomad," and "Coastal Rambler," presently under charter to Alaska Steamship Co., which were due for annual review on or about November 1, 1964.

Any person, firm or corporation having an interest in the tentative findings of the Acting Maritime Administrator respecting the foregoing, who desires to offer views and comments thereon, express objections or request a hearing, should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C., 20235, by close of business on October 28, 1964. The Maritime Administrator will consider such submissions made in writing and take such action with respect thereto as may be deemed appropriate.

If no objection thereto or no request for a hearing is received, the tentative findings of the Acting Maritime Administrator in respect to this matter will become final.

Dated: October 6, 1964.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
*Secretary.*

[F.R. Doc. 64-10325; Filed, Oct. 8, 1964; 8:50 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## ATLAS CHEMICAL INDUSTRIES, INC.

### Notice of Filing of Petition Regarding Food Additive Silicon Dioxide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5B1514) has been filed by Atlas Chemical Industries, Inc., Wilmington, Delaware, 19899, proposing that § 121.2576 *Unsaturated polyester-styrene copolymer resins* be amended by adding silicon dioxide to the list of miscellaneous materials in paragraph (b).

Dated: October 2, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-10300; Filed, Oct. 8, 1964; 8:47 a.m.]

## FAIRFIELD CHEMICALS, FMC CORP.

### Notice of Filing of Petition Regarding Food Additives Piperonyl Butoxide and Pyrethrins

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 4H1455) has been filed by Fairfield Chemicals, FMC Corporation, Middleport, N.Y., proposing the issuance of a regulation to provide for the safe use of piperonyl butoxide and pyrethrins in the outer ply of multiwall paper bags used in the packaging of dried foods and feed commodities. Tolerances of 10 parts per million of piperonyl butoxide and 1 part per million pyrethrins are proposed for residues in the packaged foods and feeds.

Dated: October 2, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-10301; Filed, Oct. 8, 1964; 8:48 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Public Health Service

## PROMULGATION OF "FEDERAL SHARES" UNDER FEDERAL WATER POLLUTION CONTROL ACT

Pursuant to section 5(h) (1) and (2) of the Federal Water Pollution Control Act, as amended (70 Stat. 501, 33 U.S.C. 466d(h) (1), (2)),

And having found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce, as to the per capita incomes of States and of the United States, are the years 1961, 1962, and 1963,

The following "Federal Share" percentages for the several States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands, as determined pursuant to said act and on the basis of said income data, are hereby promulgated for 2 fiscal years in the period beginning July 1, 1965:

| | | | |
|---|---|---|---|
| Alabama | 66⅔ | Nevada | 33.57 |
| Alaska | 41.85 | New Hampshire | 52.62 |
| Arizona | 55.33 | New Jersey | 39.97 |
| Arkansas | 66⅔ | New Mexico | 60.27 |
| California | 38.99 | New York | 38.10 |
| Colorado | 48.77 | North Carolina | 63.44 |
| Connecticut | 34.97 | North Dakota | 59.00 |
| Delaware | 33⅓ | Ohio | 49.07 |
| District of Columbia | 33⅓ | Oklahoma | 59.46 |
| Florida | 56.65 | Oregon | 49.24 |
| Georgia | 62.91 | Pennsylvania | 49.85 |
| Hawaii | 49.09 | Rhode Island | 50.15 |
| Idaho | 60.10 | South Carolina | 66⅔ |
| Illinois | 39.80 | South Dakota | 59.53 |
| Indiana | 50.06 | Tennessee | 64.03 |
| Iowa | 53.58 | Texas | 57.24 |
| Kansas | 53.34 | Utah | 56.52 |
| Kentucky | 63.74 | Vermont | 56.82 |
| Louisiana | 64.06 | Virginia | 58.23 |
| Maine | 58.83 | Washington | 48.45 |
| Maryland | 43.86 | West Virginia | 61.85 |
| Massachusetts | 41.79 | Wisconsin | 51.29 |
| Michigan | 49.15 | Wyoming | 49.24 |
| Minnesota | 52.65 | Guam | 66⅔ |
| Mississippi | 66⅔ | Puerto Rico | 66⅔ |
| Missouri | 49.20 | Virgin Islands | 66⅔ |
| Montana | 55.14 | | |
| Nebraska | 52.24 | | |

Interstate Agencies:

| | |
|---|---|
| Bi-State Development Agency | 42.59 |
| Delaware River Basin Commission | 42.06 |
| Interstate Commission on the Potomac River Basin | 50.93 |
| Interstate Sanitation Commission | 38.16 |
| Klamath River Compact Commission | 39.96 |
| New England Interstate Water Pollution Control Commission | 40.16 |
| Ohio River Valley Water Sanitation Commission | 46.42 |
| Tennessee River Basin Water Pollution Control Commission | 66.00 |

Dated: September 23, 1964.

[SEAL] LUTHER L. TERRY,
*Surgeon General.*

Approved: October 2, 1964.

ANTHONY J. CELEBREZZE,
*Secretary of Health, Education, and Welfare.*

[F.R. Doc. 64-10310; Filed, Oct. 8, 1964; 8:49 a.m.]



# ATOMIC ENERGY COMMISSION

[Docket No. 50-223]

## LOWELL TECHNOLOGICAL INSTITUTE

### Notice of Application for Construction Permit and Facility License

Please take notice that Lowell Technological Institute, pursuant to section 104c of the Atomic Energy Act of 1954, as amended, has filed an application for a license to construct and operate an open pool-type nuclear research reactor designed to operate at 5 megawatts thermal, and to be located on its campus at Lowell, Mass. Earliest and latest dates for completion of construction of the reactor are estimated to be February 1966 and December 1966, respectively.

A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 1st day of October 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-10261; Filed, Oct. 8, 1964; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 15350; Order E-21353]

## AMERICAN AIRLINES, INC., ET AL.

### Order of Investigation, Suspension, and Consolidation Regarding Military First-Class Fares

Military first-class fares proposed by American Airlines, Inc., Continental Air Lines, Inc., Trans World Airlines, Inc., and Frontier Airlines, Inc., Docket 15350.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of October 1964.

By tariff revision[1] marked to become effective October 24, 1964, Frontier Airlines, Inc., proposes to establish local military first-class fares between eleven city pairs at a level equal to the propeller coach fares of competitive carriers between the same points. The fares apply only to the transportation of military traffic when transportation is via flights designated as first-class flights and when payment is made with a U.S. Government Transportation Request. Discounts, other than children's fares, do not apply and the fares do not have an expiration date.

Continental Air Lines, Inc., has filed a complaint requesting suspension and investigation of the Frontier proposal. The complaint alleges that the proposal would permit Frontier to offer military first-class fares at levels below any other one-way discounted fare now applicable for the military other than the standby fares; that it would allow the proponent to offer one-way first-class service at propeller coach prices; and that none of the fares are applicable to markets served exclusively by Frontier, with the result that the military are not being offered any reduced fares to or from new points. The complaint maintains that the proponent's action cannot be justified merely because it does not offer coach service. In addition, Continental alleges that its traffic would be diverted in that the military would prefer a first-class service rather than a coach service if the fares for both services were the same, concluding that its only alternative is the offering of a first-class service to the military at a coach price also.

In support of its filing and in answer to the complaint, Frontier states that it has been at a distinct disadvantage in competing for military traffic since most military personnel are instructed to use the most inexpensive means of air travel. Frontier claims that, because it does not offer coach service, and in view of the military travel policy to utilize lower classes of service, it frequently has been cut out of any service in markets where competitive services are offered at coach fares. In addition, Frontier states that it believes its filing is not unusual and follows certain military tariff procedures that were offered by Pacific Air Lines, Inc. Furthermore, Frontier states that it anticipates that all of the additional traffic which it may attract under the reduced military fares can be handled on existing schedules without significant increases in operating expenses and that its first-class service is generally less attractive than Continental's coach service.

We note that the Frontier proposal involves discounts ranging from 15 to 27 percent from the first-class fares currently in effect in the markets involved,[2] and that Frontier is a participating carrier in a tariff[3] which provides a discount to the military of 10 percent from first-class fares. This military discount of 10 percent from first-class fares was permitted by the Board after formal investigation in the Military-Tender Investigation.[4] The Board found, inter alia, that a 10-percent discount from first-class passenger fares was not unlawful under the Federal Aviation Act of 1958, because of differences in circumstances and conditions between the transportation of military and nonmilitary passengers. The Board[5] in Docket 15350 recently suspended and instituted an investigation of military discounts that exceeded the 10-percent discount from first-class fares permitted by the decision in the Military-Tender case.

In our order of suspension and investigation in Docket 15350 we noted our view that competitive reasons prompting the desire to maintain a lower class fare for the military using first-class service does not per se justify a discount greater than the 10 percent previously found lawful in the Military-Tender case. We reaffirm this view. Further, we do not consider that the fact that Pacific had military fares in excess of the 10-percent discount in effect at one time[6] justifies an exception to our previous finding. In consideration of our prior decision on discounted fares for the military, our recent order instituting an investigation of military discounts that exceeded a 10-percent discount, and the absence of data or information which would justify or support a military discount in excess of 10 percent, the Board will order an investigation of the instant tariff revisions of Frontier, and suspend their effectiveness pending investigation.[7] In view of the similarity of the issues herein to those in Docket 15350 we will consolidate this investigation into the proceedings now pending in Docket 15350.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

*It is ordered,* That:

1. An investigation be instituted to determine whether the fares on 8th Revised Page 174-G of Agent C. C. Squire's Tariff C.A.B. No. 44, and rules, regulations, or practices affecting such fares, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares, and rules, regulations, or practices affecting such fares;

2. Pending hearing and decision by the Board, all fares and provisions on 8th Revised Page 174-G of Agent C. C. Squire's Tariff C.A.B. No. 44 are suspended and their use deferred to and including January 21, 1965, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation instituted herein is consolidated into the investigation instituted in Docket 15350 by Order E-20966;

[1] Agent C. C. Squire's C.A.B. No. 44, bearing a posting date of September 9, 1964.

[2] Frontier has filed to increase certain of its propeller first-class fares effective October 25, 1964. When related to these proposed fares, the discounts for the military fares would range from 17 to 31 percent.

[3] Agent C. C. Squire's Local and Joint Passenger Tariff No. M-60, C.A.B. No. 75.

[4] 28 C.A.B. 902 (1959).

[5] By Order No. E-20966, June 22, 1964.

[6] Pacific Air Lines, Inc., Local Passenger Fares Tariff No. D-1, C.A.B. No. 6, effective January 2, 1962, expired February 29, 1964.

[7] We note that Frontier has alleged that its first-class service is less attractive than the coach service of Continental. We are not here presented with the question, and consequently do not decide, whether less than first-class fares may be offered on a nondiscriminatory basis for the service now provided by older piston-powered equipment.

4. The complaint of Continental Air Lines, Inc., in Docket 15566 is consolidated in Docket 15350; and

5. A copy of this order shall be filed with the aforesaid tariff and be served upon American Airlines, Inc., Continental Air Lines, Inc., and Trans World Airlines, Inc., which are parties to this proceeding, and upon Frontier Airlines, Inc., which is made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-10319; Filed, Oct. 8, 1964; 8:50 a.m.]

[Docket No. 15603; Order E-21358]

## APACHE AIRLINES, INC.

### Establishment of Service Mail Rate; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of October 1964.

By Order E-21301, adopted September 21, 1964, the Board has granted a temporary exemption to Apache Airlines, Inc., to engage in the transportation of mail between Douglas, Arizona, on the one hand and Phoenix and Tucson, Arizona, on the other hand, under a service mail rate to be paid entirely by the Postmaster General.

In its application for exemption, Apache states that it stands ready to provide such service; that the carrier will provide it with three times the frequency provided by American; and that it consents to the establishment of the multielement service mail rate prescribed by Orders E-9284 and E-9630[1] as the fair and reasonable rate of compensation. The Postmaster General, in answering the Apache application, supports the carrier's request.

It is necessary, therefore, to establish a service mail rate to be paid to Apache in order to compensate the carrier for carriage of mail by air pursuant to its temporary exemption. In view of the allegations of Apache, the position of the Postmaster General and the need for air mail services of the communities involved, we will propose to establish the domestic multielement service mail rate as the fair and reasonable rate of compensation for Apache.

Upon consideration of the foregoing, the application for exemption of Apache in Docket 14501, the Board's order issued in response thereto, the answer of the Postmaster General, the reply thereto of Apache, and matters officially noticed, the Board proposes to issue an order to include the following findings and conclusions:

1. The Board has established a multielement service mail rate which has been and continues to be applicable to the certificated domestic trunkline and local service carriers as the fair and reasonable final rate of compensation paid them for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over their respective systems.[1]

2. A final multielement service mail rate at the same level as that established for the certificated domestic trunkline and local service carriers is fair and reasonable for Apache Airlines, Inc.

3. The fair and reasonable final service mail rate to be paid Apache Airlines, Inc., pursuant to section 406 of the Act, effective on the date that Apache commences operations under its exemption, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Douglas, Arizona and Phoenix, Arizona and between Douglas, Arizona, and Tucson, Arizona, is the multielement rate established by the Board in the referenced cases.[1]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to the regulations promulgated in 14 CFR Part 302,

*It is ordered*, That:

A. All interested persons and particularly Apache Airlines, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the provisional findings and conclusions stated above and fix, determine and publish the multielement rate established by the Board for the certificated domestic trunkline and local service carriers[1] as the fair and reasonable final rate of compensation to be paid Apache Airlines, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Douglas and Phoenix and between Douglas and Tucson, on and after the date that Apache commences operations under the terms of the present exemption authority granted by Order E-21301.

B. The aforesaid rate established under section 406 of the Act is a service mail rate payable in its entirety by the Postmaster General.

C. All further procedures herein shall be in accordance with the rules of practice (14 CFR Part 302); and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and, if notice is filed, written answers and supporting documents shall be filed within 30 days, after the date of service of this order.

D. If notice of objection or answer is not filed as specified in 14 CFR Part 302 and this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the final rate specified herein.

E. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with 14 CFR 302.307.

F. This order be served upon Apache Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-10320; Filed, Oct. 8, 1964; 8:50 a.m.]

[Docket No. 15601; Order E-21354]

## TRANS WORLD AIRLINES, INC.

### Order of Investigation and Suspension Regarding Jet Coach Fares Between Los Angeles and Las Vegas

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of October 1964.

By tariff revision[1] filed September 4, 1964, marked to become effective October 19, 1964, Trans World Airlines, Inc. (TWA), proposes to reduce its local one-way jet day coach fare between Los Angeles and Las Vegas from $20.35 to $13.00. In response to TWA's proposal, United filed tariff revisions[2] effective October 19, 1964, proposing to reduce its own jet coach fare between the same points to the level proposed by TWA, i.e., $13.00. United also proposes to reduce its propeller coach fare in that market from $18.25 to $12.00, effective November 2, 1964. The proposed fares expire with June 30, 1965. All other tariff provisions relating to the Los Angeles-Las Vegas coach service remain unchanged.

Bonanza Air Lines, Inc. (Bonanza), and Western Air Lines, Inc. (Western), have filed complaints requesting investigation and suspension of TWA's proposed fare, and TWA has filed an answer to these complaints. In essence, the complaints allege that TWA has reduced its fare far below the level which is necessary for it to be competitive with fares and services of Bonanza and Western; that the proposed $13.00 jet coach fare is applicable to a far superior service than Bonanza's Budget-Aire fare of $13.00 and Western's Thrift-air fare of $11.43; that the proposed fare is unreasonably low and is out of line with TWA's own first-class fares; and that TWA has not attempted to present an economic justification for its proposal. In addition, the complaints contend that the proposed fare cannot be justified by cost and value of service considerations; that the adverse impact of such a fare on Bonanza's traffic and revenues would be considerable; and that the fare would divert traffic from other carriers rather than generate new traffic.

[1] Domestic Trunklines, Service Mail Rates, 21 C.A.B. 8 (1955); Allegheny Airlines, Inc., Service Mail Rates, 21 C.A.B. 894 (1955). These orders have been amended from time to time in order to reclassify terminal stations. The latest reclassification order is Order E-20915, dated June 10, 1964.

[1] Revision to Agent C. C. Squire's C.A.B. No. 44, bearing a posting date of September 4, 1964.

[2] Revisions to Agent C. C. Squire's C.A.B. No. 44, filed September 18, 1964.



In support of its proposal and in answer to the complaints, TWA states that its reduced jet coach fare is necessary to compete with the $13.00 Budget-Aire fare of Bonanza, recently permitted by the Board (Order E-20929, June 12, 1964) and Western's Thriftair fare in the same market of $11.43, in effect since December 1, 1963; that as a result of Bonanza's service, approximately $18,000 monthly revenue will be diverted from its coach service to Budget-Aire service, and that Bonanza and Western combined offer a total of 42 low-fare flights a day as compared to TWA's six flights. Furthermore, TWA states that the purpose of its proposal is the same as that of other carriers, i.e., to offer the public the benefits of a low-fare jet service that compares favorably with other low-fare services presently offered in the Los Angeles-Las Vegas market. United stated that its proposal is a defensive measure to meet TWA's fare reduction.

We note that the instant proposal of TWA presents a different situation than that arising from Bonaza's Budget-Aire fares that became effective on July 1, 1964. TWA is now proposing a substantial reduction of the Los Angeles-Las Vegas fare for existing jet coach service to meet the fare level of Bonanza's new service, without a showing that its existing service can be operated economically at the reduced fare level. When Bonanza introduced its Budget-Aire service, it increased the seating capacity of its F-27 aircraft from 40 to 48 seats and took steps to achieve other operating economies. In contrast, TWA is proposing to meet the reduced fares of its competition without changing its present jet coach service. TWA's Convair 880 jet aircraft has a seating configuration with a pitch of 38 inches in the coach compartment, while in the Boeing 707 aircraft the seat pitch ranges from 34 to 37 inches. This compares with Bonanza's Budget-Aire service which is offered in a seating configuration using a pitch slightly lower than 34 inches. Furthermore, unlike the fares of Bonanza and Western, family fares and other reduced fares would still be available, and no cost savings are claimed.

Upon consideration of the complaints of Western and Bonanza and other matters of record, the Board finds that the proposed jet coach fare of TWA and United and the propeller coach fare of United may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and that the tariff revisions proposed by the two carriers should be investigated. TWA and United have not submitted any traffic or cost data showing that their proposed fares are economically justified. The load factors which would be required to break even at these fares do not appear to be reasonably attainable. Since we believe there is a substantial question as to the economic validity of the proposed fares and in recognition of the possible adverse economic impact on the other carriers in the Los Angeles-Las Vegas market, we have further concluded to suspend the effectiveness of these tariff revisions and defer their use pending investigation.

While we have determined to suspend the instant proposals of TWA and United, we would have less difficulty with a more modest cut in the jet and propeller coach fares which would produce a relationship to the third-class fares in this market more in line with cost and value of service differences.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 403, 404, and 1002,

*It is ordered*, That:

1. An investigation be instituted to determine whether the fares between Las Vegas and Los Angeles on 38th Revised Page 268, 48th Revised Page 290-C, and 42d Revised Page 292 of Agent C. C. Squire's C.A.B. No. 44 and rules, regulations or practices affecting such fares are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful fares and rules, regulations or practices affecting such fares;

2. Pending hearing and decision by the Board, the fares between Las Vegas and Los Angeles on 38th Revised Page 268, 48th Revised Page 290-C, and 42d Revised Page 292 of Agent C. C. Squire's C.A.B. No. 44 are suspended and their use deferred to and including January 16, 1965, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints of Bonanza Air Lines, Inc., in Docket 15553, and Western Air Lines, Inc., in Docket 15550, to the extent granted, are consolidated in this docket;

4. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. A copy of this order be filed with the aforesaid tariff and be served upon Bonanza Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-10321; Filed, Oct. 8, 1964; 8:50 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15419, 15420; FCC 64M-986]

## CENTRAL BROADCASTING CORP. AND WCRB, INC.

### Order Continuing Prehearing Conference

In re applications of Central Broadcasting Corporation, Ware, Massachusetts, Docket No. 15419, File No. BPH-4243; WCRB, Inc., Springfield, Massachusetts, Docket No. 15420, File No. BPH-4319; for construction permits.

The Hearing Examiner having under consideration a letter request received October 2, 1964, from Central Broadcasting Corporation for a postponement of a prehearing conference scheduled to be held October 5, 1964, and

It appearing, that counsel for the other parties agree to the request and that granting it will conduce to a faster ultimate resolution of this proceeding,

*It is ordered*, This 5th day of October 1964, that the request is granted and that, accordingly, the prehearing conference now scheduled for this date is postponed to 9:00 a.m., October 29, 1964, in Room 6318, New Post Office Building, Washington, D.C.

Released: October 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10314; Filed, Oct. 8, 1964; 8:49 a.m.]

[Docket No. 15260; FCC 64M-989]

## COOSA VALLEY RADIO CO.

### Order Scheduling Hearing

In re application of Coosa Valley Radio Company, Rome, Georgia, Docket No. 15260, File No. BPH-4108; for construction permit.

The Hearing Examiner having under consideration his Order released herein on October 5, 1964 (FCC 64M-977), removing from hearing the application of Rome Broadcasting Corporation, which was consolidated for hearing with the subject application of Coosa Valley Radio Company by Commission Order released January 7, 1964, and returning Rome Broadcasting Corporation's application, as amended, to the processing line;

It appearing, that in view of the Hearing Examiner's Order released June 23, 1964 (FCC 64M-581), continuing the hearing herein to a date to be established by subsequent order, and his Order released October 5, 1964, referenced hereinabove, it is appropriate to schedule a date for commencement of hearing;

*It is ordered*, This 6th day of October 1964, that hearing in the above-entitled proceeding shall commence at 10:00 a.m., October 16, 1964.

Released: October 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10315; Filed, Oct. 8, 1964; 8:49 a.m.]

[Docket Nos. 15449, 15450; FCC 64R-471]

## SPRINGFIELD TELECASTING CO. AND MIDWEST TELEVISION, INC.

### Memorandum Opinion and Order Amending Issues

In re applications of Springfield Telecasting Co., Springfield, Illinois, Docket No. 15449, File No. BPCT-2838; Midwest Television, Inc., Springfield, Illinois, Docket No. 15450, File No. BPCT-2846;

for construction permits for new television broadcast stations.

1. Midwest Television, Inc. (Midwest), petitions the Review Board to enlarge issues in this comparative proceeding to include nine issues with respect to Springfield Telecasting Co. (Springfield), the competing applicant; one issue with respect to respondent Plains Television Corporation (Plains); and one issue with respect to Midwest itself which would expand the scope of an issue already designated.[1]

2. The mutually-exclusive applications of Springfield, filed December 22, 1960, and of Midwest, filed February 7, 1961, which requested a construction permit for a new UHF television broadcast station to operate on Channel 26, Springfield, Illinois, were designated for hearing by the Commission in a Memorandum Opinion and Order (FCC 64-387) released May 4, 1964. In the designation Order, the Commission noted that Springfield, a corporation, is the successor to Richard S. Cole, trading as Springfield Telecasting Company, who originally filed the application as an individual. The Commission also noted that Midwest is the licensee of television broadcast Stations WCIA, Channel 3, Champaign, Illinois, WMBD-TV, Channel 31, Peoria, Illinois, and KFMB-TV, Channel 8, San Diego, California, and of radio Stations WMBD, Peoria, Illinois, and KFMB (AM) and KFMB-FM, San Diego, California; and that respondent Plains Television Corporation is the licensee of television broadcast Stations, WICS, Channel 20, Springfield, Illinois; WCHU, Channel 33, Champaign, Illinois; and WICD, Channel 24, Danville, Illinois. The Commission found that no challenge had been offered to Plains' standing as a party in interest in this comparative proceeding and that Plains had standing under section 309(e) of the Communications Act. The Springfield and Midwest applications were then designated for hearing upon issues which included: (1) A determination whether Springfield is authorized to do business in Illinois and whether a grant of its application would be consistent with § 73.613 of the Commission's rules; (2) a determination whether a grant of the Midwest application would be consistent with §§ 73.636 and 73.613 of the rules; (3) a "Suburban" issue as against Midwest; and (4) the standard comparative issue. On the same date that Midwest filed its motion to enlarge issues with the Board, it also requested that the Hearing Examiner include an "Evansville Issue" with respect to Springfield. In an Order (FCC 64M-475) released May 28, 1964, the Examiner delayed consideration of the latter motion pending final action by the Review Board on the Midwest request for a standard financial issue as against Springfield.

SUBURBAN ISSUE

3. In its instant request for the addition of a "Suburban" issue, Midwest alleges that Springfield, the corporate applicant, has not demonstrated any effort to determine the needs and interests of the proposed service area even though amendments to the original application reflect substantial revisions in Springfield's programming proposals. Midwest points out that the efforts of Richard S. Cole, on behalf of the original applicant, to survey community needs in August 1961 (as integrated in an amendment filed October 18, 1961), are now outdated in light of substantial programming modifications and that there is no indication that further investigations have been made on behalf of the corporate applicant to justify such changes. In support of its contention, petitioner notes that none of Springfield's officers, directors or stockholders is a resident of Illinois or has business interests in the state, and that the Springfield application does not indicate the presence of any principal in the Springfield area since the Cole survey of August 1961.[2] Springfield, in its opposition, disagrees that amendments to its application amount to substantial changes in its program schedule and alleges that the proposals are the result of the assistance and advice of a counsel and consulting engineer and of a person "experienced in the operation of small market television stations" and also of personal visits, statistical information and existing programming. Springfield emphasizes the absence of any claim that the proposed program schedule will not meet community needs and desires and points out that the prior Cole analysis is sufficient indication of said needs and desires. The Board agrees that revisions reflect substantial changes and that there in Springfield's programming proposals has been no attempt to justify said revisions in terms of a continuing investigation of the needs of the Springfield area.[3] Although revised proposals might reflect an attempt to serve changing community needs, Springfield's response does not try to show familiarity with, or investigation of, community needs that might prompt such revisions. Don L. Huber, FCC 62-142, 22 RR 954 (1962). In this connection it should be noted that none of Springfield's principals is a resident of, or has financial interests in, the State of Illinois. In light of these considerations, Springfield's obligation under the Suburban doctrine goes beyond reliance upon a 1961 community survey and upon unsupported allegations of continuing familiarity with the needs of the Springfield area. See Dean & Golden, FCC 61-1160, 22 RR 140 (1961). Therefore, the requested "Suburban" issue will be added.

ADEQUACY OF STAFF ISSUE

4. Midwest also requests that the issues be enlarged to determine whether Springfield is qualified to operate its station in view of its staff proposal. Petitioner notes that Springfield has submitted alternative programming proposals based upon affiliated and non-affiliated operations. The Springfield proposal with network affiliation, according to Midwest, contemplates 105¼ broadcast hours per week of which 16¾ hours would be local live programming and anticipates a total staff of 20 persons allocated among the various departments as follows: program, 7; commercial, 3; technical, 5; art, 1; film, 1; and news, 3. Without network affiliation, Springfield anticipates 66¾ hours per week of which 22¼ hours would be devoted to local live programming and proposes a staff of 13 employees as follows: program, 5; commercial, 2; technical, 3; art-film, 1; and news, 2. In addition, proposals would schedule live programming every day and in each of three time periods. The reasons which prompted the Board to include a staffing issue in Integrated Communication Systems, Inc. of Massachusetts, FCC 64R-248, 2 RR 2d 861 (1964) and TVue Associates, Inc., FCC 64R-56, 1 RR 2d 1013 (1964) are not present in the instant proceeding as Midwest contends. In those proceedings, the Board noted that adequate information as to number of personnel involved and allocation of functions was not provided and, in the TVue case, also that the novelty and complexity of proposed programming raised a question of staff adequacy. Even though the Springfield application reflects extensive local live programming, the facts relied on by petitioner do not establish a sufficient basis for questioning said proposals. Unlike the Integrated and TVue proceedings, the Springfield application indicates a precise number of personnel who are allocated specific functions and there is no question raised as to "novel or complex" programming proposals. The Board agrees with the Bureau's position in this regard that the question of staff adequacy should be considered within the standard comparative context and, as a result, the issue requested by Midwest will be denied.

SPOT ANNOUNCEMENT POLICY ISSUE

5. Midwest also raises a question concerning Springfield's policy in regard to spot announcements. In an amendment dated January 7, 1964, and in response to section IV, paragraph 3(b) of FCC Form 301,[4] Springfield answers that "the commercial limitations set forth in the television Code of the NAB will be followed." Petitioner points out that the NAB television code provides no standards as to either the number or length of spot announcements allowed in a given period and since Springfield has not included the number of spot announcements and the length thereof in a given 14½ minute period, an unresolved question remains concerning its policy in this area. In connection with this allegation, the Board notes that the Commission has had an opportunity to consider the question of Springfield's spot announcement policy in the general context of over-commercialization. On November 26, 1963, respondent, Plains, in a "Further Petition to Deny" Springfield's application, contended that an amended program proposal of 1690 spot announcements constituted patent over-commercialization inconsistent with the NAB Code. On December 26, 1963, in a "Reply to Opposition", Plains specifically pointed to Springfield's failure to respond to section IV, paragraph 3(b) of FCC Form 301 with respect to the number and length of announcements other than a reference to the NAB Code. In this context, the Commission released its designation Order in this proceeding which stated in regard to the Plains' petition: "Finally, with respect to the alleged over-commercialization, no specific issue appears warranted since the programming proposals of the applicants will, in any event, be explored under standard comparative issue '6(c)' herein."[5] Since the question of Springfield's policy in this area was specifically before the Commission before designation and was ruled upon in the designation Order, the Board can perceive no reason to include such an issue in the absence of a showing that the Commission's ruling was based upon a misapprehension as to the facts.[6]

AVAILABILITY OF NETWORK AFFILIATION ISSUE

6. Midwest seeks the addition of an issue which would question the availability of a network affiliation to Springfield and would also consider the feasibility of a non-affiliated operation. In support of its request, Midwest points out that the Springfield application does not show the availability of a network affiliation; that there is little possibility of obtaining such affiliation; and that a non-affiliated operation might not be economically feasible. Petitioner states that Springfield, Illinois, is part of the Springfield-Decatur-Champaign-Urbana-Danville television market which already has three different network affiliations. In its request, Midwest refers to an affidavit of the President of a former UHF permittee in Springfield, filed on October 6, 1959, in Docket Nos. 11747 and 12936, which allegedly supports its contentions in regard to the non-availability of network affiliation and the feasibility of non-affiliated operation. The Board cannot agree that the addition of such an issue is warranted. Springfield has not presumed network affiliation and has, in fact, included alternative proposals in regard to such affiliation. No factual allegations are provided by Midwest which support the conclusion that no network affiliation is possible in the Springfield area. It should also be noted that the only television station licensed in Springfield at present is an NBC affiliate and that Midwest, itself, proposes a CBS affiliation even though limited to rebroadcast operation. The inclusion of a 1959 affidavit on the possibility of non-affiliated status is also insufficient basis for the requested enlargement.

STUDIO AND TRANSMITTER SITE AVAILABILITY ISSUE

7. Midwest next questions the availability of proposed land and buildings for Springfield's transmitter and studio and the terms and conditions of said availability. Petitioner points to the response to section III, paragraph 1(a) of FCC Form 301, wherein Springfield answers "lease" as to the estimated cost of acquiring land and acquiring, remodeling, or constructing buildings. (See Amendment to Springfield's application, filed October 8, 1963.) Springfield's failure to provide information in regard to the existence of a lease or to cost estimates of a proposed lease, according to Midwest, is sufficient to raise questions concerning the identity and financial ability of the lessor, the terms of the lease and the conditions affecting land and building availability under a lease. The importance of disclosure is further emphasized by petitioner when it states that the proposed studio and transmitter site is in the middle of a vacant field. Springfield attempts to counter these allegations by identifying the lessor and pointing out that the lease cost of both the land and building is included in its cost of operation.[7] Under these circumstances, where uncertainty exists as to the terms of the lease and the financial ability of the lessor (who apparently will construct the proposed building), the Board concludes that the requested issue should be added. Jefferson Standard Broadcasting Co., FCC 60-24, 19 RR 670 (1960). Even if the Board were to consider the further factual allegations contained in the supplemental opposition filed by Springfield and dismissed as in violation of § 1.45 of the rules, it would grant the request. Springfield does not submit a copy of a lease or an agreement incorporating the terms thereof either in its opposition or supplement. However, Springfield, in its supplement, does include a letter submitted by the proposed lessor's agent which indicates that a studio and transmitter site is available subject to conditions including prior sale, satisfactory agreement and conclusion of arrangements within 12 months (letter dated February 6, 1964). In an attempt to furnish supporting information in response to Midwest's contentions, Springfield actually casts further doubt upon the reasonable assurance of an available site for its studio and transmitter; therefore, addition of the issue appears justified.[8]

FINANCIAL QUALIFICATIONS ISSUE

8. In support of its request for a standard financial qualifications issue against Springfield, petitioner alleges that $268,300 in available funds must be shown for a network affiliated station (including $211,424 for construction costs plus $56,875 for three months' operating costs) and $256,425 for a non-affiliated operation (including $211,424 construction costs plus $45,000 operating costs). Midwest contends that only $225,000 of the required funds are available (consisting of $6,000 existing capital, $69,000 new capital from stock subscriptions, and $150,000 from debentures). See Exhibit 3 of Amended Springfield Application, filed October 8, 1963. Midwest discounts the availability and amount of RCA Credit on the grounds that quoted estimates are uncertain or do not provide for the costs of tower foundations, erection charges, painting and of an RCA tape recorder. The Board cannot agree with petitioner as to the uncertainty of RCA credit. In a letter of credit dated January 3, 1964, RCA indicates total construction costs of $235,762 which explicitly includes the cost of a tape recorder; therefore, credit in the amount of $176,821 is available to Springfield. In regard to the costs of tower foundations, erection charges and painting, Springfield points out that $25,000 is intended to cover such expenses as a contingency allowance which seems reasonable to the Board. Under these circumstances, Springfield adequately demonstrates the availability of funds to meet the requirements of either a network or non-affiliated operation as follows:

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[1] The pleadings before the Review Board include: (1) Motion to enlarge issues, filed May 25, 1964, by Midwest Television, Inc.; (2) opposition, filed July 2, 1964, by Springfield Telecasting Co.; (3) partial opposition, filed July 2, 1964, by Plains Television Corporation; (4) comments, filed July 2, 1964, by the Broadcast Bureau; and (5) reply, filed August 7, 1964, by Midwest Television, Inc. On July 15, 1964, Springfield filed a "Supplement" to its Opposition and indicated that the material attached thereto was not received in proper form at the time of the filing of the opposition. The Board notes that such attached material was apparently prepared before the last day for filing oppositions, and that Springfield has not requested permission to file an additional pleading. Since Springfield's "Supplement" was filed in violation of § 1.45 of the Commission's rules, the Board will dismiss such pleading and material attached thereto.

[2] The three principals involved in the Springfield application include: Richard S. Cole, President; Robert H. Gries, Vice President; and Robert D. Gries, Secretary-Treasurer. Robert H. Gries is the father-in-law of Cole and the father of Robert D. Gries. All three principals are directors of and equal owners in the corporate applicant.

[3] A comparative analysis of programming proposals of October 1961, and of January 1964, as summarized in the Midwest petition, indicates that Springfield would: (1) Reduce local live programming by 9 hours per week; (2) reduce religious programming by 3½ hours per week; (3) reduce both agricultural and educational programming by about ¾ hour per week; (4) reduce news programming by about 3 hours per week; (5) reduce talk programming by about ½ hour per week; (6) increase discussion programming by nearly 3 hours per week; (7) reduce entertainment by 1 hour per week; (8) nearly double total spot announcements and reduce non-commercial spot announcements by 27 per week; and (9) reduce total broadcast hours by 7 per week.

[4] Paragraph 3(b) requires a statement as to the practice of the station with respect to the number and length of spot announcements allowed in a given period.

[5] See paragraph 4, Memorandum Opinion and Order (FCC 64-387) released May 4, 1964.

[6] In Commercial Advertising Standards, FCC 64-22, 1 RR 2d 1606, 29 F.R. 503 (1964) the Commission did not adopt specific standards limiting the commercial content of programming but did recognize NAB Codes as appropriate limitations in the form of industry-formulated restrictions. The Commission then stated that it would continue to require station applicants to state their policies with regard to the number and frequency of commercial spot announcements.

[7] According to Springfield's opposition, "the land and building will be leased from Springfield Industrial Park, a trust owning and developing 200 acres free and clear of the Illinois National Guard Depot". Since the Springfield application does not include construction costs for studio and transmitter, it is assumed that the lessor will bear the construction costs.

[8] The conditions imposed by the proposed lessor result in further uncertainty concerning the availability of a site for even the period of the application's prosecution. In Cabrillo Broadcasting Co., FCC 62R-138, 24 RR 608 (1962), the Review Board, in denying the addition of a site availability issue stated that it is sufficient that the site be available for the period for which the license is sought.

$56,941—25 percent RCA down payment.
$56,575—3 months' network operation ($45,000 for non-affiliated operation).
$25,000—contingency allowance.
$11,100—approximate 2-month RCA installment payment.

$151,916

As the Bureau points out, Midwest admits the availability of $225,000 which more than covers construction costs and initial operating expenses, and does not question the ability of any of the Springfield principals to meet their respective financial commitments. Thus, more than enough is available, even accepting some of the possible contingencies referred to in the petitioner's reply. The Board's denial of the requested financial issue, like the Bureau's position, presupposes that Springfield is not responsible for construction costs of studio and transmitter facilities and that rental of such facilities is included within operating costs.

PUBLIC STOCK SALE ISSUE

9. In an amendment to section II, Item 22 of the Springfield application, filed on November 5, 1963, Springfield stated:

It is the intention of the applicant to sell some of its stock to leading citizens of the Springfield, Illinois area at some date in the future. However, control of the Corporation will remain in the hands of the present three stockholders.

The Springfield application indicates that 250 shares of no par, common stock are authorized and that the proposed station will be financed through the sale of 150 shares at $500 per share to three subscribers, Richard Cole, Robert H. Gries and Robert D. Gries.[9] On the basis of these facts, Midwest seeks an issue to determine the facts and circumstances surrounding, and the implications and effects of, Springfield's intention to sell stock to persons who do not appear as parties to its application. Midwest contends that Springfield may have stockholders with as much as a 49.9 percent undisclosed interest who do not appear in section II of the Corporate application for Commission appraisal. Midwest's request is not supported by any new facts of undisclosed interests which may be contrary to information now on file with the Commission. Springfield specifically disclaims any agreements or understandings with respect to additional stockholders and merely evidences an intention at some future time to include Springfield area residents in its ownership. Therefore, the issue will not be added by the Board.

COMPARATIVE COVERAGE ISSUE

10. Midwest submits an engineering affidavit in support of its request for the addition of a comparative coverage issue with respect to the proposed Grade B contours of the applicants. Petitioner points out that it proposes to operate with 17.26 kilowatt visual power with antenna height of 589 feet above average terrain and Springfield proposes operation with 19.15 kilowatt power and antenna height of 300.8 feet. According to the attached engineering affidavit, Midwest proposes greater coverage than Springfield which results in substantial differences in areas and populations to be served. Within Grade B contours, Midwest would encompass a population of 188,365 persons in an area of 1,802 square miles and Springfield would encompass a population of 160,902 persons in an area of 1,269 square miles. As a result of these differences, it is alleged that Springfield would include within its predicted Grade B contour only 85 percent of the population and 70 percent of the area included in Midwest's proposal. Since the competing proposals have transmitter sites some distance apart, Midwest shows that the predicted Grade B contours are not concentric. Therefore, it is alleged, that, within the Midwest contour, a population of 32,893 persons in an area of 636 square miles would not be within the Springfield contour and that, within Springfield's contour, a population of 5,430 persons in an area of 103 square miles would not be within Midwest's predicted contour. In response to Midwest's contentions, Springfield states that the difference in population to be served is less than 28,000 persons and that the proposed transmitter sites are not so separated as to serve substantially different areas and populations.[10] The Board is of the opinion that petitioner has shown that there is a sufficient difference in the relative coverage areas and populations of the Grade B contours to warrant inclusion of an issue. Cleveland Broadcasting, Inc., FCC 64R–41, 1 RR 2d 949 (1964); Guadalupe Valley Telecasting Co., Inc., FCC 64R–91, RR 2d 1019 (1964). The issue, as requested, will be limited to a comparison of Grade B contours.[11]

FEASIBILITY OF PROPOSALS AND EXTENDED FINANCIAL QUALIFICATIONS ISSUE

11. Midwest asserts that the "Evansville" issue and the standard financial and comparative issues do not permit adequate exploration of the question whether Springfield is able to effectuate, develop and maintain its program proposals beyond the initial three-month period. As a result, Midwest requests the addition of the following issue:

To determine whether, under all the circumstances, the program proposals of Springfield Telecasting Co. are feasible in the Springfield market, whether or not it has a network affiliation; to determine whether there is a reasonable prospect that the program proposals of Springfield Telecasting Co. can be effectuated; and to determine whether Springfield Telecasting Co. has financial qualifications beyond the heretofore usually accepted showing of ability to construct and to operate a television station for three months without revenues and, if so, to determine whether Springfield Telecasting Co. is qualified to operate in the manner proposed for a sustained period.

Midwest contends that Springfield overlooks the inherent problems confronting a new UHF station when it proposes ambitious and expensive operation despite a lack of television broadcast experience. Petitioner cites the fact that Springfield anticipates substantial first-year profits, either with or without network affiliation, in spite of proposed early debt retirement and in spite of reported losses of numerous UHF stations.[12] The Springfield estimates are unrealistic in terms of industry experience, according to Midwest, and contrary to reasonable expectations in the Springfield area. In order to avoid further UHF failures, Midwest urges the Commission to require an adequate showing of sound financial and operating proposals beyond the initial three-month period and in support thereof, Midwest cites the Review Board's action in certifying similar issues to the Commission in Ultravision Broadcasting Co., FCC 64R–192, 2 RR 2d 271 (1964); Cleveland Telecasting Corp., FCC 64R–220 (1964); and Integrated Communication Systems, Inc. of Massachusetts, FCC 64R–248, 2 RR 2d 861 (1964). Petitioner contends that its arguments are pertinent to UHF applications generally, whether or not the station is proposed for a previous all-VHF community, as in the Ultravision, Cleveland and Integrated cases, and whether or not the proposed station would have network affiliation.

12. In certifying issues to the Commission similar to the one requested by Midwest, the Review Board was primarily concerned with the comparative disadvantages confronting the proposed entry of a UHF operation into a previous all-VHF community where the three major networks were already affiliated. As the Bureau points out, in each of the proceedings where the Board certified such an issue, the financial qualifications of the applicants were already in issue and, accordingly, the Board's concern for UHF development increased. In this proceeding, however, it should be noted that Springfield is an area of all-UHF local service[13] and of one station, an NBC affiliate, although it is recognized that the Springfield area is part of another major television market where all networks are represented. Moreover, the financial qualifications of Springfield are not in issue. In fact, the Board has

[9] See section II, page 2 and Exhibit 3 of Amendment, filed October 8, 1963.

[10] According to the engineering affidavit submitted with the Midwest request, the Midwest transmitter site is approximately 8 miles northeast of the site proposed by Springfield.

[11] The Bureau supports the addition of a comparative coverage issue limited to a consideration of Grade B contours only. Midwest has limited its showing to a difference in Grade B contours and the Bureau asserts that to so define the issue would be consistent with its position in Ultravision Broadcasting Company, FCC 64R–192, 2 RR 2d 271 (1964), to the effect that Grade B coverage is adequate in dealing with adjudicatory and allocation matters and has decisional significance.

[12] Midwest points out that the Commission's Report on Final TV Broadcast Financial Data—1962, Public Notice B–40706 (September 19, 1963) showed that of 18 UHF stations reporting revenues comparable to those estimated by Springfield ($200,000 to $400,000) 8 reported losses and only 4 reported profits as great as those estimated by Springfield.

[13] See In the Matter of Deintermixture of Springfield, Illinois, FCC 62–798, 23 RR 1579 (1962), where the Commission stated that Springfield should continue as an all-UHF area insofar as local service is concerned in order to encourage UHF growth in the market.



specifically rejected a simultaneous request by Midwest to question the availability of Springfield's funds and has indicated that such funds exceed initial working requirements by more than $70,000.[14] If feasibility of UHF proposals generally is the problem as Midwest suggests, the Board cannot perceive why Springfield should be required to demonstrate greater qualifications than other UHF applicants. Since the rationale of the Ultravision, Cleveland and Integrated cases is not present in these proceedings and since Springfield has adequately demonstrated financial ability in excess of the usual Commission requirements, the requested issue will be denied.

PLAINS' OPPOSITION ISSUE

13. Midwest also proposes the addition of an issue relative to Plains Television Corporation, the party respondent in this proceeding and licensee of television broadcast Station WICS, Springfield. The requested issue seeks to determine the facts and circumstances surrounding Plains' opposition to the grant of either application herein and whether such facts constitute an abuse of the Commission's processes or reflect adversely on its qualifications as a licensee. Midwest alleges that Plains has interjected itself in this proceeding to prevent or delay the advent of a second local television service in Springfield and primarily to hinder any expansion in the scope of Midwest's operations. In support of this latter contention, Midwest points out: (1) That Plains has not alleged the possibility of Springfield's competition even though grant of Springfield's application would result in the loss of some revenues; and (2) that Plains has not opposed an application for Channel 36 at Springfield filed on January 3, 1964, by WPFA Radio, Inc. (File No. BPCT–3280). The Board can see no factual basis to warrant addition of the issue. In the designation Order in this proceeding, the Commission specifically noted that no challenge had been offered to Plains' standing as a party in interest and the Commission then stated that Plains had statutory standing to appear as a party. Plains appeared and opposed the applications, and its opposition resulted in issues being designated against the applicants. Midwest has not alleged sufficient facts to justify an abuse of process or qualifications issue as to Plains in this proceeding.

ENLARGEMENT OF DESIGNATED ISSUE 2 (§ 73.636)

14. Midwest requests the Board to enlarge the scope of designated Issue 2 in this proceeding, the duopoly and concentration of control issue under § 73.636 of the rules, in order to enable it to compare the services and operations of Midwest with other television services in the area and to ascertain the reasons for the differences therein. Midwest contends that a meaningful determination under § 73.636 can only be made in light of such a factual comparison of services provided and of the reasons for differences therein; and that § 73.636(a)(2) which looks to the "extent of other competitive service" requires evidence as to the nature, scope, quantity and quality of the comparable services. If Midwest's service in the Central Illinois area is dominant, as Plains has asserted in its petition to deny the Midwest application, then Midwest requests the ability to explore the reasons therefor. The Board notes that, by a Report and Order of June 9, 1964, in Docket No. 14711, the Commission revised § 73.636 of the rules and that Midwest has joined in requests to stay the effective date of the revised rules and to reconsider said Report and Order. Basically, Midwest requests the Board to undertake what should be, except in unusual circumstances, initially a question for the Hearing Examiner.[15] Springfield Television Broadcasting Corp., FCC 64R–234, 2 RR 2d 841 (1964). An initial clarification by the Hearing Examiner as a result of further hearing conferences on said issue is warranted and is apparently anticipated. The Examiner may want to consider not only the impact of the revised rules upon the Midwest application but also the scope of an issue thereunder; therefore, the instant request by Midwest will be denied.

SPRINGFIELD'S REQUESTED ISSUE

15. In its opposition to the Midwest motion to enlarge issues, Springfield petitions the Review Board to add an issue to the proceeding to determine whether the Midwest application was filed for the purpose of impeding, obstructing, or delaying the consideration of any other application. In spite of the availability of Channel 36, according to Springfield, Midwest filed its application for Channel 26 which resulted in a consolidated hearing and delayed any possible upset of Midwest's dominance in the Central Illinois area. Procedurally, the Springfield request is defective in that it is improperly made in a responsive pleading. Saul M. Miller, FCC 62R–122, 24 RR 550 (1962); Charles County Broadcasting Co., Inc., FCC 63R–76, 24 RR 1153 (1963). Also, Springfield petitions to enlarge issues more than a month after the last day for filing such motions[16] and does not allege good cause for the delay. In addition to procedural deficiencies, the Board notes the following factual allegations of Midwest in response to the instant request: (1) That, as of the filing date of the Midwest application, a construction permit, issued to WMAY–TV, Inc. was outstanding for Channel 36 in Springfield; and (2) that Midwest could not employ Channel 36 at its proposed transmitter site because of mileage separation requirements. Under these circumstances, the Board must dismiss Springfield's request.

*Accordingly, it is ordered,* This 5th day of October 1964, that the motion to enlarge issues, filed May 25, 1964, by Midwest Television, Inc., is granted to the extent indicated herein, and is denied in all other respects; and the issues in this proceeding are enlarged by the addition of the following issues:

1. To determine the efforts, if any, made by Springfield Telecasting Co. to ascertain the needs and interests of the area proposed to be served and the manner in which the applicant will meet such needs and interests.

2. To determine whether the land and buildings proposed by Springfield Telecasting Co. for its transmitter and studio will be available and, if so, on what terms and conditions.

3. (a) To determine the location of the proposed Grade B contours of the applicants in this proceeding.

(b) To determine, on a comparative basis, the areas and populations within the respective Grade B contours which may reasonably be expected to receive actual service from the applicants' proposed operations.

(c) In the event the proof under parts (a) and (b) hereof shall establish that either applicant will bring actual service to areas and populations not served by its competitor, to determine the number of services, if any, presently available to such areas and populations; and

*It is further ordered,* That the request made in the opposition, filed July 2, 1964, by Springfield Telecasting Co., for the addition of an issue with respect to Midwest Television, Inc., is dismissed; and

*It is further ordered,* That the supplement to opposition, filed July 15, 1964, by Springfield Telecasting Co., is dismissed.

Released: October 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–10316; Filed, Oct. 8, 1964; 8:49 a.m.]

[14] This figure is derived from the larger cost estimates of network affiliation and includes the total contingency allowance. As indicated in paragraph 8 of the Opinion, the Board assumes that Springfield is not responsible for studio and transmitter construction costs and that operating cost estimates include rental provisions for such facilities. The Board's estimate of available funds does not consider any revenues from the possible sale of the remaining 100 shares of Springfield common stock.

[15] In a hearing conference held on July 28, 1964, the Hearing Examiner continued further consideration of this aspect of the proceeding. By Order (FCC 64M–895) released September 17, 1964, a further hearing conference was rescheduled for October 9, 1964.

[16] The issues in this proceeding were published in the FEDERAL REGISTER on May 8, 1964 (29 F.R. 6098). The last day for filing petitions to enlarge issues was May 25, 1964.

[Docket Nos. 15548, 15614; FCC 64M–980]

## TRIAD STATIONS, INC., AND MARSHALL BROADCASTING CO.

### Order Continuing Hearing

In re applications of Triad Stations, Inc., Marshall, Michigan, Docket No. 15548, File No. BPH–4131; Marshall Broadcasting Company, Marshall, Michigan, Docket No. 15614, File No. BPH–4327; for construction permits.

A prehearing conference in the above-entitled proceeding having been held as scheduled on October 2, 1964,

*It is ordered,* This 2d day of October 1964, that the procedural ground rules established at said conference are hereby approved and that the transcript of said conference, incorporated herein by refer-

ence with the same force and effect as if set forth at length, shall control as to any question bearing on the established ground rules; and

*It is further ordered*, That the hearing, presently scheduled to commence on November 5, 1964, is continued to 10:00 a.m., December 14, 1964.

Released: October 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10317; Filed, Oct. 8, 1964; 8:49 a.m.]

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[Docket No. 15176 etc., FCC 64M-978]

## RADIO STATION WTIF, INC., ET AL.

### Order Scheduling Hearing Conference

In the matter of revocation of license of Radio Station WTIF, Inc., for Standard Broadcast Station WTIF, Tifton, Georgia, Docket No. 15176; in re applications of WDMG, Inc., Docket No. 15177, File No. BR-1709; for renewal of license of Standard Broadcast Station WDMG, Douglas, Georgia; WMEN, Inc., Docket No. 15274, File No. BR-3030; for renewal of license of Standard Broadcast Station WMEN, Tallahassee, Florida; B. F. J. Timm, Jacksonville, Florida, Docket No. 15275, File No. BP-13649; for construction permit.

Upon informal concurrence of all parties in the above-entitled matter,

*It is ordered*, This 2d day of October 1964 that the hearing conference now pending without date is scheduled to commence at 9:00 a.m., October 14, 1964 in Room 6318, New Post Office Building, Washington, D.C.

Released: October 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10318; Filed, Oct. 8, 1964; 8:50 a.m.]

# FEDERAL MARITIME COMMISSION

## GREATER BATON ROUGE PORT COMMISSION AND OLIN MATHIESON ASSOCIATION CHEMICAL CORP.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

George Mathews,
General Counsel,
Greater Baton Rouge Port Commission,
710 Raymond Building,
Baton Rouge, La., 70801

Agreement No. T-1389, between the Greater Baton Rouge Port Commission (Port) and Olin Mathieson Association Chemical Corp. (Company), provides for the establishment of a public marine bulk facility at the port of New Orleans. Port agrees to purchase a marine terminal facility presently operated by Company and to lease such facility back to Company, to be used for loading, discharging, transferring, storing, and handling commodities in bulk to or from vessel.

Port has prior approval of all rates and charges assessed by Company for use of the terminal. Port will approve such rates and charges if they are competitive with other United States Gulf ports. After 1,500,000 tons of commodities have been discharged at the facility, all dockage charges collected shall be paid over to the Port. Such dockage charges shall not exceed 1 cent per gross registered ton per day.

Dated: October 2, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10296; Filed, Oct. 8, 1964; 8:47 a.m.]

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## GREATER BATON ROUGE PORT COMMISSION AND RAMSAY, SCARLETT & CO.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

George Mathews,
General Counsel,
Greater Baton Rouge Port Commission,
710 Raymond Building,
Baton Rouge, La., 70801

Agreement No. T-1390, between the Greater Baton Rouge Port Commission (Port) and McGraw Terminal, Inc., assigned to Ramsay Scarlett & Company (Company), provides for Company's lease of certain property to be used as a public commodity warehouse for the storage and handling of dry general cargo. Company will pay a flat annual rental.

Company will publish a tariff of storage and handling charges, which is subject to Port's approval.

Dated: October 2, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10297; Filed, Oct. 8, 1964; 8:47 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. RP65-3]

## CHATTANOOGA GAS CO. AND EAST TENNESSEE NATURAL GAS CO.

### Order Instituting Investigation, Providing for Hearing and Designating Procedure

OCTOBER 1, 1964.

On July 29, 1964, Chattanooga Gas Company (Chattanooga) filed a formal complaint naming its sole supplier, East Tennessee Natural Gas Company (East Tennessee) as defendant. Citing Article I of its 1959 service agreement with East Tennessee and the latter's rate schedules G-2 (firm service) and I-1 (interruptible service) under which Chattanooga purchases gas, the complaint alleges, among other things; that the service agreement provides that Chattanooga shall not manufacture gas without East Tennessee's permission, nor purchase gas from sellers other than East Tennessee so long as requirements remain under 40,000 Mcf per day; that Chattanooga's present requirements are 31,500 Mcf per day; that to the extent the foregoing provisions constrict Chattanooga's freedom to contract for, and to purchase additional volumes up to 40,000 Mcf per day, from less costly sources of supply, said provisions conflict with the principal purpose of the Natural Gas Act; that the firm service rate presently charged by East Tennessee is so high as to preclude Chattanooga from meeting competition; that with respect to interruptible sales, Farmers Chemical Association, Inc. (Farmers Chemical), its largest industrial customer proposes to purchase its future requirements from a projected new pipeline owned by Georgia-Tennessee Gas Corporation (Georgia-Tennessee); that to date frequent interruptions of service in the supply of East Tennessee's gas have seriously reduced the revenues of Farmers Chemical by limiting its production of anhydrous ammonia and sales of products; and that Farmers Chemical now demands firm service instead of interruptible service and finds the cost of firm service from Georgia-Tennessee to be less costly than firm service derived from East Tennessee's gas available through Chattanooga. Complaint further alleges that unless it can obtain gas from East Tennessee under terms permitting it to compete with the proposed rates of Georgia-Tennessee, Chattanooga may lose its largest industrial customer and be obliged to seek increased rates from its remaining customers.

Chattanooga further states that it has entered into a precedent agreement with Southern Natural Gas Company (Southern) to acquire a firm supply of gas at rates substantially lower than those available from East Tennessee and that it proposes to sell such gas to Farmers Chemical and others; that this method of meeting competition however would be frustrated if the aforementioned provisions of Chattanooga's service agreement were construed as a limitation upon its freedom to obtain supplies in excess of 31,500 Mcf per day from sources other than East Tennessee; that if the aforementioned provisions of the service agreement so restrain Chattanooga from obtaining additional volumes of gas at lower rates from other suppliers, such restraint and the consequent lessening of competition would appear to violate section 3 of the Clayton Act, 15 U.S.C.A. § 14; further, that preclusion of Chattanooga from additional volumes of gas at lower cost from another supplier would constitute undue discrimination against Chattanooga for the reason, among others, that East Tennessee's proposed service agreement with Roanoke Gas Company in Docket No. CP64-21 does not restrain Roanoke by compelling it to make all future purchases from East Tennessee; that Chattanooga entered into the 1959 service agreement under duress and that the Commission did not grant East Tennessee an exclusive franchise for all future gas requirements of Chattanooga.

The complaint filed under sections 4 (a), 4(b) and 5(a) of the act, requests, among other things, a public hearing and prescription of tariff provisions, rules, regulations, practices and a service agreement which are just, reasonable and not unduly discriminatory in relation to service to be rendered by East Tennessee to Chattanooga.

East Tennessee filed its answer to the foregoing complaint on September 8, 1964, setting forth a general denial of undue discrimination and stating in particular, among other things: that East Tennessee proposes to file by September 14, 1964, an application for authorization to serve Chattanooga with the volumes of gas necessary to meet the entire requirements of Farmers Chemical; that until the issues in that proceeding and those in pending application by Southern at Docket No. CP64-314 are decided, a public hearing herein would be premature; that East Tennessee was authorized to serve Chattanooga by Commission order in Opinion No. 163 (7 FPC 5) issued February 2, 1948, Docket No. G-889; that the Chattanooga market was absolutely essential to the feasibility of East Tennessee's proposal; that the fact of the denial of Southern's application to serve the same market evinced the conclusion that the market was too small to justify supplies from two pipelines; that Chattanooga purchased approximately 37 percent of East Tennessee's sales for resale and 21 percent of its total sales in 1963; that East Tennessee on April 1, 1964, made rate reductions equivalent to 6.5 cents per Mcf in firm service gas purchases by Chattanooga; that at no time in 1963 was Farmers Chemical completely curtailed; that Farmers Chemical does not demand firm service, but would be willing to take 65 percent firm, and 35 percent interruptible service which East Tennessee can furnish. Defendant further denies that its service agreement with Chattanooga was executed under economic duress and alleges that Chattanooga has a long history of agreeing to successive amendments of the initial service agreement since 1950, which culminated in the present one.

The pleadings leave unresolved substantial questions of fact and law bearing upon issues evoked by conflicting contentions concerning the service agreement, East Tennessee's tariff and the relative costs of gas; whether, among other things, Chattanooga is subject to undue discrimination and if so, the tariff provisions, rules and regulations the Commission should prescribe, pursuant to the provisions of the Act, for service to Chattanooga by East Tennessee. East Tennessee contends that a public hearing herein should be deferred on account of pending certificate proceedings. However, the complaint is filed under sections 4 and 5 of the Act and while in some areas, the problems presented may have relationship with possible future developments in certificate proceedings, the allegations of the complaint, on the other hand, bear upon existing facts and conditions, and upon rates presently effective. It is our view, therefore, that pendency of certificate applications relating to future operations do not constitute a valid basis for deferring a public hearing on the complaint.

It appears that a public hearing should be held in order to afford all parties opportunity to present evidence concerning the issues herein; that Chattanooga has the obligation of adducing evidentiary support of its allegations and of going forward first in the presentation of its case-in-chief; that the issues herein should be determined with the greatest possible expedition in conformity with § 2.59(h) of the Commission's rules of practice and procedure and to that end, each party should have the opportunity to understand and evaluate the positions of the other parties. All matters which can be fully resolved without formal trial should be eliminated from hearing and settled by stipulation.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues raised by the complaint filed by Chattanooga be set for public hearing and that the proceeding be expedited in accordance with the procedures set out below.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5, 15, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held concerning the matters involved and the issues presented in this proceeding.

(B) At the hearing herein, the complainant, Chattanooga, shall have the obligation of going forward first with the presentation of its direct case-in-chief.

(C) Chattanooga shall serve the prepared testimony and exhibit constituting its case-in-chief, upon all parties on or before October 19, 1964.

(D) The defendant, East Tennessee, shall serve the prepared testimony and exhibits comprising its direct case upon all parties on or before November 13, 1964.

(E) The Commission staff and all other parties to this proceeding proposing to present evidence herein, shall serve their prepared testimony and exhibits on all parties on or before November 18, 1964.

(F) The Presiding Examiner shall set the date for the service of Chattanooga's rebuttal case and, if determined necessary and appropriate without unduly delaying the proceeding he may provide for filing of cross-rebuttal between the parties (including Staff) on a date prior to the date set for service of Chattanooga's rebuttal.

(G) Presiding Examiner Seymour Wenner, or any other officer or officers of the Commission designated by the Chief Examiner for that purpose (see Delegation of authority, 27 F.R. 4276, etc.), shall preside at the prehearing conference and at the hearing in this matter, pursuant to the Commission's rules of practice and procedure, and as further provided by this order, shall set the date of hearing by notice thereof.

(H) Without limitation upon the authority of the Presiding Examiner to convene conferences prior to, or subsequent to the date herein fixed, pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner herein designated shall commence at 10 a.m. (e.s.t.), on November 23, 1964, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, for the purpose of effectuating the intent of the Commission as hereinabove set out.

(I) Notices and petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure, §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) on or before October 9, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-10282; Filed, Oct. 8, 1964; 8:46 a.m.]



[Project No. 2338]

conference now scheduled for Novem-

Applicant proposes to establish a new

[Project No. 2338]

## CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

### Order Reopening the Record and Fixing Oral Argument

OCTOBER 1, 1964.

On July 31, 1964, the Presiding Examiner issued his decision in the above proceeding on application for license. Briefs on exceptions have been filed by certain parties, including the Town of Yorktown (Yorktown), Intervener, which objects to the decision in that it would permit a portion of the project transmission line to traverse Yorktown. In addition, Yorktown has moved that the hearings be reopened to permit it to introduce evidence of the effect on the community of the transmission line route. In explanation of its absence from sessions of the hearing at which testimony was heard on this subject, Yorktown states it had been led to believe that the route would bypass the Town except for a short stretch.

The Commission finds: It is appropriate and in the public interest that oral argument be held before the Commission respecting the issues involved in this proceeding and that the record should be reopened as ordered hereafter.

The Commission orders:

(A) The record in the above-entitled proceeding is reopened to permit Yorktown to file with the Commission by November 2, 1964, and serve on staff counsel and parties of record, such written testimony as it deems relevant to the issue of the location and characteristics of the project transmission line.

(B) The Applicant may, by November 9, 1964, file with the Commission and serve on staff counsel and the parties its rebuttal testimony.

(C) Oral argument shall be held before the Commission at 10 a.m., e.s.t., on November 17, 1964, in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., respecting the issues involved in this proceeding.

(D) Any party to this proceeding desiring to participate in oral argument shall advise the Secretary of the Commission on or before November 1, 1964, to that effect and shall state the amount of time it wishes for argument.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10283; Filed, Oct. 8, 1964; 8:46 a.m.]

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[Docket Nos. RP65-2, RP65-5]

## MICHIGAN WISCONSIN PIPE LINE CO.

### Notice Advancing Date of Prehearing Conference

OCTOBER 2, 1964.

Upon consideration of the motion filed September 14, 1964 by Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) for modification of the order issued August 31, 1964 in the above-designated matter, and the responses to the motion filed by various parties, the prehearing conference now scheduled for November 30, 1964 is rescheduled to commence at 10 a.m., October 13, 1964, before a Presiding Examiner in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

The time prescribed by the Commission for Michigan Wisconsin to file its complete case-in-chief and the staff of the Commission to file evidence it proposes to adduce and all other parties to file their testimony and exhibits as prescribed in paragraphs (C), (D), and (E), respectively, of said order is hereby vacated. The Presiding Examiner, following the prehearing conference, shall by notice fix the time within which the parties and staff counsel shall file their proposed testimony and exhibits and shall prescribe such other schedules as he may find necessary to expedite this proceeding.

By direction of the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10284; Filed, Oct. 8, 1964; 8:46 a.m.]

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[Project Nos. 1869, 2252]

## MONTANA POWER CO.

### Notice of Postponement of Prehearing Conference

OCTOBER 2, 1964.

Notice is hereby given that the prehearing conference presently scheduled for October 5, 1964 in the above-designated matters is postponed to November 9, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10285; Filed, Oct. 8, 1964; 8:46 a.m.]

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[Docket No. CP65-17]

## NORTHERN NATURAL GAS CO.

### Notice of Application

OCTOBER 1, 1964.

Take notice that on July 15, 1964, as supplemented on August 3, 1964 Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP65-17, an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission to abandon certain natural gas pipeline facilities, and requesting the issuance of a certificate of public convenience and necessity authorizing (1) the construction and operation of certain natural gas transmission pipeline and measuring and regulating facilities and (2) a new delivery point with Iowa Electric Light and Power Co. (Iowa Electric) and the sale of natural gas thereto, all as more fully set forth in the application.

The application states that the construction of a sewage plant by the city of Cherokee, Iowa, will necessitate (a) the relocation of two separate sections of pipeline (0.1 and 0.2 mile sections) which will be abandoned and replaced by 0.22 mile and 0.32 mile sections, respectively, of new 8-inch pipeline and (b) abandonment of 80 feet of existing pipeline.

Applicant proposes to establish a new delivery point with Iowa Electric for the sale and delivery of natural gas thereto for resale to Wilson and Company, Inc., for industrial processing and fuel purposes. Iowa Electric proposes to sell 50 Mcf daily of firm gas to Wilson and Company for space heating and approximately 360,000 Mcf annually for boiler fuel and other uses. The firm gas requirements will be met by Iowa Electric from its existing contract demand volume in Zone 2, Billing Group 5A. The volumes of interruptible gas proposed to be sold and delivered to Iowa Electric for resale to Wilson and Co. will be sold and delivered by Applicant to Iowa Electric under Applicant's Rate Schedule R-2 (interruptible overrun service).

The city of Cherokee will reimburse Applicant for the cost of relocating the 8-inch pipeline, estimated to be $17,687, and Iowa Electric will reimburse Applicant for the cost of the new delivery point as a contribution in aid of construction, estimated to be $17,850.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 26, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10286; Filed, Oct. 8, 1964; 8:46 a.m.]

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# SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4235]

## AMERICAN ELECTRIC POWER CO., INC., ET AL.

### Notice of Proposed Intrasystem Sale and Acquisition of Utility Assets

OCTOBER 5, 1964.

Notice is hereby given that American Electric Power Company, Inc., 2 Broadway, New York, New York, 10008, a registered holding company, and two of its electric utility subsidiary companies, Appalachian Power Company ("Appalachian") and Kingsport Power Company ("Kingsport"), have filed a joint declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 12(d), 12(f), and 12(g) of the act and rules 43 and 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the joint declaration, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Kingsport, incorporated in Virginia, is an electric utility company serving the city of Kingsport and some surrounding territory in northeastern Tennessee. Kingsport purchases all of its electric energy requirements at wholesale from Appalachian. Appalachian, a Virginia corporation, is an electric utility company whose principal service area is in southwestern Virginia and West Virginia. In addition, Appalachian owns utility facilities in Tennessee, consisting principally of transmission lines, substations, and related facilities, all used in connection with Appalachian's sales of electric energy to Kingsport and interconnection arrangements between Appalachian and an unaffiliated company and the Tennessee Valley Authority.

Appalachian proposes to sell and Kingsport proposes to acquire certain electric utility facilities of Appalachian which comprise a portion of the Holston Station located in the city of Kingsport, Tenn., and include: (1) The station site, containing 11.019 acres of land; (2) structures and improvements, including a control house, oil house, two cottages, garage, storage building, railroad siding and yard improvements; (3) various 138-kv terminal facilities, bus tie facilities, station equipment and carrier current communication equipment, consisting primarily of circuit breakers, transformers, switches, and associated equipment; and (4) office furniture and equipment.

The joint declaration states that these facilities were formerly devoted almost completely to the needs of Appalachian's interconnection arrangements; that, as a result of the large increase in Kingsport's peak load and a concommitant expansion of Kingsport's transmission and distribution facilities, the facilities to be sold have, in effect, become an integral part of Kingsport's 138-kv transmission network and are now almost completely devoted to the needs of Kingsport's service area; and that such facilities should more logically and appropriately belong to Kingsport.

It is proposed that the transfer be made for a cash consideration to be determined on the basis of depreciated original cost of the transferred property on the date of closing. As of August 31, 1964, the original cost was $669,716, the accumulated depreciation reserve related thereto was $188,900, and the depreciated original cost was $480,816. The purchase price is to be adjusted for any increase or decrease in depreciation reserve from August 31, 1964, to the date of closing.

The filing states that applications are being filed with the State Corporation Commission of Virginia and the Tennessee Public Service Commission for approval of the proposed transaction and that no other State and no Federal commission other than this Commission has jurisdiction over the proposed transaction. Fees and expenses incident to the proposed transaction are estimated not to exceed $650.

Notice is further given that any interested person may, not later than October 23, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint declaration which he desires to controvert or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the act or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-10279; Filed, Oct. 8, 1964; 8:46 a.m.]

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# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-I, Amdt. 2]

## BOSTON REGIONAL OFFICE

### Delegation of Authority to Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9) as amended, 29 F.R. 11777, 12570 and 13354; Delegation of Authority No. 30-I, as amended, 29 F.R. 12487 and 13497 is hereby further amended by revising Items I.C.3., I.K.1. and I.K.2.a. to read as follows:

1.

I. * * *

C. * * *

3. To approve the following:

a. Business loans

(1) Direct not exceeding $350,000.

(2) Participation not exceeding $350,000.

b. Disaster loans

(1) Direct not exceeding $350,000.

(2) Participation not exceeding $350,000.

2.

I. * * *

K. * * *

1. To approve the following:

a. Direct loans not exceeding $100,000.

b. Participation loans not exceeding $250,000.

c. Simplified Bank Participation loans not exceeding $350,000.

d. Simplified Early Maturities Participation loans not exceeding $350,000.

e. Direct disaster loans not exceeding $350,000.

f. Participation disaster loans not exceeding $350,000.

3.

I. * * *

K. * * *

2. To decline the following:

a. Business loans not exceeding $250,000.

* * * * *

Effective date: September 14, 1964.

THOMAS J. NOONAN, *Regional Director, Boston.*

[F.R. Doc. 64-10271; Filed, Oct. 8, 1964; 8:45 a.m.]

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[Delegation of Authority 30-III, Amdt. 2]

## PHILADELPHIA REGIONAL OFFICE

### Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9) as amended, 29 F.R. 11777, 12570 and 13354; Delegation of Authority No. 30-III, as amended, 29 F.R. 13125 and 13415 is hereby further amended by revising Items I.C.3., I.K.1, and I.K.2.a. to read as follows:

1.

I. * * *

C. * * *

3. To approve the following:

a. Business loans

(1) Direct not exceeding $350,000.

(2) Participation not exceeding $350,000.

b. Disaster Loans

(1) Direct not exceeding $350,000.

(2) Participation not exceeding $350,000.

2.

I. * * *

K. * * *

1. To approve the following:

a. Direct loans not exceeding $100,000.

b. Participation loans not exceeding $250,000.

c. Simplified Bank Participation loans not exceeding $350,000.

d. Simplified Early Maturities Participation loans not exceeding $350.000.

e. Direct disaster loans not exceeding $350,000.





4. Participation disaster loans not



The domestic demand for plastic baby

1. Participation disaster loans not exceeding $350,000.

3.

I. • • •

K. • • •

2. To decline the following:

a. Business loans not exceeding $250,000.

• • • • • •

Effective date: September 14, 1964.

EDWARD N. ROSA,
*Regional Director,*
*Philadelphia.*

[F.R. Doc. 64-10272; Filed, Oct. 8, 1964; 8:45 a.m.]

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[Delegation of Authority 30-X, Amdt. 2]

## DALLAS REGIONAL OFFICE

### Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9) as amended, 29 F.R. 11777, 12570 and 13354; Delegation of Authority No. 30-X, as amended, 29 F.R. 12598 and 12992 is hereby further amended by revising Items I.C.3., I.K.1. and I.K.2.a. to read as follows:

1.

I. • • •

C. • • •

3. To approve the following:

a. Business loans

(1) Direct not exceeding $350,000.

(2) Participation not exceeding $350,000.

b. Disaster loans

(1) Direct not exceeding $350,000.

(2) Participation not exceeding $350,000.

2.

I. • • •

K. • • •

1. To approve the following:

a. Direct loans not exceeding $100,000.

b. Participation loans not exceeding $250,000.

c. Simplified Bank Participation loans not exceeding $350,000.

d. Simplified Early Maturities Participation loans not exceeding $350,000.

e. Direct disaster loans not exceeding $350,000.

f. Participation disaster loans not exceeding $350,000.

3.

I. • • •

K. • • •

2. To decline the following:

a. Business loans not exceeding $250,000.

• • • • • •

Effective date: September 14, 1964.

ROBERT E. WEST,
*Regional Director,*
*Dallas.*

[F.R. Doc. 64-10273; Filed, Oct. 8, 1964; 8:45 a.m.]

# TARIFF COMMISSION

[TC Publication 141; AA1921-61]

## PLASTIC BABY CARRIERS FROM JAPAN

### Determination of No Injury or Likelihood Thereof

OCTOBER 6, 1964.

On July 6, 1964, the Tariff Commission was advised by the Acting Assistant Secretary of the Treasury that plastic baby carriers from Japan, manufactured by Marui Corp., Tokyo, Japan, are being, or are likely to be, sold in the United States at less than fair value as that term is used in the Antidumping Act, 1921, as amended. Accordingly, the Commission on July 7, 1964, instituted an investigation under section 201(a) of that act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the investigation was published in the FEDERAL REGISTER (29 F.R. 9546). The Commission did not order a public hearing, but referred interested parties to § 208.4 of its rules of practice and procedure (19 CFR 208.4), which provides that they may, within 15 days after the date of publication of the Commission's notice of investigation in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request. No request for a hearing was received.

In arriving at this determination, the Commission gave due consideration to all written statements submitted by interested parties and all information obtained by its staff.

On the basis of the investigation, the Commission has unanimously determined that an industry in the United States is not being, and is not likely to be, injured, or prevented from being established, by reason of the importation of plastic baby carriers from Japan, manufactured by Marui Corp., Tokyo, Japan, which were sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

*Statement of reasons.* A plastic baby carrier of the kind here considered—whether imported or domestic—consists essentially of a molded one-piece plastic shell, a padded cushion, safety straps, rattle balls on a cord or plastic strap, and a wire stand that can be positioned to permit the infant to be placed in various reclining or sitting positions.

Plastic baby carriers first came on the market in the United States in 1955, and during the years 1955–60 (except for a few months at the beginning of the period) they were supplied exclusively by the Infanseat Co. of Eldora, Iowa. This concern was the owner of a U.S. product patent covering a baby carrier at the time the patent expired in 1960. Following the patent expiration, a number of domestic firms entered the field, until there were some 15 manufacturers by 1964.

The domestic demand for plastic baby carriers has expanded markedly in recent years and may be expected to continue to rise for a considerable period, although possibly at a reduced rate. Producers' annual sales rose by more than 400 percent from 1960 to 1963, and their sales in the first 6 months of 1964 were more than 50 percent greater than in the corresponding period of 1963.

Imports from Japan first entered in April 1963 as a result of arrangements made by a U.S. importer with Marui Corp. of Tokyo, Japan, to manufacture the carriers primarily for export to the United States. During the 15-month period between April 1963 and June 1964 (the month in which the imports ceased), sales of the carriers from Japan accounted for about 7 percent of the aggregate sales of carriers (domestic and imported) in the U.S. market. The imports showed a rapidly rising trend prior to the time of the Treasury Department's determination that the carriers were being sold at less than fair value, at which time imports ceased altogether.

As new U.S. producers entered the field, their initial selling prices generally were the same as or lower than the prices of carriers already on the market. Primarily as a result of increased competition among domestic producers, plastic baby carriers became available in a wide range of prices. Because of a rising volume of sales of carriers in the lower price ranges, the average unit selling price of domestically produced carriers has declined appreciably since 1960. Much of the decline occurred before the carriers from Japan entered the U.S. market, and their entry had little effect on the downward movement of domestic prices.

During the first 6 months of 1964, some domestically produced carriers were sold by the manufacturer for as little as $1.63 per unit (f.o.b. point of shipment), whereas no Japanese carriers were sold for such a low price (f.o.b. importer's warehouse), and most were sold at much higher prices. The bulk of the domestic carriers were selling in the $1.75–$2.24 price range or higher, whereas virtually all of the imports from Japan were selling in the $2.00–$2.49 price range. Of the more than 800,000 domestic carriers sold in the U.S. market during the first half of 1964, about 30 percent were priced in the $2.00–$2.24 range, and about 25 percent, in the $1.75–$1.99 range; of the more than 60,000 carriers from Japan sold in the United States in the same period, about 55 percent were priced in the $2.25–$2.49 range, and about 40 percent, in the $2.00–$2.24 range. Any depressive price impact resulting from the imports of carriers from Japan by virtue of their being sold at less than fair value was minimal.

The Commission concludes also that there is no likelihood of injury to a domestic industry arising out of less-than-fair-value imports from Japan. While competition in the field of plastic baby carriers continues to be volatile, no likely changes are in prospect that would cause material injury to a domestic industry, within the meaning of the Antidumping Act.

This determination and statement of reasons are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended.

By the Commission.

[SEAL] DONN N. BENT,
*Secretary.*

[F.R. Doc. 64-10312; Filed, Oct. 8, 1964; 8:49 a.m.]



# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 6, 1964.

Protests to the granting of an application must be prepared in accordance with rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39301: *Liquid caustic soda to points in Georgia.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2740), for interested rail carriers. Rates on liquid caustic soda, in tankcar loads, from specified points in Michigan, New Jersey, New York, Ohio, and West Virginia, to Thomaston, Barnesville, and Topeka Junction, Ga.

Grounds for relief: Market competition.

Tariffs: Supplements 143 and 68 to Traffic Executive Association-Eastern Railroads, agent, tariffs I.C.C. C–102 and C–334, respectively.

FSA No. 39302: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 518), for interested rail carriers. Rates on canned goods, molasses, also agricultural insecticides, fungicides, herbicides or rodenticides, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other States not subject to the same conditions.

Tariff: Supplement 19 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

FSA No. 39304: *Service station specialty items from points in southwestern and mid-Continent territories.* Filed by Southwestern Freight Bureau, agent (No. B–8616), for interested rail carriers. Rates on antifreeze alcohol and other items commonly sold in gasoline service stations, in mixed carloads with petroleum lubricating oil and/or petroleum lubricating grease, in packages, in carloads, not to exceed 10 percent of weight of lubricating oils and greases, from points in southwestern and mid-continent territories, to points in official (including Illinois), southern, southwestern and western trunkline territories.

Grounds for relief: Carrier competition.

Tariffs: Supplement 120 to Southwestern Freight Bureau, agent, tariff I.C.C. 4410 and 9 other schedules named in the application.

FSA No. 39305: *Processed clay to Dallas and Corpus Christi, Tex.* Filed by O. W. South, Jr., agent (No. A4572), for interested rail carriers. Rates on processed clay, in carloads, from Attapulgus, Ga., Crossley, Fla., and points taking same rates as the named points, to Corpus Christi and Dallas, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 3 to Southern Freight Association, agent, tariff I.C.C. S–438.

AGGREGATE-OF-INTERMEDIATES

FSA No. 39303: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 519) for interested rail carriers. Rates on canned goods, zinc and zinc spelter, etc., in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 19 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64-10302; FHed, Oct. 8, 1964; 8:48 a.m.]

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[Notice 1058]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 6, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66885. By order of September 30, 1964, the Transfer Board approved the transfer to Merit Trucking Corp., Port Newark, N.J., of the operating rights in permits Nos. MC 116816, MC 116816 Sub 1, MC 116816 Sub 4, MC 116816 Sub 5, MC 116816 Sub 7, and MC 116816 Sub 8, issued July 2, 1958, May 28, 1959, September 1, 1960, February 21, 1962, March 14, 1963, and September 10, 1964, respectively, to Merit Terminals Corp., Port Newark, N.J., authorizing the transportation, over irregular routes, of kitchen sinks, kitchen ranges, and kitchen cabinets; radio, recorder, phonograph and television sets and parts and equipment, crated and uncrated; washers, dryers, refrigerators, air-conditioning equipment, ranges, water heaters, and household gas and electric appliances, crated and uncrated; returned and damaged shipments of the commodities listed above; central home heating and cooling units, and parts and equipment for such commodities; from and to specified points in New Jersey and New York. Edward M. Alfano, 2 West 45th Street, New York 36, N.Y., attorney for applicants.

No. MC–FC 67075. By order of September 30, 1964, the Transfer Board approved the transfer to Thomas A. Schweiger, Maspeth, N.Y., of that portion of the operating rights in certificate No. MC 117696, issued August 5, 1963, to Louis Maiello, and acquired by Charles G. Benincasa, Rockville Centre, N.Y., authorizing the transportation, over irregular routes, of homing pigeons, in seasonal operations, during the period extending from March 1 to October 15, both inclusive, of each year, from New York, N.Y., to Woodbridge, Rahway, Elizabeth, Trenton, Princeton, and New Brunswick, N.J., with no transportation for compensation on return except as otherwise authorized. Morris Honig, 150 Broadway, New York 38, N.Y., attorney for applicants.

No. MC–FC 67076. By order of September 30, 1964, the Transfer Board approved the transfer to Charles G. Benincasa, Rockville Centre, N.Y., of the operating rights in certificates Nos. MC 119658 and MC 119658 Sub 1, issued August 9, 1963 and September 23, 1963, respectively, to Pigeon Fans, Inc., Brooklyn, N.Y., authorizing the transportation, over irregular routes, of pigeons, during the season extending from March 1 to October 31, both inclusive, of each year, between points in Queens County, N.Y., on the one hand, and, on the other, points in New Jersey, and of pigeons, in seasonal operations between March 1 and October 31, inclusive, of each year, from points in Kings County, N.Y., to points in New Jersey, and empty crates and pigeons that have not been released, from points in New Jersey, to points in Kings County, N.Y. Morris Honig, 150 Broadway, New York 38, N.Y., attorney for applicants.

No. MC–FC67090. By order of September 30, 1964, the Transfer Board approved the transfer to S & S Van Lines, Inc., La Porte, Ind., of a portion of the operating rights in certificate No. MC 78711, issued December 6, 1962, to Robert Schreiber, doing business as Schreiber Trucking, Hebron, Ind., authorizing the transportation of: Household goods and emigrant movables, between points in Illinois and Indiana. Louis J. Carque, 201 Canterbury Drive, La Porte, Ind., representative for applicants.

No. MC–FC 67212. By order of September 30, 1964, the Transfer Board approved the transfer to J. Meredith Bus

Co., a corporation, Marlton, N.J., of the operating rights issued by the Commission April 22, 1942, under certificate No. MC 53686, to Harry McCloskey, Beverly, N.J., authorizing the transportation, over irregular routes, of passengers and their baggage, restricted to traffic originating at the point and in the territory indicated, in charter operations, from Beverly, N.J., and points within 15 miles thereof, to points in Pennsylvania east of U.S. Highway 11, and return; and from Philadelphia, Pa., to Beverly, N.J., and points in New Jersey within 15 miles of Beverly, and return. Raymond A. Thistle, Jr., Suite 1408–09, 1500 Walnut Street, Philadelphia 2, Pa., attorney for transferee.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–10303; Filed, Oct. 8, 1964; 8:48 a.m.]

## MOTOR CARRIERS; APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F–8803 (BEN R. SCHILLI—CONTROL—GARRISON ELEVATOR CO., INC.), published in the July 15, 1964, issue of the FEDERAL REGISTER on page 9585. Application filed October 6, 1964, for temporary authority under Section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–10337; Filed, Oct. 8, 1964; 8:50]

# Title 2—THE CONGRESS

## ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 88th Congress, Second Session.

### Approved October 7, 1964

H.R. 11380 ..... Public Law 88–633

Foreign Assistance Act of 1964.

H.R. 11812 ..... Public Law 88–634

Foreign Assistance and Related Agencies Appropriation Act, 1965.

H.R. 12633 ..... Public Law 88–635

Supplemental Appropriation Act, 1965.

FEDERAL REGISTER

Area Code 202 Phone 963–3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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Washington, Saturday, October 10, 1964

THE UNIVERSITY OF MICHIGAN
OCT 21 1964
MAIN READING ROOM

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*Announcing first 5-year Cumulation*

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FEDERAL REGISTER

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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# Rules and Regulations

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666; Order No. 65]

### PARTS 71–79—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

### Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board, held at Washington, D.C., on the 21st day of September 1964.

The matter of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

*It appearing*, That Notice No. 65, dated June 5, 1964, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on June 25, 1964 (29 F.R. 8067), pursuant to the provisions of Section 4 of the Administrative Procedure Act; that pursuant to said Notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

*And it further appearing*, That said views and arguments with respect to the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above-referred-to Notice No. 65 are deemed justified and necessary;

*It is ordered*, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in Appendix A attached to said Notice No. 65, dated June 5, 1964, as revised by the specific deletions, modifications, and additions set forth as follows:

Amend § 73.264 paragraph (b) (6).

In Part 79 Index, amend Subparts C, D, E, and F headings.

In Part 79 Index, amend §§ 79.103, 79.104, and 79.500.

In § 79.6 amend paragraph (a).

In § 79.11 amend paragraph (a).

In § 79.12–2 paragraph (b) table, amend the 2d line in the column headed "Minimum thickness" to read "0.175 inch"; add footnote 1 to the table to read "[1] Nominal thickness."

In § 79.100–3 paragraph (a), amend the 1st two sentences.

In § 79.100–4 amend paragraph (a), amend the line reading "t=minimum thickness of plate in inches" to read "t=minimum design thickness of plate in inches."

In § 79.100–7 paragraph (a), delete the last two phrases reading "Minimum tensile strength 81,000 psi. Elongation in 2 inch minimum percent 21.0"; in paragraph (a) table, insert as the last entry "ASTM A 302 Gr. B" in the column headed "Specifications," "80,000" in the middle column, and "20" in the remaining column.

In § 79.100–7 add paragraph (a) (2).

In § 79.100–7 paragraph (b) table, insert between the 4th and 5th entries "ASTM B 209 Alloy 5083 " in the column headed "Specifications," "40,000" in the middle column, and "16" in the remaining column; add footnate 2 to the table.

In § 79.100–12 paragraph (a), 1st sentence, change "obrotund" to read "obround."

In § 79.100–14 paragraph (a), 1st sentence, change § 79.103 to "§ 79.103–3."

In § 79.100–15 paragraph (a), amend the 1st sentence, combine the last two sentences and add a new sentence.

In § 79.101–1 paragraph (a) table, under the columns headed "109A300W," "112A400W," and "112A500W," change 1 1/16 to "1 1/16 ".

In § 79.101–1 paragraph (a) table, amend footnote 8.

In § 79.102–1 introductory text of paragraph (a), change the capital L in "Liquefied" to lower case; in paragraph (a) (3), 1st sentence, change "frangible disc device" to read "safety vent."

In § 79.102–4 paragraph (a) (2), 1st sentence, change "frangible disc device" to read "safety vent."

In § 79.103–1 amend paragraph (e).

In § 79.104–4 paragraph (a), change "must" to "shall."

In § 79.200–4 paragraph (a), amend the last sentence.

In § 79.200–6 paragraph (a), amend the line reading "t=minimum thickness of plate in inches" to read "t=minimum design thickness of plate in inches;" in paragraph (b), 1st line, delete "or 3: 1 ellipsoidal."

In § 79.200–7 paragraph (b), amend the table.

In § 79.200–16 paragraph (d), 2d sentence, change "shall" to "may."

In § 79.200–18 paragraph (a) (1), add as the last sentence "See AAR Specifications for Tank Cars, Appendix A, for formula for calculating discharge capacity."

In § 79.201–2 paragraph (a), amend the text preceding the table and amend footnote 1 to table.

In § 79.201–3 paragraph (a), delete the 4th sentence reading: "As an alternate method, the lining may be joined with a skived butt seam then capped with a separate strip of lining 3 inches wide and beveled to an angle of 45 degrees."

In § 79.201–4 paragraph (a) change the reference to § 79.200–7(c) (1) to read "§ 79.200–7(c)."

In § 79.201–5 paragraph (a), change the reference to § 79.200–7(c) (1) to read "§ 79.200–7(c)."

In § 79.202–6 paragraph (a), amend the 1st line to read "(a) Specs. ICC–103, 103–W, 111A60–F–1, 111A60–W–1, and 111A100–W–1 tank cars used to."

In § 79.300–6 paragraph (a), amend the line reading "t=minimum thickness of plate in inches" to read "t=minimum design thickness of plate in inches."

In § 79.300–15 paragraph (a), 2d sentence, change the figure 75 to "82.5"; add as the last sentence "See AAR Specifications for Tank Cars, Appendix A, for formula for calculating discharge capacity."

In § 79.300–16 introductory text of paragraph (a), 3d sentence, change "must" to "shall."

In § 79.301 paragraph (a) table, in the column headed "106A800–X" change the figure 13/32 to "11/16."

In § 79.302 paragraph (a) table, add as the 10th, 12th, and 13th commodity names "Nitrosyl chloride," "Chlorpicrin" and "Hydrofluoric acid" respectively; add footnote 4 to the table.

In § 79.400–2 paragraph (a), change the word "in" to "for."

In § 79.400–5 paragraph (a), amend the line reading "t=minimum thickness of plate in inches" to read "t=minimum design thickness of plate in inches."

In § 79.400–6 paragraph (a), 1st sentence, delete the word "degrees."

In § 79.400–8 paragraph (b), amend the 1st sentence following the paragraph heading.

In § 79.400–15 paragraph (d), amend the 1st sentence following the paragraph heading.

In § 79.400–15 introductory text of paragraph (e), delete the horizontal line under the formula $W=0.78\sqrt{Rt}$; amend the last three sentences of the introductory text.

In § 79.400–15 paragraphs (e) (1) and (2), at the five places where "Pc" is used, change to "P." indicating the letter "c" as a subletter.

In § 79.400–15 amend paragraph (f).

In § 79.400–17 paragraph (f), amend the last sentence.

In § 79.400–18 paragraph (a), amend the last sentence.

In § 79.400–18 amend paragraph (b), introductory text of paragraphs (c) and (c) (1).

In § 79.400–18 paragraph (c) (2), 1st sentence, delete the hyphens in "start-to-discharge"; add last sentence; in paragraph (c) (3), 2d sentence, delete the hyphens in "start-to-discharge"; in paragraph (c) (4) (i) change "frangible disc" to "safety vent" in the 1st sentence.

In § 79.400–18 paragraph (d), amend the last sentence and amend paragraph (e).

In § 79.400–20 paragraph (a) (5), amend the 1st sentence.

In § 79.400–22 paragraph (a), third sentence, change the fourth word "should" to "shall"; in the fifth sentence insert the word "relief" between "safety" and "devices."

In § 79.400–23 paragraphs (a) (1), (4), and (5), change number 2 in the last sentence to "1½."

In § 79.401 paragraph (a) table, in the column headed, "ICC Specification," amend the 8th line reading "Frangible disc, maximum" to read "Safety vent, maximum"; in the same column, amend the 19th line reading "Casing frangible disc," to read "Outer shell safety vent,".

In §§ 79.500–1, 79.500–7, and 79.500–16, change the word "must" to "shall" in certain places.

In § 79.500–3 delete paragraph (b) and redesignate paragraphs (c), (d), and (e) as (b), (c), and (d) respectively.

In § 79.500–6 paragraph (a), amend the second sentence.

In § 79.500–10 amend paragraph (a).

In § 79.500–12 amend the heading and paragraph (a).

In § 79.500–12 paragraph (b), amend the 1st sentence.

In § 79.500–14, amend paragraph (b).

In § 79.500–16 heading and paragraph (b), insert the word "relief" between "safety" and "devices."

In § 79.500–18 paragraph (a), delete the last sentence.

*It is further ordered,* That this order shall become effective December 19, 1964, and shall remain in effect until further order of the Commission;

*It is further ordered,* That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

*And it is further ordered,* That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and, by filing a copy thereof with the Director, Office of the FEDERAL REGISTER.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board.

[SEAL] HAROLD D. McCOY, *Secretary.*

## PART 73—SHIPPERS

### Subpart C—Flammable Liquids; Definition and Preparation

In § 73.119 amend paragraphs (a) (12); (e) (2); (f) (3) and (4); and (h) (26 F.R. 9400, Oct. 6, 1961) (21 F.R. 7599, Oct. 4, 1956) (16 F.R. 9374, Sept. 15, 1951) (24 F.R. 3596, May 5, 1959) (16 F.R. 5323, June 6, 1951) to read as follows:

**§ 73.119 Flammable liquids not specifically provided for.**

(a) • • •

(12) Spec. 103,[2] 103–W, 103AL–W, 103D–W, 104,[2] 104–W, 105A100,[2] 105A100AL–W 105A100–W, 106A500,[2] 106A500–X, 106A800–X–NC, 106A800–NCI,[2] 110A500–W, 111A60AL–W, 111A60–F–1, 111A60–W–1, 111A100–W–3, 111A100–W–4, 111A100–W–6, 112A200–W, 112A400–F, 114A340–W, ARA–II,[2] ARA–III,[2] ARA–IV,[2] or ARA–IV–A[2] (§§ 79.100, 79.101, 79.200, 79.201, 79.300, and 79.301 of this chapter). Tank cars. For cars equipped with expansion domes, manway closures must be so designed that pressure will be released automatically by starting the operation of removing the manway cover. Openings in tank heads to facilitate application of lining are authorized and must be closed in an approved manner. (See § 73.432 for shipping instructions.)

• • • • • •

(e) • • •

(2) Spec. 103,[2] 103–W, 103AL–W, 103D–W, 104,[2] 104–W, 105A100,[2] 105A100AL–W, 105A100–W, 106A500,[2] 106A500–X, 106A800–X–NC, 106A800–NCI,[2] 110A500–W, 111A60AL–W, 111A60–F–1, 111A60–W–1, 111A100–W–3, 111A100–W–4, 111A100–W–6, 112A200–W, 112A400–F, 114A340–W, ARA–II,[2] ARA–III,[2] ARA–IV,[2] or ARA–IV–A[2] (§§ 79.100, 79.101, 79.200, 79.201, 79.300, and 79.301 of this chapter). Tank cars. Cars having expansion domes must be equipped with manway closures, identification marks, and dome placards as prescribed in (f) (4), (g), (h), and (h) (1) of this section. Openings in tank heads to facilitate application of lining are authorized and must be closed in an approved manner. (See Note 1 of paragraph (f) (3) of this section.)

• • • • • •

(f) • • •

(3) Spec. 105A100,[2] 105A100AL–W, 105A100–W, 106A500,[2] 106A500–X, 106A800–X–NC, 106A800–NCI,[2] 110A500–W, 111A100–W–4, 112A200–W, 112A400–F, 114A340–W, or ARA–IV–A,[2] (§§ 79.100, 79.101, 79.200, 79.201, 79.300, 79.301 of this chapter) or (see Note 1 of this subparagraph). Tank cars. Spec. 104,[1] 104–W, 111A100–W–3 and ARA–IV[1] (§§ 79.200, 79.201 of this chapter) tank cars are authorized under the conditions prescribed in paragraphs (f) (4), (g), (h), and (h) (1) of this section and Note 3 of this subparagraph. Openings in tank heads to facilitate application of lining are authorized and must be closed in an approved manner.

NOTE 1: Tanks built in compliance with American Railway Association specifications for class IV–A[1] tank cars authorized for use effective October 1, 1925, may be continued in service for the transportation of ethyl chloride and other liquids which do not have a vapor pressure exceeding 28 pounds per square inch, gauge pressure, at 100 F, provided there is stenciled on each side of the tank immediately below the valve protecting housing the words "Liquids having vapor pressure exceeding 28 pounds per square inch at 100 F. must not be loaded into this tank" in letters and figures at least 1 inch high. These tank cars must be retested as prescribed in current spec. 105A100–W except that safety valves must open at pressure not exceeding 35 pounds, and be vapor tight at 28 pounds per square inch.

(No change in Note 2.)

NOTE 3: Spec. 104[1] or 104–W or ARA–IV[1] tank cars are authorized provided that they are equipped with approved fittings designed to provide for the loading, unloading, gauging, sampling, and taking temperature of the contents without removing the manway closure; that safety valves are set to open at pressure of 35 pounds (with a tolerance of plus or minus 3 pounds), and are vapor tight at 28 pounds per square inch gauge pressure; that bottom discharge outlets are of the same type as authorized for specification 104[1] or 104–W tank cars; and that there is stenciled on each side of the tank above the specification mark, in letters and figures at least 1 inch high, "For vapor pressures not exceeding 40 pounds per square inch, absolute, at 100 F." Because of the present emergency and until further order of the Commission, spec. ICC–104[1] or 104–W tank cars, equipped with safety valves set to open at pressure of 35 pounds (with a tolerance of plus or minus 3 pounds) and which are vapor tight at 28 pounds per square inch, gauge pressure, are authorized provided that they are stenciled as required above.

(4) Spec. 103,[1] 103–W, 103AL–W, 104,[1] 104–W, 111A60AL–W, 111A60–F–1, 111A60–W–1, ARA–II,[1] ARA–III,[1] or ARA–IV[1] (§§ 79.200, 79.201 of this chapter). Tank cars. Cars must have their manway closures equipped with approved safeguards making removal of closures from manway openings practically impossible while car interior is subjected to vapor pressure of lading. These cars must be stenciled on each side of domes in line with the ladders, and in a color contrasting to the color of the dome, with the identification mark as prescribed in paragraph (g) of this section.

• • • • • •

(h) *Dome placards.* Spec. 103,[1] 103AL–W, 103–W, 104,[1] 104–W, 111A60AL–W, 111A60–F–1, 111A60–W–1, ARA–II,[1] ARA–III,[1] or ARA–IV[1] (§§ 79.200, 79.201 of this chapter). Tank cars. Cars loaded with materials described in paragraphs (e) and (f) of this section must, in addition to the "Dangerous" placards, be protected by special dome placards, at least 4⅛ by 10⅞ inches, with legible wording as follows:

(No change in placard or Note 1.)

In § 73.123 amend paragraph (a) (5) (27 F.R. 11852, Dec. 1, 1962) to read as follows:

**§ 73.123 Ethyl chloride.**

(a) • • •

(5) Spec. 105A100,[1] 105A100–W, 111A100–W–4, 112A200–W, 112A400–F, or ARA–IV–A[1] (§§ 79.100, 79.101 of this chapter). Tank cars. See Note 1 of § 73.119(f)(3). (See § 73.432 for shipping instructions.)

• • • • • •

In § 73.124 amend paragraph (a) (5) and Note 1 (25 F.R. 6625, July 14, 1960)

[2] Use of existing tank cars authorized, but new construction not authorized.

[1] Use of existing tank cars authorized, but new construction not authorized.



(21 F.R. 4564, June 26, 1956) to read as follows:

**§ 73.124 Ethylene oxide.**

(a) • • •

(5) Spec. 105A100,[1] 105A100–W, 111A100–W–4, or ARA–IV–A[1] (§§ 79.100, 79.101, 19.200, 79.201 of this chapter). Tank cars. Spec. 105A200–W, 105A300–W, 105A400–W, 105A500–W and 105A600–W (§§ 79.100, 79.101 of this chapter) must be restenciled 105A100–W and be equipped with safety valves of the type and size used on spec. 105A100–W tank cars. Openings in tank heads to facilitate application of nickel lining are authorized and must be closed in an approved manner. See Note 1 of § 73.119 (f) (3). (See § 73.432 for shipping instructions.)

NOTE 1: Because of the present emergency and until further order of the Commission, specification ARA–IV[1] and ICC–104[1] and 104–W (§§ 79.200, 79.201, of this chapter) tank cars, converted as follows, are authorized for use. Tanks must be tested to 75 pounds per square inch hydrostatic pressure and show no leakage with lagging removed. Bottom discharge outlet must be removed, the opening closed with a riveted plate, and a sump applied. Safety valves must be removed and replaced by two safety valves of the type and size used on ICC–105A100[1] or 105A100–W (§§ 79.100, 79.101 of this chapter) tank cars but set to open at 60 pounds per square inch instead of 75 pounds. The various approved dome fittings now required on ICC–105A100[1] or 105A100–W tank cars, must be installed in an approved manner to provide for the loading, unloading, guaging, sampling, and taking of temperature of contents without removing the manway closure. Tank jacket must be stenciled immediately above the mark ARA–IV,[1] ICC–104,[1] or ICC–104–W with the words "For Ethylene Oxide Only."

In § 73.125 amend paragraph (a) (4) (15 F.R. 8301, Dec. 2, 1950) to read as follows:

**§ 73.125 Alcohol.**

(a) • • •

(4) Because of the present emergency and until further order of the Commission, existing tank cars complying with spec. 103,[1] 103–W, ARA–III,[1] AAR 203,[1] or AAR 203–W[1] (§§ 79.200, 79.201 of this chapter), previously used for the transportation of wine, are authorized when stenciled "Alcohol Only" and equipped with safety valves of the type required on spec. 103[1] tank cars.

• • • • • •

In § 73.134 amend paragraph (a) (2) (26 F.R. 4995, June 6, 1961) to read as follows:

**§ 73.134 Aluminum triethyl, aluminum trimethyl, pyroforic fuel, pyroforic solutions, zinc ethyl, triisobutyl aluminum, ethyl aluminum sesquichloride, diethyl aluminum chloride, ethyl aluminum dichloride, methyl aluminum sesquichloride, methyl aluminum sesquibromide, methylmagnesium bromide in ethyl ether in concentrations not over 40 percent, and mixtures or solutions thereof.**

(a) • • •

(2) Spec. 105A300–W, 106A500,[1] 106A500–X, or 110A500–W (§§ 79.100, 79.101, 79.300, 79.301 of this chapter) tank cars. Authorized for aluminum triethyl, aluminum trimethyl, and mixtures or solutions thereof, pyroforic fuel, and triisobutyl aluminum, ethyl aluminum sesquichloride, diethyl aluminum chloride, ethyl aluminum dichloride, methyl aluminum sesquichloride, methyl aluminum sesquibromide, and mixtures or solutions thereof only. Specs. 106A500,[1] 106A500–X and 110A500–W tanks must not be filled to a density exceeding 80 percent of the water capacities of the tanks and tanks must be equipped with an approved spring-relief safety valve. Tanks must be loaded on cars and motor vehicles in such a manner that the safety relief valve will always be in the vapor phase.

(No change in Note 1.)

• • • • • •

In § 73.135 amend paragraphs (a) (7) and (8) (22 F.R. 4790, July 9, 1957) to read as follows:

**§ 73.135 Dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane.**

(a) • • •

(7) Spec. 103,[1] 103–W, 111A60–F–1, or 111A60–W–1 (§§ 79.200, 79.201 of this chapter). Tank cars, without bottom discharge outlet.

(8) Spec. 105A100,[1] 105A100–W, or 111A100–W–4 (§§ 79.100, 79.101, 79.200, 79.201 of this chapter). Tank cars.

• • • • • •

In § 73.136 amend paragraphs (a) (6) and (7) (22 F.R. 4790, July 9, 1957) to read as follows:

**§ 73.136 Methyl dichlorosilane and trichlorosilane.**

(a) • • •

(6) Spec. 103,[1] 103–W, 111A60–F–1, or 111A60–W–1 (§§ 79.200, 79.201 of this chapter. Tank cars, without bottom discharge outlet.

(7) Spec. 105A100,[1] 105A100–W, or 111A100–W–4 (§§ 79.100, 79.101, 79.200, 79.201 of this chapter). Tank cars.

• • • • • •

In § 73.141 amend paragraph (a) (7) (26 F.R. 9401, Oct. 6, 1961) to read as follows:

**§ 73.141 Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.**

(a) • • •

(7) Spec. 103–W, 105A100,[1] 105A100–W, 111A60–F–1, or 111A60–W–1 (§§ 79.100, 79.101, 79.200, 79.201 of this chapter). Tank cars. Specs. 103–W, 111A60–F–1, and 111A60–W–1 tank cars equipped with bottom outlets must have bottom outlets effectively sealed. Bottom washout permitted.

• • • • • •

In § 73.145 amend paragraph (a) (6) (25 F.R. 6625, July 14, 1960) to read as follows:

**§ 73.145 Dimethylhydrazine, unsymmetrical, and methylhydrazine.**

(a) • • •

(6) Spec. 103–W, 103C–W, 105A100–W, or 111A100–W–4 (§§ 79.100, 79.101, 79.200, 79.201 of this chapter). Tank cars. Authorized for dimethylhydrazine, unsymmetrical only. Tank cars must be equipped with steel safety valves of approved design and 103–W tank cars must not be equipped with bottom outlets. Specs. 105A200–W, 105A300–W, 105A400–W, 105A500–W, and 105A600–W (§§ 79.100, 79.101 of this chapter) tanks must be restenciled 105A100–W and be equipped with safety valves of the type and size used on spec. 105A100–W tank cars.

• • • • • •

In § 73.148 amend paragraph (a) (4) (25 F.R. 3100, Apr. 12, 1960) to read as follows:

**§ 73.148 Monoethylamine.**

(a) • • •

(4) Spec. 106A500,[1] 106A500–X, or 110A500–W (§§ 79.300, 79.301 of this chapter). Tank cars.

(No change in Note 1.)

• • • • • •

## Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

In § 73.163 amend paragraph (a) (6) (22 F.R. 4790, July 9, 1957) to read as follows:

**§ 73.163 Chlorate of soda, chlorate of potash, and other chlorates.**

(a) • • •

(6) Chlorates wet with 10 percent or more of water are authorized for shipment in tank cars, spec. 103,[1] 103–W, 111A60–F–1, or 111A60–W–1 (§§ 79.200, 79.201 of this chapter), when equally distributed therein.

• • • • • •

In § 73.190 amend paragraph (b) (3) (23 F.R. 7647, Oct. 3, 1958) to read as follows:

**§ 73.190 Phosphorus, white or yellow.**

• • • • • •

(b) • • •

(3) Spec. 103,[1] 103–W, 111A60–F–1 or 111A60–W–1 (§§ 79.200, 79.201 of this chapter). Tank cars without bottom outlet for discharge of lading and with approved dome fittings, external heater systems, and with insulation at least 4 inches in thickness, except that thickness of insulation may be reduced to 2 inches over external heater coils. Bottom washout nozzle of approved design may be applied. The material must be immersed in water or be blanketed with an inert gas and be loaded at a temperature not exceeding 140 F. The water must be loaded in the dome to not more than 50 percent of the capacity of the dome. After unloading, the tank must be filled to its entire capacity with an inert gas or to its entire capacity and the dome to not more than 50 percent of its capacity with water having a temperature not exceeding 140 F and placarded with the caution placard prescribed in § 74.555 of this chapter before the car is offered for return movement.

(No change in Note 1.)

In § 73.224 amend paragraph (a) (3) (24 F.R. 3597, May 5, 1959) to read as follows:

**§ 73.224 Cumene hydroperoxide, dicumyl peroxide, diisopropylbenzene hydroperoxide, paramenthane hydroperoxide, and tertiary butylisopropyl benzene hydroperoxide.**

(a) • • •

(3) Spec. 103,[1] 103–W, 103A,[1] 103A–W, 111A60–F–1, 111A60–W–1, 111A100–F–2 or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars. Authorized for 90 percent or less cumene hydroperoxide in a nonvolatile solvent, paramenthane hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent and diisopropylbenzene hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent only. Specs. 103,[1] 103–W, 111A60–F–1 and 111A60–W–1 tank cars must have bottom outlets effectively sealed from the inside.

• • • • •

## Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 73.247 amend paragraphs (a) (13), (14), (16) (27 F.R. 11853, Dec. 1, 1962) (26 F.R. 4996, June 6, 1961) to read as follows:

**§ 73.247 Acetyl chloride, antimony pentachloride, benzoyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.**

(a) • • •

(13) Spec. 103A,[1] 103A–W, 105A300–W, 111A–100–F–2, or 111A100–W–2 (§§ 79.100, 79.101, 79.200, 79.201 of this chapter) tank cars, except that for tin tetrachloride (anhydrous) spec. 105A300–W tank cars must be used.

(14) Spec. 103A,[1] 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars. Authorized for titanium tetrachloride, anhydrous only. Tank cars shall have safety valves of approved design and not subject to rapid deterioration by the lading.

• • • • •

(16) Spec. 106A500,[1] 106A500–X, or 110A500–W (§§ 79.300, 79.301 of this chapter). Tank cars. Authorized for antimony pentachloride and titanium tetrachloride (anhydrous) only. Titanium tetrachloride (anhydrous) tanks must not be equipped with safety devices.

In § 73.248 amend paragraphs (a) (4), (5) (22 F.R. 4790, July 9, 1957) to read as follows:

**§ 73.248 Acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid.**

(a) • • •

(4) Spec. 103A,[1] 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars, provided the product is sufficiently liquid to be unloaded through the dome or manway.

(5) Spec. 103,[1] 103–W, 111A60–F–1, or 111A60–W–1 (§§ 79.200, 79.201 of this chapter). Tank cars, provided the product is too viscous to be unloaded through the dome or manway.

• • • • •

In § 73.249 amend paragraph (a) (5) (23 F.R. 7648, Oct. 3, 1958) to read as follows:

**§ 73.249 Alkaline corrosive liquids, n.o.s., alkaline caustic liquids, n.o.s., alkaline corrosive battery fluids, and sodium aluminate, liquid.**

(a) • • •

(5) Spec. 103,[1] 103–W, 103A,[1] 103A–W, 103B,[1] 103B–W, 104,[1] 104–W, 105A100,[1] 105A100–W, 111A60–F–1, 111A60–W–1, 111A100–F–2, 111A100–W–2, 111A100–W–3, 111A100–W–4, or 111A100–W–5 (§§ 79.100, 79.101, 79.200, 79.201 of this chapter). Tank cars.

• • • • •

In § 73.251 amend paragraph (a) (2) (21 F.R. 9357, Nov. 30, 1956) to read as follows:

**§ 73.251 Boron trichloride.**

(a) • • •

(2) Spec. 105A300–W, 106A500,[1] or 106A500–X (§§ 79.100, 79.101, 79.300, 79.301 of this chapter). Tank cars.

• • • • •

In § 73.253 amend paragraph (a) (7) (26 F.R. 4996, June 6, 1961) to read as follows:

**§ 73.253 Chloracetyl chloride.**

(a) • • •

(7) Spec. 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars. Tanks must have a nickel cladding of 1/16 inch minimum thickness. Nickel cladding in tanks must have a minimum nickel content of at least 99 percent pure nickel.

• • • • •

In § 73.254 amend paragraph (a) (4) (22 F.R. 4790, July 9, 1957) to read as follows:

**§ 73.254 Chlorosulfonic acid and mixtures of chlorosulfonic acid-sulfur trioxide.**

(a) • • •

(4) Spec. 103A,[1] 103A–W, 103C–W, 103E–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars.

• • • • •

In § 73.255 amend paragraph (a) (4) (22 F.R. 4790, July 9, 1957) to read as follows:

**§ 73.255 Dimethyl sulfate.**

(a) • • •

(4) Spec. 103A,[1] 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars.

• • • • •

In § 73.262 amend paragraph (a) (6) (23 F.R. 7648, Oct. 3, 1958) to read as follows:

**§ 73.262 Hydrobromic acid.**

(a) • • •

(6) Spec. 103B,[1] 103B–W, or 111A100–W–5 (§§ 79.200, 79.201 of this chapter). Tank cars.

• • • • •

In § 73.263 amend paragraph (a) (9) (23 F.R. 7648, Oct. 3, 1958) to read as follows:

**§ 73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.**

(a) • • •

(9) Spec. 103B,[1] 103B–W or 111A100–W–5 (§§ 79.200, 79.201 of this chapter). Tank cars. Authorized for acid not over 38 percent strength by weight. Except for hydrochloric (muriatic) acid of 22° Baume strength, and other fuming acids, safety vent of approved design equipped with frangible disc having 1/8 inch breather hole in the center thereof or a safety vent of approved design equipped with carbon discs permitting continuous venting may be used.

(No change in Note 1.)

• • • • •

In § 73.264 amend paragraphs (a) (8), (11), (b) (2), (6) and Note 1 (22 F.R. 4790, July 9, 1957) (23 F.R. 7648, Oct. 3, 1958) (22 F.R. 2226, Apr. 4, 1957) to read as follows:

**§ 73.264 Hydrofluoric acid.**

(a) • • •

(8) Spec. 103A,[1] 103A–W, 105A100,[1] 105A100–W, 111A100–F–2, 111A100–W–2, 111A100–W–4, or ARA–IV[1] (§§ 79.100, 79.101, 79.200, 79.201, of this chapter). Unlined metal tanks which have been subjected to adequate passivity or neutralization process. (See Note 1 to subparagraph (7) of this paragraph.) Authorized only for acid of 60 to 80 percent strength. If tanks are washed out with water they must be resubjected to passivity before reshipment.

(No change in Notes.)

• • • • •

(11) Spec. 103B,[1] 103B–W, or 111A100–W–5 (§§ 79.200, 79.201 of this chapter). Tank cars, rubber-lined tanks. Authorized only for acid not over 40 percent strength.

• • • • •

(b) • • •

(2) Spec. 105A300–W, 112A400–W or ARA–V[1] (§§ 79.100, 79.101 of this chapter). Tank cars equipped with special valves and appurtenances approved for this particular service. Filling density must not exceed 90 percent of the pounds water weight capacity of the tank.

• • • • •

(6) Spec. 106A500[1] or 106A500–X (§§ 79.300 and 79.301 of this chapter). Tank cars. Tanks shall not be equipped with safety devices of any type and valves shall be protected by metal caps. Tanks shall be filled to a density not exceeding 85 percent of the water weight capacity of the tank.

NOTE 1: Tanks complying with ICC–106A (§§ 79.300 and 79.301 of this chapter) specification may be transported in or on motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

• • • • •

In § 73.265 amend paragraph (b) (3) (23 F.R. 7648, Oct. 3, 1958) to read as follows:

[1] Use of existing tank cars authorized, but new construction not authorized.



**§ 73.265 Hydrofluosilicic acid.**

• • • • •

(b) • • •

(3) Spec. 103B,[1] 103B–W, or 111A100–W–5 (§§ 79.200, 79.201 of this chapter). Tank cars, rubber-lined tanks.

• • • • •

In § 73.267 amend paragraph (a) (3) (22 F.R. 4790, July 9, 1957) to read as follows:

**§ 73.267 Mixed acid (nitric and sulfuric acid) (nitrating acid).**

(a) • • •

(3) Spec. 103A,[1] 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars. (See paragraph (b) of this section.)

• • • • •

In § 73.271 amend paragraphs (a) (9) and (11) (25 F.R. 6626, July 14, 1960) (23 F.R. 7648, Oct. 3, 1958) to read as follows:

**§ 73.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.**

(a) • • •

(9) Spec. 103A,[1] 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars. Spec. 103A,[1] tanks must be lead-lined steel or made of steel at least 10 percent nickel clad. Spec. 103A–W, 111A100–F–2, or 111A100–W–2 tanks must be lead-lined steel or made of steel with a minimum thickness of nickel cladding 1/16 inch. Nickel cladding in tanks must have a minimum nickel content of at least 99 percent pure nickel.

• • • • •

(11) Spec. 103A,[1] 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars. Authorized for phosphorus trichloride only.

• • • • •

In § 73.272 amend paragraphs (h) (3), (i) (4) (27 F.R. 11853, Dec. 1, 1962) (23 F.R. 7649, Oct. 3, 1958) to read as follows:

**§ 73.272 Sulfuric acid.**

• • • • •

(h) • • •

(3) Spec. 103A,[1] 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars. Tank cars used for sulfuric acid, mixed acid (nitric and sulfuric) (nitrating acid), and other fuming acids, may be equipped with safety vents incorporating lead discs having a 1/8 inch breather hole in the center thereof. The 1/8 inch breather hole in lead discs of safety vents on oleum tank cars is not permitted.

(i) • • •

(4) Spec. 103B,[1] 103B–W, or 111A100–W–5 (§§ 79.200, 79.201 of this chapter). Tank cars.

• • • • •

In § 73.273 amend paragraph (a) (4) (24 F.R. 8058, Oct. 6, 1959) to read as follows:

[1] Use of existing tank cars authorized, but new construction not authorized.

**§ 73.273 Sulfur trioxide, stabilized.**

(a) • • •

(4) Spec. 103A,[1] 103A–W, 105A300–W, 111A100–F–2, or 111A100–W–2 (§§ 79.100, 79.101, 79.200, 79.201 of this chapter). Tank cars. Authorized only for stabilized sulfur trioxide. Tank cars shall have safety valves of approved design and not subject to rapid deterioration by the lading. Cars equipped with interior hearter coils not permitted.

• • • • •

In § 73.274 amend paragraph (a) (3) (22 F.R. 4791, July 9, 1957) to read as follows:

**§ 73.274 Fluosulfonic acid.**

(a) • • •

(3) Spec. 103A,[1] 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars.

• • • • •

In § 73.276 amend paragraph (a) (4) (27 F.R. 11853, Dec. 1. 1962) to read as follows:

**§ 73.276 Anhydrous hydrazine and hydrazine solution.**

(a) • • •

(4) Spec. 103C–W or 111A100–W–6 (§§ 79.200, 79.201 of this chapter). Tank cars having tanks of type 304L or 347 stainless steel with molybdenum content not exceeding one-half of one percent. Spec. 111A100–W–6 tanks must not be equipped with bottom outlets. Vapor space in tanks must be filled with nitrogen gas at atmospheric pressure.

• • • • •

In § 73.280 amend paragraph (a) (7) (22 F.R. 4791, July 9, 1957) to read as follows:

**§ 73.280 Allyl trichlorosilane, amyl trichlorosilane, butyl trichlorosilane, cyclohexenyl trichlorosilane, cyclohexyl trichlorosilane, diethyl dichlorosilane, diphenyldichlorosilane, dodecyl trichlorosilane, ethyl phenyl dichlorosilane, hexadecyl trichlorosilane, hexyl trichlorosilane, nonyl trichlorosilane, octadecyl trichlorosilane, octyl trichlorosilane, phenyl trichlorosilane, and propyl trichlorosilane.**

(a) • • •

(7) Spec. 103–W, 103A,[1] 103A–W, 105A100,[1] 105A100–W, 111A60–F–1, 111A60–W–1, 111A100–F–2, 111A100–W–2, or 111A100–W–4 (§§ 79.100, 79.101, 79.200, 79.201 of this chapter). Tank cars.

In § 73.285 amend paragraph (a) (3) (26 F.R. 9402, Oct. 6, 1961) to read as follows:

**§ 73.285 Chlorine trifluoride.**

(a) • • •

(3) Spec. 106A500,[1] 106A500–X or 110A500–W (§§ 79.300, 79.301 of this chapter). Tank cars equipped with solid steel plugs in lieu of fusible plug safety devices and valve protection caps.

In § 73.291 amend paragraph (a) (8) (23 F.R. 7649, Oct. 3, 1958) to read as follows:

**§ 73.291 Flame retardant compound liquid.**

(a) • • •

(8) Spec. 103B,[1] 103B–W, or 111A100–W–5 (§§ 79.200, 79.201 of this chapter). Tank cars.

In § 73.294 amend paragraphs (a) (2), (b) (25 F.R. 6626, July 14, 1960) to read as follows:

**§ 73.294 Monochloroacetic acid, liquid.**

(a) • • •

(2) Spec. 103A–N–W, 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars. Spec. 103A–W, 111A100–F–2, or 111A100–W–2 tank cars must be nickel clad at least 20 percent.

• • • • •

(b) Monochloroacetic acid, anhydrous, when shipped as a liquid must be shipped in spec. 103A–W (§§ 79.200 and 79.201 of this chapter) tank cars with suitable corrosion resistant coatings or linings.

In § 73.295 amend paragraph (a) (11) (25 F.R. 6626, July 14, 1960) to read as follows:

**§ 73.295 Benzyl chloride.**

(a) • • •

(11) Spec. 103A,[1] 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars which may be 10 percent nickel clad. Authorized for stabilized benzyl chloride only.

• • • • •

In § 73.296 amend paragraph (a) (3) (24 F.R. 8058, Oct. 6, 1959) to read as follows:

**§ 73.296 Di iso octyl acid phosphate.**

(a) • • •

(3) Spec. 103A–W, 103C–W, 103E–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars.

In § 73.297 amend paragraph (a) (2) (25 F.R. 6627, July 14, 1960) to read as follows:

**§ 73.297 Titanium sulfate solution containing not more than 45% sulfuric acid.**

(a) • • •

(2) Spec. 103B,[1] 103B–W, or 111A100–W–5 (§§ 79.200, 79.201 of this chapter). Tank cars.

• • • • •

## Subpart G—Poisonous Articles; Definition and Preparation

In § 73.333 amend paragraph (a) (2) (17 F.R. 9839, Nov. 1, 1952) to read as follows:

**§ 73.333 Phosgene or diphosgene.**

(a) • • •

(2) Spec. 106A500,[1] or 106A500–X (§§ 79.300, 79.301 of this chapter). Tank cars. Each container must be equipped with valve protection caps, gastight, which must be approved by the Bureau of Explosives; containers must not be equipped with safety devices of any type; containers must be filled so that they will not be liquid full at 130° F. Authorized only for phosgene.

(No change in Note 1.)

• • • • •

In § 73.336 amend paragraphs (a) (3) and (4) (16 F.R. 9378, Sept. 15, 1951) (27 F.R. 6738, July 17, 1962) to read as follows:

**§ 73.336 Nitrogen dioxide, liquid, nitrogen peroxide, liquid, and nitrogen tetroxide, liquid.**

(a) * * *

(3) Spec. 106A500,[1] or 106A500–X (§§ 79.300, 79.301 of this chapter). Tank cars. Each container must be equipped with valve protection caps, gastight, which must be approved by the Bureau of Explosives; containers must not be equipped with safety devices of any type; containers must be filled so that they will not be liquid full at 130° F.

(No change in Note 1.)

(4) Spec. 105A500–W (§§ 79.100, 79.101 of this chapter). Tank cars. Authorized for nitrogen tetroxide only. Tanks must be lagged with not less than a four-inch thickness of cork. All valves and fittings shall be protected by a securely attached cover made of metal not subject to deterioration by the lading, and all valve openings, except the safety valve, shall be fitted with screw plugs or caps to prevent leakage in the event of valve failure. Safety valve must be equipped with an approved stainless steel or platinum frangible disc. Tank must be stenciled on both sides in letters not less than 2 inches high "NITROGEN TETROXIDE ONLY." Written procedure covering details of tank car appurtenances, dome fittings and safety devices, and marking, loading, handling, inspection, and testing practices shall be filed with and approved by the Bureau of Explosives before any tank car is offered for transportation of nitrogen tetroxide.

In § 73.338 amend paragraphs (a) (3) and (4) (26 F.R. 9403, Oct. 6, 1961) (27 F.R. 6738, July 17, 1962) to read as follows:

**§ 73.338 Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide.**

(a) * * *

(3) Spec. 106A500,[1] or 106A500–X (§§ 79.300, 79.301 of this chapter). Tank cars. Each container must be equipped with valve protection caps, gas-tight, which must be approved by the Bureau of Explosives; containers must not be equipped with safety devices of any type; containers must be filled so that they will not be liquid full at 130° F.

(No change in Note 1.)

(4) Spec. 105A500–W (§§ 79.100, 79.101 of this chapter). Tank cars. Tanks must be lagged with not less than a four-inch thickness of cork. All valves and fittings shall be protected by a securely attached cover made of metal not subject to deterioration by the lading and all valve openings, except the safety valve, shall be fitted with screw plugs or caps to prevent leakage in the event of valve failure. Safety valve must be equipped with an approved stainless steel or platinum frangible disc. Tank must be stenciled on both sides in letters not less than 2 inches high "NITROGEN TETROXIDE-NITRIC OXIDE MIXTURES ONLY." Written procedures covering details of tank car appurtenances, dome fittings and safety devices, and marking, loading, handling, inspection, and testing practices shall be filed with and approved by the Bureau of Explosives before any tank car is offered for transportation of nitrogen tetroxide-nitric oxide mixtures.

[1] Use of existing tank cars authorized, but new construction not authorized.

In § 73.346 amend paragraph (a) (10) (24 F.R. 3598, May 5, 1959) to read as follows:

**§ 73.346 Poisonous liquids not specifically provided for.**

(a) * * *

(10) Spec. 103,[1] 103–W, 103A,[1] 103AL–W, 103A–W, 104,[1] 104–W, 105A100,[1] 105A100–W, 111A60AL–W, 111A60–F–1, 111A60–W–1, 111A100–F–2, 111A100–W–2, 111A100–W–3, 111A100–W–4, or ARA–IV–A[1] (§§ 79.100, 79.101, 79.200, 79.201 of this chapter). Tank cars.

* * * * *

In § 73.347 amend paragraph (a) (2) (22 F.R. 4792, July 9, 1957) to read as follows:

**§ 73.347 Aniline oil.**

(a) * * *

(2) Spec. 103,[1] 103–W, 103A,[1] 103A–W, 111A60–F–1, 111A60–W–1, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars.

* * * * *

In § 73.352 amend paragraph (a) (4) (22 F.R. 4792, July 9, 1957) to read as follows:

**§ 73.352 Liquid sodium or potassium cyanide.**

(a) * * *

(4) Spec. 103,[1] 103–W, 103A,[1] 103A–W, 111A60–F–1, 111A60–W–1, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars.

* * * * *

In § 73.353 amend paragraphs (a) (5), (b) (22 F.R. 4792, July 9, 1957) to read as follows:

**§ 73.353 Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.**

(a) * * *

(5) Spec. 105A100,[1] 105A100–W, 106A500,[1] 106A500–X or 111A100–W–4 (§§ 79.100, 79.101, 79.200, 79.201, 79.300, 79.301 of this chapter). Tank cars.

(No change in Note 1.)

(b) Outage must be sufficient to prevent tank car from becoming entirely filled with liquid at the following temperature: Spec. 105A100,[1] 105A100–W, or 111A100–W–4 (§§ 79.100, 79.101, 79.200, 79.201 of this chapter) at 105 F; spec. 106A500,[1] or 106A500–X (§§ 79.300, 79.301 of this chapter) at 130 F.

In § 73.357 amend paragraph (b) (4) and Note 1 (16 F.R. 9379, Sept. 15, 1951) to read as follows:

**§ 73.357 Chlorpicrin and chlorpicrin mixtures containing no compressed gas or poisonous liquid, class A.**

* * * * *

(b) * * *

(4) Spec. 106A500[1] or 106A500–X (§§ 79.300, 79.301 of this chapter). Tank cars. Tanks shall not be equipped with safety devices of any type and valves shall be protected by metal caps. Outage shall be sufficient to prevent tanks from becoming liquid full at 130 F.

NOTE 1: Tanks complying with ICC–106A (§§ 79.300 and 79.301 of this chapter) specification may be transported in or on motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

* * * * *

In § 73.359 amend paragraph (a) (13) (16 F.R. 11780, Nov. 21, 1951) to read as follows:

**§ 73.359 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.**

(a) * * *

(13) Spec. 105A300–W (§§ 79.100 and 79.101 of this chapter). Tank cars. Authorized for organic phosphate compound mixtures, n.o.s., only.

* * * * *

In § 73.365 amend paragraph (a) (13) (22 F.R. 4792, July 9, 1957) to read as follows:

**§ 73.365 Poisonous solids not specifically provided for.**

(a) * * *

(13) Spec. 103,[1] 103–W, 103A,[1] 103A–W, 111A60–F–1, 111A60–W–1, 111A100–F–2, or 111A100–W–2 (§§ 79.200, 79.201 of this chapter). Tank cars.

* * * * *

In § 73.369 amend paragraph (a) (13) (24 F.R. 3598, May 5, 1959) to read as follows:

**§ 73.369 Carbolic acid (phenol), not liquid.**

(a) * * *

(13) Spec. 103,[1] 103–W, 103AL–W, 103A,[1] 103A–W, 103A–AL–W, 111A60AL–W, 111A60–F–1, 111A60–W–1, 111A100–F–2, 111A100–W–2 or 111A100–W–3 (§§ 79.200, 79.201 of this chapter). Tank cars.

* * * * *

## PART 78—SHIPPING CONTAINER SPECIFICATIONS

In Part 78, cancel Subpart I proper which includes the following sections in their entirety (15 F.R. 8373, Dec. 2, 1950) (21 F.R. 4566 thru 4610, 4613 thru 4628, June 26, 1956) (22 F.R. 2235, 2236, 2237, Apr. 4, 1957) (22 F.R. 4792 thru 4814, July 9, 1957) (22 F.R. 7843 thru 7847, Oct. 3, 1957) (22 F.R. 11033, Dec. 31, 1957) (23 F.R. 2326, 2333, 2334, 2335, Apr. 10, 1958) (23 F.R. 4032, 4033, June 10, 1958) (23 F.R. 7655 thru 7664, Oct. 3, 1958) (24 F.R. 3600 thru 3608, May 5, 1959) (24 F.R. 8061 thru 8064, Oct. 6, 1959) (25 F.R. 3106 thru 3110, 3113 thru 3116, Apr. 12, 1960) (25 F.R. 6628, July 14, 1960) (25 F.R. 10405 thru 10413, Oct. 29, 1960) (26 F.R. 4999 thru 5002, June 6, 1961) (26 F.R. 9405, 9406, Oct. 6, 1961) (27 F.R. 3432 thru 3436, Apr. 11, 1962) (27 F.R. 6742, July 17, 1962) (27 F.R. 11857 thru 11870, Dec. 1, 1962) (28 F.R. 14510, Dec. 31, 1963);

Add new Part 79 (15 F.R. 8373, 8557, Dec. 2, 1950) to read as follows:





## PART 79—SPECIFICATIONS FOR TANK CARS

Subpart A—Introduction, Approvals and Reports


Sec.
79.1 General.
79.2 Definitions and abbreviations.
79.3 Procedure for securing approval.
79.4 Changes in specifications for tank cars.
79.5 Certificate of construction.
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Subpart B—General Design Requirements


79.10 Tank mounting.
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79.100 General specifications applicable to pressure tank car tanks.
79.101 Individual specification requirements applicable to pressure tank car tanks.
79.102 Special commodity requirements for pressure tank car tanks.
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79.200 General specifications applicable to non-pressure tank car tanks.
79.201 Individual specification requirements applicable to non-pressure tank car tanks.
79.202 Special commodity requirements for non-pressure tank car tanks.


Subpart E—Specifications for Multi-Unit Tank Car Tanks (Classes ICC–106A and 110A–W)


79.300 General specifications applicable to multi-unit tank car tanks designed to be removed from car structure for filling and emptying.
79.301 Individual specification requirements for multi-unit tank car tanks.
79.302 Special commodity requirements for multi-unit tank car tanks.


Subpart F—Specifications for Liquefied Hydrogen Tank Car Tanks and Seamless Steel Tanks (Classes ICC–113A–W and 107A)


79.400 General specifications applicable to liquefied hydrogen tank car tanks.
79.401 Individual specification requirements for liquefied hydrogen tank car tanks.
79.500 Specification ICC–107A***, seamless steel tank car tanks.


AUTHORITY: The provisions of this Part 79 issued under 62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834.

### Subpart A—Introduction, Approvals and Reports

**§ 79.1 General.**

(a) The specifications in this part apply to tanks which are to be mounted on or form part of a tank car. Tanks when built shall comply with all applicable requirements of the specifications in effect at the time of construction. Tanks built to earlier specifications may continue in use as prescribed in § 73.31 of this chapter.

**§ 79.2 Definitions and abbreviations.**

(a) The following apply in Part 79:

(1) "AAR" means Association of American Railroads.

(2) "Approved" means approval by the AAR Committee on Tank Cars.

(3) "ASTM" means American Society for Testing and Materials.

(4) "Commission" means Interstate Commerce Commission.

(5) Definitions in Part 73 of this chapter also apply.

(6) "F" means degrees Fahrenheit.

(7) "NGT" means National Gas Taper Threads.

(8) "NPT" means American Standard Taper Pipe Thread.

(9) "psi" means pounds per square inch gauge.

(10) "Tanks" means tank car tanks.

**§ 79.3 Procedure for securing approval.**

(a) Application for approval of designs, materials and construction, conversion or alteration of tank car tanks under these specifications, complete with detailed prints, shall be submitted in prescribed form to the Secretary, Mechanical Division, AAR, for consideration by its Committee on Tank Cars and other appropriate committees. Approvals or rejections of applications, based on appropriate committee action, shall be issued by said Secretary.

(b) When, in the opinion of the Committee, such tanks or equipment therefor are in compliance with effective regulations and specifications of the Commission, the application will be approved.

(c) When, in the opinion of the Committee, such tanks or equipment therefor are not in compliance with effective regulations and specifications of the Commission, the Committee may recommend service trials to determine the merits of a change in specifications. Such service trials may be authorized by the Commission under the terms of "ICC Special Permits."

**§ 79.4 Changes in specifications for tank cars.**

(a) Proposed changes in or additions to specifications for tanks shall be submitted to the Secretary, Mechanical Division, AAR, for consideration by its Committee on Tank Cars. An application for construction of tanks to any new specification may be submitted with proposed specification. Construction should not be started until the specification has been approved or special permit has been issued. When proposing a new specification, the applicant shall furnish information to justify a new specification. This data should include the properties of the lading and the method of loading and unloading.

(b) The Subcommittee on Specifications of the Committee on Tank Cars shall review the proposed specification at its earliest convenience and report its recommendations to the Committee on Tank Cars for prompt consideration. The Committee on Tank Cars shall report its recommendations through said Secretary to the Commission; such reports may be submitted to the Bureau of Explosives for its recommendation before action by the Commission. Expert opinion thus obtained will be given due consideration by the Commission in determining appropriate action.

**§ 79.5 Certificate of construction.**

(a) Except as provided in paragraph (b) of this section, before a tank car is placed in service, the party assembling the completed car shall furnish to the Bureau of Explosives, to the Secretary, Mechanical Division, AAR, and to the car owner, a Certificate of Construction in prescribed form certifying that the tank, equipment and car complete, comply with all the requirements of the specifications.

(b) Before a tank of Class ICC–106A, 107A or 110A is placed in service, the builder shall furnish to the Bureau of Explosives, to the Secretary, Mechanical Division, AAR, and the owner, a Certificate of Construction in prescribed form certifying that the tank and appurtenances comply with all the requirements of the specifications.

(c) If the owner elects to furnish the appurtenances such as valves and safety devices, the owner shall furnish to the Bureau of Explosives, to the Secretary, Mechanical Division, AAR, a report in prescribed form, certifying that the appurtenances comply with all the requirements of the specifications.

(d) When cars or tanks which are identical in all details are built in groups, one certificate shall suffice for each group.

**§ 79.6 Repairs and alterations.**

(a) For procedure to be followed in making repairs or alterations, see § 73.31 (f) of this chapter.

### Subpart B—General Design Requirements

**§ 79.10 Tank mounting.**

(a) The manner in which tanks are attached to the car structure shall be approved. The use of rivets to secure anchors to tanks prohibited.

**§ 79.11 Welding certification.**

(a) Welding procedures, welders and fabricators shall be approved.

**§ 79.12 Interior heater systems.**

**§ 79.12–1 General.**

(a) Interior heater systems shall be of approved design and materials. If a tank is divided into compartments, a separate system shall be provided for each compartment.

**§ 79.12–2 Materials and dimensions.**

(a) Interior heater systems and plug flanges, if welded to tank or dome, shall be cast, forged or fabricated metal, and be of good weldable quality in conjunction with metal of tank or dome.

(b) Piping shall be not less than 2-inch size. Tubing shall be not less than 2¾ inch outside diameter. Material



specifications and minimum wall thick-



adjacent to the head and the minor axis least equal to the base plate, the clad-

specifications and minimum wall thickness are as follows:

| Material | Minimum thickness | Specification |
|---|---|---|
| Carbon steel pipe | Schedule 80 | ASTM A-53. |
| Carbon steel tube | 0.175 inch [1] | ASTM A-83, ASTM A-178. |
| Alloy steel pipe | Schedule 40S | ASTM A-312. |
| Alloy steel tube | 0.154 inch | ASTM A-269. |
| Aluminum pipe | Schedule 80 | ASTM B-241. |
| Aluminum tube | 0.218 inch | ASTM B-210, ASTM B-235. |
| Nickel pipe | Schedule 40 | ASTM B-161. |
| Nickel tube | 0.154 inch | ASTM B-161. |

[1] Nominal thickness.

(c) Systems may be fabricated of other materials and of other than circular cross section, if approved.

**§ 79.12–3 Joints and fittings.**

(a) Welded butt joints are preferable. Bolted joints with flange welded to piping may be used if welding is not feasible or to facilitate tank cleaning or application of linings. Return bends shall be forged or made by bending the pipe. Cast, forged or fabricated manifolds of approved design may be used.

(b) Inlets and outlets of heater systems shall be equipped with valve cock, cap or plug. Caps and plugs shall be secured by chain.

**§ 79.12–4 Application to tank.**

(a) Interior heater systems shall be so constructed that the breaking off of their external connections will not cause leakage of contents of tank.

(b) Inlets and outlets may be located in any portion of dome, shell, heads, or steam jacketed outlet provided proper drainage of heater system is accomplished.

(c) If ends of coils are not attached to a manifold or steam jacketed outlet, they shall be attached to pads or reinforcements. Such reinforcements must be attached to tank in compliance with the requirements of the tank specification.

(1) Outside pipe connections to steam coils shall not be an integral part of the interior coils and shall be screwed or welded, or both, into outside of pads or reinforcements.

(d) All piping shall be secured so as to permit necessary expansion and contraction.

**§ 79.12–5 Tests.**

(a) Each interior heater system shall be hydrostatically tested at not less than 200 psi and shall hold the pressure for 10 minutes without leakage or evidence of distress.

**§ 79.12–6 Reports.**

(a) The Certificate of Construction for the completed car shall indicate installation of interior heater system and date of initial hydrostatic test.

**§ 79.12–7 Stenciling.**

(a) To indicate that tank is equipped with interior heater system, the tank, or the jacket if tank is insulated, shall be stenciled in compliance with the applicable requirements of AAR Specifications for Tank Cars, Appendix C.

## Subpart C—Specifications for Pressure Tank Car Tanks (Classes ICC–105A, 109A–W, 112A–W and 114A–W)

**§ 79.100 General specifications applicable to pressure tank car tanks.**

**§ 79.100–1 Tanks built under these specifications shall comply with the requirements of §§ 79.100, 79.101, and when applicable, §§ 79.102, 79.103, and 79.104.**

**§ 79.100–2 Approval.**

(a) For procedure for securing approval see § 79.3.

**§ 79.100–3 Type.**

(a) Tanks built under this specification shall be fusion-welded with heads designed convex outward. Except as provided in § 79.103 or 79.104 they shall be circular in cross section, shall be provided with a manway nozzle on top of the tank of sufficient size to permit access to the interior, a manway cover to provide for the mounting of all valves, measuring and sampling devices, and a protective housing. Other openings in the tank are prohibited, except as provided in Part 73 of this chapter, §§79.100–14, 79.101–1 Note 10, or § 79.103.

**§ 79.100–4 Insulation.**

(a) If insulation is applied, the tank shell and manway nozzle shall be insulated with an approved material. The entire insulation shall be covered with a metal jacket not less than 1/8 inch in thickness and flashed around all openings so as to be weather tight. The exterior surface of a carbon steel tank and the inside surface of a carbon steel jacket shall be given a protective coating except that protective coating is not required when foam-in-place insulation that adheres to the tank and jacket is applied.

(b) If insulation is a specification requirement, it shall be of sufficient thickness so that the thermal conductance at 60° F is not more than 0.075 Btu per hour, per square foot, per degree F temperature differential. If exterior heaters are attached to tank, the thickness of the insulation over each heater element may be reduced to one-half that required for the shell.

**§ 79.100–5 Bursting pressure.**

(a) The minimum required bursting pressure is listed in § 79.101.

**§ 79.100–6 Thickness of plates.**

(a) The wall thickness of the tank shell and heads shall not be less than that specified in § 79.101, nor that calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where:

$d$ = inside diameter in inches;
$E$ = 0.9 welded joint efficiency; except $E$ = 1.0 for seamless aluminum alloy heads;
$P$ = minimum required bursting pressure in psi;
$S$ = minimum strength of plate material in psi, as prescribed in § 79.100–7;
$t$ = minimum design thickness of plate in inches.

(b) If plates are clad with material having tensile strength properties at least equal to the base plate, the cladding may be considered a part of the base plate when determining thickness. If cladding material does not have tensile strength at least equal to the base plate, the base plate alone shall meet the thickness requirement.

(c) When aluminum plate is used, the minimum width of bottom sheet of tank shall be 60 inches, measured on the arc, but in all cases the width shall be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the bolster.

**§ 79.100–7 Material.**

(a) Carbon steel plate material used to fabricate tank shell and manway nozzle shall be open hearth boiler plate of flange or firebox quality having a carbon content not exceeding 0.31 percent and complying with one of the following ASTM specifications for the material and with the indicated minimum tensile strength and elongation in the welded condition. Minimum tensile strength 81,000 psi. Elongation in 2 inch minimum percent 21.0:

| Specifications | Minimum tensile strength (psi) welded condition | Minimum elongation in 2 inches (per cent) welded condition |
|---|---|---|
| ASTM A 201 Gr. A | 55,000 | 28 |
| ASTM A 201 Gr. B | 60,000 | 25 |
| ASTM A 212 Gr. A | 65,000 | 20 |
| ASTM A 212 Gr. B | 70,000 | 28 |
| ASTM A 285 Gr. A | 45,000 | 29 |
| ASTM A 285 Gr. B | 50,000 | 28 |
| ASTM A 285 Gr. C | 55,000 | 20 |

(1) These plates may be clad with other approved metals.

(2) High tensile strength carbon-silicon steel plates to an approved specification having a minimum elongation of 21 percent in 2 inches may also be used.

(b) Aluminum alloy plate material used to fabricate tank shell and manway nozzle shall be suitable for fusion welding and shall comply with one of the following ASTM specifications for the material and with the indicated minimum tensile strength and elongation in the welded condition:

| Specifications | Minimum tensile strength 0 temper (psi) welded condition | Minimum elongation in 2 inches 0 temper (percent) welded condition |
|---|---|---|
| ASTM B 209 Alloy 1060 | 9,500 | 25 |
| ASTM B 209 Alloy 1100 | 11,000 | 23 |
| ASTM B 209 Alloy 3003 | 14,000 | 18 |
| ASTM B 209 Alloy 5052 | 25,000 | 16 |
| ASTM B 209 Alloy 5083 [2] | 40,000 | 14 |
| ASTM B 209 Alloy 5086 | 35,000 | 14 |
| ASTM B 209 Alloy 5154 | 30,000 | 18 |
| ASTM B 209 Alloy 5254 | 30,000 | 18 |
| ASTM B 209 Alloy 5454 | 31,000 | 18 |
| ASTM B 209 Alloy 5652 | 25,000 | 18 |
| ASTM B 209 Alloy 6061 | [1] 24,000 | [1] 5 |

[1] Not 0 temper.
[2] Only 0 or H113 temper permitted.

(c) All attachments welded to tank shell shall be of approved material which is suitable for welding to the tank.

**§ 79.100–8 Tank heads.**

(a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell



adjacent to the head and the minor axis shall be one-half the major axis.

**§ 79.100–9 Welding.**

(a) All joints shall be fusion-welded in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W. Welding procedures, welders and fabricators shall be approved. Also see § 79.104.

**§ 79.100–10 Stress relieving.**

(a) After welding is complete, steel tanks and all attachments welded thereto, shall be stress relieved as a unit in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W.

(b) For aluminum tanks, stress relieving is prohibited.

**§ 79.100–11 Tank mounting.**

(a) See §§ 79.10 and 79.104–3.

**§ 79.100–12 Manway nozzle, cover and protective housing.**

(a) Manway nozzles shall be of approved design of forged or rolled steel for steel tanks or fabricated aluminum alloy for aluminum tanks, with access opening at least 18 inches inside diameter, or at least 14 inches by 18 inches obround or oval. Nozzle shall be welded to the tank and the opening reinforced in an approved manner in compliance with the requirements of AAR Specifications for Tank Cars, Appendix C, Figure 10.

(b) Manway cover shall be machined to approved dimensions and be of forged or rolled carbon or alloy steel, rolled aluminum alloy or nickel when required by the lading. Minimum thickness is listed in § 79.101. Manway cover shall be attached to manway nozzle by through or stud bolts not entering tank, except as provided in § 79.103–2 (a).

(c) Except as provided in § 79.103, protective housing of cast, forged or fabricated approved materials shall be bolted to manway cover. The shearing value of the bolts attaching protective housing to manway cover shall not exceed 70 percent of the shearing value of bolts attaching manway cover to manway nozzle. Housing shall be equipped with a suitable metal cover that can be securely closed. Housing cover shall have suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Openings in wall of housing shall be equipped with screw plugs or other closures.

**§ 79.100–13 Venting, loading and unloading valves, measuring and sampling devices.**

(a) Venting, loading and unloading valves shall be of approved design, made of metal not subject to rapid deterioration by the lading, and shall withstand the tank test pressure without leakage. The valves shall be directly bolted to seatings on manway cover, except as provided in § 79.103. Valve outlets shall be closed with approved screw plugs or other closures fastened to prevent misplacement.

(b) The interior pipes of the loading and unloading valves shall be anchored and, except as prescribed in § 79.102, or 79.103, may be equipped with excess flow valves of approved design.

(c) Gaging device, sampling valve and thermometer well are not specification requirements. When used, they shall be of approved design, made of metal not subject to rapid deterioration by the lading, and shall withstand the tank test pressure without leakage. Interior pipes of the gaging device and sampling valve, except as prescribed in § 79.102, or 79.103, may be equipped with excess flow valves of approved design. Interior pipe of the thermometer well shall be anchored in an approved manner to prevent breakage due to vibration. The thermometer well shall be closed by an approved valve attached close to the manway cover, or other approved location, and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

(d) An excess flow valve as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow the equalization of pressures.

**§ 79.100–14 Bottom outlets.**

(a) Bottom outlets for discharge of lading is prohibited, except as provided in § 79.103–3. If indicated in § 79.101, tank may be equipped with a bottom washout of approved construction. If applied, bottom washout shall be in accordance with the following requirements:

(1) The extreme projection of the bottom washout shall be at least 12 inches above top of rail.

(2) Bottom washout shall be of cast, forged or fabricated metal and shall be fusion-welded to the tank. It shall be of good weldable quality in conjunction with metal of tank.

(3) If bottom washout nozzle extends 6 inches or more from shell of tank, a "V" groove shall be cut (not cast) in the upper part of the nozzle at a point immediately below the lowest part of inside closure seat or plug to a depth that will leave wall thickness of nozzle at the root of the "V" not over 3/8 inch. Where nozzle is not a single piece, provision shall be made for the equivalent of the breakage groove. The nozzle shall be of a thickness to insure that accidental breakage will occur at or below the "V" groove or its equivalent.

(4) The closure plug and seat shall be readily accessible or removable for repairs.

(5) Joints between closures and their seats may be gasketed with suitable material.

**§ 79.100–15 Safety relief valves.**

(a) The tank shall be equipped with one or more safety relief valves of approved design, made of metal not subject to rapid deterioration by the lading. The safety relief valve, or valves, shall be mounted on manway cover, except as provided in § 79.103. The total valve discharge capacity shall be sufficient to prevent building up pressure to tank in excess of 82½ percent of the tank test pressure. The start-to-discharge and vapor-tight pressures shall comply with § 79.101 and shall not be affected by any auxiliary closure or other combination. For certain commodities, alternate pressures are permitted (see § 79.102–11). See AAR Specifications for Tank Cars, Appendix A, for formula for calculating discharge capacity.

(b) When a safety relief valve is used in combination with a breaking pin device, the breaking pin device shall be designed to fail at a pressure of 75 percent of the tank test pressure and safety relief valve shall be set for a start-to-discharge pressure of 71 percent of the tank test pressure.

(c) When a safety relief valve is used in combination with a frangible disc, the frangible disc shall be designed to burst at a pressure of 75 percent of the tank test pressure and the safety relief valve shall be set for a start-to-discharge pressure of 71 percent of the tank test pressure. Provision shall be made to prevent any accumulation of pressure between the frangible disc and safety relief valve.

**§ 79.100–16 Attachments not otherwise specified.**

(a) Attachments not otherwise specified shall be applied by approved means.

**§ 79.100–17 Closures for openings.**

(a) Closures shall be of approved design and made of metal not subject to rapid deterioration by the lading. Plugs, if used, shall be solid, with NPT threads, and shall be of a length which will screw at least six threads inside the face of fitting or tank.

**§ 79.100–18 Tests of tanks.**

(a) Each tank shall be tested by completely filling tank and manway nozzle with water or other liquid having similar viscosity, at a temperature which shall not exceed 100 F during the test; and applying the pressure prescribed in § 79.101. The tank shall hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) Insulated tanks shall be tested before insulation is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing test is prohibited. Repairs in welded joints shall be made as prescribed in AAR specifications for Tank Cars, Appendix W.

(d) Testing of exterior heaters is not a specification requirement.

**§ 79.100–19 Tests of safety relief valves.**

(a) Each valve shall be tested by air or gas for compliance with § 79.101 before being put into service.

**§ 79.100–20 Stamping.**

(a) To certify that the tank complies with all specification requirements, each tank shall be plainly and permanently stamped in letters and figures at least 3/8 inch high into the metal near the center of both outside heads as follows:

| | *Example of required stamping* |
|---|---|
| Specification | ICC–105A100–W |
| Material | ASTM A212 B |
| Cladding material (if any) | ASTM A240–304 Clad |
| Tank builder's initials | ABC |
| Date of original test | 00–0000 |
| Car assembler (if other than tank builder) | DEF |
| Water capacity | 00000 lbs. |

**§ 79.100–21 Stenciling.**

(a) The tank or the jacket if tank is insulated, shall be stenciled in compliance with the requirements of AAR Specifications for Tank Cars, Appendix C.

**§ 79.100–22 Certificate of construction.**

(a) See § 79.5.

**§ 79.101 Individual specification requirements applicable to pressure tank car tanks.**

**§ 79.101–1 Individual specification requirements.**

(a) In addition to § 79.100 the individual specification requirements are as follows:

| ICC specifications | 105A100W | 105A200F | 105A200W | 105A300W | 105A400W | 105A500W | 105A600W | 105A100ALW | 105A200ALW | 105A300ALW |
|---|---|---|---|---|---|---|---|---|---|---|
| Material (see 79.100–7) | Steel Required | Steel Required | Steel Required | Steel Required | Steel Required | Steel Required | Steel Required | Aluminum Required | Aluminum Required | Aluminum Required |
| Insulation (see 79.100–4) | | | | | | | | | | |
| Bursting pressure, p.s.i. (see 79.100–5) | 500 | | 500 | 750 | 1000 | 1250 | 1500 | 500 | 500 | 750 |
| Minimum plate thickness, inches, Shell, and Heads | [1] 9/16 | [1] 9/16 | [1] 9/16 | [1] 11/16 | [1] 11/16 | [1] 11/16 | [1] 11/16 | 5/8 | 5/8 | 5/8 |
| Test pressure, p.s.i. (see 79.100–18) | 100 | See 79.104 | 200 | 300 | 400 | 500 | 600 | 100 | 200 | 300 |
| Safety relief valves, p.s.i.: [6] | | | | | | | | | | |
| Start-to-discharge pressure | 75 | 150 | 150 | 225 | 300 | 375 | 450 | 75 | 150 | 225 |
| Start-to-discharge tolerance | ±3.0 | ±4.5 | ±4.5 | ±6.75 | ±9.0 | ±11.25 | ±13.5 | ±3.0 | ±4.5 | ±6.75 |
| Vapor tight (minimum) pressure | 60 | 120 | 120 | 180 | 240 | 300 | 360 | 60 | 120 | 180 |
| Manway cover, thickness, inches (minimum) | 2¼ | 2¼ | 2¼ | [2] 2¼ | [2] 2¼ | 2¼ | 2¼ | [2] 2½ | [2] 2½ | [2] 2½ |
| Special references | 79.102–3<br>79.102–6 | 79.102–3<br>79.102–6<br>79.104 | 79.102–3<br>79.102–6 | 79.102–2<br>79.102–3<br>79.102–5<br>79.102–6<br>79.102–7<br>79.102–8<br>79.102–11 | 79.102–3 | 79.102–1<br>79.102–2<br>79.102–3<br>79.102–9<br>79.102–10 | 79.102–1<br>79.102–3<br>79.102–4<br>79.102–9<br>79.102–10 | 79.102–3 | 79.102–3 | [12] 2½<br>79.102–3 |
| Bottom washout | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited |

| ICC specifications | 109A300W | 109A100ALW | 109A200ALW | 109A300ALW | 112A200W | 112A340W | 112A400W | 112A500W | 114A340W | [11] 112A400F |
|---|---|---|---|---|---|---|---|---|---|---|
| Material (see 79.100–7) | Steel Optional | Aluminum Optional | Aluminum Optional | Aluminum Optional | Steel [4] None | Steel [4] None | Steel [4] None | Steel [4] None | Steel [4] None | |
| Insulation (see 79.100–4) | | | | | | | | | | |
| Bursting pressure, p.s.i. (see 79.100–5) | 750 | 500 | 500 | 750 | 500 | 850 | 1000 | 1250 | 850 | |
| Minimum plate thickness, inches, Shell, and Heads | [1] 11/16 | 5/8 | 5/8 | 5/8 | [3] 9/16 | [1] 11/16 | [1] 11/16 | [1] 11/16 | 1/16 | |
| Test pressure, p.s.i. (see 79.100–18) | 300 | 100 | 200 | 300 | 200 | 340 | 400 | 500 | 340 | |
| Safety relief valves, p.s.i.: [6] | | | | | | | | | | |
| Start-to-discharge pressure | 225 | 75 | 150 | 225 | 150 | 255 | 300 | 375 | 255 | |
| Start-to-discharge tolerance | ±6.75 | ±3.0 | ±4.5 | ±6.75 | ±4.5 | ±7.65 | ±9.0 | ±11.25 | ±7.65 | |
| Vapor tight (minimum) pressure | 180 | 60 | 120 | 180 | 120 | 204 | 240 | 300 | 204 | |
| Manway cover, thickness inches (minimum) | 2¼ | [2] 2½ | [2] 2½ | [2] 2⅝ | 2¼ | 2¼ | 2¼ | 2¼ | (7) | |
| Special references | | | | | [10] 79.102–3 | 79.102–3<br>[10] 79.102–11 | 79.102–3<br>79.102–6<br>[10] 79.102–11 | [10] 79.102–3 | 79.102–11<br>79.103 | |
| Bottom washout | Optional | Optional | Optional | Optional | Prohibited | Prohibited | Prohibited | Prohibited | [8] Optional | |

[1] When steel of 65,000 to 81,000 p.s.i. minimum tensile strength is used, the thickness of plates shall not be less than 5/8 inch, and when steel of 81,000 p.s.i. minimum tensile strength is used, the minimum thickness of plate shall be not less than 9/16 inch.

[2] When approved material other than aluminum alloys are used, the thickness p.s.i. shall not be less than 2¼ inches.

[3] When steel of 65,000 p.s.i. minimum tensile strength is used, minimum thickness of plates shall not be less than ½ inch.

[4] At least the upper two-thirds of the exterior of the tank, manway nozzle and all appurtenances in contact with this area of the tank shall have a finish coat of light-reflective paint.

[5] For inside diameter of 87 inches or less, the thickness of plates shall not be less than one-half inch.

[6] See 79.102 for optional setting for certain commodities.

[7] See 79.102–1(c).

[8] See 79.102–3 for optional bottom loading and unloading.

[9] When the use of nickel is required by the lading, the thickness shall not be less than 2 inches.

[10] Each tank head of class 112A tank car tanks may be equipped with not more than one opening for use in purging tank interior.

[11] Tanks converted from existing forge-welded specification 105A500 tanks by modification using conversion details complying with ICC–112A specification requirements, shall be stenciled by substituting the letter "F" for the letter "W" in the specification designation.

**§ 79.102 Special commodity requirements for pressure tank car tanks.**

(a) In addition to §§ 79.100 and 79.101 the following requirements are applicable:

**§ 79.102–1 Liquefied carbon dioxide.**

(a) Spec. 105A500–W or 105A600–W tank cars used to transport Liquefied carbon dioxide shall comply with the following special requirements:

(1) All plates for tank, manway nozzle and anchorage, shall be made of steel complying with a specification approved for service at low temperatures.

(2) Tank shall be insulated with an approved material of sufficient thickness so that the thermal conductance at 60 F is not more than 0.03 Btu per hour per square foot per degree F temperature differential; except that in order to permit an anchorage which shall not exceed seven inches from top of center sills to bottom of tank, the insulation thickness directly over the sills may be reduced to give thermal conductance not exceeding 0.04 Btu per hour per square foot per degree F temperature differential.

(3) Tank shall be equipped with one safety relief valve set for the start-to-discharge pressure listed in § 79.101, and one safety vent of approved design, set to function at a pressure less than the tank test pressure, and not less than 75 percent of tank test pressure. The discharge capacity of each of these safety relief devices shall be sufficient to prevent building up pressure in tank in excess of 82½ percent of the tank test pressure.

(4) Tank shall be equipped with two pressure-regulating valves of approved design, set to open at a pressure not exceeding 350 psi on spec. 105A500–W tanks or 400 psi on spec. 105A600–W tanks.

(5) Each regulating valve and safety relief device shall have its final discharge piped to the outside of the protective housing.



**§ 79.102–2 Chlorine.**

(a) Spec. 105A300–W or 105A500–W tank cars used to transport chlorine shall comply with the following special requirements:

(1) The quantity of chlorine loaded into a single-unit tank car shall not exceed 60,000 pounds, except that not more than 110,000 pounds nor less than 107,800 pounds of chlorine may be loaded in such cars if insulated with 4 inches of corkboard and constructed, maintained, and retested in compliance with spec. 105A500–W. Cars may be registered and jackets stenciled either 105A300–W or 105A500–W and equipped with the safety relief valve required by the specification to which registered.

(2) The interior pipes of liquid discharge valves shall be equipped with excess flow valves of approved design.

**§ 79.102–3 Liquefied flammable gases.**

(a) Spec. 105A100–W, 105A200–F, 105A200–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, 105A100–ALW, 105A200–ALW, 105A300–ALW, 112A200–W, 112A340–W, 112A400–W or 112A500–W tank cars used to transport liquefied flammable gases shall comply with the following special requirements:

(1) The interior pipes of the loading and unloading valves, gaging device and sampling valve shall be equipped with excess flow valves of an approved design.

(2) The protective housing cover shall be equipped with an approved weatherproof cover over an opening having an unrestricted area at least equal to the total safety relief valve discharge area.

**§ 79.102–4 Vinyl fluoride, inhibited.**

(a) Spec. 105A600–W tank cars used to transport vinyl fluoride, inhibited, shall comply with the following special requirements:

(1) Tank shall be insulated with an approved material of sufficient thickness so that the thermal conductance at 60 F is not more than 0.03 Btu per hour per square foot per degree F temperature differential; except that in order to permit an anchorage which shall not exceed seven inches from top of center sill to bottom of tank, the insulation thickness directly over the sills may be reduced to give thermal conductance not exceeding 0.04 Btu per hour per square foot per degree F temperature differential.

(2) Tank shall be equipped with one safety relief valve, set for the start-to-discharge pressure listed in § 79.101, and one safety vent of approved design, set to function at a pressure less than the tank test pressure, and not less than 75 percent of the tank test pressure. The discharge capacity of each of these safety relief devices shall be sufficient to prevent building up pressure in tank in excess of 82½ percent of the tank test pressure.

(3) Each regulating valve and safety relief device shall have its final discharge piped to the outside of the protective housing.

**§ 79.102–5 Nitrosyl chloride.**

(a) Spec. 105A300–W tank cars used to transport Nitrosyl chloride shall comply with the following special requirements:

(1) Tanks shall be made of or clad with a metal not subject to rapid deterioration by the lading; all appurtenances such as manway covers, venting, loading and unloading valves, safety relief valves, excess flow valves, and eduction pipes, shall be made of metal not subject to rapid deterioration by the lading; cork shall be used as an insulating material.

**§ 79.102–6 Vinyl chloride or Vinyl methyl ether, inhibited.**

(a) Spec. 105A200–W 112A400–W tank cars, used to transport Vinyl chloride, and spec. 105A100–W or 105A300–W tank cars used to transport Vinyl methyl ether, inhibited, shall comply with the following special requirements:

(1) All parts of valves and safety relief devices in contact with the lading shall be of a metal or other material suitably treated, if necessary, which will not cause formation of any acetylides.

(2) The interior pipes of the loading and unloading valves, gaging device and sampling valve shall be equipped with excess flow valves of an approved design.

(3) For Vinyl chloride in spec. 105A–200–W tank cars, openings in tank heads to facilitate nickel lining are authorized if closed in an approved manner.

**§ 79.102–7 Bromine.**

(a) Spec. 105A300–W tank cars used to transport Bromine shall comply with the following special requirements:

(1) The tank shall be nickel clad at least 20 percent or shall be lined with lead at least 3/16 inch thick; openings in tank heads to facilitate application of lead lining are authorized if closed in an approved manner; all closures and appurtenances in contact with the lading shall be lead lined or shall be made of metal not subject to rapid deterioration by the lading; all interior welds in nickel clad tanks shall be protected by pure nickel butt straps to eliminate iron contamination. Except as otherwise provided herein, the water weight capacity of the tank shall not exceed 20,400 pounds. When tanks are equipped with manway cover plates, safety relief valves, venting, loading and unloading valves in accordance with spec. 105A300–W, and tank jackets are stenciled spec. 105A300–W, but in all other respects are constructed and maintained in full compliance with spec. 105A500–W, the water weight capacity of the tank shall not exceed 37,400 pounds.

**§ 79.102–8 Motor fuel anti-knock compound.**

(a) Spec. 105A300–W tank cars used to transport Motor fuel anti-knock compounds shall comply with the following special requirements:

(1) Jacket shall be stenciled on both sides "MOTOR FUEL ANTI-KNOCK COMPOUND ONLY." Openings in tank heads to facilitate application of nickel lining are authorized if closed in an approved manner.

**§ 79.102–9 Nitrogen tetroxide or Nitrogen tetroxide-nitric oxide mixtures.**

(a) Specs. 105A500–W and 105A600–W tank cars used to transport Nitrogen tetroxide or Nitrogen tetroxide-nitric oxide mixtures shall comply with the following special requirements:

(1) Tanks shall be insulated with not less than four inches of corkboard. All valves and fittings shall be protected by the securely attached cover made of metal not subject to rapid deterioration by the lading, and all valve openings, except the safety relief valves, shall be fitted with screw plugs or caps to prevent leakage in the event of valve failure. Safety relief valve shall be equipped with an approved stainless steel or platinum frangible disc. Jacket shall be stenciled on both sides in letters not less than 2 inches high "NITROGEN TETROXIDE ONLY" or "NITROGEN TETROXIDE-NITRIC OXIDE MIXTURES ONLY," as applicable. Written procedure covering details of tank car appurtenances, manway fittings and safety relief devices, and marking, loading, handling, inspection and testing practices, shall be filed with and approved by the Bureau of Explosives before any tank car is offered for transportation of these commodities.

**§ 79.102–10 Hydrocyanic acid.**

(a) Spec. 105A500–W or 105A600–W tank cars used to transport Hydrocyanic acid shall comply with the following special requirements:

(1) Cars shall be registered and the jacket stenciled spec. 105A300–W and be equipped with the safety relief valves required by that specification. Tanks shall be insulated with not less than 4 inches of corkboard. Jacket shall be stenciled on both sides in letters not less than 2 inches high "HYDROCYANIC ACID ONLY." Written procedure covering details of tank car appurtenances, manway fittings and safety relief devices, and marking, loading, handling, inspection and testing practices, shall be filed with and approved by the Bureau of Explosives before any tank car is offered for transportation of hydrocyanic acid.

**§ 79.102–11 Liquefied petroleum gas or Anhydrous ammonia.**

(a) Spec. 105A300–W, 112A340–W, 112A400–W or 114A340–W tank cars used to transport Liquefied petroleum gas or Anhydrous ammonia, may as an alternate comply with the following special requirements:

(1) Safety relief valves may be set to the following pressures, provided the total valve discharge capacity is sufficient to prevent building up pressure in the tank in excess of 90 percent of the tank test pressure.

| ICC specifications | 105A300–W | 112A340–W | 112A400–W | 114A340–W |
|---|---|---|---|---|
| Safety relief valves, psi: | | | | |
| Start-to-discharge pressure | 247.5 | 280.5 | 330 | 280.5 |
| Start-to-discharge tolerance | ±7.4 | ±8.4 | ±10 | ±8.4 |
| Vapor tight pressure (minimum) | 196 | 224 | 264 | 224 |

(2) Tank shall be insulated with an approved material of sufficient thickness one safety vent of approved design, set to function at a pressure less piped to the outside of the protective housing.

§ 79.102–5 Nitrosyl chloride.

(a) Spec. 105A300–W tank cars used to transport Nitrosyl chloride shall com-

(a) Specs. 105A500–W and 105A600–W tank cars used to transport Nitrogen te-

| | | | | |
|---|---|---|---|---|
| Start-to-discharge tolerance | ±7.4 | ±8.4 | ±10 | ±8.4 |
| Vapor tight pressure (minimum) | 196 | 224 | 264 | 224 |



§ 79.103 Special requirements for class 114A * * * tank car tanks.

(a) In addition to the applicable requirements of §§ 79.100 and 79.101 the following requirements shall be complied with:

§ 79.103–1 Type.

(a) Tanks built under this section may be of any approved cross section.

(b) Any portion of the tank shell not circular in cross section shall have walls of such thickness and be so reinforced that the stresses in the walls caused by a given internal pressure are no greater than the circumferential stresses which would exist under the same internal pressure in the wall of a tank of circular cross section designed in accordance with paragraphs § 79.100–6 (a) and (b), but in no case shall the wall thickness be less than that specified in § 79.101.

(c) Manway and cover may be located other than at the top of the tank.

(d) Valves and fittings need not be mounted on the manway cover.

(e) One opening may be provided in each head for use in purging the tank interior.

§ 79.103–2 Manway cover.

(a) Manway cover may be of the internal self-energizing type and shall be of approved design.

(b) If no valves or measuring and sampling devices are mounted on manway cover, no protective housing is required.

§ 79.103–3 Venting, loading and unloading valves, measuring and sampling devices.

(a) Venting, loading and unloading valves, measuring and sampling devices, when used, shall be attached to a nozzle or nozzles on the tank shell or heads.

(b) These valves and appurtenances shall be grouped in one location, shall be provided with a protective cover or housing with cover or may be recessed into the tank shell. A duplicate set grouped in another location may be provided.

(c) The interior pipes of the loading, unloading, and sampling valves shall be equipped with excess flow valves of approved design, except when quick closing internal valves of approved design are used. When the interior pipe of the gaging device provides a means for the passage of lading from the interior to the exterior of the tank, it shall be equipped with an excess flow valve of approved design or with an orifice not exceeding a No. 54 drill size.

§ 79.103–4 Safety relief valves.

(a) Safety relief valve or valves shall be located on top of tank near the center of the car on a nozzle, mounting plate or recess in the shell. Through or stud bolts, if used, shall not enter the tank.

(b) Metal guard of approved design shall be provided to protect safety relief valve or valves from damage.

§ 79.104 Special requirements for spec. 105A200–F tank car tanks.

§ 79.104–1 Tanks built under these specifications shall meet the requirements of §§ 79.100, 79.101, 79.102 and 79.104.

§ 79.104–2 Type.

(a) Tanks built under this specification shall be fabricated by conversion from existing forge-welded steel tanks complying with specs. 105A300, 105A400, 105A500 or 105A600.

§ 79.104–3 Tank mounting.

(a) The use of rivets as a means of attaching anchor to tank is permitted.

§ 79.104–4 Welding.

(a) All joints shall be lap welded by the water gas process, hammered or rolled or other lap welded, hammered or rolled process which investigation and laboratory tests by the Mechanical Division of the AAR have proved will produce satisfactory results.

## Subpart D—Specifications for Non-Pressure Tank Car Tanks (Classes ICC–103, 104, 111A–F and 111A–W)

§ 79.200 General specifications applicable to non-pressure tank car tanks.

§ 79.200–1 Tank built under these specifications shall meet the requirements of §§ 79.200, 79.201 and 79.202.

§ 79.200–2 Approval.

(a) For procedure for securing approval, see § 79.3.

§ 79.200–3 Type.

(a) Tanks built under this specification shall be cylindrical, with heads designed convex outward. When specified in § 79.201–1 tank shall have at least one manway or one expansion dome with manway, and such other external projections as are prescribed herein. When the tank is divided into compartments, each compartment shall be treated as a separate tank.

§ 79.200–4 Insulation.

(a) If insulation is applied, the tank shell and expansion dome when used shall be insulated with an approved material. The entire insulation shall be covered with a metal jacket not less than 1/8 inch in thickness and flashed around all openings so as to be weather tight. The exterior surface of a carbon steel tank and the inside surface of a carbon steel jacket shall be given a protective coating, except that protective coating is not required when foam-in-place insulation that adheres to the tank and jacket is applied.

(b) If insulation is a specification requirement, it shall be of sufficient thickness so that the thermal conductance at 60 F is not more than 0.225 Btu per hour, per square foot, per degree F temperature differential, unless otherwise provided in § 79.201–1. If exterior heaters are attached to tank, the thickness of the insulation over each heater element may be reduced to one-half that required for the shell.

§ 79.200–5 Bursting pressure.

(a) The minimum required bursting pressure is listed in § 79.201–1.

§ 79.200–6 Thickness of plates.

(a) The wall thickness of the tank shell, dome shell, and of 2:1 ellipsoidal heads shall not be less than specified in § 79.201–1, nor that calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where:
$d$ = inside diameter in inches;
$E$ = 0.9 welded joint efficiency; except $E$ = 1.0 for seamless aluminum alloy heads and seamless heads of Class ICC–111A tanks;
$P$ = minimum required bursting pressure in psi;
$S$ = minimum tensile strength of plate material in psi as prescribed in § 79.200–7;
$t$ = minimum design thickness of plate in inches.

(b) The thickness of a dished or 3:1 ellipsoidal head shall not be less than specified in § 79.201–1, nor that calculated by the following formula:

$$t = \frac{5PL}{6SE}$$

where:
$E$ = 0.9 welded joint efficiency; except $E$ = 1.0 when head is formed from one piece;
$L$ = main inside radius to which head is dished, measured on concave side in inches;
$P$ = minimum required bursting pressure in psi;
$S$ = minimum tensile strength of plate material in psi as prescribed in § 79.200–7;
$t$ = minimum thickness of plate in inches.

(c) If plates are clad with material having tensile strength properties at least equal to the base plate, the cladding may be considered a part of the base plate when determining thickness. If cladding material does not have tensile strength at least equal to the base plate, the base plate alone shall meet the thickness requirements.

(d) For tanks constructed of longitudinal sections, the minimum width of bottom sheet of tank shall be 60 inches, measured on the arc, but in all cases the width shall be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the bolster.

(e) For tanks built of one piece cylindrical sections, the thickness specified for bottom sheet shall apply to the entire cylindrical section.

(f) See § 79.200–9 for thickness requirements for compartment tanks.

§ 79.200–7 Material.

(a) Carbon steel plate material used to fabricate tank and expansion dome, when used, shall be open hearth boiler plate of flange or firebox quality having a carbon content not exceeding 0.31 percent and complying with one of the following ASTM specifications for the material and with the indicated minimum tensile strength and elongation in the welded condition:



| Specifications | Minimum tensile strength (psi) welded condition | Minimum elongation in 2 inches (percent) welded condition |
|---|---|---|
| ASTM A201 Gr. A | 55,000 | 28 |
| ASTM A201 Gr. B | 60,000 | 25 |
| ASTM A212 Gr. A | 65,000 | 20 |
| ASTM A212 Gr. B | 70,000 | 20 |
| ASTM A285 Gr. A | 45,000 | 20 |
| ASTM A285 Gr. B | 50,000 | 20 |
| ASTM A285 Gr. C | 55,000 | 20 |

(1) These plates may be clad with other approved metals.

(b) Aluminum alloy plate material used to fabricate tank and expansion dome, when used, shall be suitable for fusion welding, and shall comply with one of the following ASTM specifications for the material and with the indicated minimum tensile strength and elongation for the welded condition:

| Specifications | Minimum tensile strength 0 temper (psi) welded condition | Minimum elongation in 2 inches 0 temper (percent) welded condition |
|---|---|---|
| ASTM B209 Alloy 1060 | 9,500 | 25 |
| ASTM B209 Alloy 1100 | 11,000 | 28 |
| ASTM B209 Alloy 3003 | 14,000 | 23 |
| ASTM B209 Alloy 5052 | 25,000 | 18 |
| ASTM B209 Alloy 5083 [2] | 40,000 | 16 |
| ASTM B209 Alloy 5086 | 35,000 | 14 |
| ASTM B209 Alloy 5154 | 30,000 | 18 |
| ASTM B209 Alloy 5254 | 30,000 | 18 |
| ASTM B209 Alloy 5454 | 31,000 | 18 |
| ASTM B209 Alloy 5652 | 25,000 | 18 |
| ASTM B209 Alloy 6061 | [1] 24,000 | [1] 5 |

[1] Not 0 temper.
[2] Only 0 temper or H–113 permitted.

(c) Alloy steel plate material used to fabricate tank and expansion dome, when used, shall be capable of resisting the action of nitric acid so that the maximum corrosion rate in inches penetration per month shall be 0.006 for the straight chromium-bearing stainless steel and 0.0015 for any of the chromium-nickel alloys when tested by the procedure in ASTM Specification A–262 titled Recommended Practice Boiling Nitric Acid Test for Corrosion-Resisting Steels.

(1) Alloy steel plate material used to fabricate tank and expansion dome, when used, shall comply with one of the following ASTM specifications for the material and with the indicated minimum tensile strength and elongation for the welded condition:

| Specifications | Type | Minimum tensile strength (psi) welded condition | Minimum elongation in 2 inches (percent) welded condition |
|---|---|---|---|
| ASTM A–240 | 304 | 75,000 | 30 |
| ASTM A–240 | 304L | 70,000 | 30 |
| ASTM A–240 | 316 | 75,000 | 30 |
| ASTM A–240 | 316L | 70,000 | 30 |
| ASTM A–240 | 321 | 75,000 | 30 |
| ASTM A–240 | 347 | 75,000 | 30 |
| ASTM A–240 | 405 | 60,000 | 20 |
| ASTM A–240 | 410 | 65,000 | 20 |
| ASTM A–240 | 430A | 65,000 | 22 |

(d) Nickel plate material used to fabricate tank and expansion dome shall comply with the following ASTM Specification for the material and with the indicated minimum tensile strength and elongation for the welded condition:

| Specifications | Minimum tensile strength (psi) welded condition | Minimum elongation in 2 inches (percent) welded condition |
|---|---|---|
| ASTM B–162 | 40,000 | 20 |

(e) All parts and items of construction in contact with the lading shall be made of material compatible with plate material and not subject to rapid deterioration by the lading, or be coated or lined with suitable corrosion resistant material.

(f) All external projections which may be in contact with the lading and all castings, forgings or fabrications used for fittings or attachments to tank and expansion dome, when used, in contact with lading shall be made of material to an approved specification. Use of cast iron is prohibited for Class ICC–111A cars.

§ 79.200–8 Tank heads.

(a) Tank heads shall be of approved contour, and may be dished or ellipsoidal for pressure on concave side.

(b) Dished heads shall have main inside radius not exceeding 10 feet and inside knuckle radius shall not be less than 3¾ inches for steel, alloy steel, or nickel tanks nor less than 5 inches for aluminum alloy tanks except the knuckle radius for interior heads of compartment tanks of steel, alloy steel, or nickel shall not be less than 1½ inches.

(c) Ellipsoidal tank heads for aluminum alloy tanks and for Class ICC–111A tanks shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half the major axis.

§ 79.200–9 Compartment tanks.

(a) When tank is divided into compartments, by inserting interior heads, interior heads shall comply with the requirements specified in § 79.201–1. When capacity is reduced by the insertion of interior heads, these heads shall comply with the requirements for interior compartment heads and exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, shall be provided with at least one tapped drain hole at their lowest point, and a tapped hole at the top of the tank. Top hole shall be closed, and the bottom hole may be closed, with not less than ¾ inch nor more than 1½ inch solid pipe plugs having NPT threads.

(b) When the tank is divided into compartments by constructing each compartment as a separate tank, these tanks shall be joined together by a cylinder made of plate, having a thickness not less than that required for the tank shell and applied to the outside surface of tank head flanges. The cylinder shall fit the straight flange portion of the compartment tank head tightly. The cylinder shall contact the head flange for a distance of at least two times the plate thickness, or a minimum of 1 inch, whichever is greater. The cylinder shall be joined to the head flange by a full fillet weld. Distance from head seam to cylinder shall not be less than 1½ inches or three times the plate thickness, whichever is greater. Voids created by the space between heads of tanks joined together to form a compartment tank shall be provided with a tapped drain hole at their lowest point and a tapped hole at top of tank. The top hole shall be closed and the bottom hole may be closed with solid pipe plugs not less than ¾ inch nor more than 1½ inches having NPT threads.

§ 79.200–10 Welding.

(a) All joints shall be fusion-welded in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W. Welding procedures, welders and fabricators shall be approved.

§ 79.200–11 Stress relieving and heat treatment.

(a) After welding is complete stress relieving or heat treatment shall be in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W, when specified in § 79.201–1.

§ 79.200–12 Tank mounting. See § 79.10.

§ 79.200–13 Manway ring or flange, safety relief device flange, bottom outlet nozzle flange, bottom washout nozzle flange and other attachments and openings.

(a) For steel and aluminum tanks, these attachments shall be riveted or fusion-welded.

(b) For alloy steel and nickel tanks these attachments shall be fusion-welded.

(c) Fusion-welding for securing these attachments in place shall be of the double-welded butt joint type or double full-fillet lap joint type.

(d) Rivets, if used, shall be to approved specifications compatible with plate material and shall meet the following requirements:

(1) Riveted joints shall be made metal to metal without interposition of other material.

(2) Rivets shall be driven hot and calked inside. All joints formed by all riveted attachments shall be calked inside. Split calking is prohibited.

(3) Use of rivets less than ⅝ inch nominal diameter prohibited.

(4) For computing rivet areas the effective diameter of a driven rivet is the diameter of its reamed hole, which hole shall in no case exceed nominal diameter of rivet by more than 1/16 inch.

(5) When attachments are applied by means of riveting, the edges of plates shall be beveled so that the angle of the calking edge will be between 60 and 70 degrees with the flat surface of the attachment. The extreme calking edge distance, measured from center line of rivet hole, shall be at least one and one-half times the diameter of the hole and not more than that distance plus ¼ inch.

(6) Rivets shall be handled and driven in a manner that will insure requisite strength.

(e) The opening in the manway ring shall be at least 16 inches in diameter

except that acid resistant lined manways shall be at least 18 inches in diameter before lining.

(f) Manway ring or flange, if riveted to dome or tank, shall be of cast, forged or fabricated steel, malleable iron or other malleable metals.

(g) Manway ring or flange, if welded to dome, tank or nozzle, shall be made of cast, forged or fabricated metal and be of good weldable quality in conjunction with metal of dome, tank, or nozzle.

(h) Openings for manway or other fittings shall be reinforced in an approved manner.

**§ 79.200–14 Expansion capacity.**

(a) Tanks shall have expansion capacity as prescribed in § 79.201–1. This capacity shall be provided in the tank for Class ICC–111A cars, or in a dome for Class ICC–103 and 104 type cars.

(b) The capacity of the expansion dome, when used, shall be at least the percentage specified in § 79.201–1 of the total capacity of the tank and dome combined. The capacity of the dome shall be measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside of dome, except that when safety relief device is applied to side of dome, the effective capacity of the dome shall be measured from top of safety relief device opening inside of dome to inside top of shell of tank.

(c) The opening in the tank shell within the dome shall be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter, the opening shall be reinforced in an approved manner. When the opening in the tank shell is less than the inside diameter of the dome, and the dome pocket is not closed off in an approved manner, dome pocket drain holes shall be provided in the tank shell with nipples projecting inside the tank at least 1 inch.

(d) The dome head shall be of approved contour and shall be designed for pressure on concave side.

(e) Aluminum alloy domes:

(1) The dome shell thickness shall be calculated by the formula in § 79.200–6(a).

(2) The dome head may be an ellipsoid of revolution in which the major axis shall be equal to the diameter of the dome shell and the minor axis shall be one-half the major axis. The thickness in this case shall be determined by using formula in § 79.200–6(a).

(3) The dome head, if dished, shall be dished to a radius not exceeding 96 inches. Thickness of dished dome head shall be calculated by the formula in § 79.200–6(b).

(4) Tank shell shall be reinforced by the addition of a plate equal to or greater than shell in thickness and the cross sectional area shall exceed metal removed for dome opening, or tank shell shall be reinforced by a seamless saddle plate equal to or greater than shell in thickness and butt welded to tank shell. The reinforcing saddle plate shall be provided with a fluid opening having a vertical flange of the diameter of the dome for butt welding shell of dome to the flange. The reinforcing saddle plate shall extend about the dome a distance measured along shell of tank at least equal to the extension at top of tank. Other approved designs may be used.

(f) For thickness of carbon or alloy steel domes, see § 79.201–2.

**§ 79.200–15 Closures for manways.**

(a) Manway covers shall be of approved type. See § 79.202–1 for special requirements for flammable liquids.

(b) Manway covers shall be designed to provide a secure closure of the manway.

(c) Manway covers shall be cast, forged or fabricated metal and be of the same metal as the metal of the tank except for aluminum tanks where manway covers of other approved materials may be used, or except for steel tanks where malleable iron manway covers may be used. Malleable iron, when used, shall comply with AAR Specification M–402 Grade 35018—Malleable Iron Castings or ASTM A–47 Grade 35018—Malleable Iron Castings.

(d) All joints between manway covers and their seats shall be made tight against leakage of vapor and liquid by use of gaskets of suitable material.

(e) For other manway cover requirements see § 79.201–1.

**§ 79.200–16 Gaging devices, top loading and unloading devices, venting and air inlet devices.**

(a) When installed, these devices shall be of an approved design which will prevent interchange with any other fixture, and be tightly closed. Unloading pipes shall be securely anchored within the tank. Each tank or compartment may be equipped with one separate air connection.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading and unloading of the contents, these devices, including valves, shall be of an approved design, and be provided with a protective housing except when plug or ball type valves with operating handles removed are used. Provision shall be made for closing pipe connections of valves.

(c) Tanks may be equipped with a vacuum relief valve of an approved design.

(d) When gaging device is required in § 79.201–1, an outage scale visible through manway opening shall be provided. If loading devices are applied to permit tank loading with cover closed, a telltale pipe may be provided. Telltale pipe shall be capable of determining that required outage is provided. Pipe shall be equipped with ¼ inch minimum NPT control valve mounted outside tank and enclosed within a housing. Other approved devices may be used in lieu of outage scale or telltale pipe.

(e) Bottom sump if applied may be of cast, fabricated, or forged metal.

**§ 79.200–17 Bottom outlets.**

(a) If indicated in § 79.201–1, tank may be equipped with bottom outlet. If applied, bottom outlet shall comply with the following requirements:

(1) The extreme projection of bottom outlet equipment shall be at least 12 inches above top of rail. All bottom outlet reducers and closures and their attachments shall be secured to car by at least ⅜ inch chain or its equivalent, except that outlet closure plugs may be attached by ¼ inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection to the valve shall be closed by a plug or cap.

(2) Bottom outlet shall be of approved construction, and be provided with a liquid tight closure at its lower end.

(3) The valve and its operating mechanism may be applied to the outside bottom of the tank. When applied in this manner, the valve operating mechanism shall be provided with a suitable locking arrangement to insure positive closure during transit.

(4) The valve operating mechanism for valves applied to the interior of the tank, and outlet nozzle construction shall insure against the unseating of the valve due to stresses or shocks incident to transportation.

(5) Bottom outlet nozzle of interior valves and the valve body of exterior valves, shall be of cast, fabricated or forged metal. If welded to tank, they shall be of good weldable quality in conjunction with metal of tank.

(6) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle or valve body of exterior valves, or some fixed attachment thereto, shall be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.

(7) If outlet nozzle extends 6 inches or more from shell of tank a "V" groove shall be cut (not cast) in the upper part of outlet nozzle at a point immediately below lowest part of valve to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅜ inch. The outlet nozzle on interior valves or the valve body on exterior valves may be steam jacketed, in which case the breakage groove or its equivalent shall be below the steam chamber but above the bottom of center sill construction. If outlet nozzle is not a single piece, or if exterior valves are applied, provision shall be made for the equivalent of the breakage groove.

(8) The flange on the outlet nozzle or the valve body of exterior valves shall be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove, or its equivalent.

(9) The valve shall have no wings or stem projecting below the "V" groove or its equivalent. The valve and seat shall be readily accessible or removable for repairs, including grinding.

(10) The valve operating mechanism on interior valves shall have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of the liquid contents, or other causes, and may operate from the interior of the tank, but in the event the rod is carried through the dome, or tank shell, leakage shall be prevented by packing in stuffing box or other suitable seals and a cap.

(b) If indicated in § 79.201–1, tank may be equipped with bottom washout of approved construction. If applied, bottom washout shall be in accordance with the following requirements:

(1) The extreme projection of the bottom washout shall be at least 12 inches above top of rail.

(2) Bottom washout shall be of cast, forged or fabricated metal. If welded to tank, they shall be of good weldable quality in conjunction with metal of tank.

(3) If washout nozzle extends 6 inches or more from shell of tank, a "V" groove shall be cut (not cast) in the upper part of the nozzle at a point immediately below the lowest part of inside closure seat or plug to a depth that will leave wall thickness of nozzle at the root of the "V" not over ⅜ inch. Where nozzle is not a single piece, provision shall be made for the equivalent of the breakage groove. The nozzle shall be of a thickness to insure that accidental breakage will occur at or below the "V" groove or its equivalent.

(4) The closure plug and seat shall be readily accessible or removable for repairs.

(5) Joints between closures and their seats may be gasketed with suitable material.

**§ 79.200–18 Safety relief devices.**

(a) Safety relief valves.

(1) When permitted in § 79.201–1, each tank or compartment shall be equipped with one or more safety relief valves of approved design, made of metal not subject to rapid deterioration by the lading, and mounted on expansion dome of Class ICC–103 or 104 cars or top of tank shell of Class ICC–111A cars. Total valve discharge capacity shall be sufficient to prevent building up of pressure in the tank to more than 10 psi above start-to-discharge pressure. See AAR Specifications for Tank Cars, Appendix A, for formula for calculating discharge capacity.

(2) The start-to-discharge pressures and vapor tight pressures shall comply with § 79.201–1.

(b) Safety vents:

(1) When permitted in § 79.201–1, each tank or compartment used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety relief valves, but if not so equipped, shall have one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 79.200–16(a), and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 75 percent of tank test pressure. Means for holding disc in place shall be such as to prevent distortion or damage to disc when applied. Safety vent closure shall be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents shall be stenciled "NOT FOR FLAMMABLE LIQUIDS."

**§ 79.200–19 Reinforcements, when used, and appurtenances not otherwise specified.**

(a) All attachments to tank and dome shall be applied by approved means. Rivets if used shall be calked inside and outside.

**§ 79.200–20 Interior heater systems.**

(a) See § 79.12.

**§ 79.200–21 Closures for openings.**

(a) All plugs shall be solid, with NPT threads, and shall be of a length which will screw at least 6 threads inside the face of fitting or tank. Plugs, when inserted from the outside of tank heads, shall have the letter "S" at least ⅜ inch in size stamped with steel stamp or cast on the outside surface to indicate the plug is solid.

**§ 79.200–22 Test of tanks.**

(a) Each tank shall be tested by completely filling the tank and dome or nozzles with water, or other liquid having similar viscosity, of a temperature which shall not exceed 100° F during the test; and applying the pressure prescribed in § 79.201–1. Tank shall hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety relief valves or safety vents, shall be in place when test is made.

(b) Insulated tanks shall be tested before insulation is applied.

(c) Rubber-lined tanks shall be tested before rubber lining is applied.

(d) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints shall be made as prescribed in AAR Specifications for Tank Cars, Appendix W.

**§ 79.200–23 Tests of safety relief valves.**

(a) Each valve shall be tested by air or gas for compliance with § 79.201–1 before being put into service.

**§ 79.200–24 Stamping.**

(a) To certify that the tank complies with all specification requirements, each tank shall be plainly and permanently stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads as follows:

| | *Example of required stamping* |
|---|---|
| Specification | ICC–103–W |
| Material | ASTM A285 C |
| Cladding material (if any) | ASTM A240–304 Clad |
| Tank builder's initials | ABC |
| Date of original test | 00–0000 |
| Car assembler (if other than tank builder) | DEF |

**§ 79.200–25 Stenciling.**

(a) The tank, or the jacket if tank is insulated, shall be stenciled in compliance with the requirements of AAR Specifications for Tank Cars, Appendix C.

**§ 79.200–26 Certificate of construction.**

(a) See § 79.5.

**§ 79.201 Individual specification requirements applicable to non-pressure tank car tanks.**

**§ 79.201–1 Individual specification requirements.**

(a) In addition to § 79.200 the individual specification requirements are as follows:

| ICC specifications | 103W | 103A–W | 103A–N–W | 103AL–W | 103A–AL–W | 103B–W | 103C–W | 103D–W | 103E–W | 104W |
|---|---|---|---|---|---|---|---|---|---|---|
| Material (see 79.200–7) | Steel | Steel | Nickel | Aluminum alloy. | Aluminum alloy. | Steel | Alloy steel | Alloy steel | Alloy steel | Steel |
| Insulation (see 79.200–4) | Optional | Optional | Optional | Optional | Optional | Optional | Optional | Optional | Optional | Required |
| Bursting pressure, p.s.i. (see 79.200–5) | 240 | 240 | 240 | 240 | 240 | 240 | 240 | 240 | 240 | 240 |
| Minimum plate thickness, inches: | | | | | | | | | | |
| Shell (see 79.200–6) | 79.201–2 | 79.201–2 | 79.201–2 | ⅛ | ⅛ | 79.201.2 | 79.201.2 | 79.201.2 | 79.201.2 | 79.201–2 |
| Heads (see 79.200–6 and 79.200–8) | 79.201–2 | 79.201–2 | 79.201–2 | ⅛ | ⅛ | 79.201–2 | 79.201–2 | 79.201–2 | 79.201–2 | 79.201–2 |
| Dome | Required | Required | Required | Required | Required | Required | Required | Required | Required | Required |
| Minimum expansion capacity (see 79.200–14) | 2 percent in dome. | 1 percent in dome. | 1 percent in dome. | 2 percent in dome. | 1 percent in dome. | 1 percent in dome. | 1 percent in dome. | 2 percent in dome. | 1 percent in dome. | 2 percent in dome. |
| Test pressure, p.s.i. (see 79.200–22) | 60 | 60 | 60 | 60 | 60 | 60 | 60 | 60 | 60 | 60 |
| Safety relief devices (see 79.200–18) | Valve or vent. | 79.201–7 | 79.201–7 | Valve or vent. | Valve or vent. | ---------- | Valve | Valve or vent. | Valve or vent. | Valve or vent. |
| Valve start-to-discharge pressure, p.s.i. (±3 p.s.i.). | 35 | 35 | 35 | 35 | 35 | ---------- | 35 | 35 | 35 | 35 |
| Valve vapor tight pressure (minimum p.s.i.). | 28 | 28 | 28 | 28 | 28 | ---------- | 28 | 28 | 28 | 28 |
| Valve flow rating pressure (maximum p.s.i.). | 45 | 45 | 45 | 45 | 45 | ---------- | 45 | 45 | 45 | 45 |
| Vent rupture pressure (maximum p.s.i.). | 45 | 45 | 45 | 45 | 45 | 45 | ---------- | 45 | 45 | 45 |
| Gaging devices (see 79.200–16) | Optional | Optional | Optional | Optional | Optional | Optional | Optional | Optional | Optional | Optional |
| Top loading and unloading devices (see 79.200–16) | Optional | Required (valves optional). | Required (valves optional). | Optional | Required (valves optional). | Required (valves optional). | Required (valves optional). | Optional | Required (valves optional). | Optional |
| Bottom outlet (see 79.200–17(a)) | Optional | Optional | Prohibited | Optional | Prohibited | Prohibited | Prohibited | Optional | Prohibited | Optional |
| Bottom washout (see 79.200–17(b)) | Optional | Optional | Optional | Optional | Optional | Prohibited | Prohibited | Optional | Optional | Optional |
| Closure for manway (see 79.200–15) | 79.201–6(a) | ---------- | 79.201–6(d) | 79.201–6(a) | ---------- | 79.201–6(b) | 79.201–6(c) | 79.201–6 (a), (c) | 79.201–6(c) | 79.201–6(s) |
| Stress relief (SR) or heat treatment (HT) (see 79.200–11). | SR | SR | Not required | Prohibited | Prohibited | SR | HT | HT (79.201–5) | HT (79.201–5) | SR |
| Other requirements | ---------- | ---------- | ---------- | ---------- | ---------- | 79.201–3 | 79.201–4 | ---------- | ---------- | ---------- |

| ICC specifications | [1] 111A60–W–1 | 111A60–AL–W | [1] 111A100–W–1 | [1] 111A100–W–2 | 111A100–W–3 | 111A100–W–4 | 111A100–W–5 | 111A100–W–6 | [1] 111A60–F–1 [1] 111A100–F–1 [1] 111A100–F–2 |
|---|---|---|---|---|---|---|---|---|---|
| Material (see 79.200–7) | Steel | Alluminum alloy. | Steel | Steel | Steel | Steel | Steel | Alloy steel | ---------- |
| Insulation (see 79.200–4) | Optional | Optional | Optional | Optional | Required | Required (79.201–11). | Optional | Optional | ---------- |
| Bursting pressure, p.s.i. (see 79.200–5) | 240 | 240 | 500 | 500 | 500 | 500 | 500 | 500 | ---------- |
| Minimum plate thickness, inches: | | | | | | | | | |
| Shell (see 79.200–6) | 7/16 | ⅛ | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | ---------- |
| Heads (see 79.200–6 and 79.200–8) | 7/16 | ⅛ | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | 7/16 | ---------- |
| Dome | None | None | None | None | None | None | None | None | ---------- |
| Minimum expansion capacity (see 79.200–14) | 2 percent in tank. | 2 percent in tank. | 2 percent in tank. | 1 percent in tank. | 2 percent in tank. | 73.314(a) | 1 percent in tank. | 2 percent in tank. | ---------- |
| Test pressure, p.s.i. (see 79.200–22) | 60 | 60 | 100 | 100 | 100 | 100 | 100 | 100 | ---------- |
| Safety relief devices (see 79.200–18) | Valve or vent. | Valve or vent. | Valve or vent. | 79.201–7 | Valve or vent. | Valve | Vent | Valve or vent. | ---------- |
| Valve start-to-discharge pressure, p.s.i. (±3 p.s.i.). | 35 | 35 | 75 | 75 | 75 | 75 | ---------- | 75 | ---------- |
| Valve vapor tight pressure (minimum p.s.i.). | 28 | 28 | 60 | 60 | 60 | 60 | ---------- | 60 | ---------- |
| Valve flow rating pressure (maximum p.s.i.). | 45 | 45 | 85 | 85 | 85 | 85 | ---------- | 85 | ---------- |
| Vent rupture pressure (maximum p.s.i.) | 45 | 45 | 75 | 75 | 75 | ---------- | 75 | 75 | ---------- |
| Gaging devices (see 79.200–16) | Required | Required | Required | Required | Required | Required (79.201–9). | Required | Required | ---------- |
| Top loading and unloading devices (see 79.200–16). | Optional | Optional | Optional | Required (valves optional). | Optional (if used, valves required). | Required (valves required). | Required (valves optional). | Optional (if used, valves required). | ---------- |
| Bottom outlet (see 79.200–17(a)) | Optional | Optional | Optional | Prohibited | Optional | Prohibited | Prohibited | Optional | ---------- |
| Bottom washout (see 79.200–17(b)) | Optional | Optional | Optional | Optional | Optional | Prohibited | Prohibited | Optional | ---------- |
| Closure for manway (see 79.200–15) | 79.201–6(a) | 79.201–6(a) | 79.201–6(a) | ---------- | 79.201–6(a) | 79.201–6(a) | 79.201–6(b) | 79.201–6 (a) and (c) | ---------- |
| Stress relief (SR) or heat treatment (HT) (see 79.200–11). | SR | Prohibited | SR | SR | SR | SR | SR | HT (79.201–5). | ---------- |
| Other requirements | ---------- | ---------- | ---------- | ---------- | ---------- | 79.201–8 & 79.201–10. | 79.201–3 | ---------- | ---------- |

[1] Tanks converted to ICC–111A series from existing forge-welded specification ICC–105A300, 400, or 500 tanks, by modification using conversion details complying with ICC–111A specification requirements, shall be stenciled by substituting the letter "F" for the letter "W" in the specification designation.



**§ 79.201–2 Minimum plate thickness.**

(a) The minimum plate thickness shall be as follows:

| Inside diameter of tanks | Bottom sheets (inch) | Shell sheets (inch) | Expansion dome sheets (inch) | 2:1 ellipsoidal heads (inch) | 3:1 ellipsoidal and dished tank heads (inch) | Expansion dome heads (inch) | Interior compartment heads (inch) |
|---|---|---|---|---|---|---|---|
| 60 inches or under | 7/16 | ¼ | 5/16 | 7/16 | ½ | 5/16 | 5/16 |
| Over 60 to 78 inches | 7/16 | 5/16 | 5/16 | 7/16 | ½ | 5/16 | 5/16 |
| Over 78 to 96 inches | 1 ½ | 5/16 | 5/16 | 7/16 | ½ | 5/16 | ⅜ |
| Over 96 to 112 inches | 1 ½ | 7/16 | 5/16 | 7/16 | ½ | 5/16 | 7/16 |
| Over 112 to 122 inches | ½ | ½ | 5/16 | ½ | 5/8 | 5/16 | ½ |

[1] May be reduced to 7/16 inch when approved steels having tensile strength of 65,000 psi or higher are used.

**§ 79.201–3 Lined tanks.**

(a) Each tank or each compartment thereof shall be lined with acid resisting rubber or other approved material vulcanized or bonded directly or otherwise attached to the metal tank, to provide a non-porous laminated lining. The lining shall be at least 5/32 inch thick, except over all rivets and seams formed by riveted attachments where the lining shall be double thickness. The lining shall overlap at least 1½ inches at all edges, which shall be straight and be beveled to an angle of approximately 45 degrees, or butted edges of lining shall be sealed with a 3-inch minimum strip of lining having 45 degree beveled edges. An additional reinforcing pad at least 4½ feet square and at least ½ inch thick shall be applied by vulcanizing to the lining on bottom of tank directly under the manway opening. The edges of pad shall be beveled to an angle of approximately 45 degrees. An opening in this pad for sump is permitted. No lining shall be under tension when applied except due to conformation over rivet heads. Interior of tank shall be free from scale, oxidation, moisture and all foreign matter during the lining operations.

(b) All rivet heads on inside of tank shall be button-head or similar shape, of uniform size and the under surface of heads shall be driven tight against plate. All plates, castings and rivet heads on inside of tank shall be calked. All projecting edges of plates, castings and rivet heads on inside of tank shall be rounded and free from fins and other irregular projections. Castings shall be free from porosity.

(c) All surfaces of attachments or fittings and their closures, exposed to the lading shall be covered with at least ⅛ inch acid resistant material. Attachments made of metal not affected by the lading need not be acid resistant material covered.

**§ 79.201–4 Material.**

(a) Except for protective housing, all fittings, tubes and castings and all projections and their closures shall also meet the requirements of § 79.200–7(c).

**§ 79.201–5 Heat treatment.**

(a) All welding of the tank shell and of attachments welded directly thereto shall be heat treated as a unit to remove stresses at the proper temperature to obtain corrosion resistance specified in § 79.200–7(c), except for commodities not classed as Corrosive Liquids in Part 73 of this chapter, tanks made of ASTM A240 Type 304L and 316L are not required to be heat treated as a unit to remove stresses, nor to obtain the corrosion resistance specified in § 79.200–7(c)(1).

**§ 79.201–6 Closures for manways.**

(a) The manway cover shall be designed to make it impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) Manway cover shall be made of a suitable metal. The top, bottom and edge of manway cover shall be acid resistant material covered as prescribed in § 79.201–3. Through bolt holes shall be lined with acid resistant material at least ⅛ inch in thickness. Cover made of metal not affected by the lading need not be acid resistant material covered.

(c) Manway ring and cover shall be made of the metal prescribed in § 79.200–7(c).

(d) Manway rings shall be made of cast, forged or fabricated nickel and be a good weldable quality in conjunction with the metal of the dome.

**§ 79.201–7 Safety relief devices.**

(a) Each tank or compartment shall be equipped with a safety vent unless characteristics of the lading require a safety relief valve. Design of safety relief devices shall be such as to prevent interchange with fixtures prescribed in § 79.200–16(a).

(b) Safety vents, if used, shall be of approved design, at least 1¾ inches inside diameter, made of material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will burst at not more than 75 percent of tank test pressure. Means for holding the disc in place shall be such as to prevent distortion or damage to disc when applied. Safety vent closure shall be chained or otherwise fastened to prevent misplacement.

(c) Safety relief valves, if used, shall be of approved design, made of metal not subject to rapid deterioration by the lading, and mounted on expansion dome of Class ICC–103 and 104 type tanks, or top of tank shell for Class ICC–111A type tanks.

**§ 79.201–8 Sampling device and thermometer well.**

(a) Sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 100 pounds per square inch without leakage. Interior pipes of the sampling valve must be equipped with excess flow valves of an approved design. Interior pipe of thermometer well must be closed by an approved valve attached close to fitting where it passes through the tank and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

**§ 79.201–9 Gaging device.**

(a) A gaging device of an approved design shall be applied to permit determining the liquid level of the lading. The interior pipe of the gaging device shall be equipped with an excess flow valve of an approved design. This device shall be provided with a protective housing.

(b) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

**§ 79.201–10 Water capacity marking.**

(a) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the stamped marks specified in § 79.200–24(a). This mark shall also be stenciled on the jacket immediately below the dome platform and directly behind or within 3 feet of the right or left side of the ladder, or ladders, if there is a ladder on each side of the tank, in letters and figures at least 1½ inches high as follows:

WATER CAPACITY
000000 Pounds

**§ 79.201–11 Insulation.**

(a) Insulation shall be of sufficient thickness so that the thermal conductance at 60 F is not more than 0.075 Btu per hour, per square foot, per degree F temperature differential.

**§ 79.202 Special commodity requirements for non-pressure tank car tanks.**

(a) In addition to §§ 79.200 and 79.201 the following requirements are applicable:

**§ 79.202–1 Flamable liquids not specifically provided for.**

(a) Specs. ICC–103, 103–W, 103AL–W, 103D–W, 104, 104–W, 111A60AL–W, 111A100–F–1, 111A100–W–1, 111A100–W–

3, 111A100–W–4, and 111A100–W–6, tank cars used to transport flammable liquids not specifically provided for shall have manway closures so designed that pressure will be released automatically by starting the operation of removing the manway cover. Openings in tank heads to facilitate application of lining are authorized and shall be closed in an approved manner. Spec. 103, 103–W, 103AL–W, 104, 104–W, 111A60AL–W or 111A100–W–3, used to transport flammable liquids not specifically provided for, having a vapor pressure exceeding 27 pounds per square inch absolute at 100° F but not exceeding 40 pounds per square inch absolute at 100° F, shall have their manway closures equipped with approved safeguards making removal of closures from the manway opening practically impossible while car interior is subjected to vapor pressure of lading. These cars shall be stenciled on each side of domes in line with the ladders, and in a color contrasting to the color of the dome with the identification mark as prescribed in § 73.119(g) of this chapter.

**§ 79.202–2 Dimethyl dichlorosilane, Ethyl dichlorosilane, Ethyl trichlorosilane, Methyl trichlorosilane, Trimethyl chlorosilane, Vinyl trichlorosilane, Methyl dichlorosilane and Trichlorosilane.**

(a) Specs. 103, 103–W, 111A60–F–1, 111A60–W–1 and 111A100–W–1 tank cars used to transport Dimethyl dichlorosilane, Ethyl dichlorosilane, Ethyl trichlorosilane, Methyl trichlorosilane, Trimethyl chlorosilane, Vinyl trichlorosilane, Methyl dichlorosilane, and Trichlorosilane, shall not be equipped with bottom discharge outlet.

**§ 79.202–3 Amyl mercaptan, Butyl mercaptan, Ethyl mercaptan, Isopropyl mercaptan, Propyl mercaptan, and Aliphatic mercaptan mixtures.**

(a) Specs. 103–W, 111A60–F–1 and 111A60–W–1 tank cars used to transport Amyl mercaptan, Butyl mercaptan, Ethyl mercaptan, Isopropyl mercaptan, Propyl mercaptan, an Aliphatic mercaptan mixtures shall have bottom outlets effectively sealed. Bottom washout permitted.

**§ 79.202–4 Potassium nitrate mixed (fused) with Sodium nitrite.**

(a) Spec. 103–W tank cars used to transport Potassium nitrite mixed (fused) with Sodium nitrate shall be specially designed, equipped and approved for this service, without bottom discharge outlet and with heavier plate thicknesses than the minimum prescribed for cars built under this specification. For spec. 103–W tank cars made of plates having the minimum prescribed thicknesses, internal reinforcement of the upper sheets of tank in the region of the dome and reinforcing plates attached to the bottom sheet of the tank which rests on bolsters is required, and these tanks shall be equipped with baffle plates. Heater pipes shall be of welded construction designed for a test pressure of 500 pounds per square inch. A one inch woven asbestos lining shall be placed between bolster slabbing and bottom of tank to prevent heat transmission. Safety vents of the frangible disc type may be used and if used the frangible discs shall be perforated with ⅛ inch hole. If safety relief valves are used, a vacuum relief valve shall be installed on the dome. Tanks shall be stenciled on both sides "FUSED POTASSIUM NITRATE AND SODIUM NITRITE ONLY."

**§ 79.202–5 Phosphorus, white or yellow.**

(a) Specs. ICC–103, 103–W, 111A60–F–1, 111A60–W–1 and 111A100–W–1 tank cars used to transport Phosphorous, white or yellow, shall be equipped with approved dome fittings, external heater systems and with insulation at least 4 inches in thickness, except that thickness of insulation may be reduced to 2 inches over external heater coils. Bottom washout nozzle of approved design may be applied. Bottom outlet for discharge of lading prohibited.

**§ 79.202–6 Cumene hydroperoxide, Diisopropylbenzene hydroperoxide and Paramenthane hydroperoxide.**

(a) Specs. ICC–103, 103–W, 111A60–F–1, 111A60–W–1 and 111A100–W–1 tank cars used to transport Cumene hydroperoxide of strength not exceeding 90 percent in a nonvolatile solvent, Paramenthane hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent and Diisopropylbenzene hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent, shall have bottom outlets effectively sealed from the inside.

**§ 79.202–7 Titanium tetrachloride, anhydrous.**

(a) Specs. ICC–103A, 103A–W, 111A100–F–2 and 111A100–W–2 tank cars used to transport Titanium tetrachloride, anhydrous, shall have safety relief valves of approved design and not subject to rapid deterioration by the lading.

**§ 79.202–8 Chloracetyl chloride.**

(a) Specs. ICC–103A–W, 111A100–F–2 and 111A100–W–2 tank cars used to transport Chloracetyl chloride shall have a nickel cladding of 1/16 inch minimum thickness. Nickel cladding in tanks shall have a minimum nickel content of at least 99 percent pure nickel. Spec. ICC–103A–N–W tank cars used to transport Chloracetyl chloride shall be of solid nickel at least 99 percent pure and all cast metal parts of the tank in contact with the lading shall have a minimum nickel content of approximately 96.7 percent.

**§ 79.202–9 Hydrochloric (muriatic) acid not over 38 percent strength by weight except acid of 22° Baume strength or other fuming acids.**

(a) Spec. ICC–103B, 103B–W, or 111A100–W–5 tank cars used to transport Hydrochloric (muriatic) acid not over 38 percent except acid of 22° Baume strength and other fuming acids, may be equipped with safety vent of approved design having a frangible disc with ⅛ inch breather hole in the center, or a safety vent of approved design using carbon discs permitting continuous venting.

**§ 79.202–10 Hydrogen peroxide solution in water exceeding 52 percent by weight.**

(a) Spec. ICC–103A–AL–W tank cars used to transport Hydrogen peroxide solution in water exceeding 52 percent by weight, shall be equipped with a venting arrangement approved by the Bureau of Explosives.

**§ 79.202–11 Phosphorus oxychloride, Phosphorus trichloride, and Thiophosphoryl chloride.**

(a) Spec. ICC–103A–N–W tank cars used to transport Phosphorus oxychloride, Phosphorus trichloride, and Thiophosphoryl chloride, shall be solid nickel at least 99 percent pure and all cast metal parts of the tank in contact with the lading have a minimum nickel content of approximately 96.7 percent. Spec. ICC–103A tank cars used to transport phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride shall be lead-lined steel, or made of steel at least 10 percent nickel clad. Spec. ICC–103A–W, 111A100–F–2 or 111A100–W–2 tank cars used to transport Phosphorus oxychloride, Phosphorus trichloride and Thiophosphoryl chloride shall be lead-lined steel or made of steel with a minimum thickness of nickel cladding of 1/16 inch. Nickel cladding in tanks shall have a minimum nickel content of at least 99 percent pure nickel. Spec. ICC–103E–W tank cars used to transport Phosphorus trichloride and Thiophosphoryl chloride shall have tanks fabricated from Type 316 stainless steel.

**§ 79.202–12 Sulfuric acid of concentrations 65.25 percent (approximately 1.559 specific gravity) (52° Baume) or greater.**

(a) Spec. ICC–103A, 103A–W, 111A100–F–2 or 111A100–W–2 tank cars used to transport Sulfuric acid of concentration 65.25 percent (approximately 1.559 specific gravity) (52° Baume) except oleum, mixed acid (nitric and sulfuric) (nitrating acid) and other fuming acids, may have safety vents equipped with lead discs having a ⅛ inch breather hole in the center thereof.

**§ 79.20213 Sulfur trioxide, stabilized.**

(a) Specs. ICC–103A, 103A–W, 111A100–F–2, 111A100–W2 and 105A300–W tank cars, used to transport Sulfur trioxide, stabilized, shall be equipped with safety relief valves of approved design and not subject to rapid deterioration by the lading. Tanks equipped with interior heating coils not permitted.

**§ 79.202–14 Anhydrous hydrazine and Hydrazine solutions containing 50 percent or less of water.**

(a) Specs. ICC–103C–W and 111A100–W–6 tank cars used to transport Anhydrous hydrazine or Hydrazine solutions containing 50 percent or less water, shall have tanks fabricated of Type 304L or 347 stainless steel with molybdenum content not exceeding one-half of one percent.

**§ 79.202–15 Formic acid and Formic acid solutions.**

(a) Spec. ICC–103E–W tank cars used to transport Formic acid or Formic acid solutions, shall have tanks fabricated from Type 316 stainless steel and be stenciled "FOR FORMIC ACID ONLY."

**§ 79.202–16 Monochloroacetic acid, liquid.**

(a) Specs. ICC–103A–W, 111A100–F–2 and 111A100–W–2 tank cars used to transport Monochloroacetic acid, liquid, shall have tanks nickel clad at least 20 percent.

**§ 79.202–17 Benzyl chloride.**

(a) Spec. ICC–103A, 103A–W, 111A100–F–2 or 111A100–W–2 tank cars used to transport Benzyl chloride, stabilized, may be 10 percent nickel clad. Spec. 103A–N–W tank cars used to transport Benzyl chloride shall have all cast metal parts in contact with the lading made from metal having a minimum nickel content of approximately 96.7 percent.

**§ 79.202–18 Ethylene oxide.**

(a) Spec. ICC–111A100–W–4 tank cars used to transport Ethylene oxide, may have opening in the tank heads to facilitate application of nickel lining. Such openings in tank heads shall be closed in an approved manner.

**§ 79.202–19 Dimethylhydrazine, unsymmetrical.**

(a) Specs. ICC–103–W and 103C–W tank cars used to transport Dimethylhydrazine, unsymmetrical, shall be equipped with steel safety valves of approved design. Spec. 103–W tank cars shall not be equipped with bottom outlets.

## Subpart E—Specifications for Multi-Unit Tank Car Tanks (Classes ICC–106A and 110A–W)

**§ 79.300 General specifications applicable to multi-unit tank car tanks designed to be removed from car structure for filling and emptying.**

**§ 79.300–1 Tanks built under these specifications shall meet the requirements of § 79.300, § 79.301 and when applicable, § 79.302.**

**§ 79.300–2 Approval.**

(a) For procedure for securing approval, see § 79.3.

**§ 79.300–3 Type and general requirements.**

(a) Tanks built under this specification shall be cylindrical, circular in cross section, and shall have heads of approved design. All openings shall be located in the heads.

(b) Each tank shall have a water capacity of at least 1500 pounds and not more than 2600 pounds.

(c) For tanks made in foreign countries, a chemical analysis of materials and all tests as specified shall be carried out within the limits of the United States under the supervision of a competent and impartial inspector.

**§ 79.300–4 Insulation.**

(a) Tanks shall not be insulated.

**§ 79.300–5 Bursting pressure.**

(a) The minimum required bursting pressure is listed in § 79.301.



**§ 79.300–6 Thickness of plates.**

(a) For Class ICC–110A tanks, the wall thickness of the cylindrical portion of the tank shall not be less than that specified in § 79.301 nor that calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where:

$d$=inside diameter in inches;
$E$=0.9 welded joint efficiency;
$P$=minimum required bursting pressure in psi;
$S$=minimum tensile strength of plate material in psi as prescribed in § 79.300–7;
$t$=minimum design thickness of plate in inches.

(b) For Class ICC–106A tanks, the wall thickness of the cylindrical portion of the tank shall not be less than that specified in § 79.301 and shall be such that at the tank test pressure the maximum fiber stress in the wall of the tank will not exceed 15,750 psi as calculated by the following formula:

$$s=\frac{p(1.3D^2+0.4d^2)}{D^2-d^2}$$

where:

$d$=inside diameter in inches;
$D$=outside diameter in inches;
$p$=tank test pressure in psi;
$s$=wall stress in psi.

(c) If plates are clad with material having tensile strength at least equal to the base plate, the cladding may be considered a part of the base plate when determining the thickness. If cladding material does not have tensile strength at least equal to the base plate, the base plate alone shall meet the thickness requirements.

**§ 79.300–7 Material.**

(a) Carbon steel plate material used to fabricate tanks with fusion-welded heads shall be open hearth boiler plate of flange or firebox quality having a carbon content not exceeding 0.31 percent and complying with one of the following ASTM specifications for the material and with the indicated tensile strength and elongation in the welded condition:

| Specification | Minimum tensile strength (psi) welded condition | Minimum elongation in 2 inches (percent) welded condition |
|---|---|---|
| ASTM A–212 Gr A | 65,000 | 20 |
| ASTM A–212 Gr B | 70,000 | 20 |
| ASTM A–285 Gr A | 45,000 | 29 |
| ASTM A–285 Gr B | 50,000 | 20 |
| ASTM A–285 Gr C | 55,000 | 20 |

(1) These plates may be clad with other approved metals.

(b) Carbon steel plate material used to fabricate tanks with forge-welded heads shall be open hearth boiler plate of firebox quality complying with specification ASTM A–285 Grade A.

(c) All plates shall have their heat number and the name or brand of the manufacturer legibly stamped on them at the rolling mill.

**§ 79.300–8 Tank heads.**

(a) Class ICC–110A tanks shall have fusion-welded heads formed concave to pressure. Heads for fusion welding shall be an ellipsoid of revolution 2:1 ratio of major to minor axis. They shall be one piece, hot formed in one heat so as to provide a straight flange at least 1½ inches long. The thickness shall not be less than that calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where symbols are as defined in § 79.300–6 (a).

(b) Class ICC–106A tanks shall have forged-welded heads formed convex to pressure. Heads for forge welding shall be torispherical with an inside radius not greater than the inside diameter of the shell. They shall be one piece, hot formed in one heat so as to provide a straight flange at least 4 inches long. They shall have snug drive fit into the shell for forge welding. The thickness shall be sufficient to meet the test requirements of § 79.300–16 and to provide for adequate threading of openings.

**§ 79.300–9 Welding.**

(a) Longitudinal joints shall be fusion welded. Head-to-shell joints shall be forge welded on Class ICC–106A tanks and fusion welded on Class ICC–110A tanks. Welding procedures, welders and fabricators shall be approved.

(b) Fusion-welded joints shall be in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W, except that circumferential welds in tanks less than 36 inches inside diameter need not be radiographed.

(c) Forge-welded joints shall be thoroughly hammered or rolled to insure sound welds. The flanges of the heads shall be forge lapwelded to the shell and then crimped inwardly toward the center line at least one inch on the radius. Welding and crimping must be accomplished in one heat.

**§ 79.300–10 Stress relieving.**

(a) After welding is complete, steel tanks and all attachments welded thereto, shall be stress relieved as a unit in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W.

**§ 79.300–11 Tank mounting.**

(a) For tank mounting, see § 79.10.

**§ 79.300–12 Protection of fittings.**

(a) Tanks shall be of such design as will afford maximum protection to any fittings or attachment to the head including the housing referred to in § 79.300–12(b). Tank ends shall slope or curve inward toward the axis so that the diameter at each end is at least 2 inches less than the maximum diameter.

(b) Loading and unloading valves shall be protected by a detachable protective housing of approved design which shall not project beyond the end of the tank and shall be securely fastened to

the tank head. Safety relief devices shall not be covered by the housing.

**§ 79.300–13 Venting, loading and unloading valves.**

(a) Valves shall be of approved type, made of metal not subject to rapid deterioration by lading, and shall withstand tank test pressure without leakage. The valves shall be screwed directly into or attached by other approved methods to one tank head. Provision shall be made for closing outlet connections of the valves.

(b) Threads for openings shall be National Gas Taper Threads (NGT) tapped to gage, clean cut, even and without checks.

**§ 79.300–14 Attachments not otherwise specified.**

(a) Siphon pipes and their couplings on the inside of the tank head and lugs on the outside of the tank head for attaching the valve protective housing shall be fusion-welded in place prior to stress relieving. All other fixtures and appurtenances, except as specifically provided for, are prohibited.

**§ 79.300–15 Safety relief devices.**

(a) Unless prohibited in § 79.302, or in Part 73 of this chapter, tanks shall be equipped with one or more safety relief devices of approved type, made of metal not subject to rapid deterioration by the lading and screwed directly into tank heads or attached to tank heads by other approved methods. The total discharge capacity shall be sufficient to prevent building up pressure in tank in excess of 82.5 percent of the tank test pressure. When safety relief devices of the fusible plug type are used, the required discharge capacity shall be available in each head. See AAR Specifications for Tank Cars, Appendix A, for formula for calculating discharge capacity.

(b) Threads for openings shall be National Gas Taper Threads (NGT) tapped to gage, clean cut, even and without checks.

(c) Safety relief valves shall be set for start-to-discharge and frangible discs shall burst at a pressure not exceeding that specified in § 79.301.

(d) Fusible plugs shall function at a temperature not exceeding 175 F and shall be vapor-tight at a temperature of not less than 130 F.

**§ 79.300–16 Tests of tanks.**

(a) After stress relieving, tanks shall be subjected to hydrostatic expansion test in a water jacket, or by other approved methods. No tank shall have been subjected previously to internal pressure within 100 pounds of the test pressure. Each tank shall be tested to the pressure prescribed in § 79.301. Pressure shall be maintained for 30 seconds and sufficiently longer to insure complete expansion of tank. Pressure gage shall permit reading to accuracy of one percent. Expansion gage shall permit reading of total expansion to accuracy of one percent. Expansion shall be recorded in cubic centimeters.

(1) No leaks shall appear and permanent volumetric expansion shall not exceed 10 percent of total volumetric expansion at test pressure.

(b) After all fittings have been installed, each tank shall be subjected to interior air pressure test of at least 100 psi under conditions favorable to detection of any leakage. No leaks shall appear.

(c) Repairs of leaks detected in manufacture or in foregoing tests shall be made by the same process as employed in manufacture of tank. Calking, soldering, or similar repairing is prohibited.

**§ 79.300–17 Tests of safety relief devices.**

(a) Each valve shall be tested by air or gas before being put into service. The valve shall open and be vapor-tight at the pressures prescribed in § 79.301.

(b) For safety relief devices of the frangible disc type, a sample of the disc used shall be burst and be vapor-tight at the pressures prescribed in § 79.301.

(c) For safety relief devices of the fusible plug type, a sample of the plug used shall function at the temperatures prescribed in § 79.300–15.

(d) The start-to-discharge and vapor-tight pressures shall not be affected by any auxiliary closure or other combination.

**§ 79.300–18 Stamping.**

(a) To certify that the tank complies with all specification requirements, each tank shall be plainly and permanently stamped in letters and figures ⅜ inch high into the metal of valve end chime as follows:

(1) ICC Specification number.

(2) Material and cladding material if any (immediately below the specification number).

(3) Owner's or builder's identifying symbol and serial number (immediately below the material identification). The symbol shall be registered with the Bureau of Explosives, duplications are not authorized.

(4) Inspector's official mark (immediately below the owner's or builder's symbol).

(5) Date of original tank test (month and year, such as 1–64 for January 1964). This should be so placed that dates of subsequent tests may easily be added thereto.

(6) Water capacity — 0000 pounds.

(b) A copy of the above stamping in letters and figures of the prescribed size stamped on a brass plate secured to one of the tank heads is authorized.

**§ 79.300–19 Inspection.**

(a) Tank shall be inspected within the United States and Canada by a competent and impartial inspector acceptable to the Bureau of Explosives. For tanks made outside the United States and Canada, the specified inspection shall be made within the United States.

(b) The inspector shall carefully inspect all plates from which tanks are to be made and secure records certifying that plates comply with the specification. Plates which do not comply with § 79.300–7 shall be rejected.

(c) The inspector shall make such inspection as may be necessary to see that all the requirements of this specification, including markings, are fully complied with; shall see that the finished tanks are properly stress relieved and tested.

(d) The inspector shall stamp his official mark on each accepted tank as required in § 79.300–18, and render the report required in § 79.300–20.

**§ 79.300–20 Reports.**

(a) Before a tank is placed in service, the inspector shall furnish to the builder, tank owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification.

(b) For builder's Certificate of Construction, see § 79.5(b).

**§ 79.301 Individual specification requirements for multi-unit tank car tanks.**

(a) In addition to § 79.300 the individual specification requirements are as follows:

| ICC specifications | 106A500–X | 106A800–X | 110A500–W | 110A800–W | 110A1000–W |
|---|---|---|---|---|---|
| Bursting pressure, psi (see § 79.300–5) | None specified | None specified | 1250 | 2000 | 2500 |
| Minimum thickness shell, inches | 13/32 | 1 1/16 | 1 1/32 | 1 5/32 | 1 9/32 |
| Test pressure, psi (see § 79.300–16) | 500 | 800 | 500 | 800 | 1000 |
| Safety relief devices psi (see § 79.300–15) | | | | | |
| Start-to-discharge, or burst maximum | 375 | 600 | 375 | 600 | 700 |
| Vapor-tight, minimum | 300 | 480 | 300 | 480 | 650 |



**§ 79.302 Special commodity requirements for multi-unit tank car tanks.**

(a) In addition to §§ 79.300 and 79.301 the following requirements are applicable:

| Commodity | Safety relief device | Valve protective housing | Miscellaneous |
|---|---|---|---|
| Aluminum triethyl | Valve required | | |
| Aluminum trimethyl | do | | |
| Pyroforic fuel | do | | |
| Triisobutyl aluminum | do | | |
| Ethyl aluminum sesquichloride | do | | |
| Diethyl aluminum chloride | do | | |
| Ethyl aluminum dichloride | do | | |
| Methyl aluminum sesquichloride | do | | |
| Methyl aluminum sesquibromide | do | | |
| Nitrosyl chloride | Fusible plug required | | (4). |
| Chlorine trifluoride | Prohibited[1] | | |
| Hydrogen sulfide | do.[1] | Gas tight[2] | |
| Chlorpicrin | do.[1] | do.[3] | § 73.357. |
| Methyl mercaptan | do.[1] | | |
| Hydrofluoric acid | do.[1] | | |
| Nitrogen dioxide liquid | do.[1] | Gas tight.[3] | |
| Nitrogen peroxide liquid | do.[1] | do.[3] | |
| Nitrogen tetroxide liquid | do.[1] | do.[3] | |
| Nitrogen tetroxide-nitric oxide mixtures | do.[1] | do.[3] | |
| Phosgene | do.[1] | do.[3] | |
| Vinyl chloride | | | (4). |
| Vinyl methyl ether | | | (4). |
| Titanium tetrachloride (anhydrous) | Prohibited[1] | | |

[1] When safety relief devices are prohibited, containers may be equipped with solid steel plugs in the safety device openings.

[2] The detachable protective housing for the loading and unloading valves must withstand tank test pressure without leakage and must be approved by the Bureau of Explosives.

[3] All parts of valves and safety relief devices in contact with the lading must be of a metal or other material, suitably treated if necessary, which will not cause formation of any acetylides.

[4] Tanks for Nitrosyl chloride shall be nickel-clad and safety relief devices shall be of the fusible plug type and shall function at a temperature not exceeding 175 F and be vaportight at 130 F.

## Subpart F—Specifications for Liquefied Hydrogen Tank Car Tanks and Seamless Steel Tanks (Classes ICC–113A–W and 107A)

**§ 79.400 General specifications applicable to liquefied hydrogen tank car tanks.**

**§ 79.400–1 General.**

(a) Tanks built under these specifications must meet the requirements of §§ 79.400 and 79.401.

**§ 79.400–2 Approval.**

(a) For procedure for securing approval, see § 79.3.

**§ 79.400–3 Type.**

(a) A tank built in accordance with this specification shall consist of an inner (pressure) container suitably supported within an outer shell, and forming a part of a railway car. The car shall be equipped with piping systems for vapor venting, transfer of the lading and with safety relief devices, controls, gages and valves prescribed herein for safe operation of the unit in storage, transport and transfer of the lading.

(b) The inner (pressure) container shall be a fusion-welded cylindrical shell closed at each end with formed heads convex outward and suitable for operation at temperatures as low as —423 F.

(c) The outershell shall be a fusion-welded cylindrical shell with formed heads.

(d) *Compartments.* When the interior of the tank is divided into compartments, each compartment must have two heads designed convex outward and comply with all other requirements described in this specification.

**§ 79.400–4 Bursting pressure.**

(a) The minimum required bursting pressure of the inner container is listed in § 79.401.

**§ 79.400–5 Thickness of plates.**

(a) The wall thickness of the inner container shell and heads shall not be less than that specified in § 79.401, nor that calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where:

$d$ = inside diameter in inches;
$E$ = efficiency of longitudinal welded joint—90 per cent;
$P$ = minimum required bursting pressure in psi;
$S$ = minimum ultimate tensile strength of plate material in psi as prescribed in § 79.400–6;
$t$ = minimum design thickness of plate in inches.

**§ 79.400–6 Materials.**

(a) The material used in the shell, heads and appurtenances shall be suitable for use at minus 423° F and compatible with the lading and the usual cleaning compounds recommended for this service. Chromium-nickel steel plate made to ASTM specification A–240–61T, Type 304, is an approved material and, when used, it shall be in the annealed condition prior to fabricating, forming or fusion-welding. Other approved materials may be used. The minimum ultimate tensile strength shall be as given in ASTM specification A–240, Type 304.

**§ 79.400–7 Heads.**

(a) The formed heads on the inner container shall preferably be ellipsoids of revolution in which the major axis shall equal the inside diameter of the shell and the minor axis shall be one-half of the major axis. The minimum thickness after forming shall be determined by the provisions of § 79.400–5(a) except that an efficiency of 100 percent may be used for a seamless head. Formed heads of other approved contours and thicknesses may be used but in no case shall the plate thickness be less than 3/16 inch.

**§ 79.400–8 Welding—inner container.**

(a) All joints must be fusion-welded in compliance with the requirements of the AAR Specifications for Tank Cars, Appendix W, except that the following requirements supersede requirements listed under "Test Plates," "Bend Test," and "Impact Test" of Appendix W.

(b) *Test plates.* A welded test plate of the dimensions shown in Figure W–2 of AAR Specifications for Tank Cars, Appendix W shall be made for each container using the same weld procedure as used in welding the longitudinal seams of the container. Test plates shall be prepared from material having the same material specification and mill heat numbers as used in the shell or main heads of the inner container. After welding is completed, the test plate shall be radiographed, and the standards of judgment of weld acceptability as set forth in Par. 10.74–1 of AAR Specifications for Tank Cars, Appendix W, shall be followed.

(c) *Test specimens.* The following test specimens shall be removed from the welded test plate and subjected to tests prescribed below:

(1) *Bend test.* Four transverse bend test specimens shall be removed from the welded test plate transverse to the welded joint of the test plate. The specimens shall be of rectangular cross section 1½ inches wide and the full thickness of the test plate. Weld reinforcements on each side of each test specimen shall be removed flush with the plane of the plate surface. Specimens shall be saw-cut from the test plate. Removal of test specimens from the test plate by means of flame cutting is prohibited. The specimens shall be subjected to a guided bend test, and two transverse face bend tests and two transverse root bend tests shall be performed. A bend test specimen that reveals no cracks or other open defects exceeding ⅛ inch measured in any direction on the convex surface of the specimen shall be considered to have passed the bend test. Cracks occurring on the corners of the specimen during the test shall not be considered as cause for rejection, unless there is definite evidence that they are the result of slag inclusions in the weld or other internal defects.

(2) *Impact tests.* Three sets of three impact test specimens shall be saw-cut from the welded test plate. These specimens shall be used for determining the impact properties of the plate material, weld zone and heat-affected zone. Impact test specimens shall be of the Charpy type, keyhole or milled U-notch, with the base of the notch normal to the plate surface, and shall conform in all respects to Figure 3 of ASTM Specification E–23–60–T. Impact test specimens shall be cooled in liquid nitrogen (—320 F). The apparatus for testing the specimens shall be in accordance with the requirements of ASTM Specification E–23–60–T. The test piece and handling tongs shall be cooled for a length of time sufficient to reach the temperature of liquid nitrogen. The specimen shall be quickly transferred from the cooling device to the anvil of the testing machine and broken within a time lapse of not more than six seconds.

(3) *Impact properties.* The impact properties of each set of impact specimens shall be not less than the values listed below:

| Size of specimen | Minimum impact value required for average of each set of 3 specimens | Minimum impact value permitted on 1 specimen only of each set of 3 specimens |
|---|---|---|
| | *Foot-Pound* | *Foot-Pound* |
| 55 mm x 10 mm x 10 mm | 15 | 10 |
| 55 mm x 10 mm x 7.5 mm | 12.5 | 8.5 |
| 55 mm x 10 mm x 5 mm | 10 | 7 |
| 55 mm x 10 mm x 2.5 mm | 5 | 3.5 |

When the average value of the three specimens equals or exceeds the minimum value permitted for a single specimen, and the value for more than one specimen is less than the minimum value required for the average of the three specimens, or when the impact value of one specimen is below the minimum value permitted for a single specimen, a retest of three additional specimens shall be made. The value from each retest specimen shall equal or exceed the minimum value required for the average of three specimens given above. When an erratic result is caused by a defective specimen or there is uncertainty in the test procedure, a retest is authorized.

**§ 79.400–9 Stress relieving.**

(a) Stress relieving of the inner container is not a requirement of this specification.

**§ 79.400–10 Cleaning interior container.**

(a) The interior of the tank and all lines connecting to it shall be thoroughly cleaned. Proper precautions shall be taken to avoid subsequent recontamination of the system after cleaning.

**§ 79.400–11 Test of inner container.**

(a) After all items to be welded to the inner container have been welded in place, the inner container shall be pressurized hydrostatically or pneumatically to the test pressure prescribed in § 79.401. The temperature of the pressurizing medium shall not exceed 100 F during the test. The container shall hold the prescribed pressure for a period of not less than ten minutes without leakage or evidence of distress. Due regard should be taken of the potential hazard involved in a pneumatic test. After the container has passed the pressure test, the container and piping shall be emptied of all water and purged of all water vapor if water is used for testing.

(b) Calking of welded joints to stop leaks developed during the foregoing test is prohibited. Repairs to welded joints shall be made as prescribed in § 79.400–8.

**§ 79.400–12 Radiography.**

(a) All longitudinal and circumferential double-butt, fusion-welded joints of the inner container and outer shell shall be examined throughout their entire length by the X-ray or gamma-ray method of radiography. The standards of judgment for acceptability of welds examined by radiography shall be in accordance with Par. 10.74–1 of AAR Specifications for Tank Cars, Appendix W.

**§ 79.400–13 Support system for inner container.**

(a) The inner container shall be supported within the outer shell by a support system of adequate strength and ductility at its operating temperature to support the inner container when filled with liquid lading to any level incidental to operation of the complete unit as a railway tank car. The support system shall be designed to be capable of supporting, without yielding, impact loads producing accelerations of the following magnitudes and directions when the inner container is fully loaded, and the car is equipped with a conventional AAR Specification M–901 draft gear:

| | |
|---|---|
| Longitudinal | 7G |
| Transverse | 3G |
| Vertical | 3G |

The longitudinal acceleration may be reduced to 3G where a cushioning device of approved design, which has been tested to demonstrate its ability to limit body forces to 400,000 pounds maximum at 10 miles per hour, is used between the coupler and the tank structure. The support system shall be of an approved design and such that the inner container shall be thermally isolated from the outer shell to the best practical extent.

**§ 79.400–14 Access to inner container.**

(a) The inner container shall be provided with a means of access having a minimum inside diameter of 16 inches and having a welded closure so designed as to allow it to be reopened by grinding or chipping and to be closed again by rewelding without a need for new parts. A cutting torch shall not be used. The closure and the reinforcement of the opening in the container shall be of approved design and made of the same material as is used in the container. Consideration must be given in the design to minimizing contamination of the container and the vacuum space when the closure is opened and closed. The outer shell shall be provided with an access opening of sufficient size (and aligned with the container access opening) to permit removal of the container closure and access into the container. The closure and the reinforcement of the opening in the outer shell shall be of approved design and made of the same material as is used in the outer shell. The closure shall preferably be so designed as to allow it to be reopened by grinding or chipping and to be closed again by rewelding without a need for new parts. A passageway connecting the inner container with the outer shell is not a specification requirement.

**§ 79.400–15 Outer shell.**

(a) *Design.* The outer shell shall be designed to withstand an external pressure of one atmosphere.

(b) *Thickness of plates.* The wall thickness of steel plates in the cylindrical portion of the outer shell shall be not less than 7/16 inch.

(c) *Material.* All plate material in the outer shell shall be flange quality or firebox quality steel, made to an approved specification, the carbon content of which shall not exceed 0.31 percent. Steel plate materials in accordance with material specifications listed in Group 1, Table A of AAR Specifications for Tank Cars, Appendix W, are approved for use in the outer shell of tanks built to this specification.

(1) All steel castings, steel forgings and steel structural shapes shall be of material to an approved specification.

(2) Rivets, when used, shall be of steel to an approved specification.

(d) *Heads.* The formed heads at each end of the outer shell preferably shall be an ellipsoid of revolution in which the major axis shall equal the inside diameter of the shell and the minor axis shall be one-half of the major axis. Formed heads of other approved contours may be used, but in no case shall the wall thickness be less than 7/16 inch.

(e) *Stiffening rings.* If stiffening rings are used in designing the cylindrical portion of the outer shell for external pressure, they shall be attached to the shell by means of fillet welds on each side of the ring. Outside stiffening ring attachment welds shall be continuous. Inside ring attachment welds may be intermittent. When intermittent welds are used, the total length of welds on each side of the ring shall not be less than one-third of the circumference of the outer shell. Where a closed section is used, it shall be continuously welded on the outside of each leg. A portion of the outer shell may be included when calculating the moment of inertia of the ring. The effective width of shell plate, W, on each side of the attachment of the stiffening ring is given by:

$$W = 0.78\sqrt{Rt}$$

where:

$W$ = width of shell effective on each side of the stiffener—inches;
$R$ = outside radius of the outer shell—inches;
$t$ = plate thickness of the outer shell—inches.

Where a stiffener is used which consists of a closed section having two webs attached to the outer shell, the shell plate between the webs shall be included up to the limit of twice the value of W defined above. The outer "flange" of the section shall be subject to the same limitation with W based on the R and t of the flange. Where two separate members, such as two angles, are located less than 2W apart they may be treated as a single stiffening member. (The maximum length of shell plate which may be considered effective is 4W.)

(1) The stiffener rings shall have a moment of inertia large enough to support an external pressure of 37.5 psig as determined by either of the following formulae:

$$I = \frac{0.035D^2LP_e}{E}$$

$$I' = \frac{0.046D^2LP_e}{E}$$

where:

$I$ = required moment of inertia of stiffener about centroidal axis parallel to vessel axis—inches⁴;
$I'$ = required moment of inertia of combined section of stiffener and effective width of shell plate, about centroidal axis parallel to vessel axis—inches⁴;



$D$ = outside diameter of outer shell—inches;
$L$ = one-half of the distance from the centerline of the stiffening ring to the next line of support on one side, plus one-half of the centerline distance to the next line of support, if any, on the other side of the stiffening ring, both measured parallel to the axis of the vessel—inches. (A line of support is: (1) a stiffening ring which meets the requirements of this paragraph, or (2) a circumferential line on a head at one-third the depth of the head from the head tangent line.);
$P_e$ = critical collapsing pressure (37.5 psig minimum);
$E$ = modulus of elasticity of stiffener material—psi.

(2) The cylindrical portion of the outer shell between stiffening rings shall be stiff enough to withstand an external pressure of 37.5 psig (critical collapsing pressure) as determined by the following formula:

$$P_e = \frac{2.6E(t/D)^{2.5}}{L/D - 0.45(t/D)^{0.5}}$$

where:

$P_e$ = critical collapsing pressure (37.5 psig minimum);
$E$ = modulus of elasticity of shell material—lb/sq. inch;
$t$ = minimum thickness of shell material—inches;
$D$ = outside diameter of shell—inches;
$L$ = distance between stiffening ring centers—inches. (The heads may be considered as stiffening rings located one-third of the head depth from the head tangent line.)

(3) The permissible out-of-roundness of the cylindrical portion of the outer shell shall be no greater than that permitted in Section VIII for out-of-roundness for external pressure of the ASME Boiler and Pressure Vessel Code.

(4) Where loads are applied to the outer shell or to the stiffening rings from the support system used to support the inner container within the outer shell, additional stiffener rings or an increased moment of inertia of stiffening rings designed for the external pressure will have to be provided to carry the support loads.

(f) *Welding.* All joints shall be fusion-welded in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W. Welding procedures, welders and fabricators shall be approved. No more than two circumferential closing joints in the cylindrical portion of the outer shell, including head to shell joints, shall be single-welded butt joints using a backing strip on the inside of the joint. If the interior of the outer shell is divided into compartments, the compartment heads shall be attached inside the shell by fillet welding.

(g) *Stress relieving.* The cylindrical portion of the outer shell with the exception of the circumferential closing seams shall be stress relieved in accordance with the requirements of Par. W–15.01 of the AAR Specifications for Tank Cars, Appendix W. All items welded to the shell shall be attached before stress relieving. Welds securing the inner container support system to the outer shell which cannot feasibly be made before final assembly and the tank heads at each end of the shell need not be stress relieved.

(h) *Tests of outer shell.* Pressure testing of outer shell is not a specification requirement.

**§ 79.400–16 Insulation.**

(a) The annular space between the two shells shall contain an approved insulating system so installed as to insure against excessive settling and the creation of voids in the insulation when the car is in service. The material shall not burn or spark when touched with a glowing platinum wire in an atmosphere of air or lading. The insulation shall be such that the total heat transfer from the atmosphere at ambient temperature to the hydrogen at atmospheric pressure will not vaporize more than 5.2 pounds of liquefied hydrogen per hour (1000 scfh at 60 F) when the car is stationary.

(b) *Annular space.* The distance between the outside wall of the inner container and the inside wall of the outside shell shall be not less than two inches.

**§ 79.400–17 Piping, vacuum line, vapor phase line, loading and unloading lines.**

(a) *Vacuum lines.* The outer shell shall be provided with fittings to permit effective evacuation of the annular space between the outer shell and inner container.

(b) *Product lines.* The piping systems for vapor and liquid phase transfer and venting shall be made from materials compatible with the product and having satisfactory properties at minus 423° F. All valves, gages, and closures shall be mounted within suitable protective housings. The outlets of all vapor phase and liquid phase lines shall be so located that accidental discharge from these lines will not impinge on any metal of the outer shell, car structure, trucks or safety appliances.

(c) *Vapor phase line.* Vapor phase line of sufficient size to permit safety devices covered in § 79.400–18(c) (1) and (2) connected to this line to operate at their designed capacity without excessive pressure buildup in the tank shall connect to the inner container. The vapor phase line shall have a manually operated shut-off valve located as close as possible to the outer shell and shall have a closure that is liquid and gas tight.

(d) *Vapor phase blow-down line.* A blow-down line shall be provided and it may be attached to the vapor phase line specified in § 79.400–17(c) and ahead of the shut-off valve in that line. It shall have a manually operated shut-off valve located as close as possible to the outer shell. The outlet from this line shall be outside its housing and positioned so that the discharge will be directed upward and away from operating personnel.

(e) *Pressure building system.* Not a specification requirement. If a pressure building system is provided for the purpose of pressurizing the vapor space of the inner container to facilitate unloading the liquid lading, the system shall be of approved design.

(f) *Loading and unloading line.* A liquid phase transfer line shall be provided and shall have a manually operated, vacuum jacketed, shut-off valve located as close as possible to the outer shell. The section of line between the outer shell and the valve shall be vacuum jacketed. A vapor trap shall be incorporated in the line and shall be located as close as possible to the inner shell.

**§ 79.400–18 Safety relief devices.**

(a) The tank shall be provided with safety relief devices for the protection of the tank assembly and piping systems. The discharge from these devices shall be directed away from operating personnel, principal load bearing members of the outer shell, car structure, trucks and safety appliances. Vent or weep holes in safety devices are prohibited. All main safety relief devices shall discharge to the outside of protective housings in which they are mounted. This provision does not apply to small safety relief valves installed to protect isolated short sections of lines between the final valve and end closure.

(b) *Materials.* Materials used in safety relief devices shall be suitable for use at minus 423 F and otherwise compatible with hydrogen in the liquid or vapor phase.

(c) *Inner container.* Safety relief devices for the inner container shall be attached to piping connected to the vapor phase of the inner container and mounted so as to remain in ambient temperature prior to operation. Additional requirements are as follows:

(1) *Safety vent.* The inner container shall be equipped with a safety vent without an intervening shut-off valve and designed to function at a pressure less than the test pressure of the inner container. The safety vent capacity shall be sufficient to limit the pressure within the inner container to not over the test pressure during all conditions of operation, both normal and abnormal, including fire with loss of vacuum, when the insulation space is filled with gaseous hydrogen at atmospheric pressure. The discharge shall be directed upward.

(2) *Safety relief valve.* The inner container shall be equipped with a safety relief valve without an intervening shut-off valve and set to start to discharge at a pressure not greater than 75 percent of the test pressure prescribed in § 79.401, less 15 psi. Safety relief valve capacity shall be sufficient to limit the pressure within the inner container to 85 percent of the test pressure, less 15 psi, even when the insulation space is filled with gaseous hydrogen at atmospheric pressure (no vacuum) and the outer shell is at 130 F. The minimum size relief valve body shall be ¾ inch IPS. The discharge shall be directed upward. See AAR Specifications for Tank Cars, Appendix A, for formula for calculating discharge capacity.





(3) *Pressure control devices.* The in-

in accordance with Par. 10.74–1 of AAR

of which shall not exceed 0.31 percent.

inches".



(3) *Pressure control device.* The inner container shall be equipped with an approved device to prevent the discharge of a mixture exceeding 50 percent of the lower flammable limit to the atmosphere under normal conditions of storage and transport of lading. This device shall be set to start to discharge at a pressure not greater than 17 psig and shall have sufficient capacity to limit the pressure within the inner container to 17 psig when the discharge is equal to twice the normal venting rate during transportation with normal vacuum and the outer shell at 130 F.

(4) *Safety interlock.* Not a specification requirement. If a safety interlock is provided for the purpose of allowing transfer of the lading at a pressure higher than the pressure control device setting but less than the safety relief valve setting, the design shall be as follows:

(i) The safety interlock shall not affect the discharge path of the safety relief valve or safety vent at any time. The safety interlock shall automatically provide an unrestricted discharge path for the pressure control device at all times except when the inner container is being pressurized through the vapor vent line shut-off valve for the transfer of lading. The safety interlock shall automatically prevent operation of the pressure control device only when the inner container is being pressurized through the vapor vent line shut-off valve for transfer of lading. Automatic operation shall be assured by a mechanical interlock of approved design between the vapor vent line shut-off valve and a pressure control device shut-off valve.

(d) *Outer shell.* The outer shell shall be provided with a suitable relief device to prevent build up of internal pressure in excess of 16 psig. The discharge capacity of the relieving device shall be sufficient to vent pressure accumulating within the annular space. Safety vent, if used, shall be designed to prevent distortion of the frangible disc when the annular space is evacuated.

(e) *Piping system.* Additional safety relief valves shall be installed in each piping circuit where the system can be isolated by closing the shut-off valves so that a dangerous pressure can be built up. These safety relief valves shall be designed to open at a pressure sufficiently low to prevent damage to the component or system affected.

**§ 79.400–19 Tests of safety relief valves.**

(a) Each valve shall be tested by air or gas for compliance with § 79.401 before being put into service.

**§ 79.400–20 Control valves and gages.**

(a) *Control valves.* (1) Manually-operated shut-off valves and control valves shall be provided wherever needed for control of the vapor phase pressure, vapor phase venting, liquid transfer and liquid flow rates.

(2) Control valves and shut-off valves shall be designed and constructed to provide positive shut-off, and to provide minimum resistance to flow when open. These valves shall be so constructed that the packing glands and control handles are separated from the valve bodies by a sufficient length of low conductivity material to reduce to minimum the collection of frost on the control handles when low temperature gas or liquid is passing through or in contact with the valve parts.

(3) Control valve and shut-off valves shall be of approved design and fabricated from materials not adversely affected by extended periods of contact with the lading in the liquid or vapor phase, or moist air and water.

(4) Packing, if used in these valves, shall be satisfactory for use in contact with the lading in the liquid or vapor phase and shall be of approved materials which will effectively seal the valve stem without causing difficulty of operation.

(5) Control valves and shut-off valves shall be so installed that they can be readily operated and their control handles will be readily accessible to the operator. These valves shall be so mounted that operation of the valves will not transmit excessive forces to the piping system.

(b) Instruments necessary to the effective and safe operation of the tank when transporting, transferring or storing the liquid commodities for which the car is designed shall be provided. Instruments, except portable instruments, shall be securely mounted on panels within suitable protective housings and shall include the following:

(1) *Liquid level gage.* Connections shall be provided for a liquid level gage of approved design to indicate the quantity of liquefied hydrogen within the inner container. The gage, if not portable, shall be mounted in a position where it will be readily visible to an operator during transfer operations or storage. The connection for a portable gage must be readily accessible.

(2) *Fixed dip tube.* A fixed length dip tube shall be provided with a manually operated shut-off valve located as close as possible to the outer shell and within a suitable housing. It shall be so installed as to indicate the maximum liquid level for the allowable filling density at 1 psig.

(3) *Vapor phase pressure gage.* A vapor phase pressure gage of approved design shall be provided to indicate the vapor pressure within the inner container. The gages shall be mounted so as to be readily visible to an operator.

(4) *Vacuum gage.* Connections shall be provided for a vacuum gage of approved design to indicate the absolute pressure in the annular space between the outer shell and the inner container. The gage, if not portable, must be mounted in a position where it will be readily visible to an operator. The connection for a portable gage must be readily accessible.

**§ 79.400–21 Protective housings.**

(a) The protective housings specified for all valves, gages, and closures shall be designed to protect the enclosed components from direct solar radiation, mud, sand, adverse environmental exposure, and mechanical damage. The housings shall be so designed as to provide reasonable access to the enclosed components for operation, inspection, and maintenance, and so that vapor concentration cannot build up to a dangerous level inside the housings in the event of valve leakage or pop safety valve operation. The closure shall be operable by personnel wearing heavy gloves and shall incorporate provisions for locks or seals.

**§ 79.400–22 Operating instructions.**

(a) *Identification.* All valves and gages shall be clearly identified with corrosion-resistant name plates. A plate of corrosion-resistant material bearing directions and precautionary instructions for the safe operation of this equipment during storage and transfer operations shall be securely mounted so as to be readily visible to an operator. This instruction plate shall be mounted in each housing containing operating equipment and controls for product handling. The instructions shall be clear, concise and adequate in the description of the operations to be performed by the operator during storage or transfer operations. These instructions shall include a diagram of the tank and its piping system, with the various gages, control valves, and safety relief devices clearly identified and located. The operating instructions for the vacuum system may be on a separate plate which is installed only in the housing containing vacuum controls and gages.

**§ 79.400–23 Stamping.**

(a) Each tank shall be marked certifying that the tank complies with all requirements of this specification. These marks shall be as follows:

(1) ICC–_____ (insert applicable number per § 79.401) in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of the main head of the outer shell at the "B" end of the car by the tank builder or the party assembling the complete tank unit. This mark must also be stenciled on the outer shell in letters and figures at least 1½ inches high by the party assembling the complete car.

(2) Initials of the builder of the inner container, together with information as to the material used for the shell and heads of the inner container, shell thickness, head thickness and inside diameter of the inner container, shall be stamped in letters and figures at least ⅜ inch high into the metal immediately below the marks specified in § 79.400–23(a)(1).

(3) Initials of builder of the outer shell in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the marks specified in subparagraph (2) of this paragraph.

(4) Date of original test of inner container and initials of party conducting the test in letters and figures at least ⅜ inch high plainly and permanently stamped immediately below the marks specified in subparagraph (3) of this paragraph. Any marking, stenciling or stamping on the shell or heads of the inner container is prohibited. These markings must also be stenciled on the outer shell in letters and figures at least 1½ inches high.



(5) Initials of company assembling the complete car in letters and figures at least ⅜ inch high plainly and permanently stamped immediately below the marks specified in subparagraph (4) of this paragraph. These marks shall also be stenciled on the outer shell in letters and figures at least 1½ inches high.

(6) In lieu of stamping required in subparagraphs (1), (2), (3), (4), and (5) of this paragraph, the markings specified by these paragraphs may be incorporated on a data plate of corrosion-resistant metal fillet welded in place on the main head of the outer shell of the "B" end of the car.

**§ 79.400–24 Stenciling.**

(a) The outer shell of the tank shall be stenciled in compliance with the requirements of AAR Specifications for Tank Cars, Appendix C.

(1) Date on which the principal safety relief valves were tested, pressure at which tested, place where tested and initials of party making test shall be stenciled on the outer shell in letters and figures at least 1 inch high.

(2) The date on which the frangible disc was replaced and the initials of the party making the replacement shall be stenciled on the outer shell in letters and figures 1 inch high. The identification of the manufacturer, the type of frangible disc installed, and the rated rupture pressure is normally shown on the tab of the disc. If it is not given thereon, this information shall also be stenciled on the outer shell in letters and figures 1 inch high.

(3) Tank cars of approved design built to this specification are authorized for the transportation of "LIQUEFIED HYDROGEN ONLY" and shall be stenciled in letters at least 2 inches high on the outer shell immediately above the marks specified in paragraph 79.400–23(a)(1).

**§ 79.400–25 Reports.**

(a) Certificate of Construction, see § 79.5.

**§ 79.401 Individual specification requirements for liquefied hydrogen tank car tanks.**

(a) In addition to § 79.400 the individual specification requirements are as follows:

| ICC specification | 113A60–W | 113A175–W |
|---|---|---|
| Material (see § 79.400–6) | Stainless steel. | Stainless steel. |
| Bursting pressure, psi (see § 79.400–4) | 240 | 440 |
| Minimum thickness, inches, shell, and head | 3/16 | 5/16 |
| Test pressure, psi (see § 79.400–11) | 60 | 175 |
| Safety relief devices: | | |
| Safety vent, maximum bursting pressure, psi | 60 | 175 |
| Tolerance, psi | +0, −10 | +0, −22 |
| Safety relief valve: | | |
| Start-to-discharge | 30 | 115 |
| Start-to-discharge tolerance | ±2.0 | ±4.0 |
| Vapor-tight, minimum | 24 | 95 |
| Pressure control device: | | |
| Start-to-vent, psi maximum | 17 | 17 |
| Outer shell safety vent, psi maximum | 16 | 16 |

**§ 79.500 Specification ICC–107A * * *, seamless steel tank car tanks.**

**§ 79.500–1 Tanks built under these specifications shall meet the requirements of § 79.500.**

**§ 79.500–2 Approval.**

(a) For procedure for securing approval, see § 79.3.

**§ 79.500–3 Type and general requirements.**

(a) Tanks built under this specification shall be hollow forged or drawn in one piece. Forged tanks must be machined inside and outside before ends are necked-down and, after necking-down, the ends must be machined to size on the ends and outside diameter. Machining not necessary on inside or outside of seamless steel tubing, but required on ends after necking-down.

(b) For tanks made in foreign countries, chemical analysis of material and all tests as specified must be carried out within the limits of the United States under supervision of a competent and disinterested inspector; in addition to which, provisions in § 79.500–18 (b) and must be carried out at the point of manufacture by a recognized inspection bureau with principal office in the United States.

(c) The terms "marked end" and "marked test pressure" used throughout this specification are defined as follows:

(1) "Marked end" is that end of the tank on which marks prescribed in § 79.500–17 are stamped.

(2) "Marked test pressure" is that pressure in pounds per square inch which is indicated by the figures substituted for the * * * in the marking ICC–107A * * * stamped on the marked end of tank.

(d) The gas pressure at 130 F in the tank shall not exceed 7/10 of the marked test pressure of the tank.

**§ 79.500–4 Thickness of wall.**

(a) Minimum thickness of wall of each finished tank shall be such that at a pressure equal to 7/10 of the marked test pressure of the tank, the calculated fiber stress in pounds per square inch at inner wall of tank multiplied by 3.0 will not exceed the tensile strength of any specimen taken from the tank and tested as prescribed in § 79.500–7(b). Minimum wall thickness shall be ¼ inch.

(b) Calculations to determine the maximum marked test pressure permitted to be marked on the tank shall be made by the formula:

$$P=\frac{10S(D^2-d^2)}{7(D^2+d^2)}$$

where:

$P$=Maximum marked test pressure permitted;

$$S=\frac{U}{3.0}$$

where:

$U$=Tensile strength of that specimen which shows the lower tensile strength of the two specimens taken from the tank and tested as prescribed in § 79.500–7(b).

3=Factor of safety.

$\frac{D^2-d^2}{D^2+d^2}$=The smaller value obtained for this factor by the operations specified in § 79.500–4(c).

(c) Measure at one end, in a plane perpendicular to the longitudinal axis of the tank and at least 18 inches from that end before necking-down:

$d$=Maximum inside diameter (inches) for the location under consideration; to be determined by direct measurement to an accuracy of 0.05 inch.

$t$=Minimum thickness of wall for the location under consideration; to be determined by direct measurement to an accuracy of 0.001 inch.

Take $D=d+2t$.

Calculate the value of $\frac{D^2-d^2}{D^2+d^2}$

(1) Make similar measurements and calculation for a corresponding location at the other end of the tank.

(2) Use the smaller result obtained, from the foregoing, in making calculations prescribed in paragraph (b) of this section.

**§ 79.500–5 Material.**

(a) Tanks shall be made from open-hearth or electric steel of uniform quality. Material must be free from seams, cracks, laminations, or other defects injurious to finished tank. If not free from such defects, the surface may be machined or ground to eliminate these defects. Forgings and seamless tubing for bodies of tanks must be stamped with heat numbers.

(b) Steel (see Note 1) must conform to the following requirements as to chemical composition:

| Designation | Class I (percent) | Class II (percent) | Class III (percent) |
|---|---|---|---|
| Carbon, maximum | 0.50 | 0.50 | 0.53 |
| Manganese, maximum | 1.65 | 1.65 | 1.85 |
| Phosphorus, maximum | .05 | .05 | .05 |
| Sulphur, maximum | .06 | .05 | .05 |
| Silicon, maximum | .35 | .30 | .37 |
| Molybdenum, maximum | ---------- | .25 | .30 |
| Chromium, maximum | ---------- | .30 | .30 |
| Sum of manganese and carbon not over | 2.10 | 2.10 | ---------- |

NOTE 1: Alternate steel containing other alloying elements may be used if approved.

(1) For instructions as to the obtaining and checking of chemical analysis, see § 79.500–18(b)(3).

**§ 79.500–6 Heat treatment.**

(a) Each necked-down tank shall be uniformly heat treated. Heat treatment shall consist of annealing or normalizing and tempering for Class I, Class II and Class III steel and oil quenching and tempering for Class III steel. Tempering temperatures shall not be less than 1000° F. Heat treatment of alternate steels must be approved. All scale must be removed from outside of tank to an extent sufficient to allow proper inspection.

(b) To check uniformity of heat treatment, Brinnel hardness tests shall be made at 18 inch intervals on the entire longitudinal axis. The hardness must not vary more than 35 points in the length of the tank. No hardness tests

need be taken within 12 inches from point of head to shell tangency.

(c) A magnetic particle inspection shall be performed after heat treatment on all tanks subjected to a quench and temper treatment to detect the presence of quenching cracks. Cracks shall be removed to sound metal by grinding and the surface exposed shall be blended smoothly into the surrounding area. A wall thickness check shall then be made of the affected area by ultrasonic equipment or other suitable means acceptable to the inspector and if the remaining wall thickness is less than the minimum recorded thickness as determined by § 79.500–4(b) it shall be used for making the calculation prescribed in (b) of this section.

**§ 79.500–7 Physical tests.**

(a) Physical tests shall be made on 2 test specimens 0.505 inch in diameter within 2-inch gage length, taken 180 degrees apart, 1 from each ring section cut from each end of each forged or drawn tube before necking-down, or 1 from each prolongation at each end of each necked-down tank. These test specimen ring sections or prolongations must be heat be readily opened to permit inspection and adjustment of safety relief devices and valves, and securely locked in closed position. Housing shall be provided with opening having an opening equal to twice the total discharge area of safety relief device enclosed.

(b) Elastic limit as determined by extensometer, shall not exceed 70 percent of tensile strength for Class I steel or 85 percent of tensile strength for Class II and Class III steel. Determination shall be made at cross head speed of not more than 0.125 inch per minute with an extensometer reading to 0.0002 inch. The extensometer shall be read at increments of stress not exceeding 5,000 pounds per square inch. The stress at which the strain first exceeds.

$$\frac{\text{Stress (pounds per square inch)}}{30{,}000{,}000 \text{ (pounds per square inch)}} \text{ plus } 0.005 \text{ (inches per inch)}$$

shall be recorded as the elastic limit.

(1) Elongation shall be at least 18 percent and reduction of area at least 35 percent.

NOTE 1: Upon approval, the ratio of elastic limit to ultimate strength may be raised to permit use of special alloy steels of definite composition that will give equal or better physical properties than steels herein specified.

**§ 79.500–8 Openings in tanks.**

(a) Each end shall be closed by a cover made of forged steel. Covers must be secured to ends of tank by through bolts or studs not entering interior of tank. Covers must be of a thickness sufficient to meet test requirements of § 79.500–12 and to compensate for the openings closed by attachments prescribed herein.

(1) It is also provided that each end may be closed by internal threading to accommodate an approved fitting. The internal threads as well as the threads on fittings for these openings shall be clean cut, even, without checks, and tapped to gage. Taper threads are required and shall be of a length not less than as specified for American Standard taper pipe threads. External threading of an approved type shall be permissible on the internal threaded ends.

(b) Joints between covers and ends and between cover and attachments shall be of approved form and made tight against vapor or liquid leakage by means of a confined gasket of suitable material.

**§ 79.500–9 Tank mounting.**

(a) For tank mounting, see § 79.10.

**§ 79.500–10 Protective housing.**

(a) Safety devices, and loading and unloading valves on tanks shall be protected from accidental injury by approved metal housing, arranged so it may be readily opened to permit inspection and adjustment of safety devices and valves, and securely locked in closed position. Housing must be provided with opening having an opening equal to twice the total discharge area of safety device enclosed.

**§ 79.500–11 Loading and unloading valves.**

(a) Loading and unloading valve or valves shall be mounted on the cover or threaded into the marked end of tank. These valves must be of approved type, made of metal not subject to rapid deterioration by lading or in service, and must withstand without leakage a pressure equal to the marked test pressure of tank. Provision must be made for closing service outlet of valves.

**§ 79.500–12 Safety relief devices.**

(a) Tank shall be equipped with one or more safety relief devices of approved type and discharge area, mounted on the cover or threaded into the non-marked end of the tank. If fittings are mounted on a cover, they shall be of the flanged type, made of metal not subject to rapid deterioration by lading or in service. Total flow capacity shall be such that, with tank filled with air at pressure equal to 70 percent of the marked test pressure of tank, flow capacity will be sufficient to reduce air pressure to 30 percent of the marked test pressure within 3 minutes after safety relief device opens.

(b) Safety safety devices shall open at pressure not exceeding the marked test pressure of tank and not less than 7/10 of marked test pressure. (For tolerance for safety relief valves, see § 79.500–16(a).)

(c) Cars used for the transportation of flammable gases shall have the safety devices equipped with an approved ignition device.

**§ 79.500–13 Fixtures.**

(a) Attachments, other than those mounted on tank covers or serving as threaded closures for the ends of the tank, are prohibited.

**§ 79.500–14 Test of tanks.**

(a) After heat-treatment, tanks shall be subjected to hydrostatic tests in a water jacket, or by other accurate method, operated so as to obtain reliable data. No tank shall have been subjected previously to internal pressure greater than 90 percent of the marked test pressure. Each tank must be tested to a pressure at least equal to the marked test pressure of the tank. Pressure must be maintained for 30 seconds, and sufficiently longer to insure complete expansion of tank. Pressure gage must permit reading to accuracy of one percent. Expansion gage must permit reading of total expansion to accuracy of one percent. Expansion must be recorded in cubic centimeters.

(b) No leaks shall appear and permanent volumetric expansion shall not exceed 10 percent of the total volumetric expansion at test pressure.

**§ 79.500–15 Handling of tanks failing in tests.**

(a) Tanks rejected for failure in any of the tests prescribed may be reheat-treated, and will be acceptable if subsequent to reheat-treatment they are subjected to and pass all of the tests.

**§ 79.500–16 Tests of safety relief devices.**

(a) Safety relief valves shall be tested by air or gas before being put into service. Valve must open at pressure not exceeding the marked test pressure of tank and must be vapor-tight at 80 percent of the marked test pressure. These limiting pressures must not be affected by any auxiliary closure or other combination.

(b) For safety safety devices of frangible disc type, samples of discs used shall burst at a pressure not exceeding the marked test pressure of tank and not less than 7/10 of marked test pressure.

**§ 79.500–17 Marking.**

(a) Each tank shall be plainly and permanently marked, thus certifying that tank complies with all requirements of this specification. These marks must be stamped into the metal of necked-down section of tank at marked end, in letters and figures at least ¼ inch high, as follows:

(1) Spec. ICC–107A****, the **** to be replaced by figures indicating marked test pressure of the tank. This pressure shall not exceed the calculated maximum marked test pressure permitted, as determined by the formula in § 79.500–4(b).

(2) Serial number immediately below the stamped mark specified in paragraph (a)(1) of this section.

(3) Inspector's official mark immediately below the stamped mark specified in paragraph (a)(1) of this section.

(4) Name, mark (other than trademark), or initials of company or person for whose use tank is being made, which shall be recorded with the Bureau of Explosives.

(5) Date (such as 1–62, for January 1962) of tank test, so placed that dates of subsequent tests may easily be added thereto.

(6) Date (such as 1–62, for January 1962) of latest test of safety relief valve or of frangible disc, required only when tank is used for transportation of flammable gases.



(7) Name of gas for which tank car is being used, stenciled in letters at least 2 inches high on each side of car where they are clearly visible.

**§ 79.500–18 Inspection and reports.**

(a) Before a tank car is placed in service, the party assembling the completed car shall furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in proper form certifying that tanks and their equipment comply with all the requirements of this specification and including information as to serial numbers, dates of tests, and ownership marks on tanks mounted on car structure.

(b) Purchaser of tanks shall provide for inspection by a competent inspector as follows:

(1) Inspector shall carefully inspect all material and reject that not complying with § 79.500–5.

(2) Inspector shall stamp his official mark on each forging or seamless tube accepted by him for use in making tanks, and must verify proper application of heat number to such material by occasional inspections at steel manufacturer's plant.

(3) Inspector shall obtain certified chemical analysis of each heat of material.

(4) Inspector shall make inspection of inside surface of tanks before necking-down, to insure that no seams, cracks, laminations, or other defects exist.

(5) Inspector shall fully verify compliance with specification, verify heat treatment of tank as proper; obtain samples for all tests and check chemical analyses; witness all tests; and report minimum thickness of tank wall, maximum inside diameter, and calculated value of D, for each end of each tank as prescribed in § 79.500–4(c).

(6) Inspector shall stamp his official mark on each accepted tank immediately below serial number, and make certified report (see paragraph (c) of this section) to builder, to company or person for whose use tanks are being made, to builder of car structure on which tanks are to be mounted, to the Bureau of Explosives, and to the Secretary, Mechanical Division, Association of American Railroads.

(c) Inspector's report required herein shall be in the following form:

(Place) _____
(Date) _____

STEEL TANKS

It is hereby certified that drawings were submitted for these tanks under AAR Application for Approval _____ and approved by the AAR Committee on Tank Cars under date of _____.
Built for _____ Company
Location at _____
Built by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Length (inches) _____
Outside diameter (inches) _____
Marks stamped into tank as required in § 79.500–17 are:

ICC–107A****

NOTE 1: The marked test pressure substituted for the **** on each tank is shown on Record of General Data on Tanks attached hereto.

Serial numbers _____ to _____ inclusive
Inspector's mark _____
Owner's mark _____
Test date _____
Water capacity (see Record of Hydrostatic Tests).
Tare weights (yes or no) (see Record of Hydrostatic Tests).
These tanks were made by process of _____

Steel used was identified as indicated by the attached list showing the serial number of each tank, followed by the heat number.

Steel used was verified as to chemical analysis and record thereof is attached hereto. Heat numbers were stamped into metal.

All material was inspected and each tank was inspected both before and after closing in ends; all material accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to strength of tank. Processes of manufacture and heat-treatment of tanks were witnessed and found to be efficient and satisfactory.

Before necking-down ends, each tank was measured at each location prescribed in § 79.500–4(c) and minimum wall thickness in inches at each location was recorded; maximum inside diameter in inches at each location was recorded; value of D in inches at each location was calculated and recorded; maximum fiber stress in wall at location showing larger value for

$$\frac{D^2+d^2}{D^2-d^2}$$

was calculated for 7/10 the marked test pressure and recorded. Calculations were made by the formula:

$$S = 0.7P\frac{(D^2+d^2)}{(D^2-d^2)}.$$

Hydrostatic tests, tensile tests of material, and other tests as prescribed in this specification, were made in the presence of the inspector, and all material and tanks accepted were found to be in compliance with the requirements of this specification. Records thereof are attached hereto.

I hereby certify that all of these tanks proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission Specification No. 107A****.

(Signed) _____
(Inspector)
_____
(Place)
_____
(Date)

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR TANKS

Numbered _____ to _____ inclusive
Size _____ inches outside diameter by _____ inches long
Built by _____ Company
For _____ Company

| Heat No. | Tanks represented (serial Nos.) | Chemical analysis | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | C | Mn | P | S | Si | Ni | Cr | Mo |
| | | | | | | | | | |

These analyses were made by
(Signed) _____
(Place)
_____
(Date)

RECORD OF TENSILE TESTS OF MATERIAL IN TANKS

Numbered _____ to _____ inclusive
Size _____ inches outside by _____ inches long
Built by _____ Company
For _____ Company

| Heat No. | Tanks represented by test (serial Nos.) | Elastic limit (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 2 inches) | Reduction of area (percent) |
|---|---|---|---|---|---|
| | | | | | |

(Signed) _____
_____
(Place)
_____
(Date)

RECORD OF HYDROSTATIC TESTS ON TANKS

Numbered _____ to _____ inclusive
Size _____ inches outside by _____ inches long
Built by _____ Company
For _____ Company

| Serial Nos. of tanks | Actual test pressure (pounds per square inch) | Total expansion (cubic centimeters) | Permanent expansion cubic centimeters)[1] | Percent ratio of permanent expansion to total expansion[1] | Tare weight (pounds)[2] | Capacity in pounds of water at 60° F. |
|---|---|---|---|---|---|---|
| | | | | | | |

[1] If tests are made by method involving measurement of amount of liquid forced into tank by test pressure, then the basic data on which calculations are made, such as pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.
[2] Do not include protective housing, but state whether with or without valves.

(Signed) _____
_____
(Place)
_____
(Date)

RECORD OF GENERAL DATA ON TANKS

Numbered _____ to _____ inclusive
Built by _____ Company
For _____ Company

| Serial No. of tank | Data obtained as prescribed in §79.500–4(c) | | | | | | Larger value of the factor $\frac{D^2+d^2}{D^2-d^2}$ | (S) Calculated fiber stress in pounds per square inch at 7/10 marked test pressure | Marked test pressure in pounds per square inch stamped in tank | Minimum tensile strength of material in pounds per square inch recorded |
|---|---|---|---|---|---|---|---|---|---|---|
| | Marked end of tank | | | Other end of tank | | | | | | |
| | (C) Minimum thickness of wall in inches | (d) Maximum inside diameter in inches | (D) Calculated value of D in inches $=d+2c$ | (c) Minimum thickness of wall in inches | (d) Maximum inside diameter in inches | (D) Calculated value of D in inches $=d+2c$ | | | | |
| | | | | | | | | | | |

(Signed) _____

[F.R. Doc. 64–10051; Filed, Oct. 9, 1964; 8:45 a.m.]

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter II—Employment and Compensation in the Canal Zone

## PART 1204—COMPENSATION AND ALLOWANCES

### Tropical Differential

Effective the first day of the first pay period commencing on or after date of publication in the FEDERAL REGISTER, § 1204.12 is amended to read as follows:

**§ 1204.12 Tropical differential.**

(a) An overseas, tropical differential for U.S. citizen employees who qualify under the provisions of paragraph (b) of this section shall be fixed by the head of each department in an amount equal to 15 percent of the aggregate compensation established under §§ 1204.10 and 1204.11. Such differential will be reviewed periodically by the Secretary of the Army and adjusted to the extent necessary to furnish a suitable incentive in recruitment of qualified personnel and to provide pay benefits substantially equal to those accorded U.S. citizens employed by the Federal Government in comparable foreign areas.

(b) The tropical differential shall be paid to employees who are U.S. citizens except those in the following categories:

(1) A married woman whose husband resides in the Canal Zone or the Republic of Panama. This exclusion shall not apply to such a married woman if she establishes to the satisfaction of her department that:

(i) Her husband is physically or mentally incapable of self-support.

(ii) She is legally separated; or

(iii) Her husband is 51 percent dependent upon her for his support.

(2) A child or stepchild of a resident of the Canal Zone or the Republic of Panama who is under 21 years of age and unmarried or who, regardless of age or marital status, does not maintain a separate household.

(c) Notwithstanding the provisions of paragraphs (a) or (b) of this section, each U.S. citizen employee in service on the effective date of this revised section, shall retain as a fixed tropical differential an amount equal to 25 percent of the aggregate compensation established under §§ 1204.10 and 1204.11 for the grade and pay step to which he was assigned on July 20, 1964, or if employed after that date, for the grade and pay step to which he would have been assigned had he been employed on July 20, 1964. Calculation of the fixed differential shall be made without reference to any retroactive pay increases authorized subsequent to July 20, 1964. In the event the employee's aggregate compensation is reduced after July 20, 1964, by reason of demotion or otherwise, his fixed differential shall be adjusted upon the effective date of this revised section, or when such demotion occurs, whichever is later, to the rate which he would have retained had he been assigned the lower grade or pay step on July 20, 1964. The retained rate of tropical differential shall continue to be paid only until one of the following events occurs:

(1) There is a break in service of one day or more;

(2) A two-year period has elapsed since the effective date of this revised section, and the employee is at that time, or thereafter becomes, ineligible to receive the differential under the conditions prescribed by paragraph (b) of this section; or

(3) The employee becomes eligible for the same or a greater amount of differential under paragraphs (a) and (b) of this section.

(d) An employee may be paid tropical differential under this section only to the extent that such payment, when combined with his aggregate compensation established under §§ 1204.10 and 1204.11, does not exceed the rate of $24,445 a year.

(2 C.Z.C. § 155, 76A Stat. 19; E.O. 11171, 29 F.R. 11897)

STEPHEN AILES,
*Secretary of the Army.*

[F.R. Doc. 64-10346; Filed, Oct. 9, 1964; 8:47 a.m.]

# Title 7—AGRICULTURE

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 132]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

**§ 910.432 Lemon Regulation 132.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 6, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 11, 1964, and ending at 12:01 a.m., P.s.t., October 18, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 93,000 cartons;

(iii) District 3: 90,495 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 8, 1964.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-10398; Filed, Oct. 9, 1964; 8:50 a.m.]

## PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

### Free, Reserve, and Surplus Percentages for 1964-65 Crop Year and List of Countries for Export Sale of Surplus Tonnage by or Through Handlers

The Raisin Administrative Committee has unanimously recommended (1) that 60 percent, 15 percent, and 25 percent, respectively, be designated as the free tonnage, reserve tonnage, and surplus tonnage percentages of standard natural (sun-dried) Thompson Seedless raisins acquired by handlers during the 1964-65 crop year, and (2) the countries to which sale in export of surplus tonnage raisins may be made by or through handlers. The Committee is established under, and its recommendations are made pursuant to, the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989; 29 F.R. 9482), regulating the handling of raisins produced from grapes grown in California. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act".

The percentages recommended by the Committee for standard natural (sun-dried) Thompson Seedless raisins are based on the following: (1) A free tonnage target of 132,000 tons[1] of such raisins for the 1964-65 crop year, as unanimously adopted by the Committee on August 31, 1964, and which is the same free tonnage objective sought when volume percentages were designated for the 1963-64 crop year; (2) a 1964 production of such raisins of 216,000 tons estimated by the Bureau of Agricultural Statistics of the California State Department of Agriculture on October 5, 1964; (3) 2,500 tons of standard raisins estimated that will be acquired by handlers in the 1964-65 crop year from raisins carried over from the 1963 production; (4) total of items (1) and (2), 216,500 tons; (5) a free tonnage percentage of 60 percent obtained by dividing item (1) by item (4), and multiplying the quotient of such division by 100 and rounding the result of 60.41 to the nearest even whole number; (6) a reserve tonnage percentage of 15 percent which is deemed sufficient to satisfy any deficiency in the free tonnage resulting from underestimation of trade demand or handler carryout needs, or from overestimation of the production; and (7) a surplus tonnage percentage of 25 percent, the residual obtained by subtracting the total of the free and reserve percentages from 100 percent.

The total supply of other varietal types of raisins is expected to approximate 21,000 tons. The Committee did not deem the supply of such raisins to be in excess of the quantity that can be marketed in all outlets at reasonable prices in 1964-65 and the quantity needed for desirable carryout. Volume regulation for these varietal types was deemed unnecessary and, therefore, none was recommended.

The 1964-65 list of countries to which sale in export of surplus tonnage raisins may be made by or through handlers, as recommended by the Committee, is the same as the list for the 1963-64 crop year.

Based upon the recommendation of the Raisin Administrative Committee, supported by the factors set forth in the 1964-65 marketing policy of the Committee and other available information including the estimates adopted by the Committee, it is hereby found that to designate for natural (sun-dried Thompson Seedless raisins the free tonnage percentage, reserve tonnage percentage, and surplus tonnage percentage for the 1964-65 crop year, and to establish, pursuant to § 989.68(c), the list of countries to which sale in export of surplus tonnage raisins may be made by or through handlers, as set forth below, will tend to effectuate the declared policy of the act.

[1] All tonnage figures herein are in terms of natural condition weight.



**§ 989.221 Free, reserve, and surplus tonnage percentages for the 1964-65 crop year.**

The percentages of standard natural (sun-dried) Thompson Seedless raisins acquired by handlers during the crop year beginning September 1, 1964, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, are designated as follows: Natural (sun-dried) Thompson Seedless raisins: Free tonnage percentage, 60 percent; reserve tonnage percentage, 15 percent; and surplus tonnage percentage, 25 percent.

**§ 989.222 Countries to which sale in export of surplus tonnage raisins may be made by or through handlers.**

The countries to which sale in export of surplus tonnage raisins acquired by handlers during the crop year beginning September 1, 1964, may be made by or through handlers shall be all of those countries, other than Australia, outside of the Western Hemisphere. For purposes of this section, "Western Hemisphere" means the area east of the international date line and west of 30 degrees W. longitude but shall not be deemed to include any of Greenland.

It is hereby further found that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) Under this regulatory program the percentages designated for a particular crop year apply to all standard raisins of the applicable varietal type acquired by handlers from the beginning of the crop year, and such acquisitions for the current crop year have begun; (2) the current crop year began on September 1, 1964, and the percentages herein designated will automatically apply to such raisins acquired on and after that date; (3) these actions are necessary to provide a firm basis for pricing raisins and making surplus tonnage raisins available to meet current export demand which may be lost by the California raisin industry if not promptly supplied; and (4) handlers are aware of the percentages recommended by the Committee and no preliminary preparation is required to utilize or comply with this regulation.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 7, 1964.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable Division.*

[F.R. Doc. 64-10352; Filed, Oct. 9, 1964; 8:48 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter II—Civil Aeronautics Board

### SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-421]

## PART 295—TRANSATLANTIC SUPPLEMENTAL AIR TRANSPORTATION

### Records and Record Retention

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of October 1964.

Incidental to its current review of reporting requirements, the Board has found that the monthly reports of transatlantic supplemental charters, required by § 295.5(a), furnish little information that is not otherwise available. The Board will therefore delete this requirement from Part 295.

Since this amendment relieves a restriction, the Board finds that notice and public procedure hereon are not required and the rule may become effective upon publication in the FEDERAL REGISTER.

Accordingly, the Board hereby amends § 295.5 of the Economic Regulations (14 CFR 295.5), effective October 10, 1964, as follows:

1. By amending the section title to read:

**§ 295.5 Records and record retention.**

2. By deleting paragraph (a), and redesignating paragraphs (b) and (c) as paragraphs (a) and (b), respectively.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 401(d)(3) and (n), 76 Stat. 143, 144; 49 U.S.C. 1371)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-10355; Filed, Oct. 9, 1964; 8:48 a.m.]

### SUBCHAPTER F—POLICY STATEMENTS

[Docket No. 15611]

## PART 399—STATEMENTS OF GENERAL POLICY

### Air Carrier Participation in Programs of Technical Assistance to Airlines of Less Developed Countries

OCTOBER 7, 1964.

The Board by publication in 29 F.R. 5787 amended Part 399 of its Policy Statements to include a statement of policy (§ 399.91) on participation by air carriers in U.S. Government financed programs of technical assistance to airlines of less developed countries. Although the statement of policy (Regulation No. PS-22) was effective on May 1, 1964, the Board said in adopting it that comments of interested persons submitted on or before May 18, 1964, would be considered by the Board and that the statement might be amended in light of such comments. Timely comments were

submitted by Continental Airlines, Inc., North Central Airlines, Inc., and Pan American World Airways, Inc. The comments raised no issues or considerations which the Board had not weighed in promulgating the policy statement and notice is hereby given that no changes will be made in § 399.91 on the basis of such comments.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-10856; Filed, Oct. 9, 1964; 8:48 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. 8597 c.]

### PART 13—PROHIBITED TRADE PRACTICES

### Detra Watch Case Corp. et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1900 *Source or origin:* 13.1900–30 Foreign in general.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Detra Watch Case Corp. et al., Long Island City, N.Y., Docket 8597, Sept. 24, 1964]

*In the Matter of Detra Watch Case Corp., a Corporation, and Arthur D. Natanson and William Levites, Individually and as Officers of Said Corporation, and Simon Kaplan, Arthur D. Natanson and William Levites, Co-Partners, Doing Business as Conde Watch Case Company*

Order requiring Long Island City, N.Y., distributors of watch cases to watch makers, assemblers of watches and wholesalers of watchmaker's supplies for resale, to cease selling watch cases made of base metal treated to simulate precious metal or stainless steel, or plated with gold or gold alloy of less than the minimum thickness approved by the Trade Practice Rules for the Watch Case Industry, without clearly disclosing on the exterior the true metal composition; and to cease selling imported watch cases—such as those from Hong Kong—without conspicuous disclosure of the country or place of foreign origin.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents, Detra Watch Case Corp., a corporation, and its officers and Arthur D. Natanson and William Levites, individually and as officers of said corporation and Simon Kaplan, Arthur D. Natanson and William Levites, co-partners trading as Conde Watch Case Company, or under any other name or names, and respondents' agents, respresentatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of watch cases, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling watch cases

(a) Which are in whole or in part composed of base metal that has been treated to simulate precious metal or stainless steel, or

(b) Which are in whole or in part composed of base metal which has been plated with gold or an alloy of gold of not less than 10 karat fineness and of thickness of less than 1½/1000 of an inch throughout after completion of all finishing operations,

without clearly and conspicuously disclosing on the exterior of such cases or parts the true metal composition in a form consistent with the Trade Practice Rules for the Watch Case Industry (set forth in the Code of Federal Regulations, Title 16, Chapter 1, Part 174).

2. Offering for sale or selling watch cases which are in whole or in part of foreign origin without affirmatively disclosing the country or place of foreign origin thereof on the exterior thereof on an exposed surface or on a label or tag affixed thereto of such degree of permanency as to remain thereon until consummation of consumer sale of the completed watches and of such conspicuousness as likely to be observed and read by purchasers and prospective purchasers of the completed watches.

3. Supplying to, or placing in the hands of any dealer or other purchaser, means or instrumentalities by or through which he may deceive and mislead the purchasing public in respect to practices prohibited in paragraphs 1 and 2 above.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: September 24, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-10330; Filed, Oct. 9, 1964; 8:45 a.m.]

[Docket No. C-229]

### PART 13—PROHIBITED TRADE PRACTICES

### George Frost Co. and Kenneth Chase

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition.* Subpart—Using misleading name—Goods: § 13.2280 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, George Frost Company et al., Shirley, Mass., Docket C-229, Sept. 16, 1964]

*In the Matter of George Frost Company, a Corporation, and Kenneth Chase, Individually and as an Officer of Said Corporation*

Order modifying—in effect, reinstating—consent order dated September 11, 1962—the compliance provision of which was later made inoperative until the Commission instituted action to correct certain alleged industry-wide practices—requiring sellers in Shirley, Mass., to cease using such expressions as "genuine cowhide" and "Solid Finished Cowhide Belts" for products made of split leather, and to cease selling such products without conspicuously disclosing that they were made of split leather, it having been determined that September 11, 1962, order was consistent with a Trade Regulation Rule relating to deception as to leather content of waist belts.

*It is ordered,* That the order to cease and desist contained in the decision of the Commission issued September 11, 1962, shall become effective with the issuance of this order (27 F.R. 9912), and that further order requiring report of compliance be as follows:

*It is further ordered,* That respondents herein shall on or before January 1, 1965, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the provisions of the order issued September 11, 1962.

Issued: September 16, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-10331; Filed, Oct. 9, 1964; 8:46 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

OXYSTEARIN

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1354) filed by the Procter and Gamble Company, 6000 Center Hill Road, Cincinnati 24, Ohio, and other relevant material, has concluded that the food additive regulations (21 CFR 121.1016) should be amended to prescribe for the safe use of oxystearin as a crystallization inhibitor in vegetable oils, and as a release agent in vegetable oils and vegetable shortenings. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1016 is amended by changing the introduction to the section, paragraph (b), and paragraph (c)(2) to read as follows:



§ 121.1016 Oxystearin.

The food additive oxystearin may be safely used in foods, when such use is not precluded by standards of identity, in accordance with the following conditions.

(a) • • •

(b) It is used or intended for use as a crystallization inhibitor in vegetable oils and as a release agent in vegetable oils and vegetable shortenings, whereby the additive does not exceed 0.125 percent of the combined weight of the oil or shortening.

(c) • • •

(2) Adequate directions to provide an oil or shortening that complies with the limitations prescribed in paragraph (b) of this section.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 2, 1964.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 64-10342; Filed, Oct. 9, 1964; 8:46 a.m.]

### PART 121—FOOD ADDITIVES

### Subpart G—Radiation and Radiation Sources Intended for Use in the Production, Processing, and Handling of Food

GAMMA RADIATION FOR TREATMENT OF FOOD

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 5M1509) filed by the United States Atomic Energy Commission, Washington, D.C., 20545, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of cesium 137 as a source of gamma radiation in or on wheat, wheat products, and white potatoes. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.3003(a) (21 CFR 121.3003(a); 29 F.R. 9329) is amended to read:

§ 121.3003 Gamma radiation for the treatment of wheat and potatoes.

• • • • • •

(a) The radiation source consists of sealed units containing the isotope cobalt 60 or cesium 137.

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 2, 1964.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 64-10343; Filed, Oct. 9, 1964; 8:47 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

### SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

### PART 32—HUNTING

### Lower Souris National Wildlife Refuge, North Dakota

On page 12317 of the FEDERAL REGISTER of August 27, 1964, there was published a notice of a proposed amendment to § 32.21 of title 50, Code of Federal Regulations. The purpose of this amendment is to provide for public hunting of upland game on the Lower Souris National Wildlife Refuge, North Dakota, as legislatively permitted.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with regard to the proposal. No comments, suggestions, and objections have been received, and the amendment is adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

1. Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized:

§ 32.21 List of open areas; upland game.

• • • • • •

NORTH DAKOTA

Lower Souris National Wildlife Refuge.

• • • • • •

(Sec. 10, 48 Stat. 1224; 16 U.S.C. 715 and sec. 4, 48 Stat. 451, as amended, 16 U.S.C. 718d)

STEWART L. UDALL, *Secretary of the Interior.*

OCTOBER 6, 1964.

[F.R. Doc. 64-10334; Filed, Oct. 9, 1964; 8:46 a.m.]

# Title 28—JUDICIAL ADMINISTRATION

## Chapter I—Department of Justice

[Order No. 324-64]

### PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Clarifying the departmental procedures relating to the production or disclosure of information or material in response to subpoena, order, or other demand:

By virtue of the authority vested in me by the laws of the United States, including section 161 of the Revised Statutes (5 U.S.C. 22) and Section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), Part 16 of Title 28 of the Code of Federal Regulations is hereby amended to read as follows:

Sec.

16.1 Production or disclosure of official information or material in response to a subpoena, order, or other demand prohibited unless approved by the Attorney General.

16.2 Procedure in the event of a demand for production or disclosure.

16.3 Procedure in the event of an adverse ruling.

AUTHORITY: The provisions of this Part 16 issued under sec. 2 of Reorganization Plan No. 2 of 1950, 64 Stat. 1261; R.S. 161, 5 U.S.C. 22.

§ 16.1 Production or disclosure of official information or material in response to a subpoena, order, or other demand prohibited unless approved by the Attorney General.

No officer or employee of the Department of Justice shall produce or disclose, in response to a subpoena, order, or other demand (hereinafter in this part referred to as a "demand") of a court or other authority any information or material contained in the files of the Department of Justice or any other information or material acquired as a part of the performance of his official duties or because of his official status, without the prior approval of the Attorney General. For

the purposes of this part, the term "officer or employee of the Department of Justice" includes all officers and employees of the United States appointed by, or subject to the supervision, jurisdiction, or control of, the Attorney General of the United States, including United States Attorneys, United States Marshals, and members of the staffs of those officials.

**§ 16.2 Procedure in the event of a demand for production or disclosure.**

(a)(1) Except as provided in paragraph (b) of this section, whenever a demand is made upon an officer or employee of the Department of Justice for the production or disclosure of information or material contained in the files of the Department of Justice or for the production or disclosure of any other information or material acquired as a part of the performance of his official duties or because of his official status, he shall immediately notify the Attorney General of such demand. If possible, the Attorney General shall be notified before the officer or employee concerned replies to, or appears before, the court or other authority.

(2) The appropriate United States Attorney, or such other attorney as may be designated for the purpose, shall appear with the officer or employee upon whom the demand shall have been made, and inform the court or other authority (i) that § 16.1 of this part prohibits the officer or employee from producing or disclosing the information or material demanded without the prior approval of the Attorney General, and (ii) that the demand has been, or is being, as the case may be, referred for the prompt consideration of the Attorney General. The United States Attorney, or the attorney designated, shall provide the court or other authority with a copy of the regulations prescribed in this Part and shall respectfully request the court or other authority to stay the demand pending the receipt of instructions or directions from the Attorney General concerning the demand.

(b) Whenever a demand of the type described in paragraph (a) of this section is made upon an officer or employee of the Department of Justice by a court or other authority while he is appearing before, or is otherwise in the presence of the court or other authority, the officer or employee, or the United States Attorney or other appropriate Government attorney, acting on behalf of the officer or employee, shall (1) immediately inform the court or other authority that § 16.1 prohibits the officer or employee from producing or disclosing the information or material demanded without the prior approval of the Attorney General, and (2) offer to refer the demand for the prompt consideration of the Attorney General. Unless the court or other authority withdraws the demand, the United States Attorney, or other appropriate Government attorney, shall provide the court or other authority with a copy of the regulations prescribed by this part and shall respectfully request the court or other authority to stay the demand pending the receipt of instructions or directions from the Attorney General concerning the demand.

**§ 16.3 Procedure in the event of an adverse ruling.**

If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with either § 16.2(a)(2) or (b) pending the receipt of instructions or directions from the Attorney General, or if the court or other authority rules adversely on any claim of privileges that may be asserted in conformity with the provisions of this part or with instructions or directions issued by the Attorney General pursuant thereto, the officer or employee upon whom the demand shall have been made shall, pursuant to the regulations prescribed in this part, respectfully decline to produce or disclose the material or information demanded (United States ex rel. Touhy v. Ragen, 340 U.S. 426).

Order No. 260–62 is hereby superseded.

The provisions of this order shall be effective when this order is filed for publication in the FEDERAL REGISTER.

Dated: October 8, 1964.

NICHOLAS DEB. KATZENBACH,
*Acting Attorney General.*

[F.R. Doc. 64–10403; Filed, Oct. 9, 1964; 9:09 a.m.]

# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

## PART 17—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

## PART 46—RURAL SERVICE

### Miscellaneous Amendments

In § 17.2 *Conditions applicable to mail addressed to certain military post offices overseas* (29 F.R. 7765), make the following changes:

1. Delete military post office numbers 22, 129, 167, 216, 243, 379, and 661 and the data related thereto.

2. Amend the data opposite post office number 124 to read: A–B*–C–I[1]–J.

3. Amend the data opposite post office numbers 199 and 202 to read: A–B*–C–I[1]–J.

4. Amend the data opposite post office number 205 to read: A–B–F–I[12].

5. Amend the data opposite post office number N240 to read: A–C–I[1].

6. Insert in numerical sequence post office number 302, with accompanying data A–B.

7. Insert in numerical sequence post office number 378, with accompanying data A–B*–C.

8. Amend the data opposite post office number N510 to read: A–C–I[1].

9. Amend the data opposite post office number N531 to read: B–H.

10. Amend the data opposite post office number N555 to read: A–C–I[1].

11. Amend the data opposite post office number 616 to read: A–B–I[12].

12. Amend the data opposite post office number 665 to read: A–B–F–I.

13. Amend the data opposite post office number 671 to read: A–I[12].

14. Insert in numerical sequence post office number 686, with accompanying data A–B–C–E.

15. Insert in numerical sequence post office numbers 691 and 693, with accompanying data A in both cases.

16. Amend the data opposite post office number 694 to read: A–B–I[12].

17. Amend the data opposite post office number 697 to read: A–B–F–I[12].

18. Under the footnotes strike out "Registered mail may exceed dimensions indicated in footnote I", which appears between footnotes I and J, and insert in lieu thereof the following:

[1] Provisions of this footnote are not applicable to registered mail.

[2] Provisions of this footnote are not applicable to airmail nor to official Government mail marked MOM.

NOTE: The corresponding Postal Manual section is 127.2.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

In § 46.5 *Rural boxes*, 29 F.R. 2911, make the following changes in the listing of manufacturers set out in paragraph (a)(4):

1. Insert in alphabetical order the following company:

American Device Manufacturing Co., 1010 West Broadway, Steeleville, Ill., 62288.

2. Delete the Southern Fabricators Corporation.

NOTE: The corresponding Postal Manual section is 156.514.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6005, 6009)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 64–10333; Filed, Oct. 9, 1964; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [7 CFR Parts 1103, 1105]

[Docket Nos. AO–346 and AO–297–A5]

## MILK IN SOUTHERN MISSISSIPPI AND MISSISSIPPI DELTA MARKETING AREAS

### Supplemental Notice of Hearing on Proposed Marketing Agreement and Order and Amendment to Tentative Marketing Agreement and Order

This notice is supplemental to the notice issued on August 27, 1964 (29 F.R. 12467), of a public hearing to be held at 10:00 a.m., local time, October 12, 1964, at the Hotel Heidelberg, 131 East Capitol Street, Jackson, Miss., on a proposed marketing agreement and order to regulate the handling of milk in the southern Mississippi marketing area and proposed amendment to the tentative marketing agreement and to the order regulating the handling of milk in the Mississippi Delta marketing area. On September 21, 1964 (29 F.R. 13273), notice was given that the hearing was postponed until October 26, 1964, and the location of the hearing was changed to the King Edward Hotel, 235 West Capitol Street, Jackson, Miss.

Further notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937 as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), that evidence will be received on all the proposals contained in this supplemental notice and in the notice issued August 27, 1964.

The proposals set forth below in this supplemental notice have not received the approval of the Secretary of Agriculture.

SOUTHERN MISSISSIPPI ORDER

Proposed by Mississippi Milk Producers Association and Gulf Milk Association, Inc.:

*Proposal No. 1.* The portion of proposal No. 1 published in the FEDERAL REGISTER of September 1, (29 F.R. 12467) covering §§ 1103.53 and 1103.61 is reprinted herein to show correction.

**§ 1103.53 Location differential to handlers.**

(a) For that milk which is received from producers at a pool plant and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price specified in § 1103.51(a) shall be reduced at the following rates (where mileage determinations are applicable these distances shall be determined by the market administrator by applying the shortest hardsurfaced highway distance open to commercial truck traffic):

| Location | Rate per hundredweight (cents) |
|---|---|
| (1) For milk received at a pool plant located in the following Mississippi counties: Adams, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, Hinds, Jasper, Jefferson, Jefferson Davis, Jones, Lamar, Lauderdale, Lawrence, Lincoln, Madison, Marion, Neshoba, Newton, Perry, Rankin, Scott, Simpson, Smith, Walthall, Warren and Wayne | 10.0 |
| (2) For milk received at a pool plant located outside the marketing area and in the State of Mississippi beyond the northern boundary of the marketing area but less than 30 miles north of the U.S. Highway No. 82 | 26.0 |
| (3) Except as provided in subparagraph (2) of this paragraph, for milk received at a pool plant located outside the marketing area and: | |
| (i) More than 60 but not more than 160 miles from the Courthouse in Gulfport or Pascagoula, Mississippi, whichever is nearer | 10.0 |
| (ii) For each additional 10 miles or fraction thereof, an additional | 1.5 |

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

**§ 1103.61 Plants subject to other Federal orders.**

The provisions of this part shall not apply to a plant specified in paragraph (a), (b), or (c) of this section except that the operator thereof, with respect to receipts and utilization of skim milk and butterfat, shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe and allow verification of such reports by the market administrator.

(a) A plant meeting the requirements of § 1103.11(a) which also meets the pooling requirements of another Federal order and from which the Secretary determines, a greater quantity of Class I milk is disposed of during the month as route dispositions in such other Federal order marketing area than was disposed of as route dispositions in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A plant meeting the requirements of § 1103.11(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless, fully regulated under such other Federal order; and

(c) A plant meeting the requirements of § 1103.11(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part except during the months of February through August if such plant retains automatic pooling status under this part.

MISSISSIPPI DELTA ORDER

Proposed by the Southland Corporation:

*Proposal No. 2.* Delete § 1105.61(a) and substitute therefor the following:

(a) A plant meeting the requirements of § 1105.10(a) which also meets the pooling requirements of another Federal order and from which the Secretary determines, a greater quantity of Class I milk is disposed of during the month as route dispositions in such other Federal order marketing area than was disposed of as route dispositions in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A plant meeting the requirements of § 1105.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order; and

*Proposal No. 2a.* Redesignate the present paragraph (b) under § 1105.61 as paragraph (c).

Proposed by Realicious Dairies, Inc.:

*Proposal No. 3.* Amend § 1105.15 by deletion of "During March through July" from paragraph (b), by deletion of para-

graph (c), and by deletion of paragraph (e).

*Proposal No. 4.* Amend the appropriate sections to allow the actual pounds of skim milk powder used to fortify Class I products and not the skim milk equivalent to be added to receipts.

*Proposal No. 5.* Amend § 1105.50(a) to read as follows:

**§ 1105.50 Class I milk price.**

(a) • • •

(1) The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b., plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) computed at 0.12 times the Chicago butter price. The basic formula price shall be rounded to the nearest full cent.

(2) The Class I milk price shall be the basic formula price for the preceding month plus $1.80 during the months of March through July and $2.00 in all other months.

Proposed by Cooperative Creamery Association:

*Proposal No. 6.* Delete § 1105.10(a)(1) of the pool plant definition and substitute therefor the following:

(1) Disposition in the marketing area on routes is 20 percent or more of its total route disposition or a daily average of 4,300 pounds, whichever is less; and

*Proposal No. 7.* Add a new § 1105.12(e) to the definition of handler:

(e) A cooperative association with respect to the milk of any member producer which it causes to be delivered to a pool plant in a tank truck owned and operated by or under contract to such cooperative association for the account of such cooperative association, if the cooperative association, prior to delivery, furnishes written notice to the market administrator and to the handler to whose plant the milk is delivered that it will be the handler for such milk. The milk so delivered shall be considered to have been received by such cooperative association at a pool plant at the location of the pool plant to which it is delivered.

*Proposal No. 8.* Revise § 1105.14 to read as follows:

**§ 1105.14 Producer.**

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or by a cooperative association pursuant to § 1105.12(e) or is diverted pursuant to § 1105.15.

*Proposal No. 9.* Amend the language in § 1105.15 preceding § 1105.15(a) by deleting the word "or" appearing immediately after the word "producers" and inserting therefor the following:

"• • • skim milk and butterfat received by a cooperative association pursuant to § 1105.12(e), and skim milk and butterfat • • •"

*Proposal No. 10.* Revise § 1105.30(a)(2) to read as follows:

(2) Fluid milk products received from other pool plants and from cooperative associations as handlers pursuant to § 1105.12(e);

*Proposal No. 11.* Revise § 1105.31(a) by inserting in the language preceding subparagraph (1) the additional reference "or (e)" immediately after the reference "§ 1105.12(c)."

*Proposal No. 12.* Revise § 1105.41(b)(3) to provide shrinkage allowance of one and one-half percent of milk transferred in bulk from other pool plants and from cooperative associations in their capacity as handlers pursuant to § 1105.12(e) except that where the handler is purchasing milk from a cooperative association in its capacity as a handler pursuant to § 1105.12(e) and files with the market administrator, prior to the first day of the month, notice that he is purchasing such milk on the basis of the butterfat tests of farm drawn samples and weights determined at the farm, the applicable percentage on such milk shall be 2.0 percent; plus".

*Proposal No. 13.* Revise the language in § 1105.44 preceding subparagraph (a)(1) thereof to cover milk received from a cooperative association as a handler pursuant to § 1105.12(e) by amending it to read as follows:

**§ 1105.44 Transfers.**

Skim milk and butterfat transferred or diverted during the months as a fluid milk product from a pool plant or a cooperative association in its capacity as a handler pursuant to § 1105.12(e) to:

(a) The pool plant of another handler shall be classified at the utilization indicated by both handlers otherwise as Class I, subject in either event to the following conditions:

*Proposal No. 14.* Amend allocation provisions of § 1105.46 to cover milk received from a cooperative association as a handler pursuant to § 1105.12(e) by providing for its allocation in the same step as other milk from pool handlers, as follows:

"Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers and from cooperative associations which are handlers pursuant to § 1105.12(e) according to the classification assigned pursuant to § 1105.44(a); and".

*Proposal No. 15.* Delete § 1105.50(b) and substitute therefor the following:

(b) *Class II milk price.* The Class II milk price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) computed at 0.12 times the Chicago butter price, subject to the following adjustments:

(1) Round to the nearest full cent; and

(2) Add 10 cents for the months of August through February.

*Proposal No. 16.* Amend § 1105.52 *Location adjustment to handlers* to apply to milk received from cooperative associations pursuant to § 1105.12(e) in the same manner as to milk received from producers.

MISSISSIPPI DELTA-SOUTHERN MISSISSIPPI

Proposed by the Noxubee Milk Producers Association:

*Proposal No. 17.* That a single order be issued to regulate the handling of milk in the Mississippi Delta and proposed southern Mississippi marketing areas and that Order No. 105 be terminated simultaneously using the language proposed by the Mississippi Milk Producers Association for the southern Mississippi area as contained in the original notice of hearing dated August 27, 1964, with certain modifications, as proposed in proposals No. 18, 19, and 20.

*Proposal No. 18.* Section 1103.6 should read as follows:

"Mississippi marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the counties of Adams, Attala, Bolivar, Carroll, Choctaw, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, Grenada, Hinds, Holmes, Humphreys, Jasper, Jefferson, Jefferson Davis, Jones, Lamar, Lauderdale, Lawrence, Leake, Leflore, Lincoln, Lowndes, Madison, Marion, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Perry, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Walthall, Warren, Washington, Wayne, Webster (except Beat 5), Winston, and Yazoo; Beats 1 and 4 in Calhoun County; Beats 4 and 5 in Coahoma County; Beats 2, 3, 4 and 5 in Quitman County including all of the village of Crowder; and Beats 1, 4, and 5 in Yalobusha County, all in the State of Mississippi, including all territory within such boundaries occupied by Government (municipal, State or Federal) reservations, installations, institutions, or other similar establishments plus all territory within Harrison County, Mississippi occupied by the Keesler Air Force Base military installation.

*Proposal No. 19.* Section 1103.51(a)(1) should read as follows:

(1) Divide the total receipts of producer milk by the total volume of Class I milk (excluding interhandler transfers) under this part in each of the following periods and round to one-tenth of one percent:

*Proposal No. 20.* Section 1103.53(a)(2) should read as follows:

| | |
|---|---|
| (2) For milk received at a pool plant located beyond the northern boundary of the counties listed in (1) but less than 30 miles north of the U.S. Highway No. 82 | 26.0 |

Proposed by Barber Pure Milk Company, Gulfport; B and B Dairy Products, Brookhaven; Brookshire Dairy Products, Columbus; Bush Processors, Inc., Laurel; Denton Dairy Products, Cleveland; Gramar Dairy, Hattiesburg; Luvel Dairy, Kosciusko; Magnolia Dairy, Inc., Vicksburg; Mosby Dairy, Meadville; Realicious Dairy Products, Columbus; Singley All Star Dairy, Columbia; Walker Farms Dairy Products, Inc., Stoneville; Gulf Coast Dairymen's Association, Hattiesburg; C. O. Herchenhahn, Rte. 5, Hattiesburg; Luther Conn, RFD, Gulfport; Ed Castilow, RFD, Wiggins; Max Miller, RFD, Gulfport; Jim Buck Smith, RFD, Bay St. Louis; Jack Barnett, Starkville; Ray Turman, Horn Lake; Dudley B. Bridgetorth, Nesbit; Dan Gill, Nesbit; Roy Wooten, Independence; Hoyt Austin, Lake Comorant, Mississippi; and Jack Hardenbergh, Lamar Hall, Whitelaw Baily:

*Proposal No. 21.*

**§ 1103.6 Southern Mississippi marketing area.**

"Southern Mississippi marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the counties of Adams, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, Greene, George, Hancock, Harrison, Hinds, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Lamar, Lauderdale, Lawrence, Lincoln, Madison, Marion, Neshoba, Newton, Pearl River, Perry, Rankin, Scott, Simpson, Smith, Stone, Walthall, Warren and Wayne, all in the State of Mississippi, including all territory within such boundaries occupied by Government (municipal, State or Federal) reservations, installations, institutions, or other similar establishments.

Proposed by Barber Pure Milk Company, et al., except Jack Hardenbergh, Lamar Hall, and Whitelaw Baily:

*Proposal No. 22.* It is hereby proposed that any order written as a result of the pending hearing include in its terms the provisions necessary for the operation of an individual-handler pool rather than a marketwide pool.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

*Proposal No. 23.* Make such changes as may be necessary to make the entire Mississippi Delta marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this supplemental notice of hearing and the Mississippi Delta order may be procured from the Market Administrator, Cleo C. Taylor, Post Office Box 9747, Northside Station, Jackson, Miss., 39206, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on October 7, 1964.

ROY W. LENNARTSON,
*Associate Administrator.*

[F.R. Doc. 64-10353; Filed, Oct. 9, 1964; 8:48 a.m.]



## [7 CFR Part 1104]

[Docket No. AO-298-A6]

## MILK IN RED RIVER VALLEY MARKETING AREA

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Lake Murray Lodge, Admore, Okla., beginning at 10:00 a.m., c.s.t., on October 26, 1964, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Red River Valley marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposals relative to a redefinition of the marketing area raise the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Central Oklahoma Milk Producers Association and the North Texas Producers Association.

*Proposal No. 1.* Amend § 1104.4 *Marketing area,* by adding to the present marketing area, all of the territory included within the following Oklahoma Counties of: Garvin, Murray, Johnston, Pontotoc, Coal, Atoka, Bryan, Pushmataha, Choctaw, McCurtain, Cotton, Jefferson, Love, and Marshall.

*Proposal No. 2.* Amend § 1104.50(a), by deleting the last two words "15 cents", and inserting in lieu thereof, the two words "25 cents".

*Proposal No. 3.* Amend § 1104.52 *Location adjustment credit to handlers* by deleting the language contained therein, and substituting in lieu thereof the following:

**§ 1104.52 Location adjustment credit to handlers.**

For that milk which (a) is received from producers at a pool plant located outside the State of Texas, and which is classified as Class I, the prices specified in § 1104.50 shall be reduced 15 cents per hundredweight, plus an additional amount as follows, based on the basis of the distance that such plant is from the City Hall in Wichita Falls, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator:

| Distance from the city hall in Wichita Falls: | Cents per cwt |
|---|---|
| 100–115 miles | 3 |
| 115.1–130 miles | 6 |
| 130.1–150 miles | 10 |
| 150.1–165 miles | 12 |
| 165.1–180 miles | 14 |
| 180.1–195 miles | 16 |
| 195.1–210 miles | 18 |
| 210.1–225 miles | 20 |
| 225.1–240 miles | 22 |

Plus one cent for each additional 15 miles or fraction thereof in excess of 240 miles: *Provided,* That in calculating such adjustment, transfers to a pool plant at which a location adjustment credit is not applicable or at which it is less than the transferor plant shall be assigned to Class I milk only to the extent that Class I disposition at the transferee plant exceeds 95 percent of the receipts from producers at such plant. Such assignment to transferor plants should be made first to plants at which no location adjustment credit is applicable and then in sequence to plants at which the lowest rate of such adjustment credit would apply.

*Proposal No. 4.* Amend § 1104.74. *Location adjustment to producers* by making a change in this section to conform to the change made in § 1104.52.

*Proposal No. 5.* Amend § 1104.66 *Base rules,* to provide for the free transfer of bases from one producer to another, provided that the computation of the base is not made in such a way as to increase the total amount of base milk that would be created without such change.

Proposed by the Southland Corporation:

*Proposal No. 6.* Amend § 1104.4 *Red River Valley marketing area* to include the counties of Archer, Baylor, Clay and Montague, all in the State of Texas.

*Proposal No. 7.* In § 1104.41(b) redesignate subparagraphs (5), (6), and (7) as (6), (7), and (8), respectively, delete subparagraph (4), and insert new subparagraphs (4) and (5) as follows:

(4) Disposed of in the form of fluid milk products and used for livestock feed subject to inspection (at his discretion) by the market administrator;

(5) Skim milk dumped after prior notification to and opportunity for verification by the market administrator;

*Proposal No. 8.* Delete § 1104.61 as written and substitute therefor the following:

**§ 1104.61 Plants subject to other Federal orders.**

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A plant meeting the requirements of § 1104.9 which also meets the pooling requirements of another Federal order and from which, the Secretary deter-

mines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A plant meeting the requirements of § 1104.9, as a distributing plant, which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order; and

(c) A plant meeting the requirements of § 1104.9, as a supply plant, which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of January through August if such plant retains automatic pooling status under this part.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

*Proposal No. 9.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 3747 South Harvard, Post Office Box 4568, Tulsa, Okla., 74114, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on October 7, 1964.

ROY W. LENNARTSON,
*Associate Administrator.*

[F.R. Doc. 64–10354; Filed, Oct. 9, 1964; 8:48 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Parts 146, 148u ]

## DACTINOMYCIN; DACTINOMYCIN FOR INJECTION

### Proposal To Amend Tests and Methods of Assay and Certification of Antibiotic Drug

Based on a petition received by the Food and Drug Administration pursuant to section 507(f) of the Federal Food, Drug, and Cosmetic Act (sec. 507(f), 59 Stat. 463 as amended; 21 U.S.C. 357(f)), the Commissioner of Food and Drugs proposes to issue regulations for tests and methods of assay and certification of the subject antibiotic drug.

1. It is proposed to amend § 146.1 *Definitions and interpretation* * * * in the following respects:

a. By adding to paragraph (a) the following new subparagraph:

(29) Dactinomycin is a specific kind of actinomycin produced by the growth of *Streptomyces parvullus* or the same antibiotic produced by any other means.

b. By adding to paragraph (b) the following new subparagraph:

(31) The term "dactinomycin master standard" means a specific lot of dactinomycin designated by the Commissioner as the standard of comparison in determining the potency of the dactinomycin working standard.

c. By adding to paragraph (c) (2) the following new subdivision:

(xxxii) The term "microgram" applied to dactinomycin means the dactinomycin activity (potency) contained in 1.000 microgram of the dactinomycin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

d. By adding to paragraph (d) the following new subparagraph:

(31) The term "dactinomycin working standard" means a specific lot of a homogenous preparation of dactinomycin.

2. It is proposed to amend Title 21 by adding thereto the following new part:

## PART 148u—DACTINOMYCIN

Sec.
148u.1 Dactinomycin.
148u.2 Dactinomycin for injection.

AUTHORITY: The provisions of this Part 148u issued under sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357.

### § 148u.1 Dactinomycin.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Dactinomycin is a bright-red crystalline compound that is so purified and dried that:

(i) Its potency is not less than 900 micrograms of dactinomycin per milligram, calculated on an anhydrous basis.

(ii) It is sterile.

(iii) It is pyrogen-free.

(iv) Its $LD_{50}$ in mice is not less than 0.65 and not more than 1.23 milligrams of dactinomycin per kilogram of body weight.

(v) Its moisture content is not more than 15 percent.

(vi) Its absorptivity at 445 mμ is not less than 0.95 and not more than 1.03 times that of the dactinomycin working standard at the same wavelength. Its absorbance at 240 mμ is not less than 1.3 and not more than 1.5 times its absorbance at 445 mμ.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter, and in addition each package shall bear on its label the statement "Protect from light and excessive heat." Its expiration date is 12 months.

(3) *Request for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, $LD_{50}$, moisture, absorptivity, and crystallinity.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 40 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 40 milligrams.

(4) *Fees.* $5.00 for each container in the sample submitted in accordance with subparagraph (3)(ii)(*a*) of this paragraph; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for any repeat sterility test, in accordance with subparagraph (3)(ii)(*b*) of this paragraph.

(b) *Tests and methods of assay.* Dactinomycin is toxic and corrosive. It must be handled with care in the laboratory. Transfer all dry powders in a suitable hood, while wearing rubber gloves. Avoid inhaling fine particles of the powder. Do not pipette by mouth. If any of the substance contacts the skin, wash copiously with soap and water. Dispose of all waste material by dilution with larger volumes of trisodium phosphate solution.

1. *Potency*—(i) *Cylinders.* Use cylinders described in § 141a.1(a) of this chapter.

(ii) *Culture media.* Use ingredients that conform to the standards of the U.S.P. or the N.F.

(a) Make nutrient agar for carrying the test organism as follows:

| | |
|---|---|
| Peptone | 6.0 gm. |
| Pancreas digest of casein | 4.0 gm. |
| Yeast extract | 3.0 gm. |
| Beef extract | 1.5 gm. |
| $MnSO_4 \cdot H_2O$ | 300 mg. |
| Dextrose | 1.0 gm. |
| Agar | 15.0 gm. |
| Distilled water q.s. | 1,000.0 ml. |

pH 6.5–6.6 after sterilization.

(b) Make nutrient agar for the seed and base layers as follows:

| | |
|---|---|
| Beef extract | 1.5 gm. |
| Yeast extract | 3.0 gm. |
| Peptone | 6.0 gm. |
| Agar | 15.0 gm. |
| Distilled water q.s. | 1,000 ml. |

pH 7.8–8.0 after sterilization.

In lieu of preparing the media from the individual ingredients specified in this subdivision, they may be made from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such media. Minor modifications of the individual ingredients specified in this subdivision are permissible if the resulting media possess growth-promoting properties at least equal to the media described.

(iii) *Working standard.* Dry a portion of the working standard for 3 hours at 60° C. and a pressure of 5 millimeters or less. Determine the dry weight and dissolve in sufficient methyl alcohol to



give a concentration of 10 milligrams of dactinomycin per milliliter; add sufficient 0.1*M* potassium phosphate buffer, pH 8.0, to give a stock solution containing 1,000 micrograms of dactinomycin per milliliter.

(iv) *Preparation of sample.* Dissolve a portion of the sample to be tested in sufficient methyl alcohol to give a concentration of 10 milligrams of dactinomycin per milliliter; add sufficient 0.1*M* potassium phosphate buffer, pH 8.0, to give a stock solution containing 1,000 micrograms of dactinomycin per milliliter. Further dilute the sample stock solution in 0.1*M* potassium phosphate buffer, pH 8.0, to the reference concentration of 1.0 microgram of dactinomycin per milliliter (estimated).

(v) *Preparation of test organism (spore suspension).* The test organism is *Bacillus subtilis* (ATCC 6633). Maintain the test organism on nutrient agar prepared as described in subdivision (ii)(*a*) of this subparagraph. Prepare a spore suspension by the following method: Grow the organism for 5 days at 37° C. in a Roux bottle of the nutrient agar prepared as described in subdivision (ii)(*a*) of this subparagraph. Harvest the growth with the aid of sterile distilled water and glass beads. Suspend the growth in 50 milliliters of sterile distilled water, centrifuge and decant the supernatant liquid. Suspend the sediment with sterile distilled water and heat-shock for 30 minutes at 70° C. Maintain the spore suspension at approximately 15° C. Determine by appropriate tests the quantity of spore suspension to be added to each 100 milliliters of agar for the seed layer that will give clear, sharp zones of inhibition.

(vi) *Preparation of the plates—*(*a*) *Base layer.* Add 21 milliliters of melted nutrient agar described in subdivision (ii)(*b*) of this subparagraph to each Petri dish (20 millimeters x 100 millimeters) and allow to harden on a level surface.

(*b*) *Seed layer.* Melt nutrient agar described in subdivision (ii)(*b*) of this subparagraph. Accurately measure a sufficient quantity of the melted nutrient agar, cool to 48° C. and add the appropriate quantity of the spore suspension prepared as described in subdivision (v) of this subparagraph. Swirl the inoculated nutrient agar to obtain a homogeneous suspension, and add 4 milliliters to each of the plates containing the 21 milliliters of uninoculated agar. Tilt the plates back and forth to spread the inoculated agar evenly and allow to harden on a level surface.

(vii) *Standard curve.* Using the stock solution described in subdivision (iii) of this subparagraph, prepare the standard curve in 0.1*M* potassium phosphate buffer, pH 8.0, to contain concentrations of 0.5, 0.71, 1.0, 1.41, and 2.0 micrograms of dactinomycin per milliliter. A total of 12 plates is used in the preparation of the standard curve, three plates for each solution except the 1.0 microgram per milliliter solution. The latter concentration is used as the reference point and is included on each plate. On each of three plates all three cylinders with the 1.0 microgram per milliliter standard and the alternate three cylinders with the concentration under test. Thus, there will be 36 1-microgram determinations and 9 determinations for each of the other points on the curve. After the plates have incubated, determine the diameters of the zones of inhibition. Average the diameters of the 1.0 microgram per milliliter concentration and the diameters of the concentration tested for each set of three plates, and average also all 36 readings of the 1.0 microgram per milliliter concentration. The average of the 36 readings of the 1.0 microgram per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 1.0 microgram per milliliter reading for the set of three plates were the same as the correction point. Thus, if in correcting the 0.5 microgram concentration, the average of the 36 diameters of the 1.0 microgram per milliliter concentration is 16.5 millimeters and the average diameter of the 1.0 microgram per milliliter concentration of this set of three plates is 16.3 millimeters, the correction is +0.2 millimeter. If the average diameter of the 0.5 microgram per milliliter concentration of these same three plates is 15.9 millimeters, the corrected value is then 16.1 millimeters. Plot these corrected values, including the average diameter of the 1.0 microgram per milliliter concentration on 2-cycle semilog paper, using the concentration in micrograms per milliliter as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points, either by inspection or by use of the following equations:

$$L = \frac{3a+2b+c-e}{5},$$

$$H = \frac{3e+2d+c-a}{5},$$

where:

$L$ = Calculated zone diameter for the lowest concentration of the standard curve.

$H$ = Calculated zone diameter for the highest concentration of the standard curve.

$a$, $b$, $c$, $d$, $e$ = Corrected average values for the 0.5, 0.71, 1.0, 1.41, and 2.0 micrograms per milliliter standard solutions, respectively.

Plot the values obtained for $L$ and $H$ and connect with a straight line.

(viii) *Assay.* Place six cylinders on the inoculated agar surface so that they are at approximately 60° intervals on a 2.8-centimeter radius. Use three plates for each sample. Fill three cylinders on each plate with the 1.0 microgram per milliliter standard solution and three cylinders with the 1.0 microgram per milliliter (estimated) sample solution, alternating standard and sample. Incubate the plates for 16 to 18 hours at 37° C. and measure the diameter of each zone of inhibition.

(ix) *Estimation of potency.* Average the zone diameters of the standard and average the zone diameters of the sample on the three plates used. If the sample gives a larger average zone size than the average of the standard, add the difference between them to the 1.0-microgram zone size of the standard curve. If the average sample value is lower than the standard value, subtract the difference between them from the 1.0-microgram value on the curve. From the curve, read the potencies corresponding to these corrected values of zone sizes.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use 40 milligrams in lieu of 300 milligrams.

(3) *Pyrogens.* Proceed as directed in § 141a.3 of this chapter, except administer as a test dose 1 milliliter per kilogram of a pyrogen-free distilled water solution containing 0.2 milligram of dactinomycin per milliliter.

(4) $LD_{50}$[1]—(i) *Sample solution.* Prepare a solution containing 50 micrograms of dactinomycin per milliliter by dissolving an appropriate quantity of the sample in sufficient sterile distilled water. If the sample does not dissolve immediately, place it in an ice water bath or a refrigerator for 1 to 2 hours, and then allow to reach room temperature before use.

(ii) *Procedure.* Select 70 female mice weighing between 18 and 20 grams. Individually identify and weigh them to the nearest 0.1 gram. Use 10 mice at each of the following dose levels: 9.6, 11.52, 13.9, 16.7, 20.0, 24.0, and 28.8 milliliters of sample solution per kilogram of body weight. Calculate the volume of solution to be given to each mouse and administer the appropriate volume intravenously at the rate of 0.5 milliliter per minute. Observe the mice daily for 14 days and record any signs of drug toxicity and times of death. Estimate the $LD_{50}$ and its 95 percent confidence limits by the method of Carrol S. Well, published in Biometrics, volume 8, pages 249–263 (1952).

(5) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

(6) *Absorptivity*—(i) *Procedure.* Accurately weigh approximately 15 milligrams of the sample and 15 milligrams of the working standard. Transfer each weighing to separate 100-milliliter volumetric flasks. Dissolve the material and bring to volume with spectrophotometric-grade methyl alcohol. Mix well. Pipette 5.0 milliliters of each solution into separate 25-milliliter volumetric flasks, dilute to volume with spectrophotometric-grade methyl alcohol. Mix well. Using a suitable spectrophotometer and 1-centimeter absorption cells, determine the absorbance of the sample solution at the 240 mμ and at the 445 mμ absorption peaks (the exact position of the peaks should be determined for the particular instrument used). Determine the absorbance of the standard solution at the 445 mμ absorption peak.

[1] The term "$LD_{50}$" refers to the dosage of the drug that should be expected to kill 50 percent of the animals that receive the drug.

(ii) *Calculations.*

$$\text{(e) Absorptivity at 445 m}\mu = \frac{(A_2)\,(\text{milligrams of standard})\,(1-0.01\ M_W)\,(\text{potency of the standard in micrograms per milligram})}{(A_2)\,(\text{milligrams of sample})\,(1-0.01\ M_S)\,(1{,}000)}$$

(b) Ratio for the absorbances of the sample at 240 m$\mu$ and 445 m$\mu$=

$$\frac{A_1}{A_2}.$$

Where:

$A_1$=absorbance at 240 m$\mu$ for the sample.
$A_2$=absorbance at 445 m$\mu$ for the sample.
$A_3$=absorbance at 445 m$\mu$ for the standard.
$M_W$=percent moisture in the working standard.
$M_S$=percent moisture in the sample.

(7) *Crystallinity.* Mount a few particles of the sample in mineral oil and examine by means of a polarizing microscope. The particles reveal the phenomena of birefringence and extinction positions on revolving the microscope stage.

§ 148u.2 Dactinomycin for injection.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Dactinomycin for injection is a dry mixture of dactinomycin and mannitol. Each container contains 0.5 milligram of dactinomycin. It is sterile. It is nonpyrogenic. The $LD_{50}$ in mice is between 0.65 and 1.23 milligrams of dactinomycin per kilogram. Its moisture content is not more than 4.0 percent. Its pH is not less than 5.5 and not more than 7.0. The crystalline dactinomycin used conforms to the standards prescribed by § 148u.1(a)(1)(i), (v), and (vi). Each other ingredient used, if its name is recognized by the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter, and in addition each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container the statement "Protect from light and excessive heat."

(ii) On the outside wrapper or container and the immediate container the statement "For hospitalized patients only."

Its expiration date is 12 months.

(3) *Request for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The dectinomycin used in making the batch: For potency, moisture, absorptivity, and crystallinity.

(*b*) The batch: For microbiological potency, spectrophotometric potency, sterility, pyrogens, $LD_{50}$, moisture, and pH.

(ii) Samples required:

(*a*) The dactinomycin used in making the batch: 10 containers each containing not less than 40 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(*2*) For sterility testing: 20 immediate containers.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One container of each consisting of not less than 5 grams.

(4) *Fees.* $4.00 for each container in the samples submitted in accordance with subparagraph (3)(ii)(*a*), (*b*), and (*c*) of this paragraph; $12.00 for all containers in the sample submitted for the initial sterility test, and $24.00 for all containers in the sample submitted for the first repeat sterility test, in accordance with subparagraph (3)(ii)(*b*)(*2*) of this paragraph.

(b) *Tests and methods of assay.* Dactinomycin is toxic and corrosive. It must be handled with care in the laboratory. Transfer all dry powders in a suitable hood while wearing rubber gloves. Avoid inhaling fine particles of the powder. Do not pipette by mouth. If any of the substance contacts the skin, wash copiously with soap and water. Dispose of all waste material by dilution with large volumes of trisodium phosphate solution.

(1) *Potency*—(i) *Microbiological assay.* Reconstitute the sample as directed in the labeling. Using a suitable syringe, withdraw the entire contents and dilute in 0.1*M* potassium phosphate buffer, pH 8.0, to a concentration of 1.0 microgram of dactinomycin per milliliter (estimated). Proceed as directed in § 148u.1(b)(1).

(ii) *Spectrophotometric assay—*(*a*) *Preparation of standard solution.* Accurately weigh approximately 15 milligrams of the working standard and transfer to a 100-milliliter volumetric flask. Dissolve the standard and bring to volume with spectrophotometric-grade methyl alcohol. Mix well. Pipette 5.0 milliliters into a 25-milliliter volumetric flask and dilute to volume with spectrophotometric-grade methyl alcohol.

(*b*) *Preparation of sample solution.* Prepare a sample solution by washing the contents of a container into a 25-milliliter volumetric flask and diluting to volume with spectrophotometric-grade methyl alcohol. Obtain a clear solution by decanting or filtering off any undissolved mannitol.

(*c*) *Procedure.* Determine the absorbance of the sample and standard solution at the 445 m$\mu$ absorption peak as directed in § 148u.1(b)(6)(i).

(*d*) *Calculation.*

$$\text{Milligrams of dactinomycin per container} = \frac{(A_1)\,(\text{milligrams of standard weighed})\,(\text{potency of standard in micrograms per milligram})}{(A_2)\,(20)\,(1{,}000)}$$

where:

$A_1$=absorbance of the sample solution at 445 m$\mu$.

$A_2$=absorbance of the standard solution at 445 m$\mu$.

Its content of dactinomycin is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of dactinomycin that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use the entire contents of each of the immediate containers tested.

(3) *Pyrogens.* Reconstitute as directed in the labeling, and proceed as directed in § 148u.1(b)(3).

(4) $LD_{50}$. Reconstitute five immediate containers as directed in the labeling, and pool the contents. Further dilute the solution with sterile distilled water to obtain a concentration of 50 micrograms of dactinomycin per milliliter, and proceed as directed in § 148u.1(b)(4).

(5) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

(6) *pH.* Reconstitute as directed in the labeling and proceed as directed in § 141a.5(b) of this chapter.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: October 2, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-10344; Filed, Oct. 9, 1964; 8:47 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 91 [New] ]

[Reg. Docket No. 6235; Notice 64-45]

## ALTERNATE AIRPORTS

### Notice of Proposed Rule Making

The Federal Aviation Agency is considering amendments to Part 91 [New] of the Federal Aviation Regulations which would alter flight plan and fuel requirements as they pertain to alternate airports.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before December 8, 1964, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 91.83 [New] of the Federal Aviation Regulations requires each person filing an IFR flight plan to include



therein an alternate airport. It also sets forth criteria for the selection of an alternate airport. The substance of these provisions has remained unchanged for many years. In the meantime, improvements and expansion of aviation equipment and services have made it possible to lower airport landing minimums and decreased the likelihood that weather conditions will prevent an IFR pilot from landing at his destination airport. As a result, the FAA has concluded that a relaxation of the requirement to include an alternate airport in an IFR flight plan may be feasible.

Under the Dispatching Rules in Part 40 of the Civil Air Regulations, scheduled interstate air carriers may omit the designation of an alternate airport when, for the period two hours before to two hours after the estimated time of arrival, the ceiling at the airport to which the flight is dispatched is forecast to be at least 1,000 feet above the minimum approach altitude and the visibility at that airport is forecast to be at least three miles. In addition, under exemptions to the Air Traffic Rules, military pilots are permitted to deviate from the rule on inclusion of an alternate in an IFR flight plan. These pilots adhere to military flight rules requiring an alternate airport unless a ceiling of at least 5,000 feet and a prevailing visibility of at least five miles are forecast for the destination airport. The air carriers and the military departments have used these minimums successfully for several years. Recently, the FAA has included in Part 135 [New] of the Federal Aviation Regulations IFR alternate airport requirements for air taxi operators and commercial operators of small aircraft that specify minimums similar to those in CAR 40.

The FAA has studied the advantages and disadvantages of the minimums used by the air carriers and the military departments and believes that minimums similar to those used by the air carriers might be more satisfactory for general application to the aviation community. The minimum ceiling under the rules for air carriers is related to the initial approach altitude for the airport involved, thus providing flexibility consistent with safety. On the other hand, a constant ceiling value is desirable for jet pilots who frequently make an initial penetration from a high altitude. Because of the unique requirements of the military establishment, therefore, and the satisfactory manner in which military alternate airport requirements have been employed, the military services would continue to operate under exemptions from the requirements on alternate airports.

A visibility requirement of three miles for the destination airport would be adequate in most situations. However, some instrument approach procedures specify landing minimums requiring visibility of three or more miles. To provide for an adequate margin in these cases, the proposed rule would require that the visibility at the destination airport be forecast to be at least three miles, or two miles more than the lowest authorized landing minimum visibility, whichever is greater.

In arriving at a span of time during which weather conditions at the destination airport would have to be forecast at or above specified minimums, the Agency reviewed the varying standards used by the military services and those applicable to the dispatching of air carrier flights, and found all of them to have their advantages and disadvantages. However, it was concluded that a period of time from two hours before to two hours after the estimated time of arrival at the destination airport would be most appropriate. This standard would allow a margin for the unforecast deterioration of weather and protect flights arriving at other than their estimated times.

The current provisions in the Flight Rules on the selection of an eligible alternate state that no person may list an alternate airport in an IFR flight plan unless current weather reports and forecasts indicate that, at the time of arrival, the ceiling and visibility at that airport will be at or above the alternate airport weather minimums prescribed for that airport in Part 97 [New]. If no minimums are so prescribed, the pilot is then guided by two sets of minimums in § 91.83(b) [New], one applicable to airports served by a radio directional facility, and the other applicable to airports not served by such a facility. Under these provisions, it would be permissible for a pilot to designate as his alternate an airport for which no standard instrument approach procedure was prescribed, but at which the applicable MEA and reported weather conditions would necessitate the execution of an instrument letdown. The rule proposed herein would eliminate this possibility as it would require that the ceiling and visibility at the alternate be forecast to be at or above the alternate airport minimums prescribed in Part 97 [New], or, if no minimums were so prescribed, at or above a level permitting descent from the IFR minimum en route altitude, approach, and landing in weather conditions identical to or better than that specified for basic VFR in controlled airspace outside the continental control area.

Section 91.23 [New] of the Federal Aviation Regulations contains the requirement that sufficient fuel be carried by civil aircraft operating in IFR conditions to fly from the first airport of intended landing to the alternate airport. Although this regulation applies to operations conducted in IFR conditions and the regulation on the inclusion of an alternate airport in an IFR flight plan applies to flights conducted under the Instrument Flight Rules, both regulations are designed to provide for the circumstance where a pilot finds it is not feasible to land at the destination airport. Therefore, the Agency feels that a relaxation of the fuel requirements in FAR 91.23 would be consistent with the relaxation of the rule in FAR 91.83. Agency regulations do not require interstate air carriers operating IFR to carry a fuel supply for an alternate airport if, under the air carrier standards discussed above, the designation of an alternate is unnecessary. In addition, under Part 135 [New], air taxi operators and commercial operators of small aircraft operating aircraft in IFR conditions will not be required to carry fuel for an alternate if, under standards similar to those applicable to the air carriers, the designation of an alternate is unnecessary. The Agency proposes, therefore, that the requirement in § 91.23 [New] for fuel to fly from the first airport of intended landing to an alternate airport not apply if the same conditions are met that permit a pilot to omit an alternate from an IFR flight plan. Pilots would be required to carry sufficient fuel to fly 45 minutes at normal cruising speed after reaching the first airport of intended landing in a case where the provision for fuel to fly to the alternate does not apply.

In consideration of the foregoing, it is proposed to amend Part 91 [New] of the Federal Aviation Regulations as hereinafter set forth.

1. Section 91.23 is amended to read as follows:

§ 91.23 Fuel requirements for flight in IFR conditions.

No person may operate a civil aircraft in IFR conditions unless it carries enough fuel (considering weather reports and forecasts, and weather conditions) to—

(a) Complete the flight to the first airport of intended landing;

(b) Fly from that airport to the alternate airport; and

(c) Fly thereafter for 45 minutes at normal cruising speed.

However, the requirement for fuel to fly from the first airport of intended landing to the alternate airport does not apply if Part 97 [New] of this subchapter prescribes a standard instrument approach procedure for the first airport of intended landing and the weather conditions at that airport are forecast to be, from two hours before to two hours after the estimated time of arrival, a ceiling of at least 1,000 feet above the minimum initial approach altitude for the airport and visibility at least three miles, or two miles more than the lowest authorized landing minimum visibility, whichever is greater.

2. Section 91.83(a)(9) is amended to read as follows:

(9) In the case of an IFR flight plan, an alternate airport, except as provided in paragraph (b) of this section.

3. Section 91.83(b) is amended to read as follows:

(b) Paragraph (a)(9) of this section does not apply if Part 97 [New] of this subchapter prescribes a standard instrument approach procedure for the first airport of intended landing and the weather conditions at that airport are forecast to be, from two hours before to two hours after the estimated time of arrival, a ceiling of at least 1,000 feet above the minimum initial approach altitude for the airport and visibility at least three miles, or two miles more than the lowest authorized landing minimum visibility, whichever is greater.

4. Section 91.83(c) is added to read as follows:

(c) IFR alternate airport weather minimums: Unless otherwise authorized by the Administrator, no person may include an alternate airport in an IFR flight plan unless current weather forecasts indicate that, at the estimated time of arrival at the alternate airport, the ceiling and visibility at that airport will be at or above the alternate airport weather minimums prescribed for the airport in Part 97 [New] of this subchapter, or, if no minimums are so prescribed, the ceiling and visibility at the airport will allow descent from the IFR minimum en route altitude, approach, and landing in weather conditions identical to or better than that prescribed in §§ 91.105 (a) (2) and (b) (2).

These amendments are proposed under the authority of sections 307 and 601 of the Federal Aviation Act, 49 U.S.C. 1348, 1421.

Issued in Washington, D.C., on October 5, 1964.

D. D. THOMAS,
*Associate Administrator for Programs.*

[F.R. Doc. 64-10328; Filed, Oct. 9, 1964; 8:45 a.m.]

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[ 14 CFR Part 507 ]

[Reg. Docket No. 6236]

## AIRWORTHINESS DIRECTIVE

### Boeing Model 707 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Boeing Model 707 Series aircraft. There have been several instances of failure of the rear engine mount nut attributed to embrittlement resulting from the cadmium plated nut being subjected to temperatures which caused the cadmium to melt. To correct this condition, this AD requires inspection of the engine mount cone bolt nut for cracks or evidence of melted cadmium and replacement of the cadmium plated nut and washer with silver plated nut and washer.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before November 9, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

BOEING. Applies to Model 707 Series aircraft, Serial Numbers 17592 through 17606, 17614 through 17627, 17673 through 17690, 17692 through 17695, 17918 through 17924, 17928 through 17930, 18063 through 18065, 18245, 18246, 18374, 18375 and 18460.

Compliance required as indicated.

There have been failures of a rear engine mount nut attributed to embrittlement resulting from the nut being subject to temperatures which caused the cadmium to melt. To correct this condition, accomplish the following or an equivalent approved by the Aircraft Engineering Division, FAA Western Region.

(a) On all aircraft which have cadmium plated rear engine mount cone bolt nut and washer, visually inspect the engine mount cone bolt nut for cracks or evidence of melted cadmium within 300 hours' time in service after the effective date of this AD and thereafter at periods not to exceed 300 hours' time in service.

(b) If a crack, or evidence of melted cadmium are found, replace the cadmium plated nut and washer with a silver plated nut and washer, before further flight, in accordance with the provisions of paragraph 3 of Boeing Service Bulletin No. 1874 or later FAA approved revisions, or an equivalent nut and washer approved by the Aircraft Engineering Division, FAA Western Region. If the installation of the silver plated nut and washer is made in accordance with Service Bulletin No. 1874, visually check the installation for insufficient bolt thread exposure beyond the end of the nut as defined in paragraph 1 of Boeing Service Bulletin No. 1874A. If there is insufficient thread exposure replace with new silver plated nut and washer in accordance with paragraph 2 of Service Bulletin No. 1874A.

(c) Within 1,000 hours' time in service after the effective date of this AD, replace cadmium plated nut and washer with silver plated nut and washer in accordance with the provisions of (b).

(d) Unless already accomplished, on all aircraft that have complied with Service Bulletin No. 1874 prior to the effective date of this AD, visually inspect the silver plated rear engine mount cone bolt and nut for insufficient bolt thread exposure beyond the end of the nut as defined in paragraph 1 of Boeing Service Bulletin No. 1874A within 300 hours' time in service after the effective date of this AD. If there is insufficient bolt thread exposure beyond the end of the nut, replace with new nut and washer in accordance with paragraph 2 of Service Bulletin No. 1874A before further flight.

(e) Upon request of the operator, an FAA maintenance inspector subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Boeing Service Bulletins Nos. 1874 and 1874A cover this same subject)

Issued in Washington, D.C., on October 5, 1964.

C. W. WALKER,
*Acting Director, Flight Standards Service.*

[F.R. Doc. 64-10329; Filed, Oct. 9, 1964; 8:45 a.m.]

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# FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 73 ]

[Docket No. 15201; FCC 64-905]

## AIRBORNE TELEVISION ORAL PROCEEDING

### Schedule

*Correction*

Federal Register Document 64-10203, appearing at page 13845 of the issue for Wednesday, October 7, 1964, should have been published in the Proposed Rule Making section with the headings reading as set forth above.

# FEDERAL TRADE COMMISSION

[ 16 CFR Part 214 ]

## HEARING AID INDUSTRY

### Proposed Trade Practice Rules; Notice of Opportunity To Present Views, Suggestions or Objections

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations or other parties affected by or having an interest in the proposed trade practice rules for the Hearing Aid Industry (which constitute a proposed revision and extension of the rules for this Industry as promulgated by the Commission August 7, 1953), to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit.

For this purpose copies of the proposed rules may be obtained upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief or other communication, to be filed with the Commission not later than November 27, 1964. After due consideration of all matters presented, the Commission will proceed to final action on the proposed rules.

The industry is composed of persons, firms, corporations, and organizations engaged in the manufacture, distribution, or sale of instruments or devices designed for or represented as aiding, improving, or correcting defective hearing, and parts and accessories therefor.

These proceedings are directed to the elimination and prevention of such acts and practices as are deemed violative of statutes administered by the Federal Trade Commission pursuant to sections 5 and 6 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45-46 and provisions of Part 1, Subpart F, of the Commission's Procedures and Rules of Practice, 28 F.R. 7083 (July 11, 1963).

The proposed rules which have been released by the Commission for written comment are concerned with false and misleading advertising of hearing aids



or devices, or of parts or accessories therefor, and related unfair practices.

Authorized: October 6, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
*Secretary.*

[F.R. Doc. 64-10387; Filed, Oct. 9, 1964; 8:49 a.m.]

# Notices

## ATOMIC ENERGY COMMISSION

[Docket No. 50-170]

### ARMED FORCES RADIOBIOLOGY RESEARCH INSTITUTE

### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 6, set forth below, to Facility License No. R-84. The license authorizes the Armed Forces Radiobiology Research Institute to operate its DASA-TRIGA Mark F nuclear reactor located on the National Naval Medical Center site in Bethesda, Md. The amendment authorizes operation of the reactor with a redesigned reactor control console.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Ch. I, CFR;

2. Operation of the reactor in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

3. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's Regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated March 23, 1964, and (2) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545. Attention: Director, Division of Reactor Licensing.



Dated at Bethesda, Md., this 2d day of October 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.*

[License No. R-84, Amdt. 6]

AMENDMENT TO FACILITY LICENSE

License No. R-84, as amended, issued to Armed Forces Radiobiology Research Institute is hereby amended in the following respects:

1. In addition to the activities previously authorized by the Commission in License No. R-84, as amended, Armed Forces Radiobiology Research Institute is authorized to operate the Institute's DASA-TRIGA Mark F reactor with the redesigned reactor control console as described in its application for license amendment dated March 23, 1964.

This amendment is effective as of the date of issuance.

Date of issuance: October 2, 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-10326; Filed, Oct. 9, 1964; 8:45 a.m.]

[Docket No. 50-135]

### WALTER REED ARMY MEDICAL CENTER

### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment Number 3, set forth below, to Facility License Number R-85. The license, as amended, authorizes Walter Reed Army Medical Center to operate its Atomics International Model L-54 homogeneous solution type nuclear reactor located on the Walter Reed Army Medical Center site in Washington, D.C. The amendment authorizes the use of a stack dilution factor of 1000 for Argon-41 produced as a result of operation of their 50 kilowatt homogeneous reactor, as described in the licensee's application for license amendment dated June 25, 1964, and supplement thereto dated July 8, 1964.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Ch. I, CFR;

(2) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(3) Prior public notice of proposed issuance of the amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's Regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated June 25, 1964, and supplement thereto dated July 8, 1964, and (2) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545. Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 2d day of October 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.*

[License No. R-85, Amdt. 3]

AMENDMENT TO FACILITY LICENSE

Facility License No. R-85, as amended, issued to Walter Reed Army Medical Center, is hereby amended in the following respects:

1. In addition to the activities previously authorized by the Commission in License No. R-85, as amended, Walter Reed Army Medical Center is authorized to use a stack dilution factor of 1000 for Argon-41 produced as a result of operation of the reactor as described in the application amendment dated June 25, 1964, and supplement thereto dated July 8, 1964.

This amendment is effective as of the date of issuance.

Date of issuance: October 2, 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-10327; Filed, Oct. 9, 1964; 8:45 a.m.]



## CIVIL AERONAUTICS BOARD

[Docket No. 14911]

### LINEA AEREA PATAGONICA ARGENTINA, S.A.

### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference is assigned to be held on the above-entitled application on October 20, 1964, at 10:00 a.m., e.d.s.t., in Room 607, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Robert L. Park.

Dated at Washington, D.C., October 6, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-10357; Filed, Oct. 9, 1964; 8:48 a.m.]

[Docket No. 14120; Order E-21364]

### NORTHEAST AIRLINES, INC.

### Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of October 1964.

Application of Northeast Airlines, Inc., Docket 14120; for an amendment of its certificate of public convenience and necessity.

By application filed November 1, 1962, Northeast Airlines, Inc. (Northeast) requests an amendment deleting Newport, Rhode Island,[1] from its certificate for route 27, stating that such amendment is required by the public convenience and necessity.

The Newport Airport, located approximately 15 airline miles from Newport, has never been adequate for airline operations and consequently Northeast has never served the point. Although there are plans to enlarge the primary runway to 3000' x 75', this improvement will not make the airport adequate for modern transport aircraft. We note that multicarrier air service to the Newport area is available at Providence's Theodore Francis Green Airport, which is served by four trunklines (American, Eastern, National and United) and two local service carriers (Allegheny and Mohawk). Driving time from Newport is approximately 1¼ to 1½ hours and public transportation is available between Newport and Providence. T. F. Green Airport is a seven minute taxicab ride from Providence.

In view of the foregoing, the Board tentatively finds that there is no present need for scheduled air carrier service at Newport, and tentatively concludes that Northeast's certificate for route 27 should be amended by deleting therefrom Newport, Rhode Island.

*Accordingly, it is ordered:*

1. That all interested persons be and they hereby are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and delete Newport, Rhode Island, as an intermediate point on Northeast's route 27;

2. That interested persons may file a Memorandum[2] in support of or in opposition to the Board's tentative findings and conclusions within fifteen days of the date of service of this order;

3. That if no objections are filed, further procedural steps shall be deemed waived and the matter submitted to the Board for decision;

4. That if objections are timely filed pursuant to paragraph 2 above, this proceeding shall be set for hearing before an examiner of the Board, limited to the consideration of issues raised by such timely filed objections; and

5. That copies of this order shall be served upon Northeast Airlines, Inc., the City of Newport, Rhode Island and the State of Rhode Island, Division of Aeronautics.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-10358; Filed, Oct. 9, 1964; 8:48 a.m.]

[1] Newport was added as an intermediate point between New York-Newark and New Bedford-Fall River, Massachusetts on Northeast's route 27 in the New England Case, 7 CAB 27, decided June 13, 1946.

[2] The Board will not separately entertain petitions seeking reconsideration of this order. All requests for relief from, or modification of, this order shall be submitted with such objections as may be made to the issuance of an order making final the above proposed findings and conclusions.

[Docket No. 14818]

### OZARK AIR LINES, INC.

### Renewal of Segments 12, 13, 14, and 15; Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will commence on Tuesday, November 17, 1964, at 10:00 a.m. (local time), in Room 1027 of the Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Do the public convenience and necessity require, and if so for what period, the renewal of Ozark's certificate, in whole or in part, authorizing the carrier to provide service on its route 107:

(a) On segment 12 between the terminal point Des Moines, Iowa, the intermediate points Iowa City and Clinton, Iowa, and the terminal point Chicago, Illinois;

(b) On segment 13 between the terminal point Des Moines, Iowa, the intermediate points Cedar Rapids and Dubuque, Iowa, Madison, Wisconsin, and the terminal point Milwaukee, Wisconsin;

(c) On segment 14 between the terminal point St. Louis, Missouri, the intermediate points Quincy, Illinois-Hannibal, Missouri, Burlington, Iowa, Galesburg and Peoria, Illinois, and the terminal point Chicago, Illinois; and

(d) On segment 15 between the terminal point Chicago, Illinois, the intermediate points Sterling-Rock Falls, Illinois, Davenport, Iowa-Moline, Illinois, Cedar Rapids and Ottumwa, Iowa, Kirksville, Missouri, and the terminal point Kansas City, Missouri?

2. Do the public convenience and necessity require service to Kirksville, Missouri, on a route extending between Des Moines, Iowa, and St. Louis, Missouri, via other intermediate points?

For further details of the issues involved in this proceeding, interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Dated at Washington, D.C., October 7, 1964.

[SEAL] MERRITT RUHLEN,
*Hearing Examiner.*

[F.R. Doc. 64-10359; Filed, Oct. 9, 1964; 8:49 a.m.]

[Docket No. 15605; Order E-21362]

### TRANS WORLD AIRLINES, INC.

### Proposed Surcharges for New Jet Service; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of October 1964.

Trans World Airlines, Inc. (TWA) has filed tariff revisions[1] bearing a posting date of August 26, 1964, marked to become effective October 6, 1964, proposing to add one-way first-class and coach jet fares between Amarillo, Wichita, and Tucson, on the one hand, and numerous points on its system, on the other hand. No complaints have been received.

In support of the proposal, TWA states that basically the new jet first-class fares were established by adding a jet surcharge to the present propeller first-class fares and that the new jet coach fares were established by adding the same jet surcharge to either the presently published propeller coach fare or to a fare computed in accordance with the generally accepted formula used by the trunkline carriers, whichever was higher.

The proposed one-way first-class jet fares, as well as some of the jet coach fares, would effect a price increase for jet service commensurate with the jet surcharges the Board has heretofore permitted to become effective for comparable distances. The Board will permit these fares to become effective, including the jet fares from Tucson to

[1] Revisions to Agent Squire's C.A.B. No. 44.

12 other cities, proposed at a level of existing jet fares in these markets.

The jet coach fares proposed for other points,[2] however, would effect increases for jet coach service greater than the surcharges heretofore permitted the domestic carriers for similar distances, and result in greater jet surcharges for coach service than for first-class service. No satisfactory justification has been presented for the larger increases for jet coach service at these points. We find that a significant question is presented as to their lawfulness and we will therefore suspend their use and institute an investigation thereof. Inasmuch as this action is directed to the excessive level of the surcharge, the carrier will be permitted to refile its tariff as to the suspended points using jet surcharges consistent with those the Board has permitted for such distances.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof,

*It is ordered*, That:

1. An investigation be instituted to determine whether the fares described in appendix A hereto[3] and rules, regulations or practices affecting such fares are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful fares and rules, regulations or practices affecting such fares;

2. Pending hearing and decision by the Board, the fares described in appendix A hereto are suspended and their use deferred to and including January 3, 1965, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order be filed with the aforesaid tariff and be served upon Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-10360; Filed, Oct. 9, 1964; 8:49 a.m.]

[2] Between Amarillo, on the one hand, and New York, Newark, San Francisco or Oakland, on the other; and between Wichita, on the one hand, and Albuquerque, Boston, Chicago, Los Angeles, New York or Newark, on the other.

[3] Filed as part of the original document.

[4] Joint concurring and dissenting statement of Vice Chairman Murphy and Member Minetti filed as part of the original document.

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15485, 15486; FCC 64M-971]

## DIRIGO BROADCASTING, INC., AND DOWNEAST TELEVISION, INC.

### Order Continuing Hearing

In re applications of Dirigo Broadcasting, Inc., Bangor, Maine, Docket No. 15485, File No. BPCT-2911; Downeast Television, Inc., Bangor, Maine, Docket No. 15486, File No. BPCT-2952; for a construction permit for new television broadcast station.

The Hearing Examiner having under consideration a motion filed on September 28, 1964 by Dirigo Broadcasting, Inc., one of the applicants herein, requesting that certain changes be made in procedural dates heretofore specified in the above-entitled proceeding; and

It appearing, that the applicants have reached an agreement which it is expected will be filed promptly with the Commission together with request for dismissal of the application of Dirigo Broadcasting, Inc.; and that, in the event of a grant of the request for such dismissal, there will be no need for a comparative hearing; and

It further appearing, that counsel for all parties to the proceeding have informally consented to the immediate consideration and grant of the instant motion;

*It is therefore ordered*, This 1st day of October 1964, that the motion for change in procedural dates be and it is hereby granted; and the procedural dates are rescheduled as follows:

| | Extended from— | To— |
|---|---|---|
| Exchange of exhibits | Sept. 28, 1964 | Oct. 22, 1964 |
| Hearing | Oct. 12, 1964 | Nov. 5, 1964 |

Released: October 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10347; Filed, Oct. 9, 1964; 8:47 a.m.]

[Docket No. 15641; FCC 64M-975]

## INTERNATIONAL PANORAMA TV, INC.

### Order Scheduling Hearing

In re application of International Panorama TV, Inc., Fontana, California, Docket No. 15641, File No. BPCT-3181; for construction permit for new television broadcast station.

*It is ordered*, This 30th day of September 1964, that James D. Cunningham shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on November 16, 1964; and that a prehearing conference shall be convened at 9 a.m. on October 30, 1964: and *It is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10348; Filed, Oct. 9, 1964; 8:47 a.m.]

[Docket Nos. 15591, 15592; FCC 64R-468]

## NELSON BROADCASTING CO. AND WBNR, INC.

### Memorandum Opinion and Order Amending Issues

In re applications of Donald P. Nelson and Wilbur E. Nelson, d/b as Nelson Broadcasting Company, Newburgh, New York, Docket No. 15591, File No. BPH-4212; WBNR, Inc., Newburgh, New York, Docket No. 15592, File No. BPH-4300; for construction permits.

1. The Review Board has before it a Petition to Delete Issue, filed August 24, 1964, by WBNR, Inc.[1]

2. WBNR, Inc., licensee of standard broadcast Station WBNR, Beacon, New York, proposes an FM broadcast service for Beacon's neighboring city of Newburgh, New York. In an order, FCC 64-754, released August 4, 1964, the Commission found that, "apparently through inadvertence", WBNR stated in its application that it proposed to duplicate the programming of standard broadcast Station WBNR 38 hours per day. The Commission, unable to determine whether the proposed FM station would be operated in compliance with § 73.210 (a) of the Commission's rules, which prescribes the minimum number of hours a licensee must originate programs in the place where the station is located, designated the following issue for hearing:

2. To determine whether WBNR, Inc., will operate the proposed FM broadcast station in compliance with § 73.210(a)(3) of the Commission's rules.

3. On August 24, 1964, WBNR, Inc., filed a petition to delete the above issue on the ground that the Commission's

[1] Also before the Board are: Opposition, filed September 3, 1964, by Nelson Broadcasting Co.; comments re WBNR Petition to Delete Issue, filed September 8, 1964, by the Broadcast Bureau; and reply, filed September 16, 1964, by WBNR, Inc. Nelson also filed an "Answer" to WBNR's reply on September 23, 1964. The rules do not provide for the filing of such a pleading. Nelson did not request leave to file an additional pleading (see § 1.45 (c) of the rules). Therefore, Nelson's "Answer" will be stricken. On September 25, 1964, the Broadcast Bureau filed a motion to strike the above "Answer" as unauthorized. However, in view of our action herein, the Bureau's motion has been rendered moot.



designation was predicated on a typographical error contained in WBNR's original application, filed October 5, 1963, which was corrected by an amended application, filed March 4, 1964, 5 months prior to the Commission's designation order. In this amended application, WBNR stated that the number of hours of duplicated programing which it proposes is 38 hours per week. Apparently, in designating issue 2 for hearing, WBNR's timely corrective amendment of March 4, 1964, was overlooked.

4. The Broadcast Bureau interposes no objection to the deletion of issue 2, as requested by WBNR, Inc. However, Nelson Broadcasting Co. opposes this petition on the grounds that a question of WBNR's compliance with § 73.210(a)(3) remains and that there is no way to determine from the information contained in WBNR's original application, filed October 5, 1963, or the amended application, filed March 4, 1964, exactly which FM programs will be duplicated and which will originate from Newburgh.

5. Nelson Broadcasting Co.'s opposition to the deletion of Issue 2 is without merit. First, Nelson contends that WBNR proposes 24.32 hours per week[2] of network programming out of a total of 128 hours per week of total programing. If it is assumed that these 24.32 hours per week are wholly in addition to the 38 hours per week of proposed duplicated programing, WBNR remains within the 50 percent requirement of § 73.210(a)(3), by the use of Nelson's own figures.[3] Further, Nelson's second ground of opposition is predicated on the unavailability of information to determine which FM programs WBNR proposes to duplicate. This matter is not pertinent to the deletion of Issue 2, since § 73.210(a)(3) deals only with the percentage of total programing originating at a station's location and not which specific programs are to be duplicated. The nature of the programs to be duplicated is a matter which can be explored under issue 3, the standard comparative issue. See Central Broadcasting Corp., FCC 64R-399, released August 6, 1964; and Ken-sell, Inc., FCC 64-823, released September 4, 1964.

*Accordingly, it is ordered*, This 30th day of September 1964, that the petition to delete issue, filed August 24, 1964, by WBNR, Inc., is granted, and that issue 2 specified in the order of designation herein (FCC 64-754, released August 4, 1964) is deleted; and

*It is further ordered*, That the answer of Nelson to reply of WBNR, filed by Nelson Broadcasting Co. on September 23, 1964 is stricken, and the motion to strike, filed on September 25, 1964, by the Broadcast Bureau, is dismissed.

Released: October 1, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10349; Filed, Oct. 9, 1964; 8:47 a.m.]

[Docket Nos. 15449, 15450; FCC 64M-979]

## SPRINGFIELD TELECASTING CO. AND MIDWEST TELEVISION, INC.

### Order Continuing Prehearing Conference

In re applications of Springfield Telecasting Co., Springfield, Illinois, Docket No. 15449, File No. BPCT-2838; Midwest Television, Inc., Springfield, Illinois, Docket No. 15450, File No. BPCT-2846; for construction permits for new television broadcast stations.

It appearing, that counsel for Midwest Television, Inc., is now confronted with an unforeseen conflict in hearing commitments in Commission proceedings which can only be resolved by postponing the date of the Hearing Conference heretofore scheduled for October 9, 1964, to a later date on which all counsel and the Examiner have informally agreed;

*It is ordered*, This 2d day of October 1964, on the Hearing Examiner's own motion, that the Hearing Conference previously scheduled for October 9 is postponed to October 22, 1964, at 10:00 a.m., in the offices of the Commission, Washington, D.C.;

*It is further ordered*, That counsel for all parties may supplement their pleadings heretofore submitted with respect to the pending motion to dismiss the application of Midwest Television, Inc., by filing on or before October 19, 1964, their additional comments in light of the Memorandum Opinion and Order of the Commission adopted September 30, 1964 in Docket No. 14711.

Released: October 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10350; Filed, Oct. 9, 1964; 8:47 a.m.]

[Docket Nos. 15476, 15477; FCC 64M-993]

## WEZY, INC., AND WKKO RADIO, INC.

### Order Continuing Hearing

In re applications of WEZY, Inc., Cocoa, Florida, Docket No. 15476, File No. BPH-4172; WKKO Radio, Inc., Cocoa, Florida, Docket No. 15477, File No. BPH-4173; for construction permits.

The Hearing Examiner having under consideration a joint motion filed October 2, 1964, by the above-entitled applicants requesting that the evidentiary hearing now scheduled to commence on October 6, 1964, be continued for a period of 30 days or until after the Review Board has acted upon an agreement before it; and

It appearing that the reason for the requested continuance is the fact that the applicants have reached an agreement looking towards the dismissal of the application of WKKO Radio, Inc., upon partial reimbursement of expenses, and if said agreement is approved, it will obviate the necessity for a hearing; and

It further appearing that counsel for the Broadcast Bureau does not object to the immediate grant of said motion, and good cause for the requested continuance having been shown;

*It is ordered*, This the 6th day of October 1964, that the joint motion for continuance is granted and the evidentiary hearing in the above-entitled proceeding is continued to Monday, November 9, 1964, beginning at 10:00 a.m. in the offices of the Commission in Washington, D.C.

Released: October 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10351; Filed, Oct. 9, 1964; 8:48 a.m.]

[2] WBNR has filed with the Examiner a petition for leave to amend the percentage analysis set forth in item 4(b) of section IV of the application filed March 4, 1964. This amendment does not affect the result reached herein.

[3] Nelson's figures are, however, based on use of percentages in WBNR's program log analysis the accuracy of which Nelson itself has questioned. WBNR's program log itself reveals that it proposes approximately 18 hours per week of network programing. This places WBNR well within the requirements of § 73.210(a)(3).

[4] Member Nelson concurring.

# FEDERAL POWER COMMISSION

[Docket No. RI65-225 etc.]

## NATIONAL ASSOCIATED PETROLEUM CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

OCTOBER 2, 1964.

Forrest H. Lindsay, et al., d/b/a National Associated Petroleum Company (Operator), et al. [and other Respondents listed herein]. Docket Nos. RI65-225, et al.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below:

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining

[1] Does not consolidate for hearing or dispose of the several matters herein.

thereto (18 CFR Ch. I), and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 16, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-225 | Forrest H. Lindsay, et al., d/b/a National Associated Petroleum Co. (Operator), et al., Suite 502, Ritz Bldg., Tulsa, Okla., 74103, Attn: Mr. Forrest H. Lindsay. | 2 | 4 | El Paso Natural Gas Co. (Ignacio Area, La Plata County, Colo.). | $325 | 9-8-64 | [2]10-9-64 | 3-9-65 | 13.0 | [3][4]14.0 | |
| RI65-226 | Sunray DX Oil Co., Tulsa 2, Okla., Attn: Mr. Homer F. McEwen, Jr. | 192 | 2 | Phillips Petroleum Co. (Azalia Field, Midland County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area). | 1,589 | 9-4-64 | [2]10-5-64 | 3-5-65 | [7]12.5446 | [3][6][7]13.5482 | |
| | Sunray DX Oil Co. | 60 | 4 | Lone Star Gas Co. (Doyle Field, Stephens County, Okla.) (Oklahoma "Other" Area). | 4,289 | 9-4-64 | [2]10-5-64 | 3-5-65 | 11.0 | [4][8]12.0 | |
| RI65-227 | El Paso Natural Gas Products Co.,[17] P.O. Box 3986, Odessa, Tex., Attn: Mr. John B. Mason. | 2 | 22 | West Lake Natural Gasoline Co.[18] (Nena Lucia Field, Nolan County, Tex.) (R.R. Dist. No. 7-B). | 3,305 | 9-8-64 | [9]1-1-65 | 1-2-65 | 8.5 | [4][9]9.0 | RI60-396. |
| RI65-228 | Amerada Petroleum Corp., P.O. Box 2040, Tulsa 2, Okla., Attn: Mr. W. H. Bourne. | 101 | 2 | El Paso Natural Gas Co. (Jameson Field, Mitchell County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area) and Nolan County, Tex.) (R.R. Dist. No. 7-B). | 538<br>1,789 | 9-8-64 | [2]10-9-64 | 3-9-65 | [10][11]15.7093<br>[11][12]14.5 | [3][4][10]16.7228<br>[3][4][12]16.7228 | |
| RI65-229 | Barnwell Production Co., Beck Bldg., Shreveport, La. | 9 | 5 | Tennessee Gas Transmission Co. (Bethany-Carthage Area, Panola and Harrison Counties, Tex.) (R.R. Dist. No. 6). | 1,250 | 9-4-64 | [2]11-1-64 | 4-1-65 | [13]14.4248 | [3][4][13]15.4248 | |
| RI65-230 | Barnwell Production Co., Agent for J. Paul Ratliff, Jr., et al. | 12 | 26 | Tennessee Gas Transmission Co. (Carthage Field, Panola County, Tex.) (R.R. Dist. No. 6). | 8,733 | 9-4-64 | [2]11-1-64 | 4-1-65 | [13]13.6296 | [3][4][13]14.6392 | |
| RI65-231 | Continental Oil Co. (Operator), et al., P.O. Box 2197, Houston, Tex., 77001. | 195 | 3 | Cities Service Gas Co. (Chimney Creek Area, Woodward County, Okla.) (Panhandle Area). | 1,000 | 9-8-64 | [2]10-9-64 | 3-9-65 | [14]16.0 | [3][4][14]17.0 | |
| | Continental Oil Co. (Operator), et al. | 170 | 5 | Texas Eastern Transmission Corp. (Cherokee Lake Area, Rusk County, Tex.) (R.R. Dist. No. 6). | 30 | 9-14-64 | [2]11-1-64 | 4-1-65 | 15.6 | [4][8]15.8 | RI64-166. |
| | do | 218 | 4 | United Fuel Gas Co. (Northeast Rayne Field, Acadia Parish, La.) (South Louisiana). | 5,040 | 9-14-64 | [2]11-1-64 | 4-1-65 | [15]20.7 | [16][4][15]21.5 | RI63-88, et al. |
| RI65-232 | Placid Oil Co. (Operator), et al., 600 Beck Bldg., Shreveport, La. | 11 | 10 | Tennessee Gas Transmission Co. (Bethany Field, Panola County, Tex.) (R.R. Dist. No. 6). | 1,400 | 9-14-64 | [2]11-1-64 | 4-1-65 | [13]14.4248 | [3][4][13]15.4248 | |
| | Placid Oil Co., (Operator), et al. | 1 | 11 | do | 5,500 | 9-14-64 | [2]11-1-64 | 4-1-65 | [13]14.4248 | [3][4][13]15.4248 | |
| RI65-233 | Ruth Phillips Bisiker, c/o Kilgore & Kilgore, 24th Floor, Adolphus Tower, Dallas, Tex., 75202. | 1 | 3 | Tennessee Gas Transmission Co. (Seeligson Field, Jim Wells County, Tex.). | 4,800 | 9-8-64 | [2]11-1-64 | 4-1-65 | [13][16]14.6 | [3][4][13]15.6 | |
| RI65-234 | Grampian Company, Ltd., c/o Kilgore & Kilgore, 24th Floor, Adolphus Tower, Dallas, Tex., 75202. | 1 | 4 | Tennessee Gas Transmission Co. (Seeligson Field, Jim Wells County, Tex.) (R.R. Dist. No. 4). | 1,600 | 9-8-64 | [2]11-1-64 | 4-1-65 | [13][16]14.6 | [3][4][13]15.6 | |
| RI65-235 | Forest Oil Corp. (Operator), et al., 1300 National Bank of Commerce Bldg., San Antonio, Tex., 78205. | 11 | 7 | Texas Eastern Transmission Corp. (Sal del Ray and La Jara Fields, Hidalgo and Willacy Counties, Tex.) (R.R. Dist. No. 4). | 1,804 | 9-14-64 | [2]11-1-64 | 4-1-65 | 15.6 | [4][8]15.8 | RI64-164, et al. |
| RI65-236 | W. L. Pickens, et al., 2000 Fidelity Union Tower, Dallas 1, Tex. Attn: Mr. James V. Landress. | 3 | 1 | South Texas Natural Gas Gathering Co. (Penitos Field, Hidalgo County Tex.) (R.R. Dist. No. 4). | 7,670 | 9-14-64 | [2]10-15-64 | 3-15-65 | [13]14.0 | [4][13]15.0 | |

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 15.025 p.s.i.a.
[4] The stated effective date is the effective date requested by Respondent.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to reduction of 0.4467 cent per Mcf for compression of low-pressure gas.
[7] End of suspension period for West Lake's related increased rate in Docket No. RI65-29.
[8] Revenue-sharing rate increase.
[9] Rate for gas produced from Mitchell County (Texas R.R. Dist. No. 8).
[10] Initial rate.
[11] Rate for gas produced from Nolan County (Texas Railroad Dist. No. 7-B).
[12] Subject to a downward B.t.u. adjustment.
[13] Includes 1.0 cent per Mcf paid by buyer for dehydration and delivery of gas to point of delivery. Rate is also subject to a downward B.t.u. adjustment.
[14] Two-step periodic rate increase.
[15] Rate is the result of a settlement offer approved by Commission order issued May 5, 1962, in Docket No. G-19035, Dunlap Oil Corp., predecessor in interest.
[16] A wholly owned subsidiary of El Paso Natural Gas Co.
[17] For resale to El Paso Natural Gas Co. under West Lake Natural Gas Co. (Operator), et al., FPC Gas Rate Schedule No. 1.



Forrest H. Lindsay, et al., d/b/a National Associated Petroleum Company (Operator), et al., request an effective date of September 10, 1964, for their proposed periodic rate increase; Amerada Petroleum Corporation requests that its proposed rate increase be permitted to become effective as of August 1, 1964, the contractually provided effective date, and Continental Oil Company (Operator), et al. (Continental), request an effective date of September 1, 1964, for their proposed rate filing designated as Supplement No. 3 to Continental's FPC Gas Rate Schedule No. 195. Good cause has not been shown for waiving the 30-day notice requirement provided in Section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

El Paso Natural Gas Products Company (Products Company), a wholly owned subsidiary of El Paso Natural Gas Company (El Paso), proposes a revenue-sharing increase for a sale to West Lake Natural Gas Company (West Lake), 50 percent of which is owned by El Paso Natural Gas Company, who gathers and processes the gas and resells it to El Paso under its Rate Schedule No. 1 and pays its suppliers 50 percent of the amount it receives from El Paso. On July 1, 1964, West Lake filed for a periodic increase from 17.0 cents to 18.0 cents per Mcf for its sale to El Paso, which exceeded the area ceiling of 11.5 cents per Mcf for increased rates and was suspended by the Commission until January 1, 1965, in Docket No. RI65-29. Products Company's proposed rate increase is based upon West Lake's suspended 18.0 cents rate. Although the instant filing is below the area ceiling, it is suspended until January 2, 1965, one day after the end of the suspension period for West Lake's related increased rate.

With the exception of the increased rate filed by Products Company, referred to above, all of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

[F.R. Doc. 64-10280; Filed, Oct. 9, 1964; 8:45 a.m.]

# FEDERAL MARITIME COMMISSION

## ISTHMIAN LINES, INC., AND SEATRAIN LINES, INC.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Harvey M. Flitter
Assistant Traffic Manager
Seatrain Lines, Inc.
595 River Road
Edgewater, New Jersey

Agreement 9385 between Isthmian Lines, Inc., and Seatrain Lines, Inc., establishes a through bill of lading arrangement for the transportation of general cargo from loading ports in the Philippines, Federation of Malaya, State of Singapore, Thailand, South Viet Nam, Cambodia, Indonesia, Burma, India, Pakistan, Ceylon, Persian Gulf, Red Sea, and Gulf of Aden ports, and ports in Egypt, Lebanon, Syria, Turkey, and Greece, to ports in Puerto Rico with transshipment at the port of New York, N.Y., under the terms and conditions set forth in the agreement.

Dated: October 7, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64-10339; Filed, Oct. 9, 1964; 8:46 a.m.]

## PHILLIPS PETROLEUM CO. AND UNITED FRUIT CO.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Alan F. Wohlstetter, Denning & Wohlstetter,
Attorney for United Fruit Company
One Farragut Square South
Washington, D.C.

Agreement No. T-589, between Phillips Petroleum Company (Phillips) and United Fruit Company (United), provides for a list of rates at which Phillips will make Berth 9 at Adams Terminal available to United, on a first come, first served basis. The agreement specifies a level of charges to be assessed for wharfage, "terminal charge", truck weighing, railcar weighing, covered storage, dockage, and electricity.

Dated: October 7, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64-10340; Filed, Oct. 9, 1964; 8:46 a.m.]

## STATES MARINE LINES, INC., ET AL.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Harvey M. Flitter
Assistant Traffic Manager
Seatrain Lines, Inc.
595 River Road
Edgewater, N.J.

Agreement 9387 between States Marine Lines, Inc., Global Bulk Transport Incorporated (as one member only), and Seatrain Lines, Inc., establishes a through bill of lading arrangement for the transportation of general cargo from loading ports in Japan, Korea, Hong Kong, Formosa, Philippines, South Viet Nam, Cambodia, Thailand, Federation of Malaya, State of Singapore, Indonesia, Burma, Egypt, Lebanon, Syria, Turkey, and Greece to ports in Puerto Rico with transshipment at the port of New York, N.Y., under the terms and conditions set forth in the agreement.

Dated: October 7, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64-10341; Filed, Oct. 9, 1964; 8:46 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1719]

## FUNDAMENTAL INVESTORS, INC.

### Notice of Application for Order Exempting Sale of Shares at Other Than Public Offering Price in Exchange for Assets of Private Investment Company

OCTOBER 6, 1964.

Notice is hereby given that Fundamental Investors, Inc. ("applicant"), Westminster at Parker, Elizabeth 3, New Jersey, a registered open-end diversified investment company and a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the assets of Distribution Warehouses, Inc. ("DWI"), a Michigan corporation. All interested persons are referred to the application as filed with the Commission for a complete statement of the representations therein, which are summarized below.

As of June 30, 1964, the aggregate net asset value of applicant's assets was $844,926,129 and there were 76,237,309 shares outstanding, with a net asset value of $11.08 per share. Applicant's shares are offered to the public on a continuous basis at net asset value plus a varying sales charge dependent on the amount purchased.

DWI is a personal holding company with seven stockholders and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between applicant and DWI the net assets of DWI, with a value of $938,221 as of June 30, 1964, will be transferred to applicant in exchange for shares of stock of applicant. Among DWI's assets are shares of common stocks of twelve corporations which are presently represented in applicant's portfolio and which applicant desires to acquire and intends to retain in its portfolio. Such common stocks, on June 30, 1964, had a market value of approximately $425,525. DWI also holds shares of common stock of nine other corporations with a market value, as of June 30, 1964, of $303,765, which applicant also desires to acquire and intends to retain in its portfolio. Other assets of DWI include an aggregate of $200,000 of United States Treasury Bills, due November 5, 1964, which applicant will acquire. DWI will retain sufficient cash to provide for taxes, expenses and contingencies.

On June 30, 1964, the unrealized appreciation in the assets of DWI which are to be transferred to applicant, was $170,272 and the the unrealized appreciation in the assets of applicant was $347,571,417. At the present time, the percentage of unrealized appreciation in the assets of applicant is in excess of the percentage of unrealized appreciation in the assets of DWI. Therefore, no adjustment is deemed necessary by applicant for possible tax consequences to its shareholders.

If the percentage of unrealized appreciation in the assets of DWI should exceed such percentage in the assets of applicant at the closing date, then since applicant may acquire securities from DWI at a tax cost basis less than the actual price paid therefor, the sale after acquisition may result in a capital gain thereon to the present shareholders of applicant. It has been agreed that if the unrealized appreciation on the assets acquired from DWI is greater proportionately than the unrealized appreciation on applicant's assets at the closing time, the value of DWI's assets will be reduced by 10 percent of such excess appreciation, in order to compensate present shareholders of applicant for possible adverse tax consequences in the event of future sale of the assets acquired from DWI.

The number of shares to be transferred to DWI shall be determined by dividing the aggregate net asset value of the assets of DWI to be transferred, adjusted, if necessary, as set forth above, by the net asset value per share of applicant's capital stock. All computations of net asset values and unrealized appreciation are to be determined as of the close of business on the last business day next preceding the closing date.

Under the terms of the transaction, if the closing had taken place on June 30, 1964, DWI would have received 84,676 shares of applicant's stock at net asset value in exchange for assets with a market value on that date of approximately $938,221. The shares of capital stock of applicant received by DWI will be distributed to DWI's stockholders. The holders of substantially all of DWI's issued and outstanding shares will represent in writing that the shares of applicant to be received by them will be acquired for investment with no present intention of redeeming or otherwise transferring any such shares.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the agreement between applicant and DWI, however, the shares of applicant are to be issued to DWI at a price other than the public offering price stated in the prospectus.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 22, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-10332; Filed, Oct. 9, 1964; 8:46 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-XIII Amdt. 2]

## SEATTLE REGIONAL AREA

### Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9) as amended, 29 F.R. 11777, 12570 and 13354, Delegation of Authority No. 30-XIII, as amended, 29 F.R. 12499 and 12992, is hereby further amended by revising Items I.C.3., and I.K.1. and I.K.2.a. to read as follows:

1.

I. • • •
C. • • •
3. To approve the following:
a. Business loans
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.
b. Disaster loans
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.

2.

I. • • •
K. • • •
1. To approve the following:
a. Direct loans not exceeding $100,000.
b. Participation loans not exceeding $250,000.
c. Simplified Bank Participation loans not exceeding $350,000.



d. Simplified Early Maturities Participation loans not exceeding $350,000.
e. Direct disaster loans not exceeding $350,000.
f. Participation disaster loans not exceeding $350,000.

3.

I. • • •
K. • • •
2. To decline the following:
a. Business loans not exceeding $250,000.

• • • • •

Effective date: September 14, 1964.

WILLIAM S. SCHUMACHER, *Regional Director, Seattle.*

[F.R. Doc. 64-10338; Filed, Oct. 9, 1964; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 7, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39306: *Fertilizer to Klamath Falls, Oreg.* Filed by North Pacific Coast Freight Bureau, agent (No. 64-2), for interested rail carriers. Rates on fertilizer, dry, in bulk or in packages, in carloads, from Hedges, Wash., to Klamath Falls, Oreg.

Grounds for relief: Market competition.

Tariff: Supplement 52 to North Pacific Coast Freight Bureau, agent, tariff I.C.C. 1043.

FSA No. 39307: *Liquid caustic soda to Danville, Va.* Filed by Traffic Executive Association-Eastern Railroads, agent, (E.R. No. 2741), for interested rail carriers. Rates on liquid caustic soda, in tankcar loads, from Grasselli, N.J., to Danville, Va.

Grounds for relief: Market competition.

Tariff: Supplement 68 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-334.

FSA No. 39308: *Lignite screenings to Drayton, N. Dak.* Filed by Northern Pacific Railway Co. (No. 136), for itself. Rates on lignite screenings, in carloads, from Beulah, Republic, Truax, and Zap, N. Dak., to Drayton, N. Dak.

Grounds for relief: Intrastate competition.

Tariff: Supplement 7 to Northern Pacific Railway Co. tariff I.C.C. 22.

FSA No. 39309: *Grains and related products within southern territory.* Filed by O. W. South, Jr., agent (No. A4575), for interested rail carriers. Rates on grains and soybeans in carloads, between points in southern territory, also Virginia cities gateway points, on the one hand, and points on the CB&Q RR (Sesser to Mermet, Ill.), on the other.

Grounds for relief: Short line distance formula and grouping.

Tariffs: Supplements 24 and 1 to Southern Freight Association, agent, tariffs I.C.C. S-424 and S-483, respectively.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-10335; Filed, Oct. 9, 1964; 8:46 a.m.]

[Notice 1059]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 7, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66829. By order of September 30, 1964, the Transfer Board approved the transfer to Jenney Freight Line, Inc., Tucson, Ariz., of the certificate of registration in No. MC 120092 Sub 1, issued August 20, 1964, to William LeB. Jenney, doing business as Jenney Freight Line, Tucson, Ariz., authorizing the transportation of freight with certain exceptions between specified points in Arizona. James B. Greenwood, 125 Bisbee Road, Bisbee, Ariz., 85603, attorney for applicants.

No. MC-FC 67037. By order of September 30, 1964, the Transfer Board approved the transfer to Berkshire Travel Agency, Inc., Reading, Pa., of the operating rights issued by the Commission October 20, 1961, under license No. MC 12752, to Reading Automobile Club International Travel Department, doing business as Reading Automobile Club, Reading, Pa., authorizing the transportation of passengers and their baggage, between Reading, Pa., on the one hand, and, on the other, airports, docks, and piers at New York, N.Y., Newark and Hoboken, N.J., Baltimore, Md., and Washington, D.C. L. C. Major, Jr., Turney, Major, Markham & Sherfy, 2001 Massachusetts Avenue NW., Washington, D.C., 20036, attorneys for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-10336; Filed, Oct. 9, 1964; 8:46 a.m.]

# Title 2—THE CONGRESS

## ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 88th Congress, Second Session.

### Approved October 8, 1964

S. 653 ..... Public Law 88-639

To provide an adequate basis for administration of the Lake Mead National Recreation Area, Arizona and Nevada, and for other purposes.

S. 1531 ..... Public Law 88-640

To increase the appropriation authorization for the completion of the construction of the irrigation and power systems of the Flathead Indian irrigation project, Montana.

S. 2687 ..... Public Law 88-633

To extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes.

H.R. 9718 ..... Public Law 88-636

To authorize the crediting of certain military service for purposes of reserve retired pay.

H.R. 12308 ..... Public Law 88-637

To authorize removal of a flight hazard at the United States Naval Air Station, Norfolk, Virginia.



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VOLUME 29 NUMBER 200

Washington, Tuesday, October 13, 1964

THE UNIVERSITY OF MICHIGAN
OCT 21 1964
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**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

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[Published by the Committee on the Judiciary, House of Representatives]

Order from: Superintendent of Documents, Government Printing Office, Washington, D.C., 20402


# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3622

### WHITE CANE SAFETY DAY, 1964

**By the President of the United States of America**

**A Proclamation**

A white cane in our society has become one of the symbols of a blind person's ability to come and go on his own. Its use has promoted courtesy and special consideration for the blind on our streets and highways. To make our people more fully aware of the meaning of the white cane, and of the need for motorists to exercise special care for the blind persons who carry it, the Congress, by a joint resolution approved October 6, 1964, has authorized the President to proclaim October 15 of each year as White Cane Safety Day.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim October 15, 1964, as White Cane Safety Day.

I urge civic and service organizations, schools, public bodies, and the media of public information to join in this observance with appropriate activities designed to promote continuing awareness of the significance of the white cane to blind persons.

I call upon all our citizens to make every effort to promote the safety and welfare of our blind persons on the streets and highways, and thereby to contribute to their independence of spirit and their capability for self-management.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixth day of October in the year of our Lord nineteen hundred and sixty-four, and of the Independence of the United States of America the one hundred and eighty-ninth.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
*Secretary of State.*

[F.R. Doc. 64-10440; Filed, Oct. 9, 1964; 2:07 p.m.]

# Rules and Regulations

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

[Ex Parte 73, MC–1]

### PART 142—EXTENSION OF CREDIT TO SHIPPERS

### PART 188—EXTENSION OF CREDIT TO SHIPPERS

#### Extension of Period for Filing Exceptions

In the matter of regulations for payment of rates and charges, Ex Parte 73; payment of rates and charges of motor carriers, Ex Parte No. MC–1.

Upon consideration of the record in the above-entitled proceeding and of the request for extension of time for filing exceptions, and good cause appearing;

*It is ordered*, That the time for the filing of exceptions to the recommended order of September 10, 1964 (29 F.R. 12925) be, and it is hereby, extended to October 26, 1964.

Dated at Washington, D.C., this 7th day of October A.D. 1964.

By the Commission, Commissioner Tucker.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–10385; Filed, Oct. 12, 1964; 8:47 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

### PART 74—SCABIES IN SHEEP

#### Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations as amended, are hereby amended to read, respectively, as follows:

**§ 74.2 Designation of free and infected areas.**

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies, and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Virgin Islands of the United States, Washington, Wisconsin, and Wyoming;

(2) All Counties in Kansas except Barber, Harper, Kingman, and Marion;

(3) The following Counties in Missouri: Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all Counties in the State of Missouri lying south thereof;

(4) The following Counties in Nebraska: Arthur, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

**§ 74.3 Designation of eradication areas.**

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such States, and parts thereof, are hereby designated as eradication areas:

(1) Iowa, Tennessee, and West Virginia;

(2) The following Counties in Kansas: Barber, Harper, Kingman, and Marion;

(3) All Counties in Missouri except Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all Counties in the State of Missouri lying south thereof;

(4) All Counties in Nebraska except Arthur, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

*Effective date.* The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the Counties of Barber, Harper, Kingman, and Marion in the State of Kansas to the list of infected and eradication areas and deletes such Counties from the list of free areas as sheep scabies is known to exist therein. After the effective date of this amendment, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such Counties.

The amendment imposes certain restrictions necessary to prevent the spread of scabies, a communicable disease of sheep, and must be made effective immediately in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of October 1964.

B. T. SHAW, *Administrator, Agricultural Research Service.*

[F.R. Doc. 64–10382; Filed, Oct. 12, 1964; 8:47 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 64–EA–15]

### PART 73—SPECIAL USE AIRSPACE [NEW]

#### Alteration of Restricted Area

On June 27, 1964, a Notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 8176) stating that the Federal Aviation Agency proposed to alter the geographical boundaries of the Underhill, Vt., Restricted Area R–6501.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

In § 73.65 (29 F.R. 1280), Restricted Area R–6501 is amended as follows:

*R–6501 Underhill, Vt.*

*Boundaries.* Beginning at latitude 44°–30'00'' N., longitude 72°52'00'' W.; to latitude 44°27'00'' N., longitude 72°52'00'' W.; to latitude 44°27'00'' N., longitude 72°55'00'' W.; to latitude 44°28'30'' N., longitude 72°–56'30'' W.; to latitude 44°29'15'' N., longitude 72°56'30'' W.; to latitude 44°30'00'' N., longitude 72°53'30'' W.; to the point of beginning.

*Designated Altitudes.* Surface to 4,000 feet MSL.

*Time of designation.* Continuous, June 1 through July 31; 0700 to 0100 e.s.t. August 1 through May 31.

*Using Agency.* Adjutant General, State of Vermont, Montpelier, Vt.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 6, 1964.

CHARLES W. CARMODY, *Acting Director, Air Traffic Service.*

[F.R. Doc. 64–10368; Filed, Oct. 12, 1964; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 6202; Amdt. 394]

# PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

## Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Columbus RBn | LOM | Direct | 2200 | T-dn | 300–1 | 300–1 | 200–½ |
| Columbus VOR | LOM | Direct | 2200 | C-dn | 500–1 | 500–1 | 500–1½ |
| Geneva Int | LOM | Direct | 2200 | S-dn-5 | 500–1 | 500–1 | 500–1 |
| Marvyn Int | LOM | Direct | 2200 | A-dn | 800–2 | 800–2 | 800–2 |
| Seale Int | LOM (final) | Direct | 2200 | | | | |

Procedure turn W side of crs, 232° Outbnd, 052° Inbnd, 2200′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 2200′ over LOM.
Crs and distance, facility to airport, 052°—6.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing LOM, climb to 2200′, proceed to Geneva Int via 045° bearing from SG LMM, or when directed by ATC, climb to 2200′, turn left and return direct to LOM.
MSA within 25 miles of facility: 000°–090°—3400′; 090°–180°—3200′; 180°–270°—1500′; 270°–360°—2200′.

City, Columbus; State, Ga.; Airport Name, Muscogee County; Elev., 397′; Fac. Class., LOM; Ident., CS; Procedure No. 1, Amdt. 11; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 10; Dated, 23 May 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Findlay VOR | FDY RBn | Direct | 2500 | T-dn | 300–1 | 300–1 | 200–½ |
| Lima VOR | Arlington Int* | Direct | 2700 | C-dn | 800–1 | 800–1 | 800–1½ |
| Arlington Int | Pleasant Grove Int# (final) | Direct | 1700 | S-dn-36¢ | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2500′ within 10 miles of Pleasant Grove Int.#
Minimum altitude over Pleasant Grove Int# on final approach crs, 1700′.
Crs and distance, Pleasant Grove Int# to airport, 360°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles of Pleasant Grove Int,# climb to 2500′ on heading of 330° to intercept V–47, hold South Custer Int, right turns, 1 minute.
Alternate missed approach within 3.0 miles of Pleasant Grove Int,# make left climbing turn to 2500′, hold South Findlay RBn, right turns, 1 minute, 360° Inbnd.
CAUTION: Radio tower 1890′, 1.5 miles ESE of airport. Radio tower 1156′ 5 miles N of airport.
¢Authorized only for aircraft equipped to receive ADF and VOR simultaneously. If Findlay VOR not received circling minimums will apply.
#Pleasant Grove Int: Int 180° bearing from Findlay RBn and R–090 Findlay VOR.
*Arlington Int: Int 180° bearing from Findlay RBn and R–050 of Lima VOR.
MSA within 25 miles of facility: 000°–360°—2300′.

City, Findlay; State, Ohio; Airport Name, Findlay; Elev., 812′; Fac. Class., BMH; Ident., FDY; Procedure No. 1, Amdt. 3; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 2; Dated, 9 May 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Gardner VOR | Fitchburg RBn | Direct | 3500 | T-dn | 1000–2 | 1000–2 | NA |
| | | | | C-dn | 1200–2 | 1200–2 | NA |
| | | | | A-dn | NA | NA | NA |

Procedure turn N side of crs, 140° Outbnd, 320° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of FIT RBn, climb to 3000′ on 320° bearing from FIT RBn within 10 miles. Return to FIT RBn, hold NW, 140° Inbnd, right turns, 1 minute.
CAUTION: 1220′ antenna 4.0 miles NW of airport.
NOTES: 1. Facility must be monitored aurally during this procedure. 2. Facility operated by city. 3. Approach from a holding pattern not authorized. Procedure turn required.
MSA within 25 miles of facility: 000°–090°—3500′; 090°–180°—2500′; 180°–270°—3500′; 270°–360°—4500′.

City, Fitchburg; State, Mass.; Airport Name, Fitchburg Municipal; Elev., 350′; Fac. Class., MHW; Ident., FIT; Procedure No. 1, Amdt. 3; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 2; Dated, 2 Nov. 63



ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| MLB VOR | MEF RBn | Direct | 1500 | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | S-dn-9 | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Radar vectoring authorized in accordance with approved patterns for Patrick AFB radar.
Procedure turn S side of crs, 267° Outbnd, 087° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 087°—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles after passing MEF RBn, turn right, climb to 1500′ and return to MEF RBn. Hold W, 1-minute right turns, 087° Inbnd.
MSA within 25 miles of facility: 000°–090°—1300′; 090°–180°—1300′; 180°–270°—1400′; 270°–360°—1500′.

City, Melbourne; State, Fla.; Airport Name, John F. Kennedy Memorial; Elev., 32′; Fac. Class., SBH; Ident., MEF; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 Oct. 64 or upon recommissioning of MEF RBn

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Paterson RBn | TEB LMM | Direct | 2000 | T-dn | 300–1 | 300–1 | 200–½ |
| TEB LMM | AR LOM (final) | Direct | 2000 | C-dn* | 900–1 | 900–1 | 900–1½ |
| | | | | S-dn-22 | 900–1 | 900–1 | 900–1 |
| | | | | A-dn | 1000–2 | 1000–2 | 1000–2 |
| | | | | *The following minimums apply to turbojet aircraft when circling W of Runways 4/22 centerlines extended: | | | |
| | | | | C-dn* | 900–2 | 900–2 | 900–2 |

Radar transitions authorized in accordance with approved patterns.
Procedure turn W side of crs, 037° Outbnd, 217° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach course 2000′.
Crs and distance, facility to airport, 217°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LOM, climb to 2000′ on crs 217°, intercept R–069 ARD VOR, then make right turn, proceed to Kilmer Int at 2000′. Hold SW, 1-minute, right turns, Inbnd crs, 069°.
CAUTION: Building 598′ 2.2 miles N of airport.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—2600′; 180°–270°—1700′; 270°–360°—2500′.

City, Newark; State, N.J.; Airport Name, Newark; Elev., 18′; Fac. Class., LOM; Ident., AR; Procedure No. 2, Amdt. 4; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 3; Dated, 28 Mar. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Pottstown VOR | ING RBn | Direct | 2200 | T-d | 300–1 | NA | NA |
| Fraser Int | ING RBn (final) | Direct | 1200 | C-d | 600–1 | NA | NA |
| Hi-Line Int | ING RBn | Direct | 2200 | A-d | NA | NA | NA |

Radar vectoring authorized in accordance with approved Philadelphia Approach Control Radar patterns.
Procedure turn N side of crs, 241° Outbnd, 061° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 061°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.8 mile after passing ING RBn, climb on crs 061° to 1400′ within 5 miles, then make left-climbing turn returning to ING RBn at 2200′. Hold SW, 1-minute left turns, Inbnd crs, 061°.
NOTE: ING RBn operational daily from 0700 to 2100 local time.
MSA within 25 miles of the facility: 000°–090°—2000′; 090°–180°—2400′; 180°–270°—2000′; 270°–360°—2500′.

City, Philadelphia (Ambler); State, Pa.; Airport Name, Wings Field; Elev., 320′; Fac. Class., MHW; Ident., ING; Procedure No. 1, Amdt. 1; Eff. Date, 10 Oct. 64; Sup. Amdt. No. Orig.; Dated, 24 Aug. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brainard Int | PSF RBn | Direct | 4000 | T-d | 1100–2 | 1100–2 | NA |
| Chester VOR | PSF RBn | Direct | 4000 | T-n | 1600–2 | 1600–2 | NA |
| | | | | C-d | 1600–2 | 1600–2 | NA |
| | | | | C-n | 2100–2 | 2100–2 | NA |
| | | | | A-dn | NA | NA | NA |

Procedure turn S side of crs, 290° Outbnd, 110° Inbnd, 3700′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 2800′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of PSF RBn, make a left-climbing turn to 3700′ direct to PSF RBn. Hold W of PSF RBn, 110° Inbnd, 1-minute right turns.
NOTES: 1. Facility must be monitored aurally during this approach. 2. Approach from a holding pattern not authorized. Procedure turn required.
MSA within 25 miles of facility: 000°–090°—5000′; 090°–180°—4000′; 180°–270°—4000′; 270°–360°—3500′.

City, Pittsfield; State, Mass.; Airport Name, Pittsfield Municipal; Elev., 1170′; Fac. Class., MHW; Ident., PSF; Procedure No. 1, Amdt. 1; Eff. Date, 10 Oct. 64; Sup. Amdt. No. Orig.; Dated, 23 June 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Chatham RBn | TE LOM | Direct | 2000 | T-dn | 300–1 | 300–1 | 300–1 |
| Newark LOM | TE LOM | Direct | 1800 | C-dn | 1000–1 | 1000–1 | 1000–1½ |
| Paterson RBn | TE LOM | Direct | 2000 | S-dn | 700–1½ | 700–1½ | 700–1½ |
| Morristown VHF Int | TE LOM | Direct | 2000 | A-dn | 1000–2 | 1000–2 | 1000–2 |

Radar vectoring authorized in accordance with approved Newark radar patterns.
Procedure turn W side of crs, 240° Outbnd, 060° Inbnd, 1800′ within 10 miles of LOM.
Minimum altitude over TE LOM on final approach, 1400′.
Crs and distance, TE LOM to airport, 060°—4.0 miles.
Crs and distance, EB LMM to airport, 060°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1000′ on heading of 060°, turn left, climb to 2000′ on direct crs to Paterson RBn, hold NE 1-minute right turns, Inbnd crs 211°.
CAUTION: Teterboro OM and Newark OM at approximately same geographic location and signals are simultaneously keyed to indicate one OM serving two ILS systems. Empire State Building 1522′, 6.5 miles SE of airport.
MSA within 25 miles of facility: 000°–090°—2300′; 090°–180°—2600′; 180°–270°—1800′; 270°–360°—2500′.

City, Teterboro; State, N.J.; Airport Name, Teterboro; Elev., 7′; Fac. Class., LOM; Ident., TE; Procedure No. 1, Amdt. 4; Eff. Date, 10 Oct 64; Sup. Amdt. No. 3; Dated, 11 Jan. 62

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| V-141 | HYA VOR | Via radar vector to final approach crs. | 1500′ within 15 miles. | T-dn | 500-1 | 500-1 | NA |
| V-167 | HYA VOR | | | C-d* | 800-1 | 800-1 | NA |
| | | | | C-n* | 800-2 | 800-2 | NA |
| | | | | A-dn | NA | NA | NA |

Radar vectoring from Otis RAPCON authorized in accordance with approved patterns.
Procedure turn not authorized.
Minimum altitude over facility on final approach crs 1500′.
Crs and distance, facility to airport, 114°—10.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.2 miles after passing HYA VOR, make a climbing right turn to 1900′, return to HYA VOR. Hold SE R-178, right turns, 1 minute, 358° Inbnd.
CAUTION: 340′ antenna (2.0 miles SW of airport).
*If radar is inoperative, procedure is not authorized.
MSA within 25 miles of facility: 000°–360°—1600′.

City, Chatham; State, Mass.; Airport Name, Chatham Municipal; Elev., 66′; Fac. Class., L-BVOR; Ident., HYA; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 Oct. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| HSV VOR | Factory Int* (final) | Direct | 1600 | T-dn | 300-1 | 300-1 | 200-½ |
| Toney Int | HSV VOR | Direct | 2000 | C-d# | 1000-1 | 1000-1 | 1000-1½ |
| Grant Int | HSV VOR | Direct | 3000 | C-n# | 1000-2 | 1000-2 | 1000-2 |
| Gurley Int | HSV VOR | Direct | 3000 | S-d-18 | 1000-1 | 1000-1 | 1000-1 |
| Owens Int | HSV VOR | Direct | 3000 | S-n-18 | 1000-2 | 1000-2 | 1000-2 |
| | | | | A-dn | 1000-2 | 1000-2 | 1000-2 |
| | | | | If aircraft is equipped with two operating VOR receivers or one VOR and one ADF receiver, and Factory Int* received, minimums become: | | | |
| | | | | C-dn# | 800-1½ | 900-1½ | 900-2 |
| | | | | S-dn-18 | 700-1 | 700-1 | 700-1 |

Procedure turn W side of crs, 337° Outbnd, 157° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′; over Factory Int,* 1600′.
Crs and distance, facility to airport, 157°—6.4 miles; Factory Int* to airport, 157°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.4 miles after passing HSV VOR, climb to 3000′ on HSV VOR R-157, then turn left to intercept HSV VOR R-148 within 20 miles.
*Factory Int: Int HSV VOR R-157 and 077° bearing from HUA RBn.
#CAUTION: Circling approaches avoid high terrain and trees 1100′ 1.3 miles E of airport.
MSA within 25 miles of facility: 000°–090°—2900′; 090°–180°—3000′; 180°–270°—2100′; 270–360°—2600′.

City, Huntsville; State, Ala.; Airport Name, Huntsville-Madison County; Elev., 619′; Fac. Class., BVOR; Ident., HSV; Procedure No. 1, Amdt. 9; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 8; Dated, 1 Feb. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Cedar Rapids LOM | IOW-VOR | Direct | 2500 | T-dn | 300-1 | 300-1 | 200-½ |
| CID VOR | IOW-VOR | Direct | 2500 | C-dn | 600-2 | 600-2 | 600-2 |
| | | | | S-dn-35 | 600-2 | 600-2 | 600-2 |
| | | | | A-dn | NA | NA | NA |

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn W side of crs, 210° Outbnd, 030° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 018°—7.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles after passing IOW-VOR, make right turn, climb to 2400′ and return to IOW-VOR.
AIR CARRIER NOTE: Alternate minimums of 800–2 authorized for air carriers with weather reporting service at the airport.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
Minimum Radar Altitudes: 0 mile to 10 miles of IOW-VOR 2400′—000° CW 360°. 10 miles to 15 miles of IOW-VOR 2500′—205° CW 140°.
MSA within 25 miles of facility: 000°–360°—2100′.

City, Iowa City; State, Iowa; Airport Name, Iowa City Municipal; Elev., 661′; Fac. Class., L-BVOR; Ident., IOW; Procedure No. 1, Amdt. 3; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 2; Dated, 16 Nov. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Gerry Int | Jamestown VOR | Direct | 3600 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-d | 600-1 | 600-1 | 600-1½ |
| | | | | C-n | 600-2 | 600-2 | 600-2 |
| | | | | S-d-25 | 600-1 | 600-1 | 600-1 |
| | | | | S-n-25 | 600-2 | 600-2 | 600-2 |
| | | | | A-dn | NA | NA | NA |

Procedure turn N side of crs, 078° Outbnd, 258° Inbnd, 3600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600.′
Crs and distance, facility to airport, 258°—6.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing VOR, make a right-climbing turn to 3600′ and return to Jamestown VOR. Hold E on R-078 1-minute right turns, 258° Inbnd.
NOTE: Communications: 1. Weather and field conditions 122.8. 2. Contact Cleveland Center for ATC clearance. 3. Aircraft radio contact with ERI APC unreliable from ground.
Gerry Int: Jamestown VOR R-266 and Dunkirk VOR R-190.
MSA within 25 miles of facility: 000°–090°—4400′; 090°–180°—4500′; 180°–270°—4300′; 270°–360°—4100′.

City, Jamestown; State, N.Y.; Airport Name, Jamestown Municipal; Elev., 1725′; Fac. Class., BVOR; Ident., JHW; Procedure No. 1, Amdt. 2; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 1; Dated, 18 Jan. 64



VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| GSH RBn | SBN-VOR | Direct | 2500 | T-dn | 300-1 | 300-1 | 200-½ |
| North Liberty Int | SBN-VOR | Direct | 2400 | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-d-3 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | NA | NA | NA |

Procedure turn S side of crs, 226° Outbnd, 046° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 046°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles, make left turn, climb to 2400′, return to SBN-VOR or, when directed by ATC, climb to 2400′ on SBN-VOR R-046 within 20 miles.
NOTES: 1. No weather available. 2. When authorized by ATC, DME may be used to position aircraft on final approach crs via 8-mile DME arc at 2900′, 075° clockwise to 310° from SBN-VOR with the elimination of procedure turn. 3. No lights Runway 3/21.

City, Niles; State, Mich.; Airport Name, Jerry Tyler Memorial; Elev., 743′; Fac. Class., BVORTAC; Ident., SBN; Procedure No. 1, Amdt. 3; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 2; Dated, 15 Apr. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | NA |
| | | | | C-dn | 600-1 | 600-1 | NA |
| | | | | A-dn | NA | NA | NA |

Procedure turn W side of crs, 326° Outbnd, 146° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 146°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles after passing PCU-VOR, climb to 1700′, turn right and return direct to PCU-VOR. Hold NW on R-326, 146° Inbnd, 1-minute right turns.
CAUTION: Restricted area R-4403 6.0 miles SE of airport.
NOTES: 1. No weather service available at this airport. 2. Flight plan must be closed with MSY FSS when visual contact established.
MSA within 25 miles of facility: 000°–090°—1500′; 090°–180°—1400′; 180°–270—1400′; 270°–360°—1700′.

City, Picayune; State, Miss.; Airport Name, Picayune Municipal; Elev., 60′; Fac. Class., BVOR; Ident., PCU; Procedure No. 1, Amdt. 2; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 1; Dated, 26 Jan. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn-11 | 300-1 | 300-1 | NA |
| | | | | T-dn-29 | 500-2 | 500-2 | NA |
| | | | | C-dn | 800-1 | 800-1 | NA |
| | | | | S-dn-29 | 500-1 | 500-1 | NA |
| | | | | A-dn* | 800-2 | 800-2 | NA |

Procedure turn S side of crs 118° Outbnd, 298° Inbnd, 2000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs 800′.
Crs and distance, facility to airport, 298°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8# miles after passing PSE VOR, turn left climbing to 2000′ and return ot PSE VOR and thence; on R-120 within 10 miles.
NOTE: Aircraft departing northbound on V-9 will cross PSE VOR at 2090′ before proceeding on crs.
CAUTION: 500′ terrain 0.6 mile NW of airport.
*Alternate usage authorized for those persons who have approval of their arrangements for weather service at this airport. Weather service not available to the general public.
#Missed approach begins 0.5 mile prior to reaching approach end of runway due high terrain W of airport.

City, Ponce; State, P.R.; Airport Name, Mercedita; Elev., 25′; Fac. Class., VOR; Ident., PSE; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 Oct. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Goshen RBn | SBN-VOR | Direct | 3000 | T-dn | 300-1 | 300-1 | 200-½ |
| North Liberty Int | SBN-VOR | Direct | 2000 | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn E side of crs, 360° Outbnd, 180° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 180°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing SBN-VOR, make right turn, climbing to 2000′ and return to SBN VOR or when directed by ATC: (1) climb to 2000′ on R-180 within 20 miles.
CAUTION: 1917′ tower 5.6 miles S of LOM.
NOTE: When authorized by ATC, DME may be used to position aircraft on final approach crs via 8-mile DME arc at 2300′ 271° clockwise to 091° from SBN VOR with the elimination of procedure turn and 2000′ from 001° clockwise to 092°.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778′; Fac. Class, BVORTAC; Ident., SBN; Procedure No. 1, Amdt. 11; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 10; Dated, 25 Aug. 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brazil Int** | HUF VOR (final) | Direct | 1500 | T-dn | 300-1 | 300-1 | 200-½ |
| HUF RBn | HUF VOR | Direct | 3000 | C-dn | 400-1 | 500-1 | 500-1½ |
| Clinton Int | HUF VOR | Direct | 2200 | S-dn-23* | 400-1 | 400-1 | 400-1 |
| Spencer Int | HUF VOR | Direct | 2200 | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn N side of final approach crs, 049° Outbnd, 229° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 229°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing HUF VOR, make climbing left turn to 2200′ and proceed direct to Lewis VOR or, when directed by ATC, make climbing right turn and return to HUF VOR, at 2000′.
NOTES: 1. Final approach from holding pattern not authorized. Procedure turn required. 2. When authorized by ATC, DME may be used to position aircraft on final approach crs at 2200′ via 10-mile DME arc, 320° clockwise to 180° from HUF VOR with the elimination of the procedure turn.
*400-¾ authorized, except for turbojet aircraft, with operative hi-intensity runway lights.
**Brazil Int: Int HUF VOR R-062 and LEU VOR R-022, or 7.7-mile DME Fix from HUF VOR.
MSA within 25 miles of facility: 000°–360°—2100′.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., BVORTAC; Ident., HUF; Procedure No. 1, Amdt. 5; Eff. Date, 10 Oct. 1964; Sup. Amdt. No. 4; Dated, 20 June 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| HUF RBn | HUF VOR | Direct | 2000 | T–dn | 300–1 | 300–1 | 200–½ |
| LEU VOR | Riley Int* | Direct | 2200 | C–dn | 400–1 | 500–1 | 500–1½ |
| HUF VOR | Riley Int* | Direct | 2000 | S–dn–5** | 400–1 | 400–1 | 400–1 |
| Sanford Int | Riley Int* | Direct | 2200 | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn S side of crs, 228° Outbnd, 048° Inbnd, 2000′ within 10 miles of Riley Int.*
Minimum altitude over Riley Int* on final approach crs, 1700′.
Crs and distance, Riley Int* to airport, 048°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing Riley Int,* climb to 2500′ and proceed to Manhattan Int or, when directed by ATC, make climbing right turn to 2200′ and proceed direct to LEU VOR.
NOTES: 1. Procedure restricted to aircraft equipped with dual omni. 2. When authorized by ATC, DME may be used to position aircraft on final approach crs at 2200′ via 13-mile DME arc, 180° clockwise to 280° from HUF VOR with the elimination of the procedure turn.
*Riley Int: Int HUF VOR R–228 and LEU VOR R–315, or 9-mile DME Fix.
**400–¾ authorized, except for turbojet aircraft, with operating hi-intensity runway lights.
MSA within 25 miles of facility: 000°–360°—2100′.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., BVORTAC; Ident., HUF; Procedure No. 2, Amdt. 3; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 2; Dated, 20 June 64

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Austin Int | AUM VOR | Direct | 2700 | T–dn | 300–1 | 300–1 | 200–½ |
| RST VOR | AUM VOR | Direct | 2700 | C–dn | 600–1 | 600–1 | 600–1½ |
| | | | | S–dn–17 | 600–1 | 600–1 | 600–1 |
| | | | | A–dn | NA | NA | NA |
| | | | | #Following minimums apply for aircraft equipped with operating dual omni receivers and the Sargeant Int* received: | | | |
| | | | | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–17 | 400–1 | 400–1 | 400–1 |

Procedure turn W side of crs, 345° Outbnd, 165° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.#
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of AUM VOR, climb to 2700′ on R–165 within 10 miles. Return to VOR, hold on R–345, 1-minute right turns.
CAUTION: 1388′ tank 0.5 mile W.
*Sargeant Int: Int R–345 AUM–VOR and R–247 RST–VOR.
MSA within 25 miles of facility: 000°–090°—2900′; 090°–180°—3700′; 180°–270°—2800′; 270°–360°—2700′.

City, Austin; State, Minn.; Airport Name, Austin Municipal; Elev., 1237′; Fac. Class., BVOR (State-owned); Ident., AUM; Prodedure No. TerVOR–17, Amdt. 3; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 2; Dated, 1 Sept. 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Austin Int | AUM VOR | Direct | 2700 | T–dn | 300–1 | 300–1 | 200–½ |
| RST VOR | AUM VOR | Direct | 2700 | C–dn | 600–1 | 600–1 | 600–1½ |
| | | | | S–dn–35 | 600–1 | 600–1 | 600–1 |
| | | | | A–dn | NA | NA | NA |
| | | | | #Following minimums apply for aircraft equipped with operating dual omni receivers and the London Int* received: | | | |
| | | | | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–35 | 500–1 | 500–1 | 500–1 |

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach 1800′.#
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of the AUM VOR, climb to 2700′ on R–350 within 10 miles. Return to VOR and hold on R–170, 1-minute right turns.
CAUTION: 1388′ tank 0.5 mile W.
*London Int: Int R–170 AUM–VOR and R–233 RST–VOR.
MSA within 25 miles of facility: 000°–090°—2900′; 090°–180°—3700′; 180°–270°—2800′; 270°–360°—2700′.

City, Austin; State, Minn.; Airport Name, Austin Municipal; Elev., 1237′; Fac. Class., BVOR (State-owned); Ident., AUM; Procedure No. TerVOR–35, Amdt. 3; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 2; Dated, 1 Sept. 62



TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Wolbach VOR | Grand Island VOR | Direct | 3700 | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 600–1 | 600–1 | 600–1½ |
| | | | | S–dn–12 | 600–1 | 600–1 | 600–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |
| | | | | #If aircraft is equipped with dual operating VOR receivers and Evers Int* is identified, the following minimums apply: | | | |
| | | | | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–12 | 400–1 | 400–1 | 400–1 |

Procedure turn W side of crs, 295° Outbnd, 115° Inbnd, 3100′ within 10 miles.
Minimum altitude over facility on final approach crs 2446′#; over Evers Int* 2446′.
Crs and distance, Evers Int* to airport, 115°—3.7 miles; breakoff point to runway 120°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing GRI VOR or 3.7 miles after passing Evers Int,* make left turn climbing to 3100′ and return to GRI VOR. Hold N on R–349, 1-minute right turns, 169° Inbnd.
Other Change: Deletes transition from LFR to VOR.
*Evers Int: Int GRI VOR R–295 and OBH VOR R–172.
MSA within 25 miles of facility: 045°–135°—3300′; 135°–225°—3700′; 225°–315°—3200′; 315°–045°—3300′.

City, Grand Island; State, Nebr.; Airport Name, Grand Island Municipal; Elev., 1846′; Fac. Class., BVOR; Ident, GRI; Procedure No. TerVOR–12, Amdt. 3; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 2; Dated, 10 Mar. 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Wolbach VOR | GRI VOR | Direct | 3700 | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–17 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn W side of crs, 349° Outbnd, 169° Inbnd, 3100′ within 10 miles.
Minimum altitude over facility on final approach crs, 2246′.
Crs and distance, VOR to approach end of runway, 169°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left climbing turn to 3100′ and return to GRI VOR.
MSA within 25 miles of facility: 045°–135°—3300′; 135°–225°—3700′; 225°–315°—3200′; 315°–045°—3300′.

City, Grand Island; State, Nebr.; Airport Name, Grand Island Municipal; Elev., 1846′; Fac. Class., BVORTAC; Ident., GRI; Procedure No. TerVOR–17, Amdt. 7; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 6; Dated, 26 Jan. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 600–1 | 600–1½ |
| | | | | S–dn–7L | 500–1 | 500–1 | 500–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 262° Outbnd, 082° Inbnd, 1500′ within 10 miles of Anchor Int.*
Minimum altitude over Anchor Int* on final approach crs 1000′.
Crs and distance, Anchor Int* to VOR 082°—2.3 miles; breakoff point to runway 068°—1.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of LAX VOR, climb to Firestone Int at 2000′ via R–069.
*Anchor Int: Int LAX VOR R–262 and SMO VOR R–179.
MSA within 25 miles of the facility: 000°–090°—7200′; 090°–180°—2500′; 180°–270°—2400′; 270°–360°—5200′.

City, Los Angeles; State, Calif.; Airport Name, Los Angeles International; Elev., 126′; Fac. Class., BVORTAC; Ident., LAX; Procedure No. Ter VOR–7L, Amdt. 1; Eff. Date, 10 Oct. 64; Sup. Amdt. No. Orig.; Dated, 5 Sept. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–13# | 500–1 | 500–1 | 500–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar transitions and vectoring utilizing Macon Radar authorized in accordance with approved patterns.
Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′#.
Crs and distance, breakoff point to approach end of Runway 13, 129°—0.22 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, turn right and climb to 2000′ on R–324 within 15 miles.
#Maintain 1000′ Inbnd until after passing 190° bearing to MC LOM. If 190° bearing to MC LOM not received, ceiling minimums become 600′ and descent below 1000′ not authorized.
MSA within 25 miles of facility: 000°–180°—1800′; 180°–270°—1900′; 270°–360°—2100′.

City, Macon; State, Ga.; Airport Name, Macon Municipal (Cochran Field); Elev., 354′; Fac. Class., BVORTAC; Ident., MCN; Procedure No. TerVOR–13, Amdt. 4; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 3; Dated, 18 May 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| MEF RBn | MLB–VOR | Direct | 1500 | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 600–1 | 600–1 | 600–1½ |
| | | | | S–dn–9 | 600–1 | 600–1 | 600–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |
| | | | | If aircraft equipped with VOR and ADF receivers and Washington Int* identified, the following minimums apply: | | | |
| | | | | C–dn | 400–1 | 500–1 | 500–1½ |
| | | | | S–dn–9 | 400–1 | 400–1 | 400–1 |

Radar vectoring authorized in accordance with approved patterns for Patrick AFB Radar.
Procedure turn S side of crs, 262° Outbnd, 082° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′; over Washington Int*, 600′.
Crs and distance, Washington Int* to VOR, 082°—3.6 miles; breakoff point to Runway 9, 087°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished with 0.0 mile after passing MLB VOR, turn right and climb to 1500′ on R–162 within 20 miles of MLB VOR.
*Washington Int MLB VOR R–262 and 217° bearing from MEF RBn.
MSA within 25 miles of facility: 000°–090°—1300′; 090°–180°—1300′; 180°–270°—1400′; 270°–360°—1500′.

City, Melbourne; State, Fla.; Airport Name, John F. Kennedy Memorial; Elev., 32′; Fac. Class., BVOR; Ident., MLB; Procedure No. Ter VOR–9, Amdt. 5; Eff. Date, 10 Oct. 64 or upon recommissioning of MEF RBn; Sup. Amdt. No. 4; Dated, 1 Aug. 64

TRANSITIONS FOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Bostonia Int | Sweetwater Int | Direct | 3700 | T–dn | 300–1 | 300–1 | 200–½ |
| Sweetwater Int | Encanto Int (final) | Direct | 1600 | C–dn | 800–2 | 800–2 | 800–2 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar transitions and vectoring using Miramar radar authorized in accordance with approved radar patterns.
Procedure turn not authorized. Final approach crs Inbnd, 271°.
Minimum altitude over Encanto Int on final approach crs, 1600'.
Crs and distance, facility to airport, 271°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles of Encanto Int, turn right, climb to 2500' on LIF–VOR R–323 to Mount Dad Int or, when directed by ATC, climb to 1500' on LIF–VOR R–272 to Sargo Int.
CAUTION: Buildings and terrain 467' 0.5 mile E of airport.
*Encanto Int: Int LIF R–091 and 013° bearing from Coronado RBn.
‡500–1 required for takeoff Runway 9.

City, San Diego; State, Calif.; Airport Name, San Diego International—Lindberg Field; Elev., 15'; Fac. Class., BVOR; Ident., LIF; Procedure No. TerVOR–27, Amdt. 5; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 4; Dated, 15 June 63

**4. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:**

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| 16-mile fix R–324 | 6-mile fix R–324 (final) | Direct | 2000 | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–13 | 500–1 | 500–1 | 500–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar transitions and vectoring utilizing Macon Radar authorized in accordance with approved patterns.
Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 2000' between 6 and 16 miles of VOR. Beyond 16 miles not authorized.
Facility on airport.
Minimum altitude over 6-mile fix R–324 on final approach crs, 2000'.
Crs and distance, breakoff point to approach end of Runway 13, 129°—0.22 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, turn right and climb to 2000' on R–324 within 16 miles.
NOTE: When authorized by ATC, DME may be used within 16 miles at 2100' in all directions to position aircraft for a final approach with the elimination of a procedure turn.
MSA within 25 miles of facility: 000°–180°—1800'; 180°–270°—1900'; 270°–360°—2100'.

City, Macon; State, Ga.; Airport Name, Macon Municipal (Cochran); Elev., 354'; Fac. Class., BVORTAC; Ident., MCN; Procedure No. 1, Amdt. 2; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 1; Dated, 18 May 63

**5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:**

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| BTL VOR | Mendon Int* | Direct | 2500 | T–dn | 300–1 | 300–1 | 200–½ |
| Leroy Int | Mendon Int* | Via LFD VOR R–294. | 2600 | C–dn | 400–1 | 500–1 | 500–1½ |
| | | | | S–dn–4‡ | 400–1 | 400–1 | 400–1 |
| Vicksburg Int** | Mendon Int* (final) | Direct | 2500 | A–dn | 800–2 | 800–2 | 800–2 |
| AZO–VOR | Mendon Int* (final) | Via AZO R–130 and SW ILS crs. | 2500 | | | | |

Procedure turn S side of crs, 224° Outbnd, 044° Inbnd, 2500' within 10 miles of Mendon Int.*
No glide slope. No approach lights.
Minimum altitude over Mendon Int* on final approach crs, 2500'.
Crs and distance, Mendon Int* to airport, 044°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing Mendon Int,* make climbing left turn to 3000' and proceed to Hickory Int via BTL–VOR R–331 or, when directed by ATC, climb to 2400' on NE crs ILS to BT LOM.
NOTE: When authorized by ATC, DME from BTL VOR may be used to position aircraft on final approach crs at 2600' via 12-mile DME arc between R–110 clockwise to R–330 with the elimination of the procedure turn.
*Mendon Int: Int SW crs. BTL ILS and AZO VOR R–091, or DME Fix 5.8 miles from BTL VOR.
**Vicksburg Int: Int AZO–VOR R–150 and SW crs BTL ILS.
‡400–¾ authorized, except for turbojet aircraft, with operative hi-intensity runway lights.

City, Battle Creek; State, Mich.; Airport Name, W. K. Kellogg Regional Airfield; Elev., 941'; Fac. Class, ILS; Ident., I–BTL; Procedure No. ILS–4 (back crs.), Amdt. 3; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 2; Dated, 8 Feb. 64



ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Columbus RBn | LOM | Direct | 2200 | T–dn | 300–1 | 300–1 | 200–½ |
| Columbus VOR | LOM | Direct | 2200 | C–dn | 500–1 | 500–1 | 500–1½ |
| Marvyn Int | LOM | Direct | 2200 | S–dn–5° | 300–1 | 300–1 | 300–1 |
| Geneva Int | LOM | Direct | 2200 | A–dn | 600–2 | 600–2 | 600–2 |
| Seale Int | LOM (final) | Direct | 2200 | | | | |

Procedure turn W side of crs, 232° Outbnd, 052° Inbnd, 2200' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude at glide slope intercept Inbnd, 2200'.
Altitude of glide slope and distance to approach end of runway at OM, 2157'—6.0 miles; at MM, 623'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2200' proceed to Geneva Int via 045° bearing from SG LMM or, when directed by ATC, climb to 2200', turn left and return direct to LOM.
NOTE: No approach lights.
*500–1 required when glide slope inoperative.

City, Columbus; State, Ga.; Airport Name, Muscogee County; Elev., 397'; Fac. Class., ILS; Ident., I–CSG; Procedure No. ILS–5, Amdt. 5; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 4; Dated, 25 July 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Rouge Int | Ford Int or Ford RBn* (final) | Direct | 1700 | T–dn | 300–1 | 300–1 | 200–½ |
| Salem VOR | Ford Int or Ford RBn* | Direct | 2700 | C–dn | 500–1 | 500–1 | 500–1½ |
| Dundee Int | Ford Int or Ford RBn* | Direct | 2700 | S–dn–23L–R** | 400–1 | 400–1 | 400–1 |
| Bridgewater Int | Ford Int or Ford RBn* | Direct | 2700 | A–dn | 800–2 | 800–2 | 800–2 |
| Park Int | Ford Int or Ford RBn* | Direct | 2700 | | | | |
| Belle Int | Rouge Int | Direct | 2700 | | | | |
| Dix Int | Ford Int or Ford RBn* | Direct | 2700 | | | | |

Radar transitions authorized in accordance with approved procedures.
Procedure turn N side of crs, 050° Outbnd, 230° Inbnd, 2700' within 10 miles.
Minimum altitude over Ford Int* or Ford RBn, 1700'.
Crs and distance, Ford Int* or Ford RBn to Runway 23L, 230°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing Fort Int*/RBn, climb to 2300', proceed to YIP LOM or, when directed by ATC, climb to 2400', proceed to CRL VOR.
CAUTION: TV tower 1749' 15 miles NE of Ford Int.
NOTES: 1. Aircraft executing missed approach may, after being reidentified, be radar controlled. 2. Final approach from holding pattern not authorized, procedure turn required.
*Ford Int: Int NE crs YIP ILS and SVM VOR R–143.
**400–¾ authorized, except turbojet aircraft, with operative hi-intensity runway lights.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716'; Fac. Class., ILS; Ident., I–YIP; Procedure No. ILS–23 R & L, Amdt. 5; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 4; Dated, 11 May 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Lawton Int | AZO VOR | Direct | 2600 | T–dn | 300–1 | 300–1 | 200–½ |
| AZO–VOR | Upjohn Int* | Direct | 2600 | C–dn | 400–1 | 500–1 | 500–1½ |
| Cooper Int | Upjohn Int* | Via PMM R–112 | 2500 | S–dn–17** | 400–1 | 400–1 | 400–1 |
| Prince Int | Upjohn Int* (final) | Direct | 2000 | A–dn‡ | 800–2 | 800–2 | 800–2 |
| BTL–VOR | Upjohn Int* | Via BTL R–270 | 2500 | | | | |
| AZ LOM | Upjohn Int* | Direct | 2500 | | | | |
| Centerville Int | AZO–VOR | Direct | 2500 | | | | |
| GRR VOR | Prince Int | Direct | 2900 | | | | |

Procedure turn W side of crs, 352° Outbnd, 172° Inbnd, 2500' within 10 miles of Upjohn Int.*
Minimum altitude over Upjohn Int* on final approach crs, 2000'.
Crs and distance, Upjohn Int* to airport, 172°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing Upjohn Int,* climb to 2500' and proceed to AZ LOM via S crs AZO ILS or, when directed by ATC, make right turn, climb to 3000' and proceed to Cooper Int via AZO R–331.
NOTES: Back crs approach. No glide slope. No approach lights.
Final approach from holding pattern at Upjohn Int* not authorized. Procedure turn required.
*Upjohn Int: Int N crs AZO ILS and BTL R–270.
**400–¾ authorized, except turbojet aircraft, with operative hi-intensity runway lights.
‡Alternate minimums authorized only during hours of control zone operations or for air carrier with weather reporting service.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874'; Fac. Class., ILS; Ident., I–AZO; Procedure No. ILS–17, Amdt. 4; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 3; Dated, 25 Jan. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| LAN VOR | Grand Ledge Int‡ | Direct | 2600 | T–dn | 300–1 | 300–1 | 200–½ |
| Int W crs LAN ILS and LAN R–297 | Eagle Int* | Direct | 2500 | C–dn | 400–1 | 500–1 | 500–1½ |
| LAN LOM | Grand Ledge Int‡ | Direct | 2600 | S–dn–04‡ | 400–1 | 400–1 | 400–1 |
| St. Johns Int | Grand Ledge Int‡ | LAN R–031 and W crs ILS. | 2500 | A–dn | 800–2 | 800–2 | 800–2 |
| Eagle Int* | Grand Ledge Int‡ (final) | Direct | 2200 | | | | |

Procedure turn S side W crs, 273° Outbnd, 093° Inbnd, 2500' within 10 miles.
No glide slope. Altitude over Grand Ledge Int ‡ 2200'.
No outer marker or middle marker. Crs and distance, Grand Ledge Int‡ to approach end of runway, 093°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing Grand Ledge Int,‡ climb to 2500' on E crs ILS, proceed to LOM or, when directed by ATC, make left turn climbing to 2500' and proceed to St. Johns Int via LAN VOR R–091.
NOTE: Procedure not authorized unless aircraft equipped to receive ILS and VOR simultaneously.
*Eagle Int: Int R–321 LAN VOR and W crs ILS.
‡Grand Ledge Int: Int W crs LAN ILS and R–360 LAN.
‡‡400–¾ authorized, except for turbojet aircraft, with operative hi-intensity runway lights.

City, Lansing; State, Mich.; Airport Name, Capital City; Elev., 859'; Fac. Class., ILS; Ident., I–LAN; Procedure No. ILS–9, (Back crs) Amdt. 8; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 7; Dated, 20 June 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Chatham RBn | NE crs ILS | 095–15.0 | 2000 | T–dn | 300–1 | 300–1 | 200–½ |
| Paterson RBn | NE crs ILS (final) | 161–7.4 | 2000 | C–dn# | 600–1 | 600–1 | 600–1½ |
| Teterboro LMM | LOM (final) | Direct | 2000 | S–dn–22° | 200–½ | 200–½ | 200–½ |
| | | | | A–dn# | 600–2 | 600–2 | 600–2 |
| | | | | #The following minimums apply to turbojet aircraft when circling W of Runways 4/22 centerlines extended: | | | |
| | | | | C–dn | 900–2 | 900–2 | 900–2 |
| | | | | A–dn | 900–2 | 900–2 | 900–2 |

Radar transitions authorized in accordance with approved radar patterns.
Procedure turn W side NE crs, 037° Outbnd, 217° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of glide slope and distance to approach and of runway at OM, 1930′—5.8 miles; at MM, 236′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ straight ahead on SW crs of Newark ILS to Amboy VHF Int, then turn right and proceed direct to Kilmer VHF Int at 2000′. Hold SW Kilmer Int right turns, 1 minute, 069° Inbnd.
CAUTION: 1. Building 598′ 2.2 miles N of airport. 2. 50′ hangar row 200′ E of approach light lane between MM and end of Runway 22. 3. Procedure turn accomplished over Teterboro LMM. Teterboro OM and Newark OM at approximately same geographic location and signals are simultaneously keyed to indicate one OM serving two ILS systems.
*600–1 required when glide slope inoperative.
City, Newark; State, N.J.; Airport Name, Newark; Elev., 18′; Fac. Class., ILS; Ident., I–ARK; Procedure No. ILS–22, Amdt. 9; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 8; Dated, 28 Mar. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Bostonia Int | Sweetwater Int | Direct | 3700 | T–dn# | 300–1 | 300–1 | 200–½ |
| Sweetwater Int | Encanto Int (final)* | Direct | 1600 | C–dn | 800–2 | 800–2 | 800–2 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns.
Procedure turn not authorized. Final approach crs Inbnd 271°.
Minimum altitude over Encanto Int on final approach crs, 1600′.
Crs and distance, Encanto Int to airport, 271°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles of Encanto Intersection turn right, climb to 2500′ on SAN VOR R–322 to Mount Dad Int, or when directed by ATC, climb to 1500′ on LIF VOR R–272 to Sargo Int.
CAUTION: 281′ trees and terrain between LOM and LMM. Buildings and terrain 467′ 0.5 mile E of airport.
*Encanto Int: Int E crs SAN ILS and 013° bearing from Coronado RBn.
#600–1 required for takeoff Runway 9.
City, San Diego; State, Calif.; Airport Name, San Diego International—Lindberg Field; Elev., 15′; Fac. Class., ILS; Ident., I–SAN; Procedure No. ILS–27 (Back crs), Amdt. 4; Eff. Date, 10 Oct. 64; Sup Amdt. No. 3; Dated, 28 July 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Long Lake Int | Elkhart Int# | Via GSH R–018 and E crs ILS. | 2200 | T–dn | 300–1 | 300–1 | 200–½ |
| | | Direct | 3000 | C–dn | *400–1 | 500–1 | 500–1½ |
| North Liberty Int | LOM | Direct | 2200 | S–dn–27° | 200–½ | 200–½ | 200–½ |
| South Bend VOR | LOM | Via E crs ILS | 2200 | A–dn | 600–2 | 600–2 | 600–2 |
| Bristol Int | Elkhart Int# | Via 325° bearing from GSH RBn. | 2200 | | | | |
| Goshen RBn | Elkhart Int# | Direct | 2000 | | | | |
| Elkhart Int# | LOM (final) | Via R–345 GSH VOR. | 2400 | | | | |
| Goshen VOR | Norman Int | Direct | 2000 | | | | |
| Norman Int | LOM (final) | | | | | | |

Procedure turn N side of final approach crs, 089° Outbnd, 269° Inbnd, 2200′ within 10 miles.
Minimum altitude at glide slope int Inbnd, 2000′.
Altitude of glide slope and distance to approach and of runway at OM, 1900′—3.8 miles; at MM, 975′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing right turn to 2000′ and proceed direct to the SBN VOR or make climbing right turn to 2200′ and proceed direct to SB LOM.
CAUTION: 2019′ tower 5.6 miles S of LOM.
NOTE: When authorized by ATC, DME may be used to position aircraft on final approach crs at 2000′ via 14-mile DME arc, 075° clockwise to 138° from SBN VOR with the elimination of the procedure turn.
*500–1 required when glide slope inoperative.
#Elkhart Int: Int E crs SBN ILS and R–360 GSH VOR or 325° bearing from GSH RBn.
City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778′; Fac. Class., ILS; Ident., I–SBN; Procedure No. ILS–27, Amdt. 17; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 16; Dated, 19 May 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Grand Beach Int | Prairie Int* | Via OXI R–345 and W crs ILS. | 2400 | T–dn | 300–1 | 300–1 | 200–½ |
| | | Direct | 2400 | C–dn | 600–1 | 600–1 | 500–1½ |
| Prairie Int* | Gordon Int# (final) | Direct | 2400 | S–dn–9 | 800–1 | 800–1 | 800–1 |
| SBN VOR | Gordon Int# | Direct | 2400 | A–dn | 800–2 | 800–2 | 800–2 |
| SB LOM | Gordon Int# | Direct | 2400 | | | | |
| Stillwell Int | Prairie Int* | Direct | 2400 | | | | |

Procedure turn N side of crs, 269° Outbnd, 089° Inbnd, 2400′ within 10 miles of Gordon Int.# Nonstandard due traffic.
Minimum altitude over Gordon Int# on final approach crs, 2400′.
Crs and distance, Gordon Int# to Runway 9, 089°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing Gordon Int,# climb to 2200′ and proceed direct to SB LOM or, as directed by ATC, make left turn, climb to 2000′ and proceed direct to SBN VOR.
NOTES: 1. No glide slope. No approach lights. 2. Simultaneous reception of ILS and VOR required to execute this approach. 3. When authorized by ATC, DME may be used to position aircraft on final approach crs at 2400′ via 15-mile DME arc, 180° clockwise to 360° from SBN VOR with the elimination of the procedure turn.
*Prairie Int: Int W crs SBN localiser and OXI R–360.
#Gordon Int: Int W crs SBN localiser and SBN R–235.
City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778′; Fac. Class., ILS; Ident., I–SBN; Procedure No. ILS–9 (Back crs), Amdt. 2; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 1; Dated, 15 Aug. 64



ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Syracuse VOR | Syracuse RBn | Direct | 2000 | T–dn* | 300–1 | 300–1 | 200–½ |
| Lakeport Int | Syracuse RBn | Direct | 2000 | C–dn | 700–1 | 700–1 | 700–1½ |
| Weedsport Int | Syracuse RBn (final) | Direct | 2000 | S–dn–10°* | 400–1 | 400–1 | 400–1 |
| Plainville Int | Syracuse RBn (final) | Direct | 2000 | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn N side of crs, 278° Outbnd, 098° Inbnd, 2000′ within 10 miles.
Minimum altitude over SYR RBn on final approach crs, 2000′; over Liverpool Int,# 1000′.
No glide slope. Crs and distance, SYR RBn to airport, 098°—6.7 miles; Liverpool Int# to airport, 098°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.7 miles after passing SYR RBn (3.4 miles after Liverpool Int), climb straight ahead to 3000′ to SY LOM. Hold E of SY LOM, 278° Inbnd, 1-minute right turns.
CAUTION: 536′ antenna 1.1 miles S of approach end of Runway 28. 2549′ antenna 10.4 miles S of airport.
AIR CARRIER NOTE: Neither sliding scale nor reduction in minimums authorized for takeoffs to the SE.
*600–1 required for takeoff on Runway 14.
**400–¾ authorized, except for turbojet aircraft, with operative hi-intensity runway lights. Descent below 1000′ not authorized for aircraft not equipped for simultaneous reception of VOR and ILS.
#Liverpool Int: Int W crs SYR ILS and R–190 SYR VOR.
City, Syracuse; State, N.Y.; Airport Name, Hancock Field; Elev., 421′; Fac. Class., ILS; Ident, I–SYR; Procedure No. ILS–10, Amdt. 10; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 9; Dated, 5 Sept. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| HUF RBn | LOM | Direct | 2000 | T–dn | 300–1 | 300–1 | 200–½ |
| HUF VOR | LOM | Direct | 2000 | C–dn | 400–1 | 500–1 | 500–1½ |
| LEU VOR | LOM | Direct | 2200 | S–dn–5# | 300–¾ | 300–¾ | 300–¾ |
| Fairbanks Int | LOM | Direct | 2000 | A–dn | 600–2 | 600–2 | 600–2 |
| Sanford Int | LOM | Direct | 2200 | | | | |
| Int R–248 LEU–VOR and HUF ILS SW crs. | Prairie Creek Int | Direct | 2400 | | | | |
| Prairie Creek Int | LOM (final) | Direct | 1900 | | | | |
| Spencer Int | LOM | Direct | 2200 | | | | |
| Clinton Int | LOM | Direct | 2200 | | | | |

Procedure turn S side crs, 225° Outbnd, 045° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at LOM, 1848′—4.7 miles, at LMM, 761′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2160′ on NE crs HUF ILS and proceed direct to Carbon Int or, when directed by ATC, make climbing right turn to 2200′ and proceed direct to LEU–VOR.
NOTES: 1. No approach lights. 2. When authorized by ATC, DME may be used to position aircraft on final approach crs at 2200′ via 12-mile DME arc, 180° clockwise to 280° from HUF VOR with the elimination of the procedure turn.
#400–1 required when glide slope not utilized.
*Carbon Int: Int NE crs HUF ILS and LEU R–013.
City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., ILS; Ident., I–HUF; Procedure No. ILS–5, Admt. 5; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 4; Dated, 20 June 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Int HUF R–009 and SCJ R–339 | Carbon Int# | Via SCJ R–339 | 2000 | T–dn | 300–1 | 300–1 | 200–½ |
| Carbon Int# | HUF RBn (final) | Direct | 1500 | C–dn | 400–1 | 500–1 | 500–1½ |
| Carbon Int# | HUF VOR (final) | Direct | 1500 | S–dn–23* | 400–1 | 400–1 | 400–1 |
| Clinton Int | HUF VOR or HUF RBn | Direct | 2200 | A–dn | 800–2 | 800–2 | 800–2 |
| Spencer Int | HUF VOR or HUF RBn | Direct | 2200 | | | | |
| Sanford Int | HUF VOR or HUF RBn | Direct | 2200 | | | | |
| Fairbanks Int | HUF VOR or HUF RBn | Direct | 2200 | | | | |
| Manhattan Int | HUF VOR or HUF RBn | Direct | 2200 | | | | |
| LEU VOR | HUF VOR or HUF RBn | Direct | 2200 | | | | |
| HUF LOM | HUF VOR or HUF RBn | Direct | 2000 | | | | |

Procedure turn N side localizer crs, 045° Outbnd, 225° Inbnd, 2000′ within 10 miles of HUF RBn* or HUF VOR.**
Minimum altitude over HUF RBn, 1500′; over HUF VOR, 1500′.
Crs and distance, HUF RBn to airport, 225°—4 miles; HUF VOR to airport, 220°—3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing HUF RBn or 3 miles after passing HUF VOR, climb to 2200′ southwestbound on SW crs HUF ILS to Prairie Creek Int# or, when directed by ATC, make climbing left turn to 2200′ and proceed direct to LEU VOR.
NOTE: When authorized by ATC, DME may be used to position aircraft on final approach crs at 2200′ via 10-mile DME arc, 320° clockwise to 180° from HUF VOR, with elimination of the procedure turn.
*400–¾ authorized, except for turbojet aircraft, with operative hi-intensity runway lights.
NOTES: 1. No glide slope. 2. No approach lights. 3. This procedure not authorized unless aircraft equipped to receive ILS and ADF or ILS and VOR simultaneously. 4. Final approach from holding pattern not authorized. Procedure turn required.
#Carbon Int: Int NE crs HUF ILS and LEU R–013.
#Prairie Creek Int: Int HUF ILS SW crs and LEU R–280.
City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., ILS; Ident., I–HUF; Procedure No. ILS–23 (Back crs), Amdt. 5; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 4; Dated, 20 June 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Chatham RBn | ILS SW crs | Via crs 095° | 2000 | T–dn | 300–1 | 300–1 | 300–1 |
| EW LOM | ILS SW crs | Via crs 345° | 1800 | C–dn | 1000–1 | 1000–1 | 1000–1½ |
| Paterson RBn | TE LOM | Direct | 2000 | S–dn–6° | 800–1 | 800–1 | 800–1 |
| Cranford VHF Int% | TE LOM | Direct | #1800 | A–dn | 1600–2 | 1600–2 | 1600–2 |
| Morristown VHF Int | TE LOM | Direct | 2000 | | | | |

Radar vectoring authorized in accordance with approved Newark radar patterns.
Procedure turn W side SW crs, 240° Outbnd, 060° Inbnd, 1800′ within 10 miles of LOM.
Minimum altitude at glide slope interception Inbnd, 1400′.
Minimum altitude at glide slope intercepsion Inbnd at Kearney VHF Int,** 1800′.
Altitude of glide slope and distance to approach end of runway at Kearney Int,** 1800′—6.0 miles; at OM, 1339′—4.0 miles; at MM, 240′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1000′ on a heading of 060°, turn left, climb to 2000′ on ADF crs to Paterson RBn, and hold NE on 031° bearing, 1-minute right turns, 211° Inbnd.
CAUTION: Teterboro OM and Newark OM at approximately same geographic location and signals are simultaneously keyed to indicate one OM serving two ILS systems. Empire State Building 1522′ 6.5 miles SE of airport.
*700–1½ required with any component of the ILS inoperative.
#Final ILS descent authorized after passing Kearney VHF Int.
%Cranford VHF Int: Int R–261 BAX VOR and Teterboro SW localiser course.
**Kearney VHF Int: Int Kennedy VOR R–309 and Teterboro SW localiser course.
City, Teterboro; State, N.J.; Airport Name, Teterboro; Elev., 7′; Fac. Class., ILS; Ident., I–TEB; Procedure No. ILS–6, Amdt. 13; Eff. Date, 10 Oct. 64; Sup. Amdt. No. 12; Dated, 2 Apr. 64

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Radar terminal area maneuvering sectors and altitudes | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| All directions | | 0-7 miles | 2000 | Precision approach | | | |
| 330° | 020° | 7-20 miles | 2600 | T-dn* | 300-1 | 300-1 | 200-½ |
| 020° | 250° | 7-20 miles | 2300 | C-dn | 500-1 | 500-1 | 500-1½ |
| 250° | 330° | 7-20 miles | 2500 | S-dn-5R** | 200-½ | 200-½ | 200-½ |
| All directions | | 20-28 miles | 2600 | S-dn-5L | 400-1 | 400-1 | 400-1 |
| 028° | 350° | 28-30 miles | 2600 | A-dn | 600-2 | 600-2 | 600-2 |
| 350° | 026° | 28-30 miles | 2700 | Surveillance approach | | | |
| Radar control will provide 1000' vertical clearance within a 3-mile radius of 1240' tower 10 miles W and 1737', 1738', and 1749' tower, 17.5 to 19.5 miles NE of airport. | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn-9L | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn-9L# | 600-1 | 600-1 | 600-1 |
| | | | | C-dn-14, 36, 5L-R. | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-14, 36, 5L-R, 23 L-R, 18, 27 L-R, and 32. | 500-1 | 500-1 | 500-1 |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn# | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runways 23L, 23R, 27R, 27L, 14, and 18, climb to 2300' and proceed to YIP LOM. Runways 5L, 5R, 9L, 36, and 32, climb to 2600', proceed to SVM VOR on R-170.

Aircraft executing missed approach may, after being reidentified, be radar controlled.

#Surveillance approaches straight-in to Runway 9R not authorized due to antenna location and ground clutter.

*Runway visual range 2600' authorized for takeoff in lieu of 200-½ when 200-½ authorized, providing hi-intensity runway lights are in satisfactory operating condition.

**Runway visual range 2600' authorized for landing on Runway 5R; provided that all components of the PAR, hi-intensity runway lights, approach lights, condenser-discharge flashers, outer compass locator and all related airborne equipment are operating satisfactorily. Descent below authorized landing minimum altitude of 916' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

#Runway 23L-400-1 straight-in authorized, except turbojet aircraft, with operative hi-intensity runway lights.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716'; Fac. Class. and Ident., Willow Run Radar; Procedure No. 1, Amdt. 12; Eff. Date, 10 Oct. 64; Sup. Amdt No. 11; Dated, 15 Feb. 64

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on September 4, 1964.

G. S. MOORE,
*Director, Flight Standards Service.*

[F.R. Doc. 64-9229; Filed, Oct. 12, 1964; 8:45 a.m.]

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[Reg. Docket No. 6232; Amdt. 95-120]

## PART 95—IFR ALTITUDES [NEW]

### Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 [New] of the Federal Aviation Regulations is amended, effective November 12, 1964, as follows:

1. By amending Subpart C as follows:

Section 95.111 *Amber Federal airway 11* is deleted:

Section 95.6246 *Red Federal airway 46* is deleted:

Section 95.1001 *Direct routes—U.S.* is amended to delete:

*From, to, and MEA*

Chadron, Nebr., VOR; Douglas, Wyo., VOR (via 271° Chadron—068° Douglas); 8,000.
Columbia, Mo., LFR; Quincy, Ill., LF/RBn; 2,100. Garden City, Kans., LFR; Gage, Okla., LFR; 4,300.
O'Neill, Nebr., VOR; Grand Island, Nebr., VOR (via Wolback, Nebr., VOR); 4,500.
O'Neill, Nebr., VOR; Grand Island, Nebr., LFR (via Wolback, Nebr., VOR); 4,500.
Watertown, S. Dak., VOR; Fargo, N. Dak., VOR; 3,100.
Greenville INT, Fla.; Valdosta, Ga., VOR; *1,800. *1,600—MOCA.

Section 95.1001 *Direct routes—U.S.* is amended by adding:

Santa Monica, Calif., VOR, via SMO R-063; Alhambra INT, Calif.; 4,000.
Avenal, Calif., VOR; *Taft INT, Calif.; northwestbound, 4,500; southeastbound, 8,500. *AVE VOR R-117/BFL VOR R-194/GMN VOR R-297.
Taft INT, Calif.; Gorman, Calif., VOR; 10,000.
Santa Barbara, Calif., VOR; Int. SBA VOR R-102 and VTU VOR R-015; 6,000.
Int. SBA VOR R-102 and VTU VOR R-015; Los Angeles, Calif., VOR; 5,000.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

*Seattle, Wash., VOR; Palmer INT, Wash.; eastbound, 8,000; westbound, 4,000. *4,300—MCA Seattle VOR, eastbound.



*From, to, and MEA*

*Seattle, Wash., VOR, via N alter.; **Taylor INT, Wash., via N alter.; eastbound, 8,500; westbound, 5,000. *6,300—MCA Seattle VOR, eastbound. **8,600—MCA Taylor INT, eastbound.
Ephrata, Wash., VOR, via S alter.; Grange DME Fix, Wash., via S alter.; *6,000. *5,000—MOCA.
Grange DME Fix, Wash., via S alter.; Spokane, Wash., VOR, via S alter.; 5,000.
*Spokane, Wash., VOR, via S alter.; Mullan Pass, Idaho, VOR, via S alter.; **10,700. *5,800—MCA Spokane VOR, Eastbound. **8,800—MOCA.
Thorp INT, Wash., via S alter.; *Ellensburg, Wash., VOR, via S alter.; eastbound, 7,700; westbound 10,000. *6,700—MCA Ellensburg VOR, westbound.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Cherokee, Wyo., VOR; *Laramie, Wyo., VOR; 12,800. *10,600—MCA Laramie VOR, westbound. *9,400—MCA Laramie VOR, southeastbound.
*Laramie, Wyo., VOR, via N alter.; Nunn INT, Colo., via N alter.; 11,000. *9,400—MCA Laramie VOR, southeastbound.

Section 95.6005 *VOR Federal airway 5* is amended to delete:

Alma, Ga., VOR; Macon, Ga., VOR; *2,000. *1,700—MOCA.
Macon, Ga., VOR; *Loraine INT, Ga.; 2,000. *2,500—MRA.
Loraine INT, Ga.; McDonough, Ga., VOR; 2,500.

Section 95.6005 *VOR Federal airway 5* is amended by adding:

Alma, Ga., VOR; Dublin, Ga., VOR; *2,200. *1,600—MOCA.
Dublin, Ga., VOR; McDonough, Ga., VOR; *2,000. *1,900—MOCA.
Dublin, Ga., VOR, via W alter.; Macon, Ga., VOR, via W alter.; *2,000. *1,800—MOCA.
Macon, Ga., VOR, via W alter.; *Loraine INT, Ga., via W alter.; **2,000. *2,500—MRA. **1,900—MOCA.
Loraine INT, Ga., via W alter.; McDonough, Ga., VOR, via W alter.; *2,500. *2,000—MOCA.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Jacksonville, Fla., VOR; Yulee, INT, Fla.; *1,600. *1,200—MOCA.
Yulee INT, Fla.; Folkston INT, Ga.; *2,000. *1,300—MOCA.
Jacksonville, Fla., VOR, via W alter.; Callahan INT, Fla., via W alter.; *1,600. *1,300—MOCA.
Callahan INT, Fla., via W alter.; Cabins INT, Ga., via W alter.; *2,000. *1,300—MOCA.
Cabins INT, Ga., via W alter.; Alma, Ga., VOR, via W alter.; *2,000. *1,700—MOCA.
New London INT, Ohio; Cleveland, Ohio, VOR; *3,000. *2,300—MOCA.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

North Platte, Nebr., VOR; Int. 079° M rad, North Platte, VOR, and 047° M rad, Hayes Center, VOR; *5,000. *4,300—MOCA.
Int. 079° M rad, North Platte, VOR, and 047° M rad, Hayes Center, VOR; Grand Island, Nebr.; *5,000. *3,700—MOCA.
Carson INT, Iowa; *Lyman INT, Iowa; **3,100. *3,500—MRA. **2,500—MOCA.
Naperville, Ill., VOR; Steamboat INT, Ill.; 2,300.
Steamboat INT, Ill.; South Bend, Ind., VOR; *2,600. *2,100—MOCA.
Chagrin Falls INT, Ohio; Hiram INT, Ohio; *3,000. *2,600—MOCA.
Hiram INT, Ohio; Youngstown, Ohio, VOR; *2,900. *2,600—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Akron, Colo., VOR; Hayes Center, Nebr., VOR; *8,400. *6,000—MOCA.
Hayes Center, Nebr., VOR, via N alter.; Int. 047° M rad, Hayes Center VOR, and 079° M rad, North Platte, VOR, via N alter.; *5,000. *4,100—MOCA.
Int 047° M rad, Hayes Center VOR, and 079° M rad, North Platte, VOR, via N alter.; Grand Island, Nebr., VOR, via N alter.; *5,000. *3,700—MOCA.
Carson INT, Iowa; *Lyman INT, Iowa; **3,100. *3,500—MRA. **2,500—MOCA.
*Grand Junction; Colbran INT, Colo.; southwestbound, 10,000; northeastbound, 13,500. *13,500—MCA Grand Junction VOR, northeastbound.
Chicago Heights, Ill., VOR; *Westville INT, Ind.; *2,000. *3,800—MRA.
Westville INT, Ind.; Goshen, Ind., VOR; *2,600. *2,100—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

*Fidelity INT, Ill.; **Lowder INT, Ill.; ***2,500. *3,000 — MRA. **2,700 — MRA. ***2,000—MOCA.
Lowder INT, Ill.; *Waverly INT, Ill.; **2,500. *2,700—MRA. **2,000—MOCA.
Capital, Ill., VOR; Lincoln INT, Ill.; *2,100. *1,900—MOCA.
Lincoln INT, Ill.; Atlanta INT, Ill.; *2,300. *2,100—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

Naperville, Ill., VOR; Steamboat INT, Ill., 2,300.
Steamboat INT, Ill.; South Bend, Ind., VOR; *2,600. *2,100—MOCA.
South Bend, Ind., VOR; Centerville INT, Mich.; *2,600. *2,300—MOCA.
Centreville INT, Mich.; Litchfield, Mich., VOR; *3,000. *2,000—MOCA.
Neptune INT, Mich., via N alter.; South Bend, Ind., VOR, via N alter.; *2,600. *2,100—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Vichy, Mo., VOR, via S alter.; St. Louis, Mo., VOR, via S alter.; *2,800. *2,100—MOCA.
Attica, Ohio, VOR; Cleveland, Ohio, VOR; *3,000. *2,300—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Coin INT, Iowa; Emerson INT, Iowa; *2,700. *2,500—MOCA.
Emerson INT, Iowa; Neola, Iowa, VOR; 2,900. *2,500—MOCA.
Neola, Iowa, VOR; Sioux City, Iowa, VOR; *3,100. *2,500—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Somerville INT, Tenn.; Anderson INT, Tenn.; 2,000.
Anderson INT, Tenn.; Jacks Creek, Tenn., VOR; *2,300. *1,900—MOCA.
Jacks Creek, Tenn., VOR; Graham, Tenn., VOR; *2,500. *2,000—MOCA.
Jacks Creek, Tenn., VOR, via N alter.; Vanleer INT, Tenn., via N alter.; *2,600. *2,000—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

Gage, Okla., VOR, via W alter.; Liberal, Kans., VOR, via W alter.; *4,700. *2,500—MOCA.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

Cheyenne, Wyo., VOR; Morton INT, Wyo.; 9,000.

Morton INT, Wyo.; Casper, Wyo., VOR; *11,500. *11,400—MOCA.
Cimarron, N. Mex., VOR, via E alter.; *Earl INT, Colo., via E alter.; 11,600. *10,500—MCA Earl INT, southbound.
Int 103° M rad, Great Falls VOR, and 256° M rad, Lewistown, VOR, via W alter.; *Great Falls, Mont., VOR, via W alter.; **11,000. *7,400—MCA Great Falls, VOR, southeastbound. **10,300—MOCA.
Crazy Woman, Wyo., VOR; Sheridan, Wyo., VOR; 9,000.
Crazy Woman, Wyo., VOR, via E alter.; Sheridan, Wyo., VOR, via E alter.; 7,000.

Section 95.6020 *VOR Federal airway 20* is amended to delete:

Laredo, Tex., VOR; *Duval INT, Tex.; 1,900. *3,000—MRA.
Duval INT, Tex.; Alice, Tex., VOR; 1,900.
Alice, Tex., VOR; Corpus Christi, Tex., VOR; 1,800.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Hathaway INT, La., via N alter.; Lafayette, La., VOR, via N alter.; 1,800.
Lake Charles, La., VOR; Lafayette, La., VOR; 1,500.

Section 95.6022 *VOR Federal airway 22* is amended to read in part:

Horn INT, Miss.; Moss INT, Miss.; *2,000. *1,400—MOCA.
Moss INT, Miss.; Brookley, Ala., VOR; 1,400.
Brookley, Ala., VOR; Saufley, Fla., VOR; *2,500. *1,700—MOCA.
Saufley, Fla., VOR; Crestview, Fla., VOR; *2,500. *1,500—MOCA.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

Oceanside, Calif., VOR; Balboa INT, Calif.; 3,800.
Balboa INT, Calif.; Long Beach, Calif., VOR; 3,000.
Fort Jones, Calif., VOR; Talent DME Fix, Oreg.; *10,000. *9,400—MOCA.
Talent DME Fix, Oreg.; *Medford, Oreg., VOR; northbound, 8,000; southbound, 10,000. *8,000—MCA Medford VOR, southbound.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

Sprague INT, Oreg.; Redmond, Oreg., VOR; *12,000. *9,300—MOCA.

Section 95.6026 *VOR Federal airway 26* is amended to delete:

Cleveland, Ohio, VOR; New London INT, Ohio; *3,000. *2,200—MOCA.
New London INT, Ohio; Tiverton, Ohio, VOR; 2,500.

Section 95.6026 *VOR Federal airway 26* is amended to read in part:

Sand Creek INT, Wyo.; Rushmore INT, S. Dak.; *13,000. *9,200—MOCA.
Rushmore INT, S. Dak.; *Rapid City, S. Dak., VOR; westbound, 13,000; eastbound, 7,000. *6,500—MCA Rapid City, VOR, westbound.
Rapid City, S. Dak., VOR; *Wall INT, S. Dak.; 4,500. *5,400—MRA.
Wall INT, S. Dak.; Philip, S. Dak., VOR; 4,500.
Cleveland, Ohio, VOR; New London INT, Ohio; *3,000. *2,300—MOCA.

Section 95.6036 *VOR Federal airway 36* is amended to read in part:

Lewiston INT, N.Y.; Buffalo, N.Y., VOR; 2,300.
Buffalo, N.Y., VOR; Dale INT, N.Y.; 3,500.

| From, to, and MEA |
|---|
| Dale INT, N.Y.; Thurston, INT, N.Y.; 4,000. Thurston INT, N.Y.; Elmira, N.Y., VOR; 3,500. |

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

| |
|---|
| Allegheny, Pa., VOR; Ellwood City, Pa., VOR; 3,000. |

Section 95.6040 *VOR Federal airway 40* is amended to delete:

| |
|---|
| Imperial, Pa., VOR; Allegheny, Pa., VOR; *3,000. * 2,500—MOCA. |

Section 95.6041 *VOR Federal airway 41* is amended to read:

| |
|---|
| Imperial, Pa., VOR; Kerner INT, Pa.; 3,000. Kerner INT, Pa.; Youngstown, Ohio, VOR; 3,100. |

Section 95.6042 *VOR Federal airway 42* is amended to delete:

| |
|---|
| Akron, Ohio, VOR; Power Point INT, Ohio; 3,000. |
| Power Point INT, Ohio; Imperial, Pa., VOR; 3,000. *2,600—MOCA. |
| Imperial, Pa., VOR; Paulton INT, Pa.; 3,000. Paulton INT, Pa.; Johnstown, Pa., VOR; 4,500. |

Section 95.6047 *VOR Federal airway 47* is amended to read in part:

| |
|---|
| Findlay, Ohio, VOR; Custar INT, Ohio; *2,500. *2,200—MOCA. |

Section 95.6050 *VOR Federal airway 50* is amended to read in part:

| |
|---|
| Virginia INT, Ill.; Capital, Ill., VOR; *2,200. *2,000—MOCA. |

Section 95.6051 *VOR Federal airway 51* is amended to delete:

| |
|---|
| Alma, Ga., VOR; Macon, Ga., VOR; *2,000. *1,700—MOCA. |
| Macon, Ga., VOR; *Loraine INT, Ga.; 2,000. *2,500—MRA. |
| Loraine INT, Ga.; McDonough, Ga., VOR; 2,500. |

Section 95.6051 *VOR Federal airway 51* is amended by adding:

| |
|---|
| Alma, Ga., VOR; Dublin, Ga., VOR; *2,200. *1,600—MOCA. |
| Dublin, Ga., VOR; McDonough, Ga., VOR; *2,000. *1,900—MOCA. |
| Dublin, Ga., VOR, via W alter.; Macon, Ga., VOR, via W alter.; *2,000. *1,800—MOCA. |
| Macon, Ga., VOR, via W alter.; *Loraine INT, Ga., via W alter.; **2,000. *2,500—MRA. **1,900—MOCA. |
| Loraine INT, Ga., via W alter.; McDonough, Ga., VOR, via W alter.; *2,500. *2,000—MOCA. |

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

| |
|---|
| Jacksonville, Fla., VOR; Yulee INT, Fla.; *1,600. *1,200—MOCA. |
| Yulee INT, Fla.; Folkston INT. Ga.; *2,000. *1,300—MOCA. |
| Jacksonville, Fla., VOR, via W alter.; Callahan INT, Fla., via W alter.; *1,600. *1,300—MOCA. |
| Callahan INT, Fla., via W alter.; Cabins INT, Ga., via W alter.; *2,000. *1,300—MOCA. |
| Cabins INT, Ga., via W alter.; Alma, Ga., VOR, via W alter.; *2,000. *1,700—MOCA. |

Section 95.6055 *VOR Federal airway 55* is amended to read in part:

| |
|---|
| Fort Wayne, Ind., VOR; Goshen, Ind., VOR; *2,700. *2,300—MOCA. |
| Claypool INT, Ind., via W alter.; Goshen, Ind., VOR, via W alter.; *2,600. *2,300—MOCA. |
| South Bend, Ind., VOR.; Keeler, Mich., VOR; *2,600. *2,000—MOCA. |
| Keeler, Mich., VOR; Pullman, Mich., VOR; *2,500. *2,100—MOCA. |

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

| |
|---|
| Geneva INT, Ga.; *Junction City INT, Ga.; **2,200. *3,000—MRA. **1,900—MOCA. |

Section 95.6058 *VOR Federal airway 58* is amended to delete:

| |
|---|
| Imperial, Pa., VOR; Paulton INT, Pa.; 3,000. Paulton INT, Pa.; Carrolltown, Pa., VOR; 4,000. |

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

| |
|---|
| Abilene, Tex., VOR; *Breckenridge INT, Tex.; **4,000. *5,000—MRA. **3,100—MOCA. |
| Breckenridge INT, Tex.; Chapel INT, Tex.; *4,000. *2,500—MOCA. |
| Chapel INT, Tex.; Bridgeport, Tex., VOR; 4,000. |

Section 95.6068 *VOR Federal airway 68* is amended to delete:

| |
|---|
| Three Rivers INT, Tex.; Skidmore INT, Tex.; *2,500. *1,500—MOCA. |
| Skidmore INT, Tex.; Sinton INT, Tex.; *2,000. *1,500—MOCA. |
| Sinton INT, Tex.; Corpus Christi, Tex., VOR; 1,700. |
| Corpus Christi, Tex., VOR; Kingsville INT, Tex.; 1,800. |
| Kingsville INT, Tex.; *Salada INT, Tex.; **2,000. *6,000—MCA Salada INT, southbound. **1,100—MOCA. |
| Salada INT, Tex.; Armstrong INT, Tex.; *6,000. *1,100—MOCA. |
| Armstrong INT, Tex.; Brownsville, Tex., VOR; *2,000. *1,400—MOCA. |

Section 95.6068 *VOR Federal airway 68* is amended by adding:

| |
|---|
| Three Rivers INT, Tex.; Cartwright INT, Tex.; *2,500. *1,300—MOCA. |
| Cartwright INT, Tex.; Corpus Christi, Tex., VOR; 1,500. |
| Corpus Christi, Tex., VOR; Solon INT, Tex.; *1,600. *1,500—MOCA. |
| Solon INT, Tex.; Armstrong INT, Tex.; *3,000. *1,500—MOCA. |
| Armstrong INT, Tex.; Harlingen, Tex., VOR; *1,500. *1,400—MOCA. |
| Harlingen, Tex., VOR; McAllen, Tex., VOR; 1,500. |

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

| |
|---|
| Capital, Ill., VOR; Lincoln INT, Ill.; *2,100. *1,900—MOCA. |
| Lincoln INT, Ill.; Atlanta INT, Ill.; *2,300. *2,100—MOCA. |

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

| |
|---|
| Lake Charles, La., VOR; Lafayette, La., VOR; 1,500. |

Section 95.6072 *VOR Federal airway 72* is amended to delete:

| |
|---|
| Findlay, Ohio, VOR; Attica, Ohio, VOR; 2,500. Attica, Ohio, VOR; Sharon INT, Ohio; *3,000. *2,500—MOCA. |
| Sharon INT, Ohio; Akron, Ohio, VOR; 3,000. |

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

| |
|---|
| Hadley INT, Pa.; Tidioute, Pa., VOR; *3,500. *3,000—MOCA. |

Section 95.6073 *VOR Federal airway 73* is amended to read in part:

| |
|---|
| Groveland INT, Kans.; Salina, Kans., VOR; *3,400. *2,800—MOCA. |

| From, to, and MEA |
|---|

Section 95.6074 *VOR Federal airway 74* is amended to read in part:

| |
|---|
| Long INT, Okla.; Fort Smith, Ark., VOR; 2,700. |

Section 95.6075 *VOR Federal airway 75* is amended to read in part:

| |
|---|
| Morgantown, W. Va., VOR; Finley INT, W. Va.; 4,100. |
| Finley INT, W. Va.; Wheeling, W. Va., VOR; 3,100. |

Section 95.6078 *VOR Federal airway 78* is amended to read in part:

| |
|---|
| Watertown, S. Dak., VOR; Madison DME fix, Minn.; *3,800. *3,100—MOCA. |
| Madison DME fix, Minn.; Darwin, Minn., VOR; *4,000. *2,600—MOCA. |

Section 95.6084 *VOR Federal airway 84* is amended to read in part:

| |
|---|
| *Papi INT, Ill.; **Sturgeon INT, Ill.; ***2,000. *2,500—MRA. **3,000—MRA. ***1,600—MOCA. |
| Sturgeon INT, Ill.; *Mid Lake INT, Ill.; **2,000. *2,500—MRA. **1,600—MOCA. |
| Mid Lake INT, Ill.; Pullman, Mich., VOR; *2,300. *1,800—MOCA. |

Section 95.6085 *VOR Federal airway 85* is amended to read in part:

| |
|---|
| Mountain INT, Wyo.; Casper, Wyo., VOR; northbound, 8,000; southbound, 10,800. |
| *Casper, Wyo., VOR; Riverton, Wyo., VOR; 8,200. *9,500—MCA Casper VOR, southbound. |

Section 95.6086 *VOR Federal airway 86* is amended to read in part:

| |
|---|
| Gillette INT, Wyo.; Pactola INT, S. Dak.; *13,000. *9,100—MOCA. |
| Pactola INT, S. Dak.; *Rapid City, S. Dak., VOR; westbound, 13,000; eastbound, 7,000. *4,500—MCA Rapid City, VOR, westbound. |

Section 95.6092 *VOR Federal airway 92* is amended to read in part:

| |
|---|
| Chicago Heights, Ill., VOR; *Westville INT, Ind.; 2,000. *3,800—MRA. |
| Westville INT, Ind.; Goshen, Ind., VOR; *2,600. *2,100—MOCA. |
| Goshen, Ind., VOR; Millersburg INT, Ind.; *2,700. *2,300—MOCA. |

Section 95.6100 *VOR Federal airway 100* is amended to read in part:

| |
|---|
| *Whitefish INT, Ill.; Musky INT, Ill.; **2,000. *2,500—MRA. **1,600—MOCA. |
| Musky INT, Ill.; Keeler, Mich., VOR; *2,300. *1,800—MOCA. |

Section 95.6103 *VOR Federal airway 103* is amended to delete:

| |
|---|
| Clarksburg, W. Va., VOR; Porter INT, W. Va.; 3,000. |
| Porter INT, W. Va.; Wheeling, W. Va., VOR; 3,300. |
| Wheeling, W. Va., VOR; Briggs, Ohio, VOR; 3,100. |

Section 95.6103 *VOR Federal airway 103* is amended by adding:

| |
|---|
| Clarksburg, W. Va., VOR; Finley INT, W. Va.; 3,400. |
| Finley INT, W. Va.; Wolfdale INT, Pa.; 3,300. |
| Wolfdale INT, Pa.; Imperial, Pa., VOR; 3,000. |
| Imperial, Pa., VOR; Power Point INT, Ohio; *3,000. *2,600—MOCA. |
| Power Point INT, Ohio; Akron, Ohio, VOR; 3,000. |

Section 95.6112 *VOR Federal airway 112* is amended to read in part:

| |
|---|
| Pasco, Wash., VOR, via W alter.; Spokane, Wash., VOR, via W alter.; 5,000. |



| From, to, and MEA |
|---|

Section 95.6114 *VOR Federal airway 114* is amended to read in part:

| |
|---|
| *Montrose INT, La.; Alexandria, La., VOR; **4,500. *6,000—MRA. **1,700—MOCA. |
| *Montrose INT, La., via N alter.; Alexandria, La., VOR, via N. alter.; **4,500. *6,000—MRA. **1,700—MOCA. |

Section 95.6116 *VOR Federal airway 116* is amended to read in part:

| |
|---|
| *Beacon INT, Ill.; Neptune INT, Ill.; 2,000. *2,500—MCA Beacon INT, southwestbound. |
| Neptune INT, Ill.; Keeler, Mich., VOR; *2,600. *2,000—MOCA. |

Section 95.6118 *VOR Federal airway 118* is amended to read in part:

| |
|---|
| Medicine Bow, Wyo., VOR; *Laramie, Wyo., VOR; 9,000. *9,400—MCA Laramie, VOR, southeastbound. |

Section 95.6120 *VOR Federal airway 120* is amended to read in part:

| |
|---|
| *Great Falls, Mont., VOR; Lewistown, Mont., VOR; 8,400. *6,800—MCA Great Falls, VOR, eastbound. |

Section 95.6126 *VOR Federal airway 126* is amended to read in part:

| |
|---|
| Chicago Heights, Ill., VOR; *Westville INT, Ind.; 2,000. *3,800—MRA. |
| Westville INT, Ind.; Goshen, Ind., VOR; *2,600. *2,100—MOCA. |
| Goshen, Ind., VOR; Millersburg, INT, Ind.; *2,700. *2,300—MOCA. |

Section 95.6132 *VOR Federal airway 132* is amended to read in part:

| |
|---|
| Akron, Colo., VOR; Goodland, Kans., VOR; *6,400. *6,000—MOCA. |

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

| |
|---|
| Amarillo, Tex., VOR; Sayre, Okla., VOR; *5,300. *4,800—MOCA. |
| Amarillo, Tex., VOR, via N alter.; Int. 278° M rad, Sayre VOR, and 061° M rad, Amarillo VOR, via N alter.; *5,300. *4,800—MOCA. |

Section 95.6143 *VOR Federal airway 143* is amended to read in part:

| |
|---|
| Lynchburg, Va., VOR; Elon INT, Va.; northbound, 5,000; southbound, 3,000. |
| Elon INT, Va.; *Clifford INT, Va.; 5,000. *6,000—MCA Clifford INT, northbound. |

Section 95.6144 *VOR Federal airway 144* is amended to read in part:

| |
|---|
| Linden, Va., VOR; Blue Ridge INT, Va.; 5,000. |

Section 95.6154 *VOR Federal airway 154* is amended to read in part:

| |
|---|
| Geneva INT, Ga.; *Junction City INT, Ga.; **2,200. *3,000—MRA. **1,900—MOCA. |
| Macon, Ga., VOR; Dublin, Ga., VOR; *2,000. *1,800—MOCA. |

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

| |
|---|
| Taylor, Fla., VOR; Waycross, Ga., VOR; 2,200. Waycross, Ga., VOR; Alma, Ga., VOR; *2,000. *1,300—MOCA. |

Section 95.6161 *VOR Federal airway 161* is amended to read in part:

| |
|---|
| Marshalltown INT, Iowa; *Reinbeck INT, Iowa; **2,800. *2,700—MRA. **2,400—MOCA. |

Section 95.6162 *VOR Federal airway 162* is amended to read:

| From, to, and MEA |
|---|
| Harrisburg, Pa., VOR; Allentown, Pa., VOR; 3,000. |
| Harrisburg, Pa., VOR, via S alter.; Allentown, Pa., VOR; via S alter.; 3,000. |

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

| |
|---|
| Brownsville, Tex., VOR; Mansfield INT, Tex.; *1,500. *1,200—MOCA. |
| Mansfield INT, Tex.; Armstrong INT, Tex.; *3,000. *1,400—MOCA. |
| Armstrong INT, Tex.; Solon INT, Tex.; *3,000. *1,500—MOCA. |
| Solon INT, Tex.; Corpus Christi, Tex., VOR; *1,600. *1,500—MOCA. |
| Corpus Christi, Tex., VOR; Sinton INT, Tex.; 1,700. |
| Sinton INT, Tex.; Skidmore INT, Tex.; *2,000. *1,500—MOCA. |
| Skidmore INT, Tex.; Three Rivers INT, Tex.; *2,500. *1,500—MOCA. |
| Three Rivers INT, Tex.; Christine INT, Tex.; *5,000. *1,500—MOCA. |
| Christine INT, Tex.; *Leming INT, Tex.; **2,200. *2,500—MRA. **1,700—MOCA. |
| Leming INT, Tex.; Losoya INT, Tex.; *2,300. *2,100—MOCA. |
| Losoya INT, Tex.; San Antonio, Tex., VOR; *2,300. *2,200—MOCA. |

Section 95.6165 *VOR Federal airway 165* is amended to read in part:

| |
|---|
| Oceanside, Calif., VOR; Balboa INT, Calif.; 3,800. |
| Balboa INT, Calif.; Long Beach, Calif., VOR; 3,000. |

Section 95.6169 *VOR Federal airway 169* is amended to read in part:

| |
|---|
| Chadron, Nebr., VOR; *Custer INT, S. Dak.; 6,600. *6,600—MRA. |
| Custer INT, S. Dak.; Rapid City, S. Dak., VOR; 5,500. |
| Rapid City, S. Dak., VOR; *Belle INT, S. Dak.; 4,200. *4,500—MRA. |
| Belle INT, S. Dak.; Dupree, S. Dak., VOR; *4,900. *4,500—MOCA. |

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

| |
|---|
| Wolbach, Nebr., VOR; Kennard INT, Nebr.; *4,000. *3,100—MOCA. |
| Musky INT, Mich.; South Bend, Ind., VOR; *2,600. *2,100—MOCA. |

Section 95.6173 *VOR Federal airway 173* is amended to read in part:

| |
|---|
| Capital, Ill., VOR; Kenney INT, Ill.; *2,300. *1,900—MOCA. |

Section 95.6174 *VOR Federal airway 174* is amended to read in part:

| |
|---|
| Linden, Va., VOR; Blue Ridge INT, Va.; 5,000. |

Section 95.6180 *VOR Federal airway 180* is amended to read:

| |
|---|
| San Antonio, Tex., VOR; Clear Springs INT, Tex.; *2,700. *2,200—MOCA. |
| Clear Springs INT, Tex.; *Weimar INT, Tex.; **2,500. *3,000—MRA. **1,800—MOCA. |
| Weimar INT, Tex.; Eagle Lake, Tex.; *2,000. *1,700—MOCA. |
| Eagle Lake, Tex., VOR; Arcola INT, Tex.; 2,000. |
| Arcola INT, Tex.; Galveston, Tex., VOR; 2,200. |

Section 95.6182 *VOR Federal airway 182* is amended to read in part:

| |
|---|
| *Ukiah INT, Oreg.; **Baker, Oreg., VOR; ***14,000. *11,600 MCA Ukiah INT, eastbound. **10,200—MCA Baker VOR, westbound. ***11,000—MOCA. |

Section 95.6193 *VOR Federal airway 193* is amended to read in part:

| |
|---|
| Musky INT, Mich.; Pullman, Mich., VOR; *2,300. *1,800—MOCA. |

| From, to, and MEA |
|---|

Section 95.6196 *VOR Federal airway 196* is amended to read:

| |
|---|
| Utica, N.Y., VOR; Cranberry INT, N.Y.; *8,000. *4,700—MOCA. |
| Cranberry INT, N.Y.; Redford INT, N.Y.; *8,000. *4,900—MOCA. |
| Redford INT, N.Y.; Plattsburgh, Pa., VOR; *5,000. *4,500—MOCA. |

Section 95.6205 *VOR Federal airway 205* is amended to read in part:

| |
|---|
| Coin INT, Iowa; Emerson INT, Iowa; *2,700. *2,500—MOCA. |
| Omaha, Nebr., VOR; Sioux City, Iowa, VOR; *3,100. *2,500—MOCA. |
| Omaha, Nebr., VOR; via W alter.; Blair INT, Nebr., via W alter.; *2,900. *2,700—MOCA. |
| Blair INT, Nebr., via W alter.; Sioux City, Iowa, VOR, via W alter.; *3,200. *2,500—MOCA. |

Section 95.6208 *VOR Federal airway 208* is amended to read in part:

| |
|---|
| Vista INT, Calif.; Julian, Calif., VOR; 7,700. Julian, Calif., VOR; Warner INT, Calif.; southwestbound, 8,000; northeastbound, 9,000. |

Section 95.6210 *VOR Federal airway 210* is amended to read in part:

| |
|---|
| Carrolltown, Pa., VOR; Coalfax INT, Pa.; 4,200. |
| Coalfax INT, Pa.; Harrisburg, Pa., VOR; 4,000. |

Section 95.6212 *VOR Federal airway 212* is amended to read in part:

| |
|---|
| San Antonio, Tex., VOR; Lockhart INT, Tex.; 2,600. |

Section 95.6216 *VOR Federal airway 216* is amended to read in part:

| |
|---|
| Mankato, Kans., VOR; O'Dell INT, Nebr.; *3,600. *3,000—MOCA. |
| Pawnee City, Nebr., VOR; Lamoni, Iowa, VOR; *3,000. *2,500—MOCA. |

Section 95.6218 *VOR Federal airway 218* is amended to read in part:

| |
|---|
| *Beacon INT, Ill.; Neptune INT, Ill.; 2,000. *2,500—MCA Beacon INT, southwestbound. |
| Neptune INT, Ill.; Keeler, Mich., VOR; *2,600. *2,000—MOCA. |

Section 95.6220 *VOR Federal airway 220* is amended to read in part:

| |
|---|
| Akron, Colo., VOR; Hayes Center, Nebr., VOR; *6,400. *6,000—MOCA. |

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

| |
|---|
| San Antonio, Tex., VOR; Lockhart INT, Tex.; 2,600. |

Section 95.6228 *VOR Federal airway 228* is amended to read in part:

| |
|---|
| *Bullhead INT, Ill.; Neptune INT, Ill.; **2,300. *2,500—MRA. **1,600—MOCA. |
| Neptune INT, Ill.; South Bend, Ind., VOR; *2,600. *2,100—MOCA. |

Section 95.6233 *VOR Federal airway 233* is amended to read in part:

| |
|---|
| Capital, Ill., VOR; *Luther INT, Ill.; **2,400. *2,800—MRA. **1,700—MOCA. |

Section 95.6243 *VOR Federal airway 243* is amended to delete:

| |
|---|
| Jacksonville, Fla., VOR; Folkston INT, Ga.; *2,000. *1,300—MOCA. |
| Folkston INT, Ga.; Alma, Ga., VOR; *2,000. *1,700—MOCA. |
| Alma, Ga., VOR; Vienna, Ga., VOR; *2,000. *1,400—MOCA. |

| From, to, and MEA |
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Section 95.6243 *VOR Federal airway 243* is amended by adding:

Jacksonville, Fla., VOR; Yulee INT, Fla.; *1,600. *1,200—MOCA.
Yulee INT, Fla.; Folkston INT, Ga.; *2,000. *1,300—MOCA.
Folkston INT, Ga.; Pafford INT, Ga.; *2,000. *1,700—MOCA.
Pafford INT, Ga.; Waycross, Ga., VOR; 2,200.
Waycross, Ga., VOR; Vienna, Ga., VOR; *2,200. *1,700—MOCA.
Jacksonville, Fla., VOR, via W alter.; Callahan, INT, Fla., via W alter.; *1,600. *1,300—MOCA.
Callahan INT, Fla., via W alter.; Cabins INT, Ga., via W alter.; *2,000. *1,300—MOCA.
Cabins INT, Ga., via W alter.; Waycross, Ga., VOR, via W alter.; 2,200.
Alma, Ga., VOR, via E alter.; Vienna, Ga., VOR, via E alter.; *2,000. *1,700—MOCA.
Myrtle INT, Ga., via E alter.; Macon, Ga., VOR, via E alter.; *2,000. *1,800—MOCA.
Macon, Ga., VOR, via E alter.; Yatesville INT, Ga., via E alter.; *2,000. *1,600—MOCA.

Section 95.6244 *VOR Federal airway 244* is amended to read in part:

*Cerro INT, Colo.; Gunnison, Colo., VOR; 12,400. *12,400—MCA Cerro INT, eastbound.

Section 95.6250 *VOR Federal airway 250* is deleted:

Section 95.6257 *VOR Federal airway 257* is amended to read in part:

Garrison INT, Mont.; INT 253° M rad, Helena VOR and 203° M rad, Great Falls VOR; *9,800. *9,200—MOCA.
Int. 253° M rad, Helena VOR and 203° M rad, Great Falls VOR; Wolf Creek INT, Mont.; 9,800.

Section 95.6260 *VOR Federal airway 260* is amended to read in part:

Moneta INT, Va., via S alter.; Lynchburg, Va., VOR, via S alter.; westbound, 4,000; eastbound, 3,000.

Section 95.6263 *VOR Federal airway 263* is amended to read in part:

Cimarron, N. Mex., VOR; INT, 040° M rad, Cimarron VOR and 163° M rad, Pueblo, VOR; 11,600.
Int. 040° M rad, Cimarron VOR and 163° M rad Pueblo VOR; *Tobe, Colo., VOR; **11,600. *8,000—MCA Tobe VOR, southwestbound. **10,800—MOCA.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

*Roy INT, Fla.; Spud INT, Fla.; **2,500. *2,500—MRA. **1,200—MOCA.
Spud INT, Fla.; Jacksonville, Fla., VOR; *1,600. *1,500—MOCA.

Section 95.6275 *VOR Federal airway 275* is amended to read in part:

Findlay, Ohio, VOR; Custar INT, Ohio; *2,500. *2,200—MOCA.

Section 95.6277 *VOR Federal airway 277* is amended to read in part:

Fort Wayne, Ind., VOR; Millersburg INT, Ind.; *2,800. *2,600—MOCA.
Millersburg INT, Ind.; Keeler, Mich., VOR; *2,700. *2,000—MOCA.

Section 95.6283 *VOR Federal airway 283* is amended to read in part:

*Redmond, Oreg., VOR; Elkhorn DME Fix, Oreg.; 12,500. *10,500—MCA Redmond VOR, northwestbound.

| From, to, and MEA |
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Elkhorn DME Fix, Oreg.; *Maverick INT, Oreg.; southeastbound, 12,500; northwestbound, 7,000. *9,400—MCA Maverick INT, southeastbound.

Section 95.6285 *VOR Federal airway 285* is amended to read in part:

Kokomo, Ind., VOR; Claypool INT, Ind.; 2,300.
Claypool INT, Ind.; Goshen, Ind., VOR; *2,600. *2,300—MOCA.

Section 95.6290 *VOR Federal airway 290* is amended to read in part:

Montebello, Va., VOR; Rockfish INT, Va.; *6,000. *5,800—MOCA.
Rockfish INT, Va.; Bradshaw INT, Va.; *5,000. *3,200—MOCA.
Bradshaw INT, Va.; Arvonia INT, Va.; *4,000. *2,200—MOCA.

Section 95.6297 *VOR Federal airway 297* is amended to read in part:

Ellwood City, Pa., VOR; Akron, Ohio, VOR; 3,100.

Section 95.6298 *VOR Federal airway 298* is amended to read in part:

Riverton, Wyo., VOR, via S alter.; Casper, Wyo., VOR, via S alter.; 8,200.

Section 95.6299 *VOR Federal airway 299* is amended to read in part:

*Fillmore, Calif., VOR; Gorman, Calif., VOR; 9,500. *8,900—MCA Fillmore VOR, northbound.

Section 95.6402 *Hawaii VOR Federal airway 2* is amended to read in part:

Keiki INT, Hawaii; Mango INT, Hawaii; *3,000. *2,500—MOCA.

Section 95.6405 *Hawaii VOR Federal airway 5* is added to read:

Int. 107° M rad, Lanai VOR and 168° M rad, Maui VOR; *Surf INT, Hawaii; **7,000. *5,500—MCA Surf INT, northbound. **1,000—MOCA.
Surf INT, Hawaii; Kona INT, Hawaii; *2,000. *1,000—MOCA.

Section 95.6415 *Hawaii VOR Federal airway 15* is amended to read in part:

Int. 097° M rad, South Kauai VOR and 119° M rad, Lihue VOR; Seaweed INT, Hawaii; *3,000. *1,000—MOCA.

Section 95.6416 *Hawaii VOR Federal airway 16* is amended to read in part:

Honolulu, Hawaii, VOR; Southgate INT, Hawaii; 2,000.

Section 95.6424 *VOR Federal airway 424* is amended to read in part:

Marshall, Mo., VOR; Macon, Mo., VOR; *2,600. *2,000—MOCA.

Section 95.6440 *VOR Federal airway 440* is amended to read in part:

Unalakleet, Alaska, VOR; Darby INT, Alaska; *3,000. *2,800—MOCA.
Darby INT, Alaska; Golovin INT, Alaska; *3,000. *2,000—MOCA.
Golovin INT, Alaska; Nome, Alaska, VOR; *3,000. *2,000—MOCA.

Section 95.6447 *VOR Federal airway 447* is amended by adding:

Newport INT, Vt.; United States-Canadian border; 5,000.

Section 95.6456 *VOR Federal airway 456* is amended to read in part:

| From, to, and MEA |
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King Salmon, Alaska, VOR; Sugarloaf INT, Alaska; southwestbound, 3,000; northeastbound, *4,500. *3,000—MOCA.
Sugarloaf INT, Alaska; *Big Mountain, Alaska, LF/RBn; 4,500. * 10,000—MCA Big Mountain LF/RBn, northeastbound.

Section 95.6468 *VOR Federal airway 468* is deleted.

Section 95.6484 *VOR Federal airway 484* is amended to read in part:

Myton, Utah, VOR; Grand Junction, Colo., VOR; 10,500.
Grand Junction, Colo., VOR; Gunnison, Colo., VOR; *14,000. *13,800—MOCA.

Section 95.6486 *VOR Federal airway 486* is deleted.

Section 95.6500 *VOR Federal airway 500* is amended to read in part:

Gladstone INT, Oreg.; *Squaw Mountain DME Fix, Oreg.; 7,200. *7,800—MCA Squaw Mountain DME Fix, eastbound.
Squaw Mountain DME Fix, Oreg.; *Gateway INT, Oreg.; **10,000. *9,000—MRA. *9,800—MCA Gateway INT, westbound. **7,600—MOCA.

Section 95.6506 *VOR Federal airway 506* is amended to read in part:

King Salmon, Alaska, VOR; Kokwok INT, Alaska; westbound, 9,000; eastbound, 2,000.
Kokwok INT, Alaska; Bethel, Alaska, VOR; *9,000. *7,500—MOCA.

Section 95.6810 *VOR Federal airway 810* is amended to read in part:

*Whitefish INT, Ill.; Musky INT, Ill.; **2,000. *2,500—MRA. **1,600—MOCA.
Musky INT, Ill.; Keeler, Mich., VOR; *2,300. *1,800—MOCA.

Section 95.6819 *VOR Federal airway 819* is amended to read in part:

Taylor, Fla., VOR; Waycross, Ga., VOR; 2,200.
Waycross, Ga., VOR; Alma, Ga., VOR; *2,000. *1,300—MOCA.
Alma, Ga., VOR; Dublin, Ga., VOR; *2,000. *1,600—MOCA.
Dublin, Ga., VOR; McDonough, Ga., VOR; *2,000. *1,900—MOCA.

Section 95.6830 *VOR Federal airway 830* is amended to read in part:

Somerville INT, Tenn.; Anderson INT, Tenn.; 2,000.
Anderson INT, Tenn.; Jacks Creek INT, Tenn.; *2,300. *1,900—MOCA.
Jacks Creek INT, Tenn.; Graham, Tenn., VOR; *2,500. *2,000—MOCA.

Section 95.6839 *VOR Federal airway 839* is amended to read in part:

Taylor, Fla., VOR; Waycross, Ga., VOR; 2,200.
Waycross, Ga., VOR; Alma, Ga., VOR; *2,000. *1,300—MOCA.

Section 95.6846 *VOR Federal airway 846* is amended to read in part:

Hayes Center, Nebr., VOR; Akron, Colo., VOR; *6,400. *6,000—MOCA.
Kennard INT, Nebr.; Wolbach, Nebr., VOR; *4,000. *3,100—MOCA.

Section 95.6880 *VOR Federal airway 880* is amended to read in part:

Pullman, Mich., VOR; *Mid Lake INT, Mich.; **2,300. *2,500—MRA. **1,800—MOCA.
Mid Lake INT, Mich.; *Sturgeon INT, Ill.; **2,000. *3,000—MRA. **1,600—MOCA.
Sturgeon INT, Ill.; *Papi INT, Ill.; *2,000. *2,500—MRA. **1,600—MOCA.



| From, to, and MEA |
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Section 95.6881 *VOR Federal airway 881* is amended to read in part:

Alma, Ga., VOR; Waycross, Ga., VOR; *2,000. *1,300—MOCA.
Waycross, Ga., VOR; Taylor, Fla., VOR; 2,200.

Section 95.6887 *VOR Federal airway 887* is amended to read in part:

Graham, Tenn., VOR; Jacks Creek INT, Tenn.; *2,500. *2,000—MOCA.
Jacks Creek INT, Tenn.; Anderson INT, Tenn.; *2,300. *1,900—MOCA.
Anderson INT, Tenn.; Somerville INT, Tenn.; 2,000.

Section 95.7004 *Jet route No. 4* is amended to read in part:

| From, to, MEA, and MAA |
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Los Angeles, Calif., VOR; Blythe, Calif., VORTAC; 18,000; 45,000.

Section 95.7006 *Jet route No. 6* is amended to read in part:

Hector, Calif., VORTAC; Needles, Calif., VORTAC; 18,000; 45,000.
Needles, Calif., VORTAC; Prescott, Ariz., VORTAC; 18,000; 45,000.
Prescott, Ariz., VORTAC; Winslow, Ariz., VORTAC; 18,000; 45,000.

Section 95.7008 *Jet route No. 8* is amended to delete:

Winslow, Ariz., VORTAC; Albuquerque, N. Mex., VORTAC; 18,000; 45,000.

Section 95.7008 *Jet route No. 8* is amended to read in part:

Springfield, Mo., VORTAC; St. Louis, Mo., VORTAC; 18,000; 45,000.

Section 95.7010 *Jet route No. 10* is amended to read in part:

Los Angeles, Calif., VOR; Parker, Calif., VORTAC; 18,000; 45,000.
Prescott, Ariz., VORTAC; Farmington, N. Mex., VORTAC; 18,000; 45,000.

Section 95.7018 *Jet route No. 18* is amended to read in part:

Phoenix, Ariz., VORTAC; Grants, N. Mex., VOR; 18,000; 45,000.

Section 95.7024 *Jet route No. 24* is amended to read in part:

Phoenix, Ariz., VORTAC; Grants, N. Mex., VOR; 18,000; 45,000.

Section 95.7049 *Jet route No. 49* is amended by adding:

Charleston, W. Va., VOR; Allegheny, Pa., VOR; 18,000; 45,000.

Section 95.7055 *Jet route No. 55* is amended to read in part:

Kennedy, N.Y., VORTAC; Kennebunk, Maine, VOR; 18,000; 45,000.
Kennebunk, Maine, VOR; Bangor, Maine, VORTAC; 18,000; 45,000.

Section 95.7059 *Jet route No. 59* is amended to delete:

Charleston, W. Va.; VORTAC; Philipsburg, Pa., VORTAC; 18,000; 45,000.

Section 95.7060 *Jet route No. 60* is amended to read in part:

Philipsburg, Pa., VORTAC; Kennedy, N.Y., VORTAC; 18,000; 45,000.

Section 95.7065 *Jet route No. 65* is amended to read in part:

Blythe, Calif., VORTAC; Palmdale, Calif., VORTAC; 18,000; 45,000.

| From, to, MEA, and MAA |
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Section 95.7072 *Jet route No. 72* is amended to read in part:

Winslow, Ariz., VORTAC; Albuquerque, N. Mex., VORTAC; 18,000; 45,000.

Section 95.7074 *Jet route No. 74* is amended to read in part:

Los Angeles, Calif., VOR; Parker, Calif., VORTAC; 18,000; 45,000.

Section 95.7077 *Jet route No. 77* is amended to read in part:

Boston, Mass., VORTAC; Kennebunk, Maine, VOR; 18,000; 45,000.
Kennebunk, Maine, VOR; Bangor, Maine, VORTAC; 18,000; 45,000.

Section 95.7078 *Jet route No. 78* is amended to read in part:

Los Angeles, Calif., VOR; Parker, Calif., VORTAC; 18,000; 45,000.
Prescott, Ariz., VORTAC; Winslow, Ariz., VORTAC; 18,000; 45,000.
Philipsburg, Pa., VORTAC; Kennedy, N.Y., VORTAC; 18,000; 45,000.

Section 95.7110 *Jet route No. 110* is added to read:

Oakland, Calif., VORTAC; Salinas, Calif., VORTAC; 18,000; 45,000.
Salinas, Calif., VORTAC; Fresno, Calif., VORTAC; 18,000; 45,000.
Fresno, Calif., VORTAC; Boulder, Nev., VORTAC; 25,000; 45,000.
Boulder, Nev., VORTAC; Tuba City, Ariz., VORTAC; 18,000; 45,000.
Tuba City, Ariz., VORTAC; Farmington, N. Mex., VORTAC; 18,000; 45,000.
Farmington, N. Mex., VORTAC; Alamosa, Colo., VOR; 18,000; 45,000.
Alamosa, Colo., VOR; Garden City, Kans., VORTAC; 21,000; 45,000.
Garden City, Kans., VORTAC; Butler, Mo., VOR; 18,000; 45,000.
Butler, Mo., VOR; St. Louis, Mo., VORTAC; 18,000; 45,000.
St. Louis, Mo., VORTAC; Indianapolis, Ind., VORTAC; 18,000; 45,000.
Indianapolis, Ind., VORTAC; Appleton, Ohio, VORTAC; 18,000; 45,000.
Appleton, Ohio, VORTAC; Allegheny, Pa., VORTAC; 18,000; 45,000.
Allegheny, Pa., VORTAC; Coyle, N.J., VORTAC; 18,000; 45,000.
Coyle, N.J., VORTAC; Kennedy, N.Y., VORTAC; 18,000; 45,000.

Section 95.7118 *Jet route No. 118* is amended to read:

Memphis, Tenn., VOR; Chattanooga, Tenn., VORTAC; 18,000; 41,000.
Chattanooga, Tenn., VORTAC; Spartanburg, S.C., VORTAC; 18,000; 41,000.

Section 95.7575 *Jet Route No. 575* is added to read:

Kennedy, N.Y., VORTAC; Boston, Mass., VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows:

§ 95.8003 VOR Federal airway changeover points.

| *Airway segment: From; to—Changeover point: Distance; from* |
|---|

*V–2* is amended by adding:
Seattle, Wash., VOR; Ellensburg, Wash., VOR; 51; Seattle.
*V–4* is amended to delete:
Salina, Kans., VOR; Topeka, Kans., VOR; 47; Salina.
*V–9* is amended to delete:
Farmington, Mo., VOR; St. Louis, Mo., VOR; 34; Farmington.
New Orleans, La., VOR; McComb, Miss., VOR; 40; New Orleans.
*V–10* is amended to delete:
Kirksville, Mo., VOR; Burlington, Iowa, VOR; 41; Kirksville.
*V–13* is amended to delete:
Lamoni, Iowa, VOR; Des Moines, Iowa, VOR; 31; Lamoni.
Lufkin, Tex., VOR; Shreveport, La., VOR; 56; Lufkin.
*V–14* is amended to delete:
Hobart, Okla., VOR; Oklahoma City, Okla., VOR; 33; Hobart.
Oklahoma City, Okla., VOR; Tulsa, Okla., VOR; 55; Oklahoma City.
*V–15* is amended to delete:
Waco, Tex., VOR; Dallas, Tex., VOR; 46; Waco.
Dallas, Tex., VOR; Ardmore, Okla., VOR; 36; Dallas.
Ardmore, Okla., VOR; Okmulgee, Okla., VOR; 59; Ardmore.
*V–17* is amended to delete:
Austin, Tex., VOR; Waco, Tex., VOR; 36; Austin.
*V–54* is amended to delete:
Texarkana, Ark., VORTAC; Little Rock, Ark., VORTAC; 60; Texarkana.
*V–63* is amended to delete:
Springfield, Mo., VORTAC; Hallsville, Mo., VOR; 65; Springfield.
*V–69* is amended to delete:
Walnut Ridge, Ark., VOR; Farmington, Mo., VORTAC; 45; Walnut Ridge.
*V–74* is amended to delete:
Dodge City, Kans., VOR; Anthony, Kans., VOR; 53; Dodge City.
Ponca City, Okla., VORTAC; Tulsa, Okla., VORTAC; 35; Ponca City.
Okmulgee, Okla., VOR; Fort Smith, Ark., VORTAC, via S alter.; 34; Okmulgee.
*V–76* is amended to delete:
Lubbock, Tex., VOR; Big Spring, Tex., VOR, via N alter.; 40; Lubbock.
*V–77* is amended to delete:
San Angelo, Tex., VOR; Abilene, Tex., VOR; 40; San Angelo.
*V–89* is amended to delete:
Cheyenne, Wyo., VORTAC; Scottsbluff, Nebr., VORTAC, via E alter.; 27; Cheyenne.
*V–102* is amended to delete:
Lubbock, Tex., VORTAC; Guthrie, Tex., VOR; 37; Lubbock.
Guthrie, Tex., VOR; Wichita Falls, Tex., VORTAC; 39; Guthrie.
*V–114* is amended to delete:
Wichita Falls, Tex., VOR; Dallas, Tex., VORTAC; 59; Wichita Falls.
Alexandria, La., VOR; Baton Rouge, La., VOR; 43; Alexandria.
*V–116* is amended to delete:
Kansas City, Mo., VORTAC; Macon, Mo., VOR; 57; Kansas City.
*V–132* is amended to delete:
Akron, Colo., VOR; Goodland, Kans., VORTAC; 44; Akron.
*V–138* is amended to delete:
Cheyenne, Wyo., VOR; Sidney, Nebr., VOR; 40; Cheyenne.
*V–148* is amended to delete:
Thurman, Colo., VOR; Hayes Center, Nebr., VORTAC; 54; Thurman.
*V–161* is amended to delete:
Lamoni, Iowa, VOR; Des Moines, Iowa, VORTAC; 31; Lamoni.
*V–163* is amended to delete:
Bridgeport, Tex., VORTAC; Ardmore, Tex., VOR; 28; Bridgeport.
*V–172* is amended to delete:
Wolbach, Nebr., VOR; Neola, Iowa, VORTAC; 55; Wolbach.
*V–190* is amended to delete:
Farmington, Mo., VOR; Evansville, Ind., VOR; 64; Farmington.
*V–202* is amended to read:
San Simon, Ariz., VOR; Truth or Consequences, N. Mex., VOR; 52; San Simon.
*V–205* is amended to delete:
Springfield, Mo., VORTAC; Blue Springs, Mo., VOR; 51; Springfield.

*Airway segment: From; to—Changeover point: Distance; from*

*V–207* is amended to delete:
Gill, Colo., VOR; Scottsbluff, Nebr., VOR; 45; Gill.

*V–216* is amended to delete:
Mankato, Kans., VOR; Pawnee City, Nebr., VORTAC; 53; Mankato.
Pawnee City, Nebr., VORTAC; Lamoni, Iowa, VOR; 57; Pawnee City.

*V–234* is amended to delete:
Dalhart, Tex., VOR; Liberal, Kans., VOR; 45; Dalhart.
Liberal, Kans., VOR; Hutchinson, Kans., VORTAC; 81; Liberal.

*V–244* is amended to delete:
Lamar, Colo., VOR; Russell, Kans., VOR; 104; Lamar.

*V–486* is amended to delete:
Tuba City, Ariz., VOR; Dove Creek, Colo., VORTAC; 57; Tuba City.

*J–110* is amended by adding:
Fresno, Calif., VORTAC; Boulder, Nev., VORTAC; 95; Fresno.

*J–118* is amended by adding:
Memphis, Tenn., VOR; Chattanooga, Tenn., VORTAC; 130; Memphis.

This amendment is made under the authority of sections 307 and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510).

Issued in Washington, D.C., on October 5, 1964.

G. S. MOORE,
*Director,*
*Flight Standards Service.*

[F.R. Doc. 64–10274; Filed, Oct. 12, 1964; 8:45 a.m.]

## Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6239; Amdt. 818]

### PART 507—AIRWORTHINESS DIRECTIVES

### Douglas Model DC–8 Series Aircraft

Amendment 784, 29 F.R. 11417, AD 64–19–3, requires inspection and replacement of the wing flap actuating cylinder hoses, and the mandatory incorporation of a flap lockout system on Douglas Model DC–8 Series aircraft. Subsequent to the issuance of AD 64–19–3, investigation has indicated a service life limitation should be applied to the new hoses as has been applied to previous flap hoses, and the AD is being amended accordingly.

As a situation exists which demands immediate adoption of this regulation it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 784, 29 F.R. 11417, AD 64–19–3, Douglas Model DC–8 Series aircraft, is amended by adding a new paragraph (b)(5) to read:

(5) Prior to 2,000 hours' total hose time in service, remove from service all hoses bearing Aeroquip basic P/N's 677283–4, 677285–4 (same length code) or Resistoflex basic P/N's R24717–4, R24718–4, R24719–4 (same length code).

This amendment shall become effective October 13, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 5, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64–10369; Filed, Oct. 12, 1964; 8:46 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. C–839]

### PART 13—PROHIBITED TRADE PRACTICES

### Arizona Valley Development Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.115 *Jobs and employment service;* § 13.125 *Limited offers or supply;* § 13.143 *Opportunities;* § 13.185 *Refunds, repairs, and replacements;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Arizona Valley Development Company, Inc. (Arizona City, Ariz.) et al., Docket C–839, Sept. 28, 1964]

*In the Matter of Arizona Valley Development Company, Inc., a Corporation; Arizona City Development Corporation, a Corporation; James A. McRaie and John T. Foley, Individually and as Officers of the Above Corporations; J. David Knudson, Individually and as a Former Officer of Said Corporations, and Richard Kolar, an Individual Doing Business as Kolar Sales Company.*

Consent orders requiring two associated corporations and four individuals acting for them, engaged in selling lots or parcels of real estate in "Arizona City", Arizona, by mail and directly, to cease misrepresenting the location and accessibility of lots, nature and climate of the area, number of lots available, employment opportunities, and refund policy.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Arizona Valley Development Company, Inc., a corporation, and its officers; and Arizona City Development Corporation, a corporation, and its officers; and James A. McRae and John T. Foley, individually and as officers of said corporations; and respondents' agents, representatives, and employees, directly or through any corporate or other device; in connection with the offering for sale and sale of real estate, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication:

1. That all lots of said land in Arizona City front on a paved road or street or are readily accessible from an established highway: *Provided, however,* That the location of said land with respect to established highways may be stated and shown.

2. That the immediate vicinity of Arizona City consists of rich farmland.

3. That the number of lots available in Arizona City is restricted to a small quantity.

4. That Arizona City offers many employment opportunities or that Government projects, industrial plants, large retail stores or other large commercial establishments are to be built or installed in the immediate vicinity unless such establishments are under construction or bona fide contracts therefor have been entered into.

5. That respondents' agents or sales representatives are moving from Illinois or any locality to Arizona City.

6. That purchasers of said lots can obtain a refund of the purchase price unless the conditions pertaining to such refund are disclosed.

7. That Arizona City has a moderate climate unless disclosure is made of the highest and lowest seasonal temperatures.

B. Misrepresenting in any manner the location, climate, employment opportunities, or any other material feature of said land and its development.

*It is ordered,* That respondents J. David Knudson, individually and as a former officer of the Arizona Valley Development Company, Inc., a corporation, and the Arizona City Development Corporation, a corporation; and Richard Kolar, individually and doing business as Kolar Sales Company, or under any other device, in connection with the agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale and sale of real estate, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication:

1. That all lots of said land in Arizona City front on a paved road or street or are readily accessible from an established highway: *Provided, however,* That the location of said land with respect to established highways may be stated and shown.

2. That the immediate vicinity of Arizona City consists of rich farmland.

3. That the number of lots available in Arizona City is restricted to a small quantity.

4. That Arizona City offers many employment opportunities or that Government projects, industrial plants, large retail stores or other large commercial establishments are to be built or installed in the immediate vicinity unless such establishments are under construction or bona fide contracts therefor have been entered into.

5. That respondents' agents or sales representatives are moving from Illinois or any locality to Arizona City.

6. That purchasers of said lots can obtain a refund of the purchase price unless the conditions pertaining to such refund are disclosed.

7. That Arizona City has a moderate climate unless disclosure is made of the highest and lowest seasonal temperatures.

B. Misrepresenting in any manner the location, climate, employment opportunities, or any other material feature of said land and its development.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission reports in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 28, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
*Secretary.*

[F.R. Doc. 64–10388; Filed, Oct. 12, 1964; 8:48 a.m.]

[Docket No. C–840]

### PART 13—PROHIBITED TRADE PRACTICES

### Brite Manufacturing Co., et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.510 *Foreign source.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* 13.1900–35 Foreign product as domestic.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Order modifying desist order, Brite Manufacturing Co., et al., Providence, R.I., Docket C–840, Sept. 25, 1964]

*In the Matter of Brite Manufacturing Co., a Corporation, Brite Industries, Inc., a Corporation, B. M. C. Trading Corp., a Corporation, and Samuel Friedman, and Theodore Levy, Individually and as Officers of Said Corporations*

Order clarifying, by affirmatively setting forth the manner of compliance, desist order of June 18, 1964, 29 F.R. 982, which required Providence, R.I., distributors of watch bands made in whole or in part in Japan, to cease selling the watch bands so packaged or displayed as to conceal the name of the place of origin.

The order to cease and desist, as modified, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Brite Manufacturing Co., a corporation, Brite Industries, Inc., a corporation, and B.M.C. Trading Corp., a corporation, and their officers, and Samuel Friedman and Theodore Levy, individually and as officers of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of expansion watch bands, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Offering for sale, selling or distributing any such product packaged, or mounted in a container, or on a display card, without disclosing the country or place of foreign origin of the product, or substantial part thereof, on the front or face of such packaging, container, or display card, so positioned as to clearly have application to the product so packaged or mounted; and of such degree of permanency as to remain thereon until consummation of consumer sale of the product, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the product as so packaged or mounted.

*It is further ordered,* That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order set forth herein.

Issued: September 25, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
*Secretary.*

[F.R. Doc. 64–10389; Filed, Oct. 12, 1964; 8:48 a.m.]

[Docket No. C–838]

### PART 13—PROHIBITED TRADE PRACTICES

### Harry D. Cooper & Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition of goods:* 13.118590 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act; § 13.1900 *Source or origin:* 13.1900–90 Wool Products Labeling Act: 13.1900–90(a) Maker or seller.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Harry D. Cooper & Co., Inc., et al., Boston, Mass., Docket C–838, Sept. 28, 1964.]

*In the Matter of Harry D. Cooper & Co., Inc., a Corporation, and Harry D. Cooper, Individually and as an Officer of Said Corporation*

Consent order requiring Boston, Mass., manufacturers of wool products to cease violating the Wool Products Labeling Act by labeling fabrics falsely as containing 85 percent reprocessed cashmere, 15 percent nylon; failing to disclose on labels the percentages of the various fibers contained in wool products and to identify the manufacturer, etc.; using the term "cashmere" in lieu of the word "wool" on labels without setting forth the correct percentage of the cashmere; and abbreviating required information on labels.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Harry D. Cooper & Co., Inc., a corporation, and its officers, and Harry D. Cooper, individually and as an officer of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment in commerce, of wool fabric or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Setting forth words and terms in required information under section 4(a)(2) of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to wool products.

4. Using the term "cashmere" in lieu of the word "wool" on labels affixed to wool products without setting forth the correct percentage of the cashmere present.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 28, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
*Secretary.*

[F.R. Doc. 64–10390; Filed, Oct. 12, 1964; 8:48 a.m.]

[Docket No. C–837]

### PART 13—PROHIBITED TRADE PRACTICES

### General Railway Signal Co. and Westinghouse Air Brake Co.

Subpart—Combining or conspiring: § 13.410 *To eliminate competition in conspirators' goods;* § 13.430 *To enhance, maintain or unify prices;* § 13.431 *To exchange future price information;* § 13.452 *To limit production;* § 13.493 *To submit collusive bids.* Subpart—Discriminating in price under section 2, Clayton Act—Price Discrimination Under 2(a): § 13.725 *Cumulative quantity discounts and schedules.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, General Railway Signal Company (Rochester 2, N.Y.) et al., Docket C–837, Sept. 24, 1964]

*In the Matter of General Railway Signal Company, a Corporation; and Westinghouse Air Brake Company, a Corporation*

Consent order requiring two manufacturers of railroad signaling and control systems and railroad signaling equipment—whose combined sales of such products during the past 30 years amounted to 90 percent or more of the total industry sales—to cease their planned common course of action pursuant to which they fixed and maintained agreed upon prices, terms and conditions of sale; allocated markets and customers and agreed not to compete for them; exchanged price information; designated products to be manufactured by a competitor; submitted collusive and non-competitive bids; maintained patent interchange licensing agreements; and entered into contracts requiring purchasers to buy from them all or a fixed percentage of the latters' requirements; to cease discriminating in price between different purchasers of their aforesaid discounts which were substantial enough to cause purchasers to buy all of their requirements from one respondent in order to qualify for the maximum discounts; and requiring General Railway Signal Company to divest itself within one year of all its properties and rights, tangible and intangible, in a competitor it controlled—all with provisions as set forth in the order below.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondents General Railway Signal Company, a corporation; Westinghouse Air Brake Company, a corporation; and their respective officers, agents, representatives and employees, successors or assigns, directly, indirectly or through any corporate or other device, in connection with the manufacture, offering for sale, sale, distribution or sale and installation in commerce, as "commerce" is defined in the Federal Trade Commission Act, of railroad signaling and control systems or railroad signaling equipment, do forthwith cease and desist from entering into, cooperating in, carrying out or continuing any combination, conspiracy, understanding, agreement, planned common course of action or course of dealing between said respondents, or between any one or more of said respondents and any other person, persons or business entity not a party hereto, to do or perform any of the following acts, practices or things:

(1) Establish, fix, maintain or agree upon prices, terms or conditions of sale;

(2) Establish, fix, maintain or agree upon prices, terms or conditions of sale to be used in submitting bids or quotations to any purchaser or prospective purchaser;

(3) Submitting collusive bids or quotations;

(4) Bid or quote, refrain from bidding or quoting, or causing another to bid or quote or refrain from bidding or quoting to any purchaser or prospective purchaser;

(5) Allocate or divide territories, markets, or customers;

(6) Exchange, distribute or circulate any information concerning prices, discounts, allowances, terms or conditions of sale, bid, or any other pricing information of any nature whatsoever prior to such information becoming available to respondents' customers or to the public;

(7) Manufacture, sell, or refrain from manufacturing or selling any railroad signaling and control systems or railroad signaling equipment.

*It is further ordered*, That respondents General Railway Signal Company, a corporation; Westinghouse Air Brake Company, a corporation; and their respective officers, agents, representatives and employees, successors or assigns, directly, indirectly or through any corporate or other device, in connection with the manufacture, offering for sale, sale, distribution or sale and installation in commerce, as "commerce" is defined in the Federal Trade Commission Act, of railroad signaling and control systems or railroad signaling equipment, do individually and independently forthwith cease and desist from:

(1) Attending meetings other than bid openings at which any other respondent or vendor of railroad signaling and control systems or railroad signaling equipment are present, at which the prices, terms or conditions for the sale of railroad signaling and control systems or railroad signaling equipment are discussed;

(2) Attending meetings at which any other respondent or vendor of railroad signaling and control systems or railroad signaling equipment are present, at which the prices, terms or conditions for the sale of railroad signaling and control systems or railroad signaling equipment to be bid are discussed;

(3) Holding or participating in any discussions by telephone or otherwise with any other respondent or vendor of railroad signaling and control systems or railroad signaling equipment, pertaining to prices, terms or conditions of sale of railroad signaling and control systems or railroad signaling equipment;

(4) Sending to, requesting from, or exchanging with any other respondent or vendor of railroad signaling and control systems or railroad signaling equipment any information, written or oral, pertaining to prices, terms or conditions of sale of railroad signaling and control systems or railroad signaling equipment prior to such information becoming available to respondents' customers or to the public;

(5) Formulating or submitting any bid on railroad signaling and control systems or railroad signaling equipment to a purchaser or prospective purchaser the prices or terms and conditions of sale of which are based in any way upon information obtained in a manner prohibited by (1), (2), (3) or (4) above; and

(6) Entering into or utilizing contracts with purchasers whereby said purchasers are required to purchase all or any fixed percentage of their requirements of railroad signaling and control systems or railroad signaling equipment from any respondent; provided, however, that respondents may use such agreements when specifically requested by any governmetal or quasi-governmental agency.

*Provided, however*, That:

(1) Nothing contained in the foregoing paragraphs of this Order shall apply to any transaction between a respondent and its subsidiaries, agents, representatives or employees. For the purposes of this paragraph Railroad Accessories Corporation shall not be construed as a subsidiary of General Railway Signal Company.

(2) Nothing contained in the foregoing paragraphs of this Order shall be construed as prohibiting any respondent from entering into a bona fide offer, agreement or transaction with any other person, persons, or business entity to purchase or sell railroad signaling and control systems or railroad signaling equipment at prices, terms or conditions of sale independently determined and offered and independently accepted.

(3) Nothing contained in the foregoing paragraphs of this Order shall be construed as prohibiting any respondent from formulating or submitting a joint bid on railroad signaling and control systems or railroad signaling equipment with any other person, persons or business entity to any governmental or quasi-governmental agency if such joint bid is expressly requested by such purchaser and if such joint bid is expressly made known to such purchaser by the time of the official opening of the bid or the date of contract of sale, whichever is earlier, providing that, for a period of ten (10) years from the effective date of this Order any respondent submitting such a joint bid on railroad signaling and control systems or railroad signaling equipment shall notify the Commission of each such joint bid within thirty (30) days after the official opening of the bid or the date of the contract of sale, whichever is earlier.

*It is further ordered*, That respondents General Railway Signal Company, a corporation; and Westinghouse Air Brake Company, a corporation, shall forthwith:

(1) Cancel, nullify and refrain from renewing any contracts, agreements or understandings between said respondents which in any manner provide for the exchange of or the furnishing of names of customers or other sales information, or the exchange of plant, technical, cost, administrative or any other information of a confidential nature;

(2) Execute and deliver each to the other, to the extent, if any, that they have not heretofore done so, an unrestricted, non-exclusive, royalty-free license to make, have made, use, sell, lease or otherwise dispose of railroad signaling and control systems or railroad signaling equipment under, and for the full unexpired term of all of each respondent's United States patents unexpired as of August 31, 1962.

*It is further ordered*, That respondents General Railway Signal Company, a corporation, and Westinghouse Air Brake Company, a corporation, individually and independently shall grant to any domestic applicant making written request therefor an unrestricted, non-exclusive license to make, have made, use, sell, lease or otherwise dispose of railroad signaling and control systems or railroad signaling equipment under, and for the full unexpired term of any of each respondent's United States patents, as may be requested by said applicant.

Any license granted pursuant hereto shall be unrestricted except as hereinafter provided:

(1) The license may be nontransferable;

(2) A reasonable royalty may be charged, which royalty shall be nondiscriminatory as among royalty-paying licensees procuring the same rights under the same patents, provided that the royalty charged an applicant who grants in exchange a patent license to a respondent may reflect the fair value of such license;

(3) Reasonable provision may be made for periodic royalty reports by the licensee and inspection of the books and records of the licensee by an independent auditor, an independent engineer or any person acceptable to both licensor and licensee, who shall report to the licensor only the amount of the royalty due and payable;

(4) The license may require the licensee properly to affix appropriate statutory patent notices;

(5) Reasonable provision may be made for cancellation of the license upon failure of the licensee to make the reports, pay the royalties, permit the inspection of his books and records, or affix the statutory patent notices as hereinabove provided; and

(6) The license must provide that the licensee may cancel the license in whole or as to any specified patents at any time after one year from the initial date thereof by giving thirty (30) days notice in writing to the licensor.

*Provided, however*, That:

Nothing contained herein shall prevent any applicant or licensee from attacking in any manner the validity or scope of any patent required to be licensed by the provisions of this Order nor shall this Order be construed as importing any validity or value to any of said patents.

*It is further ordered*, That respondents General Railway Signal Company, a corporation; Westinghouse Air Brake Company, a corporation; and their respective officers, agents, representatives and employees, individually and collectively, refrain from making any assignment, sale or other disposition of any of the patents required to be licensed pursuant to the provisions of this Order which would deprive said respondents of the power or authority to license such patents unless said respondents sell, transfer or assign such patents upon the condition that the purchaser, transferee or assignee shall observe the requirements of this Order so far as they pertain to such patents; *Provided however*, that said respondents may donate, assign or dedicate any such patent, or patents, to the general public in lieu of the licensing requirements of this Order.





*It is further ordered*, That respondents General Railway Signal Company, a corporation, and Westinghouse Air Brake Company, a corporation, shall each in respect to any patent licensed by it to any licensee pursuant to this Order, furnish at cost to such licensee upon his request a full, clear, concise and exact written description of the invention disclosed in such patent, and of the manner and process of making and using it, sufficient to enable a person reasonably skilled in the manufacture of railroad signaling and control systems or railroad signaling equipment to make and use the invention.

*It is further ordered*, That respondents General Railway Signal Company, a corporation, and Westinghouse Air Brake Company, a corporation, shall forthwith file with the Commission in writing a listing of each of the patents required to be licensed by the provisions of this Order, identifying each by patent number, inventor's name, and title of patent.

*It is further ordered*, That respondents General Railway Signal Company, a corporation, and Westinghouse Air Brake Company, a corporation, shall, for a period of ten (10) years after service of this Order upon them, cease and desist from:

(1) Selling, or offering for sale, to each other railroad signaling and control systems or railroad signaling equipment, at prices, discounts or terms and conditions of sale not available to other competing vendors of such products.

(2) Selling, or offering for sale, to each other railroad signaling and control systems or railroad signaling equipment not available to other vendors of such products; and

(3) Granting to each other licenses under future United States patents covering railroad signaling and control systems or railroad signaling equipment unless licenses on similar terms and conditions are available to other vendors of such products.

*It is further ordered*, That respondent General Railway Signal Company, a corporation, and its officers, agents, representatives and employees, shall, within one year after service upon it of this Order, divest itself absolutely, in good faith, of all stock, assets, properties, rights and privileges, tangible or intangible, of Railroad Accessories Corporation. Pending divestiture, General Railway Signal Company shall not make any changes in the plants, machinery, buildings, equipment or other property of Railroad Accessories Corporation which shall impair its present capacity for the manufacture, sale and distribution of railroad signaling and control systems or railroad signaling equipment.

General Railway Signal Company in such divestiture shall not sell or transfer, directly or indirectly, any of the stock, assets, properties, rights or privileges to anyone who, at the time of such divestiture, is a stockholder or officer, director, representative, employee, or who is connected with, or under the control or influence, directly or indirectly, of General Railway Signal Company or Westinghouse Air Brake Company.

*It is further ordered*, That respondent General Railway Signal Company may, in lieu of the divestiture provisions of the preceding paragraph, transfer to an independent Voting Trustee, which shall not be under the direct or indirect control, domination or influence of General Railway Signal Company, all of the capital stock of Railroad Accessories Corporation as is presently held by General Railway Signal Company or may be acquired by it within one year after service upon it of this Order under any now outstanding option, or at any time thereafter by receipt of stock dividends or exercise of preemptive rights; and respondent General Railway Signal Company shall maintain in existence the voting trust so created, or a successor thereof, so long as General Railway Signal Company shall continue to hold any of the outstanding capital stock of Railroad Accessories Corporation.

Said Voting Trustee shall have full independent discretion to vote the trusteed stock and respondent General Railway Signal Company and its officers, agents, representatives and employees may not consult, advise or otherwise participate in any manner except as to any decision relating to the merger or consolidation of Railroad Accessories Corporation with another corporation, or the sale of said trusteed stock, or the sale of all or substantially all of the assets of Railroad Accessories Corporation, or in the event of the appointment of a successor Voting Trustee. Respondent General Railway Signal Company and its officers, agents, representatives and employees shall not acquire additional stock in Railroad Accessories Corporation other than as heretofore provided, and any sale of said trusteed stock shall be subject to the provisions of the preceding paragraph of this Order.

*It is further ordered*, That respondents General Railway Signal Company, a corporation; Westinghouse Air Brake Company, a corporation; and their respective officers, agents, representatives and employees, successors or assigns, directly, indirectly or through any corporate or other device, in connection with the manufacture, offering for sale, sale, distribution, sale and installation in commerce, as "commerce" is defined in the Clayton Act, of railroad signaling and control systems or railroad signaling equipment, do forthwith cease and desist from:

(1) Granting any annual or other cumulative volume discount;

(2) Entering into or maintaining any contract or agreement providing for any of the discounts prohibited by (1) above.

*It is further ordered*, That each of the respondents shall, within sixty (60) days after the service of this Order upon them, file with the Commission a report in writing setting forth in detail the manner and form in which each has complied with this order.

Issued: September 24, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-10391; Filed, Oct. 12, 1964; 8:48 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 16—MACARONI AND NOODLE PRODUCTS

### Concentrated Glyceryl Monostearate Preparations as Optional Ingredients; Order Amending Standards of Identity

In the matter of amending the standards of identity for macaroni and noodle products to permit the optional use of concentrated glyceryl monostearate preparations and to require label declaration of such ingredient, when used:

The comments submitted in response to the notice of proposed rule making in the above-identified matter published in the FEDERAL REGISTER of June 3, 1964 (29 F.R. 7247), were separated into categories as follows:

1. Comments favorable to the proposal.

2. Comments from distributors of mono- and diglyceride preparations containing a lower proportion of glyceryl monostearate than the preparation contemplated by the proposal, recommending that the proposed amendments be broadened to include mono- and diglyceride preparations containing as little as 40 percent-50 percent of the monoester (the remainder consisting of di- and triglycerides), and requesting a delay in the final ruling on this matter until investigations could be made to determine whether their preparations function effectively in the subject products and data are filed in support of their recommendations.

3. A comment favorable to the proposal made by the Commissioner of Food and Drugs to require label declaration of the named optional ingredient filed by the National Macaroni Manufacturers Association.

4. Comments in opposition to the proposal made by the Commissioner of Food and Drugs to require label declaration.

The Commissioner has studied the comments filed, and on the basis of these and other relevant information available has concluded:

1. In the case of comments filed under category 2, evidence available shows that glyceryl monostearate, which functions by complexing the starches contained in macaroni and noodle products, enhances the firmness and reduces the stickiness of such products when cooked. Data now available do not warrant the conclusion that diglyceride and triglyceride constituents are effective agents for complexing the starches contained in macaroni and noodle products. If further investigations should demonstrate that the mono- and diglyceride preparations containing higher proportions of di- and trigylcerides function effectively, then the parties may file petitions setting out the facts and proposing that the standards be further amended.

2. It is concluded that the comments filed under category 4 did not demonstrate that label declaration of the subject ingredients would be to the disinterest of consumers. It is further concluded that incorporation in the standards of a requirement for label declaration will promote the interests of the purchaser by enabling him to choose the product he prefers.

3. The Commissioner further concludes that to enable regulatory officials to administer the regulations in the interest of consumers the amount of glyceryl monostearate to be permitted as an optional ingredient in these foods should be limited to 2 percent by weight of the finished food rather than 2 percent by weight of the farinaceous ingredient, as requested by the petitioner. While such a change is of little significance numerically, it will enable chemists who analyze samples for glyceryl monostearate content to report their results on the basis of the weight of the finished food.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs (21 CFR 2.90; 29 F.R. 471); *It is ordered*, That the definitions and standards of identity for macaroni and noodle products (21 CFR Part 16) be amended as set forth below:

1. Section 16.1 is amended as follows:

a. By inserting in paragraph (a) a new subparagraph (6).

b. By redesignating paragraph (f) (3) as (4) and by inserting in paragraph (f) a new subparagraph (3).

As amended, the affected portions of this section read as follows:

**§ 16.1 Macaroni products; identity; label statement of optional ingredients.**

(a) • • •

(6) Concentrated glyceryl monostearate (containing not less than 90 percent monoester), in a quantity not exceeding 2 percent by weight of the finished food.

• • • • • •

(f) • • •

(3) When the ingredient specified in paragraph (a) (6) of this section is used, the label shall bear the statement "Glyceryl monostearate added" or the statement "With added glyceryl monostearate."

(4) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name, without intervening written, printed, or graphic matter.

2. Section 16.6 is amended by inserting in paragraph (a) a new subparagraph (4); by designating the text of the introduction to paragraph (g) as subparagraph (1), and by adding a new subparagraph (2) to paragraph (g). As amended, the affected portions of this section read as follows:

**§ 16.6 Noodle products; identity; label statement of optional ingredients.**

(a) • • •

(4) Concentrated glyceryl monostearate (containing not less than 90 percent monoester) in a quantity not exceeding 2 percent by weight of the finished food.

• • • • • •

(g) (1) When any ingredient specified in paragraph (a) (1) of this section is used, the label of the noodle product shall bear the statement "seasoned with _____," the blank being filled in with the common name of the ingredient; or in the case of bay leaves, the statement "Spiced," "Spice added," or "Spiced with bay leaves."

(2) When the ingredient specified in paragraph (a) (4) of this section is used, the label shall bear the statement "Glyceryl monostearate added" or the statement "With added glyceryl monostearate."

Because of cross-references to §§ 16.1 and 16.6 in other sections in Part 16, adopting the amendments herein ordered will have the effect of making them applicable to the products covered by the following sections:

§ 16.2 Milk macaroni products • • •.
§ 16.3 Whole wheat macaroni products • • •.
§ 16.4 Wheat and soy macaroni products • • •.
§ 16.5 Vegetable macaroni products • • •.
§ 16.7 Wheat and soy noodle products • • •.
§ 16.8 Vegetable noodle products • • •.
§ 16.9 Enriched macaroni products • • •.
§ 16.10 Enriched noodle products • • •.
§ 16.11 Enriched vegetable macaroni products• • •.
§ 16.12 Enriched vegetable noodle products • • •.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.



(Secs. 401, 701, 52 Stat. 1046, 1055 as amended; 21 U.S.C. 341, 371)

Dated: October 6, 1964.

WINTON B. RANKIN,
*Assistant Commissioner for Planning.*

[F.R. Doc. 64-10393; Filed, Oct. 12, 1964; 8:48 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular No. 2167]

## PART 2230—SPECIAL USES

### Subpart 2234—Rights-of-Way

EASEMENTS ON REAL PROPERTY

The purpose of this amendment is to implement the act of October 23, 1962 (76 Stat. 1129) and to provide regulations for those lands administered by the Secretary of the Interior which are covered by its terms.

These rules involve matters relating to agency procedure and are not required to be published as proposed rule making. This Department, nevertheless, customarily gives such notice and public procedure thereon. However, that practice is deemed unnecessary in this instance because these regulations adopt existing procedures. Accordingly, the amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

1. Paragraph (a) (1) of § 2234.1–1 is amended to read as follows:

**§ 2234.1–1 Scope; definitions.**

(a) *Scope.* (1) This section applies to all rights-of-way covered by §§ 2234.1–1 to 2234.1–6; 2234.2–3(a); 2234.2–4; 2234.3–1; 2234.3–2; 2234.4–1; 2234.4–2; 2234.5–1; 2234.5–2; 2234.6; 2234.7.

• • • • • •

2. New §§ 2234.7, 2234.7–1, 2234.7–2, 2234.7–3 and 2234.7–4 are added to subpart 2234, to read as follows:

**§ 2234.7 Easements on real property.**

**§ 2234.7–1 Authority.**

The act of October 23, 1962 (76 Stat. 1129), authorizes executive agencies to grant easements for rights-of-way or other purposes in, over, or upon real property of the United States under the control of such agencies, to a State or political subdivision or agency thereof, or to any person. The authority conferred by this act is in addition to, does not affect, nor is it subject to, any other law under which an executive agency may grant easements.

**§ 2234.7–2 Definitions.**

As used in this section of the regulations:

(a) The word "State" means any of the States of the Union.

(b) The word "person" includes any corporation, partnership, firm, association, trust, estate, or other entity.

(c) The term "real property of the United States" excludes the public lands (including minerals, vegetative, and other resources) in the United States, including lands reserved or dedicated for national forest purposes, lands administered or supervised by the Secretary of the Interior in accordance with the act of August 25, 1916 (39 Stat. 535), as amended and supplemented, Indian-owned trust and restricted lands, and lands acquired by the United States primarily for fish and wildlife conservation purposes and administered by the Secretary of the Interior, lands withdrawn from the public domain primarily under the jurisdiction of the Secretary of the Interior, and lands acquired for national forest purposes.

**§ 2234.7–3 Applicability of regulations.**

(a) The regulations of this section do not apply to any public domain lands, nor to any acquired lands which are administered by the National Park Service, the Fish and Wildlife Service, and the Bureau of Indian Affairs. They are applicable to other acquired lands administered by the Department of the Interior in the States.

(b) Easements shall not be granted under this section if they can be granted under any other section of this subpart.

(c) In addition to meeting the requirements of this section, easements granted under this section shall meet all other requirements in this subpart relating to the use applied for, unless waived by the authorized officer.

**§ 2234.7–4 Termination of easement.**

(a) All easements granted under this section shall provide for the termination of the easement in whole or in part upon written notice from the authorized officer, to the grantee, or its successors or assigns, if there has been—

(1) A failure to comply with any term or condition of the grant, or

(2) A nonuse of the easement for a consecutive two-year period for the purpose for which granted, or

(3) An abandonment of the easement.

(b) The termination shall be effective as of the date of such notice.

STEWART L. UDALL,
*Secretary of the Interior.*

OCTOBER 6, 1964.

[F.R. Doc. 64-10374; Filed, Oct. 12, 1964; 8:46 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 12—AREAS CLOSED TO HUNTING

### Certain Submerged Shore Lands and Waters Adjacent to Anahuac National Wildlife Refuge, Texas

On page 11973 of the FEDERAL REGISTER of August 21, 1964, there was published a notice and text of a proposed designation of an area closed to the hunting of migratory birds, under Part 12 of Title 50, Code of Federal Regulations. The purpose of the designation is to aid administration of the Anahuac National Wildlife Refuge and to increase the effectiveness of the refuge for which it was established by the United States.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections to the proposed designation. No written communications were received, and the proposed designation is hereby adopted without change and is set forth below. In order to assure timely execution of the Department's functions under the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 704), this designation shall become effective upon publication in the FEDERAL REGISTER.

STEWART L. UDALL,
*Secretary of the Interior.*

OCTOBER 7, 1964.

The text of the designation is as follows:

This action is taken by virtue of and pursuant to section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, as amended; 16 U.S.C. 704), and by virtue of the Reorganization Plan II (53 Stat. 1431) and in accordance with section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238; 5 U.S.C. 1003).

Having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, I hereby designate as a closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, all that area of submerged land and water in Galveston County, Tex., described as follows:

A certain area of submerged land and water in the northeast corner of (Galveston) East Bay immediately contiguous to and abutting upon lands of the United States comprising the Anahuac National Wildlife Refuge and more particularly described as follows:

Beginning at a point, a hub set in the southerly boundary of the said refuge, at the intersection of the west line of the T. & N.O.R.R. Co., Survey No. 17 with the north shoreline of (Galveston) East Bay, which point bears S. 86°13' E. a distance of 67.1 feet from a BSF&W brass cap triangulation monument marked SW COR., and which is also about 25 feet easterly from the outlet end of the Trinity Bay Conservation District Ditch No. 1; thence from said point Southeasterly, Easterly, and Northeasterly, with the southerly boundary of the Anahuac National Wildlife Refuge, along the shoreline meanders of said East Bay 35,754 feet (6.8 miles), to a point at the intersection of said shoreline of East Bay with the right bank of Oyster Bayou, from which a BSF&W brass cap witness monument No. 39 marked "1A1" bears

S. 65°42' W. a distance of 39.4 feet; thence from said point six courses in East Bay, S. 10°05' E., 1,868 feet to a point in the bay; S. 58°00' W. 9,400 feet to a point approximately 1,200 feet south of the shore; S. 81°00' W. 8,900 feet to a point approximately 1,800 feet southwest of Frosen Point; N. 15°00' W. 5,900 feet, to a point approximately 1,200 feet from the shore N. 45°00' W. 10,600 feet to a point; N. 00°30' W. 800 feet, to the point of beginning, containing approximately 1,180 acres of submerged land and water.

[F.R. Doc. 64-10379; Filed, Oct. 12, 1964; 8:46 a.m.]

## PART 32—HUNTING

### Montezuma National Wildlife Refuge, New York

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.32 Special regulations; big game; for individual wildlife refuge areas.**

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Montezuma National Wildlife Refuge, New York, is permitted only on the area designated by signs as open to hunting. This open area, comprising 6,000 acres, is delineated on maps available at refuge headquarters, 4 miles east of Seneca Falls, New York, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Boston, Mass., 02111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) The open season is Saturday, November 7, 1964, only.

(2) A Federal permit is required to enter the public hunting area. Such permits may be obtained by applying in person at the refuge headquarters during the hours and on the day of the hunt.

(3) Every deer killed on the refuge must be checked out at refuge headquarters before hunters leave the refuge. The provisions of this special regulation supplement the regulations which govern huntingon wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 7, 1964.

JOHN S. GOTTSCHALK,
*Regional Director,*
*Boston, Massachusetts.*

OCTOBER 5, 1964.

[F.R. Doc. 64-10378; Filed, Oct. 12, 1964; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 906 ]

### ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

### Expenses and Fixing of Rate of Assessment for 1964–65 Fiscal Year

Consideration is being given to the following proposals by the Texas Valley Citrus Committee established under the marketing agreement and Order No. 906 (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that reasonable expenses not to exceed $20,000 will be necessarily incurred by said committee during the fiscal year August 1, 1964, through July 31, 1965, for its maintenance and functioning under the aforesaid marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler who first handles oranges and grapefruit shall pay during the fiscal year in accordance with the aforesaid marketing agreement and order, the rate of assessment of one-half cent ($0.005) per seven-tenths bushel carton or equivalent quantity of oranges and grapefruit so handled by such handler during such fiscal year.

(c) That the Secretary of Agriculture find that unexpended assessment funds, in excess of expenses incurred during the fiscal period ending July 31, 1964, shall be carried over as a reserve in accordance with the applicable provisions of § 906.35 (a) (2) of said marketing agreement and order.

(d) Terms used in the marketing agreement and order, shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 8, 1964.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-10399; Filed, Oct. 12, 1964; 8:49 a.m.]

[ 7 CFR Part 909 ]

### GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIFORNIA; AND THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF WHITE WATER, CALIFORNIA

### Approval of Expenses and Fixing of Rate of Assessment for 1964–65 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Administrative Committee, established under Marketing Agreement No. 96, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California. and in that part of Riverside County, California, situated south and east of White Water, California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $150,000 will be necessarily incurred during the fiscal period August 1, 1964, to July 31, 1965, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order.

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles grapefruit shall pay during the aforesaid fiscal period in accordance with the aforesaid amended marketing agreement and order, the rate of assessment at three cents ($0.03) per carton of grapefruit handled by such handler as the first handler thereof during such fiscal period.

(c) That the Secretary of Agriculture find that unexpended assessment funds, in exeess of expenses incurred during the fiscal period ending July 31, 1965, shall be carried over as a reserve in accordance with the applicable provisions of § 909.42 of said amended marketing agreement and order.

(d) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later that the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 8, 1964.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-10400; Filed, Oct. 12, 1964; 8:49 a.m.]

[ 7 CFR Part 947 ]

### IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

### Notice of Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of proposed expenses and a proposed rate of assessment as hereinafter set forth which were recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, as amended, and Order No. 947, as amended (7 CFR Part 947).

This marketing order program regulates the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all Counties in Oregon, except Malheur County, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et. seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

**§ 947.217 Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred during the fiscal

period beginning July 1, 1964, and ending June 30, 1965, by the Oregon-California Potato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $22,300.00.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be four-tenths of one cent ($0.004) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: October 8, 1964.

FLOYD F. HEDLUND,
*Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 64–10401; Filed, Oct. 12, 1964; 8:49 a.m.]

## Agricultural Research Service

### [ 9 CFR Part 74 ]

### SCABIES IN SHEEP

### Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), it is proposed to amend § 74.3(a) of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, by adding the State of Indiana to the list of areas therein designated as eradication areas since the cooperative sheep scabies eradication program is now being conducted in such State. The entire State of Indiana is presently included in the infected areas as sheep scabies is known to exist in this State.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 7th day of October 1964.

B. T. SHAW,
*Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 64–10383; Filed, Oct. 12, 1964; 8:47 a.m.]

## Agricultural Stabilization and Conservation Service

### [ 7 CFR Part 815 ]

### PUERTO RICO; MAINLAND SUGAR QUOTA

### Proposed Allotment of 1965 Direct-Consumption Portion

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter called the "Act", and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of the direct-consumption portion of the 1965 mainland quota for Puerto Rico is necessary to prevent disorderly marketing and importation of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States, and hereby give notice that a public hearing will be held at Santurce, Puerto Rico, in the Conference Room, Agricultural Stabilization and Conservation Service Office, Segarra Building on October 21, 1964 at 10:00 a.m.

The findings made above are in the nature of preliminary findings based on the best information now available. The quantity of direct-consumption sugar which will be permitted to be brought into the continental United States within the 1965 quota is still unknown. However, the capacity of Puerto Rican refineries to produce direct-consumption sugar far exceeds the quantity of such sugar which may be marketed in the continental United States and for local consumption in Puerto Rico within probable 1965 quotas.

Under such circumstances it is imperative that provision be made for the allotment of the direct-consumption portion of the mainland quota to avoid disorderly marketing and to afford all interested persons an equitable opportunity to market direct-consumption sugar in the continental United States.

It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary findings and make or withhold allotment of the direct-consumption portion of the mainland quota in accordance therewith.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make fair, efficient, and equitable allotments of the direct-consumption portion of the 1965 mainland quota among persons who produce or refine and market direct-consumption sugar to be brought into the continental United States for consumption therein.

In addition, the subject and issues of this hearing also include (1) the manner in which the statutory factors of "processings", "past marketings", and "ability to market", as provided in section 205 (a) of the said Act, should be measured; and (2) the relative weightings which should be given to these factors.

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the direct-consumption portion of the mainland quota for the purposes of (1) allotting any increase, or decrease in the direct-consumption portion of the mainland quota; (2) allotting any deficit in the allotment for any allottee, and (3) substituting revised estimates of data or final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of this portion of the quota.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Issued at Washington, D.C., this 9th day of October 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64–10451; Filed, Oct. 12, 1964; 8:50 a.m.]

# FEDERAL AVIATION AGENCY

### [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64–AL–6]

### CONTROL ZONE AND TRANSITION AREA

### Proposed Designation

The Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would designate a control zone and transition area at Dillingham, Alaska.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Atention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The control zone, proposed herein, would be designated within a 3-mile radius of the Dillingham Municipal Airport (latitude 59°03′ N., longitude 158°-31′ W.), excluding that portion west of a line 2 miles west of and parallel to the Dillingham VOR 025° True radial; within 2 miles each side of the Dillingham VOR 205° and 025° True radials, extending from the 3-mile radius zone to 8 miles southwest of the VOR. This control zone would be effective from 0600 to 2200 hours, local time, daily, during the months of April through September and 0800 to 1600 hours, local time, daily during the months of October through March. This control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Dillingham Municipal Airport. Communications for air traffic control service and dissemination of weather information would be available through a VHF communication link between Dillingham and King Salmon, Alaska, Flight Service Station. Weather service would be available through certified weather observers. The Dillingham Seaplane Base is located 2.5 miles west of the Dillingham Municipal Airport, and would be excluded from the control zone to preclude unnecessary restrictions on pilots using the seaplane base.

The proposed transition area would be designated as that airspace extending upward from 700 feet above the surface, within a 5-mile radius of the Dillingham Municipal Airport and within 2 miles each side of the Dillingham VOR 205° True radial, extending from the 5-mile radius area to 10 miles southwest of the VOR. This transition area would provide protection for aircraft executing the prescribed instrument approach, departure and missed approach procedures at the Dillingham Municipal Airport beyond the limits of the proposed control zone and beneath the 1,200-foot floor of the King Salmon transition area. Additionally, the transition area would provide protection for aircraft executing instrument approach and departure procedures during the hours that the control zone is not effective.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 5, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–10370; Filed, Oct. 12, 1964; 8:46 a.m.]

### [ 14 CFR Part 91 [New] ]

[Docket No. 6240; Notice 64–46]

### FAA FLIGHT SERVICE STATIONS

### Proposed Communications

The Federal Aviation Agency (FAA) is considering amending § 91.89 of the Federal Aviation Regulations by rescinding the requirement to maintain two-way radio communications with an FAA Flight Service Station.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before November 30, 1964, will be considered by the Administrator before taking action on the proposed amendment. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

FAR § 91.89 prescribes the rules for operation at airports not served by a control tower. Section 91.89(b) provides that if an operative FAA Flight Service Station is located at the airport (and is so depicted on the appropriate Aeronautical Chart) pilots are required to maintain two-way radio communications with the station while within five miles of the airport if the aircraft's equipment permits. Pilots of aircraft with radio equipment permitting reception only are required to maintain a listening watch on the station's frequency.

The purpose of the regulation is to provide airport advisory service to pilots, thereby enhancing the safety of terminal operations at those airports where there is no control tower to provide air traffic control service. Prior to the adoption of the rule, a pilot could choose between a company radio station, a Unicom, a Flight Service Station, or none of these. The variety of information sources, along with frequently varying information, frustrated an effective airport advisory service. For this reason, the centralized source of flight advisory service was instituted.

However, there is evidence that the program has created a false sense of security in pilots, particularly those with limited experience. On a number of occasions, airport operators and flight instructors commented that they observed a relaxing of traffic vigilance by a student pilot, or other inexperienced pilot, after they received an advisory that there was no other reported traffic. Because pilots operating aircraft with two-way radio are required to maintain communication with the station, pilots may mistakenly assume that air traffic control is advising the flight as to all air traffic operating in the vicinity of the airport. Others, even though they know that control is not exercised, may assume that all traffic is known. In either case, some inexperienced pilots tend to relax their vigilance after receiving an airport advisory and become a potential hazard to other aircraft in the area.

Many experienced pilots and users believe the program should not be mandatory; rather, it should be conducted on a voluntary basis. There are many significant, operational facets which precipitate dangerous and confusing situations by pilots who rely on the program and misinterpret the extent of the service being rendered. Such incidents compromise the purpose of the air traffic advisory project and are initiated by the inability of the FSS to provide complete, uniform service. Significantly, variations in equipment, the extensive workload of FAA employees involved, and the confined locations of facilities on the airports determine to a considerable degree the restricted extent of, and lack of uniformity in, the quality of service offered. Of significance, also, is that the regulation compromises uniformity by applying only to those selected locations where the FSS is physically located on the field. A limited advisory service has also been deemed very desirable by interested parties where stations are consolidated and remote outlets are established. For the reasons cited above, this aspect of the program should continue to be limited to voluntary contact by pilots.

Another very important feature of the program which justifies the need to convert this regulatory requirement into a good operating practice is the inherent inconsistency of its application. Since the regulation requires the pilot of a radio-equipped aircraft to obtain the advisory service, and makes him liable for a violation if he does not, and since the pilot of the aircraft without appropriate radio equipment is not subject to such action, the regulation is inconsistent. Consequently, pilots have questioned, quite erroneously, their obligation to use radio equipment if they will be subject to enforcement action in cases of noncompliance, especially when non-radio-equipped aircraft operators are unaffected. It is obvious that in these situations the benefits expected to be gained from the service are lost, and a premium is set on failure to install appropriate radio equipment. Therefore, certain segments of the aviation community believe that the regulation, implemented on a mandatory basis, is capable of breeding dangerous situations, is inherently discriminatory and does not constitute firm, clear standards for the Agency to administer and seek compliance.

The provisions of § 91.89(b) are, therefore, not considered appropriate regulatory material and it is proposed that this section of the Federal Aviation Regulations be rescinded.

This amendment is proposed under section 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 7, 1964.

CHARLES W. CARMODY,
*Acting Director,*
*Air Traffic Service.*

[F.R. Doc. 64–10371; Filed, Oct. 12, 1964; 8:46 a.m.]

# FEDERAL RESERVE SYSTEM

### [ 12 CFR Part 206 ]

[Reg. F]

### SECURITIES OF MEMBER STATE BANKS

### Notice of Proposed Rule Making

The Board of Governors of the Federal Reserve System announced on August 21, 1964, that it was considering the adoption of a new Part 206 (Regulation

F) to be issued pursuant to authority contained in the Securities Exchange Act of 1934 (15 U.S.C. 78). Notice of proposed rule making with respect to §§ 206.1 through 206.5 was published in the FEDERAL REGISTER of August 26, 1964 (29 F.R. 12127). Notice of proposed rule making with respect to §§ 206.6 and 206.7 was published in the FEDERAL REGISTER of September 15, 1964 (29 F.R. 12926), and interested persons were invited to submit relevant data, views, or arguments with respect to the entire new part on or before October 21, 1964.

The Board considers that an extension of time during which such materials may be submitted would be in the public interest. Accordingly, such materials may be submitted to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551, to be received not later than November 23, 1964.

Dated at Washington, D.C., this 6th day of October 1964.

Board of Governors of the Federal Reserve System.

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 64-10363; Filed, Oct. 12, 1964; 8:45 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Comptroller of the Currency

### INSURED BANKS

### Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 64-10361, Federal Deposit Insurance Corporation, *infra*.

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Order 698, Amdt. 5]

### MANAGER, RECORDS IMPROVEMENT PROJECT, LITTLETON, COLORADO

### Delegation of Authority Regarding Contracts and Leases

OCTOBER 6, 1964.

A new subparagraph (4) is added to sec. 1(b), as follows:

SECTION 1. *Authority of certain offices to enter into contracts and leases.*

* * * * *

(b)(4) The Manager, Records Improvement Project, Littleton, Colo., is authorized to issue purchase orders in amounts up to $2,500 for supplies and materials obtained under General Services Administration schedules, contracts, or other established sources. He is also authorized to issue purchase orders for supplies and services, without advertising, under sec. 302(c)(3) of the Federal Property and Administrative Services Act of 1949, as amended (205 DM 11.4B), where the amount involved does not exceed $1,000 for each single transaction, and the items are not available under GSA schedules, contracts, or other established sources. Procurement of capitalized equipment is excluded from this authorization.

H. R. HOCKMUTH,
*Associate Director.*

[F.R. Doc. 64-10375; Filed, Oct. 12, 1964; 8:46 a.m.]

### National Park Service

[Order 1]

### ADMINISTRATIVE ASSISTANT, RICHMOND NATIONAL BATTLEFIELD PARK, VIRGINIA

### Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. *Administrative Assistant.* The Administrative Assistant may issue purchase orders not in excess of $500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order No. 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., Sec. 2; Southeast Region Order No. 3 (21 F.R. 1493))

Dated: September 9, 1964.

WILLIAM R. HOLLOMON,
*Superintendent, Richmond National Battlefield Park, Virginia.*

[F.R. Doc. 64-10373; Filed, Oct. 12, 1964; 8:46 a.m.]

### Office of the Secretary

[Order 2883]

### MARKETING AREA OF BONNEVILLE POWER ADMINISTRATION AND FEDERAL COLUMBIA RIVER POWER SYSTEM

### Inclusion of Certain Areas

Pursuant to subsection (b) of section 1 of the Act of August 31, 1964, Public Law 88-552, and Reorganization Plan No. 3 of 1950, 64 Stat. 1262, those portions of the States of Nevada, Utah and Wyoming within the Columbia drainage basin, and all of the State of Idaho are included within the marketing area of the Bonneville Power Administration and the Federal Columbia River Power System.

STEWART L. UDALL,
*Secretary of the Interior.*

OCTOBER 6, 1964.

[F.R. Doc. 64-10376; Filed, Oct. 12, 1964; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### ALTOONA STOCKYARDS, INC., ET AL.

### Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and were therefore, subject to the Act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

*Name and Location of Stockyard; and Date of Posting*

ALABAMA

Altoona Stockyards, Inc., Altoona, Ala.; September 23, 1964.

CONNECTICUT

Middlesex Livestock Auction, Middlefield, Conn.; July 6, 1964.

IDAHO

Salmon River Livestock Auction, Salmon, Idaho; August 26, 1964.

KANSAS

Chuck Vawter Sales Management Service, Inc., Oakley, Kans.; May 15, 1964.

MISSOURI

W. R. Cantrell & Sons, Archie, Mo.; August 31, 1964.

OKLAHOMA

Dewey Community Sale, Dewey, Okla.; August 31, 1964.
Oklahoma Stockyards, Inc., Comanche, Okla.; September 2, 1964.
Sallisaw Sale Barn, Sallisaw, Okla.; August 29, 1964.

TEXAS

Bode Livestock Commission Company, Bryan, Tex.; September 23, 1964.

WISCONSIN

Matthes Farms, Viola, Wis.; September 17, 1964.
Wisconsin Dairy Herd Replacement & Livestock Marketing Co-op, Division of Wisconsin Feeder Pig Co-op, Francis Creek, Wis.; September 2, 1964.

Done at Washington, D.C., this 7th day of October 1964.

H. L. JONES,
*Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 64-10381; Filed, Oct. 12, 1964; 8:46 a.m.]

### CANNED RIPE PITTED OLIVES

### Notice of Purchase Program

In order to encourage the domestic consumption of olives by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the United States Department of Agriculture offers to purchase canned ripe pitted olives packed from 1964 crop olives grown in the United States, for subsequent use in school lunch programs. Purchases will be made on an offer and acceptance basis as a surplus removal activity. Details and specifications of the invitation to offer this product are contained in Announcement FV-364 issued by the Department on October 8, 1964. Quantity purchased will depend upon quantities and prices offered. Information concerning this purchase program may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C., 20250, or from Dower T. Mohun, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 630 Sansome Street, Room 836, San Francisco, Calif., 94111.

(Sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c)

Dated: October 8, 1964.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-10402; Filed, Oct. 12, 1964; 8:50 a.m.]

# DEPARTMENT OF COMMERCE

## Bureau of International Commerce

## CHINA RESOURCES CO.

### Order Denying Export Privileges for an Indefinite Period

In the matter of China Resources Company, Bank of China Building, Queens Road, Hong Kong, respondent; File 23-991.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above named respondent all export privileges for an indefinite period because the said respondent failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that China Resources Company is engaged in the import-export business and has a place of business in Hong Kong; that it does a substantial amount of business with Communist China; and that the company is also known as Wah Yun Company and the Hua Jun Company. The aforesaid Investigations Division is conducting an investigation into the disposition by said respondent of certain commodities of U.S.-origin which said respondent received and which, it is believed, it reexported from Hong Kong to Communist China. It is impracticable to subpoena the respondent and relevant and material interrogatories and request to furnish certain specific documents relating to its disposition of said commodities were served on it pursuant to § 382.15 of the Export Regulations. Said respondent has failed to furnish answers to said interrogatories or to furnish the documents requested, as required by said section, and it has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

*Accordingly, it is hereby ordered:*

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent, its successors or assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents and employees and to any successor and to any person, firm, corporation, or business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith. The above named respondent is also known as Wah Yun Company and the Hua Jun Company and this order is also effective against said companies.

IV. This order shall remain in effect until the respondent provides responsive answers, written information and documents in response to the interrogatories heretofore served upon it or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges, or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of section 382.15 of the Export Regulations, the respondent may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on October 12, 1964.

Dated: October 5, 1964.

FORREST D. HOCKERSMITH,
*Director, Office of Export Control.*

[F.R. Doc. 64-10450; Filed, Oct. 12, 1964; 8:50 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## ETHYL CORP.

### Notice of Filing of Petition Regarding Food Additives Antioxidants and/or Stabilizers for Polymers

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B1469) has been filed by Ethyl Corporation, 100 Park Avenue, New York, N.Y., 10017, proposing the amendment of § 121.2566 *Antioxidants and/or stabilizers for polymers* to provide for the following additional uses of 4,4'-methylenebis(2,6-di-*tert*-butylphenol):

1. At a level not to exceed 0.5 percent by weight of polyethylene complying with § 121.2510: *Provided*, That the finished polyethylene contacts food only of the types identified in § 121.2526(c), table 1, under categories I, II, IV-B, VI, VII (except bakery products with surfaces containing free fat or oil), and VIII.

2. At a level not to exceed 0.5 percent by weight of polybutadiene used in rubber articles complying with § 121.2562: *Provided*, That the finished rubber articles contact food only of the types identified in § 121.2526(c), table 1, under categories I, II, IV-B, VI, VII (except bakery products with surfaces containing free fat or oil), and VIII.

Dated: October 6, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-10394; Filed, Oct. 12, 1964; 8:49 a.m.]



# ATOMIC ENERGY COMMISSION

[Docket No. 50-84]

## REGENTS OF THE UNIVERSITY OF CALIFORNIA

### Notice of Issuance of Facility License Amendment

Please take notice that pursuant to an application of the University of California, by letter dated April 15, 1963 and amendments thereto dated July 8, 1963 and January 30, 1964, the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 7, set forth below, to Facility License No. R-30. The license authorizes the Regents of the University of California to operate its nuclear reactor, Model AGN-201, Serial No. 112, on the University's campus in Berkeley, Calif.

The amendment deletes from the existing license the restriction contained in the application for License Amendment 4 and in the hazards analysis to Amendment 4, which restriction provided that the neutron generator beam tube shall be positioned such that the target is centered in the reactor core, and deletes the limitations upon the duration and frequency of the neutron pulse provided in Condition 2 of License Amendment 4. Amendment No. 7 also adds a requirement that dose rates about the shield shall be measured at sufficient increments to obtain a correlation between dose rate and duty factor, and requires that additional shielding be added, if necessary, to assure that the dose rate at any point on the shield surface from both neutrons and gamma rays does not exceed a value of 10 millirem per hour.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Ch. I, CFR;

2. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

3. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "rules of practice," 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment and supplements thereto, and (2) a related hazards analysis prepared by the Research & Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 5th day of October 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

FACILITY LICENSE AMENDMENT

[License No. R-30, Amdt. 7]

Facility License No. R-30, as amended, which authorizes the Regents of the University of California to operate its nuclear reactor, Model AGN-201, Serial No. 112, on the University's campus in Berkeley, Calif., is hereby further amended as follows:

1. Delete the restriction contained in the application for License Amendment 4 and in the hazards analysis to Amendment 4, which restriction provided that the neutron generator beam tube shall be positioned such that the target is centered in the reactor core;

2. Delete Condition 2 of Amendment No. 4 to License No. R-30, relating to the duration and frequency of the neutron pulse;

3. Add the following condition:

"Dose rates about the shield shall be measured with regard to pulse width, pulse frequency, or total operating time (collectively, 'duty factor') as utilization is increased, at sufficient increments to obtain a correlation between dose rate and duty factor, and additional shielding added, if necessary, to assure that the dose rate at any point on the shield surface from both neutrons and gamma rays does not exceed a value of 10 millirem per hour."

This amendment is effective as of the date of issuance.

Date of issuance: October 5, 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-10362; Filed, Oct. 12, 1964; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Order E-21380]

## AIR TRAFFIC CONFERENCE OF AMERICA

### Order Approving Agreement Amending Standard Agent's Ticket and Area Settlement Plan

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of October 1964.

Agreement among members of the Air Traffic Conference of America, Agreement CAB 16874-A2; amending Standard Agent's Ticket and Area Settlement Plan.

On April 24, 1964, by Order E-20741, the Board approved resolutions of the Air Traffic Conference of America entitled "Standard Agent's Ticket and Area Settlement Plan" (Plan).[1] The Plan involves changes in conference procedures governing agent-carrier business methods which the Board determined to be of significant practical benefit. The Board's action was made subject to several conditions, reproduced as Appendix A hereto,[1a] and the order also indicated the desirability of up-dating the Plan's text to reflect, where necessary, intervening amendments in the basic ATC agency resolution.

The instant agreement incorporates amendments designed to meet the requirements of Order E-20741 insofar as appropriate up to the present time. It also accomplishes the suggested textual up-dating, as well as certain changes of clarifying nature. The chief provisions of the agreement are summarized in Appendix B.[1a]

No objections to the agreement have been filed with the Board.

Upon a review of the changes effected, the Board concludes that the agreement is consonant with the Plan and its basic objectives, as approved and conditioned by Order E-20741, and accordingly merits approval. The purposes of the changes are self-evident and require little discussion. However, there are two matters on which comment is appropriate.

In this connection, and for the limited purpose of expediting area-by-area implementation of the Plan, the carriers have adopted new Paragraph 44 authorizing waiving of the time sequences of Resolution 80.25 which would otherwise allow agents 90 days notice of all amendments to the sales agency agreement.[2] The Board believes that agents in the bank area in which the Plan is being implemented initially have been or will be given adequate notice of the Plan's inception.[3] However, it is not apparent

[1] The Plan was implemented in Illinois on October 1, 1964 and, according to ATC, is tentatively scheduled for extension on December 1, 1964 to the remainder of the first bank area, which includes Indiana, Iowa, Kentucky, Michigan, Minnesota, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming.

[1a] Filed as part of original document.

[2] Resolution 80.25 provides, in part, that amendments to the sales agency agreement shall be submitted to agents on or before the ninetieth day prior to their effective date and that an agent not returning a properly executed amendment will receive formal warning notice, and notice of cancellation of his sales agency agreement, 60 and 90 days, respectively, after such submission.

[3] On August 20, 1964 ATC presented Illinois agents with comprehensive instructional data, including sample forms and an updated sales agency agreement for execution. In addition, ATC held an instructional conference in Chicago on September 15 and 16 to which all agents in the State were invited. It is understood that similar procedures will be utilized by ATC in extension of the program to the remainder of the bank area in question.

that extension to additional bank areas should not proceed in accordance with the ATC's basic procedure covering amendments to the sales agency agreement. Our approval herein will be conditioned accordingly.[4]

The agreement contains a modification to Paragraph 5A of the sales agency agreement requiring that after an agent has been on the ATC agency list for one year, he must adjust his bond coverage in excess of the $10,000 minimum at least annually or at any other time when the amount of bond falls $2,000 or more short of requirements based on sales. Heretofore, adjustments to provide coverage in excess of the minimum have been required semi-annually. The rule also specifically provides that an agent may reduce the amount of coverage whenever his most recent twelve months' sales experience shows him to be carrying a bond in excess amount. The Board believes that these changes reflect the desirable objectives of improving protection of carrier funds and clarifying possible ambiguity in the agent's right to effect downward adjustments when justified, and thus are in the interests of the agents and the carriers.[5]

*Accordingly, it is ordered:*

That Agreement CAB 16874–A2, be and it hereby is approved: *Provided*, That approval of Paragraph 44, authorizing waiving of the time sequences set forth in ATC Resolution 80.25, shall be limited to activation of the Plan in the initial bank area or to a period ending April 1, 1965,[6] whichever earlier occurs.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64–10395; Filed, Oct. 12, 1964; 8:49 a.m.]

[Order E–21369]

## AIR TRAFFIC CONFERENCE OF AMERICA

### Order Deferring Action on Agreement Amending Standard Agent's Ticket and Area Settlement Plan

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of October 1964.

Agreement among the members of the Air Traffic Conference of America, Agreement CAB 16674–A3; amending standard agent's ticket and area settlement plan.

By Order E–20741 dated April 24, 1964, the Board approved resolutions of members of the Air Traffic Conference of America (ATC) entitled "Standard Agent's Ticket and Area Settlement Plan" (Plan). Under the Plan, implemented initially in the State of Illinois on October 1, 1964,[1] ATC-appointed agents are required to use a single standard form of ticket in the sale of passenger air transportation involving a journey wholly within the United States (except Alaska), Canada, or Hawaii, and for international air transportation between the 48 contiguous States and Canada. Use of the standard agent's ticket is optional for international travel wholly over the routes of ATC carriers, or partially via such carriers and partially via members of the International Air Transport Association (IATA) which have agreed to accept the ticket for interline travel. Unless and until there is full participation by IATA in this or a similar plan, the ATC standard agent's ticket is not expected to go into general use for international transportation solely via non-ATC carriers. However, the members of ATC have received a request from a non-ATC (IATA) carrier to participate in the Plan and, on August 24, 1964, filed the instant agreement to permit the participation of such carriers on an individual basis.

The agreement, quoted in the Appendix,[1a] permits individual carrier members of IATA which are not also members of ATC to participate in the Plan upon execution of a concurrence in a form specifying, essentially, that the concurring airline (a) will supply its agents which are on the ATC Agency List and operating under the Plan with airline identification plates only in conformity with the Plan, and will withdraw such plates whenever required as though the concurring airline were a regular member of ATC; (b) will contribute pro rata to the costs of ticket stock, sales report forms and other expenses of the Plan on the same basis as ATC members; and (c) will be bound by the Plan's provisions for sharing of agency funds following a shortage,[2] and will not be entitled to any portion of the sums recovered under the agent's ATC bond. In addition, participation by the concurring airline may be terminated for breach of the terms and conditions of the concurrence, or for cause involving abuse of the Plan in a manner which would not be permissible for ATC members fully bound by the ATC Agency Resolution.[3] The agreement also specifies that establishment of an effective date for any such participation shall take into account the practicalities of giving adequate notice to agents operating under the Plan, and provides a form of amendment (or rider) to the ATC sales agency agreement governing applicability of the Plan to agency sales on behalf of a concurring airline.

In comments filed September 14, 1964, the American Society of Travel Agents (ASTA) requested the Board to disapprove the agreement.

The Board has concluded, tentatively that the agreement should be approved, subject to conditions. However, before reaching a final conclusion, the Board will provide a further opportunity for interested persons to file comments on the matter.

The aforementioned provisions pertaining to relationships between ATC members and a concurring non-ATC (IATA) carrier in the matters of issuance of airline identification plates, sharing of expenses and shortages, and termination of a concurring carrier appear reasonable, and may be of assistance to the ATC carriers through the further spread of printing or other costs of the Plan. In addition, there is no apparent reason to deny the advantages of a bank settlement plan to individual IATA carriers wishing to participate in one.[4] Finally, and of principal interest, the agreement is designed to expand the utility of the Plan, and is thus in line with the Plan's basic objectives. In considering the basic Plan as sufficiently beneficial to be implemented although not providing for full IATA participation, the Board recognized "that the Plan, in its present form, does not offer those agents which represent both ATC and IATA carriers the same potential

[4] The Board, of course, would give consideration to any future modification of the time sequences set forth in Resolution 80.25, in the event that the carriers determine that modernization of that resolution should be undertaken.

[5] Our findings herein are without prejudice to a reexamination of bonding upon action by the carriers pursuant to condition 12 of Order E–20741 (see Appendix A hereto), to modify the agency bonding program in accordance with the reduced exposure of funds under the Plan.

[6] A review of the Plan is required by Order E–20741 to be filed with the Board not later than such date.

[1] It is understood that implementation in the balance of the first bank area is tentatively scheduled for December 1, 1964. This would include Indiana, Iowa, Kentucky, Michigan, Minnesota, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming.

[1a] Filed as part of original document.

[2] Under the Plan, such funds are to be prorated among all participating airlines in proportion to the agent's sales for them respectively from the date of the last sales report for which he remitted in full to the area bank.

[3] Such action to terminate participation can be taken either by unanimous vote of ATC's Interconference Area Settlement Plan Committee, or by a two-thirds majority vote of the ATC.

[4] The IATA form of passenger sales agency agreement (Resolution 820a) specifies in Paragraph 6(a) that "The Agent shall remit to the Carrier the monies due—for the transportation sold hereunder not less than once each month, or at such times, under such conditions and in such currencies as the carrier may designate from time to time in writing." Section G of the IATA passenger sales agency rules, as applicable in Traffic Conference I, currently provides, with certain exceptions, for agency reporting and remitting "not less than twice each month on the first and sixteenth day of the month." Periods within which the agent will be held delinquent or in default are also different from those of the ATC Plan. However, this section also specifically provides, in Paragraph 2(f), that "—with respect to its own reports and/or remittances a Member may establish a greater frequency than that prescribed herein—in which case such Member may elect to use the shorter period which results as a basis for computing the Agent's delinquency—." Thus, it is apparent that an individual IATA carrier wishing to operate under the Plan can do so within the framework of the IATA agency resolution.



for operating efficiencies which would be available in a plan standardizing ticket forms, reports and remittances for all sales of domestic and international air transportation."[5] In essence, the instant agreement takes a step to improve this situation. An ATC agent will be enabled to use the standard ticket form and report and remittance procedure, not only for sales for all ATC carriers he represents, but also for any non-ATC IATA carrier represented which determines to participate in the Plan. Thus, agents operating under the Plan stand to gain further simplification in their ticket issuing and clerical operations.[6]

It may be noted, however, that ATC rules would permit termination by ATC of an agent's Sales Agency Agreement in an instance where he may not wish to use the Plan in representing the non-ATC carrier.[7] Although these instances may be limited, it is not apparent, under all of the circumstances present here, that termination should occur in such a situation. Accordingly, in acting finally on the resolution, we propose to require that a Sales Agency Agreement shall not be subject to termination by the ATC because of an agent's failure to execute the rider applying the Plan's procedures to sales of international air transportation on behalf of a non-ATC carrier.

We note further that the form of rider proposes establishment of appropriate procedures for participation in the Plan by a concurring carrier, mentioning such matters as determination of the effective date of the participation and provision of adequate notice to agents. Any inter-carrier agreement of this nature should, of course, be filed with the Board under section 412 of the Act. The Board would also wish to be informed on the names of non-ATC carriers which concur in the Plan and the date of their entry into the program. The final order herein will be conditioned accordingly.

*Accordingly, it is ordered:*

1. That action on Agreement CAB 16874–A3 be and it hereby is deferred; and,

2. That any interested person desiring to file comments with respect to this agreement shall file such comments within 20 days of the date of service of this Order. Such comments shall conform to the general requirements of the Board's Rules of Practice in Economic Proceedings and should be submitted in triplicate to the Board's Docket Section.

This Order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64–10396; Filed, Oct. 12, 1964; 8:49 a.m.]

[Docket No. 15234]

## INTERNATIONAL TOURS AND JACK E. HUMMEL; ENFORCEMENT PROCEEDING

### Notice of Postponement of Hearing

Pursuant to the joint request of counsel for Respondent and the Bureau of Enforcement, the public hearing in the above-entitled proceeding now assigned to be held in Los Angeles, Calif., on October 20, 1964, is hereby postponed indefinitely.

Dated at Washington, D.C., October 8, 1964.

[SEAL] RICHARD A. WALSH, *Hearing Examiner.*

[F.R. Doc. 64–10397; Filed, Oct. 12, 1964; 8:49 a.m.]

# FEDERAL DEPOSIT INSURANCE CORPORATION

## INSURED BANKS

### Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business October 1, 1964, to the appropriate agency designated herein, within ten days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 451,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy therof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 173,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 69,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports of Condition by National Banking Associations," dated January 1961, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February 1961.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State banks not members of the Federal Reserve System," dated January 1961.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December 1962,[1] and shall send the same to the Federal Deposit Insurance Corporation.

JOSEPH W. BARR, *Chairman, Federal Deposit Insurance Corporation.*

JAMES J. SAXON, *Comptroller of the Currency.*

[SEAL] WILLIAM MCC. MARTIN, Jr. *Chairman, Board of Governors of the Federal Reserve System.*

[F.R. Doc. 64–10361; Filed, Oct. 12, 1964; 8:45 a.m.]

# FEDERAL MARITIME COMMISSION

## INDEPENDENT OCEAN FREIGHT FORWARDER APPLICATIONS

### Notice of Revision

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licensee issued pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANTS

Alexander, Edgar, No. 485, 6 Winslow Avenue, East Brunswick, N.J., 08816; revoked September 11, 1964.

Baltimore Dispatch Corp., No. 202, 33 South Gay Street, Baltimore, Md., 21202; revoked September 24, 1964.

[1] Filed as part of original document.

[5] Order E–20741, page 8.

[6] In its comments on the agreement, ASTA reiterates the view that all IATA carriers should participate in the Plan at its inception, and states that participation of individual carriers would pose administrative difficulties for agents. The Board would agree that certain problems may be presented but does not believe that they would be such as to dictate disapproval of the agreement, particularly in the light of the condition proposed hereinafter.

[7] Under ATC Resolution 80.25, the Conference may cancel the Agreement of each agent failing to return a properly executed amendment.

Cavanaugh Associates, William D., No. 488, (William Denis Cavanaugh, d/b/a), 15 East 40th Street, New York, N.Y., 10016; revoked September 2, 1964.
Cottam & Co., H. T., No. 667, (F. Patron, Jr., d/b/a), 545 Tchoupitoulas Street, New Orleans, La., 70130; revoked September 2, 1964.
Elizabeth Forwarding Co., No. 356, (Elizabeth Lopez, d/b/a), 1836 Broadway, New York, N.Y., 10023; revoked September 15, 1964.
Glaessel Shipping Corp., No. 294, 44 Whitehall Street, New York, N.Y., 10004; revoked September 2, 1964.
Harbourt International, Inc., No. 194, 44 Whitehall Street, New York, N.Y., 10004; revoked September 16, 1964.
Mercury Trucking & Forwarding Co., Inc., No. 589, 521 Fifth Avenue, New York 17, N.Y.; revoked September 11, 1964.
Parker Commission Co., No. 682, 401 Bourse Building, Philadelphia, Pa., 19106; revoked September 17, 1964.
Plaza International Shippers Co., No. 655 (Waldman A. Plaza, d/b/a), 1271 Sixth Avenue, New York, N.Y., 10020; revoked September 18, 1964.
Rediker Shipping Co., Inc., Harry, No. 570, 521 Fifth Avenue, New York 17, N.Y.; revoked September 11, 1964.
Shaw Brothers Shipping Co., No. 471, Post Office Box 306, Biscayne Annex, Miami, Fla., 33152; revoked September 2, 1964.
Sunrise Travel Bureau, Inc., No. 871, 363 Grand Street, New York, N.Y., 10002; revoked September 2, 1964.
T.M.A. Shipping Co., No. 755 (Jaime Moreno Gutierrez, d/b/a), 377 Broadway, New York 13, N.Y.; revoked September 11, 1964.
Torello & Co., Ralph, No. 825, 6 Bridge Street, New York, N.Y., 10004; revoked September 2, 1964.
United Cargo Corp., No. 741, 563 West 35th Street, New York, N.Y.; revoked September 22, 1964.
Wehling Co., R.C., No. 730, (R. C. Wehling, d/b/a), 8–10 Bridge Street, New York, N.Y., 10004; revoked September 2, 1964.
West India Shipping Co., Inc., No. 211, Port of Palm Beach, Post Office Box 10355, West Palm Beach, Fla., 33404; revoked September 15, 1964.

NON-GRANDFATHER APPLICANTS

Supreme Shippers, Inc. (Non), 38 Pearl Street, New York, N.Y., 10004; dismissed September 30, 1964.
Forwarding, Inc., No. 932 (Non), 242 Standard Building, Cleveland 13, Ohio; revoked September 24, 1964.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any applicant should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

Carlo International & Co. (Non), (George Carlo, d/b/a), 1670 Southeast 17th Street, Fort Lauderdale, Fla.; George Carlo, owner.
Dickson Co., Inc., Gordon H. (Non), 75–A Marion Street, Viaduct, Seattle, Wash.; Gordon H. Dickson, president; Shirley J. Dickson, secretary-treasurer; John L. Westland Jr., vice president.
George Co. (Non), (George Leslie Miller, d/b/a), Pier B, Berth 12, Long Beach, Calif.; George Leslie Miller, owner.
Higa Fast Pac., Inc. (Non), 25 California Street, San Francisco, Calif.; Dan T. Uesugi, general manager; Tom Higa, president; Hideo Higa, first vice president; Charles Higa, second vice president; Shigeo Higa, secretary; Harry Higa, treasurer.
Hobelmann & Co. of Pennsylvania, Inc., H. G. (Non), 306 Lafayette Building, Philadelphia 6, Pa.; R. G. Hobelmann, president/director; R. Graage, vice president/director; W. G. Flock, secretary/treasurer; W. T. Luthi, director; Brian Houston, director; F. Hobelmann, director; U. Graage, director.
Koeller-Struss Co. (Late) (Art. H. Hanebrink, d/b/a), 812 Olive Street, St. Louis, Mo., 63101; Art. H. Hanebrink, owner.
Kraus & Co., D. Lee (Non) (Duncan Lee Kraus, d/b/a), Pier 1, Pratt Street, Baltimore, Md., 21202; Duncan Lee Kraus, owner.
Miner & Co., H. C. (Late) (H. C. Miner, d/b/a), 530 Biscayne Boulevard, Miami, Fla.; H. C. Miner, owner.
Ohanneson, Elizabeth A. (Non), 9 First Street, San Francisco 5, Calif.; Elizabeth A. Ohanneson, owner.
Peeters Transportation Co., Inc. (Non), 1425 Donner Avenue, San Francisco, Calif., 94124; E. J. Peeters, Sr., president; F. D. Peeters, vice president; J. M. Peeters, secretary; S. V. Peeters, treasurer.
Samuels & Co., Mark F. (Non) (Mark F. Samuels, d/b/a), 5700 Avion Drive, Los Angeles, Calif., 90009; Mark F. Samuels, owner.
Wehrli Shipping Co. (Non) (Alfred Wehrli, d/b/a), % Avila Shipping Co., 11 Broadway, New York, N.Y., 10004; Alfred Wehrli, owner.

CHANGE OF ADDRESS

Norman G. Jensen, Inc., No. 800, 3565 El Camino Real, Palo Alto, Calif., 94306.
R. F. Downing & Co., Inc., No. 146, 26 Beaver Street, New York, N.Y., 10004.
Nato Forwarding Co., Inc., No. 354 (Affiliate of Inter-Maritime Forwarding Co., Inc.), 56 Beaver Street, New York, N.Y., 10004.

The following have been assigned separate numbers:

Leading Forwarders of Rochester, Inc., No. 1026, 39 State Street, Rochester, N.Y., 14614.
Leading Export Service Corp., No. 1027, Venezolana De Transportes, Inc., 11 Stone Street, New York, N.Y., 10004.

Dated: October 8, 1964.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10392; Filed, Oct. 12, 1964; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket Nos. G-8288 etc., and G-18353[1]]

## SUN OIL CO.

### Order Conditionally Approving Rate Settlement Proposal, Severing and Terminating Proceedings and Prescribing Refunds

OCTOBER 1, 1964.

There is before us for consideration a Motion for Approval of Settlement Proposal, Termination of Rate Proceedings, and for Shortened Procedure Certification filed on July 31, 1964, by Sun Oil Company (Sun) encompassing the rates for 95 of Sun's currently effective FPC Gas Rate Schedules. Comments have been filed by some of the parties to these proceedings, all of which have been given due consideration. In summary, the settlement proposal as filed by Sun provides:

(1) Settlement rates, including tax reimbursement, equal to or less than the Commission's applicable area ceilings with three exceptions hereinafter discussed;

(2) Sun waives the right to file for contractually authorized increased rates until August 1, 1967, for all of the rate schedules involved in the settlement. However, Sun reserves the right to file for any increased rates, if contractually authorized, up to the applicable area-rate levels established by any order or rule of the Commission, or to file for any contractually authorized increase in tax reimbursement;

(3) Sun will delete any favored nation and price redetermination clauses contained in its Rate Schedule Nos. 9, 10, 11, 12, 13, 15, 33, 67, 79, 104, 170, and 171, and additionally will delete the periodic pricing provisions in its Rate Schedule Nos. 27, 29, 41, 42, 70, and 87;

(4) Refunds with interest at the applicable rates, under rate schedules where collection was made subject to refund, of the difference between the revenues actually collected and those which would have been collected at the settlement rate, in each instance, commencing with January 1, 1961, to the date of issuance of this order for all of Sun's rate schedules, excepting Rate Schedule No. 119 for which the refund commencement date would be April 1, 1963, in accordance with other recent settlements we have approved in the consolidated proceedings in Union Texas Petroleum, et al., Docket Nos. G-13221, et al., and Rate Schedule No. 87 whereunder Sun proposes a refund rate different than the proposed settlement rate;

(5) Exclusion from the settlement proposal of thirteen sales in the Permian Basin; thirteen sales related to previous offers of settlement accepted by the Commission; one sale to another producer whose resale rate is under suspension; and ten sales consolidated in certificate proceedings that are presently before the Commission.

With respect to refunds, the parties to the settlement conference utilized cost of service studies and revenues based on contract rates to determine Sun's revenue-cost relationship. These studies indicate that it is appropriate that we require that refunds should be computed for sales made on and after January 1, 1961, excepting the refunds to be made under Sun's Rate Schedule No. 119 which will be computed for sales made on and after April 1, 1963, in accordance with our previous orders accepting settlements in proceedings in Union Texas (supra). Additionally, as noted above, in regard to Sun's Rate Schedule No. 87, it proposes to make refunds computed on a rate of 17 cents per Mcf, although it proposes to reduce the presently effective rate of 21 cents per Mcf to the settlement rate of 15.0256 cents per Mcf. This rate schedule is for

[1] The additional dockets involved herein are set forth in Appendixes A, B, and C, attached hereto.



a sale by Sun to Southern Natural Gas Company in the Gwinville Field, Mississippi. We have recently considered a similar proposal involving the same purchaser in the same field in Humble Oil & Refining Company, Docket Nos. G-9287 and G-9288, et al., FPC orders issued July 8, and August 7, 1964, and there found no justification for a departure from the established policy of requiring refunds for all rate schedules, where refunds are due, for the same period of time. In this instance, we likewise find no justification for departing from our policy of requiring that where refunds are required in general rate settlements the refund amount for each rate schedule, where collection was made subject to refund, be computed as the difference between such a rate and the settlement rate. Therefore, for all of the reasons set forth in our orders in Humble (supra) we shall condition our approval of Sun's proposal to require it to make refunds under its Rate Schedule No. 87 in accord with the same terms and conditions as under the other rate schedules involved in the settlement. Applicable interest shall be paid on all of the refunds through July 31, 1964. As herein conditioned, such refunds will be approximately $4,250,000, exclusive of interest. Sun's future revenues will be decreased approximately $1,400,000 annually as a result of the settlement.

The purchasers of gas under the various rate schedules to which this settlement proposal relates are all natural gas pipe-line companies subject to our jurisdiction under the Natural Gas Act, and many of such purchasers in turn have customers who are natural gas pipelines. Some of these pipeline customers of Sun or Sun's customers are required under express provisions of outstanding orders of this Commission to flow-through to their customers all or any part of the refunds they may receive from Sun as a result of this settlement; others may choose so to do in the absence of such express provisions. For all of the reasons set forth in our order in Humble (supra) we shall require Sun to retain the amounts of refund ordered herein until further order directing the nature of their disposition[2] and also to submit within 45 days of this order to the Commission and each customer a detailed report setting out, by purchasers, the amount of refund related to each rate schedule, the volume of gas sold thereunder and the period covered. We shall also by separate action direct each of the pipeline purchasers within ten days from the receipt of such report, to submit a report of their own setting forth whether they intend to pass on all or part of such refund amounts to their customers and the names of such customers and amounts of refund each would receive, or, if they claim the right to retain any portion of the refunds, a brief statement as to the legal or equitable basis for such claim. In the event such reports indicate that the refunds will flow through to ultimate consumers or distribution companies not subject to the Commission's jurisdiction, the Commission will authorize the release of such refund sums by Sun (unless a state regulatory authority after notification of the sum to be made available to a company subject to its regulatory jurisdiction asks us to defer releasing the funds until it can determine their ultimate disposition). In the event a pipeline purchaser from Sun (or a pipeline customer of such a pipeline) indicates that it is asserting a claim to retain substantial refund sums the Commission will by further order prescribe the procedure for determining the relative rights to such funds of such pipeline or its customers.

Settlement rates which are exceptions to the applicable area ceiling are proposed by Sun for a sale to Tennessee Gas Transmission Company (TGT) in the Six Parish Area in South Louisiana under Sun's FPC Gas Rate Schedule No. 37, and a sale to Transcontinental Gas Pipe Line Corporation (Transco) in the North Markham and North Bay City Fields in Texas Railroad District No. 3 under Sun's FPC Gas Rate Schedule No. 27. The circumstances surrounding the sale to TGT are the same as those we considered in Sohio Petroleum Company, Docket Nos. G-8488, et al., — FPC — (Order issued December 30, 1963) where we there approved the same settlement rate for a sale to TGT as Sun herein proposes. Therefore, we shall herein approve Sun's proposal to reduce the currently effective rate of 23.675 cents per Mcf to 17.75 cents per Mcf for this sale.

As to the sale to Transco, Sun proposes to dedicate substantial additional reserves approximating sixty-million Mcf of gas, and to extend the term of the contract for a period of three years so that it will run to December 24, 1973. Additionally, Sun proposes to eliminate the periodic price escalation provision from the contract and will retain the existing maximum quantities which Transco is now obligated to take under the contract. We have in other general rate settlements considered like circumstances, and have approved settlement rates which were exceptions to the applicable area ceilings, e.g., Gulf Oil Corporation, et al., Docket Nos. G-9520, et al., 29 FPC 837, and, therefore, we find Sun's proposed settlement rate of 15.5 cents per Mcf to be proper and approve the same.

The settlement proposal includes rates for which issuance of related permanent certificates is pending, some of which are for sales presently being made under temporary certificates.[3] We shall set such applications for abridged hearing in accordance with section 7 of the Natural Gas Act, providing that the settlement rates shall be the initial rates.

Additionally, included in the settlement proposal are pending certificate applications for sales by Sun in Texas Railroad Commission District Nos. 3 and 4. The sale in District No. 3 is to Trunkline Gas Company in the Sarah White Field, Galveston County, under Sun's FPC Gas Rate Schedule No. 120 for which the presently effective rate is 20 cents per Mcf, and Sun proposes to reduce the rate to 16 cents per Mcf. This sale is presently involved in the consolidated proceedings in H. L. Hawkins, et al., Docket Nos. G-18077, in which the hearings have been concluded and the matters therein are now pending before the presiding examiner. Consequently, we shall not herein provide for permanent certification of this sale, and approve the settlement rate as proposed but find the initial rate shall be that determined in the Hawkins proceedings.

The sales in District No. 4 by Sun are to TGT in the Fitzsimmons Field, Duval County (Rate Schedule No. 154, Docket No. CI63-989) and to Natural Gas Pipeline Company of America in the Willamar Field, Willacy County (Rate Schedule No. 164, Docket No. CI64-470) for which the presently effective rates are 16 cents per Mcf. Sun's proposal is to continue these sales under temporary authority, and to retain the present rates. Since these proceedings are consolidated in the Turnbull & Zoch Drilling Co. (Operator), et al., proceedings, Docket Nos. G-17960, et al., we shall approve the settlement rates contingent upon the final order in such proceedings.

Sun is presently making two sales under temporary certificates to Southern Natural Gas Company (Southern) in Kokomo and Knoxo Fields, Walthall County, Mississippi, under its FPC Gas Rate Schedule Nos. 137 and 152, respectively. Additionally, it has pending a certificate application in Docket No. G-19015 (Rate Schedule No. 111) for a sale in Dexter Field, Walthall County to Southern which is presently being made under a rate schedule of another producer. Sun proposes an interim rate of 21.5 cents per Mcf for each of these sales pending final order, subject to judicial review, in the consolidated proceedings in Sun Oil Company, et al., Docket Nos. G-8592, et al., and it proposes then to accept the rate for each of such sales to that finally determined in such proceedings. Sun will refund the difference between the settlement rate, from the date of issuance of this order, and the rate finally determined in such proceedings if the latter be lower.

Sun has two sales to United Fuel Gas Company (United Fuel) in the Ellis and North Chalkley Fields, South Louisiana, under its FPC Gas Rate Schedule Nos. 38 and 76, respectively. The accepted rate under Rate Schedule No. 38 is 17.5 cents per Mcf for the originally dedicated acreage. Sun added acreage and was granted a certificate at 19.5 cents per Mcf in Union Texas Petroleum, et al., Docket Nos. G-13221, — FPC — (Opinion No. 436, issued July 23, 1964). Also, Sun was granted a certificate for added acreage in Union Texas under its Rate Schedule No. 76 at a rate of 20 cents per Mcf while the base rate was 18.3 cents per Mcf. Sun proposes a rate of 17.5 cents per Mcf for its sales to United Fuel under its Rate Schedule No. 38, and a rate of 19.1 cents per Mcf under its Rate Schedule No. 76 for all of the gas sold and delivered under each of such Schedules. Because the additional acreage, under Rate Schedule No. 76, has increased the reserves dedicated to that

[2] Exempted from this requirement are the refunds to be made to Marshall R. Young Drilling Co. since the amount of refunds to this company is de minimis.

[3] Docket Nos. CI60-75, CI63-13, CI63-1142, CI63-1360, and CI64-315.

sale by approximately 15.4 million Mcf, over the basic figure of 4.7 million Mcf, we find the settlement rate to be in the public interest and shall approve the same.

Sun's settlement proposal includes a sale to TGT in the Northwest Chalkley Field, South Louisiana under its Rate Schedule No. 157 from acreage which it obtained by assignment from Samedan Oil Corporation (Samedan). In Docket No. CI62–378 we imposed a refund condition on Samedan subject to final order in Union Texas (supra). Consequently, we hereby condition our approval of Sun's settlement proposal to impose the same refund obligation on Sun in its Docket No. CI63–1360, in which its certificate application is pending, as presently is on Samedan.

Our conditional approval of Sun's proposal results in Sun refunding approximately 67 percent of amounts collected above the settlement rates, subject to refund, and the reduced rates of $1,400,000 annually will constitute disallowance of approximately 70 percent of the increased rates currently being collected in section 4(e) proceedings. Additionally, four of Sun's rates are being reduced below the "last-firm-rate," of which one is not subject to section 4 proceedings.[4]

As conditioned herein, we believe that the principles underlying the present settlement proposal are consistent with those utilized in previous major independent producer rate settlements.

Our action herein should not be construed as constituting approval of any future rate increases, if any, that may be filed under the subject rate schedules, and is without prejudice to any findings or order of the Commission in future proceedings, including area rate or similar proceedings, involving Sun's rates and rate schedules.

The Commission finds: The proposed settlement of the subject proceedings on the basis described herein, as more fully set forth in the Settlement Proposal filed by Sun and as herein conditioned on July 31, 1964, is in the public interest and it is appropriate in carrying out the provisions of the Natural Gas Act, that it be approved and made effective as hereinafter ordered, and good cause exists for approving the settlement rates, for severing and terminating certain proceedings and providing for refunds.

The Commission orders:

(A) The settlement of these proceedings on the basis of the settlement proposal as herein conditioned, filed by Sun on July 31, 1964, is approved and made effective subject to the terms and conditions herein.

(B) The applicable settlement rates set out in Appendix A hereto are approved, and such rates shall be effective as of September 1, 1964.

(C) The approved settlement rates shall be applicable during the moratorium period herein provided for to all sales of natural gas from all acreage dedicated as of the date of issuance of this order under each of the rate schedules currently on file with the Commission whether such sales are made by Sun, its successors or assignees.

(D) Sun shall compute the difference between the rates collected subject to refund and the related settlement rates or rate not subject to refund, whichever rate was the greater, for the period from January 1, 1961, to the date of this order, together with interest as specified in each docket to July 31, 1964. Sun shall within 45 days from the date of this order submit a report to the Commission, and serve a copy on each of the purchasers involved, setting out by purchasers the amount of refunds related to each rate schedule (showing separately the principal and applicable interest) the bases used for such determination and the periods covered.

(E) Sun shall retain the amounts shown in the report required under paragraph (D) above, subject to further order of the Commission directing the disposition of those amounts: *Provided, however,* Sun shall within 90 days from the date of this order, (1) refund with interest as specified in each docket computed to July 31, 1964, the difference between the rates collected subject to refund and the related settlement rates, on and after January 1, 1961, to the date of this order for all of such of Sun's Rate Schedules, where the rates were collected subject to refund for sales of natural gas to Marshall R. Young Drilling Co. and (2) report to the Commission in writing, the amount of refunds made to Marshall R. Young Drilling Co. showing separately the amount of principal and interest so paid, and the bases used for such determination, together with releases from its purchaser showing receipt of the refunds in conformity with the settlement proposal as conditionally approved herein.

(F) If Sun elects to commingle these retained refunds with its general assets and use them for its corporate purposes, it shall pay interest thereon at the rate of 6 percent per annum on all funds thus available from November 15, 1964, to the date on which they are paid over to the person ultimately determined to be entitled thereto in a final order of the Commission.

(G) If Sun elects to deposit the retained refunds in a special escrow account, Sun shall tender for filing on or before November 15, 1964, an executed Escrow Agreement, conditioned as set out below accompanied by certificate showing service of a copy thereof upon each of its jurisdictional customers. Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, the Escrow Agreement shall be deemed to be satisfactory and to have been accepted for filing. The Escrow Agreement shall be entered into between Sun and any bank or trust company used as a depositor for funds of the United States Government and the agreement shall be conditioned as follows:

(1) Sun, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled thereto, with respect to all amounts and the interest thereon deposited in a special escrow account, subject to such Agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final order of the Commission and in such manner as may be therein specified, all or any portion of such deposits and the interest thereon.

(2) The bank or trust company may invest and reinvest such deposits in any short-term indebtedness of the United States or any agency thereof or in any form of obligation guaranteed by the United States which is, respectively, payable within 120 days as the said bank or trust company in the exercise of its sound discretion may select.

(3) Such bank or trust company shall be liable only for such interest as the invested funds described in paragraph (2) above will earn and no other interest may be collected from it.

(4) Such bank or trust company shall be entitled to such compensation as is fair, reasonable and customary for its services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company shall likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be made out of the escrow account.

(5) Such bank or trust company shall report to the Secretary quarterly, certifying the amount deposited in the trust account for the quarterly period.

(H) Sun shall, over the signature of a responsible officer, file with the Commission, within 30 days from the date of the issuance of this order, an original and one copy of its acceptance or rejection of the terms and conditions of this order, including specifically the refund requirements under its Rate Schedule No. 87, and the requirement for possible future refunds under its Rate Schedule No. 157.

(I) Any party to the proceedings or settlement negotiations having objections to the terms of this order shall within 30 days from the date of issuance of this order set forth such objections in writing to the Commission (Original and one copy), and by serving copies on the other parties.

(J) If as a result of any objections filed pursuant to paragraph (I) hereof, the Commission by subsequent order changes Sun's duties and obligations hereunder, Sun's acceptance of this settlement order shall not be binding on it without its express agreement.

(K) The pending certificate proceedings in Docket Nos. CI60–75, CI63–13, CI63–1142, CI63–1360, and CI64–315 set out in Appendix B hereto shall not be terminated on the basis of the approval of the settlement proposal, but shall be determined after hearing in accordance with section 7 of the Natural Gas Act and the terms and conditions of this order.

(L) Within 90 days days from the date of this order, Sun shall make such filings under its rate schedules as are required to make effective the terms of the settlement proposal.

[4] The annual reduction in rates effectuated by our approval of this settlement under these four rate schedules approximates $19,000.



(M) Upon full compliance by Sun with all the terms and provisions of this order, the section 4(e) proceedings listed in Appendix A and B hereto, and the section 5(a) proceedings in Docket No. G–18353 shall terminate.

(N) Upon termination of the section 4(e) proceedings listed in Appendix C hereto, in accordance with paragraph (M) above, said proceedings shall be severed from the consolidated proceedings in Docket Nos. AR61–2, AR64–1, and AR64–2, respectively; the section 7(c) proceedings listed in Appendix C are hereby severed from their respective consolidated proceedings.

(O) This order is without prejudice to any findings or orders which have been or may be made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by Sun, the Commission staff, or any affected party hereto, in any proceedings now pending, including area rate or similar proceedings, or hereafter instituted by or against Sun or any other companies, person or parties affected by this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

SUN OIL COMPANY

FPC RATE SCHEDULES—DOCKET NOS. G–8288, ET AL., G–18353

| Rate schedule | Field and location | Purchaser | Certificate docket | Section 4(e) docket | Last firm rate cents/Mcf | Rate in effect cents/Mcf | Settlement rate cents/Mcf |
|---|---|---|---|---|---|---|---|
| | *South Louisiana* | | | | | | |
| 37 | Midland, Grand Chenier, Hog Bayou | Tennessee Gas Transmission | G–6837 | G–16699<br>R163–121 | 10.72193 | 23.675 | 17.75 |
| 38 | Ellis | United Fuel Gas | [13] G–3653 | G–13444<br>G–16684<br>G–19907<br>R161–129<br>R162–101<br>R163–153<br>R164–263 | 17.50 | [1] 21.1 | [17] 17.50 |
| 44 | Egan | Transco | G–6838 | G–8288<br>G–17923 | 10.29715 | 23.55 | 15.75 |
| 51 | Egan (Daily-Truax) | do | G–6836 | | 9.37238 | 9.37238 | 9.37238 |
| 63 | East Gibson | United Gas Pipe Line | G–6834 | G–16410<br>G–17717<br>R161–276<br>R164–448 | 8.997 | [1] 22.75 | 15.75 |
| 71 | Cowpen Creek and Kinder | Transco | G–9989 | G–17923 | 17.50 | 23.55 | 17.50 |
| 72 | Crowley | Tennessee Gas Transmission | G–10480 | G–16700<br>R163–112 | 10.72193 | 23.675 | 15.75 |
| 75 | Branch | United Fuel Gas | G–11115 | G–13444<br>G–16684<br>G–19907<br>R161–129<br>R162–101<br>R163–153<br>R164–263 | 18.30 | [1] 21.1 | 18.30 |
| 76 | North Chalkley | do | G–11116 | G–13444<br>G–16684<br>G–19907<br>R161–129<br>R162–101<br>R163–153<br>R164–263 | 18.30 | [1] 21.1 | [16] 19.10 |
| 89 | Clear Creek | Trunkline Gas | G–13362 | G–13937<br>G–17346<br>G–20447<br>R160–410 | 17.70 | 23.50 | 17.70 |
| 93 | Egan (Houssiere-Latreille) | Texas Gas Transmission | G–13908 | | 12.7964 | 12.7964 | 12.7964 |
| 98 | Midland-Esterwood | United Fuel Gas | G–15267 | G–15450 | [12] | [12] | 17.5 |
| 119 | Lower Mud Lake | Tennessee Gas Transmission | CI60–75 | R163–129 | 22.8333 | 23.675 | 20.00 |
| | *North Louisiana* | | | | | | |
| 117 | Calhoun | Arkansas Louisiana Gas | CI60–218 | | 18.75 | 18.75 | 18.75 |
| 140 | Vixen | do | CI62–387 | | 18.50 | 18.50 | 18.50 |
| | *Mississippi* | | | | | | |
| 66 | Pistol Ridge | United Gas Pipe Line | G–8592 | G–19909 | 20.1324 | 24.00 | 20.0000 |
| 77 | do | do | G–10984 | G–19908 | 20.1324 | 24.00 | 20.0000 |
| 82 | Ansley Field | Marshall R. Young Drilling | G–12268 | R161–486 | 17.00 | 19.00 | 17.00 |
| 87 | Gwinville | Southern Natural Gas | G–13059 | G–13664<br>R163–36 | 7.3646 | 21.00 | [8] 15.0256 |
| 111 | Dexter | do | G–19015 | | [14] | [14] | [15] 21.5 |
| 134 | Magee | United Gas Pipe Line | CI61–1788 | | 18.00 | 18.00 | 18.00 |
| 137 | Kokomo | Southern Natural Gas | CI62–156 | | 21.5 | 21.5 | [15] 21.5 |
| 152 | Knox | do | CI63–283 | | 21.5 | 21.5 | [15] 21.5 |
| | *Texas Gulf Coast RRC District 1* | | | | | | |
| 115 | Cooke | Transco | G–16526 | R165–98 | 13.6823 | [1] 14.6 | 14.0 |
| | *Texas Gulf Coast RRC District 2* | | | | | | |
| 3 | Mission Valley | do | G–6626 | | 8.890883 | 8.890883 | 8.890883 |
| 12 | Placedo | Tennessee Gas Transmission | G–6634 | G–17274<br>R164–448 | 11.02818 | 15.3333<br>[1] 18.0 | [6] 14.60 |
| 17 | Cabeza Creek | United Gas Pipe Line | G–6639<br>G–8663 | R160–420 | 7.596 | 14.50 | 14.00 |
| 20 | do | do | G–6642 | | 13.2002 | 13.2002 | 13.2002 |
| 33 | Heyser | Tennessee Gas Transmission | G–6652 | G–17274<br>R164–448 | 11.02818 | 15.3333<br>[1] 18.0000 | [6] 14.60 |
| 54 | Burnell—North Pettus | United Gas Pipe Line | G–6661 | R163–80 | 9.7229 | 14.4121 | 14.00 |
| 81 | Yoward | Texas Eastern Transmission | G–12148 | | 10.8958 | 10.8958 | 10.8958 |
| 153 | Appling | do | CI63–472 | | 12.50 | 12.50 | 12.50 |
| | *Texas Gulf Coast RRC District 3* | | | | | | |
| 13 | Chesterville | Tennessee Gas Transmission | G–6635 | G–18521 | 13.27820 | 15.96016 | [5] 14.60 |
| 27 | North Markham and North Bay City | Transco | G–6670 | R164–448 | 14.00 | 15.70629 | [9] 15.5 |

See footnotes at end of table.

SUN OIL COMPANY—Continued

FPC RATE SCHEDULES—DOCKET NOS. G-8388, ET AL., G-18353

| Rate schedule | Field and location | Purchaser | Certificate docket | Section 4(e) docket | Last firm rate cents/Mcf | Rate in effect cents/Mcf | Settlement rate cents/Mcf |
|---|---|---|---|---|---|---|---|
| 28 | North Winnie, Stowell, Hankamer, and Gilbert Ranch. | Texas Eastern Transmission | G-6639 | | 12.1890 | 12.1890 | 12.1890 |
| 29 | Gist | Standard Oil of Texas | G-6635 | G-15016<br>G-16624<br>G-19774<br>R161-129<br>R162-101<br>R163-163<br>R164-282 | 13.2118 | [1] 15.6 | [2] 15.00 |
| 41 | Caplen | Texas Gas Pipeline | G-3965<br>G-11299 | G-13619<br>G-16685<br>G-19907 | 13.3267 | 17.25 | [2] 15.00 |
| 42 | Nome | do | G-3966 | G-12617<br>G-16686<br>G-19944<br>R161-38 | 13.3267 | 17.25 | [2] 15.00 |
| 70 | Nelsonville | Tennessee Gas Transmission | G-9483 | G-17354<br>R164-448 | 13.27820 | [1] 19.33333 | [2] 15.00 |
| 96 | Jackson Pasture | Texas Gas Corp | G-14920 | | 8.0672 | 8.0672 | 8.0672 |
| 120 | Sarah White | Trunkline Gas | CI60-348 | | 20.00 | 20.00 | [3] 16.00 |
| | *Texas Gulf Coast RCC District 4* | | | | | | |
| 5 | La Gloria | Transco | G-6628 | | 9.110193 | 9.110193 | 9.110193 |
| 6 | Sun | do | G-6629 | | 9.110193 | 9.110193 | 9.110193 |
| 8 | La Gloria | Natural Gas Pipeline of America | G-16846 | | 10.81979 | 10.81979 | 10.81979 |
| 9 | North Government Wells | Tennessee Gas Transmission | G-6631 | R160-279 | 13.125 | 17.24347 | [4] 14.60 |
| 10 | Brayton | do | G-6632 | R160-275 | 13.125 | 17.24347 | [4] 14.60 |
| 11 | Gyp Hill | do | G-6633 | R160-275 | 13.125 | 17.24347 | [4] 14.60 |
| 15 | Edinburg | do | G-6637 | R160-275 | 13.125 | 17.24347 | [4] 14.60 |
| 16 | Red Fish Bay | United Gas Pipe Line | G-6638 | G-13585<br>R163-163 | 12.6400 | 17.71978 | 14.00 |
| (5) | Richard King | Tennessee Gas Transmission | | R162-418 [6] | 12.1227 | 17.24347 | [4] 15.00 |
| 67 | San Salvador | do | G-8841 | R160-275 | 13.125 | 17.24347 | [4] 14.60 |
| 68 | East Mathis | Coastal States Gas Producing | G-8929 | | 11.358 | 11.358 | 11.358 |
| 79 | West Sullivan | Tennessee Gas Transmission | G-11251 | R160-275 | 13.125 | 17.24347 | [4] 14.60 |
| 104 | Seeligson | do | G-6636 | R160-275 | 13.125 | 17.24347 | [4] 14.60 |
| 121 | Donna | South Texas Natural Gas Gathering | CI60-349 | | 13.50 | 13.50 | 13.50 |
| 154 | Fitzsimmons | Tennessee Gas Transmission | CI63-969 | | 16.00 | 16.00 | [10] 16.00 |
| 170 | North Sun (Pena and Garcia Units) | do | G-14943 | R160-19 | 12.12268 | [1] 15.0952 | [4] 14.6 |
| 171 | North Sun (East Alvarea Unit) | do | G-14943 | R160-19 | 12.12268 | [1] 15.0952 | [4] 14.6 |
| | *East Texas RRC District 6* | | | | | | |
| 2 | Carthage | do | G-6620 | | 11.6288 | 11.6288 | 11.6288 |
| 18 | do | United Gas Pipe Line | G-6640 | | 10.8876 | 10.8876 | 10.8876 |
| 21 | do | do | G-6643 | | 10.8876 | 10.8876 | 10.8876 |
| 26 | do | Texas Gas Transmission | G-6648 | | 11.6288 | 11.6288 | 11.6288 |
| 105 | do | do | G-18243 | | 11.6288 | 11.6288 | 11.6288 |
| 123 | North Oak Hill | Lone Star Gas | CI61-61 | R163-458 | 14.49 | 16.56 | 14.49 |
| 141 | Manziel | Arkansas Louisiana Gas | CI62-470 | | 12.55406 | 12.55406 | 12.55406 |
| 149 | North Scottsville | do | CI62-1352 | | 11.6810 | 11.6810 | 11.6810 |
| | *RRC District 7B* | | | | | | |
| 150 | North Jameson (Strawn) | El Paso Natural Gas | CI63-13 | | 15.7093<br>14.5 | 15.7093<br>14.5 | [10] 15.7093<br>[11] 14.5 |
| | *Texas Panhandle RRC District 10* | | | | | | |
| 78 | Hansford | Panhandle East Pipe Line | G-11072 | R162-185 | 16.00 | 17.00 | 16.00 |
| 84 | West Perryton | Northern Natural Gas | G-12548<br>G-14887 | R160-370<br>R163-163 | 15.50 | 17.50 | 15.50 |
| 122 | Panhandle | Transwestern Pipeline | G-15791 | | 17.00 | 17.00 | 17.00 |
| 139 | John Creek | Northern Natural Gas | CI62-275 | R163-448 | 16.50 | 17.50 | 16.50 |
| 155 | do | do | CI63-1142 | | 17.00 | 17.00 | 17.00 |
| | *Oklahoma Panhandle* | | | | | | |
| 106 | Southeast Boyd | Natural Gas Pipe Line | G-13541 | | 16.00 | 16.00 | 16.00 |
| 107 | Camrick | do | G-18737 | R160-284<br>R161-484<br>R162-397<br>R163-399<br>R164-694 | 16.20 | [1] 17.20 | 16.20 |
| 109 | Southeast Boyd | do | G-18909 | | 16.00 | 16.00 | 16.00 |
| 110 | Southeast Camrick | do | G-18910 | R160-185<br>R161-391<br>R162-373<br>R163-357<br>R164-640 | 16.60 | [1] 17.60 | 16.60 |
| 116 | Camrick | do | G-19699 | R160-284<br>R161-484<br>R162-397<br>R163-399<br>R164-694 | 16.20 | [1] 17.20 | 16.20 |
| 135 | Southeast Boyd | do | CI62-165 | | 16.00 | 16.00 | 16.00 |
| 144 | Como | Northern Natural Gas | CI62-1038 | | 17.00 | 17.00 | 17.00 |
| 156 | Northwest Lovedale | Cities Service Gas | CI63-1355 | | 16.00 | 16.00 | 16.00 |
| | *Oklahoma Other* | | | | | | |
| 45 | Fox Graham | Lone Star Gas | G-7344 | | 4.466454 | 4.466454 | 4.466454 |
| 46 | Katie | do | G-7201 | | 6.00 | 6.00 | 6.00 |
| 47 | Katie-Gibson | do | G-7345 | | 9.00 | 9.00 | 9.00 |
| 49 | Katie | do | G-7346 | | 9.00 | 9.00 | 9.00 |
| 83 | Eureka | Cities Service Gas | G-12513 | G-20087 | 12.00 | 13.00 | 12.00 |
| 142 | South Marlow | Arkansas Louisiana Gas | CI62-580 | R163-448 | 12.00 | 13.00 | 12.00 |
| | *Kansas* | | | | | | |
| 69 | Hardtner and West Medicine Lodge | Cities Service Gas | G-9462 | C-20065 | 12.00 | 13.00 | 12.00 |
| 73 | Hugoton | Colorado Interstate Gas | G-10672 | | 11.00 | 11.00 | 11.00 |
| 99 | do | Kansas-Nebraska Natural Gas | G-15434 | | 11.00 | 11.00 | 11.00 |
| 102 | Moehler | Panhandle Eastern Pipe Line | G-17589 | | 16.00 | 16.00 | 16.00 |
| 103 | Sparks | Colorado Interstate Gas | G-17841 | | 16.00 | 16.00 | 16.00 |
| 136 | North Harper Ranch | Northern Natural Gas | CI62-125 | | 16.00 | 16.00 | 16.00 |

See footnotes at end of table.



SUN OIL COMPANY—Continued

FPC RATE SCHEDULES—DOCKET NOS. G-8388, ET AL., G-18353

| Rate schedule | Field and location | Purchaser | Certificate docket | Section 4(e) docket | Last firm rate cents/Mcf | Rate in effect cents/Mcf | Settlement rate cents/Mcf |
|---|---|---|---|---|---|---|---|
| | *Northwest New Mexico* | | | | | | |
| 90 | San Juan | El Paso Natural Gas | G-13626 | RI64-39<br>RI64-499 | 13.00 | 14.0578 | 13.00 |
| 108 | Bisti-Lower Gap | do | G-16774 | RI64-39<br>RI64-499 | 13.00 | 14.0578 | 13.00 |
| | *Utah* | | | | | | |
| 95 | Aneth | do | G-14403 | | 17.70 | 17.70 | 17.70 |

[1] This rate filed but has not been made effective.
[2] Settlement rate subject to outcome of H. L. Hawkins, et al., Docket Nos. G-18077, et al.
[3] Eliminate periodic escalations.
[4] Eliminate periodic escalations. Refunds will be made above the 15.0256 cents settlement rate as conditioned herein.
[5] Eliminate favored nations and price redeterminations.
[6] Rates shown at 14.65 psia contract rate at 16.7 psia.
[7] Eliminate favored nations and periodic escalations. Price redetermination clause not further operative.
[8] Eliminate favored nations, price redetermination, and periodic escalations.
[9] This settlement price of 15 cents is the same as that for which the operator, South-Tex Corp., settled its share of the gas which was approved by Commission order issued April 6, 1961, in Docket No. RI61-242. Sun will accept the same type of settlement, including the elimination of the favored-nation clause and amendment of the tax provision. In Docket No. RI62-418 South-Tex Corp., as operator, has filed for Sun's interest only and this filing has been designated Supplement No. 27 to South-Tex Corp.'s FPC Gas Rate Schedule No. 1. (See Commission order issued November 9, 1962, in the lead docket Sun Oil Co., Docket No. G-6550). Sun filed a corporate undertaking to refund in Docket No. RI62-418. Sun was permitted to intervene in Docket No. RI62-418 by Commission order issued July 17, 1963.
[10] Mitchell County price.
[11] Nolan County price.
[12] This sale is currently being made under Atlantic Refining Co.'s FPC Gas Rate Schedule No. 63.
[13] Includes acreage added by supplement No. 8 to Rate Schedule No. 38.
[14] Settlement rate applicable to all acreage, including that added by Supplement No. 9 to Rate Schedule No. 76.
[15] Subject to outcome of Turnbull & Zoch Drilling Co., et al., Docket Nos. G-17960, et al.
[16] This sale is currently being made under Skelly Oil Co.'s Rate Schedule 123.
[17] Settlement rate applicable to all acreage, including that added by Supplement No. 8 to Rate Schedule No. 38.
[18] Settlement rate subject to outcome of Sun Oil Co., et al., Docket Nos. G-8592, et al.

APPENDIX B

SUN OIL COMPANY

DOCKET NOS. G-8388, ET AL.—PENDING CERTIFICATE APPLICATIONS AND AMENDMENTS INCLUDED IN OFFER OF SETTLEMENT

| Rate schedule | Field and location | Purchaser | Docket number | Initial price cents/MCF | Settlement price cents/MCF |
|---|---|---|---|---|---|
| | *Texas Gulf Coast RRC District 3* | | | | |
| 120 | Sarah White | Trunkline Gas Co | CI60-348 | 20.00 | [1] 16.00 |
| | *Texas Gulf Coast RRC District 4* | | | | |
| 154 | Fitzsimmons | Tennessee Gas Transmission Co. | CI63-969 | 16.00 | [2] 16.00 |
| 164 | Willamar | Natural Gas Pipeline of America. | CI64-470 | 16.00 | [2] 16.00 |
| | *Texas Panhandle RRC District 10* | | | | |
| 155 | John Creek | Northern Natural Gas Co | [3] CI63-1142* | 17.00 | 17.00 |
| | *South Louisiana* | | | | |
| 157 | Northwest Chalkley | Tennessee Gas Transmission Co. | CI63-1360* | 21.25 | 20.00 |
| 119 | Lower Mud Lake | do | [4] CI60-75* | 22.83333 | 20.00 |
| 98 | Midland-Esterwood | United Fuel Gas | G-15267 [5] | 18.2 | 17.5 |
| | South Pecan Lake | do | CI60-400 [5] | 19.9 | 18.0 |
| 160 | Patterson | Tennessee Gas Transmission Co. | CI64-315* [6] | 23.675 | 20.00 |
| 38 | Ellis | United Fuel Gas Co | G-3653 [7] | 19.5 | 17.50 |
| 76 | North Chalkley | do | G-11116 [7] | 20.7 | 19.1 |
| | *Texas RRC District 7b* | | | | |
| 150 | N. Jameson (Strawn) | El Paso Natural Gas | CI63-13* | 15.7093<br>14.5 | [8] 15.7093<br>[9] 14.5 |
| | *Mississippi* | | | | |
| 111 | Dexter | Southern Natural | G-19015 | [8] 21.55 | [9] 21.5 |
| 137 | Kokomo | do | CI62-156 | [9] 22.8677 | [8] 21.5 |
| 152 | Knoxo | do | CI63-283 | 21.5 | [9] 21.5 |

*To be disposed of pursuant to the statutory hearing procedure.
[1] Mitchell County price.
[2] Nolan County price.
[3] Applicable only to acreage added by Supplement No. 1.
[4] Application for permanent certificate only.
[5] This is initial contract price. Deliveries have not commenced under R.S. No. 111, but have commenced under E.S. No. 127. Settlement rate subject to outcome of Sun Oil Co., et al., Docket Nos. G-8592, et al.
[6] Applicable to acreage added by Supplement No. 8. Certificated in Opinion No. 436.
[7] Applicable to acreage added by Supplement No. 9. Certificated in Opinion No. 436.
[8] Applicable only to acreage added by Supplement No. 4.
[9] Subject to outcome of H. L. Hawkins, et al., Docket Nos. G-18077, et al.
[10] Subject to outcome of Turnbull & Zoch Drilling Co., et al., Docket Nos. G-17960, et al.
[11] Certificated in Opinion No. 436.

APPENDIX C

SUN OIL COMPANY

DOCKET NOS. G-2366, ET AL.—SECTION 4(e) DOCKETS TO BE SEVERED FROM AREA RATE AND OTHER PROCEEDINGS AND TERMINATED

| Dockets in AR61-2 | | Dockets in AR64-1 | | Dockets in AR64-2 | | Docket in G-17613, et al. | |
|---|---|---|---|---|---|---|---|
| Docket Nos. | R.S. Nos. | Docket Nos. | R.S. Nos. | Docket Nos. | R.S. Nos. | Docket Nos. | R.S. Nos. |
| G-19907 | 38, 75, 76 | G-20065 | 69 | G-13585 | 16 | G-17923 | 44, 71 |
| G-20447 | 89 | G-20087 | 53 | G-13617 | 42 | | |
| RI60-410 | 89 | RI60-185 | 110 | G-13619 | 41 | | |
| RI61-129 | 38, 75, 76 | RI60-284 | 107, 116 | G-15016 | 29 | | |
| RI61-276 | 63 | RI60-370 | 84 | G-16624 | 29 | | |
| RI62-101 | 38, 75, 76 | RI61-301 | 110 | G-16685 | 41 | | |
| RI63-112 | 37, 72 | RI61-484 | 107, 116 | G-16686 | 42 | | |
| RI63-129 | 119 | RI62-185 | 78 | G-17274 | 12, 33 | | |
| RI63-153 | 38, 75, 76 | RI62-373 | 110 | G-17354 | 70 | | |
| RI64-448 | 63 | RI62-397 | 107, 116 | G-18821 | 13 | | |
| | | RI63-163 | 84 | G-19774 | 29 | | |
| | | RI63-357 | 110 | G-19907 | 41 | | |
| | | RI63-399 | 107, 116 | G-19944 | 42 | | |
| | | RI63-448 | 139, 142 | RI60-275 | 10, 11, 15, 67, 79, 104 | | |
| | | RI64-640 | 110 | RI60-279 | 9 | | |
| | | RI64-694 | 107, 116 | RI60-420 | 17 | | |
| | | | | RI61-38 | 42 | | |
| | | | | RI61-129 | 29 | | |
| | | | | RI62-101 | 29 | | |
| | | | | RI63-80 | 54 | | |
| | | | | RI63-163 | 16, 29 | | |
| | | | | RI64-232 | 29 | | |
| | | | | RI64-448 | 12, 27, 33, 70 | | |

[F.R. Doc. 64-10281; Filed, Oct. 12, 1964; 8:45 a.m.]

[Docket No. RI65-224]

## WARREN AMERICAN OIL CO.

### Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change to Become Effective Subject to Refund

OCTOBER 5, 1964.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 16, 1964.

By the Commission.

[SEAL] J. H. GUTRIDE, *Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-224 | Warren American Oil Co., 915 First National Bank Building, Tulsa, Okla. | 1 | 1 | Cities Service Gas Co. (North Quinlan Field, Woodward County, Okla.) (Panhandle area). | $830 | 9-8-64 | [1] 10-9-64 | [2] 10-10-64 | [3] 16.0 | [3] [4] 17.0 | |

[1] The stated effective date is the effective date requested by Respondent.
[2] The suspension period is limited to 1 day.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Includes 1.0 cent per Mcf paid by buyer for dehydration and delivery of gas to point of delivery. Rate is also subject to a downward B.t.u. adjustment.

Warren American Oil Company's (Warren American) related contract was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed rate is above the applicable area ceiling for increased rates but does not exceed the applicable ceiling price for initial rates in the area involved. We believe, in this situation, Warren American's rate filing should be suspended for one day from October 9, 1964, the proposed effective date.

[F.R. Doc. 64-10372; Filed, Oct. 12, 1964; 8:46 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 485]

## CALIFORNIA

### Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1964, because of the effects of certain disasters, damage resulted to residences and business property located in Napa County in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:



1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from fire and accompanying conditions occurring on or about September 19, 1964.

OFFICES

Small Business Administration Regional Office, 312 West Fifth Street, Los Angeles 13, Calif.

Small Business Administration Branch Office, 525 Market Street, San Francisco 5, Calif.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1965.

Dated: September 22, 1964.

ROSS D. DAVIS, *Executive Administrator.*

[F.R. Doc. 64-10364; Filed, Oct. 12, 1964; 8:45 a.m.]

[Declaration of Disaster Area 487]

## CALIFORNIA

### Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1964, because of the effects of certain disasters, damage resulted to residences and business property located in Santa Barbara County in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from brush and forest fires and accompanying conditions occurring on or about September 23, 1964.

OFFICE

Small Business Administration Regional Office, 312 West Fifth Street, Los Angeles 13, Calif.

2. A temporary office will be established in Santa Barbara, Calif., if need is indicated, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1965.

Dated: September 25, 1964.

ROSS D. DAVIS, *Executive Administrator.*

[F.R. Doc. 64-10365; Filed, Oct. 12, 1964; 8:46 a.m.]

[Declaration of Disaster Area 486]

## TEXAS

### Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1964, because of the effects of certain disasters, damage resulted to residences and business property located in City of Fort Worth in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid city and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about September 21, 1964.

OFFICE

Small Business Administration Branch Office, Room 212, United Fidelity Life Building, 1025 Elm Street, Dallas, Tex.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1965.

Dated: September 22, 1964.

ROSS D. DAVIS, *Executive Administrator.*

[F.R. Doc. 64-10366; Filed, Oct. 12, 1964; 8:45 a.m.]

[Declaration of Disaster Area 488]

## TEXAS

### Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1964, because of the effects of certain disasters, damage resulted to residences and business property located in Kendall County in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator for Financial Assistance of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about September 25, 1964.

OFFICES

Small Business Administration Regional Office, 1025 Elm Street, Dallas, Tex.

Small Business Administration Branch Office, 434 South Main Avenue, San Antonio, Tex.

2. A temporary field office will be established at Boerne, Tex.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1965.

Dated: October 1, 1964.

JERRY D. WORTHY, *Acting Deputy Administrator for Financial Assistance.*

[F.R. Doc. 64-10367; Filed, Oct. 12, 1964; 8:46 a.m.]

[Delegation of Authority No. 30, Revision 9, Amdt. 3]

## REGIONAL OFFICES

### Delegation of Authority To Conduct Program Activities

Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; Delegation of Authority No. 30 (Revision 9), 29 F.R. 11777, as amended, 29 F.R. 17570 and 13354, is hereby further amended by revising Item I.C.1. to read as follows:

1. To approve applications for Certificates of Competency received from small business concerns which are located within the geographical jurisdiction of his regional office when the total value of the contract to be awarded as a result of the issuance of a COC does not exceed $100,000.

Effective date: September 15, 1964.

EUGENE P. FOLEY, *Administrator.*

[F.R. Doc. 64-10380; Filed, Oct. 12, 1964; 8:46 a.m.]

# FEDERAL RESERVE SYSTEM

## INSURED BANKS

### Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 64-10361, Federal Deposit Insurance Corporation, supra.

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

October 8, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39310: *Lumber from Manderson, Wyo.* Filed by Chicago, Burlington & Quincy Railroad Company (No. 72), for itself and interested rail carriers. Rates on lumber and lumber articles, in carloads, from Manderson, Wyo., to points in western trunk-line territory.

Grounds for relief: Market competition.

Tariff: Supplement 71 to Chicago, Burlington & Quincy Railroad Company tariff I.C.C. 20452.

FSA No. 39311: *Class and commodity rates from and to Burmo, Mich.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2745), for interested rail carriers. Rates on various commodities moving on class and commodity rates, in carloads and less-than-carloads, from or to Burmo, Mich., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

Tariff: Detroit, Toledo and Ironton Railroad Company tariff I.C.C. 851.

FSA No. 39312: *T.O.F.C. rates from and to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-9615), for interested rail carriers. Rates on property moving on class and commodity rates loaded in trailers and transported on railroad flatcars, between points in southern territory on the lines of Southern Railway Company, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 21 to Southwestern Freight Bureau agent, tariff I.C.C. 4577.

FSA No. 39313: *Joint motor-rail rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 21), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central States, middle Atlantic and New England territories, on the one hand, and points in Provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 25 to Niagara Frontier Tariff Bureau, Inc., agent, tariff MF-I.C.C. 59.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10384; Filed, Oct. 12, 1964; 8:47 a.m.]

[No. 34480, Sub. 2]

## COMPENSATION BY RAILROADS TO TANK CAR OWNERS

### Notice of Investigation and Hearing

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 29th day of September A.D. 1964.

There being under consideration the matter of rules, regulations, and practices with respect to non-carrier owned tank cars utilized by common carriers by railroad subject to Part I of the Interstate Commerce Act, including the compensation to be paid and other terms of any contract, agreement or arrangement for the use of such tank cars, not set forth in the following: H. R. Hinsch, agent, I.C.C. H-16, including supplements thereto and reissues thereof;

It appearing, that the provisions, and rules, regulations, and practices affecting rates and charges pertaining to tank cars set forth in the aforenamed tariff, as supplemented, are under investigation in Investigation and Suspension Docket No. 8135, Tank Car Allowances Per Loaded Mile, Southern Railway System, Docket No. 34480, Tank Car Mileage Allowances and Charges, or Docket No. 34480 Sub No. 1, Tank Car Mileage Allowances and Rules;

And it further appearing, that the record in the aforecited proceedings indicates that mileage rate allowances to tank car owners, other than shippers, are made under provisions, rules, regulations and practices which are not published in tariff form and officially filed with the Commission, and that there is reason, upon the Commission's own motion, to institute an investigation to supplement and complete the investigations in the aforecited proceedings, with respect to rules, regulations and practices, including the compensation to be paid and other terms of any contract, agreement, or arrangement for the use of non-carrier owned tank cars not made under the terms and provisions of the aforenamed tariff; and good cause appearing therefor:

*It is ordered,* That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the allowances, charges, rules, regulations and practices referred to in the next preceding paragraph, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

*It is further ordered,* That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations, and practices under the Interstate Commerce Act.

*It is further ordered,* That all common carriers by Railroad subject to Part I of the Interstate Commerce Act be, and they are hereby, made respondents to this proceeding, and that copies of this order be served upon the said respondents; and that notice of this proceeding be given the public by posting a copy of this order in the Office of the Secretary of the Commission, Washington, D.C., and by filing it with the Director, Office of the FEDERAL REGISTER.

*And it is further ordered,* That the above-entitled proceeding be, and it is hereby, referred to Examiner Jair S. Kaplan for prehearing conference on November 10, 1964, 9:30 a.m. U.S. standard time, at the offices of the Interstate Commerce Commission, Washington, D.C., and for hearing at a time and place to be hereafter designated, and for the recommendation of an appropriate order thereon accompanied by the reasons therefor.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10386; Filed, Oct. 12, 1964; 8:48 a.m.]



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FEDERAL REGISTER

Area Code 202 — Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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VOLUME 29 NUMBER 201

Washington, Wednesday, October 14, 1964

THE UNIVERSITY OF MICHIGAN
OCT 2 1964
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**UNITED STATES STATUTES AT LARGE**

**[88th Cong., 1st Sess.]**

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Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402



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Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 11]

### PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52, CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

#### Rates of Penalty Per Pound

The amendment herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U.S.C. 1311–1315), and is made for the purpose of amending § 724.92 of the Tobacco Allotment and Marketing Quota Regulations, 1963–64 and Subsequent Marketing Years (27 F.R. 8937, 9211, 10743; 28 F.R. 7757, 8018, 9144, 11049; 29 F.R. 1315, 6520, 7588, 7763, 9927, 12420), to include the rate of penalty per pound upon marketing of excess Maryland tobacco for the 1964–65 marketing year.

The official average price for Maryland tobacco for the 1963–64 marketing year has recently been determined. The Act provides that the penalty rate on marketings of excess tobacco shall be seventy-five (75) percent on the average market price (calculated to the nearest whole cent) for the preceding marketing year.

As sales of the 1964 crop of Maryland tobacco may soon begin, it is necessary that the amendment set forth herein be made effective at the earliest possible date in order that the rate of penalty for Maryland tobacco may be made known to producers who desire to market such tobacco, and to buyers who are responsible for the payment of the penalty on marketings of excess tobacco. Accordingly, and as the amendment is the result of a mathematical calculation provided for by the Act, it is hereby found and determined that compliance with the notice, public procedure, and effective date requirements of Section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon publication of this document in the FEDERAL REGISTER.

Subsection (d) of § 724.92 of the Tobacco Allotment and Marketing Quota Regulations, 1963–64 and Subsequent Marketing Years, is hereby amended by adding thereto the 1963–64 average market price for Maryland tobacco of 45.5 cents per pound and by amending subsection (e) of said section to include the 1964–65 rate of penalty for Maryland tobacco of 34 cents per pound.

(Secs. 314, 375, 62 Stat. 48, as amended, 66, as amended; 7 U.S.C. 1314, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 8, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-10455; Filed, Oct. 13, 1964; 8:48 a.m.]

[Amdt. 4]

### PART 728—WHEAT

#### Subpart—Regulations Pertaining to Farm Acreage Allotments, Small Farm Bases and Normal Yields for 1964 and Subsequent Crop Years

NEW FARM ALLOTMENT ELIGIBILITY AND SPECIAL NATIONAL ACREAGE RESERVE

On page 10400 of the FEDERAL REGISTER of July 25, 1964, and on pages 11535, 11536 and 11537 of the FEDERAL REGISTER dated August 12, 1964, there were published notices of proposed rule making to issue amendments to the regulations for determining farm acreage allotments, small farm bases and farm normal yields for the 1964 and subsequent crops of wheat. The proposed amendments would (1) provide that any land acquired under the right of eminent domain for which the entire wheat acreage allotment was pooled pursuant to Part 719 of this chapter would not be eligible for a new farm allotment for a period of three years from the date the former owner was displaced, and (2) add a new section to provide for the apportionment of the special national acreage reserve authorized by section 334(a) of the Agricultural Adjustment Act of 1938, as amended by section 202 of Public Law 88–297. The text of proposed amendment (2) was set out in the notice.

After consideration of views, recommendations, and comments received, the proposed amendments are adopted as set forth below.

1. A paragraph of basis and purpose is added immediately preceding the text of the amendments.

2. An effective date paragraph is added immediately following the text of the amendments.

3. An authority clause is added immediately following the effective date paragraph.

4. In the text of the proposed amendment adding a new § 728.29, relative to the special national acreage reserve, the word "gross" preceding the word "income" in item (3) of paragraph (a) is deleted, and the spelling of "Green" County, Oklahoma, is corrected to "Greer" County, Oklahoma, in paragraph (b).

Signed at Washington, D.C., October 8, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

*Basis and purpose.* The amendments herein are issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended. The purpose of these amendments is to provide (1) that a farm which includes land acquired by an agency having the right of eminent domain for which the entire wheat allotment was pooled pursuant to Part 719 of this chapter, which is subsequently returned to agricultural production, shall not be eligible for a new farm wheat allotment for a period of three years from the date the former owner was displaced from the acquired farm, and (2) the procedure for determining increases in farm wheat acreage allotments from the special national acreage reserve authorized in section 334(a) of the Act, as amended, and the list of counties eligible for participation in such special national acreage reserve.

Marketing quotas are not in effect for the 1965–1966 marketing year and the regulations herein insofar as the 1965 crop of wheat is concerned relate solely to loans, grants, and benefits, and are therefore exempted from the provisions of the effective date provisions of section 4 of the Administrative Procedure Act. Wheat producers need to know the provisions of these regulations as soon as possible and accordingly it is necessary that these regulations be made effective upon the date of their publication in the FEDERAL REGISTER.

The regulations are amended as follows:

1. Section 728.19, paragraph (b), is amended by adding a new subparagraph (7) to read as follows:

§ 728.19 **Determination of base acreages for new farms for 1964 and subsequent crops.**

(b) • • •

(7) A farm which includes land acquired by an agency having the right of eminent domain for which the entire wheat allotment was pooled pursuant to Part 719 of this chapter which is subsequently returned to agricultural production shall not be eligible for a new farm wheat allotment for a period of three years from the date the former owner was displaced from the acquired farm.

• • • • • •

2. A new section is added to read as follows:

§ 728.29 **Special National Acreage Reserve.**

(a) If the allotment established under § 728.16 for any old wheat farm in a

county designated in paragraph (b) of this section is less than one-half of the county average ratio of allotment to cropland, such allotment may be adjusted provided the county committee, with the approval of a State committee representative, determines that:

(1) There is only limited opportunity, if any, on the farm for the production of an alternative income-producing crop,

(2) An efficient farming operation on the farm requires an increase in the present wheat allotment established for the farm, and

(3) The farm operator expects to obtain during the current year more than 50 percent of his income from farming operations, excluding the estimated return from the requested allotment increase.

To receive consideration for an adjustment in a farm wheat allotment under this section, the farm owner or operator must file an application for increased wheat allotment (Form MQ–37) in the county office not later than 30 days from the date of the mailing of the original notice of allotment for the farm for such year. Notwithstanding any provision of this section, in no case shall the allotment for any farm be increased hereunder so as to be in excess of one-half of the county average ratio of allotment to cropland, or for the purpose of restoring farm allotment acreage lost because of the overplanting of a previous year's allotment and the total of the increases for all farms in the county shall not exceed the additional acreage apportioned to the county from the special national acreage reserve provided for by section 334(a) of the Act, as amended. For the purposes of making the increases hereunder, the cropland on the farm shall not include any land developed as cropland subsequent to the 1963 crop year.

(b) For the 1965 program year the following counties shall be considered eligible for participation in the special national acreage reserve:

COLORADO

Adams.
Arapahoe.
Archuleta.
Bent.
Boca.
Boulder.
Cheyenne.
Crowley.
Delores.
Douglas.
Elbert.
El Paso.
Huerfano.
Jefferson.
Kiowa.
Kit Carson.
La Plata.
Larimer.
Las Animas.
Lincoln.
Logan.
Moffat.
Montezuma.
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Yuma.

KANSAS

All counties.

IDAHO

Bannock.
Bear Lake.
Benewah.
Camas.
Caribou.
Clearwater.
Franklin.
Fremont.
Idaho.
Kootenai.
Latah.
Lewis.
Madison.
Nez Perce.
Oneida.
Power.
Teton.

MINNESOTA

Kittson.
Marshall.
West Polk.
Norman.
Clay.
Wilkin.

MISSOURI

Cedar.
Cole.
Dade.
Franklin.
Gasconade.
Jasper.
Lawrence.
McDonald.
Maries.
Miller.
Morgan.
Newton.
Osage.
Polk.

MONTANA

Big Horn.
Blaine.
Broadwater.
Carbon.
Carter.
Cascade.
Chouteau.
Custer.
Daniels.
Dawson.
Fallon.
Fergus.
Flathead.
Gallatin.
Garfield.
Glacier.
Golden Valley.
Hill.
Jefferson.
Judith Basin.
Lake.
Lewis and Clark.
Liberty.
Madison.
McCone.
Meager.
Mineral.
Missoula.
Musselshell.
Park.
Petroleum.
Phillips.
Pondera.
Powder River.
Prairie.
Richland.
Roosevelt.
Rosebud.
Sanders.
Sheridan.
Stillwater.
Sweet Grass.
Teton.
Toole.
Treasure.
Valley.
Wheatland.
Wibaux.
Yellowstone.

NEBRASKA

Adams.
Banner.
Box Butte.
Chase.
Cheyenne.
Clay.
Dawes.
Deuel.
Dundy.
Fillmore.
Franklin.
Frontier.
Furnas.
Garden.
Gosper.
Harlen.
Hayes.
Hitchcock.
Jefferson.
Kearney.
Keith.
Kimball.
Morrill.
Nuckolls.
Perkins.
Phelps.
Redwillow.
Saline.
Sheridan.
Sioux.
Thayer.
Webster.

NEW MEXICO

Colfax.
Curry.
Harding.
Quay.
Roosevelt.
Union.

NORTH DAKOTA

All counties.

OKLAHOMA

Alfalfa.
Beaver.
Beckham.
Blaine.
Caddo.
Canadian.
Cimarron.
Comanche.
Cotton.
Craig.
Custer.
Delaware.
Dewey.
Ellis.
Garfield.
Grady.
Grant.
Greer.
Harmon.
Harper.
Jackson.
Kay.
Kiowa.
Kingfisher.
Logan.
Major.
Mayes.
Noble.
Nowata.
Oklahoma.
Osage.
Ottawa.
Pawnee.
Payne.
Roger Mills.
Rogers.
Texas.
Tillman.
Washington.
Washita.
Woods.
Woodward.

OREGON

Baker.
Gilliam.
Lake.
Morrow.
Sherman.
Umatilla.
Union.
Wallowa.
Wheeler.
Wasco.

SOUTH DAKOTA

Beadle.
Bennett.
Brown.
Brule.
Buffalo.
Butte.
Campbell.
Carson.
Custer.
Dewey.
Edmonds.
Fall River.
Faulk.
Haakon.
Hand.
Harding.
Hughes.
Hyde.
Jackson.
Jones.
Lawrence.
Lyman.
McPherson.
Meade.
Mellette.
Pennington.
Perkins.
Potter.
Shannon.
Spink.
Stanley.
Sully.
Todd.
Trip.
Walworth.
Washabaugh.
Ziebach.

TEXAS

Armstrong.
Archer.
Baylor.
Callahan.
Carson.
Dallam.
Deaf Smith.
Foard.
Gray.
Hanford.
Hardeman.
Hartley.
Hemphill.
Hutchinson.
Lipscomb.
Moore.
Ochiltree.
Oldham.
Potter.
Randall.
Roberts.
Sherman.
Shackelford.
Stephens.
Taylor.
Throckmorton.
Wichita.
Wilbarger.
Young.

UTAH

Box Elder.
Cache.
Juab.
Rich.
Salt Lake.
San Juan.
Tooele.

WASHINGTON

Adams.
Asotin.
Benton.
Chelan.
Columbia.
Douglas.
Ferry.
Franklin.
Garfield.
Grant.
Klickitat.
Lincoln.
Okanogan.
Spokane.
Stevens.
Walla Walla.
Whitman.
Yakima.

Effective date: Upon publication in the FEDERAL REGISTER.

(Secs. 334, 375, 378, 52 Stat. 53, as amended, 66, 72 Stat. 995, as amended; 7 U.S.C. 1334, 1375, 1378)

[F.R. Doc. 64–10456; Filed, Oct. 13, 1964; 8:48 a.m.]

## PART 729—PEANUTS

### Subpart—Determination of County Normal Yields for 1964 Crop

*Basis and purpose.* The regulations contained in § 729.1507, below, are issued pursuant to and in conformity with the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and the Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops (27 F.R. 11920, 28 F.R. 11811, 29 F.R. 7801, 13027).



Subsections 301(b)(12) (B and (C) of the Act define normal yield for any county as follows:

(B) "Normal yield" for any county, in the case of • • • peanuts, shall be the average yield per acre of • • • peanuts for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined.

(C) In applying • • • [(B) supra] • • • if for any such year the data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, shall be used as the actual yield for such year. In applying such paragraphs, if, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any such year of such • • • five-year period, • • • is less than 75 per centum of the average (computed without regard to such year) such year shall be eliminated in calculating the normal yield per acre.

Producers are now marketing their 1964 crop of peanuts and since county normal yields are used in the determination of the amount of penalty on excess peanuts marketed from a farm, it is essential that county normal yields be determined and announced as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1001–1011) is impractical and contrary to the public interest. Therefore, the county normal yields specified below shall become effective upon publication in the FEDERAL REGISTER.

**§ 729.1507 Determination of the county normal yields for 1964 crop of peanuts.**

County normal yields for 1964 crop of peanuts, determined in accordance with the Act and § 729.1455(a) (27 F.R. 11920) are as follows:

ALABAMA

| County | Normal yield (pounds) | County | Normal yield (pounds) |
|---|---|---|---|
| Autauga | 732 | Geneva | 1,211 |
| Baldwin | 620 | Greene | 550 |
| Barbour | 1,061 | Hale | 471 |
| Bibb | 600 | Henry | 1,139 |
| Blount | 676 | Houston | 1,162 |
| Bullock | 747 | Jackson | 653 |
| Butler | 847 | Jefferson | 660 |
| Calhoun | 629 | Lamar | 590 |
| Chambers | 600 | Lauderdale | 685 |
| Cherokee | 627 | Lawrence | 680 |
| Chilton | 640 | Lee | 600 |
| Choctaw | 538 | Limestone | 700 |
| Clarke | 537 | Lowndes | 590 |
| Clay | 550 | Macon | 728 |
| Cleburne | 590 | Madison | 692 |
| Coffee | 1,060 | Marengo | 480 |
| Colbert | 599 | Marion | 680 |
| Conecuh | 877 | Marshall | 705 |
| Coosa | 530 | Mobile | 540 |
| Covington | 1,053 | Monroe | 937 |
| Crenshaw | 1,036 | Montgomery | 718 |
| Cullman | 731 | Morgan | 670 |
| Dale | 1,103 | Perry | 905 |
| Dallas | 602 | Pickens | 572 |
| DeKalb | 710 | Pike | 917 |
| Elmore | 919 | Randolph | 600 |
| Escambia | 1,048 | Russell | 859 |
| Etowah | 642 | St. Clair | 587 |
| Fayette | 630 | Shelby | 570 |
| Franklin | 600 | Sumter | 500 |
| Tallapoosa | 540 | Washington | 540 |
| Tuscaloosa | 600 | Wilcox | 590 |
| Walker | 560 | Winston | 620 |

ARIZONA

| | | | |
|---|---|---|---|
| Pima | 2,130 | Yuma | 1,840 |

ARKANSAS

| | | | |
|---|---|---|---|
| Crawford | 813 | Johnson | 731 |
| Dallas | 508 | Lincoln | 1,919 |
| Faulkner | 815 | Little River | 520 |
| Franklin | 778 | Logan | 689 |
| Hempstead | 388 | Nevada | 427 |
| Howard | 453 | Randolph | 711 |

CALIFORNIA

| | | | |
|---|---|---|---|
| Fresno | 2,592 | Madera | 600 |
| Imperial | 900 | Riverside | 571 |
| Kern | 1,726 | Tulare | 870 |

FLORIDA

| | | | |
|---|---|---|---|
| Alachua | 1,449 | Lafayette | 945 |
| Bay | 865 | Leon | 1,133 |
| Calhoun | 1,469 | Levy | 1,216 |
| Columbia | 1,128 | Madison | 661 |
| Dixie | 1,307 | Marion | 1,201 |
| Escambia | 769 | Okaloosa | 1,188 |
| Gadsden | 1,037 | Santa Rosa | 1,400 |
| Gilchrist | 901 | Suwannee | 1,424 |
| Hamilton | 1,035 | Wakulla | 853 |
| Holmes | 1,096 | Walton | 1,144 |
| Jackson | 1,175 | Washington | 1,214 |
| Jefferson | 934 | | |

GEORGIA

| | | | |
|---|---|---|---|
| Appling | 1,025 | Lee | 1,262 |
| Atkinson | 1,256 | Lowndes | 1,008 |
| Bacon | 912 | Macon | 1,172 |
| Baker | 1,335 | Marion | 934 |
| Baldwin | 552 | Miller | 1,376 |
| Ben Hill | 1,265 | Mitchell | 1,343 |
| Berrien | 1,191 | Montgomery | 858 |
| Bleckley | 1,060 | Muscogee | 318 |
| Brooks | 1,277 | Newton | 326 |
| Bryan | 1,158 | Peach | 1,035 |
| Bulloch | 1,273 | Pierce | 694 |
| Burke | 747 | Pulaski | 1,125 |
| Calhoun | 1,452 | Quitman | 1,003 |
| Candler | 961 | Randolph | 1,235 |
| Chattahoochee | 389 | Richmond | 540 |
| Clay | 1,167 | Schley | 1,116 |
| Coffee | 1,147 | Screven | 1,102 |
| Colquitt | 1,263 | Seminole | 1,300 |
| Cook | 1,484 | Stewart | 985 |
| Crawford | 354 | Sumter | 1,318 |
| Crisp | 1,482 | Talbot | 767 |
| Decatur | 1,305 | Tattnall | 1,320 |
| Dodge | 921 | Taylor | 1,189 |
| Dooly | 1,269 | Telfair | 1,002 |
| Dougherty | 1,180 | Terrell | 1,261 |
| Early | 1,275 | Thomas | 1,172 |
| Effingham | 1,219 | Tift | 1,374 |
| Emanuel | 929 | Toombs | 1,053 |
| Evans | 1,387 | Treutlen | 906 |
| Glascock | 550 | Turner | 1,282 |
| Grady | 1,344 | Twiggs | 870 |
| Hancock | 170 | Upson | 647 |
| Harris | 348 | Ware | 962 |
| Houston | 1,115 | Warren | 484 |
| Irwin | 1,417 | Washington | 886 |
| Jeff Davis | 1,160 | Wayne | 865 |
| Jefferson | 658 | Webster | 1,080 |
| Jenkins | 893 | Wheeler | 1,038 |
| Johnson | 643 | Wilcox | 1,266 |
| Lanier | 1,268 | Wilkinson | 843 |
| Laurens | 931 | Worth | 1,241 |

LOUISIANA

| | | | |
|---|---|---|---|
| Beauregard | 636 | Lincoln | 886 |
| Bienville | 563 | Morehouse | 1,002 |
| Claiborne | 670 | Union | 456 |
| LaSalle | 670 | | |

MISSISSIPPI

| County | Normal yield (pounds) | County | Normal yield (pounds) |
|---|---|---|---|
| Alcorn | 378 | Madison | 278 |
| Attala | 305 | Neshoba | 350 |
| Calhoun | 472 | Prentiss | 539 |
| Chickasaw | 199 | Sunflower | 728 |
| Copiah | 437 | Tate | 543 |
| Greene | 1,098 | Tishomingo | 394 |
| Hinds | 481 | Union | 512 |
| Holmes | 460 | Webster | 701 |
| Kemper | 341 | Winston | 480 |
| Lauderdale | 542 | Yalobusha | 368 |
| Lowndes | 450 | | |

NEW MEXICO

| | | | |
|---|---|---|---|
| Curry | 1,540 | Quay | 1,025 |
| Lea | 1,354 | Roosevelt | 1,872 |

NORTH CAROLINA

| | | | |
|---|---|---|---|
| Beaufort | 1,438 | Lenoir | 1,063 |
| Bertie | 1,749 | Martin | 1,973 |
| Bladen | 1,323 | Moore | 1,594 |
| Brunswick | 1,002 | Nash | 1,489 |
| Camden | 1,647 | New Hanover | 1,125 |
| Catawba | 617 | Northampton | 2,004 |
| Chatham | 1,447 | Onslow | 1,492 |
| Chowan | 2,012 | Pasquotank | 2,081 |
| Columbus | 1,265 | Pender | 1,196 |
| Craven | 1,137 | Perquimans | 2,178 |
| Cumberland | 1,359 | Pitt | 1,684 |
| Currituck | 1,693 | Richmond | 1,330 |
| Duplin | 1,060 | Robeson | 1,207 |
| Edgecombe | 1,698 | Rowan | 1,233 |
| Franklin | 1,060 | Sampson | 1,178 |
| Gates | 1,887 | Scotland | 1,301 |
| Greene | 1,527 | Tyrrell | 1,470 |
| Halifax | 1,816 | Wake | 1,046 |
| Hertford | 1,887 | Warren | 988 |
| Iredell | 380 | Washington | 1,814 |
| Johnston | 1,578 | Wayne | 1,309 |
| Jones | 965 | Wilson | 1,475 |

OKLAHOMA

| | | | |
|---|---|---|---|
| Atoka | 923 | Lincoln | 1,080 |
| Beckham | 2,073 | Logan | 1,658 |
| Blaine | 3,079 | Love | 777 |
| Bryan | 786 | McClain | 944 |
| Caddo | 2,519 | McCurtain | 813 |
| Canadian | 1,449 | McIntosh | 970 |
| Carter | 718 | Marshall | 959 |
| Choctaw | 759 | Murray | 822 |
| Cleveland | 1,453 | Muskogee | 852 |
| Coal | 679 | Okfuskee | 877 |
| Comanche | 1,144 | Oklahoma | 838 |
| Creek | 692 | Okmulgee | 890 |
| Custer | 2,124 | Pawnee | 1,123 |
| Dewey | 787 | Payne | 973 |
| Garvin | 1,043 | Pittsburg | 980 |
| Grady | 979 | Pontotoc | 745 |
| Greer | 1,609 | Pottawatomie | 1,075 |
| Harmon | 905 | Pushmataha | 692 |
| Haskell | 871 | Seminole | 817 |
| Hughes | 1,087 | Sequoyah | 925 |
| Jackson | 857 | Stephens | 1,035 |
| Jefferson | 685 | Tulsa | 640 |
| Johnston | 915 | Wagoner | 735 |
| Kingfisher | 1,247 | Washita | 2,633 |
| LeFlore | 734 | | |

SOUTH CAROLINA

| | | | |
|---|---|---|---|
| Aiken | 429 | Greenville | 685 |
| Allendale | 1,132 | Hampton | 1,338 |
| Bamberg | 1,345 | Horry | 1,107 |
| Barnwell | 714 | Kershaw | 1,156 |
| Cherokee | 487 | Lee | 1,066 |
| Clarendon | 889 | Marion | 941 |
| Colleton | 1,066 | Marlboro | 662 |
| Darlington | 1,383 | Orangeburg | 573 |
| Dillon | 1,183 | Spartanburg | 537 |
| Dorchester | 651 | Sumter | 1,347 |
| Florence | 1,063 | Williamsburg | 816 |

TENNESSEE

| | | | |
|---|---|---|---|
| Benton | 1,001 | Dickson | 618 |
| Bradley | 1,287 | Fayette | 642 |
| Carroll | 830 | Gibson | 945 |
| Decatur | 900 | Giles | 629 |

TENNESSEE—Continued

| County | Normal yield (pounds) | County | Normal yield (pounds) |
|---|---|---|---|
| Hamilton | 948 | Loudon | 906 |
| Hardeman | 695 | Madison | 425 |
| Hardin | 482 | Obion | 625 |
| Henderson | 740 | Perry | 1,041 |
| Hickman | 593 | Polk | 784 |
| Humphreys | 713 | Wayne | 750 |
| Lawrence | 629 | Weakley | 1,008 |
| Lewis | 966 | | |

TEXAS

| | | | |
|---|---|---|---|
| Anderson | 723 | Johnson | 670 |
| Atascosa | 828 | Jones | 633 |
| Austin | 883 | Karnes | 569 |
| Bailey | 2,582 | Kent | 634 |
| Bastrop | 734 | Lamar | 839 |
| Baylor | 1,306 | Lampasas | 536 |
| Bee | 418 | La Salle | 1,560 |
| Bexar | 682 | Lavaca | 612 |
| Bosque | 510 | Lee | 687 |
| Brazoria | 561 | Leon | 812 |
| Brazos | 465 | Limestone | 732 |
| Briscoe | 752 | Live Oak | 595 |
| Brown | 553 | Llano | 453 |
| Burleson | 541 | McCulloch | 623 |
| Caldwell | 591 | McLennan | 594 |
| Callahan | 498 | Madison | 752 |
| Cass | 557 | Marion | 544 |
| Cherokee | 824 | Mason | 713 |
| Collingsworth | 805 | Medina | 790 |
| Colorado | 783 | Milam | 622 |
| Comanche | 717 | Mills | 520 |
| Cooke | 490 | Montague | 795 |
| Coryell | 629 | Montgomery | 551 |
| Crosby | 1,615 | Morris | 700 |
| Denton | 642 | Motley | 1,320 |
| DeWitt | 596 | Palo Pinto | 605 |
| Dimmit | 2,033 | Parker | 715 |
| Duval | 817 | Polk | 536 |
| Eastland | 605 | Red River | 967 |
| Erath | 673 | Robertson | 804 |
| Falls | 814 | Runnels | 401 |
| Fannin | 879 | Rusk | 636 |
| Fayette | 638 | San Saba | 496 |
| Floyd | 1,699 | Smith | 825 |
| Fort Bend | 593 | Somervell | 599 |
| Franklin | 728 | Stephens | 576 |
| Freestone | 604 | Stonewall | 717 |
| Frio | 1,607 | Tarrant | 738 |
| Gaines | 1,452 | Terry | 2,197 |
| Garza | 580 | Titus | 759 |
| Gillespie | 396 | Travis | 582 |
| Gonzales | 670 | Trinity | 689 |
| Grayson | 697 | Upshur | 563 |
| Grimes | 762 | Van Zandt | 870 |
| Guadalupe | 428 | Victoria | 634 |
| Hale | 1,390 | Walker | 648 |
| Hall | 1,189 | Waller | 1,003 |
| Hamilton | 422 | Washington | 673 |
| Harris | 1,004 | Webb | 856 |
| Henderson | 918 | Williamson | 883 |
| Hill | 556 | Wilson | 571 |
| Hood | 777 | Wise | 656 |
| Hopkins | 832 | Wood | 770 |
| Houston | 908 | Yoakum | 1,608 |
| Jack | 526 | Young | 677 |
| Jim Wells | 996 | Zavala | 2,479 |

VIRGINIA

| | | | |
|---|---|---|---|
| Brunswick | 1,139 | Nansemond | 1,946 |
| Chesapeake | 1,934 | New Kent | 1,875 |
| Chesterfield | 1,395 | Northampton | 1,639 |
| Dinwiddie | 1,619 | Prince George | 1,725 |
| Greensville | 1,753 | Southampton | 2,018 |
| Isle of Wight | 2,053 | Surry | 2,058 |
| James City | 2,024 | Sussex | 1,831 |
| Mecklenburg | 830 | | |

(Secs. 301, 375, 52 Stat. 38, as amended, 66, as amended, 7 U.S.C. 1301, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 8, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-10457; Filed, Oct. 13, 1964; 8:48 a.m.]

## Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 855.10, Rev. 1, Amdt. 1]

## PART 855—MAINLAND CANE SUGAR AREA

### Proportionate Shares for Farms; 1965 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the third sentence of paragraph (g) of § 855.10 Revision 1 (29 F.R. 13595) is amended to read as follows:

**§ 855.10 Proportionate shares for sugarcane farms in the Mainland Cane Sugar Area for the 1965 crop.**

(g) Any person desiring a new producer share shall file a request therefor with the County Committee on or before October 16, 1964, in Louisiana, and in Florida on or before October 30, 1964, on a form available at the local County Office (in Florida, at the Glades-Hendry ASCS Office, Moore Haven, Florida).

* * * * *

*Statement of bases and considerations.* The original determination provided that any person in Florida or Louisiana desiring a new producer share shall file a request therefor on or before October 8, 1964. This amendment extends such date to October 16 for Louisiana and to October 30 for Florida.

Because the planting season in Florida continues somewhat beyond the planting season in Louisiana, more time may be utilized by persons in Florida in filing their requests for new producer shares. In Louisiana, disruptions in communications by the recent hurricane necessitates the extension.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, Sec. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., October 9, 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64-10458; Filed, Oct. 13, 1964; 8:48 a.m.]

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1964-Crop Barley Supp., Amdt. 2]

## PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

### Subpart—1964-Crop Barley Loan and Purchase Program

The regulations issued by the Commodity Credit Corporation (29 F.R. 6618 and 11826) are amended as follows:

Section 1421.2231(f) is amended to revise the following basic county support rates:

**§ 1421.2231 Support rates.**

* * * * *

(f) *Basic support rates for counties.* * * *

IDAHO

| County | Rate per bushel From— | To— |
|---|---|---|
| Idaho | $0.85 | $0.86 |

OREGON

| | | |
|---|---|---|
| Coos | $0.93 | $0.83 |

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 8, 1964.

H. D. GODFREY,
*Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 64-10460; Filed, Oct. 13, 1964; 8:48 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Airspace Docket No. 63-CE-79]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone, Designation of Transition Area, and Revocation of Control Area Extension

On July 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 9907) stating that the Federal Aviation Agency proposed to alter the control zone, designate a transition area, and revoke the control area extension at Gage, Okla.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments but no comments were received.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

1. In § 71.165 (29 F.R. 1073) the Gage, Okla., control area extension is revoked.

2. In § 71.171 (29 F.R. 1101), the Gage, Okla., control zone is amended to read:

Within a 5-mile radius of the Gage Municipal Airport (latitude 36°17'45" N., longitude 99°46'30" W.), within 2 miles each side of the Gage VORTAC 118° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the NE course of the Gage R.R., extending from the 5-mile radius zone to 8 miles NE of the R.R.

3. In § 71.181 (29 F.R. 1160), the Gage, Okla., transition area is designated as follows:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Gage Municipal Airport (latitude 36°-17'45" N., longitude 99°46'30" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles SW and 5 miles NE of the Gage VORTAC 118° and 298° radials, extending from 2 miles SE to 13 miles NW of the VORTAC; within 8 miles NW and 5 miles SE of the NE and SW courses of the Gage R.R., extending from the Gage Municipal Airport to 13 miles NE of the R.R.; and within 12 miles E and 10 miles W of the Gage VORTAC 180° radial, extending from the VORTAC to 11 miles S of the VORTAC.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on October 7, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10410; Filed, Oct. 13, 1964; 8:45 a.m.]

[Airspace Docket No. 64-LAX-20]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to alter the period of effectiveness of the San Diego, Calif. (San Diego County Gillespie Field), control zone. This control zone is presently effective from 0600 to 2200 hours, local time, daily. Due to recent changes in the times of aircraft activity, the San Diego Gillespie Tower has rescheduled its operation to extend from 0700 to 2300 hours, local time, daily. This revision of the period of availability of tower service requires a corresponding alteration of the time of effectiveness of the San Diego Gillespie control zone to provide the required controlled airspace for the tower service.

Since this amendment is minor in nature and imposes no substantial burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth. In § 71.171 (29 F.R. 1101), the San Diego, Calif. (San Diego County-Gillespie Field), control zone is amended as follows: "0600 to 2200 hours, local time, daily." is deleted and "0700 to 2300 hours, local time, daily." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on October 7, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10411; Filed, Oct. 13, 1964; 8:45 a.m.]

[Airspace Docket No. 62-PC-18]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Area and Designation of Transition Area

On October 1, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10543) stating that the Federal Aviation Agency proposed to alter the Wake Island control zone, revoke the Wake Island control area extension, and designate the Wake Island transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant material presented.

Comments were received from the Aircraft Owners and Pilots Association (AOPA). The AOPA concurred with the alteration of the Wake Island control zone, but suggested that the transition area proposed with a floor of 1,200 feet above the surface beyond a 25-mile radius be raised to 2,500 feet MSL or higher. With regard to the comments received from AOPA, raising of the floor in the portion of the proposed 1,200-foot floor transition area beyond a 25-mile radius of Wake Island would adversely affect the flexibility of radar and procedural air traffic control services furnished aircraft executing prescribed instrument approach, departure, holding, en route and radar vectoring procedures. Since the designation of airways is not feasible in this area and due to the lack of aircraft operating in VFR conditions, the transition area configuration, as proposed herein, represents the minimum airspace requirements to provide the needed area for the control of air traffic within the immediate terminal area and between the terminal area and the oceanic control area.

Subsequent to the publication of the notice, an ILS approach facility was installed and ILS approach procedures have been developed while an existing DME approach procedure has been cancelled. These procedural changes require minor modifications of the control zone configuration proposed in the notice. Accordingly, the control zone configuration as designated herein includes the airspace required by the revised approach procedures.

Since these changes are minor in nature and impose no substantial burden upon any person, notice and public procedure on the revised configuration is unnecessary.

This action involves the designation of airspace outside the United States, therefore the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. December 10, 1964, as hereinafter set forth.

a. In § 71.171 (29 F.R. 1101) the Wake Island control zone is amended to read as follows:

Within a 5-mile radius of Wake Island Airport (latitude 19°18'00" N., longitude 166°-38'00" E.); within 2 miles each side of the Wake Island VORTAC 306° radial, extending from the 5-mile radius zone to 17 miles NW of the VORTAC; within 2 miles each side of the Wake Island VORTAC 111° radial, extending from the 5-mile radius zone to 17 miles E of the VORTAC; within 2 miles each side of the 281° bearing from the Wake Island radio beacon (AXX), extending from the 5-mile radius zone to 15 miles W of the radio beacon; and within 2 miles each side of the 101° bearing from the Wake Island radio beacon (AWK), extending from the 5-mile radius zone to 12 miles E of the radio beacon.

b. Section 71.181 (29 F.R. 1160) is amended by adding the following:

*Wake Island.*

That airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Wake Island VORTAC.

c. In § 71.165 (29 F.R. 1073), the Wake Island control area extension is revoked.

(Sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510), and Executive Order 10854 (24 F.R. 9565))

Issued in Washington, D.C., on October 7, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10412; Filed, Oct. 13, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SW-38]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to designate the Oklahoma City, Okla. (Wiley Post Airport) control zone as full-time and to amend the Oklahoma City (Will Rogers Field) control zone to exclude the Wiley Post Airport control zone.

The Oklahoma City Flight Service Station was recently moved to the Wiley Post Airport and will provide 24-hour weather observation and reporting service.

Precise cartographic measurements reveal that the west extension of the existing Oklahoma City (Will Rogers Field) control zone is separated from the

Oklahoma City (Wiley Post Airport) control zone by an area approximately ⅛ of a mile wide and 1⅛ miles long. Accordingly, action is taken herein to join the two control zones in this area.

Since the changes proposed are minor in nature and impose no substantial burden on any person, notice and public procedure hereon are unnecessary, for this reason good cause exists to make the amendment effective in less than 30 days.

In consideration of the foregoing, Part 71 [New], of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth. In § 71.171 (29 F.R. 1101, 2932), the Wiley Post Airport and Will Rogers Field control zones are altered as follows:

*Oklahoma City, Okla. (Wiley Post Airport).*

Within a 5-mile radius of Wiley Post Airport (latitude 35°32'05" N., longitude 97°38'40" W.), and within 2 miles each side of the Oklahoma City VORTAC 050° radial, extending from the 5-mile radius zone to the VORTAC, excluding the portion S of a line extending through latitude 35°26'33" N., longitude 97°46'21" W., and latitude 35°28'00" N., longitude 97°36'05" W.

*Oklahoma City, Okla. (Will Rogers World Airport).*

Within a 5-mile radius of Will Rogers World Airport (latitude 35°23'45" N., longitude 97°36'30" W.), within 2 miles each side of the Oklahoma City ILS localizer N course, extending from the 5-mile radius zone to the Tulakes, Okla., RBN, within 2 miles SW and 3.5 miles NE of the Oklahoma City VORTAC 107° radial extending from the 5-mile radius zone to the VORTAC, within 2 miles each side of the Oklahoma City ILS localizer S course, extending from the 5-mile radius zone to the OM, excluding that portion which coincides with the Oklahoma City (Wiley Post Airport) control zone.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on October 7, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10413; Filed, Oct. 13, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-5]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration and Designation of Control Zones, Revocation of Control Area Extensions, and Designation and Revocation of Transition Areas

On April 22, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 5396) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Phoenix, Ariz., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Aircraft Owners and Pilots Association (AOPA) suggested that the portion of the proposed 1,200-foot floor transition area lying to the east of longtitude 111°20' W, and that portion lying north and east of a line from latitude 33°30' N, longitude 111°20' W to the northern boundary at longitude 111°45' W, to be established with a floor of 10,000 feet MSL. If this were done, the published instrument approach procedures JAL-74-VOR, JAL-74-TACAN-1, and TACAN-2 would not be adequately protected and holding at the Chrome INT and the Chandler TACAN 088° radial/.17 n.m. fix would not be encompassed. Further, it would be necessary to raise the MEAs, which are now 7,000 feet, on the overlying portions of V-94 and V-16.

Additionally, the AOPA suggested that a 8,000 foot MSL transition area be designated in the remaining proposed 1,200 foot area north of a line from latitude 33°45' N, longitude 111°30' W, to latitude 34°00' N, longitude 112°43' W. The major portion of the suggested 8,000-foot transition area has overlying airways. These airways include V-95, V-95W and V-257 with MEAs at or below the recommended 8,000-foot floor. A transition area floored at 8,000 feet would not encompass the Luke Air Force Base JAL-321-ADF instrument approach, or the prescribed holding procedure on the Luke radio beacon having a minimum altitude of 4,000 feet. Finally, extensive radar-vectoring is conducted in both areas at an altitude of 2,000 feet above the surface which would further obviate raising the floors as suggested.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101) the following actions are taken:

a. The Phoenix, Ariz. (Sky Harbor Airport) control zone is amended to read:

Within a 5-mile radius of Sky Harbor Airport (latitude 33°26'10" N., longitude 112°00'45" W.); and within 2 miles each side of the Phoenix VORTAC 090° and 270° radials, extending from the 5-mile radius zone to 2 miles E and 13 miles W of the VORTAC.

b. The Chandler, Ariz., control zone is amended to read:

Within a 5-mile radius of Williams AFB (latitude 33°18'25" N., longitude 111°39'35" W.); within 2 miles each side of the Chandler TACAN 117° radial, extending from the 5-mile radius zone to 8 miles SE of the TACAN; and within 2 miles each side of the Chandler TACAN 141° radial, extending from the 5-mile radius zone to 9 miles SE of the TACAN. This control zone is effective from 0700 to 1700 hours, local time, Monday through Friday, excluding Federal legal holidays.

c. The Proenix, Ariz. (Luke AFB) control zone is amended to read:

Within a 5-mile radius of Luke AFB (latitude 33°32'05" N., longitude 112°22'55" W.); within 2 miles each side of the 178° bearing from the Luke RBN, extending from the 5-mile radius zone to 2 miles S of the RBN; and within 2 miles each side of the Luke TACAN 056° radial, extending from the 5-mile radius zone to 9 miles NE of the TACAN.

d. The Phoenix, Ariz. (NAF Litchfield Park) control zone is designated to read:

Within a 4-mile radius of NAF Litchfield Park (latitude 33°25'25" N., longitude 112°22'30" W.); excluding the portion within the Phoenix, Ariz. (Luke AFB) control zone. This control zone is effective from 0600 to 1800 hours, local time, daily.

2. Section 71.165 (29 F.R. 1073) is amended by revoking the Phoenix, Ariz., and the Williams, Ariz., control area extensions.

3. Section 71.181 (29 F.R. 1160) is amended as follows:

a. The Buckeye, Ariz., Casa Grande, Ariz., and Gila Bend, Ariz., transition areas are revoked.

b. The Phoenix, Ariz., transition area is designated to read:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Sky Harbor Airport (latitude 33°26'10" N., longitude 112°00'45" W.); within 2 miles each side of the Phoenix VORTAC 090° radial, extending from the Sky Harbor 8-mile radius area to 8 miles E of the VORTAC; within 2 miles each side of the Phoenix VORTAC 110° radial, extending from the Sky Harbor 8-mile radius area to 12 miles E of the VORTAC; within an 8-mile radius of Williams AFB (latitude 33°18'25" N., longitude 111°39'35" W.); within 2 miles each side of the Chandler TACAN 141° radial, extending from the Williams 8-mile radius area to 10 miles SE of the TACAN; and within 2 miles each side of the Chandler TACAN 123° radial, extending from the Williams 8-mile radius area to 9 miles SE of the TACAN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°-10'00" N., longitude 112°30'00" W.; thence to latitude 34°10'00" N., longitude 111°80'-00" W.; thence to latitude 34°00'00" N., longitude 110°52'00" W.; thence to latitude 32°33'00" N., longitude 110°52'00" W.; thence to latitude 32°33'00" N., longitude 112°00'00" W.; thence to latitude 32°51'00" N., longitude 112°30'00" W.; thence to latitude 32°51'00" N., longitude 113°00'00" W.; thence to latitude 33°19'00" N., longitude 113°00'00" W.; thence to latitude 33°19'00" N., longitude 113°10'00" W.; thence to latitude 34°00'00" N., longitude 113°10'00" W.; thence to latitude 34°00'00" N., longitude 112°43'00" W.; thence to the point of beginning.

c. The Luke AFB, Ariz., transition area is designated to read:

That airspace extending upward from 700 feet above the surface within 6 miles W and 7 miles E of the Luke TACAN 003° and 183° radials, extending from 13 miles S to 8 miles N of the TACAN; within 2 miles each side of the Luke TACAN 056° radial, extending from the TACAN to 10 miles NE of the TACAN; and within 5 miles each side of the Phoenix VORTAC 272° radial, extending from Long. 112°23'00" W to Long. 112°41'30" W.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on October 7, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10414; Filed Oct. 13, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-59]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Federal Airway

The purpose of this amendment to Part 71 [New] of the Federal Aviation



Regulations is to extend V-129 airway from the United States/Canadian boundary to the Kenora, Ontario, VOR.

VOR Federal airway No. 129 is designated in part from Hibbing, Minn., to International Falls, Minn., with a west alternate segment between these points. The Canadian Department of Transport proposes to extend this airway to Kenora, Ontario. Accordingly, to facilitate the extension of V-129 from International Falls to Kenora, the Federal Aviation Agency is taking action herein to alter the description of V-129 to reflect this change.

Since this action does not require the designation of additional airspace, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, effective 0001 e.s.t., December 24, 1964, § 71.123 (29 F.R. 1009) is amended as follows: In V-129 "to International Falls, Minn., including a W alternate." is deleted and "International Falls, Minn., including a W alternate; to Kenora, Ontario, Canada. The airspace within Canada is excluded." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on October 7, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10415; Filed, Oct. 13, 1964; 8:45 a.m.]

[Airspace Docket No. 64-EA-6]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Federal Airway; Correction

On September 22, 1964, Federal Register Document 64-9571 was published in the FEDERAL REGISTER (29 F.R. 13137) and amended Parts 71 and 75 of the Federal Aviation Regulations. These amendments will become effective November 12, 1964. In Item No. 1, paragraph j, VOR Federal airway No. 162 was altered. In this alteration the segment of V-162 from the intersection of the Clarksburg, W. Va., 135° and the Elkins, W. Va., 092° True radials to Clarksburg was inadvertently revoked, whereas only the segment of V-162 from Clarksburg to Harrisburg as proposed in the notice should have been revoked. Accordingly, action is taken herein to correct this discrepancy.

Since this amendment is editorial in nature and imposes no additional burden on any person, compliance with section 4 of the Administrative Procedures Act is unnecessary, and the effective date of the final rule as initially adopted is retained.

In consideration of the foregoing, effective immediately, Federal Register Document 64-9571 (29 F.R. 13137) is altered as follows:

Item 1., paragraph j. is amended to read: In V-162 "From INT of Clarksburg, W. Va., 135° and Elkins, W. Va., 092° radials via Clarksburg; Grantsville, Md.; St. Thomas, Pa.; Harrisburg, Pa.;" is deleted and "From INT of Clarksburg, W. Va., 135° and Elkins, W. Va., 092° radials to Clarksburg. From Harrisburg, Pa., via" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on October 7, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10416; Filed, Oct. 13, 1964; 8:45 a.m.]

## Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-422]

## PART 207—CHARTER TRIPS AND SPECIAL SERVICES

### All-Cargo Carriers; Limitation on Amount of Charter Trips Which May Be Performed

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the ninth day of October 1964.

On September 18, 1964, the Board amended and reissued Part 207 (Regulation No. ER-419, 29 F.R. 13246). The preamble stated, in part, that "We will place a volume restriction on the off-route charters of the all-cargo carriers equal to two percent of their annual on-route mileage * * *." However, in setting forth the corresponding rule (§ 207.6 (b)), the words "calendar quarter" were inadvertently inserted instead of the proper term "calendar year." This amendment will correct the error.

Since the amendment is only to correct an inadvertence which is apparent on the face of the regulation, the Board finds that notice and public procedure thereon are unnecessary and contrary to the public interest, and that the amendment may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 207 of the Economic Regulations (14 CFR Part 207) by amending § 207.6 (b) effective October 26, 1964, to read:

**§ 207.6 All-cargo carriers: limitation on amount of charter trips which may be performed.**

* * * * *

(b) Effective January 1, 1965, an all-cargo carrier shall not during any calendar year perform off-route charters which in the aggregate, on a revenue plane-mile basis, exceed two percent of the base revenue plane miles flown by it during the preceding calendar year: *Provided, however,* That an all-cargo carrier shall be permitted to perform off-route cargo charters within its area of operations without any limitation as to volume of service.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 401, 72 Stat. 754, as amended by 76 Stat. 143; 49 U.S.C. 1371; sec. 403, 72 Stat. 758, as amended by 74 Stat. 445; 49 U.S.C. 1373; sec. 407, 72 Stat. 766; 49 U.S.C. 1377)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-10462; Filed, Oct. 13, 1964; 8:48 a.m.]

[Reg. No. ER-417]

## PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED ROUTE AIR CARRIERS

### Reporting of Indebtedness Data; Correction

In the document amending Part 241 of Chapter II of Title 14 of the Code of Federal Regulations, published at 29 F.R. 13530, the following correction is made:

Add to the Table of Schedules in paragraph (a) of Section 22—General Reporting Instructions—after T-5 "Monthly Listing of Summarized Passenger Loads by Flight Stages—Local Service Air Carriers" and before footnotes 1 and 2, the following:

| Schedule No. | | Filing | |
|---|---|---|---|
| | | Frequency | Postmark interval (days) |
| T-7 | Domestic Deferred Airfreight | do | 30 |
| G-41 | Persons Holding More than 5 per centum of Respondent's Capital Stock or Capital. | Annually | 90 |
| G-42 | Compensation and Expenses of All General Officers and Directors and of Management Personnel Receiving $20,000 or more per Annum for Personal Services. | do | 90 |
| G-43 | Compensation and Expenses of Persons and Firms (Other than Directors, Officers and Employees) Receiving $5,000 or more during the calendar year. | Annually | 90 |
| G-44 | Corporate and Securities Data | do | 90 |
| D-1 | Services Performed for the Defense Establishment | Quarterly | 40 |

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-10463; Filed, Oct. 13, 1964; 8:48 a.m.]

## Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6215; Amdt. 619]

## PART 507—AIRWORTHINESS DIRECTIVES

### Boeing Models 707/720 Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on September 25, 1964, and made effective immediately as to all known United States operators of Boeing Models 707 and 720 Series aircraft. The directive requires inspection to ensure clearance between rudder front spar clevis and rudder control linkage, and rework if clearance does not exist.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Boeing Models 707 and 720 Series aircraft by individual telegrams dated September 25, 1964. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons.

BOEING. Applies to Models 707 and 720 Series aircraft.

Compliance required within the next 65 hours' time in service after the effective date of this AD, unless already accomplished.

(a) With the rudder full right, inspect the installation of the rudder control link arm assembly P/N 65-12703 to ensure:

(1) that clearance exists between the rudder control link arm assembly and the lower pivot clevis for that arm assembly;

(2) that clearance exists between the arm assembly and the rudder spar web; and

(3) that there is no evidence of previous interference.

(b) If clearance does not exist, rework the existing parts in accordance with Boeing Alert Service Bulletins 2052 and 2052A, or in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region, or install new parts which provide clearance.

(c) If there is evidence of previous interference, replace the lower arm assembly pivot bolt.

(Boeing Alert Service Bulletins 2052 and 2052A cover this same subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated September 25, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 7, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-10417; Filed, Oct. 13, 1964; 8:45 a.m.]

# Title 18—CONSERVATION OF POWER AND WATER RESOURCES

## Chapter I—Federal Power Commission

[Docket No. R-250; Order 288]

## PART 2—GENERAL POLICY AND INTERPRETATIONS

## PART 16—APPLICATION FOR LICENSE FOR PROJECT UNDER LICENSE WHICH EXPIRES ON SPECIFIED DATE

### Miscellaneous Amendments

OCTOBER 6, 1964.

This is a proceeding to amend our general rules and regulations under the Federal Power Act to establish procedures for recapture or relicensing of hydroelectric projects upon the expiration of licenses. Because the Commission since its organization in 1920 has usually issued licenses for the fifty-year maximum term provided in section 6 of the Federal Power Act, the first year for expiration of numerous licenses is 1970.[1] As shown below, our obligations with respect to recapture or relicensing commence well before the license for a project expires. This rulemaking is intended to provide the basis for orderly and expeditious discharge of this Commission's obligations under sections 14 and 15 of the Federal Power Act both before and after such licenses expire.

Upon the expiration of a license, the United States under section 14 of the Federal Power Act may take over, maintain, and operate the project by paying the licensee's net investment, not to exceed the project's fair value, plus certain severance damages.[2] If the United States does not exercise this right of recapture, the Commission under section 15 may relicense the project, either to the original or a new licensee. Until it does so, it may issue annual licenses to the original licensee on the terms of the expired license.

The notice of proposed rule making in this docket, issued on November 6, 1963 (28 F.R. 12175), proposed the following procedures for Commission's discharge of its obligations under these provisions. During each of the five years before a license expired, the Commission would give notice of the expiration in its Annual Report and in the FEDERAL REGISTER. At the beginning of this notice period, the Commission would solicit from interested Federal agencies their recommendations on recapture. It also would ask the licensee for its plans for future development and use and would accept the comments of other interested parties. The licensee would have an opportunity to respond to any agency comments recommending recapture. After oral argument, if appropriate, the Commission would send to Congress at least two years before the license expired its recommendation on recapture, accompanied by the Federal agencies' and licensee's submissions plus the estimated cost to the United States of recapture. If Congress authorized recapture, the Commission would give the licensee two years' notice, fix compensation, and provide for transfer to the United States of the project properties. The Commission would require the licensee or any other party to apply for any new license at least a year before the existing license expired.

In response to the notice of proposed rulemaking, we received comments from the Secretary of the Interior, American Public Power Association, Northwest Public Power Association, National Rural Electric Cooperative Association, Edison Electric Institute, and nineteen licensees. We have given close attention to these twenty-four responses. Discussed below are the more significant comments and proposals and our action in response hereto.

The three trade associations representing publicly-owned or cooperative electric utilities maintain that Congress in section 14 of the Federal Power Act delegated the authority to recapture projects, but they disagree as to who is the recipient of the authority. According to the American Public Power Association and the National Rural Electric Cooperative Association, Congress conferred this power upon the Commission; according to the Northwest Public Power Association, upon the President.

We believe that the language and legislative history of section 14 do not support the contentions made by the three associations. This section reads in pertinent part: "Upon not less than two years' notice in writing from the Commission the *United States* shall have the right upon or after the expiration of any license to take over and thereafter to maintain and operate any project * * *"

In our opinion, this language, while reserving recapture rights to the United States, neither expressly nor implicitly delegates the power to exercise these rights to the Commission, the President, or any officer or agency of the Executive Branch.

Throughout the act, whenever Congress delegated authority, it expressly designated the recipient. Thus, in section 16 (16 U.S.C. 809), immediately following the sections on recapture and relicensing, the President is authorized to order the United States' take-over of any licensed projects "for the purpose of manufacturing nitrates, explosives, or munitions of war, or for any other purpose involving the safety of the United States, to retain possession, management, and control thereof for such

[1] Licenses for two projects of over 2,000 horsepower installed capacity expire in 1968; twenty-five in 1970; twenty-five from 1971 through 1974; and twenty-five from 1975 through 1979. Thus, seventy-five licenses for such projects expire in the first decade after the Commission's fiftieth anniversary.

[2] The United States at any time may take over a project by condemnation.



length of time as may appear to the President to be necessary to accomplish said purposes * * *" "Other sections of the act also expressly delegate authority to the President,[3] as well as to the Executive departments generally,[4] and specific cabinet officers,[5] including the Secretary of the Interior.[6]

Moreover, the legislative history of sections 14 and 15 demonstrates Congress' intent to retain control of hydroelectric policy to be applied upon expiration of licenses. Many Congressmen in 1920 apparently thought that within the succeeding fifty years Congress would enact general legislation establishing procedures and standards for recapture and relicensing.[7] In fact, of course, Congress has not taken any further action on recapture or relicensing. It might have delegated to us the power to authorize recapture, but it has not done so. Neither has it delegated the power to any other Federal authority. The power resides where it has always resided, in Congress, and in the absence of further legislation can only be exercised by action on a case-by-case basis as individual licenses expire.[8]

The Secretary of the Interior, admitting that only Congress may act to approve recapture and that the Commission may make recommendations to Congress on recapture, says "only that the Commission should not be the primary agency to make recommendations to Congress on the behalf of the Executive Branch of the Government." We recognize, of course, that we cannot speak for the Executive Branch and do not formulate Executive policy with respect to recapture. But in the light of the fact that the Commission has regulated licensed projects for decades and is required under section 14 to give notice before a project is recaptured, to determine the net investment and severance damages of the project, and to relicense the project if it is not recaptured, the Commission's duty to assist Congress in the question of whether to recapture can hardly be questioned. See also sections 7(b), 304(a), and 307(a) of the act (16 U.S.C. 800(b), 825(c), 825f).

We believe that we would be derelict in our duty if we did not keep Congress informed when licenses become subject to recapture and supply it with necessary factual information and expert analysis upon which it can make an informed judgment as to whether to exercise its recapture powers.

We have provided for securing the views of interested agencies of the Federal Government and for submitting them to the Congress with our report. These agencies remain free to provide the Congress with supplementary statements of their views if they wish.

The licensees generally did not question our authority to adopt the proposed rules, but a number of them recommended various changes in the proposed procedures which generally go to its details of execution rather than its fundamental conception. We have grouped these various recommendations for discussion in the sequence in which they would apply in the recapture or relicensing process.

I. *General.* A number of the licensee comments recommend that the term "take over" be substituted for "recapture," arguing that "take over", not "recapture," is used in sections 14 and 15 and that it more accurately describes what is involved. We believe that "recapture" has become virtually a term of art for the rights reserved to the United States under section 14. Although not used in the statute, the term appears in the hearings, reports, and debates on water power legislation and has been used by the courts. More importantly, "recapture" accurately describes the object of section 14—that the United States have an opportunity at the end of the license term to retake the project site upon the payment of the specified compensation. "Take over," on the other hand, suggests expropriation, which is not what section 14 provides.

II. *Gathering information.* One licensee proposes that the governor and the appropriate agencies of the State or States in which the project is located be notified of all proceedings before the Commission. We have adopted this proposal.

Three licensees ask that the Commission solicit the licensee's statement concerning the effect of recapture upon its financial condition, the dividends paid its stockholders, the rates charged its customers, and the taxes collected by the local, state, and Federal governments. Since such materials among others may be germane to the question whether a project should be recaptured, they should be filed for our consideration.

Four licensees ask that Federal agencies and other interested parties serve the licensee with their submissions. Two of these add that the staff should serve the licensee with any report which it might make to the Commission. A third states that the Commission's recommendation to Congress should be sent to the licensee. We have altered the rulemaking to provide that: (1) All formal submissions will be served upon the licensee, and (2) a copy of the Commission's recommendation to Congress will be sent to the licensee. However, the staff reports to the Commission prior to its determination of the recommendation to be submitted to Congress are internal agency memoranda which, like other such documents, will not normally be made public.

Some of the comments suggest that the licensee be allowed to respond to the recommendations of interested parties other than agencies.[9] One says that the licensee should have an opportunity to amend its plans in response to agency recommendations. Another requests an opportunity to respond to the Commission's recommendation before it is submitted to Congress. We have altered the rule to expressly permit the licensee to respond to any comments recommending recapture. In formulating our recommendation to Congress, we of course will consider any timely filed amendments to the licensee's plans for future development and use of the project. Since the licensee, if it takes exception to the Commission's recommendation, will be free to state its views to the appropriate Congressional committees, we believe that we need not afford the licensee an opportunity to respond to the recommendation before it is sent to Congress.

Thirteen parties ask for a provision for a hearing; some of these believe that a hearing should or must be granted at the licensee's request. When the Commission gathers information for recommending legislation to Congress, there is no statutory or Constitutional requirement that it provide a hearing for interested parties, though it may in its discretion do so. We believe that any automatic provision for a hearing either of an evidentiary nature or by way of oral argument would not be appropriate, and would tend to delay our reports to Congress unduly, but of course we reserve the right to provide for an evidentiary hearing where it appears that it would be useful. We will hold oral argument at the request of the licensee whenever an interested Federal agency has requested the Commission to recommend recapture to Congress.

III. *Recommendation to Congress.* Nine parties suggest that, in addition to the materials specified in the notice of proposed rule making, the Commission send to Congress: (1) Recommendations of parties other than Federal agencies, (2) staff reports to the Commission, (3) licensee's response to others' recommendations, (4) licensee's estimated claim for compensation, (5) a transcript of any hearings, and (6) a digest of the record. We have altered the rules which we are here adopting to provide that the Commission's recommendation to Congress will be accompanied by all the submissions of interested Federal agencies and the licensee plus such other material of record as in the Commission's judgment might be useful to Congress.

[3] Sections 1 and 2 (16 U.S.C. 792, 793).

[4] Section 4(c) (16 U.S.C. 797(c)).

[5] Secretary of the Army: sections 4(e), 11(a), 17(a), 18, 26 (16 U.S.C. 797(e), 804(a), 810(a), 811, 821); Secretary of Commerce (since transferred to the Secretary of the Interior): section 18 (16 U.S.C. 811); Secretary of the Department in which the Coast Guard is operating (now Secretary of the Treasury): section 18 (16 U.S.C. 811); Attorney General: sections 13 and 26 (16 U.S.C. 806, 820).

[6] Section 10(e) (16 U.S.C. 803(e)).

[7] *E.g.*, 59 Cong. Rec. 1438 (1920) (remarks of Senator Norris). See also Hearings Before the House Committee on Water Power, 65th Cong., 2d. Sess. 32 469 (1918). Similar statements were made with regard to the General Dam Act of 1910 (36 Stat. 593): H.R. Rep. 1160, 61st Cong., 2d Sess. 2 (1910); 45 Cong. Rec. 5684 (1910).

[8] Even if some authority could be spelled out of some general delegation to the President or an agency of the Executive Branch (and none of the respondents cite any such authority), it would be rendered virtually nugatory by the fact that recapture under the provisions of section 14 can only be accomplished upon the payment of the prescribed compensation of the licensee, which would require an appropriation by Congress.

[9] As it appeared in the notice, the rulemaking expressly permitted response to "agency comments recommending recapture" but said nothing about response to other comments.



## Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6214; Amdt. 618]

## PART 507—AIRWORTHINESS DIRECTIVES

### Boeing Models 707/720 Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on September 25, 1964, and made effective immediately as to all known United States operators of Boeing Models 707 and 720 Series aircraft. The directive requires inspection to ensure clearance between rudder front spar clevis and rudder control linkage, and rework if clearance does not exist.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Boeing Models 707 and 720 Series aircraft by individual telegrams dated September 25, 1964. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons.

BOEING. Applies to Models 707 and 720 Series aircraft.

Compliance required within the next 65 hours' time in service after the effective date of this AD, unless already accomplished.

(a) With the rudder full right, inspect the installation of the rudder control link arm assembly P/N 65-12703 to ensure:

(1) that clearance exists between the rudder control link arm assembly and the lower pivot clevis for that arm assembly;

(2) that clearance exists between the arm assembly and the rudder spar web; and

(3) that there is no evidence of previous interference.

(b) If clearance does not exist, rework the existing parts in accordance with Boeing Alert Service Bulletins 2052 and 2052A, or in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region, or install new parts which provide clearance.

(c) If there is evidence of previous interference, replace the lower arm assembly pivot bolt.

(Boeing Alert Service Bulletins 2052 and 2052A cover this same subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated September 25, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 7, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-10416; Filed, Oct. 13, 1964; 8:45 a.m.]



## Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6216; Amdt. 620]

## PART 507—AIRWORTHINESS DIRECTIVES

### Boeing Models 707/720 Aircraft

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(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 7, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-10418; Filed, Oct. 13, 1964; 8:45 a.m.]

IV. *Giving notice.* Section 14 provides that the Commission shall give the licensee "not less than two years' notice" of recapture of its project by the United States. This language, as many of the licensees point out, authorizes the Commission to give a period of longer notice; some suggest that this period should be as long as necessary for the licensee to find a replacement for the generating capacity of the recaptured project; others merely stated that more than two years would generally be necessary.

Five licensees suggest that when more than two years is required to replace the recaptured project, the Commission both recommend to Congress and itself provide an appropriate longer notice: If Congress' and the Commission's periods are not the same, the licensee should be given the longer of the two. Finally, a suggestion is made that the notice period should run, not from Congress' authorization for recapture of the project, but from its appropriation of funds. The comment in question notes that if the notice period runs from recapture, the licensee is put in a quandary: it risks either the building of a replacement facility which may never be needed or the losing of a project before a replacement facility is available.

If Congress recaptures a project, it may fix the date for transferring the project properties to the United States. If Congress does not specify a date, the Commission, we believe, is authorized under section 14 to specify the date and to give sufficient notice to allow the licensee to secure an alternate source of power. Accordingly, we have altered the rulemaking to provide that when Congress recaptures a project without fixing the date, the Commission will give appropriate notice of not less than two years. We think that under section 14 notice must be given from Congress' authorization of recapture rather than its appropriation of funds for compensation. It is clear that once Congress has authorized recapture the basic question has been decided and the subsequent appropriation, which must await the Commission's precise determination under section 14 of the recapture payment, presumably will follow in due course.

V. *Fixing compensation.* Ten licensees ask that compensation for recaptured projects licensed before the amendment of section 14 in 1935 be fixed by the procedures specified in the original section rather than in the amended section. The original section provided that a United States District Court fix compensation if the licensee and the Commission could not agree. The amended section provides that the Commission fix compensation after notice and opportunity for hearing.[10] The parties contend that the original section controls for pre-1935 licensees because of section 6, providing that licenses may not be altered without the licensee's consent, and section 28, providing that amendments of the act will not affect previously issued licenses or the licensee's rights thereunder.

The legislative history shows that the amendment of section 14 in 1935 was in response to Keller v. Potomac Electric Power Company, 261 U.S. 428 (1923), which was thought to cast doubt on the constitutionality of a District Court's determining compensation for recapture.[11]

Subject to certain limitations not here in point, Congress has discretion to provide the civil procedure for the enforcement of substantive rights. Constitutional or statutory provisions against retroactive legislation do not bar Congress from changing the procedure for vindicating such rights. Since the designation of a forum for fixing compensation in accordance with a statutorily prescribed standard is manifestly a matter of procedure, sections 6 and 28, which bar changes in substance, do not prevent Congress from providing that the Commission will fix the compensation for all recaptured projects, including those licensed at the time a different procedure was in effect.

VI. *Transfer of the project to the United States.* Two licensees request an assurance that the licensee need not transfer the project to the United States until payment according to a final adjudication under the provisions of section 313 of the Federal Power Act for appeal to the courts of Commission orders. Under section 14 of the act, transfer of the project is to occur upon tender of compensation as fixed by the Commission. We believe that this provision clearly disposes of the effective date of recapture. Obviously, a licensee may claim a higher payment, but the licensee clearly does not have any automatic right to delay application of recapture while litigation to determine whether a sum greater than that fixed by the Commission is pending in the courts.

A number of parties request that all reference to applications for annual licenses be deleted because section 15 provides that the Commission automatically will issue such licenses after expiration of the original license until the project is recaptured or a new license is issued. We have altered the rule to make clear that if, upon expiration of the original license, Congress has not authorized recapture or the Commission has not issued a new license, the Commission will issue annual licenses pending consideration of an application by the original licensee for a new license.

For the reasons set forth above and upon consideration of the entire record in this proceeding, the Commission finds:

It is appropriate and in the public interest in administering Part I of the Federal Power Act to establish procedures with respect to the recapture or relicensing of projects upon expiration of their licenses by amending our General Rules and Regulations under the Federal Power Act as follows:

Under the authority of the Federal Power Act, especially sections 14, 15, and 309 (16 U.S.C. 807, 808, 825h) the Commission orders:

(A) Part 2, General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, is amended by adding a new § 2.6 to read as follows:

**§ 2.6 Procedure for recapture or relicensing of licensed projects.**

(See Part 16 of this chapter.)

(a) Starting in 1970, numerous licenses for projects subject to recapture will expire. So that Congress may have an adequate opportunity to decide whether, upon expiration of licenses, the United States will recapture any of these projects under section 14, and so that the licensees and others may have adequate notice and opportunity to file timely applications for a new license under section 15, the Commission each year will publish in its annual report and in the FEDERAL REGISTER a table showing the projects subject to recapture during the succeeding five years. The table will list these licenses according to their expiration dates and will contain the following information: (1) License expiration date; (2) licensee's name; (3) project number; (4) type of principal project works licensed, e.g., dam and reservoir, powerhouse, transmission line; (5) location (by state and stream; also by city or county when appropriate); and (6) installed capacity.

(b) Five years before a license expires for a project subject to recapture the Commission will solicit from the Secretaries of Army, Interior, Agriculture, Health, Education and Welfare, and other appropriate Federal agencies recommendations and supporting information, to be furnished within a year, concerning recapture or relicensing the project. The agencies will be asked to demonstrate how any recommended recapture action will serve their respective programs and policies. The Commission simultaneously will solicit, also for submission within a year, the licensees plans for future development and use of the project and its statement concerning the effect of recapture upon its financial condition, the dividends paid its stockholders, the rates charged its customers, and taxes collected by local, state, and Federal governments. All formal submissions to the Commission will be served upon the licensee. An opportunity will be afforded to the licensee to respond to any comments recommending recapture. The Commission will hear oral argument at the request of the licensee whenever an interested Federal agency has requested that the Commission recommend recapture. After considering these various documents and hearing oral argument, if any, the Commission will forward to Congress at least two years before the license expires its recommendation, with a copy to the licensee, as to whether the project should be recaptured by the United States, accompanied by all submissions to the Commission by Federal agencies and the licensee plus such other material of record as in its judgment might be useful to Congress.

(c) Should Congress authorize recapture, the Commission immediately will give the licensee notice as Congress directs or as appropriate, but not less than two years, and, unless Congress otherwise provides, will direct the licensee to present to the Commission within a specified period a claim for compensation consistent with the provisions of section 14 of the Federal Power Act. It also will require, unless Congress otherwise provides, that upon tender of compensation as fixed by the Commission the licensee transfer to the United States, in such manner as the Commission may direct, possession and title to the project properties.

(d) If Congress authorizes recapture of a project, the Commission will dismiss any pending application for a new license for the project. In addition, the Commission in its discretion may dismiss any application for a new or annual license which is not filed at least a year before the license expires, and any such application so dismissed will be eligible for refiling only after a decision on any timely filed application. If at the end of a license term Congress has not authorized recapture, the Commission may proceed to issue a new license for the project and, pending consideration of an application by a licensee for a new license, will issue annual licenses to the licensee.

(Secs. 14, 15, 309 (16 U.S.C. 807, 808, 825h))

(B) Part 16, Chapter I of Title 18 of the Code of Federal Regulations, is amended by amending § 16.1 and redesignating it § 16.2, deleting § 16.2, and adding new §§ 16.1, 16.4, and 16.5. As so amended, Part 16 will read as follows:

## PART 16—APPLICATION FOR LICENSE FOR PROJECT UNDER LICENSE WHICH EXPIRES ON SPECIFIED DATE

Sec.
16.1 Purpose and coverage.
16.2 Contents.
16.3 Additional information.
16.4 Project alterations.
16.5 Filing date.

AUTHORITY: The provisions of this Part 16 issued under secs. 14, 15, 309 (16 U.S.C. 807, 808, 825h).

**§ 16.1 Purpose and coverage.**

This part implements the general procedure, as set out in § 2.6 of this chapter, for relicensing projects upon expiration of the license in the event that Congress does not elect to recapture the project for the United States. This part, however, applies as well to relicensing of projects not subject to recapture.

**§ 16.2 Contents.**

Unless otherwise specified, any licensee or other applicant for a new or annual license shall submit an original and ten conformed copies of the application, duly subscribed and verified under oath, and all accompanying documents, together with one additional conformed copy for each interested State Commission. The application shall set forth in appropriate detail the following information in the order indicated:

(a) The exact name of the applicant.
(b) The license number of the project.
(c) The location of the project.
(d) The date on which the license expires.
(e) If the licensee is a corporation, a list of the officers and directors.
(f) The name, title, and post-office address of the person to whom correspondence in regard to the application shall be addressed.
(g) A brief description of the project works and operations of the project.

**§ 16.3 Additional information.**

The Commission may require additional information when it appears to be pertinent in a particular case.

**§ 16.4 Project alterations.**

Where an applicant for a new license intends to make changes or additions to the project works of a project, they shall be fully described in the application and shown on any accompanying exhibits.

**§ 16.5 Filing date.**

Any application for a new or annual license filed later than one year before the expiration date of the license may, in the Commission's discretion, be dismissed without prejudice and will be eligible for refiling only after a decision on any timely filed application.

(C) The amendments prescribed herein will be effective from November 1, 1964.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10424; Filed, Oct. 13, 1964; 8:46 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

POLYSORBATE 60 (POLYOXYETHYLENE (20) SORBITAN MONOSTEARATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (4A1459) filed by House of Frothee, Inc., P.O. Box 142, Woodmere, Long Island, New York, and other relevant material, has concluded that § 121.1030 should be amended to provide for the use of polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) as a foaming agent in mixes to be used with alcoholic beverages. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1030(c) is amended by adding thereto a new subparagraph (10), reading as follows:

**§ 121.1030 Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).**

* * * * *

(c) * * *

(10) As a foaming agent in nonalcoholic mixes, to be added to alcoholic beverages in the preparation of mixed alcoholic drinks, at a level not to exceed 4.5 percent by weight of the nonalcoholic mix.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 8, 1964.

WINTON B. RANKIN, *Assistant Commissioner for Planning.*

[F.R. Doc. 64-10448; Filed, Oct. 13, 1964; 8:48 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management, Department of the Interior

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3458]

[Fairbanks 031321]

### ALASKA

### Establishing Power Site Classification No. 450

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), the following-described public lands are hereby classified as power sites, subject to valid existing rights:

[10] A comparative print of the pertinent part of section 14's 1935 amendment reads: "The net investment of the licensee in the project or projects so taken and the amount of such severance damages, if any, shall be determined by the Commission after notice and opportunity for hearing.

[11] S. Rep. No. 621, 74th Cong., 1st Sess. 46 (1935); H.R. Rep. No. 1318, 74th Cong., 1st Sess. 25 (1935). See also: Hearings on 1935 Public Utility Act Before House Interstate and Foreign Commerce Committee, 74th Cong., 1st Sess. 390, 487-488 (1935).

FAIRBANKS MERIDIAN

NENANA RIVER AREA

T. 18 S., R. 3 W.,
Sec. 19, NW¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, SE¼, SW¼NW¼, NW¼SW¼, and SW¼SW¼;
Sec. 20, NE¼NW¼, S½ and S½N½;
Sec. 21, S½;
Sec. 23, S½NE¼, SE¼NW¼, NW¼SE¼, and SW¼;
Sec. 26, SW¼SW¼;
Sec. 27, W½, NW¼SE¼ and S½SE¼;
Sec. 28, 29 and 30;
Sec. 31, NE¼;
Sec. 32, NE¼, N½NW¼, N½SE¼ and SE¼SE¼;
Sec. 33, N½, SW¼SW¼ and NE¼SE¼;
Sec. 34, N½ and N½S½;
Sec. 35, SE¼SE¼, N½ and N½S½;
Sec. 36, S½NE¼, NW¼ and NW¼SW¼.
T. 17 S., R. 4 W.,
Sec. 31, NW¼SW¼ and SW¼SW¼;
Sec. 32 SE¼SW¼ and SE¼;
Sec. 33, N½SW¼ and NW¼SE¼.
T. 18 S., R. 4 W.,
Sec. 4, S½SW¼;
Sec. 5, NW¼NE¼, NW¼ and S½;
Sec. 6, NW¼NE¼, S½NE¼, W½, and SE¼;
Sec. 7, N½NE¼ SE¼NE¼, NE¼NW¼, and NW¼NW¼;
Sec. 8, N½, N½SE¼ and SE¼SE¼;
Sec. 9;
Sec. 10, S½NE¼, NW¼ and S½;
Sec. 11, SW¼;
Sec. 13, W½SW¼ and SE¼SW¼;
Sec. 14;
Sec. 15, N½, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 16, N½NE¼;
Sec. 23;
Sec. 24;
Sec. 25, N½, W½SW¼ and SE¼SW¼;
Sec. 26, N½NE¼, SE¼NE¼ and E½SE¼;
Sec. 35, N½NE¼.
T. 17 S., R. 5 W.,
Sec. 28, S½SW¼;
Sec. 29, S½S½;
Sec. 30, SE¼NW¼, SW¼, S½SE¼, and W½NW¼;
Sec. 31, 32 and 33;
Sec. 34, W½ and S½SE¼;
Sec. 35, SW¼SW¼ and SE¼SE¼;
Sec. 36, S½S½ and NE¼SE¼.
T. 18 S., R. 5 W.,
Sec. 1;
Sec. 2, SE¼SW¼, S½SE¼, N½, and N½S½;
Sec. 3, SE¼SW¼, SW¼SE¼, N½, and N½S½;
Sec. 4, NE¼, N½NW¼, SE¼NW¼, and NE¼SE¼;
Sec. 5, NW¼NW¼;
Sec. 6, SE¼NE¼, N½N½ and SW¼NW¼;
Sec. 12, NE¼NE¼.
T. 17 S., R. 6 W.,
Sec. 23, E½NE¼;
Sec. 24, W½ and SW¼SE¼;
Sec. 25, NW¼NW¼, E½ and E½W½;
Sec. 35, S½NE¼ and SE¼;
Sec. 36.
T. 18 S., R. 6 W.,
Sec. 1, N½;
Sec. 2, N½NE¼ and SE¼NE¼.

The areas aggregate approximately 21,085 acres.

This classification shall have full force and effect under the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

OCTOBER 7, 1964.

[F.R. Doc. 64-10433; Filed, Oct. 13, 1964; 8:47 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 14185; FCC 64-919]

## PART 73—RADIO BROADCAST SERVICES

### FM Broadcast Rules; Fourth Report and Order

1. The Commission has under consideration its third further notice of proposed rule making (FCC 64-70) issued in this proceeding on February 3, 1964, and the comments, data, and reply comments filed in response thereto. The purpose of this notice was to set forth proposed rules concerning increased facilities for existing FM short-spaced stations and to propose specific Table of Assignments for Alaska, Hawaii, Puerto Rico, and the territories. The final notice of proposed rule making on the remaining matter to be concluded in this overall FM proceeding, rules governing the educational channels, will be issued in the near future.

2. The time for filing comments was specified as March 27, 1964 and for reply comments as April 10, 1964. In an order issued on March 25, 1964 (FCC 64-240), these dates were extended to May 11, 1964, and May 26, 1964, respectively. In addition, this order included a request for comments on a proposal advanced by the engineering firm of Kear and Kennedy concerning provision for site changes for existing short-spaced stations, and for the use of high antenna heights. Comments were filed on behalf of about 90 existing FM stations and a number of organizations and networks. Careful consideration has been given to all the comments and data submitted by all interested parties. Many comments included engineering showings which were particularly helpful.

*Hawaii, Alaska, Puerto Rico and the Territories.* 3. Appendix A to the third further notice of proposed rule making contained proposed Tables of Assignments for Hawaii, Alaska, Puerto Rico, and the territories. It was proposed to consider Hawaii, Alaska, and Guam in Zone II and Puerto Rico and the Virgin Islands in Zone I. No oppositions were filed to the proposals for Hawaii, Alaska, and Guam and these will be finalized. Comments were filed in support of the proposed assignments in Arecibo, Ponce, and Fajardo in Puerto Rico. All existing stations in Puerto Rico which commented supported the assignments of their channels and stated that any modification of the outstanding authorizations for the stations would require a hearing in light of the requirements of section 316 of the Communications Act.

4. American Colonial Broadcasting Corp., an applicant for a new FM station in San Juan, proposes a completely different allocation table for Puerto Rico and the Virgin Islands, which in part proposes 11 assignments for San Juan. American urges that virtually the entire area of Puerto Rico is enclosed within a 25-mile area from the four cities of San Juan, Ponce, Mayaguez, and Arecibo and that the assignment of 11 channels to San Juan, with a population of 542,156, is a fair distribution of available facilities since it represents about one-half the population of Puerto Rico and would receive one-half of the assignments to the other cities. The plan which American proposes contains 5 assignments more than the Commission's plan. It contains 5 additional assignments in San Juan and one additional in Arecibo and Ponce, but does not provide for a number of cities in the Commission's table. The price paid for these additional assignments is in our judgment too high. This is so because assignments are not made to the following cities: Caguas (with a population of 32,000), Coamo (12,000), Manati (9,700) and Humacao (8,000). In addition, Class A assignments are substituted for Class B assignments in Fajardo (pop. 12,000), Guayama (19,000), San German (7,800) and Utuado (9,900). The difference in the number of possible assignments is further reduced since under the Commission's plan at least one Class A channel can be added. For example, in the event a need arises for an assignment in Vieques, Channel 221A may be assigned to that community. Another drawback to the table proposed by American is the rather close spacings in a number of assignments such as those of Channels 236 and 266 to Ponce, which may seriously limit the availability of good antenna sites.

5. Central Broadcasting Corporation, permittee of radio Station WUPR(AM) opposes that portion of the American proposal insofar as it would substitute Channel 221A for 286 at Utuado. Central urges that this city of 9,870 is located in a barrio with a population of 40,449, that its principal industry is agriculture, that the terrain is irregular, that the population is sparse and the available revenues are small, and as a result there is a need for a Class B assignment rather than a limited-area station as proposed by American. It states that it plans to file an application for a new FM station at Utuado. San Juan Broadcasting Corp., and Continental Broadcasting Corp., both prospective applicants for a new FM station in San Juan, support the American allocation plan for Puerto Rico, especially insofar as it assigns 11 channels to San Juan, for the reasons given by the proponent of the plan.

6. The San Juan area (including Rio Piedras and Bayamon) has 9 existing FM stations. The American proposal would add 5 additional assignments to this city. We are of the view that disadvantages of the proposal outweigh the advantages of the additional assignments in San Juan and the other two large cities. One of the chief values in an assignment table is the ability to reserve assignments for future use in smaller communities, which may not be ready for the construction of stations but which may well ultimately need them for local expression, and to prevent the concentration of all the available facilities in the larger metropolitan areas. For the above reasons we are not adopting the American proposal.

7. This party also suggests that the minimum power for Class B stations in Puerto Rico be lowered from 5 kilowatts to 3 and that the maximum antenna height be raised to 1,000 feet rather than 500 feet. It argues that lowering the power minimum will encourage the establishment of new stations and that raising the antenna ceiling will not unduly curtail service where sites are used at elevations in the order of 1,000 feet and more, as would the 500-foot limitation.

8. Radio Americas Corp., licensee of Station WORA-FM, Mayaguez, supports the Zone I spacings for Puerto Rico but urges that Zone II facilities (100 kilowatts power and 2,000 feet antenna height) be authorized.[1] Radio Americas submits a study of the Commission's proposed assignment table for Puerto Rico and points out the following: that there are no co-channel or first adjacent channel assignments in Puerto Rico; that the only first adjacent channel separations between Puerto Rico and the Virgin Islands conform to the Zone II spacings; that 9 of the 22 second adjacent channel spacings meet the Zone II requirements with the lowest spacing 43 miles; and that 6 of the 10 third adjacent channel spacings meet the requirements of Zone II with the lowest being 40 miles. Illustrations are presented to show the effects on interference for two stations 40 miles apart with Zone II facilities and on both second and third adjacent channel assignments. In the case of the stations two channels removed the area of interference occurs around the transmitter site and represents about 16 percent of the area gained by the first station. In the case of the stations three channels removed the area of interference is shown to be negligible since it extends only about 2 miles around the site of the interfering station.

9. We are aware of the special terrain situation which exists in Puerto Rico, with large mountains running throughout the central portion of the island and the communities located at low levels mostly along the periphery. We also recognize that the best sites for many of these cities are on the high elevations inland. However, we are not convinced that this island should be considered Zone II for the purpose of permitting all stations to operate with the higher powers and antenna height, especially since we are retaining the Zone I spacings in order to make sufficient facilities available. At the present time only one FM station (that of Radio Americas) has an antenna height of over 1,000 feet above average terrain. Of the 11 pending applications, only 2 have specified antenna heights over 1,000 feet. Nonetheless, in order to encourage the use of suitable high antenna sites without unduly restricting the authorized power, and in order to take advantage of the favorable assignment situation on the island, we believe we would be justified in making an exception to the power reduction necessary for antenna heights above 500 feet in Zone I. We will therefore permit a power of 25 kilowatts (14 dbk) for antenna heights up to 2,000 feet above average terrain and the equivalent of these facilities (as determined by the same distance to the 1 mv/m contour) for heights above 2,000 feet.[2] We do not believe that the minimum power requirement should be lowered from 5 kw to 3 kw. This difference should not represent a hardship for applicants in view of the small difference it represents.

10. V. I. Industries, Inc., licensee of Radio Station WSTA, St. Thomas, supports the proposal to establish a Table of Assignments for the Virgin Islands and states that it will file for an FM station on channel 250 if it is adopted. V. I. Industries contends that three channels are not warranted for Charlotte Amalie, which has a population of less than 18,000; nor is a total of 6 channels warranted for the Virgin Islands, which has a population of about 40,000 persons.[3] It therefore recommends that a total of 4 assignments be made to the Virgin Islands. Two parties point out that two of the Virgin Island assignments are on Class A channels. We do not believe there is any need to mix the assignments here. In view of the showing made by V. I. Industries we are assigning 4 channels to the islands, two each at Charlotte Amalie and Christiansted.

11. In view of the foregoing, we are adopting the tables for Alaska, Hawaii, Puerto Rico, and Guam as outlined below.[4] The other required changes in the rules, such as the Zone designation, also appear in the Appendix.

*Existing short spaced stations.* 12. With respect to existing FM short-spaced stations (authorized prior to August 1, 1962) and in recognition of the needs for increased facilities for such stations, especially those which are moderately short-spaced and those which could have increased their facilities under the old rules, the Commission invited comments on alternative methods to obtain these ends. It was stated that it could adopt some variation of one of the plans discussed without further notice of rule making. It also discussed the possibility of eliminating or improving short spacings by means of channel shifts or site changes.

13. The great majority of the comments favored one or the other principal methods for authorizing increased facilities for existing short-spaced stations. Some recommended variations or modifications of these plans. While parties were divided as to which alternative (or modified alternatives) should be adopted by the Commission, with very few exceptions they were all in agreement that some relief from the present rule which "freezes" all short-spaced stations to the equivalent of their existing facilities, should be granted by the Commission. The National Association of FM Broadcasters concludes that at the present time there is not enough information available to determine which of the Commission's alternative solutions, if any, is best designed to accomplish the desired goal. They urge the establishment of an Industry Committee to work with the Commission in gathering data and in recommending a particular course. We do not believe that delaying a decision in this matter or establishing a committee as proposed would serve any useful purpose. National Broadcasting Company submits that a further notice should be issued because the notice "does not provide a concrete basis for meaningful study because of the undesignated possible channel shifts; allocation of new stations, if any; possible power increases on a case-by-case basis; and possible variations of the plan presented in the notice, which the Commission indicates it may adopt without further notice of rule making." It urges that the Commission issue a further notice with specific proposals which "lend themselves to significant evaluation." We do not believe the NBC suggestion is feasible. It is not possible to submit the type of detailed information it seeks since this would depend on the applications and requests filed by licensees after the adoption of a set of rules. As to the alternatives presented by the Commission and the variations discussed, we are of the view that they do form a basis for significant evaluation, as has been done by many other parties. The variations of the principal alternatives were described in sufficient detail to indicate their effects. Thus, the Commission in the notice stated in connection with the horizontal increase alternative, "This could include spacings below which no increases would be permitted or horizontal increases to values below the present maximums". We therefore do not believe that there is any necessity for a further notice of proposed rule making.

*Alternative One—General horizontal increase.* 14. The first alternative advanced by the Commission was one which would permit all short-spaced stations to increase facilities up to the maximums authorized in the rules for the class of station and the zone involved, without regard to claims of interference by any existing station. It was pointed out that three major benefits would flow from this approach: That there ultimately would result a high degree of competitive equality among stations of the same class, that on an overall basis, more people would gain new or improved service than under any plan, and that this plan would be the least burdensome both for the Commission and the applicants seeking improved facilities for their stations. The disadvantages recognized in such a plan were that a hardship would result to licensees who cannot afford to increase facilities at the time one or more stations to which there is a short spacing file for such increases, that stations having the greatest facilities prior to a horizontal increase may lose "interference-

[1] These comments were filed on May 14, 1964, three days after the specified time for such filings. Radio Americas stated that due to an inadvertence they were not submitted on May 11 even though they had been prepared before that time, and requests that they be considered. These comments are accepted and are being considered herein.

[2] According to the U.S. 1960 Census the population of Charlotte Amalie is 12,880 and that of the Virgin Islands is 32,099.

[3] In Zone I a station would be authorized 1.6 kw for an antenna height of 2,000 feet.

[4] Channels 281 and 266 have been switched between Ponce and Utuado to avoid an I.F. difference problem in Ponce.

free" service areas in the direction of others which previously had very limited facilities, and that Class A stations may lose substantial service areas from the increases in Class B or C stations, particularly when these latter stations operated previously with limited facilities.

15. A large number of parties supported the horizontal increase plan. In most cases engineering showings were submitted which revealed that the plan would result in greatly increased service areas for all the stations involved with little or no interference caused. In those cases where increased interference was caused it was greatly outweighed by the increased coverage and the improved service within the former service range, due to the greater signal strength available from the greater power and antenna heights. Some argued that this method was the least restrictive and therefore should be adopted. Others gave evidence of the advantages listed by the Commission for this method. Some conceded that there may be cases where some interference would result within the 1 mv/m contour of other stations, but urged that since the across-the-board plan treats all the same way and has other advantages, there is no reason to return to the "protected contour" concept. A group of parties supported this alternative but urged that increases be permitted up to the maximums only provided that mutual interference would not occur within the 64 dbu contour. They recommended that the power or height be limited to prevent this interference unless the stations involved agree to accept such interference. The significance of the 64 dbu is as follows. Under the old maximums for former Area I (20 kw and 500 feet) the protected contour of 1 mv/m (60 dbu) extends 28 miles. Under the new maximums for Zone I (50 kw and 500 feet) at this same distance the predicted contour would be 64 dbu. Thus, no interference would occur within the old 1 mv/m contour (60 dbu) or the new 64 dbu contour if the proposal were to be adopted. In all the engineering examples given by these parties there was no interference to the old 60 dbu (1 mv/m) with a few minor exceptions. A. Earl Cullum, Jr., one of the proponents of this amended horizontal plan, made a showing involving the short spacings of 6 existing stations. In only 3 of 14 short spacings would there be an invasion of the new 64 dbu contour if all the stations were to go to the maximums permitted in the rules. It was somewhat worse in the two examples given for Zone II.

16. A number of disadvantages were pointed out concerning Alternative I. Some parties stated that under the old rules parties selected facilities which were related to the economics and general needs of the areas, and as a result of the disproportionate nature of the power increases which could result from this plan many highly urbanized areas would suffer loss of service. Some urged that stations which came into being at a late date accepted less than maximum facilities in order to prevent or minimize interference, and that this plan would be unfair to the former stations. Some showed that interference could occur within the existing 1 mv/m contour. For example, WTAD–FM in Zone I (Quincy, Ill.) has facilities slightly above the maximum for Zone I and so cannot get greater facilities. This station showed that in the event another station in Zone II were to go to the maximum facilities for that Zone there would be an invasion of its existing 1 mv/m contour. It urged therefore that a Class C station should be restricted to facilities no greater than permitted by alternative II in the direction of a Class B station. Several parties urged that if the horizontal plan is adopted it should be modified to permit only proportionate increases, i.e., by the same ratio. Columbia Broadcasting System suggested that no applications for increases be accepted for a period of three years except those in which the stations concerned have reached an agreement. It was urged that after that period applications should be accepted in which the increase of power at the actual antenna height is no more than 3 times for a Class A station or 2½ times for a Class B station. These multipliers are proportionate to the increase in maximum power for the classes of stations under the new rules as against the old rules.

17. Some stations were concerned with the situation where Class A stations were already within the 1 mv/m contours of other stations, generally those on channels two or three channels removed. They argued that this plan would only aggravate the existing interference situation. Another disadvantage for Alternative I is that it does not accommodate changes in site location.

*Simultaneous increases by mutual agreement.* 18. The notice proposed as an alternative to the horizontal increase plan one which would permit simultaneous increases of facilities by linked groups of short-spaced stations by mutual agreement among the affected stations. The notice recognized that this plan would have limited utility because of the need for reaching agreement among the stations and the existence of rather long chains of stations. Another difficulty pointed out was the cases where different classes of stations are involved or where there is a great disparity between the existing facilities of stations. Most of the comments were opposed to this plan. The parties argued that any one station in a chain could hold up all the others involved; that very often this would be done purposely since, as one party put it, stations are "competitive and intrinsically unable to sacrifice their individual self interest". Others asserted that experience with the standard broadcast Class IIIA and Class IV power increases indicates that reliance on this plan is impractical. Several parties pointed out that typical chains in Zones I and II included about 24 stations. These chains did, however, break up into smaller ones of 7 in a group and less, in the event the shortages on the second and third adjacent channels are ignored as proposed by a large number of parties.

19. The comments submitted on this alternative plan convince us that we should not adopt it as the sole means for permitting existing short-spaced stations to improve their facilities. We will consider, however, any such requests on the basis of the showing made by the parties as to how the public interest would be served thereby.

*Alternative Two—Protection of a specified contour.* 20. Alternative Two proposed in the notice was a method which would require no agreement among stations and which would permit increases in facilities very nearly like those which would have been allowed under the old "protection method". The two differences are that the station with the greater facilities had to assume the other station had facilities equal to its own, in order to affect a more equal set of facilities. The second difference was that the powers and antenna heights were to be obtained from various tables rather than from propagation curves.

21. A number of parties preferred this alternative over that of the horizontal increase. They submitted that this plan would provide adequate increases while at the same time assuring that no adverse effects are caused to any stations which cannot for economic or other reasons increase their facilities. They contended that this plan recognizes all the matters which affect transmission such as terrain, power, and antenna systems. Finally, they urged that this method would permit stations latitude in making changes in station sites as a result of changes in zoning, nearby construction etc. In some of the showings submitted in support of this proposal, it is shown that the maximum facilities for the Class of stations can be obtained under this plan as well as under alternative one, and therefore some of the parties supported both alternatives. A number of parties, while supporting this plan, also requested that it be modified in some respects in the event it is adopted by the Commission. For example, some urged that the antenna height to be used should not be that of the average above terrain but that it should be for the particular directions involved. Others urged that we should disregard the second and third adjacent channel spacings. More will be said about this later.

22. There were a number of objections to this second alternative and several problems raised in connection with its operation. Some pointed out that there is a distinct advantage to the party which files first. Kear and Kennedy submit a theoretical arrangement of stations at typical short spacings and show that in Zone I there could be a difference of as much as 3 db (ratio of twice in power) depending on the order of filing. An example in Zone II reveals that there could be a difference of about 5 db (3.16 to one power ratio) in the power authorized for a particular station depending again on the order of filing for the theoretical case depicted. There is a problem of what one assumes for stations which are in different zones or where one station is a Class A and the others are Class B or Class C. One suggestion made was that the smaller station be assumed to be at the maximum facilities for its class. Another suggestion was that the smaller station be assumed to have at least the minimum facilities for its class. Some parties pointed out that where two stations are two channels removed at short spacings, many times the first one can go up sometimes to the maximum and the second then cannot increase at all. The same thing can occur in the case of a Class B or C station, two or three channels removed from a Class A station, where the former often can increase its facilities while the latter cannot. There are instances where two stations are 400 kc/s apart and neither one can seek an increase because each is within the 1 mv/m contour of the other. Another situation exists where two stations which have small facilities—the one which requests an increase first may obtain a large facility station, while the second station gets a disproportionately small increase. In all these situations, actual examples are given which are not just theoretical considerations.



23. While Kear and Kennedy support alternative one and oppose the adoption of alternative two, they suggest a variation of this latter plan in the form of a Table which indicates the power and antenna height to be authorized depending on the separation between the stations. The Tables submitted are based upon a protected contour but do not involve the power of the short-spaced stations. They point out that this method is a separation method, protects existing stations by mileage rather than power, and does not give any advantage to the party filing first. The general purpose behind the method is very similar to that which we are adopting herein. It is our view that the method adopted is more simple and so is to be preferred. Somewhat similar in effect, in a limited context, is the plan proposed by Ellis F. Jones, Jr., licensee of WFMG(FM), Gallatin, Tennessee. This party proposed an expanded Table of Separations which included a sub-maximum Class C station, i.e., a station in Zone II which would be authorized the facilities of a Class B station if it met the spacing of the Class B station and not those of the Class C.

*Miscellaneous comments.* 24. A few parties filed comments on matters not directly before us in this proceeding. For example, Williams FM Service, among other things, suggested that when stations presently at facilities above those authorized for their class are transferred, their facilities should be cut back to the authorized maximums. Gerity Broadcasting and Pacifica Foundation replied that this matter was disposed of in an earlier phase of this proceeding and that Williams submitted no basis for reopening this subject. We agree with these parties that this matter is beyond the scope of this particular proceeding. This is also true of suggestions which have been filed requesting the assignment of Class B channels with facilities limited to Class A facilities. This matter, too, was considered and denied in previous phases of this overall proceeding. A few parties suggested that proportional power increases be permitted for short-spaced stations in a particular chain either with mutual consent or irrespective of such consent. No mention is made of how site changes or changes in antenna height are to be handled. These plans have some substantial problems and defects in them. Insofar as mutual consent would be required, the drawbacks are the same as has been mentioned before. In addition, these proposals would still leave unsolved the matter of location of site and antenna height changes. They would be very difficult to administer as well. For these reasons, the proportional power suggestions are denied.

*Adoption of an alternative.* 25. The selection of a particular method for permitting existing short-spaced FM stations to increase their facilities is a difficult one, as evidenced by the almost even division of opinion among the parties filing comments and data. On an overall basis there is not very much difference in the total service which results from the horizontal increase, the protected contour, or the Kear and Kennedy modified protected contour plans. This can be seen from Figures 10 through 13 and Figures 16 through 19 in the Kear and Kennedy comments. The principal difficulty with Alternative One, as may also be seen in these same figures and the showings of other parties, is the interference which can result to stations within their present 1 mv/m contour. While as mentioned, numerous parties showed that in their own situation little interference would result, it is also apparent that the additional interference could result in the loss of existing service and the displacement of listening habits in many communities. On the other hand, the second alternative proposal also has its drawbacks. A number of these have been enumerated above. From the point of view of processing by the Commission and filing applications by the stations, this method could be cumbersome, especially where a large number of stations file at the same time (a very likely possibility since stations have been frozen at their present facilities since August 1962) or where parties file on the basis of other stations' existing facilities only to find these stations have been granted changes in the meantime. The often large differences in authorized facilities, depending on the order of filing, also disturbs us. While there is no ideal solution to this problem we believe a method which is simple, would not require prior agreement among stations affected, would not destroy existing service (at least within the 1 mv/m contour), and would permit changes in station location is to be the preferred method. We believe a modification of the horizontal method could obtain the desired objectives. Such a system would provide for various powers and antenna heights depending on the spacings between the stations. Such a plan would have many of the advantages of the standard spacing plan and allocation table adopted for standard spaced stations but with smaller and potentially equal service ranges depending on the spacings. Before discussing this table further however, we cover two important matters first.

*Class A stations.* 26. A number of parties urged that short-spaced Class A stations be permitted to go to the maximum for that class (3 kw and 300 feet antenna height) regardless of what is permitted for other classes of stations. In a series of charts for what is believed to be the worst cases of first, second, and third adjacent channel spacings between a Class A and Class B or C stations, Kear and Hennedy show that the impact on the interference to the higher powered station is very small while the Class A station improves its service throughout the old area and extends in service range as well. In the case of a second channel separation between a Class A station and a Class B station of only 15 miles (Figure 3) the increase in the radius of interference to the Class B station is only in the order of less than ½ mile with both stations going to the maximum facilities.

27. A few parties, mostly stations with facilities greater than presently authorized for the standard spaced stations, objected to any increase for these Class A stations. One party argued that they should not have been granted in the first place. We are, however, faced with an existing situation in which some Class A stations need additional power to adequately cover the community intended to be served. In another objection to increased power for Class A stations a showing is made as to the increased interference to the high-powered Class B station. This increase however occurs in an additional radius of about 0.7 of a mile.

28. After careful consideration of all the data submitted in this proceeding relative to short-spaced Class A stations we conclude that an increase up to the maximum for this Class of station is warranted and would serve the public interest. We will therefore permit any short-spaced Class A station which desires to increase facilities to apply for such increases up to 3 kw and 300 feet or the equivalent of this combination, except insofar as co-channel situations between Class A stations are involved. (There are no first or second adjacent combinations between Class A stations possible under the FM channel arrangement.)

29. Trans America Broadcasting Corp., licensee of KTYM–FM, Inglewood, Calif., requests permission to increase its power to 40 kilowatts. It urges that it is only 23 miles from second adjacent channel stations KBIG and KGLA, both on Mount Wilson, Los Angeles, and both with power and antenna height greater than the maximum now provided by the rules. It argues that it needs this power in order to obtain the "equivalent coverage" of a maximum Class A station in the absence of interference. It avers that it does not serve the entire community of Inglewood and that listeners have reported difficulty in tuning to the station in the presence of the strong signals from KBIG and KGLA. KTYM–FM presently operates with 390 watts and an antenna height above average terrain of 390 feet. This party is, in effect, asking us to make a special case of a particular Class A station and to permit it to operate with 40 kw power or almost the same as a Class B facility, even though it is only about one half

the required separation. This we cannot do. However, we are of the view that the relief offered herein to short-spaced stations will help this station in improving its signal and coverage in the community of Inglewood, since it could under the rules increase its power to about 1.6 kilowatts instead of its present 390 watts.

*Second and third adjacent channel problem.* 30. There are a number of short-spaced FM stations on second and third adjacent channels (400 and 600 kc/s removed). Most of those on second adjacent channels are Class A's near large metropolitan areas such as Los Angeles, San Francisco, New York, Chicago and Philadelphia. In a number of these instances the Class B's are "supermaximum", with the Class A located within the 1 mv/m contour of the large station. The Class A stations could increase their facilities under the horizontal increase proposal but not under the alternative proposal which requires protection of the Class B station's 1 mv/m contour (or protection of a service radius of 40 miles when the 1 mv/m contour is further out than that). Under the former plan the interference to the large station would normally increase a fraction of a mile around the Class A transmitter. There are also a few Class B and Class C stations removed by two channels and at less than the 40 or 65 miles required. All of these could benefit under the horizontal proposal; some, though by no means all, could benefit under the other alternative. Most of the stations which are short-spaced at third adjacent channel separations (600 kc/s) are near large cities in the crowded sections of the northeast; Washington-Annapolis, Providence-Framingham, Baltimore-Havre de Grace, Hartford-Springfield. A few exist in Zone II. In most of these cases, either proposal would be of benefit to the stations involved and to the public.

31. With very few exceptions, all the parties recommend that short-spacings on second and third adjacent channels be disregarded in any proposal which is adopted. It was pointed out that this interference is usually very small, occurs around the transmitter site of the station causing the interference, and that in any event the small amounts of interference caused are more than offset usually by the advantages of power increases for all stations. One party likened this type of interference to a blanket area problem. Kear and Kennedy in Figures 6 and 7 of their material depict situations between Class B stations with spacings as low as 25 miles. These figures show the interference area to be a small portion of the entire service area. Earl Cullum in reply concedes that the area of interference is small. However, he points out that in the case of a small station causing interference to a large station, the increase in such interference may mean that the entire community may be lost to the larger station. This is an important factor and has led us to require that standard spaced stations on second and third adjacent channels be located beyond the expected service range of the assigned stations in the Table of Assignments. However, the situations we are dealing with here are existing ones in which some interference already exists. And as has been shown further, the increase in interference is only in a small ring around the station, in the order of a few miles to less than ½ mile depending on the relative facilities of the stations involved. Another great difficulty with taking into account such assignments is this: in the event a station is encompassed by the 1 mv/m contour of another station either under its existing or expanded facilities, the station cannot improve its facilities in any direction, and is thus frozen at its present facilities. In the case of co-channel and first adjacent channel separations this situation cannot occur and a station can usually obtain an increase in some directions. Because of the restrictions which would be imposed, the usually small amount of additional interference resulting, and the overall benefits to be obtained on balance, we will permit stations to disregard short-spaced stations on second and third adjacent channels in making requests for increased facilities. Several parties proposed that we disregard second and third channel interference except when the two stations are less than 15 miles apart or unless the interference is caused within a station's principal city limits. There are very few cases of such low spacings, and so we do not believe there is need for any exceptions to the general policy. Furthermore, the interference usually is smaller the closer the stations are together. Paul Godley Company suggested that for such channels, we protect the 70 dbu contour by not permitting overlap of the 90 and 110 dbu contours with the 70 dbu contour for second and third adjacent channels, respectively. We do not believe this limitation is needed for the same reasons we are rejecting the mileage limitation above.

*Plan adopted.* 31. After careful consideration of all the comments and data submitted by all parties we are adopting a plan which we believe has facets and advantages of both the horizontal increase and the protected contour proposals. It does not depend on the consent of any other station so that any station may apply for increased facilities at the time it wishes. It affords stations adequate protection of their service to the public. It is a "go-no go" system so that it is not burdensome for either the licensees or the Commission. It provides for substantial increases for many stations and would permit some improvement for most stations. The plan does not create any advantages for the party which files first. This plan would spell out the maximum facilities which every station which is now short-spaced could apply for, depending on the spacings it has with respect to all other stations (and irrespective of the facilities of the other stations). This would be done in accordance with the Table in § 73.213 below. If a station wishes to operate with greater ERP than that which would be permitted for its mileage bracket, it may do so (up to the maximum for its class) by directionalizing so as to reduce the radiation in the critical direction to that which would be permitted under the table. (Directional antennas must meet the requirements of paragraph (d) of § 73.316, and increase in radiation away from the critical direction shall not exceed 2 db per 10 degrees of azimuth. Where a directional antenna is used radiation in any direction shall not exceed the maximum ERP for the station's class.)

32. The above plan has all the advantages of the horizontal increase without any of its disadvantages. It also appears to be preferable to any other plans advanced previously. For one thing, except for the horizontal increase plan any other proposal would necessitate more extensive use of directional antennas to protect other short-spaced stations, unless the station involved were willing to use in all directions the limited power it would be permitted in the critical direction. The plan we adopt, by permitting substantial increases for many stations without directionalization, imposes lesser burdens in this respect while at the same time giving a short-spaced station an option to obtain greater facilities by directionalizing if it wishes to do so. The plan also permits stations to move their sites provided they adjust their facilities to meet the table. Usually, since transmitter moves do not often involve great distances, the station moving will remain in the same mileage bracket. The table also provides a "floor" on facilities for stations, regardless of spacing. The plan has many of the advantages of the Table of Assignments and the minimum spacing rules for new stations which we have adopted.

33. A study was made of all the spacing problems set out in the comments herein, with a view toward determining whether the plan would be of help to the stations and to the public. We found that in almost all cases stations could get appreciably increased facilities, and in many cases they could go to the maximum for their class (others could go to the maximum except in one direction). Our study revealed very few cases where the plan would result in interference within stations' existing 1 mv/m contours, and, while doubtless there will be some such cases, it appears that they will not be numerous. It is true that the resulting service ranges of short-spaced stations will be less than those which we have provided for new stations; descending in order with the reduced separations; but this is inevitable in dealing with stations assigned under earlier assignment principles, at considerably less than what are now standard spacings.[5] Considering the advantages mentioned, including the "go-no go" character of the plan and its simplicity, the concomitant advantage to

[5] For example, a Class B station with maximum facilities, surrounded by other co-channel Class B stations with maximum facilities at standard spacings, would have a service range of 40 miles, whereas a short-spaced Class B station surrounded by stations at 100 miles (both with maximum facilities permitted under the Table) would have a service range of 26 miles.



licensees and the Commission and improved service to the public, we are of the view that it clearly is in the public interest and should be adopted.

*Moves of transmitter sites.* 34. As mentioned, the plan adopted provides for moves of transmitter sites by short-spaced stations, provided the facilities are adjusted to meet the requirements of the table. Is is appropriate to spell out in more detail the principles which will govern transmitter-site moves.

(a) No new short spacing may be created to standard spaced assignments. While we have taken steps herein to deal with the problems of short-spaced stations assigned under earlier rules, we do not conceive it to be appropriate, in general, to permit any new short spacings to be created even though in other directions spacings might be improved. Any consideration of situations where a slight new short spacing would materially improve a number of existing shortages must be on a case-by-case basis on requests for waiver. The prohibition in this connection extends to creation of new second and third adjacent channel shortages. While we have concluded that this should not be a consideration in situations where it already exists, there is no reason to permit such interference where it did not exist at all within the station's normal service range.

(b) Except where the station involved is (or would be after the move) in one of the low-mileage brackets of the Table ("less than 40", "less than 60", "less than 75", etc.), a move may be made with the station's present facilities unless the move would put the station into a lower mileage bracket.[6] In connection with such a move, the station may request an increase in facilities up to the maximum for the mileage bracket.

(c) Where a move would shorten an existing substandard separation so as to put the station in a lower bracket, the station must adjust its facilities so as to meet the maximum for that bracket. If it is now lower than the new maximum, it may request an increase up to that figure. Further limitations will apply in the case of stations in the low-mileage brackets, as mentioned in (d) below.

(d) Where a station is (or would be after the move) in one of the low-mileage brackets of the Table, it will be permitted a move which shortens the separation by no more than three miles, without restriction on its facilities other than the maximum provided for these brackets in the Table (e.g., for co-channel Class B stations less than 75 miles apart, 5 kilowatts and 500 feet effective antenna height). If the move is greater than this, the station must reduce its facilities to a level which will be, in the pertinent direction, no more than the equivalent of operation from the former site with the maximum permitted facilities. For example, a Class B station moving closer under these circumstances would have its 1 mv/m contour in the pertinent direction no further out than it would operating from its former site with 5 kilowatts and 500 feet. The stations falling in these lower brackets are not numerous, and it is in these cases—where extremely short separations are involved—that greater restrictions are necessary in order to avoid substantial adverse impact on other stations.

(e) In connection with any application for change in transmitter site which would increase an existing short separation, the Commission reserves the right to deny such an application if, considering all pertinent factors including effect on other stations, it appears that the public interest would not be served thereby.

*Proposals made in supplement to third further notice.* 35. In the order extending time for filing comments and supplement to third further notice of proposed rule making issued in this proceeding on March 25, 1964 (FCC 64-240) there were three proposals made on which comments were invited. First, Kear and Kennedy had proposed a rule which would have permitted existing short-spaced stations to change their sites in the event it became necessary because of zoning or other requirements. The plan we are adopting provides the conditions for moves and so we need not discuss this matter further. The second Kear and Kennedy proposal was to permit stations which as a result of a move wished to increase their antenna height, to utilize powers equal to the minimum for their class up to antenna heights of 750 feet, with appropriate reductions above this height. The Commission invited comments on alternative to this proposal which would have permitted the use of minimum powers for all heights above the maximum in the rules. The purpose of the two latter proposals was to encourage stations to utilize high antenna heights to improve service. Kear and Kennedy point out, and rightly so, that if the minimum power is permitted for any height, stations would soon have a combination of power and height which is greater than those for a standard-spaced station. They therefore recommend that if consideration is given to their proposal to permit minimum power up to 750 feet or above, in no event would the power be permitted to exceed the values determined from Figure 3 of Section 73.333 of the rules. Upon consideration of the comments filed and the plan which we are adopting, we believe that there is no special rule needed along the lines of encouraging high antenna heights. The proposal was apparently prompted by the availability in some areas of particularly suitable tall sites such as the Empire State Building in New York. The rules we are adopting for short-spaced stations do permit a combination of at least 10 kw and 500 feet for the bulk of the short-spaced stations now existing. This is roughly equivalent of the 5 kw and 750 feet combination advocated by Kear and Kennedy. In the event some situations exist for which the plan would permit only 5 kw and 500 feet or the equivalent, these can be considered on an individual basis as they come to our attention.

*Legal considerations.* 36. For reasons stated at length above, we are of the view that the opportunity afforded by the plan adopted herein for increases in facilities and overall improvement in service is clearly in the public interest, and that the benefits therefrom outweigh the relatively small amounts of interference which will usually result. As mentioned, it appears that only in relatively few cases would interference be caused within an existing station's 1 mv/m contour. In the third further notice we tentatively discussed the rights of FM licensees to object to applications for increased facilities by short-spaced stations on the grounds that such proposals would cause interference within their 1 mv/m contours. (See FN 5, Third Further Notice.) On reflection, we have decided not to attempt to resolve the rights of such objectors at this time. They instead will be resolved if presented in a specific case.

*Deletion of assignment where construction permit or license is surrendered.* 37. In the further notice of proposed rule making issued August 1, 1962 (FCC 62-867) the Commission said with respect to short-spaced stations which turn in their licenses or construction permits:

> We propose to adopt a rule to the effect that, when a construction permit or license for a station on the 80 commercial FM channels is voluntarily relinquished by the holder thereof, or is vacated by final Commission action in a renewal or revocation proceeding, the channel specified in the permit or license will automatically cease to be assigned to the community specified in the table, and the Commission will give notice of that fact and will issue a notice of proposed rule making looking toward determination of whether the channel should remain assigned to that community or should be assigned elsewhere.

The above statement of policy does not distinguish between stations which meet the standard spacings adopted in 1962, and those which are short-spaced. In any event, no final rule was adopted in this connection. Nor do we believe that a rule would be particularly useful. The action we take in any situation should depend upon the number of assignments in the area, the need for assignments elsewhere, the shortages involved and other considerations. It therefore appears appropriate to treat these cases as they come up. The plan we are adopting would permit such an assignment to remain in a community where it is needed and would spell out the permissible facilities, in the event another party receives a grant on the assignment in question.

[6] As mentioned, in general it may be expected that transmitter moves will not usually be of any great distance, and therefore the effect thereof on other short-spaced stations will be small. For example, in the case of co-channel Class B stations about 120 miles apart, a decrease of 10 miles in the separation means a reduction in the service range of the affected station of only 2 miles. Therefore it is not appropriate to impose any over-all reduction from present facilities. However, we do not wish to encourage site changes which will shorten existing substandard spacings, and we assume such moves will not be undertaken except for substantial reasons. As mentioned in the text below, the Commission reserves the right to deny any such application if, considering all of the pertinent factors including increased interference, it appears that such a move would not be in the public interest.

38. We wish to emphasize that we are not in any way departing from the assignment principles previously adopted in connection with the Table of Assignments nor will we entertain petitions to assign channels to communities at spacings less than those adopted. The procedure outlined herein is aimed at permitting existing stations which were licensed under previous rules and standards to increase their facilities and improve the service they are rendering to the public in those cases where the previous rules would have permitted such increases and in some other cases where the public would benefit thereby. The basic principles and allocation plan adopted in the Third Report remain our objectives for the FM broadcasting service.

39. Authority for the adoption of the amendments herein is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended.

40. In view of the foregoing: *It is ordered*, That effective November 16, 1964, Part 73 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: October 7, 1964.
Released: October 9, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

§ 73.202 [Amended]

1. Section 73.202 *Table of Assignments*, is amended to include the following entries:

| | Channel number |
|---|---|
| **Alaska:** | |
| Anchorage | 263, 267, 271, 288A |
| College | 285A |
| Cordova | 265A |
| Fairbanks | 262, 266 |
| Juneau | 282, 286 |
| Ketchikan | 290, 294 |
| Nome | 262 |
| Seward | 276A |
| Sitka | 284 |
| **Hawaii:** | |
| Hilo, Hawaii | 246, 250 |
| Kealakekua, Hawaii | 221A |
| Honolulu, Oahu | 226, 230, 234, 238, 248 |
| Kailua, Oahu | 242 |
| Waipahu, Oahu | 222 |
| Lihue, Kauai | 224A, 228A |
| Makawao, Maui | 232A |
| Wailuku, Maui | 236 |
| **U.S. TERRITORIES AND POSSESSIONS** | |
| Guam: | |
| Agana | 230, 238 |
| Puerto Rico: | |
| Adjuntas | 275 |
| Aguadilla | 225, 262 |
| Arecibo | 293, 297 |
| Bayamon | 234, 264 |
| Caguas | 277 |
| Coamo | 223 |
| Fajardo | 243 |
| Guayama | 295 |
| Humacao | 299 |
| Isabella | 268 |
| Manati | 245 |
| Mayagues | 231, 248, 256 |
| Ponce | 227, 270, 286 |
| Rio Piedras | 239 |
| San German | 236 |
| San Juan | 229, 253, 260, 273, 284, 289 |
| U.S. TERRITORIES AND POSSESSIONS—Con. | |
| Puerto Rico—Continued | Channel number |
| Utuado | 281 |
| Yauco | 241 |
| Virgin Islands: | |
| Charlotte Amalie | 250, 266 |
| Christiansted | 268, 291 |

2. In § 73.205, paragraphs (b) and (c) are amended to read as follows:

§ 73.205 Zones.

* * * * *

(b) Zone 1–A consists of Puerto Rico, the Virgin Islands and that portion of the State of California which is located south of the 40th parallel.

(c) Zone 11 consists of Alaska, Hawaii and the rest of the United States which is not located in either Zone 1 or Zone 1–A.

§ 73.207 [Amended]

3. In § 73.207, paragraph (b) is deleted.

4. In § 73.211, paragraph (b)(3) is added and paragraph (d) is amended to read as follows:

§ 73.211 Power and antenna height requirements.

* * * * *

(b) *Maximum power and antenna height.* * * *

(3) In Puerto Rico antenna heights may be used up to 2000 feet above average terrain with effective radiated powers up to 25 kw. For antenna heights above 2000 feet the power shall be reduced so that the station's 1 mv/m contour (located pursuant to Figure 1 of § 73.333) will be no further from the station's transmitter than with the facilities of 25 kw and antenna height of 2000 feet.

* * * * *

(d) *Existing stations.* Stations authorized as of September 10, 1962, which do not conform to the requirements of this section, may continue to operate as authorized; but any application to change facilities will be subject to the provisions of this section, except that the minimum power specified in paragraph (a) of this section shall not apply to an application to increase facilities.

5. A new § 73.213 is added:

§ 73.213 Stations at spacings below the minimum separations.

(a) Stations which are separated from other co-channel or adjacent channel stations less than the minimum distances specified in § 73.207 may apply for changes in facilities provided the requested facilities conform with the following table:

FACILITIES TO BE AUTHORIZED FOR SHORT-SPACED FM STATIONS

| Class of station | Separation in miles | | Facilities authorized | |
|---|---|---|---|---|
| | Co-channel | First adjacent | Power (kw.) | Antenna height (ft.) |
| A to A | 45–65 | | 3 | 300. |
| A to A | 40–44 | | 2 | 300. |
| A to A | less than 40 | | 1 | 300. |
| A to B | | 50–65 | 3 | 300 Class A. |
| | | | 50 | 500 Class B. |
| A to B | | 40–49 | 3 | 300 Class A. |
| | | | 20 | 500 Class B. |
| A to B | | less than 40 | 3 | 300 Class A. |
| | | | 10 | 500 Class B. |
| A to C | | 80–105 | 3 | 300 Class A. |
| | | | 100 | 2,000 Class C. |
| A to C | | 60–79 | 3 | 300 Class A. |
| | | | 50 | 2,000 Class C. |
| A to C | | less than 60 | 3 | 300 Class A. |
| | | | 20 | 2,000 Class C. |
| B to B | 125–150 | 80–105 | 50 | 500. |
| B to B | 100–124 | 65–79 | 20 | 500. |
| B to B | 75–99 | 50–64 | 10 | 500. |
| B to B | less than 75 | less than 50 | 5 | 500. |
| B to C | 140–170 | 110–135 | 50 | 500 Class B. |
| | | | 100 | 2,000 Class C. |
| B to C | 110–139 | 85–109 | 20 | 500 Class B. |
| | | | 50 | 2,000 Class C. |
| B to C | 90–109 | 60–84 | 10 | 500 Class B. |
| | | | 20 | 2,000 Class C. |
| B to C | less than 90 | less than 60 | 5 | 500 Class B. |
| | | | 10 | 2,000 Class C. |
| C to C | 150–180 | 125–150 | 100 | 2,000. |
| C to C | 120–149 | 95–124 | 50 | 2,000. |
| C to C | 100–119 | 75–94 | 20 | 2,000. |
| C to C | less than 100 | less than 75 | 10 | 2,000. |

(b) Stations authorized facilities in excess of those specified in this section may continue to operate with such facilities.

(c) Stations may elect to operate omnidirectionally with facilities no greater than the least they should be permitted in any direction under paragraph (a) of this section. Greater facilities (up to the maximum specified in § 73.211(b) for their class) may be used if, by use of a directional antenna, radiation in any direction in which a short separation exists is reduced to no more than that permitted under paragraph (a) of this section. Applications for use of directional antennas must be in conformance with § 73.316(d); in addition, the increase in radiation off the line between the short-spaced stations shall not exceed 2 db per 10 degrees of azimuth; and in no event shall radiation in any direction exceed the maximum permitted under § 73.211(b) for the particular class of station.

(d) Stations will be authorized maximum facilities for their class in those directions in which they are short-spaced to other stations on second or third adjacent channels.

(e) The powers listed in the table are the maximums to be authorized. Antenna heights may be used exceeding those specified in the table for equivalence purposes, provided the effective radiated power is reduced in the amount necessary to place the 1 mv/m contour at no greater distance as determined by use of Figure 1 of § 73.333. The antenna height value to be used is that above average terrain and not that in any particular direction. Where antenna heights below 100 feet are encountered (or negative heights) an assumed value of 100 feet above average terrain shall be assumed for the purposes of this paragraph.

(f) The following provisions will govern applications for move of transmitter site:

(1) No application to move will be accepted which creates short spacing to standard spaced stations and assignments less than the distances specified in § 73.207, including second and third adjacent channel separations. This provision applies even if in other respects the application would be acceptable under this paragraph.

(2) Stations short-spaced with respect to other stations under § 73.207 may apply to move transmitter site, even though by the move the separation would be further shortened, under the following conditions and with the following facilities:

(i) Where the short separation is second or third adjacent channel, with any facilities up to the maximum permitted under § 73.211.

(ii) Where the short separation is co-channel or first adjacent channel, stations may apply for facilities up to the maximum for the mileage bracket in which they would fall after the move, as specified in paragraph (a) of this section, or with their present facilities if they are not moving so far as to fall into a lower bracket. (See subparagraph (iii) of this paragraph for further restrictions on very short-spaced stations.)

(iii) The provisions of this subparagraph apply where the resulting separation after the move would be less than: co-channel, 40 miles Class A to Class A, 75 miles Class B to Class B, 90 miles Class B to Class C or vice versa, or 100 miles Class C to Class C; first adjacent channel, 40 miles Class A to Class B or vice versa, 50 miles Class B to Class B, 60 miles Class A or B to Class C, or vice versa, and 75 miles Class C to Class C. Stations so situated may apply to move and use either their present facilities or no more than those specified for their mileage bracket in paragraph (a) of this section, if the move would not decrease the short distance by more than three miles. If the move would decrease the short distance a greater amount, a station will be permitted no more than the facilities which would give it, in the critical direction, a 1 mv/m contour located no further out than that which would result from using the former location and the maximum facilities specified for the mileage bracket.

[F.R. Doc. 64–10470; Filed, Oct. 13, 1964; 8:48 a.m.]



[FCC 64–920]

## PART 73—RADIO BROADCAST SERVICES

### Reference Points and Distance Computations; Report and Order

In the matter of amendment of § 73.208(b) of the Commission rules and regulations pertaining to reference points and distance computations in FM broadcast station licensing proceedings.

1. In the First Report and Order (23 F.C.C. 309, 23 Pike & Fischer R.R. 1801) released in Docket No. 14185 on August 1, 1962, the Commission, among other things, adopted an FM allocations plan which used a table of mileage separations only.

2. Also adopted in the foregoing document was a rule which read as follows:

Station separations in licensing proceedings shall be determined by the distance between the coordinates of the proposed transmitter site in one community and the coordinates of an authorized site for the pertinent channel in the other community.[1]

3. A year later, on August 1, 1963, the Commission released a Third Report, Memorandum Opinion and Order (FCC 63–735, 23 Pike & Fischer R.R. 1859) which adopted a Table of Assignments for FM Broadcast Stations (the present Section 73.202 of the rules) similar to that used for television broadcast stations.

4. The rule mentioned in paragraph 2 above was appropriate and adequate with regard to reference points and distance computations under an allocations plan which used a mileage separation table. However, it is not appropriate or adequate with regard to reference points and distance computations under the FM Table of Assignments since it makes no provisions for situations in which there are no transmitter sites for pertinent channels in communities other than those in which the license is sought. For this reason, the rule needs to be amended to provide for distance computations in such situations.

5. The method provided in § 73.611(b) of the Commission rules for handling this type of situation in television licensing proceedings has proved workable and satisfactory and it appears that the same method would be equally good for FM licensing proceedings.

6. Authority for the adoption of the amendment to the rules appearing below is contained in sections 4(i), 301, and 303 (d), (f), and (r) of the Communications Act of 1934, as amended. Inasmuch as the amendment is a matter of Commission practice, and the change is a necessary concomitant of the shift from a mileage separation table to a table of assignments, compliance with the usual notice and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

7. In view of the foregoing: *It is ordered*, This 7th day of October 1964, that effective October 19, 1964, § 73.208(b) of the Commission rules and regulations is amended to read as follows:

§ 73.208 Reference points and distance computations.

* * * * *

(b) Station separations in licensing proceedings shall be determined by the distance between the coordinates of the proposed transmitter site in one community and

(1) The coordinates of an authorized transmitter site for the pertinent channel in the other community; or, where such transmitter site is not available for use as a reference point,

(2) The coordinates of the other community as set forth in the above-described publication of the United States Department of Commerce; or, if not contained therein,

(3) The coordinates of the main post office of such other community.

(4) In addition, where there are pending applications in other communities which, if granted, would have to be considered in determining station separations, the coordinates of the transmitter sites proposed in such applications must be used to determine whether the requirements with respect to minimum separations between the proposed stations in the respective cities have been met.

* * * * *

(Secs. 4, 301, 303, 48 Stat. 1066, as amended, 1081, 1082, as amended; 47 U.S.C. 154, 301, 303).

Released: October 8, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–10469; Filed, Oct. 13, 1964; 8:48 a.m.]

[FCC 64–921]

## PART 73—RADIO BROADCAST SERVICES

### Operating Log; Report and Order

In the matter of amendment of § 73.583(a)(3) of the Commission rules and regulations pertaining to entries in operating logs of noncommercial educational FM broadcast stations.

1. In a report and order (FCC 63–184, 25 Pike & Fisher R.R. 1521) released on February 25, 1963, in Docket No. 14661, the Commission amended its rules to permit the use of automatic logging devices in connection with the keeping of operating logs of certain broadcast stations.

2. The foregoing document, among other things, adopted § 3.583(a)(3) pertaining to noncommercial educational FM broadcast stations.[1]

3. However, inasmuch as §§ 73.552 and 73.558 of the rules provide that noncommercial educational FM broadcast stations with transmitter power output of 10 watts or less need not have frequency

[1] This rule was designated § 3.206(a). It was redesignated § 3.208(b) in the Third Report, Memorandum Opinion and Order mentioned in paragraph 3 of the instant order. It was further redesignated § 73.208(b) by order of the Commission published in 28 F.R. 13572 on December 14, 1963.

[1] By order published in 28 F.R. 13572 on December 14, 1963, § 3.583 was redesignated § 73.583.

monitors, or indicating instruments for measuring the direct plate voltage and current of the last radio stage and the transmission line radio frequency current, voltage, or power, such stations should be exempted from compliance with the provisions of § 73.583(a)(3).

4. Authority for the adoption of the amendment to the Commission rules appearing below is contained in sections 4(i), 301, and 303 (j) and (r) of the Communications Act of 1934, as amended. Inasmuch as the amendment relieves a restriction and inserts language necessary for internal consistency of the rules, compliance with the usual notice and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

5. In view of the foregoing: *It is ordered*, This 7th day of October 1964, that effective October 19, 1964, § 73.583(a)(3) of the Commission rules and regulations is amended to read as follows:

**§ 73.583 Operating log.**

(a) • • •

(3) For each station licensed for transmitter power output above 10 watts, an entry, at the beginning of operation and at intervals not exceeding one-half hour, of the following (actual readings observed prior to making any adjustments to the equipment) and, when appropriate, an indication of corrections made to restore parameters to normal operating values:

(i) Operating constants of last radio stage (total plate voltage and plate current).

(ii) RF transmission line meter reading.

(iii) Frequency monitor reading.

• • • • • •

(Secs. 4, 301, 303, 48 Stat. 1066, as amended, 1081, 1082, as amended; 47 U.S.C. 154, 301, 303)

Released: October 8, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10468; Filed, Oct. 13, 1964; 8:48 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666; Order No. 63]

### PART 73—SHIPPERS

### Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

### Subpart F—Compressed Gases; Definition and Preparation

*Correction*

In F.R. Doc. 64-10050, appearing at page 13927 of the issue for Friday, October 9, 1964, the following corrections are made:

1. In Retest Table 1, following § 73.31(c)(10):

a. The footnote "n" designations should be deleted from the entries in the the last two columns for Specification 105A300AL-W.

b. Footnote "n" designations should be added to the entries in the last two columns for Specification 105A300-W.

2. In the tabular material of § 73.314 (c), "Note 6" in the third column, opposite the entry for Carbon dioxide, liquefied, should read "Note 5".

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

### PART 32—HUNTING

### Certain Wildlife Refuges in Alabama, Florida, Mississippi, North Carolina and Georgia

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rulemaking.

**§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.**

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese and coots on the Wheeler National Wildlife Refuge, Alabama, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,800 acres, is delineated on a map available at the refuge headquarters, Decatur, Alabama, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Georgia, 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese and coots subject to the following conditions:

(1) Open season—Geese November 17, 1964, through January 15, 1965; ducks and coots November 25, 1964, through January 3, 1965. A kill quota of 3,000 geese is established. If this quota is reached during the above open season, the refuge hunt for all waterfowl species will be terminated. Hunting will be permitted Tuesday through Saturday only from sunrise until 12 noon.

(2) Blinds—The construction of blinds by the public is not permitted. Hunting shall be only from those blinds constructed and labeled by the Bureau.

(3) Shooting on the refuge is not permitted outside of a blind. Hunters are authorized to hunt only from the blind specified on their permits.

(4) Guns must be unloaded while being transported on the refuge and while being carried to and from blinds. Guns must be left in blinds while dead or crippled birds are being retrieved.

(5) Ammunition—Shells that contain shot larger than BB's may not be used and will not be permitted in the possession of hunters.

(6) Only shotguns 10 gauge or smaller and incapable of holding more than 3 shells can be used.

(7) Other game—Crows and foxes may also be shot provided that they are shot from designated waterfowl blinds.

(8) Intoxicating beverages shall not be permitted on the refuge.

(9) Hunters shall not be permitted to enter the hunting area sooner than 1½ hours before sunrise.

(10) A maximum of two persons will be permitted to hunt from one blind.

(11) Dogs used to retrieve crippled waterfowl must be in complete control at all times.

(12) Hunters under 16 years of age must be accompanied by adults.

(13) A refuge permit is required of all hunters. To obtain a permit individuals must present a valid Alabama hunting license, a duck stamp (if person has attained 16th birthday) and pay a blind fee of $4. ($2 per person if 2 person occupy a blind.)

(14) Hunters are required to check out at the check station at the close of the hunt. All bagged waterfowl will be presented at the check station for inspection.

(15) Applications for advance reservations for refuge permits must be submitted in writing to the refuge manager. Applications will be accepted only during the period October 1–15. Only one application will be accepted per individual. Permits not reserved by advance reservation will be awarded on a first come, first served basis no sooner than 23 hours in advance of the hunt. Reservation commitments for a refuge permit are nontransferable.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1965.

FLORIDA

CHASSAHOWITZKA NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Chassahowitzka National Wildlife Refuge, Florida, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,500 acres, is delineated on a map available at the refuge headquarters, Route 1, Homosassa, Florida, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Georgia, 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following conditions:



(1) Blinds—Only temporary blinds constructed of native materials are permitted.

(2) Designated routes of travel must be used for entering or leaving the public hunting area.

(3) Hunters using airboats must secure special airboat permit from refuge manager before entering refuge area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 3, 1965.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Noxubee National Wildlife Refuge, Mississippi, is permitted only on the area designated by signs as open to hunting. This open area, comprising 520 acres, is delineated on a map available at the refuge headquarters, Route 1, Brooksville, Mississippi, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Georgia, 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of coots and ducks subject to the following conditions:

(1) Ducks and coots may be hunted only on Mondays, Wednesdays and Saturdays from sunrise to 12 o'clock noon during the period from November 25, 1964 through January 2, 1965, inclusive.

(2) The use of boats without motors is permitted within the hunting area.

(3) The construction of blinds is not permitted.

(4) Hunters will not be permitted to enter the hunting area sooner than one hour before sunrise.

(5) No shooting will be permitted from the levee or the open water area immediately adjacent to the levee.

(6) All hunters are required to check out at designated check station before leaving area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 2, 1965.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese and coots on the Mattamuskeet National Wildlife Refuge, North Carolina, is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,300 acres, is delineated on a map available at the refuge headquarters, New Holland, North Carolina, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Georgia, 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese and coots.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1965.

GEORGIA

SAVANNAH NATIONAL WILDLIFE REFUGE

Public hunting of waterfowl will not be permitted on the Savannah National Wildlife Refuge, Georgia, during the 1964 season. The lack of adequate public access facilities will make a public waterfowl hunt impractical this year.

WALTER A. GRESH,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

OCTOBER 5, 1964.

[F.R. Doc. 64-10434; Filed, Oct. 13, 1964; 8:47 a.m.]

### PART 32—HUNTING

### Lower Souris National Wildlife Refuge and Tewaukon National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

NORTH DAKOTA

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of pheasants on the Lower Souris National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres or 35 percent of the total refuge area is delineated on a map available at the refuge headquarters—Upham, North Dakota and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be in accordance with all applicable State regulations covering the hunting of pheasants subject to the following special conditions:

(1) Hunting is permitted from sunrise to sunset November 16, 1964 through November 22, 1964.

(2) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 22, 1964.

TEWAUKON NATIONAL WILDLIFE REFUGE

Public hunting of pheasants on the Tewaukon National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,840 acres or 33 percent of the total refuge area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be in accordance with all applicable State regulations covering the hunting of pheasants subject to the following conditions:

(1) Hunting is permitted from sunrise to sunset daily from November 16 through December 13, 1964.

(2) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 13, 1964.

ANDREW J. MEYER,
*Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

OCTOBER 6, 1964.

[F.R. Doc. 64-10435; Filed, Oct. 13, 1964; 8:47 a.m.]

### PART 32—HUNTING

### Lacreek National Wildlife Refuge, South Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Lacreek National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 310 acres, known locally as the Little White River recreational area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408.

Hunting shall be in accordance with all applicable State regulations governing the hunting of upland game subject to the following special conditions:

(a) Species permitted to be taken: Pheasants and grouse (sharp-tailed and pinnated) during the seasons specified below. The hunting of other upland game species, as may be authorized by South Dakota State regulations, is prohibited.

(b) Open season: Grouse—from sunrise to sunset each day from the effective date of this publication through October 16, 1964 and from noon to sunset (c.s.t.) daily, October 17, 1964 through October 31, 1964. Pheasants—from noon to sunset (c.s.t.) daily, from October 17, 1964 through December 15, 1964.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 15, 1964.

ANDREW J. MEYER,
*Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

OCTOBER 7, 1964.

[F.R. Doc. 64-10436; Filed, Oct. 13, 1964; 8:47 a.m.]

## PART 32—HUNTING

### Parker River National Wildlife Refuge, Massachusetts

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Hunting of big game on the Parker River National Wildlife Refuge, Massachusetts, is suspended for the 1964 season. Annual inventory of big game animals indicates the population is such that no hunting should be permitted this year.

FRED L. JACOBSON,
*Acting Regional Director,*
*Boston, Mass.*

OCTOBER 8, 1964.

[F.R. Doc. 64-10452; Filed, Oct. 13, 1964; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Parts 911, 915 ]

[Docket Nos. AO-267-A2, AO-254-A3]

### HANDLING OF LIMES AND AVOCADOS GROWN IN FLORIDA

### Notice of Hearing With Respect to Proposed Marketing Agreements and Orders

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Auditorium, Labor Camp, Modello, Fla., beginning at 10 a.m., e.s.t., October 22, 1964, with respect to proposed amendments of the respective marketing agreements and orders (7 CFR Parts 911 and 915), regulating the handling of limes and avocados grown in Florida. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The amendments to the marketing agreements and orders, which have been proposed by the administrative committees, established pursuant thereto, are as follows:

Revise §§ 911.20 and 915.20 to the extent necessary to provide that each of the grower members of the respective administrative committees may, in addition to being a grower, be a handler who packs and handles only his own fruit.

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreements and orders as may be necessary to make the entire provisions thereof conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250, or from Minard F. Miller, Fruit and Vegetable Division, Agricultural Marketing Service, P.O. Box 9, Lakeland, Fla.

Dated: October 9, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64-10437; Filed, Oct. 13, 1964; 8:47 a.m.]

[ 7 CFR Parts 1063, 1070, 1078, 1079 ]

[Docket Nos. AO 105-A17, AO 229-A9, AO 272-A4, AO 295-A5]

### MILK IN QUAD CITIES-DUBUQUE, CEDAR RAPIDS-IOWA CITY, NORTH CENTRAL IOWA AND DES MOINES MARKETING AREAS

### Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa and Des Moines marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, by the seventh day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in five copies.

*Preliminary statement.* The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Cedar Rapids, Iowa, July 29, 1964, pursuant to notice thereof which was issued July 14, 1964 (29 F.R. 9671).

The material issue on the record of the hearing related to maintaining the present Class I price level.

*Findings and conclusions.* The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The Class I price provisions of the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa and Des Moines orders should be revised but the Class I price levels should not be changed. To accomplish this, the Class I price provisions of each of the orders should provide a Class I price determined by a stated Class I differential added to a basic formula price, subject to adjustments based on the supply-demand adjustment factor effective under the Chicago order. This would replace the present direct tie to the Chicago order Class I price but would maintain the same price levels.

The monthly average price received by farmers for manufacturing grade milk in Minnesota and Wisconsin as published by the Department on about the fifth day following the month (adjusted to a 3.5 percent butterfat basis) should be the basic formula price from which the Class I milk prices are computed in the four Iowa orders. This is the same basic formula price as that used in the Chicago order Class I price computation to which the Class I prices of the Iowa markets are now linked.

Official notice is taken of the description of the Minnesota-Wisconsin price series for manufacturing grade milk contained in a decision to amend the Chicago order issued by the Assistant Secretary, August 4, 1961 (26 F.R. 7134). This series reflects price information in each of the two states weighted by the proportion of manufacturing grade milk in each state. It is based on a large sample of plants located in a large area of predominantly manufacturing grade milk production. Approximately 50 percent of the total manufacturing grade milk sold off farms in the United States is produced in these two states. In Minnesota about 75 percent and in Wisconsin about 65 percent of the milk sold off farms is manufacturing grade milk. This price series is determined by competitive conditions which are affected by demand in all the major areas of manufactured dairy products. Consequently, no company or group of companies can influence significantly the level of such prices.

The manufacturing grade milk price for the two-state area is reported by the Department at the average butterfat test of the milk received. A method for adjusting the price to a 3.5 percent butterfat basis must be adopted for the orders because the Class I prices are announced on this basis. For this purpose a generally recognized butterfat value, 0.12 times the average wholesale price for 92-score butter at Chicago, should be used. This method of adjustment is employed under the Chicago order to adjust the basic formula price and is commonly used under most of the other Federal milk orders for this purpose.

The Class I prices under these orders now are the Chicago order Class I price, adjusted by the supply-demand adjustment under that order, plus a differential of 15 cents in the Cedar Rapids-Iowa City and North Central Iowa orders, 20 cents in the Quad Cities-Dubuque order and 35 cents in the Des Moines order.

Handlers proposed that each of the four orders be amended to provide independent formulas for computing Class I prices in view of possible action on the Chicago order which, under present provisions, would automatically change Class I prices in these orders. A recommended decision on proposed amendments to the Chicago milk order issued May 26, 1964, would increase that order's stated Class I price by 10 cents.

Handlers unanimously proposed that the present Class I price levels in the four orders be maintained. Producer

associations testified that the effect of any upward revision of the Chicago price should be reflected in the Class I prices of the four Iowa orders in order to increase the blend prices to producers.

There is no basis for increasing the Class I prices of the four Iowa orders under the requirements of the Agricultural Marketing Agreement Act of 1937, the statutory authority under which milk marketing orders are issued. This Act requires that prices be established at a level that will tend to obtain an adequate supply of milk to meet the fluid needs of the market plus a necessary reserve for fluctuations in demand. There is no indication that the supplies in the four markets are inadequate or tending to become inadequate. Handler representatives testified that they had no difficulty recently in obtaining an adequate supply of milk to meet the fluid needs of the markets. Cooperative association representatives conceded that adequate supplies of milk were available to each of the four markets.

In 1963, 65 percent of producer receipts was used in Class I in the Quad Cities-Dubuque market compared to 66 percent in 1962. In the first six months of 1964 Class I utilization at 65 percent was up six percent from the same period a year earlier. In the Cedar Rapids-Iowa City market, 59 percent of producer milk was used in Class I during 1962 and 62 percent in 1963. In the first six months of 1964 Class I utilization was 56 percent, down one percent from the same period in 1963. Of producer receipts in the North Central Iowa order, 82 percent was used in Class I in 1962 compared to 87 percent in 1963. In the first half of 1964, 90 percent of producer receipts was in fluid uses, an increase of seven percent from the same period a year earlier. In the Des Moines market, Class I uses represented 76 percent of producer receipts in 1962, 75 percent in 1963 and 69 percent in the first half of 1964. The 69 percent is a decrease of four percent from the corresponding period a year earlier.

While recently Class I utilization of producer milk in two of these Iowa markets has increased, in the other two markets it dropped below the percentage used in Class I in the corresponding period last year. Because of the general availability of reserve supplies in the area to all markets, the adequacy of supplies for these markets must be considered on an overall four-market basis. There was no suggestion that the Class I prices in these four markets be considered on an individual basis.

The reserve supply of milk for the four markets is adequate to meet the current and prospective fluid needs of the markets as indicated by the percentages of total receipts from producers used in Class I. In 1963, 73 percent of producer milk receipts in these four markets was used in Class I, only one percent higher than the 72 percent so utilized in 1962. During the first six months of 1964, 70 percent of producer milk in these Iowa markets was used for Class I purposes compared with 69 percent in Class I uses in the corresponding period a year earlier.

Incorporation of separate pricing provisions in these orders under consideration should be made effective as soon as possible. Regardless of whatever action may be taken on the Chicago order, separate Class I price provisions should be adopted in the Iowa markets. This will more effectively accommodate the operation of each order on an independent basis. The pricing formulas proposed herein will provide such independent pricing but will maintain present price levels by incorporating the effect of the supply-demand adjustment under the Chicago order.

The fluid differentials specified in each order are:

| Order | August–November | March–June | Other months |
|---|---|---|---|
| Quad Cities-Dubuque | $1.30 | $0.90 | $1.10 |
| Cedar Rapids-Iowa City | 1.25 | .85 | 1.05 |
| North Central Iowa | 1.25 | .85 | 1.05 |
| Des Moines | 1.45 | 1.05 | 1.25 |

Conforming changes are made in provisions of each of the orders which refer to the pricing provisions in order to relate them to the revised pricing provisions. In the Quad Cities-Dubuque order, § 1063.52(a) is rewritten to correct an inadvertent omission by the order amendments issued July 22, 1964 (29 F.R. 10901), which became effective August 1, 1964.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

*Recommended marketing agreements and orders amending the orders.* The following orders amending the orders as amended regulating the handling of milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa and Des Moines marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

## PART 1063—MILK IN THE QUAD CITIES-DUBUQUE MARKETING AREA

1. In § 1063.22(j)(1) the reference "§ 1063.50(a)" is revised to read "§ 1063.50(b)" and the reference "§ 1063.50(b)" is revised to read "§ 1063.50(c)".

2. In § 1063.50, paragraph (b) is redesignated paragraph (c) and the introductory text and the present paragraph (a) are revised to read as follows:

**§ 1063.50 Basic formula and class prices.**

Subject to the provisions of §§ 1063.51 and 1063.52 the basic formula and class prices per hundredweight for the month shall be as follows:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula price shall be rounded to the nearest cent.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.30 August through November, $0.90 March through June and $1.10 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio.

* * * * *

3. Section 1063.52(a) is revised to read as follows:



**§ 1063.52 Location differentials to handlers.**

(a) For milk received from producers at a pool plant and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1063.52(b) shall be reduced as follows:

(1) At a plant in Dubuque and Jackson Counties, Iowa, and East Dubuque, Illinois, by 10 cents; and

(2) At a plant located outside the marketing area and 70 miles or more from the City Hall, Rock Island, Illinois, by the shortest hard-surfaced highway distance as determined by the market administrator, at the rate set forth in the following schedule:

| Distance from the Rock Island City Hall (miles): | *Rate per hundredweight (cents)* |
|---|---|
| 70 but less than 80 | 10.0 |
| For each additional 10 miles or fraction thereof an additional | 1.5 |

* * * * *

## PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

1. In § 1070.22(j)(1) the reference "1070.50(a)" is revised to read "§ 1070.50(b)" and the reference "1070.50(b)" is revised to read "§ 1070.50(c)".

2. In § 1070.50, paragraph (b) is redesignated paragraph (c) and the introductory text and the present paragraph (a) are revised to read as follows:

**§ 1070.50 Basic formula and class prices.**

Subject to the provisions of §§ 1070.51 and 1070.52 the basic formula and class prices per hundredweight for the month shall be as follows:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula price shall be rounded to the nearest cent.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.25 August through November, $0.85 March through June and $1.05 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio.

* * * * *

3. In § 1070.52(a) the reference to "§ 1070.50(a)" is revised to read "§ 1070.50(b)".

## PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

1. In § 1078.22(j)(1) the reference "1078.50(a)" is revised to read "1078.50(b)" and the reference "1078.50(b)" is revised to read "1078.50(c)".

2. In § 1078.50, paragraph (b) is redesignated paragraph (c) and the introductory text and the present paragraph (a) are revised to read as follows:

**§ 1078.50 Basic formula and class prices.**

Subject to the provisions of §§ 1078.51 and 1078.52 the basic formula and class prices per hundredweight for the month shall be as follows:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula price shall be rounded to the nearest cent.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.25 August through November, $0.85 March through June and $1.05 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further,* That for milk received from producers at a pool plant north of the base zone the price otherwise applicable pursuant to this paragraph shall be reduced five cents.

* * * * *

3. In § 1078.52 the reference to "§ 1078.50(a)" is revised to read "§ 1078.50(b)".

## PART 1079—MILK IN DES MOINES MARKETING AREA

1. In § 1079.27(j)(1) the reference "§ 1079.50(a)" is revised to read "§ 1079.50(b)" and the reference "§ 1079.50(b)" is revised to read "§ 1079.50(c)".

2. In § 1079.50, paragraph (b) is redesignated paragraph (c) and the introductory text and the present paragraph (a) are revised to read as follows:

**§ 1079.50 Basic formula and class prices.**

Subject to the provisions of §§ 1079.51 and 1079.52 the basic formula and class price per hundredweight for the month shall be as follows:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula price shall be rounded to the nearest cent.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.45 August through November, $1.05 March through June and $1.25 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 10 cents because of such adjusted supply-demand ratio: *And provided further,* That for milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

* * * * *

3. In § 1079.52(a) the reference to "§ 1079.50" is revised to read "§ 1079.50(b)".

Signed at Washington, D.C., on October 9, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64–10453; Filed, Oct. 13, 1964; 8:48 a.m.]

## Agricultural Stabilization and Conservation Service

## [ 7 CFR Part 723 ]

## CIGAR-FILLER TOBACCO

## Proposed Farm Acreage Allotments and Normal Yields for 1965–66 Marketing Year

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), hereinafter referred to as the "Act", regulations are being prepared to govern the establishment of farm acreage allotments and normal yields for the 1965 crop of cigar-filler (type 41) tobacco.

Section 301(b)(15) of the Act includes only type 41 tobacco in the definition of cigar-filler tobacco. Producers of cigar-filler (type 41) tobacco disapproved marketing quotas for such kind of tobacco for the three marketing years beginning October 1, 1962 (27 F.R. 2679) and previously thereto had disapproved marketing quotas for three successive years subsequent to 1952 (18 F.R. 8474, 19 F.R. 9365, 21 F.R. 667). Hence, pursuant to the provisions of section 312 of the Act no acreage allotments and marketing quotas were determined for such kind of tobacco for the 1963 and 1964 crops of such kind of tobacco. Pursuant to section 312 of the Act, the Secretary is required to proclaim not later than February 1, 1965 a quota for such kind of tobacco for each of the three marketing years beginning October 1, 1965, and hold a referendum of farmers who were engaged in the production of such kind of tobacco in 1964 to see whether such farmers favor or oppose marketing quotas. Under section 313 of the Act quotas

announced by the Secretary will be apportioned among the States, converted into State acreage allotments and allotted to farms (tobacco classified as type 41 tobacco is grown only in Pennsylvania).

It is contemplated that the regulations for cigar-filler (type 41) tobacco will be similar to those issued for such kind of tobacco for the 1962–63 marketing year (26 F.R. 6411, 6622, 7693, 10503) except that the following provisions are contemplated:

1. The preliminary allotment for a farm will be based on the larger of (a) the harvested acreage for the three preceding years (1962–64), or (b) the average of the harvested acreage for the base period (1960–64). Acreage allotments were determined for the 1962 crop year for farms producing type 41 tobacco and, although quotas were disapproved in a referendum (27 F.R. 2679), 1962 allotments remained in effect. Therefore, pursuant to the provisions in section 377 of the Act, an allotment established for the 1962 crop year shall be preserved as history acreage if at least 75 percent of such allotment was planted. Also, in accordance with the provisions in section 313(g) of the Act, any acreage of tobacco harvested in excess of the 1962 farm acreage allotment is not to be taken into account in establishing State and farm acreage allotments for the 1965 crop year.

2. The applicant for a new farm allotment be the owner as well as the operator of the farm covered by the application.

3. A farm which includes land acquired by an agency having the right of eminent domain for which the entire tobacco allotment was pooled pursuant to Part 719 of this Chapter and which is subsequently returned to agricultural production, shall not be eligible for a new farm tobacco allotment for a period equal to the five-year base period used in determining old farm tobacco allotments from the date the former owner is displaced.

Allotments determined under the regulations will remain in effect for the 1965 crop year whether or not marketing quotas are approved in the referendum.

Prior to the final adoption and issuance of these regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Farmer Programs Division, ASCS, USDA, Washington, D.C., 20250. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in the manner convenient to the public business (7 CFR 1.27 (b)). All submissions must be postmarked not later than 15 days after the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Signed at Washington, D.C., on October 8, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64–10459; Filed, Oct. 13, 1964; 8:48 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 73 [New] ]

[Airspace Docket No. 63-LAX-3]

## RESTRICTED AREA

### Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 73 [New] of the Federal Aviation Regulations which would alter the Restricted Area/Military Climb Corridor R–2526 at Victorville (George AFB), Calif.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will also be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

In order to implement criteria developed jointly by the Federal Aviation Agency and the U.S. Air Force for military climb corridors, the FAA proposes to redesignate R–2526 to read as follows:

*Boundaries.* The area centered on a line beginning at latitude 34°33'32" N., longitude 117°24'55" W. (two nautical miles southwest of the lift off end of Runway 21) and extending via the True bearing of 235° to a point 24 nautical miles southwest, having a width of one nautical mile at the beginning and expanding uniformly to a width of six nautical miles at the outer extremity.

*Designated altitudes:*

Surface to 20,000 feet MSL from the point of beginning to one nautical mile southwest.

4,000 feet MSL to 23,000 feet MSL from one nautical mile to two nautical miles southwest of the point of beginning.

5,000 feet MSL to 23,000 feet MSL from two nautical miles to three nautical miles southwest of the point of beginning.

6,000 feet MSL to 23,000 feet MSL from three nautical miles to five nautical miles southwest of the point of beginning.

8,000 feet MSL to 23,000 feet MSL from five nautical miles to seven nautical miles southwest of the point of beginning.

10,000 feet MSL to 23,000 feet MSL from seven nautical miles to eight nautical miles southwest of the point of beginning.

11,000 feet MSL to 23,000 feet MSL from eight nautical miles to nine nautical miles southwest of the point of beginning.

12,000 feet MSL to 23,000 feet MSL from nine nautical miles to ten nautical miles southwest of the point of beginning.

13,000 feet MSL to 23,000 feet MSL from ten nautical miles to eleven nautical miles southwest of the point of beginning.

14,000 feet MSL to 23,000 feet MSL from 11 nautical miles to 12 nautical miles southwest of the point of beginning.

15,000 feet MSL to 23,000 feet MSL from 12 nautical miles to 13 nautical miles southwest of the point of beginning.

16,000 feet MSL to 23,000 feet MSL from 13 nautical miles to 14 nautical miles southwest of the point of beginning.

17,000 feet MSL to 23,000 feet MSL from 14 nautical miles to 15 nautical miles southwest of the point of beginning.

17,600 feet MSL to 23,000 feet MSL from 15 nautical miles to 16 nautical miles southwest of the point of beginning.

18,200 feet MSL to 23,000 feet MSL from 16 nautical miles to 17 nautical miles southwest of the point of beginning.

18,800 feet MSL to 23,000 feet MSL from 17 nautical miles to 18 nautical miles southwest of the point of beginning.

19,400 feet MSL to 23,000 feet MSL from 18 nautical miles to 19 nautical miles southwest of the point of beginning.

20,000 feet MSL to 23,000 feet MSL from 19 nautical miles to 24 nautical miles southwest of the point of beginning.

*Time of designation.* Continuous.

*Controlling Agency.* Federal Aviation Agency, Edwards Approach Control.

*Using Agency.* Commander, George AFB, California.

This amendment is proposed under Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 7, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–10418; Filed, Oct. 13, 1964; 8:45 a.m.]

## [ 14 CFR Part 507 ]

[Reg. Docket No. 6016]

## AIRWORTHINESS DIRECTIVE

### Boeing Models 707 and 720 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Boeing Models 707 and 720 Series aircraft. Notice of proposed rule making published in 29 F.R. 7606, required inspection and modification of the fin-body terminal attachment bolts. In view of the comments received and as a result of recent investigation, it has been determined that the bolt removal is necessary in order to provide a more positive means of determining whether or not a bolt has failed. Therefore the original proposal is hereby withdrawn, and a new airworthiness directive is proposed to require the removal of the bolt.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before November 12, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

BOEING. Applies to Models 707 and 720 Series aircraft noted in Boeing Service Bulletin No. 1975(R–1).

Compliance required as indicated.

During inspection of a 720 Series aircraft, the four MS type bolts and several other lock bolts which attach the fin-body terminal fitting to the body Station 1505 bulkhead were found sheared. As a result of these failures, the following or an equivalent approved by the Aircraft Engineering Division, FAA Western Region, shall be accomplished:

(a) Unless accomplished within the last 1,800 hours' time in service before the effective date of this AD, within the next 600 hours' time in service after the effective date of this AD, and thereafter at periods not to exceed 2,400 hours' time in service from the last inspection, remove any one of the four internal wrenching bolts MS 20005 or MS 20006 which attach each fin-body terminal fitting to body Station 1505 bulkhead and visually inspect the bolt for cracks, corrosion, or decrease in diameter.

(b) If corrosion is found on the bolt, remove the remaining three MS 20005 or MS 20006 bolts and visually inspect the bolts for cracks or decrease in diameter.

(c) If no corrosion is found on the bolt, check the remaining three bolts for the correct torque value of 130–160 inch-pounds. If any of the MS type bolts are found torqued improperly, torque the bolts to 130–160 inch-pounds.

(d) If any of the four MS type bolts are failed, inspect the remaining fasteners securing the fin-body terminal fitting to the body Station 1505 bulkhead for looseness by tapping or torquing.

(e) If, as a result of the inspections required by paragraphs (a), (b), (c), or (d), any of the fasteners are found failed, loose, corroded, or less than the manufacturer's minimum tolerance for the fastener, replace the fastener in accordance with the instructions in the applicable FAA-approved Structural Repair Manual or Boeing Service Bulletin No. 1975(R–1) or later FAA-approved revisions, before further flight.

(f) Within the next 6,000 hours' time in service after the effective date of this AD, accomplish the modification specified in Boeing Service Bulletin No. 1975(R–1) or later FAA-approved revisions.

(g) When the modification required by paragraph (f) is accomplished, the inspections and torquing of bolts required by paragraphs (a), (b), (c), and (d) may be discontinued.

(h) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Boeing Service Bulletin No. 1975(R–1) covers this same subject.)



Issued in Washington, D.C., on October 7, 1964.

C. W. WALKER,
*Acting Director, Flight Standards Service.*

[F.R. Doc. 64–10419; Filed, Oct. 13, 1964; 8:45 a.m.]

## [ 14 CFR Part 507 ]

[Reg. Docket No. 6242]

## AIRWORTHINESS DIRECTIVE

### Boeing Models 707 and 720 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Boeing Models 707 and 720 Series aircraft. Several instances of cracks have occurred in the aft elevator control quadrant, around the upper two bolts which attach the quadrant to the elevator control torque tube. To correct this condition, this AD requires inspection of the elevator control quadrant and replacement if any cracks are found.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before November 12, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

BOEING. Applies to the Models 707 and 720 aircraft with the serial numbers listed in Boeing Service Bulletin No. 2029.

Compliance required as indicated.

Cracks have recently been discovered on two airplanes in the aft elevator control quadrant, P/N 50–3119, around the upper two bolts, P/N NAS 1105, which attach the quadrant to the elevator control torque tube. In both instances, Boeing Service Bulletin No. 1259 had not been accomplished, and an interference fit existed between the quadrant and torque tube. As a result of these cracks, the following or an equivalent approved by the Aircraft Engineering Division, FAA Western Region, shall be accomplished:

(a) Within the next 600 hours' time in service after the effective date of this AD, unless already accomplished within the last 600 hours' time in service, and thereafter at periods not to exceed 1,200 hours' time in service from the last inspection, inspect by eddy current or fluorescent dye penetrant the aft elevator quadrant, P/N 50–3119, in accordance with paragraph 3.c. of Service Bulletin No. 2029 or later FAA-approved revisions for evidence of cracks in the upper hub and in the vicinity of the two upper bolts which attach the quadrant to the elevator control torque tube.

(b) If a crack is found, replace the elevator control quadrant with one of the same part number before further flight. The inspections in (a) also apply to the replacement part.

(c) Within the next 6,000 hours' time in service after the effective date of this AD, accomplish rework and dimensional checks in accordance with paragraph 3 of Boeing Service Bulletin 2029 or later FAA approved revisions.

(d) When the rework and dimensional checks required by (c) are accomplished, the repetitive inspections specified in (a) may be discontinued.

(e) Upon request of an operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Boeing Service Bulletin No. 2029 covers this same subject.)

Issued in Washington, D.C., on October 7, 1964.

C. W. WALKER,
*Acting Director, Flight Standards Service.*

[F.R. Doc. 64–10420; Filed, Oct. 13, 1964; 8:45 a.m.]

## [ 14 CFR Part 507 ]

[Reg. Docket No. 6241]

## AIRWORTHINESS DIRECTIVE

### Lockheed Models 188A/188C Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Lockheed Models 188A and 188C Series aircraft. Several instances of cracks have occurred in the nose landing gear steering housing, one of which resulted in total failure of the housing. To correct this condition, this AD requires inspection of the nose landing gear steering housing and replacement of any parts found cracked.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before November 12, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may

be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507) by adding the following airworthiness directive:

LOCKHEED. Applies to Models 188A and 188C Series aircraft.

Compliance required as indicated.

There have been a number of cases of cracking of the noise landing gear steering housing, P/N 800905–1. One of these cracks has resulted in a total failure, allowing the nose gear to rotate 90 degrees to the direction of landing roll. To correct this condition, accomplish the following:

(a) For aircraft with 8,000 or more landings as of the effective date of this AD, unless already accomplished within 1,800 landings prior to the effective date of this AD, comply with paragraph (c) within the next 600 landings after the effective date of this AD, and thereafter at intervals not to exceed 2,400 landings.

(b) For aircraft with less than 8,000 landings as of the effective date of this AD, comply with paragraph (c) prior to the accumulation of 8,600 landings, and thereafter at intervals not to exceed 2,400 landings.

(c) Inspect the four 1/8–12 UNS–3A screw threads on both sides of the P/N 800905 steering housing for cracks using the dye penetrant procedure outlined in Lockheed Alert Service Bulletin 88/SB–576B or with an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region. Gain access to the screw threads by accomplishing the instructions of Sections 2.A through 2.D of Lockheed Alert Service Bulletin 88/SB–576, Revision No. 1.

(d) Replace any cracked steering housings detected during the inspection of paragraph (c) before further flight (except that the aircraft may be ferried in accordance with the provisions of CAR 1.76 to the base at which the repairs are to be accomplished) in accordance with the instructions of Sections 2.G through 2.K of Lockheed Alert Service Bulletin 88/SB–576 Revision No. 1, with a new steering housing P/N 800905–1 or with a new improved steering housing P/N 800905–101. If P/N 800905–101 is used, replace the two retaining nuts P/N 801429–1 with two new improved retaining nuts P/N 801429–101.

(e) If a housing is replaced with a new housing of the same part number or had been replaced prior to the effective date of this AD, accomplish the next inspection in accordance with paragraph (c) within 8,600 landings after that replacement and at periodic intervals thereafter not to exceed 2,400 landings.

(f) The periodic inspections in paragraphs (a), (b), and (c) may be discontinued when housing P/N 800905–1 is replaced by P/N 800905–101 and retaining nut P/N 801429–1 is replaced by P/N 801429–101.

(g) In order to ascertain compliance with this AD, where past records of landings are unavailable, operators may estimate the number of landings prior to the effective date of this AD by substituting two landings for each hour of time in service. Those operators desiring to ascertain compliance with this AD on the basis of hours' time in service, may replace the number of landings required in paragraphs (a), (b), and (c) with one hour of time in service for every two landings.

(h) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Alert Service Bulletins 88/SB–576 Revision No. 1 dated April 8, 1963, and 88/SB–576B dated March 17, 1964, cover this same subject.)

Issued in Washington, D.C., on October 7, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64–10421; Filed, Oct. 13, 1964; 8:45 a.m.]

## FEDERAL DEPOSIT INSURANCE CORPORATION

### [ 12 CFR Part 335 ]

### SECURITIES OF INSURED STATE NONMEMBER BANKS

### Extension of Time for Filing Comments

The FEDERAL REGISTER of August 26, 1964, page 12116 et seq., and the FEDERAL REGISTER of September 17, 1964, page 13042 et seq., contain notices of proposed rule making and set forth a proposed new Part 335 of the Federal Deposit Insurance Corporation's rules and regulations [12 CFR Part 301 et seq.] which the Board of Directors of the Federal Deposit Insurance Corporation is considering adopting pursuant to the provisions of Public Law 88–467 of the 88th Congress, 2d session, approved August 20, 1964.

The proposed rules relate to the issuance of securities by insured banks which are not members of the Federal Reserve System. The notice of proposed rule making published in the FEDERAL REGISTER of August 26, 1964, invited any relevant data, views or arguments relating to the proposed rules from interested persons for consideration by the Board of Directors of the Federal Deposit Insurance Corporation, such data, views or arguments to be submitted by September 21, 1964. The notice of proposed rule making published in the FEDERAL REGISTER of September 17, 1964, invited any such material relating to the proposed rules published therewith to be submitted not later than October 21, 1964. By notice in the FEDERAL REGISTER of September 30, 1964, the time within which interested persons may submit any relevant data, views or arguments with respect to the proposed rules published in the FEDERAL REGISTER of August 26, 1964, was extended to October 21, 1964. The time within which interested persons may submit any relevant data, views or arguments with respect to the proposed rules published in the FEDERAL REGISTER of August 26, 1964, and September 17, 1964, has been extended to November 23, 1964.

Dated this 8th day of October 1964.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
*Secretary.*

[F.R. Doc. 64–10407; Filed, Oct. 13, 1964; 8:45 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 31 ]

### FRUIT-FLAVORED NONCARBONATED BEVERAGES

### Extension of Time for Filing Comments on Proposed Definition and Standard of Identity

In the matter of establishing a definition and standard of identity for fruit-flavored noncarbonated beverages:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of August 13, 1964 (29 F.R. 11627), and granted a period of 60 days for the filing of comments. The Commissioner of Food and Drugs has received a request for an extension of this time. Good reason therefor appearing, the time for filing comments in this matter is extended to December 1, 1964.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471).

Dated: October 7, 1964.

WINTON B. RANKIN,
*Assistant Commissioner for Planning.*

[F.R. Doc. 64–10449; Filed, Oct. 13, 1964; 8:48 a.m.]

# Notices

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### INDIANA, LOUISIANA, SOUTH CAROLINA AND WISCONSIN

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties and parishes in the States of Indiana, Louisiana, South Carolina and Wisconsin natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

INDIANA

| | |
|---|---|
| Cass. | Lawrence. |
| Clark. | Martin. |
| Crawford. | Miami. |
| Dubois. | Morgan. |
| Elkhart. | Orange. |
| Floyd. | Parke. |
| Fountain. | Perry. |
| Fulton. | Posey. |
| Gibson. | Scott. |
| Grant. | Spencer. |
| Harrison. | Steuben. |
| Hendricks. | Vanderburgh. |
| Howard. | Vermillion. |
| Jackson. | Warrick. |
| LaGrange. | Washington. |

LOUISIANA

| | |
|---|---|
| Acadia. | Plaquemines. |
| Allen. | Pointe Coupee. |
| Ascension. | Rapides. |
| Assumption. | St. Bernard. |
| Avoyelles. | St. Charles. |
| Calcasieu. | St. Helena. |
| Cameron. | St. James. |
| East Baton Rouge. | St. John the Baptist. |
| East Feliciana. | St. Landry. |
| Evangeline. | St. Martin. |
| Iberia. | St. Mary. |
| Iberville. | St. Tammany. |
| Jefferson. | Tangipahoa. |
| Jefferson Davis. | Terrebonne. |
| Lafayette. | Vermilion. |
| Lafourche. | Washington. |
| Livingston. | West Baton Rouge. |
| Orleans. | West Feliciana. |

SOUTH CAROLINA

Colleton.

WISCONSIN

Barron.

Price.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Indiana and Louisiana counties and parishes after December 31, 1965, or in the above-named South Carolina and Wisconsin counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 9th day of October 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64–10461; Filed, Oct. 13, 1964; 8:48 a.m.]

## DEPARTMENT OF STATE

### Agency for International Development

[Delegation of Authority AFR 48]

### ASSISTANT ADMINISTRATOR FOR AFRICA

### Delegation of Authority

1. Pursuant to the Foreign Assistance Act of 1961, as amended, and to the authority vested in the Administrator of the Agency for International Development under Delegation of Authority No. 104 from the Secretary of State, dated November 3, 1961, as amended, I hereby delegate to the Assistant Administrator for Africa authority to authorize the Director of USAID/Liberia to exercise the authorities described in § 206.5 (a) and (d)(2) of Regulation 6 with respect to the host country contract for construction of 20 rural schools. The amount of $420,000 has been subobligated to this project under PIO/T No. 669–M–99–AA–3–30164.

2. This authority may not be redelegated.

3. This delegation of authority shall be effective immediately.

DAVID E. BELL,
*Administrator.*

[F.R. Doc. 64–10429; Filed, Oct. 13, 1964; 8:47 a.m.]

[Delegation of Authority AFR 49]

### ASSISTANT ADMINISTRATOR, BUREAU FOR AFRICA

### Delegation of Authority

1. Pursuant to the Foreign Assistance Act of 1961, as amended, and to the authority vested in the Administrator of the Agency for International Development under Delegation of Authority No. 104 from the Secretary of State, dated November 3, 1961, as amended, I hereby delegate to the Assistant Administrator, Bureau for Africa, authority to authorize the American Ambassador to Niger to exercise the authorities described in § 206.5(a)(2) and § 206.5(d)(2) of Regulation 6 with respect to the host country contract for construction of an extension of the Kolo Agricultural School.

2. This authority may not be redelegated.

3. This delegation of authority shall be effective immediately.

DAVID E. BELL,
*Administrator.*

[F.R. Doc. 64–10430; Filed, Oct. 13, 1964; 8:47 a.m.]

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Dept. Circ. 570, 1964 Rev. Supp. 8]

### INDIANA INSURANCE CO.

### Surety Company Acceptable on Federal Bonds

OCTOBER 8, 1964.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13.

An underwriting limitation of $716,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1965. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

*State in Which Incorporated, Name of Company and Location of Principal Executive Office*

INDIANA

Indiana Insurance Co., Indianapolis, Ind.

[SEAL] JOHN K. CARLOCK,
*Fiscal Assistant Secretary.*

[F.R. Doc. 64–10438; Filed, Oct. 13, 1964; 8:47 a.m.]

[Dept. Circ. 570, 1964 Rev. Supp. 9]

### OLYMPIC INSURANCE CO.

### Surety Company Acceptable on Federal Bonds

OCTOBER 9, 1964.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13.

An underwriting limitation of $1,182,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1965. Copies of the

Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

*State in Which Incorporated, Name of Company and Location of Principal Executive Office*

CALIFORNIA

Olympic Insurance Co., Los Angeles, Calif.

[SEAL] JOHN K. CARLOCK,
*Fiscal Assistant Secretary.*

[F.R. Doc. 64-10439; Filed, Oct. 13, 1964; 8:47 a.m.]

# DEPARTMENT OF JUSTICE

## Office of Alien Property

## ANNA DANZER ET AL.

### Notice of Intention To Return Vested Property

Pursuant to the Agreement entitled "Agreement Between the United States of America and the Republic of Austria Regarding the Return of Austrian Property, Rights, and Interests" which was signed at Washington on January 30, 1959 and ratified by the United States on March 4, 1964, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Anna Danzer, 27 Wienerstrasse, Muerzzuschlag, Steiermark, Austria; Claim No. 11761; $486.12 in the Treasury of the United States.

Dr. Karl Duerrigl, Baumgartenstrasse 58, Vienna XIV, Austria; Claim No. 28558; $100.00 in the Treasury of the United States.

Dr. Wolfgang Gzernin, Graf Starhembergasse 6, Vienna 4, Austria; Claim No. 36390; $8,261.93 in the Treasury of the United States.

Hugo Schilling, Brueszigasse 24/11, Vienna XVI, Austria, $1,287.43 in the Treasury of the United States; and Brigitte Kreuzbauer, Walterstrasse 14, Linz/Donau, Austria, $122.97 in the Treasury of the United States; and Anna Maria Fuerst, Hamerlingplatz 7, Vienna VIII, Austria, $122.97 in the Treasury of the United States; and Hilda Valek-Brückl, Straussengasse 13/7, Vienna V, Austria, Claim No. 36779; $1,222.83 in the Treasury of the United States.

Ernst Woseczek, Hietzinger Hauptstrasse 97 Tür 4, Vienna 89/13, Austria; Claim No. 37806; $110.31 in the Treasury of the United States.

Hubert Seblatnigg, Leonhard von Keutschachstrasse 51, Salzburg, Austria; Claim No. 37868; $1,639.04 in the Treasury of the United States.

Emanuel Gruda, Mareschgasse 14/6, Vienna XV, Austria; Claim No. 41257; $1,030.66 in the Treasury of the United States.

Maria Jauernig, Franz Keimgasse 17, Maria Enzersdorf am Gebrige, Lower Austria; Claim No. 41259; $1,030.66 in the Treasury of the United States.

Karl Juran, Roseggergasse 17/19, Vienna XVI, Austria; Claim No. 41973; $442.68 in the Treasury of the United States.

Barbara Rindler, Mittergasse 4, Saalfelden, Salzburg, Austria; Claim No. 42074; $871.88 in the Treasury of the United States.

Anton Selner, Barichgasse 36, Vienna III, Austria; Claims Nos. 42524 and 42930; $250.00 in the Treasury of the United States.

Elisabeth Winkelmayer, Landgrafenstrasse 52, 638 Bad Homburg v.d.H., Germany; Claim No. 42556; $9,097.50 in the Treasury of the United States.

Maria Dittrich, Langegasse 9/10, Vienna VIII, Austria; Claim No. 42609; $1,395.44 in the Treasury of the United States.

District Government Gmunden, Public Welfare Branch, Gmunden, Esplanade 10, Upper Austria; Claim No. 44962; $85.70 in the Treasury of the United States.

Willibald Kastner, Guardian of Hedwig Koercessigi, Stiftgasse 15-17, Vienna VII, Austria; Claim No. 44983; $442.81 in the Treasury of the United States.

Antonia Slaby, Kogl No. 7, Post Sieghartskirchen, Lower Austria; Claim No. 44999; $2,200.04 in the Treasury of the United States.

Cyprian Rindler, Zwenberg Nr. 8, Post Penk/Carinthia, Austria; Claim No. 45019; $871.88 in the Treasury of the United States.

Theodor Seewan and Edith Seewan, 1904 West Main, Houston 6, Texas; Claim No. 59412; $256.17 in the Treasury of the United States.

Ernst Graf, Hauptstrasse 187, St. Margarethen, Burgenland, Austria; Claim No. 59647; $161.16 in the Treasury of the United States.

Dr. Sigmund Frauendorfer, Linke Wienzeile 56/25, Vienna VI, Austria; Claim No. 60939; $1,011.06 in the Treasury of the United States.

Lionel Strongfort, Hellbrunner Allee 65, Salzburg-Hellbrunn, Austria; Claim No. 62364; $3,174.50 in the Treasury of the United States.

Dr. techn.Ing. Franz Hoffmann Post: Steeg am Hallstättersee, Bad Goisern, Au 15, Austria; Claim No. 66527; $148.19 in the Treasury of the United States.

Dr. Gustav Weissenberg, Bergstrasse 28, 633 Wetzlar, Germany; Claim No. 66626; $217.75 in the Treasury of the United States.

Ludwig Masch, Neugebäudestrasse 57, Vienna XI, Austria; Claim No. 66994; $44.68 in the Treasury of the United States.

Executed at Washington, D.C., on October 7, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 64-10404; Filed, Oct. 13, 1964; 8:45 a.m.]

## ABRAHAM FRAENKEL

### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Professor Abraham Fraenkel, Hebrew University of Jerusalem, Jerusalem, Israel; Claim No. 39548; Vesting Order No. 500A-101; $262.13 in the Treasury of the United States.

Executed at Washington, D.C., on October 7, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 64-10405; Filed, Oct. 13, 1964; 8:45 a.m.]

## JOSEF HOLZMAYR ET AL.

### Amended Notice of Intention To Return Vested Property

The Notice of Intention to Return Vested Property to Josef Holzmayr, et al., which was published in the FEDERAL REGISTER on September 30, 1964 (29 F.R. 13511), is hereby amended by deleting therefrom the following:

"Walter Exner, Frankenbergerstrasse 12, 3559 Frankenau, Germany; Claim No. 40089; $255.06 in the Treasury of the United States."

and substituting in place thereof the following:

"Walter Exner, Frankenbergerstrasse 12, 3559 Frankenau, Germany; Claim No. 40089; $167.76 in the Treasury of the United States.

"Mrs. Edith Schmaelz, Speisingerstrasse 222, Vienna XXIII, Austria; Claim No. 40089; $87.30 in the Treasury of the United States."

All other provisions of said Notice of Intention to Return Vested Property and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D.C., on October 8, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 64-10406; Filed, Oct. 13, 1964; 8:45 a.m.]

# DEPARTMENT OF COMMERCE

## Maritime Administration

[Report No. 42]

## LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through October 5, 1964, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.



FLAG OF REGISTRY AND NAME OF SHIP

| | Gross tonnage |
|---|---|
| Total all flags—(246 ships) | 1,784,663 |
| British (85 ships) | 672,854 |
| Amalia | 7,189 |
| Amazon River | 7,234 |
| Ardenode | 7,036 |
| Ardgem | 6,981 |
| Ardmore | 4,664 |
| Ardpatrick | 7,054 |
| Ardrowan | 7,800 |
| Ardsirod | 7,025 |
| **Arlington Court (now Southgate—British flag). | |
| Athelcrown (Tanker) | 11,149 |
| Athelduke (Tanker) | 9,089 |
| Athelmere (Tanker) | 7,524 |
| Athelmonarch (Tanker) | 11,182 |
| Athelsultan (Tanker) | 9,149 |
| Avisfaith | 7,868 |
| Baxtergate | 8,813 |
| Canuk Trader | 7,151 |
| Cedar Hill | 7,156 |
| Chipbee | 7,271 |
| **Cosmo Trader (trip to Cuba under ex-name, Ivy Fair—British flag). | |
| Dairen | 4,939 |
| Denmark Hill | 7,150 |
| East Breeze | 8,708 |
| Eastfortune | 8,789 |
| Eirini | 7,402 |
| Free Enterprise | 6,807 |
| Free Merchant | 5,237 |
| Garthdale | 7,542 |
| Grosvenor Mariner | 7,026 |
| Hazelmoor | 7,907 |
| Hemisphere | 8,718 |
| Ho Fung | 7,121 |
| Inchstaffa | 5,255 |
| **Ivy Fair (now Cosmo Trader—British flag) | 7,201 |
| Kinross | 5,388 |
| **Kirriemoor (now Jhelum—Pakistani flag) | 5,923 |
| La Hortensia | 9,486 |
| Linkmoor | 8,236 |
| London Endurance (Tanker) | 10,081 |
| London Glory (Tanker) | 10,081 |
| London Majesty (Tanker) | 12,132 |
| London Pride (Tanker) | 10,776 |
| London Spirit (Tanker) | 10,176 |
| London Splendour (Tanker) | 16,195 |
| London Valour (Tanker) | 16,268 |
| Maple Hill | 7,139 |
| Maratha Enterprise | 7,166 |
| Muswell Hill | 7,131 |
| Nancy Dee | 6,597 |
| Newdene | 7,181 |
| Newforest | 7,185 |
| Newgate | 6,743 |
| Newglade | 7,368 |
| Newgrove | 7,172 |
| Newheath | 5,891 |
| Newhill | 7,855 |
| Newlane | 7,043 |
| Newmeadow | 5,654 |
| Oceantramp | 6,185 |
| Oceantrave | 10,477 |
| Overseas Pioneer (Tanker) | 16,267 |
| Peony | 9,037 |
| Redbrook | 7,388 |
| Ruthy Ann | 7,361 |
| *St. Antonio | 6,704 |
| Sandsend | 7,236 |
| Santa Granda | 7,229 |
| Sea Coral | 10,421 |
| Sea Empress | 10,074 |
| Shienfoon | 7,127 |
| Shun Fung | 7,148 |
| Soclyve | 7,291 |
| **Southgate (previous trips to Cuba under ex-name, Arlington Court—British flag) | 9,662 |

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTRY, NAME OF SHIP—Continued

| | Gross tonnage |
|---|---|
| British—Continued | |
| Stanwear | 8,108 |
| Sudbury Hill | 7,140 |
| Suva Breeze | 4,970 |
| Swift River | 7,251 |
| Thames Breeze | 7,878 |
| **Timios Stavros (previous trips to Cuba under Greek flag) | 5,269 |
| Venice | 8,611 |
| Vercharmian | 7,265 |
| Vergmont | 7,381 |
| West Breeze | 8,718 |
| Woldingham Hill | 7,113 |
| Yungfutary | 5,388 |
| Yunglutaton | 5,414 |
| Zela M | 7,237 |
| Lebanese (57 ships) | 381,488 |
| Agia Sophia | 3,106 |
| Aiolos II | 7,256 |
| Ais Giannis | 6,997 |
| Akamas | 7,285 |
| Al Amin | 7,186 |
| Alaska | 6,989 |
| Anthas | 7,044 |
| Antonis | 6,259 |
| Ares | 4,557 |
| Areti | 7,176 |
| Aristefs | 6,995 |
| Astir | 5,324 |
| Athamas | 4,729 |
| Carnation | 4,884 |
| **Christos (trip to Cuba under ex-name, Pamit—Greek flag) | |
| Claire | 5,411 |
| Cris | 6,032 |
| Dimos | 7,187 |
| Free Trader | 7,067 |
| Giorgos Tsakiroglou | 7,240 |
| Granikos | 7,282 |
| Ilena | 5,925 |
| Ioannis Aspiotis | 7,297 |
| Kalliopi D. Lemos | 5,103 |
| Kapetanissa | 7,281 |
| Katerina | 9,357 |
| Leftric | 7,176 |
| Malou | 7,145 |
| Mantric | 7,255 |
| Marichristina | 7,124 |
| Marymark | 4,383 |
| Mersinidi | 6,782 |
| Mimosa | 7,314 |
| Mousse | 6,984 |
| Nictric | 7,296 |
| Noelle | 7,251 |
| Noemi | 7,070 |
| Olga | 7,199 |
| Panagos | 7,133 |
| Parmarina | 6,721 |
| **Razani (broken up) | 7,253 |
| Rio | 7,194 |
| St. Anthony | 5,349 |
| St. Nicolas | 7,165 |
| San George | 7,267 |
| San John | 5,172 |
| San Spyridon | 7,260 |
| Stevo | 7,066 |
| Taxiarhis | 7,349 |
| Tertric | 7,045 |
| Theodoros Lemos | 7,198 |
| Theologos | 6,529 |
| Toula | 4,561 |
| Troyan | 7,243 |
| Vassiliki | 7,192 |
| Vastric | 6,453 |
| Vergolivada | 6,339 |
| Yanxilas | 10,051 |
| Greek (44 ships) | 349,606 |
| Agios Therapon | 5,617 |
| Akastos | 7,331 |
| Aldebaran (Tanker) | 12,897 |
| Alice | 7,189 |
| **Ambassade (sold Hong Kong shipbreakers) | 8,600 |
| Americana | 7,104 |
| Anacreon | 7,359 |

FLAG OF REGISTRY, NAME OF SHIP—Continued

| | Gross tonnage |
|---|---|
| Greek—Continued | |
| Anatoli | 7,178 |
| **Andromachi (previous trips to Cuba under ex-name, Penelope—Greek flag) | 6,712 |
| Antonia | 5,171 |
| Apollon | 9,744 |
| Armathia | 7,091 |
| Athanassios K | 7,216 |
| Barbarino | 7,084 |
| Calliopi Michalos | 7,249 |
| Capetan Petros | 7,291 |
| **Embassy (broken up) | 8,418 |
| Everest | 7,031 |
| Flora M | 7,244 |
| Galini | 7,266 |
| **Gloria (now Helen—Greek flag) | 7,128 |
| **Helen (trip to Cuba under ex-name, Gloria—Greek flag). | |
| Irena | 7,232 |
| Istros II | 7,275 |
| Kapetan Kostis | 5,032 |
| Kyra Hariklia | 6,888 |
| Maria Theresa | 7,245 |
| Marigo | 7,147 |
| Maroudio | 7,369 |
| Mastro-Stelios II | 7,282 |
| **Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag). | |
| **Nicolaos Frangistas (now Nicolaos F.—Greek flag) | 7,199 |
| **Pamit (now Christos—Lebanese flag) | 3,929 |
| Pantanassa | 7,131 |
| Paxoi | 7,144 |
| **Penelope (now Andromachi—Greek flag). | |
| Perseus (Tanker) | 15,852 |
| **Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag). | |
| **Presvia (broken up) | 10,820 |
| Propontis | 7,128 |
| Proteus (Tanker) | 16,718 |
| Redestos | 5,911 |
| **Seirios (broken up) | 7,239 |
| Sirius (Tanker) | 16,241 |
| *Sophia | 7,030 |
| **Stylianos N. Vlassopulos (now Plate Trader—Greek flag) | 7,244 |
| **Timios Stavros (now British flag). | |
| Tina | 7,362 |
| Western Trader | 9,268 |
| Polish (13 ships) | 87,426 |
| Baltyk | 6,963 |
| Bialystok | 7,173 |
| Bytom | 5,967 |
| Chopin | 6,987 |
| Chorzow | 7,237 |
| Huta Florian | 7,258 |
| Huta Labedy | 7,221 |
| Huta Ostrowiec | 7,175 |
| Huta Zgoda | 6,840 |
| Kopalnia Miechowice | 7,223 |
| Kopalnia Siemianowice | 7,165 |
| Kopalnia Wujek | 7,033 |
| Piast | 3,184 |
| Italian (12 ships) | 102,013 |
| Achille | 6,950 |
| Agostino Bertani | 8,380 |
| Andrea Costa (Tanker) | 10,440 |
| Aspromonte | 7,154 |
| Giuseppe Giulietti (Tanker) | 17,519 |
| Montiron | 1,595 |
| Nazareno | 7,173 |
| Nino Bixio | 8,427 |
| San Francesco | 9,284 |
| San Nicola (Tanker) | 12,461 |

*Added to Report No. 41, appearing in the FEDERAL REGISTER issue of September 30, 1964.

FLAG OF REGISTRY, NAME OF SHIP—Continued

| | Gross tonnage |
|---|---|
| Italian—Continued | |
| Santa Lucia | 9,278 |
| Somalia | 3,352 |
| Yugoslav (7 ships) | 49,926 |
| Bar | 7,233 |
| Cavtat | 7,266 |
| Cetinje | 7,200 |
| Dugi Otok | 6,997 |
| Mojkovac | 7,125 |
| Promina | 6,960 |
| **Trebisnjica (Wrecked) | 7,145 |
| Spanish (5 ships) | 6,193 |
| Escorpion | 999 |
| Sierra Andia | 1,596 |
| Sierra Aranzazu | 1,600 |
| Sierra Madre | 999 |
| Sierra Maria | 999 |
| French (5 ships) | 12,652 |
| Circe | 2,874 |
| Enee | 1,232 |
| Mungo | 4,820 |
| Nelee | 2,874 |
| Neve | 852 |
| Moroccan (5 ships) | 35,828 |
| Atlas | 10,392 |
| Banora | 3,082 |
| Marrakech | 3,214 |
| Mauritanie | 10,392 |
| Toubkal | 8,748 |
| Norwegian (4 ships) | 34,503 |
| Lovdal (Tanker) | 12,764 |
| Ole Bratt | 5,252 |
| Polyclipper (Tanker) | 11,737 |
| **Tine—(now Jezreel—Panamanian flag) | 4,750 |
| Swedish (3 ships) | 17,123 |
| Amfred | 2,828 |
| **Atlantic Friend—(now Atlantic Venture—Liberian flag) | 7,805 |
| Dagmar | 6,490 |
| Finnish (3 ships) | 26,026 |
| Augusta Paulin | 7,096 |
| Susan Paulin | 7,239 |
| Valny (Tanker) | 11,691 |
| Kuwaiti (1 ship): | |
| Maha | 1,392 |
| Cypriot (1 ship): | |
| Adelphos Petrakis | 7,134 |
| Netherlands (1 ship): | |
| Tempo | 499 |
| Liberian: | |
| **Atlantic Venture (trip to Cuba under ex-name, Atlantic Friend—Swedish flag). | |
| Panamanian: | |
| **Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag). | |
| Pakistani: | |
| **Jhelum (trip to Cuba under ex-name, Kirriemoor—British flag). | |

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:

| | Gross tonnage |
|---|---|
| British (2 ships) | 23,397 |
| Overseas Explorer (Tanker) | 16,267 |
| Streatham Hill | 7,130 |

b. Previous reports:

| Flag of registry: | Number of ships |
|---|---|
| British | 17 |
| Danish | 1 |
| French | 1 |
| German (West) | 1 |
| Greek | 16 |
| Italian | 5 |
| Japanese | 1 |
| Norwegian | 2 |
| Spanish | 1 |

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through October 5, 1964:

| Flag of registry | Number of trips | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1963 | 1964 | | | | | | | | | | |
| | | Jan. | Feb. | Mar. | Apr. | May | June | July | Aug. | Sept. | Total |
| British | 133 | 15 | 7 | 21 | 20 | 18 | 19 | 18 | 17 | 10 | 278 |
| Lebanese | 64 | 6 | 4 | 13 | 8 | 8 | 10 | 8 | 9 | 7 | 137 |
| Greek | 99 | 1 | 5 | 3 | | 6 | 1 | 1 | 5 | 2 | 123 |
| Italian | 16 | 1 | | 1 | 3 | 1 | 4 | 2 | 2 | | 30 |
| Norwegian | 14 | 2 | 1 | | 1 | 2 | 1 | | 1 | | 22 |
| Spanish | 8 | | 3 | | 3 | | 2 | 2 | 2 | 1 | 21 |
| Yugoslav | 12 | 1 | 1 | 1 | 1 | | | 3 | | 1 | 20 |
| Moroccan | 9 | | 2 | | | 2 | 1 | 3 | 1 | 2 | 20 |
| French | 8 | | | | 1 | | | 2 | 2 | | 13 |
| Swedish | 3 | | | | | | 2 | | | | 5 |
| Finnish | 1 | | | | | | 1 | | 1 | | 3 |
| Cypriot | | | | | 1 | | | 1 | | | 1 |
| Danish | 1 | | | | | | | | | | 1 |
| German (West) | 1 | | | | | | | | | | 1 |
| Japanese | 1 | | | | | | | | | | 1 |
| Kuwaiti | | | | | | | | 1 | | | 1 |
| Netherlands | | | | | | | | | | 1 | 1 |
| Subtotal | 370 | 26 | 23 | 39 | 37 | 37 | 41 | 41 | 40 | 24 | 678 |
| Polish | 18 | 1 | 3 | 1 | 2 | | 2 | 1 | | 1 | 29 |
| Grand total | 388 | 27 | 26 | 40 | 39 | 37 | 43 | 42 | 40 | 25 | 707 |

NOTE: Trip totals in this section exceed ship totals in Sections 1 and 2 because some of the ships made more than one trip to Cuba.

By order of the Deputy Maritime Administrator.

Dated: October 7, 1964.

JAMES S. DAWSON, Jr.,
*Secretary.*

[F.R. Doc. 64-10431; Filed, Oct. 13, 1964; 8:47 a.m.]

[Trade Route 12]

## U.S. ATLANTIC/FAR EAST TRADE ROUTE

### Notice of Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements

Notice is hereby given that on October 7, 1964, the Acting Deputy Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 12 and ordered that the following conclusions and determinations reached by the Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER:

1. Trade Route No. 12 as described below is reaffirmed as an essential foreign trade route of the United States:

*Trade Route No. 12—U.S. Atlantic/Far East.* Between U.S. Atlantic ports (Maine-Atlantic Coast Florida to but not including Key West) and ports in the Far East (Japan, Taiwan, Philippine Islands, and the Continent of Asia from the Union of Soviet Socialist Republics to Thailand, inclusive).

2. Requirements for United States flag operations on Trade Route No. 12 are approximately seven sailings per month serving the route exclusively or predominantly, with some additional regularly scheduled U.S. flag sailings serving the route in conjunction with other services.



3. Existing freight ships of the Mariner type are suitable for long-range operation. Existing C-2 and C-3 type freight ships are suitable for interim operation, pending replacement with faster ships of somewhat greater cargo carrying capacity.

4. Replacement ships should be comparable to "Mariner" type vessels in speed and cargo capacity with provision for the carriage of cargo in containers, liquid cargo in bulk and refrigerated cargo.

Dated: October 8, 1964.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
*Secretary.*

[F.R. Doc. 64-10432; Filed, Oct. 13, 1964; 8:47 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order E-21382]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 8th day of October 1964.

Agreements adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17636, R-60.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memorandum TC1/Rates 2044 names an additional specific commodity rate as fololws:

Item 1082, Hatching Eggs.
Rate, 42 cents per kilogram, minimum weight 1,000 kilograms, from New York to Caracas.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

*Accordingly, it is ordered,* That Agreement C.A.B. 17666, R-60, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statement filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-10464; Filed, Oct. 13, 1964; 8:48 a.m.]

[Docket No. 15529]

## BAGGAGE LIABILITY RULES CASE

### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 17, 1964, at 10 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Milton H. Shapiro.

In order to facilitate conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before November 9, 1964: (1) Proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., October 9, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-10465; Filed, Oct. 13, 1964; 8:48 a.m.]

[Docket No. 15240]

## FLUSHING HARPS FOOTBALL AND SOCIAL CLUB, INC., ET AL.

### Notice of Hearing

The Flushing Harps Football and Social Club, Inc., John Stanley Boylan, individually, John Brady, individually, Enforcement Proceedings; Docket No. 15240.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter has been assigned to be held on November 18, 1964, at 10:00 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., October 9, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-10466; Filed, Oct. 13, 1964; 8:48]

[Docket No. 14784]

## SLICK CORP.

### Notice of Prehearing Conference

Third-level, door-to-door deferred freight rates proposed by The Slick Corporation, Docket 14784.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 18, 1964, at 10:00 a.m., e.s.t., in Room 607, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., October 9, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-10467; Filed, Oct. 13, 1964; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CP65-45]

## EL PASO NATURAL GAS CO.

### Notice of Application

OCTOBER 6, 1964.

Take notice that on August 10, 1964, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, 79999, filed in Docket No. CP65-45 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing, for a term continuing through but not later than December 31, 1965, the delivery of natural gas to Pacific Gas and Electric Company (PG&E), on an interruptible, best efforts basis, limited, however, to a quantity during such term not to exceed that quantity which PG&E has paid for in prior years and has been unable to take, but has the right to take without further payment, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application indicates that PG&E has presently paid for 70,147,076 Mcf (14.9 psia) of gas under Rate Schedule G of Applicant's FPC Gas Tariff, Original Volume No. 1. Of this amount, 26,365,612 Mcf is receivable by PG&E through the calendar year 1967 without charge and the remaining 43,781,464 Mcf is receivable by PG&E through the calendar year 1968 without charge. In order to enable PG&E to receive, at least in part, the said quantity of 70,147,076 Mcf on an accelerated basis, Applicant proposes herein to make gas available when requested by PG&E, on an interruptible, best efforts basis, in excess of the daily quantities which Applicant is obligated to deliver to PG&E and to other California purchasers on a firm basis.

Applicant and PG&E have entered into an agreement, dated July 24, 1964, providing for the proposed deliveries.

The application shows the proposed deliveries will be made by use of existing facilities at an existing delivery point near Topock, Ariz.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in

and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 26, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–10425; Filed, Oct. 13, 1964; 8:46 a.m.]

[Docket No. CP65–28]

## TENNESSEE GAS TRANSMISSION CO.

### Notice of Application

OCTOBER 6, 1964.

Take notice that on August 3, 1964, as supplemented on August 25, 1964, Tennessee Gas Transmission Company (Applicant), whose principal place of business is in Houston, Tex., filed in Docket No. CP65–28 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain pipeline facilities in Middlesex County, Mass., all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

The application requests permission and approval to abandon, by sale to the Lowell Gas Company (Lowell) a lateral pipeline known as the Lowell Lateral. This line, consisting of approximately 5.3 miles of 6-inch pipeline and approximately 0.3 miles of 8-inch pipeline, is utilized by Applicant to make deliveries of natural gas to Lowell. The application states that studies made by Lowell revealed that if the lateral were owned and operated by it, the line could be tapped at any desirable point and thereby increase the flexibility of its distribution system. The application further states that if Lowell purchased the lateral, it would not be necessary for Lowell to duplicate the facilities. As a result, Applicant and Lowell entered into a Pipeline Purchase Agreement, dated June 17, 1964, wherein Applicant agreed to sell the lateral to Lowell at depreciated book value as of May 31, 1964.

Applicant states that subsequent to the proposed abandonment, the deliveries now being made at the terminus of the Lowell Lateral will be made at its Tewksbury delivery point, which is adjacent to its 16-inch pipeline and 0.19 miles upstream of the take-off point of the lateral line to Lowell.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 26, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–10426; Filed, Oct. 13, 1964; 8:46 a.m.]

[Docket No. CP64–270 etc.]

## TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

### Order Further Consolidating Applications and Motion, Permitting Intervention, Denying Motion, Rescheduling Date of Hearing and Giving Notice of Applications, Supplement and Amendment to Applications and Withdrawal of Application

OCTOBER 6, 1964.

Transcontinental Gas Pipe Line Corporation, Docket No. CP64–270; Georgia-Tennessee Gas Corporation, Docket No. CP64–272; Southern Natural Gas Company, Docket Nos. CP64–259, CP–64–314; East Tennessee Natural Gas Company, Docket No. CP65–66; Tennessee Gas Transmission Company, Docket No. CP64–165; City of Buford, Georgia, Docket Nos. CP65–11, CP65–20; City of Sugar Hill, Georgia, Docket Nos. CP65–10, CP65–19; City of Austell, Georgia, Docket No. CP65–74.

By our order of August 31, 1964, the above-designated applications of Transcontinental Gas Pipe Line Corporation (Transco) and Georgia-Tennessee Gas Corporation (Georgia-Tennessee) were consolidated with the above-designated competitive applications of Southern Natural Gas Company (Southern). We also prescribed procedures to be followed prior to and at the time of hearing and also designated a date for such hearing.

By our order of September 16, 1964, we also consolidated the competitive application of East Tennessee Natural Gas Company (East Tennessee) in Docket No. CP65–66. At that time we took cognizance of Southern's motion for rejection of said application on the grounds that the application was dependent upon additional gas supplies from Tennessee Gas Transmission Company (Tennessee), and that, contrary to § 157.13(c) of the Commission's regulations, no supporting application by Tennessee had been filed. On September 18, 1964, however, East Tennessee supplemented its application by filing a copy of a precedent agreement with its sole supplier, Tennessee. The agreement obligates Tennessee to file for an amendment of its authorization in Docket No. CP64–165 whereby, unallocated capacity existing during said authorization, will be utilized so as to increase the capacity allocated to East Tennessee from 154,188 Mcf per day to 164,363 Mcf per day. East Tennessee will, by the use of such additional capacity, be enabled to meet the first year (1966) requirements under its proposal in Docket No. CP65–66. Tennessee also agrees to timely seek the necessary authorization to supply East Tennessee's 1967 and 1968 projected requirements. Concurrently with the filing of East Tennessee's supplement, Tennessee filed a petition for amendment of the Commission's Order, issued July 13, 1964, in Docket No. CP64–165, so as to increase the allocated capacity to East Tennessee as described above.

On September 18, 1964, Georgia-Tennessee filed a notice of withdrawal of its application in Docket No. CP64–272, stating that due to developments, since its initial filing, it has decided that there is insufficient economic incentive to undertake the proposed construction. Concurrently, Transco filed an amendment to its application in Docket No. CP64–270, so as to reflect a change in the facilities and service proposed. Transco now proposes to extend its planned Georgia main line extension by an additional 66 miles, to the Georgia-Tennessee State line. In addition, Transco proposes to perform the service previously contemplated by Georgia-Tennessee, as well as to serve the tri-county area of Dade, Walker and Catoosa Counties, Georgia, a service also proposed by Southern. Transco, by the amendment, also revised its proposed construction on its main line and South Louisiana Gathering System, lowering the estimated cost of its proposal from $20,100,000 to $17,800,000.

The city of Sugar Hill, Ga., filed on July 9, 1964, and July 20, 1964, 7(a) applications in Docket Nos. CP65–10 and CP65–19 against Transco and Southern, respectively, requesting an order from the Commission directing that either Transco or Southern establish a new delivery point to said Applicant.

The city of Buford, Georgia on July 9, 1964, and July 20, 1964, also filed 7(a) applications in Docket Nos. CP65–11 and CP65–20 against Transco and Southern, respectively. The applications are virtually identical with those of the city of Sugar Hill. The two cities are contiguous and currently receive their gas supply from Transco through a mutual delivery point.

Both applicants have filed motions requesting consolidation of their respective applications with the current proceeding since the new delivery points sought would be located on either the new facilities proposed by Transco or those proposed by Southern.

The city of Austell Natural Gas System, Ga., on September 16, 1964, filed a 7(a) application in Docket No. CP65–74, requesting that Southern be directed to provide a delivery point to Austell, an existing Southern customer, from Southern's proposed north Atlanta line. Austell has also filed a motion for consolidation.

Petitions for leave to intervene in one or more of the captioned docketed applications were filed by the following named petitioners:

PETITIONERS

Southern Natural Gas Co.
Chattanooga Gas Co.
East Tennessee Natural Gas Co.
Carolina Pipeline Co.
Knoxville Utilities Board, et al.
City of Buford, Ga.
City of Sugar Hill, Ga.
South Carolina Natural Gas Co.
Alabama Gas Corp.
Mississippi Valley Gas Co.
Intercoastal Gas Corp.
Atlanta Gas Light Co.
Long Island Lighting Co.
Consolidated Edison Co. of New York, Inc.
Savanah Gas Co.
City of Austell Natural Gas System
Brooklyn Union Gas Co.
Public Service Electric and Gas Co.
Transcontinental Gas Pipe Line Corp.
The Water, Light and Sinking Fund Commission filed by City of Dalton, Ga.

Additionally, a notice of intervention in this consolidated proceeding has been filed by the Pennsylvania Public Utilities Commission.

This order shall constitute notice of the filing of the 7(a) applications hereinbefore referred to. These applications are on file with the Commission and open to public inspection.

The Commission orders:

(A) The motion filed by Southern Natural Gas Company in Docket No. CP65–66, is hereby denied.

(B) The applications in Docket Nos. CP65–11, CP65–20, CP65–10, CP65–19 and CP65–74 as well as the motion to amend the order in Docket No. CP64–165 are all interrelated with the applications heretofore consolidated and in view thereof are consolidated herewith.

(C) All of the above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of each intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition or petitions for leave to intervene: *And provided further,* That the admission of these interveners shall not be construed as recognition by the Commission that they are or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) The hearing heretofore scheduled to commence on October 19, 1964, is continued to November 9, 1964.

(E) Additional protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before October 19, 1964. All parties permitted to intervene in this proceeding by the instant order need not refile to intervene in the applications and motion consolidated by our Ordering Paragraph (B) above.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–10427; Filed, Oct. 13, 1964; 8:46 a.m.]



[Docket No. CP65–42]

## WHEELER GAS CO.

### Notice of Application

OCTOBER 6, 1964.

Take notice that on August 10, 1964, Wheeler Gas Company (Applicant), P.O. Box 278, Wheeler, Tex., 79096, filed in Docket No. CP65–42, an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Natural Gas Pipeline Company of America (Natural) to sell and deliver up to 1,500 Mcf of natural gas daily to Applicant for distribution and resale in the towns of Briscoe and Allison, Tex., and Reydon, Okla., all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states Applicant owns and operates distribution systems in the said towns under franchises granted to Applicant, and has been providing natural gas to customers in the said communities from its production in nearby gas areas now practically depleted. Customer requirements are being met in part from a supply obtained from Natural under temporary authorizations granted Natural in Docket Nos. CP64–140 and CP64–191.

The application further states Applicant was unable to meet the peak day demands of its customers during the winter of 1963–64, and estimates it will need on a 1964–65 peak day 636 Mcf from Natural and 500 Mcf from its own production.

On August 28, 1964, Natural filed an answer to Applicant's request stating it is willing to enter into a new service agreement providing for service to Applicant and to sell natural gas to Applicant on the condition that the provisions of Paragraph 6.1 of Natural's General Terms and Conditions contained in its Rate Schedule G–1 be not applicable to the sale for the reason that Applicant has its own production and facilities at the point of requested delivery. The answer further states that facilities costing $854 have been installed and paid for out of Natural's funds on hand pursuant to the above-described temporary authorizations.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 27, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–10428; Filed, Oct. 13, 1964; 8:46 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3421]

## CONTINENTAL VENDING MACHINE CORP.

### Order Suspending Trading

OCTOBER 8, 1964.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 9, 1964 through October 18, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64–10422; Filed, Oct. 13, 1964; 8:46 a.m.]

[File No. 1–4722]

## TASTEE-FREEZ INDUSTRIES, INC.

### Order Suspending Trading

OCTOBER 8, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such

securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 9, 1964 through October 18, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-10423; Filed, Oct. 13, 1964; 8:46 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-IX, Amdt. 2]

## KANSAS CITY REGIONAL OFFICE

### Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9) as amended, 29 F.R. 11777, 12570 and 13354; Delegation of Authority No. 30-IX, as amended, 29 F.R. 12495 and 13127 is hereby further amended by revising Items I.C.3, I.K.1 and I.K.2.a to read as follows:

I. • • •

C. • • •

3. To approve the following:

a. Business loans

(1) Direct not exceeding $350,000.

(2) Participation not exceeding $350,000.

b. Disaster loans

(1) Direct not exceeding $350,000.

(2) Participation not exceeding $350,000.

• • • • • •

K. • • •

1. To approve the following:

a. Direct loans not exceeding $100,000.

b. Participation loans not exceeding $250,000.

c. Simplified Bank Participation loans not exceeding $350,000.

d. Simplified Early Maturities Participation loans not exceeding $350,000.

e. Direct disaster loans not exceeding $350,000.

f. Participation disaster loans not exceeding $350,000.

2. To decline the following:

a. Business loans not exceeding $250,000.

• • • • •

Effective date: September 14, 1964.

C. I. MOYER, *Regional Director, Kansas City.*

[F.R. Doc. 64-10408; Filed, Oct. 13, 1964; 8:45 a.m.]

[Delegation of Authority 30-XI, Amdt. 3]

## DENVER REGIONAL OFFICE

### Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9), 29 F.R. 11777, as amended, 29 F.R. 12570 and 13354; Delegation of Authority No. 30-XI, 29 F.R. 12496, as amended, 29 F.R. 13057 and 13849 is hereby further amended by revising the first sentence of item I.K. to read as follows:

K. The following authority is hereby redelegated to the Branch Managers at Albuquerque, New Mexico; Salt Lake City, Utah and Casper, Wyoming. • • •

Effective date: September 28, 1964.

GEORGE E. SAUNDERS, *Regional Director, Denver.*

[F.R. Doc. 64-10409; Filed, Oct. 13, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 324]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 9, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

### MOTOR CARRIERS OF PROPERTY

No. MC 15737 (Deviation No. 4), ATLANTIC COAST FREIGHT LINES, INC., 3200 James Street, Baltimore, Md., filed September 30, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 1 and 130 near New Brunswick, N.J., over U.S. Highway 130 to Camden, N.J., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New York, N.Y., over U.S. Highway 1 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence by ferry or bridge to Camden, thence over U.S. Highway 130 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., thence over U.S. Highway 1 to Richmond, Va., and return over the same route.

No. MC 29840 (Deviation No. 1), TRI-STATE MOTOR EXPRESS, INC., 1501 A Avenue, Sioux Falls, S. Dak. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402, filed October 1, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, over deviation routes as follows: (1) From Omaha, Nebr., over Nebraska Highway 38 to junction U.S. Highway 275; (2) from Omaha over U.S. Highway 6 to junction U.S. Highway 275; (3) from Omaha over Nebraska Highway 64 to junction U.S. Highway 275; (4) from Omaha over Nebraska Highway 36 to junction U.S. Highway 275; (5) from Omaha over Nebraska Highway 133 to junction Nebraska Highway 36, thence over Nebraska Highway 36 to junction U.S. Highway 275; (6) from Omaha over Nebraska Highway 38 to junction Nebraska Highway 133, thence over Nebraska Highway 133 to junction Nebraska Highway 36, thence over Nebraska Highway 36 to junction U.S. Highway 275; (7) from Omaha over U.S. Highway 73 to Blair, Nebr., thence over Nebraska Highway 91 to junction U.S. Highway 275; (8) from Omaha over Nebraska Highway 133 to Blair, thence over Nebraska Highway 91 to junction U.S. Highway 275; (9) from Omaha over U.S. Highway 73 and Nebraska Highway 133 to Blair, thence over U.S. Highway 73 to Tekamah, thence over Nebraska Highway 32 to junction U.S. Highway 275; (10) from Winslow over U.S. Highway 77 to Oakland, thence over Nebraska Highway 32 to Westpoint; (11) from Omaha over U.S. Highway 73 or Nebraska Highway 133 to Blair, thence over U.S. Highway 73 to Decatur, thence over Nebraska Highway 51 to junction with Nebraska Highway 9; (12) from Winslow over U.S. Highway 77 to junction with Nebraska Highway 51, thence over Nebraska Highway 51 to junction with Nebraska Highway 9; (13) from Omaha over U.S. Highway 73 or Nebraska Highway 133 to Blair, thence over U.S. Highway 73 to Decatur, thence over Nebraska Highway 51 to junction Nebraska Highway 16, thence over Nebraska Highway 16 to junction Nebraska Highway 9; (14) from Winslow over U.S. Highway 77 to junction Nebraska Highway 51, thence over Nebraska Highway 51 to junction Nebraska Highway 16, thence over Nebraska Highway 16 to junction Nebraska Highway 9; (15) from Omaha over U.S. Highway 73 or Nebraska Highway 133 to Blair, thence over U.S. Highway 73 to junction Nebraska Highway 94, thence over Nebraska Highway 94 to Pender; (16) from Winslow over U.S. Highway 77 to junction Nebraska Highway 94, thence over Nebraska Highway 94 to Pender; (17) from Omaha over U.S. Highway 73 or Nebraska Highway 133 to Blair, thence over U.S. Highway 73 to Dakota City, thence over Nebraska Highway 35 to Hubbard; (18) from Winslow over U.S. Highway 77 to Dakota City, thence over Nebraska Highway 35 to Hubbard;

(19) from Sioux City, Iowa, over U.S. Highway 77 to junction Nebraska Highway 94, thence over Nebraska Highway 94 to Pender; (20) from Omaha over U.S. Highway 73 or Nebraska Highway 133 to Blair, thence over U.S. Highway 73 to Decatur, thence over Iowa Highway 175 to junction Interstate Highway 29 or U.S. Highway 75, thence over either Interstate Highway 29 or U.S. Highway 75 to Sioux City; (21) from Omaha over U.S. Highway 73 or Nebraska Highway 133 to Blair, thence over U.S. Highway 30 to Missouri Valley, thence over U.S. Highway 75 to Onawa, thence over U.S. Highway 75 or Interstate Highway 29 to Sioux City; and (22) from Omaha over city streets to Council Bluffs, Iowa, thence over Interstate Highway 29 to its junction U.S. Highway 30, thence over U.S. Highway 30 to its junction U.S. Highway 75, thence over U.S. Highway 75 to Onawa, thence over Iowa Highway 175 to its junction Interstate Highway 29, thence over Interstate Highway 29 to Sioux City; or from Omaha over U.S. Highway 75 to its junction Interstate Highway 29 at or near Onawa, Iowa, thence over Interstate Highway 29 to Sioux City, Iowa; or from Omaha over city streets to Council Bluffs, thence over Interstate Highway 29 to its junction U.S. Highway 75 and U.S. Highway 30, thence over U.S. Highway 75 to Sioux City, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Wakefield, Nebr., over Nebraska Highway 16 to junction Nebraska Highway 9, thence over Nebraska Highway 9 to junction U.S. Highway 20, and thence over U.S. Highway 20 to Sioux City; from Wakefield over Nebraska Highway 16 to junction Nebraska Highway 9, thence over Nebraska Highway 9 to Westpoint, Nebr., thence over U.S. Highway 275 to Omaha, and from Wakefield over Nebraska Highway 35 to junction Nebraska Highway 15, thence over Nebraska Highway 15 to junction U.S. Highway 275, thence over U.S. Highway 275 to Omaha, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-10442; Filed, Oct. 13, 1964; 8:47 a.m.]



[Notice 689]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 9, 1964.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time, or 9:30 a.m., local daylight saving time, if that time is observed unless otherwise specified.

### MOTOR CARRIERS OF PROPERTY

No. MC 52709 (Sub-No. 245) (REPUBLICATION), filed June 25, 1964, published FEDERAL REGISTER, issue of July 8, 1964, and republished, this issue. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Applicant's representative: Eugene Hamilton (same address as applicant). By application filed June 25, 1964, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of drilling mud additives, in bulk, in tank vehicles, from Oklahoma City, Okla., to points in the Nevada Test Site located within 50 miles of the U.S. Post Office at Mercury, Nev. The application is unopposed, has not involved the taking of testimony at a public hearing, or the submission of evidence by opposing parties in the form of affidavits, and the public interest will best be served by disposition of the matter without issuance of a report and recommended order. A grant of authority in terms of miles about a particular point should be avoided. An order of the Commission, Operating Rights Board No. 1, decided September 24, 1964, served October 5, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *drilling mud additives*, in bulk, in tank vehicles, from Oklahoma City, Okla., to points in the U.S. Atomic Energy Commission Nevada Proving Grounds in Clark, Lincoln, and Nye Counties, Nev.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an appropriate certificate should be issued. Because it is possible that other parties, who relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a corrected notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

APPLICATIONS FOR CERTIFICATE OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 2202 (Sub-No. 268) (CLARIFICATION), filed August 27, 1964, published in FEDERAL REGISTER, issue of September 17, 1964, clarified October 5, 1964, and republished as clarified this issue. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio. Applicant's attorney: Russell R. Sage, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving Albany, N.Y., for purposes of joinder only, in connection with applicant's present operations over its existing route between Cleveland, Ohio, and New York, N.Y., as described in MC 2202, as follows: General commodities (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cleveland, Ohio, and New York, N.Y., serving all intermediate points in Ohio and those between Peekskill, N.Y., and New York, N.Y., including Peekskill, N.Y., as follows: From Cleveland over U.S. Highway 20 to Silver Creek, N.Y., thence over New York Highway 5 to Albany, N.Y., and thence over U.S. Highway 9 to New York, and return over the same route.

NOTE: Applicant states the purpose of this application is to join the aforesaid route of applicant with the following routes of Western Express Company, which routes applicant is seeking to purchase in MC-F 8866: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Boston, Mass., and Syracuse, N.Y., (1) from

Boston over Massachusetts Highway 9 to Pittsfield, Mass. (also from Boston over U.S. Highway 20 to Pittsfield), thence over U.S. Highway 20 via Albany and Canaovia, N.Y., to junction New York Highway 22, and thence over New York Highway 22 to Syracuse; (2) from Boston to Albany as specified above, thence over New York Highway 5 via Vernon, N.Y., to Syracuse; and (3) from Boston to Vernon as specified above, thence over New York Highway 234 to junction New York Highway 31, thence over New York Highway 31 to Cicero, N.Y., and thence over U.S. Highway 11 to Syracuse, and return over the same routes, serving all intermediate points, and off-route points within ten (10) miles of the above specified routes, those within ten (10) miles of Boston, and those within ten (10) miles of Syracuse. The purpose of this republication is to more clearly set forth applicant's desire to serve Albany, N.Y., for purposes of joinder only, in connection with its authorized regular-route operations between Cleveland, Ohio, and New York, N.Y., as more particularly specified above. This is a matter to be concurrently handled with MC–F 8866, published in FEDERAL REGISTER issue of September 10, 1964.

No. MC 2866 (Sub-No. 16), filed October 2, 1964. Applicant: EDWARDS MOTOR TRANSIT COMPANY, a corporation, 56 East Third Street, Williamsport, Pa. Applicant's attorneys: Robert H. Griswold, Post Office Box 432, Harrisburg, Pa., and Morris J. Levin, Continental Building, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail, and newspapers*, in the same vehicle with passengers, between junction Pennsylvania Highways 45 and 145, at or near Lehigh Gap, Pa., and Philadelphia, Pa., from junction Pennsylvania Highways 45 and 145, at or near Lehigh Gap, Pa., over Pennsylvania Highway 145 to Allentown, Pa., thence over U.S. Highway 309 to Quakertown, Pa., thence over Pennsylvania Highway 313 to junction U.S. Highway 611 north of Doylestown, Pa., and thence over U.S. Highway 611 to Philadelphia, and return over the same route, serving all intermediate points, but restricted in the following manner: No passengers to be transported over the above specified route (a) between Allentown and Quakertown, Pa., and points intermediate thereto, and between Allentown and Quakertown, Pa., and points intermediate thereto, on the one hand, and, on the other, Philadelphia, Pa.; and (b) between Frackville, St. Clair, and Pottsville, Pa., on the one hand, and, on the other, Philadelphia, Pa.

NOTE: Applicant states, by virtue of Certificate No. MC 2866 (Sub-No. 14), it holds authority over the above described route but subject to the following restrictions: (1) between points on carrier's presently authorized interstate routes in the area bounded by Shamokin, Shenandoah, Hometown, Tamaqua, junction Pennsylvania Highway 443 and U.S. Highway 309, Pottsville, and Frackville, Pa., on the one hand, and, on the other, points beyond Philadelphia, via the Philadelphia gateway; and (2) between points on carrier's presently authorized interstate routes in the area bounded by Shamokin, Shenandoah, Hometown, Tamaqua, junction Pennsylvania Highway 443 and U.S. Highway 309, Pottsville, and Frackville, Pa., on the one hand, and, on the other, Allentown and Quakertown, Pa., and points intermediate thereto. In effect, the instant application seeks to eliminate above restriction (1) except with respect to Frackville, St. Clair and Pottsville; to eliminate restriction (2); and to establish a restriction between Allentown and Quakertown and intermediate points, and between Allentown and Quakertown and intermediate points, on the one hand, and, on the other, Philadelphia. It is further stated, if the instant application is granted, it will request cancellation of Certificate No. MC 2866 (Sub-No. 14). The modification of restrictions applicable to the above route is sought in connection with the acquisition, in No. MC–F 8745, of a portion of the authority now held by Reading Transportation Company in Certificate Nos. MC 46047 and MC 46047 (Sub-No. 1). Concurrently with the filing of this application, Edwards Motor Transit Company is seeking to become a party transferee in Docket No. MC–F 8745. This is a matter directly related to MC–F 8745, published in the FEDERAL REGISTER issue of May 13, 1964.

### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

No. MC–F–8896. Authority sought for purchase by STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street SW., Mason City, Iowa, of the operating rights of W. G. VAN VLACK, doing business as VANS MOTOR SERVICE, 107 Reynolds Street, Manchester, Iowa, and for acquisition by FRED J. STOCKBERGER, Post Office Box 1095, Mason City, Iowa, of control of such rights through the purchase. Applicants' attorney: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Operating rights sought to be transferred: *Poultry boxes*, as a *common carrier*, over irregular routes, from Chicago, Ill., to certain points in Iowa; *feed*, from Burlington, Wis., to certain points in Iowa, from Chicago, Forest Park, and Calumet, Ill., to certain points in Iowa; *animal feed* from Burlington, Wis., to certain points in Iowa, with exceptions; *twine*, from Milwaukee, Wis., to certain points in Iowa; *egg cases* and *egg case material*, from Chicago, Ill., to certain points in Iowa; *eggs*, and *live and dressed poultry*, from certain points in Iowa, and LeRoy, Minn., to Chicago, Ill., and Milwaukee, Wis.; *butter*, from certain points in Iowa, to Chicago, Ill.; *roofing material*, from Chicago, Ill., to certain points in Iowa; *chemicals*, from Chicago, Ill., to Sumner, Iowa; *fencing material*, from Sterling, Ill., to certain points in Iowa; *drugs and druggist supplies*, from Chicago, Ill., to certain points in Iowa; *brick*, from Lowell, and Streator, Ill., to certain points in Iowa; *fresh meats* and *packinghouse products*, in minimum shipments of 12,000 pounds, from Mason City, Iowa, to Milwaukee, Wis.; *plumbing supplies*, from Kohler, Wis., to Marshalltown, Iowa; *fresh meat, cured meat (including canned meat), lard* and *advertising matter*, therefor, between Waterloo, Iowa, on the one hand, and on the other, certain points in Wisconsin; *the commodities* classified as (a) meat, meat products, and meat byproducts, (b) as dairy products, and (c) as articles distributed by meat packinghouses, in the appendix to the report in *Modification of Permits—Packing House Products*, 46 M.C.C. 23, from Waterloo, Iowa, to certain points in Wisconsin; and *canned goods*, from points in Wisconsin to points in Iowa. Vendee is authorized to operate as a *common carrier* in Iowa, Illinois, Minnesota, Wisconsin, North Dakota, South Dakota, Kansas, Nebraska, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8897. Authority sought for purchase by WILMER RISTOW, doing business as RISTOW TRUCKING, Wales, Wis., 53183, of the operating rights of O. W. MARTIN, doing business as MARTIN TRUCKING, Post Office Box 428, Cromwell, Ind. Applicant's attorney: Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. Operating rights sought to be transferred: *Fresh fruits and vegetables, fresh frozen fruits* and *fresh frozen vegetables*, in containers, as a *contract carrier*, over irregular routes from certain points in Wisconsin, Michigan, Indiana, and Ohio, to Chicago, Ill.; *racks* and *empty containers*, from Chicago, Ill., to the above origin points; *vegetables*, fresh or green, from points in the lower peninsula of Michigan north of U.S. Highway 10, to Chicago, Ill., from points in the lower peninsula of Michigan, to points in Randolph and Vigo Counties, Ind.; *vegetables*, fresh, green, or frozen, from points in the lower peninsula of Michigan, to points in Indiana, to points in Henry County, Ohio, from certain points in Ohio, to points in Randolph and Vigo Counties, Ind., from points in Wisconsin on and south of U.S. Highway 10, to points in Randolph and Vigo Counties, Ind., and Henry County, Ohio; *empty containers and racks* for the commodities described immediately above, from the destination points specified immediately above to their respective origin points; *vegetables*, fresh, green, or frozen, and *empty containers and racks therefor*, between Chicago, Ill., on the one hand, and, on the other, points in Randolph and Vigo Counties, Ind., and Henry County, Ohio, between points in Randolph and Vigo Counties, Ind., on the one hand, and, on the other, points in Henry County, Ohio; *tomatoes*, fresh or green, and *racks and empty containers therefor*, between Camden, N.J., on the one hand, and, on the other, Chicago, Ill., and points in Randolph and Vigo Counties, Ind., and Henry County, Ohio; and *materials, equipment, and supplies* used in the operation of canning plants, between Chicago, Ill., on the one hand, and, on the other, points in Randolph County, Ind., and Henry County, Ohio, between points in Randolph and Vigo Counties, Ind., on the one hand, and, on the other, points in Henry County, Ohio. Vendee is authorized to operate as a *contract carrier* in Ohio, Indiana, Michigan, Missouri, Illinois, Wisconsin, Iowa and Minnesota. Application has not been filed for temporary authority under section 210a(b).



No. MC–F–8898. Authority sought for control by DANCE FREIGHT LINES, INC., 286 New Circle Road, Lexington, Ky., of RELIANCE TRUCKING COMPANY, INC., 812 Cawthorn Street, Louisville, Ky., and for acquisition by R. L. DANCE, 920 Dance Court, Cincinnati, Ohio, of control of RELIANCE TRUCKING COMPANY, INC., through the acquisition by DANCE FREIGHT LINES, INC. Applicants' attorney: Harry McChesney, McClure Building, Frankfort, Ky. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Louisville, Ky., and Lexington, Ky., serving all intermediate points between Graefenburg and Lexington, Ky., including Graefenburg, between Frankfort, Ky., and Louisville and Lawrenceburg, Ky., serving all intermediate and off-route points within five miles of Frankfort, between Louisville, Ky., and Bardstown, Ky., serving the intermediate points of Bourbon and Nazareth, Ky., between junction U.S. Highway 60 and Gilliland Lane, approximately two and one-half miles east of Middletown, Ky., and junction U.S. Highway 31E and Watterson Trail, approximately two and one-half miles southeast of Fisherville, Ky., serving the intermediate point of Waterfill & Frazier Distillery, Ky., between Lexington, Ky., and Avon, Ky., serving all intermediate points. DANCE FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Ohio, Georgia, Kentucky, Tennessee, South Carolina, North Carolina, Indiana, and Illinois. Application has been filed for temporary authority under section 210a(b)

No. MC–F–8899. Authority sought for purchase by WESTERN LINES, INC., Post Office Box 1145, Houston 1, Tex., of the operating rights and certain property of C. E. RHODES, doing business as C. E. RHODES TRUCK LINE, Post Office Box 272, Kountze, Tex., and for acquisition by J. L. LINKENHOGER, also of Houston 1, Tex., of control of such rights and property through the purchase. Applicants' attorney: Irving J. Raley, 1825 Jefferson Place NW., Washington, D.C., 20036. Operating rights sought to be transferred: *Lumber*, as a *common carrier*, over irregular routes, from points in Louisiana and New Mexico, to points in Texas, from points in Louisiana and Texas, to points in New Mexico, Oklahoma, and Louisiana (except from Texarkana, Tex., to points in that part of New Mexico on and north of U.S. Highway 66). Vendee is authorized to operate as a *common carrier* in Texas, Arkansas, Louisiana, and Oklahoma, and as a *contract carrier* in Arkansas, Kansas, Oklahoma, New Mexico, Texas, Louisiana, Missouri, Iowa, and Nebraska. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8900. Authority sought for purchase by ECOFF TRUCKING, INC., Fortville, Ind., of a portion of the operating rights of TAJON TRUCKING CO., Post Office Box 228, Oak Street, Grove City, Pa., and for acquisition by V. D. Ecoff, also of Fortville, Ind., of control of such rights through the purchase. Applicants' attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Operating rights sought to be transferred: *Lime*, in containers, and in bulk, in dump vehicles, and *lime*, in bulk, in pneumatic tank vehicles, as a *common carrier*, over irregular routes, from Springfield, Ohio, to points in Alabama, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York (except Nassau, Suffolk, Queens, and Kings Counties), North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. RESTRICTION: The service authorized herein is subject to the restriction that no shipment of lime in containers, or in bulk, in dump vehicles, shall be transported to the sites of glass manufacturing plants in Illinois, Indiana, the Lower Peninsula of Michigan, and Glenshaw, South Connellsville, Washington, Greensburg, and Ford City, Pa., and Huntington and Parkersburg, W. Va. Vendee is authorized to operate as a *common carrier* in Indiana, Missouri, Ohio, Illinois, Kentucky, Wisconsin, Michigan, Iowa, Alabama, Georgia, Tennessee, Pennsylvania, Florida, Mississippi, West Virginia, Minnesota, Iowa, Delaware, New Jersey, New Hampshire, Nebraska, North Dakota, South Dakota, Arkansas, Oklahoma, South Carolina, and Connecticut. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8901. Authority sought for purchase by TURNER BROS. TRUCKING COMPANY, INC., 5501 South Hattie (Mailing address: Post Office Box 94626), Oklahoma City, Okla., of a portion of the operating rights of LONE STAR TRUCKING, INC., Post Office Box 68, Joinerville, Tex., 75658. Applicants' attorney: Rufus H. Lawson, Post Office Box 75124, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City 7, Okla. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies*, used in or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking-up thereof, as a *common carrier*, over irregular routes, between points in Oklahoma, and Arkansas. Vendee is authorized to operate as a *common carrier* in Colorado, Wyoming, Illinois, Nebraska, South Dakota, Missouri, Oklahoma, Kansas, Texas, Louisiana, New Mexico, Mississippi, and North Dakota. Application has not been filed for temporary authority under section 210a(b).

### MOTOR CARRIERS OF PASSENGERS

No. MC–F–8745 (SAFEWAY TRAILS, INC., ET AL.—PURCHASE—READING TRANSPORTATION CO.), published in the May 13, 1964, issue of the FEDERAL REGISTER on page 6299. Amendment filed October 2, 1964, for joinder of EDWARDS MOTOR TRANSIT COMPANY, 56 East Third Street, Williamsport, Pa., as an additional vendee. Applicants' attorney: Robert H. Griswold, Post Office Box 432, Harrisburg, Pa. Operating rights sought to be transferred: Passengers and their baggage, and express, newspapers and mail, in the same vehicle with passengers, as a *common carrier*, over regular routes, between Shamokin, Pa., and Allentown, Pa., serving all intermediate points; between Ashland, Pa., and Pottsville, Pa., serving all intermediate points. RESTRICTION: The service authorized herein is subject to the following conditions: No traffic shall be transported to or from Pottsville, Frackville, Pa., or points intermediate thereto, except traffic moving on through tickets or billing from or to points beyond Pottsville or Frackville on said carrier's lines or on the lines of the Reading Company, no traffic shall be transported between Pottsville, Frackville, or points intermediate thereto, on the one hand, and, on the other, Girardville, or Mahoney City, Pa., or points on Pennsylvania Highway 45 intermediate to Girardville and Mahoney City. EDWARDS MOTOR TRANSIT COMPANY is authorized to operate as a *common carrier* in New York, Ohio, New Jersey, and Pennsylvania.

NOTE: No. MC–2866 Sub-16 is a matter directly related.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F.R. Doc. 64–10443; Filed, Oct. 13, 1964; 8:47 a.m.]

[Notice 22]

## APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OF REGISTRATION

OCTOBER 9, 1964.

The following applications are filed under section 206(a)(7) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.244, of the Commission's rules of practice published in the FEDERAL REGISTER, issue of December 8, 1962, page 12188, which provides, among other things, that protests to the granting of an application may be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. Protests shall set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. Protests containing general allegations may be rejected. A protest filed under these special rules shall be served upon applicant's representative (or applicant, if no practitioner representing him is named). The original and six copies of the protests shall be filed with the Commission.

The Special Rules do not provide for publication of the operating authority, but the applications are available at the Commission's office in Washington, D.C., and the field offices.

Applications not included in this publication will be published at a later date.

MASSACHUSETTS

No. MC 97658 (Sub-No. 1), filed February 12, 1963. Applicant: NORTHAMPTON & BOSTON EXPRESS SERVICE, INC., Post Office Box 8, Hadley, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section (206 (a) (7) of the Interstate Commerce Act, pursuant to Certificates Nos. 5970, dated November 22, 1939, and 330, issued by the Massachusetts Department of Public Utilities.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10444; Filed, Oct. 13, 1964; 8:47 a.m.]

[Notice 688]

## MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 9, 1964.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protests shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d) (4) of the Special Rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 409 (Sub-No. 15), filed September 28, 1964. Applicant: O. E. POULSON, INC., Elm Creek, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *fertilizer solutions*, in bulk, in tank vehicles, from the site of the Phillips Petroleum Company plant, located at or near Hoag, Nebr., to points in Iowa, Kansas, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 531 (Sub-No. 155), filed October 1, 1964. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14287, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, between Mount Vernon, Ind., and points within ten (10) miles thereof, on the one hand, and, on the other, points in California, Oregon, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2392 (Sub-No. 32), filed September 25, 1964. Applicant: WHEELER TRANSPORT SERVICE, INC., Box 432, Genoa, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Nebraska City, Nebr., to points in Minnesota and South Dakota, and *damaged or rejected shipments* of the above described commodity, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 10761 (Sub-No. 169), filed September 25, 1964. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Simsbury, Conn., an off-route point in connection with applicant's authorized regular-route operations between New York, N.Y. and Hartford, Conn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 17002 (Sub-No. 22), filed October 1, 1964. Applicant: CASE DRIVEWAY, INC., Post Office Box 1156, Huntington, W. Va. Applicant's attorney: Paul F. Sullivan, Barr Building, 910 17th Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *iron and steel*, from points in Cabell County, W. Va., to points in Tennessee, Virginia, North Carolina, South Carolina, Alabama, Georgia, Mississippi, Louisiana, and Florida, and *empty containers or other incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 17829 (Sub-No. 8), filed October 1, 1964. Applicant: DiSILVA TRANSPORTATION, INC., 30 Middlesex Avenue, Somerville, Mass. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road (at South Shore Plaza), Braintree 84, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, and in connection therewith, *equipment, materials, and supplies used in the conduct of such business* (except commodities in bulk, in tank vehicles), from Boston, Mass., to points in Maine and New Hampshire, and *returned and damaged merchandise* of the above-specified commodities, on return. RESTRICTION: The proposed operations herein will be limited to a transportation service to be performed, under a continuing contract, or contracts, with Elm Farm Foods Co. (a corporation), of Boston, Mass.

NOTE: Applicant states it currently holds contract carrier authority in Permit Nos. 17829 and Subs thereto to perform part of the service requested. However, it seeks no duplicate authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 18202 (Sub-No. 8), filed October 2, 1964. Applicant: R. C. BARSTOW TRUCKING CO., INC., 102 Middle Street, Hadley, Mass. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, insecticides and pesticides*, and *related advertising materials* when moving at the same time, from Carteret, N.J., to points in Connecticut, Massachusetts, Rhode Island, and points in Hillsboro, Cheshire, and Merrimack Counties, N.H.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 23942 (Sub-No. 15), filed September 17, 1964. Applicant: THE SEACOAST TRANSPORTATION COMPANY, a corporation, 500 Water Street, Jacksonville, Fla. Applicant's attorney: Richard D. Sanborn, Jr., Law Department, Atlantic Coast Line Railroad Company, Jacksonville, Fla. Applicant is authorized in Certificate No. MC 23942 to transport, over regular routes, between named points therein, in Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama, general commodities, without exceptions, but subject to restrictions, including certain keypoints. The purpose of the subject application is twofold: (1) Complete removal of the Fayetteville, N.C. keypoint, and (2) merger of the Rocky Mount, N.C. keypoint with the Wilmington, N.C. keypoint. Applicant states in connection

[1] Copies of 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.



with (1), the amount of less-than-carload traffic handled by the Atlantic Coast Line Railroad has steadily decreased to and from the Fayetteville, N.C. area since the issuance of its original Certificate in 1950. Shipments formerly transferred at that point, are now being transferred at the keypoints of Rocky Mount, N.C., or Florence, S.C. As applicant is presently authorized to perform a motor carrier service between Rocky Mount, N.C. and Warsaw, N.C., via Fayetteville, complete removal of this keypoint restriction would result in operating economies and the ability to render a more efficient service. In connection with (2), applicant states that under its present authority it is prevented from transporting its less-than carload traffic from Rocky Mount, N.C. to Wilmington, N.C., by motor vehicle. Merger of the Rocky Mount, N.C. keypoint with the Wilmington, N.C. keypoint would allow applicant to discontinue duplicative operations and effect substantial operating economies.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Rocky Mount, N.C.

No. MC 31600 (Sub-No. 575), filed September 28, 1964. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Wilmington, Mass., to East Haddam, Conn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 35540 (Sub-No. 11), filed September 28, 1964. Applicant: SCHRODER'S EXPRESS, INC., 1550 Perin Street, Cincinnati 4, Ohio. Applicant's attorney: George M. Catlett, Suite 703–706 McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Evansville, Ind. and Central City, Ky., from Evansville over U.S. Highway 41 to Nortonville, Ky., thence over U.S. Highway 62 to Central City, and return over the same route; (2) between Nortonville, Ky. and Calvert City, Ky., from Nortonville over U.S. Highway 62 to junction Kentucky Highway 95, thence over Kentucky Highway 95 to Calvert City, and return over the same route; (3) between Dawson Springs, Ky. and Evansville, Ind., from Dawson Springs over Kentucky Highway 109 to Providence, Ky., thence over Kentucky Highway 120 to junction Alternate U.S. Highway 41, thence over Alternate U.S. Highway 41 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 41, thence over U.S. Highway 41 to Evansville, and return over the same route; and (4) between Evansville, Ind. and Owensboro, Ky., from Evansville over Indiana Highway 66 to junction U.S. Highway 231, thence over U.S. Highway 231 to Owensboro, and return over the same route, serving all intermediate points on the above-described routes (1) through (4) inclusive, and off-route points within three (3) air miles of these same routes.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind.

No. MC 40270 (Sub-No. 3), filed September 30, 1964. Applicant: A. J. CRABBS, Enid, Okla. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products and mineral feed mixtures*, between Lyons, Kans., and points within five (5) miles thereof, on the one hand, and, on the other, points in that part of Oklahoma north of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 66 to Oklahoma City, Okla., thence along U.S. Highway 62 to junction U.S. Highway 266, thence along U.S. Highway 266 to junction U.S. Highway 64, and thence along U.S. Highway 64 to the Oklahoma-Arkansas State line, including points on the indicated portions of the highways specified above.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 42963 (Sub-No. 22), filed September 28, 1964. Applicant: DANIEL HAMMN DRAYAGE COMPANY, a corporation, 2d and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks, II, 1311-12 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cadet, Mo., and points within ten (10) miles thereof, to points in Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 44300 (Sub-No. 12), filed September 30, 1964. Applicant: HESS CARTAGE COMPANY, a corporation, 17065 Hess Avenue, Melvindale, Mich. Applicant's attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal rolling mill rolls, fabricated structural steel, and dies, including die parts, die checking fixtures, die models, hand jigs or tools, patterns and templates moving in connection with the dies* between Ashland, Ky., points in Michigan, Ohio, that part of West Virginia north of U.S. Highway 40, and that part of Pennsylvania west of U.S. Highway 19, including points on the indicated portions of the highways specified.

NOTE: Applicant states the requested authority is to remove existing doubts concerning applicant's transportation of the above commodities under existing authority for the movement of "steel and steel products" between points in the same territory described. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 45021 (Sub-No. 3), filed September 28, 1964. Applicant: SPEEDY TRUCKING CO., INC., Page and Schuyler Avenue, Lyndhurst, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is dealt in by wholesale and retail grocery houses*, between Lyndhurst, N.J., and Secaucus, N.J., on the one hand, and, on the other, points in Orange, Rockland, Putnam, Dutchess, Ulster, and Sullivan Counties, N.Y., and points in Connecticut; RESTRICTION: Under contract with Hudson Wholesale Groceries, Inc., and J. Ossola Company, Inc., and (2) *frozen foods*, between Secaucus, N.J., on the one hand, and, on the other, points in Rhode Island and points in Philadelphia, Chester, and Delaware Counties, Pa.; RESTRICTION: Under contract with J. Ossola Company, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 45158 (Sub-No. 21), filed September 30, 1964. Applicant: KILLION MOTOR EXPRESS, INC., 2305 Ralph Avenue, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Louisville, Ky., and Shoals, Ind., from Louisville over Interstate Highway 65 to junction Indiana Highway 60, thence over Indiana Highway 60 to junction U.S. Highway 50, thence over U.S. Highway 50 to Shoals, and return over the same route, serving no intermediate points, for purposes of joinder only, as an alternate route, for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 52729 (Sub-No. 19), filed September 29, 1964. Applicant: FIOROT TRUCKING, INC., Box 43, Pen Argyl, Pa. Applicant's attorney: Frank A. Doocey, 506 Hamilton Street, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos shingles, asphalt shingles, wood shingles, cedar shakes, and cedar shake panels, nails, paint, shipping pallets, and other accessories*, used in the installation of such products, from the plant sites, and warehouses of Supradur Manufacturing Corporation located at Wind Gap, Pa.,

and points within five (5) miles thereof, to points in Michigan, Indiana, Kentucky, North Carolina, South Carolina, Virginia, and West Virginia, and to the Port of Philadelphia, Pa., and *pallets, blocking, and other materials, used in transporting* the commodities specified above, and *damaged and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 55236 (Sub-No. 96), filed September 28, 1964. Applicant: OLSON TRANSPORTATION COMPANY, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from The Tri-City Regional Port District Complex located in Madison County, Ill., to points in Arkansas, Indiana, Illinois, Iowa, Kansas, Kentucky, Missouri, Nebraska, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 61396 (Sub-No. 113), filed September 28, 1964. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* in bulk in tank trucks from Nebraska City, Nebr., to points in South Dakota and Minnesota and *returned or rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 61440 (Sub-No. 94), filed September 28, 1964. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products, and materials and supplies*, used in the installation and application of such commodities from the plant site of the United States Gypsum Company, located at Southard, Okla., to points in Dallas, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall, and Childress Counties, Tex., and points in Arkansas, Kansas, and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 64932 (Sub-No. 355), filed September 24, 1964. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals dry*, in bulk, from points in St. Louis, Mo.-East St. Louis, Ill. commercial zone, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 64932 (Sub-No. 356), filed September 29, 1964. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent phosphoric acid*, in bulk, in tank vehicles from Charlotte, Mich. to Thornton, Ind.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 65516 (Sub-No. 3), filed September 23, 1964. Applicant: CHRETIEN STORAGE WAREHOUSE, INC., 300 Elm Street, Buffalo, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission (containerized), and *empty containers or other incidental facilities* (not specified) used in transporting the above-described commodity, between Buffalo, N.Y., and points in Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, and Wyoming Counties, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 69116 (Sub-No. 86), filed September 23, 1964. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Green Bay, Wis., and New London, Wis., over Wisconsin Highway 54, (2) between Green Bay, Wis., and Manitowoc, Wis., over U.S. Highway 141, (3) between Fond du Lac, Wis., and Plymouth, Wis., over Wisconsin Highway 23, (4) between Manitowoc, Wis., and Sheboygan, Wis., over U.S. Highway 141, and (5) between Sheboygan, Wis., and junction U.S. Highway 141, and Wisconsin Highway 57, over U.S. Highway 141, and return over the same routes, serving no intermediate points, as alternate routes for operating convenience only in connection with applicant's regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 74846 (Sub-No. 53), filed September 29, 1964. Applicant: LEWIS G. JOHNSON, INC., Greigg Street, Port Gibson, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except frozen foods and commodities in bulk in tank vehicles), and (2) *baby foods and baby supplies*, between points in Wayne, Ontario, Yates, Orleans, and Monroe Counties, N.Y., on the one hand, and, on the other, Florence (Burlington County), N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 74857 (Sub-No. 14), filed September 24, 1964. Applicant: FULLER MOTOR DELIVERY CO., 1111 West Court Street, Cincinnati 3, Ohio. Applicant's attorney: David A. Caldwell, 900 Tri-State Building, Cincinnati, Ohio, 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles, from points in Scioto County, Ohio, to points in Ohio, Kentucky, and West Virginia.

NOTE: Applicant states that the proposed operation will be limited to service to be performed under continuing contracts with Cargill, Incorporated and Diamond Crystal Salt Co. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 76177 (Sub-No. 296), filed September 29, 1964. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham, Ala. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives and nitro carbo nitrate*, between the plant site of the Hercules Powder Company located near McAdory, Ala., and the port of entry on the International Boundary line between the United States and Canada at or near Calais, Maine.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 77572 (Sub-No. 1), filed September 25, 1964. Applicant: BOND TRANSFER AND STORAGE COMPANY, INC., 1600 Moss Street, Columbus, Miss. Applicant's attorney: Henry K. Van Every, 218½ Fifth Street North, Columbus, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Columbus, Miss., on the one hand, and, on the other, points in Lowndes County, Miss.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 86913 (Sub-No. 14), filed September 24, 1964. Applicant: EASTERN MOTOR LINES, INC., Post Office Box 649, Warrenton, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), from points in Maine and New Hampshire, to points in Virginia, North Carolina, South Carolina, Georgia, and Tennessee.



NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 92319 (Sub-No. 2), filed September 28, 1964. Applicant: ROY OTTIS SCHNEPP, Post Office Box 123, Sault Ste. Marie, Mich. Applicant's attorney: Quentin A. Ewert, Union Savings & Loan Building, 117 West Allegan Street, Lansing, Mich., 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages* and *non-alcoholic beverages* from Minneapolis and St. Paul, Minn., to St. Ignace and Sault Ste. Marie, Mich., and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 92983 (Sub-No. 450), filed October 2, 1964. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages and spirits*, in bulk, in tank vehicles, from points in California, to points in Missouri on and west of U.S. Highway 63.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 102812 (Sub-No. 11), filed September 28, 1964. Applicant: LUX ART VANS SERVICE, INC., 12270 Montague, Pacoima, Calif. Applicant's attorney: Philip Jacobson, 510 West Sixth Street, Suite 723, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock* (other than ordinary), *supplies and equipment* used in the care, exhibition, and racing of livestock (other than ordinary), *mascots, lead ponies*, and the *personal effects of attendants and trainers*, to be transported in the same vehicle with such livestock, between points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE: Applicant holds corresponding authority in Certificate No. MC 102812 restricted against transportation (1) between points in California, on the one hand, and, on the other, points in Clark County, Nev., and (2) between any two points both of which are in the same State. Applicant states the purpose of this application is to delete the aforementioned restriction recited above in (1). If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 102885 (Sub-No. 4), filed September 24, 1964. Applicant: JOSEPH MAKOWSKI AND LEONARD MAKOWSKI, a partnership, doing business as MAKOWSKI HAULING, New Concord Road, Concordville, Pa. Applicant's attorney: Morris J. Winokur, Suite 1920, Two Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa., 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum dross and the product thereof*, between the plant of Federated Metals Division of American Smelting and Refining Co., in Perth Amboy, N.J., and the plant of Chester Processing Company, Chester, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 103378 (Sub-No. 297), filed September 24, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Bainbridge, Ga., to points in Florida beyond 175 miles.

NOTE: Applicant states the destination territory be restricted as shown above, making it possible for service to all points in Florida. It is further noted that applicant holds authority under its Sub-No. 5 for transportation from the origin point, to points in Florida within 175 miles from origin. If a hearing is deemed necessary, applicant requests it be held in Jacksonville, Fla.

No. MC 103378 (Sub-No. 298), filed October 2, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, from points in Decatur County, Ga., to points in Alabama, and Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held in Jacksonville, Fla.

No. MC 103378 (Sub-No. 299), filed October 2, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., Atlantic National Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid alum*, in bulk, in tank vehicles, from Atlanta, Ga., and points within fifteen (15) miles thereof, to points in Alabama.

NOTE: If a hearing is deemed necessary, applicant requests it be held in Jacksonville, Fla.

No. MC 103378 (Sub-No. 300), filed October 2, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., Atlantic National Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solutions and anhydrous ammonia*, in bulk, in tank vehicles, from points in Decatur County, Ga., to points in Florida beyond 175 miles.

NOTE: Applicant states the destination territory be restricted as shown above, making it possible for service to all points in Florida. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 103993 (Sub-No. 188), filed September 30, 1964. Applicant: MORGAN DRIVE AWAY, INC., 2800 Lexington Avenue, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind., 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Wayne County, N.Y., to points in the United States, including Alaska.

NOTE: If a hearing be deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 103993 (Sub-No. 189), filed September 30, 1964. Applicant: MORGAN DRIVE AWAY, INC., 2800 Lexington Avenue, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Kit Carson County, Colo., to points in the United States, including Alaska, but (excluding Hawaii).

NOTE: If a hearing be deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 106407 (Sub-No. 21), filed September 24, 1964. Applicant: T. E. MERCER TRUCKING CO., a corporation, 920 North Main Street, Fort Worth, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, between points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 106914 (Sub-No. 20), filed September 3, 1964. Applicant: HAROLD FINE, doing business as AMERICAN CARTAGE COMPANY, 1575 Fairfield Avenue, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 5275 Ridge Road, Cleveland, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, commodities in bulk and those requiring special equipment), between Lordstown, Trumbull County, Ohio, on the one hand, and, on the other, Cleveland, Ohio.

NOTE: Applicant states he seeks to tack the above authority with his presently authorized operation. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 107107 (Sub-No. 319) (CLARIFICATION), filed September 8, 1964, published FEDERAL REGISTER, issue of September 24, 1964, amended October 5, 1964, and republished as clarified, this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami, Fla. 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, chocolate, cocoa, syrup, sauces, toppings, cocoa butter, chocolate coating*, and *milk and chocolate and/or cocoa compounds*, from Derry Township, located in Dauphin County, Pa., to points in Florida.

NOTE: The purpose of this republication is to locate Derry Township. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 107107 (Sub-No. 321), filed September 25, 1964. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food ingredients and food materials, and related advertising and promotional materials*, from points in Dade and Broward Counties, Fla., to points in Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 107162 (Sub-No. 15), filed October 1, 1964. Applicant: NOBLE GRAHAM, Brimley, Mich. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined in Appendix 5 to Ex Parte No. MC 45, 61 M.C.C. 209, from the port of entry on the international boundary line between the United States and Canada located at or near Sault Sainte Marie, Mich., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, Ohio, South Dakota, and Wisconsin, and *materials, supplies, machinery and machinery parts used or useful in the manufacture of iron and steel articles*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 107403 (Sub-No. 579), filed September 25, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, in specialized equipment, from Cincinnati, Ohio, to points in Arkansas and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107698 (Sub-No. 33), filed September 28, 1964. Applicant: BONANZA, INC., Post Office Box 5526, Midwest City, Okla. Applicant's attorney: Wilburn L. Williamson, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Okmulgee, Okla., to Arvada, Colo., Union City, Calif., and points in Oregon and Washington and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 108207 (Sub-No. 144), filed September 25, 1964. Applicant: FROZEN FOOD EXPRESS (TEX. CORP.), 318 Cadiz Street, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, from Columbus Junction, Iowa, to points in Oklahoma and Arkansas. RESTRICTION: Against tacking or inter-lining at point of origin.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 109397 (Sub-No. 103), filed September 28, 1964. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear and radioactive materials*, between the facilities of United Nuclear Corporation, located at Hematite, Mo., on the one hand, and, on the other, San Diego, San Jose, and Canoga Park, Calif., Lynchburg, Va., Apollo and Pittsburgh, Pa., New Haven and Windsor, Conn., Schenectady, N.Y., Attleboro, Mass., Cleveland and Sandusky, Ohio, White Plains and Hicksville, N.Y., Oak Ridge National Laboratory, Oak Ridge, Tenn., and Los Alamos National Laboratory, Los Alamos, N. Mex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 109682 (Sub-No. 30), filed September 28, 1964. Applicant: BOLIN DRIVEAWAY CO., a corporation, 2208 Superior Viaduct, Cleveland, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and trucks*, in initial and import secondary movements in both truckaway and driveaway movements, from South Bend, Ind., to points in Tennessee, North Carolina, South Carolina, Arkansas, Louisiana, Mississippi, Alabama, Georgia, and Florida, and *damaged, refused, and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 110420 (Sub-No. 384), filed September 28, 1964. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cedartown, Ga., to points in Illinois, Indiana, Iowa, Minnesota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 385), filed September 28, 1964. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk from Tri-City Regional Port Complex located in Madison County, Ill., to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110420 (Sub-No. 386), filed September 28, 1964. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast and blends and derivatives thereof*, in bulk, from Belleville, Ill., and points within ten (10) miles thereof, to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110523 (Sub-No. 681), filed September 23, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C., and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, between Mount Vernon, Ind., and points within ten (10) miles thereof, on the one hand, and, on the other, points in California, Oregon and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 682), filed September 29, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C., and Edwin H. van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bulk, in tank vehicles, (1) from Baltimore, Md., to points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia, and (2) from points in Virginia (except Chesapeake, Va.) to points in North Carolina and West Virginia.



NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110563 (Sub-No. 25), filed September 25, 1963. Applicant: COLDWAY FROZEN EXPRESS, INC., 600 West North Street, Sidney, Ohio. Applicant's attorney: Joseph Scanlan, 111 West Washington Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confections and confectionery products, and advertising matter, premiums, and display materials*, when shipped in the same vehicle with the foregoing commodities, from Hackettstown, N.J., to points in Ohio, Kentucky, Michigan, Indiana, Illinois, Wisconsin, and Missouri, and *refused and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110264 (Sub-No. 31), filed September 29, 1964. Applicant: ALBUQUERQUE PHOENIX EXPRESS, INC., 4500 McLeod Road NE. (Post Office Box 404), Albuquerque, N. Mex. Applicant's attorney: Paul F. Sullivan, Barr Building, 910 17th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (1) between Dallas, Tex., and Albuquerque, N. Mex., from Dallas, over city streets thence over U.S. Highways 80 and 180 to Fort Worth, Tex., thence over U.S. Highway 180 to Snyder, Tex., thence over U.S. Highway 84, to Post, Tex., thence over U.S. Highway 84 to Fort Sumner, N. Mex., thence over U.S. Highway 60 to Encino, N. Mex., thence over U.S. Highway 285 to Clines Corners, N. Mex., thence over U.S. Highway 66 to Albuquerque, N. Mex., and return over the same routes, serving the intermediate point of Post, Tex., for point of joinder only, and serving the intermediate point of Lubbock, Tex., for point of interchange only, (2) between Snyder, Tex., and Roswell, N. Mex., from Snyder over U.S. Highway 180 to Hobbs, N. Mex., thence over U.S. Highways 62 and 180, to the junction of New Mexico Highway 8 to junction of Farm Road 529 to the junction of New Mexico Highway 83, thence over New Mexico Highway 83 to Artesia, N. Mex., thence over U.S. Highway 285, to Roswell, N. Mex., and return over the same route, serving all intermediate points, and (3) between Roswell, N. Mex., and El Paso, Tex., (a) from Roswell over U.S. Highway 380 to Carrizozo, N. Mex., thence over U.S. Highway 54, to El Paso, Tex., and return over the same routes, serving all intermediate points, and (b) from Roswell, over U.S. Highway 380 to Carrizozo, N. Mex., thence over U.S. Highway 54, to Alamogordo, N. Mex., thence over U.S. Highway 70 to Las Cruces, N. Mex., thence over U.S. Highway 85 to El Paso, Tex., and return over the same routes, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, or Las Cruces, N. Mex., and Dallas, Tex.

No. MC 110686 (Sub-No. 25), filed September 23, 1964. Applicant: McCORMICK DRAY LINE, INC., Avis, Pa. Applicant's attorney: David A. Sutherlund, 1120 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel forgings*, from points in Ohio to Williamsport, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Williamsport or Philadelphia, Pa.

No. MC 110988 (Sub-No. 92), filed September 30, 1964. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having prior movement by rail, between points in Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Oklahoma, Nebraska, North Dakota, South Dakota, and Wyoming.

NOTE: Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111434 (Sub-No. 58), filed September 28, 1964. Applicant: DON WARD, INC., Post Office Box 1488, Durango, Colo. (Mailing address) 241 56th Avenue, Denver, Colo. Applicant's attorney: J. Albert Sebald, Equitable Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags or other containers, from points in South Dakota to points in Wyoming and to points in that portion of Nebraska on and west of U.S. Highway 83, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak.

No. MC 111729 (Sub-No. 26), filed September 25, 1964. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bank checks, drafts, and other bank stationery*, from Portland, Maine, to points in Connecticut, Massachusetts, and New Hampshire, on behalf of shippers other than banks and banking institutions, and (2) *business papers, records, and audit and accounting media of all kinds* (excluding plant removals), (a) between Menlo Park (Middlesex County), N.J., on the one hand, and, on the other, Audubon (Camden County), N.J. (via Pennsylvania and New York routes), and Newburgh (Orange County), N.Y., and (b) between Audubon (Camden County), N.J., on the one hand, and, on the other, King of Prussia (Montgomery County), and Philadelphia (Philadelphia County), Pa.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 112750, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 111812 (Sub-No. 261), filed September 25, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* (2) *potato products*, other than frozen, with or without ingredients, cooked, diced, flaked, powdered, shredded and sliced, from Greenville, Mich., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111812 (Sub-No. 262), filed September 28, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, from Rapid City, S. Dak., Newcastle, Wyo., and points within ten miles thereof, to Minneapolis and St. Paul, Minn., Milwaukee, Wis., points in Connecticut, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 111812 (Sub-No. 263), filed October 1, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Box 747, Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Impression paper*, from Watervliet, N.Y., to Sioux City, Iowa, and

Brookings, Pierre, Sioux Falls, and Vermillion, S. Dak.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 112893 (Sub-No. 24), filed October 2, 1964. Applicant: BULK TRANSPORT COMPANY, a corporation, Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle; over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between Junction City, Wis., and points within fifteen (15) miles thereof, on the one hand, and, on the other, points in the Upper Peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 113267 (Sub-No. 135), filed October 1, 1964. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., Post Office Box No. 548, Caseyville, Ill. Applicant's attorney: Ray H. Burroughs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from LaPorte, Ind., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, North Carolina, South Carolina, and Tennessee, restricted against the transportation of commodities in bulk, in tank vehicles.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113495 (Sub-No. 15), filed September 28, 1964. Applicant: GREGORY HEAVY HAULERS, INC., 2 Main Street, Nashville, Tenn. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Earthmoving, construction, mining and maintenance machinery and equipment, and* (2) *parts, implements, attachments, and accessories* for the commodities named in (1) above, between Raleigh, N.C., and points within 15 miles thereof, on the one hand, and, on the other, points in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113623 (Sub-No. 1), filed September 28, 1964. Applicant: WILLIAM W. EDMOND AND WESLEY C. HAYHURST, a partnership, doing business as ACME TRANSFER & STORAGE, 163 Yolano Drive, Vallejo, Calif. Applicant's attorney: G. Alfred Roensch, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission in 17 M.C.C. 467, between points in Solano, Napa, Sonoma, Contra Costa Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 113678 (Sub-No. 84), filed September 30, 1964. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from LaPorte, Ind., to points in Colorado, Nebraska, Iowa, Missouri, Minnesota, North Dakota, South Dakota, Wisconsin, Ohio, Pennsylvania, New Jersey, Connecticut, Rhode Island, Massachusetts, New York, Vermont, New Hampshire, Maine, Delaware, Maryland, District of Columbia, West Virginia, Virginia, Kentucky, Illinois, Michigan, and Kansas.

NOTE: If a hearing is deemed necessary, applicant does not specify place.

No. MC 113843 (Sub-No. 82), filed September 28, 1964. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston 10, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio to points in Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 113855 (Sub-No. 97) (AMENDMENT), filed September 10, 1964, published in FEDERAL REGISTER issue of September 24, 1964, amended October 5, 1964, and republished as amended this issue. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52, South, Rochester, Minn. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, farm machinery, and parts and attachments for agricultural implements, and farm machinery*, from Glencoe, Minn., and points within five miles thereof, and Bloomington, Ill., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, Wyoming, and the ports of entry located on the international boundary line between the United States and Canada in Minnesota and North Dakota.

NOTE: The purpose of this republication is to add eleven states as destination states in the above described territory. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113908 (Sub-No. 148), filed September 28, 1964. Applicant: ERICKSON TRANSPORT CORPORATION, Post Office Box 3180, 706 West Tampa, Springfield, Mo. Applicant's attorney: Turner White III, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal and poultry feed supplements*, in bulk, and in tank vehicles, from Springfield, Mo., to points in Alabama, Delaware, Georgia, Illinois, Iowa, Kentucky, Louisiana, Maryland, Kansas, Arkansas, Virginia, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, South Carolina, and Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 114364 (Sub-No. 92), filed October 1, 1964. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and canned fruits*, from Delta, Colo., to Joplin, Mo., points in Oklahoma and Texas, points in Nebraska west of U.S. Highway 281, and points in Kansas (except points on and east of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 77 to junction U.S. Highway 40 and on and north of a line extending from said junction along U.S. Highway 40 to the Kansas-Missouri State line).

NOTE: Applicant states it holds authority to transport these commodities from this origin to these destinations, subject to a restriction that the frozen fruits and canned fruits move in the same vehicle at the same time. The purpose of this application is to remove that restriction. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114457 (Sub-No. 21), filed September 25, 1964. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn., 55104. Applicant's attorney: James R. Madler, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Perry, Iowa, to points in Illinois, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, Missouri, and Iowa.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 114569 (Sub-No. 68), filed September 28, 1964. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, syrups, sauces, toppings, and chocolate products* (except in bulk, in tank vehicles), and *advertising materials and displays* and *dispensing equipment and premiums*, when moving in connection with confectionery, syrups, sauces, toppings and chocolate products (except in bulk, in tank vehicles), from Oakdale, Calif., to points in Arizona, New Mexico, Texas, Colorado, Utah, Nevada, Wyoming, Montana, Idaho, Oregon, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.



No. MC 114725 (Sub-No. 15), filed September 25, 1964. Applicant: WYNNE TRANSPORT SERVICE, INC., 1528 North 11th Street, Omaha, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer*, in bulk, in tank vehicles, from the site of Phillips Petroleum Co., Anhydrous Ammonia Plant located at or near Hoag, Nebr., to points in Iowa, Kansas, points in Missouri on and west of U.S. Highway 63, and points in South Dakota, and *damaged or rejected shipments* of the above named commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115364 (Sub-No. 8), filed September 29, 1964. Applicant: GOODMAN MOTOR TRANSPORT CO., LTD., 5650 Kingston Road, Vancouver 8, British Columbia, Canada. Applicant's attorney: George B. LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between ports of entry on the international boundary line between the United States and Canada, at or near Blaine, Sumas and Lynden, Wash., on the one hand, and, on the other, points in Washington.

NOTE: Applicant states the above proposed transportation service will be performed for the account of Barnett Lumber Industries, Ltd. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 115841 (Sub-No. 202), filed September 28, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mixed shipments with frozen foods, from Westfield and Buffalo, N.Y., and Erie and North East, Pa., to points in North Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 115841 (Sub-No. 203), filed September 28, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC. 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Westfield and Buffalo, N.Y., and Erie and North East, Pa., to points in Florida, Georgia, and South Carolina.

NOTE: Applicant states that it already holds the following authorities: (1) Grape products and fruit and vegetable juices, unfrozen, from North East and Erie, Pa., to points in Georgia and those in Florida on and north of a straight line extending between St. Augustine and Panama City, Fla., restricted to the transportation of traffic in consolidated lots moving on a single bill of lading, the components of which are destined to points in more than one state, and (2) frozen foods and canned goods (unfrozen) in mixed shipments consisting of frozen and unfrozen products moving in the same vehicle, from Westfield, N.Y., and North East, Pa., to points in Georgia and South Carolina and points in that part of Florida, on and north of a line beginning at the Alabama-Florida State line, and extending along U.S. Highway 98 to Perry, Fla., thence over U.S. Highway 27 to Highway Springs, Fla., thence over U.S. Highway 441 to Gainesville, Fla., thence over Florida Highway 20 to Palatka, Fla., thence over Florida Highway 207 to St. Augustine, Fla., and the Atlantic Ocean. If a hearing is deemed necessary, applicant requests it be held at either Buffalo, N.Y., or Washington, D.C.

No. MC 115841 (Sub-No. 204), filed September 29, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* (except commodities in bulk or tank vehicles), in vehicles equipped with mechanical refrigeration from Bellefontaine, Ohio, to points in Tennessee, Kentucky, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 116014 (Sub-No. 16), filed September 21, 1964. Applicant: RALPH OLIVER AND MRS. SCOTT OLIVER, doing business as OLIVER TRUCKING CO., Bloomfield Road, Winchester, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, animal and poultry feed ingredients, and materials, equipment, and supplies used in the manufacture and distribution of animal and poultry feeds* (except in bulk in tank vehicles) between Winchester, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Missouri, Tennessee, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116254 (Sub-No. 42) (AMENDMENT), filed September 14, 1964, published FEDERAL REGISTER issue of September 24, 1964, amended September 29, 1964, and republished as amended this issue. Applicant: CHEM-HAULERS INC., Post Office Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, Nashville Bank and Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk (except cement and fly ash), from points in Tennessee on and west of U.S. Highway 27 and east of the western traversal of the Tennessee River (except points in Hamilton County, Tenn.), to points in Alabama.

NOTE: The purpose of this republication is to set forth the exact scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, or Montgomery, Ala.

No. MC 116273 (Sub-No. 34), filed October 1, 1964. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from the Tri-City Regional Port District in Madison County, Ill., to points in Arkansas, Indiana, Illinois, Iowa, Kansas, Kentucky, Missouri, Nebraska, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 172), filed September 24, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in truckload shipments and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with bananas, from Los Angeles and San Francisco, Calif., to Boise and Twin Falls, Idaho.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 117119 (Sub-No. 173), filed September 25, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh, frozen and canned fruits and berries*, and *frozen foods* from points in Michigan to points in Arizona, New Mexico, Colorado, Missouri, Nebraska, and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117119 (Sub-No. 174), filed September 28, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, chilled and frozen bakery products, frozen fruits, frozen vegetables, frozen berries, frozen french fries, frozen pizza, and pizza pie ingredients*, between points in Colorado, Oklahoma, Texas, and New Mexico.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117119 (Sub-No. 175), filed October 1, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals, and drugs*, in vehicles equipped with controlled temperature units, from Vineland, N.J., to Springdale, Ark.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 117119 (Sub-No. 176), filed October 2, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard boxes, paper boxes* (other than corrugated), knocked down in vehicles equipped with controlled temperature units, from Newnan, Ga., to Fayetteville, Ark.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 117303 (Sub-No. 3), filed September 28, 1964. Applicant: HUDSON VALLEY CEMENT LINES, INC., Post Office Box 23, Claverack, N.Y. Applicant's attorney: Martin Werner, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the town of Greenport, Columbia County, N.Y., to Plainville, Conn., and *returned, refused, and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 117509 (Sub-No. 18), filed September 23, 1964. Applicant: BEN R. SCHILLI, doing business as SCHILLI TRANSPORTATION, 1308 North 13th Street, East St. Louis, Ill. Applicant's attorney: Thomas F. Kilroy, Suite 1250 Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate*, from Neosho, Mo., to points in Florida, Mississippi, West Virginia, Tennessee, Georgia, Kentucky, Alabama, North Carolina, South Carolina, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117815 (Sub-No. 27) (AMENDMENT), filed September 14, 1964, published in FEDERAL REGISTER issue of September 30, 1964, amended October 1, 1964, and republished as amended this issue. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Perry, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, North Dakota, Nebraska, South Dakota, Wisconsin, and Michigan.

NOTE: The purpose of this republication is to add Wisconsin and Michigan to the destination States. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 117820 (Sub-No. 3), filed September 30, 1964. Applicant: MICHIGAN FISH TRANSPORT, INC., 1903 Bancroft, Port Huron, Mich. Applicant's attorney: Robert D. Schuler, Suite 1700, One Woodward Avenue, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish and shellfish, cheese, pickles and olives*, in mechanically refrigerated equipment, from New York City, N.Y., Farmingdale, Jersey City, and Newark, N.J., Philadelphia and New Holland, Pa., to Cleveland and Toledo, Ohio, and Detroit, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 118014 (Sub-No. 1), filed September 28, 1964. Applicant: PAUL J. RAMEY, 406 South Street James Boulevard, Evansville, Ind. Applicant's attorney: William L. Mitchell, 314–15–16 Old National Bank Building, Evansville, 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., Jacksonville, Fla., and Mobile, Ala., to Evansville, Ind.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind.

No. MC 118793 (Sub-No. 1), filed September 30, 1964. Applicant: J. FRANCES McCARTHY, doing busines as MAC TRANSPORT LINES, 102 Nursery Street, Springfield, Mass. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and malt beverage containers*, from Willimansett, Mass., to points in Connecticut, Rhode Island, New York, and New Jersey, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119577 (Sub-No. 6), filed October 2, 1964. Applicant: OTTAWA CARTAGE, INC., Post Office Box 458, Ottawa, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile and clay products*, from Carol Stream, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri, Kentucky, Ohio, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, and *rejected tile and clay products*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119767 (Sub-No 32), filed October 1, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potato products*, from Greenville, Mich, to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Missouri, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

NO. MC 120979 (Sub-No. 1), filed October 2, 1964. Applicant: BRIGHTWOOD TRANSFER, INC., 5210 East 25th Street, Indianapolis, Ind. Applicant's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis, Ind., 46204. Applicant sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, and empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between Indianapolis, Ind., and points in Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 123212 (Sub-No. 1), filed September 25, 1964. Applicant: WHITE MOTOR TRANSPORTATION CO., INC., 125 Hillside Avenue, South River, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile, fluetile, chimney lining, drain tile, building tile, and shale pipe*, (1) from Belle Mead, N.J., Sharon Hill, Quakertown, and Somerset, Pa., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New York, Rhode Island, and Virginia, within 250 miles of South River, N.J., (2) from Belle Mead, N.J., to points in Pennsylvania within 250 miles of South River, N.J., and (3) from Sharon Hill, Quakertown, and Somerset, Pa., to points in New Jersey.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 123212 (Sub-No. 2), filed September 25, 1964. Applicant: WHITE MOTOR TRANSPORTATION CO., INC., 125 Hillside Avenue, South River, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime, limestone, and limestone products*, from Plymouth Meeting, Devault, and Malvern, Pa., to points in New Jersey, (2) *brick*, from Belle Mead, Bordentown, Winslow, and Fieldsboro, N.J., Crum Lynne, Phoenixville, Quakertown, Shoemakersville, and Wyomissing, Pa., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and Virginia within 250 miles of South River, N.J., and (3) *brick*, from East Windsor Hill, Conn., to points in New Jersey, New York, and Pennsylvania within 250 miles of South River, N.J.



NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 123212 (Sub-No. 3), filed September 25, 1964. Applicant: WHITE MOTOR TRANSPORTATION CO., INC., 125 Hillside Avenue, South River, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' equipment and supplies*, from Philadelphia, Pa., to points in New Jersey, New York, Maryland, Delaware, Connecticut, Massachusetts, and Rhode Island.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 124047 (Sub-No. 27), filed September 28, 1964. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Cement*, in packages, from Ironton, Ohio, to West Virginia Highway Projects near Parsons, W. Va.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124669 (Sub-No. 7), filed October 1, 1964. Applicant: TRANSPORT, INC. OF SOUTH DAKOTA, 1012 West 41st Street, Post Office Box 502, Sioux Falls, S. Dak. Applicant's attorney: Ronald B. Pitsenbarger, Post Office Box 396, Moorhead, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the site of the Phillips Petroleum Co. Anhydrous Ammonia plant located at or near Hoag, Nebr., to points in South Dakota, Minnesota, and Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 125722 (Sub-No. 6), filed September 23, 1964. Applicant: GREAT WESTERN PACKERS EXPRESS, INC., Post Office Box 16886, Denver, Colo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Denver, Colorado Springs, and Pueblo, Colo., to Phoenix, Tucson, and Prescott, Ariz.

NOTE: Applicant states the purpose of this application is to convert to irregular route authority, the regular route authority being acquired by applicant in No. MC–FC 65666 on "dairy products", without restriction. Such authority was sought in its Docket No. MC 125722 (Sub-No. 3), published in FEDERAL REGISTER, issue of August 5, 1964. Erroneous reference made in that issue to "dairy products" as described in Appendix I, Section B to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 necessitates this application. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 125982 (Sub-No. 2), filed September 28, 1964. Applicant: LOUIS D. PERRETT III, doing business as A. & G. TRANSPORT CO., 650 South Galvez Street, New Orleans, La. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint, printing* and *ground wood paper* from Natchez-Adams County Port, located near Natchez, Miss., to Alexandria, La.

NOTE: Applicant states the proposed operations will be restricted to traffic having a prior movement by water. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126233 (Sub-No. 1), filed September 29, 1964. Applicant: P. W. CAMPBELL, Lawrenceburg, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 417 Stahlman Building, Nashville, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Anse La Butte and Baldwin, La., to points in Tennessee and points in Daviess, Union, Ohio, Hopkins, Muhlenberg, Logan, Todd, Christian, and Henderson Counties, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 126316 (Sub–No. 1) (CORRECTION), filed September 22, 1964, published in FEDERAL REGISTER, issue of October 7, 1964, and republished as corrected this issue. Applicant: CARL R. ALLEN, doing business as ALLEN TRUCKING CO., Route 2, Box 51, Keithville, La.

NOTE: The purpose of this republication is to show applicant's correct subnumber, No. MC 126316 (Sub-No. *1*), in lieu of that previously published.

No. MC 126409 (Sub-No. 2), filed September 29, 1964. Applicant: TIGER TANK LINES, INC., 1600 South Joyce, Arlington, Va. Applicant's attorney: J. William Cain, Madison Building, 1155 Fifteenth Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bulk, in tank vehicles, (1) from Baltimore, Md., to points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia, and (2) from points in Virginia (except Chesapeake, Va.), to points in North Carolina and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126488 (Sub–No. 1), filed September 24, 1964. Applicant: LEDFORD SEBASTIAN, doing business as LEDFORD SEBASTIAN TRUCKING COMPANY, 144 Winston Avenue, Lexington, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods* from Cincinnati, Ohio, to Lexington, Ky., and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Frankfort, Ky.

No. MC 126548 (Sub-No. 1), filed September 23, 1964. Applicant: ROBERT R. REED, 304 1st Avenue, Grinnell, Iowa. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber (native hardwoods, rough sawn), raggle boards, pallets, and skids*, from Belle Plaine, Iowa, to points in Indiana, Ohio, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 126582 (Sub-No. 1), filed September 28, 1964. Applicant: JOHN J. CANOVA, doing business as CANOVA MOVING & STORAGE COMPANY AND SOLANO MOVING AND STORAGE COMPANY, 1336 Woolner Avenue, Fairfield, Calif. Applicant's attorney: G. Alfred Roensch, 100 Bush Street, 21st Floor, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission in 17 M.C.C. 467, between points in Sonoma, Napa, Solono, Contra Costa, Yolo, Sacramento, Sutter, Butte, Yuba, Nevada, and Placer Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126584 (Sub-No. 1), filed September 1, 1964. Applicant: DOROTHY JEANNE SWOFFORD, ADMINISTRATRIX of the estate of JACK W. SWOFFORD, doing business as SWOFFORDS VAN & STORAGE, a fiduciary, 1061 Sonoma Boulevard, Vallejo, Calif. Applicant's attorney: G. Alfred Roensch, 100 Bush Street, 21st Floor, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission in 17 M.C.C. 467, between points in Solano, Napa, Sonoma, and Contra Costa Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126592 (Sub-No. 1), filed September 28, 1964. Applicant: GERALD WAYNE CAMPBELL, R.F.D. 1, Centerville, Iowa. Applicant's attorney: Carll V. Kretsinger, Suite 510, Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Putnam County, Mo., to Centerville, Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 126596, filed September 23, 1964. Applicant: MERVYN RINEHART, Sub. Post Office 22, Edmonton, Alberta, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General*

*commodities* (except those of unusual value, Classes A and B explosives, and commodities requiring special equipment), from the international boundary line between the United States and Canada at or near Beaver Creek, Alaska, via Tok Junction, Alaska, to Fairbanks, Alaska, and *empty Canadian beer bottles*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Anchorage, Alaska.

No. MC 126599, filed September 23, 1964. Applicant: EMBASSY MOVING & STORAGE CO., INC., 5150 Lawrence Place, Hyattsville, Md. Applicant's attorney: Alan F. Wohlstetter, One Farragut Square, South, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points within a fifty (50) mile radius of Washington, D.C., including Washington, D.C.

NOTE: Applicant states such area includes all points within the District of Columbia, Baltimore, Md., and Alexandria, Va., and points in the following counties within a radius of fifty (50) miles of Washington, D.C., namely, Montgomery, Howard, Frederick, Carroll, Baltimore, Anne Arundel, Prince Georges, Calvert, Charles, and St. Marys Counties, Md.; and Arlington, Fairfax, Prince William, Stafford, Spotsylvania, King George, Fauquier, and Loudoun Counties, Va. It is further stated the proposed operations will be restricted to (a) shipments having a prior or subsequent movement beyond said 50 mile radius of Washington, D.C., in containers, and (b) pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126600, filed September 25, 1964. Applicant: EHRSAM TRANSPORT, INC., 198 North Factory, Enterprise, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials handling and processing equipment, elevator equipment, power transmission equipment, foundry castings, materials and supplies*, used in the manufacture of stated products, between Enterprise, Wichita, and Clay Center, Kans., on the one hand, and, on the other, points in the United States (excepting Hawaii).

NOTE: Applicant states that the transportation service requested will be under continuing contracts with the Simplo, Inc.; Ehrsam Wichita Foundry, Inc., Ehrsam Inc., and The J. B. Ehrsam & Sons Manufacturing Company. If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 126601, filed September 23, 1964. Applicant: A. C. LAING AND R. W. LAING, a partnership, 601 11th Street, Franklin, Pa. Applicant's attorney: Robert Y. Daniels, Green Building, Franklin, Pa., 16323. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand and gravel*, from points in Warren County, Pa., to points in Chautauqua County, N.Y., and (2) *amesite, blacktop, and other asphalt materials*, from points in Chautauqua County, N.Y., to points in Warren and McKean Counties, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Erie or Pittsburgh, Pa.

No. MC 126602, filed September 23, 1964. Applicant: GENERAL TERMINALS, INC., Post Office Box 53086, 1820 Tchoupitoulas Street, New Orleans, La., 70150. Applicant's attorney: Alan F. Wohlstetter, One Farragut Square S., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points within a radius of seventy (70) air miles of New Orleans, La., including New Orleans, La.

NOTE: Applicant states such area includes points in the following counties: Hancock, Harrison, Pearl River and Stone Counties, Miss., and in the following parishes: Orleans, Jefferson, St. Charles, St. Bernard, St. Tammany, Washington, Plaquemines, Lafourche, Terrebonne, St. Mary, St. Martin, St. James, Assumption, Iberia, Iberville, St. Helena, East Baton Rouge, West Baton Rouge, Ascension, Livingston, Tangipahoa, and St. John the Baptist Parishes, La. It is further stated the proposed operations will be restricted to (a) shipments having a prior or subsequent movement beyond New Orleans, La., and a 70 air mile radius thereof, in containers, and (b) pickup and delivery service incidental to and in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such shipments, but will include local drayage service between riverfront terminals in the performance of carloading operations. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 126605, filed September 23, 1964. Applicant: J. M. BEAVER, doing business as BEAVER'S DUMP TRUCK SERVICE, 1734 Helvingston Street, Live Oak, Fla. Applicant's attorney: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building and construction aggregates*, in bulk, between points in that part of Georgia on and south of U.S. Highway 280, on the one hand, and, on the other, points in that part of Florida on and east of Florida Highway 59, and on and north of Florida Highway 50.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 126606, filed September 24, 1964. Applicant: WILLIAM H. O'BRIEN, Post Office Box 37, Dixon, Ill. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Empty tin cans*, from Dixon, Ill., to Lewisburg, Tenn., and (B) *milk beverages in cans*, and *evaporated milk in cans*, from Lewisburg, Tenn., to Dixon and Chicago, Ill.

NOTE: Applicant states that the above proposed service will be performed for The Borden Company. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126609, filed September 28, 1964. Applicant: ORLAND J. DUNNE, doing business as DUNNE TRUCKING COMPANY, 1810 Chaney Road, Dubuque, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat scraps, animal feeds, animal feed ingredients*, in bulk, in open top equipment, with canvas and plastic covers, from Dubuque, Iowa, to points in Boone, Bureau, Carroll, DeKalb, Fulton, Grundy, Hancock, Henderson, Henry, Jo Davies, Kane, Kendall, Knox, Lake, La Salle, Lee, Livingston, Marshall, McDonough, McHenry, McLean, Mercer, Ogle, Peoria, Putnam, Rock Island, Stark, Stephenson, Tazewell, Warren, Whiteside, Winnebago, and Woodford Counties, Ill.

NOTE: Applicant states the proposed service is to be "under contract with the Dubuque Packing Company, Dubuque, Iowa." If a hearing is deemed necessary, applicant does not specify a desired location.

No. MC 126610, filed September 28, 1964. Applicant: OREN TROY PARKER, 1724 Stella Street, Wenatchee, Wash. Applicant's attorney: George R. Labissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale and retail grocery establishments, from points in California on and north of U.S. Highways 152, and 140, to points in Washington.

NOTE: Applicant states the proposed service to be "under contract and for the account of Pacific Gamble Robinson Co." If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 126611, filed September 29, 1964. Applicant: LARRY SPACE, doing business as MIDTOWN TRUCKING, Rural Delivery No. 3, Route 22, Somerville, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Fertilizer* in bags, *herbicides*, in bottles, *lawn seed spreaders, and bird feeders in the same vehicle with grass and bird seed*, from Bound Brook, N.J., to New York, N.Y., and points in Westchester, Dutchess, Suffolk, and Nassau Counties, N.Y.; points in Philadelphia, Bucks, Montgomery, Delaware, and Chester Counties, Pa.; points in Maryland on and east of U.S. Highway 15; Wilmington, Del.; and points in Connecticut.

NOTE: Applicant states the proposed operations will be under a continuing contract or contracts with Lofts Pedigreed Seed, Inc. of Bound Brook, N.J. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 126612, filed September 24, 1964. Applicant: SALVATORE GIARRAPUTO, doing business as SEMOLINA HAULAGE COMPANY, 86 Kent Avenue, Brooklyn, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in specially equipped



trailers, from Brooklyn, N.Y., to Newark and Irvington, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126613, filed September 25, 1964. Applicant: GARDEN GROVE TRANSFER & STORAGE CO., a corporation, 11521 Anabel Avenue, Garden Grove, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household goods*, crated and uncrated, new and used, and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (1) above, between points in Los Angeles, and Orange Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 126615, filed October 2, 1964. Applicant: G. FRED BIXLER, INC., 15 Hamilton Avenue, Weehawken, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Collapsible mobile house trailers, sheds, equipment, and supplies* on vehicles equipped with mechanical loading and unloading devices from Carlstadt, N.J., to points in the United States (except Alaska and Hawaii).

NOTE: Applicant states the proposed operation will be under a continuing contract with Quaker City Industries, Inc., Carlstadt, N.J. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126617, filed October 1, 1964. Applicant: WELDON J. LUCAS, doing business as DEPTFORD PARCEL DISPATCH, Walker and Kahler Streets, Woodbury, N.J. Applicant's attorney: Wadsworth Cresse, Jr., 44 Cooper Street, Woodbury, N.J., 08096. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air freight*, between Philadelphia International Airport, Philadelphia, Pa., and points in Burlington, Ocean, Atlantic, Cape May, Cumberland, Salem, Gloucester, and Camden Counties, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., Camden or Trenton, N.J.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 364), filed September 21, 1964. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Frying (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Franklin Township, and Montgomery Township, Somerset County, N.J., from the junction of Interstate Highway 287 and Weston Canal Road in Franklin Township, over Interstate Highway 287 to junction of U.S. Highway 22, thence over U.S. Highway 22 to junction of U.S. Highway 206, thence over U.S. Highway 206, to the Reading Railroad Station at Belle Mead, Montgomery Township, and return over the same route, using access roads at the junctions, and serving no intermediate points (except those on U.S. Highway 206 between the Reading Railroad Station at Belle Mead, Montgomery Township, N.J., and the Raritan River Bridge at the boundary line of the Borough of Somerville, and Township of Hillsborough, N.J.).

NOTE: Applicant states it "intends to tack the above-described route with its existing routes." If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J.

No. MC 3647 (Sub-No. 365), filed September 25, 1964. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, within the Borough of Totowa, N.J.; from junction U.S. Highway 46 and Union Blvd., Totowa, over Union Blvd. to junction River View Drive, thence over River View Drive to junction U.S. Highway 46, and return over the same route, serving all intermediate points.

NOTE: Applicant states that the above-described route will be tacked to existing routes. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 109865 (Sub-No. 6), filed September 28, 1964. Applicant: GEORGE H. KUSS, doing business as VALLEY TRANSPORTATION, Five Bank Street, Seymour, Conn. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in special operations, (1) between Bridgeport, Conn., and points on U.S. Highway 1 between Bridgeport, Conn., and the Connecticut-New York State line, on the one hand, and, on the other, the site of the Saratoga Springs Racetrack at Saratoga Springs, N.Y., and (2) between Waterbury, Naugatuck, Beacon Falls, Seymour, Ansonia, Derby, and Shelton, Conn., on the one hand, and, on the other, Bridgeport, Conn., restricted to traffic moving to and from racetracks in the New York, N.Y., area.

NOTE: Applicant states that the above proposed operation in section (2) above will be tacked with its existing authority between Bridgeport, Conn., and various racetracks in the New York area, which applicant states it is currently authorized to serve, as well as the authority applied for in section (1) above between Bridgeport and Saratoga Springs Racetrack, so as to permit service by applicant from the named Connecticut points between Bridgeport and Waterbury to all the various racetracks in the New York, N.Y., area which applicant is authorized to serve. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 111347 (Sub-No. 1), filed September 24, 1964. Applicant: PRIGGE'S CHARTERED BUSES, INC., 930 North Ninth Street, Sheboygan, Wis. Applicant's attorney: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis., 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round trip charter operations beginning and ending at points in Sheboygan, Ozaukee, Manitowoc, Fond du Lac, Green Lake, and Milwaukee Counties, Wis., and extending to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 156), filed October 5, 1964. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Collapsible containers*, when moving at the same time and on the same vehicle when transporting transformer oils, in bulk, in tank vehicles, from Port Arthur, Tex., to points in Alabama (except Fox), Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states it is presently authorized under Docket No. MC 531 Subs 21, 84, 95, 137, and 139 to transport transformer oil in bulk, in tank vehicles, from Port Arthur, Tex. to all of the destinations set forth above. The purpose of this application is to transport collapsible containers on the same vehicle at the same time it is transporting transformer oil in bulk, in tank vehicles. No additional territory is being sought.

No. MC 113828 (Sub-No. 65), filed September 29, 1964. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Winston-Salem, N.C., to points in Bedford, Bland, Botetourt, Campbell, Craig, Giles, Montgomery, Pulaski, and Roanoke Counties, Va., and Roanoke, Va.

No. MC 118788 (Sub-No. 2), filed October 2, 1964. Applicant: ROBERT PARRISH, ROBERT G. PARRISH AND BUFORD PARRISH, a partnership, doing business as PARRISH BROS. IMPLEMENT CO., 905 Fehr Avenue, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky., 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, green salted, (a) between Louisville, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Mary-

land, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia; and (b) from Louisville, Ky., to points in Maine.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 59), filed September 22, 1964. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill., 60603. Applicant's attorney: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers. A. *Revision of California Route No. 1 on Certificate Sheet No. 5* Reroute regular route No. 1 over relocated segments of U.S. Highway 101, in lieu of and in revocation of the presently authorized segments over former U.S. Highway 101, now unnumbered highways with the exception of item (5), which has been renumbered as California Highway 254, between the following points: (1) Hamboldt Hill Road Junction and Salmon Avenue Junction; (2) North Fields Landing Junction and South Fields Landing Junction; (3) North Whites Slough Junction and South Whites Slough Junction; (4) North Fortuna Interchange and South Rohnerville Overcrossing; (5) Myers Flat Overcrossing and Maple Hill Bridge; (6) Forsythe Creek Junction and Ford Road Junction; (7) North Hiatt Road Junction and South Washington School Road Junction; and (8) North Healdsburg Junction and South Healdsburg Junction; to read as follows: "between the Oregon-California State line north of Smith River and San Francisco: from the point where U.S. Highway 101 intersects the Oregon-California State line, over U.S. Highway 101 to junction Business Route U.S. Highway 101 (North Santa Rosa Junction), thence over Business Route U.S. Highway 101 through Santa Rosa to junction U.S. Highway 101 (South Santa Rosa Junction), thence over U.S. Highway 101 to junction unnumbered highway north of Cotati (North Cotati Junction), thence over unnumbered highway through Cotati and Petaluma to junction U.S. Highway 101 (Petaluma Junction), thence over U.S. Highway 101 to San Francisco (connects with Oregon route 8). Authority is granted to serve all intermediate points and also the points of Fortuna and Healdsburg over available access highways to U.S. Highway 101)." B. *Revision of Proposed California Route No. 3 on Certificate Sheet No. 5.* Revise Route No. 3, as proposed in pending Form BMC-78 application in Docket No. MC 1515 (Sub-No. 23) (formerly Docket No. MC 1501 (Sub-No. 290)), to include a segment of former U.S. Highway 101 (to be renumbered as California Highway 254) between Myers Flat and Maple Hills Bridge, to read as follows: "between Dyerville and Maple Hills Bridge: from junction U.S. Highway 101 and California Highway 254 (Dyerville), over California Highway 254 via Weott and Miranda to junction U.S. Highway 101 (Maple Hills Bridge)," and return over the same routes in A. and B., serving all intermediate points, subject to the general conditions and orders set forth on First Revised Sheet No. 1A of former Certificate No. MC 1501 (Sub-No. 138), now assigned No. MC 1515 (Sub-No. 7).

NOTE: The changes in operating authority hereinabove shown and explained are proposed to be incorporated in the designated revised sheet to former Certificate No. MC 1501 (Sub-No. 138), now assigned No. MC 1515 (Sub-No. 7).

No. MC 109965 (Sub-No. 5), filed September 22, 1964. Applicant: GEORGE H. KUSS, doing business as VALLEY TRANSPORTATION CO., 5 Bank Street, Seymour, Conn. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in special operations, during the racing season, between Bridgeport, Conn., and points on U.S. Highway 1 between Bridgeport, Conn., and the Connecticut-New York State line, on the one hand, and, on the other, the sites of the Aqueduct, Jamaica, and Belmont racetracks, Long Island, N.Y., and the sites of the Roosevelt Raceway at Westbury, N.Y., and the Yonkers Raceway at Yonkers, N.Y.

NOTE: Applicant states that the purpose of this application is to convert the regular route authority embraced in Certificate No. MC 109965, to irregular route authority, and to remove the seasonal restriction therein with respect to its special racetrack operations.

No. MC 125569 (Sub-No. 11), filed September 28, 1964. Applicant: VALLEY TRANSPORTATION COMPANY, a corporation, 329 State Street, Lemoyne, Pa. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, during the authorized racing seasons between Carlisle, Pa., on the one hand, and, on the other, Hagerstown Race Track, Hagerstown, Md., Charles Town Race Track, Charles Town, W. Va., and Shenandoah Downs Race Track, Charles Town, W. Va.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10445; Filed, Oct. 13, 1964; 8:47 a.m.]

[Notice 1060]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 9, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66984. By order of October 7, 1964, the Transfer Board approved the transfer to Maggie Hayes, doing business as Hayes Truck Line, Post Office Box 97, Luther, Okla., 73054, of Certificate of Registration No. MC 54684 Sub 2, issued March 19, 1964, to Walter L. Hayes, doing business as Hayes Truck Line, Post Office Box 97, Luther, Okla., evidencing the right to engage in interstate or foreign commerce between specified points in Oklahoma, over a regular route.

No. MC-FC 67013. By order of October 7, 1964, the Transfer Board approved the transfer to Charles M. Taylor, doing business as Taylor Truck Lines, Eudora, Kans., of the operating rights in Certificate No. MC 65004, issued February 21, 1956, to Delbert Reusch and Charles M. Taylor, doing business as Taylor Truck Line, Eudora, Kans., authorizing the transportation, over regular routes, of: Various specifically named commodities of a general commodity nature, between specified points, and serving named intermediate and off-route points in Kansas and Missouri. D. S. Hults, Box 225, Lawrence, Kans., attorney for applicants.

No. MC-FC 67052. By order of October 7, 1964, the Transfer Board approved the transfer to William G. Webster, doing business as Bill Webster & Sons, Barstow, Calif., of the operating rights in Certificate No. MC 104094, and those evidenced by Certificates of Registration in Nos. MC 56617 Sub 2 and MC 104094 Sub 4, issued by the Commission October 25, 1943, April 2, 1964, and May 12, 1964, respectively, to Lloyd F. Harvey, Barstow, Calif., authorizing the transportation under the Certificate of passengers and their baggage, and of express, and mail, in the same vehicle with passengers, over regular routes, between Yermo, Calif., and Death Valley Junction, Calif.; and under Certificates of Registration, general commodities, between Barstow, Calif., and Stovepipe Wells, Calif., subject to restrictions; and passengers and their baggage, between Barstow, Calif., and Stovepipe Wells, Calif., subject to restrictions. Ivan McWhinney, 639 South Spring Street, Los Angeles, Calif., attorney for applicants.

No. MC-FC 67159. By order of October 7, 1964, the Transfer Board approved the transfer to Mueller Cartage Company, a corporation, St. Louis, Mo., of the operating rights in Permit No. MC 114496 Sub 1, issued March 5, 1954, to B & B Trucking Company, a corporation, Alton, Ill., authorizing the transportation, over irregular routes, of: Brick, tile and clay products, from and to specified points in Illinois and Missouri. Robert C. Martin, 300 American Building., Cincinnati, Ohio, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10446; Filed, Oct. 13, 1964; 8:47 a.m.]



## FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 9, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39314: *Lime to Wellsville, Ohio.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2744), for interested rail carriers. Rates on lime, hydrated, quick or slaked, in bulk, in carloads, subject to minimum shipment of 255 net tons, from Mosher and Ste. Genevieve, Mo., to Wellsville, Ohio.

Grounds for relief: Barge competition.

Tariff: Supplement 26 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-238.

FSA No. 39315: *Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 282), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 16th revised page 47-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39316: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers, Association, Inc., agent (No. 283), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central, southwestern and middlewest territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 18th revised page 69 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39317: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 284), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 24th revised page 222 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39318: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 285), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 16th revised page 47-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39319: *Sulphur dioxide to Coosa Pines, Ala.* Filed by O. W. South, Jr., agent (No. A4573), for interested rail carriers. Rates on sulphur dioxide, in steel cylinders, in carloads, and tank carloads, from Baton Rouge and North Baton Rouge, La., also West Norfolk, Va., to Coosa Pines, Ala.

Grounds for relief: Market competition.

Tariffs: Supplements 93 and 30 to Southern Freight Association, agent, tariffs I.C.C. S-207 and S-397, respectively.

FSA No. 39320: *Liquid caustic soda to points in Alabama and Georgia.* Filed by O. W. South, Jr., agent (No. A4574), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Acme and Wilmington, N.C., and Charleston, S.C., to Fairfax, Lanett and Opelika, Ala., and Columbus and Thomaston, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 93 to Southern Freight Association, agent, tariff I.C.C. S-207.

FSA No. 39322: *Iron or steel articles to Bay St. Louis, Miss.* Filed by Illinois Freight Association, agent (No. 262), for interested rail carriers. Rates on iron or steel plate or sheet, noibn, galvanized or plain, corrugated or not corrugated, in carloads, from Chicago, Sterling and Lemont, Ill., to Bay St. Louis, Miss.

Grounds for relief: Barge-rail competition.

Tariff: Supplement 15 to Illinois Freight Association, agent, tariff I.C.C. 1033.

AGGREGATE-OF-INTERMEDIATES

FSA No. 39321: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 520), for interested rail carriers. Rates on petroleum refinery treating waste, in tank carloads, from Sheerin, Tex, to Evadale, Tex.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 20 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10441; Filed, Oct. 13, 1964; 8:47 a.m.]

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Washington, Thursday, October 15, 1964



THE UNIVERSITY OF MICHIGAN
OCT 21 1964
MAIN READING ROOM


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**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

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## Title 3—THE PRESIDENT

### Executive Order 11184 [1]

**AMENDING EXECUTIVE ORDER NO. 10530, RELATING TO THE PERFORMANCE OF CERTAIN FUNCTIONS VESTED IN OR SUBJECT TO THE APPROVAL OF THE PRESIDENT**

By virtue of the authority vested in me by Section 301 of title 3 of the United States Code, and as President of the United States, it is ordered that Executive Order No. 10530 of May 10, 1954, entitled "Executive order providing for the performance of certain functions vested in or subject to the approval of the President," as amended, be, and it is hereby, further amended:

(1) By inserting at the end of Section 1 thereof new subsections (x) and (y), reading as follows:

"(x) The authority vested in the President by Section 6 of the Act of August 20, 1964, P.L. 88–459, 78 Stat. 558, to issue regulations governing the provision, occupancy, and availability of quarters and facilities, the determination of rates and charges therefor, and other related matters, as are necessary and appropriate to carry out the provisions of that Act.

"(y) The authority vested in the President by the first section of the Act of August 31, 1964, P.L. 88–538, 78 Stat. 745, to prescribe regulations establishing the rates at which the allowance provided for in that section will be paid (to employees of the United States assigned to duty, other than temporary duty, on one of the California offshore islands) and defining the areas and groups of positions to which such rates shall apply."

(2) By inserting at the end of Section 4 thereof a new subsection (g), reading as follows:

"(g) The authority vested in the President by Section 57 of the Alaska Omnibus Act (added by the 1964 Amendments to the Alaska Omnibus Act, P.L. 88–451, 78 Stat. 507), (1) to make the grants to the State of Alaska provided for in that section, (2) to approve a plan submitted by the State of Alaska for the implementation of the purpose of that section, (3) to specify reports to be made by the agency designated by the State of Alaska in accordance with that section and to prescribe the form of, and information to be contained in, such reports, and (4) to demand access to the records upon which such reports are based."

LYNDON B. JOHNSON

THE WHITE HOUSE,
*October 13, 1964.*

[F.R. Doc. 64–10621; Filed, Oct. 14, 1964; 11:35 a.m.]

[1] 3 CFR, 1954–1958 Comp., p. 189; 19 F.R. 2709.

# Rules and Regulations

## Title 7—AGRICULTURE

**Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture**

**SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS**

[Amdt. 3]

### PART 728—WHEAT

**Subpart—Wheat Diversion Program for 1964 and 1965**

MISCELLANEOUS AMENDMENTS

The regulations governing the Wheat Diversion Program for 1964 and 1965, 28 F.R. 5133, are hereby amended as follows:

**§ 728.50 [Amended]**

1. Section 728.50(a) is amended by adding at the end thereof the following new sentence: "For 1965, no diversion payment shall be made with respect to the minimum diversion acreage as determined under § 728.51(b)(2) or any additional diverted acreage if such additional acreage is less than 10 per centum of the farm wheat allotment."

2. Section 728.50(b) is amended by changing the reference "§ 728.64(b)" to "§ 728.64".

**§ 728.51 [Amended]**

3. Section 728.51(b)(2) is amended by changing the reference "§ 728.64(b)" in the first sentence thereof to "§ 728.64" and by inserting the words "and 1965" immediately following the words "For 1964" in the third sentence thereof.

3a. Section 728.51(c)(2)(ii) is amended by inserting "for 1964" after the words "except that" in the third sentence thereof.

4. Section 728.51(c)(2)(ii) is further amended by adding the following new sentence at the end thereof: "For purposes of this subdivision (ii), a producer shall be deemed not to have exceeded the farm wheat allotment for 1965 if the acreage in excess of the allotment does not exceed 50 per centum of the allotment, an amount of wheat is stored as required under the provisions of § 728.107 of the regulations governing the Farm Wheat Certificate Program, as amended, and the farm is eligible for wheat marketing certificates. If there is unauthorized depletion of the stored excess wheat, the producer shall pay the amount provided in § 728.108."

**§ 728.52 [Amended]**

5. Section 728.52(d) is amended by adding the following new sentence at the end thereof: "Notwithstanding the foregoing provisions of this paragraph, the designated diverted acreage under the 1964 program may be grazed through May 22, 1964."

6. Section 728.52(e) is amended to read as follows:

(e) *Diverted acreage devoted to designated crops planted for harvest in lieu of conservation uses.* For 1964, diverted acreage devoted to castor beans, guar, sunflower, safflower or sesame may be harvested. For 1965, the extent to which, if any, the diverted acreage may be devoted to substitute crops shall be provided in an amendment to this subpart.

**§ 728.53 [Amended]**

7. Section 728.53(a)(11) is amended by adding the following new sentence at the end thereof: "Notwithstanding the foregoing provisions of this subparagraph, for 1965, wheat will qualify as a planting for wildlife food plots or establishment of wildlife habitat under the same conditions as specified for corn and grain sorghums."

**§ 728.57 [Amended]**

8. Section 728.57(a) is amended by changing the word "The" at the beginning of the second sentence thereof to "the", inserting "For 1964," immediately before such word, and adding the following new sentence: "For 1965, no payment shall be made with respect to the minimum diversion acreage as determined under § 728.51(b)(2), and the county diversion payment rate per bushel for any additional diversion eligible for payment shall be 50 per centum of the rates specified in § 728.73 of this subpart."

9. Section 728.59 is amended to read as follows:

**§ 728.59 Notice of payment rates, normal yield, minimum diversion requirement and conserving base.**

(a) For 1964, each operator and owner interested in the wheat crop on a farm for which an old farm wheat allotment is established will be notified in writing on Form ASCS–865 of the wheat normal yield. Any producer who files an intention to participate under § 728.61 will receive notice of the farm payment rate, minimum required diversion acreage and the conserving base on Form 477 (Wheat).

(b) For 1965, each operator and owner interested in the wheat crop on a farm for which an old farm wheat allotment is established will be notified in writing on Form MQ–24 of the wheat normal yield, the farm payment rate, minimum required diversion acreage and the conserving base.

**§ 728.60 [Amended]**

10. Section 728.60(a) is amended to read as follows:

(a) A producer may obtain reconsideration and review of determinations made under this subpart in accordance with the Appeal Regulations, 7 CFR Part 780 (29 F.R. 8200), as amended.

**§ 728.61 [Amended]**

11. Section 728.61(d) is amended by adding the following new sentence at the end thereof: "For 1965, the operator shall also indicate whether or not he intends to produce excess wheat or whether or not he requests the establishment of an oats-rye base."

12. Section 728.62 is amended to read as follows:

**§ 728.62 Advance payment.**

Advance payment shall not be made available to participants in the 1964 and 1965 Wheat Diversion Program.

**§ 728.64 [Amended]**

13. Section 728.64 is amended by changing the heading to "Diversion payment." and changing paragraph (a) to read as follows:

(a) Payments of any amounts due the producers on a farm shall be made after the farm operator certifies that the farm is in compliance with the requirements of the program by signing in the appropriate space on Form 477 (Wheat), and the county committee determines that the producers and the farm are in compliance with such requirements. The signing of Form 477 (Wheat) by any producer or by the farm operator after May 1, of the year following the current year, shall not be approved by the county committee unless prior approval of the State committee is obtained.

14. Section 728.64(b) is amended by changing the first word in the paragraph to "no" and inserting immediately before such word the following: "For 1964,".

15. Section 728.64 is further amended by redesignating paragraphs (c), (d), (e), and (f) as (d), (e), (f), and (g), respectively, and by adding a new paragraph (c) as follows:

(c) For 1965, the amounts of the tolerances with respect to the designated diverted acreages, the permitted acreages, and the total conserving acreage will be promulgated in an amendment to this subpart.

16. Section 728.64(d), as redesignated by amendment 15 above, is amended by adding at the end thereof but not as a part of subparagraph (5) the following new sentence: "Notwithstanding any other provision of this paragraph, for 1965, no payment shall be paid with respect to (1) the minimum diversion acreage as determined under § 728.51(b)(2) and (2) the additional diverted acreage if such acreage is less than 10 per centum of the farm wheat allotment."

**§ 728.73 [Amended]**

17. Section 728.73 is amended by inserting "(a)" immediately before the text and adding a new paragraph (b) as follows:

(b) The rates for determining the county diversion payment rate per bushel for the 1965 crop of wheat shall be as follows:

1965 WHEAT DIVERSION PROGRAM

*County rates per bushel used in determining county diversion payments*

ALABAMA

| County | Rate per bushel |
|---|---|
| All counties | $1.35 |

ARIZONA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Apache | $0.91 | Mohave | $0.98 |
| Cochise | 1.21 | Navajo | .91 |
| Coconino | .91 | Pima | 1.26 |
| Gila | .99 | Pinal | 1.29 |
| Graham | 1.14 | Santa Cruz | 1.23 |
| Greenlee | .99 | Yavapai | .95 |
| Maricopa | 1.29 | Yuma | 1.31 |

ARKANSAS

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Arkansas | $1.41 | Lee | $1.41 |
| Ashley | 1.38 | Lincoln | 1.39 |
| Baxter | 1.23 | Little River | 1.33 |
| Benton | 1.18 | Logan | 1.19 |
| Boone | 1.21 | Lonoke | 1.41 |
| Bradley | 1.33 | Madison | 1.19 |
| Calhoun | 1.31 | Marion | 1.22 |
| Carroll | 1.19 | Miller | 1.34 |
| Chicot | 1.39 | Mississippi | 1.41 |
| Clark | 1.30 | Monroe | 1.41 |
| Clay | 1.41 | Montgomery | 1.23 |
| Cleburne | 1.41 | Nevada | 1.32 |
| Cleveland | 1.29 | Newton | 1.21 |
| Columbia | 1.34 | Ouachita | 1.32 |
| Conway | 1.38 | Perry | 1.24 |
| Craighead | 1.41 | Phillips | 1.41 |
| Crawford | 1.19 | Pike | 1.24 |
| Crittenden | 1.41 | Poinsett | 1.41 |
| Cross | 1.41 | Polk | 1.23 |
| Dallas | 1.30 | Pope | 1.23 |
| Desha | 1.40 | Prairie | 1.41 |
| Drew | 1.38 | Pulaski | 1.40 |
| Faulkner | 1.39 | Randolph | 1.41 |
| Franklin | 1.20 | St. Francis | 1.41 |
| Fulton | 1.28 | Saline | 1.28 |
| Garland | 1.27 | Scott | 1.23 |
| Grant | 1.29 | Searcy | 1.22 |
| Greene | 1.41 | Sebastian | 1.22 |
| Hempstead | 1.33 | Sevier | 1.25 |
| Hot Spring | 1.28 | Sharp | 1.28 |
| Howard | 1.25 | Stone | 1.26 |
| Independence | 1.34 | Union | 1.34 |
| Izard | 1.25 | Van Buren | 1.31 |
| Jackson | 1.41 | Washington | 1.19 |
| Jefferson | 1.39 | White | 1.41 |
| Johnson | 1.22 | Woodruff | 1.41 |
| Lafayette | 1.34 | Yell | 1.23 |
| Lawrence | 1.40 | | |

CALIFORNIA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Alameda | $1.37 | Plumas | $1.26 |
| Alpine | 1.26 | Riverside | 1.32 |
| Amador | 1.37 | Sacramento | 1.37 |
| Butte | 1.34 | San Benito | 1.35 |
| Calaveras | 1.37 | San Bernardino | 1.35 |
| Colusa | 1.36 | San Diego | 1.31 |
| Contra Costa | 1.37 | San Joaquin | 1.39 |
| El Dorado | 1.34 | San Luis Obispo | 1.31 |
| Fresno | 1.35 | San Mateo | 1.37 |
| Glenn | 1.35 | Santa Barbara | 1.30 |
| Humboldt | 1.20 | Santa Clara | 1.36 |
| Imperial | 1.33 | Santa Cruz | 1.34 |
| Inyo | 1.16 | Shasta | 1.24 |
| Kern | 1.34 | Sierra | 1.18 |
| Kings | 1.35 | Siskiyou | 1.24 |
| Lake | 1.32 | Solano | 1.36 |
| Lassen | 1.19 | Sonoma | 1.36 |
| Los Angeles | 1.36 | Stanislaus | 1.38 |
| Madera | 1.37 | Sutter | 1.35 |
| Marin | 1.37 | Tehama | 1.29 |
| Mariposa | 1.34 | Tulare | 1.34 |
| Mendocino | 1.28 | Tuolumne | 1.38 |
| Merced | 1.38 | Ventura | 1.35 |
| Modoc | 1.23 | Yola | 1.37 |
| Mono | 1.12 | Yuba | 1.35 |
| Monterey | 1.33 | | |
| Napa | 1.36 | | |
| Orange | 1.33 | | |
| Placer | 1.36 | | |

COLORADO

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.10 | Kit Carson | $1.12 |
| Alamosa | .99 | La Plata | .93 |
| Arapahoe | 1.10 | Larimer | 1.10 |
| Archuleta | .93 | Las Animas | 1.09 |
| Baca | 1.12 | Lincoln | 1.10 |
| Bent | 1.11 | Logan | 1.10 |
| Boulder | 1.10 | Mesa | .97 |
| Chaffee | .98 | Moffat | .91 |
| Cheyenne | 1.12 | Montezuma | .93 |
| Conejos | .98 | Montrose | .91 |
| Costilla | 1.00 | Morgan | 1.10 |
| Crowley | 1.10 | Otero | 1.10 |
| Custer | 1.04 | Ouray | .91 |
| Delta | .91 | Phillips | 1.12 |
| Denver | 1.10 | Pitkin | .97 |
| Dolores | .93 | Prowers | 1.12 |
| Douglas | 1.10 | Pueblo | 1.10 |
| Eagle | .97 | Rio Blanco | .94 |
| Elbert | 1.10 | Rio Grande | .98 |
| El Paso | 1.10 | Routt | .91 |
| Fremont | 1.05 | Saguache | .98 |
| Garfield | .97 | San Miguel | .91 |
| Grand | .97 | Sedgwick | 1.13 |
| Huerfano | 1.07 | Summit | .97 |
| Jackson | .98 | Washington | 1.10 |
| Jefferson | 1.10 | Weld | 1.10 |
| Kiowa | 1.12 | Yuma | 1.12 |

CONNECTICUT

| County | Rate per bushel |
|---|---|
| All counties | $1.42 |

DELAWARE

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Kent | $1.47 | Sussex | $1.46 |
| New Castle | 1.47 | | |

FLORIDA

| County | Rate per bushel |
|---|---|
| All counties | $1.38 |

GEORGIA

| County | Rate per bushel |
|---|---|
| All counties | $1.38 |

IDAHO

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Ada | $1.13 | Gem | $1.13 |
| Adams | 1.11 | Gooding | 1.11 |
| Bannock | 1.09 | Idaho | 1.15 |
| Bear Lake | 1.06 | Jefferson | 1.06 |
| Benewah | 1.19 | Jerome | 1.12 |
| Bingham | 1.07 | Kottenai | 1.18 |
| Blaine | 1.09 | Latah | 1.19 |
| Boise | 1.13 | Lemhi | 1.06 |
| Bonner | 1.11 | Lewis | 1.16 |
| Bonneville | 1.06 | Lincoln | 1.10 |
| Boundary | 1.11 | Madison | 1.05 |
| Butte | 1.07 | Minidoka | 1.12 |
| Camas | 1.09 | Nez Perce | 1.19 |
| Canyon | 1.13 | Oneida | 1.11 |
| Caribou | 1.08 | Owyhee | 1.13 |
| Cassia | 1.12 | Payette | 1.13 |
| Clark | 1.04 | Power | 1.09 |
| Clearwater | 1.16 | Shoshone | 1.07 |
| Custer | 1.07 | Teton | 1.03 |
| Elmore | 1.12 | Twin Falls | 1.14 |
| Franklin | 1.11 | Valley | 1.12 |
| Fremont | 1.04 | Washington | 1.13 |

ILLINOIS

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.27 | Effingham | $1.34 |
| Alexander | 1.35 | Fayette | 1.35 |
| Bond | 1.35 | Ford | 1.30 |
| Boone | 1.38 | Franklin | 1.35 |
| Brown | 1.28 | Fulton | 1.30 |
| Bureau | 1.34 | Gallatin | 1.29 |
| Calhoun | 1.35 | Greene | 1.35 |
| Carroll | 1.33 | Grundy | 1.35 |
| Cass | 1.30 | Hamilton | 1.35 |
| Champaign | 1.33 | Hancock | 1.27 |
| Christian | 1.35 | Hardin | 1.22 |
| Clark | 1.30 | Henderson | 1.28 |
| Clay | 1.30 | Henry | 1.31 |
| Clinton | 1.35 | Iroquois | 1.35 |
| Coles | 1.32 | Jackson | 1.35 |
| Cook | 1.39 | Jasper | 1.29 |
| Crawford | 1.28 | Jefferson | 1.35 |
| Cumberland | 1.32 | Jersey | 1.35 |
| De Kalb | 1.38 | Jo Daviess | 1.32 |
| DeWitt | 1.30 | Johnson | 1.26 |
| Douglas | 1.33 | Kane | 1.38 |
| DuPage | 1.37 | Kenkakee | 1.36 |
| Edgar | 1.30 | Kendall | 1.34 |
| Edwards | 1.31 | Knox | 1.29 |

ILLINOIS—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Lake | $1.37 | Pope | $1.25 |
| LaSalle | 1.34 | Pulaski | 1.35 |
| Lawrence | 1.29 | Putnam | 1.35 |
| Lee | 1.35 | Randolph | 1.35 |
| Livingston | 1.31 | Richland | 1.29 |
| Logan | 1.32 | Rock Island | 1.29 |
| McDonough | 1.28 | Saint Clair | 1.35 |
| McHenry | 1.38 | Saline | 1.28 |
| McLean | 1.30 | Sangamon | 1.34 |
| Macon | 1.35 | Schuyler | 1.29 |
| Macoupin | 1.35 | Scott | 1.35 |
| Madison | 1.35 | Shelby | 1.34 |
| Marion | 1.35 | Stark | 1.33 |
| Marshall | 1.32 | Stephenson | 1.37 |
| Mason | 1.30 | Tazewell | 1.30 |
| Massac | 1.31 | Union | 1.35 |
| Menard | 1.30 | Vermilion | 1.34 |
| Mercer | 1.28 | Wabash | 1.32 |
| Monroe | 1.35 | Warren | 1.29 |
| Montgomery | 1.35 | Washington | 1.35 |
| Morgan | 1.34 | Wayne | 1.33 |
| Moultrie | 1.34 | White | 1.30 |
| Ogle | 1.38 | Whiteside | 1.34 |
| Peoria | 1.31 | Will | 1.36 |
| Perry | 1.35 | Williamson | 1.35 |
| Piatt | 1.33 | Winnebago | 1.38 |
| Pike | 1.32 | Woodford | 1.30 |

INDIANA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.26 | Lawrence | $1.32 |
| Allen | 1.26 | Madison | 1.28 |
| Bartholomew | 1.31 | Marion | 1.28 |
| Benton | 1.32 | Marshall | 1.37 |
| Blackford | 1.28 | Martin | 1.26 |
| Boone | 1.27 | Miami | 1.31 |
| Brown | 1.28 | Monroe | 1.34 |
| Carroll | 1.31 | Montgomery | 1.28 |
| Cass | 1.32 | Morgan | 1.26 |
| Clark | 1.35 | Newton | 1.38 |
| Clay | 1.29 | Noble | 1.27 |
| Clinton | 1.29 | Ohio | 1.28 |
| Crawford | 1.32 | Orange | 1.34 |
| Daviess | 1.25 | Owen | 1.26 |
| Dearborn | 1.28 | Parke | 1.27 |
| Decatur | 1.30 | Perry | 1.32 |
| De Kalb | 1.26 | Pike | 1.29 |
| Delaware | 1.26 | Porter | 1.38 |
| Dubois | 1.33 | Posey | 1.29 |
| Elkhart | 1.32 | Pulaski | 1.38 |
| Fayette | 1.28 | Putnam | 1.27 |
| Floyd | 1.35 | Randolph | 1.27 |
| Fountain | 1.27 | Ripley | 1.29 |
| Franklin | 1.28 | Rush | 1.28 |
| Fulton | 1.37 | St. Joseph | 1.37 |
| Gibson | 1.29 | Scott | 1.32 |
| Grant | 1.27 | Shelby | 1.28 |
| Greene | 1.26 | Spencer | 1.32 |
| Hamilton | 1.27 | Starke | 1.38 |
| Hancock | 1.28 | Steuben | 1.26 |
| Harrison | 1.28 | Sullivan | 1.29 |
| Hendricks | 1.28 | Switzerland | 1.29 |
| Henry | 1.28 | Tippecanoe | 1.30 |
| Howard | 1.29 | Tipton | 1.27 |
| Huntington | 1.26 | Union | 1.28 |
| Jackson | 1.32 | Vanderburgh | 1.34 |
| Jasper | 1.37 | Vermillion | 1.34 |
| Jay | 1.26 | Vigo | 1.34 |
| Jefferson | 1.29 | Wabash | 1.29 |
| Jennings | 1.30 | Warren | 1.32 |
| Johnson | 1.28 | Warrick | 1.34 |
| Knox | 1.27 | Washington | 1.34 |
| Kosciusko | 1.31 | Wayne | 1.27 |
| Lagrange | 1.27 | Wells | 1.26 |
| Lake | 1.38 | White | 1.38 |
| La Porte | 1.38 | Whitley | 1.28 |

IOWA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adair | $1.26 | Butler | $1.32 |
| Adams | 1.28 | Calhoun | 1.31 |
| Allamakee | 1.33 | Carroll | 1.29 |
| Appanoose | 1.24 | Cass | 1.28 |
| Audubon | 1.29 | Cedar | 1.27 |
| Benton | 1.31 | Cero Gordo | 1.34 |
| Black Hawk | 1.32 | Cherokee | 1.30 |
| Boone | 1.30 | Chickasaw | 1.33 |
| Bremer | 1.32 | Clarke | 1.25 |
| Buchanan | 1.31 | Clay | 1.32 |
| Buena Vista | 1.31 | Clayton | 1.31 |



IOWA—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Clinton | $1.28 | Mahaska | $1.28 |
| Crawford | 1.30 | Marion | 1.27 |
| Dallas | 1.30 | Marshall | 1.31 |
| Davis | 1.25 | Mills | 1.33 |
| Decatur | 1.24 | Mitchell | 1.35 |
| Delaware | 1.31 | Monona | 1.29 |
| Des Moines | 1.27 | Monroe | 1.25 |
| Dickinson | 1.33 | Montgomery | 1.30 |
| Dubuque | 1.30 | Muscatine | 1.26 |
| Emmet | 1.34 | O'Brien | 1.32 |
| Fayette | 1.32 | Osceola | 1.32 |
| Floyd | 1.34 | Page | 1.31 |
| Franklin | 1.32 | Palo Alto | 1.33 |
| Fremont | 1.32 | Plymouth | 1.30 |
| Greene | 1.30 | Pocahontas | 1.32 |
| Grundy | 1.32 | Polk | 1.30 |
| Guthrie | 1.26 | Pottawattamie | 1.32 |
| Hamilton | 1.32 | Poweshiek | 1.29 |
| Hancock | 1.33 | Ringgold | 1.24 |
| Hardin | 1.32 | Sac | 1.30 |
| Harrison | 1.31 | Scott | 1.28 |
| Henry | 1.25 | Shelby | 1.30 |
| Howard | 1.34 | Sioux | 1.30 |
| Humboldt | 1.32 | Story | 1.31 |
| Ida | 1.29 | Tama | 1.31 |
| Iowa | 1.29 | Taylor | 1.27 |
| Jackson | 1.27 | Union | 1.26 |
| Jasper | 1.30 | Van Buren | 1.25 |
| Jefferson | 1.26 | Wapello | 1.26 |
| Johnson | 1.30 | Warren | 1.28 |
| Jones | 1.30 | Washington | 1.27 |
| Keokuk | 1.27 | Wayne | 1.23 |
| Kossuth | 1.33 | Webster | 1.32 |
| Lee | 1.27 | Winnebago | 1.35 |
| Linn | 1.31 | Winneshiek | 1.33 |
| Louisa | 1.26 | Woodbury | 1.30 |
| Lucas | 1.24 | Worth | 1.35 |
| Lyon | 1.31 | Wright | 1.32 |
| Madison | 1.28 | | |

KANSAS

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Allen | $1.30 | Kearny | $1.15 |
| Anderson | 1.29 | Kingman | 1.21 |
| Atchison | 1.30 | Kiowa | 1.19 |
| Barber | 1.19 | Labette | 1.28 |
| Barton | 1.19 | Lane | 1.17 |
| Bourbon | 1.31 | Leavenworth | 1.31 |
| Brown | 1.29 | Lincoln | 1.21 |
| Butler | 1.22 | Linn | 1.33 |
| Chase | 1.24 | Logan | 1.16 |
| Chautauqua | 1.24 | Lyon | 1.26 |
| Cherokee | 1.27 | McPherson | 1.21 |
| Cheyenne | 1.15 | Marion | 1.22 |
| Clark | 1.16 | Marshall | 1.26 |
| Clay | 1.23 | Meade | 1.16 |
| Cloud | 1.22 | Miami | 1.31 |
| Coffey | 1.27 | Mitchell | 1.21 |
| Comanche | 1.17 | Montgomery | 1.26 |
| Cowley | 1.22 | Morris | 1.24 |
| Crawford | 1.28 | Morton | 1.18 |
| Decatur | 1.17 | Nemaha | 1.27 |
| Dickinson | 1.22 | Neosho | 1.30 |
| Doniphan | 1.32 | Ness | 1.19 |
| Douglas | 1.30 | Norton | 1.19 |
| Edwards | 1.19 | Osage | 1.27 |
| Elk | 1.24 | Osborne | 1.21 |
| Ellis | 1.19 | Ottawa | 1.22 |
| Ellsworth | 1.21 | Pawnee | 1.19 |
| Finney | 1.16 | Phillips | 1.19 |
| Ford | 1.18 | Pottowatomie | 1.26 |
| Franklin | 1.30 | Pratt | 1.19 |
| Geary | 1.24 | Rawlins | 1.16 |
| Gove | 1.17 | Reno | 1.21 |
| Graham | 1.19 | Republic | 1.22 |
| Grant | 1.15 | Rice | 1.21 |
| Gray | 1.17 | Riley | 1.26 |
| Greeley | 1.15 | Rooks | 1.20 |
| Greenwood | 1.25 | Rush | 1.19 |
| Hamilton | 1.15 | Russell | 1.20 |
| Harper | 1.21 | Saline | 1.22 |
| Harvey | 1.22 | Scott | 1.16 |
| Haskell | 1.16 | Sedgwick | 1.22 |
| Hodgeman | 1.19 | Seward | 1.19 |
| Jackson | 1.28 | Shawnee | 1.28 |
| Jefferson | 1.30 | Sheridan | 1.17 |
| Jewell | 1.22 | Sherman | 1.15 |
| Johnson | 1.32 | Smith | 1.21 |

KANSAS—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Stafford | $1.19 | Wallace | $1.15 |
| Stanton | 1.13 | Washington | 1.23 |
| Stevens | 1.15 | Wichita | 1.15 |
| Sumner | 1.22 | Wilson | 1.26 |
| Thomas | 1.16 | Woodson | 1.28 |
| Trego | 1.19 | Wyandotte | 1.32 |
| Wabaunsee | 1.26 | | |

KENTUCKY

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adair | $1.33 | Kenton | $1.33 |
| Allen | 1.32 | Knox | 1.33 |
| Anderson | 1.34 | Larue | 1.33 |
| Ballard | 1.30 | Laurel | 1.34 |
| Barren | 1.32 | Lawrence | 1.34 |
| Bath | 1.34 | Lee | 1.34 |
| Bell | 1.33 | Lewis | 1.35 |
| Boone | 1.33 | Lincoln | 1.35 |
| Bourbon | 1.35 | Livingston | 1.30 |
| Boyd | 1.35 | Logan | 1.31 |
| Boyle | 1.35 | Lyon | 1.31 |
| Bracken | 1.34 | McCracken | 1.30 |
| Brethitt | 1.33 | McCreary | 1.33 |
| Breckenridge | 1.31 | McLean | 1.30 |
| Bullitt | 1.33 | Madison | 1.35 |
| Butler | 1.31 | Magoffin | 1.33 |
| Caldwell | 1.31 | Marion | 1.34 |
| Calloway | 1.30 | Marshall | 1.30 |
| Campbell | 1.33 | Mason | 1.34 |
| Carlisle | 1.30 | Meade | 1.31 |
| Carroll | 1.33 | Menifee | 1.33 |
| Carter | 1.34 | Mercer | 1.35 |
| Casey | 1.34 | Metcalfe | 1.32 |
| Christian | 1.31 | Monroe | 1.33 |
| Clark | 1.35 | Montgomery | 1.34 |
| Clay | 1.33 | Morgan | 1.33 |
| Clinton | 1.34 | Muhlenberg | 1.31 |
| Crittenden | 1.30 | Nelson | 1.34 |
| Cumberland | 1.33 | Nicholas | 1.34 |
| Daviess | 1.30 | Ohio | 1.31 |
| Edmonson | 1.31 | Oldham | 1.33 |
| Elliott | 1.34 | Owen | 1.34 |
| Estill | 1.34 | Owsley | 1.33 |
| Fayette | 1.35 | Pendleton | 1.34 |
| Fleming | 1.34 | Powell | 1.34 |
| Franklin | 1.34 | Pulaski | 1.35 |
| Fulton | 1.30 | Robertson | 1.34 |
| Gallatin | 1.33 | Rockcastle | 1.35 |
| Garrard | 1.35 | Rowan | 1.35 |
| Grant | 1.34 | Russell | 1.33 |
| Graves | 1.30 | Scott | 1.34 |
| Grayson | 1.32 | Shelby | 1.33 |
| Green | 1.34 | Simpson | 1.32 |
| Greenup | 1.35 | Spencer | 1.33 |
| Hancock | 1.31 | Taylor | 1.34 |
| Hardin | 1.32 | Todd | 1.31 |
| Harrison | 1.34 | Trigg | 1.31 |
| Hart | 1.32 | Trimble | 1.33 |
| Henderson | 1.30 | Union | 1.30 |
| Henry | 1.33 | Warren | 1.31 |
| Hickman | 1.30 | Washington | 1.35 |
| Hopkins | 1.31 | Wayne | 1.34 |
| Jackson | 1.33 | Webster | 1.30 |
| Jefferson | 1.33 | Whitley | 1.33 |
| Jessamine | 1.35 | Wolfe | 1.33 |
| Johnson | 1.33 | Woodford | 1.35 |

LOUISIANA

| County | Rate per bushel |
|---|---|
| All counties | $1.36 |

MAINE

| County | Rate per bushel |
|---|---|
| All counties | $1.38 |

MARYLAND

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Allegany | $1.38 | Howard | $1.50 |
| Anne Arundel | 1.46 | Kent | 1.47 |
| Baltimore | 1.46 | Montgomery | 1.45 |
| Calvert | 1.44 | Prince Georges | 1.45 |
| Caroline | 1.47 | Queen Annes | 1.47 |
| Carroll | 1.46 | St. Marys | 1.45 |
| Cecil | 1.46 | Somerset | 1.44 |
| Charles | 1.44 | Talbot | 1.47 |
| Dorchester | 1.46 | Washington | 1.42 |
| Frederick | 1.45 | Wicomico | 1.46 |
| Garrett | 1.37 | Worcester | 1.45 |
| Harford | 1.47 | | |

MASSACHUSETTS

| County | Rate per bushel |
|---|---|
| All counties | $1.41 |

MICHIGAN

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Alcona | $1.12 | Keweenaw | $1.25 |
| Alger | 1.23 | Lake | 1.19 |
| Allegan | 1.25 | Lapeer | 1.24 |
| Alpena | 1.11 | Leelanau | 1.12 |
| Antrim | 1.12 | Lenawee | 1.26 |
| Arenac | 1.17 | Livingston | 1.25 |
| Baraga | 1.30 | Luce | 1.12 |
| Barry | 1.25 | Mackinac | 1.12 |
| Bay | 1.22 | Macomb | 1.26 |
| Benzie | 1.22 | Manistee | 1.19 |
| Berrien | 1.34 | Marquette | 1.26 |
| Branch | 1.26 | Mason | 1.19 |
| Calhoun | 1.29 | Mecosta | 1.19 |
| Cass | 1.29 | Menominee | 1.23 |
| Charlevoix | 1.11 | Midland | 1.22 |
| Cheboygan | 1.10 | Missaukee | 1.18 |
| Chippewa | 1.12 | Monroe | 1.27 |
| Clare | 1.22 | Montcalm | 1.22 |
| Clinton | 1.24 | Montmorency | 1.11 |
| Crawford | 1.13 | Muskegon | 1.22 |
| Delta | 1.23 | Newaygo | 1.21 |
| Dickinson | 1.23 | Oakland | 1.24 |
| Eaton | 1.25 | Oceana | 1.19 |
| Emmet | 1.11 | Ogemaw | 1.20 |
| Genesee | 1.24 | Ontonagon | 1.24 |
| Gladwin | 1.21 | Osceola | 1.19 |
| Gogebic | 1.32 | Oscoda | 1.20 |
| Grand Traverse | 1.16 | Otsego | 1.11 |
| Gratiot | 1.24 | Ottawa | 1.25 |
| Hillsdale | 1.25 | Presque Isle | 1.10 |
| Houghton | 1.25 | Roscommon | 1.13 |
| Huron | 1.22 | Saginaw | 1.24 |
| Ingham | 1.25 | St. Clair | 1.25 |
| Ionia | 1.24 | St. Joseph | 1.28 |
| Iosco | 1.13 | Sanilac | 1.22 |
| Iron | 1.24 | Schoolcraft | 1.23 |
| Isabella | 1.21 | Shiawassee | 1.24 |
| Jackson | 1.29 | Tuscola | 1.22 |
| Kalamazoo | 1.28 | Van Buren | 1.27 |
| Kalkaska | 1.12 | Washtenaw | 1.25 |
| Kent | 1.24 | Wayne | 1.25 |
| | | Wexford | 1.19 |

MINNESOTA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Aitkin | $1.47 | Martin | $1.39 |
| Anoka | 1.45 | Meeker | 1.45 |
| Becker | 1.39 | Mille Lacs | 1.45 |
| Beltrami | 1.41 | Morrison | 1.44 |
| Benton | 1.45 | Mower | 1.42 |
| Big Stone | 1.41 | Murray | 1.37 |
| Blue Earth | 1.43 | Nicollett | 1.44 |
| Brown | 1.42 | Nobles | 1.34 |
| Carlton | 1.47 | Norman | 1.37 |
| Carver | 1.41 | Olmsted | 1.43 |
| Cass | 1.44 | Otter Tail | 1.41 |
| Chippewa | 1.42 | Pennington | 1.37 |
| Chisago | 1.45 | Pine | 1.46 |
| Clay | 1.38 | Pipestone | 1.36 |
| Clearwater | 1.40 | Polk | 1.37 |
| Cottonwood | 1.39 | Pope | 1.44 |
| Crow Wing | 1.45 | Ramsey | 1.45 |
| Dakota | 1.45 | Red Lake | 1.38 |
| Dodge | 1.44 | Redwood | 1.41 |
| Douglas | 1.43 | Renville | 1.43 |
| Faribault | 1.40 | Rice | 1.45 |
| Fillmore | 1.40 | Rock | 1.32 |
| Freeborn | 1.43 | Roseau | 1.35 |
| Goodhue | 1.45 | St. Louis | 1.40 |
| Grant | 1.42 | Scott | 1.43 |
| Hennepin | 1.45 | Sherburne | 1.45 |
| Houston | 1.39 | Sibley | 1.43 |
| Hubbard | 1.41 | Stearns | 1.45 |
| Isanti | 1.45 | Steele | 1.44 |
| Itasca | 1.46 | Stevens | 1.43 |
| Jackson | 1.37 | Swift | 1.44 |
| Kanabec | 1.45 | Todd | 1.44 |
| Kandiyohi | 1.45 | Traverse | 1.40 |
| Kittson | 1.33 | Wabasha | 1.44 |
| Koochiching | 1.39 | Wadena | 1.43 |
| Lac Qui Parle | 1.40 | Waseca | 1.44 |
| Lake of the Woods | 1.37 | Washington | 1.45 |
| Le Sueur | 1.44 | Watonwan | 1.41 |
| Lincoln | 1.37 | Wilkin | 1.40 |
| Lyon | 1.39 | Winona | 1.43 |
| McLeod | 1.45 | Wright | 1.45 |
| Mahanomen | 1.38 | Yellow Medicine | 1.40 |
| Marshall | 1.35 | | |

### Mississippi

| County | Rate per bushel |
|---|---|
| All counties | $1.29 |

### Missouri

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adair | $1.31 | Lincoln | $1.35 |
| Andrew | 1.35 | Linn | 1.33 |
| Atchison | 1.35 | Livingston | 1.34 |
| Audrain | 1.35 | McDonald | 1.28 |
| Barry | 1.25 | Macon | 1.31 |
| Barton | 1.31 | Madison | 1.30 |
| Bates | 1.31 | Maries | 1.30 |
| Benton | 1.27 | Marion | 1.33 |
| Bollinger | 1.29 | Mercer | 1.31 |
| Boone | 1.35 | Miller | 1.26 |
| Buchanan | 1.35 | Mississippi | 1.40 |
| Butler | 1.40 | Moniteau | 1.33 |
| Caldwell | 1.35 | Monroe | 1.34 |
| Callaway | 1.35 | Montgomery | 1.35 |
| Camden | 1.34 | Morgan | 1.27 |
| Cape Girardeau | 1.37 | New Madrid | 1.41 |
| Carroll | 1.35 | Newton | 1.24 |
| Carter | 1.29 | Nodaway | 1.35 |
| Cass | 1.34 | Oregon | 1.28 |
| Cedar | 1.33 | Osage | 1.32 |
| Chariton | 1.33 | Ozark | 1.22 |
| Christian | 1.27 | Pemiscot | 1.41 |
| Clark | 1.31 | Perry | 1.30 |
| Clay | 1.35 | Pettis | 1.32 |
| Clinton | 1.35 | Phelps | 1.34 |
| Cole | 1.33 | Pike | 1.37 |
| Cooper | 1.33 | Platte | 1.35 |
| Crawford | 1.32 | Polk | 1.33 |
| Dade | 1.32 | Pulaski | 1.34 |
| Dallas | 1.33 | Putnam | 1.30 |
| Daviess | 1.34 | Ralls | 1.34 |
| DeKalb | 1.35 | Randolph | 1.34 |
| Dent | 1.28 | Ray | 1.35 |
| Douglas | 1.21 | Reynolds | 1.26 |
| Dunklin | 1.41 | Ripley | 1.36 |
| Franklin | 1.35 | St. Charles | 1.35 |
| Gasconade | 1.34 | St. Clair | 1.33 |
| Gentry | 1.35 | Ste. Genevieve | 1.32 |
| Greene | 1.33 | St. Francois | 1.31 |
| Grundy | 1.30 | St. Louis | 1.35 |
| Harrison | 1.33 | Saline | 1.34 |
| Henry | 1.33 | Schuyler | 1.31 |
| Hickory | 1.33 | Scotland | 1.32 |
| Holt | 1.35 | Scott | 1.39 |
| Howard | 1.34 | Shannon | 1.26 |
| Howell | 1.24 | Shelby | 1.33 |
| Iron | 1.30 | Stoddard | 1.39 |
| Jackson | 1.35 | Stone | 1.23 |
| Jasper | 1.28 | Sullivan | 1.32 |
| Jefferson | 1.35 | Taney | 1.22 |
| Johnson | 1.33 | Texas | 1.21 |
| Knox | 1.32 | Vernon | 1.31 |
| Laclede | 1.34 | Warren | 1.35 |
| Lafayette | 1.35 | Washington | 1.32 |
| Lawrence | 1.28 | Wayne | 1.30 |
| Lewis | 1.32 | Webster | 1.28 |
| | | Worth | 1.35 |
| | | Wright | 1.21 |

### Montana

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Beaverhead | $1.00 | Meagher | $1.04 |
| Big Horn | 0.98 | Mineral | 1.07 |
| Blaine | 1.04 | Missoula | 1.07 |
| Broadwater | 1.04 | Musselshell | 1.04 |
| Carbon | 1.04 | Park | 1.04 |
| Carter | 1.13 | Cascade | 1.04 |
| Fallon | 1.13 | Chouteau | 1.04 |
| Fergus | 1.04 | Custer | 1.11 |
| Flathead | 1.04 | Daniels | 1.09 |
| Gallatin | 1.06 | Dawson | 1.12 |
| Garfield | 1.10 | Deer Lodge | 1.06 |
| Glacier | 1.04 | Petroleum | 1.04 |
| Golden Valley | 1.04 | Phillips | 1.05 |
| Granite | 1.04 | Pondera | 1.04 |
| Hill | 1.04 | Powder River | 1.09 |
| Jefferson | 1.04 | Powell | 1.06 |
| Judith Basin | 1.04 | Prairie | 1.11 |
| Lake | 1.04 | Ravalli | 1.04 |
| Lewis and Clark | 1.04 | Richland | 1.12 |
| Liberty | 1.04 | Roosevelt | 1.13 |
| Lincoln | 1.04 | Rosebud | 1.08 |
| McCone | 1.11 | Sanders | 1.07 |
| Madison | 1.06 | Sheridan | 1.12 |
| | | Silver Bow | 1.06 |
| | | Stillwater | 1.04 |

### Montana—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Sweet Grass | $1.04 | Valley | $1.08 |
| Teton | 1.04 | Wheatland | 1.04 |
| Toole | 1.04 | Wibaux | 1.14 |
| Treasure | 1.05 | Yellowstone | 1.04 |

### Nebraska

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.24 | Jefferson | $1.26 |
| Antelope | 1.25 | Johnson | 1.28 |
| Arthur | 1.15 | Kearney | 1.22 |
| Banner | 1.10 | Keith | 1.15 |
| Blaine | 1.19 | Keya Paha | 1.19 |
| Boone | 1.26 | Kimball | 1.10 |
| Box Butte | 1.14 | Knox | 1.23 |
| Boyd | 1.22 | Lancaster | 1.30 |
| Brown | 1.19 | Lincoln | 1.18 |
| Buffalo | 1.24 | Logan | 1.19 |
| Burt | 1.30 | Loup | 1.22 |
| Butler | 1.29 | McPherson | 1.19 |
| Cass | 1.31 | Madison | 1.26 |
| Cedar | 1.24 | Merrick | 1.26 |
| Chase | 1.15 | Morrill | 1.13 |
| Cherry | 1.17 | Nance | 1.27 |
| Cheyenne | 1.11 | Nemaha | 1.28 |
| Clay | 1.24 | Nuckolls | 1.24 |
| Colfax | 1.30 | Otoe | 1.30 |
| Cuming | 1.29 | Pawnee | 1.27 |
| Custer | 1.21 | Perkins | 1.15 |
| Dakota | 1.27 | Phelps | 1.22 |
| Dawes | 1.11 | Pierce | 1.26 |
| Dawson | 1.22 | Platte | 1.28 |
| Deuel | 1.13 | Polk | 1.28 |
| Dixon | 1.26 | Red Willow | 1.19 |
| Dodge | 1.30 | Richardson | 1.27 |
| Douglas | 1.32 | Rock | 1.20 |
| Dundy | 1.15 | Saline | 1.28 |
| Fillmore | 1.26 | Sarpy | 1.32 |
| Franklin | 1.22 | Saunders | 1.31 |
| Frontier | 1.19 | Scotts Bluff | 1.10 |
| Furnas | 1.20 | Seward | 1.29 |
| Gage | 1.28 | Sheridan | 1.13 |
| Garden | 1.14 | Sherman | 1.24 |
| Garfield | 1.23 | Sioux | 1.10 |
| Gosper | 1.21 | Stanton | 1.27 |
| Grant | 1.15 | Thayer | 1.26 |
| Greeley | 1.25 | Thomas | 1.19 |
| Hall | 1.25 | Thurston | 1.28 |
| Hamilton | 1.26 | Valley | 1.23 |
| Harlan | 1.21 | Washington | 1.31 |
| Hayes | 1.16 | Wayne | 1.25 |
| Hitchcock | 1.17 | Webster | 1.23 |
| Holt | 1.23 | Wheeler | 1.26 |
| Hooker | 1.17 | York | 1.27 |
| Howard | 1.25 | | |

### Nevada

| County | Rate per bushel |
|---|---|
| All counties | $1.18 |

### New Hampshire

| County | Rate per bushel |
|---|---|
| All counties | $1.40 |

### New Jersey

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Atlantic | $1.45 | Middlesex | $1.45 |
| Bergen | 1.46 | Monmouth | 1.45 |
| Burlington | 1.46 | Morris | 1.45 |
| Camden | 1.47 | Ocean | 1.45 |
| Cape May | 1.43 | Passaic | 1.46 |
| Cumberland | 1.46 | Salem | 1.47 |
| Essex | 1.46 | Somerset | 1.45 |
| Gloucester | 1.47 | Sussex | 1.45 |
| Hunterdon | 1.44 | Union | 1.46 |
| Mercer | 1.46 | Warren | 1.43 |

### New Mexico

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Bernalillo | $1.12 | Mora | $1.12 |
| Catron | 1.03 | Otero | 1.15 |
| Chaves | 1.19 | Quay | 1.22 |
| Colfax | 1.11 | Rio Arriba | .93 |
| Curry | 1.22 | Roosevelt | 1.20 |
| De Baca | 1.17 | Sandoval | 1.12 |
| Dona Ana | 1.12 | San Juan | .93 |
| Eddy | 1.17 | San Miguel | 1.12 |
| Grant | .97 | Santa Fe | 1.09 |
| Guadalupe | 1.17 | Sierra | 1.12 |
| Harding | 1.15 | Socorro | 1.12 |
| Hidalgo | 1.06 | Taos | .98 |
| Lea | 1.21 | Torrance | 1.13 |
| Lincoln | 1.15 | Union | 1.17 |
| Luna | 1.09 | Valencia | 1.07 |
| McKinley | .97 | | |

### New York

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Albany | $1.48 | Oneida | $1.43 |
| Allegany | 1.41 | Onondaga | 1.41 |
| Broome | 1.41 | Ontario | 1.41 |
| Cattaraugus | 1.37 | Orange | 1.44 |
| Cayuga | 1.41 | Orleans | 1.40 |
| Chautauqua | 1.33 | Oswego | 1.41 |
| Chemung | 1.41 | Otsego | 1.43 |
| Chenango | 1.41 | Putnam | 1.44 |
| Clinton | 1.38 | Rensselaer | 1.47 |
| Columbia | 1.46 | Rockland | 1.43 |
| Cortland | 1.41 | St. Lawrence | 1.37 |
| Delaware | 1.42 | Saratoga | 1.46 |
| Dutchess | 1.44 | Schenectady | 1.47 |
| Erie | 1.39 | Schoharie | 1.45 |
| Essex | 1.41 | Schuyler | 1.41 |
| Franklin | 1.35 | Seneca | 1.41 |
| Fulton | 1.42 | Steuben | 1.41 |
| Genesee | 1.41 | Suffolk | 1.40 |
| Greene | 1.45 | Sullivan | 1.39 |
| Herkimer | 1.44 | Tioga | 1.41 |
| Jefferson | 1.38 | Tompkins | 1.41 |
| Lewis | 1.39 | Ulster | 1.44 |
| Livingston | 1.41 | Warren | 1.44 |
| Madison | 1.41 | Washington | 1.45 |
| Monroe | 1.41 | Wayne | 1.41 |
| Montgomery | 1.47 | Westchester | 1.45 |
| Nassau | 1.42 | Wyoming | 1.41 |
| Niagara | 1.41 | Yates | 1.41 |

### North Carolina

| County | Rate per bushel |
|---|---|
| All counties | $1.40 |

### North Dakota

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.19 | McLean | $1.22 |
| Barnes | 1.33 | Mercer | 1.20 |
| Benson | 1.25 | Morton | 1.21 |
| Billings | 1.18 | Mountrail | 1.19 |
| Bottineau | 1.20 | Nelson | 1.31 |
| Bowman | 1.18 | Oliver | 1.21 |
| Burke | 1.19 | Pembina | 1.31 |
| Burleigh | 1.25 | Pierce | 1.24 |
| Cass | 1.35 | Ramsey | 1.27 |
| Cavalier | 1.27 | Ransom | 1.35 |
| Dickey | 1.34 | Renville | 1.19 |
| Divide | 1.17 | Richland | 1.38 |
| Dunn | 1.18 | Rolette | 1.23 |
| Eddy | 1.28 | Sargent | 1.37 |
| Emmons | 1.27 | Sheridan | 1.25 |
| Foster | 1.30 | Sioux | 1.21 |
| Golden Valley | 1.15 | Slope | 1.19 |
| Grand Forks | 1.34 | Stark | 1.19 |
| Grant | 1.19 | Steele | 1.33 |
| Griggs | 1.32 | Stutsman | 1.30 |
| Hettinger | 1.19 | Towner | 1.24 |
| Kidder | 1.27 | Traill | 1.34 |
| La Moure | 1.32 | Walsh | 1.32 |
| Logan | 1.29 | Ward | 1.20 |
| McHenry | 1.22 | Wells | 1.27 |
| McIntosh | 1.29 | Williams | 1.18 |
| McKenzie | 1.15 | | |

### Ohio

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.25 | Gallia | $1.25 |
| Allen | 1.26 | Geauga | 1.31 |
| Ashland | 1.28 | Greene | 1.25 |
| Ashtabula | 1.31 | Guernsey | 1.28 |
| Athens | 1.27 | Hamilton | 1.25 |
| Auglaize | 1.26 | Hancock | 1.27 |
| Belmont | 1.28 | Hardin | 1.27 |
| Brown | 1.25 | Harrison | 1.28 |
| Butler | 1.25 | Henry | 1.25 |
| Carroll | 1.28 | Highland | 1.25 |
| Champaign | 1.25 | Hocking | 1.27 |
| Clark | 1.25 | Holmes | 1.28 |
| Clermont | 1.25 | Huron | 1.27 |
| Clinton | 1.25 | Jackson | 1.25 |
| Columbiana | 1.29 | Jefferson | 1.29 |
| Coshocton | 1.28 | Knox | 1.27 |
| Crawford | 1.27 | Lake | 1.29 |
| Cuyahoga | 1.28 | Lawrence | 1.25 |
| Darke | 1.28 | Licking | 1.27 |
| Defiance | 1.25 | Logan | 1.25 |
| Delaware | 1.27 | Lorain | 1.28 |
| Erie | 1.27 | Lucas | 1.26 |
| Fairfield | 1.27 | Madison | 1.26 |
| Fayette | 1.25 | Mahoning | 1.30 |
| Franklin | 1.27 | Marion | 1.27 |
| Fulton | 1.25 | Medina | 1.28 |



### Ohio—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Meigs | $1.25 | Ross | $1.26 |
| Mercer | 1.26 | Sandusky | 1.27 |
| Miami | 1.26 | Scioto | 1.25 |
| Monroe | 1.28 | Seneca | 1.27 |
| Montgomery | 1.25 | Shelby | 1.26 |
| Morgan | 1.28 | Stark | 1.28 |
| Morrow | 1.27 | Summit | 1.28 |
| Muskingum | 1.28 | Trumbull | 1.31 |
| Noble | 1.28 | Tuscarawas | 1.28 |
| Ottawa | 1.27 | Union | 1.27 |
| Paulding | 1.26 | Van Wert | 1.26 |
| Perry | 1.27 | Vinton | 1.27 |
| Pickaway | 1.26 | Warren | 1.25 |
| Pike | 1.25 | Washington | 1.28 |
| Portage | 1.28 | Wayne | 1.28 |
| Preble | 1.25 | Williams | 1.26 |
| Putnam | 1.26 | Wood | 1.27 |
| Richland | 1.28 | Wyandot | 1.27 |

### Oklahoma

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adair | $1.24 | Le Flore | $1.24 |
| Alfalfa | 1.23 | Lincoln | 1.24 |
| Atoka | 1.24 | Logan | 1.24 |
| Beaver | 1.21 | Love | 1.24 |
| Beckham | 1.24 | McClain | 1.24 |
| Blaine | 1.24 | McCurtain | 1.24 |
| Bryan | 1.24 | McIntosh | 1.24 |
| Caddo | 1.24 | Major | 1.24 |
| Canadian | 1.24 | Marshall | 1.24 |
| Carter | 1.24 | Mayes | 1.23 |
| Cherokee | 1.24 | Murray | 1.24 |
| Choctaw | 1.24 | Muskogee | 1.24 |
| Cimarron | 1.19 | Noble | 1.23 |
| Cleveland | 1.24 | Nowata | 1.25 |
| Coal | 1.24 | Okfuskee | 1.24 |
| Comanche | 1.24 | Oklahoma | 1.24 |
| Cotton | 1.24 | Okmulgee | 1.24 |
| Craig | 1.25 | Osage | 1.22 |
| Creek | 1.24 | Ottawa | 1.25 |
| Custer | 1.24 | Pawnee | 1.24 |
| Delaware | 1.24 | Payne | 1.24 |
| Dewey | 1.23 | Pittsburg | 1.24 |
| Ellis | 1.22 | Pontotoc | 1.24 |
| Garfield | 1.24 | Pottawatomie | 1.24 |
| Garvin | 1.24 | Pushmataha | 1.24 |
| Grady | 1.24 | Roger Mills | 1.23 |
| Grant | 1.22 | Rogers | 1.23 |
| Greer | 1.24 | Seminole | 1.24 |
| Harmon | 1.24 | Sequoyah | 1.24 |
| Harper | 1.21 | Stephens | 1.24 |
| Haskell | 1.24 | Texas | 1.21 |
| Hughes | 1.24 | Tillman | 1.24 |
| Jackson | 1.24 | Tulsa | 1.23 |
| Jefferson | 1.24 | Wagoner | 1.23 |
| Johnston | 1.24 | Washington | 1.25 |
| Kay | 1.23 | Washita | 1.24 |
| Kingfisher | 1.24 | Woods | 1.22 |
| Kiowa | 1.24 | Woodward | 1.22 |
| Latimer | 1.24 | | |

### Oregon

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Baker | $1.18 | Lake | $1.23 |
| Benton | 1.22 | Lane | 1.19 |
| Clackamas | 1.26 | Lincoln | 1.16 |
| Clatsop | 1.22 | Linn | 1.22 |
| Columbia | 1.24 | Malheur | 1.18 |
| Coos | 1.12 | Marion | 1.25 |
| Crook | 1.25 | Morrow | 1.26 |
| Curry | 1.10 | Multnomah | 1.29 |
| Deschutes | 1.25 | Polk | 1.24 |
| Douglas | 1.14 | Sherman | 1.28 |
| Gilliam | 1.27 | Tillamook | 1.28 |
| Grant | 1.25 | Umatilla | 1.25 |
| Harney | 1.10 | Union | 1.20 |
| Hood River | 1.27 | Wallowa | 1.17 |
| Jackson | 1.10 | Wasco | 1.31 |
| Jefferson | 1.28 | Washington | 1.28 |
| Josephine | 1.07 | Wheeler | 1.25 |
| Klamath | 1.24 | Yamhill | 1.26 |

### Pennsylvania

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.44 | Bradford | $1.40 |
| Allegheny | 1.34 | Bucks | 1.46 |
| Armstrong | 1.32 | Butler | 1.33 |
| Beaver | 1.31 | Cambria | 1.35 |
| Bedford | 1.37 | Carbon | 1.42 |
| Berks | 1.44 | Centre | 1.37 |
| Blair | 1.36 | Chester | 1.45 |



### Pennsylvania—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Clarion | $1.33 | Mercer | $1.31 |
| Clearfield | 1.35 | Mifflin | 1.39 |
| Clinton | 1.37 | Monroe | 1.42 |
| Columbia | 1.41 | Montgomery | 1.46 |
| Crawford | 1.31 | Montour | 1.39 |
| Cumberland | 1.42 | Northampton | 1.44 |
| Dauphin | 1.41 | Northumberland | 1.39 |
| Delaware | 1.46 | Perry | 1.41 |
| Elk | 1.36 | Pike | 1.38 |
| Erie | 1.31 | Potter | 1.35 |
| Fayette | 1.35 | Schuylkill | 1.41 |
| Forest | 1.32 | Snyder | 1.39 |
| Franklin | 1.42 | Somerset | 1.36 |
| Fulton | 1.40 | Sullivan | 1.41 |
| Greene | 1.33 | Susquehanna | 1.40 |
| Huntingdon | 1.38 | Tioga | 1.40 |
| Indiana | 1.35 | Union | 1.39 |
| Jefferson | 1.35 | Venango | 1.31 |
| Juniata | 1.39 | Warren | 1.31 |
| Lackawanna | 1.40 | Washington | 1.31 |
| Lancaster | 1.44 | Wayne | 1.39 |
| Lawrence | 1.33 | Westmoreland | 1.33 |
| Lebanon | 1.42 | Wyoming | 1.41 |
| Lehigh | 1.44 | York | 1.44 |
| Luzerne | 1.40 | | |
| Lycoming | 1.38 | | |
| McKean | 1.36 | | |

### Rhode Island

| County | Rate per bushel |
|---|---|
| All counties | $1.42 |

### South Carolina

| County | Rate per bushel |
|---|---|
| All counties | $1.38 |

### South Dakota

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Aurora | $1.26 | Jackson | $1.23 |
| Beadle | 1.32 | Jerauld | 1.31 |
| Bennett | 1.15 | Jones | 1.25 |
| Bon Homme | 1.26 | Kingsbury | 1.34 |
| Brookings | 1.35 | Lake | 1.34 |
| Brown | 1.33 | Lawrence | 1.21 |
| Brule | 1.27 | Lincoln | 1.30 |
| Buffalo | 1.27 | Lyman | 1.27 |
| Butte | 1.21 | McCook | 1.30 |
| Campbell | 1.28 | McPherson | 1.30 |
| Charles Mix | 1.24 | Marshall | 1.36 |
| Clark | 1.34 | Meade | 1.20 |
| Clay | 1.30 | Mellette | 1.20 |
| Codington | 1.36 | Miner | 1.32 |
| Corson | 1.21 | Minnehaha | 1.31 |
| Custer | 1.13 | Moody | 1.34 |
| Davison | 1.28 | Pennington | 1.21 |
| Day | 1.35 | Perkins | 1.19 |
| Deuel | 1.34 | Potter | 1.29 |
| Dewey | 1.21 | Roberts | 1.38 |
| Douglas | 1.25 | Sanborn | 1.31 |
| Edmunds | 1.31 | Shannon | 1.13 |
| Fall River | 1.10 | Spink | 1.33 |
| Faulk | 1.31 | Stanley | 1.28 |
| Graint | 1.38 | Sully | 1.28 |
| Gregory | 1.22 | Todd | 1.20 |
| Haakon | 1.24 | Tripp | 1.21 |
| Hamlin | 1.35 | Turner | 1.30 |
| Hand | 1.31 | Union | 1.30 |
| Hanson | 1.29 | Walworth | 1.29 |
| Harding | 1.19 | Washabaugh | 1.23 |
| Hughes | 1.29 | Yankton | 1.28 |
| Hutchinson | 1.26 | Ziebach | 1.18 |
| Hyde | 1.29 | | |

### Tennessee

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Anderson | $1.38 | Cumberland | $1.36 |
| Bedford | 1.35 | Davidson | 1.33 |
| Benton | 1.32 | Decatur | 1.32 |
| Bledsoe | 1.36 | DeKalb | 1.34 |
| Blount | 1.39 | Dickson | 1.33 |
| Bradley | 1.38 | Dyer | 1.30 |
| Campbell | 1.38 | Fayette | 1.30 |
| Cannon | 1.34 | Fentress | 1.36 |
| Carroll | 1.31 | Franklin | 1.36 |
| Carter | 1.41 | Gibson | 1.30 |
| Cheatham | 1.33 | Giles | 1.35 |
| Chester | 1.31 | Grainger | 1.39 |
| Claiborne | 1.40 | Greene | 1.40 |
| Clay | 1.34 | Grundy | 1.35 |
| Cocke | 1.39 | Hamblen | 1.40 |
| Coffey | 1.35 | Hamilton | 1.37 |
| Crockett | 1.30 | Hancock | 1.41 |

### Tennessee—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Hardeman | $1.31 | Obion | $1.30 |
| Hardin | 1.32 | Overton | 1.35 |
| Hawkins | 1.42 | Perry | 1.33 |
| Haywood | 1.30 | Pickett | 1.35 |
| Henderson | 1.32 | Polk | 1.39 |
| Henry | 1.31 | Putnam | 1.35 |
| Hickman | 1.33 | Rhea | 1.37 |
| Houston | 1.32 | Roane | 1.37 |
| Humphreys | 1.32 | Robertson | 1.32 |
| Jackson | 1.34 | Rutherford | 1.34 |
| Jefferson | 1.39 | Scott | 1.37 |
| Johnson | 1.41 | Sequatchie | 1.36 |
| Knox | 1.39 | Sevier | 1.39 |
| Lake | 1.30 | Shelby | 1.30 |
| Lauderdale | 1.30 | Smith | 1.34 |
| Lawrence | 1.34 | Stewart | 1.32 |
| Lewis | 1.34 | Sullivan | 1.42 |
| Lincoln | 1.36 | Sumner | 1.32 |
| Loudon | 1.38 | Tipton | 1.30 |
| McMinn | 1.38 | Trousdale | 1.33 |
| McNairy | 1.31 | Unicoi | 1.40 |
| Macon | 1.33 | Union | 1.39 |
| Madison | 1.30 | Van Buren | 1.35 |
| Marion | 1.36 | Warren | 1.35 |
| Marshall | 1.35 | Washington | 1.41 |
| Maury | 1.34 | Wayne | 1.33 |
| Meigs | 1.37 | Weakley | 1.30 |
| Monroe | 1.39 | White | 1.35 |
| Montgomery | 1.32 | Williamson | 1.34 |
| Moore | 1.35 | Wilson | 1.33 |
| Morgan | 1.37 | | |

### Texas

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Andrews | $1.23 | Ellis | $1.35 |
| Archer | 1.24 | El Paso | 1.14 |
| Armstrong | 1.24 | Erath | 1.29 |
| Atascosa | 1.35 | Falls | 1.37 |
| Bailey | 1.24 | Fannin | 1.28 |
| Bandera | 1.33 | Fisher | 1.24 |
| Bastrop | 1.37 | Floyd | 1.24 |
| Baylor | 1.24 | Foard | 1.24 |
| Bee | 1.35 | Frio | 1.28 |
| Bell | 1.37 | Gaines | 1.24 |
| Bexar | 1.36 | Galveston | 1.54 |
| Blanco | 1.36 | Garza | 1.24 |
| Borden | 1.24 | Gillespie | 1.32 |
| Bosque | 1.35 | Glasscock | 1.24 |
| Bowie | 1.28 | Goliad | 1.36 |
| Brazos | 1.35 | Gonzales | 1.35 |
| Briscoe | 1.24 | Gray | 1.23 |
| Brown | 1.33 | Grayson | 1.28 |
| Burleson | 1.40 | Guadalupe | 1.37 |
| Burnet | 1.33 | Hale | 1.24 |
| Caldwell | 1.37 | Hall | 1.24 |
| Calhoun | 1.37 | Hamilton | 1.29 |
| Callahan | 1.24 | Hansford | 1.21 |
| Carson | 1.24 | Hardeman | 1.24 |
| Castro | 1.24 | Harris | 1.53 |
| Chambers | 1.43 | Hartley | 1.22 |
| Cherokee | 1.38 | Haskell | 1.24 |
| Childress | 1.24 | Hays | 1.37 |
| Clay | 1.26 | Hemphill | 1.22 |
| Cochran | 1.24 | Henderson | 1.35 |
| Coke | 1.24 | Hill | 1.36 |
| Coleman | 1.30 | Hockley | 1.24 |
| Colorado | 1.43 | Hood | 1.32 |
| Collin | 1.33 | Hopkins | 1.29 |
| Collingsworth | 1.24 | Houston | 1.35 |
| Comal | 1.37 | Howard | 1.24 |
| Comanche | 1.27 | Hudspeth | 1.15 |
| Concho | 1.30 | Hunt | 1.32 |
| Cooke | 1.28 | Hutchinson | 1.22 |
| Coryell | 1.33 | Irion | 1.21 |
| Cottle | 1.24 | Jack | 1.28 |
| Crosby | 1.24 | Jackson | 1.40 |
| Culberson | 1.16 | Jeff Davis | 1.15 |
| Dallam | 1.21 | Johnson | 1.35 |
| Dallas | 1.33 | Jones | 1.24 |
| Dawson | 1.24 | Karnes | 1.35 |
| Deaf Smith | 1.24 | Kaufman | 1.34 |
| Delta | 1.31 | Kendall | 1.33 |
| Denton | 1.33 | Kent | 1.24 |
| DeWitt | 1.37 | Kerr | 1.32 |
| Dickens | 1.24 | Kimble | 1.31 |
| Dimmit | 1.26 | King | 1.24 |
| Donley | 1.24 | Kinney | 1.25 |
| Eastland | 1.25 | Knox | 1.24 |
| Edwards | 1.24 | Lemar | 1.28 |

TEXAS—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Lamb | $1.24 | Reeves | $1.17 |
| Lampasas | 1.33 | Refugio | 1.35 |
| Lavaca | 1.36 | Roberts | 1.22 |
| Leon | 1.35 | Robertson | 1.37 |
| Limestone | 1.37 | Rockwall | 1.33 |
| Lipscomb | 1.22 | Runnels | 1.26 |
| Live Oak | 1.35 | San Saba | 1.33 |
| Llano | 1.33 | Schleicher | 1.22 |
| Loving | 1.17 | Scurry | 1.24 |
| Lubbock | 1.24 | Shackelford | 1.24 |
| Lynn | 1.24 | Sherman | 1.21 |
| McCulloch | 1.32 | Somervell | 1.33 |
| McLennan | 1.37 | Stephens | 1.28 |
| Martin | 1.23 | Sterling | 1.24 |
| Mason | 1.33 | Stonewall | 1.24 |
| Maverick | 1.22 | Sutton | 1.20 |
| Medina | 1.35 | Swisher | 1.24 |
| Menard | 1.30 | Tarrant | 1.34 |
| Midland | 1.22 | Taylor | 1.26 |
| Milam | 1.39 | Terry | 1.24 |
| Mills | 1.33 | Throckmorton | 1.26 |
| Mitchell | 1.24 | Tom Green | 1.24 |
| Montague | 1.28 | Travis | 1.37 |
| Moore | 1.22 | Uvalde | 1.30 |
| Motley | 1.24 | Van Zandt | 1.33 |
| Navarro | 1.36 | Victoria | 1.37 |
| Nolan | 1.24 | Walker | 1.35 |
| Ochiltree | 1.22 | Waller | 1.50 |
| Oldham | 1.24 | Ward | 1.19 |
| Palo Pinto | 1.28 | Washington | 1.43 |
| Parker | 1.31 | Wharton | 1.48 |
| Parmer | 1.24 | Wheeler | 1.23 |
| Pecos | 1.16 | Wichita | 1.24 |
| Potter | 1.24 | Wilbarger | 1.24 |
| Presidio | 1.14 | Williamson | 1.37 |
| Rains | 1.33 | Wilson | 1.35 |
| Randall | 1.24 | Wise | 1.30 |
| Reagan | 1.31 | Yoakum | 1.24 |
| Real | 1.30 | Young | 1.28 |
| Red River | 1.26 | Zavala | 1.26 |

UTAH

| | | | |
|---|---|---|---|
| Beaver | $1.14 | Piute | $0.93 |
| Box Elder | 1.11 | Rich | 0.97 |
| Cache | 1.11 | Salt Lake | 1.12 |
| Carbon | 0.97 | San Juan | 0.93 |
| Daggett | 0.97 | San Pete | 0.92 |
| Davis | 1.12 | Sevier | 0.92 |
| Duchesne | 1.00 | Summit | 1.12 |
| Emery | 0.97 | Tooele | 1.12 |
| Garfield | 0.93 | Uintah | 0.97 |
| Grand | 0.97 | Utah | 1.12 |
| Iron | 1.12 | Wasatch | 1.00 |
| Juab | 1.12 | Washington | 1.12 |
| Kane | 0.93 | Wayne | 0.93 |
| Millard | 1.14 | Weber | 1.12 |
| Morgan | 1.12 | | |

VERMONT

| | |
|---|---|
| All counties | $1.40 |

VIRGINIA

| | | | |
|---|---|---|---|
| Accomack | $1.41 | Dinwiddie | $1.41 |
| Albemarle | 1.40 | Elizabeth City | 1.41 |
| Alleghany | 1.38 | Essex | 1.41 |
| Amelia | 1.41 | Fairfax | 1.40 |
| Amherst | 1.40 | Fauquier | 1.40 |
| Appomattox | 1.41 | Floyd | 1.39 |
| Arlington | 1.40 | Fluvanna | 1.40 |
| Augusta | 1.40 | Franklin | 1.39 |
| Bath | 1.38 | Frederick | 1.40 |
| Bedford | 1.40 | Giles | 1.38 |
| Bland | 1.38 | Gloucester | 1.41 |
| Botetourt | 1.39 | Goochland | 1.41 |
| Brunswick | 1.40 | Grayson | 1.39 |
| Buchanan | 1.38 | Greene | 1.40 |
| Buckingham | 1.41 | Greensville | 1.40 |
| Campbell | 1.40 | Halifax | 1.40 |
| Caroline | 1.41 | Hanover | 1.41 |
| Carroll | 1.39 | Henrico | 1.41 |
| Charles City | 1.41 | Henry | 1.39 |
| Charlotte | 1.41 | Highland | 1.38 |
| Chesterfield | 1.41 | Isle of Wight | 1.40 |
| Clarke | 1.40 | James City | 1.41 |
| Craig | 1.38 | King and Queen | 1.41 |
| Culpeper | 1.40 | King George | 1.41 |
| Cumberland | 1.41 | | |
| Dickenson | 1.38 | | |

VIRGINIA—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| King William | $1.41 | Prince William | $1.40 |
| Lancaster | 1.41 | Princess Anne | 1.40 |
| Lee | 1.39 | Pulaski | 1.39 |
| Loudoun | 1.40 | Rappahannock | 1.40 |
| Louisa | 1.40 | Richmond | 1.41 |
| Lunenburg | 1.41 | Roanoke | 1.39 |
| Madison | 1.40 | Rockbridge | 1.40 |
| Mathews | 1.41 | Rockingham | 1.40 |
| Mecklenburg | 1.40 | Russell | 1.39 |
| Middlesex | 1.41 | Scott | 1.39 |
| Montgomery | 1.38 | Shenandoah | 1.40 |
| Nansemond | 1.40 | Smyth | 1.39 |
| Nelson | 1.40 | Southampton | 1.40 |
| New Kent | 1.41 | Spotsylvania | 1.41 |
| Norfolk | 1.40 | Stafford | 1.41 |
| Northampton | 1.41 | Surry | 1.40 |
| Northumberland | 1.41 | Sussex | 1.40 |
| Nottoway | 1.41 | Tazewell | 1.38 |
| Orange | 1.40 | Warren | 1.40 |
| Page | 1.40 | Warwick | 1.41 |
| Patrick | 1.39 | Washington | 1.39 |
| Pittsylvania | 1.40 | Westmoreland | 1.41 |
| Powhatan | 1.41 | Wise | 1.39 |
| Prince Edward | 1.41 | Wythe | 1.39 |
| Prince George | 1.41 | York | 1.41 |

WASHINGTON

| | | | |
|---|---|---|---|
| Adams | $1.23 | Lewis | $1.22 |
| Asotin | 1.19 | Lincoln | 1.22 |
| Benton | 1.26 | Mason | 1.21 |
| Chelan | 1.24 | Okanogon | 1.22 |
| Clallam | 1.13 | Pacific | 1.21 |
| Clark | 1.29 | Pend Oreille | 1.07 |
| Columbia | 1.24 | Pierce | 1.27 |
| Cowlitz | 1.26 | San Juan | 1.24 |
| Douglas | 1.23 | Skagit | 1.24 |
| Ferry | 1.02 | Skamania | 1.30 |
| Franklin | 1.25 | Snohomish | 1.25 |
| Garfield | 1.22 | Spokane | 1.19 |
| Grant | 1.24 | Stevens | 1.15 |
| Grays Harbor | 1.21 | Thurston | 1.23 |
| Island | 1.24 | Wahkiakum | 1.26 |
| Jefferson | 1.15 | Walla Walla | 1.25 |
| King | 1.28 | Whatcom | 1.23 |
| Kitsap | 1.19 | Whitman | 1.20 |
| Kittitas | 1.29 | Yakima | 1.28 |
| Klickitat | 1.28 | | |

WEST VIRGINIA

| | | | |
|---|---|---|---|
| Barbour | $1.35 | Mineral | $1.37 |
| Berkeley | 1.39 | Mingo | 1.34 |
| Boone | 1.34 | Monongalia | 1.33 |
| Braxton | 1.34 | Monroe | 1.37 |
| Brooke | 1.32 | Morgan | 1.38 |
| Cabell | 1.32 | Nicholas | 1.36 |
| Calhoun | 1.33 | Ohio | 1.32 |
| Clay | 1.34 | Pendleton | 1.38 |
| Doddridge | 1.32 | Pleasants | 1.31 |
| Fayette | 1.36 | Pocahontas | 1.38 |
| Gilmer | 1.33 | Preston | 1.35 |
| Grant | 1.37 | Putnam | 1.32 |
| Greenbrier | 1.38 | Raleigh | 1.35 |
| Hampshire | 1.38 | Randolph | 1.37 |
| Hancock | 1.32 | Ritchie | 1.32 |
| Hardy | 1.38 | Roane | 1.32 |
| Harrison | 1.34 | Summers | 1.38 |
| Jackson | 1.31 | Taylor | 1.35 |
| Jefferson | 1.40 | Tucker | 1.37 |
| Kanawha | 1.33 | Tyler | 1.31 |
| Lewis | 1.34 | Upshur | 1.35 |
| Lincoln | 1.33 | Wayne | 1.33 |
| Logan | 1.34 | Webster | 1.36 |
| McDowell | 1.36 | Wetzel | 1.32 |
| Marion | 1.33 | Wirt | 1.32 |
| Marshall | 1.32 | Wood | 1.31 |
| Mason | 1.32 | Wyoming | 1.35 |
| Mercer | 1.37 | | |

WISCONSIN

| | | | |
|---|---|---|---|
| Adams | $1.32 | Chippewa | $1.41 |
| Ashland | 1.43 | Clark | 1.38 |
| Barron | 1.40 | Columbia | 1.34 |
| Bayfield | 1.37 | Crawford | 1.31 |
| Brown | 1.31 | Dane | 1.35 |
| Buffalo | 1.36 | Dodge | 1.35 |
| Burnett | 1.45 | Door | 1.26 |
| Calumet | 1.33 | Douglas | 1.43 |

WISCONSIN—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Dunn | $1.41 | Outagamie | $1.32 |
| Eau Claire | 1.38 | Ozaukee | 1.36 |
| Florence | 1.26 | Pepin | 1.38 |
| Fond du Lac | 1.34 | Pierce | 1.39 |
| Forest | 1.36 | Polk | 1.44 |
| Grant | 1.30 | Portage | 1.35 |
| Green | 1.36 | Price | 1.40 |
| Green Lake | 1.33 | Racine | 1.38 |
| Iowa | 1.33 | Richland | 1.32 |
| Iron | 1.37 | Rock | 1.37 |
| Jackson | 1.34 | Rusk | 1.42 |
| Jefferson | 1.36 | St. Croix | 1.41 |
| Juneau | 1.31 | Sauk | 1.34 |
| Kenosha | 1.38 | Sawyer | 1.39 |
| Kewaunee | 1.28 | Shawano | 1.30 |
| La Crosse | 1.33 | Sheboygan | 1.35 |
| La Fayette | 1.33 | Taylor | 1.40 |
| Langlade | 1.28 | Trempealeau | 1.34 |
| Lincoln | 1.28 | Vernon | 1.32 |
| Manitowoc | 1.33 | Vilas | 1.27 |
| Marathon | 1.35 | Walworth | 1.38 |
| Marinette | 1.27 | Washburn | 1.37 |
| Marquette | 1.32 | Washington | 1.36 |
| Menomonie | 1.30 | Waukesha | 1.37 |
| Milwaukee | 1.38 | Waupaca | 1.30 |
| Monroe | 1.32 | Waushara | 1.31 |
| Oconto | 1.29 | Winnebago | 1.33 |
| Oneida | 1.30 | Wood | 1.38 |

WYOMING

| | | | |
|---|---|---|---|
| Albany | $1.04 | Natrona | $0.96 |
| Big Horn | 0.93 | Niobrara | 1.06 |
| Campbell | 1.01 | Park | 0.93 |
| Carbon | 0.98 | Platte | 1.10 |
| Converse | 1.02 | Sheridan | 0.99 |
| Crook | 1.03 | Sublette | 0.97 |
| Fremont | 0.93 | Sweetwater | 0.97 |
| Goshen | 1.10 | Teton | 1.03 |
| Hot Springs | 0.93 | Uinta | 0.97 |
| Johnson | 0.99 | Washakie | 0.93 |
| Laramie | 1.10 | Weston | 1.05 |
| Lincoln | 0.97 | | |

18. A new § 728.76 is added to read as follows:

**§ 728.76 Oats-rye diversion payment in 1965; substitution in 1965 of feed grains for wheat and wheat for feed grains, oats and rye.**

Notwithstanding any other provision of the regulations in this part and Part 775 of this chapter, the following provisions shall be applicable for 1965:

(a) *Oats-rye diversion payment.* (1) On a farm participating in the Wheat Diversion Program, an oats-rye base shall be established for the farm for 1965 upon request of the farm operator on Form 477 (Wheat), in which case an oats-rye diversion payment may be earned. All the regulations governing the Feed Grain Program shall apply separately for the purpose of determining eligibility for the oats-rye diversion payment except as otherwise provided herein. The oats-rye base determined for the farm shall be the average of the 1959 and 1960 acreage of oats and rye planted for harvest as grain, as adjusted in accordance with instructions issued by the Deputy Administrator to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography.

(2) The minimum diversion acreage requirement in § 775.304(b)(2) of this chapter shall apply separately to the total feed grain base and to the oats-rye base and the maximum diversion acreage of oats and rye shall be 50 per centum of the oats-rye base or 25 acres, whichever is greater: *Provided*, That the total acreage eligible for diversion from feed grains and oats and rye shall not exceed 50 per centum of the combined feed grain and oats-rye bases or 25 acres, whichever is greater.

(3) The permitted acreage of oats and rye shall be the oats-rye base minus the stated intention for diversion of oats and rye. The permitted acreage of feed grains may be devoted to oats and rye and if any of the permitted acreage of feed grains is so devoted to oats and rye, payment for diversion for oats and rye and feed grains shall be made as provided in paragraph (c) of this section.

(4) The oats and rye rate of payment for both minimum and additional diversion will be 25 per centum of the farm diversion payment rate established for wheat under § 728.57(a).

(5) Price support payments shall not be made for oats and rye.

(6) The oats-rye base shall not be in effect if the total feed grain acreage exceeds the permitted acreage of feed grains.

(7) Upon request of the operator at any time, the oats-rye base shall not be in effect for the farm.

(b) *Substitution.* Feed grain acreage in excess of the permitted acreage of feed grains shall be considered as wheat acreage, wheat acreage in excess of the permitted acreage of wheat shall be considered as feed grain acreage or oats and rye acreage, and oats and rye acreage in excess of the permitted acreage of oats and rye shall be considered as wheat acreage and feed grain acreage: *Provided*, That if an oats-rye base is in effect for the farm, feed grain acreage in excess of the permitted acreage of feed grains shall not be considered as wheat acreage.

(c) *Diversion payment under substitution.* If the combined acreage of feed grains and oats and rye exceeds the sum of the permitted acreages of feed grains and oats and rye or if the acreage of wheat exceeds the permitted acreage of wheat, payment for diverison shall be made for the crops actually underplanted without regard to the stated intention for each commodity for a number of acres not to exceed the total acreage otherwise eligible for payment. If more than one commodity is actually underplanted, the total acreage otherwise eligible for payment shall be credited first to the commodity with the largest applicable payment rate to the extent of the actual underplanted acreage of such commodity, and the remaining acreage, if any, otherwise eligible for payment shall be credited to other commodities in high to low payment rate order to the extent of the actual underplanting of such commodities: *Provided*, That total diversion payment for barley, corn, and grain sorghums shall not be made for an acreage in excess of the total actual underplanted acreage of such crops.

(d) *Applicability.* This section shall be applicable only if (1) the total feed grains, wheat, and (if an oats-rye base is in effect for the farm) oats and rye acreage do not exceed the sum of the permitted acreages of feed grains, wheat, and (if an oats-rye base is in effect for the farm) oats and rye by more than the tolerance authorized in § 728.64 (c), and (2) the farm is otherwise eligible for a wheat diversion payment, and (if an old farm feed grain base is in effect for the farm) a feed grain diversion payment, and (if an oats-rye base is in effect for the farm) and oats-rye diversion payment. For purposes of the foregoing sentence, the farm shall be considered eligible for payment if the farm would have been eligible for a payment except for the fact that (1) the diverted acreage is devoted to any authorized substitute crop in lieu of payment; (2) the payment otherwise earned has been reduced to zero for authorized harvesting or grazing under the provisions of § 775.306 of this chapter and § 728.52; (3) the acres eligible for pay ment are zero because of the applications of § 728.64(d)(3) or § 775.318(b)(2)(iii) of this chapter but the total conserving acreage is within the tolerances prescribed in such sections; (4) in the case of wheat, no payment is authorized for the minimum diversion acreage as determined under § 728.51(b)(2) or (5) no payment is authorized because of failure of producers to meet the cross-compliance requirements of § 728.51(c)(2)(ii) or § 775.304(c)(2) of this chapter. The provisions of this section are not applicable if excess wheat produced on the farm is stored under the provisions of § 728.107.

(Sec. 339(g), 76 Stat. 624)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 6, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-10322; Filed, Oct. 14, 1964; 8:45 a.m.]



## Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

### SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.2]

### PART 814—ALLOTMENT OF SUGAR QUOTA

### Mainland Cane Sugar Area, 1964

*Basis and purpose.* This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), hereinafter called the "Act", for the purpose of alloting the 1964 sugar quota for the Mainland Cane Sugar Area among persons who process sugar from sugar cane and market such sugar for consumption in the continental United States.

Section 205(a) of the Act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things (1) to prevent disorderly marketing of sugar or liquid sugar and (2) to afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the secretary may prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary and a notice was published on July 9, 1964 (29 F.R. 9398), of a public hearing to be held in New Orleans, Louisiana, at the Monteleone Hotel on August 7, 1964, beginning at 9:00 a.m., c.s.t., for the purpose of receiving evidence to enable the Secretary (1) to affirm or revoke the preliminary findings of necessity for allotments, (2) to establish a fair, efficient and equitable allotment of the 1964 quota for the Mainland Cane Sugar Area, (3) to revise or amend the allotment of the quota for the purposes of (a) allotting any increase or decrease in the quota, (b) prorating any deficit in the allotment for any allottee, and (c) substituting corrected data where such data becomes a part of the official records of the Department, and (4) to make provision for transfer and exchange of allotments.

The hearing was held at the place and time specified in the notice and testimony was given with respect to all of the issues referred to in the hearing notice. In arriving at the findings, conclusions and regulatory provisions of this order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings and conclusions proposed by the interested person are inconsistent with the findings and conclusions herein, the specific or implied request to make such findings and reach such conclusions are denied on the basis of the facts found and stated and the conclusions reached as set forth herein.

*Omission of a recommended decision and effective date.* The record of the hearing shows that the supply of sugar available for marketing is substantially in excess of the quota of 911,410 tons and that 1964 marketings of mainland cane sugar, unless restricted, would substantially exceed the 1964 quota for the Mainland Cane Sugar Area. The proceeding to which this order relates was instituted for the purpose of allotting the quota for the Mainland Cane Sugar Area to prevent disorderly marketing and to afford each interested person an equitable opportunity to market sugar within the quota for the area. In view of the need for allotments and the relatively short time remaining in the marketing year, it is imperative that processors know as soon as possible the quantity of sugar each may market within the quota during the balance of the year in order to plan marketings and prevent disorderly marketing that could occur if the effective date of the allotment order is unduly delayed. Accordingly, in order to fully effectuate the purposes of section 205(a) of the Act it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably

requires the omission of a recommended decision in this proceeding. It is also hereby further found and determined for the reasons given above for the omission of a recommended decision that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impractical and contrary to the public interest, and consequently, this order shall become effective upon publication in the FEDERAL REGISTER.

*Basis for findings and conclusions.* Section 205(a) of the Act reads in pertinent part as follows:

• • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugarbeets or sugarcane, limited in any year when proportionate shares were in effect to processings to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him. The Secretary is also authorized in making such allotments, whenever there is involved any allotment that pertains to a new sugarbeet processing plant or factory serving a locality having a substantial sugarbeet acreage for the first time or that pertains to an existing sugarbeet processing plant or factory with substantially expanded facilities added to serve farms having a substantial sugarbeet acreage for the first time, to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings, and ability to market, the need of establishing an allotment which will permit such marketing of sugar as is necessary for reasonably efficient operation of any such new processing plant or factory or expanded facilities during each of the first two years of its operation. In making such allotments, the Secretary may also take into consideration and make due allowance for the adverse effect of drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions seriously and broadly affecting any general area served by the factory or factories of such person.

The record of the hearing indicated that the prospective supply of mainland cane sugar available for marketing in 1964 exceeds the quota for that area to an extent that allotment of the quota is necessary (R. 7, 8).

The government witness introduced for the record annual data on processings, marketings and inventories for the most recent five year period (R. 8, 9; Ex. 4).

The three factors of "processings", "past marketing" and "ability to market" in the provision of the law quoted above have been considered and each is given a percentile weighting by the allotment method herein adopted as set forth in Finding 4. The allotment method adopted is the same as that proposed by the government witness at the hearing except that a marketing allotment of 150 tons, instead of 100 tons as proposed, is reserved for Louisiana State University, and the "processings" factor is measured only by the quantity of sugar produced from the 1963-crop without providing for the alternative measure of the factor as was proposed.

The increase in the Louisiana State University allotment over that proposed by the government witness was recommended by a majority of Louisiana processors (R. 22) and concurred in by most of the Florida processors (R. 42) and no objection was made by any interested persons. The alternative measure of the "processings" factor, proposed by the government to give consideration to the "hardship" provision of section 205(a) of the Act, was not adopted because the record discloses that it would be applicable to only one processor and in that case not as a result of abnormal and uncontrollable conditions (R. 37).

Two additional allotment proposals were made by industry representatives at the hearing. One proposal was made on behalf of 36 of the 40 Louisiana processors (R. 20) while the other proposal was supported by six of the eight Florida processors which operated in 1963 (R. 39).

The proposal made on behalf of the Louisiana processors would give consideration to past performance over a five year period while the proposal made on behalf of the six Florida processors would give consideration to performance for only the most recent two years.

The substantive features of the formula proposed by Louisiana interest differed from the government's proposal in that the measures for "processings" for each processor would be the higher of the 1963 crop processings or the average processings of the 1961 and 1962 crops; that "past marketings" would be measured by the average annual marketings for the 1959–1963 period and that the shares of the difference in the "ability to market" factor would be apportioned on the basis of the 1959–1963 average new crop marketings.

The formula proposed by the majority of the Florida processors differed from the government's proposed formula in that the measure for "past marketings" would be the average of 1962–1963 marketings; that the shares of difference in the "ability to market" factor would be apportioned on the basis of the 1962–1963 average new-crop marketings; and that the total percentage of the basic quota for each processor would be determined by weighting the three measures of "processings", "past marketings" and "ability to market" by 20 percent, 20 percent and 60 percent respectively.

The upward trend in the growth of the mainland cane industry with the establishment of new processors and the expansion of established processors during the last three crops indicates that a shorter period as a measure of marketings would be more equitable than the five year average used in recent allotment orders issued during the static growth period of 1953 to 1958. The use of five year average marketings as proposed by Louisiana would be advantageous to the established processors while the use of two year average marketings as proposed by the Florida processors would be advantageous to the new processors and other processors having substantial expansion. The government's allotment method using a three year period as the measure of marketings as adopted herein tends to balance the interests of established processors with rather static production with those of processors who expanded production and new processors. The proposal made by the Florida processors to give a 60 percent weighting to the "ability to market" factor rather than the "processings" factor, versus a 20 percent weighting to the ability factor adopted in this order, would be advantageous to processors with high effective inventories which in most instances would be those processors producing a substantial portion of their sugar after January 1, namely Florida processors.

Testimony was presented at the hearing on the behalf of two Florida processors requesting a larger allotment because of freeze damage suffered in December 1962, by measuring such damage on the same basis as that used by the government in making abandonment and deficiency payments to growers pursuant to the Act (R. 54).

The witness for the principal Louisiana and Florida processors contended that if credit was given for freeze damage, pursuant to such request, such credit should be given to all affected processors (R. 69, 72). The record discloses that many growers in Louisiana delivered cane to several processors and therefore the use of abandonment and deficiency payment records of individual producers does not provide a practicable or workable basis for giving consideration to freeze damage in the determination of allotment for each processor.

The record also does not supply a basis for differentiating among the causes of a reduction in sugar production because of freeze damage, or normal and controllable conditions, or improper care.

A request was made at the hearing for allotments on behalf of three processors that plan to begin processing cane for the first time this fall (R. 43, 64, 67). Allotments may be established on the basis of the record of this proceeding only for those processors having a record of processings and past marketings in the base period used. No provision for exceptions has been made, since several other processors which do have prior production history nevertheless are precluded from marketing 1964 crop sugar this year, and several others are permitted to market only minor quantities.

The representative of the Louisiana processors recommended that this order contain general provisions with respect to the "Transfer of allotments" and "Exchange of sugar between allottees" (R. 23).

*Findings and conclusions.* On the basis of the record of the hearing, I hereby find and conclude that:

(1) January 1, 1964 effective inventories of mainland cane sugar were approximately 430,000 short tons, raw value. With production of new-crop sugar in 1964 expected to exceed 900,000 tons, the total supply of sugar available for marketing in 1964 is expected to exceed the 911,410 ton quota established for the area.



(2) The supply situation makes necessary the allotment of the 1964 sugar quota for the Mainland Cane Sugar Area to assure an orderly flow of such sugar in the channels of interstate commerce, to prevent disorderly marketing of sugar, and to afford all interested persons equitable opportunities to market sugar within the quota.

(3) An allotment of 150 short tons, raw value, shall be established for the Louisiana State University.

(4) The remainder of the 1964 Mainland Cane Sugar Area quota for consumption within the continental United States, after allotting 150 tons as provided in (3), above shall be allotted to processors other than Louisiana State University by measuring and weighing each of the three factors specified in section 205(a) of the Act and determining allotments as follows, based on data in the hearing record and any corrected final data of which official notice will be taken.

(a) The factor "processings" shall be measured for each processor by his production of sugar from 1963-crop sugarcane in short tons, raw value, expressed as a percentage of the total of such processings for all processors and weighted by 60 percent;

(b) The factor "past marketings" shall be measured by each processor's average annual marketings for the years 1961 through 1963, in short tons, raw value, expressed as a percentage of the total of such marketings for all processors, and weighted by 20 percent;

(c) The factor "ability to market" shall be measured by the sum of (i) each processor's January 1, 1964, effective inventory and (ii) his share of the difference between 911,260 short tons, raw value, and total January 1, 1964 effective inventories of all processors. Each processor's share of such difference shall be determined by applying to the area total difference the percentage that his average 1961 through 1963 new-crop marketings were of the total average new-crop marketings of all processors for such years. The sum of (i) and (ii), above, in short tons, raw value, expressed as a percentage of the total for all processors shall be weighted by 20 percent.

(d) The total of the percentages resulting from (a), (b), and (c), above, for each processor shall be multiplied by the quantity in short tons, raw value, by which the quota exceeds 150 tons allotted as provided in (3), above, to determine his basic allotment in short tons, raw value.

(e) Final allotments shall be determined by assigning to each allottee, with a basic allotment less than his January 1, 1964, effective inventory, an allotment equal to such effective inventory and reducing the basic allotments proportionately of other processors as necessary to make final allotments equal to the area quota.

(5) The quantity of sugar and the percentages referred to in Finding (4), above, based upon final data, and the computation of allotments are set forth in the following table:

| Processor | Processings of sugar | | Average quota marketings, 1961–63 | | Ability to market | | | | | Processor's basic allotment [1] | | Processor's adjusted [2] allotment short tons, raw value |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Short tons, raw value | Percent of total | Short tons, raw value | Percent of total | Effective inventory Jan. 1, 1964 | New crop quota marketings: Average 1961–63 | New crop quota marketings: "Shares" of difference [1] | Measures used: Col. (5) plus col. (7) | Measures used: Percent of total | Percent of total | Short tons, raw value | |
| | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) |
| | Short tons, raw value | | | | | | | | | | | |
| Albania Sugar Co. | 15,285 | 1.293 | 12,131 | 1.377 | 2,814 | 11,523 | 8,849 | 11,663 | 1.280 | 1.307 | 11,910 | 11,813 |
| Alma Plantation, Ltd. | 14,304 | 1.210 | 11,051 | 1.254 | 0 | 10,455 | 8,028 | 8,028 | .881 | 1.153 | 10,507 | 10,421 |
| J. Aron & Co., Inc. | 21,275 | 1.799 | 18,378 | 2.086 | 0 | 18,378 | 14,113 | 14,113 | 1.549 | 1.806 | 16,457 | 16,322 |
| Billeaud Sugar Factory | 13,381 | 1.132 | 9,244 | 1.049 | 970 | 8,589 | 6,811 | 7,781 | .854 | 1.060 | 9,659 | 9,580 |
| Breaux Bridge Sugar Coop. | 11,331 | .958 | 8,965 | 1.018 | 826 | 8,749 | 6,718 | 7,544 | .828 | .944 | 8,602 | 8,532 |
| Wm. T. Burton Industries, Inc. | 10,223 | .864 | 6,140 | .697 | 6,134 | 6,140 | 4,715 | 10,849 | 1.190 | .896 | 8,165 | 8,098 |
| Caire & Graugnard | 8,291 | .701 | 6,777 | .769 | 868 | 5,277 | 4,052 | 4,920 | .540 | .682 | 6,215 | 6,164 |
| Caldwell Sugars Coop., Inc. | 21,443 | 1.813 | 17,406 | 1.976 | 932 | 17,406 | 13,366 | 14,298 | 1.569 | 1.797 | 16,375 | 16,241 |
| Catherine Sugar Co., Inc. | 4,726 | .400 | 5,879 | .667 | 331 | 5,879 | 4,514 | 4,845 | .532 | .480 | 4,374 | 4,338 |
| Columbia Sugar Co. | 11,218 | .949 | 9,281 | 1.061 | 316 | 8,765 | 6,731 | 7,047 | .773 | .934 | 8,511 | 8,441 |
| Cora-Texas Manufacturing Co., Inc. | 9,499 | .803 | 6,719 | .763 | 4,097 | 4,083 | 3,135 | 7,232 | .794 | .793 | 7,226 | 7,167 |
| Dugas & LeBlanc, Ltd. | 20,454 | 1.730 | 16,922 | 1.921 | 0 | 16,881 | 12,963 | 12,963 | 1.423 | 1.707 | 15,555 | 15,428 |
| Duhe & Bourgeois Sugar Co. | 16,100 | 1.361 | 14,172 | 1.609 | 934 | 13,245 | 10,171 | 11,105 | 1.219 | 1.382 | 12,594 | 12,491 |
| Erath Sugar Co., Ltd. | 11,765 | .995 | 8,285 | .940 | 1,265 | 7,995 | 6,139 | 7,404 | .812 | .947 | 8,630 | 8,559 |
| Evan Hall Sugar Coop., Inc. | 33,182 | 2.806 | 28,624 | 3.249 | 0 | 27,883 | 21,412 | 21,412 | 2.350 | 2.803 | 25,543 | 25,334 |
| Florida Sugar Corp. | 13,649 | 1.154 | 8,317 | .944 | 5,379 | 3,970 | 3,049 | 8,428 | .925 | 1.066 | 9,714 | 9,635 |
| Frisco Cane Co., Inc. | 3,720 | .315 | 3,114 | .353 | 294 | 2,642 | 2,029 | 2,323 | .255 | .311 | 2,834 | 2,811 |
| Glades Co. Sugar Growers Coop., Assoc. | 23,917 | 2.023 | 5,447 | .618 | 20,120 | 1,356 | 1,041 | 21,161 | 2.322 | 1.802 | 16,421 | 20,120 |
| Glenwood Coop., Inc. | 23,215 | 1.963 | 19,319 | 2.193 | 0 | 19,319 | 14,835 | 14,835 | 1.628 | 1.942 | 17,697 | 17,552 |
| Helvetia Sugar Coop., Inc. | 16,487 | 1.394 | 14,458 | 1.641 | 956 | 13,673 | 10,500 | 11,456 | 1.257 | 1.416 | 12,903 | 12,798 |
| Iberia Sugar Coop., Inc. | 26,802 | 2.267 | 19,186 | 2.178 | 6,654 | 19,186 | 14,733 | 21,387 | 2.347 | 2.265 | 20,640 | 20,471 |
| LaFourche Sugar Co. | 27,379 | 2.315 | 21,956 | 2.492 | 492 | 21,956 | 16,860 | 17,352 | 1.904 | 2.268 | 20,667 | 20,496 |
| Harry L. Laws & Co., Inc. | 14,456 | 1.222 | 10,630 | 1.207 | 776 | 10,463 | 8,035 | 8,811 | .967 | 1.168 | 10,644 | 10,557 |
| Levert-St. John, Inc. | 20,940 | 1.771 | 15,023 | 1.705 | 664 | 14,621 | 11,228 | 11,892 | 1.305 | 1.665 | 15,173 | 15,049 |
| Louisa Sugar Coop., Inc. | 15,976 | 1.351 | 12,303 | 1.397 | 1,570 | 12,056 | 9,258 | 10,828 | 1.188 | 1.328 | 12,102 | 12,003 |
| Louisiana State Penitentiary | 3,351 | .283 | 3,063 | .348 | 182 | 3,001 | 2,304 | 2,486 | .273 | .294 | 2,679 | 2,657 |
| Meeker Sugar Coop., Inc. | 11,025 | .932 | 7,303 | .829 | 4,158 | 5,092 | 3,910 | 8,068 | .885 | .992 | 8,220 | 8,153 |
| Milliken & Farwell, Inc. | 19,247 | 1.628 | 14,990 | 1.702 | 0 | 14,840 | 11,396 | 11,396 | 1.250 | 1.567 | 14,279 | 14,162 |
| Okeelanta Sugar Refinery, Inc. | 66,961 | 5.660 | 51,246 | 5.817 | 39,915 | 23,703 | 18,202 | 58,117 | 6.378 | 5.787 | 52,735 | 52,304 |
| Osceola Farms Co. | 28,922 | 2.446 | 14,439 | 1.639 | 17,422 | 7,511 | 5,768 | 23,190 | 2.545 | 2.304 | 20,995 | 20,823 |
| M. A. Patout & Son, Ltd. | 21,557 | 1.823 | 17,128 | 1.944 | 335 | 16,020 | 12,302 | 12,637 | 1.387 | 1.760 | 16,038 | 15,907 |
| Poplar Grove Plt'g. & Refining Co. | 12,990 | 1.099 | 9,557 | 1.085 | 2,970 | 9,557 | 7,339 | 10,309 | 1.131 | 1.103 | 10,051 | 9,969 |
| Savoie Industries | 21,496 | 1.818 | 17,495 | 1.986 | 0 | 17,463 | 13,410 | 13,410 | 1.472 | 1.782 | 16,239 | 16,106 |
| St. James Sugar Coop., Inc. | 20,968 | 1.773 | 16,350 | 1.856 | 6,679 | 15,132 | 11,620 | 18,299 | 2.008 | 1.837 | 16,740 | 16,603 |
| St. Mary Sugar Coop., Inc. | 20,867 | 1.765 | 17,398 | 1.975 | 0 | 17,252 | 13,248 | 13,248 | 1.454 | 1.745 | 15,902 | 15,772 |
| South Coast Corp. | 96,200 | 8.135 | 72,977 | 8.182 | 73,230 | 26,640 | 20,457 | 93,687 | 10.281 | 8.574 | 78,131 | 77,492 |
| Southdown, Inc. | 60,275 | 5.097 | 49,449 | 5.613 | 28,778 | 32,394 | 24,876 | 53,654 | 5.888 | 5.359 | 48,834 | 48,435 |
| South Florida Sugar Co., Inc. | 5,471 | .463 | 692 | .079 | 3,396 | 692 | 531 | 3,927 | .431 | .380 | 3,463 | 3,435 |
| Sterling Sugars, Inc. | 39,355 | 3.328 | 30,773 | 3.493 | 1,037 | 30,533 | 23,424 | 24,461 | 2.684 | 3.232 | 29,452 | 29,211 |
| Sugarcane Growers Coop. of Florida | 76,478 | 6.468 | 32,472 | 3.686 | 58,043 | 8,731 | 6,705 | 64,748 | 7.105 | 6.039 | 55,031 | 58,043 |
| J. Supple's Sons Plt'g. Co., Inc. | 8,026 | .679 | 6,650 | .755 | 2,052 | 4,528 | 3,477 | 5,529 | .607 | .680 | 6,197 | 6,146 |
| Talisman Sugar Corp. | 4,566 | .395 | 623 | .071 | 3,121 | 515 | 395 | 3,516 | .386 | .328 | 2,989 | 3,121 |
| United States Sugar Corp. | 204,358 | 17.282 | 166,970 | 18.963 | 122,883 | 68,021 | 52,234 | 175,117 | 19.217 | 18.003 | 164,054 | 162,712 |
| Valentine Sugars, Inc. | 18,699 | 1.581 | 16,910 | 1.920 | 7,349 | 9,626 | 7,392 | 14,741 | 1.618 | 1.656 | 15,090 | 14,967 |
| Vida Sugars, Inc. | 8,161 | .690 | 6,662 | .756 | 462 | 6,605 | 5,072 | 5,534 | .607 | .687 | 6,260 | 6,209 |
| A. Wilbert's Sons Lbr. & Sh. Co. | 14,839 | 1.255 | 11,226 | 1.274 | 468 | 11,226 | 8,621 | 9,089 | .997 | 1.207 | 10,999 | 10,909 |
| Young's Industries, Inc. | 10,534 | .891 | 7,782 | .883 | 991 | 7,460 | 5,729 | 6,420 | .704 | .852 | 7,764 | 7,701 |
| Total | 1,182,484 | 100.000 | 880,960 | 100.000 | 429,563 | 627,892 | 481,697 | 911,260 | 100.000 | 100.000 | 911,260 | 911,260 |

[1] The difference between 911,260 tons (basic quota for 1964 established by S.R. 811, effective Jan. 1, 1964, less 150 ton reserve for Louisiana State University) and total Jan. 1, 1964, effective inventories for all processors amounting to 429,563 tons. This difference of 481,697 tons prorated on the basis of each processor's average 1961–63 new-crop marketings.
[2] Determined by weighting "processings" col. (2) by 60 percent; "marketings", col. (4) by 20 percent; and "ability", col. (9) by 20 percent.
[3] Basic allotments adjusted to provide each allottee a minimum allotment equal to his Jan. 1, 1964, effective inventory.





of the Galion-Crestline Airport, was effectiveness of the Santa Ana, Calif.

(6) The order shall be revised without further notice or hearing for the purpose of (a) allotting any quantity of an allotment to other allottees when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department, (b) revising allotments by the substitution of corrected data which have become a part of the official records of the Department; and (c) revising allotments to give effect to any increase or decrease in the quota made by the Secretary pursuant to the provisions of the Sugar Act of 1948, as amended. Any revision in allotments made to give effect to (a) above shall be made by increasing proportionately the basic allotments and then applying the remainder of the allotment procedure as otherwise established as a result of this proceeding, except that the quantity prorated to any allottee releasing allotments in excess of a specified quantity should be limited in accordance with the written statement of release by any such allottee. In making changes under (b) and (c) of this Finding (6) allotments shall be computed in the same manner as provided for in this order.

(7) Official notice will be taken of (a) written notification to the Agricultural Stabilization and Conservation Service by an allottee that he is unable to fill part of his allotment when the notification becomes a part of the official records of the Department, (b) substitution of corrected data where the corrected data becomes a part of the official records of the Department and (c) any regulation issued by the Secretary which changes the 1964 Mainland Cane Sugar Area quota.

(8) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest, and under circumstances involving an allottee becoming unable to process sugarcane and such sugarcane as he would normally process, if operating, is processed by other allottees.

(9) To aid in the efficient movement and storage of sugar, provision shall be made to enable a processor to market a quantity of sugar of his own production in excess of his allotment equivalent to the quantity of sugar which he holds in storage and which was acquired by him within the allotment of another allottee.

(10) That the use of the records of abandonment and deficiency payments to individual sugarcane producers does not provide a workable method for giving consideration to loss of production from freeze in establishing marketing allotments for processors throughout the mainland cane sugar area, and that no other method which may be applied with uniform significance and effect throughout the area can be determined on the basis of the record.

(11) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient and equitable distribution of any 1964 Mainland Cane Sugar Area quota that may be established for consumption within the continental United States and meet the requirements of section 205(a) of the Act.

*Order.* Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, it is hereby ordered:

**§ 814.2 Allotment of the 1964 sugar quota for the Mainland Cane Sugar Area.**

(a) *Allotments.* The 1964 Mainland Cane Sugar Area quota for consumption within the continental United States of 911,410 short tons, raw value, is hereby allotted to the following processors in amounts which appear opposite their respective names:

| Processors | Allotments (short tons, raw value) |
|---|---|
| Albania Sugar Co., Inc | 11,813 |
| Alma Plantation, Ltd | 10,421 |
| J. Aron & Co., Inc | 16,322 |
| Billeaud Sugar Factory | 9,580 |
| Breaux Bridge Sugar Coop., Inc | 8,532 |
| William T. Burton Industries, Inc | 8,098 |
| Caire & Graugnard | 6,164 |
| Caldwell Sugars Coop., Inc | 16,241 |
| Catherine Sugar Co., Inc | 4,338 |
| Columbia Sugar Co | 8,441 |
| Cora-Texas Manufacturing Co., Inc | 7,167 |
| Dugas & LeBlanc, Ltd | 15,428 |
| Duhe & Bourgeois Sugar Co | 12,491 |
| Erath Sugar Co., Ltd | 8,559 |
| Evan Hall Sugar Coop., Inc | 25,334 |
| Florida Sugar Corp | 9,635 |
| Frisco Cane Co., Inc | 2,811 |
| Glades County Sugar Growers Coop., Inc | 20,120 |
| Glenwood Coop., Inc | 17,552 |
| Helvetia Sugar Coop., Inc | 12,798 |
| Iberia Sugar Coop., Inc | 20,471 |
| LaFourche Sugar Co | 20,498 |
| Harry L. Laws & Co., Inc | 10,557 |
| Levert-St. John, Inc | 15,049 |
| Louisa Sugar Coop., Inc | 12,003 |
| Louisiana State Penitentiary | 2,657 |
| Meeker Sugar Coop., Inc | 8,153 |
| Milliken & Farwell, Inc | 14,162 |
| Okeelanta Sugar Refinery, Inc | 52,304 |
| Osceola Farms Co | 20,823 |
| M. A. Patout & Son, Ltd | 15,907 |
| Poplar Grove Plting. & Ref. Co | 9,969 |
| Savoie Industries | 16,106 |
| St. James Sugar Coop., Inc | 16,603 |
| St. Mary Sugar Coop., Inc | 15,772 |
| South Coast Corp | 77,492 |
| Southdown, Inc | 48,435 |
| South Florida Sugar Co., Inc | 3,435 |
| Sterling Sugars, Inc | 29,211 |
| Sugar Cane Growers Cooperative of Florida | 58,043 |
| J. Supple's Sons Plting. Co., Inc | 6,146 |
| Talisman Sugar Corp | 3,121 |
| United States Sugar Corp | 162,712 |
| Valentine Sugars, Inc | 14,967 |
| Vida Sugars, Inc | 6,209 |
| A. Wilbert's Sons Lbr. & Shr. Co | 10,909 |
| Young's Industries, Inc | 7,701 |
| Louisiana State University | 150 |
| All other persons | 0 |
| Total | 911,410 |

(b) *Marketing limitations.* Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of § 816.3 of this chapter (23 F.R. 1943).

(c) *Transfer of allotments.* The Administrator, Agricultural Stabilization and Conservation Service of the Department, may permit marketings to be made by one allottee, or other person, within the allotment established for another allottee upon relinquishment by such allottee of a quantity of its allotment and upon receipt of evidence satisfactory to the Administrator that (1) a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved has occurred, or (2) the allottee receiving such permission will process 1964-crop sugarcane which the allottee relinquishing allotment has become unable to process.

(d) *Exchange of sugar between allottees.* When approved in writing by the Administrator, Agricultural Stabilization and Conseravtion Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section, may ship, transport or market up to an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it has been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(e) *Delegation.* The Administrator, Agricultural Stabilization and Conservation Service of the Department, is hereby authorized to revise the allotments established under this order without further notice or hearing in accordance with findings and conclusions heretofore made, to give effect to (1) the substitution of corrected data for any error in basic data, (2) the reallocation of any quantity of an allotment released by an allottee and (3) any change in the Mainland Cane Sugar Area quota.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119).

Issued at Washington, D.C., this 12th day of October 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64-10538; Filed, Oct. 14, 1964; 8:50 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Airspace Docket No. 63-EA-78]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Control Zone and Transition Areas

On July 17, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 9672) stating that the Federal Aviation Agency proposed to designate a control zone and transition area at Mansfield, Ohio, and a transition area at Marion, Ohio.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Subsequent to the notice of proposed rule making it was noted that the name of the Galion-Crestline Airport was changed to the Galion Municipal Airport. Since the action taken herein to correct the discrepancy is editorial in nature, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101), the Mansfield, Ohio, control zone is amended to read as follows:

Within a 5-mile radius of the Mansfield Municipal Airport (latitude 40°49'15" N., longitude 82°30'45" W.).

2. In § 71.181 (29 F.R. 1160), the Mansfield, Ohio, and Marion, Ohio, transition areas are added, respectively, as follows:

a. That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Mansfield Municipal Airport (latitude 40°49'15" N., longitude 82°30'45" W.); and within a 5-mile radius of the Galion Municipal Airport (latitude 40°45'10" N., longitude 82°43'35" W.); within 5 miles SW and 8 miles NE of the Mansfield Airport ILS localizer SE course, extending from the ILS LOM to 12 miles SE, within 2 miles each side of the Mansfield VORTAC 308° radial, extending from the VORTAC to 12 miles NW of the VORTAC; within 2 miles each side of the Mansfield VORTAC 221° radial, extending from the Galion Municipal Airport 5-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface extending from the Tiverton VORTAC; to latitude 40°30'00" N., longitude 83°10'00" W., to latitude 40°50'00" N., longitude 83°30'00" W., to latitude 41°11'00" N., longitude 83°19'00" W., to latitude 41°14'00" N., longitude 82°57'00" W.; thence counterclockwise via a 21-mile radius arc of the Grimg-Sandusky Airport (latitude 41°26'00" N., longitude 82°39'05" W.) to latitude 41°08'40" N., longitude 82°32'00" W.; to latitude 40°56'30" N., longitude 82°12'00"; thence counterclockwise via a 37-mile radius arc of the Cleveland-Hopkins Airport (latitude 41°24'30" N., and longitude 81°51'00" W.) to latitude 40°54'00" N., longitude 82°-04'00" W. to the point of beginning.

b. That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marion Municipal Airport (latitude 40°36'55" N., longitude 83°03'55" W.); within 5 miles NE and 8 miles SW of a 328° bearing from the Marion RBN, extending from the RBN to 12 miles NW.

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 8, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10497; Filed, Oct. 14, 1964; 8:47 a.m.]

[Airspace Docket No. 64-LAX-19]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to extend the period of effectiveness of the Santa Ana, Calif. (Orange County Airport), control zone. This control zone is presently effective from 0600 to 2200 hours, local time, daily. Due to recent changes in the times of aircraft activity, the Santa Ana tower has rescheduled its operation to provide an additional hour of service, ending at 2300 hours, local time, daily. Consequently, this extension of the time of availability of tower service requires the time of effectiveness of the Santa Ana control zone to be extended one hour to provide the controlled airspace needed to complement this additional service.

Since this amendment is minor in nature and imposes no substantial burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (29 F.R. 1101), the Santa Ana, Calif. (Orange County Airport), control zone is amended as follows:

"0600 to 2200 hours, local time, daily." is deleted and "0600 to 2300 hours, local time, daily." is substituted therefor.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 8, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10498; Filed, Oct. 14, 1964; 8:47 a.m.]

[Airspace Docket No. 64-SO-33]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

On August 21, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11974) stating that the Federal Aviation Agency proposed to alter the control zone at Elizabeth City, N.C.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendment has been published; therefore, for the reasons stated in the notice, the following action is taken:

In § 71.171 (29 F.R. 1101) the Elizabeth City, N.C., control zone is amended by the addition of control zone extensions within 2 miles each side of the Elizabeth City VOR 226° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR and within 2 miles each side of the Elizabeth City VOR 068° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR.

This amendment shall become effective 0001 e.s.t., December 10, 1964.

This amendment is made under authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on October 7, 1964.

ARVIN O. BASNIGHT,
*Director, Southern Region.*

[F.R. Doc. 64-10499; Filed, Oct. 14, 1964; 8:47 a.m.]

[Airspace Docket No. 64-SW-48]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Revocation of Control Zone

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to revoke the New Iberia, La., control zone.

The Department of the Navy has advised the Federal Aviation Agency that all instrument flight operations at New Iberia NAAS will be discontinued on October 15, 1964. Since there will no longer be a requirement for the New Iberia control zone after that date, action is taken herein to effect its revocation. The effect of this amendment on the airspace action proposed for the Lafayette, La., terminal area, as described in Airspace Docket No. 63-SW-90, published in the FEDERAL REGISTER on August 21, 1964 (29 F.R. 11976), will be taken into consideration in that docket.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 15, 1964, as hereinafter set forth.

In § 71.171 (29 F.R. 1139, Jan. 24, 1964), the New Iberia, La., control zone is revoked.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on October 7, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-10500; Filed, Oct. 14, 1964; 8:47 a.m.]

[Airspace Docket No. 63-WA-76]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone and Transition Area

In a notice of proposed rule making published in the FEDERAL REGISTER on July 9, 1964 (29 F.R. 9400), and in a supplemental notice published on August 22, 1964 (29 F.R. 12037), the Federal Aviation Agency proposed to alter the controlled airspace in the Hibbing, Minn., terminal area.

Interested persons were afforded an opportunity to participate through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101) the Hibbing, Minn., control zone is amended to read:

Within a 5-mile radius of Chisholm-Hibbing Airport (latitude 47°23'20" N., longitude 92°50'25" W.); within 2 miles each side of the Hibbing VOR 313° radial, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 210° bearing from Chisholm-Hibbing Airport, extending from the 5-mile radius zone to 8 miles SW of the airport.

2. In § 71.181 (29 F.R. 1160) the Hibbing, Minn., transition area is amended to read:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Chisholm-Hibbing Airport (latitude 47°-23'20" N., longitude 92°50'25" W.); within 5 miles NW and 8 miles SE of the 210° bearing from Chisholm-Hibbing Airport, extending from the airport to 12 miles SW of the airport; within 2 miles each side of the 060° bearing from Chisholm-Hibbing Airport, extending from the 7-mile radius area to 14 miles NE of the airport; within 2 miles each side of the Hibbing VOR 313° radial, extending from the 7-mile radius area to 8 miles NW of the intersection of the Hibbing VOR 313° and the Eveleth VOR 273° radials; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Hibbing VOR 133° and 313° radials, extending from 8 miles NW to 13 miles SE of the VOR; within 8 miles NW and 5 miles SE of the 060° bearing from Chisholm-Hibbing Airport, extending from the airport to 18 miles NE of the airport; and within 5 miles NE and 8 miles SW of the Hibbing VOR 313° radial, extending from 12 miles NW of the intersection of the Hibbing VOR 313° and the Eveleth VOR 273° radials to 8 miles NW of the VOR.

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 8, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10501; Filed, Oct. 14, 1964; 8:47 a.m.]

[Airspace Docket No. 64-WE-18]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Control Zone and Transition Area

On July 17, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 9673) stating that the Federal Aviation Agency proposed to designate a control zone and a transition area at Visalia, Calif.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101), the Visalia, Calif., control zone is added as follows:

*Visalia, Calif.*

Within a 4-mile radius of the Visalia Municipal Airport (latitude 36°19'10" N., longitude 119°23'35" W.), and within 2 miles each side of the Visalia VOR 121° radial, extending from the 4-mile radius zone to the VOR, excluding the portion within a 1-mile radius of Green Acres Airport, Visalia, Calif. (latitude 36°20'20" N., longitude 119°-19'30" W.), effective from 0700 to 2100 hours, local time, daily.

2. In § 71.181 (29 F.R. 1160), the Visalia, Calif., transition area is added as follows:

*Visalia, Calif.*

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Visalia Municipal Airport (latitude 36° 19'10" N., longitude 119°23'35" W.), and within 2 miles each side of the Visalia VOR 121° and 301° radials, extending from the 5-mile radius area to 8 miles NW of the VOR.

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 8, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10502; Filed, Oct. 14, 1964; 8:47 a.m.]

[Airspace Docket No. 64-WA-64]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Domestic High Altitude Reporting Points

The purpose of this amendment to § 71.207 of the Federal Aviation Regulations is to add Northbrook, Ill., as a high altitude reporting point on Jet Route Nos. 87, 89, and 99; add Joliet, Ill., as a high altitude reporting point on Jet Route Nos. 18, 82, and 101; and delete Joliet, Ill., as a high altitude reporting point on Jet Route No. 64. Recent modifications of operating procedures and jet route configurations in the Chicago, Ill., area have resulted in changes to air traffic control requirements with regard to specific high altitude reporting points. Action is taken herein to conform to these modifications.

Since this amendment is procedural in nature and does not involve the designation of airspace, notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, the following alterations to § 71.207 (29 F.R. 1223) are made:

1. "Joliet, Ill.; J-26, J-60, J-64, J-30, J-35, J-87" is deleted and "Joliet, Ill.; J-18, J-26, J-30, J-35, J-60, J-82, J-87, J-101." is substituted therefor.

2. "Northbrook, Ill.; J-35, J-101, J-94, J-84, J-90." is deleted and "Northbrook, Ill.; J-35, J-84, J-87, J-89, J-90, J-94, J-99, J-101." is substituted therefor.

These amendments shall become effective 0001 e.s.t., December 10, 1964.

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 8, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10503; Filed, Oct. 14, 1964; 8:47 a.m.]

[Airspace Docket No. 64-WA-58]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Federal Airway

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to include the Navasota, Tex., VOR in the description of VOR Federal Airway No. 306 between Austin, Tex., and Daisetta, Tex.

The Navasota VOR, located at latitude 30°17'20" N., longitude 96°03'30" W., was commissioned on August 29, 1964. Since the Navasota VOR lies on the centerline of V-306 between Austin and Daisetta, there would be no additional airspace involved in the redesignation.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

In § 71.123 (29 F.R. 7922), V-306 is amended to read:

V-306 From Austin, Tex., via Navasota, Tex., to Daisetta, Tex.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 8, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10504; Filed, Oct. 14, 1964; 8:48 a.m.]

[Airspace Docket No. 64-WA-78]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Revocation of Reporting Point

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to revoke the Allentown, Pa., reporting point. This action was inadvertently omitted from Airspace



Docket No. 64-WA-62 which was published in the FEDERAL REGISTER on September 26, 1964 (29 F.R. 13381).

Since this amendment is procedural in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment will be effective 0001 e.s.t, November 12, 1964.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended as hereinafter set forth.

In § 71.207 (29 F.R. 1223) the Allentown, Pa., domestic high altitude reporting point is revoked.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 8, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10505; Filed, Oct. 14, 1964; 8:48 a.m.]

[Airspace Docket No. 64-WA-24]

## PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

### Designation of Jet Route

On July 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 9907) stating that the Federal Aviation Agency (FAA) proposed to designate a jet route from Knoxville, Tenn., to Cleveland, Ohio.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

In § 75.100 (29 F.R. 1287) the following is added:

Jet route No. 83 (Knoxville, Tenn., to Cleveland, Ohio). From Knoxville, Tenn., via the INT of the Knoxville 018° and the Appleton, Ohio, 189° radials; Appleton; to Cleveland, Ohio.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 8, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10506; Filed, Oct. 14, 1964; 8:48 a.m.]

[Airspace Docket No. 63-WA-96]

## PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

### Designation of Jet Route

On June 5, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 7329) stating that the Federal Aviation Agency (FAA) was considering designation of a jet route from Oakland, Calif., via Ukiah, Calif.; Fortuna, Calif.; North Bend, Oreg.; Newport, Oreg.; Hoquiam, Wash.; to Seattle, Wash.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented. The Department of the Air Force commented that the proposed jet route would conflict with several areas in which Air Defense Command (ADC) interceptor training is conducted and that the ADC training mission would be derogated if delays are imposed upon interceptor aircraft returning to land with minimum fuel. Since the proposed route is to be used as an alternate and increases by 68 miles the distance between Oakland and Seattle via existing routes, it is anticipated that traffic via the proposed route will not be sufficient to materially affect the ADC mission in the interceptor training areas. The Air Force commented further that the proposed jet route would have an adverse effect upon ADC recovery procedures at Hamilton AFB, Calif. The areas in which the ADC interceptor training is conducted are now traversed by three jet routes, J-70, J-93, and J-88. Also, extensive use is presently made of the direct routing between Oakland and Ukiah as proposed in the notice rather than by the circuitous routing via J-88; therefore, terminal procedures at Hamilton AFB would not be affected any more than they are at present.

In consideration of the foregoing, Part 75 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964.

In § 75.100 (29 F.R. 1287) the following is added:

Jet Route No. 33 (Oakland, Calif., to Seattle, Wash.). From Oakland, Calif., via Ukiah, Calif.; Fortuna, Calif.; North Bend, Oreg.; Newport, Oreg.; Hoquiam, Wash.; to Seattle, Wash.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 8, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10507; Filed, Oct. 14, 1964; 8:48 a.m.]

## Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6244; Amdt. 820]

## PART 507—AIRWORTHINESS DIRECTIVES

### Champion Model 402 Aircraft

Amendment 774, 29 F.R. 10460, AD 64-17-4, requires inspection of each exhaust stack extension and rear support hanger and repair or replacement of any failed or worn parts on Champion Model 402 aircraft. Since the issuance of Amendment 774, the manufacturer has now provided an improved exhaust stack clamp and a flexible rear stack support hanger, which when installed will provide sufficient stiffness and strength of the exhaust system to improve the service life and remove the need for repetitive inspection. Amendment 774 is being revised accordingly.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is amended as follows:

Amendment 774, 29 F.R. 10460, AD 64-17-4, Champion Model 402 aircraft, is amended by:

1. Adding a new paragraph (d) to read:

(d) The repetitive inspections in paragraphs (a) and (c) may be discontinued when an improved exhaust stack extension attachment clamp and flexible rear stack hanger have been installed on right and left sides of both engines in accordance with Champion Kit No. 224.

2. Changing the parenthetical reference statement to read:

(Champion Service Letter No. 66 and Champion Kit No. 224 cover this same subject.)

This amendment shall become effective October 15, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 8, 1964.

C. W. WALKER,
*Acting Director, Flight Standards Service.*

[F.R. Doc. 64-10521; Filed, Oct. 14, 1964; 8:49 a.m.]

[Reg. Docket No. 6246; Amdt. 821]

## PART 507—AIRWORTHINESS DIRECTIVES

### Vertol Model 107-II Helicopters

Amendment 648, 28 F.R. 12614, AD 63-24-4, requires repetitive inspections and specifies the retirement life for the quill shaft of Vertol 107-II helicopters. The manufacturer has developed a modification which will eliminate the need for the periodic inspections and the life limit. Accordingly, Amendment 648 is being amended to provide for discontinuance of the inspections after the modification is incorporated.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 648, 28 F.R. 12614, AD 63–24–4, Vertol Model 107–II helicopters, is amended by:

1. Adding a new paragraph (e) to read:

(e) As an alternative means of compliance with this directive, the following may be accomplished:

(1) Install the tapered gasket seal type shim, P/N 107D6218–3 between the mixbox and aft transmission in place of the existing gasket seal, and replace the aft transmission mounting lug bushings with new eccentric type bushings in accordance with Vertol Service Bulletin No. 107–182 dated October 7, 1964.

(2) Modify the aft transmission lower case for new quill shaft lubrication in accordance with Part II of Vertol Service Bulletin No. 107–182. This involves discarding the P/N 107D2214–1 plug jet, adding two higher capacity screened type jets and altering the P/N 107D2268–1 oil jet.

(3) During reassembly of the transmission following the rework described in (1) and (2), the gear box inspections specified in Parts I and II of Vertol Service Bulletin No. 107–182 shall be accomplished. These inspections shall include quill shaft lubrication inspection, gear box oil flow check, bearing pre-load, and back lash check, and gear box mating surface and pilot diameter dial indicator check. Quill shafts which have accumulated prior service time up to a maximum of 120 hours, may be installed for further service after a magnaglo and wear inspection in accordance with Vertol Service Bulletin No. 107–182.

(4) Reidentify the aft transmission assembly, subassemblies, and components in accordance with Part II of Vertol Service Bulletin No. 107–182.

2. Adding a new paragraph (f) to read:

(f) Upon completion of all modifications and reidentification of gearbox units as described in (e), the 120 hour quill shaft retirement life and repetitive inspections required by (a), (b), (c), and (d) of this AD are no longer required.

3. Changing the parenthetical reference statement to read:

(Vertol Service Bulletin No. 107–113 dated October 28, 1963, and No. 107–113A dated November 22, 1963, cover (a), (b), (c), and (d) of this AD. Vertol Service Bulletin No. 107–182 dated October 7, 1964, covers (e).)

This amendment shall become effective October 15, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 12, 1964.

G. S. MOORE,
*Director,*
*Flight Standards Service.*

[F.R. Doc. 64–10520; Filed, Oct. 14, 1964; 8:49 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. C–841]

## PART 13—PROHIBITED TRADE PRACTICES

### Chestnut Hill Industries, Inc.

Subpart—Discriminating in price under sec. 2, Clayton Act—payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Chestnut Hill Industries, Inc., Hollywood, Fla., Docket C–841, Sept. 29, 1964]

Consent order requiring a Hollywood, Fla., distributor of wearing apparel to cease violating sec. 2(d) of the Clayton Act by granting substantial allowances for the promoting and advertising of its products to certain department stores and others who purchased its products for resale while not making comparable allowances available to all competitors of those so favored.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondent Chestnut Hill Industries, Inc., a corporation, its officers, directors, agents and representatives and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(1) Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

*It is further ordered,* That the effective date of this order to cease and desist be and it hereby is postponed until further order of the Commission.

Issued: September 29, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
*Secretary.*

[F.R. Doc. 64–10473; Filed, Oct. 14, 1964; 8:45 a.m.]

[Docket No. C–840]

## PART 13—PROHIBITED TRADE PRACTICES

### Patricia Stevens, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–150 Indorsement; § 13.55 *Demand, business, or other opportunities;* § 13.115 *Jobs and employment service;* § 13.143 *Opportunities;* § 13.260 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Patricia Stevens, Inc., et al., Chicago, Ill., Docket C–840, Sept. 29, 1964]

*In the Matter of Patricia Stevens, Inc., a Corporation, and Vincent Melzac, as an officer of Said Corporation, and Tom Fizdale, Inc., a Corporation, and Tom Fizdale, Individually and as an Officer of Said Corporation*

Consent order requiring a Chicago operator of schools offering courses of instruction to persons seeking jobs as professional models, fashion advisers, buyers, airline stewardesses, secretaries and receptionists, and careers in radio, the movies, television, and other fields; along with its corporate associate which granted franchises to schools throughout the United States wherein the Patricia Stevens methods of training were employed; to cease making such false claims in advertising and through agents as that jobs and careers were open to all graduates of their courses; that their career placement service assured graduates of immediate employment; that their graduates were in demand by airlines as stewardesses and by department stores as fashion advisers or buyers; that their schools were recommended by vocational counsellors, high schools, colleges, etc.; and that their contracts were cancellable at the students' option.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

PART I

*It is ordered,* That respondent Patricia Stevens, Inc., a corporation, and its officers, and respondent Vincent Melzac, as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of courses of instruction, or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That jobs are obtainable by or that careers are open to all graduates of said respondents' school in the field for which they receive said respondents' training.

2. That graduates of said respondents' school can obtain top positions in any field solely by finishing a course or courses of instruction offered by said respondents.

3. That said respondents' school is recommended by colleges or educational departments of leading magazines; or that such school is recommended by vocational counselors or high schools, either generally or specifically, unless said respondents establish that such is the fact.

4. That said respondents' career placement service assures graduates of said respondents' school immediate employment in the field or vocation for which they have been trained by said respondents; or representing that any kind of placement assistance is furnished to persons completing said respondents' course of instruction unless such assistance is so afforded.

5. That students' contracts are cancellable at the students' option unless such contracts contain a clause providing for such option.



6. That graduates of said respondents' training courses for airline stewardesses are in great demand by airlines.

7. That graduates of certain of said respondents' courses are in great demand by department stores or other business organizations as fashion advisers or buyers.

PART II

*It is ordered,* That respondent Tom Fizdale, Inc., a corporation, and its officers, and respondent Tom Fizdale, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of courses of instruction, or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That jobs are obtainable by or that careers are open to all graduates of said respondents' schools in the field for which they receive said respondents' training.

2. That graduates of said respondents' schools can obtain top positions in any field solely by finishing a course or courses of instruction offered by said respondents.

3. That said respondents' schools are recommended by colleges or educational departments of leading magazines; or that such schools are recommended by vocational counselors or high schools, either generally or specifically, unless said respondents establish that such is the fact.

4. That said respondents' career placement service assures graduates of said respondents' schools immediate employment in the field or vocation for which they have been trained by said respondents; or representing that any kind of placement assistance is furnished to persons completing said respondents' course of instruction unless such assistance is so afforded.

5. That students' contracts are cancellable at the students' option unless such contracts contain a clause providing for such option.

6. That graduates of said respondents' training courses for airline stewardesses are in great demand by airlines.

7. That graduates of certain of said respondents' courses are in great demand by department stores or other business organizations as fashion advisers or buyers.

For the purposes of this proceeding and as used in this order, the phrase "directly or through any corporate or other device", insofar as it imposes responsibility upon respondents for acts and practices engaged in by respondents' licensees or said licensees' representatives, shall be construed to impose such responsibility upon respondents for only those said acts or practices which have been participated in, or directed, authorized, ratified or condoned by respondents.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 29, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
*Secretary.*

[F.R. Doc. 64–10474; Filed, Oct. 14, 1964; 8:45 a.m.]

# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56284]

## PART 17—PROTESTS AND REAPPRAISEMENTS

### Protests

It has been determined that an additional copy of a protest is now necessary for purposes of administration. Under the present arrangement, collectors of customs retain a copy and forward the original and third copy to the U.S. Customs Court and the Assistant to the Chief Counsel, respectively. Such additional copy will be forwarded to the Assistant to the Chief Counsel but will be for the use of the Customs Section, Department of Justice.

Section 17.1(b), first sentence, is amended to read as follows:

§ 17.1 Protest; form of.

* * * * * *

(b) Each protest shall be in quadruplicate, addressed to the collector, and signed by the person protesting or his agent or attorney. * * *

(Secs. 514, 624, 46 Stat. 734, 759; 19 U.S.C. 1514, 1624)

[SEAL] LESTER D. JOHNSON,
*Acting Commissioner of Customs.*

Approved: October 6, 1964.

James A. Reed,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64–10515; Filed, Oct. 14, 1964; 8:49 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 3—ADJUDICATION

### Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.6, paragraph (e) is amended to read as follows:

§ 3.6 Duty periods.

* * * * * *

(e) *Travel status; training duty (disability or death from injury).* Any member of a Reserve Component:

(1) Who, when authorized or required by competent authority, assumes an obligation to perform active duty for training or inactive duty training; and

(2) Who is disabled or dies from an injury incurred while proceeding directly to or returning directly from such active duty for training or inactive duty training shall be deemed to have been on active duty for training or inactive duty training, as the case may be. The Veterans Administration will determine whether such individual was so authorized or required to perform such duty, and whether he was disabled or died from injury so incurred. In making such determinations, there shall be taken into consideration the hour on which he began to proceed or return; the hour on which he was scheduled to arrive for, or on which he ceased to perform, such duty; the method of travel performed; his itinerary; the manner in which the travel was performed; and the immediate cause of disability or death. Whenever any claim is filed alleging that the claimant is entitled to benefits by reason of this paragraph, the burden of proof shall be on the claimant. (38 U.S.C. 106(d); Public Law 88–616.)

2. In § 3.7, paragraph (h) is amended to read as follows:

§ 3.7 Persons included.

* * * * * *

(h) *Coast Guard.* Active service in Coast Guard on or after January 29, 1915, while under jurisdiction of either Treasury or Navy Department. (See § 3.6 (c) and (d) as to temporary members of the Coast Guard Reserves.)

* * * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective October 2, 1964.

Approved: October 9, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
*Deputy Administrator.*

[F.R. Doc. 64–10494; Filed, Oct. 14, 1964; 8:47 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 15596; FCC 64–906]

## PART 73—RADIO BROADCAST SERVICES

### Table of Television Channel Assignments; Harrisburg, Pennsylvania

*Report and order.* 1. The Commission has under consideration: (1) The notice of proposed rule making issued herein July 31, 1964 (FCC 64–771), proposing to reserve Channel 33 at Harrisburg, Pa., for educational use; and (2) the comments and reply comments filed in response to that notice, by the following parties: South Central Educational Broadcasting Council (SCEBC, whose petition led to the notice); Hudson Broadcasting Corp. (Hudson), permit-

tee of Station WDTV on Channel 33 at Harrisburg (not operating); United Broadcasting Company of Eastern Maryland, Inc. (United), permittee of Channel 24 at Baltimore, Md.; Elmer Nolte; the Maryland State Board of Education (Maryland Board); Association of Maximum Service Telecasters, Inc. (MST) and Dixon Industries, Inc. (reply comments only). Except for the first two parties mentioned, the comments and replies relate to the effect of a Channel 33 assignment at Harrisburg on use of Channel 18 at Baltimore or Gaithersburg, Md.

2. SCEBC, the Pennsylvania state educational group for the Harrisburg area, received last June a construction permit on Channel °65, which is assigned to Harrisburg and reserved for educational use (its construction permit specifies Hershey, Pa.). Also assigned to Harrisburg are UHF Channels 21, 27 and 33, the former two occupied by operating stations. Channel 33 was assigned to Harrisburg in 1961 after a rule making proceeding (Docket No. 13610). WDTV, for which Hudson holds a permit on Channel 33, is the successor of Station WCMB–TV, which operated from 1954 until 1957 on another UHF channel there and then went dark; the station has not operated since. WCMB–TV was owned by a predecessor in interest of Hudson. SCEBC seeks Channel 33 because of certain advantages it attaches to the use of a channel in this part of the band. SCEBC also urges that this proceeding be resolved as quickly as possible, so that it may proceed with construction on Channel 33 so as to meet commitments to begin in-school programming by November.[1]

3. In the notice we mentioned two specific matters—the relation of the proposed assignment to use of Channel 18 at Baltimore, and the propriety of the agreement between SCEBC and Hudson, by which, in return for either $35,000 or $45,000 depending on when SCEBC wishes to pay it, Hudson agreed to the reservation of Channel 33 for education and deletion of WDTV's construction permit on the channel. (The agreement specifically covers no physical assets at all.)

4. With respect to the use of Channel 18, under § 73.698 of our rules UHF stations operating 15 channels removed must be at least 75 miles apart. This is to avoid "image" interference, which, ordinarily, would affect the lower channel but not the higher. If this separation is adhered to, possible use of Channel 18 at Baltimore is somewhat restricted; the Baltimore post office (reference point) is 74.1 miles from SCEBC's site (which it would use on Channel 33), and the location of the three Baltimore VHF stations is 70.7 miles from that site. It appears that if Channel 18 is to be assigned to Gaithersburg, there is a small area where it could be used at standard separations with respect to the SCEBC site. In Docket No. 14229, the over-all UHF allocation proceeding, we proposed to assign Channel 18 to Gaithersburg. SCEBC and Hudson urge that this consideration is irrelevant, since Channel 33 is now assigned to Harrisburg and would simply remain so assigned. They also argue that the deviation from standard separations would be small at most; SCEBC says it is willing to take an assignment subject to accepting a short separation down to 70 miles if Channel 18 is assigned to Baltimore.

5. The other parties' positions are essentially as follows: the Maryland Board opposes the Channel 33 assignment, because of its effect on use of Channel 18 at Baltimore, which the Board has sought (it is asserted that the desirable transmitter sites are all north of Baltimore, considerably closer to Harrisburg than the reference point).[2] United does not oppose the proposal as long as, at the same time, Channel 18 is assigned to Baltimore, with a 70-mile minimum separation (it also requests that its Channel 24 permit be modified to specify Channel 18, which it originally had and which was deleted when 33 was assigned to Harrisburg in 1961). It asserts that maintenance of standard spacings would require a site east or south of the center of Baltimore, an undesirably low area. Nolte takes substantially the same position with respect to the Channel 18 assignment, urging that the separations be waived (he would accept a restriction on radiation to afford Channel 33 equivalent protection). MST, which has consistently opposed short separations, urges that if Channel 33 is assigned to Harrisburg, it should be made clear that if Channel 18 is later assigned to Baltimore it will not be used at less than 75-mile separation (MST shows a substantial area east and south of Baltimore where a station would meet all applicable separations). Dixon Industries' reply comments are merely aimed at certain statements of MST concerning its Gaithersburg request.[3]

6. Upon consideration of this matter, we are of the view that the considerations concerning possible use of Channel 18 at Baltimore, or Gaithersburg, are no reason for not making the Channel 33 reservation at Harrisburg now if it is otherwise appropriate. This action does not alter the status of the pending requests for the assignment of Channel 18, since there was an outstanding construction permit for Channel 33 at Harrisburg when these petitions were filed. Furthermore, the Commission is not satisfied that the present allocation structure for the heavily populated New England and North Atlantic states area (or that proposed in Docket No. 14229) represents the most effective use of UHF channels, and the staff is currently engaged in a study to determine whether or not some other arrangement of channels, built around the existing framework of UHF stations which have been constructed and placed in operation, would more nearly meet the estimated needs of this area. It is quite possible that this study will show that some channel other than 18 will fit a more efficient pattern of channel assignments, thereby providing more needed assignments in this and other areas. In view of the uncertainties involved, we do not believe it to be in the public interest to defer action on the Harrisburg matter until the matter of possible use of Channel 18 is resolved in the overall proceeding.

7. Turning to the arrangement between SCEBC and Hudson, by which either $35,000 or $45,000 would pass from the former to the latter in return for consent to the reservation and deletion of Hudson's CP, Hudson and SCEBC claim as justification for this the losses incurred in the operation of WCMB–TV from 1954 to 1957. This station was owned by Rossmoyne Corporation, and it is asserted that a "net unrecovered loss" of about $225,000 was incurred in the television operation. Hudson acquired control of Rossmoyne in December 1958, by buying out its 66⅔ percent shareholder and acquiring some of the stock of the other shareholder, Edgar K. Smith, for a total of 80 percent.[4] Later, Rossmoyne was merged into Hudson, with Mr. Smith getting a 20 percent interest in the latter in return for his Rossmoyne interest. At the time Hudson acquired control of Rossmoyne, some $60,000 in debts from the television operation were outstanding, and of these about $51,000 were later paid (the remainder was charged off). Along with the television CP, Hudson acquired from Rossmoyne a profitable AM operation, WCMB. SCEBC also advances as reason for the consideration the savings it may realize from operation on a lower UHF channel, said to be perhaps as much as $30,000 or $35,000 per year.

8. In its comments, Hudson took the position that its consent to reservation of Channel 33 and deletion of its permit is entirely conditioned on receiving the consideration mentioned; if the Commission disapproves of the arrangement, it withdraws its consent. On the basis of the facts before us, we are of the view that the agreement would have to be disallowed, for one reason because this is an allocations matter, in connection with which "payoffs" of this nature should not be allowed. Even if this were a more conventional assignment transaction, it would be open to serious question as to its propriety, in view of the facts that no physical assets would pass, the former UHF station has been silent for more than 7 years and never operated on Channel 33, and the losses were incurred by parties mostly different from those now involved.[5] However, we need not now finally decide this matter. In a letter filed September 28, 1964, Hudson noted the importance of a quick resolution of this matter and reservation of Channel 33 for education, and, while strongly urging the propriety of the above arrangement, stated that "it consents to the immediate assignment of Channel 33 to South Central irrespective of whether the financial arrangements between the two parties are approved." It states that it wishes to make a further showing, in the form of a brief, in support of the propriety of the financial arrangement, and possibly enter into a modified arrangement with SCEBC.

9. We conclude that immediate reservation of Channel 33 for education, and modification of the educational permit to specify that channel, is in the public interest. Immediate action will permit educational telecasting to proceed with certainty as soon as possible. Accordingly, we are taking these actions, effective immediately. The shift of SCEBC's permit to Channel 33 leaves Channel 65 available. Hudson has expressed no interest in this channel, and, indeed, in the letter mentioned above states that * * * "the surrender of Hudson's television construction permit will mean the termination of Hudson's interest in television broadcasting in Harrisburg." Therefore we are terminating Hudson's permit rather than modifying it, and as it requests we will permit Hudson to make a further showing concerning the propriety of its arrangement with SCEBC, as it presently stands or as it may be modified.

10. Authority for the rule amendment adopted herein is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. In view of the need for expeditious reassignment of Channel 33 for reasons mentioned above, the 30-day waiting period generally required by section 4 of the Administrative Procedure Act would not be in the public interest, and the reservation of Channel 33 is accordingly made effective as quickly as possible.

11. In view of the foregoing: *It is ordered*, That, effective October 2, 1964, the Table of Assignments contained in § 73.606 of the Commission's rules is amended, insofar as the community named is concerned, to read as follows:

| *City* | *Channel No.* |
|---|---|
| Harrisburg, Pa. | 21+, 27–, °33+, 65 |

12. *It is further ordered*, That, effective October 2, 1964, the outstanding authorization of South Central Educational Broadcasting Council for Station WITF–TV at Hershey, Pennsylvania, is modified to specify Channel 33+ instead of Channel 65, subject to the following conditions:

(a) That South Central Educational Broadcasting Council shall advise the Commission in writing by October 12, 1964, of its acceptance of the modification of its authorization to construct and operate Station WITF–TV; and

(b) That South Central Educational Broadcasting Council shall submit to the Commission by November 2, 1964, all necessary information for the preparation of modified authorization to construct and operate on Channel 33 with transmitting facilities meeting all of the requirements of the Commission's rules and regulations for operation on that channel.

13. *It is further ordered*, That the construction permit of Hudson Broadcasting Corporation for Channel 33+ at Harrisburg, Pennsylvania, is deleted; and

14. *It is further ordered*, That Hudson Broadcasting Corporation may submit a brief and whatever further data it wishes concerning financial arrangements or understandings between it and South Central Educational Broadcasting Council, for consideration by the Commission in passing on the question of whether such arrangements or understandings are in the public interest, and that in all other respects this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: September 30, 1964.

Released: October 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[6]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64–10530; Filed, Oct. 14, 1964; 8:50 a.m.]

[1] Also, as SCEBC points out, if its station is to operate on Channel 33 it must obtain reservation of that channel before it can be eligible for matching Federal funds.

[2] The National Association of Educational Broadcasters (NAEB) has also proposed the assignment of Channel °18 at Baltimore.

[3] United, Nolte, the Maryland Board and Dixon have all filed petitions seeking assignment of Channel 18, as mentioned herein. These are under consideration in the over-all proceeding.

[4] In connection with getting Commission consent to its acquisition of control, Hudson in December 1958 made an unequivocal statement that, after taking control, within 8 months it would either return the television station to the air or surrender the CP. Neither of these developments has occurred.

[5] Tidewater Teleradio, Inc., FCC 62–1246, 24 R.R. 653; National Broadcasting Company, Inc., FCC 63–257, 25 R.R. 67.

[6] Commissioner Hyde dissenting; Commissioner Cox concurring in the results.



# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

### PART 17—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

#### Miscellaneous Amendments

*Correction*

In F.R. Doc. 64–10333 appearing in the issue for Saturday, October 10, 1964, at page 14028, paragraph 11 should read as follows:

11. Amend the data opposite post office number 616 to read: A–B–F–I.[1]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### SUBCHAPTER B—CARRIER BY MOTOR VEHICLE

[Ex Parte MC–19]

### PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

#### Motor Common Carriers of Household Goods; Postponement of Effective Date

Upon consideration of the record in the above-entitled proceeding; and good cause appearing therefor:

*It is ordered*, That the effective date of the order of May 6, 1964, in said proceeding be, and it is hereby, further postponed from October 1, 1964 (29 F.R. 9711), to November 30, 1964.

[1] Commissioner Hyde dissenting; Commissioner Cox concurring in the results.

Dated at Washington, D.C., this 1st day of October A.D. 1964.

By the Commission, Chairman Goff.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–10488; Filed, Oct. 14, 1964; 8:46 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

### PART 32—HUNTING

#### Migratory Game Birds; Certain States; Correction

In F.R. Doc. 64–9681, appearing on pages 13265 and 13266 of the issue for Thursday, September 24, 1964, the following paragraphs should read as follows:

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Crab Orchard National Wildlife Refuge, Ill., is permitted from October 31 through December 9, 1964, inclusive, and the hunting of geese is permitted from November 16 through December 23, 1964, inclusive, and from December 27, 1964, through January 15, 1965, inclusive, but only on the area designated by signs as open to hunting. Season for taking geese will be closed when a kill quota of 15,000 Canada geese is reached in Jackson, Williamson, Union, and Alexander Counties.

MISSOURI

SWAN LAKE NATIONAL WILDLIFE REFUGE

Public hunting of geese on the Swan Lake National Wildlife Refuge, Mo., is permitted from October 20 through December 28, 1964, inclusive, but only on the area designated by signs as open to hunting. The season will be closed when a kill quota of 25,000 Canada geese is reached in the refuge and the local 7 county area more specifically described by State and Federal regulations.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI WILDLIFE AND FISH REFUGE

(2) Hunting is permitted on designated open areas concurrent with applicable Federal seasons and any more-restrictive State seasons from the first day of the first waterfowl hunting season applicable to the geographical area concerned, until the end of the applicable seasons.

R. W. BURWELL, *Regional Director.*

OCTOBER 9, 1964.

[F.R. Doc. 64–10482; Filed, Oct. 14, 1964; 8:46 a.m.]

## PART 32—HUNTING

### Bitter Lake National Wildlife Refuge, New Mexico

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

The public hunting of quail on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted from November 28, through December 20, 1964, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 1,600 acres, is delineated on maps available at refuge headquarters, Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 20, 1964.

JOHN C. GATLIN,
*Regional Director,*
*Albuquerque, N. Mex.*

OCTOBER 7, 1964.

[F.R. Doc. 64-10485; Filed, Oct. 14, 1964; 8:46 a.m.]

## PART 32—HUNTING

### Seney National Wildlife Refuge, Michigan

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Public hunting of deer and bear on the Seney National Wildlife Refuge is permitted from 6:00 a.m. to 7:00 p.m. each day from November 14, 1964, through November 29, 1964, only on the area designated by signs as open to hunting. This open area, comprising 85,200 acres, is delineated on a map available at the refuge headquarters, Seney, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and bear. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through November 29, 1964.

R. W. BURWELL,
*Regional Director, Bureau*
*of Sport Fisheries and Wildlife.*

OCTOBER 8, 1964.

[F.R. Doc. 64-10483; Filed, Oct. 14, 1964; 8:46 a.m.]

## PART 32—HUNTING

### National Wildlife Refuges, Minnesota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

AGASSIZ NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Agassiz National Wildlife Refuge, Minn., is permitted from sunrise to sunset November 7 through November 11, 1964, inclusive, only on the area designated by signs as open to hunting. This open area comprising 58,050 acres, is delineated on a map available at the refuge headquarters at Middle River, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 11, 1964.

RICE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Rice Lake National Wildlife Refuge is permitted from sunrise to sunset November 7 through November 15, 1964, and with bow and arrow only from sunrise to sunset November 28, inclusive, only on the area designated by signs as open to hunting. This open area comprising 13,000 acres, is delineated on a map available at refuge headquarters, McGregor, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following special conditions:

(1) Hunters may not enter the refuge before 6:00 a.m. daily and must leave the refuge before 6:00 p.m. daily.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through November 28, 1964.

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Tamarac National Wildlife Refuge is permitted from sunrise to sunset November 7 through November 11, 1964, inclusive, only on the areas designated by signs as open to hunting. This open area comprising 31,800 acres, is delineated on a map available at refuge headquarters, Rochert, Minn., 56578, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 11, 1964.

R. W. BURWELL,
*Regional Director, Bureau*
*of Sport Fisheries and Wildlife.*

OCTOBER 8, 1964.

[F.R. Doc. 64-10484; Filed, Oct. 14, 1964; 8:46 a.m.]

## PART 32—HUNTING

### National Wildlife Refuges, North Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,400 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12:00 noon to sunset on November 6, 1964, and from sunrise to sunset November 7, 1964, through November 15, 1964.

(2) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 15, 1964.

CHASE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on Chase Lake National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,600 acres, is delineated on a map available at the refuge



headquarters, Kensal, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Hunting is permitted from sunrise to sunset November 10, 1964, through November 15, 1964.

(2) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 15, 1964.

DES LACS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Des Lacs National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 17,740 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12:00 noon to sunset November 6, 1964, and from sunrise to sunset November 7, 1964, through November 15, 1964.

(2) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 15, 1964.

LONG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Long Lake National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,700 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12:00 noon to sunset November 6, 1964, and from sunrise to sunset November 7, 1964, through November 15, 1964.

(2) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 15, 1964.

LOSTWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Lostwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,300 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12:00 noon to sunset November 6, 1964, and from sunrise to sunset November 7, 1964, through November 11, 1964.

(2) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 11, 1964.

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Lower Souris National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 58,400 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12:00 noon to sunset November 6, 1964, and from sunrise to sunset November 7, 1964, through November 11, 1964.

(2) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 11, 1964.

SLADE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Slade National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,840 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12:00 noon to sunset November 6, 1964, and from sunrise to sunset November 7, 1964, through November 15, 1964.

(2) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 15, 1964.

SNAKE CREEK NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Snake Creek National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 13,435 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12:00 noon to sunset November 6, 1964, and from sunrise to sunset November 7, 1964, through November 15, 1964.

(2) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 15, 1964.

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Upper Souris National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 31,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12:00 noon to sunset November 6, 1964, and from sunrise to sunset November 7, 1964, through November 11, 1964.

(2) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 11, 1964.

ANDREW J. MEYER,
*Acting Regional Director,*
*Bureau of Sport Fisheries and Wildlife.*

OCTOBER 6, 1964.

[F.R. Doc. 64-10486; Filed, Oct. 14, 1964; 8:46 a.m.]

## PART 32—HUNTING

### Valentine National Wildlife Refuge, Nebraska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Valentine National Wildlife Refuge, Nebraska, is permitted only on the area designated by signs as open to hunting. This open area, comprising 27,000 acres, is delineated on maps available at refuge headquarters, Valentine, Nebraska, and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) All deer hunters will check in and out at a designated checking station.

(2) Hunters will park their vehicles in designated parking areas and will hunt on foot. Patrol vehicles will pick up deer kills for hunters.

(3) The open seasons for deer are as follows:

a. Archery season—one-half hour before sunrise to one-half hour after sunset, December 11, 1964, and December 15, 1964, through December 31, 1964.

b. Rifle season—one-half hour before sunrise to one-half hour after sunset, December 12, 13, and 14, 1964.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1964.

ANDREW J. MEYER,
*Acting Regional Director,*
*Bureau of Sport Fisheries and Wildlife.*

OCTOBER 7, 1964.

[F.R. Doc. 64-10535; Filed, Oct. 14, 1964; 8:50 a.m.]

## PART 32—HUNTING

### National Wildlife Refuges, South Dakota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.32 Special regulations; big game; for individual wildlife refuge areas.**

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Lacreek National Wildlife Refuge, South Dakota, is permitted from November 1 through November 5, 1964, but only on the area designated by signs as open to hunting. This open area, comprising 310 acres, locally known as the Little White River recreational area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 5, 1964.

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Sand Lake National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Firearms season—November 28 through December 6, 1964.

(2) Archery season—December 15 through December 31, 1964.

(3) Hunters will not be allowed to drive on refuge-maintained trails but may park their vehicles and hunt on foot.

(4) All deer taken on the refuge must be checked in at a designated checking station.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1964.

WAUBAY NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Waubay National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This area, comprising 4,591 acres, is delineated on a map available at refuge headquarters, Waubay, South Dakota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Firearms season—November 28, 1964 through December 6, 1964.

(2) Archery season—December 15, 1964 through December 31, 1964.

(3) Hunters will not be allowed to drive on refuge-maintained trails but may park their vehicles and hunt on foot.

(4) All deer taken on the refuge must be checked in at a designated checking station.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1964.

ANDREW J. MEYER,
*Acting Regional Director,*
*Bureau of Sport Fisheries and Wildlife.*

OCTOBER 7, 1964.

[F.R. Doc. 64-10536; Filed, Oct. 14, 1964; 8:50 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Comptroller of the Currency

[ 12 CFR Part 6 ]

### LOANS MADE BY NATIONAL BANKS SECURED BY DIRECT OBLIGATIONS OF THE UNITED STATES

### Notice of Proposed Rule Making

Pursuant to the authority contained in paragraph (8) of R.S. 5200, as amended, 12 U.S.C. 84(8), the Comptroller of the Currency, with the approval of the Secretary of the Treasury, is considering the amendment of Part 6, relating to loans made by National Banks and secured by direct obligations of the United States. Pursuant to 12 U.S.C. 248(m), the proposed regulation would also be applicable to state member banks.

Paragraph (8) of 12 U.S.C. 84 authorizes the Comptroller of the Currency, with the approval of the Secretary of the Treasury, to permit, by regulation, exceptions to the limitations imposed by the statute upon loans made by National Banks secured by obligations of the United States. Part 6 now permits such loans to be made without limitation when secured by direct obligations of the United States maturing not more than 18 months from the making of the loan. This amendment would remove the 18-month maturity requirement and extend the exception to such loans when secured by any direct obligations of the United States.

Prior to the adoption thereof, consideration will be given to written comments pertaining thereto which are submitted to the Comptroller of the Currency, Washington, D.C., within 15 days after the date of the publication of this notice. It is contemplated that the proposed amendment, with such revisions thereof as may be appropriate in the light of comments submitted, will become effective on or about November 9, 1964.

The proposed amendment to Part 6 of Title 12 of the Code of Federal Regulations of the United States reads as follows:

Sec.
6.1 Scope and application.
6.2 General authorization.

AUTHORITY: The provisions of this Part 6 issued under R.S. 5200, as amended; 12 U.S.C. 84(8).

**§ 6.1 Scope and application.**

(a) This part is issued by the Comptroller of the Currency with the approval of the Secretary of the Treasury under authority of paragraph (8) of Section 5200 of the Revised Statutes, as amended (12 U.S.C. 84), and section 321(b) of the Act of August 23, 1935 (49 Stat. 713);

(b) This part applies to loans made by National Banks secured by direct obligations of the United States.

**§ 6.2 General authorization.**

The obligations to any national banking association of any person, copartnership, association, or corporation, secured by not less than a like amount of direct obligations of the United States, shall not be subject to any limitation based upon the capital and surplus of the association.

Dated: October 14, 1964.

JAMES J. SAXON,
*Comptroller of the Currency.*

Approved:

DOUGLAS DILLON,
*Secretary of the Treasury.*

[F.R. Doc. 64-10622; Filed, Oct. 14, 1964; 11:44 a.m.]

## Internal Revenue Service

[ 26 CFR Part 1 ]

### MOVING EXPENSES

### Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 62 of the Internal Revenue Code of 1954 to section 213(b) of the Revenue Act of 1964 (78 Stat. 52), and to conform such regulations to section 217 of such Code, as added by section 213(a)(1) of the Revenue Act of 1964 (78 Stat. 50), such regulations are amended as follows:

PARAGRAPH 1. Section 1.62 is amended by adding a paragraph (8) to section 62 and by revising the historical note. These amended and added provisions read as follows:

**§ 1.62 Statutory provisions; adjusted gross income defined.**

Sec. 62. *Adjusted gross income defined.* * * *

(8) *Moving expense deduction.* The deduction allowed by section 217.

* * * * * *

[Sec. 62 as amended by sec. 7(b), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 828); sec. 213(b), Rev. Act 1964 (78 Stat. 52)]

PAR. 2. Section 1.62-1 is amended by revising paragraph (c)(10) and by adding a subparagraph (11) to paragraph (c). These amended and added provisions read as follows:

**§ 1.62-1 Adjusted gross income.**

* * * * * *

(c) * * *

(10) Deductions allowed by sections 404 and 405(c) for contributions on behalf of a self-employed individual;

(11) The deduction for moving expenses allowed by section 217.

* * * * * *

PAR. 3. Section 1.211-1 is amended to read as follows:

**§ 1.211-1 Allowance of deductions.**

In computing taxable income under section 63(a), the deductions provided by sections 212, 213, 214, 215, 216, and 217 shall be allowed subject to the exceptions provided in part IX, subchapter B, chapter 1 of the Code (section 261 and following, relating to items not deductible).

PAR. 4. Section 1.217 is redesignated as § 1.218 and as so redesignated is amended by redesignating section 217 as section 218, and by adding a historical note. These amended and added provisions read as follows:

**§ 1.218 Statutory provisions; cross references.**

Sec. 218. *Cross references.* (1) For deduction for long-term capital gains in the case of a taxpayer other than a corporation, see section 1202.

(2) For deductions in respect of a decedent, see section 691.

[Sec. 218 as redesignated by sec. 213(a)(1), Rev. Act 1964 (78 Stat. 50)]

PAR. 5. There are added immediately after § 1.216-2 the following new sections:

**§ 1.217 Statutory provisions; moving expenses.**

Sec. 217. *Moving expenses*—(a) *Deduction allowed.* There shall be allowed as a deduction moving expenses paid or incurred during the taxable year in connection with the commencement of work by the taxpayer as an employee at a new principal place of work.

(b) *Definition of moving expenses*—(1) *In general.* For purposes of this section, the term "moving expenses" means only the reasonable expenses—

(A) Of moving household goods and personal effects from the former residence to the new residence, and

(B) Of traveling (including meals and lodging) from the former residence to the new place of residence.

(2) *Individuals other than taxpayer.* In the case of any individual other than the taxpayer, expenses referred to in paragraph (1) shall be taken into account only if such individual has both the former residence and the new residence as his principal place of abode and is a member of the taxpayer's household.

(c) *Conditions for allowance.* No deduction shall be allowed under this section unless—

(1) The taxpayer's new principal place of work—

(A) Is at least 20 miles farther from his former residence than was his former principal place of work, or

(B) If he had no former principal place of work, is at least 20 miles from his former residence, and

(2) During the 12-month period immediately following his arrival in the general location of his new principal place of work, the taxpayer is a full-time employee, in such general location, during at least 39 weeks.

(d) *Rules for application of subsection (c)(2).* (1) Subsection (c)(2) shall not apply to any item to the extent that the taxpayer receives reimbursement or other expense allowance from his employer for such item.

(2) If a taxpayer has not satisfied the condition of subsection (c)(2) before the time prescribed by law (including extensions thereof) for filing the return for the taxable year during which he paid or incurred moving expenses which would otherwise be deductible under this section, but may still satisfy such condition, then such expenses may (at the election of the taxpayer) be deducted for such taxable year notwithstanding subsection (c)(2).

(3) If—

(A) For any taxable year moving expenses have been deducted in accordance with the rule provided in paragraph (2), and

(B) The condition of subsection (c)(2) is not satisfied by the close of the subsequent taxable year,

then an amount equal to the expenses which were so deducted shall be included in gross income for such subsequent taxable year.

(e) *Disallowance of deduction with respect to reimbursements not included in gross income.* No deduction shall be allowed under this section for any item to the extent that the taxpayer receives reimbursement or other expense allowance for such item which is not included in his gross income.

(f) *Regulations.* The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.

[Sec. 217 as added by sec. 213(a)(1), Rev. Act 1964 (78 Stat. 50)]

**§ 1.217–1 Deduction for moving expenses.**

(a) *Allowance of deduction*—(1) *In general.* Section 217(a) allows a deduction from gross income for moving expenses paid or incurred by the taxpayer during the taxable year in connection with the commencement of work as an employee at a new principal place of work. Except as provided in section 217, no deduction is allowable for any expenses incurred by the taxpayer in connection with moving himself, the members of his family or household, or household goods and personal effects. The deduction is allowable only for expenses incurred after December 31, 1963, in taxable years ending after such date. To qualify for the deduction the expenses must meet the definition of the term "moving expenses" provided in section 217(b); the taxpayer must meet the conditions set forth in section 217(c); and, if the taxpayer receives a reimbursement or other expense allowance for an item of expense, the deduction for the portion of the expense reimbursed is allowable only to the extent that such reimbursement or other expense allowance is included in his gross income as provided in section 217(e). The deduction is allowable only to a taxpayer who pays or incurs moving expenses in connection with his commencement of work as an employee and is not allowable to a taxpayer who pays or incurs such expenses in connection with his commencement of work as a self-employed individual. The term "employee" as used in this section has the same meaning as in § 31.3401(c)–1 of this chapter (Employment Tax Regulations).

(2) *Commencement of work.* To be deductible, the moving expenses must be paid or incurred by the taxpayer in connection with the commencement of work by him at a new principal place of work (see paragraph (c)(3) of this section for a discussion of the term "principal place of work"). While it is not necessary that the taxpayer have a contract or commitment of employment prior to his moving to a new location, the deduction is not allowable unless employment actually does occur. The term "commencement" includes (i) the beginning of work by a taxpayer for the first time or after a substantial period of unemployment or part-time employment, (ii) the beginning of work by a taxpayer for a different employer, or (iii) the beginning of work by a taxpayer for the same employer at a new location. To qualify as being in connection with the commencement of work, the move for which moving expenses are incurred must bear a reasonable proximity both in time and place to such commencement. In general, moving expenses incurred within one year of the date of the commencement of work are considered to be reasonably proximate to such commencement. Moving expenses incurred in relocating the taxpayer's residence to a location which is farther from his new principal place of work than was his former residence are not generally to be considered as incurred in connection with such commencement of work. For example, if A is transferred by his employer from place X to place Y and A's old residence while he worked at place X is 25 miles from Y, A will not generally be entitled to deduct moving expenses in moving to a new residence 40 miles from Y even though the minimum distance limitation contained in section 217(c)(1) is met. If, however, A is required, as a condition of his employment, to reside at a particular place, or if such residency will result in an actual decrease in his commuting time or expense, the expenses of the move may be considered as incurred in connection with his commencement of work at place Y.

(b) *Definition of moving expenses*—(1) *In general.* Section 217(b) defines the term "moving expenses" to mean only the reasonable expenses (i) of moving household goods and personal effects from the taxpayer's former residence to his new residence, and (ii) of traveling (including meals and lodging) from the taxpayer's former residence to his new place of residence. The test of deductibility thus is whether the expenses are reasonable and are incurred for the items set forth in (i) and (ii) above.

(2) *Reasonable expenses.* (i) The term "moving expenses" includes only those expenses which are reasonable under the circumstances of the particular move. Generally, expenses are reasonable only if they are paid or incurred for movement by the shortest and most direct route available from the taxpayer's former residence to his new residence by the conventional mode or modes of transportation actually used and in the shortest period of time commonly required to travel the distance involved by such mode. Expenses paid or incurred in excess of a reasonable amount are not deductible. Thus, if moving or travel arrangements are made to provide a circuitous route for scenic, stopover, or other similar reasons, the additional expenses resulting therefrom are not deductible since they do not meet the test of reasonableness.

(ii) The application of this subparagraph may be illustrated by the following example:

*Example.* A, an employee of the M Company works and maintains his principal residence in Boston, Massachusetts. Upon receiving orders from his employer that he is to be transferred to M's Los Angeles, California office, A motors to Los Angeles with his family with stopovers at various cities between Boston and Los Angeles to visit friends and relatives. In addition, A detours into Mexico for sight-seeing. Because of the stopovers and tour into Mexico, A's travel time and distance are increased over what they would have been had he proceeded directly to Los Angeles. To the extent that A's route of travel between Boston and Los Angeles is in a generally southwesterly direction it may be said that he is traveling by the shortest and most direct route available by motor vehicle. Since A's excursion into Mexico is away from the usual Boston-Los Angeles route, the portion of the expenses paid or incurred attributable to such excursion is not deductible. Likewise, that portion of the expenses attributable to A's delays en route not necessitated by reasons of rest or repair of his vehicle are not deductible.

(3) *Expenses of moving household goods and personal effects.* Expenses of moving household goods and personal effects include expenses of transporting such goods and effects owned by the taxpayer or a member of his household from the taxpayer's former residence to his new residence, and expenses of packing, crating and in-transit storage and insurance for such goods and effects. Expenses paid or incurred in moving household goods and personal effects to a taxpayer's new residence from a place other than his former residence are allowable, but only to the extent that such expenses do not exceed the amount which would be allowable had such goods and effects been moved from the taxpayer's former residence. Examples of items not deductible as moving expenses include, but are not limited to, storage charges (other than in-transit), costs incurred in the acquisition of property, costs incurred and losses sustained in the disposition of property, penalties for breaking leases, mortgage penalties, expenses of refitting rugs or draperies, expenses of connecting or disconnecting utilities, losses sustained on the disposal of memberships in clubs, tuition fees, and similar items.



(4) *Expenses of traveling.* Expenses of traveling include the cost of transportation and of meals and lodging en route (including the date of arrival) of both the taxpayer and members of his household, who have both the taxpayer's former residence and the taxpayer's new residence as their principal places of abode, from the taxpayer's former residence to his new place of residence. Expenses of traveling do not include, for example: living or other expenses of the taxpayer and members of his household following their date of arrival at the new place of residence and while they are waiting to enter the new residence or waiting for their household goods to arrive; expenses in connection with house or apartment hunting; living expenses preceding the date of departure for the new place of residence; expenses of trips for purposes of selling property; expenses of trips to the former residence by the taxpayer pending the move by his family to the new place of residence; or any allowance for depreciation. The deduction for traveling expenses is allowable for only one trip made by the taxpayer and members of his household; however, it is not necessary that the taxpayer and all members of his household travel together or at the same time.

(5) *Residence.* The term "former residence" refers to the taxpayer's principal residence before his departure for his new principal place of work. The term "new residence" refers to the taxpayer's principal residence within the general location of his new principal place of work. Thus, neither term includes other residences owned or maintained by the taxpayer or members of his family or seasonal residences such as a summer beach cottage. Whether or not property is used by the taxpayer as his residence, and whether or not property is used by the taxpayer as his principal residence (in the case of a taxpayer using more than one property as a residence), depends upon all the facts and circumstances in each case. Property used by the taxpayer as his principal residence may include a houseboat, a house trailer, or similar dwelling. The term "new place of residence" generally includes the area within which the tax payer might reasonably be expected to commute to his new principal place of work. The application of the terms "former residence", "new residence" and "new place of residence" as defined in this paragraph and as used in section 217(b)(1) may be illustrated in the following manner: Expenses of moving household goods and personal effects are moving expenses when paid or incurred for transporting such items from the taxpayer's former residence to the taxpayer's new residence (such as from one street address to another). Expenses of traveling, on the other hand, are limited to those incurred between the taxpayer's former residence (a geographic point) and his new place of residence (a commuting area) up to and including the date of arrival. The date of arrival is the day the taxpayer secures lodging within that commuting area, even if on a temporary basis.

(6) *Individuals other than taxpayer.* In addition to the expenses set forth in section 217(b)(1) which are attributable to the taxpayer alone, the same type of expenses attributable to certain individuals other than the taxpayer, if paid or incurred by the taxpayer, are deductible. Those other individuals must (i) be members of the taxpayer's household, and (ii) have both the taxpayer's former residence and his new residence as their principal place of abode. A member of the taxpayer's household may not be, for example, a tenant residing in the taxpayer's residence, nor an individual such as a servant, governess, chauffeur, nurse, valet, or personal attendant.

(c) *Conditions for allowance*—(1) *In general.* Section 217(c) provides two conditions which must be satisfied in order for a deduction of moving expenses to be allowed under section 217(a). The first is a minimum distance requirement prescribed by section 217(c)(1), and the second is a minimum period of employment requirement prescribed by section 217(c)(2).

(2) *Minimum distance.* For the purposes of applying the minimum distance requirement of section 217(c)(1) all taxpayers are divided into one or the other of the following categories: taxpayers having a former principal place of work, and taxpayers not having a former principal place of work. In this latter category are individuals who are seeking full-time employment for the first time (for example, recent high school or college graduates), or individuals who are re-entering the labor force after a substantial period of unemployment or part-time employment.

(i) In the case of a taxpayer having a former principal place of work, section 217(c)(1)(A) provides that no deduction is allowable unless the distance between his new principal place of work and his former residence exceeds by at least 20 miles the distance between his former principal place of work and such former residence.

(ii) In the case of a taxpayer not having a former principal place of work, section 217(c)(1)(B) provides that no deduction is allowable unless the distance between his new principal place of work and his former residence is at least 20 miles.

(iii) For purposes of measuring distances under section 217(c)(1) all computations are to be made on the basis of a straight-line measurement.

(3) *Principal place of work.* (i) A taxpayer's "principal place of work" usually is the place at which he spends most of his working time. Generally, where a taxpayer performs services as an employee, his principal place of work is his employer's plant, office, shop, store or other property. However, a taxpayer may have a principal place of work even if there is no one place at which he spends a substantial portion of his working time. In such case, the taxpayer's principal place of work is the place at which his business activities are centered—for example, because he reports there for work, or is otherwise required either by his employer or the nature of his employment to "base" his employment there. Thus, while a member of a railroad crew, for example, may spend most of his working time aboard a train, his principal place of work is his home terminal, station, or other such central point where he reports in, checks out, or receives instructions. In those cases where the taxpayer is employed by a number of employers on a relatively short-term basis, and secures employment by means of a union hall system (such as a construction or building trades worker), the taxpayer's principal place of work would be the union hall.

(ii) In cases where a taxpayer has more than one employment (i.e., more than one employer at any particular time) his principal place of work is usually determined with reference to his principal employment. The location of a taxpayer's principal place of work is necessarily a question of fact which must be determined on the basis of the particular circumstances in each case. The more important factors to be considered in making a factual determination regarding the location of a taxpayer's principal place of work are (a) the total time ordinarily spent by the taxpayer at each place, (b) the degree of the taxpayer's business activity at each place, and (c) the relative significance of the financial return to the taxpayer from each place.

(iii) In general, a place of work is not considered to be the taxpayer's principal place of work for purposes of this section if the taxpayer maintains an inconsistent position, for example, by claiming an allowable deduction under section 162 (relating to trade or business expenses) for traveling expenses "while away from home" with respect to expenses incurred while he is not away from such place of work and after he has incurred moving expenses for which a deduction is claimed under this section.

(4) *Minimum period of employment.* Under section 217(c)(2), no deduction is allowed unless, during the 12-month period immediately following the taxpayer's arrival in the general location of his new principal place of work, he is a full-time employee, in such general location, during at least 39 weeks.

(i) The 12-month period and the 39-week period set forth in section 217(c)(2) are measured from the date of the taxpayer's arrival in the general location of his new principal place of work. Generally, the taxpayer's date of arrival is the date of the termination of the last trip preceding the taxpayer's commencement of work on a regular basis, regardless of the date on which the taxpayer's family or household goods and effects arrive.

(ii) It is not necessary that the taxpayer remain in the employ of the same employer for 39 weeks, but only that he be employed in the same general location of his new principal place of work during such period. The "general location" of the new principal place of work refers to the area within which an individual might reasonably be expected to commute to such place of work, and will usually be the same area as is known as the "new place of residence"; see paragraph (b)(5) of this section.

(iii) Only a week during which the taxpayer is a full-time employee qualifies as a week of work for purposes of the 39-week requirement of section 217(c)(2). Whether an employee is a full-time employee during any particular week depends upon the customary practices of the occupation in the geographic area in which the taxpayer works. In the case of occupations where employment is on a seasonal basis, weeks occurring in the off-season when no work is required or available (as the case may be) may be counted as weeks of full-time employment only if the employee's contract or agreement of employment covers the off-season period and the off-season period is less than 6 months. Thus, a school teacher whose employment contract covers a 12-month period and who teaches on a full-time basis for more than 6 months in fulfillment of such contract is considered a full-time employee during the entire 12-month period. A taxpayer will not be deemed as other than a full-time employee during any week merely because of periods of involuntary temporary absence from work, such as those due to illness, strikes, shutouts, layoffs, natural disasters, etc.

(iv) In the case of taxpayers filing a joint return, either spouse may satisfy this 39-week requirement. However, weeks worked by one spouse may not be added to weeks worked by the other spouse in order to satisfy such requirement.

(v) The application of this subparagraph may be illustrated by the following examples:

*Example (1).* A is an electrician residing in New York City. Having heard of the possibility of better employment prospects in Denver, Colorado, he moves himself, his family and his household goods and personal effects, at his own expense, to Denver where he secures employment with the M Aircraft Corporation. After working full-time for 30 weeks his job is terminated, and he subsequently moves to and secures employment in Los Angeles, California, which employment lasts for more than 39 weeks. Since A was not employed in the general location of his new principal place of employment while in Denver for at least 39 weeks, no deduction is allowable for moving expenses paid or incurred between New York City and Denver. A will be allowed to deduct only those moving expenses attributable to his move from Denver to Los Angeles, assuming all other conditions of section 217 are met.

*Example (2).* Assume the same facts as in example (1), except that B, A's wife, secures employment in Denver at the same time as A, and that she continues to work in Denver for at least 9 weeks after A's departure for Los Angeles. Since she has met the 39-week requirement in Denver, and assuming all other requirements of section 217 are met, the moving expenses paid by A attributable to the move from New York City to Denver will be allowed as a deduction, provided A and B file a joint return.

*Example (3).* Assume the same facts as in example (1), except that B, A's wife, secures employment in Denver on the same day that A departs for Los Angeles, and continues to work in Denver for 9 weeks thereafter. Since neither A (who has worked 30 weeks) nor B (who has worked 9 weeks) has independently satisfied the 39-week requirement, no deduction for moving expenses attributable to the move from New York City to Denver is allowable.

(d) *Rules for application of section 217(c)(2)—(1) Inapplicability of 39-week test to reimbursed expenses.* (i) Paragraph (1) of section 217(d) provides that the 39-week employment condition of section 217(c)(2) does not apply to any moving expense item to the extent that the taxpayer receives reimbursement or other allowance from his employer for such item. A reimbursement or other allowance to an employee for expenses of moving, in the absence of a specific allocation by the employer, is allocated first to items deductible under section 217(a) and then, if a balance remains, to items not so deductible.

(ii) The application of this subparagraph may be illustrated by the following examples:

*Example (1).* A, a recent college graduate, with his residence in Washington, D.C., is hired by the M Corporation in San Francisco, California. Under the terms of the employment contract, M agrees to reimburse A for three-fifths of his moving expenses from Washington to San Francisco. A moves to San Francisco, and pays $1,000 for expenses incurred, for which he is reimbursed $600 by M. After working for M for a period of 3 months, A becomes dissatisfied with the job, and returns to Washington to continue his education. Since he has failed to satisfy the 39-week requirement of section 217(c)(2) the expenses totaling $400 for which A has received no reimbursement are not deductible. Under the special rule of section 217(d)(1), however, the deduction for the $600 reimbursed moving expenses is not disallowed by reason of section 217(c)(2).

*Example (2).* B, a self-employed accountant, who works and resides in Columbus, Ohio, is hired by the N Company in St. Petersburg, Florida. Pursuant to its policy with respect to newly hired employees, N agrees to reimburse B to the extent of $1,000 of the expenses incurred by him in connection with his move to St. Petersburg, allocating $700 for the items specified in section 217(b)(1), and $300 for "temporary living expenses." B moves to St. Petersburg, and incurs $800 of "moving expenses" and $300 of "temporary living expenses" in St. Petersburg. B receives reimbursement of $1,000 from N, which amount is included in his gross income. Assuming B fails to satisfy the 39-week test of section 217(c)(2), he will nevertheless be allowed to deduct $700 as a moving expense. On the other hand, had N made no allocation between deductible and non-deductible items, B would have been allowed to deduct $800 since, in the absence of a specific allocation of the reimbursement by N, it is presumed that the reimbursement was for items specified in section 217(b)(1) to the extent thereof.

(2) *Election of deduction before 39-week test is satisfied.* (i) Paragraph (2) of section 217(d) provides a special rule which applies in those cases where a taxpayer paid or incurred, in a particular taxable year, moving expenses which would be deductible in that taxable year except for the fact that the 39-week employment condition of section 217(c)(2) has not been satisfied before the time prescribed by law (including extensions thereof) for filing the return for such taxable year. The rule provides that where a taxpayer has paid or incurred moving expenses and as of the date prescribed by section 6072 for filing his return for such taxable year, including extensions thereof as may be allowed under section 6081, there remains unexpired a sufficient portion of the 12-month period so that it is still possible for the taxpayer to satisfy the 39-week requirement, then the taxpayer may elect to claim a deduction for such moving expenses on the return for such taxable year. The election shall be exercised by taking the deduction on the return filed within the time prescribed by section 6072 (including extensions as may be allowed under section 6081). It is not necessary that the taxpayer wait until the date prescribed by law for filing his return in order to make the election. He may make the election on an early return based upon the facts known on the date such return is filed. However, an election made on an early return will become invalid if, as of the date prescribed by law for filing the return, it is not possible for the taxpayer to satisfy the 39-week requirement.

(ii) In the event that a taxpayer does not elect to claim a deduction for moving expenses on the return for the taxable year in which such expenses were paid or incurred in accordance with (i) of this subparagraph, and the 39-week employment condition of section 217(c)(2) (as well as all other requirements of section 217) is subsequently satisfied, then the taxpayer may file an amended return for the taxable year in which such moving expenses were paid or incurred on which he may claim a deduction under section 217. The taxpayer may, in lieu of filing an amended return, file a claim for refund based upon the deduction allowable under section 217.

(iii) The application of this subparagraph may be illustrated by the following examples:

*Example (1).* A is transferred by his employer, M, from Boston, Massachusetts, to Cleveland, Ohio, and begins working there on November 1, 1964, followed by his family and household goods and personal effects on November 15, 1964. Moving expenses are paid or incurred by A in 1964 in connection with this move. On April 15, 1965, when A files his income tax return for the year 1964, A has been a full-time employee in Cleveland for approximately 24 weeks. Notwithstanding the fact that as of April 15, 1965, A has not satisfied the 39-week employment condition of section 217(c)(2) he may nevertheless elect to claim his 1964 moving expenses on his 1964 income tax return since there is still sufficient time remaining before November 1, 1965, within which to satisfy the 39-week requirement.

*Example (2).* Assume the facts are the same as in example (1), except that as of April 15, 1965, A has left the employ of M, and is in the process of seeking further employment in Cleveland. Since, under these conditions, A may be unsure whether or not he will be able to satisfy the 39-week requirement by November 1, 1965, he may not wish to avail himself of the election provided by section 217(d)(2). In such event, A may wait until he has actually satisfied the 39-week requirement, at which time he may file an amended return claiming as a deduction the moving expenses paid or incurred in 1964. A may, in lieu of filing an amended return, file a claim for refund based upon a deduction for such expenses. Should A fail to satisfy the 39-week requirement on or before November 1, 1965, no deduction is allowable for moving expenses incurred in 1964.

(3) *Recapture of deduction where 39-week test is not met.* Paragraph (3) of section 217(d) provides a special rule which applies in cases where a taxpayer has deducted moving expenses under the election provided in section 217(d)(2) prior to his satisfying the 39-week employment condition of section 217(c)(2), and the 39-week test is not satisfied during the taxable year immediately following the taxable year in which the expenses were deducted. In such cases an amount equal to the expenses which were deducted must be included in the taxpayer's gross income for the taxable year immediately following the taxable year in which the expenses were deducted. In the event the taxpayer has deducted moving expenses under the election provided in section 217(d)(2) for the taxable year, and subsequently files an amended return for such year on which he eliminates such deduction, such expenses will not be deemed to have been deducted for purposes of the recapture rule of the preceding sentence.

(e) *Disallowance of deduction with respect to reimbursements not included in gross income.* Section 217(e) provides that no deduction shall be allowed under section 217 for any item to the extent that the taxpayer receives reimbursement or other expense allowance for such item unless the amount of such reimbursement or other expense allowance is included in his gross income. A reimbursement or other allowance to an employee for expenses of moving, in the absence of a specific allocation by the employer, is allocated first to items deductible under section 217(a) and then, if a balance remains, to items not so deductible. For purposes of this section, moving services furnished in-kind, directly or indirectly, by a taxpayer's employer to the taxpayer or members of his household are considered as being a reimbursement or other allowance received by the taxpayer for moving expenses. If a taxpayer pays or incurs moving expenses and either prior or subsequent thereto receives reimbursement or other expense allowance for such item, no deduction is allowed for such moving expenses unless the amount of the reimbursement or other expense allowance is included in his gross income in the year in which such reimbursement or other expense allowance is received. In those cases where the reimbursement or other expense allowance is received by a taxpayer for an item of moving expense subsequent to his having claimed a deduction for such item, and such reimbursement or other expense allowance is properly excluded from gross income in the year in which received, the taxpayer must file an amended return for the taxable year in which the moving expenses were deducted and decrease such deduction by the amount of the reimbursement or other expense allowance not included in gross income. This does not mean, however, that a taxpayer has an option to include or not include in his gross income an amount received as reimbursement or other expense allowance in connection with his move as an employee. This question remains one which must be resolved under section 61(a) (relating to the definition of gross income).

PAR. 6. Section 1.262–1 is amended by revising subparagraph (5) of paragraph (b) and by adding a subparagraph (10) to paragraph (c). These amended and added provisions read as follows:

§ 1.262–1 Personal, living, and family expenses.

* * * * * *

(b) *Examples of personal, living, and family expenses.* * * *

(5) Expenses incurred in traveling away from home (which include transportation expenses, meals, and lodging) and any other transportation expenses are not deductible unless they qualify as expenses deductible under section 162, § 1.162–2, and paragraph (d) of § 1.162–5 (relating to trade or business expenses), section 170 and paragraph (a)(2) of § 1.170–2 (relating to charitable contributions), section 212 and § 1.212–1 (relating to expenses for production of income), section 213(e) and paragraph (e) of § 1.213–1 (relating to medical expenses) or section 217(a) and paragraph (a) of § 1.217–1 (relating to moving expenses). The taxpayer's costs of commuting to his place of business or employment are personal expenses and do not qualify as deductible expenses. The costs of the taxpayer's lodging not incurred in traveling away from home are personal expenses and are not deductible unless they qualify as deductible expenses under section 217. Except as permitted under section 162, 212, or 217, the costs of the taxpayer's meals not incurred in traveling away from home are personal expenses.

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(c) *Cross references.* * * *

(10) Section 217 (moving expenses).

[F.R. Doc. 64–10516; Filed, Oct. 14, 1964; 8:49 a.m.]

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## [ 26 CFR Part 1 ]

## REPEAL OF CREDIT FOR DIVIDENDS RECEIVED BY INDIVIDUALS AND DOUBLING OF DIVIDEND EXCLUSION FOR INDIVIDUALS

### Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 34, 116, and various other sections of the Internal Revenue Code of 1954 to section 201 of the Revenue Act of 1964 (78 Stat. 31), such regulations are amended as follows:

PARAGRAPH 1. Section 1.34 is amended by revising section 34(a) and paragraph (2) of section 34(b) and by revising the historical note. These amended provisions read as follows:

§ 1.34 Statutory provisions; dividends received by individuals.

SEC. 34. *Dividends received by individuals*—(a) *General rule.* Effective with respect to taxable years ending after July 31, 1954, there shall be allowed to an individual, as a credit against the tax imposed by this subtitle for the taxable year, an amount equal to the following percentage of the dividends which are received from domestic corporations and are included in gross income:

(1) 4 percent of the amount of such dividends which are received before January 1, 1964, and

(2) 2 percent of the amount of such dividends which are received during the calendar year 1964.

(b) *Limitation on amount of credit.* * * *

(2) The following percent of the taxable income for the taxable year:

(A) 2 percent, in the case of a taxable year ending before January 1, 1955, or beginning after December 31, 1963.

(B) 4 percent, in the case of a taxable year ending after December 31, 1954, and beginning before January 1, 1964.

* * * * * *

[Sec. 34 as amended by sec. 3(a), Life Insurance Company Income Tax Act 1959 (73 Stat. 139); sec. 10(e), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1009); sec. 201(a), Rev. Act 1964 (78 Stat. 31); repealed by sec. 201(b), Rev. Act 1964 (78 Stat. 31)]

PAR. 2. Paragraph (a) of § 1.34–1 is amended by revising subparagraph (1). The amended provision reads as follows:

§ 1.34–1 Credit against tax and exclusion from gross income in case of dividends received by individuals.

(a) *In general.* (1) Section 34 provides a credit against the income tax of an individual for certain dividends received after July 31, 1954, and on or before December 31, 1964. The credit, subject to the limitations provided in section 34(b), is equal to 4 percent of the

dividends received before January 1, 1964, and 2 percent of the dividends received during the calendar year 1964. The credit is allowable with respect to dividends received in any taxable year ending after July 31, 1954, but applies only to dividends received on or before December 31, 1964. The credit applies only to dividends which are received from domestic corporations and which are included in the gross income of the taxpayer. Section 116 provides for the exclusion from gross income of the first $100 ($50 for dividends received in taxable years beginning before January 1, 1964) of certain dividends received by an individual. See § 1.116–1. In determining which dividends are entitled to the credit against income tax provided by section 34, the exclusion from gross income provided in section 116 is applied to the first dividends received in the taxable year. Since the exclusion applies to dividends received at any time during a taxable year ending after July 31, 1954, dividends received before August 1, 1954, may be taken into account in determining the exclusion from gross income under section 116 but do not constitute dividends for which a credit is allowed.

PAR. 3. Paragraph (a) of § 1.34–2 is amended to read as follows:

**§ 1.34–2 Limitations on amount of credit.**

(a) Under section 34(b) the credit may not exceed the lesser of either—

(1) The amount of the tax imposed by chapter 1 of the Code for the taxable year reduced by the foreign tax credit allowable under section 33, or

(2) Whichever of the following is applicable:

(i) In the case of a taxable year ending before January 1, 1965, or beginning after December 31, 1963, 2 percent of the taxable income for such taxable year;

(ii) In the case of a taxable year ending after December 31, 1954, and beginning before January 1, 1964, 4 percent of the taxable income for such taxable year.

In the case of a taxpayer who computes his tax under section 3 or who uses the standard deduction provided by section 141, the taxable income for the taxable year is the adjusted gross income for the taxable year reduced by the standard deduction prescribed in section 141 and the deductions for personal exemptions provided in section 151. Where the alternative tax on capital gains is imposed under section 1201(b), the taxable income for such taxable year is the taxable income as defined in section 63, which includes 50 percent of the excess of net long-term capital gain over net short-term capital loss.

PAR. 4. There is added immediately after § 1.34–5 the following new section:

**§ 1.34–6 Dividends received after December 31, 1964.**

In the case of dividends received after December 31, 1964, section 34 and the regulations issued thereunder do not apply.

PAR. 5. Section 1.35 is amended by revising section 35(b)(1) and the historical note. The amended provisions read as follows:

**§ 1.35 Statutory provisions; partially tax-exempt interest received by individuals.**

Sec. 35. *Partially tax-exempt interest received by individuals.* • • •

(b) *Limitation on amount of credit.* The credit allowed by subsection (a) shall not exceed whichever of the following is the lesser:

(1) The amount of the tax imposed by this chapter for the taxable year, reduced by the credit allowable under section 33, or

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[Sec. 35 as amended by sec. 41(b), Technical Amendments Act 1958 (72 Stat. 1639); sec. 201(d)(2) Rev. Act 1964 (78 Stat. 32)]

PAR. 6. Paragraph (a) of § 1.61–9 is amended to read as follows:

**§ 1.61–9 Dividends.**

(a) *In general.* Except as otherwise specifically provided, dividends are included in gross income under sections 61 and 301. For the principal rules with respect to dividends includible in gross income, see section 316 and the regulations thereunder. As to distributions made or deemed to be made by regulated investment companies, see sections 851 through 855, and the regulations thereunder. As to distributions made by real estate investment trusts, see sections 856 through 858, and the regulations thereunder. See section 116 for the exclusion from gross income of $100 ($50 for dividends received in taxable years beginning before January 1, 1964) of dividends received by an individual, except those from certain corporations. Furthermore, dividends may give rise to a credit against tax under section 34, relating to dividends received by individuals (for dividends received on or before December 31, 1964), and under section 37, relating to retirement income.

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PAR. 7. Section 1.116 is amended by revising section 116(a), by adding a new paragraph (3) to section 116(c) and by revising the historical note. The amended and added provisions read as follows:

**§ 1.116 Statutory provisions; partial exclusion of dividends received by individuals.**

Sec. 116. *Partial exclusion of dividends received by individuals*—(a) *Exclusion from gross income.* Effective with respect to any taxable year ending after July 31, 1954, gross income does not include amounts received by an individual as dividends from domestic corporations, to the extent that the dividends do not exceed $100. If the dividends received in a taxable year exceed $100, the exclusion provided by the preceding sentence shall apply to the dividends first received in such year.

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(c) *Special rules for certain distributions.* For purposes of subsection (a)—

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(3) The amount of dividends properly allocable to a beneficiary under section 652 or 662 shall be deemed to have been received by the beneficiary ratably on the same date that the dividends were received by the estate or trust.

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[Sec. 116 as amended by sec. 3(a), Life Insurance Company Income Tax Act 1959 (73 Stat. 139); sec. 10(f), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1009); secs. 201(c) and (d)(6)(C), Rev. Act 1964 (78 Stat. 32)]

PAR. 8. Section 1.116–1 is amended to read as follows:

**§ 1.116–1 Partial exclusion of dividends.**

(a) *In general.* Section 116 excludes from gross income the first $100 ($50 for dividends received in a taxable year which ends after July 31, 1954 and begins before January 1, 1964, whether or not the dividend is received after July 31, 1954) of dividends from domestic corporations received by an individual in a taxable year beginning after December 31, 1963.

(b) *Joint returns of husband and wife.* In the case of a joint return of husband and wife, each spouse is entitled to the exclusion in an amount not in excess of $100 ($50 for dividends received in taxable years beginning before January 1, 1964), with respect to the dividends received by such spouse. Thus, if in the calendar year 1955, a husband receives $200 of dividends and his wife $100, the amount to be included in gross income is $200 ($150 of the husband's dividends and $50 of the wife's dividends). If the amounts are received in a taxable year beginning after December 31, 1963, the amount to be included in gross income is $100 ($100 of the husband's dividends and none of the wife's dividends). If the wife receives only $30 of dividends, the entire $30 is excludable, and there is included in gross income in the joint return in the case of a taxable year beginning before January 1, 1964, only $150 ($200 less his $50 exclusion) or in the case of a taxable year beginning after December 31, 1963, only $100 ($200 less his $100 exclusion) consisting of the dividends received by the husband.

(c) *Individuals receiving dividends.* Where two or more persons hold stock as tenants in common, as joint tenants, or as tenants by the entirety, the dividends received with respect to such stock shall be considered as being received by each tenant to the extent that he is entitled under local law to a share of such dividends. Where dividends constitute community property under local law each spouse shall be considered as receiving one-half of such dividends.

(d) *Dividends to which the exclusion applies*—(1) *General rule.* The exclusion under section 116 applies only to distributions of property defined as dividends by section 316. Thus, the exclusion is not allowed with respect to patronage dividends paid by either exempt or taxable farm cooperatives. Nor is it allowed for distributions to nonstockholding policy holders by an insurance company having shares of stock or for any distribution by a mutual insurance company. See subparagraph (2)(i) of this paragraph for an additional restriction with respect to stock life insurance companies. The exclusion is, however, allowed with respect to dividends paid on capital stock by nonexempt cooperatives and with respect to dividends paid on capital stock by building and loan associations. However, see subparagraph (2)(ii) of this paragraph with respect to so-called dividends paid by building and loan associations ineligible for the exclusion. The exclusion is allowed with respect to distributions from any organization taxed as a corporation if the distribution falls within the definition of a dividend in section 316.

(2) *Dividends from certain corporations.* (i) Section 116 (b) and (c) contains further restrictions on the type of distributions which are treated as dividends for purposes of the exclusion. Thus, no exclusion is applicable with respect to dividends received from a corporation organized under the China Trade Act, 1922; from stock life insurance companies before January 1, 1959, in taxable years ending before such date; from corporations which during their taxable year of the distribution or their preceding taxable year were corporations to which section 931 applies (relating to income from sources within possessions of the United States); from corporations which during the taxable year of the distribution or the preceding taxable year are corporations exempt from tax either under section 501, relating to charitable, etc., organizations, or under section 521, relating to farmers' cooperative associations.

(ii) So-called dividends paid by mutual savings banks, cooperative banks, and building and loan associations which are allowed as a deduction under section 591 are ineligible for the exclusion.

(iii) For special rules as to the limitation on the amount of dividends for which an exclusion is allowable in the case of dividends paid by a regulated investment company, see section 854 and the regulations thereunder.

(iv) See section 857(c) and paragraph (d) of § 1.857–4 for special rules which deny an exclusion under section 116 in the case of dividends received from a real estate investment trust with respect to a taxable year for which such trust is taxable under part II, subchapter M, chapter 1 of the Code.

(e) *Taxpayers not entitled to exclusion.* (1) The exclusion is not available to nonresident aliens with respect to whom a tax is imposed for the taxable year under section 871(a). However, if the taxpayer elects under section 6014 to have the Government compute his tax, the taxpayer is allowed the exclusion under section 116.

(2) For additional rules for the treatment of dividends received by estates or trusts, and the allocation of such dividends between an estate or trust and the beneficiary thereof, see sections 652 and 662 and the regulations thereunder.

(3) For treatment of dividends received by a partnership, see section 702 and the regulations thereunder.

(4) For treatment of dividends received by a common trust fund, see section 584 and the regulations thereunder.

(f) *Time dividends are received.* In cases where it is necessary to determine the time of receipt of dividends the rules established to determine in which taxable year dividends must be included in gross income apply, including the rules relating to constructive receipt. See section 451 and regulations thereunder.

(g) *Special rule relating to receipt of dividends by beneficiary of an estate or trust.* In general, dividends are deemed received by a beneficiary in the taxable year in which they are includible in his gross income under section 652 or 662. However, solely for purposes of determining the amount of the exclusion applicable to dividends received by a beneficiary from an estate or trust, the time of receipt of such dividends by the estate or trust is also considered the time of receipt by the beneficiary.

PAR. 9. Paragraph (b)(1)(vi) of § 1.–443–1 is amended to read as follows:

**§ 1.443–1 Returns for periods of less than 12 months.**

• • • • • •

(b) *Computation of tax for short period on change of annual accounting period*—(1) *General rule.*

• • • • • •

(vi) If the amount of a credit against the tax (for example, the credits allowable under section 34 (for dividends received on or before December 31, 1964), and 35 (for partially tax-exempt interest)) is dependent upon the amount of any item of income or deduction, such credit shall be computed upon the amount of the item annualized separately in accordance with the foregoing rules. The credit so computed shall be treated as a credit against the tax computed on the basis of the annualized taxable income. In any case in which a limitation on the amount of a credit is based upon taxable income, taxable income shall mean the taxable income computed on the annualized basis.

• • • • • •

PAR. 10. Paragraph (a) of § 1.565–3 is amended to read as follows:

**§ 1.565–3 Effect of consent.**

(a) The amount of the consent dividend shall be considered, for all purposes of the Code, as if it were distributed in money by the corporation to the shareholder on the last day of the taxable year of the corporation, received by the shareholder on such day, and immediately contributed by the shareholder as paid-in capital to the corporation on such day. Thus, the amount of the consent dividend will be treated by the shareholder as a dividend. The shareholder will be entitled to the dividends received credit under section 34 (for dividends received on or before December 31, 1964) and the exclusion under section 116, or to the dividends received deduction under section 243, with respect to such consent dividend. The basis of the shareholder's consent stock in a corporation will be increased by the amount thus treated in his hands as a dividend which he is considered as having contributed to the corporation as paid-in capital. The amount of the consent dividend will also be treated as a dividend received from sources within the United States in the same manner as if the dividend had been paid in money to the shareholders. Among other effects of the consent dividend, the earnings and profits of the corporation will be decreased by the amount of the consent dividends. Moreover, if the shareholder is a corporation, its accumulated earnings and profits will be increased by the amount of the consent dividend with respect to which it makes a consent.

PAR. 11. Section 1.584 is amended by revising section 584(c)(2) and the historical note. The amended provisions read as follows:

**§ 1.584 Statutory provisions; common trust funds.**

Sec. 584. *Common trust funds.* • • •

(c) *Income of participants in fund.* • • •

(2) *Dividends and partially tax exempt interest.* The proportionate share of each participant in the amount of dividends to which section 116 applies, and in the amount of partially tax exempt interest on obligations described in section 35 or section 242, received by the common trust fund shall be considered for purposes of such sections as having been received by such participant. If the common trust fund elects under section 171 (relating to amortizable bond premium) to amortize the premium on such obligations, for purposes of the preceding sentence the proportionate share of the participant of such interest received by the common trust fund shall be his proportionate share of such interest (determined without regard to this sentence) reduced by so much of the deduction under section 171 as is attributable to such share.

• • • • • •

[Sec. 584 as amended by sec. 4, Act of Sept. 28, 1962 (Pub. Law 87–772, 76 Stat. 668, 670); sec. 201(d)(5), Rev. Act 1964 (78 Stat. 32)]

PAR. 12. Section 1.584–2 is amended by revising paragraph (b)(1). The amended provision reads as follows:

**§ 1.584–2 Income of participants in common trust fund.**

• • • • • •

(b)(1) Each participant's proportionate share in the amount of dividends to which section 34 (for dividends received on or before December 31, 1964) or section 116 applies received by the common trust fund shall be deemed to have been received by such participant as such dividends.

PAR. 13. Section 1.642(a)(3) is amended by adding a historical note to read as follows:

• • • • • •

[Sec. 642(a)(3) repealed by sec. 201(d)(6)(A), Rev. Act. 1964 (78 Stat. 32)]

PAR. 14. Section 1.642(a)(3)–1 is amended to read as follows:

**§ 1.642(a)(3)–1 Dividends received by an estate or trust.**

An estate or trust is allowed a credit against the tax for dividends received on or before December 31, 1964 (see section 34), only for so much of the dividends as are not properly allocable to any beneficiary under section 652 or 662. Section 642(a)(3), and this section do not apply to amounts received as dividends after December 31, 1964. For treatment of the credit in the hands of the beneficiary see § 1.652(b)–1.

PAR. 15. Section 1.642(a)(3)–2 is amended to read as follows:

**§ 1.642(a)(3)–2 Time of receipt of dividends by beneficiary.**

**In general, dividends are deemed received by a beneficiary in the taxable year in which they are includible in his gross income under section 652 or 662. For example, a simple trust, reporting on the basis of a fiscal year ending October 30, receives quarterly dividends on November 3, 1964, and February 3, May 3, and August 3, 1955. These dividends are all allocable to beneficiary A, reporting on a calendar year basis, under section 652 and are deemed received by A in 1955. See section 652(c). Accordingly, A may take all these dividends into account in determining his credit for dividends received under section 34 and his dividends exclusion under section 116. However, solely for purposes of determining whether dividends deemed received by individuals from trusts or estates qualify under the time limitations of section 34(a) or section 116(a), section 642(a)(3) provides that the time of receipt of the dividends by the trust or estate is also considered the time of receipt by the beneficiary. For example, a simple trust reporting on the basis of a fiscal year ending October 30 receives quarterly dividends on December 3, 1953, and March 3, June 3, and September 3, 1954. These dividends are all allocable to beneficiary A, reporting on the calendar year basis, under section 652 and are includible in his income for 1954. However, for purposes of section 34(a) or section 116(a), these dividends are deemed received by A on the same dates that the trust received them. Accordingly, A may take into account in determining the credit under section 34 only those dividends received by the trust on September 3, 1954, since the dividend received credit is not allowed under section 34 for dividends received before August 1, 1954 (or after December 31, 1964). Section 642(a)(3) and this section do not apply to amounts received by an estate or trust as dividends after December 31, 1964. However, the rules in this section relating to time of receipt of dividends by a beneficiary are applicable to dividends received by an estate or trust prior to January 1, 1965, and accordingly, such dividends are deemed to be received by the beneficiary (even though received after December 31, 1964) on the same dates that the estate or trust received them for purposes of determining the credit under section 34 or the exclusion under section 116.**

PAR. 16. Section 1.642(i) is amended by revising section 642(i), and by adding a historical note. The amended and added provisions reads as follows:

**§ 1.642(i) Statutory provisions; estates and trusts; special rules for credits and deductions; cross references.**

Sec. 642. *Special rules for credits and deductions.* • • •

(i) *Cross references.* (1) For disallowance of standard deduction in case of estates and trusts, see section 142(b)(4).

(2) For special rule for determining the time of receipt of dividends by a beneficiary under section 652 or 662, see section 116(c)(3).

[Sec. 642(i) as amended by sec. 201(d)(6)(B), Rev. Act 1964 (78 Stat. 32)]

PAR. 17. Section 1.642(i)–1 is amended to read as follows:

**§ 1.642(i)–1 Cross references.**

(a) The standard deduction is not allowed to estates and trusts (see section 142(b)(4)).

(b) The amount of dividends properly allocable to a beneficiary under section 652 or 662 shall be deemed to have been received by the beneficiary ratably on the same date that the dividends were received by the estate or trust (see section 116(c)(3)).

PAR. 18. Section 1.652(b)–1 is amended to read as follows:

**§ 1.652(b)–1 Character of amounts.**

In determining the gross income of a beneficiary, the amounts includible under § 1.652(a)–1 have the same character in the hands of the beneficiary as in the hands of the trust. For example, to the extent that the amounts specified in § 1.652(a)–1 consist of income exempt from tax under section 103, such amounts are not included in the beneficiary's gross income. Similarly, dividends distributed to a beneficiary retain their original character in the beneficiary's hands for purposes of determining the availability to the beneficiary of the dividends received credit under section 34 (for dividends received on or before December 31, 1964) and the dividend exclusion under section 116. The tax treatment of amounts determined under § 1.652(a)–1 depends upon the beneficiary's status with respect to them, not upon the status of the trust. Thus, if a beneficiary is deemed to have received foreign income of a foreign trust, the includibility of such income in his gross income depends upon his taxable status with respect to that income.

PAR. 19. Section 1.661(c)–1 is amended to read as follows:

**§ 1.661(c)–1 Limitation on deduction.**

An estate or trust is not allowed a deduction under section 661(a) for any amount which is treated under section 661(b) as consisting of any item of distributable net income which is not included in the gross income of the estate or trust. For example, if in 1962, a trust, which reports on the calendar year basis, has distributable net income of $20,000, which is deemed to consist of $10,000 of dividends and $10,000 of tax-exempt interest, and distributes $10,000 to beneficiary A, the deduction allowable under section 661(a) (computed without regard to section 661(c)) would amount to $10,000 consisting of $5,000 of dividends and $5,000 of tax-exempt interest. The deduction actually allowable under section 661(a) as limited by section 661(c) is $4,975, since no deduction is allowable for the $5,000 of tax-exempt interest and the $25 deemed distributed out of the $50 of dividends excluded under section 116, items of distributable net income which are not included in the gross income of the estate or trust.

PAR. 20. Paragraph (b) of § 1.683–2 is amended to read as follows:

**§ 1.683–2 Exceptions.**

• • • • • •

(b) For purposes of determining the time of receipt of dividends under sections 34 (for purposes of the credit for dividends received on or before December 31, 1964) and 116, the dividends paid, credited, or to be distributed to a beneficiary are deemed to have been received by the beneficiary ratably on the same dates that the dividends were received by the estate or trust.

• • • • • •

PAR. 21. Section 1.702 is amended by revising section 702(a)(5) and by adding a historical note. The amended and added provisions read as follows:

**§ 1.702 Statutory provisions; income and credits of partner.**

Sec. 702. *Income and credits of partner—*

(a) *General rule.* In determining his income tax, each partner shall take into account separately his distributive share of the partnership's—

• • • • • •

(5) Dividends with respect to which there is provided an exclusion under section 116 or a deduction under part VIII of subchapter B,

• • • • • •

[Sec. 702 as amended by sec. 201(d)(7), Rev. Act 1964 (78 Stat. 32)]

PAR. 22. Section 1.702–1 is amended by revising paragraph (a)(5) to read as follows:

**§ 1.702–1 Income and credits of partners.**

(a) *General rule.* • • •

(5) Each partner shall take into account, as part of the dividends received by him from domestic corporations, his distributive share of dividends received by the partnership, with respect to which the partner is entitled to a credit under section 34 (for dividends received on or before December 31, 1964), an exclusion under section 116, or a deduction under part VIII, subchapter B, chapter 1 of the Code.

PAR. 23. Paragraph (a)(2) of § 1.852–4 is amended to read as follows:

**§ 1.852–4 Method of taxation of shareholders of regulated investment companies.**

(a) *Ordinary income.* • • •

(2) See section 853(b)(2) and (c) and paragraph (b) of § 1.853–2 and § 1.853–3 for the treatment by shareholders of dividends received from a regulated investment company which has made an election under section 853(a) with respect to the foreign tax credit. See section 854 and §§ 1.854–1 through 1.854–3 for limitations applicable to dividends received from regulated investment companies for the purpose of the credit under section 34 (for dividends received on or before December 31, 1964), the exclusion from gross income under section 116, and the deduction under section 243. See section 855 (b) and (d) and paragraphs (c) and (f) of § 1.855–1 for treatment by shareholders of dividends paid by a regulated investment company after the close of the taxable year in the case of an election under section 855(a).

• • • • • •



PAR. 24. Section 1.857 is amended by revising section 857(c) and the historical note. The amended provisions read as follows:

**§ 1.857 Statutory provisions; taxation of real estate investment trusts and their beneficiaries.**

Sec. 857. *Taxation of real estate investment trusts and their beneficiaries.* • • •

(c) *Restrictions applicable to dividends received from real estate investment trusts.* For purposes of section 116 (relating to an exclusion for dividends received by individuals) and section 243 (relating to deductions for dividends received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered as a dividend.

• • • • • •

[Sec. 857 as added by sec. 10(a), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1006); as amended by sec. 201(d)(11), Rev. Act 1964 (78 Stat. 32)]

PAR. 25. Paragraph (d) of § 1.857–4 is amended to read as follows:

**§ 1.857–4 Method of taxation of shareholders of real estate investment trusts.**

• • • • • •

(d) *Dividend received credit, exclusion, and deduction not allowed.* Any dividend received from a real estate investment trust which, for the taxable year to which the dividend relates, is a qualified real estate investment trust, shall not be eligible for the dividend received credit (for dividends received on or before December 31, 1964) under section 34(a), the dividend received exclusion under section 116, or the dividend received deduction under section 243.

PAR. 26. Paragraph (c) of § 1.876–1 is amended to read as follows:

**§ 1.876–1 Alien residents of Puerto Rico.**

• • • • •

(c) *Credits against tax.* The credits allowed by section 31 (relating to tax withheld on wages), section 32 (relating to tax withheld at source on nonresident aliens), section 33 (relating to taxes of foreign countries), section 34 (relating to dividends received by individuals) for dividends received on or before December 31, 1964, and section 35 (relating to partially tax-exempt interest) shall be allowed against the tax computed in accordance with this section. No credit shall be allowed under section 37 in respect of retirement income.

PAR. 27. Paragraph (b) of § 1.1201–1 is amended to read as follows:

**§ 1.1201–1 Alternative tax.**

• • • • • •

(b) *Other taxpayers.* In case the net long-term capital gain of a taxpayer (other than a corporation) exceeds the net short-term capital loss, section 1201(b) imposes an alternative tax in lieu of the tax imposed by sections 1 and 511, if and only if such alternative tax is less than the tax imposed by sections 1 and 511. The alternative tax is not in lieu of any other tax not specifically set forth in section 1201(b). The alternative tax is the sum of—

(1) A partial tax, computed at the rates provided by sections 1 and 511 on the taxable income reduced by an amount equal to 50 percent of the excess of the net long-term capital gain over the net short-term capital loss, plus

(2) 25 percent of the excess of the net long-term capital gain over the net short-term capital loss.

See § 1.1–3 for rule relating to the computation of the limitation on tax under section 1(c) in cases where the alternative tax is imposed. See § 1.34–2(a) for rule relating to the computation of the dividend received credit under section 34 (for dividends received on or before December 31, 1964), and § 1.35–1(a) for rule relating to the computation of credit for partially tax-exempt interest under section 35 in cases where the alternative tax is imposed.

• • • • • •

PAR. 28. Section 1.1375 is amended by revising subsection (b) of section 1375 and the historical note. The amended provisions read as follows:

**§ 1.1375 Statutory provisions; special rules applicable to distributions of electing small business corporations.**

Sec. 1375. *Special rules applicable to distributions of electing small business corporations.* • • •

(b) *Dividends received credit not allowed.* The amount includible in the gross income of a shareholder as dividends from an electing small business corporation during any taxable year of the corporation (including any amount treated as a dividend under section 1373(b)) shall not be considered a dividend for purposes of section 37 or section 116 to the extent that such amount is a distribution of property out of earnings and profits of the taxable year as specified in section 316(a)(2). For purposes of this subsection, the earnings and profits of the taxable year shall be deemed not to exceed the corporation's taxable income (computed as provided in section 1373(d)) for the taxable year.

• • • • • •

[Sec. 1375 as added by sec. 64(a), Technical Amendments Act 1958 (72 Stat. 1654); as amended by sec. 201(d)(13), Rev. Act 1964 (78 Stat. 32)]

PAR. 29. Section 1.1375–2 is amended to read as follows:

**§ 1.1375–2 Dividends received exclusion and credit not allowed.**

(a) *In general.* Under section 1375(b), the amounts includible in the gross income of a shareholder as dividends from an electing small business corporation (including amounts treated as dividends under section 1373(b)) are not considered dividends for purposes of section 34 (dividends received credit for dividends received on or before December 31, 1964), section 37 (retirement income credit), and section 116 (partial dividend exclusion) to the extent that such amounts are distributions out of the earnings and profits of the taxable year. For purposes of the preceding sentence, the earnings and profits of the taxable year are deemed not to exceed the corporation's taxable income (as defined in section 1373(d)). For rules as to the allocation of earnings and profits of the taxable year to distributions made during the year, see paragraphs (d) and (e) of § 1.1373–1.

(b) *Examples.* The following examples illustrate the application of section 1375(b) and paragraph (a) of this section:

*Example (1).* An electing small business corporation during the taxable year 1962 has taxable income (as defined in section 1373(d)) and earnings and profits of $10,000 for the taxable year and accumulated earnings and profits of $20,000 at the beginning of the taxable year. During the taxable year, the corporation distributes a dividend of $15,000 in money. Of the amount distributed, $10,000 is not entitled to the dividends received exclusion under section 116 or the credits under section 34 or 37, since it is paid out of the earnings and profits of the corporation's taxable year. The $5,000 paid out of accumulated earnings and profits is considered a dividend for purposes of the exclusion and credits.

• • • • • •

PAR. 30. Paragraph (b)(1) of § 1.1441–3 is amended to read as follows:

**§ 1.1441–3 Exceptions and rules of special application.**

• • • • • •

(b) *Corporate distributions.*—(1) *Nontaxable portion.* The tax shall be withheld at the source under § 1.1441–1 on the gross amount of any distribution made by a corporation other than—

(i) A nontaxable distribution payable in stock or stock rights, and

(ii) A distribution which is treated as a distribution in part or full payment in exchange for stock.

This rule shall apply without regard to any claim that all or a portion of the distribution is not taxable under section 871 or 881. The tax shall be withheld on the gross amount of the distribution even though the payee may be entitled to the benefits of section 34, relating to the credit for dividends received by individuals (for dividends received on or before December 31, 1964), or section 116, relating to partial exclusion of dividends received by individuals. Appropriate adjustment, if any, will be made upon the payee's filing of a claim for refund, together with appropriate supporting evidence, in accordance with paragraph (h) of this section.

• • • • • •

PAR. 31. Section 1.6012–1 is amended by revising paragraph (a)(7)(iii)(c) to read as follows:

**§ 1.6012–1 Individuals required to make returns of income.**

(a) *Individual citizen or resident.* • • •

(7) *Use of form 1040A by certain taxpayers with gross income less than $10,000.* • • •

(iii) *Credits not allowable.* • • •

(c) The credit provided by section 34 (for dividends received on or before December 31, 1964);

• • • • • •

PAR. 32. Section 1.6014 is amended by revising subsection (a) of section 6014 and by adding a historical note. The amended and added provisions read as follows:

**§ 1.6014 Statutory provisions; income tax return—tax not computed by taxpayer.**

Sec. 6014. *Income tax return—tax not computed by taxpayer*—(a) *Election by taxpayer.* An individual entitled to elect to pay the tax imposed by section 3 whose gross income is less than $5,000 and includes no income other than remuneration for services performed by him as an employee, dividends or interest, and whose gross income other than wages, as defined in section 3401(a), does not exceed $100, shall at his election not be required to show on the return the tax imposed by section 1. Such election shall be made by using the form prescribed for purposes of this section and shall constitute an election to pay the tax imposed by section 3. In such case the tax shall be computed by the Secretary or his delegate who shall mail to the taxpayer a notice stating the amount determined as payable. In determining the amount payable, the credit against such tax provided for by section 37 shall not be allowed. In the case of a head of household (as defined in section 1(b) or a surviving spouse (as defined in section 2(b)) electing the benefits of this subsection, the tax shall be computed by the Secretary or his delegate without regard to the taxpayer's status as a head of household or as a surviving spouse.

* * * * * *

[Sec. 6014 as amended by sec. 201(d)(14), Rev. Act 1964 (78 Stat. 32)]

PAR. 33. Section 1.6015(c)–1 is amended to read as follows:

**§ 1.6015(c)–1 Definition of estimated tax.**

In the case of an individual, the term "estimated tax" means the amount which the individual estimates as the amount of the income tax imposed by chapter 1 of the Code for the taxable year, minus the amount which he estimates as the sum of the credits against tax provided by part IV, subchapter A of such chapter. These credits are those provided by section 31 (relating to tax withheld on wages), section 32 (relating to tax withheld at source on nonresident aliens and foreign corporations and on tax-free covenant bonds), section 33 (relating to foreign taxes), section 34 (relating to the credit for dividends received on or before December 31, 1964), section 35 (relating to partially tax-exempt interest), and section 37 (relating to retirement income). An individual who expects to elect to pay the optional tax imposed by section 3, or one who expects to elect to take the standard deduction allowed by section 144, should disregard any credits otherwise allowable under sections 32, 33, and 35 in computing his estimated tax since, if he so elects, these credits are not allowed in computing his tax liability. See section 36.

PAR. 34. Paragraph (b)(2) of § 1.6654–2 is amended to read as follows:

**§ 1.6654–2 Exceptions to imposition of the addition to the tax in the case of individuals.**

* * * * * *

(b) *Meaning of terms.* * * *

(2) The credits against tax allowed by part IV, subchapter A, chapter 1 of the Code, are—

(i) In the case of the exception described in paragraph (a)(1) of this section, the credits shown on the return for the preceding taxable year,

(ii) In the case of the exception described in paragraph (a)(2) of this section, the credits shown on the return for the preceding taxable year, except that if the amount of any such credit would be affected by any change in rates or status with respect to personal exemptions, the credits shall be determined by reference to the rates and status applicable to the current taxable year, and

(iii) In the case of the exceptions described in paragraph (a) (3) and (4) of this section, the credits computed under the law and rates applicable to the current taxable year.

A change in rate may be either a change in the rate of tax, such as a change in the rate of the tax imposed by section 1, or a change in any percentage affecting the computation of the credit, such as a change in the rate of withholding under chapter 3 of the Code or a change in the percentage of dividends received specified in section 34(a) (for dividends received on or before December 31, 1964). The application of the preceding sentence may be illustrated by the following examples:

* * * * * *

[F.R. Doc. 64–10517; Filed, Oct. 14, 1964; 8:49 a.m.]

# FEDERAL AVIATION AGENCY

**[ 14 CFR Part 71 [New] ]**

[Airspace Docket No. 63–SO–54]

## CONTROL AREA EXTENSIONS, CONTROL ZONES AND TRANSITION AREAS

### Proposed Revocation, Alteration, and Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would revoke the control area extensions at Kinston and Rocky Mount, North Carolina, alter the control zones at Goldsboro and Rocky Mount, North Carolina and designate transition areas at Kinston, Goldsboro and Rocky Mount, North Carolina.

The Kinston, North Carolina control area extension is presently designated within 9 miles NW and 5 miles SE of the Kinston VOR 047° radial extending from the VOR to 18 miles NE excluding the portion which coincides with R–5307.

The Rocky Mount, North Carolina, control area extension is presently designated within 5 miles either side of the Rocky Mount VOR 083° radial extending from the VOR to 15 miles E.

The Goldsboro, North Carolina, control zone is presently designated within a 5-mile radius of Seymour-Johnson AFB, Goldsboro, North Carolina; within 2 miles either side of the 261° bearing from the AFB extending from the 5-mile radius zone to 2 miles SW of the Seymour-Johnson AFB RBN.

The Rocky Mount, North Carolina, control zone is presently designated within a 5-mile radius of Rocky Mount Airport and within 2 miles either side of the Rocky Mount VOR 263° and 083° radials extending from the 5-mile radius zone to 10 miles E of the VOR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Goldsboro, Rocky Mount and Kinston, North Carolina, terminal areas, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29 (26 F.R. 570, 27 F.R. 4012), proposes the airspace actions hereinafter set forth.

1. The Kinston and Rocky Mount, North Carolina, control area extensions would be revoked.

2. The Rocky Mount, North Carolina, control zone would be redesignated within a 5-mile radius of the Rocky Mount Municipal Airport (latitude 35°58'00" N, longitude 77°47'30" W).

3. The Goldsboro, North Carolina, control zone would be redesignated within a 5-mile radius of Seymour Johnson AFB (latitude 35°20'20" N, longitude 77°57'50" W); within 2 miles each side of the ILS localizer SW course extending from the 5-mile radius zone to the LOM; within 2 miles each side of the 261° radial of the Seymour Johnson VOR extending from the 5-mile radius zone to 8 miles W of the VOR.

4. The Rocky Mount, North Carolina, transition area would be designated as that airspace extending upward from 700 feet above the surface within 2 miles each side of the 263° and 083° radials of the Rocky Mount VOR extending from the 5-mile radius control zone to 8 miles east of the VOR.

5. The Kinston, North Carolina, transition area would be designated as that airspace extending upward from 700 feet above the surface within 2 miles each side of the 047° radial of the Kinston VOR extending from the 5-mile radius control zone to 8 miles NE of the VOR.

6. The Goldsboro, North Carolina, transition area would be designated as that airspace extending upward from 700 feet above the surface within an 8-mile radius of the Seymour Johnson Air Force Base (latitude 35°20'20" N., longitude 77°57'50" W.); within 2 miles each side of the ILS localizer SW course extending from the 8-mile radius area to 12 miles SW of the LOM; within 5 miles S and 8 miles N of the 253° radial of the Seymour Johnson VOR extending from the 8-mile radius area to 12 miles SW of the VOR; including that airspace extending upward from 1200 feet above the surface bounded on the N by the arc of a 55-mile radius circle centered at latitude 36°57'44" N., longitude 76°24'44" W.; on the E by a line extending along the W boundary of V–1, until intercepting an arc of a 15-mile radius circle centered at the Kinston VOR, thence clockwise along the 15-mile radius circle to the W boundary of V–1W, thence SW along the W boundary of V–1W and V–213 to the S boundary of V–525; on the S by the S boundary of V–525; on the W by a line extending along longitude 78°30'00" W. and on the NW by a line extending through latitude 35°30'00" N., longitude 78°30'00" W. and latitude 36°38'15" N., longitude 77°19'15" W.; including that airspace extending upward from 2700 feet MSL bounded on the N by the S boundary of V–525; on the E by the W



boundary of V–213; on the S by a line extending from latitude 34°17'45" N., longitude 78°25'30" W to latitude 34°18'30" N., longitude 79°00'00" W.; on the W by a line extending from latitude 34°18'30" N., longitude 79°00'00" W. to the intersection of the S boundary of V–525 and longitude 78°30'00" W.

The proposed control zone alteration at Rocky Mount would delete the existing control zone extension beyond the 5-mile radius zone. This control zone extension would not be required for the protection of prescribed instrument approach and departure procedures since it is proposed to designate a 700-foot transition area within 2 miles each side of the 083° and 263° radials of the Rocky Mount VOR extending from the 5-mile radius control zone to 8 miles east of the VOR.

The proposed control zone alteration and 700-foot transition area designation at Goldsboro are required to protect prescribed instrument approach and departure procedures at Seymour Johnson AFB.

The 1,200-foot above ground level and 2,700-foot above mean sea level transition areas are required for the protection of prescribed instrument approach and departure procedures at Rocky Mount, Kinston and Goldsboro, North Carolina. They are also required for the protection of approved holding patterns and aircraft being radar vectored by Raleigh Approach Control through utilization of remoted radar from the vicinity of Benson, North Carolina.

The floors of airways which traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be adversely affected.

Specific details of the changes to minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southern Region, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta Ga., 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on September 29, 1964.

PAUL H. BOATMAN,
*Acting Director, Southern Region.*

[F.R. Doc. 64–10508; Filed, Oct. 14, 1964; 8:48 a.m.]

**[ 14 CFR Part 71 [New] ]**

[Airspace Docket No. 63–SW–120]

## CONTROL ZONES, TRANSITION AREAS, AND CONTROL AREA EXTENSION

### Proposed Alteration, Designation and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Fort Smith, Ark., terminal area.

The following controlled airspace is presently designated in the Fort Smith, Ark., terminal area:

1. The Fort Smith, Ark., control zone is designated as that airspace within a 5-mile radius of Fort Smith Municipal Airport (latitude 35°20'10" N., longitude 94°22'10" W.); within 2 miles either side of the Fort Smith VORTAC 234° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles either side of the Fort Smith ILS localizer E course extending from the 5-mile radius zone to the OM.

2. The McAlester, Okla., control zone is designated as that airspace within a 5-mile radius of McAlester Municipal Airport (latitude 34°53'05" N., longitude 95°46'55" W.).

3. The Fort Smith, Ark., control area extension is designated as that airspace within a 25-mile radius of the Fort Smith VORTAC extending clockwise from the W boundary of V–13 S of Fort Smith to the N boundary of V–74 E of Fort Smith.

4. The Tulsa, Okla., control area extension is designated as that airspace within a 25-mile radius of latitude 36°12'55" N., longitude 95°51'31" W.; that airspace SW of Tulsa bounded on the NW by V–14, on the SE by V–15 and on the SW by V–163; that airspace S of Tulsa bounded on the W and NW by V–15, on the E and SE by a line 5 miles E of and parallel to the McAlester, Okla., VORTAC 008° radial extending from the S boundary of V–74 to the McAlester VORTAC, on E and SE by a line 5 miles E of and parallel to a direct line extending between the McAlester VORTAC and the Dallas, Tex., VORTAC, and on the S by the Sherman, Tex., Perrin AFB control area extension.

5. The Sherman, Tex., control area extension is designated as that airspace within a 70-mile radius of Perrin AFB, Sherman, Tex. (latitude 33°42'48" N., longitude 96°40'29" W.), bounded on the S by V–16, and on the W and NW by V–15; the airspace within a 15-mile radius of Cox Field, Paris, Tex., and the airspace NE of Sulphur Springs, Tex., bounded on the N by V–278, on the SE by V–16 N, and on the W by the Perrin 70-mile radius area; including the airspace NE of Sherman bounded on the E by a line 5 miles E of and parallel to a straight line from the Sulphur Springs VOR to the McAlester, Okla., VORTAC, and on the NW by the Tulsa, Okla., control area extension.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Fort Smith, Tex., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, proposes the following airspace actions:

1. Redesignate the Fort Smith, Tex., control zone as that airspace within a 5-mile radius of Fort Smith Municipal Airport (latitude 35°20'10" N., longitude 94°22'05" W.); within 2 miles each side of the Fort Smith VORTAC 233° radial, extending from the 5-mile radius zone to 0.5 mile SW of the VORTAC, and within 2 miles each side of the Fort Smith ILS localizer E course extending from the 5-mile radius zone to 1 mile W of the OM.

2. Redesignate the McAlester, Okla., control zone as that airspace within a 3-mile radius of McAlester Muncipal Airport (latitude 34°53'05" N., longitude 95°46'55" W.).

3. Designate the Davis Field, Muskogee, Okla., control zone as that airspace within a 5-mile radius of Davis Field, Muskogee, Okla., (latitude 35°39'25" N., longitude 95°21'40" W.); within 2 miles each side of the 128° bearing from the Muskogee RBN, extending from the 5-mile radius zone to 8 miles SE of the RBN, from 0900 to 1700 hours, local time, daily.

4. Revoke the Fort Smith, Ark., control area extension.

5. Designate the Fort Smith, Ark., transition area as that airspace extending upward from 700 feet above the surface within a 12-mile radius of the Fort Smith Municipal Airport (latitude 35°-20'10" N., longitude 94°22'04" W.); within 5 miles N and 8 miles S of the Fort Smith VORTAC 053° radial, extending from the 12-mile radius area to 12 miles NE of the VORTAC; and within 8 miles N and 5 miles S of the Fort Smith ILS localizer E course, extending from the 12-mile radius area to 12 miles E of the OM; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at

Latitude 36°12'00" N., longitude 94°28'00" W.; to latitude 35°43'00" N., longitude 94°-20'00" W.; to latitude 35°42'00" N., longitude 94°09'00" W.; to latitude 35°58'00" N., longitude 93°58'30" W.; to latitude 35°23'30" N., longitude 93°29'00" W.; to latitude 35°-14'30" N., longitude 93°31'00" W.; to latitude 34°25'00" N., longitude 94°00'00" W.; to latitude 34°25'00" N., longitude 94°39'30" W.; to latitude 35°11'30" N., longitude 94°-54'00" W.; to latitude 34°33'30" N., longi-

tude 95°27'30" W.; to latitude 34°33'30" N., longitude 95°58'30" W.; to latitude 35°11'00" N., longitude 95°55'00" W.; to latitude 35°46'00" N., longitude 95°30'00" W.; to latitude 35°46'00" N., longitude 95°06'30" W.; to the point of beginning.

6. Designate the McAlester, Okla., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the McAlester, Okla., Airport (latitude 34°53'-05" N., longitude 95°46'55" W.); within 2 miles each side of the McAlester VOR 176° radial extending from the 5-mile radius area to 8 miles S of the VOR.

7. Designate the Muskogee, Okla., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Davis Field, Muskogee, Okla. (latitude 35°39'-25" N., longitude 95°21'40" W.); and within 8 miles SW and 5 miles NE of the 128° bearing from the Muskogee RBN extending from the 7-mile radius area to 12 miles SE of the RBN.

The floors of the airways and the portions of the Tulsa, Okla., and Sherman, Tex., control area extensions that would traverse the transition areas proposed herein would automatically coincide with the floor of the transition areas.

The proposed control zones for Fort Smith, Ark., McAlester, Okla., and Muskogee, Okla., would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Fort Smith Municipal, the McAlester Municipal, and the Davis Field Airports. The Muskogee control zone would be part-time since communications and weather services are not available on a full-time basis.

The proposed designation of the 1,200 foot floor portion of the Fort Smith transition area and the revocation of the Fort Smith control area extension would raise the floor of the controlled airspace beyond the immediate vicinity of the Fort Smith Municipal, McAlester Municipal, and Davis Field Airports from 700 to 1,200 feet above the surface, yet the transition areas proposed would provide protection for aircraft executing prescribed instrument holding, arrival and departure procedures and turns on airways/routes in the Fort Smith terminal area.

The revocation of the Tulsa, Okla., and Sherman, Tex., control area extensions will be accomplished at a later date as a part of the CAR Amendments 60-21/60-29 program proposed for the terminal areas which adjoin the Fort Smith terminal area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Fort Worth, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on October 6, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-10509; Filed, Oct. 14, 1964; 8:48 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-37]

## FEDERAL AIRWAY

### Proposed Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would designate a VOR Federal airway between Rockford, Ill., and Bradford, Ill., via the Polo, Ill., VOR.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The latest Federal Aviation Agency IFR peak day traffic showed 16 aircraft movements between Rockford and Bradford. It is desirable to contain such air traffic within controlled airspace and on an airway. Extreme difficulty has been experienced in routing Rockford air traffic to and from the south via airways over Joliet, Ill., due to its proximity to the heavy traffic in the Chicago, Ill., Metropolitan Area. The proposed route would avoid this complex. Further, the airway would simplify arrivals and departures in the Rockford terminal area by providing independent arrival and departure routes. Southbound traffic would be routed via the proposed airway over the Polo, Ill., VORTAC. The arrival traffic would be routed from the south over the Polo VORTAC to the Rockford LOM via an established transition.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 8, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10510; Filed, Oct. 14, 1964; 8:48 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-60]

## TRANSITION AREA, CONTROL ZONE AND CONTROL AREA EXTENSION

### Proposed Designation, Redesignation, and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Eau Claire, Wis., terminal area.

The following controlled airspace is presently designated in the Eau Claire, Wis., terminal area:

1. The Eau Claire, Wis., control zone is designated as that airspace within a 5-mile radius of Eau Claire Municipal Airport (latitude 44°51'50" N., longitude 91°29'10" W.), and within 2 miles either side of the Eau Claire VOR 004° radial, extending from the 5-mile radius zone to 10 miles N. of the Eau Claire VOR.

2. The Eau Claire, Wis., control area extension is designated as that airspace within a 15-mile radius of Eau Claire VOR and within 5 miles either side of the Eau Claire VOR 004° radial extending from the VOR to 20 miles N.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Eau Claire, Wis., terminal area, including studies attendant to the implementation of the provisions of the Civil Air Regulations Amendments 60-21/60-29, proposes the following airspace actions:



1. Revoke the Eau Claire, Wis., control area extension.

2. Redesignate the Eau Claire, Wis., control zone as that airspace within a 5-mile radius of Eau Claire Municipal Airport (latitude 44°51'47" N., longitude 91°29'13" W.), and within 2 miles each side of the 274° bearing from Eau Claire Municipal Airport, extending from the 5-mile radius zone to 8 miles W of the airport.

3. Designate the Eau Claire, Wis., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Eau Claire Municipal Airport (latitude 44°51'47" N., longitude 91°29'13" W.), and within 2 miles each side of the Eau Claire VOR 011° radial, extending from the 7-mile radius area to 8 miles N of the VOR, and within 2 miles each side of the 319° bearing from Eau Claire Municipal Airport, extending from the 7-mile radius to 8 miles NW of the airport; and that airspace extending upward from 1200 feet above the surface within 8 miles W and 5 miles E of the Eau Claire VOR 011° radial, extending from the VOR to 13 miles N, and within 8 miles SW and 5 miles NE of the 319° bearing from Eau Claire Municipal Airport, extending from the airport to 12 miles NW, and within 8 miles S and 5 miles N of the 274° bearing from Eau Claire Municipal Airport, extending from the airport to 12 miles W.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The replacement of the Eau Claire, Wis., control area extension by the Eau Claire, Wis., transition area will reduce the amount of controlled airspace designated in the Eau Claire, Wis., terminal area and will make additional airspace available for other uses. Sufficient controlled airspace will be retained to provide adequate protection for aircraft executing prescribed holding, arrival, and departure procedures within the Eau Claire terminal area. The proposed control zone modification will eliminate the existing control zone extension which is no longer required. It will also add an extension to the west to provide protection for aircraft executing special ADF instrument approach procedures. The control zone radius will remain the same.

Certain minor revisions to prescribed instrument procedures would be affected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance or present landing minimums be adversely affected.

Specific details of the changes in procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 6, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64-10511; Filed, Oct. 14, 1964; 8:48 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-61]

## TRANSITION AREA

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to designate controlled airspace at Fremont, Mich.

Having completed a comprehensive review of airspace requirements at Fremont, Mich., including studies attendant to the implementation of the provisions of Amendments 60-21 and 60-29 of Part 60 of the Civil Air Regulations, the Federal Aviation Agency proposes to establish a transition area at Fremont, Mich.

The proposed Fremont transition area would be designated to comprise that airspace extending upward from 700 feet above the surface within a 4-mile radius of Fremont Airport, Fremont, Mich. (latitude 43°26'30" N., longitude 85°59'-30" W.) and within 2 miles each side of the White Cloud, Mich., VOR 236° radial, extending from the 4-mile radius area to 23 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles NW and 5 miles SE of the White Cloud VOR 236° radial, extending from 5 miles SW of the VOR to the arc of an 18-mile radius circle centered on the Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W.) excluding the portion within the White Cloud, Mich., transition area.

A public instrument approach procedure will be established at Fremont, Mich., concurrently with the designation of the proposed transition area. The configuration of the proposed transition area is based upon the airspace required for the proposed approach procedure, holding pattern, and random departures for the airport. The proposed transition area would provide protection for aircraft executing prescribed instrument approach and departure procedures at the airport. Communications will be available down to 100 feet above the surface through the Federal Aviation Agency combined Station/Tower at Muskegon, Mich.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 6, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64-10512; Filed, Oct. 14, 1964; 8:48 a.m.]

## [14 CFR Parts 71, 73 [New]]

[Airspace Docket No. 64-WE-6]

## RESTRICTED AREA

### Proposed Designation

The Federal Aviation Agency is considering amendments to Parts 71 and 73 [New] of the Federal Aviation Regulations which would designate a restricted area at Tracy, Calif., and alter VOR Federal airway No. 244 south alternate and the Stockton, Calif., transition area to exclude such special use airspace therefrom.



It had been anticipated that the appro-



*Designated altitude.* Surface to 23,000 feet

lated studies on the technical proposals;

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Atomic Energy Commission has requested the designation of Restricted Area R–2531 near Tracy, Calif. This area of approximately seven square miles would encompass an established site for the testing of conventional explosives associated with nuclear weapons. The objective of the mission at the test site is to design more powerful, yet less sensitive, conventional explosives. The explosives being tested are contained in metal casings which, when detonated, result in fragmentation. The Atomic Energy Commission has advised that such fragmentation is extremely hazardous to aircraft flying in the area at an altitude of less than 2,700 feet above the detonation points.

If the proposal is adopted, Parts 71 and 73 [New] of the Federal Aviation Regulations would be amended as hereinafter set forth.

1. In § 73.25, the Tracy, California Restricted Area R–2531 would be designated as follows:

*Boundaries.* Beginning at latitude 37°40'-34'' N., longitude 121°33'42'' W.; to latitude 37°40'45'' N., longitude 121°31'29'' W.; to latitude 37°39'28'' N., longitude 121°30'28'' W.; to latitude 37°38'50'' N., longitude 121°-31'05'' W.; to latitude 37°39'03'' N., longitude 121°34'03'' W.; thence to the point of beginning.

*Designated altitudes.* Surface to 4,000 feet MSL.

*Time of designation.* 1,000 to 1,800, local time, Monday through Friday.

*Using Agency.* U.S. Atomic Energy Commission, San Francisco Operations Office.

2. In § 71.123, Victor Airway No. 244 would be amended by adding to the text "The airspace within R–2531 is excluded."

3. In § 71.181, Stockton, Calif., would be amended by adding to the text "The airspace within R–2531 is excluded."

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 9, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–10518; Filed, Oct. 14, 1964; 8:48 a.m.]

## [ 14 CFR Part 73 [New] ]

[Airspace Docket No. 63–SO–102]

## TEMPORARY RESTRICTED AREA

### Proposed Redesignation

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 73 of the Federal Aviation Regulations, the substance of which is stated below.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number 63–SO–102 and be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 30 days after publication of the notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553, for examination by interested persons An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

The Jacksonville West, Florida, Restricted Area R–2903D is presently designated for joint use from the surface to flight level 240 east of longitude 82°02'-00'' and from 1,200 feet AGL to flight level 240 west of longitude 82°02'00''. The Commander, Fleet Air, Jacksonville, NAS Jacksonville, Florida, is the using agency and the Federal Aviation Agency, Jacksonville ARTC Center is the controlling agency. Time of designation is continuous to terminate December 31, 1964.

The Department of Navy now requests the following:

1. That R–2903D be designated a permanent restricted area with subarea R–2903D east.

2. That the effective upper limit altitude of R–2903D and R–2903D east be specified as 1,000 feet below the floor of APC.

3. That the floor of R–2903D be specified as 1,200 AGL.

4. That the floor of R–2903D east be specified as from the surface.

The Federal Aviation Agency analysis of this area indicates the activity presently conducted therein will require special use airspace until local procedures can be developed to safely segregate the activity from non-participating aircraft. It had been anticipated that the appropriate segregating procedures would be developed prior to the expiration of the area, December 31, 1964. However, although many improvements and refinements in traffic handling procedures have been implemented in the Jacksonville terminal area complex, it has been determined that additional measures are required. The area is under continuing study by the Federal Aviation Agency and action is being taken to provide the facilities which will permit the development of the required procedures. After the procedures are developed, the restricted area will be revoked. Therefore, designation of R–2903D on a permanent basis is neither necessary nor in the public interest.

The Navy's proposal to designate that part of R–2903D east of longitude 82°-02'00'' W. as a subarea is valid. The floor of R–2903 east of longitude 82°02'-00'' W. is the surface whereas the floor to the west is 1,200 feet AGL. The present description of the area and the means of depicting the two floors of R–2903D on aeronautical charts has resulted in considerable confusion among civilian pilots. Therefore, redesignation of R–2903D as two separate areas, clearly described on aeronautical charts is desirable to eliminate the confusion.

The proposal that the effective upper limit of each area be established as 1,000 feet below the overlying APC would result in the lowering of the present ceiling, FL 240, by 1,000 feet. This is desirable since it would reduce the amount of airspace presently restricted.

For the reasons stated above the Federal Aviation Agency, upon expiration of the present designation, is therefore proposing the following:

1. That R–2903D be divided into two areas, R–2903D Jacksonville West and R–2903E Jacksonville North, each to be designated on a continuous basis until December 31, 1965.

2. That the areas be described as follows:

a. R–2903D Jacksonville West, Florida.

*Boundaries.* Beginning at latitude 30°-21'32'' N., longitude 82°02'00'' W.; to latitude 29°56'00'' N., longitude 82°02'00'' W.; counterclockwise along an arc of a circle 3 nautical miles in radius centered at latitude 29°53'20'' N., longitude 82°00'25'' W.; to latitude 29°53'30'' N., longitude 82°04'00'' W.; to latitude 30°00'00'' N., longitude 82°-19'30'' W.; to latitude 30°03'00'' N., longitude 82°20'00'' W.; to latitude 30°22'00'' N., longitude 82°20'00'' W. to point of beginning.

*Designated altitudes.* 1,200 feet AGL to 23,000 feet MSL.

*Time of designation.* Continuous, terminating December 31, 1965.

*Controlling Agency.* Federal Aviation Agency, Jacksonville ARTC Center.

*Using Agency.* Commander Fleet Air, Jacksonville, NAS Jacksonville, Fla.

b. R–2903E Jacksonville North, Fla.

*Boundaries.* Beginning at latitude 30°-15'30'' N., longitude 81°51'00'' W.; to latitude 30°15'30'' N., longitude 82°02'00'' W.; to latitude 30°21'32'' N., longitude 82°02'00'' W.; to latitude 30°21'20'' N., longitude 81°-55'45'' W., to point of begininng.



*Designated altitude.* Surface to 23,000 feet MSL.

*Time of designation.* Continuous, terminating December 31, 1965.

*Controlling Agency.* Federal Aviation Agency, Jacksonville ARTC Center.

*Using Agency.* Commander Fleet Air, Jacksonville, NAS Jacksonville, Fla.

Issued in Washington, D.C., on October 9, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–10514; Filed, Oct. 14, 1964; 8:49 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Parts 2, 21, 74, 91 ]

[Docket No. 15586; FCC 64–912]

## LICENSING OF MICROWAVE RADIO STATIONS USED TO RELAY TELEVISION SIGNALS TO COMMUNITY ANTENNA TELEVISION SYSTEMS

### Extension of Time for Filing Comment

*Memorandum opinion and order.* 1 The Commission has before it for consideration requests by National Community Television Association, Inc. (NCTA), National Association of Microwave Common Carriers, Inc. (NAMCC), Electronic Industries Association (EIA), and Collins Radio Company (Collins) for extension of the time for filing comments in the above-captioned docket. By order of September 28, 1964, the initial due date of October 1, 1964 was extended pending further order of the Commission to permit full consideration of these requests, some of which are for substantial extension. NCTA and NAMCC seek a six month extension to April 1, 1965 for comments on Parts II, III, and IV of the rule making (concerning frequency allocations and technical standards) in order to conduct a number of fact finding and technical studies, and a three month extension to January 4, 1965 for comments on Part I (common carrier eligibility and showing of public need). EIA seeks a three month extension for unspecified field tests and related studies on the technical proposals; and Collins requests 30 days to complete its comments on technical and equipment matters.

2. Because of the length of the extensions requested by NCTA and NAMCC and the public interest in completing this proceeding without undue delay, we have given careful consideration to the nature of the studies asserted as grounds for extension. While all of the proposed studies may have some merit, it is our judgment that only some of these studies would be sufficiently useful to our resolution of the technical and allocation matters at issue in this Docket to warrant an extension of six months. Such studies are:

(a) Actual tests of microwave system performance in the 6 Gc/s and 11 Gs/c bands;

(b) Actual tests of microwave system performance in the 12 Gc/s band, using bandwidths of 25 Mc/s and the 12.5 Mc/s bandwidth and overlap of side bands alternatively proposed in par. 31 of the notice of proposed rule making;

(c) Studies of AM versus FM for relaying television signals via microwave;

(d) Factual data showing the present costs of radio equipment (transmitters, receivers, antennas), and complete installation, for:

(i) 6 Gc/s and 11 Gc/s systems;

(ii) 12 Gc/s systems operating under present technical standards and under the standards proposed in pars. 31 and 32 of the notice of proposed rule making;

(e) Studies showing the relative costs and relevant performance factors per hop of systems using periscope versus tower mounted antennas in the 6 Gc/s, 11 Gc/s and 12 Gc/s bands;

(f) An estimate of the expected demand upon the microwave spectrum for facilities to serve CATV cable systems, in terms of numbers of systems and numbers of microwave channels.

3. For the purpose of obtaining this information, we have decided to grant an extension of six months for comments on Part II (common carrier allocations) and Part IV (technical standards) of the rule making, upon condition that NCTA and NAMCC concentrate their efforts on the matters designated above and file written reports on the progress of such studies within 90 days. NCTA and NAMCC may, of course, proceed with any other studies they desire, to the extent that this can be done within the allotted time period without precluding full development of information on the specified matters. Since this six month period will more than accommodate the extensions sought by EIA and Collins for unspecified technical studies, their requests are deemed moot.

4. We do not think that the public interest would be served by extending the time for comment on Part I (common carrier eligibility) or Part III (non-common carrier frequency allocation) for the six or three month period requested by NCTA and NAMCC. Our intention to spin-off parts of the rule making for early decision in the event some portions required more lengthy consideration, was indicated in par. 41 of the notice of proposed rule making. Part I is readily severable, since the issue is one of policy and not dependent upon technical matters, and an early resolution is required in the public interest to facilitate the processing of common carrier applications. We also believe it feasible and desirable to determine the appropriate frequency band location of non-carrier CATV operations in advance of determining what technical standards would govern such operations and how much of the band would ultimately be used for this purpose. Interested persons have already had two months for comment on these matters and we cannot find it in the public interest to extend the time for initial comment for more than an additional 45 days.

*Accordingly, it is ordered,* That the time for filing comments and reply comments on Parts I and III of Docket No. 15586 is extended to November 16, 1964 and December 4, 1964, respectively, and the time for filing comments and reply comments on Parts II and IV of Docket No. 15586 is extended to April 1, 1965 and May 3, 1965, respectively.

Adopted: October 7, 1964.

Released: October 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–10531; Filed, Oct. 14, 1964; 8:50 a.m.]



Section 777.11 by food processors who commodities are available: Butter, ched-and the conditions require removal of

# Notices

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 489]

### LOUISIANA, MISSISSIPPI, AND ALABAMA

### Declaration of Disaster Area

Whereas, it has been reported that during the month of October 1964, because of the effects of certain disasters, damage resulted to residences and business property located in the States of Louisiana, Mississippi, and Alabama;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid States and areas adjacent thereto; suffered damage or destruction resulting from Hurricane Hilda and accompanying conditions occurring on or about October 3 and 4, 1964.

OFFICES

Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Ga.
Small Business Administration Regional Office, 1025 Elm Street, Dallas, Tex.
Small Business Administration Branch Office, 610 South Street, New Orleans, La.
Small Business Administration Branch Office, Capital and West Streets, Jackson, Miss.
Small Business Administration Branch Office, 2030 First Avenue, North, Birmingham, Ala.

2. Temporary offices will be established as need is indicated and addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1965.

Dated: October 5, 1964.

ROSS D. DAVIS,
*Executive Administrator.*

[F.R. Doc. 64-10471; Filed, Oct. 14, 1964; 8:45 a.m.]

[Declaration of Disaster Area 490]

### TEXAS

### Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1964, because of the effects of certain disasters, damage resulted to residences and business property located in the county of Val Verde in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about September 21 through 23, 1964.

OFFICES

Small Business Administration Regional Office, 1025 Elm Street, Dallas, Tex.
Small Business Administration Branch Office, 434 South Main Avenue, San Antonio, Tex.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1965.

Dated: October 5, 1964.

ROSS D. DAVIS,
*Executive Administrator.*

[F.R. Doc. 64-10472; Filed, Oct. 14, 1964; 8:45 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### POLK COUNTY AUCTION CO. ET AL.

### Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Polk County Auction Co.
Mena, Ark.
Ogden Live Stock Sales
Ogden, Iowa.
Gibson Livestock Co., Inc.
Marion, Ky.
Park Valley Horse Farm
Kansas City, Mo.
College View Live-Stock Commission Co.
Lincoln, Nebr.
Fitzgerald Sales Stables, Inc.
Potsdam, N.Y.
Madill Stockyards
Madill, Okla.
Mercer Livestock Yards
Mercer, Pa.
Valley Stock Yard
Mercedes, Tex.
Wisconsin Dairy Herd Replacement and Livestock Marketing Cooperative, Division of Wisconsin Feeder Pig Marketing Cooperative
Dorchester, Wis.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 9th day of October 1964.

H. L. JONES,
*Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 64-10487; Filed, Oct. 14, 1964; 8:46 a.m.]

### Agricultural Stabilization and Conservation Service

### CERTAIN OFFICERS

### Delegation of Authority

*General.* Pursuant to the authority vested in me by the Processor Wheat Marketing Certificate Regulations (29 F.R. 6271, as amended), I hereby delegate to the individuals designated below the responsibilities which are described below. The authority herein delegated shall be exercised in conformity with the requirements of the Processor Wheat Marketing Certificate Regulations and may not be redelegated.

*Delegations*—1. *Transition Certificates.* The Director or Acting Director, Procurement and Sales Division, may extend the time within which transition certificates shall be valid under Section 777.6.

2. *Acquisition and Surrender of Certificates.* The Director or Acting Director, Kansas City ASCS Commodity Office may extend the time for the acquisition and surrender of certificates under Section 777.11 by food processors who have entered into an undertaking with CCC and by food processors who have not entered into an undertaking with CCC.

3. *Undertaking Performance Security.* The Director or Acting Director, Kansas City ASCS Commodity Office may determine whether a food processor who has entered into an undertaking with CCC must submit a bond or letter of credit to secure performance of the food processor's obligation under the regulations, and, if so, the time within which such performance security must be submitted and the form and amount of such performance security.

4. *Food Processing Reports.* The Director or Acting Director, Kansas City ASCS Commodity Office, may in accordance with Section 777.12: (i) change a processing report period; (ii) extend the period within which processing reports must be submitted to the Kansas City ASCS Commodity Office; and (iii) determine the extent to which an error in reporting was due to an honest mistake and was not intentional or the result of gross negligence. The Director or Acting Director, Procurement and Sales Division, may approve a change under Section 777.12 in the basis of reporting by a food processor during a marketing year from the weight of the wheat basis to a conversion factor basis or from a conversion factor basis to the weight of the wheat basis.

5. *Casualty Losses.* The Director or the Acting Director, Kansas City ASCS Commodity Office, may determine under Section 777.16 whether a food product was destroyed or rendered unmarketable for use as a food product as a result of a fire, casualty, or Act of God prior to sale or removal for sale or consumption.

(Secs. 379(a) to 379(j), 52 Stat. 31, as amended; 7 U.S.C. 1379a to 1379j)

Signed at Washington, D.C., on October 12, 1964.

H. D. GODFREY,
*Administrator.*

[F.R. Doc. 64-10539; Filed, Oct. 14, 1964; 8:51 a.m.]

### Commodity Credit Corporation

### SALES OF CERTAIN COMMODITIES

### October 1964 CCC Monthly Sales List

*Notice to buyers.* Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during October 1964 were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, dry beans, cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax, and soybeans.

Cottonseed oil and export pricing of flaxseed are being withdrawn from the sales list for October.

With the 1964-crop marketing year beginning on October 1 for corn and soybeans, the CCC Monthly Sales List for October includes formula minimum pricing for these commodities based on the 1964 price support program.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washingon. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Interest rates per annum under the CCC Export Credit Sales Program for October 1964 are 4 percent for periods up to and including 12 months, and 4½ percent for periods from over 12 months up to a maximum of 36 months. All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are available for export sale under the CCC Export Credit Sales Program.

The following commodities are available for programming under Title IV, P.L. 480, private trade agreements: Wheat, corn, rye, rice, grain sorghum, upland and extra long staple cotton, tobacco from CCC loan stocks, butter, cheese, and nonfat dry milk. In addition, other surplus agricultural commodities are also eligible for Title IV programming. A list of all commodities available under this program, and current information on interest rates and other phases of the program are being sent separately to recipients of the CCC Monthly Sales List.

The following commodities are currently available for barter: Cotton, tobacco, wheat, corn, and grain sorghum. (In addition, free market stocks of cottonseed and soybean oils are eligible for barter programming.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C., 20250, with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal,

or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

*Notice to exporters.* The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled area of the Far East including Communist China, North Korea and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, § 379.10(c) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

**Barley, bulk**

Domestic and export, unrestricted use:

Storable: Market price but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent [2] of the applicable 1964 price support rate (published price support loan rate plus 15 cents per bu.) for the class, grade, and quality of the barley plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown below.

Nonstorable: At not less than market price as determined by CCC.

Markups and Agricultural Act of 1949 formula price examples (per bushel).

| Markup in cents received by | | Examples of in-store [2] formula minimum prices for No. 2 or better barley (ex-rail or barge in dollars) | |
|---|---|---|---|
| Truck | Rail or barge | Terminal | General sales price |
| *Cents* 9½ | *Cents* 4½ | Minneapolis, Minn. | $1.25½ |
| | | Kansas City, Mo. | 1.27½ |

Availability information: For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at end of table.

Export announcement sales:

(1) Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for the sales under these announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustment referred to in table above. Sale is made at the applicable export market price as determined by CCC; export payment-in-kind rates are deducted in arriving at credit sales prices.

Available: Evanston and Kansas City ASCS offices. Stocks at West Coast seaboard terminals and stocks at Duluth or Minneapolis will be available through the Portland and Minneapolis ASCS grain offices, respectively.

**Corn, bulk**

Domestic and export—unrestricted use:

A. Redemption of domestic payment-in-kind certificates: [1] Such CCC dispositions of corn, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which corn shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1964 price support loan rate for the class, grade, and quality of the corn, plus the amount shown in C below applicable for the storage point involved.

B. General sales: [1]

1. Storable: Such CCC dispositions of storable corn, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent [2] of the applicable 1964 price support rate (published price support loan rate plus 15 cents per bushel) for the class, grade, and quality of the corn, plus the amount shown in C below, applicable to the storage point involved. Examples of these formula minimum prices are shown in C below. For corn in store at other than the point of production the freight from point of production to the present point of storage will also be added. CCC will normally make general sales of corn when dispositions of such corn are not being made against domestic payment-in-kind certificates.
2. Nonstorable: Such dispositions of nonstorable corn as CCC may designate as general sales will be made at not less than market price, as determined by CCC.

C. Markups and Agricultural Act of 1949 formula price examples (per bushel).

| Markup in cents in-store at | | Example of in-store [2] formula minimum prices for No. 2 yellow corn (14 percent MT. and 2 percent F.M.) (ex-rail or barge in dollars) | |
|---|---|---|---|
| Production point | Other points | Terminal | General sales price |
| *Cents* 0 | *Cents* 1½ | Minneapolis, Minn. [3] | $1.34½ |
| | | Chicago, Ill. [4] | 1.53½ |

D. Availability information: For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis or Portland ASCS grain office listed at end of table.

Export announcement sales:

(1) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under the above announcements. CCC stocks of corn at West Coast seaboard terminals are available for sale under these export announcements, except such corn shall not be eligible for Title I, P.L. 480 purchase authorization or for barter. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted in arriving at credit and barter sales prices.

Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

See footnotes at end of table.



**Dry edible beans (bagged)**

Unrestricted use: Domestic market price but not less than the following minimum price. Applicable freight, if any, is added. For other classes, grades and locations adjust by applicable 1964 price support differentials.

| Class | Price per cwt. | Area of production |
|---|---|---|
| Large Lima | $10.53 | California. |
| Dark Red Kidney | 9.11 | Michigan. |
| Pea | 7.43 | Michigan. |
| Great Northern | 7.40 | Denver rate basis. |
| Pinto | 6.72 | Denver rate basis. |

**Flaxseed, bulk**

Domestic, unrestricted use:

Storable: Market price basis in-store,[2] but not less than the applicable 1964 support price for the class, grade, and quality of the flaxseed plus 15 cents per bushel and the amount shown below for the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

| Unit | Examples of minimum prices (ex-rail or barge) | | | | |
|---|---|---|---|---|---|
| | Received by | | | | |
| | Truck | Rail or barge | Terminal | Class and grade | Price |
| Bushel | *Cents* 13½ | *Cents* 4½ | Minneapolis | No. 1 | $2.32 |

Nonstorable (as available): At not less than market price as determined by CCC through the Minneapolis Grain Merchandising ASCS office.

Available: Through the Minneapolis Grain Merchandising ASCS office.

Domestic, unrestricted use:

A. Redemption of domestic payment-in-kind certificates: [1] Such CCC dispositions of grain sorghum, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemption. Such formula price shall be the applicable 1964 price support loan rate for the class, grade and quality of the grain, plus the amount shown in C below applicable to the type of carrier involved.

B. General sales: [1]

1. Storable: Such CCC dispositions of storable grain sorghum, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent [2] of the applicable 1964 price support rate (published price support loan rate plus 23 cents per hundredweight) for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of grain sorghum when dispositions of such grain sorghum are not being made against domestic payment-in-kind certificates.
2. Nonstorable: Such dispositions of nonstorable grain sorghum as CCC may designate as general sales will be made at not less than market price, as determined by CCC.

**Cotton, upland**

Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16, as amended (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 105 percent of the current loan rate for such cotton, plus reasonable carrying charge, or (b) the market price for such cotton, as determined by CCC.

Competitive offer under the terms and conditions of Announcement NO-C-26 (Disposition of Upland Cotton—for exchange of PIK certificates or rights in the certificate pool for upland cotton). Upland cotton may be acquired at its domestic market price which shall be the highest price offered but not less than the minimum price determined by CCC.

Export, CCC Credit Sales and Barter: Competitive bid under the terms and conditions of Announcement ON-EX-26 (Purchase of Upland Cotton for Export under the Export Credit Sales Program), Announcement CN-EX-27 (Sale of Upland Cotton for Export under the Barter Program), and Announcement NO-C-28 (Sale of Upland Cotton—CCC Credit and Barter Programs—1964-66 Marketing Years).

**Cotton, extra long staple**

Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcements NO-C-6 (Revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charge, or (b) the domestic market price as determined by CCC.

Export, OCC Sales for Export: Competitive bid under the terms and conditions of Announcements ON-EX-26 (Foreign-Grown Extra Long Staple Cotton Export Program) and NO-C-28 (Sale of Foreign-Grown Extra Long Staple Cotton). Competitive bid under the terms and conditions of Announcement ON-EX-27 (Sale of Extra Long Staple Cotton Export Program) and NO-C-27 (Sale of Extra Long Staple Cotton).

Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the office.

Sales are in carlots only in-store at storage location of products.

Submission of offers: Submit offers to the Minneapolis ASCS Commodity Office.

**Available**

Domestic, unrestricted use: Announced prices, under LD-29, as amended: 62.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 61.25 cents per pound.—Washington, Oregon, and California. All other States 61.0 cents per pound.

Export: Competitive bid under SM-7, as amended. Competitive bid under LD-33, as amended, pursuant to invitation to bid issued by Minneapolis ASCS Commodity Office. Announced prices under LD-38: Any butter offered but not sold under the invitation to bid issued pursuant to LD-33 will be offered for sale through the following Monday noon at prices announced by press release from Minneapolis ASCS Commodity Office each Tuesday.

**Dairy products**

**Butter**

**Cheddar cheese (standard moisture basis).**

Domestic, unrestricted use: Announced prices under LD-29, as amended: 40.75 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 39.75 cents per pound.

Export: Competitive bid under LD-33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD-38: Any cheese offered but not sold under the invitation to bid issued pursuant to LD-33 will be offered for sale through the following Monday noon at prices announced by press release from Minneapolis ASCS Commodity Office each Tuesday.

**Nonfat dry milk**

Domestic, unrestricted use: Announced prices, under LD-29, as amended: Spray process, U.S. Extra Grade, 16.40 cents per pound.

Export: Payment-in-kind under SM-8, as amended. Competitive bid, under LD-38, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office.

See footnotes at end of table.

| Commodity | Sales price or method of sale |
|---|---|
| Peanuts, shelled or unshelled (farmers' stock as available). | Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (Revised Jan. 4, 1962), as amended and supplemented. March 8, 1964. Domestic for unrestricted use: 1962-crop shelled Va. type. Competitive bid. Peanut Announcement 2 revised. Minimum sales prices reflect not less than 105 percent of the current support price plus reasonable carrying charges. Minimum prices per pound f.o.b. Suffolk and Courtland, Virginia or Severn, North Carolina. |
| | U.S. Jumbo..... 26.77 |
| | U.S. Large..... 26.77 |
| | U.S. Medium..... 26.77 |
| Rice, rough | Domestic, unrestricted use: Market price but not less than 1964 loan rate plus 8 percent, plus 10 cents per hundredweight, basis in store. Export: As milled or brown under Announcement GR-398, Revision II, Rice Export Program—Payment-in-kind, and under GR-399, Revision I, for specified grade sales. Price announced weekly. Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS Commodity Offices. |
| Rye, bulk | Domestic and export,[1] unrestricted use: Storable: Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent[2] of the applicable 1964 price support rate for the class, grade, and quality of the grain. Plus via regional premium shown below applicable to the area of production. Plus the reported transportation charge from the area of production applicable to the sale will be added to the above. |

| Per bushel marketing received by | Examples of per bushel formula minimum price (ex-rail or barge) | | |
|---|---|---|---|
| Truck | Rail or barge | Terminal | Class and grade | Price |
| *Cents* 10½ | *Cents* 4½ | Minneapolis, Minn..... | No. 2 or better (or No. 3 or 4 TW only). | $1.45½ |

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.
Nonstorable (as available): At not less than market price as determined by CCC through the ASCS grain offices listed at end of table.
Export:
(1) Under Announcement GR-398 (Revised Aug. 31, 1962) as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved CCC credit sales, and other designated sales. (3) Under Announcement GR-398 (Revised Aug. 31, 1962) as amended, for feed grain export payment-in-kind program. CCC stocks of grain sorghum in store in Omaha, Nebr., area may not be sold for the above export announcements. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under the announcements. The statutory minimum price referred to in the price adjustment provision of these export sales announcements of 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC, for export payment-in-kind feeds are deducted in arriving at credit sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.
Domestic and export:[1]
Storable: Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent[2] of the applicable 1964 price support rate for the class, grade, and quality of the grain. Plus via regional premium shown below applicable to the area of production. Plus the reported transportation charge from the point of production to the nearest point of storage will also be added.

| Per bushel markup received at | Examples of per bushel formula minimum price basis in-store | | | |
|---|---|---|---|---|
| Production point | Other points | Terminal | Grade and class | Price |
| *Cents* 6½ | *Cents* 6 | Chicago,[3] Ill.; Minneapolis,[3] Minn. | No. 2 (or better)..... | $0.87½ .77½ |

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS offices.
Nonstorable (as available): At not less than the market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS grain offices listed at end of table.
Export announcement sales:
(1) Under Announcement GR-398 (Rev. Aug. 31, 1962) as amended for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to arrangements for barter, approved CCC credit sales, and other designated sales. Oats will not be sold for application to Title I or Title IV, P.L. 480 purchase authorizations or for barter. Sale is at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted in arriving at credit sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

See footnotes at end of table.



| Commodity | Sales price or method of sale |
|---|---|
| Wheat, bulk | Domestic or export, unrestricted use:<br>A. Storable: The minimum price at which wheat shall be the highest of (a) market price as determined by CCC, (b) a minimum price for such wheat determined by CCC, or, (c) the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1964 price support loan rate for the class, grade, and quality[4] of the wheat plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to such formula price.<br>B. Nonstorable: Such dispositions of nonstorable wheat as CCC may designate will be made at not less than market price, as determined by CCC.<br>C. Markups and formula minimum price examples. |

| Per bushel markup received by | | Examples of per bushel formula minimum price basis in-store[3] ex-rail or barge | | |
|---|---|---|---|---|
| Truck | Rail or barge | Terminal | Class and grade | Price |
| *Cents* 10½ | *Cents* 4½ | Chicago | No. 1 RW | $1.60½ |
| | | Minneapolis | No. 1 DNW | 1.76½ |
| | | Kansas City | No. 1 HW | 1.65½ |
| | | Portland | No. 1 SW | 1.59½ |

D. Availability information: For information on CCC wheat sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of wheat from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at end of table.
Export announcement sales:
(1) Under Announcement GR-345 (Revised July 13, 1962) as amended for export under the wheat export payment-in-kind program except that (a) durum wheat will not be eligible for P.L. 480, Title I sales, and (b) hard winter wheat exports through west coast ports will not be eligible for Title I, P.L. 480 sales, (2) under Announcement GR-261 (Rev. 2, Jan. 9, 1961 as amended) for export as wheat and under Announcement GR-262 (Rev. 2, Jan. 9, 1961) for export as flour for application under arrangements for barter and approved CCC credit sales only at prices determined daily. Hard winter wheat will not be sold through west coast ports under Announcements GR-261 or GR-262.
Available: Evanston, Kansas City, Minneapolis and Portland ASCS grain offices. (See above for limited availability of hard winter wheat through west coast ports.)

[1] Such dispositions shall be for domestic unrestricted use or for export.
[2] The delivery basis for these examples is "in-store", and market prices will be on the same basis. The formula price delivery basis for bin site sales will be f.o.b.
[3] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight.
[4] On sales made on a protein basis, the loan rate shall be increased by the applicable market or loan bulletin protein premium for the protein content of the wheat, whichever is higher. On sales made on a sedimentation basis, the loan rate shall be increased by the applicable loan bulletin sedimentation premium for the sedimentation value of the wheat. On sales made on a combined sedimentation and protein basis, the loan rate shall be adjusted by the applicable loan bulletin sedimentation and protein premiums and discounts for the respective sedimentation value and protein contents of the wheat.
[5] Woodford County, Ill., origin.
[6] Redwood County, Minn., origin.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Evanston ASCS Commodity Office, 2201 Howard Street, Evanston, Ill., 60202. Telephone: Long distance—University 9-0600 (Evanston Exchange). Local—Rogers Park 1-5000 (Chicago, Ill.).
Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.
Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn., 55415. Telephone: 334-2051.
Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.
Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo., 64141. Telephone: Emerson 1-0860.
Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.
Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg., 97205. Telephone: 226-3411.
Alaska, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington (Domestic and Export Sales), Arizona and California (Export sales only).
Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif., 94704. Telephone: Thornwall 1-5121.
Arizona and California (Domestic sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue, South Minneapolis, Minn., 55410. Telephone: 334-3200.

COTTON OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112. Telephone: 529-2411.
*Representative of General Sales Manager, New York Area:* Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2-8000.
*Representative of General Sales Manager, West Coast Area:* Callan B. Duffy, Appraiser's Building, Room 802, 630 Sansome Street, San Francisco, Calif., 94111. Telephone: 556-6185.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply Sec. 407, 63 Stat. 1066; Sec. 105(c), 63 Stat. 1051, as amended by 76 Stat. 612; Secs. 303, 306, and 307, 76 Stat. 614-617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on October 8, 1964.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 64-10454; Filed, Oct. 14, 1964; 8:45 a.m.]

## Office of the Secretary

### KANSAS

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Kansas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KANSAS

Cheyenne. Sherman.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 12th day of October 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-10540; Filed, Oct. 14, 1964; 8:51 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[Group 340]

### ARIZONA

### Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

OCTOBER 7, 1964.

1. Plat of Survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10 a.m., November 12, 1964:

GILA AND SALT RIVER MERIDIAN

T. 4 S., R. 24 E.,
Sec. 1;
Secs. 3 to 31, inclusive;
Secs. 33 to 35, inclusive.

The areas described aggregate 20,931.57 acres of public land.

2. The soil is rocky and gravelly clay. The southwest three-quarters of the area is rolling land and the northeast one-quarter consists of high mountain land.

3. All rights of the State of Arizona on section 16 have been conveyed to the United States. The area described aggregates 640.00 acres.

4. The lands described in paragraph 1 are opened to petition, application and

selection, as outlined in paragraph 5 below. No application for these lands will be allowed under the nonmineral public land laws, unless or until the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of petition, application and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and offers under the mineral leasing laws may be presented to the manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m. on November 12, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

6. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of the Federal Regulations.

ROY T. HELMANDOLLAR,
*Manager.*

[F.R. Doc. 64-10480; Filed, Oct. 14, 1964; 8:45 a.m.]

## NEVADA

### Order Providing for Opening of Public Lands

OCTOBER 8, 1964.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272, 43 U.S.C. 315g) as amended, the following described lands have been conveyed to the United States:

MOUNT DIABLO MERIDIAN, NEVADA

[NEVADA 063240]

T. 29 N., R. 31 E.,
Secs. 1, 3, 5, 7, 9, 11, 13, 15;
Sec. 17, N½NE¼NE¼, SE¼NE¼NE¼, W½E½, W½, E½SE¼;
Secs. 19, 21, 23, 25, 27, 29, 31;
Sec. 33, lots 1, 3, N½NE¼, N½SW¼NE¼, NW¼, W½SW¼, S½NE¼SW¼, N½SE¼SW¼, SW¼SE¼, S½NW¼SE¼;
Sec. 35.
T. 30 N., R. 31 E.,
Secs. 5, 7;
Sec. 9, S½;
Secs. 11, 15, 17, 19, 21, 23, 25;
Sec. 27 NE¼NE¼, NW¼NW¼, S½N½, S½;
Secs. 29, 31, 33, 35.

[NEVADA 063623]

T. 31 N., R. 37 E.,
Sec. 18, E½NE¼;
Sec. 20, NW¼SW¼, SE¼SW¼;
Sec. 28, SW¼NE¼, S½NW¼.
T. 28 N., R. 38 E.,
Sec. 23, SE¼NE¼; SE¼;
Sec. 26, NE¼, NE¼SE¼, E½SE¼SE¼, W½SW¼SE¼;
Sec. 35, NE¼NE¼.
T. 31 N., R. 38 E.,
Sec. 8, NW¼NE¼, NE¼NW¼.

[NEVADA 064859, 063926, 061605]

T. 36 N., R. 41 E.,
Sec. 15, S½NE¼, SE¼.
T. 38 N., R. 41 E.,
Secs. 25, 35.
T. 38 N., R. 42 E.,
Secs. 7, 19.
T. 27 N., R. 44 E.,
Sec. 15, S½NE¼, N½SW¼, SW¼SW¼, N½SE¼;
Sec. 16, SE¼SE¼.

[NEVADA 064866, 064127]

T. 31 N., R. 50 E.,
Secs. 13, 23, 25;
Sec. 27, NE¼, N½SE¼, SE¼SE¼;
Sec. 35.
T. 38 N., R. 54 E.,
Sec. 13, S½.
T. 38 N., R. 55 E.,
Sec. 7.

[NEVADA 064867, 061994, 064210, 064868]

T. 32 N., R. 56 E.,
Sec. 33.
T. 34 N., R. 57 E.,
Sec. 1, E½;
Secs. 3, 9, 17;
Sec. 33, SW¼NE¼, S½NW¼, S½.
T. 35 N., R. 57 E.,
Sec. 21, NE¼;
Sec. 23.
T. 34 N., R. 58 E.,
Sec. 5.

[NEVADA 064869]

T. 6 N., R. 59 E.,
Sec. 17, N½SW¼;
Sec. 23, NW¼SE¼.
T. 6 N., R. 60 E.,
Sec. 13, S½NE¼;
Sec. 30, SW¼.

[NEVADA 062265]

T. 18 S., R. 55 E.,
Sec. 3, SW¼SW¼;
Sec. 4, SE¼SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, NW¼NW¼.

[NEVADA 061011, 061563]

T. 19 S., R. 60 E.,
Sec. 3, SE¼NW¼, SE¼;
Sec. 4, SE¼NE¼;
Sec. 20, NE¼NE¼;
Sec. 21, SW¼NW¼.
T. 8 S., R. 61 E.,
Sec. 14, W½SW¼SW¼;
Sec. 23, NW¼NW¼;
T. 19 S., R. 61 E.,
Sec. 24, E½NE¼, SW¼NE¼, NE¼SW¼, N½SE¼, SW¼SE¼.

The above described lands aggregate approximately 34,492.80 acres.

2. Minerals were conveyed in the following described lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 29 N., R. 31 E.,
Secs. 1, 3, 5, 7, 9, 11, 13 15;
Sec. 17, N½NE¼NE¼, SE¼NE¼NE¼, W¼E½, W½, E½SE¼;
Secs. 19, 21, 23, 25, 27, 29, 31;
Sec. 33 lots 1, 3, N½NE¼, N½SW¼NE¼, NW¼, W½SW¼, S½NE¼SW¼, N½SE¼SW¼, SW¼SE¼, S½NW¼SE¼;
Sec. 35.
T. 30 N., R. 31 E.,
Secs. 5, 7;
Sec. 9, S½;
Secs. 11, 15, 17, 19, 21, 23, 25;
Sec. 27, NE¼NE¼, NW¼NW¼, S½N½, S½;
Secs. 29, 31, 33, 35.
T. 36 N., R. 41 E.,
Sec. 15, S½NE¼, SE¼.
T. 27 N., R. 44 E.,
Sec. 15, S½NE¼, N½SW¼, SW¼SW¼, N½SE¼;
Sec. 16, SE¼SE¼.

3. Minerals were conveyed on the following lands within the Desert Game Range:

MOUNT DIABLO MERIDIAN, NEVADA

T. 18 S., R. 55 E.,
Sec. 3, SW¼SW¼;
Sec. 4, SE¼SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, NW¼NW¼.

4. Only gas, coal, oil and oil shales were conveyed on the following lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 31 N., R. 37 E.,
Sec. 18, E½NE¼;
Sec. 20, NW¼SW¼, SE¼SW¼;
Sec. 28, SW¼NE¼, S½NW¼.
T. 31 N., R. 38 E.,
Sec. 8, NE¼NW¼, NW¼NE¼.

5. The minerals in the following described lands have been open to mining location and mineral leasing:

MOUNT DIABLO MERIDIAN, NEVADA

T. 28 N., R. 38 E.,
Sec. 23, SE¼NE¼, SE¼;
Sec. 26, NE¼, NE¼SE¼, E½SE¼SE¼, W½SW¼SE¼;
Sec. 35, NE¼NE¼.

6. The land in Tps. 29 and 30 N., R. 31 E., lies approximately 15 miles north of Lovelock, Nevada. Topography is gently rolling to low foothills.

7. The land in T. 31 N., R. 37 E., is located in Spaulding Canyon in the East Humboldt Range. It is foothill country supporting stands of big sage, cheatgrass and annual forbs.

8. The land in T. 28 N., R. 38 E., is located at the bottom of Grass Valley about 50 miles south of Winnemucca, Nevada. It is nearly level to gently rolling, cut by deep washes.

9. The land in T. 31 N., R. 38 E., is situated on the west side of Grass Valley at the foot of the East Humboldt Range.

10. The land in T. 36 N., R. 41 E., is located approximately 7 miles northeast of Golconda, Nevada, at an elevation of about 4,600 feet. Soils are rocky saline silt loam.

11. The land in T. 38 N., Rs. 41 and 42 E., is located on the top of Osgood Mountains, approximately 5 miles south of Getchell Mine, Nevada. The major portion of the land is moderately steep, the remaining is mountainous and precipitous.

12. The land in T. 27 N., R. 44 E., lies about 36 miles south of Battle Mountain, Nevada, along Moss Creek at an elevation of 5,800 feet.

13. The land in T. 31 N., R. 50 E., is approximately 12 miles east of Beowawe, Nevada. Soils range from sandy to gravelly clay loam.

14. The land in T. 38 N., Rs 54 and 55 E., is located approximately 40 miles north of Elko, Nevada, at an elevation of from 6,000 to 6,300 feet. Soils are gravelly to sandy clay loam.

15. The land in T. 32 N., R. 56 E., lies 22 miles south of Elko, Nevada. Topography is rolling to slightly rough, cut by many dry washes. Elevation is about 5,400 feet.

16. The land in Tps. 34 and 35 N., Rs. 57 and 58 E., is located north of Lamoille, Nevada, and east of Elko, Nevada. Soils vary from fine sand to clay loam.

17. The land in T. 6 N., Rs. 59 and 60 E., is located west of the Sunnyside Wildlife Management Area in southern White River Valley. It is gently sloping greasewood and sagebrush land to rocky gravelly pinon juniper range land.

18. The land in T. 19 S., Rs. 60 and 61 E., lies approximately 12 miles north of Las Vegas, Nevada, at an elevation of from 2,000 to 2,500 feet. The soils are generally shallow and coarse textured supporting a sparse growth of creosote bush and other annuals.

19. The land in T. 8 S., R. 61 E., is located in Pahranagat Valley. The terrain is rough, rocky and eroded by drainage guillies. Soil is infertile and shallow and supports creosote brush, shadscale, burrow brush and alkali sacaton.

20. Pursuant to the authority delegated to me by Bureau Order 701, section 2.5 dated July 23, 1964, of the Associate Director, Bureau of Land Management, the lands described in paragraph 1 hereof shall become subject to application, petition, and selection generally, but excepting applications under the Homestead, Desert Land or Small Tract Acts, subject to valid existing rights, the provisions of existing withdrawals, and requirements of applicable law, effective 10:00 a.m. on November 13, 1964. All valid applications received at or prior to 10:00 a.m. on November 13, 1964, shall be considered as simultaneously filed at that time.

21. The lands described in paragraph 2 shall be open to mineral leasing and to location under the United States Mining Laws at 10:00 a.m. on November 13, 1964. Any offers received at or prior to this time and date will be considered as simultaneously filed.

22. The lands described in paragraph 3 shall be open to location of metalliferous minerals and mineral leasing at 10:00 a.m. on November 13, 1964. Any offers received at or prior to this time and date shall be considered as simultaneously filed at that time.

23. The lands described in paragraph 4 shall be open to mineral leasing at 10:00 a.m. on November 13, 1964. Any offers received at or prior to this time and date shall be considered as simultaneously filed at that time.

24. Inquiries shall be addressed to Land Office Manager, Bureau of Land Management, Post Office Box 1551, Reno, Nev.

DANIEL P. BAKER,
*Manager.*

[F.R. Doc. 64-10481; Filed, Oct. 14, 1964; 8:46 a.m.]



## IDAHO

### Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 9, 1964.

The Department of Agriculture has filed an application, Serial Number Idaho 015693 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws nor disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended. The applicant desires the land for public purposes as five campgrounds and one administrative site within the Nezperce National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho, 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

NEZPERCE NATIONAL FOREST

*Fish Creek Meadow Camp and Picnic Site*

T. 29 N., R. 3 E.,
Sec. 16, SW¼NE¼NE¼NE¼, S½NW¼NE¼NE¼, SW¼NE¼NE¼, W½SE¼NE¼NE¼ and NE¼NW¼SE¼NE¼.
Totaling 25 acres.

*Bargamin Creek Camp Site*

A tract of land within the unsurveyed SE¼, sec. 22, T. 26 N., R. 10 E., more particularly described as:

Beginning on the west bank of Bargamin Creek at the intersection of the highwater line of the Salmon River, thence along the highwater line of said river downstream 375 feet, thence northwesterly 60 feet to the toe of the slope, thence along the toe of the slope in a northeasterly direction 450 feet to the west bank of Bargamin Creek, thence downstream along the west bank of said creek 150 feet to the place of beginning, containing a calculated 0.90 acre.

*Big Mallard Creek Campsite*

A tract of land within the unsurveyed NE¼ sec. 6, T. 25 N., R. 10 E., more particularly described as:

Beginning on the west bank of Mallard Creek at the intersection of the highwater line of the Salmon River, thence along the highwater line of said river downstream 700 feet, thence northwesterly 100 feet to the toe of the slope, thence along the toe of the slope in a northeasterly direction 625 feet to the west bank of Big Mallard Creek, thence downstream along the west bank of said creek 100 feet to the point of beginning, containing a calculated 1.50 acres.

*Indian Creek Campsite*

A tract of land within lots 4 and 5 T. 24 N., R. 7 E., more particularly described as:

Beginning on the east bank of Indian Creek at the intersection of the highwater line of the Salmon River, thence along the highwater line of said river upstream 350 feet to the toe of the slope, thence along the toe of the slope in a northwesterly direction 550 feet, crossing Indian Creek approximately 125 feet along this line, thence southerly 75 feet to the highwater line of the Salmon River, thence along said highwater line upstream 450 feet to the place of beginning, containing a calculated 1.20 acres.

*Bull Creek Campsite*

A tract of land within lots 7 and 8, sec. 4, T. 24 N., R. 6 E., more particularly described as:

Beginning on the east bank of Bull Creek at the intersection of the highwater line of the Salmon River, thence along the highwater line of said river upstream 400 feet, thence northwesterly 150 feet to the toe of the slope, thence along the toe of the slope in a southwesterly direction 450 feet to Bull Creek, thence along the toe of the slope in the same direction 300 feet, thence southeasterly 150 feet to the highwater line of the Salmon River, thence along said highwater line upstream 375 feet to the place of beginning, containing a calculated 3.00 acres.

*Bear Creek Administrative Site*

A tract of land within the unsurveyed SE¼ sec. 10, T. 25 N., R. 11 E., more particularly described as:

Beginning at the intersection of Bear Creek with the highwater line of the Salmon River, thence N. 68° E. 400 feet upstream along the highwater line of said river, thence N. 36° W. 525 feet to Bear Creek, thence N. 64°40' W. 810 feet, thence S. 35° W. to the highwater line of the Salmon River, thence along the highwater line upstream to the place of beginning, containing a calculated 14.00 acres.

The areas described aggregate 45.60 acres in Idaho County, Idaho.

ORVAL G. HADLEY,
*Manager.*

[F.R. Doc. 64-10518; Filed, Oct. 14, 1964; 8:49 a.m.]

## ALASKA

### Alaska Public Sale Classifications Canceled in Their Entirety

1. Pursuant to the authority redelegated to me by Bureau Order 684, dated August 28, 1961 (26 F.R. 8215), as amended by the Alaska State Director in section 1, Delegation of Authority (29 F.R. 3015), dated February 27, 1964, I hereby cancel the following Alaska Public Sale Act Classifications which classified lands under the provisions of the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U.S.C. 364a–364e):

a. APS Classification No. 1, May 8, 1951.
b. APS Classification No. 2, June 14, 1951, as amended.
c. APS Classification No. 4, February 18, 1952.
d. APS Classification No. 6, date unknown.
e. APS Classification No. 7, December 9, 1952.
f. APS Classification No. 7A, May 25, 1953.
g. APS Classification No. 8, date unknown.
h. APS Classification No. 11, June 17, 1953.
i. APS Classification No. 12, September 23, 1953.
j. APS Classification No. 14, February 25, 1954.
k. APS Classification No. 15, August 10, 1954.
l. APS Classification No. 16, August 13, 1954.
m. APS Classification No. 17, November 19, 1954.
n. APS Classification No. 19, April 19, 1955.
o. APS Classification No. 20, June 9, 1955.
p. APS Classification No. 21, April 6, 1956.
q. APS Classification No. 22, April 17, 1956.
r. APS Classification No. 23, April 27, 1956.
s. APS Classification No. 24, May 8, 1956.
t. APS Classification No. 25, January 7, 1957.
u. APS Classification No. 28, March 18, 1959.
v. APS Classification No. 29, March 18, 1959.

2. Inquiries concerning the status of the lands being released by this order should be addressed to the Manager, Anchorage District and Land Office, 555 Cordova Street, Anchorage, Alaska, 99501.

JAMES W. SCOTT,
*Manager, Anchorage District and Land Office.*

[F.R. Doc. 64–10529; Filed, Oct. 14, 1964; 8:50 a.m.]

# DEPARTMENT OF COMMERCE

## Maritime Administration

[Docket No. S–175]

## AMERICAN EXPORT ISBRANDTSEN LINES, INC.

### Notice of Application and of Hearing

Notice is hereby given of the application of American Export Isbrandtsen Lines, Inc., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act 1936, as amended, 46 U.S.C. 1223, so that its affiliate Isbrandtsen Company, Inc. may own and operate the tanker vessel "Hans Isbrandtsen" in the domestic, intercoastal or coastwise commerce of the United States for the carriage of petroleum and/or petroleum products.

This application may be inspected by interested parties in the Chief Hearing Examiner's Office, Maritime Subsidy Board/Maritime Administration, Room 4519, General Accounting Office Building, 441 G Street NW., Washington, D.C.

A hearing on the application has been set for October 29, 1964, at 10:00 a.m. in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on October 23, 1964, notify the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Subsidy Board/Maritime Administration, petitions for leave to intervene received after the close of business on October 23, 1964, will not be granted in this proceeding.

Dated: October 12, 1964.

By order of the Maritime Administrator.

JAMES S. DAWSON, JR.,
*Secretary.*

[F.R. Doc. 64–10519; Filed, Oct. 14, 1964; 8:49 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## BRITISH CELLOPHANE, LTD.

### Notice of Filing of Petition Regarding Food Additive Cellophane

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1496) has been filed by British Cellophane, Limited, Bath Road, Bridgewater, Somerset, England, proposing the amendment of § 121.2507 *Cellophane* to provide for the use of the following optional substance in the manufacture of food-packaging cellophane:

Polyethylene glycol (average molecular weight 200–300), ethylene glycol and diethylene glycol content not to exceed a total of 0.1 percent.

Dated: October 9, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64–10522; Filed, Oct. 14, 1964; 8:49 a.m.]

## FERGUSON FUMIGANTS, INC.

### Notice of Filing of Petition Regarding Food Additives Fumigants

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5H0500) has been filed by Ferguson Fumigants, Inc., 93 Ford Lane, Hazelwood, Missouri, 63042, proposing that § 121.1152 *Fumigants for processed grains used in production of fermented malt beverages* be amended to provide for the safe use of a fumigant mixture consisting of ethylene dibromide and methyl bromide.

Dated: October 9, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64–10523; Filed, Oct. 14, 1964; 8:49 a.m.]

## GEIGY CHEMICAL CORP.

### Notice of Filing of Petition Regarding Pesticide O,O-Diethyl O-(2-Isopropyl-4-Methyl-6-Pyrimidinyl) Phosphorothioate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 362) has been refiled by Geigy Chemical Corporation, P.O. Box 430, Yonkers, New York, proposing the establishment of tolerances for residues of the insecticide *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate in or on raw agricultural commodities as follows:

10 parts per million in or on sugar beet tops. 0.75 part per million in or on blackberries, blueberries, boysenberries, dewberries, grapefruit, loganberries, melons, pineapples, raspberries, and sugar beet roots.

The petition is deficient because of the absence of the completed report of the reproduction study in rats. However, the petitioner has expressed the intention of amending the petition when this study is completed and has requested that the petition be filed as submitted, as provided in § 120.7(d) of Title 21, Chapter I, Code of Federal Regulations.

The analytical methods proposed in the petition for determining residues of *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate are the same as those in the original notice of filing of this petition published in the FEDERAL REGISTER, March 29, 1963 (28 F.R. 3096).

Dated: October 8, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64–10524; Filed, Oct. 14, 1964; 8:49 a.m.]

## ROHM AND HAAS CO.

### Notice of Filing of Petition Regarding Food Additives Emulsifiers and/or Surface-Active Agents

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1517) has been filed by Rohm and Haas Co., 222 West Washington Square, Philadelphia 5, Pa., proposing that paragraph (c) of § 121.2541 *Emulsifiers and/or surface-active agents* be amended by inserting alphabetically the following item:

*tert*-Octylphenoxypolyethoxyethanol (40 moles) with a hydroxyl number not to exceed 37; if a blend of products is used, hydroxyl number not to exceed 37 for any product that is a component of the blend.

Dated: October 9, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64–10525; Filed, Oct. 14, 1964; 8:50 a.m.]

## SHERMAN-WILLIAMS CO.

### Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B1495) has been filed by Sherman-Williams Co., 10909 Cottage Grove Avenue, Chicago, Ill., 60628, proposing the amendment of § 121.2526 *Resinous and polymeric coatings for paper and paperboard* and § 121.2571 *Components of paper and paperboard in contact with dry food* by adding the optional substance phenyl acid phosphate for use only as a catalyst at a level not to exceed 2 percent by weight of the coating solids in alkyd coatings modified by melamine-formaldehyde resin, for paper and paperboard intended for use in contact with food.

Dated: October 9, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64–10526; Filed, Oct. 14, 1964; 8:50 a.m.]

## DONALD SIMPSON

### Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1578) has been filed by Mr. Donald Simpson, 1000 Connecticut Avenue, Washington 6, D.C., proposing that paragraph (c)(5) of § 121.2520 *Adhesives* and paragraph (b) of § 121.2571 *Components of paper and paperboard in contact with dry food* be amended by inserting in both lists of substances the following new items:

Sodium *n*-dodecylphenoxypolyethoxy (40 moles) sulfate.





Sodium *n*-dodecylpolyethoxy (50 moles) sulfate.

Dated: October 9, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64–10527; Filed, Oct. 14, 1964; 8:50 a.m.]

## TRANSPARENT PAPER LTD.

### Notice of Filing of Petition Regarding Food Additive Cellophane

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B1377) has been filed by Transparent Paper Limited, Bridge Hall Mills, Bath Road, Bridgwater, Somerset, England, proposing the amendment of § 121.2507 *Cellophane* to provide for the use of the following optional substance in the manufacture of food-packaging cellophane:

Di-*n*-octyltin bis(2-ethylhexyl maleate) for use only as a stabilizer at a level not to exceed 0.55 percent by weight of the coating solids in vinylidene chloride copolymer waterproof coatings prepared from vinylidene chloride copolymers identified in § 121.2507(c) provided that such vinylidene chloride copolymers contain not less than 90 percent by weight of polymer units derived from vinylidene chloride.

Dated: October 9, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64–10528; Filed, Oct. 14, 1964; 8:50 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50–228]

## AEROJET GENERAL NUCLEONICS

### Notice of Application for Construction Permit and Facility License

Please take notice that Aerojet-General Nucleonics, San Ramon, Calif., under section 104c of the Atomic Energy Act of 1954, as amended, has filed an application for a license to construct and operate a pool-type nuclear research reactor designed to operate at a maximum thermal power of 250 kilowatts. The proposed reactor, which has been designated by the applicant as the AGN Industrial Reactor (AGNIR), is to be located at the AGN plant near San Ramon, Calif.

A copy of the application is available for public inspection in the AEC Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 8th day of October 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64–10496; Filed, Oct. 14, 1964; 8:47 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 13394 etc.]

## FRONTIER-NORTH CENTRAL ROUTE TRANSFER "USE IT OR LOSE IT" INVESTIGATION

### Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled investigation is assigned to be heard on November 18, 1964, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 12, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64–10541; Filed, Oct. 14, 1964; 8:51 a.m.]

[Docket 15468]

## HUNTSVILLE-NEW ORLEANS NONSTOP SERVICE INVESTIGATION

### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on November 9, 1964, at 10:00 a.m. (central standard time) at the City of Huntsville Utilities Auditorium, 112 Gallatin Street, SW., Huntsville, Ala., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served September 4, 1964, and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 9, 1964.

[SEAL] WILLIAM J. MADDEN,
*Hearing Examiner.*

[F.R. Doc. 64–10542; Filed, Oct. 14, 1964; 8:51 a.m.]

[Docket 15241]

## PAN CONTINENTAL TOURS, INC., ET AL.

### Notice of Hearing

Pan Continental Tours, Inc., Cultural Programming Services, Inc., Nathan Greenblatt, individually enforcement proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter is assigned to be held on December 8, 1964, at 10:00 a.m. (e.s.t.) in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., October 9, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-10543; Filed, Oct. 14, 1964; 8:51 a.m.]

[Docket 7984 etc.]

## REOPENED SOUTHERN TRANSCONTINENTAL SERVICE CASE

### Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled case is assigned to be heard on November 4, 1964, at 10:00 a.m. (e.s.t.) in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 12, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-10544; Filed, Oct. 14, 1964; 8:51 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15587, 15588; FCC 64M-1000, 58124]

## COMMUNITY RADIO OF SARATOGA SPRINGS, NEW YORK, INC., AND A. M. BROADCASTERS OF SARATOGA SPRINGS, INC.

### Order Following Prehearing Conference

In re applications of Community Radio of Saratoga Springs, New York, Inc., Saratoga Springs, New York, Docket No. 15587, File No. BP-16127, A. M. Broadcasters of Saratoga Springs, Inc., Saratoga Springs, New York, Docket No. 15588, File No. BP-16185; for construction permits.

A prehearing conference in the above-entitled proceeding having been held this day, and it appearing that certain procedural agreements reached therein should be formalized and publicized in an Order;

*Accordingly, it is ordered,* This 8th day of October 1964, as follows:

(1) Proposed exhibits of the applicants shall be exchanged by November 2, 1964;

(2) Notification as to those persons connected with an applicant whose presence at the hearing is desired by other parties shall be given to counsel concerned by November 6, 1964; and,

(3) The hearing heretofore scheduled to commence on October 20, 1964, is postponed to November 9, 1964.

*It is further ordered,* On the Hearing Examiner's own motion, that the applicants and the Broadcast Bureau are relieved from the obligation to exchange their proposed exhibits with counsel for Kenneth H. Freebern and from any obligation to serve upon counsel for Freebern, any pleadings hereafter filed by them in view of the withdrawal of Freebern from further participation in the above-captioned proceeding as reflected in a letter to the Commission's Secretary dated October 6, 1964, and signed by counsel for Freebern.

Released: October 9, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10532; Filed, Oct. 14, 1964; 8:50 a.m.]

[Docket Nos. 15647, 15648; FCC 64-918]

## COMMUNITY RADIO OF SARATOGA SPRINGS, NEW YORK, INC., ET AL.

### Memorandum Opinion and Order Designating Matters for Oral Argument on Stated Issues

In re matter of request of Community Radio of Saratoga Springs, New York, Inc., for Temporary Operating Authority and Immediate Oral Argument on Proposals of: Sara Radio, Inc. (an associate of Community Radio of Saratoga Springs, New York, Inc.), Docket No. 15647, File No. BPI-6; Channel 900 of Saratoga Springs, New York, Inc. (a subsidiary of AM Broadcasters of Saratoga Springs, Inc.), Docket No. 15648, File No. BPI-7; for interim operation.

1. The Commission has before it for consideration (a) a letter request filed September 25, 1964 by Community Radio of Saratoga Springs, New York, Inc. (WKAJ) for temporary operating authority and immediate oral argument on the question of interim operation on 900 kc/s at Saratoga Springs, New York; (b) an opposition thereto filed September 28, 1964 on behalf of AM Broadcasters of Saratoga Springs, Inc.; the above-captioned proposals for interim operation; and (c) related applications and proceedings.

2. Community Radio has, since March 18, 1964, been operating the facilities abandoned by Spa Broadcasters, Inc., Saratoga Springs, New York (900 kc/s, 250 watts, Class II, daytime-only—formerly Radio Station WSPN) pursuant to temporary authorizations issued by the Commission under Section 309(f) of the Communications Act. This authority was most recently extended on October 2, 1964 (through October 9) to avoid interruption of the existing service prior to our consideration of the above-captioned request. That portion of Community Radio's request seeking temporary authority to operate pending our consideration of its request for oral argument has therefore been rendered moot.

3. Both Community Radio and AM Broadcasting have filed mutually exclusive applications looking toward permanent operation on 900 kc/s at Saratoga Springs. These applications have already been designated for comparative hearing to determine, inter alia, which proposal would better serve the public interest—Memorandum Opinion and Order released August 4, 1964 (Docket Nos. 15587/88; FCC 64-750). Additionally, the principals behind both applicants have filed mutually exclusive proposals for interim operation pending outcome of the comparative proceeding on their formal applications. However, inasmuch as Community Radio has acquired and is using the former Spa Broadcasters transmitting plant, AM Broadcasters would appear to have no way of implementing its proposal for interim operation at an early date.

4. Community Radio's above-captioned request, which is opposed by AM Broadcasters, seeks immediate oral argument on the following issues: (a) whether interim operation should be authorized pending outcome of proceedings in Docket Nos. 15587/88; and (b) if so, to whom.

5. We are of the view that the considerations which originally prompted our grant of temporary authority to Community Radio under Section 309(f) of the Communications Act, including the absence of other broadcast facilities at Saratoga Springs, may well justify the continuance of broadcast operation in that community pending final disposition of relevant applications and other matters now before the Commission—see § 1.592 of the Commission's rules; Community Broadcasting Co. v. FCC, 19 RR 2047, 274 F. (2d) 753 (1960).

6. In any event, we feel that Community Radio's current operating authority should at least be further extended[1] until the matters at issue, including the possibility of joint interim operation by the parties involved, can be considered on a formal record.

In view of the foregoing: *It is ordered,* That pursuant to Sections 5(d) and 309(a) of the Communications Act of 1934, as amended, the above-entitled matters are designated for oral argument before the Review Board in Washington, D.C., at a time to be specified by subsequent Order on the following issues:

[1] The basis for this extension is a reading of section 309(f) of the Communications Act in conjunction with Section 9(b) of the Administrative Procedure Act. See: Pan-Atlantic Corp. v. Atlantic Coast Line Railroad Co. et al., 353 U.S. 436 (1957). To the extent that this conclusion conflicts with views expressed in our Memorandum Opinion and Order of July 2, 1964 (FCC 64-586), the latter views are hereby modified.



To determine whether interim operation on 900 kc/s at Saratoga Springs, New York (pending outcome of proceedings in Docket Nos. 15587/88) would serve the public interest, convenience and necessity.

If the foregoing issued is decided affirmatively, to determine which (if either) of the above-captioned proposals (as existing or amended) for joint interim operation should be granted, and to determine the terms and conditions of the interim operation.

*It is further ordered,* That AM Broadcasters of Saratoga Springs, Inc., is made a party to this proceeding.

*It is further ordered,* That in order to avoid disruption of the only broadcast service currently being rendered at Saratoga Springs by Community Radio, the operating authority granted to Community Radio by Commission telegram of October 2, 1964, is further extended through November 25, 1964.

*It is further ordered,* That neither the Oral Argument herein ordered nor any decision flowing therefrom shall prejudice or affect in any way Commission consideration of the competing applications now pending for permanent authority to operate on 900 kc/s at Saratoga Springs (Docket Nos. 15587/88), the WSPN renewal application (Docket No. 14617 et al.), or related matters, proposals or proceedings including the unresolved attempts by Joseph Donahue, President of Spa Broadcasters (WSPN) to secure cancellation of the outstanding WSPN station licensee—Memorandum Opinion and Order released August 4, 1964 (FCC 64-753).

*It is further ordered,* That should the parties to this proceeding agree to a formula for joint operation prior to the holding of Oral Argument, the Review Board shall be empowered to consider and act upon the merits of any such proposal, with due regard to the provisions of Section 1.592 of the Commission's Rules.

*It is further ordered,* That if the parties fail to agree on the terms of a joint interim operation (as to the amount of their respective initial capital contributions, monthly contributions to operating expenses, and station management), the Review Board is empowered to recommend an equitable formula for joint voluntary operation.

*It is further ordered,* That AM Broadcasters' "Petition to Deny" filed August 13, 1964 against Sara Radio's proposal for interim operation, is hereby denied.

*It is further ordered,* That the relief requested by Community Radio is granted to the extent indicated above, and in all other respects is denied.

*It is further ordered,* That to avail themselves of the opportunity to be heard, the parties hereto, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission an original and 19 copies of a written appearance stating an intention to appear on the date fixed for the Oral Argument and present evidence on the issues specified in this Order, and shall have until 10 days prior to Oral Argument to file briefs or memoranda of law.

*It is further ordered,* That the above applicants for interim operation shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, cause to be published in a daily newspaper of general circulation in Saratoga Springs, N.Y., a notice of the hearing, either individually or jointly, at least ten (10) days before the date of the hearing ordered herein. Following such publication the applicants shall forthwith file a statement in triplicate setting forth the date of publication and the text thereof. The notice of hearing shall include the names of the applicants, frequency and location of the proposed interim operation, time and place of the Oral Argument and the issues specified in this Order.

Adopted: October 7, 1964.

Released: October 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10533; Filed, Oct. 14, 1964; 8:50 a.m.]

[Docket No. 15544; FCC 64M-999]

## WHAS, INC.

### Order Continuing Hearing

In re application of WHAS, Inc. (WHAS-TV), Louisville, Kentucky, Docket No. 15544, File No. BPCT-3187; for construction permit.

Pursuant to agreement reached at prehearing conference held October 8, 1964; *It is ordered,* This 8th day of October 1964, that hearing now scheduled for October 15, 1964, is continued to October 26, 1964.

Released: October 9, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10534; Filed, Oct. 14, 1964; 8:50 a.m.]

# FEDERAL MARITIME COMMISSION

## ISTHMIAN LINES, INC., AND SEATRAIN LINES, INC.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Harvey M. Flitter, Assistant Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J.

Agreement 9386 between Isthmian Lines, Inc., and Seatrain Lines, Inc., establishes a through bill of lading arrangement for the transportation of general cargo, exclusive of refrigerated cargo, garlic, and other perishables or semiperishables, from loading ports in France, Italy, North Africa, Spain, and Portugal, to ports in Puerto Rico with transhipment at the port of New York, N.Y., under the terms and conditions set forth in the agreement.

Dated: October 12, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10491; Filed, Oct. 14, 1964; 8:47 a.m.]

## STATES MARINE LINES, INC., ET AL.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Harvey M. Flitter, Assistant Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J.

Agreement 9388 between States Marine Lines, Inc., Global Bulk Transport Incorporated (as one member only), and Seatrain Lines, Inc., establishes a through bill of lading arrangement for

[2] Commissioners Bontlay, Ford and Fox dissenting.

the movement of general cargo, exclusive of refrigerated cargo, garlic and other perishables or semiperishables, from loading ports in France, Italy, North Africa, Spain, and Portugal, to ports in Puerto Rico with transhipment at the port of New York, N.Y., under the terms and conditions set forth in the agreement.

Dated: October 12, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10492; Filed, Oct. 14, 1964; 8:47 a.m.]

[Docket No. 1206]

## SEATRAIN LINES, INC.

### Texas/Puerto Rico Rates and Practices; Notice of Investigation and Suspension

OCTOBER 9, 1964.

It appearing, that there has been filed by Seatrain Lines, Inc., to become effective October 5, 1964, 4th Revised Page No. 87 to Tariff FMC-F No. 1 naming, in Note 1 of Item No. 1142, a reduced rate of 95 cents per hundred pounds on "Canned Tomato Paste," when such commodity moves in railroad cars from Texas City, Tex., to Puerto Rico in quantities of not less than 80,000 pounds;

It further appearing, that protests to the said tariff provisions were filed on behalf of the Northern California Ports and Terminals Bureau, Inc., Sea-Land Service, Inc., and Waterman Corporation of Puerto Rico, alleging inter alia that the reduced rate is for the purpose of diverting traffic from its natural route, that the reduced rate would be noncompensatory to Seatrain, that the reduced rate would be discriminatory to shippers of tomato paste using North Atlantic ports, and that there is no shipper demand for reduced rates. Seatrain denies these allegations.

It further appearing, that upon consideration of the said tariff provisions and protests and replies thereto, there is reason to believe that the said tariff provisions if permitted to become effective, would result in rates, charges, and/or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

If further appearing, that the Commission is of the opinion that the proposed tariff provisions should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

It further appearing, that the effective date of the said provisions should be suspended pending such investigation;

*Now therefore it is ordered,* That, an investigation be, and it is hereby instituted into and concerning the lawfulness of the Note 1 in Item No. 1142 published on 4th Revised Page No. 87 to Tariff FMC-F No. 1, for the purpose of determining whether the rate hereby placed under investigation unlawfully diverts traffic moving thereunder from its natural route, whether the rate is compensatory to Seatrain, whether the rate is unjustly discriminatory to shippers of tomato paste using North Atlantic ports, and for the further purpose of making such findings and orders in the premises as the facts and circumstances shall warrant;

*It is further ordered,* That, the said Note 1 in Item No. 1142 be, and it is hereby suspended and that the use thereof be deferred to and including February 4, 1965, unless otherwise authorized by the Commission, and that the rates and/or charges otherwise in effect for shipments of "Canned or Bottled Goods (Foodstuffs NOS)" in Item No. 1142 and which were to be changed by the suspended matter, shall remain in effect for shipments of tomato paste during the period of suspension;

*It is further ordered,* That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission;

*It is further ordered,* That there shall be filed immediately with the Commission by Seatrain Lines, Inc., a consecutively numbered supplement to the aforesaid tariff, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid Note 1 is suspended and may not be used until the 5th day of February 1965, unless otherwise authorized by the Commission; and that the rates otherwise in effect in Item No. 1142 and which were to be changed by the suspended rates, shall remain in effect for shipments of tomato paste during the period of suspension, and neither matter suspended nor matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission;

*It is further ordered,* That copies of this order shall be filed with the tariff schedule containing the suspended matter in the Bureau of Domestic Regulation of the Federal Maritime Commission;

*It is further ordered,* That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (II) Seatrain Lines, Inc., be, and it is hereby made respondent in this proceeding; (III) a copy of this order shall forthwith be served upon the said respondent and protestants herein; (IV) the said respondent and protestants be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 502.73), with copy to respondent.

By the Commission, October 1, 1964.

[SEAL] THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10493; Filed, Oct. 14, 1964; 8:47 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CP65-32]

## COLUMBIA GULF TRANSMISSION CO.

### Notice of Application

OCTOBER 7, 1964.

Take notice that on August 5, 1964, Columbia Gulf Transmission Co. (Applicant), 3805 West Alabama Avenue, Houston, Tex., filed in Docket No. CP65-32 an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing the construction and operation of approximately 4.8 miles of 16-inch pipeline extending southerly from a point of connection of Applicant's East Lateral System with a point located at Grand Isle, Jefferson Parish, La., together with a measuring station in connection therewith in said parish and the transportation of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport for the account of United Fuel Gas Co., natural gas produced by Humble Oil and Refining Co. from the West Delta and Grand Isle areas, offshore Louisiana. Deliveries commencing with 25,000 Mcf daily in 1964, will increase to approximately 100,000 Mcf daily in 1970.

The estimated cost of the proposed facilities is $837,600 and will be defrayed from Applicant's current funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 30, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-10477; Filed, Oct. 14, 1964; 8:45 a.m.]



[Docket No. E-7185]

## DUKE POWER CO.

### Notice of Application

OCTOBER 8, 1964.

Take notice that on October 1, 1964, application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by the Duke Power Co. (Applicant), a corporation organized under the laws of the State of North Carolina whose principal business is the ownership and operation of an electric system in the States of North Carolina and South Carolina with its principal business office at Charlotte, N.C., seeking an order authorizing it to acquire the electric distribution facilities of Pisgah Mt., Electric Co. (Pisgah) and to consolidate and merge such distribution facilities with those of Duke Power Co.

Applicant is engaged in the generation, purchase, transmission, distribution, and sale of electric energy in the States of North Carolina and South Carolina. Its service area embraces all or parts of 37 counties in North Carolina and 15 counties in South Carolina. It owns and operates local transportation systems in Greensboro and Durham, N.C. and Spartanburg and Anderson, S.C. and operates water supply systems in Rutherfordton and Spindale, N.C., and in Anderson, S.C.

The Pisgah Mt., Electric Co., a corporation organized under the laws of the State of North Carolina, has maintained a distribution system located in southern Lincoln County, N.C., and in northern Gaston County, N.C. It extends along U.S. Highway 321 from the Lincolnton, N.C. main substation of Duke to High Shoals, N.C. and serving approximately 650 customers.

Applicant requests authority to acquire by purchase from Pisgah and to merge or consolidate with its own facilities the entire electric distribution system of Pisgah, including all poles, conductors, transformers, services, meters, and all rights-of-way, if any, for the construction, maintenance, and operation of said system and all material of any other kind and nature owned by Pisgah, used or useful in connection with the maintenance and operation of said system.

The Applicant has agreed to pay Pisgah 4,000 shares of the Applicant's common stock, which were acquired for the purpose of transfer to Pisgah for a price of $63 per share to the Applicant. This stock is traded on the New York Stock Exchange and was quoted on September 15, 1964, for a price of $71 per share.

For the past several years, Pisgah has purchased all of its electric power requirements from Applicant. Applicant represents that Pisgah is now experiencing low voltage in the ends of some of its lines, and that Pisgah's system needs rebuilding to the higher voltage used by Duke. Applicant further represents that Pisgah, with its limited financial resources would have difficulty raising the additional capital necessary to finance this rebuilding. According to the application, this transaction will not affect any contract for the purchase, sale, or interchange of electricity except that Applicant's schedule of rates on file with the North Carolina Utilities Commission will be placed into effect with respect to Pisgah's electric power customers with a resulting decrease in cost of electric power to virtually all such customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-10478; Filed, Oct. 14, 1964; 8:45 a.m.]

[Docket No. RI65-140, etc.]

## McALESTER FUEL CO. ET AL.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates; Correction

SEPTEMBER 25, 1964.

In the order providing for hearing on and suspension of proposed changes in rates, issued August 18, 1964, and published in the FEDERAL REGISTER August 26, 1964 (F.R. Doc. 64-8614; 29 F.R.-12150); in the chart, after Docket No. RI65-147, Union Oil Company of California (Operator), et al., Rate Schedule No. 54, Supplement No. 7 correct Supplement to read "4" in lieu of 7.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-10479; Filed, Oct. 14, 1964; 8:45 a.m.]

# HOUSING AND HOME FINANCE AGENCY

### Office of the Administrator

## ACTING REGIONAL DIRECTOR OF URBAN RENEWAL, REGION I (NEW YORK)

### Designation

The officers named, or appointed, to the following listed positions in Region I (New York) are hereby designated to serve as Acting Regional Director of Urban Renewal, Region I, during the absence of the Regional Director of Urban Renewal, with all the powers, functions, and duties delegated or assigned to the Regional Director of Urban Renewal, provided that no officer is authorized to serve as Acting Regional Director of Urban Renewal unless all other officers whose name or titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Director of Urban Renewal.
2. Deputy Regional Administrator.
3. Robert LaPlante, Assistant to the Chief, Operations Branch.
4. Chief, Fiscal Management Branch.

This designation supersedes the designation effective October 20, 1962 (27 F.R. 10308).

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 1st day of September 1964.

[SEAL] LESTER EISNER, Jr.,
*Regional Administrator,*
*Region I.*

[F.R. Doc. 64-10546; Filed, Oct. 14, 1964; 8:51 a.m.]

# INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

## IMPORTS OF COTTON TEXTILES AND COTTON TEXTILE PRODUCTS FROM PAKISTAN

### Withdrawal From Warehouse

OCTOBER 12, 1964.

In furtherance of the objectives of, and under the terms of Article 4 of the Long Term Arrangement Regarding International Trade in cotton textiles, done at Geneva on February 9, 1962, the U.S. Government is currently consulting with the Government of Pakistan over the conclusion of a bilateral cotton textile agreement. During the course of these consultations the U.S. Government will seek to negotiate an arrangement with the Government of Pakistan for the release from embargo of certain cotton textiles and cotton textile products from Pakistan which were imported into the United States in excess of the twelve-month level of restraint designated for their particular category.

The purpose of this notice is to ascertain what quantities of cotton textiles and cotton textile products would be entered for consumption or withdrawn from warehouse for consumption in the event such an arrangement is arrived at. All interested parties are therefore advised to report within fifteen days of the date of publication of this notice to the Office of Textiles, Trade Analysis Division, Department of Commerce, Washington, D.C., 20230, any cotton textiles or cotton textile products in Categories 9 and 22, produced or manufactured in Pakistan, which are in the United States in a bonded warehouse, a

general order warehouse, or a foreign trade zone on the date of publication of this notice. Reports should include the following information: Complete description of goods, category or categories under which classified, quantities involved, location of the goods, and bond number, general order lot number, or foreign trade zone number, and lot number assigned.

Failure to so report within the designated period of time may result in the goods not being eligible for release from embargo.

JAMES S. LOVE, JR.,
*Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.*

[F.R. Doc. 64-10377; Filed, Oct. 14, 1964; 8:45 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4556]

## FOTOCHROME, INC.

### Order Suspending Trading

OCTOBER 9, 1964.

The common stock, $1 par value, and the 5½ percent Convertible Subordinated Debentures of Fotochrome, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 9, 1964, through October 18, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-10475; Filed, Oct. 14, 1964; 8:45 a.m.]

# TARIFF COMMISSION

[TEA-F-4]

## NATIONAL TILE & MANUFACTURING CO.

### Notice of Discontinuance of Investigation Instituted Upon Petition

The investigation instituted on October 1, 1964, under section 301(c)(1) of the Trade Expansion Act of 1962 upon petition filed by the National Tile & Manufacturing Company of Anderson, Ind., was discontinued, without prejudice, on October 9, 1964, by the U.S. Tariff Commission at the request of the petitioner. Notice of the institution of the investigation was published in the FEDERAL REGISTER for October 7, 1964 (29 F.R. 13849).

Issued: October 12, 1964.

By order of the Commission.

[SEAL] DONN N. BENT,
*Secretary.*

[F.R. Doc. 64-10495; Filed, Oct. 14, 1964; 8:47 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Investigation and Suspension Docket No. M-18455]

## EASTERN CENTRAL MOTOR CARRIERS ASSOCIATION, INC., ET AL.

### Order Regarding LTL COR Rates; East and Territories West

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 29th day of September 1964.

It appearing, that by order dated June 9, 1964, respondents were notified and required, in the discharge of their burden of proof, to submit certain evidence and supporting data as specified therein,

And it further appearing, that by order of July 1, 1964, the prior order of June 9, 1964, was clarified and amplified in certain respects; and,

Upon consideration of the petition by Eastern Central Motor Carriers Association, Inc. filed on behalf of respondents herein with the Commission on August 3, 1964, seeking further modification of the prior orders herein, and of the replies thereto filed on September 14, 1964, by The J. Hungerford Smith Company, the Eastern Industrial Traffic League, Inc., the Associated Industries of New York State, Inc., the National Small Shipments Traffic Conference, Inc., the Drug and Toilet Preparations Traffic Conference, and the National Industrial Traffic League;

And for good cause appearing therefor:

*It is ordered*, That the prior orders of June 9 and July 1, 1964, insofar as they require respondents to submit actual cost and revenue data related to the traffic and territories involved, are hereby amended and clarified to include a showing of the effect of the proposed increased rates on respondents' revenues:

*It is further ordered*, That the order of July 1, 1964, insofar as it requires the submission of cost and traffic studies based upon the most recent annual reporting period, is hereby modified to permit such studies to be based upon and reflect the annual reporting period for calendar year 1964:

*It is further ordered*, That the order of July 1, 1964, particularly paragraph A thereof, and subparagraphs numbered (1) through (8) thereunder, insofar as they require all respondents in these proceedings to report to the Commission the carrier-affiliate relationships and transactions, during the calendar year 1963, be, and are hereby, modified to require such reporting to the Commission of carrier-affiliate relationships and transactions which occurred during the calendar year 1964 by or in connection with affiliates of those carriers named in Appendix A below which individually had transactions with their respective subsidiaries or affiliates which separately or in the aggregate amounted to $2,500 or more during 1964:

*It is further ordered*, That the detailed information called for by the orders of June 9 and July 1, 1964, as modified herein, with respect to carrier-affiliates shall be in writing and shall be verified by a person or persons having knowledge thereof, and a verified original and two additional copies shall be mailed to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423, to reach the Commission on or before April 15, 1965; and in addition, that this information is to be introduced in evidence at the hearing by respondents, but may be in summary form if so desired, cf. Surcharge on Small Shipments Within Central States, 63 M.C.C. 157;

*It is further ordered*, That:

(1) The respondents and interveners in support thereof shall serve on the parties of record on or before April 15, 1965, their direct evidence in the form of verified statements (with appendixes, if any); and that they also, at the same time, shall mail two copies to this Commission, together with certificates of service in accordance with § 1.22(a) of the general rules of practice; but the original shall be tendered at the hearing;

(2) The protestants and interveners in support thereof shall serve on the parties of record on or before June 15, 1965, their evidence in the form of verified statements (with appendixes, if any); and that they shall comply also with the provisions in the preceding paragraph regarding the mailing and service of statements;

(3) This proceeding be, and it is hereby, assigned to R. J. Mittelbronn for hearing commencing on July 27, 1965, at 9:30 o'clock a.m. U.S. daylight time at the office of the Commission, Washington, D.C., for the purpose of receipt in evidence of the verified statements, cross-examination thereon if requested, and the introduction of rebuttal evidence, and to permit the examiner to close the record;

(4) Parties desiring to cross-examine witnesses who have submitted verified statements must give notice, in writing, of such request to affiant and his counsel, if any, on or before July 11, 1965, a copy of such notice to be filed simultaneously with this Commission. Failure of any witness whose attendance is requested to appear at the hearing for cross-examination shall be considered good cause for the rejection of his verified statement (with appendices, if any);

(5) All underlying data used in the preparation of evidence set forth in the verified statements (with appendices, if any) shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so; and that underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination;

(6) Anyone desiring to become a party of record and to participate in the hearing, and receive and/or serve copies of the evidence to be filed in accordance with the procedure set forth above, must notify the Commission and all the then known parties of record, in writing, on or before February 15, 1965;

(7) Evidence presented which fails to conform to the above outlined procedure will not become a part of the record in this proceeding.

*It is further ordered*, That a copy of this order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

*And it is further ordered*, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) Have been identified by name in the order or orders of investigation herein,

(2) Specifically make written request to the Secretary of the Commission to be included on the service list, or

(3) Have appeared at a hearing.

*It is further ordered*, That except to the extent modified herein the order of June 9, 1964, and the order of July 1, 1964, shall remain in full force and effect, and the additional modifications thereto sought by petitioner and replicants herein be, and are hereby, denied.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

ECMCA LOCAL MEMBERS

July 1, 1964

(1) A.C.E.-Freight, Inc., 210 Twinsburg Road, Post Office Box 123, Northfield, Ohio.
(2) Acme Carriers, Inc., 216 Third Street, Brooklyn, N.Y.
(3) The Akron-Chicago Transportation Co., Inc., 1016 Triplett Boulevard, Akron, Ohio, 44306.
(4) All States Freight, Inc., 1250 Kelly Avenue, Post Office Box 7086, South Arlington Station, Akron, Ohio, 44306.
(5) Associated Transport, Inc., 380 Madison Avenue, New York, N.Y., 10017.
(6) B. & D. Transfer, Gerald L. Dinnison, Lawrence E. Black, F. A. Brion, and R. H. Goodall, d/b/a Liberty (Tioga Co.), Pa.
(7) B & P Motor Express, Inc., 51st Street and A.V.R.R., Pittsburgh, Pa., 15201.
(8) Bell Lines, Inc., 6414 McCorkle Avenue SE., Charleston, W. Va., 25304.
(9) Bell Lines, Inc., Operator of The Inter Mont Express, Inc., 6414 McCorkle Avenue SE., Charleston, W. Va., 25304.
(10) Bos Lines, Inc., 408 South 12th Avenue, Marshalltown, Iowa.
(11) W. T. Byrns Motor Express, Inc., 646 Coffeen Street, Watertown, N.Y., 13602.
(12) C.A.B.Y. Transportation Co., 3212 St. Clair Avenue, Cleveland, Ohio, 44114.
(13) Chicago Express, Inc., % McLean Trucking Co., Post Office Box 213, 617 Waughtown Street, Winston-Salem, N.C., 27102.
(14) W. H. Christie & Sons, W. H. Christie, d/b/a, Post Office Box 486, Kane, Pa.
(15) The Cleveland Cartage Co., 1277 East 40th Street, Cleveland 14, Ohio.
(16) Cleveland-Pittsburgh Freight Line, Inc., 3515 Lakeside Avenue, Cleveland, Ohio, 44114.
(17) Consolidated Freightways Corp. of Delaware, Post Office Box 5138, Chicago, Ill., 60680.
(18) Continental Transportation Lines, Inc., Continental Square, Graham Street, McKees Rocks, Pa.
(19) Cook Motor Lines, Inc., 408 Wellington Street, Post Office Box 1391, Akron, Ohio, 44309.
(20) Cooper-Jarrett, Inc., 23 South Essex Avenue, Orange, N.J., 07051.
(21) Cossitt Motor Express, Inc., 63 West Kendrick Avenue, Hamilton, N.Y., 13346.
(22) Daniels Motor Freight, Inc., Post Office Box 2037, Niles Road Extension, Warren, Ohio, 44484.
(23) Denver Chicago Trucking Company, Inc., 45th Avenue at Jackson Street, Denver, Colo., 80216.
(24) ET & WNC Transportation Co., Post Office Box 449, Johnson City, Tenn.
(25) Eastern Express, Inc., 1450 Wabash Avenue, Terre Haute, Ind., 47808.
(26) Eastern Motor Dispatch, Inc., Post Office Box 23296, Point Station, 1215 West Mount Street, Columbus, Ohio, 43223.
(27) Eazor Express, Inc., Eazor Square, Pittsburgh, Pa., 15201.
(28) Ellsworth Freight Lines, Inc., Eagle Grove, Iowa, 50533.
(29) Erie-Pittsburgh Motor Express, Inc., 859 Progress Street, Pittsburgh, Pa., 15212.
(30) Exhibitors Service Co., 85 Helen Street, McKees Rocks, Pa.
(31) Ferguson Transportation Co., Post Office Box 372, Bloomsburg, Pa.
(32) Fischbach Trucking Co., 921 Sherman Street, Akron, Ohio, 44311.
(33) Fleet Highway Freight Lines, Inc., Post Office Box 1037, Parkersburg, W. Va., 26101.
(34) General Expressways, Inc., c/o Navajo Freight Lines, Inc., 1205 South Platte River Drive, Denver, Colo., 80223.
(35) Greenleaf Motor Express, Inc., Box 43, 4606 State Avenue, Ashtabula, Ohio, 44004.
(36) Hall's Motor Transit Co., Fifth and Vine Streets, Sunbury, Pa., 17801.
(37) O. K. Heilman, Inc., 4th Avenue and 14th Streets, Ford City, Pa., 16226.
(38) Helm's Express, Inc., Post Office Box 268, Pittsburgh, Pa., 15230.
(39) Hennis Freight Lines, Inc., Box 612, Paterson Avenue Extended, Highway 52, Winston-Salem, N.C., 27102.
(40) Hennis Freight Lines, Inc., Operator of Hancock-Trucking, Inc., Box 612, Paterson Avenue Extended, Highway 52, Winston-Salem, N.C., 27102.
(41) Herriott Trucking Co., Inc., Alice and Sumner Streets, East Palestine, Ohio, 44413.
(42) Hixson Truck Line, S. W. Hixson, d/b/a 395 Baird Street, Post Office Box 2771, Akron, Ohio, 44301.
(43) Hogan Storage & Transfer Co., Post Office Box 377, Williamson, W. Va.
(44) Houff Transfer, Inc., Post Office Box 91, Weyers Cave, Va., 24486.
(45) Huber & Huber Motor Express, Inc., 970 South 8th Street, Louisville, Ky., 40201.
(46) I L & C Corp., 2500 West Taylor Street, Chicago, Ill., 60612.
(47) Indianapolis-Kansas City Motor Express Co., 3537 Broadway, Kansas City, Mo., 64111.
(48) Interstate Motor Freight System, 134 Grandville Avenue SW., Grand Rapids, Mich., 49502.
(49) Interstate Truck Service, Inc., 605-611 South First Street, Martins Ferry, Ohio.
(50) Jones Motor Co., Inc., Bridge Street and Schuylkill Road, Spring City, Pa., 19475.
(51) Keystone-Lawrence Transfer and Storage Co., 21 West South Street, New Castle, Pa., 16103.
(52) Kramer-Consolidated Freight Lines, Inc., 4195 Central Avenue, Detroit, Mich., 48210.
(53) The Lake Shore Motor Freight Co., 1200 South State Street, Girard, Ohio.
(54) Lee Way Motor Freight, Inc., Post Office Box 82488, 3000 West Reno, Oklahoma City, Okla., 73108.
(55) Lightning Express, Inc., 2701 Railroad Street, Pittsburgh 22, Pa.
(56) Arnold Ligon Truck Line, Inc., Post Office Box 666, Lebanon, Ky., 40033.
(57) Long Transportation Co., 3755 Central Avenue, Detroit, Mich., 48232.
(58) Lyons Transportation Lines, Inc., 1701 Parade Street, Erie, Pa., 16512.
(59) The Mason & Dixon Lines, Inc., Post Office Box 969, Eastman Road, Kingsport, Tenn., 37662.
(60) McLean Trucking Co., Post Office Box 213, 617 Waughtown Street, Winston-Salem, N.C., 27102.
(61) W. L. Mead, Inc., Post Office Box 31, Cleveland Road, Norwalk, Ohio, 44857.
(62) Miami Transportation Co., Inc. of Indiana, 1220 Harrison Avenue, Cincinnati, Ohio, 45214.
(63) Michigan Express, Inc., 1122 Freeman Avenue SW., Grand Rapids, Mich., 49502.
(64) Middle Atlantic Transportation Co., Inc., 976 West Main Street, Post Office Box No. 1296, New Britain, Conn., 06050.
(65) Midwest Emery Freight System, Inc., 7000 South Pulaski Road, Chicago, Ill., 60629.
(66) Midwest Freight Forwarding Co., Inc., 3220 South Wolcott Avenue, Chicago, Ill., 60608.
(67) J. E. Miller Transfer & Storage Co., 1508-14 McColloch Street, Post Office Box 368, Wheeling, W. Va., 26004.
(68) Modern Transfer Co., Inc., 1300 Hanover Avenue, Allentown, Pa., 18105.
(69) Morrison Motor Freight, Inc., 1100 East Jenkins Boulevard, Akron, Ohio, 44306.
(70) Motor Express, Inc., 410 Lincoln Building, Cleveland, Ohio, 44114.
(71) National Freight, Inc., 57 West Park Avenue, Vineland, N.J., 08360.
(72) National Freight, Inc., Operator of Pittsburgh-Wheeling Express, Inc., 57 West Park Avenue, Vineland, N.J., 08360.
(73) Newsom Trucking Company, Inc., Box 509, Columbus, Ind., 47201.
(74) Noerr Motor Freight, Inc., 1000 South Main Street, Lewistown, Pa., 17044.
(75) Norwalk Truck Lines, Inc., Post Office Box 320, 180 Milan Avenue, Norwalk, Ohio, 44857.
(76) Norwalk Truck Lines, Inc. of Delaware, Post Office Box 1479, Manheim Pike, Lancaster, Pa.
(77) The O. K. Trucking Co., 1810 South Street, Cincinnati, Ohio, 45204.
(78) Ohio Fast Freight, Inc., Post Office Box 808, Warren, Ohio, 44485.
(79) Pittsburgh & New England Trucking Co., 211 Washington Avenue, Dravosburg, Pa., 15034.
(80) Point Express, Inc., Post Office Box 10185, Station C, 3535 Seventh Avenue, Charleston, W. Va.
(81) Ramus Trucking Line, Inc., 3832 Ridge Road, Cleveland 9, Ohio.
(82) Renner Motor Lines, Inc., 622 West Waterloo Road, Akron 14, Ohio.
(83) Riss & Company, Inc., Post Office Box 2739, Bijou & Cascade, Colorado Springs, Colo., 80901.
(84) Roadway Express, Inc., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309.
(85) Russell Transfer, Inc., 444 Glenmore Drive, Salem, Va.

(86) Ryder Truck Lines, Inc., Post Office Box 2408, Jacksonville, Fla., 32203.
(87) Safeway Truck Lines, Inc., 4625 West 55th Street, Chicago 32, Ill.
(88) Schreiber Trucking Co., Inc., 1315–1399 Washington Boulevard, Pittsburgh 6, Pa.
(89) Smith's Transfer Corp. of Staunton, Va., Post Office Box 1000, Staunton, Va., 24401.
(90) Snyder Brothers Motor Freight, Inc., 363 Stanton Avenue, Akron, Ohio, 44301.
(91) Spector Freight System, Inc., 3100 South Wolcott Avenue, Chicago, Ill., 60608.
(92) Strickland Motor Freight Lines, Inc., Post Office Box 5689, 3011 Gulden Avenue, Dallas, Tex., 75222.
(93) Superior Trucking Company, Inc., 520 Bedford Place NE., Atlanta, Ga., 30308.
(94) Suwak Trucking Co., 1105 Fayette Street, Washington, Pa., 15301.
(95) H. W. Taynton Co., Inc., 40 Main Street, Wellsboro, Pa., 16901.
(96) T.I.M.E. Freight, Inc., 2604 Texas Avenue, Lubbock, Tex.
(97) Transamerican Freight Lines, Inc., 1700 North Waterman Avenue, Detroit, Mich., 48209.
(98) Transport Motor Express, Inc., Post Office Box 958, Meyer Road, Fort Wayne, Ind., 46801.
(99) Travelers Motor Freight, Inc., 1149 Kenmore Boulevard, Post Office Box 1332, Akron, Ohio, 41309.
(100) United Dispatch, Inc., 113 Ann Street, Parkersburg, W. Va., 26101.
(101) Valley Freight Lines, Inc., Post Office Box 231, Rural Delivery No. 2, New Castle, Pa., 16103.
(102) Wenham Transportation, Inc., 3200 East 79th Street, Post Office Box 6931, Cleveland 1, Ohio.
(103) The Western Express Co., 1277 East 40th Street, Cleveland 14, Ohio.
(104) Wilson Freight Forwarding Co., 3636 Follett Avenue, Cincinnati 23, Ohio.
(105) Yankee Lines, Inc., 1400 East Archwood Avenue, Akron 6, Ohio.
(106) T. M. Zimmerman Co., Post Office Box 380, 227 West Commerce Street, Chambersburg, Pa., 17210.

[F.R. Doc. 64–10447; Filed, Oct. 14, 1964; 8:45 a.m.]

## FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 12, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39323: *Seatrain Lines—Synthetic plastics from points in Louisiana.* Filed by Seatrain Lines, Inc. (No. 31), for itself and interested carriers. Rates on synthetic plastics, liquid or other than liquid, noibn, also sheet scrap and scrap, noibn, loaded in containers and transported over joint routes of applicant motor carriers and Seatrain Lines, Inc., from Baton Rouge, North Baton Rouge, Plaquemine, Lockport, and Lake Charles, La., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

Grounds for relief: Truck-water-truck competition.

Tariff: Supplement 15 to Seatrain Lines, Inc., tariff I.C.C. 199.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–10489; Filed, Oct. 14, 1964; 8:46 a.m.]

[Notice 1061]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 12, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 67081. By order of October 8, 1964, the Transfer Board approved the transfer to King's of America Van & Storage, Inc., doing business as Russell-North American Transfer & Storage, Joplin, Mo., of the operating rights issued March 9, 1964, under Certificate No. MC 29723, to Robert Dale King and Marvin Rector, a partnership, doing business as Russell-North American Transfer & Storage, Joplin, Mo., authorizing the transportation of household goods over irregular routes, between Joplin, Mo., and points in Missouri within 25 miles thereof, on the one hand, and, on the other, points in Kansas. George C. Balridge, 225 Miners Bank Building, Joplin, Mo., attorney for applicants.

No. MC–FC 67173. By order of October 8, 1964, the Transfer Board approved the transfer to Ward J. Tucker and Thelma M. Tucker, a partnership, Maysville, Mo., of the operating rights in Certificate of Registration No. MC 99976 Sub 1, issued by the Commission December 19, 1963, to Raymond C. Souther and Ward J. Tucker, a partnership, doing business as Zip Truck Line, Maysville, Mo., corresponding to the grant of intrastate authority to transferor, pursuant to Common Carrier Certificate No. T–547, issued February 8, 1957, by the Public Service Commission of the State of Missouri, authorizing the transportation of property, over regular routes, between St. Joseph and Maysville; between Winston, Altamont, Gallatin, Jameson and all intermediate points, and between all of the said points, on the one hand, and St. Joseph and Maysville, on the other hand; between St. Joseph, Clarksdale, Oak, Amity, Fairport, Santa Rosa, Weatherby, and Coffey and applicants' previously authorized routes; and over irregular routes, between Maysville and all points within 10 miles of Maysville, on the one hand, and all points in the counties of De Kalb, Daviess, Clinton, Andrew and Buchanan, on the other hand.

No. MC–FC 66255. By order of October 7, 1964, the Transfer Board approved the transfer to Hudson River Warehouse & Trucking Corp., Jersey City, N.J., of Certificate in No. MC 2028, issued August 20, 1957, to Gray Fleet Trucking Co., Inc., Jersey City, N.J., authorizing the transportation of: Heavy industrial chemicals, and empty chemical containers used as receptacles of heavy industrial chemicals, between New York, N.Y., on the one hand, and, on the other, New Brunswick, N.J., and points in Bergen, Essex, Hudson, Morris, Somerset, Union, and Passaic Counties, N.J., and those in a specified part of Middlesex County, N.J. Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–10490; Filed, Oct. 14, 1964; 8:47 a.m.]



# Title 2—THE CONGRESS

## ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 88th Congress, Second Session.

### Approved October 13, 1964

S. 646 ..... Public Law 88–659
An Act to regulate the location of chanceries and other business offices of foreign governments in the District of Columbia.

S. 1147 ..... Public Law 88–657
An Act to enable the Secretary of Agriculture to construct and maintain an adequate system of roads and trails for the national forests, and for other purposes.

S. 1593 ..... Public Law 88–660
An Act to amend section 14 of the Federal-Aid Highway Act of 1954, concerning the interstate planning and coordination of the Great River Road.

S. 2180 ..... Public Law 88–654
An Act to amend title VII of the Public Health Service Act so as to extend to qualified school of optometry and students of optometry those provisions thereof relating to student loan programs.

S. 2460 ..... Public Law 88–642
An Act to amend the Act of July 13, 1959, so as to extend the period of time within which certain construction may be undertaken by the State of Missouri on lands conveyed to such State by the United States.

S. 2649 ..... Public Law 88–646
An Act to designate as the Graham Burke Pumping Plant the pumping plant being constructed in the State of Arkansas as part of the White River backwater unit of the Lower Mississippi River flood control project.

S. 2654 ..... Public Law 88–648
An Act to change the name of the Canal, known as the Bay Head-Manasquan Canal and as the Manasquan River-Barnegat Bay Canal, to Point Pleasant Canal.

S. 2968 ..... Public Law 88–658
An Act to amend subsection 120(f) of title 23, United States Code.

S. 3035 ..... Public Law 88–663
An Act to provide for the disposition of judgment funds now on deposit to the credit of the Red Lake Band of Chippewa Indians.

S. 3143 ..... Public Law 88–662
An Act to designate as Clair Engle Lake the reservoir created by the Trinity Dam, Central Valley project, California.

S. 3162 ..... Public Law 88–656
An Act to amend section 105(a) of the Legislative Branch Appropriation Act, 1965, with respect to the disclosure in reports required thereunder of the names of persons who have appeared as witnesses before committees sitting in executive session.

S. 3174 ..... Public Law 88–661
An Act to amend section 5 of the Employment Act of 1946.

H.J. Res. 1192 ..... Public Law 88–649
Joint Resolution fixing the time of assembly of the Eighty-ninth Congress.

H.R. 1096 ..... Public Law 88–655
An Act to authorize the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administration of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes.

H.R. 2434 ..... Public Law 88–651
An Act to amend section 560 of title 38, United States Code, to permit the payment of special pension to holders of the Congressional Medal of Honor awarded such medal for actions not involving conflict with an enemy, and for other purposes.

H.R. 4649 ..... Public Law 88–653
An Act to amend the Internal Revenue Code of 1954 to authorize the use of certain volatile fruit-flavor concentrates in the cellar treatment of wine, and for other purposes.

H.R. 5871 ..... Public Law 88–644
District of Columbia Judges Retirement Act of 1964.

H.R. 6218 ..... Public Law 88–645
An Act to amend the Act of June 29, 1960, to authorize additional extensions of time for final proof by certain entrymen under the desert land laws and to make such additional extensions available to the successors in interest of such entrymen.

H.R. 8427 ..... Public Law 88–643
An Act to provide for the establishment and maintenance of a Central Intelligence Agency Retirement and Disability System for a limited number of employees, and for other purposes.

H.R. 9124 ..... Public Law 88–647
An Act to amend title 10, United States Code, to vitalize the Reserve Officers' Training Corps programs of the Army, Navy, and Air Force, and for other purposes.

H.R. 9393 ..... Public Law 88–650
An Act to amend title II of the Social Security Act to provide full retroactivity for disability determinations, to extend the period within which ministers may elect coverage, and to validate wages erroneously reported for certain engineering aides employed by soil and water conservation districts in Oklahoma, and for other purposes.

H.R. 10473 ..... Public Law 88–641
An Act to extend the period during which Federal payments may be made for foster care in child-care institutions under the program of aid to families with dependent children under title IV of the Social Security Act, and for other purposes.

H.R. 12318 ..... Public Law 88–652
An Act to provide an equitable system for the classification of certain positions under the House of Representatives, and for other purposes.

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# FEDERAL REGISTER

VOLUME 29 NUMBER 203

*Washington, Friday, October 16, 1964*

THE UNIVERSITY OF MICHIGAN

OCT 21 1964

MAIN READING ROOM

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**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

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*Announcing first 5-year Cumulation*

**UNITED STATES STATUTES AT LARGE**

**TABLES OF LAWS AFFECTED in Volumes 70–74**

Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

**Price: $1.50**

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402



FEDERAL REGISTER

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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# Rules and Regulations

## Title 7—AGRICULTURE

**Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), U.S. Department of Agriculture**

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

### PART 722—COTTON

**Subpart—1965 Crop of Upland Cotton—National Marketing Quota; National Allotment and National Reserve and Apportionment to the States and Counties; National Domestic Acreage Allotment; Referendum Date**

Sec.
722.253 Basis and purpose.
722.254 National marketing quota in bales.
722.255 National allotment in acres.
722.256 National reserve.
722.257 Apportionment of national allotment and national reserve to the States.
722.258 National domestic acreage allotment.
722.259 Referendum date.

AUTHORITY: The provisions of this subpart issued under secs. 301, 342, 343, 344, 350, 375, 52 Stat. 38, as amended; 63 Stat. 670, as amended; 78 Stat. 175; 52 Stat. 66, as amended; 7 U.S.C. 1301, 1342, 1343, 1344, 1350, 1375.

**§ 722.253 Basis and purpose.**

(a) The provisions of §§ 722.253 to 722.259 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.) (referred to as the "act"). These provisions announce findings with respect to the total supply and the normal supply of upland cotton for the marketing year beginning August 1, 1964, and proclaim upon the basis of such findings, a national marketing quota in bales and a national allotment in acres for the 1965 crop of upland cotton. The national reserve and the apportionment of the national allotment and the national reserve to the States are also established under these provisions. The national domestic acreage allotment pursuant to section 350 of the act for the 1965 crop of upland cotton is also proclaimed under these provisions. The date for holding the referendum pursuant to section 343 of the act is also established under these provisions. The term "upland cotton" (referred to as "cotton") does not include extra long staple cotton described in section 347(a) of the act or similar types of extra long staple cotton which are imported. The findings and determinations of the Secretary in §§ 722.253 to 722.259 have been made on the basis of the latest available statistics of the Federal Government.

(b) Notice that the Secretary was preparing to determine whether a national marketing quota and national allotment would be required under the act for the 1965 crop of cotton and with respect to the establishment of State and county allotments, the national reserve, the national domestic acreage allotment and the establishment of the date for holding the referendum was published in the FEDERAL REGISTER on September 12, 1964 (29 F.R. 12878), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice.

(c) Since this subpart contains proclamations required by section 342 of the act to be made not later than October 15, 1964, and since the apportionment of the national allotment and national reserve to the States and establishment of the national domestic acreage allotment require immediate action by the Agricultural Stabilization and Conservation State and county committees, it is essential that §§ 722.253 to 722.259 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and §§ 722.253 to 722.259 shall be effective upon filing this document with the Director, Office of the Federal Register.

**§ 722.254 National marketing quota in bales.**

(a) *Finding of total supply.* As defined in section 301 of the act, the "total supply" of cotton for the marketing year beginning August 1, 1964 (in terms of running bales or the equivalent), consists of the sum of (1) "carryover" on August 1, 1964, (2) estimated production from the 1964 crop of cotton and (3) estimated imports into the United States during the marketing year beginning August 1, 1964. The following finding of total supply is hereby made by the Secretary:

(1) Total supply of cotton for the marketing year beginning August 1, 1964, in running bales or equivalent:

| | *Bales* |
|---|---|
| (a) Carryover | 11,979,000 |
| (b) Estimated production | 15,130,000 |
| (c) Estimated imports | 50,000 |
| Total supply | 27,159,000 |

(b) *Finding of normal supply.* As defined in section 301 of the act, the "normal supply" of cotton for the marketing year beginning August 1, 1964 (in terms of running bales or the equivalent), consists of the sum of (1) estimated domestic consumption for the marketing year beginning August 1, 1964, (2) estimated exports during the marketing year beginning August 1, 1964, and (3) 30 percent of the sum of such estimated domestic consumption and estimated exports as an allowance for carryover. The following finding of normal supply is hereby made by the Secretary:

(1) Normal supply of cotton for the marketing year beginning August 1, 1964, in running bales or equivalent:

| | *Bales* |
|---|---|
| (a) Estimated domestic consumption | 9,600,000 |
| (b) Estimated exports | 5,200,000 |
| (c) 30 percent allowance for carryover | 4,440,000 |
| Normal supply | 19,240,000 |

(c) *Proclamation of national marketing quota.* It is hereby determined and proclaimed by the Secretary that the total supply of cotton for the marketing year beginning August 1, 1964, will exceed the normal supply of cotton for such marketing year. Therefore, a national marketing quota shall be in effect for the crop of cotton produced in the calendar year 1965.

(d) *Proclamation of amount of national marketing quota in bales.* Section 342 of the act provides that the amount of the national marketing quota for the 1965 crop of cotton (in terms of standard bales of 500 pounds gross weight) shall be the largest of the following:

(1) The number of bales of cotton adequate, together with (i) the estimated carryover at the beginning of the 1965–66 marketing year, and (ii) the estimated imports during the 1965–66 marketing year, to make available a normal supply of cotton.

(2) The number of bales of cotton equal to the estimated domestic consumption and estimated exports (less estimated imports) for the 1965–66 marketing year, except that the Secretary shall make such adjustment in the amount of such quota as he determines necessary after taking into consideration the estimated stocks of cotton in the United States (including the qualities of such stocks) and stocks in foreign countries which would be available for the marketing year for which the quota is being proclaimed if no adjustment of such quota is made hereunder, to assure the maintenance of adequate but not excessive stocks in the United States to provide a continuous and stable supply of the different qualities of cotton needed in the United States and in foreign cotton consuming countries and for purposes of national security; but the Secretary, in making such adjustments, may not reduce the national marketing quota below one million bales less than the estimated domestic consumption and estimated exports for the 1965–66 marketing year.

(3) Ten million bales of cotton.

(4) The number of bales of cotton required to provide a national allotment of 16,000,000 acres for the 1965 crop of cotton.

It is hereby determined and proclaimed that the national marketing quota for the 1965 crop of cotton (in terms of standard bales of 500 pounds gross weight) shall be 14,733,000 bales (rounded to nearest 1,000 bales) based on a mini-





mum national allotment of 16,000,000 national domestic acreage allotment for

AUTHORITY: The provisions of this subpart

mum national allotment of 16,000,000 acres under subparagraph (4) of this paragraph calculated by multiplying the minimum national allotment by the national average yield of 442 pounds per acre of cotton for the four calendar years 1960, 1961, 1962, and 1963 and dividing the result by 480 pounds (net weight of a standard bale). This determination is based on the following data:

| | |
|---|---|
| Determinations for purpose of: | |
| (i) § 722.254(d)(1) | [1] 6,571,000 |
| (ii) § 722.254(d)(4) | [1] 14,733,000 |
| (iii) § 722.254(d)(2) | [1] 14,550,000 |
| Based on: | |
| (iv) Estimated domestic consumption | [2] 9,600,000 |
| (v) Estimated exports | [2] 5,000,000 |
| (vi) Estimated imports | [2] 50,000 |
| (vii) Adjustment for stocks | None |

[1] Standard bales.
[2] Running bales.
[3] Equivalent running bales.

**§ 722.255 National allotment in acres.**

It is hereby determined and proclaimed that a national allotment shall be in effect for the crop of cotton produced in the calendar year 1965. The amount of such national allotment is 16,000,000 acres calculated as set forth in § 722.254.

**§ 722.256 National reserve.**

It is hereby determined that a national reserve of 200,000 acres is required under section 344(b) of the act which is in addition to the national allotment. The amount of the national reserve is based upon the estimated needs of the States for additional acreage for establishing minimum farm allotments under section 344(f)(1) of the act except that 1,000 acres shall be apportioned to Nevada as required by section 344(b) of the act.

**§ 722.257 Apportionment of national allotment and national reserve to the States.**

The national allotment of 16,000,000 acres and the national reserve of 200,000 acres are apportioned to the States in accordance with section 344(b) of the act as follows:

| State | State's share of national allotment | State's share of national reserve | Total allotment available for state |
|---|---|---|---|
| | *Acres* | *Acres* | *Acres* |
| Alabama | 941,074 | 28,394 | 969,468 |
| Arizona | 330,103 | 557 | 330,660 |
| Arkansas | 1,327,854 | 5,020 | 1,332,874 |
| California | 733,870 | 2,037 | 735,907 |
| Florida | 31,848 | 3,212 | 35,060 |
| Georgia | 812,596 | 22,259 | 834,855 |
| Illinois | 2,974 | 21 | 2,995 |
| Kansas | 20 | 2 | 22 |
| Kentucky | 6,969 | 249 | 7,218 |
| Louisiana | 558,153 | 9,170 | 567,323 |
| Maryland | 6 | | 6 |
| Mississippi | 1,530,310 | 21,260 | 1,551,570 |
| Missouri | 356,543 | 1,774 | 358,317 |
| Nevada | 2,322 | 1,000 | 3,322 |
| New Mexico | 171,464 | 572 | 172,036 |
| North Carolina | 437,055 | 22,903 | 459,958 |
| Oklahoma | 743,474 | 10,356 | 753,830 |
| South Carolina | 666,200 | 18,018 | 684,218 |
| Tennessee | 531,510 | 15,578 | 547,088 |
| Texas | 6,799,903 | 36,042 | 6,835,945 |
| Virginia | 15,552 | 1,576 | 17,128 |
| United States | 16,000,000 | 200,000 | 16,200,000 |

**§ 722.258 National domestic acreage allotment.**

(a) ***Findings under section 350 of the act.*** Under section 350 of the act, the national domestic acreage allotment for the 1965 crop of cotton shall be that acreage, based upon the national average yield per acre of cotton for the four years immediately preceding the calendar year in which the national acreage allotment for such crop was proclaimed, required to make available from such crop an amount of cotton equal to the estimated domestic consumption of cotton for the marketing year for such crop. The following findings are hereby made by the Secretary:

(1) National average yield per acre of cotton for the four calendar years 1960, 1961, 1962, and 1963—442 pounds.

(2) Estimated domestic consumption of cotton for the marketing year beginning August 1, 1965—9,600,000 standard bales of 500 pounds gross weight.

(3) National acreage allotment for the 1965 crop of cotton as proclaimed in § 722.255—16,000,000 acres.

(b) ***Amount of national domestic acreage allotment in acres.*** It is hereby determined and proclaimed that the national domestic acreage allotment for the 1965 crop of cotton shall be 10,425,000 acres based on the following calculations:

9,600,000 bales multiplied by 480 pounds (net weight of a standard bale) equals 4,608 million pounds estimated domestic consumption.

4,608 million pounds (estimated domestic consumption) divided by 442 pounds (national average yield) equals 10,425,000 acres (national domestic acreage allotment).

(c) ***Farm domestic allotment percentage.*** The percentage which the national domestic acreage allotment of 10,425,000 acres is of the national acreage allotment of 16,000,000 acres is hereby determined to be 65 percent (65.156 percent rounded to nearest percent).

**§ 722.259 Referendum date.**

The date for holding the referendum for the 1965 crop of cotton pursuant to section 343 of the act and § 722.205 of the Acreage Allotment Regulations for the 1964 and succeeding crops of upland cotton (28 F.R. 11041; 29 F.R. 11143) shall be December 15, 1964.

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 13, 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64-10596; Filed, Oct. 14, 1964; 8:45 a.m.]

## PART 722—COTTON

### Subpart—1965 Crop of Extra Long Staple Cotton—National Marketing Quota; National Allotment and Apportionment to the States and Counties; Referendum Date

Sec.
722.348 Basis and purpose.
722.349 National marketing quota in bales.
722.350 National allotment in acres.
722.351 Apportionment of national allotment to the States.
722.352 Referendum date.

AUTHORITY: The provisions of this subpart issued under secs. 301, 343, 344, 347, 375; 52 Stat. 38, as amended; 63 Stat. 670, as amended; 68 Stat. 675, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1301, 1343, 1344, 1347, 1375.

**§ 722.348 Basis and purpose.**

(a) The provisions of §§ 722.348 to 722.352 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.) (referred to as the "act"). These provisions announce findings with respect to the total supply and the normal supply of extra long staple cotton for the marketing year beginning August 1, 1964, and proclaim, upon the basis of such findings, a national marketing quota in bales and a national allotment in acres for the 1965 crop of extra long staple cotton. The apportionment of the national allotment to the States is also made under these provisions. The date for holding the referendum pursuant to section 343 of the act is also established under these provisions. The term "extra long staple cotton" (referred to as "ELS cotton") as used in § 722.349 (a) and (b) means the kinds of cotton described in section 347(a) of the act, including American-Egyptian cotton, Sea Island cotton in both the continental United States and Puerto Rico, and Sealand cotton, and all imports of similar type cotton produced in Egypt, Sudan, and Peru. Exports of ELS cotton from Commodity Credit Corporation stocks estimated to be made pursuant to Public Law 88-638 enacted October 8, 1964, are excluded as required by section 3 of such Public Law from the determinations of estimated exports under § 722.349 (b) and (d). ELS cotton as used in § 722.349 (c) and (d) and § 722.350 means the kinds of cotton described in section 347 (a) of the act. The findings and determinations of the Secretary in §§ 722.348 to 722.352 have been made on the basis of the latest available statistics of the Federal Government.

(b) Notice that the Secretary was preparing to determine whether a national marketing quota and national allotment would be required under the act for the 1965 crop of ELS cotton and with respect to the establishment of State and county allotments and establishment of the date for holding the referendum was published in the FEDERAL REGISTER on September 12, 1964 (29 F.R. 12878), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice.

(c) Since this subpart contains proclamations required by section 347(b) of the act to be made not later than October 15, 1964, and since the apportionment of the national allotment to the States requires immediate action by the Agricultural Stabilization and Conservation State and county committees, it is essential that §§ 722.348 to 722.352 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and §§ 722.348 to 722.352 shall



be effective upon filing this document with the Director, Office of the Federal Register.

**§ 722.349 National marketing quota in bales.**

(a) ***Finding of total supply.*** As defined in section 301 of the act, the "total supply" of ELS cotton for the marketing year beginning August 1, 1964 (in terms of running bales or the equivalent), consists of the sum of (1) "carryover" on August 1, 1964, (2) estimated production from the 1964 crop of ELS cotton, and (3) estimated imports into the United States during the marketing year beginning August 1, 1964. Pursuant to Public Law 87-548 enacted July 25, 1962 (76 Stat. 218), the term "carryover" does not include any domestically grown ELS cotton which was transferred or made available to the Commodity Credit Corporation from the stockpile established under the Strategic and Critical Materials Stockpiling Act, as amended (50 U.S.C. 98) and which has not been sold by the Commodity Credit Corporation; and does not include any foreign-grown ELS cotton which was transferred to the Commodity Credit Corporation from such stockpile. The following finding of total supply is hereby made by the Secretary:

(i) Total supply of ELS cotton for the marketing year beginning August 1, 1964, in running bales or equivalent:

| | |
|---|---|
| (a) Carryover | 182,700 |
| (b) Estimated production | 122,400 |
| (c) Estimated imports | 85,600 |
| Total supply | 390,700 |

(b) ***Finding of normal supply.*** As defined in section 301 of the act, the "normal supply" of ELS cotton for the marketing year beginning August 1, 1964 (in terms of running bales or the equivalent), consists of the sum of (1) estimated domestic consumption for the marketing year beginning August 1, 1964, (2) estimated exports during the marketing year beginning August 1, 1964 and (3) 30 percent of the sum of such estimated domestic consumption and estimated exports as an allowance for carryover. The following finding of normal supply is hereby made by the Secretary:

(i) Normal supply of ELS cotton for the marketing year beginning August 1, 1964, in running bales or equivalent:

| | |
|---|---|
| (a) Estimated domestic consumption | 150,000 |
| (b) Estimated exports | None |
| (c) 30 percent allowance for carryover | 45,000 |
| Normal supply | 195,000 |

(ii) It is also hereby determined that 108 per centum of such normal supply equals 210,600 running bales or equivalent.

(c) ***Proclamation of national marketing quota.*** It is hereby determined and proclaimed by the Secretary that the total supply of ELS cotton for the marketing year beginning August 1, 1964, will exceed the normal supply of ELS cotton for such marketing year by more than 8 per centum. Therefore, a national marketing quota shall be in effect for the crop of ELS cotton produced in the calendar year 1965.

(d) ***Proclamation of amount of national marketing quota in bales.*** Section 347 of the act provides that the amount of the national marketing quota for the 1965 crop of ELS cotton (in terms of standard bales of 500 pounds gross weight) shall be the largest of the following:

(1) The number of bales of ELS cotton equal to the estimated domestic consumption plus exports for the marketing year beginning August 1, 1965; less the estimated imports for the marketing year beginning August 1, 1965; plus such additional number of bales, if any, as the Secretary determines is necessary to assure adequate working stocks in trade channels until ELS cotton from the next crop becomes readily available without resort to Commodity Credit Corporation stocks.

(2) 30,000 bales of ELS cotton.

(3) The number of bales of ELS cotton equal to 30 per centum of the estimated domestic consumption plus exports of ELS cotton for the marketing year beginning in the calendar year in which such quota is proclaimed.

It is hereby determined and proclaimed that the national marketing quota for the 1965 crop of ELS cotton (in terms of standard bales of 500 pounds gross weight) shall be 84,400 bales based on subparagraph (1) of this paragraph including an adjustment of 10,000 bales to assure adequate working stocks. This determination is based on the following data:

| | |
|---|---|
| Determinations for purposes of: | |
| (i) § 722.349(d)(3) | [1] 48,000 |
| (ii) § 722.349(d)(1) | [1] 84,400 |
| [1] Standard bales. | |
| Based on running bales or equivalent: | |
| (iii) Estimated domestic consumption | 160,000 |
| (iv) Estimated exports | None |
| (v) Estimated imports | 85,600 |
| (vi) Adjustment for stocks | 10,000 |

**§ 722.350 National allotment in acres.**

It is hereby determined and proclaimed that a national allotment shall be in effect for the crop of ELS cotton produced in the calendar year 1965. The amount of such national allotment is 77,758 acres (rounded to nearest 100 acres) calculated by multiplying the national quota in bales by 480 pounds (net weight of a standard bale) and dividing the result by the national average yield of 521 pounds per acre of ELS cotton for the four calendar years 1960, 1961, 1962, and 1963.

**§ 722.351 Apportionment of national allotment to the States.**

The national allotment of 77,758 acres is apportioned to States in accordance with section 344(b) of the act as follows:

| State: | State allotment (acres) |
|---|---|
| Arizona | 33,595 |
| California | 509 |
| Florida | 297 |
| Georgia | 113 |
| New Mexico | 15,627 |
| Texas | 27,304 |
| Puerto Rico | 313 |
| Total | 77,758 |

**§ 722.352 Referendum date.**

The date for holding the referendum for the 1965 crop of ELS cotton pursuant to section 343 of the act and § 722.305 of the Acreage Allotment Regulations for the 1964 and succeeding crops of extra long staple cotton (28 F.R. 11034; 29 F.R. 11521) shall be December 15, 1964.

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 13, 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64-10595; Filed, Oct. 14, 1964; 8:45 a.m.]

## Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

### SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813.3; Amdt. 1]

## PART 813—ALLOTMENT OF SUGAR QUOTAS

### Domestic Beet Sugar Area, 1964

***Basis and purpose.*** This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act"), for the purpose of amending Sugar Regulation 813.3 (29 F.R. 13028) which established allotments amounting to 2,563,661 tons, or 95 percent of the 1964 sugar quota for the Domestic Beet Sugar Area totaling 2,698,590 short tons, raw value.

This amendment is necessary to substitute final data for estimated data on the processings of sugar from 1963 crop beets, and January 1, 1964, inventories of sugar used in the determination of allotments and to establish allotments of the entire Domestic Beet Sugar Area quota on the basis of such final data.

It was found after notice and public hearing that this order shall be revised, without further notice or hearing, for the purpose of substituting final data for estimated data used in the determination of allotments.

The quantities of sugar and the percentages, based upon final data, to be used in the determination of allotments are set forth in the following tables:

TABLE 1

| Processor | Processings of sugar from 1963-crop beets | | Average marketings within the quota 1959–63 | | Base allotments | | January 1 effective inventories, hundredweight, refined | | | Adjustments to base allotments [6] | | Tentative allotments, short tons, raw value (col. 6+ or − col. 11) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Hundredweight refined [2] | Percent of total | Hundredweight refined | Percent of total | Percent of total (col. 2× 0.75+ col. 4×0.25) | Short tons raw value (col. 5× quota) | 1964 | 1959–63 average adjusted to col. 7 total | 1964 inventory imbalances (col 7− col. 8) | Hundredweight refined | Short tons raw value | |
| | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) |
| Amalgamated Sugar Co., The | 7,875,222 | 13.5402 | 6,458,226 | 13.6501 | 13.5677 | 366,137 | 5,509,506 | 5,770,214 | −260,708 | −3,845 | −206 | 365,931 |
| American Crystal Sugar Co | 6,579,798 | 11.3129 | 5,689,207 | 12.0267 | 11.4909 | 310,092 | 4,471,986 | 4,669,168 | −197,232 | −5,859 | −314 | 309,778 |
| Buckeye Sugars, Inc | 375,251 | .6452 | [1] 324,334 | .6858 | .6879 | 17,214 | 111,428 | 166,298 | −54,870 | −809 | −43 | 17,171 |
| Great Western Sugar Co., The | 14,978,474 | 25.7331 | 12,039,558 | 25.4475 | 25.6767 | 692,909 | 11,029,480 | 10,934,818 | +94,662 | 0 | 0 | 692,909 |
| Holly Sugar Corp | 9,175,849 | 14.0622 | [2] 7,082,076 | 14.9687 | 14.2888 | 385,596 | 6,013,217 | 5,877,267 | +135,950 | 0 | 0 | 385,596 |
| Layton Sugar Co | 219,089 | .5486 | 254,627 | .5382 | .5490 | 14,734 | 226,579 | 241,949 | −15,371 | −227 | −12 | 14,722 |
| Michigan Sugar Co | 1,880,896 | 2.2339 | [3] 1,607,497 | 3.3976 | 2.3978 | 88,373 | 1,337,989 | 1,352,155 | −14,167 | −209 | −11 | 88,362 |
| Monitor Sugar, Div. of Robert Gage Coal Co | 946,235 | 1.6271 | 757,195 | 1.6004 | 1.6204 | 43,728 | 678,322 | 650,049 | +28,273 | 0 | 0 | 43,728 |
| National Sugar Mfg. Co., The | [3] 165,636 | .2838 | 219,664 | .4643 | .3289 | 8,876 | [3] 112,973 | 167,842 | −54,869 | −809 | −43 | 8,833 |
| Spreckels Sugar Co., Div. of American Sugar Co | 7,847,929 | 12.4933 | [4] 6,211,457 | 13.1285 | 13.4021 | 361,668 | 4,267,055 | [3] 3,827,293 | +439,762 | +11,756 | +629 | 362,297 |
| Union Sugar, Div. of Consolidated Foods Corp | 2,713,933 | 4.6645 | 1,926,059 | 4.0709 | 4.5161 | 121,871 | 1,710,850 | 1,613,065 | +97,785 | 0 | 0 | 121,871 |
| Utah-Idaho Sugar Co | 5,301,956 | 10.8352 | [5] 4,775,409 | 10.0963 | 10.6497 | 287,392 | 4,276,067 | 4,265,292 | +10,775 | 0 | 0 | 287,392 |
| Total | 58,161,789 | 100.0000 | 47,312,809 | 100.0000 | 100.0000 | 2,698,590 | 39,735,402 | 39,735,402 | ±797,217 | ±11,756 | ±629 | 2,698,590 |

[1] Includes 25 percent of the reserve quantity allocated for new and expanded facilities for the 1964-crop amounting to 20,710 cwt. for Buckeye, 233,645 cwt. for Holly, 32,000 cwt. for Michigan, and 84,206 cwt. for Utah-Idaho.
[2] Imputed history amounting to 25 percent of quantity allocated as detailed in footnote 1 was added to the 5-year average.
[3] Prior to the application of the "hardship" provision, 1963-crop processings were 132,029 cwt., and Jan. 1, 1964, effective inventories were 79,966 cwt. for the National Sugar Mfg. Co.
[4] Imputed history amounting to 854,206 cwt. or the amount allocated for new factory was added to 5-year average marketings after reducing the most recent year's marketings (1963) by 427,103 cwt. or one-half of new plant allocation, because this quantity was estimated to be marketed in 1963.
[5] Includes imputed inventory of 427,103 cwt. (one-half of Spreckel's reserve allocation) to offset reserve production deemed to be included in Jan. 1, 1964, effective inventory.
[6] Plus (+) adjustments in Col. 10=(Extent (+) quantity in Col. 9 exceeds 10 percent of Col. 8)×(25 percent); minus (−) adjustments in Col. 10=the total of (+) adjustments in Col. 10, prorated to processors on the basis of minus (−) quantities in Col. 9. Plus (+) and minus (−) adjustments in Col. 11=(Col. 10 adjustments)×(0.0625).

TABLE 2

| Processor | Processings of sugar from 1963-crop beets | | Average marketings within the quota 1959–63 | | Base allotments | | January 1 effective inventories, hundredweight, refined [2] | | | Adjustments to base allotments [3] | | Tentative allotments, short tons, raw value (col. 6+ or − col. 11) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Hundredweight refined | Percent of total | Hundredweight refined | Percent of total | Percent of total (col. 2× 0.75+ col. 4×0.25) | Short tons, raw value [1] | 1964 | 1959–63 average adjusted to col. 7 total | 1964 inventory imbalances (col. 7− col. 8) | Hundredweight refined | Short tons, raw value | |
| | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) |
| Amalgamated Sugar Co., The | 7,875,222 | 13.8315 | 6,458,226 | 14.0129 | 13.8769 | 365,388 | 5,509,506 | 5,770,214 | −260,708 | −7,387 | −392 | 364,996 |
| American Crystal Sugar Co | 6,579,790 | 11.5562 | 5,689,207 | 12.3443 | 11.7532 | 309,469 | 4,471,986 | 4,669,168 | −197,232 | −11,179 | −596 | 308,871 |
| Buckeye Sugars, Inc | 354,571 | .6227 | 270,624 | .5872 | .6128 | 17,270 | 111,428 | 166,298 | −54,870 | −1,544 | −83 | 17,187 |
| Great Western Sugar Co., The | 14,973,474 | 26.2971 | 12,039,558 | 26.1237 | 26.2612 | 691,474 | 11,029,480 | 10,934,818 | +94,662 | 0 | 0 | 691,474 |
| Holly Sugar Corp | 7,945,204 | 13.9544 | 6,948,431 | 14.8595 | 14.1807 | 385,887 | 6,013,217 | 5,877,267 | +135,950 | 0 | 0 | 385,887 |
| Layton Sugar Co | 319,089 | .5604 | 254,627 | .5525 | .5584 | 14,703 | 226,579 | 241,951 | −15,372 | −433 | −23 | 14,680 |
| Michigan Sugar Co | 1,848,606 | 3.2473 | 1,575,497 | 3.4185 | 3.2901 | 88,342 | 1,337,989 | 1,352,155 | −14,166 | −399 | −21 | 88,321 |
| Monitor Sugar Co., Div. of Robert Gage Coal Co | 946,335 | 1.6621 | 757,195 | 1.6429 | 1.6573 | 43,638 | 678,322 | 650,049 | +28,273 | 0 | 0 | 43,638 |
| National Sugar Mfg. Co., The | [3] 165,636 | .2908 | 219,664 | .4766 | .3365 | 8,860 | [3] 112,973 | 167,842 | −54,869 | −1,544 | −83 | 8,777 |
| Spreckels Sugar Co., Div. of American Sugar Co | [4] 6,993,723 | 12.2833 | [5] 5,357,251 | 11.6240 | 12.1185 | 364,788 | 3,829,952 | 3,400,190 | +429,762 | +22,436 | +1,200 | 365,988 |
| Union Sugar, Div. of Consolidated Foods Corp | 2,712,932 | 4.7648 | 1,926,059 | 4.1791 | 4.6184 | 121,606 | 1,710,850 | 1,613,065 | +97,785 | 0 | 0 | 121,606 |
| Utah-Idaho Sugar Co | 5,217,750 | 10.9204 | 4,691,203 | 10.1788 | 10.7360 | 287,165 | 4,276,067 | 4,265,292 | +10,775 | 0 | 0 | 287,165 |
| Total | 56,987,023 | 100.0000 | 46,087,842 | 100.0000 | 100.0000 | 2,698,590 | 39,308,299 | 39,308,299 | ±797,217 | ±22,436 | ±1,200 | 2,698,590 |

[1] Column (5)×(Quota-total reserve allocation of 65,525 tons)+individual reserve allocations of 1,108 tons for Buckeye; 12,500 tons for Holly; 1,712 tons for Michigan; 45,700 tons for Spreckels and 4,505 tons for Utah-Idaho. [2] 427,103 cwts. were subtracted from the Jan. 1, 1964, effective inventory for Spreckels. The inventory imbalances were then calculated as provided in the basic allotment method. [3] Plus (+) adjustments in Col. 10=(Extent (+) quantity in Col. 9 exceeds 10 percent of Col. 8)×(25 percent); minus (−) adjustments in Col. 10=the total of (+) adjustments in Col. 10, prorated to processors on the basis of minus (−) quantities in Col. 9. Plus (+) and minus (−) adjustments in Col. 11=(Col. 10 adjustments)×(0.0625). [4] The 1963-crop processings and Jan. 1, 1964, effective inventories used to compute the inventory adjustments were adjusted for hardship for the National Sugar Mfg. Co. [5] Spreckels 1963 reserve allocation of 854,206 cwt. was deducted from their 1963-crop year processings. [6] The 5-year average marketings excludes 427,103 cwts. of sugar for 1963 deemed to be marketed from their 1963 reserve allocation from sugar produced at their new facility.

The allotments set forth herein have been established on the same basis as those in Sugar Regulation 813.3 (29 F.R. 13028), except that final data have been substituted for estimated data, and have been established in accordance with findings heretofore made by the Secretary in the course of this proceeding. Such allotments afford a fair, efficient, and equitable distribution of the quota as required by section 205(a) of the Act.

*Effective date.* Allotments established by this order are larger than the allotments established in S.R. 813.3 (29 F.R. 13028). To afford adequate opportunities to plan marketings and to market the additional quantities of sugar in an orderly manner, it is imperative that this order be effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirements of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and consequently, this order shall be effective when published in the FEDERAL REGISTER.

*Order.* Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act: It is hereby ordered, That paragraph (a) of § 813.3, be amended to read as follows:

**§ 813.3 Allotment of the 1964 sugar quota for the Domestic Beet Sugar Area.**

(a) *Allotments.* The 1964 sugar quota for the Domestic Beet Sugar Area of 2,698,590 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:



| Processors | Allotments | |
|---|---|---|
| | Short tons raw value | Hundredweight refined beet sugar |
| Amalgamated Sugar Co., The | 365,464 | 6,831,103 |
| American Crystal Sugar Co | 309,324 | 5,781,757 |
| Buckeye Sugars, Inc | 17,179 | 321,103 |
| Great Western Sugar Co., The | 692,192 | 12,936,105 |
| Holly Sugar Corp | 385,742 | 7,210,121 |
| Layton Sugar Co | 14,701 | 274,785 |
| Michigan Sugar Co | 88,342 | 1,651,262 |
| Monitor Sugar, Div. of Robert Gage Coal Co | 43,683 | 816,505 |
| National Sugar Manufacturing Co., The | 8,805 | 164,579 |
| Spreckels Sugar Co., Div. of American Sugar Co | 364,142 | 6,806,303 |
| Union Sugar, Div. of Consolidated Foods Corp | 121,738 | 2,275,477 |
| Utah-Idaho Sugar Co | 287,278 | 5,369,662 |
| Total | 2,698,590 | 50,440,985 |

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Done at Washington, D.C., this 12th day of October 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-10537; Filed, Oct. 15, 1964; 8:45 a.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Grapefruit Reg. 20]

## PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF WHITE WATER, CALIFORNIA

### Limitation of Shipments

**§ 909.320 Grapefruit Regulation 20.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on October 1, 1964, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based were received by the Fruit Branch on October 5, 1964; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of grapefruit at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period beginning at 12:01 a.m., p.s.t., October 18, 1964, and ending at 12:01 a.m., p.s.t., December 13, 1964, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade which for purposes of this section shall include the requirement that the grapefruit be well colored, instead of slightly colored, and free from peel that is more than one inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided*, That the tolerances prescribed for the U.S. No. 2 grade shall be the tolerances applicable to the requirements of this subparagraph except that not more than 5 percent shall be allowed for grapefruit having peel more than one inch in thickness at the stem end; or

(ii) Any grapefruit which measure less than $3\frac{11}{16}$ inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than $3\frac{11}{16}$ inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than $3\frac{11}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{2}{16}$ inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1) (i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than $3\frac{11}{16}$ inches in diameter directly to a destination in Zone 4 or Zone 3; and if the grapefruit is so handled directly to Zone 3 the grapefruit does not measure less than $3\frac{9}{16}$ inches in diameter: *Provided*, That a tolerance of 5 percent, by count, of grapefruit smaller than $3\frac{9}{16}$ inches in diameter shall be permitted, which tolerance shall be applied in accordance with the aforesaid provisions for the application of tolerances and, in determining the percentage of grapefruit in any lot which are smaller than $3\frac{9}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are $3\frac{13}{16}$ inches in diameter and smaller.

(3) As used herein, "handler," "variety," "grapefruit," "handle," "Zone 1," "Zone 2," and "Zone 3" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" and "well colored" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 13, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-10575; Filed, Oct. 15, 1964; 8:47 a.m.]

## PART 982—FILBERTS GROWN IN OREGON AND WASHINGTON

### Free and Restricted Percentages for 1964–65 Fiscal Year

Notice was published in the FEDERAL REGISTER on September 29, 1964 (29 F.R. 13430), that there was under consideration the proposed establishment of a free percentage of 81 percent and restricted percentage of 19 percent for Oregon and Washington filberts during the 1964–65 fiscal year which began August 1, 1964. The percentages are based on recommendations of the Filbert Control Board and other available information and would be established pursuant to the provisions of amended Marketing Agreement No. 115 and Order No. 982 (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to file written data, views, or arguments pertaining to the proposal. The prescribed time has elapsed and one such communication was received from



a packer of mixed inshell nuts who buys



Okinawa, Korea, and the Philippines)

a packer of mixed inshell nuts who buys inshell filberts. Such communication suggested, on the basis of the views therein, that no restricted percentage be made effective. However, such views do not recognize the estimates of the excess of merchantable filberts (i.e., inshell supplies) relative to the anticipated demand, as reflected in the aforesaid notice.

After consideration of all relevant matter presented, including that in the notice and in the communication, it is hereby found that free and restricted percentages should be established for the 1964–65 fiscal year and, in accordance with § 982.41, that limiting as hereinafter set forth the quantity of merchantable filberts which may be handled during the 1964–65 fiscal year will tend to effectuate the declared policy of the act.

Therefore, free and restricted percentages for merchantable filberts during the 1964–65 fiscal year are established as follows:

**§ 982.214 Free and restricted percentages for merchantable filberts during the 1964–65 fiscal year.**

The following percentages are established for merchantable filberts for the fiscal year which began August 1, 1964:

| | |
|---|---|
| Free percentage | 81 |
| Restricted percentage | 19 |

It is hereby further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said amended marketing agreement and this part require that free and restricted percentages established for a particular fiscal year shall be applicable to all inshell filberts handled during such year; and (2) the current fiscal year began on August 1, 1964, and the percentages herein established will automatically apply to all such filberts beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 12, 1964.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–10576; Filed, Oct. 15, 1964; 8:47 a.m.]

# Title 8—ALIENS AND NATIONALITY

## Chapter I—Immigration and Naturalization Service, Department of Justice

## PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

## PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

Section 243.8 is amended to read as follows:

**§ 243.8 Imposition of sanctions.**

The provisions of section 243(g) of the Act have been applied to residents of the Union of Soviet Socialist Republics, Czechoslovakia, and Hungary; those provisions do not apply to an alien who is residing in Estonia, Latvia, or Lithuania who is not a national, citizen, or subject of the Union of Soviet Socialist Republics. The sanctions imposed on residents of the Union of Soviet Socialist Republics, Czechoslovakia, and Hungary pursuant to section 243(g) may be waived in an individual case for the beneficiary of a petition accorded a status under section 101(a)(27)(A) or section 203(a)(2), (3), or (4) of the Act, and may also be waived for the beneficiary of a petition accorded a status under section 101(a)(27)(F) or 203(a)(1) of the Act who resides in Hungary. The sanctions also may be waived upon an individual request by the Department of State in behalf of a visa applicant who is not the beneficiary of an approved visa petition. Upon approval of a visa petition or upon an individual request by the Department of State in behalf of a visa applicant who is not the beneficiary of an approved visa petition, the district director will determine whether sanctions shall be waived.

Paragraph (c) of § 264.1 is amended to read as follows:

**§ 264.1 Registration and fingerprinting.**

* * * * *

(c) *Replacement of registration.* Any alien whose evidence of registration has been lost, mutilated, or destroyed, shall immediately apply for new evidence thereof. Except for nonimmigrant crewmen who shall apply on Form I–174, and nonimmigrant agricultural workers, including aliens embraced within the provisions of § 214.2(k) of this chapter, who shall apply on Form I–102, such application shall be made on Form I–90. Any alien lawfully admitted for permanent residence whose name has been legally changed after registration may also apply on Form I–90, provided appropriate documentary evidence of such change is submitted. An application by an alien within the United States for replacement of an alien registration receipt card shall be submitted to the Service office having jurisdiction over the applicant's place of residence in the United States. An alien lawfully admitted for permanent residence who is outside the United States shall submit his application for a new Form I–151 in person or through an American consular officer to the Service officer stationed outside the United States having jurisdiction over the place where the applicant is temporarily sojourning or, if physically present in the area of jurisdiction of the following consular officers directly to such a consular officer in South America (except Venezuela), in areas of Asia lying to the east of the western borders of Afghanistan and Pakistan (but not including Hong Kong and adjacent islands, Taiwan, Japan, Okinawa, Korea, and the Philippines), in Australia, New Zealand, Bulgaria, Czechoslovakia, Hungary, Iceland, Rumania, the Union of Soviet Socialist Republics, Iran, Iraq, Jordan, Saudi Arabia, Syrian Arab Republic, Yemen, Aden, Kuwait, and in Africa (including the United Arab Republic). An application filed abroad will be forwarded to the district director having jurisdiction over the alien's place of residence in the United States and, if the application is approved, Form I–151 will be transmitted to the Service officer stationed outside the United States or the American consular officer for delivery to the applicant. Each applicant who files Form I–90, except a child under 14 years of age or an applicant for replacement of a mutilated Form I–151 who has submitted previously issued Form I–151 with the application or an applicant for a new Form I–151 in a changed name who has submitted previously issued Form I–151 with the application, shall appear in person before an immigration officer prior to the adjudication of his application and be interrogated under oath concerning his eligibility for issuance of Form I–151 as evidence of his registration. If the applicant is outside the United States, such interrogation may be conducted by an immigration officer or a consular officer. Evidence of registration surrendered by a lawful permanent resident alien on other than Form I–151 will be replaced with Form I–151 without fee or application. No appeal shall lie from the decision of the district director denying the application. When an alien establishes that Form I–151 was not received by him and the form has not been returned to the issuing office, a new Form I–151 shall be issued without requiring the submission of an application or fee. The holder of a Form I–151 which is in poor condition because of improper lamination will be issued a new Form I–151 without requiring the submission of an application or fee upon surrender of the original form. The decision on such application shall be made by the district director having jurisdiction over the alien's place of residence in the United States. Form I–151, if issued, will be forwarded to the appropriate Service officer or consular officer abroad for delivery.

* * * * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure and confer benefits upon persons affected thereby.

Dated: October 12, 1964.

RAYMOND F. FARRELL,
*Commissioner of Immigration and Naturalization.*

[F.R. Doc. 64–10592; Filed, Oct. 15, 1964; 8:49 a.m.]



# Title 12—BANKS AND BANKING

## Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

## PART 1—INVESTMENT SECURITIES REGULATION

### Federal National Mortgage Association Participation Certificates

**§ 1.155 Federal National Mortgage Association Participation Certificates.**

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $300 million participation certificates to be issued by the Federal National Mortgage Association (FNMA) in a fiduciary capacity on or about November 2, 1964, are eligible for dealing in, underwriting and unlimited holding by National Banks pursuant to the provisions of Paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) P.L. 88–560, approved September 2, 1964, amended section 302(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(c)) to authorize the FNMA to act in a fiduciary and representative capacity and, in accord with a related trust indenture, to issue participations or other instruments as might be appropriate for financing purposes. The FNMA is also authorized, in its corporate capacity, to obligate itself for the timely payment of interest and principal by means of a guaranty of such participations or other instruments as it may issue in a fiduciary capacity.

(2) On or about November 2, 1964, the FNMA, as trustee, expects to issue $300 million of certificates representing beneficial interests (participations) in the payments from a pool of mortgages made subject to the trust. The trustors creating the trust are the FNMA and the Administrator of Veterans Affairs. The beneficiaries are the holders of outstanding certificates as well as the trustors, but certificate holders, having equal and proportionate benefit one with another, will enjoy complete preference, priority, and distinction over the trustors as beneficiaries or otherwise. The corpus of the trust will be comprised solely of payments from mortgages owned and held by the trustors but made subject to trust, unless there be a default either actual or imminent in the payment of outstanding certificates, in which event the mortgages as entireties will pass into the corpus of the trust and be under the control of the trustee for protection of certificate holders. Proceeds from sale of certificates are to be applied to reduce the use of funds borrowed or otherwise obtained from the United States Treasury.

(3) Under the trust indenture, the FNMA, as trustee, is empowered to issue certificates to the public, provided that the aggregate amount of certificates outstanding at any one time may not exceed 80 percent of the aggregate of the outstanding principal balances of the mortgages and other assets subject to the trust. Payment of all certificates, as to both interest and principal, is guaranteed by the FNMA in its corporate capacity.

(4) An amendment to Paragraph Seventh of 12 U.S.C. 24 (P.L. 88–560, approved September 2, 1964) provided that the limitations and restrictions contained therein as to dealing in, underwriting and purchasing for its own account investment securities by a national bank shall not apply to "obligations participations, or other instruments of or issued by the Federal National Mortgage Association."

(c) *Ruling.* It is the conclusion of this Office that the $300 million certificates of participation to be issued by the FNMA in a fiduciary capacity are "public securities" as defined in § 1.3(c) and therefore eligible for dealing in, underwriting, and unlimited holding by a National Bank under Paragraph Seventh of 12 U.S.C. 24.

Dated: October 2, 1964.

[SEAL] JAMES J. SAXON,
*Comptroller of the Currency.*

[F.R. Doc. 64–10585; Filed, Oct. 15, 1964; 8:47 a.m.]

# Title 13—BUSINESS CREDIT AND ASSISTANCE

## Chapter I—Small Business Administration

[Amdt. 10; Rev. 2]

## PART 107—SMALL BUSINESS INVESTMENT COMPANIES

### Miscellaneous Amendments

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, there is amended, as set forth below, Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 27 F.R. 9743–9754 and amended in 28 F.R. 681, 1627, 3021, 10868, 12250, and 29 F.R. 5223, 7144, 10499 and 12109, by adding thereto new §§ 107.502 and 107.719.

*Information and effective date.* On June 2, 1964, notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 7151) concerning the addition of two new §§ 107.502 and 107.719 to the SBIC Regulation for the purpose of (1) restating and defining the conditions under which a Licensee may exercise temporary control over a small business concern and (2) specifying the conditions under which a Licensee may retain its long-term loans and equity investments acquired with respect to a small business concern which has subsequently become large due to normal growth or as a result of merger or affiliation with a large business enterprise.

After due and careful consideration of the comments and views received with regard to these proposals, the Administration has determined to adopt the amendments, set forth below, as being in furtherance of the best interests of the SBIC program.

In several instances, textual changes were necessarily made in the proposed revisions and were incorporated as part of the formal amendments adopted. For example, the reference to "acquisition rights" in paragraphs (b) and (c) of proposed § 107.502 has been deleted. Paragraph (b), as finally adopted, provides for a rebuttable presumption that a Licensee controls a small business concern where it owns voting securities equivalent to (1) more than 50 percent of the latter's outstanding voting securities, if the concern has less than 50 shareholders, or (2) more than 25 percent, if such concern has 50 or more shareholders. This replaces the proposed revision that would have predicated such presumption on the Licensee's owning (1) 50 or more percent, where the securities of the small business concern are "privately held", or (2) 25 or more percent, where the securities of such concern "are traded on the over-the-counter market or are listed on a stock exchange." Paragraph (d)(2), as finally adopted, states that temporary control may be acquired over a Licensee-financed small business concern where (1) it has been in existence for less than two years, or is an established concern which has substantially changed its type of operations or products during the preceding two years and (2) the funds provided by the Licensee constitute its major source of capital. This replaces the proposed revision of paragraph (d)(2) which would have permitted temporary control where the concern "has been in existence for less than one year" and funds furnished by the Licensee constitute its major source of capital. Paragraph (e), as finally adopted, adds the following proviso to the requirement that Licensees assuming temporary control (in accordance with paragraph (d) of § 107.502) must, at the time of the original financing or at or prior to actual assumption of such control, enter into a satisfactory plan providing for ultimate relinquishment thereof within a reasonable period: *"Provided, however,* That such plan (i) shall not adversely affect or interfere with enforcement by the Licensee of its legal rights against a small business concern which has defaulted on its indebtedness or other obligations to the Licensee, and (ii) shall no longer continue in effect as a binding obligation on the part of the Licensee in the event of such enforcement action. If the Licensee acquires control of the small business concern as the result of the enforcement action taken, the Licensee must nevertheless relinquish control within a reasonable period of time. The Licensee shall be free to negotiate with any appropriate person or entity in connection with accomplishing such relinquishment of control." Paragraph (f) of the proposed revision has been deleted.

Section 107.719, as finally adopted, deletes paragraph (e) of the proposed revision with respect to consulting and advisory services, and incorporates textual changes made in paragraphs (c) and (d) dealing with (1) retention of investments in the event of the merger or affiliation of a Licensee-financed concern with a large business enterprise, or the disposition of portfolio securities in de-

fault situations, and (2) additional investments (subsequent to the original financing) which may be made when a Licensee-financed concern becomes large due to normal growth or as a result of merger or affiliation with a large enterprise. Paragraph (c), as set forth below, provides that a Licensee which acquires securities of a large enterprise in connection with the portfolio concern merging or becoming affiliated with such an enterprise, or Licensee's disposition of portfolio securities in default situations, may retain such securities as long as continued ownership does not interfere with the Licensee's ability to maintain on hand funds in adequate supply for the financing of small business concerns. Further provision is made, in paragraph (c), that the Licensee may in any event retain such securities until it shall have fully recovered the amount of its original investment plus a reasonable return thereon. Paragraph (d), as set forth below, provides that when a Licensee-financed small business concern has become large due to normal growth (as described in paragraph (b) of § 107.719) or as the result of merger or affiliation with a large enterprise, the Licensee may make additional investments in the resultant large business concern (1) to the extent of honoring its commitment liability entered into while the business still qualified as a small concern, and (2) if necessary to protect its original investment.

In accordance with section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003(c)), subject amendments shall become effective thirty (30) days after publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies are hereby amended as follows:

1. By adding a new § 107.502 reading as follows:

**§ 107.502 Control of small business concerns by licensee.**

(a) *General.* The Act contemplates that a Licensee shall finance small business concerns through equity investments and long-term loans. It does not contemplate that Licensees shall operate business enterprises or functions as holding companies exercising control over such enterprises. Accordingly, a Licensee may not acquire equity securities of a small business concern primarily for the purpose of exercising indefinite control over it nor may indefinite control be exercised by one or more Licensees through management agreements, voting trusts, majority representation on the board of directors, or otherwise.

(b) *Presumption of control.* A Licensee will be deemed to control a small business concern when it owns, holds, or controls, directly or indirectly, voting securities equivalent to (1) more than 50 percent of the outstanding voting securities, if the voting securities of the small business are held by less than 50 shareholders, or (2) more than 25 percent of the outstanding voting securities, if the voting securities of the small business concern are held by 50 or more shareholders. This presumption may be rebutted by the submission of appropriate evidence satisfactory to SBA.

(c) *Control by two or more licensees.* Where a small business concern has been financed by two or more Licensees, the aggregate amount of its voting securities which have been acquired and are held or controlled, directly or indirectly, by such Licensees acting in concert or as co-participants pursuant to an agreement shall constitute the basis for determining whether control exists pursuant to paragraph (b) of this section.

(d) *Temporary control permitted.* A Licensee may acquire temporary control over a small business concern from which it has acquired equity securities or to which it has made long-term loans only where (1) the financing is necessary to rehabilitate such concern which is threatened with insolvency or closure due to financial difficulty; or (2) the financing is provided to a small business concern which has been in existence for less than two years, or to an established small business which has made substantial changes in its type of operations or products during the preceding two years, and the funds furnished by the Licensee constitute the major source of capital of the small business concern; or (3) assumption of control is reasonably necessary for the protection of Licensee's investment; or (4) SBA's prior approval has been obtained in exceptional circumstances warranting special treatment consonant with the purposes of the Act.

(e) *Plan to divest control.* Where control of a small business concern is assumed by a Licensee in accordance with paragraph (d) of this section, the Licensee must negotiate and enter into a plan providing for ultimate relinquishment of such control within a reasonable period of time. The plan may (1) provide that other existing stockholders of the small business concern shall have the right, through warrants, options or otherwise, to reacquire control from the Licensee or the right of first refusal to purchase controlling securities from it on terms and conditions negotiated at the time of the original financing; or (2) incorporate such other appropriate contractual arrangements assuring divestiture of control as may be negotiated, at or prior to assumption of actual control, upon a mutually satisfactory basis between the Licensee and other parties in interest: *Provided, however,* That such plan (i) shall not adversely affect or interfere with enforcement by the Licensee of its legal rights against a small business concern which has defaulted on its indebtedness or other obligations to the Licensee, and (ii) shall no longer continue in effect as a binding obligation on the part of the Licensee in the event of such enforcement action. If the Licensee acquires control of the small business concern as the result of the enforcement action taken, the Licensee must nevertheless relinquish control within a reasonable period of time. The Licensee shall be free to negotiate with any appropriate person or entity in connection with accomplishing such relinquishment of control.

2. By adding a new § 107.719 reading as follows:

**§ 107.719 Retention of loans and investments.**

(a) *General.* The Act requires each Licensee to assist small business concerns so as to encourage their growth, expansion, and modernization. In fulfilling this requirement, many small business concerns which have been assisted will grow large as a result of normal growth and will no longer qualify as small pursuant to §§ 107.12 and 121.3-11 of this chapter. In other instances, the securities of small business concerns will be exchanged for those of large businesses in connection with their merger or affiliation with such large businesses, or the disposition of portfolio securities in default situations.

(b) *Normal growth.* A Licensee may indefinitely retain the securities of a business which qualified as a small business concern at the time the Licensee acquired such securities, and which concern subsequently became large as a result of normal growth. Such concern will be considered to have experienced normal growth if it increased in size due to retained earnings, public sale of its securities, merger with other small business concerns, or as a result of other circumstances determined by SBA to constitute normal growth.

(c) *Merger or affiliation with large businesses; and default situations.* Securities of a large business received by a Licensee in connection with the merger or affiliation of a portfolio concern with such large business or the disposition of portfolio securities in default situations, may be retained as long as continued ownership does not interfere with the Licensee's ability to maintain on hand funds in adequate supply for the financing of small business concerns: *Provided, however,* That the Licensee may in any event retain such securities until it has fully recovered the amount of its original investment plus a reasonable return thereon.

(d) *Additional investments.* When a small business has become large through normal growth, merger, or affiliation, a Licensee may make additional investments in the resultant large business concern (1) to the extent of honoring its commitment liability entered into while the business still qualified as a small business concern, and (2) if necessary to protect its original investment.

Dated: October 13, 1964.

EUGENE P. FOLEY,
*Administrator.*

[F.R. Doc. 64-10594; Filed, Oct. 15, 1964; 8:49 a.m.]



# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Airspace Docket No. 64-SW-40]

## PART 73—SPECIAL USE AIRSPACE [NEW]

### Alteration of Restricted Area

The purpose of this amendment to Part 73 [New] of the Federal Aviation Regulations is to alter the boundaries of restricted areas R-5107A and R-5107B at White Sands Proving Grounds, N. Mex.

These restricted areas are a part of the complex in this location that is used for research and development of missiles and for in-service proficiency training of troops in the operation of missiles. The proposal, herein, would make it possible for aircraft connected with missile operations to arrive at, and depart, Condron Field without interference with missile operations that are located northeast of the Field.

Since this amendment does not increase the restricted airspace of the R-5107A and R-5107B complex, and, therefore, imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 73 [New] of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.51 (29 F.R. 1264), restricted areas R-5107A and R-5107B are amended, respectively, as follows:

a. R-5107A White Sands Proving Grounds, N. Mex.

*Boundaries.* Beginning at latitude 32°23'-18" N., longitude 106°07' 03" W.; to latitude 32°05'00" N., longitude 106°18'20" W.; to latitude 32°05'00" N., longitude 106°29'00" W.; to latitude 32°06'20" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°34'00" W.; to latitude 32°18'-00" N., longitude 106°39'00" W.; to latitude 32°19'30" N., longitude 106°39'30" W.; to latitude 32°19'30" N., longitude 106°29'36" W.; to latitude 32°24'48" N., longitude 106°-09'00" W.; to the point of beginning.

*Designated altitude.* Surface to unlimited.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Albuquerque ARTC Center.

*Using agency.* Commanding General, Fort Bliss, Texas.

b. R-5107B White Sands Proving Grounds, N. Mex.

*Boundaries.* Beginning at latitude 33°44'-10" N., longitude 106°04'00" W.; to latitude 33°50'00" N., longitude 106°04'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°25'00" N., longitude 106°06'00" W.; to latitude 32°23'18" N., longitude 106°07' 03" W.; to latitude 33°24'-48" N., longitude 106°09'00" W.; to latitude 32°19'30" N., longitude 106°20'36" W.; to latitude 32°19'30" N., longitude 106°39'30" W.; to latitude 33°13'00" N., longitude 106°52'00" W.; to latitude 33°53'00" N., longitude 106°44'45" W.; to point of beginning.

*Designated altitude.* Surface to unlimited.

*Time of designation.* Continuous.

*Using agency.* Commander, Holloman AFB New Mexico.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 9, 1964.

CLIFFORD P. BURTON,
*Acting Director,*
*Air Traffic Service.*

[F.R. Doc. 64-10582; Filed, Oct. 15, 1964; 8:47 a.m.]

[Airspace Docket No. 63-WA-95]

## PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

### Designation

On August 27, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12319) stating that the Federal Aviation Agency (FAA) was considering designation of a jet route from the Peck, Mich., VOR to the United States/Canadian border via the direct radials between the Peck and Wiarton, Ontario, VORs.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

In § 75.100 (29 F.R. 1287) the following is added:

Jet Route No. 551 (Peck, Mich., to the United States/Canadian border) (joins Canadian high level airway No. 551).

From Peck, Mich., to the United States/Canadian border via the Peck to Wiarton, Ontario, direct radial.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 9, 1964.

D. E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10583; Filed, Oct. 15, 1964; 8:47 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER A—GENERAL

## PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

### Changes of Addresses of Field Offices

Changes of location and/or mailing addresses have been effected at several of the field offices of the Food and Drug Administration, namely, the offices at Baltimore, Md., Boston, Mass., Denver, Colo., Minneapolis, Minn., and St. Louis, Mo. Therefore, pursuant to section 3(a) (1) and (2) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003(a) (1), (2), and under the authority vested in the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 2.103 of the Code of Federal Regulations (21 CFR 2.103; 29 F.R. 471) is amended to include these address changes, as follows:

**§ 2.103 Field offices.**

Food and Drug Administration, 60 Eighth Street NE., Atlanta, Ga., 30309.
Food and Drug Administration, 900 Madison Avenue, Baltimore, Md., 21201.
Food and Drug Administration, 585 Commercial Street, Boston, Mass., 02109.
Food and Drug Administration, 599 Delaware Avenue, Buffalo, N.Y., 14202.
Food and Drug Administration, Room 1222, Main Post Office Building, 433 West Van Buren Street, Chicago, Ill., 60607.
Food and Drug Administration, 1141 Central Parkway, Cincinnati, Ohio, 45202.
Food and Drug Administration, 3032 Bryan Street, Dallas, Tex., 75204.
Food and Drug Administration, Room 573, New Customhouse Building; 20th and California Streets, Denver, Colo., 80202.
Food and Drug Administration, 1560 East Jefferson Avenue, Detroit, Mich., 48207.
Food and Drug Administration, 1009 Cherry Street, Kansas City, Mo., 64106.
Food and Drug Administration, 1521 West Pico Boulevard, Los Angeles, Calif., 90015.
Food and Drug Administration, 240 Hennepin Avenue, Minneapolis, Minn., 55401.
Food and Drug Administration, Room 222, U.S. Customhouse Building, 423 Canal Street, New Orleans, La., 70130.
Food and Drug Administration, Room 1200, U.S. Appraisers Stores Building, 201 Varick Street, New York, N.Y., 10014.
Food and Drug Administration, Room 1304, U.S. Customhouse Building, Second and Chestnut Streets, Philadelphia, Pa., 19106.
Food and Drug Administration, Room 1002, U.S. Courthouse and Customhouse Building, 1114 Market Street, St. Louis, Mo., 63101.
Food and Drug Administration, Room 518, Federal Office Building, 50 Fulton Street, San Francisco, Calif., 94102.
Food and Drug Administration, Room 501, Federal Office Building, 909 First Avenue, Seattle, Wash., 98104.

Notice and public procedure and delayed effective date are not prerequisites to the promulgation of this order, and I so find, since the order effects necessary changes to meet the requirements of section 3 of the Administrative Procedure Act.

(Sec. 701, 52 Stat. 1055; 21 U.S.C. 371)

Dated: October 9, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-10588; Filed, Oct. 15, 1964; 8:48 a.m.]

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

**POLYGLYCEROL ESTERS OF FATTY ACIDS**

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 67B) filed by Wesson Division, Hunt Foods and Industries, Inc., Post Office Box 360, New Orleans 9, La., and other relevant material, has concluded that the

food additive regulations should be amended to prescribe the use of polyglycerol esters of certain fatty acids as a cloud inhibitor in vegetable and salad oils. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), a new paragraph (c) is added to § 121.1120 as follows:

**§ 121.1120 Polyglycerol esters of fatty acids.**

* * * * *

(c) Polyglycerol esters of a mixture of stearic, oleic, and coconut fatty acids are used as a cloud inhibitor in vegetable and salad oils when use is not precluded by standards of identity. The fatty acids used in the production of the polyglycerol esters meet the requirements of § 121.1070(b), and the polyglycerol esters is used at a level not in excess of the amount required to perform its cloud-inhibiting effect.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 9, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-10589; Filed, Oct. 15, 1964; 8:48 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

BOILER WATER ADDITIVES

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 5A1492) filed by The Dow Chemical Company, Midland, Mich., 48640, and other relevant material, has concluded that an amendment to the food additive regulations should issue to prescribe the conditions of safe use of tetrasodium EDTA as a boiler water additive in the preparation of steam that will contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1088 is amended by inserting alphabetically in the list in paragraph (c) the following new item:

**§ 121.1088 Boiler water additives.**

* * * * *

(c) List of substances:

| | *Limitations* |
|---|---|
| * * * | * * * |
| Tetrasodium EDTA | |

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 9, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-10590; Filed, Oct. 15, 1964; 8:48 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

SILICON DIOXIDE

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 4A1462) filed by Hoffmann-La Roche Inc., Nutley, New Jersey, 07110, and other relevant material, has concluded that an amendment to § 121.1058 should issue to prescribe the conditions of use of silicon dioxide as an adsorbent for certain oily-type vitamins in foods for special dietary use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1058 is amended by adding a paragraph (d), as follows:

**§ 121.1058 Silicon dioxide.**

* * * * *

(d) It is used or intended for use as an adsorbent for *dl-α*-tocopheryl acetate and panthenol in tableted foods for special dietary use, in an amount not greater than that required to accomplish the intended physical or technical effect.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 9, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-10591; Filed, Oct. 15, 1964; 8:49 a.m.]

# Title 31—MONEY AND FINANCE: TREASURY

## Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

[Dept. Circular 92 (Revised), 9th Amdt.]

## PART 203—SPECIAL DEPOSITS OF PUBLIC MONEYS UNDER THE ACT OF CONGRESS APPROVED SEPTEMBER 24, 1917, AS AMENDED

### Participation Certificates Issued by Federal National Mortgage Association

Part 203, Subchapter A, Chapter II, Title 31, of the Code of Federal Regulations of the United States (appearing also as Treasury Department Circular No. 92 (Revised), 14 F.R. 7058, November 23, 1949, as amended), is hereby amended by adding immediately after paragraph (n) of § 203.7 the following new paragraph:

**§ 203.7 Special Depositaries must pledge collateral security before receiving deposits; acceptable securities.**

* * * * *

(o) *Participation Certificates issued by the Federal National Mortgage Association.* Participation Certificates issued by the Federal National Mortgage Association as Trustee of Government Mortgage Liquidation Trust: at face value.

(Sec. 8, 40 Stat. 291, as amended; 31 U.S.C. 771)

Dated: October 13, 1964.

[SEAL] JOHN K. CARLOCK,
*Fiscal Assistant Secretary.*

[F.R. Doc. 64-10584; Filed, Oct. 15, 1964; 8:47 a.m.]



# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

## PART 32—HUNTING

### Pahranagat National Wildlife Refuge, Nevada, and Shiawassee National Wildlife Refuge, Michigan

On page 13105 of the FEDERAL REGISTER of September 19, 1964, there was published a notice of a proposed amendment to § 32.21 and § 32.31 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public hunting of big game on the Shiawassee National Wildlife Refuge, Michigan, and upland game on the Pahranagat National Wildlife Refuge, Nevada, as legislatively permitted.

Interested persons were given 15 days in which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

1. Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized:

**§ 32.21 List of open areas; upland game.**

* * * * *

NEVADA

Pahranagat National Wildlife Refuge.

* * * * *

2. Section 32.31 is amended by the addition of the following area as one where hunting of big game is authorized:

**§ 32.31 List of open areas; big game.**

* * * * *

MICHIGAN

SHIAWASSEE NATIONAL WILDLIFE REFUGE

* * * * *

(Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i and sec. 4, 48 Stat. 451, as amended, 16 U.S.C. 718d)

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

OCTOBER 9, 1964.

[F.R. Doc. 64-10574; Filed, Oct. 15, 1964; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR Part 1 ]

### INCOME TAXES

### Expenses for Care of Certain Dependents

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 214 of the Internal Revenue Code of 1954 to section 212 of the Revenue Act of 1964 (78 Stat. 49) and to make certain other changes therein, such regulations are amended as follows:

PARAGRAPH 1. Section 1.214 is amended to read as follows:

**§ 1.214 Statutory provisions; expenses for care of certain dependents.**

Sec. 214. *Expenses for care of certain dependents*—(a) *General rule.* There shall be allowed as a deduction expenses paid during the taxable year by a taxpayer who is a woman or widower, or is a husband whose wife is incapacitated or is institutionalized, for the care of one or more dependents (as defined in subsection (d)(1)), but only if such care is for the purpose of enabling the taxpayer to be gainfully employed.

(b) *Limitations*—(1) *Dollar limit.* (A) Except as provided in subparagraph (B), the deduction under subsection (a) shall not exceed $600 for any taxable year.

(B) The $600 limit of subparagraph (A) shall be increased (to an amount not above $900) by the amount of expenses incurred by the taxpayer for any period during which the taxpayer had 2 or more dependents.



(2) *Working wives and husbands with incapacitated wives.* In the case of a woman who is married and in the case of a husband whose wife is incapacitated, the deduction under subsection (a)—

(A) Shall not be allowed unless the taxpayer and his spouse file a joint return for the taxable year, and

(B) Shall be reduced by the amount (if any) by which the adjusted gross income of the taxpayer and his spouse exceeds $6,000.

This paragraph shall not apply, in the case of a woman who is married, to expenses incurred while her husband is incapable of self-support because mentally or physically defective, or, in the case of a husband whose wife is incapacitated, to expenses incurred while his wife is institutionalized if such institutionalization is for a period of at least 90 consecutive days (whether or not within one taxable year) or a shorter period if terminated by her death.

(3) *Certain payments not taken into account.* Subsection (a) shall not apply to any amount paid to an individual with respect to whom the taxpayer is allowed for his taxable year a deduction under section 151 (relating to deductions for personal exemptions).

(c) *Special rule where wife is incapacitated or institutionalized.* In the case of a husband whose wife is incapacitated or is institutionalized, the deduction under subsection (a) shall be allowed only for expenses incurred while the wife was incapacitated or institutionalized (as the case may be) for a period of at least 90 consecutive days (whether or not within one taxable year) or a shorter period if terminated by her death.

(d) *Definitions.* For purposes of this section—

(1) *Dependent.* The term "dependent" means a person with respect to whom the taxpayer is entitled to an exemption under section 151(e)(1)—

(A) Who has not attained the age of 13 years and who (within the meaning of section 152) is a son, stepson, daughter, or stepdaughter of the taxpayer; or

(B) Who is mentally or physically incapable of caring for himself.

(2) *Widower.* The term "widower" includes an unmarried individual who is legally separated from his spouse under a decree of divorce or of separate maintenance.

(3) *Incapacitated wife.* A wife shall be considered incapacitated only (A) while she is incapable of caring for herself because mentally or physically defective, or (B) while she is institutionalized.

(4) *Institutionalized wife.* A wife shall be considered institutionalized only while she is, for the purpose of receiving medical care or treatment, an inpatient, resident, or inmate of a public or private hospital, sanitarium, or other similar institution.

(5) *Determination of status.* A woman shall not be considered as married if—

(A) she is legally separated from her spouse under a decree of divorce or of separate maintenance at the close of the taxable year, or

(B) She has been deserted by her spouse, does not know his whereabouts (and has not known his whereabouts at any time during the taxable year), and has applied to a court of competent jurisdiction for appropriate process to compel him to pay support or otherwise to comply with the law or a judicial order, as determined under regulations prescribed by the Secretary or his delegate.

[Sec. 214 as amended by sec. 1, Act of April 2, 1963 (Pub. Law 88-4, 77 Stat. 4); sec. 212, Rev. Act 1964 (78 Stat. 49)]

PAR. 2. Section 1.214-1 is amended by revising paragraphs (a) and (b), by revising that portion of paragraph (c) preceding the examples and by adding a subparagraph (3) (ii) immediately following example (9) of such paragraph (c), and by revising paragraphs (d) and (f). The revised and added provisions read as follows:

**§ 1.214-1 Expenses for the care of certain dependents.**

(a) *General rule.* Section 214 allows, subject to certain limitations, a deduction from gross income of expenses paid for the care of certain dependents where the care is for the purpose of enabling the taxpayer to be gainfully employed. Such expenses are referred to in this section as "child care" expenses. The deduction is allowed only for expenses incurred while the taxpayer is gainfully employed or in active search of gainful employment. The employment which is the cause of the incurring of the expenses may, however, consist of service either within or without the home of the taxpayer. Self-employment constitutes employment for purposes of section 214.

(b) *Taxpayers who may qualify for the deduction.* The deduction provided in section 214 is allowed only to a taxpayer who is a woman, a widower, or, for taxable years beginning after December 31, 1963, a husband whose wife is incapacitated or institutionalized. For purposes of this paragraph, the following rules apply:

* * * * *

(2) *A married woman whose husband is capable of self-support.* If the expenses are paid by a woman (i) who is married at the time the expenses are incurred, (ii) whose husband at that time is not incapable of self-support because he is mentally defective or physically disabled, (iii) who is not divorced or legally separated at the end of the taxable year, and (iv) in the case of a woman who has been deserted by her husband and who does not meet all of the conditions set forth in subparagraph (4) (ii) of this paragraph, the deduction is allowed, but only if she files a joint income tax return with her husband for the taxable year in which the expenses are paid. Further, the amount otherwise deductible shall be reduced by the amount, if any, by which the combined adjusted gross income of the taxpayer and her spouse for the taxable year in which the expenses are paid exceeds $4,500 (for taxable years beginning before January 1, 1964) or $6,000 (for taxable years beginning after December 31, 1963). The amount otherwise deductible is the amount expended for child care or the maximum deduction allowable for any taxable year (see paragraph (c) of this section), whichever is the lesser. The determination of whether the taxpayer's husband is incapable of self-support because of a mental defect or physical disability shall be made without regard to his income from sources other than his own earnings. For purposes of this subparagraph, the term "earnings" means wages, salaries, commissions, professional fees, and other amounts received as compensation for personal services actually rendered. It does not include income such as pensions, annuities, sick pay, interest, dividends, or rents.

(3) *A married woman whose husband is incapable of self-support.* * * *

(ii) A married woman claiming a deduction under this subparagraph shall submit with her income tax return in which the deduction is claimed information disclosing (*a*) the nature of her husband's disability, (*b*) the period of the disability, (*c*) the amount of her husband's earnings (if any) during the period he was incapable of self-support, and (*d*) such other information as is required by the return or instructions relating to the return. Where the husband is capable of self-support for part of a taxable year the child care expenses incurred for such part shall be treated under subparagraph (2) of this paragraph. See example (8) of paragraph (c)(3)(i) or example (8) of paragraph (c)(3)(ii) (whichever is applicable) of this section.

* * * * *

(5) *A husband whose wife is incapacitated or institutionalized*—(i) *In general.* Subject to certain limitations, the deduction is allowed for expenses paid in a taxable year beginning after December 31, 1963, by a husband if the expenses are incurred during a period in which his wife is incapacitated. However, the deduction is allowed only if the wife is incapacitated for a period of at least 90 consecutive days or a shorter period if the period of incapacitation is terminated by her death. The period of incapacitation need not occur entirely within one taxable year.

(ii) *Limitation on deduction.* Except as otherwise provided in this subdivision, the deduction is allowed only if the husband files a joint income tax return with his wife for the taxable year in which the expenses are paid. Further, the amount otherwise deductible shall be reduced by the amount, if any, by which the combined adjusted gross income of the husband and his spouse exceeds $6,000 for the taxable year in which the expenses are paid. The amount otherwise deductible is the amount expended for child care (and incurred during the period the wife was incapacitated) or the maximum deduction allowable for any taxable year beginning after December 31, 1963 (see paragraph (c)(2) of this section), whichever is the lesser. The limitations set forth in this subdivision do not apply to any expenses incurred in any period during which the taxpayer's wife is institutionalized if (*a*) the institutionalization is for a period of at least 90 consecutive days, or (*b*) the period of institutionalization (regardless of its length) is terminated by her death. The period of institutionalization referred to in subdivision (*a*) or (*b*) of this subdivision need not occur entirely within one taxable year.

(iii) *Incapacitated wife.* A wife is considered to be incapacitated during any period of time during which she is incapable of caring for herself because of a mental or physical defect. A wife is not considered to be incapacitated solely by reason of the fact that she has a mental or physical defect. A wife is incapacitated only if she is mentally or physically defective and as a result of the mental or physical defect is incapable of caring for herself. The fact that a wife, by reason of a mental or physical defect, is incapable of self-support, is unable to engage in any substantial gainful activity, or is unable to perform the normal household functions of a housewife or to care for her minor children, does not, of itself, establish that the wife is incapable of caring for herself. A wife who is mentally or physically defective to the extent that she cannot dress herself or cannot provide for her personal hygienical or nutritional needs will, ordinarily, be considered as incapable of caring for herself. Thus, a wife who because of an injury (whether temporary or permanent) is confined to a bed or to a wheel chair, even though otherwise enjoying good health, is incapable of caring for herself. In addition, a wife who is physically handicapped, or a wife who is mentally defective and has suicidal or other dangerous tendencies, and for such reason requires constant attention of another person is considered to be incapable of caring for herself. A wife is also considered to be incapacitated during any period of time (whether or not for 90 consecutive days) during which she is institutionalized.

(iv) *Institutionalized wife.* A wife is considered to be institutionalized only while she is, for purposes of receiving medical care or treatment, an inpatient, resident, or inmate of a public or private hospital, or other similar institution. A wife who resides at a hospital, sanitarium, or other similar institution other than for purposes of receiving medical care or treatment, as, for example, by reason of her employment, is not institutionalized. Generally, a wife is not considered institutionalized while residing at a health or beauty ranch or similar establishment even though some medical care or treatment is provided.

(v) *Information to be submitted with return.* A married man claiming a deduction under this subparagraph shall submit with his income tax return in which the deduction is claimed information disclosing, if his wife is institutionalized, the period of institutionalization and the name and address of the institution where the wife received medical care or treatment, or, if his wife is incapacitated (but not institutionalized), the nature and period of her incapacitation. There shall also be submitted such other information as is required by the return or instructions relating to the return. In addition, there should be submitted, wherever possible, a certificate of the attending physician indicating the nature and duration of the wife's mental or physical defect.

(vi) *Computation of 90-day period*—(*a*) *Incapacitation.* For the purpose of determining whether a wife is incapacitated for a period of at least 90 consecutive days, different periods of incapacitation which are separated by a period of time during which the wife is not incapacitated cannot be added together. Thus, if a wife is incapacitated during the months of March and April (61 days) and is incapacitated during the entire month of October (31 days), she is not incapacitated for a period of at least 90 consecutive days. Since a wife who is institutionalized is considered to be incapacitated, the period during which a wife is institutionalized is added to a consecutive period during which she is incapacitated (but not institutionalized) for the purpose of determining whether the wife is incapacitated for a period of at least 90 consecutive days. Thus, the 90-consecutive-day requirement is met where a wife remains at home unable to care for herself because of a mental or physical defect for 60 consecutive days and immediately thereafter enters an institution where she continuously remains for an additional 30 days receiving medical care or treatment, whether or not she is able to care for herself during such 30 days.

(*b*) *Institutionalization.* For the purpose of determining whether a wife is institutionalized for a period of at least 90 consecutive days, different periods of institutionalization which are separated by a period of time during which the wife was not institutionalized cannot be added together. Thus, if a wife is institutionalized during the months of March and April (61 days), spends the months of May and June at home, and is institutionalized during the entire month of July (31 days), she is not institutionalized for a period of at least 90 consecutive days. However, if the wife is incapacitated during all of May and June, the entire period (March through July) constitutes a continuous period of incapacitation, see subdivision (*a*) of this subdivision. The running of a period of institutionalization is not discontinued because of, but rather such period includes, brief absences from the institution such as on weekends or holidays, and transfers from one institution to another.

(vii) *Rule where period of incapacitation does not occur in one taxable year.* The 90-consecutive-day period of incapacitation or of institutionalization need not occur entirely within one taxable year. If part of a period of at least 90 days of incapacitation, or part of a period of incapacitation of less than 90 days which is terminated by reason of the death of the wife, occurs in one taxable year and the remainder occurs in the succeeding taxable year, a deduction is allowed for the child care expenses incurred during the part of the period occurring in each such year, subject, however, to all other conditions and limitations. However, no deduction is allowed for expenses paid in any taxable year

which begins before January 1, 1964 (see subdivision (i) of this subparagraph).

(6) *Determination of status.* If child care expenses are incurred in one taxable year and paid in another, the status of a taxpayer described in subparagraphs (1) to (5) of this paragraph, inclusive, shall be determined as of the time at which the expenses are incurred and not when such expenses are paid.

(c) *Computation of deduction*—(1) *In general.* The deduction for child care expenses is allowable only with respect to such expenses actually paid during the taxable year regardless of when the event which occasioned the expenses occurred and regardless of the method of accounting employed by the taxpayer in making his income tax return. If child care expenses are incurred but not paid during the taxable year, no deduction can be taken for such year. Thus, if an expenditure was incurred in December of a particular year, but not paid until January of the following calendar year, no deduction may be taken for the earlier calendar year.

(2) *Dollar limitation on amount of deduction*—(i) *Taxable years beginning before January 1, 1964.* For any taxable year beginning before January 1, 1964, the deduction for child care expenses may not exceed $600 regardless of the number of dependents for whose care the expenses are incurred.

(ii) *Taxable years beginning after December 31, 1963.* Except as otherwise provided in this subdivision, the deduction for child care expenses, for any taxable year beginning after December 31, 1963, may not exceed $600. If the taxpayer has two or more dependents at any time during the taxable year, the $600 limit is increased by the amount of child care expenses incurred by the taxpayer for the period or periods during which the taxpayer has two or more dependents. The $600 limit may not be increased to an amount in excess of $900. For a further limitation on the amount of the allowable deduction, see subparagraphs (2) and (5) of paragraph (b) of this section.

(3) *Examples.* The following examples illustrate the computation of the deduction allowed by section 214 in the case of a taxpayer making his return on the basis of the calendar year. In each example it is assumed that the expenses are of the type which would qualify for the deduction.

(i) The following examples apply to taxable years beginning before January 1, 1964:

* * * * *

(ii) The following examples apply to taxable years beginning after December 31, 1963:

*Example (1).* B was a widower during 1964, until August 1, when he remarried. He had two dependent children aged 7 and 10. He paid $90 each month in 1964 for child care expenses. His wife was not incapacitated or institutionalized at any time during 1964. He may take into account, for purposes of the deduction allowed by section 214, only those expenses paid during the taxable year which were incurred while he was unmarried. Therefore, the amount of the deduction allowable is $630 ($90 per month from January to July, inclusive). If B had only one dependent during the period he was unmarried, the amount of the deduction allowable would be limited to $630.

*Example (2).* H and W were married during the entire year 1964. They have one dependent child age 11. W, the wife, paid $800 for child care expenses incurred during the year. The combined adjusted gross income of H and W was $6,400. The allowable deduction under section 214 is $600, computed as follows: $600, the maximum deduction allowable for one dependent, is reduced by $400, the excess of adjusted gross income ($6,400) over $6,000. The deduction of $200 is allowable only if H and W made a joint return for 1964.

*Example (3).* The facts are the same as in example (2), except that the child care expenses paid during the year were $400. No deduction is allowable under section 214, since the amount of expenses paid $400, does not exceed the excess of the adjusted gross income ($6,400) over $6,000.

*Example (4).* During 1964, W, a woman paid $60 each month for child care expenses for her dependent child age 11. She was a widow from January 1, through March 31, and was married for the remainder of the year. H, her husband, was capable of self-support, and the combined adjusted gross income of H and W for 1964 was $6,200. H and W made a joint return for 1964. The total deduction allowable to W under section 214 is $520, computed as follows: $180, as expenses incurred while W was a single woman, plus $340, as expenses incurred while W was married. The $340 is arrived at by reducing the amount expended while H and W were married, $540, by $200 (the excess of adjusted gross income ($6,200) over $6,000).

*Example (5).* The facts are the same as in example (4), except that the amounts paid for child care expenses are $75 per month ($225 being paid for expenses incurred while W was single and $675 while she was married). The total allowable deduction in this case is $600. $225 is deductible as expenses incurred while W was a single woman. $400 of the expenses incurred during the period of marriage is also deductible. However, the maximum deduction allowable to W is $600. The allowable amount for expenses incurred during the period of marriage is determined as follows: $675 (the amount expended during such period) is reduced to $600 (the maximum deduction allowable for one dependent) and $600 is then reduced by $200 (the excess of adjusted gross income ($6,200) over $6,000) to $400.

*Example (6).* H and W were married during 1964 prior to July 1, when they received a decree of divorce. W did not remarry during 1964. She had two dependent children age 6 and 8. W paid $100 per month for child care expenses during 1964. The allowable deduction is $900. Since W is considered to have been a single woman during all of 1964, the limitations with respect to the deduction allowed to a married woman are not applicable, and only the maximum dollar limitation applies ($900 for two dependents for the entire year). If W had only one dependent during the entire year, the allowable deduction would be limited to $600.

*Example (7).* H and W were married on July 1, 1964. At all times in 1964, until July 1, H was a widower and W was a widow. H and W each paid $600 for child care expenses in 1964, prior to their marriage. W had a dependent child age 6, and H had a dependent child age 8. Their combined adjusted gross income for 1964 was $6,400, and they made a joint return. From July 1, to the end of 1964, W paid $100 per month for child care expenses for both children. If a joint return is not made, H and W are each allowed a deduction of $600, regardless of their adjusted gross income, but no additional deduction would be allowed for child care expenses paid after their marriage. If a joint return is made, H is allowed a deduction of $900 for the expenses paid by him as a widower, and W is allowed a deduction of $900, computed as follows: $600 for expenses paid by her as a widow, and $200 for expenses incurred and paid by her after her marriage. The $200 is arrived at by reducing the amount expended by W from July 1, to the remainder of 1964 (when she had two dependents), $600, by $400, the excess of the adjusted gross income ($6,400) over $6,000. If after her marriage W had incurred and paid child care expenses in the amount of $1,000, W would be allowed a deduction of $900, computed as follows: $600 for expenses paid by her as a widow, and $300 for expenses incurred and paid by her after her marriage. The $300 is arrived at by reducing the $1,000 to $900 (the maximum deduction allowed for two dependents) and the $900 is reduced by $400 (the excess of adjusted gross income, $6,400, over $6,000); and the remainder, $500, is then reduced to $300, which represents the difference between the maximum dollar limitation for two dependents ($900) and the amount paid by W as a widow, $600.

*Example (8).* H and W were married at all times during 1964. As a result of an accident, H incurred injuries which rendered him incapable of self-support during 1964 until September 1. They had one dependent child age 10. The adjusted gross income of H and W for 1964 was $6,200. W paid $60 each month in 1964 for child care expenses. The deduction allowable to W under section 214 is $520. This amount is composed of $480, the amounts paid during H's period of disability and $40, the expenses paid from September to December, inclusive ($240) reduced by $200, the excess of the adjusted gross income ($6,200) over $6,000.

*Example (9).* H and W were married from January 1, 1964, until October 1, 1964, when H died. H and W had one child age 10. The combined adjusted gross income of H and W was $6,300. W paid $50 per month for child care expenses throughout the entire year. The deduction allowed to W if she filed a separate return is $150, the amount paid while she was a widow. If a joint return is filed on behalf of the widow and her deceased husband, the deduction allowable is $300, computed as follows: $150 for expenses incurred while W was a widow, and $150 for expenses incurred while W was married (the amount expended during marriage, $450, is reduced by $300, the excess of the adjusted gross income ($6,300) over $6,000).

*Example (10).* H and W were married at all times during 1964 and have two children. On March 1, 1964, the older child attained age 13 and during the remainder of the year was not a dependent as defined in section 214(d)(1). W incurred and paid $90 each month for child care expenses. H and W's adjusted gross income for 1964 was $6,100, and they made a joint return. The deduction allowable to W under section 214 is $690, computed as follows: $900 (the amount expended from March 1, to the end of 1964) is reduced to $600 (the maximum amount allowable for one dependent) to which is added $180 (the amount expended while H and W had two dependent children under age 13); a total of $780, which amount is reduced by $100 (the excess of the adjusted gross income ($6,100) over $6,000).

*Example (11).* H and W were married during the entire year 1964 and have two dependents. On March 1, 1964, W became incapacitated and remained unable to care for herself until April 1, 1964, at which time she was admitted to a hospital for medical treatment. W remained in the hospital continuously until June 1, 1964, at which time she returned home. On June 1, 1964, and for the remainder of 1964, W was capable of caring for herself. H incurred and paid $90 a month for child care expenses during 1964.



H and W's adjusted gross income for 1964 was $6,100, and they made a joint return for 1964. For purposes of section 214, W is considered to be incapacitated from March 1, 1964 to May 31, 1964, inclusive (a period of at least 90 consecutive days). The allowable deduction is $170, computed as follows: $270, the amount incurred while W was incapacitated, is reduced by $100, the excess of adjusted gross income ($6,100) over $6,000.

*Example (12).* The facts are the same as in example (11), except that W was in the hospital until August 1, 1964. On August 1, 1964, and for the remainder of 1964, W was capable of caring for herself. The allowable deduction is $360 (the amount incurred while W was institutionalized). No deduction is allowed for the $90 of expenses incurred during March, 1964, because such amount is less than $100 (the excess of the adjusted gross income ($6,100) over $6,000).

(d) *Dependents*—(1) *In general.* The deduction provided by section 214 is allowed only for expenses paid for the care of an individual who (for the taxable year of the taxpayer in which the expenses are incurred) is a dependent of the taxpayer for whom an exemption is allowed under section 151(e)(1). Furthermore, the dependent must, at the time the expenses are incurred, be—

(i) For taxable years beginning before January 1, 1964, under the age of 12 years,

(ii) For taxable years beginning after December 31, 1963, under the age of 13 years, or

(iii) Mentally or physically unable to care for himself.

(2) *Special rules.* (i) It is not necessary that the dependent be permanently disabled in order for the amount expended for his care to be deductible. However, the mere fact that the disability, whether temporary or permanent, renders him incapable of self-support does not necessarily mean that he is incapable of self-care within the meaning of subparagraph (1) (iii) of this paragraph.

(ii) A dependent who has not attained the age of 13 years (for taxable years beginning before January 1, 1964, who has not attained the age of 12 years) is deemed mentally or physically unable to care for himself. Thus, the deduction for expenses paid for the care of a dependent under the age of 13 years (for taxable years beginning before January 1, 1964, under the age of 12 years) is allowable even though the dependent is not a child or stepchild of the taxpayer.

(iii) The rules provided in sections 151 and 152, with respect to the definition and qualification of an individual as a dependent, govern for the purpose of section 214. Thus, expenses for the care of a child or stepchild under the age of 13 years (for taxable years beginning before January 1, 1964, under the age of 12 years) whom the taxpayer supports are deductible even though the child or stepchild has gross income of $600 or more. On the other hand, expenses for the care of an aged parent would not be deductible if the gross income condition of section 151(e)(1)(A) is not met.

(iv) The term "dependent" does not include the spouse of a taxpayer.

* * * * * * *

(f) *What expenses are deductible.* * * *

(2) *Definition of care of a dependent.* * * *

(iii) Where a portion of an expenditure is for the care of a dependent and a portion is for other unrelated purposes, a reasonable allocation shall be made and only the portion of the amount paid which is attributable to the care shall be considered an amount to which section 214 is applicable. This rule is applicable if, for example, a servant performs household duties and also cares for the children of the taxpayer. In this case, however, where one of the children is under 13 (for taxable years beginning before January 1, 1964, under 12), and the other (or others) is over such age, there need be no further allocation between the children under such age and those over such age.

* * * * * *

(5) *Examples.* * * *

*Example (2).* The taxpayer, a single woman, in order to be gainfully employed employs a housekeeper who cares for the taxpayer's two children, aged 9 and 13 years, respectively, in addition to performing regular household duties of cleaning and cooking. If it is assumed that the compensation paid to the housekeeper is $1,200 during the year, and that $500 is allocated to the care of the children, a deduction of $500 is allowed under section 214. No allocation is required for purposes of determining which part of the $500 is for the care of the 9 year old child. If the expenses allocable to the care of the children were $700, the amount of the deduction would be $600, the maximum amount allowable for one dependent.

[F.R. Doc. 64-10586; Filed, Oct. 15, 1964; 8:48 a.m.]

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## [ 26 CFR Part 1 ]

## INCOME TAXES

### Net Operating Loss Provisions

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 172 of the Internal Revenue Code of 1954 to section 210 of the Revenue Act of 1964 (78 Stat. 47), and to conform such regulations in part to the Act of September 27, 1962 (Public Law 87-710, 76 Stat. 648), to section 7(f) of the Self-Employed Individuals Tax Retirement Act of 1962 (76 Stat. 829), to section 317 of the Trade Expansion Act of 1962 (76 Stat. 889), and to section 234(b)(5) of the Revenue Act of 1964 (78 Stat. 115), such regulations are amended as follows:

PARAGRAPH 1. Section 1.172 is amended by revising section 172(b) (1) and (2), by adding paragraph (3) to section 172(b), by revising subparagraphs (B) and (C) of section 172(d)(4) and adding a new subparagraph (D) thereto, by redesignating section 172(j) as section 172(l), by adding new section 172 (j) and (k), and by revising the historical note at the end thereof. These revised and added provisions read as follows:

**§ 1.172 Statutory provisions; net operating loss deduction.**

Sec. 172. *Net operating loss deduction.* * * *

(b) *Net operating loss carrybacks and carryovers*—(1) *Years to which loss may be carried.* (A)(i) Except as provided in clause (ii) and in subparagraph (D), a net operating loss for any taxable year ending after December 31, 1957, shall be a net operating loss carryback to each of the 3 taxable years preceding the taxable year of such loss.

(ii) In the case of a taxpayer with respect to a taxable year ending on or after December 31, 1962, for which a certification has been issued under section 317 of the Trade Expansion Act of 1962, a net operating loss for such taxable year shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss.

(B) Except as provided in subparagraphs (C) and (D), a net operating loss for any taxable year ending after December 31, 1955, shall be a net operating loss carryover to each of the 5 taxable years following the taxable year of such loss.

(C) In the case of a taxpayer which is a regulated transportation corporation (as defined in subsection (j)(1)), a net operating loss for any taxable year ending after December 31, 1955, shall (except as provided in subsection (j)) be a net operating loss carryover to each of the 7 taxable years following the taxable year of such loss.

(D) In the case of a taxpayer which has a foreign expropriation loss (as defined in subsection (k)) for any taxable year ending after December 31, 1958, the portion of the net operating loss for such year attributable to such foreign expropriation loss shall not be a net operating loss carryback to any taxable year preceding the taxable year of such loss and shall be a net operating loss carryover to each of the 10 taxable years following the taxable year of such loss;

(2) *Amount of carrybacks and carryovers.* Except as provided in subsections (i) and (j), the entire amount of the net operating loss for any taxable year (hereinafter in this section referred to as the "loss year") shall

be carried to the earliest of the taxable years to which (by reason of paragraph (1)) such loss may be carried. The portion of such loss which shall be carried to each of the other taxable years shall be the excess, if any, of the amount of such loss over the sum of the taxable income for each of the prior taxable years to which such loss may be carried. For purposes of the preceding sentence, the taxable income for any such prior taxable year shall be computed—

(A) With the modifications specified in subsection (d) other than paragraphs (1), (4), and (6) thereof; and

(B) By determining the amount of the net operating loss deduction—

(i) Without regard to the net operating loss for the loss year or for any taxable year thereafter, and

(ii) Without regard to that portion, if any, of a net operating loss for a taxable year attributable to a foreign expropriation loss, if such portion may not, under paragraph (1)(D), be carried back to such prior taxable year,

and the taxable income so computed shall not be considered to be less than zero. For purposes of this paragraph, if a portion of the net operating loss for the loss year is attributable to a foreign expropriation loss to which paragraph (1)(D) applies, such portion shall be considered to be a separate net operating loss for such year to be applied after the other portion of such net operating loss.

(3) *Special rules.* (A) Paragraph (1)(A)(ii), shall apply only if—

(i) There has been filed, at such time and in such manner as may be prescribed by the Secretary or his delegate, a notice of filing of the application under section 317 of the Trade Expansion Act of 1962 for tax assistance, and, after its issuance, a copy of the certification under such section, and

(ii) The taxpayer consents in writing to the assessment, within such period as may be agreed upon with the Secretary or his delegate, of any deficiency for any year to the extent attributable to the disallowance of a deduction previously allowed with respect to such net operating loss, even though at the time of filing such consent the assessment of such deficiency would otherwise be prevented by the operation of any law or rule of law.

(B) In the case of—

(i) A partnership and its partners, or

(ii) An electing small business corporation under subchapter S and its shareholders,

paragraph (1)(A)(ii) shall apply as determined under regulations prescribed by the Secretary or his delegate. Such paragraph shall apply to a net operating loss of a partner or such a shareholder only if it arose predominantly from losses in respect of which certifications under section 317 of the Trade Expansion Act of 1962 were filed under this section.

(C) Paragraph (1)(D) shall apply only if—

(i) The foreign expropriation loss (as defined in subsection (k)) for the taxable year equals or exceeds 50 percent of the net operating loss for the taxable year,

(ii) In the case of a foreign expropriation loss for a taxable year ending after December 31, 1963, the taxpayer elects (at such time and in such manner as the Secretary or his delegate by regulations prescribes) to have paragraph (1)(D) apply, and

(iii) In the case of a foreign expropriation loss for a taxable year ending after December 31, 1958, and before January 1, 1964, the taxpayer elects (in such manner as the Secretary or his delegate by regulations prescribes) on or before December 31, 1965, to have paragraph (1)(D) apply.

(D) If a taxpayer makes an election under subparagraph (C)(iii), then (notwithstanding any law or rule of law), with respect to any taxable year ending before January 1, 1964, affected by the election—

(i) The time for making or changing any choice or election under subpart A of part III of subchapter N (relating to foreign tax credit) shall not expire before January 1, 1966,

(ii) Any deficiency attributable to the election under subparagraph (C)(iii) or to the application of clause (i) of this subparagraph may be assessed at any time before January 1, 1969, and

(iii) Refund or credit of any overpayment attributable to the election under subparagraph (C)(iii) or to the application of clause (i) of this subparagraph may be made or allowed if claim therefor is filed before January 1, 1969.

* * * * *

(d) *Modifications.* * * *

(4) *Nonbusiness deductions of taxpayers other than corporations.* * * *

(B) The modifications specified in paragraphs (1), (2)(B), and (3) shall be taken into account;

(C) Any deduction allowable under section 165(c)(3) (relating to casualty losses) shall not be taken into account; and

(D) Any deduction allowed under section 404 or section 405(c) to the extent attributable to contributions which are made on behalf of an individual who is an employee within the meaning of section 401(c)(1) shall not be treated as attributable to the trade or business of such individual.

* * * * *

(j) *Carryover of net operating loss for certain regulated transportation corporations*—(1) *Definition.* For purposes of subsection (b)(1)(C), the term "regulated transportation corporation" means a corporation—

(A) 80 percent or more of the gross income of which (computed without regard to dividends and capital gains and losses) for the taxable year is derived from the furnishing or sale of transportation described in subparagraph (A), (C)(i), (E), or (F) of section 7701(a)(33) and taken into account for purposes of the limitation contained in the last two sentences of section 7701(a)(33),

(B) Which is described in subparagraph (G) or (H) of section 7701(a)(33), or

(C) Which is a member of a regulated transportation system.

(2) *Regulated transportation system.* For purposes of this subsection, a corporation shall be treated as a member of a regulated transportation system for a taxable year if—

(A) It is a member of an affiliated group of corporations making a consolidated return for such taxable year, and

(B) 80 percent or more of the aggregate gross income of the members of such affiliated group (computed without regard to dividends and capital gains and losses) for such taxable year is derived from sources described in paragraph (1)(A).

For purposes of subparagraph (B), income derived by a corporation described in subparagraph (G) or (H) of section 7701(a)(33) from leases described in subparagraph (G) thereof shall be considered as derived from sources described in paragraph (1)(A).

(3) *Limitation.* For purposes of subsection (b)(1)(C)—

(A) A net operating loss may not be a net operating loss carryover to the 6th taxable year following the loss year unless the taxpayer is a regulated transportation corporation for such 6th taxable year; and

(B) A net operating loss may not be a net operating loss carryover to the 7th taxable year following the loss year unless the taxpayer is a regulated transportation corporation for the 6th taxable year following the loss year and for such 7th taxable year.

(4) *Taxable years beginning in 1955 and ending in 1956.* In the case of a net operating loss for a taxable year beginning in 1955 and ending in 1956, the amount of such loss which may be carried—

(A) To the 6th taxable year following the loss year shall be the amount which bears the same ratio to the amount which (but for this paragraph) would be carried to such 6th taxable year as the number of days in the loss year after December 31, 1955, bears to the total number of days in the loss year, and

(B) To the 7th taxable year following the loss year shall be the amount (if any) by which (i) the amount carried to the 6th taxable year (determined under subparagraph (A)), exceeds (ii) the taxable income (computed as provided in subsection (b)(2)) for such 6th taxable year.

(k) *Foreign expropriation loss defined.* For purposes of subsection (b)—

(1) The term "foreign expropriation loss" means, for any taxable year, the sum of the losses sustained by reason of the expropriation, intervention, seizure, or similar taking of property by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing. For purposes of the preceding sentence, a debt which becomes worthless shall, to the extent of any deduction allowed under section 166(a), be treated as a loss.

(2) The portion of the net operating loss for any taxable year attributable to a foreign expropriation loss is the amount of the foreign expropriation loss for such year (but not in excess of the net operating loss for such year).

(l) *Cross references.* (1) For treatment of net operating loss carryovers in certain corporate acquisitions, see section 381.

(2) For special limitation on net operating loss carryovers in case of a corporate change of ownership, see section 382.

[Sec. 172 as amended by secs. 14 and 64(b), Technical Amendments Act 1958 (72 Stat. 1611, 1656); sec. 203, Small Business Tax Revision Act 1958 (72 Stat. 1678); Act of Sept. 27, 1962 (Pub. Law 87-710, 76 Stat. 648); sec. 7(f), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 829); sec. 317, Trade Expansion Act 1962 (76 Stat. 889); sec. 210, Rev. Act 1964 (78 Stat. 47); sec. 234(b)(5), Rev. Act 1964 (78 Stat. 115)]

PAR. 2. Section 1.172–4 is amended by revising paragraph (a)(1), and by revising subdivision (i) of, and adding a new subdivision (iii) to, paragraph (b)(1). These revised and added provisions read as follows:

**§ 1.172–4 Net operating loss carrybacks and net operating loss carryovers.**

(a) *General provisions*—(1) *Years to which loss may be carried*—(i) *In general.* In order to compute the net operating loss deduction the taxpayer must first determine the part of any net operating losses for any preceding or succeeding taxable years which are carrybacks or carryovers to the taxable year in issue.

(ii) *Loss for taxable years ending after December 31, 1957.* Except as provided in subdivisions (iii), (iv), and (v) of this subparagraph, a net operating loss sustained in a taxable year ending after December 31, 1957, shall be carried back to the three preceding taxable years and carried over to the five succeeding taxable years.

(iii) *Loss for taxable years for which certifications have been issued under the Trade Expansion Act of 1962.* A net operating loss sustained in a taxable year ending on or after December 31, 1962, for which a certification has been issued under section 317(a) of the Trade Expansion Act of 1962 (76 Stat. 889) shall, subject to the provisions of section 172(b)(3)(A) and (B), be carried back to the five preceding taxable years and, except as provided in subdivision (iv) of this subparagraph, shall be carried over to the five succeeding taxable years.

(iv) *Loss of a regulated transportation corporation.* Except as provided in subdivision (v) of this subparagraph, a net operating loss sustained in a taxable year ending after December 31, 1955, by a taxpayer which is a regulated transportation corporation (as defined in section 172(j)(1)) shall, subject to the provisions of section 172(j), be carried back to the taxable years specified in subdivision (ii), (iii), or (vi) of this subparagraph, whichever is applicable, and shall be carried over to the seven succeeding taxable years.

(v) *Loss attributable to foreign expropriation.* If the provisions of section 172(b)(3)(C) and § 1.172–11 are satisfied, the portion of a net operating loss sustained in a taxable year ending after December 31, 1958, attributable to a foreign expropriation loss (as defined in section 172(k)) shall not be a net operating loss carryback to any taxable year preceding the taxable year of such loss and shall be a net operating loss carryover to each of the ten taxable years following the taxable year of such loss.

(vi) *Loss for taxable years ending after December 31, 1953, and before January 1, 1958.* A net operating loss sustained in a taxable year ending after December 31, 1953, and before January 1, 1958, shall be carried back to the two preceding taxable years and, except as provided in subdivision (iv) of this subparagraph, shall be carried over to the five succeeding taxable years. This rule shall apply even though the loss year is otherwise subject to the Internal Revenue Code of 1939.

(vii) *Loss for taxable years beginning after December 31, 1949, and ending before January 1, 1954.* A net operating loss sustained in a taxable year beginning after December 31, 1949, and ending before January 1, 1954, shall be carried back to the first preceding taxable year and carried over to the five succeeding taxable years.

* * * * *

(b) *Portion of net operating loss which is a carryback or a carryover to the taxable year in issue*—(1) *Manner of computation.* (i) A net operating loss shall first be carried to the earliest of the several taxable years for which such loss is allowable as a carryback or a carryover, and shall then be carried to the next earliest of such several taxable years, etc. Except as provided in § 1.172–11, the entire net operating loss shall be carried back to such earliest year.

* * * * *

(iii) If, for any taxable year ending after December 31, 1958, a portion of the net operating loss is attributable to a foreign expropriation loss (as defined in section 172(k)), and if an election under paragraph (c) of § 1.172–11 is made with respect to such portion of the net operating loss, then see § 1.172–11 for the separate treatment of such portion of the net operating loss.

* * * * *



PAR. 3. Section 1.172–5 is amended by revising subdivision (i) (exclusive of the example) of paragraph (a)(3), as follows:

**§ 1.172–5 Taxable income which is subtracted from net operating loss to determine carryback or carryover.**

(a) *Taxable year subject to the Internal Revenue Code of 1954.* * * *

(3) *Modifications applicable to all taxpayers.* * * *

(i) *Net operating loss deduction.* The net operating loss deduction for such taxable year shall be computed by taking into account only such net operating losses otherwise allowable as carrybacks or carryovers to such taxable year as were sustained in taxable years preceding the taxable year in which the taxpayer sustained the net operating loss from which the taxable income is to be deducted. Thus, for such purposes, the net operating loss for the loss year or any taxable year thereafter shall not be taken into account.

* * * * *

PAR. 4. There is inserted immediately after § 1.172–8 the following new sections:

§ 1.172–9 [Reserved]

§ 1.172–10 [Reserved]

**§ 1.172–11 Election with respect to portion of net operating loss attributable to foreign expropriation loss.**

(a) *In general.* If a taxpayer has a net operating loss for a taxable year ending after December 31, 1958, and if the foreign expropriation loss for such year (as defined in paragraph (b)(1) of this section) equals or exceeds 50 percent of the net operating loss for such year, then the taxpayer may elect (at the time and in the manner provided in paragraph (c)(1) or (2) of this section, whichever is applicable) to have the provisions of this section apply. If the taxpayer so elects, the portion of the net operating loss for such taxable year attributable (under paragraph (b)(2) of this section) to such foreign expropriation loss shall not be a net operating loss carryback to any taxable year preceding the taxable year of such loss and shall be a net operating loss carryover to each of the ten taxable years following the taxable year of such loss. In such case, the portion, if any, of the net operating loss not attributable to a foreign expropriation loss shall be carried back or carried over as provided in paragraph (a)(1)(ii) of § 1.172–4.

(b) *Determination of "foreign expropriation loss"*—(1) *Definition of "foreign expropriation loss".* The term "foreign expropriation loss" means, for any taxable year, the sum of the losses allowable as deductions under section 165 (other than losses from, or which under section 165(g) or 1231(a) are treated or considered as losses from, sales or exchanges of capital assets and other than losses described in section 165(i)(1)) sustained by reason of the expropriation, intervention, seizure, or similar taking of property by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing. For purposes of the preceding sentence, a debt which becomes worthless in whole or in part, shall, to the extent of any deduction allowed under section 166(a), be treated as a loss allowable as a deduction under section 165.

(2) *Portion of the net operating loss attributable to a foreign expropriation loss.* (i) Except as provided in subdivision (ii) of this subparagraph, the portion of the net operating loss for any taxable year attributable to a foreign expropriation loss is the amount of the foreign expropriation loss for such taxable year (determined under subparagraph (1) of this paragraph).

(ii) The portion of the net operating loss for a taxable year attributable to a foreign expropriation loss shall not exceed the amount of the net operating loss, computed under section 172(c), for such year.

(3) *Examples.* The application of this paragraph may be illustrated by the following examples:

*Example (1).* M Corporation, a domestic calendar year corporation manufacturing cigars in the United States, owns, in country X, a tobacco plantation having an adjusted basis of $400,000 and farm equipment having an adjusted basis of $300,000. On January 15, 1961, country X expropriates the plantation and equipment without any allowance for compensation. For the taxable year 1961, M Corporation sustains a loss from the operation of its business (not including losses from the seizure of its plantation and equipment in country X) of $200,000, which loss would not have been sustained in the absence of the seizure. Accordingly, M has a net operating loss of $900,000 (the sum of $400,000, $300,000, and $200,000). For purposes of section 172(k)(1), M Corporation has a foreign expropriation loss for 1961 of $700,000 (the sum of $400,000 and $300,000, the losses directly sustained by reason of the seizure of its property by country X). Since the foreign expropriation loss for 1961, $700,000, equals or exceeds 50 percent of the net operating loss for such year, or $450,000 (i.e., 50 percent of $900,000), M Corporation may make the election under paragraph (c)(2) of this section with respect to $700,000, the portion of the net operating loss attributable to the foreign expropriation loss.

*Example (2).* Assume the same facts as in example (1) except that for 1961, M Corporation has operating profits of $300,000 (not including losses from the seizure of its plantation and equipment in country X) so that its net operating loss (as defined in section 172(c)) is only $400,000. Under the provisions of section 172(k)(2) and paragraph (b)(2) of this section, the portion of the net operating loss for 1961 attributable to a foreign expropriation loss is limited to $400,000, the amount of the net operating loss.

(c) *Time and manner of making election*—(1) *Taxable years ending after December 31, 1963.* In the case of a taxpayer who has a foreign expropriation loss for a taxable year ending after December 31, 1963, the election referred to in paragraph (a) of this section shall be made by attaching to the taxpayer's income tax return (filed within the time prescribed by law, including extensions of time) for the taxable year of such foreign expropriation loss a statement containing the information required by subparagraph (3) of this paragraph. Such election shall be irrevocable after

the due date (including extensions of time) of such return.

(2) *Taxable years ending after December 31, 1958, and before January 1, 1964.* In the case of a taxpayer who has a foreign expropriation loss for a taxable year ending after December 31, 1958, and before January 1, 1964, the election referred to in paragraph (a) of this section shall be made by filing on or before December 31, 1965, with the district director for the district in which the taxpayer filed his income tax return for the taxable year of such foreign expropriation loss, a statement containing the information required in subparagraph (3) of this paragraph. Such election shall be irrevocable after December 31, 1965. See paragraph (d) of this section for special rules relating to taxable years affected by an election under this subparagraph.

(3) *Information required.* The statement referred to in subparagraphs (1) and (2) of this paragraph shall contain the following information:

(i) The name, address, and taxpayer account number of the taxpayer;

(ii) A statement that the taxpayer elects under section 172(b)(3)(C) (ii) or (iii), whichever is applicable, to have section 172(b)(1)(D) of the Code apply;

(iii) The amount of the net operating loss for the taxable year; and

(iv) The amount of the foreign expropriation loss for the taxable year, including a schedule showing the computation of such foreign expropriation loss.

In addition, if a taxpayer makes the election under subparagraph (2) of this paragraph, the taxpayer shall specify the internal revenue district in which he filed his return for the three taxable years immediately preceding the taxable year of the foreign expropriation loss. If there is an increase or decrease in tax attributable to the election under subparagraph (2) of this paragraph for any taxable year preceding or succeeding the taxable year of the foreign expropriation loss, amended returns or claims for refund should be filed with the office of the district director with whom the taxpayer files his income tax return for the taxable year in which such election is made.

(d) *Rules relating to elections for taxable years ending after December 31, 1958, and before January 1, 1964.* If a taxpayer makes an election under paragraph (c)(2) of this section, then (notwithstanding any law or rule of law) with respect to any taxable year ending before January 1, 1964, which is affected by the election the following rules shall apply:

(1) The time for making or changing a choice to claim the credit for foreign taxes allowed by section 901, or for making or changing an election under section 904 (relating to the limitation on such credit), shall not expire before January 1, 1966.

(2) Any deficiency attributable to the election under paragraph (c)(2) of this section or to the application of subparagraph (1) of this paragraph may be assessed at any time before January 1, 1969. However, if the period within which a deficiency may be assessed under section 6501 of the Code would expire on a date after December 31, 1968, then such later date shall apply.

(3) Refund or credit of any overpayment attributable to the election under paragraph (c)(2) of this section or to the application of subparagraph (1) of this paragraph may be made or allowed if claim therefor is filed before January 1, 1969. However, if the period within which a claim for refund or credit may be filed under section 6511 of the Code would expire on a date after December 31, 1968, then such later date shall apply.

(e) *Amount of foreign expropriation loss which is a carryover to the taxable year in issue*—(1) *General.* If a portion of a net operating loss for the taxable year is attributable to a foreign expropriation loss and if an election under paragraph (c) of this section has been made with respect to such portion of the net operating loss, then such portion shall be considered to be a separate net operating loss for such year, and, for the purpose of determining the amount of such separate loss which may be carried over to other taxable years, such portion shall be applied after the other portion (if any) of such net operating loss. Such separate loss shall be carried to the earliest of the several taxable years to which such separate loss is allowable as a carryover under the provisions of paragraph (a)(1)(v) of § 1.172–4, and the amount of such separate loss which shall be carried over to any taxable year subsequent to such earliest year is an amount (not exceeding such separate loss) equal to the excess of—

(i) The sum of (*a*) such separate loss and (*b*) the other portion (if any) of the net operating loss (i.e., that portion not attributable to a foreign expropriation loss) to the extent such other portion is a carryover to such earliest taxable year, over

(ii) The sum of the aggregate of the taxable incomes (computed as provided in § 1.172–5) for all of such several taxable years preceding such subsequent taxable year.

(2) *Cross reference.* The portion of a net operating loss which is not attributable to a foreign expropriation loss shall be carried back or carried over, in accordance with the rules provided in paragraph (b)(1) of § 1.172–4, as if such portion were the only net operating loss for such year.

(3) *Examples.* The application of this paragraph may be illustrated by the following examples:

*Example (1).* Corporation A, organized in 1960 and whose return is made on the basis of the calendar year, incurs for 1960 a net operating loss of $10,000, of which $7,500 is attributable to a foreign expropriation loss. With respect to such $7,500, A makes the election described in paragraph (c)(2) of this section. In each of the years 1961, 1962, 1963, 1964, and 1965, A has taxable income in the amount of $600 (computed without any net operating loss deduction). The assumption is made that none of the other modifications prescribed in § 1.172–5 apply. The portion of the net operating loss attributable to the foreign expropriation loss which is a carryover to the year 1966 is $7,000, which is the sum of $7,500 (the portion of the net operating loss attributable to the foreign expropriation loss) and $2,500 (the other portion of the net operating loss available as a carryover to 1961), minus $6,000 (the aggregate of the taxable incomes for taxable years 1961 through 1965).

*Example (2).* Assume the same facts as in example (1) except that taxable income for each of the years 1961 through 1965 is $400 (computed without any net operating loss deduction). The carryover to the year 1966 is $7,500, that is, the sum of $7,500 (the portion of the net operating loss attributable to the foreign expropriation loss) and $2,500 (the other portion of the net operating loss available as a carryover to 1961), minus $2,000 (the aggregate of the taxable incomes for taxable years 1961 through 1965), but limited to $7,500 (the portion of the net operating loss attributable to the foreign expropriation loss).

(f) *Taxable income which is subtracted from net operating loss to determine carryback or carryover.* In computing taxable income for a taxable year (hereinafter called a "prior taxable year") for the purpose of determining the portion of a net operating loss for another taxable year which shall be carried to each of the several taxable years subsequent to the earliest taxable year to which such loss may be carried, the net operating loss deduction for any such prior taxable year shall be determined without regard to that portion, if any, of a net operating loss for a taxable year attributable to a foreign expropriation loss, if such portion may not, under the provisions of section 172(b)(1)(D) and paragraph (a)(1)(v) of § 1.172–4, be carried back to such prior taxable year. Thus, if the taxpayer has a foreign expropriation loss for 1962 and elects the 10-year carryover with respect to the portion of his net operating loss for 1962 attributable to the foreign expropriation loss, then in computing taxable income for the year 1960 for the purpose of determining the portion of a net operating loss for 1963 which is carried to years subsequent to 1960, the net operating loss deduction for 1960 is determined without regard to the portion of the net operating loss for 1962 attributable to the foreign expropriation loss, since under the provisions of section 172(b)(1)(D) and paragraph (a)(1)(v) of § 1.172–4 such portion of the net operating loss for 1962 may not be carried back to 1960.

[F.R. Doc. 64–10587; Filed, Oct. 15, 1964; 8:46 a.m.]

## [ 26 CFR Part 1 ]

## INCOME TAXES

### Domestic Corporations Receiving Dividends From Foreign Corporations; Notice of Public Hearing

The proposed amendment to the regulations under sections 78, 535(b)(1), 861(a)(2)(B), 901(d), 902 relating to domestic corporations receiving dividends from foreign corporations, was published in the FEDERAL REGISTER for September 11, 1964.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Thursday, October 29, 1964, at 2:00 p.m., e.s.t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Acting Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, by October 26, 1964.

[SEAL] Sheldon S. Cohen,
*Chief Counsel.*

By: CHARLES R. SIMPSON,
*Director, Legislation and Regulations Division.*

[F.R. Doc. 64–10632; Filed, Oct. 15, 1964; 8:50 a.m.]



## [ 26 CFR Part 1 ]

## INCOME TAXES

### Election by Foreign Investment Companies To Distribute Income Currently; Notice of Hearing

The proposed amendment to the regulations under section 1247 of the Code, relating to election by foreign investment companies to distribute income currently, was published in the FEDERAL REGISTER for September 11, 1964.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Thursday, October 29, 1964, at 10:00 a.m., e.s.t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Acting Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, by October 26, 1964.

[SEAL] Sheldon S. Cohen,
*Chief Counsel.*

By: CHARLES R. SIMPSON,
*Director, Legislation and Regulations Division.*

[F.R. Doc. 64–10633; Filed, Oct. 15, 1964; 8:50 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## [ 7 CFR Parts 1061, 1064 ]

[Docket Nos. AO 327–A6 and AO 23–A27]

## MILK IN ST. JOSEPH, MISSOURI, AND GREATER KANSAS CITY MARKETING AREAS

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Bellerive Hotel, Armour and Warwick Boulevards, Kansas City, Mo., beginning at 9:30 a.m., local time, on November 4, 1964, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the St. Joseph, Mo., and Greater Kansas City marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposals relative to a redefinition of the marketing area raise the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendment, set forth below, have not received the approval of the Secretary of Agriculture.

Several proposals were made jointly on behalf of six cooperative associations. These cooperatives identified hereafter as "six cooperative associations" are Pure Milk Producers Association, Shawnee Milk Producers Association, Sunflower Dairy, Inc., Nemaha Cooperative Creamery Association, Producers Creamery, Chillicothe, and Producers Creamery, Springfield.

Proposed by Six Cooperative Associations:

*Proposal No. 1.* Revise § 1064.6 "Greater Kansas City marketing area" to include Pettis County, Mo.

Proposed by Beatrice Foods Company:

*Proposal No. 2.* Expand the marketing area to include the following counties located in the State of Kansas, by adding to the Kansas counties listed in § 1064.6: Cloud, Dickinson, Franklin, Lincoln, Osage, and Saline.

Proposed by Six Cooperative Associations:

*Proposal No. 3.* Amend §§ 1064.53 and 1064.81 dealing with location adjustments by revising § 1064.53(a) to include Sedalia, Missouri, and changing the mile zone for which the ten-cent rate applies to be fifty to sixty-five miles and a sixteen-cent rate should apply to more than sixty-five but not more than eighty miles. The rate for each ten miles in excess of eighty miles should be one and one-half cents.

Proposed by Pure Milk Producers Association of Greater Kansas City, Inc.:

*Proposal No. 4.* Part A—Revise § 1064.14(b) as follows:

§ 1064.14 Other source milk.

* * * * * *

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of nonfluid milk products not otherwise accounted for pursuant to § 1064.33.

Part B—Revise § 1064.40 as follows:

§ 1064.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the delivery period by a handler which is required to be reported pursuant to §§ 1064.30 through 1064.32 shall be classified pursuant to the provisions of §§ 1064.41 through 1064.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

Proposed by The Borden Company:

*Proposal No. 5.* Provide definitions for the following:

"Used to produce" means skim milk and butterfat used in the processing or manufacturing of any product other than a fluid milk product.

"Dumped" means skim milk and butterfat accounted for which must be dumped down the sewer because of no salvage value.

"Waste" means skim milk and butterfat accounted for as broken on routes or on the premises.

*Proposal No. 6.* Amend § 1064.41(b)(4) and (6)(vi) as follows:

§ 1064.41 Classes of utilization.

* * * * * *

(b) * * *

(4) Accounted for dumped or waste products which can be verified to the satisfaction of the market administrator.

(6) * * *

(vi) 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk tank lots as whole milk from a pool plant to any other plant; and less

* * * * * *

Proposed by Beatrice Foods Company:

*Proposal No. 7.* Reclassify sterilized products packaged in hermetically sealed containers from Class I to Class II, by adding to § 1064.18 *Fluid milk product*, the following: "(not including sterilized products packaged in hermetically sealed containers)."

*Proposal No. 8.* Amend the shrinkage provisions to allow handlers two percent shrinkage on cream disposed of in bulk to a nonpool plant by amending § 1064.41(b)(6)(iv), as follows:

(iv) 1.5 percent of skim milk and butterfat, respectively, in fluid whole milk, disposed of in bulk tank lots from a pool plant to another pool plant; and less.

Proposed by Osceola County Cooperative Creamery Association:

*Proposal No. 9.* In § 1064.44 (c) and (d) change "200 miles" to "400 miles".

Proposed by Fairmont Foods Company:

*Proposal No. 10.* Amend §§ 1061.61(b)(4) and 1064.61(b)(4), in the Kansas City and St. Joseph milk orders as follows:

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract an amount representing its value at the weighted average price applicable at such location plus a rate equal to the market average percentage of Class II use times the location differential applicable at the

plant (not to be less than the Class II price).

Proposed by New Model Dairy, Inc.:

*Proposal No. 11.* Delete the period at the end of § 1061.00 and add "or to a handler operating a plant from which an average of less than 600 pounds of Class I milk is distributed per day in the marketing area."

Proposed by Six Cooperative Associations:

*Proposal No. 12.* Revise § 1064.22(i) "Duties" by deleting in the last sentence the three words "milk from producers" and substituting therefor "pool milk".

*Proposal No. 13.* Revise § 1064.41, "Classes of utilization", to include as a separate class skim milk and butterfat used to produce cottage cheese and revise § 1064.51, "Class prices", to set up a pricing schedule for the special class covering cottage cheese so that it will be twenty-five cents per hundredweight higher than the Class II price presently set forth in the order.

Proposed by State of Wisconsin and Wisconsin Council of Agriculture Cooperative:

*Proposal No. 14.* Section 1064.51(b) shall be amended to read:

**§ 1064.51 Class prices.**

* * * * *

(b) Class II milk. The price per hundredweight for Class II milk shall be the basic formula price.

Proposed by the St. Joseph Milk Producers Association and Nemaha Cooperative Creamery Association:

*Proposal No. 15.* Any change made in pricing skim milk used to produce cottage cheese in the Kansas City order should be made applicable to the St. Joseph order.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

*Proposal No. 16.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, U. Grant Grayson, Post Office Box 4336, Overland Park, Kans., 66204, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on October 12, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64–10577; Filed, Oct. 15, 1964; 8:47 a.m.]

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**[ 7 CFR Part 1131 ]**

## MILK IN CENTRAL ARIZONA MARKETING AREA

### Termination of Proceedings To Suspend Certain Provisions of Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), notice was issued by the Deputy Administrator, Regulatory Programs, on September 24, 1964, that suspension of certain provisions of the order regulating the handling of milk in the Central Arizona marketing area was being considered.

The provisions proposed by petitioning cooperative associations to be suspended for the months of October and November 1964 were the following provisions of the supply-demand adjustment of the Class I price:

1. In the introductory text of § 1131.51 (a) the words "and shall be increased or decreased by a 'supply-demand adjustment' (except that such supply-demand adjustment shall not be applicable to the Class I prices computed for July, August and September 1964) of not more than 50 cents computed as follows"; and

2. All of subparagraphs (1), (2), and (3) of § 1131.51(a).

Interested persons were invited to submit to the Department not later than October 3, 1964, written data, views, or arguments in connection with the proposed suspension. The preponderance of views received from interested parties indicate that a suspension of the supply-demand adjustor is not warranted.

Cooperative associations representing approximately 95 percent of the producers supplying milk in the marketing area supported the proposed suspension. However, views opposing the suspension were received from a number of handlers. Although the supply-demand adjustor appears to be operating counterseasonally, an increase of 20 cents per hundredweight in the Class I price of milk resulting from a change in the seasonality of Class I pricing in a final order issued June 26, 1964, more than compensates for the minus supply-demand adjustment during October and November.

It is anticipated that both Class I and uniform prices for the months of October and November will equal or exceed the prices that prevailed a year ago. Market statistics indicate that receipts of producer milk are increasing at a faster rate than Class I sales. It appears, therefore, that fluid milk will be in more ample supply in October and November than they were a year ago.

It is found and determined, therefore, that the proposed suspension for the months of October and November 1964 of the aforesaid provisions of the order relating to the supply-demand adjustment of the Class I price, should not be effectuated; and the proceeding begun in this matter on September 24, 1964, is hereby terminated.

Signed at Washington, D.C., on October 12, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64–10598; Filed, Oct. 15, 1964; 8:49 a.m.]

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**Agricultural Stabilization and Conservation Service**

**[ 7 CFR Part 724 ]**

**TOBACCO**

### Notice of Determinations To Be Made With Respect to Flue-Cured Tobacco Marketing Quotas for 1965–66, 1966–67, and 1967–68 Marketing Years

Pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary of Agriculture is preparing to (a) proclaim a national marketing quota for the three marketing years beginning July 1, 1965, July 1, 1966, and July 1, 1967, for flue-cured (types 11, 12, 13, and 14) tobacco; (b) determine and announce the amount of the national marketing quota for the 1965–66 marketing year for such kind of tobacco; (c) apportion the national marketing quota for the 1965–66 marketing year for such kind of tobacco among the several States; and (d) convert the State marketing quota for the 1965–66 marketing year into State acreage allotments.

The Act (7 U.S.C. 1312(a)) provides that the Secretary shall proclaim with respect to flue-cured tobacco, not later than December 1 (of any marketing year), a national marketing quota for flue-cured tobacco for each of the next three succeeding marketing years whenever he determines with respect to such kind of tobacco—

(1) That a national marketing quota has not previously been proclaimed and the total supply as of the beginning of such marketing year exceeds the reserve supply level therefor;

(2) That such marketing year is the last year of three consecutive years for which marketing quotas previously proclaimed will be in effect;

(3) That amendments have been made in provisions for establishing farm acreage allotments which will cause material revision of such allotments before the end of the period for which quotas are in effect; or

(4) That a marketing quota previously proclaimed for such marketing year is not in effect because of disapproval by producers: *Provided*, That if such producers have disapproved national marketing quotas for three successive years subsequent to 1952, thereafter a national marketing quota shall not be proclaimed hereunder which would be in effect for any marketing year within the three-year period for which national marketing quotas previously proclaimed were disapproved by producers, unless prior to November 10 of the marketing year one-fourth or more of the farmers engaged in the production of the crop of tobacco harvested in the calendar year in which such marketing year begins petition the Secretary, in accordance with such regulations as he may prescribe, to proclaim a national marketing quota for each of the next three succeeding marketing years.

The 1964–65 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect for flue-cured tobacco (27 F.R. 649).

Subsection 301(b)(15) of the Act (7 U.S.C. 1301(b)(15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (Part 30 of this Title) of the former Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13 and 14;
Fire-cured tobacco, comprising type 21;
Fire-cured tobacco, comprising types 22, 23, and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55; and
Cigar-filler tobacco, comprising type 41.

Subsection 301(b)(15) also provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of this Act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority, the Secretary has determined (15 F.R. 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports. Pursuant to such authority, the Secretary has also determined (22 F.R. 367) that cigar-binder (types 51 and 52) tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports.

Subsection 312(b) of the Act (7 U.S.C. 1312(b)) provides that the Secretary shall also determine and announce, not later than the first day of December, 1964, the amount of the national marketing quota for flue-cured tobacco which is in effect for the 1965–66 marketing year in terms of the total quantity of such kind of tobacco which may be marketed which will make available during such marketing year a supply of flue-cured tobacco equal to the reserve supply level. Subsection 312(b) provides further that the amount of the 1965–66 national marketing quota may, not later than March 1, 1965, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The Act (7 U.S.C. 1301(b)) defines the "total supply" of tobacco for any marketing year as the carryover at the beginning of the marketing year (on January 1 of such marketing year in the case of Maryland tobacco), plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The Act (7 U.S.C. 1312(c)) requires that within 30 days after a national marketing quota is proclaimed for the 1965–66, 1966–67, and 1967–68 marketing years for flue-cured tobacco, the Secretary shall conduct a referendum of farmers engaged in the production of the 1964 crop of flue-cured tobacco to determine whether such farmers are in favor of or opposed to quotas for the next three succeeding marketing years. If more than one-third of the farmers voting in a referendum oppose such quota, such results shall be proclaimed by the Secretary and the national marketing quota so proclaimed shall not be in effect but such results shall in no way affect or limit the subsequent proclamation and subsequent submission to a referendum, as otherwise provided in section 312 of the Act (7 U.S.C. 1312), of a national marketing quota.

The Act (7 U.S.C. 1313(a)) requires the Secretary to apportion the national marketing quota, less the amount to be allotted under subsection (c) of section 1313 for small farms and "new" farms, among the several States on the basis of the total production in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed (plus, in applicable years, the normal production on the acreage diverted under previous agricultural adjustment and conservation programs), with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period.

The Act (7 U.S.C. 1313(g)) provides that any acreage of tobacco harvested in excess of the farm acreage allotment for the year 1955 or any subsequent year shall not be taken into account in establishing State and farm acreage allotments.

Section 377 of the Act (7 U.S.C. 1377) reads as follows:

> In any case in which, during any year beginning with 1956, the acreage planted to a commodity on any farm is less than the acreage allotment for such farm, the entire acreage allotment for such farm (excluding any allotment released from the farm or reapportioned to the farm and any allotment provided for the farm pursuant to subsection (f)(7)(A) of section 344), shall, except as provided herein, be considered for the purpose of establishing future State, county, and farm acreage allotments to have been planted to such commodity in such year on such farm, but the 1956 acreage allotment of any commodity shall be regarded as planted under this section only if the owner or operator on such farm notified the county committee prior to the sixtieth day preceding the beginning of the marketing year for such commodity of his desire to preserve such allotment: *Provided*, That beginning with the 1960 crop, except for Federally-owned land, the current farm acreage allotment established for a commodity shall not be preserved as history acreage pursuant to the provisions of this section unless for the current year or either of the two preceding years an acreage equal to 75 per centum or more of the farm acreage allotment for such year was actually planted or devoted to the commodity on the farm (or was regarded as planted under provisions of the Soil Bank or the Great Plains program): *Provided further*, That this section shall not be applicable in any case, within the period 1956 to 1959, in which the amount of the commodity required to be stored to postpone or avoid payment of penalty has been reduced because the allotment was not fully planted. Acreage history credits for released or reapportioned acreage shall be governed by the applicable provisions of this title pertaining to the release and reapportionment of acreage allotments.

Section 378 of the Act (7 U.S.C. 1378) provides that allotment acreage pooled under the provisions of such section shall be considered fully planted, during the time it is in the pool within the period of eligibility, for purposes of future State, county, and farm allotments.

Section 316 of the Act, as amended (7 U.S.C. 1314(b)), provides that allotment acreage leased under the provisions of such section shall be considered planted on the farm from which leased.

The Soil Bank Act (7 U.S.C. 1801 et seq.) provides that the acreage withdrawn or diverted from the production of tobacco under the acreage reserve program and conservation reserve program shall for allotment purposes be considered devoted to the production of tobacco.

The Soil Bank Act also provides that insofar as the acreage of cropland on a farm covered by a Great Plains or conservation reserve contract enters into the determination of acreage allotments and marketing quotas, such cropland shall not be decreased during the period of the contract by reason of any action taken for the purpose of carrying out the contract. After expiration of such a contract, such law provides that the cropland shall not be decreased, for a period equal to the period of the contract, by reason of the maintenance of any change in land use from cropland to permanent vegetation carried out under the contract. Allotment history acreages are given similar protection for purposes of establishing future allotments.

Pursuant to section 16(e)(6) of the Soil Conservation and Domestic Allotment Act, protection of allotment crop history and cropland status similar to that given under the Soil Bank Act is given to land covered by a cropland conversion agreement.

The Act (7 U.S.C. 1313(g)) authorizes the Secretary to convert State marketing

quotas into State acreage allotments on the basis of average yield per acre for the State during the five years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production.

The subjects and issues involved in the proposed determinations under the provisions of the statute referred to above are—

1. Whether one or more types of flue-cured tobacco should be treated as a separate kind of tobacco for the 1965–66 and subsequent marketing years pursuant to the provisions of 7 U.S.C. 1301(b)(15). In order to treat one or more types of flue-cured tobacco as a separate kind of tobacco it will be necessary for the Secretary to find that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand.

2. If the Secretary makes the necessary finding upon which to base the treatment of the types of flue-cured tobacco as two or more kinds of tobacco pursuant to 7 U.S.C. 1301(b)(15), it will be necessary to determine the total supply of each of such kinds of tobacco as of July 1, 1964, and the reserve supply level for each kind, in accordance with the applicable provisions of the Act which have been summarized in this notice, and pursuant to the provisions of 7 U.S.C. 1312(a)(1), to proclaim a national marketing quota for each of such kinds for the marketing years 1965–66, 1966–67, and 1967–68, for which it is determined that the total supply as of July 1, 1964, exceeds the reserve supply level.

3. The provisions of 7 U.S.C. 1312(a)(2) require a proclamation of national marketing quotas for flue-cured (types 11, 12, 13, and 14) tobacco if it is determined not to treat any of such types as a separate kind of tobacco. Under the provisions of 7 U.S.C. 1312(b) the Secretary will determine and announce not later than December 1, 1964, the amount of the national marketing quota for flue-cured (types 11, 12, 13, and 14) tobacco for the marketing year 1965–66 or if it is determined to treat one or more types of flue-cured tobacco as a separate kind of tobacco he will determine and announce the amount of the national marketing quota for the marketing year 1965–66 for each of such kinds of flue-cured tobacco for which national marketing quotas are required to be proclaimed for the marketing years 1965–66, 1966–67, and 1967–68. Under 7 U.S.C. 1312(b) the amount of the national marketing quota for each kind of tobacco for which it is necessary to make such a determination for the marketing year 1965–66 is the total quantity of such kind of tobacco which may be marketed which will make available during the marketing year 1965–66 a supply of tobacco equal to the reserve supply level. This will require a determination of the reserve supply level in accordance with 7 U.S.C. 1301(b)(14)(B) which in turn will require the determination of a normal supply in accordance with 7 U.S.C. 1301(b)(10)(B). The determination of a normal supply will require a determination of a "normal year's domestic consumption" in accordance with 7 U.S.C. 1301(b)(11)(B) and a "normal year's exports" in accordance with 7 U.S.C. 1301(b)(12). It will be necessary to determine the carryover as of the beginning of the marketing year 1965–66 in accordance with 7 U.S.C. 1301(b)(3)(C). This in turn will require a determination of the carryover of each kind of tobacco as of the beginning of the marketing year 1964–65 and an estimate of the production in the United States in 1964. An estimate of disappearance during the marketing year 1964–65 will also be determined. The amount of the carryover will be determined by subtracting the estimate of disappearance for the marketing year 1964–65 from the sum of the carryover at the beginning of the 1964–65 marketing year and the estimate of production for 1964. The carryover thus determined as of the beginning of the 1965–66 marketing year will be subtracted from the reserve supply level and the remainder will be the amount of the national marketing quota for the marketing year 1965–66 for the kind of tobacco for which the determination is made.

4. With respect to each national marketing quota which is proclaimed for the marketing year 1965–66 a determination will be made as to whether such quota should be increased by not more than 20 per centum pursuant to the provisions of 7 U.S.C. 1312(b). This will involve a determination as to whether an increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting total supply to the reserve supply level.

5. An apportionment of the national quota for each kind of tobacco will be made to the States on the basis of the total production of the particular kind of tobacco in each State during the calendar years 1959, 1960, 1961, 1962, and 1963 pursuant to the provisions of 7 U.S.C. 1313(a). A determination will be made as to diversion credit and the adjustments necessary to correct for abnormal conditions affecting production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period. Under the provisions of 7 U.S.C. 1313(e) the flue-cured tobacco apportionment to Alabama will be increased to an amount equal to the production from 500 acres based on the national average yield for the years 1959 to 1963 each inclusive. Under the provisions of 7 U.S.C. 1313(c) a determination of the reserve for new farms and small farms will also be made.

6. Pursuant to 7 U.S.C. 1313(g) a determination will be made whether or not to convert the apportionment of any national quota to the States into State acreage allotments on the basis of the average yield per acre in the State during the five years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production. In addition, a determination based on the national average yield for the same period, similarly adjusted, will be made with respect to converting the national reserve for new farms and small farms into an acreage allotment.

7. A determination will be made as to the date for holding any referendum required by 7 U.S.C. 1312(c) for flue-cured tobacco with respect to marketing quotas for the marketing years 1965–66, 1966–67, and 1967–68.

Consideration will be given to any data, views, and recommendations pertaining to the proposed determinations and rules covered by this notice which are submitted in writing to the Administrator, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250. All submissions must be postmarked not later than midnight November 20, 1964, in order to be considered. All written submissions made pursuant to this notice will be available for public inspection at such times and places and in a manner convenient to the public business (7 CFR Part 127).

Signed at Washington, D.C., on October 12, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64–10597; Filed, Oct. 15, 1964; 8:49 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64–CE–50]

## CONTROL ZONE, TRANSITION AREA AND CONTROL AREA EXTENSION

### Proposed Designation and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Great Falls, Mont., terminal area.

The following controlled airspace is presently designated in the Great Falls, Mont., terminal area:

1. The Great Falls, Mont., control zone which lies within a 5-mile radius of Great Falls International Airport (latitude 47°29'00'' N., longitude 111°22'00'' W.); within a 5-mile radius of Malmstrom AFB, Great Falls, Mont., and within 2 miles either side of lines extending from Great Falls International Airport OM to the Great Falls International Airport and to the Malmstrom AFB.

2. The Great Falls, Mont., control area extension which lies within a 45-mile radius of the Great Falls VOR within 12 miles NW and 8 miles SE of the Great Falls VOR 074° radial extending from the 45-mile radius area to 61 miles NE of the VOR; within 12 miles S and 8 miles N of the Great Falls VOR 271° radial extending from the 45-mile radius area to 56 miles W of the VOR; that airspace extending from the 45-mile radius area bounded on the E by a line 6 miles W of and parallel to the Great Falls VOR 180° radial, on the S by V–2, and on the W by a line 8 miles NW and parallel to the Great Falls VOR 222° radial, and that airspace extending from the 45-mile radius area bounded on the NE by a line 5 miles NE of and parallel to the Lewistown, Mont., VOR 308° radial and on the S by V–19.



The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Great Falls, Mont., terminal area, including studies attendant to the implementation of the provisions of the Civil Air Regulations Amendments 60–21/60–29, proposes the following airspace actions:

1. Revoke the Great Falls, Mont., control area extension.

2. Redesignate the Great Falls, Mont., control zone as that airspace within a 5-mile radius of Great Falls International Airport (latitude 47°29'00'' N., longitude 111°22'00'' W.); within a 5-mile radius of Malmstrom AFB (latitude 47°30'35'' N., longitude 111°11'35'' W.); within 2 miles each side of the Great Falls ILS localizer S course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Great Falls VOR 222° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR; within 2 miles each side of the Malmstrom AFB VOR 036° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the Malmstrom AFB VOR 042° radial, extending from the 5-mile radius zone to 10 miles NE of the VOR; within 2 miles each side of the Malmstrom 038° radial extending from the 5-mile radius zone to 10 miles NE of the VOR; within 2 miles each side of the 225° bearing from the Malmstrom AFB RBN, extending from the 5-mile radius zone to the RBN; and within 2 miles each side of the Malmstrom AFB VOR 222° radial, extending from the 5-mile radius zone to 10 miles SW of the VOR.

3. Designate the Great Falls, Mont., transition area as that airspace extending upward from 700 feet above the surface within a 20-mile radius of Malmstrom AFB (latitude 47°30'35'' N., longitude 111°11'35'' W.); and that airspace extending upward from 1,200 feet above the surface within a 40-mile radius of Malmstrom AFB; within 12 miles N and 8 miles S of the Great Falls VOR 074° radial, extending from the 40-mile radius area to 61 miles E of the VOR; and within 12 miles S and 8 miles N of the Great Falls VOR 271° radial, extending from the 40-mile radius area to 56 miles W of the VOR.

The airspace previously designated as the Great Falls control area extension will now be included in the Great Falls transition area and in the Helena, Mont., transition area which was proposed in Airspace Docket No. 64–CE–49.

The proposed control zone increases the size of the present Great Falls control zone by adding one extension to the southwest of Great Falls International Airport and by adding four extensions to the northeast of Malmstrom AFB. The extensions will provide protection to aircraft executing prescribed instrument approach procedures during their descent below 1,000 feet above the surface.

By the proposed transition area the overall size of controlled airspace in the Great Falls terminal area is reduced. The radius of the controlled airspace is decreased from 45 to 40 miles and the controlled airspace floor between 20 and 40 mile radii is raised from 700 feet to 1,200 feet above the surface.

The portion of the transition area with a floor of 700 feet above the surface would provide protection for aircraft receiving radar service in the transition area at or below altitudes of 1,500 feet above the surface and for aircraft executing prescribed instrument approach procedures. It would also provide protection for departing aircraft during the time they are climbing from 700 feet to 1,200 feet above the surface. The portion of the transition area with a floor of 1,200 feet above the surface would provide protection for arriving and departing aircraft receiving radar service and for aircraft executing prescribed TACAN penetration procedures into Malmstrom. The two transition area extensions would provide protection to aircraft in prescribed holding patterns which extend beyond the 40-mile radius.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

This proposed action requires no changes or revisions to prescribed instrument procedures presently in effect.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 1, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64–10550; Filed, Oct. 15, 1964; 8:45 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63–SW–126]

## TRANSITION AREA

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Guthrie, Tex., terminal area.

The following controlled airspace is presently designated in the Guthrie, Tex., terminal area:

1. The Abilene, Tex., control area extension is designated as that airspace within a 35-mile radius of the Abilene VOR, the airspace N of Abilene bounded on the E by V–77, on the N by V–278 E of Guthrie, Tex., VOR and V–102 W of Guthrie VOR, on the SW by a line 5 miles NE of the Lubbock VOR 101° and the Abilene VOR 327° radials; the airspace NW of Abilene within 8 miles W of the Abilene VOR 344° radial extending from the VOR to 46 miles NW; the airspace SE, S, and SW of Abilene bounded on the N by V–94, on the E by V–163, on the S by V–76 N and on the SW by V–76, excluding the portion that coincides with the arc of a 35-mile radius circle centered on the San Angelo, Tex., VOR and on the NW by V–66, and including the airspace W of Abilene within 8 miles N and 12 miles S of the Abilene VOR 266° radial extending from the VOR to the arc of a 35-mile radius circle centered on the Big Spring, Tex., VOR.

2. The Altus, Okla., control area extension is designated as that airspace bounded on the NE by V–17, on the SE by V–77, on the S by V–102, on the W by V–14 from Lubbock, Tex., to Childress, Tex., and V–114, from Childress, Tex., to Amarillo, Tex., and on the NW by V–12 excluding the portion of this control area extension which coincides with R–5601.

The Federal Aviation Agency having completed a comprehensive review of the terminal airspace structure requirements in the Guthrie, Tex., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, proposes the following airspace actions:

1. Designate the Guthrie, Tex., transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of latitude 33°-38'25'' N., longitude 100°20'50'' W.; within 5 miles W and 8 miles E of the Guthrie, Tex., VOR 002° radial, extending from the VOR to 12 miles N; and within 2 miles each side of the Guthrie VOR 182° radial extending from the 6-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°05'00'' N., longitude 100°17'00'' W.; to latitude 33°-56'00'' N., longitude 99°42'30'' W.; to latitude 33°12'00'' N., longitude 100°35'-00'' W.; to latitude 33°43'00'' N., longitude 100°49'00'' W., to point of beginning.

The floors of the airways and the portions of the Abilene and Altus control





area extensions that would traverse the proposed herein, but operational com-

the Chief, Air Traffic Division. Any data,

area extensions that would traverse the transition area proposed herein would automatically coincide with the floor of the transition area.

The proposed designation of the 1,200 foot floor portion of the Guthrie transition area would raise the floor of the controlled airspace beyond the immediate vicinity of 666 Ranch Airport, Guthrie, Tex., from 700 to 1,200 feet above the surface, yet sufficient controlled airspace would be retained to provide protection for aircraft executing instrument holding, arrival and departure procedures within the Guthrie terminal area.

The revocation of the Abilene and Altus control area extensions will be accomplished at a later date as a part of the CAR Amendments 60-21/60-29 program proposed for the terminal areas which adjoin the Guthrie terminal area.

Certain minor revisions to the prescribed instrument procedure would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the change to the procedure that would be required may be examined by contacting the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Fort Worth, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Forth Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on October 7, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-10551; Filed, Oct. 15, 1964; 8:45 a.m.]

# Notices

## DEPARTMENT OF JUSTICE

### Office of Alien Property

### ERHARD HUBATSCH ET AL.

### Notice of Intention To Return Vested Property

Pursuant to the Agreement entitled "Agreement Between the United States of America and the Republic of Austria Regarding the Return of Austrian Property, Rights, and Interests" which was signed at Washington on January 30, 1959 and ratified by the United States on March 4, 1964, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property and Location*

Erhard Hubatsch, Mariasellergasse 18, Maria-Enzersdorf am Gebirge, Vienna XXIV, Austria, $128.83 in the Treasury of the United States; and Hannelore Wendt, Mariasellergasse 18, Maria-Enzersdorf am Gebirge, Vienna XXIV, Austria; Claim No. 41258; $128.83 in the Treasury of the United States.

Ernst Preuschen, 9, Petterstrasse, Salzburg-Parsch, Austria, $3,152.94 in the Treasury of the United States; and Marie Lentz, a/k/a Marie von Lentz, Reitenau, Post Grafendorf, Steiermark, Austria; Claim No. 42607; $3,152.93 in the Treasury of the United States.

Harald Roebbeling, Preysingstrasse 16/III, Munich 8, Germany; Claim No. 43946; $757.29 in the Treasury of the United States.

Rudolf Ulrich, Kranebitter Allee 45, Innsbruck-Hoetting, Austria; Claim No. 58429; $215.50 in the Treasury of the United States; and $2,000.00 Saxon Public Works Inc. General and Refunding Mortgage 6½% Bonds, due May 1, 1951, with November 1, 1939, and s.c.a., evidenced by Certificate Nos. 10740/1, held by the Office of Alien Property, Washington, D.C.

Norman J. Uibeleisen, Roemerstr. 55, Bregenz, Austria; Claim No. 61972; $53,675.43 in the Treasury of the United States; and $15,000.00 Associated Gas and Electric Co. 5% Series A Bonds, due February 15, 2002, evidenced by Certificate Nos. BT14906/20, held by the Office of Alien Property, Washington, D.C.

Karl Georg Hasenburger, Hauptstrasse 31, Fuerstenfeld, Steiermark, Austria; Claim No. 63385; $422.41 in the Treasury of the United States.

Johann Geiger, Amoeneburgerstrasse 19, Frankfurt am Main, Germany; Claim No. 63459; $215.29 in the Treasury of the United States.

Maria Raith, Wackenstrasse 6, Lindau, Germany; Claim No. 66729; $215.29 in the Treasury of the United States.

Paul Foerster, Parkring 20, Vienna I, Austria; Claim No. 66913; $439.85 in the Treasury of the United States.

Executed at Washington, D.C., on October 13, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 64-10599; Filed, Oct. 15, 1964; 8:49 a.m.]

### KARL KERNBICHLER AND HANS CHRISTOPH SEHERR-THOSS

### Notice of Intention To Return Vested Property

Pursuant to the Agreement entitled "Agreement Between the United States of America and the Republic of Austria Regarding the Return of Austrian Property, Rights, and Interests" which was signed at Washington on January 30, 1959 and ratified by the United States on March 4, 1964, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property and Location*

Karl Kernbichler, Oesterastrasse 34 a, 2223 Meldorf/H., Germany; Claim No. 36779; $965.58 in the Treasury of the United States.

Hans Christoph Seherr-Thoss, Butternut Brook Farm, Litchfield, Connecticut; Claim No. 59836; $54,179.68 in the Treasury of the United States.

Executed at Washington, D.C., on October 13, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 64-10600; Filed, Oct. 15, 1964; 8:50 a.m.]

## DEPARTMENT OF THE INTERIOR

### Geological Survey

[Idaho 13]

### IDAHO

### Phosphate and Nonphosphate Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as follows:

BOISE MERIDIAN, IDAHO

PHOSPHATE LANDS

T. 3 N., R. 46 E.,
Sec. 20, lots 2, 3, and 4, NW¼, NE¼SW¼;
Sec. 31, SW¼SW¼.

RECLASSIFIED PHOSPHATE LANDS FROM NONPHOSPHATE LANDS

Prior classification of the following lands as nonphosphate lands is hereby revoked and the lands are reclassified as phosphate lands:

T. 3 N., R. 46 E.,
Sec. 6, lot 4, SW¼NW¼, SW¼SW¼;
Sec. 7, NW¼NW¼;
Sec. 19, NE¼NE¼.

NONPHOSPHATE LANDS

T. 3 N., R. 46 E.,
Sec. 5;
Sec. 8;
Sec. 17;
Sec. 20, lot 1, W½SW¼, SE¼SW¼;
Sec. 29;
Sec. 31, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 32.

The area described aggregates 3,869 acres, more or less, of which about 390 acres are classified as phosphate lands, about 200 acres are reclassified as phosphate lands that were formerly classified nonphosphate lands, and about 3,279 acres are classified as nonphosphate lands.

R. H. LYDDAN,
*Acting Director.*

OCTOBER 9, 1964.

[F.R. Doc. 64-10558; Filed, Oct. 15, 1964; 8:45 a.m.]

[Idaho 14]

### IDAHO

### Phosphate and Nonphosphate Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

BOISE MERIDIAN, IDAHO

PHOSPHATE LANDS

T. 3 N., R. 43 E.,
Sec. 1, SW¼SW¼;
Sec. 2, lots 1, 2, and 3, SE¼;
Sec. 3, lots 1 to 4, inclusive, SW¼, W½SE¼;
Sec. 4;
Sec. 11, NE¼NE¼;
Sec. 12, W½NE¼, W½, SE¼;
Sec. 13, N½NE¼, NE¼NW¼.

RECLASSIFIED PHOSPHATE LANDS FROM NONPHOSPHATE LANDS

Prior classification of the following lands as nonphosphate is hereby revoked and the lands are reclassified as phosphate lands:

T. 3 N., R. 46 E.,
Sec. 5, lots 1 to 8, inclusive, NE¼SW¼, SE¼;
Sec. 8, N½NE¼;
Sec. 9, N½N½.

NONPHOSPHATE LANDS

T. 3 N., R. 43 E.,
Sec. 1, lots 1 to 4, inclusive, N½SW¼, SE¼SW¼, SE¼;
Sec. 2, lot 4, SW¼;
Sec. 3, E½SE¼;
Sec. 10;
Sec. 11, W½NE¼, SE¼NE¼, W½, SE¼;
Sec. 12, E½NE¼;
Sec. 13, S½NE¼, NW¼NW¼, S½NW¼, S½;
Secs. 14 and 24.

The area described totals about 6,475 acres, of which about 1,964 acres are classified as phosphate lands, about 618 acres are reclassified as phosphate lands that were formerly classified as nonphosphate lands, and about 3,873 acres are classified as nonphosphate lands.

R. H. LYDDAN,
*Acting Director.*

OCTOBER 9, 1964.

[F.R. Doc. 64-10559; Filed, Oct. 15, 1964; 8:45 a.m.]

[New Mexico 94]

## NEW MEXICO

### Coal and Noncoal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as follows:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

COAL LANDS

T. 27 N., R. 4 W.
T. 27 N., R. 5 W.
T. 23 N., R. 6 W.,
Secs. 1 to 22, inclusive;
Secs. 28 to 32, inclusive.
T. 24 N., R. 6 W.,
Secs. 1 to 6, inclusive;
Sec. 7, lots 1 and 2, E½, E½NW¼;
Secs. 8 to 16, inclusive;
Sec. 17, N½;
Sec. 19, lots 3 and 4, E½SW¼, SE¼;
Secs. 20 to 36, inclusive.
T. 25 N., R. 6 W.
T. 26 N., R. 6 W.
T. 27 N., R. 6 W.
T. 23 N., R. 7 W.
T. 24 N., R. 7 W.,
Secs. 1 to 11, inclusive;
Sec. 12, N½, SW¼;
Sec. 13, NW¼, S½;
Secs. 14 to 36, inclusive.
T. 27 N., R. 7 W.

NONCOAL LANDS

T. 23 N., R. 6 W.,
Secs. 23 to 27, inclusive;
Secs. 33 to 36, inclusive.
T. 24 N., R. 6 W.,
Sec. 7, lots 3 and 4, E½SW¼;
Sec. 17, S½;
Sec. 18;
Sec. 19, lots 1 and 2, NE¼, E½NW¼.
T. 24 N., R. 7 W.,
Sec. 12, SE¼;
Sec. 13, NE¼.

The lands described total 220,811 acres, more or less, of which about 212,294 acres are classified coal lands, and about 7,517 acres are classified noncoal lands.

R. H. LYDDAN,
*Acting Director.*

OCTOBER 9, 1964.

[F.R. Doc. 64-10560; Filed, Oct. 15, 1964; 8:46 a.m.]

[New Mexico 95]

## NEW MEXICO

### Coal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as follows:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

COAL LANDS

T. 28 N., R. 4 W.
T. 29 N., R. 4 W.
T. 28 N., R. 5 W.
T. 29 N., R. 5 W.
T. 28 N., R. 6 W.
T. 29 N., R. 6 W.
T. 28 N., R. 7 W.
T. 29 N., R. 7 W.
T. 29 N., R. 8 W.

The lands described total 175,703 acres, more or less.

R. H. LYDDAN,
*Acting Director.*

OCTOBER 9, 1964.

[F.R. Doc. 64-10561; Filed, Oct. 15, 1964; 8:46 a.m.]

## Bureau of Land Management

[Washington 05049, 76085]

## WASHINGTON

### Order Providing for Opening of Public Lands

1. Public Land Order No. 1948 of August 18, 1959, revoked in part certain departmental orders which withdrew lands for reclamation purposes, and provided that the following-described lands would not be subject to any form of disposition under the public land laws unless and until a further order of an authorized officer of the Bureau of Land Management issued:

WILLAMETTE MERIDIAN

T. 8 N., R. 29 E.,
Sec. 6, lots 1, 2, and 3.
Containing 76.69 acres.

2. Until 10 a.m. on April 9, 1965, the State of Washington shall have a preferred right of application to select the lands described in paragraph 1, above, as provided by R.S. 2276, as amended (43 U.S.C. 852). On and after that date and hour the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference right applications from the State, received at or prior to 10 a.m. on April 9, 1965, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

3. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10 a.m. on April 9, 1965.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

MAX CAPLAN,
*Acting Assistant Director.*

OCTOBER 8, 1964.

[F.R. Doc. 64-10562; Filed, Oct. 15, 1964; 8:46 a.m.]

## National Park Service

## DINOSAUR NATIONAL MONUMENT, UTAH AND COLORADO

### Notice of Selection of Connecting Road

Notice is hereby given that the locations for a road connection between Dinosaur National Monument park roads, including adjacent scenic easement areas, have been selected pursuant to section 2 of the Act of September 8, 1960 (74 Stat. 857, 861).

This road connection, 2.57 miles in length, is a portion of the Blue Mountain Road which is designed to provide access from U.S. 40 at Jensen, Utah, to the Harper's Corner and Echo Park heartland of Dinosaur National Monument by way of the Quarry area, Cub Creek and Blue Mountain.

The locations selected embrace 62.5 acres of land to be acquired by the United States in fee or already owned by the United States, in a strip generally 200 feet wide, and approximately 250 acres of adjoining land that will be subject to scenic easement control, which lies generally within 500 feet of the center line of the road. Said locations are depicted on the drawing entitled "Dinosaur National Monument, Blue Mountain Road (portion), Right-of-Way Boundary" dated July 7, 1964 and numbered NM-DIN/7108 (one sheet), which drawing is on file and available for public inspection in the Office of the Director, National Park Service, and the Office of the Superintendent, Dinosaur National Monument.

As provided in section 2(a) of the Act of September 8, 1960 supra, the areas included in this notice shall constitute a part of the Dinosaur National Monument, and be administered in accordance with such special regulations as the Secretary of the Interior shall promulgate in furtherance of the purposes of that section. Bureaus or agencies presently administering grazing and other activities on the public lands selected for scenic easement control may continue to administer these activities on such lands in a manner consistent with preservation of the scenic and other natural values of the lands so selected.

In furtherance of the purposes of the said section 2 of the Act of September 8, 1960, public lands within the locations



hereby selected as road rights-of-way and for scenic easement control, subject to valid existing rights, are reserved from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. Any other withdrawals or reservations in effect on the lands hereby selected are revoked.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

OCTOBER 9, 1964.

[F.R. Doc. 64-10581; Filed, Oct. 15, 1964; 8:47 a.m.]

## Office of the Secretary

## DIRECT-CURRENT TRANSMISSION TECHNOLOGY IN UNITED STATES

### Determination To Permit Negotiated Procurement To Assist Development

Pursuant to section 302(C)(10) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252(C)(10)), and in accordance with the authority delegated under General Services Administration Delegation 410, dated March 26, 1962 (27 F.R. 3017), I hereby find and determine that it is impracticable to procure essential manufacture and installation of direct-current facilities required for the direct-current high-voltage transmission interties of this Department by formal advertising. I therefore authorize the Administrator, Bonneville Power Administration and the Commissioner, Bureau of Reclamation to negotiate such procurements subject to the following policies:

1. Because it is in the public interest to develop and expand the domestic manufacturing capability in direct-current equipment and related structures, negotiations authorized hereunder shall be conducted to the maximum practicable extent with domestic manufacturers.

2. In applying the principle in 1. above, the negotiating agencies are authorized to negotiate with co-adventurers or other business associations wherein domestic and foreign manufacturers are involved; provided, that such negotiations shall assure domestic industry opportunity to produce essential components wherever practicable.

The authority delegated hereby may be redelegated by the Administrator and the Commissioner.

STEWART L. UDALL,
*Secretary of the Interior.*

SEPTEMBER 30, 1964.

[F.R. Doc. 64-10578; Filed, Oct. 15, 1964; 8:47 a.m.]

## Office of the Secretary

## WILLIAM A. ALEXANDER

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of September 28, 1964.

Dated: September 28, 1964.

W. A. ALEXANDER.

[F.R. Doc. 64-10563; Filed, Oct. 15, 1964; 8:46 a.m.]

## MARK V. BURLINGAME

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of October 5, 1964.

Dated: October 5, 1964.

M. V. BURLINGAME.

[F.R. Doc. 64-10564; Filed, Oct. 15, 1964; 8:46 a.m.]

## LOWELL E. HUNT

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of September 30, 1964.

Dated: September 30, 1964.

LOWELL E. HUNT.

[F.R. Doc. 64-10565; Filed, Oct. 15, 1964; 8:46 a.m.]

## LAYTON E. KINCANNON

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) Stocks sold: Devoe & Raynolds Co.
(2) Stocks acquired: Arkansas Louisiana Gas, Ayrshire Collieries, Communications Satellite Corp., Mansfield Tire & Rubber Co., Norton Co., R. J. Reynolds Tobacco Co.
(3) None.
(4) None.

This statement is made as of September 28, 1964.

Dated: September 28, 1964.

L. E. KINCANNON.

[F.R. Doc. 64-10566; Filed, Oct. 15, 1964; 8:46 a.m.]

## JAMES S. BROADDUS

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of September 19, 1964.

Dated: September 19, 1964.

JAMES S. BROADDUS.

[F.R. Doc. 64-10567; Filed, Oct. 15, 1964; 8:47 a.m.]

## CHARLES M. CUSTER

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of September 1, 1964.

Dated: September 21, 1964.

CHARLES M. CUSTER.

[F.R. Doc. 64-10568; Filed, Oct. 15, 1964; 8:47 a.m.]

## JOHN W. HIERONYMUS

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of September 21, 1964.

Dated: September 21, 1964.

J. W. HERRONYMUS.

[F.R. Doc. 64-10569; Filed, Oct. 15, 1964; 8:47 a.m.]

### HOMER G. KEESLING

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Abacus Fund (Acquired), Adams-Millis Corp. (Retained), California Packing Corp. (Retained), Pacific Gas & Electric Co. (Pension) (Retained).
(3) No change.
(4) No change.

This statement is made as of September 30, 1964.

Dated: September 30, 1964.

H. G. KEESLING.

[F.R. Doc. 64-10570; Filed, Oct. 15, 1964; 8:47 a.m.]

### GEORGE A. PORTER

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Additions: 50 shares Bucyrus Erie Co. common stock, 100 shares Westinghouse Electric Corp. common stock; deletion: 50 shares New York, Chicago, St. Louis Railroad common stock.
(3) No change.
(4) No change.

This statement is made as of September 22, 1964.

Dated: September 22, 1964.

GEORGE A. PORTER.

[F.R. Doc. 64-10571; Filed, Oct. 15, 1964; 8:47 a.m.]

### EDWARD F. ZIEGLER

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of September 21, 1964.

Dated: September 21, 1964.

EDWARD F. ZIEGLER.

[F.R. Doc. 64-10572; Filed, Oct. 15, 1964; 8:47 a.m.]

### HARRY J. PECKHEISER

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of September 28, 1964.

Dated: September 28, 1964.

H. J. PECKHEISER.

[F.R. Doc. 64-10573; Filed, Oct. 15, 1964; 8:47 a.m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

[Dept. Order 171 [Rev.]]

### AREA REDEVELOPMENT ADMINISTRATION

#### Organization and Function

This material supersedes the material appearing at 28 F.R. 12635–12636 of November 27, 1963 and 29 F.R. 2547–2548 of February 18, 1964.

SECTION 1. *Purpose.* .01 The purpose of this Organization and Function Supplement is to prescribe the organization and to assign functions within the Area Redevelopment Administration.

SEC. 2. *Organization.* .01 The Area Redevelopment Administration shall comprise the following organization units:

a. Office of the Administrator:
Administrator.
Deputy Administrator.
Deputy Administrator for Public Works.
Office of the Chief Counsel.
Office of the Economic Adviser.
Office of Public Affairs.
b. Office of Public Works Acceleration:
Program Development Staff.
Program Evaluation Staff.
c. Office of Financial Assistance:
Financial Projects Division.
Management Assistance Division.
d. Office of Operations:
Community Services Division.
Regional Divisions:
Lake States Division.
Northeast Division.
Appalachian Division.
Southeast Division.
Northwest Division.
Southwest Division.
e. Office of Program Development:
Designation Division.
Research Division.
Technical Projects Division.
Area Surveys Division.
Program Analysis Division.
Publications Division.
f. Office of Administration:
Budget Division.
Accounting Division.
Administrative Services Division.
Program Evaluation and Reports Staff.

SEC. 3. *Functions of the Office of the Administrator.* 01. The "Administrator" determines the policy, directs the programs, and is responsible for the conduct of all activities of the Area Redevelopment Administration.

02. The Deputy Administrator shall assist the Administrator in all matters affecting the Area Redevelopment Administration, and shall perform the duties of the Administrator during the latter's absence.

03. The Deputy Administrator for Public Works shall be the principal assistant and adviser to the Administrator on the Accelerated Public Works Program, and shall provide policy direction and coordination in the execution of this program.

04. The Office of the Chief Counsel shall serve as the legal office of the Area Redevelopment Administration, rendering advice and opinions to the Administrator and handling all legislative matters and matters concerned with orders and regulations of the Administration.

05. The Office of the Economic Adviser shall provide expert advice concerning the formulation and execution of the Administration's responsibilities in the field of economic research and shall maintain liaison on economic and fiscal policies and programs with such other Government agencies as the Council of Economic Advisers, the Treasury Department, the Bureau of the Budget, the Federal Reserve Board, etc.

06. The Office of Public Affairs shall advise the Administrator on public information matters, conduct a public information program under the policy guidance of the Department's Office of Public Information, and be responsible for advising the various offices of the Administration on all matters pertaining to public information.

SEC. 4. *Functions of the Office of Public Works Acceleration.* 01. The Office of Public Works Acceleration shall:

a. Recommend the development of broad guidelines for the Public Works Acceleration program;

b. Maintain current lists of eligible areas as defined in Section 3(a) of the Public Works Acceleration Act;

c. Recommend rules, regulations and procedures as appropriate to carry out Section 3 of the Public Works Acceleration Act;

d. Review such periodic and special status reports and other information as may be required of the several participating departments and agencies and prepare consolidations and statistical summaries, together with appropriate recommendations, to apprise the Administrator of the status of the Public Works Acceleration program and to serve as the basis for his proposals to the Secretary; and

e. Prepare necessary proposals for the Administrator to serve as the basis for recommendations from the Secretary to the President regarding the allocation of funds to the several participating departments and agencies.

.02 The Office of Public Works Acceleration shall comprise the Program Development Staff and the Program Evaluation Staff.

SEC. 5. *Functions of the Office of Financial Assistance.* 01. The Office of Financial Assistance shall:

a. Assist the Administrator in formulating financial assistance policies and criteria, review and make recommendations on financial aspects of loan or grant applications, and monitor financial operations of active loan and grant projects;

b. Establish and promulgate financial assistance policies, programs, and standards;

c. Recommend to the Administrator the financing of assistance projects and, as indicated, suggest alternate methods of financing for various projects; and

d. Provide management assistance to recipients of ARA loans and/or grants, and, where there is evidence of financial difficulty, recommend appropriate action to alleviate or eliminate the unfavorable situation.

02. The Office of Financial Assistance shall comprise the Financial Projects Division and Management Assistance Division.

SEC. 6. *Functions of the Office of Operations.* 01. The Office of Operations shall:

a. Administer programs to stimulate and assist communities and businesses on area redevelopment matters;

b. Direct activities of Field Coordinators who represent the Administration in various field locations;

c. Coordinate activities of delegate agencies and Area Redevelopment Administration offices in connection with the preparation of economic development programs and the review of assistance proposals submitted by applicants; and

d. Recommend to the Administrator the approval or disapproval of assistance applications.

.02 The Office of Operations shall comprise the Community Services Division, Lake States Division, Northeast Division, Appalachian Division, Southeast Division, Northwest Division, and Southwest Division.

SEC. 7. *Functions of the Office of Program Development.* 01. The Office of Program Development shall:

a. Recommend to the Administrator the designation and the termination of designation of areas as redevelopment areas;

b. Provide for the review and approval or disapproval of overall economic development programs of designated redevelopment areas;

c. Provide program assistance to areas of need in the form of technical information, advice, guidance and publications;

d. Conduct, or arrange for and direct, technical assistance program studies and research aimed at evaluating the needs and developing the potentialities of redevelopment areas;

e. Conduct continuing study and review of the effectiveness of the Area Redevelopment Act to find additional means for coping with the problem of area unemployment, and to suggest appropriate legislative and other actions; and

f. Provide for a program of research into the nature and causes of area unemployment, underemployment, and underdevelopment aimed at developing solutions to problems resulting from these conditions.

02. The Office of Program Development shall comprise the Designation Division, Research Division, Technical Projects Division, Area Surveys Division, Program Analysis Division, and Publications Division.

SEC. 8. *Functions of the Office of Administration.* 01. The Office of Administration shall:

a. Be the liaison with counterpart offices reporting to the Assistant Secretary for Administration and similar offices of other departments and agencies;

b. Review and coordinate budget requirements and prepare and control fiscal plans and programs for activities of Area Redevelopment Administration;

c. Develop and promulgate administrative management policies, programs and standards;

d. Arrange for, or provide, administrative services for the Washington and field offices of Area Redevelopment Administration; and

e. Provide for continuing progress reporting and evaluation of program execution.

.02 The Office of Administration shall comprise the Budget Division, Accounting Division, Administrative Services Division, and Program Evaluation and Reports Staff.

Effective date: October 2, 1964.

SEC. 9. Effect on other orders:

01. This Organization and Function Supplement supersedes the Organization and Function Supplement of November 7, 1963, as amended to Department Order No. 171 (Revised).

.02 The attached Organization Chart supersedes the Organization Chart for the Area Redevelopment Administration dated February 4, 1964.

HERBERT W. KLOTZ,
*Assistant Secretary for Administration.*

[F.R. Doc. 64-10593; Filed, Oct. 15, 1964; 8:49 a.m.]



## FEDERAL POWER COMMISSION

[Docket No. G-3913 etc.]

### ASHLAND OIL & REFINING CO. ET AL.

#### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 8, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 2, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

| Docket No. and date filed | Applicant | Purchaser, field, and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| C165-296 D 9-28-64 | Gilbert-Bunting Drilling Co., Inc. | Carnegie Natural Gas Co., Union Dist., Ritchie County, W. Va. | 20.0 | 15.325 |
| C165-297 A 9-28-64 | Penrose Production Co. (Operator), et al. | El Paso Natural Gas Co., Howze-San Andres Field, Lea County, N. Mex. | [7] 7.94 | 14.65 |
| C165-298 E 8-31-64 | Cuttyhamp Oil and Gas Corp. | Arkansas Louisiana Gas Co., Red Oak Field, Le Flore County, Okla. | 15.0 | 14.65 |
| G-1570 C 9-21-64 | Fred Whitaker. Edwin G. Bradley (Operator), et al. | Panhandle Eastern Pipe Line Co., Lovedo Field, Reno County, Kans. | 25.0 | 15.325 |
| C165-299 A 9-28-64 | Neal Rudder, et al. | Hope Natural Gas Co., Sheridan Dist., Calhoun County, W. Va. | 18.0 | 14.65 |
| G-1656 C 9-21-64 | Henry S. Inger | Panhandle Eastern Pipe Line Co., Lorado Field, Reno County, Kans. | 13.0 | 14.65 |
| G-20179 D 9-28-64 | Anadarko Production Co., et al. | Colorado Interstate Gas Co., Keyes Field, Texas County, Okla. | Depleted | |
| C165-302 A 9-28-64 | John Russ (Operator), et al. | Arkansas Louisiana Gas Co., Bethany Field, Panola County, Tex. | 11.34 | 14.65 |
| C165-303 A 9-28-64 | Allied Producing Co. | Michigan Wisconsin Pipe Line Co., Hope Natural Gas Co., Sherman Dist., Woodward Area, Major County, Okla. | 25.0 | 15.325 |
| C165-304 A 9-28-64 | Ferrell L. Prior, et al. | Arkansas Louisiana Gas Co., Court House Dist., Lewis County, W. Va. | Production declined. | |
| C165-305 B 9-29-64 | Hildreth & Reed, et al. | Hope Natural Gas Co., Spencer Dist., Roane County, W. Va. | 25.0 | 15.325 |
| C165-306 A 9-28-64 | Haddox Gas Co. | Hope Natural Gas Co., Murphy Dist., Ritchie County, W. Va. | 25.0 | 15.325 |
| C165-307 A 9-28-64 | Neal Rudder, et al. | Hope Natural Gas Co., Union Dist., Ritchie County, W. Va. | 25.0 | 15.325 |
| C165-308 A 9-29-64 | Allen Beard, et al. | Hope Natural Gas Co., Geary and Washington Dists., Roane and Calhoun Counties, W. Va. | 25.0 | 15.325 |
| C165-309 F 9-29-64 | Heinerich & Payne, Inc., Lindsey, et al., d.b.a. National Associated Petroleum Co. (Operator), et al. | Cities Service Gas Co., Hugoton Field, Haskell County, Kans. | [8] 14.5 | 14.65 |
| C165-310 A 9-30-64 | Biloo, Inc. | Hope Natural Gas Co., Glenville Dist., Gilmer County, W. Va. | 25.0 | 15.325 |
| C165-311 A 9-30-64 | Gus Berry Oil Operator. | Hope Natural Gas Co., Sherman Dist., Calhoun County, W. Va. | 25.0 | 15.325 |
| C165-312 A 9-30-64 | Dillie Gas Co. | Hope Natural Gas Co., McClellan Dist., Doddridge County, W. Va. | 25.0 | 15.325 |
| C165-313 A 9-30-64 | Haught-Wright Oil & Gas Co. | Hope Natural Gas Co., Murphy Dist., Ritchie County, W. Va. | 25.0 | 15.325 |
| C165-314 A 9-30-64 | Crestcom Oil Co., Inc. | Hope Natural Gas Co., Salt Lick Dist., Doddridge County, W. Va. | 25.0 | 15.325 |
| C165-315 A 9-30-64 | Sydney Spofforth Oil. | Hope Natural Gas Co., Grant Dist., Ritchie County, W. Va. | 25.0 | 15.325 |
| C165-316 A 9-30-64 | Motcom Oil Co. (Operator), et al. | Texas Eastern Transmission Corp., West May Field, Kleberg County, Tex. | 12.0 | 14.73 |
| C165-317 A 9-30-64 | Jack W. Grigsby (Operator), et al. | United Fuel Gas Co., Southwest Elbert Field, Mason County, W. Va. | 15.0 | 15.025 |
| C165-318 A 9-24-64 | D. J. Simmons, et al. | United Gas Pipe Line Co., Monroe Gas Field (Harrell Sand), Ouachita Parish, La. | [10] 11.0 | 15.025 |
| C165-319 A 10-1-64 | Sohio Petroleum Co. | Northern Natural Gas Co., Mocane-Laverne Area, Harper County, Okla. | 17.0 | 14.65 |
| C165-320 A 10-1-64 | Oklahoma Natural Gas Co. | Arkansas Louisiana Gas Co., Greenville Field, Haskell and Le Flore Counties, Okla. | 15.0 | 14.65 |
| C165-321 A 10-1-64 | Pan American Petroleum Corp. | Texas Eastern Transmission Corp., Cottonwood Creek Field, De Witt County, Tex. | 12.0 | 14.65 |

[1] Gas no longer being sold in interstate commerce.
[2] Application erroneously noticed Sept. 15, 1964, in Docket Nos. G-2810, et al. at a rate of 11.25 cents per Mcf.
[3] Includes 0.1440 cent per Mcf tax reimbursement.
[4] Adds interest of nonoperator.
[5] Application previously noticed Sept. 15, 1964, in Docket Nos. G-2810, et al. at a rate of 11.5 cents per Mcf.
[6] Applicant filed an amendment to its certificate application to reflect an initial rate of 9.5 cents per Mcf in lieu of 11.5 cents per Mcf.
[7] Includes 2.0 cents per Mcf for transportation.
[8] Seller receives fraction of a cent (Gasoline Content x Gasoline Sales Price x Sliding Scale Percentage) for casinghead gas at wellhead, plus 7.5 cents per Mcf for surplus residue gas buyer takes into its pipeline.
[9] Rate currently being collected subject to refund in Docket No. RI62-34.
[10] Inclusive of Louisiana Gas Severance Tax Reimbursement.

[F.R. Doc. 64-10476; Filed, Oct. 15, 1964; 8:45 a.m.]

| Docket No. and date filed | Applicant | Purchaser, field, and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| G-3013 D 9-28-64 | Ashland Oil & Refining Co. (partial abandonment). | Columbian Fuel Corp., Monroe Field, Morehouse Parish, La. | (1) | |
| G-10247 [2] E 8-31-64 | International Helium, Inc., Operator (successor to Fred Whitaker). | Arkansas Louisiana Gas Co., Carthage Fields, Panola County, Tex. | [3] 11.394 | 14.65 |
| G-15570 C 9-21-64 | Edwin G. Bradley (Operator), et al. | Panhandle Eastern Pipe Line Co., Lovedo Field, Reno County, Kans. | 13.0 | 14.65 |
| G-16562 C 9-21-64 | Edwin G. Bradley, agent, et al. | do | 13.0 | 14.65 |
| G-20179 D 9-28-64 | Anadarko Production Co., et al. (partial abandonment). | Colorado Interstate Gas Co., Keyes Field, Texas County, Okla. | Depleted | |
| C161-524 A 9-24-64 [4] | Shell Oil Co. (Operator), et al. | Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla. | 15.0+Btu adjustment. | 14.65 |
| C163-211 C 9-24-64 | The Pure Oil Co. | Arkansas Louisiana Gas Co., Lamar Field, Arkoma Area, Pittsburg County, Okla. | 16.0 | 14.65 |
| C163-501 C 9-28-64 | Humble Oil & Refining Co. | Arkansas Louisiana Gas Co., East Woodlawn Field, Harrison County, Tex. | 11.2996 | 14.65 |
| C164-1524 A 9-28-64 | Cecil Meadows, et al., d.b.a. Meadows Drilling. | Hope Natural Gas Co., Washington Dist., Calhoun County, W. Va. | 25.0 | 15.325 |
| C165-6 C 9-28-64 | Skelly Oil Co. | Hope Natural Gas Co., Eva Roach Unit, Beaver County, Okla. | 17.0 | 14.65 |
| C165-218 F 9-9-64 [4] | Penrose Production Co., et al. (successor to Mapenza Oil Co.) | El Paso Natural Gas Co., Eumont Field, Lea County, N. Mex. | 9.5 | 14.65 |
| C165-276 A 9-30-64 [4] | Aloo Oil and Gas Corp. | Panhandle Eastern Pipe Line Co., Wil Field, Kingfisher County, Okla. | 15.0 | 14.65 |
| C165-277 A 9-24-64 | Skelly Oil Co. | Bass Gas Gathering System, Inc., acreage in Baca County, Colo. | 12.0 | 14.65 |
| C165-277 A 9-24-64 | Placid Oil Co. | Tennessee Gas Transmission Co., Bay Le Fleur Field, Terrebonne Parish, La. | 19.5 | 15.025 |
| C165-278 A 9-24-64 | Petroleum Promotions, Inc. | Hope Natural Gas Co., New Milton Dist., Doddridge County, W. Va. | Production declined. | |
| C165-280 A 9-24-64 | Bower, Hall & Wetsel. | Panhandle Eastern Pipe Line Co., Wil Field, Kingfisher County, Okla. | Production declined. | |
| C165-280 B 9-26-64 | W. H. Mossor, et al., d.b.a. Means Oil & Gas Co. | Bass Gas Gathering System, Inc., acreage in Baca County, Colo. | Production declined. | |
| C165-281 A 9-26-64 | Prior Oil Co. | Hope Natural Gas Co., Murphy Dist., Ritchie County, W. Va. | 25.0 | 15.325 |
| C165-282 A 9-26-64 | George W. Miller, et al. | Hope Natural Gas Co., Troy Dist., Gilmer County, W. Va. | Production declined. | |
| C165-283 B 9-26-64 | Red Tree Gas Co. | Hope Natural Gas Co., Freemans Creek Dist., Lewis County, W. Va. | Production declined. | |
| C165-284 A 9-26-64 | George Moses. | do | 25.0 | 15.325 |
| C165-285 A 9-26-64 | Petroleum Resources, Inc. | Hope Natural Gas Co., Glenville Dist., Gilmer County, W. Va. | 25.0 | 15.325 |
| C165-286 A 9-25-64 | Pioneer Petroleum, Inc. | Hope Natural Gas Co., Freemans Creek Dist., Lewis County, W. Va. | 25.0 | 15.325 |
| C165-287 A 9-25-64 | Delta Petroleum Co. | Hope Natural Gas Co., Murphy Dist., Ritchie County, W. Va. | 25.0 | 15.325 |
| C165-288 A 9-25-64 | E. G. Pence, et al. | Hope Natural Gas Co., Spring Creek Dist., Wirt County, W. Va. | 25.0 | 15.325 |
| C165-289 A 9-25-64 | Compass Exploration, Inc. | El Paso Natural Gas Co., Basalto-Blanco Field, La Plata County, Colo. | 13.0 | 15.025 |
| C165-290 A 9-25-64 | Crestcom Oil Co., Inc. | Hope Natural Gas Co., Washington Dist., Calhoun County, W. Va. | 25.0 | 15.325 |
| C165-291 A 9-25-64 | Blake Gas Co. | Hope Natural Gas Co., Sherman Dist., Boone County, W. Va. | 25.0 | 15.325 |
| C165-292 A 9-25-64 | Neal Rudder, et al. | Hope Natural Gas Co., Central Dist., Ritchie County, W. Va. | 25.0 | 15.325 |
| C165-293 A 9-28-64 | Gulf Oil Corp. | Lone Star Gathering Co., Yorktown Field, De Witt County, Tex. | 16.0 | 14.65 |
| C165-294 B 9-28-64 | Skelly Oil Co. | Panhandle Eastern Pipe Line Co., Wil Field, Edwards County, Kans. | Depleted | |
| C165-296 A 9-28-64 | Victor A. Vincent and Bert Mooney, d.b.a. Vincent Distributing Co. | United Fuel Gas Co., acreage in Martin County, Ky. | [9] 23.0 | 15.325 |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.



[Docket No. RI65-237 etc.]

## EL PASO NATURAL GAS PRODUCTS CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 8, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 25, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-237 | El Paso Natural Gas Products Co.,[2] P.O. Box 3986, Odessa, Tex. | 3 | 11 | West Lake Natural Gasoline Co. (Nena Lucia Field, Nolan County, Tex.) (R.R. Dist. No. 7-B).[3] | $734 | 9-14-64 | [4] 1- 1-65 | 1- 2-65 | 8.5 | [5] [6] 9.0 | RI62-309. |
| | do | 10 | 10 | do | 122 | 9-14-64 | [4] 1- 1-65 | 1- 2-65 | 8.5 | [5] [6] 9.0 | RI60-399. |
| RI65-238 | Sunray DX Oil Co., P.O. Box 2039, Tulsa 2, Okla. | 132 | 12 | United Fuel Gas Co. (Cole's Gully Field, Acadia Parish, La.) (South Louisiana). | 300 | 9-14-64 | [7] 11- 1-64 | 4- 1-65 | [8] [9] 21.1 | [7] [8] [10] 21.5 | RI64-172, et al. |
| RI65-239 | Pan American Petroleum Corp. (Operator), P.O. Box 2092, Houston, Tex., 77001. Attn: Mr. Dean J. Capp. | 8 | 24 | Texas Eastern Transmission Corp. (Hastings, Turtle Bay and Chocolate Bayou Fields, Galveston, et al., Counties, Tex.) (R.R. Dist. No. 3). | 6,800 | 9-14-64 | [11] 11- 1-64 | 4- 1-65 | 15.5 | [6] [7] 15.8 | RI64-205, et al. |
| RI65-240 | Salt Dome Production Co., 727 Texas National Bank Building, Houston, Tex., 77002. | 5 | 6 | Texas Eastern Transmission Corp. (Garwood Field, Colorado County, Tex.) (R.R. Dist. No. 3). | 253 | 9-16-64 | [11] 11- 1-64 | 4- 1-65 | [8] 15.6 | [6] [7] [11] 15.8 | RI64-253, et al. |
| RI65-241 | Smith, Frankhauser, Voigt & York, agent for F. M. Anderson, et al., P.O. Box 1060, Edinburg, Tex. | 1 | 4 | South Texas Natural Gas Gathering Co. (Donna Field, Hidalgo County, Tex.) (R.R. Dist. No. 4). | 8,129 | 9-15-64 | [12] 10-16-64 | 3-16-65 | [6] 13.5 | [6] [7] 14.5 | |
| RI65-242 | Petroleum Property Management, Inc., agent for Ambassador Oil Corp., et al., 2001 Cedar Springs Avenue, Dallas, Tex., 75201. | 2 | 4 | Texas Gas Transmission Corp. (South Elton Field, Jefferson Davis Parish, La.) (South Louisiana). | 2,940 | 9-11-64 | [11] 10-12-64 | 3-12-65 | [6] [11] 18.75 | [7] [8] [11] 19.75 | |
| RI65-243 | Petroleum Property Management, Inc., agent for Oil & Gas Ventures, Second 1968 Fund, Ltd., et al., 2001 Cedar Springs Avenue, Dallas, Tex., 75201. | 3 | 5 | United Gas Pipe Line Co. (North Lewisburg Field, St. Landry Parish, La.) (South Louisiana). | 2,520 | 9-11-64 | [11] 10-12-64 | 3-12-65 | [6] [11] 18.75 | [7] [8] [11] 19.75 | |
| RI65-244 | Benedum-Trees Oil Co., et al., 222 Fourth Avenue, Pittsburgh 22, Pa. | 10 | 8 | Texas Eastern Transmission Corp. (DeLate Charco Field, Brooks County, Tex.) (R.R. Dist. No. 4). | 550 | 9-18-64 | [11] 11- 1-64 | 4- 1-65 | [8] 15.6 | [7] [8] 15.8 | RI64-165, et al. |
| RI65-245 | Earlsboro Oil & Gas Co., Inc., operator and agent for L. E. Landsden, Jr., et al., First National Bank Building, Oklahoma City, Okla., 73102. | 3 | 2 | Arkansas Louisiana Gas Co. (Southeast Lamont Field, Grant County, Okla.) (Oklahoma "Other" Area). | 639 | 9-16-64 | [13] 10-17-64 | 3-17-65 | [6] 11.0 | [6] [7] 12.0 | |

[1] Wholly owned subsidiary of El Paso Natural Gas Co. West Lake is an affiliate of El Paso Natural Gas Co.
[2] For resale to El Paso Natural Gas Co. under West Lake Natural Gas Co. (Operator), et al. FPC Gas Rate Schedule No. 1.
[3] End of suspension period in Docket No. RI65-29 covering buyer's corresponding increased rate.
[4] Revenue-sharing rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Periodic rate increase.
[7] Pressure base is 15.025 p.s.i.a.
[8] Rate subject to downward B.t.u. adjustment.
[9] Rate includes 1.5 cents per Mcf tax reimbursement.
[10] Rate subject to downward adjustment from 1,000 B.t.u. Estimated heating value of 983 B.t.u.'s corresponds to downward adjustment of 0.2652 cent and 0.2686 cent, respectively.
[11] Includes 1.75 cents per Mcf tax reimbursement.
[12] The stated effective date is the effective date requested by Respondent.
[13] The stated effective date is the first day after expiration of the required statutory notice.

Smith, Frankhauser, Voigt & York, Agent for F. M. Anderson, et al., request waiver of notice to make their proposed rate increase effective as of October 3, 1964. Earlsboro Oil & Gas Co., Inc., Operator and Agent for L. E. Landsden, Jr., et al., request a retroactive effective date of May 18, 1964, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the producers' aforementioned rate filings and such requests are denied.

El Paso Natural Gas Products Company, a wholly owned subsidiary of El Paso Natural Gas Company (El Paso) proposes two revenue-sharing increases for sales to West Lake Natural Gasoline Company (West Lake). West Lake, which is 50 percent owned by El Paso, gathers and processes the gas, sells it to El Paso under its FPC Gas Rate Schedule No. 1 and pays its suppliers 50 percent

[2] Does not consolidate for hearing or dispose of the several matters herein.







modity cost of 34.36 cents per Mcf in the

Upon receipt of a request, on or before

2. Direct disaster loans not exceed

of the amount received from El Paso. On July 1, 1964, West Lake filed for a periodic increase from 17.0 cents to 18.0 cents per Mcf for its sale to El Paso, which was suspended for five months until January 1, 1965, by the Commission's order issued July 23, 1964, in Docket No. RI65–29, because it exceeds the 11.5 cents per Mcf increased ceiling for the area. Products Company's proposed increased rates are based upon West Lake's suspended rate of 18.0 cents per Mcf. Although the proposed revenue-sharing rate increases are below the 11.5 cents per Mcf area ceiling, they are suspended because they are based on the buyers' resale rate. Under the circumstances, the suspension period for each of Products Company's rate increases may be shortened to one day from January 1, 1965, the expiration date of the suspension period for the buyer's related proposed rate increase. Products Company's proposed rates are also suspended because they relate to sales made to its affiliate, El Paso.

With the exception of the increased rates filed by Products Company, all of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

[F.R. Doc. 64–10554; Filed, Oct. 15, 1964; 8:45 a.m.]

[Docket No. CP65–48]

## MIDWESTERN GAS TRANSMISSION CO.

### Notice of Application

OCTOBER 8, 1964.

Take notice that on August 14, 1964, Midwestern Gas Transmission Company (Applicant), 231 South La Salle Street, Chicago, Illinois, filed in Docket No. CP65–48 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the utilization of Applicant's existing interconnection with Northern Natural Gas Company (Northern) in Chisago County, Minnesota, for the sale of natural gas, on an interruptible basis, to Northern during the remainder of 1964 and throughout 1965, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that no additional facilities will be required for the proposed sale, which sale will be made under Applicants' presently effective FPC Gas Rate Schedule I–2, at a price of 25.01 cents per Mcf. Further, Applicant states that gas will be sold when Applicant has gas available in excess of its existing customers' requirements and when at the same time Northern is able to make purchases. Under the proposal, Applicant is not obligated to sell and Northern is not obligated to purchase.

The application indicates that the proposed sale will enable Applicant to operate at a higher annual load factor and will afford additional assurance that Applicant will meet its minimum annual purchase obligations during 1964 and 1965. Further, the application shows that Northern intends to utilize the volumes received to avoid curtailment of certain overrun requirements of customers located in its Rate Zones B and C and, by displacement, to inject gas into the Vincent Storage Field in northern Iowa.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 30, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–10555; Filed, Oct. 15, 1964; 8:45 a.m.]

[Docket No. IT–6078]

## NIAGARA MOHAWK POWER CORP.

### Notice of Application

OCTOBER 8, 1964.

Take notice that on October 2, 1964, Niagara Mohawk Power Corporation (Niagara), incorporated under the laws of the State of New York, with its principal place of business at Syracuse, New York, filed an application, pursuant to section 202(e) of the Federal Power Act, for an order authorizing (1) an increase in the amount of electric energy authorized to be transmitted to Shawinigan Water and Power Company for the use and resale to the St. Regis Indian Reservation and surrounding area in the province of Quebec, in the Dominion of Canada from 500,000 kwh per annum at a rate not in excess of 150 kw, heretofore authorized by order entered May 8, 1952, to 750,000 kwh per annum at a rate not to exceed 200 kw and (2) to change the service from single-phase to three-phase service, which would necessitate the addition of a third wire on the existing line together with a change of metering facilities to accommodate such three-phase service.

The proposed increase in exportation of electric energy will be made over the facilities located at the international boundary between the United States and the Dominion of Canada at a point near the Hamlet of Hogansburg, Town of Fort Covington, County of Franklin in the State of New York, heretofore authorized to be maintained under Presidential Permit dated January 31, 1948 in Docket No. IT–6079.

Applicant states that the present authorization to export energy is not adequate to take care of the present requirements of Shawinigan Water and Power Company.

The transmission and sale of the energy referred to above will be in accordance with the terms of rates set forth in Exhibit B of the application which rates are similar to those charged by Niagara for similar service in the United States.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 26, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–10556; Filed, Oct. 15, 1964; 8:45 a.m.]

[Docket No. CP65–65]

## TENNESSEE GAS TRANSMISSION CO.

### Notice of Application

OCTOBER 8, 1964.

Take notice that on September 4, 1964, Tennessee Gas Transmission Company (Applicant), Tennessee Building, Houston, Texas, filed in Docket No. CP65–65, an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing the transportation and sale of natural gas on an interruptible basis to existing customers in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, buying their entire requirements of natural gas from Applicant under contract providing for the purchase and delivery from Applicant east of Applicant's underground storage fields under Applicant's General Service ("G") Rate Schedule, and which owns, maintains and operates gas producing facilities for distribution and sale in the area specified in the customer's (Buyer) General Service Contract, for the purpose of supplementing the supply of natural gas available to said customer, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to render a new service to certain of its customers in its New England Zone, designated ERS (Economy Replacement Service) under a proposed new Rate Schedule.

The application states Applicant estimates approximately 571,300 Mcf of natural gas annually will be sold under the new rate schedule and that it can deliver an average volume of approximately 5,000 Mcf daily during periods of peak responsibility on its system. Applicant states that based upon the unit demand cost of 34.36 cents per Mcf in the New England Zone, the unit cost of service for the proposed ERS service is approximately 85 cents per Mcf (a nomination charge of 15 cents per Mcf plus a commodity charge of 70 cents per Mcf).

Applicant further states the proposed service will not require the construction of facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 2, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–10557; Filed, Oct. 15, 1964; 8:45 a.m.]



# SECURITIES AND EXCHANGE COMMISSION

[File No. 7–2406]

## RICHARDSON-MERRELL, INC.

### Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 12, 1964.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Richardson-Merrell Inc.---------- File 7–2406

Upon receipt of a request, on or before October 28, 1964 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64–10552; Filed, Oct. 15, 1964; 8:45 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30–V, Disaster No. 1, Amdt. 1]

## MANAGER, DISASTER FIELD OFFICE; MIAMI, FLORIDA

### Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9) as amended 29 F.R. 11777, 12570 and 13354; Delegation of Authority No. 30–V, Disaster No. 1, 29 F.R. 12596 is hereby amended by revising Item I.A.1.a. and b. to read as follows:

a. Direct disaster loans not exceeding $350,000.

b. Participation disaster loans not exceeding $350,000.

Effective: September 14, 1964.

JAMES F. HOLLINGSWORTH,
*Regional Director,*
*Atlanta, Georgia.*

[F.R. Doc. 64–10547; Filed, Oct. 15, 1964; 8:45 a.m.]

[Delegation of Authority 30–V, Disaster No. 2, Amdt. 1]

## MANAGER, DISASTER FIELD OFFICE; JACKSONVILLE, FLORIDA

### Delegation Relating to Financial Assistance Functions

1. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-(Revision 9) as amended 29 F.R. 11777, 12570 and 13354; Delegation of Authority No. 30–V, Disaster No. 2 29 F.R. 13126 is hereby amended by revising Item I.A.1.a. and b. to read as follows:

a. Direct disaster loans not exceeding $350,000.

b. Participation disaster loans not exceeding $350,000.

Effective: September 14, 1964.

JAMES F. HOLLINGSWORTH,
*Regional Director,*
*Atlanta, Georgia.*

[F.R. Doc. 64–10548; Filed, Oct. 15, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 13, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39324: *Liquid caustic soda to Coosa Pines, Ala.* Filed by O. W. South, Jr., agent (No. A4576), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Brunswick, Ga., to Coosa Pines, Ala.

Grounds for relief: Market competition.

Tariff: Supplement 150 to Southern Freight Association, agent, tariff I.C.C. S–194.

FSA No. 39325: *Liquid caustic soda to Port Rayon, Tenn.* Filed by O. W. South, Jr., agent (No. A4577), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Redstone Arsenal, Ala., to Port Rayon, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 150 to Southern Freight Association, agent, tariff I.C.C. S–194.

FSA No. 39326: *Joint motor-rail rates—Middle Atlantic.* Filed by Middle Atlantic Conference, agent (No. 43), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic territory, and between points in middle Atlantic territory, on the one hand, and points in New England territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 32 to Middle Atlantic Conference, agent, tariff MF–I.C.C. A–1430.

FSA No. 39327: *Feeder or stocker livestock between points in WTL territory.* Filed by Western Trunk Line Committee, agent (No. A–2375), for interested rail carriers. Rates on feeder or stocker livestock, in carloads, between points in western trunkline territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 14 to Western Trunk Line Committee, agent, tariff I.C.C. A–4497.

FSA No. 39328: *Salt cake from Weeks, La.* Filed by Southwestern Freight Bureau, agent (No. B–8617), for interested rail carriers. Rates on salt cake (crude sulphate of soda), in carloads, from Weeks, La., to Cantonment and Pensacola, Fla.

Grounds for relief: Barge and foreign water competition.

Tariff: Supplement 150 to Southwestern Freight Bureau, agent, tariff I.C.C. 4450.

FSA No. 39329: *Tin or Terne Plate to Taft, Fla.* Filed by Illinois Freight Association, agent (No. 263), for interested rail carriers. Rates on tin or terne plate, in carloads, from Chicago, Ill., and EJ&E stations: Chicago Heights, Joliet, South Chicago, South Chicago (98th Street), Ill., East Chicago, Gary, Hammond, and Indiana Harbor, Ind., to Taft, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 16 to Illinois Freight Association, agent, tariff I.C.C. 1033.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–10579; Filed, Oct. 15, 1964; 8:47 a.m.]

[Notice 1062]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 13, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66757. By order of October 12, 1964, the Transfer Board approved the transfer to Husby Trucking Service, Inc., Post Office Box 238, Menomonie, Wis., of the operating rights in Certificates Nos. MC 118415, MC 118415 Sub 9, and MC 118415 Sub 12, issued June 16, 1961, September 28, 1962, and April 20, 1964, respectively, to William E. Husby, doing business as Husby Trucking Service, Post Office Box 238, Menomonie, Wis., authorizing the transportation, over irregular routes, of coffee beans, cocoa beans, frozen berries, dry fertilizer, meats, meat products, and meat byproducts, and such inedible packinghouse products, as are described in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from and to specified points in New York, Minnesota, Wisconsin, Washington, Illinois, Kentucky, Massachusetts, Pennsylvania, Michigan, and Maryland, varying with the commodities specified.

No. MC–FC 67151. By order of October 9, 1964, the Transfer Board approved the transfer to Slim LaGrone, Inc., Odessa, Tex., of certificate in No. MC 115908, issued March 13, 1957, to Robert N. Sadler, doing business as Bob's Hot Shot Service, Hobbs, N. Mex., authorizing the transportation of: Oilfield tools and oilfield equipment used in connection with discovery, development, production, refining, manufacture, processing, and storage of natural gas and petroleum and their products and byproducts, restricted to shipments not to exceed 1,500 pounds, between points in Roosevelt, Chaves, Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Yoakum, Terry, Lynn, Scurry, Gaines, Dawson, Borden, Andrews, Martin, Howard, Loving, Winkler, Ector, Midland, Reeves, Ward, and Crane Counties, Tex. George Fowler, 520 North Lee Street, Odessa, Tex., attorney for applicants.

No. MC–FC 67196. By order of October 9, 1964, the Transfer Board approved the transfer to Larry Trebino Construction Company, Inc., Lexington, Mass., of the operating rights issued by the Commission April 10, 1964, under Certificate of Registration No. MC 97216 Sub 1, to Frederick H. Roche, doing business as Roche Transportation Co., Somerville, Mass., authorizing the transportation of general commodities, over irregular routes, anywhere within the Commonwealth of Massachusetts. George C. O'Brien, 33 Broad Street, Boston, Mass., 02109, attorney for applicants.

No. MC–FC 67216. By order of October 9, 1964, the Transfer Board approved the transfer to Jack Hemsath Drayage, Inc., Oakland, Calif., of the operating rights issued by the Commission November 13, 1963, under Certificate of Registration No. MC 99327 Sub 1, to Jack C. Hemsath, doing business as Jack Hemsath Drayage, Oakland, Calif., authorizing the transportation, of general commodities, except uncrated household goods, commodities of unusual value, commodities requiring refrigeration, petroleum products in bulk, in tank vehicles, fresh fruit and vegetables and livestock, in the San Francisco-East Bay cartage zone. Daniel W. Baker, c/o Handler & Baker, 625 Market Street, San Francisco, Calif., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–10580; Filed, Oct. 15, 1964; 8:47 a.m.]



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PART II

FEDERAL REGISTER

VOLUME 29 NUMBER 203

Washington, Friday, October 16, 1964

Department of Agriculture

# Aqriculture Procurement Regulations

# (AGPR)

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 4—Department of Agriculture

## ESTABLISHMENT OF AGRICULTURE PROCUREMENT REGULATIONS (AGPR)

Chapter 4 of Title 41 of the Code of Federal Regulations (established January 11, 1962, 27 F.R. 306) is issued to read as set forth below.

Done at Washington, D.C., this 24th day of September 1964.

F. R. MANGHAM,
*Director of Plant and Operations.*

Part
4–1 General.
4–2 Procurement by formal advertising.
4–3 Procurement by negotiation.
4–4 Special types and methods of procurement.
4–5 Special and directed sources of supply.
4–6 Foreign purchases.
4–7 Contract clauses.
4–8 Termination of contracts.
4–10 Bonds and insurance.
4–12 Labor.
4–14 Inspection and acceptance.
4–15 Contract cost principles and procedures.
4–16 Procurement forms.
4–17 Extraordinary contractual actions to facilitate the national defense.
4–30 Contract financing.
4–50 Disputes and appeals policy and procedure.

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Subpart 4–1.1—Introduction

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4–1.102 Purpose.
4–1.103 Authority.
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4–1.350–2 Responsibility of the Director of Plant and Operations.
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4–1.601 General.
4–1.601–1 Definitions.
4–1.602 Establishment and maintenance of a list of firms or individuals debarred, suspended, or ineligible.
4–1.602–1 Bases for entry on the debarred, suspended, and ineligible list.
4–1.603 Treatment to be accorded firms or individuals in debarred, suspended, or ineligible status.
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Subpart 4–1.9—Reporting Possible Antitrust Violations

4–1.901 General.





Subpart 4–1.11—Qualified Products

Sec.
4–1.1101 Procurement of qualified products.

Subpart 4–1.16—Reports of Identical Bids

4–1.1601 General.
4–1.1603–2 Preparation of reports.

AUTHORITY: The provisions of this Part 4–1 issued under 5 U.S.C. 22, 40 U.S.C. 486(c).

### § 4–1.000 Scope of part.

This part describes the method by which the Department of Agriculture implements and supplements the Federal Procurement Regulations, and contains procedures which implement and supplement Part 1–1 of the Federal Procurement Regulations (FPR).

### Subpart 4–1.1—Introduction

### § 4–1.101 Scope of subpart.

This subpart sets forth introductory information pertaining to the Department of Agriculture Procurement Regulations (AGPR), as follows: Purpose, authority, applicability, exclusions, issuance, arrangement, implementation, and deviation procedure.

### § 4–1.102 Purpose.

This subpart establishes Chapter 4 of the Federal Procurement Regulations System, and describes the relationship to the FPR of said Chapter 4.

### § 4–1.103 Authority.

AGPR are issued under section 161 of the Revised Statutes of the United States (5 U.S.C. 22) and section 205(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486 (c)), or under other authority specifically cited.

### § 4–1.104 Applicability.

### § 4–1.104–1 Of Federal Procurement Regulations.

Procurement by the Department of Agriculture is subject to the FPR (Chapter 1 of this title) except as may be otherwise authorized by law.

### § 4–1.104–2 Of Agriculture Procurement Regulations.

AGPR are prescribed for application to procurement of administrative and operating supplies, equipment, and services, for consumption or use by the Department in carrying out its programs. Certain program functions of the Department are, by reason of special law, exempt from pertinent parts of these regulations; however, they shall be applicable to such functions, insofar as it is feasible, consistent with efficient program operations.

### § 4–1.105 Exclusions.

Certain Departmentwide procurement regulations which come within the scope of this chapter nevertheless may be excluded from AGPR. These exclusions include the following categories:

(a) Subject matter which bears a security classification.

(b) Subject matter which is expected to be effective for a period of less than six months.

(c) Subject matter which is being instituted on an experimental basis for a reasonable period.

### § 4–1.106 Issuance.

### § 4–1.106–1 Internal.

AGPR are published in loose-leaf form for distribution within the Department. Requests to be placed on the distribution list, or for extra copies, should be addressed to the Director of Plant and Operations.

### § 4–1.106–2 Public.

Those parts of AGPR which are deemed necessary for business concerns, and others properly interested, to understand basic and significant Department procurement regulations which implement, supplement, or deviate from the FPR are published (in Title 41) in the FEDERAL REGISTER. Detailed instructions of interest primarily for internal agency guidance are not so published. Subject matter appearing in loose-leaf form but not published in the FEDERAL REGISTER is shown by placing a double line on the right margin of the loose-leaf page, opposite the unpublished subject matter.

### § 4–1.106–3 Code arrangement.

AGPR are issued in the Code of Federal Regulations as Chapter 4 of Title 41, Public Contracts, implementing and supplementing Chapter 1, which constitutes the FPR.

### § 4–1.106–4 Copies.

Copies of AGPR in FEDERAL REGISTER and Code of Federal Regulations form may be purchased by the public, at nominal cost, from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402.

### § 4–1.107 Arrangement.

### § 4–1.107–1 General plan.

The general plan, numbering system, and nomenclature used in the AGPR conform with FEDERAL REGISTER standards approved for the FPR.

### § 4–1.107–2 Numbering.

The numbering system permits identification of every unit. The first digit, "4", represents the chapter allocated to the Department, followed by a dash. This is followed by the part number (which may be one or more digits) fol-

lowed by a decimal point. The numbers after the decimal point represent, respectively, the subpart, section (in two digits), and, after the dash, subsection, paragraph, subparagraph, and further inferior divisions. For example, this division is called "section 4–1.107–2", in which the first digit denotes the chapter, the second the part, the third the subpart, the fourth and fifth the section, and the sixth the subsection.

**§ 4–1.107–3 Citation.**

AGPR will be cited in accordance with approved FEDERAL REGISTER standards. Thus, this section, when referred to formally in official documents such as legal briefs should be cited as "41 CFR 4–1.107–3." Any section of AGPR may be informally identified for purposes of brevity, as "AGPR" followed by the section number, such as "AGPR 4–1.107–3."

**§ 4–1.108 Agency implementation.**

As portions of AGPR material are prescribed, agencies within the Department may publish in the FEDERAL REGISTER implementing regulations deemed necessary, as outlined in § 4–1.106–2 of this chapter. Detailed instructions of interest primarily for internal agency guidance will not be published in the FEDERAL REGISTER. All implementing regulations shall be prepared to conform with FPR style and arrangement, except that the loose-leaf format may be in a single column per page. Regulations or instructions issued by agenices of the Department will be identified by the use of alphabetical suffixes with the chapter number, as follows:

4A Agricultural Marketing Service.
4B Agricultural Research Service.
4C Agricultural Stabilization and Conservation Service.
4D Farmers Home Administration.
4E Federal Extension Service.
4F Foreign Agricultural Service.
4G Forest Service.
4H Rural Electrification Administration.
4I Soil Conservation Service.
4J Office of Management Services.

**§ 4–1.109 Deviation.**

**§ 4–1.109–1 Description.**

A description of the term "deviation" appears at § 1–1.009–1.

**§ 4–1.109–2 Procedure.**

Deviations from the FPR and AGPR shall be kept to a minimum and controlled as follows:

(a) Deviations in both individual cases and classes of cases must be approved in advance by the Director of Plant and Operations. Requests for approval of such deviations may be initiated by the heads of Department agencies and the heads of their procuring activities, as defined in § 1–1.206. They shall be submitted to the Office of Plant and Operations. The requests shall cite the specific part of the FPR or AGPR from which it is desired to deviate, shall set forth the nature of the deviations, and shall give the reasons for the action requested.

(b) If a requested deviation is considered appropriate, approval will be accomplished as follows:

(1) Where the deviation applies to an individual case, approval will be granted by memorandum addressed to the requesting officer with copies to interested offices. The contract file of the requesting office shall include a copy of the request and approval.

(2) Where the deviation applies to a class of cases, necessary coordination with the General Services Administration will be accomplished by the Office of Plant and Operations. The deviation may be issued as a part of AGPR, or the agency concerned may be authorized to issue internal instructions which incorporate the deviation.

(c) The requesting office will be notified by memorandum, with copies to other interested offices, whenever a requested deviation is disapproved.

(d) In emergency situations involving individual cases, deviation approvals may be processed by telephone and later confirmed in writing.

(e) Requests for deviations may be made at any time. New FPR issuances should be reviewed upon receipt, so that requests for deviations can be acted upon prior to the effective date, whenever practicable.

**§ 4–1.110 Relationship of AGPR to the FPR.**

(a) AGPR Chapter 4 implements and supplements the FPR and is part of the Federal Procurement Regulations system. Material published in the FPR having Government-wide applicability becomes effective throughout the Department of Agriculture upon the effective date of the particular FPR material. Such material generally will not be repeated, paraphrased, or otherwise restated in Chapter 4.

(b) Implementing material is that which expands upon related FPR material. Supplementing material is that for which there is no counterpart in the FPR.

(c) Material in Chapter 4 may deviate from the FPR when a deviation (see § 4–1.109) is authorized and is explicitly referenced to the FPR. Where Chapter 4 contains no material implementing the FPR, the FPR alone will govern.

**§ 4–1.111 Administrative Regulations.**

(a) *General.* The Administrative Regulations of the Department contain the continuing policies, authorities and operating regulations issued by the Secretary of Agriculture and administrative staff officers having general application to the agencies or employees of the Department.

(b) *Arrangement.* The complete Administrative Regulations consist of the following Titles:

Title 1—General Authorities and Functions.
Title 2—National Agricultural Library.
Title 3—Information.
Title 4—Plant and Operations.
Title 5—Procurement.
Title 6—Budget.
Title 7—Accounting.

(c) *References.* Each Title is further subdivided, basically, into chapters, sections, and paragraphs. Editorial references to the Administrative Regulations in this Chapter 4 are made to the title: e.g., "Title 1 of the Administrative Regulations", or "1 AR". Reference to specific text is to paragraphs: e.g., "1 AR 252" or "5 AR 622".

(d) *Availability.* Complete sets of AR are usually available at regional and state offices of Department agencies, and are available to the public for inspection, subject to the provisions of Title 7, Code of Federal Regulations, Part 1, Subpart A, §§ 1.1 to 1.6 (1 AR 534–538).





## Subpart 4–1.3—General Policies

**§ 4–1.302 Procurement sources.**

**§ 4–1.302–1 General.**

It is the policy to assure that supplies and services procured by the Department are restricted to those minimum requirements in terms of economy and efficiency that are adequate to meet the needs of the using programs.

**§ 4–1.305 Specifications.**

**§ 4–1.305–3 Deviations from Federal specifications.**

Agencies shall designate competent officials to authorize required deviations from Federal specifications. Such deviations shall be supported by written justifications therefor, copies of which shall be furnished promptly to the Director of Plant and Operations who shall notify the General Services Administration in accordance with applicable regulations.

**§ 4–1.305–50 Agency specifications.**

(a) *Definition.* A specification prepared by an agency of the Department to meet recurring needs of the agency involved for specialized supplies, equipment, or services peculiar to its needs, and for use by other agencies of the Department as need therefor arises.

(b) *Responsibility.* Agencies of the Department will be responsible for the development and maintenance of agency specifications which fall within their respective areas of operation. The Office of Plant and Operations will be responsible for coordinating the development and use of such specifications in the Department.

(c) *Development.* As the need arises in an agency for a standard agency specification, it will be developed by the agency involved along the same general lines outlined in § 4–1.307 for the development of specifications for attachment to invitations for bids. If technical or other problems arise that require the assistance of a specialist in a particular field not available in the agency, request for such assistance should be made to the Office of Plant and Operations. A copy of each new agency specification developed shall be forwarded to the Office of Plant and Operations.

(d) *Maintenance of list of agency specifications.* The Office of Plant and Operations will maintain a list of all agency specifications. The list will be distributed in the Department periodically, and will show origin of the specification and where copies may be obtained.

**§ 4–1.305–51 Index to Federal Specifications and Standards.**

The "Index of Federal Specifications and Standards" is issued annually, with monthly cumulative supplements. This index contains general information on the use and ordering of Federal Specifications and Standards, and other available Governmental specifications, including Emergency Federal Specifications, GSA Specifications, and Departmental Specifications (issued by various Federal Agencies) which, as a rule, have general application and scope and may be also used by all agencies.

**§ 4–1.305–52 Availability of copies of specifications and standards.**

When Federal Specifications and Standards are used, copies should be on file in the office issuing the invitation, so that they may be examined by interested bidders. Prospective bidders should be advised in the invitation that copies of Federal Specifications and Standards may be purchased at a nominal cost from the Business Service Centers of the General Services Administration Regional Offices. Department users will obtain annual requirements of specifications and standards (including Federal, Emergency Federal, Interim Federal, and GSA) and index (including supplements thereto) from the Central Supply Section, Office of Plant and Operations, which will obtain a sufficient supply from GSA to meet the needs of the agencies both in Washington, D.C., and in the field, and will distribute them on a reimbursable basis to agency headquarters in Washington in accordance with a mailing list which it maintains for that purpose. Other requirements may be obtained from the Federal Supply Service, Region 3, GSA, 7th and D Streets SW., Washington, D.C. by purchase order. These other requirements will be furnished without charge unless they are substantial in quantity, in which event GSA may require reimbursement.

**§ 4–1.306 Standards.**

**§ 4–1.306–1 Mandatory use and application of Federal Standards.**

If deviation from or modification of a Federal Standard is required, application, giving reason therefor, should be made through appropriate agency channels to the Office of Plant and Operations for transmittal to the Federal Supply Service, Standards Division of GSA. The use of Interim Federal Standards is optional. Federal Standards do not preclude the use of existing Government stocks or excess property not in full conformity with such standards.

**§ 4–1.307 Purchase descriptions.**

**§ 4–1.307–2 General requirements.**

(a) *Basic requirements.* Bid specifications must be so drawn as to set forth the actual minimum needs of the Government clearly, fairly, and accurately, and in such terms as will (1) permit full and free competition by all qualified bidders, (2) restrict the use of appropriations to the acquisition of actual minimum needs, (3) secure such needs at the lowest cost, and (4) guard against injustice, favoritism, collusion, graft, etc., in transacting the public business. The following principles of specification writing should be observed in order to assure that these basic requirements of a specification are met. (See 13 Comp. Gen. 284 and B–117773 of May 27, 1954.)

(b) *Language.* Specification language should be positive using simple words and short sentences. Technical words or phrases should be avoided except when necessary and recognized in the trade as having a definite meaning and are so used. Trade terms must be used in their common or local meaning. Use the same word throughout; never synonyms. Restrict abbreviations to those in common use, and not subject to misunderstanding. A normally abbreviated term should be spelled out when first used in the text but may be later abbreviated if clear.

(c) *Arrangement.* The extent of detailed description necessary adequately to specify various types of supplies or services may vary widely and will therefore affect the arrangement of the specification. Brief descriptions may be adequately stated in one paragraph, whereas more detailed descriptions will usually require a longer, more formally arranged, specification. As a general guide, the following arrangement of the subject matter of specifications will be followed, the subject matter of each paragraph to be included as applicable and as described in the following subparagraphs:

(1) Service requirements.
(2) Technical or performance details.
(3) Inspection and testing provisions.
(4) Packaging, packing, marking, and shipping provisions.
(5) Basis of payment.

(d) *Service requirements.* This is a statement in the nature of a preamble to the specification, stating its intent, the reasons for its specific minimum requirements, and such further information as will assist in assuring a complete understanding of the type of supply or service desired. The service requirements would include, when appropriate, information regarding the climate, altitude, topography, or location, availability of adequate repair facilities, exposure to physical or chemical influences, and other conditions that are significant to performance. There should be stated in the service requirement the reasons for any restrictive provisions in the specification, so that there may be a mutual understanding of what is required and why.

(e) *Technical details.* When it is impractical to rely on a statement of how the specified item shall perform, complete details of how it shall be constructed or constituted shall be provided. Particular care must be taken in drafting technical details of the specification to show the essential minimum elements of design or formulation, degrees of tolerance allowable, and such other technical factors as will be required by the bidder to understand exactly what is the minimum required. Indefinite terms such as "best commercial quality", "well manufactured", etc., are not to be used. When a product is specified which is regularly distributed in commercial channels, any specification requirement of a particular quality or grade of a restrictive nature should be noted for the bidder's attention as well as being justified in the "Service Requirements". Federal Standards must be adhered to and Commercial Standards should be followed wherever practicable. (See §§ 1–1.306–1 and 4–1.306–1.)

(f) *Performance details.* Whenever practical, and in lieu of stating the "Technical Details", a specification should state what the item is expected to do. Performance details should include when appropriate such items as output, in terms of available power, velocity, production per minute, area of coverage, depth of penetration, etc.; capacity in terms of total load, cubic content, etc.; dimensional limitations; hardness; maneuverability; degree of tolerance or accuracy; weight limitations; resistance to external physical and chemical influences; and any other properties or qualities that have to do with how the item shall perform. Particular care must be used in writing performance details to avoid conflicts; for instance, if the speed or capacity of a machine is stated, the horsepower of the power unit required would not be specified but rather it would be stated that the power unit is to have sufficient capacity to operate the machine at stated speeds under stated loads. Whenever performance details are specified, there must be separately stated the type of inspection or test that will be used to determine if the item furnished meets the performance requirements of the specification. For specifications that do not require extensive performance details, it is sometimes desirable to combine such requirements with the "Service Requirements" in the interest of readability.

(g) *Inspection and testing provisions.* The method to be used to determine if items furnished meet contract specifications should be stated in the specification. This is particularly necessary when service requirements and performance details are relied upon in the specification to describe the Government's needs. Although not a part of the specification itself, advance arrangements should be made for adequate inspection and testing in accordance with Parts 1-14 and 4-14 of this title.

(h) *Packaging, packing, marking and shipping provisions.* Commercial practices should be followed wherever practicable in such provisions. Any special requirements should be specifically noted for the bidder's attention. Provisions should be made for special instructions and warning notices on package and shipping containers if toxic, flammable, explosive, or other materials dangerous to personnel or property are involved.

(i) *Basis of payment.* If the specification contemplates elements of a service nature, or deliveries extending over a considerable period of time, it should clearly state the basis on which payment will be made for the services performed or deliveries made and accepted. Provision should be made in such cases for a sufficient retention during the contract of payments due (normally 10 percent) to protect the Government in the event of failure of the contractor to satisfy fully the contract requirements.

(j) *Materials furnished contractor by Government.* The specification should clearly identify any materials to be furnished by the Government for fabrication or use by the contractor, with a stipulation therein that title remains in the Government and all such property not consumed in the performance of the contract will be returned upon contract completion. Ordinarily, no bond or insurance coverage is required. However, when the value of the material is substantial and it is known that the contractor's financial position is not adequate to cover potential loss or damage, a requirement for insurance may be incorporated in the specification. In either case, the contract shall contain an appropriate provision to fix financial responsibility of the contractor for any loss or damage to the Government furnished property.

(k) *Guarantee.* When performance details are stated in a specification, there may be a need for assurance that an item will be received that will perform satisfactorily, often for several years, especially if there is no practical way in which to perform a test that will make such a determination in advance of awarding the contract or accepting the item. In such cases, it is desirable to call for a guarantee, and the conditions thereof must be stated. If performance details are used, a guarantee should be stipulated, as a requirement of the bid, guaranteeing the item to meet the performance requirements of the specifications for a reasonable period of time. When technical details are stated, any guarantee would be of limited value. In any case the guarantee must be reasonable enough so as not to unnecessarily limit competition. The general rule may be stated as follows:

The more general the specifications, the greater the degree of responsibility which the contractor may legally be required to accept, viz., as the technical details are defined by the specifications, the contractor's responsibility for performance must of necessity decrease.

(l) *Basis for evaluation.* The basis that will be used in evaluating bids should be as clear, precise and exact as possible and must be stated in the Invitation For Bids. It should be stated as a mathematical equation if possible. Where this cannot be done it must be stated with sufficient clarity and exactness to inform each bidder, prior to bid opening, of the factors which will be used in evaluating his bid in relationship to other bids, so that he may estimate within reasonable limits the effect of the application of such evaluation. Factors such as, but not limited to, weighted values to be applied at time of award, award in the aggregate, estimated quantities, delivery time when the need is urgent, with liquidated damages in case of delay, and any other circumstance which may cause the award to be made in an unusual manner, must be set forth in the invitation for bids. (See 36 Comp. Gen. 380, 10 Comp. Gen. 261, 15 Comp. Gen. 626.)

**§ 4–1.307–3 Commercial, and state and local government specifications and standards.**

(a) *Underwriters approvals (labels), etc.* Specifications may include a requirement that articles shall conform to standards adopted by a recognized independent laboratory or testing organization in the absence of a Government-prescribed standard or specification, but the absence of a certificate, label or approval from such organization will not automatically exclude otherwise acceptable products. (See 33 Comp. Gen. 573.) A mandatory specification requirement that such a certificate, label or approval be furnished is authorized only when it can be definitely established that such standards are generally recognized and accepted in the industries involved and the inclusion of such a requirement would not prevent any manufacturer from bidding on the article specified. If this cannot be done but it is desirable to accept such labels, etc., as evidence of conformity with certain of the specification requirements, the following specification wording is suggested:

The bidder shall submit proof that the material or appliance he proposes to supply under this specification conforms to the standards of the [Underwriters' Laboratories, Inc., as regards fire and casualty hazards]. The label of the [Underwriters' Laboratories] will be accepted as conforming with this requirement. In lieu of the label, the bidder may submit independent proof satisfactory to the purchasing agency that his material or appliance conforms to the published standards, including methods of test, of the [Underwriters' Laboratories].

The bracketed wording would need to be changed to state the particular standards organization whose approval is desired.

(b) *Simplified practice recommendations and commercial standards—(1) Purpose.* Simplified Practice Recommendations and Commercial Standards originate with an interested industry group. They are cooperatively developed with the National Bureau of Standards, U.S. Department of Commerce, and issued by that agency as a part of a broad program of assisting American industries through the Government's cooperation and service, rather than through regulations and control. The primary purposes are to bring together producers, distributors, and users, and to assist in establishing recommendations and standards they approve.

(2) *Definitions—(i) Simplified practice recommendation.* A recorded voluntary recommendation of the trade of a list of sizes, varieties, types, or grades of products developed through cooperative action of producers, distributors, and consumers as coordinated and published by the Commodity Standards Division of the Department of Commerce, the purpose of which is to designate certain such sizes, varieties, and types and grades of products as being approved for regular stock purposes, after superfluous variety has been eliminated as stock items.

(ii) *Commercial standard.* A recorded voluntary standard of the trade, developed through cooperative action of producers, distributors, testing laboratories and consumers as coordinated and published by the Commodity Standards Division of the Department of Commerce. The term includes terminology, types, classification, grades, sizes, methods of test, and use characteristics of manufactured products as a basis for a clear understanding between buyers and sellers.

(3) *Use of recommendations and standards.* The program for the development of Simplified Practices Recommendations and Commercial Standards is voluntary in nature, and no legal obligation arises as a result of execution of an acceptance form relating thereto. However, they may be referred to for the purpose of ascertaining whether a product specifically warranted, described, or referred to as conforming to a description or standard contained in a Simplified Practices Recommendation or Commercial Standard conforms in fact to such description or standard. In the case of Commercial Standards, a firm may depart from the standard if it so desires, but only those articles which actually comply with the standard in all respects can be identified or labeled as conforming thereto. Firms who have accepted Simplified Practices Recommendations have agreed to utilize them as far as practicable and, while they, too, may be departed from, any offer or bid to furnish in accordance therewith will be considered on that basis.

(4) *Availability of copies.* Copies of proposed Simplified Practices Recommendations and Commercial Standards, on which comments are invited, are distributed in the Department by the Office of Plant and Operations, Procurement and Contract Management Division. Copies of the resulting recommendations and standards may be obtained from the Commodity Standards Division, Department of Commerce, Washington, D.C., through entry on that Division's mailing list to receive all issues, or upon specific request for individual copies.

**§ 4–1.310 Responsible Prospective Contractor.**

**§ 4–1.310–5 Standards.**

Loyalty consideration: The Department will not knowingly award a contract to anyone who advocates the overthrow of the Government of the United States by force or violence. Where it is proposed to refuse award on this basis, the case shall be referred to the Chief, Procurement and Contract Management Division, for final determination. (See also § 4–4.5093.)

**§ 4–1.315 Use of liquidated damages provision in procurement contracts.**

**§ 4–1.315–2 Policy.**

(a) The rate of liquidated damages will depend on the nature of the service or commodity involved and the circumstances of a particular case. For such items as small supplies and equipment, an amount equal to a specified percentage of the unit price per calendar day for the undelivered portion should be used. (Ordinarily, 1 percent might be satisfactory; however, the actual amount will depend on the administrative decision for the particular case.) Contracts for large, expensive equipment may specify a definite amount per calendar day in lieu of the percentage figure.

(b) If delivery of the supplies contracted for will reduce the damages to the Government in proportion to deliveries made, the contract stipulation regarding liquidated damages should be on the basis that damages will be assessed on any undelivered supplies for each calendar day of delay after the delivery date fixed in the contract.

(c) Sample clauses pertaining to liquidated damages are shown in § 4–1.315–3.

**§ 4–1.315–3 Contract provisions.**

To make the provisions stated in § 1–1.315–3 operative, the following are examples of clauses that may be used in the invitation for bids:

After award is made to a bidder, if he fails to make delivery within the time specified by him, there will be deducted from payment to him, as a liquidated damage, not as a penalty, an amount equal to __% of the bid price of the undelivered portion of the order for each calendar day of delay, including Sundays and holidays. Delivery time will be reckoned in terms of calendar days after the date of receipt by the bidder of purchase order and shipping instructions or other formal notice to proceed. The calendar day is the smallest unit of time that will be considered.

or

After award is made to a bidder, if he fails to make delivery within the time specified by him, there will be deducted from payment to him as a liquidated damage, not as a penalty, $_____ per undelivered unit complete as per specifications for each calendar day of delay, including Sundays and holidays. Delivery time will be reckoned in terms of calendar days after the date of receipt by the bidder of purchase order and shipping instructions or other formal notice to proceed. The calendar day is the smallest unit of time that will be considered.

**§ 4–1.316 Time of delivery or performance.**

**§ 4–1.316–2 General.**

(a) The invitation for bids should not stipulate a required delivery time, except in unusual cases where time of delivery is unusually important. When items desired are of regular manufacture, or regularly carried in stock, and quantity is such that bidders should be able to supply promptly, there is ordinarily no need to specify any particular time for delivery. The bidder must be requested to state his proposed delivery time in the invitation form.

(b) In some instances early delivery may be desirable but not essential. In cases of this nature there is no objection to including a provision in the invitation for bids to the effect that early delivery is desired. When an expression of desire as to early delivery is included in the invitation for bids, delivery time is not a determining factor and the low bidder as to price, meeting the specifications, must receive the award unless the delivery time stipulated is so lengthy as to be considered unreasonable.

(c) The factors which require a specific delivery time usually arise from program requirements, such as construction, forest protection, insect and disease control, establishing of offices, seasonal and emergency needs, etc. In those instances where delivery of materials and supplies must be coordinated with program requirements, in terms of specific periods of time, such delivery should be stipulated in the invitation for bids.

(1) If a definite delivery time is stipulated in the invitation for bids, delivery then becomes a determining factor in awarding the contract and award may be made only to the low bidder meeting the specified delivery time. Where price and other factors in relation to delivery time are to be considered in determining the award, the basis for so evaluating bids must be stated in the invitation in order that the bidder will know how price and delivery are to be equated, i.e., so that the bidder can determine whether to sacrifice price for delivery schedule, minimize price regardless of delivery time, or reach a compromise between the two. Stated another way, the contracting officer must not be in the position of evaluating bids on a basis of which he alone is aware. Accordingly, the following delivery and award provision should be generally used:

Delivery is urgently needed within _____ calendar days after date of receipt by the contractor of notice of award of contract. Award will be determined by placing a delivery evaluation of _____

_____

(show here the percentage or dollar value) per unit per calendar day in excess of the delivery time specified herein and that bid will be accepted which is determined to be in the best interest of the Government under such evaluation.

(2) It is expected that program requirements will sometimes require delivery by a specified date and if no offers are received meeting the specified time, it would necessitate adjusting program schedules and plans to whatever price and delivery could be obtained, and the relative value of either price or delivery as a factor in adjusting program operations may be impossible to predetermine. In such cases, the following provision may be used:

Delivery is urgently needed within _____ calendar days after date of receipt by bidder of notice of award of contract. Bidders are required to state in the space provided therefor in the schedule a definite period of time within which delivery will be made, and the Government will not consider any bid which does not meet the required delivery time unless no bid is received meeting the time limit, in which event it will be necessary to adjust program operations on the basis of offers received, and under such circumstances the Government reserves the right to make award as will best meet its requirements, delivery time and price considered.

(3) When delivery time is stated in the invitation for bids, it should be expressed in terms of calendar days and not by a specific date since any delay in award would affect the stipulated delivery date and might make it impossible to award the contract on its advertised terms. (See Comp. Gen. Decisions B–129005 and B–126327, August 29, 1956, and B–128405, September 17, 1956.) However, dates may be specified as indicated by § 1–1.316–4(b).

(d) Frequently, a portion of the materials or equipment is needed at an early date, the remainder later. It will often be more advantageous to solicit separate bids on the two lots, enabling early delivery on the part needed quickly, and possibly the obtaining of a better price on the remainder when more time allows wider competition. Determination as to whether one or two advertisements should be solicited should rest primarily with the degree of urgency of the initial delivery and its effect on free competi-

tion. When a single invitation for bids is issued, it is usually advisable to list the early and deferred deliveries as separate items to be awarded separately, and in addition, an alternate item allowing bids on the "all or none" basis.

**§ 4–1.350 Procurement authorities and responsibilities.**

**§ 4–350–1 Purpose.**

The purpose of this section is to state responsibilities and authorities governing the procurement of equipment, materials, supplies, construction, and services for use or consumption by the Department in carrying on its programs.

**§ 4–1.350–2 Responsibility of the Director of Plant and Operations.**

Under the provisions of 1 AR 252, the Director of Plant and Operations is responsible for the general management and coordination of procurement activities of the several agencies of the Department. This broad grant of responsibility shall be construed to include the authority (a) to establish such procurement systems and policies, and (b) to delegate such contracting authorities as in the opinion of the Director of Plant and Operations will facilitate the orderly and economical procurement of equipment, materials, supplies, construction, and services for use or consumption by the Department in carrying on its programs.

**§ 4–1.350–3 Responsibilities of contracting officers.**

(a) Contracting officers are primarily responsible for the development, execution, and administration of contracts and the legal, technical, and administrative sufficiency thereof. Specifically, contracting officers shall be responsible for:

(1) Developing and applying knowledge of the products and services to be contracted for, including determinations of minimum specification requirements, market availability, purchase timing, and other elements of planning the contract action;

(2) Preparing and distributing the invitation for bids;

(3) Receiving and analyzing bids;

(4) Making awards within the limitation of their contracting authority and in accordance with applicable law and regulation;

(5) Making any required determinations in connection with award and administration of contracts except where authority therefor is specifically reserved to other officials;

(6) Performing or having performed any legal or administrative actions necessary to assure satisfactory performance of the contract such as inspection, follow-up on performance, execution of contract modifications, and making decisions on questions of fact. The responsibility for deciding questions of fact may not be delegated.

(b) The policies and procedures of this Chapter 4 are designed to assist contracting officers in carrying out these responsibilities. In the application thereof, contracting officers must exercise reasonable care, skill, and judgment so as to safeguard the interests of the Government in all contractual relationships.

**§ 4–1.350–4 Procurement contracting authority.**

(a) *Definition.* Procurement contracting authority is the authorization to solicit and accept bids and sign procurement contracts and agreements. This includes authority to sign procurement contracts in which the solicitation of bids may not be required by law or regulation, and to do all things necessary to carry into effect and to conclusion such contracts and agreements.

(b) *Delegations by agency heads.* Procurement contracting authority in any amount shown to be needed shall be obtained by heads of agencies of the Department from the Director of Plant and Operations, and, with the concurrence of the Director of Plant and Operations, such authority may be delegated, without redelegation powers to (1) the incumbent of any responsible position at the agency headquarters, regional office, or field station where the volume of procurement contracting requires the employment of personnel specifically qualified to do such work, or (2) any responsible employee of the agency who is qualified to perform such work.

(c) *Delegation to positions.* When practictable, delegations of authority should be made to incumbents of positions rather than to individuals. This will eliminate the necessity of making a new delegation each time the incumbent of a position is changed.

(d) *Compliance with laws and regulations.* Procurement contracting shall conform with all laws and regulations applicable to the Department, with the policies and procedures set forth in AGPR, and with any applicable policies and procedures otherwise announced or prescribed by the Director of Plant and Operations or other responsible official. A continuing review of operations hereunder will be made by the Office of Plant and Operations.

(e) *Requests for concurrence.* See specimen letter at § 4–16.852 which may be followed in requesting concurrence of the Director of Plant and Operations in the delegation of procurement contracting authorities. The request should be signed by the agency head and submitted in duplicate. A copy of the approved request will be returned with any necessary instructions or modifications. Changes in existing delegations will be handled in the same manner. Procurement contracting authority will not include authority to contract for construction, alteration, or repair of public buildings or works unless specifically requested.

(f) *Requests for special contracting authority.* Expect in an emergency, a request for special contracting authority for a specific contract shall be submitted to the Director of Plant and Operations prior to the issuance of the invitation for bids or request for proposals where there is reasonable expectation that the amount of the ensuing contract will exceed the authority of the issuing officer.

(g) *Contract awards by the Office of Plant and Operations.* In order to accommodate agencies having need therefor, the Procurement and Contract Management Division will, on agency request, solicit bids and/or award contracts when (1) the agency has no delegated procurement contracting authority, (2) the contemplated contract is in excess of the amount of contracting authority delegated to the agency, or (3) the contract is otherwise beyond the authority of the agency. (See § 4–5.5073 for such contract procedure.)

**§ 4–1.350–5 Purchasing authority.**

(a) *Definition.* "Purchasing authority" is an authority in which the designated officer is authorized to issue purchase orders or requisitions which do not involve the solicitation and acceptance of bids or signing of agreements or contracts. (This should not be construed as precluding the signing of informal agreements which may be required in connection with negotiated purchases.)

(b) *Delegation policy.* The decentralization of the procurement function facilitates the prosecution of agency programs. Delegations of authority are granted to aid effective operations by providing for any necessary purchasing authorities as closely as practicable to the points at which the services are needed.

(c) *Delegation to agency heads.* Heads of agencies of the Department may delegate purchasing authority under such limitations and instructions as they may prescribe, to competent employees and incumbents of responsible positions in Washington and in the field.

(d) *Limitations.* These delegated authorities are subject to laws, regulations, and instructions applicable to, or issued by, the Department and to a continuing review by the Office of Plant and Operations.

**§ 4–1.350–6 Personal interest in contracts.**

No officer or employee of the Department who is in a position either to influence the award of a contract with the Department or to cause purchase of supplies to be made for the Department, shall be interested in any firm, company, or corporation doing business with the Department unless such interest shall be disclosed in writing and approved by the agency head in advance of the award of any contracts by such officer or employee.





## Subpart 4–1.6—Debarred, Suspended, and Ineligible Bidders

**§ 4–1.600 Scope of subpart.**

This subpart implements and supplements § 1–1.600. It prescribes policies and procedures relating to the debarment, ineligibility, or suspension of bidders for any cause. It is applicable to all procurement and sales contracting by the Department except contracting by the Commodity Credit Corporation. Regulations applicable to that Corporation are stated at 29 F.R. 10495 (7 CFR Part 1407).

**§ 4–1.601 General.**

**§ 4–1.601–1 Definitions.**

(a) The "Debarring Officer" is the agency or department official authorized to invoke debarment or suspension measures as authorized by this subpart. The Director of Plant and Operations and the Assistant Director for Procurement and Property Management, Office of Plant and Operations, are the Debarring Officers for the Department (Department Debarring Officers) in connection with all procurement and sales transactions except that for the following activities:

(1) Timber sales pursuant to 16 U.S.C. 476;

(2) School Lunch and Surplus Removal pursuant to 42 U.S.C. 1755 and 7 U.S.C. 612c.

(b) Debarring officers shall be appointed by the appropriate agency head.

(c) Debarring officers are authorized to invoke debarment or suspension measures in accordance with the procedures of this subpart except as authorities may be specifically reserved to the Department Debarring Officer.

**§ 4–1.602 Establishment and maintenance of a list of firms or individuals debarred, suspended or ineligible.**

The Office of Plant and Operations maintains a consolidated list of firms and individuals debarred or suspended on the bases stated in § 1–1.602–1 to whom contracts will not be awarded and from whom bids will not be solicited. The list and all correspondence relating thereto are for administrative use only and are not to be disclosed to the public. (See 1 AR 536; 7 CFR 1.4(a).) The list is made available to all contracting officers through the issuance of Plant and Operations Memorandum No. 24, and supplements thereto. The list shows the authority for and terms of the debarment or suspension.

**§ 4–1.602–1 Bases for entry on the debarred, suspended, and ineligible list.**

Entry shall be made on the list on the basis stated in § 1–1.602–1 and as follows:

(a) Those the Debarring Officer determines to debar administratively for any of the causes and under all the appropriate conditions listed in § 1–1.604.

(b) Those the Debarring Officer determines to suspend administratively for the reasons, and under the conditions set forth in § 1–1.605.

(c) Those determined in accordance with section 3(b) of the Buy American Act (41 U.S.C. 10b(b)) to have failed to comply with the provisions of section 3(a) of that Act under any contract containing the specific provision required by said section 3(a) and made by the agency for construction, alteration, or repair of any public building or public work. Debarment is required only where there is some degree of culpability on the part of the contractor, and not in cases of bona fide misunderstanding or inadvertence. Any violation must, however, be reported to the Department Debarring Officer.

**§ 4–1.603 Treatment to be accorded firms or individuals in debarred, suspended, or ineligible status.**

Administration of current contracts in all phases may be continued, and payment of funds due may be made, notwithstanding the listing of a contractor, unless otherwise directed by the Debarring Officer.

**§ 4–1.604 Causes and conditions applicable to determination of debarment by an executive agency.**

The Debarring Officer is the authorized representative of the Agency Head for determinations required by § 1–1.604.

**§ 4–1.604–1 Procedural requirements relating to the imposition of debarment.**

(a) *Initiation of debarment action.* The firm or individual and its known affiliates concerned shall be furnished with a written notice of the proposed debarment stating as a minimum:

(1) That it is proposed to debar the firm or individual,

(2) The scope thereof as to affiliates,

(3) The reasons for the proposed debarment,

(4) The period of the proposed debarment,

(5) That the debarment shall be effective throughout the Department,

(6) Whether the debarment shall extend to all procurement and sales contracts,

(7) That the debarment determination shall become final and effective 30 days after receipt of this notice, unless the firm or individual mails or otherwise furnishes to the Debarring Officer a written request for further consideration in his behalf and within a reasonable time thereafter (60 days, unless the Debarring Officer grants a further period of time) furnishes such information as he wishes considered in his behalf,

(8) Whether or not the firm or individual is temporarily suspended pending final debarment determination.

Where a timely request for further consideration has been received, the firm or individual and its known affiliates concerned shall be notified in writing of the decision of the Debarring Officer on the proposed debarment. If the decision provides for debarment, it shall set forth the period, scope, and effective date thereof and of the right to appeal. In the event of appeal, debarment shall be deferred pending the decision of the Board of Contract Appeals. However, the firm or individual may be temporarily suspended pending final debarment determination. A copy of each debarment notice and each suspension notice shall be provided the Department Debarring Officer.

(b) *Hearings.* Hearings proceedings shall be conducted in accordance with the rules and regulations for disputes and appeals, including the establishment of a Board of Contract Appeals to hear and decide the appeal, stated at Subpart 4–50.2.

(c) *Appeals.* Appeals may be taken from decisions of Debarring Officers within 30 days after receipt by the firm or individual of a decision to debar. The notice of appeal shall be in writing but need not follow any prescribed form. It should indicate the debarment decision from which the appeal is being taken and the date thereof. The notice of appeal should state whether the contractor or bidder desires to appear or be represented at a hearing before the Board of Contract Appeals. Upon receipt of the notice of appeal, the officer receiving such notice shall endorse the date of its receipt thereon and forward it immediately to the Director of Plant and Operations for arranging a hearing.

**§ 4–1.605 Suspension of bidders.**

**§ 4–1.605–1 Causes and conditions under which executive agencies may suspend contractors.**

(a) The Debarring Officer may suspend a firm or individual:

(1) Under causes and conditions stated in § 1–1.605–1;

(2) When there is pending a final decision on a debarment determination after notice of debarment, or proposed debarment, has been sent the firm or individual; or

(3) For other cause of such serious and compelling nature, affecting responsibility as a Government contractor, as may be determined by the Debarring Officer to justify suspension.

(b) Suspension of a firm or individual by any Debarring Officer shall operate to suspend such firm or individual throughout the Department.

**§ 4–1.605–2 Period and scope of suspension.**

(a) *Period of suspension.* Suspensions for other than causes and conditions set forth in § 1–1.605–1(a)(1) shall not exceed 90 days unless

(1) notice of debarment, or proposed debarment, has been given, or

(2) the Department Debarring Officer approves a longer period, provided, however, that in no event shall such suspensions exceed one year.

Such suspensions shall be for 90-day periods, and additional periods of 90-day suspensions shall be preceded by notice thereof to the firm or individual.

**§ 4–1.605–4 Notice of suspension.**

(a) The firm or individual concerned shall be furnished a written notice by the Debarring Officer of the suspension within 10 days after the effective date of the suspension. The notice of the suspension shall state:

(1) That the suspension is based on:

(i) Reasons stated in the notice of debarment, or proposed debarment, from which there is an appeal or request for further consideration pending, or

(ii) On information that the firm or individual has committed irregularities

of a serious nature in business dealings with the Government or that the suspension is based on irregularities which seriously reflect on the propriety of further dealings of the firm or individual with the Government together with a description of the nature of those irregularities, in general terms, without disclosing the Government's evidence;

(2) That the suspension is for a temporary period pending the completion of an investigation and such legal proceedings as may ensue;

(3) That bids and proposals will not be solicited from the firm or individual and if received will not be considered, and awards of contracts may not be made unless it is determined to be in the best interest of the Government by the Debarring Officer; and

(4) That the suspension is effective throughout the Department.

(b) All inquiries concerning suspended contractors shall be referred to the Debarring Officer concerned for appropriate action. Where a matter has been referred to the Department of Justice, the Department shall not give further information to the contractor or his representative concerning the reasons for suspension beyond that stated in the notice of suspension until the Department of Justice has been advised of the inquiry and acquiesces in any such disclosure.

**§ 4–1.606 Agency procedure.**

(a) *Limited debarment or suspension.* Where it is determined to debar or suspend a concern the responsible Debarring Officer shall decide whether the debarment or suspension should extend to procurement contracts or to sales contracts or to both. If the debarment or suspension is limited to either procurement contracts or to sales contracts or is otherwise restricted, the listing should so indicate.

(b) *Requests for debarment or suspension action.* (1) When a procuring activity becomes aware of possible irregularities which may be sufficient cause for suspension or debarment of a firm or individual, the case shall be immediately referred through agency headquarters to the Debarring Officer for appropriate determination and action. The case shall be accompanied by a complete statement of facts with recommendations for action.

(2) Where the statement of facts indicates the irregularities to be possible criminal offenses, or for any reason further investigation is considered necessary, the Office of Inspector General shall be requested to assume the investigation. Exceptions are bribery and forgery cases required to be reported directly to the Federal Bureau of Investigation and the Secret Service Division, Department of the Treasury. The Office of Inspector General will advise the Debarring Officers whenever the evidence of criminal offense is such that they should be placed on notice for possible action to (1) postpone contract awards pending the obtaining of further evidence, or (2) take immediate suspension action.

(c) *Notifying General Services Administration of debarments or suspensions.* A copy of all notices of debarment or suspension actions, including removals of debarments or suspensions, taken by the Department shall be furnished, at time of issuance, to the Department Debarring Officer for transmittal to the General Services Administration.

(d) *Removal of debarment or suspension.* The Debarring Officer shall remove debarments or suspensions which he has initiated, and either effected by him or a Board of Contract Appeals, prior to the expiration of the stated period thereof where he finds that the firm or individual has demonstrated a willingness and ability to perform responsibly as a Government contractor.

**§ 4–1.650 Foreign firms or individuals.**
[Reserved]

**§ 4–1.651 Debarment or inactivation of auctioneers.**

Applicable regulations are prescribed by the Administrator of General Services Administration in section 104, Chapter IV, Title 1, Personal Property Management Regulations of that Administration.

## Subpart 4–1.7—Small Business Concerns

**§ 4–1.706 Procurement set-asides for small business.**

**§ 4–1.706–1 General.**

(a) *Intent of the small business act.* (1) A Governmentwide small business program has had the support of Congress and successive administrations for many years. This was done in the belief that a healthy small business community is an essential ingredient in a sound national economy. Evidently, therefore, the Congress intended by enactment of the Small Business Act that the set-aside program would provide one means of enabling small firms to receive a fair proportion of the Government's total purchases, would thereby help to maintain a healthy community of small firms and, hence, would assure the existence of a broadly competitive industry.

(2) It is obvious that the effect of the reservation of any procurement for competition exclusively for small business firms, pursuant to the Small Business Act, potentially rules out lower bids of large business firms. Therefore, it is impossible to tell whether, or the extent to which, there might have been lower bids from large firms if we had not made small business set-asides. Should the price, in some individual cases, be higher than that which might otherwise have been possible through completely unrestricted competition, this possibility was recognized and accepted. Presumably, the possibility of a slightly higher price of some procurements was believed to be overwhelmingly offset by the assurance of small business competition in future procurement. With such continuing competition, of course, the Government will be assured of lower prices in the long run. (See Comp. Gen. Dec. B–152153, December 30, 1963.)

(3) In a broader sense, Congress intended by the passage of the Small Business Act that there be an increase in the dollar amount of Government contract awards to small business through whatever means that are reasonably available to accomplish this end.

**§ 4–1.706–2 Review of SBA set-aside proposals.**

(a) *Who determines if a class set-aside is in accord with the intent of the Small Business Act?* (1) The Small Business Act empowers the SBA and the Government contracting officer to set aside proposed procurements for exclusive competition among small business concerns when such action is determined to be (i) in the interest of maintaining or mobilizing the Nation's full productive capacity; (ii) in the interest of war or national defense programs, or (iii) in the interest of assuring that a fair proportion of the total purchases and contracts for property and services for the Government (including but not limited to contracts for maintenance, repair, and construction) are placed with small business concerns. Determinations under (iii) of this subparagraph may be made by the contracting officer and the SBA representative. Proposed determinations under (i) or (ii) of this subparagraph shall be referred to the Director of Plant and Operations.

(2) Whether a contract or class of contracts should be necessarily set aside in order to assure that small business concerns receive their fair proportion of the total contracts for the Government is primarily an economic determination. The initiation of a set-aside recommendation by the SBA representative shall be assumed to be his finding that the proposed action is required from an economic standpoint. This finding shall be accepted for purposes of the required joint determination except as it may affect the economics of products wherein this Department has a primary program interest (i.e., agricultural commodities, including timber disposal) and for which we should verify the finding. Section 1–1.706–5 requires that if this economic determination is made, the procurement shall be set aside for exclusive small business participation where there is a reasonable expectation that bids or proposals will be obtained from a sufficient number of small business concerns so that awards will be made at reasonable prices. Whether or not there is such a reasonable expectation can usually be determined by the contracting officer but if in the negative, the recommended set-aside action shall be disapproved in accordance with § 1–1.706–2.

(3) While this procedure is quite appropriate for individual procurements, the application thereof to class set-asides would only be practical with the following understanding with SBA representatives:



(i) That the economic determination be made for the entire class, i.e., that the contracting officer should not be left to determine whether an exception of an individual case from the class set-aside should be requested or made on economic grounds;

(ii) Having entered into a class set-aside agreement with SBA, the contracting officer may request the SBA to except an individual case on the basis of inadequate competition, adverse effect on agency programs, or other good reasons, in accordance with the procedures of § 1–1.706–3.

(b) *When can a proposed set-aside be refused?* The review of SBA set-aside proposals is covered in § 1–1.706–2. However, the circumstances under which a set-aside proposal may be refused are not stated therein—there are listed some considerations which, in themselves, are not sufficient cause for not making a set-aside. When a total set-aside of either an individual contract or class of contracts is proposed, it may be denied only:

(1) Where, for Agricultural commodities, including timber disposal, the contracting officer or other agency official cannot verify that such action is in the interest of assuring that a fair proportion of the total contracts for the Government are placed with Small Business concerns; or

(2) Where the contracting officer, after reviewing prospective bidders including any recommended by the SBA representative, cannot establish that there is a reasonable expectation that bids or proposals will be obtained from a sufficient number of responsible small business concerns so that awards will be made at reasonable prices; or

(3) Where the proposed action would have serious adverse effects on Department programs. Whether these program impacts indicate that a set-aside would be imprudent and therefore would justify a refusal is a judgment question which, in the event of dispute, may warrant clearance with agency headquarters and the Office of Plant and Operations before refusing a set-aside proposal.

**§ 4–1.706–5 Total set-asides.**

(a) *Why does the Government make set-asides in construction work?* Prior to 1958 the language of the Small Business Act did not make reference to construction and as a consequence it was considered that the set-aside authority did not extend to Government construction procurement. To resolve any doubt as to the applicability of the set-aside program to construction contracts, the Congress amended the Small Business Act in 1958 to specifically provide that small business should receive "A fair proportion of the total purchases and contracts for property and services for the Government (including but not limited to contracts for maintenance, repair, and construction)". This change in the law accordingly authorizes set-asides of construction contracts.

(b) *Is construction all one class for purposes of class set-asides?* The Small Business Act was amended to include authority for class set-asides in order to make the Small Business Assistance Program more efficient by authorizing classes of Federal contracts to be earmarked for small business without the necessity for earmarking every specific Federal contract. There is no difference in the requirements for determinations between individual and class set-asides. Whether these requirements can be reasonably met for such differing construction as (1) dwellings, (2) bridges, and (3) small dams, must be considered recognizing the substantially different character of firm involved in each type of construction and accordingly the difference in economic characteristics, extent of competition available, geographic concentration of work, etc. The Small Business Administration has made arrangements with a number of agencies which provide that they will consider that SBA has initiated set-asides on all construction contracts estimated to cost less than $500,000. Such class set-asides may be agreed to for any category of construction work, although not necessarily for all construction work, dependent upon whether the criteria of §§ 1–1.706–2 and 1–1.706–5 are met.

**§ 4–1.706–6 Partial set-asides.**

Procurements in this Department are rarely of a type severable into two or more economic runs or lots where partial set-asides are feasible. If partial set-asides are deemed practicable by the contracting officer, instructions and procedures therefor may be obtained from § 1–1.706–6.

**§ 4–1.708 Certificate of competency program.**

**§ 4–1.708–2 Applicability and procedure.**

Where a bidder is determined not to be qualified for reasons other than capacity or credit, i.e., lack of integrity, consistent record of default under prior contracts, questionable business practices, etc., the contracting officer has the responsibility for rejection without referral to SBA. (See § 4–1.310–5.) (See 37 Comp. Gen. 676; Decision Comptroller General of the United States, B–138233, February 24, 1959; and 38 Comp. Gen. 864.)

## Subpart 4–1.8—Labor Surplus Area Concerns

§ 4–1.801 Definitions.

§ 4–1.801–2 Labor surplus area.

Within the Department, information regarding labor surplus areas is issued periodically in Plant and Operations Memorandum No. 23, and supplements thereto.

§ 4–1.804 Partial set-asides for labor surplus area concerns.

§ 4–1.804–1 General.

Procurements in this Department are rarely of a type severable into two or more economic production runs or lots where partial set-asides are feasible. If partial set-asides are deemed practicable by the contracting officer, they may be made, following the procedures prescribed in § 1–1.804 of this title.

§ 4–1.807 Report on preference procurement in labor surplus areas.

(a) *Agencies required to report.* Each agency in the Department which places contracts to be performed in surplus labor areas under Subpart 1–1.8 and § 1–2.407–6 of this title shall report such procurement in accordance with this section.

(b) *Frequency and due date.* Reports shall be prepared quarterly and submitted, in quadruplicate, to the Procurement and Contract Management Division, Office of Plant and Operations within 30 calendar days after the close of each calendar quarter.

(c) *Report format.* The data reported shall be arranged as shown in § 4–16.853.



## Subpart 4–1.9—Reporting Possible Antitrust Violations

§ 4–1.901 General.

All suspected violations of the antitrust laws shall be reported to the Office of Plant and Operations for review and referral to the Attorney General as may be necessary.



## Subpart 4–1.11—Qualified Products

§ 4–1.1101 Procurement of qualified products.

(a) *Product not listed.* If a bidder indicates in his bid that the products offered have been tested and approved for inclusion in the Qualified Products Lists, but the latest lists available to the contracting officer do not include such products, the qualifying agency named should be requested to verify that the products have been tested and approved. Should any delay or difficulty arise in obtaining prompt verification, the matter should be referred through appropriate agency channels to the Office of Plant and Operations, which will obtain the information from the General Services Administration. If the bidder furnished with his bid a copy of the notice of approval issued by the qualifying agency, no verification should be necessary.

(b) *Distribution of lists.* Arrangements may be made with the Office of Plant and Operations for obtaining copies of the Federal Qualified Products Lists.

## Subpart 4–1.16—Reports of Identical Bids

§ 4–1.1601 General.

Executive Order 10936 is applicable to all program functions of the Department, except for exemptions that may be made thereunder by the Attorney General, and the provisions of Subpart 1–1.16 shall be followed in giving effect thereto.

§ 4–1.1603–2 Preparation of reports.

(a) See § 4–16.903—DJ1500 for the report form and instructions for preparation.

(b) Where the volume of identical bids so warrants, arrangements may be made with the Department of Justice, through the Office of Plant and Operations, for preparation and submission of the data in other format, such as machine listings.

# PART 4–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 4–2.2—Solicitation of Bids


Sec.
4–2.201 Preparation of invitations for bids.
4–2.202 Miscellaneous rules for solicitation of bids.
4–2.202–3 Place and method of delivery of supplies.
4–2.203–3 Publicity in newspapers and trade journals.
4–2.205–5 Release of bidders mailing list.

Subpart 4–2.4—Opening of Bids and Award of Contract

4–2.404–2 Rejection of individual bids.
4–2.405 Minor informalities or irregularities in bids.
4–2.405A Informalities of substance.
4–2.406 Mistakes in bids.
4–2.406–1 General.
4–2.407 Award.
4–2.407–1 General.
4–2.407–50 Effect of acceptance period.
4–2.407–51 Availability of funds.
4–2.407–52 Award of small value items.
4–2.407–53 Erroneous award.


AUTHORITY: The provisions of this Part 4–2 issued under 5 U.S.C. 22, 40 U.S.C. 486(c).

## Subpart 4–2.2—Solicitation of Bids

### § 4–2.201 Preparation of invitations for bids.

(a) *Supply and service contracts.* It is desirable to achieve standardization of arrangement of invitations for bids to the extent practicable so that bidders may become familiar with a uniform format and to facilitate assembly of bid invitations generally. The following sections of the invitation for bids should generally be arranged in sequence and include the following information:

Invitation for Bids.
Instructions to Bidders.
Schedule of Items.
Special Provisions.
Specifications.

(1) There should be shown on the face of the invitation for bids a listing of attachments which are to form a part of the bid invitation and resultant contract as follows:

The following attachments hereto form a part of this invitation for bids and any resultant contract: (list attachments).

(2) Instructions to bidders: The first page of the attachments to the invitation for bids form should ordinarily contain any instructions to bidders necessary to supplement those appearing on the form, i.e., identification of bid envelopes, directions for inspection of contract site, submission of samples, etc. Such instructions should include only those necessary to enable the bidder to submit his bid and would not include contract provisions.

(3) Schedule of items: Ordinarily, the items to be purchased will be listed on Standard Form 36, Continuation Sheet. The item description will either include the necessary specifications or refer thereto. When Federal Specifications are referenced, the item description should be sufficient to indicate to the bidder the size, type, and class of item in general terms so that he may readily determine if the item is one that he can furnish, in which case he can refer to the Federal Specification for detailed requirements. (See § 4–1.307–2 of this chapter.)

(4) Special provisions: This section of the bid invitation should include any provisions considered necessary to supplement those appearing in Standard Form 32, General Provisions, or other printed general provisions. They would include such provisions as liquidated damages, delivery time requirements, etc.

(b) *Grouping of items of like nature*—(1) *General.* In many instances, there is an advantage to both the Government and the bidders if items specified in an invitation for bids are grouped so as to allow prospective bidders to bid on a group of related items rather than on individual items of relatively low value. When the individual items are fairly substantial in amounts, however, bidders should be given the option of bidding on such items in addition to a lump-sum bid on a group of related items.

(2) *Grouping by class of item.* When grouping items by class, the commercial trade practices of commodity distribution should be followed to the extent feasible. For example, while bolts of all types may usually be purchased from a general hardware distributor, the longer lengths are also available from pole line hardware distributors who should be given an opportunity to bid by appropriate grouping of bid items. This practice will assure that the bid invitation will reach a maximum number of potential bidders.

### § 4–2.202 Miscellaneous rules for solicitation of bids.

### § 4–2.202–3 Place and method of delivery of supplies.

(a) *General rule.* Invitations for bids should specify destination prices only, whenever practicable. In any event, however, to avoid confusion, the point at which the Government will accept delivery must be stated clearly and concisely.

(b) *F.o.b. shipping point and f.o.b. destination.* In some instances it may be to the advantage of the Government to solicit prices on the basis of both f.o.b. shipping point and destination. (See 20 Comp. Gen. 761.) Illustrations of cases when it would be to the interest of the Government to solicit prices both ways are:

(1) When it is the custom of the industry to bid a shipping-point price only;

(2) When it is to the advantage of the Government to encourage competition by including bidders who will bid a shipping-point price only;



(3) When the cost of the transportation of the commodity is substantial in relation to the cost of the commodity, to bring into the competition the contractor who cannot or is unwilling to meet the large transportation costs;

(4) When the ultimate destination is known and when the quantity to be purchased is estimated to weigh 20,000 lbs. or more, except for those items that are of a fragile nature or are otherwise exceptionally susceptible to damage in transit; and

(5) When the ultimate destination is known and when the quantity to be purchased is estimated to weigh 100,000 lbs. or more, and is of a fragile nature or otherwise exceptionally susceptible to damage in transit.

(c) *Provision for use of Government-shipping media on f.o.b. destination bids.* Prices may be solicited on a destination basis even though special or reduced transportation rates have been made available under section 22 of the Interstate Commerce Act. Such cases are very infrequent, but when they occur, reservation should be made in the invitation for bids for the right to require shipment on Government bills of lading and to deduct from the quoted destination price the normal rate involved, with opportunity afforded other bidders to meet the advantage so accruing to competitors by offers to equalize such savings in transportation costs, and with provision for bidders to show the extent of their willingness in that respect, and their guaranteed maximum shipping weights.

(d) *Shipping point prices only.* Solicitation of prices f.o.b. shipping-point, without asking for delivered prices also, should be made only in rare instances. Such a solicitation would be proper when the points of use are not known definitely at the time bids are solicited and prices are desired f.o.b. shipping point for shipment of the material on Government bills of lading to various points throughout the country. This method is frequently used when soliciting bids for indefinite contracts, commonly known as "source of supply" contracts. In all such cases the general area to which goods are to be delivered, if known, should be indicated in the invitation for bids.

(e) *Bid invitation provisions.* Definitions and provisions applicable to various shipping terms that may be used in invitations for bids are stated in General Services Administration Reg. 1–II–209.03. Since most bids are invited "F.o.b. Destination" by this Department, these definitions and provisions are not repeated here but should be used wherever there may be any question as to the intent of shipping terms used in a bid invitation.

### § 4–2.203–3 Publicity in newspapers and trade journals.

In soliciting bids for the purchase of supplies or services, it shall be the responsibility of the officer inviting the bids to determine whether advertising in newspapers is necessary in order to cover adequately the field of competition. The contracting officer shall in all cases determine the adequacy of the competition solicited. In placing official advertising no favoritism shall be shown to any publication and there shall be no discrimination either for or against any publication because of its editorial attitude. The sole consideration to govern in the placing of advertising shall be the legality of the use of the medium and its adequacy for the accomplishment of the purpose of the advertising. (See 1 AR 391 for authorities and procedures regarding publication of advertisements.)

### § 4–2.205–5 Release of bidders mailing list.

(a) No bidder will be informed as to the person or firms with whom he is competing. He may, of course, attend bid openings or call at the office which conducted the opening at a later date and thereby obtain information concerning those bidding and those declining to bid in particular cases. Bidders' mailing lists should not be made public, but a firm's representative may be advised whether or not his firm's name is on a particular list and a dealer may be told whether the manufacturer he represents is listed.

(b) See § 1–2.205–5 for policy on construction contracts.

## Subpart 4–2.4—Opening of Bids and Award of Contract

### § 4–2.404–2 Rejection of individual bids.

(a) *More than one bid by same bidder.* If more than one bid is offered by any one party, by or in the name of his clerk, partner, or other agent or representative or by two or more affiliated companies, all such bids may be rejected. However, when multiple bidding is prejudicial either to the United States or to other bidders, rejection is required. (See Comp. Gen. Dec. B–142957, dated June 27, 1960.) This will not prevent a bidder from submitting modified or alternative bids quoting different prices on different qualities of material or different conditions of delivery.

(b) *Alternative bids.* An alternate bid as contemplated by the provisions of this paragraph, is one that offers equipment not meeting the minimum requirements of the advertised specifications. A bid is not necessarily an alternate bid merely because a bidder designates it as such in his bid. Many times, bidders will submit more than one bid price based on differing qualities of materials, all or some of which may meet the advertised specifications. A low bid meeting the advertised specifications, whether or not it is designated by the bidder as an "alternate" bid, is properly for acceptance.

(c) *Indefinite bids.* A bid that is indefinite as to bid price, terms, or conditions shall be rejected.

### § 4–2.405 Minor informalities or irregularities in bids.

(a) *General.* Informalities in bids are deviations from the advertised specifications which may or may not affect consideration for award, depending upon the nature of the deviations involved. The primary question for determination is whether the deviation from the requirements goes to the substance of the bid so as to affect price, quantity, or quality of the articles offered or is otherwise prejudicial to the rights of other bidders, or is merely a matter of form or other immaterial or inconsequential variation. (See Comp. Gen. Dec. B–146539, dated Aug. 10, 1961.) In such circumstances, the general rule for consideration in the awarding of bids is found in the syllabus to 17 Comp. Gen. 554, which is as follows:

To permit acceptance of bids not complying in substance with advertised specifications would be farcical and destructive of open-competitive bidding in awarding of contracts, strict maintenance of the rule being infinitely more in public interest than obtaining apparently pecuniary advantage in a particular case by its violation. 17 Comp. Gen. 409, amplified, and 15 Comp. Gen. 107, distinguished.

Also, in 16 Comp. Gen. 392, it is stated:

In the awarding of Government contracts, there is a well-established principle that the contract offered the successful bidder must be the exact contract which was submitted to competition.

(b) *Unsigned bids.* Unsigned bids must be rejected unless accompanied by a bond, letter or other signed documentary evidence; or samples, required by the invitation, have been furnished by the bidder; clearly establishing his intent to submit a bid. (See 17 Comp. Gen. 497 and B–124029 of June 1, 1955.) The decisive question is whether acceptance of the bid as submitted will effect a contract binding on the bidder and questionable cases should therefore be referred to the Office of the General Counsel for determination as to whether acceptance will create an enforceable contract.

(c) *Bids not on Government forms.* Bids not on Government forms may be accepted provided (1) the language of the bid clearly indicates that it is in response to the advertised invitation for bids, (2) that which is offered is in accordance with the advertised specifications, and (3) no right is reserved by the bidder which would limit his liability to a greater extent than was provided in the invitation for bids. When such a bid is accepted the complete invitation for bids in blank, shall be attached to the accepted bid and made a part of the contract.

### § 4–2.405A Informalities of substance.

Informalities of substance are material deviations from requirements affecting price, quantity, or quality, or the rights of other bidders, or conditions imposed by a bidder to limit his liability to the Government for delays, failure to perform, etc. Rejection of bids containing such informalities is mandatory. This precludes the deletion after opening of bids of objectional conditions imposed by the bidder, even though such deletion would result in a responsive bid. (See 34

Comp. Gen. 24; 30 Comp. Gen. 179; and 31 Comp. Gen. 660.)

**§ 4–2.406 Mistakes in bids.**

**§ 4–2.406–1 General.**

(a) *General.* As a general rule a bidder cannot withdraw or change his bid after opening. Such rule does not apply where the bidder establishes, prior to award, that he made an honest mistake, since acceptance of a bid with knowledge thereof does not constitute a valid or binding contract. If the contracting officer has actual or constructive notice of an error in a bid after opening he shall request from the bidder a verification of the bid, calling attention to the suspected mistake and stating why he suspects a mistake has been made. If the bidder alleges a mistake, the matter shall be processed in accordance with this section. Such actions shall be taken prior to award. A representative of the bidder has authority to verify the bid if it appears that he is an employee of the bidder and is present at the bid opening in such capacity. (See 14 Comp. Gen. 453, 36 Comp. Gen. 441, and 17 Comp. Gen. 575 and 576.)

(b) *Correction of mistakes.* Except for mistakes which the contracting officer is authorized to correct in accordance with § 1–2.406–2, all cases involving the correction of mistakes in bids disclosed before or after award of procurement or sales contracts shall be forwarded, through agency channels, to the Office of the General Counsel for appropriate determination. Whenever a mistake in bid is alleged or disclosed, the contracting officer shall advise the bidder or contractor to support the alleged error by written statements and by all pertinent evidence, such as the file copy of the bid, original worksheets and other data used in preparing the bid, subcontractors' and suppliers' quotations (if any), published price lists, and any other evidence which will serve to establish the mistake, the manner in which it occurred, and the bid actually intended. Supporting data to be submitted to the Office of the General Counsel must include:

(1) All evidence furnished by the bidder or contractor.

(2) A copy of the bid or a copy of the contract and any specifications or drawings relevant to the alleged mistake, and any change orders or supplemental agreements thereto.

(3) An abstract or record of the bids received.

(4) A written statement by the contracting officer setting forth—

(i) Specific information as to how and when the mistake was alleged or disclosed;

(ii) A summary of the evidence submitted;

(iii) His opinion whether a bona fide mistake was made in the bid and whether he was, or should have been, on constructive notice of the mistake before the award, together with the reasons or data upon which his opinion is based;

(iv) In the event only one bid was received, a quotation of a recent contract price for the supplies or services involved or, in the absence of a recent comparable contract, the contracting officer's estimate of a fair price for the supplies or services, and the basis for such estimate;

(v) Any additional evidence considered pertinent, including copies of all relevant correspondence between the contracting officer and the contractor or bidder concerning the alleged mistake;

(vi) The course of action with respect to the alleged mistake that the contracting officer considers proper on the basis of the evidence, and, if other than a change in contract price is recommended, the manner by which the item will otherwise be procured; and

(vii) The status of performance and payments under the contract, including contemplated performance and payments.

The determination and all relevant material will be returned through channels to the contracting officer for maintenance of the official files thereon. A copy of the determination shall be attached to each copy of any contract recision or reformation resulting therefrom.

(c) *Handling of bid mistakes where time will not permit delay in award.* When time is of the essence, because of the expiration of bids or otherwise, the contracting officer may refer the case by telegraph or telephone through channels to the General Counsel for appropriate action. However, where time will not permit delaying award, the bid should be accepted as made, subject to final determination.

(d) *Bidders' refusal or failure to furnish evidence.* Where the bidder refuses or fails to furnish evidence in support of a suspected or alleged mistake, the contracting officer shall consider the bid as submitted unless the amount of the bid is so far out of line with the amounts of other bids received or with the amount estimated by the agency or determined by the contracting officer to be reasonable, or there are other indications of error so clear, as reasonably to justify the conclusion that acceptance of the bid would be unfair to the bidder or to other bona fide bidders in which case it may be rejected. The attempts made to obtain the information required and the action taken with respect to the bid shall be fully documented.

(e) *Maintenance of records.* Copies of all administrative determinations made pursuant to the authorities of this paragraph shall be included in agency procurement files. Where a contract is awarded, a signed copy of the determination shall be filed with GAO copy of the contract.

**§ 4–2.407 Award.**

**§ 4–2.407–1 General.**

(a) *Submission of questions directly to Comptroller General by contracting officers.* In order to minimize delay in making awards of Government contracts, contracting officers may submit questions, other than those arising from mistakes in bids, involving the awarding of a contract directly to the Comptroller General for advance decisions. (See 1 GAO 3060.10.)

(b) *Marking of bids.* Under no circumstances will any individual make any marks or notation on the bid or its accompanying documents. If, through error or for some other reason, marks are made on a bid or its accompanying documents, the markings should not be erased or eradicated; instead, the individual so marking the bid shall file a signed explanation with the bid file for future reference, showing when, how, and why the notation or markings were made. If the marked bid is accepted, explanation with regard thereto should be made on the statement of award.

(c) *Numbering of contracts.* See Title 7 of Department Administrative Regulations.

(d) *Access by the public to contract records.* Copies of contract documents may be furnished to the public only under circumstances stated in 1 AR 534 et seq. (7 CFR 1.1 et seq.)

**§ 4–2.407–50 Effect of acceptance period.**

(a) *Award within acceptance period.* As bids are opened, they should be carefully examined to note the acceptance periods designed by bidders for acceptance of their bids. Steps should then be taken to make an award as quickly as possible, and in time to insure award prior to the expiration date of the period. Fluctuating elements affecting quoted prices usually enter into bidders' calculations, and prompt information as to whether or not they will receive the award should be given in order to maintain good business relations.

(b) *Expiration of acceptance period—notification to bidder.* If the acceptance period of the successful bidder is about to expire and it is impossible to prepare the contract documents in time to reach the contractor before the expiration date, the successful bidder should be notified of award either by wire or letter, whichever is more practical. Placing of a letter of notification or a confirmation copy of a telegram of notification in the mails prior to the expiration of the period generally constitutes acceptance of the proposal within the acceptance period. However, this practice should not be followed except when actually necessary, since controversy may arise as to whether the award is binding.

(c) *Extension of acceptance period.* Should administrative difficulties be encountered after bid opening which may delay award beyond bidders' acceptance periods, the several lowest bidders should be requested, before expiration of their bids, to extend the bid acceptance period (with consent of sureties, if any). The written extension, when granted, must be made a part of the bid acceptance.

(d) *Awards where the acceptance period of the low bidder has expired.* Ordinarily, where a low bidder's acceptance period expires before acceptance and contract award, and regardless of the reason therefor, any award shall be to the next low bidder whose acceptance period is effective at the time. Such award is preferable, from the standpoint of preserving the integrity of the competitive bid system, to allowing the low bidder to renew his acceptance period after it has expired. (See Comp. Gen. Dec. B–151186, of April 29, 1963.) It will be necessary to explain in the file in such



instances the circumstances surrounding the failure to secure award prior to the expiration date, with a showing that award to the next low bidder was in the best interest of the Government, and that no appreciable saving could have been obtained by readvertising. Nonetheless, award may be made to the low bidder who renews his acceptance period after it has expired in cases where all bids have been improperly rejected, or where purchases can be made against the account of a defaulting contractor from the second low bidder on the original contract.

Prior to award of the contract or any subsequent change therein, the contracting officer should have written assurance that sufficient funds are available within the current allotment and are reserved for the proposed action. (See 39 Comp. Gen. 340.) However, where required by unusual circumstances, a contract may be executed with a condition therein that the liability of the Government for payment of all or a portion of the contract amount is subject to availability of funds therefor. A contract provision somewhat as follows is suggested.

Funds are available in current appropriations and reserved for this contract in the amount of $_____. Completion of the contract is contingent upon appropriation of funds therefor. No legal liability on the part of the Government for the payment of more than $_____ shall arise unless and until such appropriation shall have been provided.

See 16 U.S.C. 557a regarding statutory authority and requirements for such conditional contracts in connection with administration of national forests.

**§ 4–2.407–52 Award of small value items.**

In view of the administrative cost involved in issuing separate small purchase orders, the policies stated herein shall be observed in making awards under invitations which provide for the acceptance of individual items or groups of items. (See the terms and conditions of the invitation for bids on the reverse of SF–33.) When numerous small orders would result from awards to each low bidder on an invitation, and it is clear that (1) any of the prospective bidders would be in a position to furnish all of the items required, or related categories of items, and (2) the items are of such a character that suppliers would normally be interested in receiving only a substantial part of those quoted on, the following shall be observed:

Awards to low bidders will be determined and then reviewed to identify those awards which are of small dollar value in relation to the total number of items bid on by the low bidder and which awards the low bidder would probably prefer not to receive.

Ascertain the additional cost of the items which would be involved by awarding the small portion to another bidder already in line to receive an award on substantial quantities of other items and who also submitted a bid on the same small portion. If the additional cost involved is less than $10, then the award should be made to the bidder already in line to receive a substantial award, providing that it is determined that the low bidder's interest in the award is negligible, considering the level of trade of such bidder. However, in any case where the low bidder desires the award, it shall be given him if eligible.

Whenever award is made to other than the lowest acceptable bidder in accordance with this section, the purchase file shall reflect, for each item so awarded, the amount of the additional cost.

**§ 4–2.407–53 Erroneous award.**

(a) *Procedure—no deliveries made.* If, through error, award is made to other than the low bidder and delivery has not been accomplished prior to time of discovery of the error, the vendor receiving the award should be advised of such error and requested to consent to cancellation of the award. In the event of his refusal to consent to cancelation, the case should be formally submitted, under the signature of the Secretary of Agriculture, to the Comptroller General, and the vendor advised to suspend action pending the Comptroller's decision.

(b) *Procedure—delivery made.* If the vendor has proceeded with delivery before the error has been discovered, the following procedure will govern:

(1) *Deliveries partially completed.* The vendor should be immediately instructed to make no further deliveries. The matter should then be formally submitted to the Comptroller General for a decision as to action to be taken, and the vendor so advised.

(2) *Delivery completed.* The matter should then be presented through regular agency fiscal channels to the General Accounting Office for determination as to the amount due.

## PART 4–3—PROCUREMENT BY NEGOTIATION


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Subpart 4–3.9—Subcontracting Policies and Procedures

4–3.901 General.

Subpart 4–3.50—Negotiated Contracts for Research and Marketing

4–3.5001 Purpose.
4–3.5002 Policy.
4–3.5003 Authorities.
4–3.5004 Contract negotiation procedures.
4–3.5005 Contract forms.
4–3.5006 Contract period.
4–3.5007 Contract floor.
4–3.5008 Publication.


AUTHORITY: The provisions of this Part 4–3 issued under 5 U.S.C. 22, 40 U.S.C. 486(c).

## Subpart 4–3.1—Use of Negotiation

### § 4–3.150 Board of contract awards.

(a) *Establishment and duties.* A Board of Contract Awards consisting of not less than three members shall be established at each agency headquarters and each field contracting office where negotiated contracts are awarded. Except as indicated in § 4–3.150(b), it shall be the duty of the Board to (1) review all proposals received, (2) weigh the relative merits of each proposal, (3) select the prospective contractor, and (4) specify such price ceilings and contract terms and conditions as the Board deems appropriate for guidance in negotiating the contract. The contracting officer shall have the final responsibility for negotiation and award of the contract. A summary statement of the contract negotiations and the basis of award in accordance with Subpart 1–3.3 shall be made a part of the contract file.

(b) *Exceptions.* Negotiated contracts may be awarded by the contracting officer without referral to a Board of Contract Awards when: (1) not in excess of $2,500; (2) for public exigency; (3) for procurements outside the United States, or (4) for subsistence supplies. Changes to existing contracts need not be referred to the Board.

## Subpart 4–3.2—Circumstances Permitting Negotiation

### § 4–3.203 Purchases not in excess of $2,500.

(a) *Application.* The final consideration in determining whether to use this authority is the amount of money involved in the total known requirement that it is practicable to purchase at one time or provide by means of a term contract. In determining practicability, available funds, storage facilities, market conditions, etc., are pertinent factors for consideration.

(b) *Procedure.* Purchases under this authority should be made without formal invitation for bids unless it is clearly in the best interest of the government to do so. However, competition should be obtained in accordance with the policy stated in § 1–3.603–1.

### § 4–3.204 Personal or professional services.

(a) *Limitations.* (1) The use of purchasing procedures for obtaining personal services must be authorized under the statutes or conditions stated in § 4–4.5068.

(2) Where exception to advertising requirements is contained in the statute authorizing purchase of personal services, that authority shall be cited and used rather than the authorities herein.

(3) Where authorities herein are to be used for obtaining professional engineering, architectural and landscape architectural services for any public building or public improvement (exclusive of bridges, roads, sidewalks, sewers, mains, or similar items), the construction cost of which is estimated to be $200,000 or more, request to use this authority shall be submitted to the Director of Plant and Operations, for his approval and submission to the General Services Administration for clearance.

### § 4–3.211 Experimental, developmental, or research work.

(a) *Authority.* Pursuant to section 307(b) of the Act, the determination referred to in § 1–3.211 of this title shall be made by the Chief, Procurement and Contract Management Division, Office of Plant and Operations for requirements under $25,000; otherwise, the case shall be referred to the Director of Plant and Operations for his recommendation and referral to the Secretary.

(b) *Limitations.* Negotiation under this authority is subject to the prior approval of the Chief, Procurement and Contract Management Division, Office of Plant and Operations.

(c) *Reporting requirement.* The reports referred to in § 1–3.211(c) of this title shall be submitted in an original and two copies to reach the Procurement and Contract Management Division, Office of Plant and Operations, within twenty workdays after the close of the period covered by the report.

### § 4–3.212 Purchases not to be publicly disclosed.

Pursuant to section 307(b) of the Act, the power of the Secretary to make the determination referred to in § 1–3.212 of this title is not delegable. Requests for use of this authority shall be submitted to the Director of Plant and Operations, for his approval and submission to the Secretary.

### § 4–3.213 Technical equipment requiring standardization and interchangeability of parts.

Pursuant to section 307(b) of the Act, the power of the Secretary to make the determination referred to in § 1–3.213(a)(1) of this title is not delegable. Requests for use of this authority shall be submitted to the Director of Plant and Operations, for his approval and submission to the Secretary.

### § 4–3.214 Negotiation after advertising.

Rejected items may be readvertised, in accordance with § 1–3.214; however, if proposed to be negotiated, the reasons therefor are to be submitted to the Chief, Procurement and Contract Management Division, for his determination in accordance with sections 302(c)(14) and 303(b) of the Act.



## Subpart 4–3.3—Determinations, Findings, and Authorities

### § 4–3.305 Form and requirements of determinations and findings.

No specific form of determinations is required.

### § 4–3.350 Authorities.

### § 4–3.350–1 Statutory.

Procurement by negotiation is authorized under Title III of the Federal Property and Administrative Services Act of 1949, as amended. The Administrator of the General Services Administration has delegated authority to executive agencies to use this title. (See § 4–52.601.)

### § 4–3.350–2 Administrative.

Contracting authority is required in accordance with § 4–1.453 whenever a formal contract is to be executed; otherwise, purchasing authority is necessary in accordance with § 4–1.454. Subject to the limitations prescribed in these regulations, agencies may procure property and services by negotiation under any of the exceptions contained in the Act, as stated in §§ 1–3.201 to 1–3.215, inclusive.

## Subpart 4–3.4—Types of Contracts

### § 4–3.409 Indefinite delivery type contracts.

(a) *General.* When there exists a recurrent need for supplies or services, it may be economical to execute a term contract in lieu of continued individual purchases. No such term contract (except for public utility service and Forest Service aerial facilities and services) shall be made for a period extending beyond the fiscal year in which executed unless the appropriation adequate for its fulfillment is available for both the fiscal year in which the contract was executed and the next succeeding fiscal year as well. Additionally, contracts for stationery or other supplies for a longer term than 1 year from the time the contract is made may not be made unless the authority for the contract specifically exempts it from 41 U.S.C. 13. (41 U.S.C. 11 and 13.) There are several types of term contracts that may be executed to meet varying needs; they are as follows:

(b) *Definite quantity.* A definite quantity term contract runs for a specified length of time with successive deliveries according to schedules established by the Government, or ordered as the need arises. When the quantities specified in a definite-quantity term contract have been delivered, the contract shall be considered completed and no additional quantities shall be ordered under the contract. The apparent probability that the additional supplies may be furnished at less expense by the original contractor because of being engaged upon the original work or otherwise is not controlling of the matter as to whether additional requirements must be advertised. Whether the original contractor can furnish the supplies at less expense to the Government than any other contractor is possible of definite determination only by soliciting competitive bids as contemplated under said section. (See 11 Comp. Gen. 183 and 5 Comp. Gen. 508.)

(c) *Estimated quantity with variance clause.* It may be impossible to determine in advance exactly what the needs will be over a stated period of time, yet the quantity required can be estimated with reasonable accuracy. The procedure to follow in such instances is to execute a term contract for an estimated quantity with a reasonable variance to the extent it can be definitely established. This estimated amount should be obtained from records of consumption during a prior similar period or, in the event this is an entirely new requirement, by carefully weighing the probable needs for the stated period. (See 14 Comp. Gen. 446, and 11 Comp. Gen. 188.)

(d) *Source of supply.* When it is impossible to meet the need for certain supplies or services by either individual definite-quantity term contracts, or estimated-quantity-with-variance-clause term contracts, there may be executed term contracts for such quantities as may be required during a stated period. These contracts are sometimes called "source of supply" contracts. Contracts of this character should not be made, however, if the need can be met by one of the types of contracts mentioned above, for there is a possibility that bidders may quote higher prices than for definite-quantity contracts to protect themselves against possible contingencies.

(1) *Mutuality of consideration.* When advertising for bids on an indefinite-quantity term contract ("source of supply") basis there must be included therein an estimate of the probable needs during the stated contract period (based upon the best information available at that time) so that all bidders will be on notice of the probable quantities to be required under the contract; also, appropriate language must be included to the effect that this estimate of needs is for information only and is not intended to imply that the estimate is an exact indication of the quantity that will be required. Further, to insure mutuality of consideration so that there will exist a valid and legal contract, the invitation for bids and resultant contract must specifically provide that the Department of Agriculture activity or activities involved will procure all of their needs during the stated contract period from the successful bidder (contractor) at the prices quoted and accepted by award of contract and that in consideration thereof, the successful bidder (contractor) guarantees, by the submission of his bid in response thereto, to furnish all of the contract materials that may be required by the activity or activities involved, during the stated contract period. (See United States v. Purcell Envelope Company, 249 U.S. 313, as distinguished by the Supreme Court of the United States in Willard Sutherland & Company v.

United States, 262 U.S. 489 regarding mutuality of consideration.)

(2) *Application of estimated quantities to award evaluation.* If the invitation for bids on a "source of supply" contract basis includes a single item only, or there is more than one item but award is to be made by items, the low bidder(s) is ascertained by a comparison of the unit prices. However, it is sometimes necessary for efficient operation of a contract to stipulate in the invitation for bids that award will be made on "all or none" basis, i.e., award will be made to one bidder for all items. Under these conditions, the invitation for bids should also prescribe the basis of award, i.e., how the low bidder will be determined. This may be accomplished by including a provision to the effect that award will be determined by evaluating the various unit prices quoted with the estimate of needs shown in the advertisement. This is done by multiplying the unit prices quoted by such bidder by the estimate of the respective items as shown in the advertisement and then totaling the items for each bidder; this will give the estimated total cost which will decide the bidder to receive the award if otherwise satisfactory.

(e) *Approximate quantities.* 14 Comp. Gen. 723 deals with a contract executed for "approximately 60,000 pounds" of gray iron castings to be delivered over a 12-month period. In rendering this decision, the Comptroller General finds such contracts to be of doubtful legality and requests that they not be executed.

## Subpart 4–3.6—Small Purchases

**§ 4–3.604 Imprest funds (petty cash) method.**

**§ 4–3.604–5 Limitations.**

(a) The amount of any Imprest Fund will not exceed $1,000.00.

(b) Agencies desiring an exemption to the limitations in §§ 1–3.604–5(a) and 4–3.604–5(a) may request the exemption by submitting a justification based upon purchasing needs and the particular reimbursement cycle. Such requests should be submitted to the Director of Finance for his approval, and, with the concurrence of the Director of Plant and Operations, submission to the Chief Disbursing Officer for consideration.

**§ 4–3.604–6 Procurement and payment.**

(a) The time limit for the consummation of each purchase for which cash is furnished in advance shall be five work days from date of advance. When circumstances indicate a longer period of time is generally necessary in order to fully utilize the imprest fund procedure, requests for authority to establish a longer time for specific programs or locations shall be made to the Director of Finance.

**§ 4–3.604–50 Authority.**

The authority for these instructions is derived from the individual series of instructions of the General Services Administration, the Treasury Department, and the General Accounting Office, insofar as they relate to their respective areas of responsibility. Agencies shall utilize the cash payment techniques set forth in §§ 1–3.604 and 4–3.604 whenever practical.

**§ 4–3.604–51 Definition of cashier.**

A "Cashier" is an employee of the Department designated as a cashier in accordance with § 4–3.604–52 of this subpart. An "Alternate Cashier" is one who has been designated in the same manner as a cashier but who will function in such capacity (a) during the absence of the principal cashier and/or (b) where the volume of work requires the principal to have alternates, in which case the principal will advance funds on the basis of a receipt signed by the alternate.



**§ 4–3.604–52 Designation of cashiers.**

In accordance with 7 AR 64, heads of agencies recommend employees for designation as cashiers or alternates. Where imprest funds are to be used primarily for making purchases, requests for designation should be limited, where feasible, to responsible employees in the agency's procurement organization. Upon receipt of the designation and notice of assignment to a position covered by a position schedule bond, the employee is authorized to perform the duties of cashier.

**§ 4–3.604–53 Instructions for cashiers.**

Prescribed procedures for operating an imprest fund are contained in 7 AR 64 and Treasury Department "Manual of Procedures and Instructions for Cashiers Operating Under Executive Order No. 6166." This manual is furnished by the Treasury Department to each cashier upon his designation. Necessary additional copies required by procurement officers may be obtained through the Office of Plant and Operations.

**§ 4–3.604–54 Accountability of imprest funds.**

(a) *Custody and safeguarding of funds.* Cashiers should at all times be able to account for the full amount of the fund, either by cash, uncashed Government checks, unscheduled subvouchers, unpaid reimbursement vouchers, or interim receipts for cash. Employees designated to serve as cashiers will act as agents of the disbursing officers who advance them the necessary funds. Since cashiers are personally accountable and responsible for the custody of and payments made from the fund, employees upon whom this authority is conferred should be notified of their responsibility. They are required to utilize, to the fullest extent available, means of safeguarding cash advanced to them, and agencies should take necessary steps to furnish cashiers with suitable facilities for that purpose. Such facilities will depend upon equipment that can be made available and the size of the imprest fund to be safeguarded, but as a minimum, locked storage space must be provided. Consideration should be given to the determinations necessary under § 4–3.604–54(c) in the event of loss or theft of imprest funds. Imprest funds may not be deposited in any bank nor commingled with personal or other funds. Each imprest fund shall be maintained separately. (See Treasury Manual of Procedures and Instructions, Section 4.)

(b) Responsibility for doubtful transactions. The cashier is authorized, where doubt exists as to the propriety of any transaction, to require written acceptance of responsibility for such transaction from the official authorizing the procurement to provide him recourse to such employee for reimbursement to the fund if the transaction is later disallowed. The cashier may also request an advance written opinion from the certifying officer with respect to a doubtful transaction.

(c) *Physical loss or deficiency.* In the event of physical loss or deficiency in the imprest fund, the General Accounting Office is authorized, in concurrence with determinations and recommendations of the Secretary of Agriculture, to relieve the cashier of responsibility, provided the Secretary determines (1) that such loss or deficiency occurred while the cashier was acting in the discharge of official duties, and (2) that such loss or deficiency occurred without fault or negligence on the part of the cashier. (31 U.S.C. 82a–1.)

**§ 4–3.605 Order-Invoice-Voucher.**

**§ 4–3.605–1 Standard Form 44.**

(a) *Prescribed form.* This form may be used, also, for obtaining a receipt from the vendor when the vendor is paid in cash at the time of the purchase.

(b) *Availability of form.* Standard Form 44 is stocked by the Central Supply Section. They are overprinted to show the Department's name, and are serially numbered. Adequate control of the forms should be established so as to readily determine the office issuing the order, should this be necessary.

**§ 4–3.605–2 Standard Forms 147 and 148, Order for Supplies and Services.**

Department of Agriculture Form AD–38, Purchase Order, is prescribed for use by this Department. See § 4–16.350.

**§ 4–3.606 Blanket purchase arrangements.**

**§ 4–3.606–1 General.**

(a) Blanket purchase arrangements may be made by employees to whom purchasing authority has been delegated.

(b) They may be participated in by one or more offices or projects in the same area.

(c) The use of a blanket purchase arrangement does not authorize purchases not otherwise authorized by law or regulation, and such an arrangement may not be used to avoid the statutory advertising requirement normally applicable to purchases of known quantity requirements.

**§ 4–3.606–3 Establishment of account.**

The vendor-agency relationship is that of an open account. While usually unnecessary, the arrangement may include maximum amount and time limitations. The account may cover certain specific items or commodity groups or classes, or all of the supplies or services the supplier is able to furnish. Its use does not exempt agencies from keeping obligations and expenditures within available funds, but this should be done by avoiding, through the use of simplified methods, a detailed fiscal record of individual transactions.

**§ 4–3.606–4 Documentation.**

(a) It is the responsibility of the vendor with whom we do business to determine that a purchase chargeable to the Department is made by one who is authorized to purchase from him in the name of the Government. Vendors are generally accustomed to receiving Government purchase orders which they honor even though the signer may not be known to them—this they do somewhat at their own risk. To protect the Government against criticism and the vendor against loss due to unauthorized purchases made from him in the name of the Government, any arrangements with him for making purchases without the use of a purchase order form must be carefully worked out. These arrangements, called Blanket Purchase Arrangements, should be made in person with the vendor. While no documentation is required, it may be desirable to have a record of the arrangement, which may be in the form of a letter, purchase order, or other document, telling the vendor:

(1) Who is authorized to make individual purchases;

(2) How purchases will be placed, i.e., by phone, by certain designated persons ordering and picking up supplies from the vendor, etc.;

(3) What the vendor must do to assure that only authorized purchases are made and to obtain payment, i.e., prepare an itemized sales slip showing order number, if one is given, and which must be signed by an authorized person; send invoice with shipment; give invoice to person picking up supplies; payment to be made once a month, or quarterly, etc.;

(4) What discounts will be given (particularly on repair parts and labor); how time discounts will be handled;

(5) Limitations by class of item, time, or dollar amount.

(b) The following is illustrative of the form of a written blanket purchase arrangement. Arrangements involving special discounts, prices, delivery, etc., are usually terminable by the vendor and accordingly are not contracts requiring signature of the vendor. Term contracts on prescribed contract forms should be used where contractual agreement is desired. It is usually desirable to number such Blanket Purchase Arrangements either in a series of numbers established by the purchasing office or by using the number assigned by the vendor to the agency's account with him:

*Sample Format*

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

*Blanket Purchase Arrangement*

with

ABC Hardware Co.

Atlanta, Georgia

Account
No. 100
Date
7–1–64

1. *Persons authorized to place orders.*
John Jones, purchasing agent, Joe Smith, mechanic, Tom Sawyer, warehouseman, or such other persons as John Jones, purchasing agent, may indicate by phone to the vendor as authorized to make special purchases.

2. *Procedure for placing orders with vendor.*
Orders will be placed by phone for local delivery or will be ordered and picked up at the vendor's place of business by persons designated above. The buyer will give the vendor an order number for each purchase. The vendor will write up the order on his sales form showing the order number and itemizing the purchase with unit prices and totals. The vendor will secure the receipt of the receiving officer on the sales form and provide one copy to the receiving officer. No written purchase orders on government forms will be issued unless necessary to adequately describe purchase requirements or as may be desired by the vendor.

3. *Billing procedure.*
Invoices in single copy identified with the agency order number and date are to be sent to:
Soil Conservation Service,
1234 X Street,
Atlanta, Ga.
Payment will be made monthly on or about the 10th of the month for all invoices received.

4. *Pricing arrangements.*
Prices on all items shall be as quoted for each purchase or as stated in any applicable contract with the Vendor. However, as agreed with Mr. W. T. Adams of the ABC Hardware Co., all time discounts shall be extended to the 10th of the month following billing or receipt of supplies, amount of time discount to be as stated on the invoice. Trade discounts shall be as quoted but shall generally be 40 percent of list for automotive repair "parts, common"; labor for repair to be at the rate of $3.00 per hour; all supply items to be generally priced at 10 percent less than list for distributors prices.

5. *General.*
No conditions of sale other than as specified herein or as may be mutually agreed to for a specific order shall be applicable to purchases made under these arrangements. These arrangements are effective immediately and until cancelled by the Government or the Vendor.

[SEAL] JOHN JONES,
*Purchasing Agent, Soil Conservation Service, United States Department of Agriculture.*

**§ 4–3.650 Cash purchases.**

**§ 4–3.650–1 Purpose.**

It is the purpose of this § 4–3.650 to describe the various methods by which cash purchases of articles and services may be made and to state governing policies and procedures.

**§ 4–3.650–2 Methods of cash purchases.**

Following are the various methods by which cash purchases may be made:

(a) Use of Field Party Expense Funds. (See § 4–3.650–3.)

(b) Use of Travel Funds. (See § 4–3.650–4.)

(c) Use of Personal Funds. (See § 4–3.650–5.)

(d) Use of Imprest Funds. (See §§ 1–3.604 and 4–3.604.)

**§ 4–3.650–3 Field Party Expense Funds.**

Under the authority of the Act of June 3, 1902 (31 U.S.C. 553), funds may be advanced in accordance with 7 AR 598

and 599 for the purpose of making cash purchases by field parties. Such funds may be used for cash purchases where the use of other cash purchase procedures or other established procurement facilities is not feasible. Wages and/or traveling expenses of regular employees shall not be paid from these funds. Otherwise, such purchases may include any field party requirements such as supplies, hire of laborers, food, lodging, transportation, etc., the purchase of which is not otherwise restricted by law or regulation. This authority is especially useful for program operations in foreign countries as well as in isolated, emergency, or other unusual program operations in the United States.

**§ 4–3.650–4 Travel expense funds.**

Under the authority of the Travel Expense Act of 1949 (5 U.S.C. 835–842), funds may be advanced in accordance with 7 AR 598 and 599. Such funds may be used for cash purchases of only those requirements related to travel in accordance with the Standardized Government Travel Regulations.

**§ 4–3.650–5 Personal funds.**

Employees authorized to make purchases may procure necessary supplies, equipment, or services from personal funds and be reimbursed therefor in accordance with 7 AR 67. This method of purchase should be considered where establishment of an imprest fund is not feasible, and use of personal funds will simplify the making of small purchases.

**§ 4–3.651 Purchase documentation.**

**§ 4–3.651–1 Purpose.**

This section sets forth the requirements for documenting purchase transactions.

**§ 4–3.651–2 Policy.**

(a) Any documentation of a purchase transaction is permissible that assures the following:

(1) That the vendor and purchaser are in agreement as to what is being purchased.

(2) That at the time of delivery a record of sale and receipt is created.

(3) That at the time of billing for payment, the foregoing requirements have provided evidence of the items, quantity, price, date sold and other relevant data.

(b) These requirements can be met by:

(1) Issuance of a purchase order on SF–44, which form is then used as an invoice and as a receiving report. (See § 1–3.605–1.)

(2) Issuance of a purchase order on Form AD–38, which the vendor either signs as his invoice or provides his commercial invoice, and receipt for supplies is acknowledged on the form or otherwise in writing.

(3) Payment of cash supported by itemized receiving officer's report and vendor's receipt for cash. (See § 1–3.604.)

(4) Verbal order where vendor's itemized job order or invoice is signed by the officer ordering and receiving the supplies. (See also § 1–3.606 on Blanket Purchase Arrangements.)

**§ 4–3.652 Cancellation of purchase orders.**

Where the Government's interest demands and will best be served, purchase orders may be cancelled. Ordinarily, orders should be cancelled in writing. In order to maintain good business relations, the vendor should be advised wherever feasible of the necessity for cancellation in advance of formal cancellation and his concurrence obtained. Obtaining concurrence of the vendor will avoid questions of liability. The determination as to whether the public interest requires the cancellation of an order should include consideration of the Government's ultimate responsibility resulting from the cancellation. Cancellation will be generally acceptable to the vendor except where items have been shipped or expense has been incurred such as in special manufacturing or fabrication of items to order. In cases where the vendor will not concur in the cancellation and when it can be established that a contractual relationship exists, the order should be terminated in the same manner as stated in § 4–8.201 for contracts.

**§ 4–3.653 Duplicate purchase orders.**

If the vendor reports nonreceipt or loss of an original purchase order and requests another copy, there may be issued to him a duplicate copy as his basis of performance. This second issue should be conspicuously marked "DUPLICATE COPY." To avoid the possiblity of a duplicate shipment, a letter of transmittal or a notation on the purchase order should read somewhat as follows:

This is a duplicate copy of lost original purchase order, furnished in accordance with your request of ---------- The Government will not be responsible for duplicate shipment.

(Date)

**§ 4–3.654 Follow-up of purchase orders.**

It is the function of the procurement officer to devise and maintain a purchase- order follow-up system in order to assure that delivery is made within the terms of the purchase order. This may be a periodic review of the fiscal obligations file where arranged alphabetically or by setting up a tickler file of purchase orders, arranged according to the date delivery is expected, or any other arrangement that will facilitate periodic follow-up to assure that delivery requirements are met.

**§ 4–3.655 Continuing requirements under $2,500 annually.**

(a) *General.* Contracts need not be executed when there is a continuing need for supplies or services and it is contemplated that the amount involved in any one case will not exceed $2,500 within the fiscal year, regardless of the number of payments involved. This would apply to certain specific services or supplies of this nature, such as ice, laundry or towel service, rental of equipment, automobile storage, etc. This procedure is authorized by Title 7, Section 4510, GAO Manual. It does not waive statutory advertising requirements.



(b) *Needs requiring written agreement.* Usually, no useful purpose is served either from a procurement or fiscal standpoint by covering such continuing needs with written agreements. There are however, some cases when, to protect the interests of the Government, contracts or agreements for such types of services or supplies should be entered into. For example, it may be advisable to enter into a written agreement for automobile storage or for the rental of equipment in order to define in writing the responsibilities and liabilities of the Government and the vendor in case of loss or damage to either Government or private property. Administrative judgment must therefore be exercised in each case to determine if a written agreement is necessary in the interest of the Government, all factors considered. If such an agreement is considered necessary, Form AD–225 should be used for that purpose and should be numbered and either filed in the General Accounting Office or retained for GAO audit as may be appropriate. In the absence of a written contract or agreement, a purchase order or other equivalent document should be issued when the need for such continuous supplies or services arises and should be available for use in the subsequent audit of operations.

(c) *Form AD–225, Contract for Services.* See § 4–16.850. The form and the general conditions, which are stated on the back thereof, incorporate the main considerations necessary in the negotiation of the majority of these service contracts.



## Subpart 4–3.9—Subcontracting Policies and Procedures

**§ 4–3.901 General.**

(a) *"Anti-Kickback" Act (Subcontractor Gift Law).* The so-called "Anti-Kickback" Act (41 U.S.C. 51–54), also known as the "Subcontractor Gift Law," provides for the recovery from the subcontractor or the recipient of the amount of any fee, kickback, gift or gratuity paid by a subcontractor to any employee or agent of the prime contractor or any higher tier subcontractor as an inducement for or acknowledgment of a subcontract or order, by set-off from any monies owed the subcontractor either directly by the United States or the prime contractor under any negotiated contract. The Act also provides that for the purpose of ascertaining whether such fees, gifts, etc., have been paid or granted by a subcontractor, the General Accounting Office shall have the power to inspect the plants and audit the books and records of any prime contractor or subcontractor in the performance of a negotiated contract. While no contract provision is required, this statute should be considered in the review and administration of negotiated contracts.

## Subpart 4–3.50—Negotiated Contracts for Research and Marketing

**§ 4–3.5001 Purpose.**

It is the purpose of this Subpart 4–3.50 to provide policies and procedures for negotiated contracts under authority of the Act of August 14, 1946, as amended; 7 U.S.C. 427i and 1624.

**§ 4–3.5002 Policy.**

It is the policy of the Department to negotiate contracts authorized by the Act with qualified public or private organizations or individuals for research and marketing service work where such work can be performed more effectively, more rapidly, or at less cost than if performed by the Department, and use of the regular advertising procedures of these regulations is not feasible.

**§ 4–3.5003 Authorities.**

(a) *General.* Contracts may be negotiated without regard to statutory advertising requirements, for the purposes stated in Title I and Title II of the Act, which purposes generally include all Agriculture research and marketing service work. Also, where the appropriation is available for research, contracts may be negotiated under the Act to accomplish such research.

(b) *Agency authorities.* Specific agency contracting authorities concerning research and service work and functions relating thereto stated in Chapter 2 of Title I of the Administrative Regulations are to be exercised in conformance with these Procurement Regulations where applicable. All agencies are authorized to use these contract negotiation procedures for accomplishing research and marketing work when the agency has appropriations for such work, the head of the agency or his designee has determined that the work to be performed will be carried out more effectively, more rapidly, or at less cost than if performed by the Department, contracting authority for this specific type of contracting has been delegated pursuant to Subpart 4–1.4, and the necessary approvals required in 1 AR 115a have been obtained.

**§ 4–3.5004 Contract negotiation procedures.**

Except as otherwise specifically stated in this Subpart 4–3.50, the negotiation procedures of Parts 1–3 and 1–15 shall be followed in negotiating contracts for research and marketing under the Act.

**§ 4–3.5005 Contract forms.**

The following forms shall be used in connection with the contract types indicated:

(a) Firm fixed-price:

| | |
|---|---|
| Form AD–263 | Research and Services Contract. |
| Form AD–264 | General Provisions. |

(b) Cost-reimbursement:

| | |
|---|---|
| Form AD–263 | Research and Services Contract. |
| Form AD–264 | General Provisions. |
| Form AD–265 | Cost-Reimbursement Provisions. |
| Form AD–267 | Contractor's Claim for Reimbursement. |

In addition, Form AD–268, Schedule of Salaries and/or Wages Paid, may be used by contractors in conjunction with Form AD–267 as evidence of payments made. No contract general provisions or cost-reimbursement provisions shall be used which conflict with those provided in Forms AD–264 and AD–265, respectively. The contract (Form AD–263) should clearly identify those documents applicable and attached thereto, i.e., Forms AD–264, AD–265, etc. Any other attachments used, such as plan of work, special provisions, etc., should also be clearly identified in the contract.

**§ 4–3.5006 Contract period.**

In accordance with the Act, the contract time may not exceed four years. The contract period should be inserted in the Contract Form AD–263.

**§ 4–3.5007 Contract floor.**

The annual Appropriation Act for the Department requires that not less than a set amount of the total appropriation shall be available for contracting in accordance with the Act. This "contract floor" is allocated by the Office of Budget and Finance on recommendations of the Agricultural Research Service based upon project estimates of the agencies.

**§ 4–3.5008 Publication.**

See 3 AR 200–206 concerning publication of results obtained under RMA contracts.

# PART 4–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

## Subpart 4–4.6—Livestock Products


Sec.
4–4.607 Reporting violations.


## Subpart 4–4.50—General


4–4.5000 Scope.
4–4.5001 Aerial photography.
4–4.5002 Air conditioning equipment.
4–4.5003 Air operations service.
4–4.5004 Aircraft (aerial) facilities and services (Forest Service only).
4–4.5005 Aircraft purchase, maintenance, and operation.
4–4.5006 Alcohol and distilled spirits.
4–4.5007 Architectural or engineering services.
4–4.5008 Arms and ammunition.
4–4.5009 Arts and graphics.
4–4.5010 Automatic data processing equipment.
4–4.5011 Badges.
4–4.5012 Calendars.
4–4.5013 Calling or greeting cards.
4–4.5014 Coal.
4–4.5015 Collection of data from the public.
4–4.5016 Commissary operations.
4–4.5017 Concessions.
4–4.5018 Construction on land not owned by the U.S. (Forest Service).
4–4.5019 Control of insect pests and diseases.
4–4.5019–1 Protection of forest lands.
4–4.5019–2 Cooperative programs of control.
4–4.5020 Control of Mexican foot-and-mouth disease.
4–4.5021 Copying machines and supplies.
4–4.5022 Credit ratings.
4–4.5023 Cultures for soil and fertilizer investigations.
4–4.5024 Desks, conference types.
4–4.5025 Detective agency services.
4–4.5026 Duplicating equipment.
4–4.5027 Employees—purchase from.
4–4.5028 Employee death expenses.
4–4.5029 Employees engaged in hazardous work—medical care of.
4–4.5030 Employees' graves.
4–4.5031 Engineering services.
4–4.5032 Envelopes.
4–4.5033 Exchange—sale in purchasing.
4–4.5034 Exhibits.
4–4.5035 Experimental, developmental, and testing requirements (Forest Service).
4–4.5036 Explosives.
4–4.5037 Extravagant purchases.
4–4.5038 [Reserved]
4–4.5039 Film processing mailers.
4–4.5040 4–H Club assemblages.
4–4.5041 Fuel oil.
4–4.5042 Furniture and furnishings.
4–4.5043 Furniture and furnishings for executive offices.
4–4.5044 Furnishings for personnel quarters.
4–4.5045 Gasoline, fuel oil, kerosene, and solvents.
4–4.5046 Gasoline and other items from service stations.
4–4.5047 GAS controlled space, services and facilities.
4–4.5048 Installment purchasing.
4–4.5049 Insurance.
4–4.5050 Interest.
4–4.5051 Kerosene.
4–4.5052 Livestock products.
4–4.5053 License plates for motor vehicles.
4–4.5054 Managing and operating contracts.
4–4.5055 Meat inspection tags, labels, etc.
4–4.5056 Membership fees.
4–4.5057 Men with equipment.
4–4.5058 Motion pictures.
4–4.5059 Motor vehicles.
4–4.5060 Motor vehicle statutory purchasing limitations.
4–4.5061 Motor vehicle tags, shields, and other identification.
4–4.5062 National defense contracting.
4–4.5063 Nursery stock.
4–4.5064 Oil, lubricating.
4–4.5065 Paper and paperboard.
4–4.5066 Personal articles.
4–4.5067 Personal interest in purchases.
4–4.5068 Procurement of personal services.
4–4.5069 Photography.
4–4.5070 Post office box rental.
4–4.5071 Printing and binding.
4–4.5072 Printing equipment.
4–4.5073 Property forfeited and/or abandoned.
4–4.5074 Public utility services.
4–4.5075 Publications.
4–4.5076 Purchasing officer interest in employee purchasing association activities.
4–4.5077 Radiation equipment and radioactive material.
4–4.5078 Recreational equipment.
4–4.5079 Refrigerators.
4–4.5080 Rental of equipment.
4–4.5081 Rental of equipment from Forest Service.
4–4.5083 Returnable containers.
4–4.5084 Rugs.
4–4.5085 Serums.
4–4.5086 Sidewalks, curbs, or street paving.
4–4.5087 Solvents.
4–4.5088 Space studies, layouts, and interior design.
4–4.5089 Standard forms and blankbook work.
4–4.5090 Stenographic reporting.
4–4.5091 Telephones in private residences (Forest Service only).
4–4.5092 Trading stamps, redeemable coupons, etc.
4–4.5093 Training services.
4–4.5094 Tree seed, cones, and nursery stock (Forest Service only).
4–4.5095 Tuberculin, serums, antitoxins, etc.
4–4.5096 Twine.
4–4.5097 Typewriters.
4–4.5098 Used or reconditioned equipment.
4–4.5099 Visual services.
4–4.5099a Water coolers.
4–4.5099b Year-end purchasing.


## Subpart 4–4.52—Exchange or sale of Personal Property and Application of Exchange Allowances or Proceeds of Sale to Purchase of Similar Items


4–4.5200 Scope.
4–4.5201 Policy.
4–4.5202 Authority.
4–4.5203 Definitions.
4–4.5204 Use of GSA sales facilities.
4–4.5205 Sale requirements.
4–4.5206 Advertising for bids.
4–4.5207 Open-market (negotiated) disposals.
4–4.5208 Exchange allowances and cash offers.
4–4.5209 Similarity of items or exchange/sale purposes.
4–4.5210 Exchange or sale of more than one item.
4–4.5211 Application of exchange allowance and proceeds of sales.
4–4.5212 Availability of proceeds of sales.
4–4.5213 Limitations.
4–4.5214 Exceptions.
4–4.5215 Records.
4–4.5216 Exchange/sale categories.


## Subpart 4–4.53—Procurement of Construction


4–4.5300 Scope of subpart.
4–4.5301 Invitation for bids.
4–4.5301–1 Forms.
4–4.5301–2 Bid guarantee.
4–4.5301–3 Specifications.
4–4.5301–4 Plans and drawings.
4–4.5301–5 Schedule of items.
4–4.5301–6 Special conditions.
4–4.5301–7 Liquidated damages.
4–4.5301–8 Rates of wages.
4–4.5301–9 Nonrebate of wages—Copeland Act.
4–4.5301–10 Contract Work Hours Standards Act.
4–4.5301–11 Buy American Act.
4–4.5301–12 Price adjustment for suspension, delay, or interruption of work.
4–4.5302 Selection of bidders.
4–4.5303 Time allowed for submission of bids.
4–4.5304 Deposit or payment for plans, drawings, and specifications.
4–4.5305 Notices to prospective bidders.
4–4.5306 Receiving and opening bids.
4–4.5307 Analyses of bids.
4–4.5308 Preparation of Standard Form 19.
4–4.5309 Preparation of Standard Form 23.
4–4.5310 Notice of contract award.
4–4.5311 Performance and payment bonds.
4–4.5312 Notice to proceed.
4–4.5313 Changes in construction contracts.
4–4.5314 Changed conditions in construction contracts.
4–4.5315 Work orders.
4–4.5316 Amendment.
4–4.5317 Equitable adjustment.
4–4.5318 Work progress reports and invoices.
4–4.5319 Extension of contract time.


AUTHORITY: The provisions of this Part 4–4 issued under 5 U.S.C. 22, 40 U.S.C. 486(c).





## Subpart 4–4.6—Livestock Products

### § 4–4.607 Reporting violations.

Reports of possible violations of Statements of Eligibility given in accordance with § 1–4.604 shall be made to the Office of Plant and Operations for necessary action.

## Subpart 4–4.50—General

### § 4–4.5000 Scope.

This subpart sets forth the various restrictions, authorities, and regulations applicable to the Department of Agriculture for all special types and methods of procurement, except exchange-sale and construction which subjects are covered in Subparts 4–4.52 and 4–4.53.

### § 4–4.5001 Aerial photography.

Aerial photographic projects shall be cleared with the Aerial Photography Division, Agricultural Stabilization and Conservation Service, in accordance with Secretary's Memorandum No. 1347, Revised. See Subpart 4–16.50 for forms to be used for contracts for this service.

### § 4–4.5002 Air conditioning equipment.

Unless specifically provided by an appropriation or other law, all air conditioning equipment for use in Government-owned or leased buildings (including post offices) operated by the Administrator of General Services, except as provided in this § 4–4.5002, must be purchased and installed by payment from funds appropriated to the General Services Administration. (See Comp. Gen. Decision B–123988 dated July 27, 1955; Exhibit 8, Appendix C, GSA Reg. 2–II–304.04.) These restrictions do not apply to purchases by the Department of the following:

(a) Ventilating and temperature and humidity control equipment for special laboratory, scientific, and research purposes, the cost of the purchase and installation of which may be borne from the appropriations of the particular agency utilizing such equipment, but such installations shall be subject to approval by the General Services Administration.

(b) Equipment for installation in buildings operated by GSA for which services are furnished on a reimbursable basis, provided funds therefor are available to the agencies occupying the buildings.

### § 4–4.5003 Air operations service.

(a) *Purpose.* This section prescribes the procuring documents to be used in obtaining aircraft and air operations service on a charter basis, for transportation of persons or property, surveys, observations, reseeding operations, etc., where exclusive use of the aircraft is required.

(b) *Authority.* Agreement between Department officials and officials of the Transportation Division, General Accounting Office, March 17, 1959.

(c) *Contracts for service.* Agency contracts for air operations service, whether by formal advertising or by negotiation shall specify the procuring document to be used, i.e., Transportation Request, Government Bill of Lading, or Purchase Order. Generally, the procuring document applicable to the service involved, that is, freight or passenger, should be used. However, if the primary purpose of the flight is the movement of equipment or supplies and the personnel involved are incidental to the main purpose, and the same overall charge is involved, a Government Bill of Lading should be issued to cover the entire service. Conversely, if the main purpose of the flight is the movement of personnel, such as fire fighting crews, and the equipment and supplies involved are incidental, with charges overall the same, a Transportation Request should be used. Where the service performed is not generally defined as passenger or freight carriage between specific points, such as reconnaissance flights, reseeding operations, etc., and payment is made on a per unit basis, such as hour or acre, a Purchase Order may be used in lieu of a Transportation Request or Government Bill of Lading.

(d) *Continuing service.* Individual procuring documents, i.e., Transportation Request, Government Bill of Lading, or Purchase Order, are not required for each movement or type of service performed. One appropriate document may be issued to cover a given period of service, provided the carrier's invoice particularizes as to how the various charges were established, and includes flight logs or other documentary proof that may be necessary to show that the services were actually performed.

(e) *Emergency service.* Transportation services required in emergency situations, including the use of small aircraft operators not under contract arrangements, shall be procured as follows: At the time such services are requested, an inquiry should be made as to whether the carrier or individual operator files tariffs with either a Federal or State regulatory body covering rates and charges. In the event such tariffs are filed, Transportation Requests or Government Bills

of Lading, as appropriate, should, where feasible, be used to procure the services required. If the carrier or individual is not required to file a tariff or schedule of rates with a regulatory body, purchase orders may be used to procure the services required.

**§ 4–4.5004 Aircraft (aerial) facilities and services (Forest Service only).**

Under the provisions of 16 U.S.C. 579a, the Forest Service is authorized by contract or otherwise, to provide for the procurement and operation of aerial facilities and services for the protection and management of national forests, with authority to renew any contract for such purposes annually, not more than twice, without additional advertising.

**§ 4–4.5005 Aircraft purchase, maintenance, and operation.**

(a) *Authority.* Under the provisions of 5 U.S.C. 78, no appropriated money may be expended for the purchase, maintenance, or operation of airplanes unless there is specific authority in the appropriation for such purchase, maintenance, or operation. (See 6 AR 356 and 5 AR 623 for information on the transfer of airplanes.)

(b) *Rental.* Under the limitations of 5 U.S.C. 78, specific statutory authority for the "maintenance and operation" of airplanes is required to cover the rental of airplanes under term contract or otherwise. This is not construed, however, to apply to the procurement of airplane service where the contractor or vendor furnishes the airplane, a pilot, gasoline and oil, and otherwise maintains and operates the airplane.

**§ 4–4.5006 Alcohol and distilled spirits.**

(a) *Alcohol.* There have been issued to the Department of Agriculture by the Deputy Commissioner of Internal Revenue numerous Treasury Department permits which authorize purchases by the various agencies of the Department of tax-free ethyl alcohol, and distilled spirits of 160 degrees or more of proof, from bonded warehouses, and specially denatured alcohol from denaturing plants or bonded dealers' storerooms. The original of the permit is forwarded to the proprietor of the warehouse, plant or storeroom, as the case may be, and a copy is retained in the Office of Plant and Operations.

(1) *Method of acquisition.* Orders should be placed upon the proprietors of the bonded warehouses, denaturing plants, or bonded dealers' storerooms, and each order should bear reference to the permit number. A copy of each order should be forwarded to the Government officer in charge of and located at the bonded warehouse, denaturing plant or bonded dealer's storeroom, from which the alcohol or distilled spirits is to be procured. This will enable the officer to determine that the shipment is proper and that the alcohol or distilled spirits may be released without the payment of taxes.

(2) *Lists of permits.* The permits are effective until superseded or cancelled. They have been issued on warehouses, plants or storerooms located in various sections of the country. Alcohol or distilled spirits should be purchased from such sources when practicable. The list follows:

ETHYL ALCOHOL PERMITS

| *Proprietor and location* | *Permit number* |
|---|---|
| **CALIFORNIA** | |
| Commercial Solvents Corp., Agnew | US–TF–226 |
| U.S. Industrial Chemicals Co., Division of National Distillers Products Corp., Anaheim | US–TF–234 |
| Shell Chemical Corp., Culver City | US–TF–233 |
| **HAWAII** | |
| California Packing Co., Honolulu | US–TF–223 |
| **ILLINOIS** | |
| Commercial Solvents Corp., Chicago | US–TF–227 |
| U.S. Industrial Chemicals Co., Division of National Distillers Products Corp., Tuscola | US–TF–235 |
| **INDIANA** | |
| Commercial Solvents Corp., Terre Haute | US–TF–228 |
| **LOUISIANA** | |
| U.S. Industrial Chemicals Co., Division of National Distillers Products Corp., New Orleans | US–TF–237 |
| Commercial Solvents Corp., Harvey | US–TF–229 |
| **MASSACHUSETTS** | |
| U.S. Industrial Chemical Co., Division of National Distillers and Chemical Corp., 150 Causeway Street, Boston, Mass., Boston | US–TF–343 |
| **MICHIGAN** | |
| Commercial Solvents Corp., Detroit | US–TF–230 |
| **NEW JERSEY** | |
| Commercial Solvents Corp., Newark | US–TF–231 |
| U.S. Industrial Chemicals Co., Division of National Distillers Products Corp., Newark | US–TF–236 |
| **OHIO** | |
| Commercial Solvents Corp., Cincinnati | US–TF–232 |
| **PENNSYLVANIA** | |
| Publicker Industries, Inc., Philadelphia | US–TF–238 |
| **WEST VIRGINIA** | |
| Union Carbide Chemicals Co., Division of Union Carbide Corp., South Charleston | US–TF–225 |

DISTILLED SPIRITS

| | |
|---|---|
| **ILLINOIS** | |
| Hiram Walker & Sons, Inc., Peoria | US–SDS–160 |

SPECIALLY DENATURED ALCOHOL PERMITS

| | |
|---|---|
| **CALIFORNIA** | |
| U.S. Industrial Chemicals Co., Division of National Distillers Products Corp., Anaheim | US–SDS–200 |
| **LOUISIANA** | |
| U.S. Industrial Chemicals Co., Division of National Distillers Products Corp., New Orleans | US–SDS–159 |
| **MARYLAND** | |
| The Warner-Graham Co., Baltimore | US–SDS–161 |
| **PENNSYLVANIA** | |
| Publicker Industries, Inc., Philadelphia | US–SDS–158 |

(3) *Purchase from warehouse, plant, or storeroom not holding a permit.* If it becomes necessary to purchase alcohol or distilled spirits from a bonded warehouse, denaturing plant, or bonded dealer's storeroom not holding a permit in favor of the Department, the location of the warehouse, plant, or storeroom and the name and address of the proprietor should be furnished the Office of Plant and Operations in order that a permit may be obtained.

(4) *Special permit.* The Northern Utilization Research and Development Division of the Agricultural Research Service, located at Peoria, Illinois, holds permit No. US–TF–222, which enables it to ship alcohol free of tax to the Western, Eastern, and Southern Utilization Research and Development Divisions. It may not be used by other agencies of the Department to obtain alcohol.

(b) *Forfeited distilled spirits.* See 5 AR 632.8 for transfer of forfeited distilled spirits.

**§ 4–4.5007 Architectural or engineering services.**

The contract price for architectural or engineering services, such as the production of design, plans, drawings, and specifications for the project, cannot exceed 6 percent of the estimated cost of construction of the project. This limitation (see § 1–3.404) is established by the Federal Property and Administrative Services Act, Section 304(b), which states:

> • • • and that a fee inclusive of the contractor's costs and not in excess of 6 per centum of the estimated cost, exclusive of fees, as determined by the agency head at the time of entering into the contract for the project to which such fee is applicable, is authorized in contracts for architectural or engineering services to any public works or utility project • • •

The "project to which such fee is applicable" has been defined by the Comptroller General in his Decision B–143899 of September 26, 1960, as:

> The project for which the architect-engineer undertakes in his contract to prepare the plans, etc., and not any larger budgetary or other project of which it may form a part. To hold otherwise would allow the architect-engineer's fee to be based on the cost of work for which he rendered no service.

Such professional services exclude preliminary site work such as field surveys, subsurface investigations, etc. If these preliminary services are included in the contract price, the contracting officer shall determine the value thereof and exclude this amount in computing whether the contract is within the above 6 percent limitation. The contract file shall include documentation of such determinations. See also § 1–3.204(b) for additional limitations.

**§ 4–4.5008 Arms and ammunition.**

(a) *Purchase from funds available for field work.* The Act of June 4, 1936 (5 U.S.C. 542b), gives the Department specific authority to use funds available for its field work for the purchase of arms and ammunition whenever (1) the individual purchase does not exceed $50, and (2) for individual purchases exceeding $50, when such items cannot advantageously be supplied on a loan basis in accordance with the procedures outlined in subparagraph b below. If circumstances warrant, purchases may be made from the Department of the Army pursuant to the authority for purchases from other Government agencies under section 601 of the Economy Act, as outlined in Subpart 4–5.56. Arrangements for such purchases may be made directly with the military installation. Otherwise, purchases of arms and ammunition will be made in accordance with the rules governing purchases in general.

(b) *Loans from the Department of the Army for Protection of Public Money and Property.* By the act of August 10, 1956, as amended (10 U.S.C. 4655), the Secretary of the Army is authorized to supply Government agencies with arms, suitable accouterments for use therewith, and ammunition, whenever they may be required for the protection of public money and property, such items to be accounted for to the Secretary of the Army and returned when the necessity for their use has expired. A transfer of funds from the requisitioning agency to the credit of the funds of the Department of the Army shall be made of costs to that agency of all ammunition issued; replacing borrowed arms and accouterments which are lost or destroyed or are irreplaceable; repairing arms and accouterments returned; and making and receiving shipments.

(1) *Clearance for procurement of nonmilitary items.* The Department of the Army, by letter to the General Services Administration (GSA Circular No. 84, of April 5, 1954) has granted a general clearance, under the statute cited above, for agencies to procure, without further reference to or clearance by that Department, all arms and ammunition of types which are not peculiar to the military services, and which are readily procurable in the civilian market.

(2) *Requests for loans.* When it is anticipated that an individual procurement of arms and ammunition of the types peculiar to the military service would cost in excess of $50, the Director of Materiel Readiness, Headquarters, Army Materiel Command, Department of Defense should be requested by letter, for signature of the Director of Plant and Operations, to furnish them as provided in this § 4–4.5008. The request should itemize the articles required, explain the use to be made of them, and give the name and official title of the person to whom delivery should be made. The request shall be sent to the Office of Plant and Operations for review, signature, and forwarding, since that Office is responsible for accounting for such items on loan to the Department.

**§ 4–4.5009 Arts and graphics.**

See "Visual services," § 4–4.5099.

**§ 4–4.5010 Automatic data processing equipment.**

Bureau of the Budget Bulletin 60–6 sets forth guidelines for studies to precede the utilization of ADP equipment. In circular letters both numbered B–115369 dated September 18, 1957 and January 14, 1959, the Comptroller General provides for GAO review of agency utilization studies. Any proposed rental or purchase of this equipment must be cleared in advance with the Office of Management Appraisal and Systems Development, except where exemptions for small rental transactions have been granted to individual agencies by that office. Subject to these restrictions, automatic data processing equipment may be purchased in accordance with the applicable purchasing policies and procedures in this Title.

Agencies may purchase from their appropriations such badges as are necessary to meet their requirements, but before placing any order for dies, a drawing of the proposed badge shall be submitted for approval to the Director of Plant and Operations, together with specifications describing material, size, shape and insignia. (See 1 AR 952.)

**§ 4–4.5012 Calendars.**

In accordance with the Government Printing and Binding Regulations published by the Joint Committee on Printing, Congress of the United States, only standardized Government desk and wall calendars may be obtained at Government expense. Standardized wall calendars are those printed by the Government Printing Office. Standardized desk calendars are those covered by Federal Standard 80d. Schedule and Appointment sheets are not considered to be calendars. Order calendars for Washington, D.C. delivery from Central Supply; otherwise from GSA Stores.

**§ 4–4.5013 Calling or greeting cards.**

The Government Printing and Binding Regulations, published by the Joint Committee on Printing, Congress of the United States, provide that printing of calling or greeting cards is considered to be personal rather than official and shall not be done at Government expense.

(a) *Requirements for use in the District of Columbia and vicinity.* The General Services Administration maintains and operates a Fuel Yard in Washington, D.C. for delivery to Federal agencies of their requirements of solid and liquid heating fuels. All agencies located in the District of Columbia or within approximately 25 miles of the District of Columbia are required to procure their fuel requirements from the Fuel Yard. Details of this service may be obtained from the General Services Administration, Federal Supply Service, Region 3, 7th and D Streets SW., Washington, D.C.

(b) *Carload requirements for field use.* Certain regional offices of the General Services Administration contract for consolidated coal requirements for carload delivery to Federal agencies outside the District of Columbia and vicinity. Agencies of the Department may participate in those contracts by submitting annually estimates of their requirements. After contracts are awarded, each participating agency will be furnished with the necessary contractual information by letter and, as shipments are required, will direct the contractor to make delivery. Payment for deliveries will be made by the ordering agency directly to the contractor. Agencies submitting requirements which are subsequently contracted for by the General Services Administration will be obligated to procure the type of coal under such contracts, but only to the extent deliveries are required. However, agencies should notify the contractor as soon as possible in case the estimated requirements will not be needed due to changes or reconversions in heating equipment, or other reasons.

(1) *Submission of requirements.* Estimates of requirements for delivery during the period July 1, through June 30 of each year shall be prepared on GSA Form 222, Estimated Requirements for Coal. Submit in original only to the appropriate General Services Administration regional offices as set forth below, so as to arrive on or before January 15. A separate requirement form should be prepared for each kind and size of coal required for each delivery point. Copies of GSA Form 222 may be obtained from the General Services Administration regional offices listed below, or facsimiles of the form may be submitted.

(2) *Inspection and testing of coal deliveries.* GSA Regulation 1–VI–401.02 requires that each agency procuring material shall inspect or arrange for the inspection thereof. Accordingly, each agency should take coal samples, for analysis purposes, in accordance with the methods set forth in the latest revision of the Handbook on Coal Sampling issued by the Department of the Interior, Bureau of Mines. (Copies of the handbook may be obtained from the Bureau of Mines, Fuel Inspection Section, 4800 Forbes Street, Pittsburgh, Pa. Coal samples should be forwarded to the laboratory of the Bureau of Mines at the same address for analysis. A charge of $5.00 for each sample submitted will be assessed for performing such analysis. Agencies should therefore furnish the Bureau of Mines with complete billing instructions at the time samples are submitted. Copies of the results of each analysis will be furnished by the Bureau of Mines to the General Services Administration for comparison with the analytical limits guaranteed by the contractor, and, after comparison, a copy of the analysis will be forwarded by GSA to the agency concerned. In the event that the sample does not meet the minimum requirements of the analytical limits specified in the contract, GSA will compute the amount, if any, to be deducted from the contract price and will furnish this information to the using agency, together with the analysis report.

(3) *Names and addresses of procuring offices and States assigned.*

| *Procuring office and address* | *For delivery within the following States* |
|---|---|
| General Services Administration, Federal Supply Service, Region 3, 7th and D Streets SW., Washington 25, D.C. | Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. |
| General Services Administration, Federal Supply Service, Region 5, 219 South Clark Street, Chicago 4, Ill. | Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin. |
| General Services Administration, Federal Supply Service, Region 6, 911 Walnut Street, Kansas City 6, Mo. | Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas. |
| General Services Administration, Federal Supply Service, Region 8, Denver Federal Center, Denver 1, Colo. | Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. |

**§ 4–4.5015 Collection of data from the public.**

Where identical data is to be collected from the public from ten or more persons (other than Federal employees), contract provisions including plans, forms and reporting requirements, shall be forwarded in accordance with 1 AR 561 through the Department Statistical Clearance Office for approval by the Bureau of the Budget. Contracts should include an appropriate provision for such clearance.

**§ 4–4.5016 Commissary operations.**

(a) *By Forest Service.* The Forest Service is authorized to purchase supplies and equipment, or merchandise for its employees on a commissary basis under the provisions of the Act of March 3, 1925 (16 U.S.C. 557). It is the policy, however, to prohibit the use of this commissary authority by employees of the Washington office, regional offices, forest supervisor's offices, and district ranger personnel with the exception of personnel located at field stations and camps and remote country towns and other isolated locations where commercial purchasing facilities are inadequate or lacking.

(b) *In Alaska.* Pursuant to statutory provisions (5 U.S.C. 543a), agencies of the Department are authorized to purchase supplies and equipment for their employees in Alaska on a commissary basis. It is the policy, however, to restrict the use of this authority to locations where commercial purchasing facilities are inadequate or lacking.

**§ 4–4.5017 Concessions.**

4 AR 88 outlines the policy and procedure established for the granting of concessions for the furnishing of commodities and services to employees while on duty, which are essential for their health, comfort, or efficiency, and which cannot be obtained conveniently from nearby existing facilities.

**§ 4–4.5018 Construction on land not owned by the U.S. (Forest Service).**

The Forest Service is authorized to erect permanent facilities on land not owned by the United States, provided, that prior to such erection there be obtained the right to use the land for the estimated life of or need for the structure, including the right to remove any structure erected after the termination of the right to use the land. (16 U.S.C. 571c)

**§ 4–4.5019 Control of insect pests and diseases.**

**§ 4–4.5019–1 Protection of forest lands.**

In accordance with statutory provisions (16 U.S.C. 594–1 to 594–5), materials and equipment (including printing and binding and the purchase, maintenance, operation, and exchange of passenger-carrying vehicles), required for the protection of forest lands from insects and diseases, may be procured without advertising. However, the policies and procedures governing procurement in FPR and AGPR shall be applicable to such functions, insofar as feasible, consistent with efficient operations.

**§ 4–4.5019–2 Cooperative programs of control.**

Procurements of materials and equipment in connection with cooperative programs with authorities of the states, concerned, organizations, or individuals for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs, under authority of 7 U.S.C. 148–148e, may be made from appropriate funds without advertising, and the transportation thereof may be under such conditions and means as shall be determined by the Secretary to be most advantageous. (See 41 U.S.C. 6b(a).) However, the policies and procedures governing procurement in FPR and AGPR shall be applicable to such functions, insofar as feasible, consistent with efficient operations.

**§ 4–4.5020 Control of Mexican foot-and-mouth disease.**

Funds available for the control and eradication of foot-and-mouth disease and rinderpest in Mexico may also be used for the purchase or hire of passenger motor vehicles and aircraft, for printing and binding without regard to the provisions of 44 U.S.C. 111 requiring that such work be done at the Government Printing Office, and for the construction and operation of research laboratories, quarantine stations, and other buildings and facilities. However, the policies and procedures in FPR and AGPR governing procurements generally shall be applicable in making purchases for this program unless otherwise specifically authorized by the Secretary. (21 U.S.C. 114 b and c.)

**§ 4–4.5021 Copying machines and supplies.**

Proposed acquisitions of office-type copying machines, the purchase price or annual rental cost of which exceeds $350, shall be submitted to the Office of Plant and Operations for approval. Proposals shall state in addition to make, model, and cost, the type, variety and maximum size of documents to be copied, the approximate total copies to be made annually, and the basis for determining such quantity, the number and make of copying machines on hand, if any, and the use or disposition to be made of them, and efforts made to share copying facilities of own and other agency offices.

(a) *Diffusion transfer (wet photographic) process.* Only available lowest cost paper and compatible chemicals shall be purchased.

(b) *Electrostatic (dry) process.* Only long grain paper meeting the requirements of Federal Specifications UU–P–221j, Type III (25 percent Rag Bond), and Type IV (Chemical Wood Bond) shall be used on Xerox Electrostatic Copying Machines, Models 813 and 914. These are available through GSA or GPO. The following items furnished by GSA are representative of the two types of papers:

7530–238–0674 Type III, 25 percent Rag. Size 8x10½.
7530–241–0660 Chemical Wood, Size 8x10½.

**§ 4–4.5022 Credit ratings.**

(a) *Information available.* Bound volumes of the published reports by Dun and Bradstreet are available in the National Agricultural Library. Individual credit rating reports may be secured from Dun and Bradstreet, Incorporated, through the Office of Management Services, Division of Administrative Services, Procurement and Property Branch (P&P).

(b) *Procedure for requesting individual reports.* Requests for individual credit rating reports should be submitted, in writing, through agency headquarters to the Office of Management Services, Division of Administrative Services, P&P. Agencies will be billed for the reports furnished at the price charged by Dun and Bradstreet plus a a handling charge.

**§ 4–4.5023 Cultures for soil and fertilizer investigations.**

Purchases of cultures for use in connection with soil and fertilizer investigations may be made without advertising (7 U.S.C. 432) from applicable appropriations.

**§ 4–4.5024 Desks, conference types.**

Such desks shall be acquired only for use in:

(a) Executive offices as defined in § 4–4.5043, or

(b) Offices assigned for the exclusive use of one official where use of this type desk is determined to be the most efficient.

**§ 4–4.5025 Detective agency services.**

The Act of March 3, 1893, 5 U.S.C. 53, prohibits the use of services of any detective agency. This prohibition extends to contracts or agreements with detective agencies and with individual employees of such agencies, regardless of the character of service to be performed, even though the service is not of a detective or investigative nature. (See 38 C.G. 881.)

(a) *Definition.* For the purposes of this section, office-type duplicating and related equipment consists of duplicating machines and related equipment used for "duplicating" as defined in the Government Printing and Binding Regulations.

(b) *Acquisition approval.* Proposed requisitions of office-type duplicating machines and related equipment, including replacements, shall be approved by the appropriate agency property management officer as provided in 5 AR 609.9. Proposed acquisitions of such equipment for use in an authorized printing plant must also be submitted for approval by the Joint Committee on Printing in accordance with § 4–4.5011c. In addition, acquisition of all power-operated collating machines, even when not classified as printing and binding equipment, must be approved in advance by the Office of Information, as required by Information Memorandum No. 19.

(c) *Restrictions.* Duplicating machines using the offset or stencil process and related equipment shall not be acquired for use in Washington, D.C., except upon the prior approval of the Director of Plant and Operations. (See 4 AR 907.)

**§ 4–4.5027 Employees—purchase from.**

(a) *Policy.* Contracts between the Government and its employees are not prohibited generally by statute, but only where an employee acts as an agent both for the Government and the contractor in the transaction of business (see 18 U.S.C. 208) or where the services to be rendered under a contract with an employee is such as could have been required of him in his official capacity (see 5 U.S.C. 69, 70). However, aside from any statutory prohibition, contracts between the Government and its employees are open to criticism for possible favoritism and preferential treatment and should not, therefore, be made except for the most cogent reasons and under no circumstances where the needs of the Government reasonably can be otherwise supplied. The hire or rental of equipment from employees is generally prohibited. The relationship of landlord and tenant between the Government and its employees may be created only when the conditions enumerated in 4 AR 44 are met.

(b) *Approval.* Purchases from Government employees shall be approved in writing by the agency head or his designee for this purpose.

(c) *Exceptions.* The Forest Service may hire or rent property from its employees for use by other than the employee from whom hired or rented, in accordance with 16 U.S.C. 502.

**§ 4–4.5028 Employee death expenses.**

Certain expenses in connection with the death of employees in travel status, or on foreign assignment, including deceased dependents, are allowable. See 7 AR 588–593 for the expenses allowable and the circumstances under which such expenses can be paid.

**§ 4–4.5029 Employees engaged in hazardous work—medical care of.**

Appropriations for the Forest Service shall be available for medical supplies and services, and other assistance necessary for the immediate relief of artisans, laborers, and other employees engaged in any hazardous work under the Forest Service, and for expenses of notifying employees of the death or serious illness of close relatives and, in such cases where no public transportation is available, for transporting the employees to a point where public transportation is available.

**§ 4–4.5030 Employees' graves—care of.**

Appropriations of the Forest Service are available pursuant to (16 U.S.C. 554c), within such limitations as may be prescribed therein, for the expense of properly caring for the graves of persons who have lost their lives as the result of firefighting while employed by the Forest Service.

**§ 4–4.5031 Engineering services.**

See § 4–4.5007.

**§ 4–4.5032 Envelopes.**

(a) *Authority.* The Act of June 26, 1906, as amended (39 U.S.C. 355), directs the Postmaster General to contract for all envelopes required by the executive departments and independent establishments of the Government subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended. In conformance with section 201(a) of the above Act, the responsibility for contracting and related functions with respect to plain and printed envelopes was transferred from the Post Office Department to the General Services Administration effective July 1, 1954.

(b) *Types of envelopes.* General Services Administration periodically enters into Federal Supply Schedule contracts covering numerous sizes and types of plain and printed envelopes for use by the departments and independent agencies of the Government and will contract for interim needs as required. Agency requirements should be limited to these standard sizes and types unless exceptions therefrom are granted by General Services Administration as provided in § 4–4.5032(d).

(c) *Method of acquisition.* Purchases of envelopes covered by Federal Supply Schedule contracts are to be made in the same manner as other Schedule purchases. Agencies in Washington, D.C. are to obtain the following envelopes as indicated:

(1) Standard common use envelopes will be ordered from Central Supply Section stocks.

(2) Plain envelopes not stocked by the Central Supply Section will be ordered, as available, in the following sequence:

(i) From the Government Printing Office, if listed in their catalogue (44 U.S.C. 225).

(ii) From the Federal Supply Schedule in accordance with provisions of mandatory use and minimum ordering quantities contained therein.

(iii) If not available under paragraph (a) or (b) of this section, they may be purchased in the open market.

(d) *Special envelopes.* Requirements in excess of $2,500.00 for envelopes not included in the Federal Supply Schedule are to be forwarded to the General Services Administration in accordance with the instruction in the Federal Supply Schedule.

(e) *Printing on envelopes.* The printing of agency identification, postage and fees paid indicia or penalty clause, whichever is applicable, and "official business" shall be in black or blue ink. The printing of borders, markings, slogans or designs may be included only upon special justification approved by the Bureau of the Budget in accordance with Budget Bureau Circular A–33, Revised. Such special printing requests shall be forwarded to the Bureau of the Budget through the Office of Plant and Operations.

**§ 4–4.5033 Exchange—sale in purchasing.**

See Subpart 4–4.52.

**§ 4–4.5034 Exhibits.**

See § 4–4.5099, Visual services.

**§ 4–4.5035 Experimental, developmental, and testing requirements (Forest Service).**

Advertising is not required for purchases by the Forest Service of (a) material to be tested or upon which experiments are to be made or (b) special devices, test models, or parts thereof, to be used (1) for experimentation to determine their suitability for or adaptability to accomplishment of the work for which designed, or (2) in the designing or developing of new equipment, provided that not to exceed $50,000 may be expended in any one fiscal year, and not to exceed $10,000 on any one item of purchase. (16 U.S.C. 580c.)

**§ 4–4.5036 Explosives.**

In time of war or national emergency, the manufacture, sale, purchase, distribution, storage, use, and handling of certain explosives and explosive ingredients are governed by Federal regulations issued by the Director of the Bureau of Mines pursuant to the Federal Explosives Act, as amended by the Act of December 26, 1949 (50 U.S.C. 122, 142). Although these Federal regulations apply only in time of war of national emergency, in most States there are state and local laws and regulations governing the purchase, sale, etc., of such explosives, and agencies of the Department should be governed by the requirements of the States in which they are located.

**§ 4–4.5037 Extravagant purchases.**

Only such equipment, supplies, or materials as acceptably and economically serve the needs of the Government should be purchased. Purchases of "fancy" or "deluxe" items are not permitted when the requirements of the service can be satisfactorily met by a standard article at less expense. Failure of a procurement officer to observe these restrictions may result in the disallowance of the covering voucher and necessitate his personal assumption of the indebtedness.

§ 4–4.5039 Film processing mailers.

The purchase of film processing mailers at a price which includes the cost of processing the film is prohibited. Such purchases amount to payments for photographic processing prior to receipt of the service and as such involves advance payments in violation of 31 U.S.C. 529. (See Comp. Gen. Decision B–138729, 4–10–59.)

§ 4–4.5040 4–H Club assemblages.

As provided by law (31 U.S.C. 552), funds may be expended to meet expenses necessary for assemblages of 4–H Clubs, called in the District of Columbia or elsewhere, in furtherance of the cooperative extension work of the Department.

§ 4–4.5041 Fuel oil.

See Gasoline § 4–4.5045.

§ 4–4.5042 Furniture and furnishings.

(a) *General.* This section prescribes the methods to be used by Federal agencies in obtaining furniture pursuant to the provisions of Section 1316 of the Supplemental Appropriation Act of 1954 (Public Law 207, 83rd Congress, 40 U.S.C. 483b), and sets forth the determination of the Administrator made pursuant thereto. It also prescribes the procedure to be used in obtaining their requirements, in the continental United States (except Alaska) of new household and quarters furniture, covered by the consolidated purchase program of the Administration.

(b) *Furniture classifications.* For purposes of this section, the applicable classifications and definitions of furniture are:

(1) *Office furniture.* Includes wood and metal furniture normally used in a business office, including executive-type office furniture and furnishings, such as, but not limited to, desks, tables, telephone stands, filing sections, office safes and security cabinets, upholstered leather chairs and davenports, desk trays, waste receptacles, visible record cabinets, vertical-type filing cabinets, folding and tablet armchairs, and folding tables, but excludes such items as desk lamps, rugs, typewriters, office machines, workbenches, and electric accounting machines and components.

(2) *Household and quarters furniture.* Includes furniture normally used in housekeeping and nonhousekeeping quarters, libraries, dens, and reception rooms such as, but not limited to, armchairs, sofas, side chairs, buffets, dining tables, kitchen tables, occasional tables, mirrors, occasional chairs, porch chairs, vanities, wardrobes, and night tables.

(3) *Hospital furniture.* Includes items such as, but not limited to, beds (both adjustable and nonadjustable), overbed tables, bedside tables (cabinet type), ward chairs, and bedside folding screens.

(c) *Determination.* The Administrator of General Services has determined that the requirements of agencies for the purchase of furniture cannot reasonably be met by the transfer of excess furniture, including rehabilitated furniture from other departments and agencies, for the reason that all useable excess furniture including rehabilitated items is being utilized to the extent practicable.

(d) *Acquisition of office furniture.* Office furniture shall be purchased only after agency compliance with the reassignment requirements and replacement standards contained in Chapter 5 of Title 5 of the Administrative Regulations. Otherwise, purchase shall be made in accordance with the procedures applicable to purchases generally.

(e) *Consolidated purchase of new household and quarters furniture.* Agencies shall submit purchase authorities for their requirements for new household and quarters furniture of over $100 not obtainable from Federal Supply Schedule contracts to the General Services Administration, Federal Supply Service, Procurement Operations Division, 7th and D Streets SW., Washington, D.C., 20470. Purchases not in excess of $100 may be made by the acquiring agency.

§ 4–4.5043 Furniture and furnishings for executive office.

(a) *Policy.* It is the policy of the Department to furnish and maintain U.S.D.A. offices in accordance with high standards of presentability, neatness, working efficiency and comfort. Furniture and furnishings should present a conservative appearance avoiding ostentation or impressions of undue rank or authority. In keeping with this policy, the acquisition of more expensive office furniture or furnishings than in general use in the Department shall be limited to that required for executive offices or as approved by the Director of Plant and Operations for other use.

(b) *Definitions*—(1) *Executive office.* An office or suite of offices regularly used by an official in Grade GS–15, or above. A suite of offices shall comprise the office used by the official, the reception room, and offices opening therefrom if they are obviously part of the executive suite and to furnish them in standard furniture would detract from the executive appearance of the office used by the official. Executive conference rooms at national headquarters shall be considered as executive offices.

(2) *Executive office furniture and furnishings.* Executive type office desks, tables, telephone stands and cabinets, wardrobes, fully upholstered leather chairs and davenports, office lamps, desk trays, receptacles, and similar furnishings as exemplified by Federal Standards or specifications which have "Executive Office" as part of their title or description, items classed as "executive line" in the furniture trade and items which cost, new, 60 percent more than standard common-use items. (See 5 AR 611.4)

(c) *Approval.* Acquisitions of executive office furniture and furnishings for executive office use shall be approved in writing by the using official and by the agency head or his designee for this purpose. Proposed acquisitions for other uses shall be submitted to the Director of Plant and Operations for approval.

(d) *Assignment.* Executive type furniture and furnishings shall be permanently assigned only to executive offices except where its appearance or condition is below acceptable standards for executive office use.

§ 4–4.5044 Furnishings for personnel quarters.

(a) *Definition.* Furnishings in personnel quarters include furniture, equipment, and miscellaneous items necessary to provide a reasonable degree of livability in personnel quarters, but do not include household goods, such as linen, cutlery, silverware, dishes, and kitchen utensils.

(b) *Policy.* The policy set forth in Bureau of the Budget Circular A–15, Revised, shall govern acquisition of furnishings for personnel quarters by agencies of this Department.



(c) *Acquisition of furniture.* See § 4–4.5042 for special requirements in connection with the acquisition of furniture.

§ 4–4.5045 Gasoline, fuel oil, kerosene, and solvents.

(a) *Estimated annual requirements.* Estimated annual requirements for delivery within the continental United States (excluding Alaska) for bulk deliveries of gasoline, burner and diesel fuel oil (exclusive of liquid fuels for marine use, and burner fuel oil obtained from the GSA fuel yards in Washington, D.C., see § 4–4.5014), kerosene, and solvents shall be submitted in original only, for each delivery point, on the forms listed below to the Regional Office of the General Services Administration serving the area in which the delivery point is located. Each Administration Regional Office will provide agencies in its area additional instructions for submission of requirements, including deadline dates for submission thereof. Copies of the forms may be obtained from the GSA Regional Offices.

GSA Form 211 Estimated Gasoline Requirements.
GSA Form 212 Estimated Kerosene and Fuel Oil Requirements.
GSA Form 213 Estimated Solvents Requirements.

Estimates of requirements should be based on previous records of consumption whenever available. In case of new delivery points, consumption records of similar installations may be used as guides. In the event that annual estimated requirements at specified delivery points are the same as submitted for the previous year, a statement to that effect will suffice. Unless other acceptable arrangements have been made with the GSA regional office concerned, such statement shall list all delivery points at which requirements are unchanged.

(b) *Minimum quantities.* (1) Minimum quantities furnished to one use-point on one delivery will be:

4 drums—200–220 gallons.
Tank Wagon—200 gallons.
Transport Truck—a full truckload (3,000–7,500 gallons).
Tank Car—a full carload (8,000–12,000 gallons).

(2) Annual requirements which total less than the following minimums for delivery to one use-point shall not be permitted:

Gasoline, 2,000 gallons.
Burner Fuel Oil, 2,000 gallons.
Diesel Oil, 2,000 gallons.
Kerosene, 500 gallons.
Solvents, 500 gallons.

(c) *Mandatory purchase requirement.* Use of Federal Supply Schedule contracts for gasoline, fuel oil, kerosene, and solvents entered into on the basis of requirements submitted to GSA shall be mandatory for the consignees covered in the contracts. In some instances, no awards are made for certain kinds or grades of any of these commodities for some localities. In such cases, the contract schedule usually provides that the purchase may be made from other sources. Consideration should always be given, however, to the comparative cost of other types or grades that may be substituted and that are covered by the contract schedules.

(d) *Distribution of contract schedules.* Contract schedules showing the items available, contractors, etc., are distributed to Department agencies by the General Services Administration regional office for the area in which the ordering office is located.

(e) *Method of acquisition.* The items included in the contract schedules are procured by issuing purchase order in favor of the contractor, as indicated in the applicable schedule. Purchase orders for diesel fuel oil must state clearly whether or not the oil covered by the order will be used for the operation of diesel-powered highway vehicles as such sales are subject to a tax of 2 cents a gallon, imposed by section 202 of the Highway Revenue Act of 1956 (26 U.S.C. 4041). (See § 4–52.181.)

§ 4–4.5046 Gasoline and other items from service stations.

(a) *Purpose.* This section prescribes the policy and procedure for obtaining authorized service station deliveries of supplies and services as defined in Federal Supply Schedule, FSC Group 91, and amendments thereto, by use of U.S. Government National Credit Card, Standard Form 149.

(b) *Use of U.S. Government National Credit Card, Standard Form 149.* National Credit Cards will be used for securing service station delivery of gasoline, oil and other miscellaneous services authorized by the Federal Supply Schedule, FSC Group 91. These authorized supplies and services are shown on the reverse of the credit card. A card will be assigned for each motor vehicle license tag number, and will remain in effect as long as the tag for which it is issued is in use. The card is valid only for the vehicle bearing the tag number shown thereon. Therefore, when a license tag is destroyed or expires, the corresponding credit card must be destroyed. Lost, stolen, or damaged credit cards should be replaced with a duplicate card.

(c) *Billing data.* The information which may be embossed on the cards is limited to five lines with 22 characters, including spaces, per line. National Credit Cards will be embossed as shown in the format explained below:

(1) *Standard format.*

000 000 000 0,
Agency Name,
Street Address,
City, State,
Tag No. A–1234.

(2) *Billing code.* The billing code is a 10-digit number and is always the first embossed line on the credit card. Nine of the digits are assigned by the using agency. The first three digits will always be zeros, which will signify to the contractors that a Federal contract is involved. The fourth digit may be used by the agency to designate the vehicle class; if use of the vehicle class is not desired, zero will be used. (See Vehicle Codes below.) The fifth and sixth digits will be used to designate the Department. All agencies will use the Department's appropriation prefix "12" for this purpose. The seventh, eighth, and ninth digits will indicate the agency address code number. (See Billing Address Codes in § 4–4.5046(c)(4).) The tenth digit will not be assigned by the agency—it is the reject number for use in automatic billing operations by the contractors.

(3) *Vehicle codes.* In order to provide uniformity throughout the Department, the following vehicle codes will be assigned:

1—Sedans.
2—Station Wagons.
3—Busses and Ambulances.
4—Trucks, 4 X 2, 1 Ton or Less (Including Sedan Deliveries and Carryalls).
5—Reserved.
6—Trucks, 4 X 4, Vehicles (Jeeps, Power Wagons, etc.)
7—Trucks, 4 X 2, Above 1 Ton Up to Two and a Half Tons.
8—Trucks, 3 Tons and Over.
9—Special Purpose Vehicles (Firetrucks, etc., not included in SF–82 Reports).

(4) *Billing address codes.* In the interest of uniformity, agencies will assign billing address codes within the following structure, which is not intended to conform with existing station accounting codes:

| | |
|---|---|
| 001–010 | Office of the Secretary. |
| 011–020 | Office of Information. |
| 021–030 | Farmers Home Administration. |
| 031–064 | Economic Research Service. |
| 065–099 | Statistical Reporting Service. |
| 100–199 | Agricultural Marketing Service. |
| 200–299 | Agricultural Research Service. |
| 300–399 | Agricultural Stabilization and Conservation Service. |
| 400–499 | Soil Conservation Service. |
| 500–699 | Forest Service. |
| 700–999 | Reserved. |

Each agency should provide within the framework of its accounting system for the assignment of billing codes to the fiscal offices, so that invoices will go directly to such offices to assure prompt payment.

(5) *Billing address.* The name and mailing address of the agency to which contractors should send invoices covering the purchases of supplies and services is limited to three lines and shall always be the second, third, and fourth embossed lines on the card.

(6) *Tag number.* The tag number of the vehicle for which the credit card is issued is always the fifth embossed line on the card.

(d) *Procurement of Credit Cards.* Orders for 50 or more embossed credit cards shall be obtained from the embossing contractor shown in Federal Supply Schedule, FSC Group 75, Part VII. Orders for 49 or less of the cards shall be obtained from the Chief, Motor Equipment Division at the nearest of the GSA regional offices, except Boston, Massachusetts. Complete billing data for each card ordered will be furnished, in the standard format shown above, to the respective suppliers as follows:

(1) *Embossing contractor.* Each credit card ordered will be listed on a separate 3" x 5" plain white card.

(2) *General Services Administration.* All credit cards ordered will be listed on one or more plain sheets of paper in consecutive order by tag number.

(e) *Notice to GSA of assignment of billing codes and addresses.* Agencies shall notify the General Services Administration, Federal Supply Service, Procurement Operations Division, GSA Regional Office Building, Washington, D.C., 20407, of assignment of credit card billing codes and billing addresses. Such assignment codes will be listed on one or more plain sheets of paper and in the same standard format shown above, except that the tag numbers are not required. Once GSA has been notified of the assignment of billing codes and billing addresses, the agency may order additional credit cards using the same billing code and billing address for additional tag numbers without reporting such use. Changes in billing codes and billing addresses must be furnished to GSA so that supplies and services contractors may be informed for proper control of billing procedures.

(f) *Use of Federal supply schedules.* Federal Supply Schedule, FSC Group 91, and amendments thereto, list mandatory nationwide contracts for service station delivery of gasoline, oil and related miscellaneous services. Multiple awards are made to provide the greatest convenience and practicability in obtaining service throughout the various States and the District of Columbia. Agencies are encouraged to make informal arrangements for discounts from the posted price of gasoline, oil, and services provided in the Schedule. Full details on delivery tickets furnished by service station operators are given in the Schedule. Vehicle operators, however, should verify the volume and dollar and cents meter readings and other charges on delivery tickets at the time of purchase. The copies of delivery tickets will serve administrative and management purposes as determined necessary by the agency.

§ 4–4.5047 GSA controlled space, services and facilities.

GSA Regulation 2–II–304.04, Exhibit 8, Appendix C, and Plant and Operations Memorandum No. 55 establish principles and guidelines for reimbursement for services and facilities incident to the use and occupancy of space in GSA controlled buildings. Related procurement actions should be accomplished consistent therewith.

§ 4–4.5048 Installment purchasing.

Installment purchases are not authorized and contracts of this nature will not be entered into. (Decision, Comp. Gen. to Secretary of Treasury, A–71413, March 4, 1936, Unpublished.) Installment purchases are those where payments are made in deferred installments in the same manner as individuals arrange with credit stores.

§ 4–4.5049 Insurance.

See Subparts 1–10.3, 1–10.4 and 1–10.5; and Subpart 4–10.3.

§ 4–4.5050 Interest.

In the absence of a specific statute authorizing purchasing officers to obligate the Government to pay interest for delay in paying for supplies or materials, purchase conditions should avoid carefully any reference to stipulations predicated thereon. (22 Comp. Gen. 772.)

§ 4–4.5051 Kerosene.

See § 4–4.5045, Gasoline, fuel oil, kerosene, and solvents.

§ 4–4.5052 Livestock products.

See Subpart 4–4.6.

§ 4–4.5053 License plates for motor vehicles.

See § 4–4.5061, Motor vehicles, tags, shields, and other identification.

§ 4–4.5054 Management and operating contracts.

Management and operating contracts are cost-reimbursement type contracts under which the Government contracts with non-profit institutions, private businesses, or universities. Under this type of contract the contractor is required to administer, on behalf of the Government, research or development establishments wholly devoted to Government work or Government research or development programs or to administer and operate Government-owned or leased industrial facilities; or to provide such personal or professional services as are authorized by law. Bureau of the Budget Circular No. A–49, February 25, 1959, contains general criteria for this type of contract. Approval of the Director of Plant and Operations shall be obtained for use thereof.

§ 4–4.5055 Meat inspection tags, labels, etc.

Appropriations for meat inspection may be expended for the purchase (7 U.S.C. 431) of printed tags, labels, stamps, and certificates without regard to laws applicable to public printing.

§ 4–4.5056 Membership fees.

(a) Payment of membership fees or dues from appropriated funds, for any officer or employee of the Government, in any society or association is not authorized except as follows:

(1) Where payment is authorized by specific appropriation or is provided for in express terms in some general appropriation. (5 U.S.C. 83)

(2) Where attendance at meetings are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision or management of those functions or activities. (5 U.S.C. 2318(b))

(3) Where such expenses are incidental to the delivery of lectures, the giving of instruction, or the acquiring of information at meetings by employees or subjects relating to the work of the Department authorized by law. (5 U.S.C. 83)

(b) Fees and other charges may be paid at Government expense where such action is necessary for the direct benefit of the agency. Such payments should be made in the name of the agency. (See 19 CG 937; 24 CG 814; and 33 CG 126.)

§ 4–4.5057 Men with equipment.

In accordance with law (5 U.S.C. 542a) funds available for field work in the Department may be used for the employment by contract, or otherwise, of men with equipment, boats, work animals, and animal-drawn and motor-propelled vehicles. Such services are to be purchased as nonpersonal services.

§ 4–4.5059 Motor vehicles.

(a) *Purchases by the Federal supply service*—(1) *General.* Agencies within the United States, including Hawaii and Alaska, shall procure through the General Services Administration the following new motor-propelled vehicles for the carriage of passengers and freight:

Passenger automobiles, station wagons, carryalls, ambulances, buses, motorcycles, motor scooters, trucks of less than 25,000 pounds gross vehicle weight, and trailers of not less than 5 tons and not more than 12 tons pay load. (See also 5 AR 611.3.)

Purchase authorities for new motor-propelled vehicles shall be placed with the General Services Administration, Federal Supply Service, Procurement Operations Division, 7th and D Sts. SW., Washington, D.C., in accordance with the procurement time schedules in § 4–4.5059(b). Purchase authorities shall be complete as to consignee and shipping instructions; name and address of person, if different from consignee, to receive purchase documents; the appropriation to be charged; and signed by an officer authorized to obligate funds. Upon request, the General Services Administration will procure new motor vehicles not included in the foregoing classifications, in which case, a complete description of the vehicle is to be placed on the purchase authority. Submit separate purchase authorities for each monthly consolidated purchase date shown in § 4–4.5059(b)(2).

(2) *Vehicles covered by Federal Standard 122.* GSA Form 1781, Motor Vehicle Requisition/Code Sheet, should be used to order vehicles covered by Federal Standard No. 122. It should be used as a single line-item requisition wherever feasible.

When equipment shown in the Federal Standard as "Justifiable Option" is requested, the agency must satisfy itself that the vehicle is to be operated under the conditions prescribed for the optional equipment desired. However, no statement of justification is required to be submitted to GSA with the purchase authority.

GSA Form 1781 may be obtained without charge from the General Services Administration, Region 3, Reproduction and Distribution Division, 7th and D Streets SW., Washington, D.C., or from the Administrative Operations Division at the nearest GSA regional office.

(3) *Other vehicles.* Purchase authorities for vehicles not included in Federal Standard No. 122 must include a complete description of the item requested. Deviations from the standard (other than permissible and justifiable options provided therein) in purchasing vehicles of the types and classes covered by the standard, must be approved in advance by the Office of Plant and Operations, in accordance with § 4–1.306–1.

If continuing deviation from the Federal standard is required, requests for changing the standards, supported by adequate justification, should be forwarded through agency channels to the Director of Plant and Operations for transmittal to GSA.

(b) *Procurement time schedules*—(1) *Volume consolidated purchases.* Purchase authorities covering vehicle types included in Federal Standard No. 122 which are received between July 1 and October 15 will be consolidated for purchase in the first volume procurement. Approximately 75 percent of an agency's total annual requirements should be included in this first volume procurement. A second volume procurement will be made to cover all purchase authorities which are received between February 1 and March 31, and should include, insofar as possible, the balance of an agency's total annual requirements.

(2) *Monthly consolidated purchase.* Requirements for vehicles not included in the above volume procurements shall be submitted for consolidation on the dates indicated in the schedule set forth below. Except in emergencies, requirements received too late for consolidation in the current month's purchase will be carried over to the following month's purchase. Requests for special handling of other than strictly emergency requirements shall not be submitted. In the case of an emergency requirement, adequate justification for individual purchase action shall accompany the agency purchase authority.

| *Monthly consolidated purchase* | *Dates* |
|---|---|
| Vehicles covered by Federal Standard No. 122. | 10th of each month. |
| Passenger-carrying vehicles and light and medium trucks not covered by Federal Standard No. 122; ambulances; motorcycles; and motor scooters. | 20th of each month. |
| Buses; trucks of less than 25,000 pounds gross vehicle weight other than above; and trailers of not less than 5 tons and not more than 12 tons payload. | Last day of each month. |
| All other categories and types of vehicles. | Last day of each month except June |



(3) *Bid opening and delivery dates.* Bid opening dates normally will be from 30 to 40 days after the final date for receipt of agency purchase authorities as shown above. Delivery will range from 60 to 90 days after the bid opening date, depending on the type of vehicle. In connection with annual consolidated purchases, bids will be opened at a date which will permit awards to be made for delivery in February, March, and April for the first volume procurement, and in July and August for the second volume procurement.

(c) *Disposal of exchange (trade-in) vehicles.* The practice of soliciting trade-in bids when purchasing new motor-propelled vehicles has been discontinued. Agencies, however, may sell the used vehicles, or request GSA to sell them, and apply the proceeds to the purchase of the new vehicles. Agency requests to have GSA sell used vehicles shall be on memorandum form and directed to the attention of the Sales Branch at the Administration regional office for the geographical area in which the used vehicles are located. The following information regarding each vehicle should be furnished with such requests: Type, make, year, model, accessories (defroster, heater, etc.), engine number, serial number, license number, mileage, condition, appraised value, acquisition cost, location, name and telephone number of the custodian, date when available for release, and the date from which storage charges, if any, will be required to be paid by the purchaser and the rate charged for such storage. The owning agency should identify the accountable officer by name and station, and indicate the symbol of the appropriation to be credited with the proceeds of sale. When the vehicles have been sold, GSA will furnish the owning agency with the pertinent information regarding the sale, including the name and address of the purchaser, and the amount received for each vehicle. (The fiscal procedures applicable to these transactions are covered in 7 AR, Chapter 2.)

(d) *Prompt payment for motor vehicles.* Agencies are obligated to process all Federal Supply Service invoices for the purchase of automotive equipment promptly without awaiting delivery of the equipment. Any financial adjustments that may be necessary after delivery will be made by the Federal Supply Service. (See 7 AR Chap. 2.)

(e) *Delivery of vehicles.* To permit maximum use of multi-level railroad cars, the General Services Administration has adopted a basing point delivery procedure. Basing points are redistribution points where facilities for unloading the multi-level cars are available. Practically all consignee delivery points are within 300 miles of one of these basing points. Redistribution from basing point to consignee is handled by truck-away carrier under General Services Administration contract. Agencies may arrange with GSA to receive vehicles at the basing points, in which case a nominal release charge will be made by the carrier for handling.

(f) *Reporting delivery of motor vehicles.* It is the intention of the Federal Supply Service to furnish the receiving agency sufficient information, in the copy of the purchase order or in some other manner, to determine whether the vehicles received meet the specifications and what servicing, i.e., unloading, lubrication, etc., will be performed under the contract at delivery point. When inspection has been made and it has been determined that delivery and service have been performed according to contract, or any deficiencies have been adjusted, the delivery report should be forwarded promptly to the Federal Supply Service in accordance with receiving agency procedures.

(g) *Missing items or nonperformance of services.* The procedure to be followed when delivery does not conform to contract terms will be governed by conditions as follows:

(1) *Items required for operation of vehicles.* In the case of missing items or servicing required by the contract that must be supplied or performed before the vehicle can be legally or safely operated, such as tail lights, windshield wipers, unloading from cars, lubrication, etc., the receiving agency should:

(i) Try first to obtain such service or items without additional cost to the Government from the local representative of the contractor, if any, at the delivery point or at a point nearby. If this is accomplished satisfactorily, the delivery report should then be submitted with an accompanying explanation of the facts to the Federal Supply Service.

(ii) If the local representative of the contractor can perform the services required, but will not do so without payment therefor, the receiving agency should place an order with such local representative and, when the services have been performed, make payment to him. A claim should then be filed with the Federal Supply Service for an adjustment. The claim should be in the form of a letter containing all pertinent facts, to which are attached receipts from the vendor supporting the amount claimed, and should accompany the delivery report.

(iii) If there is no local representative or if the local representative or agency of the contractor cannot or will not perform the services required, the receiving agency should obtain the items and services from any source available at the lowest cost obtainable, pay for them, and submit claim for adjustment as stated in § 4–4.5059(g)(1)(ii).

(2) *Items not required for operation of vehicles.* In the case of missing items or servicing required by the contract, but not essential to placing a vehicle in operation, such as a sun visor, hub caps, etc., the receiving agency should proceed as outlined in § 4–4.5059(g)(1). If, however, the local representative of the contractor cannot or will not supply the item or perform the servicing required by the contract, all pertinent facts should be reported by letter through channels to the Federal Supply Service. (Do not receipt for and mail the delivery report until all contract requirements have been complied with.) The Federal Supply Service will handle the case with the contractor from that point on and the receiving agency will be duly informed of the action taken. When the vehicles have been finally brought into conformity with the contract terms, the delivery report should be forwarded to the Federal Supply Service.

§ 4–4.5060 Motor vehicle statutory purchasing limitations.

(a) *Statutory requirements.* Section 5 of the Act of July 16, 1914, as amended (5 USC 78), provides that no appropriations shall be available for the purchase or hire of passenger motor vehicles unless the same has been specifically authorized by law. The statutory authority for purchase or hire by the Department of Agriculture of passenger motor vehicles usually is carried in a general provision in the annual Appropriation Acts. That provision covers all the activities for which appropriations or authorizations are made in the Acts, but does not preclude purchase or hire under specific authorizations contained in laws other than the annual Appropriation Acts. (See 6 AR 356 and 5 AR 622 for information on the transfer of passenger motor vehicles.)

(b) *Definition of passenger motor vehicles.* Whether a vehicle is "passenger carrying" within the scope of the statutory limitations must be determined from the character of the vehicle as shown by its construction and design, and not from its intended use. (14 CG 367; 16 CG 260, 320.) Station wagons, ambulances and buses are regarded as passenger carrying vehicles; however, ambulances and buses are not subject to the unit cost limitation. They are subject to the numerical limitations. Additional guidelines for classifying passenger carrying vehicles for purpose of purchase within the unit cost statutory limitation follow:

(1) Vehicles officially described as ¼ ton 4 by 4 trucks (commonly called "jeeps") are not to be considered as passenger-carrying vehicles. (23 CG 955)

(2) Half-ton motor propelled vehicles, purchased for use as trucks, with whatever passenger-carrying capacity represented by seats for passengers eliminated, and listed and described by the manufacturers in the class of trucks, are not to be considered as passenger-carrying vehicles. (24 CG 123)

(3) A motor boat is not "a vehicle" for the purpose indicated above. (22 CG 362)

(4) The suburban carryall is constructed primarily for trucking purposes; and is not regarded as a passenger-carrying vehicle as noted above. (29 CG 213)

(5) General Services Administration considers vehicles of the general description of the four-wheel drive jeep station wagon, as trucks. (29 CG 213)

(6) The Comptroller General in 30 CG 97 deems it impractical to set forth a strictly definitive description of a station wagon type vehicle, due to a wide variance in model, type and structure. However, a station wagon is generally an automotive unit built on a passenger car chassis, for the dominant purpose of carrying from six to nine persons, but so constructed that space, easily accessible from the rear, is provided for the transporting of baggage, hand tools or light

equipment; with upper structure completely and permanently enclosed by windows and doors; with door openings in the rear; with rear seat(s) so constructed that they can be either folded into the floor or easily removed to increase the carrying capacity.

(c) *Establishment of numerical limitations.* Each agency is advised, through the allotment process, of the number of passenger motor vehicles which it may acquire in each fiscal year. For details on the application of the numerical limitations, see 6 AR 356. Instruction for reporting acquisition of passenger motor vehicles is in 6 AR 392.

(d) *Unit cost limitation.* The maximum amount that may be expended for any single passenger-carrying vehicle, exclusive of busses and ambulances, is fixed by law. The cost of the vehicle plus the cost of any added accessories shall not exceed statutory unit-cost limitations as follows, for each fiscal year of acquisition:

For automobiles: 1947—$1,050; 1948—$1,300; 1949 through 1955—$1,400; 1956 and 1957—$1,350; 1958 to 1961—$1,500.

For station wagons: No limitation prior to fiscal year 1957; 1957—$1,800; 1958 to 1961—$1,950.

(e) *Costs included in limitation*—(1) *Removable accessories.* Cost of all accessories shall be included as a part of the unit cost limitation provided such accessories when used are ordinarily permanently attached to and become part of the vehicle. However, skid chains, fire extinguishers, safety flares, auto robes, and removable seat covers are not required to be included in such limitation. (19 CG 988)

(2) *Unit transferred to another climatic area.* The purchase of heaters or other accessories to be installed on these vehicles, not previously equipped with such, is not authorized when the cost thereof, together with original cost of the car and accessories previously installed thereon, exceeds the statutory unit cost limitation (17 CG 640). However, recognizing that cars may be purchased without heaters for delivery in warm areas and such vehicles later transferred to colder areas where heaters are needed, the Comptroller General has made the following exception. In such cases, after bona fide operation under the conditions contemplated at time of purchase, a heater may be purchased for a unit transferred to a cold climate area where a heater is required, without a showing that such purchase is not in contravention of such unit cost limitation. A statement citing the transfer and the need for the heater at the new location shall be filed with the purchase document. (28 CG 720)

(3) *Time discount.* Discount offered for prompt payment is not to be deducted from the unit cost for purposes of keeping such cost within the statutory limitation.

(4) *Federal Excise Tax.* The Federal Excise Tax paid on sales of passenger-carrying vehicles to the United States is regarded as a part of the purchase price and is to be included within the statutory limitation. (24 CG 94)

(5) *Transportation cost.* Cost of transportation is not to be included within the unit cost statutory limitation. Where destination prices, only, are quoted, there properly may be deducted from the amount of the bid the actual cost of transportation from factory to destination by the route and method most advantageous to the Government. Where prices are quoted for delivery at an intermediate point, there may be deducted the cost of transportation from factory to such intermediate point. Any packing necessary is considered a part of the transportation cost. (14 CG 82; 16 CG 43; 17 CG 580; 17 CG 854)

(6) *Conversions for special use.* Conversions to adapt the vehicles for special use constitute a part of the price of the unit "completely equipped for operation" and the cost thereof is included in the statutory limitation. (24 CG 94)

(f) *Administrative limitations.* Limousines or heavy sedans shall not be acquired or rented unless authorized by the Director of Plant and Operations. For this purpose, limousines and heavy sedans are defined as those exemplified by Types IV and V of Interim Federal Specification KKK–A–00811c.

(g) *Replacement standards for motor vehicles.* Replacement standards prescribed by the General Services Administration are outlined in 5 AR 611.3.

### § 4–4.5061 Motor vehicle tags, shields, and other identification.

(a) *Decals.* (See 5 AR 880 relative to requirements for identification of motor vehicles.) The Central Supply Section, Office of Plant and Operations, procures Official U.S. Government decalcomania shields (with the legend "For Official Use Only") for Department-owned or leased automotive vehicles from the General Services Administration Region 3, Federal Supply Service, Washington, D.C., and stocks them for the use of agencies both in Washington and in the field. Decalcomanias for "Department" and "agency" identification should be purchased by the using agency, through the channels established for the flow of printing requisitions, from the Government Printing Office.

(b) *Tags.* (1) The Central Supply Section procures from the Superintendent of Industries, D.C. Department of Corrections, Lorton, Va., (in accordance with current regulations of the General Services Administration), and stocks official U.S. Government tags for use on motor vehicles in the field.

(2) Tags for vehicles located and operated in the District of Columbia are to be procured by the agency owning the vehicles from the Department of Vehicles and Traffic of the District of Columbia Government without charge at the time the vehicles are registered or re-registered (see 5 AR 864 and 871).

(3) Motor vehicle letter identification tabs for use with tags issued by the District of Columbia Government (see 5 AR 871), shall be procured by each agency from the General Services Administration, Region 3, Washington, D.C., 20407.

### § 4–4.5062 National defense contracting.

(See Parts 1–17 and 4–17 of this title.)

### § 4–4.5063 Nursery stock.

See Tree Seed, § 4–4.5094.

### § 4–4.5064 Oil, lubricating.

The Defense Petroleum Supply Center each year awards consolidated contracts covering lubricating oils and transformer oil in drums (50–55 gal.), bulk, or tank wagon delivery for all Federal activities in the continental United States (including Alaska).

(a) *Submission of estimates.* The Fuel Supply Office, Department of the Navy, annually requests the Department for estimates. Instructions for the submission of estimates will be provided agencies annually by the Office of Plant and Operations, pursuant to the above request.

(b) *Types of oil covered.* The DPSC contracts cover practically every type of lubricating oil for which there is a need by Federal activities. The contracts do not, however, cover greases, hypoid gear lubricants, nor oil for use in sewing machines, typewriters, adding and calculating machines, or other office machines.

(c) *Use of contracts.* Agency requirements for lubricating oils covered by DPSC contracts shall be obtained by following the methods specified in the applicable "Oil Contract Bulletin," which is issued by DPSC to cover each fiscal year. Instructions for use of the bulletin and the general provisions contained therein should be carefully reviewed. Purchases may be made independently of such contracts when (1) the maximum single order is less than the minimum quantity obtainable under the DPSC contracts, (2) container sizes required are smaller than those available from DPSC contracts, or (3) purchase without regard to existing DPSC contracts is otherwise authorized. However, any other mandatory sources from which the product required is obtainable should be utilized.

(d) *Requests for assistance.* Requests for assistance in the selection of appropriate lubricants or for clearance to purchase without regard to DPSC contracts should be made to the Department of the Navy, Fuel Supply Office, Washington, D.C.

### § 4–4.5065 Paper and paperboard.

Requirements for paper and paperboard stocked by the General Services Administration stores depots should be obtained from that source. Otherwise, needs should be obtained from the Government Printing Office or purchased from commercial sources in accordance with Subpart 4–5.54.

### § 4–4.5066 Personal articles.

Expenditures from appropriations available for the procurement of supplies and materials or equipment may be made for the purchase and maintenance, in accordance with agency procurement policies and procedures, of special clothing and equipment for the protection of personnel in the performance of their assigned tasks. "Protection," as used in this Section means protection from physical injury or occupational disease. Articles of personal equipment other than for the protection of personnel shall not be purchased from an appropriation of the Department (a) without specific statutory authority, or (b) unless the object for which the appropriation was made cannot be accomplished as expeditiously and satisfactorily from the Government standpoint without such equipment, and the equipment is such that the employee could not reasonably be required to furnish it as a part of the personal equipment necessary to enable him to perform the regular duties of the position to which he was appointed or for which his service was engaged. Care should be exercised to avoid the purchase of special clothing or equipment to be fitted to an employee when it is known that the employee may soon be separated from the service or permanently assigned to other duties. (5 U.S.C. 118g) (See also 3 Comp. Gen. 433 and 32 Comp. Gen. 227.)



### § 4–4.5067 Personal interest in purchases.

Except as may be specifically authorized pursuant to the Department Personnel Manual, no officer or employee of the Department may participate personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise, in a purchase or contract in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest. This is a statutory provision, violation of which is punishable by a fine of not more than $10,000, or imprisonment for not more than two years, or both. (See 18 U.S.C. 208 and Department Personnel Manual Chapter 735, paragraphs 3–3 and 3–17, for statutory restrictions and implementing regulations and rules of ethics for conduct of public business.)

### § 4–4.5068 Procurement of personal services.

(a) *Definition.* For the purpose of this section "personal services" refers to those services rendered the Government by an individual or individuals under Government supervision and on a time basis.

(b) *General rule.* As a general rule, personal services may not be obtained upon a contractual basis but are required to be performed by Government employees who are responsible to and subject to supervision of regular officers and employees. Exceptions to such rule have been recognized in a few cases where employees were not available or qualified to perform the work and where necessitated by unusual conditions encountered in the accomplishment of an object for which a particular appropriation was made—see § 4–4.5068(c). The Department has been given specific statutory authority for contracting personal services as stated in § 4–4.5068(d). Otherwise the general rule herein must be strictly observed.

(c) *General authorization for procurement of personal services.* Agencies are authorized to purchase personal services where it is administratively determined that it would be substantially more economical, feasible or necessary by reason of unusual circumstances to have the work performed through use of procurement procedures and these factors are clearly demonstrable. This authority may be generally utilized only where no qualified employees are reasonably available and the conditions requiring the work are clearly unusual. Factors to be considered in determining whether the conditions faced are unusual include emergencies, short duration of the work and the like. In special circumstances this authority may be utilized even though Government employees are available but in such cases there must be a clear showing of significant economy, feasibility or necessity. (6 Comp. Gen. 180, 21 Comp. Gen. 403, 26 Comp. Gen. 791, 31 Comp. Gen. 372, 510, and 32 Comp. Gen. 427.)

(d) *Utilization of specific statutory authority.* Statutes specifically authorizing the employment of personal services by contract by this Department are as follows:

5 U.S.C. 542a.

5 U.S.C. 55a and 574 (where use of the authority is provided for in the appropriation act.) (See §§ 4–52.104 and 4–52.120.)

7 U.S.C. 1627.

Employment of personal services of an individual under these authorities, other than 5 U.S.C. 542a, is covered in Chapter 302, Subchapter 1–8, of the Department Personnel Manual. Personal services of an organization may be contracted for by agencies where authorized by the above statutes and purchase is otherwise in accordance with the regulations in this chapter. In such cases, formal advertising is not required but there must be reasonable price inquiry.

(e) *Services considered essentially non-personal.* As a general rule, a contract is for non-personal services when the contractor is not to work under Government supervision, and his services are not to be paid for on a time basis. The furnishing of professional or technical services where qualified Government employees are not readily available and where no Government supervision is involved, is generally classed as non-personal services. (These services usually result in a product such as engineering field data, exhibits, building designs, lectures, etc., and are normally performed on a fee basis.) Temporary services performed by those in the mechanical trades such as plumbers, electricians, etc., for the performance of a particular job on a time or job basis are customarily considered non-personal services. (6 Comp. Gen. 180, 11 Comp. Gen. 99, 26 Comp. Gen. 188, 468, 28 Comp. Gen. 296, 31 Comp. Gen. 510, and 33 Comp. Gen. 170.)

(f) *General.* Determination may be difficult in some cases as to whether procurement procedures, special contracting authorities, or employment authorities may be used. In such cases advice should be sought from the Office of Plant and Operations, or the Office of Personnel as appropriate. For requirements for advertising contracts for professional and personal services, see §§ 1–3.204 and 4–3.204.

### § 4–4.5069 Photography.

See § 4–4.5099.

### § 4–4.5070 Post office box rental.

Post office boxes may be rented on an annual basis, or for shorter periods by quarters where necessary. Payments for annual rentals are to be made in advance at the beginning of the fiscal year, and for periods of less than a year either in advance for the whole period, or at the beginning of each quarter in which the box is to be used. (See 7 AR 91 and 25 Comp. Gen. 834.)

### § 4–4.5071 Printing and binding.

Agencies may expend from appropriated funds, necessary amounts for contract field printing as defined in the Printing and Binding Regulations issued by the Joint Committee on Printing. The following certification, signed by the officer under whose authority the field printing is procured, shall be typed or printed on, or will accompany all vouchers involving payments for contract field printing:

I hereby certify as responsible officer that the contract field printing covered by this voucher was procured in accordance with the applicable Government Printing and Binding Regulations of the Joint Committee on Printing.

This certificate must be signed by the responsible officer under whose authority the contract field printing is purchased. All other printing requirements are to be requisitioned from the Government Printing Office through the Office of Information.

### § 4–4.5072 Printing equipment.

(a) *Authority.* Pursuant to the authority conferred upon it by the act of March 1, 1919 (44 U.S.C. 4 and 111), the Joint Committee on Printing promulgated regulations which restrict the purchase, rental, exchange, or transfer from another agency or to or from plants within an agency of printing, binding, and related or auxiliary equipment, without its prior clearance. However, repairs to and replacement of equipment in authorized printing plants with like items may be effected without prior clearance from the Committee.

(b) *Definition.* For the purpose of this section, "printing equipment" is all equipment so classified by the Joint Committee on Printing and listed in the Government Printing and Binding Regulations published by the Committee. Printing and binding equipment also includes office type duplicating and related equipment when such equipment is to be operated in connection with an authorized printing plant. A printing plant is defined in the Government Printing and Binding Regulations. Any question as to whether or not a particular item is classified as printing and binding equipment should be presented to the Printing Branch, Office of Information, for clarification.

(c) *Acquisition approval.* Proposed purchases, rentals, exchanges, or transfers (other than for the purpose of replacing a like item in an authorized printing plant) of printing, binding, and related or auxiliary equipment must be submitted to the Joint Committee on Printing for approval. Requests for approval should be prepared for the signature of the Director of Information as outlined in Title 3 of the Administrative Regulations, and sent to the Office of Plant and Operations for review and forwarding to the Director of Information. (See 5 AR 696 on the transfer and other disposal of printing equipment.) Occasionally, there appear on the market certain types of printing, binding, and related auxiliary equipment utilizing newly developed or improved processes or new principles of operation. Proposed purchases of such equipment must also be submitted to the Joint Committee in order that determination may be made as to whether or not such items come under the classification of printing equipment. Although replacements of printing, binding, and related auxiliary equipment in an authorized printing plant do not require approval of the Joint Committee, such replacements do require prior approval of the Office of Information, as provided in Title 3 of the Administrative Regulations and Information Memorandum No. 19.

**§ 4–4.5073 Property forfeited and/or abandoned.**

See 5 AR 632.

**§ 4–4.5074 Public utility services.**

(a) *General policy.* As authorized by Title 7, Section 4510, GAO Manual, contracts need not be executed for public utility services, regardless of the amount or the number of payments to be made, when the utility company's rates are fixed or adjusted by Federal, State, or other regulatory body, except when deemed to be in the best interests of the Government to do so. Rate schedules will not be required for any type of public utility when the invoice or billing includes (1) the total amount of service rendered, (2) the rate charged per unit of service, and (3) the total amount of the charges, or is supplemented by supporting data which set forth detailed charges for all types of services. However, when the utility company requires the execution of an agreement or contract in connection with furnishing the services, a Government contract form must be used, as provided in § 4–4.5074 (b). (This should not be construed as requiring an agreement or contract when the company request a signature on a routine order for the services.) Such agreements or contracts may provide that the services may be at stipulated rates "until further notice." (15 Comp. Gen. 920). When the rates for the service required are not regulated or adjusted by Federal, State, or other regulatory body, the service is available from more than one company, and the aggregate amount involved will exceed $2,500, competitive bids should be solicited and a contract awarded.

(b) *Form of contract or agreement.* When it is necessary or desirable to enter into a contract for any reason indicated in paragraph (a) of the section, the form of contract or agreement shall be as indicated below. Any contract entered into should be numbered and retained for GAO audit. Form AD–225 is for use when it is necessary or desirable to enter into a written agreement for water, gas, electricity, telephone, or other public utility services, and competition is not involved. Otherwise, Forms prescribed by Parts 1–16 and 4–16 may be used to obtain competitive bids.

(c) *Payments for public utility services.* Each agency should take appropriate administrative action to provide procedures which will insure verification by responsible officers or employees that the services have been rendered for the periods stated on the invoice or statement. (See 7 AR 90 (sub. 1) and 93 for payment of public utility services.)

(d) *GSA utility service contracts.* (See GSA Reg. 2–IX–401 concerning contracting, negotiation, and representation involving telecommunications services.) When the General Services Administration has entered into a contract for utility services to be furnished to agencies in Washington, elsewhere in the United States, or in possessions of the United States, each agency in the area covered by such contract shall take utility service thereunder unless specifically exempted by statute or the General Services Administration. "Utilities services" include, without limitation, all public utility services such as water, light, heat, and power by electricity, gas, and steam; communications by telephone, telegraph, teletypewriter, cable and radio, and facilities for such services. (See 4 AR 1102, 1103, for procedures for obtaining clearance on proposed installations of telephone or teletypewriter service.) Contracts of the General Services Administration automatically require contractors to provide service under such contracts only and not enter into a separate contract with an agency seeking service. Should there be any existing agency contracts for these utility services in the same area they should be canceled at the next regular billing period and arrangements made for continuing service under the contracts of the General Services Administration. If it is impracticable, however, for an agency to take such utility service, the matter should be taken up with the Office of Plant and Operations. All public utility service contracts are made by the General Services Administration Headquarters Office in Washington, D.C., and information concerning such contracts may be obtained by agencies from the Office of Plant and Operations.

(e) *Ordering telephone service.* (1) Standard Form 145, Order for Telephone Service, has been prescribed by the General Services Administration for use in ordering telephone service under the following circumstances:

(i) Ordering service on Government switchboards. See 4 AR 1110 for use of SF–145 in Washington, D.C.

(ii) Ordering service under established GSA contracts.

(iii) Ordering service from Government agencies operating joint-usage switchboards.

(iv) Orderng service under arrangements made by agencies of the Department and no contract is entered into in accordance with § 4–4.5056(b).

(2) Standard Form 145 may be obtained from the Central Supply Section, Office of Plant and Operations, or from Regional Supply Depots of the General Services Administration.

**§ 4–4.5075 Publications.**

(a) *General.* Requirements for published material, including books, periodicals, etc. (except newspapers), not available by assignment from the Department Library, may be purchased by the agencies under authority which has been granted by the Director of the Library. Such purchases are to be made in accordance with standard purchasing procedures. However, the material acquired is subject to the regulations of the Library governing the handling of library material. (See 2 AR 51–56.)

(b) *Newspapers.* Agencies may purchase single issues of or subscriptions to newspapers. Such purchases should be limited to newspapers containing useful data such as price quotations, statistical information, and current indices of trends in commodity operations. Whenever practicable, newspapers carrying approximately the same news in a local area should be subscribed to on a rotating basis rather than simultaneously. No newspapers shall be purchased for the personal use of an employee.

(c) *Advance payment of subscription charges.* In accordance with statutory provisions (31 U.S.C. 530), subscription or other charges for newspapers, magazines, periodicals, and other publications for official use of the Department, may be paid for in advance from appropriations available therefor. (See 7 AR 94 for details on this subject.)

**§ 4–4.5076 Purchasing officer interest in employee purchasing association activities.**

Regulations on the conduct of employees in Department Personnel Manual, Chapter 735, subchapter 2–6, provide, among other things, that employees of the Department shall not perform or be engaged in any work for private organizations if such work may be construed by the public to be the official acts of the Department, or may result in a conflict between such private interests of the employee and his official duties. In view of this regulation, employees of the Department regularly engaged in procurement for the Department may not hold offices in employee purchasing associations.

**§ 4–4.5077 Radiation equipment and radioactive material.**

(a) *Definitions*—(1) *Radioactive material.* Radioisotopes, fast neutron sources (e.g., moisture meters), any other source, whether sealed or unsealed, which naturally or as a result of artificial inducement spontaneously emits radioactive particles and/or rays, and any device incorporating such a source.

(2) *Radiation equipment.* Electron microscopes, X-ray and such other equipment and instruments which are capable of creating radiation hazards.

(b) *Restrictions.* Prior approval of the Radiological Safety Committee, Agricultural Research Service must be obtained for the acquisition, use, or disposition of this material. (See 1 AR 115 n. and 1 AR 376–386.2.)

**§ 4–4.5078 Recreational equipment.**

The furnishing of recreational and entertainment facilities for Government personnel is unauthorized in the absence of specific statutory authority or authority by necessary implication. (18 Comp. Gen. 147.) The following authorization has been given this Department:

The Forest Service is authorized to expend from available funds not to exceed $35,000 annually for providing recreation facilities, equipment, and services for use by employees of the Service located at isolated situations and, where deemed to be in the public interest, by members of the immediate families of such employees. (16 U.S.C. 554d.)

**§ 4–4.5079 Refrigerators.**

As used in this section, "refrigerators" means all new portable commercial and household refrigerators (exclusive of gas operated refrigerators 4 cubic feet and under) and low temperature storage cabinets, with self-contained electric or gas units in conformance with applicable Federal Specifications or specifications furnished by the requisitioning agency when the requirement is not covered by a Federal Specification. Purchases, within the continental United States (including Alaska), for agencies of the Department, will be made by the consolidated purchase program of the General Services Administration. Purchase authorities for these items shall be submitted to General Services Administration, Federal Supply Service, National Buying Division, 7th and D Streets SW., Washington, D.C., and shall be complete as to specification requirements, required delivery dates, shipping instructions, and any other pertinent information. Requisitions will be accumulated by the National Buying Division during the period from the 16th day of each month through the 15th day of the following month and then consolidated for issuance of invitations for bids.

**§ 4–4.5080 Rental of equipment.**

(a) *Policy.* When the need for equipment is so limited as to make it uneconomical to purchase, such equipment may be rented or obtained on loan.

(b) *Advertising.* The provisions of Subpart 1–2.1, requiring advertising for supplies or services, is applicable to rental of equipment. (See 18 Comp. Gen. 579.)

(c) *Written contract.* As a matter of good business, rental or loan arrangements should be covered by a written order, contract, or agreement, regardless of the amount involved, thereby fixing the responsibilities of the parties concerned.

(d) *Special contract provisions.*—(1) *Operating supplies.* In the case of motorized equipment the specifications should state clearly whether the Government will furnish gasoline, fuel oil, lubricating oil, etc.

(2) *Repairs by the Government.* The contract should be specific as to which party shall be responsible for repair and maintenance of the equipment and the liability and extent of loss assumed by each. If the Government is to assume this responsibility, it is desirable to establish a monetary limit of liability therefor, such as not to exceed the value of the equipment being rented. The contract may provide for the assumption of liability for the equipment during the period it is in the Government's possession. Funds may be expended by the agencies for necessary repairs so long as the property continues in use by the Government. After the property has served its purpose, however, if there is damage to or loss of the property, a claim for such damages must be referred to the General Accounting Office for settlement unless the obligation of the Government is liquidated by the contract. For example, the contract may place a value on the property to be paid in the event of total loss.

(3) *Rental period.* The rental should be for a definite period of time and be such as would not carry it beyond the time for which an appropriation is available. However, if the basis of payment is in terms of hours, days, etc., requirements may be stated in terms of estimates when the exact requirements are not known.

(e) *Purchase option in rental contracts.* When there is reason to believe that conditions may require continued use of the equipment to the extent that rental would be uneconomical, bidders may be asked to indicate in their bids at what price they would be willing to sell the equipment should the Government elect to purchase at a later date prior to the expiration of the rental agreement. Bidders should be asked also to indicate how much of the rental price may be applied against the purchase cost. Award of bids for rental-purchase of equipment should be based entirely upon the price and conditions of rental as the purchase may or may not be effected. (See 15 Comp. Gen. 1136.)

**§ 4–4.5081 Rental of equipment from Forest Service.**

The Forest Service may rent equipment to other Federal agencies at rates sufficient to cover the cost of the repair, maintenance, and depreciation thereof. (16 U.S.C. 578, 580.)

**§ 4–4.5083 Returnable containers.**

(a) *Trade custom.* Supplies are sometimes furnished in containers that are of such construction that they can be used repeatedly. Contractors very often do not include such containers in the sales contract, but loan or rent them to purchasers of their products, and it is desirable that the bid invitations provide for such loan or rental, and payment of cash value in case of loss or damage while in the possession of the Government. Contractors customarily loan such containers free for certain designated periods, such as 30, 60, or 90 days, after which there is a rental or demurrage charge for containers not returned before the end of the free period. The containers are usually numbered for purposes of identification.

(b) *Demurrage computations.* Frequently long periods elapse before some containers are emptied and returned, and if payment is made for demurrage of each container, considerable demurrage would frequently occur. Accordingly, provisions should be made in the bid for the return of the containers and payment of demurrage under the "quantity basis" system. For example, with a 30-day free period, if 10 containers obtained July 1 are held for 45 days, and 10 obtained July 13 are held 15 days, no charges accrue under the "quantity basis", because 10 containers will have been returned at the close of July and the remaining 10 can be held until August 16. If demurrage had been payable on each individual container, there would have accumulated 150 days demurrage on the containers obtained July 1 and returned August 15, even though the 10 obtained July 15 were returned when only half the allowable free period had expired. (See 17 Comp. Gen. 301.)

(c) *Suggested provisions for invitation to bid.* There are quoted below suggested clauses covering containers, including oxygen and acetylene gas cylinders:

*Containers.* Bidder must fill in completely the blank spaces below:

Containers owned by the contractor shall be loaned free of rental charge for a period of ------ months. After the period of free use a rental of $---------- per month per container will be paid for their use by the Government for not to exceed ------ months. Provided: that where a record of the serial numbers of individual containers is not kept by the contractor, demurrage payments may be made on the quantity basis. All containers not returned to the contractor within the periods of free use and rental will be paid for at the rate of $---------- each, all rental charges in such cases to be applied as part of said price, and the Government to own the containers outright. All empty containers which are not retained and paid for will be returned to the contractor, transportation charges prepaid by the Government.

*Gas cylinders.* Bidder must fill in completely the blank spaces below:

Cylinders shall remain the property of the contractor and shall be loaned to the Government for a period of 30 days after the date of shipment of cylinders from contractor's plant. Beginning with the first day after the expiration of the 30-day free loan period, there will be charged, and the United States agrees to pay the contractor, a rental at the rate of $---------- per cylinder per day for the use of the cylinders not returned to the contractor.

All cylinders not returned to the contractor on or before the expiration of a 90-day rental period or lost or damaged beyond repair while in the possession of the United States Government shall be paid for by the United States to the contractor at a replacement value of $---------- for each oxygen cylinder of 200 to 220 cubic feet capacity and $---------- for each acetylene cylinder of 200 to 250 cubic feet capacity.

Cylinders retained or lost and so paid for shall be considered the property of the United States. But if and when located they may, at the option of the Government, be returned to the contractor and, in such

event, credit shall be allowed to the Government at the replacement value paid, less rental at the rate of ------ cents per day beginning at the expiration of the free loan period as aforesaid to the date upon which cylinders are turned over to carrier for return to the contractor's plant.

**§ 4–4.5084 Rugs.**

Agency property management officers shall establish standards of quality and colors for rugs to be acquired for agency use. Rugs may be acquired wherever agency property management officers determine they are needed for adequate floor covering in terms of executive office appearance, accoustical treatment, or otherwise in the interest of economy and efficiency. (See 5 AR 591.)

**§ 4–4.5085 Serums.**

See § 4–4.5095.

**§ 4–4.5086 Sidewalks, curbs, or street paving.**

Funds available to the Forest Service are available for expenses of, or payment of assessment for, construction of sidewalks, curbs, or street paving along the boundary of Government-owned residential or otherwise improved lots. (16 U.S.C. 555b.)

(See § 4–52.146.)

**§ 4–4.5087 Solvents.**

See § 4–4.5045.

**§ 4–4.5088 Space studies, layouts, and interior design.**

Interior office design or space layout services may not be procured from non-Federal sources without prior approval of the General Services Administration. (See GSA Reg. 2–II–101.05.) Where in the discharge of its responsibilities for efficient use of space, an agency requires such services, they should be requested from the appropriate GSA regional office. Any problems encountered in satisfying requirements for space studies and interior design assistance should be referred to the Office of Plant and Operations.

**§ 4–4.5089 Standard forms and blankbook work.**

(a) *Forms.* The regulations of the Joint Committee on Printing and those of the General Services Administration, issued pursuant to the Federal Property and Administrative Services Act of 1949, as amended, require that standard forms be obtained from the GSA supply centers. By arrangement with the Government Printing Office, GSA also stocks for issue as supply items other forms commonly used by Federal agencies, such as miscellaneous forms, Civil Service Commission forms, etc. Agencies shall therefore obtain from the regional supply centers, in accordance with established procedure covering the requisition of any regular supply item, such forms as are listed in the GSA Store Stock Catalog, except as provided below, or otherwise specifically authorized:

(1) Requirements in the District of Columbia will be filled from stocks of the Central Supply Section, as provided in § 4–5.

(2) Standard forms which require overprinting, serial numbering, or other alteration, and those requiring paper of a different grade, weight, or color, will be obtained from the Government Printing Office through the Office of Information, as provided in § 4–5.54.

(3) Orders for large quantities of forms which GSA is unable to fill from stock at either the region with which the order is placed or Region 3, Washington, D.C., will be ordered by GSA from the Government Printing Office for production and direct delivery to the requisitioning agency, when feasible, and when the size of the order justifies a separate printing. Government bills of lading, if required, will be furnished by GSA. In such cases, the GPO will bill GSA for the forms shipped and GSA will collect from the receiving agency.

(b) *Blankbook work.* Miscellaneous supplies, commonly known as blankbook work, such as stenographers' notebooks, ruled cards, stock columnar pads, etc., are also stocked by GSA supply centers, and are listed in the Store Stock Catalog. Agencies should obtain their requirements of such supplies from the supply centers, except for Washington, D.C., needs, which will be obtained from the Central Supply Section.

(1) *Waiver.* The Government Printing & Binding Regulations, issued by the Joint Committee on Printing, provide that blank books not available through GSA but regularly carried in stock by commercial dealers and which require no printing and/or binding operation after receipt of order may be procured without obtaining a waiver from the Government Printing Office: *Provided,* That no order or orders issued by a purchasing office for each type of blank book exceeds $500 in any one year.

**§ 4–4.5090 Stenographic reporting.**

Under authority of the Department of Agriculture Organic Act of 1944 (5 U.S.C. 55a and 520a), the Department is authorized to purchase stenographic reporting services. Such services will be purchased in accordance with the rules governing purchases in general. The Department enters into a contract each year covering stenographic reporting service in the continental United States which provides for the transcribing of records of all public hearings conducted by the Department. That contract shall be utilized for stenographic reporting services required at all public hearings in connection with quasi-judicial, quasi-legislative, and other administrative proceedings. Term contracts for reporting services are also entered into by the General Services Administration and other Government agencies. These latter contracts may be used for proceedings not covered by the Department contract; such as for security hearings, meetings, conferences, etc. Information concerning reporting services provided for under existing contracts may be obtained from the Procurement and Contract Management Division.

**§ 4–4.5091 Telephones in private residences (Forest Service only).**

Under certain conditions, appropriations of the Forest Service are available to pay for telephone service installed in residences of employees and of persons cooperating with the Forest Service. 16 U.S.C. 580F.

**§ 4–4.5092 Trading stamps, redeemable coupons, etc.**

(a) *Purpose.* It is the purpose of this section to state policy and procedures for the receiving, handling, and disposition of trading stamps, redeemable coupons, trade incentive items, etc., offered by suppliers as a means of granting a discount on purchases from them or as an inducement to trade with such suppliers.

(b) *Authority.* GSA Circular No. 190, Revised; Comptroller General Decision B–128098 (unpublished) of April 14, 1960.

(c) *Policy.* It has been indicated by the Comptroller General that the giving of trading stamps is a means of granting a discount for cash payment of small purchases. Accordingly, trading stamps, redeemable coupons, and the like, must be accepted unless their official utilization would obviously be impractical and economically unsound in accordance with the following criteria.

(d) *Trading stamps and redeemable coupons.* Every reasonable effort should be made to obtain prices not involving stamps or coupons of any kind. Where this is not feasible, stamps or coupons must be accepted where they can be officially utilized as follows:

(1) Arrangements for redemption should be made at the lowest appropriate organizational level of each agency. They may be redeemed for merchandise usable in the discharge of official functions. It may be possible to arrange with the trading stamp company to make redemption in cash, which could then be deposited to the credit of the applicable appropriation.

(2) If, in terms of practicality and administrative cost, redemption of trading stamps or redeemable coupons is not feasible, arrangements should be made for their transfer, without reimbursement or accountability, to a nearby Federal hospital or other similar Federal institutions such as those operated, managed, or supervised by any one of the following:

(i) Veterans Administration (hospitals, centers, and domiciliaries)

(ii) Public Health Service (HEW), or

(iii) Department of Defense.

Prior to such transfer, the transferring agency should ascertain whether the proposed recipient agency is prepared to receive and to utilize such trading stamps or coupons.

(3) In view of the administrative cost involved, it is not considered generally necessary to attempt utilization of redeemable coupons in the form of box tops, labels, etc., except in connection with large volume purchases where the negotiation of a special cash discount in lieu of recovery of such coupons may be feasible.

This contemplates that there would generally be no central collection of trading stamps or coupons; there are to be no accountability control records established thereon; that in general the internal procedures for handling trading stamps is to be such as will result in the least administrative burden or cost.



If the above methods of achieving official utilization of trading stamps or coupons involves administrative costs out of proportion to the value to be realized, the circumstances thereof should be reported to the Office of Plant and Operations.

(e) *Trade incentive items.* It is customary in business generaly to offer inducements to potential customers in the form of tangible items given free in return for trading with the firm. For instance, service stations may offer free packets of seed, tableware, cigars, etc., with each tankful of gasoline, each oil change, etc., purchased from them. Most of these items have no feasible official use in this Department. The cost of collecting them for use by programs of other Federal agencies would ordinarily be unreasonable in relations to the value to be realized. Such items should not be accepted for personal use of the employee since to do so would be in the nature of accepting a gratuity. As a general rule, therefore, it is considered appropriate to refuse items of this character since it would obviously be impractical and economically unsound to attempt official utilization thereof.

**§ 4–4.5093 Training services.**

Training services are defined in Department Personnel Manual, Chapter 410, Subchapter 1, paragraphs 9b and 10a; and generally cover training provided by non-Government employees or by, in, or through non-Government facilities. Outside training of employees is subject to prior approval by either the Director of Personnel, or the agency head or his designee in accordance with Department Personnel Manual, Chapter 410, Subchapter 3–2. The purchasing officer should have assurance that this approval has been obtained prior to purchasing training services. These services may be procured without formal advertising and payments may be made in advance to the employee or to the training facility without regard to Revised Statute 3648 (31 U.S.C. 529). Otherwise, purchase of such services should be made in accordance with the usual procurement procedures of this Title subject, however, to the following special requirements: Section 14 of the Government Employees Training Act, 5 U.S.C. 2313 as implemented by Civil Service Training Regulations, 5 CFR 39.308; and Department Personnel Manual, Chapter 410, Subchapters 3 and 5 requires that:

(a) When the outside training is to be conducted by, in or through an organization the requirements of Section 14 of the Act are met if the purchasing officer determines that the organization is not on the list in Department Personnel Manual, Supplement 732–32, of organizations designated by the Attorney General pursuant to Section 12 of Executive Order 10450.

(b) When the training is to be conducted by an individual with whom contractual or other arrangements are made directly, a loyalty determination must be obtained from the Office of Personnel in accordance with Department Personnel Manual, Chapter 410, Subchapter 3–2. This determination must be made prior to contracting with or otherwise arranging for the services except in emergency situations, under which circumstances such determination must be made prior to payment. In addition, there must be obtained from the individual an affidavit, certificate, or express contractual warranty that he does not teach or advocate the overthrow of the Government of the United States by force or violence. This requirement that an affidavit, certificate, or express contractual warranty must be obtained does not apply (1) to individuals who perform training under oral or other informal arrangements for periods of sixteen hours or less within a single program; or (2) to individuals who perform training without compensation by the Government (whether or not the Government provides payment or reimbursement for their travel and subsistence incident to such training). The following certificate, where applicable, must be dated and signed by the individual who is to perform the training, and will be sufficient for the purposes outlined above:

I ---------- of ----------
(Name) (Location)
do hereby certify that I do not teach or advocate the overthrow of the Government of the United States by force or violence.

Signed ----------, ----------
(Date)
at ----------

(c) Schools or other facilities which (1) discriminate because of race, creed, color, or national origin in the admission or subsequent treatment of students or (2) place any restrictions on trainees because of race, creed, color, or national origin, may not be used for training at Government expense. If an agency plans to make use of a school or facility, and does not know whether it complies with this policy, the agency shall submit a report to the Office of Personnel in accordance with DPM AG Chapter 410, Subchapter 5–3c.

**§ 4–4.5094 Tree seed, cones, and nursery stock (Forest Service only).**

The Chief, Forest Service, is authorized, and may delegate such authority, to purchase, without advertising, whenever he determines that such method is in the public interest, (a) tree seed or cones or forage plant seed, when the amount involved does not exceed $10,000, and (b) forest tree nursery stock, when the amount involved does not exceed $500. (16 U.S.C. 504.)

**§ 4–4.5095 Tuberculin, serums, antitoxins, etc.**

Purchases may be made without advertising of samples of tuberculin, serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States for the detection, prevention, treatment, or cure of diseases of domestic animals. (7 U.S.C. 430.)

**§ 4–4.5096 Twine.**

All purchases of twine shall be governed by the following provision which appears in the annual Agricultural Appropriation Act:

• • • that, except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated by this Act shall be expended in the purchase of twine manufactured from commodities or materials produced outside the United States.

**§ 4–4.5097 Typewriters.**

(a) *Purpose.* This section prescribes policies and methods relating to the purchase of typewriters for use within the continental United States, and the maintenance of typewriters within the continental United States, Hawaii, Alaska, Puerto Rico, and the Virgin Islands. (See 5 AR 609.7 and 611.5 for use and Replacement Standards.)

(b) *Authority.* The Annual Independent Offices Appropriation Act and the Federal Property and Administrative Services Act of 1949, as amended (77 Stat. 436), and regulations of the General Services Administration issued pursuant thereto.

(c) *Definition.* "Typewriter" means manually and electrically operated machines having standard or special keyboards, designed to produce printed characters by impression of type upon paper through the medium of an inked ribbon. It includes vari-typer, hektowriter, proportional spacer, flexowriter, justowriter, and portable-type machines, but does not include bookkeeping, billing or teletype machines.

(d) *Purchase*—(1) *Procedures.* Agencies shall purchase new typewriters directly from Federal Supply Schedule contractors only after complying with the utilization and replacement standards as prescribed in 5 AR 609.7 and 611.5. In addition, prior approval must be obtained from the Joint Committee on Printing pursuant to § 4–4.5011 before purchasing any typewriters to be used for printing as defined in the Government Printing and Binding Regulations of the Joint Committee on Printing (this includes varitypers, flexowriters, and justowriters).

(2) *Prices.* The annual Independent Offices Appropriation Act provides that no part of any money appropriated by that or any other Act shall be used during any quarter of the fiscal year to purchase typewriters within the continental United States at a price which exceeds 90 percent of the lowest net cash price, plus applicable Federal excise taxes, accorded the most favored customer (other than the Government, the American National Red Cross, and purchase of typewriters for educational purposes only) of the manufacturer of such machines during the six months' period immediately preceding such quarter. It may be assumed that the Federal Supply Schedule contract prices comply with this requirement.

(e) *Maintenance service.* See 5 AR 612.

**§ 4–4.5098 Used or reconditioned equipment.**

(a) *Policy.* It is the policy of this Department that used or reconditioned equipment (not replacement parts for mechanical equipment, such as recon-

ditioned parts for automobiles, et cetera) is not to be purchased when new equipment is available at a reasonable cost. New equipment is generally sold by persons having an interest in customer satisfaction; also, the purchaser of new equipment is reasonably sure of getting quality commensurate to the price. In addition, responsibility is more easily fixed than when used equipment is purchased.

(b) *Purchase provisions.* If new equipment is not available, or the price thereof is excessive, and it is necessary to advertise for used or reconditioned equipment, care should be taken to specify clearly just what quality or what degree of precision is required. Bidders should be requested to indicate the place at which the equipment may be inspected. The Government should make an inspection prior to the award. (See Subpart 4–14.1.)

**§ 4–4.5099 Visual services.**

All arts and graphics, exhibits, still photography, and motion picture work shall be ordered through the Office of Information on a reimbursable basis, except as may be otherwise authorized by that Office.

**§ 4–4.5099a Water coolers.**

As used in this section "electric water coolers" mean all new water coolers for land use of the following types and sizes listed in the latest issue in effect of Federal Specification 00–C–566:

Bubbler Style (type I, air-cooled condenser; type II water-cooled condenser), size 5, 10, and 20.

Cafeteria Style (type III, air-cooled condenser; type IV, water-cooled condenser), sizes 20 and 30.

Remote Style (type V, water-cooled condenser), sizes 10 and 20.

Bottle Style (type VI, air-cooled condenser), size 3.

Purchases within the continental United States (including Alaska) for agencies of the Department will be made by the consolidated purchase program of General Services Administration. Purchase authorities for water coolers will be submitted to the GSA Regional office serving the ordering office and shall be complete as to type, size, description and current characteristics (AC or DC current, phase, voltage, and cycle) time or times when deliveries are required, consignment and shipping instructions and other pertinent information. GSA will fill orders from stock only when the ordering office indicates that immediate delivery is required or when it is determined most advantageous to the Government, price and other factors considered. Orders which are not filled from GSA stores stock will be extracted immediately by the GSA regional office to the Procurement Operations Division of GSA. That office will consolidate by the first day of the following month all items extracted to it for consolidated purchase. Coolers to be manufactured of particular materials specified by a requisitioning agency will be furnished only when the need for such coolers is adequately justified.

**§ 4–4.5099b Year-end purchasing.**

(a) *Applicable statute.* Public Law 159, 81st Congress (31 U.S.C. 712a) restricts the use of appropriations "made specifically for the service of any fiscal year, * * * to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year." This Act, effective July 1, 1949, superseded section 3690 R.S. 31 U.S.C. 712.

(b) *Interpretations of the law.* The Comptroller of the Treasury (4 C.D. 553) in considering a case under section 3690 R.S. which also contained the foregoing language quoted from P.L. 159, ruled, in part, as follows:

> The purpose of section 3690 is to restrict the use of annual appropriations to expenditures required for the services of the particular fiscal year for which they are made, * * * If * * * work is actually begun within the fiscal year for which the annual appropriation applicable thereto was made, it may ordinarily be fairly held that the work was for the service of that fiscal year, and provision for payment for the work from the unexpended balance of the appropriation is therefore made by the clause, "for the fulfillment of contracts properly made within that year."
>
> * * * There is no authority in an appropriation made specifically for the service of a particular fiscal year to enter into contracts for supplies, etc. for the service of a subsequent fiscal year, and therefore as to that appropriation such a contract is not "properly made within that year".

The apparent strictness of the interpretation in the last paragraph above was, however, somewhat alleviated by the Comptroller General at a later date in the following language:

> Orders placed by a Government department or establishment during the month of June for such quantity of supplies or materials as are reasonably required to maintain a current running supply for such department or establishment until such time as deliveries can be effected under orders placed under the contract for the subsequent fiscal year are a need of the fiscal year in which ordered and obligate the appropriation for that year. (2 C.G. 825.)

(c) *Policy.* It is the Department's policy, in strict compliance with the statute which restricts the use of appropriations made specifically for the service of any fiscal year, to insure that the same test of need is applied for any proposed expenditures at or near the close of the fiscal year as at the beginning or at any other time during the year. No unnecessary expenditures of year-end balances of funds (which would otherwise revert to the Treasury) for supplies, materials, etc., shall be authorized.

(d) *Pertinent factors.* It is recognized that during the closing months of the year a considerable amount of purchasing may occur (1) because of the agricultural nature of the work, such as seasonal programs, (2) where no amount of advance planning can materially affect the timing of purchases, as in the cases where special appropriations are made late in the year and in such unusual instances as restoration expenses due to tornadoes and fires, unavoidable procurement delays, etc., (3) in connection with continuing appropriations, where fiscal-year ends have no particular significance in timing purchases, and (4) where, due to prudent program management, obligations for needed supplies, equipment or services have been deferred, as a matter of administrative determination, until the latter part of the fiscal year, in order that the activity concerned might be kept in position, during the earlier parts of the year, to meet emergencies or other exigencies that might arise, without the necessity for seeking a supplemental appropriation.

(e) *Documentation.* Because of the continued interest in the general subject of year-end purchasing, agency procurement records should be so maintained that if required for reporting purposes factors having a significant effect on last quarter buying could be readily submitted.

(f) *Advance planning and closing dates for procurements.* Compliance with the above policy shall be effectuated in accordance with written instructions issued by heads of agencies by:

(1) Requesting program operators to make known their needs to those responsible for purchasing as far in advance as possible so that procurement of materials, supplies, equipment, and services may be planned to the best advantage, all factors considered;

(2) Working out practicable means of relating procurements to quarterly apportionments to the end that obligations for the last quarter for purchasing shall not be excessively larger than those of other quarters;

(3) Determining, in the light of specific program requirements, maximum amounts of consumable supplies which may be procured. Unless direct savings can be shown, such amounts should not exceed a maximum of 60-day stock to be procured during the month of June;

(4) Determining agency closing dates, not to exceed the following, for purchases to be made from appropriations terminating June 30:

(i) *Procurement contracts.* Bids for construction contracts involving more than $10,000 will not be opened after May 15. Bids for other definite-quantity Department contracts will not be opened after June 15.

(ii) *Purchase orders.* Purchase orders, other than under contracts referred to in the previous paragraph, for nonexpendable property will not be placed after June 15. If any orders are placed with GSA for nonstock items such orders must be forwarded to the appropriate regional office prior to June 1.

(iii) *Purchases from or through General Services Administration.* Purchase orders or requisitions submitted at the close of each fiscal year shall reflect actual agency requirements, and shall not be used as a means of exhausting appropriation balances. Each office submitting purchase orders or requisitions covering articles of equipment or supplies for processing by the Administration which are chargeable to appropriations expiring on June 30 of each year shall observe the following:

(A) When required by law or statutory regulations to place orders including orders which are required to be placed in accordance with the maximum order limitation of Federal Supply Schedules, with General Services Administration, such orders may be recorded as obligations of the ordering agency at the time the order is issued.

(B) Orders placed with GSA on an optional basis covering items listed in the current edition of GSA Stores Stock Catalog may be treated as obligations of the ordering agency at the time the order is issued. However, such orders shall comply with the general rule that the materials, supplies, or equipment ordered are intended to meet a bona fide need of the fiscal year in which the need arises or to replace stock used in that fiscal year; and, the order must be firm, complete, and request prompt delivery.

(C) Orders placed with GSA on an optional basis covering articles or services to be purchased for direct delivery may not be recorded as obligations of the ordering agency until the Administration awards a contract for the required articles or services. Such orders should be submitted by May 10, if possible, and in any event not later than June 1, in order to afford sufficient time for the orderly completion of the necessary action before June 30. When such an order is received too late to permit the execution of contracts by June 30, the ordering activity will be notified immediately and requested to furnish instructions as to the action to be taken. Based on these instructions, procurement action will be taken or the order will be returned, without action, to the ordering activity.

(D) Requests for special handling of other than strictly emergency requirements shall not be submitted. In the case of emergency requirement, adequate justification for individual purchase action shall accompany the agency purchase authority.

(iv) *Emergency needs.* In an actual emergency, exemption from the terms of the above restrictions may be permitted:

(A) Where solicitation of bids is involved, there shall be submitted to the authorized contracting officer, prior to such solicitation, a statement of the circumstances requiring deviation from the restrictions.

(B) Where the procurement does not involve solicitation of bids, the purchase order or requisition may be placed with the proper source of supply, but there shall be submitted immediately to the appropriate contracting officer a statement of the circumstances which required the restrictions to be waived.

(5) Determining similar advance closing deadlines for purchases to be made from appropriations terminating on dates other than June 30.





## Subpart 4–4.52—Exchange or Sale of Personal Property and Application of Exchange Allowances or Proceeds of Sale to Purchase of Similar Items

**§ 4–4.5200 Scope.**

This subpart prescribes policies and procedures for disposal of personal property by exchange or sale when the exchange allowances or proceeds of sale are for application to the acquisition cost of similar items.

**§ 4–4.5201 Policy.**

The application of the exchange allowance or proceeds of sale in whole or part payment for property to be acquired is authorized only when (a) the items to be sold or exchanged are not excess, (b) they are similar to the items to be acquired within the definitions in 4–4.5209, (c) there has been at the time of exchange or sale (or at the time of acquisition if it precedes the sale) a written administrative determination to apply the exchange allowance or proceeds of sale to the cost of the items to be purchased, and (d) the transaction will foster economical and efficient accomplishment of program operations. (For exchange and transfers between agencies see 5 AR 605.)

**§ 4–4.5202 Authority.**

The authority to exchange or sell personal property and apply exchange allowances or proceeds of sale to the acquisition cost of similar items, is contained in Section 201(c) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 81) and regulations issued by the General Services Administration.

**§ 4–4.5203 Definitions.**

(a) *Acquire.* "Acquire" means, procure, purchase, or obtain in any manner, including transfer, manufacture, or production at Government-owned or operated plants or facilities.

(b) *Combat material, personal property, and reserved materials.* (See 5 AR 615.)

(c) *Strategic and critical materials.* (See 5 AR 624.)

**§ 4–4.5204 Use of GSA sales facilities.**

When "exchange" property which is to be disposed of by sale, rather than by exchange, is located in a GSA region which has a Sales Service Program in operation, the procedure as prescribed in 5 AR 639 shall be followed.

**§ 4–4.5205 Sale requirements.**

When personal property is sold for the purpose of applying the proceeds of sale to the acquisition cost of similar items, such sales shall be in accordance with the applicable requirements of Section 3709, Revised Statutes, as amended, (41 U.S.C. 5). Accordingly, such property shall be disposed of by sale only after advertising a sufficient time previously for proposals; except that such sales may be made on an open market (negotiated) basis, without advertising, under the following circumstances:

(a) When the reasonable recovery value involved in any one case does not exceed $500.

(b) The property is such a hazard to health or property or will spoil or deteriorate so rapidly as to require immediate disposition.

(c) When it is clearly evident that there is only one sales outlet and the sales officer so certifies.

(d) When, after advertising, no acceptable bids have been received; provided that all responsible bidders who responded to the previous advertising shall be given an opportunity to respond to the request for open-market offers.

(e) When specifically authorized by the Administrator of General Services Administration.

(f) When otherwise authorized by law.

**§ 4–4.5206 Advertising for bids.**

(a) *Policy.* When advertising for bids for the disposal of exchange/sale property all prospective bidders shall be given free and open opportunity to submit either exchange (trade-in) or cash offers, or both, as they see fit unless the solicitation of exchange offers will serve no useful purpose. Invitations for bids soliciting exchange or cash offers shall not indicate by specification or otherwise, that preference will be given to an exchange offer over a cash offer or vice versa.

(b) *Invitation for bids.* Invitations soliciting bids for new items to replace similar items to be disposed of by exchange or sale which include a request for exchange (trade-in) allowances should fully describe the used property offered and state where it may be in-

spected by prospective bidders. Requests for cash offers for the used property may be made in the same invitation requesting bids on the new items or separately. The description of the property to be exchanged or sold for cash shall be shown clearly in the invitation for bids. All invitations requesting exchange or cash offers shall include the following notation:

This property is being offered in accordance with the exchange/sale provisions of the Federal Property and Administrative Services Act of 1949, as amended.

(1) *Items soliciting exchange allowances.* When an Invitation for Bids on new items includes a request for an exchange allowance offer, it is suggested that the exchange allowance item immediately follow the description, etc., of the new item and that appropriate space be provided for the exchange allowance offer. Also, there should be provided a space for the net cost of the new item, after deduction of the exchange allowance offered.

(2) *Items soliciting cash offers.* A suggested format for cash offer solicitations for inclusion in advertisements for new property, in which there is also included an item soliciting exchange allowances, is:

A cash offer, independent of any purchase of the new property, is also invited for the used property described above, the Government reserving the right to accept or reject any cash offer where the best interest of the Government would be served by such action. Dealers and others interested in making only a cash offer for the used property should make their offer under this item.

Cash price offered for the above described property $_____.

NOTE: It will be understood by all bidders offering exchange allowances and/or independent cash offers on the property described herein that such exchange allowances and/or independent cash offers are to be based upon said property being surrendered to the successful bidder in as good condition, normal wear and tear excepted, as at the time of inspection and appraisal; also that the Government reserves the right to use the old property until the new replacement property has been delivered and is ready for use.

(c) *Advertising and contract procedures.* The procedures applicable to advertised sales of surplus property shall also be applicable to advertised sales of exchange/sale property, except that the General Services Administration need not be notified of sales of exchange/sale property (see 5 AR 635.9 to 643, inclusive).

**§ 4–4.5207 Open-market (negotiated) disposals.**

The policy and procedure applicable to advertised bid disposals of exchange/sale property with regard to soliciting both exchange and cash offers, shall be followed in disposing of such property on an open-market basis. (See 5 AR 635.8 for detailed procedure on open-market (negotiated) sales.)

**§ 4–4.5208 Exchange allowances and cash offers.**

(a) *Solicitation.* Both exchange (trade-in) and cash offers shall be solicited in connection with property disposed of on an exchange/sale basis, except where:

(1) Recent solicitation for both exchange and cash offers on identical items has produced only one type of offer under circumstances indicating the futility of further solicitations for any other type of offer; or

(2) Solicitation of both types of offers for the items to be replaced would be plainly ineffective in reducing the cost of the acquisition, e.g., by reason of existing commercial practice (tests of which should be made at reasonable intervals) with respect to exchange or sale of such items.

(3) Sales are made by GSA under a sales service program as provided in 5 AR 639.

(b) *Acceptance.* When both cash and exchange offers are obtained, only the offer or combination of offers resulting in the lowest net cost of the property being purchased shall be accepted.

**§ 4–4.5209 Similarity of items for exchange/sale purposes.**

Items shall be deemed to be similar when:

(a) Both fall within any one of the categories listed in Exhibit 4–4.5216, or when not falling within such categories the item to be acquired is designed and constructed for the same specific purpose as the item to be replaced.

(b) Both constitute containers for items designed and constructed for the same specific purposes.

(c) Both constitute parts for items which are similar within the meaning of (a) above.

**§ 4–4.5210 Exchange or sale of more than one item.**

Items disposed of on an exchange/sale basis need not be the same in number as the items acquired. Neither need the items acquired be used in the same locations as the items sold or exchanged. However, except for parts or containers, the newly acquired items must be used (whether or not intended for additional uses) in the performance of all or substantially all of the tasks or operations in which the items exchanged or sold would otherwise be used.

**§ 4–4.5211 Application of exchange allowance and proceeds of sales.**

As a general rule, exchange allowances for, or proceeds of sales of, any item exchanged, sold or transferred under this regulation shall be applied to the acquisition cost. That is, when such property is exchanged, the appropriation shall be charged only the excess of the price of the property acquired over the trade-in allowance for the property exchanged, and when such property is sold or transferred in acquiring similar property, the proceeds of the sale or transfer shall be deposited (a) as a direct reimbursement credit to the appropriation chargeable, if obligation for the replacement has been incurred, or (b) if the obligation has not been incurred, in the Treasury to the credit of the agency's deposit fund account, and shall be used as provided in 7 AR 154. Proceeds of sales of property for which an obligation for replacement has not been incurred during the period of availability, as defined in § 4–4.5212, or sales proceeds which for other reasons the agency elects not to apply to replacement costs shall be deposited to miscellaneous receipts. (See also 5 AR 605 relative to exchange between agencies.)

**§ 4–4.5212 Availability of proceeds of sales.**

Except as otherwise specifically authorized, all funds obtained from the sale of property will be available during the fiscal year in which the sale is made and for one fiscal year thereafter for obligation for the purchase of similar replacement items. When such disposal is to be effected by the General Services Administration, the owning agency should identify the accountable officer by name, station and symbol, and indicate the symbol of the appropriation to be credited with the proceeds of sale on the requisition or other procurement or disposal submitted to the GSA.

**§ 4–4.5213 Limitations.**

The regulations of the General Services Administrator authorizing exchange or sale and application of the proceeds to the acquisition of similar items do not authorize:

(a) The acquisition of property when such acquisition is not otherwise authorized by law;

(b) The acquisition of property in contravention of (1) any restriction upon the procurement of a commodity or commodities, or (2) any replacement policy or standard prescribed by the President, the Congress, the Administrator of General Services pursuant to the Act, or by regulations of this Department;

(c) The purchase or acquisition of property otherwise than under a consolidated purchasing or stores program or Federal Supply Schedule contract when procurement under such program or contract is required by regulations of the General Services Administrator: *Provided*, That in acquiring items under such a program or contract, similar items may be exchanged or sold and the exchange allowance or sales proceeds applied as provided herein;

(d) The sale, transfer, or exchange of strategic or critical materials, unless such materials at any one location are in lots of less than 50 percent of the minimum quantities specified in 5 AR 624 and the agency determines that there is no reasonable prospect of accumulating, within 12 months, 50 percent of such minimum quantities;

(e) The sale, transfer, or exchange of reserved materials, except in accordance with applicable regulations of the Atomic Energy Commission (see 10 CFR Part 40, as amended; 14 F.R. 1156);

(f) The sale, transfer, or exchange of narcotics, except in accordance with 5 AR 621c(3);

(g) The sale of property in new or unused condition in connection with the purchase or acquisition of similar property NOTE: This does not preclude the trade-in of such property);

(h) The sale, transfer, or exchange of scrap in connection with the purchase or acquisition of property. (See 5 AR 615z);



(i) The sale or exchange of property which is dangerous to public health or safety, unless it is first rendered innocuous or adequate safeguards are provided therefore;

(j) The sale or exchange of combat material, unless it is first demilitarized as provided in 5 AR 625.5; or

(k) The sale, transfer, or exchange of excess or surplus property (as defined in 5 AR 615) in connection with the purchase or other acquisition of similar property: *Provided*, That agencies obtaining items of excess or surplus property may thereafter exchange or sell such items as provided herein.

**§ 4–4.5214 Exceptions.**

(a) *General.* Items falling within the following categories shall not be eligible for handling under the provisions of this subpart:

Hand tools.
Hardware—general purpose.
Millwork, plywood and veneer lumber.
Furniture—office, household and quarters, hospital, shipboard, and cafeteria located in the United States, its territories and possessions.
Office supplies.
Wearing apparel.

(b) *Books and periodicals.* Notwithstanding any other provisions of this subpart, library books and periodicals not needed for permanent use may be exchanged, without monetary appraisal or detailed listing or reporting, for other books and periodicals.

**§ 4–4.5215 Records.**

Acquisition, sale, and exchange documents involved in any transaction hereunder shall be adequately cross-referenced or sufficient data provided with payment and collection documents to establish that the items acquired are similar to the items exchanged or sold, that any exchange allowances or proceeds of sale involved in the transaction were in fact available for such application; that a written administrative determination to apply the exchange allowances or proceeds of sale in acquiring the property has been made; and that the transaction was otherwise in accordance with the provisions of this section.

**§ 4–4.5216 Exchange/sale categories.**

In the acquisition, exchange, or sale of property in the categories below, both the item to be acquired and the item to be replaced must fall within a single numbered category.[1]

1. Agriculture products, processed foods and forage.
2. Air conditioning units, office and residential.
3. Air conditioning units, industrial.
4. Ambulances, all sizes.
5. Ammunition and ammunition components.
6. Animals and animal products.
7. Asphalt distributors.
8. Asphalt pavers, portable or road mix.
9. Batteries, storage.
10. Bicycles; tricycles.
11. Binoculars; field glasses; telescopes.
12. Boilers, steam.
13. Busses, all sizes.
14. Cards, tabulating.
15. Compressors, air, portable.
16. Compressors, air, stationary.
17. Crawler, wheel mounted, and railroad cranes (including shovels and drag lines).
18. Crane trucks, industrial warehouse, electric and gasoline powered.
19. Ditching machines.
20. Dozer blades.
21. Drill presses.
22. Earth augers.
23. Fans, electric.
24. Graders, self-powered and towed.
25. Lathes.
26. Machines, adding; machines, calculating.
27. Machines, addressing and mailing.
28. Machines, dictating and transcribing.
29. Machines, duplicating.
30. Machines, punched card, bookkeeping, tabulating and accounting.
31. Milling machines.
32. Mixers, concrete, portable or truck mounted.
33. Motor scooters.
34. Motorcycles with or without side car.
35. Mowers, lawn, power.
36. Pile drivers.
37. Polishers, floor, powered.
38. Pontoon, assemblies.
39. Power shovels.
40. Railroad cars, freight.
41. Railroad cars, passenger.
42. Railroad cars, service.
43. Railroad locomotives.
44. Refrigeration equipment.
45. Refrigerators.
46. Road rollers, wheeled and sheepsfoot.
47. Saws, bench.
48. Scrapers, earth moving (self-powered).
49. Scrapers, earth moving, towed.
50. Sedans; station wagons, coupes; limousines.
51. Snow plows, motorized.
52. Spreaders, aggregate and lime.
53. Tractors, warehouse.
54. Tractors, wheeled or crawler, with or without special attachments, up to 65 h.p.[1]
55. Tractors, wheeled or crawler, with or without special attachments, 65 h.p. and up.[1]
56. Trailers, general purpose, multiple axle.
57. Trailers, general purpose, single axle.
58. Trailers, industrial.
59. Trailers, special purpose (including fire pumper and Bean type sprayer and crash trailer).
60. Trailers, tank mounted.
61. Trucks, electronic.
62. Trucks, fire.
63. Trucks, fork lift.
64. Trucks, general purpose, cargo and construction, 12,500 GVW through 23,000 GVW (including truck tractors, dump, multiple drive, etc.).[1]
65. Trucks, general purpose and utility up to 12,500 GVW (including suburbans, carryalls and sedan deliveries).[1]
66. Trucks, straddle.
67. Trucks, tank (special purpose trailer of which the tank is an integral part of the construction).
68. Trucks, warehouse, platform, electric and gasoline powered.
69. Typewriters, manual and electric.

[1] Pursuant to special authority granted the Department by letter of August 29, 1955 from the Administrator, GSA, agencies may employ an overlap of (1) not more than 25 h.p. between the "Tractors" categories 54 and 55, and (2) not more than 4,000 GVW between the "Trucks" categories 64 and 65 provided the item being acquired is to be used for the same purpose as the items being replaced. In any instance where this authority is used, a statement shall be placed in the files showing that the transaction is in accord with the above authority and proviso.

[1] See footnote on preceding page.

## Subpart 4–4.53—Procurement of Construction

**§ 4–4.5300 Scope of subpart.**

This subpart states the policies and procedures to be followed in contracting for the construction of or alteration to public buildings and/or public works.

**§ 4–4.5301 Invitation for bids.**

**§ 4–4.5301–1 Forms.**

Subpart 1–16.4 prescribes standard forms required to be used in accordance with said subpart.

**§ 4–4.5301–2 Bid guarantee.**

See § 1–10.102.

**§ 4–4.5301–3 Specifications.**

(a) *Preparation.* General principles for the preparation of specifications are stated in §§ 1–1.305 and 1–1.307. Specifications for construction contracts are usually prepared in three parts as described in this section although in small contracts they may be combined if appropriate. These specifications generally include only the technical details of the construction contract with administrative provisions being included in the "Special Conditions." Federal specifications are required to be used whenever applicable. The following is suggested as a guide in arranging the specifications for a construction contract:

(1) *General requirements.* These are the specification requirements of a general nature that apply to all items of construction listed in the contract specifications. When an agency is engaged in a regular program of construction, they are usually prepared as standard requirements for all similar construction. General requirements include such items as:

(i) Definitions.

(ii) Interpretations of quantities in bid schedule.

(iii) Control of work and material.

(iv) Scheduling prosecution and progress of work.

(v) Measurement and payment for work.

(vi) Removal of structures and obstructions.

(vii) Final cleaning up, etc.

(2) *Construction details.* These are the technical specifications for each item listed in the Schedule of Items of the bid invitation and contract. Such construction details should be titled and numbered exactly as the item is to appear in the schedule of items and include the following:

(i) Description of the item of construction.

(ii) Construction methods.

(iii) Method of measurement.

(iv) Basis of payment.

(3) *Supplemental specifications.* When an agency is engaged in a regular program of construction, it is the usual practice to prepare the general requirements and construction details as standard specifications for all recurring construction work. Such standard specifications are usually reproduced in quantity for attachment as necessary to the invitation for bids and contract. For each contract, however, there may be peculiarities of construction that require either deviation from the standard specifications or additions thereto. These are ordinarily included in an attachment called "Supplemental Specifications" which, as the term implies, supplement the standard specifications. Provision should be made in the "General Requirements" that where there is a conflict between the supplemental specifications and other contract specifications, that the supplemental specifications shall govern.

(b) *Identification.* The invitation for bids and contract should clearly identify each page of the specifications by title and inclusive page or paragraph numbers as appropriate.

**§ 4–4.5301–4 Plans and drawings.**

Plans and drawings should be clearly identifiable by sheet numbers and titles and be so identified in the bid invitation and contract. For general information regarding building codes and standards of design, see Title 4, Administrative Regulations, chapter 2.

**§ 4–4.5301–5 Schedule of items.**

When a single bid price is required, it should be made clear to the bidder that the price is to be entered in the space provided on the Standard Bid Forms. However, in most instances prices may be desired for each integral portion of the job. In such event, bidders should be referred to a "Schedule of Items" which will be attached to and made a part of the bid invitation papers by appropriate reference. The schedule of items on which the bidder inserts his bid is prepared by tabulating the items of work correlated with exact item numbers and titles of work descriptions contained in the "Construction Details" of the specifications and showing the estimated quantity of each item of work in a form that will permit the contractor to prepare his bid. The schedule of items or general provisions shall state definitely whether award is on an individual item basis or on an "all or none" basis. When Standard Forms 23 and 23A are to be used for the contract, the schedule of items should be prepared as a separate attachment to the invitation for bids to that it may be easily copied and made a part of the contract.

**§ 4–4.5301–6 Special conditions.**

This section of the invitation for bids and contract for construction should include those conditions which supplement the general provisions of Standard Contract Forms. Special conditions generally include such items as:

(a) Time for completion of work.

(b) Rates of wages.

(c) Bond requirements.

(d) Liquidated damages.

(e) Subcontracting.

(f) Designation of contracting officer's representative, etc.

**§ 4–4.5301–7 Liquidated damages.**

The general policy with regard to the use of liquidated damages provisions in contracts, including construction, is stated in § 1–1.315. Liquidated damages provisions for construction contracts are contained in the "Termination for Default—Damages for Delay—Time Extensions" clauses of the Standard Contract Forms. See also § 1–8.709.

**§ 4–4.5301–8 Rates of wages.**

(a) *Davis-Bacon Act applicability.* The Davis-Bacon Act (40 U.S.C. 276a) requires that the advertised specifications for every contract in excess of $2,000 for the construction, alteration or repair of public buildings or works, including painting or decorating buildings, shall contain a provision stating the minimum wages and fringe benefits to be paid laborers and mechanics. Applicability of the provisions of the Davis-Bacon law is dependent upon the actual contract price and not upon estimates as to whether the contract work is in excess of $2,000; the statutory minimum, and even though said provisions were included in a contract where the price is less, there is no requirement for compliance therewith, because public officers do not have legal authority to include provisions contrary to law (see 18 Comp. Gen. 394). Whenever it is believed the contract amount may exceed $2,000, provision should be made in the invitation for bids for compliance with the Act. The labor standards provisions of Standard Form 19A are sufficient to require such compliance.

(b) *Requesting wage determinations.* Agencies shall request wage determinations by submitting to the Solicitor of Labor, United States Department of Labor, Washington, D.C., 20210, in accordance with section 5.3 of the Regulations a completed Department of Labor Form DB–11. These forms are available from Central Supply Section. Requests for wage determinations shall be initiated at least 30 calendar days before advertisement of the specifications or the beginning of negotiations for the contract for which the determinations are sought. The Department of Labor has indicated that exceptions to this requirement will be made only upon a proper showing of need in the unusual cases.

(c) *Inclusion of rates in specifications.* Minimum wage rates thus obtained shall be included in the advertised specifications and shall precede the following paragraph:

> Any class of laborers and mechanics not listed in the preceding paragraphs which will be employed on this contract, shall be classified or reclassified conformably to the foregoing schedule. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question accompanied by the recommendation of the contracting officer, shall be referred to the Secretary of Labor for final determination.

(d) *Use of wage determinations.* Wage determinations expire 120 days after the date thereof, and may not be incorporated in contracts awarded thereafter, unless extended in accordance with section 5.4a of the Regulations of the Secretary of Labor. In the absence of language in the invitation for bids to the contrary, a bid may not be accepted on the basis of wage rates different in any respect from those specified in the invitation. However, provision may be made in the invitation that if the wage determination expires after opening of the bids and prior to award, a current determination by the Secretary of Labor will be incorporated in the contract, pursuant to the "Changes" clause of the contract provisions. All actions by the Secretary of Labor changing or modifying original wage determinations prior to the award of the contract shall be applicable thereto, except that modifications received by the agency later than 10 days before the opening of bids shall not be effective.

(e) *Apprentice wage rates.* Department of Labor regulations require that invitations to bid on construction contracts in excess of $2,000 include the provision regarding employment of apprentices, Article 3 of Standard Form 19A. It is not necessary to specifically request apprentice wage rates since the Department of Labor will automatically add wage rates for apprentices to the Department's application for wage rates for the various crafts, when such are on file. When a contractor proposes to employ apprentices for whom wage rates have not been stated in the proposed contract, requests for approval of the wage rates should be submitted through channels to the Department of Labor.

**§ 4–4.5301–9 Nonrebate of wages—Copeland Act.**

The Copeland Act, also known as the "Kick-Back Act" (18 U.S.C. 874) makes it unlawful to prevent anyone employed in the construction, alteration, or repair of buildings or works financed in whole or in part by the United States from receiving the rates of pay legally due. This Act, unlike the Davis-Bacon Act, applies regardless of the contract amount. (See 19 Comp. Gen. 576) The necessary contract provision is stated in Clause 5 of Standard Form 19A. (See § 1–16.901–19A.) See Subpart 1–12.1 for instructions to be given contractors and requirements for administration of this contract provision.

**§ 4–4.5301–10 Contract Work Hours Standards Act.**

This Act relates to the eight-hour day, 40-hour week, overtime compensation of laborers and mechanics employed by contractors. The required contract clause is stated in § 1–12.403–1.

**§ 4–4.5301–11 Buy American Act.**

Except for contracts to be executed on Standard Form 19, invitations for bids and requests for proposals for affected construction work shall contain the provision stated in § 1–6.204 and the contract clause stated in § 1–6.205.

**§ 4–4.5301–12 Price adjustment for suspension, delay, or interruption of work.**

Whenever it is considered necessary to provide for administrative relief for unreasonable periods of delay caused by the contracting officer in the administration of the contract, prior approval of the Director of Plant and Operations shall be obtained to the use of the clause stated in § 1–7.602–1 or similar provision.

**§ 4–4.5302 Selection of bidders.**

(a) *Selection.* When information is available in advance of bid solicitation, invitations for bids should be sent only to those prospective bidders who are considered responsible and competent to perform the work required by the bid specifications. Unless debarred or suspended, however, no bidder may be refused an opportunity to bid.

(b) *Mailing lists of prospective bidders.* Those agencies regularly engaged in construction work should assemble a list of prospective bidders classified by specialties, bonding capacity and location of operations. The State Office of the Associated General Contractors of America, Inc., is an excellent source of help in contacting and listing contractors, and in most cases information on equipment ownership, financial standing and general reputation can be secured. When information concerning qualifications of bidders is desired, forms entitled "Experience Questionnaire", "Plan and Equipment Questionnaire", and "Contractor's Financial Statement", should be used to secure this data from the prospective bidder. These forms are available from the Office of Plant and Operations.

**§ 4–4.5303 Time allowed for submission of bids.**

The same principles apply to bids on construction as to other types of bids. The facts of each particular case will govern the amount of time that should be allowed for bidders to prepare and submit bids. Generally, the following factors are for consideration: (a) are prospective bidders to receive complete plans, drawings, specifications, and bidding forms immediately or must they, after noting published or circularized notices, request the necessary papers, (b) the length of time required for mail to reach the most distant prospective bidder and return, (c) will bidders need bids from material men, plumbers, and other subcontractors and, if so, how much time will they require for such purpose, and (d) magnitude of the job to be performed.

**§ 4–4.5304 Deposit or payment for plans, drawings, and specifications.**

Plans, drawings, and specifications consisting of more than a few sheets are quite expensive; therefore, casual requests should be discouraged. Requiring deposit or payment serves to limit the requests to those firms who have an interest in bidding or as subcontractors. When a deposit is required, the amount of the deposit should not be in excess of the cost of preparation but yet should be kept high enough to discourage promiscuous requests. The bookkeeping required in setting up an account to handle deposits and make refunds may prove burdensome; therefore, an arrangement whereby one set of plans, drawings, and specifications is furnished free of charge to prime contractors and additional sets are furnished on a sale basis only, is one way of alleviating the situation. (The successful bidder will be furnished with as many sets of plans, drawings, and specifications as may be necessary for the job or a reasonable number of sets without charge.) One complete set should be displayed in the office issuing the invitation and be made available for inspection by any interested parties. When this method is employed, the following language should appear in the "Notice to Prospective Bidders":

> One set of plans, drawings, and specifications will be furnished free, upon application therefor, to general contractors only who can quote on the entire job as required. Additional copies are otherwise available at $____ per set. Plans, drawings, and specifications will be on display for examination by interested parties at _____.

**§ 4–4.5305 Notices to prospective bidders.**

Where it is impractical to provide plans, drawings, and specifications with the invitation for bids, prospective bidders should be notified of the proposed job by means of a "Notice to Prospective Bidders" containing the following information: (a) Location of the work, (b) nature of the work (this should reflect the magnitude of the job and the trades involved), (c) form of contract to be required, (d) bonds required, (e) where to obtain plans, drawings, specifications, and bidding forms, (f) amount of deposit or purchase cost to obtain plans, drawings, and specifications, (g) time and place of opening of bids, and (h) the invitation number assigned. Standard Form 20 may be used for this notice or it may be otherwise prepared.

**§ 4–4.5306 Receiving and opening bids.**

Procedures to be followed in the receipt and opening of bids in connection with supply contracts are applicable to those for construction. (See Subpart 1–2.4.) However, in the case of larger construction contracts, there is usually intense interest by bidders, bonding companies, subcontractors, etc. Therefore, it may be desirable to provide special facilities for those attending the bid opening such as bid tabulation sheets, etc. Engineers' cost estimates are administratively confidential and are not to be revealed until after the bids have been opened and read.

**§ 4–4.5307 Analyses of bids.**

Methods to be followed in the analysis of bids on construction are the same as those for other types of contracts. (See Subpart 1–2.4.) Particular care should be taken in analyzing bids for construction work to assure the sufficiency of the bid bond, determine that the low bidder is responsible and qualified to perform the work, that the bid price is reasonable by comparison to the agency cost estimate, that the unit price bid for each schedule item is reasonable and not "weighted," and that no exceptions to the bid specifications are taken by the bidder. When there is any doubt as to the bidder's financial ability or experience qualifications, the bidder's bonding company, bank, state office of Associated General Contractors, Small Business Administration (see § 1–1.708–2), and previous contract employers should be contacted. Bonding companies, particularly, are helpful in resolving questions in this area. Rejection because of insufficient financial ability or experience qualifications should be supported by the opinion of those contacted as above.

§ 4–4.5308 Preparation of Standard Form 19.

See §§ 1–16.402–4 and 1–16.901–19.

§ 4–4.5309 Preparation of Standard Form 23.

See § 4–16.402–3(d).

§ 4–4.5310 Notice of contract award.

(a) *Availability of funds.* Prior to award of the contract or any subsequent change therein, the contracting officer must have written assurance that sufficient funds are available within the current allotment and that they are reserved for the proposed action.

(b) *Wage rate determinations.* Notice of award must be given within 120 days from the date of the original wage determination or new wage determinations obtained and made a part of the contract before it is awarded unless the determination is extended in accordance with section 5.4a of the regulations of the Secretary of Labor.

(c) *Instructions regarding labor provisions.* (1) Upon award of the contract the successful bidder shall be furnished with a copy of Form AD–372, "Regulations Applicable to Contracts Covering Federally Financed and Assisted Construction and Other Contracts Subject to the Contract Work Hours Standards Act." Form AD–372 is available from the Central Supply Section.

(2) The contractor's attention should particularly be called to the requirement for submission of weekly payrolls and statements with respect to payment of wages. If there is a representative of the contracting officer on the site of the job, responsibility for securing these documents may be delegated to him; otherwise the contractor should be required to mail them direct to the contracting officer.

(d) *Equal opportunity provision.* Upon award of the contract, the contractor shall be furnished posters and directions for their use in accordance with subpart 4–12.8.

(e) *Notice of award.* The contractor should be formally notified by letter or other written notice, and requested to furnish performance and payment bonds and to return a copy of the contract properly signed. Upon receipt of properly executed bonds and contract, two copies of the contract, containing all pertinent papers and signed by the contracting officer should be furnished to the contractor, together with instructions regarding labor provisions of the contract; provision for schedule of work, etc.; and any other pertinent advice, such as the name of the authorized representative of the contracting officer.

(f) *Award notice to Commerce Department.* Department of Commerce Form 16–19, Construction Contract Award Notification, is a self-addressed postcard type of form and is to be used for reporting to the Department of Commerce construction contract awards over $25,000 financed from Federal funds, except where other arrangements for reporting have been made with the Department of Commerce for certain agency programs. Copies of Form 16–19 may be obtained from the Central Supply Section.

§ 4–4.5311 Performance and payment bonds.

When performance and payment bonds are received, they should be administratively approved as to form and sufficiency by the contracting officer. See § 4–10.152 for instructions on approval and filing of bonds.

§ 4–4.5312 Notice to proceed.

When the contract is returned by the contractor, it should be checked for appropriate signatures. Upon approval of the contract and bonds by the contracting officer, the notice to proceed should be issued as provided in the contract. Ordinarily, this will be by letter directing the contractor to proceed with the work within the period of time after date of receipt of the notice to proceed, as stated in the contract. This notice should be sent by registered or certified mail with return receipt in order to determine the starting date of contract time.

§ 4–4.5313 Changes in construction contracts.

(a) *Contract provision.* In accordance with Clause 3 of Standard Form 23A and Clause 1 of Standard Form 19, the contracting officer may at any time, by a written order, make changes in the drawings and/or specifications of the contract, if within the general scope thereof.

(b) *Determination of contract adjustment.* If changes cause an increase or decrease in the contractor's cost of, or in the time required for, performance of the contract, an equitable adjustment in the amount to be paid the contractor and/or in the time of performance shall be made by the contracting officer in accordance with § 4–4.5317.

(c) *Change order.* The change shall be made by means of a written change order which may be by letter or on agency forms. The order shall cite the changes clause of the contract as the basis and authority for ordering the change. As a general rule, the order setting forth the changed work and the adjustment in price and/or time should be issued before commencement of the changed work. Only where time is not available and the changed work must proceed without delay may the change be initiated by a "two-part" change order. Part I will then be issued, setting forth the scope of the change, stating that the contractor is to proceed with the work as changed and that adjustments in contract price and/or time will be made at an early date. Part II would be issued as soon as adequate data is developed to enable making the equitable adjustment. Provision should also be made for receipt and acceptance of the change order(s) by the contractor, including his agreement to the adjustment in contract price and/or time specified therein. No conditions shall be extended by the contracting officer for nonacceptance, such as withholding of otherwise due payments, agreements on items in dispute, etc. Failure to agree on terms of the change shall be handled as a dispute. Prior to issuance of a change order increasing the contract amount, the contracting officer must have written assurance that funds are available and reserved for the proposed action. Also, the surety should be advised of the change, although this is not required by the contract terms.

(d) *Authorized changes.* The cited contract provision provides authority to make changes in the drawings and/or specifications of the contract if within the general scope thereof. This clearly includes any structural changes to the total work which can be said to have been fairly and reasonably within the contemplation of the parties at the time the contract was made. It includes nonstructural changes necessary to carry on the work such as changes in sequence of operations, acceleration of work, changes in Government furnished materials, inclusion of corrected wage rates, correction of errors by the Government, etc. Consequential damages cannot be adjusted as a change hereunder.

(e) *Constructive changes.* While the language of the changes provision requires that a change be ordered in writing, certain actions by contracting officials, even though not intended to constitute a change, may be held to do so. For example, the contractor may be entitled to an adjustment of the contract where the Government (1) erroneously interprets a contract and makes the contractor do something the contract does not require, (2) orders work done in a particular manner thereby depriving the contractor of use of an alternative method, or (3) requires acceleration of performance beyond that necessary to perform the contract within the contract performance time, or refuses to give an extension of time where one is due. However, where the contractor has acted as a mere volunteer and has performed work beyond the requirements of the contract without direction, written or oral, he shall not be afforded relief under the changes provision.

(f) *Timeliness.* Contract performance may be suspended or delayed by the contracting officer for a reasonable time, where necessary to work out the details of a proposed change and issue a change order. What is a reasonable time depends upon the extent of the change and other material circumstances. In any event, the contracting officer should proceed with contract changes, and adjustments thereunder, in a manner calculated to minimize any adverse effect on the contractor. To do otherwise is to invite damage claims for unreasonable delay which, in the absence of a contract provision authorizing pay for delay, could not be administratively settled. See § 4–4.5301–12 on price adjustment for delay.

(g) *Disputes.* If the contractor does not agree with the adjustment in the change order, he must nonetheless proceed with the prosecution of the work as ordered. He is allowed a period of 30 days from the date of receipt of the change order by the changes provision of the contract within which to claim further adjustment. However, if the contracting officer determines that the facts justify such action, i.e., that the delay is not prejudicial to the government, and evidence is available to determine the merits of the claim, he may consider and adjust any such claim if asserted at any time prior to the date of final payment under the contract. Upon receipt of such a claim, the contracting officer shall consider the facts and make whatever further adjustment in the contract is justified in accordance with the procedures for equitable adjustments stated in § 4–4.5317.





§ 4–4.5314 Changed conditions in construction contracts.

(a) *Contract provisions.* Clause 4 of Standard Form 23A provides that the contractor shall promptly, and before such conditions are disturbed, notify the Contracting Officer in writing of (1) subsurface or latent physical conditions at the site differing materially from those indicated in the contract, or (2) unknown physical conditions at the site of an unusual nature, differing materially from those ordinarily encountered and generally recognized as inhering in work of the character provided for in the contract. Similar language appears in Clause 1 of Standard Form 19. These standard forms provide that if such conditions cause an increase in the cost of, or in the time required for, performance of the contract, an equitable adjustment in the amount to be paid the contractor and/or in the time of performance shall be made by the contracting officer, unless the contractor fails to give the required notice and the contracting officer does not consider waiver of the notice to be justified.

(b) *What constitutes a changed condition—(1) Misrepresented conditions.* The first category of conditions cognizable under the changed conditions clause is those physical conditions differing materially from that indicated by the invitation and contract, including all plans, drawings, specifications, logs, charts, and other parts thereof. If the Government intentionally or unintentionally misrepresented what had been found in the course of its site investigative work, or otherwise, or withheld pertinent information which could have had a substantial bearing on the contractor's bid calculations and the contractor was therefore damaged through his reasonable reliance upon the information provided by the Government, he is entitled to an equitable adjustment. In such a case, the usual contract clauses warning the bidder to inspect the site, and at the same time disclaiming responsibility of the Government for inaccuracy of information supplied, are insufficient to overcome the Government's failure to supply available, accurate information. On the other hand, if the Government shows fairly, honestly and completely what it has found, the fact that what it does show may not be representative of the conditions later found to exist will not enable the contractor to be relieved because of misrepresentation.

(2) *Unanticipated conditions.* This category of conditions includes those existing at the time the contract was made which were unknown to both parties, and of such unusual nature that a competent contractor would not have anticipated their presence under the circumstances. Relief does not depend upon a comparison of the conditions found with the contract documents, but rather on whether the actual conditions encountered do differ substantially from what a contractor should reasonably have expected, based not only upon the information furnished by the Government, but also upon the conclusions which would reasonably be drawn from generally known conditions of the surrounding area and the nature of the job to be done. Statements in the invitation that the contractor is responsible for informing himself of conditions at the site, or that disclaim responsibility of the Government for unknown conditions cannot detract from the right given the contractor by the Changed Conditions Clause to an equitable adjustment if he encounters conditions which he could not reasonably be expected to have foreseen under the circumstances. However, if the bidder is given an opportunity to inspect the site and fails to do so, he can not obtain relief on the basis of ignorance of conditions of which he could have been warned by a thorough visual inspection. Unusual weather conditions are not considered changed physical conditions within the meaning of this clause.

(c) *Determination of contract adjustment.* Upon receipt of notice of a changed condition from the contractor, the contracting officer shall promptly investigate the conditions and if he finds that such conditions do so materially differ and cause an increase or decrease in the cost of, or the time required for, performance of the contract, he shall determine and make an equitable adjustment as provided in § 4–4.5017(b). No claim for adjustment shall be allowed unless the contractor has given written notice of the changed conditions prior to their being disturbed, unless the Government actually knew of the conditions, or where its interests were not prejudiced by failure to give notice at the time required, or where evidence is available to establish the merits of the claim.

(d) *Disputes.* If the contractor does not agree with the adjustment made by the contracting officer, he may so notify the contracting officer, who then shall prepare a finding of fact and make a decision, as provided in § 4–50.104. In accordance with the contract Disputes Clause, the contractor may appeal from the decision of the contracting officer within 30 days from the date of receipt thereof.

(e) *Contract provisions for estimated quantities.* (1) Where quantities of items, such as earth excavation, rock removal, etc., are estimated, consideration should be given to including in the contract a special provision establishing the point at which overruns or underruns of such estimated quantities shall be considered as entitling the Government or the contractor to an equitable adjustment in the contract price. The following language is prescribed for such a provision:

QUANTITY VARIATIONS

(a) Where the quantity of work shown for an item in the bid schedule, including any modification thereof, is estimated, no adjustment of the contract price nor of the performance time shall be made for overruns or underruns which are within twenty-five (25) percent of the estimated quantity of any such item.

(b) For overruns of more than twenty-five (25) percent, the Contracting Officer shall re-estimate the quantity for the item, establish an equitable contract price for the overrun of more than twenty-five (25) percent, adjust contract performance time equitably, and modify the contract in writing accordingly; this clause to thereafter be applicable to the total re-estimated item quantity.

(c) For underruns of more than twenty-five (25) percent, the Contracting Officer shall determine the quantity for the item, establish an equitable contract price therefor, adjust contract performance time equitably, and modify the contract in writing accordingly.

Additional language may be included limiting application of the provision to major items in the contract.

§ 4–4.5315 Work orders.

The term "work orders" is used for a variety of actions which are within the general scope of the contract, but which do not increase or decrease the amount due under the contract or the time required for its performance. Any situation involving a "Change" or "Changed Conditions", as described in §§ 4–4.5313 and 4–4.5314, requires a change order signed by the contracting officer whether or not there is a change in the contract amount or time of performance. Work orders would be used for any situation where it is advisable to direct the contractor in writing to fulfill some contract requirement in a specific way, such as when he ignores verbal directions, or to order performance of work for which a contingent sum is set up in the schedule of items of work and which is not covered by the notice to proceed, or to establish specifications for portions of work which the contract provides shall be at the direction of the engineer, etc. Work orders are a part of the official actions under a contract and as such are to be retained as a part of the contract file.

§ 4–4.5316 Amendment.

All changes in contract work within the general scope contemplated by the contract will be ordered by change orders. When additional work outside the scope of the contract is required, and it is determined that the contractor is the only reasonable source, such additional work may be included in the contract by an amendment in the form of a supplemental agreement which must be signed by the contractor. The contract file must contain a statement adequately supporting the execution of the agreement as being within the exceptions to the statutory advertising requirements.

§ 4–4.5317 Equitable adjustment.

(a) *Authority.* The standard contract clauses such as for "Changes", "Changed Conditions", "Disputes", etc., provide for the making of equitable adjustments in contract price and time.

(b) *Determination.* The method of determining the equitable adjustment varies, dependent upon whether work is, or is to be, completed, and upon the adequacy of contractor's accounts, the nature of the work, etc. While rigid rules applicable to all circumstances cannot be given, these are some rules of general application:

(1) The costs that will be reasonably experienced by the contractor should be used. The costs of a more experienced company should not be used as a standard.

(2) No allowance or provision may be made for any increase in the cost of work not changed (unless the contract specifically provides therefor). Those costs which flow solely and naturally and according to the usual course of things as the result of a change may be allowed—any other costs would be consequential in nature for which the contract does not provide an administrative remedy. Costs attributable to delay may not be included unless authorized by a contract provision pursuant to § 4–4.5301–12.

(3) Profit is allowable unless the contract provision specifically limits recovery to costs. However, anticipated profit on work deleted may not be included.

(4) Adjustments may be based on fair and reasonable approximations of the costs made by experts.

(5) The mere difference between the originally estimated cost of performance and the actual cost of performing changed work is not of itself an acceptable basis for making the adjustment. What would be reasonable costs of performing the work must be determined.

(6) Adjustments in both time and price should be made concurrently. Any adjustment in contract time is a recognition that cost of performance may be subject to adjustment.

(7) The cost principles of Subpart 1–15.4 shall be used as a guide in determining allowable costs.

(c) *Documentation.* The final determination of an equitable adjustment, including the basis therefor, must be in writing. Agreement thereto in writing by the contractor must be obtained when the contract requires such agreement. Documented agreement is desirable in any case.

(d) *Disputes.* Failure to agree upon an adjustment in the contract shall be settled in accordance with procedures stated in Subpart 4–50–2.

**§4–4.5318 Work progress reports and invoices.**

As a minimum, the contracting officer should be advised once each month as to the progress of construction work in such terms as to enable him to judge whether satisfactory progress under the contract is being obtained. The work progress report may be in the form of an estimate of work accomplished under each item which, if in appropriate detail, may be used by the contractor as his invoice.

**§ 4–4.5319 Extension of contract time.**

Extension of contract time may be authorized only when contract general provisions (such as clauses 3, 4 and/or 5 of SF–23A) provide specific authority therefor. When an extension of contract time is requested because of delays due to causes as specified in the contract, the contracting officer shall ascertain the facts and prepare and furnish to the contractor a report of his findings and decision. (See § 1–8.602–3.)

## PART 4–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY


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AUTHORITY: The provisions of this Part 4–5 issued under 5 U.S.C. 22, 40 U.S.C. 486(c).







### Subpart 4–5.3—Excess Personal Property

**§ 4–5.302 Policy.**

In order to comply with the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 483), and such regulations as have been issued pursuant thereto by the General Services Administration, it is the policy of the Department to utilize Federal excess personal property whenever practicable in lieu of procurement of new property from commercial sources. (See 5 AR 622.)

### Subpart 4–5.50—Agricultural Research Center

**§ 4–5.5001 General.**

Under its working capital fund authorization (5 U.S.C. 542–2), the Agricultural Research Center at Beltsville, Md., may furnish to other Government agencies on a reimbursable basis (a) facilities, and services, (b) equipment rentals, and (c) supplies (such as plumbing, heating, lighting, lumber, etc., but not including office supplies), equipment, and materials, stores of which are maintained at the Center. The working capital fund of the Center may also be reimbursed for building construction, alteration, and repairs.

**§ 4–5.5002 Contracting for Agricultural Research Center, Beltsville, facilities.**

The Agricultural Research Service shall execute and administer building alterations and construction and other facilities' contracts for work as may be required at the Agricultural Research Center (including Plant Industry Station) Beltsville, Maryland, for all agencies of the Department. Requests for these services should be submitted to the Director, Administrative Services Division, Agricultural Research Service, Federal Center Building, Hyattsville, Md. The following fees will be charged for these services:

| Service | Up to $10,000 | $20,000 | Over $20,000 |
|---|---|---|---|
| Bid and contract management. | 1% | 1% | Rate as mutually agreed upon. |
| Inspection and supervision. | 5% | 4% | |

In addition, certain engineering and design services of ARS can be made available upon agreement. The fee has been established at 4 percent of the construction contract estimated cost, up to $20,000. Over $20,000, the fee will be as mutually agreed upon between ARS and the agency.

Special services such as linear or topographic surveys, research into special building, design, unusual heating or air conditioning, temperature and humidity control criteria, may require reimbursement in addition to the 4 percent indicated above, and at rates mutually agreed upon.

The location of the building, approval of the site plan, arrangement for utility services, financial plan for building maintenance after completion, and maintenance of property records should be agreed upon with the Agricultural Research Center Operations office prior to the initial development of plans and specifications.

## Subpart 4–5.51—Federal Prison Industries, Inc.

**§ 4–5.5101 Authority.**

The Federal Prison Industries, Inc., was authorized by the act of June 23, 1934 and created by Executive Order 6917, dated December 11, 1934. (18 U.S.C. 4121 to 4128).

**§ 4–5.5102 Policy; purchase is mandatory.**

Federal Departments and Agencies shall procure products available from Federal Prison Industries, Inc., from that source, except for exemptions provided for in § 4–5.5105.

**§ 4–5.5103 Schedule of products available.**

Products and services available from Federal Prison Industries, Inc., are listed in the "Schedule of Products Made in Federal Penal and Correctional Institutions, Federal Prison Industries, Inc." Copies of the schedule are furnished direct to the Washington offices of the various agencies for distribution among their users both in Washington and the field by the Federal Prison Industries, Inc., U.S. Department of Justice, Washington, D.C., 20530.

Certain common-use items, listed in the Federal Prison Industries, Inc. Schedule of Products, are stocked at the supply centers of the Federal Supply Service, and when required in less than carload lots, shall be obtained therefrom. Purchases from any one of the following categories shall be made by submitting purchase orders in duplicate, prepared as shown on page B of the Introductory Section of the Federal Prison Industries' Schedule, direct to U.S. Department of Justice, Federal Prison Industries, Inc., Washington, D.C., 20530:

(a) Items available from Federal Prison Industries, not carried in stock by supply centers of the Federal Supply Service.

(b) Requirements of carload lots or more. (The quantity contained in carload lot shall be not less than the minimum carload weight for the commodity concerned as described in the Consolidated Freight Classification.)

(c) Items requiring overseas packaging or packing.

(d) Instances where the ordering installation or activity is so located that it would be more practical and economical to purchase direct from the manufacturing facility rather than the regional office of GSA. In such instances, a copy of the purchase order shall be forwarded to the regional office of the GSA which normally serves the installation or activity receiving the material.

Separate orders should be drawn for articles listed in different sections of the Federal Prison Industries Schedule. Government bills of lading are not required with the order, as they will be prepared by the shipper. Shipments will be made by the most economical means unless otherwise specified. Prices shown in the Schedule, unless otherwise indicated, are f.o.b. plant and subject to change without notice.

**§ 4–5.5105 Clearances.**

(a) Blanket indefinite: Clearance No. C 66052, of Federal Prison Industries, Inc., authorizes this Department to purchase from other sources, level and stadia rod covers, tripod covers, drawing board cases, seat covers, canvas water bags (1 and 2 gallon capacity), canvas belts, and all types of sleeping bags. Reference to the clearance number should be made on contracts, purchase orders, or vouchers for these items.

(b) When an article ordered from Federal Prison Industries, Inc. cannot be furnished or undue delay would be incurred in obtaining delivery from that source (purchase orders should indicate the latest delivery date which will be acceptable) a formal clearance will be issued on FPI Form 34. Such a clearance must be attached to the initial voucher to prevent exception by the General Accounting Office. Clearances will not be issued subsequent to purchases. Telegraphic clearance will be issued in case of emergency.

(c) Requests to Federal Prison Industries, Inc., for special clearances should show the reference to the preface sheet of each such class of products.

(d) No clearance is required for procurement from other sources for products or services available from Federal Prison Industries, Inc., under the following conditions:

(1) For purchase of less than carload lots of common-use items, designated in the Federal Prisons Inc. Schedule when purchased from the Federal Supply Service.

(2) When immediate delivery or performance is required by the public exigency.

(3) When suitable used or excess property can be secured.

(4) When procured and used outside of the continental limits of the United States and Alaska.

(5) Requirements for unlisted items costing $100 or less except for castings, canvas items and furniture refinishing.

(6) Orders for listed items amounting to $25.00 or less that require delivery within ten days.

**§ 4–5.5106 Purchase of Substitute Items Under Clearance.**

Items purchased from other sources as a result of clearance by Federal Prison Industries, Inc., must be identical with the description of the material cleared, since such clearance authorizes the purchase of material specifically described in the clearance document. As an example, in the event clearance is issued by Federal Prison Industries, Inc., to permit purchase from a commercial source of a quantity of canvas 40 inches wide and it develops that only canvas of another width is readily available, the purchase of the canvas of the other width is not authorized and procurement thereof shall not be consummated without additional clearance from Federal Prison Industries, Inc.

**§ 4–5.5107 Disputes.**

Purchases from other sources because of lower prices is not authorized and the Federal Prison Industries, Inc., will not issue clearance on that basis. Disputes as to the price, quality and character or suitability of products and services available from Federal Prison Industries, Inc. to meet the procurement agencies' requirement, shall be arbitrated by a board consisting of the Comptroller General of the U.S., the Administrator of the General Services Administration, and the Director of the Bureau of the Budget, or their representatives. Their decision shall be final and binding on all parties.







## Subpart 4–5.53—General Services Administration

**§ 4–5.5301 Stores depots.**

**§ 4–5.5301–1 General.**

The Federal Supply Service, General Services Administraton, maintains stocks of numerous items of materials and supplies at its various field supply centers throughout the United States.

**§ 4–5.5301–2 Ordering Stores Stock.**

The Store Stock Catalog, which lists in one volume the items stocked by all of the various supply centers, is distributed by such center. Copies may also be obtained from the Printing and Distribution Branch, Federal Supply Service, General Services Administration, Washington, D.C., 20405. Instructions for ordering from Stores Depots are contained in this catalog. Orders for items of stores stock to be shipped to users within the continental United States shall be submitted in original only. Orders for items for export shipment (including shipments to Alaska and Hawaii) shall be submitted in duplicate.

**§ 4–5.5301–3 Utilization of GSA Stores Depot Stocks.**

Agencies within the continental United States, Hawaii and Alaska shall procure exclusively from the stores stock of GSA their requirements of all articles listed in the Stores Stock Catalog of the Administration, and supplements thereto as revised from time to time, except as provided below, and as may be otherwise specifically authorized. The exceptions of this section are not applicable to regulations covering standard and optional forms. Exceptions are as follows:

(a) When suitable Government-owned used, excess, or surplus property can be secured.

(b) Special items listed in the Administration Stores Stock Catalog and supplements thereto, which are only available from regional offices other than the one serving the requisitioning agency.

(c) Items listed in the Administration Stores Stock Catalog which are also covered by the Government Printing Office Catalog of Blank Paper and Envelopes, and which are obtained from the Government Printing Office for delivery in the District of Columbia.

(d) Items obtained under Federal Supply Schedule contracts.

(e) Ruled or unruled marginally punched forms listed in the Administration Stores Stock Catalog and supplements thereto, and marginally punched continuous forms obtained under term contracts issued by or available through the facilities of the United States Government Printing Office. (See § 4–5.5401.)

(f) Orders for $25 or less in value.

(g) Products required in case of public exigency, and time or circumstances do not permit clearance from appropriate Administration officials.

(h) Purchases in Alaska and Hawaii of items in Federal Supply Classification Group 89, Subsistence Items.

(i) Combustible, hazardous, or otherwise dangerous items which because of shipping restrictions (nonmailable) have been exempted by terms and conditions shown in the Stores Stock Catalog and supplements thereto.

(j) Small local purchases at the site of work or point of need, if imprest funds, Standard Form 44 (Purchase Order-Invoice-Voucher), or blanket purchase arrangements are available and used, and

(1) The items needed are nonrepetitive, infrequent, or isolated requirements which are not susceptible to planned requisitioning, or

(2) When an urgent need arises for any item cusomarily obtained from the Administration's stores stock and a portion or all of the requirements must be obtained prior to the time when it could normally be delivered from such stocks.

(k) Blind-made and prison-made products stocked by the Administration are specifically exempted in the following cases, in addition to any general exception under paragraphs (a) through (j) of this section:

(1) Carload lots or over, as described in the Uniform Freight Classification for the commodity concerned.

(2) Instances where the receiving activity is so located that it would be more practical and economical to purchase direct from the manufacturing facility rather than through the Administration regional offices.

**§ 4–5.5301–4 Substitution policy.**

GSA will substitute both regular and excess property without prior notification, unless the proposed substitute is used, reconditioned, or differs in some substantial characteristic from the item requisitioned; in which case, notice to substitute will be given and, if desired, an opportunity provided to inspect the substitute prior to shipment.

**§ 4–5.5301–5 Billing and payment.**

Payment to the General Services Administration for supplies, equipment, and services shall be made in accordance with 7 AR 60.

**§ 4–5.5301–6 Shortages and overages—adjustments.**

Adjustments of billings or payments are not required to be requested or made by billed agencies or the General Services Administration whenever the difference involved, resulting from over and under deliveries or over and under charges, represents an amount of $5.00 or less on any one invoice. This is not to be construed to eliminate billings and payments for requisitioned items of $5.00 or less.

**§ 4–5.5301–7 Receipt.**

Receipt may be established on a constructive basis in connection with payments to GSA. However, the receiving system of the agency should be sufficient to verify receipt of supplies, equipment and services and to establish control and accountability thereof within the agency. (See also 7 AR 60.)

**§ 4–5.5301–8 Requests for stocking of additional items by GSA stores depots.**

Requests for the inclusion of new items in GSA stock should be forwarded, in duplicate, through appropriate channels, to the Office of Plant and Operations for review and submission to the Federal Supply Service. Estimated annual requirements, as well as other available information which may be useful in considering the proposal should be included.

**§ 4–5.5301–9 Use of GSA stores stock items by prime contractors in performing cost-reimbursable type contracts.**

Where an agency of the Department administering a cost-reimbursement type contract deems it to be in the best interest of the Government to do so, such agency may authorize the prime contractor to purchase available items needed to carry out the contract from GSA Stores Depots in accordance with the limitations and procedures set forth in Subpart 1–5.9, Federal Procurement Regulations.

**§ 4–5.5302 Purchase by the Federal Supply Service.**

The Federal Supply Service has been assigned the purchase responsibility for certain specialized items as listed below. (See sections as noted for procedure to be followed in acquiring such items.)

Air Conditioning Equipment (§ 4–4.5002).
Electric Water Coolers and Fans (§ 4–4.5100).
Motor Vehicles (§ 4–4.5059).
New Household and Quarters Furniture (§ 4–4.5042).
A Paper and Paperboard (§ 4–4.5065).
Refrigerators (§ 4–4.5079).
Envelopes (§ 4–4.5032).

**§ 4–5.5303 Federal Supply Schedules.**

**§ 4–5.5303–1 General.**

Federal Supply Schedules are listings of articles and services available directly from contractors under contracts entered into by General Services Administration, at a stated price for a given period. Schedules are published in catalog style and list under major commodity classifications the articles and services available from the contractor named therein. Moreover, each schedule sets forth contractual terms and conditions, such as whether mandatory or optional in its use; minimum and maximum order amounts, and all essential ordering information for placing orders directly with contractors. The term "primary source" on the schedules denotes that it is mandatory for the agencies indicated.

**§ 4–5.5303–2 Use.**

Where a Federal Supply Schedule is designated as the primary source, agencies shall use such schedule for procuring the property or services listed therein, subject only to such exemptions for emergency conditions, etc., as are provided in the schedule. Where the delivery period offered in the schedule does not meet the delivery requirements of the purchasing activity, use of the schedule is not mandatory. However, delivery periods shown are based upon the average capabilities of the contractor and are usually conservative. Contractors, in most instances, are able to make delivery within a shorter period of time than the maximum provided in the schedule. Therefore, when delivery requirements are less than the maximum shown in the schedule, inquiry should usually be made of the contractor as to whether or not the delivery requirements

of the agency can be met. This procedure should be followed except in those cases where transportation time from the contractor's shipping point or time required for inquiry and reply make it impracticable to do so. Failure to meet maximum Federal Supply Schedule delivery dates (or dates for faster delivery as agreed to by the contractors) will constitute a breach of contract and will be treated in accordance with the procedures outlined in the Federal Supply Schedule checklist and guide.

**§ 4–5.5303–3 Optional use.**

Agencies are encouraged to utilize optional schedule contracts except where the procuring activity has actual knowledge that purchase can be made more advantageously from some other source. The schedule may be presumed to be advantageous in the absence of special circumstances indicating the advisability of advertising or further price inquiry. (See Comp. Gen. Dec. B–146334 of July 31, 1961.) Where a procurement from a source of supply other than a Federal Supply Schedule indicate that such source might be more advantageous to the Government, the name and address of the supplier together with other details of the procurement action should be forwarded to the Office of Plant and Operations for transmittal to the General Services Administration for consideration in connection with future schedule contracts.

**§ 4–5.5303–4 Federal Supply Schedule checklist and guide.**

GSA issues quarterly a Federal Supply Schedule checklist and guide as an aid in the use of Federal Supply Schedules. It contains a listing of all current Federal Supply Schedules and amendments thereto, together with the distribution code number for each schedule and catalog. This checklist and guide provides the ordering office all information necessary to use and understand the Federal Supply Schedules and for appropriate action in the event of delinquency or default on the part of the contractor.

**§ 4–5.5303–5 Distribution of Federal Supply Schedules and contractors' catalogs.**

Agency offices desiring to receive current copies and to be placed on distribution lists for receiving Federal Supply Schedules and contractors' catalogs should prepare and submit GSA Form 457, Request for Federal Supply Schedules and contractors' catalogs (including price lists), to the General Services Administration Regional Office for the area in which such ordering office is located. Copies of GSA Form 457 may be obtained from any GSA regional office.

**§ 4–5.5303–6 Foreign materials.**

Federal Supply Schedules sometimes include items of foreign origin or manufacture and, generally, a notation to that effect is shown directly above or below the description of the article. In the absence of a notation in the Schedule to the effect that the item is of foreign manufacture, it shall be assumed by the ordering office that the item is of domestic origin and manufacture. Upon delivery of the item, if inspection reveals that the item is of foreign origin or manufacture, acceptance should be withheld, pending determination by the Federal Supply Service as to whether the delivery of foreign material is permissible under the terms of the Federal Supply Schedule contract. If the Federal Supply Service advises that the contract provides for delivery of domestic goods only, the foreign material shall be rejected and demand made of vendor for domestic goods with advice that upon his failure to do so, purchase of domestic goods will be made from other sources and that his account will be charged with any excess costs occasioned thereby. In certain multiple award schedules which include both foreign and domestic items which will meet the requirements of an agency for a particular job, it is necessary to apply the Buy American Act differentials.

**§ 4–5.5303–7 Recommendations for inclusion of additional items or other improvements in the Federal Supply Schedules.**

Such recommendations should be forwarded, in duplicate, through appropriate agency channels, to the Office of Plant and Operations for review and submission to the Federal Supply Service. In the case of proposed new items, estimated annual requirements and other available information which may be useful in consideration of the proposal should be submitted.

**§ 4–5.5303–8 Use of Federal Supply Schedule contracts by Government contractors.**

Where an agency of the Department administering a cost-reimbursement type contract deems it to be in best interest of the Government to do so, such agency may authorize the prime contractor to purchase available items needed to carry out the contract from Federal Supply Schedule contractors, in accordance with the limitations and procedures set forth in Subpart 1–5.9, Federal Procurement Regulations. Agencies may authorize any contractor or subcontractor to purchase security cabinets under the conditions specified in GSA Circular No. 327, dated January 29, 1964.





## Subpart 4–5.53—General Services Administration

**§ 4–5.5304 Mechanical shops.**

Mechanical work desired by the various agencies of this Department in Washington, D.C., such as carpenter, cabinet, pattern, machine shop, plumbing, pipe fitting, sheet metal, electrical, composition, fabric, and leather work, model making, painting, manufacture and repair of awnings, and mechanical supplies and equipment may be obtained on a reimbursable basis from the mechanical shops under the supervision of the Public Buildings Service, General Services Administration. Requests should be prepared on GSA Form 1354, Job Order. The construction of office furniture or other equipment by the mechanical shops will not be permitted when standard articles available from commercial sources at less cost will serve the requirements.

## Subpart 4–5.54—Government Printing Office

**§ 4–5.5400 Scope.**

The purpose of this subpart is to outline methods for purchasing various supplies from the Government Printing Office. These supplies are broken down into three categories: (a) printing and binding items, including standard forms which require overprinting or some other alteration; (b) blank paper and blank envelopes, and miscellaneous stationery supplies, including inks, glues, etc.; and (c) publications.

**§ 4–5.5401 Printing and binding items.**

Generally, all printing and binding, including any items requiring performance of a printing and binding operation (which includes ruling, perforating, folding, lithographing, machine numbering, cutting of paper, rounding of corners and similar operations, as well as ordinary letterpress printing and binding process) must be obtained from the Government Printing Office, Washington, D.C., through the Office of Information. Form AD–78, request for Printing and Binding, is to be used for this purpose. In 18 Comp. Gen. 565, the following items are specifically cited as not falling within the provision of "printing and binding:"

Pads, ruled and unruled.
Pads, calendar.
Pads, columnar.
Cards, guide, monthly.
Sheets, backing (punched but not printed).
Fillers, looseleaf binder.
Indices, looseleaf binder.
Indices, tab, alphabetical.
Sheets, ledger.
Labels, gummed.
Labels, dispensing set.
Labels, poison.
Paper, graph.
Paper, cross section.
Paper, profile.
Cloth, ruled tracing.
Cards, index, library.
Dials, watchmen's clocks.
And other similar paper articles.

**§ 4–5.5401–1 Authority.**

Under the provisions of the act of March 1, 1919 (44 U.S.C. 111), all printing, binding, and blank book work for Federal agencies shall be done at the Government Printing Office unless the Joint Committee on Printing deems it necessary or urgent to have the work done elsewhere. However, the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 201–274) provides that the General Supply Fund of the General Services Administration shall be available for purchase from or through the Public Printer of standard forms or blank book work for stores depots issue. (A blank book is any book requiring printing, binding, or ruling operations, for its manufacture, and the primary purpose of which is for writing, sketching, or making entries. Generally, it must have covers, however light, and be stitched by wire or thread to be considered a "book." If the pages are merely held together with an adhesive, it is usually a "pad" and not a "book.") The Printing and Binding Regulations of the Joint Committee on Printing provide that standard forms approved by the Bureau of the Budget or the General Accounting Office shall be obtained from the General Services Administration, unless otherwise authorized by the Joint Committee on Printing. With the approval of the Joint Committee on Printing, the Public Printer may arrange for such printing, binding, and blank book work as he is not able or equipped to do at the Government Printing Office to be done elsewhere under contract. (Act of February 28, 1929, 44 U.S.C. 111a.)

**§ 4–5.5401–2 Funds for printing and binding.**

Funds for printing and binding are carried in the various appropriations of the Department along with other regular funds.

**§ 4–5.5401–3 Waiver.**

Under the provisions of the act of July 8, 1935 (44 U.S.C. 14), the Joint Committee on Printing may permit the Public Printer to authorize any Federal agency to purchase direct such printing, binding, and blank book work as the Government Printing Office is not able or suitably equipped to do, or as may be more economically or in the interest of the Government better executed elsewhere. (See 3 AR 295)

**§ 4–5.5401–4 Authorized Government field printing plants.**

The Joint Committee on Printing has authorized the establishment of certain field printing plants (listed in the Printing and Binding Regulations) which may perform such field printing as may

be urgent or necessary to have done for the use of any field service, the need for which originates and is for use in the geographical area of origin. (See 3 AR 317 for limitations on printing plants.)

**§ 4–5.5401–5 Supervision over printing and binding.**

Administrative supervision over all printing and binding, including contract field printing, rests with the Director of Information. (See 3 AR 290.)

**§ 4–5.5402 Blank paper and blank envelopes, and miscellaneous supplies and services.**

**§ 4–5.5402–1 Authority.**

Under the provisions of the act of June 7, 1924 (44 U.S.C. 225), the Public Printer is authorized to procure, under direction of the Joint Committee on Printing, and furnish on requisition paper and envelopes (except envelopes printed during course of manufacture) in common use by two or more departments, establishments, or services of the Government in the District of Columbia. Reimbursement is to be made to the Public Printer from appropriations available for such purposes. The act of June 20, 1932 (44 U.S.C. 62) provides the same authority with respect to inks, glues, and other miscellaneous supplies.

**§ 4–5.5402–2 Types available.**

The various items available are those listed in the Catalog and Price List of the U.S. Government Printing Office, Washington, D.C., titled, "Blank Paper and Envelopes, Inks, Glues, and Miscellaneous Supplies and Services." Copies of the catalog are distributed to agencies in Washington, D.C., by the Office of Plant and Operations.

**§ 4–5.5402–3 Method of acquisition.**

It is mandatory that all Federal agencies procure their requirements for items listed in the catalog from the Government Printing Office, except when items for field use can be purchased cheaper elsewhere, taking into consideration costs of packing and transportation by GPO (see 7 Comp. Gen. 712), or as otherwise provided for in this paragraph. If any of the items listed in the catalog are not stocked by the Central Supply Section they may be purchased by placing Form AD–38 with the Public Printer, Government Printing Office, Washington, D.C. The Government Printing Office will deliver the items listed in the catalog to Department agencies in Washington, D.C., at the prices quoted. Items not listed in the Government Printing Office quarterly catalog do not require waivers from the GPO for procurement elsewhere. If delivery to field offices is desired, the Government Printing Office, upon request, will prepare the items for shipment and include in its billing a charge for packing. In such cases, a Government bill of lading may be furnished with the purchase order, or the Government Printing Office may be requested to arrange the transportation and include the cost in its billing. If purchases for field delivery are not to be made from the GPO, other mandatory sources of supply should not be overlooked.

**§ 4–5.5403 Publications.**

The Superintendent of Documents, Government Printing Office, maintains stocks of various publications for sale to Federal agencies and to the general public. (44 U.S.C. 71, 72.) Such publications may be acquired for Washington or field delivery by forwarding Form AD–38 to the Superintendent of Documents, Government Printing Office, Washington, D.C.

## Subpart 4–5.55—Military Petroleum Supply Agency

**§ 4–5.5500 General.**

See § 4–4.5064 for information concerning the submission of estimates, and the purchase of lubricating oil under contracts made by the Military Petroleum Supply Agency.



## Subpart 4–5.56—National Industries for the Blind

**§ 4–5.5601 General.**

The National Industries for the Blind is the agency designated to facilitate distribution of orders among the agencies for the blind. The Federal Supply Service, General Services Administration, is the agency designated to coordinate purchases by the various Federal agencies of blind-made products. The purpose of this paragraph is to explain the procedure for purchase of blind-made products

**§ 4–5.5602 Committee on Purchases of Blind-made Products.**

This committee was created by act of Congress, June 25, 1938 (41 U.S.C. 46–48). It is the function of the committee to determine the fair market prices of commodities manufactured by the blind and offered for sale to the Federal Government by any nonprofit-making agency for the blind organized under the laws of the United States or of any State, and to make such rules and regulations regarding specifications, time of delivery, authorization of a nonprofit-making agency to facilitate the distribution of orders among the agencies for the blind, and other relevant matters of procedure necessary to carry out the purposes of the act.

**§ 4–5.5603 Purchase policy.**

All suitable commodities manufactured by the blind and offered to the Federal Government shall be procured from such agencies for the blind in all cases where the articles are available within the period specified at the prices determined by the committee to be a fair market price. The act does not apply where similar items are available from any Federal department or agency and procurement therefrom is required under the provisions of any law in effect on the date of the enactment of the act of June 25, 1938.

**§ 4–5.5604 Schedule of Blind-made Products.**

Items (such as brooms, mops, and related items) available from agencies for the blind are listed in the "Schedule of Blind-made Products," prepared under the direction of the Committee on Purchases of Blind-made Products, and issued through the Federal Supply Service. It is distributed to ordering offices of the Department by the Federal Supply Service in accordance with a mailing list established in each GSA regional office. The Schedule also contains complete details relative to the acquisition of blind-made products, as well as citations of the act and the regulations prescribed by the Committee on Purchases of Blind-made Products.

**§ 4–5.5605 Clearances.**

Any ordering office may purchase from commercial sources any items listed in the Schedule to meet requirements (a) of military necessity which require delivery within 2 weeks, (b) that total $25 or less (subject to the requirements in § 4–5.5301 on the use of stores stock), or (c) that are for use outside the continental United States.

**§ 4–5.5606 Acquisition from GSA stores depots.**

Blind-made products in common use will be carried in stock at all stores depots of the Federal Supply Service, and will be available therefrom in less than carload lots. The Schedule of Blind-made Products distinguishes between the items carried in stock by stores depots and those available through allocation by the National Industries for the Blind. Except purchases to be made through the National Industries for the Blind, as provided in § 4–5.5607, orders for blind-made products, including nonstock items, should be forwarded to the stores depot normally serving the agency. Separate orders should be placed for stock and nonstock items.

**§ 4–5.5607 Acquisition From National Industries for the Blind.**

Requests for allocations for blind-made products should be submitted by letter in duplicate directly to the National Industries for the Blind, 15 West 16th Street, New York 11, New York, when purchases fall into either of the categories stated below. Allocations thus obtained will enable agencies to place orders directly upon the manufacturing facility for the blind.

(a) Requirements for carload lots or more.

(b) Items requiring overseas packaging or packing.

(c) Where the ordering agency is so located that it would be more practical and economical to purchase directly from the manufacturing facility. In such instances a copy of the purchase order shall be forwarded to the supply center which normally serves the agency.

**§ 4–5.5608 Procedure when similar products are made by Federal Prison Industries, Inc.**

Section 7 of the act of May 27, 1930 (18 U.S.C. 4124) requires ordering offices to purchase those products made available by industries operated in Federal prisons. When similar products are made by agencies for the blind, an agreement has been effected with Federal Prison Industries, Inc., that when it receives an order for any such product which it is not in a position to supply, the original copy of the order, with a Federal Prison Industries, Inc., clearance will be returned to the ordering office with the advice that the product is listed in the Schedule of Blind-made Products.

## Subpart 4–5.57—Office of Plant and Operations

### § 4–5.5701 Central Supply Section.

### § 4–5.5701–1 Authority.

As authorized in the Agriculture Appropriation Act for 1944 (5 U.S.C. 542–1) the Central Supply Section, Office of Plant and Operations, operates a central supply service for the purchase, storage, handling, issuance, packing, and shipping of supplies and equipment, which service shall be used to the fullest extent practicable in order to make unnecessary the separate maintenance of like services in agencies of the Department.

### § 4–5.5701–2 Delivery.

Agencies of the Department shall procure supplies, equipment, blank forms, or other materials needed for Washington delivery from the Central Supply Section to the extent such materials are carried in stock by that Section. Field offices may procure their needs from the Central Supply Section where this source of supply is the most economical.

### § 4–5.5701–3 Forms available.

There is included in the Central Supply Section Catalog a list of forms available to all agencies of the Department. The list includes Standard, Department, Civil Service, Treasury, Compensation Commission, and other miscellaneous common use forms. Under special arrangements with the agencies concerned, the Section also stocks certain forms adopted by and restricted to the use of individual agencies.

### § 4–5.5701–4 Ordering standard and AD forms.

The Central Supply Section purchases, stocks, and issues Standard and AD forms and uses the Working Capital Fund to finance initially the cost of such operation. Agencies shall reimburse the Working Capital Fund for the cost of such forms as well as the handling cost. With the following exceptions, all agency requirements for Standard and AD forms shall be obtained from the Central Supply Section:

(a) Tabulating cards, purchase orders and vouchers for transportation charges. For procurement of bills of lading see 5 AR 461c.

(b) Standard forms, which are not overprinted, serially numbered, or otherwise altered, for field use, shall be requisitioned from field warehouses of the Federal Supply Service.

(c) When, because of quantity, frequency of ordering, or other special circumstances, it appears more economical to order AD forms from the Public Printer, a printing requisition (Form AD–78), accompanied by a statement explaining the reasons why such an order would be more economical, may be submitted to the Office of Information where it will be processed if determined to be more economical.

### § 4–5.5701–5 Method of acquisition.

Agriculture Department Form 14, Request for Supplies, Equipment, or Service, shall be used to requisition materials and forms stocked by the Central Supply Section. See the reverse side of that from for detailed instructions for its use. Other instructions are contained in the Central Supply Section Catalog.

### § 4–5.5701–6 Handling charges.

The Central Supply Section operates under a working-capital fund. Charges for handling office and laboratory supplies are in the form of a surcharge against the purchase price of items delivered. Handling charges on printed forms are based on quantity and frequency of withdrawals as related to overhead.

### § 4–5.5702 Departmental contracts.

The Office of Plant and Operations makes consolidated term contracts for services constantly in demand by the Department but not covered by Federal Supply Schedules or other term contracts. Agencies are notified of these contracts through Plant and Operations Memoranda No. 22.

### § 4–5.5703 Contracting in Washington, D.C.

### § 4–5.5703–1 General.

The Procurement and Contract management Division of the Office of Plant and Operations performs procurement and sales contracting functions for agencies of the Department whenever proposed contracts are beyond the delegated authority of agencies to execute. The procedures in this § 4–5.5703 are designed to assure satisfactory award and performance of such contracts.

### § 4–5.5703–2 Preparation of invitations for bids.

Unless other arrangements are made with the Procurement and Contract Management Division, the agency shall prepare the invitation for bids in stencil form ready for duplicating except that the spaces for the invitation numbers, date of issuance, and date of opening should be left blank. The agency should consult with the contracting officer in the Division when preparing the specifications and bid invitation to obtain his assistance and guidance as may be necessary on technical phases of bid invitation preparation. The mimeograph stencils are to be transmitted to the Division together with a memorandum which should include (a) a request for the issuance of the invitation for bids, (b) the estimated cost of the procurement, (c) the appropriation and project to be charged for duplicating the invitation for bids, and (d) any other pertinent information deemed desirable or necessary. Except as otherwise arranged with the Division Contracting Officer, there shall be furnished a suggested list of all known, responsible sources of supply of the items involved. The Division will, after review of the materials submitted, complete the stencils, arrange for duplicating, and mail out the invitations for bids. A copy of the Duplicating Short Order Requisition, Form AD–274, used by the Division in arranging for duplicating service, will be furnished to the agency.

### § 4–5.5703–3 Award of contracts.

The agency shall provide such assistance to the Division Contracting Officer as he may need in tabulating bids, preparing contracts, etc. The Division will notify the agency of proposed awards and request authorization to award and a statement that funds are available in the current appropriation reserved for the proposed award. After award, the Division will notify the contractor of award or arrange with the agency to prepare the notification if more convenient. The original and necessary conformed copies of the contract will be sent to the agency immediately. The rejected bids will be retained in the Division for about two weeks, in order to facilitate answering inquiries by interested persons, after which they will be sent to the agency for filing.

### § 4–5.5703–4 Solicitation of bids in the field and awards in Washington.

Bids solicited by a field officer where the amount involved is in excess of his contracting authority, or where he has no contracting authority, shall be forwarded through channels to the agency headquarters office in Washington for award within the limits of its authorization. If the amount exceeds the authority of the headquarters office, the bids shall be forwarded to the Procurement and Contract Management Division for award. In emergencies or other justifiable circumstances, special authority may be granted for field acceptance.

### § 4–5.5703–5 Contract administration.

The successful completion of contracts awarded by the Division requires close cooperation and coordination between the Division and the agencies. After a contract is executed by the Division for an agency, the agency representatives have responsibility for the placing of the order or other notice to the contractor to proceed with the work, for follow-up and expediting of performance, for inspection and testing of materials or services furnished, and for any other action necessary to obtain satisfactory performance under the contract. These actions which are a responsibility of the





contracting officer under the terms and conditions of the contract may not be performed by any other person, unless there is a written delegation by the contracting officer designating specific persons to act for him. These include the execution of such documents as change orders, extensions of contract time for performance, notices of default or termination of the contractor's right to proceed under the contract, findings of fact and decisions on questions of fact in dispute. Whenever such actions are required, the necessary documents should be prepared for signature of the contracting officer (or his designated representative) after such consultation with him as may be appropriate. The agency representative is responsible for maintaining constant cognizance of the status of performance by the contractor. Whenever it appears that a contract is not being, or will not be performed satisfactorily, the contracting officer should be advised promptly.

## Subpart 4–5.58—Purchases From Government Agencies Under Section 601 of the Economy Act

### § 4–5.5801 Authority.

The authority for this paragraph is contained in the act of May 21, 1920, as amended by Section 601 of the Economy Act (June 30, 1932), as amended. (31 U.S.C. 686 and 686–1.) Nothing in this paragraph affects purchases under working capital funds, or pursuant to specific agency authority for making sales, as outlined in 5 AR 590. See 7 AR 93 and 106 regarding availability of appropriations and the handling of payments.

### § 4–5.5802 Placing orders.

Any executive department or independent establishment of the Government, or any bureau or office thereof, if funds are available therefor and if it is determined by the head of such department, establishment, bureau, or office to be in the interest of the Government to do so, may place orders with any other such department, establishment, bureau or office for materials, supplies, work, or services of any kind that such requisitioned Federal agency may be in a position to supply or equipped to render (or in a position to contract for where requirements of the Army, Navy, Treasury Department, Federal Aviation Agency or the Federal Maritime Commission are concerned). If work or services can be as conveniently or more cheaply performed by private agencies, they shall be let by competitive bids.

### § 4–5.5803 Participation in extra-departmental contracts.

It is desirable to purchase under the contracts of other Government departments when suitable materials can be secured economically and all parties interested are agreeable to such purchases, but in so doing care should be exercised to handle all negotiations in such a manner as not to become burdensome to the contracting agency. Information concerning extra-departmental contracts may be obtained from the Office of Plant and Operations.

## PART 4–6—FOREIGN PURCHASES

Subpart 4–6.1—Buy American Act—Supply and Service Contracts

Sec.
4–6.105 Excepted articles, materials and supplies.
4–6.150 Purchase from contracts made by other Departments.
4–6.151 Contracts for services.

Subpart 4–6.2—Buy American Act—Construction Contracts

4–6.202 Buy American policy.
4–6.202–2 Determining domestic construction material.
4–6.203 Unreasonable cost determination.
4–6.203–2 Cost computation.
4–6.250 Listing in invitation for bids.

AUTHORITY: The provision of this Part 4–6 issued under 5 U.S.C. 22, 40 U.S.C. 486(c).

### Subpart 4–6.1—Buy American Act—Supply and Service Contracts

**§ 4–6.105 Excepted articles, materials and supplies.**

(a) The Buy-American Act does not apply if the items to be used, or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available quantities and of a satisfactory quality. Heads of agencies or their designees are authorized to determine and certify as to nonavailability of domestic products. Designees shall be responsible headquarters or field officials other than the purchasing officer. At the discretion of heads of agencies, however, all officers and employees authorized to purchase trade, text, technical or scientific books, newspapers, magazines, periodicals and printed briefs, charts and maps may certify to the nonavailability of such, when they are not printed in the United States and for which domestic editions are not available. In making the required determination, there shall be considered whether similar domestic articles, materials and/or supplies will adequately serve program needs. The determination should be in the form of a statement of fact certified to as follows:

Corresponding articles, materials or supplies are not mined, produced or manufactured in the United States in reasonably available commercial quantities and of a satisfactory quality.

(b) When the head of an agency or his designee determines a need for making repetitive purchases of a foreign item, the following general form is to be followed in preparing notice of agency clearance. Each clearance shall be effective for a period of one year from date of issuance unless, prior to the expiration date, a domestic product is found to meet agency requirements. In that event, adequate notice shall be given immediately as to the availability of the domestic product and the termination of the particular clearance.

No._____
Date_____

CLEARANCE

Whereas, in the Administration of the Buy American Act (41 U.S.C. 10a–10d) and in accordance with AGRP 4–6.155, I have found the following articles, materials, or supplies necessary to the activities of this agency, and that corresponding articles, materials or supplies are not mined, produced, or manufactured in the United States in reasonably available commercial quantities and of a satisfactory quality:

(List of items)

Now, Therefore, by virtue of the authority vested in me as _____
(Title)
_____, I hereby authorize the
(Agency)
procurement of the above listed articles, materials or supplies. This authorization expires _____.

Hereafter, the above clearance number shall be indicated on all procurement documents.

_____
(Signature)

**§ 4–6.150 Purchase from contracts made by other Departments.**

When purchasing against contracts of other departments, such as Federal Supply Schedule contracts, etc., necessary determinations and certifications will be made by the heads of those respective departments except as otherwise indicated in some multiple award Federal Supply Schedules.

**§ 4–6.151 Contracts for services.**

Where services such as aerial photography, aerial spraying, research, etc., are to be performed in the United States, and a foreign bid is low, the matter shall be referred to the Office of Plant and Operations for appropriate determination.





### Subpart 4–6.2—Buy American Act—Construction Contracts

**§ 4–6.202 Buy American policy.**

**§ 4–6.202–2 Determining domestic construction material.**

Determinations that domestic construction material is unavailable in sufficient and reasonably available commercial quantities and of a satisfactory quality will be made in accordance with § 4–6.105.

**§ 4–6.203 Unreasonable cost determination.**

**§ 4–6.203–2 Cost computation.**

This determination should be made by evaluating the data submitted by the bidder and the making of such price inquiry as deemed necessary by the contracting officer to reasonably establish the accuracy of data used for the basis of award. Nothing in this subpart shall preclude determinations under § 4–6.202–2.

**§ 4–6.250 Listing in invitation for bids.**

When it can be predetermined under § 1–6.202–1 that nondomestic construction material is to be used, such material shall be listed in the invitation for bids. All material excepted under § 1–6.202–1 shall be listed in the contract and findings justifying such exceptions shall be made a part of the contract file.

## PART 4–7—CONTRACT CLAUSES

### Subpart 4–7.1—Fixed-Price Supply Contracts

Subpart 4–7.1—Fixed-Price Supply Contracts

Sec.
4–7.101 Clauses.
4–7.101–4 Variation in quantity.
4–7.101–7 Payments.
4–7.101–12 Disputes.
4–7.101–13 Notice and assistance regarding patent and copyright infringement.

Subpart 4–7.6—Fixed-Price Construction Contracts

4–7.602 Additional standardized clauses.
4–7.602–1 Price adjustment for suspension, delay, or interruption of the work.

Subpart 4–7.50—Clauses of General Application

4–7.5001 Releases from contractors.

AUTHORITY: The provisions of this Part 4–7 issued under 5 U.S.C. 22, 40 U.S.C. 486(c).

## Subpart 4–7.1—Fixed-Price Supply Contracts

§ 4–7.101 Clauses.

§ 4–7.101–4 Variation in quantity.

Note that the standard variation in quantity provision in § 1–7.101–4 does not authorize the contractor to vary quantities delivered from contract amounts except as may be specifically set forth in the contract. Nonetheless, where minor differences in quantities delivered occur and for reasons such as the administrative expense involved, it would be uneconomical to enforce delivery requirements, the contract may be considered complete upon agreement with the contractor as to an equitable adjustment in contract price.

§ 4–7.101–7 Payments.

See § 4–7.101–50.

§ 4–7.101–12 Disputes.

When Standard Forms are not utilized, the disputes clause must be consistent with the Wunderlich Act (41 U.S.C. 321–322) which provides for judicial review of decisions made by the head of a department in a dispute involving questions of fact, if it is alleged that such decision is fraudulent, capricious, arbitrary, or so grossly erroneous as to imply bad faith, or is not supported by substantial evidence; and further provides that no Government contract shall contain a provision making final on a question of law the decision of any administrative official.

§ 4–7.101–13 Notice and assistance regarding patent and copyright infringement.

(a) *Contract provisions.* Where it is deemed advisable to protect the Government against possible infringement of patent rights, the following wording is suggested:

The contractor shall hold and save the Government, its officers, agents, servants and employees, harmless from liability of any nature or kind, including costs and expenses, for or on account of any patented or unpatented invention, article, or appliance manufactured or used in the performance of this contract, including their use by the Government.

(b) *Exceptions.* Where any patent or patents are to be excepted from the operation of the above article, such exceptions will be specifically stated, by reference to the patent number, date of issue and name of patentee, in a proviso to be added to the article.

(c) *Patent bond.* The protection afforded by use of the above clause is necessarily limited to the responsibility of the contractor, unless bond is furnished indemnifying the Government against any action for infringement or illegal use of patent (13 Comp. Gen. 173). When the Government is on notice of the possibility of an infringement of patent rights, there should be included in the invitation for bids, in addition to the patent clause above, a requirement that the successful bidder will be required to post a patent bond, in the amount stipulated. There is no standard form of patent bond; therefore, when one is required, it must be prepared by the Office of the General Counsel.

## Subpart 4–7.6—Fixed Price Construction Contracts

§ 4–7.602 Additional standardized clauses.

§ 4–7.602–1 Price adjustment for suspension, delay, or interruption of the work.

Prior approval of the Director of Plant and Operations is required for use of a clause such as stated in § 1–7.602–1.



## Subpart 4–7.50—Clauses of General Application

§ 4–7.5001 Releases from contractors.

A provision shall be included in all construction contracts and project service contracts providing for the contractors to furnish a release of all claims. The following wording is suggested:

Upon completion and acceptance of all work under the contract, the contractor shall furnish a release of all claims against the Government arising under and by virtue of the contract.

The following wording is suggested for the release to be obtained from the contractor:

For and in consideration of the receipt of final payment in the amount of $---------- under and pursuant to the following contract, ----------, the undersigned hereby releases the Government from any and all obligations whatsoever arising under said contract. Date ------ Signature of contractor ----------

# PART 4–8—TERMINATION OF CONTRACTS

### Subpart 4–8.2—General Principles Applicable to the Termination for Convenience and Settlement of Fixed-Price Type and Cost-Reimbursement Type Contracts


Sec.
4–8.201 General.
4–8.207 Accounting review of prime contract settlement proposals and of subcontract settlements.
4–8.211 Review and approval of proposed settlements.
4–8.211–2 Required review and approval.


### Subpart 4–8.6—Termination for Default


4–8.600 Scope of subpart.
4–8.602–3 Procedure in case of default.
4–8.650 Termination procedures of general applicability.
Sec.
4–8.650–1 Delay in performance—excusable causes.
4–8.650–2 Delays of subcontractors.
4–8.650–3 Determining damages.
4–8.650–4 Assessing liquidated damages.
4–8.650–5 Remission of liquidated damages.
4–8.650–6 Disposition of damages collected.
4–8.650–7 Failure to collect from contractor—demand on guarantor.
4–8.650–8 Failure to collect from contractor or guarantor—"Statement of Damages."


### Subpart 4–8.7—Clauses


4–8.700 Scope and applicability of subpart.
4–8.700–2 Applicability.


AUTHORITY: The provisions of this Part 4–8 issued under 5 U.S.C. 22, 40 U.S.C. 486(c).

## Subpart 4–8.2—General Principles Applicable to the Termination for Convenience and Settlement of Fixed-Price Type and Cost-Reimbursement Type Contracts

### § 4–8.201 General.

A contract may be terminated in whole or part when in the public interest to do so, regardless of the fact that it contains no provision authorizing such action. In such event, the contractor's settlement claim shall be handled in accordance with 18 Comp. Gen. 826, which is quoted in part as follows:

> When the public interest so requires, a contracting officer may terminate a contract which he was authorized to make, and by supplemental contract agree with the contractor upon the compensation to be paid for the work already performed, etc., provided the amount agreed upon is proper and just and is accepted by the contractor in full and final settlement of all rights incident to, or arising out of, the original and supplemental contracts, and even if no amount can be agreed upon the contract nevertheless may be terminated if administratively deemed in the interest of the United States, and the contractor left to present his claim to the Government accounting officers or the courts.
>
> The determination as to whether the public interest requires the termination of a contract is a matter for administrative decision and does not rest with the Government accounting officers who are concerned primarily with the availability of the appropriation for any expenditure resulting from the termination.

### § 4–8.207 Accounting review of prime contract settlement proposals and of subcontract settlements.

The provisions of § 1–8.207 shall not be applicable to contract administration in this Department. The procedures of § 1–8.205(b) and Part 4–50 will provide adequate assurance that accounting as well as legal, engineering or other professional counsel is obtained in negotiating contract settlements. As stated in § 4–1.350–3, the responsibility for deciding questions of fact is a responsibility of the contracting officer that may not be delegated.

### § 4–8.211 Review and approval of proposed settlements.

### § 4–8.211–2 Required review and approval.

Each agency shall provide for designating a settlement review board of three or more members as required by § 1–8.211–2. The Board of Contract Awards required by § 4–3.150 may function as a settlement review board.

## Subpart 4–8.6—Termination for Default

### § 4–8.600 Scope of subpart.

Where default clauses other than those cited in § 1–8.600 are used, the policies and procedures of this subpart shall nontheless be followed to the extent feasible and consistent with the language of the clause used. Additional termination procedures of general applicability are prescribed in § 4–8.650.

### § 4–8.602–3 Procedure in case of default.

The failure to perform in accordance with the contract terms does not in itself require termination for default in accordance with Subpart 1–8.6. The contractor should usually be given an opportunity to correct the deficiency. Generally, notice of termination should be given only when (a) the urgency of need is so great that immediate action must be taken, (b) it is evident that the contractor has no intention of completing his contract within a reasonable time, (c) the action is necessary to prevent accrual of excessive liquidated damages, (d) there is a violation of statutes applicable to contracts requiring termination, or (e) in the public interest. (See 11 Comp. Gen. 81 and 384.)

### § 4–8.650 Termination procedures of general applicability.

### § 4–8.650–1 Delay in performance—excusable causes.

The contractor shall not be charged with damages when the delay arises out of causes beyond the control and without the fault or negligence of the contractor, as defined in the default provisions of the contract. The contracting officer shall determine the facts of the delay, prepare a findings of fact, and extend the contract time if the delay is determined to be excusable under the terms of the contract.

### § 4–8.650–2 Delays of subcontractors.

The timely procurement of labor and materials necessary for the required performance of a Government contract is the responsibility of the contractor. Under the standard default provision of Standard Form 23A, the prime contractor is responsible for delays of subcontractors or suppliers unless the delays were due to causes which could not have been foreseen by either the contractor or such subcontractors or suppliers. (See 7 Comp. Gen. 343.) Note that there is no unforeseeable requirement in the General Provisions of Standard Form 19 and Standard Form 32, General Provisions (Supply Contract).

### § 4–8.650–3 Determining damages.

(a) *General.* A defaulting or delinquent contractor is liable for any damages which may reasonably be considered as arising in the usual course of things from the breach of the contract. These damages may include such items as the excess cost of the replacement purchase, added cost of overhead directly involved in the administration of the contract, rentals, demurrage, etc., to the extent that such damages are directly the result of the breach of contract, as opposed to losses that may be considered remote or conjectural, and are assessable even though the contract does not contain a provision for liquidated damages, and the Government subsequently accepts the delinquent deliveries. (Comp. Gen. Decision B–124041 of October 24, 1955) When a contract includes a liquidated damage provision, the extent of the contractor's liability is fixed by that provision, and includes, in addition to the liquidated damage assessment, only the excess cost of the replacement purchase.

(b) *Determination of excess costs.* The excess costs chargeable to a defaulting contractor are fixed at the time the second contract is made. Subsequent price adjustments to the replacing contract will have no effect on the liability of the original contractor. (See 22 Comp. Gen. 1035.) The excess costs to be charged against the account of a defaulting contractor are to be computed on the basis of the quantity required by the original contract, with consideration given to the variation clause, if any. When a default involves more than one item and the subsequent repurchase results in a saving on some items and excess costs on others, computation of damages must be made on the basis of the original contract as a whole. (See 34 Comp. Gen. 4.) Contractor's liability extends equally to cash discounts offered. (See 15 Comp. Gen. 117.)

### § 4–8.650–4 Assessing liquidated damages.

(a) *Enforcement.* When a contract provides for assessment of liquidated damages, enforcement of such provision is mandatory in the event of unexcused delay or failure to perform.

(b) *Improper assessment of liquidated damages.* Contracting officers have no legal authority to excuse a contractor from liquidated damages which are properly assessable under the terms of a contract. However, when the contracting officer determines that the facts are such that liquidated damages were improperly assessed, such erroneous action may be locally remedied by a reconsideration of facts and a decision rendered in favor of the contractor. Such action may be taken by the contracting officer, within the scope of his authority under the contract terms to settle disputes without recourse to the Secretary. In such cases written notice shall be given to the certifying officer through regular agency channels authorizing payment of the liquidated damages previously assessed in error. The above action should not be confused with the "remission" of liquidated damages which is treated in § 4–8.650–5.

(c) *Proof of damage.* When the contract provides for the assessment of liquidated damages, it is not generally necessary for the Government to prove any damage or loss under such a provision and the question of whether the Government suffered any actual damage is not for consideration in determining whether liquidated damages should be charged. (See 16 Comp. Gen. 374 and 32 Comp. Gen. 67.)

(d) *Default of successor contractor.* The question of the division of liabilities where more than one contract is required to obtain a single objective was settled in 15 Comp. Gen. 149, as follows:

> Where it becomes necessary to enter into a contract with a second contractor because of the default of the first contractor and because of the partial default of the second contractor a contract becomes necessary with a third contractor, the liability of the first defaulting contractor is fixed at the time the second contract is made and the liability of the second defaulting contractor is fixed at the time the third contract is made.

(e) *Liability of surety.* When a surety undertakes to complete the contract of its principal whose right to proceed was terminated, the surety is chargeable with liquidated damages accrued until such time as the Government may reasonably obtain similar supplies or services, plus the excess cost occasioned the Government in having the work prosecuted to completion, but if the principal's right to proceed was not terminated, liquidated damages are chargeable to the surety to date of completion.

### § 4–8.650–5 Remission of liquidated damages.

The Comptroller General of the United States is authorized by Law (41 U.S.C. 256a), on the recommendation of the Secretary, to remit such liquidated damages as in his discretion may be just and equitable. Claims for remission of liquidated damages must definitely establish equities on behalf of the contractor to merit favorable consideration by the Comptroller General. Equity, among other things, is used to describe the standing of a party to claim relief, the merit of the claim being dependent upon a showing as to his ability to have prevented the situation in which he finds himself. (See 32 Comp. Gen. 67; and 34 Comp. Gen. 251.) Such claims shall be reviewed by the contracting officer who shall prepare a findings of fact with his recommendation, and forward the findings with the claim through agency channels to the Office of Plant and Operations.

### § 4–8.650–6 Disposition of damages collected.

Any amounts, representing excess costs or other damages, collected from the contractor shall be deposited to Miscellaneous Receipts in the manner prescribed by the agency. The deposit shall be accompanied by a letter of transmittal or other advice making appropriate reference to the number of the defaulted contract, in order that the deposit may be properly identified and to provide notice to the certifying officer that collection of damages has been made and that vouchers covering payments due the contractor and being withheld may be passed for payment. If no damages are involved, written notice thereof shall be given to the certifying officer through regular agency channels in order that any voucher covering payments due the contractor and being withheld may be passed for payment.

### § 4–8.650–7 Failure to collect from contractor—demand on guarantor.

If collection from the contractor is not effected and a performance bond or other guaranty has been furnished, the guarantor will be notified of the default on contract, and a formal demand made on such guarantor for the amount of the damages. If collection from the guarantor is effected, the funds so collected shall be handled in the manner outlined under § 4–8.650–6.

### § 4–8.650–8 Failure to collect from contractor or guarantor—"Statement of Damages."

If collection is not made by the procurement officer from either the defaulting contractor or his surety, a "Statement of Damages" shall be prepared and forwarded through agency channels to the Comptroller General. Such statement shall include all facts pertinent to the default, amount of damages, method of computations, etc., and shall constitute additional notice to all concerned to withhold certification and/or payment of vouchers in any amount which may be then due or which may become due in the future, until the amount so withheld shall equal the amount of the damages. The procurement office shall maintain an accurate record of the entire transaction to provide such additional information or clarification of data as may be required by the General Accounting Office.

### Subpart 4–8.7—Clauses

§ 4–8.700 Scope and applicability of subpart.

§ 4–8.700–2 Applicability.

Termination clauses: See Form AD–264, General Provisions for Research and Service Contracts, for the clause prescribed for such contracts of this Department. Special termination clauses may be used for service contracts such as aerial photography, airplane rental or use, and the like, and for contracts to be performed in foreign countries.

## PART 4–10—BONDS AND INSURANCE

Subpart 4–10.1—Bonds


Sec.
4–10.103 Bid guarantees.
4–10.103–3 Invitations for bids provisions.
4–10.104 Performance bonds.
4–10.102–2 Other than construction contracts.
4–10.105 Payment bonds.
4–10.105–2 Other than construction contracts.
4–10.150 Invitation for bids provisions—other than construction contracts.
4–10.151 Waiver of bonds covering contracts performed in foreign country.
4–10.152 Review and approval of bonds.
4–10.153 Filing of surety bonds.
4–10.154 Annual contract bonds.


Subpart 4–10.2—Sureties on Bonds


4–10.204–50 Handling of bid securities other than bonds.


Subpart 4–10.3—Insurance—General


4–10.350 Government property.
4–10.351 Private property.


AUTHORITY: The provisions of this Part 4–10 issued under 5 U.S.C. 22, 40 U.S.C. 486(c).





### Subpart 4–10.1—Bonds

§ 4–10.103 Bid guarantees.

§ 4–10.103–3 Invitations for bids provisions.

The statement referred to in § 1–10.103–3 shall be worded as follows:

Each bidder must submit a bid guarantee with his bid in the amount of ----------% of his total bid price. If a bid bond is submitted, it should be on Standard Form 24. Money orders and checks, if used, shall be drawn payable to [insert name of the specific organizational unit of the agency concerned.]

§ 4–10.104 Performance bonds.

§ 4–10.104–2 Other than construction contracts.

Security to guarantee performance under a service or supply contract should be required only when it is determined that it is needed to stimulate performance or to facilitate recovery of damages or excess costs. The need is more likely to arise when the contract requires a substantial amount of nonpersonal services in its performance.

§ 4–10.105 Payment bonds.

§ 4–10.105–2 Other than construction contracts.

Security to guarantee payment under a service or supply contract to laborers and mechanics and suppliers, may be required where determined by the contracting officer to be in the best interests of the Government. (See Comp. Gen. Decision A–90922, February 23, 1938.)

§ 4–10.150 Invitation for bids provisions—other than construction contracts.

Whenever security is to be required in connection with bids or the resulting contract, the invitation for bids should state clearly what form of security will be acceptable and the amounts that will be required. Language prescribed in § 1–10.103–3 should appear in the invitation for bids for required bid guarantee. The following provisions, modified as appropriate, shall be used when requiring performance and payment security:

(a) Performance security:

The successful bidder will be required to furnish security to guarantee faithful performance of the contract in the amount of ----% of the total contract price. Security may be in the form of a performance bond on Standard Form 25 (furnished on request), or in the form of a postal money order, certified check or cashier's check, or United States Government bonds or notes (at par value) may be deposited in accordance with Treasury Regulations. Money orders and checks shall be drawn payable to: [insert name of the specific organizational unit of the agency concerned.]

(b) Payment security:

The successful bidder will be required to furnish security to guarantee payment to all persons supplying labor or materials in the performance of the contract, such security to be in the form of a payment bond on Standard Form 25A (furnished on request), in the amount of ----% of the total contract price.

§ 4–10.151 Waiver of bonds covering contracts performed in foreign country.

The contracting officer is authorized to waive the requirement for performance and payment bonds for so much of the work under contract as is to be performed in a foreign country, if he finds it impracticable for the contractor to furnish such bonds.

§ 4–10.152 Reveiw and approval of bonds.

The contracting officer is responsible for the review and approval of bonds as to form and sufficiency. Surety bonds will be reviewed to determine that the surety is acceptable as prescribed in § 1–10.202, and that the person signing the bond for the surety has the authority to do so. Such authority may be requested in the form of a power of attorney or affidavit by an officer of the bonding company, indicating that the person signing the bond is duly authorized to act for the company. The bond will be reviewed to determine that it is completed in accordance with the instructions on the bond form. Other than surety bonds will be handled in accordance with § 1–10.204.

§ 4–10.153 Filing of surety bonds.

Surety bonds of the accepted bidder are to be filed with the original of the contract.

§ 4–10.154 Annual contract bonds.

Information concerning annual bid or performance bonds on file with the Office of Plant and Operations is provided by Plant and Operations memoranda. The purpose of annual bonds is to eliminate repeated posting of individual bonds for individual cases by companies receiving frequent awards by the Department. Annual bonds, whether bid or performance, are usually Department-wide. The bond is to cover any contract within the Department, regardless of the agency concerned. When a bidder has on file with the Office of Plant and Operations an annual bond of sufficient amount to cover the contract in question, no additional surety is required.

## Subpart 4–10.2—Sureties on Bonds

### § 4–10.204–50 Handling of bid securities other than bonds.

See 7 AR 153 and 160a(2) for instructions on safekeeping of bid and specification deposits upon receipt.

## Subpart 4–10.3—Insurance—General

### § 4–10.350 Government property.

The Government will not pay insurance on its property unless such payment is specifically authorized by Congress. (See 17 Comp. Gen 419 and 19 Comp. Gen. 211). The following authorization has been given this Department:

The Foreign Agricultural Service is authorized to obtain insurance on official motor vehicles operated by it in foreign countries, and pay the expenses incident thereto. (5 U.S.C. 170h (a) as amended by 71 Stat. 329.) (See also Comp. Gen. Dec. B–140401, 8–27–59.)

### § 4–10.351 Private property.

The general policy of the Federal Government not to carry insurance upon its property is not applicable to cases involving private property temporarily entrusted to the custody of the Government for its purposes. The loan or other agreement must be specific as to the liability of the Government for the property. Where the Government is to assume liability of any kind, insurance coverage therefor may be purchased directly, or paid for as a part of the loan agreement, where this is determined to be in the interests of the Government. Such insurance coverage may be desirable in connection with loans of (a) valuables, (b) equipment used in programs financed with foreign currencies, (iii) vehicles, etc. (17 Comp. Gen. 55, 56 and Comp. Gen. Decisions A–46214 of 12–27–32, B–127020 of 4–5–56, A–7302 of 7–14–25.)



# PART 4–12—LABOR


Subpart 4–12.1—Basic Labor Policies

Sec.
4–12.102 Overtime, extra-pay shifts, and multi-shift work.
4–12.102–4 Approvals.
4–12.150 Unauthorized contract provisions.
4–12.151 Authority.
4–12.152 Enforcement.
4–12.153 Report of violations, underpayments, or contract terminations.

Subpart 4–12.2—Convict Labor

4–12.202 Applicability.
4–12.250 Interstate transportation of convict-made goods.

Subpart 4–12.3—Contract Work Hours Standards Act (Other Than Construction Contracts)

4–12.302 Applicability.
4–12.303 Contract clause.
4–12.304 Variations and tolerances.
4–12.350 Deductions from contract payments for violations.

Subpart 4–12.4—Labor Standards in Construction Contracts

4–12.401 Statutory and regulatory requirements.
4–12.401–1 Davis-Bacon Act.
4–12.401–2 Copeland Act.
4–12.401–3 Contract Work Hours Standards Act.
4–12.401–4 Department of Labor requirements.
4–12.402 Applicability.
4–12.402–2 Supply, service, maintenance, or other contracts involving construction.
4–12.404 Administration and enforcement.
4–12.404–1 General.
4–12.404–2 Wage determinations.
4–12.404–3 Additional classifications.
4–12.404–6 Payrolls and statements.
4–12.404–7 Investigations.
4–12.404–8 Reports of violations.
4–12.404–9 Suspension and deduction of contract payments.
4–12.404–13 Review of recommendations for an appropriate adjustment in liquidated damages under the Contract Work Hours Standards Act.
4–12.450 Irregularities and withholdings under the Davis-Bacon Act.
4–12.451 Instructions regarding labor provisions.

Subpart 4–12.6—Walsh-Healey Public Contracts Act

4–12.602 Applicability.
4–12.602–3 Department of Labor regulations and interpretations.
4–12.604 Responsibility of Contracting Officer.
4–12.605 Contract clause.
4–12.650 Requests for exceptions or exemptions.

Subpart 4–12.8—Equal Opportunity in Employment

4–12.801 Policy.

Subpart 4–12.50—Defense Base Act

4–12.5001 Contract requirement.
4–12.5002 Contract clause.
4–12.5003 Waiver.


AUTHORITY: The provisions of this Part 4–12 issued under 5 U.S.C. 22, 40 U.S.C. 486(c).

## Subpart 4–12.1—Basic Labor Policies

### § 4–12.102 Overtime, extra-pay shifts, and multi-shift work.

### § 4–12.102–4 Approvals.

Heads of procuring activities may approve overtime premiums and shift premiums at Government expense, in accordance with § 1–12.102–4.

### § 4–12.150 Unauthorized contract provisions.

Labor standards provisions going beyond the requirements of applicable laws may not be incorporated in Government contracts. (See 20 Comp. Gen. 24, 22 Comp. Gen. 265, 31 Comp. Gen. 561, 33 Comp. Gen. 477, and 42 Comp. Gen. 1.)

### § 4–12.151 Authority.

Reorganization Plan No. 14 of 1950 provides that to assure coordination of administration and consistency of enforcement of labor standards provisions of various designated acts by the Federal agencies responsible for the administration thereof, the Secretary of Labor shall prescribe appropriate standards, regulations, and procedures which shall be observed by these agencies. Pursuant thereto, the Secretary of Labor has issued regulations which are stated in 29 CFR Parts 3 and 5. (See § 4–52.502.) The recommended policies and procedures of Subpart 1–12.1 shall be followed in giving effect to the regulations of the Secretary of Labor.

### § 4–12.152 Enforcement.

The enforcement of labor standards provisions of contracts is in the same category as other requirements of the contract specifications. Failure to comply with such labor standards requires adjustment by contractors and subcontractors and, in addition, may result in penalties being imposed. All concerned with enforcement of the labor standards provisions of contracts should therefore be thoroughly familiar with these contract provisions.

### § 4–12.153 Report of violations, underpayments, or contract terminations.

Reports required by §§ 5.6 and 5.7 of the regulations of the Secretary of Labor (29 CFR 5.6, 5.7) will be made through the Office of Plant and Operations.

### Subpart 4–12.2—Convict Labor

**§ 4–12.202 Applicability.**

The Comptroller General has held (28 Comp. Gen. 409) that Executive Order 325–A does not apply to contracts which merely require the furnishing of finished articles. 32 Comp. Gen. 32 reiterates this decision but also holds that the Executive Order precludes the award of contracts involving "the employment of labor" whether the contractor be the prison itself or a private person.

**§ 4–12.250 Interstate transportation of convict-made goods.**

Transportation in interstate commerce of goods produced in whole or in part by convict labor is, with certain exceptions for specific application, prohibited by law. (18 U.S.C. 396a) One of the exceptions is a proviso to the effect that it shall not apply to commodities manufactured in Federal or District of Columbia penal and correctional institutions for use by the Federal Government. Also, the Solicitor of this Department in an opinion addressed to the Director of Finance, under date of September 23, 1943 (No. 4820) held that, on the basis of opinions rendered by the Attorney General of the United States on May 6, 1942, and June 20, 1942, the above-mentioned law does not prevent the interstate movement of goods produced by other than Federal penal or correctional institutions and that have been purchased by the Federal Government.



### Subpart 4–12.3—Contract Work Hours Standards Act (Other than Construction Contracts)

**§ 4–12.302 Applicability.**

Incidental installation: Below is quoted an excerpt from 18 Comp. Gen. 337 regarding the application of the former Eight-Hour Law to incidental installation. This decision applies equally in similar cases involving the Contract Work Hours Standards Act.

Contracts for supplies or equipment to be installed by the contractor where the article or equipment is purchased in a finished state at a fixed price, and installation is merely incidental to the purchase, are not subject to the eight-hour work limitation law of June 19, 1912, 37 Stat. 137, but when the installation is so part and parcel of the contract as to increase the cost materially, and is of such duration as to require or involve the employment of laborers or mechanics over a substantial period of time, the requirements of the statute are for application.

**§ 4–12.303 Contract clause.**

The contract clause set forth in § 1–12.303 shall be physically included in applicable contracts. Incorporation by reference is not compliance with the Act. Form AD–269 containing the clause is available from Central Supply.

**§ 4–12.304 Variations and tolerances.**

The applicability of the Contract Work Hours Standards Act is specified in Sections 102 and 103 thereof and in the regulations of the Secretary of Labor 29 CFR 5.12a, issued pursuant to the Act. Upon his own initiative or upon the request of any Federal agency, the Secretary of Labor may provide reasonable limitations and allow variations, tolerances, and exemptions to and from any or all provisions of the Act as he may find necessary and proper in the public interest to prevent injustice or undue hardship or to avoid serious impairment of the conduct of Government business. Any such requests shall be made through the Office of Plant and Operations.

**§ 4–12.350 Deductions from contract payments for violations.**

The contracting officer shall be responsible for determining the amount of unpaid wages and liquidated damages owing under the provisions of the Act. He shall also take such other actions as required by the Act and the regulations of the Secretary of Labor pursuant thereto, in connection with any violation, including making appropriate adjustments in such liquidated damages or relieving the contractor or subcontractor of liability for liquidated damages. Any recommendations to the Secretary of Labor shall be made through the Office of Plant and Operations.



### Subpart 4–12.4—Labor Standards in Construction Contracts

**§ 4–12.401 Statutory and regulatory requirements.**

**§ 4–12.401–1 Davis-Bacon Act.**

Text of the Act is reproduced in § 4–52.203, et seq.

**§ 4–12.401–2 Copeland Act.**

Text of the Act is reproduced in § 4–52.174.

**§ 4–12.401–3 Contract Work Hours Standards Act.**

Text of the Act is reproduced in § 4–52.211, et seq.

**§ 4–12.401–4 Department of Labor requirements.**

The subject regulations are published in § 4–52.502 and copies may also be obtained from the Central Supply Section as Form AD–372.

**§ 4–12.402 Applicability.**

**§ 4–12.402–2 Supply, service, maintenance, or other contracts involving construction.**

If the proposed contract includes installation of equipment which involves a substantial amount of work, the contracting officer should determine whether the installation portion of the contract work will exceed the $2,000 minimum for the Davis-Bacon Act, based upon his estimate or, where appropriate, separate bid items for the installation and for the items to be installed. However, where the proposed contract includes installation of such item as steel shelves, not installed in such a manner as to become part of a building, it will not be subject to labor standards provisions applicable to construction, but will be subject to the applicable labor standards provisions for supply and service contracts.

**§ 4–12.404 Administration and enforcement.**

**§ 4–12.404–1 General.**

Agencies will be guided by this section and the regulations of the Secretary of Labor published at §§ 4–52.502 and 1–12.404 in enforcement matters. All reports and information submitted to the General Accounting Office and the Department of Labor shall be forwarded through the Office of Plant and Operations except as otherwise provided in this § 4–12.404.

**§ 4–12.404–2 Wage determinations.**

(a) *Requests and forecasts.* Requests for wage determinations shall be submitted by agencies directly to the office specified in § 1–12.404–2(a). Form DB–11 is obtained from the Central Supply Section. To the extent practicable, agencies using determinations shall furnish directly to the above office a forecast of the determinations anticipated to be required during each fiscal year. The information to be included is specified in § 1.4 of the Regulations of the Secretary of Labor (see § 4–52.502). Any significant change during the year should also be reported. A copy of each forecast, and of each report of significant change in plans shall be furnished to the Office of Plant and Operations.

(b) *Modifications.* In the absence of language in the invitation for bids to the contrary, a bid may not be accepted on the basis of wage rates different in any respect from those specified in the invitation (see 41 Comp. Gen. 593). However, provision may be made in the invitation that if the wage determination expires after opening of bids and prior to award, a current determination by the Secretary of Labor will be incorporated in the contract pursuant to the "changes" clause of the contract provisions. (See Comp. Gen. Dec. B–152313 dated September 9, 1963.)

**§ 4–12.404–3 Additional classifications.**

Reports of classification and requests for decisions of the Secretary of Labor on classifications shall be submitted through the Office of Plant and Operations.

**§ 4–12.404–6 Payrolls and statements.**

(a) *Weekly submission of copies of payrolls.* Contractors are required, by the labor standards provisions of the contract, to submit weekly to the contracting agency copies of all payrolls together with a statement that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor, and that the classifications set forth for each laborer or mechanic conform with the work he performed. The payrolls and statements should be examined as may be necessary to assure compliance with the labor standards provisions of the contract. The Secretary of Labor has developed payroll forms SOL–184 and 185 for voluntary use of contractors and subcontractors on construction contracts subject to the Davis-Bacon and related Acts. These payroll forms, when properly filled out, meet all of the requirements of the Department of Labor regulations (29 CFR Parts 3 and 5), as to payrolls submitted in connection with contracts subject to the Davis-Bacon and related Acts. Also, no other certification or statement other than that appearing on the payroll form SOL–184 is necessary as a prerequisite to partial or progress payments or payment in full to the contractor. Forms SOL–184 and 185 can be obtained from the Central Supply Section. See § 4–52.502 for regulations of the Secretary of Labor setting forth the requirements for examinations, investigations, and reports that may be required.

(b) *Statement of compliance.* No payment, advance, grant, loan, or guarantee of funds shall be approved unless there is on file with the agency a statement by the contractor that the labor standard provisions of the contract have been complied with, or that there is a substantial dispute with respect thereto. (See § 5.6 of regulations of the Secretary of Labor (29 CFR Part 5), § 4–52–502.) The payroll forms SOL–184 and 185, obtainable from the Central Supply Section, meet the requirements of this § 4–12.404–6(a), as well as the requirements of the weekly statement of compliance with the Copeland Regulations and of copies of weekly payrolls.

**§ 4–12.404–7 Investigations.**

The "Enforcement Manual" issued by the Department of Labor, shall be followed where applicable in investigations to assure compliance with labor standards requirements.

**§ 4–12.404–8 Reports of violations.**

Reports of violations required by § 1–12.404–8(a) shall be made through the Office of Plant and Operations. Semi-annual enforcement reports required by § 1–12.404–8(b) shall be made directly to the Solicitor of Labor, U.S. Department of Labor, Washington, D.C., 20210, by each agency which has taken enforcement measures during reporting period. Negative reports are not required. A copy of each such report shall be furnished to the Office of Plant and Operations.

**§ 4–12.404–9 Suspension and deduction of contract payments.**

See § 4–12.450 and Title 7 of the Administrative Regulations for Department procedure on disposition of amounts withheld.

**§ 4–12.404–13 Review of recommendations for an appropriate adjustment in liquidated damages under the Contract Work Hours Standards Act.**

The Contracting Officer shall take such action as required by the Act and the Regulations of the Secretary of Labor pursuant thereto in connection with any violation, including making appropriate adjustments in liquidated damages assessed, or in relieving the contractor or subcontractor of liability for liquidated damages, where the amount of the damages is $100 or less. Any recommendations to the Secretary of Labor shall be made through the Office of Plant and Operations.

**§ 4–12.450 Irregularities and withholdings under the Davis-Bacon Act.**

(a) *Purpose.* (1) The General Accounting Office is responsible for the following functions in connection with irregularities and withholdings under the Davis-Bacon Act: (See Comp. Gen. Dec. B3368, March 19, 1957.)

(i) For determining whether or not violations occurred in a sense that requires debarment.

(ii) For paying aggrieved employees amounts to which they are entitled when funds have been withheld from a contractor to cover such wage underpayment.

(iii) To settle claims of contractors based upon amount which may have been withheld.

(2) In determining the propriety of debarment action, the General Accounting Office must distinguish between technical and substantial violations:

(i) "Technical violations" are those which have resulted from inadvertence or legitimate disagreements concerning classification.

(ii) "Substantial violations" are those the intentional nature of which is demonstrated by bad faith or gross carelessness in observing obligations to employees with respect to the minimum wage provisions of the Act.

(3) The General Accounting Office bases its decision on written evidence;

most of which is supplied by the agency having charge of the contract. Therefore it is important that precise and complete records be maintained. In addition, the General Accounting Office gives careful consideration to the administrative determinations and recommendations made by the agencies.

(b) *Procedure for processing cases.* The following procedures and suggestions, which are quoted from the Comptroller General's letter cited above, and which are designed to achieve greater efficiency in processing Davis-Bacon Act cases, shall be adhered to:

(1) In every instance where disregard of obligations to employees has been found, a comprehensive report, describing the nature and extent of irregularities, and presenting the evidence relied upon to establish their existence, is required. The essentials of such a report include (i) a chronological narration of the facts; (ii) a copy of any investigative report and exhibits, including payrolls submitted to the Government and other pertinent documentary evidence; (iii) copies of correspondence showing administrative action with respect to the exaction of compliance and actions taken or explanations proffered by offenders; and (iv) any additional information, evidence, or recommendations, believed to be useful in our determination.

(2) Such comprehensive reports are necessary in all instances, and they should be forwarded direct to the Claims Division unless required to be reported through the Department of Labor pursuant to its regulations. Failure to withhold monies for wage underpayments, or the fact that wage underpayments have been corrected, does not obviate furnishing factual reports.

(3) Reports should give definite information as to the finality of administrative determinations with respect to wage underpayments and as to contractors' compliance therewith. Until it can be demonstrated that administrative determinations of wage underpayments have become final in the sense that a contractor has acquiesced in them or has no further recourse through appeal, Federal payments to employees but of funds collected from a contractor not only would be hazardous but might result in improper payments. Also, an incurrence of expense to make such disbursements clearly would be inappropriate in any instance where Federal intervention might not actually be necessary to discharge the obligation imposed primarily upon contractors and subcontractors. In other words, the General Accounting Office should be advised as to how a determination of underpayment becomes finally binding upon a contractor and in what manner it is evident that a contractor thereafter refused to comply.

(4) Should wage underpayments be corrected by contractors or subcontractors to the satisfaction of the agency in charge of a contract, evidence of such corrective payments need not be furnished. An appropriate certification that adjustments have been verified will be satisfactory for purposes of the report.

(c) *Deductions for underpayment.* Where the contractor or subcontractor fails or refuses to pay employees the rate of wages as established in the contract, the contracting officer shall take action to suspend the payment of funds to such contractor until the violation is discontinued and/or until sufficient funds have been withheld to compensate the employees for the wages to which they are entitled.

(For fiscal accounting reports required in connection with this § 4-12.450, see Title 7 of the Administrative Regulations.)

### § 4-12.451 Instructions regarding labor provisions.

Upon award of a construction contract the successful bidder should be furnished a copy of the Regulations of the Secretary of Labor applicable to contracts covering Federally financed and assisted construction and other contracts subject to the Contract Work Hours Standards Act, Form AD-372. The contracting officer or his representative should thoroughly explain the requirements and the procedures for enforcement which will be followed by Government personnel. Attention should particularly be called to the requirement for weekly submission of payrolls and statements of compliance. If there is a representative of the contracting officer on the job site, responsibility for securing these documents may be delegated to him; otherwise the contractor should be required to mail these directly to the contracting officer.

## Subpart 4-12.6—Walsh-Healey Public Contracts Act

§ 4-12.602 Applicability.

§ 4-12.602-3 Department of Labor regulations and interpretations.

Copies of "Walsh-Healey Public Contracts Act, Rulings and Interpretations," may be obtained free from the Wage and Hour and Public Contracts Division, Department of Labor, Washington, D.C., 20210.

§ 4-12.604 Responsibility of Contracting Officer.

Submission of protests to the Department of Labor for final determination as to whether or not a bidder is a manufacturer or regular dealer, and reports of Walsh-Healey Act violations shall be made through the Office of Plant and Operations. Posters, Form PC-13 and copies of the form letter Form WH-12, shall be obtained directly from the Department of Labor at the address in § 4-12.602-3. Report of award on Standard Form 99 shall be submitted directly to that office. If award is based on location of the contractor in a labor surplus area, pursuant to subpart 1-1.8 or § 1-3.407-5, the SF-99 shall be stamped "Preference Award" in the upper right corner.

§ 4-12.605 Contract clause.

Standard Form 32, General Conditions (Supply Contract) incorporates the required clause in § 1.12-605.

§ 4-12.650 Requests for exceptions or exemptions.

If it is determined that application of all or any part of the stipulations in a contract would seriously impair the conduct of Government business, a complete statement of the facts should be submitted to the Office of Plant and Operations. That Office will, if the facts justify, take the necessary steps to secure relief.



## Subpart 4-12.8—Equal Opportunity in Employment

§ 4-12.801 Policy.

The policies and procedures of Chapter 9, Title 5, Administrative Regulations, shall be applicable to programs of this Department rather than Subpart 1-12.8.

## Subpart 4-12.50—Defense Base Act

§ 4-12.5001 Contract requirement.

The Defense Base Act, as amended (42 U.S.C. 1651 et seq.), extends the application of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 901) to various classes of employees engaged in a public work contract. A "public work" contract includes, among other things, any contract for a fixed improvement or any project, whether or not fixed, involving construction, alteration, removal or repair for the public use of the United States or its allies, including projects or operations under service contracts. (See §§ 4-52.243 and 4-52.195 to 4-52.197.)

§ 4-12.5002 Contract clause.

The following clause shall be included in all public work contracts to be performed outside the United States:

WORKMEN'S COMPENSATION INSURANCE

The Contractor before commencing performance under this contract shall provide and thereafter maintain such Workmen's Compensation Insurance or security as is required by the Defense Base Act, as amended (42 U.S.C. 1651-1654). The Contractor further agrees to insert in all subcontracts hereunder to which the Defense Base Act is applicable a clause similar to this clause imposing on all such subcontractors a like requirement to comply with the Defense Base Act.

§ 4-12.5003 Waiver.

The Secretary of Labor may waive the applicability of the Defense Base Act with regard to any contract, work location or classification of employees. Questions with regard to applicability of the Act and requests for waivers shall be submitted to the Office of Plant and Operations.

## PART 4–14—INSPECTION AND ACCEPTANCE

Subpart 4–14.1—Inspection

Sec.
4–14.107a Return of rejected goods.

Subpart 4–14.2—Acceptance

4–14.250 Use of private inspection, testing and grading services.

AUTHORITY: The provisions of this Part 4–14 issued under 5 U.S.C. 22, 40 U.S.C. 486(c).

### Subpart 4–14.1—Inspection

**§ 4–14.107a Return of rejected goods.**

Rejected material or equipment should be returned to the vendor at his expense. In returning rejected material, an itemized receipt signed by the vendor or his authorized representative should be obtained and filed with the record of the transaction. Upon the refusal of a contractor to remove or to accept the return of material which was rejected by the Government for failure to conform to the specifications, the Government acquires the right to resell the rejected material to cover storage and handling costs, provided that the material was properly rejected. (See Comp. Gen. Dec. B–138939, 4–24–59.)





### Subpart 4–14.2—Acceptance

**§ 4–14.250 Use of private inspection, testing and grading services.**

Such services required for determining acceptability of purchased materials may be purchased only where it has been determined that there is no Government facility reasonably available for inspection, testing, or grading, and these services require the application of scientific principles or specialized techniques and equipment without direct Government supervision. Generally, payment for these services should not be based on time required to perform the services but on reports, results, or other units of work.

## PART 4–15—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 4–15.3—Principles for Determining Applicable Costs Under Research Contracts With Educational Institutions

Sec.
4–15.306 Determination of indirect costs.
4–15.306–4 Overhead determinations acceptable under special circumstances.

AUTHORITY: The provisions of this Part 4–15 issued under 5 U.S.C. 22, 40 U.S.C. 486(c).

### Subpart 4–15.3—Principles for Determining Applicable Costs Under Research Contracts With Educational Institutions

§ 4–15.306 Determination of indirect costs.

§ 4–15.306–4 Overhead determinations acceptable under special circumstances.

In lieu of the method authorized in § 1–15.301(d), agencies may use one of the following methods:

(a) Allowance of a predetermined fixed percentage of the total reimbursable direct cost incurred, as authorized by Public Law 87–638 (76 Stat. 437);

(b) Allowance of a predetermined fixed percentage of the total reimbursable direct salary cost incurred, as authorized by Public Law 87–638 (76 Stat. 437).

## PART 4–16—PROCUREMENT FORMS

Subpart 4–16.1—Forms for Advertised Supply Contracts

Sec.


4–16 Terms, conditions, and provisions.
4–16.150 Invitation, Bid, and Award (Under $10,000) (Agriculture Department Form 375).
4–16.151 Invitation, Bid, and Award (Supply-Service) (Agriculture Department Form 376).


Subpart 4–16.3—Purchase and Delivery Order Forms


4–16.350 Purchase Order (Agriculture Department Form 38).


Subpart 4–16.4—Forms for Advertised Construction Contracts


4–16.402–2 Contracts estimated to exceed $2,000 but not to exceed $10,000.
4–16.402–3 Contracts estimated to exceed $10,000.
4–16.404 Terms, conditions, and provisions.


Subpart 4–16.8—Miscellaneous Forms


4–16.804 Report on procurement by civilian executive agencies.
4–16.850 Contract for Services (Agriculture Department Form 225).
4–16.851 General Provisions (Service Contract) (Agriculture Department Form 377).
4–16.852 Request for concurrence in delegation of procurement contracting authority.
4–16.853 Instructions and format for preparation of report on preference procurement in labor surplus areas.


Subpart 4–16.9—Illustrations of Forms

Sec.


4–16.903 Department of Justice forms.
4–16.903–DJ1500 Identical Bid Report for Procurement.
4–16.950 Department of Agriculture forms.
4–16.950–38 Form AD–38: Purchase Order.
4–16.950–225 Form AD–225: Contract for Services.
4–16.950–263 Form AD–263: Research and Service Contract.
4–16.950–264 Form AD–264: General Provisions for Research and Service Contracts.
4–16.950–265 Form AD–265: Cost-reimbursement Provisions for Research and Service Contracts.
4–16.950–267 Form AD–267: Contractor's Claim for Reimbursement Under Cost-reimbursement Research and Service Contracts.
4–16.950–268 Form AD–268: Schedule of Salaries and/or Wages Paid.
4–16.950–370 Form AD–370: Federal, State and Local Taxes.
4–16.950–375 Form AD–375: Invitation, Bid, and Award (Under $10,000).
4–16.950–376 Form AD–376: Invitation, Bid, and Award (Supply-Service).
4–16.950–377 Form AD–377: General Provisions (Service Contracts).


Subpart 4–16.50—Forms for Advertised Services Contracts


4–16.5000 Invitation, Bid, and Award (Supply-Service) (Agriculture Department Form 376).


Subpart 4–16.51—Forms for Negotiated Research and Marketing Contracts


4–16.5100 Contract forms.


AUTHORITY: The provisions of this Part 4–16 issued under 5 U.S.C. 22, 40 U.S.C. 486(c).





### Subpart 4–16.1—Forms for Advertised Supply Contracts

§ 4–16.104 Terms, conditions, and provisions.

(a) Standard contract provisions which either are to be substituted for those in the standard forms pending revision thereof or are for use in specific circumstances are stated in Parts 1–7 and 4–7 of this title.

(b) Additional terms, conditions, and provisions may be used as necessary except the use of any that are inconsistent with those contained in standard forms must have the prior approval of the Director of Plant and Operations.

(c) Keep additional contract provisions as few and as brief as possible. Brevity and clarity in contract provisions will promote interest by prospective bidders. Include provisions covering only probable situations, and then only if advance agreement thereon is necessary.

### Subpart 4–16.1—Forms for Advertised Supply Contracts

§ 4–16.150 Invitation, Bid and Award (Under $10,000) (Agriculture Department Form 375).

(a) *Use.* Agriculture Department Form 375, Invitation, Bid, and Award (Under $10,000), is prescribed for optional use in lieu of Standard Form 33 for advertised supply contracts under $10,000.

(b) *Orders for form.* Form AD–375 is available from Central Supply Section, Service Operations Division, Office of Plant and Operations.

(c) *General.* AD–375 is a one-page supply contract form and contains the bid terms and conditions on the front and general provisions applicable to supply contracts under $10,000 on the reverse.

§ 4–16.151 Invitation, Bid, and Award (Supply-Service) (Agriculture Department Form 376).

(a) *Use.* Agriculture Department Form 376, Invitation, Bid, and Award (Supply-Service) is prescribed for optional use in lieu of Standard Form 33 for advertised supply contracts over $10,000. (See § 4–16.5000.)

(b) *Orders for form.* Form AD–376 is available from Central Supply Section, Service Operations Division, Office of Plant and Operations.

(c) *General.* AD–376 contains the bid terms and conditions on the reverse and is to be used in conjunction with the Standard Form 32, General Provisions (Supply Contract), for supply contracts.

## Subpart 4–16.3—Purchase and Delivery Order Forms

### § 4–16.350 Purchase Order (Agriculture Department Form 38).

(a) *Required use.* Agriculture Department Form 38, Purchase Order, established pursuant to Bureau of Federal Supply Circular Letter B–69, October 1, 1947, is prescribed for use by all agencies of the Department for purchase order purposes in lieu of Standard Forms 147 and 148 (See § 1–16.301–2), except where SF–44 is used. Other purchase order forms for specialized procurements may be used with the approval of the Director of Plant and Operations. Form AD–38 shall conform to the format in § 4–16.950 and with the standardization and use requirements outlined in this §4–16.350.

(b) *Type of form.* This form may be printed in single copies or constructed in "snap-out" sets interleaved with one-time carbon paper.

(c) *Number of copies.* The form consists basically of five parts. Provision is made for additional copies, if needed.

(d) *Identification of colors.* The various copies are identified by the following colors and may be further identified by wording, appropriate to the use of each copy, placed in the lower-left corner (this space on the original will carry suitable billing or invoice instructions as appropriate):

*Copy, color, and use*
Original, White, to vendor.
Second, Cherry, for accounting purposes.
Third, Yellow, issuing-office copy.
Fourth, Green, receipt copy.
Fifth, Blue, as may be required.
Sixth (optional), Goldenrod, property accountability copy.

Additional copies, if required, will be white.

(e) *Printing.* At the top of the form, beneath "Purchase Order, U.S. Department of Agriculture," may appear the agency name. Names of divisions or other subdivisions and office locations are to be printed only when clearance has been granted by the Office of Information. The space on the original copy designated for "Billing Instructions" may contain a printed address when the volume of billing to a single office warrants. Except as provided herein, no additions or omissions are to be made unless advance approval is obtained from the Office of Plant and Operations.

(f) *Orders for form.* As the Office of Information arranges for the procurement of AD–38, orders should be submitted to that Office 3 months in advance of the need to prevent running short of supplies. No orders for field printing of the form shall be released without clearance with the Office of Information. All orders should be for a 12-month supply except where the purchase of such a supply would be uneconomical.

(g) *Identification of orders issued in Washington, D.C.* It is necessary to establish some uniformity in the identification of Washington-issued purchase orders in order to facilitate the identification of vouchers, invoices, and correspondence from vendors which, when received at various points within the Department, bear no addressee other than "United States Department of Agriculture" and no inside identification other than a purchase order number. Therefore, each order should bear appropriate identification as follows:

(1) *Form of identification.* Each order shall be identified in the space provided for that purpose by a serial number, followed by a dash (—) and agency symbol. Suffixes as required may be assigned in accordance with agency practices.

(2) *Agency symbols.* The following symbols are established for the use of agencies in the Department which issue purchase orders in Washington, D.C.

| Agency: | *Symbol* |
|---|---|
| Agricultural Marketing Service | AMS. |
| Agricultural Research Center | ARC. |
| Agricultural Research Service | ARS. |
| Agricultural Stabilization and Conservation Service | ASCS. |
| Farmers Home Administration | FHA. |
| Federal Crop Insurance Corporation | FCIC. |
| Federal Extension Service | FES. |
| Foreign Agricultural Service | FAS. |
| Forest Service | FS. |
| Office of Management Services | OMS. |
| Office of the Secretary (Central Supply Section) | P&O. |
| Rural Electrification Administration | REA. |
| Soil Conservation Service | SCS. |

(3) *Use of symbols to identify invoices and vouchers.* A copy of the above key to the use of agency symbols should be furnished for ready reference purposes to employees in Washington concerned with the identification of vendors' invoices, vouchers, etc., in order that distribution to the proper office may be facilitated.





## Subpart 4–16.4—Forms for Advertised Construction Contracts

### § 4–16.402–2 Contracts estimated to exceed $2,000 but not to exceed $10,000.

Where bids are invited on Standard Form 19 and the acceptable bid exceeds $10,000, the Standard Form 19 should nevertheless be used for the contract.

### § 4–16.402–3 Contracts estimated to exceed $10,000.

(a) *Preparation of Standard Form 20.* The invitation for bids, SF–20, may be considered as a cover sheet on which is to be listed all of the attachments which form a part of the bid invitation, or may be used as a notice to prospective bidders in accordance with § 4–2.250. In addition, space is provided for necessary information for the bidder which will not form a part of the contract specifications or conditions but is required by him in submitting his bid. Thus the following paragraphs of Standard Form 20 would include data as indicated:

*Information regarding bidding material, bid guarantee, and bonds.* Here would be shown information as to where plans and specifications may be obtained (if not attached); deposits required therefor; the amount of bid bond required with the bid; the amount of performance and payment bond to be required of the successful bidder; whom to contact and when for inspection of the site; and any data needed by the bidder to enable him to prepare and submit his bid. The information would supplement that in SF–22, "Instructions to Bidders" which should be attached to the SF–20.

*Description of work.* The work is to be described sufficiently to show clearly the scope of the job. In addition, following the description of the work, there must be specifically stated the specifications, conditions, drawings, etc., which form a part of the bid invitation and are to be a part of the resultant contract. These should be listed by title and inclusive page numbers or other identification so that there may be no question as to what papers form a part of the bid invitation and contract.

(b) *Preparation of Standard Form 21.* It is customary to complete the bid form, SF–21, to the extent feasible before sending it with the invitation for bids. As a general rule, the blocks for the address to which bids are to be sent, description of work, location, acceptance time, commencement and completion of work time, and directions for submitting bids, should be completed, and the schedule of items should be included by a reference thereto on the face of the bid form.

(c) *Use of Standard Form 22.* This form may also be used as an attachment when notices are sent to prospective bidders pursuant to § 4–2.250.

(d) *Preparation of Standard Form 23*—(1) *Contract number.* See Title 7, Department of Agriculture Administrative Regulations, paragraph 100b.

(2) *Contract description.* The description of the work to be performed under the spaces "Contract For" and "Place" should be identical with that shown in the invitation for bids.

(3) *Amount of contract.* There should be shown in this space the total amount computed on the basis of the estimated and actual quantities shown in the bid schedule and the unit prices bid.

(4) *Administrative data.* This space may be used for such purposes as billing instructions, designation of authorized representatives of the contracting officer, etc.

(5) *Statement of work.* It is particularly important that the information in this space be carefully prepared. Every attachment which is to be a part of the contract must be specifically identified, i.e., specifications should be listed by inclusive page numbers, the schedule of items should be appropriately titled and listed hereunder, plans and drawings should be listed by title and sheet numbers, and any special conditions appropriately listed by title and inclusive page numbers.

(6) *Contract time.* Time for starting and completing work shall be stated in the special conditions of the invitation for bids. This will ordinarily be stated in terms of the number of days from date of receipt of the notice to proceed. For instance, assuming the contract time to be 90 days, these spaces would be completed somewhat as follows: "Work shall be started within ten days from date of receipt of notice to proceed", or "Work shall be completed within 90 days from date of receipt of notice to proceed."

(7) *Alterations of contract.* In the spaces titled "Alterations" there should be included any changes in the contract specifications which are made between the time of the bid opening and contract award. Such changes would be the same type as those authorized by Article 3 of SF–23A for changes subsequent to award of the contract.

### § 4–16.404 Terms, conditions, and provisions.

(a) Standard contract provisions which either are to be substituted for those in the standard forms pending revision thereof or are for use in specific circumstances are stated in Parts 1–7 and 4–7 of this title.

(b) Additional terms, conditions, and provisions may be used as necessary except the use of any that are inconsistent with those contained in standard forms must have the prior approval of the Director of Plant and Operations.

(c) Keep additional contract provisions as few and as brief as possible. Brevity and clarity in contract provisions will promote interest by prospective bidders. Include provisions covering only probable situations, and then only if advance agreement thereon is necessary.

## Subpart 4–16.8—Miscellaneous Forms

**§ 4–16.804 Report on procurement by civilian executive agencies.**

Standard Form 37, Report on Procurement by Civilian Executive Agencies, shown at § 1–16.901.37, shall be used to make reports. This form may be requisitioned from the Central Supply Section, Service Operations Division, Office of Plant and Operations. Reports shall be prepared by each agency for each semi-annual period (January 1 through June 30, and July 1 through December 31) and submitted in duplicate to the Procurement and Contract Management Division, Office of Plant and Operations, by the 20th of the month immediately following the close of each semi-annual period. Agencies conducting special programs involving the procurement of property or services which, in their opinion, should not be included in the report may submit detailed justifications for exemption to the Director of Plant and Operations, for his approval and appropriate submission to the Administrator of General Services for action.

**§ 4–16.850 Contract for Services (Agriculture Department Form 225).**

(a) *Use.* Agriculture Department Form 225, Contract for Services is prescribed for Departmental use for contracts under $2,500 where a written agreement is desired to cover continuing needs for services and supplies. (See § 4–3.409.)

(b) *Orders for form.* Form AD–225 is available from Central Supply Section, Service Operations Division, Office of Plant and Operations.

**§ 4–16.851 General Provisions (Service Contract) (Agriculture Department Form 377).**

(a) *Use.* Agriculture Department Form 377, General Provisions (Service Contracts), is prescribed for use in conjunction with Form AD–376 for advertised contracts for services including aerial photography. (See § 4–16.5000.)

(b) *Orders for form.* Form AD–377 is available from Central Supply Section, Service Operations Division, Office of Plant and Operations.

(c) *General.* Form AD–377 contains provisions generally applicable to all contracts for services. Additional provisions not inconsistent therewith to cover special requirements of agency programs may be added.

**§ 4–16.852 Request for concurrence in delegation of procurement contracting authority.**

UNITED STATES DEPARTMENT OF AGRICULTURE
(NAME OF AGENCY)

*Washington, D.C.*
Date: ----------

To: Director of Plant and Operations.
From: Head of Agency.
Subject: Request for Concurrence in the Delegation of Procurement Contracting Authority.

In accordance with the provisions of AGPR 4–1.350–4; your concurrence is requested in the delegation of procurement contracting authorities to the (incumbents of the following positions) (following employees):

| Name and address of office [1] | Amount needed | Title of position |
|---|---|---|
| Administrative Services Division | $15,000 | Chief, Administrative Services Division, Contract Specialist. |

| Name and address of [2] office | Amount needed | Name of employee | Title of employee |
|---|---|---|---|
| Willow Run Road Project, Parsons, W. Va. | $5,000 | Samuel Brown | Project Director. |

[1] This form of listing should be followed if delegation is to be made to the incumbent of a position.
[2] This form of listing should be followed if delegation is to be made to an individual.

It will be to the advantage of the agency to exercise contracting authority to the extent requested in the interest of expediting the processing of contracts covering the purchase of miscellaneous supplies, equipment, and services. It is believed that amounts specified above will cover our needs at the present time. The above employee is an experienced contracting officer and is well qualified to perform contracting operations of the size for which authority is requested.

JOHN SMITH.

**§ 4–16.853 Instructions and format for preparation of report on preference procurement in labor surplus areas.**

INSTRUCTIONS AND FORMAT FOR PREPARATION OF REPORT ON PREFERENCE PROCUREMENT IN LABOR SURPLUS AREAS

Contracts awarded during the period ----------, as the result of set-aside, tie-bid, or other preference procedure.[1]

| (Col. 1) States (include Puerto Rico) containing labor surplus areas in which preference contracts awarded. | (Col. 2) Labor surplus areas in which preference contracts awarded will be performed. Underline names of persistent labor surplus areas as shown below. | (Col. 3) Total dollar amount of such contract awards. |
|---|---|---|
| States [2] | Areas [2] | Dollars |
| Alabama | Birmingham | 5,000 |
| | Gadsden | 6,000 |
| | Mobile | 7,000 |
| Alaska | Anchorage | 10,000 |
| West Virginia | Beckley | 15,000 |
| | Bluefield | 20,000 |
| | Morgantown | 26,000 |
| | Wheeling | 30,000 |
| Subtotal—Dollar amount of contracts awarded | persistent labor surplus areas | 106,000 |
| Total | | 113,000 |

[1] To be reported quarterly. Indicate in report the reporting activity, location, etc.
[2] Arrange States and areas within States alphabetically.





## Subpart 4–16.9—Illustrations of Forms

**§ 4–16.903 Department of Justice forms.**

(a) *General.* Subpart 1–1.16 prescribes procedures for submission of reports to the Attorney General in accordance with Executive Order No. 10936 of April 24, 1961, when identical bids are received. (See also Subpart 4–1.16.)

(b) *Required use.* Department of Justice Form DJ–1500 is prescribed for use by all agencies for submitting identical bid reports to the Attorney General.

(c) *Order for forms.* Form DJ–1500 is available from Central Supply Section, Service Operations Division, Office of Plant and Operations.

**§ 4–16.903–DJ1500 Form DJ–1500: Identical Bid Report for Procurement.**

NOTE: Form filed as part of the original document.

**§ 4–16.950 Department of Agriculture forms.**

The Department of Agriculture (AD) procurement forms are illustrated in this section to show their text, format, and arrangement and to provide a ready source of reference. The subsection numbers in this section correspond with the AD form numbers. Thus, in subsection 38 of this § 4–16.950 appears Form AD–38. These forms are available by requisition on Form AD–14 from the Central Supply Section, Service Operations Division, Office of Plant and Operations, as prescribed in § 4–5.5701–4 of this chapter.

**§ 4–16.950–38 Form AD–38: Purchase Order.**

NOTE: Form filed as part of the original document.

**§ 4–16.950–225 Form AD–225: Contract for services.**

NOTE: Form filed as part of the original document.

**§ 4–16.950–263 Form AD–263: Research and Service Contract.**

NOTE: Form filed as part of the original document.

**§ 4–16.950–264 Form AD–264: General Provisions for Research and Service Contracts.**

NOTE: Form filed as part of the original document.

**§ 4–16.950–265 Form AD–265: Cost-reimbursement Provisions for Research and Service Contracts.**

NOTE: Form filed as part of the original document.

**§ 4–16.950–267 Form AD–267: Contractor's Claim for Reimbursement Under Cost-reimbursement Research and Service Contracts.**

NOTE: Form filed as part of the original document.

**§ 4–16.950–268 Form AD–268: Schedule of Salaries and/or Wages Paid.**

NOTE: Form filed as part of the original document.

**§ 4–16.950–370 Form AD–370: Federal, State and Local Taxes.**

NOTE: Form filed as part of the original document.

**§ 4–16.950–375 Form AD–375: Invitation, Bid, and Award (Under $10,000).**

NOTE: Form filed as part of the original document.

**§ 4–16.950–376 Form AD–376: Invitation, Bid, and Award (Supply-Service).**

NOTE: Form filed as part of the original document.

**§ 4–16.950–377 Form AD–377: General Provisions (Service Contract).**

NOTE: Form filed as part of the original document.

## Subpart 4–16.50—Forms for Advertised Services Contracts

**§ 4–16.5000 Invitation, Bid, and Award (Supply-Service) (Agriculture Department Form 376).**

(a) *Use.* Agriculture Department Form 376, Invitation, Bid, and Award (Supply-Service), is prescribed for Departmental use for advertised contracts for services including aerial photography.

(b) *Orders for form.* Form AD–376 is available from Central Supply Section, Service Operations Division, Office of Plant and Operations.

(c) *General.* AD–376 contains the bid terms and conditions on the reverse and is to be used in conjunction with the Agriculture Department Form 377, General Provisions (Service Contract). (See § 4–16.851.)

### Subpart 4–16.51—Forms for Negotiated Research and Marketing Contracts

**§ 4–16.5100 Contract forms.**

(a) *Use.* The forms listed below shall be used in connection with the contract types indicated:

(1) *Firm fixed-price.*

Form AD–263, Research and Services Contract
Form AD–264, General Provisions

(2) *Cost-reimbursement.*

Form AD–263, Research and Services Contract
Form AD–264, General Provisions
Form AD–265, Cost-Reimbursement Provisions
Form AD–267, Contractor's Claim for Reimbursement

In addition, Form AD–268, Schedule of Salaries and/or Wages Paid, may be used by contractors in conjunction with Form AD–267 as evidence of payments made.

(b) *Orders for forms.* The forms listed are available from Central Supply Service, Service Operations Division, Office of Plant and Operations.

## PART 4–17—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

### Subpart 4–17.1—General

**§ 4–17.102 General policy.**

(a) The Department has been delegated certain contracting authority by Executive Order 10789 (see § 1–17.502) in connection with national defense functions. Use of this authority is subject to prior approval of the Director of Plant and Operations.

(b) In the interest of maintaining a minimum priorities and allocations system as a mobilization preparedness measure, agencies shall require contractors to use ratings and allotment authority to support defense needs to the extent required by DMS Reg. 1, "Basic Rules of the Defense Materials System (Revised)" (32A CFR DMS Reg. 1) and BDSA Reg. 2, "Basic Rules of the Priorities System" (32A CFR BDSA Reg. 2), and all other applicable regulations and orders of the Business and Defense Services Administration, Department of Commerce.

(5 U.S.C. 22, 40 U.S.C. 486(c))





## PART 4–30—CONTRACT FINANCING

Subpart 4–30.4—Advance Payments

Sec.
4–30.400 Scope of subpart.
4–30.406 Responsibility—delegation of authority.

Subpart 4–30.50—Special Contract Financing Authorities

4–30.5001 Contracts with states.
4–30.5002 Contracts pursuant to the Research and Marketing Act of 1946, as amended, 7 U.S.C. 427i and 1624.

AUTHORITY: The provisions of this Part 4–30 issued under 5 U.S.C. 22, 40 U.S.C. 486 (c).



### Subpart 4–30.4—Advance Payments

**§ 4–30.400 Scope of subpart.**

Subpart 1–30.4 shall apply only to those contracts of this Department executed pursuant to the authority of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 255).

**§ 4–30.406 Responsibility — delegation of authority.**

Heads of agencies or their designees are delegated the authority to make the determination to make advance payments pursuant to section 305 of the Act, based upon written findings which, in accordance with Section 307(c), shall be final and available within the agency for a period of at least six years following the date of the determination. Designees shall be responsible headquarters or field officials other than the contracting officer.

### Subpart 4–30.50—Special Contract Financing Authorities

**§ 4–30.5001 Contracts with states.**

Under circumstances where the State requires advance payment and contracting with the State is to the Government's advantage, advance payments may be made. (Comp. Gen. Dec. B–35670 of 7–16–43 and B–36099 of 8–14–43.)

**§ 4–30.5002 Contracts pursuant to the Research and Marketing Act of 1946, as amended, 7 U.S.C. 427i and 1624.**

The Act provides that advance, progress, or other payments may be made without regard to the provisions of section 3648, Revised Statutes. Advance payments may be made in any amount not exceeding the contract price, provided: (a) adequate security for such advance payments is obtained when the contract is being made with other than public organizations, (b) the amount of the advance payment is based upon an analysis of the financing required by the contractor for the contract and does not exceed reasonable financial requirements between payments, and (c) such advance payment is necessary and appropriate in order to contract for the required work. Contract provisions must state the amount of the advance payment. Performance bonds on prescribed standard forms will satisfy requirements for adequate security.

## PART 4–50—DISPUTES AND APPEALS POLICY AND PROCEDURE


Sec.
4–50.000 Scope of part.

Subpart 4–50.1—Disputes

4–50.101 Policy.
4–50.102 Questions of fact.
4–50.103 Determination of questions by mutual agreement.
4–50.104 Decisions by contracting officer.
4–50.104–1 General.
4–50.104–2 Format.
4–50.105 Record of evidence to be maintained.

Subpart 4–50.2—Contract Appeal Procedure

4–50.201 Appeals.
4–50.201–1 Eligible contractors.
4–50.201–2 Form and contents of notice of appeal.
4–50.201–3 Transmittal.
4–50.202 Board of Contract Appeals.
4–50.202–1 Membership.
4–50.202–2 Notice to parties.
4–50.202–3 Quorum.
4–50.202–4 Function of the Board.
4–50.202–5 Lack of prosecution.
4–50.203 Request by contracting officer for hearing.
4–50.204 Consideration by Board without hearing.
4–50.205 Location of hearings.
4–50.206 Notice of hearings.
4–50.207 Scope of procedures.
4–50.208 Absence of parties.
4–50.209 Pre-hearing arrangements.
4–50.210 Conduct of hearings.
4–50.211 Findings and decision of the Board.
4–50.212 Finality of decision.


AUTHORITY: The provisions of this Part 4–50 issued under 5 U.S.C. 22, 40 U.S.C. 486(c).

**§ 4–50.000 Scope of part.**

This part prescribes policy and procedure for the handling of questions of fact and disputes thereon arising under contracts.





### Subpart 4–50.1—Disputes

**§ 4–50.101 Policy.**

It is the policy of the Department to handle questions of fact and disputes thereon arising under contracts in a fair, considerate and expeditious manner, so as to assure prompt and equitable decisions. The rendering of such decisions shall be performed in accordance with the procedures herein, recognizing that their application requires the utmost in tact and sound judgment. It is emphasized that by the inclusion of the standard disputes clause in a contract, the parties have agreed upon a procedure to be followed when disagreements arise thereunder, and failure to pursue these administrative procedures and exhaust all the remedies so provided may prejudice the rights of the contractor otherwise to enforce such claims in the courts.

**§ 4–50.102 Questions of fact.**

The general provisions of Standard Forms 23A and 32 specifically indicate several questions as being questions of fact. In general terms, any question which involves the submission of evidence to enable a decision is a question of fact whereas any question which does not require the introduction of evidence to form a decision is a question of law. For instance, the interpretation of the intent or meaning of contract provisions involves questions of law but determinations as to whether the contractor has complied with contract provisions usually involve the introduction of evidence and thus are questions of fact.

**§ 4–50.103 Determination of questions by mutual agreement.**

Within the terms of the contract, it is the responsibility of the contracting officer to resolve by mutual agreement with the contractor a variety of questions of fact. These may arise either before or after all payments due under the contract are believed to have been made, in such problem areas as price adjustments, change in delivery time, rejection of materials, or similar matters in connection with the administration of contract provisions. A tactful and cooperative approach by the contracting officer to the contractor's problem will do much to avoid formal protests and claims. In the majority of cases, a satisfactory agreement can be reached if the contractor has been fully informed of the specific contract provisions pertinent to the questions involved and the rights of the contractor and the Government with respect thereto. When questions are settled in this manner, the agreement should be documented for record purposes in the form of a letter or memorandum of agreement. If, however, the contractor is dissatisfied with explanations or determinations given and an agreement cannot be successfully negotiated, he should be referred to the contract provisions regarding disputes and advised to present his claim in writing to the contracting officer. The contractor shall be given an opportunity to present to the contracting officer oral arguments or evidence in support of his claims, if he so desires. It is particularly important that the claim be in writing if it is in regard to a matter which the contract requires to be in writing. Decisions will be rendered in accordance with § 4–50.104.

**§ 4–50.104 Decisions by contracting officer.**

**§ 4–50.104–1 General.**

(a) Except as may be otherwise specifically provided in a contract, any dispute concerning a question of fact arising under a contract which is not disposed of by agreement shall be decided by the contracting officer who shall reduce his decision to writing and mail by certified mail, return receipt requested, or otherwise furnish a copy thereof, to the contractor. Such decisions shall be made in the format prescribed in § 4–50.104–2.

(b) Before making his decision, the contracting officer shall consider such oral or written argument or evidence as the contractor presents and shall conduct such investigation as may be necessary to ascertain the facts and shall appropriately document the findings. The advice and assistance of the Office of General Counsel and Office of Plant and Operations should be requested whenever disputes involve complicated questions of fact or involve questions of law. Law questions may be considered in making the decision when necessary to a complete adjudication of the claim although any decision on a question of law cannot be final.

(c) For the purposes of the contracting officer's Findings and Decision, the following definitions apply:

(1) A "fact" is an occurrence or an event.

(2) "Evidence" is any material tending to prove or disprove a fact.

(3) "Finding" is the conclusion reached after the examination or consideration of the facts.

(4) "Decision" is the judgment or answer rendered.

(d) Where questions of fact are in dispute, each question or issue raised in the contractor's claim should be separately considered in the findings and a decision made on each individual issue before a summary decision is reached on the over-all claim. It is extremely important that there be no misunderstanding as to the specific points at issue. Where the claim is not clear, the contracting officer should request a clarification as to what points are at issue prior to his analysis of the claim.

**§ 4–50.104–2 Format.**

(Letterhead)

(Date)

CONTRACTING OFFICER'S FINDINGS AND DECISION

*Introduction.* The introduction consists of a complete description of the project by name, description, and location, the contractor's name and address, dollar amount of the contract, the contract number, and the name and address of the Contracting Officer.

*Contractor's Claim.* State the amount the contractor is claiming (in dollars and cents and/or in time) and briefly state the reasons presented by the contractor as a basis for the claim. Attach a copy of the claim as an exhibit. The purpose of this statement before continuing with the Findings is to indicate at the outset exactly what the over-all claim or dispute involves.

*Findings.* Each specific issue that can be handled separately from other issues in the claim should be given a claim number and descriptive title for ready identification and correlated with the attached copy of the claim. Similarly, where issues cannot be logically considered separately, they should be grouped together under a descriptive title and claim number. Each claim should then be dealt with to completion as indicated below before the next is introduced.

(a) *Contract Requirements.* Include all contract provisions and specifications that are applicable in resolving each of the points at issue. In the interest of brevity and avoiding repetition, it is usually desirable to make references to exhibits or to footnotes rather than quoting the entire provision or specification. Direct quotations may be used when necessary for clarity or emphasis.

(b) *Facts.* A narrative recitation of the evidence and all facts of performance pertaining to the issue must be made. Material needed to prepare the narrative may be obtained from many sources such as, but not limited to, records or any other evidence submitted by the contractor; statements from expert witnesses or persons with knowledge of the issue in dispute; job diaries, engineers' field books, time and payroll records, suppliers' delivery records, contract modifications, etc. If statements are obtained from persons with knowledge of the issue in dispute, it is preferable that they be in the form of affidavits. These may be attached as exhibits and referenced in appropriate places, or direct quotations from the exhibits may be included if necessary for clarity or emphasis.

(c) *Analysis.* Each issue raised by the contractor must be weighed against the contract requirements and the facts. The results of this analysis constitute the contracting officer's finding on the claim.

*Decision of the Contracting Officer.* Each analysis of the issues is the basis for a respective portion of the decision. If neither additional payment or performance is allowed, so indicate. If additional payment and/or performance time is allowed, itemize the basis therefor and show the totals for the entire claim. Conclude the decision with the following paragraph as required by § 1–1.318:

"This decision is made in accordance with the Disputes clause and shall be final and conclusive as provided therein, unless, within thirty days from the date of receipt of this decision, a written notice of appeal addressed to the Secretary of Agriculture is mailed or otherwise furnished to the Contracting Officer. The notice of appeal, which is to be signed by you as the contractor or by an attorney acting on your behalf, and which may be in letter form, should indicate that an appeal is intended, should refer to this decision and should identify the contract by number. The notice of appeal may include a statement of the reasons why the decision is considered to be erroneous."

**§ 4–50.105 Record of evidence to be maintained.**

The contracting officer shall maintain a complete record of the evidence upon which his decision is based.

## Subpart 4–50.2—Contract Appeal Procedure

**§ 4–50.201 Appeals.**

**§ 4–50.201–1 Eligible contractors.**

(a) Appeals may be taken from decisions of contracting officers of the Department involving disputed questions of fact under contracts the terms of which provide that such appeals may be made to the head of the Department or his duly authorized representative, for:

(1) the construction, alteration or repair of public buildings or works, or

(2) the purchase of administrative and operating supplies, equipment, materials or services.

(b) Such appeals shall be taken by filing a notice of appeal with the Secretary or the contracting officer within the time prescribed in the contract.

**§ 4–50.201–2 Form and contents of notice of appeal.**

The notice of appeal shall be in writing but need not follow any prescribed form. It may be in the form of a letter. It should indicate the decision from which the appeal is being taken, the date of the decision, and the contract number. The notice of appeal should state whether the contractor desires to appear or be represented at a hearing before the Board, and should contain a request that such a hearing be held.

**§ 4–50.201–3 Transmittal.**

Upon receipt of the notice of appeal, the officer receiving such notice will endorse the date of its receipt thereon and will immediately forward it through agency channels to the Director of Plant and Operations for Board of Contract Appeals action.

**§ 4–50.202 Board of Contract Appeals.**

**§ 4–50.202–1 Membership.**

The Board of Contract Appeals shall be designated by the Administrative Assistant Secretary for each case and be composed of not less than three members as follows: One member from the office of the General Counsel, who shall serve as Chairman, one member from the Office of Plant and Operations, who shall serve as Secretary, and one member from the Department experienced in the subject matter of the work involved in the contract. Other members from the Department may be designated upon recommendation by the Director of Plant and Operations. No member shall have been directly involved in the formulation or administration of the contract in dispute. An alternate may be designated by the Administrative Assistant Secretary for any Board member who dies, or is absent, or disqualified. The Director of Plant and Operations shall, in consultation with the agencies involved, determine availability of employees best qualified to serve on the Board and advise the Administrative Assistant Secretary thereof together with his recommendations for composition of the Board.

**§ 4–50.202–2 Notice to parties.**

(a) Upon receipt of an appeal from a contracting officer's decision, the Director of Plant and Operations shall:

(1) Arrange for designation of the Board as provided in § 4–50.202–1,

(2) Notify the contracting officer of such appeal and require him to forward within 20 calendar days the necessary copies of his decision, findings of fact, supporting data, correspondence and other data revelant to the dispute,

(3) Refer the appeal together with all pertinent information to the Board of Contract Appeals, and

(4) Notify the contractor that his appeal has been received and, if he has not requested a hearing, that he may

(i) Have one before the Board upon request within a specified time,

(ii) Submit the case on written argument and evidence, or

(iii) Have the case decided on the basis of the record.

(b) The contractor shall be furnished at the same time a copy of this subpart 4–50.2 and such further instructions as may be appropriate.

**§ 4–50.202–3 Quorum.**

Except as may be otherwise provided in the designation of the Board, two members shall constitute a quorum.

**§ 4–50.202–4 Function of the Board.**

The Board shall consider and determine contract appeals in accordance with the provisions of this subpart. In addition to deciding questions of fact, the Board may, in its discretion, hear, consider, and decide related questions of law necessary for the complete adjudication of the issues in dispute although any decision on a question of law cannot be final.

**§ 4–50.202–5 Lack of prosecution.**

Where the contractor does not, within a reasonable time, take the necessary action to prosecute his appeal in accordance with this subpart, the Board may, upon reasonable notice, dismiss the appeal for lack of prosecution.

**§ 4–50.203 Request by contracting officer for hearing.**

If a hearing is not requested by the contractor, the contracting officer may request that a hearing be held by forwarding such a request in writing to the Board.

**§ 4–50.204 Consideration by board without hearing.**

If a hearing is not requested by the contractor or by the contracting officer, the Board will proceed to a determination on the basis of the record then before it, together with such a brief as the contractor may desire to submit and a reply brief submitted by the contracting officer. The Board will instruct the parties with respect to the time within which such briefs must be submitted and served upon the other parties.

**§ 4–50.205 Location of hearings.**

Hearings will be held at the Department of Agriculture, Washington, D.C., unless in the opinion of the Board, holding of a hearing elsewhere is justified, considering (a) the amount involved in the appeal, (b) the relative cost of holding a hearing in Washington, D.C. or elsewhere, and (c) any factors indicating that holding of a hearing at a requested location is necessary to assure equitable settlement of the case.

**§ 4–50.206 Notice of hearings.**

The contractor and the representatives of the Government shall be given at least 20 days' notice in writing of the time and place of any hearing scheduled by the Board. If it finds that the time fixed is inconvenient to the parties, the Board may reschedule the time.

**§ 4–50.207 Scope of procedures.**

In the written appeal or in other papers submitted to the Board or in any event at least 20 days prior to the time of the hearing, the contractor shall specify the portions of the findings of the contracting officer from which the appeal is taken and the reasons why the findings or the decision are deemed erroneous. If the contractor relies on facts and circumstances which are not covered by the findings of the contracting officer, such matter must be affirmatively set forth as a part of the contractor's submissions to the Board required by the preceding sentence. Independent findings of fact will be made by the Board although the findings of fact of the contracting officer may be adopted by the Board in whole or in part.

**§ 4–50.208 Absence of parties.**

In the event of the unexcused absence of a party at the time and place set for a hearing, the hearing will proceed and the appeal will be deemed as having been submitted without oral testimony or argument on behalf of that party.

**§ 4–50.209 Pre-hearing arrangements.**

The Board may direct the parties to appear at a specified time and place for a conference to consider or otherwise provide for the following:

(a) Simplification of issues,

(b) Possibility of obtaining stipulations or admissions of fact and of documents, and

(c) Such other matters as may add to the disposition of the appeal.

**§ 4–50.210 Conduct of hearings.**

The hearings before the Board will be informal, with no fixed form of procedure. Findings of fact in the contracting officer's decision which are not controverted may be accepted by the Board without further proof. Although the Board is entitled to the entire record to aid it in the consideration of the case, on facts in dispute the Board may not rely on any evidence not presented in the hearings to support any findings or determinations thereon except that which may be officially noticed. Either the contractor or the representatives of the Government may introduce evidence pertinent to the basic issues. The burden of establishing errors or omissions in the decision of the contracting officer shall rest on the party asserting the error or omission. Subject to the exercise of a reasonable discretion under all the circumstances of the particular case, the Board may limit or otherwise control the issues to be considered on the appeal and the extent of the evidence, testimony or argument presented. A verbatim reporting and transcription of the testimony shall be made, the costs thereof to be borne by the agency involved in the contract dispute. In addition, the following general rules will apply:

(a) The parties may be represented at a hearing by any authorized person meeting the requirements of 7 CFR 1.26 (1 AR 441).

(b) The parties may present to the Board a signed stipulation setting forth any agreed facts or stating the matters in dispute.

(c) In addition to the presentation of witnesses and documentary evidence, the parties may, in the discretion of the Board and upon application in advance of the hearing and with notice to the opposing party, submit evidence by deposition based upon oral examination or written interrogatories or in such other form as the Board may approve.

(d) Witnesses before the Board may be required to testify under oath, and attention of the witnesses may be invited to 18 U.S.C. 287 and 1001, and any other appropriate provisions of law imposing penalties for knowlingly making false statements or representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

(e) All witnesses shall be subject to cross-examination, and also to examination by the Board.

(f) On proof of authenticity, copies of papers, books, records, or documents will be accepted as evidence in lieu of the submission of the original documents where such submission is not practicable.

(g) The weight to be given evidence presented in any particular form will be determined by the Board in the exercise of a reasonable discretion under the circumstances of the particular case.

(h) Briefs may be submitted, either on request of the parties or the Board, in accordance with instructions issued by the Board, which shall require that copies be served upon the opposing parties who shall have opportunity to present argument in rebuttal within a time limitation fixed by the Board.

**§ 4–50.211 Findings and decision of the Board.**

The Board will make specific findings of fact and conclusions disposing of the appeal. The chairman of the Board shall be responsible for the preparation and submission of the decision of the Board, which shall be signed by all members of the Board who concur therein. A copy of the findings, conclusions and decision shall be submitted to the contracting agency, to the appellant and to the Director of Plant and Operations.

**§ 4–50.212 Finality of decision.**

The decision of the Board based upon the appeal record shall be final and conclusive and binding on the parties thereto, except as it may be subject to review as provided by law. A request for reconsideration may be made to the Board within 30 days from the date of the decision. Reconsideration of a decision, which may include a hearing or rehearing, may be granted or denied in the discretion of the Board.

[F.R. Doc. 64–9955; Filed, Oct. 15, 1964; 8:45 a.m.]



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PART I

# FEDERAL REGISTER

VOLUME 29 NUMBER 204

Washington, Saturday, October 17, 1964

THE UNIVERSITY OF MICHIGAN
OCT 2 1964
MAIN READING ROOM

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**UNITED STATES STATUTES AT LARGE**

**[88th Cong., 1st Sess.]**

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Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402

FEDERAL REGISTER
Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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# Rules and Regulations

## Title 4—ACCOUNTS

**Chapter I—General Accounting Office**

**SUBCHAPTER D—TRANSPORTATION**

**PART 51—PASSENGER TRANSPORTATION SERVICE FOR THE ACCOUNT OF THE UNITED STATES**

**Use of Designated Agents**

A new § 51.22a is added to permit the signing of transportation requests by designated agents.

Section 51.22a is added as follows:

**§ 51.22a Use of designated agents.**

When the head of a department, agency, or other establishment of the United States Government determines that it is in the interest of more economical and efficient procurement of passenger transportation, persons named by him as "designated agents" may sign transportation requests in lieu of travelers.

[SEAL] JOSEPH CAMPBELL,
*Comptroller General of the United States.*

[F.R. Doc. 64-10623; Filed, Oct. 16, 1964; 8:47 a.m.]

## Title 7—AGRICULTURE

**Subtitle A—Office of the Secretary of Agriculture**

**[Amdt. 9]**

**PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES**

**Subpart—Selection and Functions of Agricultural Stabilization and Conservation County and Community Committees**

ELIGIBILITY AND REMOVAL FROM OFFICE OR EMPLOYMENT

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act of 1936, as amended, the regulations in this subpart published in the FEDERAL REGISTER of March 23, 1961 (26 F.R. 2451), June 22, 1961 (26 F.R. 5555), April 25, 1962 (27 F.R. 3911), July 21, 1962 (27 F.R. 6921), November 16, 1962 (27 F.R. 11312), March 1, 1963 (28 F.R. 1979), July 11, 1963 (28 F.R. 7067), August 10, 1963 (28 F.R. 8239), and October 9, 1963 (28 F.R. 10813) are further amended to: (1) Eliminate excess wording and improve clarity; (2) eliminate the word "seriously" §§ 7.15, 7.16, 7.28, 7.29, and 7.30; (3) eliminate in the foregoing sections provision that fraud committed, attempted, or conspired, must have been in the conduct of the person's office or employment; (4) add as a basis for disqualifying a former committeeman or employee for future service or employment the same reasons, except incompetency, used to suspend and remove a current committeeman or employee; (5) eliminate in § 7.29 that the county office manager will act on a response to an employee suspended by him and provide that the county committee will receive and act on such a response; (6) add new paragraphs to §§ 7.28 and 7.29 concerning suspension and removal of a committeeman or employee who, prior to becoming such, committed, attempted, or conspired to commit fraud, or who impeded the effectiveness of programs administered in the county; and (7) change § 7.31 from "Right of appeal" to "Right of review." The regulations in this subpart are, therefore, amended as follows:

ELIGIBILITY REQUIREMENTS

**§ 7.15 County committeemen, community committeemen, and delegates.**

* * * * * *

(e) Not have been removed as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee for failure to perform the duties of his office, or committing, or attempting, or conspiring to commit fraud, or incompetency, or impeding the effectiveness of any program administered in the county, unless such disqualification is waived by the State committee or the Deputy Administrator;

(f) Not have been disqualified for future service because of a determination by a State committee that during previous service as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee, he failed to perform the duties of his office or employment, or he committed, attempted, or conspired to commit fraud, or he impeded the effectiveness of any program administrered in the county, unless such disqualification is waived by the State committee or the Deputy Administrator;

* * * * * *

**§ 7.16 All other personnel.**

* * * * * *

(c) The county office manager or any other employee must not have been removed as a county committeeman, community committeeman, delegate, alternate to any such office, county office manager, or other employee for failure to perform the duties of his office, or committing, or attempting, or conspiring to commit fraud, or incompetency, or impeding the effectiveness of any program administered in the county, unless such disqualification is waived by the State committee or the Deputy Administrator;

(d) The county office manager and other employees must not have been disqualified for future employment, because of a determination by a State committee that during previous service as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee, he failed to perform the duties of his office or employment, or he committed, attempted, or conspired to commit fraud, or he impeded the effectiveness of any program administered in the county, until such disqualification is waived by the State committee or the Deputy Administrator.

* * * * * *

REMOVAL FROM OFFICE OR EMPLOYMENT

**§ 7.28 County and community committeemen, and delegates to county convention.**

(a) Any county committeeman, community committeeman, delegate to the county convention, or any alternate to any such office, who fails to perform the duties of his office, or who commits, or attempts, or conspires to commit fraud, or is incompetent, or who impedes the effectiveness of any program administered in the county, or who violates the provisions of § 7.27 (e) or (f), shall be suspended by the State committee. Any such person who is under formal investigation for any of the above cited reasons may be suspended by the State committee. Any person suspended under the provisions of this paragraph shall be given a written statement of the reasons for such action and 15 days from the date of mailing in which to advise the State committee in writing, in person, or both, why he should be restored to duty. The State committee, following such further investigation as is deemed necessary, shall either restore to duty or remove the suspended person. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and 15 days from the date of mailing in which to advise the State committee why he should be restored to duty. In the event a person under suspension submits his resignation, or his term expires, acceptance thereof shall not prevent a determination by the State committee that he would have been removed had he remained in the position, and such a determination shall constitute removal within the meaning of §§ 7.15(e), 7.16(c), and 7.31. The person so removed shall be given written notification of any such determination and the reasons therefor.

* * * * * *

(c) Any former county committeeman, community committeeman, delegate, or any alternate to any such office, who during such term of office failed to perform the duties of his office, or committed, attempted, or conspired to commit fraud, or who impeded the effectiveness of any program administered in the county, or who violated the provisions of § 7.27 (e) or (f) may be disqualified from future service or employment by the State committee. Before any such dis-

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qualification determination is made, the State committee shall undertake such investigation as it deems necessary after which the State committee shall give the affected person a written statement of reasons for the proposed disqualification action. Such person shall have 15 days from the date of mailing to advise in writing, in person, or both, why the action should not be taken. If any further investigation develops substantial additional reasons for disqualification, the person involved shall be given a written statement of such reasons and 15 days from the date of mailing in which to respond.

(d) Any county committeeman, community committeeman, delegate to the county convention, or any alternate to any such office, who, prior to taking his present office, committed, or attempted, or conspired to commit fraud, or who impeded the effectiveness of any program administered in the county, may be suspended by the State committee. Any such person who is under formal investigation for any of the above cited reasons may be suspended by the State committee. The proceedings under this paragraph shall be the same as in paragraph (a) of this section.

§ 7.29 County office personnel:

(a) Any county office manager who fails to perform the duties of his employment, or who commits, or attempts, or conspires to commit fraud, or is incompetent, or who impedes the effectiveness of any program administered in the county, or who violates the provisions of § 7.27 (e) or (f), shall be suspended by the county committee, or State committee. Any county office manager who is under formal investigation for any of the above cited reasons may be suspended by the county committee or State committee. A person suspended under the provisions of this paragraph shall be given a written statement of the reasons for such action and 15 days from the date of mailing in which to advise the committee which made the suspension, in writing, in person, or both, why he should be restored to duty. The committee which made the suspension following such further investigation as is deemed necessary, shall either restore to duty or remove the suspended person; except that, the county committee may not restore a suspended person to duty without prior written approval of the State committee, and upon refusal of such approval shall promptly remove such person. Upon refusal or failure of the county committee promptly to remove the suspended person, the State committee shall remove such person. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and 15 days from the date of mailing in which to advise why he should be restored to duty. In the event a person under suspension submits his resignation, acceptance thereof shall not prevent a determination by the county committee, or State committee, that he would have been removed had he remained in the position, and such a determination shall constitute removal within the meaning of §§ 7.15(e), 7.16(c), and 7.31. The person so removed shall be given written notification of any such determination and the reasons therefor.

(b) Any employee, other than the county office manager, who fails to perform the duties of his employment, or who commits, or attempts, or conspires to commit fraud, or is incompetent, or who impedes the effectiveness of any program administered in the county, or who violates the provisions of § 7.27 (e) or (f), shall be suspended by the county office manager, county committee, or State committee. Any employee who is under formal investigation for any of the above cited reasons may be suspended by the county office manager, county committee, or State committee. A person suspended under the provisions of this paragraph shall be given a written statement of the reasons for such action and 15 days from the date of mailing in which to advise the county committee, or the State committee if it made the suspension, in writing, in person, or both, why he should be restored to duty. The county committee, or the State committee if it made the suspension, following such further investigation as is deemed necessary, shall either restore to duty or remove the suspended person; except that, the county committee may not restore a suspended person to duty without prior written approval of the State committee, and upon refusal of such approval shall promptly remove such person. Upon refusal or failure of the county committee promptly to remove the suspended person, the State committee shall remove such person. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and 15 days from the date of mailing in which to advise why he should be restored to duty. In the event a person under suspension submits his resignation, acceptance thereof shall not prevent a determination by the county committee, or the State committee, that he would have been removed had he remained in the position, and such a determination shall constitute removal within the meaning of §§ 7.15(e), 7.16(c), and 7.31. The person so removed shall be given written notification of any such determination and the reasons therefor.

(c) Any former county office manager or other employee who during his term of employment failed to perform the duties of his employment, or who committed, attempted, or conspired to commit fraud, or who impeded the effectiveness of any program administered in the county, or who violated the provisions of § 7.27(e) or (f), may be disqualified from future service or employment by the State committee. Before any such disqualification determination is made, the State committee shall undertake such investigation as it deems necessary, after which the State committee shall give the affected person a written statement of reasons for the proposed disqualification action. Such person shall have 15 days from the date of mailing to advise in writing, in person, or both, why the action should not be taken. If any further investigation develops substantial additional reasons for disqualification, the person involved shall be given a written statement of such reasons and 15 days from the date of mailing in which to respond.

(d) Any county office manager who, prior to taking his present office or employment, committed, or attempted, or conspired to commit fraud, or who impeded the effectiveness of any program administered in the county, may be suspended by the county committee or State committee. Any county office manager who is under formal investigation for any of the above cited reasons may be suspended by the county office manager, county committee, or State committee. A person suspended under the provisions of this paragraph shall be given a written statement of the reasons for such action and 15 days from the date of mailing in which to advise the county committee, or the State committee if it made the suspension, in writing, in person, or both, why he should be restored to duty. The county committee, or the State committee if it made the suspension, following such further investigation as is deemed necessary, shall either restore to duty or remove the suspended person; except that, the county committee may not restore a suspended person to duty without prior written approval of the State committee, and upon refusal of such approval shall promptly remove such person. Upon refusal or failure of the county committee promptly to remove the suspended person, the State committee shall remove such person. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and 15 days from the date of mailing in which to advise why he should be restored to duty. In the event a person under suspension submits his resignation, acceptance thereof shall not prevent a determination by the county committee, or State committee, that he would have been removed had he remained in the position, and such a determination shall constitute removal within the meaning of §§ 7.15(e), 7.16(c), and 7.31. The person so removed shall be given written notification of any such determination and the reasons therefor.

(e) Any employee, other than the county office manager, who, prior to taking his present office or employment, committed, or attempted, or conspired to commit fraud, or who impeded the effectiveness of any program administered in the county, may be suspended by the county office manager, county committee, or State committee. Any employee who is under formal investigation for any of the above cited reasons may be suspended by the county office manager, county committee, or State committee. The proceedings under this paragraph shall be the same as in paragraph (b) of this section.

§ 7.30 Delegation of authority to deputy administrator.

Notwithstanding the authority vested in the State committee, a county committee, and the county office manager by these regulations, the Deputy Administrator shall have authority to suspend and remove any county committeeman, community committeeman, delegate to the county convention, an alternate to any such office, county office manager, or other county employee, for any and all of the reasons and causes authorizing such suspension and removal by the State committee, the county committee, or the county office manager. When the Deputy Administrator suspends any person hereunder he shall give a written statement of the reasons for such action. Any person suspended shall have 15 days from date of mailing in which to advise the Deputy Administrator in writing, in person, or both, why he should be restored to duty. The Deputy Administrator following such further investigation as he deems necessary shall either restore to duty or remove the suspended person. In the event further investigation develops reasons for the action taken, in addition to those disclosed in the suspension notice, the suspended person shall be given written notification of such additional reasons and 15 days from date of mailing within which to advise the Deputy Administrator why he should be restored to duty.



§ 7.31 Right of review.

Any person removed from employment by the county committee under the provisions of § 7.29 (a) or (b), or § 7.27 (e) or (f) shall have the right to present to the State committee reasons in writing, in person, or both, as to why he should be restored to duty. The State committee may either uphold the decision of the county committee or order the person restored to duty. If the person removed is dissatisfied with the decision of the State committee, he may present the reasons in writing, in person, or both, to the Deputy Administrator as to why he should be restored to duty. The Deputy Administrator may uphold the decision of the county committee or order the person restored to duty. Any person removed from office or employment or disqualified for future office or employment by the State committee under the provisions of §§ 7.27 (e) and (f), 7.28, 7.29, or 7.30 shall have the right to present to the Deputy Administrator reasons in writing, in person, or both, as to why he should be restored to duty or have the disqualification removed. The Deputy Administrator may uphold the decision or order the person restored to duty, or order the disqualification removed. Any person removed from office or employment by the Deputy Administator under the provisions of § 7.30 shall have the right to request the Deputy Administrator for a reconsideration of his decision and to present reasons therefor in writing, in person, or both. Any presentation shall be in accordance with such procedure as the Deputy Administrator may prescribe. Notice of any presentation under this section must be filed within 30 days of the date the notice of removal or disqualification decision is mailed to any such person.

CHARLES S. MURPHY,
*Acting Secretary.*

OCTOBER 13, 1964.

[F.R. Doc. 64-10640; Filed, Oct. 16, 1964; 8:49 a.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Tangerine Reg. 20]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

§ 905.429 Tangerine Regulation 20.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Tangerines.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 15, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-10652; Filed, Oct. 16, 1964; 8:50 a.m.]

[Tangelo Reg. 21]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

§ 905.430 Tangelo Regulation 21.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 13, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810-51.1834 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 19, 1964, and ending at 12:01 a.m., e.s.t., November 16, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than 2⅝ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Tangerines.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 15, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-10652; Filed, Oct. 16, 1964; 8:50 a.m.]

committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 19, 1964, and ending at 12:01 a.m., e.s.t., November 16, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2$^{26}/_{32}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 15 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–10653; Filed, Oct. 16, 1964; 8:50 a.m.]

[Orange Reg. 41]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

§ 905.428 Orange Regulation 41.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 13, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 19, 1964, and ending at 12:01 a.m., e.s.t., November 16, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 1;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2$^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{1}/_{16}$ inches in diameter or smaller;

(iii) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(iv) Any Temple oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 15, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–10654; Filed, Oct. 16, 1964; 8:50 a.m.]

[Grapefruit Reg. 42]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

§ 905.427 Grapefruit Regulation 42.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 13, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 19, 1964, and ending at 12:01 a.m., e.s.t., November 16, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than 3$^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit;

(iii) Any seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1;

(iv) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least U.S. No. 1 Russet: *Provided*, That such grapefruit which grade U.S. No. 2 or U.S. No. 2 Bright, may be shipped if such grapefruit meet the requirements as to form (shape) and color specified in the U.S. No. 1 grade; or



(v) Any seedless grapefruit grown in the production area, which are smaller than 3$^{3}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 15, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–10655; Filed, Oct. 16, 1964; 8:50 a.m.]

[Lemon Reg. 133]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

§ 910.433 Lemon Regulation 133.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 13, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 18, 1964, and ending at 12:01 a.m., P.s.t., October 25, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 106,950 cartons;

(iii) District 3: 106,950 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 15, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–10675; Filed, Oct. 16, 1964; 8:50 a.m.]

[Area 1]

## PART 948—IRISH POTATOES GROWN IN COLORADO

### Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Area No. 1 Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments, hereinafter set forth, will tend to maintain orderly marketing conditions and increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1964 crop potatoes grown in Area No. 1 have begun, (2) to maximize benefits to producers, this regulation should be made effective as soon as practicable, (3) producers and handlers have operated under the said marketing order program since 1949 so special preparation on the part of handlers

is not required, and (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

§ 948.347 Limitation of shipments.

During the period from October 19, 1964, through June 30, 1965, no person shall handle any lot of potatoes grown in Area No. 1 unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with the provisions of paragraphs (c), (d), and (e) of this section.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 1⅞ inches minimum diameter.

(3) *All varieties.* Size B, if U.S. No. 1 or better grade.

(b) *Minimum maturity (skinning) requirements*—(1) *All varieties.* Not more than "moderately skinned."

(c) *Special purpose shipments.* (1) The quality and maturity requirements set forth in paragraphs (a) and (b) of this section and the inspection and assessment requirements of this part shall not be applicable to potatoes handled for livestock feed.

(2) Potatoes may be handled for chipping or shoestrings if such potatoes meet the grade and size requirements of paragraph (a) of this section except for scab. The maturity requirements of paragraph (b) of this section shall not apply to such potatoes handled for chipping or shoestrings.

(3) The quality and maturity requirements of paragraphs (a) and (b) of this section shall not be applicable to the handling of potatoes for seed as defined in § 948.6 but any lot of potatoes handled for seed shall be subject to assessments.

(d) *Safeguards.* (1) Each handler of potatoes which do not meet the quality or maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (c) of this section for any of the special purposes set forth therein shall, prior to handling, apply for and obtain a Certificate of Privilege from the committee, which shall require among other things, the handler to furnish such reports and documents as the committee may require showing that the potatoes so handled were utilized for the purpose specified in the Certificate of Privilege.

(e) *Exception to regulations.* The requirements of this part shall not apply to the handling of potatoes grown in the Counties of Dolores, La Plata and Montezuma during the effective period of this section.

(f) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "moderately skinned," "scab" and "Size B" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated October 14, 1964, to become effective October 19, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-10630; Filed, Oct. 16, 1964; 8:47 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

### PART 74—SCABIES IN SHEEP

### Permitted Dips; Substances Allowed

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 120, 121, 123, 125), § 74.24 of Part 74, Title 9, Code of Federal Regulations, as amended, containing the regulations restricting the interstate movement of sheep because of scabies is hereby amended in the following respects:

A new subparagraph (3) is added to paragraph (a) and paragraphs (b) and (c) of § 74.24 are amended to read as follows:

§ 74.24 Permitted dips; substances allowed.

(a) • • •

(3) Dip made from specifically permitted proprietary brands of wettable powders containing 25 percent lindane (gamma isomer of benzene hexachloride) as the active ingredient and maintained throughout the dipping operation at a concentration between 0.05 and 0.06 percent. Animals treated with such dip should not be slaughtered for food purposes until the expiration of such period as may be required under the Meat Inspection Act (21 U.S.C. 71 et seq.). The length of this required period shall be specified on each certificate issued by the Division or State inspector or accredited veterinarian who supervises the dipping with such dip.

• • • • •

(b) Proprietary brands of toxaphene, lindane, lime-sulphur, or nicotine dips may be used in official dipping only after specific permission therefor has been issued by the Division.[2]

(c) The dipping bath for the lime-sulphur and nicotine dips must be used at a temperature of 95° to 105° F., and must be maintained at all times at a strength of not less than 1½ percent of "sulphide sulphur" in the case of the lime-sulphur dip, and not less than five one-hundredths of 1 percent of nicotine in the case of the nicotine dip, as indicated by the field tests for such baths approved by the Division.[3] The dipping bath for toxaphene emulsions must be kept within a temperature range of 40°–80° F., and at a concentration between 0.5 and 0.6 percent during dipping operations.[4] The dipping bath for lindane wettable powders must be constantly agitated by means of compressed air injected along the bottom and sides of the vat from a suitable air compressor that delivers sufficient air volume to cause bubbling of the vat contents along the entire length of the vat. The air compressor shall be connected by means of a hose or other satisfactory plumbing connections to a 1¼-inch pipe containing two rows of holes directed downward and outward. The holes shall be 1/16 inch in diameter and be spaced on 5-inch centers, and the pipe shall be situated along the center of the vat floor extending the entire length of the lowermost portion of the vat.

• • • • •

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 33 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 115, 117, 124, 126; 19 F.R. 74, as amended)

*Effective date.* The amendments shall become effective upon publication in the FEDERAL REGISTER.

The purpose of the amendments is to provide for the use of permitted proprietary brands of lindane wettable powders, which may be used under the regulations relating to scabies in sheep where dipping of such animals in a permitted dip is required prior to interstate movement.

The amendments must be made effective promptly in order to be of maximum benefit in preventing the spread of scabies in sheep. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of October 1964.

B. T. SHAW,
*Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 64-10641; Filed, Oct. 16, 1964; 8:49 a.m.]

[2] Names of such brands may be obtained from the Division or a Division inspector.

[3] The field test for lime-sulphur dipping baths is described in U.S. Department of Agriculture Bulletin 163, for sale by the Superintendent of Documents, Government Printing Office, Washington 25, D.C., at 5 cents a copy. A field test outfit at present approved by the Division for nicotine-dipping baths is that designated for the purpose of identification as "Field test outfit N-3." (Description available on application to the Department.)

[4] Care must be exercised in dipping animals and in maintaining the bath at the standard concentration when using any permitted dip. Detailed instructions will be issued for the guidance of employees who may be called upon to to use them in the scabies eradication program.



# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Airspace Docket No. 64-SO-17]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Federal Airway

On August 20, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11926) stating that the Federal Aviation Agency proposed to realign the segment of VOR Federal airway No. 176 from Holly Springs, Miss., to Birmingham, Ala., via a new VOR to be commissioned in the vicinity of Hamilton, Ala., on November 12, 1964. In addition, it was proposed to redesignate the Hamilton intersection reporting point at the Hamilton VOR.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

1. In § 71.123 (29 F.R. 1009) V-176 is amended to read:

V-176 From Memphis, Tenn., via Holly Springs, Miss., including a S alternate via INT of Memphis 168° and Holly Springs 281° radials; Hamilton, Ala.; to Birmingham, Ala., including a N alternate from Holly Springs to Birmingham via INT of Holly Springs 099° and Birmingham 313° radials.

2. In § 71.203 (29 F.R. 1211) "Hamilton INT; INT Birmingham, Ala., 298°, Columbus, Miss., 035° radials." is deleted and "Hamilton, Ala." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C. on October 13, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10606; Filed, Oct. 16, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-63]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Federal Airway

On September 23, 1964, Federal Register Document No. 64-9606 was published in the FEDERAL REGISTER (29 F.R. 13164) amending Part 71 [New] of the Federal Aviation Regulations. These amendments realigned VOR Federal airway No. 318 from Houlton, Maine, to a new VOR to be commissioned at Quebec, Canada, and extended VOR Federal airway No. 447 from Montpelier, Vt., to the United States/Canadian border toward the Sherbrooke, Canada VOR, effective November 19, 1964.

The Agency has been informed by the Canadian Department of Transport that, because of technical difficulties, the Quebec VOR will not be commissioned in the near future.

For the above reason it has been determined that compliance with the notice and public procedure requirements of the Administrative Procedure Act is impracticable and contrary to the public interest, and for this reason good cause exists for making this amendment effective within less than 30 days from the date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective immediately, the text of the amendment in Federal Register Document No. 64-9606 is amended to read as follows:

In § 71.123 (29 F.R. 1009, 9529) V-447 is amended to read:

V-447 From Montpelier, Vt., via the INT of Montpelier 020° and Sherbrooke, P.Q., Canada, 217° radials; to Sherbrooke. The portion within Canada is excluded.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 13, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10607; Filed, Oct. 16, 1964; 8:45 a.m.]

[Airspace Docket No. 62-AL-11]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Federal Airway Segment

On January 17, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 455) stating that the Federal Aviation Agency proposed to designate a VOR Federal airway segment from Fairbanks, Alaska, via Eielson AFB, Alaska, to Big Delta, Alaska. On July 28, 1964, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 10472) which altered the proposal in the original notice by stating that the proposed airway segment would be designated from Big Delta direct to the intersection of the Big Delta 313° and the Nenana, Alaska, 064° True radials (Fairbanks ILS LMM).

Interested persons were afforded an opportunity to participate in the rule making through submission of comments; however, no comments were received.

Although not mentioned in the notice or the supplemental notice, it has been determined that the Big Delta VOR should be designated as a low altitude reporting point for air traffic control purposes. Accordingly, action is taken herein to designate the Big Delta reporting point.

Since this action is minor in nature and will impose no additional burden on any person, notice and public procedure requirements hereon are unnecessary.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

1. Section 71.125 (29 F.R. 1046, 9663) is amended as follows: In V-444 "From Big Delta, Alaska," is deleted and "From INT Big Delta, Alaska, 313° and Nenana, Alaska, 064° radials (Fairbanks ILS LMN), via Big Delta;" is substituted therefor.

2. In § 71.211 (29 F.R. 1228) add "Big Delta, Alaska."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 12, 1964.

D. E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10605; Filed, Oct. 16, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SW-106]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Control Zone and Transition Area

On August 15, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11720) stating that the Federal Aviation Agency proposed to designate a control zone and transition area at Fort Polk, La.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

1. § 71.171 (29 F.R. 1101) is amended by designating the Fort Polk, La., control zone as follows:

*Fort Polk, La.*

Within a 5-mile radius of Polk AAF (latitude 31°02'40" N., longitude 93°11'25" W.); within 2 miles each side of the 160° bearing from the Polk RBn, extending from the 5-mile radius zone to 8 miles SE of the RBn, within 2 miles each side of the 340° bearing from the RBn, extending from the 5-mile radius zone to 8 miles NW of the RBn; excluding the portion within R-3804A. This control zone is effective from 0730 to 1630 hours, local time, Monday through Friday, and from 0730 to 1130 hours, local time, Saturday.

2. Section 71.181 (29 F.R. 1160) is amended by designating the Fort Polk, La., transition area as follows:

*Fort Polk, La.*

That airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the 340° and 160° bearings from the Polk RBn, extending from 12 miles SE to 12 miles NW of the RBn, excluding the portion within R-3804A.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 12, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10603; Filed, Oct. 16, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WE-14]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Control Zone

On August 6, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11383) stating that the Federal Aviation Agency proposed to designate a part time control zone at Lake Tahoe, Calif.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. December 10, 1964, as hereinafter set forth.

In § 71.171 (29 F.R. 1101), the following is added:

*Lake Tahoe, Calif.*

Within a 5-mile radius of Lake Tahoe Airport (latitude 38°53'30" N., longitude 119°59'50" W.), effective from 0700 to 2300 hours, local time, daily.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 13, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10604; Filed, Oct. 16, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-123]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Transition Area and Federal Airway; Designation of Control Zone and Federal Airway

On August 1, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11163) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Durango, Colo., terminal area and establish VOR Federal airways to and from Durango.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

(a) In § 71.171 (29 F.R. 1101) the following is added:

*Durango, Colo.*

Within a 5-mile radius of La Plata Field (latitude 37°09'15" N., longitude 107°45'00" W.), effective from 0600 to 2300 hours local time, daily.

(b) In § 71.181 (29 F.R. 1160) the Durango, Colo., transition area is amended to read:

*Durango, Colo.*

That airspace extending upward from 700 feet above the surface within a 5-mile radius of La Plata Field (latitude 37°09'15" N., longitude 107°45'00" W.), and within 2 miles SW and 8 miles NE of the Durango VOR 118° radial, extending from the 5-mile radius area to 8 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface, within 9 miles SW and 6 miles NE of the Durango VOR 298° and 118° radials, extending from 7 miles NW to 14 miles SE of the VOR.

(c) Section 71.123 (29 F.R. 1009, 5540) is amended as follows:

(1) V-421 is amended to read:

V-421 From Zuni, N. Mex., via Farmington, N. Mex.; Durango, Colo.; to Gunnison, Colo., excluding the airspace below 1,200 feet above the surface from Farmington to Gunnison.

(2) V-211 is added as follows:

V-211 From INT Alamoso, Colo., 232° and Durango, Colo., 110° radials via Durango; to INT Durango 284° and Dove Creek, Colo., 147° radials, excluding the airspace below 1,200 feet above the surface.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 13, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10606; Filed, Oct. 16, 1964; 8:46 a.m.]

[Airspace Docket No. 63-EA-51]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

## PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

### Alteration of Control Area and Jet Routes

On August 1, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11162) stating that the Federal Aviation Agency was considering amendments to Parts 71 and 75 [new] of the Federal Aviation Regulations, that would alter the United States portion of Control 1141, Boston, Mass., to Yarmouth, N.S., Canada; extend Jet Route No. 62 from Nantucket, Mass., to the United States/Canadian border toward Yarmouth and establish Jet Route No. 575 from Boston to the United States/Canadian border toward Yarmouth.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association of America endorsed the proposals. The Department of the Navy offered no objection to the proposals provided alterations to Warning Areas W-102, W-103, and W-104 as proposed in Eastern Region Case No. EA-465-NR, dated June 7, 1963, and amended January 7, 1964, are consummated. These nonrule-making actions will be taken concurrently with the actions taken herein.

The proposals contained herein have been coordinated with the Canadian Department of Transport.

Subsequent to publication of the Notice, Jet Route No. 575 was designated from Kennedy, N.Y., to Boston, Mass., effective October 15, 1964 (Airspace Docket No. 63-EA-103, 29 F.R. 12362). Accordingly, action is taken herein to extend J-575 from Boston to the United States/Canadian border toward Yarmouth. In addition, the Canadian Department of Transport has requested that the segment of Jet Route No. 62 as proposed for alteration herein, be numbered Jet Route No. 585 to join Canadain High Level airway No. 585. Such action is taken herein.

In consideration of the foregoing, Part 71 [New] and Part 75 [New] of the Federal Aviation Regulations are amended, effective 0001 e.s.t. December 10, 1964, as hereinafter set forth.

1. In § 71.163 (29 F.R. 1068) Control 1141 is amended to read:

*Control 1141*

That airspace within tangent lines from the circumference of a 5-mile radius circle centered on the Boston, Mass., radio beacon to a 15-mile radius circle centered on the midway point of a direct line between the Boston radio beacon and the Yarmouth, Nova Scotia, Canada, RR to a 5-mile radius circle centered on the Yarmouth RR and that airspace from 18,000 feet MSL to flight level 260 bounded by a line from: latitude 42°43'20" N., longitude 70°22'00" W., thence to latitude 42°52'00" N., longitude 70°16'00" W.; thence to latitude 43°01'30" N., longitude 69°52'00" W.; thence to latitude 43°01'30" N., longitude 69°36'00" W.; thence to the point of beginning; and that airspace from 18,000 feet MSL to flight level 260 inclusive bounded by a line from: latitude 42°33'35" N., longitude 70°03'45" W.; thence to latitude 42°42'30" N., longitude 69°30'00" N.; thence to latitude 42°39'00" N., longitude 69°30'00" W.; thence to latitude 42°28'00" N., longitude 70°03'45" W.; thence to the point of beginning excluding the portion under the jurisdiction of Canada, the portion within the confines of Federal airways and the Boston, Mass., control area extension, the portion below 2,000 feet MSL W of the 69°30'00" W. meridian of longitude and the portion below 5,500 feet MSL E of the 69°30'00" W. meridian of longitude.

2. In § 75.100 (29 F.R. 1287, 12362) the following changes are made:

a. Jet Route No. 575 is amended to read:

Jet Route No. 575 (Kennedy, N.Y., to Yarmouth, N.S., Canada). (Joins Canadian high level airway No. 575).

From Kennedy, N.Y., via Boston, Mass.; to Yarmouth, N.S., Canada, excluding the portion under the jurisdiction of Canada.

b. Jet Route No. 585 is added as follows:



Jet Route No. 585 (Nantucket, Mass., to Yarmouth, N.S., Canada). (Joins Canadian high level airway No. 585).

From Nantucket, Mass., to Yarmouth, N.S., Canada, excluding the portion under the jurisdiction of Canada.

(Secs. 307(a), E.O. 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348 and 1510; 10854, 24 F.R. 9565)

Issued in Washington, D.C., on October 13, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10602; Filed, Oct. 16, 1964; 8:45 a.m.]

# Title 25—INDIANS

## Chapter I—Bureau of Indian Affairs, Department of the Interior

### SUBCHAPTER F—ENROLLMENT

## PART 43a—MEMBERSHIP ROLL OF PONCA TRIBE OF NATIVE AMERICANS OF NEBRASKA

### Miscellaneous Amendments

On page 11925 of the FEDERAL REGISTER of August 20, 1964, there was published a notice and text of a proposed amendment to §§ 43a.1, 43a.3, 43a.5, and 43a.11 of Title 25 Code of Federal Regulations. The purpose of the amendment is to conform certain language in the regulations to the language used in the Act of September 5, 1962 (76 Stat. 429), regarding reference to blood degree of the Ponca Tribe of Native Americans of Nebraska, and to more fully reflect the intent of the Congress as to Indians eligible to enroll as members of the Tribe.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections were received, and the proposed amendment is hereby adopted without change and is set forth below. Because the amendment relieves a restriction on certain potential members of the Ponca Tribe of Native Americans of Nebraska, it shall become effective on the date of this publication in the FEDERAL REGISTER.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

OCTOBER 9, 1964.

1. Section 43a.1(i) is amended to include all descendants of enrolled members in the definition for "descendants." As so amended, § 43a.1(i) reads as follows:

§ 43a.1 Definitions.

As used in this Part 43a:

* * * * *

(i) "Descendants" means those persons who have issued from an enrollee and include the enrollee's children, grandchildren, and so on, who possess at least one-fourth degree of Indian blood of the Ponca Tribe.

* * * * *

2. Sections 43a.3(a) (1) and (2) are amended to further define eligibility for enrollment more fully reflecting the intent of the Congress in the Act, supra. As so amended, § 43a.3(a) (1) and (2) read as follows:

§ 43a.3 Eligibility for enrollment.

(a) The following shall be eligible for enrollment:

(1) Those persons whose names appear on the census roll of April 1, 1934, and the January 1, 1935, supplement thereto, or are entitled to appear thereon, and who were living on September 5, 1962.

(2) Descendants, regardless of residence, who were living on September 5, 1962, and who possess not less than one-fourth degree of Indian blood of the Ponca Tribe. All available records will be used in determining degree of Indian blood of the Ponca Tribe possessed by descendants.

* * * * *

3. Section 43a.5(b)(2) is amended to conform the wording in reference to Indian blood to the wording of the Act, supra. As so amended, § 43a.5(b)(2) reads as follows:

* * * * *

§ 43a.5 Application forms.

* * * * *

(b) Among other information, each application requires:

* * * * *

(2) Degree of Indian blood of the Ponca Tribe.

* * * * *

4. Section 43a.11(a) is amended for the same purpose as shown in Item 3, above. As so amended, § 43a.11(a) reads as follows:

§ 43a.11 Preparation of final roll.

(a) When final determinations have been made by the Secretary on all appeals, the Commissioner shall prepare a final roll of the tribe. The final roll shall contain for each person the final roll number, proposed roll number, name, address, sex, date of birth, and degree of Indian blood of the Ponca Tribe. There shall also be provided a "remarks" column for the purpose of identifying the enrollee through whom enrollment rights were established.

* * * * *

[F.R. Doc. 64-10611; Filed, Oct. 16, 1964; 8:46 a.m.]

### SUBCHAPTER G—TRIBAL GOVERNMENT

## PART 52—TRIBES ORGANIZED UNDER SECTION 16 OF THE INDIAN REORGANIZATION ACT

On page 6545 of the FEDERAL REGISTER of June 26, 1963, there was published a notice and text of the proposed addition of Part 52 to Title 25, Code of Federal Regulations. The purpose of Part 52 is to provide uniformity and order in holding elections on tribal constitutions and bylaws and constitutional amendments, except in Oklahoma and Alaska, and to facilitate the calling of such elections by the Secretary under the provisions of the Indian Reorganization Act.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed regulations. As a result of comments received within the 30-day period, which were carefully considered, the proposed regulations are hereby adopted with the following changes and are set forth below:

1. The definition of "Indian", paragraph (d) of § 52.1, has been changed in order that it be more relevant to voting in elections held pursuant to this Part 52.

2. To provide a definition for terms not otherwise defined in the regulations, paragraphs (k) and (l) have been added to § 52.1.

3. In order to clarify the election certification format to be executed by the District Election Board the following insertion has been made in § 52.9 "certification form as prescribed by the Election Board".

4. To assure dissemination of any proposed amendment or constitution, the following has been added to § 52.13. "At any time subsequent to receipt of Secretarial authorization to hold the election, the text of any amendment or proposed constitution shall be made available to the eligible voters of the tribe. The manner and timing of the dissemination shall be within the discretion of the Election Board."

5. To assure that eligible voters of a tribe who are temporarily absent from the reservation are extended the privilege of voting by absentee ballot, the following has been inserted in the second sentence in § 52.17 "temporary absence from reservation," and "an eligible".

6. To clarify the intent of the language "* * * that I will be twenty-one years of age at the election date * * *" as used in the affidavit prescribed in § 52.17, the following has been inserted: "or over".

Part 52 will become effective at the beginning of the 30th calendar day following the date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
*Secretary of the Interior.*

OCTOBER 12, 1964.

Part 52, Chapter I, Title 25 of the Code of Federal Regulations reads as follows:

Sec.
52.1 Definitions.
52.2 Purpose and scope.
52.3 Group eligibility.
52.4 Assistance from the Department of the Interior.
52.5 Request to call election.
52.6 Eligibility of voters.
52.7 Adoption by majority vote.
52.8 Election board.
52.9 District election boards.
52.10 Voting districts.
52.11 Voting list.
52.12 Eligibility disputes.
52.13 Election notices.
52.14 Opening and closing of polls.
52.15 Manner of voting.
52.16 Ballots.
52.17 Absentee voting.
52.18 Contesting of election results.

Sec.
52.19 Interpreters.
52.20 Electioneering.
52.21 Certifying election returns.

AUTHORITY: The provisions of this Part 52 issued under 25 U.S.C. 476.

### § 52.1 Definitions.

As used in this Part 52:

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Secretarial election" means an election held within a tribe pursuant to regulations prescribed by the Secretary.

(c) "Officer in Charge" means the Superintendent, Administrative Officer, or other official of the local unit of the Bureau of Indian Affairs having jurisdiction.

(d) "Indian" means all persons who are members of, or are eligible for membership in, an Indian tribe under Federal jurisdiction and which tribe has not voted to exclude itself from the Act of June 18, 1934 (48 Stat. 984, as amended, 25 U.S.C. 461, et seq.).

(e) "Adult Indian" means any Indian who has attained the age of 21 years.

(f) "Tribe" means any Indian tribe, organized band, pueblo, or the Indians residing on an Indian reservation or reservations. Such tribes may consist of any consolidation of one or more tribes or parts of tribes.

(g) "Recognized tribe" means any Indian tribe which has entered into a treaty, convention, or executive agreement with the Federal Government or whose tribal entity has been otherwise recognized by the United States.

(h) "Reservation" means any area established by treaty, Federal statute, executive order, or otherwise for the use and occupancy of Indians.

(i) "Indian Reorganization Act" means the Act of June 18, 1934 (48 Stat. 984, as amended, 25 U.S.C. 461, et seq.).

(j) "Constitution," "constitution and bylaws" means the written organizational framework of any organized tribe for the exercise of governmental powers.

(k) "Organized tribe" means a tribe which accepted the Act of June 18, 1934 (48 Stat. 984, as amended, 25 U.S.C. 461, et seq.), and adopted a constitution pursuant to the provisions of the Act, supra.

(l) "Unorganized tribe" means a tribe which, not having voted to exclude itself from the Act of June 18, 1934 (48 Stat. 984, as amended, 25 U.S.C. 461, et seq.), is entitled to organize pursuant to the provisions of the Act, supra, but has not done so.

### § 52.2 Purpose and scope.

The purpose of this Part 52 is to provide uniformity and order in holding elections to vote on constitutions and bylaws and constitutional amendments, and to facilitate the calling of such elections by the Secretary under the provisions of the Indian Reorganization Act.

### § 52.3 Group eligibility.

A constitution and bylaws may be adopted by (a) a tribe or tribes of a reservation, (b) by adult Indian residents of a reservation, or (c) by a traditionally recognized tribe, except that no group which has voted to reject the provisions of the Indian Reorganization Act shall be organized under the Act. A tribe organized under the Indian Reorganization Act shall adopt amendments to its constitution and bylaws under the regulations in this part.

### § 52.4 Assistance from the Department of the Interior.

The Department of the Interior will cooperate with and offer advice and assistance to any eligible group in drafting a constitution and bylaws or an amendment.

### § 52.5 Request to call election.

The Secretary will call an election on adoption of a constitution and bylaws upon request by the Tribal governing body or an authorized representative committee or upon petition filed by at least one-third of the adult members of the group. An election on the adoption of amendments to the constitution and bylaws shall be called by the Secretary when requested as provided in the amendment article of the constitution and bylaws; however, the election shall be conducted in the manner prescribed in the rules and regulations in this part. The Secretary may propose amendments to the constitution for consideration at Secretarial elections, unless the constitution and bylaws for Secretarial elections provide otherwise.

### § 52.6 Eligibility of voters.

(a) If the unorganized group is a tribe or tribes of a reservation.

(1) Any adult member regardless of residence shall be entitled to vote.

(2) Adult nonresidents or ill or physically disabled members may vote by absentee ballot. See § 52.17.

(b) If the unorganized group is composed of the adult Indian residents of a reservation:

(1) Any adult Indian residents shall be entitled to vote.

(2) Absentee voting shall be permitted for residents temporarily absent from the reservation, ill, or physically disabled.

(c) For organized tribes voting in elections for amendments of the constitution and bylaws, only properly eligible voters are entitled to vote, i.e., if the group was organized as a tribe, absentee balloting is permitted, but if the group was organized as residents of a reservation, absentee balloting will not be permitted except as provided in paragraph (b)(2) of this section.

### § 52.7 Adoption by majority vote.

A constitution and bylaws or amendment shall be considered adopted if a majority of those actually voting vote in favor of adoption provided the total vote cast is not less than 30 percent of those entitled to vote; but no action shall become effective until it is approved by the Secretary.

### § 52.8 Election Board.

(a) There shall be an election board consisting of the Officer in Charge acting as chairman and two representatives of an authorized council or committee of Indians. In addition the Officer in Charge may appoint an interpreter and as many clerks and poll watchers as he deems necessary but they shall not be members of the board.

(b) It shall be the duty of the board to conduct elections in compliance with the procedures described in this Part 52 and in particular, (1) to see that the name of each person offering to vote is on the official voting list; (2) to keep the ballot boxes locked at all times except when ballots are being counted; (3) to see that the ballot is cast by the voter himself and that thereupon the voting list is checked to indicate this; (4) as a board to count the regularly cast ballots immediately after the close of the polls, and the absentee ballots immediately after expiration of the time for their receipt; (5) to certify the election returns; (6) to return all the ballots to the ballot boxes which shall be marked and locked together with all unused ballots and a copy of the election returns, to the Officer in Charge.

### § 52.9 District Election Boards.

Where the reservation has been divided into voting districts either by the tribal constitution, ordinance, or resolution, or by the Election Board, the Election Board shall appoint District Election Boards for each district which shall have the duties above prescribed for the Election Board except that it should return the ballots in the ballot boxes, all unused ballots, and its certification (certification form as prescribed by the Election Board) of the district election results to the Election Board which will make the final recapitulation of the election results for the entire reservation and transmit it together with all the aforementioned ballots and ballot boxes to the Officer in Charge.

### § 52.10 Voting districts.

If voting districts have not already been designated and delimited in the tribal constitution or by tribal ordinance or resolution, and in its judgment voting districts throughout the reservation are needed, the Election Board shall delimit them and designate a polling place for each district, taking into consideration the needs and convenience of tribal members.

### § 52.11 Voting list.

The Election Board shall compile an official alphabetical voting list, arranged by voting districts, if any, of the members of the tribe who have attained the age of twenty-one years. A copy of this list shall be supplied to each District Election Board and also posted at the headquarters of the local administrative unit of the Bureau of Indian Affairs and at various public places designated by the Election Board throughout the reservation at least 20 days prior to the election.

### § 52.12 Eligibility disputes.

The Election Board shall determine any written claim to vote presented to it by one whose name is not on the official voting list as well as any written challenge of the right to vote of anyone whose name is on this list, and its decision shall be final. It shall set a date not more than ten nor less than five days before the election to pass on all such matters.



All claims not presented on or before this date shall be automatically disallowed.

### § 52.13 Election notices.

Not less than twenty (20) nor more than sixty (60) days' notice shall be given of an election unless otherwise authorized by the Secretary. If an election is called upon less than twenty (20) days' notice, absentee voters shall nevertheless be allowed twenty (20) days from the giving of such notice for the Election Board to receive their ballots. In such an election the posting of the official voting list shall coincide with the giving of such notice. The Election Board shall determine whether the notice shall be given by television, radio, newspaper, poster or mail, or by one or more of these methods, and whether in an Indian language in addition to English. A copy of any written election notice may be mailed to each voter and posted at the local administrative unit of the Bureau of Indian Affairs and elsewhere as directed by the Election Board. At any time subsequent to receipt of Secretarial authorization to hold the election, the text of any amendment or proposed constitution shall be made available to the eligible voters of the tribe. The manner and timing of the dissemination shall be within the discretion of the Election Board.

### § 52.14 Opening and closing of polls.

The polls shall remain open from 8 a.m. to 7 p.m., local time, unless different hours are set by the Election Board and the voters informed thereof in the election notice.

### § 52.15 Manner of voting.

Any qualified voter may vote by presenting himself at the polls of his voting district within the prescribed voting period, announcing to the officials there his name and address and by marking and placing in the ballot box the ballot which shall be handed to him. Voting shall be by secret ballot. See § 52.17 covering absentee voting.

### § 52.16 Ballots.

The Election Board shall cause to be prepared and furnish all ballots. Each ballot shall be stamped:

OFFICIAL BALLOT
(Facsimile Signature)
CHAIRMAN, ELECTION BOARD

Should any voter spoil or mutilate his ballot in the course of voting, he shall, in the presence of the election officials, and, with their consent, destroy it; the election officials shall then make note of the destroyed ballot and furnish the voter with another ballot.

### § 52.17 Absentee voting.

Nonresident members may vote by absentee ballot except as prohibited by § 52.6(c). Also, whenever due to temporary absence from the reservation, illness, or physical disability an eligible voter is not able to vote at the polls and duly causes the Election Board to be notified thereof, he shall be entitled to vote by absentee ballot. The Election Board shall give or mail ballots for absentee voting to voters upon request in sufficient time to permit the voter to execute and return same on or before the date of the election or within the time allowed by the Election Board. Together with the ballot there shall be an inner envelope bearing on the outside the words "Absentee Ballot," a preaddressed outer envelope, and an affidavit in form as follows:

I, _____, do solemnly swear (or affirm) that I am a member of the _____ Tribe of Indians; that I will be twenty-one years of age or over at the election date and am entitled to vote in the election to be held on _____; and that
(Date of election)
I cannot appear at the polling place on the reservation on the date of the election because (indicate one of the following reasons) I expect to be absent from the reservation ☐ or because of illness ☐ or physical disability ☐. I further swear that I marked the enclosed ballot in secret.

Signed: _____
(Voter)

"Subscribed and sworn to before me this ____ day of _____ 19__; and I hereby certify that the affiant exhibited the ballot to me unmarked; that he then in my presence and in the presence of no other person, and in such manner that I could not see his vote, marked such ballot and enclosed and sealed the same in the envelope marked "Absentee Ballot."

[SEAL] Signed: _____
Title: _____
_____

The voter shall make and subscribe to the affidavit before any officer authorized by law to administer oaths, and thereupon in the presence of such officer and of no other person, mark such ballot but in such manner that such officer cannot know how such ballot was marked, and such ballot shall then in the presence of such officer be folded so as to conceal the marking, and be, in the presence of such officer, placed in the envelope marked "Absentee Ballot" and the envelope sealed. The voter shall then place the sealed envelope marked "Absentee Ballot" together with the affidavit in the outer envelope, and mail it or have it delivered. The preaddressed outer envelope shall be directed to the Election Board at the reservation. Absentee ballots must be received by the Election Board not later than the close of the polls on election day, except as covered by § 52.13. The Election Board shall make and keep a record of ballots mailed, to whom mailed, the date of mailing, the address on the envelope, the date of the return of such ballot, and from whom received, and shall count and register all such votes after all other ballots have been counted and include them in the results of the election.

### § 52.18 Contesting of election results.

Any qualified voter, within three days following the announcement of the results of an election, may challenge the election results by filing with the Secretary through the Officer in Charge his grounds for the challenge, together with substantiating evidence thereof. If in the opinion of the Secretary, the objections are valid and are of a nature to so warrant, the Secretary shall order a recount or a new election. The results of the recount shall be final.

### § 52.19 Interpreters.

Interpreters where needed may be provided to explain the manner of voting to such Indians who ask for instruction provided all reasonable precautions are taken so that the interpreter does not influence the voter in casting his ballot. The interpreter shall not accompany the voter into the booth.

### § 52.20 Electioneering.

There shall be no electioneering during voting hours within 50 feet of any voting place. Sample ballots will be permitted in the voting booth.

### § 52.21 Certifying election returns.

A telegraphic report should be made to the Commissioner of Indian Affairs immediately after the results of the election are determined. The results of the election shall be posted in the Agency Office and at other public places of the reservation. The Election Board shall certify the results of the election on the following form and transmit it to the Bureau:

Certificate of Results of Election. Pursuant to an election authorized by the Secretary of the Interior on _____, the attached constitution and bylaws, or amendment, of the _____ was
(Date) (Name of organization)
submitted to the qualified voters of the tribe and was on _____ duly (rejected)
(Date)
(adopted) by a vote of __ for and __ against, in an election in which at least 30 percent of the _____
(Number of members entitled to vote)
members entitled to vote cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378). Signed: (By the chairman of the Election Board and the two board members.)

[F.R. Doc. 64-10612; Filed, Oct. 16, 1964; 8:46 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

### SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6762]

## PART 175—TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS

## PART 201—DISTILLED SPIRITS PLANTS

### Miscellaneous Amendments

On May 5, 1964, a notice of proposed rule making to amend 26 CFR Part 175 was published in the FEDERAL REGISTER (29 F.R. 5905). The purposes of the proposal were to (1) delete the requirement that the words "Federal Law Forbids Sales or Reuse of This Bottle" be marked on liquor bottles; (2) extend the definition of a liquor bottle to include containers of less than one-half pint; (3) exempt liquor bottles of less than one-half pint from indicia requirements; (4) remove any possible implication that

specific bottle sizes are prescribed for liqueurs, cocktails, and certain other specialties; (5) extend existing permit requirements to include liquor bottles of less than one-half pint; (6) permit liquor bottles to be used for display purposes without drilling the bottles or obliterating indicia thereon; (7) permit manufacturers of bottling equipment to secure liquor bottles for use in testing bottling machinery; and (8) reduce the number of photographs required with an application for approval of a distinctive liquor bottle. In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. After consideration of all relevant matter presented regarding the proposed amendments, the regulations in 26 CFR Part 175 as so published are hereby adopted, subject to the following changes, and a conforming amendment of the regulations in 26 CFR Part 201 is made as described below:

PARAGRAPH 1. Immediately preceding Paragraph 1, as published in the notice, insert Paragraph A.

PAR. 2. Paragraph 1 of the notice is changed by adding, at the end of § 175.1, a new sentence to read, "The provisions of this part shall apply in the case of containers of less than one-half pint capacity only to the extent of requiring that such containers, whether they are filled in the United States or are imported filled, shall be liquor bottles (as defined in § 175.17), shall bear labels showing the marks and brands prescribed in Subpart D of this part, and shall be subject to the provisions of Subpart I of this part relating to reuse or refilling of liquor bottles and possession of refilled liquor bottles."

PAR. 3. Paragraph 4 is changed by deleting, in the proviso in § 175.34, the words "liquor bottles of less than one-half pint and."

PAR. 4. Paragraph 5 is changed to provide direct reference in § 175.55 to exceptions provided in Subpart H of 27 CFR Part 5.

PAR. 5. Paragraph 12 is changed to provide direct reference in § 175.85 to exceptions provided in Subpart H of 27 CFR Part 5.

PAR. 6. Paragraph 14 is changed by deleting, in the proviso in § 175.87, the words "liquor bottles of less than one-half pint and."

PAR. 7. Paragraph 16 is changed by deleting in § 175.93 the reference to "§ 175.98a" and inserting in lieu thereof "§ 175.98".

PAR. 8. Paragraph 17 is changed by deleting in § 175.94 the reference to "§ 175.98a" and inserting in lieu thereof "§ 175.98".

PAR. 9. Paragraph 19, which proposed insertion of a new section, is changed.

PAR. 10. Immediately following Paragraph 19 insert a paragraph B.

PAR. 11. In order to conform 26 CFR Part 201 to the amendment of 26 CFR Part 175, § 201.457 is amended.

This Treasury decision shall become effective on the first day of the first month which begins not less than 30 days after the date of its publication in the FEDERAL REGISTER.

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: October 12, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

PARAGRAPH A. The regulations in 26 CFR Part 175, Traffic in Containers of Distilled Spirits, are amended as follows:

PARAGRAPH 1. Section 175.1 is amended to make the provisions of that part applicable to containers of less than one-half pint, and to provide for the use of liquor bottles for purposes other than packaging distilled spirits. As amended, § 175.1 reads as follows:

**§ 175.1 Containers of distilled spirits.**

The regulations in this part relate to the traffic in containers of distilled spirits of a capacity of not more than five wine gallons. This part covers the manufacture, sale, and use of liquor bottles for packaging distilled spirits for other than industrial use; use of liquor bottles for purposes other than packaging distilled spirits; reports and inventories of liquor bottles; imports and exports of liquor bottles; permits; and the purchase, sale, and possession of used liquor bottles. The provisions of this part shall apply in the case of containers of less than one-half pint capacity only to the extent of requiring that such containers, whether they are filled in the United States or are imported filled, shall be liquor bottles (as defined in § 175.17), shall bear labels showing the marks and brands prescribed in Subpart D of this part, and shall be subject to the provisions of Subpart I of this part relating to reuse or refilling of liquor bottles and possession of refilled liquor bottles.

PAR. 2. Section 175.11 is amended to include vessels of less than one-half pint in the definition of container. As amended, § 175.11 reads as follows:

**§ 175.11 Container.**

"Container" shall mean a vessel of a capacity of not more than 5 wine gallons designed or intended for use for the sale of distilled spirits for other than industrial use.

PAR. 3. Section 175.33 is amended to permit the shipment of liquor bottles to manufacturers of bottling equipment for use in testing such equipment, and to distributors for display purposes. As amended, § 175.33 reads as follows:

**§ 175.33 Persons authorized to receive liquor bottles.**

No person may ship, consign, or deliver liquor bottles except to authorized bottlers to whom the assistant regional commissioner, or the Director, Alcohol and Tobacco Tax Division, in the case of States, has assigned an appropriate symbol and number for marking liquor bottles: *Provided*, That liquor bottles may be shipped pursuant to Form 98 by the manufacturer to another person for additional processing, such as coloring or cutting, where legal title and custody to such liquor bottles are retained by the manufacturer until they are delivered to the permittee-user: *Provided further*, That liquor bottles may be shipped to other persons for other uses, in accordance with §§ 175.65 and 175.66.

PAR. 4. Section 175.34 is amended to delete the requirement that the words "Federal Law Forbids Sale or Reuse of This Bottle" be marked on liquor bottles, to remove the reference to § 175.56 which is being deleted, and to exempt liquor bottles of less than one-half pint from the markings required by this section. As amended, § 175.34 reads as follows:

**§ 175.34 Indicia for domestic liquor bottles.**

There shall be legibly blown, etched, sand-blasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director, Alcohol and Tobacco Tax Division, in either the bottom or the body of each liquor bottle (a) the permit number of the manufacturer, (b) the year of the manufacture (which shall be indicated by the last two numerals), and (c) a symbol and number assigned by the assistant regional commissioner, or by the Director, Alcohol and Tobacco Tax Division, in the case of States, to represent the name of the bottler procuring the same: *Provided*, That liquor bottles which are authorized by the Director, Alcohol and Tobacco Tax Division, under §§ 175.57 and 175.58 may be manufactured and shipped, consigned, or delivered, as excepted from the marking required by this section.

PAR. 5. Section 175.55 is amended to remove any possible implication that specific bottle sizes are prescribed for liqueurs, cocktails, and certain other specialties. As amended, § 175.55 reads as follows:

**§ 175.55 General.**

Distilled spirits packaged for sale in domestically manufactured containers (as defined by § 175.11) shall be packaged only in liquor bottles which conform to the requirements of this part, and which conform to the standards of fill provided in Subpart H of 27 CFR Part 5 (with due regard for the exceptions provided in § 5.74 of that subpart).

**§ 175.56 [Revoked]**

PAR. 6. Section 175.56 is revoked.

PAR. 7. Section 175.59 is amended to reduce the number of photographs required with an application for the approval of a distinctive liquor bottle, from 25 to 12. As amended, § 175.59 reads as follows:

**§ 175.59 Approval of distinctive liquor bottles.**

Application in letter form for the approval of any distinctive liquor bottle, accompanied by a specimen bottle (or an authentic model or other representation acceptable to the Director, Alcohol and Tobacco Tax Division), and 12 photographs thereof, size 5" x 7", shall be submitted to the Director, Alcohol and Tobacco Tax Division. In the case of liquor bottles which the applicant intends to qualify under the provisions of § 175.57, the application shall include a statement of the cost of each such bottle to the bottler. Approval of the distinctive bottle by the Director, Alcohol and Tobacco Tax Division, will be obtained, prior to submission of an application (Form 98) to the assistant regional commissioner. Such application (Form 98) shall specify the number of the bottle assigned by the Director, Alcohol and Tobacco Tax Division.



PAR. 8. Section 175.62 is amended to recognize that liquor bottles may be used for display or for testing purposes. As amended, § 175.62 reads as follows:

**§ 175.62 Use and resale of liquor bottles.**

No bottler shall use any liquor bottle except for packaging distilled spirits, or resell any liquor bottle except in connection with the sale of its contents, or divert any liquor bottle from his own use except upon application (Form 98) to and authorization by the assistant regional commissioner, as provided by § 175.111. (For provisions relating to furnishing of bottles for display or testing purposes, see § 175.65 or § 175.66.)

PAR. 9. A new section, § 175.65, is added to permit the use of liquor bottles for display purposes. The new § 175.65 reads as follows:

**§ 175.65 Bottles to be used for display purposes.**

Bottlers may furnish liquor bottles to liquor dealers for display purposes, provided that each bottle is marked to show that it is to be used for such purpose. Any paper strip used to seal the bottle shall be of solid color and without design or printing, except that the use of a border or a design, formed entirely of the legend "not genuine—for display purposes only" is permissible. The bottler shall keep records of the disposition of such bottles, showing names and addresses of consignees, dates of shipment, and size, quantity, and description of bottles.

PAR. 10. A new section, § 175.66, is added to permit the use of liquor bottles by manufacturers of bottling machinery in testing bottling machinery. The new § 175.66 reads as follows:

**§ 175.66 Bottles to be used for testing bottling machinery.**

Pursuant to letterhead application, the assistant regional commissioner may, with the approval of the Director, Alcohol and Tobacco Tax Division, authorize any manufacturer of bottling machinery in his region to procure a specific number of bottles from a bottler or a bottle manufacturer for use in testing bottling machinery.

PAR. 11. Section 175.75 is amended to provide for inspection of records and stocks of liquor bottles in the hands of persons other than manufacturers and bottlers. As amended, § 175.75 reads as follows:

**§ 175.75 Inspection of stocks and records of liquor bottles.**

The records required to be kept under the provisions of this subpart, and all stocks of liquor bottles in the hands of manufacturers, bottlers, and other persons who receive bottles pursuant to this part, shall at all times be available for inspection by the assistant regional commissioner and other duly authorized officers of the Internal Revenue Service.

PAR. 12. Section 175.85 is amended to remove any possible implication that specific bottle sizes are prescribed for liqueurs, cocktails, and certain other specialties. As amended, § 175.85 reads as follows:

**§ 175.85 General.**

Distilled spirits packaged for sale in imported containers (as defined by § 175.11) shall be packaged only in liquor bottles which conform to the requirements of this part, and which conform to the standards of fill provided in Subpart H of 27 CFR Part 5 (with due regard for the exceptions provided in § 5.74 of that subpart).

PAR. 13. Section 175.86 is amended to remove the reference to § 175.88 which is being deleted. A printing error is corrected by changing the third word from the end of the section from "part" to "port." As amended, § 175.86 reads as follows:

**§ 175.86 Permit required.**

Empty liquor bottles may be imported into the United States only pursuant to a permit issued in accordance with the provisions of §§ 175.87, 175.89, and 175.90: *Provided*, That where a permit has been issued covering the importation of liquor bottles through one port of entry, an additional permit for importation of such liquor bottles through another port will not be required if the importer furnishes photographic copies of the original permit to the collector of customs of each such other port and to the assistant regional commissioner (if the permit was not originally issued by him) of the region in which such other port is located.

PAR. 14. Section 175.87 is amended to delete the requirement that the words "Federal Law Forbids Sale or Reuse of This Bottle" be marked on liquor bottles, to remove the reference to § 175.88 which is being deleted, and to exempt liquor bottles of less than one-half pint from the markings required by this section. As amended, § 175.87 reads as follows:

**§ 175.87 Indicia for empty liquor bottles.**

Upon application (Form 98) by any importer or bottler, the assistant regional commissioner of the region in which the applicant is situated may, by the issuance of an appropriate permit, authorize the importation, for the packaging of either domestic or imported distilled spirits, of empty liquor bottles. The assistant regional commissioner issuing the permit will furnish a copy to the assistant regional commissioner of the region in which the port of entry is situated. There shall be legibly blown, etched, sand-blasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director, Alcohol and Tobacco Tax Division, either in the bottom or in the body of each such bottle imported under this provision, the name, and the name of the city or country of address, of the manufacturer, and the permit symbol and number of the bottler: *Provided*, That liquor bottles of less than one-half pint and liquor bottles which are authorized by the Director, Alcohol and Tobacco Tax Division, under §§ 175.89 and 175.90 may be imported, as excepted from the markings required by this section.

**§ 175.88 [Revoked]**

PAR. 15. Section 175.88 is revoked.

PAR. 16. Section 175.93 is amended to remove the reference to § 175.95 which is being deleted and to add a reference to new § 175.98a. As amended, § 175.93 reads as follows:

**§ 175.93 Permit required.**

Liquor bottles containing distilled spirits, other than bottles conforming to the provisions of § 175.94, may be imported into the United States only pursuant to a permit issued in accordance with the provisions of §§ 175.96 to 175.98 and § 175.100: *Provided*, That, where a permit has been issued covering the importation of filled liquor bottles through one port of entry, an additional permit for importation of such liquor bottles through another port will not be required if the importer furnishes photographic copies of the original permit to the collector of customs at each such other port and to the assistant regional commissioner (if the permit was not originally issued by him) of the region in which such other port is located.

PAR. 17. Section 175.94 is amended to delete the requirement that the words "Federal Law Forbids Sale or Reuse of This Bottle" be marked on liquor bottles, to remove the reference to § 175.95 which is being deleted, and to add a reference to new § 175.98a. As amended, § 175.94 reads as follows:

**§ 175.94 Indicia.**

There shall be legibly blown, etched, sand-blasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director, Alcohol and Tobacco Tax Division, either in the bottom or in the body of all liquor bottles containing distilled spirits imported from foreign countries the name, and the name of the city or country of address, of the manufacturer of the spirits, or of the exporter abroad, or the name, and the name of the city of address, of the importer in the United States, except as provided in §§ 175.96 to 175.98 and § 175.100.

**§ 175.95 [Revoked]**

PAR. 18. Section 175.95 is revoked.

PAR. 19. Section 175.101 is amended to provide for the exportation of empty liquor bottles for uses other than bottling spirits for importation into the United States. As amended, § 175.101 reads as follows:

**§ 175.101 Exports.**

Containers in which distilled spirits are to be exported shall not be subject to

the indicia requirements of this part and the procurement and use of containers other than liquor bottles for this purpose may be authorized under permit upon application (Form 98) to the assistant regional commissioner of the region in which the bottler is located. The manufacturer and exportation of empty liquor bottles for bottling distilled spirits abroad for importation into the United States may be authorized under permit upon application (Form 98) to the assistant regional commissioner of the region in which the bottles are to be manufactured; similarly the exportation of used liquor bottles for reuse by the original bottler abroad for packaging distilled spirits for importation into the United States may be authorized under permit issued by the assistant regional commissioner of the region in which such used bottles are stored, pursuant to an application (Form 98) filed by the importer. The exportation of empty liquor bottles for use abroad may be authorized under permit upon application (Form 98) to the assistant regional commissioner of the region from which the bottles will be exported.

PAR. B. The regulations in 26 CFR Part 201, Distilled Spirits Plants, are amended as follows:

PAR. 1. In order to conform 26 CFR Part 201 to the amendment of 26 CFR Part 175, § 201.457 is amended to read as follows:

**§ 201.457 Liquor bottles.**

Liquor bottles may not be used for wines containing 24 percent alcohol by volume or less or for products manufactured with such wines unless such products contain spirits other than wine spirits used in wine production. Liquor bottles may be used, but need not be used, in bottling spirits for export. (See Part 175 of this chapter for provisions respecting liquor bottles.)

(72 Stat. 1374; 26 U.S.C. 5301)

(Sec. 7805 of the Internal Revenue Code; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 64-10624; Filed, Oct. 16, 1964; 8:47 a.m.]

[T.D. 6763]

## PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

## PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

### Containers of Less Than One-Half Pint

On May 5, 1964, a notice of proposed rule making to amend 26 CFR Parts 250 and 251 was published in the FEDERAL REGISTER (29 F.R. 5907). In accordance with the notice, interested parties were afforded an opportunity to submit written comments or suggestions pertaining thereto. No comments or suggestions were received within the 30-day period prescribed in the notice, and the amendments as published in the FEDERAL REGISTER are hereby adopted.

This Treasury decision shall become effective on the first day of the first month which begins not less than 30 days after date of its publication in the FEDERAL REGISTER.

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

PHILIP NICHOLS, JR.,
*Commissioner of Customs.*

Approved: October 13, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

In order to extend the provisions of 26 CFR Parts 250 and 251, as they relate to size of containers, to containers of less than one-half pint, the regulations in 26 CFR Parts 250 and 251 are amended as follows:

PARAGRAPH A. 26 CFR Part 250 is amended as follows:

1. Section 250.38 is amended by striking therefrom the phrase "not less than one-half pint and". As amended, § 250.38 reads as follows:

**§ 250.38 Containers of distilled spirits.**

Containers of distilled spirits brought into the United States from Puerto Rico, having a capacity of not more than 1 gallon, shall conform to the requirements of Part 175 of this chapter.

(72 Stat. 1374; 26 U.S.C. 5301)

2. Section 250.203 is amended by striking therefrom the phrase "not less than one-half pint and". As amended § 250.203 reads as follows:

**§ 250.203 Containers of 1 gallon or less.**

Containers of distilled spirits brought into the United States from the Virgin Islands, having a capacity of not more than 1 gallon, shall conform to the requirements of Part 175 of this chapter.

(72 Stat. 1374; 26 U.S.C. 5301)

PARAGRAPH B. 26 CFR Part 251 is amended as follows:

1. Section 251.56 is amended so that it will apply to containers of less than one-half pint and to make clarifying changes. As amended, § 251.56 reads as follows:

**§ 251.56 Distilled spirits containers of a capacity of not more than 1 gallon.**

Bottled distilled spirits imported into the United States for sale shall be bottled in liquor bottles which conform to the requirements of Part 175 of this chapter and 27 CFR Part 5, and shall be stamped in accordance with this part. Empty containers imported for the packaging of distilled spirits shall conform to the requirements of Part 175 of this chapter. (For Customs requirements as to marking, see 19 CFR Parts 11 and 12.)

(Sec. 7805 of the Internal Revenue Code; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 64-10625; Filed, Oct. 16, 1964; 8:47 a.m.]

# Title 36—PARKS, FORESTS, AND MEMORIALS

## Chapter III—Corps of Engineers, Department of the Army

## PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

### Additional Areas

The Secretary of the Army having determined that the use of the following reservoir areas by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of section 4 of the Flood Control Act of 1944, as amended (76 Stat. 1195), adding the reservoirs to the list in § 311.1, as follows:

**§ 311.1 Areas covered.**

* * * * * *

ILLINOIS

Carlyle Reservoir Area, Kaskaskia River.

* * * * * *

KENTUCKY

* * * * * *

Fishtrap Reservoir Area, Levisa Fork.
Grayson Reservoir Area, Little Sandy River.

* * * * * *

OHIO

* * * * * *

Delaware Reservoir Area, Olentangy River.

* * * * * *

VIRGINIA

* * * * * *

John W. Flannagan Reservoir Area, Pound River.
North Fork of Pound Reservoir Area, North Fork of Pound River.

* * * * * *

WEST VIRGINIA

* * * * * *

Summersville Reservoir Area, Gauley River.

[Regs., Sept. 24, 1964, ENGCW-OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

L. H. WALKER, JR.,
*Brigadier General, U.S. Army, Acting The Adjutant General.*

[F.R. Doc. 64-10614; Filed, Oct. 16, 1964; 8:47 a.m.]

# Title 30—MINERAL RESOURCES

## Chapter I—Bureau of Mines, Department of the Interior

## PART 45—TITLE II, FEDERAL COAL MINE SAFETY ACT OF 1952

### Interpretations

On page 1551 of the March 9, 1957, issue of the FEDERAL REGISTER, an interpretation of section 209(g)(1) of the Federal Coal Mine Saftey Act was published. Section 45.46-1 (f) and (j) are hereby amended as follows:



**§ 45.46-1 Minimum requirements.**

* * * * * *

(f) (1) Unless water lines, equipped with outlet valves at intervals of not more than 500 feet and capable of delivering 50 gallons of water per minute at a nozzle pressure of 50 pounds per square inch, are installed along main and secondary haulage roads and extend to the working sections; and unless 1,000 feet of fire hose with fittings suitable for connection with such water lines are available; two portable water-tank cars of at least 1,000 gallons capacity each, equipped with a high-pressure pump and not less than 300 feet of fire hose with nozzles, or two portable chemical cars containing or carrying equivalent protection, shall be provided: *Provided, however,* That one of the two water-tank cars or chemical cars may be replaced by (i) a portable high pressure rock-dusting machine fitted with at least 250 feet of hose, with at least 60 sacks of rock dust in good condition near it at all times, or (ii) a portable foam-generating machine with facilities for supplying the machine with 30 gallons of water per minute at a pressure of 30 pounds per square inch for a period of not less than 20 minutes.

(2) These units shall be stationed at strategic locations and ready for use at all times. Where two or more adjacent mines are connected by track, one of the two water-tank cars or chemical cars (or their substitutes) required for each mine may be a common unit.

* * * * * *

(j) At every mine there shall be available for emergency use the following materials: 1,000 board feet of brattice boards, 3 rolls of brattice cloth, 2 hand saws, 25 pounds 8d nails, 25 pounds 10d nails, 25 pounds 16d nails, 3 claw hammers, 25 bags of wood fiber plaster or 10 bags of cement (or equivalent material for stoppings), and in addition 5 tons of rock dust.

* * * * * *

MARLING J. ANKENY,
*Director, Bureau of Mines.*

OCTOBER 13, 1964.

[F.R. Doc. 64-10613; Filed, Oct. 16, 1964; 8:46 a.m.]

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 8—Veterans Administration

## PART 8-3—PROCUREMENT BY NEGOTIATION

## PART 8-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

## PART 8-16—PROCUREMENT FORMS

## PART 8-75—DELEGATIONS OF AUTHORITY

### Miscellaneous Amendments

1. Section 8-3.604-6 is revised to read as follows:

**§ 8-3.604-6 Procurement and payment.**

(a) Each purchase costing $15.00 or more will be supported by a cash register receipt, invoice, sales slip, or other sales document which shall, if possible, contain an itemized listing of the items purchased and be signed by the vendor or his agent. When it is not possible to secure the listing or signature a subvoucher containing this information will be prepared, signed by the purchaser, and attached to the receipt.

(b) Each purchase costing less than $15.00 shall be supported as required in paragraph (a) of this section, except that the signature of the vendor or agent need not be secured. If a receipt cannot be secured the purchaser shall prepare and sign Standard Form 1165, Receipt for Cash—Subvoucher, listing thereon the name of the vendor and the articles or services purchased.

2. Section 8-3.606-5 is revised to read as follows:

**§ 8-3.606-5 Agency implementation.**

(a) Blanket purchase arrangements for open-market transactions may be made without regard to a limitation of time or dollar amount. The existence of blanket purchase arrangements does not in any way eliminate the requirement for obtaining reasonable competition. No single purchase under blanket purchase arrangements for open-market transactions will exceed $2,500.

(b) The duplicate and triplicate copies of the VA Form 07-2237, Request, Turn-in and Receipt for Property or Services, requesting the purchase will be used as the receiving report and property voucher for each individual purchase made under these arrangements.

(c) Agreements will be reviewed periodically to insure that they are advantageous to the Veterans Administration. Cancellation shall be effected when an adverse determination is made.

(d) Items procured under blanket purchase arrangements will be analyzed periodically to determine if they can be procured more economically by consolidating requirements and making periodic buys.

(e) Blanket purchase arrangements made under existing contracts are restricted only to the period of the contract.

3. Section 8-4.5101 is revised to read as follows:

**§ 8-4.5101 Delegation of authority to purchase narcotics.**

Heads of field stations are authorized to certify to the appropriate District Director, Internal Revenue Service, on the form prescribed by the Treasury Department, the names of the Chief and Assistant Chief, Supply Division or Chief, Business Services Division and one Contracting Officer as accredited officials of the Veterans Administration to purchase narcotics, in accordance with Articles 93 and 94, Bureau of Narcotics Regulation No. 5. The Assistant Director, Supply Service, VA Supply Depot, Somerville, N.J., will certify to the District Director, Internal Revenue Service that the Chief, Marketing Division for Drugs and Chemicals, and the Supervisory Procurement Agent are accredited officials of the Veterans Administration to purchase narcotics. Credentials will be renewed each fiscal year.

4. Sections 8-16.350 and 8-16.350-1 are revised to read as follows:

**§ 8-16.350 Use of purchase orders.**

Except for drop shipment contracts and as provided in FPR 1-3.6 and subpart 8-3.6 or in this subpart 8-16.3, all purchases of supplies, equipment, and services will be by means of one of the purchase forms prescribed in these subparts.

**§ 8-16.350-1 Special forms.**

Where departmental forms are provided for specific types of purchase, such forms will be used in lieu of those provided in FPR 1-3.6 and subpart 8-16.3.

5. In § 8-75.101(a), a new subparagraph (8) is added and the former subparagraphs (8) and (9) are redesignated (9) and (10) so that the new and redesignated material reads as follows:

**§ 8-75.101 Delegation.**

(a) * * *

(8) Chief, Business Services Division, VA field stations.

(9) Chief, Central Office Building and Supply Division.

(10) Chief, Marketing Division.

* * * * * *

6. In § 8-75.201-3, the section heading is amended to read as follows:

**§ 8-75.201-3 Architectural and Engineering Services; central office.**

7. Section 8-75.201-5 is revised to read as follows:

**§ 8-75.201-5 Construction contracts; field stations, supply depots.**

The Chief, Supply or Business Services Division, at a field station, the Assistant Director, Supply Service for a VA Supply Depot, and any employee designated by them in accordance with § 8-75.101(b) are authorized to execute, award, and administer contracts for construction projects assigned by Central Office Construction Service or those accomplished with station or depot funds. Contracting Officers, in executing, awarding, and administering construction contracts, including those for maintenance and repair projects will be guided by Federal Procurement Regulations, Veterans Administration Procurement Regulations, and procedures established by the Assistant Administrator for Construction.

8. Section 8-75.201-8 is revised to read as follows:

**§ 8-75.201-8 Issue of Government bills of lading—Transportation of Property.**

The Chief, Transportation Section at a VA Supply Depot is delegated authority to issue and sign as issuing officer, Government bills of lading for the transportation of supplies, materials, and equipment. He, in turn, may designate one or more freight rate specialists under his supervision, and authority is hereby delegated to such subordinates, to issue and sign as issuing officer, Government bills of lading for the transportation of supplies, materials, and equipment. Designations will be in writing and specifically

set forth the scope and limitation of the designee's authority.

9. Section 8–75.201–10 is revised to read as follows:

§ 8–75.201–10 Architectural and engineering services; field stations, supply depots.

The Chief, Supply or Business Services Division at a field station, the Assistant Director, Supply Service for a VA Supply Depot, and any employee designated by them in accordance with § 8–75.101(b) are authorized to execute, award, and administer contracts for the acquisition of architectural and engineering services when the cost of such services are chargeable to station or depot funds.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

Approved: October 12, 1964.

By direction of the Administrator.

[SEAL] A. H. MONK,
*Associate Deputy Administrator.*

[F.R. Doc. 64–10628; Filed, Oct. 16, 1964; 8:47 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular 2168]

## PART 3210—ACQUIRED LANDS LEASING ACT

### Subpart 3210—Acquired Lands Leasing Act: General

On page 6650 of the FEDERAL REGISTER of May 21, 1964, there was published a proposal to amend paragraph (a) of § 3212.1.

The primary purpose of the proposed amendment was to clarify the nature of the content of applications for mineral permits and leases and also of the supplemental information to be submitted with such applications.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. After consideration of all of the comments, suggestions, and objections received during that period, the following changes and modifications have been made in the proposed amendment. The requirement that offers to lease and applications be accompanied by a copy of the deed by which the United States acquired its interest in the land or minerals and by a copy of any deed by which the United States may have conveyed any interest therein has been eliminated. The requirement that unsurveyed lands be described in the deed to the United States has been amplified by a reference to any document by which the United States acquired its interest other than by deed, as in a declaration of taking or a judgment of a court of competent jurisdiction vesting title in the United States. A number of typographical errors which appeared in the original publication of the proposed amendment have also been corrected.

The amendment is hereby adopted as set forth below and shall become effective 30 days after publication in the FEDERAL REGISTER.

Paragraph (a) of § 3212.1 is amended to read as follows:

§ 3212.1 Supplemental information required in offers and applications for leases and permits; place of filing.

(a) Each offer or application for a lease or permit must (1) contain a statement that applicant's interest, direct or indirect, in leases, permits, or applications for similar minerals does not exceed the maximum chargeable acreage permitted to be held for that mineral in federally-owned acquired lands in the same State; (2) be accompanied by a map upon which the desired lands are clearly marked showing their location with respect to the administrative unit or project of which they are a part (such map need not be submitted where the desired lands have been surveyed under the rectangular system of public land surveys, and the land description can be conformed to that system), and (3) describe the lands for which the lease or permit is desired as follows:

(i) If the land has been surveyed under the rectangular system of public land surveys, and the description can be conformed to that system, the land must be described by legal subdivision, section, township, and range. Where the description cannot be conformed to the public land surveys, any boundaries which do not so conform must be described by metes and bounds, giving courses and distances between the successive angle points with appropriate ties to the nearest existing official survey corner. If not so surveyed and if within the area of the public land surveys, the land must be described by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, and connected with a reasonably nearby corner of those surveys by courses and distances.

(ii) If the lands have not been surveyed under the rectangular system of public land surveys, and the tract is not within the area of the public land surveys, it must be described as in the deed or other document by which the United States acquired title to the lands or minerals. If the desired land constitutes less than the entire tract acquired by the United States, it must be described by courses and distances between successive angle points on its boundary tying by course and distance into the description in the deed or other document by which the United States acquired title to the land. In addition, if the description in the deed or other document by which the United States acquired title to the lands does not include the courses and distances between the successive angle points on the boundary of the desired tract, the description in the offer must be expanded to include such courses and distances.

(iii) If an acquisition tract number has been assigned by the acquiring agency to the identical tract desired, a description by such tract number will be accepted. Such offer or application must be accompanied by the map required by subparagraph (2) of this paragraph.

(iv) Where an offer or application includes any accreted lands that are not described in the deed to the United States, such accreted lands must be described by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, and connected by courses and distances to an angle point on the perimeter of the acquired tract to which the accretions appertain.

(v) The offeror or applicant must, if practicable, give the name of the administrative unit or project of which the lands applied for are a part.

* * * * * *

JOHN A. CARVER, JR.,
*Acting Secretary of the Interior.*

OCTOBER 13, 1964.

[F.R. Doc. 64–10615; Filed, Oct. 16, 1964; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 905 ]

### ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Proposed Approval of Expenses and Fixing of Rate of Assessment for 1964–65 Fiscal Period

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $143,000 will be necessarily incurred during the fiscal period August 1, 1964, to July 31, 1965, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order.

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles fruit shall pay during the aforesaid fiscal period in accordance with the aforesaid amended marketing agreement and order, the rate of assessment at six mills ($0.006) per standard packed box of fruit handled by such handler as the first handler thereof during such fiscal period.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 14, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–10642; Filed, Oct. 16, 1964; 8:49 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Parts 45, 121 ]

### OLEOMARGARINE IDENTITY STANDARD; FOOD ADDITIVES DELTA-DECALACTONE AND DELTA-DODECALACTONE

### Proposals To Amend Identity Standard and To Issue Regulation Establishing Safety of Food Additive

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), notice is given that a petition has been filed by Lever Brothers Company, 390 Park Avenue, New York, N.Y., proposing that the identity standard for oleomargarine (21 CFR 45.1) be amended to permit the use of delta-decalactone and delta-dodecalactone as optional artificial flavoring ingredients.

It is proposed that § 45.1 be amended by redesignating the text of paragraph (a) (3) (iv) as (a) (3) (iv) (*a*), and by adding thereto a new item, designated as (a) (3) (iv) (*b*). As amended, the affected portions will read:

§ 45.1 Oleomargarine, margarine; identity; label statement of optional ingredients.

* * * * * *

(a) * * *

(3) * * *

(iv) (*a*) The artificial flavoring diacetyl added as such or as starter distillate or produced during the preparation of the product as a result of the addition of citric acid or harmless citrates.

(*b*) The artificial flavorings delta-decalactone, in an amount not to exceed 10 parts per million, or delta-dodecalactone, in an amount not to exceed 20 parts per million by weight of the finished oleomargarine, or a combination of these, used in accordance with § 121.1144 of this chapter.

2. The Commissioner of Food and Drugs, having considered the relevant information in this matter, proposes on his own initiative to amend the food additive regulations to provide for the safe use of the aforementioned flavorings in the subject food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the Commissioner proposes that § 121.1144 be amended to read as follows:

§ 121.1144 Lactones.

The following food additives may be used in margarine, alone or in combination, as artificial flavoring agents:

(a) Delta-decalactone, in an amount not exceeding 10 parts per million by weight of the finished margarine.

(b) Delta-dodecalactone, in an amount not exceeding 20 parts per million by weight of the finished margarine.

All interested persons are invited to submit written comments or objections regarding the proposals in this notice within 30 days following the date of its publication in the FEDERAL REGISTER. Such comments or objections should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201. Comments or objections may be accompanied by a memorandum or brief in support thereof.

Dated: October 13, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64–10629; Filed, Oct. 16, 1964; 8:47 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Parts 40, 42 ]

[Docket No. 6258; Notice 64–48]

### MAINTENANCE LOG

### Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending § 40.507 of Part 40 of the Civil Air Regulations and § 42.507 of Part 42 of the Civil Air Regulations. The purpose of these amendments is to delete the last sentence of each of those sections relating to the posting in the airplane maintenance log of time since last overhaul of the airframe and engines.

As presently written these sections require that the maintenance log shall contain information from which the flight crew may readily determine the time since last overhaul of the airframe and engines.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention, Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before 30 days after the date of this

notice will be considered by the Administrator before taking action on this proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Docket Section for examination by interested persons.

Notice No. 63-20 (28 F.R. 6063) in proposing several miscellaneous amendments to Part 40 of the Civil Air Regulations proposed to delete this language from that part. However, the proposal was not adopted as a part of the final rule in the light of certain comments, made by representatives of certain pilots' and flight engineers' organizations, that the information was of importance to flight crews.

Since the date of those comments, the Air Transport Association has requested that this provision, among others, be reconsidered by the Agency. It is the Association's position that the information on overhaul times is rarely used and that the requirement serves no useful purpose. The Association further stated that, if flight crews should feel at some time that the information is in fact necessary, it is readily available in other records. Under the approved continuous maintenance programs now in use, the requirement is almost impossible to comply with since there is, in effect, no such thing as time since last overhaul of the airframe. When sectionalized overhaul of turbine engines becomes more prevalent this would present further problems.

In the light of the above, the Agency has reconsidered the matter and is of the opinion that, since overhaul time limits are generally based on reliability that can reasonably be expected throughout the period between overhauls (because of progressive maintenance and overhaul systems now in use), the requirement is no longer necessary. This should be especially so under the new Air Carrier Continuous Airworthiness Program which was adopted on May 13, 1964, and which becomes effective on October 19, 1964.

This proposal is subject to the Federal Aviation Agency recodification program announced in Draft Release 61-25 (26 F.R. 10698). The final rule, if adopted, may be in recodified form; however, the recodification itself will not alter the substantive contents proposed herein.

In consideration of the foregoing, it is proposed to amend Part 40 of the Civil Air Regulations by striking out the last sentence of § 40.507 and to amend Part 42 of the Civil Air Regulations by striking out the last sentence of § 42.507.

These amendments are proposed under the authority of sections 313(a) and 601-610 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421-1430).

Issued in Washington, D.C., on October 15, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-10677; Filed, Oct. 16, 1964; 8:50 a.m.]

## [ 14 CFR Part 91 [New] ]

[Docket No. 6567; Notice 64-47]

## FLIGHT TEST AREAS

### Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Part 91 (New) of the Federal Aviation Regulations to eliminate the requirement of obtaining an approved flight test area for the flight testing of aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before November 23, 1964, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 91.93 requires that no person may flight test an aircraft except over open water or sparsely populated areas having light air traffic and within a flight test area approved by the Administrator. It defines "flight test" and "basic airworthiness," and prescribes detailed procedures to be followed in submitting applications for approval or renewal of flight test areas. Section 91.167 requires that an appropriately rated pilot must test fly an aircraft that has been repaired or altered in a manner that may have appreciably changed its flight characteristics or substantially changed its operation in flight, before carrying persons other than crewmembers in such aircraft, unless ground tests or inspections show that the flight characteristics of the aircraft have not been appreciably altered.

The proposed amendment to § 91.93 omits reference to approved flight test areas, but retains the requirement that pilots while flight testing aircraft must avoid congested areas and areas of high density air traffic. The amendment to § 91.167 deletes the word "test" with respect to flights to distinguish an operational flight check of repaired or altered aircraft from flight tests of noncertificated or substantially modified aircraft for determining basic airworthiness.

Approved flight test areas do not positively segregate flight test activities from other traffic. Moreover, it appears that the approval of flight test areas serves little practical purpose since many of the areas are so large and overlapping that other traffic could not avoid them if the areas were depicted on aeronautical charts, which they are not. For example, the entire State of Kansas is a flight test area. Since many approved flight test areas encompass cities and towns, it is the portion of § 91.93 requiring pilots to avoid congested areas and not the confinement of aircraft to the approved area that enhances safety to persons and property.

It would appear more expedient for amateur builders, who submit approximately 90 percent of the applications for flight test areas, to continue their flight tests without the requirement for approved areas since they could do so without loss of see and avoid capability and be in compliance with other applicable regulations.

Manufacturers of high performance aircraft generally conduct their production flight test activities in positive control airspace which provides complete separation from other aircraft, or in accordance with local procedures developed by the manufacturer and air traffic control. This proposed regulation will not alter FAA/manufacturers operational agreements and continuation of these arrangements is expected. The majority of experimental and engineering flight tests of high performance aircraft are conducted in the Edwards Air Force Base, Calif., restricted area complex.

The Federal Aviation Agency has the authority and responsibility, with respect to civil aircraft, to determine when a flight test is required and to place necessary operating restrictions on the flight in the interests of safety. Military flight tests generally are conducted in restricted areas. Therefore, when the character of the flight test or the aircraft indicates the existence of special circumstances, the operation may be confined within a specified area while, in the ordinary case, the burden of obtaining approval for an impractical flight test area would be eliminated.

It is recognized that pilots of high performance aircraft operating at high altitudes and speeds would have difficulty in most parts of the United States in avoiding a flight path where the potential impact area would include a congested area; however, it is the intent of this proposal that such operations must be conducted in a location that would eliminate this hazard to the extent possible.

In consideration of the foregoing, it is proposed to amend §§ 91.93 and 91.167 of Part 91 [New] of Chapter I of Title 14 of the Code of Federal Regulations as follows:

§ 91.93 Flight tests.

(a) No person may flight test an aircraft—

(1) Over any congested area of a city, town, or settlement, or over any open air assembly of persons; or

(2) In any area of high density air traffic.

(b) Each person flight testing high performance aircraft at high altitudes and speeds shall, to the extent possible, avoid a flight path that would include any congested area within the potential impact area of the aircraft.

§ 91.167 Carrying persons other than crewmembers after repairs or alterations.

(a) No person may carry any person (other than crewmembers) in an aircraft that has been repaired or altered in a manner that may have appreciably changed its flight characteristics, or substantially affected its operation in flight, until an appropriately rated pilot, with at least a private pilot's certificate, flies the aircraft and logs the flight in the aircraft records.

(b) Paragraph (a) of this section does not require that the aircraft be flown if ground tests or inspections, or both, show conclusively that the repair or alteration has not appreciably changed the flight characteristics, or substantially affected the flight operation of the aircraft.

This amendment is proposed under the authority of sections 307 and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1354).

Issued in Washington, D.C., on October 12, 1964.

CLIFFORD P. BURTON,
*Acting Director,*
*Air Traffic Service.*

[F.R. Doc. 64-10609; Filed, Oct. 16, 1964; 8:46 a.m.]



# SMALL BUSINESS ADMINISTRATION

## [ 13 CFR Part 107 ]

## SMALL BUSINESS INVESTMENT COMPANIES

### Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 27 F.R. 9743-9754, and amended in 28 F.R. 681, 1627, 3021, 10668, 12250, and 29 F.R. 5223, 7144, 10499, 12109, by amending present §§ 107.501, 107.704(c)(5), and 107.713, and adding thereto a new § 107.650. Prior to the final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Investment Division, Small Business Administration, Washington 25, D.C., within a period of 30 days of the date of this notice in the FEDERAL REGISTER.

*Information.* On June 2, 1964, notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 7151) concerning amendment of §§ 107.704(c)(5) and 107.713 *Common tenancy*, to permit two or more Licensees whose paid-in capital and paid-in surplus from private sources (excluding organizational expense) do not in the aggregate exceed $750,000 to employ, with prior SBA approval, a common general manager. After due and careful consideration of the comments received, SBA has determined to republish the amendments under consideration, in revised form, as set forth below. It is proposed that the first paragraph of § 107.704(c)(5) be amended to provide that, without prior SBA approval, a Licensee shall not have an officer or a director who is at the same time an officer or director of another Licensee, nor shall 10 or more percent of the stock of any Licensee be owned or controlled, directly or indirectly, by an officer or director of, or by any party owning or controlling, directly or indirectly, 10 or more percent of the stock of another Licensee. No change is proposed in the present exception, in § 107.704(c)(5), permitting an attorney performing legal service for Licensees to serve as secretary or clerk for more than one Licensee. The revised proposal with respect to employment of a common manager, set forth in subdivision (ii) of § 107.704(c)(5), would authorize two or more Licensees having paid-in capital and paid-in surplus from private sources aggregating not more than $800,000 to employ, subject to prior SBA approval, an individual or a non-Licensee concern to serve as their common general manager. An individual serving serving as manager would be deemed an officer of each such Licensee for the purposes of the SBIC Regulation. At least 50 percent of the total amount of joint financing participated in by Licensees under common management over the period of a fiscal year would have to consist of individual loans or equity investments of $150,000 or less. The employment agreement submitted for SBA approval must include relevant particulars pertaining to the qualifications of the manager; the basis of compensation; period of employment; requirement for the referral of potential loans or investments by the manager to all Licensees of the group so that each may have an equal opportunity to participate in or otherwise furnish the necessary financing; and such other information as may assist SBA in determining whether approval would be consonant with the purposes of the Act.

As set forth below, the proposed amendments would add a new § 107.650 dealing with commitments. It would authorize Licensees to charge a reasonable commitment fee in connection with the issuance of loan commitments or commitments to furnish equity financing to small business concerns. Where a Licensee enters into a 5-year commitment to provide financing up to a stipulated maximum amount, with disbursement of the whole or any part thereof to be made on the request of the small business concern, the proposal would make it lawful (notwithstanding the maturity provisions of §§ 107.501 and 107.601) for repayment to be made as follows: (1) Funds advanced during the first two years may have a common maturity date coinciding with the termination date of the commitment; and (2) funds subsequently advanced during the commitment period may be for a period of three years from the respective dates of disbursement. Repayment of each advance made could not be required at an annual average rate in excess of the principal amount thereof divided by the number of years of the applicable repayment period. Where a Licensee issues a commitment to a small business concern, and the agreement carries with it options or warrants entitling Licensee to purchase shares of its stock, the proposal would make it lawful for the Licensee to acquire stock pursuant to such options or warrants (1) up to the full amount of any funds disbursed and (2) up to 25 percent of any undisbursed portion of the commitment as of the termination date thereof. The purchase price per share must be not less than sound book value at the time the options or warrants were issued, as provided in § 107.704(k).

It is proposed that § 107.501 shall be amended by adding a new paragraph (q) thereto with respect to "puts and calls." It would authorize a Licensee, at the time that it acquires equity securities from a small business concern, to enter into an agreement with the latter providing for a right on the part of the Licensee, subject to the following terms and conditions, to require the repurchase of such stock: (1) If the stock is acquired pursuant to equity securities evidencing an indebtedness, such indebtedness shall be unsecured and the note or debenture shall not be endorsed or guaranteed by any of the shareholders or principals of the small business concern; (2) where the stock is acquired by direct purchase from the issuer, the repurchase price may not exceed book value per share when the demand for repurchase is made or an agreed multiple of earnings per share for any appropriate period designated by the parties, whichever is higher, or if the stock is acquired by conversion of a debt instrument or through the exercise of stock warrants or options, the repurchase price may not be greater than book value per share at the time demand for repurchase is made; (3) Licensee's demand for repurchase may be made upon 3 months' advance notice in writing at any time after 5 years from the date of acquiring such stock, in the case of a direct stock purchase, or the date of issuance of the equity securities where such stock was acquired through the exercise of conversion rights, or stock options or warrants subject, however, to the prohibition that such demand may not be effectuated at a time when the issuer concern is or will thereby be rendered insolvent or unable to meet its debts as they mature; (4) the repurchase may be made only to the extent of earned surplus available for that purpose; (5) the issuer concern shall have the right to call for redemption of such stock at the same price and upon the same terms and conditions as govern the Licensee's right to demand a repurchase thereof; and (6) the agreement shall be subject to applicable terms, conditions and requirements of State or Federal law relevant to the particular transaction.

It is proposed to amend the Regulations Governing Small Business Investment Companies as follows:

1. By deleting paragraph (c)(5) of § 107.704 *Activities of Licensee*, in its entirety, and substituting a new paragraph (c)(5). As amended, § 107.704(c)(5) would read as follows:

(5) Without the prior written consent of SBA, a Licensee shall not have an officer or a director who at the same time is either an officer or director of any other Licensee, nor shall 10 or more

percent of the stock of any Licensee be owned or controlled, directly or indirectly, by an officer or director of, or by any party owning or controlling, directly or indirectly, 10 or more percent of the stock of another Licensee, with the following exceptions:

(i) *Attorneys.* An attorney performing legal services for Licensees may serve as secretary or clerk for more than one Licensee; and

(ii) *Common Managers.* Subject to prior SBA approval, two or more Licensees having paid-in capital and paid-in surplus from private sources aggregating not more than $500,000 (exclusive of organizational expenses) may employ an individual or a non-Licensee concern to serve as their common general manager. An individual serving as manager shall be deemed an officer of each Licensee for the purposes of these regulations. Notwithstanding the provisions of § 107.708 (b), at least 50 percent of the total amount of joint financing participated in by Licensees under common management during any fiscal year shall consist of loans or equity investments of $150,000 or less.

The proposed employment agreement submitted for SBA approval shall set forth relevant particulars pertaining to the identity and qualifications of the manager, the basis of compensation, effective period of employment, and such other factors bearing on the transaction as may assist SBA in determining whether approval would be consonant with the purposes of the Act. The agreement shall include adequate provision requiring the manager to refer each potential loan or investment to all Licensees of the group and afford them equal opportunity to participate in or otherwise provide the necessary financing.

2. By adding a new paragraph (q) to § 107.501 *Equity capital for incorporated small business concerns*, which would read as follows:

**§ 107.501 Equity capital for incorporated small business concerns.**

* * * * * *

(q) *Puts and calls.* At the time that a Licensee acquires shares of stock of a small business concern as a direct stock purchase or pursuant to Equity Securities providing for conversion rights or stock options or warrants, it may enter into an agreement with the issuer providing for a right on the part of the Licensee to require the issuer to repurchase any of such shares of its stock acquired by the Licensee. The agreement shall be subject to the following terms:

(1) If the shares of stock are acquired pursuant to Equity Securities evidencing an indebtedness, such indebtedness shall be unsecured and the note or debenture shall not be guaranteed or endorsed by any of the shareholders or principals of the small business concern.

(2) Where the stock is acquired by conversion of a debt instrument or by the exercise of stock warrants or options, the repurchase price shall be no greater than the book value per share at the time that the demand for repurchase is made. Where the stock is acquired by direct purchase from the issuer, the repurchase price shall not exceed the higher of (i) the book value per share at the time that demand for repurchase is made or (ii) an agreed multiple of earnings per share for any appropriate period designated by the parties.

(3) Licensee may demand repurchase upon giving the small business concern at least 3 months advance notice in writing at any time after 5 years from (i) the date of acquisition of such stock, in the case of a direct stock purchase or (ii) the date of issuance of the Equity Securities where such stock was acquired through the exercise of conversion rights, or stock options or warrants: *Provided, however*, That the demand for repurchase shall not be effectuated at a time when the small business concern is or will thereby be rendered insolvent or unable to meet its debts as they mature.

(4) The repurchase may be made only to the extent of earned surplus available for that purpose.

(5) The small business concern shall have the right to call for the redemption of such stock at the same price and subject to the same terms and conditions as are applicable to Licensee's right to demand a repurchase thereof.

(6) The agreement shall be subject to applicable terms, conditions and requirements of State or Federal law, if any, that may be relevant to the particular transaction.

3. By adding a new § 107.650 *Commitments*, which would read as follows:

**§ 107.650 Commitments.**

(a) A Licensee is authorized to enter into a loan commitment or a commitment to furnish equity financing to a small business concern. A reasonable commitment fee may be charged.

(b) Where a Licensee enters into a 5-year commitment to finance an eligible small business concern up to a stipulated maximum amount, disbursement of the whole or any part thereof to be made on the request of such concern, it shall be lawful (notwithstanding the maturity provisions of §§ 107.501 and 107.601) to provide for repayment as follows: (1) Any funds advanced during the first two years may have a common maturity date coinciding with the termination date of the commitment; and (2) any funds subsequently advanced during the commitment period may be for a period of three years from respective dates of disbursement. Repayment of each advance made shall not be required at an annual average rate in excess of the principal amount thereof divided by the number of years of the applicable repayment period.

(c) Where a Licensee enters into a commitment, as described in paragraph (b) of this section, and the agreement carries with it options or warrants entitling Licensee to purchase shares of stock of such concern, it shall be lawful for the Licensee to acquire stock pursuant to said options and warrants (1) up to the full amount of any funds disbursed and (2) up to 25 percent of the undisbursed portion of the commitment as of the termination date thereof. The amount referred to in subparagraph (2) of this paragraph shall, for the purposes of § 107.501(k), be deemed to constitute equity capital provided by the Licensee.

4. By deleting § 107.713 *Common tenancy*, in its entirety, and substituting a new § 107.713. As amended, § 107.713 would read as follows:

**§ 107.713 Common tenancy.**

(a) A Licensee shall not establish or maintain an office or place of doing business which is located in the same physical premises or place of business of any other Licensee. A Licensee shall not have a common private entrance or a private connecting door or entrance with any other Licensee. Nothing contained herein shall prevent two or more Licensees from occupying space in the same office building.

(b) Licensees employing a common general manager pursuant to § 107.704 (c)(5) may apply to SBA for an exemption from the provisions of this section.

Dated: October 13, 1964.

EUGENE P. FOLEY,
*Administrator.*

[F.R. Doc. 64-10663; Filed, Oct. 16, 1964; 8:50 a.m.]

# Notices

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

[Amdt. 3]

### ORGANIZATION AND FUNCTIONS

#### Delegations of Authority

Paragraph II 4, 5, 6 of 28 F.R. 4368 dated May 2, 1963, is amended to read 5, 6, and 7, respectively.

Paragraph II4 of 28 F.R. 4368 is added as follows: "4. Producer Associations Division."

Paragraph III D, E, F of 28 F.R. 4368 dated May 2, 1963, is amended to read E, F, and G, respectively.

Paragraph IIID of 28 F.R. 4368 dated May 2, 1963, is added as follows:

D. *Producer Associations Division.* The Producer Association Division, reporting to the Administrator, is responsible for planning, directing and coordinating operational programs and procedures pertaining to peanut, tobacco and naval stores commodity programs of CCC carried out through producer associations. It determines whether producer associations meet requirements to handle CCC loans; negotiates terms and conditions of contracts and agreements; provides direction, leadership and coordination of CCC aspects of producer association activities.

Signed at Washington, D.C., this 6th day of October 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

Approved: October 13, 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64-10643; Filed, Oct. 16, 1964; 8:49 a.m.]

## DEPARTMENT OF COMMERCE

### Bureau of International Commerce

[File No. 24-63]

### MOENS & CO. AND MARCEL MOENS

#### Order Temporarily Denying Export Privileges

In the matter of Moens & Company, Marcel Moens, 141 Turnhoutsebaan, Schilde, Antwerp, Belgium, File No. 24-63; respondents.

The Director, Investigations Division, Office of Export Control, Buerau of International Commerce, U.S. Department of Commerce, pursuant to the provisions of § 382.11 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying all export privileges to the above-named respondents. It was requested that the order remain in effect for a period of sixty days pending continued investigation into the facts and transactions giving rise to the application and the commencement of such proceedings as may be deemed proper under the law against said respondent.

The Compliance Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, together with his recommendation that the application be granted and that a temporary denial order be issued for sixty days.

The recommendation of the Compliance Commissioner has been considered. The evidence presented shows that Moens & Company is a dealer in agricultural equipment and has a place of business in Schilde, Antwerp, Belgium, and that Marcel Moens is the individual primarily responsible for the operations of said business; that a number of items of U.S.-origin agricultural equipment, some of advanced design, have been exported from Canada to Antwerp, consigned to said Moens & Company; and that additional items of U.S.-origin of a similar nature are scheduled to be exported from Canada to said Moens & Company in the near future. On the evidence presented there is reasonable basis to believe that said commodities are ultimately intended to be delivered to a Soviet-bloc destination in contravention of the U.S. Export Control Act and regulations thereunder, and that the above-named respondents are knowingly participating in a scheme to reexport said commodities from Belgium whereby said illegal purpose will be accomplished. There is also reasonable basis to believe that reexport of said commodities from Belgium is imminent and that a temporary denial order will prevent such reexportation. I find that an order temporarily denying export privileges is reasonably necessary for the protection of the public interest and national security.

*Accordingly, it is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their successors or assigns, partners, directors, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity:

(a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall take effect forthwith and shall remain in effect for a period of sixty days from the date hereof, unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the U.S. Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing an appropriate motion

therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: October 12, 1964.

FORREST D. HOCKERSMITH,
*Director,*
*Office of Export Control.*

[F.R. Doc. 64-10629; Filed, Oct. 16, 1964; 8:47 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### DELMONICO FOODS, INC.

### Macaroni and Spaghetti Deviating From Identity Standard; Extension of Temporary Permit To Cover Market Testing

Pursuant to § 10.5(j) of Title 21 of the Code of Federal Regulations concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that an extension of the temporary permit issued to Delmonico Foods, Inc., Tampa, Fla., has been granted. This permit covers interstate marketing tests of macaroni and spaghetti deviating from the requirements of the standard for these foods (21 CFR 16.1). Glyceryl monostearate will be added to the products in a quantity not to exceed 2 percent by weight of the farinaceous ingredient. The labels to be used will state "glyceryl monostearate added." This permit expires April 1, 1965.

Dated October 13, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-10630; Filed, Oct. 16, 1964; 8:48 a.m.]

### SHERWIN-WILLIAMS CO.

### Notice of Filing of Petition Regarding Food Additives Resinous and Polymeric Coatings

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5B1513) has been filed by The Sherwin-Williams Company, 10909 Cottage Grove Avenue, Chicago, Ill., 60628, proposing that paragraph (b)(3) (xxxiii) of § 121.2514 *Resinous and polymeric coatings* be amended by inserting alphabetically in the list of miscellaneous materials the item "Castor oil, hydrogenated."

Dated: October 12, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-10631; Filed, Oct. 16, 1964; 8:48 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 15621]

### KENTING AVIATION LTD.

### Notice of Hearing

Application of Kenting Aviation Limited for a Foreign Air Carrier Permit, issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a casual, occasional, or infrequent nature, in common carriage, into the United States.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter is assigned to be held on November 5, 1964, at 10:00 a.m., e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., October 14, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-10636; Filed, Oct. 16, 1964; 8:49 a.m.]

[Docket No. 13795 etc.]

### SUPPLEMENTAL AIR SERVICE PROCEEDING

### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on November 17, 1964, at 10 a.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Robert L. Park.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to Board orders E-20673, dated March 13, 1964, E-20747, dated April 27, 1964, and E-20902, dated June 5, 1964, the prehearing conference report served June 2, 1964, the supplemental prehearing conference report served June 12, 1964, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 14, 1964.

[SEAL] ROBERT L. PARK,
*Hearing Examiner.*

[F.R. Doc. 64-10639; Filed, Oct. 16, 1964; 8:49 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15299, 15300; FCC 64M-1001]

### GREAT NORTHERN BROADCASTING SYSTEM AND MIDWESTERN BROADCASTING CO.

### Order Continuing Hearing

In re applications of Robert L. Greaige and Roderick C. Maxson, d/b as Great Northern Broadcasting System, Traverse City, Mich., Docket No. 15299, File No. BPH-3982; Midwestern Broadcasting Company, Traverse City, Mich., Docket No. 15300, File No. BPH-4079; for construction permits.

*It is ordered,* This 9th day of October 1964, that the hearing is rescheduled from October 16 to October 30, 1964, at 9:00 a.m.

Released: October 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10634; Filed, Oct. 16, 1964; 8:48 a.m.]

[Docket No. 15571; FCC 64M-1009]

### INDIAN RIVER BROADCASTING CO. (WIRA)

### Order Continuing Hearing

In re application of Indian River Broadcasting Company (WIRA), Fort Pierce, Fla., Docket No. 15571, File No. BP-15740; for construction permit.

Pursuant to a prehearing conference as of this date: *It is ordered,* This 13th day of October 1964, that the exchange of the engineering exhibits herein shall be accomplished on or before December 3, 1964; that the notification date for the witnesses desired for cross-examination shall be December 10, 1964; and that the hearing herein scheduled for October 14, 1964, be and the same is hereby rescheduled for December 17, 1964, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: October 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10635; Filed, Oct. 16, 1964; 8:48 a.m.]

[Docket Nos. 15482, 15483; FCC 64M-1002]

### SOUTH JERSEY TELEVISION CABLE CO.

### Order Continuing Hearing

In re application of South Jersey Television Cable Co., Docket No. 15482, File No. 17325-IB-114X; Docket No. 15483, File No. 17326-IB-115X; for operational fixed stations in the business radio service.

The Hearing Examiner having under consideration a petition filed on October 8, 1964, by South Jersey Television Cable Co., requesting that the hearing in the above-entitled proceeding presently scheduled to commence on October 12, 1964, be continued indefinitely, pending action by the Commission on a motion to withdraw from such proceeding, filed by Francis J. Matrangola, the party respondent in the proceeding; and

It appearing, that the applications of South Jersey Television Cable Co. were designated for hearing because of a petition to deny such applications filed by Francis J. Matrangola on April 13, 1964; and

It further appearing, that there is now pending before the Commission en banc a motion to withdraw such petition to deny, filed by Matrangola on September 21, 1964, and a grant of such motion to withdraw may render a hearing in this proceeding unnecessary; and

It further appearing, that counsel for the other parties have informally agreed to an immediate consideration of the instant petition for continuance and that under the circumstances good cause has been shown for the grant thereof;

*It is ordered,* This 9th day of October 1964, that the hearing in the above-entitled proceeding now scheduled to commence on October 12, 1964, be and it is hereby continued until further order.

Released: October 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10638; Filed, Oct. 16, 1964; 8:48 a.m.]

[Docket No. 15457; FCC 64M-1010]

### TRIANGLE PUBLICATIONS, INC. (RADIO AND TELEVISION DIVISION)

### Order Continuing Hearing

In re application of Triangle Publications, Inc. (Radio and Television Division), Johnstown, Pa., Docket No. 15457, File No. BPTTV-12; for construction permit for new VHF television broadcast translator station.

The Hearing Examiner having under consideration oral, telephonic communication, from counsel for the applicant in the above-entitled proceeding, on October 12, 1964, informing the Examiner that a petition for the dismissal of the application would be filed with the Commission today (with courtesy copy to the presiding officer); and the scheduled date for commencement of the hearing, October 14;

It appearing, that the parties, their attorneys, the Hearing Examiner, and the court reporter, ought not to be inconvenienced by having to present themselves in the hearing room tomorrow if the applicant carries out its intention to dismiss its application, and that the hearing room, under the circumstances should be released for other, more useful purposes;

*It is ordered,* This 13th day of October 1964, on the Hearing Examiner's own motion, that the hearing, which is now scheduled to commence at 10 a.m. on Wednesday, October 14, 1964, at the Commission's offices, Washington, D.C., is hereby continued to Wednesday, December 2, 1964, at the same time and place, subject, however, to further order in the premises.

Released: October 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10637; Filed, Oct. 16, 1964; 8:49 a.m.]

## FEDERAL MARITIME COMMISSION

### FERN LINE AND PACIFIC/INDONESIAN CONFERENCE

### Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. E. Spaulding, Secretary
Pacific/Indonesian Conference
465 California Street
San Francisco 4, Calif.

Agreement 6060-E between Fern Line and Pacific/Indonesian Conference cancels and supersedes Agreement No. 6060-C, and provides for associate membership of the Fern Line in the Pacific/Indonesian Conference under the terms and conditions set forth in the new associate membership agreement.

Dated: October 13, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10616; Filed, Oct. 16, 1964; 8:47 a.m.]

### FERN LINE AND PACIFIC-STRAITS CONFERENCE

### Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. E. Spaulding, Secretary, Pacific-Straits Conference, 465 California Street, San Francisco 4, Calif.

Agreement 5680-M between Fern Line and Pacific-Straits Conference cancels and supersedes Agreement No. 5680-G, and provides for associate membership of the Fern Line in the Pacific-Straits Conference under the terms and conditions set forth in the new associate membership agreement.

Dated: October 13, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10617; Filed, Oct. 16, 1964; 8:47 a.m.]

### RED SEA AND GULF OF ADEN/U.S. ATLANTIC AND GULF RATE AGREEMENT

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C.,

20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. C. Pendleton, Secretary, Red Sea and Gulf of Aden/U.S. Atlantic and Gulf Rate Agreement, Eleven Broadway, New York 4, N.Y.

Agreement 8558-2 between member lines of the Red Sea and Gulf of Aden/U.S. Atlantic and Gulf Rate Agreement, modifies the basic agreement (8558, as amended) to provide for the inclusion of procedures relating to Admission, Withdrawal and Expulsion pursuant to General Order 9 (46 CFR Part 523).

Dated: October 13, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10616; Filed, Oct. 16, 1964; 8:47 a.m.]

[Docket No. 1207]

## SEATRAIN LINES, INC.

### Application of Rates on Shipments in Railroad Cars; Notice of Investigation and Suspension

It appearing, that there have been filed with the Federal Maritime Commission by Seatrain Lines, Inc. (Seatrain), tariff schedules seeking to establish tariff provisions which would permit the substitution of rail cars for trailers or containers at the rates published for such trailers or containers, between U.S. Atlantic and Gulf ports, on the one hand and ports in Puerto Rico on the other to become effective October 5, 1964, designated as follows:

SEATRAIN LINES, INC.

Outward Freight Tariff No. 1, FMC-F No. 1
4th Revised Page 70 (Item, No. 305)
"Application of Rates on Shipments in Railroad Cars"
and
Homeward Freight Tariff No. 3, FMC-F No. 3
3d Revised Page 25-B (Item No. 410)
"Application of Rates on Shipments in Railroad Cars"

It further appearing, that upon consideration of the said schedules and protests and replies thereto there is reason to believe that the said tariff provisions if permitted to become effective, would result in rates, charges, rules, regulations, and/or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

It further appearing, that the new tariff provisions should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

It further appearing, that the effective date of the said provisions should be suspended pending such investigation;

It further appearing, that there is a question of the applicable rate to be assessed for the transportation of a commodity whose rate is predicated upon "shipper load/consignee unload" when such commodity actually moves via Seatrain's rail car service with Seatrain's Puerto Rican stevedores performing the car loading and/or unloading of rail cars;

*Now therefore it is ordered*, That an investigation be and it is hereby, instituted into and concerning the lawfulness of Item Nos. 305 and 410 in the said schedules with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and the investigation hereby instituted shall include an inquiry into Seatrain's practices insofar as they pertain to rail car movements at trailer or container rates predicated upon "shipper load/consignee unload" within the Commonwealth of Puerto Rico for the purpose of determining whether these practices are in violation of sections 16, 17, and 18(a) of the Shipping Act, 1916 and section 2 of the Intercoastal Shipping Act, 1933;

*It is further ordered*, That Item Nos. 305 and 410 published on the aforementioned revised pages be, and they are hereby suspended and that the use thereof be deferred to and including February 4, 1965, unless otherwise authorized by the Commission, and that the rates, fares, charges, rules, regulations, and/or practices heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension;

*It is further ordered*, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission;

*It is further ordered*, That there shall be filed immediately with the Commission by Seatrain Lines, Inc., a consecutively numbered supplement to each of the aforesaid tariffs, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rates are suspended and may not be used until the 5th day of February 1965, unless otherwise authorized by the Commission; and that the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension has expired or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission;

*It is further ordered*, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission;

*It is further ordered*, That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (II) Seatrain Lines, Inc. be, and it is hereby made respondent in this proceeding; (III) a copy of this order shall forthwith be served upon said respondent and protestants herein; (IV) the said respondent and protestants be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 502.73), with copy to respondent.

By the Commission, October 1, 1964.

[SEAL] THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10619; Filed, Oct. 16, 1964; 8:47 a.m.]

# FEDERAL RESERVE SYSTEM

## CLAYTON BANCSHARES CORP.

### Order Denying Application Under Bank Holding Company Act

In the matter of the application of Clayton Bancshares Corporation for approval of action to become a bank holding company through the acquisition of voting shares of Bank of Crestwood, Crestwood, Missouri, and Hampton Bank of St. Louis, St. Louis, Missouri.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.4 (a)(1) of Federal Reserve Regulation Y (12 CFR 222.4(a)(1)), an application by Clayton Bancshares Corporation, Clayton, Missouri, for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 56.24 per cent of the voting shares of Bank of Crestwood, Crestwood, Missouri, and 55.98 per cent of the voting shares of Hampton Bank of St. Louis, St. Louis, Missouri.

As required by section 3(b) of the Act, the Board notified the Commissioner of Finance for the State of Missouri of the receipt of the application and requested his views and recommendation. The Commissioner replied but declined to express any views or to make a recommendation respecting the application.

Notice of Receipt of Application was published in the FEDERAL REGISTER on April 7, 1964 (29 F.R. 4897), which provided an opportunity for the filing of comments and views regarding the proposed acquisition, and the time for filing such comments and views has expired and all comments and views filed with the Board have been considered by it.

*It is hereby ordered*, For the reasons set forth in the Board's Statement[1] of this date, that the said application be and hereby is denied.

Dated at Washington, D.C., this 13th day of October 1964.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 64-10601; Filed, Oct. 16, 1964; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of St. Louis. Dissenting Statement of Governor Mitchell also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, and Robertson. Voting against this action: Governor Mitchell. Absent and not voting: Governors Shepardson and Daane.



# SECURITIES AND EXCHANGE COMMISSION

[File Nos. 24S-1965, 24S-1912]

## OREGON KING CONSOLIDATED MINES, INC.

### Notice and Order for Hearing

OCTOBER 12, 1964.

I. Oregon King Consolidated Mines, Inc. (issuer), 521 Failing Building, Portland 4, Oregon, filed on February 7, 1963, a notification and offering circular relating to a proposed public offering of 100,000 shares of its $1 par value common stock at $1 per share for an aggregate amount of $100,000. The offering commenced on March 22, 1963, and a final Form 2-A, report of sales, filed on April 23, 1964, reflected that all shares had been sold by December 22, 1963. Subsequently, the issuer filed with the Commission on August 11, 1964, a second notification and offering circular relating to a proposed offering of $100,000 of 6 percent convertible debentures for the purpose of obtaining a further exemption under Regulation A for said debentures. This offering has not commenced.

II. The Commission, on September 9, 1964, issued an order pursuant to Rule 261 of the general rules and regulations of the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

*It is hereby ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held on November 2, 1964, at 10:00 a.m., in Room 205 of the U.S. Court House located at Southwest Broadway and Madison, Portland, Oregon, with respect to the matters set forth in Section II of the order dated September 9, 1964, temporarily suspending the issuer's exemption under Regulation A, without prejudice, however, to the specification of additional issues which may be presented in the proceedings.

III. *It is further ordered*, That Warren E. Blair, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

*It is further ordered*, That the Secretary of the Commission shall serve a copy of this order by registered mail on Oregon King Consolidated Mines, Inc., and that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before October 30, 1964, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-10610; Filed, Oct. 16, 1964; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 1063]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 14, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67019. By order of October 9, 1964, the Transfer Board approved the transfer to Mary A. Watts, Philadelphia, Pa., of permit in No. MC 89040, issued March 23, 1940, to Edward A. Watts, Philadelphia, Pa., authorizing the transportation of: Set-up paper boxes, from Philadelphia, Pa., to Asbury Park and Atlantic City, N.J. Stanley L. Kubacki, 1407 Finance Bldg., Philadelphia, Pa., 19102, attorney for applicants.

No. MC-FC 67062. By order of October 9, 1964, the Transfer Board approved the transfer to Kenneth Buchanan Trucking, Inc., Marietta, Ohio, of certificate in No. MC 101053, issued December 31, 1959, to Kenneth Buchanan, Marietta, Ohio, authorizing the transportation of: Such commodities as are usually handled by dump truck and which can be unloaded by dumping, between points in Ohio, Pennsylvania, and West Virginia within 50 miles of Weirton, W. Va., and, various named commodities usually transported in dump trucks, from, to, or between, specified points in Ohio and West Virginia. Earl N. Merwin, 85 East Gay Street, Columbus, Ohio, 43215, attorney for applicants.

No. MC-FC 67148. By order of October 8, 1964, the Transfer Board approved the transfer to Midland Park Moving & Storage Limited, A Limited Partnership, Midland Park, N.J., of Certificate in No. MC 18025, issued September 11, 1942, to Walter Gus Lehmann, doing business as Walter Lehmann Movers, Ridgewood, N.J., authorizing the transportation of: Household goods, between points in Bergen and Passaic Counties, N.J., on the one hand, and, on the other, points in New York. John M. Zachara, Post Office Box 2860, Paterson, N.J., 07509, attorney for applicants.

No. MC-FC 67169. By order of October 8, 1964, the Transfer Board approved the transfer to Miller-Illinois, Inc., Kansas City, Mo., of a portion of the operating rights in the certificates in Nos. MC 92983, MC 92983 Sub 22, MC 92983 Sub 30, MC 92983 Sub 146, and MC 92983 Sub 223, and the entire operating rights in the certificates in Nos. MC 92983 Sub 26 and MC 92983 Sub 29, issued June 13, 1949, December 29, 1949, June 27, 1952, December 11, 1956, June 26, 1958, April 25, 1960, and June 15, 1950, respectively, to Eldon Miller, Inc., Kansas City, Mo., authorizing the transportation of: Livestock, agricultural commodities, except in bulk, feed except in bulk, farm machinery, hardware, and building materials, except in bulk, between Kalona, Iowa, and Chicago, Ill., as specified, serving certain intermediate and off-route points; livestock, windmills, windmill parts, and petroleum products, between Riverside, Iowa, and Chicago, Ill., serving intermediate and off-route points as specified, feed except in bulk, from Chicago, Peru, Galesburg, Sullivan, Danville, Ill., St. Joseph, Mo., and Omaha, Nebr., to points as specified in Iowa, and between the plant site of Protein Blenders, Inc., near Iowa City, Iowa, and points in Kansas, Missouri, Minnesota, Nebraska, and those in Illinois as specified, farm implements, from Rock Falls, Rock Island, Sandwich, and Rockford, Ill., to Lowden, Iowa, and points in Iowa within 40 miles of Lowden; coal, from and to points as specified in Illinois and Iowa; hides, from Iowa City, Iowa, and points within 1 mile, to Milwaukee, Wis.; livestock from and to points as specified in Iowa and those in Missouri, Nebraska,

Illinois, Wisconsin, and Kansas; general commodities, excluding household goods, commodities in bulk and other specified commodities, between points in the Chicago, Ill., commercial zone, and from Chicago to Lowden, Iowa, and points in Iowa within 40 miles; heavy machinery, contractors' equipment, materials and supplies except in bulk, and commodities which because of size or weight require the use of special equipment or special handling, between Indianapolis, Ind., on the one hand, and, on the other, points in Iowa.

Heavy machinery, contractors' equipment, materials and supplies except in bulk, used buildings, and commodities which because of size or weight require the use of special equipment or special handling; between points in Iowa, on the one hand, and, on the other, points in Kansas as specified and those in Illinois, Wisconsin, Minnesota, Nebraska, and Missouri; machinery and contractors' equipment, which because of size or weight, require the use of special equipment or special handling, between points in Iowa, Illinois, Wisconsin, Minnesota, Nebraska, Kansas, and Missouri, within 300 miles of Ames, Iowa; building materials, roofing, and roofing materials, except in bulk, from Lockport, Ill., to points in Iowa; contractors' equipment and related contractors' materials and supplies, incidental to the transportation of such equipment, commodities requiring special handling or the use of special equipment, internal combustion engines and parts thereof, and iron and steel casting, between points in Iowa, on the one hand, and, on the other, points in Arkansas, Kentucky, Ohio, Tennessee, and those in Indiana and Michigan as specified; highway and bridge construction and maintenance machinery and equipment, between points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin as specified; iron and steel castings of over 300 lbs., structural and reinforcing steel, internal combustion engines, generators, and parts of and accessories for highway and bridge construction and maintenance machinery and equipment, between points in Iowa, Illinois, and those in Missouri, Minnesota, and Wisconsin as specified; culvert pipe, from Clinton, Iowa to points in Minnesota and Wisconsin as specified, Alum, except in bulk, from East St. Louis, Ill., and points within 5 miles, to Iowa City, Iowa; lime, except in bulk, from Mosher, Mo., to Iowa City, Iowa; Salt, except in bulk, from Hutchinson and Kanopolis, Kans., and points within 5 miles of each, to Iowa City, Iowa; feed, except in bulk, from Cedar Rapids, Iowa, to Muscatine, Iowa; petroleum and petroleum products, as described, in containers, from Berwyn, Ill., to points in North Dakota and South Dakota, and empty packages and containers in the reverse direction. Vernon V. Baker, 1411 K Street NW., Washington, D.C., 20005, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10627; Filed, Oct. 16, 1964; 8:47 a.m.]



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PART II

# FEDERAL REGISTER

VOLUME 29 NUMBER 204

Washington, Saturday, October 17, 1964

Department of Health, Education, and Welfare

Food and Drug Administration

# DRUGS

# Notice of Proposed Rule Making

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

**Food and Drug Administration**

**[ 21 CFR Parts 146, 148i, 148m, 148n, 148p, 148r ]**

## NEOMYCIN SULFATE, TRIACETYLOLEANDOMYCIN, OXYTETRACYCLINE, POLYMYXIN B SULFATE, TYROTHRICIN

### Proposed Certification Procedure and Tests and Methods of Assay

The Commissioner of Food and Drugs, in accordance with procedure established in the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), proposes to issue regulations providing for certification and tests and methods of assay for certain antibiotic and antibiotic-containing drugs.

Before enactment of the "Drug Amendments of 1962" these drugs had been cleared for marketing under the safety provisions of the new drug section of the Federal Food, Drug, and Cosmetic Act. The "Drug Amendments of 1962" provided for certification of the drugs under the antibiotic section of the law (sec. 507). If further specified that if the new-drug approvals had not been withdrawn on the day immediately preceding the effective date (April 30, 1963), the initial issuance of regulations providing for certification of the drugs under the antibiotic section of the law (sec. 507) shall not be conditioned upon an affirmative finding of efficacy of the drugs. Accordingly the initial issuance of regulations cannot be and is not conditioned upon an affirmative finding of efficacy of the drugs involved.

The review of efficacy of the drugs covered by this proposal has not been completed. When completed it may indicate, for any of the products, no need for change, a need for modification of the regulation, or a need to revoke the regulation. Any changes that appear to be needed, based upon efficacy considerations, will be published at a later date as proposals.

A proposed regulation for tests and methods of assay and certification of oxytetracycline troches was published in the FEDERAL REGISTER of April 18, 1963 (28 F.R. 3839). Final action on the oxytetracycline troches proposal will be taken concurrently with that on the proposals in this notice and will be conditioned on the statutory requirements as set forth in the preamble of this notice.

All interested persons are hereby invited to submit written views and comments on these proposals, preferably in quintuplicate, within 30 days from the date of the publication of this notice in the FEDERAL REGISTER, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201.

A. It is proposed to amend § 146.1 *Definitions and interpretations applicable to all certifiable antibiotic drugs* as follows by adding to paragraphs (a), (b), and (d) the following new subparagraph, and by adding the following new subdivision to paragraph (c)(2) to read as follows:

**§ 146.1 Definitions and interpretations applicable to all certifiable antibiotic drugs.**

(a) • • •

(20) Each of the antibiotic substances produced by the triacetylation of oleandomycin, and each of the same substances produced by any other means, is a kind of triacetyloleandomycin.

• • • • • •

(b) • • •

(29) The term "triacetyloleandomycin master standard" means a specific lot of triacetyloleandomycin designated by the Commissioner as the standard of comparison in determining the potency of the triacetyloleandomycin working standard.

• • • • • •

(c) • • •

(2) • • •

(xxiii) The term "microgram" applied to triacetyloleandomycin means the activity (potency), calculated as the molecular equivalent of the oleandomycin base, contained in 1.2315 micrograms of the triacetyloleandomycin master standard when dried for 3 hours at 60° C. and a pressure of 5 milliliters or less.

• • • • • •

(d) • • •

(24) The term "triacetyloleandomycin working standard" means a specific lot of a homogenous preparation of triacetyloleandomycin.

• • • • • •

B. It is proposed to amend Parts 148i, 148m, 148n, 148p, and 148r by adding the following new sections:

**§ 148i.13 Neomycin sulfate-hydrocortisone acetate suspension for intra-articular use.**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-hydrocortisone acetate suspension for intra-articular use contains, in each milliliter, 3.5 milligrams of neomycin and 50 milligrams of hydrocortisone acetate. It contains one or more suitable preservatives, dispersants, and buffers. It is sterile. It passes the toxicity test. Its pH is not less than 5.3 and not more than 7.0. The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1)(i), (iii), (vi), and (vii). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, pyrogens, pH, and identity.

(*b*) The batch for potency, sterility, toxicity, and pH.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of eight immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(*4*) *Fees.* $4.00 for each immediate container or package in the samples submitted in accordance with subparagraph (3)(ii) (*a*), (*b*)(*1*), and (*c*) of this paragraph; $12.00 for all immediate containers in the sample submitted in accordance with subparagraph (3)(ii) (*b*)(2) of this paragraph; $24.00 for all containers in the samples submitted for any repeat sterility test, if necessary, in accordance with § 141.2(f) of this chapter.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148i.1(b)(1), except prepare a stock solution of convenient concentration by placing an accurately measured representative portion of the sample into an appropriate-sized volumetric flask and diluting to volume with 0.1*M* potassium phosphate buffer, pH 8.0. Further dilute an aliquot of the stock solution to the proper prescribed reference concentration with 0.1*M* potassium phosphate buffer, pH 8.0. Its content of neomycin is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of neomycin that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except transfer 0.25 milliliter in lieu of 1.0 milliliter.

(3) *Toxicity.* Proceed as directed in § 141a.4 of this chapter, using 0.5 milliliter of a solution containing 200 micrograms (estimated) of neomycin per milliliter in sterile distilled water.

(4) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using the undiluted sample.

**§ 148i.17 Neomycin sulfate-polymyxin B sulfate oral solution.**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-polymyxin B sulfate oral solution contains, in each milliliter, 9.1 milligrams of neomycin and 1,000 units of polymyxin B. It contains one or more suitable flavorings, colorings, and preservatives. Its pH is not less than 6.0 and not more than 7.5. The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1)(i), (iv), (vi), and (vii). The polymyxin B sulfate used conforms to the standards prescribed by § 148p.1(a)(1)(i), (iv), (vi), (vii), and (ix) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, toxicity, pH, and identity.

(*b*) The polymyxin B sulfate used in making the batch for potency, toxicity, pH, residue on ignition, and identity.

(*c*) The batch for neomycin content, polymyxin content, and pH.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*c*) The batch: A minimum of six immediate containers.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(*4*) *Fees.* $5.00 for each immediate container in the sample submitted in accordance with subparagraph (3)(ii) (*c*) of this paragraph; $4.00 for each package in the samples submitted in accordance with subparagraph (3)(ii) (*a*), (*b*), and (*d*) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 148i.1(b)(1), except prepare the sample for assay as follows: Remove an accurately measured representative portion and dilute with sufficient 0.1*M* potassium phosphate buffer, pH 8.0, to give a stock solution of convenient concentration. Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0, to the proper prescribed reference concentration. Its content of neomycin is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin that it is represented to contain.

(ii) *Polymyxin content.* Remove an accurately measured representative portion and dilute with 10 percent potassium phosphate buffer, pH 6.0, to give a stock solution of convenient concentration. Further dilute in 10 percent potassium phosphate buffer, pH 6.0, to 10 units of polymyxin (estimated) per milliliter. Proceed as directed in § 148p.1(b)(1) of this chapter, except add to each concentration of the polymyxin standard curve a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin per milliliter. Its content of polymyxin is satisfactory if it contains not less than 90 percent and not more than 125 percent of the number of units of polymyxin that it is represented to contain.

(2) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using the undiluted sample.

**§ 148i.28 Neomycin sulfate-gramicidin-hydrocortisone acetate-phenylephrine hydrochloride-thonzonium bromide-thonzylamine hydrochloride nasal solution.**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-hydrochloride-thonzonium bromide-thonzylamine hydrochloride nasal solution is a solution containing, in each milliliter, 0.66 milligram of neomycin, 0.05 milligram of gramicidin, 0.2 milligram of hydrocortisone acetate, 2.5 milligrams of phenylephrine hydrochloride, 0.5 milligram of thonzonium bromide, 10.0 milligrams of thonzylamine hydrochloride, and one or more suitable buffers, preservatives, and surfactants. Its pH is not less than 4.8 and not more than 6.0. The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1)(i), (iv), (vi), and (vii). The gramicidin used conforms to the standards prescribed by § 148f.1(a)(1)(i), (ii), (iv), (v), and (vi) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Request for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assay on:

(*a*) The neomycin sulfate used in making the batch for potency, toxicity, pH, and identity.

(*b*) The gramicidin used in making the batch for potency, toxicity, residue on ignition, melting point, and identity.

(*c*) The batch for neomycin content, gramicidin content, and pH.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The gramicidin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*c*) The batch: A minimum of six immediate containers.

(*d*) In the case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(*4*) *Fees.* $5.00 for each immediate container in the sample submitted in accordance with subparagraph (3)(ii)(*c*) of this paragraph; $4.00 for each package in the samples submitted in accordance with subparagraph (3)(ii) (*a*), (*b*), and (*d*) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 148i.1(b)(1)(i). Its content of neomycin is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin that it is represented to contain.

(ii) *Gramicidin.* Proceed as directed in § 148i.20(b)(1)(iii). Its content of gramicidin is satisfactory if it contains not less than 90 percent and not more than 125 percent of the number of milligrams of gramicidin that it is represented to contain.

(2) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using the undiluted sample.

**§ 148i.31 Neomycin sulfate (commercial grade).**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate (commercial grade) is the sulfate salt of a kind of neomycin or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency is not less than 400 micrograms of neomycin per milligram on the anhydrous basis.

(ii) It passes the toxicity test.

(iii) Its moisture content is not more than 8.0 percent.

(iv) Its pH in an aqueous solution containing 33 milligrams of neomycin sulfate commercial grade per milliliter is not less than 4.0 and not more than 7.5.

(v) It gives a positive identity test for neomycin sulfate.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, toxicity, moisture, pH, and identity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(4) *Fees.* $4.00 for each container submitted in accordance with subparagraph (3)(ii) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148i.1(b)(1).

(2) *Toxicity.* Proceed as directed in § 148i.1(b)(4).

(3) *Moisture.* Proceed as directed in § 148i.1(b)(5).

(4) *pH.* Proceed as directed in § 148i.1(b)(6).

(5) *Identity.* Proceed as directed in § 148i.1(b)(7).

**§ 148i.30 Neomycin sulfate (commercial grade)-aluminum chlorohydroxide cream deodorant.**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate (commercial grade)-aluminum chlorohydroxide cream deodorant is neomycin sulfate (commercial grade) and aluminum chlorohydroxide in a suitable cream base. It contains, in each gram, the following:

(i) 1 milligram of neomycin and 120 milligrams of aluminum chlorohydroxide (anhydrous); or

(ii) 1.75 milligrams of neomycin and either 100 milligrams or 176 milligrams of aluminum chlorohydroxide (anhydrous).





(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, toxicity, pH, and identity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(4) *Fees.* $4.00 for each container submitted in accordance with subparagraph (3)(ii) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148i.1(b)(1).

(2) *Toxicity.* Proceed as directed in § 148i.1(b)(4).

(3) *Moisture.* Proceed as directed in § 148i.1(b)(5).

(4) *pH.* Proceed as directed in § 148i.1(b)(6).

(5) *Identity.* Proceed as directed in § 148i.1(b)(7).

**§ 148i.32 Neomycin sulfate-polymyxin B sulfate-bacitracin zinc ointment.**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-polymyxin B sulfate-bacitracin zinc ointment contains, in each gram, 3.5 milligrams of neomycin and 5,000 units of polymyxin B. It contains one or more suitable preservatives, dispersants, and buffers. It is sterile. It passes the toxicity test. Its pH is not less than 5.3 and not more than 7.0. The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1)(i), (iii), (vi), and (vii). The polymyxin B sulfate used conforms to the standards prescribed by § 148p.1(a)(1)(i), (iv), (vi), (vii), and (ix) of this chapter. The bacitracin zinc used conforms to the standards prescribed by § 148r.1(a)(1)(i), (iv), (vi), and (vii) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, pyrogens, pH, and identity.

(*b*) The batch for potency, sterility, toxicity, and pH.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of eight immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(*4*) *Fees.* $4.00 for each immediate container or package in the samples submitted in accordance with subparagraph (3)(ii) (*a*), (*b*)(*1*), and (*c*) of this paragraph; $12.00 for all immediate containers in the sample submitted in accordance with subparagraph (3)(ii) (*b*)(2) of this paragraph; $24.00 for all containers in the samples submitted for any repeat sterility test, if necessary, in accordance with § 141.2(f) of this chapter.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148i.1(b)(1), except prepare a stock solution of convenient concentration by placing an accurately measured representative portion of the sample into an appropriate-sized volumetric flask and diluting to volume with 0.1*M* potassium phosphate buffer, pH 8.0. Further dilute an aliquot of the stock solution to the proper prescribed reference concentration with 0.1*M* potassium phosphate buffer, pH 8.0. Its content of neomycin is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of neomycin that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except transfer 0.25 milliliter in lieu of 1.0 milliliter.

(3) *Toxicity.* Proceed as directed in § 141a.4 of this chapter, using 0.5 milliliter of a solution containing 200 micrograms (estimated) of neomycin per milliliter in sterile distilled water.

(4) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using the undiluted sample.

**§ 148i.33 Neomycin sulfate-polymyxin B sulfate-hydrocortisone ointment.**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-polymyxin B sulfate-hydrocortisone ointment contains, in each gram, 3.5 milligrams of neomycin and 5,000 units of polymyxin B. It contains one or more suitable preservatives, dispersants, and buffers. It is sterile. It passes the toxicity test. Its pH is not less than 5.3 and not more than 7.0. The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1)(i), (iii), (vi), and (vii). The polymyxin B sulfate used conforms to the standards prescribed by § 148p.1(a)(1)(i), (iv), (vi), (vii), and (ix) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, pyrogens, pH, and identity.

(*b*) The batch for potency, sterility, toxicity, and pH.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of eight immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(*4*) *Fees.* $4.00 for each immediate container or package in the samples submitted in accordance with subparagraph (3)(ii) (*a*), (*b*)(*1*), and (*c*) of this paragraph; $12.00 for all immediate containers in the sample submitted in accordance with subparagraph (3)(ii) (*b*)(2) of this paragraph; $24.00 for all containers in the samples submitted for any repeat sterility test, if necessary, in accordance with § 141.2(f) of this chapter.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148i.1(b)(1), except prepare a stock solution of convenient concentration by placing an accurately measured representative portion of the sample into an appropriate-sized volumetric flask and diluting to volume with 0.1*M* potassium phosphate buffer, pH 8.0. Further dilute an aliquot of the stock solution to the proper prescribed reference concentration with 0.1*M* potassium phosphate buffer, pH 8.0. Its content of neomycin is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of neomycin that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except transfer 0.25 milliliter in lieu of 1.0 milliliter.

(3) *Toxicity.* Proceed as directed in § 141a.4 of this chapter, using 0.5 milliliter of a solution containing 200 micrograms (estimated) of neomycin per milliliter in sterile distilled water.

(4) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using the undiluted sample.

It may also contain one or more suitable emollients, perfumes, colorings, dispersants, solubilizers, buffers, and preservatives. The neomycin sulfate (commercial grade) used conforms to the standards prescribed by § 148i.31(a)(1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(*a*) The batch mark.

(*b*) The name and quantity of each active ingredient contained in the drug.

(*c*) An expiration date that is 12 months after the month during which the batch was certified.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions for lay use.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate (commercial grade) used in making the batch for potency, toxicity, moisture, pH, and identity.

(*b*) The batch for potency.

(ii) Samples required:

(*a*) The neomycin sulfate (commercial grade) used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $4.00 for each immediate container or package in the samples submitted in accordance with subparagraph (3)(ii) of this paragraph.

(b) *Tests and methods of assay; potency.* Proceed as directed in § 148i.1(b)(1), except prepare the sample for assay as follows: Weigh accurately about 3 grams into a 15-milliliter centrifuge tube, cap the tube with aluminum foil, and heat over a steam bath until the cream is liquefied. Add an accurately measured volume of from 7 to 9 milliliters of a 10 percent solution of ammonia. Stir thoroughly to allow the heavy precipitate of aluminum hydroxide to form. Blend the contents for at least 3 minutes in a suitable homogenizer. Transfer the homogenized mixture into the centrifuge tube and centrifuge for 20 minutes at 3000 revolutions per minute. Remove 1.0 milliliter of the clear supernatant and evaporate to dryness under a stream of air. Dissolve and dilute the residue with 0.1*M* potassium phosphate buffer, pH 8.0, to the proper prescribed reference concentration of neomycin. The potency is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that the product is represented to contain.

**§ 148i.30a Neomycin sulfate (commercial grade)-aluminum chlorohydroxide deodorant lotion; neomycin sulfate (commercial grade)-aluminum chlorohydroxide-aluminum chloride deodorant lotion.**

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate (commercial grade)-aluminum chlorohydroxide deodorant lotion contains neomycin sulfate (commercial grade) and aluminum chlorohydroxide in a suitable lotion vehicle. It contains, in each milliliter, the following:

(i) 1.75 milligrams of neomycin and 100 milligrams of aluminum chlorohydroxide (anhydrous); or

(ii) 3.5 milligrams of neomycin and either 142 milligrams or 152 milligrams of aluminum chlorohydroxide (anhydrous); or

(iii) 1 milligram of neomycin and 160 milligrams of aluminum chlorohydroxide (anhydrous).

Neomycin sulfate (commercial grade)-aluminum chlorohydroxide-aluminum chloride deodorant lotion contains, in each milliliter, 1.75 milligrams of neomycin, 176 milligrams of aluminum chlorohydroxide (anhydrous), and 10 milligrams of aluminum chloride. The preparations may also contain one or more suitable emollients, perfumes, colorings, dispersants, solubilizers, buffers, and preservatives in an aqueous vehicle. Their pH is not less than 3.5 and not more than 6.5. The neomycin sulfate (commercial grade) used conforms to the standards of § 148i.31(a)(1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(*a*) The batch mark.

(*b*) The name and quantity of each active ingredient contained in the drug.

(*c*) An expiration date that is 12 months after the month during which the batch was certified.

(ii) On the label of the immediate container or other labeling attached on or within the package, adequate directions for lay use.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate (commercial grade) used in making the batch for potency, toxicity, moisture, pH, and identity.

(*b*) The batch for potency and pH.

(ii) Samples required:

(*a*) The neomycin sulfate (commercial grade) used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $4.00 for each immediate container or package in the samples submitted in accordance with subparagraph (3)(ii) of this paragraph.

(b) *Tests and methods of assay—*(1) *Potency:* Proceed as directed in § 148i.1(b)(1), except prepare the sample for assay as follows: Remove a 3.0-milliliter portion with a suitable syringe and transfer to a 15-milliliter centrifuge tube. Add an accurately measured volume of from 7 to 9 milliliters of a 10 percent solution of ammonia. Stir thoroughly to allow the heavy precipitate of aluminum hydroxide to form. Blend the contents for at least 3 minutes in a suitable homogenizer. Transfer the homogenized mixture into the centrifuge tube and centrifuge for 20 minutes at 3000 revolutions per minute. Remove 1.0 milliliter of the clear supernatant and evaporate to dryness under a stream of air. Dissolve and dilute the residue with 0.1*M* potassium phosphate buffer, pH 8.0, to the proper prescribed reference concentration of neomycin. The potency is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that the product is represented to contain.

(2) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using the undiluted sample.

**§ 148i.30b Neomycin sulfate-aluminum chlorohydroxide deodorant lotion.**

Neomycin sulfate-aluminum chlorohydroxide deodorant lotion conforms to all requirements and is subject to all procedures prescribed by § 148i.30a for neomycin sulfate (commercial grade)-aluminum chlorohydroxide deodorant lotion, except that:

(a) Each milliliter contains 3.5 milligrams of neomycin and 160 milligrams of aluminum chlorohydroxide (anhydrous).

(b) The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1)(i), (v), (vi), and (vii).

**§ 148i.36 Neomycin sulfate-polymyxin B sulfate-tyrothricin-benzocaine troches.**

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-polymyxin B sulfate-tyrothricin-benzocaine troches are troches composed of neomycin sulfate, polymyxin B sulfate, tyrothricin, and benzocaine with one or more suitable lubricants, binders, fillers, colorings, and flavorings. Each troche contains 3.5 milligrams of neomycin, 1,000 units of polymyxin B, 1.0 milligram of tyrothricin, and 10 milligrams of benzocaine. The moisture content is not more than 2.0 percent. The neomycin sulfate used conforms to the standards of § 148i.1(a)(1)(i), (iv), (v), (vi), and (vii). The polymyxin B sulfate used conforms to the standards prescribed by § 148p.1(a)(1)(i), (iv), (v), (vi), (vii), and (ix) of this chapter. The tyrothricin used conforms to the standards prescribed by § 148r.1(a)(1) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(*a*) The batch mark.

(*b*) The name and quantity of each active ingredient contained in the drug.

(*c*) An expiration date that is 12 months after the month during which the batch was certified.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions for lay use of the drug.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, toxicity, moisture, pH, and identity.

(*b*) The polymyxin B sulfate used in making the batch for potency, toxicity, moisture, pH, residue on ignition, and identity.

(*c*) The tyrothricin used in making the batch for potency, moisture, and identity.

(*d*) The batch for neomycin content, polymyxin content, tyrothricin content, and moisture.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*c*) The tyrothricin used in making the batch: 5 packages, each containing approximately 300 milligrams.

(*d*) The batch: A minimum of 30 troches.

(*e*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $1.25 for each troche in the sample submitted in accordance with subparagraph (3)(ii)(*d*) of this paragraph; $4.00 for each package in the samples submitted in accordance with subparagraph (3)(ii)(*a*), (*b*), (*c*), and (*e*) of this paragraph.

(b) *Tests and method of assay—*(1) *Potency—*(i) *Neomycin content.* Proceed as directed in § 148i.1(b)(1), except prepare the sample for assay as follows: Place a representative of troches in a high-speed glass blender and add sufficient 0.1*M* potassium phosphate buffer, pH 8.0, to give a stock solution of convenient concentration. Blend until the troches are completely disintegrated. Make proper estimated dilutions with 0.1*M* potassium phosphate buffer, pH 8.0, to the prescribed reference concentration. The content of neomycin is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin that it is represented to contain.



(ii) *Polymyxin content.* Proceed as directed in § 148p.1(b)(1) of this chapter, except:

(*a*) Prepare the sample for assay as follows: Dissolve a representative number of troches in sufficient 10 percent potassium phosphate buffer, pH 6.0, to give a stock solution of convenient concentration. Make proper estimated dilutions with 10 percent potassium phosphate buffer, pH 6.0, to the reference concentration of 10 units of polymyxin per milliliter.

(*b*) Add to each concentration of the polymyxin standard curve a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin per milliliter. Also add to each concentration of the polymyxin standard curve a quantity of sucrose to yield the same concentration of sucrose as that present when the sample is diluted to contain 10 units of polymyxin per milliliter.

The content of polymyxin is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of units of polymyxin that it is represented to contain.

(iii) *Tyrothricin content.* Proceed as directed in § 148r.1(b)(1) of this chapter, except prepare the sample for assay as follows: Dissolve a representative number of troches in sufficient 95 percent alcohol to give a concentration of convenient concentration. Make proper estimated dilutions with 95 percent alcohol to the prescribed reference concentration. The content of tyrothricin is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of tyrothricin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

**§ 148i.37 Neomycin sulfate-gramicidin-propyl *p*-aminobenzoate chewing troches.**

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-gramicidin-propyl *p*-aminobenzoate chewing troches are troches composed of neomycin sulfate, gramicidin, and propyl *p*-aminobenzoate with one or more suitable binders, solvents, fillers, masticatory substances, flavorings, colorings, and preservatives. Each troche contains 3.5 milligrams of neomycin, 0.25 milligram of gramicidin, and 2.0 milligrams of propyl *p*-aminobenzoate. The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1)(i), (iv), (v), (vi), and (vii). The gramicidin used conforms to the standards prescribed by § 148f.1(a)(1) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(*a*) The batch mark.

(*b*) The name and quantity of each active ingredient contained in the drug.

(*c*) An expiration date that is 12 months after the month during which the batch was certified.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions for lay use of the drug.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, toxicity, moisture, pH, and identity.

(*b*) The gramicidin used in making the batch for potency, toxicity, moisture, residue on ignition, melting point, identity, and crystallinity.

(*c*) The batch for neomycin content and gramicidin content.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The gramicidin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*c*) The batch: A minimum of 30 troches.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $1.00 for each troche in the sample submitted in accordance with subparagraph (3)(ii)(*c*) of this paragraph; $4.00 for each package in the samples submitted in accordance with subparagraph (3)(ii)(*a*), (*b*), and (*d*) of this paragraph.

(b) *Tests and methods of assay; potency—*(1) *Neomycin content.* Proceed as directed in § 148i.1(b)(1) except prepare the sample for assay as follows: Place a representative number of troches in a high-speed glass blender and add sufficient 0.1*M* potassium phosphate buffer, pH 8.0, to give a stock solution of convenient concentration. Blend until the troches are completely disintegrated. Make proper estimated dilutions with 9.1*M* potassium phosphate buffer, pH 8.0, to the prescribed reference concentration. Its content of neomycin is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin that it is represented to contain.

(2) *Gramicidin content.* Proceed as directed in § 148f.1(b)(1) of this chapter, except prepare the sample for assay as follows: Place a representative number of troches in an Erlenmeyer flask and add 50 milliliters of 80 percent ethyl alcohol. Shake until the entire outer coating of the troches has been removed. Filter the solution through a cotton plug. Wash the contents of the flask with several portions of 80 percent ethyl alcohol and pass the washings through the cotton plug filter. Quantitatively transfer the combined filtrate to a 100-milliliter volumetric flask and adjust to volume with 80 percent ethyl alcohol. Make proper estimated dilutions with 95 percent ethyl alcohol to the reference concentration.

Its content of gramicidin is satisfactory if it is not less than 90 percent and not more than 126 percent of the number of milligrams of gramicidin that it is represented to contain.

§ 148i.38 Neomycin sulfate-gramicidin-benzocaine troches; neomycin sulfate-gramicidin-propyl p-aminobenzoate troches.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-gramicidin-benzocaine troches or neomycin sulfate-gramicidin-propyl p-aminobenzoate troches are troches composed of neomycin sulfate, gramicidin, and benzocaine or propyl p-aminobenzoate, with or without one or more suitable fillers, lubricants, colorings, and flavorings. Each troche contains either:

(i) 2.5 milligrams of neomycin, 0.25 milligram of gramicidin, and 10 milligrams of benzocaine; or

(ii) 3.5 milligrams of neomycin, 0.25 milligram of gramicidin, and 2 milligrams of propyl p-aminobenzoate.

The moisture content is not more than 3.0 percent. The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1)(i), (iv), (v), (vi), and (vii). The gramicidin used conforms to the standards prescribed by § 148f.1(a)(1) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(*a*) The batch mark.

(*b*) The name and quantity of each active ingredient contained in the drug.

(*c*) An expiration date that is 12 months after the month during which the batch was certified.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions for lay use of the drug.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, toxicity, moisture, pH, and identity.

(*b*) The gramicidin used in making the batch for potency, toxicity, moisture, residue on ignition, melting point, identity, and crystallinity.

(*c*) The batch for neomycin content, gramicidin content, and moisture.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The gramicidin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*c*) The batch: A minimum of 30 troches.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $1.00 for each troche in the sample submitted in accordance with subparagraph (3)(ii)(*c*) of this paragraph; $4.00 for each package in the samples submitted in accordance with subparagraph (3)(ii)(*a*), (*b*), and (*d*) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 148i.1(b)(1), except prepare the sample for assay as follows: Place a representative number of troches in a high-speed glass blender, add a quantity of 0.1*M* potassium phosphate buffer, pH 8.0, to make a stock solution of convenient concentration and blend until troches are completely disintegrated. Make estimated dilutions to the reference concentration with 0.1*M* potassium phosphate buffer, pH 8.0. The content of neomycin is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin that it is represented to contain.

(ii) *Gramicidin content.* Proceed as directed in § 148f.1(b)(1) of this chapter, except prepare the sample for assay as follows: Place a representative number of troches in an Erlenmeyer flask and add a quantity of 95 percent ethyl alcohol that will give a stock solution of convenient concentration. Stopper the flask and shake on a mechanical shaker until the troches are completely disintegrated. Make proper estimated dilutions to the reference concentration with 95 percent ethyl alcohol. The content of gramicidin is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of gramicidin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

§ 148i.40 Neomycin sulfate-polymyxin B sulfate-methoxamine hydrochloride nasal solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-polymyxin B sulfate-methoxamine hydrochloride nasal solution is a solution containing, in each milliliter, 3.5 milligrams of neomycin, 5,000 units of polymyxin B, 5 milligrams of methoxamine hydrochloride, and one or more suitable buffers and preservatives. Its pH is not less than 4.2 and not more than 7.0. The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1)(i), (iv), (vi), and (vii). The polymyxin B sulfate used conforms to the standards prescribed by § 148p.1(a)(1)(i), (iv), (vi), (vii), and (ix) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, toxicity, pH, and identity.

(*b*) The polymyxin B sulfate used in making the batch for potency, toxicity, pH, residue on ignition, and identity.

(*c*) The batch for neomycin content, polymyxin content, and pH.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*c*) The batch: A minimum of six immediate containers.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $5.00 for each immediate container in the sample submitted in accordance with subparagraph (3)(ii)(*c*) of this paragraph; $4.00 for each package in the samples submitted in accordance with subparagraph (3)(ii)(*a*), (*b*), and (*d*) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 148i.1(b)(1), except prepare the sample for assay as follows: Place a representative number of troches in a high-speed glass blender, add a quantity of 0.1*M* potassium phosphate buffer, pH 8.0, to make a stock solution of convenient concentration and blend until troches are completely disintegrated. Make estimated dilutions to the reference concentration with 0.1*M* potassium phosphate buffer, pH 8.0. The content of neomycin is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin that it is represented to contain.

(ii) *Gramicidin content.* Proceed as directed in § 148f.1(b)(1) of this chapter, except prepare the sample for assay as follows: Place a representative number of troches in an Erlenmeyer flask and add a quantity of 95 percent ethyl alcohol that will give a stock solution of convenient concentration. Stopper the flask and shake on a mechanical shaker until the troches are completely disintegrated. Make proper estimated dilutions to the reference concentration with 95 percent ethyl alcohol. The content of gramicidin is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of gramicidin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

§ 148i.40 Neomycin sulfate-polymyxin B sulfate-methoxamine hydrochloride nasal solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-polymyxin B sulfate-methoxamine hydrochloride nasal solution is a solution containing, in each milliliter, 3.5 milligrams of neomycin, 5,000 units of polymyxin B, 5 milligrams of methoxamine hydrochloride, and one or more suitable buffers and preservatives. Its pH is not less than 4.2 and not more than 7.0. The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1)(i), (iv), (vi), and (vii). The polymyxin B sulfate used conforms to the standards prescribed by § 148p.1(a)(1)(i), (iv), (vi), (vii), and (ix) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assay on:

(*a*) The neomycin sulfate used in making the batch for potency, toxicity, pH, and identity.

(*b*) The polymyxin B sulfate used in making the batch for potency, toxicity, pH, residue on ignition, and identity.

(*c*) The batch for neomycin content, polymyxin content, and pH.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*c*) The batch: A minimum of six immediate containers.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $5.00 for each immediate container in the sample submitted in accordance with subparagraph (3)(ii)(*c*) of this paragraph; $4.00 for each package in the samples submitted in accordance with subparagraph (3)(ii)(*a*), (*b*), and (*d*) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 148i.1(b)(1)(i), (iv), (vi), (vii), and (ix) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assay on:

(*a*) The neomycin sulfate used in making the batch for potency, toxicity, pH, and identity.

(*b*) The polymyxin B sulfate used in making the batch for potency, toxicity, pH, residue on ignition, and identity.

(*c*) The batch for neomycin content, polymyxin content, and pH.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*c*) The batch: A minimum of 6 immediate containers.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $5.00 for each immediate container in the sample submitted in accordance with subparagraph (3)(ii)(*c*) of this paragraph; $4.00 for each package in the samples submitted in accordance with subparagraph (3)(ii)(*a*), and (*b*), and (*d*) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 148i.7(h)(1).

Its content of neomycin is satisfactory if it contains not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin that it is represented to contain.

(ii) *Polymyxin content.* Remove an accurately measured representative portion with a suitable syringe and dilute to a convenient concentration with 10 percent potassium phosphate buffer, pH 6.0. Further dilute to a concentration of 10 units of polymyxin per milliliter with 10 percent potassium phosphate buffer, pH 6.0. Proceed as directed in § 148p.1(b)(1) of this chapter, except:

(*a*) Add to each concentration of the polymyxin standard curve a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin per milliliter.

(*b*) If the dosage form contains thimerosal as a preservative, adjust the agar for the seed layer by adding 300 milligrams of thioglycolic acid per liter.

Its content of polymyxin is satisfactory if it contains not less than 90 percent and not more than 125 percent of the number of units of polymyxin that it is represented to contain.

(2) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using the undiluted sample.

§ 148i.41 Neomycin sulfate-polymyxin B sulfate-phenylephrine hydrochloride-thenyldiamine hydrochloride nasal solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-polymyxin B sulfate-phenylephrine hydrochloride-thenyldiamine hydrochloride nasal solution is a solution containing, in each milliliter, 0.6 milligram of neomycin, 3,000 units of polymyxin B, 5 milligrams of phenylephrine hydrochloride, 0.5 milligram of thenyldiamine hydrochloride, and one or more suitable buffers and preservatives. Its pH is not less than 4.2 and not more than 7.0. The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1)(i), (iv), (vi), and (vii). The polymyxin B sulfate used conforms to the standards prescribed by § 148p.1(a)(1)(i), (iv), (vi), (vii), and (ix) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, toxicity, pH, and identity.

(*b*) The polymyxin B sulfate used in making the batch for potency, toxicity, pH, residue on ignition, and identity.

(*c*) The batch for neomycin content, polymyxin content, and pH.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*c*) The batch: A minimum of 6 immediate containers.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $5.00 for each immediate container in the sample submitted in accordance with subparagraph (3)(ii)(*c*) of this paragraph; $4.00 for each package in the samples submitted in accordance with subparagraph (3)(ii)(*a*), and (*b*), and (*d*) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 148i.7(h)(1).

Its content of neomycin is satisfactory if it contains not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin that it is represented to contain.

(ii) *Polymyxin content.* Remove an accurately measured representative portion with a suitable syringe and dilute to a convenient concentration with 10 percent potassium phosphate buffer, pH 6.0. Further dilute to a concentration of 10 units of polymyxin per milliliter with 10 percent potassium phosphate buffer, pH 6.0. Proceed as directed in § 148p.1(b)(1) of this chapter, except:

(*a*) Add to each concentration of the polymyxin standard curve a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin per milliliter.

(*b*) If the dosage form contains thimerosal as a preservative, adjust the agar for the seed layer by adding 300 milligrams of thioglycolic acid per liter.

Its content of polymyxin is satisfactory if it contains not less than 90 percent and not more than 125 percent of the number of milligrams of polymyxin that it is represented to contain.

(2) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using the undiluted sample.

§ 148i.42 Neomycin sulfate-gramicidin-phenylephrine hydrochloride nasal solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-gramicidin-phenylephrine hydrochloride nasal solution is a solution containing, in each milliliter, either 0.8 milligram of neomycin; 0.05 milligram of gramicidin, and 2.5 milligrams of phenylephrine hydrochloride, or 0.66 milligram of neomycin, 0.05 milligram of gramicidin, and 5.0 milligrams of phenylephrine hydrochloride. It may also contain one or more suitable preservatives, solvents, surfactants, and buffers. Its pH is not less than 4.5 and not more than 7.0. The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1)(i), (iv), (vi), and (vii). The gramicidin used conforms to the standards of § 148f.1(a)(1)(i), (ii), (iv), (v), and (vi) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(*a*) The batch mark.

(*b*) The name and quantity of each active ingredient contained in the drug.

(*c*) An expiration date that is 12 months after the month during which the batch was certified.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions for lay use of the drug.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, toxicity, pH, and identity.

(*b*) The gramicidin used in making the batch for potency, toxicity, residue on ignition, melting point, identity, and crystallinity.

(*c*) The batch for neomycin content, gramicidin content, and pH.

(ii) Samples required:

(*a*) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The gramicidin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*c*) The batch: A minimum of six immediate containers.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $5.00 for each immediate container in the sample submitted in accordance with subparagraph (3)(ii)(*c*) of this paragraph; $4.00 for each package in the samples submitted in accordance with subparagraph (3)(ii)(*a*), (*b*), and (*d*) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 148i.20(b)(1)(i). Its content of neomycin is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin that it is represented to contain.

(ii) *Gramicidin content.* Proceed as directed in § 148i.20(b)(1)(iii). Its content of gramicidin is satisfactory if it contains not less than 90 percent and not more than 125 percent of the number of milligrams of gramicidin that it is represented to contain.

(2) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using the undiluted sample.

§ 148i.43 Neomycin sulfate-gramicidin-thonzylamine hydrochloride-thonzonium bromide-phenylephrine hydrochloride nasal solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-gramicidin-thonzylamine hydrochloride-thonzonium bromide-phenylephrine hydrochloride nasal solution is a solution containing, in each milliliter, 0.66 milligram of neomycin, 0.05 milligram of gramicidin, 10.0 milligrams of thonzylamine hydrochloride, 0.05 milligram of thonzonium bromide, 2.5 milligrams of phenylephrine hydrochloride, and one or more suitable preservatives, solvents, surfactants, and buffers. Its pH is not less than 4.5 and not more than 7.0. The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1)(i), (iv), (vi), and (vii). The gramicidin used conforms to the standards of § 148f.1(a)(1)(i), (ii), (iv), (v), and (vi) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(*a*) The batch mark.

(*b*) The name and quantity of each active ingredient contained in the drug.

(*c*) An expiration date that is 12 months after the month during which the batch was certified.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions for lay use of the drug.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:





in lieu of preparing the media from the

(i) Results of tests and assays on:

(a) The neomycin sulfate used in making the batch for potency, toxicity, pH, and identity.

(b) The gramicidin used in making the batch for potency, toxicity, residue on ignition, melting point, identity, and crystallinity.

(c) The batch for neomycin content, gramicidin content, and pH.

(ii) Samples required:

(a) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The gramicidin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(c) The batch: A minimum of six immediate containers.

(d) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $5.00 for each immediate container in the sample submitted in accordance with subparagraph (3) (ii) (c) of this paragraph; $4.00 for each package in the samples submitted in accordance with subparagraph (3) (ii) (a), (b), and (d) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Neomycin content.* Proceed as directed in § 148i.20(b) (1) (i). Its content of neomycin is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin that it is represented to contain.

(ii) *Gramicidin content.* Proceed as directed in § 148i.20(b) (1) (iii). Its content of gramicidin is satisfactory if it contains not less than 90 percent and not more than 125 percent of the number of milligrams of gramicidin that it is represented to contain.

(2) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using the undiluted sample.

§ 148m.2 Triacetyloleandomycin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Triacetyloleandomycin is the triacetyl ester of oleandomycin base or a mixture of two or more such esters. It is a white crystalline powder. It is so purified that:

(i) Its potency is not less than 750 micrograms of triacetyloleandomycin per milligram.

(ii) It passes the toxicity test.

(iii) Its moisture content is not more than 1.0 percent.

(iv) Its pH in an aqueous alcohol solution containing 100 milligrams of triacetyloleandomycin per milliliter is not less than 7.0 and not more than 8.5.

(v) Its residue on ignition is not more than 0.1 percent.

(vi) It gives a positive identity test for oleandomycin.

(vii) Its $R_f$ value by paper chromatograph is approximately 0.85. If more than one spot appears on the paper chromatogram, determine its acetyl value, which is not less than 15.3 percent and not more than 16.0 percent.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, toxicity, moisture, pH, residue on ignition, identity, $R_f$ value, acetyl value (only if more than one spot is present in the determination of $R_f$ value), and crystallinity.

(ii) Samples of the batch: 10 packages, each containing approximately equal portions of not less than 500 milligrams.

(4) *Fees.* $5.00 for each container in the sample submitted in accordance with subparagraph (3) (ii) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Use any one of the following methods; however, the results obtained from the method in subdivision (iii) shall be conclusive.

(i) *Chemical method*—(a) *Reagents and equipment.* (1) Methyl orange reagent: Shake 0.5*M* boric acid solution for 12 hours (to insure saturation) with an excess of methyl orange indicator. An alternative method is to heat the mixture to about 50° C. and shake for about an hour. Then allow to cool. Filter the saturated dye solution and wash three times with chloroform. Store the dye solution over chloroform.

(2) Acid-alcohol solution: Add 2 milliliters of concentrated sulfuric acid to 98 milliliters of absolute methyl alcohol.

(3) Glycerin: Reagent grade.

(4) Centrifuge tubes: 40 milliliters, glass-stoppered.

(b) *Procedure.* Prepare a standard solution in chloroform containing 50.0 milligrams of oleandomycin base in 200 milliliters. Transfer 10.0 milliliters of the solution to a 100-milliliter volumetric flask and dilute to volume with chloroform. Transfer 2.0, 4.0, 6.0, and 8.0 milliliters of this solution to glass-stoppered centrifuge tubes (40-milliliter size) and dilute to a total volume of 20.0 milliliters each with chloroform. To the 20 milliliters of the solution present in each 40-milliliter size centrifuge tube, add 0.2 milliliter of glacial acetic acid, 0.2 milliliter of glycerin, and 0.4 milliliter of methyl orange reagent. Shake for 5 minutes and centrifuge for 3 minutes. Immediately transfer to another tube a 10.0-milliliter aliquot from the chloroform (lower) layer. Care must be exercised to see that no portion of the dye-glycerin phase is included with the chloroform aliquot. Add 1.0 milliliter of acid-alcohol solution to this chloroform aliquot, mix well, and read the absorbancy at 535 mu using a 1-centimeter cell and a suitable photometer and using chloroform, similarly treated, as a blank. Prepare a standard curve, plotting the absorbance values of the standard solution against the concentration expressed in micrograms of oleandomycin base per aliquot. Accurately weigh the sample to be tested to give 50 milligrams (estimated) of oleandomycin base, dissolve in chloroform, and make to 200 milliliters with chloroform. Transfer 10.0 milliliters to a 100-milliliter volumetric flask and make to volume with chloroform. Transfer 5.0 milliliters to a glass-stoppered centrifuge tube and proceed as above. Determine the potency of the sample from the standard curve.

(ii) *Plate bioassay.* Proceed as directed in § 148m.1(b) (1), except:

(a) Add 2.0 milliliters of polysorbate 80 to each 100 milliliters of the agar used for the base and seed layers.

(b) In lieu of the directions in § 148m.1(b) (1) (iii), dissolve a suitable weighed quantity of the triacetyloleandomycin working standard in sufficient 80 percent isopropyl alcohol-water solution to give a concentration of 1,000 micrograms of triacetyloleandomycin per milliliter. Use the solution the day that it is prepared.

(c) In lieu of the directions in § 148m.1(b) (1) (iv), dissolve the sample in sufficient 80 percent isopropyl alcohol-water solution to give a convenient stock solution. Further dilute in 0.2*M* potassium phosphate buffer, pH 10.5, to give a final concentration of 15 micrograms of triacetyloleandomycin per milliliter (estimated).

(d) In lieu of the directions in § 148m.1(b) (1) (vi), use the agar described in subdivision (a) of this subdivision for both layers. Use the plates as soon after seeding as practical. If they are not to be used immediately after seeding, refrigerate the inoculated plates until ready for use.

(e) In lieu of the directions for preparing the standard curve in § 148m.1 (b) (1) (vii), prepare the standard curve by diluting the stock triacetyloleandomycin standard solution in 0.2*M* potassium phosphate buffer, pH 10.5, to give concentrations of 9.6, 12.0, 15.0, 18.8, and 23.4 micrograms of triacetyloleandomycin per milliliter. The 15.0 micrograms per milliliter concentration is the reference concentration.

(f) In lieu of the directions in § 148m.1(b) (1) (viii), incubate the plates at 37° C. overnight. The concentration of the sample and standard being tested is 15.0 micrograms of triacetyloleandomycin per milliliter.

(iii) *Turbidimetric bioassay*—(a) *Culture media.* Use ingredients that conform to the standards prescribed by the U.S.P. or N.F., if any.

(1) Make nutrient agar for carrying the test organism as follows:

| | |
|---|---|
| Peptone | 6.0 gm. |
| Pancreatic digest of casein | 4.0 gm. |
| Yeast extract | 1.5 gm. |
| Beef extract | 1.5 gm. |
| Dextrose | 1.0 gm. |
| Agar | 15.0 gm. |
| Distilled water, q.s. | 1,000.0 ml. |

pH 6.5–6.6 after sterilization.

(2) Make nutrient broth for preparing an inoculum of the test organism as follows:

| | |
|---|---|
| Peptone | 5.0 gm. |
| Yeast extract | 1.5 gm. |
| Beef extract | 1.5 gm. |
| Sodium chloride | 3.5 gm. |
| Dextrose | 1.0 gm. |
| Dipotassium phosphate | 3.68 gm. |
| Potassium phosphate | 1.32 gm. |
| Distilled water, q.s. | 1,000.0 ml. |

pH 7.0 after sterilization.



In lieu of preparing the media from the individual ingredients specified in this subdivision, they may be made from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such media. Minor modifications of the individual ingredients specified in this subdivision are permissible, if the resulting media possess growth-promoting properties at least equal to the media described.

(b) *Preparation of the inoculated broth.* The test organism in *Klebsiella pneumoniae* (A.T.C.C. 10031), noncapsulated, which is maintained on slants of nutrient agar prepared as described in subdivision (a) (1) of this subdivision. Transfer stock culture of the test organism every week to fresh nutrient agar slants and incubate overnight at 37° C. Suspend the growth from a freshly incubated slant in sterilized U.S.P. saline T.S., and inoculate a large nutrient agar surface such as that provided by a Roux bottle containing 300 milliliters of the nutrient agar. Spread the suspension of organism evenly over the entire nutrient agar surface and incubate overnight at 37° C. Harvest the growth from the surface, using 50 milliliters of sterilized U.S.P. saline T.S. per Roux bottle. Adjust the volume of the suspension so that a 1 + 24 dilution will give 25 percent light transmission when measured with a suitable photoelectric colorimeter having a 530 mμ filter and a 13-millimeter test tube as an absorption cell. The resulting suspension may be used for 1 week when stored under refrigeration. Prepare the daily inoculated broth by adding 0.2 milliliter of the adjusted suspension to each 100 milliliters of nutrient broth prepared as described in subdivision (a) (2) of this subdivision.

(c) *Working standard.* Prepare the daily standard curve by diluting the stock triacetyloleandomycin working standard solution prepared as described in subdivision (ii) (b) of this subparagraph with 1 percent potassium phosphate buffer, pH 6.0, to the following final concentrations: 15.0, 19.5, 25.0, 32.0, and 41.2 micrograms of triacetyloleandomycin per milliliter. The 25.0 micrograms per milliliter concentration is the reference concentration. Add 1 milliliter of each final concentration to each of three tubes having an outside dimension of 16 millimeters by 125 millimeters.

(d) *Preparation of sample.* Dissolve the sample under test with an 80 percent isopropyl alcohol-water mixture to prepare a convenient stock solution. Further dilute the stock solution in 1 percent potassium phosphate buffer, pH 6.0, to the reference concentration of 25 micrograms of triacetyloleandomycin per milliliter (estimated). Add 1 milliliter of the sample reference concentration solution to each of three tubes having an outside dimension of 16 millimeters by 125 millimeters.

(e) *Procedure.* Add 9 milliliters of the inoculated broth prepared as described in subdivision (b) of this subdivision to each of the tubes containing the sample and standard solutions, and immediately incubate in a 37° C. water bath for 3–4 hours. After incubation, remove all tubes and add 0.5 milliliter of 12 percent formaldehyde to each tube. Using a suitable photoelectric colorimeter at the wavelength of 530 mμ set the instrument at zero absorption with clear, uninoculated broth prepared as described in subdivision (a) (2) of this subdivision. Determine the absorption value for each sample and standard tube.

(f) *Estimation of potency.* Plot the average absorption values for each final concentration of the standard on semi-logarithmic paper with absorption on the arithmetic scale and concentrations on the logarithmic scale. Construct the straight line of best fit through the points, either by inspection or by means of the following equations:

$$L=\frac{3a+2b+c-e}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where:

$L$ = Calculated absorption value for the lowest concentration of the standard curve;

$H$ = Calculated absorption value for the highest concentration of the standard curve;

$a, b, c, d, e$ = Average absorption value for the 15.0, 19.5, 25.0, 32.0, and 41.2 micrograms per milliliter concentrations of the standard curve, respectively.

Plot values obtained for $L$ and $H$ and connect with a straight line. Average the absorption values for the sample and determine the average concentration of the sample solutions from the standard curve. Multiply the concentration by the appropriate dilution factor to determine the triacetyloleandomycin content of the sample.

(2) *Toxicity.* Proceed as directed in § 141d.305(b) of this chapter, except administer a test dose of 0.5 milliliter of a suspension containing 200 milligrams of triacetyloleandomycin per milliliter in U.S.P. saline T.S.

(3) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

(4) *pH.* Proceed as directed in § 141a.5(b) of this chapter using a saturated solution prepared by adding 100 milligrams of triacetyloleandomycin per milliliter of water-ethyl alcohol (1:1) diluent.

(5) *Residue on ignition.* Proceed as directed in § 141e.401(g) of this chapter.

(6) *Identity.* Dissolve about 10 milligrams in 5 milliliters of hydrochloric acid and heat the solution in a boiling water bath; a greenish yellow color is produced.

(7) $R_f$ *value:*—(i) *Apparatus and reagents* (a) Chromatographic chamber (cylinder glass-stoppered museum jar 11.5 inches x 3.5 inches).

(b) Chromatographic paper (8 inches x 8 inches Whatman No. 1).

(c) 0.1*N* hydrochloric acid.

(d) Resolving solvent: Butyl acetate, benzene, nitromethane, pyridine (5:5:5:1 by volume).

(e) Spray reagent: 15 grams antimony trichloride per 100 milliliters of chloroform.

(ii) *Procedure.* Dissolve the sample in chloroform to give a solution containing 10 milligrams to 20 milligrams of oleandomycin base equivalent per milliliter. Prepare a sheet of chromatographic paper by drawing a line of origin parallel to and 1 inch from the edge of the paper. Wet the paper thoroughly with the 0.1*N* hydrochloric acid and blot it firmly between sheets of absorbent paper. Starting 2 inches in from the edge and at 1-inch intervals, apply 3 microliters to 5 microliters of the sample solutions to the starting line. Allow a few minutes for the paper to dry partially. While the paper is still damp, form a cylinder by bringing the outer edges together, allowing about 1-inch overlap, and secure with a paper clip. Stand the paper in the chromatographic chamber, which has been filled to a depth of ½ inch with the resolving solvent. After the solvent front rises to a height of 4 inches to 5 inches above the origin, remove the paper from the tank and hang it up to air dry. Spray the dried paper with the antimony trichloride reagent. Hang the paper in a 100°C. oven for 3 minutes. A purple spot becomes visible for triacetyloleandomycin at an $R_f$ value of about 0.85. The approximate $R_f$ values for diacetyloleandomycin, monoacetyloleandomycin, and oleandomycin are, respectively, 0.72, 0.27, and 0.13.

(8) *Acetyl determination*—(i) *Apparatus and reagents.* (a) One 3-necked Pyrex flask of approximately 45 milliliters capacity, pear-shaped with T-joints, agar inlet tube, glass-stoppered funnel, glass condenser, and bubble counter.

(b) 50-milliliter Pyrex Erlenmeyer flask.

(c) 10-milliliter buret, calibrated to 0.02 milliliter.

(d) Anhydrous methyl alcohol, reagent grade.

(e) 2*N* sodium hydroxide solution.

(f) Sulfuric acid solution prepared by adding 100 milliliters of concentrated $H_2SO_4$ to 200 milliliters of water.

(g) 1*N* barium chloride solution.

(h) Phenolphthalein solution (1 percent in ethyl alcohol).

(i) Water-pumped nitrogen.

(j) NaOH solution, 0.015*N*.

(ii) *Procedure.* Weigh accurately (to 0.01 milligram) approximately 30 milligrams of the sample into the three-necked acetyl flask. Add 2.0 milliliters of methyl alcohol to dissolve the sample, then add slowly with gentle swirling, 1.0 milliliter of NaOH solution. Connect the gas inlet tube with bubble counter attached, and adjust nitrogen flow to about two bubbles a second. Put glass-stoppered funnel in centerneck of acetyl flask, and put about 5 milliliters of $H_2O$ in the funnel. Add a boiling chip to the solution and attach condenser in the refluxing position with water cooling. Adjust burner flame under acetyl flask to reflux solution gently. Reflux for 30 minutes. Cool assembly slightly, then rinse down condenser (still in reflux position) with a few milliliters of $H_2O$. Reassemble condenser to the distillation position and add water through the funnel to make a total of approximately 5 milliliters of $H_2O$ added to acetyl flask.

Adjust burner flame so that about 5 milliliters of $H_2O$ and methyl alcohol is distilled over in approximately 10 minutes. Discard this distillate. Cool acetyl flask slightly. Acidify solution in flask by adding 1 milliliter of the sulfuric acid solution through the funnel. Adjust burner flame and distill over approximately 20 milliliters of distillate into an Erlenmeyer flask in about 20 minutes, adding water through the funnel as necessary. It is important to keep the liquid volume in the acetyl flask around 2 milliliters to 3 milliliters in order to obtain a quantitative recovery of the acetic acid. Collect a second fraction of distillate, about 10 milliliters in volume. As the second fraction is distilling, process the first fraction. Heat the first fraction and boil gently about 20 seconds. Add a few drops of $BaCl_2$ solution to check if any sulfate was distilled over. If the sulfate is present, discard and repeat the whole determination. If the sulfate is absent, immediately titrate the solution with the 0.015*N* NaOH solution to a faint-pink endpoint, using one drop of phenolphthalein solution as the indicator. Repeat the above procedure with the second fraction. If the second fraction requires less than 0.10 milliliter of the 0.015*N* NaOH solution and all the acetic acid has been distilled over, the determination is completed. If greater than this, collect a third fraction of approximately 10 milliliters and titrate this as before. Total volumes of NaOH used and calculate results as follows:

$$\frac{\text{Milliliters of NaOH} \times N\text{NaOH} \times 0.043 \times 100}{\text{Weight sample in grams}} = \text{Percent acetyl.}$$

(9) *Crystallinity.* Proceed as directed in § 141a.5(c) of this chapter.

**§ 148m.4 Triacetyloleandomycin capsules; triacetyloleandomycin-_____ capsules (the blank being filled in with the established names of the other active ingredients present in accordance with paragraph (a)(1) of this section).**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Triacetyloleandomycin capsules are capsules composed of triacetyloleandomycin and one or more suitable buffers, diluents, binders, lubricants, and colorings. Each capsule contains 125 milligrams or 250 milligrams of triacetyloleandomycin. The following other drugs may be combined with triacetyloleandomycin, in the indicated amounts, per capsule: 121 milligrams _____ of triacetyloleandomycin, 120 milligrams of acetophenetidin, 30 milligrams of caffeine, and 150 milligrams of buclizine hydrochloride.

The moisture content is not more than 5.0 percent. The triacetyloleandomycin used conforms to the standards prescribed by § 148m.2(a)(1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Request for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The triacetyloleandomycin used in making the batch for potency, toxicity, pH, residue on ignition, identity, $R_f$ value, acetyl value (only if more than one spot is present in the determination of $R_f$ value), and crystallinity.

(*b*) The batch for potency and moisture.

(ii) Simples required:

(*a*) Triacetyloleandomycin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $0.75 for each capsule in the sample submitted in accordance with subparagraph (3)(ii)(*b*) of this paragraph; $4.00 for each immediate container submitted in accordance with subparagraph (3)(ii)(*c*) of this paragraph; $5.00 for each immediate container submitted in accordance with subparagraph (3)(ii)(*a*) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148m.2(b)(1) (ii) or (iii), except prepare the sample as follows: Place a representative number of capsules in a glass blending jar and add 500 milliliters of 80 percent isopropyl alcohol. Blend for 3 minutes with a high-speed blender; remove an aliquot and make the proper estimated dilutions to the prescribed reference concentration in 0.2*M* potassium phosphate buffer, pH 10.5, if the plate assay method is used, or in 1 percent potassium phosphate buffer, pH 6.0, if the turbidimetric assay is used. Its triacetyloleandomycin content is satisfactory if it contains not less than 90 percent nor more than 120 percent of the number of milligrams of triacetyloleandomycin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

**§ 148m.5 Triacetyloleandomycin - sulfadiazine - sulfamerazine - sulfamethazine tablets.**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Triacetyloleandomycin-sulfadiazine-sulfamerazine-sulfamethazine tablets are tablets composed of triacetyloleandomycin, sulfadiazine, sulfamerazine, and sulfamethazine, with one or more suitable buffers, diluents, binders, lubricants, colorings, and flavorings. Each tablet contains 75 milligrams of triacetyloleandomycin, 111 milligrams of sulfadiazine, 111 milligrams of sulfamerazine, and 111 milligrams of sulfamethazine. The moisture content is not more than 5 percent. The tablets shall disintegrate within 1 hour. The triacetyloleandomycin used conforms to the standards prescribed by § 148m.2(a)(1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The triacetyloleandomycin used in making the batch for potency, toxicity, pH, residue on ignition, identity, $R_f$ value, acetyl value (only if more than one spot is present in the determination of $R_f$ value), and crystallinity.

(*b*) The batch for potency, moisture, and disintegration time.

(ii) Samples required:

(*a*) Triacetyloleandomycin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except disintegration time: A minimum of 30 tablets.

(*2*) For disintegration time: Six tablets.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $0.75 for each tablet in the sample submitted in accordance with subparagraph (3)(ii)(*b*)(*1*) of this paragraph; $3.00 for all tablets in the sample submitted in accordance with subparagraph (3)(ii)(*b*)(*2*) of this paragraph; $4.00 for each immediate container submitted in accordance with subparagraph (3)(ii)(*c*) of this paragraph; $5.00 for each immediate container submitted in accordance with subparagraph (3)(ii)(*a*) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148m.2(b)(1) (ii) or (iii), except prepare the sample as follows: Place a representative number of tablets in a glass blending jar and add 500 milliliters of 80 percent isopropyl alcohol. Blend for 3 minutes with a high-speed blender; remove an aliquot and make the proper estimated dilutions to the prescribed reference concentration in 0.2*M* potassium phosphate buffer, pH 10.5, if the plate assay is used, or in 1 percent potassium phosphate buffer, pH 6.0, if the turbidimetric assay is used. Its triacetyloleandomycin content is satisfactory if it contains not less than 90 percent nor more than 120 percent of the number of milligrams of triacetyloleandomycin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

(3) *Disintegration time.* Proceed as directed in § 141a.9(c) of this chapter.



**§ 148m.6 Triacetyloleandomycin-phenylpropanolamine hydrochloride-pheniramine maleate-pyrilamine maleate-calcium acetylsalicylate-carbamide tablets.**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Triacetyloleandomycin-phenylpropanolamine hydrochloride-pheniramine maleate-pyrilamine maleate-calcium acetylsalicylate carbamide tablets are tablets composed of triacetyloleandomycin, phenylpropanolamine hydrochloride, pheniramine maleate, pyrilamine maleate, and calcium acetylsalicylate carbamide, with one or more suitable buffers, diluents, binders, lubricants, colorings, and flavorings. Each tablet contains 125 milligrams of triacetyloleandomycin, 12.5 milligrams of phenylpropanolamine hydrochloride, 6.25 milligrams of pheniramine maleate, 6.25 milligrams of pyrilamine maleate, and 382 milligrams of calcium acetylsalicylate carbamide. The moisture content is not more than 5 percent. The tablets shall disintegrate within 1 hour. The triacetyloleandomycin used conforms to the standards prescribed by § 148m.2(a)(1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The triacetyloleandomycin used in making the batch for potency, toxicity, pH, residue on ignition, identity, $R_f$ value, acetyl value (only if more than one spot is present in the determination of $R_f$ value), and crystallinity.

(*b*) The batch for potency, moisture, and disintegration time.

(ii) Samples required:

(*a*) Triacetyloleandomycin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except disintegration time: A minimum of 30 tablets.

(*2*) For disintegration time: Six tablets.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $0.75 for each tablet in the sample submitted in accordance with subparagraph (3)(ii)(*b*)(*1*) of this paragraph; $3.00 for all tablets in the sample submitted in accordance with subparagraph (3)(ii)(*b*)(*2*) of this paragraph; $4.00 for each immediate container submitted in accordance with subparagraph (3)(ii)(*c*) of this paragraph; $5.00 for each immediate container submitted in accordance with subparagraph (3)(ii)(*a*) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148m.2(b)(1) (ii) or (iii), except prepare the sample as follows: Transfer an appropriate sample (usually from 1.0 milliliter to 5.0 milliliters) to a 100-milliliter volumetric flask and dilute to mark with 80 percent isopropyl alcohol-water solution. Further dilute an aliquot of this solution to the prescribed reference concentration in 0.2*M* potassium phosphate buffer, pH 10.5, if the plate assay is used, or in 1 percent potassium phosphate buffer, pH 6.0, if the turbidimetric assay is used. Its triacetyloleandomycin content is satisfactory if it contains not less than 90 percent nor more than 120 percent of the number of milligrams of triacetyloleandomycin that it is represented to contain.

(2) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using the undiluted sample.

**§ 148m.7 Triacetyloleandomycin oral suspension; triacetyloleandomycin-_____ oral suspension (the blank being filled in with the established names of the other active ingredients present in accordance with paragraph (a)(1) of this section).**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Triacetyloleandomycin oral suspension is triacetyloleandomycin and one or more suitable buffers, dispersants, flavorings, colorings, and preservatives, suspended in a suitable and harmless vehicle. Each milliliter contains 25 milligrams of triacetyloleandomycin. The following other drugs may be combined with triacetyloleandomycin oral suspension in the indicated amounts per milliliter:

(i) 33 milligrams of sulfadiazine, 33 milligrams of sulfamerazine, and 33 milligrams of sulfamethazine; or

(ii) 2.5 milligrams of phenylpropanolamine hydrochloride, 1.25 milligrams of pheniramine maleate, 1.25 milligrams of pyrilamine maleate, 30 milligrams of acetaminophen.

Its pH is not less than 5.0 and not more than 8.0. The triacetyloleandomycin used conforms to the standards prescribed by § 148m.2(a)(1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The triacetyloleandomycin used in making the batch for potency, toxicity, moisture, pH, residue on ignition, identity, $R_f$ value, acetyl value (only if more than one spot is present in the determination of $R_f$ value), and crystallinity.

(*b*) The batch for potency and pH.

(iii) Samples required:

(*a*) Triacetyloleandomycin used in making the batch: 10 packages each containing approximately 500 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $6.00 for each immediate container in the samples submitted in accordance with subparagraph (3)(ii)(*b*) and (*c*) of this paragraph; $5.00 for each immediate container in the sample submitted in accordance with subparagraph (3)(ii)(*a*) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Proceeds as directed in § 148m.2(b)(1) (ii) or (iii), except prepare the sample as follows: Transfer an appropriate sample (usually from 1.0 milliliter to 5.0 milliliters) to a 100-milliliter volumetric flask and dilute to mark with 80 percent isopropyl alcohol-water solution. Further dilute an aliquot of this solution to the prescribed reference concentration in 0.2*M* potassium phosphate buffer, pH 10.5, if the plate assay is used, or in 1 percent potassium phosphate buffer, pH 6.0, if the turbidimetric assay is used. Its triacetyloleandomycin content is satisfactory if it contains not less than 90 percent nor more than 120 percent of the number of milligrams of triacetyloleandomycin that it is represented to contain.

(2) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using the undiluted sample.

**§ 148m.8 Triacetyloleandomycin for oral suspension.**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Triacetyloleandomycin for oral suspension is triacetyloleandomycin with suitable buffers, dispersants, preservatives, colorings, and flavorings. When the suspension is prepared as directed in its labeling, each milliliter contains 25 milligrams of triacetyloleandomycin, except if it is for pediatric use each milliliter contains 100 milligrams of triacetyloleandomycin. Its moisture content is not more than 2 percent. The pH of the suspension, when prepared as directed in its labeling, is not less than 5.0 and not more than 7.0. The triacetyloleandomycin used conforms to the standards prescribed by § 148m.2(a)(1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The triacetyloleandomycin used in making the batch for potency, toxicity, moisture, pH, residue on ignition, identity, $R_f$ value, acetyl value (only if more than one spot is present in the determination of $R_f$ value), and crystallinity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(c) Triacetyloleandomycin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch: A minimum of five immediate containers.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package or each containing approximately 5 grams.

(4) *Fees.* $4.00 for each immediate container in the samples submitted in accordance with subparagraph (3) (ii) (b) and (c) of this paragraph; $5.00 for each immediate container in the sample submitted in accordance with subparagraph (3) (ii) (a) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148n.1 (b) (1) (ii) or (iii), except prepare the sample as follows: Reconstitute the drug as directed in the labeling. Transfer an appropriate sample (usually 1.0 milliliter) to a 100-milliliter volumetric flask and dilute to mark with 50 percent isopropyl alcohol-water solution. Further dilute an aliquot of this solution to the prescribed reference concentration in 0.2*M* potassium phosphate buffer, pH 10.5, if the plate assay is used, or in 1 percent potassium phosphate buffer, pH 6.0, if the turbidimetric assay is used. Its triacetyloleandomycin content is satisfactory if it contains not less than 90 percent nor more than 120 percent of the number of milligrams of triacetyloleandomycin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

(3) *pH.* Proceed as directed in § 141a.5(b) of this chapter, except use the suspension obtained after constituting the drug as directed in its labeling.

### § 148n.25 Oxytetracycline hydrochloride–hydrocortisone aerosol topical.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride-hydrocortisone areosol topical is oxytetracycline hyrochloride and hydrocortisone in a suitable ointment base, packaged with one or more suitable inert gasgases. Each spray pack contains 300 milligrams of oxytetracycline and 100 milligrams of hydrocortisone. The moisture content is not more than 1.0 percent. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 148n.2(a) (1) (i), (vi), (vii), (viii), and (ix). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The oxytetracycline hydrochloride used in making the batch for potency, moisture, pH, absorptivity, identity, and crystallinity.

(b) The batch for potency and moisture.

(ii) Samples required:

(a) The oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of five immediate containers.

(c) In case of an initial request for certification each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $4.00 for each immediate container or package in the samples submitted in accordance with subparagraph (3) (ii) (a), (b), and (c) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148n.1 (b) (1) (i) or (ii), except prepare the sample for assay as follows: Remove the cap and plastic spray tip from the aerosol can. Attach a 10-inch length of suitable plastic tubing over the nozzle of the aerosol can. Shake the can gently two or three times, place the free end of the tubing into a 400-milliliter beaker, hold the can in an upright position and depress the nozzle. Empty the entire contents into the beaker. Carefully evaporate any residual propellant by heating the beaker over a steam bath. Rinse the tubing with a minimum amount of ethyl alcohol and add it to the contents in the beaker. Transfer the contents of the beaker with three 10-milliliter portions of ethyl alcohol to a 1-liter volumetric flask. Bring to volume with 0.1*N* hydrochloric acid and mix well. Filter 40 to 50 milliliters of this stock solution through a double thickness of filter paper, discarding the first 20 milliliters of filtrate. Remove an appropriate aliquot of the remaining filtrate and, using 0.1*M* potassium phosphate buffer, pH 4.5, make proper estimated dilutions to the prescribed reference concentration. Its content of oxytetracycline is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141b.117(c) of this chapter.

### § 148n.26 Oxytetracycline hydrochloride-polymyxin B sulfate-hydrocortisone aerosol topical.

(a) *Requirements for certification*—(1) *Standards of identity, strength; quality, and purity.* Oxytetracycline hydrochloride-polymyxin B sulfate-hydrocortisone aerosol topical is oxytetarcycline hydrochloride, polymyxin B sulfate, and hydrocortisone in a suitable ointment base, packaged with one or more suitable inert gases. Each spray pack contains 300 milligrams of oxytetracyline, 100,000 units of polymyxin B, and 100 milligrams of hydrocortisone. The moisture content is not more than 1.0 percent. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 148n.2 (a) (1) (i), (vi), (vii), (viii), and (ix). The polymyxin B sulfate used conforms to the standards prescribed by § 148p.1 (a) (1) (i), (v), (vi), (vii), and (ix) of this chapter. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The oxytetracycline hydrochloride used in making the batch for potency, moisture, pH, absorptivity, crystallinity, and identity.

(b) The polymyxin B sulfate used in making the batch for potency, moisture, pH, residue on ignition, and identity.

(c) The batch for oxytetracycline content, polymyxin content, and moisture.

(ii) Samples required:

(a) The oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(c) The batch: A minimum of six immediate containers.

(d) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $5.00 for each immediate container in the sample submitted in accordance with subparagraph (3) (ii) (c) of this paragraph; $4.00 for each package in the samples submitted in accordance with subparagraph (3) (ii) (a), (b), and (d) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Oxytetracycline content.* Proceed as directed in § 148n.25 (b) (1) of this chapter. The content of oxytetracycline is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(ii) *Polymyxin content.* Remove the cap and plastic spray tip from the aerosol can. Attach a 10-inch length of suitable plastic tubing over the nozzle and shake the can gently. Place the free end of the tubing into a beaker of suitable size, hold the can upright, and depress the nozzle until the contents are completely emptied into the beaker. Carefully evaporate any residual propellant by heating the beaker over a steam bath. Proceed as directed in § 148n.20 (b) (1) (ii) (a) or (b), except in lieu of weighing 1 gram of the sample, use the entire contents obtained. The content of polymyxin is satisfactory if it contains not less than 90 percent and not more than 135 percent of the number of units of polymyxin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141b.117(c) of this chapter.

### § 148n.27 Oxytetracycline hydrochloride-polymyxin B sulfate topical powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride-polymyxin B sulfate topical powder is oxytetracycline hydrochloride and polymyxin B sulfate with a suitable filler. Each gram contains 30 milligrams of oxytetracycline and 10,000 units of polymyxin B. The moisture content is not more than 2.0 percent. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 148n.2 (a) (1) (i), (vi), (vii), (viii), and (ix). The polymyxin B sulfate used conforms to the standards prescribed by § 148p.1 (a) (1) (i), (v), (vi), (vii), and (ix) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(a) The batch mark.

(b) The name and quantity of each active ingredient contained in the drug.

(c) An expiration date that is 12 months after the month during which the batch was certified.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions for lay use of the drug.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The oxytetracycline hydrochloride used in making the batch for potency, moisture, pH, absorptivity, crystallinity, and identity.

(b) The polymyxin B sulfate used in making the batch for potency, moisture, pH, residue on ignition, and identity.

(c) The batch for oxytetracycline content, polymyxin content, and moisture.

(ii) Samples required:

(a) The oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(c) The batch: A minimum of six immediate containers.

(d) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $5.00 for each immediate container in the sample submitted in accordance with subparagraph (3) (ii) (c) of this paragraph; $4.00 for each package in the samples submitted in accordance with subparagraph (3) (ii) (a), (b), and (d) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Oxytetracycline content.* Proceed as directed in § 148n.1 (b) (1) (i) or (ii), except prepare the sample for assay as follows: Place an accurately weighed representative portion in a 1-liter volumetric flask, dissolve, and dilute to volume with 0.1*N* hydrochloric acid. Make the proper estimated dilutions of an aliquot of the stock solution to the prescribed reference concentration in 0.1*M* potassium phosphate buffer, pH 4.5. The content of oxytetracycline is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(ii) *Polymyxin content.* Proceed as directed in § 148p.1 (b) (1) of this chapter, except prepare the sample for assay by either of the following methods:

(a) Accurately weigh approximately 1 gram of the powder and place in a 50-milliliter centrifuge tube. Add 15 milliliters of butyl alcohol and 1 drop of concentrated hydrochloric acid. Stir well. Add 20 milliliters of butyl alcohol and centrifuge for 10 minutes at 3,000 revolutions per minute. Decant the supernatant liquid and add 15 milliliters of acetone and 1 drop of concentrate hydrochloric acid to the residue. Stir well. Add 20 milliliters of acetone and centrifuge for 10 minutes at 3,000 revolutions per minute. Decant the supernatant liquid and repeat the acetone-acid extraction once more. Dissolve and dilute the residue with sufficient 10 percent potassium phosphate buffer, pH 6.0, to give a stock solution of convenient concentration. Remove an aliquot and make proper estimated dilutions to the prescribed reference concentration with 10 percent potassium phosphate buffer, pH 6.0.

(b) Place the accurately weighed sample in a filter funnel with a solvent-resistant membrane filter of 1.5$\mu$ porosity. Wash the powder with five 20-milliliter portions of acetone or until yellow color has disappeared. Remove the filter and soak in an adequate volume of 10 percent potassium phosphate buffer, pH 6.0. Quantitatively transfer to a 100-milliliter volumetric flask and adjust to volume with 10 percent potassium phosphate buffer, pH 6.0. Make proper estimated dilutions with 10 percent potassium phosphate buffer, pH 6.0, to the prescribed reference concentration.

The content of polymyxin is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of units of polymyxin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

### § 148n.28 Oxytetracycline hydrochloride-polymyxin B sulfate-benzocaine for otic solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride-polymyxin B sulfate-benzocaine for otic solution is a dry powder of oxytetracycline hydrochloride and polymyxin B sulfate, packaged in combination with a suitable diluting solution which contains benzocaine and a preservative. When prepared as directed in the labeling, each milliliter contains 5.0 milligrams of oxytetracycline, 10,000 units of polymyxin B, and 50 milligrams of benzocaine. The moisture content of the powder is not more than 3.0 percent. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 148n.2(a) (1) (i), (vi), (vii), (viii), and (ix). The polymyxin B sulfate used conforms to the standards prescribed by § 148p.1(a) (1) (i), (v), (vi), (vii), and (ix) of this chapter. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of the chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The oxytetracycline hydrochloride used in making the batch for potency, moisture, pH, absorptivity, crystallinity, and identity.

(b) The polymyxin B sulfate used in making the batch for potency, moisture, pH, residue on ignition, and identity.

(c) The batch for oxytetracycline content, polymyxin content, and moisture content of the powder.

(ii) Samples required:

(a) The oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(c) The batch: A minimum of seven immediate containers.

(d) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $5.00 for each immediate container in the sample submitted in accordance with subparagraph (3) (ii) (c) of this paragraph; $4.00 for each package in the samples submitted in accordance with subparagraph (3) (ii) (a), (b), and (d) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Oxytetracycline content.* Proceed as directed in § 148n.1(b) (1) (i) or (ii), except prepare the sample for assay as follows: Reconstitute as directed in the labeling. Dilute 5.0 milliliters of this reconstituted sample to a volume of 100 milliliters with 0.1*N* hydrochloric acid. Make proper estimated dilutions to the prescribed reference concentration with 0.1*M* potassium phosphate buffer, pH 4.5. The content of oxytetracycline is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(ii) *Polymyxin content.* Proceed as directed in § 148n.27(b) (1) (ii) (a) or (b), except use the entire contents of the powder from each vial tested. Reconstitute a separate vial as directed in the labeling, measure the total volume that can be withdrawn, and, from the polymyxin content of the powder, calculate the number of units per milliliter. The content of polymyxin is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of units of polymyxin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

**§ 148n.29 Oxytetracycline hydrochloride-polymyxin B sulfate vaginal tablets.**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride-polymyxin B sulfate vaginal tablets are tablets composed of oxytetracycline hydrochloride and polymyxin B sulfate, with one or more suitable diluents, binders, lubricants, and preservatives. Each tablet contains 100 milligrams of oxytetracycline and 100,000 units of polymyxin B. The moisture content is not more than 3.0 percent. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 148n.2(a)(1) (i), (vi), (vii), (viii), and (ix). The polymyxin B sulfate used conforms to the standards prescribed by § 148p.1(a)(1) (i), (v), (vi), (vii), and (ix) of this chapter. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., comforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The oxytetracycline hydrochloride used in making the batch for potency, moisture, pH, absorptivity, crystallinity, and identity.

(*b*) The polymyxin B sulfate used in making the batch for potency, moisture, pH, residue on ignition, and identity.

(*c*) The batch for oxytetracycline content, polymyxin content, and moisture.

(ii) Samples required:

(*a*) The oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*c*) The batch: A minimum of 30 tablets.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $1.00 for each tablet in the sample submitted in accordance with subparagraph (3)(ii)(*c*) of this paragraph; $4.00 for each package in the samples submitted in accordance with subparagraph (3)(ii) (*a*), (*b*), and (*d*) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Oxytetracycline content.* Proceed as directed in § 148n.1(b)(1) (i) or (ii), except prepare the sample as follows: Place a representative number of tablets in a glass blending jar and blend 3 to 5 minutes with an appropriate volume of 0.1*N* hydrochloric acid to give a stock solution of convenient concentration. Its content of oxytetracycline is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of oxytetracycline that it is represented to contain.

(ii) *Polymyxin content.* Proceed as directed in § 148n.27(b)(1)(ii) (*a*) or (*b*), using the finely powdered material from a representative number of tablets. Its content of polymyxin is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of units of polymyxin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

**§ 148p.7 Polymyxin B sulfate-gramicidin-hydroxyamphetamine hydrobromide-methapyrilene hydrochloride nasal solution.**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Polymyxin B sulfate-gramicidin-hydroxyamphetamine hydrobromide-methapyrilene hydrochloride nasal solution is a solution containing, in each milliliter, 500 units of polymyxin B, 0.05 milligram of gramicidin, 10.0 milligrams of hydroxyamphetamine hydrobromide, and 2.0 milligrams of methapyrilene hydrochloride. It contains one or more suitable solvents, surfactants, buffers, colorings, and preservatives. Its pH is not less than 5.0 and not more than 6.0. The polymyxin B sulfate used conforms to the standards of § 148p.1(a)(1) (i), (iv), (vi), (vii), and (ix). The gramicidin used conforms to the standards of § 148f.1(a)(1) (i), (ii), (iv), (v), and (vi) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(*a*) The batch mark.

(*b*) The name and quantity of each active ingredient contained in the drug.

(*c*) An expiration date that is 12 months after the month during which the batch was certified.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions for lay use of the drug.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The polymyxin B sulfate used in making the batch for potency, toxicity, pH, residue on ignition, and identity.

(*b*) The gramicidin used in making the batch for potency, toxicity, residue on ignition, melting point, identity, and crystallinity.

(*c*) The batch for: Polymyxin content, gramicidin content, and pH.

(ii) Samples required:

(*a*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The gramicidin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*c*) The batch: A minimum of six immediate containers.

(*d*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $5.00 for each immediate container in the sample submitted in accordance with subparagraph (3)(ii) (*c*) of this paragraph; $4.00 for each package submitted in accordance with subparagraph (3)(ii) (*a*), (*b*), and (*d*) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Polymyxin content.* Remove an accurately measured representative portion and dilute with 10 percent potassium phosphate buffer, pH 6.0, to give a stock solution of convenient concentration. Further dilute with 10 percent potassium phosphate buffer, pH 6.0, to a reference concentration of 10 units of polymyxin per milliliter. Proceed as directed in § 148p.1(b)(1), except add 300 milligrams of thioglycolic acid to each liter of agar used for the seed layer. The polymyxin content is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of units of polymyxin that it is represented to contain.

(ii) *Gramicidin content.* Proceed as directed in § 148f.1(b)(1) of this chapter, except prepare the sample for assay as follows: Remove an accurately measured representative portion and dilute with 95 percent alcohol to give a stock solution of convenient concentration. Further dilute with 95 percent alcohol to the prescribed reference concentration. The content of gramicidin is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of gramicidin that it is represented to contain.

(2) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using the undiluted sample.

**§ 148r.2 Tyrothricin solution.**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Tyrothricin solution is tyrothricin and a suitable preservative dissolved in a vehicle of alcohol and propylene glycol. Each milliliter contains 25 milligrams of tyrothricin. The pH of a solution prepared by mixing 1 milliliter of the concentrate with 49 milliliters of distilled water is not less than 5.0 and not more than 6.5. The tyrothricin used conforms to the standards prescribed by § 148r.1(a)(1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The tyrothricin used in making the batch for potency, moisture, and identity.

(*b*) The batch for potency and pH.

(ii) Samples required:



(*a*) The tyrothricin used in making the batch: Five packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 1 gram.

(4) *Fees.* $4.00 for each immediate container or package in the samples submitted in accordance with subparagraph (3)(ii) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148r.1(b)(1), except prepare the sample for assay as follows: Transfer the contents of a vial to a 1,000-milliliter volumetric flask, adjust to volume with distilled water, and mix well. Make proper estimated dilutions of an aliquot to the reference concentration with 95 percent alcohol. Its content of tyrothricin is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of tyrothricin that it is represented to contain.

(2) *pH.* Proceed as directed in § 141a.5(b) of this chapter, except use a solution prepared by mixing 1 milliliter of the concentrate with 49 milliliters of distilled water.

**§ 148r.3 Tyrothricin-antipyrine-benzocaine-hexylresorcinol otic solution.**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Tyrothricin-antipyrine-benzocaine-hexylresorcinol otic solution is tyrothricin, antipyrine, benzocaine, and hexylresorcinol dissolved in a vehicle of propylene glycol and glycerin. Each milliliter contains 0.5 milligrams of tyrothricin, 50 milligrams of antipyrine, 12.5 milligrams of benzocaine, and 1.0 milligram of hexylresorcinol. The moisture content is not more than 2.0 percent. The pH is not less than 5.5 and not more than 7.5. The tyrothricin used conforms to the standards prescribed by § 148r.1(a)(1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The tyrothricin used in making the batch for potency, moisture, and identity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The tyrothricin used in making the batch: Five packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $4.00 for each immediate container or package in the samples submitted in accordance with subparagraph (3)(ii) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148r.1(b)(1), except prepare the sample for assay as follows: Remove an accurately measured representative portion with a suitable syringe and appropriately dilute with 95 percent alcohol to yield a stock solution of convenient concentration. Make proper estimated dilutions with 95 percent alcohol to the prescribed reference concentration. Its content of tyrothricin is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of tyrothricin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141a.8(b) of this chapter.

(3) *pH.* Proceed as directed in § 141a.5(b) of this chapter using the undiluted sample.

**§ 148r.4 Tyrothricin cream.**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Tyrothricin cream is tyrothricin, with or without one or more suitable solvents, surfactants, and preservatives, in a suitable cream base. Each gram contains 0.5 milligram of tyrothricin. The tyrothricin used conforms to the standards prescribed by § 148r.1(a)(1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(*a*) The batch mark.

(*b*) The name and quantity of each active ingredient contained in the drug.

(*c*) An expiration date that is 12 months after the month during which the batch was certified.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions for lay use of the drug.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The tyrothricin used in making the batch for potency, moisture, and identity.

(*b*) The batch for potency.

(ii) Samples required:

(*a*) The tyrothricin used in making the batch: Five packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $4.00 for each immediate container or package in the samples submitted in accordance with subparagraph (3)(ii) of this paragraph.

(b) *Tests and methods of assay; potency.* Proceed as directed in § 148r.1(b)(1), except prepare the sample for assay as follows: Transfer an accurately weighed representative portion to a separatory funnel and add 25 milliliters of petroleum ether. Shake the contents until the cream is dispersed. Add 50 milliliters of 80 percent ethyl alcohol and shake well. Allow the phases to separate. Transfer the alcohol phase to a second separatory funnel. Add 25 milliliters of petroleum ether, shake for 2 or 3 minutes and allow the phases to separate. Repeat the extraction again if necessary. Collect the alcohol layer in a 100-milliliter volumetric flask, adjust to mark with 80 percent alcohol, and shake well. Make proper estimated dilutions to the reference concentration with 95 percent alcohol. Its content of tyrothricin is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of tyrothricin that it is represented to contain.

**§ 148r.5 Tyrothricin-methapyrilene hydrochloride-benzocaine cream.**

Tyrothricin-methapyrilene hydrochloride-benzocaine cream conforms to all requirements and is subject to all procedures prescribed by § 148r.4 for tyrothricin cream, except that each gram of cream contains 0.25 milligram of tyrothricin, 20 milligrams of methapyrilene hydrochloride, and 20 milligrams of benzocaine.

**§ 148r.6 Tyrothricin-phenylpropanolamine hydrochloride nasal solution.**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Tyrothricin-phenylpropanolamine hydrochloride nasal solution is tyrothricin and phenylpropanolamine hydrochloride dissolved in an aqueous vehicle, with one or more suitable solvents, buffer substances, and colorings. Each milliliter contains 0.2 milligram of tyrothricin and 15 milligrams of phenylpropanolamine hydrochloride. Its pH is not less than 5.5 and not more than 6.5. The tyrothricin used conforms to the standards prescribed by § 148r.1(a)(1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(*a*) The batch mark.

(*b*) The name and quantity of each active ingredient contained in the drug.

(*c*) An expiration date that is 12 months after the month during which the batch was certified.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions for lay use of the drug.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(e) The tyrothricin used in making the batch for potency, moisture, and identity.

(f) The batch for potency and pH.

(ii) Samples required:

(a) The tyrothricin used in making the batch: Five packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of five immediate containers.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $4.00 for each immediate container or package in the samples submitted in accordance with subparagraph (3) (ii) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148r.3 (b) (1). Its content of tyrothricin is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of tyrothricin that it is represented to contain.

(2) *pH.* Proceed as directed in § 141a.5(b) of this chapter.

**§ 148r.7 Tyrothricin-pantothenyl alcohol mouthwash.**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Tyrothricin-pantothenyl alcohol mouthwash is tyrothricin and pantothenyl alcohol with one or more suitable solvents, surfactants, colorings, and flavorings in an aqueous vehicle. Each milliliter contains 0.2 milligram of tyrothricin and 0.2 milligram of pantothenyl alcohol. Its pH is not less than 5.0 and not more than 7.0. The tyrothricin used conforms to the standards prescribed by § 148r.1(a) (1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(a) The batch mark.

(b) The name and quantity of each active ingredient contained in the drug.

(c) An expiration date that is 12 months after the month during which the batch was certified.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions for lay use of the drug.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The tyrothricin used in making the batch for potency, moisture, and identity.

(b) The batch for potency and pH.

(ii) Samples required:

(a) The tyrothricin used in making the batch: Five packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of five immediate containers.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $4.00 for each immediate container or package in the samples submitted in accordance with subparagraph (3) (ii) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148r.3-(b) (1). Its content of tyrothricin is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of tyrothricin that it is represented to contain.

(2) *pH.* Proceed as directed in § 141a.5(b) of this chapter, except use the undiluted solution.

**§ 148r.8 Tyrothricin-benzocaine troches; tyrothricin-propyl *p*-aminobenzoate troches.**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Each tyrothricin-benzocaine troche contains 1.0 milligram of tyrothricin and 5.0 milligrams of benzocaine, with or without one or more suitable fillers, binders, lubricants, colorings, and flavorings. Each tyrothricin-propyl *p*-aminobenzoate troche contains 2.0 milligrams of tyrothricin and 2.0 milligrams of propyl *p*-aminobenzoate, with or without one or more suitable and harmless fillers, binders, lubricants, colorings, and flavorings. The moisture content is not more than 1.5 percent. The tyrothricin used conforms to the standards prescribed by § 148r.1(a) (1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(a) The batch mark.

(b) The name and quantity of each active ingredient contained in the drug.

(c) An expiration date that is 12 months after the month during which the batch was certified.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions for lay use of the drug.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The tyrothricin used in making the batch for potency, moisture, and identity.

(b) The batch for potency and moisture.

(ii) Samples required:

(a) The tyrothricin used in making the batch: Five packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of 30 troches.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $0.75 for each troche submitted in accordance with subparagraph (3) (ii) (b) of this paragraph; $4.00 for each package in the samples submitted in accordance with subparagraph (3) (ii) (a) and (c) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148r.1(b) (1), except prepare the sample for assay as follows: Place a representative number of troches into a flask of suitable size. Add a quantity of 95 percent ethyl alcohol that will give a stock solution of convenient concentration. Stopper the flask and place on a mechanical shaker. Allow to shake until the troches are dissolved. Make proper estimated dilutions with 95 percent alcohol to the reference concentration. Its content of tyrothricin is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of tyrothricin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

**§ 148r.9 Tyrothricin-triethanolamine polypeptide cocoate condensate solution.**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality and purity.* Tyrothricin-triethanolamine polypeptide cocoate condensate solution contains, per milliliter, 1.0 milligram of tyrothricin and 120 milligrams of triethanolamine polypeptide cocoate, with one or more suitable solubilizing agents, perfumes, buffer substances, and preservatives, in distilled water. Its pH is not less than 5.5 and not more than 6.5. The tyrothricin used conforms to the standards prescribed by § 148r.1(a) (1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The tyrothricin used in making the batch for potency, moisture, and identity.

(b) The batch for potency and pH.

(ii) Samples required:

(a) The tyrothricin used in making the batch: Five packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of five immediate containers.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $4.00 for each immediate container or package in the samples submitted in accordance with subparagraph (3) (ii) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148r.3 (b) (1). Its content of tyrothricin is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of tyrothricin that it is represented to contain.

(2) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using the undiluted solution.



**§ 148r.10 Tyrothricin-nitrofurazone adhesive bandage.**

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Tyrothricin-nitrofurazone adhesive bandage is a gauze or flannel compress impregnated with tyrothricin and nitrofurazone, covered with a transparent porous material, and affixed to a perforated pliable plastic strip which is coated on one surface with a pressure-sensitive adhesive. The folded gauze compress has dimensions of ⅞ by 1 inch, ⅝ by 1 inch, 23/32 by 9/16 inch, or 9/32 by ½ inch. The flannel compress is round with a diameter of 10 millimeters. The bandage is enclosed in a sealed paper wrapper. Each gram of gauze or flannel compress contains not less than 0.1 milligram each of tyrothricin and nitrofurazone. It is sterile. The tyrothricin used conforms to the standards prescribed by § 148r.1(a) (1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed by such official compendium.

(2) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the label of the immediate container and on the outside wrapper or container, if any:

(a) The batch mark.

(b) The name and quantity of each active ingredient contained in the drug.

(c) An expiration date that is 12 months after the month during which the batch was certified.

(ii) On the label of the immediate container or other labeling attached to or within the package, adequate directions for lay use.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The tyrothricin used in making the batch for potency, moisture, and identity.

(b) The impregnated gauze or flannel used in making the batch for potency.

(c) The batch for potency and sterility.

(ii) Samples required:

(a) The tyrothricin used in making the batch: Five packages, each containing approximately 300 milligrams.

(b) The impregnated gauze or flannel used in making the batch: Five pieces, each approximately 1 square yard in area.

(c) The batch:

(1) For potency testing: 30 bandages each of the gauze type and of the flannel type.

(2) For sterility testing: 10 bandages of the ¾- by 3-inch size from each sterilizer load or, if such size is not included, 10 bandages of the largest size bandage from each sterilizer load.

(4) *Fees.* $4.00 for each sample submitted in accordance with subparagraph (3) (ii) (a) of this paragraph; $6.00 for each sample submitted in accordance with subparagraph (3) (ii) (b) of this paragraph; $1.00 for each bandage submitted in accordance with subparagraph (3) (ii) (c) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148r.1(b) (1), except prepare the sample for assay as follows: Dip a representative number of bandages in a mixture containing equal parts of petroleum ether and carbon tetrachloride in order to remove the compresses. Allow the compresses to air dry for 5 minutes. Accurately weigh 0.4 gram of gauze, or 0.1 gram if the compress is composed of flannel. If the sample is the impregnated gauze or flannel used in making the bandages, cut out approximately 12 square inches of the material and weigh it accurately. Place the weighed sample in a glass-stoppered flask and add sufficient 95 percent ethyl alcohol to give a stock solution of convenient concentration. Stopper the flask and place it in a 37° C. incubator for ½ hour. Further dilute the stock solution with sufficient 95 percent ethyl alcohol to obtain the prescribed reference concentration of tyrothricin. Its content of tyrothricin is satisfactory if it is not less than 0.1 milligram per gram of material.

(2) *Sterility.* Use 10 bandages of the ¾- by 3-inch size and proceed as directed in § 141.2(e) (2) of this chapter except aseptically remove the paper wrapper and lift, but do not remove, both sections of the protective, translucent plastic strips until the compress is exposed. Place one such bandage into each of five tubes of medium A and one into each of five tubes of medium E.

Dated: October 9, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-10545; Filed, Oct. 16, 1964; 8:45 a.m.]



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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 11185

### TO FACILITATE COORDINATION OF FEDERAL EDUCATION PROGRAMS

WHEREAS sound public policy requires a continuing appraisal of the relation of Federal educational activities to the educational needs and goals of the Nation and to its educational systems and institutions; and

WHEREAS the scope of, and program outlays for, Federal educational activities have been expanded greatly and have a significant influence on education in this country and on the American people; and

WHEREAS many Federal agencies are involved both directly and indirectly in carrying on educational programs either as Federal activities or in cooperation with State and local units of government; and

WHEREAS closer coordination of Federal educational activities will facilitate the resolution of common problems and otherwise promote effective planning and management of such activities; and

WHEREAS, under the direction of the Secretary of Health, Education, and Welfare (hereinafter referred to as the Secretary), the Office of Education is directed by law to collect data on the progress of education, provide information to aid in the maintenance of efficient school systems, and otherwise promote the cause of education throughout the country (14 Stat. 434; 20 U.S.C. 1):

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. *Functions of the Secretary of Health, Education, and Welfare.* The Secretary, with the assistance of the Commissioner of Education (hereinafter referred to as the Commissioner), shall identify the education needs and goals of the Nation and from time to time shall recommend to the President policies for promoting the progress of education.

SEC. 2. *Functions of the Commissioner of Education.* Under the direction of the Secretary, the Commissioner shall:

(a) study the current effects of Federal activities upon the educational programs of State, local and nonprofit educational institutions, assess future trends of such activities, and (taking into consideration the relationship between education and policies in fields such as manpower development, defense, military manpower, economic growth, and science) develop recommendations for educational activities, or for coordination of policies affecting such activities;

(b) exercise leadership in seeking timely resolution of differences of opinion concerning policies or administrative practices with respect to Federal educational activities affecting educational institutions;

(c) make appropriate arrangements for obtaining advice and information, including establishment of ad hoc working groups to consider special problems, and utilizing exisiting interagency machinery wherever appropriate; and

(d) exercise initiative in obtaining pertinent and consistent data permitting an overview of Federal educational activities.

SEC. 3. *Agency responsibilities.* The heads of Federal agencies, as to their respective education related programs, shall:

(a) insofar as practicable, take such actions as may be necessary to assure: (1) conformity of their programs with the educational goals

and policies of the Nation, as identified by the Secretary, and (2) consistent administrative policies and practices among Federal agencies in the conduct of similar programs;

(b) keep each other fully and currently informed in order to achieve coordinated planning and prevent unnecessary duplication of activities;

(c) provide information requested by the Secretary or the Commissioner on educational matters; and

(d) cooperate with the Secretary and the Commissioner in the conduct of such studies and analyses as may be necessary to carry out the responsibilities and duties assigned by this order. To this end the heads of Federal agencies shall maintain information on current and planned activities that can readily be analyzed in conjunction with information on related activities of other Federal agencies.

SEC. 4. *Establishment and functions of a Federal Interagency Committee on Education.* (a) There is hereby established a "Federal Interagency Committee on Education" (hereinafter referred to as the "Committee").

(b) The Committee shall advise the Secretary, the Commissioner, and the heads of Federal agencies in connection with the responsibilities assigned to them by this order.

(c) The Committee shall be composed of the Commissioner, who shall be the chairman, and one appropriate representative of each of the following: the Department of State, the Department of Defense, the Department of Agriculture, the Department of Labor, the National Science Foundation, the Atomic Energy Commission, and the National Aeronautics and Space Administration.

(d) The chairman may invite Federal agencies additional to those which are represented on the Committee under the provisions of subsection (c), above, to designate representatives to participate in meetings of the Committee on matters of substantial interest to such agencies which are to be considered by the Committee.

(e) The Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, and the Director of the Office of Science and Technology may each designate a member of his staff to attend meetings of the Committee as an observer.

(f) Each Federal agency which is represented on the Committee under the provisions of subsection (c), above, including the Department of Health, Education, and Welfare, shall furnish necessary assistance to the Committee in accordance with Section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691).

SEC. 5. *Construction.* Nothing in this order shall be construed as subjecting any Federal agency, or any function vested by law in, or assigned pursuant to law to, any Federal agency, to the authority of any other Federal agency, or as abrogating or restricting any such function in any manner.

SEC. 6. *Definition.* Except as may be inconsistent with the provisions of this order or otherwise inappropriate, the term "Federal agency", as used herein, includes any department or other agency or instrumentality (including officers) of the executive branch of the Government of the United States.

LYNDON B. JOHNSON

THE WHITE HOUSE,
*October 16, 1964.*

[F.R. Doc. 64-10723; Filed, Oct. 16, 1964; 3:04 p.m.]

# Rules and Regulations

## Title 10—ATOMIC ENERGY

### Chapter I—Atomic Energy Commission

### PART 30—LICENSING OF BYPRODUCT MATERIAL

### PART 40—LICENSING OF SOURCE MATERIAL

### PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

### PART 70—SPECIAL NUCLEAR MATERIAL

### Exemptions From Licensing Requirements for Certain AEC Contractors

On April 10, 1964, the Commission published in the FEDERAL REGISTER (29 F.R. 5007) for public comment proposed amendments to 10 CFR Parts 30, 40, 50, and 70 intended to redefine and clarify the scope of the exemptions for Atomic Energy Commission contractors by describing certain categories of contractors which would be exempted from the Commission's licensing requirements.

Under the amendments set forth below to §§ 30.6, 40.11, 50.11, and 70.11, the following categories of Atomic Energy Commission contractors are included in the exemptions:

(1) Atomic Energy Commission prime contractors performing work for the Commission at United States Government-owned or controlled sites;

(2) Atomic Energy Commission prime contractors performing research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof;

(3) Atomic Energy Commission prime contractors using or operating nuclear reactors or other devices in a United States Government-owned vehicle or vessel; and

(4) Any other Atomic Energy Commission prime contractor or subcontractor when the Commission determines that the exemption of such contractor or subcontractor is authorized by law and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety.

The phrase "Government controlled site" means a site leased or otherwise made available to the Government under terms which afford to the Commission rights of access and control substantially equal to those which the Commission would possess if it were the holder of the fee as agent of and on behalf of the Government.

The amendments do not affect the status of other persons who are not subject to licensing for reasons unrelated to their contractual relationship with the Commission, such as the Department of Defense, common and contract carriers, and construction subcontractors.

In addition, the amendments provide that all currently unlicensed persons who are required to be licensed under the amended regulations will continue to be exempt on an interim basis if they apply within 60 days following the effective date of the amendments for either a license or an exemption. This interim exemption would remain in effect until final action in the matter is taken by the Commission. If an application for an exemption filed within the 60-day period is denied, the Commission will allow the applicant an additional 60 days within which to apply for a license, and the interim exemption will continue in effect until the license application has been finally acted upon.

The only change from the proposed amendments is the replacement of the phrase "in the interest of the common defense and security or national welfare" with the more general phrase "authorized by law", in each of the amended sections.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following amendments of 10 CFR Parts 30, 40, 50, and 70 are published as a document subject to codification to become effective ninety (90) days after publication in the FEDERAL REGISTER.

1. Section 30.6 of 10 CFR Part 30 is revised to read as follows:

**§ 30.6 Persons using byproduct material under certain Atomic Energy Commission contracts.**

Any prime contractor of the Commission is exempt from the requirements for a license set forth in sections 81 and 82 of the Act and from the regulations in this part to the extent that such contractor, under his prime contract with the Commission, manufactures, produces, transfers, receives, acquires, owns, possesses, uses, imports, or exports byproduct material for: (a) The performance of work for the Commission at a United States Government-owned or controlled site, including the transportation of byproduct material to or from such site and the performance of contract services during temporary interruptions of such transportation; (b) research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or (c) the use or operation of nuclear reactors or other nuclear devices in a United States Government-owned vehicle or vessel. In addition to the foregoing exemptions, any prime contractor or subcontractor of the Commission is exempt from the requirements for a license set forth in sections 81 and 82 of the Act and from the regulations in this part to the extent that such prime contractor or subcontractor manufactures, produces, transfers, receives, acquires, owns, possesses, uses, imports or exports byproduct material under his prime contract or subcontract when the Commission determines that the exemption of the prime contractor or subcontractor is authorized by law; and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety. Any person exempt from licensing under this part prior to the effective date of this amendment who would otherwise be required by virtue of this section to obtain a license shall continue to be so exempt on an interim basis. Such interim exemption shall expire 60 days from the effective date of this amendment, unless within said 60-day period either an application for a license covering the activity or an application for an appropriate exemption under this section is filed with the Commission. If either such application is filed within such 60-day period, the interim exemption shall remain in effect until final action in the matter is taken by the Commission.

2. Section 40.11 of 10 CFR Part 40 is revised to read as follows:

**§ 40.11 Persons using source material under certain Atomic Energy Commission contracts.**

Any prime contractor of the Commission is exempt from the requirements for a license set forth in sections 62, 63, and 64 of the Act and from the regulations in this part to the extent that such contractor, under his prime contract with the Commission, receives, possesses, uses, transfers, delivers, or imports into or exports from the United States source material for: (a) The performance of work for the Commission at a United States Government-owned or controlled site, including the transportation of source material to or from such site and the performance of contract services during temporary interruptions of such transportation; (b) research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or (c) the use or operation of nuclear reactors or other nuclear devices in a United States Government-owned vehicle or vessel. In addition to the foregoing exemptions, any prime contractor or subcontractor of the Commission is exempt from the requirements for a license set forth in sections 62, 63, and 64 of the Act and from the regulations in this part to the extent that such prime contractor or subcontractor receives, possesses, uses, transfers, delivers, or imports into or exports from the United States source material under his prime contract or subcontract when the Commission determines that the exemption of the prime contractor or subcontractor is authorized by law; and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety. Any person exempt from licensing under this part prior to the effective date of this amendment who

would otherwise be required by virtue of this section to obtain a license shall continue to be so exempt on an interim basis. Such interim exemption shall expire 60 days from the effective date of this amendment, unless within said 60-day period either an application for a license covering the activity or an application for an appropriate exemption under this section is filed with the Commission. If either such application is filed within such 60-day period, the interim exemption shall remain in effect until final action in the matter is taken by the Commission.

3. Section 50.11 of 10 CFR Part 50 is revised to read as follows:

**§ 50.11 Exceptions and exemptions from license.**

Nothing in this part shall be deemed to require a license for:

(a) The manufacture, production, or acquisition by the Department of Defense of any utilization facility authorized pursuant to section 91 of the Act, or the use of such facility by the Department of Defense or by a person under contract with and for the account of the Department of Defense;

(b) The processing, fabrication, or refining of special nuclear material, or the separation of special nuclear material, or the separation of special nuclear material from other substances, by a prime contractor of the Commission under a prime contract for:

(1) The performance of work for the Commission at a United States Government-owned or controlled site;

(2) Research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or

(3) The use or operation of a production or utilization facility in a United States Government-owned vehicle or vessel; or by a prime contractor or subcontractor of the Commission under his prime contract or subcontract when the Commission determines that the exemption of the prime contractor or subcontractor is authorized by law; and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety;

(c) The construction or operation of a production or utilization facility for the Commission at a United States Government-owned or controlled site, including the transportation of the production or utilization facility to or from such site and the performance of contract services during temporary interruptions of such transportation; or the construction or operation of a production or utilization facility in the performance of research in, or development, manufacture, storage, testing, or transportation of, atomic weapons or components thereof; or the use or operation of a production or utilization facility in a United States Government-owned vehicle or vessel: *Provided*, That such activities are conducted by a prime contractor of the Commission under his prime contract with the Commission;

(d) The construction or operation of a production or utilization facility by a prime contractor or subcontractor of the Commission under his prime contract or subcontract when the Commission determines that the exemption of the prime contractor or subcontractor is authorized by law; and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety;

(e) The transportation or possession of any production or utilization facility by a common or contract carrier or warehouseman in the regular course of carriage for another or storage incident thereto.

Any person exempt from licensing under this part prior to the effective date of this amendment who would otherwise be required by virtue of paragraph (b), (c) or (d) of this section to obtain a license shall continue to be so exempt on an interim basis. Such interim exemption shall expire 60 days from the effective date of this amendment, unless within said 60-day period either an application for a license covering the activity or an application for an appropriate exemption under this section is filed with the Commission. If either such application is filed within such 60-day period, the interim exemption shall remain in effect until final action in the matter is taken by the Commission.

4. Section 70.11 of 10 CFR Part 70 is revised to read as follows:

**§ 70.11 Persons using special nuclear material under certain Atomic Energy Commission contracts.**

Any prime contractor of the Commission is exempt from the requirements for a license set forth in section 53 of the Act and from the regulations in this part to the extent that such contractor, under his prime contract with the Commission, receives, possesses, uses, or transfers special nuclear material for: (a) The performance of work for the Commission at a United States Government-owned or controlled site, including the transportation of special nuclear material to or from such site and the performance of contract services during temporary interruptions of such transportation; (b) research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or (c) the use or operation of nuclear reactors or other nuclear devices in a United States Government-owned vehicle or vessel. In addition to the foregoing exemptions, any prime contractor or subcontractor of the Commission is exempt from the requirements for a license set forth in section 53 of the Act and from the regulations in this part to the extent that such prime contractor or subcontractor receives, possesses, uses, or transfers special nuclear material under his prime contract or subcontract when the Commission determines that the exemption of the prime contractor or subcontractor is authorized by law; and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety. Any person exempt from licensing under this part prior to the effective date of this amendment who would otherwise be required by virtue of this section to obtain a license shall continue to be so exempt on an interim basis. Such interim exemption shall expire 60 days from the effective date of this amendment, unless within said 60-day period either an application for a license covering the activity or an application for an appropriate exemption under this section is filed with the Commission. If either such application is filed within such 60-day period, the interim exemption shall remain in effect until final action in the matter is taken by the Commission.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 5th day of October 1964.

For the Atomic Energy Commission.

W. B. McCool,
*Secretary to the Commission.*

[F.R. Doc. 64-10706; Filed, Oct. 19, 1964; 8:49 a.m.]

# Title 7—AGRICULTURE

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Avocado Order 4, Amdt. 5]

## PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

### Limitation of Shipments

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the Federal Register (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of certain varieties of avocados.



It is, therefore, ordered that the provisions of paragraph (b) of § 915.304 (29 F.R. 8462; 11704, 12002, 12558, 12925) are hereby amended by revising, in Table I, certain dates and minimum weights applicable to the Sherman, Marcus, Nelson, Chies, Murphy, Leona, and Dunedin varieties of avocados so that, after such revision, the portion of such Table I relating to such varieties reads as follows:

| Variety (1) | Date (2) | Minimum weight or diameter (3) | Date (4) | Minimum weight or diameter (5) | Date (6) | Minimum weight or diameter (7) | Date (8) |
|---|---|---|---|---|---|---|---|
| Sherman | 10-14-64 | 16 oz. | 10-26-64 | 24 oz. | 11- 9-64 | 10 oz. | 11-30-64 |
| Marcus | 10-14-64 | 22 oz. | 11-23-64 | | | | |
| Nelson | 10-19-64 | 14 oz. (3 1/16 in.) | 11- 2-64 | 13 oz. (3 1/16 in.) | 11-16-64 | 10 oz. (3 1/16 in.) | 12- 7-64 |
| Chies | 10-26-64 | 15 oz. | 11- 9-64 | 15 oz. | 11-23-64 | 10 oz. | 12-14-64 |
| Murphy | 10-26-64 | 15 oz. | 11- 9-64 | 14 oz. | 11-23-64 | 11 oz. | 12-14-64 |
| Leona | 10-19-64 | 14 oz. | 11- 2-64 | | | | |
| Dunedin | 11-16-64 | 18 oz. (3 1/16 in.) | 11-30-64 | 14 oz. (3 1/16 in.) | 12-14-64 | 10 oz. (3 1/16 in.) | 1- 4-65 |

The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., October 19, 1964.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 15, 1964.

Paul A. Nicholson,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-10707; Filed, Oct. 19, 1964; 8:49 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

Food Starch-Modified

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1471) filed by Corn Products Company, 717 Fifth Avenue, New York, N.Y., 10022, and other relevant material, has concluded that an amendment to § 121.1031 should issue to provide for the safe use of a food starch-modified by successive treatment with sodium tripolyphosphate and sodium trimetaphosphate. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1031 (21 CFR 121.1031; 29 F.R. 12459) is amended by adding, alphabetically, a new item in paragraph (d) as follows:

§ 121.1031 Food starch-modified.

(d) • • •

| | Limitation |
|---|---|
| Sodium tripolyphosphate and sodium trimetaphosphate. | Residual phosphate in food starch-modified not to exceed 0.4 percent calculated as phosphorus. |

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the Federal Register file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the Federal Register.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 14, 1964.

Winton B. Rankin,
*Assistant Commissioner for Planning.*

[F.R. Doc. 64-10668; Filed, Oct. 19, 1964; 8:47 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Reg. Docket No. 5061]

## PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

## PART 39—AIRWORTHINESS DIRECTIVES [NEW]

This amendment is part of the Agency recodification program and adds Part 39—Airworthiness Directives [New] to the Federal Aviation Regulations to replace present Part 507 of the regulations of the Administrator as well as the pertinent part of § 1.24 of the Civil Air Regulations, upon which Part 507 is based.

During the remainder of the recodification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between the two, the recodified parts will be labeled "[New]". The label will of course be dropped at the completion of the project as all of the regulations will be new.

This amendment is based on a part of the notice of proposed rule making published in the Federal Register on May 16, 1964 (29 F.R. 6446) and given further distribution as Notice No. 64–26. That notice proposed not only the recodification of Part 507 but in addition, proposed to substantively revise its provisions and those of § 1.24 of the Civil Air Regulations upon which that part is based. It must be emphasized that this amendment is simply the nonsubstantive recodification of Part 507 and § 1.24 and does not incorporate the proposed substantive amendments of Notice 64–26. The comments received on those substantive amendments are now being reviewed. Rather than delay the recodification until this review is completed, the recodified Part 39 [New] is being issued now. This action is not a withdrawal of the proposed substantive revision, and that portion of the notice of proposed rule making relating to that revision is still outstanding and will be acted upon at a later date.

A number of changes have been made in the recodification proposal, both as a result of comments received and as a result of further review by the Agency. Two comments have led to the rewording of proposed § 39.5 to make it clearer that it does not supersede the particular compliance time or effective date provisions of any airworthiness directive. The intent of this section is simply to ensure compliance with the requirements as stated in the directive itself, not to impose new ones.

Other minor changes of a technical nature have been made. They are not substantive and do not impose any burden on regulated persons. All current airworthiness directives are transferred to this Part without change.

The definitions, abbreviations, and rules of construction contained in Part 1 [New] of the Federal Aviation Regulations apply to Part 39 [New].

Interested persons have been afforded an opportunity to participate in the recodification of this regulation, and due consideration has been given to all relevant matter presented. The Agency appreciates the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing, effective November 20, 1964, Title 14 of the Code of Federal Regulations is amended as follows:

(1) Chapter III is amended by deleting Part 507.

(2) Chapter I is amended by deleting the first sentence of § 1.24(a) and by adding a Part 39 [New] reading as hereinafter set forth.

(Secs. 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1421 and 1423))

Issued in Washington, D.C. on October 13, 1964.

N. E. HALABY,
*Administrator.*

## PART 39—AIRWORTHINESS DIRECTIVES [NEW]

Subpart A—General

Sec.
39.1 Applicability.
39.3 General.

Subpart B—Airworthiness Directives

39.11 Applicability.
39.13 Airworthiness directives.

AUTHORITY: The provisions of this Part 39 [New] issued under secs. 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1421, 1423).

### Subpart A—General

§ 39.1 Applicability.

This part prescribes airworthiness directives that apply to aircraft, aircraft engines, propellers, or appliances (hereinafter referred to in this part as "products") when—

(a) As a result of service experience, an unsafe condition with respect to a design feature, part, or characteristic is found in a product; and

(b) That condition is likely to exist or develop in other products of the same type design.

§ 39.3 General.

No person may operate a product to which an airworthiness directive applies except in accordance with the requirements of that airworthiness directive.

### Subpart B—Airworthiness Directives

§ 39.11 Applicability.

This subpart identifies those products in which the Administrator has found an unsafe condition as described in § 39.1 and, as appropriate, prescribes inspections and the conditions and limitations, if any, under which those products may continue to be operated.

§ 39.13 Airworthiness directives.

(All airworthiness directives contained in § 507.10 of the regulations of the Administrator are hereby transferred to this section of the Federal Aviation Regulations.)

DISTRIBUTION TABLE

| *Former section* | *Revised section* |
|---|---|
| 1.24(a) (1st sentence through 3d comma). | 39.1. |
| 1.24(a) (1st sentence less portion preceding 3d comma). | 39.3. |
| 1.24(a) (footnote 5a) | Surplusage. |
| 1.24 (less 1st sentence of (a) and footnote 5a). | Transferred to Part 21 [New]. |
| 507.1 | 39.1. |
| 507.2 | Surplusage. |
| 507.3 | Not a rule. |
| 507.10 (less airworthiness directives). | 39.11. |
| 507.10 (airworthiness directives). | 39.13. |

[F.R. Doc. 64-10647; Filed, Oct. 19, 1964; 8:45 a.m.]

[Amdt. 91-6; Docket No. 6249]

## PART 91—GENERAL OPERATING AND FLIGHT RULES [NEW]

### Prohibition of Responding to Radar Clearances and Instructions Intended for Another Person

The Agency recently detected a hazardous condition caused by pilots who improperly flew radar clearances and instructions issued by Air Traffic Control to other pilots. In one recent incident an arriving aircraft was being radar vectored to the ILS final approach course while another aircraft was observed following the same radar instructions. On another occasion, an aircraft was observed following the radar instructions issued to the principal aircraft. In both of these cases it was determined that the pilots who were improperly following the vectors assigned to the other aircraft were complying with the controller's clearances and instructions for purposes of training without realizing this action could result in misidentification and have serious safety repercussions.

Positive identification of aircraft is a basic requirement for the use of radar in the air traffic control system. One method of establishing identification is based upon a turn of 30 degrees or more, provided that only one aircraft is observed to make a turn and the controller has reasonable assurance that the aircraft is within the area being displayed on the radar. When multitracks of targets are observed responding to identification and vectoring procedures being used, identification becomes difficult, or, if previously established, may be lost. Also, if an observed target responds to instructions intended for an aircraft not yet appearing on the radar display, safety of the pilot for whom the instruction was intended could be compromised. While pilots may intend no harm, continuation of these practices will derogate the radar controllers' capability of correctly identifying radar targets.

On the basis of the above, I have determined that a safety hazard exists requiring immediate regulatory action. In addition, I find it contrary to the public interest to comply with the notice, public procedure and effective date requirements of the Administrative Procedure Act, and therefore this regulation may become effective in less than 30 days.

In consideration of the foregoing, § 91.65 of Part 91 [New] of the Federal Aviation Regulation (14 CFR Part 91) is amended, effective 0001 e.s.t. on October 14, 1964, by adding the following new paragraph at the end thereof:

§ 91.65 Operating near other aircraft.

* * * * *

(d) Unless otherwise authorized by ATC, no person operating an aircraft may operate his aircraft in accordance with any clearance or instruction that has been issued to the pilot of another aircraft for radar Air Traffic Control purposes.

(Sec. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348(a), 1510)

Issued in Washington, D.C., on October 13, 1964.

N. E. HALABY,
*Administrator.*

[F.R. Doc. 64-10667; Filed, Oct. 19, 1964; 8:47 a.m.]

[Reg. Docket No. 6259]
[Special Federal Aviation Reg. No. 9]

## PART 91—GENERAL OPERATING AND FLIGHT RULES

### Prohibition of Air Traffic Over and In the Vicinity of Houston, Tex.

On October 19, 1964, President Lyndon B. Johnson will visit Houston, Tex. The interest of the public in the President and the large assemblage of persons resulting from his presence should attract numerous aircraft in the area that will be operated over the city of Houston and through the airspace generally used by other aircraft. In addition, the Federal agency responsible for the security of the President has requested that we take appropriate action for his safety and the safety of other persons present.

In order to provide appropriate safeguards for aircraft operations in the area and for persons and property on the ground, I have determined that a temporary restriction must be imposed on air traffic to prohibit the operation of all types of aircraft in the vicinity of Houston, Tex., below 3,000 feet above the surface unless authorized by the Houston International Airport Traffic Control Tower.

I have determined that there is a requirement for the immediate adoption of this regulation for the safety of air commerce. Therefore, I find it impracticable and contrary to the public interest to comply with the notice and public procedure provisions of the Administrative Procedure Act and that good cause exists for making this regulation effective immediately.

In consideration of the foregoing, the following Special Federal Aviation Regulation is adopted:

(1) Unless otherwise authorized by the Houston International Airport Traffic Control Tower, no person may operate an aircraft during the period from 1600 to 2100 hours e.s.t. on October 19, 1964, below 3,000 feet above the surface within an area bounded on the south by the Houston VORTAC 290° True radial; on the west and north by an arc of a 15 nautical mile radius circle centered at the Houston VORTAC; and on the east by the Houston VORTAC 017° True radial.

(2) This regulation becomes effective immediately and expires at 2100 e.s.t., October 19, 1964.

(Sec. 307, Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 16, 1964.

HAROLD W. GRANT,
*Deputy Administrator.*

[F.R. Doc. 64-10727; Filed, Oct. 19, 1964; 9:22 a.m.]



## Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6167; Amdt. 522]

## PART 507—AIRWORTHINESS DIRECTIVES

### McCauley Propellers

A proposal to amend Part 507 of the Regulations of the Administrator to supersede Amendment 555, 28 F.R. 3781, AD 63-8-4, as revised by Amendment 582, 28 F.R. 6830, with a new directive to require retirement of certain McCauley constant speed propellers was published in 29 F.R. 12037.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

MCCAULEY. Applies to McCauley constant speed Models 2A36, B2A36, C2A36, D2A36, 2D36 Series propellers installed on various single-engine tractor-type aircraft except propellers with blade serial numbers with a "K" prefix above Serial Number K25150 and to all propellers with a "Y" following the blade serial number. Also excluded are all propellers with blades with plain serial numbers above 27064 and below 21206. (A plain serial number is one without a prefix or suffix letter.)

(These may be found on such aircraft as Bellanca 14-19-2, 14-19-3; CallAir A-6; Cessna 180 Series, 182 Series, 185 Series, 210 Series, 305B, 321; Cessna 172 "Doyn" Conversion; Fletcher FU-24 Series; Lockheed 402-2; Meyers 200, 200A; Mooney Mark 20A, 20B, 20C; Navion B, D, E, F, G; Piper PA-24-180, PA-24-250; and Taylorcraft 20.)

Compliance required as indicated.

Because of the occurrence of cracks in the blade threaded shank on several propellers, accomplish the following:

(a) Propellers with affected blades not having accumulated the maximum time listed in Table II-C of McCauley Service Bulletin No. 48-C dated July 6, 1964, before the effective date of this AD and which have not been previously inspected in accordance with AD 63-8-4 shall be equipped with new blades prior to the accumulation of 100 hours' time in service after the accumulation of the maximum time in service listed in Table II-C of McCauley Service Bulletin No. 48-C dated July 6, 1964.

(b) Propellers with affected blades having accumulated a total time in service less than 1,000 hours when inspected in accordance with AD 63-8-4 and having accumulated less than 75 hours over the total service hours listed in Table III-C of McCauley Service Bulletin No. 48-C dated July 6, 1964, on the effective date of this AD shall be equipped with new blades prior to the accumulation of 100 hours' time in service over the total service hours listed in Table III-C.

(c) Propellers with affected blades having accumulated a total time in service less than 1,000 hours when inspected in accordance with AD 63-8-4 and having accumulated more than 75 hours over the total service hours listed in Table III-C of McCauley Service Bulletin No. 48-C dated July 6, 1964, on the effective date of this AD shall be equipped with new blades within the next 25 hours' time in service.

(d) Propellers with blades having accumulated a total time of less than 1,000 hours when inspected in accordance with AD 63-8-4 and which have not accumulated the maximum time in service listed in Table III-C of McCauley Service Bulletin No. 48-C dated July 6, 1964, on the effective date of this AD shall be equipped with new blades prior to the accumulation of 100 hours' time in service after the accumulation of the maximum time in service listed in Table III-C of McCauley Service Bulletin No. 48-C dated July 6, 1964.

(e) Propellers with blades having accumulated a total time in service of 1,000 hours or more when inspected in accordance with AD 63-8-4 shall be equipped with new blades at the next propeller overhaul, or prior to the next 1,000 hours after the last blade thread inspection, whichever occurs first.

(f) Identification of propeller blade serial numbers shall be determined in accordance with McCauley Service Bulletin No. 48-C dated July 6, 1964.

(McCauley Service Bulletin No. 48-C dated July 6, 1964, including Supplemental Revisions, and Service Manual 620215 cover this same subject.)

This supersedes Amendment 555, 28 F.R. 3781, AD 63-8-4, as revised by Amendment 582, 28 F.R. 6830.

This amendment shall become effective November 20, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 13, 1964.

G. S. MOORE,
*Director,*
*Flight Standards Service.*

[F.R. Doc. 64-10649; Filed, Oct. 19, 1964; 8:45 a.m.]

## PART 507—AIRWORTHINESS DIRECTIVES

### Deletion

CROSS REFERENCE: For a document deleting Part 507, see Part 39 [New] of Title 14, F.R. Doc. 64-10647, *supra*.

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[FCC 64-880]

## PART 0—COMMISSION ORGANIZATION

### Miscellaneous Amendments

In the matter of amendment of Part 0 of the Commission's rules to delegate authority to the Chief, Safety and Special Radio Services Bureau to act on applications for construction permits for new public coast stations in cases where such applications are now referred to the Commission en banc for action; and to clarify present joint delegation of authority where a common carrier application is involved.

*Order.* At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of October 1964;

The Commission having under consideration the above-captioned matters;

It appearing, that it is desirable to delegate additional authority in § 0.331 of the Commission's rules to the Chief, Safety and Special Radio Services Bureau authorizing him to act on applications for construction permits for new public coast stations in cases where such applications are now referred to the Commission en banc for action; and

If further appearing, that the delegation of authority contained in § 0.331 to the Chief, Safety and Special Radio Services Bureau should also be amended to make clear that, with respect to applications involving common carrier matters, his authority shall be exercised jointly with the Chief, Common Carrier Bureau; and

It further appearing, that appropriate amendments should be made to §§ 0.304 and 0.333 relating to joint action by the Chief, Common Carrier Bureau and Chief, Safety and Special Radio Services Bureau in order to reflect the changes effected in § 0.331; and

It further appearing, that the subject amendments are made in the interest of reducing the number of matters which require action by the Commission en banc, and to clarify the present provisions of § 0.331, insofar as common carrier applications are concerned; and

It further appearing, that the amendments herein ordered are nonsubstantive in that they relate to organizational and procedural matters, and, hence, the rule making and effective date provisions of section 4 of the Administrative Procedure Act are not applicable; and

It further appearing, that the amendments herein ordered are issued pursuant to sections 4(i) and 5(d)(1) of the Communications Act of 1934, as amended:

*It is ordered*, Effective October 26, 1964, that Part 0 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: October 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

Part 0 is amended as follows:

1. Section 0.304 is amended to read:

§ 0.304 Authority delegated jointly to Chiefs of Common Carrier and Safety and Special Radio Services Bureaus.

Authority is delegated jointly to the Chief of the Common Carrier Bureau and the Chief of the Safety and Special Radio Services Bureau to act upon applications involving common carrier matters in the maritime mobile service, aeronautical mobile service, and in the fixed service in Alaska. (For record of actions taken under this section, see § 0.337.)

2. Section 0.331(a) is amended to read:

§ 0.331 Authority delegated.

* * * * *

(a) Consistent with and pursuant to the rules governing the Disaster Communications Service and the Maritime, Aviation, Public Safety, Industrial, Ama-

(d) Propellers with blades having accumulated a total time of less than 1,000



It appearing, that it is desirable to delegate additional authority in § 0.331

the Rules governing the Disaster Communications Service and the Maritime, Aviation, Public Safety, Industrial, Ama-



teur, Land Transportation, and Citizens Radio Services, and the Fixed Service in Alaska, on all applications for construction permits, modification of construction permits, extension of construction permits, station licenses, modification of station licenses, transfer of control or assignment of construction permits or station licenses, renewal of station licenses, amateur operator licenses, renewal or modification of amateur operator licenses and special temporary authorizations. With respect to applications involving common carrier matters, this authority shall be exercised jointly with the Chief, Common Carrier Bureau pursuant to §§ 0.304 and 0.333.

* * * * *

3. Section 0.333 is amended to read:

**§ 0.333 Authority delegated jointly to Chiefs of Common Carrier and Safety and Special Radio Services Bureau.**

Authority is delegated jointly to the Chief of the Common Carrier Bureau and the Chief of the Safety and Special Radio Services Bureau to act upon applications involving common carrier matters in the maritime mobile service, aeronautical mobile service, and in the fixed service in Alaska.

[F.R. Doc. 64-10669; Filed, Oct. 19, 1964; 8:47 a.m.]

[FCC 64-931]

## PART 0—COMMISSION ORGANIZATION

### Authority Delegated

In the matter of amendment of Part 0 of the Commission's rules to delegate authority to the staff to grant requests for waiver of the type acceptance requirements as set forth in § 87.77 for a period not to extend beyond January 1, 1967.

*Order.* At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of October 1964;

The Commission having under its consideration an additional delegation of authority to the staff;

It appearing, that it is desirable to delegate the Chief, Safety and Special Radio Services Bureau the authority to grant requests for waiver of the type acceptance requirement of § 87.77 for a period not to extend beyond January 1, 1967; and,

It further appearing, that such delegation of authority will result in a more efficient administration of the Commission's functions; and,

It further appearing, that the amendment herein ordered is non-substantive in that it relates to organizational and procedural matters and, therefore, the Public Notice and effective date provisions of section 4 of the Administrative Procedure Act are not applicable; and,

It further appearing, that the authority for the delegation herein ordered is contained in section 4(i) and 5(d)(1) of the Communications Act of 1934, as amended:

*It is ordered,* Effective October 22, 1964, that Part 0 of the Commission's rules is amended as set forth below.

[Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 5, 66 Stat. 713; 47 U.S.C. 308, 155]

Released: October 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

Part 0 is amended as follows:

1. Section 0.331(b) is amended by adding a new Subparagraph 16 as follows:

**§ 0.331 Authority delegated.**

* * * * *

(b) * * *

(16) To grant waivers of the type acceptance requirements of § 87.77 of this chapter for a period not to extend beyond January 1, 1967, in cases substantially the same as those in which the Commission en banc has taken similar action.

[F.R. Doc. 64-10670; Filed, Oct. 19, 1964; 8:47 a.m.]

[FCC 64-928]

## PART 1—PRACTICE AND PROCEDURE

### Miscellaneous Amendments

In the matter of amendment of Part 1, Subpart A of the Commission's rules by adding sections 1.10 and 1.12 to the general rules of practice and procedure.

*Order.* At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of October 1964;

The Commission having under consideration the addition of new §§ 1.10 and 1.12 to its general rules of practice and procedure; and

It appearing, that the amendments adopted herein clarify procedures relating to the right of parties to obtain copies of documents submitted and transcripts of their testimony, and provide for the forwarding of notices and other written communications to attorneys by the Commission in all proceedings, including those which have not attained formal status and which are not governed by sections 7 and 8 of the Administrative Procedure Act; and

It further appearing, that procedures relating to availability of transcripts of testimony in hearing proceedings are now governed by § 1.202 and will continue to be so governed; and that provision for service on attorneys in formal proceedings, and the method of such service, is governed by §§ 1.47 and 1.211, and will continue to be so governed; and

It further appearing, that these amendments implement Recommendations 24-1, 26-1, and 26-3 of the Administrative Conference of the United States; and

It further appearing, that the amendments adopted herein are procedural in nature and hence that compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended:

*It is ordered,* Effective October 22, 1964, That Part 1 of the rules and regulations is amended as shown below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: October 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

1. Sections 1.10 and 1.12 are added, to read as follows:

**§ 1.10 Transcript of testimony; copies of documents submitted.**

In any matter pending before the Commission, any person submitting data or evidence, whether acting under compulsion or voluntarily, shall have the right to retain a copy thereof, or to procure a copy of any document submitted by him, or of any transcript made of his testimony, upon payment of the charges therefor to the person furnishing the same, which person may be designated by the Commission. The Commission itself shall not be responsible for furnishing the copies.

**§ 1.12 Notice to attorneys of Commission documents.**

In any matter pending before the Commission in which an attorney has appeared for, submitted a document on behalf of or been otherwise designated by a person, any notice or other written communication pertaining to that matter issued by the Commission and which is required or permitted to be furnished to the person will be communicated to the attorney, or to one of such attorneys if more than one is designated. If direct communication with the party is appropriate, a copy of such communication will be mailed to the attorney.

[F.R. Doc. 64-10671; Filed, Oct. 19, 1964; 8:48 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666; Order No. 65]

## PART 79—SPECIFICATIONS FOR TANK CARS

### *Correction*

In F.R. Doc. 64-10051, appearing at page 13997 of the issue for Saturday, October 10, 1964, the following corrections are made:

1. The fourth paragraph in the first column of page 13998 should real as follows:

Change the word "must" to "shall" in §§ 79.500-1, 79.500-3 (a), (b), and (d), 79.500-4 (a) and (b), 79.500-5(a), 79.500-6 (a) and (b), 79.500-7 (a) and (b)(1), 79.500-8, 79.500-10(a), 79.500-11, 79.500-12, 79.500-14, 79.500-16, 79.500-17 (a)(1) and (4), and 79.500-18.

2. In the introductory text of § 79.100-7(a), the words "Minimum tensile



strength 81,000 psi. Elongation in 2 inch minimum percent 21.0:" should be deleted.

3. The following entry should be added to the tabular matter following the introductory text of § 79.100-7(a):

| | | |
|---|---|---|
| ASTM A 302 Gr. B | 80,000 | 20 |

4. The text of § 79.200-6(b), preceding the formula should read as follows:

(b) The thickness of a dished head shall not be less than specified in § 79.201-1, nor that calculated by the following formula:

5. In § 79.500-3(b), the citation reading "§ 79.500-18(b) and" should read "§ 79.500-18 (b) and (c)".

6. In § 79.500-6(a), the words "steel and oil quenching" should read "steel or oil quenching".

7. In § 79.500-10, the second occurrence of the words "safety devices", and the words "safety device", should read "safety relief devices" and "safety relief device", respectively.

In § 79.500-16(b), the third word should read "relief" instead of "safety".

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 970 ]

### CARROTS GROWN IN SOUTH TEXAS

### Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment for the fiscal period ending July 31, 1965, hereinafter set forth, which were recommended by the South Texas Carrot Committee, established pursuant to Marketing Agreement No. 142, and Order No. 970, both as amended (7 CFR Part 970), regulating the handling of carrots grown in certain designated counties in South Texas. This is a regulatory program issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

**§ 970.205 Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred by the South Texas Carrot Committee, established under Marketing Agreement No. 142, and Order No. 970, both as amended, to enable the committee to perform its functions under the provisions of the marketing agreement and marketing order during the fiscal period August 1, 1964, through July 31, 1965, will amount to $37,000.00.

(b) The rate of assessment to be paid by each handler under Marketing Agreement No. 142 and Order No. 970, both as amended, shall be one-half cent ($0.005) per 50 pound sack (or crate) of carrots, or the equivalent quantity thereof packed in other containers, handled by him as the first handler thereof during said fiscal period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: October 15, 1964.

PAUL A. NICHOLSON,
*Deputy Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 64–10676; Filed, Oct. 19, 1964; 8:48 a.m.]

## DEPARTMENT OF LABOR

### Office of Labor-Management and Welfare-Pension Reports

[ 29 CFR Part 416 ]

### SUPERVISION OF ELECTIONS OF OFFICERS

### Notice of Proposed Rule Making

Section 402(c) of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 534, 29 U.S.C. 482) provides in substance that upon a finding by a federal court that, in an election of officers of a labor organization, violation of the election provisions of section 401 of the Act occurred and may have affected the outcome of the election, the court is to direct the conduct of a new election under the supervision of the Secretary, and so far as lawful and practicable in conformity with the constitution and bylaws of the labor organization. Accordingly, in order to implement the Act, the purpose of this part is to prescribe rules and regulations for the conduct of such elections.

Therefore, under the authority of section 402(b) of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 534, 29 U.S.C. 482), Secretary's Order 24–63 (28 F.R. 9172), and Secretary's Order 25–63 (28 F.R. 9173), I propose to amend Chapter IV, 29 CFR by adding thereto a new Part 416. Interested persons are afforded 30 days after publication of this notice in the FEDERAL REGISTER to offer data, views, or arguments regarding the proposal, in writing, to the Labor-Management Services Administrator, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C., 20210.

The proposed regulation shall read as follows:

Sec.
416.1 Definitions.
416.2 Election Supervisor.
416.3 Pre-election conference.
416.4 Notice.
416.5 Pertinent records.
416.6 Conduct of the election.
416.7 Certification of results.
416.8 Voluntary rerun of elections.

AUTHORITY: The provisions of this Part 416 issued under sec. 402(b), 73 Stat. 534, 29 U.S.C. 482, Secretary's Order No. 24–63 (28 F.R. 9172) and Secretary's Order No. 25–63 (28 F.R. 9173).

**§ 416.1 Definitions.**

(a) "Secretary" means the Secretary of Labor.

(b) "Director" means the Director of the Office of Labor-Management and Welfare-Pension Reports.

(c) "Act" means the Labor-Management Reporting and Disclosure Act of 1959.

(d) "Court Order" means the order of the U.S. District Court directing the Secretary to supervise a labor organization election, issued under section 402 of the Act.

(e) "Interested Person" means any person or organization whose interests are or may be affected by a supervised election.

(f) "Supervisor" means the official of the U.S. Department of Labor, designated by the Director as Election Supervisor.

(g) "Election" means an election subject to Title IV of the Act and refers to the whole elective process, including the nomination procedures, the campaign, preparatory activities, the casting and counting of ballots, any run-off election, preservation of election records or any portion of the above as may be appropriate.

**§ 416.2 Election Supervisor.**

The Director shall appoint a Supervisor who shall be responsible for supervising the conduct of a fair and orderly election. The Supervisor may be assisted by such other persons as he, or the Director, may designate.

**§ 416.3 Pre-election conference.**

The Election Supervisor shall arrange for and convene a pre-election conference. Such conference will be informal in character and shall be for the purpose of ascertaining or establishing the procedures, rules and standards for the conduct of the election in a fair and orderly manner and, insofar as lawful and practicable, consistent with the labor organization's constitution and bylaws. Election rules, procedures and standards, including rules relating to eligibility to vote or be a candidate for office, which are deemed to be necessary to assure a fair and orderly election and which are not provided in the constitution and bylaws of the labor organization, shall be established at the conference by the Supervisor for purposes of the supervised election. Minutes of the conference, which shall include the issues raised, the decisions made and the rules adopted, shall be kept. A copy of the minutes will be made available upon request to any interested person.

**§ 416.4 Notice.**

(a) The Supervisor shall give notice to the labor organization, candidates in the contested election, and such other persons as he deems appropriate, of any court order, his appointment as Supervisor, and the time, place and purpose of a pre-election conference.

(b) Reasonable notice shall be given to interested persons of the procedures and rules that will govern the supervised election.





**§ 416.5 Pertinent records.**

Upon request of the Supervisor, the appropriate official of the labor organization having custody of records shall make available to the Election Supervisor a copy of the current constitution and bylaws and such pertinent records or information as the Supervisor may require.

**§ 416.6 Conduct of the election.**

Under the supervision of the Supervisor, the labor organization shall arrange for and provide appropriate notice of nominations and election, the printing and safeguarding of the ballots, equipment and supplies, facilities for conducting the election including, as appropriate, envelopes for mail ballots, polling places, booths, ballot boxes, voting machines, writing instruments, and other supplies and facilities necessary for holding the election, assuring the secrecy of the vote, counting and preserving the ballots and publishing the results. The Supervisor or his designees shall supervise all phases of the election and shall take such action as may be necessary to assure the conduct of a fair and orderly election in accordance with the court order, these regulations, and Title IV of the Act.

**§ 416.7 Certification of results.**

Upon completion of the supervised election, the Secretary will promptly certify to the Court the names of the persons elected.

**§ 416.8 Voluntary rerun of elections.**

To the extent applicable these regulations shall govern elections conducted under the supervision of the Secretary pursuant to voluntary compliance agreements with labor organizations.

Signed at Washington, D.C., this 14th day of October 1964.

JAMES J. REYNOLDS,
*Labor-Management*
*Services Administrator.*

[F.R. Doc. 64–10649; Filed, Oct. 19, 1964; 8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 15 ]

[Docket No. 15657; FCC 64–929]

### OPERATION OF RADIO DOOR CONTROLS

### Notice of Proposed Rule Making

In the matter of amendment of Part 15 of the Commission's rules, to provide for the operation of radio door controls; Docket No. 15657, RM–524.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it a petition (RM–524) from the Door Operator and Remote Controls Manufacturers Association (DORCMA), requesting that the Commission make an exception to the duty cycle requirement of § 15.211 (a)(3) of the rules, and permit the use of transmitters without a timing restriction at frequencies above 225 Mc/s for radio control of garage door operators. This petition is supported by statements filed by a number of individual manufacturers of door controls urging favorable action on the DORCMA petition.

3. DORCMA is a nationwide trade association whose membership is comprised of companies engaged in the business of manufacturing and selling automatic door operators and associated radio transmitters and receivers. According to DORCMA, 90 percent of the garage door equipment produced in this country is manufactured by members of the Association. DORCMA estimates that there are some 500,000 residential garage door operators in use today and the present market indicates 90,000 to 100,000 garage door operators are being manufactured annually. Approximately 90 percent of these will be equipped with radio controls and about 50 percent of these will operate in the frequency range above 70 Mc/s. Annual production according to DORCMA will increase for the next 10 years. Along with the increasing market for new installations, there is at present a significant demand for replacement of obsolete openers that are common sources of interference.

4. In its petition, DORCMA enumerates three basic requirements for radio controlled garage door equipment: It must be legal, it must be safe, and it must be in the best interest of the public. Present regulations governing such equipment are alleged not to be compatible with these requirements. DORCMA, therefore, requests that specific rules be promulgated for garage door operators in the frequency range above 225 Mc/s.

5. They argue that the present rules have in effect restrained the market for reputable manufacturers who are forced to produce equipment for operation on frequencies below 70 Mc/s where there is no transmitter on/off requirement. Such equipment is bulky, more expensive and generally less appealing to customers than equipment operated on frequencies in the 225 Mc/s range. On the other hand, customer acceptance has been established for equipment designed for operation at VHF frequencies, due to its overall desirable characteristics.

6. The average radio controlled garage door requires about eight seconds for one complete operation. Under normal use, the operator activates the transmitter by a switch. The transmitter radiates a coded signal of about 0.6 second duration, and an additional 0.3 second is required for relay action to energize the motor. The door travels at the rate of one foot per second over a distance of about seven feet.

7. Under the present rules, § 15.211, radio control equipment operating above 70 Mc/s is required to be provided with means for automatically limiting operation so that the duration of each transmission shall not be greater than one second followed by a silent period of not less than 30 seconds. Thus, even for safety purposes, a second signal may not be transmitted until some 22 seconds after the door has completed its first operation. Also, in cases when the transmitter is activated just beyond the receiver range, a full 30 seconds must elapse before another attempt may be made to operate the door.

8. DORCMA asserts that fly-by-night "loft" manufacturers have taken advantage of this situation and are producing inferior radio controls for operation in the 225 Mc/s range without regard to the rules requirement. Because of customer acceptance of these compact controls, they are taking an increasing share of the market. The design of this "loft" manufactured equipment according to DORCMA is several years behind the state of the art. DORCMA states further, that these illegal receivers are the primary source of interference from radio controlled garage door openers, and that some of these receivers have been found to radiate an order of magnitude above the level permitted by FCC rules. Regardless of the claimed illegality of the equipment produced by the "loft" manufacturers our records of interference from garage door openers tend to confirm that the prime source of interference is the radiation from the receiver.

9. DORCMA petitions the Commission to provide for operations of radio controls for door operators on frequencies above 225 Mc/s without the present timing restriction of one second on followed by a 30-second off or silent period. They suggest that the limits for the transmitter radiated field be the same as the radiation limits of § 15.63 for receivers. In addition to this, they propose that the receivers associated with garage door operators be required to reduce the radiated field about 6 db in order to reduce the interference potential. More specifically, DORCMA proposes that the RF radiation limits for these receivers be 50 uv/m at 100 feet at 130 Mc/s and increase linearly to 500 uv/m at 100 feet at 1000 Mc/s.

10. Normal operation of a radio control for use with a garage door opener says DORCMA, requires an alert receiver creating a radiation field for 24 hours a day whereas the transmitter is on for short periods, a few times a day. Receiver radiation, DORCMA continues, is almost the totally significant determining factor in the possible creation of a potential interference problem. DORCMA suggests therefore that any reduction of the radiation level from a receiver can very significantly reduce the interference potential of the control and will do more to decrease potential interference than a duty cycle limitation on the transmitter. The DORCMA statement says that field strength measurements show that some garage door receivers, that are in compliance with present limits radiate more RF energy than the companion transmitter and cause interference to other garage door receivers. Because of this, DORCMA has adopted a program to reduce receiver radiation to the lowest level possible.

11. The timing restrictions of § 15.211 (a)(3) were intended to preclude the operation of voice communication transmitters and the indiscriminate use of

signalling and control devices on frequencies above 70 Mc/s. It appears that this restriction has simultaneously introduced a safety hazard in the operation of radio controlled door operators by preventing a second operation when for safety purposes, it is necessary to stop the door during its travel.

12. Accordingly, to promote the safety of these radio controlled door operators, the Commission proposes to grant the DORCMA request in part, and remove the duty cycle limitation on frequencies above 70 Mc/s. However, the Commission insists that these devices be designed and constructed to be as interference-free as possible. To insure that harmful interference is minimized, the Commission is prohibiting operation on the aeronautical radionavigation and emergency frequencies and is proposing to require about 10 db greater suppression of radiation both from the receiver and the transmitter part of the control. The radio control is also required to be certificated with a detailed report of measurements filed with the Commission. The specific rules that are proposed are set out below.

13. A further consideration with respect to radio controls for door openers is the fact that these controls may be caused to operate by the reception of an interfering signal that fortuitously carries the necessary coding. They may also be caused to operate by a signal from a high-powered transmitter in the vicinity of the radio control receiver. Such unintentional operation may constitute an inconvenience or a safety hazard which, the Commission feels, should be called to the attention of the user. It is, therefore, important that the user be aware that under § 15.3 of the rules he must accept any interference which his device may receive. We propose, therefore, (§ 15.244) to require that each radio control be labelled with the following information:

> Operation of this device is subject to the condition that no harmful interference is caused and that any interference received, including undesired operation of this device, must be accepted.

We propose that this information be incorporated as part of the certification required to attest compliance with the technical standards of these rules.

14. This proposal to amend the Commission's rules is issued under the authority of sections 4(i), and 303(r) of the Communications Act of 1934, as amended.

15. Comments in support of or in opposition to the proposed amendment may be filed on or before November 26, 1964. Reply comments may be filed on or before December 7, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

16. In accordance with the provision of § 1.215(b) of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Federal Communications Commission.

Adopted: October 14, 1964.

Released: October 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

It is proposed to amend Part 15 as follows:

1. The text of § 15.201(b) is amended to read as follows:

**§ 15.201 Frequencies of operation.**

* * * * *

(b) Frequencies above 70 Mc/s may be used in accordance with the requirements set forth in § 15.210.

2. Section 15.201 is amended by the deletion of paragraph (c).

3. A new § 15.210 is added to read as follows:

**§ 15.210 Operation above 70 Mc/s.**

(a) Telemetering devices and wireless microphones may be operated in the band 88–108 Mc/s according to the provisions of §§ 15.212 and 15.213.

(b) Radio controls for door operators may be operated above 70 Mc/s according to the provisions of § 15.214 and §§ 15.240 through 15.244.

(c) Other low power communication devices, manufactured on or after July 15, 1963, may be operated on any frequency above 70 Mc/s provided they comply with all of the following conditions:

(1) The radiated field on any frequency from 70 Mc/s up to and including 1000 Mc/s does not exceed the limits specified for receivers in § 15.63.

(2) The radiated field on any frequency above 1000 Mc/s does not exceed 500 microvolts per meter at a distance of 100 feet.

(3) The device is provided with means for automatically limiting operation so that the duration of each transmission shall not be greater than 1 second and the silent period between transmissions shall not be less than 30 seconds.

(4) The device shall be so constructed that there are no external or readily accessible controls which may be adjusted to permit operation in a manner inconsistent with the provisions of this paragraph.

(d) Except for telemetering devices and wireless microphones operated in accordance with the requirements of §§ 15.212 and 15.213, a low power communication device, manufactured before July 15, 1963, may be operated on any frequency above 70 Mc/s, provided it complies with all of the following conditions:

(1) The radiated field on any frequency from 70 Mc/s up to and including 1000 Mc/s does not exceed the limits specified for receivers in § 15.63.

(2) The radiated field on any frequency above 1000 Mc/s does not exceed 500 microvolts per meter at a distance of 100 feet.

(3) The device is provided with means for automatically limiting operation to a duration of not more than 1 second, not to occur more than once in 30 seconds.

**§ 15.211 [Deleted]**

4. Section 15.211 is deleted in its entirety.

5. A new § 15.214 is added to read as follows:

**§ 15.214 Radio controls for door operators above 70 Mc/s.**

(a) Adequate precautions shall be taken in the operation of such radio controls to insure that harmful interference is not caused to any authorized Government radio installation or any operation licensed by the Commission. In the event that such interference does occur, operation of the radio equipment which controls the door operator shall be promptly suspended and shall not be resumed until the interference has been eliminated.

(b) Users of these devices must accept any interference which may be caused by the operation of any authorized Government radio installation or Commission licensed station operating in accordance with the terms of its license.

(c) The fundamental frequency of operation of the radio control may be any frequency above 70 Mc/s excluding the following bands:

| Mc/s | Mc/s |
|---|---|
| 74.6–75.4 | 328.6–335.4 |
| 108–118 | 960–1215 |
| 121.4–121.6 | 1540–1660 |
| 242.8–243.2 | 4200–4400 |
| 265–285 | 5000–5250 |

(d) The signal radiated by the transmitter part of the control or by the receiver part of the control when measured at 100 feet shall not exceed the following:

| Frequency of radiation Mc/s: | *Field strength at 100 feet (uv/m)* |
|---|---|
| Over 25 up to and including 70. | 32. |
| Over 70 up to and including 200. | 50. |
| 200–1500 | 50–500 (linear variation plotted on log-log paper). |
| Over 1500 | 500. |

(e) The device shall be certificated pursuant to § 15.240 and identified pursuant to § 15.244.

6. A new § 15.240 is added to read as follows:

**§ 15.240 Certification of radio controls for door operators.**

(a) No radio control for a door operator manufactured after _____[1] that operates above 70 Mc/s shall be operated without a station license unless it has been certificated to demonstrate compliance with the requirements in § 15.214.

(b) The certificate shall contain the information listed in § 15.241.

(c) The owner or operator need not certificate his own radio controlled door operator (receiver and transmitter) if it has been certificated by the manufacturer.

(d) Certification by the manufacturer shall be based on tests made on radio control combinations actually produced for sale. Tests shall be performed on a sufficient number of production units to insure that all production units comply

[1] A date will be inserted approximately 6 months after rules are finalized.



with the requirements of this subpart.

(e) A manufacturer's certification is acceptable only if the manufacturer agrees to furnish the user with a copy of § 15.214 containing the technical provisions applicable to radio controls for door operator.

7. A new § 15.241 is added to read as follows:

**§ 15.241 Contents of certificate of radio controls for door operators.**

(a) Name of the manufacturer and trade name of the device.

(b) Model numbers of the receiver and transmitter.

(c) The operating conditions under which the device is intended to be used.

(d) The antennas to be used with the device.

(e) Report of measurements pursuant to § 15.242.

(f) If filed by the manufacturer, a statement explaining the quality control procedures that will be followed to insure that all production units will comply with the provisions of § 15.214.

(g) If filed by the manufacturer, a statement setting forth the number of units that were measured and certifying that on the basis of the measurements made the radio control is capable of complying with the requirements of § 15.214 under normal operation and with usual maintenance.

(h) If filed by the manufacturer, a statement certifying that a copy of § 15.214 will be furnished each purchaser of the radio control.

(i) Date of certificate.

(j) Signature. If filed by the manufacturer, the certificate shall be signed by a responsible official authorized to sign for the manufacturer and shall show his title.

8. A new § 15.242 is added to read as follows:

**§ 15.242 Report of measurements of radio controls for door operators.**

The report of measurements may be prepared by any engineer skilled in making and interpreting the measurements that are required and shall contain the following information:

(a) Identification of the equipment that was measured.

(b) Brief description of the devices, including tuning range, type circuit used and power input to the final stage of the transmitter.

(c) Brief description of the measurement procedure used.

(d) A report of the measurements obtained (on fundamental and harmonics).

(e) Signature of the engineer responsible for the report.

(f) The name and address of the engineer who made the measurements, and name and address of his employer, if any.

(g) Date the measurements were made.

9. A new § 15.243 is added to read as follows:

**§ 15.243 Filing of the certificate of radio controls for door operators.**

The certificate, whether prepared by the user or the manufacturer, shall be filed with the Commission at the time the certificate is prepared. The technical data therein are not open to the public.

10. A new § 15.244 is added to read as follows:

**§ 15.244 Identification of certificated radio controls for door operators.**

(a) Each certificated radio control shall be identified by a distinctive seal or label, which may be a part of the name plate and which shall state the month and year of manufacture.

(b) The seal or label shall state that a certificate has been filed with the Commission attesting compliance with the requirements of this subpart.

(c) The seal or label shall state further:

"Operation of this device is subject to the condition that no harmful interference is caused and that any interference received, including undesired operation of this device, must be accepted."

(d) The seal or label shall be permanently attached to the receiver and transmitter and shall be readily visible for inspection by prospective purchasers.

(e) This identifying seal or label may be attached only after the certificate for the equipment has been filed with the Commission pursuant to § 15.243.

[F.R. Doc. 64-10672; Filed, Oct. 19, 1964; 8:48 a.m.]

# FEDERAL HOME LOAN BANK BOARD

**[ 12 CFR Part 545 ]**

**[No. 18,520]**

## FEDERAL SAVINGS AND LOAN SYSTEM

### Operations; Distribution of Earnings on Small Accounts

OCTOBER 14, 1964.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that § 545.1–1(a) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1–1(a)) be amended by an amendment the substance of which is as follows:

Amend § 545.1–1(a) of the rules and regulations for the Federal Savings and Loan System to read as follows:

(a) *Small accounts.* A Federal association which has a charter in the form of Charter N or Charter K (rev.) may, by resolution of its board of directors, provide that such association shall not distribute earnings on any savings account of less than $50, and may reduce the said $50 to such lesser amount as the board of directors may fix by resolution with respect to the distribution of earnings on savings accounts established in connection with a program for the encouragement of thrift offered by such association in cooperation with a school.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than November 20, 1964, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
*Secretary.*

[F.R. Doc. 64-10673; Filed, Oct. 19, 1964; 8:48 a.m.]

**[ 12 CFR Part 545 ]**

**[No. 18,521]**

## FEDERAL SAVINGS AND LOAN SYSTEM

### Operations; Lending Powers

OCTOBER 14, 1964.

Resolved that, pursuant to Part 506 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that § 545.6–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–1) be amended by amendments, the substance of which are as follows:

1. Amend paragraph (b) of § 545.6–1 to read as follows:

(b) *Other dwelling units; combination of dwelling units, including homes, and business property involving only minor or incidental business use—(1) Monthly installment loans.* Subject to the limitations of § 545.6–7, installment loans may be made on other dwelling units or combinations of dwelling units, including homes, and business property involving only minor or incidental business use for an amount not in excess of 50 percent (or if authorized by the members of such an association, not in excess of 75 percent) of the value thereof, repayable monthly within 25 years, or, if an insured or guaranteed loan, not in excess of the maximum percentage of value acceptable to the insuring or guaranteeing agency and repayable within the period acceptable to such agency.

(2) *Other installment loans.* Loans that such an association may make on a monthly installment basis may also be made with interest payable at least semi-annually and with regular periodic principal installments payable at least annually in an amount sufficient to retire the debt, interest and principal within

15 years: *Provided*, That insured or guaranteed loans may be repayable upon such terms as are acceptable to the insuring or guaranteeing agency.

(3) *Loans without full amortization.* Any loan of a type that such an association may make on a monthly installment basis may also be made without full amortization of principal, but with interest payable at least semiannually, for an amount not in excess of 50 percent of the value of the security and for a term of not more than 5 years: *Provided*, That the requirements of this subparagraph with respect to semiannual payment of interest and the limitations of this subparagraph with respect to maximum percentage or other amounts and maximum terms of loans shall not be applicable to insured or guaranteed loans: *Provided further*, That, when the members of such association have authorized loans to be made without full amortization for an amount exceeding 50 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(i) 60 percent of the value and for a term of not more than 3 years; and

(ii) 75 percent of the value and for a term of not more than 18 months, if such loan is made for the purpose of construction.

(4) *Loans not subject to the limitations of § 545.6–7.* Loans made under subparagraphs (1), (2), and (3) of this paragraph, by a Federal association whose aggregate general reserves, surplus, and undivided profits equal or exceed 5 percent of its withdrawable accounts, shall not be subject to the limitations of § 545.6–7 if the following requirements are met:

(i) The security property is located within the association's regular lending area;

(ii) The amount of the loan (unless an insured or guaranteed loan) does not exceed the lesser of (a) the maximum percentage of the value of the security authorized by subparagraphs (1), (2), and (3) of this paragraph and (b) an amount per dwelling unit within the limits set forth in section 207(c)(3) of the National Housing Act, with such increases therein as may be made from time to time by the Federal Housing Commissioner in accordance therewith, plus an amount that is not in excess of 75 percent of the value of such part of the security as is used for business purposes; and

(iii) The amount of such loan, plus the unpaid balances of outstanding loans meeting the requirements of this subparagraph, plus the amount of outstanding investments made pursuant to paragraph (a) of § 545.6–4 in participation interests in such loans, does not aggregate a total in excess of 10 percent of the association's assets.

2. Amend § 545.6–1(d) to read as follows:

(d) *Documentation.* The record of each loan the security for which includes one or more dwelling units shall contain documentation showing the number of dwelling units covered by the loan, the number of bedrooms in each dwelling unit, and whether such dwelling units are in an elevator-type structure.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than November 20, 1964, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 64–10679; Filed, Oct. 19, 1964; 8:48 a.m.]

## [ 12 CFR Part 545 ]

[No. 18,522]

## FEDERAL SAVINGS AND LOAN SYSTEM

### Operations; Purchase of Loans

OCTOBER 14, 1964.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that § 545.6–5 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–5) be amended by an amendment, the substance of which is as follows:

Amend § 545.6–5 of the rules and regulations for the Federal Savings and Loan System to read as follows:

**§ 545.6–5 Purchase of loans.**

A Federal association may purchase any loan that it may make, unless expressly prohibited by other provisions of this part, and may also purchase any insured loan secured by a home or combination of home and business property located outside of its regular lending area at an investment not exceeding the sum of (a) $40,000 for each single-family dwelling, (b) an amount per dwelling unit within the limits set forth in section 207(c)(3) of the National Housing Act, with such increases therein as may be made from time to time by the Federal Housing Commissioner in accordance therewith, and (c) the percentage of value acceptable to the insuring agency of such part of the property as is not attributable to dwelling use. No loan may be purchased by a Federal association from an affiliated institution without the prior approval of the Board, or from a director, officer or employee of such association, or from any person or firm regularly serving such association in the capacity of attorney-at-law. If a Federal association increases its savings accounts as a part of the purchase of any loan, it shall obtain such approval as is required by the rules and regulations for insurance of accounts.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than November 20, 1964, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 64–10680; Filed, Oct. 19, 1964; 8:48 a.m.]

## [ 12 CFR Part 545 ]

[No. 18,523]

## FEDERAL SAVINGS AND LOAN SYSTEM

### Operations; Real Estate Loans and Investments Subject to 20-Percent-of-Assets Limitation

OCTOBER 14, 1964.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that § 545.6–7 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–7) be amended by an amendment, the substance of which is as follows:

Amend § 545.6–7 of the rules and regulations for the Federal Savings and Loan System to read follows:

**§ 545.6–7 Real estate loans and investments subject to 20-percent-of-assets limitation.**

No Federal association may make or invest its funds in any loan of any of the types enumerated in paragraphs (a) through (d) of this section, except a guaranteed loan at least 20 percent of which is guaranteed, if the resulting aggregate amount of such loan and of the following investments would exceed 20 percent of the association's assets:

(a) Loans on single-family dwellings, homes, or combinations of home and business property in excess of the sum of (1) $40,000 for each single-family dwelling, and (2) an amount per dwelling unit within the limits set forth in section 207(c)(3) of the National Housing Act, with such increases therein as may be made from time to time by the Federal Housing Commissioner in accordance therewith, but if any such loan is secured by a blanket mortgage on two or more properties, only such parts of such loan as are apportionable to the respective security properties and as are in excess of the foregoing limitations shall be subject to the provisions of this paragraph (a);

(b) Loans on other dwelling units and loans on combinations of other dwelling units, including homes, and business property involving only minor or incidental business use except loans made pursuant to subparagraph (4) of § 545.6–1(b);

(c) Loans on other improved real estate;

(d) Loans on improved real estate located beyond the association's regular lending area, except insured loans purchased pursuant to § 545.6–5;

(e) Real estate owned, except

(1) Property owned and occupied by the association as an office;

(2) A home, or combination of home and business property which, immediately prior to its acquisition by the association, was security for a loan which was held by the association and which was not subject to the limitations of this § 545.6–7.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than November 20, 1964, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 64–10681; Filed, Oct. 19, 1964; 8:49 a.m.]



## FEDERAL TRADE COMMISSION

## [ 16 CFR Part 21 ]

### CORSET, BRASSIERE, AND ALLIED PRODUCTS INDUSTRY

### Proposed Modification of Trade Practice Rules

Notice is hereby given that pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and provisions of Part 1, Subpart F, of the Commission's procedures and rules of practice, 28 F.R. 7083 (July 11, 1963), the Federal Trade Commission proposes to rescind § 21.4 *Identification and disclosure of fiber or material content*, of the Trade Practice Rules for the Corset, Brassiere, and Allied Products Industry promulgated December 1, 1955, since the Textile Fiber Products Identification Act and the rules and regulations issued thereunder supersede such § 21.4 in its entirety.

Interested or affected parties may submit their views, suggestions, objections, or other information concerning the proposed rescission to the Chief, Division of Trade Practice Conferences and Guides, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C., 20580, in writing not later than November 23, 1964.

Due consideration will be given by the Commission to all comments received before final action is taken in this matter.

Approved: October 8, 1964.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64–10665; Filed, Oct. 19, 1964; 8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

## [ 49 CFR Part 170 ]

[Ex Parte No. MC–7; 95 M.C.C. 805]

### WASHINGTON, D.C.

### Commercial Zone; Extension of Time for Comments

OCTOBER 14, 1964.

Redefinition of the Washington, D.C. commercial zone:

At the request of interested persons, the time for filing written statements of data, views, and arguments in favor of, or against, the above proposed revision of the limits of the Washington, D.C., commercial zone is extended to November 2, 1964. The presently assigned date is October 19, 1964 (29 F.R. 13216). An original and 5 copies of such statements should be filed with the Commission at its office at Washington, D.C.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–10657; Filed, Oct. 19, 1964; 8:46 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Foreign Assets Control

### IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM TAIWAN

#### Available Certification by the Government of the Republic of China

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that Government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following additional commodities:

Kumquats.
Po chai pilis.
Chop suey vegetables.
Jelly grass.
Chinese medicinal herbs.
Dried bean curd (sheet and stick).

[SEAL] MARGARET W. SCHWARTZ,
*Director, Office of Foreign Assets Control.*

[F.R. Doc. 64-10715; Filed, Oct. 19, 1964; 8:50 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Arizona 064308]

### ARIZONA

#### Order Providing for Opening of Public Lands

OCTOBER 12, 1964.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 12 S., R. 11 E.,
Sec. 4, E½SE¼ and SW¼SE¼;
Sec. 9, NE¼.
T. 12 S., R. 29 E.,
Sec. 7, lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 23;
Sec. 26.
T. 13 S., R. 29 E.,
Sec. 2, lots 1, 2, 3, and 4, S½N½, and S½
T. 12 S., R. 30 E.,
Sec. 18, lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 19, lots 1, 2, 3, and 4, E½W½, and E½.
T. 13 S., R. 30 E.,
Sec. 2, lots 1, 2, 3, and 4, S½N½, and SW¼.

The areas described aggregate 4,541.48 acres.

2. The lands in T. 12 S., R. 11 E. are located in Pima County, approximately twenty miles northwest of Tucson and north of the Avra Valley Road. Topography is flat desert. Most of the lands are covered with an asphalt landing mat constructed for use as an emergency landing and training field in conjunction with the now closed Marana Air Force Base. The asphalt has deteriorated sufficiently to allow native grasses to become established. The perimeter of the landing mat is surrounded by a four strand fence.

3. The lands in Tps. 12 and 13 S., Rs. 29 and 30 E. are located in Cochise County in the upper San Simon drainage area. Topography is moderate to flat desert. Soils are fine sandy loam to silt loam with subsoils from loam to clay loam. Vegetation consists of creosote brush with a sparse understory of perennial and annual grasses.

4. No application for these lands will be allowed under the homestead, desert land or any other nonmineral public land law unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of a petition-application. Any petition-application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Inquiries concerning these lands shall be addressed to: U.S. Bureau of Land Management, Arizona Land Office, 3022 Federal Building, Phoenix, Ariz., 85025.

RAYMOND C. CLEGHORN,
*Acting State Director.*

OCTOBER 12, 1964.

[F.R. Doc. 64-10664; Filed, Oct. 19, 1964; 8:47 a.m.]

### ALASKA

#### Small Tract Public Sale Orders Cancelled in Their Entirety

OCTOBER 12, 1964.

1. Pursuant to the authority redelegated to me by Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in section 1, Delegation of Authority (29 F.R. 3015), dated February 27, 1964, I hereby cancel the following Alaska Small Tract Sale Offers:

a. Small Track Public Sale No. 1-AOS, May 10, 1957.
b. Small Tract Public Sale No. 2-AOS, September 12, 1957.
c. Small Tract Public Sale No. 3-AOS, May 29, 1958.
d. Small Tract Public Sale No. 4-AOS, July 28, 1958.
e. Small Tract Public Sale No. 5-AOS, March 12, 1959.
f. Small Tract Public Sale No. 6-AOS, May 7, 1959.
g. Small Tract Public Sale No. 7-AOS, June 9, 1959.
h. Small Tract Public Sale No. 8-AOS, date unknown.
i. Small Tract Public Sale No. 9-AOS, April 11, 1961.
j. Small Tract Public Sale No. 10-AOS, May 5, 1961.
k. Small Tract Public Sale No. 11-AOS, May 12, 1961.
l. Small Tract Public Sale No. 12-AOS, May 24, 1961.
m. Small Tract Public Sale No. 22-ALD, September 18, 1963.

2. This order will be effective immediately.

3. Inquiries concerning the status of the lands being released by this order should be addressed to the Manager, Anchorage District and Land Office, 555 Cordova Street, Anchorage, Alaska, 99501.

JAMES W. SCOTT,
*Manager, Anchorage District and Land Office.*

[F.R. Doc. 64-10666; Filed, Oct. 19, 1964; 8:47 a.m.]

### Geological Survey

### CALIFORNIA, NEW MEXICO, UTAH, WYOMING

#### Definitions of Known Geologic Structures of Producing Oil and Gas Fields

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER, dated December 31, 1948, is hereby supplemented by the addition of the following list of defined structures effective as of the dates shown.

| *Name of Field, Effective Date, Acreage* | | |
|---|---|---|
| **(5) CALIFORNIA** | | |
| McDonald Anticline | July 27, 1964 | 1,547 |
| **(31) NEW MEXICO** | | |
| Corral Canyon | July 14, 1964 | 1,480 |
| Lea-North Benson (revision) | June 15, 1964 | 5,880 |
| Lusk (revision) | June 29, 1964 | 7,008 |
| West Tonto | June 17, 1964 | 1,007 |
| **(44) UTAH** | | |
| Red Wash (revision) | May 15, 1964 | 56,990 |
| **(50) WYOMING** | | |
| Cooper Cove and Dutton Creek (revision and consolidation) | June 15, 1964 | 2,066 |
| Garland (revision) | Feb. 28, 1963 | 7,483 |
| Heart Mountain (revision) | June 17, 1964 | 1,528 |
| North Oregon Basin (revision) | Dec. 17, 1962 | 4,956 |
| Nowood-Middle Dome (revision) | Apr. 14, 1964 | 1,246 |
| South Oregon Basin (revision) | Dec. 17, 1962 | 7,662 |

R. H. LYDDAN,
*Acting Director.*

OCTOBER 9, 1964.

[F.R. Doc. 64-10650; Filed, Oct. 19, 1964; 8:46 a.m.]





## DEPARTMENT OF AGRICULTURE

### Rural Electrification Administration

### POWER SUPPLY SURVEYS

#### Approval of Loans for Generation or Transmission Facilities; Consideration of Applications

The first sentence of Paragraph III C of the notice on Power Supply Surveys (29 F.R. 2765) is revised to read as follows:

C. *Requirement for Consideration of Loan Application.* Loans for generation facilities; for transmission facilities to a power-type borrower; and for transmission, or transmission and generation, facilities in excess of $2,000,000 to a distribution borrower will be made only after completion of a power supply survey by REA. * * *

The first sentence of Paragraph III D of the notice on Power Supply Surveys (29 F.R. 2765) is revised to read as follows:

D. *Certification of Loans for Generation or Transmission.* No loan for generation or transmission facilities will be made except in compliance with Bulletin 20-6, "Loans for Generation and Transmission," dated May 31, 1961, and, if a power supply survey is required by Paragraph C, upon certification by the Administrator to the Secretary of Agriculture that the loan has been approved after the completion of a power supply survey which shows that the loan is (a) needed to construct facilities to implement an existing contract or a proposed contract with the existing power supplier; or (b) needed to provide facilities or service for which there is no existing or proposed contract from any other power supplier; or (c) needed because existing and proposed contracts to provide the facilities or service to be financed were found to be unreasonable, each supplier involved was so advised, REA attempted to have such contracts made reasonable, and the existing or other proposed suppliers had failed or refused to do so within the time set by the Administrator. * * *

Effective this 14th day of October 1964.

NORMAN M. CLAPP,
*Administrator.*

[F.R. Doc. 64-10656; Filed, Oct. 19, 1964; 8:46 a.m.]

## DEPARTMENT OF COMMERCE

### Maritime Administration

### UNITED STATES LINE CO.

#### Notice of Application for Approval of Certain Cruises

Notice is hereby given that United States Lines Company, acting pursuant to Public Law 87-45, has applied to the Maritime Administration for approval of the following listed cruises:

| Ship | Commences | Terminates | Itinerary |
|---|---|---|---|
| | *1965* | *1965* | |
| SS United States. | Feb. 13 | Feb. 22 | New York, Nassau, Curacao, St. Thomas, New York. |
| Do. | Mar. 27 | Apr. 5 | Do. |

Any person, firm, or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C., 20235, by close of business on November 6, 1964.

In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: October 14, 1964.

JAMES S. DAWSON, Jr.,
*Secretary.*

[F.R. Doc. 64-10651; Filed, Oct. 19, 1964; 8:46 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 27-23]

### DEPARTMENT OF THE ARMY, EDGEWOOD ARSENAL

#### Notice of Amendment of Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 5 to License No. 19-1826-6 which authorizes the following:

1. Receipt, packaging, and storage of waste byproduct, source, and special nuclear material at Edgewood Arsenal, Md.

2. Transportation of waste byproduct, source, and special nuclear material from Federal Government facilities to Edgewood Arsenal, Md.

3. Transportation of waste byproduct, source, and special nuclear material to authorized land burial sites in the United States.

4. An increase in the quantity of source material from 30,000 pounds to 54,000 pounds.

5. A change in the designation of the licensee from Department of the Army, United States Army Munitions Command, Chemical-Biological-Radiological Agency, Army Chemical Center, Md., to Department of the Army, United States Army Edgewood Arsenal, Edgewood Arsenal, Md.

6. Renewal of the license for a period of two years.

The Army's waste management program has been licensed since May 1959. The Commission has evaluated the Army's facilities, equipment and procedures and has found them adequate for the program conducted by the Army. This license amendment does not involve significant hazards considerations different from those previously evaluated and provides for the continuation of previously authorized activities.

The Commission has found that the application complies with the requirements of the Act and the Commission's regulations. The Commission has determined pursuant to the provisions of 10 CFR Parts 2, 30, 40, and 70 that the issuance of the amendment is consistent with applicable provisions of law, regulations, and orders issued by the Commission.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

The text of the license is attached to this notice, except for "Appendix A" which is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., October 13, 1964.

For the Atomic Energy Commission.

LYALL JOHNSON,
*Acting Director,*
*Division of Materials Licensing.*

[License No. 19-1826-6; Amdt. No. 5]

In accordance with application dated April 10, 1964, License No. 19-1826-6 is amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, Chapter 1, Parts 30, 40, and 70 and subject to the statements and representations contained in the application, a license is hereby issued to the Department of the Army, United States Army Edgewood Arsenal, Edgewood Arsenal, Md. (1) to receive, possess, and package waste byproduct, source and special nuclear material at Edgewood Arsenal, (2) to transport waste byproduct, source and special nuclear material from Federal Government facilities to Edgewood Arsenal, and (3) to transport waste byproduct, source, and special nuclear material to authorized land burial sites in the United States.

This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended and is subject to the provisions of 10 CFR 20, "Standards for Protection Against Radiation", all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess more than 500 curies of byproduct material, 54,000 pounds of source material, and 100 grams of special nuclear material at any one time.

2. Operations conducted under this license shall be performed by, or under the supervision of, individuals designated by the Edgewood Arsenal Isotope Committee.



3. The transportation of AEC-licensed least 3 inches high as follows: "DANGER-



[Docket No. 12804 etc.; FOC 64M-1019]

3. The transportation of ABC-licensed material shall be subject to the applicable regulations of the Interstate Commerce Commission, United States Coast Guard and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements except as specifically provided by the Atomic Energy Commission:

A. *Outside Shipping Containers*

(1) The containers shall meet any one of the following specifications described in Appendix A attached hereto:

a. Specification 18A, 18B, 12B, 6A, 6B, 17C, 17H, 19A, or 19B, for the containment of radioactivity in amounts not in excess of 2.7 curies; except polonium, 2 curies; or

b. Specification 85 for containment of solid cobalt 60, cesium 137, iridium 192, or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrem/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface and to reduce the secondary radiation at the surface of the container so that it does not exceed 10 mrem/24 hours at any time during transportation.

B. *Inside Containers*

(1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium, or curium, or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

C. *Shielding*

Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A(4), A(5), and A(6) of this condition. The shield must be so designed that it will not open or break under conditions incident to transportation.

D. *Labeling.*

Each outside container label required under Section 20.203(f) or 10 CFR 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source and special nuclear material, the total weight;

(2) Principal radioisotope;

(3) Radiation level at the surface of the container and at one meter from the source; and

(4) The name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with lettering at least 3 inches high as follows: "DANGEROUS—RADIOACTIVE MATERIAL."

F. *Accidents*

In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radioactive exposure of persons and to control contamination.

G. *Exemptions*

Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of the license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Materials Licensing, Atomic Energy Commission, and should contain sufficient information to support such a request.

4. The licensee shall store and package byproduct, source and special nuclear material only at Edgewood Arsenal, Md.

5. The licensee shall dispose of waste byproduct, source and special nuclear material only by transfer to authorized land burial sites in the United States.

6. Except as specifically provided otherwise by this license, the licensee shall conduct activities authorized in this license in accordance with the statements, representations, and procedures contained in the application for license dated April 10, 1964.

This amendment is effective as of the date of issuance and shall expire two (2) years from the last day of the month in which this amendment is issued.

Date of issuance: October 13, 1964.

For the Atomic Energy Commission.

LYALL JOHNSON,
*Acting Director,*
*Division of Materials Licensing.*

[F.R. Doc. 64-10644; Filed, Oct. 19, 1964; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15374-15376; FCC 64M-1013]

## KTIV TELEVISION CO. (KTIV) ET AL.

### Order Continuing Hearing

In re applications of KTIV Television Company (KTIV), Sioux City, Iowa, Docket No. 15374, File No. BPCT-3127; for construction permit to make changes in the facilities of television broadcast station KTIV; Peoples Broadcasting Corporation (KVTV), Sioux City, Iowa, Docket No. 15375, File No. BPCT-3128; for construction permit to make changes in the facilities of television broadcast station KVTV; Palmer Broadcasting Company, Des Moines, Iowa, Docket No. 15376, File No. BPCT-3138; for construction permit to make changes in the facilities of television broadcast station WHO-TV.

Pursuant to the hearing sessions of October 7, 8, and 13, 1964, and with the concurrence of all counsel: *It is ordered*, This 13th day of October 1964, that the hearing herein be and the same is hereby continued without date.

Released: October 14, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10673; Filed, Oct. 19, 1964; 8:48 a.m.]

[Docket No. 12804 etc.; FCC 64M-1019]

## BLUE ISLAND COMMUNITY BROADCASTING CO., INC., ET AL.

### Order Regarding Procedural Dates

In re application of Blue Island Community Broadcasting Co., Inc., Blue Island, Illinois, Docket No. 12604, File No. BPH-2485; Elmwood Park Broadcasting Corporation, Elmwood Park, Illinois, Docket No. 13294, File No. BPH-2636; for construction permits; Evelyn R. Chauvin Schoonfield (WXFM), Elmwood Park, Illinois, Docket No. 13296, File No. BRH-179; for renewal application.

The Hearing Examiner having under consideration a "Petition for Extension of Procedural Dates" filed jointly by counsel for applicants Blue Island and Schoonfield on October 13, 1964, requesting extension in procedural dates as specified below:

It appearing, that counsel and representatives of these applicants have held meetings since the Examiner scheduled the presently applicable procedural dates, for the purpose of exploring the possibility of resolving the conflict between their proposals, and that additional time is required to permit further meetings looking toward that end;

It appearing, that it is proper and in the public interest to afford these parties the additional extensions of time sought by them for an attempt to reach an appropriate settlement in this long-pending proceeding so as to obviate further hearing, and that counsel for the Broadcast Bureau has informally indicated that there is no objection on his part to an extension of procedural dates without expressing any view as to the desirability of the proposed new dates;

*Accordingly, it is ordered*, This 14th day of October 1964, that the subject extension petition of the applicants is granted, and the pertinent procedural dates are extended as follows:

| Procedure | From | To |
|---|---|---|
| Exchange of exhibits | Oct. 14, 1964 | Nov. 9, 1964 |
| Notification as to witnesses | Nov. 4, 1964 | Nov. 30, 1964 |
| Evidentiary hearing | Nov. 16, 1964 | Dec. 7, 1964 |

Released: October 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10674; Filed, Oct. 19, 1964; 8:48 a.m.]

# FEDERAL MARITIME COMMISSION

[Docket No. 1178; Agreements 8680-4, 8680-5]

## ITALY/U.S. NORTH ATLANTIC FREIGHT POOL

### Consolidation of Proceeding

Pursuant to sections 15 and 22 of the Shipping Act, 1916, the Commission ordered an investigation and hearing to determine whether Agreements 8680, as amended, and 8680-3 should be approved, disapproved, cancelled or modified.



These matters are presently being considered under Docket No. 1178.

On January 3, 1964, the Secretary of the Italy/U.S. North Atlantic Freight Pool filed Agreement 8680-4 which modifies the basic agreement to provide (1) for the withdrawal of Kulukundis Lines, Ltd., effective December 31, 1963; (2) for the participation of Hansa Line in the pooling agreement, and (3) for revision of the pool percentages and the number of sailings and port calls assigned the parties. Notice of the filing of Agreement 8680-4 was published in the FEDERAL REGISTER on January 18, 1964.

On August 4, 1964, Agreement 8680-5 was filed by the Secretary of the Pool to further modify the basic agreement to provide for the withdrawal therefrom of Prudential Lines, Inc., effective June 30, 1964, and for the admission of Torm Lines and Zim Israel Navigation Co., Ltd., to participation in the pooling arrangement effective July 1, 1964, and for revision of the pool percentages and the number of sailings and calls assigned the parties thereto. Notice of the filing of this agreement was published in the FEDERAL REGISTER on August 20, 1964.

The Commission is of the view that a full investigation of Agreements 8680-4 and 8680-5 is necessary to determine whether the Commission under section 15 may permit adjustment of operations and pooling accounts of the member lines for a period prior to the approval of the agreements. Also approval of Agreements 8680-4 and 8680-5 would appear inconsistent with the Commission's action with respect to Agreefnents 8680, as amended, and 8680-3 which instituted an investigation and hearing under Docket No. 1178.

*Now therefore, it is ordered*, That a hearing be and is hereby instituted pursuant to sections 15 and 22 of the Shipping Act, 1916, to determine whether Agreements 8680-4 and 8680-5 should be approved, disapproved or modified.

*It is further ordered*, That this proceeding be, and is hereby, joined with the investigation and hearing on Agreements 8680, as amended, and 8680-3 now under consideration in Docket No. 1178, and that notice of this order be served on all parties to that proceeding in addition to the new parties to Agreements 8680-4 and 8680-5.

By the Commission.

[SEAL] THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10662; Filed, Oct. 19, 1964; 8:47 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G-9283 etc.[1]]

## ATLANTIC REFINING CO.

### Order Approving Rate Settlement Proposal, Severing and Terminating Proceedings and Prescribing Refunds

OCTOBER 8, 1964.

There is before us for consideration a Motion for Approval of Settlement Proposal, Termination of Rate Proceedings, and for Shortened Procedure Certification filed on May 7, 1964, as amended on July 31, 1964, by Atlantic Refining Company (Atlantic) encompassing the rates for 124 of Atlantic's currently effective FPC Gas Rate Schedules. Comments have been filed by some of the parties to these proceedings, all of which have been given due consideration. In summary, the settlement proposal as filed by Atlantic provides:

(1) Settlement rates, including tax reimbursement, equal to or less than the Commission's applicable area ceilings with two exceptions hereinafter discussed;

(2) Atlantic waives the right to file for contractually authorized increased rates until August 1, 1967, for all of the rate schedules involved in the settlement. However, Atlantic reserves the right to file for any increased rates, if contractually authorized, up to the applicable area-rate levels established by any order or rule of the Commission, or to file for any contractually authorized increase in tax reimbursement;

(3) Atlantic will delete any favored nation and price redetermination clauses contained in its Rate Schedule Nos. 5, 48, 49, 124, 148, 152, and 159, and additionally will delete the periodic pricing provisions in its Rate Schedule Nos. 6, 32, 125, 151, 181, 187, and 246;

(4) Refunds with interest at the applicable rates, under rate schedules where collection was made subject to refund, of the difference between the revenues actually collected and those which would have been collected at the settlement rate, in each instance, commencing with December 1, 1961, to the date of issuance of this order for all of Atlantic's rate schedules.

(5) Exclusion from the settlement proposal of sales in the Permian Basin; twenty-five sales related to previous offers of settlement accepted by the Commission; one sale to another producer whose resale rate is under suspension; five sales consolidated in certificate proceedings that are presently before the Commission and those matters relating to Rate Schedule Nos. 118, 147, and 150 together with their pending section 4(e) proposed rate increase in Docket No. G-17741.[3]

With respect to refunds, the parties to the settlement conference utilized cost of service studies and revenues based on contract rates to determine Atlantic's revenue-cost relationship. These studies indicate that it is appropriate that we require that refunds should be computed for sales made on and after December 1, 1961. Applicable interest shall be paid on all of the refunds through July 31, 1964. Such refunds will be approximately $4,766,470, exclusive of interest. Atlantic's future revenues will be decreased approximately $3,216,000 annually as a result of the settlement.

The purchasers of gas under the various rate schedules to which this settlement proposal relates are all natural gas pipeline companies subject to our jurisdiction under the Natural Gas Act, and many of such purchasers in turn have customers who are natural gas pipelines. Some of these pipeline customers of Atlantic or Atlantic's customers are required under express provisions of outstanding orders of this Commission to flowthrough to their customers all or any part of the refunds they may receive from Atlantic as a result of this settlement; others may choose so to do in the absence of such express provisions. For all of the reasons set forth in our order in Humble Oil and Refining Company Docket Nos. G-9287 and G-9288, et al, — FPC — order issued July 8, 1964, we shall require Atlantic to retain the amounts of refund ordered herein until further order directing the nature of their disposition[2] and also to submit within 45 days of this order to the Commission and each customer a detailed report setting out, by purchasers, the amount of refund related to each rate schedule, the volume of gas sold thereunder and the period covered. We shall also by separate action direct each of the pipeline purchasers within ten days from the receipt of such report, to submit a report of their own setting forth whether they intend to pass on all or part of such refund amounts to their customers and the names of such customers and amounts of refund each would receive, or, if they claim the right to retain any portion of the refunds, a brief statement as to the legal or equitable basis for such claim. In the event such reports indicate that the refunds will flow through to ultimate consumers or distribution companies not subject to the Commission's jurisdiction, the Commission will authorize the release of such refund sums by Atlantic (unless a State regulatory authority after notification of the sum to be made available to a company subject to its regulatory jurisdiction asks us to defer releasing the funds until it can determine their ultimate disposition). In the event a pipeline purchaser from Atlantic (or a pipeline customer of such a pipeline) indicates that it is asserting a claim to retain substantial refund sums the Commission will by further order prescribe the procedure for determining the relative rights to such funds of such pipeline or its customers.

Settlement rates which are exceptions to the applicable area ceiling are proposed by Atlantic for sales to Tennessee Gas Transmission Company (TGT) and to United Fuel Gas Company (United Fuel) in South Louisiana.[4] The sale to TGT is made under Atlantic's FPC Gas Rate Schedule No. 3 in the Bayou Sale Field, St. Martin Parish. Atlantic proposes to add substantial reserves under this schedule. In 1958 Atlantic dedicated 333 Bcf of natural gas to TGT from specific reservoirs in the field. Subsequently, it has developed approximately

[1] The additional dockets involved herein are set forth in Appendixes A, B, and C, attached hereto.

[2] Atlantic does not propose a settlement of the 4(e) proceedings involving Rate Schedule Nos. 118, 147, and 150, or the termination of any refund obligations thereunder but will supersede the existing rates of 23.55 cents per Mcf with a rate of 17.5 cents per Mcf to be effective August 1, 1964.

[2] Exempted from this requirement are the refunds to be made to Colorado Interstate Gas Company, El Paso Natural Gas Company and Arkansas Louisiana Gas Company, since the amount of refunds to those companies is de minimis.

[4] TGT and United Fuel were each represented at the settlement conferences and each actively participated therein.

33 Bcf of additional reserves which it will dedicate to TGT. Additionally, it will renegotiate its contract to eliminate the favored nation and price redetermination provisions therefrom; provide for a 1 cent per Mcf price escalation through 1961; extend the makeup period to February 26, 1971; provide for no increase in TGT's take or pay obligation under the contract until January 1, 1968, and increase the "swing" provision from 100 percent to 125 percent of deliverability. The circumstances surrounding this sale to TGT are similar to those we considered regarding a sale made by Cities Service Production Company in our order approving its general rate settlement in Docket No. G–9510, et al., 28 FPC 1114 (order issued December 20, 1962) and we there approved an exception to the applicable area ceiling. Therefore we here approve Atlantic's proposed reduction in its presently effective rate from 22.8333 cents to the settlement rate of 17.5 cents per Mcf.

The sale to United Fuel is made under Atlantic's FPC Gas Rate Schedule No. 63 in the Midland Field, Acadia Parish. This sale is made under a contract dated January 5, 1953, and is for a 20-year period. Between 1956 and 1961 Atlantic has added approximately 64 Bcf of natural gas by dedication of reserves to this contract. Subsequent to 1956 Atlantic increased the area dedication adding new productive horisons which increased the reserves by approximately 352 Bcf of gas. This additional dedication of reserves and acreage subsequent to our assumption of regulation of independent producers caused us to grant an exception to the applicable area ceiling in the general rate settlement in Gulf Oil Company, et al., Docket Nos. G–9520, et al., 29 FPC 837 (order issued April 25, 1963) and for the same reasons we approve Atlantic's proposed reduction of the presently effective rate of 21.1 cents to 19 cents per Mcf.

The settlement proposal includes rates for which issuance of related permanent certificates is pending, some of which are for sales presently being made under temporary certificates.[1] We shall set such applications for abridged hearing in accordance with section 7 of the Natural Gas Act, providing that the settlement rates shall be the initial rates.

Additionally, included in the settlement proposal is a pending certificate application for a sale by Atlantic in Texas Railroad Commission District No. 4 to South Texas Natural Gas Gathering Company under Atlantic's FPC Gas Rate Schedule No. 283 in the Schmidt Field. This sale is presently involved in the Turnbull & Zoch Drilling Co. (Operator), et al., proceedings, Docket Nos. G–17960, which are presently in hearing before a presiding examiner. Testimony and evidence have been introduced regarding such sale, and we deem it proper, in this instance, to omit the sale from the settlement and make the rate contingent upon the final order issued in such proceeding.

[1] Docket Nos. G–9980, CI60–459, CI61–291, CI61–482, and CI63–1490.

On August 14, 1964, the Pennsylvania Public Utility Commission (PUC) filed its comments in answer to Atlantic's amended motion. PUC's comments regarding Atlantic's proposal are similar to those considered by us in Humble (supra) and we there set forth our reasons for approval of that general rate settlement. The same reasons pertain here. We consider the reduction and stability in rates for the moratorium period gained by each of the settlements we have approved to be of great value to the public. As we noted in Humble, each settlement is approved subject to the applicable area rate proceedings. Pending final disposition of those proceedings, certainty is gained in large measure by settlement. Our approval of Atlantic's proposal results in Atlantic refunding approximately 56 percent of the amounts it has collected subject to refund above the settlement rates and the reduced rates of approximately $2,892,000 annually will constitute disallowance of approximately 65 percent of the increased rates currently being collected in section 4(e) proceedings. In addition, approximately $324,000 annual reduction will result from reduction of rates under two sales being made under temporary certificates and five sales where the settlement rates are reduced below the "last firm rate".

We believe that the principles underlying the present settlement proposal are consistent with those utilized in previous major independent producer rate settlements.

Our action herein should not be construed as constituting approval of any future rate increases, if any, that may be filed under the subject rate schedules, and is without prejudice to any findings or order of the Commission in future proceedings, including area rate or similar proceedings, involving Atlantic's rates and rate schedules.

The Commission finds: The proposed settlement of the subject proceedings on the basis described, herein, as more fully set forth in the Settlement Proposal filed by Atlantic on May 7, 1964, as amended July 31, 1964, is in the public interest and it is appropriate in carrying out the provisions of the Natural Gas Act, that it be approved and made effective as hereinafter ordered, and good cause exists for approving the settlement rates, for severing and terminating certain proceedings and providing for refunds.

The Commission orders:

(A) The settlement of these proceedings on the basis of the settlement proposal, filed by Atlantic on May 7, 1964, and as amended on July 31, 1964, is approved.

(B) The applicable settlement rates set out in Appendix A hereto are approved, and such rates shall be effective as of September 1, 1964, except for Rate Schedule Nos. 118, 147, and 150 wherein the rates shall be effective as of August 1, 1964.

(C) The approved settlement rates shall be applicable during the moratorium period herein provided for to all sales of natural gas from all acreage dedicated as of the date of issuance of this order under each of the rate schedules currently on file with the Commission whether such sales are made by Atlantic, its successors or assignees.

(D) Atlantic shall compute the difference between the rates collected subject to refund and the related settlement rates or rate not subject to refund whichever rate is the greater for the period from December 1, 1961, to the date of this order, together with interest as specified in each docket to July 31, 1964. Atlantic shall within 45 days from the date of this order submit a report to the Commission, and serve a copy on each of the purchasers involved, setting out by purchasers the amount of refunds related to each rate schedule (showing separately the principal and applicable interest), the bases used for such determination and the periods covered.

(E) Atlantic shall retain the amounts shown in the report required under paragraph (D) above, subject to further order of the Commission directing the disposition of those amounts: *Provided, however,* Atlantic shall within 90 days from the date of this order, (1) refund with interest as specified in each docket computed to July 31, 1964, the difference between the rates collected subject to refund and the related settlement rates, on and after December 1, 1961, to the date of this order for all of such of Atlantic's Rate Schedules, where the rates were collected subject to refund for sales of natural gas to Colorado Interstate Gas Company, El Paso Natural Gas Company and Arkansas Louisiana Gas Company and (2) report to the Commission in writing, the amount of refunds made to Colorado Interstate Gas Company, El Paso Natural Gas Company and Arkansas Louisiana Gas Company showing separately the amount of principal and interest so paid, and the bases used for such determination, together with releases from its purchasers showing receipt of the refunds in conformity with the settlement proposal as approved herein.

(F) If Atlantic elects to commingle these retained refunds with its general assets and use them for its corporate purposes, it shall pay interest thereon at the rate of 6 percent per annum on all funds thus available from November 25, 1964, to the date on which they are paid over to the person ultimately determined to be entitled thereto in a final order of the Commission.

(G) If Atlantic elects to deposit the retained refunds in a special escrow account, Atlantic shall tender for filing on or before November 25, 1964, an executed Escrow Agreement, conditioned as set out below accompanied by certificate showing service of a copy thereof upon each of its jurisdictional customers. Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, the Escrow Agreement shall be deemed to be satisfactory and to have been accepted for filing. The Escrow Agreement shall be entered into between Atlantic and any bank or trust company used as a depositor for funds of the U.S. Government and the agreement shall be conditioned as follows:



(1) Atlantic, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled thereto, with respect to all amounts and the interest thereon deposited in a special escrow account, subject to such Agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final order of the Commission and in such manner as may be therein specified, all or any portion of such deposits and the interest thereon.

(2) The bank or trust company may invest and reinvest such deposits in any short-term indebtedness of the United States or any agency thereof or in any form of obligation guaranteed by the United States which is, respectively, payable within 120 days as the said bank or trust company in the exercise of its sound discretion may select.

(3) Such bank or trust company shall be liable only for such interest as the invested funds described in Paragraph (2) above will earn and no other interest may be collected from it.

(4) Such bank or trust company shall be entitled to such compensation as is fair, reasonable and customary for its services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company shall likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be made out of the escrow account.

(5) Such bank or trust company shall report to the Secretary quarterly, certifying the amount deposited in the trust account for the quarterly period.

(H) The pending certificate proceedings in Docket Nos. G–9980, CI60–459, CI61–291, CI61–482, and CI63–1490 set out in Appendix B hereto shall not be terminated on the basis of the approval of the settlement proposal, but shall be determined after hearing in accordance with section 7 of the Natural Gas Act.

(I) Within 90 days from the date of this order, Atlantic shall make such filings under its rate schedules as are required to make effective the terms of the settlement proposal.

(J) Upon full compliance by Atlantic with all the terms and provisions of this order, the section 4(e) proceedings listed in Appendix A hereto, except those related to Rate Schedule Nos. 118, 147, and 150, and the section 5(a) proceedings in Docket Nos. G–9283 and G–9284 shall terminate.

(K) Upon termination of the section 4(e) proceedings listed in Appendix C hereto, in accordance with Paragraph (J) above, said proceedings shall be severed from the consolidated proceedings in Docket Nos. AR61–2, AR64–1, and AR64–2, respectively; the section 7(c) proceedings listed in Appendix C are hereby severed from their respective consolidated proceedings, and the consolidation order issued September 23, 1960, in Docket No. G–9283, et al., is rescinded.

(L) This order is without prejudice to any findings or orders which have been or may be made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by Atlantic, the Commission staff, or any affected party hereto, in any proceedings now pending, including area rate or similar proceedings, or hereafter instituted by or against Atlantic or any other companies, person or parties affected by this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

| FPC GRS No. | FPC rate area and pressure base field | Purchaser | Docket Nos. | | Rates—Cents per Mcf at area pressure base (inclusive of tax reimbursement) | | |
|---|---|---|---|---|---|---|---|
| | | | Certificate | Rate | Not subject to refund | In effect subject to refund | Settlement rate |
| | *Texas RR Comm. Dist. No. 1 at 14.65 p.s.i.a.* | | | | | | |
| 7 | Jake Hamon | Tenn. Gas T. Co | G–3804 | G–19659 | 12.12268 | 17.24347 | 14.0 |
| 237 | San Miguel Creek | Trans. G. P. L. Corp | CI62–363 | | 14.189 | | 14.189 |
| 269 | do | do | CI63–1197 | | [2]5.00 | | 5.00 |
| | *Texas RR Comm. Dist. No. 2 at 14.65 p.s.i.a.* | | | | | | |
| 40 | Clayton | Nat. Gas P. Co | G–3804 | | 9.5209 | | 9.5209 |
| 41 | Greta | Trans. G. P. L. Corp | G–3804 | | [1]9.1102 | | 9.1102 |
| | | | G–4090 | | | | |
| 42 | Mission Valley, et al | do | G–3804 | | 8.89089 | | 8.89089 |
| 44 | Burnell-North Pettus | United G. P. L. Co | G–3804 | | 14.00 | | 14.00 |
| 45 | Cabeza Creek | do | G–3804 | | 13.2002 | | 13.2002 |
| 46 | South Cabeza Creek | do | G–3804 | | 13.2002 | | 13.2002 |
| 47 | Boyce-Poehler, et al | do | G–3804 | | 13.2002 | | 13.2002 |
| | | | G–13355 | | | | |
| 144 | Clayton | Nat. Gas P. Co | G–10354 | | 12.20 | | 12.20 |
| 152 | Cologne | Tenn. Gas T. Co | G–10354 | G–17865, RI64–600 | 10.80887 | [3]15.11402 | [10]14.60 |
| 186 | McFaddin | United G. P. L. Co | G–15231 | | 13.1664 | | 13.1664 |
| 190 | Appling | Coastal States Gas Producing Co | G–16836 | | 12.1152 | | 12.1152 |
| 194 | North Mission Valley | Texas Eastern | G–17870 | | 10.80 | | 10.80 |
| 214 | New Refugio | Tenn. Gas T. Co | CI60–426 | RI64–418 | [4]14.00 | (5) | 14.00 |
| 247 | Clayton | Nat. Gas P. Co | G–3219 | | 9.5209 | | 9.5209 |
| 254 | do | do | G–10551 | | 13.20 | | 13.20 |
| 259 | Dunn | Texas Eastern | G–18927 | | 12.20 | | 12.20 |
| 268 | Karon | do | CI63–890 | | 12.00 | | 12.00 |
| 278 | Houdman | do | CI64–48 | | [4]12.00 | | 12.00 |
| | *Texas RR Comm. Dist. No. 3 at 14.65 p.s.i.a.* | | | | | | |
| 32 | South Hyatt | Tenn. Gas T. Co | G–3804 | G–17121 | 13.27857 | [6]15.95016 | [10]15.00 |
| 124 | Magnet-Withers | do | G–9325 | G–17291, RI64–600 | 13.49751 | [6]16.19947 | 14.60 |
| 200 | Palacios | Florida Gas Trans | G–11186 | RI62–464 | [4]17.50 | 18.50 | 16.00 |
| 215 | Englehart | Tenn. Gas T. Co | CI60–459(T) | RI64–424 | [4]16.19947 | (7) | 16.00 |
| 218 | West Nona Mills | Trunkline Gas Co | CI61–107 | | [4]14.75 | | 14.75 |
| 270 | South Spanish Camp | Valley Gas Trans | CI63–1222 | | [4]14.00 | | 14.00 |
| | *Texas RR Comm. Dist. No. 4 at 14.65 p.s.i.a.* | | | | | | |
| 5 | Mustang Island | Tenn. Gas T. Co | G–3804 | G–19847, RI60–301 | [1]12.12268 | [1]15.26187, [3]17.24374 | [10]14.60 |
| 6 | N. Minnie Bock | do | G–3804 | G–19847, RI60–301 | 11.90337 | 14.87599 | [1]15.00 |
| | | | | | | 17.24347 | |
| 39 | Hagist Ranch | Nat. Gas P. Co | G–3804 | | 9.5209 | | 9.5209 |
| 43 | Odem | Trans. G. P. L. Corp | G–3804 | | 8.001795 | | 8.001795 |
| 48 | Triple A | United G. P. L. Co | G–3804 | RI61–127 | 7.5960 | 15.00 | 14.60 |
| 49 | Red Fish Bay-M.I. | do | G–3804 | G–13883, RI63–171 | 12.660 | 14.80, 17.74782 | 14.60 |
| 125 | Seven Sisters | Tenn. Gas T. Co | G–9366 | G–19659 | [4]12.12268 | 17.24347 | [1]15.00 |
| 148 | Tabasco | do | G–10354 | G–19847 | [4]12.12268 | 17.24347 | 14.60 |
| 151 | West Mission | do | G–10354 | G–19658 | [4]12.12268 | 17.24347 | 15.00 |
| 159 | Hagist Ranch | Nat. Gas P. Co | G–10715 | G–12964, RI63–66 | 12.80 | 14.1344, 15.00 | 14.60 |

See footnotes at end of table.

APPENDIX A—Continued

| FPC GRS No. | FPC rate area and pressure base field | Purchaser | Docket Nos. | | Rates—Cents per Mcf at area pressure base (inclusive of tax reimbursement) | | |
|---|---|---|---|---|---|---|---|
| | | | Certificate | Rate | Not subject to refund | In effect subject to refund | Settlement rate |
| 198 | McGill Ranch | Florida Gas Trans | G-10869 | RI62-462 | *16.50 | 17.50 | [34] 15.00 |
| 199 | East Aransas Pass | do | G-11041 | RI62-464 | *17.0+T.R. | 18.0 | 15.00 |
| 201 | East Corpus Christi Bay | do | G-10868 | RI62-463 | *16.5+T.R. | 17.5 | 15.00 |
| 224 | Northeast Thompsonville | Nat. Gas P. Co | CI61-452 | (OT) | *18.0 | | [32] 15.00 |
| 241 | LaGloria | Trans. G. P. L. Corp | G-3287 | | 8.590883 | | 8.590883 |
| 242 | do | Nat. Gas P. Co | G-3288 | | 10.81979 | | 10.81979 |
| 246 | Hagist Ranch | do | G-3280 | RI63-66 | 14.1344 | 15.00 | [9] 15.00 |
| 271 | East Plymouth | Banquet Gas Co | CI63-400 | | *7.00 | | 7.00 |
| | *Texas RR Comm. Dist. No. 6 at 14.65 p.s.i.a.* | | | | | | |
| 34 | North Lansing | Ark. La. Gas Co | G-3894 | | 12.5541 | | 12.5541 |
| 151 | Carthage | Texas Eastern | G-13075 | G-16647 | *14.40 | 14.60 | [9] 15.00 |
| | | | | G-19537 | | 14.80 | |
| | | | | RI61-126 | | 15.00 | |
| | | | | RI62-78 | | 15.20 | |
| | | | | RI63-135 | | 15.40 | |
| | | | | RI64-185 | | 15.60 | |
| 167 | Willow Springs | do | G-15403 | G-16647 | [36] 12.90 | [13] 14.10 | [9] 15.00 |
| | | | | G-19537 | | [36] 14.30 | |
| | | | | RI61-126 | | [13] 14.50 | |
| | | | | RI62-78 | | [13] 14.70 | |
| | | | | RI63-135 | | [13] 14.90 | |
| | | | | RI64-185 | | 15.60 | |
| | *Texas RR Comm. Dist. No. 10 at 14.65 p.s.i.a.* | | | | | | |
| 265 | Kiowa Creek and Beckthold | Northern Nat. Gas Co | CI64-947 | | *17.00 | | 17.00 |
| | *Oklahoma-Other at 14.65 p.s.i.a.* | | | | | | |
| 82 | West Edmond | Cities Ser. Gas Co | G-3804 | | 10.50 | | 10.50 |
| 168 | North Norman | do | G-11028 | RI63-213 | 11.00 | 12.00 | 11.00 |
| 169 | South Eureka | do | G-12315 | G-20278 | [34] 12.25 | [34] 12.25 | [34] 11.25 |
| 226 | Woodward Area (see Oklahoma-Panhandle Area). | Mich. Wis. P. L. Co | CI61-752 | | *[15] 15.0+Btu | | [15] 15.0+Btu |
| 236 | Burns | Ark. La. Gas Co | CI62-214 | RI63-368 | *12.00 | 13.00 | 12.00 |
| 264 | Avard and Lenora | Panhandle Eastern P. L. Co | CI62-1511 | | *[16] 15.0+Btu | | [16] 15.0+Btu |
| 274 | Northeast Trail | do | CI63-1491 | | *[17] 15.0+Btu | | [17] 15.0+Btu |
| | *Oklahoma Panhandle at 14.65 p.s.i.a.* | | | | | | |
| 133 | Guymon-Hugoton | Nat. Gas P. Co | G-9980 | G-12461 | *16.00 | 16.20 | 16.00 |
| | | | | G-15027 | | 16.40 | |
| | | | | G-18208 | | 16.60 | |
| | | | | RI60-218 | | 16.80 | |
| | | | | RI61-448 | | 17.00 | |
| | | | | RI62-398 | | 17.20 | |
| | | | | RI63-400 | | [18] 17.40 | |
| 170 | Mocane | Colo. Inter. Gas Co | G-12358 | | * [16] 15.0+Btu | | [16] 15.0+Btu |
| 172 | Southeast Camrick | Nat. Gas P. Co | G-12787 | G-14735 | *16.2 | 16.40 | 16.20 |
| | | | | G-17988 | | 16.60 | |
| | | | | RI60-145 | | 16.80 | |
| | | | | RI61-374 | | 17.00 | |
| | | | | RI62-310 | | 17.20 | |
| | | | | RI63-369 | | [19] 17.40 | |
| | | | | RI64-644 | | | |
| 173 | Laverne | Colo. Inter. Gas Co | G-12068 | RI63-66 | * [16] 15.0+Btu | [16] 16.0+Btu | [16] 15.0+Btu |
| 174 | Mocane (Southwest Camp Creek) | Northern Nat. Gas Co | G-13908 | RI62-212 | * [16] 15.0+Btu | [16] 16.0+Btu | [16] 15.0+Btu |
| [20] 208 | Northwest Doby Springs | Mich. Wis. P. L. Co | G-15708 | | * [20] 17.0+Btu | | [20] 17.0+Btu |
| 206 | Guymon-Hugoton | Kans. Nebr. Nat. Gas Co | G-18859 | G-19589 | *16.40 | 16.60 | 16.40 |
| | | | | RI61-131 | | 16.80 | |
| | | | | RI62-77 | | 17.00 | |
| | | | | RI63-88 | | 17.20 | |
| | | | | RI64-179 | | 17.40 | |
| [22] 208 | Highland | El Paso Nat. Gas Co | G-17571 | | | | [22] |
| 213 | Northeast Woodward | Cities Ser. Gas Co | CI60-320 | | *16.00 | | 16.00 |
| 216 | Guymon-Hugoton | Northern Nat. Gas Co | CI60-511 | RI64-418 | [23] 16.50 | | 16.50 |
| 219 | Northeast Elmwood and Griggs | Transwestern P. Co | CI61-291 | (T) | *17.00 | | 17.00 |
| 228 | Northwest Dower | Nat. Gas P. Co | CI61-718 | RI62-310 | *17.00 | 17.20 | 17.00 |
| | | | | RI63-369 | | [24] 17.40 | |
| 225 | Woodward Area (see Oklahoma-Other) | Mich. Wis. P. L. Co | CI61-752 | | *[15] 17.0+Btu | | [15] 17.0+Btu |
| 260 | Southeast Liberal | Panhandle Eastern P. L. Co | G-3575 | G-17311 | 14.00 | 15.00 | 14.00 |
| 263 | Mocane-Laverne | do | CI62-1497 | | *17.00 | | 17.00 |
| [25] 267 | Northwest Lovedale | Cities Ser. Gas Co | CI63-819 | | *16.00 | | 16.00 |
| [26] 273 | Northwest Midwell | Panhandle Eastern P. L. Co | CI63-1400 | (CT) | *[27] 17.0+Btu | | [27] 17.0+Btu |
| 280 | Northwest Dower | Nat. Gas P. Co | CI64-206 | | *17.00 | | 17.00 |
| 285 | Ivanhoe | Northern Nat. Gas Co | CI64-947 | | *17.00 | | 17.00 |
| | *Kansas at 14.65 p.s.i.a.* | | | | | | |
| 51 | Hugoton | Cities Ser. Gas Co | G-3894 | | 10.7195 | | 10.7195 |
| 127 | Northwest Sharon and Blunk | do | G-9393 | G-20305 | *12.00 | 13.00 | 12.00 |
| 175 | McKinney | Northern Nat. Gas Co | G-13126 | RI62-199 | *14.00 | 15.00 | 14.00 |
| 234 | North Harper Ranch and Sitka | do | CI62-105 | | *16.00 | | 16.00 |
| | *Wyoming at 15.025 p.s.i.a.* | | | | | | |
| (50) | Riverton Dome | Northern Utilities | G-3804 | | 12.00 | | 12.00 |
| (50-11) | do | Kans. Nebr. Nat. Gas Co | | | 13.00 | | 13.00 |
| 252 | Worland | Montana-Dakota Utilities Co | G-3873 | | 13.00 | | 13.00 |
| 266 | Elk Basin | do | G-3996 | | 8.00 | | 8.00 |
| | *San Juan Area-New Mexico at 15.025 p.s.i.a.* | | | | | | |
| 281 | Blanco-Mesa Verde | El Paso Nat. Gas Co | G-3894 | | [28] 13.0000 | [28] 13.0551 | [28] 13.0000 |
| [29] (16) | | | | | | | |
| 178 | South Blanco | do | G-13635 | RI64-269 | 13.00 | 12.0495 | [31] 13.00 |
| 179 | Aztec | do | G-13637 | RI64-269 | 13.00 | 12.0495 | [31] 13.00 |
| 192 | Bisti Gallup | do | G-17809 | RI64-269 | 13.00 | 12.0536 | [31] 13.00 |
| 249 | Fulcher-Kutz | do | G-9762 | | 11.0466 | | [32] 12.0509 |
| 251 | do | do | G-3874 | | 11.0466 | | [32] 12.0509 |
| 279 | Basin-Dakota | Sou. Union Gath. Co | CI64-207 | RI64-275 | 10.00 | 10.04125 | [33] 13.00 |

See footnotes at end of table.



APPENDIX A—Continued

| FPC GRS No. | FPC rate area and pressure base field | Purchaser | Docket Nos. | | Rates—Cents per Mcf at area pressure base (inclusive of tax reimbursement) | | |
|---|---|---|---|---|---|---|---|
| | | | Certificate | Rate | Not subject to refund | In effect subject to refund | Settlement rate |
| | *San Juan Area-Colorado at 15.025 p.s.i.a.* | | | | | | |
| 180 | Ignacio-Blanco | El Paso Nat. Gas Co | G-13674 | | 13.00 | | [34] 13.00 |
| 253 | Piceance Creek | do | G-10233 | | 11.00 | | 11.00 |
| | *North Louisiana at 15.025 p.s.i.a.* | | | | | | |
| 2 | North Ruston | Miss. Riv. Fuel Corp | G-3894 | | 13.7042 | | 13.7042 |
| 53 | Ada | Ark. La. Gas Co | G-3894 | | 13.4533 | | 13.4533 |
| 54 | North Ruston | do | G-3894 | | 14.720 | | 14.720 |
| 56 | Vixen | Humble Gas T. Co | G-3894 | G-13145 | *10.00 | 15.00 | 15.75 |
| | | | | G-13145 | | 16.00 | |
| | | | | G-15719 | | 16.50 | |
| | | | | RI63-7 | | 18.50 | |
| 59 | Sibley | United G. P. L. Co | G-3894 | | 12.5252 | | 12.5252 |
| 64 | Sentell | Ark. La. Gas Co | G-4090 | | 13.9613 | | 13.9613 |
| 167 | Bethany-Longstreet | do | G-11905 | | 12.8713 | | 12.8713 |
| 171 | Cadeville | United G. P. L. Co | G-12484 | | 13.50 | | 13.50 |
| 176 | Hico-Knowles | Tex. Gas Trans. Corp | G-13267 | | 18.25 | | 18.25 |
| 183 | Locust Ridge | Phillips Pet. Co | G-14402 | | 14.50 | | 14.50 |
| 198 | Terryville | Tex. Gas Trans. Corp | G-15541 | | 18.25 | | 18.25 |
| 202 | Ada | United G. P. L. Co | G-18572 | | *18.25 | | 18.25 |
| 221 | Terryville | Tex. Gas Trans. Corp | CI61-660 | | *18.75 | | 18.75 |
| 227 | Calhoun | do | CI61-1245 | | *18.75 | | 18.75 |
| 228 | Vixen | Ark. La. Gas Co | CI61-1264 | | *18.50 | | 18.50 |
| 231 | Cartwright | Tex. Gas Trans. Corp | CI61-1489 | | *18.75 | | 18.75 |
| 266 | Chenlere Brake | Ark. La. Gas Co | CI63-638 | | *18.33 | | 18.33 |
| 272 | West Vixen | do | CI63-1437 | | *17.00 | | 17.00 |
| | *South Louisiana at 15.025 p.s.i.a.* | | | | | | |
| 3 | Bayou Sale | Tenn. Gas T. Co | G-3894 | G-16033 | 10.7263 | 10.9763 | 17.50 |
| 4 | Midland | do | G-3894 | G-16723 | | 22.8333 | |
| | | | | G-16033 | 10.7263 | 10.9763 | 15.75 |
| 55 | North Tepetate | Tex. Gas Trans. Corp | G-3894 | G-16723 | | 22.8333 | |
| 57 | Lewisburg and North Lewisburg | do | G-3894 | G-16127 | 14.50 | 18.5 | 15.75 |
| | | | | G-11844 | 11.6467 | 19.9360 | 15.75 |
| | | | | G-15719 | | 20.8110 | |
| 63 | Midland | United Fuel Gas Co | G-3765 | RI61-335 | | 20.9360 | |
| | | | | G-9443 | 17.50 | 17.40 | 19.00 |
| | | | | G-11247 | | 17.80 | |
| | | | | G-13440 | | 18.20 | |
| | | | | G-15719 | | 18.95 | |
| | | | | G-16518 | | 19.10 | |
| | | | | G-16518 | | 19.25 | |
| | | | | G-19536 | | 19.50 | |
| | | | | RI61-128 | | 19.90 | |
| | | | | RI62-78 | | 20.30 | |
| | | | | RI63-92 | | 20.70 | |
| | | | | RI64-185 | | 21.10 | |
| [35] 118 | Palmetto | Trans. G. P. L. Corp | G-954 | ([35]) | 17.50 | 23.55 | 17.50 |
| 147 | Live Oak | do | G-10854 | ([35]) | 17.50 | 23.55 | 17.50 |
| 150 | Midland | do | G-10854 | ([35]) | 17.50 | 23.55 | 17.50 |
| 155 | East Lake Palourde | Tex. Gas Trans. Corp | G-3820 | | 21.75 | | 20.625 |
| 196 | Live Oak | Trans. G. P. L. Corp | G-13070 | G-19022 | 17.50 | 18.50 | 17.50 |
| 211 | Saturday Island | Sou. Nat. Gas Corp | CI60-264 | | *19.175 | | 19.175 |
| 257 | Jeanerette | Tex. Gas Trans. Corp | G-16151 | RI62-276 | 20.75 | 21.75 | 20.625 |
| 260 | South Pass | Tenn. Gas T. Corp | G-19138 | RI61-485 | 19.50 | 23.60 | 19.50 |
| 166 | Bourg | United Fuel Gas Co | G-11904 | G-12150 | [37] 17.00 | 17.80 | 17.00 |
| | | | | G-13440 | | 18.20 | |
| | | | | G-15719 | | 18.70 | |
| | | | | G-16518 | | 19.10 | |
| | | | | G-19536 | | 19.50 | |
| | | | | RI61-131 | | 19.90 | |
| | | | | RI62-77 | | 20.30 | |
| | | | | RI63-93 | | 20.70 | |
| | | | | RI64-179 | | 21.10 | |

[1] Includes 0.21931 cent per Mcf for dehydration by seller.
[2] Filed for 17.78069 cents per Mcf; effective July 20, 1964, in RI64-600. (18.0 cents—0.21931 cent dehydration charge by buyer.)
[3] Filed for 15.0 cents per Mcf; effective June 1, 1964, in RI64-418.
[4] 16.01780 cents per Mcf less 0.21931 cent per Mcf for dehydration plus 0.15167 cent per Mcf tax reimbursement equals 15.95016 cents per Mcf.
[5] Filed for 19.33333 cents per Mcf, including tax reimbursement, less 0.21931 cent per Mcf for dehydration equals 19.11402 cents per Mcf; effective July 20, 1964, in RI64-600.
[6] Filed for 19.33333 cents per Mcf, including tax reimbursement; effective July 20, 1964, in RI64-600.
[7] Filed for 16.95016 cents per Mcf, including tax reimbursement, plus 0.21931 cent per Mcf for dehydration, equals 17.16947 cents per Mcf, effective June 1, 1964, in RI64-424. Consolidated in R.R. Comm. Dist. No. 3 proceedings.
[8] Includes tax reimbursement and dehydration charge by seller.
[9] Settlement rate for term of contract.
[10] No producing properties currently active.
[11] Pursuant to terms of settlement proposal.
[12] Prices reduced 0.5 cent per Mcf for amortization.
[13] Prices reflect 0.75 cent per Mcf dehydration charge by buyer.
[14] B.t.u. adjustment operates proportionally downward and at 1/100 cent per Mcf/B.t.u. upward from 1000 B.t.u./cf., maximum upward B.t.u. adjustment at 1,200 B.t.u./cf.
[15] B.t.u. adjustment operates proportionately upward and downward from 1,000 B.t.u./cf.
[16] B.t.u. adjustment operates proportionately upward and downward from 1,000 B.t.u./cf; maximum upward B.t.u. adjustment at 1,200 B.t.u./cf.
[17] Filed for 17.6 cents per Mcf. Suspended October 10, 1964, in RI64-705. FPC order dated April 29, 1964.
[18] Filed for 17.6 cents per Mcf. Suspended to August 22, 1964, in RI64-644.
[19] B.t.u. adjustment operates at 1/100 cent per Mcf/B.t.u. upward and downward from 1,000 B.t.u./cf. Maximum upward B.t.u. adjustment at 1,200 B.t.u./cf.
[20] Supplement No. 3 to Rate Schedule No. 203 consolidated in Sunray DX proceeding; omitted from settlement proposal.
[21] Settlement rate pursuant to terms and conditions of FPC Opinions No. 390 and 390-A.
[22] Filed for 17.5 cents per Mcf. Suspended to June 1, 1964, in RI64-418.
[23] Filed for 17.6 cents per Mcf. Suspended to August 26, 1964, in RI64-644.
[24] Settlement rate applicable to application adding acreage filed March 2, 1964, with the Federal Power Commission.
[25] Subject to conditions in temporary authorization issued August 5, 1963, in CI63-1490.
[26] Rate Schedule No. 281 superseded Rate Schedule No. 16.
[27] 13.0 cents per Mcf effective July 17, 1959, per Supplement No. 1 to Rate Schedule No. 16. (Mesaverde Formation gas only.)
[28] Filed for 13.0551 cents per Mcf. Suspended to June 23, 1964, in RI64-546 (Mesaverde Formation gas only).
[29] Rate Schedule No. 281 includes price for Pictured Cliffs Formation gas at 12.0509 cents per Mcf. No Pictured Cliffs gas production.
[30] 13.0 cents per Mcf including tax reimbursement.
[31] Pictured Cliffs gas. Liquid payment provisions of contract to operate to gross price of 13.0 cents per Mcf.
[32] 13.0 cents per Mcf includes tax reimbursement. Settlement rate subject to 3.0 cents per Mcf line amortization charge by buyer pursuant to contractual arrangements.
[33] Price increase application filed November 21, 1963. Suspended to June 1, 1964, in RI64-454.
[34] Docket No. G-17741. Pursuant to the terms of the settlement offer, this docket is not terminated and will remain consolidated with Docket No. AR61-2 et al.
[35] Depleted. Rate schedule cancelled July 18, 1963. Supplement No. 3 subject to refund in Docket No. G-17741.
[36] Initial price of 17.0 cents per Mcf certificated by FPC order dated November 27, 1963; suspension dockets subject to refund.
[37] Rate includes tax reimbursement and is subject to 0.21931 cents dehydration charge by buyer.
* Initial rate.
(CT) Conditioned temporary authority.
(T) Temporary authority issued. Permanent certificate not issued.
(A) Application for certificate. Permanent certificate not issued.

APPENDIX B

PENDING CERTIFICATE APPLICATION AND AMENDMENTS

| Rate schedule—Supplement No. | Area and field | Purchaser | Date of contract | Docket No. | Initial price | Settlement price |
|---|---|---|---|---|---|---|
| | *Texas RR Comm. Dist. No. 3 at 14.65 p.s.i.a.* | | | | | |
| 215 | Englehart | Tenn. Gas T. Co. | 8-10-60 | CI60-459 [1] | 16.1⁰947 | [2] 16.00 |
| | *Texas RR Comm. Dist. No. 4 at 14.65 p.s.i.a.* | | | | | |
| 224 | Northeast Thompsonville | Nat. Gas P. Co. | 9- 1-60 | CI61-482 [3] | 15.00 | [2] 15.00 |
| | *Oklahoma-Panhandle at 14.65 p.s.i.a.* | | | | | |
| 132-11 | Guymon-Hugoton | Nat. Gas P. Co. | 1- 6-56 | G-9080 [4] | 16.00 | [2] 16.00 |
| 219 | Northeast Elmwood and Southeast Griggs. | Transwestern P. Co. | 7-26-60 | CI61-291 [5] | 17.00 | [2] 17.00 |
| 219-1 | Northeast Elmwood and Southeast Griggs. | Transwestern P. Co. | 7-26-60 | CI61-291 [5] | 17.00 | [2] 17.00 |
| 273 | Northwest Midwell | Panhandle Eastern. | 4-17-63 | CI63-1490 [6] | 17.0+ Btu | [7] 17.0+ Btu |

[1] T.A. April 26, 1960 (consolidated in Dist. 3 proceedings).
[2] Cond. T.A. at 15.0 cents—FPC Order November 25, 1960.
[3] Addition of acreage—T.A. December 4, 1959.
[4] T.A. granted December 13, 1960.
[5] Addition of acreage—T.A. April 7, 1961.
[6] Cond. T.A.—August 5, 1963 (new contract).

APPENDIX C

CONSOLIDATED DOCKETS

| Texas Gulf Coast area dockets consolidated in AR64-2 | | | South Louisiana area dockets consolidated in AR61-2 South Louisiana | | | Hugoton-Anadarko area docket consolidated in AR64-1 Oklahoma-Panhandle | | |
|---|---|---|---|---|---|---|---|---|
| Docket Nos. | GRS Nos. | Supplement Nos. | Docket Nos. | GRS Nos. | Supplement Nos. | Docket Nos. | GRS Nos. | Supplement Nos. |
| *RRC Dist. No. 1* | | | G-16723 | 3 | 4 | G-12461 | 133 | 5 |
| | | | G-16723 | 4 | 7 | G-15027 | 133 | 7 |
| G-19659 | 7 | 4 | G-16127 | 55 | 6 and 7 | G-18208 | 133 | 9 |
| | | | G-11844 | 57 | 6 | RI60-218 | 133 | 13 |
| *RRC Dist. No. 2* | | | RI61-336 | 57 | 9 | RI61-448 | 133 | 15 |
| | | | G-13440 | 63 | 4 | RI62-208 | 133 | 16 |
| | | | G-16518 | 69 | 7 | RI68-400 | 133 | 18 |
| G-27365 | 152 | 3 | G-19536 | 66 | 10 | G-14736 | 172 | 2 |
| RI64-600 | 152 | 3 | RI61-128 | 63 | 12 | G-17988 | 172 | 3 |
| RI64-418 | 214 | 1 | RI62-78 | 66 | 14 | RI66-145 | 172 | 4 |
| | | | RI63-92 | 66 | 15 | RI61-374 | 172 | 5 |
| *RRC Dist. No. 3* | | | RI64-195 | 66 | 20 | RI62-310 | 172 | 6 |
| | | | G-19923 | 195 | 2 | RI63-359 | 172 | 7 |
| | | | RI62-276 | 267 | 2 | RI64-644 | 172 | 8 |
| | | | RI61-485 | 260 | 1 | RI63-66 | 173 | 1 |
| G-17121 | 22 | 7 | G-12180 | 166 | | RI62-212 | 174 | 1 |
| RI64-600 | 22 | 8 | G-13440 | 166 | 4 | G-19659 | 205 | 1 |
| G-17201 | 124 | 4 | G-16518 | 166 | 6 | RI61-131 | 205 | 3 |
| RI64-600 | 124 | 5 | RI61-131 | 166 | 9 | RI62-77 | 205 | 4 |
| RI62-464 | 200 | 10 | RI62-77 | 166 | 10 | RI63-68 | 205 | 5 |
| RI64-424 | 215 | 1 | RI63-92 | 166 | 11 | RI64-179 | 205 | 6 |
| *RRC Dist. No. 4* | | | RI64-179 | 166 | 12 | RI64-418 | 216 | 2 |
| | | | Section 7(c) Docket Consolidated in H. L. Hawkins et al. Docket Nos. G-18077 et al. CI60-459. | | | RI62-310 | 223 | 1 |
| G-19647 | 5 | 5 | | | | RI63-359 | 223 | 3 |
| RI60-303 | 5 | 6 | | | | RI64-644 | 223 | 3 |
| G-19647 | 6 | 7 | | | | G-17311 | 250 | 2 |
| RI60-303 | 6 | 8 | | | | *Oklahoma-Other* | | |
| RI61-122 | 48 | 3 | | | | | | |
| G-13088 | 49 | 6 | | | | RI63-213 | 163 | 7 |
| RI63-171 | 49 | 8 | | | | G-20278 | 180 | 2 |
| G-19659 | 125 | 2 | | | | RI63-358 | 226 | 4 |
| G-19647 | 149 | 3 | | | | *Kansas* | | |
| G-19658 | 151 | 1 | | | | | | |
| G-12054 | 159 | 1 and 2 | | | | G-20305 | 127 | 4 |
| RI60-88 | 159 | 4 | | | | RI62-199 | 175 | 4 |
| RI62-462 | 198 | 8 | | | | Section 7(c) Docket Consolidated in Turnbull and Zoch et al. Docket Nos. G-17960 et al. CI61-462. | | |
| RI63-464 | 199 | 9 | | | | | | |
| RI62-463 | 201 | 8 | | | | | | |
| RI63-66 | 246 | 9 | | | | | | |

[F.R. Doc. 64-10553; Filed, Oct. 19, 1964; 8:45 a.m.]

# HOUSING AND HOME FINANCE AGENCY

## Office of the Administrator

## CONTRACTS COMPLIANCE OFFICER ET AL.

### Designation and Functions

1. *Contracts Compliance Officer for the Housing and Home Finance Agency (under regulations of President's Committee on Equal Employment Opportunity codified at 41 CFR Ch. 60), designation and functions.* The Deputy Housing and Home Finance Administrator is hereby designated the Contracts Compliance Officer for the Housing and Home Finance Agency, pursuant to the requirement in the regulations of the President's Committee on Equal Employment Opportunity codified under 41 CFR 60-1.5 (b), to execute the powers, functions, and duties prescribed or authorized to be carried out by such Officer under 41 CFR Ch. 60, including the authority under 41 CFR 60-1.24(b) to make the Agency decision on a complaint.

2. *Employment Policy Officer for the Housing and Home Finance Agency (under regulations of President's Committee on Equal Employment Opportunity codified at 5 CFR Part 1401), designation and functions.* The Deputy Housing and Home Finance Administrator is hereby designated the Employment Policy Officer for the Housing and Home Finance Agency, pursuant to the requirement in the regulations of the President's Committee on Equal Employment Opportunity codified under 5 CFR 1401.3 (b), to execute the powers, functions, and duties prescribed or authorized to be carried out by such Officer under 5 CFR Part 1401.

3. *Housing and Home Finance Administrator's designated representative to make final decision under 5 CFR 1401.20 (regulations of President's Committee on Equal Employment Opportunity), designation and functions.* The Deputy Housing and Home Finance Administrator is hereby named the Housing and Home Finance Administrator's designated representative empowered under 5 CFR 1401.20 of the regulations of the President's Committee on Equal Employment Opportunity to make the final decision in the disposition of a complaint by an employee or applicant for employment within the Housing and Home Finance Agency.

4. *Supersedure.* This designation supersedes the designation of Acting HHFA Contracts Compliance Officer and Employment Policy Officer effective February 21, 1963.

(E.O. 10925 of March 6, 1961, 3 CFR, 1961 Supp., p. 86; E.O. 11114 of June 22, 1963, 3 CFR, 1963 Supp., p. 185; and regulations of President's Committee on Equal Employment Opportunity codified under 5 CFR Part 1401 and 41 CFR Ch. 60)

Effective as of August 24, 1964.

[SEAL] ROBERT C. WEAVER,
*Housing and Home Finance Administrator.*

[F.R. Doc. 64-10661; Filed, Oct. 19, 1964; 8:47 a.m.]



# INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

## CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN YUGOSLAVIA

### Limitation of Entry and Withdrawal From Warehouse

OCTOBER 15, 1964.

On May 14, 1964, the United States Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6 relating to non-participants, requested the Government of Yugoslavia to restrain exports of cotton textiles in Categories 1 and 2 produced or manufactured in Yugoslavia to certain designated levels during the twelve month period beginning on March 30, 1964, and extending through March 29, 1965. On January 2, 1964, existing restraints in Categories 26 and 48–49 were renewed for the twelve month period beginning on January 3, 1964, and extending through January 2, 1965.

There is published below a letter of October 15, 1964, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts in Categories 1, 2, 26, and 48–49 of cotton textiles produced or manufactured in Yugoslavia which may be entered, or withdrawn from warehouse for consumption in the United States be limited to certain designated levels as adjusted to reflect entries for consumption and withdrawals from warehouse for consumption reported through August 31, 1964.

On October 5, 1964, the United States and Yugoslavia entered into a bilateral agreement on trade in cotton textiles to take effect January 1, 1965. Further directives will be issued to the Bureau of Customs prior to that date to implement the bilateral agreement.

This directive supplements but does not amend previous directives of May 18, 1964, and June 22, 1964, regarding imports of certain cotton textiles produced or manufactured in Yugoslavia, which were published respectively on May 22, 1964 (29 F.R. 6710) and June 27, 1964 (29 F.R. 8189–8190).

JAMES S. LOVE, Jr.,
*Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.*

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
*Washington 25, D.C.*
OCTOBER 15, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
*Washington, D.C.*

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6 relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective October 23, 1964, and until further notice, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles in Categories 1, 2, 26, and 48–49 produced or manufactured in Yugoslavia, in excess of the following levels of restraint as adjusted for previous entries:

| Category | 12-month levels of restraint | 12-month levels of restraint less adjustments |
|---|---|---|
| 1 | 70,000 lbs. | 44,471 lbs.[1] |
| 2 | 60,000 lbs. | 1,690 lbs.[1] |
| 26 | 1,400,000 sq. yds. | 581,159 sq. yds.[2] |
| 48–49 | 11,000 doz. | 6,526 doz.[2] |

[1] These levels reflect entries reported during the period March 30, 1964, through August 31, 1964. No adjustments have been made to reflect any other entries which may have been made from March 30, 1964.
[2] These levels reflect entries reported during the period January 3, 1964, through September 25, 1964. No adjustments have been made to reflect any other entries which may have been made from January 3, 1964.

A detailed description of the listed Categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551), and amendments thereto on March 24, 1964 (29 F.R. 3679).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Yugoslavia and with respect to imports of cotton textile products from Yugoslavia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. D. MARTIN, Jr.,
*Acting Secretary of Commerce, and Acting Chairman, President's Cabinet Textile Advisory Committee.*

[F.R. Doc. 64-10662; Filed, Oct. 19, 1964; 8:49 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-X, Disaster No. 3]

## MANAGER, DISASTER FIELD OFFICE, LAFAYETTE, LA.

### Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9), 29 F.R. 11777, there is hereby redelegated to the Manager of Lafayette Disaster Field Office the following authority.

A. *Financial Assistance.* 1. To approve and decline disaster loans in an amount not exceeding $50,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
*Manager, Disaster Field Office.*

3. To cancel, reinstate, modify and amend authorization for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

Effective date: October 12, 1964.

ROBERT E. WEST,
*Regional Director,*
*Dallas, Texas.*

[F.R. Doc. 64-10645; Filed, Oct. 19, 1964; 8:45 a.m.]

[Delegation of Authority 30-X, Disaster No. 5]

## MANAGER, DISASTER FIELD OFFICE, MORGAN CITY, LOUISIANA

### Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9), 29 F.R. 11777, there is hereby redelegated to the Manager of Morgan City Disaster Field Office the following authority.

A. *Financial Assistance.* 1. To approve and decline disaster loans in an amount not exceeding $50,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
*Manager, Disaster Field Office.*

3. To cancel, reinstate, modify and amend authorization for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by an SBA employee designated as Acting Manager of the disaster field office.

Effective date: October 12, 1964.

ROBERT E. WEST,
*Regional Director,*
*Dallas, Texas.*

[F.R. Doc. 64-10666; Filed, Oct. 19, 1964; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Docket No. M-18627]

## GENERAL INCREASE, BETWEEN EAST AND TERRITORIES WEST

### Investigation and Suspension

It appearing, that by order dated September 18, 1964, in the above-entitled proceeding, the Board of Suspension instituted an investigation into and concerning the lawfulness of the rates, charges, and regulations contained in certain schedules described therein;

It further appearing, that under section 216(g) of the Interstate Commerce Act respondents have the burden of proof to show that the proposed changed rates, charges, and regulations are just and reasonable;

And it further appearing, that in order that consideration be given to all factors which may bear upon a proper determination of the issues, including the question whether the resulting earnings would be just and reasonable, it is deemed appropriate in the public interest and pursuant to section 216(i) of the act that the information specified below be included in the record to be developed in this proceeding;

And good cause appearing therefor:

*It is ordered*, That respondents be, and they are hereby, notified and required to submit information and supporting data which shall include, among other things, actual cost and revenue data (including anticipated revenue to show the effect of the proposed increase) and operating ratios specifically related to the traffic and territories involved, overall operating ratios, detailed data to establish the representative nature of the carriers used, and detailed data to disclose carrier-affiliate financial and operating relationships and transactions, as generally indicated by the admonitions in General Increase—Middle Atlantic and New England Territories, 319 I.C.C. 168, and in General Increases—Transcontinental, 319 I.C.C. 792, and in addition all pertinent evidence and supporting data for the individual representative carriers regarding, but not limited to, the following as they relate to their overall operations and to those specifically relating to the traffic and territories involved:

(1) Ratios of net income before and after income taxes to net worth (assets minus liabilities),

(2) Ratio of net carrier operating income to total carrier operating revenues,

(3) Ratios of net income before and after income taxes to total carrier operating revenues,

(4) Ratios of net carrier operating income to net book value of carrier operating property plus net working capital (current assets minus current liabilities),

(5) Ratios of net income before and after income taxes to net book value of carrier operating property plus net working capital (current assets minus current liabilities);

*It is further ordered*, That the detailed data required to be submitted by respondents regarding carrier-affiliate financial and operating relationships and transactions shall include, with respect to any and all individuals, partnerships, and corporations affiliated with respondents, the following information:

1. Name of each affiliate from which respondent, during the year 1963, acquired, leased or purchased lands, buildings, equipment, materials, supplies, parts, tires, tubes, gasoline, oil, or other property or services used by respondent in its operations as a motor common carrier.

2. Kinds of property or service which each affiliate supplied to respondent.

3. Basis of charges for property or services supplied by affiliate to respondent, including the base and rate for rental charges.

4. Total charges by each affiliate to respondent during year 1963 for:

a. Lease of vehicles.
b. Lease of terminals.
c. Lease of other property.
d. Pickup and delivery of shipments.
e. Repair and servicing of vehicles.
f. Management, accounting, financial, legal, purchasing, or traffic solicitation services.
g. Property sold by affiliate to respondent.

5. If the affiliate derives revenue from the sale or lease of property or from services through transactions with persons other than respondent, indicate the percentage of the revenue of such business to the total revenue of the affiliate in the year 1963.

6. A copy of the income statements of each affiliate for the year 1963 and the latest period of 1964 for which an income statement is available.

7. A statement listing the amounts of wages, salaries, bonuses, and other compensation paid by the affiliate in 1963 to any individual who is also a respondent or an officer, director or substantial stockholder of a respondent; or the wife or close relative of a respondent or officer, director or substantial stockholder of a respondent.

8. The term "affiliate" as used in this order means:

a. Any individual who is also a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent, or of an officer, director, or substantial stockholder of a respondent.

b. Any partnership in which one of the partners is a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent or of an officer, director, or substantial stockholder of a respondent.

c. Any corporation whose stock is wholly or partly owned by a respondent; by an officer, director, or substantial stockholder of a respondent; or by the wife or close relative either of a respondent or of an officer, director, or substantial stockholder of a respondent.

d. Any corporation which exercises control over the operations or finances of respondent.

*It is further ordered*, That the traffic studies to be submitted shall be based upon actual operations conducted during identical periods of time for each carrier, and the actual cost studies shall be based upon the operations of the same carriers as used in the traffic studies; and that the periods of time selected for, as well as the motor carriers used in, such cost and traffic studies, shall be shown to be representative and their selection statistically sound;

*It is further ordered*, That all of the required data specified in this order shall be based upon and reflect at least the most recent annual reporting period;

*It is further ordered*, That the detailed information called for by this order with respect to carrier-affiliates shall be in writing and shall be verified by a person or persons having knowledge thereof, and a verified original and two additional copies shall be mailed to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423, in sufficient time to reach the Commission on or before December 21, 1964; and, in addition, that this information is to be introduced into evidence by respondents but may be in summary form, if so desired, cf. Surcharge on Small Shipments Within Central States, 63 M.C.C. 157;

*It is further ordered*, That:

(1) The respondents and interveners in support thereof shall serve on the parties of record on or before December 21, 1964, their direct evidence in the form of verified statements (with appendices, if any); and that they also, at the same time, shall mail two copies to this Commission, together with certificates of service in accordance with § 1.22(a) of the general rules of practice; and the executed original shall be tendered at the hearing;

(2) The protestants and interveners in support thereof shall serve on the parties of record on or before January 25, 1965, their evidence in the form of verified statements (with appendixes, if any); and that they shall comply also with the provisions in the preceding paragraph regarding the mailing and service of statements;

(3) This proceeding be, and it is hereby, assigned for hearing before a Hearing Examiner to be designated on February 15, 1965, at 9:30 a.m., U.S. standard time at the office of the Interstate Commerce Commission in Washington, D.C., for the purpose of receipt in evidence of the verified statements, cross-examination thereon if requested, and the introduction of rebuttal evidence and to permit the examiner to close the record;

(4) Parties desiring to cross-examine witnesses who have submitted verified statements must give notice, in writing, of such request to affiant and his counsel, if any, on or before February 8, 1965, a copy of such notice to be filed simultaneously with this Commission. Failure of any witness whose attendance is requested to appear at the hearing for cross-examination shall be considered good cause for the rejection of his verified statement (with appendixes, if any);

(5) All underlying data used in the preparation of evidence set forth in the verified statements (with appendixes, if any) shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so; and that underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination;

(6) Anyone desiring to become a party of record and to participate in the hearing, and receive and/or serve copies of the evidence to be filed in accordance with the procedure set forth above, must notify the Commission and all the then known parties of record, in writing, on or before November 12, 1964. Attached hereto is a list of the presently known parties of record.[1]

(7) Evidence presented which fails to conform to the above-outlined procedure will not become a part of the record in this proceeding.

*It is further ordered*, That a copy of this order be delivered to the Director, Office of Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

*And it is further ordered*, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) have been identified by name in the order or orders of investigation herein,

(2) specifically make written request to the Secretary of the Commission to be included on the service list, or

(3) have appeared at a hearing.

Dated at Washington, D.C., this 24th day of September A.D. 1964.

By the Commission, Commissioner Tucker.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64-10658; Filed, Oct. 19, 1964; 8:46 a.m.]

## FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 15, 1964.

Protests to the granting of an application must be prepared in accordance with rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39330: *Liquid caustic soda to Opelika, Ala.* Filed by O. W. South, Jr., agent (No. A4578), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Brunswick, Ga., to Opelika, Ala.

Grounds for relief: Market competition.

Tariff: Supplement 151 to Southern Freight Association, agent, tariff I.C.C. S-194.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64-10659; Filed, Oct. 19, 1964; 8:46 a.m.]

[1] List filed as part of original document.



[Notice 1064]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 15, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66845. By order of October 10, 1964, the Transfer Board approved the transfer to Bill Davidson Transport Limited, a corporation, Oshawa, Ontario, Canada, of the operating rights issued by the Commission December 14, 1961, under Permit No. MC 123568, to Charles H. Titus and Brant C. Stamp, a partnership, doing business as Titus & Stamp Transport, Haliburton, Ontario, Canada, authorizing the transportation of lumber, over irregular routes, from ports of entry in New York on the United States-Canada boundary line, to Buffalo, N.Y. Joseph Gutmann, 160 Bay St., Toronto 1, Ontario, Canada, chartered accountant and licensed trustee, for applicants.

No. MC-FC 67017. By order of October 12, 1964, the Transfer Board approved the transfer to Severaid Motor Freight, Incorporated, Story City, Iowa, of Certificate in No. MC 22968, issued July 12, 1943, to J. M. Severaid, doing business as Severaid Motor Freight, Story City, Iowa, and of application in No. MC 22968 Sub 2 for a certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206 (a)(1) of the Act supported by Iowa Certificate No. 617, as amended; authorizing the transportation under the certificate in No. MC 22968 of general commodities, excluding household goods, and other specified commodities, between Des Moines, Iowa, and Randall, Iowa; and under its filing in No. MC 22968 Sub 2, authorizing the transportation of intrastate freight as follows: Des Moines, Ankey, Huxley, Ames, Gilbert, Story City, Roland, McCallsburg, Garden City, Randall, Jewell, Ellsworth, and Story City, except for the transportation of freight originating or interchanged at Des Moines or Ames or at any point intermediate thereto and destined to another of those points or for transfer to another carrier at any of those points. William A. Landau, 1307 Walnut Street, Des Moines, Iowa, representative for applicants.

No. MC-FC 67190. By order of October 12, 1964, the Transfer Board approved the transfer to G. F. Trucking, Inc., New Haven, Conn., of the operating rights in Certificate of Registration No. MC 98280 Sub 1, issued September 25, 1964, to Gabriel Fucci, doing business as G & F Trucking Company, New Haven, Conn., corresponding to the grant of intrastate authority to transferor, pursuant to Motor Common Carrier Certificate No. C-1038, dated March 1, 1952, as amended and reissued June 2, 1958, by the Public Utilities Commission of the State of Connecticut. David Meyers, C.P.A., 1098 Chapel Street, New Haven, Conn., representative for applicants.

No. MC-FC 67221. By order of October 12, 1964, the Transfer Board approved the transfer to Paul Silvers and Eddie Wilson, a partnership, doing business as Silvers and Wilson Truck Service, Rocky Ford, Colo., of the Certificate of Registration in No. MC 120626 Sub 1, issued January 8, 1964, to Audry Silvers and Paul Silvers, a partnership, doing business as Silvers Truck Service, Rocky Ford, Colo., authorizing transportation in interstate and foreign commerce consistent with the intrastate operations authorized by the Public Utilities Commission of the State of Colorado in Certificate No. 1025, issued February 28, 1939. Cover Mendenhall, 915 Railroad Avenue, Rocky Ford, Colo., 81067, attorney for applicants.

No. MC-FC 67226. By order of October 12, 1964, the Transfer Board approved the transfer to Joseph R. Conlin, Sr., and Joseph Fisher, a partnership, doing business as C & F Trucking Co., Prospect Park, Pa., of the operating rights issued by the Commission June 9, 1941, under Certificate No. MC 19868 to John Kessler, Philadelphia, Pa., authorizing the transportation, over irregular routes, of ship ranges and parts, shipbuilders' supplies, and electrical machinery and supplies, from Philadelphia, Pa., to New York, N.Y., Wilmington, Del., and points in New Jersey. Raymond A. Thistle, Jr., Suite 1408-09, 1500 Walnut Street, Philadelphia 2, Pa., attorney for applicants.

No. MC-FC 67236. By order of October 12, 1964, the Transfer Board approved the transfer to Earl J. Wiles, doing business as R. E. Wiles Truck Service, Carlinville, Ill., of the operating rights issued by the Commission November 18, 1957, under Certificate No. MC 74176, to Olive Wiles, doing business as R. E. Wiles Truck Service, Carlinville, Ill., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, serving points in St. Louis County, Mo., within the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as off-route points

in connection with regular route operations between Springfield, Ill., and St. Louis, Mo.; between Springfield, Ill., and St. Louis, Mo., serving all intermediate points; and between Carlinville, Ill., and Mildred, Ill., serving all intermediate points and the off-route points of Greenfield and Rockridge, Ill. A. A. Marshall, 216 Buder Building, St. Louis, Mo., 63101, registered practitioner for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10660; Filed, Oct. 19, 1964; 8:47 a.m.]

# Title 2—THE CONGRESS

## ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 88th Congress, Second Session.

### October 16, 1964

S. 3060 ..... Public Law 88-665

To amend and extend the National Defense Education Act of 1958 and to extend Public Laws 815 and 874, Eighty-first Congress (federally affected areas).

H.R. 12259 ..... Public Law 88-666

To amend the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of nationals of the United States against the Government of Cuba.



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Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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FEDERAL REGISTER
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Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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# Rules and Regulations

## Title 7—AGRICULTURE

**Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture**

[Lime Reg. 13]

### PART 911—LIMES GROWN IN FLORIDA

**Quality and Size Regulation**

**§ 911.315 Lime Regulation 13.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 22, 1964. Determinations as to the need for, and extent of, regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to October 22, 1964, and in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on October 14, 1964, held to consider recommendations for regulation; the provisions of this section are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this section effective as hereinafter set forth; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., October 22, 1964, and ending at 12:01 a.m., e.s.t., November 23, 1964, no handler shall handle:

(i) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, which do not grade at least U.S. Combination, Mixed Color, with not less than 60 percent, by count, of such limes in each container thereof grading at least U.S. No. 1, Mixed Color, and the remainder thereof grading at least U.S. No. 2, Mixed Color; or

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter: *Provided*, That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement.

(2) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 15, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–10708; Filed, Oct. 20, 1964; 8:46 a.m.]

## Title 8—ALIENS AND NATIONALITY

**Chapter I—Immigration and Naturalization Service, Department of Justice**

### MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

### PART 205—PETITION FOR IMMIGRANT STATUS AS RELATIVE OF UNITED STATES CITIZEN, LAWFUL RESIDENT ALIEN, OR ELIGIBLE ORPHAN

1. Section 205.1 is amended to read as follows:

**§ 205.1 Relative.**

A petition to accord nonquota immigrant status under section 101(a)(27)(A) of the Act, or quota immigrant status under section 203(a)(2) or (3) of the Act, or a preference under section 203(a)(4) of the Act shall be filed on a separate Form I–130 for each beneficiary and shall be accompanied by a fee of $10. The petition shall be filed in the office of the Service having jurisdiction over the place where the petitioner is residing. However, when the petitioner and beneficiary are physically present in an area over which the following consular officers have jurisdiction, the Form I–130 petition may be filed with an American consular officer at any visa-issuing post in South America (except Venezuela), areas of Asia lying to the east of the western borders of Afghanistan and Pakistan (but not including Hong Kong and adjacent islands, Taiwan, Japan, Okinawa, Korea, and the Philippines), Australia, New Zealand, and Africa (excluding posts in the United Arab Republic, the Mediterranean islands, and Portuguese island possessions); while such consular officers are authorized to approve such petitions, they shall refer any petition which is not clearly approvable to the appropriate Service office outside the United States for decision. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal to the Board within 15 days after mailing of the notification of the decision in accordance with the provisions of Part 3 of this chapter.

2. Paragraphs (c), (e), and (f) of § 205.5 are amended to read as follows:

**§ 205.5 Evidence of family relationship between petitioner and beneficiary.**

* * * * *

(c) *Petition for a child.* If a petition is submitted by a mother on behalf of a child, regardless of the child's age, the birth certificate of the child showing the name of the mother must accompany the petition. If a petition is submitted by a father or stepparent on behalf of a child, regardless of age, a certificate of marriage of the parents, proof of termination of their prior marriages, and the birth certificate of the child must accompany the petition.

* * * * *

(e) *Petition in behalf of a parent.* If a petition is submitted in behalf of a mother, the petitioner's birth certificate showing the name of the mother must

accompany the petition. If a petition is submitted on behalf of a father or stepparent, the petitioner's birth certificate and the marriage certificate of his parent and stepparent must accompany the petition, as well as proof of the termination of their prior marriages, if any.

(f) *Married women.* If either the petitioner or the beneficiary is a married woman, her marriage certificate must accompany the petition. However, when the relationship between the petitioner and beneficiary is that of a mother and child, regardless of the child's age, the mother's marriage certificate need not be submitted if the mother's present married name appears on the birth certificate of the child.

* * * * *

## PART 206—REVOCATION OF APPROVAL OF PETITIONS

3. Paragraph (c) of § 206.1 is amended to read as follows:

§ 206.1 Automatic revocation.

* * * * *

(c) *Revalidation.* Any petition approved under section 204 or 205 of the Act, which was automatically revoked by failure to obtain a visa within the prescribed period of time, may be revalidated by a district director retroactively as of the date of the initial approval. The following American consular officers are also authorized to revalidate any petition on Form I–130 when the petitioner and the beneficiary are physically present in the area over which the consular officers have jurisdiction: American consular officers assigned to visa-issuing posts in South America (except Venezuela), areas of Asia lying to the east of the western borders of Afghanistan and Pakistan (but not including Hong Kong and adjacent islands, Taiwan, Japan, Okinawa, Korea, and the Philippines), Australia, New Zealand, and Africa (excluding posts in the United Arab Republic, the Mediterranean islands and Portuguese island possessions); while such consular officers are authorized to revalidate such petitions, they shall refer any petition which is not clearly subject to revalidation to the appropriate Service office outside the United States for decision. A petitioner may request revalidation of a petition approved under section 204 or 205 of the Act. Before the petition may be revalidated, the beneficiary's current eligibility must be established. The petitioner shall be notified of the decision on his request for revalidation and if revalidation is not granted, of the reasons therefor, and shall have 15 days after the mailing of the notification of decision within which to appeal as provided in Part 3 of this chapter if the petition was filed under § 205.1 of this chapter, or as provided in Part 103 of this chapter if the petition was filed under § 204.1 of this chapter or § 205.2 of this chapter. When a visa petition has been approved, and subsequently a new petition by the same petitioner is approved in behalf of the same beneficiary, the latter approval shall be regarded as a revalidation of the original petition.

* * * * *

## PART 223—REENTRY PERMITS

4. Section 223.2 is amended to read as follows:

§ 223.2 Extensions.

An application for extension of a reentry permit shall be submitted on Form I–143 prior to the expiration of the reentry permit's validity to the office having jurisdiction over the applicant's place of residence in the United States, or to the immigration officer stationed outside the United States having jurisdiction over the place where the applicant is temporarily sojourning, or to an American consular officer in South America (except Venezuela), in those areas of Asia lying to the east of the western borders of Afghanistan and Pakistan (but not including Hong Kong and adjacent islands, Taiwan, Japan, Okinawa, Korea, and the Philippines), in Australia, New Zealand, Bulgaria, Czechoslovakia, Hungary, Iceland, Rumania, the Union of Soviet Socialist Republics, Iran, Iraq, Jordan, Saudi Arabia, Syrian Arab Republic, Yemen, Aden, Kuwait, and in Africa (including the United Arab Republic) when the applicant is temporarily sojourning in one of the aforementioned places. A reentry permit extension application mailed during the permit's validity is considered as timely submitted, even though received by a Service or consular office after the permit's validity has expired. If the extension application is granted, the permit will be noted to show the extension and returned to the applicant; if denied, the applicant shall be notified of the decision, and the permit returned to him if the remaining period of its validity permits its use for return to the United States. No appeal shall lie from a decision denying an application for extension of a reentry permit.

## PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

5. Section 245.1 is amended to read as follows:

§ 245.1 Eligibility.

An alien who on arrival in the United States was serving in any capacity on board a vessel or aircraft, or was destined to join a vessel or aircraft in the United States to serve in any capacity thereon, or was not admitted or paroled following inspection by an immigration officer is not eligible for the benefits of section 245 of the Act. Pursuant to section 212(e) of the Act, an alien who has or has had the status of an exchange alien or of a nonimmigrant under section 101(a)(15)(J) of the Act is not eligible for the benefits of section 245 of the Act unless he has complied with the foreign-residence requirements of section 212(e) of the Act or has been granted a waiver thereof. An alien who has a nonimmigrant status under paragraph (15)(A), (15)(E), or (15)(G) of section 101(a) of the Act, or has an occupational status which would, if he were seeking admission to the United States, entitle him to a nonimmigrant status under any of such paragraphs of section 101(a) of the Act is not eligible for the benefits of section 245 of the Act unless he first executes and submits with his application the written waiver required by section 247(b) of the Act and Part 247 of this chapter. A member of the immediate family of an alien having status under section 101(a)(15)(A) or (G) of the Act, and a spouse or child of an alien having status under section 101(a)(15)(E) of the Act may apply for adjustment of status only if such member, spouse, or child executes the written waiver required by section 247(b) of the Act, irrespective of whether the principal alien also applies for adjustment and executes such waiver. A visa shall not be held to be available for an alien claiming a preference-quota status or a nonquota status under section 101(a)(27)(A) or (F) unless a petition to accord such status has been approved in accordance with Part 204 of this chapter or 205 of this chapter. Except as provided in Part 249 of this chapter, an application under this part shall be the sole method of requesting the exercise of discretion under section 212(f), (g), and (h) of the Act, as amended September 26, 1961, insofar as they relate to the excludability of an alien in the United States. When the applicant is chargeable to a quota, the current Department of State Visa Office Bulletin on Status of Quotas will be consulted to determine whether an immigrant visa is immediately available; an immigrant visa is considered available for accepting and processing the application if the applicant has a priority date on the quota waiting list which is not more than 90 days later than the date shown in that bulletin. The application shall not be approved until a quota immigrant visa number has been allocated by the Department of State. Information as to immediate availability of a quota immigrant visa may be obtained at the nearest Service office.

## PART 252—LANDING OF ALIEN CREWMEN

6. Paragraphs (b) and (d) of § 252.1 are amended to read as follows:

§ 252.1 Examination of crewmen.

* * * * *

(b) *Classes of aliens subject to examination under this part.* The examination of every alien crewman arriving in the United States shall be in accordance with this part and not otherwise except that the following classes of persons employed on vessels or aircraft shall be examined in accordance with the provisions of Parts 235, 236, and 237 of this chapter: (1) Aliens in possession of an immigrant visa, reentry permit, or a Form I–151 alien registration receipt



card, applying for admission as immigrants; (2) Canadian or British citizen crewmen serving on vessels plying solely between Canada and the United States; or (3) Canadian or British citizen crewmen of aircraft arriving in a State of the United States directly from Canada on flights originating in that country. The crew of a vessel arriving at a United States port which may not require inspection by or clearance from the Bureau of Customs is, nevertheless, subject to examination under this part; however, the master of such a vessel, is not required to present Form I–95 for any crewman who is not an applicant for a conditional landing permit.

* * * * *

(d) *Authorization to land.* The immigration officer in his discretion may grant an alien crewman authorization to land temporarily in the United States for (1) shore leave purposes during the period of time the vessel or aircraft is in the port of arrival or other ports in the United States to which it proceeds directly without touching at a foreign port or place, not exceeding 29 days in the aggregate, if the immigration officer is satisfied that the crewman intends to depart on the vessel on which he arrived or on another aircraft of the same transportation line, and the crewman's passport is surrendered for safe keeping to the master of the arriving vessel, or (2) the purpose of departing from the United States as a crewman on a vessel other than the one on which he arrived, or departing as a passenger by means of other transportation, within a period of 29 days, if the immigration officer is satisfied that the crewman intends to depart in that manner, that definite arrangements for such departure have been made, and the immigration officer has consented to the pay off or discharge of the crewman from the vessel on which he arrived. A crewman granted a conditional permit to land under section 252(a)(1) of the Act and clause (1) of this paragraph is required to depart with his vessel from its port of arrival and from each other port in the United States to which it thereafter proceeds coastwise without touching at a foreign port or place; however, he may rejoin his vessel at another port in the United States before it touches at a foreign port or place if he has advance written permission from the master or agent to do so.

* * * * *

7. Section 252.2 is amended to read as follows:

§ 252.2 Revocation of conditional landing permits; deportation.

An alien permitted to land conditionally under § 252.1(d)(1) may, within the period of time for which he was permitted to land, be taken into custody by any immigration officer without a warrant of arrest and be transferred to the vessel upon which he arrived in the United States, if such vessel is in any port of the United States and has not been in a foreign port or place since the crewman was issued his conditional landing permit, upon a determination by the immigration officer that the alien crewman is not a bonafide crewman or that he does not intend to depart on the vessel on which he arrived in the United States. The conditional landing permit of such an alien crewman shall be taken up and revoked by the immigration officer and a notice to detain and deport such alien crewman shall be served on the master of the vessel on Form I–259. Form I–99 shall be served on the crewman when he is taken into custody or as soon as practicable thereafter. On the written request of the master of the vessel, the crewman may be detained and deported, both at the expense of the transportation line on whose vessel he arrived in the United States, other than on the vessel on which he arrived in the United States, if detention or deportation on such latter vessel is impractical.

8. Section 252.4 is amended to read as follows:

§ 252.4 Permanent landing permit and identification card.

(a) *Eligibility.* An alien crewman who seeks to land temporarily in the United States as provided in § 252.1(d)(1) shall apply on Form I–174 to the immigration officer for a permanent type landing permit and identification card which will be valid indefinitely for an unlimited number of conditional landings without endorsement on each arrival. The applicant shall be photographed and fingerprinted. Upon establishing his status to the satisfaction of an immigration officer, a laminated Form I–184 landing permit and identification card may be issued to the applicant. An application for a Form I–184 shall not be required or accepted from a Canadian or British citizen crewman serving on a vessel plying solely between Canada and the United States, a crewman serving on a vessel which does not ordinarily call at a port in the United States in the course of its usual commerce, or a crewman who has less than one year's sea service. No other alien shall be landed as a crewman unless he is in possession of a card on Form I–184, establishes that such a card was properly issued to him previously and was lost or destroyed, or is making an initial application for such a card and is otherwise admissible and eligible. An application shall not be required or accepted from, nor shall Form I–184 be issued to, a crewman whose departure has been enforced for a willful violation of the immigration laws or to a crewman who has been refused a Form I–184 or whose Form I–184 has been voided, except that a Form I–184 may be issued to a crewman who, after deportation, has been granted permission to reapply for admission pursuant to section 212(a)(16) or (17) of the Act or in whose case, after Form I–184 was refused or voided, he has been found to be a bona fide crewman: *Provided*, That, the deportation, refusal, or voidance occurred more than one year prior to the reapplication. An application for a new card in lieu of one lost or destroyed shall be made on Form I–174, without fee, and the crewman need not be fingerprinted. An issued Form I–184 will be held at the processing port for delivery to the crewman on the next arrival of the vessel. Any undelivered Form I–184 will be held on file in the processing office until the close of the calendar year next following the year of processing. At the expiration of that period, the card will be destroyed.

(b) *Validity and revocation.* A Form I–184 is valid until revoked. It shall be revoked when an immigration officer finds that the crewman is in the United States in willful violation of the terms and conditions of his admission, or that he is inadmissible to the United States, or is ineligible for Form I–184. On revocation, the Form I–184 shall be surrendered to an immigration officer. No appeal shall lie from a denial of an application for, or the revocation of, Form I–384.

## PART 280—IMPOSITION AND COLLECTION OF FINES

9. Section 280.21 is amended to read as follows:

§ 280.21 Seizure of aircraft.

Seizure of an aircraft under the authority of section 239 of the Act and § 280.2 will not be made if such aircraft is damaged to an extent that its value is less than the amount of the fine which may be imposed. If seizure of an aircraft for violation of section 239 of the Act is to be made, Form G–297 (Order to Seize Aircraft) and Form G–298 (Public Notice of Seizure) shall be prepared in septuple and the originals furnished to the immigration officer who will effect the seizure. The original of Form G–297, properly endorsed as to date and place of seizure, shall be returned for retention in the relating file after seizure is effected. The original of Form G–298 shall be placed on the seized aircraft and a copy retained in the file. Copies of both forms shall be served upon the owner of the aircraft and the pilot if other than the owner. Copies shall also be furnished the collector of customs and the United States Attorney for the district in which the seizure was made. In addition, immediately upon the seizure of an aircraft, or prior thereto, if circumstances permit, a full report of the facts in the case shall be submitted by the district director to the United States Attorney for the district in which the seizure was made, together with copies of Form G–296 (Report of Violation) and Form I–72 (Notice of Intention to Fine). The report shall include the cost incurred in seizing and guarding the aircraft and an estimate of the further additional cost likely to be incurred.

## PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

10. The list of forms in § 299.1 *Prescribed forms* is amended by adding the following forms and references thereto in alphabetical and numerical sequence:

| *Form No.* | *Title and description* |
|---|---|
| G–296 | Report of Violation. |
| G–297 | Order to Seize Aircraft. |
| G–298 | Public Notice of Seizure |
| I–99 | Notice of Revocation and Penalty. |

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)



This order shall become effective on the applicant to demonstrate that he

(b) An application for a license or



PART 1—INVESTMENT SECURITIES

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure and management.

Dated: OCTOBER 16, 1964.

RAYMOND F. FARRELL,
*Commissioner of Immigration and Naturalization.*

[F.R. Doc. 64-10724; Filed, Oct. 20, 1964; 8:48 a.m.]

# Title 10—ATOMIC ENERGY

## Chapter I—Atomic Energy Commission

## PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

### Radioactivity in Effluents to Unrestricted Areas

On September 17, 1963, the Commission published for public comment a proposed amendment of 10 CFR Part 20 which would revise § 20.106 and would revise Appendix "B" to Part 20 with respect to limits on release of certain radioactive materials into air or water in unrestricted areas.

The Statement of Considerations published in the FEDERAL REGISTER of September 17, 1963 (28 F.R. 10170) set forth a detailed discussion of the background and basis for the proposed amendment.

The amendment implements the recommendations of the September 13, 1961, Federal Radiation Council Memorandum for the President as they pertain to the release of effluent containing radioactive material from AEC-licensed activities in the following ways:

a. It would incorporate into Part 20 revised concentration limits based on FRC recommendations, for radium 226, iodine 131, strontium 89, and strontium 90 that would govern the release by licensees of these radionuclides into unrestricted areas. The limits for radium 226, and strontium 90 are less restrictive by a factor of 3. The limits for strontium 89 in air and water and for iodine 131 in air are more restrictive by a factor of 3, and the limit for iodine 131 in water is more restrictive by a factor of 7, than the present Part 20 limits.

b. It would add to § 20.106 a provision relating to limitations on the gross quantity of radioactive material released from a licensed activity in specified periods of time that will in specific circumstances be in addition to and concurrent with limitations on concentrations.

c. It would amend § 20.106 to require more specific information in support of applications for authority to release concentrations of radioactive material in effluents which exceed Part 20, Appendix "B" Table II limits.

d. It would amend criteria for approval of proposed limits higher than the Part 20 Appendix "B" limits to require the applicant to demonstrate that he has taken reasonable steps to minimize the radioactivity discharged in the effluent streams.

The amendment published below is essentially as set forth in the proposed rule, although several minor revisions have been made for clarity and completeness. This revision reflects Commission consideration of the comments and suggestions received in response to the notice of proposed rule making.

A number of language changes have been made, proposed paragraphs (b) and (c) have been combined, and the subsequent paragraphs have been relettered.

Paragraph 20.106(c) has been modified to implement § 20.106(b) by stating that an application for higher concentration limits shall make the demonstrations required by § 20.106(b).

The second sentence of § 20.106(d) has been modified to eliminate any implication that determination of the concentration discharged through a conduit must be made by measurement at the point of discharge. The modified language would allow concentrations at the point at which material leaves a conduit to be determined from measurement at other points along the conduit or from other known data. If the concentration at the end of a conduit through which radioactive material is discharged is determined to be within the limits specified in § 20.106(a), the licensee has complied with the limits on concentrations of radioactive material in effluents to unrestricted areas. This provision is consistent with § 20.106(c) of the presently effective regulation.

The Commission is also amending § 20.305, *Treatment or disposal by incineration*, to refer to the appropriate paragraph, (b), in the revised § 20.106.

The concentration limits for the other isotopes of iodine listed in Appendix "B", Table II, 10 CFR Part 20, have been revised to make them consistent with the intake guides recommended by the FRC for iodine 131, taking into account the effective half-life and absorbed radiation energy of the individual iodine radionuclides.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following amendment of Title 10, Chapter I, Part 20, "Standards for Protection Against Radiation", is published as a document subject to codification to be effective thirty (30) days after publication in the FEDERAL REGISTER.

1. 10 CFR § 20.106 is amended to read as follows:

**§ 20.106 Radioactivity in effluents to unrestricted areas.**

(a) A licensee shall not possess, use, or transfer licensed material so as to release to an unrestricted area radioactive material in concentrations which exceed the limits specified in Appendix "B", Table II of this part, except as authorized pursuant to § 20.302 or paragraph (b) of this section. For purposes of this section concentrations may be averaged over a period not greater than one year.

(b) An application for a license or amendment may include proposed limits higher than those specified in paragraph (a) of this section. The Commission will approve the proposed limits if the applicant demonstrates:

(1) That the applicant has made a reasonable effort to minimize the radioactivity contained in effluents to unrestricted areas; and

(2) That it is not likely that radioactive material discharged in the effluent would result in the exposure of an individual to concentrations of radioactive material in air or water exceeding the limits specified in Appendix "B", Table II of this part.

(c) An application for higher limits pursuant to paragraph (b) of this section shall include information demonstrating that the applicant has made a reasonable effort to minimize the radioactivity discharged in effluents to unrestricted areas, and shall include, as pertinent:

(1) Information as to flow rates, total volume of effluent, peak concentration of each radionuclide in the effluent, and concentration of each radionuclide in the effluent averaged over a period of one year at the point where the effluent leaves a stack, tube, pipe, or similar conduit;

(2) A description of the properties of the effluents, including:

(i) chemical composition;

(ii) physical characteristics, including suspended solids content in liquid effluents, and nature of gas or aerosol for air effluents;

(iii) the hydrogen ion concentrations ($p^H$) of liquid effluents; and

(iv) the size range of particulates in effluents released into air.

(3) A description of the anticipated human occupancy in the unrestricted area where the highest concentration of radioactive material from the effluent is expected, and, in the case of a river or stream, a description of water uses downstream from the point of release of the effluent.

(4) Information as to the highest concentration of each radionuclide in an unrestricted area, including anticipated concentrations averaged over a period of one year:

(i) In air at any point of human occupancy; or

(ii) In water at points of use downstream from the point of release of the effluent.

(5) The background concentration of radionuclides in the receiving river or stream prior to the release of liquid effluent.

(6) A description of the environmental monitoring equipment, including sensitivity of the system, and procedures and calculations to determine concentrations of radionuclides in the unrestricted area and possible reconcentrations of radionuclides.

(7) A description of the waste treatment facilities and procedures used to reduce the concentration of radionuclides in effluents prior to their release.

(d) For the purposes of this section the concentration limits in Appendix "B", Table II of this part shall apply at the boundary of the restricted area. The concentration of radioactive material discharged through a stack, pipe or similar conduit may be determined with respect to the point where the material leaves the conduit. If the conduit discharges within the restricted area, the concentration at the boundary may be determined by applying appropriate factors for dilution, dispersion, or decay between the point of discharge and the boundary.

(e) In addition to limiting concentrations in effluent streams, the Commission may limit quantities of radioactive materials released in air or water during a specified period of time if it appears that the daily intake of radioactive material from air, water, or food by a suitable sample of an exposed population group, averaged over a period not exceeding one year, would otherwise exceed the daily intake resulting from continuous exposure to air or water containing one-third the concentration of radioactive materials specified in Appendix "B", Table II of this part.

(f) The provisions of this section do not apply to disposal of radioactive material into sanitary sewerage systems, which is governed by § 20.303.

2. 10 CFR Part 20, Appendix "B", "Concentrations in Air and Water Above Natural Background", Table II, Column 1 and Column 2, is amended by deleting the concentration limits appearing in Table II, Column 1 and Column 2 for iodine (53), $I^{125}S$, $I^{126}S$, $I^{128}S$, $I^{129}S$, $I^{130}S$, $I^{131}S$, $I^{132}S$; radium (88) $Ra^{226}S$; strontium (38), $Sr^{89}S$ and $Sr^{90}S$ and substituting therefor the following limits:

| Element (atomic number) | Isotope [1] | Table II | |
|---|---|---|---|
| | | Column 1 air (uc/ml) | Column 2 water (uc/ml) |
| Iodine (53) | $I^{125}S$ | $9\times10^{-11}$ | $3\times10^{-7}$ |
| | $I^{126}S$ | $2\times10^{-11}$ | $6\times10^{-8}$ |
| | $I^{128}S$ | $1\times10^{-10}$ | $3\times10^{-7}$ |
| | $I^{129}S$ | $3\times10^{-8}$ | $8\times10^{-5}$ |
| | $I^{130}S$ | $4\times10^{-10}$ | $1\times10^{-6}$ |
| | $I^{131}S$ | $6\times10^{-9}$ | $2\times10^{-5}$ |
| | $I^{132}S$ | $1\times10^{-8}$ | $4\times10^{-5}$ |
| Strontium (38) | $Sr^{89}S$ | $3\times10^{-10}$ | $3\times10^{-6}$ |
| | $Sr^{90}S$ | $3\times10^{-11}$ | $3\times10^{-7}$ |
| Radium (88) | $Ra^{226}S$ | $3\times10^{-12}$ | $3\times10^{-8}$ |

[1] Soluble (S).

3. 10 CFR, § 20.305 is amended to read as follows:

**§ 20.305 Treatment or disposal by incineration.**

No licensee shall treat or dispose of licensed material by incineration except as specifically approved by the Commission pursuant to §§ 20.106(b) and 20.302.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 5th day of October 1964.

For the Atomic Energy Commission.

W. B. MCCOOL,
*Secretary to the Commission.*

[F.R. Doc. 64-10663; Filed, Oct. 20, 1964; 8:45 a.m.]



# Title 12—BANKS AND BANKING

## Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

## PART 1—INVESTMENT SECURITIES REGULATION

### Water Revenue Bonds of Wheeling, Missouri

**§ 1.156 Water Revenue Bonds of the City of Wheeling, Missouri.**

(a) *Request.* The Comptroller of the Currency has been requested to rule that the Water Revenue Bonds of the City of Wheeling, Missouri, and similar bonds insured under the same legislation and supported by the same payment and security provisions are eligible for dealing in, underwriting and unlimited holding by National Banks pursuant to Paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The proceeds of this bond issue will be used to construct a municipal water works system for the City of Wheeling, serving approximately 100 families. The payment of principal and interest on these bonds is insured by the United States Government, acting pursuant to the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1928). Under this Act, "any contract of insurance executed by the Secretary [of Agriculture] under this subchapter shall be an obligation supported by the full faith and credit of the United States and incontestable except for fraud or misrepresentation of which the holder has actual knowledge."

(2) Payment of principal and interest is made by the City of Wheeling to the Agricultural Department, which deducts an amount equal to one percent of the outstanding principal for administrative expenses, and pays the remaining amount to the bondholders. If the City defaults on any of its payments to the Department, the Department must nevertheless pay the bondholders. Therefore, since the payment of principal and interest on these bonds is made by the United States Government and supported by its full faith and credit, they are obligations of the United States Government.

(c) *Ruling.* It is the conclusion of this Office that the $70,000 Waterworks Revenue Bonds of the City of Wheeling, Missouri and similar bonds insured under the same legislation are "public securities" as set forth in § 1.3(c), issued pursuant to Paragraph Seventh of 12 U.S.C. 24, and are therefore eligible for dealing in, underwriting and unlimited holding by National Banks.

Dated: October 14, 1964.

[SEAL] JAMES J. SAXON,
*Comptroller of the Currency.*

[F.R. Doc. 64-10719; Filed, Oct. 20, 1964; 8:47 a.m.]

## PART 1—INVESTMENT SECURITIES REGULATION

### Elkhart High School Building Corp.

**§ 1.157 Elkhart High School Building Corporation.**

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $4,675,000 First Mortgage Bonds issued by the Elkhart High School Building Corporation are eligible for dealing in, underwriting and unlimited holding by National Banks pursuant to the provisions of Paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Elkhart High School Building Corporation, a body corporate and a public instrumentality of the State of Indiana, was created pursuant to the School Building Corporation Act which authorizes school districts, including school cities, to enter into long-term lease rental agreements with nonprofit building corporations for the purpose of financing the construction of school buildings. The subject bonds were issued for the purpose of acquiring a site appropriate for a school building, erecting thereon a suitable school building and leasing the same to the School City of Elkhart, a school district and political subdivision of the State of Indiana.

(2) The bonds mature serially from January 1967 to January 1989. They are payable from revenues derived from a net lease of the facilities by the Corporation to the School City of Elkhart. Said net lease rentals are payable from a sinking fund derived by the levy of unlimited ad valorem property taxes by the School City of Elkhart. The School Building Corporation Act requires a school city to levy sufficient taxes each year to pay the annual lease rental. Rental payments under the lease are in an amount determined to be sufficient to pay the debt service and administrative expenses in connection with the bond issue. The Corporation has entered into a trust agreement mortgaging the school premises with the St. Joseph Valley Bank in Elkhart, as trustee, under the terms of which lease rentals will be paid to the trustee for deposit in a sinking fund to pay interest and principal on the bonds.

(3) The School City of Elkhart, a political subdivision of the State of Indiana possessing resources sufficient to justify faith and credit, has, as authorized by the laws of Indiana, pledged its full faith and credit to make payments to the Corporation of amounts which will be sufficient to provide for all required payments in connection with these bonds.

(c) *Ruling.* It is the conclusion of this Office that the $4,675,000 First Mortgage Bonds issued by the Elkhart High School Building Corporation, as set forth above, are "public securities" as defined in § 1.3(c), issued pursuant to Paragraph Seventh of 12 U.S.C. 24, and are therefore eligible for dealing in,

underwriting, and unlimited holding by National Banks.

Dated: October 14, 1964.

[SEAL] JAMES J. SAXON,
*Comptroller of the Currency.*

[F.R. Doc. 64-10720; Filed, Oct. 20, 1964; 8:47 a.m.]

## Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

## PART 204—RESERVES OF MEMBER BANKS

### Unsecured Negotiable Notes; Correction

The interpretation published October 3, 1964 (29 F.R. 13604) as § 204.109 is renumbered § 204.110 because the interpretation published February 14, 1964 (29 F.R. 2447) as § 204.109 is still in effect.

Dated at Washington, D.C., this 13th day of October 1964.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 64-10684; Filed, Oct. 20, 1964; 8:45 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Airspace Docket No. 64-LAX-10]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Control Zone

On July 17, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 9672) stating that the Federal Aviation Agency proposed to designate a control zone at the Riverside, Calif., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

In § 71.171 (29 F.R. 1101), the Riverside, Calif., control zone is added as follows:

*Riverside, Calif. (Municipal Airport)*

Within a 3-mile radius of Riverside Municipal Airport (latitude 33°57'05" N., longitude 117°26'30" W.); within 2 miles each side of the Riverside VOR 282° radial, extending from the 3-mile radius zone to 4.5 miles NW of the VOR, excluding the portion within a 1-mile radius of the Riverside Fla-Bob Airport (latitude 33°59'20" N., longitude 117°24'35" W.). This control zone is effective from 0600 to 2130 hours, local time, daily.

A Riverside, Calif., control zone presently exists based upon the March AFB, although "March AFB" is not specified in the appropriate caption. In order to further distinguish the present control zone designation from the one added by this amendment, action is taken herein to amend the present Riverside control zone to read "Riverside, Calif. (March AFB)". Since this change is editorial in nature, notice and public procedure hereon are unnecessary and the amendment shall be made effective December 10, 1964 in order to coincide with the effective date of the Riverside, Calif. (Municipal Airport) control zone.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 14, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10686; Filed, Oct. 20, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SO-10]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

On June 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 7942) stating that the Federal Aviation Agency proposed to alter the Fayetteville, N.C., control zone.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, the Fayetteville radio beacon has been decommissioned; therefore, the control zone extension based on the 209° bearing from this beacon is no longer required for air traffic control purposes, and it has been omitted from the final rule, as adopted herein.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

In § 71.171 (29 F.R. 1101) the Fayetteville, N.C., control zone is amended to read as follows:

*Fayetteville, N.C.*

Within a 5-mile radius of Grannis Field (latitude 34°59'25" N., longitude 78°52'50" W.), and within 2 miles each side of the Fayetteville, VOR 233° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 14, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10687; Filed, Oct. 20, 1964; 8:45 a.m.]

[Airspace Docket No. 63-CE-88]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Transition Area

On September 5, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12652) stating that the Federal Aviation Agency proposed to designate a transition area at Grand Rapids, Minn.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

In § 71.181 (29 F.R. 1160) the following is added:

*Grand Rapids, Minn.*

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Grand Rapids Municipal Airport (latitude 47°12'45" N., longitude 93°30'35" W.); within 5 miles W and 8 miles E of the Grand Rapids VOR 168° radial, extending from the VOR to 12 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within 4 nmi each side of a direct radial between the Grand Rapids VOR and the Hibbing, Minn., VOR, excluding that airspace within the Hibbing transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 14, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10688; Filed, Oct. 20, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-30]

## PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

### Designation of Jet Route

On August 1, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11163) stating that the Federal Aviation Agency (FAA) proposed to designate a jet route from Winslow, Ariz., to St. Johns, Ariz.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, § 75.100 (29 F.R. 1287) of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, to add the following:

*Jet Route No. 108 (Winslow, Ariz., to St. Johns, Ariz.)*

From Winslow, Ariz., to St. Johns, Ariz.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 14, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10689; Filed, Oct. 20, 1964; 8:45 a.m.]



## Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6129; Amdt. 623]

## PART 507—AIRWORTHINESS DIRECTIVES

### Beech Models D50E, J50 and 65 Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring removal of the wing attaching bolts and nuts and inspection for evidence of any lubricant, and replacement with new bolts if any indication of lubricant is found on Beech Models D50E, J50 and 65 aircraft was published in 29 F.R. 11720.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BEECH. Applies to Model D50E aircraft, Serial Numbers DH-301 through DH-347, Model J50 aircraft, Serial Numbers JH-150 through JH-173, and Model 65 aircraft, Serial Numbers LC-1 through LC-152.

Compliance required within the next 100 hours' time in service from the effective date of this AD, unless already accomplished in accordance with Beech Service Bulletins D50E No. 37, J50 No. 9, and 65 No. 19.

It has been determined that some wing attaching bolts may have been overtorqued because of the use of lubricant during installation. The bolts must be dry and free of any dirt, lubricant, or other contaminant during installation to insure proper torqueing. Accordingly, accomplish the following:

(a) Remove the wing attach bolts one at a time and check for any trace of lubricant. If the bolts have been lubricated, discard the bolt and nut.

(b) Remove any trace of lubricant by thoroughly washing all attaching parts (either new or original) and the spar fitting bearing surfaces in methyl ethyl keytone or lacquer thinner. Rinse in another bath of the clean solvent and blow dry prior to installation.

(c) Reinstall bolts and nuts found to be free of lubricant and install new bolts and nuts where the parts have been discarded in accordance with paragraph (a). Torque each bolt in accordance with paragraph (d) before advancing to the next bolt to avoid disturbing the wing adjustment. (Note: It is not necessary to replace the soft aluminum washers between the spar fittings.)

(d) Wing attach bolts, nuts, and the required torque values are as follows:

Lower forward: NAS 495-14-29 bolt and EB 144 nut. Torque to 5000-5500 inch-pounds.

Upper forward: NAS 150-38 bolt and 12B-108 nut. Torque to 2000-2300 inch-pounds.

Upper and lower rear: NAS 150-33 bolts and 12B-108 nuts. Torque to 2000-2300 inch-pounds.

(Beech Service Bulletins D50E No. 37, J50 No. 9, and 65 No. 19, as revised March 1964, cover this same subject.)

This amendment shall become effective November 20, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D. C., on October 14, 1964.

G. S. MOORE,
*Director, Flight Standards Service.*

[F.R. Doc. 64-10690; Filed, Oct. 20, 1964; 8:46 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. C-844]

## PART 13—PROHIBITED TRADE PRACTICES

### Hoosier Tarpaulin & Canvas Goods Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § *13.155 Prices:* 13.155-45 Fictitious markings; § *13.230 Size or weight.* Subpart—Misbranding or mislabeling: § *13.1280 Price;* § *13.1323 Size or weight.* Subpart—Misrepresenting oneself and goods—PRICES: § *13.1805 Exaggerated as regular and customary;* § *13.1811 Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hoosier Tarpaulin & Canvas Goods Company, Inc., et al., Indianapolis 8, Ind., Docket C-844, Oct. 5, 1964]

*In the Matter of Hoosier Tarpaulin & Canvas Goods Co., Inc., a Corporation, and Victory M. Goldberg and Robert T. Goldberg, Individually and as Officers of Said Corporation*

Consent order requiring Indianapolis, Ind., manufacturers of tarpaulins, tents, and other canvas products and engaged also in the distribution of sleeping bags and other camping equipment to wholesalers and retailers for resale, to cease listing; in catalogs, excessive prices for tents, represented thereby as actual retail prices in the area concerned, and similarly listing sleeping bags as "$28.00 each" and preticketing them with the statement "List Price $28.00" when $28.00 was not an honest estimate of the actual retail price; and to cease labeling their tarpaulins and tents, and listing them in catalogs, with a "cut size" or "base size" almost invariably larger than the actual size.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents, Hoosier Tarpaulin & Canvas Goods Co., Inc., a corporation, and its officers and Victor M. Goldberg and Robert T. Goldberg, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of tarpaulins, tents, canvas products, sleeping bags, other camping equipment or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising, disseminating or distributing any list, preticketed or suggested retail price that is not established in good faith as an honest estimate of the actual retail price or that appreciably exceeds the highest price at which substantial sales are made in respondents' trade area.

2. Furnishing any distributor, dealer or retailer with any means whereby to deceive the purchasing public in the manner forbidden by the above provisions of this order.

3. Furnishing to others any means or instrumentality by or through which the public may be misled as to the size of respondents' merchandise.

4. Putting any plan in operation through the use of which retailers or others may misrepresent the size of respondents' merchandise.

5. Advertising, labeling, representing in a catalog, or otherwise representing the "cut size", or dimensions of material used in their construction, unless such representation is accompanied by a description of the finished or actual size in immediate conjunction therewith with the latter description being given at least equal prominence.

6. Misrepresenting the size of such products on labels or in any other manner.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: October 5, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
*Secretary.*

[F.R. Doc. 64-10696; Filed, Oct. 20, 1964; 8:46 a.m.]

[Part No. C-842]

## PART 13—PROHIBITED TRADE PRACTICES

### Wear-Ever Aluminum, Inc.

Subpart—Dealing on exclusive and tying basis: § *13.670 Dealing on exclusive and tying basis:* 13.670-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Wear-Ever Aluminum, Inc., Pittsburgh, Pa., Docket C-842, Sept. 30, 1964]

Consent order requiring a wholly owned subsidiary of Aluminum Company of America—the industry leader in the distribution and sale of aluminum stock pots and pans at the wholesale and retail level, engaged in by it for the past 40 years, which, in December 1961 put into effect a plan conditioning the sale of its said products to "Regular Food Service Equipment Dealers" upon their signing an "Authorized Dealer Agreement" and their understanding that they would purchase and display an adequate stock of Wear-Ever's professional cutlery, produced by an indirect subsidiary of Alcoa and of which Wear-Ever was the exclu-







thereto. Objections shall show wherein

sive distributor—to cease selling its pots and pans to hotel and restaurant supply purchasers and distributors on the condition that they agree to purchase Wear-Ever's cutlery or any other of Wear-Ever's products; and to cease engaging in any franchising, etc., which had the effect of requiring purchasers to buy said cutlery or other products as a condition to being able to deal in aluminum stock pots and pans; requiring it further to promptly advise all of its officers, agents, etc., of the full text of the instant order, to disseminate the order to all its hotel and restaurant supply dealer customers in eight named northeastern states along with a disclaimer to the effect that they would not be required to agree to purchase Wear-Ever's cutlery in order to obtain their requirements of pots and pans; and providing further that, should Alcoa transfer its interest in respondent or Wear-Ever's selling business to another subsidiary or affiliate or to itself, it advise the Commission within 90 days of such action and, in effect, secure the Commission's approval, as in detail set forth below.,

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

1. *It is ordered,* That respondent, Wear-Ever Aluminum, Inc., its officers, agents, representatives, salesmen, employees, successors or assigns, directly or indirectly, or through any corporate or other device, in connection with the establishment of Wear-Ever or any other Authorized Food Service Equipment Dealerships or in connection with the promotion, contracting, arranging, or offering for sale, sale or distribution of aluminum cooking utensils which are designed for use in large kitchens and cafeterias by the professional or institutional trade in the preparation and dispensing of food on a large scale basis, known in the trade as "aluminum stock pots and pans", and cutlery, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from engaging in any of the following acts, practices, or things:

A. Offering to sell or selling such Wear-Ever "aluminum stock pots and pans" to hotel and restaurant supply purchasers, dealers, or distributors upon the condition that said purchasers, dealers, or distributors purchase or agree to purchase Wear-Ever's cutlery or any articles other than such "aluminum stock pots and pans" which are manufactured for, sold or distributed by Wear-Ever; or

B. Continuing or placing into effect any contract of sale, or engaging in any franchising, merchandising, or distribution plan or policy through contracts, agreements, or understandings, either expressed or implied, with hotel and restaurant supply purchasers, dealers, or distributors which has the purpose or effect of requiring said purchasers, dealers or distributors to purchase or agree to purchase Wear-Ever's cutlery or any other articles (except such "aluminum stock pots and pans") which are manufactured for, sold, or distributed by Wear-Ever as a condition to being able to purchase or deal in Wear-Ever's said "aluminum stock pots and pans."

2. *It is further ordered,* That respondent corporation Wear-Ever Aluminum, Inc., shall within sixty (60) days after service upon it of this Order:

A. Advise promptly, in writing, all of its officers, agents, representatives, salesmen and employees engaged in negotiating the sale of such "aluminum stock pots and pans" to hotel restaurant supply dealers or negotiating merchandising or franchising agreements with said dealers the full text of this Order and that each and every person is subject to the provision of this Order as it applies to Wear-Ever Aluminum, Inc.;

B. Disseminate in writing to all hotel and restaurant supply dealers or distributors located in Maine, New Hampshire, Massachusetts, Vermont, Rhode Island, Connecticut, New York and the northern half of New Jersey, who are or were purchasers of Wear-Ever Aluminum, Inc.'s said "aluminum stock pots and pans," the full text of this Order as it applies to Wear-Ever Aluminum, Inc.;

C. Disseminate to all such dealers or distributors who are or were purchasers of Wear-Ever Aluminum, Inc.'s said "aluminum stock pots and pans" a written affirmative disclaimer to the effect that said purchasers will not be required to agree to purchase or maintain an adequate stock of cutlery which is manufactured for, sold or distributed by Wear-Ever Aluminum, Inc., in order to be able to obtain their requirements of said "aluminum stock pots and pans" or to become, maintain or retain their status as an Authorized Food Service Equipment Dealer or Distributor.

D. For the purposes of subparagraphs B and C of paragraph 2 of this Order, the term "purchasers" shall be deemed to include all present and former hotel and restaurant supply purchasers of Wear-Ever Aluminum, Inc.'s said "aluminum stock pots and pans" in the area specified in subparagraph B of paragraph 2 of this Order for the period beginning January 1, 1961, and continuing up to and including sixty (60) days after service upon Wear-Ever Aluminum, Inc., of this Order.

3. *It is additionally ordered,* That:

A. In the event Aluminum Company of America should divest, divorce or transfer, by whatever means, its complete or controlling interest in the ownership of the capital stock of respondent Wear-Ever Aluminum, Inc., to a subsidiary or affiliate, the Aluminum Company of America shall advise the Federal Trade Commission within ninety (90) days of such divestment, divorcement or transfer and shall be required to have as a necessary condition to any such transfer that the transferee file with the Commission's principal office within the aforesaid ninety (90) day period a report consenting to the jurisdiction of the Commission and to the terms, conditions, and prohibitions of this Order as it applies to the Aluminum Company of America or to prior intervening successors.

B. In the event Aluminum Company of America should divest, divorce or transfer, by whatever means, the business of selling "Wear-Ever" aluminum stock pots and pans by Wear-Ever Aluminum, Inc., to another subsidiary, affiliate, or itself, the Aluminum Company of America shall advise the Federal Trade Commission within ninety (90) days of such divestment, divorcement or transfer and shall be required to have as a necessary condition to any such transfer that the transferee file with the Commission's principal office within the aforesaid ninety (90) day period a report consenting to the terms, conditions and prohibitions of this Order as it applies to Wear-Ever Aluminum, Inc., or to prior intervening successors to the aforementioned business of selling aluminum stock pots and pans.

*It is further ordered,* That the respondent Wear-Ever Aluminum, Inc., shall, within sixty (60) days after service upon it of this Order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued September 30, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-10697; Filed, Oct. 20, 1964; 8:46 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4B1463) filed by The Dow Chemical Company, Midland, Michigan, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of an additional substance in the formulation of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), paragraph (c)(5) of § 121.2520 *Adhesives* is amended by inserting alphabetically in the list "Components of adhesives" the following new items:

Diethylene glycol monophenyl ether.
Ethylene glycol monophenyl ether.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 14, 1964.

WINTON B. RANKIN,
*Assistant Commissioner for Planning.*

[F.R. Doc. 64-10728; Filed, Oct. 20, 1964; 8:48 a.m.]



## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM LACTOBIONATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4A1488) filed by National Dairy Products Corporation, 801 Waukegan Road, Glenview, Illinois, 60025, and other relevant material, has concluded that a food additive regulation should issue to prescribe the safe use of calcium lactobionate as a firming agent in dry pudding mixes. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), Part 121 is amended by adding to Subpart D the following new section:

§ 121.1162 Calcium lactobionate.

The food additive calcium lactobionate may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive is the calcium salt of lactobionic acid (4-(β, D-galactosido)-D-gluconic acid) produced by the oxidation of lactose.

(b) It is used or intended for use as a firming agent in dry pudding mixes at a level not greater than that required to accomplish the intended effect.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 14, 1964.

WINTON B. RANKIN,
*Assistant Commissioner for Planning.*

[F.R. Doc. 64-10729; Filed, Oct. 20, 1964; 8:48 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6762]

## PART 175—TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS

### Miscellaneous Amendments

*Correction*

In F.R. Doc. 64-10624 appearing in the issue for Saturday, October 17, 1964, at page 14361, delete in the proviso for § 175.87 the words "liquor bottles of less than one-half pint and."

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter I—Coast Guard, Department of the Treasury

[CGFR 64-55]

## PART 116—PROCEDURES FOR PURCHASING

### Partial Rescission of Regulations

Pursuant to authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 167-17 (20 F.R. 4976), and Treasury Department Order 167-50 (28 F.R. 530), all of Part 116, 33 CFR except §§ 116.01-10 through 116.01-19 is rescinded. Applicable procedures and regulations are published in Chapters 1 and 11 of 41 CFR.

(14 U.S.C. 633)

Dated: October 14, 1964.

[SEAL] E. J. ROLAND,
*Admiral, U.S. Coast Guard, Commandant.*

[F.R. Doc. 64-10721; Filed, Oct. 20, 1964; 8:48 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER A—GENERAL MANAGEMENT (1000)

[Circular 2169]

## PART 1820—APPLICATION PROCEDURES

### Subpart 1821—Execution and Filing of Forms

TIME LIMIT FOR FILING DOCUMENTS

The purpose of this amendment is to incorporate into the regulations the definition of "filing" which has appeared in in many cases and Departmental decisions, including United States v. Lombardo, 241 U.S. 73 (1916) and H. P. Saunders, Jr., 59 I.D. 41 (1945), that filing is not accomplished until a document is delivered to and received by the proper office. It also allows the authorized officer to consider a document as being timely filed—even though it is received after the expiration of the period for filing—except where the law does not permit him to do so, the rights of third parties have intervened, or further consideration of the document would unduly interfere with the orderly conduct of business.

These rules relate to agency procedure and are not required by law to be published as proposed rule making. This Department, nevertheless, customarily gives such notice and public procedure thereon. However, the practice is deemed unnecessary in this instance because the amendment involves a long established Departmental principle, and the grant of additional privileges, and does not place any burden on interested parties. Accordingly, these rules shall become effective upon the date of publication in the FEDERAL REGISTER.

Section 1821.2-2 is amended by changing the title and the addition of new paragraphs (f) and (g) as follows:

§ 1821.2-2 Time limit for filing documents.

* * * * * *

(f) Except when (c) of this section is applicable, filing is accomplished when a document is delivered to and received by the proper office. Depositing a document in the mails does not constitute filing.

(g) When the regulations of this chapter (except Parts 1840 and 1850) provide that a document must be filed or a payment made within a specified period of time, the filing of the document or the making of the payment after the expiration of that period will not prevent the authorized officer from considering the document as being timely filed or the payment as being timely made except where:

1. The law does not permit him to do so.

2. The rights of a third party or parties have intervened.



3. The authorized officer determines

3. The authorized officer determines that further consideration of the document or acceptance of the payment would unduly interfere with the orderly conduct of business.

JOHN A. CARVER, Jr.,
*Acting Secretary of the Interior.*

OCTOBER 15, 1964.

[F.R. Doc. 64-10705; Filed, Oct. 20, 1964; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 982 ]

### FILBERTS GROWN IN OREGON AND WASHINGTON

### Proposed Expenses and Rate of Assessment for 1964-65 Fiscal Year

Notice is hereby given that there is under consideration a proposal regarding expenses of the Filbert Control Board and a rate of assessment for the 1964-65 fiscal year which began August 1, 1964. The proposal is based on the recommendation of the Filbert Control Board and other available information and would be established pursuant to the provisions of amended Marketing Agreement No. 115 and Order No. 982 (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than ten days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Based on the volume of filberts estimated to be subject to this regulatory program during the 1964-65 fiscal year, an assessment rate of 0.20 cent per pound of assessable filberts is expected to provide sufficient funds to meet the estimated expenses of the Board.

The proposal is as follows:

**§ 982.309 Expenses of the Filbert Control Board and rate of assessment for the 1964-65 fiscal year.**

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Filbert Control Board during the 1964-65 fiscal year beginning August 1, 1964, in accordance with § 982.60, will amount to $18,505, and the Board is authorized to incur such expenses.

(b) *Rate of assessment.* The rate of assessment for said fiscal year, payable by each handler in accordance with § 982.61, is fixed at 0.20 cent per pound of filberts.

Dated: October 16, 1964.

PAUL A. NICHOLSON,
*Deputy Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 64-10735; Filed, Oct. 20, 1964; 8:49 a.m.]

### Agricultural Research Service

### [ 9 CFR Part 155 ]

### CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA

### Inspection, Certification and Identification as to Class, Quality, Quantity, and Condition

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Department of Agriculture, pursuant to the provisions of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), proposes to amend the regulations for inspection and certification of products for dogs, cats, and other carnivora (9 CFR Part 155) in the following respects:

1. Paragraphs (p) and (q) would be added to § 155.2 to read as follows:

**§ 155.2 Terms defined.**

When used in this part unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

* * * * *

(p) "Poultry" means any domesticated bird slaughtered in accordance with the Poultry Products Inspection Act, Public Law 85-172, 85th Congress, S. 1747, dated August 28, 1957 (21 U.S.C. 451 et seq.).

(q) "Poultry product" means any edible part of fresh poultry which have been slaughtered for human food and from which the blood, feathers, feet, head and viscera have been removed in accordance with rules and regulations promulgated by the Secretary of Agriculture.

**§ 155.29 [Amended]**

2. Subparagraph (2) of paragraph (a) of § 155.29 would be amended to read:

(2) Not less than 30 percent of meat or animal food meat by-product or both, or of horse meat or animal food horse meat by-product or both, or of mule meat or animal food mule meat by-product or both, or poultry products, shall be used in the preparation of canned or semi-moist certified maintenance food. Upon specific approval of the Director of the Division, combinations of the above specified ingredients may be used. The uncooked weight of the meat or animal food meat by-product or both, or of the horse meat or animal food horse meat by-product or both, or of the mule meat or animal food mule meat by-product or both, or of the poultry products, or of the combinations thereof, shall be used in the calculation, and the percentage shall be obtained by relating this weight to the total weight of the certified maintenance food.

3. Paragraph (b) of § 155.29 would be amended to read:

(b) *Composition of canned or fresh frozen certified supplemental animal foods.* (1) Certified animal protein supplement shall comply with the following requirements:

(i) Certified animal protein supplement shall contain not less than 95 percent of meat or animal food meat by-product or both, or of horse meat or animal food horse meat by-product or both, or of mule meat or animal food mule meat by-product or both, or of poultry products. Upon specific approval of the Director of the Division, combinations of the above specified ingredients may be used;

(ii) Certified animal protein supplement shall have added thereto a sufficient amount of fresh ground bone or other acceptable agent to satisfy the requirements of the regulations promulgated under the Meat Inspection Act (34 Stat. 1260), as amended (21 U.S.C. 71 et seq.), and the Horse Meat Act (41 Stat. 241; 21 U.S.C. 96), in order to insure decharacterization of the product for human food purposes;

(iii) Certified animal protein supplement may contain not more than 3 percent wheat flour or other processing aid acceptable to the Director of the Division, which shall be of good quality, shall be free from insect infestation, and shall be otherwise fit for use as animal food;

(iv) Certified animal protein supplement shall contain not less than 15 percent protein; and

(v) Certified animal protein supplement shall contain not less than 3 percent fat.

(2) Certified pet food supplement shall comply with the following requirements:

(i) Certified pet food supplement shall contain not less than 50 percent of meat or animal food meat by-product or both, or of horse meat or animal food horse meat by-product or both, or of mule meat or animal food mule meat by-product or both, or of poultry products. Upon specific approval of the Director of the Division, combinations of the above specified ingredients may be used;

(ii) Certified pet food supplement shall have added thereto a sufficient amount of fresh ground bone or other acceptable agent to satisfy the requirements of the regulations promulgated under the Meat Inspection Act (34 Stat. 1260), as amended (21 U.S.C. 71 et seq.), and the Horse Meat Act (41 Stat. 241; 21 U.S.C. 96), in order to insure decharacterization of the product for human food purposes;

(iii) Certified pet food supplement may contain various cereals, flours, vegetables, flavorings, seasonings and other processing aids acceptable to the Director of the Division which shall be of good quality, shall be free from discoloration, mold, smut, and insect infestation and shall be otherwise fit for use as animal food;

(iv) Certified pet food supplement shall contain not less than 11 percent protein;

(v) Certified pet food supplement shall contain not less than 3 percent fat; and

(vi) Certified pet food supplement may not contain more than 74 percent moisture.

4. Subparagraphs (1) and (3) of paragraph (c) of § 155.29 would be amended to read:

(c) *Composition of certified canned pet stew.* (1) Certified pet stew shall contain not less than 25 percent of meat or animal food meat by-product or both, or of horse meat or animal food horse meat by-product or both, or of mule meat or animal food mule meat by-product or both, or of poultry products. Upon specific approval of the Director of the Division, combinations of the above specified ingredients may be used.

* * * * *

(3) Vegetables and grains and their derivatives used as ingredients of certified pet stews shall be of good quality, shall be free from discoloration, mold, smut, and insect infestation, and shall be otherwise fit for use as animal food.

5. Subparagraphs (2), (4), (5), and (6), of paragraph (c) of § 155.29 would be amended by adding the word "certified" before the word "pet" wherever the latter occurs in those subparagraphs.

The present regulations do not provide for the preparation and distribution under the Animal Food Certification Program of a class of product intended as a convenience food to complement the usual pet diet. This category of animal food is produced in volume by non-certified pet food manufacturers and its wide purchaser acceptance indicates it serves a useful purpose. The proposed amendments would extend the coverage of the voluntary certification program by including canned and fresh frozen supplemental pet foods. This will increase the varieties of certified animal foods available which will benefit purchasers as selections can then be made to fit a wider range of diet or feeding circumstances. The label design will include terms sufficiently descriptive to insure this type of product is properly identified to the purchaser.

The amendments also propose the use of poultry products in formulas for certified animal foods. Poultry products have been demonstrated to compare favorably, from a nutritional standpoint, with meats and by-products derived from food animals. Poultry products have a history of extensive usage in animal foods which are not prepared under the certification program and have been found to constitute a valuable protein supply.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C., 20250, within 30 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 16th day of October, 1964.

B. T. SHAW,
*Administrator,*
*Agricultural Research Service.*

[F.R. Doc 64-10737; Filed, Oct. 20, 1964; 8:49 a.m.]

# ATOMIC ENERGY COMMISSION

## [ 10 CFR Part 2 ]

## REVIEW OF INITIAL DECISIONS IN FACILITY LICENSING CASES

### Notice of Proposed Rule Making

*Statement of considerations.* The Atomic Energy Commission is considering the amendment of § 2.760(a) of its Rules of Practice (10 CFR Part 2) to extend from the present period of thirty days to a period of forty-five days the time within which the Commission may review on its own motion initial decisions in facility licensing cases, including decisions which grant or amend construction permits or operating licenses under 10 CFR Part 50 and construction or operating authorizations for facilities owned by the Commission under 10 CFR Part 115. Under the existing provisions of § 2.760(a), an initial decision will become the final action of the Commission thirty days after its date in the absence of Commission action or the filing by a party of a petition for review.

It is the practice of the Commission to conduct an informal review of decisions in facility licensing cases whether or not a petition for review has been filed by a party. It has become apparent that this limited period of thirty days imposes considerable constraint upon the Commission. A petition for review may be filed by mail under 10 CFR 2.760(a) and is considered filed when it is deposited in the mails (10 CFR § 2.701(c)), so that the Commission may not be in a position to determine definitely the procedural status of a case until more than twenty days after the date of the initial decision. Since under the present terms of 10 CFR 2.760(a) any order made on the Commission's own motion must be made within thirty days after the date of the initial decision, the Commission's informal review has been conducted under stringent time limitations.

Under 10 CFR 50.57(e) and 115.45(e), a forty-five day time limit is provided for Commission review when a decision in a provisional operating license or authorization case has been granted expedited effectiveness by the presiding officer (an atomic safety and licensing board or a hearing examiner). The proposed amendment would allow such a forty-five day period for review of a decision granting a construction permit or authorization as well as an operating license or authorization and amendment to one of these. Since the elimination in 1962 of the statutory mandatory hearing at the operating license stage (Atomic Energy Act of 1954, § 189(a); P. L. 87-615 (76 Stat. 409)), a hearing has ordinarily been held only at the construction permit stage.

Notice is hereby given that adoption of the following amendment to 10 CFR Part 2—Rules of Practice, is contemplated.

Interested persons may submit written comments for consideration in connection with the proposed amendment to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within twenty days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given if the comments are not filed within the period specified.

Title 10 CFR 2.760(a) is amended to read as follows:

(a) After hearing, the presiding officer will render an intial decision which will constitute the final action of the Commission forty-five days after its date when it authorizes the issuance or amendment of a license for a facility, or thirty days after its date in any other case, unless a timely petition for review is filed or the Commission directs that the record be certified to it for final decision.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 15th day of October, 1964.

For the Atomic Energy Commission.

W. B. MCCOOL,
*Secretary to the Commission.*

[F.R. Doc. 64-10794; Filed, Oct. 20, 1964; 11:27 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-SO-15]

## FEDERAL AIRWAYS

### Proposed Revocation and Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would revoke the north alternate segment of V-54 from Muscle Shoals, Ala., to Chattanooga, Tenn., and Designate a south alternate segment to V-54 from Muscle Shoals to Chattanooga, via the intersection of the Muscle Shoals 111° and the Chattanooga 245° True radials.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.



An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Primary approach procedures for the Huntsville-Madison County Airport, Ala., are aligned from north to south. High terrain restricts maneuvering of aircraft to the east. Restricted Area R-2104 prohibits effective maneuvering of aircraft to the west of the airport. These restrictions to the maneuvering of terminal traffic result in delays to departing aircraft under conditions requiring arriving aircraft to execute instrument approaches. Additional delays are encountered by arriving aircraft during the period of time departing aircraft are en route from the airport to V-54.

Designation of the south alternate and establishment of transition routes between the airport and the south alternate would provide a means for expediting departures during IFR conditions. For these reasons, delays for aircraft arriving at, and departing from, Huntsville-Madison County Airport would be substantially reduced. Since V-54N creates the same problems as the main segment of the airway, in the absence of a south alternate, retention of the north alternate would be unnecessary if this proposal is adopted.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 14, 1964.

H. H. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10691; Filed, Oct. 20, 1964; 8:46 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-SO-16]

## FEDERAL AIRWAYS, TRANSITION AREAS, AND REPORTING POINT

### Proposed Alteration and Designation

The Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would include alteration of the segment of VOR Federal airway No. 7 from Montgomery, Ala., to Birmingham, Ala.; realignment of the segment of VOR Federal airway No. 18 from Meridian, Miss., to Anniston, Ala.; designation of V-18 south alternate segment from Tuscaloosa, Ala., via Brookwood, Ala., to Anniston; revocation of V-18 north alternate segment from Meridian to Anniston; alteration and realignment of the segment of VOR Federal airway No. 66 from Tuscaloosa via Brookwood to Talladega, Ala.; alteration and realignment of the segment of VOR Federal airway No. 209 from Kewanee, Miss., via Brookwood to Birmingham; realignment of the segment of VOR Federal airway No. 875 to overlie the centerline of V-18 from Tuscaloosa to Meridian; alteration of the Meridian transition area; designation of the Tuscaloosa transition area; and designation of the Brookwood VOR reporting point.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of the Notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attn: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency is commissioning a new VOR en route navigational facility in the vicinity of Brookwood, Ala. (latitude 33°14'22" N., longitude 87°15'00" W.), on approximately February 15, 1965. The Agency has under consideration the following actions associated with the commissioning of this new facility:

1. The alteration of V-7 from Montgomery to Birmingham by reducing the width on the west side of the airway from the intersection of the Montgomery 308° and the Birmingham 180° True radials to Birmingham, to three nautical miles from the centerline, including the additional airspace within a line diverging at 4.5° from the centerline at the Birmingham VOR.

2. The realignment of V-18 from Meridian via Tuscaloosa; Birmingham; to Anniston; designation of the V-18 south alternate from Tuscaloosa via Brookwood to Anniston; and the revocation of the V-18 north alternate segment from Meridian to Tuscaloosa.

3. The realignment of V-66 from Tuscaloosa via Brookwood to Talladega; the reduction of the width of V-66 on the south side from Brookwood to the western boundary of V-7 to three nautical miles from the centerline.

4. The alteration of V-209 from Kewanee via Brookwood to Birmingham. The width of the segment between Kewanee and Brookwood would be reduced only on the south side to three nautical miles from the centerline, including the additional airspace within lines diverging at 4.5° from the centerline at the Kewanee and Brookwood VORs to their point of intersection.

5. The alteration of V-875 to overlie the proposed realigned segment of V-18 from Tuscaloosa to Meridian.

6. The alteration of the Meridian transition area to include, as a part of the area, a portion of the control areas presently designated with the V-18 north alternate segment, between Meridian and Tuscaloosa and which are proposed herein for revocation.

7. The designation of the Tuscaloosa transition area to include a portion of the control areas southwest of Tuscaloosa which are currently designated with the segment of V-18 proposed, herein, for alteration.

8. The designation of the Brookwood VOR as a domestic low altitude reporting point.

The proposed airway alterations and realignments between Meridian and Birmingham and via the Brookwood VOR would facilitate the movement and control of IFR traffic operating between the Meridian, Tuscaloosa, Birmingham, and Anniston terminal areas. The Brookwood VOR would provide more precise navigational guidance for aircraft operating along the airway segments proposed to be designated via this new facility. The proposed alteration of the Meridian transition area, and the designation of the Tuscaloosa transition area would provide controlled airspace to permit air traffic control of aircraft arriving at, and departing, the Meridian Naval Air Station. The airway width reductions proposed for the segments of V-7, V-66 and V-209 would permit realignment of the currently established boundaries of the Craig AFB, Intensive Student Jet Training Area No. 1.

Concurrently, with the airway alterations proposed herein, the Federal Aviation Agency is considering the following nonrule-making action to redescribe the Craig Intensive Student Jet Training Area No. 1 boundaries as follows:

Craig ISJTA No. 1 boundaries:

Beginning at latitude 32°28'30" N., longitude 86°49'00" W.; thence to latitude 32°24'00" N., longitude 86°49'00" W.; thence to latitude 32°29'00" N., longitude 87°15'00" W.; thence to latitude 32°31'00" N., longitude 87°16'00" W.; thence to latitude 32°30'30" N., longitude 88°10'20" W.; thence along the east edge of V-209 to latitude 33°01'00" N., longitude 87°28'00" W.; thence to latitude 33°01'00" N., longitude 87°18'15" W.; thence to latitude 33°11'20" N., longitude 87°06'20" W.; thence to latitude 33°12'00" N., longitude 86°57'45" W.; thence to latitude 33°00'00" N., longitude 86°57'45" W.; thence to latitude 32°34'20" N., longitude 87°00'00" W.; to the point of beginning.

The time of use and altitudes for Craig Intensive Student Jet Training Area No. 1 would remain as presently established. The proposed alteration of this intensive student jet training area is necessary to accommodate the designation of the segment of V-209 from Kewanee direct to Brookwood.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 14, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10692; Filed, Oct. 20, 1964; 8:46 a.m.]

## [ 14 CFR Part 75 [New] ]

[Airspace Docket No. 63–EA–106]

## PROPOSED JET ROUTE

### Alteration

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER as Airspace Docket No. 63–EA–106 on March 28, 1964 (29 F.R. 4105), it was stated that the Federal Aviation Agency (FAA) proposed to modify Jet Route No. 84 by extending this route from Northbrook, Ill., VORTAC via the intersection of the Northbrook VORTAC 093° and the Carleton, Mich., VORTAC 271° radials; the Carleton VORTAC; the Jefferson, Ohio, VORTAC; the Williamsport, Pa., VORTAC; the intersection of the Williamsport VORTAC 098° and the Kennedy, N.Y., VORTAC 308° radials; to Kennedy VORTAC.

Notice is hereby given that the original proposal is amended in that the portion east of Carleton, Mich., would be redesignated via the Slate Run, Pa., VOR to Kennedy, N.Y., VORTAC. Such alignment would use the Slate Run VOR in the jet route structure in lieu of the Jefferson, Ohio, and Williamsport, Pa., VORTACs, thereby providing relief to the frequency-congestion problem which is extremely critical in this section of the United States. In addition, it has been determined since publication of the Notice that alignment as originally proposed would result in a radar-reception limitation between Williamsport and Kennedy. Radar reception is satisfactory along the route proposed herein.

In order to provide interested persons time to adequately evaluate this proposal as modified, herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to November 20, 1964.

Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430.

This supplemental amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 14, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–10693; Filed, Oct. 20, 1964; 8:46 a.m.]

## [ 14 CFR Part 507 ]

[Reg. Docket No. 6255]

## AIRWORTHINESS DIRECTIVES

### Boeing Model 727 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive for Boeing Model 727 Series aircraft. This directive requires inspection and replacement of fuel line shrouds in the Section 48 compartment. In several cases the shrouds have been damaged during installation and deteriorated from contact with fuel, resulting in leakage and accumulation of fuel in the Section 48 area.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before November 20, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507) by adding the following airworthiness directive:

BOEING. Applies to Model 727 Series aircraft. Compliance required as indicated.

Fuel line shrouds in the Section 48 area have been found deteriorated as a result of installation damage and contact with leaking fuel, which has resulted in fuel accumulating in the Section 48 area. To prevent such fuel accumulation:

(a) Within 100 hours' time in service from the effective date of this AD, unless previously accomplished, inspect and replace as necessary the Section 48 fuel line shrouds for each engine as follows:

(1) Visually inspect shroud connection to drain tube. If the red rubber inner liner of the shroud drain connection is not plainly visible, disconnect the shroud from the drain tube and inspect to determine if the red inner liner has been pulled free from the outer fabric. If the red inner liner has been pulled free from the outer fabric, the shroud drain line connection is damaged, or the drain tube is plugged, replace the affected shroud.

(2) Visually inspect each shroud for evidence of damage due to abrasion, fraying, cracks, separation of liner layers at clamped ends, deterioration, and for contact with fuel. (If fuel has deteriorated the shroud, the affected area will be soft.) Replace any damaged shroud. Replace shrouds, Boeing P/Ns D–4077–1 through D–4077–10, which have had any contact with fuel.

(3) Test the shrouds which were not replaced in accordance with paragraphs (a)(1) or (a)(2) for leakage by applying sufficient air pressure at the external drain port to expand the shroud (2 p.s.i. should be adequate). With the shroud fully inflated, check for leakage of air. If any leakage is detected, replace the affected shroud.

(b) Within 1,000 hours' time in service from the effective date of this AD, repeat the inspections required by paragraph (a). This reinspection need not be performed on those airplanes where existing shrouds have been replaced by modified shrouds, Boeing P/Ns D–4077–101 through D–4077–110, or an equivalent approved by the Aircraft Engineering Division, FAA Western Region.

(c) Within 2,500 hours' time in service from the effective date of this AD, unless already accomplished, replace all fuel line shrouds in Section 48, P/Ns D–4077–1 through D–4077–10, with modified shrouds P/Ns D–4077–101 through D–4077–110, or an equivalent approved by the Aircraft Engineering Division, FAA Western Region.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the compliance time specified in paragraph (b) of this AD to coincide with an established inspection or overhaul period of the operator if the request contains substantiating data to justify the increase for such operator.

Issued in Washington, D.C., on October 14, 1964.

G. S. MOORE,
*Director, Flight Standards Service.*

[F.R. Doc. 64–10694; Filed, Oct. 20, 1964; 8:46 a.m.]

## [ 14 CFR Part 507 ]

[Reg. Docket No. 6256]

## AIRWORTHINESS DIRECTIVES

### Hartzell Models HC–12X20–1, –2, –3, –5, and –7B Propellers

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive for Hartzell Models HC–12X20–1, –2, –3, –5, and –7B propellers equipped with C–49–2B and C–49–2C hub spiders. There has been an instance of loss of propeller blade resulting from failure of the propeller hub spider. To correct this condition, an AD is being proposed to require inspection and modification of Models HC–12X20–1, –2, –3, –5, and –7B propellers equipped with C–49–2B and C–49–2C hub spiders.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before November 20, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:



HARTZELL. Applies to Models HC–12X20–1, –2, –3, –5, and –7B propellers equipped with C–49–2B and C–49–2C hub spiders having Serial Numbers between 4200 and 5200 installed on Downer (Republic) RC–3; Navion, Navion A; and Grumman G–44 Series aircraft.

Compliance required as indicated.

As a result of loss of propeller blade due to failure of a hub spider, accomplish the following:

(a) Visually inspect propeller hub spiders for cracks in accordance with Hartzell Service Bulletin No. 32 amended August 11, 1964, within 10 hours' time in service after the effective date of this AD, and at intervals thereafter not to exceed 25 hours' time in service from the last inspection until modification in accordance with Hartzell Service Bulletin No. 32 amended August 11, 1964, is accomplished. Replace cracked parts before further flight.

(b) Modify propeller hub spiders having accumulated less than 400 hours' time in service since new or last overhaul in accordance with Hartzell Service Bulletin No. 32 amended August 11, 1964, prior to the accumulation of 500 hours' total time in service since new or last overhaul.

(c) Modify propeller hub spiders having accumulated 400 or more hours' time in service since new or last overhaul in accordance with Hartzell Service Bulletin No. 32 amended August 11, 1964, prior to the accumulation of 100 hours' time in service after the effective date of this AD.

(Hartzell Service Bulletin No. 32 dated March 9, 1955, amended August 11, 1964, covers this subject.)

Issued in Washington, D.C., on October 14, 1964.

G. S. MOORE,
*Director, Flight Standards Service.*

[F.R. Doc. 64–10695; Filed, Oct. 20, 1964; 8:46 a.m.]

# DEPARTMENT OF LABOR

## Division of Public Contracts

## [ 41 CFR Part 50–203 ]

## PREVAILING MINIMUM WAGES FOR SEPARABLE GROUPS OF OCCUPATIONS

### Extension of Time To Present Data, Views, and Argument

A notice of proposed rule making concerning procedure for determining different prevailing minimum wages for separable groups of occupations was published in the FEDERAL REGISTER August 19, 1964 (29 F.R. 11842). Interested persons were given a period of 60 days after such publication to present data, views, and argument concerning its terms or substance to the Secretary of Labor. Such period is hereby extended 90 days to and including January 16, 1965.

Signed at Washington, D.C., this 15th day of October 1964.

W. WILLARD WIRTZ,
*Secretary of Labor.*

[F.R. Doc. 64–10704; Filed, Oct. 20, 1964; 8:46 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Coast Guard

[CGFR 64-57]

### EQUIPMENT, INSTALLATIONS, OR MATERIALS

### Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document, during the period from June 24, 1964, to August 10, 1964 (List Nos. 19-64, 20-64). These actions were taken in accordance with procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in § 632, of Title 14, U.S. Code, and in Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167-14 dated November 26, 1954 (19 F.R. 8026), 167-15 dated January 3, 1955 (20 F.R. 340), 167-20 dated June 15, 1955 (21 F.R. 4894), CGFR 56-28 dated July 24, 1956 (21 F.R. 5659), or 167-38 dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489; 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items of equipment as listed in Part II such equipment may be used so long as such equipment is in good and serviceable condition.

#### PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

##### LIFE PRESERVERS: REPAIRING AND CLEANING

Approval No. 160.006/17/1, Castle cleaning process for kapok life preservers as outlined in Castle Carpet Cleaning Corp. letter dated May 24, 1964, and U.S.C.G. Specification 160.006; issued to Castle Carpet Cleaning Corp., 36-21 33d Street, Long Island City, N.Y., effective June 24, 1964.. (Where buoyancy fillers are not removed from envelope covers during cleaning process.) (It supersedes Approval No. 160.006/17/0 dated June 23, 1959, to show change in cleaning process.)

##### BUOYANT APPARATUS

Approval No. 160.010/36/1, 4.0' x 3.0' x 0.67' buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 11-person capacity, drawing No. 10-1, Rev. 4 dated September 8, 1958, and specification dated September 9, 1958, manufactured by Portland Industrial Plastics Co., 2824 North Interstate Avenue, Portland 1, Oreg., effective July 2, 1964. (It reinstates Approval No. 160.010/36/1 which expired December 31, 1963.)

##### LAMPS, SAFETY, FLAME

Approval No. 160.016/3/1, Wolf Brass Naphtha Burning, Key Lock, Flame Safety Lamp, drawing No. W-307 dated April 2, 1956, manufactured by Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh 8, Pa., effective July 31, 1964. (It supersedes Approval No. 160.016/3/1 dated August 3, 1962, to show change of name and address of manufacturer.)

##### WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS)

Approval No. 160.026/32/1, container for emergency provisions for lifeboats and life rafts, drawing No. RF-3 dated July 15, 1964, manufactured by H & M Packing Corp., 915 Ruberta Avenue, Glendale 1, Calif., effective July 30, 1964. (Markings: ¼ Ration for lifeboats, ½ Ration for inflatable life rafts.) (It supersedes Approval No. 160.026/32/0 dated June 21, 1960.)

Approval No. 160.026/37/0, container for emergency provisions for lifeboats and life rafts, drawing No. 1367 dated June 22, 1964, and revised June 30, 1964, manufactured by Globe Equipment Corp., 257 Water Street, Brooklyn, N.Y., effective July 2, 1964. (Markings: ¼ Ration for lifeboats, ½ Ration for inflatable life rafts.)

Approval No. 160.026/38/0, containers for emergency provisions for lifeboats and life rafts, MacDonald-Bernier drawing No. 32, revised July 24, 1964; markings: ¼ Ration for lifeboats, ½ Ration for life rafts, manufactured by MacDonald-Bernier Co., Inc., 305 Main Street, Charlestown, Mass., 02129, effective August 10, 1964. (Packed by either Lord-Mott Co., Foot of Fell Street, Baltimore 3, Md., for MacDonald-Bernier Co., Inc., or by MacDonald-Bernier Co., Inc., 305 Main Street, Charlestown, Mass., 02129.)

##### LIFEBOATS

Approval No. 160.035/438/0, 22.0' x 6.75' x 2.92' aluminum, oar-propelled lifeboat, 26-person capacity, with removable interior, identified by construction and arrangement drawing No. B-80629 dated January 13, 1964, and revised June 19, 1964, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., effective June 29, 1964.

##### BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/12/3, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Co. drawings No. 175-LA-3 revised December 26, 1963, or No. 175-LA-4 revised June 15, 1964, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., 70117, effective July 22, 1964. (Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn.) (It supersedes Approval No. 160.050/12/2 dated February 6, 1964, to show change of construction.)

Approval No. 160.050/13/2, 24-inch, unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Co. drawings No. 175-LA-3 revised December 26, 1963, or No. 175-LA-4 revised June 15, 1964, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., 70117, effective July 22, 1964. (Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn.) (It supersedes Approval No. 160.050/13/1 dated February 6, 1964, to show change of construction.)

Approval No. 160.050/14/3, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Co. drawings No. 175-LA-3 revised December 26, 1963, or No. 175-LA-4 revised June 15, 1964, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., 70117, effective July 22, 1964. (Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn.) (It supersedes Approval No. 160.050/14/2 dated February 6, 1964, to show change of construction.)

##### INFLATABLE LIFE RAFTS

Approval No. 160.051/13/0, inflatable life raft, 4-person capacity, identified by general arrangement drawing SPC-MM-4002 (Rev. 2), dated November 1, 1963, and Master Record Index S.P.C. M.M./4 (Rev. 5), dated June 22, 1964, manufactured by Switlik Parachute Co., Inc., 1325 East State Street, Trenton 7, N.J., effective June 23, 1964. (Raft is packed with the "Limited Service Equipment" of 46 CFR 160.051-7(d).)

##### SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/261/0, Types 1541-MF and 1543-MF safety valves, bronze body, for power boilers, drawing No. 312348, approved for a maximum pressure of 300 p.s.i. at 450° F., for sizes 1½", 2", and 2½" in the following capacities:

| *Orifice* | *Designation* | *Capacity (pounds/hour at 300 p.s.i.)* |
|---|---|---|
| G | 7351 | |
| H | 11,452 | |
| J | 18,806 | |

manufactured by Manning, Maxwell & Moore, Inc., Alexandria, La., effective August 10, 1964. (This valve is similar to Type 1541-M and 1543-M, Approval No. 162.012/22/0 dated 10-8-62). (It supersedes Approval No. 162.001/261/0 dated July 30, 1964, to show change in orifice and designation.)

##### FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/94/0, Model 610 backfire flame arrester for carburetors, 2.34" diameter throat opening, drawing Nos. FA-1162 and 610 dated May 18, 1964, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Mich., effective June 26, 1964.

##### INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Approval No. 162.025/97/0, secondary type boiler water level indicator, remote reading, 1500 p.s.i. maximum pressure, comprised of force balance LR type level transmitter and a pointer type indicator, manufactured by Bailey Meter Co., Wickliffe, Ohio, effective July 30, 1964.

##### INCOMBUSTIBLE MATERIALS

Approval No. 164.009/37/0, "Foster Insulfas Sealer 31-26" composition type incombustible material consisting solely of Foster 31126 "Non-combustible Coating and Sealfas Open Weave Glass Cloth," identical to that referred to in National Bureau of Standards Report No. TG-10210-1974:FP3363, dated April 30, 1956, manufactured by Benjamin Foster Co., 4635-37 West Girard Avenue, Philadelphia 31, Pa., effective July 31, 1964. (Formerly "Fiberseal"; also formerly "Foster Fiberseal Sealer".) (It supersedes Approval No. 164.009/37/0 dated February 18, 1964, to show correction in name of product.)

Approval No. 164.009/78/0, "Foster Insulfas Adhesive 81-15" composition type incombustible material, identical to that referred to in National Bureau of Standards Report No, TG10210-2107:FR3634 dated December 3, 1963, manufactured by Benjamin Foster Co., 4635-37 West Girard Avenue, Philadelphia 31, Pa., effective July 31, 1964. (It supersedes Approval No. 164.009/78/0 dated February 18, 1964, to show correction in name of product.)

Approval No. 164.009/80/0, Foster Insulfas Coating 31-30, composition type incombustible material, identical to that referred to in National Bureau of Standards Report No. TG10210-2109:FR3636 dated May 11, 1964, manufactured by Benjamin Foster Company, 4635-37 West Girard Avenue, Philadelphia 31, Pa., effective July 7, 1964.

#### PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

##### WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS)

Termination of Approval No. 160.026/8/1, container for emergency drinking water, drawing No. S1-117 dated August 23, 1951, Rev. 5 dated August 19, 1952, manufactured by The Multiple Breaker Co., 176 Oak Street, Newton Upper Falls, Mass., effective July 31, 1964. (Approval No. 160.026/8/1 terminated because manufacterer is no longer in business.)

Termination of Approval No. 160.026/11/0, container for emergency provisions, drawing No. 51-104, dated January 15, 1951, revised March 28, 1951, manufactured by The Multiple Breaker Co., 176 Oak Street, Newton Upper Falls, Mass., effective July 31, 1964. (Approval No. 160.026/11/0 terminated because manufacturer is no longer in business.)

##### SIGNAL PISTOLS FOR PARACHUTE RED FLARE DISTRESS SIGNALS

Termination of Approval No. 160.035/1/0, No. 52 Marine signal pistol, drawing No. MSP-1, revised October 1, 1943, manufactured by Kilgore, Inc., International Flare Signal Div., Westerville, Ohio, effective July 31, 1964. (Approval No. 160.028/1/0 dated July 31, 1957, terminated because it expired July 31, 1962.)

##### LIFEBOATS

Termination of Approval No. 160.035/53/1, 26.0' x 9.0' x 3.83' aluminum, oar-propelled lifeboat, 53-person capacity, identified by construction and arrangement drawing No. 3083 dated April 18, 1959, and revised May 13, 1959, manufactured by Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N.J., effective July 28, 1964. (Termination of Approval No. 160.035/53/1 dated July 28, 1959.)

Termination of Approval No. 160.035/63/2, 31.0' x 11.25' x 4.5' steel, motor-propelled lifeboat without radio cabin (Class B), 83-person capacity, identified by construction and arrangement drawing No. 2414 dated January 9, 1953, and revised April 21, 1959, manufactured by Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N.J., effective July 28, 1964. (Termination of Approval No. 160.035/63/2 dated July 28, 1959.)

Termination of Approval No. 160.035/313/1, 26.0' x 9.0' x 3.83' aluminum, motor propelled lifeboat with radio cabin (Class A), 43-person capacity, identified by construction and arrangement drawing No. 3490 dated August 6, 1953, and revised April 21, 1959, manufactured by Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N.J., effective July 28, 1964. (Termination of Approval No. 160.035/313/1 dated July 28, 1959.)

Termination of Approval No. 160.035/396/0, 24.0' x 8.0' x 3.5' fibrous glass reinforced plastic hand-propelled lifeboat, 40-person capacity, identified by construction and arrangement drawing No. P-24-IC, alteration B dated 14 April 1959, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J., effective July 28, 1964. (Termination of Approval No. 160.035/396/0 dated July 28, 1959.)

##### BUOYANT VESTS, UNICELLUAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.052/64/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The Howard Zink Corp., Fremont, Ohio, effective July 28, 1964. (Termination of Approval No. 160.052/64/0 dated July 28, 1959.)

Termination of Approval No. 160.052/65/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The Howard Zink Corp., Fremont, Ohio, effective July 28, 1964. (Termination of Approval No. 160.052/65/0 dated July 28, 1959.)

Termination of Approval No. 160.052/66/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The Howard Zink Corp., Fremont, Ohio, effective July 28, 1964. (Termination of Approval No. 160.052/66/0 dated July 28, 1959.)

Dated: October 14, 1964.

[SEAL] E. J. ROLAND,
*Admiral, U.S. Coast Guard*
*Commandant.*

[F.R. Doc. 64-10722; Filed, Oct. 20, 1964; 8:48 a.m.]

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

### STATEMENT OF ORGANIZATION

#### Field Service; Border Patrol Sectors

Effective upon publication in the FEDERAL REGISTER, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, is prescribed:

Sector No. 18 of paragraph (d) *Border Patrol Sectors* of sec. 1.51 *Field Service* is amended to read as follows:

SECTOR NO. 18—MARFA, TEX.

Alpine, Tex.
Fort Stockton, Tex.
Lubbock, Tex.
Marfa, Tex.
Pecos, Tex.
Presidio, Tex.
Sanderson, Tex.

Dated: October 16, 1964.

RAYMOND F. FARRELL,
*Commissioner of Immigration and Naturalization.*

[F.R. Doc. 64-10726; Filed, Oct. 20, 1964; 8:48 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### AMERICAN CYANAMID CO.

#### Notice of Filing of Petition Regarding Food Additives Rubber Articles

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1577) has been filed by American Cyanamid Company, Wayne, N.J., 07470, proposing the amendment of paragraph (c)(4)(ii)(c) of § 121.2562 *Rubber articles intended for repeated use* by inserting alphabetically in the list of retarders the item "Cyanoguanidine."

Dated: October 13, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-10730; Filed, Oct. 20, 1964; 8:49 a.m.]

### GEIGY INDUSTRIAL CHEMICALS

#### Notice of Filing of Petition Regarding Food Additive Disodium EDTA

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5A1534) has been filed by Geigy Industrial Chemicals, Division of Geigy Chemical Corp., Post Office Box 430, Yonkers, N.Y., proposing the issuance of an amendment to § 121.1056 to provide for the safe use of disodium EDTA as a stabilizer of color in canned strawberry pie filling, at a level not to exceed 500 parts per million.

Dated: October 13, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-10731; Filed, Oct. 20, 1964; 8:49 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 15419]

### BLOCKED SPACE AIR FREIGHT TARIFFS

#### Notice of Postponement of Hearing

By letter dated October 14, 1964, Trans World Airlines, Inc., requests postponement of the hearing in the above-entitled proceeding until after the decision of the U.S. Court of Appeals for the District of Columbia with respect to Board orders concerning the tariffs at issue herein. The request is based on a stipulation, of American Airlines, Inc., The Slick Corporation, Trans World Airlines, Inc., and United Air Lines, Inc. All other parties have indicated to the examiner that they support the request.[1]

Inasmuch as all or a large part of a hearing conducted at this time would concern service which will not be provided, the extent depending upon the court's decision, the requested postponement represents a sound proposal. Accordingly, the hearing is hereby postponed until further notice.

Dated at Washington, D.C., October 15, 1964.

[SEAL] RALPH L. WISER,
*Hearing Examiner.*

[F.R. Doc. 64-10732; Filed, Oct. 20, 1964; 8:49 a.m.]

[Docket No. 7984, etc.]

### REOPENED SOUTHERN TRANSCONTINENTAL SERVICE CASE

#### Notice of Postponement

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled case now assigned for November 4 is postponed to November 5, 1964, 10:00 a.m., e.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 16, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-10783; Filed, Oct. 20, 1964; 8:49 a.m.]

[1] Bureau Counsel, The Flying Tiger Line Inc., and Air Freight Forwarders Association members have advised the examiner by telephone that they support the request.

[Docket No. 11614]

### UNITED AIR LINES, INC.

#### Notice of Change in Place of Hearing Regarding Deletion of Route 34 Points

Notice is hereby given that the place of the hearing in the above-entitled proceeding to be held October 20, 1964, at 10:00 a.m., e.d.s.t., is hereby changed from Room 911 to Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., October 16, 1964.

[SEAL] MILTON H. SHAPIRO,
*Hearing Examiner.*

[F.R. Doc. 64-10734; Filed, Oct. 20, 1964; 8:49 a.m.]

## FEDERAL MARITIME COMMISSION

### AMERICAN & AUSTRALIAN STEAMSHIP LINE AND PORT AND ASSOCIATED LINES

#### Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

John M. Lingenmeyer, Esquire, Kirlin, Campbell & Keating, 120 Broadway, New York 5, N.Y.

Agreement No. 7996-5 between American & Australian Steamship Line (as one member only, the parties to which appear in Agreement No. 7787), and Port and Associated Lines (as one member only, the parties to which appear in Agreement No. 7791), modifies the basic Agreement (7996, as amended) by completely deleting Article 2 thereof covering self-policing provisions.

Dated: October 15, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10716; Filed, Oct. 20, 1964; 8:47 a.m.]



[Fact Finding Investigation No. 8]

### STEAMSHIP CONFERENCE

#### Effects on Foreign Commerce of United States; Notice of Hearing

OCTOBER 16, 1964.

A further hearing in this proceeding will commence at 10:00 a.m., on November 17, 1964, in Room 610, Federal Office Building South, 600 South Street, New Orleans, La. The hearing will be open to the public.

RALPH P. DICKSON,
*Investigative Officer.*

[F.R. Doc. 64-10717; Filed, Oct. 20, 1964; 8:47 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. CP64-78]

### ARKANSAS LOUISIANA GAS CO.

#### Notice of Application

OCTOBER 13, 1964.

Take notice that on September 30, 1963, as supplemented on February 28 and August 28, 1964, Arkansas Louisiana Gas Co. (Applicant), Slattery Building, Shreveport, La., filed in Docket No. CP64-78 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1964 and the operation of natural gas facilities for the sale of natural gas to direct industrial customers and to distributors for resale, all as more fully set forth in the application and supplements which are on file with the Commission and open to public inspection.

Applicant purposes to construct approximately 200 pipeline taps on its existing system to deliver natural gas to individual domestic and commercial customers or for new town border connections or rural extensions to consumers, and approximately 150 pipeline taps for direct sales to consumers for road building, irrigation, agricultural, processing and general use in areas outside of local distributors' franchise areas.

The total cost of facilities proposed under this application will not exceed a maximum of $300,000 and the total deliveries to any one consumer will not exceed a maximum of 100,000 Mcf of natural gas per year.

This matter should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 2, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-10698; Filed, Oct. 20, 1964; 8:46 a.m.]

[Docket No. CP62-51]

### HOME GAS CO.

#### Notice of Petition To Amend

OCTOBER 12, 1964.

Take notice that on July 14, 1964, as supplemented on September 11, 1964, Home Gas Co. (Petitioner), 800 Union Trust Building, Pittsburgh, Pa., filed in Docket No. CP62-51 a petition to amend the order of the Commission issued December 15, 1961, which order permitted Petitioner to abandon 159.8 miles of four parallel 6-inch transmission lines, with 6.7 miles to be abandoned by sale to Columbia Gas of New York, Inc. (Columbia) and the remaining portion to be lifted and salvaged. In the subject petition, Petitioner requests authorization to sell an additional 1.6 mile section of the line to Columbia for $3,989 in lieu of salvage.

Petitioner seeks further amendment of the order of December 15, 1961, by requesting authorization to abandon an additional 14.2 miles of four parallel 6-inch lines located immediately west of the facilities abandoned in the instant docket. Petitioner intends to sell 7.1 miles of such lines to Columbia for $9,200 and abandon the remainder of the lines in place. Petitioner states that the additional 14.2 miles of lines are no longer useful to its system in view of an existing 12-inch line paralleling the lines to be abandoned.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 2, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-10699; Filed, Oct. 20, 1964; 8:46 a.m.]

[Docket No. E-7114 etc.]

### ST. MICHAELS UTILITIES COMMISSION ET AL.

#### Order Accepting Rate Schedule for Filing and Amending Order Instituting Investigation and Providing for Hearing

OCTOBER 13, 1964.

St. Michaels Utilities Commission, and Commissioners of St. Michaels, Maryland v. The Eastern Shore Public Service Company of Maryland, Docket No. E-7114; Stockton Light and Power Company (of Maryland), and Stockton Light and Power Company (of Virginia) v. The Eastern Shore Public Service Company of Maryland, Docket No. E-7117; Delaware Power and Light Company, The Eastern Shore Public Service Company of Maryland, The Eastern Shore Public Service Company of Virginia, Docket No. E-7137; City of Dover, Delaware v. Delaware Power & Light Company, Docket No. E-7175.

On July 17, 1964, Eastern Shore Public Service Company of Maryland (Maryland Eastern Shore), Eastern Shore Public Service Company of Virginia (Virginia Eastern Shore) and Delaware Power and Light Company (Delaware Power) submitted rate schedule filings to supersede currently filed schedules of the three companies as follows:

RATE SCHEDULE DESIGNATIONS

| | Other party | Date of instrument | Description |
|---|---|---|---|
| Eastern Shore Public Service Co. of Maryland, Rate Schedule FPC No. 10 (supersedes Rate Schedule FPC No. 2 and Supplements Nos. 1 and 2 thereto). | Eastern Shore Public Service Co. of Virginia and Delaware Power & Light Co. | July 16, 1964 | Agreement. |
| Eastern Shore Public Service Co. of Virginia, Rate Schedule FPC No. 5 (supersedes FPC No. 2 and Supplements Nos. 1 and 2 thereto). | Eastern Shore Public Service Co. of Maryland and Delaware Power & Light Co. | July 16, 1964 | Certificate of concurrence. |
| Delaware Power & Light Co., Rate Schedule FPC No. 33 (supersedes No. 17 and Supplements Nos. 1 and 2 thereto). | Eastern Shore Public Service Co. of Maryland and Eastern Shore Public Service Co. of Virginia. | July 16, 1964 | Do. |

Under the proffered rate schedules the companies inter-company transactions known as the "Vienna Power Pool" would be enlarged and the method of allocating inter-company pool generation and transmission costs would be changed. The rate schedules to be superseded by the proffered filings are currently the subject of investigation and hearing in the above docketed matters.[1] In filing

[1] See orders of the Commission issued November 18, 1963, February 7, 1964 and August 3, 1964, Docket Nos. E-7114, E-7117 and E-7137. By order issued August 26, 1964, the Commission consolidated Docket Nos. E-7114, E-7117 and E-7137 with Docket No. E-7175, order consolidating proceedings for hearing purposes and granting leave to intervene.

the proposed rate schedules, the companies request alternatively effective dates therefor, of January 1, 1964 or August 17, 1964, 30 days after filing.

The Commission finds:

(1) It is necessary and appropriate for purposes of the Federal Power Act that the rate schedules of Maryland Eastern Shore, Virginia Eastern Shore and Delaware Power as identified above, be allowed to take effect as of August 17, 1964, 30 days after submittal of those filings and that Paragraph (A) of the Commission's Order issued November 18, 1963 in Docket Nos. E-7114, E-7117 and E-7137, as amended, be further amended to include these schedules.

(2) Good cause has not been shown for allowing the foregoing rate schedules to take effect as of January 1, 1964.

The Commission orders:

(A) Maryland Eastern Shore's, Virginia Eastern Shore's and Delaware Power's rate schedules identified and designated in the recital above, are hereby accepted for filing pursuant to section 205 of the Federal Power Act and Part 35 of the Commission's regulations under that Act, to become effective as filed rate schedules of those companies on August 17, 1964.

(B) Paragraph (A) of the Commission's Order issued November 18, 1963, in Docket Nos. E-7114, E-7117 and E-7137, as amended, is hereby further amended to include the rate schedules herein accepted for filing.

(C) This acceptance for filing does not constitute approval of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such rate or service provided for in the above designated rate schedules; nor shall such acceptance be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the foregoing companies.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10700; Filed, Oct. 20, 1964; 8:46 a.m.]

[Docket No. CP65-78]

## UNITED GAS PIPE LINE CO.

### Notice of Application

OCTOBER 12, 1964.

Take notice that on September 21, 1964, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La., 71102, filed in Docket No. CP65-78 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period from November 1, 1964, to October 31, 1965, and the operation of facilities to render natural gas service to existing distributor customers at rates on file with the Commission for resale and distribution in existing market areas, and for certain prescribed direct industrial sales, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the total cost of all facilities for which authorization is sought herein will not exceed a maximum of $900,000; that the maximum delivery to any one customer will not exceed 100,000 Mcf of natural gas annually; and that none of the gas so delivered will be used as boiler fuel.

This matter should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 2, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10701; Filed, Oct. 20, 1964; 8:46 a.m.]

# OFFICE OF EMERGENCY PLANNING

## LOUISIANA

### Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated October 3, 1964, reading in part as follows:

I have determined the damage in various areas of Louisiana, adversely affected by Hurricane Hilda, beginning on or about September 30, 1964, to be of sufficient severity and magnitude to warrant assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Louisiana to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 3, 1964:

THE PARISHES OF

| | |
|---|---|
| Acadia. | St. Charles. |
| Ascension. | St. James. |
| Assumption. | St. John the Baptist. |
| East Baton Rouge. | St. Landry. |
| East Feliciana. | St. Martin. |
| Iberia. | St. Mary. |
| Iberville. | St. Tammany. |
| Jefferson. | Tangipahoa. |
| Lafayette. | Terrebonne. |
| Lafourche. | Vermilion. |
| Livingston. | West Baton Rouge. |
| Orleans. | West Feliciana. |
| Pointe Coupee. | |

Dated: October 12, 1964.

FRANKLIN B. DRYDEN, *Deputy Director, Office of Emergency Planning.*

[F.R. Doc. 64-10715; Filed, Oct. 20, 1964; 8:47 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-X, Disaster No. 6]

## MANAGER, DISASTER FIELD OFFICE, BATON ROUGE, LOUISIANA

### Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9), 29 F.R. 11777, there is hereby redelegated to the Manager of Baton Rouge Disaster Field Office the following authority.

A. *Financial Assistance.* 1. To approve and decline disaster loans in an amount not exceeding $50,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

Name, *Administrator.*
By ----------
*Manager, Disaster Field Office.*

3. To cancel, reinstate, modify and amend authorization for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

Effective date: October 12, 1964.

ROBERT E. WEST, *Regional Director, Dallas, Texas.*

[F.R. Doc. 64-10685; Filed, Oct. 20, 1964; 8:45 a.m.]



# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 16, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39331: *Nitrogen fertilizer solution to Wilmington, N.C.* Filed by O. W. South, Jr., agent (No. A4579), for interested rail carriers. Rates on nitrogen fertilizer solution or fertilizer ammoniating solution, in tank carloads, subject to minimum shipment of 1,040,000 pounds, from Savannah and Port Wentworth, Ga., to Wilmington, N.C.

Grounds for relief: Rail-barge competition.

Tariff: Supplement 113 to Southern Freight Association, agent, tariff I.C.C. S-88.

FSA No. 39332: *T.O.F.C. rates from and to points in Southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8619), for interested rail carriers. Rates on property moving on class and commodity rates loaded in trailers and transported on railroad flat cars, between Louisville, Ky., on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 34 to Southwestern Freight Bureau, agent, tariff I.C.C. 4547.

FSA No. 39333: *T.O.F.C. rates from and to points in Southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8620), for interested rail carriers. Rates on property moving on class and commodity rates loaded in trailers and transported on railroad flat cars, between Washington, D.C., and Alexandria, Va., on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 42 to Southwestern Freight Bureau, agent, tariff, I.C.C. 4571.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-10709; Filed, Oct. 20, 1964; 8:46 a.m.]

[Notice 335]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 16, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(6)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 5888 (Deviation No. 2), MID-AMERICAN TRUCK LINES, INC., 900 North Indiana Avenue, Kansas City, Mo., 64120, filed October 5, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (1) from Jackson, Mich., over Interstate Highway 94, to the Michigan-Indiana State line, (2) from Three Rivers, Mich., over U.S. Highway 131 (formerly U.S. Highway 131, Michigan Highway 103, and Indiana Highway 13), to the Middlebury exit of the Indiana Toll Road, thence over the Indiana Toll Road to the Indiana-Illinois State line, and (3) from Niles, Mich., over U.S. Highway 31 to the Indiana Toll Road, and from South Bend, Ind., over U.S. Highway 31 to the Indiana Toll Road, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) from Pontiac, Mich., over U.S. Highway 10 to Detroit, Mich., thence over U.S. Highway 112 (now U.S. Highway 12) to Mottville, Mich., thence over U.S. Highway 131 (now Michigan Highway 103) to the Michigan-Indiana State line, thence over Indiana Highway 15 to Bristol, Ind., thence over Indiana Highway 120 to Elkhart, Ind., thence over U.S. Highway 33 to South Bend, thence over Indiana Highway 2 to junction U.S. Highway 20, thence over U.S. Highway 20 to Chicago, Ill., (2) from Pontiac over U.S. Highway 24 to junction U.S. Highway 112 (now U.S. Highway 12), thence over U.S. Highway 112 to Mottville, thence over U.S. Highway 131 (now Michigan Highway 103) to the Michigan-Indiana State line, thence over Indiana Highway 15 to Bristol, thence over Indiana Highway 120 to Elkhart, thence over U.S. Highway 33 to South Bend, thence over Indiana Highway 2 to junction U.S. Highway 20, thence over U.S. Highway 20 to Chicago, (3) from Mottville over U.S. Highway 112 to junction U.S. Highway 12 (now entirely U.S. Highway 12) thence over U.S. Highway 12 to junction Indiana Highway 212, and thence over Indiana Highway 212 to junction U.S. Highway 20, and (4) from Niles, over Michigan Highway 60 to Jackson, and thence over U.S. Highway 12 to junction U.S. Highway 24 near Detroit, and return over the same routes.

No. MC 42487 (Deviation No. 32), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, Post Office Box 5138, Chicago 80, Ill., filed October 2, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: between St. Louis, Mo., and Chicago, Ill., over Interstate Highway 55, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: from St. Louis over U.S. Highway 66 (formerly City U.S. Highway 66) to junction Alternate U.S. Highway 40 (formerly portion City U.S. Highway 66), thence over Alternate U.S. Highway 40 to junction Illinois Highway 111 (formerly portion City U.S. Highway 66), thence over Illinois Highway 111 to junction By-Pass U.S. Highway 66 (formerly U.S. Highway 66, east of Mitchell, Ill.), thence over By-Pass U.S. Highway 66 via Edwardsville, Ill., to Hamel, Ill., thence over U.S. Highway 66 to junction Illinois Highway 4 (east of Worden, Ill.), thence over Illinois Highway 4 to Staunton, Ill., thence over unnumbered highway to junction U.S. Highway 66 (south of Mount Olive, Ill.), thence over U.S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to Fullerton, Ill., thence over U.S. Highway 54 to Onarga, Ill., from Springfield over U.S. Highway 66 to junction Illinois Highway 48; from Chicago over U.S. Highway 66 to St. Louis; from Chicago over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to Gardner, Ill., thence over U.S. Highway 66 to St. Louis; from Chicago over U.S. Highway 66 to Gardner, (also from Chicago over Alternate U.S. Highway 66 to Gardner), thence over U.S. Highway 66 to Springfield; and, from Staunton over Illinois Highway 4 to Springfield, thence over Illinois Highway 29 via Pekin, Ill., to Peoria, Ill., and return over the same routes.

No. MC 52746 (Deviation No. 6), MISSOURI CONSOLIDATED FREIGHTWAYS CORPORATION, Post Office Box 5138, Chicago, Ill., 60680, filed October 5, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Kansas City, Mo., over Interstate Highway 70 to Denver, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: from Kansas City over the Kansas Turnpike to Wichita, Kans.; from Wichita over U.S. Highway 54 to Liberal, Kans.; from Bucklin, Kans., over unnumbered highway to junction U.S. Highway 154, thence over U.S. Highway 154 to Dodge City, Kans., and thence over U.S. Highway 50 (formerly portion U.S. Highway 50S) to Garden City, Kans.; from Liberal, Kans., over U.S. Highway 83 to junction U.S.

Highway 24, thence over U.S. Highway 24 to Colby, Kans., and from Denver, Colo., over U.S. Highway 40 via Agate, Colo., to Limon, Colo., thence over U.S. Highway 24 to junction U.S. Highway 83 (formerly portion U.S. Highway 24), and thence over U.S. Highway 83 via Halford, Kans., to Oakley, Kans., and return over the same routes.

No. MC 61628 (Deviation No. 2), TAMIAMI FREIGHTWAYS, INC., 4305 21st Avenue, Tampa, Fla., filed October 1, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: between St. Petersburg, Fla., and Daytona Beach, Fla., over Interstate Highway 4, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from St. Petersburg, across Tampa Bay to Tampa, Fla., thence over U.S. Highway 92 to Plant City, Auburndale, Kissimmee, Orlando, Sanford, DeLand, and Daytona Beach, Fla., and return over the same route.

No. MC 66562 (Deviation No. 16) RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y., filed October 5, 1964. Carrier's attorney: Erwin H. Baumer, 12th floor Citizens & Southern National Bank Building, Atlanta, Ga., 30303. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, moving in express service, over a deviation route as follows: from Montgomery, Ala., over Interstate Highway 65 to Mobile, Ala., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service route as follows: from Montgomery over U.S. Highway 31 to Brewton, Ala., and from Mobile over U.S. Highway 31 via Atmore, Ala., to Brewton, thence over Alabama Highway 41 via a junction with Alabama Highway 21, to Camden (also, from Atmore, over Alabama Highway 21 to junction Alabama Highway 41), and return over the same routes.

No. MC 75295 (Deviation No. 3), EAST COAST FREIGHT LINES, 3005 West Marshall Street, Richmond 30, Va., filed October 7, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: between Richmond, Va., and Fredericksburg, Va., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: between Richmond and New York, N.Y., over U.S. Highway 1.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 198) (canceling Deviation No. 66), GREYHOUND LINES, INC., (Eastern Greyhound Lines Division), 1400 West Third Street, Cleveland, Ohio, 44113, filed October 9, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: between Binghamton, N.Y., and Scranton, Pa., over Interstate Highway 81, and over the following access routes: (a) from junction Interstate Highway 81 and Pennsylvania Highway 107 over Pennsylvania Highway 107 to junction U.S. Highway 11 at Factoryville, Pa.; (b) from South Abington (Township), Pa. (Interchange No. 38 of Northeast Extension of Pennsylvania Turnpike) over access roads to Interstate Highway 81; and (c) from Scranton, over Interstate Highway 81 to junction U.S. Highway 611, thence over U.S. Highway 611 to junction Pennsylvania Highway 307 at Daleville Junction, Pa., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above specified property over pertinent service routes as follows: From Towanda, Pa., over U.S. Highway 6 via Osterhout, Pa., to Scranton, thence over Pennsylvania Highway 307 to junction U.S. Highway 611 at Daleville Junction, Pa., thence over U.S. Highway 611 (including relocation of U.S. Highway 611 between Ells Corner and Tobyhanna, Pa.), via Mount Pocono, Pa., to Stroudsburg, Pa.; from Wilkes-Barre, Pa., over Pennsylvania Highway 115 to Kingston, Pa., thence over U.S. Highway 11 via West Pittston, Pa., and Scranton, to Hallstead, Pa.; from New Milford, Pa., over U.S. Highway 106 to Montrose, Pa., thence over Pennsylvania Highway 29 to Tunkhannock, Pa.; from West Pittston over Pennsylvania Highway 92 to Osterhout; from East Stroudsburg, Pa., over U.S. Highway 611 via Stroudsburg to Daleville, thence over Pennsylvania Highway 502 to junction Pennsylvania Highway 307, thence over Pennsylvania Highway 307 to Scranton, and thence over U.S. Highway 11 to Northumberland; from Swiftwater, Pa., over Pennsylvania Highway 940 to Blakeslee, Pa., thence over Pennsylvania Highway 115 to Kingston; from Hallstead over U.S. Highway 11 via Lisle, Cortland, Syracuse, Hastings, and Colosee, N.Y., to Potsdam, N.Y., and from Binghamton over New York Highway 7 via Quaker Street and Duanesburg, N.Y., to Schenectady, N.Y., and return over the same routes.

No. MC 59238 (Deviation No. 4), VIRGINIA STAGE LINES, INCORPORATED, 114 Forbes Street SE., Charlottesville, Va. Carrier's attorney: James E. Wilson, 716 Perpetual Building, 1111 E Street NW., Washington 4, D.C., filed October 8, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: between junction Interstate Highway 95 and Virginia Highway 350, and Richmond, Va., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the property above specified over a pertinent service route as follows: from Washington, D.C., over Virginia Highway 350 to junction U.S. Highway 1, thence over U.S. Highway 1 to Fredericksburg, Va., thence over Virginia Highway 2 and U.S. Highway 301 to Richmond, Va., and return over the same route,

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10710; Filed, Oct. 20, 1964; 8:46 a.m.]

[Notice 691]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 16, 1964.

*Section A.* The following publications are governed by the new § 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

*Section B.* The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time, or 9:30 a.m., local d.s.t., if that time is observed, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A

No. MC 59194 (Sub-No. 7), (AMENDMENT), filed June 15, 1964 published FEDERAL REGISTER issue of July 1, 1964, amended October 1, 1964, and republished as amended this issue. Applicant: EASTERN FREIGHT WAYS, INC., Eastern and Moonachie Avenue, Carlstadt, N.J. Applicant's attorney: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum products*, from the Town of Massena, N.Y., and points within five (5) miles thereof, to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, New Jersey, Delaware, Maryland and Pennsylvania and (2) *commodities used in the manufacture, packing, and shipping of aluminum and aluminum products* (except in bulk, in tank or hopper type vehicles), from points in Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, New Jersey, Delaware, Maryland, New York, and Pennsylvania to the Town of Massena, N.Y. and points within five (5) miles thereof.

NOTE: The purpose of this republication is to set forth a description of the authority, with particular reference to the Town of Massena, N.Y. Applicant states no duplicating authority is sought.

*HEARING:* December 1, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.



SECTION B

No. MC 126187 (REPUBLICATION), filed April 15, 1964, published FEDERAL REGISTER issue of April 29, 1964, and republished, this issue. Applicant: ROBERT W. FOUNTAIN, Pickford, Mich. Applicant's attorney: C. W. Coates, 311 Central Savings Bank Building, Sault Ste. Marie, Mich. By application filed April 15, 1964, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle of general commodities, except articles of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and commodities requiring special equipment, between Hessel, Mich., and Sault Ste. Marie, Mich., from Hessel over Michigan Highway 134 to Cedarville, Mich., thence over Michigan Highway 129 to Sault Ste. Marie, and return over the same route, serving the intermediate points of Cedarville and Pickford, Mich. Applicant was granted the above authority by order entered on July 30, 1964. Applicant has submitted a supplemental verified statement in support of the application establishing a need for service at the plant site of the Michigan Limestone Division of the United States Steel Corporation, located approximately 5 miles east of Cedarville. The application is unopposed, has not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, and the public interest will best be served by disposition of the matter without issuance of a report and recommended order. The Supplemental Order of the Commission, Operating Rights Board No. 1, decided September 24, 1964, served October 6, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, of *general commodities*, except articles of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and commodities requiring special equipment, between Hessel, Mich., and Sault Ste. Marie, Mich., from Hessel over Michigan Highway 134 to Cedarville, Mich., thence over Michigan Highway 129 to Sault Ste. Marie, and return over the same route, serving the intermediate points of Cedarville and Pickford, Mich., and serving the plant site of the Michigan Limestone Division of the United States Steel Corporation, located approximately 5 miles east of Cedarville, as an off-route point; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITIONS

No. MC 623 (Sub-No. 34) (PETITION TO ADD SHIPPER), filed October 6, 1964. Petitioner: H. MESSICK, INC., Joplin, Mo. Petitioner's attorney: Turner White, 805 Woodruff Building, Springfield, Mo. Petitioner is authorized in No. MC 623 (Sub-No. 34) to transport explosives and the related items therein named, between the plant site of the Atlas Powder Company, near Atlas, Mo., on the one hand, and, on the other, points in California, Oregon, Washington, Idaho, and Nevada, with a restriction that the operations there authorized be limited to transportation to be performed under a continuing contract with Atlas Powder Company, of Atlas, Mo. By the instant petition, petitioner requests that it be permitted also to enter into a contract with the Hercules Powder Company of Wilmington, Del. Any person or persons desiring to object to the addition of this additional shipper, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies.

No. MC 94842 (PETITION FOR WAIVER OF RULE 1.101 (e) and PETITION FOR MODIFICATION OF CERTIFICATE No. MC 94842), filed October 5, 1964. Petitioner: ROBERT CROCKET, INC., 102 Crescent Avenue, Chelsea, Mass. Petitioner's attorney: Frank J. Weiner, 182 Forbes Building, Forbes Road, Braintree, Mass. Petitioner's certificate, issued May 16, 1964, authorizes the transportation of: "Heavy machinery and mill fixtures, over irregular routes, between points in Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, and Connecticut, and between points in Massachusetts, on the one hand, and, on the other, points in New York, New Jersey, and Pennsylvania." By the instant petition, petitioner requests that Rule 1.101(e) of the Commission's general rules of practice be waived; that petitioner's certificate be modified in order that it may continue to perform the same service as it has for many years in order that the shipping public may continue to be provided with a complete heavy hauling service; that such certificate be modified and reissued to embrace, "Commodities, the transportation of which, because of size or weight requires the use of special equipment, and of related machinery parts and of related contractors' materials and supplies when their transportation is incidental to the transportation of commodities which by reason or size or weight require special equipment"; and that petitioner is entitled to an amended certificate substituting the requested description for "heavy machinery" and "mill fixtures". Any person or persons desiring to participate in this proceeding may do so within 30 days from the date of this publication in the FEDERAL REGISTER, by filing representations supporting or opposing the relief sought by petitioner.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8902. Authority sought for merger into QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass., of the operating rights and property of EASTERN FREIGHT LINE, INC., Red Lion Road, Perryopolis, Pa., and for acquisition by THOMAS J. LYONS, also of Brockton, Mass., of control of such rights and property through the transaction. Applicants' attorney: Mary E. Kelley, 10 Tremont Street, Boston, Mass., 02108. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Pittsburgh, Pa., and New York, N.Y., serving certain intermediate points and certain off-route points, with restriction, one route for operating convenience only; *general commodities*, excepting among others, household goods, but not excepting commodities in bulk, over irregular routes, between Uniontown and Pittsburgh, Pa., on the one hand, and, on the other, Baltimore, Md.; *petroleum products*, in containers, from Bayonne, N.J., and Claymont, Del., to Pittsburgh, Pa., and points in Pennsylvania within 50 miles of Pittsburgh; *roofing and siding materials*, from East Rutherford and South Kearny, N.J. and Edge Moor, Del., to Pittsburgh, Pa. and points in Pennsylvania within 50 miles of Pittsburgh; *glass*, from Arnold, Belle Vernon, Floreffe and Jeannette, Pa., to Washington, D.C.; *glass* and *glass products*, from Pittsburgh, Pa., and points in Pennsylvania, within 50 miles of Pittsburgh, to Baltimore, Md., points in New York within the New York, N.Y. commercial zone, as defined by the Commission in 1 M.C.C. 665, and points in New Jersey within 25 miles of New York, N.Y.; *groceries*, from New York, N.Y., and Baltimore, Md., to Pittsburgh, Pa., and points in Pennsylvania within 50 miles of Pittsburgh; *radiators*, *boilers*, and *plumber's goods*, from Uniontown, Pa., to points in New York within the New York, N.Y. commercial zone, supra, and those in New Jersey within 25 miles of New York, N.Y., *radiators*, *boilers*, and *plumbers supplies*, used in connection therewith, between Uniontown and Monaca, Pa., on the one hand, and, on the other, New Castle, Del.; and *roofing* and *siding materials*, from Edge Moor, Del., to points in Bedford, Blair, Cambria, Clarion, Clearfield, Indiana, Jefferson, and Somerset Counties, Pa., but not including points within 50 miles of Pittsburgh, Pa. QUINN FREIGHT LINES, INC. is authorized to operate as a *common carrier* in Maryland, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Virginia,

Delaware, New Hampshire, Maine, Vermont, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under Section 210a(b).

NOTE: Quinn Freight Lines, Inc., controls Eastern Freight Line, Inc., through ownership of capital stock, pursuant to authority granted August 18, 1961, in Docket No. MC-F-7501.

No. MC-F-8903. Authority sought for continuance in control by H. J. JEFFRIES, 4720 South Shields, Post Office Drawer 94877, Oklahoma City, Okla., 73109, of J & S TRUCK LINE, INC., 817 Southwest 37th Street, Oklahoma City, Okla. Applicants' attorney: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. Operating rights sought to be controlled: In pending Docket No. MC-125941, covering the transportation of *fertilizer, dry, fertilizer materials*, and *feed grade urea*, in bags, and in bulk, except in tank vehicles, as a *contract carrier*, over irregular routes, from Kerens, and points within 10 miles thereof, Gainesville, Pittsburg, and Vernon, Tex., to points in Arkansas, Louisiana, Nebraska, New Mexico, Oklahoma, Kansas, Missouri, and Colorado, under a continuing contract with Lone Star Producing Company—Chemical Division. H. J. JEFFRIES, holds no authority from this Commission. However, he controls H. J. JEFFRIES TRUCK LINE, INC., 4720 South Shields, Post Office Drawer 94877, Oklahoma City, Okla., 73109, which is authorized to operate as a *common carrier* in Oklahoma, Illinois, Kansas, Texas, Arkansas, New Mexico, Indiana, Iowa, Kentucky, Missouri, Louisiana, Colorado, Wyoming, Montana, Nebraska, North Dakota, South Dakota, Utah, Nevada, Tennessee, Ohio, Alaska, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8904. Authority sought for purchase by WOMELDORF, INC., Post Office Box 232, Lewistown, Pa., of the operating rights and property of GEORGE T. ULRICH, doing business as MALT BEVERAGE EXPRESS, (JANICE W. ULRICH, ADMINISTRATRIX), South Lima Road, South Lima, N.Y., and for acquisition by DARL D. WOMELDORF, also of Lewistown, Pa., of control of such rights and property through the purchase. Applicants' attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa., and Robert V. Gianniny, 900 Midtown Towers, Rochester, N.Y. Operating rights sought to be transferred: *Malt beverages*, in containers, as a *common carrier*, over irregular routes, from Rochester, N.Y. to points in Pennsylvania and Ohio. Vendee is authorized to operate as a *common carrier* in West Virginia, Maryland, New Jersey, Delaware, New York, Virginia, Pennsylvania, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8905. Authority sought for continuance in control by ANDREW L. PALMER, Chester, N.Y., of PALMER TRANSPORTATION, INC., Chester, N.Y. Applicants' attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Operating rights sought to be controlled: In pending Docket No. MC-126427, covering the transportation of *such commodities* as are dealt in by a processor, manufacturer or distributors of dairy products (except commodities, in bulk, in tank vehicles), as a *common carrier*, over irregular routes, from Goshen, N.Y. to points in New Jersey, Pennsylvania, and Connecticut. ANDREW L. PALMER, individually holds no authority from this Commission. However, he controls L. P. TRANSPORTATION, INC., Chester, N.Y., which is authorized to operate as a *common carrier*, in New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Maryland, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8906. Authority sought for purchase by BEACON FAST FREIGHT COMPANY, INC., 1244 Dorchester Avenue, Dorchester (Boston), Mass., 02125, of the operating rights and certain property of GREAT BELT LINE TRUCKING CORPORATION, 142 Post Avenue, Lyndhurst, N.J., and for acquisition by BENJAMIN B. LEVENSON, 100 Sewall Avenue, Brookline, Mass., of control of such rights and property through the purchase. Applicants' attorney and representative, respectively: Kenneth B. Williams, 111 State Street, Boston, Mass., 02109, and James J. Farrell, 201 Montague Place, South Orange, N.J. Operating rights sought to be transferred: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between New York, N.Y. and points in Nassau County, N.Y., on the one hand, and, on the other, points in Bergen, Passaic, Hudson, Morris, Essex, Monmouth, Middlesex, Union, and Somerset Counties, N.J. Vendee is authorized to operate as a *common carrier* in Massachusetts, New Jersey, New York, Rhode Island, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8908. Authority sought for purchase by BURRIS FOOD DISTRIBUTORS, INC., Milford, Del., of the operating rights of NORMAN RAY DU VALL, 4138 Wilkens Avenue, Baltimore 29, Md., and for acquisition by JOHN W. BURRIS, Rehoboth Beach, Del., and JOHN E. BURRIS, Milford, Del., of control of such rights through the purchase. Applicants' attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa. Operating Rights sought to be transferred: *Such commodities as are dealt in by wholesale, retail, and chain grocery and food business houses*, and in connection therewith, *equipment, materials, and supplies used in the conduct of such business*, as a *contract carrier*, over irregular routes, between certain points in Pennsylvania, West Virginia, Maryland, Delaware, Virginia, and the District of Columbia. RESTRICTION: The transportation service specified above must be performed under individual contracts or agreements, with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate retail stores, the business of which is the selling of food. Vendee is authorized to operate as a *contract carrier* in Virginia, Maryland, Pennsylvania, Texas, and Delaware. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8909. Authority sought for purchase by SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn., of the operating rights of R. C. WILSON, doing business as WILSON TRUCK SERVICE, 2424 Minnehaha Avenue, Minneapolis, Minn., and for acquisition by ROBERT W. SAWYER, also of Minneapolis, Minn., of control of such rights through the purchase. Applicants' attorney: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. Operating rights sought to be transferred: *Fertilizer*, in containers, *animal feed, poultry feed, twine*, and *drain tile*, as a *common carrier*, over irregular routes, from Dubuque and Clinton, Iowa, Duluth, Minn., and points in Illinois (except those in the Chicago, Ill., commercial zone, and Moline, East Moline, and Rock Island), to points within seven miles of Gratiot, Wis. (except Wiota, Wis., and points on and within one mile of Wisconsin Highway 11); and *building materials*, from Dubuque and Clinton, Iowa, and points in Illinois (except Moline, East Moline, and Rock Island), to points in Illinois within seven miles of Gratiot, Wis. Vendee is authorized to operate as a *common carrier* in Minnesota," Colorado, Illinois, Iowa, Kansas, Michigan, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, Wyoming, Indiana, Ohio, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8910. Authority sought for purchase by JAMES RICCIARDI & SONS, INC., 36 Lafayette Avenue, Staten Island, N.Y., of the operating rights of PAUL'S DELIVERY & TRUCKING CORP., 14 West 17th Street, New York, N.Y., and for acquisition by ANGELINA RICCIARDI, 328 Henderson Avenue, Staten Island, N.Y., VINCENT RICCIARDI, 60 Davis Street, Staten Island, N.Y., and CHARLES RICCIARDI, 36 Lafayette Avenue, Staten Island, N.Y., of control of such rights through the purchase. Applicants' representatives: Bert Collins and Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between New York, N.Y., and Philadelphia, Pa., serving all intermediate points; *wearing apparel*, and *machinery*, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., Wilmington, Del., and points in New Jersey; *radio and electrical goods, enamelware, and lumber products*, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and points in New Jersey; and *paper products*, between Philadelphia, Pa., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, as defined by the Commission. Vendee is authorized to operate as a *common carrier* in New York, Connecticut, New Jersey, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8894 (SCHWERMAN TRUCKING CO.—PURCHASE (PORTION)—REFINERS TRANSPORT, INC.), published in the October 7, 1964 issue of the FEDERAL REGISTER, on page 13854. In the description of the operating rights sought to be transferred, the origin point of "Robersville, Tenn.", was typographically incorrect, and should have been "Rogersville, Tenn.".

MOTOR CARRIERS OF PASSENGERS

No. MC-F-8907. Authority sought for merger into KENNETH HUDSON, INC., doing business as HUDSON BUS LINES (a Maine corporation), 280 Bartlett Street, Lewiston, Maine, of the operating rights and property of THE BLUE LINE, INC., 134 Bates Street, Lewiston, Maine, and for acquisition by KENNETH HUDSON, 93 Orchard Lane, Melrose, Mass., of control of such rights and property through the transaction. Applicants' attorney: James H. Sullivan, 70 Union Street, Medford, Mass. Operating rights sought to be merged: Passengers and their baggage, and express, newspapers and mail in the same vehicle with passengers, as a *common carrier*, over regular routes, between Lewiston, Maine, and Farmington, Maine, between Lewiston, Maine, and Rumford, Maine, serving all intermediate points; passengers and their baggage, in roundtrip charter operations, over irregular routes, beginning and ending at North Bridgton, Maine, and extending to points in New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. KENNETH HUDSON, INC., doing business as HUDSON BUS LINES, (a Maine corporation), is authorized to operate as a *common carrier* in Maine, New Hampshire, Rhode Island, and Massachusetts. Application has not been filed for temporary authority under section 210a(b).

NOTE: Kenneth Hudson controls the Blue Line, Inc., through ownership of capital stock, pursuant to authority granted November 29, 1963, in Docket No. MC-F-8503.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F.R. Doc. 64-10711; Filed, Oct. 20, 1964; 8:47 a.m.]

[Notice 692]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 16, 1964.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

*Special rules of procedure for hearing.* (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 119741 (Sub-No. 9), (AMENDMENT), filed April 8, 1964, published FEDERAL REGISTER, issue of April 22, 1964, and republished as amended this issue. Applicant: KIM FREIGHT LINES, INC., 4234 South Emerald Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles, as described in Sections A, B, and C of Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from the plant site of Swift & Company, located at or near Grand Island, Nebr., to points in Illinois, Iowa, Kansas, and Missouri, and (b) *Equipment, materials and supplies* used or useful to persons engaged in the manufacture of meats and the processing and slaughtering of animals, from points in Illinois, Iowa, Kansas, and Missouri to the site of the plant or facilities of Swift & Company located at or near Grand Island, Nebr.

NOTE: The purpose of this republication is to add (b) above.

*HEARING:* Remains as assigned November 18, 1964, at the Midland Hotel, 172 West Adams Street, Chicago, Ill., before Examiner Bernard J. Hasson, Jr.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F.R. Doc. 64-10712; Filed, Oct. 20, 1964; 8:47 a.m.]

[Notice 690]

## MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 16, 1964.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protests shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d) (4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 623 (Sub-No. 68), filed September 28, 1964. Applicant: H. MESSICK, INC., P. O. Box 214, Joplin, Mo. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield, Mo., 65806. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives*, between Port Ewen, N.Y., on the one hand, and on the other, points in the United States.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 3379 (Sub-No. 48), filed October 5, 1964. Applicant: SNYDER BROS. MOTOR FREIGHT, INC., 363 Stanton Avenue, Akron, Ohio. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), (1) between Columbus, Ohio, and Lexington, Va., from Columbus over U.S.

[1] Copies of special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.





Standish, Calif., thence over U.S. High-

Highway 23 to Chillicothe, Ohio, thence over U.S. Highway 35 to Charleston, W. Va., thence over U.S. Highway 60 to Lexington, Va., and return over the same route, serving no intermediate points, for operating convenience only, (2) between Lexington, and Cumberland, Va., from Lexington over U.S. Highway 60 to Cumberland and return over the same route, serving no intermediate points, for operating convenience only and (3) between Columbus, Ohio, and the intersection of Interstate Highway 70 and Interstate Highway 76 at or near New Stanton, Pa., from Columbus over U.S. Highway 40, to Washington, Pa., thence over Interstate Highway 70 to the intersection of Interstate Highway 70 and Interstate Highway 76 (Pennsylvania Turnpike) at or near New Stanton, Pa., and return over the same route serving no intermediate points and serving the intersection of Interstate Highways 70 and 76 for purposes of joinder only with carrier's existing routes between Akron, Ohio, and Norfolk, Va.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 29079 (Sub-No. 20), filed October 5, 1964. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1200 Home Avenue, Kokomo, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal rolling mill rolls, fabricated structural steel, and dies, including die parts, die models, die-checking fixtures, hand jigs or tools, patterns and templates*, moving in connection with dies, between points in Michigan, Ohio, Indiana, Illinois and Newport and Ashland, Ky., and Erie, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 39167 (Sub-No. 3), filed September 30, 1964. Applicant: CHARLES J. ROGERS TRANSPORTATION COMPANY, a corporation, 2947 Greenfield Road, Melvindale, Mich. Applicant's attorney: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal rolling mill rolls, fabricated structural steel*, and *dies*, including die parts, die checking fixtures, die models, hand jigs or tools, patterns and templates moving in connection with the dies, (1) between points in that part of Michigan south of a line beginning at Muskegon, Mich., and extending along Michigan Highway 20 to Bay City, Mich., thence along Michigan Highway 47 to Saginaw Bay, and thence along the shore line of Saginaw Bay and Lake Huron to Port Huron, Mich., including points on the indicated portions of the highways and shore line specified; and, (2) between points in the above-specified Michigan territory, on the one hand, and, on the other, Ashland, Ky., and points in Ohio.

NOTE: Applicant states the above authority is requested to remove existing doubts concerning applicant's transportation of the above commodities under existing authority for the movement of "iron and steel products" between points in the same territory described. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 55236 (Sub-No. 97), filed October 7, 1964. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *nitrogen fertilizer solution*, in bulk, in tank vehicles, from Peru, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 60787 (Sub-No. 4), filed October 12, 1964. Applicant: GARRISON VAN & WAREHOUSE CORPORATION, 5529 First Avenue South, Birmingham, Ala. Applicant's attorney: John Tucker, Post Office Box 421, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 64932 (Sub-No. 357), filed October 5, 1964. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids*, in bulk, in tank vehicles, from the plant site of the Central Chemical Division of Wilson & Co., Inc., located at or near Elwood, Ill., to points in Indiana, Iowa, Wisconsin, Michigan, Ohio, Kentucky, Missouri, Minnesota, North Dakota, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64932 (Sub-No. 358), filed October 5, 1964. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, between Mount Vernon, Ind., and 10 miles thereof, on the one hand, and, on the other points in California, Oregon, and Washington.

NOTE: Applicant does not state place of hearing, if one is deemed necessary.

No. MC 78400 (Sub-No. 23), filed October 5, 1964. Applicant: BEAUFORT TRANSFER COMPANY, a corporation, Post Office Box 102, Gerald, Mo., 63037. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo., 65102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Owensville, Mo., and Lamar, Mo.: from Owensville over Missouri Highway 28 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 66 (Interstate Highway 44), thence over U.S. Highway 66 (Interstate Highway 44) to junction U.S. Highway 71, thence over U.S. Highway 71 to junction U.S. Highway 160, thence over U.S. Highway 160 to Lamar, and return over the same route, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 78766 (Sub-No. 255), filed October 5, 1964. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 9 Main Street, San Francisco, Calif. Applicant's attorney: James J. Trabucco, 65 Market Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (excluding commodities requiring special equipment, commodities in bulk, and household goods as defined by the Commission), between Colfax, and Marysville, Calif., on the one hand, and, on the other, points on the Great Yuba River Water and Power Development Project located at points in Butte, Nevada, and Yuba Counties, Calif.

NOTE: Applicant states the proposed service will be restricted to that which "shall be limited to traffic having a prior or subsequent rail haul and handled by applicant under joint rates with Southern Pacific Company." Applicant holds contract carrier authority under MC 78787 (Sub-No. 27 and other Subs thereunder), therefore, dual operations may be involved. Applicant is a wholly owned and controlled subsidiary of Southern Pacific Railroad, therefore common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 78786 (Sub-No. 256), filed October 5, 1964. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 9 Main Street, San Francisco, Calif., 94105. Applicant's attorney: James J. Trabucco, 65 Market Street, San Francisco, Calif., 94105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Reno, Nev., and Wendel, Calif.: from Reno over U.S. Highway 395 to junction unnumbered road near Buntingville, Calif., thence over unnumbered road to junction U.S. Highway 395 at



Standish, Calif., thence over U.S. Highway 395 to junction unnumbered road east of Litchfield, Calif., thence over unnumbered road to Wendel, and return over the same route, serving no intermediate points, but serving Herlong, Calif., as an off-route point subject to a restriction. Restriction: Service at the off-route point of Herlong shall be subject to the following conditions: (1) The service to be performed by carrier shall be limited to that which is auxiliary to or supplemental of railroad or railway express service; (2) shipments transported shall be limited to those which move on through bills of lading covering, in addition to the motor movement by carrier, a prior or subsequent rail haul; (3) all contractual arrangements between carrier and any railroad or railway express carrier to which service its service is auxiliary or supplementary shall be reported to the Commission and shall be subject to revision by it if and as it may be found necessary in order that such arrangements shall be fair and equitable to the parties; and (4) such further conditions as the Commission in the future may find necessary to impose to restrict carrier's operation to service which is auxiliary to or supplemental of railroad or railway express service.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 78787 and subs thereunder, therefore dual operations may be involved. Applicant is a wholly owned and controlled subsidiary of Southern Pacific Railroad, therefore common control may be involved. If a hearing is deemed necessary applicant requests it be held at Susanville, Calif.

No. MC 83539 (Sub-No. 122), filed October 2, 1964. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest 6th Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal waste storage tanks, knocked down, glass lined steel*, (2) *livestock scales, steel, knocked down, with weighing attachments*, (3) *livestock feed bunker, glass lined steel, knocked down*, (4) *forage meter device*, (5) *animal waste spreader tanks, steel, spreader tanks, glass lined, and* (6) *soil saver, steel, glass lined, knocked down*, from Kankakee, Ill., to points in Utah, North Carolina, and South Carolina.

NOTE: Applicant states the "purpose of this application is to secure specific authority for the involved commodities in separate independent shipments as well as when combined with or shipped in conjunction with silos. The destination territory is identical to that granted to applicant in MC-83539 Sub 70 which reads viz.: Silos, knocked down or in sections, and component parts of silos, including silo unloading devices and materials incidental to the erection and completion of silos, when moving in connection with such silos, from Kankakee, Ill., to points in Utah, North Carolina, and South Carolina, with no transportation for compensation on return except as otherwise authorized." If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94265 (Sub-No. 140), filed October 2, 1964. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods, frozen and other than frozen*, from Downers Grove, Ill., to Wheeling, W. Va., Salisbury, Md., and points in North Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 599), filed October 5, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway, Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 61 M.C.C. 766 (except commodities in bulk, in tank vehicles, and except hides), from Mason City, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 95540 (Sub-No. 600), filed October 5, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as defined in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Mason City, Iowa, to points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 95540 (Sub-No. 601), filed October 7, 1964. Applicant: WATKINS MOTOR LINES, INC., Post Office Box 828, Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway, Director of Operating Rights, Watkins Motor Lines, Inc., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in containers, from points in Bibb, Twiggs, Wilkinson, Washington and Decatur Counties, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 602), filed October 5, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway, Director of Operating Rights, Watkins Motor Lines, Inc., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton, textiles and textile products, made of natural or synthetic fibres, metallic yarn, dry goods, rugs, carpeting, carpeting products* and *manufactured textile products*, from Danville, Va., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95876 (Sub-No. 34), filed October 5, 1964. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue, North, St. Cloud, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories therefor* when moving with such pipe, from Council Bluffs, Iowa, to points in Idaho, Maine, Utah, Arizona, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, West Virginia, Ohio, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, New Jersey, and the District of Columbia, and *damaged and rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 100666 (Sub-No. 65), filed October 5, 1964. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. Applicant's attorney: Wilburn L. Williamson, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logs*, formed of wood residue, compressed or pressurized, from Memphis, Tenn., to points in Arkansas, Louisiana, Texas, Oklahoma, Kansas, Iowa, and Missouri (except Kansas City and St. Louis).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 103378 (Sub-No. 301), filed October 5, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., 710 Atlantic National Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles,

from Brunswick, Ga., to points in North Carolina and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 103378 (Sub-No. 302), filed October 5, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., 710 Atlantic National Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Savannah, Ga., to points in North Carolina and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 103378 (Sub-No. 303), filed October 8, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solutions and anhydrous ammonia*, in bulk, in tank vehicles, from points in Decatur County, Ga., to points in Alabama.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 103378 (Sub-No. 304), filed October 9, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Turpentine*, in bulk, in tank vehicles, from points in Georgia, to Jacksonville, Fla.

NOTE: Applicant states "all duplicating authority to be eliminated". If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 103435 (Sub-No. 156), filed October 8, 1964. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, East 915 Springfield Avenue, Spokane, Wash. Applicant's attorney: George LaBissoniere, 333 Central Building, Seattle, Wash. Applicant's representative: J. Maurice Andren, Post Office Box 1631, Rapid City, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities used by packinghouses*, from New Castle, Wyo., and points within (10) miles thereof, to points in Illinois, Indiana, and Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Denver, Colo.

No. MC 103435 (Sub-No. 158), filed October 12, 1964. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, East 915 Springfield Avenue, Spokane, Wash. Applicant's representative: J. Maurice Andren, Post Office Box 1631, Rapid City, S. Dak., and Applicant's attorney: George LaBissoniere, 333 Central Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between points in Atchison County, Mo., and that part of Nodaway County, Mo., north of U.S. Highway 136 (formerly Missouri Highway 4) and west of U.S. Highway 71, including points on the indicated portions of the highway specified, on the one hand, and, on the other, points in Illinois, Iowa, Nebraska, and Kansas, (2) between points in Atchison, Nodaway, Andrew, Holt and Buchanan Counties, Mo., on the one hand, and, on the other, Marysville and Great Bend, Kans., Sioux City, Missouri Valley, Seymour and Burlington, Iowa, points in that part of Kansas north and east of a line beginning at Kansas City, Kans., and extending along U.S. Highway 40 to Topeka, Kans., thence along U.S. Highway 75 to the Kansas-Nebraska State line, points in that part of Nebraska south and east of a line beginning at the Nebraska-Iowa State line and extending along U.S. Highway 30 to Grand Island, Nebr., thence along U.S. Highway 281 to the Nebraska-Kansas State line, and points in that part of Iowa south and west of a line beginning at Council Bluffs, Iowa, and extending along U.S. Highway 6 to Des Moines, Iowa, thence along U.S. Highway 69 to the Iowa-Missouri State line, including points on the indicated portions of the highways specified, and (3) between St. Joseph, Mo., on the one hand, and, on the other, Gallatin, Altamont and Winston, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 104893 (Sub-No. 6), filed October 6, 1964. Applicant: H. GORDON TRUEMAN, St. Leonard, Md. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue, Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies* (excluding nails), *boat and lumber* used in the building thereof, *malt beverages, unmanufactured tobacco, seafood, farm tractors and parts and attachments therefor*, between Charles County, Md., on the one hand, and, on the other points in Virginia, Maryland, West Virginia, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia, within 250 miles of St. Leonard, Md.

NOTE: Applicant states that it now holds authority to transport all of the commodities hereinabove set forth between St. Leonard and points in Calvert County, Md., within 15 miles of St. Leonard, on the one hand, and, on the other, the destination area involved. The purpose of this application is to enlarge the base area to include Charles County, Md. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105275 (Sub-No. 29), filed October 5, 1964. Applicant: W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree 84, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ski lifts, and materials, supplies, equipment and parts* used or useful in the installation thereof, from Watertown, N.Y., to points in New Jersey, Delaware, Maryland, Massachusetts, Maine, Pennsylvania, Rhode Island, Vermont, Connecticut, New Hampshire, and Ohio, (2) *materials, supplies and equipment*, used in the manufacture of ski lifts, from points in New Jersey, Delaware, Maryland, Massachusetts, Maine, Pennsylvania, Rhode Island, Vermont, Connecticut, New Hampshire, and Ohio, to Watertown, N.Y.

NOTE: Applicant states that "no duplicating authority is sought." If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 107012 (Sub-No. 59), filed September 30, 1964. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Fort Wayne, Ind. Applicant sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture and fixtures including but not limited to laboratory and science benches, cabinets* (including *cabinet sinks, stands, fume hoods and glove boxes*), *carts, cases, chairs, chalkboards, chests, desks, racks, shelving, stools* (including *aquariums and terrariums*), and *tables* (including *table tops and bases*), and also *bandstands, choral risers, convertible tables* and *benches, mobile tables and benches, runways, wall storage* and *mobile stages*, and *wall tables* with and without benches, and *parts* of such furniture and fixtures for attachment to the finished articles upon installation, from Kosciusko, Miss., to points in the United States (except points in Connecticut, Delaware, Illinois, Indiana, Maine, Massachusetts, Maryland, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin, and the District of Columbia).

NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 107107 (Sub-No. 322), filed October 5, 1964. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission, from Corpus Christi, Tex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee (except Memphis), Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, or Dallas, Tex.



No. MC 107107 (Sub-No. 323), filed October 5, 1964. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared vegetables*, with or without sauce, and *frozen fruits and berries*, from Belvidere, Ill., to Memphis, Tenn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108473 (Sub-No. 20), filed October 5, 1964. Applicant: ST. JOHNSBURY TRUCKING COMPANY, INC., 38 Main Street, St. Johnsbury, Vt. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from Corinna and Portland, Maine, to Ellenville, N.Y., and *refused, damaged, or rejected merchandise*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 109564 (Sub-No. 7), filed October 5, 1964. Applicant: LYONS TRANSPORTATION LINES, INC., 1701 Parade Street, Erie, Pa. Applicant's attorney: A. Charles Tell, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the plants of General Motors Corporation, located in or near Lordstown Township, Trumbull County, Ohio, as off-route points in connection with applicant's authorized regular route operations.

NOTE: Applicant does not state place of hearing, if one is deemed necessary.

No. MC 110193 (Sub-No. 71), filed October 5, 1964. Applicant: SAFEWAY TRUCK LINES, INC., 20450 West Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen prepared foods*, from Eagle Grove, Iowa, to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, and (2) *frozen meat*, from Cedar Rapids, Iowa, to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Part (2) restricted to pickup of part loads, the remainder of which originates at Eagle Grove, Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 110525 (Sub-No. 683), filed October 5, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C., and Edwin J. van Deusen, 520 East Lancaster Avenue, Downington, Pa. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Paradichlorobenzene*, in bulk, in tank vehicles, from Midland, Mich., to Niagara Falls, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110988 (Sub-No. 93) filed October 1, 1964. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, in bulk, from Chicago, Ill., to Cincinnati, Ohio, St. Louis, and Kansas City, Mo., Detroit, Mich., and Milwaukee, Wis.

NOTE: No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 110988 (Sub-No. 94), filed October 1, 1964. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, in bulk, including but not limited to red lead, lead oxide, and lead silicated, from Chicago, Ill., to points in Maryland, Michigan, New Jersey, New York, Ohio, and Pennsylvania.

NOTE: No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 111401 (Sub-No. 159) (AMENDMENT), filed September 3, 1964, published in FEDERAL REGISTER issue of September 24, 1964, amended October 12, 1964, and republished as amended this issue. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, and *fertilizer solutions*, in bulk, in tank vehicles, from the site of the Phillips Petroleum Co. Anhydrous Ammonia Plant, at or near Hoag, Nebr., to points in Kansas and that part of Missouri on and west of U.S. Highway 63.

NOTE: The purpose of this republication is to add fertilizer solutions to the commodity description, and to change the place of hearing from Kansas City to Omaha if a hearing is deemed necessary. If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebr.

No. MC 112822 (Sub-No. 48), filed October 6, 1964. Applicant: EARL BRAY, INC., Post Office Box 910, Linwood and North Streets, Cushing, Okla. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles (except liquid wax, liquefied petroleum gases, and natural gasoline), from Tulsa, Okla., and points within five miles thereof, to points in Illinois, and Indiana, and *empty containers or other such incidental facilities* (not specified), used in transporting the above described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 114360 (Sub-No. 10), filed October 8, 1964. Applicant: SOUTHERN EXPRESS COMPANY, a corporation, 3333 South Cicero Avenue, Cicero, Ill. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the plants of General Motors Corp. located in or near Lordstown Township, Trumbull County, Ohio, as an off-route point in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 114552 (Sub-No. 22), filed October 1, 1964. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box No. 333, Newberry, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood flooring*, together with *materials* used in the installation of wood flooring, (1) from points in Laurens County, S.C., to points in Arkansas, Illinois, Indiana, Iowa, Maine, Massachusetts, Minnesota, Missouri, New Hampshire, Oklahoma, Rhode Island, Texas, Vermont, and Wisconsin, and (2) between points in Laurens County, S.C., on the one hand, and, on the other, points in Alabama, Georgia, Louisiana, and Mississippi.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 115379 (Sub-No. 14), filed October 7, 1964. Applicant: JOHN D. BOHR, Jr., Post Office Box 217, Annville, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal, and fish scrap*, in bulk, from Fish Products Co., Lewes, Del., to Fish Products Co.-New Jersey, Tuckerton, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 116254 (Sub-No. 44), filed October 8, 1964. Applicant: CHEM-HAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, Nashville Bank & Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, between points in Tennessee, Alabama,

and Mississippi, on the one hand, and, on the other, points in New Mexico, Arizona, and Colorado.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116722 (Sub-No. 12), filed October 5, 1964. Applicant: DENVER-CLIMAX TRUCK LINE, INC., 1380 Umatilla Street, Denver 4, Colo. Applicant's attorney: John P. Thompson, 450 Capitol Life Building, Denver, Colo., 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, and *general commodities* (except those of unusual value, commodities in bulk, and those requiring special equipment), serving the Cabin Creek project of Public Service Co. of Colorado located off highway approximately five (5) miles south of Georgetown, Colo., as an off-route point in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 116987 (Sub-No. 18), filed October 5, 1964. Applicant: ROBERT H. CARR AND SONS, INC., R.F.D. 2, Malvern, Pa. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York, N.Y., 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and blends*, in bulk, in tank vehicles, from Penn and Pittsburgh, Pa., to points in New York, and Pennsylvania.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117686 (Sub-No. 42), filed October 6, 1964. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 North U.S. Highway 75, Sioux City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and *frozen bakery goods* from Webster City, Fort Dodge and Des Moines, Iowa to points in Alabama, Louisiana, Mississippi and Tennessee and *empty containers or other such incidental facilities* used in transporting the above commodities and *exempt agricultural commodities* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 117686 (Sub-No. 43), filed October 7, 1964. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 North U.S. Highway 75, Sioux City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in Section A and C, Appendix I, in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides, and commodities in bulk in tank vehicles), from Mason City, Iowa, to points in Alabama, Arkansas, Kansas, Louisiana, Missouri, Mississippi, Oklahoma, and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities and *exempt agricultural commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 117686 (Sub-No. 44), filed October 7, 1964. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 North U.S. Highway 75, Sioux City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Section A and C, Appendix I, in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides, and commodities in bulk in tank vehicles), from Perry, Iowa, to points in Arkansas and Missouri, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities and *exempt agricultural commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 117815 (Sub-No. 28), filed October 5, 1964. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa, 50317. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Des Moines, Fort Dodge, and Webster City, Iowa, to points in Minnesota, Wisconsin, and Illinois (except Chicago).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117823 (Sub-No. 25), filed October 2, 1964. Applicant: RALPH F. DUNKLEY, doing business as DUNKLEY DISTRIBUTING COMPANY, 240 West California Avenue, Salt Lake City 15, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from points in Washington, and Oregon, to points in Utah, and Idaho, and (2) from points in Idaho, south of the south boundary of Idaho County, to points in Utah.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 118959 (Sub-No. 23), filed September 23, 1964. Applicant: JERRY LIPPS, INC., Cape Girardeau, Mo. Applicant's attorney: Thomas F. Kilroy, Suite 1250 Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay, clay products and jointing materials*, either affixed to clay products or unaffixed, from St. Louis, Mo., to points in Illinois, Indiana, Michigan, Iowa, Florida, South Carolina, North Carolina, Kentucky, Georgia, Louisiana, Mississippi, Alabama, Tennessee, Oklahoma, Nebraska, and Minnesota, and (2) *clay products and equipment, materials and supplies* used or useful in the manufacturing, packaging, transporting, and distributing of clay products, from points in Illinois, Indiana, Michigan, Iowa, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Kentucky, Tennessee, Oklahoma, Nebraska, and Minnesota, to St. Louis, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119599 (Sub-No. 1), filed October 5, 1964. Applicant: INDUSTRIAL CARTAGE CO., INC., 2540 Niles Road, Warren, Ohio. Applicant's attorney: A. Charles Tell, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the plant sites of General Motors Corporation, located in or near Lordstown Township, Trumbull County, Ohio, on the one hand, and, on the other, Warren, Ohio.

NOTE: Applicant states that it "intends to tack the authority here applied for to other authority held by it under Docket No. MC 119599", in the States of Indiana, Illinois, Kentucky, Michigan, New York, New Jersey, Ohio, Pennsylvania, and West Virginia. If a hearing is deemed necessary, applicant requests that same be held with similar applications seeking the same authority.

No. MC 119702 (Sub-No. 12), filed October 8, 1964. Applicant: STAHLY CARTAGE CO., a corporation, 130–A Hillsboro Avenue, Edwardsville, Ill. Applicant's attorney: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Peru, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119710 (Sub-No. 8), filed October 1, 1964. Applicant: JOHN L. SHUPE AND IVAN D. SHUPE, a partnership, doing business as SHUPE BROS., 2600 Bypass, Greeley, Colo. Applicant's attorney: Paul F. Sullivan, Barr Building, 910 17th Street NW., Washington, D.C., 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds* (except liquid, in bulk, in tank vehicles), from Hereford, Tex., to points in Arizona, New Mexico, Oklahoma, Kansas, and Colorado, and *exempt agricultural commodities*, on return.

NOTE: Applicant states that the above proposed operation will be restricted to a service to be performed under contract for Farr Better Feeds. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 119741 (Sub-No. 12), (AMENDMENT), filed June 29, 1964, published in FEDERAL REGISTER issue of July 8, 1964, amended October 8, 1964, and republished as amended this issue. Applicant: KIM FREIGHT LINES, INC., 4234 South Emerald Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, other than hides and commodities in bulk, in tank vehicles, as described in Sections A and C Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site or facilities used by Wilson & Co., Inc., at or near Cherokee, Iowa, to points in Illinois, Kansas, Missouri, and Nebraska; and (2) *equipment, materials and supplies* used or useful to persons engaged in the manufacture of meats and the processing and slaughtering of animals, from points in Illinois, Kansas, Missouri and Nebraska to the plant or facilities of Wilson & Company located at or near Cherokee, Iowa.



NOTE: The purpose of this republication is to add part (2). If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119778 (Sub-No. 75), filed October 5, 1964. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 410–411 Bell Building, Montgomery, Ala., 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Monoethylamine* and *isopropylamine*, in bulk, in tank vehicles, from Pace, Fla., to points in Washington County, Ala.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery or Birmingham, Ala., or Atlanta, Ga.

No. MC 119778 (Sub-No. 76), filed October 5, 1964. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 410–411 Bell Building, Montgomery, Ala., 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk (except cement), from Decatur, Ala., and points within fifteen (15) miles thereof, to points in Tennessee, Georgia and Alabama.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 119837 (Sub-No. 5), filed October 1, 1964. Applicant: M. M. HIGGINBOTHAM, doing business as OZARK MOTOR LINES, 806 Michigan Street, Memphis, Tenn. Applicant's attorney: Edward G. Grogan, Suite 2020, First National Bank Building, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Ash Flat, Ark. and Batesville, Ark., over U.S. Highway 167, serving all intermediate points, and (2) between Payneway, Ark. and Batesville, Ark.; from Payneway over Arkansas Highway 14 to junction U.S. Highway 167, thence over U.S. Highway 167 to Batesville, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 123124 (Sub-No. 3), filed October 5, 1964. Applicant: W. A. BOOTH, doing business as BOOTH DELIVERY SERVICE, 401 South 5th Street, Moorhead, Minn. Applicant's attorney: Lee F. Brooks, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in Appendix I of the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Fargo, N. Dak., to points in Barnes, Stautsman, Kidder, Burleigh, Morton, McLean, Ward, McHenry, Pierce, Wells, and Sheridan Counties, N. Dak., and *empty containers or other such incidental facilities* (not specified), used in the transportation of the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Bismarck, N. Dak.

No. MC 123611 (Sub-No. 2), filed October 6, 1964. Applicant: BERNARD GUSTAVSEN, 226 Roosevelt Street, Union City, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Face brick* on vehicles equipped with mechanical loading and unloading devices from Hazleton and Mifflinville, Pa., to points in Mercer, Monmouth, Middlesex, Hunterdon, Sussex, Warren, Union, Somerset, Bergen, Passaic, Essex, Hudson, and Morris Counties, N.J.

NOTE: Applicant states the proposed operations will be under a continuing contract with United Clay Products, Inc., Newark, N.J. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124123 (Sub-No. 20), filed October 5, 1964. Applicant: SCHWERMAN TRUCKING CO. OF ILL., INC., 611 South 28 Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, and *nitrogen fertilizer solutions*, in bulk, from Peru, Ill., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124174 (Sub-No. 29), filed October 5, 1964. Applicant: MOMSEN TRUCKING COMPANY, a corporation, Highway 18 and 71 North, Spencer, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts* and *articles distributed by meat packinghouses* as described in Sections A and C, Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), restricted to Wilson & Co., Inc. traffic originating at the plant site and/or cold storage facilities utilized by Wilson & Co., Inc., from Wilson & Co., Inc. located at or near Cherokee, Iowa, to points in Illinois, Minnesota, Wisconsin, Omaha, Nebr. and the Indiana portion of the Chicago, Ill. commercial zone.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124211 (Sub-No. 21), filed October 7, 1964. Applicant: HILT TRUCK LINES, INC., 1813 Yolande, Box 824, Lincoln, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Macaroni, noodles, grain products, pancake and cake flour, spaghetti, and vermicelli*, from Lincoln, Nebr., to Clear Lake, Iowa, Rockford, Ill., and points in Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124459 (Sub-No. 1), filed October 9, 1964. Applicant: C. L. CONNORS, INC., Post Office Box 712, Quincy, Ill. Applicant's attorney: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., 62707. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wagon bodies*, set up, from Quincy, Ill., to points in Arkansas, Iowa, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin.

NOTE: Applicant holds common carrier authority under MC 118776 and Subs thereto, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 125353 (Sub-No. 1), filed October 2, 1964. Applicant: ROCHESTER AIR FREIGHT SERVICE CORPORATION, Air Cargo Building, Monroe County Airport, Rochester 11, N.Y. Applicant's attorney: Herbert M. Canter, Mezzanine, Warren Parking Center, 345 South Warren Street, Syracuse, N.Y., 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), restricted to shipments having an immediately prior or immediately subsequent movement by air, between the Rochester-Monroe County Airport (Monroe County), N.Y., on the one hand, and, on the other, (1) points in Orleans, Genesee, Monroe, Livingston, Wyoming, Wayne, Ontario, and Yates Counties, N.Y., and (2) the John F. Kennedy International Airport (Queens and Nassau Counties), LaGuardia Airport (Queens County),

The Greater Buffalo International Airport (Erie County), Rochester-Monroe County Airport (Monroe County), Oneida County Airport (Oneida County), Broome County Airport (Broome County), Chemung County Airport (Chemung County), Albany County Airport (Albany County), Watertown Airport (Jefferson County), Massena Airport (St. Lawrence County), Tompkins County Airport (Tompkins County), N.Y., Newark Airport (Essex County), N.J., and Cleveland-Hopkins Airport (Cuyahoga County), Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 125708 (Sub-No. 9) (AMENDMENT), filed September 14, 1964, published FEDERAL REGISTER issue of September 30, 1964, amended October 12, 1964, and republished as amended this issue. Applicant: HUGH MAJOR, 150 Sinclair, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm implements*, and *farm implement parts*, from Rush Springs, Okla., to points in Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return, and (2) *steel*, used in the manufacture of farm implements and farm implement parts, from points in Illinois, Alabama, Georgia, Indiana, Iowa, Kansas, Kentucky, Mississippi, North Carolina, Tennessee, Ohio, Oklahoma, Pennsylvania, South Carolina, and Wisconsin, to Rush Springs, Okla., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: The purpose of this republication is to clarify the territorial description in (2) above with respect to origin and destination points, adding Rush Springs, Okla., as the destination point, and to delete Carlinville, Sparta, Centralia, Cairo, and Irvington, Ill., as exceptions in (2) above. Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 116434, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125708 (Sub-No. 11), filed October 5, 1964. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed and canned foodstuffs*, from Mt. Summit, Ind., to points in Arkansas, Missouri, Oklahoma, and Kansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant holds contract carrier authority under MC 116434 and subs thereto, therefor dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125984 (Sub-No. 1) (CORRECTION), filed September 21, 1964, published FEDERAL REGISTER issue of October 7, 1964, corrected October 12, 1964, and republished as corrected this issue. Applicant: RALPH L. CLINE & A. F. McDANIEL, doing business as C & M TRUCK LINES, 4577 Bobolink Way, El Paso, Tex., 79922. Applicant's attorney: Joe T. Lanham, Suite 1102, Perry-Brooks Building, Austin 1, Tex.

NOTE: The purpose of this republication is to show the correct address of applicant in lieu of that previously published.

No. MC 126058 (Sub-No. 1), filed October 1, 1964. Applicant: BRUCE E. BISHOP, doing business as BEST-WAY TRUCK LINE, 3930 Blake Street, Denver, Colo. Applicant's attorney: William J. Ryan, Carter Building, 211–213 South Kansas, Norton, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Denver, Colo., on the one hand, and, on the other, Idalia, and Kirk, Colo., and points within fifteen (15) miles of Kirk, except Cope, Colo., with service at Idalia restricted to interchange of traffic with other motor carriers.

NOTE: Applicant states he holds authority pursuant to purchase in MC-FC 66626, which reads as follows: "general commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Denver, Colo., on the one hand, and on the other, Kirk, Colo., and points within fifteen miles of Kirk, except Cope and Idalia, Colo." The purpose of this application is to remove the exception of Idalia, Colo., for interchange only, as set forth above. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 126207, filed April 17, 1964. Applicant: HAL BODENHAMER, doing business as O. K. TRANSFER, 118 North Seventh Street, Clinton, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* (containerized), from Clinton, Okla., to Clinton Sherman Air Force Base, Cordel, Elk City, and Weatherford, Okla., and *empty containers or other such incidental facilities* (not specified), used in transporting the above described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 126603, filed September 24, 1964. Applicant: R. MENARD TRANSPORT LTD., St. Phillippe, Laprairie, Quebec, Canada. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton rags* (*bailed*), from points in the New York City, N.Y., commercial zone, including Roselle Park, Passaic, and Jersey City, N.J., Lawrence, Worcester, Boston, and Framingham, Mass., and Baltimore, Md., to the ports of entry on the international boundary line between the United States and Canada, located at or near Morses Line and Highgate Springs, Vt., and Rouses Point, N.Y., and *exempt commodities* (*hay*), on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 126616, filed October 1, 1964. Applicant: CHEROKEE FREIGHT LINES, INC., Main Street, Hulbert, Okla. Applicant's attorney: Warren Watkins, 400½ West Will Rogers, Claremore, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Tulsa and Stilwell, Okla., over Oklahoma Highway 51, serving no intermediate points, (2) from Wagoner, Okla., over Oklahoma Highway 51 to Stilwell, and return over the same route, serving all intermediate points, and (3) between Stilwell, Okla., and Westville, Okla., over U.S. Highway 59, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 126618, filed October 2, 1964. Applicant: ANTHONY N. PRIZIO, doing business as SAUGUS TRANSPORTATION CO., 22 Makepeace Street, Saugus, Mass. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Charlestown, Mass., and points in Massachusetts, on traffic having subsequent or prior movement via common motor carrier.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 126621 (Sub-No. 1), filed October 5, 1964. Applicant: McGEE'S VAN & STORAGE CO., Post Office Box 949, Vallejo, Calif. Applicant's attorney: G. Alfred Roensch, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Solano, Napa, Sonoma, and Contra Costa Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126625, filed October 5, 1964. Applicant: MURPHY SURF-AIR TRUCKING COMPANY, INC., Blue Grass Field, Lexington, Ky. Applicant's attorney: Herbert D. Liebman, 403 West Main Street, Post Office Box 233, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Fayette, Franklin, Scott, Bourbon, Madison, Clark, Harrison, Boyle, Woodford, Jessamine, and Anderson Counties, Ky., and (1) Blue Grass Field, Lexington, Ky., (2) Greater Cincinnati Airport, located near Erlanger, Ky., and (3) Standiford Field, Louisville, Ky.

NOTE: Applicant states service as proposed in (1), (2), and (3) above, will be "restricted to shipments having an immediately prior or immediately subsequent movement by air." If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky.

No. MC 126628, filed October 5, 1964. Applicant: CONNOLLY TRANSPORTS LIMITED, Rural Route No. 5, London, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bricks, tile, bagged cement*, and *bagged lime*, from points in Michigan, Ohio, Pennsylvania, and New York, to ports of entry on the international boundary line between the United States and Canada located on the St. Clair and Detroit Rivers and at the Niagara Frontier. RESTRICTION: The proposed transportation herein shall be restricted to movements from points in the United States to points in the Dominion of Canada.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

MOTOR CARRIERS OF PASSENGERS

No. MC 2796 (Sub-No. 4), filed October 2, 1964. Applicant: FULLINGTON AUTO BUS COMPANY, INC., Rear 314 Cherry Street, Clearfield, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, beginning and ending in the Borough of Phillipsburg and the township of Ferguson, Centre County, Pa., and extending to points in the United States, including Alaska, but (excluding Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Clearfield, Pa., or, in the alternative if Clearfield, Pa. is not available, at Harrisburg, Pa.

No. MC 3647 (Sub-No. 366), filed October 2, 1964. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between junction boundary line of Northfield, N.J., and Egg Harbor Township, N.J., and junction boundary line Egg Harbor Township, N.J., and Margate City, N.J., over New Jersey Secondary Highway 563, serving all intermediate points, but restricted in the following manner: No trip to be operated over the above described route to or from New York City, N.Y.

NOTE: Applicant states it intends to tack the above proposed route to its existing routes. If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J.

No. MC 46614 (Sub-No. 7) (AMENDMENT), filed September 3, 1964, published in FEDERAL REGISTER issue of September 30, 1964, amended October 12, 1964, and republished as amended this issue. Applicant: BLUE & WHITE LINES, INC., 516 West Plank Road, Altoona, Pa. Applicant's attorney: Richard A. Carothers, Altoona, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express*, *mail* and *newspapers* in the same vehicle with passengers, between Bedford, Pa. and Breezewood, Pa., (1) over U.S. Highway 30, and (2) over Pennsylvania Turnpike, serving no intermediate points.

NOTE: The purpose of this republication is to show movements in (1) and (2) above, to be between Bedford, Pa. and Breezewood, Pa., in lieu of that previously published. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 84642 (Sub-No. 2), filed September 3, 1964. Applicant: McCORMACK COACH CO., INC., 300 South Granger Street, Harrisburg, Ill. Applicant's attorney: Robert T. Lawley, 306–308 Reisch Building, Springfield, Ill., 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, restricted to traffic originating in the territory indicated, in charter operations, beginning and ending at points in Williamson, Saline, Franklin, Jackson, Johnson, and Jefferson Counties, Ill., and extending to points in Florida, Texas, Louisiana, California, Oregon, Washington, Nevada, and Alaska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 117806 (Sub-No. 9), filed October 5, 1964. Applicant: ANTIETAM TRANSIT COMPANY, INC., 437 East Baltimore Avenue, Hagerstown, Md. Applicant's attorney: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *mail* and *newspapers*, in the same vehicle with passengers, between Hagerstown, Md., and Charles Town, W. Va., from Hagerstown over Interstate Highway 81 to junction West Virginia Highway 9, thence over West Virginia Highway 9 to Charles Town, and return over the same route, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Hagerstown, Md.

No. MC 126430, filed July 13, 1964. Applicant: TRENTWAY BUS LINES LIMITED, Rural Route No. 9, Peterborough, Ontario, Canada. Applicant's attorney: John W. Corkery, 467A Water Street, Peterborough, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at ports of entry on the International Boundary line between the United States and Canada located on or near the St. Lawrence, Niagara, St. Mary's, St. Clair, and Detroit Rivers, and extending to points in the United States.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 126624, filed October 2, 1964. Applicant: C. A. BAILEY LIMITED, 4 Princess Street, Leamington, Ontario, Canada. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at the port of entry on the international boundary line between the United States and Canada at or near Detroit, Mich., and extending to points in Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 126627, filed October 2, 1964. Applicant: MILLSTONE BUS LINE, INC., Amwell Road, East Millstone, N.J. Applicant's attorney: William C. Mitchell, Jr., 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage*, and *newspapers* and *express*, in the same vehicle with passengers, (1) between Hopewell, N.J., and New York, N.Y., beginning in Hopewell, thence over County Road 518 to Blowenburg and junction with Blowenburg Bellemead Road through Dutchtown to Plainville and junction with Trenton Avenue, thence over Trenton Avenue to Bellemead and junction with U.S. Highway 206 to Bellemead and junction with Trenton Avenue), thence over U.S. Highway 206 to Bridgewater Township and junction with U.S. Highway 22, thence over U.S. Highway 22 in Bridgewater Township to junction with Interstate Highway 287, thence over Interstate Highway 287, to Edison Township and junction with U.S. Highway 1, thence over U.S. Highway 1 to Woodbridge Township and junction with Green Street, thence over Green Street in Woodbridge Township, to junction with U.S. Highway 9, thence over U.S. Highway 9, in Woodbridge Township, to access roads and Entrance to No. 11 of New Jersey Turnpike (also from Edison Township from junction of Interstate Highway 287 and U.S. Highway 1 over Interstate Highway 287 to access roads and junction with New Jersey Turnpike), thence over New Jersey Turnpike to Exit No. 16 in Secaucus, thence over access roads and New Jersey Highway 3 and Lincoln Tunnel to New York, N.Y., and return over the same route in the reverse direction with service to and from all intermediate points (except those in Essex, Hudson, and Union Counties, N.J., and those in Middlesex County, N.J., north and east of the junc-

tion of Interstate Highway 287 and New Jersey Highway 27 in Edison Township).

(2) between Hillsborough Township, N.J., and New York, N.Y., beginning in Hillsborough Township at junction of U.S. Highway 206 and County Road 514, thence over County Road 514 to Franklin Township-New Brunswick line (also from junction County Road 514 and Demott Lane in Franklin Township, thence over Demott Lane to junction with County Road 527, thence over County Road 527 to junction with Kennedy Boulevard, thence over Kennedy Boulevard to junction with County Road 514 in Franklin Township, also from junction County Road 514 and Franklin Boulevard in Franklin Township, thence over Franklin Boulevard to junction with Highland Avenue, thence over Highland Avenue to junction with County Road 514 in Franklin Township), thence over Hamilton Street in New Brunswick to junction with Division Street, thence over Division Street to junction with Somerset Street, thence over Somerset Street to junction with Little Albany Street, thence over Little Albany Street and Easton Avenue to junction with Albany Street (also from junction of Albany Street and Easton Avenue in New Brunswick, thence over Albany Street to junction with Brown Avenue, thence over Brown Avenue to junction with French Street, thence over French Street to junction with Louis Street, thence over Louis Street to junction with Hamilton Street in New Brunswick), thence over Albany Street to junction with Memorial Parkway, thence over Memorial Parkway and New Jersey Highway 18 to East Brunswick Township and access roads to Entrance No. 9 of New Jersey Turnpike, thence over New Jersey Turnpike to Exit No. 16 in Secaucus, thence over access roads and New Jersey Highway 3 and Lincoln Tunnel to New York, and return over the same route in the reverse direction with service to and from all intermediate points (except points in Essex, Hudson, and Union Counties, N.J., and those in Middlesex County, N.J., on, north and east of Albany Street in New Brunswick).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark or Somerville, N.J.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 111170 (Sub-No. 91), filed October 2, 1964. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. Applicant's attorney: Thomas Harper, Kelley Building, Post Office Box 297, Fort Smith, Ark., 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil* from the site of the Calumet Refining Co. plant located near Princeton, La., to points in Illinois and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 121179 (Sub-No. 2), filed October 8, 1964. Applicant: CHARLES C. MOODY, doing business as CHATTANOOGA-CROSSVILLE BUS LINES, 3125 Easton Avenue, Chattanooga, Tenn., 37415. Applicant's attorney: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn., 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, express, baggage, mail, newspapers, passengers' effects, and applicable charter passenger* service, between Chattanooga, Tenn., and Columbia, Ky., from Chattanooga over U.S. Highway 127 to Russell Springs, Ky., thence over Kentucky Highway 80 to Columbia, Ky., and return over the same route serving all intermediate points.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10713; Filed, Oct. 20, 1964; 8:47 a.m.]

## NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 16, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. T-697 Sub 1, filed October 7, 1964. Applicant: FARMINGTON TRANSFER CO., INC., 1626 North Eighth Street, St. Louis, Mo. Applicant's attorney: John E. Burruss, Jr., Central Trust Building, Jefferson City, Mo. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, over regular and irregular routes. *REGULAR:* From St. Louis over U.S. Highway 67 to the Missouri-Arkansas State line; from Doniphan over Missouri Highway 14 (formerly Missouri Highway 42) to junction U.S. Highway 67; from Doniphan over Missouri Highway 142 (formerly Ripley County Route "B") to Oxly; from Neelyville over Missouri Highway 142 to Naylor; from Chaonia over unnumbered Wayne County road through Taskee to junction U.S. Highway 67; from Williamsville over Missouri Route "A" (Wayne County) to junction U.S. Highway 67; and return over the same routes, with authority to transport property between points as follows: (1) between Fairdealing, Poynor, Oxly, Doniphan, St. Louis, and Poplar Bluff; (2) between St. Louis, Zion, Coldwater, Silva, Greenville, Taskee, Poplar Bluff, Harviell, Neelyville, Naylor, Williamsville, and Chaonia; and (3) between Zion, Coldwater, Silva, Greenville, Taskee, Poplar Bluff, Harviell, Neelyville, Naylor, Williamsville, and Chaonia, on the one hand, and Fredericktown, Mine LaMotte, Farmington, Elvins, Esther, Flat River, St. Francois, Desloge, Bonne Terre, Crystal City, and Festus, on the one hand. *IRREGULAR:* Between points and places in Ripley County, Mo., on the one hand, and all points in Missouri on the other hand, subject to the limitations contained in Section 390.050 RSMo. 1949, prohibiting irregular route operations between points on the regular route of an authorized motor carrier.

*HEARING:* December 2, 1964, at 10:00 a.m., in the Public Service Commission, 100 East Capital Avenue, Jefferson City, Mo.

Requests for hearing information, including the time for filing protests concerning this application should be addressed to the Missouri Public Service Commission, Jefferson Building, Jefferson City, Mo., and should not be addressed to the Interstate Commerce Commission.

State Docket No. M-3521, filed September 22, 1964. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., Little Rock, Ark. Applicant's attorney: C. J. Lincoln, 1550 Tower Building, Little Rock, Ark. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Amity, Ark., and Fulton, Ark., from Amity over Arkansas Highway 8 to Arkadelphia, Ark., then over U.S. Highway 67 to Fulton, and return over the same route, serving all intermediate points.

*HEARING:* November 24, 1964, at 10:00 a.m., at the Arkansas Commerce Commission Hearing Room, Justice Building, Little Rock, Ark.

Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Arkansas Commerce Commission, Justice Building, Little Rock, Ark., 72201, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10714; Filed, Oct. 20, 1964; 8:47 a.m.]



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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.

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*Announcing first 5-year Cumulation*

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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3623

### CALIFORNIA WORLD'S FAIR

**By the President of the United States of America**

**A Proclamation**

WHEREAS the California World's Fair, an international exposition to be held in Southern California in 1968, will be dedicated to the dignity of man, and will depict man's efforts to achieve his aspirations for greater growth, maturity, and dignity; and

WHEREAS the exposition will demonstrate the vital importance of transportation and communication in the achievement of man's aspirations, the roles of the arts, commerce, industry, and the sciences as they affect the lives of mankind, and the contributions of the cultures of the various nations of the earth to man's eternal quest for dignity as exemplified by his physical, mental, and moral attainments; and

WHEREAS the exposition will provide an excellent and effective medium for the exchange of information by which all people may evaluate the attainments of men of other nations, will encourage tourist travel to the United States, and will stimulate foreign trade; and

WHEREAS the Congress, by a joint resolution approved August 27, 1964 (Public Law 88–496), has authorized and requested the President to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition; and

WHEREAS the Governor of California has appointed a Commissioner General of the California World's Fair and will invite the several States of the Union to participate in the Fair:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby invite the several States of the Union and foreign countries to take part in the California World's Fair.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this nineteenth day of October in the year of our Lord nineteen hundred and sixty-four, [SEAL] and of the Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
*Secretary of State.*

[F.R. Doc. 64–10810; Filed, Oct. 20, 1964; 2:39 p.m.]

## Proclamation 3624

### NATIONAL FIRST VOTERS WEEK

**By the President of the United States of America**

**A Proclamation**

On the third day of November next, nearly ten million of our citizens will be eligible to cast their first votes in a Presidential election.

For these young persons, the forthcoming Presidential election will be a significant milestone. For the rest of us, this occasion will be no less important as we welcome a new group of young, vigorous, and forward-looking Americans to a full share in the privileges and responsibilities of free men.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the period October 25 through October 31, 1964, as National First Voters Week.

I urge local election officials, private citizens, and citizen organizations to make a special effort during that week to assist in every possible way the millions of persons who are about to cast their first vote in a Presidential election.

I also urge our first voters to consider seriously during that week the solemn nature of the obligation they are about to assume.

In particular, I urge that our first voters

— go to the polls proudly, knowing that the duty they perform is the price of the privilege they hold

— exercise their franchise gratefully, realizing that it is essential to their future as free men and women

— make their choice carefully, understanding its importance to themselves and their fellow Americans.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this nineteenth day of October in the year of our Lord nineteen hundred and sixty-four, [SEAL] and of the Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
*Secretary of State.*

[F.R. Doc. 64-10811; Filed, Oct. 20, 1964; 2:39 p.m.]

## Proclamation 3625

### ANNOUNCING THE DEATH OF HERBERT HOOVER

**By the President of the United States of America**

**A Proclamation**

TO THE PEOPLE OF THE UNITED STATES:

It becomes my sad duty to announce officially the death of Herbert Hoover, the thirty-first President of the United States, on the twentieth day of October, nineteen hundred and sixty-four, at 11:35 o'clock in the morning.

Mr. Hoover's service to our country, spanning a period of nearly a half century, was marked by a signal honesty of purpose, a devotion to fundamental principles of ethical conduct, and a deep concern for the welfare of all of his fellow men. Among the rich products of his efforts have been the advancement of the cause of peace, the strengthening of our bonds with other nations, the enrichment of the lives of millions of human beings around the world, and a vital improvement of the operation of this Government. His patriotism knew no partisanship.

A gentle and tolerant man, Mr. Hoover will be long remembered for his humanitarianism, his genuine humility coupled with a determined courage, and the strength of the faith which motivated his actions. He has earned the abiding respect and affection of the people of this Nation and of other nations throughout the world.

We in this country will be joined by his many friends abroad in mourning the death of this truly dedicated American. But we can take comfort in the inspiring legacy of ideals and example of devotion which he has bequeathed to us all.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, in honor and tribute to the memory of this great and good man, and as an expression of the public sorrow, do hereby direct that the flag of the United States be displayed at half-staff at the White House and on all buildings, grounds, and naval vessels of the United States for a period of thirty days. I also direct that for the same length of time the representatives of the United States in foreign countries shall make similar arrangements for the display of the flag at half-staff over their embassies, legations, and other facilities abroad, including all military facilities and stations.

I hereby order that suitable honors be rendered by units of the armed forces under orders of the Secretary of Defense on the day of the funeral.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twentieth day of October in the year of our Lord nineteen hundred and sixty-four, [SEAL] and of the Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
*Secretary of State.*

[F.R. Doc. 64-10826; Filed, Oct. 21, 1964; 10:05 a.m.]

# Rules and Regulations

## Title 46—SHIPPING

### Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER A—POLICY, PRACTICE, AND PROCEDURE

[General Order 41, 3d Rev.]

## PART 201—RULES OF PRACTICE AND PROCEDURE

Notice of rule making with respect to proposed rules of practice and procedure appeared in the FEDERAL REGISTER issue of December 28, 1963 (28 F.R. 14435), in which comments were invited in accordance with the provisions of sec. 3, Administrative Procedure Act (5 U.S.C. 1002). Several comments were received from outstanding individual members of the bar and practitioners' groups. These were carefully considered and the rules contained in this part have been revised to reflect those suggestions which were found to have substantial merit. The rules as revised are set forth below following the brief explanatory note.

*Explanatory note.* The overall purpose of this revision is to provide guidelines for all formal proceedings subject to the Administrative Procedure Act and all informal proceedings held pursuant to the administrative discretion of the Maritime Administrator and the Maritime Subsidy Board, Maritime Administration.

The rules are promulgated bearing in mind that the basic purpose of administrative proceedings is the expeditious and complete development of a factually reliable record for decision making while at the same time preserving all of the rights and interests of anyone affected.

These rules of practice and procedure include details warranted necessary for the convenience and guidance of those persons unfamiliar with the requirements of the Administrative Procedure Act as well as reflecting the views of recognized authorities in the field of administrative law.

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AUTHORITY: The provisions of this Part 201 issued under sec. 104, 49 Stat. 1987, as amended; 46 U.S.C. 1114; Reorganization Plan No. 7 of 1961, 26 F.R. 7315; Department of Commerce Order No. 117 (Rev.).

## Subpart A—General Information (Rule 1)

### § 201.1 Scope of rules.

The regulations in this part govern practice and procedure before the Maritime Administration and the Maritime Subsidy Board (as described in Department of Commerce Order No. 117, Rev.), hereinafter referred to collectively as the "Administration", under the Merchant Marine Act, 1920, as amended, Merchant Act, 1936, as amended, Merchant Ship Sales Act, 1946, Administrative Procedure Act, and related Acts, except as may be provided otherwise by the Administration. They shall be construed to secure the just, speedy, and inexpensive determination of every proceeding with full protection for the rights of all parties therein.

### § 201.2 Mailing address; hours.

Documents required to be filed in, and correspondence relating to, proceedings governed by the regulations in this part should be addressed to "Secretary, Maritime Administration, Washington, D.C., 20235". The principal office of the Administration, located at 441 G Street NW., Washington, D.C. 20235, is open from 8:30 a.m. to 5:00 p.m. eastern standard time or eastern daylight saving time, whichever is currently effective in Washington, Monday to Friday, inclusive, unless otherwise provided by Federal statute or executive order.

### § 201.3 Authentication of rules, orders, determinations and decisions of the Administration.

All rules, orders, determinations or decisions issued in any proceeding covered by the regulations in this part shall, unless otherwise specifically provided by the Administration, be signed and authenticated by seal by the Secretary of the Administration in the name of the Administration.

### § 201.4 Inspection of records.

The files and records of the Administration except those held by the Administration for good cause to be confidential, shall be open for inspection and copying as follows:

(a) All pleadings, motions, depositions, correspondence, exhibits, transcripts of testimony, exceptions, briefs, and decisions in any formal proceeding before the Administration may be inspected and copied in the Docket Section of the Office of Hearing Examiners.

(b) Subject to the provisions of law restricting public disclosure of information, all other files and records may be inspected and copied in the discretion of the Administration upon written request to the Secretary describing in detail the documents of which inspection is desired and setting forth the reasons therefor.

(c) Orders, rules, rulings, opinions, determinations, and decisions (initial, recommended, tentative, and final), may be inspected at the Washington Office of the Administration.

(d) Copies of documents which may be inspected subject to the provisions of this section will be prepared and certified by the Secretary under the seal of the Administration if written request is made specifying the exact documents, the number of copies desired, and the date on which the same will be required. Such request shall permit a reasonable time for the preparation of copies. The cost of preparing copies shall be paid by the person making the request. Volumes of Maritime Administration reports may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402. Copies of individual decisions may be secured from the Secretary, Maritime Administration upon request, or may be examined in the regional offices of the Maritime Administration.

### § 201.5 Searching, copying, and certification of records; fees therefor.

(a) Upon written request directed to and within the discretion of the Administration, there are available, with respect to documents subject to inspection as provided in § 201.4 services as follows.

(1) Searching files and records;

(2) Copying records and documents; and

(3) Certifying of copies of documents.

(b) Fees for services set forth in paragraph (a) of this section are as follows:

(1) Certifications and validations of documents with Maritime Subsidy Board or Maritime Administration seal, 50 cents; without either seal, 25 cents.

(2) Searching files and records, except as provided in subparagraph (5) of this paragraph, $1.00 per half hour or fraction thereof.

(3) Copying records and documents, except as provided in subparagraph (5) of this paragraph:

| | First copy of each page (one side) | Additional copies of same page |
|---|---|---|
| Typewritten | $3.00 | (1) |
| Photocopy, 19" x 24" or smaller | 1.00 | $1.00 |
| Photographic negatives: | | |
| 14" x 17" or smaller | 2.50 | ------- |
| Larger sizes, 30" x 40" maximum | 6.50 | ------- |
| Contact prints (single weight paper) 8" x 10" or smaller | .50 | .50 |
| Ozalid (per square foot or fraction thereof) | .10 | .10 |
| Xerox (8½" x 14" maximum size) | .10 | .10 |

[1] No charge for carbon copies.

(4) General: (i) If copy is to be transmitted by registered, air, or special delivery mail, postal fees therefor will be added to fees provided in subparagraph (3) of this paragraph (or the order must include postage stamps or stamped return envelopes).

(ii) If special handling or packaging is required, the cost thereof will be added to the fees provided in subparagraph (3) of this paragraph.

(iii) Minimum charge, 50 cents.

(5) Medical records of merchant seamen, including packaging and postage:

| | |
|---|---|
| Searching | $5 |
| Abstracting | 3 |

### § 201.6 Documents in foreign languages.

Every document, exhibit, or other paper written in a language other than English and filed with the Administration or offered in evidence in any proceeding before the Administration under the regulations in this part or in response to any rule or order of the Administration pursuant to the regulations in this part, shall be filed or offered in the language in which it is written and shall be accompanied by an English translation thereof duly subscribed.

### § 201.7 Information; special instructions.

Information as to procedure under the regulations in this part, and instructions supplementing the regulations in this part in special instances, will be furnished upon application to the Secretary of the Administration.

### § 201.8 Use of gender and number.

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender may be applied to females.

### § 201.9 Suspension, amendment, etc., of rules.

The regulations in this part may, from time to time, be suspended, amended, or revoked, in whole or in part. Notice of any such action will be published in the FEDERAL REGISTER. Also, any regulation in this part may be waived by the Administration or the Presiding Officer to prevent undue hardship in any particular case.



## Subpart B—Appearance and Practice Before the Administration (Rule 2)

### § 201.15 Appearance in person or by representative.

A party may appeal in person or by an officer, partner, or regular employee of the party, or by or with counsel or other duly qualified representative, in any proceeding under the regulations in this part. A party may offer testimony, produce and examine witnesses, and be heard upon brief and at oral argument if oral argument is granted. Any person compelled to appear in a proceeding pursuant to subpoena may be accompanied, represented, and advised by counsel and may purchase a transcript of his testimony.

### § 201.16 Authority for representation.

Any individual acting in a representative capacity in any proceeding before the Administration may be required by the Administration or the Presiding Officer to show his authority to act in such capacity.

### § 201.17 Written appearance.

Persons who appear at any hearing shall deliver a written notation of appearance to the reporter, stating for whom the appearance is made. The written appearance shall be made a part of the record.

### § 201.18 Practice before the Administration defined.

Practice before the Administration shall be deemed to comprehend all matters connected with any presentation to the Administration or its staff.

### § 201.19 Presiding officers.

Hearings on any matter before the Administration will be held by a duly designated Member or Members thereof, or a Hearing Examiner qualified under section 11 of the Administrative Procedure Act, assigned by the Chief Hearing Examiner, who shall be designated as the Presiding Officers. Where appropriate the Administration may designate other members of the staff to serve as Presiding Officers in hearings not required by statute, as provided in § 201.86.

### § 201.20 Attorneys at law.

Attorneys at law who are admitted to practice before the Federal courts or before the courts of any State or territory of the United States may practice before the Administration. An attorney's own representation that he is such in good standing before any of the courts herein referred to will be sufficient proof thereof.

### § 201.21 Persons not attorneys at law.

Any person who is not an attorney at law may be admitted to practice before the Administration if he is a citizen of the United States and files proof to the satisfaction of the Administration that he possesses the necessary legal, technical, or other qualifications to enable him to render valuable service before the Administration and is otherwise competent to advise and assist in the presentation of matters before the Administration. Applications by persons not attorneys at law for admission to practice before the Administration shall be made on the forms prescribed therefor, which may be obtained from the Secretary of the Administration, Washington, D.C., 20235. No person who is not an attorney at law and whose application has not been approved shall be permitted to practice before the Administration. However, this provision and the provisions of §§ 201.22, 201.23, and 201.24 shall not apply to any person who appears before the Administration on his own behalf or on behalf of any corporation, partnership, or association of which he is a partner, officer, or regular employee.

### § 201.22 Firms and corporations.

Except as regards law firms, practice before the Administration by firms or corporations on behalf of others shall not be permitted.

### § 201.23 Hearings.

The Administration in its discretion may call upon a nonattorney applicant for a full statement of the nature and extent of his qualifications. If the Administration is not satisfied as to the sufficiency of the applicant's qualifications it will so notify him by registered mail, whereupon he may request a hearing for the purpose of showing his qualifications. If he presents to the Administration no request for such hearing within 20 days after receiving the notification above referred to, his application shall be acted upon without further notice.

### § 201.24 Suspension or disbarment.

The Administration may, in its discretion, deny admission to, suspend, or disbar any person from practice before the Administration who it finds does not possess the requisite qualifications to represent others or is lacking in character, integrity, or to have engaged in unethical or improper professional conduct. Disrespectful, disorderly, or contumacious language or contemptuous conduct at any hearing before the Administration or a presiding officer shall constitute grounds for immediate exclusion from said hearing by the Presiding Officer. Any person who has been admitted to practice before the Administration may be disbarred from such practice only after he has been afforded an opportunity to be heard.

### § 201.25 Statement of interest.

The Administration, in its discretion, may call upon any practitioner for a full statement of the nature and extent of his interest in the subject matter presented by him before the Administration. Attorneys retained on a contingent fee basis shall file with the Administration a copy of the contract of employment. Practitioners subject to section 807 of the Merchant Marine Act of 1936, as amended, shall comply fully with the requirements of 46 CFR § 222.1 (22 F.R. 1087).

### § 201.26 Former employees.

(a) No former officer or employee of the Administration shall practice, appear, or represent anyone directly or indirectly, other than the United States before the Administration in any matter within a period of one year subsequent to the termination of his or her employment with the Administration.

(b) No person shall practice, appear, or represent anyone other than the United States before the Administration, directly or indirectly, in any matter in which he participated personally and substantially as an officer or employee of the Administration or the predecessor agencies or of the United States through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed; and

(c) No person shall practice, appear, or represent anyone directly or indirectly, other than the United States before the Administration in any matter which was under his official responsibility as an officer or employee of the Administration or of the United States at any time within a period of two years prior to the termination of such responsibility.

(d) Any person in doubt as to the applicability of this § 201.26 to a particular case may address to the Administration an application for consent to appear, stating his former connection with the Administration or predecessor agency, identifying the matter in which he desires to appear, and describing in detail his participation in or responsibility for such matter if any, while an officer or employee of the Administration or its predecessor agency or of the United States.

(e) No one entitled to practice before this Administration shall in connection with any matter before the Administration knowingly give assistance to, accept assistance from, or share fees with any person not entitled under this § 201.26 to appear before the Administration in connection with such matter.

## Subpart C—Parties (Rule 3)

### § 201.30 Parties; how designated.

The term "party", whenever used in these Rules, shall include any natural person, corporation, association, firm, partnership, trustee, receiver, agency, public or private organization, or governmental agency. A party requesting official action subject to these Rules shall be designated as "applicant". A party whose petition for leave to intervene is granted pursuant to § 201.78 shall be designated as "intervenor". Only a party as designated in this section may introduce evidence or examine witnesses at hearings.

### § 201.31 Public counsel.

The Assistant General Counsel, Chief, Division of Operating Subsidy Contracts, shall be a party to all proceedings involving operating-differential subsidy contracts. The Assistant General Counsel and his representatives shall be designated as Public Counsel and shall be served with copies of all papers, pleadings, and documents in such proceed-

ings. In addition the General Counsel may designate any member of his staff to serve as Staff Counsel in contract appeal cases or any other proceeding governed by the regulations in this part. Public Counsel or Staff Counsel shall participate in any proceeding to which he is a party, to the extent he deems required in the public interest, subject to the separation of functions required by section 5(c) of the Administrative Procedure Act.

**§ 201.32 Substitution of parties.**

Upon petition and for good cause shown, the Administration may order a substitution of parties; except that in case of death of a party substitution may be ordered upon suggestion and without the filing of a petition.

### Subpart D—Form, Execution and Service of Documents (Rule 4)

**§ 201.41 Form and appearance of documents filed with the Administration.**

All papers to be filed under the regulations in this part may be reproduced by printing or by any other process, provided the copies are clear and legible; shall be dated, the original signed in ink, and shall show the docket description and title of the proceeding, and the title, if any, and address of the signatory. If typewritten, the impression shall be on only one side of the paper and shall be double spaced, except that quotations shall be single spaced and indented. Documents not printed, except correspondence and exhibits, should be on strong, durable paper and shall not be more than 8½ inches wide and 12 inches long, with a left margin 1½ inches wide. Printed documents shall be printed in clear type (never smaller than pica or 11-point type) adequately leaded, and the paper shall be opaque and unglased. Briefs, if printed, shall be printed on paper not less than 6⅛ inches wide and 9¼ inches long, with inside margin not less than 1 inch wide. All briefs over 15 pages shall contain a subject index with page references and a list of authorities cited.

**§ 201.42 Subscription, authentication of documents.**

(a) Documents filed shall be subscribed: (1) By the person or persons filing same, (2) by an officer thereof if it be a corporation, (3) by an officer or employee if it be a government instrumentality, or (4) by an attorney or other person having authority with respect thereto.

(b) Documents submitted pursuant to stipulation of counsel where no sponsoring witness will be used must be verified.

**§ 201.43 Service by parties.**

All documents, when tendered for filing should show that service has been made upon all parties to the proceeding.

Such service shall be made by delivering one copy to each party in person or by mailing by first-class mail properly addressed with postage prepaid. When a party has appeared by attorney or other representative, service upon such attorney or other representative will be deemed service upon the party. All documents served by mail preferably should be mailed in sufficient time to reach the parties on the date on which the original is due to be filed and should be air mailed if addressee is more than 300 miles distant.

**§ 201.44 Date of service.**

The date of service of documents shall be the day when the matter served is deposited in the United States mail, shown by the postmark thereon, or is delivered in person, as the case may be.

**§ 201.45 Certificate of service.**

The original of every document filed with the Administration and required to be served upon all parties to a proceeding shall be accompanied by a certificate of service signed by the party making service, stating that such service has been made upon each party to the proceeding. Certificates of service may be in substantially the following form:

> I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by mailing, postage prepaid (or by delivering in person) a copy to each such party.
>
> Dated at ---------- this ------ day of ---------, 19--.
>
> (Signature) ----------
>
> For ----------

**§ 201.46 Copies of documents for use of the Administration.**

Except as otherwise provided in the regulations in this part, an original and fifteen copies of every document shall be filed for use of the Administration, except written testimony and exhibits to be made a part of a record, which shall be filed in triplicate unless otherwise directed.

### Subpart E—Time (Rule 5)

**§ 201.51 Computation.**

In computing any period of time under these Rules, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or national legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and holidays shall be excluded from the computation.

**§ 201.52 Additional time after service by mail.**

Whenever service of a document has been made by mail in accordance with § 201.43 three (3) days shall be added to the prescribed period for answer.

**§ 201.53 Extension of time to file documents.**

Applications for extension of time for the filing of any document shall set forth the reasons for the application and may be granted upon a showing of good cause on the part of applicant. Answers to such applications are permitted.

**§ 201.54 Reduction of time to file documents.**

Except as prohibited by law, for good cause the Administration, or the Presiding Officer with respect to matters pending before him, may reduce any time limit prescribed in the regulations in this part.

**§ 201.55 Postponement of hearing.**

Applications for postponement of any hearing date may be granted upon a showing of good cause on the part of the applicant. Answers to such applications are permitted.

### Subpart F—Rule Making (Rule 6)

**§ 201.61 Petition for issuance, amendment, or repeal of rule or regulation.**

Any interested person may file with the Administration a petition for the issuance, amendment, or repeal of a rule designed to implement, interpret, or prescribe law, policy, organization, procedure, or practice requirements of the Administration. The petition shall set forth the interest of petitioner and the nature of the relief desired, shall include any facts, views, arguments, and data deemed relevant by petitioner, and shall be subscribed to. If such petition is for the amendment or repeal of a rule, it shall be accompanied by proof of service on all persons, if any, specifically named in such rule, and shall conform in all other aspects to Subpart D of this part. Answers to such petition shall conform to the requirements of Subpart D of this part.

**§ 201.62 Notice of proposed rule making.**

After receipt of petitions and any answers thereto described in § 201.61, or upon its own initiative, the Administration may, in its discretion, direct that notice thereof be published in the FEDERAL REGISTER unless all persons subject thereto are named and either are personally served or otherwise have actual notice thereof in accordance with law. Except where publication of notice of proposed rule making and public hearing is required by statute, this section shall not apply to interpretative rules, general statements of policy, organization rules, rules of procedure, or practice of the Administration, or amendments thereto, or any situation in which the Administration for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

**§ 201.63 Participation in rule making.**

Interested persons will be afforded an opportunity to participate in rule making through submission of written data, views, or arguments, with or without opportunity to present the same orally in any manner: *Provided*, That where the proposed rules are such as are required by statute to be made on the record after opportunity for a hearing, or where a hearing is ordered by the Administration upon petition of any party or upon its own initiative, such hearing shall be conducted pursuant to sections 7 and 8 of the Administrative Procedure Act.



**§ 201.64 Contents of rules.**

The Administration will incorporate in any rules to be adopted a concise general statement of their basis and purpose.

**§ 201.65 Effective date of rules.**

The publication or service of any substantive rule shall be made not less than 30 days prior to its effective date except (a) as otherwise provided by the Administration for good cause found and published in the FEDERAL REGISTER or (b) in the case of rules granting or recognizing exemption or relieving restriction, interpretative rules, and statements of policy.

### Subpart G—Formal Proceedings, Notice, Pleadings, Replies (Rule 7)

**§ 201.71 Commencement of proceedings.**

Formal proceedings may be commenced with respect to any phase of an application for Government aid or other relief, the processing of which by statute requires a public hearing. The Administration may, in its discretion, also direct the holding of a hearing not required by statute for any purpose authorized in the statutes it administers.

**§ 201.72 Notice.**

Notice of any matter which may result in or involves the institution of a formal proceeding will be given by publication in the FEDERAL REGISTER in sufficient detail and in sufficient time to apprise interested persons of the nature of the issues to be heard and to allow for an opportunity to file petitions for leave to intervene.

**§ 201.73 Joinder of proceedings.**

(a) Two or more matters which have been set for hearing by the Administration, and which involve similar issues, may be consolidated for the purpose of hearing. Such consolidation may, at the discretion of the Administration, or Presiding Officer after hearing has been ordered, be ordered upon petition of any party to said hearing or upon the initiative of the Administration.

(b) A petition to consolidate shall be filed not later than the first prehearing conference in the proceeding with which consolidation is requested, and shall relate only to then pending applications. If made at such conference, the petition may be oral. A petition which is not timely filed shall be dismissed unless the petitioner shall clearly show good cause for the failure to file said petition on time. A petition which does not relate to an application pending at the time of or before a prehearing conference in a proceeding with which consolidation is requested, shall likewise be dismissed unless the petitioner shall clearly show good cause for a failure to file the application within the prescribed period.

**§ 201.74 Declaratory orders.**

The Administration may issue a declaratory order to terminate a proceeding or to remove uncertainty. Petitions for the issuance thereof shall state clearly and concisely the nature of the controversy or uncertainty, shall cite the statutory authority involved, shall include a complete statement of the facts and grounds supporting the petition, together with a full disclosure of petitioner's interest.

**§ 201.75 Petitions—general.**

All petitions shall be written and shall state the Petitioner's grounds of interest in the subject matter, the facts relied upon, and the relief sought, and shall cite the authority upon which the petition rests. The petition shall be served upon all parties named therein or affected thereby. Answers to petitions may be filed.

**§ 201.76 Applications for Government aid.**

Applications for operating-differential subsidies, charter of Government-owned vessels, and other types of Government aid shall conform to the requirements set forth in the various general orders and other regulations of the Administration specifically provided therefor.

**§ 201.77 Amendments or supplements to pleadings.**

Amendments or supplements to any pleading will be allowed or refused in the discretion of the Administration if the case has not been assigned for hearing, otherwise in the discretion of the Presiding Officer designated to conduct the hearing; *Provided*, That after a prehearing conference has been held no amendment shall be allowed which would substantially broaden the issues, unless an opportunity is afforded all parties to answer such amended pleadings and to prepare for hearing upon the broadened issues. The Presiding Officer may direct a party to state its case more fully and in more detail by way of amendment. If a response to an amended pleading is necessary, it may be filed and served. Amendments or supplements allowed prior to hearing will be served in the same manner as the original pleading. Whenever by the regulations in this part a pleading is required to be subscribed, the amendment or supplement shall also be subscribed.

**§ 201.78 Petition for leave to intervene.**

A petition for leave to intervene may be filed in any proceeding before the Administration. The petition will be granted by the presiding officer if the proposed intervenor establishes that it has a substantial interest in the proceeding and will not unduly broaden the issues therein or unduly delay the proceeding. All such petitions shall be filed prior to the opening of the prehearing conference, or if none is held, before the commencement of hearing, unless petitioner shows good cause for allowing the petition at a later time. Intervention petitions shall be served in the same manner as other petitions, and shall be subject to answer. Intervention petitions will be granted where necessary to protect substantial interests of the petitioner and where intervention will not materially broaden the issues. A person granted permission to intervene becomes a party to the proceeding.

**§ 201.79 Motions.**

All motions and requests for rulings shall state the relief sought, the authority relied upon, and the facts alleged. If made before or after the hearing, such motions shall be in writing. If made at the hearing, they may be stated orally: *Provided, however*, That the presiding officer may require that such motion be reduced to writing and filed and served in the same manner as a formal motion. Answers to formal motions shall comply with the requirements of § 201.80. Motions and answers thereto shall be addressed to the presiding officer if the case is pending before such officer. Oral argument upon a written motion in which an answer has been filed may be granted within the discretion of the Administration or the presiding officer, as the case may be. A repetitious motion will not be entertained.

**§ 201.80 Answers to applications, petitions, or motions.**

A pleading filed in response to an application, petition, or motion is called an answer. An answer may be filed to any application, petition, motion or pleading which is required to be served on the answering party or noticed in the FEDERAL REGISTER. An answer to a written application, petition, or motion shall be in writing and shall be filed within ten days after service of the pleading which it answers. Any new matter raised in an answer shall be deemed to be controverted. A response to an answer is called a reply. A short reply restricted to such new matters may be filed within five days of service of the answer.

### Subpart H—Responsibilities and Duties of Presiding Officer (Rule 8)

**§ 201.85 Commencement of functions of Office of Hearing Examiners.**

In proceedings handled by the Office of Hearing Examiners, its functions shall attach upon notice of the institution of a formal proceeding involving a prehearing conference and/or a hearing by the Administration.

**§ 201.86 Presiding officer.**

A Hearing Examiner of the Office of Hearing Examiners of the Administration will be designated by the Chief Hearing Examiner to preside at hearings required by statute, or directed to be held under the Administration's discretionary authority, in rotation so far as practicable, unless the Administration shall designate one or more Members thereof to serve as presiding officers or members of the staff in proceedings not required by statute.

**§ 201.87 Authority of presiding officer.**

The officer designated to hear a case shall have authority to arrange and issue notice of the date, time and place of hearings; under appropriate circumstances consolidate dockets for joint hearing; sign and issue subpoenas authorized by law; take or cause depositions to be taken; rule upon proposed amendments or supplements to pleadings; hold conferences for the settlement

or simplification of matters embraced in the proceedings; regulate the course of the hearing; prescribe the order in which evidence shall be presented; dispose of procedural requests or similar matters; hear and initially rule upon all motions and petitions before him; administer oaths and affirmations; examine witnesses, direct witnesses to testify or produce available evidence and to submit reports, studies and analyses of data available to them which may be generally relevant and material to the determination of any questions of fact in issue; rule upon offers of proof and receive competent, relevant, material, reliable, and probative evidence; exclude irrelevant, immaterial, unreliable, repetitious or cumulative evidence; exclude cross-examination which is primarily intended to elicit self-serving declarations in favor of the witness; and limit cross-examination to interrogatories which are required for a full and true disclosure of the facts in issue; act upon petitions to intervene; act upon submission of facts, or argument; initially consider offers of settlement or other proposals of adjustment upon which recommendations to the Administration may be made; hear oral argument at the close of testimony; fix the time for filing briefs, motions and other documents to be filed in connection with hearings and replies thereto; and issue the initial or recommended decisions and dispose of any other pertinent matter that normally and properly arises in the course of proceedings. When the presiding officer is unavailable for any reason, and the exercise of any of his powers and functions, as described herein, is due, timely, and necessary, the Chief Hearing Examiner may exercise such powers and functions until the presiding officer becomes available or until his successor is designated.

**§ 201.88 Postponement or change of place by presiding officer.**

If, in the judgment of the presiding officer, convenience or necessity so requires he may postpone the time or change the place of hearing.

**§ 201.89 Disqualification of presiding officer.**

Any presiding officer may at any time withdraw if he deems himself disqualified, in which case another presiding officer will be designated. If a party to a proceeding, or his representative, files in good faith a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the Administration will determine the matter as a part of the record and decision in the case.

## Subpart I—Summary Disposition (Rule 9)

**§ 201.91 Filing of motions, answers.**

Any party or (if a petition to intervene shall have been filed but not have been acted upon) any prospective party may at or before the first prehearing conference in any proceeding, or at such later time as might be allowed by the presiding officer, move with supporting affidavits for a summary disposition in his favor of all or any part of the proceeding. Any adverse party may within 20 days serve opposing affidavits or may countermove for summary disposition. Oral argument thereon may be granted in the discretion of the presiding officer.

**§ 201.92 Ruling on motion.**

The presiding officer may grant such motion if the application, motion, or other pleadings, affidavits or depositions, if any, and matters of official notice show that there is no genuine issue as to any material facts, that there is no necessity that further facts be developed in the record, and that such party is entitled to a decision as a matter of law.

**§ 201.93 Review of ruling, appeal.**

The order of the presiding officer denying a motion for summary disposition shall be subject to interlocutory appeal under the provisions of § 201.123. An order granting a motion for summary disposition is automatically reviewable by the Administration in accordance with the provisions of § 201.133 and shall not be final until acted upon by the Administration.

## Subpart J—Prehearing Conference; Settlements; Procedural Agreements (Rule 10)

**§ 201.101 Prehearing conference.**

Prior to any hearing a prehearing conference may be held before the presiding officer. Written notice of a prehearing conference shall be transmitted by the Secretary of the Administration or the Chief Hearing Examiner to all parties of record including persons whose petitions for leave to intervene in the proceeding have not theretofore been granted, and where practicable, by general release to the public press.

(a) At the prehearing conference the following matters, among others, shall be considered: (1) Petitions for leave to intervene; (2) motions for consolidation or severance of dockets for joint or separate hearing to the extent that the Administration has not theretofore taken specific action; (3) simplification and delineation of the issues to be heard; (4) designation of matters in respect of which official notice may be taken; (5) requests for discovery and production of evidence considered to be generally relevant and material to the issues in the proceeding; (6) stipulations; (7) limitation of number of witnesses, particularly the avoidance of duplicate expert witnesses; (8) procedure applicable to the proceeding; (9) offers of settlement, as hereinafter to be more particularly discussed in § 201.103; and (10) scheduling of the dates for exchange of exhibits, written testimony both affirmative and rebuttal and establishing the date, time and place for hearing.

(b) If deemed necessary or appropriate, the presiding officer may also, on his own motion, or on motion of Public Counsel direct any party to a proceeding to prepare and submit exhibits setting forth studies, forecasts, or estimates on matters relevant and material to the issues in the proceeding to be sponsored by witnesses available for cross-examination thereon.

**§ 201.107 Prehearing rulings.**

The presiding officer will, where practicable, issue prehearing rulings, acting on petitions for leave to intervene, delineating the issues, summarizing the rulings made at the conference, specifying a schedule for the exchange of exhibits and written testimony, the date, time and place of hearing and specifying a time for the filing of exceptions to the rulings. The prehearing rulings shall be served upon all parties to the proceeding and any persons who participated in the conference. Exceptions to the prehearing rulings may be filed by any such party or person within the time specified therein. The presiding officer may serve amended rulings in the light of the exceptions presented. Such rulings and amendments, if any, shall constitute the official account of the conference and shall control the subsequent course of the proceeding, but they may be reconsidered and modified at any time to protect the public interest or to prevent injustice.

**§ 201.103 Opportunity for agreement of parties and settlement of case.**

Where time, the nature of the proceeding, and the public interest permit, all interested parties shall have the opportunity for submission to and consideration by the presiding officer of offers of settlement, or proposals of adjustment together with facts and/or arguments relevant to such offers or proposals without prejudice to the rights of the parties. The presiding officer need not be present at any negotiations of such nature. The presiding officer shall issue an initial or recommended decision thereon recommending approval or disapproval of such offer of settlement or proposal of adjustment to the Administration for final action thereon. No agreement, offer, or proposal shall be admissible in evidence over the objection of any party in any hearing on the matter. When any settlement does not dispose of the whole proceeding, the remaining issues shall be determined in accordance with sections 7 and 8 of the Administrative Procedure Act.

## Subpart K—Discovery and Depositions (Rule 11)

**§ 201.109 Discovery and production of documents.**

Upon request of any party showing good cause therefor, at the prehearing conference or otherwise upon notice to all other parties, the Administration or presiding officer may direct any party to produce and permit the inspection and copying or photographing, by or on behalf of the moving party, of any designated documents, papers, books, accounts, letters, photographs, objects, or tangible things, not privileged which constitute or contain evidence relating to any matter, not privileged, which is relevant to the subject matter involved in the pending proceeding, and which are in his possession, custody or control. The order shall specify the time, place, and manner of making the inspection and taking the copies and photographs



and may prescribe such terms and conditions as are just. In lieu of such inspections the material may be produced in exhibit form and served upon all parties to a formal proceeding. Such exhibits may also, upon request of any party, be offered in evidence at a hearing.

**§ 201.110 Depositions: request for orders to take; time of filing.**

The Administration or presiding officer may, upon proper request of a party to a proceeding or under circumstances deemed proper, issue an order to take a deposition regarding any matter, not privileged, which is relevant to the subject matter involved in the proceedings. A motion to take a deposition shall be filed not less than fifteen (15) days before the proposed date for taking the deposition, unless a shorter period is fixed under § 201.54, and shall set forth the reason for the deposition, the place and time of taking, the officer before whom it is to be taken, the name and address of each witness to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs, and whether the deposition is to be based upon written interrogatories or upon oral examination. If the deposition is to be based upon oral examination, the motion shall contain a statement of the matters concerning which each witness will testify. If the deposition is to be based on written interrogatories, the motion shall be accompanied by the interrogatories to be propounded, serially numbered. Copies of all motions to take depositions, and accompanying interrogatories, if any, shall conform to the requirements of Subpart D of this part. Objection to the taking of such depositions may be made in an answer to such motion. Without prejudice to objection, the answer may also state objection to any individual interrogatory, and if the deposition is permitted, the presiding officer will rule upon such objections to interrogatories. A party served with an order to take a deposition on written interrogatories shall have ten (10) days after date of service of such order unless a shorter period is fixed under § 201.54, within which to file and serve written cross interrogatories, which shall be served pursuant to Subpart D of this part. Answers to applications for cross interrogatories may be filed in accordance with § 201.80. Upon the issuance of an order by the Administration or the presiding officer for the taking of a deposition, the Docket Clerk shall mail a copy thereof to all parties, including the party who requested the deposition. An application to take a deposition in a foreign country will be entertained when necessary or convenient, and authority to take such deposition will be granted upon such notice and other terms and directions as are lawful and appropriate.

**§ 201.55 Contents of order.**

The order issued authorizing the taking of a deposition will state the name and address of each witness or a general description sufficient to identify him or the particular class or group to which he belongs, the matters concerning which the witness may be questioned, the place where, the time when, and the officer before whom the deposition is to be taken, any or all of which may or may not be the same as set forth in the motion filed. If the deposition is to be taken upon written interrogatories, a list of the interrogatories will accompany the order.

**§ 201.112 Record of examination; oath; objections.**

The officer before whom the deposition is to be taken shall put the witness under oath and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically, shall be translated to English, if necessary, and shall be transcribed unless the parties agree otherwise. All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objections to the proceedings, shall be noted by the officer upon the deposition. Any party served with a notice to take an oral deposition may cross-examine a witness whose testimony is taken under such deposition. In lieu of cross-examination, parties served with notice of taking a deposition may transmit written interrogatories or cross-interrogatories to the officer taking the deposition, who shall propound them to the witness and record the answers verbatim together with any objections interposed thereto by adverse parties.

**§ 201.113 Submission to witness, changes, signing.**

When the testimony is fully transcribed the deposition of each witness shall be submitted to him for examination and shall be read to or by him. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign, together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless upon objection the presiding officer holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

**§ 201.114 Certification and filing by officer; copies.**

The officer taking the deposition shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and that said officer is not of counsel or attorney to either of the parties and is not directly or indirectly interested in the outcome of the proceeding or investigation. He shall then securely seal the deposition in an envelope endorsed with the title of the proceeding and marked "Deposition of (here insert name of witness)", and shall promptly send the original and two copies thereof, together with the original and two copies of all exhibits, by registered mail to the Administration. Parties shall make their own arrangements with the officer taking the deposition for copies of the testimony and exhibits.

**§ 201.115 Waiver of objections and admissibility.**

Objections to the form of question and answer shall be made before the officer taking the deposition by parties or representatives present, and if not so made, shall be deemed waived. Depositions shall, when offered at the hearing, be subject to proper legal objections.

**§ 201.116 Time of filing.**

Any depositions to be offered in evidence shall be filed with the presiding officer not later than the close of the offering party's presentation.

**§ 201.117 Inclusion in record.**

No deposition or part thereof shall constitute a part of the record in any proceeding until received in evidence.

**§ 201.118 Witness fees; expenses of taking depositions.**

Witnesses whose depositions are taken pursuant to the regulations in this part, and the officer taking such deposition, shall severally be entitled to the same fees and mileage as are paid in the courts of the United States. All expenses of taking such depositions shall be paid by the party at whose instance the deposition is taken.

## Subpart L—Subpoenas (Rule 12)

**§ 201.121 Application for subpoena ad testificandum.**

An application for a subpoena requiring attendance of a witness at a hearing may be made without notice by any party to the presiding officer, or, in the event that a presiding officer has not been assigned to a proceeding or the presiding officer is not available, to the Chief Hearing Examiner, for action by him or by a member of the Administration. A subpoena for the attendance of a witness shall be issued on oral application at any time and shall be issued upon request of any interested party upon tender of an original and two copies of such subpoena. A record of the issuance of such a subpoena shall be entered in the docket.

**§ 201.113 Application for subpoena duces tecum.**

An application for a subpoena duces tecum for documentary or tangible evidence shall be in duplicate except that for good cause shown it may be made during the course of a hearing on the record to the presiding officer. Such application need not be served upon all parties. All such applications, whether written or oral, shall contain a statement or showing of general relevance and rea-

sonable scope of the evidence sought and shall be accompanied by an original and two copies of the subpoena sought which shall describe the documentary or tangible evidence to be subpoenaed with as much particularity as is feasible.

**§ 201.114 Standards for issuance of subpoena duces tecum.**

The officer considering any application for a subpoena duces tecum shall issue the subpoena requested if he is satisfied the application complies with this section and the request is not unreasonable, oppressive, excessive in scope or unduly burdensome. No attempt shall be made to determine the admissibility of evidence in passing upon an application for a subpoena duces tecum and no detailed or burdensome showing shall be required as a condition to the issuance of any subpoena.

**§ 201.124 Service and quashing of subpoenas.**

Subpoenas issued under this section may be served upon the person to whom directed in accordance with Subpart D of this part. Any person upon whom a subpoena is served may within seven (7) days after service or at any time prior to the return date thereof, whichever is earlier, file a motion to quash or modify the subpoena with the officer who issued the subpoena for action by him, and serve a copy of such motion to quash upon the party requesting the subpoena. If the person to whom the motion to modify or quash the subpoena has been addressed or directed has not acted upon such a motion by the return date, such date shall be stayed pending his final action thereon. The Administration may at any time review, upon its own initiative, the ruling of the officer denying a motion to quash a subpoena. In such cases, the Administration may at any time order that the return date of a subpoena which it has elected to review be stayed pending Administration action thereon.

**§ 201.125 Attendance and mileage fees.**

Persons attending hearings under requirement of subpoenas are entitled to the same fees and mileage as in the courts of the United States, to be paid by the party at whose instance the persons are called.

**§ 201.126 Service of subpoenas.**

If service of subpoena is made by a United States marshal or his deputy, such service shall be evidenced by his return thereon. If made by any other person, such person shall make affidavit thereto, describing the manner in which service is made, and return such affidavit on or with the original subpoena. In case of failure to make service, the reasons for the failure shall be stated on the original subpoena. In making service the original subpoena shall be exhibited to the person served, shall be read to him if he is unable to read, and a copy thereof shall be left with him. The original subpoena, bearing or accompanied by required return, affidavit, or statement, shall be returned without delay to the Administration, or if so directed on the subpoena, to the presiding officer before whom the person named in the subpoena is required to appear.

**§ 201.127 Subpoena of Administration employees, documents, or things.**

No subpoena for the attendance of an Administration officer or employee, or for the production of Administration documents or things shall be complied with except upon written authorization of the General Counsel upon written application by the party requesting the subpoena.

## Subpart M—Hearing Procedures (Rule 13)

**§ 201.131 Presentation of evidence.**

(a) *Testimony.* Where appropriate, the Presiding officer may direct that the testimony of witnesses be prepared in written exhibit form and shall be served at designated dates in advance of the hearing. Evidence as to events occurring after the exhibit-exchange dates shall be presented by a revision of exhibits. Witnesses sponsoring exhibits shall be made available for cross-examination. However, unless authorized by the presiding officer, witnesses will not be permitted to read prepared testimony into the record. The evidentiary record shall be limited to factual and expert opinion testimony. Argument will not be received in evidence but rather should be presented in opening and/or closing statements of counsel and in briefs to the presiding officer subsequently filed.

(b) *Exhibits.* All exhibits and responses to requests for evidence shall be numbered consecutively by the party submitting same and appropriately indexed as to number and title and shall be exchanged on dates prior to the hearing prescribed in the prehearing rulings. Written testimony should be identified alphabetically. Two copies shall be sent to each party and two to the presiding officer. No response to a request for evidence will be received into the record unless offered and received as an exhibit at the hearing. The exhibits, other than the written testimony, shall include appropriate footnotes or narrative material explaining the source of the information used and the methods employed in statistical compilations and estimates and shall contain a short commentary explaining the conclusions which the offeror draws from the data. Rebuttal exhibits should refer specifically to the exhibits being rebutted. Where one part of a multipage exhibit is based upon another part, appropriate cross-reference should be made. The principal title of each exhibit should state precisely what it contains and may also contain a statement of the purpose for which the exhibit is offered. However, such explanatory statement, if phrased in an argumentative fashion, will not be considered as a part of the evidentiary record. Additional exhibits pertinent to the issues may be submitted in a proceeding with the approval of the presiding officer.

(c) *Cooperation on basic data.* Parties having like interests are specifically encouraged to cooperate with each other in joint presentations particularly in such items as basic passenger, cargo, and scheduling data compiled from official or semiofficial sources, and any other evidence susceptible to joint presentation. Duplicate presentation of the same evidence should be avoided wherever possible.

(d) *Authenticity.* The authenticity of all documents submitted as proposed exhibits in advance of the hearing shall be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

(e) *Statement of position and trial briefs.* A written statement of position should be exchanged by all counsel with copies to all other parties prior to the beginning of the hearing: *Provided, however,* That Public Counsel or counsel for a public body which has intervened as its interests may appear, may offer his statement of position at the conclusion of the evidentiary hearing, unless such is impracticable. This statement should include a showing of the theory of the case of the party submitting the statement and will not be subject to cross-examination. Trial briefs are acceptable but will not be required.

**§ 201.132 Conduct of the hearing.**

(a) *Order of presentation.* Normally the order of presentation at the hearing will be alphabetical in each of the following categories:

(1) MarAd statistical material.
(2) Shipper interests, United States and foreign government departments.
(3) Applicants.
(4) Intervenors.
(5) Public counsel.

Normally, rebuttal should be presented without any adjournment in the proceedings.

(b) *Burden of proof.* The burden of proof shall be (1) upon an applicant for any form of government aid or grant; and (2) upon a proponent for the issuance of any rule or order within the jurisdiction of the Administration. The burden of going forward with rebuttal evidence in proceedings involving matters under (1) and (2) above shall fall upon opposing intervenors. Whenever an intervenor is permitted by the presiding officer to raise or advance a new issue in the proceeding, the burden of proof as to such issue shall fall upon such intervenor. If the burden of proof is met as to such new issue, the other parties shall have the burden of going forward with rebuttal evidence in such regard.

(c) *Requirement for submission of corrected copies of exhibits.* Each party shall present three fully corrected copies of its exhibits to be offered in evidence, one for the docket and two for the presiding officer.

(d) *Offer of exhibits in evidence.* The exhibits and written testimony sponsored by each witness shall be offered in evidence at the close of his direct examination to the extent practicable. After ruling upon motions to strike they shall be received in evidence subject to cross-examination. The presiding officer, in his discretion, may defer such





ruling until after completion of cross-examination.

(e) (1) *Cross-examination.* Cross-examination shall be limited to the scope of the direct examination and, except for Public Counsel and counsel for public bodies which have intervened as their interests may appear, to witnesses whose testimony is adverse to the party desiring to cross-examine—this being intended specifically to prohibit so-called "friendly cross-examination". Cross-examination, which is not necessary to test the truth and completeness of the direct testimony and exhibits, will not be permitted.

(2) *Re-cross-examination.* Second rounds of cross-examination normally will not be permitted unless it is necessary to cover new matters raised by a subsequent examination. Cross-examination of any particular witness shall be limited to one attorney for each party and shall not include subjects which are not germane to the interest represented by the cross-examiner.

(f) *Oral motions.* Oral presentation on any motion or objection shall be limited to the party or parties making the motion or objection and the party or parties against which the motion or objection is directed and Public Counsel. Such presentation shall also be limited to one attorney for each party.

(g) *Official notice; public document items.* Whenever there is offered (in whole or in part) a public document, such as an official report, decision, opinion, or published scientific or economic statistical data issued by any of the executive departments (or their subdivisions), legislative agencies or committees, or administrative agencies of the Federal Government (including Government-owned corporations), or a similar document issued by a State or its agencies, and such document (or part thereof) has been shown by the offerer to be reasonably available to the public, such document need not be produced or marked for identification, but may be offered for official notice as a public document item by specifying the document or relevant part thereof.

(h) *Oral argument at hearings.* A request for oral argument at the close of testimony will be granted or denied by the presiding officer in his discretion.

**§ 201.133 Appeal from ruling of presiding officer.**

Rulings of presiding officers may not be appealed prior to, or during the course of, the hearing except where the presiding officer has granted a Motion for Summary Disposition under Subpart I of this part, or in extraordinary circumstances where prompt decision by the Administration is necessary to prevent unusual delay, expense, or detriment to the public interest, in which instances the matter shall be referred forthwith by the presiding officer to the Administration. Any such appeal shall be filed within fifteen (15) days from the date of the ruling by the presiding officer.

**§ 201.134 Separation of functions.**

The separation of functions as required by section 5(c) of the Administrative Procedure Act shall be observed in adversary proceedings involving controverted factual issues arising under the regulations in this part.

## Subpart N—Evidence (Rule 14)

**§ 201.136 Evidence admissible.**

In any proceeding under the regulations in this part all evidence which is relevant, material, reliable and probative, and not unduly repetitious or cumulative shall be admissible. Irrelevant and immaterial or unduly repetitious or cumulative evidence shall be excluded.

**§ 201.137 Rights of parties as to presentation of evidence.**

Every party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

**§ 201.138 Unsponsored written material.**

(a) *Material that may be deemed evidence.* Where a formal hearing is held, a party shall be afforded an opportunity to participate through submission of relevant, material, reliable and probative written evidence including official notice matters covered in § 201.132(g): *Provided,* That such evidence submitted by persons not present at the hearing will not be made a part of the record if opposed to by any party for good cause shown.

(b) *Material that may not be deemed evidence.* Letters expressing views or urging action and other unsponsored written material in respect of matters embraced in, or related to, a formal hearing will be placed in the correspondence section of the docket of the proceeding. These data are not to be deemed part of the evidence or part of the record in the material unless sponsored at the public hearing by an authenticating and supporting witness.

**§ 201.139 Documents containing matter both material and not material.**

Where written matter offered in evidence is embraced in a document containing other matter which is not intended to be offered in evidence, the party offering shall present the original document to all parties at the hearing for their inspection, and shall offer a true copy of the matter which is to be introduced unless the presiding officer determines that the matter is short enough to be read into the record. Opposing parties shall be afforded an opportunity to introduce in evidence, or by stipulations other portions of the original document which are material and relevant.

**§ 201.140 Records in other proceedings.**

When any portion of the record before the Administration in any proceeding other than the one being heard is offered in evidence, a true copy of such portion shall be presented for the record in the form of an exhibit unless the parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference.

**§ 201.141 Stipulations.**

The parties may, by stipulation in writing filed at the prehearing conference, or by written or oral stipulation presented at the hearing or by written stipulation subsequent to the hearing, agree upon any facts involved in the proceeding and include them in the record with the consent of the presiding officer. Proposed written stipulations shall be subscribed by the sponsors and served upon all parties of record. Only upon acceptance by all parties to the proceeding may a stipulation be noted for the record or received as evidence.

**§ 201.142 Further evidence required by presiding officer during hearing.**

At any time during the hearing the presiding officer may call for the production of further relevant and material evidence, reports, studies, and analyses upon any issue, and require such evidence, where available, to be presented by the party or parties concerned, either at the hearing or adjournment thereof in accordance with § 201.132(b). Such material shall be received subject to appropriate motions, cross-examination and/or rebuttal. If a witness refuses to testify or produce the evidence as requested, the presiding officer shall report such refusal to the Administration forthwith.

**§ 201.143 Exceptions to rulings of presiding officer unnecessary.**

Formal exceptions to rulings of the presiding officer are unnecessary. It is sufficient that a party, at the time the ruling of the presiding officer is made or sought, makes known the action which he desires the presiding officer to take or his objection to an action taken, and his grounds therefor.

**§ 201.144 Offer of proof.**

An offer of proof made in connection with an objection taken to any ruling of the presiding officer rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

## Subpart O—The Record: Contents; Development; Perfection; Confidential Treatment (Rule 15)

**§ 201.146 Receipt of documents after hearing.**

Documents to be submitted for the record after the close of the hearing will not be received in evidence except upon ruling of the presiding officer. Such documents when submitted shall be accompanied by proof that copies have been served upon all parties, who shall have an opportunity to comment thereon; and shall be received not later than ten (10) days after the close of the hearing except for good cause shown, and not less than ten (10) days prior to the date set for filing briefs. Exhibit numbers should be assigned by counsel or the party. In

computing the time within which to file such documents or other writings the five (5) additional days provided in § 201.54 shall not apply. Documents which are submitted but do not comply with the provisions of this rule will be filed in the correspondence section of the docket.

**§ 201.147 Official transcript.**

The Administration will designate the official reporter for all hearings. The official transcript of testimony taken, together with any exhibits and any briefs or memoranda of law filed therewith shall be filed with the Administration. Transcripts of testimony will be available in any proceeding under the regulations in this section, and will be supplied by the official reporter to the parties and to the public except when required for good cause to be held confidential, at rates not to exceed the maximum rates fixed by the contract between the Administration and the reporter.

**§ 201.148 Corrections of transcript.**

Motions made at the hearing to correct the record will be acted upon by the presiding officer. Motions made after the hearing to correct the record as to matters of substance rather than form, shall be filed with the presiding officer within ten (10) days after receipt of the transcript, unless otherwise directed by the presiding officer, and shall be served on all parties. Such motions may be in the form of a letter and shall certify the date when the transcript was received. If no objections are received within ten (10) days after date of service, the transcript will, upon approval of the presiding officer, be changed to reflect such corrections. If objections are received, the motion will be acted upon with due consideration of the stenographic record of the hearing.

**§ 201.149 Copies of data or evidence.**

Every person compelled to submit data or evidence shall be entitled to retain or procure a copy of transcript thereof on payment of proper costs.

**§ 201.150 Record for decision.**

The transcript of testimony and exhibits, together with all papers and requests (except the correspondence section of the docket), including rulings and any recommended or initial decisions filed in the proceeding shall constitute the exclusive record for decision. Final decisions will be predicated on the same record, including the initial decision of the presiding officer.

**§ 201.151 Objections to public disclosure of information.**

Upon objection to public disclosure of any information sought to be elicited during a hearing, and a showing of cause satisfactory to the presiding officer, the witness shall disclose such information only in the presence of the presiding officer, official reporter and such attorneys or representatives of each party with demonstrated interests, as the presiding officer shall determine and after all present have been sworn to secrecy. The transcript of testimony shall be held confidential. Within five (5) days after such testimony is given, or document received, the objecting party shall file with the presiding officer a verified written motion to withhold such information from public disclosure, setting forth sufficient identification of same and the basis upon which public disclosure should not be made. Copies of said transcript and motion need not be served upon any other parties than those sworn to secrecy unless so ordered by the presiding officer.

## Subpart P—Briefs, Requests for Findings, Decisions, Exceptions (Rule 16)

**§ 201.155 Briefs; request for findings.**

The time for filing briefs to the presiding officer, and extensions thereof, shall be fixed by him. The period of time allowed shall be the same for all parties unless the presiding officer, for good cause shown, directs otherwise. Normally there shall be an opening brief by the moving parties, an answering brief by the proponents of a contrary conclusion and a short reply by the moving parties. Briefs and statements of position as authorized, shall be served upon all parties pursuant to Subpart D of this part. Briefs shall include a summary of evidence, together with references to exhibit numbers and pages of the transcript, and memoranda of law with appropriate citations of the authorities relied upon. They shall contain proposed findings of fact and conclusions in serially numbered paragraphs.

**§ 201.156 Requests for extension of time for filing briefs.**

Requests for extension of time within which to file briefs shall conform to the requirements of § 201.53. Except for good cause shown, such requests shall be filed and served not later than five (5) days before the expiration of the time fixed for the filing of briefs.

**§ 201.157 Reopening of a case by presiding officer prior to decision.**

At any time prior to the filing of his initial or recommended decision, the presiding officer, either upon petition or upon his own initiative may, for good cause shown and upon reasonable notice, reopen the case for the receipt of further evidence.

**§ 201.158 Decisions, authority to make and kinds.**

To the presiding officer is delegated the authority to render initial or recommended decisions in all proceedings before him, including motions, petitions and other pleadings. Tentative or final decisions will be rendered by the Administration. The same officers who preside at the reception of evidence pursuant to section 7 of the Administrative Procedure Act shall render the initial or recommended decisions except where such officers become unavailable to the Administration, in which case another Presiding Officer will be designated to make such decision or certify the record to the Administration. Where the Administration requires the entire record in the case to be certified to it for initial decision, the Presiding Officer shall first recommend a decision, except that in rule making: (a) In lieu thereof the Administration may issue a tentative decision or any of its responsible officers may recommend a decision or (b) any such procedure may be omitted in any case in which the Administration finds upon the record that due and timely execution of its functions in the public interest imperatively and unavoidably so requires.

**§ 201.159 Decisions; contents and service.**

All initial, recommended, tentative, and final decisions, whether rendered orally or in writing shall include a statement of findings and conclusions, as well as the reasons or bases therefor, upon the material issues presented, as well as a statement of the appropriate rule, order, sanction, relief to be imposed, or the denial thereof. A copy of each decision when issued or when transcribed if orally rendered (and all orally presented decisions shall be stenographically recorded) shall be served on the parties to the proceeding, and furnished to interested persons upon request.

**§ 201.160 Decision based on official notice.**

Official notice may be taken of such matters as might be judicially noticed by the courts, or of technical or scientific facts within the general or specialized knowledge of the Administration as an expert body or of a document required to be filed with or published by a duly constituted governmental body: *Provided*, That where a decision or part thereof rests on the official notice of a material fact not appearing in the evidence of the record, the fact of official notice shall be so stated in the decision, and any party, on timely request, shall be afforded an opportunity to show the contrary.

**§ 201.161 Exceptions to, and review by the Administration of initial or recommended decisions.**

Within twenty (20) days after the service date of the initial or recommended decision, whether oral or in writing, unless a shorter period is fixed under § 201.54, any party may file exceptions to any conclusions, findings, or statements contained in such decision, and a brief in support of such exceptions. Such exceptions and brief shall constitute one document, shall indicate with particularity alleged errors, shall indicate pages of transcript and exhibit numbers when referring to the record, and shall be served on all parties pursuant to Subpart D of this part. Whenever the presiding officer renders an initial decision, in the absence of the filing of exceptions thereto, or notice of review thereof by the Administration, such decision, shall upon the issuance of an appropriate order by the Administration, become the decision of the Administration. Upon the filing of exceptions to, or notice of review of, an initial or recommended decision, such decision shall become inoperative until the Administration determines the matter. Where exceptions are filed to, or the Administration reviews, an initial or recommended decision, the Administration, except as it may limit the issues upon notice or by rule, will have all the powers which it would have in making the initial decision. Whenever the Administration shall determine to review an initial or recommended decision on its own initiative, notice of such intention shall be served upon the parties within thirty (30) days after the date when the initial or recommended decision is orally rendered and, if in writing, served.



**§ 201.162 Replies to exceptions.**

Any party may file and serve a reply to exceptions within twenty (20) days after date of service thereof, unless a shorter period is fixed pursuant to § 201.54. Such reply shall indicate pages of the transcript and exhibit numbers when referring to the record.

**§ 201.163 Request for extension of time for filing exceptions and replies thereto.**

Requests for extension of time within which to file exceptions, and briefs in support thereof, or replies to exceptions shall conform to the applicable provisions of Subpart E of this part. Except for good cause shown, such requests shall be filed and served not later than five (5) days before the expiration of the time fixed for the filing of such documents.

**§ 201.164 Certification of record by presiding officer.**

The presiding officer shall certify and transmit the entire record to the Administration when (a) exceptions are filed or the time therefor has expired, (b) notice is given by the Administration that the initial or recommended decision will be reviewed on its own initiative, or (c) the Administration requires the case to be certified to it for initial decision.

## Subpart Q—Oral Argument; Submittal for Final Decision (Rule 17)

**§ 201.166 Oral argument.**

If oral argument before the Administration is desired on exceptions or replies to exceptions to an initial, recommended, or tentative decision, or on a motion, petition, or application, a request therefor shall be made in writing properly addressed to the Administration. Any party may make such request irrespective of his filing exceptions or replies. If a brief on exceptions or replies thereto are filed, the request for oral argument shall be incorporated therein. Requests for oral argument on any motion, petition, or application shall be made in the motion, petition, or application or in the reply thereto. Requests for oral argument will be granted or denied in the discretion of the Administration, and, if granted, the notice of oral argument will set forth the order of presentation and the amount of time to be allotted. Those who appear before the Administration for oral argument should confine their argument to points of controlling importance and shall limit their argument to points upon which exceptions have been filed. Where the facts of a case are adequately and accurately dealt with in the initial, recommended, or tentative decision, parties should, as far as possible, address themselves in argument to the conclusions. Effort should be made by parties taking the same position to agree in advance of the argument upon those who are to present their side of the case. The names of persons who will argue and the amount of time requested by each should be received by the Administration not later than ten (10) days before the date set for the argument. Ordinarily, consolidation of appearances at oral argument will permit the parties' interests to be presented more effectively in the time allotted.

**§ 201.167 Submission to Administration for final decision.**

A proceeding will be deemed submitted to the Administration for its determination as follows: (a) If oral argument is had, on the date of completion thereof, or if memoranda on points of law are permitted to be filed after argument, the last date of such filing; (b) if oral argument is not had, the last date when exceptions or replies thereto are filed, or if exceptions are not filed, the expiration date for such exceptions or the date when all parties have stated that no exceptions will be filed; (c) in the case of an initial decision, the date of notice of the Administration to review the decision, if such notice is given.

## Subpart R—Stay of Administration's Decision, Reopening of Proceedings (Rule 18)

**§ 201.171 Stay of Administration's decision.**

The Administration's decision or order shall be stayed pending resolution by the Administration of a petition for reopening, duly filed, and for so long as such Administration's action has not been finally disposed of in accordance with the provisions of section 7 of Department of Commerce Order 117 (Revised).

**§ 201.172 Time for filing petition to reopen.**

Except for good cause shown, and upon leave granted, petition to reopen under § 201.174, shall be filed with the Administration within twenty (20) days after the date of service of the Administration's decision or order in the proceeding, unless a different period is fixed under § 201.54.

**§ 201.173 Reopening by Administration and modification or setting aside of decision.**

Upon petition and a showing of compelling cause, filed in accordance with § 201.174, or on its own motion, the Administration may at any time reopen any proceeding under the regulation in this part for rehearing, reargument, or reconsideration in whole or in part. After reasonable notice and opportunity for hearing or such other procedure as the Administration may direct, the Administration may alter, modify, or set aside in whole or in part its decision therein if it finds such action is required by changed conditions in fact or law or by the public interest.

**§ 201.174 Petition for reopening.**

A petition for reopening for the purpose of rehearing, reargument, or reconsideration, shall be made in writing, shall state the grounds relied upon, and conform to the requirements of Subpart D of this part. If the petition is for the purpose of rehearing, said petition shall state the nature and purpose of the new evidence to be adduced and that such evidence was not available at the time of the prior hearing. If the petition be for reargument or reconsideration, the matter claimed to have been erroneously decided shall be specified and the alleged errors briefly stated. In case of exceptional circumstances, satisfactorily shown by the petitioner, a request for modification of rules or orders may be made by telegram or otherwise, upon notice to all parties or attorneys of record, but such request shall be followed by a petition filed and served in accordance with Subpart D of this part.

**§ 201.175 Answers to petition to reopen.**

Answers to petitions to reopen shall conform to the requirements of Subpart D of this part.

## Subpart S—Judicial Standards of Practice (Rule 19)

**§ 201.181 Functions of the Maritime Administration.**

(a) In general, the functions of the Administration involve hearing procedures comparable to those of a court and accordingly parties to proceedings before the Administration and persons representing these parties are expected to conduct themselves with honor and dignity. For the same reasons, the members of the Administration and those of its employees who participate with the Administration in the determination of formal proceedings are expected to conduct themselves with the same fidelity to standards of propriety that characterizes a court and its staff. The standing and the effectiveness of the Administration are in direct relation to the observance by it, its staff and the parties and attorneys appearing before it of the highest of judicial and professional ethics.

(b) It is essential in cases to be determined after notice and hearing and upon a record, or in any other cases which the Administration by order may designate, that the judicial character of the Administration be recognized and protected. As a consequence, from the time of the filing of an application or a petition which can be granted by the Administration only after notice and opportunity for hearing, or in the case of other matters from the time of notice by the Administration that such matters shall be determined after notice and opportunity for hearing, no ex parte communications, as hereinafter defined, are to constitute or be considered part of the record on which the final decision is to be predicated.

**§ 201.182 Improper pressures.**

It is determined to be improper that there be any effort by any person interested in a case before the Administration to attempt to sway the judgment

of the Administration by undertaking to bring pressure or influence to bear upon the Administration, its staff, or the presiding officer assigned to the proceeding. It is further determined to be improper that such interested persons or any member of the Administration's staff or the presiding officer directly or indirectly give statements to the press or radio, by paid advertisements or otherwise, designed to influence the Administration's judgment in the matter. In addition, it is further determined to be improper that any person solicit communications to the Administration or any of its members, its staff or the presiding officer in the case other than by counsel of record who shall serve copies thereof on all other parties to the proceeding.

**§ 201.183 Ex parte communications.**

(a) Requests for expeditious treatment of matters pending with the Administration are deemed communications on the merits and as such are improper except when forwarded from parties to a proceeding and served upon all other parties thereto. Such communications from parties to a proceeding should be in the form of a motion and are to be dealt with as such by the Administration, the presiding officer, and the parties to the proceeding. Any such request which is not made as a motion shall be placed in the public correspondence file and will not be considered by the Administration or any of its staff members or the presiding officer in connection with the disposition of the case.

(b) Written or oral communications involving any substantive or procedural issue in a matter subject to public hearing directed to a Member of the Administration, its staff, or the presiding officer in the case, from any individual in private or public life shall be deemed a private communication in respect of the merits of the case. These communications, unless otherwise provided for by law or a published rule of the Administration are deemed ex parte communications and are not to be considered part of any record or the basis for any official action by the Administration, members of its staff or the presiding officer: *Provided, however,* That this prohibition shall not be determined to apply to informal petitions or applications filed with the Administration; the usual informal communications between counsel including discussions directed toward the development of a stipulation or settlement between parties; communications of a nature deemed proper in proceedings in U.S. Federal courts; and communications which merely inquire as to the status of a proceeding without discussing issues or expressing points of view. Any prohibited communications in writing received by a Member of the Administration, its staff or the presiding officer shall be made public by placing it in the correspondence file of the docket which is available for public inspection and will not be considered by the Administration or the presiding officer as part of the record for decision. If the ex parte communication is received orally, a memorandum setting forth the substance of the conversation shall be made and filed in the correspondence section of the appropriate public docket.

### Subpart T—Effective Date (Rule 20)

**§ 201.185 Effective date and applicability of rules.**

The regulations in this part shall become effective October 23, 1964, and shall apply only to cases which are designated for hearing on or after October 23, 1964: *Provided, however,* That the regulations in this part shall be applicable to cases designated for hearing prior to October 23, 1964, if consolidated with a case designated for hearing on or after that date. All other cases designated for hearing prior to October 23, 1964, shall be governed by the rules in effect immediately prior to such date.

By order of the Maritime Administrator and the Maritime Subsidy Board.

Dated: October 19, 1964.

JAMES S. DAWSON, Jr.,
*Secretary.*

[F.R. Doc. 64-10788; Filed, Oct. 21, 1964; 8:50 a.m.]

## Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 4; Amdt. 7; Docket No. 1184]

## PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

### Duties and Obligations of Licensees

On October 9, 1964, the Federal Maritime Commission published amended § 510.23(k) in the FEDERAL REGISTER (29 F.R. 13971). The last line of the amended rule was inadvertently omitted from the rule as published.

Therefore, pursuant to the authority of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) and sections 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 841(a) and 841(b)), paragraph (k) of § 510.23 of Title 46, is hereby further amended by the addition of the following sentence: "Such records shall be retained for a period of five years."

By the Commission.

[SEAL] THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10774; Filed, Oct. 21, 1964; 8:48 a.m.]

# Title 7—AGRICULTURE

## Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

## PART 728—WHEAT

### Subpart—Farm Wheat Certificate Program for 1964 and 1965

DEPLETION OF STORED EXCESS WHEAT

*Correction*

In F.R. Doc. 64-10108, appearing at page 13635 of the issue for Tuesday, October 6, 1964, the text of § 728.108(b) preceding the first proviso should read as follows:

**§ 728.108 Depletion of stored excess wheat.**

* * * * *

(b) *Underplanting.* Whenever the wheat acreage of the then current crop of wheat on the farm is less than the farm acreage allotment and the conditions of paragraph (d) of this section are met, the total amount of wheat from any previous crops required to be stored under § 728.107 for such farm shall be reduced by that amount which is equal to the normal production of the number of acres by which the farm acreage allotment exceeds the wheat acreage: * * *

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

[C.C.C. Grain Price Support Regs., 1964-Crop Corn Supp., Amdt. 1]

## PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

### Subpart—1964-Crop Corn Loan and Purchase Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation (29 F.R. 12004) which contain regulations with respect to price support loan and purchase operations for the 1964-crop of corn are hereby amended as follows:

1. Paragraph (b) is added to § 1421.2332 to set forth the schedule of premiums and discounts.

2. Paragraph (c) is added to § 1421.2332 to set forth the basic county support rates for loans and purchases.

**§ 1421.2332 Support rates.**

* * * * *

(b) *Schedule of premiums and discounts.*

| | Cents per bushel |
|---|---|
| (1) Premiums: | |
| Grade No. 2 or better | 1 |
| Broken corn and foreign material (percent) 2.0 or less | 1 |
| Moisture content (percent) 14.0 or less | 1 |
| (2) Discounts: | |
| Weevily | 2 |
| Mixed | 2 |
| Weed control laws (see § 1421.74) | 10 |
| Other—As established by CCC for settlement purposes | |

(c) *Basic county support rates.* Basic county support rates for use in making loans and for use in settling loans and purchases for both farm-stored and warehouse-stored corn which grades No. 3 (except for moisture) or No. 4 on the factor of test weight but otherwise No. 3 or better (except for moisture) are as follows:

ALABAMA

| County | Rate per bushel |
|---|---|
| All counties | $1.23 |

ARIZONA

| | |
|---|---|
| All counties | $1.27 |

ARKANSAS

| | |
|---|---|
| All counties | $1.18 |



CALIFORNIA

| County | Rate per bushel |
|---|---|
| All counties | $1.27 |

COLORADO

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.15 | Larimer | $1.14 |
| Alamosa | 1.19 | Las Animas | 1.17 |
| Arapahoe | 1.16 | Lincoln | 1.15 |
| Archuleta | 1.21 | Logan | 1.12 |
| Baca | 1.16 | Mesa | 1.24 |
| Bent | 1.16 | Moffat | 1.24 |
| Boulder | 1.15 | Montezuma | 1.26 |
| Cheyenne | 1.14 | Montrose | 1.24 |
| Conejos | 1.19 | Morgan | 1.13 |
| Costilla | 1.19 | Otero | 1.17 |
| Crowley | 1.16 | Ouray | 1.26 |
| Custer | 1.18 | Phillips | 1.12 |
| Delta | 1.24 | Pitkin | 1.22 |
| Dolores | 1.26 | Prowers | 1.15 |
| Douglas | 1.17 | Pueblo | 1.17 |
| Elbert | 1.16 | Rio Blanco | 1.24 |
| El Paso | 1.17 | Rio Grande | 1.22 |
| Fremont | 1.18 | Routt | 1.21 |
| Garfield | 1.24 | Saguache | 1.20 |
| Grand | 1.18 | San Miguel | 1.26 |
| Huerfano | 1.18 | Sedgwick | 1.12 |
| Jefferson | 1.17 | Washington | 1.13 |
| Kiowa | 1.15 | Weld | 1.13 |
| Kit Carson | 1.18 | Yuma | 1.12 |
| La Plata | 1.23 | | |

CONNECTICUT

| | |
|---|---|
| All counties | $1.32 |

DELAWARE

| | |
|---|---|
| All counties | $1.26 |

FLORIDA

| | |
|---|---|
| All counties | $1.24 |

GEORGIA

| | |
|---|---|
| All counties | $1.24 |

IDAHO

| | |
|---|---|
| All counties | $1.22 |

ILLINOIS

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.10 | Kane | $1.12 |
| Alexander | 1.14 | Kankakee | 1.11 |
| Bond | 1.12 | Kendall | 1.11 |
| Boone | 1.11 | Knox | 1.11 |
| Brown | 1.11 | Lake | 1.12 |
| Bureau | 1.11 | La Salle | 1.11 |
| Calhoun | 1.11 | Lawrence | 1.13 |
| Carroll | 1.09 | Lee | 1.11 |
| Cass | 1.12 | Livingston | 1.11 |
| Champaign | 1.10 | Logan | 1.12 |
| Christian | 1.12 | McDonough | 1.10 |
| Clark | 1.11 | McHenry | 1.11 |
| Clay | 1.12 | McLean | 1.11 |
| Clinton | 1.12 | Macon | 1.11 |
| Coles | 1.10 | Macoupin | 1.12 |
| Cook | 1.12 | Madison | 1.12 |
| Crawford | 1.12 | Marion | 1.12 |
| Cumberland | 1.11 | Marshall | 1.12 |
| De Kalb | 1.11 | Mason | 1.12 |
| De Witt | 1.11 | Massac | 1.14 |
| Douglas | 1.10 | Menard | 1.12 |
| Du Page | 1.12 | Mercer | 1.09 |
| Edgar | 1.10 | Monroe | 1.13 |
| Edwards | 1.13 | Montgomery | 1.12 |
| Effingham | 1.12 | Morgan | 1.12 |
| Fayette | 1.12 | Moultrie | 1.10 |
| Ford | 1.10 | Ogle | 1.10 |
| Franklin | 1.13 | Peoria | 1.11 |
| Fulton | 1.11 | Perry | 1.13 |
| Gallatin | 1.14 | Piatt | 1.10 |
| Greene | 1.12 | Pike | 1.11 |
| Grundy | 1.11 | Pope | 1.14 |
| Hamilton | 1.13 | Pulaski | 1.14 |
| Hancock | 1.09 | Putnam | 1.12 |
| Hardin | 1.14 | Randolph | 1.13 |
| Henderson | 1.09 | Richland | 1.13 |
| Henry | 1.10 | Rock Island | 1.09 |
| Iroquois | 1.11 | St. Clair | 1.13 |
| Jackson | 1.13 | Saline | 1.13 |
| Jasper | 1.12 | Sangamon | 1.12 |
| Jefferson | 1.12 | Schuyler | 1.11 |
| Jersey | 1.12 | Scott | 1.12 |
| Jo Daviess | 1.09 | Shelby | 1.11 |
| Johnson | 1.13 | Stark | 1.11 |

ILLINOIS—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Stephenson | $1.10 | Wayne | $1.12 |
| Tazewell | 1.12 | White | 1.13 |
| Union | 1.13 | Whiteside | 1.09 |
| Vermilion | 1.10 | Will | 1.12 |
| Wabash | 1.13 | Williamson | 1.13 |
| Warren | 1.10 | Winnebago | 1.10 |
| Washington | 1.13 | Woodford | 1.12 |

INDIANA

| | | | |
|---|---|---|---|
| Adams | $1.11 | Lawrence | $1.13 |
| Allen | 1.11 | Madison | 1.11 |
| Bartholomew | 1.13 | Marion | 1.11 |
| Benton | 1.11 | Marshall | 1.11 |
| Blackford | 1.11 | Martin | 1.13 |
| Boone | 1.11 | Miami | 1.11 |
| Brown | 1.12 | Monroe | 1.12 |
| Carroll | 1.11 | Montgomery | 1.10 |
| Cass | 1.11 | Morgan | 1.11 |
| Clark | 1.14 | Newton | 1.11 |
| Clay | 1.11 | Noble | 1.11 |
| Clinton | 1.11 | Ohio | 1.14 |
| Crawford | 1.14 | Orange | 1.13 |
| Daviess | 1.13 | Owen | 1.11 |
| Dearborn | 1.14 | Parke | 1.10 |
| Decatur | 1.13 | Perry | 1.14 |
| De Kalb | 1.11 | Pike | 1.13 |
| Delaware | 1.11 | Porter | 1.11 |
| Dubois | 1.13 | Posey | 1.14 |
| Elkhart | 1.11 | Pulaski | 1.11 |
| Fayette | 1.12 | Putnam | 1.11 |
| Floyd | 1.14 | Randolph | 1.11 |
| Fountain | 1.10 | Ripley | 1.13 |
| Franklin | 1.13 | Rush | 1.12 |
| Fulton | 1.11 | St. Joseph | 1.11 |
| Gibson | 1.14 | Scott | 1.14 |
| Grant | 1.11 | Shelby | 1.12 |
| Greene | 1.12 | Spencer | 1.14 |
| Hamilton | 1.11 | Starke | 1.11 |
| Hancock | 1.11 | Steuben | 1.11 |
| Harrison | 1.14 | Sullivan | 1.12 |
| Hendricks | 1.11 | Switzerland | 1.14 |
| Henry | 1.11 | Tippecanoe | 1.10 |
| Howard | 1.11 | Tipton | 1.11 |
| Huntington | 1.11 | Union | 1.12 |
| Jackson | 1.13 | Vanderburgh | 1.14 |
| Jasper | 1.11 | Vermillion | 1.10 |
| Jay | 1.11 | Vigo | 1.11 |
| Jefferson | 1.14 | Wabash | 1.11 |
| Jennings | 1.13 | Warren | 1.10 |
| Johnson | 1.11 | Warrick | 1.14 |
| Knox | 1.13 | Washington | 1.14 |
| Kosciusko | 1.11 | Wayne | 1.11 |
| Lagrange | 1.11 | Wells | 1.11 |
| Lake | 1.11 | White | 1.11 |
| La Porte | 1.11 | Whitley | 1.11 |

IOWA

| | | | |
|---|---|---|---|
| Adair | $1.05 | Dubuque | $1.07 |
| Adams | 1.06 | Emmet | 1.00 |
| Allamakee | 1.04 | Fayette | 1.05 |
| Appanoose | 1.07 | Floyd | 1.02 |
| Audubon | 1.04 | Franklin | 1.02 |
| Benton | 1.06 | Fremont | 1.06 |
| Black Hawk | 1.04 | Greene | 1.03 |
| Boone | 1.08 | Grundy | 1.03 |
| Bremer | 1.03 | Guthrie | 1.04 |
| Buchanan | 1.05 | Hamilton | 1.02 |
| Buena Vista | 1.01 | Hancock | 1.01 |
| Butler | 1.03 | Hardin | 1.03 |
| Calhoun | 1.02 | Harrison | 1.05 |
| Carroll | 1.03 | Henry | 1.08 |
| Cass | 1.05 | Howard | 1.03 |
| Cedar | 1.06 | Humboldt | 1.01 |
| Cerro Gordo | 1.01 | Ida | 1.02 |
| Cherokee | 1.02 | Iowa | 1.06 |
| Chickasaw | 1.03 | Jackson | 1.06 |
| Clarke | 1.06 | Jasper | 1.04 |
| Clay | 1.01 | Jefferson | 1.07 |
| Clayton | 1.05 | Johnson | 1.07 |
| Clinton | 1.08 | Jones | 1.07 |
| Crawford | 1.08 | Keokuk | 1.06 |
| Dallas | 1.04 | Kossuth | 1.01 |
| Davis | 1.07 | Lee | 1.06 |
| Decatur | 1.06 | Linn | 1.06 |
| Delaware | 1.06 | Louisa | 1.06 |
| Des Moines | 1.06 | Lucas | 1.06 |
| Dickinson | 1.00 | Lyon | 1.00 |

IOWA—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Madison | $1.06 | Sac | $1.02 |
| Mahaska | 1.04 | Scott | 1.08 |
| Marion | 1.05 | Shelby | 1.04 |
| Marshall | 1.03 | Sioux | 1.01 |
| Mills | 1.06 | Story | 1.03 |
| Mitchell | 1.01 | Tama | 1.04 |
| Monona | 1.04 | Taylor | 1.06 |
| Monroe | 1.06 | Union | 1.06 |
| Montgomery | 1.06 | Van Buren | 1.07 |
| Muscatine | 1.06 | Wapello | 1.06 |
| O'Brien | 1.01 | Warren | 1.05 |
| Osceola | 1.00 | Washington | 1.07 |
| Page | 1.06 | Wayne | 1.06 |
| Palo Alto | 1.01 | Webster | 1.02 |
| Plymouth | 1.02 | Winnebago | 1.01 |
| Pocahontas | 1.01 | Winneshiek | 1.04 |
| Polk | 1.04 | Woodbury | 1.02 |
| Pottawattamie | 1.06 | Worth | 1.01 |
| Poweshiek | 1.04 | Wright | 1.01 |
| Ringgold | 1.06 | | |

KANSAS

| | | | |
|---|---|---|---|
| Allen | $1.13 | Linn | $1.13 |
| Anderson | 1.12 | Logan | 1.12 |
| Atchison | 1.10 | Lyon | 1.10 |
| Barber | 1.14 | McPherson | 1.10 |
| Barton | 1.11 | Marion | 1.10 |
| Bourbon | 1.13 | Marshall | 1.07 |
| Brown | 1.08 | Meade | 1.14 |
| Butler | 1.12 | Miami | 1.12 |
| Chase | 1.10 | Mitchell | 1.08 |
| Chautauqua | 1.15 | Montgomery | 1.15 |
| Cherokee | 1.15 | Morris | 1.10 |
| Cheyenne | 1.10 | Morton | 1.14 |
| Clark | 1.14 | Nemaha | 1.08 |
| Clay | 1.07 | Neosho | 1.14 |
| Cloud | 1.07 | Ness | 1.13 |
| Coffey | 1.12 | Norton | 1.06 |
| Comanche | 1.14 | Osage | 1.10 |
| Cowley | 1.14 | Osborne | 1.08 |
| Crawford | 1.15 | Ottawa | 1.08 |
| Decatur | 1.09 | Pawnee | 1.12 |
| Dickinson | 1.09 | Phillips | 1.07 |
| Doniphan | 1.09 | Pottawatomie | 1.08 |
| Douglas | 1.10 | Pratt | 1.13 |
| Edwards | 1.12 | Rawlins | 1.10 |
| Elk | 1.14 | Reno | 1.12 |
| Ellis | 1.10 | Republic | 1.06 |
| Ellsworth | 1.10 | Rice | 1.11 |
| Finney | 1.13 | Riley | 1.07 |
| Ford | 1.13 | Rooks | 1.09 |
| Franklin | 1.11 | Rush | 1.11 |
| Geary | 1.09 | Russell | 1.09 |
| Gove | 1.12 | Saline | 1.09 |
| Graham | 1.09 | Scott | 1.13 |
| Grant | 1.13 | Sedgwick | 1.13 |
| Gray | 1.13 | Seward | 1.14 |
| Greeley | 1.13 | Shawnee | 1.09 |
| Greenwood | 1.12 | Sheridan | 1.09 |
| Hamilton | 1.13 | Sherman | 1.11 |
| Harper | 1.14 | Smith | 1.06 |
| Harvey | 1.12 | Stafford | 1.12 |
| Haskell | 1.13 | Stanton | 1.13 |
| Hodgeman | 1.13 | Stevens | 1.14 |
| Jackson | 1.09 | Sumner | 1.14 |
| Jefferson | 1.10 | Thomas | 1.11 |
| Jewell | 1.06 | Trego | 1.12 |
| Johnson | 1.11 | Wabaunsee | 1.09 |
| Kearny | 1.13 | Wallace | 1.12 |
| Kingman | 1.13 | Washington | 1.07 |
| Kiowa | 1.13 | Wichita | 1.13 |
| Labette | 1.15 | Wilson | 1.14 |
| Lane | 1.13 | Woodson | 1.13 |
| Leavenworth | 1.11 | Wyandotte | 1.11 |
| Lincoln | 1.09 | | |

KENTUCKY

| | | | |
|---|---|---|---|
| Adair | $1.20 | Boyle | $1.20 |
| Allen | 1.20 | Bracken | 1.18 |
| Anderson | 1.19 | Breathitt | 1.23 |
| Ballard | 1.16 | Breckenridge | 1.16 |
| Barren | 1.19 | Bullitt | 1.17 |
| Bath | 1.21 | Butler | 1.18 |
| Bell | 1.23 | Caldwell | 1.18 |
| Boone | 1.16 | Calloway | 1.17 |
| Bourbon | 1.20 | Campbell | 1.16 |
| Boyd | 1.20 | Carlisle | 1.16 |

KENTUCKY—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Carroll | $1.16 | Logan | $1.19 |
| Carter | 1.20 | Lyon | 1.18 |
| Casey | 1.20 | McCracken | 1.16 |
| Christian | 1.19 | McCreary | 1.21 |
| Clark | 1.21 | McLean | 1.17 |
| Clay | 1.22 | Madison | 1.21 |
| Clinton | 1.21 | Magoffin | 1.23 |
| Crittenden | 1.16 | Marion | 1.19 |
| Cumberland | 1.20 | Marshall | 1.17 |
| Daviess | 1.16 | Martin | 1.22 |
| Edmonson | 1.18 | Mason | 1.18 |
| Elliott | 1.21 | Meade | 1.16 |
| Estill | 1.21 | Menifee | 1.21 |
| Fayette | 1.20 | Mercer | 1.20 |
| Fleming | 1.19 | Metcalfe | 1.20 |
| Floyd | 1.23 | Monroe | 1.20 |
| Franklin | 1.18 | Montgomery | 1.21 |
| Fulton | 1.16 | Morgan | 1.22 |
| Gallatin | 1.16 | Muhlenburg | 1.18 |
| Garrard | 1.21 | Nelson | 1.18 |
| Grant | 1.17 | Nicholas | 1.20 |
| Graves | 1.16 | Ohio | 1.17 |
| Grayson | 1.17 | Oldham | 1.16 |
| Green | 1.20 | Owen | 1.17 |
| Greenup | 1.19 | Owsley | 1.22 |
| Hancock | 1.18 | Pendleton | 1.17 |
| Hardin | 1.17 | Perry | 1.23 |
| Harlan | 1.23 | Pike | 1.23 |
| Harrison | 1.19 | Powell | 1.21 |
| Hart | 1.19 | Pulaski | 1.21 |
| Henderson | 1.16 | Robertson | 1.19 |
| Henry | 1.17 | Rockcastle | 1.21 |
| Hickman | 1.18 | Rowan | 1.21 |
| Hopkins | 1.18 | Russell | 1.21 |
| Jackson | 1.22 | Scott | 1.19 |
| Jefferson | 1.16 | Shelby | 1.17 |
| Jessamine | 1.21 | Simpson | 1.20 |
| Johnson | 1.22 | Spencer | 1.17 |
| Kenton | 1.16 | Taylor | 1.19 |
| Knott | 1.23 | Todd | 1.19 |
| Knox | 1.22 | Trigg | 1.19 |
| Larue | 1.18 | Trimble | 1.16 |
| Laurel | 1.22 | Union | 1.16 |
| Lawrence | 1.21 | Warren | 1.19 |
| Lee | 1.22 | Washington | 1.19 |
| Leslie | 1.23 | Wayne | 1.21 |
| Letcher | 1.23 | Webster | 1.17 |
| Lewis | 1.18 | Whitley | 1.22 |
| Lincoln | 1.21 | Wolfe | 1.22 |
| Livingston | 1.16 | Woodford | 1.20 |

LOUISIANA

All counties $1.21

MAINE

All counties $1.32

MARYLAND

All counties $1.26

MASSACHUSETTS

All counties $1.32

MICHIGAN

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Allegan | $1.12 | Livingston | $1.13 |
| Barry | 1.12 | Macomb | 1.13 |
| Berrien | 1.11 | Mecosta | 1.13 |
| Branch | 1.12 | Midland | 1.13 |
| Calhoun | 1.12 | Monroe | 1.13 |
| Cass | 1.11 | Montcalm | 1.13 |
| Clinton | 1.13 | Oakland | 1.13 |
| Eaton | 1.13 | Saginaw | 1.13 |
| Genesee | 1.13 | St. Clair | 1.13 |
| Gratiot | 1.13 | St. Joseph | 1.11 |
| Hillsdale | 1.12 | Sanilac | 1.13 |
| Ingham | 1.13 | Shiawassee | 1.13 |
| Ionia | 1.13 | Tuscola | 1.13 |
| Isabella | 1.13 | Van Buren | 1.11 |
| Jackson | 1.13 | Washtenaw | 1.13 |
| Kalamazoo | 1.12 | Wayne | 1.13 |
| Kent | 1.13 | All other counties | 1.14 |
| Lapeer | 1.13 | | |
| Lenawee | 1.13 | | |

MINNESOTA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Aitkin | $1.02 | Blue Earth | $1.01 |
| Anoka | 1.04 | Brown | 1.01 |
| Becker | 1.00 | Carlton | 1.03 |
| Beltrami | 1.00 | Carver | 1.03 |
| Benton | 1.02 | Cass | 1.01 |
| Big Stone | .98 | Chippewa | .99 |
| Chisago | $1.04 | Murray | $0.99 |
| Clay | .99 | Nicollet | 1.02 |
| Clearwater | 1.00 | Nobles | .99 |
| Cook | 1.02 | Norman | .99 |
| Cottonwood | 1.00 | Olmsted | 1.03 |
| Crow Wing | 1.01 | Otter Tail | 1.00 |
| Dakota | 1.04 | Pennington | .99 |
| Dodge | 1.02 | Pine | 1.03 |
| Douglas | 1.01 | Pipestone | .99 |
| Faribault | .99 | Polk | .99 |
| Fillmore | 1.03 | Pope | 1.00 |
| Freeborn | 1.01 | Ramsey | 1.04 |
| Goodhue | 1.04 | Red Lake | .99 |
| Grant | 1.00 | Redwood | 1.00 |
| Hennepin | 1.03 | Renville | 1.01 |
| Houston | 1.04 | Rice | 1.03 |
| Hubbard | 1.00 | Rock | .99 |
| Isanti | 1.03 | Roseau | .99 |
| Itasca | 1.02 | St. Louis | 1.02 |
| Jackson | .99 | Scott | 1.03 |
| Kanabec | 1.03 | Sherburne | 1.02 |
| Kandiyohi | 1.01 | Sibley | 1.02 |
| Kittson | .99 | Stearns | 1.02 |
| Koochiching | 1.02 | Steele | 1.01 |
| Lac Qui Parle | .98 | Stevens | .99 |
| Lake | 1.02 | Swift | 1.00 |
| Lake of the Woods | 1.00 | Todd | 1.01 |
| Le Sueur | 1.02 | Traverse | .98 |
| Lincoln | .98 | Wabasha | 1.04 |
| Lyon | .99 | Wadena | 1.01 |
| McLeod | 1.02 | Waseca | 1.01 |
| Mahnomen | .99 | Washington | 1.05 |
| Marshall | .99 | Watonwan | 1.00 |
| Martin | .99 | Wilkin | .99 |
| Meeker | 1.02 | Winona | 1.04 |
| Mille Lacs | 1.02 | Wright | 1.02 |
| Morrison | 1.01 | Yellow Medicine | .99 |
| Mower | 1.02 | | |

MISSISSIPPI

All counties $1.21

MISSOURI

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adair | $1.10 | Howard | $1.12 |
| Andrew | 1.09 | Howell | 1.15 |
| Atchison | 1.08 | Iron | 1.14 |
| Audrain | 1.12 | Jackson | 1.12 |
| Barry | 1.15 | Jasper | 1.14 |
| Barton | 1.14 | Jefferson | 1.13 |
| Bates | 1.12 | Johnson | 1.12 |
| Benton | 1.12 | Knox | 1.10 |
| Bollinger | 1.14 | Laclede | 1.14 |
| Boone | 1.12 | Lafayette | 1.12 |
| Buchanan | 1.11 | Lawrence | 1.14 |
| Butler | 1.15 | Lewis | 1.10 |
| Caldwell | 1.12 | Lincoln | 1.12 |
| Calloway | 1.12 | Linn | 1.11 |
| Camden | 1.14 | Livingston | 1.11 |
| Cape Girardeau | 1.14 | McDonald | 1.15 |
| Carroll | 1.12 | Macon | 1.12 |
| Carter | 1.15 | Madison | 1.14 |
| Cass | 1.12 | Maries | 1.14 |
| Cedar | 1.13 | Marion | 1.10 |
| Chariton | 1.12 | Mercer | 1.08 |
| Christian | 1.15 | Miller | 1.14 |
| Clark | 1.09 | Mississippi | 1.15 |
| Clay | 1.12 | Moniteau | 1.13 |
| Clinton | 1.12 | Monroe | 1.12 |
| Cole | 1.13 | Montgomery | 1.12 |
| Cooper | 1.12 | Morgan | 1.13 |
| Crawford | 1.14 | New Madrid | 1.15 |
| Dade | 1.14 | Newton | 1.15 |
| Dallas | 1.14 | Nodaway | 1.08 |
| Daviess | 1.10 | Oregon | 1.15 |
| De Kalb | 1.10 | Osage | 1.13 |
| Dent | 1.14 | Ozark | 1.15 |
| Douglas | 1.15 | Pemiscot | 1.15 |
| Dunklin | 1.15 | Perry | 1.14 |
| Franklin | 1.13 | Pettis | 1.12 |
| Gasconade | 1.13 | Phelps | 1.14 |
| Gentry | 1.09 | Pike | 1.11 |
| Greene | 1.14 | Platte | 1.12 |
| Grundy | 1.10 | Polk | 1.14 |
| Harrison | 1.08 | Pulaski | 1.14 |
| Henry | 1.12 | Putnam | 1.09 |
| Hickory | 1.13 | Ralls | 1.11 |
| Holt | 1.09 | Randolph | 1.12 |
| | | Ray | 1.12 |

MISSOURI—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Reynolds | $1.14 | Shelby | $1.11 |
| Ripley | 1.15 | Stoddard | 1.15 |
| St. Charles | 1.12 | Stone | 1.15 |
| St. Clair | 1.13 | Sullivan | 1.10 |
| St. Francis | 1.14 | Taney | 1.15 |
| St. Louis | 1.13 | Texas | 1.14 |
| Ste. Genevieve | 1.13 | Vernon | 1.13 |
| Saline | 1.12 | Warren | 1.12 |
| Schuyler | 1.09 | Washington | 1.14 |
| Scotland | 1.06 | Wayne | 1.14 |
| Scott | 1.15 | Webster | 1.14 |
| Shannon | 1.14 | Worth | 1.08 |
| | | Wright | 1.14 |

MONTANA

All counties $1.15

NEBRASKA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.04 | Jefferson | $1.06 |
| Antelope | 1.02 | Johnson | 1.06 |
| Arthur | 1.08 | Kearney | 1.04 |
| Banner | 1.11 | Keith | 1.09 |
| Blaine | 1.05 | Keyapaha | 1.04 |
| Boone | 1.03 | Kimball | 1.11 |
| Box Butte | 1.10 | Knox | 1.02 |
| Boyd | 1.02 | Lancaster | 1.04 |
| Brown | 1.04 | Lincoln | 1.07 |
| Buffalo | 1.04 | Logan | 1.07 |
| Burt | 1.04 | Loup | 1.05 |
| Butler | 1.04 | McPherson | 1.07 |
| Cass | 1.05 | Madison | 1.03 |
| Cedar | 1.02 | Merrick | 1.04 |
| Chase | 1.08 | Morrill | 1.11 |
| Cherry | 1.06 | Nance | 1.04 |
| Cheyenne | 1.10 | Nemaha | 1.06 |
| Clay | 1.04 | Nuckolls | 1.05 |
| Colfax | 1.04 | Otoe | 1.05 |
| Cuming | 1.03 | Pawnee | 1.07 |
| Custer | 1.06 | Perkins | 1.08 |
| Dakota | 1.02 | Phelps | 1.05 |
| Dawes | 1.10 | Pierce | 1.02 |
| Dawson | 1.05 | Platte | 1.04 |
| Deuel | 1.10 | Polk | 1.05 |
| Dixon | 1.02 | Red Willow | 1.07 |
| Dodge | 1.04 | Richardson | 1.07 |
| Douglas | 1.05 | Rock | 1.04 |
| Dundy | 1.08 | Saline | 1.05 |
| Fillmore | 1.04 | Sarpy | 1.05 |
| Franklin | 1.04 | Saunders | 1.04 |
| Frontier | 1.06 | Scotts Bluff | 1.11 |
| Furnas | 1.06 | Seward | 1.04 |
| Gage | 1.06 | Sheridan | 1.09 |
| Garden | 1.09 | Sherman | 1.05 |
| Garfield | 1.05 | Sioux | 1.11 |
| Gosper | 1.06 | Stanton | 1.03 |
| Grant | 1.07 | Thayer | 1.05 |
| Greeley | 1.04 | Thomas | 1.06 |
| Hall | 1.04 | Thurston | 1.03 |
| Hamilton | 1.04 | Valley | 1.05 |
| Harlan | 1.05 | Washington | 1.05 |
| Hayes | 1.08 | Wayne | 1.02 |
| Hitchcock | 1.08 | Webster | 1.05 |
| Holt | 1.03 | Wheeler | 1.04 |
| Hooker | 1.06 | York | 1.04 |
| Howard | 1.04 | | |

NEVADA

All counties $1.28

NEW HAMPSHIRE

All counties $1.32

NEW JERSEY

All counties $1.28

NEW MEXICO

All counties $1.24

NEW YORK

All counties $1.27

NORTH CAROLINA

All counties $1.26

NORTH DAKOTA

All counties $0.99

OHIO

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.17 | Athens | $1.19 |
| Allen | 1.12 | Auglaize | 1.12 |
| Ashland | 1.16 | Belmont | 1.21 |
| Ashtabula | 1.22 | Brown | 1.17 |



OHIO—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Butler | $1.13 | Madison | $1.14 |
| Carroll | 1.20 | Mahoning | 1.22 |
| Champaign | 1.13 | Marion | 1.14 |
| Clark | 1.13 | Medina | 1.17 |
| Clermont | 1.15 | Meigs | 1.19 |
| Clinton | 1.14 | Mercer | 1.12 |
| Columbiana | 1.22 | Miami | 1.12 |
| Coshocton | 1.17 | Monroe | 1.21 |
| Crawford | 1.14 | Montgomery | 1.18 |
| Cuyahoga | 1.18 | Morgan | 1.18 |
| Darke | 1.12 | Morrow | 1.15 |
| Defiance | 1.12 | Muskingum | 1.17 |
| Delaware | 1.14 | Noble | 1.19 |
| Erie | 1.16 | Ottawa | 1.15 |
| Fairfield | 1.16 | Paulding | 1.12 |
| Fayette | 1.15 | Perry | 1.17 |
| Franklin | 1.14 | Pickaway | 1.15 |
| Fulton | 1.13 | Pike | 1.16 |
| Gallia | 1.18 | Portage | 1.20 |
| Geauga | 1.20 | Preble | 1.12 |
| Greene | 1.13 | Putnam | 1.13 |
| Guernsey | 1.19 | Richland | 1.15 |
| Hamilton | 1.14 | Ross | 1.16 |
| Hancock | 1.13 | Sandusky | 1.15 |
| Hardin | 1.13 | Scioto | 1.17 |
| Harrison | 1.20 | Seneca | 1.14 |
| Henry | 1.13 | Shelby | 1.12 |
| Highland | 1.15 | Stark | 1.19 |
| Hocking | 1.17 | Summit | 1.18 |
| Holmes | 1.17 | Trumbull | 1.22 |
| Huron | 1.16 | Tuscarawas | 1.19 |
| Jackson | 1.17 | Union | 1.13 |
| Jefferson | 1.22 | Van Wert | 1.12 |
| Knox | 1.15 | Vinton | 1.17 |
| Lake | 1.20 | Warren | 1.14 |
| Lawrence | 1.18 | Washington | 1.20 |
| Licking | 1.15 | Wayne | 1.17 |
| Logan | 1.13 | Williams | 1.12 |
| Lorain | 1.17 | Wood | 1.14 |
| Lucas | 1.14 | Wyandot | 1.14 |

OKLAHOMA

All counties $1.18

OREGON

All counties $1.24

PENNSYLVANIA

All counties $1.27

RHODE ISLAND

All counties $1.32

SOUTH CAROLINA

All counties $1.26

SOUTH DAKOTA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Armstrong | $1.02 | Hutchinson | $0.99 |
| Aurora | .98 | Hyde | 1.00 |
| Beadle | .98 | Jackson | 1.04 |
| Bennett | 1.05 | Jerauld | .98 |
| Bon Homme | .99 | Jones | 1.03 |
| Brookings | .98 | Kingsbury | .98 |
| Brown | .98 | Lake | .98 |
| Brule | .99 | Lawrence | 1.05 |
| Buffalo | .99 | Lincoln | 1.00 |
| Butte | 1.05 | Lyman | 1.01 |
| Campbell | 1.01 | McCook | .99 |
| Charles Mix | .98 | McPherson | 1.00 |
| Clark | .98 | Marshall | .98 |
| Clay | 1.00 | Meade | 1.04 |
| Codington | .98 | Mellette | 1.03 |
| Corson | 1.03 | Miner | .98 |
| Custer | 1.06 | Minnehaha | .99 |
| Davison | .98 | Moody | .98 |
| Day | .98 | Pennington | 1.05 |
| Deuel | .98 | Perkins | 1.04 |
| Dewey | 1.06 | Potter | 1.02 |
| Douglas | .98 | Roberts | .98 |
| Edmunds | 1.00 | Sanborn | .98 |
| Fall River | 1.09 | Shannon | 1.07 |
| Faulk | 1.00 | Spink | .98 |
| Grant | .98 | Stanley | 1.03 |
| Gregory | .99 | Sully | 1.01 |
| Haakon | 1.06 | Todd | 1.03 |
| Hamlin | .98 | Tripp | 1.00 |
| Hand | .99 | Turner | 1.00 |
| Hanson | .98 | Union | 1.00 |
| Harding | 1.06 | Walworth | 1.02 |
| Hughes | 1.01 | Washabaugh | 1.04 |

SOUTH DAKOTA—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Washington | $1.06 | Ziebach | $1.04 |
| Yankton | 1.00 | | |

TENNESSEE

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Anderson | $1.24 | Lauderdale | $1.18 |
| Bedford | 1.21 | Lawrence | 1.20 |
| Benton | 1.20 | Lewis | 1.20 |
| Bledsoe | 1.22 | Lincoln | 1.20 |
| Blount | 1.25 | Loudon | 1.24 |
| Bradley | 1.23 | McMinn | 1.23 |
| Campbell | 1.24 | McNairy | 1.20 |
| Cannon | 1.22 | Macon | 1.21 |
| Carroll | 1.19 | Madison | 1.19 |
| Carter | 1.25 | Marion | 1.21 |
| Cheatham | 1.20 | Marshall | 1.22 |
| Chester | 1.19 | Maury | 1.20 |
| Claiborne | 1.24 | Meigs | 1.23 |
| Clay | 1.22 | Monroe | 1.24 |
| Cocke | 1.25 | Montgomery | 1.20 |
| Coffee | 1.21 | Moore | 1.22 |
| Crockett | 1.19 | Morgan | 1.23 |
| Cumberland | 1.23 | Obion | 1.18 |
| Davidson | 1.21 | Overton | 1.22 |
| Decatur | 1.20 | Perry | 1.20 |
| DeKalb | 1.22 | Pickett | 1.22 |
| Dickson | 1.20 | Polk | 1.23 |
| Dyer | 1.18 | Putnam | 1.22 |
| Fayette | 1.19 | Rhea | 1.23 |
| Fentress | 1.23 | Roane | 1.24 |
| Franklin | 1.20 | Robertson | 1.20 |
| Gibson | 1.18 | Rutherford | 1.21 |
| Giles | 1.20 | Scott | 1.23 |
| Grainger | 1.25 | Sequatchie | 1.22 |
| Greene | 1.25 | Sevier | 1.25 |
| Grundy | 1.22 | Shelby | 1.18 |
| Hamblen | 1.25 | Smith | 1.21 |
| Hamilton | 1.22 | Stewart | 1.20 |
| Hancock | 1.25 | Sullivan | 1.25 |
| Hardeman | 1.19 | Sumner | 1.21 |
| Hardin | 1.20 | Tipton | 1.18 |
| Hawkins | 1.25 | Trousdale | 1.21 |
| Haywood | 1.19 | Unicoi | 1.25 |
| Henderson | 1.19 | Union | 1.24 |
| Henry | 1.19 | Van Buren | 1.22 |
| Hickman | 1.20 | Warren | 1.22 |
| Houston | 1.20 | Washington | 1.25 |
| Humphreys | 1.20 | Wayne | 1.20 |
| Jackson | 1.22 | Weakley | 1.18 |
| Jefferson | 1.25 | White | 1.22 |
| Johnson | 1.25 | Williamson | 1.21 |
| Knox | 1.24 | Wilson | 1.21 |
| Lake | 1.18 | | |

TEXAS

All counties $1.20

UTAH

All counties $1.27

VERMONT

All counties $1.32

VIRGINIA

All counties $1.26

WASHINGTON

All counties $1.22

WEST VIRGINIA

All counties $1.25

WISCONSIN

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.10 | Fond du Lac | $1.11 |
| Ashland | 1.10 | Forest | 1.12 |
| Barron | 1.08 | Grant | 1.08 |
| Bayfield | 1.09 | Green | 1.10 |
| Brown | 1.12 | Green Lake | 1.11 |
| Buffalo | 1.08 | Iowa | 1.10 |
| Burnett | 1.08 | Iron | 1.11 |
| Calumet | 1.12 | Jackson | 1.09 |
| Chippewa | 1.09 | Jefferson | 1.11 |
| Clark | 1.10 | Juneau | 1.10 |
| Columbia | 1.11 | Kenosha | 1.12 |
| Crawford | 1.08 | Kewaunee | 1.13 |
| Dane | 1.11 | La Crosse | 1.08 |
| Dodge | 1.11 | Lafayette | 1.10 |
| Door | 1.13 | Langlade | 1.12 |
| Douglas | 1.08 | Lincoln | 1.11 |
| Dunn | 1.08 | Manitowoc | 1.13 |
| Eau Claire | 1.09 | Marathon | 1.11 |
| Florence | 1.12 | Marinette | 1.12 |
| Marquette | $1.11 | Sauk | $1.10 |
| Milwaukee | 1.12 | Sawyer | 1.09 |
| Monroe | 1.09 | Shawano | 1.12 |
| Oconto | 1.12 | Sheboygan | 1.12 |
| Oneida | 1.12 | Taylor | 1.10 |
| Outagamie | 1.11 | Trempealeau | 1.08 |
| Ozaukee | 1.12 | Vernon | 1.08 |
| Pepin | 1.08 | Vilas | 1.12 |
| Pierce | 1.08 | Walworth | 1.11 |
| Polk | 1.08 | Washburn | 1.08 |
| Portage | 1.11 | Washington | 1.11 |
| Price | 1.10 | Waukesha | 1.11 |
| Racine | 1.12 | Waupaca | 1.12 |
| Richland | 1.09 | Waushara | 1.11 |
| Rock | 1.11 | Winnebago | 1.12 |
| Rusk | 1.09 | Wood | 1.10 |
| St. Croix | 1.08 | | |

WYOMING

All counties $1.15

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 16, 1964.

E. A. JAENKE,
*Acting Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 64-10736; Filed, Oct. 21, 1964; 8:45 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 71—GENERAL PROVISIONS

PART 78—BRUCELLOSIS

PART 79—SCRAPIE IN SHEEP

PART 80—PARATUBERCULOSIS IN DOMESTIC ANIMALS

PART 82—PSITTACOSIS OR ORNITHOSIS IN POULTRY

PART 83—SCREWWORMS

### Interstate Movement of Animals and Poultry Because of Certain Communicable Diseases

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of May 31, 1920, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114a–1, 114g, 115, 116, 117, 120, 121, 123–126, 134b, 134f), the provisions of Parts 71, 78, 79, 80, 82, and 83, Subchapter C, Chapter I, Code of Federal Regulations, are hereby amended in the following respects:

1. Paragraph (l) of § 71.1 is amended and redesignated as paragraph (m), and a new paragraph (l) is added to read as follows:

§ 71.1 Definitions.

• • • • •

(l) *State.* Any State, Territory, the District of Columbia, or Puerto Rico.

(m) *Interstate.* From one State into or through any other State.

2. Paragraphs (d) and (e) of §78.1 are amended to read, respectively:

§ 78.1 Definitions.

• • • • • •

(d) *State.* Any State, Territory, the District of Columbia, or Puerto Rico.

(e) *Interstate.* From one State into or through any other State.

• • • • • •

3. Paragraph (f) of § 79.1 is amended and redesignated as paragraph (g), and a new paragraph (f) is added to read as follows:

§ 79.1 Definitions.

• • • • • •

(f) *State.* Any State, Territory, the District of Columbia, or Puerto Rico.

(g) *Interstate.* From one State into or through any other State.

4. Paragraphs (b) and (c) of § 80.1 are amended to read, respectively:

§ 80.1 Definitions.

• • • • • •

(b) *State.* Any State, Territory, the District of Columbia, or Puerto Rico.

(c) *Interstate.* From one State into or through any other State.

• • • • • •

5. Paragraphs (b) and (c) of § 82.1 are amended to read, respectively:

§ 82.1 Definitions.

• • • • • •

(b) *State.* Any State, Territory, the District of Columbia, or Puerto Rico.

(c) *Interstate.* From one State into or through any other State.

• • • • • •

6. Paragraphs (i) and (j) of § 83.1 are amended to read, respectively:

§ 83.1 Definitions.

• • • • • •

(i) *State.* Any State (other than Alaska or Hawaii), Territory, the District of Columbia, or Puerto Rico.

(j) *Interstate.* From one State into or through any other State.

• • • • • •

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, 41 Stat. 699, sec. 2, 65 Stat. 693, 75 Stat. 481, 76 Stat. 130; 21 U.S.C. 111–113, 114a–1, 114g, 116, 120, 121, 128–126, 134b, 134f; 19 F.R. 74 as amended)

The purpose of the amendments is to clarify the intent of the regulations as contained in 9 CFR Parts 71, 78, 79, 80, 82, and 83, by bringing the respective definitions of the words "State" and "Interstate" as set forth in §§ 71.1, 78.1, 79.1, 80.1, 82.1, and 83.1, into closer conformity with each other. The amendments make no substantive change in such regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are unnecessary, and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

*Effective date.* The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of October 1964.

B. T. SHAW,
*Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 64–10786; Filed, Oct. 21, 1964; 8:49 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Airspace Docket No. 63–WE–5]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Transition Area

*Correction*

In F.R. Doc. 64–10414, appearing at page 14104 of the issue for Wednesday, October 14, 1964, the following correction is made in the airspace description under item 3b: In the 24th and 25th lines of the airspace description, "longitude 111°80'00" W." should read "longitude 111°30'00" W.".

## Chapter II—Civil Aeronautics Board

[Docket No. 15080; Order E-21410]

## PART 288—EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS AND SUBSTITUTE SERVICE

### Order Denying Petition for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of October 1964.

Notice of proposed rule making in Docket 15080 was published March 13, 1964 (29 F.R. 3440), proposing to amend Part 288 of the Economic Regulations (14 CFR Part 288) by reducing minimum rates applicable to all-cargo charters in overseas and foreign air transportation to reflect the lower unit opearting costs of turbojet aircraft, in anticipation that such aircraft would be used increasingly by the military in fiscal year 1965. On April 17, 1964, in Regulation ER–403, the Board adopted the proposed minimum rates effective July 1, 1964 (29 F.R. 5389). The preamble noted that The Flying Tiger Line Inc. (FTL) had challenged the validity of the reduced minimum cargo rates for operations on the North Pacific route (between a point in the 48 contiguous States and Japan via Alaska), contending that North Pacific operations were more costly than those over Mid-Pacific routings. The Board stated that it was unable at that time to determine whether an adjustment should be made with respect to North Pacific operations for lack of sufficient factual data.

On May 6, 1964, before the rates specified in ER–403 became effective, FTL petitioned for reconsideration of ER–403 and accompanied the petition with economic data justifying a rate differential on North Pacific operations. No answers were received to the petition. On August 18, 1964, the Board adopted Regulation ER–414, effective September 1, 1964, amending Part 288 to provide for higher minimum rates on the North Pacific route based upon evidence of the higher costs of operating over such a routing than over the Mid-Pacific route (29 F.R. 12027).

By petition filed September 3, 1964, the Military Air Transport Service of the Department of Defense (MATS) has requested that the Board reconsider and rescind its decision in ER–414. MATS contends that the costs relied on by the Board were based on the experience of one carrier and one type of aircraft and that minimum rates should not be based upon the cost experience of the highest-cost operator or the highest-cost equipment but upon an industry average; that the Board has not previously set separate minimum rates for specific areas except where jet service is not feasible; that carriers may bid at prices higher than the minimum rates set in Part 288 and that the question of a higher price due to higher costs is a matter for contract negotiation between MATS and the carrier involved; and that the Board should not disturb the terms of contracts after execution.

FTL filed an answer to the petition stating that the cost differential found between the Mid-Pacific and North Pacific routes in ER–414 was not based upon cost criteria of the highest-cost operator or the highest-cost equipment but upon cost factors that would apply regardless of the operator or the aircraft; that MATS contracts provide for amendment when Part 288 minimums are reduced subsequent to execution; and that the contracting parties are aware that Part 288 may be modified from time to time.

The Board has considered the petition and answer filed herein and concludes that the MATS petition should be denied.

MATS challenges the increase in the minimum rate applicable to North Pacific all-cargo charters principally on the ground that it reflects the experience of only one carrier using only CL–44 aircraft. Such is not the case.

We determined in ER–414 that operational considerations peculiar to the North Pacific routing resulted in higher costs to carriers operating over such a routing. Specifically, we found that the North Pacific routing caused significantly higher fuel, crew, and maintenance costs, a finding that is not disputed in the MATS petition. The process employed in ER–414 was one of determining the dimensions of the North Pacific cost differential and adding the amount of such differential to the minimum rate fixed in ER–403, a rate based on an industry average cost computation assuming approximately equal use of



CL–44 and turbojet aircraft in all-cargo charters.[1]

It is true that we used a comparison of the operations of two CL–44 operators, The Slick Corporation (Slick) and FTL, in estimating the differential. However, the factors causing higher costs on the North Pacific routing would affect any operations over that routing regardless of the carrier or type of aircraft employed. We believe that our estimate of the differential was a conservative one, and MATS does not suggest that the rate differential does not reflect the reasonable cost disparity.

The MATS petition points out that other carriers using other aircraft (B–707–320C and DC–8F) have performed North Pacific cargo charters, pursuant to the expansion provisions of their contracts. This fact proves nothing, however, in the absence of a further showing that other carriers or aircraft can operate over the North Pacific route without suffering the extra costs to which FTL operations have been subject. It may be noted that jet operators were awarded only one small fixed-buy cargo contract calling for a North Pacific routing. All other North Pacific cargo charters operated by these carriers have been awarded pursuant to the expansion provisions of their contracts and are not substantial when compared with the total operations of Slick and FTL. Moreover, better than two-thirds of the charters awarded the jet operators for the North Pacific route and paid for on that basis were actually flown Mid-Pacific despite the additional miles required. Only FTL regularly operates via the North Pacific route.

MATS also points out that the Board has not fixed a regional minimum rate previously except with respect to those areas where jet operations are not feasible. However, the purpose of Part 288 is to maintain sound economic conditions in the industry, and the minimum rates should reflect cost factors peculiar to a regional operation where necessary to accomplish that purpose. Thus, in ER–414 we found the extra costs associated with operating over the North Pacific route were substantial enough to require a special minimum rate.

It may be added that the cost per ton delivered over the North Pacific route is still well below that over the Mid-Pacific routing because of the substantial mileage savings.

In view of the foregoing, the Board finds that no modification of its action in ER–414 is warranted or required.

*Accordingly, it is ordered:*

That the petition of Military Air Transport Service for reconsideration of Regulation ER–414, Docket 15080, be and hereby is denied.

This order will be published in the FEDERAL REGISTER.

[1] The fiscal 1965 contracts actually placed approximately 90 percent of the all-cargo charters in the hands of the CL–44 operators. According to information supplied by MATS, during July and August, when expansion business was very heavy, the CL–44 operators carried 70 percent of the traffic moved in one-way cargo charters.



By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64–10776; Filed, Oct. 21, 1964; 8:48 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. C–843]

## PART 13—PROHIBITED TRADE PRACTICES

### Robert F. Bruns and Bruns-Travers Furs

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart — Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* 13.1865–40 Fur Products Labeling Act; § 13.1880 *Old, used, or reclaimed as unused or new:* 13.1880–40 Fur Products Labeling Act; § 13.1900 *Source or origin:* 13.1900–40 Fur Products Labeling Act: 13.1900–40(b) Place.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Robert F. Bruns trading as Bruns-Travers Furs, Omaha, Nebr., Docket C–843, Oct. 5, 1964]

*In the Matter of Robert F. Bruns on Individual Trading as Bruns-Travers Furs*

Consent order requiring an Omaha, Nebr., furrier to cease violating the Fur Products Labeling Act by such practices as failing to disclose on labels when fur products contained used fur and to use the term "secondhand" where required; failing, on invoices, to show the true animal name of fur and the country of origin of imported furs, to disclose when fur was artificially colored and to use the terms "Persian Lamb" and "natural"; substituting non-conforming labels for those originally attached to fur products; and failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondent Robert F. Bruns, an individual, trading as Bruns-Travers Furs, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to disclose that fur products contain or are composed of secondhand used fur.

3. Failing to completely set out information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder on one side of the labels affixed to fur products.

4. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

5. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely and deceptively invoicing fur products by:

1. Failing to furnish invoices as the term "invoice" is defined in the Fur Products Labeling Act showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

4. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artifically colored.

5. Failing to set forth on invoices the item number or mark assigned to fur products.

*It is further ordered,* That respondent Robert F. Bruns, an individual trading as Bruns-Travers Furs or under any other trade name and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introducing, selling, advertising or offering for sale, in commerce, or the processing for commerce, of fur products; or in connection with the selling, advertising, offering for sale, or processing of fur products which have been shipped and received in commerce, do forthwith cease

and desist from misbranding fur products by substituting for the labels affixed to such fur product pursuant to section 4 of the Fur Products Labeling Act, labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

*It is further ordered*, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: October 5, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-10742; Filed, Oct. 21, 1964; 8:45 a.m.]

[Docket No. C-837]

## PART 13—PROHIBITED TRADE PRACTICES

### General Railway Signal Co. and Westinghouse Air Brake Co.; Correction

A line was omitted from the syllabus of the above named case when it was published in the FEDERAL REGISTER for Tuesday, Oct. 13, 1964, 29 F.R. 14071. The syllabus, as corrected, is set forth below.

Consent order requiring two manufacturers of railroad signaling and control systems and railroad signaling equipment—whose combined sales of such products during the past 30 years amounted to 90 percent or more of the total industry sales—to cease their planned common course of action pursuant to which they fixed and maintained agreed upon prices, terms and conditions of sale; allocated markets and customers and agreed not to compete for them; exchanged price information designated products to be manufactured by a competitor; submitted collusive and non-competitive bids; maintained patent interchange licensing agreements; and entered into contracts requiring purchasers to buy from them all or a fixed percentage of requirements; to cease discriminating in price between different purchasers of their aforesaid systems and equipment by granting cumulative annual volume discounts which were substantial enough to cause purchasers to buy all of their requirements from one respondent in order to qualify for the maximum discounts; and requiring General Railway Signal Company to divest itself within one year of all its properties and rights tangible and intangible, in a competitor it controlled—all with provisions as set forth in the order below.

Issued: October 16, 1964.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-10743; Filed, Oct. 21, 1964; 8:45 a.m.]

[Docket No. 8595]

## PART 13—PROHIBITED TRADE PRACTICES

### World Wide Television Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–20 Business methods and policies; § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155–95 Terms and conditions; § 13.225 *Services;* § 13.260 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, World Wide Television Corporation (Washington, D.C.) et al., Docket 8595, Oct. 2, 1964]

*In the Matter of World Wide Television Corporation, a Corporation, Saveway-Meter-Matic Television Corporation, a Corporation, Saveway Meter Corporation, a Corporation, Lu-Gil Corporation, a Corporation Trading Under the Names Lancaster Sales Company and Lancaster Sales, and Gilbert Tucker, Individually and as an Officer of Said Corporations*

Order requiring sellers of new and used television sets, appliances and other products to the purchasing public, with places of business in Bladensburg, Md. and Philadelphia, Pa., to cease making numerous false representations in newspaper and other advertising and by radio broadcasts respecting the terms of sale, financing, service and guarantees for their said products.

The order to cease and desist is as follows:

*It is ordered*, That respondents World Wide Television Corporation, a corporation, Lu-Gil Corporation, a corporation, trading under the names of Lancaster Sales Company and Lancaster Sales or under any other name or names, and their officers, and Gilbert Tucker, individually and as an officer of each of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of television sets, appliances or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that no down payment is required of purchasers of respondents' products when such payments must, in fact, be made by all or a part of said purchasers.

2. Representing, directly or by implication, that purchasers of respondents' products are required to pay as little as 25 cents a day; or, by any means, misrepresenting the amount, frequency or duration of the payments required under respondents' sales contracts.

3. Representing, directly or by implication, that purchasers of respondents' products become the owners of such products within any period of time which is less than that time actually required to discharge all liabilities, obligations and duties under the contract of purchase and to acquire full title thereto.

4. Misrepresenting, directly or by implication that purchasers of respondents' products will have to deal with banks or finance companies.

5. Representing, directly or by implication that no purchasers of respondents' products will have to deal with bill collectors; or, by any means, misrepresenting respondents' usual and customary methods of collection.

6. Representing, directly or by implication, that repair and maintenance service on products purchased from respondents is provided without additional charge.

7. Representing, directly or by implication, that respondents' products are guaranteed unless the nature, extent and duration of the guarantee, the manner in which the guarantor will perform thereunder and the name and address of the guarantor are clearly and conspicuously disclosed.

*It is further ordered*, That this complaint be, and it hereby is, dismissed as to Saveway-Meter-Matic Television Corporation, and Saveway Meter Corporation.

By "Final Order" further order requiring report of compliance therewith is as follows:

*It is further ordered*, That respondents shall, within sixty (60) days after service of the order herein upon them, file with the Commission a report in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: October 8, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-10744; Filed, Oct. 21, 1964; 8:45 a.m.]

# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56288]

## RESPONSIBILITY FOR INVESTIGATIONS IN THE FIELD; TITLES OF CUSTOMS REPRESENTATIVES IN FOREIGN COUNTRIES

Regional reorganization suggested by a Treasury Task Force survey of the Customs Agency Service stipulated referral of all investigative matters to customs agents in charge instead of to supervising customs agents. The Customs Regulations are amended to provide for this change.

## PART 6—AIR COMMERCE REGULATIONS

§ 6.2 [Amended]

The second sentence of § 6.2(d)(2) is amended to read as follows: "If within 60 days after the issuance of such permit the said collector does not receive a report of the outward clearance of the aircraft covered thereby, the matter shall be reported to the customs agent in charge of the area involved for investigation."

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759, secs. 904, 1109, 72 Stat. 787, 799, as amended; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 49 U.S.C. 1474, 1509)



## PART 22—DRAWBACK

§ 22.4 [Amended]

The second and third sentences of § 22.4(h) are amended to read as follows: "The statement shall be submitted to the collector through the customs agent in charge who assisted in its preparation. In the case of operations under section 313 (b), (d), or (g), Tariff Act of 1930, as amended, the statement in triplicate shall be submitted through the customs agent in charge to the Commissioner of Customs."

The second sentence of § 22.4(o) is amended to read as follows: "The supplemental statement prepared as a result of such application shall be submitted through the customs agent in charge who assisted in its preparation to the collector of customs at the port where drawback entries filed under the existing rate of drawback are liquidated who shall issue the amendment, if that action is warranted."

The fourth sentence of § 22.4(o) is amended to read as follows: "The foregoing procedure shall also apply to applications for amendments under section 313 (b), (d), or (g), Tariff Act of 1930, as amended, but the supplemental statement in such case shall be submitted through the customs agent in charge to the Commissioner of Customs, except as provided in subparagraph (1) of this paragraph."

§ 22.6 [Amended]

The first sentence of § 22.6(a) is amended to read as follows: "Each manufacturer or producer of articles covered by a drawback rate in this section shall submit through the customs agent in charge of the area involved to the collector of customs at the port where drawback entries will be filed, a statement in duplicate describing the methods used in the manufacture or production of the products involved and setting forth the records it agrees to keep for the purpose of complying with the drawback law and regulations and for providing all the data required for the proper liquidation of certificates of manufacture and drawback entries filed hereunder."

The first sentence of § 22.6(b) is amended to read as follows: "In cases where the statement provides for the filing of drawback entries at two or more ports, the statement in duplicate shall be submitted through the customs agent in charge of the area involved to the collector at each of the ports named."

(Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U.S.C. 1313, 1624)

## PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

Section 23.1 (c) and (e) are amended to read:

§ 23.1 **Boarding of vessels or vehicles and inspection, examination, and search of persons, baggage, and merchandise discharged from vessels.**

* * * * * *

(c) If the collector or customs agent in charge believes that sufficient grounds exist to justify a search of any army or navy transport, the facts shall be reported to the commanding officer or master of such transport with a request that he cause a full search to be made and advise the collector or customs agent in charge of the result of such search. If, after the cargo has been discharged, passengers and their baggage landed, and the baggage of officers and crewmembers examined and passed, the collector or customs agent in charge believes that sufficient grounds exist to justify the continuance of customs supervision of the vessel, the commanding officer of the vessel shall be advised accordingly.

* * * * * *

(e) Collectors of customs and customs agents in charge are hereby authorized to cause inspection, examination, and search to be made under section 467, Tariff Act of 1930, as amended,[4] of persons, baggage, or merchandise, even though such persons, baggage, or merchandise were inspected, examined, searched, or taken on board the vessel at another port in the United States or the Virgin Islands, if such action is deemed necessary or appropriate.

(Sec. 1, 62 Stat. 717, R.S. 3061, sec. 11, 52 Stat. 1083, secs. 1, 3–8, 49 Stat. 517, 518, 519, 520; 18 U.S.C. 546, 19 U.S.C. 482, 1467, 1701, 1703–1708)

Section 23.21(a) is amended to read as follows:

§ 23.21 **Forfeiture by court decree; reports to United States attorneys.**

(a) When it is necessary to institute legal proceedings in order to forfeit seized property, or to forfeit the value of property subject to forfeiture, or to prosecute by a civil or criminal action for any violation of the customs laws, the collector or the customs agent in charge of the area involved shall furnish a report to the United States attorney[5] in accordance with the provisions of section 603, Tariff Act of 1930, as amended.[6]

* * * * * *

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

## PART 31—CUSTOMHOUSE BROKERS

Subparagraphs (1) and (2) of § 31.4 (e) are amended to read as follows:

§ 31.4 **Application for license; investigation and examination.**

* * * * * *

(e) * * *

(1) *Individual.* Upon the applicant's obtaining a satisfactory grade on the examination, his application shall be referred by the collector of customs to the customs agent in charge of the area for investigation, report, and recommendation.

(2) *Corporation, association, or partnership.* Each application shall be referred by the collector of customs to the customs agent in charge of the area for investigation, report and recommendation.

* * * * * *

(R.S. 161, as amended, 251, secs. 624, 641, 46 Stat. 759, as amended; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 1641)

## PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE

§ 10.29 [Amended]

Since representatives of the Customs Agency Service stationed in foreign countries are now known as Regional Customs Representatives, Senior Customs Representatives, and Customs Representatives, the designations Treasury Attaches and Treasury Representatives appearing in § 10.29(d) are changed accordingly. The first sentence of § 10.29 (d) is amended to read as follows: "The privilege of admission free of duty without entry of their baggage and effects may also be extended to representatives of this Government of the classes enumerated in paragraph (a)(1) of this section, including Regional Customs Representatives, Senior Customs Representatives, and Customs Representatives, together with their families and servants, returning from their missions abroad, upon the production of their credentials; and to other high officials of this Government returning from special missions abroad, upon application therefor direct to the Treasury Department by the heads of the respective branches of the Government with which they are connected and the issuance of appropriate instructions."

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 66, 1624)

[SEAL] LESTER D. JOHNSON, *Acting Commissioner of Customs.*

Approved: October 15, 1964.

JAMES POMEROY HENDRICK, *Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 64-10772; Filed, Oct. 21, 1964; 8:48 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

## PART 206—FISHING AND HUNTING REGULATIONS

### Waters of Florida; Oyster and Shellfish Beds

Pursuant to the provisions of section 10 of the River and Harbor Act of 3

March 1899 (30 Stat. 1151; 33 U.S.C. 403), § 206.65 governing the marking of oyster and shellfish beds in waters of Florida is hereby revoked, effective upon publication in the FEDERAL REGISTER, as follows:

**§ 206.65 State of Florida; oyster and shellfish beds. [Revoked]**

[Regs. Oct. 9, 1964, 1507-32 (Waters of Florida)—ENGCW-ON] (Sec. 10, 30 Stat. 1151; 33 U.S.C. 403)

J. C. LAMBERT,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 64-10756; Filed, Oct. 21, 1964; 8:46 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular 2170]

## PART 2230—SPECIAL USES

## Subpart 2234—Rights-of-Way

ACQUIRED LANDS IN WILDLIFE REFUGES

On pages 8174 and 8175 of the FEDERAL REGISTER of June 27, 1964, there were published a notice and text of a proposed amendment to 43 CFR Subpart 2234. The purpose of the amendment is to establish procedures for the granting of rights-of-way over acquired lands in wildlife refuges. The amendment provides that the general rules of the Department relating to rights-of-way will apply to these lands.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received.

Two changes are being made in the proposed amendment. (1) The new provisions will be designated as a section, § 2234.8, rather than as a paragraph under § 2234.1–3. (2) Additional language is being added to the amendment to provide that easements shall not be granted under this section if they can be granted under any other section of subpart 2234, and that in addition to meeting the requirements of this section, easements granted under this section shall meet all other requirements in this subpart relating to the use applied for, unless waived by the authorized officer. The amended regulations are adopted as set forth below, to be effective on the date of publication in the FEDERAL REGISTER.

1. Paragraph (a)(1) of § 2234.1–1 is amended to read as follows:

**§ 2234.1–1 Scope; definitions.**

(a) *Scope.* (1) This section applies to all rights-of-way covered by §§ 2234.1–1 to 2234.1–6; 2234.2–3(a); 2234.2–4; 2234.3–1; 2234.3–2; 2234.4–1; 2234.4–2; 2234.5–1; 2234.5–2; 2234.6; 2234.7; 2234.8.

* * * * *

2. New §§ 2234.8, 2234.8–1 and 2234.8–2 are added to Subpart 2234 to read as follows:

**§ 2234.8 Acquired lands in wildlife refuges.**

**§ 2234.8–1 Authority.**

Section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s), provides that, subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended, the grant of privileges on wildlife refuges may be made upon such terms and conditions as the Secretary shall determine to be for the best interests of government.

**§ 2234.8–2 Applicability of regulations.**

(a) All the general right-of-way regulations contained in § 2234.1 are applicable to rights-of-way issued under this section, to the extent they are consistent with regulations issued under the Federal Property and Administrative Services Act of 1949.

(b) Easements shall not be granted under this section if they can be granted under any other section of this subpart.

(c) In addition to meeting the requirements of this section, easements granted under this section shall meet all other requirements in this subpart relating to the use applied for, unless waived by the authorized officer.

JOHN A. CARVER, Jr.,
*Acting Secretary of the Interior.*

OCTOBER 16, 1964.

[F.R. Doc. 64-10757; Filed, Oct. 21, 1964; 8:46 a.m.]

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 1—Federal Procurement Regulations

## PART 1–2—PROCUREMENT BY FORMAL ADVERTISING

## Subpart 1–2.2—Solicitation of Bids

Section 1–2.202–4 is amended to provide a revised basis for the use of bid samples. As amended, paragraphs (a) through (e) of the section reads as follows:

**§ 1–2.202–4 Bid samples.**

(a) *Definition.* The term "bid sample" means a sample required by the invitation for bids to be furnished by a bidder as a part of his bid to show the characteristics of a product offered in his bid. Such samples will be used only for the purpose of determining the responsiveness of the bid and will not be considered on the issue of a bidder's ability to produce the required items.

(b) *Policy.* Bidders shall not be required to furnish a bid sample of a product they propose to furnish unless there are certain characteristics of the product which cannot be described adequately in the applicable specification or purchase description, thus necessitating the submission of a sample to assure procurement of an acceptable product. It may be appropriate to require bid samples, for example, where the procurement is of products that must be suitable from the standpoint of balance, facility of use, general "feel", color, or pattern, or that have certain other characteristics which cannot be described adequately in the applicable specifications. Where, however, based on the criteria set forth in this § 1–2.202–4, the use of bid samples is justified, the samples may be examined for any required characteristics, whether or not such characteristics may be adequately described in the specifications. Invitations shall list all of the characteristics for which the sample will be examined and bids will be rejected as nonresponsive if the sample fails to conform to each of the listed characteristics. Where more than a minor portion of the characteristics of the product cannot be adequately described in the specification, the product should be procured by negotiation in accordance with § 1–3.210.

(c) *Justification.* The reasons why acceptable products cannot be procured without the submission of bid samples shall be set forth and filed in the case file, except where such submission is required by the formal specifications (Federal, military, departmental, etc.) applicable to the procurement.

(d) *Requirements of invitation for bids.* When bid samples are required, the invitation for bids shall (1) state the number and, if appropriate, the size of the samples to be submitted and otherwise fully describe the samples required, (2) list all characteristics for which the sample will be examined, and (3) include a provision in accordance with (e) of this § 1–2.202–4. Where samples are not considered necessary and a waiver of the sample requirements of a specification has been authorized, a statement shall be included in the invitation for bids that notwithstanding the requirements of the specifications, samples will not be required.

(e) *Invitation for bids provision.* When bid samples are required, a provision substantially as follows (modified, if appropriate, in accordance with paragraph (f) of this § 1–2.202–4) shall be included in the invitation for bids:

BID SAMPLES

(a) Bid samples, in the quantities, sizes, etc., required for the items so indicated in this Invitation for Bids, must be furnished as a part of the bid and must be received before the time set for opening bids. Samples will be evaluated to determine compliance with all characteristics listed for examination in the Invitation.

(b) Failure of samples to conform to all such characteristics will require rejection of the bid. Failure to furnish samples by the time specified in the Invitation for Bids will require rejection of the bid, except where a late sample was transmitted by mail and it is established under the provision for considering late bids, as set forth elsewhere in this Invitation, that the sample was timely mailed.

(c) Products delivered under any resulting contract shall strictly comply with the approved sample as to the characteristics listed for examination and shall conform to the specifications as to all other characteristics.

* * * * *



(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

*Effective date.* This regulation is effective December 31, 1964, but may be observed earlier.

Dated: October 19, 1964.

LAWSON B. KNOTT, Jr.,
*Acting Administrator of General Services.*

[F.R. Doc. 64-10820; Filed, Oct. 21, 1964; 8:50 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666; Order No. 65]

## PART 79—SPECIFICATIONS FOR TANK CARS

*Correction*

The following correction is made to Federal Register Document 64-10051, published at page 13997 in the issue dated October 10, 1964: Paragraph (a) of § 79.500–7 (29 F.R. 14022) is corrected to read as follows:

**§ 79.500–7 Physical tests.**

(a) Physical tests must be made on 2 test specimens 0.505 inch in diameter within 2-inch gage length, taken 180 degrees apart, 1 from each ring section cut from each end of each forged or drawn tube before necking-down, or 1 from each prolongation at each end of each necked-down tank. These test specimen ring sections or prolongations must be heat treated with the necked-down tank which they represent. The width of the test specimen ring section must be at least its wall thickness. Only when diameters and wall thickness will not permit removal of 0.505 by 2-inch tensile test bar, laid in the transverse direction, may test bar cut in the longitudinal direction be substituted. When the thickness will not permit obtaining a 0.505 specimen, then the largest diameter specimen obtainable in the longitudinal direction shall be used. Specimens shall have bright surface and a reduced section. When 0.505 specimen is not used the gage length shall be a ratio of 4 to 1 length to diameter.

* * * * *

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte MC-40]

## PART 191—QUALIFICATIONS OF DRIVERS

## Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment

At a session of the Interstate Commerce Commission, Motor Carrier Board No. 2, held at its office in Washington, D.C., on the 13th day of October A.D. 1964.

The matter of qualifications of drivers under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, being under consideration; and

It appearing, that on March 25, 1964, a notice of proposed rule making was issued in the above-entitled proceeding, with respect to proposals to amend § 191.2 of Part 191 of the Motor Carrier Safety Regulations, by substituting certain language for the opening paragraph thereof, and by adding a new paragraph (e) authorizing the granting of waivers, under specified conditions, with respect to persons handicapped through loss of limb, and further providing sufficient safeguards to assure reasonable controls and safety standards;

It further appearing, that pursuant to such notice and the invitation contained therein, certain persons desiring to participate in the proceeding have submitted written statements containing data, views, and arguments concerning the proposed amendments, and that no useful purpose would be served by assignment of the matter for oral hearing;

It further appearing, that due to the type of equipment involved, and the inherent dangers presented, persons handicapped through loss of limb should not be allow to drive a vehicle transporting passengers or cargo tank vehicles used for transporting dangerous commodities or any vehicle required to be specifically marked or placarded under the Explosives and Other Dangerous Articles Regulations (49 CFR 77.823).

*It is ordered,* That the introductory paragraph of § 191.2 of the Code of Federal Regulations (49 CFR 191.2) be, and it is hereby, amended and that a new paragraph (e) be and it is hereby, added to § 191.2, as follows:

**§ 191.2 Minimum requirements.**

Except as provided in paragraph (e) of this section, no person shall drive, nor shall any motor carrier require or permit any person to drive, any motor vehicle unless such person possesses the following minimum qualifications:

* * * * *

(e) Any person failing to meet the requirements of paragraph (a)(1) or (a)(3) of this section may be permitted to drive a vehicle, other than a vehicle transporting passengers, or a vehicle transporting explosives or other dangerous articles of such type and in such quantity as to require the vehicle to be specifically marked or placarded under the Explosives and Other Dangerous Articles Regulations (49 CFR 77.823) or when operating without cargo under conditions which require the vehicle to be so marked or placarded under the Commission's regulations, if the Commission finds that a waiver may be granted consistent with safety and the public interest, and grants such a waiver, on the basis of an application meeting all of the following requirements:

(1) The application must be submitted jointly by a person seeking relief to permit him to drive and by a carrier wishing to employ such person as a driver, who both agree to fulfilling all conditions of the waiver;

(2) The application must be accompanied by reports of medical examinations satisfactory to the Commission and recommendations by at least two medical examiners, at least one of whom shall have been selected and compensated by the carrier. Such reports and recommendations must indicate the opinions of the medical examiners as to the ability of the driver to safely operate a commercial vehicle of the type to be driven by him.

(3) The application shall contain a description, satisfactory to the Commission, of the type, size, and special equipment (if any) of the vehicle or vehicles to be driven, the general area and type of roads to be traversed, the distances and time periods contemplated, the nature of the commodities to be transported and the method of loading and securing them, and the experience (if any) of the applicant in driving vehicles of the type to be driven by him.

(4) The application shall specify agreement by both the person and the carrier that the carrier will file promptly with the Director, Bureau of Motor Carriers, such periodic reports as are required and that such reports will contain complete and truthful information as to the extent of the person's driving activity, any accidents in which he may be involved, and any arrests, suspensions, or convictions in which the person is involved.

(5) The applicants shall agree that the waiver shall authorize driving in interstate commercial service for the applicant carrier only, that any arrests or convictions for violations of laws or ordinances, and any revocation or suspension of driving privileges will be reported to the Director, Bureau of Motor Carriers, immediately on occurrence.

(6) The waiver shall not exceed two years and will be renewable, upon submission of a new application, if approved by the Commission.

(7) The waiver may be suspended at any time at the discretion of the Commission and may be cancelled by it after the applicant has been given reasonable opportunity to show cause, if any, why such cancellation should not be made.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

*It is further ordered,* That this order shall become effective December 31, 1964, and shall remain in effect until the further order of the Commission.

*And it is further ordered,* That copies of this order shall be given to motor carriers, other persons of interest and to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10766; Filed, Oct. 21, 1964; 8:47 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

### PART 32—HUNTING

### Pahranagat National Wildlife Refuge, Nevada

Pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715) and the Migratory Bird Hunting Stamp Act of 1934, as amended (48 Stat. 451, 16 U.S.C. 718d), 50 CFR 32.11 is amended by the addition of Pahranagat National Wildlife Refuge, Nevada, to the list of wildlife refuges open to the hunting of migratory game birds.

It has been determined that the regulated hunting of migratory game birds may be permitted on the Pahranagat National Wildlife Refuge without detriment to the objectives for which the area was established.

Notice and public procedure on this amendment are deemed contrary to the public interest because of the proximity of the hunting season in the State of Nevada. Since the amendment benefits the public by relieving existing hunting restrictions on the Pahranagat National Wildlife Refuge, it shall become effective upon publication in the FEDERAL REGISTER.

Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

**§ 32.11 List of open areas; migratory game birds.**

* * * * *

NEVADA

Pahranagat National Wildlife Refuge.

* * * * *

JOHN A. CARVER, *Acting Secretary of the Interior.*

OCTOBER 16, 1964.

[F.R. Doc. 64-10764; Filed, Oct. 21, 1964; 8:47 a.m.]

### PART 32—HUNTING

### Upland Game; Charles M. Russell National Wildlife Range, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

The public hunting of ring-necked pheasants on the Charles M. Russell National Wildlife Range, Montana, is permitted only on the areas designated by signs as open to hunting. These open areas are delineated on maps available at refuge headquarters, Post Office Box 110, Lewistown, Mont., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants subject to the following special conditions:

(1) The open season for hunting pheasants on the refuge extends from October 25 through November 29, 1964.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 29, 1964.

RICHARD E. GRIFFITH, *Regional Director, Portland, Oregon.*

OCTOBER 13, 1964.

[F.R. Doc. 64-10762; Filed, Oct. 21, 1964; 8:47 a.m.]

### PART 32—HUNTING

### Big Game; Charles M. Russell National Wildlife Range, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.32 Special regulations; big game; for individual wildlife refuge areas.**

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Public hunting of elk on the Charles M. Russell National Wildlife Range, Montana, is permitted only on the areas designated by signs as open to hunting. These open areas are delineated on maps available at refuge headquarters, Post Office Box 110, Lewistown, Mont., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State regulations covering the hunting of elk subject to the following special conditions:

(1) The open season for hunting elk in State Management District No. 410.1 shall be December 6 through December 31, 1964. The open season for hunting elk in State Management Districts Nos. 62 and 63 shall be from November 29 through December 20, 1964.

(2) Hunting of elk shall be by permit only. Permits must be obtained from the State Fish and Game Department.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1964.

RICHARD E. GRIFFITH, *Regional Director, Portland, Oregon.*

OCTOBER 13, 1964.

[F.R. Doc. 64-10763; Filed, Oct. 21, 1964; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[ 26 CFR Part 1 ]

### INCOME TAXES

### Treatment of Mortgage Foreclosures, etc., by Certain Banking Organizations

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Comissioner of Internal Revenue, Attention: CC:LR, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING, *Acting Commissioner of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1) to the amendment made to the Internal Revenue Code of 1954 by section 6(b) of the Revenue Act of 1962 (76 Stat. 982), relating to foreclosure on property securing loans, such regulations are amended as follows:

PARAGRAPH 1. Section 1.166-6 is amended by adding a new paragraph (d). The added provision reads as follows:

**§ 1.166-6 Sale of mortgaged or pledged property.**

* * * * *

(d) *Special rules applicable to certain banking organizations.* For special rules relating to the treatment of mortgaged or pledged property by certain mutual savings banks, domestic building and loan associations, and cooperative banks, see section 595 and the regulations thereunder.

PAR. 2. There are inserted immediately after § 1.594-1 the following new sections:

**§ 1.595 Statutory provisions; foreclosure on property securing loans.**

Sec. 595. *Foreclosure on property securing loans*—(a) *Nonrecognition of gain or loss as a result of foreclosure.* In the case of a creditor which is an organization described in section 593(a), no gain or loss shall be recognized, and no debt shall be considered as becoming worthless or partially worthless, as the result of such organization having bid in at foreclosure, or having otherwise reduced to ownership or possession by agreement or process of law, any property which was security for the payment of any indebtedness.

(b) *Character of property.* For purposes of sections 166 and 1221, any property acquired in a transaction with respect to which gain or loss to an organization was not recognized by reason of subsection (a) shall be considered as property having the same characteristics as the indebtedness for which such property was security. Any amount realized by such organization with respect to such property shall be treated for purposes of this chapter as a payment on account of such indebtedness, and any loss with respect thereto shall be treated as a bad debt to which the provisions of section 166 (relating to allowance of a deduction for bad debts) apply.

(c) *Basis.* The basis of any property to which subsection (a) applies shall be the basis of the indebtedness for which such property was security (determined as of the date of the acquisition of such property), properly increased for costs of acquisition.

(d) *Regulatory authority.* The Secretary or his delegate shall prescribe such regulations as he may deem necessary to carry out the purposes of this section.

[Sec. 595 as added by sec. 6(b), Rev. Act 1962 (76 Stat. 982)]

**§ 1.595-1 Treatment of foreclosed property by certain creditors.**

(a) *Nonrecognition of gain or loss on the acquisition of security property by certain creditors*—(1) *In general.* Section 595(a) provides that in the case of a creditor which is an organization described in section 593(a) (that is, a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, or a cooperative bank without capital stock organized and operated for mutual purposes and without profit), no gain or loss shall be recognized, and no debt shall be considered as becoming worthless or partially worthless for purposes of section 166 (relating to bad debts), as the result of such creditor having reduced to ownership or possession, after December 31, 1962, by agreement or process of law, any property (whether real or personal, tangible or intangible) which was security for the payment of any indebtedness (whether or not a qualifying real property loan as defined in section 593(e)(1)). The treatment provided by section 595(a) is mandatory (regardless of whether such creditor utilizes the specific deduction or reserve method of accounting for bad debts) if, on the date on which the property is reduced to ownership or possession by agreement or process of law, the creditor is an organization described in section 593(a), even though the creditor subsequently becomes an organization not described in section 593(a). For definition of the terms "domestic building and loan association" and "cooperative bank" for taxable years beginning after October 16, 1962, see paragraphs (19) and (32), respectively, of section 7701(a).

(2) *Rules for determining when security property is reduced to ownership or possession by agreement or process of law*—(i) Security property shall be considered as reduced to ownership on the date on which the creditor (by reason of the default of the debtor) first acquires, by agreement or process of law, a title to, or a right or interest in, the security property which under local law the creditor can validly dispose of apart from the indebtedness which the property secures. Security property shall be considered as reduced to possession on the date on which the creditor (by reason of the default of the debtor), by agreement or process of law, first takes control of the security property. For purposes of this subdivision, a creditor shall be considered as having reduced security property to ownership or possession on the applicable date determined under this subdivision even though, on such date, the creditor has not yet obtained indefeasible title to the property, or even though there exists, on such date, a right to redeem the property.

(ii) The reduction of security property to ownership or possession by agreement includes, where valid under local law, such methods as voluntary conveyance from the debtor and abandonment to the creditor. The reduction of security property to ownership or possession by process of law includes foreclosure proceedings in which a competitive bid is entered, such as foreclosure by judicial sale or by power of sale contained in the loan agreement without recourse to the courts, as well as those types of foreclosure proceedings in which a competitive bid is not entered, such as strict foreclosure and foreclosure by entry and possession, by writ of entry, or by publication or notice.

(b) *Basis of acquired property.* Section 595(c) provides that the basis of any property to which section 595(a) applies (hereinafter referred to as "acquired property") shall be the adjusted basis of the indebtedness for which such property was security, determined as of the date of acquisition of such property, properly increased for costs of acquisition. The date of acquisition is the date, determined under paragraph (a)(2)(i) of this section, on which the security property is reduced to ownership or possession (whichever occurs earlier) by agreement or process of law. Costs of acquisition are expenses incurred by the creditor (for example, fees for an attorney, master, trustee, auctioneer, for publication, acquiring title, clearing liens, filing and recording, and court costs)

which are directly related to the foreclosure sale or proceeding, or to the other process used to reduce the security property to ownership or possession by agreement or process of law. For purposes of determining the adjusted basis of the indebtedness for which the acquired property was security, there shall be included the amount of any unpaid interest with respect to such indebtedness, but only to the extent that it has been included in gross income. The basis of the acquired property, as determined under this paragraph, shall be adjusted in accordance with the rules provided in paragraph (c) of this section.

(c) *Characteristics of acquired property*—(1) *Depreciation; decline in fair market value.* Section 595(b) provides, in part, that for purposes of section 166 (relating to bad debts) acquired property shall be considered as property having the same characteristics as the indebtedness for which such property was security. Thus, no deduction for exhaustion, wear and tear, obsolescence, amortization, or depletion shall be allowed to a creditor with respect to acquired property. However, if at any time it can be established to the satisfaction of the district director that the adjusted basis of the acquired property exceeds the fair market value of such property (determined without regard to any outstanding right of redemption), and that an amount equal to any portion of such excess will not be collected with respect to the indebtedness for which such property was security, the creditor may treat such portion, under the provisions of section 166, as a worthless debt. In such case, the basis of the acquired property shall be reduced by the amount treated as a worthless debt. If the creditor has obtained a deficiency judgment with respect to the indebtedness, such excess shall (except to the extent that the creditor demonstrates that the judgment is worthless) be considered collectible to the extent of the outstanding judgment.

(2) *Example.* The provisions of subparagraph (1) of this paragraph may be illustrated by the following example:

*Example.* X Corporation, a creditor which is an organization described in section 593 (a), makes its returns on the basis of the calendar year and the reserve method of accounting for bad debts. In 1963, A defaults in his payments on a debt owed to X which is secured by residential real property. X reduces the property to ownership by bidding it in at a foreclosure sale for $23,000. The adjusted basis of the indebtedness at the date of acquisition of the property is $25,000, and this amount becomes the basis of the acquired property. X obtains a deficiency judgment against A for $2,000. Later in 1963, a proper appraisal enables X to establish that the fair market value of the property is $18,000. X is also able to establish that due to A's poor financial condition only $1,000 can be collected on the outstanding deficiency judgment. For the year 1963, X may charge its bad debt reserve for $6,000, computed as follows:

| | |
|---|---|
| Basis of acquired property | $25,000 |
| Less: Fair market value of acquired property | 18,000 |
| Excess | 7,000 |
| Less: Collectible portion of deficiency judgment | 1,000 |
| Portion of excess treated as worthless debt | $6,000 |

(3) *Amounts realized with respect to acquired property.* Section 595(b) also provides that any amount realized with respect to acquired property shall be treated as a payment on account of the indebtedness for which such property was security, and any loss with respect thereto shall be treated as a bad debt to which the provisions of section 166 (relating to bad debts) apply. An amount realized with respect to acquired property means an amount representing a recovery of capital, such as proceeds from the sale or other disposition of the property, payments on the original indebtedness made by or on behalf of the debtor and collections on a deficiency judgment obtained against the debtor (other than amounts treated as interest under applicable local law). Amounts realized with respect to acquired property include amounts which otherwise would be treated in the manner prescribed in section 351 (relating to transfer to a corporation controlled by transferor), section 354 (relating to exchanges of stock and securities in certain reorganizations), section 453 (relating to installment method), section 1031 (relating to exchange of property held for productive use or for investment), or section 1033 (relating to involuntary conversions). For purposes of section 595(b), if a corporation distributes acquired property in a distribution to which section 311 (relating to taxability of corporation on distribution) or section 336 (relating to nonrecognition of gain or loss to a corporation on distribution of its property in partial or complete liquidation) applies, the fair market value of the acquired property at the time of the distribution shall be treated as an amount realized with respect to such property. However, no amount shall be considered realized by reason of the distribution or transfer of acquired property in a transaction to which section 381(a) (relating to carryovers in certain corporate acquisitions) applies, and in the case of such a distribution or transfer the acquired property shall be treated by the distributee or transferee as having the same characteristics as it had in the hands of the distributor or transferor at the time of such distribution or transfer. The following rules shall apply to amounts realized with respect to acquired property:

(i) Any amount realized shall be applied against and reduce the adjusted basis of the acquired property, and to the extent that such amount exceeds the adjusted basis, it shall, in the case of a creditor using the specific deduction method of accounting for bad debts, be included in gross income as ordinary income, or, in the case of a creditor using the reserve method of accounting for bad debts, be credited to the appropriate bad debt reserve (that is, the reserve for losses on qualifying real property loans or the reserve for losses on nonqualifying loans). Any amounts credited during the taxable year to a reserve for bad debts pursuant to this subdivision shall be included in the balance of the reserve for purposes of computing the addition under section 593 to the reserve for such taxable year, but shall not be considered as a part of such addition for such year.

(ii) If an amount realized on the sale or other disposition of the acquired property is insufficient to restore to the creditor the adjusted basis of the property, the difference between such adjusted basis and such amount realized shall be treated as a bad debt to which the provisions of section 166 apply. If the creditor subsequently realizes an additional amount with respect to the original indebtedness or the acquired property, such additional amount shall be treated as the recovery of a bad debt.

(4) *Treatment of rents, similar amounts, and expenses.* Section 595 does not change the treatment or rents, royalties, dividends, interest, or similar amounts received or accrued by the creditor with respect to acquired property, nor does it change the treatment of expenses incurred with respect to such property. (See, however, subparagraph (1) of this paragraph for treatment of depreciation, etc.) Thus, for example, if the acquired property is a governmental obligation within the meaning of section 103 (relating to interest on certain governmental obligations), interest payments received by the creditor with respect to such obligation would not be included in gross income.

(5) *Examples.* The provisions of subparagraphs (3) and (4) of this paragraph may be illustrated by the following examples:

*Example (1)*—(i) *Facts.* X Corporation, a creditor which is an organization described in section 593(a), uses the reserve method of accounting for bad debts. On May 1, 1964, X reduces to ownership in a foreclosure proceeding improved real property which is security for an indebtedness. On the date of acquisition there remains unpaid on the indebtedness $20,000 principal and $700 interest. X has previously included the $700 interest in gross income. Subsequent to acquisition, X incurs expenses totaling $500 for maintenance, and during the period June 1 through September 30, 1964, rents the property for a total rental of $400. Under local law, X is accountable to A for the rents received. There are no other receipts or expenses until October 1, 1964, at which time X sells the acquired property for $22,000. Under local law, A is not entitled to any portion of the sales proceeds.

(ii) *Treatment of rents, expenses, and sales proceeds.* X would treat rents, expenses, and sales proceeds in the following manner:

| | |
|---|---|
| Basis of acquired property at acquisition (adjusted basis of indebtedness, i.e., $20,000 principal plus $700 interest) | $20,700 |
| Plus: Expenses charged to debtor | 500 |
| | 21,200 |
| Less: Rents credited to debtor | 400 |
| Adjusted basis of acquired property at sale | 20,800 |
| Less: Portion of $22,000 sales proceeds applied in reduction of adjusted basis of acquired property | 20,800 |
| | 0 |
| Portion of sales proceeds credited to reserve for losses on qualifying real property loans ($22,000 minus $20,800) | 1,200 |



(iii) *Creditor using specific deduction method.* If instead of using the reserve method of accounting for bad debts X used the specific deduction method, the $1,200 portion of the sales proceeds would be treated as ordinary income.

*Example (2)*—(i) *Facts.* The facts are the same as in example (1) except that under local law X is not accountable to A for any portion of the rents received.

(ii) *Treatment of rents and expenses.* X includes in gross income the total rent receipts of $400 and deducts (if otherwise allowable) the expenses of $500.

(iii) *Treatment of sales proceeds.* As the result of the sale of the acquired property, X credits $1,300 to the reserve for losses on qualifying real property loans, computed as follows:

| | |
|---|---|
| Basis of acquired property at acquisition and at date of sale (adjusted basis of indebtedness, i.e., $20,000 principal plus $700 interest) | $20,700 |
| Less: Portion of $22,000 sales proceeds applied in reduction of adjusted basis of acquired property | 20,700 |
| | 0 |
| Portion of sales proceeds credited to reserve for losses on qualifying real property loans ($22,000 minus $20,700) | 1,300 |

(iv) *Creditor using specific deduction method.* If instead of using the reserve method of accounting for bad debts X used the specific deduction method, the $1,300 portion of the sales proceeds would be treated as ordinary income.

*Example (3)*—(i) *Facts.* The facts are the same as in example (1) except that X sells the acquired property for $15,000.

(ii) *Treatment of rents, expenses, and sales proceeds.* X would treat rents, expenses, and sales proceeds in the following manner:

| | |
|---|---|
| Basis of acquired property at acquisition (adjusted basis of indebtedness, i.e., $20,000 principal plus $700 interest) | $20,700 |
| Plus: Expenses charged to debtor | 500 |
| | 21,200 |
| Less: Rents credited to debtor | 400 |
| Adjusted basis of acquired property at sale | 20,800 |
| Less: Portion of $15,000 sales proceeds applied in reduction of adjusted basis of acquired property | 15,000 |
| Amount charged to reserve for losses on qualifying real property loans | 5,800 |

(iii) *Creditor using specific deduction method.* If instead of using the reserve method of accounting for bad debts X used the specific deduction method, the excess of $5,800 would be allowed as a specific bad debt deduction.

[F.R. Doc. 64-10773; Filed, Oct. 21, 1964; 8:48 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Research Service

## [ 9 CFR Part 9 ]

## MEAT INSPECTION

## Ante-Mortem Inspection

On April 9, 1964, a notice of proposed rule making regarding the issuance of a new regulation to appear as § 9.19 in Part 9 of the Federal Meat Inspection Regulations (9 CFR Part 9) relating to the approval for slaughter of animals used for research investigations was published in the FEDERAL REGISTER (29 F.R. 4971). After consideration of all relevant material submitted by interested persons in connection with such proposal, it has been determined that such proposal should be modified in certain respects. Since the notice of April 9, 1964, the Department of Agriculture has caused an amendment to be published with regard to another regulation which has been designated as 9 CFR 9.19. Therefore, notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that the Department of Agriculture is now considering amending Part 9 of the Federal Meat Inspection Regulations pursuant to the authority conferred by the Meat Inspection Act, as amended and extended, (21 U.S.C. 71–96), and § 306 (b) and (c) of the Tariff Act of 1936, as amended (19 U.S.C. 1306 (b) and (c)), by issuing a new regulation to appear as § 9.20, to read as follows:

### § 9.20 Animals used for research.

No animal used in any research investigation involving the feeding or other administration of, or subjection to, an experimental biological product, drug or chemical shall be eligible for slaughter at an official establishment unless the operator of such establishment, the sponsor of the investigation, or the investigator has submitted data to the Meat Inspection Division, Animal Inspection and Quarantine Division, or Pesticide Regulations Division, of the Department of Agriculture, or to the Food and Drug Administration of the Department of Health, Education, and Welfare, which demonstrates to the satisfaction of said Meat Inspection Division that the use of such biological product, drug, or chemical will not result in the presence of any unwholesome condition in the edible parts of such animal; and the Meat Inspection Division has granted written approval for the slaughter of such animal prior to slaughter.

(a) No animal subject to the provisions of this section will be approved for slaughter by the Meat Inspection Division unless:

(1) In the case of an animal administered any unlicensed, experimental veterinary biological product regulated under the Virus-Serum Toxin Act (21 U.S.C. 151 et seq.), the product was prepared and distributed in compliance with Part 103 of the regulations issued under said Act (9 CFR Part 103);

(2) In the case of an animal administered any investigational drug regulated under the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301 et seq.), the drug was prepared and distributed in compliance with the applicable provisions of Part 130 of the regulations issued under said Act (21 CFR Part 130);

(3) In the case of an animal subjected to any experimental poison under section 2(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135 et seq.), the product was prepared and distributed in accordance with § 362.17 of the regulations under said Act (7 CFR 362.17); and

(4) In the case of an animal administered any substance that is a food additive or pesticide chemical under the Federal Food, Drug, and Cosmetic Act, supra, there has been compliance with all tolerance limitations established by said Act and the regulations promulgated thereunder (21 CFR 1.1 et seq.), and all other restrictions and requirements imposed by said Act and said regulations will be complied with at the time of slaughter.

(b) The Meat Inspection Division may deny or withdraw approval for the slaughter of any animal subject to the provisions of this section notwithstanding compliance with the provisions of paragraph (a) of this section whenever such denial or withdrawal of approval is deemed necessary to protect the wholesomeness of the meat, meat byproducts, and meat food products prepared under the supervision of the Meat Inspection Division.

The purpose of the proposed regulation is to provide procedures which are intended to protect the wholesomeness of meat, meat byproducts and meat food products prepared under supervision of the Meat Inspection Division by prohibiting the slaughter of any food animal that has been subjected to an experimental biological product, drug or chemical for the purpose of research investigation unless it appears from the data furnished that the edible parts of such animal are wholesome.

Any person who wishes to submit written data, views or arguments regarding the proposed regulation may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., 20250, within 30 days after publication in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such time and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 19th day of October 1964.

B. T. SHAW,
*Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 64-10787; Filed, Oct. 21, 1964; 8:49 a.m.]

# Notices

## DEPARTMENT OF JUSTICE

### Office of the Attorney General

### PRESIDENT'S COMMITTEE ON JUVENILE DELINQUENCY AND YOUTH CRIME

### Designation of Acting Executive Director

OCTOBER 19, 1964.

Acting Attorney General Nicholas deB. Katzenbach has, in accordance with the provisions of Section 7 of Executive Order No. 10940 of May 11, 1961, designated Mr. James J. Clarke of the Department of Health, Education, and Welfare to serve as the Acting Executive Director of the President's Committee on Juvenile Delinquency and Youth Crime, effective as of October 19, 1964.

S. A. ANDRETTA,
*Assistant Attorney General for Administration.*

[F.R. Doc. 64-10812; Filed, Oct. 21, 1964; 8:50 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### IDAHO

### Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 14, 1964.

The Bureau of Reclamation, Department of the Interior has filed an application Serial Number Idaho 015745 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388), subject to valid existing rights.

The applicant desires the lands for use as a borrow material site in connection with the construction of the Spangler Dam and Reservoir, Mann Creek Reclamation Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho, 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 12 N., R. 5 W.,
Sec. 13, E½NW¼.

The area described aggregates 80 acres.

EUGENE E. BABIN,
*Acting Manager.*

[F.R. Doc. 64-10758; Filed, Oct. 21, 1964; 8:46 a.m.]

### NEW MEXICO

### Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 15, 1964.

The Bureau of Indian Affairs, Navajo Agency, has filed an amended application to Serial Number New Mexico 034478, for the withdrawal of the lands described below, from all forms of appropriation including the general mining but not the mineral leasing laws. The applicant desires the lands for the Navajo Indian Irrigation Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Manager, Land Office, P.O. Box 1449, Santa Fe, N. Mex., 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Indian Affairs, Navajo Agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

NEW MEXICO

T. 28 N., R. 10 W.,
Sec. 7, lots 1, 2, 3, 4, 5, SE¼SW¼, S½SE¼;
Sec. 18, lots 1, 2, 3, 4, E½, E½W½;
Sec. 19, lots 1, 2, 3, 4, E½, E½W½;
T. 26 N., R. 11 W.,
Sec. 5, lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1, 2, 3, 4, E½, E½W½;
Sec. 8;
Sec. 17;
Sec. 18, E½;
Sec. 20;
Sec. 21, W½;
Sec. 30, lots 3, 4, E½SW¼.
T. 27 N., R. 11 W.,
Sec. 2, lots 3, 4, S½NW¼, SW¼;
Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, lots, 1, 2, 3, 4, S½N½, S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 8;
Sec. 9;
Sec. 10;
Sec. 17;
Sec. 18, lots 1, 2, 3, 4, E½, E½W½;
Sec. 20;
Sec. 29;
Sec. 30, lots 1, 2, 3, 4, E½, E½W½.
T. 28 N., R. 11 W.,
Sec. 11, lots 1, 2, 3, 4, S½S½;
Sec. 12, lots 1, 2, 3, 4, S½S½;
Sec. 13;
Sec. 14;
Sec. 24;
Sec. 29;
Sec. 30, lots 1, 2, 3, 4, E½, E½W½;
Sec. 31, lots 1, 2, 3, 4, E½, E½W½;
Sec. 32;
Sec. 33.
T. 29 N., R. 11 W.,
Sec. 26, SE¼SW¼;
Sec. 27, W½SE¼, SE¼SE¼;
Sec. 34, lots 1, 2, 3 and W½, SE¼SE¼ of lot 4, NE¼, E½NW¼, SW¼NW¼, N½S½;
Sec. 35.
T. 26 N., R. 12 W.,
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, SE¼;
Sec. 4, lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, lots 3, 4, 5, 6, 7, SE¼NW¼, E½SW¼;
Sec. 7, lots 1, 2, E½NW¼, E½SW¼, SE¼;
Sec. 8;
Sec. 9;
Sec. 10, S½;
Sec. 11, W½;
Sec. 12, NE¼;
Sec. 14, W½;
Sec. 15;
Sec. 17;





Sec. 18, E½, E½NW¼;
Sec. 19, lots 1, 2, 3, 4, E½, E½W½;
Sec. 20;
Sec. 21, N½;
Sec. 22, E½, NW¼;
Sec. 23, W½, SE¼;
Sec. 25, W½, SE¼;
Sec. 27, E½, SW¼;
Sec. 29;
Sec. 30;
Sec. 31;
Sec. 32, N½NE¼, SW¼NE¼;
Sec. 33, NW¼, SE¼;
Sec. 34, E½, SW¼.
T. 27 N., R. 12 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, S½;
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 5, lots 1, 2, S½NE¼, S½;
Sec. 8;
Sec. 11;
Sec. 12;
Sec. 17;
Sec. 19, lots 1, 2, 3, 4, E½, E½W½;
Sec. 21, E½;
Sec. 22;
Sec. 25, S½;
Sec. 26, S½;
Sec. 27;
Sec. 28;
Sec. 29, N½, SE¼;
Sec. 30, lots 1, 2, 3, 4, E½, E½W½;
Sec. 31, lots 1, 2, 3, 4, E½, E½W½;
Sec. 32, NE¼, S½;
Sec. 33;
Sec. 34;
Sec. 35, W½;
Sec. 36.
T. 28 N., R. 12 W.,
Sec. 14, S½S½;
Sec. 15, SE¼SE¼;
Sec. 21, NW¼, SE¼;
Sec. 22;
Sec. 23;
Sec. 24;
Sec. 25;
Sec. 26;
Sec. 27;
Sec. 28;
Sec. 29, E½;
Sec. 32;
Sec. 33;
Sec. 34;
Sec. 35;
Sec. 36.
T. 26 N., R. 13 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, lots 1 to 14, inclusive, S½NE¼, SW¼;
Sec. 10;
Sec. 11;
Sec. 12, N½, SE¼;
Sec. 14;
Sec. 15;
Sec. 22;
Sec. 23;
Sec. 24, NE¼, S½;
Sec. 25;
Sec. 26;
Sec. 27;
Sec. 35.
T. 27 N., R. 13 W.,
Sec. 2, lots 1, 2, 3, 4, S½NE¼, S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, lots 1 to 14, inclusive, S½NE¼, SE¼;
Sec. 9;
Sec. 10;
Sec. 11;
Sec. 13;
Sec. 14;
Sec. 15;
Sec. 17;
Sec. 18, lots 1 to 12, inclusive, E½;
Sec. 19, lots 1 to 12, inclusive, E½;
Sec. 21, N½;
Sec. 22, N½;
Sec. 23, N½, SE¼;
Sec. 24;
Sec. 25;
Sec. 26;
Sec. 27;
Sec. 28;
Sec. 29;
Sec. 30, lots 1 to 12, inclusive, E½;
Sec. 31, lots 1 to 12, inclusive, E½;
Sec. 32;
Sec. 33;
Sec. 34;
Sec. 35;
Sec. 36.
T. 28 N., R. 13 W.,
Sec. 7, lots 1, 2, 3, 4, 5, SE¼SW¼, S½SE¼;
Sec. 8, lots 1, 2, 3, 4, S½S½;
Sec. 16, N½, S½S½, NE¼SE¼;
Sec. 17;
Sec. 18, lots 1, 2, 3, 4, E½, E½W½;
Sec. 19, lots 1, 2, 3, 4, E½, E½W½;
Sec. 20;
Sec. 21;
Sec. 22;
Sec. 27;
Sec. 28;
Sec. 29, N½;
Sec. 30, lots 1, 2, 3, 4, NE¼, E½W½;
Sec. 31, lots 1, 2, 3, 4, E½W¼, SE¼;
Sec. 33;
Sec. 34.

The areas described above aggregate 91,831.40 acres.

As to any of the lands described in the original Bureau of Indian Affairs application which was published as F.R. Doc. 59-7814 on pages 7586 and 7587 of the FEDERAL REGISTER issue for Saturday, September 19, 1959 and which do not appear above, they shall be at 10:00 a.m. on November 15, 1964 relieved of the segregative effect of the original application.

MICHAEL T. SOLAN,
*Manager.*

[F.R. Doc. 64-10759; Filed, Oct. 21, 1964; 8:46 a.m.]

### WASHINGTON

### Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Washington 05490, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws. The applicant desires the land in connection with the development, operation and maintenance of the proposed Antilon Reservoir.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane, Wash.

The Department's regulations (43 CFR 2311.1-3c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

The lands affected are:

WILLAMETTE MERIDIAN

T. 29 N., R. 21 E.
In Secs. 25, 26, 35, 36.

The area described aggregates approximately 350 acres.

JOHN E. BURT, Jr.,
*Officer in Charge.*

[F.R. Doc. 64-10760; Filed, Oct. 21, 1964; 8:46 a.m.]

### WASHINGTON

### Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, Washington 05491, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws. The applicant desires the land for recreational purposes.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane, Wash.

The Department's regulations (43 CFR 2311.1-3c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be with-

drawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

The lands affected are:

WILLAMETTE MERIDIAN

T. 25 N., R. 11 E.
Sec. 4, Lot 2, those parts of Lot 1 and N½S½SE¼ west of Miller River.

The area described aggregates approximately 70 acres.

JOHN E. BURT, JR.,
*Officer in Charge.*

[F.R. Doc. 64-10761; Filed, Oct. 21, 1964; 8:46 a.m.]

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[Survey 2538-B]

## ALASKA

### Townsite of Kodiak; Notice of Sale

OCTOBER 15, 1964.

1. *Statutory authority.* The lots in the Kodiak Townsite (U.S. Survey 2538-B) will be disposed of under section 2381, United States Revised Statutes (43 U.S.C. Sec. 712). The townsite plat of Dependent Resurvey of a portion of U.S. Survey 2538-A and Extension of U.S. Survey 2538-B, East Addition of Townsite of Kodiak, was accepted on February 20, 1958, and officially filed on April 17, 1958.

2. *Lots and minimum prices.* The lots which will be offered for sale and minimum prices thereof are shown below.

3. *Public sale.* The lots will be offered for sale by the Superintendent of Sales, Bureau of Land Management, Anchorage, Alaska, or his representative at public outcry to the highest bidder in the City Council Chambers in the Post Office Building at Kodiak, Alaska on December 9, 1964, beginning at 8:00 p.m. The sale will be continued as long as may be necessary until all the lots have been offered.

4. *Payments.* No lot shall be sold for less than the minimum price. Full payment may be made in cash on the date of the sale, or one-fourth of the purchase price may be paid in cash at that time and the balance is not to exceed three equal annual installments, with interest at the rate of four (4) percent per annum to the date of payment. Payment on the date of the sale must be made to the officer conducting the sale. Payment may be made by personal check. The deferred installments, with the interest, must be paid to the Manager, Anchorage District and Land Office, Cordova Building, 555 Cordova Street, Anchorage, Alaska, 99501.

5. *Citizenship requirements.* Every individual purchasing a lot will be required to furnish evidence that he is a citizen of the United States, or that he has declared his intention to become such a citizen, and every corporation purchasing a lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it was organized under the laws of the United States or of some State, territory, or possession thereof, and that it is authorized to hold real estate in Alaska.

6. *Manner of sale.* Bids and payments may be made in person or by agent, but may not be made by mail nor at any time, or place other than that fixed by these regulations. No bids will be made in increments of less than $10.00.

7. *Authority of officer conducting the sale.* The officer conducting the sale is hereby authorized to reject any and all bids for any lot, and to suspend, adjourn, or postpone the sale of any lot or lots. After all the lots have been offered, the sale will be adjourned or closed, as the officer in charge may deem proper.

8. *Forfeitures for nonpayment.* If any person who has made partial payment on a lot fails to make any succeeding payment required under these regulations at the date such payment becomes due, the money theretofore paid and his right to the lot will be forfeited.

9. *Disposal of unsold lots after sale has been adjourned.* Lots remaining unsold upon adjournment or closure of this sale will be offered again at 11:00 a.m. on Friday, December 18, 1964, when and thereafter it will be resumed in the Anchorage Land Office on the first floor of the Cordova Building for another one-hour period or until adjourned for resumption at 11:00 a.m. on succeeding Fridays for additional one-hour periods until all lots are sold or until the sale is otherwise terminated. Any person or corporation may purchase as many lots for which he or they are the successful bidder, with no limitations to number during the Friday sales in the Anchorage Land Office.

10. *Reservations.* Patents for the lots, when issued, will contain the reservations of rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. Sec. 945), and for the construction of railroads and telegraphs and telephone lines as provided by the Act of March 12, 1914 (38 Stat. 305; 48 U.S.C. Secs. 301-302, 303-308), and for oil, gas and all other mineral deposits.

11. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will, in any way, hinder or embarrass the sale. Any person so offending will be prosecuted under section 59 of the Criminal Code of the United States (18 U.S.C. Sec. 113).

| Lot number | Block | Area in square feet | Appraised price |
|---|---|---|---|
| 1 and 2 | 42 | 10,000 | $720.00 |
| 3 | 44 | 5,000 | 750.00 |
| 7 and 8 | 48 | 10,000 | 1,000.00 |
| 1, 2, and 3 less R/W | 50 | 6,263 | 620.00 |
| 19 and 20 | 51 | 10,266 | 1,130.00 |

GEORGE E. M. GUSTAFSON,
*Superintendent of Sales.*

[F.R. Doc. 64-10770; Filed, Oct. 21, 1964; 8:48 a.m.]

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[Arizona 034182]

## ARIZONA

### Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, Department of Agriculture, has filed an application, Serial Number Arizona 034182, for the withdrawal of the lands described below, from mineral location and entry under the mining laws, subject to existing valid claims.

The Applicant desires the lands for the adequate protection of Weaver's Needle and the Tortilla Flat Campground in the Tonto National Forest, Arizona.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz., 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 2 N., R. 9 E., sec. 14, NE¼NE¼NE¼.
T. 2 N., R. 9 E., sec. 14, NE¼NE¼NE¼.
T. 1 N., R. 10 E., sec. 18, Lots 1 and 2, and E½NW¼.

The areas described above aggregate approximately 330.00 acres.

RAYMOND C. CLEGHORN,
*Acting State Director.*

OCTOBER 15, 1964.

[F.R. Doc. 64-10771; Filed, Oct. 21, 1964; 8:48 a.m.]

# DEPARTMENT OF AGRICULTURE

## Office of the Secretary

## IDAHO

### Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Idaho natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

IDAHO

Teton.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of October 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-10765; Filed, Oct. 21, 1964; 8:47 a.m.]



# ATOMIC ENERGY COMMISSION

[Docket No. 50-130]

## NORTHERN STATES POWER CO.

### Notice of Authorization

Please take notice that pursuant to the provisions of paragraph 3.B. of Provisional Operating License No. DPR-11, Northern States Power Co. is authorized to load the superheater fuel in its nuclear reactor located approximately five and one-half miles northeast of Sioux Falls, S. Dak. and, pursuant to the provisions of paragraph 3.A. of the license, to operate the reactor at power levels up to 1 megawatt thermal in the manner described and subject to the provisions set forth in the license.

Based upon reports of inspection by a representative of the Division of Compliance and an evaluation of these reports by the Research and Power Reactor Safety Branch, Division of Reactor Licensing, the Commission has found that construction of the superheater and its fuel has been completed in conformity with Construction Permit No. CPPR-8 and the Application.

Dated at Bethesda, Md., this 14th day of October 1964.

For the Atomic Energy Commission.

R. L. DOAN,
*Director, Division of Reactor Licensing.*

[F.R. Doc. 64-10739; Filed, Oct. 21, 1964; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 15549; Order E-21406]

## REEVE ALEUTIAN AIRWAYS, INC.

### Service Mail Rates; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of October 1964.

Reeve Aleutian Airways, Inc. (Reeve), by petition filed September 15, 1964, requests adjustment of its intra-Alaska service mail rate established in Board Orders E-13036, September 29, 1958, and E-15901, October 10, 1960.[1] The Post Office Department has requested Reeve to provide once-a-month plane service to Chernofski in addition to the present weekly mail drop.

The present service mail rate applicable provides:

(a) For the first 17,490 mail ton-miles flown each 28-day postal accounting period, $1.29 per mail ton-mile.

(b) For all mail ton-miles in excess of 17,490 flown each 28-day postal accounting period, 53 cents per mail ton-mile.

Reeve requests that the $1.29 rate apply to the first 17,723 ton-miles thereby increasing its compensation by $177.08, per 28-day accounting period, over that which would otherwise have been received at the 53-cent rate. In this respect the services currently provided by Reeve for the Post Office Department are substantially in excess of the total mail ton-miles to which the $1.29 rate would be applicable.

On September 23, 1964, the Postmaster General answered Reeve's petition urging that the requested relief be granted. The Postmaster General cited the recent discontinuance of powerboat service to Chernofski and states that regional postal officials have determined that adequate boat service to Chernofski cannot be obtained at reasonable cost. The absence of a suitable landing strip at Chernofski prevents Reeve from delivering mail at that point with the land type aircraft used on the Anchorage-Shemya Islands route except by means of mail-drops. The mail-drops cannot be used for bulk articles or packages susceptible to damage. The Postmaster avers that Reeve is willing to provide bulk mail service with an amphibian aircraft every four weeks from Cold Bay, 233 miles from Chernofski, provided the base ton-mileage is increased as requested by Reeve to cover such additional mileage.

The $1.29 per ton-mile rate has previously been determined by the Board to be fair and reasonable for the transportation of mail by air within Alaska by Reeve for the base ton-mileage of 17,490.

In view of the foregoing, the Board finds that the request to increase the base ton-miles to which the $1.29 per ton-mile rate applies to 17,723 is justified and reasonable.

Accordingly, the Board proposes to issue an order to include the following findings and conclusions:

The fair and reasonable rates of compensation to be paid Reeve on and after October 15, 1964, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between the points between which the carrier, by its certificate of public convenience and necessity or exemption order, has been, is presently, or hereafter may be authorized to transport mail, are:

(a) For the first 17,723 mail ton-miles flown each 28-day postal accounting period, $1.29 per mail ton-mile.

(b) For all mail ton-miles in excess of 17,723 flown each 28-day postal accounting period, 53 cents per mail ton-mile.

The foregoing rates per mail ton-mile shall be paid pursuant to the postal accounting period system of the Post Office Department by applying the appropriate rate to the mail ton-miles flown each 28-day period based upon the direct airport-to-airport mileage between the points served for the carriage of mail.

Such service mail rates shall be paid in their entirety by the Postmaster General pursuant to section 406(c) of the Federal Aviation Act of 1958, and no part of such amount shall be paid by the Board.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof,

*It is ordered,* That:

1. All interested parties, and particularly Reeve Aleutian Airways, Inc., and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions, and fix, determine, and publish the aforesaid final rates of compensation to be paid Reeve for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over the carrier's entire system on and after October 15, 1964;

2. All further procedures herein shall be in accordance with the rules of practice (14 CFR Part 302); and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the final rate specified herein;

4. If answer is filed, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order be served upon Reeve Aleutian Airways, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-10777; Filed, Oct. 21, 1964; 8:48 a.m.]

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[Docket No. 15333]

## AEROLINEAS EL SALVADOR, S.A.

### Foreign Permit Renewal; Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding now assigned to be held October 19, 1964, is postponed to October 29, 1964, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

[1] 27 C.A.B. 1081, and 32 C.A.B. 1298, respectively.

Dated at Washington, D.C., October 16, 1964.

[SEAL] JAMES L. KEITH,
*Hearing Examiner.*

[F.R. Doc. 64-10778; Filed, Oct. 21, 1964; 8:48 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[FCC 64-936]

## STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

OCTOBER 15, 1964.

Notice is hereby given, pursuant to § 1.571(c) of the Commission rules, that on November 24, 1964, the standard broadcast applications listed below will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on November 23, 1964, which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on November 23, 1964, or (b) the earlier effective cut-off date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: October 14, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

APPLICATIONS FROM THE TOP OF THE PROCESSING LINE

BP-15776 WJW, Cleveland, Ohio.
Storer Broadcasting Co.
Has: 850 kc, 5 kw, 10 kw-LS, DA-2, U.
Req: Change in daytime DA pattern.

BP-16182 New, Bayamon, P.R.
Augustine L. Cavallaro, Jr.
Req: 1030 kc, 10 kw, DA-1, U.

BP-16226 WMBC, Macon, Miss.
J. W. Farr.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-16227 WFFG, Marathon, Fla.
WHOO Radio, Inc.
Has: 1300 kc, 500 w, DA, Day.
Req: 1300 kc, 500 w, DA-2, U.

BP-16228 WSTP, Salisbury, N.C.
WSTP, Inc.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BMP-11327 KCON, Conway, Ark.
Conway Broadcasting Co.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-16235 KLBK, Lubbock, Tex.
Grayson Enterprises, Inc.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250w, 1 kw-LS, U.

BP-16239 WDXY, Sumter, S.C.
B.D.S. Radio & Television Co.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-16242 New, Inverness, Fla.
Citrus Broadcasting Co.
Req: 1560 kc, 1 kw, DA-N, U.

BP-16244 KTOP, Topeka, Kans.
Publishing Enterprises, Inc.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-16261 New, Holly Springs, Miss.
William H. Wallace.
Req: 1110 kc, 1 kw, Day.

BP-16290 WGOG, Walhalla, S.C.
Oconee Broadcasting Company, Inc.
Has: 1460 kc, 500 w, Day.
Req: 1000 kc, 1 kw, Day.

BP-16291 New, Wichita Falls, Tex.
Reuben B. Knight.
Req: 1110 kc, 1 kw, DA, Day.

BP-16292 New, Elmhurst, Ill.
DuPage County Broadcasting, Inc.
Req: 1530 kc, 250 w, Day.

BP-16300 WSER, Elkton, Md.
WSER, Inc.
Has: 1550 kc, 250 w, DA, Day.
Req: 1550 kc, 1 kw, DA, Day.

BP-16301 KING, Seattle, Wash.
King Broadcasting Co.
Has: 1090 kc, 50 kw, DA-1, U.
Req: 1090 kc, 50 kw, DA-2, U.

BP-16302 New, Spartanburg, S.C.
Carolina Radio Broadcasting Co.
Req: 1530 kc, 1 kw, 250 w (CH), Day.

BMP-11304 WRAN, Dover, N.J.
Lion Broadcasting Company, Inc.
Has: 1510 kc, 1 kw, DA-1, U.
Req: 1510 kc, 1 kw, DA-2, U.

BP-16307 New, West Liberty, Ky.
Morgan County Industries, Inc.
Req: 1450 kc, 250 w, U.

BP-16308 KOOS, Coos Bay, Oreg.
KOOS, Inc.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-16311 KLAC, Los Angeles, Calif.
Metromedia, Inc.
Has: 570 kc, 1 kw, 5 kw-LS, U.
Req: 570 kc, 5 kw, DA-N, U.

BP-16313 KCGR, Pierre, S. Dak.
Capitol Broadcasting, Inc.
Has: 1590 kc, 1 kw, Day.
Req: 1240 kc, 250 w, U.

BP-16315 WLKF, Greenwood, Miss.
William E. Hardy.
Has: 1540 kc, 500 w, Day.
Req: 1540 kc, 1 kw, Day.

BP-16317 WDXR, Paducah, Ky.
E. Weaks McKinney-Smith.
Has: 1560 kc, 1 kw, DA-1, U.
Req: 1560 kc, 1 kw, 5 kw-LS, DA-2, U.

BP-16323 New, Oscoda, Mich.
Airway, Broadcasters, Inc.
Req: 1060 kc, 500 w, DA, Day.

BP-16337 KCJH, Arroyo Grande, Calif.
Radio Station KCJH.
Has: 1280 kc, 500 w, Day.
Req: 1280 kc, 1 kw, DA-2, U.

APPLICATION DELETED FROM PUBLIC NOTICE OF AUGUST 6, 1964 (FCC 64-744) (29 F.R. 11504)

BP-16163 KCJH, Arroyo Grande, Calif.
Christina M. Jacobson & Leslie H. Hacker.
d/b as Radio Station KCJH.
Has: 1280 kc, 500 w, Day, Class III.
Req: 1110 kc, 1 kw, 5 kw-LS, DA-N, U, Class II.
(Assigned new File Number BP-16337).

[F.R. Doc. 64-10785; Filed, Oct. 21, 1964; 8:49 a.m.]

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[Docket No. 15415]

## ACQUISITION OF COMMUNITY ANTENNA TELEVISION SYSTEMS BY TELEVISION BROADCAST LICENSEES

### Order Extending Time for Filing Comments

1. On October 15, 1964, the Commission granted a petition for extension of time filed by the National Association of Broadcasters in rule making proceedings Docket Nos. 14895 and 15233 (concerning rules to govern grants of microwave facilities to serve CATV systems); and extended until October 26, 1964 the time for filing reply comments in those proceedings.

2. It appears that some of the matters which NAB wishes to present in its reply comments in those proceedings are also relevant in the instant matter, and that therefore the time for comments herein should be extended to the same October 26 date.

3. *Accordingly, it is ordered,* On the Commission's own motion, this 16th day of October, that the time for filing comments in this proceeding is extended to and including October 26, 1964; and that the time for filing reply comments herein is extended to and including November 26, 1964.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Released: October 19, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10779; Filed, Oct. 21, 1964; 8:48 a.m.]

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[Docket No. 15659; FCC 64-938]

## M. R. LANKFORD BROADCASTING CO.

### Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of M. R. Lankford, tr/as M. R. Lankford Broadcasting Company, New Albany, Indiana, Docket No. 15659, File No. BP-15106; Requests: 1290 kc, 500 w, DA-1, U, Class III-B, for construction permit.

1. The Commission has before it for consideration (1) the above-captioned and described application; (2) a petition to deny the application, filed June 2, 1964, by Kentuckiana Broadcasting, Inc. ("Kentuckiana"), licensee of standard broadcast Station WOWI (now WNUW), New Albany, Indiana; and (3) other documents related thereto.

2. Although Kentuckiana is a party in interest in this matter (see Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 9 R.R. 2008 (1940)), its petition to deny the Lankford application was not timely filed. Kentuckiana's petition will be treated, therefore, as an informal objection and petition for leave to intervene.

3. Kentuckiana contends (1) that, notwithstanding a marked similarity between the proposed program schedule and the program schedules of other stations controlled by the applicant, the latter (a non-resident of the proposed service area) has submitted no specific evidence that he has made reasonable efforts to ascertain the programming needs and interests of the residents of that area; (2) that the applicant's other broadcast interests, together with those of his sons, present a multiple-ownership question under § 73.35 of the Commission's rules; [1] and (3) that the applicant's residence in a community (Princeton, Indiana) some 90 miles distant from New Albany, Indiana, plus the fact that he has "other stations to attend to," raise the question as to whether he would be able to exercise adequate control over the proposed station.

4. With respect to Kentuckiana's first contention, regarding programming, it is noted that on August 14, 1964 (two months after Kentuckiana filed its objections), Lankford filed an amended program service section of its application, including exhibits reflecting a recent survey of community leaders to determine the needs and interests of area residents. The exhibits included individual summaries of interviews with 29 named community officials and civic leaders including the local mayor, superintendent of schools, two county sheriffs, clergymen, businessmen, a union official, Federal and State agency officials serving the local area, and other persons of comparable status and letters from some of those interviewed. Lankford's revised program schedule appears to have been prepared with due consideration of the programming recommendations offered by those interviewed. Kentuckiana has in no way subsequently challenged the bona fides of Lankford's exhibits or questioned the program-proposal revisions made by Lankford as a consequence of its community survey. In view of these facts, the Commission finds that Lankford has made reasonable efforts to ascertain the program-service needs and interests of the area to be served and that its program-service proposal, as amended, adequately responds to those indicated needs and interests. Accordingly, no programming issue will be included in this order.

5. The Commission finds with respect to Kentuckiana's second and third contentions that they are not supported by specific allegations sufficient to show that a grant of the application would be prima facie not in the public interest, convenience, and necessity, or to raise any substantial and material questions of fact.

6. Nonetheless, because of the following matters, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below. Except as indicated by those issues, the Commission finds that the applicant is legally, technically, financially, and otherwise qualified to construct, own, and operate the station as proposed.

7. The following matters are to be considered in connection with the issues specified below:

(1) Information provided by the applicant indicates that the proposal would cause nighttime interference to KOIL, Omaha, Nebraska, and WTOC, Savannah, Georgia, within those stations' normally protected service area.

(2) A population study, by the Commission, of the area within the 2 mv/m groundwave contour of the proposal indicates that the applicant has considerably over-estimated the population in that portion of the daytime service area. A substantial question exists, therefore, as to whether the daytime operation of the proposed station would receive interference from other stations affecting more than 10 percent of the population in its daytime service area, in contravention to § 73.28(d)(3) of the Commission's rules.

(3) The applicant indicates that the proposed nighttime operation would lose, as a result of interference from other stations, 66.4 percent of the population and 88.6 percent of the area within its normally protected nighttime service contour (4 mv/m). Since the proposed Class III-B station would provide a standard broadcast nighttime facility to a community not having such a facility, such nighttime operation may meet an exception to § 73.28(d)(3) of the rules. However, a substantial question does exist as to whether the applicant's proposal (which would not serve any white area) would, in contravention of § 73.24(b) of the rules, suffer interference to such an extent that its service would be reduced to an unsatisfactory degree.

(4) The antenna parameters set forth in the application do not accurately depict the proposed radiation pattern. In addition and contrary to applicant's findings, it appears that on the basis of 2 ohms loss per tower, the RMS field of the proposed directional antenna system would be only 158 mv/m/kw, which is below the minimum permitted under § 73.189 of the rules.

*Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from this proposal and the availability of other primary service to such areas and populations.

(2) To determine whether this proposal would cause objectionable interference to Stations KOIL, Omaha, Nebraska, and WTOC, Savannah, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

(3) To determine whether interference received from WHIO, Dayton, Ohio; WCBL, Benton, Kentucky; or any other existing stations, would affect more than ten percent of the population within the normally protected daytime service area of the proposed operation, in contravention of § 73.28(d)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

(4) To determine whether, because of interference received, the nighttime operation of the proposal would be consistent with the requirements of § 73.24(b) of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

(5) To determine whether the directional antenna parameters set forth in the engineering portion of the application accurately depict the proposed radiation pattern, and whether the minimum radiation efficiency required by the provisions of § 73.189 of the Commission's rules would be achieved by the proposed station.

(6) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

*It is further ordered,* That Central States Broadcasting, Inc., and Savannah Broadcasting Co., licensees respectively of Stations KOIL, Omaha, Nebraska, and WTOC, Savannah, Georgia, are made parties to the proceeding; and that Kentuckiana Broadcasting, Inc.'s petition is denied.

*It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered,* That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the

[1] The applicant has 100 percent interests in WRAY(AM) (1 kw) and WRAY-FM, Princeton, Indiana, and WDQN(AM) (250w), Du Quoin, Indiana. Three sons of the applicant each have a one-third interest in WAKO (AM) (500w, DA-D), Lawrenceville, Illinois, and are associated with him in the operation of WRAY(AM and FM). Princeton, Du Quoin, and Lawrenceville are, respectively, 90, 180, and 105 miles from New Albany. No overlap of the 0.5 mv/m contours is involved. The applicant herein is also the applicant for a construction permit (BPH-4222) for a new FM station in St. Louis, Missouri.

manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: October 14, 1964.

Released: October 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10780; Filed, Oct. 21, 1964; 8:48 a.m.]

[Docket No. 15659; FCC 64M-1028]

## M. R. LANKFORD BROADCASTING CO.

### Order Scheduling Hearing

In re application of M. R. Lankford, tr/as M. R. Lankford Broadcasting Company, New Albany, Indiana, Docket No. 15659, File No. BP-15106; for construction permit.

*It is ordered,* This 16th day of October 1964, that Charles J. Frederick shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on November 24, 1964; and that a prehearing conference shall be convened at 9:00 a.m. on November 6, 1964; *And it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 19, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10781; Filed, Oct. 21, 1964; 8:48 a.m.]

[Docket Nos. 15660,15661; FCC 64M-1029]

## MERCED BROADCASTING CO. AND CAMBRIDGE BROADCASTING CORP.

### Order Scheduling Hearing

In re applications of Kurt Fantl and Margaret A. Fantl, d/b as Merced Broadcasting Co., Merced, California, Docket No. 15660, File No. BPH-4162; Cambridge Broadcasting Corp., Merced, California, Docket No. 15661, File No. BPH-4474; for construction permits.

*It is ordered,* This 16th day of October 1964, that Basil P. Cooper shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on November 30, 1964; and that a prehearing conference shall be convened at 9:00 a.m. on November 6, 1964; *And it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 19, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10782; Filed, Oct. 21, 1964; 8:48 a.m.]

[Docket 15658; FCC 64M-1027]

## NAUGATUCK VALLEY SERVICE, INC. (WOWW)

### Order Scheduling Hearing

In re application of Naugatuck Valley Service, Inc. (WOWW), Naugatuck, Connecticut, Docket No. 15658, File No. BP-14829; for construction permit.

*It is ordered,* This 16th day of October 1964, that Thomas H. Donahue shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on November 30, 1964; and that a prehearing conference shall be convened at 9:00 a.m. on November 9, 1964; *And it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 19, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10783; Filed, Oct. 21, 1964; 8:48 a.m.]

[Docket No. 15625; FCC 64M-1026]

## RADIO STATION KVOL, INC. (KVOL)

### Order Continuing Hearing

In re application of Radio Station KVOL, Inc. (KVOL), Lafayette, Louisiana, Docket No. 15625, File No. BP-14947; for construction permit.

Pursuant to agreements reached at the prehearing conference held on October 16, 1964, the evidentiary hearing in the above-entitled proceeding is continued from November 10, 1964 to December 10, 1964, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C.

*It is so ordered,* This the 16th day of October 1964.

Released: October 19, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10784; Filed, Oct. 21, 1864; 8:49 a.m.]

# FEDERAL MARITIME COMMISSION

## MEMBER LINES OF AMERICAN WEST AFRICAN FREIGHT CONFERENCE

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. John K. Cunningham, Chairman, American West African Freight Conference, 80 Broad Street, New York, N.Y., 10004.

Agreement 7680-16, between the member lines of the American West African Freight Conference modifies the basic agreement, as amended, to extend the termination date of their Neutral Body Self-policing system from November 30, 1964 to November 30, 1965.

Dated: October 19, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10775; Filed, Oct. 21, 1964; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G-5145, etc.]

## HUMBLE OIL & REFINING CO. ET AL.

### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates and Pending Certificate Applications [1]

OCTOBER 13, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 9, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRADE,
*Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.



| Docket No. and date filed | Applicant | Purchaser, field and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| CI69-1553 C 10-6-64 | Tex-Star Oil & Gas Corp. | El Paso Natural Gas Co., Ignacio Field, La Plata County, Colo. | 13.0 | 15.025 |
| CI64-735 C 10-6-64 | Jas. F. Smith | Kansas-Nebraska Natural Gas Co., Inc., Dombey Field, Beaver County, Okla. | 15.0 | 14.65 |
| CI64-812 C 10-2-64 | Logue and Patterson | Lone Star Gathering Co., South Tescostle Field, Goliad County, Tex. | 14.0 | 14.65 |
| CI64-1496 C 10-6-64 | William N. Price and L. E. Geoffroy. | Kansas-Nebraska Natural Gas Co., Inc., acreage in Beaver County, Okla. | 15.0 | 14.65 |
| CI65-66 | Ben Gittleman (successor to B. H. Bostwick). | Hope Natural Gas Co., Grant Dist., Ritchie County, W. Va. | 20.0 | 15.325 |
| CI65-322 A 10-1-64 | McColl Drilling Co., Inc. | Hope Natural Gas Co., Union Dist., Lewis County, W. Va. | 25.0 | 15.325 |
| CI65-323 A 10-1-64 | Exchange Oil & Gas Co. | Hope Natural Gas Co., Chalkley Field, Cameron Parish, La. | * 16.75 | 15.025 |
| CI65-324 A 10-1-64 | M. J. Moran, et al. | Hope Natural Gas Co., Skin Creek Dist., Lewis County, W. Va. | 25.0 | 15.325 |
| CI65-325 A 10-1-64 | Lura Ables Oil & Gas Co. | Hope Natural Gas Co., Doddridge Co., New Milton Dist., Doddridge County, W. Va. | 25.0 | 15.325 |
| CI65-326 A 10-1-64 | Goff Gas Co. | Hope Natural Gas Co., Union Dist., Ritchie County, W. Va. | 25.0 | 15.325 |
| CI65-327 A 10-2-64 | Ratliff Oil Producer. | Hope Natural Gas Co., Grant Dist., Ritchie County, W. Va. | 25.0 | 15.325 |
| CI65-328 A 10-2-64 | Ellison Gas Co. | Hope Natural Gas Co., Washington Dist., Lewis County, W. Va. | 25.0 | 15.325 |
| CI65-329 A 10-2-64 | Tenneco Oil Co. | Northern Natural Gas Co., North Lipscott Field, Ellis County, Okla. | 17.0 | 14.65 |
| CI65-330 A 9-28-64 | D. J. Stone | Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans. | 16.0 | 14.65 |
| CI65-331 A 10-5-64 | The Pure Oil Co. | Transcontinental Gas Pipe Line Corp. Eugene Island Block 330 Field, South Addition (Offshore from Louisiana). | 19.5 | 15.025 |
| CI65-332 A 10-2-64 | A. I. K. Ltd. | Northern Natural Gas Co., acreage in Hansford County, Tex., and Beaver County, Okla. | 17.0 | 14.65 |
| CI65-333 A 10-5-64 | Bell Oil and Gas Co. | Arkansas Louisiana Gas Co., Ayelar Field, Claiborne (Holtsw), Pittsburg County, Okla. | 15.0 | 14.65 |
| CI65-334 A 9-23-64 | Socony Mobil Oil Co., Inc. | Trunkline Gas Co., Ragley Field, Beauregard County, La. | 17.7 | 15.025 |
| CI65-335 A 9-30-64 | Sinclair Oil & Gas Co. | Hope Natural Gas Co., Chalkely Field, Cameron Parish, La. | * 16.75 | 15.025 |
| CI65-336 F 10-1-64 | Dean Wells and T. L. Nutt (successor to Ambassador Oil Corp. (Operator), et al.). | Panhandle Eastern Pipe Line Co., acreage in Edwards County, Kans. | 15.0 | 14.65 |
| CI65-338 A 10-5-64 | The Pure Oil Co. | Kansas-Nebraska Natural Gas Co., Inc., Badwater Area, Fremont and Natrona Counties, Wyo. | 15.0 | 14.65 |
| CI65-339 B 10-5-64 | Texaco Inc. | Texas Eastern Transmission Corp., Long Hills Field, Nueces County, Tex. | Depleted | ------- |
| CI65-340 B 10-5-64 | Columbian Fuel Corp. | Hope Natural Gas Co., Sissonville Field, Jackson County, W. Va. | Depleted | ------- |
| CI65-341 A 10-5-64 | E. Jos Pruitt, et al. | Lone Star Gathering Co., Karen Beauchamp Field, Goliad County, Tex. | 14.0 | 14.65 |
| CI65-342 B 10-6-64 | Hal Peck & Co. (successor to P & J Development Co., Inc.). | Hope Natural Gas Co., Center Dist., Ritchie County, W. Va. | Produced-declined | ------- |
| CI65-343 A 10-6-64 | J. P. Owen (Operator), et al. | American Louisiana Pipe Line Co., Jeanerette Field, St. Mary Parish, La. | 20.625 | 15.025 |
| CI65-344 A 10-3-64 | A. S. Ritchie, et al. | Panhandle Eastern Pipe Line Co., Kingsdown Field, Stevens County, Kans. | 11.0 | 14.65 |
| CI65-345 A 10-5-64 | Peter Henderson Oil Co. | Kansas-Nebraska Natural Gas Co., Inc., Wind River Basin, Fremont and Natrona Counties, Wyo. | 15.0 | 14.65 |

[1] Amendment to certificate filed to add depth under acreage.
[2] Rate in effect subject to refund under Docket No. RI63-334.
[3] Subject to B.t.u. adjustment.
[4] Includes 0.1375 cent per Mcf tax reimbursement.
[5] Pending—temporary authorization granted only.
[6] Inclusive of 1.75 cents per Mcf tax reimbursement.

[F.R. Doc. 64-10702; Filed, Oct. 21, 1964; 8:45 a.m.]

| Docket No. and date filed | Applicant | Purchaser, field and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| G-5145 D 10-5-64 | Humble Oil & Refining Co. | El Paso Natural Gas Co., Spraberry Field, Upton County, Tex. | Assigned | ------- |
| G-6811 1-141 | Amerada Petroleum Corp. (Operator), et al. | Northern Natural Gas Co., Eumice Field, Lea County, N. Mex. | 12.0212 | 15.025 |
| G-9652 E 10-5-64 | Aztec Oil & Gas (successor to M. A. Maghris). | Natural Gas Pipeline Co. of America, Lipa Morrow Field, Ochiltree County, Tex. | 10.72 | 14.65 |
| G-11280 C 9-4-64 | Monsanto Co. (Operator), et al. (formerly Monsanto Chemical Co.). | United Gas Pipe Line Co., Welder Ranch Field, Victoria County, Tex. | [3] 15.6 | 14.65 |
| G-11831 D 10-7-64 | Marathon Oil Co. (Operator), et al. | United Gas Pipe Line Co., Maxie and Pisgah Ridge Fields, Forrest County, Miss. | Assigned | ------- |
| G-12656 D 10-7-64 | Socony Mobil Oil Co., Inc. (partial abandonment). | Cities Service Gas Co., Northwest Sharon Field, Barber County Kans. | Depleted | ------- |
| G-13228 C 10-5-64 | Cities Service Oil Co. (Operator), et al. | Michigan Wisconsin Pipe Line Co., Eunice Field, Lea County, N. Mex. | 17.0 | 14.65 |
| G-16211 E 9-25-64 | St. Clair Oil Co. (successor to Harry Wines). | Eastern Gas & Fuel Associates, Big Creek Dist., Lewis County, W. Va. | 20.0 | 15.325 |
| G-17113 D 10-5-64 | Skelly Oil Co. (partial abandonment). | Cities Service Gas Co., acreage in Texas County, Okla. | Depleted | ------- |
| G-19188 E 9-14-64 | Noel O. Neely (successor to Calbo Oil Co.). | El Paso Natural Gas Co., West Kutz Field, San Juan County, N. Mex. | 12.0 | 15.025 |
| CI60-108 C 10-5-64 | Skelly Oil Co. | West Panhandle Production Co., South Haley Field, Winkler County, Tex. | 16.0 | 14.65 |
| CI61-2 C 10-2-64 | Graham-Michaelis Drilling Co. (Operator), et al. | Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Texas County, Okla. | [3] 15.6 | 14.65 |
| CI61-949 C 9-30-64 | Sinclair Oil & Gas Co. (Operator), et al. | Lone Star Gas Co., East Durant Field, Bryan County, Okla. | 15.0 | 14.65 |
| CI61-1117 F 9-24-64 | Petroleum Corp. of Texas (successor to Texfel Petroleum Corp., Operator). | United Gas Pipe Line Co., West Jacksonville Field, Cherokee County, Tex. | 10.6344 | 14.65 |
| CI61-1160 E 9-17-64 | Thomas W. Clay and J. G. Walker, Jr. d.b.a. Clay-Walker (Operator), et al. (successor to Kirby Production Co. (Operator), et al. | United Gas Pipe Line Co., Jacksonville Field, Cherokee County, Tex. | [4] 10.8875 | 14.65 |
| CI61-1160 D 5-1164 | Thomas W. Clay and J. G. Walker, Jr. d.b.a. Clay-Walker (Operator), et al. (partial abandonment). | do | Depleted | ------- |
| CI61-1553 E 10-6-64 | Hal Peck & Co. (successor to P & J Development Co., Inc.). | Hope Natural Gas Co., McClellan Dist., Doddridge County, W. Va. | 25.0 | 15.325 |
| CI61-1612 E 9-28-64 | D. J. Stone (successor to Alamo Corp.). | Panhandle Eastern Pipe Line Co., acreage in Morton County, Kans. | 16.0 | 14.65 |
| CI62-54 E 10-6-64 | Hal Pack & Co. (successor to P & J Development Co., Inc.). | Hope Natural Gas Co., Eagle Dist., Harrison County, W. Va. | 25.0 | 15.325 |
| CI62-754 E 10-6-64 | do | do | 25.0 | 15.325 |
| CI62-787 E 10-6-64 | do | do | 25.0 | 15.325 |
| CI63-1311 E 10-6-64 | do | Hope Natural Gas Co., Coal Dist., Harrison County, W. Va. | 21.88 | 15.325 |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[Docket No. G-5716, etc.]

## NORTHERN NATURAL GAS PRODUCING CO. ET AL.

### Findings and Order

OCTOBER 13, 1964.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, redesignating proceeding, cancelling docket numbers, accepting and redesignating related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Bowers Drilling Company, Inc., which has heretofore received a certificate in Docket No. CI64-351 authorizing the sale of natural gas from certain acreage, has filed an application in said docket to cover the partial interest of National Cooperative Refinery Association in said acreage. The subject sale is made pursuant to Bowers' FPC Gas Rate Schedule No. 2. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. G-19934,[1] in which proceeding Bowers is a corespondent together with its predecessor in interest, The Superior Oil Company. Accordingly, the certificate, rate schedule and rate proceeding will be appropriately redesignated to indicate that Bowers is both co-owner and operator, and the agreement and undertaking filed in Docket No. G-19934 by Bowers will be construed also to assure refunds with respect to sales from the interest of the co-owner.

After due notice, no petition or notice to intervene or protest to the granting of any of the respective applications or petitions have been filed.

At a hearing held on October 8, 1964, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-4670, G-5716, G-6306, G-9518, G-11187, G-11566, G-12576, G-13070, CI61-524, CI62-36, CI62-1184, CI62-1295, CI62-1412, CI63-187, CI63-1328, CI64-351, CI64-812 and CI64-1237 should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) The certificates of public convenience and necessity heretofore issued to the Applicants herein, relating to the several abandonments hereinafter permitted and approved should be terminated.

(8) The proceeding pending in Docket No. G-19934 should be redesignated as The Superior Oil Company and Bowers Drilling Company, Inc. (Operator), et al., and the agreement and undertaking filed in said proceeding by Bowers should be construed also to assure refunds with respect to sales from the interest of National Cooperative Refinery Association.

(9) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein, should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G-5716, CI62-1184, CI62-1412, CI63-187, and CI64-1237 are hereby amended by adding thereto and deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) The certificate heretofore issued in Docket No. CI64-812 is hereby amended by deleting therefrom authorization granted herein, in Docket No. CI65-153.

(F) The certificate heretofore issued in Docket No. CI61-524 is hereby amended to include the additional dedication and such authorization is conditioned as provided in the Commission's Opinion No. 353, issued March 7, 1962, in Docket Nos. CP61-102, et al.

(G) The certificate heretofore issued in Docket No. CI64-351 is hereby amended to reflect Bowers Drilling Company, Inc. (Operator), et al., as co-owner and Operator of the subject producing properties.

(H) The orders issuing certificates in Docket Nos. G-9518, G-11187, G-12576, CI62-36, CI62-1295, and CI63-1328 be and the same are hereby amended by changing the certificate holders to the successors in interest as set forth in the tabulation herein.

(I) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(J) Permission for and approval of the partial abandonment of service in Docket Nos. G-4670, G-6306, G-11566, and G-13070 are hereby granted and the certificates are amended by deleting therefrom certain acreage as indicated in the tabulation herein.

(K) The certificates heretofore issued in Docket Nos. G-14765 and CI61-583 are hereby terminated.

(L) The proceeding pending in Docket No. G-19934 be and the same is hereby redesignated as The Superior Oil Company and Bowers Drilling Company, Inc. (Operator), et al., and the agreement and undertaking filed in said proceeding by Bowers shall be construed also to assure refunds with respect to sales from the interest of National Cooperative Refinery Association.

(M) Docket Nos. CI64-1361, CI64-1362, CI64-1366, and CI65-167 are hereby cancelled.

(N) The related rate filings and supplements as indicated in the tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the successions herein, are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Consolidated with Docket No. AR64-1, et al.



| Docket No. and date filed | Applicant | Purchaser, field and location | FPC rate schedule to be accepted: Description and date of document | No. | Supp. |
|---|---|---|---|---|---|
| G-5716 D 1-14-60 11-2-60 [1] | Northern Natural Gas Producing Co. | Northern Natural Gas Co., Kansas Hugoton Field, Grant, Finney, Haskell, Kearny, Seward, and Stevens Counties, Kans. | Release 5-11-59 [2] [8] | 2 | 94 |
| G-9518 E 8-24-64 | Otis C. Coles, Jr. (successor to Basic Metal & Coal Corp.). | Arkansas Louisiana Gas Co., Gibbs Gas Unit, Ada Field, Webster Parish, La. | Basic Metal & Coal Corp., FPC GRS No. 1. | 3 | ---- |
| | | | Supplement Nos. 1-2 | 3 | 1-2 |
| | | | Notice of succession 8-18-64. | ---- | ---- |
| | | | Assignment 8-19-64 | 3 | 3 |
| | | | Effective date: 8-19-64 | ---- | ---- |
| G-11187 E 8-21-64 | K. S. Adams, Jr., et al. (successor to City Products Corp., et al.). | Cities Service Gas Co., South Blunk Field, Sternberger Lease, Barber County, Kans. | City Products Corp., et al., FPC GRS No. 1. | 6 | ---- |
| | | | Notice of succession 8-17-64. | ---- | ---- |
| | | | Assignment 1-16-64 | 6 | 1 |
| | | | Effective date: 12-31-63 | ---- | ---- |
| G-12576 E 7-30-64 | Tex-Star Oil & Gas Corp. (successor to Logue and Patterson). | Texas Eastern Transmission Corp., Enke Field, Goliad County, Tex. | Logue and Patterson, FPC GRS No. 10. | 35 | ---- |
| | | | Supplement Nos. 1-4 | 35 | 1-4 |
| | | | Notice of succession 7-30-64. | ---- | ---- |
| | | | Assignment 4-30-64 | 35 | 5 |
| | | | Effective date: 1-1-64 | ---- | ---- |
| CI61-524 [4] C 3-2-64 | Shell Oil Co. (Operator), et al. | Michigan-Wisconsin Pipe Line Co., Cedardale Field, Woodward County, Okla. | Ratification 7-22-63 [8] | 268 | 19 |
| CI62-36 [9] E 12-14-61 | Fred M. Allison (Operator), et al. (successor to Prairie States Petroleum Corp. (Operator), et al.). | Transwestern Pipeline Co., Worsham Field, Reeves County, Tex. | Prairie States Petroleum Corp. (Operator), et al., FPC GRS No. 1. | 1 | ---- |
| | | | Notice of Succession 12-6-61. | ---- | ---- |
| CI62-36 E 8-20-64 | Alexander G. Kaspar and Frank Kell Caboon (Operator), et al. (successor to Fred M. Allison (Operator), et al.). | do | Assignment 7-24-61 | 1 | 1 |
| | | | Fred M. Allison (Operator), et al., EPC GRS No. 1. | 1 | ---- |
| | | | Supplement No. 1 | 1 | 1 |
| | | | Notice of succession | ---- | ---- |
| | | | Assignment 1-20-64 [7] | 1 | 2 |
| | | | Letter agreement 6-4-64 | 1 | 3 |
| | | | Effective date: 1-1-64 | ---- | ---- |
| CI62-1184 C 8-26-64 | Sinclair Oil & Gas Co. (Operator), et al. | Arkansas Louisiana Gas Co., Wilburton Field, Latimer County, Okla. | Ratification 7-20-64 [8] | 251 | 8 |
| CI62-1295 E 7-20-64 8-12-64 [5] | Tex-Star Oil & Gas Corp., et al. (successor to Logue and Patterson, et al.). | United Gas Pipe Line Co., South Weesatche Field, Goliad County, Tex. | Logue and Patterson, et al., FPC GRS No. 6. | 34 | ---- |
| | | | Supplement Nos. 1-3 | 34 | 1-3 |
| | | | Notice of succession 7-20-64. | ---- | ---- |
| | | | Assignment 4-30-64 | 34 | 4 |
| | | | Effective date: 1-1-64 | ---- | ---- |
| CI62-1412 C 8-24-64 | Sunray DX Oil Co. | Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla. | Supplemental agreement 8-5-64. [6] | 222 | 2 |
| CI63-187 C 7-30-64 | Southern Triangle Oil Co., Inc. | Hope Natural Gas Co., Cove Dist., Doddridge County, W. Va. | Supplemental agreement 3-25-63. [5] | 9 | 3 |
| CI63-1328 E 8-10-64 | Douglas V. Smith (Operator), et al. (successor to Big D Oil Co., Inc.). | United Gas Pipe Line Co., Bibley Field, Webster Parish, La. | Big D Oil Co., Inc., FPC GRS No. 1. | 1 | ---- |
| | | | Supplement Nos. 1-14 | 1 | 1-14 |
| | | | Notice of succession 8-6-64. | ---- | ---- |
| | | | Assignment 6-24-64 | 1 | 15 |
| | | | Effective date: 5-1-64 | ---- | ---- |
| CI64-351 2-6-64 [3] | Bowers Drilling Co., Inc. (Operator), et al. | Cities Service Gas Co., Boggs Field, Barber County, Kans. | Contract 12-20-63 [8] | 2 | 2 |
| CI64-1237 C 7-28-64 | Mayhew Oil & Gas Developments. | Hope Natural Gas Co., Salt Lick Dist., Gassaway County, W. Va. | Supplemental agreement 5-19-64. [8] | 2 | 1 |
| CI64-1361 (G-4670) B 5-11-64 [11] | Delhi-Taylor Oil Corp., (partial abandonment). [10] | El Paso Natural Gas Co., Ignacio area, LaPlata County, Colo. | Notice of cancellation 5-5-64. [8] [12] | 36 | 2 |
| CI64-1362 (G-4670) B 5-11-64 [11] | do | do | Notice of cancellation 5-5-64. [8] [12] | 37 | 1 |
| CI64-1366 (G-6306) B 5-11-64 [11] | do | El Paso Natural Gas Co., Blanco-Mesa Verde Field, San Juan County, N. Mex. | Notice of cancellation 5-5-64. [8] [12] | 15 | 1 |
| CI65-80 A 7-30-64 | J. C. Baker & Son, Inc. | Hope Natural Gas Co., Salt Lick Dist., Braxton County, W. Va. | Contract 4-3-64 [8] | 1 | ---- |
| CI65-81 A 7-30-64 | Warren L. Taylor, et al. | Hope Natural Gas Co., Hamilton and Beaver Dists., Nicholas County, W. Va. | Contract 11-12-63 [8] | 3 | ---- |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

| Docket No. and date filed | Applicant | Purchaser, field and location | FPC rate schedule to be accepted: Description and date of document | No. | Supp. |
|---|---|---|---|---|---|
| CI65-153 (CI64-612) A 7-20-64 S-13-64 [12] | Tex-Star Oil & Gas Corp., et al. (partial succession). | Lone Star Gathering Co., South Weesatche Field, Goliad County, Tex. | Contract 12-26-62 | 37 | |
| | | | Amendment 6-29-64 | 37 | 1 |
| | | | Assignment 4-30-64 | 37 | 2 |
| | | | Effective date: 1-1-64 | | |
| CI65-156 A 8-18-64 | Occidental Petroleum Corp. | Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla. | Contract 5-11-64 [3] | 2 | |
| CI65-157 (CI61-583) B 8-21-64 | Forest Oil Corp. | Wunderlich Development Co., Southeast Antwine Field, Kay County, Okla. | Notice of cancellation 7-22-64 [2 12] | 23 | 1 |
| CI65-158 A 8-21-64 | Paul F. Starr, agent for H. B. Young Construction Co., et al. | Pennsoil Co., Spencer Dist., Roane County, W. Va. | Contract 5-19-64 [4] | 17 | |
| CI65-159 A 8-21-64 | Carter & Mandel Co. (Operator), et al. | Cities Service Gas Co., J. W. Long Lease, Barber County, Kans. | Contract 7-17-64 [1] | 1 | |
| CI65-160 A8-21-64 | St. Clair Oil Co. | Equitable Gas Co., Skin Creek Dist., Lewis County, W. Va. | Contract 5-28-64 [4] | 13 | |
| CI65-163 A 8-24-64 | T. F. Hodge (Operator), et al. | Texas Eastern Transmission Corp., South Weesatche Field, Goliad County, Tex. | Contract 8-5-64 | 6 | |
| | | | Letter agreement 8-5-64 [5] | 6 | 1 |
| CI65-164 A 8-24-64 | Sunray DX Oil Co. (Operator), et al. | Texas Eastern Transmission Corp., Wharco-Schilling area, Wharton and Colorado Counties, Tex. | Contract 8-30-64 | 248 | |
| | | | Ratification 7-29-64 [1] | 248 | 1 |
| CI65-165 A 8-24-64 | San Jacinto Drilling Co. (Operator), et al. | United Gas Pipe Line Co., Jarvis Creek area, Wharton County, Tex. | Contract 7-29-64 [4] | 1 | |
| CI65-166 A 8-25-64 | Ashland Oil & Refining Co. (Operator), et al. | Arkansas Louisiana Gas Co., Clay area, Lincoln Parish, La. | Contract 4-28-64 | 167 | |
| CI65-167 (G-11566) (G-13070) B 9-24-64 [14] | National Cooperative Refinery Association (partial abandonment). | Cities Service Gas Co., Northwest Sharon and Stumph Fields, Barber County, Kans. | Notice of partial cancellation 6-23-64 [2 12] | 2 | 5 |
| CI65-168 A 8-19-64 | Francis Friestad, Trustee. | Kentucky West Virginia Gas Co., Middle Creek Field, Floyd County, Ky. | Contract 7-15-64 [4] | 4 | |
| CI65-171 A 8-26-64 | R. H. Burns (Operator), et al. | Cities Service Gas Co., Canyon Creek Pool, Osage County, Okla. | Contract 8-10-64 [4] | 1 | |
| CI65-172 A 8-26-64 | Ross Production Co. (Operator), et al. | Texas Eastern Transmission Corp., Huxley Field, Shelby County, Tex. | Contract 7-20-64 [4] | 1 | |
| CI65-174 (G-14765) B 8-26-64 | Sinclair Oil & Gas Co. | Trunkline Gas Co., Hinkle Field, Harris County, Tex. | Notice of cancellation 8-21-64 [2 12] | 160 | 7 |

[1] Supplements application filed Jan. 14, 1960, so as to release only the interest assigned to Shell Oil Co.
[2] Releases from basic contract the interest in undeveloped "Deep Horizons" (below 3,400 feet) assigned to Shell.
[3] Effective date: Date of this order.
[4] Original authorization granted pursuant to Opinion No. 353.
[5] Effective date: Date of initial delivery.
[6] Allison was issued a temporary certificate to continue sales previously authorized to be rendered by Prairie States Petroleum Corp. Rate schedule previously accepted for filing.
[7] Assigns interest of Allison to Kasper and Cahoon.
[8] Amendment to application filed Aug. 13, 1964, states that the 3 nonproductive Arnecke leases expired prior to the transfer of interests, therefore the succession of interest is effective insofar as it relates to the S. J. Pfenninger, NE 68' acres of the L. Y. Johnson and the Leona and Robert J. Bitterly leases.
[9] Amendment to certificate whereby Applicant requests to continue operating subject properties as coowner and Operator in lieu of sole owner.
[10] Abandonment filed by Tenneco Oil Co. (sucessor in interest to Delhi-Taylor).
[11] The abandonment applications filed in Docket Nos. CI64-1361, CI63-1362 and CI64-1366 respectively, will be treated as petitions to amend to partially abandon the original service in Docket Nos. G-4670 and G-6306. Docket Nos. CI64-1361, CI64-1362 and CI64-1366 will be canceled.
[12] Source of gas depleted.
[13] Amendment to application filed Aug. 13, 1964, indicates that Tex-Star succeeded to the interests of Logue and Patterson under Logue and Patterson's FPC GRS No. 9 insofar as the L. Y. Johnson 68' acre lease is concerned.
[14] The abandonment application filed in Docket No. CI65-167 will be treated as a petition to amend to partially abandon the original service in Docket Nos. G-11566 and G-13070. Docket No. CI65-167 will be canceled.

[F.R. Doc. 64-10703; Filed, Oct. 21, 1964; 8:45 a.m.]

[Docket No. RP65-3]

## CHATTANOOGA GAS CO. AND EAST TENNESSEE NATURAL GAS CO.

### Order Amending Order Instituting Investigation

OCTOBER 15, 1964.

On October 1, 1964, upon the basis of the complaint filed July 29, 1964, and subsequent pleadings in the above entitled proceeding we issued an order herein instituting an investigation of the issues raised by Chattanooga's complaint concerning East Tennessee's tariff and its service agreement with Chattanooga.

On September 8, 1964, defendant East Tennessee tendered for filing its proposed FPC Gas Tariff, Fourth Revised Volume No. 1, in purported compliance with Paragraph B(v) of the Commission's order issued July 17, 1964, in defendant's certificate proceeding at Docket No. CP64-21.

On September 22, 1964, by letter addressed to the Secretary complainant Chattanooga submitted allegations and objections to the aforementioned revised tariff. These objections relate to the proposed tariff in general and raise questions, among others, of whether it creates inconsistencies in the treatment of customers and whether it may constitute an unlawful restraint of trade.

The above-identified letter from complainant requests that defendant's tender be accepted subject to the same condition as is contained in Paragraph (B) of the Commission's order issued July 29, 1964, in Docket No. G-20072; that the effectiveness of the tariff be suspended for one day, and that the Commission set complainant's additional allegations for public hearing.

The initial complaint and order for hearing herein, related to a tariff then in effect, not to the proposed tariff. While Chattanooga's letter regarding the proposed tariff does not constitute a formal complaint under our rules, it was served upon East Tennessee which by letter filed October 5, 1964, denies Chattanooga's allegations. Under the circumstances we consider Chattanooga's letter an informal amendment of its initial complaint and shall provide that it have an opportunity to adduce evidence in support of the new allegations in a public hearing under the procedure prescribed in our order issued herein on October 1, 1964. To that end, the scope of the issues in our initial order herein should be broadened to include for hearing the proposed tariff filed by East Tennessee on September 8, 1964, and the issues with respect thereto raised by Chattanooga's letter dated September 22, 1964. However, since the proposed tariff does not provide for any change in the rate levels of existing rate schedules and since the result of the complaint proceedings here instituted will have only prospective effect, the requested suspension of the proposed tariff does not appear to be necessary or appropriate.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues raised by the complainant in its letter dated September 22, 1964, be set for public hearing subject to the procedure prescribed in our order issued herein October 1, 1964, and that the foregoing order should be amended so as to include for hearing East Tennessee's proposed revised tariff and the issues raised in the above-identified letter.

The Commission orders:

(A) The revised tariff filed by East Tennessee on September 8, 1964, and the issues raised by the complainant in its letter to the Secretary dated September 22, 1964, hereby are included for public hearing in conjunction with issues set for hearing in the order issued herein October 1, 1964, and the additional issues shall be subject to the procedure prescribed in the above-identified order.

(B) Except to the extent herein amended, the order issued October 1, 1964, shall remain in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10749; Filed, Oct. 21, 1964; 8:46 a.m.]



[Docket No. G-6036 etc.]

## MONSANTO CO.

### Order Amending Orders

OCTOBER 15, 1964.

Monsanto Company (formerly Monsanto Chemical Company):

Docket Nos. G-6036, G-6037, G-6040, G-6041, G-6042, G-6043, G-6352, G-9349, G-9350, G-9351, G-9353, G-9354, G-9355, G-9356, G-9357, G-9358, G-9360, G-9361, G-10192, G-10286, G-10287, G-10509, G-10679, G-10774, G-10797, G-11230, G-11393, G-11600, G-11688, G-11787, G-11886, G-12330, G-12689, G-13346, G-13801, G-14717, G-14799, G-14874, G-15114, G-15290, G-15318, G-17228, G-17260, G-17499, G-17519, G-17969, G-18295,[1] G-18374, G-18666, G-18903, G-19701, G-19965, G-20326, CI60-258, CI61-27, CI61-94, CI61-804, CI61-876, CI61-990, CI61-1077, CI61-1174, CI61-1778, CI62-131, CI63-25, CI63-217, CI63-249, CI63-1117, CI63-1373, CI63-1577, CI64-767, CI61-713, CI61-1777, CI62-347, CI62-834, CI62-889,[2] CI63-58, G-16260, G-19258, G-19259, RI60-122, RI60-280, RI61-268, RI61-266, RI62-35, RI62-147, RI62-148, RI62-616, RI62-409, RI62-424, RI62-440, RI62-496, RI63-156, RI63-157,[3] RI63-334, RI64-16, RI64-170, RI64-171, RI64-281, RI64-311, RI64-560, RI65-23.

On August 11, 1964, Monsanto Company filed in the aforementioned dockets a petition to amend the orders issuing certificates of public convenience and necessity, pending certificate applications and orders instituting rate proceedings to reflect the change in name of Monsanto Chemical Company to Monsanto Company. Applicant states that pursuant to favorable action of its stockholders at a meeting held on March 26, 1964, the name of the company was authorized to be changed from Monsanto Chemical Company to Monsanto Company.

The Commission finds:

(1) The orders issuing certificates of public convenience and necessity and instituting rate proceedings in the aforementioned dockets should be amended to change the name of the certificate holder and respondent, respectively, from Monsanto Chemical Company to Monsanto Company, and the related rate schedules of Monsanto Chemical Company should be redesignated as Monsanto Company and given the same rate schedule numbers.

(2) The pending certificate applications and the outstanding temporary authorizations in the aforementioned dockets should be amended to change the name of the Applicant from Monsanto Chemical Company to Monsanto Company and the related rate schedules be redesignated as same.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity and instituting rate proceedings in the aforementioned dockets be and the same are hereby amended to change the name of the certificate holder and respondent, respectively, from Monsanto Chemical Company to Monsanto Company, and the related rate schedules of Monsanto Chemical Company are redesignated as Monsanto Company and given the same rate schedule numbers.

(B) The pending certificate applications and the outstanding temporary authorizations in the aforementioned dockets be and the same are hereby amended to change the name of the Applicant from Monsanto Chemical Company to Monsanto Company and the related rate schedules are redesignated as same.

(C) In all other respects, said orders shall remain in full force and effect.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[1] Permanent certificates.
[2] Pending certificate applications.
[3] Rate proceedings.

[F.R. Doc. 64-10750; Filed, Oct. 21, 1964; 8:46 a.m.]

[Docket No. CP61-96]

## NATURAL GAS PIPELINE COMPANY OF AMERICA

### Notice of Application

OCTOBER 15, 1964.

Take notice that on September 30, 1960, as amended on October 7 and 17, 1960, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP61-96 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 50 miles of 20-inch and 4.5 miles of 6-inch lateral supply line extending from the terminus of Applicant's existing 26-inch transmission pipeline in Jim Wells County, Tex., to the Thompsonville and Taquachie Creek Areas in Zapata, Jim Hogg, and Webb Counties, Tex., together with two meter stations at centrally located points in the above-mentioned areas, all as more fully set forth in the application and supplements which are on file with the Commission and open to public inspection.

These facilities will be used to enable Applicant to take natural gas purchased from various producers thereof in the subject area. The estimated total cost of the proposed facilities is $3,233,000, which is to be financed from funds on hand. Temporary authorization to construct and operate the subject facilities was issued to Applicant on November 25, 1960, and, according to required filing subsequently made on April 10, 1961, said facilities were completed and placed in operation on March 30, 1961.

This application was originally noticed and consolidated with six producer applications for hearing. A number of petitions to intervene in the consolidated proceeding were filed. Subsequently, by order issued May 28, 1964, in Docket No. G-17960, et al., the aforesaid producer applications were severed from subject Docket No. CP61-96, which latter should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 5, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10751; Filed, Oct. 21, 1964; 8:46 a.m.]

[Docket No. CP65-60]

## NATURAL GAS PIPELINE COMPANY OF AMERICA

### Notice of Application

OCTOBER 15, 1964.

Take notice that on September 1, 1964, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP65-60 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of an additional daily contract quantity of 15,000 Mcf of natural gas to Northern Illinois Gas Company (Northern), an existing customer of Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Northern has requested an additional daily contract quantity of 15,000 Mcf in order to meet larger than previously anticipated increases in firm service demands for the 1964-65 winter season. No additional facilities will be required for the proposed service since the additional volumes of gas will be delivered at the existing Joliet or Eola Road meter station.

The application indicates that Applicant has 22,557 Mcf per day of unallocated capacity from which to render the proposed additional service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in

and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 9, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-10752; Filed, Oct. 21, 1964; 8:46 a.m.]

[Docket No. CP65-49]

## TENNESSEE GAS TRANSMISSION CO.

### Notice of Application

OCTOBER 14, 1964.

Take notice that on August 17, 1964, Tennessee Gas Transmission Company (Applicant), P.O. Box 2511, Houston, Texas, filed in Docket No. CP65-49 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to sell and deliver an additional 6,557 Mcf of natural gas per day to seven existing General Service Customers and 4,080 Mcf per day to two existing Contract Demand Customers and, further, to construct and operate a meter station near Institute, West Virginia, in order to sell and deliver the proposed additional volumes of gas to one of its Contract Demand customers, the Cabot Corporation, all as more fully set forth in the application on file with the Commission and open to public inspection.

The additional natural gas service proposed herein by Applicant is:

| Type of service: | *Proposed additional service (Mcf at 14.73 psia)* |
|---|---|
| General Service Customers: | |
| Dickson, Tenn. (Town of) | 861 |
| Longhorn Gas, Inc | 72 |
| Lowell Gas Co | 1,326 |
| Pennsylvania and Southern Gas Co | 2,936 |
| Ripley, Miss. (City of) | 608 |
| Robeline, La. (Village of) | 88 |
| Springfield, Tenn. (Town of) | 666 |
| Contract Demand Customers: | |
| Cabot Corp | 2,040 |
| Inland Gas Corp | 2,040 |
| Total proposed service | 10,637 |

The proposed meter station for Cabot Corporation will be constructed on Applicant's Southerly 20-inch line at an estimated cost of $22,860.

The application indicates that the proposed additional service is required to enable Applicant's customers to meet their estimated natural gas requirements commencing with the 1964-65 heating season. Applicant states that previously authorized unallocated capacity will be utilized to render the subject service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 9, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-10753; Filed, Oct. 21, 1964; 8:46 a.m.]

# FEDERAL RESERVE SYSTEM

## STATE BANK OF ALBANY

### Order Approving Merger of Banks

In the matter of the application of State Bank of Albany for approval of merger with The First National Bank of Cairo.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by State Bank of Albany, Albany, New York, a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The First National Bank of Cairo, Cairo, New York, under the charter and title of State Bank of Albany. As an incident to the merger, the two offices of The First National Bank of Cairo would become branches of State Bank of Albany. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed transaction,

*It is hereby ordered*, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this order, or (b) later than three months after said date.

Dated at Washington, D.C., this 15th day of October 1964.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 64-10740; Filed, Oct. 21, 1964; 8:45 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 811-1246]

## ASCUTNEY FUND, INC.

### Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

OCTOBER 16, 1964.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Ascutney Fund, Inc. ("applicant"), Springfield, Vt., a Vermont corporation and a management closed-end diversified investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a full statement of the representations which are summarized below.

Applicant states that on July 10, 1964, pursuant to authorization by its Board of Directors and stockholders, and pursuant to the laws of the States of Vermont and Massachusetts, it was merged into Ascutney Fund, Inc. ("New Ascutney"), a Massachusetts corporation. New Ascutney is a registered management closed-end diversified investment company.

Applicant states that pursuant to Agreement of Merger: (a) Each outstanding share of its common stock (except treasury shares) was converted into a share of the common stock of New Ascutney; (b) each share of its common stock held in treasury was cancelled and extinguished; (c) all stockholders became stockholders of New Ascutney; (d) all assets and liabilities became vested in New Ascutney; and (e) the separate existence of applicant ceased, except to the extent it was continued by law or to carry out the purposes of the Agreement of Merger.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 5, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-10745; Filed, Oct. 21, 1964; 8:45 a.m.]

[File No. 1-3421]

## CONTINENTAL VENDING MACHINE CORP.

### Order Suspending Trading

OCTOBER 16, 1964.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 19, 1964, through October 28, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-10746; Filed, Oct. 21, 1964; 8:45 a.m.]

[File No. 1-4556]

## FOTOCHROME, INC.

### Order Suspending Trading

OCTOBER 16, 1964.

The common stock, $1 par value, and the 5½ percent Convertible Subordinated Debentures of Fotochrome, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 19, 1964, through October 28, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-10747; Filed, Oct. 21, 1964; 8:45 a.m.]

[File No. 1-4722]

## TASTEE FREEZ INDUSTRIES, INC.

### Order Suspending Trading

OCTOBER 16, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading and such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange is summarily suspended, this order to be effective for the period October 19, 1964 through October 28, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-10748; Filed, Oct. 21, 1964; 8:46 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-X, Disaster No.4]

## MANAGER, DISASTER FIELD OFFICE, HOUMA, LA.

### Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9), 29 F.R. 11777, there is hereby redelegated to the Manager of Houma Disaster Field Office the following authority.

A. *Financial Assistance.* 1. To approve and decline disaster loans in an amount not exceeding $50,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
*Manager, Disaster Field Office.*

3. To cancel, reinstate, modify and amend authorization for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

Effective date: October 12, 1964.

ROBERT E. WEST,
*Regional Director,*
*Dallas, Texas.*

[F.R. Doc. 64-10741; Filed, Oct. 21, 1964; 8:45 a.m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

### CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of New York. Dissenting Statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, Shepardson, Mitchell, and Daane. Voting against this action: Governor Robertson.

firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Aalfs Manufacturing Co., 1005 Fourth Street, Sioux City, Iowa; effective 9-21-64 to 9-20-65 (men's denim jeans).

Anvil Brand, Inc., 146 South Hamilton Street, High Point, N.C.; effective 10-1-64 to 9-30-65 (dungarees).

Anvil Brand, Inc., 1624 North Main Street, High Point, N.C.; effective 10-6-64 to 10-5-65 (work shirts).

Anvil Brand, Inc., 318 South Elm Street, High Point, N.C.; effective 10-1-64 to 9-30-65 (pants).

Anvil Brand, Inc., Independence, Va.; effective 10-1-64 to 9-30-65 (pants).

The Arrow Co., 2022 Murphy Avenue SW., Atlanta, Ga.; effective 10-1-64 to 9-30-65 (men's shirts).

The Arrow Co., division of Cluett, Peabody and Co., Inc., 105 Mill Street, Corinth, N.Y.; effective 10-1-64 to 9-30-65 (men's and boys' cotton dress shirts).

Blue Bell, Inc., Belmont, Miss.; effective 10-12-64 to 10-12-65 (men's and boys' work and sport trousers).

Blue Bell, Inc., Red Bay, Ala.; effective 9-18-64 to 9-17-65 (men's and boys' work pants).

Blue Gem Manufacturing Co., 604 Hoover Street, Asheboro, N.C.; effective 10-1-64 to 9-30-65 (men's and boys' dungarees).

Bruce Co., 120 East 15th Street, Ottawa, Kans.; effective 9-28-64 to 9-27-65 (men's work clothing).

Carolina Lingerie Co., Inc., Yadkinville Highway, Mocksville, N.C.; effective 9-30-64 to 9-29-65 (men's and ladies' pajamas, ladies' dresses).

D & D Shirt Co., 1801 Newport Avenue, Northampton, Pa.; effective 9-11-64 to 9-10-65 (men's work shirts, ladies' blouses).

Dunbrooke Shirt Co., El Dorado Springs, Mo.; effective 10-1-64 to 9-30-65 (men's sport shirts).

The Eastern Isles Manufacturing Corp., Richlands, Va.; effective 9-26-64 to 9-25-65 (ladies' woven pajamas).

Elberton Manufacturing Co., Elberton, Ga.; effective 9-14-64 to 9-13-65 (women's blouses).

Elder Manufacturing Co., Ste. Genevieve, Mo.; effective 9-19-64 to 9-18-65 (boys' shirts).

The Enro Shirt Co., Inc., 1008 West Sample Street, South Bend, Ind.; effective 9-23-64 to 9-22-65 (men's pajamas, nightshirts).

Form-O-Uth Brassiere Co., Inc., d/b/a Marie Foundations, McLean, Tex.; effective 9-20-64 to 9-29-65 (women's brassieres and girdles).

Greensboro Manufacturing Corp., 1900 East Bessemer Avenue, Greensboro, N.C.; effective 9-25-64 to 9-24-65 (women's and children's nightwear and pajamas).

Gross Galesburg Co., Plant No. 1 and No. 2, Chariton, Iowa; effective 9-19-64 to 9-18-65 (men's work pants and shirts).

Hagale Garment Manufacturing Co., Reeds Spring, Mo.; effective 9-26-64 to 9-27-65 (men's and boys' cotton pants).

Hallmark Manufacturing Co., Clinton, S.C.; effective 10-1-64 to 9-30-65 (men's sport and dress shirts).

Higginsville Garment Co., Inc., Higginsville, Mo.; effective 10-1-64 to 9-30-65 (ladies' uniforms).

Hopkinsville Clothing Manufacturing Co., Inc., Skyline Drive, Hopkinsville, Ky.; effective 10-1-64 to 9-30-65 (men's and boys' denim work pants).

Horse Cave Manufacturing Co., Horse Cave, Ky.; effective 9-22-64 to 9-21-65 (men's and boys' lined and unlined zipper jackets).

Jeansco, Inc., 128 Pine and Brown Streets, Petersburg, Va.; effective 9-18-64 to 9-17-65 (boys' denim dungarees).

Kenroe Manufacturing Co., Inc., Buchanan, Va.; effective 9-10-64 to 9-9-65 (women's dresses).

Kent Sportswear, Inc., Curwensville, Pa.; effective 9-22-64 to 9-21-65 (men's jackets).

Kent Uniforms, Inc., Burkesville, Ky.; effective 9-28-64 to 9-27-65 (nurses' and waitress' uniforms).

Lebro Shirt Manufacturing Co., Lykens, Pa.; effective 10-1-64 to 9-30-65 (men's shirts).

Logan Manufacturing Co., North Main Street, Russellville, Ky.; effective 9-24-64 to 9-23-65 (work pants).

Monroe Manufacturing Co., Gamaliel, Ky.; effective 9-28-64 to 9-28-65 (men's wash and wear pants).

Ottenheimer Bros. Manufacturing Co., Loungewear Division, A division of Kellwood Co., 5703 Scott Hamilton Drive, Little Rock, Ark.; effective 9-23-64 to 9-22-65 (women's dresses and robes).

The Morehead Co., 800 West Main Street, Morehead, Ky.; effective 10-1-64 to 9-30-65 (men's and boys' dungarees).

Oshkosh B'Gosh, Inc., Celina Division, Celina, Tenn.; effective 10-8-64 to 10-7-65 (men's shirts, work and casual pants).

Phillips-Van Heusen Corp., Geneva, Ala.; effective 10-1-64 to 9-30-65 (men's dress and sport shirts).

Phillips-Van Heusen Corp., Hartford, Ala.; effective 10-1-64 to 9-30-65 (men's dress shirts).

Phillips-Van Heusen Corp., Ozark, Ala., effective 10-1-64 to 9-30-65 (pajamas).

Penn State Mills, Inc., Jordan and Gordon Streets, Allentown, Pa.; effective 9-11-64 to 9-10-65 (men's and children's polo shirts).

Publix Shirt Corp., Myerstown, Pa.; effective 10-2-64 to 10-1-65 (men's and boys' cotton dress shirts).

Red Hill Apparel Co., Main Street, Red Hill, Pa.; effective 10-6-64 to 10-5-65 (children's dresses).

The Shirtmaster Co., Inc., 206 Barnette Street, Abbeville, S.C.; effective 10-3-64 to 10-2-65 (sport shirts).

Sagamore Manufacturing Co., Shirt Division, Fall River, Mass.; effective 9-20-64 to 9-19-65 (men's dress shirts).

Saltillo Manufacturing Co., division of Henry I. Siegel Co., Inc., Saltillo, Tenn.; effective 9-20-64 to 9-19-65 (men's and boys' sport shirts).

Levi Strauss & Co., 220 North Houston Avenue, Denison, Tex.; effective 9-27-64 to 9-26-65 (men's and boys' casual slacks).

Levi Strauss & Co., Blackstone, Va.; effective 9-12-64 to 9-11-65 (men's cotton work pants).

Tracy City Manufacturing Co., Tracy City, Tenn.; effective 9-27-64 to 9-26-65 (men's and boys' sport shirts).

Troytown Shirt Corp., Harmony Mill No. 3, North Mohawk Street, Cohoes, N.Y.; effective 10-1-64 to 9-30-65 (men's sport shirts).

Westmoreland Manufacturing Co., Westmoreland, Tenn.; effective 9-21-64 to 9-20-65 (ladies' blouses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Aalfs Manufacturing Co., Sheldon, Iowa; effective 10-1-64 to 9-30-65; 10 learners (boys' jeans).

Berkron Manufacturing Co., Inc., 960 Seneca Street, Bethlehem, Pa.; effective 9-21-64 to 9-20-65; 10 learners (brassieres).

Brevard Manufacturing Co., 200 McLean Road, Brevard, N.C.; effective 9-25-64 to 9-24-65; 10 learners (children's dresses).

Gross Galesburg Co., 152-162 East Ferris Street, Galesburg, Ill.; effective 10-1-64 to 9-30-65; 5 learners (men's and boys' overalls, dungarees and coveralls).

Modelrite Dress Co., 201 Chestnut Street, Dunmore, Pa.; effective 9-26-64 to 9-25-65; 5 learners (women's dresses).

Pollock Dresses, Inc., 101 Schuylkill Avenue, Tamaqua, Pa.; effective 9-21-64 to 9-20-65; 4 learners (children's dresses).

S & R Dress Co., Inc., 221 Schuylkill Avenue, Tamaqua, Pa.; effective 9-14-64 to 9-13-65; 5 learners (children's dresses).

Sport Sales, Inc., 135 South Main, Fredericktown, Mo.; effective 9-21-64 to 9-20-65; 5 learners. Learners may not be employed at special minimum wages in the production of skirts (women's slacks, shorts, and shirts).

Sweet-Orr and Co., Inc., First Street, NW., Bushong Building, Pulaski, Va.; effective 9-18-64 to 9-17-65; 10 learners (men's work pants).

Whitakers Garment Co., Inc., Whitakers, N.C.; effective 9-18-64 to 9-17-65; 10 learners (children's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Flint Rock Shirt Co., Inc., Marshall, Ark.; effective 9-9-64 to 3-8-65; 200 learners (men's sport shirts).

Garan, Inc., Adamsville, Tenn.; effective 9-23-64 to 3-22-65; 30 learners (men's and boys' knit and woven sport shirts).

Guilford Garment Manufacturing Co., 4022 Old Battlefield Road, Greensboro, N.C.; effective 9-28-64 to 3-27-65; 10 learners (little girls' dresses).

J.H. Manufacturing Co., Inc., Skyview Drive, Centerville, Tenn.; effective 9-25-64 to 3-24-65; 50 learners (men's ivy league and work pants).

LGAM Manufacturing Co., Woodsfield, Ohio; effective 9-24-64 to 3-23-65; 25 learners (ladies' blouses).

The More Manufacturing Co., Marissa, Ill.; effective 9-28-64 to 3-27-65; 10 learners (women's house coats and robes).

Ottenheimer Brothers Manufacturing Co., Loungewear Division; A division of Kellwood Co., 5703 Scott Hamilton Drive, Little Rock, Ark.; effective 9-21-64 to 3-20-65; 25 learners (women's dresses and robes).

Oxford Manufacturing Co., Oxford, Miss.; effective 9-18-64 to 3-17-65; 30 learners (boys' semidress pants, walking shorts).

Salant and Salant, Inc., South First Street, Union City, Tenn.; effective 9-30-64 to 3-29-65; 60 learners (dungaree pants).

Levi Strauss and Co., 220 North Houston Avenue; Denison, Tex.; effective 9-25-64 to 3-24-65; 50 learners (men's and boys' casual slacks).

Thomson Co., Martinez, Ga.; effective 9-11-64 to 3-10-65; 100 learners (men's dress slacks).



Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

St. Johnsbury Gloves, Inc., St. Johnsbury, Vt.; effective 9-21-64 to 9-20-65; 10 learners (ladies' knit fabric).

Monte Glove Co., Inc., Maben, Miss.; effective 10-1-64 to 9-30-65; 10 learners (cotton work gloves).

Mountain City Glove Co., Inc., Mountain City, Tenn.; effective 9-27-64 to 9-26-65; 10 learners (cotton flannel work gloves).

Twin City Glove Manufacturing Co., Inc., Martins Ferry, Ohio; effective 9-21-64 to 9-20-65; 10 learners (work gloves).

Wells Lamont Corp., Waynesboro, Miss.; effective 9-14-64 to 3-13-65; 15 learners (leather palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Abner Hosiery Mill, Inc., Graham-Swepsonville Road, Graham, N.C.; effective 9-18-64 to 9-17-65; 5 learners for normal labor turnover purposes (seamless).

B & K Hosiery Mill, 150 41st Street SW., Hickory, N.C.; effective 9-23-64 to 9-22-65; 5 learners for normal labor turnover purposes (seamless).

Ballet Hosiery Co., Wadesboro, N.C.; effective 9-11-64 to 3-10-65; 15 learners for plant expansion purposes (ladies' knit hosiery).

Broadway Hosiery Mills, Inc., 53 Burton Street, Asheville, N.C.; effective 9-22-64 to 9-21-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Burlington Industries, Inc., Harriman, Tenn.; effective 10-1-64 to 9-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Claussner Hosiery Co., division of Joseph Bancroft & Sons Co., 28th and Adams Streets, Paducah, Ky.; effective 10-1-64 to 9-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

C. W. Anderson Hosiery Co., East Carolina Avenue, Clinton, S.C.; effective 9-20-64 to 9-19-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Diamond Mills Corp., High Point, N.C.; effective 9-23-64 to 9-22-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless.)

Diamond Mills Corp., Hanover Div., 3402 Carolina Beach Road, Wilmington, N.C.; effective 9-24-64 to 9-23-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Excel Hosiery Mills, Inc., 203-205 Hart Street, Union, S.C.; effective 9-10-64 to 9-9-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Great American Knitting Mills, Inc., Bechtelsville, Bally, Norristown, Pa.; effective 10-1-64 to 9-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's seamless hose).

Hollar Hosiery Mills, Inc., 5 First Avenue NW., Hickory, N.C.; effective 9-24-64 to 9-23-65; 5 learners for normal labor turnover purposes (seamless).

Kosciusko Hosiery Mills, division of Wayne Knitting Mills, Kosciusko, Miss.; effective 10-1-64 to 9-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Morganton Hosiery Mills, Inc., Morganton, N.C.; effective 10-1-64 to 9-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Newland Knitting Mills, Newland, N.C.; effective 10-1-64 to 9-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Benham Underwear Mills, Inc., Scottsboro, Ala.; effective 10-1-64 to 9-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' woven underwear).

East Tennessee Undergarment Co., Inc., New Johnson City Highway, Elizabethton, Tenn.; effective 9-21-64 to 9-20-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' nylon rayon undergarments).

Kingston Knitting Mills, Inc., 139 Cornell Street, Kingston, N.Y.; effective 9-23-64 to 9-22-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted sweaters).

Norwich Mills, Inc., Clayton, N.C.; effective 10-1-64 to 9-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knit underwear).

Penn-Mor Manufacturing Corp., 1501 Rural Road; Tempe, Ariz.; effective 9-10-64 to 9-9-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (knitted underwear).

Penn-Mor Manufacturing Corp., 1501 Rural Road; Tempe, Ariz.; effective 9-16-64 to 3-15-65; 40 learners for plant expansion purposes (men's, women's, misses', children's and infants' underwear).

Robinson Manufacturing Co., 520 South Market Street, Dayton, Tenn.; effective 10-1-64 to 9-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' cotton underwear).

Russell Mills, Inc., Alexander City, Ala.; effective 10-1-64 to 9-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (knit underwear and undershirts).

Standard Romper Co., Inc., Building No. 7, 200 Conant Street, Pawtucket, R.I.; effective 9-23-64 to 9-22-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's knit shirts).

Sylvester Textile Corp., Sylvester, Ga.; effective 10-8-64 to 10-7-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

France Neckwear Manufacturing Corp., 1217 South 13th Street, Wilmington, N.C.; effective 9-29-64 to 3-28-65; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, hand sewer, presser, finishing operations involving hand sewing, each for a learning period of 320 hours at the rates of $1.15 an hour for the first 160 hours, and not less than $1.20 an hour for the remaining 160 hours (men's and boys' neckwear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

De Luxe Caribe, Inc., Post Office Box 348, Florida, P.R.; effective 8-15-64 to 8-14-65; 10 learners for normal labor turnover purposes, in the occupations of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours; final inspection of assembled garments for a learning period of 160 hours at the rate of 88 cents an hour (girdles and allied products).

Tropical Corp., Post Office Box 3573, Mayagues, P.R.; effective 9-1-64 to 8-31-65; 5 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 91 cents an hour for the remaining 240 hours in the manufacture of sachet bags, and at the rates of 73 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours in the manufacture of children's dresses (sachet bags and children's dresses).

Tropical Corp., Post Office Box 3573, Mayagues, P.R.; effective 9-1-64 to 2-28-65; 15 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 91 cents an hour for the remaining 240 hours in the manufacture of sachet bags, and at the rates of 73 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours in the manufacture of children's dresses (sachet bags and children's dresses).

The following student-worker certificates were issued pursuant to the regulations applicable to the employment of student workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student workers, and learning periods for the certificates issued under Part 527 are as indicated below.

Auburn Academy, Auburn, Wash.; effective 9-1-64 to 8-31-65; authorizing the employment of 125 student workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, furniture finisher and related skilled and semiskilled occupations for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Campbellsville College, Campbellsville, Ky.; effective 9-1-64 to 8-31-65; authorizing the employment of: (1) 15 student workers in the furniture and novelty manufacturing industry in the occupations of woodworking machine operator, veneer machine operator including glue reel worker, assembler, furniture finisher and related skilled and semiskilled occupations for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; and (2) 15 student workers in the metal fabricating industry in the occupations of machine tools operator, lathe operator, milling machine operator, drill press operator and related skilled and semiskilled occupations for a learning period of 850 hours at the rates of $1.10 an hour for the first 425 hours and $1.15 an hour for the remaining 425 hours.

Enterprise Academy, Enterprise, Kans.; effective 9-1-64 to 8-31-65; authorizing the employment of 8 student workers in the printing industry in the occupations of compositor, pressman, linotype operator, bindery worker and related skilled and semiskilled occupations for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours.

Forest Lake Academy, Post Office Box 157, Maitland, Fla.; effective 9-1-64 to 8-31-65; authorizing the employment of 10 student

workers in the printing industry in the occupations of compositor, pressman, bindery worker and semiskilled occupations including incidental clerical work in the shop, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours.

Grand Ledge Academy, Box 152, Grand Ledge, Mich.; effective 9–1–64 to 8–31–65; authorizing the employment of 30 student workers in the woodworking (lawn and garden furniture) industry in the occupations of woodworking machine operator, assembler, furniture finisher and related skilled and semiskilled occupations for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Madison College, Madison, Tenn.; effective 9–1–64 to 8–31–65; authorizing the employment of three student workers in the steamplant for school industries in the occupations of boilerman, fireman, and related skilled and semiskilled occupations for a learning period of 300 hours at the rates of $1.10 an hour for the first 150 hours and $1.15 an hour for the remaining 150 hours.

Maplewood Academy, 700 North Main Street, Hutchinson, Minn.; effective 9–11–64 to 8–31–65; authorizing the employment of: (1) 20 student workers in the bookbindery industry in the occupations of bookbinder, bindery worker and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (2) 26 student workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; and (3) two student workers in the clerical industry in the occupations of typist, recordkeeper and related skilled and semiskilled occupations in the office for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours.

Southwestern Union College, Keene, Tex.; effective 9–1–64 to 8–31–65; authorizing the employment of: (1) six student workers in the printing industry in the occupations of compositor, pressman, bindery worker, camera and plate room technician, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; and (2) two student workers in the clerical industry in the occupations of typist, file clerk, bookkeeper, stenographer, timekeeper, and related skilled and semiskilled occupations for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours.

The student-worker certificates were issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 9th day of October 1964.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 64–10755; Filed, Oct. 21, 1964; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 1065]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 19, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66972. By order of October 15, 1964, the Transfer Board approved the transfer to Jack S. Ochsner, doing business as Pick's Pack Hauler, Hastings, Nebr., of Permit in No. MC 117639 Sub 1, issued February 12, 1960, to Gilbert McMahon, doing business as Pick's Pack Hauler, Hastings, Nebr., authorizing the transportation, over irregular routes, of blocks (sewer, segment, clay, silo, radial-chimney, and segment), brick (broken, crushed, or ground, building or facing, solid, hollow, or perforated, common, paving, and salt-glazed), and tile (clay, hollow building, salt-glazed, and plain), from Concordia, Kans., and points within five miles thereof, to points in Nebraska. Harry F. Russell, 205 City National Bank Building, Hastings, Nebr., 68901, attorney for applicants.

No. MC–FC 67205. By order of October 15, 1964, the Transfer Board approved the transfer to Dunmire Bros., Inc., Plain City, Ohio, of the operating rights issued by the Commission April 16, 1957, under Certificate in No. MC 16742, to Perry Dunmire and Hershel Dunmire, a partnership, doing business as Dunmire Brothers, Plain City, Ohio, authorizing the transportation, over irregular routes, of livestock, other than ordinary livestock, and, in connection therewith, personal effects of attendants, and supplies and equipment (including mascots) used in the care and/or exhibition of such animals, between points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and West Virginia; show horses and race horses, and equipment, materials, and supplies incidental to the care and use of such animals, and household goods of owners and attendants of such animals, between points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. James R. Stiverson and Herbert Baker, 50 West Broad Street, Columbus, Ohio, attorneys for applicants.

No. MC–FC 67254. By order of October 15, 1964, the Transfer Board approved the transfer to Muriel M. Counter, El Dorado, Kans., of the operating rights in Certificate of Registration in No. MC 98515 Sub No. 1, issued May 18, 1964, to H. D. Counter (Muriel Mae Counter, Administratrix), El Dorado, Kans., corresponding to the grant of intrastate authority to transferor issued by the State Corporation Commission of Kansas in Certificate of Convenience and Necessity covering Route 989 in Docket 19101–M, dated November 9, 1956, authorizing the transportation of oilfield equipment, oilfield machinery and materials, heavy machinery and buildings, within and between oilfields, and between supply points and oilfields, and the transportation of machinery, pipe and other materials, used in the construction operations and maintenance of pipe lines or refineries, anywhere in Kansas. Gale Moss, 218 West Central, El Dorado, Kans., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64–10769; Filed, Oct. 21, 1964; 8:48 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 19, 1964.

Protests to the granting of an application must be prepared in accordance with § 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39334: *T.O.F.C. rates from and to points in Colorado and Wyoming.* Filed by Southwestern Freight Bureau, agent (No. B–8618), for interested rail carriers. Rates on property moving on class rates loaded in trailers and transported on railroad flatcars, between points in Colorado and Wyoming, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 24 to Southwestern Freight Bureau, agent, tariff I.C.C. 4572.

FSA No. 39335: *T.O.F.C. rates from Chattanooga, Tenn.* Filed by Western Trunk Line Committee, agent (No. A–2376), for interested rail carriers. Rates on cocks or valves, including gate valves, noibn, iron or steel not plated or iron body, not plated, loaded in trailers and transported on railroad flatcars, from Chattanooga, Tenn., to points in Iowa, Kansas, and Missouri.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 14 to Western Trunk Line Committee, agent, tariff I.C.C. A–4522.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64–10767; Filed, Oct. 21, 1964; 8:47 a.m.]

## ORGANIZATION

### Assignment of Duties to Individual Commissioners

OCTOBER 13, 1964.

The Interstate Commerce Commission has amended its Organization Minutes, being assignment of work, business and functions pursuant to section 17 of the Interstate Commerce Act, as amended, issue of March 7, 1961, revised to May 1, 1961 (26 F.R. 4773, 5167, 8434, 10991 and 12789; 27 F.R. 1234, 1747, 2500, 3830 and 9997; and 28 F.R. 198, 896 and 8185; 29 F.R. 3027, 4935, 11401, and 12503) as follows:

Under the heading Assignment of Duties to Individual Commissioners:

(1) Paragraph (m) of Item 6.3, assignments to Vice Chairman, amended to read as follows:

(m) Authority to institute investigations on the Commission's own motion and to discontinue proceedings instituted under this authority at any time prior to hearing thereon, except that this authority does not include institution of any investigation as comprehended in items 4.3(h), 4.3(t) and 7.3. Nothing herein shall deprive the respective divisions or Chairmen thereof of authority to institute investigations.

(2) Assignments to Chairmen of Divisions amended by adding new assignments to:

(a) Chairman of Division Three, Item 6.5(c) reading as follows:

(c) Institution of formal investigations of accidents involving railroads, or involving motor vehicles engaged in the transportation of explosives and other dangerous articles.

(b) Chairman of Division One, by renumbering present item 6.6 as 6.7 and adding a new Item 6.6 reading as follows:

6.6 Institution of formal investigations of motor-vehicle accidents involving safety of operation and equipment within the meaning of Item 4.2(c).

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64–10768; Filed, Oct. 21, 1964; 8:47 a.m.]

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FEDERAL REGISTER
Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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THE UNIVERSITY OF MICHIGAN
OCT 30 1964

Pages 14521-14558

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VOLUME 29 NUMBER 208

Washington, Friday, October 23, 1964

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**[88th Cong., 1st Sess.]**

Contains laws and concurrent resolutions enacted by the Congress during 1963, reorganization plan, and Presidential proclamations. Included is a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402



FEDERAL REGISTER

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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**PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON**

**Approval of Expenses and Rate of Assessment**

Notice of rule making regarding proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958) regulating the handling of onions grown in designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER September 29, 1964 (29 F.R. 13430). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

**§ 958.208 Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1964, and ending June 30, 1965, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $5,450.00.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be three-tenths of one cent ($0.003) per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective time of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable onions from the beginning of such period, and (2) the current fiscal period began on July 1, 1964, and the rate of assessment herein fixed will automatically apply to all assessable onions beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: October 20, 1964.

FLOYD F. HEDLUND,
*Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 64–10823; Filed, Oct. 22, 1964; 8:48 a.m.]

## Title 8—ALIENS AND NATIONALITY

**Chapter I—Immigration and Naturalization Service, Department of Justice**

**PART 252—LANDING OF ALIEN CREWMEN**

**Permanent Landing Permit and Identification Card**

*Correction*

In F.R. Doc. 64–10724, appearing at page 14431 of the issue for Wednesday, October 21, 1964, the form number in the last line of § 252.4(b) now reading "Form I–384", is changed to read "Form I–184".

## Title 14—AERONAUTICS AND SPACE

**Chapter I—Federal Aviation Agency**

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–SW–86]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]**

**Alteration of Control Zone, Designation of Transition Area and Revocation of Control Area Extension**

On August 21, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11975) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Monroe, La., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 (New) of the Federal Aviation Regulations is amended, effective 0001 e.s.t. January 7, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1137), the Monroe, La., control zone is amended to read as follows:

*Monroe, La.*

That airspace within a 5-mile radius of Selman Field, Monroe, La. (latitude 32°30'30" N., longitude 92°02'20" W.).

2. In § 71.165 (29 F.R. 1089) the Monroe, La., control area extension is revoked.

3. In § 71.181 (29 F.R. 1160) the following transition area is added:

*Monroe, La.*

That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the Monroe VORTAC 222° radial extending from the VORTAC to 12 miles SW, and within 5 miles NW and 8 miles SE of the Monroe ILS localizer SW course extending from 5 miles NE to 12 miles SW of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°10'00" N., longitude 92°20'00" W., to latitude 32°44'00" N., longitude 92°20'00" W., to latitude 32°49'00" N., longitude 91°50'00" W., to latitude 32°35'00" N., longitude 91°28'00" W., to latitude 32°05'00" N., longitude 91°28'00" W., to latitude 32°05'00" N., longitude 91°57'00" W., to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on October 15, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64–10797; Filed, Oct. 22, 1964; 8:46 a.m.]

[Airspace Docket No. 63–SW–84]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]**

**Alteration of Control Zone, Designation of Transition Area and Revocation of Control Area Extension**

On August 18, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11754) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Walnut Ridge, Ark., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1157) the Walnut Ridge, Ark., control zone is amended to read:

*Walnut Ridge, Ark.*

That airspace within a 3-mile radius of the Walnut Ridge Airport (latitude 36°07'30" N., longitude 90°55'25" W.) and within 2 miles each side of the Walnut Ridge VOR 244° radial, extending from the 3-mile radius zone to 6.5 miles SW of the VOR.

2. In § 71.165 (29 F.R. 1099) the Walnut Ridge, Ark., control area extension is revoked.

3. In § 71.181 (29 F.R. 1160) the following transition area is added:

*Walnut Ridge, Ark.*

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Walnut Ridge Airport (latitude 36°-07'30" N., longitude 90°55'25" W.) and within 2 miles each side of the Walnut Ridge VOR 244° radial extending from the 5-mile radius area to 8 miles SW of the VOR; that airspace extending upward from 1200 feet above the surface within 8 miles SE and 5 miles NW of the Walnut Ridge VOR 244° and 064° radials, extending from 18 miles SW to 7 miles NE of the VOR, and within 5 miles each side of the Walnut Ridge VOR 020° radial, extending from the VOR to 23 miles N, excluding that portion within the Memphis, Tenn., transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on October 14, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-10804; Filed, Oct. 22, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SW-46]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Transition Area

On August 18, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11755) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Flippin, Ark., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. January 7, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 1160) the following transition area is added:

*Flippin, Ark.*

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Flippin Municipal Airport (latitude 36°17'30" N., longitude 92°35'20" W.), and within 2 miles each side of the Flippin VOR 086° radial extending from the 8-mile radius area to 8 miles E of the VOR; that airspace extending upward from 1,200 feet above the surface within 8 miles N and 5 miles S of the Flippin VOR 266° and 086° radials extending from 7 miles W to 13 miles E of the VOR, and within 5 miles each side of the 360° bearing from the Flippin Municipal Airport (latitude 36°17'30" N., longitude 92°35'20" W.) extending from the airport to 12 miles N.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on October 14, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-10803; Filed, Oct. 22, 1964; 8:46 a.m.]

[Airspace Docket No. 64-CE-38]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Transition Area

On August 22, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12036) stating that the Federal Aviation Agency proposed to designate a transition area at Manistee, Mich.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 (New) of the Federal Aviation Regulations, is amended, effective 0001 e.s.t. December 10, 1964, as hereinafter set forth.

In § 71.181 (29 F.R. 1160) the following is added:

*Manistee, Mich.*

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Manistee Blacker Airport, Manistee, Mich. (latitude 44°16'00" N., longitude 86°15'00" W.) and within 5 miles north and 8 miles south of the 274° bearing from Manistee Blacker Airport, extending from the airport to 15 miles west.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on October 14, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-10798; Filed, Oct. 22, 1964; 8:46 a.m.]

[Airspace Docket No. 64-SW-42]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Transition Area

On August 21, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11977) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Lawton, Okla., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 132) the Lawton, Okla., transition area is amended to read:

*Lawton, Okla.*

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawton Municipal Airport (latitude 34°34'15" N., longitude 98°24'55" W.), within 8 miles W and 5 miles E of the Lawton VOR 357° and 177° radials, extending from 5 miles N to 12 miles S of the VOR, and within 2 miles each side of the 180° bearing from the Fort Sill RBn extending from the 7-mile radius area to the RBn; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°21'00" N., longitude 98°46'00" W., to latitude 34°42'00" N., longitude 98°46'00" W., to latitude 34°58'00" N., longitude 98°33'00" W., thence E via latitude 34°58'00" N., to and counterclockwise along the arc of a 57-mile radius circle centered at latitude 35°25'50" N., longitude 97°35'10" W., to longitude 97°25'00" W., thence S via longitude 97°25'00" W., to and counterclockwise along the arc of a 25-mile radius circle centered at the Ardmore Municipal Airport, Ardmore, Okla. (latitude 34°18'00" N., longitude 97°00'50" W.), to latitude 34°10'-00" N., thence W via this latitude, to latitude 34°16'00" N., longitude 97°49'00" W., to point of beginning, excluding the portion within R-5601A. The portion within R-5601B shall be used only after obtaining prior approval from appropriate authority.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on October 15, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-10799; Filed, Oct. 22, 1964; 8:46 a.m.]

[Reg. Docket No. 6259]

[Special Federal Aviation Reg. 9]

## PART 91—GENERAL OPERATING AND FLIGHT RULES [NEW]

### Rescission

By special Federal Aviation Regulation No. 9, effective October 16, 1964, flight operations were prohibited below 3,000 feet above the surface within 15 nautical miles of the Houston International Airport, unless authorized by the Houston Tower. This action was necessary to provide for the safety of air commerce and the security of the President during the period of the President's proposed visit to Houston, Tex.

Inasmuch as the circumstances which generated the requirement for Special Federal Aviation Regulation No. 9 no longer exist, I have determined it should be rescinded immediately.

Since this action removes an existing restriction, compliance with the notice, public procedure, and effective date requirements of Administrative Procedure Act is unnecessary.

In consideration of the foregoing, Special Federal Aviation Regulation No. 9 is hereby rescinded, effective immediately.

(Sec. 307, Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 19, 1964, 2:00 p.m., e.d.s.t.

HAROLD W. GRANT,
*Acting Administrator.*

[F.R. Doc. 64-10800; Filed, Oct. 22, 1964; 8:46 a.m.]



SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 6026; Amdt. 395]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

### Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Jamestown VOR | JS-LFR | Direct | 3100 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-d | 400-1 | 500-1 | 500-1½ |
| | | | | C-n | 400-1½ | 500-1½ | 500-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn N side E crs, 078° Outbnd, 258° Inbnd, 3100' within 10 miles.
Minimum altitude over facility on final approach crs, 2200'.
Crs and distance, facility to airport, 267°—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles after passing JS LFR, climb on W crs JS LFR within 10 miles, reverse crs and continue climb to 3100' direct to JS LFR, then hold E, 1-minute, right turns, 258° Inbnd.
NOTE: Final approach from holding pattern at LFR not authorized. Procedure turn required.
Other change: Deletes caution note.
MSA within 25 miles of facility: NE—2700'; SE—2600'; SW—3300'; NW—3300'.

City, Jamestown; State, N. Dak.; Airport Name, Jamestown Municipal; Elev., 1498'; Fac. Class., SBMRAZ; Ident., JS; Procedure No. 1, Amdt. 11; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 10; Dated, 3 Oct. 64

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Woodville Int | LOM | Direct | 1900 | T-dn | 300-1 | 300-1 | 200-½ |
| BTR VOR | LOM | Direct | 1600 | C-dn | 500-1 | 500-1 | 500-1½ |
| Morganza Int | LOM | Direct | 1600 | B-dn-13 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn W side of NW crs, 307° Outbnd, 127° Inbnd, 1300' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 127°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1600' on crs of 127° within 20 miles.
NOTE: Approach lights not installed.

City, Baton Rouge; State, La.; Airport Name, Ryan; Elev., 70'; Fac. Class., LOM; Ident., BT; Procedure No. 1, Amdt. 11; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 10; Dated, 9 Nov. 63

PROCEDURE CANCELLED EFFECTIVE 17 OCT. 1964.

City, Lufkin; State, Tex.; Airport Name, Angelina County; Elev., 290'; Fac. Class., BMH; Ident., LFK; Procedure No. 1, Amdt. 7; Eff. Date, 9 Nov. 63; Sup. Amdt. No. 6; Dated, 12 May 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| OAK VOR | LOM | Direct | 3700 | T–dn* | 300–1 | 300–1 | 200–½ |
| Decoto INT/DME fix | LOM (final) | Direct | 1700 | C–dn** | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–29 | 400–1 | 400–1 | 400–2 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn E side of crs, 120° Outbnd, 300° Inbnd, 3700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 298°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing LOM, climb straight ahead to 1000′, heading 268° then make a right-climbing turn, continuing climb to 2500′ in a 1-minute holding pattern NW of LOM, 120° Inbnd, left turns.
*300–1 required for takeoff on Runway 33.
**Maneuvering will be accomplished to the S of the OAK RBn. Circling minimums do not provide standard clearance over tank 357′—1.6 miles N of Runways 15/33.
MSA within 25 miles of facility: 000°–090°—4900′; 090°–180°—4200′; 180°–270°—3000′; 270°–360°—3600′.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 6′; Fac. Class., LOM; Ident., IN; Procedure No. 1, Amdt. 3; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 2; Dated, 8 Feb. 64

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Lexington HW | LEX VOR | Direct | 2600 | T–dn | 300–1 | 300–1 | 200–½ |
| Richmond Int | LEX VOR | Direct | 2600 | C–d | 600–1 | 600–1 | 600–1½ |
| Irvine Int | LEX VOR | Direct | 2600 | C–n | 600–1½ | 600–1½ | 600–2 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn N side of crs, 124° Outbnd, 304° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 304°—7.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles after passing LEX–VOR, climb to 2600′ via R–302° of LEX VOR to the Bridgeport Intersection. Hold W on R–080° LOU VOR, 1-minute right turns, 080° Inbnd. Alternate missed approach: Within 7.3 miles after passing LEX VOR, make left-climbing turn to 2000′, direct to Lexington LOM. Hold SW, 1-minute, right turns, 042° Inbnd.
MSA within 25 miles of facility: 000°–090°—2700′; 090°–180°—2200′; 180°–270°—2300′; 270°–360°—2700′.

City, Lexington; State, Ky.; Airport Name, Blue Grass; Elev., 978′; Fac. Class., BVORTAC; Ident., LEX; Procedure No. 1, Amdt. 7; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 6; Dated, 8 Feb. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn | 300–1 | *300–1 | NA |
| | | | | C–dn | 400–1 | *500–1 | NA |
| | | | | S–dn–33 | 400–1 | *400–1 | NA |
| | | | | A–dn | 800–2 | *800–2 | NA |

Procedure turn E side of crs, 149° Outbnd, 329° Inbnd, 1300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 329°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LFK–VOR, turn left, climb to 2000′ on R–310 within 10 miles.
NOTE: Radio tower 558′—3 miles ENE of airport. 548′ radio tower 3 miles SW of airport, 3 miles W of final approach crs. 731′ radio tower 4.5 miles NE of airport.
Major change: Deletes transition from Lufkin RBn.
*Heavier aircraft use caution due runway load-bearing ability.

City, Lufkin; State, Tex.; Airport Name, Angelina County; Elev., 290′; Fac. Class., BVOR; Ident., LFK; Procedure No. 1, Amdt. 7; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 6; Dated, 9 Nov. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Miles City RBn | MLS–VOR | Direct | 4500 | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 400–1 | 500–1 | 500–1¼ |
| | | | | S–dn–4 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn S side of crs, 211° Outbnd, 031° Inbnd, 4500′ within 10 miles.
Minimum altitude over VOR on final approach crs, 3500′; over Fort Int, *3100′.
Crs and distance, VOR to airport, 031°—3.4 miles; Fort Int* to airport, 031°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing MLS–VOR, climb to 4500′ on R–062 within 10 miles.
NOTE: Final approach from holding pattern at VOR not authorized. Procedure turn required.
*Fort Int: Int MLS VOR R–031 and 140° bearing from MLS RBn.
MSA within 25 miles of facility: 000°–360°—4400′.

City, Miles City; State, Mont.; Airport Name, Miles City; Elev., 2628′; Fac. Class., BVORTAC; Ident., MLS; Procedure No. 1, Amdt. 7; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 6; Dated, 3 Oct. 64



VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Turtle Int | MSY VOR (final) | Direct | 1500 | T–dn | 300–1 | 300–1 | 200–½ |
| French Int | MSY VOR (final) | Direct | 1500 | C–d | 500–1 | 500–1 | 500–1½ |
| | | | | C–n | 500–2 | 500–2 | 500–2 |
| | | | | A–dn | NA | NA | NA |

Radar vectoring authorized in accordance with approved procedures.
Procedure turn S side of crs, 260° Outbnd, 079° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 079°—7.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.4 miles after passing MSY VOR, climb to 2000′ on MSY VOR R–079 within 20 miles or, when directed by ATC, turn left, intercept MSY VOR R–064, climbing to 1500′ within 20 miles.
NOTE: Night operations not authorized Runways 8–26.
MSA within 25 miles of facility: 000°–090°—1500′; 090°–180°—2100′; 180°–270°—1500′; 270°–360°—1500′.

City, New Orleans; State, La.; Airport Name, New Orleans-Lakefront; Elev., 10′; Fac. Class., BVORTAC; Ident., MSY; Procedure No. 1, Amdt. 5; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 4; Dated, 5 Sept. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Salem Int | GON VOR | Direct | 2000 | T–dn* | 300–1 | 300–1 | NA |
| Watch Hill Int | GON VOR | Direct | 2000 | C–d | 500–1 | 500–1 | NA |
| | | | | C–n | 500–2 | 500–2 | NA |
| | | | | A–dn | NA | NA | NA |

Procedure turn S side of crs, 278° Outbnd, 098° Inbnd, 2000′ within 10 miles. Beyond 10 miles, not authorized.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 098°—11.3 miles. Breakoff point to runway, 5.3 miles.
Minimum altitude 981′ within 6.0 miles after passing GON VOR.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing GON VOR, make left-climbing turn to 2000′, returning to the VOR. Hold NE of the GON VOR on R–061, right turns, 1 minute, 241° Inbnd.
CAUTION: 369′ water tank (0.5 mile S/W of Runway 25).
*Takeoff minimums of 800–1 required for Runway 25.
MSA within 25 miles of facility: 270°–090°—1700′; 090°–270°—1300′.

City, Westerly; State, R.I.; Airport Name, Westerly State; Elev., 81′; Fac. Class., L–BVOR; Ident., GON; Procedure No. 1; Amdt. Orig; Eff. Date, 17 Oct. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–d | 800–1 | 800–1 | NA |
| | | | | C–d | 1000–1 | 1000–1 | NA |
| | | | | A–d | NA | NA | NA |

Radar vectoring from Quonset Point, R.I. RAPCON authorized in accordance with approved patterns.
Procedure turn E side of crs, 157° Outbnd, 337° Inbnd, 2100′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 337°—15.7 miles; breakoff point to runway, 7.7 miles.
Minimum altitude 1244′ within 6.0 miles after passing ORW VOR.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing ORW VOR, make a left-climbing turn to 2300′, return to ORW VOR. Hold SW of ORW VOR on R–241, 1 minute, right turns, 061° Inbnd.
MSA within 25 miles of facility: 000°–360°—2000′.

City, Willimantic; State, Conn.; Airport Name, Windham; Elev., 244′; Fac. Class., BVORTAC; Ident., ORW; Procedure No. 1, Amdt. Orig.; Eff. Date, 17 Oct. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Capon Bridge Int | FRR VOR | Direct | 4400 | T–dn | 1400–1 | 1400–1 | NA |
| | | | | C–dn | 1400–1 | 1400–1 | NA |
| | | | | S–dn | NA | NA | NA |
| | | | | A–dn | NA | NA | NA |

Radar vectoring not authorized.
Procedure turn W side of crs, 229° Outbnd, 049° Inbnd, 3800′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport 049°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing FRR VOR climb to 3000′ FRR VOR–R–049, make climbing left turn, proceed direct to FRR VOR at 3800′, hold SE R–229, 1 minute left turns.
NOTE: On takeoff climb out on R–049 FRR VOR to 3000′, then proceed as cleared.
MSA within 25 miles of facility: 000°–180°—3200′; 180°–270°—4500′; 270°–360°—3900′.

City, Winchester; State, Va.; Airport Name, Winchester Municipal; Elev., 700′; Fac. Class., M–BVOR; Ident., FRR; Procedure No. 1, Amdt. Orig.; Eff. Date, 17 Oct. 64





TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Ponca City VOR | ODG TVOR | Direct | 2800 | T–dn | 300–1 | 300–1 | 200–½ |
| Cleo Springs INT | ODG TVOR | Direct | 3000 | C–dn | 700–1 | 700–1 | 700–1½ |
| Cashion INT | Marshall INT | Direct | 3500 | A–dn | NA | NA | NA |
| Marshall INT | ODG TVOR | Direct | 2800 | | | | |

Procedure turn E side of crs, 175° Outbnd, 355° Inbnd, 2700′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1900′.
Facility on airport. Crs and distance breakoff point to runway 35 356°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing ODG VOR, climb to 2800′ on R-355 within 20 miles.
NOTES: 1. Final approach from holding pattern over ODG TVOR N/A; procedure turn required. 2. Weather service not available to general public. When Vance Approach Control not in operation, altimeter setting will be obtained from PNC FSS. Vance Approach Control operates 0800–1500 CST, Monday through Friday except holidays.
MSA within 25 miles of facility: 000°–090°—2600′; 090°–180°—3600′; 180°–270°—2600′; 270°–360°—2700′.

City, Enid; State, Okla.; Airport Name, Woodring Field; Elev., 1172′; Fac. Class., LBVOR; Ident., ODG; Procedure No. Ter-VOR 17, Amdt. Orig.; Eff. Date, 17 Oct. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 600–1 | 600–1 | 600–1½ |
| | | | | S–dn–4 | 600–1 | 600–1 | 600–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |
| | | | | *For aircraft equipped with VOR and ADF or DME and Beacon Int or FWA RBn or Radar fix in lieu of Beacon Int identified, the following minimums apply: | | | |
| | | | | C–dn | 400–1 | 400–1 | 500–1½ |
| | | | | S–dn–4** | 400–1 | 400–1 | 400–1 |

Radar vectoring authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn Inbnd on final approach crs 7 miles from VOR.
Procedure turn S side of crs, 229° Outbnd, 049° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, *1400′.
Facility on airport.
Crs and distance, breakoff point to approach end of Runway 4, 044°—0.9 mile; Beacon Int to FWA VOR 049°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2600′ northeastbound on R-068 as I proceed to New Haven Int or, when directed by ATC, make right-climbing turn to 2100′ and proceed direct to FW LOM.
NOTES: 1. Aircraft executing missed approach may be radar controlled after radar identification. 2. When authorized by ATC 10-mile DME arc at 2600′ may be used between FWA VOR R-068 clockwise to R-311 to position aircraft for straight-in approach with elimination of procedure turn.
**400–¾ authorized, except for turbojet aircraft with operative high-intensity runway lights.
Beacon Int: Int FWA VOR R-229 and 3.4-mile DME fix, or 2.8-mile radar fix.
MSA within 25 miles of facility: 000°–090°—2700′; 090°–360°—2200′.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801′; Fac. Class., BVORTAC; Ident., FWA; Procedure No. TerVOR-4, Amdt. 6; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 5; Dated, 23 May 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 600–1 | 600–1 | 600–1½ |
| | | | | S–dn–13 | 600–1 | 600–1 | 600–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |
| | | | | Aircraft equipped with VOR and ADF or DME and Wayne Int identified or Radar fix obtained in lieu of Wayne Int minimums are: | | | |
| | | | | C–dn | 400–1 | 400–1 | 500–1½ |
| | | | | S–dn–13** | 400–1 | 400–1 | 400–1 |

Radar vectoring authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn Inbnd on final approach crs 7 miles from VOR.
Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, *1400′.
Facility on airport.
Crs and distance, breakoff point to approach end of Runway 13, 135°—0.8 mile; Wayne Int# to VOR, 140°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2600′ southwestbound on R-218 and proceed to Rock Creek Int or, when directed by ATC, climb to 2100′ and proceed direct to FW LOM.
NOTES: 1. Aircraft executing missed approach may be radar controlled after radar identification. 2. When authorized by ATC 10-mile DME arc at 2600′ may be used between FWA VOR R-233 clockwise to R-068 to position aircraft for straight-in approach with elimination of procedure turn.
#Wayne Int: Int FWA R-320 and bearing 007° from FA RBn or 3.4-mile DME fix or 2.4-mile radar fix.
MSA within 25 miles of facility: 000°–090°—2700′; 090°–360°—2200′.
**400–¾ authorized, except for turbojet aircraft with operative high-intensity runway lights.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801′; Fac. Class., BVORTAC; Ident., FWA; Procedure No. TerVOR-13, Amdt. 5; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 4; Dated, 23 May 64



TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| OAK VOR | Decoto Int/DME fix | Direct | 4000 | T–dn# | 300–1 | 300–1 | 200–½ |
| OSI VOR | Decoto Int/DME fix | Direct | 4000 | C–dn* | 500–1 | 500–1 | 500–1½ |
| Sunol Int | Irvington Int/DME fix | Direct | 4000 | A–dn | 800–2 | 800–2 | 800–2 |
| Irvington Int/DME fix | Decoto Int/DME fix | Direct | 3500 | | | | |
| Decoto Int/DME fix | Mount Eden Int/DME fix (final) | Direct | 2500 | | | | |
| Mount Eden Int/DME fix | San Lorenzo Int/DME fix (final) | Direct | 1600 | | | | |
| San Lorenzo Int/DME fix | OAK VOR (final) | Direct | 500 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. All maneuvering and descent shall be accomplished in the Decoto Int/DME fix holding pattern 114° Outbnd, 294° Inbnd, right turns, 1 minute, minimum altitude 4000′. Descent to 3500′ authorized to cross Decoto Int/DME fix on final approach crs Inbnd.
Minimum altitude over VOR on final approach, 500′.
Facility on airport.
Final approach crs Inbnd, 294°.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished 0.0 mile after passing the OAK VOR, climb to 3000′ on OAK VOR R-312 to Richmond Int.
#300–1 required for takeoff on Runway 33.
*Maneuvering will be accomplished to the S of the OAK RBn. Circling minimums do not provide standard clearance over tank 357′ 1.6 miles N of Runways 15/33.
MSA within 25 miles of facility: 000°–090°—4900′; 090°–180°—4200′; 180°–270°—3000′; 270°–360°—3600′.

City, Oakland; State, Calif.; Airport Name, Metropolitan-Oakland International; Elev., 9′; Fac. Class., BVORTAC; Ident., OAK; Procedure No. VOR (R-114), Amdt. 2; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 1; Dated, 8 Feb. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SNS VOR | Santa Rita INT/DME fix | Direct | 2500 | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–13 | 500–1 | 500–1 | 500–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn W side of crs, 302° Outbnd, 122° Inbnd, 2000′ within 10 miles Santa Rita INT/DME fix.
Minimum altitude over Santa Rita INT/DME fix on final approach crs, 1200′; over facility, 600′.
Crs and distance, Santa Rita INT/DME fix to airport, 122°—5.5 miles; breakoff point to runway, 131°—0.4 mile.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing SNS VOR, turn right, climb to 2000′ on SNS VOR R-298 within 18 miles (Moss Landing INT/DME fix).
NOTE: When authorized by ATC, DME may be used within 20 to 15 miles at 4000′ between SNS R-264 clockwise to SNS R-355 to position aircraft for straight-in approach with the elimination of procedure turn.
OTHER CHANGE: Deletes transitions from Watsonville Int and Santa Rita FM or Int.
Santa Rita INT: SNS VOR R-302 and 030° bearing from MRY LMM.
Santa Rita DME fix: 5.5 miles SNS VOR R-302.
MSA within 25 miles of facility: 000°–090°—5000′; 090°–180°—6100′; 180°–270°—5900′; 270°–360°—5000′.

City, Salinas; State, Calif.; Airport Name, Salinas Municipal; Elev., 84′; Fac. Class., BVORTAC; Ident., SNS; Procedure No. VOR-13, Amdt. 3; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 2; Dated, 3 Oct. 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Sunol Int | SJC–VOR | Direct | #5000 | T–dn* | 300–1 | 300–1 | 200–½ |
| Mount Hamilton Int | SJC–VOR | Direct | #5000 | C–dn | 600–1 | 600–1 | 600–1½ |
| Saratoga Int | SJC–VOR | Direct | #4500 | S–dn–12R | 600–1 | 600–1 | 600–1 |
| OSI–VOR | SJC–VOR | Direct | 4000 | A–dn | 800–2 | 800–2 | 800–2 |
| Lick Int** | SJC–VOR | Direct | 3500 | | | | |
| OAK–VOR | SJC–VOR | Direct | 3000 | | | | |
| SFO–VOR | Agnew Int | Direct | 2000 | | | | |
| Agnew Int | SJC–VOR (final) | Direct | 700 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 308° Outbnd, 128° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Facility on airport.
Crs and distance, Agnew Int to VOR, 128°—5.5 miles; breakoff point to Runway 12R, 122°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, turn left, climb to 2000′ on R-308 within 15 miles.
AIR CARRIER NOTE: Reduction in visibility by sliding scale or local condition not authorized for takeoff on Runways 12R/L.
#Shuttle descent to 3000′ shall be accomplished in a 1-minute holding, 300° Inbnd, left turns before commencing procedure turn.
*400–1 required when taking off on Runways 12R–L.
**Lick Int: Int R-332 SNS VOR and E crs SJC ILS or R-120 SJC VOR.
MSA within 25 miles of facility: 360°–090°—5400′; 090°–180°—5100′; 180°–270°—4300′; 270°–360°—3700′.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 56′; Fac. Class., VOR; Ident., SJC; Procedure No. TerVOR-12R, Amdt. 8; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 7; Dated, 19 Sept. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Mount Hamilton Int | SJC VOR | Direct | 5000 | T–dn* | 300–1 | 300–1 | 200–½ |
| SJC–VOR | Lick Int** | Direct | 4000 | C–dn | 700–1 | 700–1 | 700–1½ |
| Morgan Int | Lick Int** | Direct | 4000 | A–dn | 800–2 | 800–2 | 800–2 |
| Lick Int** | SJC ILS OM (final) | Via SJC–VOR R-120. | 2000 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 120° Outbnd, 300° Inbnd, 4000′ within 10 miles of Lick Int*.
Facility on airport.
Minimum altitude over Lick Int* on final approach crs, 4000′; over OM 2000′; over facility 800′.
Crs and distance, SJC ILS OM to airport, 300°—5.1 miles; OM to VOR, 5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, climb to 2000′ on R-308 within 15 miles.
AIR CARRIER NOTE: Reduction in visibility by sliding scale or local condition not authorized for takeoff on Runways 12R/L.
*400–1 required for takeoff on Runways 12R–L.
**Lick Int: Int SNS VOR R-332 and E crs SJC ILS or R-120 SJC VOR.
MSA within 25 miles of facility: 000°–090°—5400′; 090°–180°—5100′; 180°–270°—4300′; 270°–360°—3700′.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 56′; Fac. Class., VOR; Ident., SJC; Procedure No. TerVOR-30L, Amdt. 8; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 7; Dated, 19 Sept. 64





5. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures



VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| 10-mile fix R-350 | 0-mile fix R-350 (final) | Direct | 4700 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-17 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 5500' within 10 miles.
When authorized by ATC, DME may be used within 10 miles at 5300' to position aircraft on final approach with the elimination of a procedure turn.
Minimum altitude over facility on final approach crs, 4700'.
Crs and distance, facility to airport, 170°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing VOR or 3.4-mile DME fix R-170, climb to 5200' on R-170 within 20 miles.
CAUTION: 4300' TV tower located 2.3 miles NE of airport.
MSA within 25 miles of facility: 000°-090°—5400'; 090°-180°—5000'; 180°-270°—5500'; 270°-000°—5000'.

City, Dalhart; State, Tex.; Airport Name, Dalhart Municipal; Elev., 3989'; Fac. Class., BVORTAC; Ident., DHT; Procedure No. VOR/DME No. 1, Amdt. 2: Eff. Date, 17 Oct. 64; Sup. Amdt. No. 1; Dated, 29 Aug. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 10-mile DME fix R-124 | LEX VOR | Direct | 2700' | T-dn | 300-1 | 300-1 | 200-½ |
| LEX VOR | 5-mile DME fix R-304 (final) | Direct | 1600' | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn N side of crs, 124° Outbnd, 304° Inbnd, 2700' within 10 miles. When authorized by ATC, DME may be used within 10 miles at 2800' to position aircraft for approach with elimination of procedure turn.
Minimum altitude over facility on final approach crs, 2700'; over 5-mile DME fix R-304, 1600'.
Crs and distance, facility to airport, 304°—7.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 7.2-mile DME fix R-304, climb to 2600' via R-303° of LEX VOR to the Bridgeport intersection. Hold W on R-080 LOU VOR, 1-minute right turns, 080° Inbnd. Alternate missed approach: At 7.2-mile DME fix R-304, make left-climbing turn to 2000', direct to Lexington, LOM. Hold SW 1-minute right turns, 042° Inbnd.
MSA within 25 miles of facility: 000°-090°—2700'; 090°-180°—2200'; 180°-270°—2300'; 270°-360°—2700'.

City, Lexington; State, Ky.; Airport Name, Blue Grass; Elev., 978'; Fac. Class., BVORTAC; Ident., LEX; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 1; Dated, 21 Mar. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 21-mile DME fix R-093 | 14-mile DME fix R-093 | Direct | 3200 | T-dn# | 300-1 | 300-1 | 200-½ |
| 14-mile DME fix R-093 | 9-mile DME fix R-093 | Direct | 2600 | C-dn* | 500-1 | 500-1 | 500-1½ |
| 9-mile DME fix R-093 | 4-mile DME fix R-093 | Direct | 1300 | A-dn | 800-2 | 800-2 | 800-2 |
| 4-mile DME fix R-093 | OAK VOR | Direct | 500 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Aircraft must (1) proceed from Sunol Int., or (2) be radar vectored to final approach crs, 273° Inbnd.
Minimum altitude over facility on final approach crs, 800'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing OAK VOR, climb to 3600' on OAK VOR R-313 to Richmond Int (18-mile DME fix R-313).
#300-1 required for takeoff on Runway 33.
*Maneuvering will be accomplished to the S of the OAK RBn. Circling minimums do not provide standard clearance over tank 357' 1.6 miles N of Runways 15/33.
MSA within 25 miles of facility: 000°-090°—4900'; 090°-180°—4200'; 180°-270°—3000'; 270°-360°—3600'.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 6'; Fac. Class., BVORTAC; Ident., OAK; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 1; Dated, 8 Feb. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 15.5-mile DME fix R-288 | 8-mile DME fix R-288 | Direct | 2500 | T-dn# | 300-1 | 300-1 | 200-½ |
| 8-mile DME fix R-288 | 6-mile DME fix R-288 | Direct | 1500 | C-dn* | 500-1 | 500-1 | 500-1½ |
| 6-mile DME fix R-288 | OAK VOR | Direct | 500 | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Aircraft must (1) proceed from Commodore Int, or (2) be radar vectored to final approach crs, 108°.
Minimum altitude over facility on final approach crs, 800'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing OAK VOR, climb to 2500' on OAK VOR R-114 to Decoto Int (13-mile DME fix R-114).
CAUTION: Extensive Navy jet operations between 8-mile DME fix and 6-mile DME fix, R-288, Navy Alameda.
#300-1 required for takeoff on Runway 33.
*Maneuvering will be accomplished to the S of the OAK RBn. Circling minimums do not provide standard clearance over tank 357' 1.6 miles N of Runways 15/33.
MSA within 25 miles of facility: 000°-090°—4900'; 090°-180°—4200'; 180°-270°—3000'; 270°-360°—3600'.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 6'; Fac. Class., BVORTAC; Ident., OAK; Procedure No. VOR/DME No. 2, Amdt. 2; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 1; Dated, 8 Feb. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SNS R-114 21-mile DME fix | SNS R-114 13-mile DME fix | Direct | 3500 | T-dn | 300-1 | 300-1 | 200-½ |
| SNS R-114 13-mile DME fix | SNS R-114 6-mile DME fix | Direct | 2000 | C-dn | 500-1 | 500-1 | 500-1½ |
| SNS R-114 6-mile DME fix | SNS VOR | Direct | 600 | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn not authorized final approach crs, 294° Inbnd.
Minimum altitude over 6-mile DME fix on final approach crs, 2600'; over facility, 600'.
Crs and distance, 6-mile DME fix to airport, 294°—6.0 miles.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing SNS VOR, climb to 2000' on R-293 SNS VOR to 18-mile DME fix (Moss Landing INT).
MSA within 25 miles of facility: 360°-090°—5000'; 090°-180°—6100'; 180°-270°—5000'; 270°-360°—5100'.

City, Salinas; State, Calif.; Airport Name, Salinas Municipal; Elev., 84'; Fac. Class., BVORTAC; Ident., SNS; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. Date, 17 Oct. 64; Sup. Amdt. No. Orig.; Dated, 9 June 62



VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| SNS R-293 29-mile DME fix | SNS R-293 18-mile DME fix | Direct | 4000 | T-dn | 300-1 | 300-1 | 200-½ |
| SNS R-293 18-mile DME fix | SNS R-293 6-mile DME fix | Direct | 2000 | C-dn | 500-1 | 500-1 | 500-1½ |
| SNS R-293 6-mile DME fix | SNS VOR | Direct | 600 | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn not authorized. Final approach crs, 113° Inbnd.
Minimum altitude over 6-mile DME fix on final approach crs, 1500'; over facility, 600'.
Crs and distance 6-mile DME fix to airport, 113°—6 miles.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing SNS VOR, right-turn climb to 2000' on R-293 SNS VOR to 18-mile DME fix (Moss Landing INT).
MSA within 25 miles of facility: 360°-090°—5000'; 090°-180°—6100'; 180°-270°—5000'; 270°-360°—5100'.

City, Salinas; State, Calif.; Airport Name, Salinas Municipal; Elev., 84'; Fac. Class., BVORTAC; Ident., SNS; Procedure No. VOR/DME No. 2, Amdt. 1; Eff. Date, 17 Oct. 64; Sup. Amdt. No. Orig.; Dated, 9 June 62

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| FA-RBn | Ellis Int* | Direct | 2200 | T-dn | 300-1 | 300-1 | 200-½ |
| FWA-VOR | Ellis Int* | Direct | 2200 | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-13# | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn on Inbnd final approach crs at least 3.0 miles from Ellis Int.*
Procedure turn W side of final approach crs, 315° Outbnd, 135° Inbnd, 2200' within 10 miles of Ellis Int.*
Minimum altitude over Ellis Int* on final approach crs, 1900'.
Crs and distance, Ellis Int* to airport, 135°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing Ellis Int*, climb to 2100' on SE crs ILS and proceed to LOM or, when directed by ATC, make climbing right turn to 2600' and proceed to Rock Creek Int via R-218 FWA VOR.
NOTES: 1. Procedure authorized only for aircraft equipped to receive ILS and ADF simultaneously or when Ellis Int* determined by Fort Wayne radar. 2. When authorized by ATC, DME may be used to position aircraft on final approach crs via 10-mile DME arc at 2600' 218° clockwise to 091° from FWA VOR with the elimination of the procedure turn.
*Ellis Int: Int NW crs FWA ILS and bearing 360° from FA-RBn or NW crs FWA ILS and radar fix 3.5 miles from Runway 13.
#400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801'; Fac. Class., ILS; Ident., I-FWA; Procedure No. ILS-13, Amdt. 2; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 1; Dated, 8 Feb. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Whitely Int | LOM | Direct | 2200 | T-dn | 300-1 | 300-1 | 200-½ |
| New Haven Int | LOM | Direct | 2200 | C-dn | 400-1 | 500-1 | 500-1½ |
| Rock Creek Int | LOM | Direct | 2200 | S-dn-31* | 200-½ | 200-½ | 200-½ |
| Fort Wayne VOR | LOM | Direct | 2100 | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn E side of SE crs, 135° Outbnd, 315° Inbnd, 2100' within 10 miles.
Minimum altitude at glide slope intercept on Inbnd, 2100'.
Altitude of glide slope and distance to approach end of runway at OM, 2045'—3.8 miles; at MM, 1075'—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2600' on NW crs ILS and proceed to Whitely Int westbound on R-281 FWA VOR or, as directed by ATC, climb on NW crs ILS to 2600' and proceed direct to Wolfiske VOR.
NOTES: 1. Aircraft executing missed approach may be radar controlled after radar identification. 2. When authorized by ATC, DME may be used to position aircraft on final approach crs at 2600' via 10-mile DME arc, 068° clockwise to 233° from FWA VOR, with the elimination of the procedure turn.
*400-¾ required when glide slope not utilized.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801'; Fac. Class., ILS; Ident., I-FWA; Procedure No. ILS-31, Amdt. 11; Eff. Date, 17 Oct 64; Sup. Amdt. No. 10; Dated, 23 May 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Commodore Int | Island Int | Direct | 2500 | T-dn# | 300-1 | 300-1 | 200-½ |
| Richmond Int | Island Int | Direct | 2500 | C-dn* | 500-1 | 500-1 | 500-1½ |
| Island Int | Tower Int (final)## | Direct | 2000 | S-dn-11$ | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Aircraft must (1) proceed via Commodore Int, (2) via Richmond Int, or (3) be radar vectored to final approach crs, 113°.
No glide slope.
Minimum altitude over Tower Int on final approach crs, 2000'.
Crs and distance, Tower Int to approach end of runway, 113°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing Tower Int, proceed direct to the IN LOM, climbing to 2500' in a 1-minute holding pattern NW of LOM (120° Inbnd), left turns.
CAUTION: In vicinity of Tower Int, heavy jet traffic, Navy Alameda.
#400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
$300-1 required for takeoff Runway 33.
##Tower Int.: Int W crs INB ILS and SFO VOR R-355.
*Maneuvering will be accomplished to the S of the OAK RBn. Circling minimums do not provide standard clearance over tank 357' 1.6 miles N of Runways 15/33.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 6'; Fac. Class., ILS; Ident., I-INB; Procedure No. ILS-11, Amdt. 6; Eff. Date, 17 Oct. 64 (back crs); Sup. Amdt. No. 5; Dated, 8 Feb. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Bay Point Int | Hayward RBn | Direct | 6000 | T–dn* | 300–1 | 300–1 | 200–½ |
| Altamont Int | Hayward RBn | Direct | 5000 | C–dn** | 500–1 | 500–1 | 500–1¼ |
| OAK VOR | Hayward RBn | Direct | 4000 | S–dn–27R# | 200–½ | 200–½ | 200–½ |
| Decoto Int | Hayward RBn | Direct | 4000 | S–dn–27L## | 500–1 | 500–1 | 500–1 |
| Sunol Int | Hayward RBn% | Direct | 4000 | A–dn | 600–2 | 600–2 | 600–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 095° Outbnd, 275° Inbnd, 4000′ within 10 miles of HWD RBn. Beyond 10 miles not authorized.
Procedure turn S side of crs, high terrain to N.
Minimum altitude at glide slope interception Inbnd, 2700′.
Altitude of glide slope and distance to approach end of runway at HWD RBn, 2590′—8.2 miles; at OM, 1320′—4.1 miles; at MM, 230′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed direct to OAK VOR, climbing to 3000′ on OAK VOR R–313 to Richmond Int.
OTHER CHANGE: Deletes Transition Fremont FM/RBn.
%Descend on glide slope authorized to cross Hayward RBn at 2590′.
#300–1 required for takeoff on Runway 33.
**Maneuvering will be accomplished to the S of the OAK RBn. Circling minimums do not provide standard clearance over tank 357′ 1.6 miles N of Runways 15/33.
##400–½ required if glide slope not utilized.
##Crs and distance OM to Runway 27L, 273°—4.2 miles.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 6′; Fac. Class., ILS; Ident., I–OAK; Procedure No. ILS–27 R/L, Amdt. 19; Eff. Date, 17 Oct 64; Sup. Amdt. No. 18; Dated, 8 Feb. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| OAK VOR | Decoto INT/DME fix | Direct | 3500 | T–dn#* | 300–1 | 300–1 | 200–½ |
| Sunol INT/DME fix | Irvington INT/DME fix | Direct | 4000 | C–dn** | 500–1 | 500–1 | 500–1¼ |
| Irvington INT/DME fix | Decoto INT/DME fix | Direct | 3500 | S–dn–29##% | 200–½ | 200–½ | 200–½ |
| Decoto INT/DME fix | LOM (final) | Direct | 1700 | A–dn | 600–2 | 600–2 | 600–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Aircraft must (1) proceed via Sunol or Decoto Int, or (2) descend in the Decoto holding pattern, 294° Inbnd, 1-minute pattern right turns, minimum altitude 3500′, or (3) be radar vectored to final approach crs.
Final approach crs Inbnd, 293°.
Minimum altitude at glide slope intercept, 1700′.
Altitude of glide slope and distance to approach end of runway from Decoto INT/DME fix, 3560′—10.9; LOM 1700′—5.2 miles; LMM 230′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead to 1000′ on the localizer crs, then turn right to intercept the OAK VOR R–313 climbing to 3000′ to Richmond Int or, when directed by ATC, climb straight ahead to 1000′ on the localizer crs, then make a right-climbing turn, continuing climb to 2500′ in a 1-minute holding pattern NW of LOM, 120° Inbnd, left turns.
CAUTION: In vicinity of LOM, heavy VFR traffic in Hayward traffic pattern.
#Runway visual range 2000′ authorized for takeoff Runway 29; providing high-intensity runway lights and runway centerline lights are operational.
**Maneuvering will be accomplished to the S of the OAK RBn. Circling minimums do not provide standard clearance over tank 357′ 1.6 miles N of Runways 15/33.
##300–1 required for takeoff on runway 33.
###Runway visual range 2000′, authorized for landing on Runway 29; providing that all components of the ILS, high-intensity runway lights, approach lights, condenser-discharge flashers, touchdown zone and runway centerline lights, outer compass locator and all related airborne equipment are in satisfactory operating condition. Descent below 206′ shall not be made unless visual contact with the approach lights has been established or aircraft is clear of clouds.
%400–¾ required if glide slope not utilized.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 6′; Fac. Class., ILS; Ident., I–INB; Procedure No. ILS–29, Amdt. 5; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 4; Dated, 11 July 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| YKM–VOR | YK LOM | Direct | 4400 | T–dn# | 300–1 | 300–1 | 300–¾ |
| Gleed Int | YK LOM | Direct | 4400 | C–dn | 800–2 | 800–2 | 800–2 |
| | | | | S–dn–27 | 300–¾ | 300–¾ | 300–¾ |
| | | | | A–dn | 900–2 | 900–2 | 900–2 |

Procedure turn S side of crs, 089° Outbnd, 269° Inbnd, 4400′ within 10 miles.
Final approach from holding pattern at YK LOM not authorized, procedure turn required.
Minimum altitude at glide slope int Inbnd, 4000′.
Altitude of glide slope and distance to approach end of runway at OM, 3334′—6.9 miles; at MM, 1315′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right-climbing turn and climb to 4400′ on E crs ILS within 10 miles of LOM.
NOTE: All components of the ILS and related airborne equipment must be operational and used when executing this approach, except that either the ALS or the condenser-discharge flashers or combination thereof must be operational for the entire length of the ALS system.
CAUTION: High terrain extends from NE to NW of YKM–VOR.
Major change: Deletes transition from White Swan Int.
#Takeoff minimums Runways 22–4 and 34–16: 500–1 day, 800–2 night.

City, Yakima; State, Wash.; Airport Name, Yakima Municipal; Elev., 1062′; Fac. Class., ILS; Ident., I–YKM; Procedure No. ILS–27, Amdt. 10; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 9; Dated, 22 June 63



7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication or final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition From— | To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| 348° | 180° | 8–20 miles | ***3000 | | | | |
| 180° | 348° | 0–15 miles | ***2000 | | | | |
| 180° | 348° | 15–20 miles | ***3000 | | | | |
| All bearings are from radar site with sector azimuths progressing clockwise. | | | | Surveillance approach | | | |
| ***Radar control will provide 1000′ vertical clearance within a 3-mile radius of towers 1187′—15 miles NW, 1440′—5.5 miles W, 1413′—4.6 miles W, 1408′—7.2 miles SW, 1188′—4.8 miles SW, 1120′—3.5 miles SW, 1504′—14.2 miles SE, 1260′—10 miles SSW, 1080′—14.3 miles SSW, and 1125′—8 miles SW. | | | | T–dn* | 300–1 | 300–1 | 200–½ |
| | | | | C–dn–14 L and R, 32 L and R, 27, 22**. | 400–1 | 400–1 | 500–1¼ |
| | | | | C–dn–4 | 600–2 | 600–2 | 600–2 |
| | | | | S–dn–14 L and R, 32 L and R, 27, 22**. | 400–1 | 400–1 | 400–1 |
| | | | | S–dn–4 | 600–2 | 600–2 | 600–2 |
| | | | | A–dn | 600–2 | 600–2 | 600–2 |
| | | | | Precision approach | | | |
| | | | | T–dn%* | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 400–1 | 400–1 | 500–1¼ |
| | | | | S–dn–14R, 27, 32L# S–dn–22 14L, 32R, 4. | 200–½ | 300–½ | 300–¾ |
| | | | | A–dn | 600–2 | 600–2 | 600–2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished. Runway 4: Climb straight ahead to 3500′ and proceed to Evanston Int via ORD–VOR R–075 or, when directed by ATC, climb straight ahead to 2500′ and proceed to OBK VOR via R–170. Runway 27: Climb to 3500′ on a crs of 268° and proceed to DPA–VOR via R–093 or, when directed by ATC, climb to 3500′ on ORD–VOR R–271 and proceed to Elgin Int via ORD–VOR R–271. Runway 22: Climb to 3500′ on a crs of 226° and proceed to DPA–VOR via R–073 or, when directed by ATC, make left-climbing turn to 3500′ and proceed to Evanston Int via ORD–VOR R–075. Runway 14R: Turn right to heading 155°, climb to 1500′, then make right-climbing turn to 3500′ and proceed to DPA–VOR via R–093 or, when directed by ATC, turn right to heading 155°, climb to 1500′, make climbing right turn to 3500′ and proceed to Elgin Int via ORD–VOR R–271. Runway 32R: Turn right to 325° heading, climb to 1500′, then make right-climbing turn to 3500′ and proceed to Evanston Int via ORD R–075. Runway 32L: Turn left to 305° heading, climb to 1500′, then make climbing left turn to 3500′ and proceed direct to DPA VOR. Runway 14L: Turn left to heading of 126° and climb to 1500′, make left-climbing turn to 3500′ and proceed to Evanston Int via ORD R–075.
NOTE: Aircraft executing missed approach may after being radaridentified be radar vectored.
CAUTION: 1460′ tower 5.5 miles W, 1412′ tower 4.9 miles W.
*Takeoffs on Runway 27 when weather is below 2000–3 will intercept ORD–VOR R–250 and climb to 2000′ before proceeding westbound.
Takeoffs on Runway 32L, when weather is below 2000–3, will intercept ORD–VOR R–305 and climb to 2000′ before proceeding westbound.
**Do not descend below 1200′ until radar advises passing 926′ tower 4.2 miles from end of Runway 22.
#Runway visual range 2600′ also authorized for landing on 14R, provided that all components of the PAR, high-intensity runway lights, condenser-discharge flashers, outer compass locator and all related airborne equipment are operating satisfactorily. Descent below 867′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
%Runway visual range of 2600′ also authorized for takeoff on Runway 14R in lieu of 200–½ when 200–½ is authorized, provided high-intensity runway lights are operational.
$Runways 14R and 32L: 400–½ authorized except for turbojet aircraft with operative ALS and high-intensity runway lights. Runways 14 R and L and 32 L and R: 400–¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Chicago; State, Ill.; Airport Name, Chicago-O'Hare International; Elev., 667′; Fac. Class. and Ident., O'Hare Radar; Procedure No. 1, Amdt. 10; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 9; Dated, 11 Apr. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| All bearings are from radar site with sector azimuths progressing clockwise. | | | | Surveillance approach | | | |
| 247° | 113° | 0–20 miles | *2200 | | | | |
| 113° | 147° | 0–20 miles | 2100 | | | | |
| 147° | 247° | 0–20 miles | **2000 | T–dn—All | 300–1 | 300–1 | 200–½ |
| | | | | C–dn—22# | 500–1 | 500–1 | 500–1¼ |
| | | | | C–dn—4, 13, 9, 27, 31. | 400–1 | 500–1 | 500–1¼ |
| | | | | S–dn—22# | 500–1 | 500–1 | 500–1 |
| | | | | S–dn—4, 13,## 9, 27, 31.### | 400–1 | 400–1 | 400–1 |
| | | | | A–dn—All | 800–2 | 800–2 | 800–2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead to 2000′ and proceed southwestbound on FWA R–218 to Rock Creek Int or, when directed by ATC, climb to 2800′ and proceed northeasthound on FWA R–026 to New Haven Int.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
$CAUTION: Do not descend below 1500′ until radar or authorized passing Radar fix 3.6 miles from end of Runway 22 due to 1155′ tower 3.5 miles NE.
#400–¾ authorized for Runways 4, 13, 31 except for turbojet aircraft, with operative high-intensity runway lights.
##400–½ authorized for Runway 31, except for turbojet aircraft with operative ALS and high-intensity runway lights.
*2000′ within 3 miles of 1649′ tower 6.6 miles N.
**2100′ within 3 miles of 1067′ tower 22 miles SW.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801′; Fac. Class. and Ident., Fort Wayne Radar; Procedure No. 1, Amdt. 3; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 2; Dated, 28 May 64



RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued



1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| 000° | 200° | Within 30 miles | 5000 | Surveillance approach | | | |
| 200° | 000° | Within 30 miles | 4000 | T-dn%** | 300-1 | 300-1 | 200-½ |
| | | | | C-dn$ | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-29-11$ | 400-1 | 400-1 | 400-1 |
| | | | | S-dn-27R-9L$ | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |
| | | | | Precision approach | | | |
| | | | | S-dn-29° | 200-½ | 200-½ | 200-½ |
| | | | | A-dn | 600-2 | 600-2 | 600-2 |

$400-1½ authorized, except for turbojet aircraft with operative ALS and high-intensity runway lights.
$400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
Runway 27R: Proceed direct to OAK VOR climbing to 3000' on OAK VOR R-315 to Richmond Int. Runway 29: Climb to 1000' on heading 293°, then turn right to intercept OAK VOR R-313, climbing to 3000' to Richmond Int. Runway 11: Proceed direct to the IN LOM, climbing to 2500' in a 1-minute holding pattern NW of LOM (120° Inbnd), left turns. Runway 9L: Proceed direct to the IN LOM, climbing to 2500' in a 1-minute holding pattern NW of LOM (120° Inbnd), left turns. Runways 9L and 11: Turn right to intercept the OAK VOR R-313, climbing to 3000' to Richmond Int.
Alternate missed approach for: Runways 27R and 29: Turn left, proceed direct to IN LOM, climbing to 2500' in a 1-minute holding pattern NW of LOM (120° Inbnd), left turns.
Other change: Deletes radar transition and vectoring statement.
%800-1 required Runway 33.
$Runway visual range 2000' also authorized for landing on Runway 29; providing all components of the PAR, high-intensity runway lights, approach lights, condenser-discharge flasher, touchdown zone and runway centerline lights, outer compass locator, and all related airborne equipment are operating satisfactorily.
#Descent below the authorized landing minimum altitude of 200' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2000' also authorized for takeoff on Runway 29 in lieu of 200-½, when 200-½ is authorized, providing high-intensity runway lights and runway centerline lights are operational.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 6'; Fac. Class. and Ident., Oakland Radar; Procedure No. 1, Amdt. 11; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 10; Dated, 11 July 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| All directions | | Within 30 miles | 5500 | Surveillance approach | | | |
| | | | | T-dn* | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn-30L$ | 600-1 | 600-1 | 600-1 |
| | | | | S-dn-12R** | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished. Runway 30L: Climb to 2000' on the SJC VOR R-308 within 15 miles or, when directed by ATC, climb to 2000' on 302° crs from the SJC IL8 LMM within 15 miles. Runway 12R: Make left-climbing turn, climb to 2000' on the SJC VOR R-308 within 15 miles or, when directed by ATC, make left-climbing turn, climb to 2000' on 302° crs from the SJC IL8 LMM within 15 miles.
AIR CARRIER NOTES: 1. Reduction in visibility by sliding scale not authorized for landing on Runway 30L. 2. Reduction in visibility by sliding scale or local condition not authorized for takeoff on Runways 12L/R.
*400-1 required for takeoff on Runways 12L–R.
$1320' required at 4-mile radar fix.
**400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 56'; Fac. Class. and Ident., Moffett Radar; Procedure No. 1, Amdt. 7; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 6; Dated, 19 Sept. 64

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601, of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on September 14, 1964.

G. S. MOORE,
*Director, Flight Standards Service.*

[F.R. Doc. 64-9512; Filed, Oct. 22, 1964; 8:45 a.m.]

[Reg. Docket No. 6208; Amdt. 396]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

### Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:



1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| PROCEDURE CANCELLED EFFECTIVE OCT. 24, 1964. | | | | | | | |
| City, Ewa; State, Hawaii; Airport Name, NAS Barbers Point; Elev., 21'; Fac. Class., SBRAZ; Ident., HNL; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 May 60 | | | | | | | |
| Ancon VHF Int | Gustavus LFR | Direct | 2700 | T-dn* | 300-1 | 300-1 | 200-½ |
| | | | | T-dn-1° | 700-2 | 700-2 | 700-2 |
| | | | | C-dn$ | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-10# | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Shuttle descent to 3600' in 1-minute holding pattern, right turns, 286° Outbnd, 106° Inbnd. Shuttle descent below 3600' not authorized, procedure turn required.
Procedure turn W side of crs, 286° Outbnd, 106° Inbnd, 2700' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 106°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing GST LFR, climb to 4500' on SE crs GST LFR within 20 miles or, when directed by ATC, turn right, climb to 3000' on NW crs GST LFR within 10 miles.
*Turn right after takeoff.
$Descent to 800' authorized after passing GAV RBn. Maneuvering N through E of airport not authorized, terrain to 3000' 4.8 miles NE of airport, 4000' 6.1 miles NE of approach crs and 8.7 miles NW LFR. Mountainous terrain all quadrants.
MSA within 25 miles of facility: NE—7300'; SE—5900'; SW—6500'; NW—8000'.

City, Gustavus; State, Alaska; Airport Name, Gustavus; Elev., 36'; Fac. Class., SBRAZ; Ident., GST; Procedure No. 1, Amdt. 11; Eff. Date, 24 Oct. 64; Sup. Amdt. No. 10; Dated, 10 Sept. 64

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| PROCEDURE CANCELLED EFFECTIVE 24 OCT. 64. | | | | | | | |
| City, Albuquerque; State, N. Mex.; Airport Name, Albuquerque Sunport/Kirtland AFB; Elev., 4943'; Fac. Class., SABH; Ident., ABQ; Procedure No. 1, Amdt. 2; Eff. Date, 6 July 63; Sup. Amdt. No. 1; Dated, 29 Dec. 62 | | | |
| PROCEDURE CANCELLED EFFECTIVE 24 OCT. 1964. | | | | | | | |
| City, Amarillo; State, Tex.; Airport Name, Amarillo AFB/Municipal; Elev., 3604'; Fac. Class., SABH; Ident., AMA; Procedure No. 2, Amdt. Orig.; Eff. Date, 7 July 62 | | | | | | | |
| ELX VOR | Milburg Int (final)# | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| ELX VOR | BEH RBn | Direct | 2000 | C-dn | 700-1 | 700-1 | 700-1½ |
| SBN VOR | BEH RBn | Direct | 2400 | S-dn | 700-1 | 700-1 | 700-1 |
| | | | | A-dn* | NA | NA | NA |
| | | | | Following minimums apply if aircraft ADF and VOR equipped and Milburg Int# identified: | | | |
| | | | | C-dn | 400-1 | 800-1 | 800-1½ |
| | | | | S-dn-27 | 400-1 | 400-1 | 400-1 |

Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, Milburg Int# to airport, 266°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of BEH RBn, climb to 2000' on 266° bearing, then proceed direct to BEH RBn, contact SBN Approach Control for further instructions.
NOTE: Procedure effective from 0600 to 2400 local time.
#Milburg Int: Int BEH RBn bearing 086° and SBN VOR R-356.
*800-2 alternate minimums authorized for air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°–090°—2200'; 090°–180°—2000'; 180°–270°—2100'; 270°–360°—1800'.

City, Benton Harbor; State, Mich.; Airport Name, Ross Field; Elev., 642'; Fac. Class., MHW; Ident., BEH; Procedure No. 1, Amdt. 1; Eff. Date, 24 Oct. 64; Sup. Amdt. No. Orig.; Dated, 29 June 63



ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| 000° | 200° | Within 30 miles | 5000 | Surveillance approach | | | |
| 200° | 000° | Within 30 miles | 4000 | T-dn%** | 300-1 | 300-1 | 200-½ |
| | | | | C-dn$ | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-29-11$ | 400-1 | 400-1 | 400-1 |
| | | | | S-dn-27R-9L$ | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |
| | | | | Precision approach | | | |
| | | | | S-dn-29° | 200-½ | 200-½ | 200-½ |
| | | | | A-dn | 600-2 | 600-2 | 600-2 |

$400-1½ authorized, except for turbojet aircraft with operative ALS and high-intensity runway lights.
$400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
Runway 27R: Proceed direct to OAK VOR climbing to 3000' on OAK VOR R-315 to Richmond Int. Runway 29: Climb to 1000' on heading 293°, then turn right to intercept OAK VOR R-313, climbing to 3000' to Richmond Int. Runway 11: Proceed direct to the IN LOM, climbing to 2500' in a 1-minute holding pattern NW of LOM (120° Inbnd), left turns. Runway 9L: Proceed direct to the IN LOM, climbing to 2500' in a 1-minute holding pattern NW of LOM (120° Inbnd), left turns. Runways 9L and 11: Turn right to intercept the OAK VOR R-313, climbing to 3000' to Richmond Int.
Alternate missed approach for: Runways 27R and 29: Turn left, proceed direct to IN LOM, climbing to 2500' in a 1-minute holding pattern NW of LOM (120° Inbnd), left turns.
Other change: Deletes radar transition and vectoring statement.
%800-1 required Runway 33.
$Runway visual range 2000' also authorized for landing on Runway 29; providing all components of the PAR, high-intensity runway lights, approach lights, condenser-discharge flasher, touchdown zone and runway centerline lights, outer compass locator, and all related airborne equipment are operating satisfactorily.
#Descent below the authorized landing minimum altitude of 200' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2000' also authorized for takeoff on Runway 29 in lieu of 200-½, when 200-½ is authorized, providing high-intensity runway lights and runway centerline lights are operational.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 6'; Fac. Class. and Ident., Oakland Radar; Procedure No. 1, Amdt. 11; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 10; Dated, 11 July 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| All directions | | Within 30 miles | 5500 | Surveillance approach | | | |
| | | | | T-dn* | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn-30L$ | 600-1 | 600-1 | 600-1 |
| | | | | S-dn-12R** | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished. Runway 30L: Climb to 2000' on the SJC VOR R-308 within 15 miles or, when directed by ATC, climb to 2000' on 302° crs from the SJC IL8 LMM within 15 miles. Runway 12R: Make left-climbing turn, climb to 2000' on the SJC VOR R-308 within 15 miles or, when directed by ATC, make left-climbing turn, climb to 2000' on 302° crs from the SJC IL8 LMM within 15 miles.
AIR CARRIER NOTES: 1. Reduction in visibility by sliding scale not authorized for landing on Runway 30L. 2. Reduction in visibility by sliding scale or local condition not authorized for takeoff on Runways 12L/R.
*400-1 required for takeoff on Runways 12L–R.
$1320' required at 4-mile radar fix.
**400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 56'; Fac. Class. and Ident., Moffett Radar; Procedure No. 1, Amdt. 7; Eff. Date, 17 Oct. 64; Sup. Amdt. No. 6; Dated, 19 Sept. 64



VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| PROCEDURE CANCELLED EFFECTIVE 24 OCT. 64. | | | | | | | |
| City, Albuquerque; State, N. Mex.; Airport Name, Albuquerque Sunport/Kirtland AFB; Elev., 4943'; Fac. Class., SABH; Ident., ABQ; Procedure No. 1, Amdt. 2; Eff. Date, 6 July 63; Sup. Amdt. No. 1; Dated, 29 Dec. 62 | | | |
| PROCEDURE CANCELLED EFFECTIVE 24 OCT. 1964. | | | | | | | |
| City, Amarillo; State, Tex.; Airport Name, Amarillo AFB/Municipal; Elev., 3604'; Fac. Class., SABH; Ident., AMA; Procedure No. 2, Amdt. Orig.; Eff. Date, 7 July 62 | | | | | | | |
| ELX VOR | Milburg Int (final)# | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| ELX VOR | BEH RBn | Direct | 2000 | C-dn | 700-1 | 700-1 | 700-1½ |
| SBN VOR | BEH RBn | Direct | 2400 | S-dn | 700-1 | 700-1 | 700-1 |
| | | | | A-dn* | NA | NA | NA |
| | | | | Following minimums apply if aircraft ADF and VOR equipped and Milburg Int# identified: | | | |
| | | | | C-dn | 400-1 | 800-1 | 800-1½ |
| | | | | S-dn-27 | 400-1 | 400-1 | 400-1 |

Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, Milburg Int# to airport, 266°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of BEH RBn, climb to 2000' on 266° bearing, then proceed direct to BEH RBn, contact SBN Approach Control for further instructions.
NOTE: Procedure effective from 0600 to 2400 local time.
#Milburg Int: Int BEH RBn bearing 086° and SBN VOR R-356.
*800-2 alternate minimums authorized for air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°–090°—2200'; 090°–180°—2000'; 180°–270°—2100'; 270°–360°—1800'.

City, Benton Harbor; State, Mich.; Airport Name, Ross Field; Elev., 642'; Fac. Class., MHW; Ident., BEH; Procedure No. 1, Amdt. 1; Eff. Date, 24 Oct. 64; Sup. Amdt. No. Orig.; Dated, 29 June 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Park City FM | LOM | Direct | 5300 | T-dn* | 300–1 | 300–1 | 200–½ |
| BIL VOR | LOM | Direct | 5300 | C-dn | 500–1 | 500–1 | 500–1½ |
| BIL RBn | LOM | Direct | 5300 | S-dn-9 | 500–1 | 500–1 | 500–1 |
| Musselshell Int | LOM | Direct | 6000 | A-dn | 800–2 | 800–2 | 800–2 |
| Ryegate Int | LOM | Direct | 5300 | | | | |
| Rapelje DME fix# | LOM | Direct | 5300 | | | | |

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 5300′ within 10 miles.
Minimum altitude over facility on final approach crs, 4800′.
Crs and distance, facility to airport, 095°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing LOM, climb to 5200′ on bearing 095° from BI LOM within 15 miles or, when directed by ATC, climb to 5200′ on R-065 BIL VOR within 20 miles.
NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required.
*Takeoff below 300–1 prohibited on all runways except 9–27.
#Rapelje DME fix: 25-mile DME fix BIL R-284.
MSA within 25 miles of facility: 000°–090°—5300′; 090°–180°—6700′; 180°–270°—5900′; 270°–360°—5300′.

City, Billings; State, Mont.; Airport Name, Logan Field; Elev., 3606′; Fac. Class., LOM; Ident., BI; Procedure No. 1, Amdt. 8; Eff. Date, 24 Oct. 64; Sup. Amdt. No. 7; Dated, 20 June 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Park City FM | RBn | Direct | 5300 | T-dn# | 300–1 | 300–1 | 200–½ |
| BIL VOR | RBn | Direct | 5300 | C-dn | 500–1 | 500–1 | 500–1½ |
| | | | | A-dn | 800–2 | 800–2 | 800–2½ |

Procedure turn N side of crs, 064° Outbnd, 234° Inbnd, 5200′ within 10 miles.
Minimum altitude over facility on final approach crs, 4500′.
Crs and distance, facility to airport, 243°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles after passing BIL RBn, climb to 5300′ on 247° crs within 15 miles of BIL RBn.
CAUTION: 4249′ tower 3 miles SE of airport.
#Takeoff below 300–1 prohibited on all runways except 9–27.
MSA within 25 miles of the facility: 000°–090°—5100′; 090°–180°—6800′; 180°–270°—5900′; 270°–360°—5300′.

City, Billings; State, Mont.; Airport Name, Logan Field; Elev., 3606′; Fac. Class., SABH; Ident., BIL; Procedure No. 2, Amdt. 1; Eff. Date, 24 Oct. 64; Sup. Amdt. No. Orig.; Dated, 14 July 62

PROCEDURE CANCELLED EFFECTIVE OCT. 24, 1964, OR UPON DECOMMISSIONING OF FACILITY.

City, Duluth; State, Minn.; Airport Name, Duluth International; Elev., 1429′; Fac. Class., SABH; Ident., DLH; Procedure No. 2, Amdt. 3; Eff. Date, 27 June 64; Sup. Amdt. No. 2; Dated, 29 Sept. 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Mobile VOR | LOM | Direct | 1800 | T-dn | 300–1 | 300–1 | 200–½ |
| Brookley VOR | LOM | Direct | 1800 | C-dn | 400–1 | 500–1 | 500–1¼ |
| | | | | S-dn-14 | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 319° Outbnd, 139° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 139°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, make right turn, climb to 1800′ on 180° crs from LOM within 20 miles or, when directed by ATC, make right turn, proceed direct to MOB VOR climbing to 1800′ and enter VOR holding pattern.
MSA within 25 miles of facility: 000°–090°—2400′; 090°–180°—2400′; 180°–270°—1500′; 270°–360°—1600′.

City, Mobile; State, Ala.; Airport Name, Bates Field; Elev., 218′; Fac. Class., LOM; Ident., MO; Procedure No. 1, Amdt. 14; Eff. Date, 24 Oct. 64; Sup. Amdt. No. 13; Dated, 12 Oct. 64

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition From— | To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Amarillo RBn | AMA-VOR | Direct | 4800 | T-dn | 300–1 | 300–1 | 200–½ |
| AM LOM | AMA-VOR | Direct | 5000 | C-dn | 500–1 | 500–1 | 500–1½ |
| | | | | S-dn-21* | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Radar transitions and vectoring using Amarillo Radar authorized in accordance with approved radar patterns.
Procedure turn N side of crs, 030° Outbnd, 210° Inbnd, 5000′ within 10 miles.
Minimum altitude over facility on final approach crs, 4600′.
Crs and distance, facility to airport, 210°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing AMA-VOR, climb to 5000′ on R-210 within 15 miles or, when directed by ATC, turn left, climb to 5000′ on R-076 within 15 miles.
CAUTION: 3794′ grain elevator located adjacent to SW boundary of airport.
*Runway 21: 400–¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–090°—4900′; 090°–180°—4700′; 180°–270°—5300′; 270°–360°—5000′.

City, Amarillo; State, Tex.; Airport Name, Amarillo AFB/Municipal; Elev., 3607′; Fac. Class., BVORTAC; Ident., AMA; Procedure No. 1, Amdt. 11; Eff. Date, 24 Oct. 64; Sup. Amdt. No. 10; Dated, 4 May 63



VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| BIL RBn | VOR | Direct | 5300 | T-dn* | 300–1 | 300–1 | 200–½ |
| Park City FM | BIL VOR | Direct | 5300 | C-dn | 500–1 | 500–1 | 500–1½ |
| Ryegate Int | VOR | Direct | 5300 | A-dn | 800–2 | 800–2 | 800–2 |
| Rapelje DME fix** | VOR | Direct | 5300 | | | | |

Procedure turn S side of crs, 250° Outbnd, 070° Inbnd, 5300′ within 10 miles.
Minimum altitude over facility on final approach crs, 4700′.
Crs and distance, facility to airport, 070°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing BIL VOR, climb to 5200′ on R-065 BIL VOR within 20 miles.
CAUTION: 4249′ tower 3.0 miles SE of airport.
Other change: Deletes straight-in minimums.
*Takeoff below 300–1 prohibited on all runways except 9–27.
**Rapelje DME fix: 25-mile DME fix BIL R-284.
MSA within 25 miles of the facility: 000°–090°—5300′; 090°–180°—6800′; 180°–270°—5900′; 270°–360°—5300′.

City, Billings; State, Mont.; Airport Name, Logan Field; Elev., 3606′; Fac. Class., BVORTAC; Ident., BIL; Procedure No. 1, Amdt. 7; Eff. Date, 24 Oct. 64; Sup. Amdt. No. 6; Dated, 8 Sept. 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 500–1 | 500–1 | 500–1½ |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn S side of crs, 152° Outbnd, 332° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 332°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing DHN VOR, turn right, climb to 2000′ on R-018 of DHN VOR within 20 miles.
NOTES: (1) Procedure turn S side of R-152 due to obstruction. (2) When authorized by ATC, DME may be used from R-140—R-060 within 25 miles at 2000′ to position aircraft for a straight-in approach with the elimination of a procedure turn.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—2500′; 180°–270°—1700′; 270°–360°—1700′.

City, Dothan; State, Ala.; Airport Name, Napier Field; Elev., 307′; Fac. Class., BVOR; Ident., DHN; Procedure No. 1, Amdt. Orig.; Eff. Date, 24 Oct. 64 or upon activation of airport

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-d | 400–1 | 500–1 | 500–1½ |
| | | | | C-n | 400–1½ | 500–1½ | 500–1½ |
| | | | | S-dn-3 | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn S side of crs, 193° Outbnd, 013° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 013°—2.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles after passing DLH-VOR, climb to 3000′ on R-013 within 10 miles of DLH VOR. Return to VOR and hold SW on R-194, 1-minute right turns.
CAUTION: 2040′ TV tower 4.3 miles E of Duluth VOR.
NOTES: (1) Final approach from holding pattern at VOR not authorized. Procedure turn required. (2) When authorized by ATC, DLH DME may be used to position aircraft for straight-in approach at 3000′ between R-110 CW to R-270 via 6-mile DME arc with the elimination of procedure turn. (3) Aircraft on missed approach may be radar controlled after radar identification.
Major change: Deletes transition from Duluth RBn.
MSA within 25 miles of facility: 000°–180°—3100′; 180°–270°—2700′; 270°–360°—2800′.

City, Duluth; State, Minn.; Airport Name, Duluth International; Elev., 1429′; Fac. Class., BVORTAC; Ident., DLH; Procedure No. 1, Amdt. 4; Eff. Date, 24 Oct. 64; Sup. Amdt. No. 3; Dated, 27 June 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | S-dn-21 | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn S side of crs, 210° Outbnd, 030° Inbnd, 3200′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 4500′.
Crs and distance, facility to airport, 030°—3.5 miles. Breakoff point to runway not authorized. Minimum altitude at glide slope interception Inbnd not authorized.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing HOB VOR, climb to 5400′ on crs, 035° within 20 miles.
NOTE: Night operation Runways 17/35 not authorized.
CAUTION: 4345′ tower 5.0 miles E of airport; numerous other towers in all quadrants.
MSA within 25 miles of facility: 000°–090°—5400′; 090°–180°—4800′; 180°–270°—4900′; 270°–360°—5000′.

City, Hobbs; State, N. Mex.; Airport Name, Lea County; Elev., 3659′; Fac. Class., BVOR; Ident., HOB; Procedure No. 1, Amdt. 9; Eff. Date, 24 Oct. 64; Sup. Amdt. No. 8; Dated, 29 June 63





4. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures



[Reg. Docket No. 6223; Amdt. 834]

This modification shall be accomplished in

4. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| | | | | | 2-engine or less | | More than 2-engine, more than 65 knots |
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 65 knots or less | More than 65 knots | |
| MFD VOR | 9-miles DME fix R-133 | Direct | 2500 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 400-1 | 400-1½ |
| | | | | S-dn-32F | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn N side of crs, 133° Outbnd, 313° Inbnd, 2500' within 10 miles.
Minimum altitude over 9-mile DME fix R-133 on final approach crs, 2500'.
Crs and distance, 9-miles DME fix R-133 to airport, 313°—4.0 miles.
NOTE: When authorized by ATC, DME may be used between R-026 clockwise to R-183 at 3000' between 12 and 15 miles to position aircraft for final approach to the 9-miles DME fix with elimination of procedure turn.
800-¼ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
800-½ authorized, except for turbojet aircraft, with operative ALS and high-intensity runway lights.
MSA within 25 miles of facility: 000°–090°—2500'; 090°–270°—2700'; 270°–360°—2200'.

City, Mansfield; State, Ohio; Airport Name, Mansfield Municipal; Elev., 1297'; Fac. Class., BVORTAC; Ident., MFD; Procedure No. VOR/DME No. 1 Amdt. Orig.; Eff. Dated, 24 Oct. 64

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| | | | | | 2-engine or less | | More than 2-engine, more than 65 knots |
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 65 knots or less | More than 65 knots | |

PROCEDURE CANCELLED EFFECTIVE OCT. 24, 1964.

City, Columbia; State, S.C.; Airport Name, Columbia; Elev., 244'; Fac. Class., ILS; Ident., I-CAE; Procedure No. ILS-5, Amdt. 8; Eff. Date, 4 May 63; Sup. Amdt. No. 7; Dated, 3 Nov. 62

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348 (c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on September 18, 1964.

G. S. MOORE,
*Director, Flight Standards Service.*

[F.R. Doc. 64-9707; Filed, Oct. 22, 1964; 8:45 a.m.]

## Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6260; Amdt. 825]

## PART 507—AIRWORTHINESS DIRECTIVES

### Boeing Models 707 and 720 Series Aircraft

Amendment 795, 29 F.R. 11745, AD 64-18-2, requires inspection of the flap carriages of the inboard and outboard flaps for cracks and replacement if any crack is found on Boeing Models 707 and 720 Series aircraft. Since the issuance of Amendment 795, service experience reveals that removal of the rub strip is not required on the end and center carriages of the outboard flaps to accomplish the rework. In addition, the Boeing Model 720B Series aircraft was inadvertently omitted from the requirement of Amendment 795 for repetitive inspections of the center carriages on inboard flaps. Therefore the AD is being amended to incorporate these revisions.

Although this amendment contains provisions that are a relaxation of the existing requirements, other provisions have been added that require compliance without further delay. Therefore, good cause exists for making this amendment effective without compliance with the notice, procedure, and effective date provisions of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is amended as follows:

Amendment 795, 29 F.R. 11745, AD 64-18-2, Boeing Models 707 and 720 Series aircraft, is amended by:

1. Changing paragraph (a)(2)(ii) to read:

(ii) The center carriages on inboard flaps of 707-100, -100B, -200, 720 Series and 720B Series aircraft.

2. Changing paragraph (d) to read:

(d) The repetitive inspections specified in (a)(2) may be discontinued when the rework specified in Part II of Boeing Service Bulletin No. 1822(R-1) or later FAA-approved revisions is accomplished.

This amendment shall become effective October 23, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 16, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-10801; Filed, Oct. 22, 1964; 8:46 a.m.]



[Reg. Docket No. 6223; Amdt. 824]

## PART 507—AIRWORTHINESS DIRECTIVES

### General Dynamics Model 30 Aircraft

Changes have been made to the emergency electric stabilizer trim system circuit on Convair Model 30 Series aircraft. The purpose was to interlock the up and down relays so that they could not be operated at the same time. It has been found that the changes result in a condition which may cause a stabilizer runaway. In order to correct this condition, Amendment 817, 29 F.R. 13604, was issued requiring that all aircraft which have had the emergency electric stabilizer trim system so changed be either restored to the original type certification design or modified to a new approved design which the manufacturer has developed. However, it has subsequently been determined that the provisions of Amendment 817 did not correctly describe the necessary modification. Therefore Amendment 817 is superseded by a new directive specifying the required modification.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

GENERAL DYNAMICS. Applies to Model 30 Series aircraft which have been altered in accordance with either American Airlines Fleet Campaign Directive No. 194K or General Dynamics/Convair (990) Service Bulletin No. 27-66 dated December 5, 1963.

Compliance required within 300 hours' time in service following the effective date of this AD unless already accomplished.

American Airlines Fleet Campaign Directive No. 194K and General Dynamics/Convair (990) Service Bulletin No. 27-66 describe emergency electric stabilizer trim system circuit changes which interlock the "up relay" and "down relay" coils. Under certain circumstances the emergency electrical stabilizer trim systems which incorporate these circuit changes could permit a runaway stabilizer condition to exist. To correct this condition, modify the aircraft emergency electric stabilizer trim system circuits in accordance with either paragraph (a) or (b). The circuit changes described in General Dynamics/Convair Service Bulletin No. 27-66, which interlock the coils of the "up relay" and "down relay", may be used when the changes described in paragraph (b) are accomplished.

(a) Restore the emergency electric stabilizer trim system circuits to the original Convair type certification design; or

(b) Replace the single pole, double throw, emergency electric stabilizer control "nose up"-"nose down" switch (S-246), with a double pole, double throw, momentary on, center position off, momentary on switch. Connect the added poles of the switch so that the power control relay (K-276) is energized with the "up relay" (K-124) and with the "down relay" (K-123) but is not energized when the switch is in the "off" position. This modification shall be accomplished in accordance with General Dynamics/Convair (990) Service Bulletin No. 27-66A dated April 22, 1964, or by an equivalent approved by the Aircraft Engineering Division, FAA Western Region.

This AD supersedes Amendment 817, 29 F.R. 13604.

This amendment shall become effective October 23, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 16, 1964.

G. S. MOORE,
*Director, Flight Standards Service.*

[F.R. Doc. 64-10802; Filed, Oct. 22, 1964; 8:46 a.m.]

# Title 36—PARKS, FORESTS, AND MEMORIALS

## Chapter I—National Park Service, Department of the Interior

## PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

### Everglades National Park, Florida; Closing of Certain Waters

On page 12116 of the FEDERAL REGISTER of August 26, 1964, there was published a notice and text of a proposed amendment to § 7.45 of Title 36, Code of Federal Regulations. The purpose of the amendment is to protect feeding, roosting, and nesting birds by regulating fishing and boating in those areas where birds congregate in large numbers.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Paragraph (b) of § 7.45 is amended to read as follows:

§ 7.45 Everglades National Park.

* * * * * *

(b) *Closed waters.* * * *

(4) West Lake Pond, Coot Bay Pond, and other small ponds bordering the Park road within one mile of Coot Bay Pond shall be closed to fishing during those periods, as determined by the Superintendent, that such action is necessary to protect feeding and roosting birds. Notice of closing shall be given by the posting of appropriate signs at these areas.

(5) Cuthbert Lake shall be closed to all boats: *Provided, however,* That when bird rookery conditions make it administratively desirable to do so, sightseeing boats operated by the authorized Park concessioner may be permitted on Cuthbert Lake.

(6) West Lake Pond, West Lake, Long Lake, The Lungs, and all connecting creeks inland from the shoreline of Garfield Bight shall be closed to all boats during those periods, as determined by the Superintendent, that those areas are being used by feeding birds. At all other times, these areas shall be open only to hand-propelled vessels or Class A motorboats powered by motors not to exceed 5½ horsepower that can be launched by hand. Notice of closing will be given by the posting of appropriate signs at these areas.

* * * * * *

(60 Stat. 238; 5 U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3)

STANLEY C. JOSEPH,
*Superintendent,*
*Everglades National Park.*

[F.R. Doc. 64-10809; Filed, Oct. 22, 1964; 8:47 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3459]

## CALIFORNIA

### Partly Revoking Reclamation Withdrawals; Truckee-Carson Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The Departmental Orders of July 9, 1904, October 28, 1908, and June 24, 1912, which withdrew lands for reclamation purposes in connection with the Truckee-Carson Project, are hereby revoked so far as they affect the following-described national forest lands in the Tahoe National Forest:

MOUNT DIABLO MERIDIAN
SACRAMENTO 078438

T. 17 N., R. 17 E.,
Sec. 6.
T. 16 N., R. 18 E.,
Sec. 18, lots 1, 2, 3, 5, 6, 7, 8, 9, and 10.

MOUNT DIABLO MERIDIAN
SACRAMENTO 078471

T. 18 N., 17 E.,
Sec. 30, E½.
T. 18 N., R. 16 E.,
Sec. 24, S½N½;
Sec. 34, NW¼, W½NE¼ and NE¼NE¼.

The areas described aggregate approximately 2,948 acres.

2. The W½ lot 2, sec. 6, T. 17 N., R. 17 E., is withdrawn by Departmental Order of December 15, 1906, for use as a Ranger Station.

3. At 10:00 a.m. on November 21, 1964, the lands described in paragraph 1 hereof, unless otherwise withdrawn, shall be open to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

OCTOBER 16, 1964.

[F.R. Doc. 64-10790; Filed, Oct. 22, 1964; 8:45 a.m.]

# Title 45—PUBLIC WELFARE

## Chapter VI—National Science Foundation

## PART 610—PROCEDURES AND CRITERIA FOR RESOLVING QUESTIONS INVOLVING MORAL CHARACTER OR LOYALTY OF APPLICANTS FOR AND HOLDERS OF NATIONAL SCIENCE FOUNDATION FELLOWSHIPS

Part 610 establishes procedures and criteria for resolving questions involving the moral character or loyalty of an applicant for, or holder of a National Science Foundation Fellowship including an opportunity for a hearing by a Review Board established pursuant to Part 630 of this Title before denial or termination of the fellowship on such grounds.

Part 610 reads as follows:

Sec.
610.1 Purpose.
610.2 Definitions.
610.3 Separate consideration of professional or academic qualifications and affirmative declaration as to convictions or pending criminal charges and allegations or complaints by third parties.
610.4 Substantive criteria.
610.5 Procedures; Special Review Committee.
610.6 Final decision.

AUTHORITY: The provisions of this Part 610 issued under sec. 11(a), 64 Stat. 153; 42 U.S.C. 1870.

### § 610.1 Purpose.

This part establishes procedures and criteria, including an opportunity for a hearing by a Review Board established pursuant to Part 630 of this title, for resolving questions arising as to whether the making or continuation of a National Science Foundation Fellowship award would not be in the best interests of the United States on grounds involving the moral character or loyalty of the applicant for, or holder of, such fellowship.

### § 610.2 Definitions.

(a) "Special Review Committee" (also referred to as "Committee") means a body composed of the following Foundation officials: The Deputy Director, as chairman, the Associate Director (Scientific Personnel and Education) and the General Counsel, together with such additional persons, if any, from sources within or outside the Foundation as may be designated from time to time by the Director.

(b) "Act" means the National Science Foundation Act of 1950, as amended (42 U.S.C. §§ 1861–1875).

(c) "Fellowship" (also referred to as "award") means an award made by the Foundation to an individual under section 10 of the Act.

(d) The terms "Review Panel" and "Review Board" refer to the Panel and Board defined in the regulations contained in Part 630 of this chapter.

(e) "Director" means the Director of the National Science Foundation.

(f) "Oath or affirmation of allegiance" means the oath or affirmation required under section 16(d)(1) of the Act.

### § 610.3 Separate consideration of professional or academic qualifications and affirmative declarations as to convictions or pending criminal charges and allegations or complaints by third parties.

In order that objectivity may be maintained in the selection of candidates (and in any decisions as to termination of a fellowship) on the basis of scholarly achievement and potential, no advisory group or panel involved in making any recommendations as to the selection of persons for Fellowships, or in the making of any recommendations as to their retention as such Fellows, will be made aware of any affirmative or negative criminal declarations made pursuant to section 16(d)(1)(B) of the Act, nor of any other information (such as third-party allegations) other than that developed in connection with the submission and processing of the application for academic considerations.

### § 610.4 Substantive criteria.

(a) A Fellowship award will be denied or discontinued where: (1) The oath or affirmation of allegiance was not taken or cannot be taken in good faith; or (2) there is (i) a conviction of a crime involving moral turpitude, or (ii) conduct involving moral turpitude, unless in either case it is established that the applicant or fellowship holder is, nevertheless, now a person of good moral character.

(b) These criteria are subject to continuing review and may be revised from time to time as experience and circumstances may make it desirable.

### § 610.5 Procedures; Special Review Committee.

(a) Affirmative declarations made pursuant to section 16(d)(1)(B) of the Act or allegations and complaints by third parties pertaining to any individual who is the holder of a Fellowship or who has been tentatively selected for such a fellowship on the basis of academic consideration shall be referred to a Special Review Committee. This Committee will make recommendations to the Director as to whether there is substantial reason (pertaining to the moral character or loyalty of the individual concerned in accordance with § 610.4) for a belief that the making or continuation of the award would not be in the best interests of the United States. The Committee may supplement the information referred to it by such correspondence, personal interviews or other informal methods as may be necessary in order to make the aforementioned determination.

(b) If, after review of the recommendations of the Special Review Committee, the Director is of the opinion that there is substantial reason (pertaining to the moral character or loyalty of the individual concerned in accordance with § 610.4) for a belief that the making or continuation of the award would not be in the best interests of the United States, such individual shall be advised by written notice that a question or questions have arisen involving moral character or loyalty, and that upon request he will be afforded a hearing thereon in accordance with Foundation regulations. A copy of the regulations under this part and a copy of Part 630 of this chapter shall be enclosed with the notice, which shall, in addition, (1) set forth, in as much detail and as specifically as considerations of security may permit, the information raising the questions pertaining to moral character or loyalty and (2) advise that unless a request for a hearing is made within twenty days of the mailing of such notice, the matter will be referred to the National Science Board for a determination as to whether the fellowship should be denied or discontinued. If a hearing is requested, the case will be submitted by the Director to the Chairman of the Review Panel for handling in accordance with the regulations set forth in Part 630 of this chapter. The National Science Foundation is deemed to be the "constituent agency" within the meaning of § 630.2(e) of this chapter. "Applicable criteria" as defined in § 630.2(j) of this chapter refers to those set forth in § 610.4 and to manual or other issuances of the National Science Foundation pertaining to denial or discontinuance of fellowship awards on grounds involving moral character or loyalty.

### § 610.6 Final decision.

The initial decision of a Review Board shall be forwarded by the Director to the National Science Board, which shall then consider it and take such action thereon as it shall deem to be appropriate.

LELAND J. HAWORTH,
*Director.*

[F.R. Doc. 64–10621; Filed, Oct. 22, 1964; 8:48 a.m.]

## PART 630—FELLOWSHIP REVIEW PANEL

Part 630 establishes procedures for providing hearings before a fellowship is denied or terminated on grounds involving the moral character or loyalty of the applicant or holder in cases where an opportunity for such a hearing is provided by the Foundation.

Part 630 reads as follows:

Sec.
630.1 Purpose.
630.2 Definitions.
630.3 Fellowship Review Panel; Fellowship Review Board; in general.
630.4 Procedural safeguards.
630.5 Hearing before Fellowship Review Board or a Hearing Officer.
630.6 Preliminary decision; initial decision; final decision.
630.7 Notice to the individual concerned and opportunity to submit comment on preliminary decision and initial decision.

AUTHORITY: The provisions of this Part 630 issued under sec. 11(a), 64 Stat. 153; 42 U.S.C. 1870.

### § 630.1 Purpose.

This part establishes a Fellowship Review Panel, from which Fellowship Review Boards will be selected, for the purpose of providing hearings where an opportunity for such hearing is provided for in applicable procedures of the Foundation, in cases where the Director has found substantial reason for a belief that a fellowship award should be denied or discontinued, on grounds involving, in accordance with applicable criteria, the moral character or loyalty of the applicant for, or holder of, the award.



### § 630.2 Definitions.

(a) "Fellowship Review Panel" (also referred to as "Panel") means a panel of from nine to twelve members selected by the Director, with the approval of the National Science Board, for such terms as may be designated by him, which shall include at least four representatives of the legal discipline and at least four representatives of the field of higher education. At least eight members of the Panel shall be selected from sources outside the Foundation.

(b) "Panel Chairman" means one of the Panel members designated by the Director, with the approval of the National Science Board, to serve as Chairman of the Panel for such time as shall be indicated in the designation.

(c) "Fellowship Review Board" means not less than three members of the Panel designated by the Panel Chairman for the consideration of one or more cases submitted by the Director. At least two Fellowship Review Board members shall be persons other than employees of the Foundation, and the Fellowship Review Board shall include at least one representative of the legal discipline and one from the field of higher education. In no event shall anyone who participated in any previous consideration of a case be eligible to serve on a board in connection with its consideration of that case. The Panel Chairman may designate himself as one of the members of a Fellowship Review Board or as the Chairman thereof.

(d) "Fellowship Review Board Chairman" means a member of a Fellowship Review Board who has been designated as Chairman of such Board by the Panel Chairman.

(e) "Foundation" means the National Science Foundation.

(f) "Submission" means a referral (of an individual's request for a hearing) by the Director pursuant to § 610.5 of this chapter.

(g) "Preliminary decision" means the recommended decision, including findings of fact and conclusions reached in the light of the applicable criteria, prepared by a Hearing Officer and submitted to the Fellowship Review Board.

(h) "Initial decision" means the recommended decision of the Fellowship Review Board, which shall include (1) findings of fact and conclusion reached in the light of the applicable criteria and, when applicable, (2) the reasons for any changes or modifications made by the Fellowship Review Board in a preliminary decision.

(i) "Director" means the Director of the National Science Foundation.

(j) "Applicable criteria" means those set forth in § 610.4 of this chapter, or in manual or other issuances of the Foundation pertaining to denial or discontinuance of fellowship or scholarship awards on grounds involving moral character or loyalty.

### § 630.3 Fellowship Review Panel; Fellowship Review Board; in general.

Upon receipt of a submission from the Director, the Chairman of the Fellowship Review Panel shall refer the case to a Fellowship Review Board, constituted as provided in § 630.2(c), for the purpose of recommending to the Director and the National Science Board, on the basis of a preponderance of the evidence, after affording to the individual concerned an opportunity for a fair hearing, whether the fellowship or scholarship award should be denied or discontinued by the Foundation on grounds involving, in accordance with applicable criteria, the moral character or loyalty of the applicant for, or holder of the award. The Fellowship Review Board's recommendation shall be embodied in an initial decision in accordance with § 630.2(h).

### § 630.4 Procedural safeguards.

The Fellowship Review Board shall take appropriate steps to afford the individual concerned an opportunity for a fair hearing, which shall include provisions designed to assure to such individual the following:

(a) Sufficient notice of the issues to be considered;

(b) An opportunity to be represented by counsel;

(c) Disclosure of as much of all matters of an evidentiary nature as may be permitted within the framework of applicable laws, regulations, and other requirements (e.g., those pertaining to FBI reports);

(d) An opportunity to appear in person (and to present witnesses in his behalf) or, at the option of the individual concerned, to submit his case in whole or in part in writing (e.g., through interrogatories, affidavits, exhibits, etc.);

(e) An opportunity to cross-examine persons either orally or through written interrogatories, to the extent provided by Executive Order 10865 of February 20, 1960 (relating to safeguarding of classified information within industry);

(f) An option to the individual concerned to have the hearing open or closed to the public;

(g) A determination of the place of the hearing which takes into consideration the convenience of the individual concerned and any witnesses who might be testifying at the hearing.

### § 630.5 Hearing before Fellowship Review Board or a Hearing Officer.

The hearing may be conducted, as determined by the Chairman of the Fellowship Review Board, before the full Fellowship Review Board as the hearing body, or before a Hearing Officer. The Hearing Officer may be (a) one of the members of the Fellowship Review Board or (b) a nonmember who is qualified as a Hearing Officer under the Administrative Procedure Act.

### § 630.6 Preliminary decision; initial decision; final action.

When the hearing is conducted by the Fellowship Review Board itself, it shall prepare an initial decision for submission to the Director. When the hearing is conducted before a Hearing Officer, the Hearing Officer shall prepare a preliminary decision for submission to the Fellowship Review Board. The preliminary decision shall be reviewed by the Fellowship Review Board and shall become the initial decision of the Fellowship Review Board unless, and to the extent that, it is changed or modified by the Fellowship Review Board. The initial decision of the Fellowship Review Board shall be transmitted to the Director, who shall in turn transmit it to the National Science Board, which shall then consider it and take such final action thereon as it shall deem to be appropriate.

### § 630.7 Notice to the individual concerned and opportunity to submit comment on preliminary decision and initial decision.

Copies of the preliminary decision, if any, and of the initial decision shall be mailed promptly by the Hearing Officer or the Fellowship Review Board, as the case may be, to the individual, or his counsel, with a notice affording him an opportunity to submit written comments thereon, within a specified reasonable time, to the Fellowship Review Board in the case of a preliminary decision, and to the Director in the case of an initial decision.

LELAND J. HAWORTH,
*Director.*

[F.R. Doc. 64–10822; Filed, Oct. 22, 1964; 8:48 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 32—HUNTING

### Pahranagat National Wildlife Refuge, Nevada

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

### § 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEVADA

PAHRANAGAT NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and gallinules on the Pahranagat National Wildlife Refuge, Nevada, is permitted from October 31 through December 23, 1964, and public hunting of geese is per-

mitted from October 31, 1964, through January 7, 1965, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 1,040 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oreg., 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Hunters will report at such checking stations as may be established when entering or leaving the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 7, 1965.

RICHARD E. GRIFFITH,
*Acting Regional Director,*
*Portland, Oregon.*

[F.R. Doc. 64-10876; Filed, Oct. 22, 1964; 9:29 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 970 ]

### CARROTS GROWN IN SOUTH TEXAS

### Limitation of Shipments

Notice is hereby given that the Secretary of Agriculture is considering the limitation of shipments, as hereinafter set forth, which was recommended by the South Texas Carrot Committee, established pursuant to Marketing Agreement No. 142 and Marketing Order No. 970, as amended (7 CFR Part 970), regulating the handling of carrots grown in certain designated counties of South Texas. This program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 7th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

§ 970.305 Limitation of shipments.

During the period from November 9, 1964, through June 30, 1965, no handler shall (1) package or load carrots on Sundays, or (2) handle any lot of carrots grown in the production area unless such carrots meet the grade requirements of paragraph (a) of this section, and one of the size designations of paragraph (b) of this section, and meet the container and pack requirements of paragraphs (c) and (d) of this section, or unless such carrots are handled in accordance with provisions of paragraphs (e), (f), (g), and (h) of this section.

(a) *Minimum grade requirements.* U.S. No. 1, or better, and which are "clean."

(b) *Sizing requirements*—(1) *Medium-to-large.* ¾ inch minimum diameter to 1½ inches maximum diameter, 5½ inches minimum length, with an average of 30 percent by count 1 inch minimum diameter or larger and no sample with less than 15 percent by count 1 inch or larger in diameter.

(2) *Jumbos.* 1 inch minimum diameter to 3 inches maximum diameter and 5½ inches minimum length.

(c) *Container requirements.* (1) Carrots may be handled only in containers classified by weight as follows:

(i) 1 pound;
(ii) 2 pounds;
(iii) 25 pounds;
(iv) 50 pounds; and
(v) 75–80 pounds.

(2) "Jumbos," as specified in paragraph (b)(2) of this section, may be handled only in 25, 50, and 75–80 pound containers.

(3) The container requirements of this paragraph shall not, but the pack requirements of paragraph (d) of this section shall, be applicable to carrots handled for export.

(d) *Pack requirements.* (1) Master containers for 1 pound or 2 pound packages shall contain the following number of packages only:

(i) 24 1 pound packages;
(ii) 48 1 pound packages; or
(iii) 24 2 pound packages.

(2) (i) Average gross weight of master containers is to be computed by multiplying the allowable number of packages therein by their weight classification, with respective tare allowances added. Tare allowances for crates, or their equivalents in other containers, are 4 pounds for crates Nos. 4015 and 3820, and 2 pounds for crate No. 5055. Crate designations are carrier numbers.

(ii) Master containers of packages with the following weight classifications may not weigh more than their average gross weight, plus the following tolerances:

(a) 1 pound packages, 22.5 percent.
(b) Over 1 pound and including 2 pound packages, 15 percent.
(c) Over 2 pound packages, 10 percent.

(iii) Containers weighing 25 pounds or more may not exceed an average of 10 percent of the net weight of contents.

(e) *Minimum quantities.* Pursuant to § 970.52(c)(2) any person subject to these regulations may handle, except for export, up to but not to exceed 100 pounds of carrots per calendar month without regard to the requirements of this section or to the inspection and assessment requirements of this part, but this exception may not apply to any portion of a shipment of over 100 pounds of carrots.

(f) *Handling carrots not grown in production area.* Carrots packed, but not grown, within the production area shall meet the requirements of paragraphs (a), (b), (c), and (d) of this section unless they are handled as a distinct entity in accordance with safeguards under §§ 970.120–970.125.

(g) *Special purpose shipments.* The requirements set forth in paragraphs (a), (b), (c), and (d) of this section, and the inspection and assessment requirements of this part, shall not be applicable to carrots handled for:

(i) Canning or freezing;
(ii) Relief or charity;
(iii) Experimental purposes; and
(iv) Livestock feed only if mechanically mutilated in accordance with § 970.126 *Handling of culls* (28 F.R. 906).

(h) *Safeguards.* Each handler of carrots failing to meet the requirements of paragraphs (a), (b), (c), and (d) of this section, which (1) are packed but not grown within the production area under paragraph (f) of this section, or (2) are handled for canning or freezing, relief or charity, or experimental purposes under paragraph (g) of this section shall, prior to handling, apply for and obtain a Certificate of Privilege from the Committee. This shall require the handler to furnish reports and documents as the Committee may require showing that the carrots were handled in accordance with conditions specified in the certificate. Certificates are not required on carrots for canning or freezing if processed within Cameron, Starr, Willacy, and Hidalgo Counties.

(i) *Inspection.* (1) No handler may handle any carrots for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation of any shipment of carrots by motor vehicle for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto.

(3) For administration of this part each inspection certificate is valid for only 72 hours following completion of inspection as shown on the certificate.

(j) *Definitions.* The terms "U.S. No. 1," and "clean" shall have the same meaning as set forth in the U.S. Standards for Topped Carrots (§§ 51.2360–51.2381 of this title) including the tolerances set forth therein with the following exceptions: (1) For packages which contain 5 pounds or less, a composite sample of 50 carrots will be scored and restricted to double the tolerances for defects and off-size, provided that no more than one carrot which is affected by soft rot will be permitted in any package, and (2) for packages of more than 5 pounds the percentages of defects and off-size shall be calculated on the basis of count. The term "load" means to put carrots aboard a railroad car, truck, or other vehicle thereby placing carrots in the current of commerce within the production area or between the production area and any point outside thereof. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 142, and Order No. 970 (Part 970 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: October 20, 1964.

FLOYD F. HEDLUND,
*Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 64-10834; Filed, Oct. 22, 1964; 8:48 a.m.]

## [7 CFR Parts 1040, 1042]

[Docket Nos. AO-225-A14, AO-340-A7]

# MILK IN SOUTHERN MICHIGAN AND MUSKEGON, MICHIGAN MARKETING AREAS

## Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Lansing Civic Center, 505 West Allegan Street, Lansing, Michigan, beginning at 10:00 a.m., local time, on November 16, 1964, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Southern Michigan and Muskegon, Mich., marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

A proposal to combine under one order the Southern Michigan and Muskegon, Michigan marketing areas along with additional territory contemplates termination of Order No. 42 (Muskegon) with a merger of the administrative and marketing service funds. This proposal also raises the issue whether the present provisions of either Order 40 or Order 42, if amended in accordance with the proposals listed below, would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined, and if not, what modifications of the provisions of either of the orders would be appropriate.

The proposal to merge two orders which contain different Class I price provisions and the proposals to modify the location adjustment provisions of the Southern Michigan order raises the issue of what modification of the Class I price provisions would be necessary to reflect an appropriate Class I price level in the marketing area as proposed to be redefined.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Michigan Producers Dairy, Kalamazoo Milk Producers Association, Independent Cooperative Milk Producers Association of Grand Rapids, McDonald Cooperative Dairy Company, Otsego Sanitary Milk Products Company, Independent Dairymen's Cooperative of Eastern Michigan, Berrien County Milk Producers Association, Michigan Milk Producers Association, and Mackinaw Trail Milk Producers Association:

*Proposal No. 1.* Revise § 1040.5 to read:

**§ 1040.5 Lower Michigan Marketing Area.**

"Lower Michigan marketing area" hereinafter referred to as the "marketing area" means all territory, together with all piers, docks, and wharves connected therewith and all craft moored thereat, within the boundaries of the counties of Alcona, Allegan, Alpena, Arenac, Barry, Bay, Calhoun, Clare, Clinton, Eaton, Genesee, Gladwin, Gratiot, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kent, Lake, Lapeer, Livingston, Macomb, Mecosta, Midland, Mason, Missaukee, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Ottawa, Oceana, Ogemaw, Osceola, Oscoda, Roscommon, Saginaw, St. Clair, Sanilac, Shiawassee, Tuscola, Washtenaw, Wayne, and the townships of Ash and Berlin in Monroe County, and the townships of Krakow and Presque Isle in Presque Isle County, all in the state of Michigan, including territory within such boundaries occupied by government (Municipal, State or Federal) reservations, installations, institutions, for other similar establishments.

*Proposal No. 2.* Revised § 1040.17 as follows:

**§ 1040.17 Call percentage.**

"Call percentage" means a percentage not less than 25 computed by the market administrator for each month of August through March as follows:

(a) Estimate the pounds of Class I milk utilization for the month including a 15 percent operating margin at pool plants pursuant to § 1040.16(a) that received milk from pool plants pursuant to § 1040.16(b) and from pool bulk tank units pursuant to § 1040.16(d) during each of the immediately preceding 12 months;

(b) Subtract from the pounds of Class I milk pursuant to paragraph (a) of this section the pounds of milk estimated to be received during the month from producers at such pool plants pursuant to § 1040.16(a), from pool plants pursuant to § 1040.16(b), and from pool bulk tank units pursuant to § 1040.16(d), that shipped their total receipts of producer milk to such plants in each month of the immediately preceding August through March period;

(c) Divide the remaining pounds of Class I milk (after subtracting any milk estimated to be disposed of as Class I other than transfers to other pool plants) by estimated receipts of producer milk at pool plants pursuant to § 1040.16(b) and pool bulk tank units pursuant to § 1040.16(d) other than those described in paragraph (b) of this session; and

(d) Multiply the result by .75.

Proposed by Kalamazoo Milk Producers Association, Independent Cooperative Milk Producers Association of Grand Rapids, McDonald Cooperative Dairy Company, Otsego Sanitary Milk Products Company, Independent Dairymen's Cooperative of Eastern Michigan, Berrien County Milk Producers Association, Michigan Milk Producers Association, and Mackinaw Trail Milk Producers Association:

*Proposal No. 3.* In § 1040.6 revise paragraph (a) to read as follows:

**§ 1040.6 Handler.**

"Handler" means:

(a) Any person who operates a pool unit;

*Proposal No. 4.* Revise § 1040.16 to read as follows:

**§ 1040.16 Pool unit.**

A "pool unit" shall be any plant(s) or pool bulk tank unit(s) meeting the requirements of paragraphs (a), (b), (c), (d), or (e) of this section, except the plant of a producer-handler or a plant of a handler exempt pursuant to §§ 1040.91 or 1040.92.

(a) Any plant, hereinafter referred to as a "distributing plant"; (1) in which milk is pasteurized or packaged for distribution in the marketing area, (2) from which fluid milk products are distributed on routes in the marketing area, and (3) from which the total quantity of fluid milk products distributed on all routes operated inside or outside the marketing area during the month equals the applicable percentage specified below of receipts of producer milk, and from supply plants of milk approved by the appropriate health authority for fluid use, exclusive of receipts certified by a cooperative association which operates no milk plant as having been diverted from other pool plants for manufacturing use:

(i) 55 percent during any of the months of October through March; and

(ii) 45 percent during any of the months of April through September, except that no such requirement shall apply during such months with respect to any such plant which qualified as a distributing plant during each of the immediately preceding months of October through March; or

(b) Any plant hereinafter referred to as a supply plant which is approved by the appropriate health authority in the marketing area for supplying milk for fluid use and from which during the month not less than 25 percent or the call percentage as defined in § 1040.17, whichever is higher of the pounds of milk resulting from the following regulation is moved to a distributing plant:

(1) Determine the total dairy farm supply of milk qualified for fluid distribution in the marketing area which is received at such plant.

(2) Subtract any milk disposed of from the plant as Class I other than by transfers to pool plants of other handlers.

(3) Subtract any producer milk qualified in a pool plant pursuant to § 1040.16 (a) and diverted to a supply plant with manufacturing facilities.

(4) Subtract any producer milk qualified as pool bulk unit milk pursuant to § 1040.16(d) but diverted to a supply plant with manufacturing facilities.

(5) Any supply plant which has met the required percentages during each of the months October through January shall be a pool plant for each of the following months of February through September during which it ships the percentage provided for in any call which may be issued pursuant to § 1040.17.





(6) All supply plants which are operated by one handler, or all of the supply plants from which a handler is responsible for the movement of milk to distributing plants under a marketing agreement certified to the market administrator by both parties, may be considered as a unit for the purpose of meeting the milk movement requirements of this paragraph (b) upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice, and notice of any change in designation shall be furnished on or before the 5th day (exclusive of Sundays and holidays) following the month to which the notice applies. In any of the months of February through September a unit shall not contain plants which were not qualified as pool plants, either individually or as a member of a unit, during the previous October through January; or

(c) * * *

(d) A pool bulk tank unit of one or more bulk loads of producer milk controlled by a cooperative association pursuant to § 1040.14, from its member producers who have signed marketing agreements authorizing this cooperative association to direct the disposition and sales of such milk, and approved by an appropriate health authority in the marketing area to supply milk for fluid milk products, and from which during the month not less than 25 percent or the call percentage as defined in § 1040.17, whichever is higher of its dairy farm supply of milk qualified for fluid distribution in the marketing area, is delivered to pool distributing plants in tank trucks. Any pool bulk tank unit which has met the required percentages during each of the months of October through January shall be a pool bulk tank unit for each of the following months of February through September during which it ships the percentage provided for in any call which may be issued pursuant to § 1040.17.

A cooperative association may establish a pool bulk tank unit in any manner chosen by it, subject to the following limitations:

(1) Each pool bulk tank unit shall have a headquarters where the basic record of receipts and butterfat test of milk from each farm are maintained, and where the destination of each tank truck and the volume of milk delivered by each tank truck is recorded.

(2) Each pool bulk tank unit shall be given a name indicating the handler responsible and the headquarters location with an additional numerical designation if necessary.

(3) A cooperative association may establish a pool bulk tank unit at any time. It may transfer producers between its existing pool units at any time and may add a farm to a pool bulk unit at any time, except under the following conditions: (i) When the cooperative association has withdrawn part or all of a pool bulk tank unit from the pool or caused a farm to be withdrawn in the July–November period except for lack of conformity with the sanitation requirements for fluid milk of any duly constituted health authority, in which case the association may not add producers or transfer units before the following July 1, provided that the association may add to a pool bulk tank unit a producer who was on its payroll as a can shipper within the previous 30 days, or may add a producer who was on its payroll since the previous July 1 and discontinued for reasons not caused by the association.

(4) There shall be deducted from the base price and the adjusted uniform price paid to producers in a pool bulk tank unit a location adjustment pursuant to § 1040.54 which shall be computed on the basis of the weighted average of milk deliveries by zones by the unit to pool or nonpool plants, rounded to the nearest cent, provided if 70% or more of all milk in a pool bulk tank unit in any accounting period is delivered to plants in a single zone, all producers in the unit shall be paid a zone price based on that zone.

(5) The market administrator shall publicly announce the names of cooperative associations ineligible to add farms to a pool bulk tank unit or ineligible to transfer units pursuant to § 1040.16(d)(3)(i).

(e) All supply plants and pool bulk tank units which are operated by one cooperative association may be considered as a supply unit for the purpose of meeting milk movement requirements of paragraph (b) and (d) of this section upon notice to the market administrator specifying the plants and pool bulk tank units to be considered as a supply unit and the period during which such consideration shall apply. Such notice and notice of any change in designation shall be furnished on or before the 5th day (exclusive of Sundays and holidays) following the month to which the notice applies. In any of the months of February through September, a supply unit shall not contain plants or pool bulk tank units which were not qualified as pool units, either individually or as a member of a unit, during the previous October through January.

Proposed by The Borden Company:

*Proposal No. 5.* Revise § 1040.11 to read as follows:

**§ 1040.11 Fluid milk product.**

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk, concentrated milk, milk drinks (plain or flavored), yogurt, half and half or cream (exclusive of frozen, whipped and sour cream, ice cream mix, eggnog, evaporated or condensed milk and sterilized products packaged in hermetically sealed containers).

*Proposal No. 6.* Revise paragraph (b)(3) of § 1040.41 to read as follows:

**§ 1040.41 Classes of utilization.**

* * * * * * *

(b) Class II milk.

Class II milk shall be:

* * * * * * *

(3) Skim milk and butterfat:

(i) Disposed of as livestock feed; and

(ii) Dumped and waste products subject to the approval and verification by the market administrator.

Proposed by Michigan Producers Dairy, Kalamazoo Milk Producers Association, Independent Cooperative Milk Producers Association of Grand Rapids, McDonald Cooperative Dairy Company, Otsego Sanitary Milk Products Company, Independent Dairymen's Cooperative of Eastern Michigan, Berrien County Milk Producers Association, Michigan Milk Producers Association, and Mackinaw Trail Milk Producers Association:

*Proposal No. 7.* Revise § 1040.41(b)(7)(i) to read as follows:

**§ 1040.41 Classes of utilization.**

(b) * * *

(7) * * *

(i) In shrinkage of producer milk up to two percent of receipts: *Provided*, That if a cooperative association is a handler of milk from a supply plant or pool tank unit, operated by the association and such milk is delivered to a plant where shrinkage is allowed under the order, the plant shall be allowed not to exceed one and one-half percent shrinkage and the cooperative association not to exceed one-half percent: *Provided further*, That if the handler receiving such milk files a notice with the market administrator that he is purchasing it on the basis of farm weights, such handler shall be allowed the full two percent shrinkage.

*Proposal No. 8.* Delete from § 1040.51(a) the words "plus $1.23 during the months of February through July and plus $1.63 in all other months" and substitute therefor the words "plus $1.43 each month of the year".

Proposed by Kalamazoo Milk Producers Association, McDonald Cooperative Dairy Company, Otsego Sanitary Milk Products Company, Berrien County Milk Producers Association, and Michigan Milk Producers Association:

*Proposal No. 9.* Revise § 1040.54 to read as follows:

**§ 1040.54 Location differential to handlers.**

(a) The location differentials at pool plants within the following designated zones, all in the State of Michigan, shall be as follows:

*Zone 1a—3 cent Direct Delivery Premium.* Handlers whose plants are located in any community or municipality of Wayne County, except in the townships of Northville, Plymouth, Canton, Van Buren, Sumpter, Livonia, Nankin, Romulus, Huron, Taylor, Brownstown, Monguagon, and Grosse Ile; the City of Pontiac, the townships of Royal Oak and Southfield in Oakland County shall pay a 3 cents per hundredweight, direct delivery premium on all milk received at their plant directly from the farm or diverted from their plant to another pool plant or nonpool plant.

*Zone 1—No Adjustment.* Genesee, Macomb, St. Clair, and Monroe Counties; Oakland County, except the City of Pontiac and the townships of Royal Oak and Southfield; Bay County except the townships of Gibson, Mt. Forest, Pinconning, Garfield, and Fraser; Saginaw County except the townships of Jonesfield, Richland, Lakefield, Fremont, Marion, Brant, Chapin, Brady, Chesaning, and Maple Grove; in Washtenaw County, the townships of Webster, Northfield, Salem, Scio, Ann Arbor, Superior, Lodi, Pittsfield, Ypsilanti, Saline, York and Augusta; and in Wayne County, the townships of Northville,





Plymouth, Canton, Van Buren, Sumpter, Li-



ket Administrator, George Irvine at si- within 2 miles each side of the Glasgow notice in the FEDERAL REGISTER will be

Plymouth, Canton, Van Buren, Sumpter, Livonia, Nankin, Romulus, Huron, Taylor, Brownstown, Monguagon, and Grosse Ile.

*Zone II—3 cents.* Lenawee County, except Cambridge, Rome, Dover, Seneca, Woodstock, Rollin, Hudson, and Medina townships; *Zone III—6 cents.* Clare, Isabella, Gladwin, Arenac, Midland, Gratiot, Clinton, Shiawassee, Ingham, Livingston, and Jackson Counties; in Bay County the townships of Fraser, Garfield, Gibson, Mt. Forest, and Pinconning; in Eaton County the townships of Delta, Windsor, Eaton Rapids, and Hamlin; in Hillsdale County the townships of Scipio, Fayette, Cambria, Woodbridge, Amboy, Ransom, Jefferson, Adams, Moscow, Somerset, Wheatland, Pittsford, and Wright; in Ionia County the townships of Ronald, Ionia, Orange, Sebewa, Danby, Portland, Lyons, and North Plains; in Lenawee County the townships of Cambridge, Rome, Dover, Seneca, Woodstock, Rollin, Hudson, and Medina; in Montcalm County the townships of Home, Day, Evergreen, Bushnell, Richland, Ferris, Crystal, and Bloomer; in Saginaw County the townships of Jonesfield, Lakefield, Marion, Chapin, Richland, Fremont, Brant, Brady, Chesaning, and Maple Grove; in Washtenaw County the townships of Dexter, Lima, Freedom, Bridgewater, Manchester, Sharon, Sylvan, and Lyndon; and in Lapeer County, the townships of Oregon, Elba, Hadley, Mayfield, Lapeer, Metamora, Arcadia, Attica, Dryden, Woodland, Imlay, and Almont.

*Zone IV—9 cents.* Huron, Tuscola, Sanilac, Osceola, Mecosta, Lake Mason, Oceana, Newaygo, Muskegon, Kent, Ottawa, Allegan, Barry, Van Buren, Kalamazoo, Calhoun, Branch, St. Joseph, and Cass Counties; in Lapeer County the townships Rich, Burlington, Marathon, Deerfield, North Branch, and Burnside; in Montcalm County the townships of Reynolds, Pierson, Winfield, Maple Valley, Cato, Pine, Montcalm, Eureka, Belvidere, Douglas, Sidney, and Fairplain; in Ionia County, the townships of Otisco, Keene, Boston, Campbell, Orleans, Easton, Berlin, and Odessa; in Eaton County, the townships of Sunfield, Vermontville, Kalamo, Bellevue, Roxand, Chester, Carmel, Walton, Onaida, Benton, Eaton, and Brookfield; and in Hillsdale County the townships of Litchfield, Allen, Reading, and Camden.

*Zone V—15 cents.* Alpena, Alcona, Berrien, Oscoda, Ogemaw, Iosco, Missaukee, Montmorency, Roscommon, Antrim, Benzie, Charlevoix, Cheboygan, Crawford, Emmet, Grand Traverse, Kalkaska, Leelanau, Manistee, Otsego, and Presque Isle Counties.

(b) Transfer adjustments: With respect to fluid milk products moved in bulk from a pool plant to a pool plant pursuant to § 1040.16(a), for a period of 24 months after this amendment becomes effective the operator of the transferee plant shall receive credit at the applicable mileage rate or difference in rates pursuant to paragraph (c) of this section based on the location(s) of the transferor plant(s), the total volume on which such credit is computed to be not more than the amount by which the Class I utilization of the transferee plant exceeds receipts of milk at such plant from producers and to be assigned to transferor plant(s) pro rata to receipts of fluid products from such plant(s).

(c) Shortest road distance of supply plant from Detroit City Hall.

| | *Rate per hundredweight* |
|---|---|
| More than 50 miles but not more than 60 miles | $0.10 |
| More than 60 miles but not more than 70 miles | 0.11 |

Add 1 cent for each 10 miles or fraction thereof over 70 miles.

Proposed by Michigan Producers Dairy Company:

*Proposal No. 10.* Revise § 1040.54 to read as follows:

**§ 1040.54 Location differential to handlers.**

(a) The location differentials at pool plants with the following designated zones, all in the State of Michigan, shall be as follows:

*Zone Ia—3-cent Direct Delivery Premium.* Handlers whose plants are located in any community or municipality of Wayne County except in the townships of Northville, Plymouth, Canton, Van Buren, Sumpter, Livonia, Nankin, Romulus, Huron, Taylor, Brownstown, Monguagon, and Grosse Ile; the City of Pontiac, the townships of Royal Oak and Southfield in Oakland County, shall pay a 3 cents per hundredweight, direct delivery premium on all milk received at their plant directly from the farm or diverted from their plant to another pool plant or nonpool plant.

*Zone I—No Adjustment.* Genesee, St. Clair, Livingston, Macomb, Washtenaw, and Monroe Counties; Bay County except the townships of Gibson, Mt. Forest, Pinconning, Garfield, and Fraser; Saginaw County except the townships of Jonesfield, Richland, Lakefield, Fremont, Marion, Brant, Chapin, Brady, Chesaning, and Maple Grove; Lapeer County except the townships of Rich, Burlington, Marathon, Deerfield, North Branch and Burnside; in Oakland and Wayne Counties all territory not included in Zone Ia; and Lenawee County except the townships of Woodstock, Cambridge, Rollin, Rome, Hudson, Dover, Medina and Seneca.

*Zone II—3 cents.* Clare, Gladwin, Arenac, Isabella, Midland, Gratiot, Clinton, Shiawassee, Eaton, Ingham, Jackson, Hillsdale, Huron, Tuscola and Sanilac Counties; in Bay, Saginaw, Lapeer and Lenawee Counties the townships excluded from Zone I; in Montcalm County the townships of Home, Richland, Day, Ferris, Evergreen, Crystal, Bushnell and Bloomer; in Ionia County the townships of Ronald, Northplain, Ionia, Lyons, Orange, Portland, Sebewa and Danby; in Calhoun County the townships of Convis, Lee, Clarence, Marshall, Marengo, Sheridan, Freedonia, Eckford, Albion, Tekonsha, Clarendon and Homer; and in Branch County the townships of Girard, Butler, Coldwater, Quincy, Ovid, Algansee, Kinderbrook and California.

*Zone III—6 cents.* Mason, Lake, Osceola, Oceana, Newaygo, Mecosta, Muskegon, Ottawa, Kent, Allegan, Barry, Van Buren, Kalamazoo, Cass, and St. Joseph Counties; and in Montcalm, Ionia, Calhoun and Branch Counties the territory not included in Zone II.

*Zone IV—10 cents.* Berrien County.

*Zone V—15 cents.* Manistee, Wexford, Missaukee, Roscommon, Ogemaw, Iosco, Alcona, Oscoda, Crawford, Kalkaska, Grand Traverse, Benzie, Leelanau, Antrim, Otsego, Montmorency, Alpena, Presque Isle, Cheboygan, Charlevoix, and Emmet Counties.

(b) Transfer adjustments: With respect to fluid milk products moved in bulk from a pool plant to a pool plant pursuant to § 1040.16(a), for a period of 24 months after this amendment becomes effective the operator of the transferee plant shall receive credit at the applicable mileage rate or difference in rates pursuant to paragraph (c) of this section based on the location(s) of the transfer or plant(s), the total volume on which such credit is computed to be not more than the amount by which the Class I utilization of the transferee plant exceeds receipts of milk at such plant from producers and to be assigned to transferor plant(s) pro rata to receipts of fluid products from such plant(s).

(c) Shortest road distance of supply plant from Detroit City Hall.

| | *Rate per hundredweight* |
|---|---|
| More than 50 miles but not more than 60 miles | $0.10 |
| More than 60 miles but not more than 70 miles | .11 |

Add 1 cent for each 10 miles or fraction thereof over 70 miles.

Proposed by Nye Dairy:

*Proposal No. 11.* Revise § 1040.54 to read as follows:

**§ 1040.54 Location differential to handlers.**

The location differential to handlers shall be as follows:

| | *Rate per hundredweight* |
|---|---|
| Shortest road distance from Detroit City Hall: | |
| More than 34 miles but not more than 50 miles | $0.14 |
| More than 50 miles but not more than 70 miles | .15 |

Add 1 cent for each 20 miles or fraction thereof over 70 miles.

Proposed by Michigan Producers Dairy, Kalamazoo Milk Producers Association, Independent Cooperative Milk Producers Association of Grand Rapids, McDonald Cooperative Dairy Company, Otsego Sanitary Milk Products Company, Independent Dairymen's Cooperative of Eastern Michigan, Berrien County Milk Producers Association, Michigan Milk Producers Association and Mackinaw Trail Milk Producers Association:

*Proposal No. 12.* Revise § 1040.63 to read as follows:

**§ 1040.63 Adjusted uniform price.**

For the purpose of payments pursuant to § 1040.70(c) the uniform price computed pursuant to § 1040.62 shall be adjusted by deducting therefrom the applicable percentage specified below of the difference between the uniform price and the excess milk price, rounded to the nearest cent:

| Month: | *Percent* |
|---|---|
| January through March and July through December inclusive | 30 |
| April, May, and June | 50 |

*Proposal No. 13.* Revise § 1040.67(a) to read as follows:

**§ 1040.67 Location differentials to producers and on nonpool milk.**

(a) For all producers' milk received at pool units, the adjusted uniform price and the uniform price for base milk shall be increased or reduced by the location differentials applicable at such plants pursuant to § 1040.54.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

*Proposal No. 14.* Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, George Irvine at either 2899 West Grand Boulevard, Detroit, Michigan, 48202 or 156 West Sherman Boulevard, Muskegon Heights, Michigan, 49440, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on October 20, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64-10825; Filed, Oct. 22, 1964; 8:49 a.m.]



# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-64]

## CONTROL ZONE AND TRANSITION AREA

### Proposed Alteration and Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to alter controlled airspace in the Glasgow, Mont., terminal area.

The following controlled airspace is presently designated in the Glasgow, Mont., terminal area:

(1) The Glasgow, Mont. control zone is designated as that airspace within a 5-mile radius of Glasgow AFB (latitude 48°25'00" N., longitude 106°31'40" W.) within 2 miles either side of the Glasgow ILS localizer SE course extending from the 5-mile radius zone to the OM; within 2 miles either side of the Glasgow VOR 302° radial extending from the 5-mile radius zone to 12 miles NW of the VOR, and within 2 miles either side of the Glasgow AFB TACAN 285° radial extending from the 5-mile radius zone to 8 miles W of the TACAN. The portion within R-4601 shall be used only after obtaining prior approval from appropriate authority.

(2) The Glasgow, Mont., transition area is designated as that airspace extending upward from 1200 feet above the surface within a 35-mile radius of Glasgow AFB (latitude 48°25'00" N., longitude 106°31'40" W.); that airspace extending upward from 700 feet above the surface within a 5-mile radius of Glasgow Municipal Airport (latitude 48°13'-00" N., longitude 106°36'45" W.), and within 2 miles either side of 267° and 307° bearings from the airport extending from the 5-mile radius area to 9 miles W and NW of the airport. The portion of this transition area within R-4601 will be used only after obtaining prior approval from appropriate authority.

To implement the provisions of Amendments 60-21 (26 F.R. 570) and 60-29 (27 F.R. 4012) of Part 60 of the Civil Air Regulations, the Federal Aviation Agency proposes to take the following airspace actions:

(1) Alter the Glasgow control zone by redesignating it as the airspace within a 5-mile radius of Glasgow AFB (latitude 48°25'00" N., longitude 106°31'40" W.); within 2 miles each side of the Glasgow AFB VOR 117° radial extending from the 5-mile radius zone to 8 miles SE of the VOR; within 2 miles each side of the Glasgow AFB TACAN 125° radial extending from the 5-mile radius zone to 8 miles SE of the TACAN; within 2 miles each side of the Glasgow AFB TACAN 292° radial extending from the 5-mile radius zone to 8 miles W of the TACAN; and within 2 miles each side of the Glasgow AFB VOR 302° radial extending from the 5-mile radius zone to 8 miles NW of the VOR.

(2) Alter the Glasgow transition area by redesignating it as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Glasgow Municipal Airport (latitude 48°13'-00" N., longitude 106°36'45" W.) and within 2 miles each side of the 100° and 279° bearings from the airport extending from the 5-mile radius to 8 miles E and W of the airport.

(3) Designate a Glasgow AFB, Mont., transition area as that airspace extending upward from 700 feet above the surface within a 9-mile radius of Glasgow AFB (latitude 48°25'00" N., longitude 106°31'40" W.); and that airspace extending upward from 1200 feet above the surface within a 35-mile radius of Glasgow AFB.

The actions proposed herein would add extensions to the Glasgow control zone to the southeast and northwest. This added controlled airspace will provide protection for aircraft executing prescribed instrument approach procedures at Glasgow AFB during the time the aircraft are descending below 1000 feet above the surface. The portion of the transition area at Glasgow Municipal Airport proposed with a floor of 700 feet above the surface will provide protection for aircraft executing prescribed special instrument approach procedures at this airport during the time the aircraft are descending below 1500 feet above the surface. Addition of the 700 feet floor transition area at Glasgow AFB will provide protection for aircraft departing Glasgow AFB during the time the aircraft are climbing from 700 feet to 1200 feet above the surface. The transition area with a base of 1200 feet above the surface will not be altered.

Certain minor revisions to prescribed instrument procedures would be affected in conjunction with the actions proposed herein but operational complexity would not increase nor would aircraft performance or present landing minimums be adversely affected.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of sec. 307(a), of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 12, 1964.

HENRY L. NEWMAN,
*Acting Director,*
*Central Region.*

[F.R. Doc. 64-10805; Filed, Oct. 22, 1964; 8:46 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-SO-39]

## CONTROL ZONES AND TRANSITION AREAS

### Proposed Alteration and Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter the control zones and designate transition areas at Greensboro and Winston-Salem, N.C.

The Greensboro, N.C., control zone is presently designated within a 5-mile radius of Greensboro-High Point Airport (latitude 36°05'36" N., longitude 79°-56'34" W.), and within 2 miles either side of the Greensboro VOR 207° radial extending from the 5-mile radius zone to 12 miles SW of the VOR, excluding the portion within the Winston-Salem, N.C., control zone.

The Winston-Salem, N.C., control zone is presently designated within a 5-mile radius of Smith-Reynolds Airport, Winston-Salem, N.C. (latitude 36°08'00" N., longitude 80°13'20" W.), and within 2 miles either side of the Winston-Salem ILS localizer SE course extending from the 5-mile radius zone to 12 miles SE of the OM.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Greensboro and Winston-Salem, N.C., terminal areas, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29 (26 F.R. 570, 27 F.R. 4012), proposes the airspace actions hereinafter set forth.

1. The Greensboro, N.C., control zone would be redesignated within a 5-mile radius of Greensboro-High Point Airport (latitude 36°05'36" N., longitude 79°56'-34" W.); within 2 miles each side of the





airspace in the Austin, Minn., terminal

Greensboro ILS localizer NW course, extending from the 5-mile radius zone to the LOM.

2. The Winston-Salem, N.C., control zone would be redesignated within a 5-mile radius of Smith-Reynolds Airport (latitude 36°08'00" N., longitude 80°13'-26" W.).

3. The Winston-Salem, N.C., transition area would be designated as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Winston-Salem ILS localizer SE course extending from the 5-mile radius control zone to 8 miles SE of the LOM.

4. The Greensboro, N.C., transition area would be designated as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Greensboro ILS SE course extending from the 5-mile radius control zone to 8 miles SE of the Rebel Intersection; within 2 miles each side of the Greensboro VOR 207° radial extending from the 5-mile radius control zone to 8 miles SW of the VOR; including that airspace extending upward from 1200 feet above the surface within the area bounded by a line beginning at the point of intersection of the W boundary of V-103 and the arc of a 35-mile circle centered at latitude 36°06'00" N., longitude 80°01'30" W.; thence clockwise along this arc to the point of intersection with the arc of a 55-mile radius circle centered at the Douglas Airport, Charlotte, N.C. (latitude 35°12'58" N., longitude 80°56'22" W.); thence counterclockwise along this arc to the point of intersection with the E boundary of V-37; thence N along the E boundary of V-37 to the point of intersection of the E boundary of V-37 and a line 7 miles NW of and parallel to the centerline of V-222; thence NE along a line 7 miles NW of and parallel to the centerline of V-222 to the W boundary of V-103; thence S along the W boundary of V-103 to the point of beginning.

The proposed control zone alterations and transition area designations are required to protect prescribed instrument approach and departure procedures at Greensboro-High Point and Smith-Reynolds Airports. They are also required for the protection of approved holding patterns and aircraft being radar vectored by Greensboro Approach Control.

The floors of airways which traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be adversely affected.

Specific details of the changes to minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southern Region, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on October 12, 1964.

PAUL H. BOATMAN,
*Acting Director,*
*Southern Region.*

[F.R. Doc. 64-10806; Filed, Oct. 22, 1964; 8:47 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-SO-61]

## CONTROL ZONE AND TRANSITION AREA

### Proposed Alteration and Designation

The Federal Aviation Agency is considering amendments to Part 71 (New) of the Federal Aviation Regulations which would alter the existing control zone and designate a transition area at Florence, S.C.

The Florence, S.C., control zone is presently designated within a 5-mile radius of the Florence Municipal Airport and within 2 miles either side of the Florence VOR 051° and 231° radials extending from the 5-mile radius zone to 10 miles NE of the VOR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Florence, S.C., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29 (26 F.R. 570 and 27 F.R. 4012), proposes the airspace actions hereinafter set forth.

1. The Florence, S.C., control zone would be redesignated within a 5-mile radius of the Florence, S.C. Municipal Airport (latitude 34°11'17" N., longitude 79°43'26" W.); within 2 miles each side of the Florence VORTAC 052° and 232° radials extending from the 5-mile radius zone to 8 miles NE of the VORTAC.

2. A Florence, S.C., transition area would be designated as that airspace extending upward from 1200 feet above the surface within 8 miles NW and 5 miles SE of the Florence, S.C., VORTAC 052° and 232° radials extending from 13 miles NE to 6 miles SW of the VORTAC and within 5 miles each side of the Florence VORTAC 221° radial extending from the VORTAC to 23 miles SW, excluding that portion W of the western boundary of V-3.

The proposed control zone will protect prescribed instrument approach and departure procedures at the Florence Municipal Airport. The proposed transition area is necessary to protect a prescribed holding pattern, procedure turn maneuvering area and missed approach for the Florence Municipal Airport. It is anticipated that the excluded portion of the transition area west of V-3 will have adequate airspace protection by the designation of the Columbia, S.C., transition area.

The floors of airways which traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under sec. 307(a), of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on October 13, 1964.

PAUL H. BOATMAN,
*Acting Director,*
*Southern Region.*

[F.R. Doc. 64-10807; Filed, Oct. 22, 1964; 8:47 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-67]

## TRANSITION AREA

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would designate controlled



airspace in the Austin, Minn., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Austin terminal area, including studies attendant to the implementation of the provisions of Civil Air Regulations Amendments 60-21 and 60-29, proposes to establish a transition area in the Austin terminal area.

The proposed transition area would comprise that airspace extending upward from 700 feet above the surface within a 5-mile radius of Austin Municipal Airport, Austin, Minn. (latitude 43°40'00" N., longitude 92°55'58" W.), and within 5 miles E and 8 miles W of the 351° bearing from Austin Municipal Airport, extending from the airport to 12 miles N and within 5 miles W and 8 miles E of the 176° bearing from the airport extending from the airport to 12 miles S.

The proposed transition area would provide controlled airspace protection for departing aircraft during their climb to 1200 feet above the surface. It would also provide protection for aircraft executing prescribed instrument approach procedures during their descent below 1500 feet above the surface. Communications at Austin are available through the FAA Flight Service Station at Rochester.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would performance or present landing minimums be adversely affected.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 12, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64-10808; Filed, Oct. 22, 1964; 8:47 a.m.]



re-examination of determinations as

STEIN, HALL & CO., INC.

hearing conference held herein on May

# Notices

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

### COMMISSIONER, BUREAU OF RECLAMATION

### Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

Part 255—Bureau of Reclamation

Chapter 4—Federal Register Documents

255.4.1 *Delegation of Authority.* The Commissioner of the Bureau of Reclamation is authorized to perform the functions and exercise the authority of, and receive reports to, the Secretary of the Interior in accordance with the Stipulation of the Parties and Final Decree of the Court in the action United States v. Northern Colorado Water Conservancy District, et al. (U.S.D.C. for the District of Colorado, Civil No. 2782, 5016, and 5017), except as to the revision and adoption of plans for the operation of Green Mountain Reservoir in accordance with section 6 of the Stipulation.

.2 *Notice and Appeal.* The Commissioner shall notify all affected parties to the Stipulation of any action taken under this delegation of authority. Any party to the Stipulation may appeal to the Secretary within 15 days from the date of notification.

.3 *Redelegation.* The Commissioner, Bureau of Reclamation, may, in writing, redelegate the authority granted in 255 DM 4.1 to Regional Director of Region 4, and/or to the Regional Director of Region 7, of the Bureau of Reclamation. The redelegation of this authority shall be published in the FEDERAL REGISTER.

STEWART L. UDALL,
*Secretary of the Interior.*

OCTOBER 19, 1964.

[F.R. Doc. 64-10791; Filed, Oct. 22, 1964; 8:45 a.m.]

### STANLEY MILTON SWANSON

### Statement of Financial Interests

OCTOBER 19, 1964.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

*Name of appointee.* Stanley Milton Swanson.

*Name of employing agency.* Department of the Interior, Office of Assistant Secretary for Water and Power Development.

*The title of the appointee's position.* Alternate Deputy Director, Defense Electric Power Area 10.

*The name of the appointee's private employer or employers.* Iowa Public Service Company, Sioux City, Iowa.

The statement of "financial interests" for the above appointee is set forth below.

STEWART L. UDALL,
*Secretary of the Interior.*

*Appointee's Statement of Financial Interests*

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on September 15, 1964, as Alternate Deputy Director, Def. Elec. Pwr. Adm. Area 10, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Iowa Public Service Co.
Allis-Chalmers Manufacturing Co.
Television—Electronics Fund.
Mid-America Mutual Fund.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

STANLEY M. SWANSON.

SEPTEMBER 25, 1964.

[F.R. Doc. 64-10792; Filed, Oct. 22, 1964; 8:45 a.m.]

### ALEXANDER S. CHAMBERLAIN

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Disposed of 100 shares Sunray DX Common Stock.

(2) Disposed of 125 shares of American Central Life Insurance Preferred and 1,279 shares of American Central Common Stock.

(3) Acquired 751 shares of Wabash Life Insurance Co. Common Stock.

(4) Acquired 100 shares of Thomas Industries Common Stock.

This statement is made as of October 7, 1964.

Dated: October 7, 1964.

ALEX S. CHAMBERLAIN.

[F.R. Doc. 64-10793; Filed, Oct. 22, 1964; 8:45 a.m.]

## DEPARTMENT OF COMMERCE

### Maritime Administration

### AMERICAN EXPORT ISBRANDTSEN LINES, INC.

### Notice of Processing of Application

Notice is hereby given that American Export Isbrandtsen Lines, Inc. has amended American Export Lines' previous application for operating-differential subsidy for increased sailings on its Line E, India Service on Trade Route No. 18 to provide for service to the Persian Gulf. The revised application provides for ten sailings per annum rather than the 24 sailings per annum requested previously. In the application (as modified by the reduced number of sailings) the applicant requests amendment of its Operating-Differential Subsidy Agreement, Contract No. FMB-87 to (1) increase the annual sailings on its Line E, India Service on Trade Route No. 18 from the present maximum of 29 sailings per annum to a new maximum of 39 sailings per annum; (2) permit calls at a port or ports in the Persian Gulf on a maximum of 10 sailings per year on Line E Service on Trade Route No. 18 with the provision that no cargo moving to or from the United States will be loaded or discharged at any ports in the Mediterranean, and (3) permit calls at a port or ports in the United States Gulf (Key West to Mexican Border) on voyages calling at a port or ports in the Persian Gulf.

The specific issues pertinent to this application have heretofore been considered in public proceedings held before the Federal Maritime Board and designated as Docket S-75. Subsequent to these proceedings the Board made its determinations and decisions with respect to matters of 605(c) of the Act and found that the Persian Gulf service provided by United States flag vessels was inadequate to the extent of 20 sailings per year over the 14 sailings in the existing service of Isthmian Lines Inc. and that section 605(c) was no bar to the extension of the Persian Gulf service to other areas included in the various applications for subsidy on the Persian Gulf route considered in Docket S-75. The full text of the Board's decision in Docket S-75 are set forth in public reports of the Federal Maritime Board which may be examined in the Office of the Secretary of the Maritime Subsidy Board, Room 3041, New GAO Building, 441 G Street, Washington 25, D.C.

Any person, firm, or corporation having any interest in the aforementioned application under section 605(c) of the Act, and desiring to make written submission relevant to any substantial change in significant circumstances which would justify any modification or re-examination of determinations as hitherto made by the Board, should, by the close of business on November 6, 1964, notify the Secretary, Maritime Subsidy Board in writing in triplicate. Such submission should contain a statement of facts sufficient to support the position that the prior determinations of the Board should not be determinative in the processing of the aforementioned application because of the existence of substantially changed significant circumstances.

Upon the receipt of any submission in the matter, the Maritime Subsidy Board will take such action as it deems necessary in the premises. In the event further hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to such issues under section 605(c) as the Maritime Subsidy Board in its discretion may specifically prescribe.

If no submissions are received within the specified time, or if the Maritime Subsidy Board determines that the submissions filed within the specified time do not demonstrate sufficient interest or present prima-facie evidence of the existence of substantially changed significant circumstances, as referred to above, to warrant further hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: October 20, 1964.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON,
*Secretary.*

[F.R. Doc. 64-10819; Filed, Oct. 22, 1964; 8:48 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### MORTON SALT CO.

### Notice of Filing of Petition Regarding Food Additive Iron Ammonium Citrate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5N1530) has been filed by Morton Salt Company, 110 North Wacker Drive, Chicago, Ill., 60606, proposing the issuance of a regulation to provide for the safe use of iron ammonium citrate as an anticaking agent in sodium chloride for human and animal consumption at a level of 25 parts per million in the finished salt.

Dated: October 19, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-10816; Filed, Oct. 22, 1964; 8:47 a.m.]



### STEIN, HALL & CO., INC.

### Notice of Filing of Petition Regarding Food Additive N-Cyclohexyl-p-Toluene Sulfonamide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5B1587) has been filed by Stein, Hall & Co., Inc., 605 Third Avenue, New York, N.Y., 10016, proposing that paragraph (b) of § 121.2571 *Components of paper and paperboard in contact with dry food* be amended by inserting alphabetically in the list of substances the new item:

*N*-Cyclohexyl-*p*-toluene sulfonamide.

Dated: October 19, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-10817; Filed, Oct. 22, 1964; 8:48 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 13908]

### UNITED STATES OVERSEAS AIRLINES, INC.; INTERIM CERTIFICATION INVESTIGATION

### Notice of Oral Argument

Notice is hereby given pursuant to the provisions of section 401(n) of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on October 29, 1964, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 20, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-10818; Filed, Oct. 22, 1964; 8:48 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15421-15423; FCC 64M-1032]

### PAUL DEAN FORD (WPFR) ET AL.

### Order Scheduling Prehearing Conference

In re applications of Paul Dean Ford (WPFR), Terre Haute, Indiana, Docket No. 15421, File No. BPH-3954; Wabash Valley Broadcasting Corporation (WTHI), Terre Haute, Indiana, Docket No. 15422, File No. BPH-4139; Radio WBOW, Incorporated, Terre Haute, Indiana, Docket No. 15423, File No. BPH-4254; for construction permits.

The Hearing Examiner having under consideration the transcript of the prehearing conference held herein on May 18, 1964; the letter filed on behalf of Paul Dean Ford on May 26, 1964; the Fourth Report and Order issued by the Commission in Docket No. 14185 released October 9, 1964; and the Petition for Leave to Amend filed by Paul Dean Ford on October 16, 1964;

It appearing, that the future course of this proceeding may now be appropriately scheduled and a prehearing conference for that purpose should be held;

*It is ordered*, This 19th day of October 1964, on the Hearing Examiner's own motion, that a further prehearing conference shall be held on the date of October 29, 1964 commencing at 9:00 a.m. in the offices of the Commission at Washington, D.C.

Released: October 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10813; Filed, Oct. 22, 1964; 8:47 a.m.]

[Docket Nos. 15660, 15661; FCC 64-939]

### MERCED BROADCASTING CO. AND CAMBRIDGE BROADCASTING CORP.

### Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Kurt Fantl and Margaret A. Fantl d/b as Merced Broadcasting Co., Merced, California, Docket No. 15660, File No. BPH-4162, Requests: 101.5 mc, #268; 5 kw; 100 ft.; Cambridge Broadcasting Corp., Merced, California, Docket No. 15661, File No. BPH-4474, Requests: 101.5 mc, #268; 17.41 kw; 113.35 ft.; for construction permits.

1. The Commission has before it for consideration the applicant's (Kurt Fantl and Margaret A. Fantl d/b as Merced Broadcasting Co.) letter filed May 22, 1964, in the nature of an informal petition for reconsideration, seeking reinstatement of the construction permit for the above facilities, which was rescinded on April 30, 1964. The Commission also has before it the above-captioned applications, each requesting a construction permit for a new Class B FM broadcast station in Merced, California.

2. Merced Broadcasting Co. was granted a construction permit, without hearing, pursuant to delegated authority (§ 0.281(a) of the Commission's rules and regulations), on April 3, 1964. The applicant, by letter dated April 26, 1964, indicated that it did not intend to construct the station at present due to an altered financial status, and consequently it was negotiating to transfer the construction permit to Mr. Robert Wiley Miller of Radio Call Service, Ltd.[1]. The applicant also failed to file FCC Form 323 (Ownership Reports) as requested by Commission letter of April 7, 1964. On

[1] The corporate name has since been changed to Cambridge Broadcasting Corp.







It further appearing, that Mountrunk

It is ordered, That, pursuant to sec-

It is further ordered, That the "Joint

April 30 the Chief of the Broadcast Bureau, pursuant to § 1.113(a) of the Commission's rules, rescinded the construction permit. After the above action the status of the application was that of a pending application for a construction permit.

3. Merced Broadcasting Co., by letter dated May 19, 1964, requested that the construction permit be reinstated. The applicant did not specify with particularity any factors which would warrant the Commission reinstating said construction permit. The applicant merely stated that it now desires to construct the station, the assignment agreement has been terminated, and it now has the necessary funds available to construct and operate the station as proposed. No specific facts or conclusions of law are presented in support of the request to reinstate the construction permit. The letter merely indicates a change in the applicant's intention to construct the station and a change in the financial qualifications from that set forth in its letter of April 26, 1964. On the matter of its financial qualifications, the applicant has not introduced any supporting data to substantiate its present financial status. The applicant's change of intent to construct the station comes too late. After the construction permit was rescinded, Cambridge Broadcasting Corp., on May 19, 1964, filed an application seeking the same channel that had been previously awarded to the applicant. Since the channel was then available the application was accepted for filing. Thus, we now have two mutually exclusive applications, and under Ashbacker Radio Corp. v. F.C.C., 326 U.S. 327 (1945), we cannot grant one without affording the other the right to a hearing in a consolidated proceeding. Accordingly, the Commission finds no basis for the reinstatement of the Merced Broadcasting Co. construction permit and the request for reinstatement of the construction permit, filed May 22, 1964, will be denied.

4. Except as indicated by the issues specified below, each of the applicants is legally, technically and otherwise qualified to construct and operate as proposed. Cambridge Broadcasting Corp. is financially qualified. However, the Commission is unable to make a finding that Merced Broadcasting Co. is financially qualified and, therefore, an appropriate issue will be specified.

5. The above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference with each other.

6. The area (514 square miles) and population (63,895) to be served by the Cambridge Broadcasting Corp. proposal is significantly greater than the area (290 square miles) and population (25,450) to be served by the Merced Broadcasting Co.'s proposal. Accordingly, for the purposes of comparison, the areas and populations within the respective 1 mv/m contours, together with the availability of other FM service (at least 1 mv/m) within such areas, will be considered in the hearing ordered below for the purpose of determining whether a comparative preference should accrue to either applicant.

7. The Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

*Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the area and population within each of the proposed 1 mv/m contours and the availability of other FM services (at least 1 mv/m) to such areas and populations.

2. To determine whether Merced Broadcasting Co. is financially qualified to construct and operate its proposed station.

3. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience, and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the FM station as proposed.

(b) Proposals of each of the applicants with respect to the management and operation of the FM broadcast station as proposed.

(c) The programming services proposed in each of the above-captioned applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

*It is further ordered,* That, the request for reinstatement of the construction permit, filed May 22, 1964, by Merced Broadcasting Co., is hereby denied.

*It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

*It is further ordered,* That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Adopted: October 14, 1964.

Released: October 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10814; Filed, Oct. 22, 1964; 8:47 a.m.]

[Docket No. 15658; FCC 64-937]

## NAUGATUCK VALLEY SERVICE, INC. (WOWW) AND RADIO WALLINGFORD, INC.

### Order Designating Application for Hearing on Stated Issues

In re applications of Naugatuck Valley Service, Inc. (WOWW), Naugatuck, Connecticut, Docket No. 15658, File No. BP-14829, Has: 860 kc, 250 w, DA-D, Class II, Requests: 1380 kc, 500 w, 5 kw-LS, DA-2, U, Class III-B; Radio Wallingford, Inc., Wallingford, Connecticut, File No. BP-15341, Requests 1380 kc, 5 kw, DA-2, U, Class III-A; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of October 1964;

The Commission having under consideration the above-captioned and described applications;

It appearing, that the above mutually exclusive applicants have filed a "Joint Petition for Approval of Agreement" pursuant to § 1.525 of the Commission's rules, which was the subject of the Commission's Memorandum Opinion and Order (FCC 64-631), released July 9, 1964; and

It further appearing, that in the aforementioned Memorandum Opinion and Order the Commission ruled, inter alia, that the parties to the agreement had complied with the requirements of § 1.525 of the rules; that affidavits had substantiated the listed expenses as having been "legitimately and prudently expended" in connection with the prosecution of the Radio Wallingford application; but that, in view of considerations relevant to section 307(b) of the Communications Act of 1934, as amended, final approval of the merger and "drop-out" agreement was to be held in abeyance in order to afford other persons the opportunity of applying for the same facilities as those proposed by Radio Wallingford; and

It further appearing, that, subsequently, the public was given an opportunity to request the facilities specified in the Radio Wallingford application through publication in the Wallingford Post but heretofore no one has filed an application; and, accordingly, the agreement will be given final Commission approval and the Radio Wallingford application dismissed; and



It further appearing, that Naugatuck Valley Service, Inc. did not submit adequate studies to demonstrate that the nighttime service areas of certain existing stations would receive adequate protection from the proposed operation and, in addition, its computations regarding the existing nighttime RSS limitation of existing stations appears to be based upon theoretical rather than measured values of radiation; and

It further appearing, that, in view of the dismissal of the Radio Wallingford application ordered below, the Commission finds that Naugatuck Valley Service, Inc. is legally, technically, financially, and otherwise qualified to construct and operate as proposed, except as indicated by the issues specified below; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposed operation of station WOWW would cause objectionable interference to the nighttime operations of Stations WAWZ, Zarepath, New Jersey; WMBG, Richmond, Virginia; and WBNX, New York, New York.

2. The present operation of Station WAWZ would impose on the proposed nighttime operation of Station WOWW an individual RSS limitation of 14.0 mv/m. In addition, the existing operations of Stations WSYB and WBNX (the latter shares time with WAWZ) together impose an RSS limitation of 4.34 mv/m. Because of the foregoing interference received, the proposed operation of Station WOWW will be limited to the 14.0 or 4.34 mv/m contour at nighttime, depending upon which share-time station operates. According to the applicant's data, based on nighttime limitations of 14.97 and 5.88 mv/m, 23,609 or 11,476 persons who reside between the normally protected (4 mv/m for a Class III-B station) and actual service contours will not receive nighttime service from the proposal. These persons represent 54.3 or 26.4 percent of those within the 4 mv/m contour. The corresponding area losses are 75.2 percent and 43.6 percent. Although the proposal complies with an exception to the "10 percent rule" in that it would provide the first local nighttime standard broadcast facility to Naugatuck, Connecticut, a question arises as to whether the operation would be inefficient within the meaning of § 73.24(b) of the rules.

3. Calculations indicate that the nighttime directional antenna radiation patterns submitted by WOWW are not fully in agreement with those which would be obtained from the proposed directional antenna parameters. Accordingly, an issue will be included to determine whether the proposed directional antenna parameters accurately depict the proposed radiation pattern.

It further appearing, that, in view of the foregoing the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:



*It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of Station WOWW and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station WOWW would cause objectionable interference to Stations WAWZ, WBNX and WMBG, Zarepath, New Jersey, New York, New York and Richmond, Virginia, respectively, or any other existing standard broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, because of interference received, whether the proposed nighttime operation of Station WOWW would be consistent with § 73.24(b) of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether the proposed directional antenna parameters accurately depict the radiation pattern proposed by Station WOWW.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

*It is further ordered,* That United Broadcasting Co. of New York, Pillar of Fire, and Havens and Martin, Incorporated, licensees of Stations WBNX, WAWZ and WMBG, respectively, are made parties to the proceeding.

*It is further ordered,* That in the event of a grant of the application, the construction permit shall contain the following condition: "Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded."

*It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicant and parties pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered,* That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

*It is further ordered,* That the "Joint Petition for Approval of Agreement", filed by the above applicants on January 29, 1964, is hereby approved and that the application of Radio Wallingford, Inc. is hereby dismissed.

Released: October 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10815; Filed, Oct. 22, 1964; 8:47 a.m.]

# OFFICE OF EMERGENCY PLANNING

## ANTIFRICTION BEARINGS AND PARTS

### Investigation of Imports

Notice is hereby given that in accordance with the provisions of section 232 of the Trade Expansion Act of 1962 and OEP Regulation No. 4, the Director of the Office of Emergency Planning has ordered an investigation to determine whether or not antifriction bearings and parts are being imported into the United States in such quantities or under such circumstances as to threaten to impair national security. Antifriction bearings included in this investigation are: Ball Bearings, Thrust Bearings, Cylindrical Roller Bearings, Tapered Roller Bearings, Spherical Roller Bearings, and Needle Roller Bearings. An application to OEP for such action was filed by The Anti-Friction Bearing Manufacturers Association of New York City on behalf of 39 domestic manufacturers of antifriction bearings and parts.

Dated: October 21, 1964.

Edward A. McDermott,
*Director.*
By: JOHN E. COSGROVE,
*Acting Director.*

[F.R. Doc. 64-10877; Filed, Oct. 22, 1964; 10:20 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. RI65-246 etc.]

## SOHIO PETROLEUM CO. ET AL.

### Order Accepting Rate Filings, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 14, 1964.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-246 | Sohio Petroleum Co. (Operator), et al., 900 First National Annex, Oklahoma City 2, Okla. Attn: Gas-Gasoline Division. | 64<br>64 | [1] 8<br>9 | El Paso Natural Gas Co. (various fields, Lea County, N. Mex.) (Permian Basin Area). | 94,782 | 9-21-64 | [2] 10-22-64<br>[2] 10-22-64 | 3-22-65 | [3] 11.5 | [4] [5] [6] 16.8798 | RI63-270. |
| RI65-247 | Wolfson Oil Co. (Operator) et al., 1223 Davis Bldg., Dallas, Tex. | 2 | 4 | El Paso Natural Gas Co. (North Skaggs Drinkard Gas Field, Lea County, N. Mex.) (Permian Basin Area). | 1,606 | 9-23-64 | [2] 10-24-64 | 3-24-65 | [3] 15.5699 | [4] [6] [7] 16.5637 | RI61-270. |
| | do | 4 | 2 | do | 1,405 | 9-23-64 | [2] 10-24-64 | 3-24-65 | [3] [8] 15.5699 | [4] [6] [7] 16.5637 | |
| RI65-248 | Wolfson Oil Co | 3 | 4 | El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area). | 1,205 | 9-23-64 | [2] 10-24-64 | 3-24-65 | [3] [8] 15.5699 | [4] [6] [7] 16.5637 | |
| RI65-249 | Sohio Petroleum Co., et al. | 95<br>95 | [9] 14<br>15 | El Paso Natural Gas Co. (Spraberry Area, Midland County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area). | 1,452 | 9-14-64 | [2] 10-15-64<br>[2] 10-15-64 | 3-15-65 | 13.684 | [4] [6] 18.2430 | G-16477. |
| RI65-250 | Gwaridge Corp. (Operator), et al., a Texas corporation, P.O. Box 722, Breckenridge, Tex. Attn: Mr. C. R. Anderson. | 6 | 3 | Tennessee Gas Transmission Co. (Stratton-Agua Dulce Field, Nueces County, Tex.) (R.R. Dist. No. 4). | 4,296 | 9-21-64 | [10] 11- 1-64 | 4- 1-65 | [11] [12] [13] 15.0 | [4] [6] [13] [14] 16.0 | |
| RI65-251 | Monsanto Co., 1300 Main St., Houston, Tex. 77002. Attn: Mr. B. L. Allen. | 45 | 10 | Tennessee Gas Transmission Co. (El Elbanito Field, Starr County, Tex.) (R.R. Dist. No. 4). | 400 | 9-22-64 | [10] 11- 1-64 | 4- 1-65 | [15] 14.6 | [4] [6] [15] 15.6 | |
| | do | 1 | 10 | Texas Eastern Transmission Corp. (Bryceland Field, Bienville Parish, La.) (North Louisiana). | 667 | 9-23-64 | [10] 11- 1-64 | 4- 1-65 | [12] [16] 16.8263 | [4] [12] [16] [17] 17.0314 | RI64-170. |
| RI65-252 | Hidalgo Gas Production Corp., 700 Mercantile Bank Bldg., Dallas, Tex., 75201. | 1 | 8 | Texas Eastern Transmission Corp. (Mercedes and Agua Dulce Fields, Nueces and Hidalgo Counties, Tex.) (R. R. Dist. No. 4). | 690 | 9-23-64 | [10] 11- 1-64 | 4- 1-65 | 15.6 | [4] [6] 15.8 | RI64-206.[18] |
| | do | 2 | 8 | Texas Eastern Transmission Corp. (Agua Dulce Field, Nueces County, Tex.) (R. R. Dist. No. 4). | 240 | 9-23-64 | [10] 11- 1-64 | 4- 1-65 | 15.6 | [4] [6] 15.8 | RI64-206.[18] |
| RI65-253 | William Herbert Hunt Trust Estate, 700 Mercantile Bank Bldg., Dallas, Tex., 75201. | 1 | 13 | Texas Eastern Transmission Corp. (North Cottonwood Field, Liberty County, Tex.) (R. R. Dist. No. 3). | 780 | 9-23-64 | [10] 11- 1-64 | 4- 1-65 | 15.6 | [4] [6] 15.8 | RI64-199.[19] |
| | do | 10 | 12 | Texas Eastern Transmission Corp. (Lucky Field, Bienville Parish, La.) (North Louisiana). | 615 | 9-23-64 | [10] 11- 1-64 | 4- 1-65 | [16] 16.8263 | [4] [16] [17] 17.0314 | RI64-216. |
| RI65-254 | Hiawatha Oil and Gas Co., Benedum-Trees Bldg., Pittsburgh 22, Pa. | 6 | 12 | Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, La.) (North Louisiana). | 84 | 9-17-64 | [10] 11- 1-64 | 4- 1-65 | [16] 16.9513 | [4] [16] [17] 17.1564 | |
| RI65-255 | Consolidated Oil & Gas, Inc., 4150 East Mexico Ave., Suite 200, Denver, Colo., 80222. | 24 | 3 | Kansas-Nebraska Natural Gas Co., Inc. (Camrack Field, Texas County, Okla.) (Panhandle Area). | 135 | 9-23-64 | [10] 11- 1-64 | 4- 1-65 | [12] 16.8 | [4] [12] [20] 17.6 | RI61-305. |
| RI65-256 | Monsanto Co. (Operator), et al., 1300 Main St., Houston, Tex., 77002. | 20 | 11 | Texas Eastern Transmission Corp. (Logansport Field, De Soto Parish, La.) (North Louisiana). | 615 | 9-23-64 | [10] 11- 1-64 | 4- 1-65 | [16] 16.8263 | [4] [16] [17] 17.0314 | RI64-170. |
| RI65-257 | Kingwood Oil Co. (Operator), et al., First National Bldg., Oklahoma City, Okla., 73102. | 5 | 1 | Northern Natural Gas Co. (Beaver County, Okla.) (Panhandle Area). | 141 | 9-21-64 | [10] 10-22-64 | 3-22-65 | [20] 15.0 | [4] [6] [20] 16.0 | |
| RI65-258 | McAlester Fuel Co., P.O. Box 219, Magnolia, Ark., 71753. | 3 | 9 | Texas Eastern Transmission Corp. (Fort Lynn Field, Miller County, Ark.) [21] | 200 | 9-21-64 | [10] 11- 1-64 | 4- 1-65 | [20] [21] 14.875 | [4] [6] [20] [21] 15.075 | RI64-162. |
| RI65-259 | Placid Oil Co. [22] (Operator), et al., 600 Beck Bldg., Shreveport, La. | 29 | 4 | H. L. Hunt [23] (Whelan Field, Harrison County, Tex.) (R.R. Dist. No. 6). | 530 | 9-21-64 | [10] 11- 1-64 | 4- 1-65 | 13.1 | [4] [6] 13.3 | RI64-202. |
| | do | 30 | 4 | H. L. Hunt [23] (North Lansing Field, Harrison County, Tex.) (R.R. Dist. No. 6). | 220 | 9-21-64 | [10] 11- 1-64 | 4- 1-65 | 15.1 | [4] [6] 15.3 | RI64-202. |
| | do | 26 | 12 | Texas Eastern Transmission Corp. (Lucky and Liberty Hill Fields, Bienville Parish, La.) (North Louisiana). | 13,332 | 9-21-64 | [10] 11- 1-64 | 4- 1-65 | [16] 16.8263 | [4] [16] [17] 17.0314 | RI64-239. |
| RI65-260 | H. L. Hunt, et al., 700 Mercantile Bank Bldg., Dallas, Tex., 75201. | 4 | 20 | Texas Eastern Transmission Corp. (Whelan and North Lansing Fields, Harrison County, Tex.) (R.R. Dist. No. 10). | 3,000 | 9-23-64 | [10] 11- 1-64 | 4- 1-65 | 15.6 | [4] [6] 15.8 | RI64-224. |
| RI65-261 | Hunt Petroleum Corp., 700 Mercantile Bank Bldg., Dallas, Tex., 75201. | 1 | 8 | Tennessee Gas Transmission Co. (Calvin Field, Winn Parish, La.) (North Louisiana). | 980 | 9-23-64 | [10] 11- 1-64 | 4- 1-65 | [20] 14.79407 | [20] [24] [25] 15.500 | |

See footnotes at end of table.



| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-262 | Nelson Bunker Hunt Trust Estate, 700 Mercantile Bank Bldg., Dallas, Tex., 75201. | 7 | 12 | Texas Eastern Transmission Corp. (Lucky Field, Bienville Parish, La.) (North Louisiana). | $390 | 9-23-64 | [13] 11- 1-64 | 4- 1-65 | [16] 16.8263 | [4] [16] [17] 17.0314 | RI64-211. |
| RI65-263 | Lamar Hunt, 700 Mercantile Bank Bldg., Dallas, Tex., 75201. | 9 | 12 | do | 17 | 9-23-64 | [13] 11- 1-64 | 4- 1-65 | [16] 16.8263 | [4] [16] [17] 17.0314 | RI64-212. |
| RI65-264 | Lamar Hunt Trust Estate, 700 Mercantile Bank Bldg., Dallas, Tex., 75201. | 8 | 12 | do | 615 | 9-23-64 | [13] 11- 1-64 | 4- 1-65 | [16] 16.8263 | [4] [16] [17] 17.0314 | RI64-215. |
| RI65-265 | Hassie Hunt Trust, 700 Mercantile Bank Bldg., Dallas, Tex., 75201. | 4 | 19 | Texas Eastern Transmission Corp. (Lisbon Field, Claiborne Parish, La.) (North Louisiana). | 1,333 | 9-23-64 | [13] 11- 1-64 | 4- 1-65 | [16] 16.8263 | [4] [16] [17] 17.0314 | RI64-213. |

[1] Amendatory agreement dated Aug. 1, 1964, which eliminates "favored-nation" clause, deletes "price" and substitutes price of 16.5 cents per Mcf commencing Aug. 1, 1964, with periodic increases of 1.0 cent per Mcf for each 5-year period thereafter, and extends term to Jan. 1, 1980.
[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] Renegotiated rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to deduction of 0.4467 cent per Mcf for compression of low-pressure gas (below 600 p.s.i.g.).
[6] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[7] Periodic rate increase.
[8] Includes tax reimbursement for the 0.55-percent increase in New Mexico Emergency School Tax.
[9] Initial rate.
[10] Amendatory agreement dated Mar. 27, 1962, which eliminates "favored-nation" clause, deletes existing periodics and substitutes a rate of 17.0 cents per Mcf commencing Jan. 1, 1960, until Aug. 1, 1964, with periodic increases of 1.0 cent per Mcf for each 5-year period thereafter, and extends contract term to Aug. 1, 1980.
[11] The stated effective date is the effective date requested by Respondent.
[12] Rate is subject to downward B.t.u. adjustment.
[13] Rate includes 0.21931 cent per Mcf reimbursement to seller for dehydration cost.
[14] Pressure base is 15.025 p.s.i.a.
[15] Includes 1.75 cents per Mcf tax reimbursement.
[16] Also subject to the suspension proceedings in Docket No. RI63-100, et. al.
[17] Also subject to the suspension proceedings in Docket No. RI63-140, et al.
[18] Includes 1.575 cents per Mcf tax reimbursement.
[19] Four-step periodic rate increase.
[20] Includes 0.175 cent per Mcf tax reimbursement (Arkansas severance tax and conservation assessment).
[21] No established ceiling for increased rates in Arkansas. The rates established for Texas Railroad Dist. No. 6 have been used for similar cases in the past.
[22] Placid Oil Co. is a corporation of which the common stock is primarily owned by H. L. Hunt and the Hunt Trust Estates.
[23] H. L. Hunt's Rate Schedule No. 4 covers resale of subject gas to Texas Eastern Transmission Corp. and is presently involved in suspension proceedings in Docket Nos. G-12505, et al.
[24] Renegotiated rate increase.
[25] Under renegotiation agreements prices are inclusive of all tax reimbursement. Under original contract seller would be entitled to 1.125 cents per Mcf tax reimbursement.

Sohio Petroleum Company, et al. (Sohio), request an effective date of October 1, 1964, for Supplement No. 15 to their FPC Gas Rate Schedule No. 95. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Sohio's aforementioned supplement and such request is denied.

Supplement No. 9 to Sohio Petroleum Company (Operator), et al. (Sohio), FPC Gas Rate Schedule No. 64 includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The buyer, El Paso Natural Gas Company (El Paso), has protested the aforementioned rate increase filed by Sohio. El Paso questions the right of Sohio under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis for an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearing provided for herein for Sohio Petroleum Company (Operator), et al., shall concern itself with the contractual basis for Sohio's rate filing which El Paso has protested, as well as the statutory lawfulness of the increased rate contained in the proposed supplement.

Sohio Petroleum Company (Operator), et al., and Sohio Petroleum Company, et al. (both referred to herein as Sohio), have tendered Amendatory Agreements as part of their rate increases suspended herein. These amendatory agreements eliminate the favored-nation provisions of the related contracts, extend the contract terms and establish revised schedules of periodic price escalations which provide the basis for the proposed increased rates.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56). The rate filing of McAlester Fuel Company (McAlester) covers a sale in Arkansas where no formal ceiling rates have been established. McAlester's proposed rate exceeds the 14.0 cents per Mcf ceiling established for adjacent Texas Railroad District No. 6 which has been used for similar cases in the past.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown that the Amendatory Agreements designated as Supplement No. 8 to Sohio Petroleum Company (Operator), et al's FPC Gas Rate Schedule No. 64, and Supplement No. 14 to Sohio Petroleum Company, et al's FPC Gas Rate Schedule No. 95 should be accepted for filing and permitted to become effective on the date shown in the "Effective date" column of the foregoing tabulation.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 8 to Sohio Petroleum Company (Operator), et al's FPC Gas Rate Schedule No. 64, and Supplement No. 14 to Sohio Petroleum Company, et al's FPC Gas Rate Schedule No. 95, are hereby accepted for filing and permitted to become effective on the date shown in the "Effective date" column of the foregoing tabulation.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date suspended until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington,



D.C., 20426, in accordance with the rules

Effective date: October 15, 1964.

Ill., Ft. Wayne, Ind., and Cleveland,

D.C., 20426, in accordance with the rules of practice and procedure (15 CFR 1.8 and 1.27(f)) on or before December 2, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10754; Filed, Oct. 22, 1964; 8:45 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-III, Amdt. 3]

## BRANCH MANAGER, NEWARK, NEW JERSEY

### Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority (Revision 9) 29 F.R. 11777, as amended, 29 F.R. 12570, 13354, and 14083; Delegation of Authority No. 30-III, 29 F.R. 13125, as amended, 29 F.R. 13415 and 13989, is hereby further amended by revising Item I.L. to read as follows:

I. • • •

L. The following authority is hereby redelegated to the Branch Manager at Newark, New Jersey.

1. To approve the following:

a. Direct loans not exceeding $50,000.

b. Participation loans not exceeding $150,000.

c. Simplified Bank Participation loans not exceeding $250,000.

d. Simplified Early Maturities Participation loans not exceeding $250,000.

e. Direct disaster loans not exceeding $100,000.

f. Participation disaster loans not exceeding $150,000.

2. To decline as follows:

a. Business loans not exceeding $200,000.

b. Disaster loans in any amount.

3. To disburse unsecured disaster loans.

4. Items I.C. 6 through 11.

5. To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of $25 in any one object class in any one instance but not more than $50 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance; and (d) purchase printing from the General Services Administration where centralized reproduction facilities have been established by GSA.

6. Item I.A. (Size Determinations for Financial Assistance only.)

7. Item I.B. (Eligibility Determination for Financial Assitance only.)

Effective date: October 15, 1964.

EDWARD N. ROSA, *Regional Director, Philadelphia Regional Office.*

[F.R. Doc. 64-10760; Filed, Oct. 22, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 20, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39336: *Substituted service—NYNH&H, L&HR and PRR for Allied Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, agent (No. 66), for interested carriers. Rates on property loaded in highway trailers, between Hartford and New Haven, Conn., Boston and Springfield, Mass., and Providence, R.I., on the one hand, and Chicago and East St. Louis, Ill., Indianapolis, Ind., Louisville, Ky., Detroit, Mich., Cincinnati, Cleveland, and Toledo, Ohio and Pittsburgh, Pa., on the other.

Grounds for relief: Motor-truck competition.

Tariff: Household Goods Carriers' Bureau, agent, tariff MF-I.C.C. 124.

FSA No. 39337: *Substituted service—C&O, Et Al., for Greyhound Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, agent (No. 67), for interested carriers. Rates on property loaded in highway trailers, between Jacksonville, Fla., on the one hand, and Chicago, Ill., Alexandria, Norfolk, and Richmond, Va., on the other.

Grounds for relief: Motor-truck competition.

Tariff: Household Goods Carriers' Bureau, agent, tariff MF-I.C.C. 124.

FSA No. 39338: *Substituted service—C&O, Et Al., for North American Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, agent (No. 68), for interested carriers. Rates on property loaded in highway trailers, between Jacksonville, Fla., on the one hand, and Chicago, Ill., Memphis, Tenn., Alexandria, Norfolk, and Richmond, Va., on the other.

Grounds for relief: Motor-truck competition.

Tariff: Household Goods Carriers' Bureau, agent, tariff MF-I.C.C. 124.

FSA No. 39339: *Substituted service—NYC&STL, Et Al., for North American Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, agent (No. 69), for interested carriers. Rates on property loaded in highway trailers, between Harrisburg, Philadelphia (Wayne Jct.), and Swedeland, Pa., on the one hand, and Chicago, East St. Louis, and Peoria, Ill., Ft. Wayne, Ind., and Cleveland, Ohio, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Household Goods Carriers' Bureau, agent, tariff MF-I.C.C. 124.

FSA No. 39340: *Substituted service—CGW for North American Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, agent (No. 70), for interested carriers. Rates on property loaded in highway trailers, between Chicago, Ill., and St. Paul, Minn., on the one hand, and Council Bluffs and Des Moines, Iowa, St. Paul, Minn., Kansas City and St. Joseph, Mo., on the other.

Grounds for relief: Motor-truck competition.

Tariff: Household Goods Carriers' Bureau, agent, tariff MF-I.C.C. 124.

FSA No. 39341: *Substituted Service—C&O, Et Al., for United Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, agent (No. 71), for interested carriers. Rates on property loaded in highway trailers, between Chicago, Ill., on the one hand, and Jacksonville, Miami, Orlando, St. Petersburg, and Tampa, Fla., on the other.

Grounds for relief: Motor-truck competition.

Tariff: Household Goods Carriers' Bureau, agent, tariff MF-I.C.C. 124.

FSA No. 39342: *Joint Motor-Rail Rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 102), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement to Southern Motor Carriers Rate Conference, agent, tariff MF-I.C.C. 1314.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-10795; Filed, Oct. 22, 1964; 8:45 a.m.]

[Notice 1066]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 20, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.



No. MC-FC 67229. By order of October 16, 1964, the Transfer Board approved the transfer to Paul A. Vizina and Troy E. Combs, a partnership, doing business as Elko Transfer & Storage Co., Elko, Nev., of the operating rights in Certificate of Registration No. MC 120707 Sub 1 issued November 29, 1963, to Delbert E. Paul, doing business as Elko Transfer and Storage, Elko, Nev., corresponding to the grant of intrastate authority to transferor issued by the Public Service Commission of Nevada, in Certificate of Public Convenience and Necessity CPC A-833. Mark C. Scott, Jr., Suite 6 Professional Center, Post Office Box 512, Elko, Nev., 89801, representative for applicants.

No. MC-FC 67257. By order of October 16, 1964, the Transfer Board approved the transfer to Delta International Movers, Inc., 4600 Wheeler Avenue, Alexandria, Va., of the operating rights in Certificate No. MC 119068, issued June 23, 1961, to Carroll The Mover, Inc., 265 Willard Street, Quincy, Mass., authorizing the transportation, over irregular routes, of: Household goods, as defined by the Commission, between points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, in nonradial movements, and in radial movements, between points in the above-named States, and points in Maine, New Hampshire, Vermont, Ohio, Michigan, Indiana, Illinois, West Virginia, North Carolina, and South Carolina, and between points in Maine, on the one hand, and, on the other, points in Massachusetts and New Hampshire.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-10796; Filed, Oct. 22, 1964; 8:46 a.m.]

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THE UNIVERSITY OF MICHIGAN
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MAIN READING ROOM


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# Codification Guide

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

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Announcing a New
Statutory Citations Guide

**HOW TO FIND U.S. STATUTES and U.S. CODE CITATIONS**

This pamphlet contains typical legal reference situations which require further citing. Official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them to make the search. Additional finding aids, some especially useful in citing current material, also have been included. Examples are furnished at pertinent points and a list of reference titles, with descriptions, is carried at the end.

**Price: 10 cents**

Compiled by: Office of the Federal Register, National Archives and Records Service, General Services Administration

[Published by the Committee on the Judiciary, House of Representatives]

Order from: Superintendent of Documents, Government Printing Office, Washington, D.C., 20402


# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 134]

### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### Limitation of Handling

**§ 910.434 Lemon Regulation 134.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 6346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 20, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 25, 1964, and ending at 12:01 a.m., P.s.t., November 1, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 106,950 cartons;
(iii) District 3: 106,950 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 22, 1964.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–10896; Filed, Oct. 23, 1964; 8:50 a.m.]

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### Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1964-Crop Oats Supp., Correction]

### PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

#### Subpart—1964-Crop Oats Loan and Purchase Program

The regulations issued by the Commodity Credit Corporation (29 F.R. 5737) with respect to oats produced in 1964 which contain specific requirements for the 1964-crop of oats are hereby corrected as follows:

1. Section 1421.2629(a) is corrected to decrease the basic support rate for Waseca County, Minnesota. The change is as follows:

MINNESOTA

| County | Rate per bushel | |
|---|---|---|
| | From— | To— |
| Waseca | $0.63 | $0.62 |

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 21, 1964.

H. D. GODFREY,
*Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 64–10875; Filed, Oct. 23, 1964; 8:49 a.m.]

## Title 12—BANKS AND BANKING

### Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

### PART 1—INVESTMENT SECURITIES REGULATION

#### Mobile County, Alabama, Board of School Commissioners Capital Outlay School Warrants

**§ 1.158 Mobile County, Alabama, Board of School Commissioners Capital Outlay School Warrants.**

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $1,500,000 Mobile County, Alabama, Board of School Commissioners Capital Outlay School Warrants dated February 1, 1961, and similar warrants issued by Boards of School Commissioners pursuant to the same statutory authority are eligible for dealing in, underwriting, and unlimited holding by National Banks pursuant to the provisions of Paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* The warrants were issued by the Board of School Commissioners of Mobile County, a public instrumentality, pursuant to the Alabama School Warrant Act. They mature at various maturity dates from February 1962 until 1979, being callable after February 1966 in inverse numerical order on any interest payment date, and they are payable solely from the proceeds of a special annual county-wide ad valorem tax on the assessed valuation of all taxable property in Mobile County. Said tax has been duly authorized at elections in said county to be levied annually until after the final maturity of the warrants and has been irrevocably pledged for payment of the principal and interest on the warrants. On the basis of present assessed valuation, the tax will produce sufficient revenues to cover debt service on all outstanding warrants.

(c) *Ruling.* It is the conclusion of this Office that the $1,500,000 Mobile County Board of School Commissioners Capital Outlay School Warrants and similar warrants issued by Boards of School Commissioners pursuant to the same statutory authority and which are supported by the same payment and security provisions do not qualify as "public securities" as set forth in § 1.3(c) and are therefore not eligible for purchase, dealing in, underwriting, and

unlimited holding by National Banks. However, it is the further conclusion of this Office that a bank may in these circumstances prudently determine that there is adequate evidence that the Mobile County Board of School Commissioners will be able to perform all that it undertakes to perform in connection with the $1,500,000 Mobile County Board of School Commissioners Capital Outlay School Warrants. If, therefore, the bank further determines that there is sufficient demand for these warrants as would enable it to liquidate its holdings with reasonable promptness at a price that corresponds reasonably to their fair value, then the $1,500,000 Mobile County Board of School Commissioners Capital Outlay School Warrants meet the requirements of § 1.5(a) and are eligible for investment by National Banks under the provisions and subject to the 10 percent limitation of Paragraph Seventh of 12 U.S.C. 24. Similar warrants issued by Boards of School Commissioners in Alabama pursuant to the same statutory authority which are supported by comparable payment and security provisions and which are marketable, as set forth above, also meet the requirements of § 1.5(a) and are eligible for investment by National Banks under the provisions and subject to the 10 percent limitation of Paragraph Seventh of 12 U.S.C. 24.

Dated: October 20, 1964.

[SEAL] JAMES J. SAXON,
*Comptroller of the Currency.*

[F.R. Doc. 64-10855, Filed, Oct. 23, 1964; 8:47 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Special Civil Air Regulations 422B, 425C]

[Regulatory Docket Nos. 3096, 5085; Amdts. 31-1 and 91-9]

## CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

This amendment adds Part 21 [New] to the Federal Aviation Regulations to replace the procedural rules governing the certification of products and parts as presently set forth in Parts 1, 3, 4b, 5, 6, 7, 8, 9, 9a, 10, 13, 14, and 410 and in Special Civil Air Regulations 422B and 425C. This amendment is part of the recodification program announced in Draft Release 61-25 published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698).

Part 21 [New] was published as a notice of proposed rule making in the FEDERAL REGISTER on May 27, 1964 (29 F.R. 6999), and given further distribution as Notice No. 64-31.

Many of the comments received recommended specific substantive changes to the regulations. Although many of the recommendations appear to be meritorious, they cannot be adopted as a part of the recodification program. The purpose of the program is simply to streamline and clarify present regulatory language and delete obsolete or redundant provisions. To attempt substantive changes, other than relaxatory ones that are completely noncontroversial, would delay the project and be contrary to the ground rules specified for it in Draft Release 61-25. However, all substantive comments received will be retained and will be given careful consideration in future regulatory projects.

As was stated in the preamble of the notice of proposed rule making of Part 21 [New], those definitions in present Part 1 (and not now in Part 1 [New] or executed in this part) that are necessary, will be recodified with the definitions of other airworthiness parts and added to Part 1 [New].

One of the comments received questioned the omission as surplusage of the .12 and .18 sections of CAR Parts 3, 4b, 5, 6, 7, 13, and 14 in the notice of proposed rule making. The .12 sections contained a direction to the Administrator to record in the type certificate the applicable regulations with which an applicant has shown compliance. This direction to the Administrator was a vestige of rules promulgated by the Civil Aeronautics Board and directed to the Administrator of the Civil Aeronautics Administration. Because of the consolidation of rule making authority in the Federal Aviation Agency, they are no longer necessary in the Federal Aviation Regulations. Section 21.41 indicates clearly that the type certificate is considered to include "the applicable regulations of this subchapter with which the Administrator records compliance".

The .18 sections generally related to the approval of materials, parts, processes, and appliances "upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the regulations in this subchapter". Paragraph (a) of this section also is no longer necessary for the reason set forth in the preceding paragraph. Paragraph (b) is covered by § 37.1 of Part 37—Technical Standard Order Authorizations [New]. However, the note to the .18 section is being retained as § 21.305 so that it is clear that there are three possible ways in which a material, part, process, or appliance may satisfy "approval" requirements.

A new § 21.307 has been added to reflect CAR §§ 10.21 and 10.31. Those sections provided for the approval of materials, parts, and appliances manufactured in a foreign country upon certification by that country that the material, part, or appliance conforms to the applicable specifications adopted by the Administrator.

The distribution table for the notice indicated that CAR § 1.74(b) would be transferred to Part 91 [New]. This paragraph was another direction to the Administrator of the Civil Aeronautics Administration by the Civil Aeronautics Board and is no longer necessary for the reasons stated previously. The prohibition against carrying passengers for compensation or hire in experimentally certificated aircraft is an operating limitation issued by the Agency and the omission of this provision does not result in any substantive change since, under § 91.31, no person may operate an aircraft contrary to its operating limitations.

The provisions of CAM § 1.77-4 have been transferred to Part 91 [New] rather than to the air carrier operating rules, as indicated in the notice, since operations under these provisions are not in air transportation.

The definition of "product" in § 21.1(e) has been broadened to include "propellers" as did the definition of that term in CAR Part 1. In addition, the term "appliances" has been deleted from this definition since the CAR Part 1 definition included only "appliances • • • eligible for a type certificate". No appliances are presently eligible for a type certificate.

The provisions relating to "production under a type certificate only" that were contained in §§ 21.53(a) and 21.55 through 21.65 of the notice have been transferred from Subpart B to a separate Subpart F. These sections do not relate to the issue of a type certificate and it is more appropriate that they be in a separate subpart immediately preceding the subpart on "production certificates".

Proposed § 21.63 (§ 21.128) has been rewritten to reflect the accepted interpretation of present CAM § 1.15-4(e) throughout the Agency and the industry. This change conforms to the existing practice of defining the production acceptance test in terms of the maximum continuous rating and the takeoff rating.

Section 21.181 has been rewritten to make it clear that an airworthiness certificate for a particular aircraft is effective only as long as the aircraft is registered in the United States. This change is not substantive, but merely clarifying in nature, since it is a statement of existing law under the Federal Aviation Act.

Section 21.189 has been rewritten to include the statement presently contained in CAR §§ 1.71 and 9.3 indicating that after June 30, 1965, no limited category airworthiness certificates will be issued unless the aircraft was previously issued an airworthiness certificate in that category. In addition, the prohibition against operating a limited category aircraft carrying persons for compensation or hire has been transferred from § 21.189 to § 91.40 since it is more appropriate in Part 91.

Section 21.197(a)(1) has been rewritten to include the performance of "maintenance" as one of the purposes for which a special flight permit may be issued. Since special flight permits have traditionally been issued for the purpose of performing maintenance and since any change that is being made is relaxatory this may be done as part of the recodification project.

Sections 21.15 and 21.47 have been changed to reflect the amendment proposed in Notice 64-7 issued February 5, 1964 (29 F.R. 2349). As amended, § 21.15 states that an application for a type certificate should be submitted to the appropriate FAA regional office. Section 21.47 incorporates the proposed amendment to CAR § 1.14 requiring the grantor of a type certificate to notify the appropriate FAA regional office within 30 days after the transaction, specifying the date of transfer, and requiring a similar notice after the termination of a licensing agreement. The Agency did not receive any adverse comments to Notice No. 64-7 and therefore these amendments are incorporated in Part 21 [New].

Section 21.77 has been amended to change the duration of a Class II provisional type certificate from "six months after the date of issue, or 60 days after the corresponding type certificate is issued whichever is first" to "twelve months after the date of issue". Section 21.77 is based on section 4 of Special Civil Air Regulation 425C. The Agency has found that in many cases the 60-day period after the issue of the type certificate is inadequate for an aircraft manufacturer to effect modifications of the provisionally certificated aircraft for conformance with the type design. By extending the duration period to twelve months the Agency believes that adequate time will be provided for any modifications necessary to conform to the type design. Since this amendment is noncontroversial and imposes no additional burden on any person it may be made without compliance with the notice and public procedure provisions of the Administrative Procedure Act.

As the preamble to Part 31 [New] stated (29 F.R. 8256), Subpart G—Certification Procedures of that part is deleted since the provisions of Part 21 [New] are applicable to manned free balloons.

Other minor changes of a technical nature have been made. They are not substantive and do not impose any burden on regulated persons.

This amendment deletes CAR Parts 1, 5, 8, 9, 9a, 10, 13, 14, and 410 and certain sections of SR 425C. The procedural requirements of Parts 3, 4b, 6, and 7 will be deleted by the separate amendments recodifying the airworthiness requirements of those parts. Those amendments will be made effective on the same date as this amendment.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. The Agency wishes to thank those persons who submitted comments for the cooperative spirit in which those comments were submitted.

In consideration of the foregoing Chapters I and III of Title 14 of the Code of Federal Regulations are amended as hereinafter set forth effective February 1, 1965.

1. Part 91 [New] is amended as follows:

a. By amending § 91.27 to read as follows:

**§ 91.27 Civil aircraft certificates required.**

(a) Except as provided in § 91.45, no person may operate a civil aircraft unless it has within it—

(1) An appropriate and current airworthiness certificate or special flight permit; and

(2) A registration certificate issued to its owner.

(b) No person may operate a civil aircraft unless the airworthiness certificate required by paragraph (a) of this section is displayed at the cabin or cockpit entrance so that it is legible to passengers or crew.

b. By adding a new § 91.40 reading as follows:

**§ 91.40 Limited category civil aircraft; operating limitations.**

No person may operate a limited category civil aircraft carrying persons or property for compensation or hire.

(c) By adding a new § 91.45 reading as follows:

**§ 91.45 Authorization for air carrier ferry flight of a four-engine airplane with one engine inoperative.**

(a) *General.* An air carrier may conduct a ferry flight of a four-engine airplane with one engine inoperative, to a base for the purpose of repairing that engine if the following requirements are met:

(1) The airplane model has been test flown and found satisfactory for safe flight in accordance with paragraph (b) of this section.

(2) The approved Airplane Flight Manual contains the following performance data and the flight is conducted in accordance with that data:

(i) Maximum weight.

(ii) Center of gravity limits.

(iii) Configuration of the inoperative propeller.

(iv) Runway length for takeoff.

(v) Altitude range.

(3) The air carrier's manual contains operating procedures for the safe operation of the airplane, including specific requirements for—

(i) Operations from airports where the runways may require a takeoff or approach over populated areas; and

(ii) Inspection procedures for determining the operating condition of the operative engines.

(4) No person may take off an airplane under this section if—

(i) The initial climb is over thickly populated areas; or

(ii) Weather conditions at the takeoff or destination airport are less than those required for VFR flight.

(5) No air carrier may carry any person, other than required flight crewmembers on board the airplane during the flight.

(6) No air carrier may use a flight crewmember unless he is thoroughly familiar with the operating procedures for one-engine inoperative ferry flights listed in the air carrier's manual and the limitations and performance information listed in the Airplane Flight Manual.

(b) *Flight tests.* The airplane performance with one-engine inoperative must be determined by flight test as follows:

(1) A speed not less than 1.3 $V_{S_1}$ must be chosen at which the airplane may be controlled satisfactorily in a climb with the critical engine inoperative (with its propeller removed or in a configuration desired by the air carrier) and with all other engines operating at the maximum power determined in subparagraph (3) of this paragraph.

(2) The distance required to accelerate to the speed listed in subparagraph (1) of this paragraph and to climb to 50 feet must be determined—

(i) With the landing gear extended;

(ii) The critical engine inoperative and its propeller removed or in a configuration desired by the air carrier; and

(iii) The other engines operating at not more than the maximum power established under subparagraph (3) of this paragraph.

(3) The takeoff, flight, and landing procedures such as the approximate trim settings, method of power application, maximum power, and speed, must be established.

(4) The performance must be determined at a maximum weight not greater than the weight that allows a rate of climb of at least 400 feet a minute in the en route configuration set forth in § 25. ___ (4b.120(c)) at an altitude of 5,000 feet.

2. Part 31 [New] is amended by deleting Subpart G thereof.

3. Parts 1, 5, 8, 9, 9a, 10, 13, 14, and 410, and sections 1 through 12 of Special Civil Air Regulation 425C are deleted.

4. A Part 21 [New] reading as follows is added.

(Secs. 311, 313(a), 314, 601, 603, 607, 608, 609, 1102, Federal Aviation Act of 1958; 49 U.S.C. 1352, 1354(a), 1355, 1421, 1423, 1427, 1428, 1429, and 1502)

Issued in Washington, D.C., on October 14, 1964.

N. E. HALABY,
*Administrator.*

## PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS [NEW]

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21.29 Issue of type certificate: import products.
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AUTHORITY: The provisions of this Part 21 issued under secs. 311, 313(a), 314, 601, 603, 607, 608, 609, 1102 Federal Aviation Act of 1958; 49 U.S.C. 1352, 1354(a), 1355, 1421, 1423, 1427, 1428, 1429, 1502.

## Subpart A—General

### § 21.1 Applicability.

(a) This part prescribes—

(1) Procedural requirements for the issue of type certificates and changes to those certificates; the issue of production certificates; and the issue of airworthiness certificates;

(2) Rules governing the holders of any certificate specified in subparagraph (1) of this paragraph;

(3) Procedural requirements for the approval of certain materials, parts, processes, and appliances; and

(4) Delegation option procedures for the certification of small airplanes, small gliders, engines, and propellers.

(b) For the purposes of this part, the word "product" means an aircraft, aircraft engine, or propeller.

## Subpart B—Type Certificates

### § 21.11 Applicability.

This subpart prescribes—

(a) Procedural requirements for the issue of type certificates for aircraft, aircraft engines, and propellers; and

(b) Rules governing the holders of those certificates.

### § 21.13 Eligibility.

Any person may apply for a type certificate.

### § 21.15 Application for type certificate.

(a) An application for a type certificate is made on a form and in a manner prescribed by the Administrator and is submitted to the appropriate FAA regional office.

(b) An application for an aircraft type certificate must be accompanied by a three-view drawing of that aircraft and available preliminary basic data.

### § 21.17 Designation of applicable regulations.

(a) An applicant for a type certificate (other than for restricted category, import, or surplus military, aircraft) must show that the aircraft, aircraft engine, or propeller concerned meets the applicable requirements of this subchapter that are effective on the date of application for that certificate,unless—

(1) Otherwise specified by the Administrator; or

(2) Compliance with later effective amendments is elected or required under this section.

(b) If the interval between the date of application for a type certificate for a product and the issue of that type certificate exceeds the applicable number of years set forth below, a new application for a type certificate must be filed. An applicant may elect to file a new application before the expiration of the specified period. In either case, paragraph (a) of this section applies to the new application as if it were an original application. The applicable time limits are as follows:

(1) Application for type certification of a transport category aircraft—five years.

(2) Application for any other type certificate—three years.

(c) If an applicant elects to comply with an amendment to this subchapter that is effective after the filing of the application for a type certificate, he must also comply with any other amendment that the Administrator finds is directly related.

### § 21.19 Changes requiring a new type certificate.

Any person who proposes to change a product must make a new application for a type certificate if—

(a) The Administrator finds that the proposed change in design, configuration, power, power limitations (engines), speed limitations (engines), or weight is so extensive that a substantially complete investigation of compliance with the applicable regulations is required;

(b) In the case of a normal, utility, acrobatic, or transport category aircraft, the proposed change is—

(1) In the number of engines or rotors; or

(2) To engines or rotors using different principles of propulsion or to rotors using different principles of operation;

(c) In the case of an aircraft engine, the proposed change is in the principle of operation; or



(d) In the case of propellers, the proposed change is in the number of blades or principle of pitch change operation.

### § 21.21 Issue of type certificate: normal, utility, acrobatic, and transport category aircraft; aircraft engines; propellers.

An applicant is entitled to a type certificate for an aircraft in the normal, utility, acrobatic, or transport category, or for a manned free balloon or an aircraft engine or propeller, if—

(a) The product qualifies under § 21.27; or

(b) The applicant submits the type design, test reports and computations necessary to show that the product to be certificated meets with the applicable airworthiness requirements of the Federal Aviation Regulations and the Administrator finds—

(1) Upon examination of the type design and after completing all tests and inspections, that the type design and the product meet the applicable airworthiness requirements of the Federal Aviation Regulations or that any provisions not complied with are compensated for by factors that provide an equivalent level of safety; and

(2) For an aircraft, that no feature or characteristic makes it unsafe for the category in which certification is requested, or for aircraft engines and propellers that no feature or characteristic makes it unsafe for use on aircraft.

### § 21.23 Issue of type certificate: gliders.

An applicant is entitled to a type certificate for a glider if he submits the type design, test reports, and computations necessary to show that the glider meets with the applicable airworthiness requirements and the Administrator finds—

(a) That the glider complies with those airworthiness requirements of Part 23 [New] or Part 27 [New] of this chapter found by him to be appropriate for gliders and applicable to the specific type design; and

(b) That there is no unsafe feature or characteristic of the glider.

### § 21.25 Issue of type certificate: restricted category aircraft.

(a) An applicant is entitled to a type certificate for an aircraft in the restricted category for special purpose operations if he shows that no feature or characteristic of the aircraft makes it unsafe when it is operated under the limitations prescribed for its intended use, and that the aircraft—

(1) Meets the airworthiness requirements of an aircraft category except those requirements that the Administrator finds inappropriate for the special purpose for which the aircraft is to be used; or

(2) Is of a type that has been manufactured in accordance with the requirements of and accepted for use by, an Armed Force of the United States and has been later modified for a special purpose.

(b) For the purposes of this section, "special purpose operations" includes—

(1) Agricultural (spraying, dusting, and seeding, and livestock and predatory animal control);

(2) Forest and wildlife conservation;

(3) Aerial surveying (photography, mapping, and oil and mineral exploration);

(4) Patrolling (pipelines, power lines, and canals);

(5) Weather control (cloud seeding);

(6) Aerial advertising (skywriting, banner towing, airborne signs and public address systems); and

(7) Any other operation specified by the Administrator.

### § 21.27 Issue of type certificate: surplus aircraft of the Armed Forces.

(a) Except as provided in paragraph (b) of this section, an applicant is entitled to a type certificate for an aircraft in the normal, utility, acrobatic, or transport category that was designed and constructed in the United States, accepted for operational use, and declared surplus by, an Armed Force of the United States, and that is shown to comply with the applicable certification requirements in paragraph (f) of this section.

(b) An applicant is entitled to a type certificate for a surplus aircraft of the Armed Forces of the United States that is a counterpart of a previously type certificated civil aircraft, if he shows compliance with the regulations governing the original civil aircraft type certificate.

(c) Aircraft engines, propellers, and their related accessories installed in surplus Armed Forces aircraft, for which a type certificate is sought under this section, will be approved for use on those aircraft if the applicant shows that on the basis of the previous military qualifications, acceptance, and service record, the product provides substantially the same level of airworthiness as would be provided if the engines or propellers were type certificated under Parts 33 [New] or 35 [New] of the Federal Aviation Regulations.

(d) The Administrator may relieve an applicant from strict compliance with a specific provision of the applicable requirements in paragraph (f) of this section, if the Administrator finds that the method of compliance proposed by the applicant provides substantially the same level of airworthiness and that strict compliance with those regulations would impose a severe burden on the applicant. The Administrator may use experience that was satisfactory to an Armed Force of the United States in making such a determination.

(e) The Administrator may require an applicant to comply with special conditions and later requirements than those in paragraphs (c) and (f) of this section, if the Administrator finds that compliance with the listed regulations would not ensure an adequate level of airworthiness for the aircraft.

(f) Except as provided in paragraphs (b) through (e) of this section, an applicant for a type certificate under this section must comply with the appropriate regulations listed in the following table:

| Type of aircraft | Date accepted for operational use by the Armed Force of the United States | Regulations that apply [1] |
|---|---|---|
| Small reciprocating-engine powered airplanes. | Before May 16, 1956 | CAR Part 3, as effective May 15, 1956. |
| | After May 15, 1956 | CAR Part 3 or FAR Part 23. |
| Small turbine engine-powered airplanes. | Before Oct. 2, 1959 | CAR Part 3, as effective Oct. 1, 1959. |
| | After Oct. 1, 1959 | CAR Part 3 or FAR Part 23. |
| Large reciprocating-engine powered airplanes. | Before Aug. 26, 1955 | CAR Part 4b, as effective Aug. 25, 1955. |
| | After Aug. 25, 1955 | CAR Part 4b or FAR Part 25. |
| Large turbine engine-powered airplanes. | Before Oct. 2, 1959 | CAR Part 4b, as effective Oct. 1, 1959. |
| | After Oct. 1, 1959 | CAR Part 4b or FAR Part 25. |
| Rotorcraft with maximum certificated takeoff weight of: | | |
| 6,000 pounds or less | Before Oct. 2, 1959 | CAR Part 6, as effective Oct. 1, 1959. |
| | After Oct. 1, 1959 | CAR Part 6 or FAR Part 27. |
| Over 6,000 pounds | Before Oct. 2, 1959 | CAR Part 7, as effective Oct. 1, 1959. |
| | After Oct. 1, 1959 | CAR Part 7 or FAR Part 29. |

[1] Where no specific date is listed, the applicable regulations are those in effect on the date that the first aircraft of the particular model was accepted for operational use by the Armed Force.

### § 21.29 Issue of type certificate: import products.

(a) An applicant is entitled to a type certificate for a product manufactured in a foreign country with which the United States has an agreement for the acceptance of those products for export and import—

(1) If the country in which the product was manufactured certifies that the product has been examined, tested, and found to meet the applicable airworthiness requirements of—

(i) This subchapter; or

(ii) The country in which the product was manufactured and any other requirements the Administrator may prescribe to provide a level of safety equivalent to that provided by the applicable airworthiness requirements of this subchapter; and

(iii) The applicant has submitted the technical data respecting the product required by the Administrator.

(b) A product type certificated under this section is considered to be type certificated under the airworthiness standards of that part of the Federal Aviation Regulations with which compliance is certified under paragraph (a)(1)(i) of this section or to which an equivalent level of safety is certified under paragraph (a)(1)(ii) of this section.

### § 21.31 Type design.

The type design consists of—

(a) The drawings and specifications necessary to show the configuration of the product concerned and the design features covered in the requirements of that part of this subchapter applicable to the product;

(b) Information on dimensions, materials, and processes necessary to define the structural strength of the product; and

(c) Any other data necessary to allow, by comparison, the determination of the airworthiness of later products of the same type.

**§ 21.33 Inspection and tests.**

(a) Each applicant must allow the Administrator to make any inspections and, in the case of aircraft, any flight tests necessary to determine compliance with the applicable requirements of the Federal Aviation Regulations.

(b) Each applicant must make all inspections and tests necessary to determine—

(1) Compliance with the applicable airworthiness requirements;

(2) That materials and products conform to the specifications in the type design;

(3) That parts of the products conform to the drawings in the type design; and

(4) That the manufacturing processes, construction and assembly conform to those specified in the type design.

**§ 21.35 Flight tests.**

(a) Each applicant for an aircraft type certificate (other than under §§ 21.25 through 21.29) must make the tests listed in paragraph (b) of this section. Before making the tests the applicant must show—

(1) Compliance with the applicable structural requirements of this subchapter;

(2) Completion of necessary ground inspections and tests;

(3) That the aircraft conforms with the type design; and

(4) That the Administrator received a flight test report from the applicant (signed, in the case of aircraft to be certificated under Part 25 [New] of this chapter, by the applicant's test pilot) containing the results of his tests.

(b) Upon showing compliance with paragraph (a) of this section, the applicant must make all flight tests that the Administrator finds necessary—

(1) To determine compliance with the applicable requirements of this subchapter; and

(2) For aircraft to be certificated under this subchapter, except gliders and except airplanes of 6,000 lbs. or less maximum certificated weight that are to be certificated under Part 23 [New] of this chapter, to determine whether there is reasonable assurance that the airplane, its components, and its equipment are reliable and function properly.

(c) Each applicant must, if practicable, make the tests prescribed in paragraph (b)(2) of this section upon the aircraft that was used to show compliance with—

(1) Paragraph (b)(1) of this section; and

(2) For rotorcraft, the rotor drive endurance tests prescribed in § 27.923 or § 29.923 of this chapter, as applicable.

(d) Each applicant must show for each flight test (except in a glider or a manned free balloon) that adequate provision is made for the flight test crew for emergency egress and the use of parachutes.

(e) Except in gliders and manned free balloons, an applicant must discontinue flight tests under this section until he shows that corrective action has been taken, whenever—

(1) The applicant's test pilot is unable or unwilling to make any of the required flight tests; or

(2) Items of noncompliance with requirements are found that may make additional test data meaningless or that would make further testing unduly hazardous.

**§ 21.37 Flight test pilot.**

Each applicant for a normal, utility, acrobatic, or transport category aircraft type certificate must provide a person holding an appropriate pilot certificate to make the flight tests required by this part.

**§ 21.39 Flight test instrument calibration and correction report.**

(a) Each applicant for a normal, utility, acrobatic, or transport category aircraft type certificate must submit a report to the Administrator showing the computations and tests required in connection with the calibration of instruments used for test purposes and in the correction of test results to standard atmospheric conditions.

(b) Each applicant must allow the Administrator to conduct any flight tests that he finds necessary to check the accuracy of the report submitted under paragraph (a) of this section.

**§ 21.41 Type certificate.**

Each type certificate is considered to include the type design, the operating limitations, the certificate data sheet, the applicable regulations of this subchapter with which the Administrator records compliance, and any other conditions or limitations prescribed for the product in this subchapter.

**§ 21.43 Location of manufacturing facilities.**

Except as provided in § 21.29, the Administrator does not issue a type certificate if the manufacturing facilities for the product are located outside of the United States, unless the Administrator finds that the location of the manufacturer's facilities places no undue burden on the FAA in administering applicable airworthiness requirements.

**§ 21.45 Privileges.**

The holder or licensee of a type certificate for a product may—

(a) In the case of aircraft, upon compliance with §§ 21.173 through 21.189, obtain airworthiness certificates;

(b) In the case of aircraft engines or propellers, obtain approval for installation on certificated aircraft; and

(c) In the case of any product, upon compliance with §§ 21.133 through 21.163, obtain a production certificate for the type certificated product.

(d) Obtain approval of replacement parts for that product.

**§ 21.47 Transferability.**

A type certificate may be transferred to or made available to third persons by licensing agreements. Each grantor shall, within 30 days after the transfer of a certificate or execution or termination of a licensing agreement, notify in writing the appropriate FAA Regional Office. The notification must state the name and address of the transferee or licensee, date of the transaction, and in the case of a licensing agreement, the extent of authority granted the licensee.

**§ 21.49 Availability.**

The holder of a type certificate shall make the certificate available for examination upon the request of the Administrator or the Civil Aeronautics Board.

**§ 21.51 Duration.**

A type certificate is effective until surrendered, suspended, revoked, or a termination date is otherwise established by the Administrator.

**§ 21.53 Statement of conformity.**

Each applicant must submit a statement of conformity to the Administrator for each prototype presented for type certification.

## Subpart C—Provisional Type Certificates

**§ 21.71 Applicability.**

This subpart prescribes—

(a) Procedural requirements for the issue of provisional type certificates, amendments to provisional type certificates, and provisional amendments to type certificates; and

(b) Rules governing the holders of those certificates.

**§ 21.73 Eligibility.**

(a) Any manufacturer of aircraft manufactured within the United States who is a United States citizen may apply for Class I or Class II provisional type certificates, for amendments to provisional type certificates held by him, and for provisional amendments to type certificates held by him.

(b) An aircraft engine manufacturer who is a United States citizen and who has altered a type certificated aircraft by installing different type certificated aircraft engines manufactured by him within the United States may apply for a Class I provisional type certificate for the aircraft, and for amendments to Class I provisional type certificates held by him, if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, or transport category.

**§ 21.75 Application.**

Applications for provisional type certificates, for amendments thereto, and for provisional amendments to type certificates must be submitted to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, of the region in which the applicant is located (or, in the case of the Western Region, the Chief, Aircraft Engineering Division), and must be accompanied by the pertinent information specified in this subpart.



**§ 21.77 Duration.**

(a) Unless sooner surrendered, superseded, revoked, or otherwise terminated, provisional type certificates and amendments thereto are effective for the periods specified in this section.

(b) A Class I provisional type certificate is effective for 24 months after the date of issue, or until—

(1) The corresponding type certificate or supplemental type certificate is issued, whichever is first; or

(2) A Class II provisional type certificate is issued for aircraft of the same type design.

(c) A Class II provisional type certificate is effective for twelve months after the date of issue.

(d) An amendment to a Class I or Class II provisional type certificate is effective for the duration of the amended certificate.

(e) A provisional amendment to a type certificate is effective for six months after its approval or until the amendment of the type certificate is approved, whichever is first.

**§ 21.79 Transferability.**

Provisional type certificates are not transferable.

**§ 21.81 Requirements for issue and amendment of Class I provisional type certificates.**

(a) An applicant is entitled to the issue or amendment of a Class I provisional type certificate if he shows compliance with this section and the Administrator finds that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated in accordance with the limitations established in paragraph (e) of this section and in § 91.41 [New] of this chapter.

(b) The applicant must apply for the issue of a type or supplemental type certificate for the aircraft.

(c) The applicant must certify that—

(1) The aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type or supplemental type certificate applied for;

(2) The aircraft substantially meets the applicable flight characteristic requirements for the type or supplemental type certificate applied for; and

(3) The aircraft can be operated safely under the appropriate operating limitations specified in paragraph (a) of this section.

(d) The applicant must submit a report showing that the aircraft had been flown in all maneuvers necessary to show compliance with the flight requirements for the issue of the type or supplemental type certificate applied for, and to establish that the aircraft can be operated safely in accordance with the limitations contained in this subchapter.

(e) The applicant must establish all limitations required for the issue of the type or supplemental type certificate applied for, including limitations on weights, speeds, flight maneuvers, loading, and operation of controls and equipment unless, for each limitation not so established, appropriate operating restrictions are established for the aircraft.

(f) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(g) The applicant must show that a prototype aircraft has been flown for at least 50 hours under an experimental certificate issued under §§ 21.191 through 21.195, or under the auspices of an Armed Force of the United States. However, in the case of an amendment to a provisional type certificate, the Administrator may reduce the number of required flight hours.

**§ 21.83 Requirements for issue and amendment of Class II provisional type certificates.**

(a) An applicant is entitled to the issue or amendment of a Class II provisional type certificate if he shows compliance with this section and the Administrator finds that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated in accordance with the limitations in paragraph (g) of this section, § 91.41 [New] of this chapter, and § ------ (present SR 425C § 14).

(b) The applicant must apply for a type certificate, in the transport category, for the aircraft.

(c) The applicant must hold a type certificate and a current production certificate for at least one other aircraft in the same transport category as the subject aircraft.

(d) The FAA's official flight test program with respect to the issue of a type certificate for the aircraft must be in progress.

(e) The applicant must certify that—

(1) The aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate applied for;

(2) The aircraft substantially complies with the applicable flight characteristic requirements for the type certificate applied for; and

(3) The aircraft can be operated safely under the appropriate operating limitations in this subchapter.

(f) The applicant must submit a report showing that the aircraft has been flown in all maneuvers necessary to show compliance with the flight requirements for the issue of the type certificate and to establish that the aircraft can be operated safely in accordance with the limitations in this subchapter.

(g) The applicant must prepare a provisional aircraft flight manual containing all limitations required for the issue of the type certificate applied for, including limitations on weights, speeds, flight maneuvers, loading, and operation of controls and equipment unless, for each limitation not so established, appropriate operating restrictions are established for the aircraft.

(h) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(i) The applicant must show that a prototype aircraft has been flown for at least 100 hours under an experimental certificate issued under §§ 21.191 through 21.195, or under a Class I provisional airworthiness certificate. However, in the case of an amendment to a provisional type certificate, the Administrator may reduce the number of required flight hours.

**§ 21.85 Provisional amendments to type certificates.**

(a) An applicant is entitled to a provisional amendment to a type certificate, if he shows compliance with this section and the Administrator finds that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated under the appropriate limitations contained in this subchapter.

(b) The applicant must apply for an amendment to the type certificate.

(c) The FAA's flight test program with respect to the amendment of the type certificate must be in progress.

(d) The applicant must certify that—

(1) The modification involved in the amendment to the type certificate has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate for the aircraft;

(2) The aircraft substantially complies with the applicable flight characteristic requirements for the type certificate; and

(3) The aircraft can be operated safely under the appropriate operating limitations specified in § 91.41 [New] and §§ ------ and ------ (present SR 425C §§ 14 and 15) of this chapter.

(e) The applicant must submit a report showing that the aircraft incorporating the modifications involved has been flown in all maneuvers necessary to show compliance with the flight requirements applicable to those modifications and to establish that the aircraft can be operated safely in accordance with the limitations specified in § 91.41 [New] and §§ ------ and ------ (present SR 425C §§ 14 and 15) of this section.

(f) The applicant must establish and publish, in a provisional aircraft flight manual or other document and on appropriate placards, all limitations required for the issue of the type certificate applied for, including weight, speed, flight maneuvers, loading, and operation of controls and equipment, unless, for each limitation not so established, appropriate operating restrictions are established for the aircraft.

(g) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(h) The applicant must operate an aircraft modified in accordance with the corresponding amendment to the type certificate under an experimental certificate issued under §§ 21.191 through 21.195 for the number of hours found necessary by the Administrator.

## Subpart D—Changes to Type Certificates

**§ 21.91 Applicability.**

This subpart prescribes procedural requirements for the approval of changes to type certificates.

**§ 21.93 Classification of changes in type design.**

Changes in type design are classified as minor and major. A "minor change" is one that has no appreciable effect on the weight, balance, structural strength, reliability, operational characteristics, or other characteristics affecting the airworthiness of the product. All other changes are "major changes".

**§ 21.95 Approval of minor changes in type design.**

Minor changes in a type design may be approved under a method acceptable to the Administrator before submitting to the Administrator any substantiating or descriptive data.

**§ 21.97 Approval of major changes in type design.**

In the case of a major change in type design, the applicant must submit substantiating data and necessary descriptive data for inclusion in the type design.

**§ 21.99 Service experience changes.**

(a) When an Airworthiness Directive is issued under Part 39 [New] the holder of the type certificate for the product concerned must—

(1) If the Administrator finds that design changes are necessary to correct the unsafe condition of the product, and upon his request, submit appropriate design changes for approval; and

(2) Upon approval of the design changes, make available the descriptive data covering the changes to all operators of products previously certificated under the type certificate.

(b) In a case where there are no current unsafe conditions, but the Administrator or the holder of the type certificate finds through service experience that changes in type design will contribute to the safety of the product, the holder of the type certificate may submit appropriate design changes for approval. Upon approval of the changes, the manufacturer shall make information on the design changes available to all operators of the same type of product.

**§ 21.101 Designation of applicable regulations.**

(a) An applicant for a change to a type certificate must comply with either—

(1) The regulations incorporated by reference in the type certificate; or

(2) The applicable regulations in effect on the date of the application, plus any other amendments the Administrator finds to be directly related.

(b) Where the Administrator finds that a proposed change consists of a new design or a substantially complete redesign of a component, equipment installation, or system installation, and that the regulations incorporated by reference in the type certificate for the product do not provide complete standards with respect to the proposed change, the applicant must comply with the applicable provisions of this subchapter in effect on the date of the application for the change found by the Administrator to provide a level of safety equal to that established by the regulations incorporated by reference in the type certificate for the product.

(c) Unless otherwise required by § 21.19(a), an applicant for a change to a type certificate for a transport category airplane involving the replacement of reciprocating engines with the same number of turbopropeller powerplants must comply with the requirements of Part 25 [New] of this chapter applicable to the airplane as type certificated with reciprocating engines, and with the following:

(1) The certification performance requirements prescribed in §§ 25.101 through 25.125 and 25.149, 25.1533, 25.1583, and 25.1587.

(2) The powerplant requirements of Part 25 [New] of this chapter applicable to turbopropeller engine-powered airplanes.

(3) The requirements of Part 25 [New] of this chapter for the standardization of cockpit controls and instruments, unless the Administrator finds that compliance with a particular detailed requirement would be impractical and would not contribute materially to standardization.

(4) Any other requirement of Part 25 [New] of this chapter applicable to turbopropeller engine-powered airplanes that the Administrator finds to be related to the changes in engines and that are necessary to ensure a level of safety equal to that of the airplane certificated with reciprocating engines.

For each new limitation established with respect to weight, speed, or altitude that is significantly altered from those approved for the airplane with reciprocating engines, the applicant must show compliance with the requirements of Part 25 [New] of this chapter applicable to the limitation being changed.

## Subpart E—Supplemental Type Certificates

**§ 21.111 Applicability.**

This subpart prescribes procedural requirements for the issue of supplemental type certificates.

**§ 21.113 Requirement of supplemental type certificate.**

Any person who alters a product by introducing a major change in type design, not great enough to require a new application for a type certificate under § 21.19, shall apply to the Administrator for a supplemental type certificate, except that the holder of a type certificate for the product may apply for amendment of the original type certificate. The application must be made in a form and manner prescribed by the Administrator.

**§ 21.115 Applicable airworthiness requirements.**

Each applicant for a supplemental type certificate must show that the altered product meets applicable airworthiness requirements as specified in paragraphs (a) and (b) of § 21.101.

**§ 21.117 Issue of supplemental type certificates.**

(a) An applicant is entitled to a supplemental type certificate if he meets the requirements of §§ 21.113 and 21.115.

(b) A supplemental type certificate consists of—

(1) The approval by the Administrator of a change in the type design of the product; and

(2) The type certificate previously issued for the product.

**§ 21.119 Privileges.**

The holder of a supplemental type certificate may—

(a) In the case of aircraft, obtain airworthiness certificates;

(b) In the case of other products, obtain approval for installation on certificated aircraft; and

(c) Obtain a production certificate for the change in the type design that was approved by that supplemental type certificate.

## Subpart F—Production Under Type Certificate Only

**§ 21.121 Applicability.**

This subpart prescribes rules for production under a type certificate only.

**§ 21.123 Production under type certificate.**

Each manufacturer of a product being manufactured under a type certificate only shall—

(a) Make each product available for inspection by the Administrator;

(b) Maintain at the place of manufacture the technical data and drawings necessary for the Administrator to determine whether the product and its parts conform to the type design; and

(c) For products manufactured more than six months after the date of issue of the type certificate, establish and maintain an approved production inspection system that ensures that each product conforms to the type design and is in condition for safe operation.

**§ 21.125 Production inspection system: Materials Review Board.**

(a) Each manufacturer required to establish a production inspection system by § 21.123(c) shall—

(1) Establish a Materials Review Board (to include representatives from the inspection and engineering departments) and materials review procedures; and

(2) Maintain complete records of Materials Review Board action for at least two years.

(b) The production inspection system required in § 21.123(c) must provide a means for determining at least the following:

(1) Incoming materials, and bought or subcontracted parts, used in the finished product must be as specified in the type design data, or must be suitable equivalents.

(2) Incoming materials, and bought or subcontracted parts, must be properly identified if their physical or chemical properties cannot be readily and accurately determined.

(3) Materials subject to damage and deterioration must be suitably stored and adequately protected.

(4) Processes affecting the quality and safety of the finished product must be accomplished in accordance with acceptable industry or United States specifications.

(5) Parts and components in process must be inspected for conformity with the type design data at points in production where accurate determinations can be made.

(6) Current design drawings must be readily available to manufacturing and inspection personnel, and used when necessary.

(7) Design changes, including material substitutions, must be controlled and approved before being incorporated in the finished product.

(8) Rejected materials and parts must be segregated and identified in a manner that precludes installation in the finished product.

(9) Materials and parts that are withheld because of departures from design data or specifications, and that are to be considered for installation in the finished product, must be processed through the Materials Review Board. Those materials and parts determined by the Board to be serviceable must be properly identified and reinspected if rework or repair is necessary. Materials and parts rejected by the Board must be marked and disposed of to ensure that they are not incorporated in the final product.

(10) Inspection records must be maintained, identified with the completed product where practicable, and retained by the manufacturer for at least two years.

**§ 21.127 Tests: aircraft.**

(a) Each person manufacturing aircraft under a type certificate only shall establish an approved production flight test procedure and flight check-off form, and in accordance with that form, flight test each aircraft produced.

(b) Each production flight test procedure must include the following:

(1) An operational check of the trim, controllability, or other flight characteristics to establish that the production aircraft has the same range and degree of control as the prototype aircraft.

(2) An operational check of each part or system operated by the crew while in flight to establish that, during flight, instrument readings are within normal range.

(3) A determination that all instruments are properly marked, and that all placards and required flight manuals are installed after flight test.

(4) A check of the operational characteristics of the aircraft on the ground.

(5) A check on any other items peculiar to the aircraft being tested that can best be done during the ground or flight operation of the aircraft.

**§ 21.128 Tests: aircraft engines.**

(a) Each person manufacturing aircraft engines under a type certificate only shall subject each engine (except rocket engines for which the manufacturer must establish a sampling technique) to an acceptable test run that includes the following:

(1) Break-in runs that include a determination of fuel and oil consumption and a determination of power characteristics at the maximum continuous rating and, if applicable, at the takeoff rating.

(2) At least five hours of operation at the maximum continuous rating. For engines having a takeoff rating higher than the maximum continuous rating, the five-hour run must include 30 minutes at the takeoff rating.

(b) The test runs required by paragraph (a) of this section may be made with the engine appropriately mounted and using current types of power and thrust measuring equipment.

**§ 21.129 Tests: propellers.**

Each person manufacturing propellers under a type certificate only shall give each variable pitch propeller an acceptable functional test to determine if it operates properly throughout the normal range of operation.

**§ 21.130 Statement of conformity.**

Each holder or licensee of a type certificate only shall, upon the initial transfer by him of the ownership of each product manufactured under that type certificate, or upon application for the original issue of an aircraft airworthiness certificate, give the Administrator a statement of conformity on FAA Form 317. This statement must be signed by an authorized person who holds a responsible position in the manufacturing organization, and must include—

(a) For each aircraft, a statement that the aircraft has been flight checked; and

(b) For each aircraft engine or variable pitch propeller, a statement that the engine or propeller has been subjected by the manufacturer to a final operational check.

However, in the case of a product manufactured for an Armed Force of the United States, a statement of conformity is not required if the product has been accepted by that Armed Force.

## Subpart G—Production Certificates

**§ 21.131 Applicability.**

This subpart prescribes procedural requirements for the issue of production certificates and rules governing the holders of those certificates.

**§ 21.133 Eligibility.**

(a) Any person may apply for a production certificate if he holds, for the product concerned, a—

(1) Current type certificate;

(2) Right to the benefits of that type certificate under a licensing agreement; or

(3) Supplemental type certificate.

(b) Each application for a production certificate must be made in a form and manner prescribed by the Administrator.

**§ 21.135 Requirements for issuance.**

An applicant is entitled to a production certificate if the Administrator finds, after examination of the supporting data and after inspection of the organization and production facilities, that the applicant has complied with §§ 21.139 and 21.143.

**§ 21.137 Location of manufacturing facilities.**

The Administrator does not issue a production certificate if the manufacturing facilities concerned are located outside the United States, unless the Administrator finds no undue burden on the United States in administering the applicable requirements of the Federal Aviation Act of 1958 or of the Federal Aviation Regulations.

**§ 21.139 Quality control.**

The applicant must show that he has established and can maintain a quality control system for any product, for which he requests a production certificate, so that each article will meet the design provisions of the pertinent type certificate.

**§ 21.143 Quality control data requirements; prime manufacturer.**

(a) Each applicant must submit, for approval, data describing the inspection and test procedures necessary to ensure that each article produced conforms to the type design and is in a condition for safe operation, including as applicable—

(1) A statement describing assigned responsibilities and delegated authority of the quality control organization, together with a chart indicating the functional relationship of the quality control organization to management and to other organizational components, and indicating the chain of authority and responsibility within the quality control organization;

(2) A description of inspection procedures for raw materials, purchased items, and parts and assemblies produced by subsidiary manufacturers, including methods used to ensure acceptable quality of parts and assemblies that cannot be completely inspected for conformity and quality when delivered to the prime manufacturer's plant;

(3) A description of the methods used for production inspection of individual parts and complete assemblies, including the identification of any special manufacturing processes involved, the means used to control the processes, the final test procedure for the complete product, and, in the case of aircraft, a copy of the manufacturer's production flight test procedures and checkoff list;

(4) An outline of the materials review system, including the procedure for recording review board decisions and disposing of rejected parts;

(5) An outline of a system for informing company inspectors of current changes in engineering drawings, specifications, and quality control procedures; and

(6) A list or chart showing the location and type of inspection stations.

(b) Each prime manufacturer shall make available to the Administrator information regarding all delegation of authority to subsidiary manufacturers to make major inspections of parts or assemblies for which the prime manufacturer is responsible.

**§ 21.147 Changes in quality control system.**

After the issue of a production certificate, each change to the quality control

system is subject to review by the Administrator. The holder of a production certificate shall immediately notify the Administrator, in writing, of any change that may affect the inspection, conformity, or airworthiness of the product.

**§ 21.149 Multiple products.**

The Administrator may authorize more than one type certificated product to be manufactured under the terms of one production certificate, if the products have similar production characteristics.

**§ 21.151 Production limitation record.**

A production limitation record is issued as part of a production certificate. The record lists the type certificate of every product that the applicant is authorized to manufacture under the terms of the production certificate.

**§ 21.153 Amendment of the production certificates.**

The holder of a production certificate desiring to amend it to add a type certificate or model, or both, must apply therefor in a form and manner prescribed by the Administrator. The applicant must comply with the applicable requirements of §§ 21.139, 21.143, and 21.147.

**§ 21.155 Transferability.**

A production certificate is not transferable.

**§ 21.157 Inspections and tests.**

Each holder of a production certificate shall allow the Administrator to make any inspections and tests necessary to determine compliance with the applicable regulations in this subchapter.

**§ 21.159 Duration.**

A production certificate is effective until surrendered, suspended, revoked, or a termination date is otherwise established by the Administrator, or the location of the manufacturing facility is changed.

**§ 21.161 Display.**

The holder of a production certificate shall display it prominently in the main office of the factory in which the product concerned is manufactured.

**§ 21.163 Privileges.**

The holder of a production certificate may—

(a) Obtain an aircraft airworthiness certificate without further showing, except that the Administrator may inspect the aircraft for conformity with the type design; or

(b) In the case of other products, obtain approval for installation on certificated aircraft.

**§ 21.165 Responsibility of holder.**

The holder of a production certificate shall—

(a) Maintain the quality control system in conformity with the data and procedures approved for the production certificate; and

(b) Determine that each completed product submitted for airworthiness certification or approval conforms to the type design and is in a condition for safe operation.

## Subpart H—Airworthiness Certificates

**§ 21.171 Applicability.**

This subpart prescribes procedural requirements for the issue of airworthiness certificates.

**§ 21.173 Eligibility.**

Any United States citizen who is the registered owner of an aircraft (or the agent of the owner) may apply for an airworthiness certificate for that aircraft. An application for an airworthiness certificate must be made on an FAA Form 305 and submitted to the local FAA District Office.

**§ 21.175 Airworthiness certificates: classification.**

(a) For aircraft type certificated in the limited or restricted category, a limited or restricted airworthiness certificate, as applicable, is issued.

(b) For aircraft type certificated in the normal, utility, acrobatic, or transport category, a standard airworthiness certificate is issued.

(c) For aircraft meeting the requirements of § 21.193, an experimental airworthiness certificate is issued.

**§ 21.177 Amendment or modification.**

An airworthiness certificate may be amended or modified only upon application to the Administrator.

**§ 21.179 Transferability.**

An airworthiness certificate is transferred with the aircraft.

**§ 21.181 Duration.**

(a) Unless sooner surrendered, suspended, revoked, or a termination date is otherwise established by the Administrator, an airworthiness certificate is effective as long as the maintenance requirements of Part 91 [New] of this chapter are complied with and the aircraft is registered in the United States.

(b) The owner, operator, or bailee of the aircraft shall upon request make it available for inspection by the Administrator.

(c) Upon suspension, revocation, or termination by order of the Administrator of an airworthiness certificate, the owner, operator, or bailee of an aircraft shall, upon request, surrender the certificate to the Administrator.

**§ 21.183 Issue of airworthiness certificates for normal, utility, acrobatic, and transport category aircraft.**

(a) *Aircraft manufactured under a production certificate.* An applicant for an original airworthiness certificate for an aircraft manufactured under a production certificate is entitled to an airworthiness certificate without further showing, except that the Administrator may inspect the aircraft for conformity to the type design.

(b) *Aircraft manufactured under type certificate only.* An applicant for an original airworthiness certificate for an aircraft manufactured, under a type certificate only, is entitled to an airworthiness certificate upon presentation of a statement of conformity for the aircraft issued by the manufacturer, and if the Administrator finds after inspection that the aircraft conforms to the type design and is in a condition for safe operation.

(c) *Import aircraft.* An applicant for an original airworthiness certificate for an import aircraft type certificated in accordance with § 21.29 of this Part is entitled to an airworthiness certificate if the country in which the aircraft was manufactured certifies, or the Administrator finds, that the aircraft conforms to the type design and is in a condition for safe operation.

(d) *Other aircraft.* An applicant for an airworthiness certificate for an aircraft not covered by paragraphs (a) through (c) of this section is entitled to an airworthiness certificate if—

(1) He presents evidence to the Administrator that the aircraft conforms to a type design approved under a type certificate or a supplemental type certificate and to applicable Airworthiness Directives;

(2) The aircraft (except an experimentally certificated aircraft that previously had been issued a different airworthiness certificate under this section) has been inspected and found airworthy—

(i) By the manufacturer;

(ii) By an appropriately certificated domestic repair station;

(iii) By a certificated air carrier having adequate overhaul facilities and having a maintenance and inspection organization appropriate to the aircraft type; or

(iv) In the case of a single-engine airplane, by the holder of an inspection authorization issued under Part 65 [New]; of this chapter; and

(3) The Administrator finds after inspection, that the aircraft conforms to the type design, and is in a condition for safe operation.

**§ 21.185 Issue of airworthiness certificates for restricted category aircraft.**

(a) *Aircraft manufactured under a production certificate or type certificate only.* An applicant for the original issue of a restricted category airworthiness certificate for an aircraft type certificated in the restricted category, that was not previously type certificated in any other category, must comply with the appropriate provisions of § 21.183.

(b) *Other aircraft.* An applicant for a restricted category airworthiness certificate for an aircraft type certificated in the restricted category, that was either a surplus aircraft of the Armed Forces or previously type certificated in another category, is entitled to an airworthiness certificate if the aircraft has been inspected by the Administrator and found by him to be in a good state of preservation and repair and in a condition for safe operation.

**§ 21.187 Issue of multiple airworthiness certification.**

(a) An applicant for an airworthiness certificate in the restricted category, and in one or more other categories, is entitled to the certificate if—

(1) He shows compliance with the requirements for each category, when the aircraft is in the configuration for that category; and

(2) He shows that the aircraft can be converted from one category to another



by removing or adding equipment by simple mechanical means.

(b) The operator of an aircraft certificated under this section shall have the aircraft inspected by the Administrator, or by a certificated mechanic with an appropriate airframe rating, to determine airworthiness each time the aircraft is converted from the restricted category to another category for the carriage of passengers for compensation or hire, unless the Administrator finds this unnecessary for safety in a particular case.

**§ 21.189 Issue of airworthiness certificate for limited category aircraft.**

(a) An applicant for an airworthiness certificate for an aircraft in the limited category is entitled to the certificate when—

(1) He shows that the aircraft has been previously issued a limited category type certificate and that the aircraft conforms to that type certificate; and

(2) The Administrator finds, after inspection (including a flight check by the applicant), that the aircraft is in a good state of preservation and repair and is in a condition for safe operation.

(b) The Administrator prescribes limitations and conditions necessary for safe operation.

(c) After June 30, 1965, no person may obtain an airworthiness certificate in the limited category unless he shows that the aircraft was previously issued an airworthiness certificate in the limited category.

**§ 21.191 Experimental certificates.**

Experimental certificates are issued for amateur-built aircraft and for aircraft that are to be used for experiment, for exhibition, for air racing, or to show compliance with the regulations in this subchapter for the issue of type and airworthiness certificates and related purposes. The Administrator prescribes limitations and conditions necessary for safe operation.

**§ 21.193 Experimental certificates: general.**

An applicant for an experimental certificate must submit the following information:

(a) A statement, in a form and manner prescribed by the Administrator setting forth the purpose for which the aircraft is to be used.

(b) Enough data (such as photographs) to identify the aircraft.

(c) Upon inspection of the aircraft, any pertinent information found necessary by the Administrator to safeguard the general public.

(d) In the case of an aircraft to be used for experimental purposes—

(1) The purpose of the experiment;

(2) The estimated time or number of flights required for the experiment;

(3) The areas over which the experiment will be conducted; and

(4) Except for aircraft converted from a previously certificated type without appreciable change in the external configuration, three-view drawings or three-view dimensioned photographs of the aircraft.

**§ 21.195 Experimental certificates: duration.**

(a) Unless otherwise specified by the Administrator, an experimental certificate is effective for one year after the date of issue or renewal.

(b) The owner, operator, or bailee of the aircraft shall, upon request, make it available for inspection by the Administrator.

(c) Upon suspension, revocation, or termination by order of the Administrator of an experimental certificate, the owner, operator, or bailee of an aircraft shall, upon request, surrender the certificate to the Administrator.

**§ 21.197 Special flight permits.**

(a) Upon application by the registered aircraft owner or his agent, a special flight permit may be issued for an aircraft that may not currently meet applicable airworthiness requirements but is capable of safe flight, for the purpose of—

(1) Flying the aircraft to a base where maintenance or alterations are to be performed;

(2) Delivering or exporting the aircraft; or

(3) Production flight testing new production aircraft.

(b) A special flight permit may also be issued to authorize the operation of an aircraft at a weight in excess of its maximum certificated takeoff weight for flight beyond the normal range over water, or over land areas where adequate landing facilities or appropriate fuel is not available. The excess weight that may be authorized under this paragraph is limited to the additional fuel, fuel-carrying facilities, and navigation equipment necessary for the flight.

**§ 21.199 Issue of special flight permits.**

(a) An applicant for a special flight permit must submit a statement, in a form and manner prescribed by the Administrator, indicating—

(1) The purpose of the flight;

(2) The proposed itinerary;

(3) The duration of authorization requested;

(4) The number of occupants;

(5) The ways, if any, in which the aircraft does not comply with the applicable airworthiness requirements; and

(6) Any restrictions considered necessary for safe operation of the aircraft.

(b) The Administrator may make, or require the applicant to make appropriate inspections or tests necessary for safety.

## Subpart I—Provisional Airworthiness Certificates

**§ 21.211 Applicability.**

This subpart prescribes procedural requirements for the issue of provisional airworthiness certificates.

**§ 21.213 Eligibility.**

(a) A manufacturer who is a United States citizen may apply for a Class I or Class II provisional airworthiness certificates for aircraft manufactured by him within the U.S.

(b) Any holder of an air carrier operating certificate under Parts ..., ..., ..., (present Parts 40, 41, 42) or Part 127 [New] of this chapter who is a United States citizen may apply for a Class II provisional airworthiness certificate for transport category aircraft that meet either of the following:

(1) The aircraft has a current Class II provisional type certificate or an amendment thereto.

(2) The aircraft has a current provisional amendment to a type certificate that was preceded by a corresponding Class II provisional type certificate.

(c) An aircraft engine manufacturer who is a United States citizen and who has altered a type certificated aircraft by installing different type certificated engines, manufactured by him within the United States, may apply for a Class I provisional airworthiness certificate for that aircraft, if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, or transport category.

**§ 21.215 Application.**

Applications for provisional airworthiness certificates must be submitted to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, of the region in which the FAA Regional Office for the area in which the manufacturer or air carrier is located (or, in the case of the Western Region, the Chief, Aircraft Engineering Division). The application must be accompanied by the pertinent information specified in this subpart.

**§ 21.217 Duration.**

Unless sooner surrendered, superseded, revoked, or otherwise terminated, provisional airworthiness certificates are effective for the duration of the corresponding provisional type certificate, amendment to a provisional type certificate, or provisional amendment to the type certificate.

**§ 21.219 Transferability.**

Class I provisional airworthiness certificates are not transferable. Class II provisional airworthiness certificates may be transferred to an air carrier eligible to apply for a certificate under § 21.213(b).

**§ 21.221 Class I provisional airworthiness certificates.**

(a) Except as provided in § 21.225, an applicant is entitled to a Class I provisional airworthiness certificate for an aircraft for which a Class I provisional type certificate has been issued if—

(1) He meets the eligibility requirements of § 21.213 and he complies with this section; and

(2) The Administrator finds that there is no feature, characteristic, or condition of the aircraft that would make the aircraft unsafe when operated in accordance with the limitations established in §§ 21.81(e) and 91.41 of this subchapter.

(b) The manufacturer must hold a provisional type certificate for the aircraft.

(c) The manufacturer must submit a statement that the aircraft conforms to the type design corresponding to the pro-

visional type certificate and has been found by him to be in safe operating condition under all applicable limitations.

(d) The aircraft must be flown at least five hours by the manufacturer.

(e) The aircraft must be supplied with a provisional aircraft flight manual or other document and appropriate placards containing the limitations established by §§ 21.81(e) and 91.41.

**§ 21.223 Class II provisional airworthiness certificates.**

(a) Except as provided in § 21.225, an applicant is entitled to a Class II provisional airworthiness certificate for an aircraft for which a Class II provisional type certificate has been issued if—

(1) He meets the eligibility requirements of § 21.213 and he complies with this section; and

(2) The Administrator finds that there is no feature, characteristic, or condition of the aircraft that would make the aircraft unsafe when operated in accordance with the limitations established in §§ 21.83(g), 91.41, and ------ (present SR 425C § 14) of this chapter.

(b) The applicant must show that a Class II provisional type certificate for the aircraft has been issued to the manufacturer.

(c) The applicant must submit a statement by the manufacturer that the aircraft has been manufactured under a quality control system adequate to ensure that the aircraft conforms to the type design corresponding with the provisional type certificate.

(d) The applicant must submit a statement that the aircraft has been found by him to be in a safe operating condition under the applicable limitations.

(e) The aircraft must be flown at least five hours by the manufacturer.

(f) The aircraft must be supplied with a provisional aircraft flight manual containing the limitations established by §§ 21.83(g), 91.41, and ------ (present SR 425C § 14) of this chapter.

**§ 21.225 Provisional airworthiness certificates corresponding with provisional amendments to type certificates.**

(a) An applicant is entitled to a Class I or a Class II provisional airworthiness certificate, for an aircraft, for which a provisional amendment to the type certificate has been issued, if—

(1) He meets the eligibility requirements of § 21.213 and he complies with this section; and

(2) The Administrator finds that there is no feature, characteristic, or condition of the aircraft, as modified in accordance with the provisionally amended type certificate, that would make the aircraft unsafe when operated in accordance with the applicable limitations established in §§ 21.85(f), 91.41, and ------ (present SR 425C § 14) of this chapter.

(b) The applicant must show that the modification was made under a quality control system adequate to ensure that the modification conforms to the provisionally amended type certificate.

(c) The applicant must submit a statement that the aircraft has been found by him to be in a safe operating condition under the applicable limitations.

(d) The aircraft must be flown at least five hours by the manufacturer.

(e) The aircraft must be supplied with a provisional aircraft flight manual or other document and appropriate placards containing the limitations required by §§ 21.85(f), 91.41, and ------ (present SR 425C § 14) of this chapter.

## Subpart J—Delegation Option Procedures for Certification of Small Airplanes and Gliders, Engines, and Propellers

**§ 21.231 Applicability.**

This subpart prescribes delegation option procedures for the type, production, and airworthiness certification of—

(a) Small airplanes and small gliders; and

(b) Piston engines of less than 1,000 cubic inches piston displacement, and propellers manufactured for use on those engines.

**§ 21.235 Application.**

An application for a delegation option authorization must be submitted, in a form and manner prescribed by the Administrator, to the FAA Regional Office for the area in which the manufacturer is located.

**§ 21.239 Eligibility.**

To be eligible for a delegation option authorization the applicant must—

(a) Hold a current type certificate for a product under the same part under which the delegation option authorization is sought;

(b) Hold a current production certificate for a product issued under the standard procedures;

(c) Employ a competent staff of engineering, flight test, production, and inspection personnel adequate to maintain compliance with the applicable certification requirements of this Part; and

(d) Request the appointment of an individual by the Administrator as a DMCR in accordance with § 21.241.

(e) Meet the requirements of this subpart.

**§ 21.241 Designated manufacturer's certification representative (DMCR).**

(a) A DMCR is a person who—

(1) Holds a responsible position in a manufacturer's organization with respect to the design and manufacture of the pertinent product; and

(2) Upon request by the manufacturer, has been issued a certificate by the Administrator, and has been listed on the delegation option authorization issued to the manufacturer.

(b) The DMCR may be replaced by another eligible person upon request by the holder of the delegation option authorization and the listing of the replacing individual by the Administrator on the authorization.

**§ 21.243 Duration.**

A delegation option authorization is effective for one year unless suspended, canceled, or revoked by the Administrator. An authorization may be renewed upon application if the Administrator finds the record of the applicant to be satisfactory and that the requirements of § 21.245 are met. The holder of the authorization shall request the FAA to cancel it if he no longer desires to use the delegation option procedure.

**§ 21.245 Maintenance of eligibility.**

The holder of a delegation option authorization must continue to meet the requirements for issue of the authorization. To be eligible for renewal of the authorization, the holder must have a record over the previous year that shows his competence, willingness, and ability to carry out the delegated responsibilities.

**§ 21.247 Transferability.**

A delegation option authorization is not transferable.

**§ 21.249 Inspections.**

Upon request, the applicant for a delegation option authorization or the holder of the authorization shall allow the Administrator to inspect his organization, facilities, product, and records.

**§ 21.251 Limits of applicability.**

(a) The delegation option procedures apply only to products that are manufactured by the holder of a delegation option authorization.

(b) Delegation option procedures may be used for the following purposes:

(1) Type certification.

(2) Changes in the type design of products for which the manufacturer holds or obtains a type certificate.

(3) The amendment of a production certificate held by the manufacturer, to include additional models or additional types for which he holds or obtains type certificates.

(4) The issue of airworthiness certificates for airplanes and gliders for which the manufacturer holds a type certificate and holds or is in the process of obtaining a production certificate. For this privilege to be continued, the production certificate must be obtained within six months from the date the type certificate is issued.

(c) Delegation option procedures may be applied to one or more types selected by the manufacturer, who must notify the FAA of each model, and the first serial number of each model manufactured by him under the delegation option procedures. Other types or models may remain under the standard procedures.

**§ 21.253 Type certificates; application.**

(a) Whenever a manufacturer desires to obtain a type certificate for a new type under the delegation option procedures, the DMCR must submit to the Administrator—

(1) An application for a type certificate (FAA Form 312), together with a statement listing those airworthiness requirements of this chapter (by part number and effective date) that the DMCR considers applicable;

(2) A three-view drawing of the product;

(3) A description of the salient characteristics of the design;



(4) An outline of the method to be used to substantiate compliance; and

(5) An estimated time schedule of compliance with applicable requirements.

(b) After reviewing the application, the Administrator notifies the DMCR whether the Administrator finds that the requirements stated in accordance with paragraph (a)(1) of this section, or other specified requirements, are applicable.

**§ 21.255 Type certificates; FAA verification of compliance with applicable requirements.**

The Administrator verifies compliance with standards and rules for unconventional designs and design features having a substantially significant effect on safety, and determines whether there are any apparent unairworthy features. In addition, the Administrator may participate in test programs.

**§ 21.257 Type certificate; issue.**

(a) After determining that the applicable airworthiness requirements are met, the DMCR must request the Administrator to issue a type certificate. This request must be made in a form and manner, and must contain the information, prescribed by the Administrator.

(b) The proposed specification and, if required by the applicable airworthiness requirements, a copy of the airplane flight manual as approved by the DMCR, or if an airplane flight manual is not required, a summary of the required operating limitations, information, and performance, approved by the DMCR, must be sent with the request.

(c) If the Administrator finds that the applicable regulations have been complied with, he issues a type certificate.

**§ 21.259 Type certificate; type inspection.**

In determining compliance with the applicable airworthiness requirements, the DMCR shall make a type inspection and complete a Type Inspection Report, using an acceptable form or format, that he must sign and include in the manufacturer's technical data file.

**§ 21.261 Type certificate; FAA assistance.**

The DMCR shall request the advice of the FAA on any interpretation that requires application of the equivalent safety provisions set forth in § 21.21 or contained in the applicable airworthiness standards. FAA rulings will be confirmed in writing.

**§ 21.263 Type certificate; change in type design.**

(a) Under the delegation option procedures, the manufacturer may change the type design for which he holds a type certificate, when the DMCR finds that the changes conform to applicable airworthiness requirements.

(b) If the proposed changes would alter the information in the specification or airplane flight manual, the manufacturer must promptly submit proposed specification revisions or airplane flight manual revisions to the Administrator as follows:

(1) The DMCR must furnish a statement to the Administrator, briefly describing major changes to the type design and listing the particular airworthiness requirements of this chapter that he considers applicable.

(2) Upon receiving such a statement, the Administrator notifies the DMCR whether the Administrator finds that the stated requirements apply or that other specified requirements apply.

**§ 21.265 Type certificate; technical data file.**

(a) The manufacturer shall prepare and maintain a technical data file for each product type certificated under the delegation option procedure, in accordance with § 21.293(a)(1)(i).

(b) The manufacturer shall grant authorized employees of the FAA access to this file at any time.

(c) If the manufacturer goes out of business or no longer operates under the delegation option procedures the file becomes the property of the FAA.

**§ 21.267 Production certificates; application.**

(a) When a manufacturer desires to list a new model or new type certificate on his production certificate, the DMCR for that manufacturer, after finding that the manufacturer meets the production certificate requirements of Subpart F of this part with respect to the new model or type, must submit a request therefor to the Administrator. This request must include the following:

(1) A Statement of Compliance containing the information prescribed by the Administrator.

(2) A completed Form FAA 332.

(b) Upon receipt of these documents the Administrator adds the new model designation, or type certificate number, or both, to the production certificate and sends the manufacturer an amended production limitation record.

**§ 21.269 Production certificates; inspection.**

(a) In determining whether the manufacturer meets the applicable production certificate requirements, the DMCR must, for each new model or type added to the production certificate under the delegation option procedures, inspect the manufacturer's organization, facilities, methods, and procedures for manufacturing and controlling the quality and conformity of the product.

(b) The DMCR shall notify the Administrator, in advance, of all inspections and allow him to participate if he considers it necessary.

(c) The DMCR shall complete and sign a Manufacturing Inspection Report (FAA Form 314) for inclusion in the manufacturer's records.

(d) At least once each year while the manufacturer holds a delegation option authorization, the DMCR shall inspect the manufacturer's facilities, methods, and procedures. The Administrator will participate as necessary. The DMCR shall report to the Administrator on each annual factory inspection on FAA Form 314.

**§ 21.271 Production certification file and reports.**

The manufacturer shall make and maintain a production certification file, and make reports covering changes in organization and procedures and special processes, as required by the production certificate requirements of Subpart F of this part. He shall include all reports and inspection records for each model produced under the delegation option procedures in his records, as specified in § 21.293(a)(2).

**§ 21.273 Airworthiness certificates.**

(a) A DMCR may issue an airworthiness certificate, or a certificate of airworthiness for export, for an airplane or glider manufactured under the delegation option procedure if he finds, on the basis of the inspection and production flight check, that the aircraft conforms to a type design for which the manufacturer holds a type certificate and is in a condition for safe operation.

(b) The DMCR may authorize any other employee of the manufacturer to sign the airworthiness certificates for him, over his name and designee number if the authorized employee—

(1) Performs, or is in direct charge of, the inspections specified in paragraph (a) of this section; and

(2) Has been listed on the manufacturer's application for the delegation option authorization, or on amendments thereto.

(c) A DMCR shall issue and attach an approval tag (FAA Form 186) to each new engine or propeller manufactured under the delegation option procedure if he finds, on the basis of the inspection and operational tests, that the engine or propeller conforms to a type design for which the manufacturer holds a type certificate and is in condition for safe operation. After a new model has been included on the Production Limitation Record, the DMCR shall make certain that the production certification number is stamped on the engine or propeller identification data plate in place of issuing an approval tag (FAA Form 186).

**§ 21.277 Service difficulties.**

(a) If an FAA investigation of an accident or service difficulty report indicates unsafe features or characteristics caused by defects in design or manufacture, the Administrator requests the manufacturer to report the results of his investigation, and also to report the action, if any, taken or proposed by him (such as service bulletins or design changes). If the nature of the defect is of such importance that mandatory corrective action by the user of the product is necessary for safety, the manufacturer shall submit to the Administrator the information necessary for the issue of an airworthiness directive.

(b) The manufacturer shall, upon the Administrator's request, allow him to inspect and test his product, and to investigate his technical data files and manufacturing facilities.

(c) The manufacturer shall maintain a file of information on service difficulties received from all sources, and make that

file available to the Administrator at all times.

(d) If the Administrator finds that a serious safety hazard exists because of the manufacturer's failure to comply with any applicable requirement of this part, he may take any action necessary to require correction of the defect in existing models and to ensure compliance in products produced thereafter.

**§ 21.283 Revocation of delegation option authorization.**

If the number or importance of established cases of noncompliance warrants, or if the manufacturer does not comply with the requirements of this subpart, the Admininstrator may request the manufacturer to show cause why his privileges under the delegation option procedures should not be withdrawn. These privileges may be withdrawn until the manufacturer re-establishes his eligibility to the satisfaction of the Administrator.

**§ 21.285 Suspension and revocation of certificates.**

Each action against a type or production certificate held by the manufacturer is processed in accordance with standard procedures.

**§ 21.289 Approval of major repairs and alterations.**

(a) *Approval of major repairs and alterations performed by the manufacturer.* For types included under the manufacturer's delegation option authorization, the DMCR may—

(1) After finding that the major repair or alteration complies with the applicable requirements, approve the repair or alteration under § 43.7; and

(2) Authorize any other employee of the manufacturer to execute and sign FAA Form 337 and make required logbook entries over his name and designee number, if the authorized employee—

(i) Performs, or is in direct charge of, inspecting the repair or alteration; and

(ii) Has been listed on the manufacturer's application for the delegation option or on amendments thereto.

(b) *Approval of major repairs and alterations performed by agencies other than the manufacturer.* Anyone performing a major repair or alteration to a product certificated under the delegation option procedure must either—

(1) Obtain the necessary technical data or advice from the manufacturer; or

(2) Conduct the technical investigations and tests necessary to demonstrate compliance with the applicable airworthiness requirements.

**§ 21.293 Data and records.**

(a) A manufacturer shall maintain at his factory, for all types certificated under the delegation option procedures, current records containing the following:

(1) For the duration of the manufacturing operation under the delegation option authorization—

(i) A technical data file for each type that includes the type design drawings, specifications, reports on tests prescribed by this Part, and the original type inspection report (FAA Form 283) and amendments to that report;

(ii) The report (including amendments) required to be submitted with the original application for the production certificate; and

(iii) A record of all major repairs and alterations performed under the delegation option procedures.

(2) For two years—

(i) A complete inspection record for each type produced, by serial number, and data covering the processes and tests to which materials and parts are subjected;

(ii) The factory inspection reports specified in § 21.269 (c) and (d); and

(iii) A record of reported service difficulties.

(b) The records and data specified in paragraph (a) of this section must be—

(1) Made available, upon the Administrator's request, for his examination at any time; and

(2) Identified and sent to the Administrator, as soon as the manufacturer no longer operates under the delegation option procedures.

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## Subpart K—Approval of Materials, Parts, Processes, and Appliances

**§ 21.301 Applicability.**

This subpart prescribes procedural requirements for the approval of certain materials, parts, processes, and appliances.

**§ 21.303 Replacement or modification parts.**

(a) Except as provided in paragraph (b) of this section, no person may produce replacement or modification parts for sale for installation on a type certificated product unless he has complied with §§ 21.21(b)(1), 21.33, 21.43, Subpart D (if applicable) and § 45.15 of this chapter.

(b) This section does not apply to the following:

(1) Parts produced under a type or production certificate.

(2) Parts produced by an owner or operator for maintaining or altering his own product.

(3) Standard parts (such as bolts and nuts) conforming to established industry or United States specifications (e.g. SAE and military specifications and FAA Technical Standard Orders).

(c) Each person producing replacement or modification parts for sale shall establish (within six months from the date of initial production) and maintain a fabrication inspection system that ensures that each part conforms with the design data and is safe for installation on type certificated products and that includes at least the following, where applicable:

(1) Incoming materials used in the finished part must be as specified in the design data.

(2) Incoming material must be properly identified if their physical and chemical properties cannot otherwise be readily and accurately determined.

(3) Materials subject to damage and deterioration must be suitably stored and adequately protected.

(4) Processes affecting the quality and safety of the finished product must be accomplished in accordance with acceptable specifications.

(5) Parts in process must be inspected for conformity with the design data at points in production where accurate determination can be made. Statistical quality control procedures may be employed where it is shown that a satisfactory level of quality will be maintained for the particular part involved.

(6) Current design drawings must be readily available to manufacturing and inspection personnel, and used when necessary.

(7) Major changes to the basic design must be adequately controlled and approved before being incorporated in the finished part.

(8) Rejected materials and components must be segregated and identified in such a manner as to preclude their use in the finished part.

(9) Inspection records must be maintained, identified with the completed part, where practicable, and retained in the manufacturer's file for a period of at least two years after the part has been completed.

**§ 21.305 Approval of materials, parts, processes, and appliances.**

Whenever a material, part, process, or appliance is required to be approved under this chapter it may be approved—

(a) Under a technical standard order issued under Part 37 [New] of this chapter;

(b) In conjunction with type certification procedures for a product; or

(c) In any other manner approved by the Administrator.

**§ 21.307 Approval of materials, parts, and appliances: import.**

(a) A material, part, or appliance manufactured in a foreign country is considered to meet the requirements for approval in the Federal Aviation Regulations when the country of manufacture certifies that the material, part, or appliance meets those requirements, unless the Administrator finds, based on the technical data submitted under paragraph (b) of this section, that the material, part, or appliance is otherwise not consistent with the intent of the applicable Federal Aviation Regulations.

(b) An applicant for approval of a material, part, or appliance must, upon request, submit to the Administrator any technical data respecting that material, part, or appliance.

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

PART 21—DISTRIBUTION TABLE

| Former section | Revised section |
|---|---|
| 1.0 (except last clause) | 21.1. |
| 1.1 | Transferred to Part 1 [New]. |
| 1.2 | 21.31. |
| 1.10 (1st sentence) | 21.13. |
| 1.10 (less 1st sentence) | 21.15. |
| 1.10–1 | 21.15. |
| 1.11 | 21.11. |
| 1.11–1 | Not a rule. |
| 1.12 | 21.21, 21.23. |
| 1.12–1 | Not a rule. |



| Former section | Revised section |
|---|---|
| 1.12–2 | Not a rule. |
| 1.13 | 21.49. |
| 1.14 | 21.47. |
| 1.14–1 | Not a rule. |
| 1.15(a) | 21.33. |
| 1.15 (less (a)) | 21.123. |
| 1.15–1 | Not a rule. |
| 1.15–2 | Not a rule. |
| 1.15–3 | Not a rule. |
| 1.15–4 (less (d), (e), and (f)). | 21.125. |
| 1.15–4(d) | 21.127. |
| 1.15–4(e) | 21.126. |
| 1.15–4(f) | 21.129. |
| 1.15–5 (less (k)) | 21.125. |
| 1.15–5(k) | Surplusage. |
| 1.15–6 | Not a rule. |
| 1.16 | 21.51. |
| 1.17 | 21.49. |
| 1.18 | 21.45. |
| 1.19(a) | 21.130. |
| 1.19 (less (a)) | 21.53. |
| 1.19–1 | 21.130. |
| 1.20 | 21.91. |
| 1.20–1 | Not a rule. |
| 1.21 | 21.93. |
| 1.22 | 21.95. |
| 1.23 | 21.97. |
| 1.24 (less 1st sentence of (a)). | 21.99. |
| 1.24(a) (1st sentence) | Transferred to Part 39 [New]. |
| 1.25 | 21.113. |
| 1.25–1 | Not a rule. |
| 1.26 | 21.115. |
| 1.26–1 | Not a rule. |
| 1.27 | 21.117. |
| 1.27–1 | Not a rule. |
| 1.27–2 | Not a rule. |
| 1.28 | 21.119. |
| 1.28–1 | Not a rule. |
| 1.30 | 21.133. |
| 1.30–1 | Surplusage. |
| 1.30–2 | Not a rule. |
| 1.31 | 21.133. |
| 1.32 | 21.135. |
| 1.32–1 | Not a rule. |
| 1.33 | 21.137. |
| 1.33–1 | 21.137. |
| 1.34 (1st sentence) | 21.139. |
| 1.34 (less 1st sentence) | Surplusage. |
| 1.34–1 | Not a rule. |
| 1.34–2 | Not a rule. |
| 1.34–3 | Not a rule. |
| 1.35 | 21.163. |
| 1.35–1 | Not a rule. |
| 1.36 | 21.143. |
| 1.36–1 | Not a rule. |
| 1.36–2 | Not a rule. |
| 1.37 | 21.143. |
| 1.37–1 | Not a rule. |
| 1.38 | 21.147. |
| 1.38–1 | Not a rule. |
| 1.39 | 21.149. |
| 1.39–1 | Not a rule. |
| 1.40 | 21.151. |
| 1.40–1 | Not a rule. |
| 1.41 | 21.153. |
| 1.41–1 | Not a rule. |
| 1.42 | 21.155. |
| 1.42–1 | Not a rule. |
| 1.43 | 21.157. |
| 1.43–1 | Not a rule. |
| 1.43–2 | Not a rule. |
| 1.44 | 21.159. |
| 1.44–1 | Not a rule. |
| 1.45 | 21.161. |
| 1.45–1 | Not a rule. |
| 1.46 | 21.165. |
| 1.50 | Part 45 [New]. |
| 1.50–1 | Part 45 [New]. |
| 1.55 | 21.303. |
| 1.55–1 | Not a rule. |
| 1.55–2 | Not a rule. |
| 1.55–3 | 21.303. |
| 1.55–4 | Not a rule. |
| 1.60 | 21.173. |
| 1.60–1 | Not a rule. |
| 1.60–2 | 21.173. |
| 1.60–3 | Not a rule. |
| 1.60–4 | Not a rule. |
| 1.61 | 21.175. |
| 1.61–1 | 21.175. |
| 1.62 | 21.177. |
| 1.62–1 | Not a rule. |
| 1.63 | 21.179. |
| 1.64 | 21.181. |
| 1.65 | Transferred to Part 91 [New]. |
| 1.65–1 | Transferred to Part 91 [New]. |
| 1.66 | Surplusage. |
| 1.67 | 21.183. |
| 1.68 | Surplusage. |
| 1.69 | 21.185. |
| 1.69–1 | Not a rule. |
| 1.70 | 21.187. |
| 1.70–1 | Not a rule. |
| 1.71 (less 2d sentence) | 21.189. |
| 1.71 (2d sentence) | Transferred to Part 91 [New]. |
| 1.71–1 | Not a rule. |
| 1.72 | 21.189. |
| 1.72–1 | Not a rule. |
| 1.73 | 21.191. |
| 1.73–1 | Not a rule. |
| 1.74 (less (b)) | 21.193. |
| 1.74(b) | 21.191. |
| 1.74–1 | 21.193. |
| 1.74–2 | Not a rule. |
| 1.74–3 | Not a rule. |
| 1.75 | 21.195. |
| 1.75–1 | Not a rule. |
| 1.76 | 21.197. |
| 1.77 | 21.199. |
| 1.77–1(a) | 21.197. |
| 1.77–1 (less (a)) | Not a rule. |
| 1.77–2 | Not a rule. |
| 1.77–3 | Not a rule. |
| 1.77–4 | Transferred to Part 91 [New]. |
| 3.10 | 21.21. |
| 3.11 (less (d) and (e)) | 21.17. |
| 3.11(d) | 21.101. |
| 3.11(e) | 21.19. |
| 3.12 | Surplusage. |
| 3.13(a) | 21.21. |
| 3.13 (less (a)) | 21.41. |
| 3.14(a) | 21.21. |
| 3.14 (less (a)) | 21.31. |
| 3.15 | 21.33. |
| 3.16 | 21.35. |
| 3.16–1 | Not a rule. |
| 3.17 | Not a rule. |
| 3.18 (less note) | Surplusage. |
| 3.18 (note) | 21.305. |
| 3.18–1 | Surplusage. |
| 3.18–2 | Not a rule. |
| 3.18–3 | Not a rule. |
| 3.18–4 | Not a rule. |
| 3.19 | Not a rule. |
| 3.62 | 21.37. |
| 3.63 | 21.35. |
| 3.64 | 21.35. |
| 3.65 | 21.39. |
| 4b.10 | 21.21. |
| 4b.10–1 | Not a rule. |
| 4b.10–2 | Not a rule. |
| 4b.10–3 | Not a rule. |
| 4b.11 (less (d), (e), and (f)). | 21.17. |
| 4b.11 (d) and (f) | 21.101. |
| 4b.11(e) | 21.19. |
| 4b.12 | Surplusage. |
| 4b.13(a) | 21.21. |
| 4b.13 (less (a)) | 21.41. |
| 4b.14(a) | 21.21. |
| 4b.14 (less (a)) | 21.31. |
| 4b.15 | 21.33. |
| 4b.16 | 21.35. |
| 4b.16–1 (1st sentence) | 21.35. |
| 4b.16–1 (less 1st sentence). | Not a rule. |
| 4b.16–2 | Not a rule. |
| 4b.16–3 | Not a rule. |
| 4b.16–4 | Not a rule. |
| 4b.17 | Not a rule. |
| 4b.18 (less note) | Surplusage. |
| 4b.18 (note) | 21.305. |
| 4b.18–1 | Surplusage. |
| 4b.18–2 | Not a rule. |
| 4b.18–3 | Not a rule. |
| 4b.18–4 | Not a rule. |
| 4b.19 | Not a rule. |
| 4b.100 (less (d)–(g)) | Part 25 [New]. |
| 4b.100(d) | 21.37. |
| 4b.100 (e) and (f) | 21.35. |
| 4b.100(g) | 21.39. |
| 5.0 | Surplusage. |
| 5.1 | Transferred to Part 1 [New] or omitted as surplusage. |
| 5.10 | 21.23. |
| 5.11 (less (d) and (e)) | 21.17. |
| 5.11(d) | 21.101. |
| 5.11(e) | 21.19. |
| 5.12 | Surplusage. |
| 5.13(a) | 21.23. |
| 5.13 (less (a)) | 21.41. |
| 5.14(a) | 21.23. |
| 5.14 (less (a)) | 21.31. |
| 5.15 | 21.33. |
| 5.16 | 21.35. |
| 5.17 | Not a rule. |
| 5.18 (less note) | Surplusage. |
| 5.18 (note) | 21.305. |
| 5.19 | Not a rule. |
| 6.10 | 21.21. |
| 6.11 (less (d) and (e)) | 21.17. |
| 6.11(d) | 21.101. |
| 6.11(e) | 21.19. |
| 6.12 | Surplusage. |
| 6.13(a) | 21.21. |
| 6.13 (less (a)) | 21.41. |
| 6.14(a) | 21.21. |
| 6.14 (less (a)) | 21.31. |
| 6.15 | 21.33. |
| 6.16 | 21.35. |
| 6.17 | Not a rule. |
| 6.18 (less note) | Surplusage. |
| 6.18 (note) | 21.305. |
| 6.18–1 | Surplusage. |
| 6.18–2 | Not a rule. |
| 6.18–3 | Not a rule. |
| 6.19 | Not a rule. |
| 6.100 (less (d)–(g)) | Part 27 [New]. |
| 6.100(d) | 21.37. |
| 6.100(e) and (f) | 21.35. |
| 6.100(g) | 21.39. |
| 7.10 | 21.21. |
| 7.11 (less (d) and (e)) | 21.15. |
| 7.11(d) | 21.101. |
| 7.11(e) | 21.19. |
| 7.12 | Surplusage. |
| 7.13(a) | 21.21. |
| 7.13 (less (a)) | 21.41. |
| 7.14(a) | 21.21. |
| 7.14 (less (a)) | 21.31. |
| 7.15 | 21.33. |
| 7.16 | 21.35. |
| 7.17 | Not a rule. |
| 7.18 (less note) | Surplusage. |
| 7.18 (note) | 21.305. |
| 7.19 | Not a rule. |
| 7.100 (less (d)–(g)) | Part 29 [New]. |
| 7.100(d) | 21.37. |
| 7.100(e) and (f) | 21.35. |
| 7.100(g) | 21.39. |
| 8.0 | Surplusage. |
| 8.0–1(b) | 21.25. |
| 8.0–1 (less (b)) | Not a rule. |
| 8.0–2 | Not a rule. |
| 8.0–3 | Not a rule. |
| 8.1 | Transferred to Part 1 [New] or omitted as surplusage. |
| 8.1–1 | Not a rule. |
| 8.10 | 21.25. |
| 8.10–1 | Not a rule. |
| 8.10–2 | Not a rule. |
| 8.10–3 | Not a rule. |
| 8.10–4 | Not a rule. |
| 8.10–5 | Not a rule. |

| Former section | Revised section |
|---|---|
| 8.20 | 21.185. |
| 8.20–1 | Not a rule. |
| 8.20–2 | Not a rule. |
| 8.20–3 | Not a rule. |
| 8.21 | 21.187. |
| 8.21–1 | Not a rule. |
| 8.30 | Surplusage. |
| 8.30–1 | Not a rule. |
| 8.34 | Surplusage. |
| 8.34–1 | Not a rule. |
| 9.1 | Surplusage. |
| 9.2 | Surplusage. |
| 9.3 | 21.189. |
| Part 9a | 21.27. |
| 10.0 | Surplusage. |
| 10.1 | Transferred to Part 1 [New] or omitted as surplusage. |
| 10.10 | 21.29. |
| 10.11 | 21.29. |
| 10.12 | 21.29. |
| 10.20 | Surplusage. |
| 10.21 (less (b) and note) | Surplusage. |
| 10.21 (note) | 21.305. |
| 10.21(b) | 21.307. |
| 10.30 | Part 45 [New]. |
| 10.31 | 21.29, 21.307. |
| 13.10 | 21.21. |
| 13.11 (less (d) and (e)) | 21.17. |
| 13.11(d) | 21.101. |
| 13.11(e) | 21.19. |
| 13.12 | Surplusage. |
| 13.13(a) | 21.21. |
| 13.13 (less (a)) | 21.41. |
| 13.14(a) | 21.21. |
| 13.14 (less (a)) | 21.31. |
| 13.15 | 21.33. |
| 13.16 | Part 33 [New]. |
| 13.17 | Not a rule. |
| 13.18 (less note) | Surplusage. |
| 13.18 (note) | 21.305. |
| 13.18–1 | Not a rule. |
| 13.19 | Not a rule. |
| 13.20 | Part 45 [New]. |
| 13.21 | Part 33 [New]. |
| 14.10 | 21.21. |
| 14.11 (less (d) and (e)) | 21.17. |
| 14.11(e) | 21.19. |
| 14.11(d) | 21.101. |
| 14.12 | Surplusage. |
| 14.13(a) | 21.21. |
| 14.13 (less (a)) | 21.41. |
| 14.14(a) | 21.21. |
| 14.14 (less (a)) | 21.31. |
| 14.14–1 | Not a rule. |
| 14.14–2 | Not a rule. |
| 14.15 | 21.33. |
| 14.16 | Transferred to Part 35 [New]. |
| 14.16–1 | Not a rule. |
| 14.16–2 | Not a rule. |
| 14.16–3 | Not a rule. |
| 14.17 | Not a rule. |
| 14.18 (less note) | Surplusage. |
| 14.18 (note) | 21.305. |
| 14.19 | Not a rule. |
| 14.21 | Part 35 [New]. |
| 410.1 | Transferred to Part 1 [New] or omitted as surplusage. |
| 410.2 | 21.231. |
| 410.11 | 21.235. |
| 410.12 | Surplusage. |
| 410.13 | 21.239. |
| 410.14 | 21.241. |
| 410.15 | 21.243. |
| 410.16 | 21.245. |
| 410.17 | 21.247. |
| 410.18 | 21.249. |
| 410.31 | 21.251. |
| 410.32(a)(1) | 21.253. |
| 410.32(a)(2) | 21.255. |
| 410.32(a)(3) | 21.257. |
| 410.32(b) | 21.263. |
| 410.32(c) | 21.259. |
| 410.32(d) | 21.261. |
| 410.32 (less (a), (b), (c), and (d)). | 21.265. |
| 410.33(a) | 21.267. |
| 410.33 (b) and (c) | 21.269. |
| 410.33 (less (a), (b), and (c)). | 21.271. |
| 410.34 | 21.273. |
| 410.35 | 21.273. |
| 410.36 (less (f) and (g)) | 21.277. |
| 410.36(f) | 21.283. |
| 410.36(g) | 21.285. |
| 410.37 | 21.289. |
| 410.38 | 21.293. |
| SR 422 (less 4T.110–123, 4T.743, and 40T.80–84). | Surplusage. |
| SR 422A (less 4T.110–123, 4T.743, and 40T.80–84). | Surplusage. |
| SR 422B (less 4T.110–123, 4T.743, and 40T.80–84). | Surplusage. |
| SR 425C.1 | 21.71 and 21.211. |
| SR 425C.2 (less (b)) | 21.73 and 21.213. |
| SR 425C.2(b) | 21.213. |
| SR 425C.3 | 21.75 and 21.215. |
| SR 425C.4 (less (f)) | 21.77. |
| SR 425C.4 (1st sentence and (f)). | 21.217. |
| SR 425C.5 | 21.79 and 21.219. |
| SR 425C.6 | Part 45 [New]. |
| SR 425C.7 | 21.81. |
| SR 425C.8 | 21.221. |
| SR 425C.9 | 21.83. |
| SR 425C.10 | 21.223. |
| SR 425C.11 | 21.85. |
| SR 425C.12 | 21.225. |
| SR 425C.16 | Surplusage. |

[F.R. Doc. 64–10726; Filed, Oct. 23, 1964; 8:45 a.m.]

[Airspace Docket No. 64–SO–20]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Control Zone and Transition Area; Revocation; Alteration of Effective Date

On September 11, 1964, a rule was published in the FEDERAL REGISTER (29 F.R. 12823) which amended Part 71 [New] by revoking an extension to the Augusta, Ga., control zone and a portion of the Augusta, Ga., transition area.

Revocation of this control zone and transition area was premised on the relocation of the Augusta nondirectional radio beacon. The relocation, originally scheduled for November 12, 1964, will make the controlled airspace based on the beacon unnecessary. However, subsequent to the publication of the rule, it was determined that leasing difficulties for the land involved in relocating the radio beacon would not be resolved in time to implement the present effective date. Therefore, action is taken herein to change the effective date of Airspace Docket No. 64–SO–20 from November 12, 1964, to December 10, 1964.

Since thirty days will elapse from the time of publication of the rule, as initially adopted, to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 19, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–10830; Filed, Oct. 23, 1964; 8:45 a.m.]

## Chapter III—Federal Aviation Agency

## PART 410—DELEGATION OPTION PROCEDURES FOR CERTIFICATION OF SMALL AIRPLANES, GLIDERS, ENGINES, AND PROPELLERS

### Deletion

CROSS REFERENCE: For a document deleting Part 410 of Title 14, see Title 14 Chapter I, F.R. Doc. 64–10726, *supra*.

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6270; Amdt. 826]

## PART 507—AIRWORTHINESS DIRECTIVES

### Piper Model PA–25–235 Aircraft

Recent CO contamination tests conducted as a result of an incident have shown that air leaks exist in the area of the fuselage right landing gear fittings on Piper Model PA–25–235 aircraft which permit entrance of engine fumes to the cockpit. To correct this condition, an airworthiness directive is being issued to require the installation of seals at the front and rear right main landing gear fittings.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

PIPER. Applies to Model PA–25–235 aircraft, Serial Numbers 25–02, 25–2000 through 25–2931.

Compliance required within 50 hours' time in service after the effective date of this AD unless already accomplished.

Air leaks, which permit entrance of engine fumes into the cockpit, exist in the area of the fuselage right main landing gear fittings. To correct this condition, accomplish the following:

Install seals, Piper Kit Number 756824 or FAA-approved equivalent, at the front and rear right main landing gear fittings as indicated on the sketch on the reverse side of Piper Service Bulletin No. 221 dated August 27, 1964.

(Piper Service Bulletin No. 221 dated August 27, 1964, pertains to this same subject.)

This amendment shall become effective October 24, 1964. On November 20, 1964, this directive becomes an amendment to § 39.13 of Part 39 [New] of the Federal Aviation Regulations.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)



Issued in Washington, D.C., on October 19, 1964.

C. W. WALKER,
*Acting Director, Flight Standards Service.*

[F.R. Doc. 64–10832; Filed, Oct. 23, 1964; 8:45 a.m.]

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs., Amdt. 92]

## MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following revisions and amendments are made in the Export Regulations:

## PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

Section 370.2(a) is revised to read as follows:

**§ 370.2 Prohibited exportations.**

(a) *General provisions.* Subject to the provisions of §§ 370.3, 370.4, and 370.5, the exportation from the United States of all commodities and all technical data as defined in § 385.1 is hereby prohibited unless and until a general license authorizing such exportation shall have been established or a validated license authorizing such exportation shall have been granted by the Office of Export Control, except:

(1) Any exportation to Canada, except: [1]

(i) Walnut logs, bolts, and hewn timber, Schedule B No. 40040;

(ii) Walnut lumber, furniture stock, and hardwood small dimension stock listed on the Positive List under Schedule B Nos. 40978, 41355, and 41390; and

(iii) The types of technical data described in § 385.2(c)(5). (See § 370.3.)

(2) Exportations for the official use of or consumption by the United States Armed Forces when shipped by or consigned to any branch thereof under a United States Government Bill of Lading or a United States Government space charter or by means of a United States Government-owned or Government-chartered carrier (see § 370.4); and

(3) Exportations of commodities and technical data controlled by another government agency (see § 370.5).

* * * * *

## PART 371—GENERAL LICENSES

Section 371.10(d)(3) is revised to read as follows:

[1] See paragraph 379.1(d) regarding the requirement of a Shipper's Export Declaration for certain exportations to Canada.

**§ 371.10 General license *GLV*; shipments of limited value.**

* * * * *

(d) *Positive List commodities.* * * *

(3) *Canada.* Walnut lumber, furniture stock, and hardwood small dimension stock listed on the Positive List under Schedule B Nos. 40978, 41355, and 41390 may be exported to Canada provided the net value of a single shipment does not exceed $100.

* * * * *

The introductory portion of § 371.18 is revised, and a new paragraph (f) is added, to read as follows:

**§ 371.18 General license GLR; return of certain commodities imported into the United States.**

A general license designated GLR is hereby established, authorizing exportations described below. When an exportation is made under the provisions of paragraphs (a) through (e) of this section, the entry number (if any), the country from which the commodities were imported, and the port of entry shall be shown on the Shipper's Export Declaration.

* * * * *

(f) *Commodities exported to replace defective or unacceptable United States origin parts or equipment.*[1] (1) Any commodity may be exported under the provisions of this general license to replace any defective or unacceptable United States origin part or equipment subject to the following conditions:

(i) No commodity may be exported to a Subgroup A destination, Poland (including Danzig), Rumania, Hong Kong, Macao, or Cuba.

(ii) No commodity shall be used to replace any defective part or equipment owned or controlled by, or leased or chartered to, a Subgroup A country, Poland (including Danzig), Rumania, or Cuba, or a national of any of these countries.

(iii) The commodity shall not be technologically advanced over the defective parts or equipment.

(iv) The defective part or equipment which is replaced shall have been previously exported under a validated export license.

(v) The defective part or equipment which is replaced shall be either destroyed abroad or returned to the United States prior to or promptly after, the replacement is exported from the United States.

(vi) The defective part or equipment shall be replaced free of charge, except that a charge may be made for transportation and labor only.

(2) Any exportation made under the provisions of this paragraph (f) shall be cleared with the Collector of Customs in accordance with Part 379 except that the exporter or his duly authorized agent shall:

(i) Present to the Collector an additional copy of the Shipper's Export Declaration in accordance with the provisions of § 379.3(c)(3); and

(ii) Place the following certification, substituting the appropriate parenthetical phrases if applicable, on the Shipper's Export Declaration:

I (We) certify that the commodity(ies) described on this Declaration are being exported under the provisions of General License *GLR* to replace a defective or unacceptable United States origin part or equipment previously exported from the United States under validated export license number ——— I (We) further certify that the defective or unacceptable part or equipment has been (shall be promptly) returned to the United States (destroyed abroad).

[1] The provisions of this paragraph (f) do not apply to any commodity to be used in replacing any part or equipment which is worn out from normal use or which is being replaced in order to obtain any part or equipment incorporating improved design or technology.

**§ 371.52 [Amended]**

Section 371.52 *Supplement 2; Commodities destined to Poland (including Danzig) or Rumania which are excepted from General License GRO* is amended by adding the following commodities:

| Schedule B No. | Commodity description |
|---|---|
| 32591 | Acetal resins. |
| 33299 | Alpha trioxymethylene (for example, Trioxane®). |

## PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

**§ 373.18 [Deleted]**

Section 373.18 *Sugar, beet and cane* is deleted.

## PART 377—TIME LIMIT (TL) LICENSE

Section 377.2 is revised to read as follows:

**§ 377.2 Commodities subject to TL license.**

The commodities which may be exported under the time limit licensing procedure are all RO commodities on the Positive List of Commodities (§ 399.1), except:

(a) Complete aircraft, either assembled or knocked down; [1]

(b) Walnut logs, bolts, and hewn timber, Schedule B No. 40040; and

(c) Walnut lumber, furniture stock, and hardwood small dimension stock listed on the Positive List under Schedule B Nos. 40978, 41355, and 41390.

[1] Applicants who propose to export a complete aircraft, either assembled or knocked down, must apply for an individual validated license for the aircraft. However, a Time Limit (TL) License may be used, where applicable, to export related parts, accessories, or components for the aircraft.

## PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

Section 379.1(a) is revised to read as follows:

**§ 379.1 General export clearance requirements.**

(a) *Exportations by water or air carrier.* No person including a carrier shall load or carry onto or permit the loading or carrying onto an exporting carrier, or present to the Collector of Customs for inspection and clearance for exportation, any commodity or technical data until:

(1) *For shipments requiring a validated export license:* A validated license therefor has been presented to the Collector; a related duly executed shipper's export declaration [1] in the requisite number of copies covering such commodity or technical data has been presented to, and authenticated by the Collector; and a copy of the authenticated declaration has been returned to the person presenting it and such person has delivered it to the carrier.[2]

(2) *For shipments under a general license.* A duly executed declaration, in the requisite number of copies, consistent with the provisions of an applicable general license, has been presented to, and authenticated by, the Collector; and a copy of the authenticated declaration has been returned to the person presenting it and such person has delivered it to the carrier.[2] Where the filing of a declaration is not required, an oral declaration describing the commodity or technical data about to be exported and identifying the applicable general license shall be made to the Collector at the port of exit

* * * * *

Section 379.3 (c) (3) is revised to read as follows:

**§ 379.3 Presentation of shipper's export declaration.**

* * * * *

(c) *Number of copies to be presented*

* * *

(3) *Additional copies of Declaration.* The Office of Export Control, the Collector, or the Postmaster may require, for the purpose of export control, the presentation of additional copies of the Declaration. In all cases where a Declaration is required by the Export Regulations or the Foreign Trade Statistics Regulations, an additional copy of the Declaration shall be presented for exportations described in subdivisions (i), (ii), (iii), (iv), or (v) of this subparagraph.

(i) Exportations made under a Project License. (See paragraph 374.9(c) (2).)

(ii) Exportations from the United States to foreign countries made via Canada.

(iii) Exportations of any agricultural commodity moving under a validated license to a Subgroup A destination. The additional copy shall bear in the upper right corner the notation, "8520."

(iv) Exportations of walnut veneers classified under Schedule B Nos. 42162 and 42166. The additional copy shall bear in the upper right corner the notation "BDSA 303."

(v) Exportations of any commodity to replace any defective or unacceptable part or equipment under the provisions of General License GLR. The additional copy shall bear in the upper right corner the notation "8542."

* * * * *

[1] Shipper's Export Declaration Form 7525–V may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402, local Collectors of Customs, and United States Department of Commerce Field Offices (see list on page 1). Price of the form is $1.00 for a pad of 100.

[2] An authenticated copy of the Shipper's Export Declaration must be delivered to the exporting carrier under the provisions of § 30.14 of the Foreign Trade Statistics Regulations of the Bureau of the Census (15 CFR 30.14).

## PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

Section 380.2 (c) and (d) (4) and (5) are revised to read as follows:

**§ 380.2 Amendments or alterations of licenses.**

* * * * *

(c) *Changes requiring a new license application.* Except for changes to a Project License, changes of the following types will be deemed to be of such substance as to constitute an essentially new transaction and therefore require a new application for an export license:

(1) Country of ultimate destination.

(2) Ultimate consignee (except as indicated in paragraph (d) (2) of this section).

(3) Commodity to be exported.

(4) Increase in the quantity or vlaue of a Periodic Requirements License during the last six months of the validity period of the license (see § 376.7).

(d) *Changes by amendment.* * * *

(4) Increase in quantity or price (see paragraph (j) of this section).[1]

(5) Extension of the validity period of the license (see § 380.4).[2]

* * * * *

(Sec. 3, 63 Sta. 7; 50 U.S.C. App. 2023; E. O. 10945, 26 F.R. 4487; E. O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
*Director, Office of Export Control.*

[F.R. Doc. 64–10853; Filed, Oct. 23, 1964; 8:47 a.m.]

[9th Gen. Rev. of Export Regs., Amdt. P.L. 50]

## PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

The following, revisions, effective as specified, are hereby made to § 399.1 *Positive List of commodities.*

*A. Addition.* Effective 12:01 a.m., October 15, 1964, the following commodity is added to the Positive List of Commodities requiring validated licenses for exportation to all destinations in Country Groups R and O. Exporters are advised that only the item listed below opposite the specific Schedule B number is added to the Positive List. The unnumbered captions serve only to identify the broad categories of commodities within which the numbered addition is to be found in Schedule B.

| Dept. of Commerce Schedule B No. | Commodity description | Unit | Processing code and related commodity group | GLV dollar value limits for "R" destinations* | Validated license required | Commodity lists |
|---|---|---|---|---|---|---|
| | METAL MANUFACTURES | | | | | |
| 61995 | Metal manufactures, n.e.c., and parts, n.e.c.: Metal manufactures, n.e.c., and parts, n.e.c., except iron and steel and except precious metals: Woven wire mesh or cloth composed of wire containing 95 percent or more nickel with 60 or more wires per linear centimeter. | Sq. ft. | FINP 4 | None | RO | E–8 |

*See § 371.10 for dollar-value limit of shipments under General License GLV to Group "R" and Group "O" Destinations.

*B. Deletion.* Effective 12:01 a.m. October 15, 1964, the following commodity is removed from the Positive List and placed on general license to all destinations except Hong Kong, Macao, Subgroup A destinations, and Cuba. Exporters are advised that only the item listed below opposite the specific Schedule B Number is removed from the Positive List. The unnumbered caption serves only to identify the broad category of commodities within which the numbered deletion is to be found in Schedule B.

| Dept. of commerce schedule B No. | Commodity description |
|---|---|
| | SUGAR AND RELATED PRODUCTS |
| 16190 | Sugar, beet and cane. |

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
*Director, Office of Export Control.*

[F.R. Doc. 64–10854; Filed, Oct. 23, 1964; 8:47 a.m.]

[1] This item does not apply to a Periodic Requirements License during the last six months of the validity period of the license (see § 376.7).

[2] This item does not apply to the Periodic Requirements License.



# Title 32—NATIONAL DEFENSE

## Chapter VI—Department of the Navy

### SUBCHAPTER C—PERSONNEL

## PART 733—DECORATIONS AND AWARDS

*Scope and purpose.* Part 733 contains regulations set forth in the Navy and Marine Corps Awards Manual (Secretary of the Navy Instruction P1650.1C). Part 733 is inserted to read as follows:

Subpart A—General Information

Sec.
733.11 Purpose.
733.12 Objectives.
733.13 Issuance of awards.
733.14 Personnel eligible.
733.15 Replacement of awards.
733.16 Wearing of awards.
733.17 Precedence of military awards.

Subpart B—Military Decorations

733.21 General.
733.22 Recommendations.
733.23 Limitations.
733.24 Delegation of authority.
733.25 Presentation of medals and citations.
733.26 Awards to U.S. Army and U.S. Air Force personnel.
733.27 Awards to U.S. Navy personnel from other U.S. Armed Forces.
733.28 Military awards to civilians.
733.29 Requirements.

Subpart C—Unit Awards

733.31 Definition.
733.32 Precedence.
733.33 Attachments.
733.34 Insignia for ships and units.
733.35 Recommendations.
733.36 Limitations.
733.37 Requirements.

Subpart D—United States Nonmilitary Decorations

733.41 Definition.
733.42 Precedence.
733.43 Attachments.
733.44 Issue and replacement.
733.45 Recommendations.

Subpart E—Campaign and Service Awards

733.51 Definition.
733.52 Precedence.
733.53 Attachments.
733.54 Distribution.
733.55 Limitations.
733.56 Applications.
733.57 Requirements.

Subpart F—Foreign Awards and Non-U.S. Service Awards to U.S. Personnel

733.61 Definitions.
733.62 Precedence.
733.63 Attachments.
733.64 Issue and replacement.
733.65 Foreign awards.
733.66 Non-U.S. service awards.
733.67 Foreign unit awards.
733.68 Distribution.
733.69 Requirements.

Subpart G—United States Awards to Foreign Personnel

733.71 Definition.
733.72 Decorations awarded to foreign personnel.
733.73 Unit awards and service medals.
733.74 Precedence and method of wearing.
733.75 Recommendations.
733.76 Limitations.
733.77 State Department coordination and government clearances.
733.78 Presentation of awards.
733.79 Requirements.

Subpart H—Marksmanship Awards

733.81 Definition.
733.82 Precedence.
733.83 Attachments.
733.84 Issue and replacement.
733.85 Administrative procedures and requirements.

AUTHORITY: The provisions of this Part 733 issued under R.S. 161, secs. 1121; 5061, 6241–6255, 70A Stat. 88, 278, 289–291, as amended; 5 U.S.C. 22, 10 U.S.C. 1121, 5031, 6241–6255. Additional authority is cited in the sections affected.

### Subpart A—General Information

**§ 733.11 Purpose.**

This part sets forth information and regulations concerning all current awards available to individuals and units in the naval service.

**§ 733.12 Objectives.**

Military decorations and awards are bestowed for the purpose of publicly recognizing and rewarding extraordinary, exceptionally meritorious, or conspicuously outstanding acts of heroism and other acts or services which are above and beyond that normally expected and which distinguished the individual or unit among those performing similar acts or services.

**§ 733.13 Issuance of awards.**

(a) The large medal of a decoration, with ribbon bar, lapel button (or in the case of the Medal of Honor, the rosette), and all attachments, together with any accompanying citation or certificate, are issued by the Chief of Naval Personnel or the Commandant of the Marine Corps as appropriate, to the individual recipient, or to the presenting authority. Only the decoration and citation will be issued to the next of kin of deceased personnel, or to the presenting authority. In time of war or national emergency, issuance to living personnel of all medals except the Medal of Honor may be delegated to commands in the field. (See § 733.25 relative to presenting authorities and presentation ceremonies.)

(b) The large medal of a campaign or service award is issued to the recipient or his next of kin by the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

(c) Ribbon bars and accompanying citations for the Presidential Unit Citation and the Navy Unit Commendation are issued by the Chief of Naval Personnel and the Commandant of the Marine Corps, as appropriate. The Marine Corps Reserve Ribbon is issued by the Commandant of the Marine Corps.

(d) Miniature medals for both decorations and campaign/service medals, and ribbon bars and lapel buttons for campaign/service medals, are not issued by the Chief of Naval Personnel or the Commandant of the Marine Corps to U.S. personnel, but may be purchased by those who earned them from commercial sources, ship's stores, or Navy/Marine Corps exchanges. Miniature medals are issued for decorations awarded to foreign nationals.

(e) The official next of kin in order of precedence is: widow, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild.

**§ 733.14 Personnel eligible.**

(a) Anyone who meets the eligibility criteria for an award may be recommended for it by any officer senior to the individual being recommended.

(b) In determining eligibility, the terms "naval service" and "serving in any capacity with the U.S. Navy", as used in this part, include service in the U.S. Marine Corps and service in the U.S. Coast Guard when the Coast Guard operates as a part of the Navy. The terms also include service in Reserve components. Reserve personnel are eligible to earn any award which regular personnel may earn, provided they fulfill all requirements. The acts or services which are to be recognized, however, must be in connection with membership in Reserve components or directly related to attendance on military duty.

(c) U.S. Naval Academy midshipmen are considered to be on active duty and are therefore eligible for those awards for which they may qualify.

(d) NROTC midshipmen are not eligible for awards for periods spent as full-time college students, but when serving on active duty they may earn awards for which they qualify.

(e) Merchant Marine Reserve service is creditable only when such service is concurrent with U.S. Naval Reserve service.

**§ 733.15 Replacement of awards.**

(a) Large medals may be replaced upon application to the Chief of Naval Personnel or the Commandant of the Marine Corps (Code DL), as appropriate. If the medal has been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded, it shall be replaced without charge.

(b) Large medals may be replaced at the expense of the individual if not entitled to replacement without charge, upon application to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, enclosing a check made out in the proper amount to the Bureau of Naval Personnel or the Commandant of the Marine Corps (Code DL). (For Marine Corps personnel see also paragraph 8151, Marine Corps Personnel Manual.) The prices of medals, which are subject to change, will be publicized from time to time by directives and by various news media.

(c) Ribbon bars for the Presidential Unit Citation, Navy Unit Commendation, and Marine Corps Reserve Ribbon which have been lost or damaged, will be replaced in the same manner as large medals (paragraph (b) of this section).

(d) Miniature medals, ribbons, rosettes, lapel buttons, and attachments will be replaced at the expense of the individual from commercial sources, ship's stores, or Navy/Marine Corps exchanges.

**§ 733.16 Wearing of awards.**

Recipients of awards are authorized to wear them in accordance with the provisions of this part, the Navy and Marine Corps Awards Manual, and the applicable provisions concerning awards contained in the U.S. Navy Uniform Regulations and the U.S. Marine Corps Uniform Regulations. Discharged and retired personnel who have earned awards not listed in this part may wear them in accordance with the regulations in effect at the time of their discharge or retirement. When naval personnel have earned awards from other armed forces, regulations pertinent to naval personnel shall govern the manner in which these awards shall be worn. In the event naval personnel serve with a unit of another armed force, and that unit has been cited, such naval personnel may wear the emblem permanently if they served with the unit during the cited period, but may not wear it even while attached if they joined the unit subsequent to the cited period. In other words, they shall be governed by Navy regulations rather than by the regulations of the other armed force.

**§ 733.17 Precedence of military awards.**

The precedence of military decorations, medals, ribbons, and badges (both obsolete and current) authorized for personnel of the United States Navy and Marine Corps is as follows:

1. Medal of Honor
2. Navy Cross
3. Distinguished Service Medal
4. Silver Star Medal
5. Legion of Merit
6. Distinguished Flying Cross
7. Navy and Marine Corps Medal
8. Bronze Star Medal
9. Air Medal
10. Joint Service Commendation Medal
11. Commendation Medal
12. Secretary of the Navy Commendation for Achievement Medal
13. Purple Heart
14. Specially Meritorious Medal
15. Presidential Unit Citation
16. Navy Unit Commendation
17. (Non-Military Decorations—see subpart D)
18. Reserve Special Commendation Ribbon
19. Good Conduct Medals (Navy and Marine Corps)
20. Naval Reserve Medal
21. Naval Reserve Meritorious Service Medal
22. Organized Marine Corps Reserve Medal
23. Dewey Medal
24. Sampson Medal
25. Peary Polar Expedition Medal
26. NC-4 Medal
27. Byrd Antarctic Expedition Medal (1928–30)
28. Second Byrd Antarctic Expedition Medal (1933–35)
29. United States Antarctic Expedition Medal (1939–41)
30. Civil War Medal
31. Expeditionary Medals (Navy and Marine Corps)
32. Spanish Campaign Medal
33. Philippine Campaign Medal
34. China Relief Expedition Medal
35. Cuban Pacification Medal
36. Mexican Service Medal
37. Haitian Campaign Medal (1915)
38. Dominican Campaign Medal
39. Victory Medal (World War I)
40. Haitian Campaign Medal (1919–20)
41. Second Nicaraguan Campaign Medal
42. Yangtze Service Medal
43. China Service Medal (1937–39)
44. American Defense Service Medal
45. Area Campaign Medals
a. American Campaign Medal
b. European-African-Middle Eastern Campaign Medal
c. Asiatic-Pacific Campaign Medal
46. Victory Medal (World War II)
47. Medal for Humane Action
48. Navy Occupation Service Medal
49. China Service Medal (extended, 1945–57)
50. National Defense Service Medal
51. Korean Service Medal
52. Antarctica Service Medal
53. Armed Forces Expeditionary Medal
54. Armed Forces Reserve Medal
55. Marine Corps Reserve Ribbon
56. (Foreign Decorations—see subpart F)
57. United Nations Service Medal (Korean Conflict)
58. United Nations Medal (Observer Groups)
59. Philippine Defense Ribbon
60. Philippine Liberation Ribbon
61. Philippine Independence Ribbon
63. Korean Presidential Unit Citation
62. Philippine Presidential Unit Citation
64. Viet-Nam Presidential Unit Citation
65. (Small Arms Marksmanship Medals and Badges—see subpart H).

NOTE 1: The awards numbered 1–29 and 50–55 are arranged or worn in their order of precedence as shown. The awards numbered 30–49 have no precedence, as such, among themselves but are chronologically shown in the foregoing list on the basis of the date of their original establishment; they are worn by the individual, however, in the order in which they are earned, and their precedence for an individual member is so determined. For precedence of the awards numbered 56–64 and 65, see §§ 733.62 and 733.82, respectively.

NOTE 2: Awards comparable to the above which are issued to Navy and Marine Corps personnel by the other Military Services of the United States and which are not included in the foregoing list shall be worn in the order specified by the respective Service except that, in all cases of relative priority, Navy and Marine Corps awards take precedence.

## Subpart B—Military Decorations

**§ 733.21 General.**

(a) *Definition.* A military decoration is an award bestowed on an individual for a specific act or acts of gallantry or meritorious service.

(b) *Precedence.* Military decorations take precedence over all other awards. The precedence of Navy decorations is indicated by entries 1–13 of § 733.17.

(c) *Attachments*—(1) *Gold star.* A gold star 5/16" in diameter is worn on the suspension ribbon of the medal and the ribbon bar of all naval decorations to denote each subsequent award of that decoration. (Exception is a subsequent award of a Purple Heart posthumously. In such cases, a medal is issued to the official next of kin even though a medal was previously issued to the individual.)

(2) *Silver star.* A silver star 5/16" in diameter is worn on the suspension ribbon of the medal and the ribbon bar of all naval decorations in lieu of five gold stars. (A silver star therefore represents the sixth award of the same decoration.)

(3) *Combat distinguishing device.* The bronze letter "V" is authorized for wear on the suspension ribbon of the medal and the ribbon bar of the following decorations if the award is for acts or services involving direct participation in combat operations:

(i) Legion of Merit.
(ii) Bronze Star Medal.
(iii) Navy Commendation Medal.

Only one combat distinguishing device may be worn on a single ribbon.

**§ 733.22 Recommendations.**

(a) *Initiating officer.* Recommendations for the award of military decorations may be initiated by any officer senior to the individual being recommended, and will be submitted as promptly as practicable after the performance of the act(s) or the termination of the service(s) to which the recommendations refer. In the event a recommendation is originated by an officer other than the commanding officer of the individual concerned, the recommendation should be forwarded to the commanding officer for comment and/or recommendation prior to forwarding via the chain of command.

(b) *Chain of command.* (1) Except when awarding authority has been delegated (see § 733.24), all recommendations for decorations (except the Purple Heart) shall be forwarded to the Secretary of the Navy (Navy Department Board of Decorations and Medals) as follows:

(i) For personnel attached to the Operating Forces of the Navy, recommendations shall be forwarded via the appropriate Fleet Commander in Chief and the Chief of Naval Operations, with copies provided to commanders of intermediate echelons. In cases concerning Marine Corps personnel, recommendations shall be forwarded via the Commandant of the Marine Corps before transmittal to the Chief of Naval Operations. Commanders receiving information copies of the recommendations may provide comments, if desired, to the Fleet Commander in Chief. Such comments will be submitted in sufficient time to insure receipt by the Fleet Commander in Chief within 15 days of the date of the original recommendation, utilizing electrical means, if necessary. Non-receipt within this period of time will be interpreted to indicate concurrence in the basic recommendation. Submission of comments will most likely be appropriate only in those cases where there is disagreement with the original recommendation.

(ii) For personnel not assigned to the Operating Forces, recommendations shall be forwarded via the administrative chain of command (including the Commandant of the Marine Corps where appropriate) and the Chief of Naval Operations.

(iii) See § 733.35(a) for chain of command for unit award recommendations.

(2) Recommendations for the Purple Heart shall be forwarded directly to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, without reference to the chain of command.

(3) After action by the Board of Decorations and Medals on recommendations for the Medal of Honor, Navy Cross, Distinguished Service Medal, and unit awards, the recommendations shall be transmitted to the Secretary of the Navy via the Chief of Naval Operations. Recommendations for all other decorations will be forwarded by the Board directly to the Secretary of the Navy.

(4) Disapproval of a recommendation by an officer subordinate to the commander or military department having authority to award a decoration will not alone constitute authority for the return of the recommendation o the initiator. All recommendations shall be forwarded, with appropriate endorsements.

(c) *General requirements for recommendations.* Recommendations (except for the Purple Heart) will meet the following conditions:

(1) Be based upon known facts and include, if practicable, the incontestable testimony of at least two eye-witnesses.

(2) Contain a complete, concise description of the act(s) or service(s) including date(s) and exact information concerning the status of the person recommended at the time the act(s) or service(s) was (were) performed.

(3) Be in such detail that the awarding authority may determine whether the act(s) or service(s) meets (meet) the requirements for the award.

(4) Be accompanied by a proposed citation. No classified information may be included in the proposed citation, even though the recommendation which it accompanies may contain classified information.

(5) Furnish the full name, grade/rate, service number, and branch of service of the individual being recommended.

(6) Furnish reporting date and/or date of detachment of the individual, if known.

(7) Furnish information on previous awards made to the individual, if known.

(8) When more than one person is involved, a statement will be made to that effect. The statement shall include the name, grade/rate, and service number of the other individual(s) participating in the act or achievement, whether or not it is intended to recommend them for an award, and when the recommendation may be expected. Where feasible, all such recommendations should be submitted simultaneously in order that each may be evaluated in its proper perspective.

Recommendations for the Purple Heart should be brief, including a statement as to how the wound/injury was incurred and certification that it was the result of an act of the enemy or of an opposing armed force. Full name, service number, grade/rate, and date of wound or injury should be included. A proposed citation is not necessary.

(d) *Additional requirements for heroism awards.* In addition, recommendations for awards to persons rescuing or endeavoring to rescue any other person from fire, drowning, shipwreck, or other perils of the water, or for any other act of heroism, should contain the following:

(1) Testimony of at least two eye-witnesses. Such eye-witness statements should furnish accounts of the incident, including opinions as to whether the person for whom the award is sought imperiled his or her own life.

(2) The precise locality of the rescue or attempted rescue, or heroic action.

(3) The date, time of day, nature of the weather, including force of the wind, condition and temperature of the water if applicable, and amount and source of light if at night.

(4) The names of all persons rendering assistance and the nature of the assistance.

(5) A freehand sketch of the scene, including distances, location of assistance and heights of piers or vessels from which rescue efforts were started, as applicable.

(6) A statement as to the swimming qualifications of the rescuer if applicable. (See article D-2502, Bureau of Naval Personnel Manual, for Navy personnel; and Marine Corps Order 1510.2 series for Marine Corps personnel.)

(7) An account of the cooperation or lack thereof on the part of the person being rescued.

(8) A rescue from burning should be described in great detail, including the aid received by the rescuer, the extent of the burns, and a description of the outer clothing of the rescuer.

Recommendations should include the above, but should not necessarily be limited to that information.

**§ 733.23 Limitations.**

(a) *Time limits*—(1) *Submission of recommendations.* Subject to statutory provisions, recommendations for all military decorations except the Distinguished Flying Cross and the Purple Heart must be submitted within three years from the date of the act or service and the award must be approved within five years thereof. Recommendations for the Distinguished Flying Cross must be submitted within two years of the service and the award must be approved within three years thereof. Time limits do not apply to the Purple Heart.

(2) *Lost recommendations.* When a recommendation has been initiated and placed in official channels within the time limits prescribed and has become lost, the certificate of an officer to that effect, accompanied by a copy of the original recommendation or, if a copy is not available, a statement of the substance of the original recommendation may be submitted to the Secretary of the Navy (Navy Department Board of Decorations and Medals), and the case will be considered on its merits.

(b) *Reconsideration of disapproved recommendations.* When a recommendation for an award has been considered by the authority delegated to bestow it and has been disapproved, it may be reconsidered only upon presentation of new material, and relevant evidence which was not available at the time of the original recommendation.

(c) *Limitation of medals*—(1) *Award and issuance.* Only one of the authorized decorations shall be awarded to an individual for a given act or service. No two medals or ribbons of the same decoration will be issued to an individual. For each subsequent act or service which is deemed to justify another award of the same decoration, a gold star will be issued in lieu thereof to be worn upon the accompanying ribbon. (Exception is a subsequent award of a Purple Heart posthumously. In such cases, a medal is issued to the official next of kin even though a medal was previously issued to the individual.)

(2) *Medals for individual acts vs unit awards.* Bestowal of a unit award on a group of individuals in no way limits the eligibility of an individual in that group for a military decoration for acts or services performed during the same period covered by the unit's citation.

(d) *Character of service.* Eligibility of any person for a military decoration shall be determined by his status at the time the act or service was performed, but no decoration shall be awarded or presented to anyone whose service subsequent to the time he distinguished himself shall have been such as to merit a discharge under other than honorable conditions.

**§ 733.24 Delegation of authority.**

The Medal of Honor will be awarded only with the approval of the President of the United States. All other Navy Department decorations for which authority is not delegated will be awarded by the Secretary of the Navy. At present, with the exception of the Purple Heart and the Air Medal, no authority to make awards is delegated by the Secretary of the Navy. The Chief of Naval Personnel and the Commandant of the Marine Corps are delegated authority to award the Purple Heart.

**§ 733.25 Presentation of medals and citations.**

(a) *Ceremony and publicity.* Presentation of military decorations shall be made as soon as practicable after approval of the award and shall be made with appropriate ceremony. These presentations should be publicized through appropriate news media when security considerations permit.

(b) *Medal of Honor*—(1) *Presenting authority for living recipients.* If the recipient is within a reasonable distance, he will be ordered to Washington, D.C., and the presentation of the medal and citation will be made by the President or by the Secretary of the Navy as the President's personal representative. Otherwise, the presentation will be made by the senior officer present, bearing in mind that this occasion demands that the presenting officer be the highest ranking individual it is possible to obtain.

(2) *Presenting authority for posthumous awards.* If the award is posthumous and the next of kin is in the vicinity of Washington, D.C., or signifies a desire to be present there, the President or the Secretary of the Navy, as practicable, will present the Medal of Honor and citation to such next to kin as the representative of the deceased. Otherwise, in the case of Navy personnel, the Chief of Naval Personnel will forward the Medal of Honor and citation to the Commandant of the Naval District within which the next of kin resides, to arrange such suitable presentation as is consistent with the occasion, the exigencies of the service, and the desires of the next of kin. In the case of Marine Corps per-

sonnel, the Commandant of the Marine Corps will make arrangements for the presentation of the award in accordance with the wishes of the next of kin.

(c) *All other awards.* The Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, will make arrangements in accordance with their established policies for presentation or delivery of the medal and citation/certificate to the recipient or, in the case of a posthumous award, to his next of kin. If the award is presented outside the vicinity of Washington, it shall be presented by the senior officer present or the unit commander.

(d) *Permanent citations and certificates.* (1) The citation for the Medal of Honor is signed by the President in the name of Congress.

(2) The Secretary of the Navy will sign in the name of the President permanent citations for all other decorations to members of the naval service except Navy Commendation Medals, Secretary of the Navy Commandations for Achievement, and Purple Hearts. He will sign in his own name the permanent citations for all Navy Commendation Medals and Secretary of the Navy Commendations for Achievement.

(3) The Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, will sign in the name of the President certificates for Purple Hearts.

### § 733.26 Awards to U.S. Army and U.S. Air Force personnel.

(a) *Recommendations.* Recommendations for Navy decorations to Army or Air Force personnel will be submitted to the Secretary of the Navy via the Army or Air Force Chief of Staff as applicable.

(b) *Limitations.* (1) Army and Air Force personnel are eligible to receive from the U.S. Navy any of the military decorations listed (§§ 733.17, 733.21) except the Medal of Honor.

(2) Army and Air Force personnel will not be awarded a Navy decoration for services which have already been recognized by an Army or Air Force decoration.

### § 733.27 Awards to U.S. Navy personnel from other U.S. Armed Forces.

Personnel of the Navy and Marine Corps serving with other branches of the Army Forces are authorized to accept awards tendered by such other Services provided they are not given for the same act or service for which a previous award has been made by the Navy.

### § 733.28 Military awards to civilians.

(a) *Recommendations.* The recommendation for an award of a military decoration to a civilian shall be forwarded to the Secretary of the Navy (Navy Department Board of Decorations and Medals) via the administrative chain of command and the Chief of Naval Operations.

(b) *Limitations.* The laws governing the award of certain decorations provide that they may be awarded to any person who, while serving in any capacity with the naval service, qualify therefor under certain conditions. This would include civilians. By such criteria, the following are decorations for which civilians could qualify: Navy Cross, Distinguished Service Medal, Silver Star Medal, Navy and Marine Corps Medal, Bronze Star Medal, Air Medal, Navy Commendation Medal, and Purple Heart. However, civilians are not normally awarded military decorations. When U.S. nonmilitary decorations are available for specific services rendered, they are considered more appropriate for award to civilians than military decorations. The only exception is the Purple Heart, which may be awarded to war correspondents, Red Cross personnel, and such others as may be designated, who are American citizens, and who meet the requirements for such award while serving with the Armed Forces in such civilian capacity. The Distinguished Service Medal will not be awarded to a civilian without the specific approval of the President.

### § 733.29 Requirements.

The authorization, eligibility requirements, and special provisions for all military decorations authorized for issue to U.S. naval personnel by the Department of the Navy are as listed in this section.

(a) *Medal of Honor*—(1) *Authorization.* 10 U.S.C. 6241, amended by the Act of July 25, 1963 (77 Stat. 93).

(2) *Eligibility requirements.* Awarded by the President in the name of Congress to a person who, while a member of the naval service, distinguishes himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty—

(i) While engaged in an action against an enemy of the United States;

(ii) While engaged in military operations involving conflict with an opposing foreign force; or

(iii) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

There must be no margin of doubt or possibility of error in awarding this honor. To justify the decoration, the individual must clearly render himself conspicuous above his comrades by an act so outstanding that it clearly distinguishes his gallantry beyond the call of duty from lesser forms of bravery; and it must be the type of deed which if not done would not subject him to any justified criticism. The deed must be without detriment to the mission of his command or to the command to which attached.

(b) *Navy Cross*—(1) *Authorization.* 10 U.S.C. 6242, amended by the Act of July 25, 1963 (77 Stat. 94).

(2) *Eligibility requirements.* Awarded to a person who, while serving in any capacity with the Navy or Marine Corps, distinguishes himself by extraordinary heroism not justifying the award of a Medal of Honor—

(i) While engaged in an action against an enemy of the United States;

(ii) While engaged in military operations involving conflict with an opposing foreign force; or

(iii) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

The heroic act(s) performed must render the individual conspicuous and well above the standard expected. An accumulation of minor acts of heroism normally does not justify the award, but unusual or exceptional cases will be decided on their merits.

(c) *Distinguished Service Medal*—(1) *Authorization.* 10 U.S.C. 6243.

(2) *Eligibility requirements.* Awarded to a person who, while serving in any capacity with the Navy or Marine Corps, distinguishes himself by exceptionally meritorious service to the United States in a duty of great responsibility. To justify this decoration, an exceptional performance of duty, clearly above that normally expected, which has contributed materially to the success of a major command or project, is required. In general, the Distinguished Service Medal will be awarded only to those officers in principal commands at sea whose service is such as to justify the award. However, this shall not be interpreted to preclude the award of the Distinguished Service Medal to any individual whose service meets the requirements. If there is any doubt as to the degree of service involved, the Legion of Merit is the more appropriate award.

(d) *Silver Star Medal*—(1) *Authorization.* 10 U.S.C. 6244, amended by the Act of July 25, 1963 (77 Stat. 94).

(2) *Eligibility requirements.* Awarded to a person who, while serving in any capacity with the Navy or Marine Corps, is cited for gallantry in action that does not warrant a Medal of Honor or Navy Cross—

(i) While engaged in an action against an enemy of the United States;

(ii) While engaged in military operations involving conflict with an opposing foreign force; or

(iii) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

The heroic act(s) performed must render the individual conspicuous and well above the standard expected. An accumulation of minor acts of heroism normally does not justify the award, but unusual or exceptional cases will be decided on their merits.

(e) *Legion of Merit*—(1) *Authorization.* 10 U.S.C. 1121.

(2) *Eligibility requirements.* Awarded to a member of the armed forces of the United States or of a friendly foreign nation who distinguishes himself by exceptionally meritorious conduct in performing outstanding service.

(i) *For United States military personnel.* This award will be made to United States military personnel without reference to degree and, for each such award, the Legion of Merit (Legionnaire) will be issued. To justify this decoration, the service rendered must have been comparable to that required for the Distinguished Service Medal but in a duty of lesser though considerable responsibility. In general, the Legion of Merit will be awarded to officers in lesser commands at sea or principal commands on shore who have performed such exceptionally meritorious service as to justify the award of the Distinguished Service Medal except as to degree of merit. However, this should not be interpreted to preclude the award of the Legion of Merit to any individual, regardless of grade or rate, whose acts or services meet the requirements. When the degree of achievement or service rendered, although meritorious, is not sufficient to warrant the award of the Legion of Merit, the Bronze Star Medal, the Navy Commendation Medal, or the Secretary of the Navy Commendation for Achievement Medal, where appropriate, should be considered in that order.

(ii) *For foreign military personnel.* See subpart G.

(3) *Combat distinguishing device.* A bronze letter "V" is authorized if the citation is for acts or services involving direct participation in combat operations.

(f) *Distinguished Flying Cross*—(1) *Authorization.* 10 U.S.C. 6245.

(2) *Eligibility requirements.* Awarded to any person who, while serving in any capacity with the U.S. Navy or the U.S. Marine Corps, distinguishes himself by heroism or extraordinary achievement while participating in aerial flight. To justify this decoration for heroism, an act in the face of great danger, well above normal expectations, such as to distinguish the individual above those of comparable grade or rate performing similar services, is required; for achievement, the results accomplished must be so exceptional as to render the individual conspicuous among those of comparable grade or rate performing similar services.

(g) *Navy and Marine Corps Medal*—(1) *Authorization.* 10 U.S.C. 6246.

(2) *Eligibility requirements.* Awarded to any person who, while serving in any capacity with the U.S. Navy or the U.S. Marine Corps, shall have distinguished himself by heroism not involving actual conflict with the enemy. For acts of life-saving, or attempted life-saving, its requirements parallel those of the Gold Life Saving Medal; namely, for extreme and heroic daring at the risk of one's own life. This award may also be considered for any individual who, prior to August 7, 1942, received a letter of commendation for heroism from the Secretary of the Navy, regardless of the date of the act of heroism, provided he makes application therefor. (Members of the armed forces should not be recommended for the Treasury Department Life-Saving Medals unless a military decoration is considered wholly inappropriate. Normally, members of the naval service are awarded the Navy and Marine Corps Medal for outstanding heroic acts in saving or attempting to save a life. For a lesser degree of heroism, a Commendation Medal is considered the appropriate award.)





(h) *Bronze Star Medal*—(1) *Authorization.* Executive Order 11046, August 24, 1962 (27 F.R. 8575).

(2) *Eligibility requirements.* Awarded to any person who, while serving in any capacity with the Armed Forces of the United States, distinguishes himself after December 6, 1941, by heroic or meritorious achievement or service, not involving participation in aerial flight—

(i) While engaged in an action against an enemy of the United States;

(ii) While engaged in military operations involving conflict with an opposing foreign force; or

(iii) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

To justify this decoration, accomplishment or performance of duty above that normally expected, and sufficient to distinguish the individual among those performing comparable duties, is required, although less than the requirements for the Silver Star or the Legion of Merit. Minor acts of heroism in actual combat, single acts of merit or meritorious service in connection with military or naval operations under the conditions listed in subdivision (i), (ii) or (iii) of this subparagraph may justify this award.

(3) *Combat distinguishing device.* A bronze letter "V" is authorized if the citation is for acts or services involving direct participation in combat operations.

(i) *Air Medal*—(1) *Authorization.* Executive Order 9158, May 11, 1942 (7 F.R. 3541), amended by Executive Order 9242A, September 11, 1942 (7 F.R. 7874).

(2) *Eligibility requirements.* Awarded to a person who, while serving in any capacity with the Armed Forces of the United States distinguishes himself by heroic/meritorious achievement while participating in aerial flight subsequent to September 8, 1939. To justify this award, the achievement must have been accomplished with distinction.

(j) *Joint Service Commendation Medal*—(1) *Authorization.* Department of Defense Directive 1348.14 of June 25, 1963.

(2) *Eligibility requirements.* Awarded in the name of the Secretary of Defense to members of the Armed Forces who, after January 1, 1963, distinguish themselves by meritorious achievement or service while serving in any of the following Joint Activities assignments:

(i) Office of the Secretary of Defense.

(ii) Organization of the Joint Chiefs of Staff.

(iii) Defense Supply Agency.

(iv) National Security Agency.

(v) Other Department of Defense agencies or joint activities reporting through the Joint Chiefs of Staff.

(vi) Headquarters, unified and specified commands.

(vii) Headquarters of joint task forces, joint commands or control groups reporting through the Joint Chiefs of Staff, unified, specified, or subordinate joint commanders, to include service components assigned to a joint command for exercise purposes (e.g., U.S. Strike Command).

(viii) Other joint activities reporting to commanders of unified or specified commands (e.g., Military Assistance Advisory Groups or Joint Missions).

(ix) Jointly manned staffs within Allied Command Europe and Allied Command Atlantic, and military agencies associated with the functions of the Standing Group, NATO.

The required achievement or service, while of lesser degree than that required for award of the Legion of Merit, must nevertheless have been accomplished with distinction.

(k) *Navy Commendation Medal*—(1) *Authorization.* ALNAV 11 of January 11, 1944, authorized the Navy Commendation Ribbon, and on March 22, 1950, the Secretary of the Navy established the Metal Pendant for this award. On September 21, 1960, the Secretary of the Navy changed the name of the award to Navy Commendation Medal. On June 1, 1962, the President of the United States authorized this award to be made to personnel of the armed forces of friendly foreign nations.

(2) *Eligibility requirements.* Awarded to a person who, while serving in any capacity with the Navy or Marine Corps (including foreign military personnel), distinguishes himself after December 6, 1941, by heroic or meritorious achievement or service. To merit this award, the acts or services must be accomplished or performed in a manner above that normally to be expected and sufficient to distinguish the individual above those of comparable grade or rate performing similar services, as set forth in the following subdivisions:

(i) *For acts of heroism.* Worthy of special recognition but not to the degree required for the Bronze Star Medal when combat is involved; or the Navy and Marine Corps Medal when combat is not involved.

(ii) *For meritorious achievement.* Outstanding and worthy of special recognition, but not to the degree required for the Bronze Star Medal or Air Medal when combat is involved; or the Legion of Merit, Bronze Star Medal, or Air Medal when combat is not involved. The achievement should be such as to constitute a definite contribution to the naval service, such as an invention, or improvement in design, procedure, or organization.

(iii) *For meritorious service.* Outstanding and worthy of special recognition but not to the degree required for the Bronze Star Medal or Air Medal when combat is involved; or the Legion of Merit, Bronze Star Medal, or Air Medal when combat is not involved. The award may cover an extended period of time during which a higher award may have been recommended or received for specific acts. The criteria, however, should not be the period of service involved, but rather the circumstances and conditions under which the service was performed. The performance should be well above that usually expected of an individual commensurate with his grade or rate, and above that degree of excellence which can be ap-

propriately reflected in the individual's fitness report or personnel record.

(3) *Combat distinguishing device.* A bronze letter "V" is authorized if the citation is for acts or services involving direct participation in combat operations.

(l) *Secretary of the Navy Commendation for Achievement Medal.* Awarded to enlisted and commissioned members of the Navy and Marine Corps, including members of Reserve components, of the grade of lieutenant commander/major and junior thereto, for service performed on or after May 1, 1961. It may also be awarded to members of other branches of the Armed Forces of comparable grade or rate when attached to, or serving with, units of the Department of the Navy. The award shall be given to officers for professional achievement, and to enlisted personnel for professional achievement and/or leadership, of such merit as to warrant a more tangible recognition than is possible by a fitness report or evaluation sheet but not warranting a Navy Commendation Medal or higher award.

(1) Professional achievement (of officers or enlisted members) which merits the award must—

(i) Clearly exceed that which is normally required or expected, considering the individual grade or rate, training, and experience.

(ii) Be an important contribution, which is beneficial to the United States and the Navy.

(2) Leadership achievement (by enlisted members only) which merits the award must—

(i) Be noteworthy.

(ii) Be sustained so as to demonstrate a high state of development rather than a short period of achievement.

(iii) Reflect most creditably on the efforts of the individual and the accomplishment of the mission of the unit.

(3) Guidance in interpretation of criteria: In order that there may be some clarification of the two bases for the award, the following interpretations are furnished:

(i) *Specific achievement (officers and enlisted).* Specific achievement in some tangible contribution as, for example, an invention or a new procedure. Its benefit to the Navy must be clearly demonstrable and in some instances its effect can be appraised in dollars. An award for specific achievement is not dependent on nor necessarily related to overall outstanding performance of regular duties. Whether a Secretarial award is warranted for specific achievement can largely be determined from the extent of the beneficial effect of the achievement. If it is of recognizable and demonstrable benefit to the Navy as a whole, it is appropriate for recognition by the Secretary of the Navy.

(ii) *Leadership achievement (enlisted only).* "Leadership" has been defined in the original Navy Department General Order 21 (superseded by Navy Department General Order 21 of May 1, 1963) as "the art of accomplishing the Navy's mission through people. It is the sum of those qualities of intellect, of human understanding and of moral character that enable a man to inspire and to manage a group of people successfully. Effective leadership, therefore, is based on personal example, good management practices, and moral responsibility." The following should be considered and covered in making recommendations for the award based on noteworthy leadership achievement:

(a) Complete understanding of and clearly demonstrated adherence to the highest moral principles.

(b) Improvement of unit performance over a period of time directly attributable to the candidate, through comparison of results attained.

(c) Demonstrated achievement of the organizational part of the unit for which responsible.

(d) Other indication of the effect of the superior leadership of the individual recommended.

(m) *Purple Heart*—(1) *Authorization.* Executive Order 11016, April 25, 1962 (27 F.R. 4139).

(2) *Eligibility requirements.* Awarded to any person who, while serving under competent authority in any capacity with an Armed Force of the United States, has been or may hereafter be killed or wounded—

(i) In any action against an enemy of the United States;

(ii) In any action with an opposing armed force of a foreign country in which the Armed Forces of the United States are or have been engaged;

(iii) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party;

(iv) As the result of an act of any such enemy or opposing armed force;

(v) As the result of an act of any hostile foreign force;

(vi) As the result of indirect enemy action as, for example, injuries resulting from parachuting from a plane brought down by enemy or hostile fire; or

(g) As the result of maltreatment inflicted by his captors while a prisoner of war.

(3) *Definition of "wound".* A wound is defined as an injury to any part of the body from an outside force or agent, sustained while in action as described in the criteria. A physical lesion is not required, provided the concussion or other form of injury received was a direct result of the action engaged in and required treatment by a medical officer.

(4) *Limitations.* Except in the case of a prisoner of war, the wound for which the award is made must have required treatment by a medical officer. Only one award is authorized for more than one wound or injury received at the same instant from the same missile, force, explosion, or agent. Awards will not be made by reason of frostbite, malnutrition, dysentery, and exhaustion.

## Subpart C—Unit Awards

### § 733.31 Definition.

A unit award is an award made to an operating unit for outstanding performance.

### § 733.32 Precedence.

Insignia for U.S. unit awards, which consist of ribbon bars only, take precedence immediately after all military decorations. The precedence of unit awards is as follows:

(a) Presidential Unit Citation.

(b) Navy Unit Commendation.

### § 733.33 Attachments.

(a) *Bronze star.* A bronze star 3/16" in diameter is worn on the ribbon bar of all unit awards to denote each subsequent award for which personnel are eligible, made either to the same unit or to a unit to which they are subsequently assigned.

(b) *Silver star.* A silver star 3/16" in diameter is worn on the ribbon bar of all unit awards in lieu of five bronze stars.

(c) *Gold "N".* A gold "N" is worn on the ribbon bar of the Presidential Unit Citation awarded to the "U.S.S. Nautilus (SSR(N) 571)."

(d) *Bronze globe.* A bronze globe is worn on the ribbon bar of the Presidential Unit Citation awarded to the "U.S.S. Triton (SSR(N) 586)."

### § 733.34 Insignia for ships and units.

(a) *Presidential Unit Citation*—(1) *Pennant.* A burgee pennant of Independence Blue, Old Gold, and Scarlet of 27 units on the hoist by 57 units on the fly with the Gold measuring 13 units on the hoist and 48 units on the fly centered between the Blue above and the Scarlet below. This pennant will be flown from the foretruck by ships from sunrise to sunset when not underway. A replica of this pennant may be painted in a suitable place on individual ships, planes, tanks, etc.

(2) *Plaque.* For cited ships, aircraft units, tank units, etc., a bronze plaque of appropriate size may be displayed, with the pennant insignia centered in the upper part, and the citation, or citations if cited more than once, engraved below this insignia. A facsimile of this plaque may be painted in a suitable place on individual ships, planes, tanks, etc.

(3) *Streamer.* A streamer of appropriate size is authorized for cited companies, battalions, regiments, squadrons, groups, wings, etc., including component parts and reinforcing units thereof.

(4) *Ribbon replica.* Ships are authorized to display a replica of the Presidential Unit Citation with other replicas of ribbons.

(5) *Stars.* A bronze star may be added to the insignia for each additional citation received, and a silver star may be added in lieu of five bronze stars.

(6) *Custody of insignia.* When a ship or unit is decommissioned, the plaque or streamer will be sent to the Curator, Department of the Navy, Washington, D.C., or the U.S. Marine Corps Museum, Quantico, Virginia, as appropriate. A reactivated, recommissioned, or reorganized unit having the same name and mission as the original unit is authorized to obtain this plaque or streamer and to display it. A successor ship of the same name is authorized to obtain and display the plaque but will not display any of the distinguishing insignia. A notation will be made describing the circumstances under which the original ship was lost or otherwise disposed of.

(7) *Rules for display of insignia by ships.* (i) Any ship that was part of the cited unit and participated in one or more of the actions for which the unit was cited is authorized to mount the plaque and paint the pennant and ribbon replicas.

(ii) The flagship of the cited unit is entitled to fly the pennant irrespective of whether the flagship was a part of the unit and participated in any of the actions for which the unit was cited.

(b) *Navy Unit Commendation*—(1) *Pennant.* A burgee pennant of Royal Blue, Spanish Yellow, Cardinal Red, and Myrtle Green of 44 units on the hoist by 92 units on the fly, with the Myrtle Green measuring 20 units on the hoist and 77 units on the fly, centered between the Royal Blue (4 units), Spanish Yellow (4 units), and Cardinal Red (4 units) above, and like arrangement of 12 units below. This pennant will be displayed by ships in the same manner and in accordance with the same rules as the Presidential Unit Citation pennant. A replica of this pennant may be painted in a suitable place on individual planes, tanks, etc.

(2) *Additional insignia.* A bronze plaque, facsimiles of this plaque, a battle streamer, ribbon replicas, and stars may be displayed in the same manner and in accordance with the same rules as indicated for the Presidential Unit Citation.

(3) *Stars.* A bronze star may be added to the insignia for each additional commendation received, and a silver star may be added in lieu of five bronze stars.

(4) *Custody of insignia.* The provisions for custody of insignia applicable to the Presidential Unit Citation are also applicable to the custody of Navy Unit Commendation insignia.

(5) *Rules for display of insignia by ships.* The rules applying to the Presidential Unit Citation are also applicable to the Navy Unit Commendation.

### § 733.35 Recommendations.

(a) *Chain of command.* All recommendations for unit awards shall be forwarded to the Secretary of the Navy (Navy Department Board of Decorations and Medals) via the following chain of command: Operational commander, type commander (when appropriate), Commandant of the Marine Corps (when a Marine Corps unit is recommended), and the Chief of Naval Operations. In the event any Navy or Marine Corps unit is recommended for a unit award and has operated under a joint commander for any portion of the time encompassed by the recommendation, an expression of opinion concerning the meritorious service of that unit shall be obtained from the joint commander concerned. After review by the Navy Department Board of Decorations and Medals, the recommendation shall be transmitted to the Secretary of the Navy via the Chief of Naval Operations.

(b) *Evidence required.* Each recommendation will be submitted separately and will be accompanied by sufficient data forming the basis of the recommendation to enable the reviewing authorities to consider the case adequately. Complete lists of all qualifying and recommended reinforcing units with dates of attachment to the unit recommended for citation shall be submitted with the recommendation.

### § 733.36 Limitations.

(a) No unit or any part thereof will be awarded both the Presidential Unit Citation and the Navy Unit Commendation for the same act or service.

(b) Recommendations for unit awards must be submitted within three years from the date of the action or service and the award must be made within five years thereof. When a recommendation has been initiated and placed in official channels within the time limits prescribed and has become lost, the certificate of an officer to that effect, accompanied by a copy of the original recommendation or, if a copy is not available, a statement of the substance of the original recommendation may be submitted and the case considered on its merits.

### § 733.37 Requirements.

The authorization, eligibility requirements, and special provisions for unit awards are listed in the following paragraphs.

(a) *Presidential Unit Citation*—(1) *Authorization.* Executive Order 10694, January 10, 1957 (22 F.R. 253).

(2) *Eligibility requirements*—(i) *For units.* Awarded in the name of the President of the United States to any ship, aircraft, or other unit of the Navy or to any Marine Corps aircraft, detachment, or higher unit for outstanding performance in action. This award may also be conferred upon units of armed forces of cobelligerent nations serving with the Armed Forces of the United States for outstanding performance in action, provided that such units shall meet the standards established for the Armed Forces of the United States. To justify the citation, the unit must have clearly rendered itself conspicuous by action of a character comparable to that which would merit the award of a Navy Cross to an individual. The performance of duty in carrying out a mission under the ordinary hazards of war, or participation in extended periods of combat duty, or in a large number of combat missions does not in itself justify the award, which is designed to recognize specific acts of heroism on the part of the unit acting as a team. An award will not be made to a large unit for actions of one or more of its component parts unless the large unit performed as a total team in a manner justifying the award.

(ii) *For personnel of the cited unit.* Those persons permanently assigned or attached to the cited unit who were actually present and participated in the action for which the unit was cited, or in one of the actions if more than one action is mentioned in the citation, are authorized to wear the ribbon permanently (no medal authorized), regardless of where serving. Personnel who join the unit in a permanent duty status subsequent to the period for which that unit was cited are not entitled to wear the ribbon at any time. Transient and temporary duty personnel, and those assigned to the cited unit for active duty for training, are normally not eligible. Exceptions may be made for personnel so assigned because of an outstanding need for the skills possessed which were not adequately available within the unit. In such a case, the commanding officer should submit a recommendation in which he certifies that the individual made a direct, recognizable contribution to the performance of the services which qualified the unit for the award.

(iii) *For staff personnel serving in cited unit.* Flag Officers, unit commanders, and members of their staffs, serving in a unit upon the occasion for which cited, or any part thereof, shall be included in the unit citation. However, should such flag officers, unit commanders, and staff members serve with a number of units, each cited for the same overall group operation, they shall be eligible for only one such citation.

(b) *Navy Unit Commendation*—(1) *Authorization.* ALNAV 224, December 18, 1944.

(2) *Eligibility requirements*—(i) *For units.* Awarded by the Secretary of the Navy to any ship, aircraft, or other unit of the Navy or to any Marine Corps aircraft, detachment, or higher unit which has distinguished itself by outstanding heroism in action against the enemy, but not sufficient to justify the award of the Presidential Unit Citation; or to any such unit which has distinguished itself by extremely meritorious service not involving combat but in support of military operations, rendering the unit outstanding compared to other units performing similar service. This award may also be conferred upon units of armed forces of cobelligerent nations serving with the Armed Forces of the United States provided that such units shall meet the standards established for Navy and Marine Corps units. To justify this award, the unit must have performed service as a unit of a character comparable to that which would merit the award of a Silver Star Medal or a Legion of Merit to an individual. Normal performance of duty or in a large number of combat missions does not in itself justify the award. An award will not be made to a large unit for actions of one or more of its component parts unless the large unit performed as a total team in a manner justifying the award.

(ii) *For personnel of cited units.* Those persons permanently assigned or attached to the unit commended who were actually present and participated in the action for which the unit was commended, or in one of the actions if more than one action is mentioned in the commendation, are authorized to wear the ribbon permanently (no medal authorized), regardless of where serving. Personnel who join the unit in a permanent duty status subsequent to the period for which that unit was commended are not entitled to wear the ribbon at any time. Transient and temporary duty personnel, and those assigned to the commended unit for active duty for training, are normally not eligible. Exceptions may be made for personnel so assigned because of an out-

standing need for the skills possessed which were not adequately available within the unit. In such a case, the commanding officer should submit a recommendation in which he certifies that the individual made a direct, recognizable contribution to the performance of the services which qualified the unit for the award.

(iii) *For staff personnel serving in a cited unit.* Flag officers, unit commanders, and members of their staffs, serving in a unit upon the occasion for which cited, or any part thereof, shall be included in the unit citation. However, should such flag officers and staff members serve with a number of units, each cited for the same overall group operation, they shall be eligible for only one such citation.

## Subpart D—United States Nonmilitary Decorations

### § 733.41 Definition.

A United States nonmilitary decoration is any United States decoration which is not classified as a military decoration.

### § 733.42 Precedence.

United States nonmilitary decorations take precedence immediately after all United States unit awards. They take precedence in the order earned except that when more than one decoration has been established by the same agency, the precedence of those particular decorations is as established by that agency. The following list includes certain nonmilitary decorations which personnel in the naval service may earn and wear on the uniform:

(a) Gold Life Saving Medal (14 U.S.C. 500).

(b) Silver Life Saving Medal (14 U.S.C. 500).

(c) National Security Medal (E.O. 10431, Jan. 19, 1953; 18 F.R. 437).

(d) Presidential Medal of Freedom (E.O. 11085, Feb. 21, 1963; 28 F.R. 1759).

(e) National Aeronautics and Space Administration Distinguished Service Medal.

Other nonmilitary awards earned by naval personnel prior to entry into the service which may be worn on the uniform are listed in the U.S. Navy Uniform Regulations and the U.S. Marine Corps Uniform Regulations.

### § 733.43 Attachments.

(a) *Gold bar.* A gold bar is authorized to be worn on the suspension ribbon of the Gold Life Saving Medal to denote each subsequent award earned.

(b) *Silver bar.* A silver bar is authorized to be worn on the suspension ribbon of the Silver Life Saving Medal to denote each subsequent award earned.

(c) *Gold compass rose.* A gold compass rose is authorized to be worn on the suspension ribbon of the medal and ribbon bar of the National Security Medal to denote each subsequent award earned.

(d) *Planet symbol.* A ball-shaped object symbolizing a planet with wing configuration is authorized to be worn on the suspension ribbon of the medal and ribbon bar of the National Aeronautics and Space Administration Distinguished Service Medal to denote each subsequent award earned.

### § 733.44 Issue and replacement.

Regulations for issue and replacement of United States nonmilitary decorations are as promulgated by the awarding agency.

### § 733.45 Recommendations.

(a) All recommendations for the United States nonmilitary decorations listed in § 733.42 should be forwarded to the Secretary of the Navy (Navy Department Board of Decorations and Medals) for further transmittal to the appropriate reviewing authority.

(b) Navy and Marine Corps personnel should not be recommended for Treasury Department Life Saving Medals unless a military decoration is considered wholly inappropriate. The Navy and Marine Corps Medal or Navy Commendation Medal, as appropriate, should be awarded to Navy and Marine Corps personnel for heroic conduct in saving life instead of the Gold and Silver Life Saving Medals.

## Subpart E—Campaign and Service Awards

### § 733.51 Definition.

A campaign or service award is an award issued to an individual to denote participation in a campaign, war, national emergency or expedition, or to denote service requirements fulfilled in a creditable manner.

### § 733.52 Precedence.

The awards numbered 19–29 in § 733.17 are arranged or worn in their order of precedence as shown. Awards numbered 30–49 have no precedence, as such, among themselves, but are chronologically listed in § 733.17 on the basis of the date of their original establishment; they are worn by the individual, however, in the order in which they are earned, and their precedence for an individual member is so determined.

### § 733.53 Attachments.

Detailed eligibility requirements for attachments are contained in § 733.57 under the requirements for the specific award, and the wearing thereof is covered in Navy Uniform Regulations and Marine Corps Uniform Regulations.

(a) *Stars*—(1) *Bronze.* A bronze star 5/16" in diameter is worn on the suspension ribbon of the medal and the ribbon bar of the following awards to denote each subsequent award earned, or to denote battle engagements:

(i) Good Conduct Medals (Navy and Marine Corps).

(ii) Naval Reserve Medal.

(iii) Naval Reserve Meritorious Service Medal.

(iv) Organized Marine Corps Reserve Medal.

(v) Expeditionary Medals (Navy and Marine Corps).

(vi) China Service Medal.

(vii) Area Campaign Medals, World War II (American Campaign Medal, European-African-Middle Eastern Campaign Medal, and Asiatic-Pacific Campaign Medal).

(viii) Korean Service Medal.

(ix) Armed Forces Expeditionary Medal.

(x) Marine Corps Reserve Ribbon.

(A bronze star is also worn on the ribbon bar in lieu of battle and/or service clasp worn on the suspension ribbon of the Victory Medal (World War I) and the American Defense Service Medal.

(2) *Silver.* A silver star 5/16" in diameter is worn as follows:

(i) On the suspension ribbon and ribbon bar of the medals listed in paragraph (a) (1) of this section.

(ii) On the ribbon bar of the Victory Medal (World War I) in lieu of five battle clasps.

(iii) On the suspension ribbon and ribbon bar of the Victory Medal (World War I) for each commendation from the Secretary of the Navy for performance of duty during World War I not justifying the award of a Medal of Honor, a Distinguished Service Medal, or a Navy Cross.

(b) *Clasps.*—(1) *Expeditionary Medals (Navy and Marine Corps).* The "Wake Island" Clasp is authorized for wear on the suspension ribbon of these medals.

(2) *Victory Medal (World War I).* Service clasps, area clasps, and battle clasps are authorized to be worn on the suspension ribbon of the medal. Only one service or area clasp may be worn. All earned battle clasps, however, may be worn, but may not be worn with a service or area clasp.

(3) *American Defense Service Medal.* The following clasps are authorized for wear on the suspension ribbon of this medal: (i) "Fleet". (ii) "Base".

(4) *Navy Occupation Service Medal.* The following clasps are authorized for wear on the suspension ribbon of this medal: (i) "Europe". (ii) "Asia".

(5) *Antarctica Service Medal.* Bronze, gold, and silver clasps with the words "Wintered Over" are authorized for wear on the suspension ribbon of this medal.

(c) *Letter devices.* (1) Bronze letter "A" is authorized for wear on the ribbon bar of the American Defense Service Medal.

(2) Silver letter "W" is authorized for wear on the ribbon bar in lieu of the "Wake Island" clasp worn on the suspension ribbon of the Expeditionary Medals (Navy and Marine Corps).

(d) *Miscellaneous devices.* (1) Berlin Airlift Device is authorized for wear on the suspension ribbon of the medal and on the ribbon bar of the Navy Occupation Service Medal.

(2) Bronze Maltese Cross is authorized for wear on the ribbon bar of the World War I Victory Medal indicative of the France Clasp worn on the suspension ribbon.

(3) Fleet Marine Force Combat Operation Insignia is authorized for wear by naval personnel attached to Fleet Marine Force units on the suspension ribbon of the medal and the ribbon bar of World War II area campaign medals and the Korean Service Medal, and on other appropriate medals authorized for any future wars, conflicts, or insurrections.

(4) Hour Glass Device is authorized for wear on the suspension ribbon of the medal and ribbon bar of the Armed Forces Reserve Medal.

(5) Discs in bronze, gold, and silver are authorized for wear on the ribbon bar of the Antarctica Service Medal.



### § 733.54 Distribution.

(a) Distribution of a particular campaign/service medal will be in accordance with instructions issued by the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate. When the medal is available for initial distribution, instructions will be promulgated by each branch of the service in accordance with established policies to inform commanding officers of the method of procurement.

(b) Commanding officers shall make appropriate entries concerning campaign/service awards which have been earned and which have been received by each individual under their command in accordance with instructions in the Bureau of Naval Personnel Manual and the Marine Corps Personnel Manual.

### § 733.55 Limitations.

(a) *Character of service.* Eligibility of any person for a campaign or service award shall be determined by his status at the time the award is earned, but no campaign/service award shall be issued to anyone whose service subsequent to the time the award was earned shall have been such as to merit a discharge under other than honorable conditions. However, if an individual was issued such an award prior to his dishonorable discharge, the award will not be revoked unless directed by the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

(b) *Issuance of medals.* No more than one of any specific campaign/service medal shall be issued to an individual. An appropriate attachment shall be issued in lieu of each subsequent medal earned.

### § 733.56 Applications.

(a) *U.S. Navy personnel.* (1) Form letter NAVPERS 2887 (Medals and Awards; request for) will be used by active duty personnel to submit requests for the initial issuance or for the replacement of campaign/service medals, and for the replacement only of Good Conduct Medals, Naval Reserve Medals, and Armed Forces Reserve Medals.

(2) Form letter NAVPERS 2888 (Good Conduct Award(s); request for) will be used by commanding officers to submit requests for Good Conduct Awards and/or Certificates for personnel under their command. (The forms referred to in this subparagraph and in subparagraph (1) may be obtained from the Cognizance Symbol "T" segment of the Navy Supply System in accordance with NAVSANDA Publication P–2002, Navy Stock List of Forms and Publications.)

(3) Naval Reserve Medal and Armed Forces Reserve Medal. Applications for these awards will be submitted in letter form to the Chief of Naval Personnel via the commanding officer or district commandant as appropriate, and will show the date of enlistment or commissioning in the Reserve, all periods of broken service, and, except for Naval Reserve officers, the number of retirement points earned during the current enlistment or period of service. Applications from Naval Reserve officers who have served on other than continuous active duty shall be forwarded via the Officer in Charge, Naval Reserve Officer Recording Activity, Omaha, Nebraska, for inclusion of retirement points earned and the number of satifactory years completed.

(4) Naval Reserve Meritorious Service Medal. Application is made to the commanding officer or district commandant, who will determine eligibility for and procure the ribbon directly from the Naval Supply Depot, Philadelphia, Pennsylvania.

(b) *U.S. Marine Corps personnel.* (1) Individual applications for campaign and service medals for Marine Corps personnel will be submitted in duplicate, using Administrative Action Form NAVMC 10274–ADM (Rev. 3–59), or by individual letter. Full name, grade or rate, and service number should be furnished.

(2) In the case of the Organized Marine Corps Reserve Medal, furnish in addition if available: Date joined organized unit; broken time, i.e., organized, volunteer, or periods of active duty; number of drills and camps attended or equivalent duty; and markings as applicable. Such information should be furnished according to the individual's anniversary year in the Organized Reserve.

(3) In the case of the Armed Forces Reserve Medal, furnish, if available, the date of acceptance of appointment in the Reserve for officers, or the date of joining the Reserve unit for enlisted men. In addition, furnish the number of yearly retirement points after July 1, 1949.

(4) In the case of the Marine Corps Good Conduct Medal, commanding officers are authorized to award this medal or star with certificate at the time requirements are met for such awards. In making the award, the commanding officer will issue the medal or star together with the original certificate to the person eligible, forward a copy thereof to the Commandant of the Marine Corps (Code DGH), and make appropriate entry in the service record book.

### § 733.57 Requirements.

The authorization, eligibility requirements, and special provisions for campaign/service awards are as set forth in this section. Unit commanders, members of their staffs, and personnel attached to air or other units automatically derive their eligibility for service medals and engagement stars in the same manner as personnel regularly assigned to the ship or unit to which they are attached.

(a) *Navy Good Conduct Medal*—(1) *Authorization.* The Navy Good Conduct Medal was established by the Secretary of the Navy on April 26, 1869, to recognize service in the Navy which is above average in conduct and proficiency. Since the establishment of the Good Conduct Medal, the requirements have been changed from time to time and are listed in the Navy and Marine Corps Awards Manual. The current requirements are also set forth in paragraph (a) (2) of this section.

(2) *Current requirements (for service terminating on and after November 1, 1963).*—(i) *Service.* (a) Any 4 years of continuous active service as an enlisted member in the Regular Navy or Naval Reserve (including inductee).

(1) A person reenlisting or reporting for active duty within 3 months of his discharge or release to inactive duty is considered to be serving under "continuous active service" conditions. The time not served is not counted as an interruption to service, but is not included in computing time served. A person who reenlists or reports for active duty after 3 months must begin a new 4-year period on the date of reenlistment or reporting for active duty.

(2) An enlisted member appointed a temporary warrant or commissioned officer or a Naval Academy midshipman may include such temporary service upon reverting to an enlisted status for any purpose (including for discharge to accept appointment as permanent officer) in computing total service toward eligibility for a Good Conduct award. Except as provided in the preceding sentence, service in warrant, commissioned, or Naval Academy midshipmen status may not be included in computing time served.

(3) Reserve time credited toward the Naval Reserve Meritorious Service Ribbon may not be credited for the Good Conduct Medal/award.

(b) A completed minority enlistment. A minority enlistment will be considered to be a completed enlistment when the member concerned is discharged the day prior to his 21st birthday or within 3 months of the day prior to his 21st birthday.

(c) A first enlistment from which discharged or released to inactive duty within 3 months of expiration of a 4-year enlistment.

(ii) *Conduct and performance.* Within the given 4-year period (or completed minority enlistment):

(a) Clear record (no convictions by courts-martial, no nonjudicial punishments, no sick-misconduct, no civil convictions for offenses involving moral turpitude).

(1) If confinement as result of conviction by any court-martial (general, special, or summary court-martial) is involved, a new 4-year period shall begin with date of restoration to duty, even though on a probationary basis. If confinement is not included in approved sentence of the court-martial, a new 4-year period shall begin with date of convening authority's action.

(2) If service record contains a nonjudicial punishment, a new 4-year period shall begin with date of nonjudicial punishment. If date of nonjudicial punishment is not shown, the new 4-year period shall begin with date of offense.

(3) If sick-misconduct appears in record, a new 4-year period shall begin with date of restoration to duty.

(4) If convicted by civil authorities, a new 4-year period shall begin with date of return to active duty status.

(b) No mark below 3.0 in Professional Performance, Military Behavior, Leader-

ship and Supervisory Ability, Military Appearance, and Adaptability. (No average mark required.) If record contains a mark below 3.0 which is not the result of a nonjudicial punishment, the new 4-year period shall begin with the date of the mark.

(c) Service performed in temporary warrant, commissioned, or Naval Academy midshipman status, if reverted to enlisted status, will be considered to fulfill the conduct and proficiency requirements for the Good Conduct award provided the individual has not received any of the following in a 4-year period: court-martial; nonjudicial punishment; letter of censure, admonition, or reprimand; suspension from duty or private reprimand if noted on fitness report or otherwise officially reported to the Bureau of Naval Personnel; unsatisfactory fitness report; reversion to enlisted status for disciplinary reasons; or civil conviction for offenses involving moral turpitude.

(d) When the foregoing requirements have been met, but it is evident that the individual is not deserving of this award due to a repeated record of letters of valid indebtedness, or other acts which are not in keeping with the high moral standards required of all Navy personnel, the commanding officer will make appropriate recommendation to the Chief of Naval Personnel stating the reasons.

(3) *Certificates.* A Good Conduct Award Certificate for the latest award earned will be completed in the Bureau of Naval Personnel at the time entitlement to the latest award is determined, and will be forwarded for the commanding officer's signature and presentation to the member concerned.

(b) *Marine Corps Good Conduct Medal*—(1) *Authorization.* The Marine Corps Good Conduct Medal was established by the Secretary of the Navy by Special Order No. 49 of July 20, 1896, to recognize good behavior and faithful service in the Marine Corps.

(2) *Eligibility requirements*—(i) *Service.* (a) Any 3 years of continuous active service, regardless of expiration or extension of enlistments and (except as indicated in subdivision (ii)) any previous or subsequent disciplinary action, of enlisted personnel, Regular or Reserve, including service in temporary warrant or commissioned status provided such temporary officer reverts to enlisted status. Reenlistment within a period of 90 days from date of discharge will not be construed as an interruption of continuous service but the period between discharge and reenlistment will not be counted.

(b) Provided the individual is otherwise qualified, a Good Conduct Award shall be authorized for any three years' enlisted service consisting of a combination of periods of active service in a war, national emergency or armed hostilities in which the United States is engaged. (When the first period of such service terminated prior to December 10, 1945, a total of four years' enlisted service is required.) In establishing eligibility hereunder, service performed during World War II and hostilities in Korea will not be creditable unless entry or reentry to active service occurred during the periods from September 8, 1939, to December 31, 1946, inclusive, and/or June 27, 1950, to July 27, 1954, inclusive.

(ii) *Conduct.* (a) The Good Conduct Award shall be gained only through service wherein the otherwise qualified individual has no convictions by court-martial, not more than one nonjudicial punishment under article 15 of the Uniform Code of Military Justice (10 U.S.C. 815), and no lost time by reason of sickness-misconduct or injury-misconduct (see 10 U.S.C. 972(5)).

(b) When sentenced to confinement as a result of conviction by any court-martial, a new period shall begin with the date of restoration to duty even though in a probationary status. The date of approval by the convening authority on all court-martial sentences not involving confinement shall be the new commencement date.

(c) When a second nonjudicial punishment under article 15 of the Uniform Code of Military Justice voids creditability of service, a new Good Conduct period shall commence effective with the date of approval of that punishment except that, when a nonjudicial punishment for an offense occurring within the 3-year period is imposed after the expiration of the 3-year period and voids the award, the date of the offense shall be the new commencement date for the award.

(d) In case of time lost due to sickness-misconduct or injury-misconduct, the date of return to duty shall be the new commencement date for a Good Conduct Award.

(e) Where the foregoing requirements have been met, but it is evident that the individual is not deserving of this award due to a repeated record of letters of valid indebtedness, conviction by civil court for a major offense or offenses, or other acts which are not in keeping with the high moral standards required of all Marines, the commanding officer will make appropriate recommendation to the Commandant of the Marine Corps stating the reasons.

(c) *Naval Reserve Medal*—(1) *Authorization.* The Naval Reserve Medal was established by a Secretary of the Navy directive of September 12, 1938. This medal will not be awarded for any service performed after September 12, 1958. Personnel who, on or prior to September 12, 1958, were eligible to receive either the Naval Reserve Medal or the Armed Forces Reserve Medal may elect to receive either medal.

(2) *Eligibility requirements.* Awarded for each qualifying 10-year period terminating on or prior to September 12, 1958. Before July 1, 1950, the only requirement was honorable service, active or inactive, continuous or broken. Beginning July 1, 1950, the same regulations apply to the Naval Reserve Medal as govern the award of the Armed Forces Reserve Medal except that:

(i) The 10-year period need not be confined within a 12-year period as provided for the Armed Forces Reserve Medal.

(ii) Service in the Army and Air Force Reserve components is not creditable. Service in the Marine Corps Reserve is creditable provided the applicant has been appointed or enlisted in the Naval Reserve within 3 months of separation from the Marine Corps Reserve, and provided such Reservist has not been awarded a Marine Corps Reserve Medal based on any portion of the time included in his application for the Naval Reserve Medal. Service in the Coast Guard Reserve is creditable for those periods of time that the Coast Guard is serving with the Navy. (See eligibility requirements for the Armed Forces Reserve Medal in subdivision (i) of this subparagraph.)

(d) *Naval Reserve Meritorious Service Medal*—(1) *Authorization.* Secretary of the Navy's approval of the National Naval Reserve Policy Board's 1960 Report, promulgated by Bureau of Naval Personnel Notice 1650 of June 25, 1962.

(2) *Eligibility requirements.* The initial date for computation of service for this award is July 1, 1958. The medal may be awarded to an enlisted Naval Reservist who, during any 4 consecutive years subsequent to July 1, 1958, fulfills the following minimum service requirements and receives no evaluation mark less than 3.0 (if marks are assigned):

(i) Performs 4 periods of active duty for training of not less than 14 days each; and

(ii) Attends 90 percent of all scheduled drills of a Naval Reserve unit or performs authorized equivalent instruction or duty (including appropriate duty).

When a portion of the 4-year period is spent on active duty, a minimum of 30 days' active duty during a qualification year may be substituted for that year's Reserve service requirements, provided that such active duty has not been credited toward the Good Conduct Medal.

(e) *Organized Marine Corps Reserve Medal*—(1) *Authorization.* The Organized Marine Corps Reserve Medal was established by a Secretary of the Navy directive of February 19, 1939.

(2) *Eligibility requirements.* Awarded to members of the Marine Corps Reserve who, subsequent to July 1, 1925, have fulfilled certain designated service requirements within any 4-year period of service in the Organized Marine Corps Reserve. The following are specific requirements of eligibility for this medal:

(i) Attendance with an organized unit of the Reserve at 4 consecutive annual field training periods. A period of active duty training which has been authorized to be performed in lieu of a regular annual field training period will fulfill this requirement.

(ii) Effective April 24, 1961, attendance with an Organized Reserve Unit of 90 percent of all scheduled drills each year for 4 consecutive years. Eligibility for the medal prior to that date is based on 80 percent attendance of all scheduled drills. Appropriate duty or equivalent instruction or duty may be credited in lieu of drills.

(iii) Officers and noncommissioned officers of the pay grade of E–5 or above must have received no fitness report with an average marking of less than "Above Average". Enlisted personnel in pay



grade E–4 or below must have obtained for the first 4-year period a combined average of conduct and proficiency markings of 4.0 or above during the award period; for subsequent 4-year periods, enlisted personnel must have obtained a combined average of conduct and proficiency markings of 4.5 or above. When it is evident that the individual who otherwise fulfills the eligibility criteria is not deserving of this award because of a repeated record of indebtedness or other acts which are not in keeping with the high moral standards required of all Marines, the commanding officer will make appropriate recommendation to the Commandant of the Marine Corps stating the reasons.

(iv) Members of the Organized Marine Corps Reserve, when called to active duty in time of war or national emergency, may be credited while on active duty with the annual field training and required drill attendance when they have served not less than one month on active duty during each qualification year. Such active service may be credited only for the purpose of qualification for the medal or bronze star toward which the reservist was working at the time of mobilization. When his 4-year period is completed, active duty subsequently performed may not be credited toward the issuance of a medal or star. If the period of active duty is of such duration that the reservist is ordered to inactive status prior to completion of his 4-year period, the time spent on active duty may be credited toward the award of medal or star, but credit for active duty will not be allowed for any 4-year period which began with the reservist on active duty. Once a medal or star is earned after mobilization, the reservist must return to drill and training status before a new qualification period begins.

(v) When a member of the Organized Marine Corps Reserve is unable to attend drills due to his absence from the place of drill, or for causes beyond his control, exclusive of sickness, he should request a leave of absence for such period in order that this absence from the regular drill period will not count against his record of attendance for eligibility for the Organized Marine Corps Reserve Medal.

(vi) Retroactive to January 12, 1961, the medal will also be awarded to those officers prohibited by the rotation system, due to the lack of billets, from serving in the Organized Marine Corps Reserve for a 4-year period, provided they have met the following criteria: Completed any continuous 5 anniversary years of satisfactory Federal service in the Marine Corps Reserve as defined by regulations, which includes a minimum of 2 years of satisfactory participation as a member of an Organized Marine Corps Reserve Unit during which attendance at drills and periods of annual field training meets the requirements cited in subdivisions (i) to (iii).

(f) *Expeditionary Medals (Navy and Marine Corps)*—(1) *Navy Expeditionary Medal.*—(i) *Authorization.* Navy Department General Order 64 of May 13, 1935.

(ii) *Eligibility requirements.* Awarded to personnel of the Navy who shall have actually landed on foreign territory and engaged in operations against armed opposition, or operated under circumstances which after full consideration shall be deemed to merit special recognition and for which service no campaign medal has been awarded. Article 531.9 and List 4 of Annex II of the Navy and Marine Corps Awards Manual list the expeditions authorized for the purpose.

(iii) *Wake Island Clasp and Silver "W" Device.* Navy personnel who served in the defense of Wake Island, December 7–22, 1941, are authorized to wear a clasp inscribed "Wawe Island" on the suspension ribbon of the large medal and a silver "W" on the ribbon bar.

(2) *Marine Corps Expeditionary Medal*—(i) *Authorization.* Marine Corps General Order 33 of May 8, 1919.

(ii) *Eligibility requirements.* Awarded to personnel of the Marine Corps who fulfill the same service requirements as would qualify Navy personnel for the Navy Expeditionary Medal. Article 531.9 and List 4 of Annex II of the Navy and Marine Corps Awards Manual list the expeditions authorized for the purpose.

(iii) *Wake Island Clasp and Silver "W" Device.* Authorized for Marine Corps personnel under the same conditions as for the Navy Expeditionary Medal.

(g) *Antarctica Service Medal*—(1) *Authorization.* Act of July 7, 1960, 74 Stat. 337.

(2) *Eligibility requirements.* Any person who, during the period between January 1, 1946, and a date to be ultimately established by the Secretary of Defense, meets the qualifications of any of the following subdivisions shall be eligible to receive the medal:

(i) Any member of the Armed Forces of the United States or civilian citizen, national, or resident alien of the United States who, as a member of a U.S. expedition, participates or has participated in scientific, direct support, or exploratory operations on the Antarctic continent.

(ii) Any member of the Armed Forces of the United States or civilian citizen, national, or resident alien of the United States who participates or has participated in a foreign Antarctic expedition on that continent in coordination with a U.S. Antarctic expedition and who is or was under the sponsorship and approval of competent U.S. Government authority.

(iii) Any member of the U.S. Armed Forces who participates or has participated in flights as a member of the crew of an aircraft flying to or from the Antarctic or within the Antarctic continent in support of operations on that continent.

(iv) Any member of the U.S. Armed Forces who serves or has served in a United States ship operating south of latitude 60° south in support of U.S. operations in Antarctica.

(v) Any person, including a citizen of a foreign nation, not fulfilling the qualifications under subdivisions (i) to (iv) of this subparagraph, who participates or has participated in a U.S. Antarctic expedition on that continent at the invitation of a participating U.S. agency may be given the award by the Secretary of the Department under whose cognizance the expedition falls, provided the commander of the military support force as senior U.S. representative in Antarctica considers that he has performed outstanding and exceptional service and shared the hardships and hazards of the expedition.

No minimum time limits of participation under the guidelines in subdivisions (i) to (v) of this subparagraph are prescribed for eligibility for this medal. The award may be made posthumously. No person is authorized to receive more than one award of the medal. Annex II, List 3, of the Navy and Marine Corps Awards Manual contains a list of eligible ships and units.

(3) *Devices*—(i) *Clasps.* Personnel who stay or have stayed on the Antarctic continent during the winter months shall be eligible to wear a bronze clasp with the words "Wintered Over" on the suspension ribbon of the medal. A gold clasp is authorized for the second wintering-over period, and a silver clasp is worn to denote the third or subsequent wintering-over period. (The winter period is from mid-March to early October. The summer period is from early October to mid-March.)

(ii) *Discs.* The first wintering-over eligibility will be denoted by a bronze disc of 5/16" diameter with an outline of the Antarctic continent inscribed thereon, fastened on the ribbon bar representing the medal. A gold disc will represent the second wintering-over period. A silver disc will represent the third or subsequent wintering-over period. Not more than one clasp or disc shall be worn on the suspension ribbon or ribbon bar.

(h) *Armed Forces Expeditionary Medal*—(1) *Authorization.* Executive Order 10977, December 4, 1961 (26 F.R. 11471).

(2) *Eligibility requirements*—(i) *Personnel eligible.* Awarded to personnel of the Armed Forces of the United States who after July 1, 1958:

(a) Participate or have participated as members of United States military units in a United States military operation in which, in the opinion of the Joint Chiefs of Staff, personnel of any military department participate in significant numbers.

(b) Encounter, incident to such participation, foreign armed opposition, or are otherwise placed or have been placed in such position that, in the opinion of the Joint Chiefs of Staff, hostile action by foreign armed forces was imminent even though it did not materialize.

(ii) *Categories of operations.* The Armed Forces Expeditionary Medal may be authorized for three categories of operations:

(a) United States military operations.

(b) United States operations in direct support of the United Nations.

(c) United States operations of assistance to friendly foreign nations.

(iii) *Definitions.* (a) The "Area of Operations" is defined as

(1) The foreign territory upon which United States Armed Forces have actu-

ally landed or are present and specifically deployed for the direct support of the designated military operation.

(2) Adjacent water areas in which United States ships are operating, patrolling, or providing direct support of operations.

(3) The air space above and adjacent to the area in which operations are being conducted.

(b) "Direct Support" is defined as the supply by ground units, ships, and aircraft of services and/or supplies and equipment to combat forces in the area of operations, provided such support involves actually entering the designated area, and furnishing fire, patrol, guard, reconnaissance, or other military support.

(iv) *Degrees of participation.* Personnel must be bona fide members of a unit engaged in the operation, or meet one or more of the following criteria:

(a) Serve not less than 30 consecutive days in the area of operations.

(b) Engage in direct support of the operation for 30 consecutive days or 60 nonconsecutive days, provided such support involves entering the area of operations.

(c) Serve for the full period when an operation is of less than 30 days' duration.

(d) Engage in actual combat, or duty which is equally as hazardous as combat duty, during an operation against armed opposition, regardless of time in the area.

(e) Participate as a regularly assigned crew member of an aircraft flying into, out of, within, or over the area in support of the military operation.

(f) Be recommended, or attached to a unit recommended, by the Chief of Naval Operations or the commander of a unified or specified command for award of the medal although the foregoing criteria may not have been fulfilled. (A recommendation may be made to the Joint Chiefs of Staff, via the Chief of Naval Operations, and the Commandant of the Marine Corps when applicable, for duty of such value to the operations as to warrant particular recognition.)

(v) *Operations.* The following operations have been designated by the Joint Chiefs of Staff as qualifying for award of the Armed Forces Expeditionary Medal:

(a) U.S. military operations:

Berlin—August 14, 1961, to a date to be announced.
Lebanon—July 1, 1958, to November 1, 1958.
Quemoy and Matsu Islands—August 23, 1958, to June 1, 1963.
Taiwan Straits—August 23, 1958, to January 1, 1959.
Cuba—October 24, 1962, to a date to be announced.

(b) U.S. operations in direct support of the United Nations:

Congo—July 14, 1960, to September 1, 1962.

(c) U.S. operations assisting friendly foreign nations:

Laos—April 19, 1961, to October 7, 1962.
Viet Nam—July 1, 1958, to a date to be announced.

(vi) *Eligible ships and units.* Lists of ships and units (including Navy, Marine Corps, and Coast Guard) are published in Annex II, List 5, of the Navy and Marine Corps Awards Manual.

(vii) *Issuance of medal.* The medal shall be awarded only for operations for which no other United States campaign medal is approved. For operations in which personnel of only one military department participate, the medal shall be awarded only if there is no other suitable award available to that department.

(l) *Armed Forces Reserve Medal*—(1) *Authorization.* Executive Order 10163, September 25, 1950 (15 F.R. 6489), as amended by Executive Order 10439, March 19, 1953 (18 F.R. 1581).

(2) *Eligibility requirements.* Issued to any officer or enlisted member or former member of the Reserve components of the Armed Forces of the United States who completes or has completed a total of 10 years of honorable satisfactory service under the following conditions:

(i) The required 10 years must have been performed within a period of 12 consecutive years.

(ii) Such service shall not include service in a Regular component of the Armed Forces; however, any period of time during which Reserve service is interrupted by service in a Regular component of the Armed Forces (including Naval Academy Midshipman service) shall not be considered a break in the said period of 12 consecutive years.

(iii) Any period during which Reserve service is interrupted by one or more of the following will be excluded in computing, but will not be considered as a break in the period of 12 years:

(a) During tenure of office by any State official chosen by the voters of the entire State, territory, or possession.

(b) During tenure of office of members of the legislative body of the United States or of any State, territory, or possession.

(c) While serving as judge of a court of record of the United States, or of any State, territory, possession, or the District of Columbia.

(iv) Service in the Retired Reserve (with or without pay), or on the Inactive Status List shall not count toward eligibility.

(v) U.S. Naval Reserve Midshipmen are not eligible after July 1, 1950, for the medal since they are not in a position to earn 50 points per anniversary year.

(vi) Reserve Aviation Cadet time is considered to fulfill the requirements for this medal subsequent to July 1, 1950, since such Reservists are on active duty and are thus earning the yearly 50 points.

(vii) In order to achieve a year of honorable satisfactory service, a Reservist must accumulate during each anniversary year of service subsequent to June 30, 1949, a total of at least 50 retirement points. All honorable service prior to July 1, 1949, active or inactive, as a member of a Reserve component of the Armed Forces is qualifying service. The 50 required points may be accumulated by one of the following methods or by any combination thereof, and the points will be credited on the basis indicated:

(a) One point for each authorized drill period in an organized or volunteer unit.

(b) One point for each period of appropriate duty, equivalent instruction, or equivalent duty.

(c) One point for each day of training duty, served with or without pay.

(d) One point for each day of active duty.

(e) A varying number of points for completion of each correspondence course.

(f) Fifteen gratuitous points are automatically credited annually to all Naval Reservists by virtue of their membership in the Naval Reserve regardless of their participation in any of the Naval Reserve training programs: *Provided,* That they are not on active duty, the Inactive Status List, or the Honorary Retired List of the Naval and Marine Corps Reserve.

(viii) Service shall not include periods for which the Naval Reserve Medal or the Organized Marine Corps Reserve Medal has been or may be awarded.

(ix) Naval Reserve personnel who, prior to September 12, 1958, were eligible to receive the Naval Reserve Medal may at their election be awarded in lieu thereof the Armed Forces Reserve Medal, provided they have met the requirements of paragraph (l) (2) of this section.

(x) Marine Corps Reserve personnel who, until December 17, 1965, are eligible to receive the Marine Corps Reserve Ribbon, may at their election be awarded in lieu thereof, the Armed Forces Reserve Medal provided they have met the requirements of paragraph (l) (2) of this section.

(3) *Hour Glass Device.* An Hour Glass Device is authorized to denote each subsequent award earned.

(j) *Marine Corps Reserve Ribbon*—(1) *Authorization.* Letter of the Secretary of the Navy of December 17, 1945.

(2) *Eligibility requirements*—(i) *General.* Issued by the Commandant of the Marine Corps to any member of the Marine Corps Reserve who completes or has completed 10 years of honorable service in any class or combination of classes of the Marine Corps Reserve and whose subsequent service, if any, is satisfactory. This ribbon will not be awarded for service performed after December 17, 1965, at which time it will be superseded by the Armed Forces Reserve Medal.

(ii) *Specific.* (a) Service on active duty, except training duty and duty during a national emergency or war, and service counted for eligibility for the Organized Marine Corps Reserve Medal may not be counted in computing the 10 years' service.

(b) No person who was a member of the Marine Corps Reserve in time of war and who did not serve on active duty during the course of the war may be eligible for this award.

## Subpart F—Foreign Awards and Non-U.S. Service Awards to U.S. Personnel

### § 733.61 Definitions.

(a) A foreign decoration is a decoration given to an individual by a foreign government.

(b) A non-U.S. service award is a service award given to an individual by a government or group of governments outside the jurisdiction of the United States.

(c) A foreign unit award is an award given to a ship or unit by a foreign government.

### § 733.62 Precedence.

(a) Foreign decorations take precedence immediately after all United States service awards. They take precedence in the order earned except that, when two or more foreign decorations are issued by the same country, they are worn in accordance with the precedence established by that country.

(b) Non-U.S. service awards take precedence immediately after all foreign decorations. The precedence of non-U.S. service awards for which personnel in the naval service are eligible to qualify is as follows:

(1) United Nations Service Medal.
(2) United Nations Medal.
(3) Philippine Defense Ribbon.
(4) Philippine Liberation Ribbon.
(5) Philippine Independence Ribbon.

(c) Foreign unit awards take precedence immediately after all non-U.S. service awards. The precedence of non-U.S. unit awards for which personnel in the naval service are eligible to qualify is as follows:

(1) Philippine Republic Presidential Unit Citation.
(2) Korean Presidential Unit Citation.
(3) State of Viet Nam Presidential Unit Citation (Ribbon of Friendship).

### § 733.63 Attachments.

(a) Attachments worn on foreign decorations are as authorized by the countries concerned.

(b) Bronze stars 3/16" in diameter are authorized to be worn on the Philippine Defense Ribbon and the Philippine Liberation Ribbon by personnel who qualify in accordance with the provisions of articles 631–3 and 631–4 of the Navy and Marine Corps Awards Manual.

### § 733.64 Issue and replacement.

Provisions for issue and replacement of foreign decorations are as established by the countries concerned. Ribbons listed in this subpart of those non-U.S. service and foreign unit awards for which personnel in the naval service are eligible may be purchased by the individual from commercial sources and from Ship's Stores and Navy or Marine Corps Exchanges.

### § 733.65 Foreign awards.

(a) *General policy.* No person holding any office of profit or trust under the United States shall, without the consent of the Congress, accept any decoration, award, gift, emolument, office, or title of any kind whatsoever from any king, prince, or official of a foreign government. A decoration, award, or gift tendered any officer of the United States, civil or military, by any foreign government shall be forwarded through the military department concerned to the Department of State where it will be held in escrow pending the consent of Congress.

(b) *Applicability.* (1) The policy set forth in paragraph (a) of this section applies to all members of the naval service on active or inactive duty, retired members, and all civilian employees of the naval service. The term "members of the naval service" includes members of the U.S. Navy and U.S. Marine Corps and members of Reserve components thereof.

(2) This policy is applicable even though the services for which the award is made are not related to the member's military duties or rendered in his capacity as a member.

(3) The policy is further applicable where the decoration, award, or gift, instead of being presented to a civil or military official of the Department of the Navy, is tendered to a member of his immediate family.

(4) For purposes of this subpart, decorations, awards, and gifts tendered by officials of any foreign national government or any foreign unit of government shall be treated in the same way as those tendered by the heads of foreign governments.

(5) The foregoing policies do not apply in the following circumstances:

(i) Posthumous awards: If the award is posthumous, it may be forwarded to the next of kin.

(ii) Subsequent death of recipient: If the recipient dies prior to receiving Congressional approval for the award, such award may be retrieved from the Department of State and forwarded to the next of kin.

(iii) Discharge of recipient: If the recipient is completely separated from the military service and is not employed in any other capacity by the United States Government, the award may be retrieved from the Department of State and forwarded to the recipient.

(iv) Recipient a member of the armed forces of a foreign nation: If the award was made at the time the recipient was a bona fide member of an armed force of a friendly foreign nation, the award requires no approval by Congress, provided the award is duly accepted in accordance with the regulations of the nation making the award prior to the recipient's entrance into active duty in the United States naval service. However, such recipient is required to apply to the Secretary of the Navy for authority to wear the medal on the uniform.

(c) *Procedures.* (1) In the event an individual is advised that a foreign nation has made an award to him and that his presence is desired at a formal presentation ceremony, the individual may participate in the ceremony and receive the tender of the award, except as provided in paragraph (d) of this section. The receipt of a foreign award under such circumstances will not constitute an acceptance of the award by the recipient. Immediately following the ceremony, a member of the naval service or a civilian employee of the Department of the Navy (except as specified in subparagraph (2) of this paragraph) to whom the award has been presented will forward the decoration with all appurtenances thereto and all papers, such as citation or diploma, to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, with a statement in explanation of the award.

(2) Civilian personnel employed by the Department of the Navy but assigned for duty to the Office of the Secretary of Defense will submit any decoration, award, or gift falling within the scope of this subpart to the Director, Office of Administrative Services, Department of Defense. Members of the naval service assigned to the Office of the Secretary of Defense will make their submissions to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, as prescribed in the preceding subparagraph.

(3) The Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, will obtain the necessary approval of the Chief of Naval Operations and forward all decorations, awards, and gifts falling within the scope of this subpart to the Department of State pending enactment of legislation authorizing acceptance by the recipient.

(4) The Department of State is directed by law to furnish each alternate Congress with an omnibus bill authorizing all officers and employees named therein to accept the decorations, awards, and gifts tendered to them by foreign governments. Those named therein are to include only those officials and employees who have retired permanently from Federal service.

(5) All members of the naval service and civilian employees of the Department of the Navy, upon their discharge or permanent retirement from Federal service, should notify the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, in order that action may be taken with reference to their awards.

(d) *Military Assistance Program.* (1) As an exception to the general policy and procedures set forth in paragraphs (a) and (c) of this section, the following prohibition shall apply to members of the naval service and civilian employees of the Department of the Navy performing any duty whatsoever in connection with the Military Assistance Program. Such personnel, regardless of assignment, may not accept the tender of any decoration, award, or gift from foreign governments for duty of this nature. Accordingly, participation in ceremonies involving any such tender is not authorized. In order to avoid embarrassment, the appropriate foreign officials should be acquainted with this prohibition.

(2) Where an award is proffered to a member of the naval service or a civilian employee of the Department of the Navy performing any duty in connection with the Military Assistance Program in recognition of actual combat services or heroism involving the saving of life, the prohibition of the preceding subparagraph is inapplicable.

### § 733.66 Non-U.S. service awards.

There are no restrictions on the acceptance of the non-U.S. service awards which have been authorized for eligible naval personnel and which are listed in § 733.62(b). Except for those listed in that section, it is not the policy of the Department of the Navy to permit naval

personnel to accept service medals from foreign governments.

**§ 733.67 Foreign unit awards.**

Three unit citations have been awarded by foreign governments to ships and units of the U.S. Armed Forces: Philippine Republic Presidential Unit Citation, Korean Presidential Unit Citation, and Viet-Nam Presidencial Unit Citation. The Secretary of the Navy has accepted these awards and has authorized eligible personnel to wear the ribbon bars on the uniform.

**§ 733.68 Distribution.**

Distribution of foreign awards is the responsibility of the country or organization which issues the award. In the case of the United Nations Service Medal and the United Nations Medal, a supply has been issued to each of the Armed Services for distribution to eligible personnel. The Philippine Defense, Liberation, and Independence ribbons and ribbons for the Philippine Presidential Unit Citation, Korean Presidential Unit Citation, and Viet-Nam Presidential Unit Citation may be purchased from commercial sources, Ship's Stores, and Navy or Marine Corps Exchanges.

**§ 733.69 Requirements.**

The authorization and special provisions for foreign awards are covered in § 733.64. The authorization, eligibility requirements, and special provisions for non-U.S. service awards are listed in article 631 of the Navy and Marine Corps Awards Manual, and the requirements are summarized in this section.

(a) *United Nations Service Medal.* Awarded to members of the Armed Forces of the United States who participated in the United Nations action in Korea and are eligible for the Korean Service Medal.

(b) *United Nations Medal.* Awarded to personnel of the armed forces who served with or for the United Nations in observing truce agreements or maintaining order. Personnel attached to and serving with the following organizations for a period of at least 6 months are eligible for the medal: United Nations Observation Group in Lebanon, United Nations Truce Supervision Organization in Palestine, and United Nations Military Observer Group in India and Pakistan.

(c) *Philippine Defense Ribbon.* Awarded to members of the Armed Forces of the United States who served in the Philippines during the period from December 7, 1941 to June 15, 1942, and meet specific requirements set forth in article 631–3b(2) of the Navy and Marine Corps Awards Manual.

(d) *Philippine Liberation Ribbon.* Awarded to members of the Armed Forces of the United States who served in the Philippines during the period from October 17, 1944, to September 2, 1945, and meet specific requirements set forth in article 631–4b(2) of the Navy and Marine Corps Awards Manual.

(e) *Philippine Independence Ribbon.* Awarded to members of the Armed Forces of the United States who meet the requirements for both the Philippine Defense Ribbon and the Philippine Liberation Ribbon.

(f) *Philippine Republic Presidential Unit Citation.* Approved by the Secretary of the Navy for wear by members of the naval service serving in units engaged in the defense of the Philippines between December 7, 1941, and May 5, 1942; serving in units which participated in the liberation campaign during 1944 and 1945; or serving in certain submarines which maintained physical contact with guerilla forces during the Japanese occupation of the Philippine Islands. All ships and units which earned any of the Philippine engagement stars are entitled to this award.

(g) *Korean Presidential Unit Citation.* Authorized to be worn by personnel who served with certain commands or with units of those commands which were individually cited by the President of the Republic of Korea for service in Korea. Lists of cited ships and units are maintained by the Chief of Naval Personnel and the Commandant of the Marine Corps.

(h) *State of Viet Nam Presidential Citation.* Authorized to be worn by personnel who served with certain units which were cited by the President of the State of Viet Nam for humanitarian assistance given by the members of these units during August and September 1954 in the evacuation of civilians from North and Central Viet Nam. Lists of cited ships and units are maintained by the Chief of Naval Personnel and the Commandant of the Marine Corps.

## Subpart G—United States Awards to Foreign Personnel

**§ 733.71 Definition.**

A United States award to a foreign individual is a decoration awarded by the United States Government to a citizen of a foreign country.

**§ 733.72 Decorations awarded to foreign personnel.**

U.S. decorations which may be legally awarded to foreign personnel are: Distinguished Service Medal, Navy Cross, Silver Star Medal, Legion of Merit (in four degrees), Distinguished Flying Cross, Navy and Marine Corps Medal, Bronze Star Medal, Air Medal, Navy Commendation Medal, and National Security Medal. The decorations considered more appropriate to award to foreign citizens, however, are: Legion of Merit (in four degrees), Navy Commendation Medal, and National Security Medal.

**§ 733.73 Unit awards and service medals.**

(a) *Awards made to foreign units.* The Presidential Unit Citation and the Navy Unit Commendation may be awarded to units of the armed forces of cobelligerent nations serving with the Armed Forces of the United States for outstanding performance under the same criteria as applicable for such awards to units of the Armed Forces of the United States (§ 733.37 (a)(2), (b)(2)).

(b) *Service medals.* It is not the policy of the Department of the Navy to award service medals to foreign personnel.

**§ 733.74 Precedence and method of wearing.**

The order of precedence of U.S. decorations awarded to foreign personnel and the method of wearing them are as prescribed by the recipients' respective governments.

**§ 733.75 Recommendations.**

Recommendations for the Navy's award of decorations to foreign personnel will be prepared and forwarded to the Secretary of the Navy in the same manner as recommendations for U.S. awards to U.S. military personnel (see § 733.22). All proposals for awards to foreign personnel (except the award of the Commendation Medal to personnel below flag or general rank) will be submitted by the Secretary of the Navy to the Secretary of Defense for approval prior to announcement.

**§ 733.76 Limitations.**

(a) The Navy Medal of Honor, Secretary of the Navy Commendation for Achievement, and Purple Heart may not be awarded to personnel of foreign nations.

(b) The Distinguished Service Medal shall be awarded to personnel of foreign nations only under the most exceptional circumstances, and only after approval by the President.

(c) The Legion of Merit in the degree of Chief Commander will be awarded to military personnel of foreign nations only after approval by the President. The Legion of Merit in the degrees of Commander, Officer, and Legionnaire will be awarded only after approval by the Secretary of Defense. The second or succeeding award of this decoration must be in the same or a higher degree than the previous award. Awards in the degrees of Chief Commander and Commander are comparable to the award of the Distinguished Service Medal and in the degrees of Officer and Legionnaire are comparable to the award of the Legion of Merit to personnel of U.S. Armed Forces. (If a second or succeeding award is in the same degree as the previous award, another medal will be issued, as well as a Gold Star to indicate the second or subsequent award.)

(d) The Navy Commendation Medal will be awarded to foreign military personnel of flag or general rank only after approval of the Secretary of Defense.

**§ 733.77 State Department coordination and government clearances.**

Necessary coordination with the Department of State and clearance with the respective governments will be accomplished at administrative levels within the Offices of the Secretary of Defense and the Chief of Naval Operations.

**§ 733.78 Presentation of awards.**

If the recipient is in Washington, D.C., or vicinity, presentation of the medal, citation, and certificate will be made in the name of the President of the United States by the Secretary of the Navy or such officer as he may direct as his personal representative. Otherwise, it will be made in the name of the President by a designated senior officer of the U.S. Navy or an official of the Department of State.



**§ 733.79 Requirements.**

The authorization, eligibility requirements, and special provisions for decorations appropriate for issuance to foreign nationals by the Department of the Navy are listed in this section.

(a) *Legion of Merit*—(1) *Authorization.* 10 U.S.C. 1121.

(2) *Eligibility requirements.* Awarded to foreign military personnel in one of the following degrees, which are listed in order of rank with the positions of personnel eligible for each:

(i) *Chief Commander.* To foreign Chiefs of State or Heads of Government.

(ii) *Commander.* To the equivalent of a U.S. Military Chief of Staff or higher position but not to Chiefs of State.

(iii) *Officer.* To flag or general officers below the equivalent of a Military Chief of Staff; to Captains or Colonels or officers of comparable grades for service in assignments normally held by flag or general officers; to foreign military attaches.

(iv) *Legionnaire.* To all other eligibles.

The Legion of Merit in one of the foregoing degrees is considered the most appropriate decoration available as award to foreign military personnel in recognition of exceptionally meritorious conduct in the performance of outstanding service. No award of a lower degree will be made to a foreign national who has previously been awarded the Legion of Merit. The same or a higher degree may be awarded if subsequent services warrant. If the award is in the same degree, another medal will be issued, as well as a Gold Star to indicate the second or subsequent award.

(3) *Combat distinguishing device.* A bronze letter "V" is authorized if the citation is for acts or services involving direct participation in combat operations.

(4) *Citation and certificate.* A citation and certificate are issued with this award to foreign personnel. The certificate for the degree of Chief Commander is signed by the President of the United States and the Secretary of Defense jointly.

(b) *Navy Commendation Medal*—(1) *Authorization.* Originally authorized by the Secretary of the Navy for U.S. military personnel by ALNAV 11 of January 11, 1944; the authority was extended on June 1, 1962, by the President of the United States to include award to foreign military personnel.

(2) *Eligibility requirements.* Awarded to a member of the armed forces of a friendly foreign nation who, after June 1, 1962, distinguishes himself by an act of heroism, extraordinary achievement, or meritorious service which has been of mutual benefit to a friendly foreign nation and the United States. To merit this award, the act, service, or achievement must be one which would satisfy the criteria governing the award of the Commendation Medal to a member of the U.S. Navy (see § 733.29(k)). The Navy Commendation Medal is considered the most appropriate decoration available to award foreign military personnel in recognition of heroic or meritorious achievement or service.

(3) *Combat distinguishing device.* A bronze letter "V" is authorized if the citation is for acts or services involving direct participation in combat operations.

(4) *Citation.* A citation is issued to the recipient and is signed by the Secretary of the Navy in his own name.

(c) *National Security Medal.* See Executive Order 10431, January 19, 1953 (18 F.R. 437).

## Subpart H—Marksmanship Awards

**§ 733.81 Definition.**

A marksmanship award is an award bestowed upon an individual for proficiency in a particular type of small arm.

**§ 733.82 Precedence.**

Markmanship awards take precedence immediately after all service awards. The precedence of Navy and Marine Corps marksmanship awards is as follows:

(a) *Navy marksmanship awards.* (1) Distinguished Marksman Badge (ribbon bar no longer authorized).

(2) Distinguished Pistol Shot Badge (ribbon bar no longer authorized).

(3) National Trophy Match Rifleman Excellence in Competition Badge (Gold).

(4) National Trophy Match Pistol Shot Excellence in Competition Badge (Gold).

(5) Navy Rifleman Excellence in Competition Badge (Gold).

(6) Navy Pistol Shot Excellence in Competition Badge (Gold).

(7) Fleet Rifleman Excellence in Competition Badge (Gold).

(8) Fleet Pistol Shot Excellence in Competition Badge (Gold). National, Navy, and Fleet badges in silver and bronze continue in the above order with silver taking precedence over bronze.

(9) Expert Rifleman Medal.

(10) Expert Pistol Shot Medal.

(11) President's Hundred Award (enlisted personnel only).

(b) *Marine Corps marksmanship awards.* (1) Distinguished Marksmanship Badge.

(2) Distinguished Pistol Shot Badge.

(3) Lauchheimer Trophy Badge.

(4) Marine Corps Rifle Championship Badge.

(5) Marine Corps Pistol Championship Badge.

(6) Marine Corps Rifle Competition Badge (Gold).

(7) Marine Corps Pistol Competition Badge (Gold).

(8) Marine Corps Rifle Competition Badge (Silver).

(9) Marine Corps Pistol Competition Badge (Silver).

(10) Marine Corps Rifle Competition Badge (Bronze).

(11) Marine Corps Pistol Competition Badge (Bronze).

(12) Annual Rifle Squad Combat Practice Competition Badge (Gold, Silver, Bronze).

(13) Inter-Division Rifle Competition Badge (Gold).

(14) Inter-Division Pistol Competition Badge (Gold).

(15) Fleet Marine Force Combat Infantry Trophy Match Badge (Bronze).

(16) Division Rifle Competition Badge (Gold).

(17) Division Pistol Competition Badge (Gold).

(18) Division Rifle Competition Badge (Silver).

(19) Division Pistol Competition Badge (Silver).

(20) Division Rifle Competition Badge (Bronze).

(21) Division Pistol Competition Badge (Bronze).

(22) San Diego, Wharton, Elliott, Wirgman, Lloyd & Smith Trophy, Rifle Team Match Badges.

(23) Holcomb, Edson, Shively & Pacific Pistol Team Match Badges.

(24) Rifle and Pistol Qualification Badges. Rifle badges supersede pistol badges in the following categories:

(i) Expert.

(ii) Sharpshooter.

(iii) Marksman.

(25) Basic badges with bars denoting the weapon and category of qualification on Courses "A" and "B" as follows:

Course "A"
EX or SS—Submachine Gun

Course "B"
EX, SS, or MM–Rifle B

**§ 733.83 Attachments.**

(a) There are no attachments worn on Navy marksmanship awards.

(b) Attachments in the form of bars may be worn on Marine Corps marksmanship badges as provided in Marine Corps Order 3574.2 series.

**§ 733.84 Issue and replacement.**

Initial issuance of these awards will be in accordance with the provisions of § 733.13. Replacement of the Expert Rifleman and Expert Pistol Shot Medals will be in accordance with the provisions of § 733.15.

Replacement of badges will be only by purchase. For Marine Corps badges and bars, Marine Corps Orders 3591.2 series and 3574.2 series contain pertinent provisions.

**§ 733.85 Administrative procedures and requirements.**

(a) Administrative procedures and requirements for the awarding of Navy marksmanship awards are set forth in Chapter 13 of the Landing Party Manual.

(b) Administrative procedures and requirements for the awarding of Marine Corps marksmanship awards are set forth in Marine Corps Orders 3591.2 series and 3574.2 series.

Dated: October 21, 1964.

By direction of the Secretary of the Navy.

[SEAL] WILFRED HEARN,
*Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.*

[F.R. Doc. 64–10863; Filed, Oct. 23, 1964; 8:48 p.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management, Department of the Interior.

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3460]

[Misc. 70449]

### NEW MEXICO

### Modifying Public Land Order No. 2198 of August 26, 1960 To Permit Mineral Leasing

Public Land Order No. 2198 of August 26, 1960, so far as it withdrew in paragraph 4 thereof, about 241,807.89 acres of lands relinquished and reconveyed to the United States in exchanges made pursuant to the Act of March 3, 1921 (41 Stat. 1225–1239) is hereby modified to the extent necessary to permit leasing of the lands under the mineral leasing act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181) as amended and supplemented. The lands are located in the following townships:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 N., R. 5 W.,
Tps. 17 and 18 N., R. 6 W.,
Tps. 18, 19, and 20 N., R. 7 W.,
Tps. 17, 18, 19, 20, and 21 N., R. 8 W.,
Tps. 19 and 20 N., R. 9 W.,
Tps. 20 and 21 N., R. 10 W.,
Tps. 13, 15, 16, 17, and 21 N., R. 11 W.,
Tps. 18, 19, 21, and 23 N., R. 12 W.,
Tps. 17, 19, 21, 22, and 23 N., R. 13 W.,
T. 7 N., Rs. 15 and 16 W.,
T. 13 N., R. 17 W.,
Tps. 12 and 14 N., R. 18 W.,
Tps. 11, 14, and 15 N., R. 19 W.,
Tps. 11, 12, 13, 14 and 15 N., R. 20 W.,
Tps. 11, 12, 13, 14 and 15 N., R. 21 W.

Applications and offers received at or prior to 10:00 a.m. on November 25, 1964, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

OCTOBER 20, 1964.

[F.R. Doc. 64-10848; Filed, Oct. 23, 1964; 8:47 a.m.]

# Title 46—SHIPPING

## Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

### PART 535—SCHEDULES OF COMMON CARRIERS BY WATER IN FOREIGN COMMERCE

### Revocation

Public Law 87-346 amended the Shipping Act, 1916, by the addition of a new section 18(b) which provides for the filing of rates and charges by common carriers engaged in the foreign commerce of the United States. Previous to the enactment of Public Law 87-346, the Federal Maritime Board by its General Order 83 issued on December 13, 1957, and published in the FEDERAL REGISTER at 22 F.R. 10017 promulgated Part 235 of Title 46 (redesignated Part 535 on October 24, 1961, 26 F.R. 9945)—Schedules of Common Carriers By Water in Foreign Commerce, setting forth rules regarding the filing of schedules of rates and charges in foreign commerce.

The rules contained in Part 535 of Title 46 are no longer necessary, as section 18(b) of the Shipping Act, 1916, adequately covers the subject of tariff filings in the foreign commerce of the United States, and Part 535 is therefore revoked.

By the Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10849; Filed, Oct. 23, 1964; 8:47 a.m.]

# Title 45—PUBLIC WELFARE

## Chapter V—Foreign Claims Settlement Commission of the United States

SUBCHAPTER C—RECEIPT, ADMINISTRATION AND PAYMENT OF CLAIMS UNDER THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949, AS AMENDED

### PART 531—FILING OF CLAIMS AND PROCEDURES THEREFOR

SUBCHAPTER D—RECEIPT, ADMINISTRATION AND PAYMENT OF CLAIMS FOR BALANCE OF 22.5 PERCENT ON AWARDS MADE UNDER THE PROVISIONS OF THE PHILIPPINE REHABILITATION ACT OF 1946 IN EXCESS OF ₱1,000 ($500.00) EACH

### PART 541—PROVISIONS OF GENERAL APPLICATION

### PART 543—HEARINGS

### Miscellaneous Amendments

1. Paragraph (g) of § 531.5 *Procedure for determinations of claims* is hereby amended to read as follows:

§ 531.5 Procedure for determinations of claims.

* * * * *

(g) Upon the expiration of 30 days after such service or receipt of notice, if no objection under this section has in the meantime been filed, such proposed decision shall, without further order or decision of the Commission, become the Commission's final determination and decision on the claim.

* * * * *

2. Section 541.2 *Consideration of claims* is hereby amended to read as follows:

§ 541.2 Consideration of claims.

In the event that a claim has been so prepared as to preclude processing thereof, the Commission may request the claimant to furnish whatever supplemental evidence, including the completion and execution of an official form, as may be essential to the processing thereof. If the evidence or official form requested is not received within the time allotted to claimant to furnish such evidence, the claim may be deemed to have been abandoned and will be disallowed.

3. Section 543.2 *Request for hearing* is hereby amended to read as follows:

§ 543.2 Request for hearing.

Claimant shall immediately notify the Commission, in writing, if a hearing is desired, and shall set forth his reasons in full for requesting the hearing, including any statement of law, or facts upon which the claimant relies. Such notifications must be received by the Commission before December 1, 1964, in order to receive consideration.

Dated: October 21, 1964.

EDWARD D. RE,
*Chairman.*

[F.R. Doc. 64-10862; Filed, Oct. 23, 1964; 8:48 a.m.]

# Title 32A—NATIONAL DEFENSE, APPENDIX

## Chapter I—Office of Emergency Planning

[Defense Mobilization Order 8550.1]

### DMO V-5—PROGRAMS FOR EXPANSION OF SUPPLIES OF MATERIALS NEEDED FOR DEFENSE PURPOSES IN THE EVENT OF A MAJOR DISASTER

### DMO 8550.1—PROGRAM FOR EXPANSION OF SUPPLIES OF MATERIALS NEEDED FOR DEFENSE PURPOSES IN THE EVENT OF A MAJOR DISASTER (AS DEFINED AND DETERMINATED UNDER P.L. 875, 81st CONGRESS (42 U.S.C. 1855))

1. *Purpose* This order sets forth policy for the expansion of materials supplies in event of a major disaster.

2. *Cancellation.* Defense Mobilization Order V-5, dated November 15, 1955 (20 F.R. 8519), is hereby superseded.

3. *Policy.* By virtue of the authority vested in me pursuant to the Defense Production Act of 1950, as amended; the Strategic and Critical Materials Stock Piling Act; the National Security Act of 1947, as amended; and Executive Order 11051, it is hereby ordered that:

Where a major disaster, as defined and determined under the provisions of the Act entitled "An Act to Authorize Federal Assistance to States or Local Governments in Major Disasters", and for other purposes (P.L. 875, 81st Congress (42 U.S.C. 1855)), has either reduced the supplies of materials needed for defense purposes or has increased defense requirements for such materials, all agencies having emergency preparedness assignments shall promptly recommend appropriate programs to the Office of Emergency Planning for expansion of supply under authority of the Defense Production Act of 1950, as amended.



4. *Effective date.* This order is effective the date of issuance.

Dated: October 19, 1964.

EDWARD A. MCDERMOTT,
*Director, Office of Emergency Planning.*

[F.R. Doc. 64-10845; Filed, Oct. 23, 1964; 8:47 a.m.]

[Defense Mobilization Order 8550.2]

### DMO V-6—PROVISION OF MATERIALS UNDER GOVERNMENT CONTROL AS NEEDED TO SUPPLEMENT SUPPLIES COMMERCIALLY AVAILABLE IN THE EVENT OF A MAJOR DISASTER FOR USE IN RECONSTRUCTION OR TO MEET DEFENSE ORDERS

### DMO 8550.2—PROVISION OF MATERIALS UNDER GOVERNMENT CONTROL AS NEEDED TO SUPPLEMENT SUPPLIES COMMERCIALLY AVAILABLE IN THE EVENT OF A MAJOR DISASTER (AS DEFINED AND DETERMINATED UNDER P.L. 875, 81st CONGRESS (42 U.S.C. 1855))

1. *Purpose.* This order sets forth policy for the utilization of Government-owned materials in the event of a major disaster.

2. *Cancellation.* Defense Mobilization Order V-6 dated November 15, 1955 (20 F.R. 8520) is hereby superseded.

3. *Policy.* By virtue of the authority vested in me pursuant to the Defense Production Act of 1950, as amended; the Strategic and Critical Materials Stock Piling Act; the National Security Act of 1947, as amended; and Executive Order 11051, it is hereby ordered that:

Where a major disaster, as defined and determined under the provisions of the Act entitled "An Act to Authorize Federal Assistance to States or Local Governments in Major Disasters", and for other purposes (P.L. 875, 81st Congress (42 U.S.C. 1855)), has impeded production or movement of materials essential to defense purposes (including meeting of defense orders and the reconstruction of facilities essential to the mobilization base) all agencies having emergency preparedness assignments shall promptly advise the Office of Emergency Planning of the quantities and qualities of materials needed for specific defense projects. In the event that other measures cannot make adequate provision for supplying the needed materials, then the OEP will arrange with the General Services Administration for release of materials from the Defense Production Act Inventory. Where appropriate, the OEP will arrange with the Department of Agriculture for sale of such materials from the Commodity Credit Corporation inventories.

4. *Effective date.* This order is effective the date of issuance.

Dated: October 19, 1964.

EDWARD A. MCDERMOTT,
*Director, Office of Emergency Planning.*

[F.R. Doc. 64-10846; Filed, Oct. 23, 1964; 8:47 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

### PART 10—MIGRATORY BIRDS

### Seasons and Limits; Pacific Flyway States; Waterfowl

Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published in the FEDERAL REGISTER of May 6, 1964 (29 F.R. 5957), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations, to specify, among other things, open seasons for the taking of migratory game birds. All interested persons were invited to submit their views, data, or arguments regarding such proposed amendments to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., within 30 days following publication of the Notice.

Subsequently, after giving due consideration to the status of migratory game bird populations and to all comments received, open season dates for the hunting of migratory game birds were adopted. When these open season dates were adopted it was intended that the hunting of Canada geese in a certain portion of California Fish and Game District No. 22 be permitted during the period from October 24, 1964, through December 27, 1964, and that the hunting of all other species of geese in this area be permitted during the period from October 24, 1964, through January 10, 1965.

However, contrary to the intended meaning, the wording of the regulation as adopted would restrict the hunting of all species of geese in this area to the period from October 24, 1964, through December 27, 1964. The purpose and effect of this amendment is to permit the hunting of all species of geese other than Canada geese in this area during the period from October 24, 1964, through January 10, 1965, as was originally intended.

Since this amendment will benefit the public by relieving an existing restriction, it shall become effective upon publication in the FEDERAL REGISTER.

Footnote 5 of paragraph (e) of § 10.53 is amended to read as follows:

§ 10.53 Seasons and limits on waterfowl, coots, gallinules, and Wilson's snipe.

* * * * *

(e) *Pacific Flyway States—waterfowl.* * * *

[5] California: In that portion of the State lying east and north of a line beginning at the point where U.S. Highway 99 intersects the California-Oregon State line; thence south and east on U.S. Highway 99 to the junction with State Highway 89; thence south and east on State Highway 89 to the junction with alternate U.S. Highway 40; thence south and east on alternate U.S. Highway 40 to the point of intersection with the California-Nevada State line, the open season for taking ducks, coots, gallinules, and geese is Oct. 10–Jan. 7. In this area the basic daily bag limit on ducks other than mergansers is 4 and the possession limit is 8.

In that portion of California Fish and Game District No. 22 lying east of a line beginning at the point where U.S. Highway 95 intersects the California-Nevada State line; thence south on U.S. Highway 95 to Blythe; thence south on the paved and graded road from Blythe through Ripley, Palo Verde and Ogilby to the intersection with U.S. Highway 80; thence east on U.S. Highway 80 to the intersection with the California-Arizona State line, the open season for taking ducks, coots, gallinules, and geese is Oct. 13–Jan. 10. In this area the basic daily bag and possession limit on ducks other than mergansers is 5; and the daily bag and possession limit on geese may not include more than 2 Canada geese or subspecies. In the remainder of California Fish and Game District No. 22, the open season for taking Canada geese is from Oct. 24–Dec. 27 and the daily bag and possession limit may not include more than 1 Canada goose or subspecies.

* * * * *

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704; E.O. 10250, 16 F.R. 5385, 3 CFR 1949–1953 Comp. p. 757)

FRANK P. BRIGGS,
*Acting Secretary of the Interior.*

OCTOBER 20, 1964.

[F.R. Doc. 64-10850; Filed, Oct. 23, 1964; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Parts 1071, 1073, 1074 ]

[Docket Nos. AO–173–A16, AO–249–A6, AO–227–A16]

### MILK IN WICHITA, KANSAS, SOUTHWEST KANSAS AND NEOSHO VALLEY MARKETING AREAS

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a joint public hearing to be held at the Holiday Inn (Midtown), 1000 North Broadway, Wichita, Kansas, beginning at 9:00 a.m., local time, on Thursday, October 29, 1964, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Wichita, Kansas, Southwest Kansas and Neosho Valley marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by The Southwest Milk Producers Association:

*Proposal No. 1.* Increase the Class I prices under the Wichita, Southwest Kansas, and Neosho Valley orders 25 cents per hundredweight through March 1965.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

*Proposal No. 2.* Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 4809 East First Street, P.O. Box 1979, Wichita, Kans., 67201, or 308 North Walnut, P.O. Box 601, Pittsburg, Kans., 66762, or from the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on October 20, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64–10851; Filed, Oct. 23, 1964; 8:47 a.m.]



[ 7 CFR Part 1132 ]

[Docket No. AO–262–A10]

### MILK IN TEXAS PANHANDLE MARKETING AREA

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn, West, 601 NW. 8th Avenue, Amarillo, Tex., beginning at 9:30 a.m., local time, on Friday, October 30, 1964, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Texas Panhandle marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any temporary or other appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the North Texas Producers Association:

*Proposal No. 1.* Increase the Class I price under the Texas Panhandle order 25 cents per hundredweight through March 1965.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

*Proposal No. 2.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Byford W. Bain, 2621 West Mockingbird Lane, Post Office Box 35225, Airlawn Station, Dallas, Tex., 75235, or from the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on October 21, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64–10872; Filed, Oct. 23, 1964; 8:48 a.m.]

### Agricultural Stabilization and Conservation Service

[ 7 CFR Parts 723, 724 ]

### TOBACCO

### Notice of Determinations To Be Made With Respect to Marketing Quotas for 1965–66, 1966–67 and 1967–68 Marketing Years

Pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary of Agriculture is preparing to (a) proclaim a national marketing quota for the three marketing years beginning October 1, 1965, October 1, 1966 and October 1, 1967, for burley (type 31) tobacco, Virginia sun-cured (type 37) tobacco, and cigar-filler (type 41) tobacco; (b) determine and announce the amount of the national marketing quota for the 1965–66 marketing year for each of the three above-named kinds of tobacco, and for fire-cured (type 21) tobacco, fire-cured (types 22, 23 and 24) tobacco, dark air-cured (types 35 and 36) tobacco, Maryland (type 32) tobacco, cigar-binder (types 51, 52) tobacco, and cigar-filler and binder (types 42, 43, 44, 53, 54, 55) tobacco; (c) apportion the national marketing quota for the 1965–66 marketing year for each of such kinds of tobacco among the several States; and (d) convert the State marketing quotas for the 1965–66 marketing year into State acreage allotments.

The Act (7 U.S.C. 1312(a)) provides that the Secretary shall proclaim not later than February 1 (of any marketing year), with respect to these kinds of tobacco, a national marketing quota for any of such kinds of tobacco for each of the next three succeeding marketing years whenever he determines with respect to such kind of tobacco—

(1) That a national marketing quota has not previously been proclaimed and the total supply as of the beginning of such marketing year exceeds the reserve supply level therefor;

(2) That such marketing year is the last year of three consecutive years for which marketing quotas previously proclaimed will be in effect;

(3) That amendments have been made in provisions for establishing farm acreage allotments which will cause material revision of such allotments before the end of the period for which quotas are in effect;

(4) That a marketing quota previously proclaimed for such marketing year is not in effect because of disapproval by producers: *Provided*, That if such producers have disapproved national marketing quotas for three successive years subsequent to 1952, thereafter a national marketing quota shall not be proclaimed hereunder which would be in effect for any marketing year within the three-year period for which national marketing quotas previously proclaimed were disapproved by producers, unless prior to November 10 of the marketing year one-fourth or more of the farmers engaged in the production of the crop of tobacco harvested in the calendar year in which such marketing year begins petition the Secretary, in accordance with such regulations as he may prescribe, to proclaim a national marketing quota for each of the next three succeeding marketing years.

The 1964–65 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect for burley tobacco and for Virginia sun-cured tobacco (27 F.R. 2679). Growers of cigar-filler (type 41) tobacco disapproved quotas for the three marketing years beginning October 1, 1962, October 1, 1963, and October 1, 1964 (27 F.R. 2679), and quotas were not in effect on such kind of tobacco during any of the three marketing years 1962–63, 1963–64 and 1964–65. No petition was submitted by growers of cigar-filler (type 41) tobacco to the Secretary in accordance with regulations (27 F.R. 2679) pursuant to paragraph (a) of section 312 of the Agricultural Adjustment Act of 1938, as amended. Quotas have never been approved by growers for cigar-filler (type 41) tobacco.

Growers of fire-cured tobacco and dark air-cured tobacco favored marketing quotas being in effect for the 1965–66 marketing year in referenda (29 F.R. 3697). Maryland tobacco growers favored marketing quotas being in effect for the 1965–66 marketing year in a referendum (28 F.R. 2526). Growers of cigar-binder (types 51 and 52) tobacco and growers of cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco favored quotas being in effect for the 1965–66 marketing year in referenda (28 F.R. 2888).

Subsection 301(b)(15) of the Act (7 U.S.C. 1301(b)(15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13 and 14;
Fire-cured tobacco, comprising type 21;
Fire-cured tobacco, comprising types 22, 23 and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54 and 55; and
Cigar-filler tobacco, comprising type 41.

Subsection 301(b)(15) also provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of the Act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority, the Secretary has determined (15 F.R. 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports. Pursuant to such authority, the Secretary has also determined (22 F.R. 367) that cigar-binder (types 51 and 52) tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports.

Subsection 312(b) of the Act (7 U.S.C. 1312(b)) provides that the Secretary shall also determine and announce, not later than the first day of February 1965 with respect to burley, fire-cured (type 21), fire-cured (types 22, 23 and 24), dark air-cured, Virginia sun-cured, Maryland, cigar-filler (type 41), cigar-binder (types 51 and 52), and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, the amount of the national marketing quota which is in effect for the 1965–66 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of each kind of tobacco equal to the reserve supply level. Subsection 312(b) provides further that the amount of the 1965–66 national marketing quota may, not later than March 1, 1965, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The Act (7 U.S.C. 1301(b)) defines the "total supply" of tobacco for any marketing year as the carry-over at the beginning of the marketing year (on January 1 of such marketing year in the case of Maryland tobacco), plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The Act (7 U.S.C. 1312(c)) requires that within 30 days after a national marketing quota is proclaimed for the 1965–66, 1966–67 and 1967–68 marketing years for (1) burley tobacco, (2) Virginia sun-cured tobacco and (3) cigar-filler (type 41) tobacco, the Secretary shall conduct referenda of farmers engaged in the production of the 1964 crops of burley tobacco, Virginia sun-cured tobacco, and cigar-filler (type 41) tobacco, respectively, to determine whether such farmers are in favor of or opposed to quotas for the next three succeeding marketing years. If more than one-third of the farmers voting in a referendum for a kind of tobacco oppose such quota, such results shall be proclaimed by the Secretary and the national marketing quota so proclaimed shall not be in effect but such results shall in no way affect or limit the subsequent proclamation and subsequent submission to a referendum, as otherwise provided in section 312 of the Act (7 U.S.C. 1312), of a national marketing quota.

The Act (7 U.S.C. 1313(a)) requires the Secretary to apportion the national marketing quota, less the amount to be allotted under subsection (c) of section 1313 for small farms and "new" farms, among the several States on the basis of the total production in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed (plus, in applicable years, the normal production on the acreage diverted under previous agricultural adjustment and conservation programs), with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period.

The Act (7 U.S.C. 1313(g)) provides that any acreage of tobacco harvested in excess of the farm acreage allotment for the year 1955 or any subsequent year shall not be taken into account in establishing State and farm acreage allotments.

Section 377 of the Act (7 U.S.C. 1377) reads as follows:

In any case in which, during any year beginning with 1956, the acreage planted to a commodity on any farm is less than the acreage allotment for such farm, the entire acreage allotment for such farm (excluding any allotment released from the farm or reapportioned to the farm and any allotment provided for the farm pursuant to subsection (f)(7)(A) of section 344), shall, except as provided herein, be considered for the purpose of establishing future State, county and farm acreage allotments to have been planted to such commodity in such year on such farm, but the 1956 acreage allotment of any commodity shall be regarded as planted under this section only if the owner or operator on such farm notified the county committee prior to the sixtieth day preceding the beginning of the marketing year for such commodity of his desire to preserve such allotment: *Provided*, That beginning with the 1960 crop, except for Federally-owned land, the current farm acreage allotment established for a commodity shall not be preserved as history acreage pursuant to the provisions of this section unless for the current year or either of two preceding years an acreage equal to 75 per centum or more of the farm acreage allotment for such year was actually planted or devoted to the commodity on the farm (or was regarded as planted under provisions of the Soil Bank or the Great Plains program): *Provided further*, That this section shall not be applicable in any case,

within the period 1956 to 1959, in which the amount of the commodity required to be stored to postpone or avoid payment of penalty has been reduced because the allotment was not fully planted. Acreage history credits for released or reapportioned acreage shall be governed by the applicable provisions of this title pertaining to the release and reapportionment of acreage allotments.

Section 378 of the Act (7 U.S.C. 1378) provides that allotment acreage pooled under the provisions of such section shall be considered fully planted, during the time it is in the pool within the period of eligibility, for purposes of future State, county and farm allotments.

Section 316 of the Act, as amended (7 U.S.C. 1314(b)), provides that allotment acreage leased under the provisions of such section shall be considered planted on the farm from which leased.

The Soil Bank Act (7 U.S.C. 1801 et seq.) provides that the acreage withdrawn or diverted from the production of tobacco under the acreage reserve program and conservation reserve program shall for allotment purposes be considered devoted to the production of tobacco.

The Soil Bank Act also provides that insofar as the acreage of cropland on a farm covered by a Great Plains or conservation reserve contract enters into the determination of acreage allotments and marketing quotas, such cropland shall not be decreased during the period of the contract by reason of any action taken for the purpose of carrying out the contract. After expiration of such a contract, such law provides that the cropland shall not be decreased, for a period equal to the period of the contract, by reason of the maintenance of any change in land use from cropland to permanent vegetation carried out under the contract. Allotment history acreages are given similar protection for purposes of establishing future allotments.

Pursuant to Section 16(e)(6) of the Soil Conservation and Domestic Allotment Act, protection of allotment crop history and cropland status similar to that given under the Soil Bank Act is given to land covered by a cropland conversion agreement.

The Act (7 U.S.C. 1313(g)) authorizes the Secretary to convert State marketing quotas into State acreage allotments on the basis of average yield per acre for the State during the five years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production.

In making the determinations of the amounts of the national marketing quotas, the apportionment of the quotas among the several States, the conversion of State marketing quotas into State acreage allotments for each kind of tobacco covered by this notice, and of the date(s) of the referenda with respect to (1) burley tobacco, (2) Virginia sun-cured tobacco, and (3) cigar-filler (type 41) tobacco, consideration will be given to any data, views, and recommendations pertaining thereto, which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250. All submissions must be postmarked not later than 60 days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on October 20, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-10874; Filed, Oct. 23, 1964; 8:49 a.m.]

# DEPARTMENT OF THE TREASURY

## Bureau of Customs

[ 19 CFR Part 1 ]

## PORT OF PASCAGOULA, MISSISSIPPI

### Proposed Change in Area

OCTOBER 19, 1964.

The city of Pascagoula, Mississippi, recently extended its corporate limits eastward to the west bank of the Bayou Casotte, thereby extending the geographical limits of the customs port of entry, which presently coincide with the corporate city limits. Bayou Casotte is an industrial complex afforded direct access to the Gulf of Mexico by a deepwater channel. However, the large industrial facilities are located on the eastern side of the channel. At the same time, a general cargo dock is under construction, and, when completed, will result in increased activities requiring customs services. In order to provide the most expeditious customs services to this developed area, it is considered desirable to include this area within the port limits of Pascagoula.

Accordingly, notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 2 (28 F.R. 11570), it is proposed that the geographical limits of the customs port of entry of Pascagoula, Mississippi, in Customs Collection District No. 19 (Mobile), comprising the corporate limits of the city of Pascagoula, be extended to include the corporate limits of the city of Pascagoula, plus that area lying eastward of the city limits to 88°28' west longitude, and south of 30°23' north latitude to the existing shoreline. It is further proposed to amend § 1.1(c) of the Customs Regulations to reflect this change.

Data, views, or arguments concerning the proposed extension of the geographical limits of the port of Pascagoula, Mississippi, may be addressed in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C., 20226. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 30 days after publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] JAMES A. REED,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64-10856; Filed, Oct. 23, 1964; 8:47 a.m.]

[ 19 CFR Parts 3, 4 ]

## NAVIGATION FEES; REIMBURSEMENT OF COSTS

### Proposed Charge for Issuance of Yacht Commission to Documented Yacht of the United States

A charge should be imposed for the issuance of a yacht commission to a documented yacht to meet the intent of Congress expressed in section 501, Independent Offices Appropriation Act of 1952 (5 U.S.C. 140), that, among other things, any publication, report, document, or similar thing of value or utility, furnished, prepared, or issued by any Federal agency shall be self-sustaining to the full extent possible.

Notice is hereby given that pursuant to the authority contained in the above Act, it is proposed to amend §§ 3.53 and 4.98 (a) of the Customs Regulations to provide for the imposition and collection of a fee of $6.00 for the issuance of a yacht commission to documented vessels. If the proposed amendments are adopted, § 3.53 will be amended by the addition of a new paragraph which will read as follows:

A fee of $6.00 shall be paid for each yacht commission and each application shall be accompanied by a remittance in that amount.

and § 4.98(a) will be amended by the addition of a new fee, No. 12, which will read as follows:

| | | A | B |
|---|---|---|---|
| 12 | Issuing a yacht commission (5 U.S.C. 140, 46 U.S.C. 105) | 6.00 | 6.00 |

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Data, views, and arguments with respect to the proposed fee may be addressed to the Commissioner of Customs, Washington, D.C., 20226, in writing. To assure consideration of such communications they must be received not later than 30 days after the publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
*Acting Commissioner of Customs.*

Approved: October 19, 1964.

JAMES A. REED,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64-10857; Filed, Oct. 23, 1964; 8:47 a.m.]



# CIVIL AERONAUTICS BOARD

[ 14 CFR Part 241 ]

[Economic Regs. Docket No. 15545]

## UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

### Reporting Results of Scheduled All-Cargo Services; Extension of Time for Filing Comments

OCTOBER 21, 1964.

The Board, by publication in 29 F.R. 13036 and by circulation of a notice of proposed rule making, EDR-71, dated September 14, 1964, gave notice that it has under consideration a proposed amendment to Part 241 of the Economic Regulations (14 CFR Part 241) which would provide for reporting separately results of scheduled all-cargo services by the all-cargo carriers and the trunkline and international passenger/cargo carriers. Interested persons were invited to participate in the rule making proceeding by the submission of ten (10) copies of their views in writing addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428, on or before October 19, 1964.

A request has been received from the Air Transport Association, as the duly authorized agent of five air carriers, that the time for filing comments concerning the proposed rule be extended for fourteen days to November 2, 1964 in order to afford them time for further study of the proposed amendment to Part 241.

The undersigned finds that good cause has been shown for the extension of time requested. Accordingly, pursuant to authority delegated under section 7.3C of Public Notice PN-15, dated July 3, 1961, the undersigned hereby extends the date for submitting comments on the subject proposal until November 2, 1964. All relevant matter in communications received on or before that date will be considered by the Board before taking action on this proposal. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue N.W., Washington, D.C., upon receipt thereof.

(Secs. 204(a), 407, 1001, Federal Aviation Act of 1958, 72 Stat. 743, 766 and 788; 49 U.S.C. 1324, 1377, 1481)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
*Associate General Counsel, Rules and Special Counsel Division.*

[F.R. Doc. 64-10868; Filed, Oct. 23, 1964; 8:48 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[AA 643.3–0]

### BICYCLES FROM ITALY

### Fair Value Determination

OCTOBER 19, 1964.

An allegation was received that bicycles from Italy, manufactured by Cesare Rizzato & C. s.n.c., Padova, Italy, were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that bicycles from Italy, manufactured by Cesare Rizzato & C. s.n.c., Padova, Italy, are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons.* All transactions were outright purchases. No relationship within the meaning of section 207 of the Antidumping Act existed between the seller and buyers. The quantities sold in the home market were adequate as a basis for comparison. It was determined, therefore, that the appropriate fair value comparison was between purchase price and adjusted home market price.

Purchase price was calculated on the basis of the manufacturer's export price list less inland charges, less certain applicable trade discounts, and less a cash discount.

Adjusted home market price was calculated on the basis of the manufacturer's home market price list, less inland charges, plus export packing, less certain applicable trade discounts, and less a cash discount. Other adjustments were made to the home market price for the cost of any differences in equipment or accessories between the bicycles sold in the home market and those exported to the United States.

Although the comparison revealed that the purchase price was less than adjusted home market price, sales at such prices have ceased, and the manufacturer has given his assurances that no further sales will be made in which the purchase price will be less than the adjusted home market price.

As to sales involving margins made before the receipt of the assurances, it was determined that the quantities involved were not more than insignificant.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64–10858; Filed, Oct. 23, 1964; 8:48 a.m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

### MARGARET d'HARNONCOURT AND ISOLDE WIENER

### Notice of Intention To Return Vested Property

Pursuant to the Agreement entitled "Agreement Between the United States of America and the Republic of Austria Regarding the Return of Austrian Property, Rights, and Interests" which was signed at Washington on January 30, 1959 and ratified by the United States on March 4, 1964, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property and Location*

Margaret d'Harnoncourt, 2870 Mathers Avenue, West Vancouver, B.C., Canada, $51,068.15 in the Treasury of the United States; and Isolde Wiener, Villa Tegethoff, Radegund bei Graz, Austria, Claim No. 5277, $51,068.15 in the Treasury of the United States. Vesting Order No. 1568.

Executed at Washington, D.C., on October 16, 1964.

For the Attorney General.

ANTHONY L. MONDELLO,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 64–10878; Filed, Oct. 23, 1964; 8:49 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### ALASKA

### Small Tract Classification Orders Canceled in Their Entirety

OCTOBER 16, 1964.

1. Pursuant to the authority redelegated to me by Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in section 1, Delegation of Authority (29 F.R. 3015), dated February 27, 1964, it is hereby ordered that effective at 10:00 a.m. on October 27, 1964 the following Small Tract Classifications are canceled in their entirety:

a. No. 11, dated May 17, 1949
b. No. 17, dated November 15, 1949
c. No. 18, dated November 16, 1949
d. No. 22, dated March 23, 1950
e. No. 25, dated June 22, 1950
f. No. 32, dated September 27, 1950
g. No. 33, dated September 27, 1950, as amended
h. No. 36, dated August 7, 1951
i. No. 51, dated January 29, 1952, as amended
j. No. 73, dated May 5, 1953, as amended
k. No. 74, dated June 17, 1953, as amended
l. No. 75, dated June 17, 1953
m. No. 97, dated April 22, 1955, as amended
n. No. 121 dated December 6, 1963
o. No. 122 dated December 5, 1963.
p. No. 123 dated December 6, 1963
q. No. 125, dated April 17, 1964
r. No. 126, dated April 28, 1964
s. No. 127, dated May 1, 1964
t. No. 129, dated May 7, 1964

2. The above orders affected 9,216.4 acres of land, all of which is now patented or has been selected by the State of Alaska.

JAMES W. SCOTT,
*Manager, Anchorage District and Land Office.*

[F.R. Doc. 64–10864; Filed, Oct. 23, 1964; 8:48 a.m.]

[BLM 079868; Survey Group 31]

### ALABAMA

### Notice of Filing of Plat of Survey

*Correction*

In F.R. Doc. 64–9990, appearing at page 13578 of the issue for Friday, October 2, 1964, the bracket in the heading should read as set forth above.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### SOUTHERN COLORADO LIVESTOCK COMMISSION CO., ET AL.

### Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below:

COLORADO

| *Original name of stockyard, location, and date of posting* | *Current name of stockyard and date of change in name* |
|---|---|
| Southern Colorado Livestock Commission Co., Pueblo, Sept. 15, 1959. | Southern Colorado Livestock Commission Co., Inc., September 1, 1964. |
| Salida Livestock Commission Co., Inc., Salida, Mar. 11, 1957. | Salida-Monte Vista Livestock Commission Co., Inc., Aug. 26, 1964. |
| Wray Livestock Commission Company, Wray, March 6, 1957. | Ranchland Livestock Commission Co., Inc., Sept. 10, 1964. |





GEORGIA

| *Original name of stockyard, location, and date of posting* | *Current name of stockyard and date of change in name* |
|---|---|
| Carroll County Livestock Sales Barn, Carrollton, May 18, 1959. | Carroll County Livestock Sales Barn, Inc., Aug. 1, 1964. |

ILLINOIS

| | |
|---|---|
| Carthage Community Sales Barn, Carthage, December 2, 1959. | Carthage Community Sales Company, October 8, 1964. |

IOWA

| | |
|---|---|
| Belle Plaine Livestock Commission Company, Belle Plaine, April 2, 1957. | Belle Plaine Livestock Auction, Inc., August 1, 1964. |
| Forest City Auction Co., Forest City, May 15, 1959. | Cow Palace, Inc., July 7, 1964. |

KANSAS

| | |
|---|---|
| Tri-State Sale Co., Inc., Elkhart, April 13, 1950. | Tri-State Sales Co., July 1, 1964. |
| Koenig Sale Barn, Junction City, June 10, 1959. | J. C. Livestock Sales, Inc., July 20, 1964. |
| The Lawrence Livestock Sale, Lawrence, Feb. 15, 1963. | Lawrence Livestock Sale, Aug. 27, 1964. |

MICHIGAN

| | |
|---|---|
| Hart-Scottville Livestock Sales, Inc., Hart, May 14, 1959. | Hart-Scottville Livestock Sales, Aug. 1, 1964. |
| Hart-Scottville Livestock Sales, Inc., Scottville, May 14, 1959. | Hart-Scottville Livestock Sales, Aug. 1, 1964. |

MINNESOTA

| | |
|---|---|
| Zumbrota Sales Pavilion, Zumbrota, Feb. 5, 1963. | Zumbrota Livestock Auction Market, Inc., Sept. 22, 1964. |

MISSOURI

| | |
|---|---|
| Beever Sales Pavilion, Chillicothe, July 24, 1957. | Chillicothe Livestock Auction, Inc., March 19, 1964. |

NEBRASKA

| | |
|---|---|
| The Chappell Livestock Commission Co., Chappell, Sept. 11, 1939. | Chappell Livestock Auction, Inc., Aug. 31, 1964. |

NORTH DAKOTA

| | |
|---|---|
| Napoleon Livestock Auction, Inc., Napoleon, Nov. 5, 1959. | Napoleon Livestock Auction, Aug. 17, 1964. |

PENNSYLVANIA

| | |
|---|---|
| Montague Livestock Auction, Union City, Dec. 9, 1959. | Montague Livestock Auction, Inc., July 1, 1964. |

TENNESSEE

| | |
|---|---|
| Nichols, Brown and Anderson Sales Barn, Thompson Station, May 6, 1959. | Nichols and Moore Sales Barn, Oct. 1, 1964. |

TEXAS

| | |
|---|---|
| Abilene Livestock Auction Commission Co., Abilene, March 17, 1941. | Abilene Auction, May 1, 1964. |
| Southwest Livestock Auction Co., Uvalde, June 12, 1957. | Southwest Livestock Auction, Inc., June 17, 1964. |

VIRGINIA

| | |
|---|---|
| Farmville Livestock Market, Farmville, March 20, 1961. | Farmville Livestock Market, Inc., Jan. 1, 1964. |

WASHINGTON

| | |
|---|---|
| Farmers Auction, Everson, Oct. 5, 1959. | Farmer's Auction, Sept. 18, 1964. |
| Northwest Livestock Auction Cooperative, Inc., Marysville, Feb. 27, 1962. | Marysville Livestock Auction, Sept. 22, 1964. |
| Stock Land Union Stockyards Co., Spokane, Nov. 1, 1921. | Stockland Union Stockyards, May 21, 1964. |

WISCONSIN

| | |
|---|---|
| Wisconsin Dairy Herd Replacement & Livestock Marketing Co-op, Division of Wisconsin Federal Feeder Pig Co-op, Francis Creek, Sept. 2, 1964. | Wisconsin Dairy Herd Replacement & Livestock Marketing Cooperative, Division of Wisconsin Feeder Pig Marketing Cooperative, Sept. 2, 1964. |

Done at Washington, D.C., this 21st day of October 1964.

H. L. JONES,
*Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 64–10873; Filed, Oct. 23, 1964; 8:49 a.m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

### WILLIAM M. FIRSHING

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: Belcher Mining, Korvette, United Whelan, Atlas Chemical Industries, American Tobacco, Wood Newspaper Machinery, El Paso Natural Gas.

B. Additions: Signal Oil "A", National Tea, St. Regis Paper, General Time Corp.

This statement is made as of October 6, 1964.

WILLIAM M. FIRSHING.

OCTOBER 6, 1964.

[F.R. Doc. 64–10738; Filed, Oct. 23, 1964; 8:45 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50–30]

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued the amendment set forth below to Facility License No. TR–3 to require the presence of a shift supervisor and an AEC licensed senior operator during operation of the Plum Brook Reactor facility. This amendment is a modification of Amendment No. 3 to the license which was issued on August 31, 1964, pursuant to notice given in accordance with § 2.204 of the Commission's "rules of practice," 10 CFR Part 2. In a request for hearing dated September 17, 1964, and in the subsequent correspondence referenced below (all of which are considered to constitute the application for this amendment), acceptable alternative requirements were developed.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(2) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details, see the Commission's letter dated July 29, 1964, the licensee's reply dated August 18, 1964, the Commission's letter dated August 25, 1964, the Commission's letter dated August 31, 1964, the Request by the Licensee for Hearing on Amendment No. 3 to Facility License No. TR–3 dated September 17, 1964, the Commission's teletype message dated October 8, 1964, and the li-

censee's reply dated October 12, 1964, all on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., 20545.

Dated at Bethesda, Md., this 19th day of October 1964.

For the Atomic Energy Commission.

R. L. DOAN,
*Director,*
*Division of Reactor Licensing.*

AMENDMENT TO FACILITY LICENSE

[License No. TR-3, Amdt. 4]

Facility License No. TR-3, as amended, issued to National Aeronautics and Space Administration is hereby modified in the following respects:

1. Delete sub-paragraph N.5.b. from the Technical Specifications set forth in Appendix "A" to License No. TR-3, as amended.

2. Insert new sub-paragraph N.5.b. in the Technical Specifications set forth in Appendix "A" to License No. TR-3, as amended, as follows:

"A shift supervisor directly responsible for the safe operation of the facility, and an AEC licensed senior operator shall be present at all times during:

(1) Reactor operation, including but not limited to startup and approach to power, and recovery from an unplanned or unscheduled shutdown or significant reduction in power;

(2) Refueling of the reactor, manipulation of fueled experiments in any experimental facility of the reactor, and at all other times when containment is required.

In any instance where a shift supervisor is also a licensed senior operator, the presence of an additional senior operator is not required."

This amendment is effective as of the date of issuance.

Date of issuance: October 19, 1964.

For the Atomic Energy Commission.

[F.R. Doc. 64-10827; Filed, Oct. 23, 1964; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order No. E-21419]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Agreement Adopted Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of October 1964.

Agreement adopted by Joint Conference 3-1 of the International Air Transport Association relating to specific commodity rates; Docket 13777, Agreement C.A.B. 17456, R-11 and R-12.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 3-1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda JT31/Rates 363 and 364, names the following additional specific commodity rates:

| Item | Agreement CAB 17456 | IATA Memorandum | From | To | Rates in cents per Kg. | Minimum weight in Kgs. |
|---|---|---|---|---|---|---|
| [1] 4100 | R-11 | 363 | West Coast | Sydney | 264/231 | 45/550 |
| [2] 2199 | R-12 | 364 | Sydney | Honolulu | 162 | 22.5 |
| | | | do | New York | 196 | 22.5 |
| | | | do | West Coast | 173 | 22.5 |

[1] Aircraft, Assembled or Disassembled and parts thereof.
[2] Yarn, Thread, Fibres, Textiles, Textile Manufactures and Wearing Apparel N.E.S. and parts thereof.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act.

*Accordingly, it is ordered:*

That Agreement C.A.B. 17456, R-11 and R-12, be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-10869; Filed, Oct. 23, 1964; 8:48 a.m.]

[Docket No. 13777; Order No. E-21421]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Agreement Adopted Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of October 1964.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket 13777, Agreement C.A.B. 17666, R-61 and R-62.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names additional rates as set forth in the attachment hereto.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

*Accordingly, it is ordered:*

That Agreement C.A.B. 17666, R-61 and R-62, be and hereby is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*



| Item | Agreement CAB 17666 | IATA Memorandum | From | To | Attachment: Rates in cents per Kg. | Attachment: Minimum weight in Kgs. |
|---|---|---|---|---|---|---|
| [1] 8275 | R-61 | 2047 | Caracas | New York | 28 | 100 |
| [2] 4010 | R-62 | 2051 | Los Angeles | Buenos Aires | 174/151 | 45/200 |
| | | | do | Montevideo | 174/151 | 45/200 |
| | | | do | Lima | 127/100 | 45/200 |
| | | | do | Santiago | 168/135 | 45/200 |
| | | | do | Panama City | 85/74 | 45/200 |

[1] Phonograph Records.
[2] Business and Office Machinery and Supplies, Machinery, Tools and Surface Vehicles, and Parts thereof, excluding Steamship and Motorship Spare Parts, N.E.S.

[F.R. Doc. 64-10870; Filed, Oct. 23, 1964; 8:48 a.m.]

[Docket No. 15383]

## AERO LINEAS FLECHA AUSTRAL LIMITADA

### Notice of Hearing Regarding Foreign Air Carrier Permit

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is reassigned to be held on November 16, 1964, at 10 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., October 20, 1964.

[SEAL] WALTER W. BRYAN,
*Hearing Examiner.*

[F.R. Doc. 64-10871; Filed, Oct. 23, 1964; 8:48 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 64-SO-21]

## WALLACE E. JOHNSON, INC.

### Termination of Study

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-4611) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Wallace E. Johnson, Inc., Memphis, Tennessee, is constructing a group of houses in Memphis, Tennessee, at approximately latitude 35°04'00" north, longitude 89°53'30" west. The maximum overall height of the structures would be 302 feet above mean sea level (24 feet above ground).

The aeronautical study disclosed that this construction, located north of and adjacent to the Memphis Flying Service Airport, created a hazardous situation for aeronautical operations at this airport.

During the study, the Agency was notified that the airport was closed permanently on September 30, 1964, thus it would no longer be a determining factor in this study.

Therefore, because of a change of circumstances, this study is hereby terminated and no determination will be issued.

Issued in Washington, D.C., on October 15, 1964.

GEORGE R. BORSARI,
*Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64-10833; Filed, Oct. 23, 1964; 8:46 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15089 etc.; FCC 64M-1040]

## SPANISH INTERNATIONAL TELEVISION CO., INC., ET AL.

### Memorandum Opinion and Order Continuing Hearing

In re applications of Spanish International Television Company, Inc., Paterson, New Jersey, Docket No. 15089, File No. BPCT-3032; Bartell Broadcasters, Inc., Paterson, New Jersey, Docket No. 15091, File No. BPCT-3103; Trans-Tel Corp., Paterson, New Jersey, Docket No. 15092, File No. BPCT-3114; for construction permits for new television broadcast stations.

1. Under consideration is a "Joint Motion for Continuance of Hearing", filed jointly on October 19, 1964, on behalf of applicants Spanish International and Trans-Tel, and consented to by the other parties herein. Oral discussion, on the record, in regard to the problems arising from the matters mentioned in the motion papers was held today, during a hearing conference attended by counsel for the moving parties and counsel for the Commission's Broadcast Bureau.

2. The moving parties, as the basis for the relief requested, recite that as a consequence of negotiations among the applicants "during the past few days" it is now likely that an agreement "may be reached" whereby only one applicant will remain in hearing thus mooting the standard comparative issue. A "final accord" is promised within a few days and an appropriate petition for Commission approval thereof "in no event later than November 23, 1964".

3. As the hearing examiner declared during today's hearing conference, the transcript of which is hereby incorporated by reference, the examiner and the Broadcast Bureau have been imposed upon by the eleventh hour negotiations and the last minute notification thereof which was provided. This case has already been long delayed. There have been several prehearing conferences and several continuances granted for one reason or another. Extensive hearing exhibits have been exchanged, with copies provided the examiner and the Bureau, which have required the expenditure of considerable time and study. The October 20 hearing date was indeed regarded as very firm, that is until only yesterday when the present motion was submitted. Under the circumstances, the examiner considers the establishment of firm deadlines to be essential if these parties are not to take further advantages at the Commission's expense. Therefore, it shall be directed herein that the necessary petition for approval of the settlement agreement is to be on file at the Commission not later than November 23d and that hearing will be held on December 15th. The parties are advised that in the absence of such a petition, filed by the November 23d deadline, they will be expected to go forward with the hearing on December 15, in pain of being held in default in the event they are not ready. Also, in the event the requisite petition is filed on time they are expected, if further hearing proves to be necessary in regard to issues not mooted by their compact, to be ready, if at all feasible, to proceed with their proof under those issues on December 15.[1]

4. In granting the subject request for continuance the examiner takes into account the possibility that a settlement agreement by the parties, if approved by the Review Board, could materially advance the date of establishment of a UHF facility, and service for the areas to be served. This objective cannot be attained, however, if the agreement the parties submit cannot meet with Commission approval or the negotiations which are taking place are used as a vehicle for further delays.

*Accordingly, it is ordered,* This 20th day of October 1964, that the instant joint motion for continuance of the hearing is granted to the extent that the hearing is hereby postponed and will convene on Tuesday, December 15, 1964, at the Commission's offices, Washington, D.C., at 10 a.m.;

*It is ordered further,* That the requisite petition (and supporting documents) for approval of the settlement agreement, described above, will be filed with the Commission not later than by the close of business, November 23, 1964.

Released: October 21, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10865; Filed, Oct. 23, 1964; 8:48 a.m.]

[1] If it shall appear that any hearing that must be held in the circumstances will necessarily run into the Christmas holiday season the examiner, however, will favorably consider a request for postponement at that time, if timely submitted, until the earliest practicable date in January 1965.

[Docket Nos. 15449–15450; FCC 64M–1039]

## SPRINGFIELD TELECASTING CO. AND MIDWEST TELEVISION, INC.

### Order Re Procedural Dates

In re applications of Springfield Telecasting Co., Springfield, Illinois, Docket No. 15449, File No. BPCT–2838; Midwest Television, Inc., Springfield, Illinois, Docket No. 15450, File No. BPCT–2846; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration the "Joint Request for Postponement of Procedural Dates" filed by counsel for Springfield Telecasting Co., and Midwest Television, Inc., on October 14, 1964, requesting postponement in certain procedural dates heretofore scheduled and listed below;

It appearing, that the asserted immediate reason for the requested postponement in procedural dates is that representatives of these applicants have scheduled a meeting for the purpose of exploring the possibility of some resolution of the conflict between their pending applications;

It further appearing, that due to other intervening commitments of counsel for Springfield, the week of November 23 offers the most appropriate time for rescheduling the extended procedural dates; and

It further appearing, that counsel for the other parties herein have informally indicated that they interpose no objection to the extensions sought, and that the public interest in earlier inauguration of a new television service in Springfield could well be served if the conflict between the applicant's proposals is resolved without resort to an extensive hearing which the numerous and complex issues specified herein now foreshadow;

*Accordingly, it is ordered,* This 21st day of October 1964, that the "Joint Request" of the applicants is granted, and the procedural dates concerned are postponed as follows:

| Procedure | From | To |
|---|---|---|
| Hearing conference | Oct. 22, 1964 | Nov. 25, 1964 at 10:00 a.m. |
| Supplementation of pleadings re: Motion to dismiss Midwest's application | Oct. 19, 1964 | Nov. 23, 1964. |

Released: October 21, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–10866; Filed, Oct. 23, 1964; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. RI65–8, etc.]

## ATLANTIC REFINING CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

OCTOBER 8, 1964.

In the Order Providing for Hearings on and Suspension of Proposed Changes in Rates, issued July 16, 1964 and published in the FEDERAL REGISTER July 25, 1964 (F.R. Doc. 64–7313; 29 F.R. 10404–10407), add footnote "4" after the increased rate shown for the following rate schedules:

Supplement Nos. 17 & 18 to Rate Schedule No. 20.
Supplement No. 7 to Rate Schedule No. 11.
Supplement No. 9 to Rate Schedule No. 15.
Supplement No. 8 to Rate Schedule No. 17.
Supplement No. 10 to Rate Schedule No. 18.
Supplement No. 8 to Rate Schedule No. 19.

Change footnote "4" to read "13" after Docket No. RI65–11, Humble Oil and Refining Company (Operator), et al., Rate Schedule No. 142, Supplement No. 6.

Add a new footnote 13 to read as follows:

[13] Includes partial reimbursement for 0.55 percent increase in New Mexico Emergency School Tax.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–10834; Filed, Oct. 23, 1964; 8:46 a.m.]

[Docket No. RP64–9 etc.]

## CITIES SERVICE GAS CO. ET AL.

### Order Granting Intervention, Severing Proceedings, Consolidating Proceedings, Denying in Part and Granting in Part Motion for Reconsideration and Modification of Order Issued September 9, 1964

OCTOBER 19, 1964.

Cities Service Gas Company, Docket No. RP64–9; Area Rate Proceeding, et al. (Hugoton Anadarko Area), Docket No. AR64–1 etc.; Columbian Fuel Corporation, Docket Nos. RI61–316, RI61–518, RI62–49; Cities Service Oil Company, Docket Nos. RI63–485, RI65–269.

By order issued on September 9, 1964, the Commission, on motion filed by Cities Service Gas Company (Gas Company), provided that the issue of allowance for gas purchased from affiliated suppliers would be tried in a separate phase of Docket No. RP64–9. In that order the Commission stated that: "The test period to be used in the trial of the affiliated supplier issue is to be the same test period that is utilized in the trial of the other issues." Additionally, Gas Company was ordered to file its direct testimony and exhibits on the affiliated suppliers' cost on or before October 19, 1964.

On September 17, 1964, Cities Service Oil Company (Oil Company) and Columbian Fuel Corporation (Columbian)[1] filed a joint petition for leave to intervene in the above-entitled proceeding and, also, a joint motion for reconsideration and modification of our order issued September 9, 1964.

In their petition for leave to intervene, Movants state that they are affiliated with Gas Company and had assumed that the issue of gas sales made by them to the Gas Company would be tried in a separately docketed proceeding involving their rates for sales to the Gas Company. They further state that pursuant to the Commission's order of September 9, 1964, their rates for the sales to Gas Company will now be tried in this proceeding and, therefore, intervention in this proceeding is necessary to protect their interest in these premises.

In their motion for reconsideration and modification of our order issued September 9, 1964, Movants request:

(1) Deferral of the affiliated purchase gas cost issue in Docket No. RP64–9 pending determination of their rates in pending section 4(e) proceedings and Area Rate Proceedings;

(2) In the alternative, if the Commission requires the parties to go forward with the trial of this issue in Docket No. RP64–9, then Movants requests the following relief:

(a) This issue be tried in a separately docketed proceeding;

(b) Movants be granted additional time to January 7, 1965, for service of their testimony and exhibits in this proceeding; and

(c) Calendar year 1963 be designated as the test period;

(3) That the Commission grant such other and further relief as it may deem appropriate in the premises.

In support of their request for deferral, Oil Company and Columbian state that all of the rate schedules under which they sell gas to Gas Company are presently the subject of pending section 4(e) proceedings or the Area Rate Proceeding in Docket Nos. AR64–1, et al. Additionally, they state that the question of the proper basis for computing the allowance in a pipeline cost of service for gas purchased from an affiliated producer has been made a special issue by the Commission in Docket Nos. AR64–1, et al., a proceeding wherein Oil Company and Columbian are Respondents.

The collection by a pipeline company of any possible excessive rates and charges for any prolonged period of time even though collected under a refund obligation, as here, affords the consumers only a "somewhat illusory" bond of protection (*Federal Power Commission* v. *Tennessee Gas Transmission Co.*, 371 U.S. 145, 154). Therefore, the deferral of the trial of the affiliated supplier cost issue is not consistent with the public interest. However, in their petition for leave to intervene, Movants request the Commission to consolidate their pending dockets involving sales to the Gas Company with the proceeding in Docket No. RP64–9. The consolidation of those pending section 4(e) proceedings would permit a final determination of the just and reasonable charges for the transactions herein involved and would be consistent with our responsibilities under the Natural Gas Act. Accordingly, we will order the consolidation of the pending section 4(e) proceedings[2] with the trial of the affiliated purchased gas cost issue in Docket RP64–9. Inasmuch as Docket Nos. RI61–316, RI61–518, and RI62–49 have been previously consolidated in the Hugoton Anadarko Area Rate Proceeding, Docket Nos. AR64–1, et al., those proceedings will be severed from that area rate proceeding.

Movants request that the affiliated purchased gas cost issue be docketed as a separate proceeding "so that [they] will not be required to participate and be charged with the proceedings in other phases of this case which do not affect their rates for sales to the Gas Company" (joint petition for leave to intervene, p. 12). However, there is no need to add to the number of docketed proceedings on hand by assigning a separate number to the trial of an issue inherently involved in a section 4(e) pipeline proceeding. Furthermore, the separate trial of this issue provided by our order issued September 9, 1964, will permit Movants to concentrate on this issue without being burdened by the trial of the issues in which they may have no interest. Therefore, the request to separately docket the trial of this issue should be denied.

In support of their request for additional time for preparation of evidence with regard to the subject issue, Movants state that the personnel responsible for the presentation of their evidence are presently "actively engaged in preparing data and doing other work in connection with various Commission proceedings, including among others, those at Docket Nos. AR61–2, et al., AR64–1, et al., AR64–2, et al." Additionally, Movants state that their accounting procedures and methods are presently in the process of being changed from a conventional tabulating equipment to a full computer data processing system. Movants request for additional time should be granted to the extent hereinafter ordered.

In support of their request to designate the calendar year of 1963 as the test period, Movants state that the data for 1963 would conform to the "known changes doctrine" and would be more representative and reliable for the purposes herein involved, as well as being more susceptible of compilation in a much shorter period of time. Additionally, Movants state that "the Gas Company has agreed to stipulate that data for the calendar year 1963 shall be considered as typical and representative of similar data for the test year on which the Gas Company is basing its rate increase." In view of these representations, and Gas Company's stipulation, Movants' request to submit evidence using the calendar year 1963 as the test period should be granted.

The Commission finds:

(1) Good cause exists for accepting for filing Movants joint petition for leave to intervene and for permitting Movants to intervene in Docket No. RP64–9 as hereinafter ordered.

(2) The motion filed on September 17, 1964, by the Oil Company and Columbian should be granted in part and denied in part as hereinafter ordered.

The Commission orders:

(A) Oil Company and Columbian are hereby permitted to intervene in Docket No. RP64–9 subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of each petitioner shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene; and: *Provided further,* That the admission of each petitioner shall not be construed as recognition by the Commission that it may be aggrieved by any order or orders entered in Docket No. RP64–9.

(B) The request by Oil Company and Columbian to defer the trial of the purchased gas cost issue in this proceeding pending determination of their rates in pending section 4(e) proceedings and Area Rate Proceedings is hereby denied.

(C) Docket Nos. RI61–316, RI61–518, and RI62–49 are hereby severed from the proceedings in Docket Nos. AR64–1, et al.

The proceedings instituted by order issued October 12, 1960, relating to Supplement No. 3 to Oil Company's FPC Gas Rate Schedule No. 42 (hereinafter to be designated as Docket No. RI65–269 and the proceedings at Docket Nos. RI63–485, RI61–316, RI61–518, RI62–49 are hereby consolidated with Docket No. RP64–9 for the purposes of hearing and determination of the affiliated purchase gas cost issue.

(D) The request to separately docket the affiliated purchased gas cost issue is hereby denied.

(E) The request by Oil Company and Columbian for an extension of time within which to file their prepared testimony on the affiliated purchase gas cost issue is granted to the following extent: Paragraph (D) of the order issued September 9, 1964, is hereby modified to provide that the testimony and exhibits shall be filed with the Presiding Examiner and all parties of record as follows: Gas Company, Oil Company, and Columbian on or before December 21, 1964; Staff on or before February 23, 1965; Interveners on or before March 8, 1965.

(F) Paragraph (E) of the order issued herein on September 9, 1964, is hereby modified so that the prehearing conference established therein shall be held on March 23, 1965, without limitation upon the authority of the Presiding Examiner to convene conferences prior to, or subsequent to, the date herein fixed.

(G) The order issued herein on September 9, 1964, is hereby modified to permit Movants to submit evidence using the calendar year 1963 as the test period.

(H) In all other respects our order issued on September 9, 1964, shall remain in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–10835; Filed, Oct. 23, 1964; 8:46 a.m.]

[Docket Nos. CP64–302, CP61–45]

## COMMUNITY NATURAL GAS CO., INC., AND INDIANA NATURAL GAS CORP.

### Order Consolidating Proceedings and Deferring Action Pending State Judicial Action

OCTOBER 16, 1964.

Community Natural Gas Co., Inc. (Community) an Indiana Corporation having its principal place of business in Owensville, Indiana filed on June 17, 1964, an application (Docket No. CP64–302), and on August 13, 1964, a supplement thereto and on August 17, 1964, an amendment thereto, pursuant to section 7(a) of the Natural Gas Act, for an order of the Commission directing Texas Gas Transmission Corporation (Texas Gas) to establish physical connection of its transporation facilities with the facilities which Community proposes to construct, and to sell and deliver to Community the volume of natural gas estimated to be required for resale and distribution in the third year of operations in the town of Worthington, Indiana, all as more fully represented in the application in Docket No. CP64–302.

Community estimates its natural gas requirements as follows:

| Year | Peak day (Mcf) [1] | Annual (Mcf) [1] |
|---|---|---|
| 1st | 444 | 49,917 |
| 2d | 490 | 54,778 |
| 3d | 538 | 59,997 |

[1] At 14.73 p.s.i.a.

Applicant proposes to construct and operate a distribution system in Worthington; approximately 2.25 miles of 4-inch lateral transmission line from the proposed interconnection with Texas Gas to the city-gate of Worthington; and the necessary regulating, odorizing and heating facilities.

Community estimates the cost of construction of its project will be $226,160, which it proposes to finance by the issuance of stock in the amount of $90,000 and issuance of $136,000 of 20-year first mortgage bonds bearing interest at not more than 6½ per cent. Of the 1800 shares of stock to be issued, 1500 shares will be purchased by board members and officers of the company, while 300 shares will be sold by private sale to individuals.

The supplement to the application alleges that Indiana Natural Gas Corporation (Indiana Natural) is also requesting an order of this Commission directing Texas Gas to supply it with natural gas for distribution in the town of Worthington. Community states that it has been granted a gas franchise by ordinance No. 3—1963, dated August 26, 1963, passed by the Board of Trustees of the town of Worthington and that subsequently, on November 6, 1963, said Board of Trustees adopted Ordinance No. 4—1963, which ordinance repealed its Ordinance No. 282 issuing a gas franchise to Indiana Natural. Community claims it has a gas franchise in full force and effect with respect to its authority to construct a gas distribution system and render service in Worthington. It further claims that Indiana Natural does not possess an effective and valid franchise to render such service.

On September 24, 1964, Indiana Natural advised this Commission by letter that it had filed with the Indiana Public Service Commission a petition requesting said Commission to issue a show cause order against Community requiring Community to show cause why it should not submit itself to the jurisdiction of the Commission for the purpose

[1] Hereinafter designated jointly as "Movants."

[2] Those cases are as follows: Oil Company: Order issued October 12, 1960 (no docket number assigned) and Docket No. RI63–485. Columbian: Docket Nos. RI61–316, RI61–518, and RI62–49.

of obtaining approval for the financing of Community's proposed construction of a natural gas distribution system within the town of Worthington. Indiana Natural further advised this Commission that it plans to file a declaratory judgment action in the Green County, Indiana Circuit Court to determine the franchise rights for the town of Worthington of Community and Indiana Natural.

Notice of Application and date of hearing was issued in Docket No. CP61–45 by the Secretary of the Commission on November 9, 1961 (26 F.R. 10817). Thereafter, on November 22, 1961, notice was issued postponing the hearing scheduled for December 20, 1961, to a date to be thereafter fixed by further notice. Said notice of postponement was published in the FEDERAL REGISTER on November 30, 1961 (26 F.R. 11310). By notice issued by the Secretary of the Commission on February 11, 1964, and published in the FEDERAL REGISTER on February 15, 1964 (29 F.R. 2529), Docket No. CP61–45 was consolidated for hearing with Indiana Natural Gas Corporation, Docket No. CP63–292 for the reason that the financing proposed by Indiana Natural Gas Corporation covered all its properties including the proposed construction in Docket No. CP61–45. Thereafter, separate plans of financing were proposed and pursuant to due notice issued June 23, 1964, Docket No. CP63–292 was heard upon a separate record on July 20, 1964.

Since both Indiana Natural and Community seek to serve Worthington, the Commission would ordinarily order that these applications be consolidated and set for hearing. However, impending court action by Indiana Natural to determine which party holds a valid franchise may make a consolidated formal hearing unnecessary, since under section 7(a) an applicant must show that it is "legally authorized to engage in the local distribution" of natural gas. While we are of the opinion that we have jurisdiction to determine the question of the legal authority of the competitive 7(a) applicants to render service in Worthington, it appears that this is a matter better left for consideration in the local state courts. Accordingly we deem it appropriate to defer action on these applications pending state court action.

The Commission orders:

(A) Protests or petitions to intervene in Docket No. CP64–302 may be filed with the Federal Power Commission, 441 G Street NW, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 1, 1964.

(B) Action by this Commission on the above-docketed section 7(a) applications is hereby deferred pending final determination by Indiana state courts as to the validity of the franchises held by applicants.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–10836; Filed, Oct. 23, 1964; 8:46 a.m.]

[Docket No. RI65–101 etc.]

## GULF OIL CORP. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

OCTOBER 6, 1964.

In the Order Providing for Hearings on and Suspension of Proposed Changes in Rates, issued July 31, 1964 and published in the FEDERAL REGISTER August 11, 1964 (F.R. Doc. 64–7979; 29 F.R. 11512), change the price to read "16.5" in lieu of "16.0" after Docket No. RI65–111, Pan American Petroleum Corporation, Rate Schedule No. 101, Supplement No. 7.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–10837; Filed, Oct. 23, 1964; 8:46 a.m.]

[Docket No. RI61–451]

## PETROLEUM EXPLORATION, INC. OF TEXAS ET AL.

### Order Substituting Respondent, Redesignating Proceeding, Accepting Successor's Agreement and Undertaking, and Denying Motion To Terminate Proceeding

SEPTEMBER 29, 1964.

On July 1, 1963, Petroleum Exploration, Inc. of Texas (PEI) filed a motion requesting that it be substituted as respondent in the above-designated rate suspension proceeding in lieu of Miami Petroleum Company, Inc. The motion further requests that the above-designated proceeding be terminated, or, in the alternative, that PEI be permitted to file an agreement and undertaking in lieu of a corporate surety bond.

The proceeding in Docket No. RI61–451 relates to the jurisdictional sale of natural gas by Miami Petroleum Company, Inc. (Miami) under its FPC Gas Rate Schedule No. 3 to El Paso Natural Gas Company (El Paso) from the Spraberry Field, Reagan and Upton Counties, Texas (Railroad Commission District No. 7–C). The present rate of 17.2295¢ per Mcf at 14.65 psia became effective subject to refund on November 15, 1961, under a surety bond.

In support of its motion that it be substituted for Miami, PEI states that it succeeded to all of the interests covered by Miami's FPC Gas Rate Schedule No. 3. Production ceased in July 1962, because of depletion of the reserves. PEI states that a total amount of $8,869.70, which PEI characterizes as de minimis, has been collected subject to refund, and requests that the proceeding be terminated.

By order issued November 22, 1963, the certificate of public convenience and necessity issued to Miami in Docket No. CI60–309 was amended to reflect PEI as the certificate holder, PEI's notice of succession was accepted, and Miami's FPC Gas Rate Schedule No. 3 was redesignated at PEI's FPC Gas Rate Schedule No. 10. By the same order, in Docket No. CI64–9, PEI was permitted, under section 7(b) of the Natural Gas Act, to abandon service under its FPC Gas Rate Schedule No. 10.

In our view, the amounts which have been collected subject to refund in this proceeding are not de minimis. For that reason we shall deny the motion to terminate. However, it appears appropriate to accept the agreement and undertaking filed by PEI in lieu of a surety bond.

The Commission finds: For the reasons set forth herein, it is necessary and proper in carrying out the provisions of the Natural Gas Act that PEI be substituted as respondent in the proceeding in Docket No. RI61–451 in lieu of Miami, that the proceeding be redesignated accordingly, that PEI's motion to terminate be denied, that the agreement and undertaking filed by PEI be accepted for filing, that Miami's refund obligation in this proceeding be discharged and that the surety bond filed in this proceeding by Miami on December 28, 1961, be discharged.

The Commission orders:

(A) The motion to terminate the proceeding in Docket No. RI61–451 filed by Petroleum Exploration, Inc. of Texas on July 1, 1963, is denied.

(B) Petroleum Exploration, Inc. of Texas is substituted as respondent in the proceeding in Docket No. RI61–451 in lieu of Miami Petroleum Company and the proceeding is redesignated accordingly.

(C) The agreement and undertaking filed by Petroleum Exploration, Inc. of Texas appears to be satisfactory and is accepted for filing.

(D) Miami Petroleum Company is released from its refund obligation in the proceeding in Docket No. RI61–451 and its surety bond filed on December 28, 1961, is discharged.

(F) Petroleum Exploration, Inc. of Texas shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and its agreement and undertaking shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–10839; Filed, Oct. 23, 1964; 8:46 a.m.]

[Docket No. CP62–243 etc.]

## NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

### Order Fixing Date for Oral Argument

OCTOBER 19, 1964.

The Presiding Examiner on September 10, 1964, issued an Initial Decision in the above-captioned proceeding involving competitive applications to serve the St. Louis, Missouri, market area. Because of the importance of this proceeding we are, on our own motion, setting December 15, 1964, as the date upon which oral argument will be held before this Commission. Each participant who wishes to make an oral presentation on that date should, by November 2, 1964, file written notice of such intent and at the same time indicate the amount of time desired. All participants with a common interest are requested to explore the possibility of making a combined presentation so as to avoid duplication of arguments.

The allowance of time for oral argument and the order of presentation will be determined after requests for allotments of time have been received.

The Commission orders:

(A) Oral argument shall be had in the above-captioned proceeding on December 15, 1964, in Washington, D.C., at a place and time to be designated at a later date.

(B) Each party desiring to present oral argument shall file such a request by November 2, 1964, indicating also the amount of time desired for presentation of argument.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–10838; Filed, Oct. 23, 1964; 8:46 a.m.]



[Docket No. E–7163]

## PUBLIC SERVICE COMPANY OF INDIANA, INC.

### Order Amending Order Fixing Date of Hearing and Prescribing Procedure

SEPTEMBER 16, 1964.

By order of August 4, 1964, the hearing date was set herein and other times were prescribed. On September 11, 1964, Public Service Company of Indiana, Inc. (PSCI) filed its "Petition • • • For Reconsideration of Order Establishing Hearing Date and Prehearing Procedure". On that day, in response, the staff filed its concurrence to the revised date for hearing and prehearing procedures proposed by PSCI.

The Commission finds: It is appropriate and in the public interest that paragraphs (A) and (B) of this Commission's order fixing hearing and prescribing procedure issued on August 4, 1964, be amended to read as hereinafter provided.

The Commission orders: The order of August 4, 1964, in the above captioned proceeding is hereby amended so as to modify paragraph (A) to provide for the commencement of hearing on November 9, 1964, instead of October 26, 1964. The order of August 4, 1964, is also further amended to substitute the following for ordering paragraph (B):

(B) The following procedure is prescribed for the public hearing hereby provided for:

(1) The Commission staff shall file its prepared direct case not later than September 4, 1964.

(2) PSCI shall file its prepared case not later than October 29, 1964.

(3) All of the testimony, except exhibits, shall be in question and answer form.

(4) All exhibits (except those of which official notice may properly be taken) shall contain brief and appropriate titles, and the exhibits shall be fully explained in the prepared testimony by the witness or witnesses sponsoring them.

(5) Each witness shall execute an affidavit adopting the testimony for which he assumes responsibility and an original and two conformed copies of such affidavit shall be filed with his prepared testimony.

(6) Any party submitting more than one exhibit shall enclose a cover sheet listing the title of each exhibit in the sequence they wish them to be marked for identification.

(7) Any motion to strike any part of the staff's direct testimony and exhibits (prior to cross examination) shall be filed with the Presiding Examiner or the Chief Examiner not later than October 16, 1964; answers thereto shall be filed by October 30, 1964; and rulings on such motions will be made by the Presiding Examiner at the time such testimony or exhibits are offered.

(8) Any motion to strike any part of PSCI's case, testimony and exhibits, shall be filed with the Presiding Examiner not later than November 16, 1964; answers thereto to be filed and rulings thereon to be made as the Presiding Examiner directs.

(9) After opening statements, and rulings on motions to strike are concluded, the proceeding shall continue with opportunity for cross examination of each staff witness.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–10840; Filed, Oct. 23, 1964; 8:46 a.m.]

[Docket No. RI65–38 etc.]

## SINCLAIR OIL & GAS CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

OCTOBER 8, 1964.

In the Order Providing For Hearings On And Suspension of Proposed Changes In Rates, issued July 29, 1964, and published in the FEDERAL REGISTER August 12, 1964 (F.R. Doc. 64–7984; 29 F.R. 11542–11546); In the chart after Docket No. RI65–38, Sinclair Oil & Gas Co., Rate Schedule No. 92, Supplement No. 6, change the Proposed Increased Rate to read "15.1772" in lieu of "15.772."

After Continental Oil Co., Docket No. RI65–51, change footnote "11" to read footnote "4".

Also change footnote "11" to read "4" after Docket No. RI65–54, Shell Oil Co. (Operator), et al., Rate Schedule No. 41, Supplement No. 20 and Docket No. RI65–52, Shell Oil Co. in the following rate schedules:

Supplement No. 12 to Rate Schedule No. 33, Supplement No. 8, Rate Schedule No. 40, Supplement No. 8, Rate Schedule No. 95, and Supplement No. 7, Rate Schedule No. 108.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–10841; Filed, Oct. 23, 1964; 8:46 a.m.]

[Docket Nos. CI63–869, CI64–1309]

## TENNECO OIL CO. ET AL. AND CONTINENTAL OIL CO.

### Notice of Applications

OCTOBER 19, 1964.

Take notice that on January 17, 1963, Delhi-Taylor Oil Corp. (Delhi-Taylor), filed in Docket No. CI63–869 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Transcontinental Gas Pipeline Corp. for resale from the North Thibodaux Field, Lafourche Parish, La., at 20.625 cents per Mcf at 15.025 psia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Delhi-Taylor agreed to a moratorium on changes in rate until July 1, 1967, except that appropriate upward or downward adjustments will be made as determined by the proceeding pending in Docket No. AR61–2, et al., or any other applicable proceeding, all consistent with the settlement in Docket No. CI62–1508, Continental Oil Co.[1] The related rate schedule provides for a five-year make-up period for take-or-pay gas. The subject contract, heretofore designated as Delhi-Taylor Oil Corp. (Operator), et al., FPC Gas Rate Schedule No. 55, has been redesignated as Tenneco Oil Co. (Operator), et al., FPC Gas Rate Schedule No. 165. On April 27, 1964, Tenneco Oil Co (Tenneco) filed in Docket No. CI63–869 to become applicant in said proceeding in lieu of Delhi-Taylor insofar as the subject application pertains to sales from the undivided one-half interest in the subject properties acquired by Tenneco from Delhi-Taylor effective as of January 1, 1964.

Take further notice that on April 29, 1964, Continental Oil Co. (Continental) filed in Docket No. CI64–1309 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas from its undivided one-half interest in certain properties acquired from Delhi-Taylor hereinabove described, under the terms and conditions hereinabove described, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The subject contract, heretofore designated as Delhi-Taylor Oil Corporation (Operator), et al., FPC Gas Rate Schedule No. 55, and redesignated as Tenneco Oil Co. (Operator), et al., FPC Gas Rate Schedule No. 165 insofar as it pertains to the undivided one-half interest of Tenneco, has also been accepted for filing and designated as Continental Oil Co. FPC Gas Rate Schedule No. 281 insofar as it pertains to the undivided one-half interest of Continental.

Protests or petitions to intervene may be filed with the Federal Power Commis-

[1] Continental Oil Co., Applicant in Docket No. CI62–1506, was successor to Berkshire Oil Co. The subject acreage was dedicated to Berkshire's contract, as supplemented, which included this condition.

sion, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 13, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-10842; Filed, Oct. 23, 1964; 8:46 a.m.]

[Docket No. G-12245 etc.]

## MARSHAL R. YOUNG DRILLING CO. ET AL.

### Findings and Order; Correction

OCTOBER 8, 1964.

In the Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Amending Certificates, Permitting and Approving Abandonment of Service, Terminating Certificates, Making Successors in Interest Co-Respondents, Redesignating Proceedings, Requiring Filing of Agreement and Undertaking, Accepting Agreement and Undertaking for Filing, and Accepting Related Rate Schedules and Supplements for Filing, issued September 28, 1964, and published in the FEDERAL REGISTER October 8, 1964 (F.R. Doc. 64-10072; 29 F.R. 13917), change Docket No. "G-10691" to read Docket No. "G-2688" in ordering paragraph (J) and in the chart.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-10843; Filed, Oct. 23, 1964; 8:46 a.m.]

[Docket No. RI65-266 etc.]

## LAB OIL CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 19, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 1, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-266 | LAB Oil Co., (Operator), et al. P.O. Box 1391, Corpus Christi, Tex. | 3 | 1 | Texas San Juan Oil Corp. (Miller and Fox Field, Duval County, Tex.) (R.R. Dist. No. 4). | $700 | 9-14-64 | [3] 11-1-64 | 4-1-65 | [5] 11.0 | [6] 12.0 | |
| RI65-267 | Miller & Fox Minerals Corp. (Operator), et al., [4] 905 Vaughn Plaza, Corpus Christi, Tex. | 1 | 1 | Texas San Juan Oil Corp. (Miller and Fox Field, Jim Wells County, Tex.) (R.R. Dist. No. 4). | 2,880 | 9-14-64 | [3] 11-1-64 | 4-1-65 | [5] 11.0 | [6] 12.0 | |
| RI65-268 | Texas San Juan Oil Corp., 1126 Mercantile Securities Bldg., Dallas, Tex., 75201 | 2 | 3 | Tennessee Gas Transmission Co. (Jim Wells County, Tex.) (R.R. Dist. No. 4). | [8] 8,793 | 9-24-64 | [3] 11-1-64 | 4-1-65 | [7] [9] 14.0 | [9] [10] 15.0 | |

[2] Contractually provided effective date.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Initial rate.
[6] Based on estimated volume from Texas San Juan's last rate increase filing.
[7] Includes 0.21931 cent per Mcf for dehydration.
[8] Prior rate increase to 14.1725 cents per Mcf, reflecting reimbursement of the Texas Dedicated Reserve Tax, is in effect subject to refund in Docket No. R162-337. Tax subsequently declared unconstitutional and the tax discontinued. No filings made to reflect that the proper rate is 14.0 cents per Mcf.
[9] 25 percent of the working interest of the lease dedicated to the contract is owned by Texas San Juan.

LAB Oil Co. (Operator) et al. (LAB), and Miller & Fox Minerals Corporation (Operator), et al. (Miller & Fox), sell their gas to Texas San Juan Oil Corporation (Texas San Juan) who gathers and dehydrates the subject gas and delivers it for resale to Tennessee Gas Transmission Co.

LAB and Miller & Fox's contracts are geared to the gatherer's contract in that they all provide for a 1.0 cent per Mcf periodic increase on November 1, 1964, and every five years thereafter, thus maintaining a 3.0 cents per Mcf differential between the producers' and gatherer's rates.

Texas San Juan's proposed rate of 15.0 cents per Mcf exceeds the applicable 14.0 cents per Mcf area ceiling price for increased rates in Texas Railroad District No. 4 as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56). Although LAB and Miller & Fox's proposed rates are below the applicable area increased ceiling price of 14.0 cents per Mcf, they are suspended because the sales related thereto are considered to be for non-pipeline quality gas within the meaning of the Commission's aforementioned Statement of General Policy No. 61-1, as amended, because of the gathering and dehydration services performed by Texas San Juan prior to the delivery of the gas to Tennessee Gas Transmission Co.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[F.R. Doc. 64-10844; Filed, Oct. 23, 1964; 8:47 a.m.]



# HOUSING AND HOME FINANCE AGENCY

### Office of the Administrator

### ACTING REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION IV (CHICAGO)

#### Designation

The officers appointed to the following listed positions in Region IV (Chicago) are hereby designated to serve as Acting Regional Director of Community Facilities, Region IV, during the absence of the Regional Director of Community Facilities, with all the powers, functions, and duties delegated or assigned to the Regional Director of Community Facilities, provided that no officer is authorized to serve as Acting Regional Director of Community Facilities unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Director of Community Facilities.
2. Chief, Engineering Branch.
3. Chief, College Housing Operations Branch.

This designation supersedes the designation effective September 28, 1962 (27 F.R. 9631, September 28, 1962).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 24th day of October 1964.

JOHN P. MCCOLLUM,
*Regional Administrator.*

[F.R. Doc. 64-10867; Filed, Oct. 23, 1964; 8:48 a.m.]

# OFFICE OF EMERGENCY PLANNING

### GEORGIA

#### Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated September 10, 1964, reading in part as follows:

I have determined the damage in various areas of Georgia adversely affected by Hurricane Dora to be of sufficient severity and magnitude to warrant assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Georgia to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 10, 1964:

The Counties of:

| | |
|---|---|
| Brantley. | McIntosh. |
| Camden. | Ware. |
| Chatham. | Wayne. |
| Glynn. | |

Dated: October 19, 1964.

EDWARD A. MCDERMOTT,
*Director,*
*Office of Emergency Planning.*

[F.R. Doc. 64-10847; Filed, Oct. 23, 1964; 8:47 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 491]

### NORTH CAROLINA

#### Declaration of Disaster Area

Whereas, it has been reported that during the month of October 1964, because of the effects of certain disasters, damage resulted to residences and business property located in Buncombe, Henderson, Jackson, Macon, and Transylvania Counties in the State of North Carolina;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about October 5 and 6, 1964.

OFFICES

Small Business Administration Regional Office, 1904 Byrd Avenue, Richmond, Va., 23226.
Small Business Administration Branch Office, 201 South Tryon Street, Charlotte, N.C., 28202.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1965.

Dated: October 13, 1964.

ROSS D. DAVIS,
*Executive Administrator.*

[F.R. Doc. 64-10828; Filed, Oct. 23, 1964; 8:45 a.m.]

[Delegation of Authority 30-XIII, Amdt. 3]

### SEATTLE REGIONAL AREA

#### Delegation of Authority to Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9), 29 F.R. 11777, as amended, 29 F.R. 12570, 13354, and 14093; Delegation of Authority No. 30-XIII, 29 F.R. 12499, as amended, 29 F.R. 12992 and 14044, is hereby further amended by revising Item I.K. 11. to read as follows:

11. Item I.C.12.—only the authority for servicing, administration and collection, including subitems a and b, but not c, is hereby delegated to the Chief, Financial Assistance Section, in the Anchorage, Boise, and Portland Branch Offices.

Effective date: October 8, 1964.

WILLIAM S. SCHUMACHER,
*Regional Director,*
*Seattle.*

[F.R. Doc. 64-10829; Filed, Oct. 23, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 21, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39343: *Soybeans to Sherman, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8623), for interested rail carriers. Rates on soybeans, in bulk, in carloads, from points in Kansas, Missouri, and Oklahoma, to Sherman, Tex.

Grounds for relief: Carrier competition.

Tariff: Supplement 58 to Southwestern Freight Bureau, agent, tariff I.C.C. 4496.

FSA No. 39344: *Soybeans to Fredonia, Kans.* Filed by Southwestern Freight Bureau, agent (No. B-8624), for interested rail carriers. Rates on soybeans, in bulk, in carloads, from specified points in Oklahoma, to Fredonia, Kans.

Grounds for relief: Carrier competition.

Tariff: Supplement 53 to Southwestern Freight Bureau, agent, tariff I.C.C. 4475.

FSA No. 39345: *Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 103), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in south-

ern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 6 to Southern Motor Carriers Rate Conference, agent, tariff MF-I.C.C. 1314.

FSA No. 39346: *Joint motor-rail rates—Central and Southern.* Filed by Central and Southern Motor Freight Tariff Association, Inc., agent (No. 37), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in central states territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 33 to Central and Southern Motor Freight Tariff Association, Inc., agent, MF-I.C.C. 286.

FSA No. 39347: *Commodity rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 58), for itself and interested carriers. Rates on pipe or tubing, brass, bronze or copper, noi, in trailerloads, from Pittsburgh, Pa., to Los Angeles, Calif.

Grounds for relief: All-rail competition.

Tariff: Supplement 61 to Sea-Land Service, Inc., tariff I.C.C. 14.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64-10859; Filed, Oct. 23, 1964; 8:48 a.m.]

[Notice 1067]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 21, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67125. By order of October 15, 1964, the Transfer Board approved the transfer to Century Cartage Company, a corporation, Decatur, Ga., of Certificate of Registration in No. MC 121176 Sub 1, issued November 1, 1963, to J. N. Climer, doing business as Decatur Union Bus Station, Decatur, Ga., authorizing the transportation of: bus package express and baggage, between certain specified points in Georgia. John H. Boone, First National Bank Building, Atlanta, Ga., 30303, attorney for applicants.

No. MC-FC 67155. By order of October 16, 1964, the Transfer Board approved the transfer to Humboldt Moving & Storage Co., a corporation, Eureka, Calif., of the operating rights in Certificate No. MC 98286 Sub 1, issued January 10, 1957, to Baker & Stanton, Inc., Eureka, Calif., authorizing the transportation, over regular routes, household goods, as defined, between Crescent City, Calif., and Garberville, Calif., paper and paper products, new furniture and fixtures, machinery and parts, steel, scrap iron, hardware, paint, glass, china and enamelware, dry goods, clothing, groceries, notions, grain, bark, lumber, and mill work, between Eureka, Calif., and Arcata, Calif., paper and paper products, steel machinery and parts and new furniture and fixtures, between Eureka, Calif., and Scotia, Calif., and between Eureka, Calif., and Samoa, Calif., and paper products and groceries, between Eureka, Calif., and Stumpville, Calif., from Eureka to Stumpville. Marvin Handler, 625 Market Street, San Francisco 5, Calif., attorney for applicants.

No. MC-FC 67180. By order of October 16, 1964, the Transfer Board approved the transfer to Carmichael Freight Lines, Inc., Clarksburg, W. Va., of Certificate No. MC 111232 issued November 29, 1949 to K. L. Carmichael doing business as Carmichael Freight Lines, Clarksburg, W. Va., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between points in Harrison, Doddridge, Ritchie, Wetzel, Marion, Monongalia, Taylor, Barbour, Preston, Randolph, Tucker, Upshur, Webster, Nicholas, Lewis, Gilmer, Braxton, and Pocahontas Counties, W. Va. Howard Caplan, Clarksburg, W. Va., 26302, representative for applicants.

No. MC-FC 67240. By order of October 15, 1964, the Transfer Board approved the transfer to D & R Transfer Co., a corporation, 414 South Grant, Stockton, Calif., of Certificate of Registration in No. MC 99900 Sub 2, issued June 1, 1964, to Sigourney V. Hurd, doing business as Nilsson Transfer Company, 414 South Grant, Stockston, Calif., authorizing the transportation of: a wide variety of specified commodities, between Stockton, Calif., and Modesto, Calif., and intermediate points via U.S. Highway 99, and between Stockton, Calif., on the one hand, and Tracy, Calif., on the other hand, including the off-route point of Banta, via U.S. Highway 50.

No. MC-FC 67242. By order of October 16, 1964, the Transfer Board approved the transfer to Petroleum Tank Lines, Inc., Sheffield, Mass., of Certificate in No. MC 95256 issued September 30, 1954, to A. W. King, Inc., Adams, Mass., authorizing the transportation of lime and limestone products, over irregular routes, from points in Berkshire County, Mass., to points in Connecticut, and those in that part of New York east of a line beginning at Port Jervis, N.Y., and extending in a northerly direction to Utica, N.Y., and south of a line beginning at Utica and extending in a northeasterly direction through Glens Falls, N.Y., to the New York-Vermont State line. William L. Mobley, 1694 Main Street, Springfield, Mass., 01103, representative for applicants.

No. MC-FC 67262. By order of October 16, 1964, the Transfer Board approved the transfer to Albert P. Handel, doing business as Handel Trucking Co., Ramsey, N.J., of the operating rights issued by the Commission May 13, 1941, under Certificate No. MC 76544 to Herbert W. Handel, Franklin Lakes, N.J., authorizing the transportation, over regular routes, of paper and paper products, between New York, N.Y., and Bristol, Pa.; and over irregular routes, of wool waste, between Passaic, N.J., and Philadelphia, Pa.; empty cans, rubber, and rubber products, between Passaic, N.J., on the one hand, and, on the other, points in the New York, N.Y., commercial zone; and paper and paper products, between Paterson, N.J., and points in New Jersey within 30 miles of Paterson. John M. Zachara, Post Office Box 2860, Paterson, N.J., representative for applicants.

No. MC-FC 67263. By order of October 16, 1964, the Transfer Board approved the transfer of a portion of the operating rights to Caution Carriers, Inc., North Caldwell, N.J., authorized in Certificate No. MC 5728, issued March 2, 1961, to Edward F. Clark Trucking Corporation, Bayonne, N.J., authorizing the transportation, over irregular routes, of: Petroleum and petroleum products, antifreeze compounds, and certain other named commodities, between specified points in New Jersey, and New York, and points in Pennsylvania and New York, and General commodities, with the usual exceptions, from and to, and between points, specifically named, and State wide, involving New Jersey, New York, Connecticut, and Pennsylvania. August W. Heckman, 297 Academy Street, Jersey City, N.J., 07306, attorney for applicants.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64-10860; Filed, Oct. 23, 1964; 8:48 a.m.]

[Notice 1067-A]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 21, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.



Finance Docket No. 23260. By order of October 20, 1964, The Transfer Board approved the transfer to Ketchikan Transportation Company, Ketchikan, Alaska, of the operating rights claimed in W 1159, under the "grandfather" clause of section 309(a) and (f), Interstate Commerce Act, by L. E. Erickson and Ed. W. Wolf, doing business as Ketchikan Transportation Co., Ketchikan, Alaska, for which a certificate is sought to operate in interstate or foreign commerce as a water carrier transporting general commodities, and surface mail contract, except those of unusual value, Classes A and B explosives, from, to, or between points or areas in Alaska, including Ketchikan, Myers Chuck, Thorne River, Ratz Harbor, Coffman Cove, Whale Pass, Lincoln Rock, Wrangell, Pt. Baker, Port Protection, Cape Decision, Cape Pole, Edna Bay, Tuxekan, Tokeen, Hecata Is., Klawock, Craig, Steamboat Bay, Waterfall, View Cove, Hydaburg, Long Is., and Tamgass Harbor Annette Island. George H. Hart, 640 Central Building, Seattle, Wash., attorney for applicants.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64-10861; Filed, Oct. 23, 1964; 8:48 a.m.]

[Notice 1]

## FINANCE APPLICATIONS

OCTOBER 20, 1964.

The following publications are governed by the Interstate Commerce Commission's general requirements governing notice of filing of applications under sections 5(2), 20a except (12), 20b, and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER, issue of July 31, 1964 (29 F.R. 11126) and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local d.s.t., if that time is observed), unless otherwise specified.

F.D. No. 23324—By application filed October 7, 1964, Railway Express Agency, Incorporated, 219 East Broad Street, New York, N.Y., 10017, seeks authority under sections 20a and 214 of the Act to issue 500,000 shares of common stock, par value $1.00 per share to The Greyhound Corporation. Applicant is authorized to operate in all 50 States, the District of Columbia, Puerto Rico, and Canada transporting property by express on railroads. Applicant's attorneys: Wm. J. Taylor, Esq., general counsel, Railway Express Agency, Inc., 219 East Broad Street, New York, N.Y., 10017 and Henry P. Riordan, Esq., Cravath, Swaine & Moore, 1 Chase Manhatton Plaza, New York, N.Y., 10005. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23326—By application filed October 7, 1964, Western Maryland Railway Company, 300 St. Paul Place, Baltimore, Md., 21202, seeks authority under section 20a(2) of the Act to issue First Mortgage 4.85 percent bonds, Series D, due October 1, 1989, in principal amount not to exceed $4,000,000. Applicant is authorized to operate in the States of Maryland, Pennsylvania, and West Virginia. Applicant's attorney: Norman C. Melvin, Jr., Esq., general attorney, Western Maryland Railway Company, 300 St. Paul Place, Baltimore, Md., 21202. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

NOTE: By Special Application, filed August 7, 1964, F.D. No. 23247, applicant sought exemption from the competitive bidding requirements of the Commission in connection with the above-mentioned bonds. Relief was granted by order dated August 28, 1964.

F.D. No. 23252—By supplemental application filed October 7, 1964, The Chesapeake & Ohio Railway Company seeks authority under section 20a(2) of the Act to assume obligation and liability in respect of $5,700,000 principal amount of Serial Equipment Trust Certificates, with dividend warrants to be dated July 15, 1964, and to be issued under The Chesapeake & Ohio Railway Company Equipment Trust of 1964, as the second and final installment of an aggregate of not exceeding $11,400,000 principal amount. Applicant's attorney: C. C. Kimball, general attorney, The Chesapeake & Ohio Railway Company, 3117 Terminal Tower, Post Office Box 6419, Cleveland, Ohio, 44101. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

NOTE: Authority was granted to assume obligation and liability, as guarantor, in respect of $5,700,000 principal amount of serial equipment trust certificates, constituting the first installment by order dated September 4, 1964.

F.D. No. 23325—By application filed October 6, 1964, D.C. Transit System, Inc., 3600 M Street NW., Washington, D.C., 20007, seeks authority under section 214 of the Act to issue a promissory note not to exceed $3,500,000 bearing interest at the rate of 6 percent per annum. Applicant operates in Maryland, Virginia, and in the District of Columbia. Applicant's attorney: John R. Sims, Jr., associate general counsel, D.C., Transit System, Inc., 3600 M Street NW., Washington, D.C., 20007. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23322—By application filed Oct. 5, 1964, Harris Express, Inc., 1425 North Tryon Street, Charlotte, N.C., seeks authority under section 214 of the Act to issue a promissory note in the principal amount of $665,460 bearing interest at the rate of 5 percent per annum and a promissory note in the principal amount of $58,450 bearing interest at the rate of 5 percent per annum, as part payment for applicant's capital stock purchased from L. Worth Harris and Truckers Terminal, Inc. Applicant is authorized to operate in the States of South Carolina, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, and in the District of Columbia. Applicant's attorney: Lloyd Caudle, Wardlow, Knox, Caudle & Wade, 1416 Johnston Building, Charlotte, N.C. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23319—By application filed October 5, 1964, O'Boyle Tank Lines, Incorporated, 4848 Cordell Avenue, Washington, D.C., 20014, seeks authority under section 214 of the Act to issue promissory notes not to exceed $1,183,401, bearing interest of 6.1 percent, per annum on the unpaid balance and maturing in not more than eight years after the date of issue. Further authority is sought to cancel and supersede the authority previously granted by order of December 31, 1962, in F.D. No. 22347. Applicant is authorized to operate in the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and in the District of Columbia. Applicant's attorney: Clarence D. Todd, Todd, Dillon Sullivan & Raley, 1825 Jefferson Place NW., Washington 36, D.C. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64-10901; Filed, Oct. 23, 1964; 8:50 a.m.]

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OCT 30 1964

Pages 14615-14656

# FEDERAL REGISTER

VOLUME 29 NUMBER 210

*Washington, Tuesday, October 27, 1964*

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*Just Released*

**NEW CODIFICATION GUIDE**

[January–September 1964]

Published monthly on a cumulative basis. Lists titles, parts, and sections of the Code of Federal Regulations amended or otherwise affected by documents published in the Federal Register during 1964. Entries indicate the exact nature of all changes effected. (Mailed free to FR subscribers October 23.)

**Individually priced: 20 cents a copy**

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402


# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 11186

### ESTABLISHING THE FEDERAL DEVELOPMENT PLANNING COMMITTEE FOR APPALACHIA

WHEREAS representatives of the Federal Government and of the Governors of the States in the Appalachian region have been cooperating in the preparation of plans and programs for the long-range development of Appalachia; and

WHEREAS such plans have provided for coordinated action by Federal, State, and local agencies in carrying out programs to further the development of Appalachia and to facilitate and encourage private investment in that area; and

WHEREAS the Governors of various States of the Appalachian region have requested that such cooperation be continued; and

WHEREAS the proper discharge by the Federal Government of its responsibilities to the people of the Appalachian region requires that such cooperation be continued and that related planning activities of the Federal Government be effectively coordinated:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Committee.* (a) There is hereby established the Federal Development Planning Committee for Appalachia (hereinafter referred to as the "Committee").

(b) The Committee shall be composed of the following: (1) a Chairman, who shall be appointed by the President, (2) members, one of whom shall be designated by and represent each of the following-named officers, respectively: the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of the Army, the Housing and Home Finance Administrator, and the Director of the Office of Economic Opportunity, and (3) a member who shall represent the Tennessee Valley Authority and shall be designated by the board of directors of the Authority.

(c) The Chairman may request any Federal agency head not referred to in subsection (b), above, to designate a representative to participate in meetings of the Committee concerned with matters of substantial interest to such agency head.

SEC. 2. *Functions of the Chairman.* (a) The Chairman shall cooperate with representatives designated by the Governors of States in the Appalachian region in:

(1) Fostering surveys and studies to provide data required for the preparation of plans and programs for the development of Appalachia;

(2) Preparing coordinated plans for the development of Appalachia deemed appropriate to carry out existing statutory responsibilities of Federal, State, or local agencies. Such plans shall be designed to promote optimum benefits from the expenditure of Federal, State, and local funds and to facilitate and promote private investment in the development of Appalachia; and

(3) Preparing legislative and other recommendations with respect to both short-range and long-range programs and projects for Federal, State, or local agencies.

(b) With the approval of the agency head concerned the Chairman may arrange for recommended surveys and studies to be made by any

Federal agency with respect to matters falling within the existing statutory authorities and responsibilities of that agency.

SEC. 3. *Functions of the Committee.* The Committee shall:

(a) Advise the Chairman with respect to (1) surveys and studies needed for the preparation of development plans, (2) the concrete proposals for surveys and studies developed by the Chairman in cooperation with the representatives of the Governors, and (3) desirable development objectives and programs for the Appalachian region.

(b) Receive, review, and comment on all tentative development plans or other tentative recommendations developed by the Chairman in cooperation with the representatives of the Governors; and

(c) Receive and consider final plans and recommendations and transmit them, with its own comments, to the President and the heads of interested Federal agencies.

SEC. 4. *Administrative arrangements.* (a) If the Chairman of the Committee does not concurrently hold other compensated office or employment under the United States, he shall receive such compensation under this order as shall be fixed in accordance with the standards and procedures of the Classification Act of 1949, as amended.

(b) The Department of Commerce is hereby designated as the agency which shall provide administrative services for the Committee and for the Chairman.

(c) Each Federal agency the head of which is referred to in Section 1(b) of this order shall, as may be necessary, furnish assistance to the Committee in accordance with the provisions of Section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691).

(d) Each Federal agency shall, consonant with law and within the limits of available funds, cooperate with the Committee and with the Chairman in carrying out their functions under this order. Such cooperation shall include, as may be appropriate, (1) furnishing relevant available information, (2) making studies and preparing reports pursuant to requests of the Chairman, (3) in connection with the development of programs and priorities of the agency, giving full consideration to any plans and recommendations for the development of Appalachia, including recommendations made by the Committee, and (4) advising on the work of the Committee as the Chairman may from time to time request.

SEC. 5. *Construction.* Nothing in this order shall be construed as subjecting any Federal agency, or any function vested by law in, or assigned pursuant to law to, any Federal agency, to the authority of the Committee or the Chairman, or as abrogating or restricting any such function in any manner.

LYNDON B. JOHNSON

THE WHITE HOUSE,
*October 23, 1964.*

[F.R. Doc. 64-11008; Filed, Oct. 26, 1964; 11:30 a.m.]

# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture

[Amdt. 3]

### PART 210—NATIONAL SCHOOL LUNCH PROGRAM

#### Miscellaneous Amendments

The regulations for the operation of the National School Lunch Program (28 F.R. 1247) as amended (28 F.R. 11531, 29 F.R. 311) are hereby amended as follows:

1. In § 210.2, paragraphs (C–1) is revised and paragraph (m) is amended to read as follows:

**§ 210.2 Definitions.**

* * * * *

(C–1) "Attendance unit" means a building or a complex of buildings and supporting facilities in which instruction in provided for classes of high school grade or under.

* * * * *

(m) "School" means the governing body responsible for the administration of a public or nonprofit private "school" of high school grade or under, as recognized under the laws of the State, and, in the case of Puerto Rico, also includes nonprofit child-care centers certified as such by the Governor of Puerto Rico. The term also includes a nonprofit agency to which the school has delegated authority for the operation of its nonprofit lunch program.

* * * * *

2. Paragraph (a) of § 210.5 *Payments to States* is amended to read as follows and (b) is deleted.

(a) The general cash-for-food assistance funds apportioned to any State shall be made available by means of Letters of Credit issued by AMS to appropriate Federal Reserve Banks in favor of the State Agency. Such Letters of Credit shall be designed to provide funds for the State Agency for the operation of the Program in such amounts and at such times as the funds are needed to reimburse schools. As soon as practicable after funds are made available to AMS, AMS shall prepare a Letter of Credit for each State with which it has an approved agreement. Such Letters of Credit shall contain 10 cumulative monthly limitations, except that for American Samoa, Guam, Puerto Rico and the Virgin Islands, the Letter of Credit shall contain 8 cumulative monthly limitations. These cumulative limitations shall be in accordance with the monthly pattern of participation in each State, as measured by the number of lunches served, based upon the most recent year for which final participation data are available. The first amount authorized shall be for July and August operations, and the final amount authorized shall be for May and June operations except that for American Samoa, Guam, Puerto Rico and the Virgin Islands, the final amount authorized shall be for March, April, May, and June operations. Notwithstanding the foregoing provisions, if funds have been authorized by Congress for the operation of the Program under a continuing resolution, Letters of Credit shall reflect only the amounts authorized for the effective period of the resolution, with appropriate monthly limitations. The State Agency shall obtain funds needed to reimburse schools through presentation by designated State officials of a Payment Voucher on Letter of Credit (Treasury Department Form TUS 5401) to a local commercial bank for transmission to the appropriate Federal Reserve Bank, in accordance with procedures prescribed by AMS and approved by the United States Treasury Department. The State Agency shall draw only such funds as are needed to pay claims certified for payment and shall use such funds without delay to pay the claims. State Agencies shall report information on the status of Program funds on a monthly basis to AMS on a form provided for it. Notwithstanding the foregoing provision for the use of Letters of Credit, Program funds shall be made available to the State Agency in the District of Columbia by means of Treasury Department checks on the same monthly basis as is prescribed for payments made by Letters of Credit.

* * * * *

3. Paragraph (c) of § 210.8 *Requirements for participation* is amended to read as follows:

**§ 210.8 Requirements for participation.**

* * * * *

(c) Schools shall be selected for participation in the Program on the basis of need and attendance: *Provided, however,* That any school which operates the food or milk service in any attendance unit under a contractual arrangement with a concessionaire or food service management company or under a similar arrangement shall not be eligible for participation in the Program with respect to such attendance unit, even though the school or such attendance unit obtains no profit from the operation of such food or milk service.

* * * * *

4. Paragraph (a) of § 210.12 *Reimbursement procedure* is amended to read as follows:

**§ 210.12 Reimbursement procedure.**

(a) Each State Agency, or FDD where applicable, shall require schools to submit a "Claim for Reimbursement" on a calendar month basis: *Provided, however,* That not more than 10 days of the beginning or ending month of Program operations in the fiscal year may be combined with the claim of the month immediately following the beginning month or preceding the ending month. Any claim for reimbursement combining the ending month of one fiscal year and the beginning month of the next fiscal year shall not be permitted.

* * * * *

Effective date: July 1, 1964.

Approved: October 22, 1964.

[SEAL] CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64-10920; Filed, Oct. 26, 1964; 8:48 a.m.]

---

[Amdt. 3]

### PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

#### Miscellaneous Amendments

The regulations for the operation of the Special Milk Program for Children (27 F.R. 7482) and as amended (28 F.R. 12791) and (29 F.R. 1379), are hereby amended as follows:

1. A new paragraph (u) of § 215.2 *Definitions* is added as follows:

**§ 215.2 Definitions.**

(u) "Attendance unit" means a building or a complex of buildings and supporting facilities in which instruction is provided for classes of high school grade and under.

2. Section 215.4 *Reserve of funds for State Agencies* is deleted.

3. Paragraphs (a), (b) and (c) of § 215.5 *Payments to State Agencies* are amended to read:

**§ 215.5 Payments to State Agencies.**

(a) Funds for State Agencies shall be made available by means of Letters of Credit issued by AMS to appropriate Federal Reserve Banks in accordance with procedures applicable to AMS. Such Letters of Credit shall be designed to provide funds for State Agencies for the operation of the Program in such amounts and at such time as the funds are needed to reimburse schools and child-care institutions. AMS shall prepare a Letter of Credit for each State Agency with which it has an agreement, as soon as practicable after funds are made available to AMS. Such Letters of Credit shall contain cumulative monthly limitations. These cumulative limitations shall be in accordance with the monthly pattern of participation in each State for the corresponding month of the preceding fiscal year. The first amount authorized shall be for July and August operations, and the final amount authorized shall be for May and June operations.

(b) The State Agency shall obtain funds needed to reimburse schools and child-care institutions through presentation by designated State Officials of a Payment Voucher on Letter of Credit (Treasury Department Form TUS 5401)

to a local commercial bank for transmission to the appropriate Federal Reserve Bank, in accordance with procedures prescribed by AMS and approved by the United States Treasury Department. The State Agency shall draw only such funds as are needed to pay claims certified for payment and shall use such funds without delay to pay the claims. State Agencies shall report information on the status of Program funds on a monthly basis to AMS on a form provided by AMS.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, program funds shall be made available to the State Agency in the District of Columbia by means of Treasury Department checks on the same monthly basis as is prescribed for payments made by Letters of Credit.

* * * * *

4. Paragraph (c) of § 215.7 *Requirements for participation* is amended to read:

§ 215.7 Requirements for participation.

* * * * *

(c) Any school which operates the food or milk service in any attendance unit under a contractual arrangement with a concessionaire or food service management company or under a similar arrangement shall not be eligible for participation in the Program with respect to such attendance unit, even though the school or such attendance unit obtains no profit from the operation of such food or milk service: *Provided, however,* That this does not exclude from participation any school:

(1) That contracts with a dairy or other milk supplier for the rental of milk service equipment and related services as a means of increasing the availability of milk;

(2) Whose food or milk service is operated by a private nonprofit organization, such as a parent-teacher association, under delegation of authority from school officials; or

(3) That maintains food or milk service, such as a snack bar, operated by students for the benefit of student activities, if (i) supplemental to regular nonprofit food or milk service or as the only food or milk service maintained, the school uses the student-operated facilities as a means of increasing the availability of milk rather than to employ labor for that purpose, (ii) the milk served through the student-operated facilities is purchased and sold for the account of nonprofit food or milk service, and (iii) any payments made by the school to the student-operated facility, for labor and other costs in connection with the service of milk to children, bear a direct relationship to the amount of services rendered.

* * * * *

5. Paragraph (a) of § 215.10 *Reimbursement procedure* is amended to read:

§ 215.10 Reimbursement procedure.

(a) Each State Agency, or FDD where applicable, shall require schools to submit a "Claim for Reimbursement" on a calendar month basis: *Provided, however,* That not more than 10 days of a beginning or ending month of Program operations in the fiscal year may be combined with the claim of the month immediately following the beginning month or preceding the ending month. Any claim for reimbursement combining the ending month of one fiscal year and the beginning month of the next fiscal year shall not be permitted. Any claim for Reimbursement for any fiscal year, not received by the State Agency, or FDD where applicable, within 90 days after the closing date of the fiscal year, shall be disqualified from payment, except where the State Agency, or FDD where applicable, considers that a Claim for Reimbursement has been filed late because of circumstances beyond the control of the school or child-care institution.

* * * * *

Effective date: July 1, 1964.

Approved: October 22, 1964.

[SEAL] CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64-10921; Filed, Oct. 26, 1964; 8:48 a.m.]

## Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 850.147]

## PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

### Proportionate Shares for Farms; 1965 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (61 Stat. 922), the following determination is hereby issued:

§ 850.147 National sugarbeet acreage requirement for 1965-crop year.

A national sugarbeet acreage requirement of 1,375,000 acres is hereby established for the 1965 crop of sugarbeets in the Domestic Beet Sugar Producing Area.

STATEMENT OF BASES AND CONSIDERATIONS

Recently, the major sugarbeet grower associations and all of the sugarbeet processors recommended that 1965-crop sugarbeet plantings be restricted to 1,375,000 acres.

Sugarbeet plantings increased from about 972,000 acres for the 1960 crop to about 1,460,000 acres for the 1964 crop. Two new beet factories which have acreage for new producers guaranteed under the national sugarbeet acreage reserve will begin operations in 1965 and will process sugarbeets from a total of about 60,000 acres.

In view of the foregoing, a national acreage limitation of 1,375,000 acres is established for the 1965 crop. It is hereby determined that this is the acreage required to enable the area to meet its quota and provide a normal carryover inventory.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on October 19, 1964.

CHARLES S. MURPHY,
*Acting Secretary of Agriculture.*

[F.R. Doc. 64-10897; Filed, Oct. 26, 1964; 8:46 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Airspace Docket No. 64-AL-8]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Federal Airways

Amber Federal airway No. 1 is designated in part from the Hinchinbrook, Alaska, radio range station via the intersection of the northwest course of the Hinchinbrook radio range and the southeast course of the Anchorage, Alaska, radio range to the Anchorage radio range station. Blue Federal airway No. 25 is designated in part on the intersection of a direct line between the Whittier, Alaska, fan marker and the Middleton Island, Alaska, radio range and the southwest course of the Hinchinbrook, Alaska, radio range. The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to realign Amber 1 from the Hinchinbrook radio range via the Whittier, Alaska, radio beacon, to the Anchorage radio range station, and to redescribe the southern terminus of Blue 25.

The Whittier radio beacon was commissioned on August 25, 1964, at latitude 60°46' N., longitude 148°42' W. The realignment of Amber 1 as proposed herein will provide better navigational guidance along this airway segment and will relocate the centerline of this airway approximately 2.5 nautical miles north of its present location in the vicinity of Whittier. No other controlled airspace will be involved. The Whittier fan marker was decommissioned on June 15, 1964. Accordingly, action is taken herein to redescribe the southern terminus of Blue 25 as the intersection of a True bearing of 269° from the Middleton Island radio range and the southwest course of the Hinchinbrook radio range. The physical location of the southern terminus of Blue 25 will remain unchanged.

Since these changes are minor in nature and impose no undue burden on any person, notice and public procedure hereon are impracticable and unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

1. Section 71.105 (29 F.R. 1006) is amended as follows: In A-1 "INT of the NW course of the Hinchinbrook RR and the SE course of the Anchorage, Alaska, RR; Anchorage RR;" is deleted and "Whittier, Alaska, RBN; Anchorage, Alaska, R.R.;" is substituted therefor.

2. Section 71.109 (29 F.R. 1008, 6531) is amended as follows: In B-25 all before "via the Hinchinbrook R.R.;" is deleted and "From the INT of the SW course of Hinchinbrook, Alaska, R.R. and the 296° bearing from the Middleton Island, Alaska, RBN" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 19, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10880; Filed, Oct. 26, 1964; 8:45 a.m.]



[Airspace Docket No. 63-SW-21]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone and Designation of Transition Area

On August 21, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11975) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Lake Charles, La., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1129) the Lake Charles, La., control zone is amended to read as follows:

*Lake Charles, La.*

That airspace within a 5-mile radius of Lake Charles Municipal Airport (latitude 30°07'30" N., longitude 93°13'20" W.); within 2 miles each side of the Lake Charles VOR 259° radial extending from the 5-mile radius zone to 1 mile W of the VOR; within 2 miles each side of the Lake Charles ILS localizer NW course extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Lake Charles ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the airport.

2. In § 71.181 (29 F.R. 1160) the following transition area is added:

*Lake Charles, La.*

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Lake Charles ILS localizer northwest course extending from the OM to 8 miles NW, within 2 miles each side of the Lake Charles VOR 259° radial extending from the VOR to 1 mile W, and within 2 miles each side of the Lake Charles ILS localizer SE course extending from the airport to 8 miles SE; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 30°-37'00" N., longitude 92°50'00" W. to latitude 30°24'00" N., longitude 92°26'00" W. to latitude 29°45'30" N., longitude 93°00'00" W. thence W via latitude 29°45'30" N., to and counterclockwise along the arc of a 25-mile radius circle centered at latitude 29°54'40" N., longitude 94°02'40" W., to longitude 93°-57'00" W., thence to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on October 16, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-10883; Filed, Oct. 26, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-40]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

## PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

### Alteration of Federal Airways and Jet Routes

The purpose of these amendments to Part 71 [New] and Part 75 [New] of the Federal Aviation Regulations is to alter certain transborder VOR airway and jet route designations between the United States and Canada.

The Canadian Department of Transport has advised that the Windsor, Ontario, VOR en route navigational facility will be relocated to a new site located at latitude 42°14'54" N., longitude 82°49'44" W., effective November 19, 1964. Action is taken herein for the following associated amendments:

1. Alter the segment of VOR Federal airway No. 2 from Salem, Mich., via the intersection of the Salem 083° and the Aylmer, Ontario, 260° True radials; to Aylmer.

2. Alter the segment of VOR Federal airway No. 42 from Flint, Mich., via the intersection of the Flint 133° and the Windsor, Ontario, 320° True radials; Windsor; to Cleveland, Ohio. After the segment of V-42 east alternate from Flint via the intersection of the Flint 118° and the Windsor 335° True radials; to Windsor reducing the east side of this alternate segment within the United States to three nautical miles east of the Windsor 335° True radial. Alter the segment of V-42 east alternate from Windsor via the intersection of the Windsor 134° and the Strongsville, Ohio, 342° True radials; to Strongsville.

3. Alter the segments of VOR Federal airway Nos. 90 and 810 from Litchfield, Mich., via the intersection of the Litchfield 081° and the Windsor 265° True radials to Windsor. Alter the segment of V-90 from Windsor via the intersection of the Windsor 083° and the Dunkirk, N.Y., 266° True radials. Alter V-90 north alternate segment from the Dolphin, Ont., Intersection via the Aylmer 235° True radial to Aylmer thence direct to Dunkirk.

4. Alter the segment of VOR Federal airway No. 103 from Akron, Ohio, via the intersection of the Akron 312° and the Windsor 134° True radials; to Windsor.

5. Alter the segments of VOR Federal airway Nos. 116, 810, and 880 from Windsor via the intersection of the Windsor 100° and the Erie, Pa., 275° True radials; to Erie.

6. Alter VOR Federal airway No. 224 from Carleton, Mich., to the intersection of the Carleton 082° and the Windsor 100° True radials.

7. Alter the segment of Jet Route No. 43 from Dayton, Ohio, via the intersection of the Dayton direct radial to Peck, Mich., and the Windsor 276° True radial.

8. Alter the segment of Jet Route No. 70 from Pullman, Mich., direct to Windsor.

9. Alter the segment of Jet Route No. 90 from Northbrook, Ill., via the intersection of the Northbrook 093° and the Windsor 263° True radials; to Windsor.

Since these amendments are minor in nature and impose no additional burden on any person, compliance with the publication provisions of Section 4 of the Administrative Procedure Act is unnecessary. In order to maintain compatibility with the Canadian portion of the airways and jet routes altered herein, the Administrator finds that good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, Part 71 [New] and Part 75 [New] of the Federal Aviation Regulations are amended, effective 0001 e.s.t., November 19, 1964, as hereinafter set forth.

1. Section 71.123 (29 F.R. 1009, 2693, 4671, 5316, 6530, 13137) is amended as follows:

a. In V-2 "INT of Salem 079° and Aylmer, Ont., Canada, 265° radials;" is deleted and "INT of Salem 083° and Aylmer, Ont., Canada, 260° radials;" is substituted therefor.

b. V-42 is amended to read:

V-42 From Flint, Mich., via INT of Flint 133° and Windsor, Ont., Canada, 320° radials; Windsor; including an E alternate via INT Flint 118° and Windsor 335° radials (7 miles wide (3 miles east and 4 miles west of the centerline) from the INT of Flint 118° and Windsor 335° radials to Windsor); Cleveland, Ohio; to Akron, Ohio, including an E alternate from Windsor to the INT of Strongsville, Ohio, 162° and Akron 289° radials via INT of Windsor 134° and Strongsville 342° radials, Strongsville. The airspace within Canada is excluded.

c. V-90 is amended to read:

V-90 From Litchfield, Mich., via INT of Litchfield 081° and Windsor, Ont., Canada, 265° radials; Windsor; INT of Windsor 083° and Dunkirk, N.Y., 266° radials; to Dunkirk, including an N alternate from INT of Windsor 083° and Dunkirk 266° radials to Dunkirk via Aylmer, Ont., Canada. The airspace within Canada is excluded.

d. In V-103 "to Windsor, Ontario, Canada." is deleted and "INT of Akron 312° and Windsor, Ont., Canada, 134° radials; to Windsor." is substituted therefor.

e. In V-116 "Erie, Pa.," is deleted and "INT of Windsor 100° and Erie, Pa., 275° radials; Erie;" is substituted therefor.

f. V–224 is amended to read:

V–224 From Carleton, Mich., to INT of Carleton 062° and Windsor, Ont., Canada, 100° radials. The airspace within Canada is excluded.

g. In V–810 "Windsor, Ontario, Canada; Erie, Pa.;" is deleted and "INT of Litchfield 061° and Windsor, Ont., Canada, 265° radials; Windsor; INT Windsor 100° and Erie, Pa., 275° radials; Erie;" is substituted therefor.

h. In V–820 "Windsor, Ontario, Canada;" is deleted and "INT of Erie 275° and Windsor, Ont., Canada, 100° radials; Windsor;" is substituted therefor.

2. Section 75.100 (29 F.R. 1287, 1561, 9534) is amended as follows:

a. In Jet Route No. 43 "and the Windsor, Ont., 278° radial." is deleted and "and the Windsor, Ont., 276° radial." is substituted therefor.

b. In Jet Route No. 70 everything after "Pullman, Mich.;" is deleted and "Windsor, Ont., Canada; Erie, Pa.; Huguenot, N.Y.; to Kennedy, N.Y. The portion within Canada is excluded." is substituted therefor.

c. In Jet Route No. 85 "to the INT of the Cleveland 328° radial and the United States/Canadian Border." is deleted and "to Windsor, Ont., Canada. The portion within Canada is excluded." is substituted therefor.

d. In Jet Route No. 90 everything after "Northbrook;" is deleted and "INT of the Northbrook 093° and the Windsor, Ont., Canada, 263° radials; to the INT of the Windsor 263° radial and the United States/Canadian Border." is substituted therefor.

e. In Jet Route No. 91 "to the INT of the Cleveland 328° radial and the United States/Canadian Border." is deleted and "to Windsor, Ont., Canada. The portion within Canada is excluded." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 19, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–10661; Filed, Oct. 26, 1964; 8:45 a.m.]

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[Airspace Docket No. 63–WE–75]

## PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

### Alteration of Jet Route

On September 25, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10383) stating that the Federal Aviation Agency (FAA) proposed to alter the Denver, Colo., VORTAC to O'Neill, Nebr., VORTAC segment of Jet Route No. 30 to read from the Denver VORTAC via the Sidney, Nebr., VOR to the O'Neill VORTAC.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association of America (ATA), while concurring in the proposal, suggested that the direct route be retained from Denver to O'Neill for use by those flights wishing to operate at and above flight level 270. After careful consideration the Agency has determined that it is desirable to retain the existing alignment of J–30 as well as to provide an additional route via Sidney as proposed in the notice for aircraft operations between flight level 180 and flight level 260.

In consideration of the foregoing, Part 75 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

In § 75.100 (29 F.R. 1287, 11915), Jet Route No. 10 is amended as follows: In the caption "Denver, Colo." is deleted, and "O'Neill, Nebr." is substituted therefor. In the text, "Gunnison, Colo., to Denver, Colo." is deleted and "Gunnison, Colo.; Denver, Colo.; Sidney, Nebr.; to O'Neill, Nebr." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 19, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–10662; Filed, Oct. 26, 1964; 8:45 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. C–846]

## PART 13—PROHIBITED TRADE PRACTICES

### Alfred Boge Furriers and Alfred Boge

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155–70 Percentage savings. Subpart—Invoicing products falsely: § 13.1108 *Composition:* 13.1108–45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* 13.1865–40 Fur Products Labeling Act; § 13.1900 *Source or origin:* 13.1900–40 Fur Products Labeling Act: 13.1900–40 (b) Place.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Alfred Boge Furriers, et al., Spokane, Wash., Docket C–846, Oct. 7, 1964]

*In the Matter of Alfred Boge Furriers, a Corporation, and Alfred Boge, Individually and as an Officer of Said Corporation*

Consent order requiring retail furriers in Spokane, Wash., to cease violating the Fur Products Labeling Act by such practices as failing, in invoicing and advertising, to show the true animal name of fur used in fur products and to use the term "natural" to describe fur that was not artificially colored; abbreviating required information on invoices; failing, in newspaper advertising, to disclose when fur was bleached or dyed and to show the country of origin of imported furs; and representing falsely that purchasers could "Save 20–30% on our entire collection"; and failing to keep adequate records as a basis for pricing claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondents Alfred Boge Furriers, a corporation, and its officers, and Alfred Boge, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any fur products, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

3. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

4. Falsely or deceptively represents in any manner that prices of respondents' fur products are reduced.



5. Represents directly or by implication through percentage savings claims that prices of fur products are reduced to afford purchasers of respondents' fur products the percentage of savings stated when the prices of such fur products are not reduced to afford to purchasers the percentage of savings stated.

C. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

*It is further ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 7, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
*Secretary.*

[F.R. Doc. 64–10687; Filed, Oct. 26, 1964; 8:46 a.m.]

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[Docket No. C–845]

## PART 13—PROHIBITED TRADE PRACTICES

### History Book Club, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–25 Concealed subsidiary, fictitious collection agency, etc. Subpart—Threatening suits, not in good faith: § 13.2264 *Delinquent debt collection.* Subpart—Using misleading name—vendor: § 13.2365 *Concealed subsidiary, fictitious collection agency, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The History Book Club, Inc., et al., Docket C–845, Oct. 7, 1964]

*In the Matter of The History Book Club, Inc., a Corporation, and Frank Melville and John R. Gibb, Individually and as Officers of Said Corporation*

Consent order requiring book sellers in Stamford, Conn., to cease representing falsely, in letters and notices to purportedly delinquent customers that if payment was not made, the delinquent's name was transmitted to an independent credit reporting agency and his credit rating would be adversely affected, or it would be turned over to an outside attorney for legal steps; and by use of the fictitious letterhead "The Mail Order Credit Reporting Association, Inc.", that a separate collection agency of that name was handling the account.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondent The History Book Club, Inc., a corporation, and its officers, and Frank Melville and John R. Gibb individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of books, publications or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication that:

1. A customer's name will be or has been turned over to a bona fide credit reporting agency or that a customer's general or public credit rating will be adversely affected unless respondents establish that where payment is not received the information of said delinquency is referred to a separate, bona fide credit reporting agency.

2. Delinquent accounts will be or have been turned over to a bona fide, separate collection agency unless respondents in fact turn such accounts over to such agencies.

3. Delinquent accounts will be turned over to an attorney to institute suit or other legal action where payment is not made, unless respondents establish that such is the fact.

4. Delinquent accounts will be or have been turned over to "The Mail Order Credit Reporting Association, Inc." for collection or any other purpose.

5. "The Mail Order Credit Reporting Association, Inc.", any other fictitious name, or any trade name owned in whole or in part by respondents or over which respondents exercise any direction or control is an independent, bona fide collection or credit reporting agency.

6. Letters, notices or other communications in connection with the collection of respondents' accounts which have been prepared or originated by respondents, have been prepared or originated by any other person, firm or corporation.

*It is further ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 7, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
*Secretary.*

[F.R. Doc. 64–10688; Filed, Oct. 26, 1964; 8:46 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

## PART 15—CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

### Subpart A—Wheat Flour and Related Products

FLOUR, DURUM FLOUR, WHOLE WHEAT FLOUR; ORDER AMENDING IDENTITY STANDARDS

In the matter of amending the identity standards for flour and whole wheat flour (21 CFR 15.1, 15.80), to provide for increases in the malted barley flour content, and flour and durum flour (21 CFR 15.1, 15.40), to permit coarser granulation and prescribe testing methods.

The Commissioner of Food and Drugs has considered the comments filed in response to the notice of proposed rulemaking in the above-identified matter, published in the FEDERAL REGISTER of June 6, 1964 (29 F.R. 7392), and other relevant information, and has concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments as proposed, with minor editorial changes.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Comissioner (21 CFR 2.90; 29 F.R. 471); *It is ordered*, That the identity standards for flour, durum flour, and whole wheat flour be amended as follows:

1. Section 15.1 is amended by changing the introduction to paragraph (a) and by adding to paragraph (c) a new subparagraph (4). The affected portions read as follows:

**§ 15.1 Flour, white flour, wheat flour, plain flour; identity; label statement of optional ingredients.**

(a) Flour, white flour, wheat flour, plain flour, is the food prepared by grinding and bolting cleaned wheat, other than durum wheat and red durum wheat. To compensate for any natural deficiency of enzymes, malted wheat, malted wheat flour, malted barley flour, or any combination of two or more of these, may be used; but the quantity of malted barley flour so used is not more than 0.75 percent. When tested for granulation as prescribed in paragraph (c)(4) of this section, not less than 98 percent of the flour passes through a cloth having openings not larger than those of woven wire cloth designated "210 micron (No. 70)" in Table I of "Standard Specification for Sieves," published March 1, 1940, in L. C. 584 of the United States Department of Commerce, National Bureau of Standards. The flour is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis, is not more than the sum of 1/20 of the percent of protein therein, calculated to a moisture-free basis, plus 0.35. Its moisture content is not more than 15 percent. Unless such addition conceals damage or inferiority or makes the flour appear to be better or of greater value than it is, one or any combination of two or more of the following optional bleaching ingredients may be added in a quantity not more than sufficient for bleaching or, in case such ingredient has an artificial aging effect, in a quantity not more than sufficient for bleaching and such artificial aging effect:

* * * * * * *

(c) * * *

(4) Granulation is determined as follows: Use No. 70 sieve complying with specifications for wire cloth and sieve frames in "Standard Specifications for

Sieves," published March 1, 1940, in L. C. 584 of the United States Department of Commerce, National Bureau of Standards. Attach bottom pan to sieve in Ro-Tap sifter (or an equivalent sifter). Place half of a rubber ball or other sieving aid in the sieve. Four 100 grams of the sample in the sieve and turn on the sifter with knocker. Sift exactly 5 minutes. Weigh the residue on the No. 70 sieve and convert to percentage.

2. Section 15.40 is amended to read as follows:

§ 15.40 Durum flour; identity.

(a) Durum flour is the food prepared by grinding and bolting cleaned durum wheat. When tested for granulation as prescribed in § 15.1(c)(4), not less than 98 percent of such flour passes through the No. 70 sieve. It is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis, is not more than 1.5 percent. Its moisture content is not more than 15 percent.

(b) For the purpose of this section, ash, moisture, and granulation are determined by the methods prescribed in § 15.1(c).

3. Section 15.80 is amended by changing paragraph (a) to read as follows:

§ 15.80 Whole wheat flour, graham flour, entire wheat flour; identity; label statement of optional ingredients.

(a) Whole wheat flour, graham flour, entire wheat flour, is the food prepared by so grinding cleaned wheat, other than durum wheat and red durum wheat that, when tested by the method prescribed in paragraph (c)(2) of this section, not less than 90 percent passes through a No. 8 sieve and not less than 50 percent passes through a No. 20 sieve. The proportions of the natural constituents of such wheat, other than moisture, remain unaltered. To compensate for any natural deficiency of enzymes, malted wheat, malted wheat flour, malted barley flour, or any combination of two or more of these, may be used; but the quantity of malted barley flour so used is not more than 0.75 percent. The moisture content of whole wheat flour is not more than 15 percent. Unless such addition conceals damage or inferiority or makes the whole wheat flour appear to be better or of greater value than it is, the optional bleaching ingredient azodicarbonamide (complying with the requirements of section 121.1085 of this chapter, including the quantitative limit of not more than 45 parts per million), or chlorine dioxide, or chlorine, or a mixture of nitrosyl chloride and chlorine may be added in a quantity not more than sufficient for bleaching and artificial aging effects.

* * * * *

Because of the cross-references, amendments to §§ 15.1 and 15.80 in this order are applicable to other identity standards as follows:

The amendments ordered for § 15.1 become applicable to: § 15.10 *Enriched flour* * * *; § 15.20 *Bromated flour* * * *; § 15.30 *Enriched bromated flour* * * *; § 15.50 *Self-rising flour* * * *; § 15.60 *Enriched self-rising flour* * * *; and § 15.70 *Phosphated flour* * * *.

The amendments ordered for § 15.90 become applicable to: § 15.90 *Bromated whole wheat flour* * * * and § 15.100 *Whole durum wheat flour* * * *.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objection thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: October 19, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-10926; Filed, Oct. 26, 1964; 8:49 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

### Subpart D—Food Additives Permitted in Food for Human Consumption

## PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

### Procaine Penicillin G, Dihydrostreptomycin Sulfate, Prednisone Acetate

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1163), filed by Shering Corporation, Bloomfield, New Jersey, and other relevant material, has concluded that § 121.249 should be amended to provide for the use of an additional formulation for use in milk-producing animals. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.249 is amended by adding to paragraph (a) a new subparagraph (4), as follows:

§ 121.249 Food additives for use in milk-producing animals.

* * * * *

(a) * * *

(4)(i) It contains the following in each 8 grams of suspension:

| Ingredients: | Quantity |
|---|---|
| Prednisone acetate | 4 mg. |
| Procaine penicillin G | 100,000 units. |
| Dihydrostreptomycin (sulfate). | 300 mg. |
| Methylparaben | 0.1%. |
| Propylparaben | 0.025%. |
| Vehicle: Peanut oil containing 2% aluminum monostearate; 6.3% polyoxyethylene sorbitan tristearate. | *Inert propellant* Dichlorodifluoromethane; dichlorotetrafluoroethane; nitrogen. |

Treat cows with dosage consisting of 8 grams of suspension, expressed as a metered dose, from pressurized containers in each infected quarter immediately after milking, and allow to remain in the quarter until the next milking. Repeat at 12-hour intervals if necessary.

(ii) Milk that has been taken from animals during treatment and for 72 hours (6 milkings) after the latest treatment must not be used for food.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

2. The Commissioner of Food and Drugs has further concluded, based upon an evaluation of the data before him and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), that where milk-producing animals are treated for bovine mastitis in accordance with § 121.249(a)(4), zero tolerance limitations are required for the formulation ingredients prednisone, methylparaben, and propylparaben, in order to assure that milk from treated animals is safe for human consumption. Zero tolerances have been previously established for residues of penicillin and dihydrostreptomycin in milk. Therefore, Subpart D is amended by adding thereto the following new sections:

§ 121.1157 Prednisone.

A tolerance of zero is established for residues prednisone in milk from dairy animals.

§ 121.1158 Methylparaben.

A tolerance of zero is established for residues of methylparaben in milk from dairy animals.

§ 121.1159 Propylparaben.

A tolerance of zero is established for residues of propylparaben in milk from dairy animals.

(Sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4))

3. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), the regulations for the certification of penicillin and penicillin-containing drugs are amended as follows:

Section 146a.57(a)(2) is amended by adding thereto a new sentence as indicated below. As amended, this subparagraph reads:

§ 146a.57 Procaine penicillin and streptomycin in oil; procaine penicillin and dihydrostreptomycin in oil.

(a) * * *

(2) It may contain cortisone or a suitable derivative of cortisone, a suitable and harmless salt of cobalt and/or one or more suitable sulfonamides and papain, if it is intended solely for udder instillations of cattle, each of which, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium. If it is intended solely for udder instillations of cattle it may be packaged in containers with one or more suitable inert gases.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(1), (4), 507, 72 Stat. 1786; 59 Stat. 463 as amended; 21 U.S.C. 348(c)(1), (4), 357)

Dated: October 19, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-10927; Filed, Oct. 26, 1964; 8:49 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

SYNTHETIC FLAVORING SUBSTANCES AND ADJUVANTS

The Commissioner of Food and Drugs proposed on May 27, 1964 (29 F.R. 6957), a regulation specifying the safety in food of a number of synthetic substances used as flavors or flavor adjuvants. No comments were received which related to questions of safety. The comments received relative to nomenclature have been duly noted.

The Commissioner has concluded that the regulation should be adopted as proposed, except that changes have been made in the names of some of the items included in the original list to effect uniformity with recognized conventions of chemical nomenclature adopted by the American Chemical Society, and the item "Alginates, sodium, calcium, and ammonium" has been deleted, since these substances are generally recognized as safe in food, and require no listing.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), Part 121 is amended by adding a new section to Subpart D, as follows:

§ 121.1164 Synthetic flavoring substances and adjuvants.

Synthetic flavoring substances and adjuvants may be safely used in food in accordance with the following conditions.

(a) They are used in the minimum quantity required to produce their intended effect, and otherwise in accordance with all the principles of good manufacturing practice.

(b) They consist of one or more of the following, used alone or in combination with flavoring substances and adjuvants generally recognized as safe in food, prior-sanctioned for such use, or regulated by an appropriate section in Subpart D of the food additive regulations.

Acetal; acetaldehyde diethyl acetal.
Acetaldehyde phenethyl propyl acetal.
Acetanisole; 4'-methoxyacetophenone.
Adipic acid; 1,4-butanedicarboxylic acid.
Alginates, sodium, calcium and ammonium.
Allyl anthranilate.
Allyl cinnamate.
Allyl cyclohexaneacetate.
Allyl cyclohexanebutyrate.
Allyl cyclohexanehexanoate.
Allyl cyclohexanepropionate.
Allyl cyclohexanevalerate.
Allyl disulfide.
Allyl 2-ethylbutyrate.
Allyl α-ionone; 1-(2,6,6-trimethyl-2-cyclohexen-1-yl)-1,6-heptadiene-3-one.
Allyl isothiocyanate; mustard oil.
Allyl isovalerate.
Allyl mercaptan; 2-propene-1-thiol.
Allyl nonanoate.
Allyl octanoate.
Allyl phenoxyacetate.
Allyl phenylacetate.
Allyl propionate.
Allyl sorbate; allyl 2,4-hexadienoate.
Allyl sulfide.
Allyl tiglate; allyl *trans*-2-methyl-2-butenoate.
Allyl 10-undecenoate.
Ammonium isovalerate.
Ammonium sulfide.
Amyl alcohol; pentyl alcohol.
Amyl butyrate.
α-Amylcinnamaldehyde.
α-Amylcinnamaldehyde dimethyl acetal.
α-Amylcinnamyl acetate.
α-Amylcinnamyl alcohol.
α-Amylcinnamyl formate.
α-Amylcinnamyl isovalerate.
Amyl formate.
Amyl heptanoate.
Amyl hexanoate.
Amyl octanoate.
Anisole; methoxybenzene.
Anisyl acetate.
Anisyl alcohol; *p*-methoxybenzyl alcohol.
Anisyl butyrate.
Anisyl formate.
Anisyl propionate.
Benzaldehyde dimethyl acetal.
Benzaldehyde glyceryl acetal; 2-phenyl-*m*-dioxan-5-ol.
Benzaldehyde propylene glycol acetal; 4-methyl-2-phenyl-*m*-dioxolane.
Benzoin; 2-hydroxy-2-phenylacetophenone.
Benzophenone; diphenylketone.
Benzyl acetate.
Benzyl acetoacetate.
Benzyl alcohol.
Benzyl benzoate.
Benzyl butyrate.
Benzyl cinnamate.
Benzyl 2,3-dimethylcrotonate; benzyl methyl tiglate.
Benzyl formate.
3-Benzyl-4-heptanone; benzyl dipropyl ketone.
Benzyl isobutyrate.
Benzyl isovalerate.
Benzyl mercaptan; α-toluenethiol.
Benzyl methoxyethyl acetal; acetaldehyde benzyl β-methoxyethyl acetal.
Benzyl phenylacetate.
Benzyl propionate.
Benzyl salicylate.
Birch tar oil.
Borneol; *d*-camphanol.
Bornyl acetate.
Bornyl formate.
Bornyl isovalerate.
Bornyl valerate.
2-Butanone; methyl ethyl ketone.
Butter acids.
Butter esters.
Butter starter distillate.
Butyl acetate.
Butyl acetoacetate.
Butyl alcohol; 1-butanol.
Butyl anthranilate.
Butyl butyrate.
Butyl butyryllactate; lactic acid, butyl ester, butyrate.
α-Butylcinnamaldehyde.
Butyl cinnamate.
Butyl 2-decenoate.
Butyl formate.
Butyl heptanoate.
Butyl hexanoate.
Butyl *p*-hydroxybenzoate.
Butyl isobutyrate.
Butyl isovalerate.
Butyl lactate.
Butyl laurate.
Butyl levulinate.
Butyl phenylacetate.
Butyl propionate.
Butyl stearate.
Butyl sulfide.
Butyl 10-undecenoate.
Butyl valerate.
Butyraldehyde.
Butyrin; tributyrin; glyceryl tributyrate.
Cadinene.
Camphene; 2,2-dimethyl-3-methylenenorbornane.
*d*-Camphor.
Carvacrol; 2-*p*-cymenol.
Carveol; *p*-mentha-6,8-dien-2-ol.
Carvacryl ethyl ether; 2-ethoxy-*p*-cymene.
4-Carvomenthenol; 1-*p*-menthen-4-ol; 4-terpinenol.
Carvyl acetate.
Carvyl propionate.
β-Caryophyllene.
Cinnamaldehyde ethylene glycol acetal.
Cinnamic acid.
Cinnamyl acetate.
Cinnamyl alcohol; 3-phenyl-2-propen-1-ol.
Cinnamyl anthranilate.
Cinnamyl butyrate.
Cinnamyl cinnamate.
Cinnamyl formate.
Cinnamyl isobutyrate.
Cinnamyl isovalerate.
Cinnamyl phenylacetate.
Cinnamyl propionate.
Citral diethyl acetal; 3,7-dimethyl-2,6-octadienal diethyl acetal.



Citral dimethyl acetal; 3,7-dimethyl-2,6-
4-Ethylguaiacol; 4-ethyl-2-methoxyphenol.
Hexyl hexanoate.



Isopropyl phenylacetate.
Methyl *N*-methylanthranilate; dimethyl an-
Octyl phenylacetate.

Citral dimethyl acetal; 3,7-dimethyl-2,6-octadienal dimethyl acetal.
Citronellal; 3,7-dimethyl-6-octenal; rhodinal.
Citronellol; 3,7-dimethyl-6-octen-1-ol; *d*-citronellol.
Citronelloxyacetaldehyde.
Citronellyl acetate.
Citronellyl butyrate.
Citronellyl formate.
Citronellyl isobutyrate.
Citronellyl phenylacetate.
Citronellyl propionate.
Citronellyl valerate.
*p*-Cresol.
Cuminaldehyde; cuminal; *p*-isopropyl benzaldehyde.
Cyclohexaneacetic acid.
Cyclohexaneethyl acetate.
Cyclohexyl acetate.
Cyclohexyl anthranilate.
Cyclohexyl butyrate.
Cyclohexyl cinnamate.
Cyclohexyl formate.
Cyclohexyl isovalerate.
Cyclohexyl propionate.
*p*-Cymene.
γ-Decalactone; 4-hydroxy-decanoic acid, γ-lactone.
δ-Decalactone; 5-hydroxy-decanoic acid, δ-lactone.
Decanal dimethyl acetal.
1-Decanol; decylic alcohol.
2-Decenal.
Decyl actate.
Decyl butyrate.
Decyl propionate.
Dibenzyl ether.
4,4-Dibutyl-γ-butyrolactone; 4,4-dibutyl-4-hydroxy-butyric acid, γ-lactone.
Dibutyl sebacate.
Diethyl malate.
Diethyl sebacate.
Diethyl succinate.
Diethyl tartrate.
Dihydrocarveol; 8-*p*-menthen-2-ol; 6-methyl-3-isopropenylcyclohexanol.
Dihydrocarvyl acetate.
*m*-Dimethoxybenzene.
*p*-Dimethoxybenzene; dimethyl hydroquinone.
2,4-Dimethylacetophenone.
α,α-Dimethylbenzyl isobutyrate; phenyldimethylcarbinyl isobutyrate.
2,6-Dimethyl-5-heptenal.
2,6-Dimethyl octanal; isodecylaldehyde.
3,7-Dimethyl-1-octanol; tetrahydrogeraniol.
α,α-Dimethylphenethyl acetate; benzylpropyl acetate; benzyldimethylcarbinyl acetate.
α,α-Dimethylphenethyl alcohol; dimethylbenzyl carbinol.
α,α-Dimethylphenethyl butyrate; benzyldimethylcarbinyl butyrate.
α,α-Dimethylphenethyl formate; benzyldimethylcarbinyl formate.
Dimethyl succinate.
1,3-Diphenyl-2-propanone; dibenzyl ketone.
γ-Dodecalactone; 4-hydroxydodecanoic acid, γ-lactone.
2-Dodecenal.
Estragole.
*p*-Ethoxybenzaldehyde.
Ethyl acetoacetate.
Ethyl 2-acetyl-3-phenylpropionate; ethylbenzyl acetoacetate.
Ethyl aconitate, mixed esters.
Ethyl acrylate.
Ethyl *p*-anisate.
Ethyl anthranilate.
Ethyl benzoate.
Ethyl benzoylacetate.
α-Ethylbenzyl butyrate; α-phenylpropyl butyrate.
2-Ethylbutyl actate.
2-Ethylbutyraldehyde.
2-Ethylbutyric acid.
Ethyl cinnamate.
Ethyl cyclohexanepropionate.
Ethyl decanoate.
Ethyl formate.
Ethyl 2-furanpropionate.
4-Ethylguaiacol; 4-ethyl-2-methoxyphenol.
Ethyl heptanoate.
2-Ethyl-2-heptanal; 2-ethyl-3-butylacrolein.
Ethyl hexanoate.
Ethyl isobutyrate.
Ethyl isovalerate.
Ethyl lactate.
Ethyl laurate.
Ethyl levulinate.
Ethyl myristate.
Ethyl nitrite.
Ethyl nonanoate.
Ethyl 2-nonynoate; ethyl octyne carbonate.
Ethyl octanoate.
Ethyl oleate.
Ethyl phenylacetate.
Ethyl 4-phenylbutyrate.
Ethyl 3-phenylglycidate.
Ethyl 3-phenylpropionate; ethyl hydrocinnamate.
Ethyl propionate.
Ethyl pyruvate.
Ethyl salicylate.
Ethyl sorbate; ethyl 2,4-hexadienoate.
Ethyl tiglate; ethyl *trans*-2-methyl-2-butenoate.
Ethyl 10-undecenoate.
Ethyl valerate.
Eucalyptol; 1,8-epoxy-*p*-menthane; cineole.
Eugenyl benzoate.
Eugenyl formate.
Eugenyl methyl ether; 4-allylveratrole; methyl eugenol.
Farnesol; 3,7,11-trimethyl-2,6,10-dodecatrien-1-ol.
d-Fenchone; d-1,3,3-trimethyl-2-norbornanone.
Fenchyl alcohol; 1,3,3-trimethyl-2-norbornanol.
Formic acid.
(2-Furyl)-2-propanone; furyl acetone.
1-Furyl-2-propanone; furyl acetone.
Fusel oil, refined (mixed amyl alcohols).
Geranyl acetoacetate; *trans*-3,7-dimethyl-2,6-octadien-1-yl acetoacetate.
Geranyl benzoate.
Geranyl butyrate.
Geranyl formate.
Geranyl hexanoate.
Geranyl isobutyrate.
Geranyl isovalerate.
Geranyl phenylacetate.
Geranyl propionate.
Glucose pentaacetate.
Glyceryl monooleate.
Guaiacol; *o*-methoxyphenol.
Guaiacyl phenylacetate.
γ-Heptalactone; 4-hydroxyheptanoic acid, γ-lactone.
Heptanal; enanthaldehyde.
Heptanal dimethyl acetal.
Heptanal 1,2-glyceryl acetal.
2,3-Heptanedione; acetyl valeryl.
2-Heptanone; methyl amyl ketone.
3-Heptanone; ethyl butyl ketone.
4-Heptanone; dipropyl ketone.
Heptyl acetate.
Heptyl alcohol; enanthic alcohol.
Heptyl butyrate.
Heptyl cinnamate.
Heptyl formate.
Heptyl isobutyrate.
Heptyl octanoate.
1-Hexadecanol; cetyl alcohol.
ω-6-Hexadecenlactone; 16-hydroxy-6-hexadecenoic acid, ω-lactone; ambrettolide.
γ-Hexalactone; 4-hydroxyhexanoic acid, γ-lactone; tonkalide.
Hexanal; caproic aldehyde.
2,3-Hexanedione; acetyl butyryl.
Hexanoic acid; caproic acid.
2-Hexenal.
2-Hexen-1-ol.
3-Hexen-1-ol; leaf alcohol.
2-Hexen-1-yl acetate.
Hexyl acetate.
2-Hexyl-4-acetoxytetrahydrofuran.
Hexyl alcohol.
Hexyl butyrate.
α-Hexylcinnamaldehyde.
Hexyl formate.
Hexyl hexanoate.
Hexyl octanoate.
Hexyl propionate.
Hydroxycitronellal; 3,7-dimethyl-7-hydroxyoctanal.
Hydroxycitronellal diethyl acetal.
Hydroxycitronellal dimethyl acetal.
Hydroxycitronellol; 3,7-dimethyl-1,7-octanediol.
*N*-(4-Hydroxy-3-methoxybenzyl)-nonanamide; pelargonyl vanillylamide.
5-Hydroxy-4-octanone; butyroin.
4-(*p*-Hydroxyphenyl-2-butanone; *p*-hydroxybenzyl acetone.
Indole.
α-Ionone; 4-(2,6,6-trimethyl-2-cyclohexen-1-yl)-3-buten-2-one.
β-Ionone; 4-(2,6,6-trimethyl-1-cyclohexen-1-yl)-3-buten-2-one.
α-Irone; 4-(2,5,6,6-tetramethyl-2-cyclohexene-1-yl)-3-buten-2-one; 6-methyl-ionone.
Isoamyl acetate.
Isoamyl alcohol; isopentyl alcohol; 3-methyl-1-butanol.
Isoamyl benzoate.
Isoamyl butyrate.
Isoamyl cinnamate.
Isoamyl formate.
Isoamyl 2-furanbutyrate; α-isoamyl furfurylpropionate.
Isoamyl 2-furanpropionate; α-isoamyl furfurylacetate.
Isoamyl hexanoate.
Isoamyl isovalerate.
Isoamyl laurate.
Isoamyl nonanoate.
Isoamyl octanoate.
Isoamyl phenylacetate.
Isoamyl propionave.
Isoamyl pyruvate.
Isoamyl salicylate.
Isoborneol.
Isobornyl acetate.
Isobornyl formate.
Isobornyl isovalerate.
Isobornyl propionate.
Isobutyl acetate.
Isobutyl acetoacetate.
Isobutyl alcohol.
Isobutyl angelate; isobutyl *cis*-2-methyl-2-butenoate.
Isobutyl anthranilate.
Isobutyl benzoate.
Isobutyl butyrate.
Isobutyl cinnamate.
Isobutyl formate.
Isobutyl 2-furanpropionate.
Isobutyl heptanoate.
Isobutyl hexanoate.
Isobutyl isobutyrate.
α-Isobutylphenethyl alcohol; isobutyl benzyl carbinol; 4-methyl-1-phenyl-2-pentanol.
Isobutyl phenylacetate.
Isobutyl propionate.
Isobutyl salicylate.
Isobutyraldehyde.
Isobutyric acid.
Isoeugenol; 2-methoxy-4-propenylphenol.
Isoeugenyl acetate.
Isoeugenyl ethyl ether; 2-ethoxy-5-propenylanisole; ethyl isoeugenol.
Isoeugenyl formate.
Isoeugenyl methyl ether; 4-propenylveratrole; methyl isoeugenol.
Isoeugenyl phenylacetate.
α-Isomethylionone; 4-(2,6,6-trimethyl-2-cyclohexen-1-yl)-3-methyl-3-buten-2-one; methyl γ-ionone.
Isopropyl acetate.
ρ-Isopropylacetophenone.
Isopropyl benzoate.
ρ-Isopropylbenzyl alcohol; cuminic alcohol; ρ-cymen-7-ol.
Isopropyl butyrate.
Isopropyl cinnamate.
Isopropyl formate.
Isopropyl hexanoate.
Isopropyl isobutyrate.
Isopropyl isovalerate.
ρ-Isopropylphenylacetaldehyde; ρ-cymen-7-carboxaldehyde.



Isopropyl phenylacetate.
3-(ρ-Isopropylphenyl)-propionaldehyde; ρ-isopropylhydrocinnamaldehyde; cuminyl acetaldehyde.
Isopropyl propionate.
Isopulegol; *p*-menth-8-en-3-ol.
Isopulegone; *p*-menth-8-en-3-one.
Isopulegyl acetate.
Isoquinoline.
Isovaleric acid.
Lauric aldehyde; dodecanal.
Lauryl acetate.
Lauryl alcohol; 1-dodecanol.
Levulinic acid.
Linalyl anthranilate; 3,7-dimethyl-1, 6-octadien-3-yl anthranilate.
Linalyl benzoate.
Linalyl butyrate.
Linalyl formate.
Linalyl hexanoate.
Linalyl isobutyrate.
Linalyl isovalerate.
Linalyl octanoate.
Linalyl propionate.
Maltol; 3-hydroxy-2-methyl-4H-pyran-4-one.
*p*-Mentha-1,8-dien-7-ol; perillyl alcohol.
Menthol; 2-isopropyl-5-methylcyclohexanol.
Menthone; *p*-menthan-3-one.
Menthyl acetate; *p*-menth-3-yl acetate.
Menthyl isovalerate; *p*-menth-3-yl isovalerate.
*o*-Methoxybenzaldehyde.
*p*-Methoxybenzaldehyde; *p*-anisaldehyde.
*o*-Methoxycinnamaldehyde.
2-Methoxy-4-methylphenol; 4-methylguaiacol; 2-methoxy-*p*-cresol.
4-(*p*-Methoxyphenyl)-2-butanone; anisyl acetone.
1-(*p*-Methoxyphenyl)-1-penten-3-one; α-methylanisylidene acetone; ethone.
1-(*p*-Methoxyphenyl)-2-propanone; anisyl methyl ketone; anisic ketone.
2-Methoxy-4-vinylphenol; *p*-vinylguaiacol.
Methyl acetate.
4'-Methylacetophenone; *p*-methylacetophenone; methyl *p*-tolyl ketone.
2-Methylallyl butyrate; 2-methyl-2-propen-1-yl butyrate.
Methyl anisate.
*o*-Methylanisole; *o*-cresyl methyl ether.
*p*-Methylanisole; *p*-cresyl methyl ether; *p*-methoxytoluene.
Methyl benzoate.
α-Methylbenzyl acetate; styralyl acetate.
α-Methylbenzyl alcohol; styralyl alcohol.
α-Methylbenzyl butyrate; styralyl butyrate.
α-Methylbenzyl isobutyrate; styralyl isobutyrate.
α-Methylbenzyl formate; styralyl formate.
α-Methylbenzyl propionate; styralyl propionate.
Methyl *p-tert*-butylphenylacetate.
2-Methylbutyraldehyde; methyl ethyl acetaldehyde.
3-Methylbutyraldehyde; isovaleraldehyde.
Methyl butyrate.
2-Methylbutyric acid.
α-Methylcinnamaldehyde.
Methyl cinnamate.
Methylcyclopentenolone; 3-methylcyclopentane-1,2-dione.
Methyl heptanoate.
2-Methylheptanoic acid.
6-Methyl-5-hepten-2-one.
Methyl hexanoate.
Methyl 2-hexenoate.
Methyl *p*-hydroxybenzoate; methylparaben.
Methyl α-ionone; 5-(2,6,6-trimethyl-2-cyclohexen-1-yl)-4-penten-3-one.
Methyl β-ionone; 5-(2,6,6-trimethyl-1-cyclohexen-1-yl)-4-penten-3-one.
Methyl δ-ionone; 5-(2,6,6-trimethyl-3-cyclohexen-1-yl)-4-penten-3-one.
Methyl isobutyrate.
2-Methyl-3-(*p*-isopropylphenyl)-propionaldehyde; α-methyl-*p*-isopropylhydrocinnamaldehyde; cyclamen aldehyde.
Methyl isovalerate.
Methyl laurate.
Methyl mercaptan; methanethiol.
Methyl *o*-methoxybenzoate.
Methyl *N*-methylanthranilate; dimethyl anthranilate.
Methyl 2-methylthiopropionate.
Methyl 4-methylvalerate.
Methyl myristate.
Methyl β-naphthyl ketone; 2'-acetonaphthone.
Methyl nonanoate.
Methyl 2-nonenoate.
Methyl 2-nonynoate; methyloctyne carbonate.
2-Methyloctanal; methyl hexyl acetaldehyde.
Methyl octanoate.
Methyl 2-octynoate; methyl heptine carbonate.
4-Methyl-2,3-pentanedione; acetyl isobutyryl.
4-Methyl-2-pentanone; methyl isobutyl ketone.
β-Methylphenethyl alcohol; hydratropyl alcohol.
Methyl phenylacetate.
3-Methyl-4-phenyl-3-butene-2-one.
2-Methyl-4-phenyl-2-butyl acetate; dimethylphenylethyl carbinyl acetate.
2-Methyl-4-phenyl-2-butyl isobutyrate; dimethylphenyl-ethylcarbinyl isobutyrate.
3-Methyl-2-phenylbutyraldehyde; α-isopropyl phenylacetaldehyde.
Methyl 4-phenylbutyrate.
4-Methyl-1-phenyl-2-pentanone; benzyl isobutyl ketone.
Methyl 3-phenylpropionate; methyl hydrocinnamate.
Methyl propionate.
Methyl sulfide.
2-Methylthiopropionaldehyde; methional.
2-Methyl-3-tolylpropionaldehyde, mixed *o*-, *m*-, *p*-.
2-Methylundecanal; methyl nonyl acetaldehyde.
Methyl 9-undecenoate.
Methyl 2-undecynoate; methyl decyne carbonate.
Methyl valerate.
2-Methylvaleric acid.
Myrcene; 7-methyl-3-methylene-1,6-octadiene.
Myristaldehyde; tetradecanal.
*d*-Neomenthol; 2-isobutyl-5-methylcyclohexonol.
Nerol; *cis*-3,7-dimethyl-2,6-octadien-1-ol.
Nerolidol; 3,7,11-trimethyl-1,6,10-dodecatrien-3-ol.
Neryl acetate.
Neryl butyrate.
Neryl formate.
Neryl isobutyrate.
Neryl isovalerate.
Neryl propionate.
2,6-Nonadien-1-ol.
γ-Nonalactone; 4-hydroxynonanoic acid, γ-lactone; aldehyde C-18.
Nonanal; pelargonic aldehyde.
1,3-Nonanediol acetate, mixed esters.
Nonanoic acid; pelargonic acid.
2-Nonanone; methylheptyl ketone.
3-Nonanon-1-yl acetate; 1-hydroxy-3-nonanone acetate.
Nonyl acetate.
Nonyl alcohol; 1-nonanol.
Nonyl octanoate.
Nonyl isovalerate.
γ-Octalactone; 4-hydroxyoctanoic acid, γ-lactone.
Octanal; caprylaldehyde.
Octanal dimethyl acetal.
Octanoic acid; caprylic acid.
1-Octanol; octyl alcohol.
2-Octanol.
2-Octanone; methyl hexyl ketone.
3-Octanone; ethyl amyl ketone.
3-Octanon-1-ol.
1-Octen-3-ol; amyl vinyl carbinol.
Octyl acetate.
Octyl butyrate.
Octyl formate.
Octyl heptanoate.
Octyl isobutyrate.
Octyl isovalerate.
Octyl octanoate.
Octyl phenylacetate.
Octyl propionate.
ω-Pentadecalactone; 15-hydroxypentadecanoic acid, ω-lactone; pentadecanolide; angelica lactone.
2,3-Pentanedione; acetyl propionyl.
2-Pentanone; methyl propyl ketone.
4-Pentenoic acid.
α-Phellandrene; ρ-mentha-1,5-diene.
Phenethyl acetate.
Phenethyl alcohol; β-phenylethyl alcohol.
Phenethyl anthranilate.
Phenethyl benzoate.
Phenethyl butyrate.
Phenethyl cinnamate.
Phenethyl formate.
Phenethyl isobutyrate.
Phenethyl isovalerate.
Phenethyl phenylacetate.
Phenethyl propionate.
Phenethyl salicylate.
Phenethyl senecioate; phenethyl 3,3-dimethylacrylate.
Phenethyl tiglate.
Phenoxyacetic acid.
2-Phenoxyethyl isobutyrate.
Phenylacetaldehyde; α-toluic aldehyde.
Phenylacetaldehyde 2,3-butylene glycol acetal.
Phenylacetaldehyde dimethyl acetal.
Phenylacetaldehyde glyceryl acetal.
Phenylacetic acid; α-toluic acid.
4-Phenyl-2-butanol; phenylethyl methyl carbinol.
4-Phenyl-3-buten-2-ol; methyl styryl carbinol.
4-Phenyl-3-buten-2-one.
4-Phenyl-2-butyl acetate; phenylethyl methyl carbinyl acetate.
1-Phenyl-3-methyl-3-pentanol; phenylethyl methyl ethyl carbinol.
1-Phenyl-1-propanol; phenylethyl carbinol.
3-Phenyl-1-propanol; hydrocinanamyl alcohol.
2-Phenylpropionaldehyde; hydratropaldehyde.
3-Phenylpropionaldehyde; hydrocinnamaldehyde.
2-Phenylpropionaldehyde dimethyl acetal; hydratropic aldehyde dimethyl acetal.
3-Phenylpropionic acid; hydrocinnamic acid.
3-Phenylpropyl acetate.
2-Phenylpropyl butyrate.
3-Phenylpropyl cinnamate.
3-Phenylpropyl formate.
3-Phenylpropyl hexanoate.
2-Phenylpropyl isobutyrate.
3-Phenylpropyl isobutyrate.
3-Phenylpropyl isovalerate.
3-Phenylpropyl propionate.
2-(3-Phenylpropyl)-tetrahydrofuran.
α-Pinene; 2-pinene.
β-Pinene; 2(10)-pinene.
Pine tar oil.
Piperidine.
Piperine.
*d*-Piperitone; *p*-menth-1-en-3-one.
Piperonyl acetate; heliotropyl acetate.
Piperonyl isobutyrate.
Polylimonene.
Polysorbate 20; polyoxyethylene (20) sorbitan monolaurate.
Polysorbate 60; polyoxyethylene (20) sorbitan monostearate.
Polysorbate 80.
Potassium acetate.
Propenylguaethol; 6-ethoxy-*m*-anol.
Propionaldehyde.
Propyl acetate.
Propyl alcohol; 1-propanol.
*p*-Propyl anisole; dihydroanethole.
Propyl benzoate.
Propyl butyrate.
Propyl cinnamate.
Propyl disulfide.
Propyl formate.
Propyl 2-furanacrylate.
Propyl heptanoate.
Propyl hexanoate.
Propyl *p*-hydroxybenzoate; propylparaben.
Propyl isobutyrate.
Propyl isovalerate.



will be granted if the objections are by the corporation for the purpose of



historical cost where assets are acquired tion 958(a)); more than 50 percent of the regulations thereunder and those

Propyl mercaptan.
α-Propylphenethyl alcohol.
Propyl phenylacetate.
Propyl propionate.
Pulegone; p-menth-4(8)-en-3-one.
Pyridine.
Pyroligneous acid extract.
Pyruvaldehyde.
Pyruvic acid.
Rhodinol; 3,7-dimethyl-7-octen-1-ol; l-citronellol.
Rhodinyl acetate.
Rhodinyl butyrate.
Rhodinyl formate.
Rhodinyl isobutyrate.
Rhodinyl isovalerate.
Rhodinyl phenylacetate.
Rhodinyl propionate.
Rum ether; ethyl oxyhydrate.
Salicylaldehyde.
Santalol, α and β.
Santalyl acetate.
Santalyl phenylacetate.
Skatole.
Sucrose octaacetate.
α-Terpineol; p-menth-1-en-8-ol.
Terpinolene; p-menth-1,4(8)-diene.
Terpinyl acetate.
Terpinyl anthranilate.
Terpinyl butyrate.
Terpinyl cinnamate.
Terpinyl formate.
Terpinyl isobutyrate.
Terpinyl isovalerate.
Terpinyl propionate.
Tetrahydrofurfuryl acetate.
Tetrahydrofurfuryl alcohol.
Tetrahydrofurfuryl butyrate.
Tetrahydrofurfuryl propionate.
Tetrahydro-pseudo-ionone; 6,10-dimethyl-9-undecen-2-one.
Tetrahydrolinalool; 3,7-dimethyloctan-3-ol.
2-Thienyl mercaptan; 2-thienylthiol.
Thymol.
Tolualdehyde glyceryl acetal, mixed *o*, *m*, *p*.
Tolualdehydes, mixed *o*, *m*, *p*.
*p*-Tolylacetaldehyde.
*o*-Tolyl acetate; *o*-cresyl acetate.
*p*-Tolyl acetate; *p*-cresyl acetate.
4-(*p*-Tolyl)-2-butanone; *p*-methylbenzylacetone.
*p*-Tolyl isobutyrate.
*p*-Tolyl laurate.
*p*-Tolyl phenylacetate.
2-(*p*-Tolyl)-propionaldehyde; *p*-methylhydratropic aldehyde.
Tributyl acetylcitrate.
2-Tridecenal.
2,3-Undecadione; acetyl nonyryl.
γ-Undecalactone; 4-hydroxyundecanoic acid γ-lactone; peach aldehyde; aldehyde C-14.
Undecenal.
2-Undecanone; methyl nonyl ketone.
9-Undecenal; undecenoic aldehyde.
10-Undecenal.
10-Undecen-1-yl acetate.
Undecyl alcohol.
Valeraldehyde; pentanal.
Valeric acid; pentanoic acid.
Vanillin acetate; acetyl vanillin.
Veratraldehyde.
Zingerone; 4-(4-hydroxy-3-methoxyphenyl)-2-butanone.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: October 19, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-10928; Filed, Oct. 26, 1964; 8:49 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

### SUBCHAPTER A—INCOME TAX

[T.D. 6764]

### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Earnings and Profits of Controlled Foreign Corporations

On March 20, 1964, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to conform the regulations to section 964(a) of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006), relating to earnings and profits of controlled foreign corporations, was published in the FEDERAL REGISTER (29 F.R. 3577). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, such regulations are amended by inserting immediately after § 1.963-7 the following new sections:

**§ 1.964 Statutory provisions; miscellaneous provisions.**

Sec. 964. *Miscellaneous provisions*—(a) *Earnings and profits.* For purposes of this subpart, the earnings and profits of any foreign corporation, and the deficit in earnings and profits of any foreign corporation, for any taxable year shall be determined according to rules substantially similar to those applicable to domestic corporations, under regulations prescribed by the Secretary or his delegate.

* * * * *

[Sec. 964(a) as added by sec. 12(a), Rev. Act 1962 (76 Stat. 1006)]

**§ 1.964-1 Determination of the earnings and profits of a foreign corporation.**

(a) *In general.* For purposes of sections 951 through 964, the earnings and profits (or deficit in earnings and profits) of a foreign corporation for its taxable year shall, except as provided in paragraph (f) of this section, be computed substantially as if such corporation were a domestic corporation by—

(1) Preparing a profit and loss statement with respect to such year from the books of account regularly maintained by the corporation for the purpose of accounting to its shareholders;

(2) Making the adjustments necessary to conform such statement to the accounting principles described in paragraph (b) of this section;

(3) Making the further adjustments necessary to conform such statement to the tax accounting standards described in paragraph (c) of this section;

(4) Translating the amounts shown on such adjusted statement into United States dollars in accordance with paragraph (d) of this section; and

(5) Adjusting the amount of profit or loss shown on such translated and adjusted statement in accordance with paragraph (e) of this section to reflect any exchange gain or loss determined thereunder.

The computation described in the preceding sentence may be made by following the procedures described in subparagraphs (1) through (5) of this paragraph in an order other than the one listed, as long as the result so obtained would be the same. No adjustment shall be required under subparagraph (2) or (3) of this paragraph unless it is material. Whether an adjustment is material depends on the facts and circumstances of the particular case, including the amount of the adjustment, its size relative to the general level of the corporation's total assets and annual profit or loss, the consistency with which the practice has been applied, and whether the item to which the adjustment relates is of a recurring or merely a nonrecurring nature. For the treatment of earnings and profits whose distribution is prevented by restrictions and limitations imposed by a foreign government, see section 964(b) and the regulations thereunder.

(b) *Accounting adjustments*—(1) *In general.* The accounting principles to be applied in making the adjustments required by paragraph (a)(2) of this section shall be those accounting principles generally accepted in the United States for purposes of reflecting in the financial statements of a domestic corporation the operations of its foreign affiliates, including the following:

(i) *Clear reflection of income.* Any accounting practice designed for purposes other than the clear reflection on a current basis of income and expense for the taxable year shall not be given effect. For example, an adjustment will be required where an allocation is made to an arbitrary reserve out of current income.

(ii) *Physical assets, depreciation, etc.* All physical assets (as defined in paragraph (e)(5)(ii) of this section), including inventory when reflected at cost, shall be taken into account at historical cost computed either for individual assets or groups of similar assets. The historical cost of such an asset shall not reflect any appreciation or depreciation in its value or in the relative value of the currency in which its cost was incurred. Depreciation, depletion, and amortization allowances shall be based on the historical cost of the underlying asset and no effect shall be given to any such allowance determined on the basis of a factor other than historical cost. For special rules for determining



historical cost where assets are acquired during a taxable year beginning before January 1, 1950, or a majority interest in the foreign corporation is acquired during a taxable year beginning after December 31, 1949, but before January 1, 1963, see subparagraph (2) of this paragraph.

(iii) *Valuation of assets and liabilities.* Any accounting practice which results in the systematic undervaluation of assets or overvaluation of liabilities shall not be given effect, even though expressly permitted or required under foreign law, except to the extent allowable under paragraph (c) of this section. For example, an adjustment will be required where inventory is written down below market value. For the definition of market value, see paragraph (a) of § 1.471-4.

(iv) *Income equalization.* Income and expense shall be taken into account without regard to equalization over more than one accounting period; and any equalization reserve or similar provision affecting income or expense shall not be given effect, even though expressly permitted or required under foreign law, except to the extent allowable under paragraph (c) of this section.

(v) *Foreign currency.* If transactions effected in a foreign currency other than that in which the books of the corporation are kept are translated into the foreign currency reflected in the books, such translation shall be made in a manner substantially similar to that prescribed by paragraph (d) of this section for the translation of foreign currency amounts into United States dollars.

(2) *Historical cost.* For purposes of this section, the historical cost of an asset acquired by the foreign corporation during a taxable year beginning before January 1, 1963, shall be determined, if it is so elected by or on behalf of such corporation—

(i) In the event that the foreign corporation became a majority owned subsidiary of a United States person (within the meaning of section 7701(a)(30)) during a taxable year beginning after December 31, 1949, but before January 1, 1963, and the asset was held by such foreign corporation at that time, as though the asset was purchased on the date the foreign corporation first became a majority owned subsidiary at a price equal to its then fair market value, or

(ii) In the event that subdivision (i) of this subparagraph is inapplicable but the asset was acquired by the foreign corporation during a taxable year beginning before January 1, 1950, as though the asset were purchased on the first day of the first taxable year of the foreign corporation beginning after December 31, 1949, at a price equal to the undepreciated cost of that asset as of that date as shown on the books of account of such corporation regularly maintained for the purpose of accounting to its shareholders.

For purposes of this subparagraph, a foreign corporation shall be considered a majority owned subsidiary of a United States person if, taking into account only stock acquired by purchase (as defined in section 334(b)(3)), the United States person owns (within the meaning of section 958(a)) more than 50 percent of the total combined voting power of all classes of stock of the foreign corporation entitled to vote. The election under this subparagraph shall be made for the first taxable year beginning after December 31, 1962, in which the foreign corporation is a controlled foreign corporation (within the meaning of section 957) or for which it is included in a chain or group under section 963(c)(2)(B) or (3)(B) or has a deficit in earnings and profits sought to be taken into account under section 952(d). Once made, such an election shall be irrevocable. For the time and manner in which an election may be made on behalf of a foreign corporation, see paragraph (c)(3) of this section.

(3) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

*Example (1).* Corporation M is a controlled foreign corporation which regularly maintains books of account for the purpose of accounting to its shareholders in accordance with the accounting practices prevalent in country X, the country in which it operates. As a consequence of those practices, the profit and loss statement prepared from these books of account reflects an allocation to an arbitrary reserve out of current income and depreciation allowances based on replacement values which are greater than historical cost. Adjustments are necessary to conform such statement to accounting principles generally accepted in the United States. Assuming these adjustments to be material, the unacceptable practices will have to be eliminated from the statement, an increase in the amount of profit (or a decrease in the amount of loss) thereby resulting.

*Example (2).* Corporation N is a foreign corporation which is not a controlled foreign corporation but which is included in a chain, for minimum distribution purposes, under section 963(c)(2)(B). Corporation N regularly maintains books of account for the purpose of accounting to its shareholders in accordance with the accounting practices of country Y, the country in which it operates. As a consequence of those practices, the profit and loss statement prepared from these books of account reflects the inclusion in income of stock dividends and of corporate distributions representing a return of capital. Adjustments are necessary to conform such statement to accounting principles generally accepted in the United States. Assuming these adjustments to be material, the unacceptable practices will have to be eliminated from the statement, a decrease in the amount of profit (or increase in the amount of loss) thereby resulting.

(c) *Tax adjustments*—(1) *In general.* The tax accounting standards to be applied in making the adjustments required by paragraph (a)(3) of this section shall be the following:

(i) *Accounting methods.* The method of accounting shall reflect the provisions of section 446 and the regulations thereunder.

(ii) *Inventories.* Inventories shall be taken into account in accordance with the provisions of sections 471 and 472 and the regulations thereunder.

(iii) *Depreciation.* Depreciation shall be computed in accordance with section 167 and the regulations thereunder.

(iv) *Elections.* Effect shall be given to any election made in accordance with an applicable provision of the Code and the regulations thereunder and these regulations.

Except as provided in subparagraphs (2) and (3) of this paragraph, any requirements imposed by the Code or applicable regulations with respect to making an election or adopting or changing a method of accounting must be satisfied by or on behalf of the foreign corporation just as though it were a domestic corporation if such election or such adoption or change of method is to be taken into account in the computation of its earnings and profits.

(2) *Adoption of method.* For the first taxable year beginning after December 31, 1962, in which the foreign corporation is a controlled foreign corporation (within the meaning of section 957) or for which it is included in a chain or group under section 963(c)(2)(B) or (3)(B) or has a deficit in earnings and profits sought to be taken into account under section 952(d), there may be adopted or made by such corporation or on its behalf any method of accounting or election allowable under this section notwithstanding that, in previous years, its earnings and profits were computed, or its books or financial statements prepared, on a different basis and notwithstanding that such election is required by the Code or regulations to be made in a prior taxable year. For purposes of determining the amount of a deficit in earnings and profits taken into account pursuant to section 952(c)(1)(B), if a different basis is used in previous years, ratable adjustments shall be made in the earnings and profits attributable to such previous years to prevent any duplication or omission of amounts that would otherwise result from the adoption of such method or the making of such election. See subparagraph (3) of this paragraph for the manner in which a method of accounting or an election may be adopted or made on behalf of the foreign corporation.

(3) *Action on behalf of corporation*—(i) *In general.* An election shall be deemed made, or an adoption or change in method of accounting deemed effectuated, on behalf of the foreign corporation only if its controlling United States shareholders (as defined in subparagraph (5) of this paragraph)—

(a) Satisfy for such corporation any requirements imposed by the Code or applicable regulations with respect to such election or such adoption or change in method, such as the filing of forms, the execution of consents, securing the permission of the Commissioner, or maintaining books and records in a particular manner,

(b) File the written statement described in subdivision (ii) of this subparagraph at the time and in the manner prescribed therein, and

(c) Provide the written notice required by subdivision (iii) of this subparagraph at the time and in the manner prescribed therein.

For purposes of the preceding sentence, the books of the foreign corporation shall be considered to be maintained in a particular manner if the controlling United States shareholders or the for-

eign corporation regularly keep the records and accounts required by section 964(c) and the regulations thereunder in that manner. Any election required to be made or information required to be filed with a tax return shall be deemed made or furnished on behalf of the foreign corporation if its controlling United States shareholders file the written statement described in subdivision (ii) of this subparagraph with respect to such election within the period specified therein. For a special rule postponing the time for taking action by or on behalf of a foreign corporation until the amount of its earnings and profits becomes significant, see subparagraph (6) of this paragraph.

(ii) *Written statement.* The written statement required by subdivision (i) of this subparagraph shall be jointly executed by the controlling United States shareholders, shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C., 20225, within 180 days after the close of the taxable year of the foreign corporation with respect to which the election is made or the adoption or change of method effected, or before May 1, 1965, whichever is later, and shall set forth the name and country of organization of the foreign corporation, the names, addresses, and stock interests of the controlling United States shareholders, the nature of the action taken, the names and addresses of all other United States shareholders notified of the election or adoption or change of method, and such other information as the Commissioner may by forms require.

(iii) *Notice.* Prior to the filing of the written statement described in subdivision (ii) of this subparagraph, the controlling United States shareholders shall provide written notice of the election made or the adoption or change of method effected to all other persons known by them to be United States shareholders who own (within the meaning of section 958(a)) stock of the foreign corporation. Such notice shall set forth the name and country of organization of the foreign corporation, the names, addresses, and stock interests of the controlling United States shareholders, the nature of the action taken, and such other information as the Commissioner may by forms require. However, the failure of the controlling United States shareholders to provide such notice to a person required to be notified thereunder shall not invalidate the election made or the adoption or change of method effected, if it is established to the satisfaction of the Commissioner that reasonable cause existed for such failure.

(4) *Effect of action by controlling United States shareholders.* Any action taken by the controlling United States shareholders on behalf of the foreign corporation pursuant to subparagraph (3) of this paragraph shall be reflected in the computation of the earnings and profits of such corporation under this section to the extent that it bears upon the tax liability of a United States shareholder who either—

(i) Was a controlling United States shareholder with respect to the action taken;

(ii) Received the written notice provided by subparagraph (3)(iii) of this paragraph;

(iii) Failed to file any of the returns required by section 6046 and the regulations thereunder within the period prescribed by section 6046(d); or

(iv) Was notified by the Director of International Operations of the action taken—

(*a*) Within 240 days after the close of the taxable year (of the foreign corporation) to which such action first relates, or

(*b*) Within 180 days after the close of the first taxable year in which such shareholder becomes a United States shareholder, or

(*c*) Before July 1, 1965, whichever is latest.

To the extent that the computation of the earnings and profits of the foreign corporation bears upon the tax liability of any United States shareholder other than those enumerated in the preceding sentence, the computation shall reflect the action taken only if such shareholder assents to such treatment. Such assent may be given at any time, but not later than 90 days after the shareholder is first apprised of such action by the Director of International Operations. The shareholder shall signify his assent by filing a written statement with the Director of International Operations, Internal Revenue Service, Washington, D.C., 20225, setting forth the name and country of organization of the foreign corporation, his own name, address, and stock interest in the corporation, the nature of the action being assented to, and such other information as the Commissioner may by forms require.

(5) *Controlling United States shareholders.* For purposes of this paragraph the controlling United States shareholders of a foreign corporation shall be those United States shareholders (as defined in section 951(b)), who, in the aggregate, own (within the meaning of section 958(a)) more than 50 percent of the total combined voting power of all classes of the stock of such corporation entitled to vote and who undertake to act on its behalf. In the event that the foreign corporation is not a controlled foreign corporation but is included in a chain or group under section 963(c)(2)(B) or (3)(B), the controlling United States shareholder with respect to such foreign corporation shall be deemed to be the domestic corporation which elects to receive the minimum distribution from such chain or group. In the event that the foreign corporation is neither a controlled foreign corporation nor included in a chain or group under section 963(c)(2)(B) or (3)(B) but has a deficit in earnings and profits sought to be taken into account under section 952(d), the controlling United States shareholder with respect to such foreign corporation shall be the shareholder seeking to take such deficit into account. In the event that the foreign corporation is a controlled foreign corporation but the United States shareholders (as defined in section 951(b)) do not, in the aggregate, own (within the meaning of section 958(a)) more than 50 percent of the total combined voting power of all classes of the stock of such corporation entitled to vote, the controlling United States shareholders of the foreign corporation shall be all those those United States shareholders who own (within the meaning of section 958(a)) stock of such corporation.

(6) *Action not required until significant.* Notwithstanding any other provision of this paragraph, action by or on behalf of a foreign corporation (other than a foreign corporation subject to tax under section 882) to make an election or to adopt a method of accounting shall not be required until 180 days after the close of the first taxable year for which—

(i) An amount is includible in gross income with respect to such corporation under section 951(a);

(ii) It is sought to be established that such corporation is a less developed country corporation (within the meaning of section 955(c));

(iii) An amount is excluded from subpart F income (within the meaning of section 952) by section 952(c), section 952(d), or section 970(a); or

(iv) Such corporation is the subject of an election to secure an exclusion under section 963.

In the event that action by or on behalf of the foreign corporation is not undertaken by the time specified in the preceding sentence and such failure is shown to the satisfaction of the Commissioner to be due to inadvertence or a reasonable cause, such action may be undertaken during any period of at least 30 days occurring after such showing is made which the Commissioner may specify as appropriate for this purpose. Where the action necessary to make an election or to adopt a method of accounting is undertaken by or on behalf of the foreign corporation in accordance with this subparagraph, such election shall be deemed to have been made, or such adoption of accounting method effected, for the first taxable year of the foreign corporation beginning after December 31, 1962, in which such corporation is a controlled foreign corporation (within the meaning of section 957) or for which it is included in a chain or group under section 963(c)(2)(B) or (3)(B) or has a deficit in earnings and profits sought to be taken into account under section 952(d). For special rules for computing earnings and profits for purposes of section 1248 or income for purposes of applying an exclusion set forth in section 954(b) where the taxable year of the foreign corporation occurs prior to the making of elections or the adoption of methods of accounting under this subparagraph, see the regulations under section 952 and section 1248.

(7) *Revocation of election.* Notwithstanding any other provision of this section, any election made by or on behalf of a foreign corporation (other than a foreign corporation subject to tax under section 882) may be modified or revoked by or on behalf of such corporation for the taxable year for which made whenever the consent of the Commissioner is secured for such modification or revocation, even though such election would be irrevocable but for this subparagraph.



(8) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

*Example (1).* X Corporation is a controlled foreign corporation which maintains its books, in accordance with the laws of the country in which it operates, by taking inventoriable items into account under the "first-in, first-out" method. A, B, and C, the United States shareholders of X Corporation, own 45 percent, 30 percent, and 25 percent of its voting stock, respectively. For the first taxable year of X Corporation beginning after December 31, 1962, B and C adopt on its behalf the "last-in, first-out" inventory method, notifying A of the action taken. Even though A may object to such action, adjustments must be made to reflect the use of the LIFO method of inventorying in the computation of the earnings and profits of X Corporation with respect to him as well as with respect to B and C.

*Example (2).* Y Corporation is a controlled foreign corporation which maintains its books, in accordance with the laws of the country in which it operates, by employing the straight-line method of depreciation. D and E, the United States shareholders of Y Corporation, own 51 percent and 10 percent of its voting stock, respectively. For the first taxable year of Y Corporation beginning after December 31, 1962, D adopts on its behalf the declining balance method of depreciation. However, not knowing that E is a United States shareholder of the company, D fails to provide him with notice of the action taken. Assuming that E has filed the return required by section 6046 and the regulations thereunder within the period prescribed by section 6046(d), adjustments in the computation of earnings and profits will not be required with respect to him unless the Director of International Operations notifies him of the action taken within 240 days after the close of Y's taxable year. If notice is not provided to E within this period, he will not be compelled to make the adjustments. At his option, however, he may accept the action taken by assenting thereto not later than 90 days after he is first apprised of such action by the Director of International Operations.

(d) *Translation into United States dollars*—(1) *In general*—(i) *General rule.* Except as provided in subdivisions (ii), (iii), and (iv) of this subparagraph, the amounts to be shown on the profit and loss statement, adjusted pursuant to paragraphs (b) and (c) of this section, shall be translated into United States dollars (as required by paragraph (a)(4) of this section) at the appropriate exchange rate for the translation period (as defined in subparagraph (6) of this paragraph) to which they relate.

(ii) *Cost of goods sold.* Amounts representing items of inventory reflected in the cost of goods sold shall be translated—

(*a*) To the extent that such amounts represent items included in the opening inventory balance, so as to obtain the same amount of United States dollars which represented (after translation and adjustment) such items in the closing inventory balance for the preceding taxable year,

(*b*) To the extent that such amounts represent items purchased or otherwise first included in inventory during the taxable year, at the appropriate exchange rate for the translation period in which the historical cost of such items was incurred, and

(*c*) To the extent that such amounts represent items included in the closing inventory balance, at the appropriate exchange rate for the translation period in which the historical cost of such items was incurred, except that, if such amounts are written down to market value, such market value shall be determined at the year-end rate. Notwithstanding the preceding sentence, amounts representing items of inventory included in the closing inventory balance may be translated at the year-end rate even though not written down to market value; however, once such a rate is employed under those circumstances, translation may not be made for subsequent taxable years at the appropriate exchange rate for the translation period in which the historical cost of the items of inventory was incurred unless the permission of the Commissioner is secured.

(iii) *Depreciation, depletion, and amortization.* Amounts representing allowances for depreciation, depletion, or amortization shall be translated at the appropriate exchange rate for the translation period in which the historical cost of the underlying asset was incurred or is deemed to have been incurred. For purposes of this subdivision, if the historical cost of an asset is determined under paragraph (b)(2) of this section, such cost shall be deemed to have been incurred on the date the asset is considered to have been purchased under that paragraph.

(iv) *Prepaid expenses or income.* Amounts representing expenses or income paid or received in a prior taxable year shall be translated at the appropriate exchange rate for the translation period during which they were paid or received. Notwithstanding the preceding sentence, amounts representing such prepaid income or expenses may be translated at the year end rate; however, once such a rate is employed, translation may not be made for subsequent taxable years at the appropriate exchange rate for the translation period during which such income or expenses were paid or received unless the permission of the Commissioner is secured.

(2) *Appropriate exchange rate*—(i) *In general.* Where the value of the foreign currency relative to the United States dollar does not fluctuate substantially during a translation period, a single exchange rate shall be appropriate for all amounts representing classes of items which relate to such period, such rate to be a simple average determined by dividing the sum of the closing rates for each of the calendar months ending with or within such period by the number of such months. On the other hand, where the value of the foreign currency relative to the United States dollar does fluctuate substantially during a translation period, the exchange rate appropriate to an amount representing a class of items which relates to such period shall be either (*a*) a simple average determined in accordance with the preceding sentence, or (*b*) a weighted average taking into account the volume of transactions (reflected by the amount being translated) for the calendar months ending with or within such period, depending upon which average would produce a result more representative of that which would have been obtained by translating the individual transactions reflected by that amount at the closing rate for the month to which each such transaction relates. Whether the value of the foreign currency relative to the United States dollar fluctuates substantially during the translation period is a question of fact, depending upon, among other things, the extent to which the volume of transactions varies from month to month. In general, however, the degree of fluctuation will be considered substantial if the closing rate for any calendar month ending with or within the translation period varies by more than 10 percent from the closing rate for any preceding calendar month ending within that period.

(ii) *Monthly rate.* Notwithstanding subdivision (i) of this subparagraph, if it is so elected by or on behalf of the foreign corporation, and if the closing rate for any calendar month ending with or within a translation period does not vary by more than 3 percent from the closing rate for any preceding calendar month ending within that period, the appropriate exchange rate for amounts representing all classes of items relating to such period shall be any exchange rate which is designated in the election and which does not vary by more than 3 percent from the closing rate for any calendar month ending with or within such period. An election under this subdivision may be made with respect to any translation period of any taxable year of the foreign corporation beginning after December 31, 1962. Such election shall be effective only with respect to the translation period for which it is made, and once made shall be irrevocable with respect to that period. See paragraph (c)(3) of this section for the time and manner in which an election may be made on behalf of the foreign corporation.

(iii) *Class of items.* For purposes of this subparagraph, the term "class of items" means any category which is reflected separately on books of account or financial statements. For example, sales is a class of items which is reflected separately on the profit and loss statement, and accounts receivable is a class of items which is reflected separately on the balance sheet.

(3) *Closing rate.* The closing rate for any calendar month shall be the exchange rate on the last day of that month determined by reference to a qualified source of exchange rates within the meaning of subparagraph (5) of this paragraph.

(4) *Year-end rate.* The year-end rate shall be the closing rate for the last calendar month of the taxable year.

(5) *Qualified source of exchange rates.* A qualified source of exchange rates shall be any source which is demonstrated to the satisfaction of the district director to reflect actual transactions conducted in a free market and involving representative amounts. In the absence of such a demonstration, the exchange rates taken into account in the computation of the earnings and profits

of the foreign corporation shall be determined by reference to the free market rate set forth in the pertinent monthly issue of "International Financial Statistics" or a successor publication of the International Monetary Fund, or such other source of exchange rates reflecting actual transactions conducted in a free market and involving representative amounts as the Commissioner may designate as appropriate for this purpose.

(8) *Translation period*—(i) *In general.* Except as provided in subdivision (ii) of this subparagraph, the translation period shall be a taxable year.

(ii) *Currency fluctuations.* If it is so elected by or on behalf of the foreign corporation, the taxable year shall be divided into groups consisting of a calendar month or consecutive calendar months as specified in the election, each such group constituting a separate translation period. Where the value of the foreign currency relative to the United States dollar fluctuates substantially during the taxable year, the use of the weighted average referred to in subparagraph (2)(i) of this paragraph ordinarily may be avoided by dividing the taxable year into translation periods so that the first translation period begins with the first day of such year and each subsequent translation period begins with the first day of the first calendar month thereafter ending with or within such year for which the closing rate varies by more than 10 percent from the closing rate for any month in the preceding translation period. An election under this subdivision may be made with respect to any taxable year of the foreign corporation beginning after December 31, 1962. Such election shall be effective only with respect to the taxable year for which it is made, and once made shall be irrevocable with respect to such year. For the time and manner in which an election may be made on behalf of the foreign corporation, see paragraph (c)(3) of this section.

(7) *Actual transactions.* Notwithstanding any other provisions of this paragraph—

(i) *Dollar transactions.* Any transaction involving the payment or receipt of United States dollars shall be reflected in the profit and loss statement by the amount of United States dollars involved in such transaction.

(ii) *Conversion transactions.* Any transaction involving the conversion of a foreign currency into United States dollars, or the conversion of United States dollars into a foreign currency, shall be reflected in the profit and loss statement by an amount expressed in United States dollars and determined by translation at the exchange rate at which conversion was effected if the foreign corporation knows, or reasonably should know, that exchange rate.

(iii) *Daily rate.* Any transaction other than one described in subdivision (i) or (ii) may be translated into United States dollars at the exchange rate for the day on which that transaction occurred, such rate to be determined by reference to a qualified source of exchange rates within the meaning of subparagraph (5) of this paragraph. No transaction shall be required to be taken into account under subdivision (i) or (ii) unless the United States dollars involved are material in amount.

(8) *Other methods.* Notwithstanding the other provisions of this paragraph, translation into United States dollars may be made in accordance with a system or method not otherwise described in this paragraph, provided that such system or method (i) was employed by the corporation for purposes of accounting to its shareholders prior to January 1, 1963, and (ii) is shown to the satisfaction of the Commissioner to clearly reflect the earnings and profits of the corporation.

(9) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

*Example (1).* M Corporation, a controlled foreign corporation organized on January 1, 1963, employs the calendar year as its taxable year and maintains its books of account in abbas, the currency of the country in which it operates. During 1963 M Corporation's monthly sales amounted to 100,000 abbas per month, its total payroll and other expenses for the year amounted to 180,000 abbas, and its total inventory purchases amounted to 1,050,000 abbas. Also during 1963, M Corporation purchased depreciable assets for 1,000,000 abbas. The value of the abba relative to the United States dollar fluctuated only slightly in 1963; the monthly closing rate moved between 19.8 abbas and 20.2 abbas per United States dollar and stood at 19.9 abbas per United States dollar for most of the year and at yearend. An election under subparagraph (2)(ii) of this paragraph is made on behalf of M Corporation to use the par rate of 20 abbas per United States dollar as the exchange rate appropriate for 1963. Assuming that none of the amounts shown therein reflects a transaction described in subparagraph (7) of this paragraph, M Corporation's adjusted profit and loss statement for 1963 would be translated into United States dollars as follows:

| | Local currency | Exchange rate | U.S. dollars |
|---|---|---|---|
| Sales | 1,200,000 | 20:1 | 60,000 |
| Cost of goods sold: | | | |
| Purchases | 1,050,000 | 20:1 | 52,500 |
| Less: Closing inventory | (350,000) | 20:1 | (17,500) |
| | 700,000 | | 35,000 |
| Wages and other expenses | 180,000 | 20:1 | 9,000 |
| Depreciation | 200,000 | 20:1 | 10,000 |
| Total costs and expenses | 1,080,000 | | 54,000 |
| Operating profit | 120,000 | | 6,000 |

*Example (2).* The facts are the same as in example (1) and in addition during 1964 M Corporation had annual sales of 1,470,000 abbas, annual wages and other expenses of 252,000 abbas, and inventory purchases of 910,000 abbas. Also during 1964, M Corporation purchased additional depreciable assets for 430,000 abbas, the bulk of such purchases being made in the last half of the year. The value of the abba relative to the United States dollar gradually declined in 1964, the monthly closing rate moving from 19.9 abbas per United States dollar down to 22 abbas per United States dollar. For most classes of items, the appropriate exchange rate is a simple average of monthly closing rates or 21 abbas per United States dollar. However, since the bulk of the depreciable asset purchases were made in the last half of the year, the rate representative of those transactions is a weighted average of 21.5 abbas per United States dollar. Assuming that none of the amounts shown therein reflects a transaction described in subparagraph (7) of this paragraph and that closing inventory is translated at historical rates, M Corporation's adjusted profit and loss statement for 1964 would be translated into United States dollars as follows:

| | Local currency | Exchange rate | U.S. dollars |
|---|---|---|---|
| Sales | 1,470,000 | 21:1 | 70,000 |
| Cost of goods sold: | | | |
| Opening inventory | 350,000 | 20:1 | 17,500 |
| Purchases | 910,000 | 21:1 | 43,333 |
| Less: Closing inventory | (418,000) | 21:1 | (19,905) |
| | 842,000 | | 40,928 |
| Wages and other expenses | 252,000 | 21:1 | 12,000 |
| Depreciation: | | | |
| (1963 assets) | 150,000 | 20:1 | 7,500 |
| (1964 assets) | 86,000 | 21.5:1 | 4,000 |
| Total costs and expenses | 1,330,000 | | 64,428 |
| Operating profit | 140,000 | | 5,572 |

*Example (3).* The facts are the same as in examples (1) and (2) except that the 1964 sales of M Corporation amounted to 1,260,000 abbas plus $10,500 in United States dollars. Assuming that closing inventory is translated at historical rates, M Corporation's adjusted profit and loss statement for 1964 would be translated as follows:

| | Local currency | Exchange rate | U.S. dollars |
|---|---|---|---|
| Sales—Abbas | 1,260,000 | 21:1 | 60,000 |
| Sales—U.S. dollars | 215,250 | (1) | 10,500 |
| Total sales | 1,475,250 | | 70,500 |
| Cost of goods sold: | | | |
| Opening inventory | 350,000 | 20:1 | 17,500 |
| Purchases | 910,000 | 21:1 | 43,333 |
| Less: Closing inventory | (418,000) | 21:1 | 19,905 |
| | 842,000 | | 40,928 |
| Wages and other expenses | 252,000 | 21:1 | 12,000 |
| Depreciation: | | | |
| 1963 assets | 150,000 | 20:1 | 7,500 |
| 1964 assets | 86,000 | 21.5:1 | 4,000 |
| Total costs and expenses | 1,330,000 | | 64,428 |
| Operating profit | 145,250 | | 6,072 |

[1] Transaction.

*Example (4).* The facts are the same as in examples (1) and (2). M Corporation continues to operate during 1965 and the value of the abba relative to the United States dollar declines materially during that year; the monthly closing rate drops from 22 abbas per United States dollar to 26 abbas per United States dollar, a decrease of more than 10 percent. An election under subparagraph (6)(ii) of this paragraph is made on behalf of M Corporation to divide the year into translation periods, the applicable periods being January 1 through July 31 and August 1 through December 31. For most classes of items, the appropriate exchange rate for each of these translation periods is a simple average of monthly closing rates, or 23 abbas and 25 abbas per United States dollar, respectively. However, all of the depreciable asset purchases were made at the end of the first translation period—January 1 through July 31—and, therefore, the rate representative of those transactions is a weighted average of 24 abbas per United States dollar. The classes of items reflecting M Corporation's 1965 financial transactions and the representative rates of exchange for such classes of items are as follows:

| | Local currency | Exchange rate |
|---|---|---|
| Sales: | | |
| Jan. 1–July 31 | 1,000,000 | 23:1 |
| Aug. 1–Dec. 31 | 500,000 | 25:1 |
| Inventory Purchases: | | |
| Jan. 1–July 31 | 559,000 | 23:1 |
| Aug. 1–Dec. 31 | 361,000 | 25:1 |
| Expenses: | | |
| Jan. 1–July 31 | 115,000 | 23:1 |
| Aug. 1–Dec. 31 | 145,000 | 25:1 |
| Fixed asset purchases | 216,000 | 24:1 |
| Closing inventory | 430,000 | (1) |

[1] Historical.

Assuming that M Corporation uses the first-in, first-out method of inventory valuation, the closing inventory is assumed in normal circumstances to consist of purchases made during the most recent translation period as follows:

| | Local currency | Exchange rate | U.S. dollars |
|---|---|---|---|
| All of the August–December purchases | 361,000 | 25:1 | 14,440 |
| Balance from January–July purchases | 69,000 | 23:1 | 3,000 |
| Total closing inventory | 430,000 | | 17,440 |

Assuming that none of the amounts shown therein reflects a transaction described in subparagraph (7) of this paragraph, and that closing inventory is translated at historical rates, M Corporation's adjusted profit and loss statement for 1965 would be translated into United States dollars as follows:

| | Local currency | Exchange rate | U.S. dollars |
|---|---|---|---|
| Sales: | | | |
| Jan. 1–July 31 | 1,000,000 | 23:1 | 43,478 |
| Aug. 1–Dec. 31 | 500,000 | 25:1 | 20,000 |
| | 1,500,000 | | 63,478 |
| Cost of goods sold: | | | |
| Opening inventory purchases | 418,000 | 21:1 | 19,905 |
| Jan. 1–July 31 | 559,000 | 23:1 | 24,304 |
| Aug. 1–Dec. 31 | 361,000 | 25:1 | 14,440 |
| Less: Closing inventory | (430,000) | (1) | (17,440) |
| | 908,000 | | 41,209 |
| Wages and other expenses: | | | |
| Jan. 1–July 31 | 115,000 | 23:1 | 5,000 |
| Aug. 1–Dec. 31 | 145,000 | 25:1 | 5,800 |
| Depreciation: | | | |
| 1963 assets | 120,000 | 20:1 | 6,000 |
| 1964 assets | 64,500 | 21.5:1 | 3,000 |
| 1965 assets | 43,200 | 24:1 | 1,800 |
| Total costs and expenses | 1,395,700 | | 62,809 |
| Operating profit | 104,300 | | 669 |

[1] Historical.

(e) *Exchange gain or loss*—(1) *In general.* The exchange gain or loss determined in accordance with subparagraph (2) of this paragraph shall be applied against and reduce, or applied to and increase, as the case may be, the amount of profit or loss shown on the profit and loss statement prepared pursuant to paragraph (a)(1) of this section, as adjusted and translated pursuant to paragraph (a)(2), (3), and (4) of this section. For the manner in which the exchange gain or loss is to be allocated to or applied against subpart F income, see section 952 and the regulations thereunder.

(2) *Determination of exchange gain or loss.* The exchange gain (or loss) for the taxable year shall be the amount which equals—

(i) The retained earnings for the taxable year as determined under subparagraph (3) of this paragraph, plus

(ii) The amount of any distributions made during the taxable year translated at the exchange rate appropriate to the translation period during which such distributions were made (or taken into account in accordance with paragraph (d)(7) of this section, if applicable), minus

(iii) The amount representing retained earnings for the preceding taxable year as determined under subparagraph (3) of this paragraph, minus

(iv) The amount of profit (or plus the amount of any loss) shown on the profit and loss statement for the taxable year prepared pursuant to paragraph (a)(1) of this section and adjusted and translated pursuant to paragraph (a)(2), (3), and (4) of this section.

(3) *Retained earnings.* The retained earnings for any taxable year shall be determined by first—

(i) Preparing a balance sheet as of the end of such year from the books of account regularly maintained by the foreign corporation for the purpose of accounting to its shareholders;

(ii) Making the adjustments necessary to conform such balance sheet to the accounting principles described in paragraph (b) of this section;

(iii) Making the further adjustments necessary to conform such balance sheet to the tax accounting standards described in paragraph (c) of this section; and

(iv) Translating the amounts shown on the balance sheet (other than amounts representing retained earnings) into United States dollars in accordance with subparagraph (4) of this paragraph.

The retained earnings shall be an amount equal to the excess of the aggregate amount representing assets on the balance sheet (as adjusted and translated under this subparagraph) over the aggregate amount representing liabilities, reserves (other than reserves out of current or accumulated earnings), and paid-in capital on the balance sheet (as adjusted and translated under this subparagraph).

(4) *Translation of balance sheet.* Amounts shown on the balance sheet as adjusted pursuant to subparagraph (3)(ii) and (iii) of this paragraph (other than amounts representing retained earnings) shall be translated into United States dollars as follows:

(i) *Financial assets.* Amounts representing financial assets shall be translated at the year-end rate.

(ii) *Physical assets.* Amounts representing physical assets (other than inventory) shall be translanted at the appropriate exchange rate for the translation period in which the historical cost of the asset was incurred or is deemed to have been incurred. For special rules for determining date on which the historical cost of certain assets acquired during taxable years beginning before January 1, 1950, or owned at the time a majority interest in the corporation was acquired during a taxable year beginning after December 31, 1949, or before January 1, 1963, is deemed to have been incurred, see paragraph (b)(3) of this section.

(iii) *Depreciation and similar reserves.* Amounts representing depreciation, depletion, and amortization reserves shall be translated at the appropriate exchange rate for the translation period in which the historical cost of the underlying asset was incurred or is deemed to have been incurred.

(iv) *Inventory.* Amounts representing items of inventory included in the closing inventory balance shall be translated in accordance with paragraph (d)(1)(ii) of this section.

(v) *Bad debt reserves.* Amounts representing bad debts reserves shall be translated at the year-end rate.

(vi) *Prepaid income or expense.* Amounts representing expenses or income paid or received in a prior taxable year shall be translated in accordance with paragraph (d)(1)(iv) of this section.

(vii) *Short-term liabilities.* Amounts representing short-term liabilities shall be translated at the year-end rate.

(viii) *Long-term liabilities.* Amounts representing long-term liabilities shall be translated at the appropriate exchange rate for the translation period in which such liabilities were incurred.

(ix) *Paid-in capital.* Amounts representing paid-in capital shall be translated at the appropriate exchange rate for the translation period in which such capital was paid in.

Notwithstanding any other provisions of this subparagraph, where the amount representing an item shown on the balance sheet reflects a transaction described in paragraph (d)(7) of this section, such transaction shall be taken into account in accordance with that paragraph.

(5) *Definitions.* For purposes of this paragraph—

(i) *Financial assets.* A financial asset shall be any asset reflecting a fixed amount of foreign currency, such as cash on hand, bank deposits, and loans and accounts receivable. Securities (within the meaning of section 1236(c)) shall be considered physical assets if they have been or are reasonably expected to be held for at least six months; if not they shall be considered financial assets whether or not they reflect a fixed amount of foreign currency. Moreover, advances on open account to any corporation in which the foreign corporation and any related persons (within the meaning of section 954(d)(3) and the regulations thereunder) with respect thereto own at least 10 percent of the combined voting power of all classes of stock entitled to vote shall not be considered financial assets if such advances have remained open for more than one year.

(ii) *Physical assets.* A physical asset shall be any asset other than a financial asset and shall include goodwill, patents, and other intangibles.

(iii) *Short-term liabilities.* A short-term liability shall be any indebtedness of the foreign corporation which is due or overdue as of the date of the balance

sheet or which will become due within 1 year thereafter.

(iv) *Long-term liabilities.* A long-term liability is any indebtedness of the foreign corporation other than a short-term liability.

For the definition of "appropriate exchange rate", "year-end rate", and "translation period", see paragraph (d)(2), (4) and (6), respectively, of this section.

(6) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

*Example (1).* N Corporation is a controlled foreign corporation which uses the calendar year as its taxable year and which maintains its books in yuccas, the currency of the country in which it operates. For 1963, its operating profit is 140,000 yuccas or $45,720. At the end of the year, its balance sheet, as translated and adjusted pursuant to subparagraph (3) of this paragraph, is as follows:

| | Local currency | Exchange rate | U.S. dollars |
|---|---|---|---|
| Cash | 77,000 | 2.20:1 | 35,000 |
| Accounts receivable | 209,000 | 2.20:1 | 95,000 |
| Inventory | 418,000 | (1) | 199,050 |
| Fixed assets | 1,430,000 | (1) | 700,000 |
| Less: Accumulated depreciation | (436,000) | (1) | (215,000) |
| Total assets | 1,698,000 | | 814,050 |
| Current liabilities | 286,000 | 2.20:1 | 153,640 |
| Long-term liabilities | 300,000 | (1) | 150,000 |
| Paid-in capital | 800,000 | (1) | 400,000 |
| Retained earnings | 288,000 | | 110,410 |
| Total liabilities and net worth | 1,698,000 | | 814,050 |

[1] Historical.

N Corporation's retained earnings for 1962 are determined on the basis of its balance sheet as of the end of that year, translated as follows:

| | Local currency | Exchange rate | U.S. dollars |
|---|---|---|---|
| Cash | 70,000 | 2.00:1 | 35,000 |
| Accounts receivable | 180,000 | 2.00:1 | 90,000 |
| Inventory | 350,000 | (1) | 175,000 |
| Fixed assets | 1,000,000 | (1) | 500,000 |
| Less: Accumulated depreciation | (200,000) | (1) | (100,000) |
| Total assets | 1,400,000 | | 700,000 |
| Current liabilities | 180,000 | 2.00:1 | 90,000 |
| Long-term liabilities | 300,000 | (1) | 150,000 |
| Paid-in capital | 800,000 | (1) | 400,000 |
| Retained earnings | 120,000 | | 60,000 |
| Total liabilities and net worth | 1,400,000 | | 700,000 |

The exchange gain or loss of N Corporation for 1963 may be computed as follows:

| | | | |
|---|---|---|---|
| Retained earnings—1963 | | | 110,410 |
| Less: | | | |
| Retained earnings—1962 | 60,000 | | |
| Operating profit—1963 | 55,720 | | 115,720 |
| Exchange loss | | | (5,310) |

[1] Historical.

*Example (2).* Assume the same facts as in example (1). For 1964, N Corporation's operating profit is 104,300 yuccas or $15,740. It pays a dividend of 26,000 yuccas during a translation period when the appropriate exchange rate is 2.60 yuccas per United States dollar. At yearend, its balance sheet, as translated and adjusted pursuant to subparagraph (3) of this paragraph, is as follows:

| | Local currency | Exchange rate | U.S. dollars |
|---|---|---|---|
| Cash | 91,000 | 2.60:1 | 35,000 |
| Accounts receivable | 260,000 | 2.60:1 | 100,000 |
| Inventory | 436,000 | (1) | 174,400 |
| Fixed assets | 1,646,000 | (1) | 700,000 |
| Less: Accumulated depreciation | (863,700) | (1) | (323,000) |
| Total assets | 1,763,300 | | 776,400 |
| Current liabilities | 325,000 | 2.60:1 | 125,000 |
| Long-term liabilities | 300,000 | (1) | 150,000 |
| Paid-in capital | 800,000 | (1) | 400,000 |
| Retained earnings | 338,300 | | 101,400 |
| Total liabilities and net worth | 1,763,300 | | 776,400 |

The exchange gain or loss of N Corporation for 1964 would be computed as follows:

| | | | |
|---|---|---|---|
| Retained earnings—1964 | | | 101,400 |
| Add: | | | |
| Dividends—1964 | | | 10,000 |
| Predistribution earnings | | | 111,400 |
| Less: | | | |
| Retained earnings—1963 | 110,410 | | |
| Operating profit—1964 | 15,740 | | 126,150 |
| Exchange loss | | | (14,750) |

[1] Historical.

(f) *Determination of earnings and profits as if a domestic corporation.* If the books of account regularly maintained by a foreign corporation for the purpose of accounting to its shareholders are kept in United States dollars and in accordance with accounting principles generally accepted in the United States, and if it is so elected by or on behalf of such corporation, the earnings and profits of the foreign corporation for a taxable year shall be determined in every respect as if it were a domestic corporation. Such election shall be effective only for the taxable year with respect to which the election is made. Once made, such election shall be irrevocable. See paragraph (d)(3) of this section for the time and manner in which an election may be made on behalf of a foreign corporation.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: October 20, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64-10652; Filed, Oct. 26, 1964; 8:45 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter I—Coast Guard, Department of the Treasury

### SUBCHAPTER C—AIDS TO NAVIGATION

[CGFR 64-66]

### PART 67—PRIVATE AIDS TO NAVIGATION, OUTER CONTINENTAL SHELF AND WATERS UNDER THE JURISDICTION OF THE UNITED STATES

### Sounding of Multiple Fog Signals on Single Structure

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of January 30, 1964 (29 F.R. 1572-1586), and the Merchant Marine Council Public Hearing Agenda, dated March 23, 1964 (CG-249), the Merchant Marine Council held a public hearing on March 23, 1964, for the purpose of receiving comments, views, and data. The proposals considered were identified as Items I to XVI, inclusive. Item Xb contained the proposal to cancel 33 CFR 67.10-1(d), which requires the sounding in unison of multiple fog signals installed on a single structure (CG-249, Xb, page 147). As announced in the news release and confirmed in the preamble of the document CGFR 64-19, published in the FEDERAL REGISTER of June 5, 1964 (29 F.R. 7344), additional time of 120 days was allowed for the submission of further written comments. No comment was received objecting to this proposed cancellation nor suggesting an alternative. Therefore, the Merchant Marine Council has recommended adoption of this proposal which is hereby approved, and the requirements in 33 CFR 67.10-1(d) are cancelled as set forth in this document.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by sections 83, 85, 92, 632 and 633 of Title 14, U.S. Code, section 1333 of Title 43, U.S. Code, and Treasury Department Orders 167-3, dated May 6, 1953 (18 F.R. 2962), 167-15, dated January 3, 1955 (20 F.R. 840), 167-17, dated June 29, 1955 (20 F.R. 4976), and 167-23, dated July 27, 1956 (21 F.R. 5852), effective on date of publication in the FEDERAL REGISTER, § 67.10-1 *Type and characteristics* is amended by cancelling paragraph (d).

(Sec. 92, 63 Stat. 503, sec. 4, 67 Stat. 462; 14 U.S.C. 92, 43 U.S.C. 1333)

Dated: October 19, 1964.

[SEAL] E. J. ROLAND,
*Admiral, U.S. Coast Guard, Commandant.*

[F.R. Doc. 64-10906; Filed, Oct. 26, 1964; 8:47 a.m.]



# Title 46—SHIPPING

## Chapter I—Coast Guard, Department of the Treasury

### SUBCHAPTER E—LOAD LINES

[CGFR 64-60]

### PART 43—FOREIGN OR COASTWISE VOYAGE

### Basic Minimum Freeboards for Certain United States Vessels

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of August 12, 1964 (29 F.R. 11534, 11535), and the letter notice soliciting written comments to be submitted prior to September 11, 1964 (CMC 5991/2; August 12, 1964), one comment recommending changes in 46 CFR 43.15-98(b) (1) and (2) was received from the American Bureau of Shipping, as well as a request that these proposals be made effective as of September 14, 1964, rather than the proposed date of January 1, 1965. These proposals are considered to be advantageous to United States shipping. Since no adverse comments were received and the changes recommended by the American Bureau of Shipping in no way affect the meaning of the proposals but do improve the clarity thereof, the proposals, as revised, are adopted and set forth in this document, and the effective date advanced to September 14, 1964.

By virtue of the authority vested in the Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code, sections 85a and 88a of Title 46, U.S. Code, and Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-48, dated October 19, 1962 (27 F.R. 10504), the following amendments are prescribed and shall be in effect on and after September 14, 1964:

### Subpart 43.05—General Rules for Determining Maximum Load Lines of Merchant Vessels

1. Section 43.05-15(d) is amended by inserting a reference to § 43.15-98(a) in the first sentence so that this paragraph reads as follows:

§ 43.05-15 Lines used with disk.

* * * * *

(d) Domestic vessels eligible for operation at the freeboards indicated by §§ 43.15-87(b), 43.15-90(b), 43.15-98(a), or 43.30-1(b) shall have the related winter, summer, tropical, fresh, and tropical fresh water marks located abaft the disk and surmounted by the letter "C". (See Figure 43.05-15(d).) While a complete set of additional marks is shown by this Figure, vessels also marked forward of the disk in accordance with § 43.05-5(a) need show abaft the disk only those additional marks which are necessary. Vessels departing on foreign voyages shall only bear the load line marks forward of the disk marked in accordance with § 43.05-5(a).

### Subpart 43.15—Load Lines for Steamers

2. Subpart 43.15 is amended by inserting after § 43.15-97 a new § 43.15-98 reading as follows:

§ 43.15-98 Reduced freeboards for steamers having superior design and operational features, and engaged on United States coastwise and/or intercoastal voyages.

(a) Subject to compliance with the additional conditions in paragraph (b) of this section but otherwise in accordance with the usual conditions of assignment, the freeboards of steamers over 370 feet in length, engaged in U.S. coastwise and/or intercoastal voyages, may be computed from the lesser tabular values given by the Table 43.15-98(a) in lieu of those given by Table 43.15-97(a).

TABLE 43.15-98(a)—REDUCED BASIC MINIMUM SUMMER FREEBOARDS FOR STEAMERS ON UNITED STATES COASTWISE AND/OR INTERCOASTAL VOYAGES

| L (feet) | Freeboard inches | L (feet) | Freeboard inches |
|---|---|---|---|
| 370 | 62.4 | 700 | 137.1 |
| 380 | 64.6 | 710 | 138.8 |
| 390 | 67.2 | 720 | 140.5 |
| 400 | 69.6 | 730 | 142.2 |
| 410 | 72.0 | 740 | 143.8 |
| 420 | 74.5 | 750 | 145.4 |
| 430 | 77.1 | 760 | 146.9 |
| 440 | 79.7 | 770 | 148.4 |
| 450 | 82.3 | 780 | 149.9 |
| 460 | 84.9 | 790 | 161.4 |
| 470 | 87.5 | 800 | 152.8 |
| 480 | 90.0 | 810 | 154.2 |
| 490 | 92.5 | 820 | 155.6 |
| 500 | 95.0 | 830 | 157.0 |
| 510 | 97.5 | 840 | 158.3 |
| 520 | 99.9 | 850 | 159.6 |
| 530 | 102.3 | 860 | 160.9 |
| 540 | 104.7 | 870 | 162.2 |
| 550 | 107.0 | 880 | 163.5 |
| 560 | 109.3 | 890 | 164.8 |
| 570 | 111.5 | 900 | 166.1 |
| 580 | 113.7 | 910 | 167.3 |
| 590 | 115.9 | 920 | 168.5 |
| 600 | 118.0 | 930 | 169.7 |
| 610 | 120.1 | 940 | 170.9 |
| 620 | 122.1 | 950 | 172.1 |
| 630 | 124.1 | 960 | 173.3 |
| 640 | 126.1 | 970 | 174.4 |
| 650 | 128.1 | 980 | 175.5 |
| 660 | 130.0 | 990 | 176.6 |
| 670 | 131.8 | 1000 | 177.6 |
| 680 | 133.6 | (1) | (1) |
| 690 | 135.4 | | |

[1] Vessels above 1,000 feet are to be dealt with by the administration.

(b) In order to be eligible for the reduced freeboards permitted by this section, vessels shall comply with the following supplementary conditions:

(1) Weather deck hatch covers shall be of steel construction, sealed watertight, without need for tarpaulins, as provided by § 43.10-5(b). Associated hatch coamings shall be at least of standard height, as provided by § 43.10-10.

(2) Vessels shall be fitted with forecastles having an efficient bulkhead with effective Class 1 or Class 2 closing appliances. Forecastles of standard height or greater shall extend for at least 0.07L. If a forecastle is of less than standard height, but not less than 5.5 feet in height, the product of its length and height, in feet squared, shall be at least equal to 0.50L+50 times the deficiency in height in feet. Forecastles may not be less than 5.5 feet in height for credit under this subparagraph.

(3) Alternatively, vessels not having creditable forecastles but having sufficient excess sheer forward, are eligible for these reduced freeboards. For this purpose the sheer in inches at ⅙L from the forward perpendicular shall be at least 0.089L+8.9+⅓ times the difference between the tabular freeboard obtained from Table 43.15-97(a) and that obtained from Table 43.15-98(a). Similarly, the sheer at the forward perpendicular shall be at least 0.2L+20 plus the difference between the tabular freeboards obtained from Tables 43.15-97(a) and 43.15-98(a).

(4) Vessels shall be subdivided and shall be operated with sufficient stability to maintain a one compartment standard of watertight subdivision and damage stability at drafts up to and including the resulting load draft. For determining compliance with this requirement, the specific standards laid down in Parts 73 and 74 of Subchapter H—Passenger Vessels of this chapter, as they apply to a required factor of subdivision of 1.0, shall be used, with the exception however, that the cargo space permeabilities specified by §§ 73.10-5(c) and 74.10-15(c) of this chapter shall be suitably increased when the vessel is particularly engaged in the carriage of cargoes which result in a higher value. The related plans, calculations and data, including the stability instructions called for by Subpart 74.20, shall be submitted to the Commandant (MMT), who will then advise the American Bureau of Shipping, or other authorized assigning authority, as to the final acceptability of the subdivision at the proposed draft.

(5) Vessels shall be structurally suitable for the resulting load draft.

### Subpart 43.40—Zones and Seasonal Areas and Miscellaneous Requirements

3. The references with Form C4 are amended by inserting a reference to § 43.15-98 in the "Coastwise Load Line Certificate" in § 43.40-10 so that is reads as follows:

§ 43.40-10 Forms of load line certificates.

* * * * *

COASTWISE LOAD LINE CERTIFICATE

[Form C4; applicable to vessels assigned freeboards on the basis of 46 CFR 43.15-87, 43.15-90, 43.15-98 and/or 43.30-75]

* * * * *

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 85a, 88a. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; 167-48, Oct. 19, 1962, 27 F.R. 10504)

Dated: October 16, 1964.

[SEAL] E. J. ROLAND,
*Admiral, U.S. Coast Guard, Commandant.*

[F.R. Doc. 64-10907; Filed, Oct. 26, 1964; 8:47 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management, Department of the Interior

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3461]

[Utah 011581(3)]

### UTAH

### Withdrawal for China Meadows Dam and Reservoir

By virtue of the authority contained in the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

Subject to valid existing rights, the following-described lands in the Wasatch National Forest are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws, and reserved for the China Meadows Dam and Reservoir of the Lyman Project:

SALT LAKE MERIDIAN

T. 2 N., R. 14 E.,
Secs. 6 and 7.

Containing approximately 1,280 acres.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

OCTOBER 20, 1964.

[F.R. Doc. 64-10894; Filed, Oct. 26, 1964; 8:46 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 15397 (RM-514); FCC 64-959]

### PART 73—RADIO BROADCAST SERVICES

### Television Broadcast Services; Table of Assignments in Grandview, W. Va.

*Report and order.* 1. The Commission has before it for consideration the notice of proposed rule making, adopted March 25, 1964 (FCC 64-259) looking toward the assignment of Channel 9— to Grandview, West Virginia, and its reservation for non-commercial educational use.

2. The Notice was adopted pursuant to a petition filed by the Board of Governors of West Virginia University. No comments were filed in opposition to the proposal. Numerous comments in support of the proposal were filed by business, educational and community leaders in the area to be served by the proposed facility. All cited the educational needs of this 11 county area, and in addition pointed out that the mountainous terrain made the assignment of a VHF facility particularly desirable.

3. The West Virginia Educational Broadcasting Authority submitted copies of its state-wide plan for an educational television system in which the proposed Channel 9 facility at Grandview plays a key role.

4. In the third paragraph in the Commission's notice, it was noted that petitioner had offered no statement as to the availability of a building plot, and it was suggested that a comment in this connection would be helpful. Petitioner submitted a letter from the Director of the West Virginia State Department of Natural Resources on this subject. The showing as to the availability of a site meeting all spacing and signal intensity requirements is sufficient to warrant making the assignment as requested.

5. In view of the above the Commission is of the opinion that the public interest would be served by the assignment of Channel 9— to Grandview, West Virginia, and its reservation for non-commercial educational use.

6. Authority for the amendment adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934 as amended.

7. In view of the foregoing: *It is ordered*, That effective December 1, 1964, the Table of Assignments contained in § 73.606 of the rules and regulations is amended to add the following entry under the State of West Virginia.

| City: | *Channel* |
|---|---|
| Grandview, W. Va. | *9— |

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: October 21, 1964.

Released: October 22, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10914; Filed, Oct. 26, 1964; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[ 26 CFR Parts 1, 31 ]

### INCOME AND EMPLOYMENT TAXES

### Allowance and Denial of Deduction for Certain State, Local, and Foreign Taxes

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1) and the Employment Tax Regulations (26 CFR Part 31) to the amendments made to the Internal Revenue Code of 1954 by section 207 of the Revenue Act of 1964 (78 Stat. 40), such regulations are amended as follows:

PARAGRAPH 1. Section 1.164 is amended by revising subsections (a), (b), (c), (f), and (g) of section 164, and by revising the historical note. These amended and revised provisions read as follows:

§ 1.164 Statutory provisions; taxes.

Sec. 164. *Taxes*—(a) *General rule.* Except as otherwise provided in this section, the following taxes shall be allowed as a deduction for the taxable year within which paid or accrued:

(1) State and local, and foreign, real property taxes.

(2) State and local personal property taxes.

(3) State and local, and foreign, income, war profits, and excess profits taxes.

(4) State and local general sales taxes.

(5) State and local taxes on the sale of gasoline, diesel fuel, and other motor fuels.

In addition, there shall be allowed as a deduction State and local, and foreign, taxes not described in the preceding sentence which are paid or accrued within the taxable year in carrying on a trade or business or an activity described in section 212 (relating to expenses for production of income).

(b) *Definitions and special rules.* For purposes of this section—

(1) *Personal property taxes.* The term "personal property tax" means an ad valorem tax which is imposed on an annual basis in respect of personal property.

(2) *General sales taxes*—(A) *In general.* The term "general sales tax" means a tax imposed at one rate in respect of the sale at retail of a broad range of classes of items.

(B) *Special rules for food, etc.* In the case of items of food, clothing, medical supplies, and motor vehicles—

(i) The fact that the tax does not apply in respect of some or all of such items shall not be taken into account in determining whether the tax applies in respect of a broad range of classes of items, and

(ii) The fact that the rate of tax applicable in respect of some or all of such items is lower than the general rate of tax shall not be taken into account in determining whether the tax is imposed at one rate.

(C) *Items taxed at different rates.* Except in the case of a lower rate of tax applicable in respect of an item described in subparagraph (B), no deduction shall be allowed under this section for any general sales tax imposed in respect of an item at a rate other than the general rate of tax.

(D) *Compensating use taxes.* A compensating use tax in respect of an item shall be treated as a general sales tax. For purposes of the preceding sentence, the term "compensating use tax" means, in respect of any item, a tax which—

(i) Is imposed on the use, storage, or consumption of such item, and

(ii) Is complementary to a general sales tax, but only if a deduction is allowable under subsection (a)(4) in respect of items sold at retail in the taxing jurisdiction which are similar to such item.

(3) *State or local taxes.* A State or local tax includes only a tax imposed by a State, a possession of the United States, or a political subdivision of any of the foregoing, or by the District of Columbia.

(4) *Foreign taxes.* A foreign tax includes only a tax imposed by the authority of a foreign country.

(5) *Separately stated general sales taxes and gasoline taxes.* If the amount of any general sales tax or of any tax on the sale of gasoline, diesel fuel, or other motor fuel is separately stated, then, to the extent that the amount so stated is paid by the consumer (otherwise than in connection with the consumer's trade or business) to his seller, such amount shall be treated as a tax imposed on, and paid by, such consumer.

(c) *Deduction denied in case of certain taxes.* No deduction shall be allowed for the following taxes:

(1) Taxes assessed against local benefits of a kind tending to increase the value of the property assessed; but this paragraph shall not prevent the deduction of so much of such taxes as is properly allocable to maintenance or interest charges.

(2) Taxes on real property, to the extent that subsection (d) requires such taxes to be treated as imposed on another taxpayer.

* * * * *

(f) *Payments for municipal services in atomic energy communities.* For purposes of this section, amounts paid or accrued, to compensate the Atomic Energy Commission for municipal-type services, by any owner of real property within any community (within the meaning of section 21b of the Atomic Energy Community Act of 1955) shall be treated as State real property taxes paid or accrued. For purposes of this subsection, the term "owner" includes a person who holds the real property under a leasehold of 40 or more years and a person who has entered into a contract to purchase under section 61 of the Atomic Energy Community Act of 1955. Subsection (d) of this section shall not apply to a sale by the United States of property with respect to which this subsection applies.

(g) *Cross references.* (1) For provisions disallowing any deduction for the payment of the tax imposed by subchapter B of chapter 3 (relating to tax-free covenant bonds), see section 1451.

(2) For provisions disallowing any deduction for certain taxes, see section 275.

[Sec. 164 as amended by sec. 6, Technical Amendments Act 1958 (72 Stat. 1608); sec. 207, Rev. Act 1964 (78 Stat. 40)]

PAR. 2. Section 1.164-1 is amended to read as follows:

§ 1.164-1 Deduction for taxes.

(a) *In general.* Only the following taxes shall be allowed as a deduction under this section for the taxable year within which paid or accrued, according to the method of accounting used in computing taxable income:

(1) State and local, and foreign, real property taxes.

(2) State and local personal property taxes.

(3) State and local, and foreign, income, war profits, and excess profits taxes.

(4) State and local general sales taxes.

(5) State and local taxes on the sale of gasoline, diesel fuel, and other motor fuels. In addition, there shall be allowed as a deduction under this section State and local, and foreign, taxes not described in subparagraphs (1) through (5) of this paragraph which are paid or accrued within the taxable year in carrying on a trade or business or an activity described in section 212 (relating to expenses for production of income). For example, dealers or investors in securities and dealers or investors in real estate may deduct State stock transfer and real estate transfer taxes, respectively, under section 164, to the extent they are expenses incurred in carrying on a trade or business or an activity for the production of income. In general, taxes are deductible only by the person upon whom they are imposed. However, see § 1.164-5 in the case of certain taxes paid by the consumer.

(b) *Taxable years beginning before January 1, 1964.* For taxable years beginning before January 1, 1964, except as otherwise provided in §§ 1.164-2 through 1.164-8, inclusive, taxes imposed by the United States, any State, territory, possession of the United States, or a political subdivision of any of the foregoing, or by any foreign country, are deductible





from gross income for the taxable year to be treated as imposed on another



of specified classes of items also qualifies ble with respect to such items. For ex- pensating use tax imposed by State G on

from gross income for the taxable year in which paid or accrued, according to the method of accounting used in computing taxable income. For this purpose, postage is not a tax and automobile license or registration fees are ordinarily taxes.

(c) *Cross references.* For the definition of the term "real property taxes", see paragraph (b) of § 1.164–3. For the definition of the term "foreign taxes", see paragraph (d) of § 1.164–4. For the definition of the term "general sales taxes", see paragraph (f) of § 1.164–3. For the treatment of gasoline, diesel fuel, and other motor fuel taxes, see § 1.164–5. For apportionment of taxes on real property between seller and purchaser, see section 164(d) and § 1.164–6. For the general rule for taxable year of deduction, see section 461. For provisions disallowing any deduction for the tax paid at the source on interest from tax-free covenant bonds, see section 1451(f).

PAR. 3. Section 1.164–2 is amended to read as follows:

**§ 1.164–2 Deduction denied in case of certain taxes.**

This section and § 1.275 describe certain taxes for which no deduction is allowed. In the case of taxable years beginning before January 1, 1964, the denial is provided for by section 164(b) (prior to being amended by section 207 of the Revenue Act of 1964 (78 Stat. 40)). In the case of taxable years beginning after December 31, 1963, the denial is governed by sections 164 and 275. No deduction is allowed for the following taxes:

(a) *Federal income taxes.* Federal income taxes, including the taxes imposed by section 3101, relating to the tax on employees under the Federal Insurance Contributions Act (chapter 21 of the Code); sections 3201 and 3211, relating to the taxes on railroad employees and railroad employee representatives; section 3402, relating to the tax withheld at source on wages; and by corresponding provisions of prior internal revenue laws.

(b) *Federal war profits and excess profits taxes.* Federal war profits and excess profits taxes including those imposed by Title II of the Revenue Act of 1917 (39 Stat. 1000), Title III of the Revenue Act of 1918 (40 Stat. 1088), Title III of the Revenue Act of 1921 (42 Stat. 271), section 216 of the National Industrial Recovery Act (48 Stat. 208), section 702 of the Revenue Act of 1934 (48 Stat. 770), subchapter D, chapter 1 of the Internal Revenue Code of 1939, and subchapter E, chapter 2 of the Internal Revenue Code of 1939.

(c) *Estate and gift taxes.* Estate, inheritance, legacy, succession, and gift taxes.

(d) *Foreign income, war profits, and excess profits taxes.* Income, war profits, and excess profits taxes imposed by the authority of any foreign country or possession of the United States, if the taxpayer chooses to take to any extent the benefits of section 901, relating to the credit for taxes of foreign countries and possessions of the United States.

(e) *Real property taxes.* Taxes on real property, to the extent that section 164(d) and § 1.164–6 require such taxes to be treated as imposed on another taxpayer.

(f) *Federal duties and excise taxes.* Federal import or tariff duties, business, license, privilege, excise, and stamp taxes (not described in paragraphs (a), (b), or (c) of this section, or § 1.164–4) paid or accrued within the taxable year. The fact that any such tax is not deductible as a tax under section 164 does not prevent (1) its deduction under section 162 or section 212, provided it represents an ordinary and necessary expense paid or incurred during the taxable year by a corporation or an individual in the conduct of any trade or business or, in the case of an individual for the production or collection of income, for the management, conservation, or maintenance of property held for the production of income, or in connection with the determination, collection, or refund of any tax, or (2) its being taken into account during the taxable year by a corporation or an individual as a part of the cost of acquiring or producing property in the trade or business or, in the case of an individual, as a part of the cost of property held for the production of income with respect to which it relates.

(g) *Taxes for local benefits.* Except as provided in § 1.164–4, taxes assessed against local benefits of a kind tending to increase the value of the property assessed.

PAR. 4. Section 1.164–3 is amended to read as follows:

**§ 1.164–3 Definitions and special rules.**

For purposes of section 164 and § 1.164–1 to § 1.164–8, inclusive—

(a) *State or local taxes.* A State or local tax includes only a tax imposed by a State, a possession of the United States, or a political subdivision of any of the foregoing, or by the District of Columbia.

(b) *Real property taxes.* The term "real property taxes" means taxes imposed on interests in real property and levied for the general public welfare, but it does not include taxes assessed against local benefits. See § 1.164–4.

(c) *Personal property taxes.* The term "personal property tax" means an ad valorem tax which is imposed on an annual basis in respect of personal property. To qualify as a personal property tax, a tax must meet the following three tests:

(1) The tax must be ad valorem—that is, substantially in proportion to the value of the personal property. A tax which is based on criteria other than value does not qualify as ad valorem. For example, a motor vehicle tax based on weight, model year, and horsepower, or any of these characteristics is not an ad valorem tax. However, a tax which is partly based on value and partly based on other criteria may qualify in part. For example, in the case of a motor vehicle tax of 1 percent of value plus 40 cents per hundredweight, the part of the tax equal to 1 percent of value qualifies as an ad valorem tax and the balance does not qualify.

(2) The tax must be imposed on an annual basis, even if collected more frequently or less frequently.

(3) The tax must be imposed in respect of personal property. A tax may be considered to be imposed in respect of personal property even if in form it is imposed on the exercise of a privilege. Thus, for taxable years beginning after December 31, 1963, State and local taxes on the registration or licensing of highway motor vehicles are not deductible as personal property taxes unless and to the extent that the tests prescribed in this subparagraph are met. For example, an annual ad valorem tax qualifies as a personal property tax although it is denominated a registration fee imposed for the privilege of registering motor vehicles or of using them on the highways.

(d) *Foreign taxes.* The term "foreign tax" includes only a tax imposed by the authority of a foreign country. A tax imposed by a political subdivision of a foreign country is considered to be imposed by the authority of that foreign country.

(e) *Sales tax.* (1) The term "sales tax" means a tax imposed upon persons engaged in selling tangible personal property, or upon the consumers of such property, including persons selling gasoline or other motor vehicle fuels at wholesale or retail, which is a stated sum per unit of property sold or which is measured by the gross sales price or the gross receipts from the sale. The term also includes a tax imposed upon persons engaged in furnishing services which is measured by the gross receipts for furnishing such services.

(2) In general, the term "consumer" means the ultimate user or purchaser; it does not include a purchaser such as a retailer, who acquires the property for resale.

(f) *General sales tax.* A "general sales tax" is a sales tax which is imposed at one rate in respect of the sale at retail of a broad range of classes of items. No foreign sales tax is deductible under section 164(a) and paragraph (a) (4) of § 1.164–1. To qualify as a general sales tax, a tax must meet the following two tests:

(1) The tax must be a tax in respect of sales at retail. This may include a tax imposed on persons engaged in selling property at retail or furnishing services at retail, for example, if the tax is measured by gross sales price or by gross receipts from sales or services. Rentals qualify as sales at retail if so treated under applicable State sales tax laws.

(2) The tax must be general—that is, it must be imposed at one rate in respect of the retail sales of a broad range of classes of items. A sales tax is considered to be general although imposed on sales of various classes of items at more than one rate provided that one rate applies to the retail sales of a broad range of classes of items. The term "items" includes both commodities and services.

(g) *Special rules relating to general sales taxes.* (1) A sales tax which is general is usually imposed at one rate in respect of the retail sales of all tangible personal property (with exceptions and additions). However, a sales tax which is selective—that is, a tax which applies at one rate with respect to retail sales of specified classes of items also qualifies as general if the specified classes represent a broad range of classes of items. A selective sales tax which does not apply at one rate to the retail sales of a broad range of classes of items is not general. For example, a tax which applies only to sales of alcoholic beverages, tobacco, admissions, luxury items, and a few other items is not general. Similarly, a tax imposed solely on services is not general. However, a selective sales tax may be deemed to be part of the general sales tax and hence may be deductible, even if imposed by a separate Title, etc., of the State or local law, if imposed at the same rate as the general rate of tax (as defined in subparagraph (4) of this paragraph) which qualifies a tax in the taxing jurisdiction as a general sales tax. For example, if a State has a 5 percent general sales tax and a separate selective sales tax of 5 percent on transient accommodations, the tax on transient accommodations is deductible.

(2) A tax is imposed at one rate only if it is imposed at that rate on generally the same base for all items subject to tax. For example, a sales tax imposed at a 3 percent rate on 100 percent of the sales price of some classes of items and at a 3 percent rate on 50 percent of the sales price of other classes of items would not be imposed at one rate with respect to all such classes. However, a tax is considered to be imposed at one rate although it allows dollar exemptions, if the exemptions are designed to exclude all sales under a certain dollar amount. For example, a tax may be imposed at one rate although it applies to all sales of tangible personal property but applies only to sales amounting to more than 10 cents.

(3) The fact that a sales tax exempts food, clothing, medical supplies, and motor vehicles, or any of them, shall not be taken into account in determining whether the tax applies to a broad range of classes of items. The fact that a sales tax applies to food, clothing, medical supplies, and motor vehicles, or any of them, at a rate which is lower than the general rate of tax (as defined in subparagraph (4) of this paragraph) is not taken into account in determining whether the tax is imposed at one rate on the retail sales of a broad range of classes of items. For purposes of this section, the term "food" means food for human consumption off the premises where sold, and the term "medical supplies" includes drugs, medicines, and medical devices.

(4) Except in the case of a lower rate of tax applicable in respect of food, clothing, medical supplies, and motor vehicles, or any of them, no deduction is allowed for a general sales tax in respect of any item if the tax is imposed on such item at a rate other than the general rate of tax. The general rate of tax is the one rate which qualifies a tax in a taxing jurisdiction as a general sales tax because the tax is imposed at such one rate on a broad range of classes of items. There can be only one general rate of tax in any one taxing jurisdiction. However, a general sales tax imposed at a lower rate or rates on food, clothing, motor vehicles, and medical supplies, or any of them, may nonetheless be deductible with respect to such items. For example, a sales tax which is imposed at 1 percent with respect to food, imposed at 3 percent with respect to a broad range of classes of tangible personal property, and imposed at 4 percent with respect to transient accommodations would qualify as a general sales tax. Taxes paid at the 1 percent and the 3 percent rates are deductible, but tax paid at the 4 percent rate is not deductible. The fact that a sales tax provides for the adjustment of the general rate of tax to reflect the sales tax rate in another taxing jurisdiction shall not be taken into account in determining whether the tax is imposed at one rate on the retail sales of a broad range of classes of items. Moreover, a general sales tax imposed at a lower rate with respect to an item in order to reflect the tax rate in another jurisdiction is also deductible at such lower rate. For example, State E imposes a general sales tax whose general rate is 3 percent. The State E sales tax law provides that in areas bordering on States with general sales taxes, selective sales taxes, or special excise taxes, the rate applied in the adjoining State will be used if such rate is under 3 percent. State F imposes a 2 percent sales tax. The 2 percent sales tax paid by residents of State E in areas bordering on State F is deductible.

(h) *Compensating use taxes.* A compensating use tax in respect of any item is treated as a general sales tax. The term "compensating use tax" means, in respect of any item, a tax which is imposed on the use, storage, or consumption of such item and which is complementary to a general sales tax which is deductible with respect to sales of similar items.

(i) *Special rules relating to compensating use taxes.* (1) In general, a use tax on an item is complementary to a general sales tax on similar items if the use tax is imposed on an item which was not subject to such general sales tax but which would have been subject to such general sales tax if the sale of the item had taken place within the jurisdiction imposing the use tax. For example, a tax imposed by State A on the use of a motor vehicle purchased in State B is complementary to the general sales tax of State A on similar items, if the latter tax applies to motor vehicles sold in State A.

(2) Since a compensating use tax is treated as a general sales tax, it is subject to the rule of subparagraph (C) of section 164(b)(2) and paragraph (g)(4) of this section that no deduction is allowed for a general sales tax imposed in respect of an item at a rate other than the general rate of tax (except in the case of lower rates on the sale of food, clothing, medical supplies, and motor vehicles). The fact that a compensating use tax in respect of any item provides for an adjustment in the rate of the compensating use tax or the amount of such tax to be paid on account of a sales tax on such item imposed by another taxing jurisdiction is not taken into account in determining whether the compensating use tax is imposed in respect of the item at a rate other than the general rate of tax. For example, a compensating use tax imposed by State C on the use of an item purchased in State D is considered to be imposed at the general rate of tax even though the tax imposed by State C allows a credit for any sales tax paid on such item in State D, or the rate of such compensating use tax is adjusted to reflect the rate of sales tax imposed by State D.

PAR. 5. Section 1.164–4 is amended to read as follows:

**§ 1.164–4 Taxes for local benefits.**

(a) So-called taxes for local benefits referred to in paragraph (g) of § 1.164–2 more properly assessments, paid for local benefits such as street, sidewalks, and other like improvements, imposed because of and measured by some benefit inuring directly to the property against which the assessment is levied are not deductible as taxes. A tax is considered assessed against local benefits when the property subject to the tax is limited to property benefited. Special assessments are not deductible, even though an incidental benefit may inure to the public welfare. The real property taxes deductible are those levied for the general public welfare by the proper taxing authorities at a like rate against all property in the territory over which such authorities have jurisdiction. Assessments under the statutes of California relating to irrigation, and of Iowa relating to drainage, and under certain statutes of Tennessee relating to levees, are limited to property benefited, and if the assessments are so limited, the amounts paid thereunder are not deductible as taxes. For treatment of assessments for local benefits as adjustments to the basis of property, see section 1016(a)(1) and the regulations thereunder.

(b)(1) Insofar as assessments against local benefits are made for the purpose of maintenance or repair or for the purpose of meeting interest charges with respect to such benefits, they are deductible. In such cases, the burden is on the taxpayer to show the allocation of the amounts assessed to the different purposes. If the allocation cannot be made, none of the amount so paid is deductible.

(2) Taxes levied by a special taxing district which was in existence on December 31, 1963, for the purpose of retiring indebtedness existing on such date, are deductible, to the extent levied for such purpose, if (i) the district covers the whole of at least one county, (ii) if at least 1,000 persons are subject to the taxes levied by the district, and (iii) if the district levies its assessments annually at a uniform rate on the same assessed value of real property, including improvements, as is used for purposes of the real property tax generally.

PAR. 6. Section 1.164–5 is amended to read as follows:

**§ 1.164–5 Certain retail sales taxes and gasoline taxes.**

For taxable years beginning before January 1, 1964, any amount representing a State or local sales tax paid by a consumer of services or tangible personal property is deductible by such

consumer as a tax, provided it is separately stated and not paid in connection with his trade or business. For taxable years beginning after December 31, 1963, only the amount of any separately stated State and local general sales tax (as defined in paragraph (g) of § 1.164–3) and tax on the sale of gasoline, diesel fuel or other motor fuel paid by the consumer (other than in connection with his trade or business) is deductible by the consumer as tax. The fact that, under the law imposing it, the incidence of such State or local tax does not fall on the consumer is immaterial. The requirement that the amount of tax must be separately stated will be deemed complied with where it clearly appears that at the time of sale to the consumer, the tax was added to the sales price and collected or charged as a separate item. It is not necessary, for the purpose of this section, that the consumer be furnished with a sales slip, bill, invoice, or other statement on which the tax is separately stated. For example, where the law imposing the State or local tax for which the taxpayer seeks a deduction contains a prohibition against the seller absorbing the tax, or a provision requiring a posted notice stating that the tax will be added to the quoted price, or a requirement that the tax be separately shown in advertisements or separately stated on all bills and invoices, it is presumed that the amount of the State or local tax was separtely stated at the time paid by the consumer; except that such presumption shall have no application to a tax on the sale of gasoline, diesel fuel or other motor fuel imposed upon a wholesaler unless such provisions of law apply with respect to both the sale at wholesale and the sale at retail.

PAR. 7. Paragraphs (a) and (c) of § 1.164–8 are amended to read as follows:

**§ 1.164–8 Payments for municipal services in atomic energy communities.**

(a) *General.* For taxable years beginning after December 31, 1957, amounts paid or accrued by any owner of real property within any community (as defined in section 21b of the Atomic Energy Community Act of 1955 (42 U.S.C. 2304)) to compensate the Atomic Energy Commission for municipal-type services (or any agent or contractor authorized by the Atomic Energy Commission to charge for such services) shall be treated as State real property taxes paid or accrued for purposes of section 164. Such amounts shall be deductible as taxes to the extent provided in section 164, §§ 1.164–1 through 1.164–7, and this section. See paragraph (b) of this section for definition of the term "Atomic Energy Commission"; paragraph (c) of this section for the definition of the term "municipal-type services"; and paragraph (d) of this section for the definition of the term "owner".

* * * * *

(c) *Municipal-type services.* For purposes of paragraph (a) of this section, the term "municipal-type services" includes services usually rendered by a municipality and usually paid for by taxes. Examples of municipal-type services are police protection, fire protection, public recreational facilities, public libraries, public schools, public health, public welfare, and the maintenance of roads and streets. The term shall include sewage and refuse disposal which are maintained out of revenues derived from a general charge for municipal-type services; however, the term shall not include sewage and refuse disposal if a separate charge for such services is made. Charges assessed against local benefits of a kind tending to increase the value of the property assessed are not charges for municipal-type services. See section 164(c)(1) and § 1.164–4.

PAR. 8. There are inserted immediately after § 1.274–8 the following new sections:

**§ 1.275 Statutory provisions; certain taxes.**

SEC. 275. *Certain taxes.*—(a) *General rule.* No deduction shall be allowed for the following taxes:

(1) Federal income taxes, including—

(A) The tax imposed by section 3101 (relating to the tax on employees under the Federal Insurance Contributions Act);

(B) The taxes imposed by sections 3201 and 3211 (relating to the taxes on railroad employees and railroad employee representatives); and

(C) The tax withheld at source on wages under section 3402, and corresponding provisions of prior revenue laws.

(2) Federal war profits and excess profits taxes.

(3) Estate, inheritance, legacy, succession, and gift taxes.

(4) Income, war profits, and excess profits taxes imposed by the authority of any foreign country or possession of the United States, if the taxpayer chooses to take to any extent the benefits of section 901 (relating to the foreign tax credit).

(5) Taxes on real property to the extent that section 164(d) requires such taxes to be treated as imposed on another taxpayer.

(b) *Cross reference.* For disallowance of certain other taxes, see section 164(c).

[Sec. 275 as added by sec. 207(b)(3)(A), Rev. Act 1964 (78 Stat. 42)]

**§ 1.275–1 Deduction denied in case of certain taxes.**

For description of the taxes for which a deduction is denied under section 275, see paragraphs (a), (b), (c), (d), and (e) of § 1.164–2.

PAR. 9. Section 1.535 is amended by revising section 535(b)(1) and the historical note to read as follows:

**§ 1.535 Statutory provisions; accumulated taxable income.**

SEC. 535. *Accumulated taxable income.* * * *

(b) *Adjustments to taxable income.* * * *

(1) *Taxes.* There shall be allowed as a deduction Federal income and excess profits taxes (other than the excess profits tax imposed by subchapter E of chapter 2 of the Internal Revenue Code of 1939 for taxable years beginning after December 31, 1940) and income, war profits, and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 275(a)(4)), accrued during the taxable year or deemed to be paid by a domestic corporation under section 902(a)(1) or 960(a)(1)(C) for the taxable year, but not including the accumulated earnings tax imposed by section 531, the personal holding company tax imposed by section 541, or the taxes imposed by corresponding sections of a prior income tax law.

* * * * *

[Sec. 535 as amended by sec. 31, Technical Amendments Act 1958 (72 Stat. 1631); sec. 205 Small Business Tax Revision Act 1958 (72 Stat. 1680); sec. 9(d)(2), Rev. Act 1962 (76 Stat. 1001); sec. 207, Rev. Act 1964 (78 Stat. 40)]

PAR. 10. Section 1.901 is amended by revising section 901(d)(1) and the historical note to read as follows:

**§ 1.901 Statutory provisions; taxes of foreign countries and of possessions of United States.**

SEC. 901. *Taxes of foreign countries and of possessions of United States.* * * *

(d) *Cross reference.* (1) For deductions of income, war profits, and excess profits taxes paid to a foreign country or a possession of the United States see sections 164 and 275.

* * * * *

[Sec. 901 as amended by sec. 3 (a) and (b), Act of Sept. 14, 1960 (Pub. Law 86–780, 74 Stat. 1013); secs. 9(d)(3) and 12(b)(1), Rev. Act 1962 (76 Stat. 1001, 1031); sec. 207, Rev. Act 1964 (78 Stat. 42)]

PAR. 11. Section 1.901–1 is amended by revising paragraphs (c) and (h) to read as follows:

**§ 1.901–1 Allowance of credit for taxes.**

* * * * *

(c) *Deduction denied if credit claimed.* If a taxpayer chooses with respect to any taxable year to claim a credit for taxes to any extent, such choice will be considered to apply to income, war profits, and excess profits taxes paid or accrued in such taxable year to all foreign countries and possessions of the United States, and no portion of any such taxes shall be allowed as a deduction from gross income in such taxable year or any succeeding taxable year. See section 275(a)(4).

* * * * *

(h) *Taxpayers denied credit in a particular taxable year.* * * *

(2) A taxpayer who elects to deduct taxes paid or accrued to any foreign country or possession of the United States (see sections 164 and 275);

* * * * *

PAR. 12. Section 1.903 is amended by revising section 903 and adding a historical note. These amended and revised provisions read as follows:

**§ 1.903 Statutory provisions; credit for taxes in lieu of income, etc., taxes.**

SEC. 903. *Credit for taxes in lieu of income etc., taxes.* For purposes of this subpart and of sections 164(a) and 275(a), the term "income, war profits, and excess profits taxes" shall include a tax paid in lieu of a tax on income, war profits, or excess profits otherwise generally imposed by any foreign country or by any possession of the United States.

[Sec. 903 as amended by sec. 207(b)(8), Rev. Act 1964 (78 Stat. 42)]

PAR. 13. Section 1.903–1 is amended by revising paragraph (a) to read as follows:



**§ 1.903–1 Definition of taxes in lieu of income, war profits, or excess profits taxes.**

(a) *In general.* For the purposes of subpart A (section 901 and following), part III, subchapter N, chapter 1 of the Code, and sections 164(a) and 275(a), the term "income, war profits, and excess profits taxes" includes a tax imposed by statute or decree by a foreign country or by a possession of the United States if—

(1) Such country or possession has in force a general income tax law,

(2) The taxpayer claiming the credit would, in the absence of a specific provision applicable to such taxpayer, be subject to such general income tax, and

(3) Such general income tax is not imposed upon the taxpayer thus subject to such substituted tax.

* * * * *

PAR. 14. Section 31.3502–1 is amended to read as follows:

**§ 31.3502–1 Nondeductibility of taxes in computing taxable income.**

For provisions relating to the nondeductibility, in computing taxable income under subtitle A, of the taxes imposed by sections 3101, 3201, and 3211, and of the tax deducted and withheld under chapter 24, see §§ 1.164–2 and 1.275–1 of this chapter (Income Tax Regulations). For provisions relating to the credit allowable to the recipient of the income in respect of the tax deducted and withheld under chapter 24, see § 1.31–1 of this chapter (Income Tax Regulations).

[F.R. Doc. 64–10905; Filed, Oct. 26, 1964; 8:47 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Part 121 ]

## SYNTHETIC FLAVORING SUBSTANCES AND ADJUVANTS

### Proposed Additional Safe Additives

The Commissioner of Food and Drugs, by publication in the FEDERAL REGISTER of May 27, 1964 (29 F.R. 6957), proposed the issuance of a food additive regulation to prescribe the safe use of synthetic flavoring substances and adjuvants. The final order establishing this regulation is published supra in this issue of the FEDERAL REGISTER (21 CFR 121.1164).

The Commissioner has concluded that several additional substances are safe for the proposed use. The same criteria for concluding safety of these substances were applied as in the case of those proposed in the FEDERAL REGISTER of May 27, 1964.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the Commissioner proposes that § 121.1164 (29 F.R. _____) be amended by inserting alphabetically in the list in paragraph (b) the following new items:

**§ 121.1164 Synthetic flavoring substances and adjuvants.**

* * * * *

(b) * * *

Anisyl phenylacetate.
δ-Dodecalactone; 5-hydroxydodecanoic acid, δ-lactone.
Isoamyl acetoacetate.
Isoamyl isobutyrate.
Sorbitan monostearate.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: October 19, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64–10930; Filed, Oct. 26, 1964; 8:49 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64–CE–33]

## FEDERAL AIRWAY

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would extend VOR Federal airway No. 524 from Scottsbluff, Nebr., to North Platte, Nebr.

Interested persons may participate in the proposed rule making by submitting such written data, views, or comments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

VOR Federal airway No. 524 is designated in part from Scottsbluff, Nebr., to North Platte, Nebr.

The extension of V–524 would provide a VOR route for aircraft operating direct between Scottsbluff and North Platte which are designated as permanent aircarrier stops.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 19, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–10894; Filed, Oct. 26, 1964; 8:45 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64–SO–30]

## FEDERAL AIRWAY

### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would realign VOR Federal airway No. 22 from Brookley, Ala., as a six-mile-wide airway via Pensacola (Saufley Field) Fla.; Intersection of the Saufley 047° and Crestview, Fla., 251° True radials; to Crestview.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of the notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

VOR Federal airway No. 22 is designated in part from Brookley, Ala., as an 8-nmi-wide airway via Pensacola (Saufley Field), Fla., to Crestview, Fla., excluding the portion of the airway which lies within restricted area R–2915A. The Federal Aviation Agency is considering a proposal submitted by the Department of the Navy to realign this segment of V–22 from Brookley as a 6 nautical mile wide airway via Pensacola (Saufley Field); intersection of the Saufley Field 047° and the Crestview 251° True radials; to Crestview. This proposed realignment and width reduction would provide the Navy with vitally needed, additional off-airway airspace which would be utilized for training purposes. In addition, the realignment would eliminate the overlap with restricted area R–2915A.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 19, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10886; Filed, Oct. 26, 1964; 8:45 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-WE-29]

## FEDERAL AIRWAY

### Proposed Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would designate an east alternate segment to VOR Federal Airway No. 105 from Reno, Nev., to Coaldale, Nev., via the Yerington intersection and Mina, Nev.; and which would designate an 11,000-foot MSL floor to the segments of V-105 from the Yerington intersection to Coaldale, and V-105 east alternate from Yerington intersection via Mina to Coaldale.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

The present MEA on V-105 between Reno and Coaldale is 12,000 feet. Continuous navigational signal coverage does not exist, however, for that portion from 60 miles southeast of Reno to 45 miles northwest of Coaldale. Therefore, it is proposed that this situation be corrected by raising the MEA on this airway to 14,000 feet.

In order to provide a lower MEA between Reno and Coaldale, it is proposed that an east alternate to V-105 be designated from the Reno VOR to the Mina VOR via the Reno 135° and the Mina 300° True radials, thence to the Mina VOR and direct to the Coaldale VOR. An MEA of 12,000 feet, or lower, would be established for the alternate airway and there would be only a 5 nmi difference between the direct and alternate airway distances.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 19, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-10886; Filed, Oct. 26, 1964; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Part 73 ]

[Docket No. 15670 (RM-638); FCC 64-964]

## FM BROADCAST STATIONS

### Proposed Table of Assignments for Appleton and Neenah-Menasha, Wis.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition requesting rule making filed on August 3, 1964, by Mr. John J. Dixon, applicant for a new FM broadcast station on Channel 289 in Neenah-Menasha, Wisconsin, requesting the switch of Channels 289 and 257A between Neenah-Menasha and Appleton, Wisconsin, as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Appleton, Wis. | 257A | 289 |
| Neenah-Menasha, Wis. | 289, 289 | 289, 257A |

WNAM, Inc., the second applicant for Channel 289 at Neenah-Menasha also filed a statement in support of the subject petition.[1]

3. Mr. Dixon states that Appleton, a city of 48,411 population, is located about 6 miles north of Menasha and 8 miles north of Neenah in an area commonly called the Fox Valley of Wisconsin; that the combined population of Neenah and Menasha is 32,704; that these three cities are so close and have so many common civic, cultural, economic and social ties as to be considered one community for allocation purposes. He submits that the assignment of Channel 289 to Appleton and Channel 257A to Neenah-Menasha would meet all the requirements of the rules and would conform to the purpose and intent of section 307(b) of the Communications Act; that it would eliminate the need for a comparative hearing between himself and WNAM, Inc. and so avoid the time, burden and expense of such a hearing; that a station on Channel 289 at Appleton at the site proposed by him would provide service all the people in the Fox cities area; and that the proposal would permit the early institution of FM service to both Appleton and Neenah-Menasha. Mr. Dixon attaches to his petition a copy of a signed agreement between himself and WNAM, Inc. concerning the procedures they will take to amend their applications in the event the instant proposal is adopted.

4. The Commission is of the view that rule making should be instituted on the subject petition in order that all interested parties may submit their views and relevant data.

5. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file comments on or before November 23, 1964, and reply comments on or before December 4, 1964. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the rules an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: October 21, 1964.

Released: October 22, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10915; Filed, Oct. 26, 1964; 8:48 a.m.]

[1] The Dixon application (BPH-4278) and that of WNAM, Inc. (BPH-4208) are mutually exclusive but have not as yet been designated for a comparative hearing.

## [ 47 CFR Part 73 ]

[Docket No. 15671 (RM-663); FCC 64-966]

## FM BROADCAST STATIONS

### Proposed Table of Assignments for Grand Rapids and Ionia, Mich.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration the joint petition for rule making filed on September 22, 1964 by Atlas Broadcasting Company, licensee of Station WMAX-FM on Channel 267 at Grand Rapids, Michigan, and Country Broadcasting Company, prospective applicant for a new FM station at Ionia, Michigan, requesting rule making to assign Channel 267 to Ionia by deleting it from Grand Rapids. Petitioners also request that the Commission issue an Order to Show Cause why the license of Station WMAX-FM should not be modified to provide for operation at Ionia instead of Grand Rapids, Michigan.

3. Atlas Broadcasting Co. has entered into an agreement for the sale and transfer of Station WMAX-FM, subject to Commission approval, to Country Broadcasting Co., to be operated as an Ionia station. In order to accomplish this, petitioners are requesting the shift of Channel 267, on which WMAX-FM operates at Grand Rapids, from that city to Ionia in the FM Table of Assignments. They urge that Ionia, a community of 6,754 persons, and the county seat of Ionia County with a population of 43,132, has no nighttime primary radio service. The only radio station in the community or county is WION, a daytime-only station, and the county presently has no FM channel assigned. They point out that Ionia is an important manufacturing, agricultural, trade, and educational center and therefore needs and merits its own FM station. On the other hand, they contend that Grand Rapids has eight Class B stations as well as six standard broadcast stations, three of which are operated unlimited time, and "that Grand Rapids per capita may be the most over-supplied city from an aural broadcast standpoint in the United States." Petitioners point out that a study reveals that Grand Rapids, with a population of 177,313, has more FM assignments than any other city within the 150,000 to 200,000 population grouping and that as a result, the overall operation of these stations, including WMAX-FM, is unprofitable. It is argued that as a result the proposed move of the channel to Ionia from Grand Rapids would serve as an economic benefit to both communities and would afford a fair, efficient and equitable distribution of radio service in the area. Finally, the parties state that Channel 267 can be assigned to Ionia in accordance with the rules and that sites are available at a distance of about 12 miles from Ionia, from which the required signal can be placed over all of Ionia and from which all separations can be met.

4. Atlas and Country refer to a rule making proceeding in Docket 15542, which among other things, invited comments on a proposal to assign Channel 221A to Ionia by making other changes in the Table. This request was originally made by Monroe MacPherson, tr/as Ionia Broadcasting Company, licensee of Station WION at Ionia. Since MacPherson is a principal in Country Broadcasting Co., and Country considers that the assignment of Class B Channel 267 would better serve the interests of the area, petitioners ask the Commission to defer action on the Channel 221A request and state that they will seek dismissal of that request. We will dispose of the 221A request in Docket 15542 and need not consider it further here.

5. The Commission is of the view that rule making should be instituted on the request of the petitioners in order that interested parties may submit their views and relevant data. We are not taking action at this time on the request for a Show Cause Order to Station WMAX-FM, but will take whatever action is appropriate at the termination of this proceeding.

6. Comments are invited on the following:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Grand Rapids, Mich. | 229, 239, 245, 250, 267, 275, 281, 289 | 229, 239, 245, 250, 275, 281, 289 |
| Ionia, Mich. | | 267 |

6. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before November 23, 1964, and reply comments on or before December 4, 1964. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: October 21, 1964.

Released: October 22, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10916; Filed, Oct. 26, 1964; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. R-268]

## [ 18 CFR Part 12 ]

## HYDROELECTRIC LICENSED PROJECTS

### Proposed Inspections To Insure Safe Operation

OCTOBER 20, 1964.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that the Commission is proposing to amend its Regulations Under the Federal Power Act by the prescription of a new Part 12 providing for procedures related to the inspection of hydroelectric projects licensed and operating pursuant to that Act to insure that the project works are maintained and operated safely.

2. Section 10(c) of the Act (16 U.S.C. 804(c)) provides, inter alia, that licensees shall conform to such rules and regulations as the Commission may from time to time prescribe for the protection of life, health and property. The public has a paramount interest in the safety of hydroelectric structures and it is incumbent on the Commission to assure the safe operation of those projects. The regulations proposed herein are to carry out that responsibility.

3. Any interested person may submit to the Federal Power Commission, Washington, D.C., 20426, on or before December 9, 1964, data, views, and comments in writing concerning the proposals set forth herein. The Commission will consider these written submittals before taking any action upon this proposal. An original and nine copies of any such submittals should be filed.

4. Licensed projects are inspected periodically by the Commission's staff but there is a definite limit on the number and detail of government financed inspections. In the exercise of its responsibilities under the Federal Power Act, the Commission finds that additional inspections are required to carry out its obligations and to assure that the Commission and the licensees have accurate information on the condition of project structures and facilities.

5. The Commission is proposing that in addition to existing inspections a periodic detailed inspection of project facilities be made at five-year intervals, and at such intermediate occasions as may be found necessary by the licensee or the Commission's representative, by independent consultants or consulting firms qualified to make the type of inspection necessary in a particular situation. A report of the inspection would then be made to the licensee and the Commission together with such recommendations as to corrective measures as may be required.

6. The regulation here proposed is not intended to relieve or release the licensee from any responsibility for maintenance, operation and inspection of its project to assure its stability and safety, or for immediate notification to the Commission's representative concerning any condition or development which could have an effect on the safety of project structures.

7. While the provisions of the regulation will apply to all projects, the circumstances may warrant complete exemption in particular cases or modification of the requirements with respect to frequency or otherwise. Such exemptions or modifications may be granted by the Commission and it is expected that provisional determinations with respect thereto will be made within the year following the effective date of the regulation. Furthermore, since it would be unnecessary in most cases and in some instances inequitable to require with respect to projects already under license that inspections be made immediately after the issuance of the regulation, the Commission is proposing (see § 12.6(b)) a time schedule for this purpose based upon the length of time a project has been under license.

8. These amendments are proposed to be issued under the authority of the Federal Power Act, as amended, particularly sections 10(c), 304(a) and 309 thereof (49 Stat. 842, 855, 858; 16 U.S.C. 803(c), 825c(a), 825h).

9. Accordingly, it is proposed to amend Subchapter B, Regulations Under the Federal Power Act, Chapter I of Title 18 of the Code of Federal Regulations, by prescribing a new Part 12 to read as follows:

## PART 12—INSPECTION OF PROJECT WORKS WITH RESPECT TO SAFETY OF STRUCTURES AND OPERATION

§ 12.1 Applicability.

Unless a complete exemption or modification is granted by the Commission, the provisions of this part shall apply with respect to all projects licensed under Part I of the Federal Power Act.

§ 12.2 Periodic inspections.

Notwithstanding any other terms and conditions of the license, the licensee shall cause a complete inspection of the

project works to be made at least every 5 years in order to determine whether there are any deficiencies or potential deficiencies in the condition of project structures, quality and adequacy of maintenance or methods of operation which might endanger safe operation. Such inspections shall provide pertinent data with respect, but not limited, to such matters as settlement, movement, erosion, seepage, leakage, cracking, examination of internal conditions of stress and hydrostatic pressures in the structure, its foundation and abutments, functioning of foundation drains and relief wells and stability of critical sections of reservoir shorelines.

**§ 12.3 Interim inspections.**

When an inspection by the licensee or the Commission's staff reveals conditions of concern regarding the safety of any project structure or the operation of the project works, the licensee shall cause to be made such investigation as may be found by the Commission to be warranted under the circumstances.

**§ 12.4 Employment of consultants.**

The inspections provided for by §§ 12.2 and 12.3 of this part shall be performed by or under the responsibility and direction of a qualified independent consulting engineering firm or such independent engineering or geologic consultants employed by the licensee as the type of structure and the situation may warrant.

**§ 12.5 Report of inspections—recommendations.**

(a) The report of the consultant thereon, in form satisfactory to the Commission, shall be made available simultaneously to both the licensee and the Commission. If, during the course of an inspection, conditions are disclosed which indicate the need for emergency corrective measures, the consultant shall immediately report the situation to the licensee and the Commission.

(b) The report, which shall be made by the consultant, shall include a complete review of any and all items relating to the safety of the project, including records, as pertinent, of observations of pressures, stresses, settlements and similar data, and recommendations if any, as to corrective measures required. The report shall also include any recommendations considered appropriate on instrumentation or periodic observations of the behavior of any features of the project.

(c) Three copies of the report of the consultant shall be filed with the Commission as promptly as possible after the completion of an inspection, either periodic or interim. In any event, licensee shall submit to the Commission, within 30 days following submission of the report or such other time as may be directed by the Commission, any plan of action it proposes to take or any corrective measures that may be recommended and any additional measures that the licensee considers may be required.

**§ 12.6 Initial inspection—time for reporting.**

(a) *Licenses issued subsequent to the effective date of this part.* The initial inspection required by this part with respect to projects licensed after the effective date hereof shall be made so that the report required by § 12.5, together with licensee's proposal for remedial work, if any, can be submitted to the Commission within 5 years of the date of the first commercial operation of projects constructed under license and within two years of the date of the issuance of license for constructed projects.

(b) *Licenses issued prior to the effective date of this part.* The initial inspection required by this part with respect to the projects licensed before the effective date hereof shall be made so that the report required by § 12.5, together with licensee's proposed for remedial work, if any, can be submitted to the Commission within the time after the effective date hereof specified in the following schedule:

| If license was issued: | *Time within which initial report shall be submitted* |
|---|---|
| Prior to Jan. 1, 1940 | 18 months |
| Jan. 1, 1940 to Jan. 1, 1950 | 27 months |
| After Jan. 1, 1950 | 36 months |

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10889; Filed, Oct. 26, 1964; 8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

**[ 49 CFR Part 187 ]**

**[Ex Parte No. MC-52]**

**SCHEDULE RULES FOR CONTRACT CARRIERS OF PROPERTY BY MOTOR VEHICLE**

**Notice of Proposed Rule Making**

At a session of the Interstate Commerce Commission, Division 2, acting as an Appellate Division, held at its office in Washington, D.C., on the 9th day of October A.D. 1964.

Upon consideration of the petition of the Contract Carrier Conference of American Trucking Associations, Inc., filed August 3, 1964, for reconsideration of the order of the Commission, Division 2, dated July 9, 1964, denying a petition seeking amendment of Tariff Circular MF No. 4, 49 CFR 187.0–187.13, to permit motor contract carriers to publish and file looseleaf schedules and amendments thereto, or, in the alternative, for reopening of the matter for oral hearing and further consideration upon the record so developed; and for good cause appearing:

*It is ordered*, That the above-entitled proceeding be, and it is hereby, reopened, and that a proceeding be, and it is hereby, instituted under authority of Part II of the Interstate Commerce Act, sections 204 and 218, and section 4 of the Administrative Procedure Act for the purpose of determining whether § 187.5 of Tariff Circular MF No. 4, 49 CFR 187.0–187.13, should be amended to permit the publication and filing of looseleaf schedules by motor contract carriers of property operating in interstate or foreign commerce.

*It is further ordered*, That the Bureau of Inquiry and Compliance of this Commission be, and it is hereby, directed to participate in this proceeding.

*It is further ordered*, That this proceeding be handled under modified procedure, the filing and service of pleadings to be as follows: (a) Opening statement of facts and argument by petitioner (and any parties supporting petitioner) on or before 30 days from the date of service of this order; (b) 30 days after that date statement of facts and argument by any party opposing petitioner, or taking a neutral position with respect thereto; and (c) 10 days thereafter reply by party described in (a).

*And it is further ordered*, That a copy of this order be served on petitioner and on all Public Utility Commissions or Boards, or similar regulatory bodies, of each State; that a copy be posted in the Office of the Secretary of the Interstate Commerce Commission for public inspection; and that a copy be delivered to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission, Division 2, acting as an Appellate Division.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-10902; Filed, Oct. 26, 1964; 8:47 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

**Coast Guard**

**[CGFR 64-61]**

**EQUIPMENT, INSTALLATIONS, OR MATERIALS**

**Approval and Termination of Approval Notice**

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ–10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document, during the period from May 18, 1964 to June 29, 1964 (List Nos. 16–64, 17–64, 18–64). These actions were taken in accordance with procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in section 632, of Title 14, U.S. Code, and Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167–14 dated November 26, 1954 (19 F.R. 8026), 167–15 dated January 3, 1955 (20 F.R. 840), 167–20 dated June 18, 1956 (21 F.R. 4894), CGFR 56–28 dated July 24, 1956 (21 F.R. 5630), or 167–28 dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items of equipment as listed in Part II such equipment may be used so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

WINCHES, LIFEBOAT

Approval No. 160.015/73/1, Type H–55A lifeboat winch for use with Type G–55P gravity pivot davit, approved for a maximum working load of 5,500 pounds pull at the drums (2,750 pounds per fall), identified by sectional view drawing 3684–3, revision C dated May 8, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., effective June 8, 1964. (Used only with Type G–55 gravity pivot davit (Approval No. 160.032/158/2).) (It reinstates Approval No. 160.015/73/1 which was terminated January 6, 1964.)

DAVITS

Approval No. 160.032/158/2, gravity pivot davit, Type G–55–P, for use with Type H–55A lifeboat winch, approved for a maximum working load of 11,000 pounds per set (5,500 pounds per arm), using two-part falls, identified by general arrangement drawing 3684, revision H dated March 13, 1964, and drawing list dated March 17, 1964, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., effective June 8, 1964. (It reinstates and supersedes Approval No. 160.032/158/1 which was terminated January 6, 1964.)

LIFEBOATS

Approval No. 160.035/398/0, 24.0' x 8.0' x 3.58' steel, oar-propelled lifeboat, 49-person capacity, with removable interior, identified by construction and arrangement drawing No. 80226 dated January 30, 1959, and revised March 24, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., effective June 17, 1964. (It is an extension of Approval No. 160.035/398/0 dated June 20, 1959.)

INFLATABLE LIFE RAFTS

Approval No. 160.051/28/0, inflatable life raft, 15-person capacity, identified by general arrangement drawing PE–E–1047, revision H dated December 7, 1960, and specifications, revision G dated May 19, 1964, manufactured by United States Rubber Transportation Products Dept., 10 Eagle Street, Providence 1, R.I., effective June 18, 1964. (Satisfies requirements for inflatable life raft of 1960 International Convention for Safety of Life at Sea.)

FIRE PROTECTIVE SYSTEMS

Approval No. 161.002/4/2, audible and visual, supervised smoke detecting system, Model ESDS–1 (General Schematic Wiring Diagram No. 94366, Change 3), up to 44 lines, consisting of 6 major components:

1. Control Unit—Smoke Detector Cabinet, Drawing No. 93325 or 94320.
2. Engineroom Alarm, Drawing No. 93995.
3. Wheelhouse Annunciator Panel, Drawing No. 94290.
4. Twin Suction Blower, Drawing No. 94180.
5. 3'' Air Direction Valve, Drawing No. 93825.
6. Main Circuit Breaker (CB–1), Drawing No. 88920.

manufactured by Fyr-Fyter Company, Newark Branch Office, P.O. Box 750, Newark 1, N.J., effective June 17, 1964. (Additional data contained in Commandant (MMT–1) letter of 12 April 1962, file JJ/161.002/4 with its enclosures.) (It supersedes Approval No. 161.002/4/1 dated April 12, 1962.)

FLASHLIGHTS, ELECTRIC, HAND

Approval No. 161.008/5/1, No. 1918 waterproof flashlight, Type I, size 2 (2-cell), identified by assembly drawing No. 3F–1833 dated May 4, 1964, manufactured by Bright Star Industries, Clifton, N.J., effective June 5, 1964. (Each flashlight shall be plainly and permanently marked with the name of the manufacturer and above model number.) (It supersedes Approval No. 161.008/5/0 dated February 7, 1964.)

Approval No. 161.008/6/1, No. 1925 waterproof flashlight, Type I, size 3 (3-cell), identified by assembly drawing No. 3F–1833 dated May 4, 1964, manufactured by Bright Star Industries, Clifton, N.J., effective June 5, 1964. (Each flashlight shall be plainly marked with the name of the manufacturer and above model number.) (It supersedes Approval No. 161.008/6/0 dated February 7, 1964.)

Approval No. 161.008/7/1, No. 1917 explosion-proof flashlight, Type II, size 2 (2-cell), identified by assembly drawing No. 2F–1729–A dated April 8, 1964, and revised May 19, 1964, manufactured by Bright Star Industries, Clifton, N.J., effective June 5, 1964. (Each flashlight shall be plainly marked with the name of the manufacturer and above model number.) (It supersedes Approval No. 161.008/7/1 dated January 18, 1960.)

Approval No. 161.008/8/1, No. 1924 explosion-proof flashlight, Type II, size 3 (3-cell), identified by assembly drawing No. 2F–1729–A dated April 8, 1964, and revised May 19, 1964, manufactured by Bright Star Industries, Clifton, N.J., effective June 5, 1964. (Each flashlight shall be plainly marked with the name of the manufacturer and above model number.) (It supersedes Approval No. 161.008/8/1 dated January 18, 1960.)

Approval No. 161.008/11/1, Eveready Model No. 304, flashlight, waterproof, Type I, size No. 2 (2-cell) identified by Bright Star Industries assembly drawing No. 2F–1788–A dated May 27, 1963, manufactured by Bright Star Industries, Clifton, N.J., for Union Carbide Consumers Products Co., 270 Park Avenue, New York 17, N.Y., effective June 5, 1964. (It supersedes Approval No. 161.008/11/0 dated July 17, 1963.)

Approval No. 161.008/12/1, Eveready Model No. 306, flashlight, waterproof, Type I, size No. 3 (3-cell), identified by Bright Star Industries assembly drawing No. 2F–1787–A dated May 27, 1963, manufactured by Bright Star Industries, Clifton, N.J., for Union Carbide Consumers Products Co., 270 Park Avenue, New York 17, N.Y., effective June 5, 1964. (It supersedes Approval No. 161.008/12/0 dated July 17, 1963.)

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Approval No. 162.025/41/1–44/1, Reliance Eye-Hye secondary type boiler water level indicators, remote reading, 400 p.s.i. maximum pressure, drawing No. D–6610–4 dated February 19, 1949, approved for the following model numbers:

| Approval number: | Model number |
|---|---|
| 162.025/41/1 | E400 |
| 162.025/42/1 | E400–A |
| 162.025/43/1 | E400–B |
| 162.025/44/1 | E400–C |

manufactured by The Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, Ohio, 44135; effective June 5, 1964. (It supersedes Approval No. 162.025/41/1–44/1, inclusive, dated January 22, 1963, to show change of name and address of manufacturer.)

Approval No. 162.025/45/1–48/1, Reliance Eye-Hye secondary type boiler water level indicators, remote reading, 400 p.s.i. maximum pressure, drawing No. D–6611–4 dated February 22, 1949, approved for the following model numbers:

| Approval number: | Model number |
|---|---|
| 162.025/45/1 | E401 |
| 162.025/46/1 | E401–A |
| 162.025/47/1 | E401–B |
| 162.025/48/1 | E401–C |

manufactured by The Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, Ohio, 44135, effective June 5, 1964. (It supersedes Approval No. 162.025/45/1–48/1, inclusive, dated January 22, 1963, to show change in name and address of manufacturer.)

Approval No. 162.025/49/1–52/1, Reliance Eye-Hye secondary type boiler water level indicators, remote reading, 600 p.s.i. maximum pressure, drawing No. 6612–4 dated February 19, 1949, approved for the following model numbers:

| Approval number: | Model number |
|---|---|
| 162.025/49/1 | E600 |
| 162.025/50/1 | E600–A |
| 162.025/51/1 | E600–B |
| 162.025/52/1 | E600–C |

manufactured by The Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, Ohio, 44135, effective June 5, 1964. (It supersedes Approval No. 162.025/49/1–52/1, inclusive, dated January 22, 1963, to show change in name and address of manufacturer.)

Approval No. 162.025/80/0–82/0, Reliance Eye-Hye secondary type boiler water level indicators, remote reading, 2500 p.s.i. maximum pressure, drawing No. B–8403 dated October 25, 1956, approved for the following model numbers:

| Approval number: | Model number |
|---|---|
| 162.025/80/0 | E2501 |
| 162.025/81/0 | E2501A |
| 162.025/82/0 | E2501B |

manufactured by The Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, Ohio, 44135, effective June 5, 1964. (It supersedes Approval No. 162.025/80/0–82/0, inclusive, dated January 22, 1963, to show change of name and address of manufacturer.)

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFEBOATS

Termination of Approval No. 160.035/372/0, 26.0′ x 8.75′ x 3.75′ steel, hand-propelled lifeboat, 53-person capacity, identified by general arrangement drawing No. G–2653–H dated April 1957, and revised February 26, 1959, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y., effective June 20, 1964. (Expiration and termination of Approval No. 160.035/372/0 dated June 20, 1959.)

Termination of Approval No. 160.035/387/0, 24.0′ x 8.0′ x 3.5′ fibrous glass reinforced plastic, oar-propelled lifeboat, 40-person capacity, identified by general arrangement drawing No. 57–2448 dated December 30, 1958, and revised February 16, 1959, manufactured by Lane Lifeboat & Davit Corp., 8920 26th Avenue, Brooklyn 14, N.Y., effective June 20, 1964. (Expiration and termination of Approval No. 160.035/387/0 dated June 20, 1959.)

Termination of Approval No. 160.035/391/0, 28′ x 9.79′ x 4.13′ aluminum (Class A), motor-propelled lifeboat, 60-person capacity, identified by general arrangement drawing No. 28–9B, revision C dated February 4, 1959, manufactured by Marine Safety Equipment Corp., Point Pleasant, N.J., effective June 20, 1964. (Expiration and termination of Approval No. 160.035/372/0 dated June 20, 1959.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.047/502/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ero Manufacturing Co., Crystal Lake, Ill.; and Hazlehurst, Ga., for The S & M Co., Arthur and Kennedy Streets, Minneapolis 13, Minn., effective June 29, 1964. (Termination of Approval No. 160.047/502/0 dated February 3, 1961, because item is no longer manufactured.)

Termination of Approval No. 160.047/503/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ero Manufacturing Co., Crystal Lake, Ill.; and Hazlehurst, Ga., for The S & M Co., Arthur and Kennedy Streets, Minneapolis 13, Minn., effective June 29, 1964. (Termination of Approval No. 160.047/503/0 dated February 3, 1961, because item is no longer manufactured.)

Termination of Approval No. 160.047/504/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ero Manufacturing Co., Crystal Lake, Ill.; and Hazlehurst, Ga., for The S & M Co., Arthur and Kennedy Streets, Minneapolis 13, Minn., effective June 29, 1964. (Termination of Approval No. 160.047/504/0 dated February 3, 1961, because item is no longer manufactured.)

Termination of Approval No. 160.047/523/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ero Manufacturing Co., Crystal Lake, Ill.; and Hazlehurst, Ga., for S. H. Barton & Co., 4910 South Vermont Avenue, Los Angeles 37, Calif., effective June 29, 1964. (Termination of Approval No. 160.047/523/0 dated December 12, 1961, because item is no longer manufactured.)

Termination of Approval No. 160.047/524/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ero Manufacturing Co., Crystal Lake, Ill.; and Hazlehurst, Ga., for S. H. Barton & Co., 4910 South Vermont Avenue, Los Angeles 37, Calif., effective June 29, 1964. (Termination of Approval No. 160.047/524/0 dated December 12, 1961, because item is no longer manufactured.)

Termination of Approval No. 160.047/525/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ero Manufacturing Co., Crystal Lake, Ill.; and Hazlehurst, Ga., for S. H. Barton & Co., 4910 South Vermont Avenue, Los Angeles 37, Calif., effective June 29, 1964. (Termination of Approval No. 160.047/525/0 dated December 12, 1961, because item is no longer manufactured.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.048/212/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c) (1) (i), manufactured by Ero Manufacturing Co., Crystal Lake, Ill.; and Hazlehurst, Ga., for S. H. Barton & Co., 4910 South Vermont Avenue, Los Angeles 37, Calif., effective June 29, 1964. (Termination of Approval No. 160.048/212/0 dated December 12, 1961, because item is no longer manufactured.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.052/51/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052 manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines 17, Iowa, for Nu-Way Sporting Goods Co., 708 Eighth Street, Sioux City 2, Iowa, effective June 20, 1964. (Expiration and termination of Approval No. 160.052/51/0 dated June 20, 1959.)

Termination of Approval No. 160.052/52/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines 17, Iowa, for Nu-Way Sporting Goods Co., 708 Eighth Street, Sioux City 2, Iowa, effective June 20, 1964. (Expiration and termination of Approval No. 160.052/52/0 dated June 20, 1959.)

Termination of Approval No. 160.052/53/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines 17, Iowa, for Nu-Way Sporting Goods Co., 708 Eighth Street, Sioux City 2, Iowa, effective June 20, 1964. (Expiration and termination of Approval No. 160.052/53/0 dated June 20, 1959.)

Termination of Approval No. 160.052/67/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Canvas Specialty Manufacturing Co., 7344 East Bandini Boulevard, Los Angeles 22, Calif., effective June 20, 1964. (Expiration and termination of Approval No. 160.052/67/0 dated June 20, 1959.)

Termination of Approval No. 160.052/68/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Canvas Specialty Manufacturing Co., 7344 East Bandini Boulevard, Los Angeles 22, Calif., effective June 20, 1964. (Expiration and termination of Approval No. 160.052/68/0 dated June 20, 1959.)

Termination of Approval No. 160.052/69/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Canvas Specialty Manufacturing Co., 7344 East Bandini Boulevard, Los Angeles 22, Calif., effective June 20, 1964. (Expiration and termination of Approval No. 160.052/69/0 dated June 20, 1959.)





Dated: October 16, 1964.

[SEAL] E. J. ROLAND,
*Admiral, U.S. Coast Guard Commandant.*

[F.R. Doc. 64–10906; Filed, Oct. 26, 1964; 8:47 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[BLM 079909]

## MINNESOTA

### Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 21, 1964.

On September 4, 1964, the Forest Service, Department of Agriculture, filed application BLM 079909, amended October 14, 1964, for the withdrawal of the lands described below from disposition under the public land laws for inclusion in the Superior National Forest, Minn.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Washington, D.C., 20240.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A copy of the notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

T. 50 N., R. 20 W., fourth principal meridian, Minnesota,
Sec. 29, lot 6, 2.25; lot 7, 0.12.
T. 58 N., R. 7 W.,
Sec. 30, lot 10, 21.15; lot 11, 1.75; lot 12, 17.48; lot 13, 39.65; lot 15, 3.81; lot 16, 1.00.
T. 61 N., R. 16 W.,
Sec. 7, SE¼SE¼, 40.00.
T. 62 N., R. 20 W.,
Sec. 6, lot 10, 40.00;
Sec. 17, SW¼NE¼, SE¼NE¼, 80.00.
T. 65 N., R. 20 W.,
Sec. 22, lot 5, 0.17.

Containing a total area of 247.38 acres.

DORIS A. KOIVULA,
*Manager, Land Office.*

[F.R. Doc. 64–10895; Filed, Oct. 26, 1964; 8:46 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Research Service

### IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

### Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 181.1, the lists (29 F.R. 9509, 11133, 12406 and 13435) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to Dunn Meat Packers, Inc., establishment 348, and the reference to swine with respect to such establishment are deleted. The reference to Ross Packing Company, establishment 645, and the reference to cattle with respect to such establishment are deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

| Name of establishment | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|---|---|---|---|---|---|---|
| Armour & Co. | 2W | | | | | (*) | |
| Samuels & Co., Inc. | 29 | (*) | (*) | | | | |
| The Lundy Packing Co. | 413A | | | | | (*) | |
| Snider Bros., Inc. | 512 | (*) | (*) | | | | |
| Black Hills Packing Co. | 554W | (*) | | | | | |
| New Establishments Reporting: 5. | | | | | | | |
| Swift & Co. | 3E | | | | (*) | | |
| Glover Packing Co. of Amarillo | 60A | | (*) | | | | |
| Auburn University | 71 | | (*) | | | | |
| Samuels & Co., Inc. | 94 | (*) | | | | | |
| Armour & Co. | 100 | | (*) | | | | |
| John Morrell & Co. | 126 | | | | (*) | | |
| Armour & Co. | 579 | | (*) | | | | |
| Samuels & Co., Inc. | 878 | | | | (*) | | |
| Species Added: 8. | | | | | | | |

Done at Washington, D.C., this 22d day of October 1964.

C. H. PALS,
*Director, Meat Inspection Division, Agricultural Research Service.*

[F.R. Doc. 64–10922; Filed, Oct. 26, 1964; 8:48 a.m.]

## Agricultural Stabilization and Conservation Service

### SUGARBEETS

### Notice of Hearing

Notice is hereby given that the Secretary of Agriculture, acting pursuant to the Sugar Act of 1948, as amended (61 Stat. 922) is preparing to receive views and recommendations from all interested persons on the allocation of the national sugarbeet acreage requirement, excluding 118,815 acres previously made available to localities under the sugarbeet acreage reserve, to States and the establishment of proportionate shares (farm acreage allotments) for the 1965 sugarbeet crop. A 1965-crop national sugarbeet acreage requirement of 1,375,000 acres was announced previously by the Department of Agriculture.

This action was recommended by the major sugarbeet grower associations and by all of the sugarbeet processors.

In accordance with the provisions of section 302 of the Sugar Act of 1948, as amended, an informal public hearing will be held in the Hilton Inn, San Francisco International Airport, San Francisco, California, beginning at 10:00 a.m. on October 27, 1964, to receive the views and recommendations of interested persons on this subject.

Views and recommendations are desired on all phases of the proportionate share program, particularly on the following:

1. The method (formula) of dividing the national acreage requirement of 1,375,000 acres, not including the 118,815 acres previously made available to localities under the sugarbeet acreage reserve, among sugarbeet producing States.

2. The method (formula) of establishing allotments for areas within States and for establishing individual farm acreage allotments.

3. The level of set-asides for new producers, appeals and adjustments.

Briefs may be presented at the hearing (in original and two copies), or mailed to the Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, so as to be received not later than November 6, 1964.

Effective date: Date of publication.

Signed at Washington, D.C., on October 19, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-10896; Filed, Oct. 26, 1964; 8:46 a.m.]

## Office of the Secretary

### MARYLAND

### Extension of Period for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Maryland a natural disaster for which said counties were designated (28 F.R. 9885) has continued and has resulted in a continuing need in those counties for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MARYLAND

| | |
|---|---|
| Anne Arundel. | Prince Georges. |
| Calvert. | St. Marys. |
| Charles. | |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 22d day of October 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-10924; Filed, Oct. 26, 1964; 8:49 a.m.]

### TEXAS

### Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Lamb.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 22d day of October 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-10925; Filed, Oct. 26, 1964; 8:49 a.m.]

### ARKANSAS, MINNESOTA, AND TEXAS

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Arkansas, Minnesota, and Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

| | |
|---|---|
| Ashley. | Desha. |
| Chicot. | Lincoln. |

MINNESOTA

| | |
|---|---|
| Marshall. | Red Lake. |
| Pennington. | Roseau. |

TEXAS

| | |
|---|---|
| Bailey. | Hansford. |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Minnesota counties after December 31, 1965, or in the above-named Arkansas and Texas counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 22d day of October 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-10923; Filed, Oct. 26, 1964; 8:49 a.m.]

# DEPARTMENT OF COMMERCE

## Bureau of International Commerce

[File No. 22-65]

### FIRMA A. BAKKEREN

### Order Extending Temporary Denial of Export Privileges

In the matter of A. Bakkeren, doing business as Firma A. Bakkeren, Kerkhofweg 3, Breda, The Netherlands, File 22-65; respondent.

An order temporarily denying export privileges for a period of sixty days was issued in the above matter on August 25, 1964 (29 F.R. 12481). Said order was issued in connection with an investigation instituted by the Investigations Division, Office of Export Control, Bureau of International Commerce, into activities of the respondent: In engaging in trade and participating in transactions, involving commodities exported from the United States, with persons who have been denied U.S. export privileges; and in participating in the diversion, transshipment and reexportation of U.S. origin commodities to prohibited destinations, in contravention of the United States Export Control Act and regulations thereunder.

The Director of said Investigations Division has applied under § 382.11 of the Export Regulations for an extension of the temporary denial order. He represents that a charging letter will be issued against the respondent in the near future.

The matter has been considered by the Compliance Commissioner and he has reported his recommendation to me that the present temporary order be extended until the completion of administrative compliance proceedings and that such



extension is reasonably necessary to protect the public interest pending final disposition of the proceedings and is necessary for the effective enforcement of the law. I do so find.

*Accordingly, it is hereby ordered:*

I. The provisions and restrictions of the temporary order issued against the above respondent on August 25, 1964 (29 F.R. 12481) are hereby continued in full force and effect.

II. The respondent, his successors or assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order continues in full force and effect the provisions and restrictions of the temporary denial order of August 25, 1964, and shall remain in effect until the completion of administrative compliance proceedings unless it is hereafter amended, modified, or vacated in accordance with the provisions of the United States Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondent.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

Dated: October 21, 1964.

FORREST D. HOCKERSMITH,
*Director, Office of Export Control.*

[F.R. Doc. 64-10904; Filed, Oct. 26, 1964; 8:47 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

### MARKET TESTING OF FROZEN WHOLE EGGS DEVIATING FROM IDENTITY STANDARD

### Notice of Issuance of Temporary Permit

Pursuant to § 10.5(j) of Title 21, Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Standard Brands Incorporated, 625 Madison Avenue, New York, New York. This temporary permit covers interstate marketing tests of frozen whole eggs deviating from the requirements of the standard of identity for that food (21 CFR 42.20). Prior to freezing a water solution of monosodium phosphate is to be added in such quantity as to contribute not more than 0.5 percent of monosodium phosphate and not more than 0.5 percent of added water to the finished food. The product will be labeled to show these added ingredients. This permit expires October 15, 1965.

Dated: October 19, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-10931; Filed, Oct. 26, 1964; 8:49 a.m.]

### GLASTIC CORP.

### Notice of Filing of Petition Regarding Food Additives Polyester-Styrene Copolymer Resins

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1511) has been filed by The Glastic Corporation, 4321 Glenridge Road, Cleveland, Ohio, 44121, proposing that § 121.2576 *Unsaturated polyester-styrene copolymer resins* be amended by adding lauroyl peroxide as a catalyst, benzoquinone as an inhibitor, and titanium dioxide, polyethylene glycol 6000, and asbestos as miscellaneous materials to the table under paragraph (b). It is further proposed to limit benzoquinone to 0.01 percent by weight of finished resin.

Dated: October 21, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-10932; Filed, Oct. 26, 1964; 8:49 a.m.]

### B. A. TROTTER, INC.

### Notice of Filing of Petition Regarding Food Additives Antioxidants and/or Stabilizers

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that petitions (FAP 4B1250 and 4B1353) have been filed by B. A. Trotter, Inc., 939 Port Washington Boulevard, Port Washington, New York, 11050, proposing that paragraph (b) of § 121.2566 *Antioxidants and/or stabilizers for polymers* be amended by inserting alphabetically in the list of substances in the table the following items:

| | |
|---|---|
| Magnesium salicylate. | For use only in rigid polyvinyl chloride, provided that total salicylates (calculated as the acid), do not exceed 0.3 percent by weight of the polymer. |
| Pentaerythritol and its stearate ester. | For use only in rigid polyvinyl chloride, provided that the total amount of pentaerythritol and/or pentaerythritol stearate (calculated as free pentaerythritol) does not exceed 0.4 percent by weight of the polymer. |
| Zinc salicylate.... | For use only in rigid polyvinyl chloride, provided that total salicylates (calculated as the acid) do not exceed 0.3 percent by weight of the polymer. |

Dated: October 21, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-10933; Filed, Oct. 26, 1964; 8:49 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 18606; Order E-21429]

## APACHE AIRLINES, INC.

### Order Regarding Establishment of Service Mail Rate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of October 1964.

The Board, on October 5, 1964, adopted Order E-21358 directing all interested persons, and specifically Apache Airlines, Inc., and the Postmaster General, to show cause why the Board should not adopt the proposed findings and conclusions and fix, determine and publish the rates proposed therein for the mail transportation described.

The time designated for filing notice of objection has elapsed and no notice of objection or answer to the order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a final decision of the Board fixing the final rate.

The Board, upon consideration of the record, hereby reaffirms and makes final the findings set forth in the said order.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof:

*It is ordered*, That:

1. The fair and reasonable final service mail rate to be paid to Apache Airlines, Inc., pursuant to section 406 of the Act, effective on the date that Apache commences operations under its exemption, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Douglas, Ariz. and Phoenix, Ariz. and between Douglas, Ariz. and Tucson, Ariz. is the multielement rate established by the Board [1] and as specified in show cause Order E-21358, October 5, 1964, and such rate and the provisional findings and conclusions of such order are incorporated by reference herein.

2. This order be served upon Apache Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-10910; Filed, Oct. 26, 1964; 8:48 a.m.]

[Docket No. 14945; Order E-21426]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of October, 1964.

Agreement adopted by Joint Conference 1-2 of the International Air Transport Association relating to specific commodity rates; Docket No. 14945, Agreement C.A.B. 17869, R-11.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotected notices to the carriers and promulgated in IATA memorandum JT 12/Rates 3208 names an additional specific commodity rate as follows:

Item 2452, Pullovers and Cardigans.
Rate: 78 cents per kilogram, minimum weight 500 kilograms from Helsinki to New York.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

*Accordingly, it is ordered*, That Agreement C.A.B. 17869, R-11, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-10911; Filed, Oct. 26, 1964; 8:48 a.m.]

[Docket No. 15563]

## SERVICE TO DOUGLAS, ARIZONA CASE

### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 10, 1964, at 10:00 a.m., e.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

Dated at Washington, D.C., October 22, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-10912; Filed, Oct. 26, 1964; 8:48 a.m.]

[Docket No. 15150]

## SOUTHERN-EASTERN TRANSFER CASE

### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 10, 1964, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

In order to facilitate the conduct of the conference, interested parties are instructed to submit to the examiner and other parties on or before November 9, 1964, (1) motions pertaining to the scope of the proceeding; (2) proposed statements of issues; (3) proposed stipulations; (4) requests for information; (5) statements of positions of parties; and (6) proposed procedural dates.

Dated at Washington, D.C., October 22, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-10913; Filed, Oct. 26, 1964; 8:48 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14411, 14412; FCC 64M-1041]

## LA FIESTA BROADCASTING CO. AND MID-CITIES BROADCASTING CORP.

### Order Continuing Hearing

In re applications of J. R. Earnest and John A. Flache, d/b as La Fiesta Broadcasting Company, Lubbock, Texas, Docket No. 14411, File No. BP-14116; Mid-Cities Broadcasting Corporation, Lubbock, Texas, Docket No. 14412, File No. BP-15073; for construction permits.

In view of the Hearing Examiner's order FCC 64M-1037, 58402, released October 20, 1964: *It is ordered*, On the Hearing Examiner's own motion, this 21st day of October 1964, that the hearing in the above-entitled matter now scheduled for October 26, 1964, is continued to 10:00 a.m., November 23, 1964, in the Commission's offices in Washington, D.C.

Released: October 22, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10917; Filed, Oct. 26, 1964; 8:48 a.m.]

[Docket No. 15089 etc.; FCC 64R-493]

## SPANISH INTERNATIONAL TELEVISION CO., INC., ET AL.

### Memorandum Opinion and Order Amending Issues

In re applications of Spanish International Television Company, Inc., Paterson, New Jersey, Docket No. 15089, File No. BPCT-3032; Bartell Broadcasters, Inc., Paterson, New Jersey, Docket No. 15091, File No. BPCT-3103; Trans-Tel Corp., Paterson, New Jersey, Docket No. 15092, File No. BPCT-3114; for construction permits for new television broadcast stations.

By the Review Board: Board Member Nelson abstaining.

1. The Review Board has before it for consideration a motion to delete issues, filed September 14, 1964, by Trans-Tel Corp. (Trans-Tel) in which the movant seeks deletion of Issue 7 (as it applies to its application) and Issue 9 as designated in the Commission's Hearing Order (FCC 63-490, released June 3, 1963). Trans-Tel's motion is supported by the Broadcast Bureau in comments filed September 21, 1964, and is not opposed by any other party.

2. Issue 7 pertains to the feasibility of locating the proposed UHF antenna of Trans-Tel and Bartell Broadcasters, Inc. (Bartell) [1] on the Empire State Building. Trans-Tel notes that since designation of this issue, the Commission has determined in another proceeding that location of a UHF antenna system, of a specified type, on the Empire State Building, is feasible. New Jersey Television Broadcasting Corporation, FCC 64-296, 2 R.R. 2d 263 (1964). Having now amended its application [2] to specify the Empire State Building type-accepted antenna for its proposal, Trans-Tel submits that, since the Commission itself has made the determination called for by Issue 7, this issue is now moot as to its application and should be deleted. The Bureau supports Trans-Tel's position, but would delete Issue 7 in its entirety, since the Commission's determination is equally applicable to Bartell's proposal in this proceeding, inasmuch as Bartell has similarly amended its application. This motion does not involve an attempt to resolve a designated issue by way of interlocutory pleadings. Compare: Geoffrey A. Lapping, FCC 63R-349, 1 R.R. 2d 159 (1963). On the contrary, as Trans-Tel indicates, the feasibility question has been finally determined by the Commission in favor of the applicants' proposals. Issue 7 will therefore be deleted in its entirety.

3. Issue 9, which pertains only to Trans-Tel's proposal, relates to a possible violation of the Commission's multiple ownership rule (section 73.636(a)(1)) by grant of Trans-Tel's application. At the time of designation of the applications for hearing there appeared to be an overlap of Trans-Tel's proposal with Station WHNB-TV, New Britain, Connecticut, in which Trans-Tel has a minority stock interest. Trans-Tel states that it has amended its application so as to reduce its power to delete any possible overlap between its proposal and Station WHNB-TV. The Bureau states that Trans-Tel's amendment was in conformity with the Commission's directions contained in footnote 23 to the Report and Order concerning the recent amendment of section 73.636 (FCC 64-445, released June 9, 1964), that pending applications be amended so as to eliminate possible overlap or be dismissed. The Bureau notes that Trans-Tel's amendment was proffered for the purpose of complying with the Commission's directive, and, since possible overlap has been eliminated, Issue 9 should be deleted. In view of the special circumstances noted by the Bureau, Trans-Tel's motion will also be granted as to Issue 9. Cf: Edina Corp., FCC 62R-82, 24 RR 455 (1962).

*Accordingly, it is ordered*, This 21st day of October 1964, that the motion to delete issues, filed September 14, 1964, by Trans-Tel Corp. is granted; and

*It is further ordered*, That Issues 7 and 9 presently designated in this proceeding are deleted.

Released: October 22, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10918; Filed, Oct. 26, 1964; 8:48 a.m.]

[1] This issue also refers to a third application which has been dismissed.

[2] The amendment was accepted by Examiner's Order FCC 64M-833, released September 4, 1964.

[FCC 64-960]

## SOUTH DADE BROADCASTING CO., INC.

### Standard Broadcast Application Ready and Available for Processing

OCTOBER 22, 1964.

The application listed below is mutually exclusive with the application, File No. BR-3580, of the licensee of Station WIII, Homestead, Florida, for renewal of license, in that it requests the same channel as that presently assigned to WIII:

New, Homestead, Fla., South Dade Broadcasting Company, Inc., Requests: 1490 kc, 500 w, Day.

Accordingly, notice is hereby given that the above application is accepted for filing and that on December 1, 1964, the application will be considered as ready and available for processing, and pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application, or with any other application on file by the close of business on November 30, 1964, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on November 30, 1964; or (b) the earlier effective cutoff date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The Commission hereby waives the provisions of the NOTE to § 1.571 of the Commission's rules, adopted July 1, 1964, to the extent necessary to permit the acceptance of other applications seeking essentially the same facilities.

The attention of any party in interest desiring to file pleadings concerning the above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: October 21, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10919; Filed, Oct. 26, 1964; 8:48 a.m.]

# FEDERAL MARITIME COMMISSION

[Docket No. 1206; Agreements 9229, 8090]

## ITALY, FRANCE, SPAIN AND PORTUGAL/NORTH PACIFIC FREIGHT POOL AND MEDITERRANEAN/NORTH PACIFIC COAST FREIGHT CONFERENCE

### Notice of Investigation and Hearing

Agreement 9229 is a pooling arrangement between D'Amico S.N.p.A., "Italia" S.p.A.n., Italnavi S.N.p.A., and Zim Israel Navigation Co., Ltd., covering the division of net freight revenue earned by these lines in the trade from Italian, French and Spanish Mediterranean ports, and Portuguese ports to United States and Canadian Pacific Coast ports which has been filed for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

The parties to Agreement 9229 are members of the Mediterranean/North Pacific Coast Freight Conference (Agreement 8090) which Conference includes within its scope the trade area of said pooling agreement. Article 3 of Agreement 8090 provides that the Conference members may form among themselves pooling agreements covering any or all of the ports under the Conference's jurisdiction subject to approval pursuant to section 15. Such pools may include the entire Conference membership or any portion thereof.

The membership of the Mediterranean/North Pacific Coast Freight Conference includes, in addition to the aforesaid carriers, American President Lines, Ltd. This Conference is authorized to establish rates and conditions for the carriage of cargo in the trades from Mediterranean and Black Sea ports and ports on the Atlantic Coast of Spain, Morocco and Portugal to Pacific Coast ports of the United States and Canada and Hawaii. A modification to Agreement 8090, approved November 17, 1960, provided inter alia, for the establishment of a neutral body system of self-policing. Article 9 thereof reads, in pertinent part, as follows:

There shall be a Neutral Body selected and appointed by the Conference from responsible accountants or other person or persons, not a party to, nor employed by, or financially interested in, any party to the agreement upon such terms as are agreed between the Conference and the Neutral Body. • • •

Pursuant to said section 15 of the Shipping Act, 1916, the Commission is directed after notice and hearing to disapprove any agreement that it finds to

be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest, or to be in violation of this Act. It further provides that the Commission shall disapprove any such agreement, after notice and hearing, on a finding of inadequate policing of the obligations under it.

Information before the Commission indicates that the trades encompassed by the Mediterranean/North Pacific Coast Freight Conference may have become unstable due to malpractices in these and related trades and that the self-policing provisions of the Conference agreement may not have been implemented to combat these malpractices as required under the Conference agreement. The proposed agreement appears to constitute an attempt by the Conference to remove the incentive for such malpractices, but by doing so the Conference may be seeking to avoid its self-policing obligations under the Conference agreement and section 15 of the Act. It further appears that the approval of a pooling system, such as that contemplated in Agreement 9229, composed of less than the full Conference membership may lead to instability rather than harmony between the Conference members, and thus may result in detriment to the shippers, carriers and the United States foreign commerce, and may be contrary to the public interest.

Now therefore, by authority vested in the Commission;

*It is ordered*, That, pursuant to sections 15 and 22 of the Shipping Act, 1916, the Commission, upon its own motion enter upon an investigation to determine (1) whether Agreement 9229, if approved, would be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operate to the detriment of the commerce of the United States, or be contrary to the public interest, or be in violation of the said Act; (2) whether there has been adequate policing of the obligations of the parties to Agreement 8090, as amended, and (3) whether Agreements 9229 and 8090, as amended, should be approved, disapproved or modified in any respect, pursuant to said section 15.

*It is further ordered*, That the parties to Agreement 9229 and the members of the Conference (Agreement 8090, as amended) be made respondents to this proceeding; and

*It is further ordered*, That the proceeding herein ordered be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the Chief Examiner; and

*It is further ordered*, That notice of this Order and notice of hearing be published in the FEDERAL REGISTER, and copy of such order and notice of hearing be served upon respondents.

*It is further ordered*, That persons other than respondents who desire to become parties to this proceeding and to participate herein shall file with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, a petition to intervene in accordance with Rule 5(n) of the Commission's rules of practice and procedure on or before November 10, 1964, with copy to each of the respondents.

*It is further ordered*, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 64-10899; Filed, Oct. 26, 1964; 8:46 a.m.]

## STATES MARINE LINES AND SEA-LAND SERVICE, INC.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

A. J. Bruno, Traffic Supervisor,
Sea-Land Service, Inc.,
Puerto Rican Division,
Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement 9389 between States Marine Line, Inc., Global Bulk Transportation Corporation (States Marine Lines) referred to as the originating carrier, and Sea-Land Service, Inc., the West Indies carrier, provides for a through billing arrangement in the transportation of general cargo under through bills of lading from loading ports of the originating carrier in France, Italy, North Africa, Spain, and Portugal to ports of call of the West Indies carrier in Puerto Rico, with transshipment at Baltimore, Md., and New York, N.Y., in accordance with the terms and conditions specified therein.

Dated: October 22, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64-10900; Filed, Oct. 26, 1964; 8:46 a.m.]

# FEDERAL POWER COMMISSION

[Project 2413]

## GEORGIA POWER CO.

### Order Fixing Hearing

OCTOBER 20, 1964.

Georgia Power Company (Applicant), of Atlanta, Georgia, on September 27, 1963, filed an application for preliminary permit for proposed Laurens Shoals Project No. 2413, to be located on the Oconee River a short distance below its confluence with Richland Creek and 24 miles upstream from the Company's Sinclair Dam and at the upper end of the reservoir formed by that dam, both being under Commission license for Project No. 1951. The proposed project would be in the Counties of Putnam, Morgan, Oconee, Oglethorpe, Greene and Hancock, in the State of Georgia and would affect lands of the United States within the Oconee National Forest.

In its application the Georgia Power Company states that it desires to study the feasibility of developing for hydroelectric purposes the Laurens Shoals site. The proposed project would inundate about 38,000 acres of land and would have a maximum gross head of about 115 feet. Preliminary studies by the Applicant indicates a plant of 150,000 kilowatt capacity may be feasible with a possible increase to a generating capacity of 400,000 kilowatts with the addition of pumped storage facilities.

The application seeks a preliminary permit for a period of 36 months under section 5 of the Federal Power Act. Such a permit, if granted, would give the permittee, during the period of the permit, the right of priority of application for license over other non-Federal Entities while the permittee undertakes the necessary studies and examinations required by section 9 of the Federal Power Act in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for power, and all other information necessary for inclusion in an application for license. The period of a preliminary permit may not exceed three years. The granting of such a permit does not authorize any construction.

The Office of the Chief of Engineers in its letter of March 6, 1964 stated that a comprehensive plan for developing the water resources of the Altamaha, Oconee and Ocumulgee Rivers, Georgia, was being prepared by the District Engineer, U.S. Army Engineer District, Savannah, Georgia. In this letter, it was further suggested that since this report would soon be available the Commission might wish to defer granting the permit applied for by the Georgia Power Company. It is understood that the report is tentatively scheduled for submission to the Chief of Engineers in December of 1964.

The Department of the Interior by its letter of March 4, 1964, requested the Commission to defer action on the application for preliminary permit until the District and Division Engineers' reports of the Corps of Engineers have been completed, and until Congress has had an opportunity to act on the recommendation of the Chief of Engineers.

It is desirable that a public hearing be held to determine whether Georgia Power Company should be granted a preliminary permit under section 5 of the Federal Power Act while it conducts studies and investigations to determine the economic feasibility of its proposed project, or whether it should be denied a preliminary permit on the grounds that sufficient studies have already been made at public expense and available to Georgia Power Company to enable it to file an application for license. In this connection, it is also desirable to have evidence placed in the record regarding location and elevation of a proposed highway in the project area and the effect of such location and elevation and the proposed schedule of construction on the economic feasibility of the proposed highway and on the proposed project.

Although no formal petitions to intervene have been filed, numerous informal comments have been received for and against the granting of a preliminary permit to the Georgia Power Company. Any persons or agencies wishing to give statements of their position on this matter may appear at the commencement of the hearing and will be heard.

The Commission finds: It is appropriate and in the public interest to hold a public hearing respecting the matters involved and the issues presented.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 5, 7, 10(a) and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held on November 17, 1964, at Athens, Georgia, at 10 a.m., e.s.t., respecting matters involved in and the issues presented by the application for preliminary permit for Project No. 2413. The place of the hearing is to be fixed by further notice of the Secretary.

(B) Upon conclusion of the hearing the Presiding Examiner shall fix the schedule for the filing of briefs and shall certify the record to the Commission for the issuance of a tentative decision which will then be served upon all parties or their attorneys of record, who may then file exceptions in the manner and within the time provided for in § 1.31 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10890; Filed, Oct. 26, 1964; 8:46 a.m.]



[Docket No. CP64-16]

## UNITED FUEL GAS CO. AND KENTUCKY GAS TRANSMISSION CORP.

### Notice of Application To Amend

OCTOBER 20, 1964.

Take notice that on September 21, 1964, United Fuel Gas Company (United) and Kentucky Gas Transmission Corporation (Kentucky), 1700 MacCorkle Avenue, SE., Charleston 25, West Virginia, referred to herein as Applicants filed in Docket No. CP64-16, separate applications to amend a joint order of the Commission issued January 21, 1964, in Docket No. CP64-16, authorizing among other things the installation and operation of additional compressor capacity by United, and the construction and operation of transmission facilities by Kentucky.

United requests that the ordering Paragraph (C) of the Commission's said order of January 21, 1964, be modified so as to extend the time for completion of the additional compressor capacity at its Ceredo and Lanham Compressor Station to not later than April 21, 1965, and Kentucky requests (1) modification of Paragraph (C) to extend the time for completion of 16 miles of 30-inch loop pipeline to a date not later than October 21, 1965 and (2) it be permitted to withdraw a request for cancellation of the certificate of public convenience and necessity authorizing the construction and operation of the said 16 miles of 30-inch pipeline, all as more fully set forth in the applications to amend filed with the Commission and open to public inspection.

United states it began construction at its Ceredo Station on September 8, 1964, proposed to begin construction at its Lanham Station about September 21, 1964, and therefore requests an additional six months in which to complete construction previously delayed.

Kentucky states The Cincinnati Gas and Electric Company (Cincinnati) and The Union Light, Heat and Power Company (Union Light) are now requesting additional service from Kentucky, and will need increased requirements to meet their needs, as a result of which the proposed facilities of Kentucky are again required to meet the combined requires of Cincinnati and Union Light, thus necessitating the withdrawal of its request that the previous request for cancellation of the certificate authorizing 16 miles of 30-inch pipeline. Kentucky requests additional time for the completion of its proposed facilities to allow desired flexibility in its construction schedule and, if possible, to obtain a lower bid therefor.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 13, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10891; Filed, Oct. 26, 1964; 8:46 a.m.]

[Project 2485]

## WESTERN MASSACHUSETTS ELECTRIC CO.

### Notice of Application for Preliminary Permit

OCTOBER 20, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Western Massachusetts Electric Company (correspondence to: David R. Pokross, Counsel, 201 Devonshire Street, Boston 10, Massachusetts; copies of correspondence to: Howard J. Cadwell, Chairman of the Board, Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts) for preliminary permit for proposed Project No. 2485, to be known as North Field Mountain Pumped Storage Project, to be located on the Connecticut River, in Franklin County, Massachusetts, about one mile north of Millers Falls.

The proposed project would consist of: (1) An artificial upper reservoir of about 14,000 acre-feet storage capacity located on North Field Mountain; (2) a penstock; (3) and underground powerhouse with a maximum capacity of 1,500,000 kilowatts in reversible pump-turbine generating units (minimum capacity under consideration is 450,000 kilowatts, using about 9,800 acre-feet upper reservoir capacity); (4) a tailrace tunnel and canal; (5) an access tunnel; and (6) the pond of Applicant's existing Turners Falls licensed Project No. 1889 serving as the lower reservoir.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 7, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10892; Filed, Oct. 26, 1964; 8:46 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 492]

## NORTH CAROLINA

### Declaration of Disaster Area

Whereas, it has been reported that during the month of October 1964, because of the effects of certain disasters, damage resulted to residences and business property located in Greene, Lenoir, and Wayne Counties in the State of North Carolina;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the

conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereof, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about October 9, 1964.

OFFICES

Small Business Administration Regional Office, 1904 Byrd Avenue, Richmond, Va., 23226.

Small Business Administration Branch Office, 201 South Tryon Street, Charlotte, N.C., 28202.

2. A temporary field office will be established in the Goldsboro-Kinston area, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1965.

Dated: October 14, 1964.

ROSS D. DAVIS,
*Executive Administrator.*

[F.R. Doc. 64-10879; Filed, Oct. 26, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 22, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39348: *T.O.F.C. Rates from and to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8621), for interested rail carriers. Rates on property moving on class and commodity rates loaded in trailers and transported on railroad flatcars, between Columbus Junction and Manly, Iowa, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Carrier competition.

Tariff: Supplement 124 to Southwestern Freight Bureau, agent, tariff I.C.C. 4480.

FSA No. 39349: *Blackstrap molasses from points in Texas and Louisiana.* Filed by Southwestern Freight Bureau, agent (No. B-8625), for interested rail carriers. Rates on blackstrap molasses, in tank carloads, from points in Texas, also Lake Charles, La., to points in Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, and South Dakota.

Grounds for relief: Market competition.

Tariff: Supplement 14 to Southwestern Freight Bureau, agent, tariff I.C.C. 4467.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64-10903; Filed, Oct. 26, 1964; 8:47 a.m.]

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FEDERAL REGISTER

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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Washington, Wednesday, October 28, 1964


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*Latest Edition*

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**[Revised as of January 1, 1964]**

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 11187

### PERMITTING CERTAIN EMPLOYEES OF THE POSTAL FIELD SERVICE TO BE GIVEN CAREER APPOINTMENTS

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 403) and section 1753 of the Revised Statutes of the United States (5 U.S.C. 631) and as President of the United States, it is hereby ordered as follows:

SECTION 1(a). Except as provided by section 3 hereof, any employee of the Postal Field Service who on the date of this order is serving in a position in the competitive service under an indefinite appointment or a temporary appointment may have his appointment converted to a career appointment: *Provided*, that such employee—

(1) shall be recommended for appointment to a career position by his appointing officer within one year after the date of this order;

(2) during each year of the three-year period ending on the date that conversion of his appointment is recommended, shall have been paid for at least 700 hours of satisfactory work in a position or positions in the Postal Service;

(3) shall have passed a qualifying examination for a position in the competitive service in which he served during such three-year period, or shall meet such noncompetitive standards as the Civil Service Commission shall prescribe with respect to the position held at the time of the agency recommendation for conversion of his appointment.

(b). The conversion of the appointment of a substitute employee shall be effected only as a career substitute vacancies are available, under 39 U.S.C. 3302, in the Postal Field Service.

SEC. 2. Any person who left a competitive position to enter the armed forces of the United States who would meet the requirements of section 1 except for absence in the armed forces on the date of this order and who is re-employed in a competitive position in the Postal Field Service within 120 days after discharge from the armed forces under honorable conditions may have his appointment converted if he is recommended by his appointing officer within ninety days after his re-employment and qualifies in such examination as the Civil Service Commission may prescribe.

SEC. 3. This order shall not apply to postmasters or rural carriers.

SEC. 4. The Civil Service Commission may prescribe such regulations as may be necessary for carrying out the provisions of this order.

LYNDON B. JOHNSON

THE WHITE HOUSE,
*October 24, 1964.*

[F.R. Doc. 64-11019; Filed, Oct. 26, 1964; 1:28 p.m.]

# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 12]

### PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

### Determination of Acreage Allotment for New Farms

1. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) to revise the eligibility requirements for new farm tobacco allotments. Public notice of intention to issue this amendment was given (29 F.R. 10399) in accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 1001–1011) and interested persons were afforded fifteen days to submit written data, views, or arguments. None were submitted.

2. Section 724.62(b), as amended, of the Tobacco Allotment and Marketing Quota Regulations for the 1963–64 and Subsequent Marketing Years, as amended (27 F.R. 8937, 9211, 10743; 28 F.R. 7757, 8018, 9144, 11049; 29 F.R. 1315, 6520, 7588, 7763, 9927, 12420, 14099), is hereby amended by adding a new subparagraph (9) thereto to read as follows:

§ 724.62 Determination of acreage allotments for new farms.

* * * * * * *

(b) * * *

(9) The farm shall not include land returned to agricultural production after being acquired by an agency having the right of eminent domain if the entire tobacco allotment for the land was pooled pursuant to Part 719 of this chapter until after a date five years from the date the former owner was displaced from the land acquired by eminent domain.

* * * * * * *

(Secs. 313, 375; 52 Stat. 47, as amended, 66, as amended, 7 U.S.C. 1313, 1375)

Effective date: 30 days from date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 23, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-10978; Filed, Oct. 27, 1964; 8:49 a.m.]

## Title 10—ATOMIC ENERGY

### Chapter I—Atomic Energy Commission

### PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

### Radioactivity in Effluents to Unrestricted Areas

*Correction*

In F.R. Doc. 64-10683, appearing at page 14434 of the issue for Wednesday, October 21, 1964, the following correction is made: In the eighth line of the amendatory language of item 2, "$T^{125}S$" should read "$T^{125}S$".

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6276; Amdt. 827]

### PART 507—AIRWORTHINESS DIRECTIVES

### Aero Commander Models 560F, 680, 680E, 680F and 680FL Aircraft

Several cracks have occurred on the lower front spar caps on Aero Commander Models 560F, 680, 680E, 680F and 680FL airplanes operated in survey work employing magnetometer installations. The cracks are attributed to high cyclic stresses occurring during low level, high speed operation. To correct this condition, an airworthiness directive is being issued to require inspection and modification of the lower front spar caps.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

AERO COMMANDER. Applies to Models 560F, 680, 680E, 680F, and 680FL aircraft which are or have been equipped with a magnetometer installation.

Compliance required as indicated unless already accomplished.

Several cracks have occurred on the lower front spar caps on airplanes operated in survey work employing magnetometer installations. These cracks are attributed to high cyclic stresses occurring during low level, high speed operation.

(a) On aircraft which are or have been equipped with a magnetometer installation, compliance with paragraph (c) is required within 25 hours' time in service after the effective date of this AD.

(b) On aircraft undergoing initial magnetometer installation, compliance with paragraph (c) is required at the time of installation.

(c) Conduct an X-ray inspection of the front spar lower cap at Wing Station 24.00 left and right in accordance with Aero Commander Service Bulletin No. 87 dated August 21, 1964—

(1) If cracks are found, repair the spar cap before further flight in accordance with the instructions in section g of Aero Commander Service Bulletin No. 87.

(2) If no cracks are found, reinforce the spar cap in accordance with section h of Service Bulletin No. 87 or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Southwest Region, within 25 hours' time in service after accomplishing the inspection in (c).

(Aero Commander Service Bulletin No. 87 dated August 21, 1964, covers this same subject.)

This amendment shall become effective November 2, 1964. On November 20, 1964, this directive becomes an amendment to § 39.13 of Part 39 [New] of the Federal Aviation Regulations.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 21, 1964.

C. W. WALKER,
*Acting Director, Flight Standards Service.*

[F.R. Doc. 64-10935; Filed, Oct. 27, 1964; 8:45 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 8611]

### PART 13—PROHIBITED TRADE PRACTICES

### Prospect Bracelet Co., Inc., and Sheldon Parker

Subpart—Furnishing means and instrumentalities of misrepresentation or deception; § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception:* 13.1055–50 Preticketing merchandise misleadingly. Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* 13.1900–35 Foreign product as domestic.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Prospect Bracelet Company, Inc., et al., New York, N.Y., Docket 8611, Oct. 2, 1964]

*In the Matter of Prospect Bracelet Company, Inc., a Corporation, and Sheldon Parker, Individually and as an Officer of Said Corporation*

Order requiring New York City distributors to manufacturers and distributors of watches as well as to retailers, of watch bands consisting in whole or substantial part of components imported from Hong Kong and Japan, to cease selling such imported products without conspicuous disclosure of the country or place of foreign origin on the products themselves or on labels or on the packaging; and to cease attaching to their watch bands tickets printed with excessive price figures represented thereby as the usual retail prices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondents Prospect Bracelet Company, Inc., a corporation, and its officers, and Sheldon Parker, individually, and as an officer of said corporation, and respondents' agents, representatives and employees directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any imported article or product imported as a completed item, or as principal components thereof, including but not limited to watch bands, do forthwith cease and desist from:

1. Offering for sale, selling or distributing any such products which are substantially, or which contain a substantial part or parts, of foreign origin or fabrication without affirmatively disclosing the country or place of foreign origin or fabrication thereof on the products themselves, by marking or stamping on an exposed surface, or on a label or tag affixed thereto, of such degree of permanency as to remain thereon until consummation of consumer sale of the products, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the products.

2. Offering for sale, selling or distributing any such products packaged or mounted in a container, or on a display card, without disclosing the country or place of foreign origin of the product or substantial part or parts thereof, on the front or face of such packaging, container, or display card, so positioned as to clearly have application to the product so packaged or mounted, and of such degree of permanency as to remain thereon until consummation of consumer sale of the product, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the product as so packaged or mounted.

*It is further ordered*, That respondents Prospect Bracelet Company, Inc., a corporation, and its officers, and Sheldon Parker, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any article or product in commerce, as "commerce" is defined in the Federal Trade Commission Act, including but not limited to imported watch bands, and the principal components thereof, do forthwith cease and desist from:

1. Advertising or disseminating any list or preticketed price unless such price is a good faith estimate of the actual retail price and does not appreciably exceed the highest price at which substantial sales are made in respondents' trade area.

*It is further ordered*, That the hearing examiner's initial decision, as amended, be, and it hereby is, adopted as the decision of the Commission, effective October 3, 1964.

*It is further ordered*, That respondents Prospect Bracelet Company, Inc., a corporation, and Sheldon Parker, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: October 2, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-10937; Filed, Oct. 27, 1964; 8:45 a.m.]

[Docket No. C-847]

## PART 13—PROHIBITED TRADE PRACTICES

### Rainbow-United Photographic Studios of America, Inc., et al.

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1520 *Personnel or staff;* § 13.1555 *Size, extent or equipment;* § 13.1560 *Stock, product or service.* Misrepresenting oneself and goods—Goods: § 13.1650 *History of product;* § 13.1680 *Manufacture or preparation;* § 13.1715 *Quality;* § 13.1735 *Sample, offer, or order conformance.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719; as amended; 15 U.S.C. 45) [Cease and desist order, Rainbow-United Photographic Studios of America, Inc., et al., Chicago, Ill., Docket C-847, Oct. 8, 1964]

*In the Matter of Rainbow-United Photographic Studios of America, Inc., a Corporation, and Bernard Baskin and George Whitehouse, Individually, and as Officers of the Said Corporation*

Consent order requiring Chicago sellers of color photographs, mostly by door to door solicitators, to cease representing falsely that their process was a completely new idea in color film and printing, that their photographs were natural color portraits, that they employed "Professional Photographers" and operated the largest color photography studio in the nation, that a variety of color proofs would be shown in the purchaser's home, that the finished products would be equal in quality to samples shown, and that orders would be delivered within a reasonable time.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondents Rainbow-United Photographic Studios of America, Inc., a corporation, and its officers, and Bernard Baskin and George Whitehouse, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of photographs in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from representing, directly or by implication:

1. That the process employed by respondents is new, or is a new idea in color film or color printing.

2. That the respondents' method constitutes the first great step in the color portrait field.

3. That the respondents employ "Professional Photographers"; or otherwise representing that those persons employed by respondents to take pictures use techniques employed by highly trained and skilled photographers: *Provided however*, That it shall be a defense in any proceeding instituted for enforcement of this provision for respondents to establish that such persons do use said techniques when taking pictures for the purchasers and prospective purchasers of the pictures.

4. That color proofs other than color slide proofs will be shown or displayed to the purchaser.

5. That respondents operate the largest color studio in the nation or otherwise misrepresenting the size of respondents' business.

6. That respondents' photographs are natural color portraits or photographs.

7. That respondents' finished portraits or photographs will be equal in quality and workmanship to sample photographs and proof slides which have been exhibited to purchasers and prospective purchasers: *Provided, however*, That it shall be a defense in any proceeding instituted for enforcement of this provision for respondents to established that the photographs furnished by them to purchasers are in every instance equal in quality and workmanship to sample photographs and proof slides exhibited to such purchasers and prospective purchasers.

8. That photographs ordered by customers will be delivered within a certain period of time or upon a particular date unless said photographs are delivered within such time or upon such date; or misrepresenting in any manner, directly or by implication, the period of time within which respondents' merchandise will be delivered.

*It is further ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in



writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 8, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-10938; Filed, Oct. 27, 1964; 8:45 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

TYLOSIN

A notice of filing of a food additive petition (FAP 1177) for use of tylosin in swine feed was published in the FEDERAL REGISTER of November 5, 1963 (28 F.R. 11797). Subsequently, an amendment to the regulation for tylosin in swine feed issued in the FEDERAL REGISTER of August 20, 1964 (21 CFR 121.217; 29 F.R. 11917). Comments were received thereafter from the petitioner, Elanco Products, A Division of Eli Lilly and Company, Post Office Box 1750, Indianapolis 6, Ind., requesting deletion of the words "as sole source of tylosin" where they occur in Table 2, item 3, and Table 3, item 2, and further that the words "at least" be added to Table 3, item 2 under the limitations column after the words "per ton for".

Data submitted established that no residues of tylosin are found in edible tissues of swine fed under these proposed conditions of use. Justification for feeding of 100 grams per ton beyond 3 weeks has been shown in certain instances. The Commissioner of Food and Drugs has concluded that reasonable grounds for the petitioner's request have been shown. Therefore, pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785; 21 U.S.C. 348) and the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.217 *Tylosin* (21 CFR 121.217; 29 F.R. 11917) is amended in the following respects:

1. In paragraph (d), Table 2, item 3 is changed by deleting the words ", as sole source of tylosin" from the text under "Limitations."

2. In paragraph (d), Table 3, item 2, the words "at least" are added after the words "per ton for" and the words ", as sole source of tylosin" are deleted.

As amended, these items read as follows:

(d) • • •

TABLE 2—TYLOSIN IN DRINKING WATER

| Principal ingredient | Dose | Combined with— | Dose | Limitations | Indications for use |
|---|---|---|---|---|---|
| • • • | • • • | • • • | • • • | For swine: administer not more than 10 days; withdraw 48 hours prior to slaughter; as tylosin base. | • • • |

TABLE 3—TYLOSIN IN ANIMAL FEED

| Principal ingredient | Dose | Combined with— | Dose | Limitations | Indications for use |
|---|---|---|---|---|---|
| • • • | • • • | • • • | • • • | For swine: 100 gm. per ton for at least 3 weeks followed by 40 gm. per ton until market weight; as tylosin phosphate. | • • • |

Notice and public procedure and delayed effective date are not necessary prerequisites for the promulgation of this order, and I so find, since the amendments ordered merely relax existing requirements.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

Dated October 22, 1964.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 64-10957; Filed, Oct. 27, 1964; 8:47 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

RHIZOPUS ORYZAE

The Commissioner of Food and Drugs has evaluated data in a petition (5A1490) filed by Rohm & Haas Company, Washington Square, Philadelphia, Pa., and other relevant material, and has concluded that a food additive regulation should issue to prescribe the use of a carbohydrase from *Rhizopus oryzae* in the production of dextrose from starch. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), a new section is added to Subpart D of the regulations, as follows:

§ 121.1165 Rhizopus oryzae.

Carbohydrase from *Rhizopus oryzae* may be safely used in the production of dextrose from starch in accordance with the following prescribed conditions:

(a) *Rhizopus oryzae* is classified as follows: Class, *Phycomycetes;* order, *Mucorales;* family, *Mucoraceae;* genus, *Rhizopus;* species, *Rhizopus oryzae.*

(b) The strain of *Rhizopus oryzae* is nonpathogenic and nontoxic.

(c) The carbohydrase is produced under controlled conditions to maintain nonpathogenicity and nontoxicity, including the absence of aflatoxin.

(d) The carbohydrase is produced by a process which completely removes the organism *Rhizopus oryzae* from the carbohydrase product.

(e) The carbohydrase is maintained under refrigeration from production to use and is labeled to include the necessity of refrigerated storage.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 22, 1964.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 64-10958; Filed, Oct. 27, 1964; 8:47 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[FCC 64-951]

## PART 0—COMMISSION ORGANIZATION

### Miscellaneous Amendments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 21st day of October 1964;

The Commission having under consideration the provisions of §§ 0.315 and 0.385 of its rules and regulations concerning the designation of certain FCC Engineers in Charge as FCC representatives to Regional Preparedness Commit-

tees of the Office of Emergency Planning (OEP) and delegation of authority to them to act on behalf of the Commission during certain national defense emergency conditions; and

It appearing, that on January 22, 1963, the Department of the Army, Office of Civil Defense, established Regional Civil Defense Coordinating Boards and requested FCC representation; and

It further appearing, that the appointment of the Engineers in Charge as principal representatives to the OEP Regional Preparedness Committees with the designated Field Liaison Officers as alternates, and the appointment of the Field Liaison Officers as principal representatives to the OCD Regional Civil Defense Coordinating Boards with the designated Engineers in Charge as alternates would contribute to the prompt and orderly conduct of the Commission's business; and

It further appearing, that certain other changes should be made in Part 0 to define more clearly the functions of the Defense Commissioner and Executive Director with respect to representation on interagency defense committees; and

It further appearing, that authority for the issuance of the rules herein is contained in sections 4(i) and 5(d) of the Communications Act of 1934, as amended; and

It further appearing, that the rules adopted herein are procedural in nature and pertain to internal organization and delegations of authority, and hence are not subject to the prior notice and effective date provisions of the Administrative Procedure Act;

*It is ordered*, Effective October 26, 1964, that Part 0 of the rules and regulations is amended as set forth below.

Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155

Released: October 23, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

1. Section 0.11(d) is amended to read as follows:

**§ 0.11 Functions of the Office.**

* * * * *

(d) Under the general direction of the Defense Commissioner, and with the advice and assistance of the heads of the several bureaus and offices, the Executive Director coordinates the defense activities of the Commission, and has the following duties and responsibilities:

(1) To act as Alternate Defense Coordinator in representation with other agencies with respect to planning for the continuity of the essential functions of the commission under national emergency conditions, and serves as the alternate representative of the Commission to the Interagency Emergency Planning Committee of the Office of Emergency Planning.

(2) To serve as the alternate representative of the Commission to the Interagency Civil Defense Committee of the Office of Civil Defense, Department of the Army.

(3) To keep the Defense Commissioner informed as to significant developments in this area.

* * * * *

2. Section 0.111 is amended to read as follows:

**§ 0.111 Functions of the Bureau.**

The Field Engineering Bureau is responsible for all Commission engineering activities performed in the field relating to radio stations including station inspections, surveys, monitoring, direction finding, signal measurement and investigations; for those enforcement activities performed in the field dealing with the supression of interference and the inspection of devices possessing electromagnetic radiation characteristics; and such other field inspections or investigations as might be required by the Commission, or the bureaus and staff offices. The Bureau also performs the following functions:

(a) Develops rules and regulations which will provide such classes of commercial operators as may be required in the various radio services regulated by the Commission, and administers and enforces such rules and regulations.

(b) Prepares and conducts commercial radio operator examinations and issues commercial operator licenses.

(c) Conducts amateur examinations, and upgrades amateur licenses in situations where the upgrading can be accomplished by endorsements.

(d) Processes data with respect to proposed new or modified antenna structures covered in Part 17 of this chapter to determine whether such proposed construction will create hazards to air navigation.

(e) Represents the Commission and participates in interagency committees and in international conferences with respect to matters for which the Bureau is responsible.

(f) Enforces and administers Parts 15 and 18 of this chapter relative to equipment, interference, and related problems in the industrial, scientific and medical services arising from restricted radiation devices.

(g) [Reserved]

(h) Subject to the policy guidance of the Defense Commissioner, provides the principal representation for the Commission to the Regional Preparedness Committees of the Office of Emergency Planning for the purpose of carrying out detailed planning for the continuity of essential Government functions in a national emergency.

(i) In cooperation with the Office of Emergency Communications, and subject to the policy guidance of the Defense Commissioner, provides alternate representation for the Commission to the Regional Civil Defense Coordinating Boards.

(j) Exercises such authority as may be assigned or referred by the Commission pursuant to section 5(d) of the Communications Act of 1934, amended.

3. Section 0.181 is amended to read as follows:

**§ 0.181 The Defense Commissioner.**

A Defense Commissioner and two Alternate Defense Commissioners are designated by the Commission. The Defense Commissioner directs the defense activities of the Commission and has the following duties and responsibilities:

(a) To keep the Commission informed as to significant developments in the field of emergency preparedness, defense mobilization, and any defense activities that involve formulation or revision of Commission policy in any area of responsibility of the Commission.

(b) To represent the Commission in national defense matters requiring conferences or communications with other governmental officers, departments, or agencies.

(c) To act as the Defense Coordinator in representations with other agencies with respect to planning for the continuity of the essential functions of the Commission under national emergency conditions, and to serve as the principal representative of the Commission to the Interagency Emergency Planning Committee of the Office of Emergency Planning.

(d) To serve as the principal representative of the Commission to the Interagency Civil Defense Committee of the Office of Civil Defense, Department of the Army.

(e) To serve as the principal point of contact for the Commission on all matters pertaining to the National Communications System.

(f) To take such measures as will assure continuity of the Commission's functions under any foreseeable circumstances with a minimum of interruption.

(g) In the event of enemy attack, or the imminent threat thereof, or other disaster resulting in the inability of the Commission to function at its offices in Washington, D.C., to assume all of the duties and responsibilities of the Commission and the Chairman, until relieved or augmented by other Commissioners or members of the staff, as set forth in §§ 0.186 and 0.383.

(h) To perform such other duties and assume such other responsibilities related to the Commission's defense activities as may be necessary for the continuity of functions and the protection of personnel and property of the Commission.

4. Section 0.182 is amended to read as follows:

**§ 0.182 Executive Director.**

Under the general direction of the Defense Commissioner, and with the advice and assistance of the heads of the several bureaus and offices, the Executive Director coordinates the defense activities of the Commission, and has the following duties and responsibilities.

(a) To act as Alternate Defense Coordinator in representations with other agencies with respect to planning for the continuity of the essential functions of the Commission under national emergency conditions, and to serve as the alternate representative of the Commission to the Interagency Emergency Planning Committee of the Office of Emergency Planning.

(b) To serve as the alternate representative of the Commission to the Interagency Civil Defense Committee of the Office of Civil Defense, Department of the Army.

(c) To keep the Defense Commissioner informed as to significant developments in this area.

5. Section 0.184 is deleted and new §§ 0.184 and 0.185 are added to read as follows:

**§ 0.184 Field Liaison Offices of the Office of Emergency Communications.**

(a) Field Liaison officers of the Office of Emergency Communications (OEC) are designated as FCC representatives to Regional Civil Defense Coordinating Boards of the Office of Civil Defense, Department of the Army (DOA). (Engineers in Charge of Field Engineering Bureau (FEB) district offices at Boston, Massachusetts; Baltimore, Maryland; Atlanta, Georgia; Detroit, Michigan; Dallas, Texas; Denver, Colorado; San Francisco, California; and Seattle, Washington are designated as alternates.)

(b) Field Liaison officers of the OEC are designated to serve as alternate FCC representatives to the OEP Regional Preparedness Committees. (The Engineers in Charge listed in paragraph (a) of this section are principal representatives.)

(c) The field offices of the Office of Emergency Communications are located at the following addresses:

| OCD/OEP Region | Address of the FCC Field Liaison Officer | States |
|---|---|---|
| 1 | OCD Region One, Oak Hill Road, Harvard, Mass., 01451. | Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont. |
| 2 | OCD Region Two, Olney, Md., 20832. | Delaware, District of Columbia, Kentucky, Maryland, Ohio, Pennsylvania, Virginia, West Virginia. |
| 3 | OCD Region Three, Thomasville, Ga., 71792. | Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virgin Islands, Puerto Rico. |
| 4 | OCD Region Four, Federal Center, Battle Creek, Mich., 49016. | Illinois, Indiana, Michigan, Minnesota, Wisconsin. |
| 5 | OCD Region Five, Denton Federal Center, Denton, Tex., 76202. | Arkansas, Louisiana, New Mexico, Oklahoma, Texas. |
| 6 | OCD Region Six, Denver Federal Center, Denver, Colo., 80225. | Colorado, Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Wyoming. |
| 7 | OCD Region Seven, Federal Center, Santa Rosa, Calif., 95401. | American Samoa, Arizona, California, Guam, Hawaii, Nevada, Utah. |
| 8 | OCD Region Eight, Everett, Wash., 98201. | Alaska, Idaho, Oregon, Montana, Washington. |

FCC Field Supervisor, Eastern United States (OCD Regions 1, 2, 3, 4) located at OCD Region 3, Thomasville, Ga.

FCC Field Supervisor, Western United States (OCD Regions 5, 6, 7, 8) located at OCD Region 7, Santa Rosa, Calif.

(d) The FCC Field Liaison Officers listed in paragraph (c) of this section are designated as the FCC representatives to attend and supervise all Regional and State Industry Advisory Committee meetings within their respective Regions and States pursuant to the requirements of Executive Order 11007.

**§ 0.185 Responsibilities of the bureaus and staff offices.**

The heads of each of the several bureaus and staff offices, in rendering advice and assistance to the Executive Director in the performance of his duties with respect to defense activities will have the following duties and responsibilities:

(a) To keep the Executive Director informed of the instigation, progress, and completion of programs, plans, or activities with respect to defense in which they are engaged or have been requested to engage.

(b) To render assistance and advice to the Executive Director on matters which relate to the functions of their respective bureaus or staff offices.

(c) To render such assistance and advice to other agencies as may be consistent with the functions of their respective bureaus or staff offices and the Commission's policy with respect thereto.

(d) To perform such other duties related to the Commission's defense activities as may be assigned to them by the Commission.

6. Section 0.315 is amended to read as follows:

**§ 0.315 Authority delegated to Engineers in Charge who serve as FCC representatives to Office of Civil Defense (OCD) Regional Civil Defense Coordinating Boards and Regional Preparedness Committees of the Office of Emergency Planning (OEP).**

(a) Engineers in Charge of Field Engineering Bureau district offices at Boston, Massachusetts; Baltimore, Maryland; Atlanta, Georgia; Detroit, Michigan; Dallas, Texas; Denver, Colorado; San Francisco, California; and Seattle, Washington, are designated as the principal FCC representatives to Regional Preparedness Committees. (FCC Field Liaison Officers of the Office of Emergency Communications are designated as alternates. The authority delegated to FCC representatives to Regional Preparedness Committees is set forth in § 0.385.)

(b) Engineers in Charge of Field Engineering Bureau district offices at Boston, Massachusetts; Baltimore, Maryland; Atlanta, Georgia; Detroit, Michigan; Dallas, Texas; Denver, Colorado; San Francisco, California; and Seattle, Washington, are designated as the alternate FCC representatives to the Regional Civil Defense Coordinating Boards. (FCC Liaison Officers of the Office of Emergency Communications are designated as the principal representatives to the Regional Civil Defense Coordinating Boards. The functions to be performed by the FCC representatives to Regional Civil Defense Coordinating Boards is set forth in § 0.184.)

(c) The Engineers in Charge listed in paragraph (a) of this section are designated as FCC representatives to State Emergency Telecommunications Task Groups established by the OEP in its Organization and Planning Guide of September 1962 (OEP Circular 3300.1).

7. Section 0.385 is amended to read as follows:

**§ 0.385 FCC representatives assigned to Regional Preparedness Committees of the Office of Emergency Planning during a wartime emergency period.**

Engineers in Charge of Field Engineering Bureau district offices at Boston, Massachusetts; Baltimore, Maryland; Atlanta, Georgia; Detroit, Michigan; Dallas, Texas; Denver, Colorado; San Francisco, California; and Seattle, Washington, are designated as FCC representatives to Regional Preparedness Committees. FCC Field Liaison Officers of the FCC Office of Emergency Communications are designated as alternates. These Committees will be activated in wartime emergency periods or during Civil Defense exercises. These FCC representatives will give advice and assistance to Regional Directors of the Office of Emergency Planning and to other Federal agencies within the respective Office of Emergency Planning region on matters relating to the functions and responsibilities of the FCC. They will also coordinate FCC operations within the region in the event of a regional "cut-off" situation. For the purpose of delegating authority to FCC representatives to act for the Commission, a regional "cut-off" situation shall be considered as existing when either no communication to higher authority within the FCC can be effected, or such communication as exists could not be expected to provide an answer from higher authority within the FCC in time to authorize urgent actions that the FCC representative determines cannot be delayed until such answer is received. The delegations of authority set forth in paragraphs (a), (b), and (c) of this section are made to these Engineers in Charge or to their alternates, to enable them to carry out their responsibilities.

(a) *When communication is available to higher authority within the FCC.* When instructions can be obtained from higher authority within the FCC, delegation of authority to FCC representatives assigned to Regional Preparedness Committees shall comprise that set forth in § 0.314. Action under this delegation must be consistent with any defense rules that supersede rules for normal conditions, wartime plans and emergency orders that may be adopted by the Commission, emergency legislation, Executive Orders, and any pertinent actions of other Government agencies taken pursuant to authority delegated to them under section 606 of the Communications Act of 1934, as amended.

(b) *During a temporary "cut-off" period when communication to higher authority within the FCC is disrupted.* When instructions cannot be obtained from higher authority within the FCC





and when immediate action must be

(2) Actions taken under any delega-

that section should be delegated by the

and when immediate action must be taken, delegation of authority to FCC representatives assigned to Regional Preparedness Committees of the Office of Emergency Planning shall comprise the following in addition to the delegations included in paragraph (a) of this section:

(1) Matters delegated to the Chief and Deputy Chief of the Field Engineering Bureau under § 0.311(b).

(2) Matters delegated to the Chief, Broadcast Bureau by § 0.281.

(3) Matters delegated to the Chief, Safety and Special Radio Services Bureau by §§ 0.331–0.333, except for the authority to act on requests for waiver of rules governing the availability of frequencies below 25 megacycles in the Aviation and Maritime Services.

(4) Matters delegated to the Chief, Common Carrier Bureau by §§ 0.291, 0.294, 0.303 (d)–(f), 0.304, 0.305, and 0.307.

(5) Matters delegated to the Chief Engineer by §§ 0.241 and 0.243.

(6) Authority to act on requests for temporary authorizations for new or modified radio station operations, subject to the provisions of the Communications Act of 1934, as amended.

(7) Authority to act on requests for temporary authorization for all classes of radio operators, subject to the provisions of the Communications Act of 1934, as amended.

(8) Authority to waive temporarily any provisions of this chapter applicable to radio stations and radio operators, subject to the provisions of the Communications Act of 1934, as amended: *Provided, however,* That such authority shall not include waiver of rules governing the availability of frequencies below 25 megacycles in the Aviation and Maritime Services, nor any of the Emergency Broadcast System Rules.

(c) *General.* (1) All authorizations granted pursuant to authority contained in paragraph (b) of this section shall be reported to higher Commission authority at the earliest opportunity. Such authorizations shall be subject to review and cancellation or revision, without hearing, by the FCC representatives assigned to Regional Preparedness Committees or by higher Commission authority when the need for such action arises.

(i) Written authorizations granted pursuant to authority contained in paragraph (b) of this section shall show plainly on their face that they are temporary authorizations, not to exceed 30 days from the date of issue, and subject to review and cancellation or revision without hearing.

(ii) Where immediate oral authorizations are necessary, the applicant shall be orally informed of the limitations enumerated above in this subparagraph and the oral authorization shall be followed as soon as possible by a written authorization bearing the same date of issue as the date of oral authorization. If the "cut-off" period exceeds 30 days in duration, such authorizations may be renewed for additional periods of 30 days each.

(2) Actions taken under any delegation of authority must take into full account, and be in conformance with, any defense rules that supersede rules for normal conditions; wartime emergency plans and orders of the Commission; emergency legislation; Executive Orders; and any pertinent actions of other Government agencies taken pursuant to authority delegated to them under section 606 of the Communications Act of 1934, as amended.

(3) No actions shall be taken under any delegation of authority until full consideration is given to the effect of such actions on the continuance of vital radio communications, both Government and non-Government, on a worldwide or nationwide basis and in adjacent regions. If the FCC representative assigned to the Regional Preparedness Committee of the Office of Emergency Planning determines that interference to radio operations outside of a "cut-off" region may result by authorizing new or modified radio facilities (for example, a change of frequency or power of a radio station), he shall withhold such authorization unless directed to grant the temporary authorization by higher authority.

(4) Coordination shall be effected, where possible, with the FCC representatives assigned to Regional Preparedness Committees of the Office of Emergency Planning in adjacent regions before acting to authorize temporary requests for radio operations.

(5) New obligations incurred pursuant to delegation of authority specified in this section for personal service, procurement, contract agreements, and similar items shall not exceed the amount authorized by the Commission's Budget Officer in periodic emergency allotment authorizations.

8. Section 0.401 is amended by adding the following paragraph (f):

**§ 0.401 Location of Commission Offices.**

* * * * *

(f) The location of the field offices of the Office of Emergency Communications are listed § 0.184(c).

[F.R. Doc. 64-10965; Filed, Oct. 27, 1964; 8:48 a.m.]

[FCC 64-942]

## PART 0—COMMISSION ORGANIZATION

### Delegation of Authority to Executive Director To Exempt Broadcast Stations From Certain National Defense Responsibilities

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 21st day of October 1964;

The Commission having under consideration the provisions of § 73.922 of its rules and regulations concerning the requirement for the installation and maintenance of the necessary equipment to receive Emergency Action Notifications and Terminations; and

It appearing, that authority to grant exemptions from the requirements of that section should be delegated by the Commission to the Executive Director, or his designee; that such delegation would contribute to the prompt and orderly conduct of the Commission's business; and

It further appearing, that authority for the issuance of the rule herein adopted is contained in sections 4(i), 5(d), and 303(r) of the Communications Act, as amended; and

It further appearing, that the rule adopted herein is procedural in nature and pertains to internal delegations of authority, and hence is not subject to the prior notice and effective date provisions of the Administrative Procedure Act;

*It is ordered,* Effective October 26, 1964, that Part 0 of the rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: October 23, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

Section 0.231 is amended to read as follows:

EXECUTIVE DIRECTOR

**§ 0.231 Authority delegated.**

(a) The Executive Director, or his designee, is delegated authority to exempt Standard, FM, and Television broadcast licensees from the requirement of installing and maintaining the necessary equipment to receive Emergency Action Notifications and Terminations and arranging for either an associated listening watch, or automatic alarm, or both. (See § 73.922 of this chapter.)

(b) The Executive Director, or his designee, upon securing concurrence of the General Counsel, is delegated authority to execute in the name of the Commission all agreements pertaining to the loan of United States Government property to radio station licensees for national defense purposes.

[F.R. Doc. 64-10966; Filed, Oct. 27, 1964; 8:48 a.m.]

[FCC 64-944]

## PART 1—RULES OF PRACTICE AND PROCEDURE

## PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

### Filing by Common Carriers of Periodic Statistical Reports of Their Marine Telegraph Traffic

*Report and order.* 1. Common carriers subject to the Communications Act which operate public coast stations engaged in radiotelegraph communications with maritime mobile stations (other than on the Great Lakes and on inland waters) are presently filing periodic statistical reports of their marine traffic in



accord with requirements set out in our Order No. 86, adopted on August 18, 1941.

2. It appears appropriate that these reporting requirements be codified as part of the Commission's permanent rules and regulations, consistent with our recent action in respect to reports regarding point-to-point telecommunication traffic between the United States and overseas points.

3. Since the proposed rule, which we shall adopt as § 43.71 of Part 43 of our rules and regulations (Reports of Communication Common Carriers and Certain Affiliates), merely codifies (with certain editorial revisions) and does not make any substantive change in the requirements of Order No. 86, we find, pursuant to § 1.412(c) of our rules and section 4(a) of the Administrative Procedure Act, that notice of proposed rule making is unnecessary.

4. At the same time, we are making an editorial change in Part 1 of our rules to delete a reference to Order No. 86 contained in § 1.790 and substituting therefor a reference to Part 43 of our rules.

5. The attached rule is to be effective immediately, pursuant to § 1.427(b) of our rules and section 4(c) of the Administrative Procedure Act, for the reason stated in paragraph 3, supra, and shall be applicable to the reports called for therein covering the first six months of 1964, which are to be filed by November 1, 1964.

6. *Accordingly, it is ordered,* Pursuant to sections 4(i), 218, and 219(b) of the Communications Act, this 21st day of October 1964, that effective November 12, 1964, Parts 1 and 43 of the Commission's rules and regulations are amended as set forth below, and that Commission Order No. 86 shall thereupon be superseded.

(Secs. 4, 218, 219, 48 Stat. 1066 as amended, 1077, 1077 as amended; 47 U.S.C. 154, 218, 219)

Released: October 23, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

1. Section 1.790 is amended to read as follows:

**§ 1.790 Reports relating to traffic by international carriers.**

Carriers shall file periodic reports regarding overseas point-to-point traffic and marine telegraph traffic as required by Part 43 of this chapter.

2. Part 43 is amended by adding the following section:

**§ 43.71 Reports of public coast station operators.**

(a) Each common carrier subject to the Communications Act operating public coast stations engaged in radiotelegraph communication with maritime mobile stations (other than on the Great Lakes and on inland waters) shall file with the Commission a report, in triplicate, as set out below for each public coast station, not later than November 1 of each year for the preceding period of January through June, and not later than May 1 of each year for the preceding period of July through December.

(b) The reports required by this section shall show the following information:

(1) The number of messages and words of all paid radiotelegraph traffic, separately by class, handled outbound from public coast stations to maritime mobile stations, and further separated as to traffic to ships of United States registry, and to ships of foreign registry and the corresponding revenues accruing to the responding carrier.

(2) The number of messages and words of all paid radiotelegraph traffic, separately by class, handled inbound from maritime mobile stations to public coast stations, and further separated as to traffic from ships of United States registry, and from ships of foreign registry, and the corresponding revenues accruing to the responding carrier.

(c) Where the word count for greeting, gift, and other similar prepared messages is not available, an estimated figure may be substituted if so designated.

(d) This section shall apply where applicable to any new marine telegraph service which may be offered from time to time by any carrier engaged in public coast station operations.

[F.R. Doc. 64-10968; Filed, Oct. 27, 1964; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 29 ]

### TOBACCO, PENNSYLVANIA SEEDLEAF

### Proposed Standards

Notice is hereby given that the U.S. Department of Agriculture is considering amendments, as hereinafter proposed, to the Official Standard Grades for Pennsylvania Seedleaf Tobacco, U.S. Type 41 (7 CFR 29.4251–29.4301), pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

*Statement of consideration leading to the proposed amendments.* Official standards for Pennsylvania Seedleaf tobacco were issued in January 1964 to simplify and update the tentative grades which had been in effect since January 1951. The recent issuance broadened the quality concept by consolidating grades of similar quality and restricting length requirements to grades C1 and C2.

These revised standards proved generally satisfactory during the last marketing season. Experience at that time, however, pointed out the need for more specific provisions for the grading of frozen or frostbitten tobacco and a slight change in the grading of Stripper group throwouts.

On September 3 and 4 Department members met with representatives of Pennsylvania Farm Bureau Cooperative Association to discuss necessary adjustments to the standards. Of the methods introduced to facilitate the grading of frozen or frostbitten tobacco, the most acceptable was the establishment of three grades of Nondescript: N1, to cover field frozen or frostbitten tobacco in safe-keeping order (case); N2, to cover frozen or frostbitten tobacco which is wet or in doubtful-keeping order (case); and No–G, currently a designation for substandard tobacco, to cover tobacco that does not meet the minimum specifications of any other grade of the type. It was agreed to incorporate local terminology in the specifications of these Nondescript grades. Recommendations were also offered to amend the percentages of crude and waste tolerances for X3, low quality grade of the Straight Stripped group, to include throwout leaves from the Stripper (C) group.

Predicated upon recent marketing experience and discussions in subsequent meetings, these proposed amendments would establish three grades of Nondescript, N1, N2, and No–G, to replace the single grade N now representing that group; incorporate local terminology in the specifications for Nondescript grades; change the tolerance percentages of grade X3 to permit Stripper throwouts; and adopt necessary definitions and rules to conform with these proposed changes.

All persons who desire to submit written data, views, or arguments in connection with the proposed amendments should file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 30th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b) as amended at 29 F.R. 7311).

The proposed amendments are as follows:

1. The parenthetical references in §§ 29.4257, 29.4259, and 29.4286 are revoked.

2. The following sentence is added at the end of § 29.4260: "Throwout leaves not meeting C-group grade specifications will be included in the X and Y groups.".

3. Section 29.4277 is revoked.

4. In the second sentence of § 29.4301, the words "frozen or" are deleted from item (b).

5. In § 29.4302 the second sentence is revoked.

6. Section 29.4335 is revoked.

7. In the last sentence of § 29.4336 the word "graded" is substituted for the word "designated."

8. Section 29.4346 is deleted and the following is substituted therefor: *"Rule 15.* Frozen or frostbitten tobacco shall be included only in N1 or N2.".

9. In § 29.4347 the word "designated" is deleted and the word "graded" is substituted therefor; and the last two words "any group" are deleted and "the C, X, and Y groups" are subtituted therefor.

10. In § 29.4362 the tolerances for grade X3 are amended to read: "Tolerances: less than 20 percent crude and 30 percent waste.".

11. In § 29.4363 the heading and first sentence are deleted and the following is substituted therefor: *"Farm Filler (Y Group).* This group consists of tied tobacco and normally is tobacco from the lower portion of the stalk.".

12. The text of § 29.4364 is deleted and the following is substituted therefor:

**§ 29.4364 Nondescript (N Group).**

Frozen or frostbitten tobacco or tobacco which does not meet the minimum specifications or exceeds either tolerance of the lowest grade of any other group.

| U.S. Grades | Grade names and specifications |
|---|---|
| N1 | Field frozen or frostbitten tobacco in safe-keeping order or case. |
| N2 | Frozen or frostbitten tobacco which is wet or in doubtful-keeping order or case. |
| No–G | Tobacco which contains chicken dust, stone dust, or other foreign matter; is hail-cut or wasted in excess of the tolerances for X3 or Y2; is damaged, dirty, nested, offtype, semifrozen, wet, shingled or otherwise improperly packed; has an odor foreign to the type; contains 20 percent or more grade; or does not meet the minimum specifications of the lowest grade of the C, X, or Y groups. |

13. In § 29.4386 delete:

*1 Grade of Nondescript*
N

and substitute therefor:

*3 Grades of Nondescript*
N1
N2
No–G

14. The sentence "Tobacco not covered by standard grades is designated 'No-G.'" is also deleted from § 29.4386.

(49 Stat. 734; 7 U.S.C. 511m)

Done at Washington, D.C., this 23d day of October 1964.

G. R. GRANGE,
*Deputy Administrator,*
*Marketing Services.*

[F.R. Doc. 64–10974; Filed, Oct. 27, 1964; 8:49 a.m.]

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[ 7 CFR Part 989 ]

## RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

### Proposed Expenses of Raisin Administrative Committee and Rate of Assessment for 1964–65 Crop Year

Notice is hereby given of a proposal regarding expenses of the Raisin Administrative Committee for the 1964–65 crop year and rate of assessment for that crop year, pursuant to §§ 989.79 and 989.80 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989; 29 F.R. 9482, 9560), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Raisin Administrative Committee has unanimously recommended for the crop year beginning September 1, 1964 (1964–65 crop year), a budget of expenses in the total amount of $123,200 and an assessment rate of 80 cents per ton of assessable raisins. Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth. The assessable tonnage is estimated by the Committee as 154,000 tons.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the tenth day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal follows:

**§ 989.315 Expenses of the Raisin Administrative Committee and rate of assessment for the 1964–65 crop year.**

(a) *Expenses.* Expenses (other than those specified in § 989.82) in the amount of $123,200 are reasonable and likely to be incurred by the Raisin Administrative Committee during the crop year beginning September 1, 1964, for the maintenance and functioning of the Committee and the Raisin Advisory Board and for such purposes as the Secretary may, in accordance with § 989.79, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 989.80, to pay to the Raisin Administrative Committee as his pro rata share of the expenses is hereby fixed at 80 cents per ton applicable to each of the following:

(1) Free tonnage raisins acquired by the handler during the crop year, exclusive of such quantity thereof as represents the assessable portions of other handlers' raisins pursuant to subparagraph (3) of this paragraph;

(2) Reserve tonnage raisins sold to the handler by the Committee pursuant to § 989.67 during the crop year; and

(3) Standard raisins (which he does not acquire) recovered by the handler by the reconditioning of off-grade raisins but only to the extent of the aggregate quantity of the free tonnage portions of these standard raisins that are acquired by other handlers during the crop year.

Dated: October 23, 1964.

FLOYD F. HEDLUND,
*Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 64–10975; Filed, Oct. 27, 1964; 8:49 a.m.]

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[ 7 CFR Parts 1061, 1064 ]

[Docket Nos. AO 327–A6, AO 23–A27]

## MILK IN ST. JOSEPH, MISSOURI, AND GREATER KANSAS CITY MARKETING AREAS

### Supplemental Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

This notice is supplemental to the notice issued October 12, 1964 (29 F.R. 14233) of a public hearing to be held at 9:30 a.m., local time, on November 4, 1964, at the Bellerive Hotel, Armour and Warwick Boulevards, Kansas City, Mo., on proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the St. Joseph, Mo., and Greater Kansas City marketing areas.

Further notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), that evidence will be received on the proposal contained in this supplemental notice in addition to those contained in the notice issued October 12, 1964.

The proposed amendment, set forth below, has not received the approval of the Secretary of Agriculture.

Proposed by Beatrice Foods Company:

Revise § 1061.41(b)(2) of the St. Joseph, Mo., milk order to read as follows:

**§ 1061.41 Classes of utilization.**

* * * * *

(b) * * *

(1) * * *

(2) Disposed of in bulk to and used at commercial food establishments for starter churning, wholesale baking, candy making purposes, or in the manufacture of processed foods;

* * * * *

Copies of this notice of hearing and the order may be procured from the Market Administrator, U. Grant Grayson, Post Office Box 4336, Overland Park, Kans., 66204, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on October 22, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64–10976; Filed, Oct. 27, 1964; 8:49 a.m.]

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### Agricultural Stabilization and Conservation Service

[ 7 CFR Part 811 ]

[Sugar Reg. 811]

## SUGAR

### Proposed Determination for Calendar Year 1965

Notice is hereby given that the Secretary of Agriculture pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), is considering the determination of the amount of sugar needed to meet the requirements of consumers in the continental United States in 1965, and the establishment of sugar quotas for the calendar year 1965.

In accordance with the rule making requirements of the Administrative Procedure Act (60 Stat. 237) all persons who desire to submit written data, views or arguments for consideration in connection with the proposed regulation shall file the same in duplicate with the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250, not later than fifteen days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

The proposed determination of 1965 sugar requirements for the continental United States and quotas for the calendar year 1965, are set forth essentially in form and language appropriate for issuance, if adopted by the Secretary as follows:

*Basis and purpose and bases and considerations.* The purpose of Sugar Regulation 811 is to determine pursuant to sec. 201 of the Sugar Act of 1948, as amended (hereinafter called the "Act"), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1965, to establish sugar quotas for the supplying areas in terms of short tons of sugar, raw value, equal to the amount determined by the Secretary of Agriculture to be needed in 1965. Further, this regulation establishes quantities of certain quotas that may be filled by direct-consumption sugar and establishes a liquid sugar quota.

Section 201 of the Act directs the Secretary to determine for each calendar year the amount of sugar needed to meet the requirements of consumers in the continental United States and to revise such determination during the calendar year whenever he deems it necessary. The section sets forth criteria to guide the Secretary in his determination and states that such determination shall be made so as to protect the welfare of consumers and of those engaged in the domestic sugar industry by providing such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry.

During the 10-month period ended August 31, 1964, distribution of sugar for consumption in the continental United States totaled 7,870,000 short tons, raw value. Considering the quantity of sugar distributed in September and October of recent years and prevailing factors affecting current rates of distribution, it is estimated that distribution during September and October 1964, will bring total distribution for the 12-month period ending October 31, 1964, to about 9,650,000 short tons, raw value.

Based on expected distribution during the 12-month period, the quantity of sugar needed in the calendar year 1965 would be expected to exceed 9,800,000 short tons, raw value, if allowance is made for increased consumption due to the normal increase in population and for refining losses.

Refiners' inventories of quota sugar at the end of 1964 are expected to be well below the level of a year earlier but above the average of recent years.

The domestic price of raw sugar which was higher than usual during most of 1963 and the first four months of 1964 returned to a more normal level in May of 1964. Much of the time since July, such prices have been nearly 0.5 cent per pound below the level of the price reference point in section 201 of the Act.





High sugar prices during the 1963–64

delivery, the unfavorable price differen-

sugar which may be imported into the





tion of its characteristics after importa-

Manned Space Flight Network, this pro-

7. The selection of the frequencies de-

High sugar prices during the 1963–64 period had an adverse impact on the consumption of beet and cane sugar. The reduced use of such sugar in some products and the greater use of nonsucrose sweeteners lowered the per capita consumption of sugar. It is unlikely that the trend toward a slightly lower per capita use of sugar will be reversed in 1965.

To encourage the maintenance of sugar prices in line with the objectives of the Act at a level which will protect the domestic sugar industry, quotas established by this regulation total 9.2 million tons or slightly more than 600,000 tons below anticipated consumption.

If further action becomes necessary to provide for an orderly flow of sugar, the importation of sugar from foreign countries other than the Republic of the Philippines within the quota for such countries may be subject to some time limitations.

Section 202 of the Act provides that whenever a determination is made, pursuant to section 201, of the amount of sugar needed to meet the requirements of consumers, the Secretary shall establish quotas. The methods for establishing quotas for the domestic areas and the Republic of the Philippines are set forth in paragraphs (a) and (b) of section 202, but paragraph (c) which provides the method for prorating the quota for foreign countries other than the Republic of the Philippines will have expired at the end of 1964. However, section 403(a) of the Act authorizes the Secretary to make such orders or regulations, which shall have the force and effect of law, as may be necessary to carry out the power vested in him by the Act. In order to carry out the objectives of the Act as intended by the Congress and the requirement of section 202 of the Act, it is necessary to use the authority provided by section 403 of the Act to establish quota prorations for foreign countries, other than for the Republic of the Philippines.

This quota is prorated to those countries which have traditionally supplied sugar to the United States and with which the United States maintains diplomatic relations. The quota prorations for 1965, the 1963 deliveries are given made on the basis of actual deliveries of quota sugar into the continental United States during the calendar years 1963 and 1964. In determining the quotas for 1965, the 1963 deliveries are given a weighting of one-third and 1964 deliveries are given a weighting of two-thirds. The quantity of sugar prorated on this basis will be equal to the difference between total sugar requirements and the sum of the quotas for the domestic areas and the Republic of the Philippines.

The years 1963 and 1964 constitute a recent period and, in addition, a time when sugar was scarce throughout the world. Performance of countries in importing sugar into the United States in these years is clearly indicative of their relative ability to service the United States market on a continuing basis. At the time commitments were made to export sugar to the United States for 1964 delivery, the unfavorable price differential of the United States market was much greater than it had been at the time 1963 supplies were committed. Accordingly, 1964 performances is given double weighting.

The quotas prorated herein are based on final data for 1963 and on preliminary data for 1964 and accordingly represent only 90 percent of the total for foreign countries other than the Republic of the Philippines. After final outturn weights become available covering actual imports of sugar into the continental United States during 1964, prorations of the quota will be redetermined.

No import fee is provided for, solely in view of legal limitations. The Administration intends to recommend to the Congress reinstitution of a system of import fees for later years in connection with long term legislation.

Sec.
811.30 Sugar Requirements, 1965.
811.31 Quotas for domestic areas.
811.32 [Reserved]
811.33 Quotas for foreign countries.
811.34 [Reserved]
811.35 Applicability of quotas.
811.36 Restrictions on importations and marketings within quotas.

AUTHORITY: §§ 811.30 to 811.36 issued under sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies secs. 201, 202, 207, 208, 209, 210; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 927, as amended, and 928, as amended, sec. 213 as added by P.L. 87–535 approved July 13, 1962; 7 U.S.C. 1111, 1112, 1117, 1118, and 1119.

### § 811.30 Sugar requirements, 1965.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1965 is hereby determined to be 9,200,000 short tons, raw value.

### § 811.31 Quotas for domestic areas.

(a) For the calendar year 1965 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in Column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in Column (2) as follows:

| Area | Quotas | Direct-consumption limits |
|---|---|---|
| | (Short tons, raw value) | |
| | (1) | (2) |
| Domestic beet sugar | 2,650,000 | No limit |
| Mainland cane sugar | 895,000 | No limit |
| Hawaii | 1,116,000 | 31,464 |
| Puerto Rico | 1,140,000 | 126,033 |
| Virgin Islands | 15,232 | 0 |

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

### § 811.32 [Reserved]

### § 811.33 Quotas for foreign countries.

(a) The quotas or prorations for foreign countries limiting the quantities of sugar which may be imported into the continental United States during the calendar year 1965 for consumption therein and the amounts of such quotas and prorations that may be filled by direct-consumption sugar are hereby established as set forth in the following paragraphs (b), (c), (d), and (e) of this section.

(b) For the calendar year 1965 the quota for the Republic of the Philippines is 1,050,000 short tons, raw value, and the quantity of such quota that may be filled by direct-consumption sugar is 59,920 short tons, raw value.

(c) (1) For the calendar year 1965, the quantity available for proration to individual foreign countries other than the Republic of the Philippines is 2,339,769 short tons, raw value. Of that quantity, 90 percent is hereby prorated subject to time limitations if any, as set forth in subparagraph (2) of this paragraph, to individual countries as follows:

| Country: | Short tons, raw value |
|---|---|
| Argentina | 59,383 |
| Australia | 172,317 |
| Belgium | 1,748 |
| Brazil | 204,535 |
| British Honduras | 3,853 |
| British West Indies | 112,954 |
| China | 63,174 |
| Colombia | 27,101 |
| Costa Rica | 32,219 |
| Dominican Republic | 358,405 |
| Ecuador | 45,759 |
| El Salvador | 15,857 |
| Fiji Islands | 42,053 |
| France | 5,328 |
| French West Indies | 39,799 |
| Guatemala | 36,914 |
| Haiti | 20,216 |
| India | 89,433 |
| Ireland | 8,002 |
| Madagascar | 6,739 |
| Mauritius | 13,898 |
| Mexico | 359,459 |
| Nicaragua | 37,483 |
| Panama | 13,330 |
| Peru | 123,214 |
| Reunion | 2,043 |
| South Africa | 98,277 |
| Southern Rhodesia | 8,423 |
| Turkey | 1,411 |
| Venezuela | 2,464 |
| Total | 2,105,791 |

(c) (2) [Reserved]

(d) For the calendar year 1965, the quantity of each proration established in paragraph (c) of this section that may be filled by direct-consumption sugar pursuant to sections 207 and 403(a) of the Act is as follows:

| Country: | Short tons, raw value |
|---|---|
| Ireland | 8,002 |
| Panama | 3,817 |
| Belgium | 182 |

(e) For the calendar year 1965 the quota for liquid sugar for foreign countries as a group is 2,000,000 gallons of sirup of cane juice of the type of Barbados molasses, limited to liquid sugar containing soluble non-sugar solids (excluding any foreign substance that may have been added or developed in the product) of more than 5 percent of the total soluble solids, which is not to be used as a component of any direct-consumption sugar but is to be used as molasses without substantial modification of its characteristics after importation.



### § 811.34 [Reserved]

### § 811.35 Applicability of quotas.

All sugar and liquid sugar marketed or imported into the continental United States is subject to the provisions of Part 816 or Part 817 of this chapter which prescribe the time, manner and conditions under which quotas, prorations, or quantities made available to countries as a group are filled by the marketing and importation of sugar or liquid sugar. The quantitative limitations established by §§ 811.31 to 811.33, inclusive, do not apply to sugar or liquid sugar marketed or imported pursuant to sections 211 and 212 of the Act in accordance with the provisions of Part 816 or Part 817 of this chapter.

### § 811.36 Restrictions on importations and marketings within quotas.

Subject to the provisions of Part 816 and Part 817 of this chapter all persons are prohibited from bringing or importing into or marketing in the continental United States any sugar or liquid sugar in excess of or after the applicable quota or quantity set forth in §§ 811.31 to 811.33, inclusive, has been filled, or any sugar or liquid sugar as direct-consumption sugar after the direct-consumption portion of the applicable quota has been filled.

Issued at Washington, D.C., this 23d day of October 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64–11026; Filed, Oct. 27, 1964; 8:50 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Parts 2, 74 ]

[Docket No. 15666; FCC 64–950]

## GOVERNMENT SPACE RESEARCH EARTH STATIONS IN SUPPORT OF PROJECT APOLLO

### Frequency Allocations and Assignment

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Director of Telecommunications Management, Office of Emergency Planning, acting on behalf of the National Aeronautics and Space Administration (NASA), has requested the Commission's cooperation in providing limited access to the exclusive non-Government band 1990–2110 Mc/s to accommodate Government space research earth stations to be used in support of Project Apollo. The objective of Project Apollo is to land U.S. astronauts on the moon and to provide for their return to earth.

3. Two specific frequencies are involved in this proposal, 2106.4 Mc/s and 2101.8 Mc/s. Although these frequencies would be used for earth-to-space transmissions throughout the world-wide Manned Space Flight Network, this proceeding is concerned with only four earth station transmitting sites: Goldstone, Calif.; Cape Kennedy, Fla.; Corpus Christi, Tex.; and Kauai, Hawaii. Each earth station is expected to employ 3600F9 emission and a power of 10 kw. The space-to-earth transmissions are to be accommodated in a band already allocated to the Government. The request for Government use of 2106.4 Mc/s and 2101.8 Mc/s is explained in succeeding paragraphs.

4. A dual spacecraft will be used in Project Apollo, consisting of a Command/Service Module (CSM) and a Lunar Excursion Module (LEM). Each of these modules is required to have a communication sub-system to provide doppler velocity information, two-way voice, earth-to-spacecraft data transmission, and spacecraft-to-earth telemetering and television transmission. The proposed communication system is based on one developed in connection with lunar and interplanetary work by the Deep Space Network.

5. This system, for the earth portion, consists of a crystal controlled transmitter; a narrow-band, double superheterodyne automatic phase tracking receiver; and a coherent frequency shifter to provide an absolute reference between the transmitter and receiver which operates in the 2200 Mc/s region. The modifications proposed would permit each Deep Space Earth Station to receive the nominal 2287.5 (coherent) and 2282.5 (coherent) Mc/s and to transmit on the proposed 2106.4 and 2101.8 Mc/s for Apollo missions. The choice of these specific frequencies is dictated by the necessity to maintain a 221/240 ratio between the up/down frequencies to take advantage of existing deep space network equipment. The spacecraft equipment, which must be compatible with the earth station complex, employs a transponder consisting of a narrow-band, double superheterodyne, automatic phase tracking receiver operating at the proposed 2106.4 or 2101.8 Mc/s; and an integrally related transmitter capable of operating at 2287.5 or 2282.5 Mc/s. Thus, two "up" and two "down" frequencies are required—one set each for the LEM and for the CSM. The system provides for the essential coherent phase relationship between the earth transmitted and received frequencies and, inherently, the ability to communicate simultaneously with two separate spacecraft with a minimum of equipment development.

6. Telemetering, television, and voice data will be sent to the earth by frequency and/or phase modulation of the carrier, depending on the operating mode desired. Voice and data will be sent to the spacecraft by phase modulation of the carrier or subcarriers. The ranging system is mechanized by phase modulating the earth-to-spacecraft RF carrier with a pseudorandom (PR) code. The PR code is detected in the spacecraft receiver and retransmitted back to earth. Upon detection by the earth station receiver, its phase is compared with the phase of the original code for range determination.

7. The selection of the frequencies desired is influenced by a number of factors. Studies indicate that optimum frequencies for deep space flight, considering refraction, sky temperatures and atmospheric absorption, are in the 1000–10,000 Mc/s band. Equipment availability studies indicate that a system already implemented for other programs meets the requirements of Apollo almost in its entirety, both in data reception and tracking and in the transponder's coherency. The tightness of the project schedule precludes extensive development of new equipment. Aspects of safety also dictate a desire to use equipment with known and proven reliability. A saving estimated at $18,000,000 is expected by using existing equipment and facilities. Although consideration was given to the bands immediately above 2300 Mc/s, for satisfaction of the requirement, radar operation precludes effective utilization of frequencies in that area of the spectrum.

8. A study of the Deep Space Research Projects and Apollo Project schedules indicates there will be a number of long term deep-space missions in progress at the time of the various shorter term Apollo missions. It has been determined that the reception of the deep-space transmissions would be interfered with intolerably by the transmissions from the Apollo spacecraft. Time sharing of the deep-space frequencies does not appear feasible because of the fluid nature of launch schedules and the launch-window problem.

9. Section 2.102(b)(1) provides that "In individual cases the Commission may, without rule making proceedings, authorize on a temporary basis only, the use of frequencies not in accordance with the Table of Frequency Allocations for projects of short duration or emergencies where the Commission finds that important or exceptional circumstances require such utilization * * * etc." Project Apollo could be construed as falling within the terms of § 2.106(b)(1) because of its unique requirements since individual activations of the frequencies in question are expected to be relatively short-term. In the aggregate, however, the project is long-term and can be expected to continue for the remainder of this decade at least, and formal recognition of its accommodation is considered necessary. Formal recognition is based upon our understanding that full power operation on the frequencies in the band 2100–2110 Mc/s will occur only during periods when spacecraft launched as a part of Project Apollo are in actual flight and that any operation of the equipment at other times shall be limited to laboratory testing or restricted radiation spacecraft tests which will not cause harmful interference to television broadcast auxiliary stations. Existing TV auxiliary stations may continue to use assigned frequencies in this portion of the 1990–2110 Mc/s TV auxiliary band and new TV auxiliary stations will continue to be authorized use of such frequencies.

10. In view of the above, the Commission proposes to amend the Table of Frequency Allocations by the addition of a new U.S. footnote which would permit



station transmissions in connection with

Government earth station transmissions on 2106.4 and 2101.8 Mc/s at the four previously mentioned sites. Because of the anticipated infrequent usage of the frequencies by such earth stations, it is not proposed to restrict existing or potential licensees of the Commission from operating in the areas concerned. Upon finalization of the proposed rules, however, all new licensees would be expected to accept such interference as might occur from the operation of the Government earth stations in question. For existing licensees, such a condition would be imposed upon renewal of their license.

11. In view of the high power to be employed, i.e., 10 kw, the interference range of the earth stations might be on the order of 175 miles but will vary from case-to-case because of antenna directivity, terrain shielding, and other factors. For the guidance of the Commission's licensees, NASA has been requested through the DTM to supply the Commission with maps of the areas concerned, showing "coordination distance contours" drawn about each earth station. These maps would be kept on file in the Commission's Broadcast Bureau for reference purposes to indicate the areas wherein interference might reasonably be expected by TV pickup, TV STL or TV intercity relay stations operating on the same or adjacent frequencies. The proposed amendments to Parts 2 and 74 of the Commission's rules are shown below.

12. Authority for the proposed amendment to the appropriate rules is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

13. Any interested person who is of the opinion that the proposed amendment should not be adopted in the form set forth herein may file with the Commission on or before December 1, 1964, written data, views or arguments setting forth his comments. Comments in support of the proposal may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed on or before December 10, 1964.

14. In accordance with § 1.215 of the Commission's Rules, an original and 14 copies of all statements, views or comments filed shall be furnished the Commission.

Adopted: October 21, 1964.

Released: October 23, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

It is proposed to amend Parts 2 and 74 as follows:

1. In § 2.106, the Table of Frequency Allocations is amended to add a new footnote designator "US ..." in column 6 opposite the frequency band 1850–2200 Mc/s in column 5, and add a new footnote "US ..." as follows:

**§ 2.106 Table of Frequency Allocations.**

* * * * *

US .. In the band 1990–2110 Mc/s, the frequencies 2106.4 Mc/s and 2101.8 Mc/s may be authorized for Government earth station transmissions in connection with Project Apollo at the following sites only:

Goldstone, Calif. (35°23'20" N., 116°50'53" W.)
Cape Kennedy, Fla. (28°28'54" N., 80°34'35" W.)
Kauai, Hawaii (22°10'31" N., 159°40'16" W.)
Corpus Christi, Tex. (27°39'19" N., 97°22'49" W.)

Full power operation shall occur only when spacecraft launched as a part of Project Apollo are in actual flight. Operation at all other times shall be confined to laboratory tests or subdued radiation spacecraft tests, subject to the condition that no harmful interference is caused to TV broadcast auxiliary stations.

2. The table in § 74.602(a) is amended to add footnote designator "[1]" opposite the entry "2093–2100" Mc/s in the "Band A" column and add a footnote to the table as follows:

**§ 74.602 Frequency assignment.**

(a) * * *

[1] The frequencies 2106.4 Mc/s and 2101.8 Mc/s may be assigned to Government earth stations at the locations listed below only, for transmissions in connection with Project Apollo.

Goldstone, Calif. (35°23'20" N., 116°50'53" W.).
Cape Kennedy, Fla. (28°28'54" N., 80°34'35" W.).
Corpus Christi, Tex. (27°39'19" N., 97°22'49" W.).
Kauai, Hawaii (22°07'31" N., 159°40'16" W.).

Full power operation will occur only when spacecraft launched as a part of Project Apollo are in actual flight and at such times TV auxiliary stations operating in the channel 2093–2110 Mc/s must accept any interference that may be caused by such operation. Operation at all other times shall be confined to laboratory testing and subdued radiation spacecraft tests, subject to the condition that no harmful interference is caused to TV auxiliary stations. TV auxiliary stations are not required to afford interference protection to Project Apollo stations.

[F.R. Doc. 64–10067; Filed, Oct. 27, 1964; 8:48 a.m.]

# SMALL BUSINESS ADMINISTRATION

**[ 13 CFR Part 121 ]**

[Rev. 4]

## SMALL BUSINESS SIZE STANDARDS

### Proposal To Amend Definition Small Business Nonmanufacturer for Purpose of Government Procurements and Subcontracting

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the Small Business Size Standards Regulation (Revision 4) by establishing a new definition for a small business nonmanufacturer in the thread industry.

The present definition of a small business nonmanufacturer for the purpose of Government procurement reserved for or involving the preferential treatment of small business, states that a nonmanufacturer shall furnish in the performance of the contract the products of a small business manufacturer or producer: provided, however, if the goods to be produced are wool, worsted, knitwear, duck, webbing, and thread (spinning and finishing), nonmanufacture (dealers and converters) shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher.

It has come to the attention of the SBA that the absence of small business spinners presents an industry wide problem in that small dealers and converters are unable to comply with or qualify under the present definition. Therefore, it is proposed that "spinning" be deleted from § 121.3–8(c)(2) and that finishing of thread be defined as all dyeing, bleaching, glazing, mildew proofing, coating, waxing and other applications required by the pertinent specification, but excluding mercerizing, throwing or twisting operations.

Interested persons may file with the Small Business Administration within thirty (30) days after publication in the FEDERAL REGISTER written statements of facts, opinions, or arguments concerning the proposed definition.

All correspondence shall be addressed to:

Office of Economic Adviser,
Small Business Administration,
Washington 25, D.C.

It is proposed to change the definition of a small business nonmanufacturer for the purpose of bidding on Government procurements for products produced by the thread industry as follows:

1. Deleting § 121.3–8(c)(2) in its entirety and substituting in lieu thereof:

**§ 121.3–8 Definition of small business for Government procurement.**

* * * * *

(c) *Nonmanufacturing.* * * *

(2) In the case of Government procurement reserved for or involving the preferential treatment of small businesses, such nonmanufacturer shall furnish in the performance of the contract the products of a small business manufacturer or producer which products are manufactured or produced in the United States: *Provided, however,* if the goods to be furnished are wool, worsted, knitwear, duck, and webbing (spinning and finishing), nonmanufacturers (dealers and converters) shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear), and, if finishing is required, by a small finisher. If the procurement is for thread, nonmanufacturers (dealers and converters) must furnish such products which have been finished by a small finisher. (Finishing of thread is defined as all "dyeing, bleaching, glazing, milder proofing, coating, waxing and other applications required by the pertinent specification, but excluding mercerizing, throwing or twisting operations").

* * * * *

Dated: October 20, 1964.

EUGENE P. FOLEY,
*Administrator.*

[F.R. Doc. 64–10034; Filed, Oct. 27, 1964; 8:45 a.m.]

# Notices

# DEPARTMENT OF AGRICULTURE

## Office of the Secretary

## NORTH CAROLINA

### Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of North Carolina natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

| NORTH CAROLINA | |
|---|---|
| Bladen. | Johnston. |
| Craven. | Lenoir. |
| Duplin. | Macon. |
| Edgecombe. | Madison. |
| Gates. | Pender. |
| Greene. | Pitt. |
| Halifax. | Sampson. |
| Henderson. | Wayne. |
| Hertford. | |

It has also been determined that in the hereinafter-named county in the State of North Carolina which is presently designated the above-mentioned natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

| North Carolina: | *Previous designation* |
|---|---|
| Northampton | 28 F.R. 13407 |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 22d day of October 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64–10943; Filed, Oct. 27, 1964; 8:45 a.m.]

# DEPARTMENT OF COMMERCE

## Bureau of the Census

## ANNUAL SURVEYS IN MANUFACTURING AREA

### Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to continue or initiate the annual surveys listed below for the year 1964 and for each year thereafter, under the authority of Title 13, United States Code, sections 181, 224, and 225 approved August 31, 1954. These surveys, most of which have been conducted for many years, are significant in the manufacturing area and on the basis of information and recommendations received by the Bureau of the Census, the data have significant application to the needs of the public and industry and are not available from non-Governmental or other Governmental sources.

The establishments covered by these surveys directly account for the bulk of all manufacturing employment. The information to be developed from these surveys is necessary to an adequate measurement of total industrial production. Government agencies need data on the output of these industries. Manufacturers in the industries involved, as well as their suppliers and customers and the general public, have all requested such data in the interest of business efficiency and stability.

Such surveys, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys. The surveys have been arranged under major group headings shown in the revised Standard Industrial Classification Manual (1957 edition) promulgated by the Bureau of the Budget for the use of Federal statistical agencies.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Salad dressings.
Prepared animal feeds.
Confectionery.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Stocks of wool (as of Jan. 1, 1964).
Cotton and synthetic woven goods finished.
Narrow fabrics.
Knit cloth for sale.
Woolen and worsted machinery activity.
Yarn production.
Rugs, carpets, and carpeting.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens.
Apparel.
Brassieres, corsets, and allied garments.
Sheets, pillowcases, and towels.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood.
Softwood plywood.
Lumber.

MAJOR GROUP 25—FURNITURE

Office furniture.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid.
Industrial gases.
Inorganic chemicals.
Pharmaceutical preparations, except biologicals.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Pressed and blown glassware.
Fibrous glass.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Steel mill products.
Insulated wire and cable.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Aluminum foil, converted.
Steel power boilers.
Heating and cooking equipment.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Internal combustion engines.
Tractors.
Farm machines and equipment.
Mining machinery and equipment.
Vending machines.
Air-conditioning and refrigeration equipment.
Office, computing, and accounting machines.
Pumps and compressors.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Radios, television, and phonographs.
Motors and generators.
Wiring devices and supplies.
Switchgear, switchboard apparatus, relays and industrial controls.
Selected electronic and associated products.
Electric housewares and fans.
Electric lighting fixtures.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

Selected instruments and related products.
Atomic energy products and services.

The following list of surveys represents annual counterparts of monthly, quarterly, and semiannual surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly, quarterly, and semiannual reports except for Construction Machinery which will additionally call for data on shipments of power cranes and shovels, concrete mixers, and attachments for contractors' off-highway type tractors. Also, reports on man-made fiber, silk, woolen and worsted fabrics, on finishing plants, and

on piece goods inventories listed below will call for information relating to the monthly fluctuations of stocks and unfilled orders for woven fabrics in addition to the annual production data.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products.
Confectionery products.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Man-made fiber, silk, woolen and worsted fabrics.
Finishing plant report-broad woven fabrics.
Piece goods inventories and orders.
Broad woven goods (cotton, wool, silk, and synthetic).
Consumption of wool and other fibers, and production of tops and noils.

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Consumers of wood pulp.
Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Superphosphates.
Paint, varnish, and lacquer.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Rubber.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers.

MAJOR GROUP 32—STONE, CLAY AND GLASS

Glass containers.
Refractories.
Clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings.
Steel forgings.
Iron and steel foundries, blast furnaces, and steel ingot producers.
Magnesium mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Plumbing fixtures.
Steel shipping barrels, drums, and pails.
Closures for containers.
Metal cans.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.
Metalworking machinery.
Farm pumps.
Fans, blowers, and unit heaters.
Typewriters.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Electric lamps.
Fluorescent lamp ballasts.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines.
Complete aircraft.
Backlog of orders for aircraft, space vehicles, missiles, engines, and selected parts.
Aircraft propellers.
Truck trailers.

Also, the Annual Survey of Manufactures will be conducted and will call for general statistical data such as employment, payroll, manhours, capital expenditures, cost of materials consumed, etc., in addition to information on value of products shipped and quantity data for selected classes of products. This survey, while conducted on a sample basis, will cover all manufacturing industries. Data on employment and payrolls for auxiliary establishments of manufacturing companies such as central administrative offices, warehouses, etc. will be included.

A survey of Research and Development costs will also be conducted. The data to be obtained will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington 25, D.C.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writing to the Director of the Census within 30 days after the date of publication and will receive consideration.

Dated: October 15, 1964.

RICHARD M. SCAMMON,
*Director.*

[F.R. Doc. 64-10936; Filed, Oct. 27, 1964; 8:45 a.m.]

## Maritime Administration

[Report No. 43]

## LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through October 19, 1964, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

| FLAG OF REGISTRY AND NAME OF SHIP | *Gross tonnage* |
|---|---|
| Total all flags—(240 ships) | 1,691,551 |
| British (81 ships) | 618,642 |
| Amalia | 7,189 |
| Amazon River | 7,234 |
| Ardenode | 7,036 |
| Ardgem | 6,981 |
| Ardmore | 4,664 |
| Ardpatrick | 7,054 |
| Ardrowan | 7,300 |
| Ardsirod | 7,025 |
| **Arlington Court (now Southgate—British flag). | |
| Athelcrown (Tanker) | 11,149 |
| Athelduke (Tanker) | 9,089 |
| Athelmere (Tanker) | 7,524 |
| Athelmonarch (Tanker) | 11,182 |
| Athelsultan (Tanker) | 9,149 |
| Avisfaith | 7,868 |
| Baxtergate | 8,813 |
| Canuk Trader | 7,151 |
| Cedar Hill | 7,156 |
| Chipbee | 7,271 |
| **Cosmo Trader (trip to Cuba under ex-name, Ivy Fair—British flag). | |
| Dairen | 4,939 |
| Denmark Hill | 7,150 |
| East Breeze | 8,708 |
| Eastfortune | 8,789 |
| Eirini | 7,402 |
| Free Enterprise | 6,807 |
| Free Merchant | 5,237 |
| **Garthdale (now Jeb Lee—British) | 7,542 |
| Grosvenor Mariner | 7,026 |
| Hazelmoor | 7,907 |
| *Helka | 2,111 |
| Hemisphere | 8,718 |
| Ho Fung | 7,121 |
| Inchstaffa | 5,255 |
| **Ivy Fair (now Cosmo Trader—British flag) | 7,201 |
| **Jeb Lee (trip to Cuba under ex-name, Garthdale—British flag). | |
| Kinross | 5,388 |
| **Kirriemoor (now Jhelum—Pakistani flag) | 5,923 |
| La Hortensia | 9,488 |
| Linkmoor | 8,236 |
| London Endurance (Tanker) | 10,081 |
| London Spirit (Tanker) | 10,176 |
| London Valour (Tanker) | 16,268 |
| Maratha Enterprise | 7,166 |
| Muswell Hill | 7,131 |
| Nancy Dee | 6,597 |
| Newdene | 7,181 |
| Newforest | 7,185 |
| Newgate | 6,743 |
| Newglade | 7,368 |
| Newgrove | 7,172 |
| Newheath | 5,891 |
| Newhill | 7,855 |
| Newlane | 7,043 |
| Newmeadow | 5,654 |
| Oceantramp | 6,185 |
| Oceantravel | 10,477 |
| Overseas Pioneer (Tanker) | 16,267 |
| Peony | 9,037 |
| Redbrook | 7,388 |
| Ruthy Ann | 7,381 |
| St. Antonio | 6,704 |
| Sandsend | 7,236 |
| Santa Granda | 7,229 |
| Sea Coral | 10,421 |
| Sea Empress | 10,074 |
| Shienfoon | 7,127 |
| Shun Fung | 7,148 |
| Soclyve | 7,291 |
| **Southgate (previous trips to Cuba under ex-name, Arlington Court—British flag) | 9,662 |
| Stanwear | 8,108 |
| Sudbury Hill | 7,140 |
| Suva Breeze | 4,970 |
| Swift River | 7,251 |
| Thames Breeze | 7,878 |
| **Timios Stavros (previous trips to Cuba under Greek flag) | 5,269 |
| Venice | 8,611 |
| Vercharmian | 7,265 |
| Vergmont | 7,381 |
| West-Breeze | 8,718 |
| Woldingham Hill | 7,113 |
| Yungfutary | 5,388 |
| Yunglutaton | 5,414 |
| Zela M | 7,237 |

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

*Added to Report No. 42, appearing in the FEDERAL REGISTER issue of October 14, 1964.



| FLAG OF REGISTRY, NAME OF SHIP—Continued | *Gross tonnage* |
|---|---|
| Lebanese (57 ships) | 261,886 |
| Agia Sophia | 3,106 |
| Aiolos II | 7,258 |
| Ais Giannis | 6,997 |
| Akanike | 7,285 |
| Al Amin | 7,186 |
| Alaska | 6,969 |
| Anthas | 7,044 |
| Antonis | 6,259 |
| Ares | 4,557 |
| Areti | 7,176 |
| Aristefs | 6,995 |
| Astir | 5,324 |
| Athamas | 4,729 |
| Carnation | 4,884 |
| **Christos (trip to Cuba under ex-name, Pamit—Greek flag) | 5,411 |
| Claire | 6,062 |
| Cris | 7,187 |
| Dimos | 7,067 |
| Free Trader | 7,240 |
| Giorgos Tsakiroglou | 7,282 |
| Granikos | 5,925 |
| Ilena | 7,397 |
| Ioannis Aspiotis | 5,103 |
| Kalliopi D. Lemos | 7,281 |
| Kapetanissa | 2,857 |
| Katerina | 7,176 |
| Leftric | 7,145 |
| Malou | 7,255 |
| Mantric | 7,124 |
| Marichristina | 4,383 |
| Marymark | 6,782 |
| Mersinidi | 7,314 |
| Mimosa | 6,984 |
| Mousse | 7,296 |
| Nictric | 7,251 |
| Noelle | 7,070 |
| Noemi | 7,199 |
| Olga | 7,133 |
| Panagos | 6,721 |
| Parmarina | 7,258 |
| **Razani (broken up) | 7,194 |
| Rio | 5,349 |
| St. Anthony | 7,165 |
| St. Nicolas | 7,267 |
| San George | 5,172 |
| San John | 7,260 |
| San Spyridon | 7,066 |
| Stevo | 7,349 |
| Taxiarhis | 7,045 |
| Tertric | 7,196 |
| Theodoros Lemos | 6,529 |
| Theologos | 4,561 |
| Toula | 7,248 |
| Troyan | 7,192 |
| Vasiliki | 6,453 |
| Vastric | 6,339 |
| Vergolivada | 16,051 |
| Yanxilas | 316,647 |
| Greek (42 ships) | 5,617 |
| Agios Therapon | 7,331 |
| Akastos | 12,897 |
| Aldebaran (Tanker) | 7,189 |
| Alice | 8,000 |
| **Ambassade (sold Hong Kong shipbreakers) | 7,104 |
| Americana | 7,359 |
| Anacreon | 7,178 |
| Anatoli | 6,712 |
| **Andromachi (previous trips to Cuba under ex-name, Penelope—Greek flag) | 5,171 |
| Antonia | 9,744 |
| Apollon | 7,091 |
| Armathia | 7,216 |
| Athanassios K | 7,084 |
| Barbarino | 7,249 |
| Calliopi Michalos | 7,291 |
| Capetan Petros | 8,418 |
| **Embassy (broken up) | 7,031 |
| Everest | 7,128 |
| Flora M | 7,244 |
| Galini | 7,268 |
| **Gloria (now Helen—Greek flag) | 7,128 |
| **Helen (trip to Cuba under ex-name, Gloria—Greek flag). | |
| Irena | 7,232 |
| Istros II | 7,275 |
| Kapetan Kostis | 5,032 |
| Kyra Hariklia | 6,888 |
| Maria Theresa | 7,245 |
| Marigo | 7,147 |
| Maroudio | 7,369 |
| Mastro-Stelios II | 7,282 |
| **Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag). | |
| **Nicolaos Frangistas (now Nicolaos F.—Greek flag) | 7,199 |
| **Pamit (now Christos—Lebanese flag) | 3,929 |
| Pantanassa | 7,131 |
| Paxoi | 7,144 |
| **Penelope (now Andromachi—Greek flag). | |
| Perseus (Tanker) | 15,852 |
| **Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag). | |
| **Presvia (broken up) | 10,820 |
| Propontis | 7,128 |
| Redestos | 5,911 |
| **Seirios (broken up) | 7,239 |
| Sophia | 7,080 |
| **Stylianos N. Vlassopulos (now Plate Trader—Greek flag) | 7,244 |
| **Timios Stavros (now British flag). | |
| Tina | 7,362 |
| Western Trader | 9,268 |
| Polish (13 ships) | 87,426 |
| Baltyk | 6,963 |
| Bialystok | 7,173 |
| Bytom | 5,967 |
| Chopin | 6,987 |
| Chorzow | 7,237 |
| Huta Florian | 7,268 |
| Huta Labedy | 7,221 |
| Huta Ostrowiec | 7,175 |
| Huta Zgoda | 6,849 |
| Kopalnia Miechowice | 7,223 |
| Kopalnia Siemianowice | 7,165 |
| Kopalnia Wujek | 7,033 |
| Piast | 3,184 |
| Italian (12 ships) | 102,013 |
| Achille | 6,950 |
| Agostino Bertani | 8,880 |
| Andrea Costa (Tanker) | 10,440 |
| Aspromonte | 7,154 |
| Giuseppe Giulietti (Tanker) | 17,519 |
| Montiron | 1,595 |
| Nazareno | 7,173 |
| Nino Bixio | 8,427 |
| San Francesco | 9,284 |
| San Nicola (Tanker) | 12,461 |
| Santa Lucia | 9,278 |
| Somalia | 3,352 |
| Yugoslav (7 ships) | 49,926 |
| Bar | 7,233 |
| Cavtat | 7,266 |
| Cetinje | 7,200 |
| Dugi Otok | 6,997 |
| Mojkovac | 7,125 |
| Prevalne | 6,960 |
| **Trebinjica (Wrecked) | 7,145 |
| Spanish (5 ships) | 6,193 |
| Escorpion | 999 |
| Sierra Andia | 1,596 |
| Sierra Aranzazu | 1,600 |
| Sierra Madre | 999 |
| Sierra Maria | 999 |
| French (5 ships) | 12,652 |
| Circe | 2,874 |
| Enee | 1,232 |
| Mungo | 4,320 |
| Nelee | 2,874 |
| Neve | 352 |
| Moroccan (5 ships) | 35,828 |
| Atlas | 10,392 |
| Banora | 3,082 |
| Marrakech | 9,214 |
| Mauritanie | 10,392 |
| Toubkal | 8,748 |
| Finnish (4 ships) | 32,849 |
| Augusta Paulin | 7,096 |
| *Ragni Paulin | 6,823 |
| Susan Paulin | 7,239 |
| Valny (Tanker) | 11,691 |
| Norwegian (3 ships) | 21,739 |
| Ole Bratt | 5,252 |
| Polyclipper (Tanker) | 11,737 |
| **Tine—(now Jezreel—Panamanian flag) | 4,750 |
| Swedish (3 ships) | 17,123 |
| Amfred | 2,828 |
| **Atlantic Friend—(now Atlantic Venture—Liberian flag) | 7,805 |
| Dagmar | 6,490 |
| Kuwaiti (1 ship): | |
| Maha | 1,392 |
| Cypriot (1 ship): | |
| Adelphos Petrakis | 7,134 |
| Netherlands (1 ship): | |
| Tempo | 499 |
| Liberian: | |
| **Atlantic Venture (trip to Cuba under ex-name, Atlantic Friend—Swedish flag). | |
| Panamanian: | |
| **Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag). | |
| Pakistani: | |
| **Jhelum (trip to Cuba under ex-name, Kirriemoor—British flag). | |

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

| Flag or Registry and Name of Ship | Gross tonnage |
|---|---|
| a. Since last report: | |
| British (5 ships) | 56,323 |
| London Glory (Tanker) | 10,061 |
| London Majesty (Tanker) | 12,132 |
| London Pride (Tanker) | 10,776 |
| London Splendour (Tanker) | 16,195 |
| Maple Hill | 7,139 |
| Greek (2 ships) | 32,959 |
| Proteus (Tanker) | 16,718 |
| Sirius (Tanker) | 16,241 |
| Norwegian (1 ship): | |
| Lovdal (Tanker) | 12,764 |

b. Previous reports:

| Flag of registry: | Number of ships |
|---|---|
| British | 19 |
| Danish | 1 |
| French | 1 |
| German (West) | 1 |
| Greek | 16 |
| Italian | 5 |
| Japanese | 1 |
| Norwegian | 2 |
| Spanish | 1 |

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through October 19, 1964:

| Flag of registry | Number of trips | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1963 | 1964 | | | | | | | | | | |
| | | Jan. | Feb. | Mar. | Apr. | May | June | July | Aug. | Sept. | Oct. | Total |
| British | 133 | 15 | 7 | 21 | 20 | 18 | 19 | 18 | 17 | 12 | 2 | 282 |
| Lebanese | 64 | 6 | 4 | 13 | 8 | 8 | 10 | 8 | 9 | 9 | | 139 |
| Greek | 99 | 1 | 5 | 3 | | 6 | 1 | 1 | 5 | 2 | | 123 |
| Italian | 16 | 1 | | 1 | 3 | 1 | 4 | 2 | 2 | | | 30 |
| Norwegian | 14 | 2 | 1 | | 1 | 2 | 1 | | 1 | | | 22 |
| Spanish | 8 | | 2 | | 3 | | 2 | 2 | 2 | 1 | | 21 |
| Moroccan | 9 | | 2 | | | 2 | 1 | 3 | 1 | 2 | 2 | 22 |
| Yugoslav | 12 | 1 | 1 | 1 | 1 | | | 3 | | 2 | | 21 |
| French | 8 | | | | 1 | | | 2 | 2 | | | 13 |
| Swedish | 3 | | | | | | 2 | | | 1 | 1 | 5 |
| Finnish | 1 | | | | | | 1 | | | | 1 | 4 |
| Kuwaiti | | | | | | | | 1 | | | | 2 |
| Cypriot | | | | | | | | 1 | | | | 1 |
| Danish | 1 | | | | | | | | | | | 1 |
| German (West) | 1 | | | | | | | | | | | 1 |
| Japanese | 1 | | | | | | | | | 1 | | 1 |
| Netherlands | | | | | | | | | | | | 1 |
| Sub Total | 370 | 26 | 23 | 39 | 37 | 37 | 41 | 41 | 40 | 31 | 4 | 689 |
| Polish | 18 | 1 | 3 | 1 | 2 | | 2 | 1 | | 2 | | 30 |
| Grand Total | 388 | 27 | 26 | 40 | 39 | 37 | 43 | 42 | 40 | 33 | 4 | 719 |

NOTE: Trip totals in this section exceed ship totals in Sections 1 and 2 because some of the ships made more than one trip to Cuba.

By order of the Deputy Maritime Administrator.

Dated: October 22, 1964.

JAMES S. DAWSON, Jr.,
*Secretary.*

[F.R. Doc. 64-10981; Filed, Oct. 27, 1964; 8:50 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

[Docket No. D-82; NDA 11-331]

### BARIATRIC CORP.

### Neo-Barine; Notice of Withdrawal of Approval of New-Drug Application

On May 21, 1964, the Commissioner of Food and Drugs issued a Notice of Opportunity for Hearing on his proposal to issue an order withdrawing approval of New-Drug Application No. 11-331 and all amendments and supplements thereto held by the Bariatric Corporation, Coral Gables, Fla., for the drug Neo-Barine, on the following grounds:

1. New evidence of clinical experience, not contained in such application or not available until after such application was approved, evaluated together with the evidence available when the application was approved, shows that the drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved, in that clinical experience shows that the use of Neo-Barine produces the same physiological effects as the administration of thyroid and that its use has been associated with undesirable thyrotoxic side effects.

2. New-Drug Application No. 11-331 contains untrue statements of material fact, in that there are differences in the conditions of use prescribed, recommended, or suggested by the applicant for Neo-Barine from the conditions of such use stated in the application and differences in the labeling from the specimens contained in the application: To wit, that there is no increase in calcium, phosphorus, chloride, or nitrogen excretion with use of Neo-Barine; that blood protein and 17 ketosteroids remain within normal limits; that urinary ketones remain negative; that elevated blood cholesterol levels significantly decrease; that it is not an anorexigenic agent but an anti-adipopexic antagonistic to the storage of fat which mediates its action through adipose tissue; that it reduces food requirements resulting in a spontaneous reduction of food consumed without drugs to curb appetite; that weight increase does not take place after withdrawal of Neo-Barine; that energy requirements are satisfied on Neo-Barine; that side reactions will disappear spontaneously within a few days without change of dosage, though it may be necessary, in some cases, to suspend medication for a few days; that medium-acting barbiturates, such as pentobarbital, control tremors; that an occasional patient exhibits muscle weakness, especially of the legs, at the start of treatment which is controlled by 7½ grains of potassium chloride daily for a few weeks; that diuretics may be employed for patients exhibiting a tendency to fluid retention; that it is not contraindicated in hypertension; that it may result in elevated blood sugar; that it is contraindicated in the presence of pregnancy or a previous history of iodinism; that children over 13 years old tolerate it at the same levels as given to adults; that it contains 1.06 percent thyroxin; that it may be administered to patients having diabetes, colitis, or hypertension; and that it may produce a marked drop in blood pressure.

The Notice of Opportunity was sent by certified mail and received by the Bariatric Corporation on May 26, 1964. It was published in the FEDERAL REGISTER on May 27, 1964 (29 F.R. 6963).

On June 24, 1964, the Bariatric Corporation, pursuant to the provisions of 21 CFR Part 130, elected to avail itself of the opportunity for hearing afforded by the Commissioner's notice.

Pursuant to the request for hearing, on June 29, 1964, John L. Harvey, Deputy Commissioner of Food and Drugs, designated William E. Brennan as Hearing Examiner to conduct the hearing on the Commissioner's proposal to withdraw approval for NDA 11-331 and all amendments and supplements thereto for Neo-Barine.

On August 3, 1964, the prehearing conference was held, and at the request of the Bariatric Corporation a postponement of the hearing from August 10, 1964, date was granted. As a further result of the prehearing conference a prehearing order was entered by the Examiner on August 7, 1964, specifying, among other matters, the issues to be resolved at the hearing.

On August 24, 1964, the hearing commenced with the presentation of the Food and Drug Administration's evidence. This hearing continued from time to time until September 21, 1964, when the Bariatric Corporation requested a continuance of the hearing to October 6, 1964. This continuance was granted, over objection of Government counsel, by the hearing examiner on the agreement of the Bariatric Corporation to cease distribution of Neo-Barine as of September 21, 1964. The purpose of the continuance was, as stated by counsel for Bariatric Corporation, to provide counsel with time in which to consult with officers of the Corporation to determine which of two alternative courses of action to follow in light of the progress of the hearing to date. The alternatives were (1) to continue the hearing in the manner provided by statute; or (2) to withdraw the Company's request for hearing with the result that the Commissioner would withdraw approval of the New-Drug Application.

By letter dated October 1, 1964, to the hearing examiner, and received October 5, 1964, the Bariatric Corporation withdrew its election to avail itself of the opportunity for a public hearing on the proposed withdrawal of the New-Drug Application No. 11-331 for Neo-Barine.

Therefore, the Bariatric Corporation, Coral Gables, Florida, holder of the New-Drug Application No. 11-331, having availed itself of an opportunity for a public hearing pursuant to the Notice of Opportunity for Hearing published May 27, 1964, and having proceeded to hearing on August 24, 1964, and then withdrawing its request for hearing on October 1, 1964, and no other party having elected or appeared:

The Commissioner of Food and Drugs, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053; 21 U.S.C. 355(e)) and delegated to the Commissioner by the Secretary (21 CFR 2.90; 29 F.R. 471) finds that, on the basis of new evidence of clinical experience, not available until after the New-Drug Application for Neo-Barine was approved, evaluated together with the evidence available when the application was approved, the drug Neo-Barine produces the same physiological effects as the administration of thyroid and its clinical use causes undesirable thyrotoxic side effects, and that therefore Neo-Barine is not shown to be safe for use under the conditions for use upon the basis of which the application was approved.

The Commissioner further finds that New-Drug Application 11-331 for Neo-Barine contains untrue statements of material fact, in that there are differences in the conditions of use prescribed, recommended, or suggested by the Bariatric Corporation from the conditions of use stated in the application. Such differences consist of claims and representations about the drug Neo-Barine that have never been submitted as part of the New-Drug Application 11-331 for Neo-Barine and about which Bariatric Corporation has never submitted supporting data.

Therefore, on the foregoing findings of fact, the approval of New-Drug Application 11-331, applying to Neo-Barine, is withdrawn, effective on the date of signature of this document.

Dated: October 22, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-10977; Filed, Oct. 27, 1964; 8:48 a.m.]



# CIVIL AERONAUTICS BOARD

[Docket No. 15353; Order E-21490]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Regarding North Atlantic Excursion Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of October 1964.

Agreement adopted by Joint Conference 1-2 of the International Air Transport Association relating to North Atlantic excursion fares; Docket No. 15353, Agreement C.A.B. 17993.

There has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated C.A.B. agreement number, was adopted at meetings in Athens and carries an early effectiveness date of October 25, 1964.

The agreement will permit the application of 14-21 day round-trip excursion travel on the North Atlantic during the winter period November 6 through February 14, which travel is now prohibited during this period by the terms of the existing agreement. The fares for travel have been set at a level $35 higher than the current excursion fares, producing a New York-London fare of $335. However, existing fares to Spain will be maintained. Existing restrictions against travel on weekends will be continued during this period, except with respect to transportation purchased, and for which firm reservations were made, prior to October 15, 1964, for travel to Spain and Portugal.

The Board has urged the carriers to offer reduced fares in the winter months when traffic is at a minimum and ample capacity exists to carry substantially increased traffic. The Board stressed this view particularly since the revised fare structure that became effective in April of this year did not include excursion fares as in preceding years and, thus, would result in an increase for many passengers traveling in the winter. The New York-London fare of $335 provides a reduction of $64 from the normal round-trip fare of $399 and is lower than the $350 excursion fare of last year. The Board would have favored still a lower fare as a means of adequately testing the traffic generating effects of a rock-bottom price during the winter. However, we believe that the proposed fare, the lowest jet fare ever offered in the winter, will afford some opportunity to test the generating effects of reduced winter fares.

The Board acting pursuant to sections 102, 204(a) and 412 of the Act, does not find the above-described agreement, incorporated in IATA Resolution JT12(33) 030c, to be adverse to the public interest or in violation of the Act.

*Accordingly, it is ordered,* That, Agreement C.A.B. 17993 is approved.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-10977; Filed, Oct. 27, 1964; 8:49 a.m.]

[Docket No. 15353; Order E-21493]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Regarding Interline Arrangements With Non-IATA Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of October 1964.

Agreement adopted by the traffic conferences of the International Air Transport Association relating to interline arrangements with non-IATA carriers; Docket No. 15353, Agreement C.A.B. 17845 R-65 through R-68.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA) adopted at meetings held in Tokyo in June 1964. The agreement, which has been assigned the above-designated C.A.B. Agreement number, amends IATA Resolutions 850 (Form of Interline Traffic Agreement) and 851 (Interline Agreements with Non-IATA Carriers).

The amendment to Resolution 851, which sets forth the rules governing interline arrangements of a bilateral nature with non-IATA carriers, extends to Traffic Conference 1 and all of Traffic Conference 3 existing provisions applicable in the Middle East, Libya, Tunisia and India which require adherence by non-IATA carriers to IATA rules and practices. In addition, the revisions provide for the inspection by the IATA enforcement officer of the non-IATA carrier's records and accounts and in the event of a finding that the non-IATA carrier has failed to adhere to the IATA fares, rates, charges, rules, or practices

that appropriate corrective action be taken, including suspension of all the non-IATA carrier's interline agreements with IATA members for a period of up to two years.[1]

Resolution 850, as noted, provides a standard form for interline traffic agreements. The amendments here proposed are substantially similar to those to be applicable to Resolution 851. It differs in that there are no broad exceptions specified insofar as United States carrier members are concerned.

Petitions in opposition to the resolutions have been filed on behalf of several non-IATA carriers; namely, Compania Ecuatoriana de Aviacion, S.A. (CEA), Transportes Aereos Nacionales, S.A. (TAN), Aerolineas Peruanas, S.A. (APSA), Aerovias Interamericanas de Panama, S.A. (APA), Trans Caribbean Airways, Inc., and Loftleidir, h.f. (Icelandic Airlines). TAN urges that the proposed revisions will legislate fares, rates, charges, rules and practices of non-IATA carriers insofar as the latter might interchange a through passenger with a United States domestic airline which happened to have an IATA membership and asks that the status quo as established by the Board's decision in the IATA Regional Traffic Conference, Investigation,[2] 24 C.A.B. 463 (1957), be maintained. In addition, other carriers object to the restrictions imposed upon interline arrangements with non-IATA carriers whether or not the restrictions are applicable to transportation involving in part a domestic segment of the United States carrier member and point to the antitrust implications and public interest implications involved in such restrictions.

Responses have been received from Pan American World Airways, Inc., Pan American-Grace Airways, Inc., and Trans World Airlines, Inc. In general, these IATA carriers note that the Board has previously approved in Order E–19384 stipulations requiring adherence by non-IATA carriers to IATA agreed fares, rates, or charges in connection with certain interline movements involving IATA and non-IATA carriers. These carriers contend that the amendments before the Board are not inconsistent with the TAN case; that, on the contrary, the exceptions in these amendments are broader than would have been required by the TAN case; that, to the extent the amendments are applicable in foreign air transportation, they are consistent with the TAN case in that inhibitions in foreign air transportation were recognized as reasonable regulations in the interest of a stabilized fare structure; and that the non-IATA carrier complainants have not shown a need for broadening the exceptions created by the TAN case. With respect to inspection and enforcement procedures, the responding IATA carriers contend that they are necessary to control violations by non-IATA carriers of agreements in which they have entered into. The statement is made that irrespective of the requirements of the agreements, non-IATA carriers continue to charge less than through fares when writing tickets, that such disregard of the agreements has forced other non-IATA carriers to follow suit and has led to another form of evasion whereby IATA members set up a non-IATA subsidiary in order to meet such competition, and presumably, engage in similar rate cutting.

The terms of the amendments, when read in conjunction with existing provisions that are not proposed to be modified, are not entirely free from doubt as to their meaning or intended application.

The resolutions appear to duplicate language in existing provisions requiring adherence to fares, rates, or charges. The exception imposed by the TAN decision which prohibits the application of IATA resolutions to United States carrier members where transportation is over their domestic sector only is reflected in the language of Resolution 851. It is not so reflected in Resolution 850.

In addition, the proposed exception in Resolution 851 with respect to the inapplicability to non-IATA carriers of IATA rules and practices when the transportation to be performed by the United States carrier members is "* * * only over a United States domestic sector and/or only between a point in the United States, its territories, or possessions and a point in TC1 outside thereof; * * *" is indecipherable. We assume it was intended to grant exemption when the transportation to be performed by the United States member is (1) over a United States domestic sector, or (2) between a point in the United States, its territories, or possessions and a point in TC1 outside thereof, or (3) over a United States domestic sector and involves transportation to or from points on such sector and a point in TC1 outside of the United States, its territories, or possessions. However, the literal language of the provision leaves the intent of the parties obscure at best.[3]

In any event, as we understand the resolutions, their intended effect is to require adherence by non-IATA carriers to rules and practices as well as fares, rates, or charges and to establish inspection and enforcement procedures. Except as conditioned by the Board's order in the TAN case the standard form of agreement (Resolution 850) would require adherence to IATA fares, rates, charges, rules and practices. Insofar as bilateral interline agreements are concerned (Resolution 851), the amendments would appear to be of relatively limited applicability in air transportation by virtue of the exceptions accorded United States carrier members.

The complainants appear to have erroneously assumed that the resolutions insofar as they relate to rates, fares, and charges are new. In any event, the complaints are directed to the IATA resolutions requiring non-IATA carriers to adhere to IATA fares, rates, and charges as well as to the new provisions requiring adherence to rules and practices and establishing enforcement procedures. TAN, for example, urges that the Board not depart from the conditions imposed in the TAN case, while APSA and others urge that the Board disapprove (or defer and investigate) the resolutions[4] which they contend regulate their fares as well as rules and practices.

As the APSA complaint sets forth, there are serious antitrust implications inherent in agreements which, in effect, require non-IATA carriers to apply IATA rates in order to participate in interline traffic. On the other hand, as the Board concluded in the TAN case, jeopardy to the international rate structure may result if conditions broader than those imposed in the TAN case are applied. The extent of injury to non-IATA carriers and the impact on passengers moving in air transportation, absent a broadening of the TAN conditions, cannot be determined on the basis of the information at hand. No showing has been made as to the amount of interline traffic involved in air transportation other than that which moves over a U.S. domestic sector. Stated differently, the non-IATA carriers have not spelled out the amount of their traffic between two foreign points with interchange at a U.S. point, or of their interline traffic originating or destined to a United States point with interchange with IATA carriers at a foreign point; neither have they shown what the impact on such passengers would be as to paying increased fares. Therefore, without prejudice as to any showing that may be made, we find no basis on the record before us to broaden the provisions of the TAN decision and order which are still outstanding and controlling.

Although we have determined not to broaden the provisions of the TAN case, we are, nevertheless, concerned with the added rules, practices, and enforcement provisions. These provisions contained in Resolution 850 and 851 raise serious antitrust questions. The IATA carriers, moreover, have given no facts that would warrant the imposition of these extensive restrictive and punitive provisions. The inspection provisions which would permit access to the non-IATA carrier accounts and records, unless carried out under well-defined pre-agreed terms, could serve as an avenue for IATA carriers to acquire detailed knowledge of their competitors' activities. The sanctions which could require cancellation in the event of a rule infraction of a non-IATA carrier's interline agreements with all IATA carriers for a period of two years are unduly harsh and punitive. The impact of the penalty on the non-IATA carriers could be greater than any penalty which might be imposed on the IATA member found guilty of a violation.

Moreover, the language of the resolutions requiring adherence to rules and practices is far from explicit. In our view it could be subject to varying interpretations. Any requirements in this respect must be spelled out. Accordingly, we find the resolutions relating to rules, practices and enforcement, insofar as applicable to air transportation, adverse to the public interest.

The Board finds that the petitions of the above-named non-IATA carriers should be denied insofar as they request disapproval of provisions of IATA resolutions that require adherence by non-IATA carriers to IATA fares, rates, or charges and granted insofar as they request that the added provisions relating to rules, practices, and enforcement procedures and sanctions be rendered inapplicable in air transportation.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, and particularly sections 102, 204(a), and 412:

*It is ordered*, That:

1. The petitions of Compania Ecuatoriana de Aviacion, S.A., Transportes Aereos Nacionales, S.A., Aerolineas Peruanas, S.A., Aerovias Interamericanas de Panama, S.A., Trans Caribbean Airways, Inc., and Loftleidir, h.f., are granted insofar as they request that the subject resolutions relating to rules, practices and enforcement provisions be rendered inapplicable in air transportation as defined by the Act and denied insofar as they request disapproval (or deferral and investigation) of IATA resolutions requiring adherence by non-IATA carriers to IATA fares, rates, and charges.

2. Agreement C.A.B. 17845, R–65 through R–68, which incorporates the following resolutions is approved, provided that such approval shall not apply in air transportation as defined by the Act.

| Agreement CAB 17845 | IATA No. | Title |
|---|---|---|
| R–65 | 850 | Form of Interline Traffic Agreement—Amending I. |
| R–66 | 850 | Form of Interline Traffic Agreement—Amending II. |
| R–67 | 851 | Interline Agreements with Non-IATA Carriers—Amending (I). |
| R–68 | 851 | Interline Traffic Agreement with Non-IATA Carriers—Amending (II). |

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64–10978; Filed, Oct. 27, 1964; 8:49 a.m.]

[1] An exception provides that the new provision as to rules and practices and enforcement "* * * shall not apply to a United States air carrier member with respect to adherence by the non-IATA carrier to IATA rules and practices where the transportation to be performed by such member is only over a United States domestic sector and/or only between a point in the United States, its territories or possessions and a point in TC1 outside thereof." The existing Resolution 851 contains broad exceptions. The restrictive provisions relating to fares, rates, or charges are not applicable to a U.S. carrier member "* * * where the transportation to be provided by such member is only over a United States domestic sector and/or only between a point in the United States, its territories, or possessions and a point outside thereof."

[2] The Board's opinion and order (E–10992) of January 31, 1957, Docket 7522, IATA Regional Traffic Conference, Investigation, as modified by Order E–11160 adopted March 25, 1957, provides that: "No IATA resolutions shall apply or be binding upon a United States air carrier member with respect to foreign air transportation which involves only a segment of such United States air carrier between a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States; or between places in the same territory or possession of the United States, or the District of Columbia."

[3] It is impossible for transportation to be performed only over a United States domestic sector and only between a point in the United States and a point in TC1 outside thereof (the same ambiguity is present in existing language).

[4] This would mean that the IATA rate resolutions would not be binding at all upon IATA carriers with respect to any interline traffic with non-IATA carriers.



[Docket No. 14818]

## OZARK AIR LINES, INC.

### Renewal of Segments 12, 13, 14, and 15; Notice of Postponement of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding now assigned to be held November 17, is postponed to November 24, 1964, at 10:00 a.m., local time, in Room 925 of the Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., October 23, 1964.

[SEAL] MERRITT RUHLEN,
*Hearing Examiner.*

[F.R. Doc. 64–10979; Filed, Oct. 27, 1964; 8:50 a.m.]

[Docket No. 13906; Order E–21431]

## UNITED STATES OVERSEAS AIRLINES, INC.

### Order Extending Suspension Period of Interim Certificate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of October 1964.

On September 24, 1964, the Board, by Order E–21325, suspended USOA's interim certificate to engage in supplemental air transportation for a period of 30 days, effective 12:01 a.m., September 25, 1964. Thereafter, a public hearing was held, and the examiner on October 14, 1964 delivered his decision orally on the record, revoking the certificate. On October 16, 1964, USOA filed a notice of appeal.

The Board finds that further procedural steps foreclose the possibility of disposing of the appeal within the suspension period ordered. The Board further finds that the circumstances requiring the suspension of USOA's interim certificate continue to exist, and that pursuant to section 401(n) of the Act, Part IV of its interim certificate, and Rule 1015 of the Board's rules of practice, the period of suspension ordered in Order E–21325, supra, should be extended for an additional 30 days.

*Accordingly, it is ordered:*

1. That the period of suspension of USOA's interim certificate to engage in supplemental air transportation, ordered in Order E–21325, September 24, 1964, be and it hereby is extended to and through November 23, 1964.

2. That a copy of this order shall be served upon the carrier by certified mail at its last known address and published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64–10980; Filed, Oct. 27, 1964; 8:50 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15485, 15486; FCC 64M–1048]

## DIRIGO BROADCASTING, INC., AND DOWNEAST TELEVISION, INC.

### Order Continuing Hearing

In re applications of Dirigo Broadcasting, Inc., Bangor, Maine, Docket No. 15485, File No. BPCT–2911; Downeast Television, Inc., Bangor, Maine, Docket No. 15486, File No. BPCT–2952; for construction permits for new television broadcast stations (Channel 7).

The Hearing Examiner having under consideration a request filed on October 22, 1964, by counsel for Dirigo Broadcasting, Inc., one of the applicants herein, requesting that certain changes be made in procedural dates heretofore specified in the above-entitled proceeding; and

It appearing, that the applicants have reached an agreement which has been filed with the Commission, together with request for dismissal of the application of Dirigo Broadcasting, Inc., and that, in the event of a grant of the request for such dismissal, there will be no need for a comparative hearing; and

It further appearing, that counsel for all parties to the proceeding have informally consented to the immediate consideration and grant of the instant request;

*It is, therefore, ordered*, This 23d day of October 1964, that the request for change in procedural dates be and it is hereby granted to the extent that the procedural dates are rescheduled as follows:

| | Extended from | To |
|---|---|---|
| Exchange of exhibits | Oct. 23, 1964 | Nov. 23, 1964 |
| Hearing | Nov. 6, 1964 | Dec. 7, 1964 |

Released: October 23, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10969; Filed, Oct. 27, 1964; 8:48 a.m.]

[Canadian List 190]

## CANADIAN BROADCAST STATIONS

### List of Changes, Proposed Changes and Corrections in Assignments

OCTOBER 2, 1964.

Notification under the provisions of Part III, Section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph No. 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

| Call letters | Location | Power kw | Antenna | Schedule | Class | Expected date of commencement of operation |
|---|---|---|---|---|---|---|
| | | *530 kilocycles* | | | | |
| CKWW (N.I.O.) | Windsor, Ont. | 0.5 | DA-1 | U | III | |
| | | *580 kilocycles* | | | | |
| New | Kapuskasing, Ont. | 1 | DA-1 | U | III | E.I.O. 10.1.65. |
| | | *610 kilocycles* | | | | |
| CHTM (N.I.O.) | Thompson, Man. | 1 | ND | U | III | |
| | | *630 kilocycles* | | | | |
| CJET (P.O. 630kc, 1kw, DA-2). | Smiths Falls, Ont. | 10 | DA-2 | U | III | E.I.O. 10.1.65. |
| | | *740 kilocycles* | | | | |
| CBX (change in call letters from CBXA). | Edmonton, Alta. | 50 | DA-2 | U | II | |
| | | *800 kilocycles* | | | | |
| CJAD (now in operation with increased daytime power). | Montreal, P.Q. | 50 D/10 N | DA-2 | U | II | |
| | | *810 kilocycles* | | | | |
| *CHOR* (assignment of call letters). | Calgary, Alta. | 10 | DA-2 | U | II | |
| | | *940 kilocycles* | | | | |
| CJGX (P.O. 940kc, 10kw, D/1kw N, ND). | Yorkton, Sask. | 10 | *DA-N* | U | II | E.I.O. 10.1.65. |
| | | *1,010 kilocycles* | | | | |
| *CBR* (change in call letters from CBX). | Calgary, Alta. | 50 | DA-2 | U | I-A | |
| | | *1,080 kilocycles* | | | | |
| CKSA (P.O. 1,150kc, 10kw, DA-2). | Lloydminster, Alta. | 10 | *DA-N* | U | II | E.I.O. 10.1.65. |
| | | *1,230 kilocycles* | | | | |
| CFBV (N.I.O.) | Smithers, B.C. | 1 D/0.25 N | ND | U | IV | |
| | | *1250 kilocycles* | | | | |
| CHSM (N.I.O.) | Steinbach, Man. | 10 | DA-2 | U | III | |
| | | *1340 kilocycles* | | | | |
| *CFOM* (change in call letters from CFQC). | Quebec, Que. | 0.25 | ND | U | IV | |
| | | *1400 kilocycles* | | | | |
| New | Gravenhurst, Ont. | 1 D/0.25 N | ND | U | IV | E.I.O. 10.1.65. |
| | | *1450 kilocycles* | | | | |
| CHUC (now in operation on new frequency). | Port Hope, Ont. | 1 | DA-2 | U | IV | |
| | | *1500 kilocycles* | | | | |
| *CKAY* (assignment of call letters). | Duncan, B.C. | 1 | DA-1 | U | II | |
| | | *630 kilocycles* | | | | |
| CHLT (P.O. 630kc, *10kw D/5kw N*, DA-2) correction of present operation from that shown on List No. 189. | Sherbrooke, P.Q. | 50 D/10 N | DA-2 | U | III | E.I.O. 7.15.65. |

[SEAL] BEN F. WAPLE,
*Secretary, Federal Communications Commission.*

[F.R. Doc. 64-10972; Filed, Oct. 27, 1964; 8:49 a.m.]

[Docket Nos. 15667-15669; FCC 64-961]

## KAISER INDUSTRIES CORP. ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Kaiser Industries Corporation, Chicago, Illinois, Docket No. 15667, File No. BPCT-3092; Frederick B. Livingston and Thomas L. Davis, d/b as Chicagoland TV Company, Chicago, Illinois, Docket No. 15668, File No. BPCT-3116; Warner Bros. Pictures, Inc., Chicago, Illinois, Docket No. 15669, File No. BPCT-3271; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 21st day of October 1964;

The Commission, having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 38, Chicago, Ill.; and

It appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

1. Kaiser Industries Corporation is a corporation organized and existing under and by virtue of the laws of the State of Nevada. No showing has been made that it is authorized to do business in the State of Illinois. It must be determined, therefore, whether the applicant is, or can be, authorized to do business in the State of Illinois.

2. Warner Bros. Pictures, Inc., is a corporation organized and existing under and by virtue of the laws of the State of Delaware. No showing has been made that it is authorized to do business in the State of Illinois: It must be determined, therefore, whether the applicant is, or can be, authorized to do business in the State of Illinois.

3. Warner Bros. Pictures, Inc. is a publicly owned corporation having approximately 9,600 stockholders representing ownership of 4,835,896 shares of voting stock. Although the applicant states that, based on addresses of record, 99.71 percent of its stockholders are citizens of the United States, the Commission is of the view that the fact that stockholders may have resident addresses does not constitute a showing that such stockholders are citizens of the United States within the intent and meaning of section 310(a)(4) of the Communications Act of 1934, as amended. Moreover, approximately 788,000 shares of voting stock are owned by brokerage houses for and on behalf of persons unknown whose citizenship cannot, therefore, be determined. Accordingly, an issue is necessary to determine whether a grant of the application would be consistent with the provisions of section 310(a)(4) of the Communications Act of 1934, as amended.

4. It appears that a significant portion of the voting stock of Warner Bros. Pictures, Inc., is owned by brokerage houses or others for and on behalf of persons unknown. Under these circumstances, it is not possible to determine whether, as stockholders, such nominal or beneficial owners have broadcast interests which, considered in connection with the application of Warner Bros. Pictures, Inc., would be inconsistent with the multiple ownership provisions of the Commission's Rules. It must be determined, therefore, whether a grant of the application of Warner Bros. Pictures, Inc. would be consistent with the provisions of § 73.636 of the Commission's rules.

5. Warner Bros. Pictures, Inc., is presently defendant in a civil antitrust matter brought by the State of Washington (State of Washington v. Sterling Theatre Co. et al., filed June 20, 1963, Superior Court of the State of Washington for King County, Case No. 604074) charging acts and practices in restraint of trade in the City of Seattle.

The applicant has also been involved in numerous antitrust actions brought by the United States in which the applicant has been adjudged to be in violation of laws of the United States, including involvement in a criminal contempt action brought by the United States for violation of a decree of the United States District Court for the Northern District of Illinois. Pursuant to its policy as expressed in its "Report on Uniform Policy as to Violation by Applicants of Laws of United States" (Docket No. 9572, 1 R.R. [Part Three] Page 91:495-503, April, 1951), the Commission must determine, in the light of the past history of Warner Bros. Pictures, Inc., whether the applicant possesses the requisite qualifications to be a broadcast licensee.

It further appearing, that, except as indicated above, Kaiser Industries Corporation is financially and technically qualified to construct, own and operate the proposed television broadcast station; that, Frederick B. Livingston and Thomas L. Davis, d.b.a. Chicagoland TV Company, are legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; and that, except as indicated above, Warner Bros. Pictures, Inc., is financially and technically qualified to construct, own and operate the proposed television broadcast station; and

It further appearing, that Kaiser Industries Corporation, through its subsidiary, is presently defendant in a pending criminal antitrust action brought by the United States charging violation of laws of the United States (U.S. v. Kaiser Aluminum & Chemical Sales, Inc., Criminal Case No. 21241, U.S. District Court for the Eastern District of Pennsylvania, filed October 31, 1962); and, in the event of a grant of the application of Kaiser Industries Corporation as a result of this proceeding, such grant should be subject to the condition that it is made without prejudice to such further action as the Commission may deem appropriate as a result of the said pending criminal action; and

It further appearing, that, in the event of a grant of the application of Warner Bros. Pictures, Inc., as a result of this proceeding, such grant should be subject to the condition that it is made without prejudice to such further action as the Commission may deem appropriate as a result of the pending civil antitrust proceeding in the State of Washington, aforesaid; and

It further appearing, that Kaiser Industries Corporation, through its subsidiary, was defendant in two criminal antitrust actions brought by the United States charging violation of the laws of the United States (U.S. v. Kaiser Steel Corporation et al., Criminal Case No. 33339; U.S. v. United Concrete Pipe Corp. et al., Criminal Case No. 33340, both filed March 10, 1964, in the U.S. District Court for the Southern District of California, Central Division), in which the defendant entered pleas of nolo contendere and was fined the sum of $1,000 in Case No. 33339 and $2,000 in Case No. 33340; and

It further appearing, that the facts and circumstances leading to the three criminal actions involving Kaiser Industries Corporation and the civil antitrust action involving Warner Bros. Pictures, Inc., may be explored within the framework of standard comparative issue "6(a)" herein rather than in a separate issue ("Report on Uniform Policy as to Violation by Applicants of Laws of United States", supra); and

It further appearing, that, upon due consideration of the above-captioned applications, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary and that the said applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Kaiser Industries Corporation, Frederick B. Livingston and Thomas L. Davis, d.b.a. Chicagoland TV Company, and Warner Bros. Pictures, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Kaiser Industries Corporation is, or can be, authorized to do business in the State of Illinois.

2. To determine whether Warner Bros. Pictures, Inc., is, or can be, authorized to do business in the State of Illinois.

3. To determine whether a grant of the application of Warner Bros. Pictures, Inc., would be consistent with the provisions of section 310(a)(4) of the Communications Act of 1934, as amended.

4. To determine whether a grant of the application of Warner Bros. Pictures, Inc., would be consistent with the provisions of § 73.636 of the Commission's rules.

5. To determine, in the light of the past conduct of Warner Bros. Pictures, Inc., whether it has the requisite qualifications to be a broadcast licensee.

6. To determine, on a comparative basis, which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity, in light of the significant differences between the applicants as to:

(a) The background and experience of each, bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast station.

(c) The programming service proposed in each of the above-captioned applications.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

*It is further ordered*, That, in the event of a grant of the application of Kaiser Industries Corporation, such grant shall be subject to the condition that it is made without prejudice to such further action as the Commission may deem appropriate as a result of the pending criminal antitrust suit of United States v. Kaiser Aluminum & Chemical Sales, Inc., Criminal Case No. 21241, U.S. District Court for the Eastern District of Pennsylvania, filed October 31, 1962; and

*It is further ordered*, That, in the event of a grant of the application of Warner Bros. Pictures, Inc., such grant shall be subject to the condition that it is made without prejudice to such further action as the Commission may deem appropriate as a result of the pending civil antitrust suit of State of Washington v. Sterling Theatre Co. et al., Case No. 604074, Superior Court of the State of Washington for King County, filed June 20, 1963; and

*It is further ordered*, That the issues in the above-captioned proceeding may







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Mr. W. J. Amoss, Jr., Vice President, Traffic, Cosmos Shipping Co., Inc., No. 723, 17 Battery Place, New York, N.Y. 10004

or Hong Kong to destinations located on



interest in this proceeding and desiring

be enlarged by the Examiner, upon his own motion or upon petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, Kaiser Industries Corporation, Frederick B. Livingston and Thomas L. Davis, d/b as Chicagoland TV Company, and Warner Bros. Pictures, Inc., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing either individually or, if feasible, jointly, within the time and in the manner specified in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: October 23, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-10970; Filed, Oct. 27, 1964; 8:48 a.m.]

## FEDERAL MARITIME COMMISSION

### NORTON LINE JOINT SERVICE

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Elmer C. Maddy, Esq., Kirlin, Campbell & Keating, One Twenty Broadway, New York, N.Y., 10005.

Agreement 7559-4 between Stockholms Rederiaktiebolag Svea and Rederiaktiebolaget Fredrika, current parties to the Norton Line Joint Service; and Norton Lilly Management Corporation and Hera Shipping and Trading Corporation modifies the presently approved joint service agreement covering the trade between Canadian and United States Atlantic and Gulf ports and all ports in Central and South America and all islands in the Caribbean Sea. The purpose of the modification is to provide for (1) the participation of Norton Lilly Management Corporation and Hera Shipping and Trading Corporation in the joint service; (2) expansion of the scope of the joint service to include the trade between Canadian and United States Great Lakes ports and ports in Central and South America and all islands in the Caribbean Sea; (3) inclusion of the understanding that each party will supply twenty-five (25) percent of the tonnage required, and for the apportionment of expenses in connection with conference membership between the four (4) carriers in equal shares; and (4) the cancellation of the agreement upon the giving of ninety (90) days notice by any party, rather than the required year's notice as presently provided in the agreement.

Dated: October 23, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10960; Filed, Oct. 27, 1964; 8:48 a.m.]

## LYKES BROTHERS STEAMSHIP CO., INC., AND OPHIR HAIFA SEA TRANSPORTS COOP. SOCIETY, LTD.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. W. J. Amoss, Jr., Vice President, Traffic, Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans, La., 70160.

Agreement 9391 between Lykes Bros. Steamship Co., Inc. (originating carrier) and Ophir Haifa Sea Transports Coop. Society, Ltd. (delivering carrier), provides for the establishment of a through billing arrangement for the transportation of general as well as specific cargo in the trade from United States Gulf and South Atlantic ports to the Israeli ports of Haifa and/or Tel-Aviv, with transhipment at Italian ports. Through rates will be filed by and transhipment expenses on specific commodities will be for the account of the originating carrier. Transhipment expenses on general cargo will be apportioned between the parties in accordance with the terms and conditions set forth in the agreement.

Dated: October 23, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10961; Filed, Oct. 27, 1964; 8:48 a.m.]

## STATES STEAMSHIP CO. ET AL.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

States Steamship Co., David E. Snow, 320 California Street, San Francisco, Calif., 94104.

Agreement No. 9390 between States Steamship Company and United States Lines Company (American Pioneer Line), covers through billing arrangements of military household goods, personal effects and unaccompanied baggage moving on bills of lading issued by:

(a) States at ports in Japan, Korea, Okinawa, Taiwan, Philippines, Viet Nam, Thailand, or Hong Kong to destinations located on the east coast of the United States served by Pioneer with transhipment in Japan.

(b) Pioneer at ports in Japan, Korea, Okinawa, Taiwan, Philippines, Viet Nam, or Hong Kong to destinations located on the west coast of the United States, Midway Island, or Honolulu, Hawaii, served by States with transhipment in Japan.

Agreement No. 9390 provides for the apportionment of the through rates and transhipment expenses on the basis of percentages in accordance with the terms and conditions set forth in the agreement.

Dated: October 23, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10962; Filed, Oct. 27, 1964; 8:48 a.m.]



## INDEPENDENT OCEAN FREIGHT FORWARDER APPLICATIONS

### Notice of Revision

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licenses issued pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANTS

Associated Shipping Agencies, Ltd., No. 11 1511 K Street NW., Investment Building, Washington, D.C., 20005; revoked October 5, 1964.

Austral Forwarding Agency, No. 107 (Juan Carlos Taglioretti, d.b.a.), 96 Warren Street, New York, N.Y., 10007; revoked October 2, 1964.

Frank P. Cattano, No. 321, 89-21 Elmhurst Avenue, Elmhurst, Long Island, N.Y.; revoked October 12, 1964.

Corell Fowarding Co., No. 326 (Ludwig A. Conrad, d.b.a.), 83-26 Lefferts Boulevard, Jamaica, N.Y., 11415; revoked October 6, 1964.

Loaiza & Co. of N.Y., Inc., W. No. 252, 7 Water Street, New York, N.Y., 10004; revoked October 9, 1964.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any applicant should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

Aero Sea Shipping Co. (Late), Leon Wiener, d.b.a., 2680 East 19th Street, Brooklyn, N.Y.; Leon Wiener, owner.

Consular Documents Inc. (Non), 17 Battery Place, New York, N.Y., 10004; Rene Gonzalez, president; Noel Gonzalez, vice president.

Satellite Shipping Corp. (Non), 24 Stone Street, New York, N.Y.; Fred Gelosky, director and president; Helene Gelosky, secretary and director.

CHANGE OF ADDRESS

Cophresi Shipping Co., Inc., No. 1017, 165 Attorney Street, New York, N.Y., 10002.

Capitol Shipping Co., No. 835, The Investment Building, 1511 K Street NW., Washington, D.C.

Cosmos Shipping Co., Inc., No. 722, 17 Battery Place, New York, N.Y., 10004.

Change from individual to partnership: Ambrosio Co., No. 496, 32 Broadway, New York, N.Y., 10004; Dominic J. Ambrosio, partner; Patrick D. Ambrosio, partner.

Dated October 23, 1964.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10963; Filed, Oct. 27, 1964; 8:48 a.m.]

[Docket No. 1143]

## SEA-LAND SERVICE, INC., PUERTO RICAN DIVISION AND SEATRAIN LINES, INC.

### Minimum Rates and Charges Between Atlantic and Gulf Ports and Ports in Puerto Rico

Second supplemental order; notice of reopening and change of name of proceeding and expansion of investigation to include Sea-Land Service, Inc., Gulf/Puerto Rico minimum rates and charges.

By order dated June 30, 1964, the Commission discontinued this proceeding. However, the discontinuance was conditional upon the cancellation by respondents of minimum rate and charge provisions that were under investigation pursuant to the Commission's Order of Investigation served September 17, 1963, and Supplemental Order served December 19, 1963.

Respondents have not cancelled the provisions that were the subjects of investigation and additionally respondent Sea-Land on May 19, 1964, and September 21, 1964, filed indirect routing provisions applicable to shipments moving between Puerto Rico and Texas which are similar to those provisions previously under investigation.

Therefore, respondents not having cancelled the tariff provisions previously under investigation, this proceeding is hereby reopened and the investigation shall be recommenced in accordance with the Commission's previous orders. Because the new indirect services of respondent Sea-Land between Texas and Puerto Rico raise issues identical to those under investigation in this proceeding, this investigation is hereby expanded to determine whether the rates and charges filed with the Commission as Item No. 3-C on 16th Revised Page No. 12 to Sea-Land Tariff FMC-F No. 2 (Pan-Atlantic Steamship Corporation FMF-F series) and Item No. 36-A on 1st Revised Page No. 30-E (as amended by 2d Revised Page No. 30-E) to Sea-Land's Tariff FMC-No. 3 (Pan-Atlantic Steamship Corporation FMC-F series) are unjust and unreasonable in violation of the Shipping Act, 1916 or the Intercoastal Shipping Act of 1933.

A copy of this order shall forthwith be served upon respondents; respondents shall be duly notified of the time and place of the hearing herein ordered; this order and notice of the said hearing shall be published forthwith in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(n) (46 CFR 502.73), with copy to respondents.

By order of the Commission.

[SEAL] THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-10964; Filed, Oct. 27, 1964; 8:48 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. G-2866 etc.]

### B. F. PHILLIPS ET AL.

### Findings and Order After Statutory Hearing

OCTOBER 20, 1964.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, cancelling rate schedules, substituting respondent, redesignating proceedings, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Sinclair Oil & Gas Company, Applicant in Docket No. G-10963, proposes to continue the sale of natural gas heretofore authorized in said docket in lieu of Hiawatha Oil and Gas Company pursuant to a contract heretofore designated as Hiawatha's FPC Gas Rate Schedule No. 6 which will be redesignated as a rate schedule of Sinclair. The presently effective rate under said contract is in effect subject to refund in Docket No. RI64-169, and increased rates have also been suspended and collected subject to refund in Docket Nos. G-13528, G-16663, G-17675, G-20066, RI61-177, RI62-129, and RI63-96. Sinclair has filed a motion in all of said dockets to be substituted as respondent therein and has filed an agreement and undertaking to assure the refund of any amounts collected by it or by Hiawatha in excess of the amount determined to





(1) Permission for and approval of the

be just and reasonable in said dockets. Accordingly, Sinclair will be substituted in lieu of Hiawatha as respondent in the rate proceedings, said proceedings will be redesignated, and the agreement and undertaking will be accepted for filing.

It appears that the Commission's order issued July 29, 1963 (Docket No. G-4286, et al.), which granted a certificate of public convenience and necessity to H. E. Bangert, Agent (Operator), et al. in Docket No. CI61-890, failed to terminate the predecessor certificate authorizations covering the natural gas service which Bangert, as successor, was being authorized to render. Those predecessors were Amerada Petroleum Corporation, authorized in Docket No. G-18647, and Marvin Kelly, et al., d.b.a. Kiowa Gas Company, authorized in Docket No. G-19411. The latter two dockets will be terminated and the related FPC Gas Rate Schedules will be cancelled in this order.

After due notice, no petition or notice to intervene or protest to the granting of any of the respective applications or petitions have been filed.

At a hearing held on October 16, 1964, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-2866, G-3203, G-3207, G-3270, G-3490, G-6278, G-6342, G-7500, G-8467, G-8598, G-10963, G-13370, G-20016, CI60-112, CI61-119, CI61-516, CI61-686, CI61-1072, CI61-1290, CI61-1557, CI62-864, CI63-121, CI63-447, CI63-781, and CI63-819 should be amended as hereinafter ordered.

(6) The temporary certificates heretofore issued in Docket Nos. CI60-113 and CI60-114 should be amended by changing Applicant's name from Drilling and Exploration Company, Inc. to Sinclair Oil & Gas Company as indicated in the tabulation herein.

(7) The sales of natural gas proposed to be abandoned by the Applicant in Docket No. CI65-189, as hereinbefore described, all as more fully described in the tabulation herein and in the respective application, is subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonment should be permitted and approved and the certificate heretofore issued in Docket No. CI62-716 should be terminated.

(8) The outstanding certificate authorizations in Docket Nos. G-18647 and G-19411 should be terminated and the related rate schedules (Amerada Petroleum Corporation FPC Gas Rate Schedule No. 83 and Marvin Kelly, et al. d.b.a. Kiowa Gas Company FPC Gas Rate Schedule No. 1) should be cancelled, as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Sinclair Oil & Gas Company should be substituted in lieu of Hiawatha Oil and Gas Company as respondent in the proceedings pending in Docket Nos. G-13528, G-16663, G-17675, G-20066, RI61-177, RI62-129, RI63-96, and RI64-169, that said proceedings should be redesignated accordingly, and that the agreement and undertaking filed in said dockets by Sinclair should be accepted for filing.

(10) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein, should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G-3490, G-6342, CI61-516, CI61-1072, CI61-1557, CI63-781, and CI63-819 are hereby amended by adding thereto and deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) The certificates heretofore issued in Docket Nos. G-7500 and G-13370 are hereby amended by deleting therefrom authorization granted herein, in Docket Nos. CI63-556 and CI65-188.

(F) The certificate heretofore issued in Docket No. CI61-119 is hereby amended to include the interest of the nonoperator, Humble Oil & Refining Company and the related rate schedule is redesignated as (Operator), et al.

(G) The temporary certificates heretofore issued in Docket Nos. CI60-113 and CI60-114 are hereby amended by changing the Applicant's name from Drilling and Exploration Company, Inc. to Sinclair Oil & Gas Company as indicated in the tabulation herein.

(H) The orders issuing certificates in Docket Nos. G-2866, G-3203, G-3207, G-3270, G-6278, G-8467, G-8598, G-10963, G-20016, CI60-112, CI61-686, CI61-1290, CI62-864, CI63-121 and CI63-447 be and the same are hereby amended by changing the certificate holders to the successors in interest as set forth in the tabulation herein.



(I) Permission for and approval of the abandonment of service by the Applicant in Docket No. CI65-189, as hereinbefore described and as more fully described in the application herein, is hereby granted and the certificate heretofore issued in Docket No. CI62-716 is hereby terminated.

(J) Permission for and approval of the partial abandonment of service in Docket No. G-8598 is hereby granted and the certificate is amended by deleting therefrom certain acreage as indicated in the tabulation herein, and such authorization does not relieve Applicant of any refund obligation in the related suspension proceeding in Docket No. RI64-511.

(K) The outstanding certificate authorizations in Docket Nos. G-18647 and G-19411 are hereby terminated and the related rate schedules (Amerada Petroleum Corporation FPC Gas Rate Schedule No. 83 and Marvin Kelly, et al. d.b.a. Kiowa Gas Company FPC Gas Rate Schedule No. 1) are hereby cancelled.

(L) The certificates issued herein, in Docket Nos. CI62-591, CI62-892 and CI63-556 are hereby issued at a conditioned initial rate of 16 cents per Mcf at 14.65 psia.

(M) The certificate issued herein, in Docket No. CI65-186 is hereby issued at the rate of 15 cents per Mcf at 14.65 psia provided that if the Commission authorizes a higher ceiling rate in the area, Applicant may file for such higher rate.

(N) The certificate issued herein, in Docket No. CI64-1406 is hereby conditioned upon Applicant filing an appropriate rate schedule pursuant to § 154.92 of the Commission's regulations under the Natural Gas Act.

(O) Sinclair Oil & Gas Company be and it is hereby substituted in lieu of Hiawatha Oil and Gas Company in the proceedings pending in Docket Nos. G-13528, G-16663, G-17675, G-20066, RI61-177, RI62-129, RI63-96, and RI64-169; said proceedings are redesignated [1] accordingly; and the agreement and undertaking filed by Sinclair is hereby accepted for filing.

(P) Sinclair Oil & Gas Company shall comply with the refunding and reporting procedures required by the Natural Gas Act and Section 154.102 of the Regulations thereunder, and the agreement and undertaking filed in Docket Nos. G-13528, G-16663, G-17675, G-20066, RI61-177, RI62-129, RI63-96 and RI64-169 by Sinclair shall remain in full force and effect until discharged by the Commission.

(Q) The respective related rate schedules and supplements as indicated in the tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the successions herein, are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Sinclair Oil & Gas Company.

| Docket No. and date filed | Applicant | Purchaser, field and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| G-2866 E 8-24-64 | Estate of B. F. Phillips (successor to B. F. Phillips Petroleum Co.). | Southern Natural Gas Co. Joaquin-Loganspor t Field, Shelby and Panola Counties, Tex. | B. F. Phillips Petroleum Co., FPC GRS No. 2. | 1 | |
| | | | Supplement Nos. 1-6 | 1 | 1-6 |
| | | | Notice of succession 8-20-64. | | |
| G-3203 [1] E 9-20-63 | Sinclair Oil & Gas Co. (Operator), et al. (successor to Drilling and Exploration Co., Inc. (Operator), et al.). | Southwest Gas Producing Co., Inc., Lisbon Field, Claiborne and Lincoln Parishes, La. | Effective date: 5-1-64. | | |
| | | | Drilling and Exploration Co., Inc. (Operator), et al., FPC GRS No. 1. | 253 | |
| | | | Supplement Nos. 1-9 | 252 | 1-9 |
| | | | Notice of succession 9-20-63. | | |
| G-3207 [1] E 9-20-63 | Sinclair Oil & Gas Co. (successor to Drilling and Exploration Co., Inc.). | Northern Natural Gas Co., acreage in Lea County, N. Mex. | Effective date: 10-1-63. | | |
| | | | Drilling and Exploration Co., Inc., FPC GRS No. 4. | 254 | |
| | | | Supplement Nos. 1-2 | 254 | 1-2 |
| | | | Notice of succession 9-20-63. | | |
| G-3270 E 7-31-64 | Marshall R. Young Drilling Co., et al. (successor to Marshall R. Young, et al.). | United Gas Pipe Line Co., Bancroft and South Bancroft Fields, Beauregard Parish, La. | Effective date: 10-1-63. | | |
| | | | Marshall R. Young, et al., FPC GRS No. 3. | 2 | |
| | | | Supplement Nos. 1-9 | 2 | 1-9 |
| | | | Notice of succession 7-20-64. | | |
| G-3490 C 7-1-64 | Phillips Petroleum Co. | Western Gas Service Co., Hugoton Field, Texas County, Okla. | Conveyance 6-20-61. | 2 | 10 |
| | | | Effective date: 8-1-61 | | |
| | | | Letter agreement 10-10-62. [2] | 213 | 1 |
| G-6278 E 8-24-64 | J. C. Trahan Drilling Contractor, Inc. (Operator), et al. (successor to J. C. Trahan (Operator), et al.). | Arkansas Louisiana Gas Co., Bentell Field, Bossier and Caddo Parishes, La. | J. C. Trahan (Operator), et al., FPC GRS No. 3. | 29 | |
| | | | Supplement Nos. 1-7 | 29 | 1-7 |
| | | | Notice of succession (undated). | | |
| G-6342 D 8-31-64 | Continental Oil Co. | El Paso Natural Gas Co., acreage in Lea County, N. Mex. | Assignment 8-31-65 [4] | 29 | 5 |
| | | | Letter agreement 8-21-63 [5]. | 85 | 21 |
| | | | Letter agreement 4-30-64 [6]. | 85 | 22 |
| G-8467 E 8-28-64 | J. C. Trahan Drilling Contractor, Inc. (Operator), et al. (successor to J. C. Trahan (Operator), et al.). | United Gas Pipe Line Co., Bethany-Elysian Fields, Harrison and Panola Counties, Tex. | J. C. Trahan (Operator), et al., FPC GRS No. 6. | 28 | |
| | | | Supplement Nos. 1-5 | 28 | 1-5 |
| | | | Notice of succession 8-26-64. | | |
| | | | Assignment 12-27-55 [7] | 28 | 6 |
| | | | Assignment 12-27-55 [8] | 28 | 7 |
| | | | Assignment 12-27-55 [9] | 28 | 8 |
| | | | Assignment 12-27-55 [10] | 28 | 9 |
| | | | Assignment 12-27-55 [11] | 28 | 10 |
| | | | Assignment 12-27-55 [12] | 28 | 11 |
| | | | Assignment 12-27-55 [13] | 28 | 12 |
| | | | Assignment 12-27-55 [4 14] | 28 | 13 |
| | | | Notice of partial cancellation 8-27-64. [6 15] | 44 | 8 |
| G-8598 D 8-31-64 | Graham-Michaelis Drilling Co. (Operator), et al. (partial abandonment). | Colorado Interstate Gas Co., Hugoton Field, Seward County, Kans. | | | |
| G-10963 E 8-4-64 | Sinclair Oil & Gas Co. (successor to Hiawatha Oil and Gas Co.). | Texas Eastern Transmission Corp., Greenwood-Waskom Field, Caddo Parish, La. | Hiawatha Oil and Gas Co., FPC GRS No. 6. | 325 | |
| | | | Supplement Nos. 1-10 | 325 | 1-10 |
| | | | Notice of succession 7-31-64. | | |
| | | | Agreement 6-23-64 [16] | 325 | 11 |
| | | | Effective date: 9-1-64. | | |
| G-20016 E 8-4-64 | Sinclair Oil & Gas Co. (Operator), et al. (successor to Hiawatha Oil and Gas Co. (Operator), et al.). | Transcontinental Gas Pipe Line Corp., East Longhorn, South Longhorn, Sweden, Southland, and Atlee Fields, Duval County, Tex. | Hiawatha Oil and Gas Co. (Operator), et al., FPC GRS No. 7. | 326 | |
| | | | Supplement Nos. 1-13 | 326 | 1-13 |
| | | | Notice of succession 7-31-64. | | |
| | | | Agreement 6-23-64 [16] | 326 | 14 |
| | | | Effective date: 9-1-64. | | |
| CI60-112 [1] E 9-20-63 | Sinclair Oil & Gas Co. (successor to Drilling and Exploration Co., Inc.). | Lone Star Gas Co., Knox Field, Grady and Stephens Counties, Okla. | Drilling and Exploration Co., Inc., FPC GRS No. 7. | 256 | |
| | | | Supplement Nos. 1-3 | 256 | 1-3 |
| | | | Notice of succession 9-20-63. | | |
| CI60-113 [1] E 9-20-63 | do [17] | Transwestern Pipeline Co., acreage in Hansford County, Tex. | Effective date: 10-1-63. | | |
| | | | Drilling and Exploration Co., Inc., FPC GRS No. 8. | 257 | |
| | | | Supplement No. 1 | 257 | 1 |
| | | | Notice of succession 9-20-63. | | |
| CI60-114 [1] E 9-20-63 | Sinclair Oil & Gas Co. (Operator), et al. (successor to Drilling and Exploration Co., Inc. (Operator), et al.). [17] | do | Effective date: 10-1-63. | | |
| | | | Drilling and Exploration Co., Inc. (Operator), et al., FPC GRS No. 9. | 258 | |
| | | | Notice of succession 9-20-63. | | |
| | | | Effective date: 10-1-63. | | |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

| Docket No. and date filed | Applicant | Purchaser, field and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| CI64-1409 A 8-26-64 | Humble Oil & Refining Co. | Northern Natural Gas Co., Coyanosa Field, Pecos County, Tex. | Contract 4-24-64 | (7) | |
| CI65-51 A 7-9-64 | Texaco Inc. | Northern Natural Gas Co., Keyes Plant, Crockett County, Tex. | Contract 5-25-64 [1] | 226 | |
| CI65-95 A 7-13-64 | Southern Union Production Co. | Champlin Oil & Refining Co., acreage in Logan County, Okla. | Contract 8-10-64 [1] | 13 | |
| CI65-45 A 7-20-64 | Texaco Inc. | Northern Natural Gas Co., Gulf Plant, Ector County, Tex. | Contract 7-1-64 [1] | 226 | |
| CI65-176 A 8-24-64 | W. H. Busch | Equitable Gas Co., Glenville Dist., Gilmer County, W. Va. | Contract 6-13-64 [1] | 15 | |
| CI65-177 A 8-28-64 | American Petrofina Co. of Texas. | Transwestern Pipeline Co., Red Deer Unit, Ector County, Tex. | Contract 7-22-64 [1] | 48 | |
| CI65-178 A 8-28-64 | W. E. Williams, et al. | Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky. | Contract 8-8-64 [1] | 3 | |
| CI65-179 A 8-31-64 | Ashland Oil & Refining Co. | Northern Natural Gas Co., acreage in Haskell County, Kans. | Contract 4-28-64 Letter agreement 6-3-64 [1] | 188 185 | 1 |
| CI65-181 A 8-31-64 | Phillips Petroleum Co. | Kansas-Nebraska Natural Gas Co., Inc., Southeast Domby Field, Beaver County, Okla. | Contract 8-12-64 Letter 8-18-64 [1] | 405 405 | 1 |
| CI65-183 A 8-31-64 | Placid Oil Co. | Texas Eastern Transmission Corp., Bethany-Longstreet area, De Soto Parish, La. | Ratification agreement 7-10-64. Contract 4-13-56 Letter agreement 4-12-56 Letter agreement 6-17-64 | 26 | 1 2 3 |
| CI65-186 A 9-31-64 | Sarkeys, Inc. (Operator), et al.[2] | Natural Gas Pipeline Co., acreage in Dewey County, Okla. | Contract 5-20-64 [1] | 2 | |
| CI65-187 A 8-31-64 | Continental Oil Co. | El Paso Natural Gas Co., San Juan Basin Field (Dakota Formation) San Juan County, N. Mex. | Contract 9-3-64 [1] | 267 | |
| A CI65-188 (G-13370) F 8-31-64 | Pan American Petroleum Corp. | United Gas Pipe Line Co., Greenwood-Waskom Field, Caddo Parish, La. | Ratification 7-1-57 Contract 9-28-53 Letter agreement 12-1-58 Letter agreement 7-1-60. Assignment 7-1-63 [3] [4] | 401 401 401 401 401 | 1 2 3 4 5 |
| CI65-189 (CI62-710) B 9-1-64 | Jackson & Yaste Oil & Gas Co. | Hope Natural Gas Co., Grant Dist., Ritchie County, W. Va. | Notice of cancellation 8-31-64 [5] | 401 | 1 |

[1] Temporary certificate issued Sept. 27, 1964, granting authorization to continue subject sales, redesignating related rate schedules and accepting initial and reduced rates.
[2] Deletes acreage from Marshall R. Young and wife to Marshall R. Young Drilling Co.
[3] Effective date: Date of initial delivery.
[4] Deletes nonproductive acreage from contract.
[5] Effective date: Date of this order.
[6] Conveys interest in the Oberlin, Mims Unit No. 1 to J. C. Traban Drilling Contractor, Inc.
[7] Conveys interest in the Charles E. Woodley, et al. Unit No. 1 to J. C. Traban Drilling Contractor, Inc.
[8] Conveys interest in the Amerine E. Woodley Unit No. 2 to J. C. Traban Drilling.
[9] Conveys interest in the M. R. Tiller No. 1 Unit to J. C. Traban Drilling Contractor, Inc.
[10] Conveys interest in the Amerine E. Woodley Unit No. 3 to J. C. Traban Drilling Contractor, Inc.
[11] Conveys interest in the J. D. Furrh No. 2 Unit to J. C. Traban Drilling Contractor, Inc.
[12] Conveys interest in the J. T. Woodley Unit to J. C. Traban Drilling Contractor, Inc.
[13] Conveys interest in the J. D. Furrh No. 1 Unit to J. C. Traban Drilling Contractor, Inc.
[14] Subject gas depleted.
[15] Agreement whereby Hiawatha sold to Sinclair all its oil and gas properties.
[16] Pending Certificate; temporary authorization will be amended as ordered herein.
[17] Petition to amend the certificate to include the interest of nonoperator, Humble Oil & Refining Co. under Texaco's rate schedule and to reflect the term "(Operator), et al."
Deletes 10 net acres; unconditional to be effective upon termination of conditions.
[18] By letter dated July 29, 1964, Applicant stated willingness to accept permanent certificate at 16.0 cents per Mcf.

| Docket No. and date filed | Applicant | Purchaser, field and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| CI61-119 8-5-64 [18] | Texaco, Inc. (Operator), et al. | Natural Gas Pipeline Co. of America, Englenina Field, Brooks County, Tex. Michigan-Wisconsin Pipe Line Co., acreage in Woodward County, Okla. | Interest statement (undated). | 222 | |
| CI61-516 D 8-31-64 | Pan American Petroleum Corp. (Operator), et al. | | Letter agreement 6-19-64. [1] [2] | 330 | 14 |
| CI61-698 E 9-20-63 | Sinclair Oil & Gas Co. (successor to Drilling and Exploration Co., Inc. (Operator), et al.). | Cities Service Gas Co., acreage in Barber County, Kans. | Drilling and Exploration Co., Inc. (Operator), et al., FPC GRS No. 10. Notice of succession 9-20-63. Effective date: 10-1-63. Supplemental agreement 7-25-63. [3] | 299 | 1 |
| CI61-1072 C 12-12-63 | Marathon Oil Co. (Operator), et al. | El Paso Natural Gas Co., Kutz Canyon area (Dakota Formation) San Juan County, N. Mex. | Robert J. Sipoha d.b.a. Eastern Interior Oil Co., FPC GRS No. 2. Supplement No. 1 Notice of succession 6-30-64. Supplemental agreement 2-25-64. Effective date: 1-1-64. | 1 | 1 |
| CI61-1200 E 7-1-64 | Leslie W. Taylor (Operator), et al. (successor to Robert J. Sipoha d.b.a. Eastern Interior Oil Co.). | Hope Natural Gas Co., Union Dist., Ritchie County, W. Va. | Letter agreement (undated). [1] | 1 | 1 |
| CI61-1567 C 8-6-64 | Livingston Oil Co. | Oklahoma Natural Gas Gathering Corp., Ringwood Field, Okla. | Contract 6-1-60. Letter agreement 10-2-61. [1] | 1 | 11 |
| CI61-1724 C 11-30-61 | Tucker Drilling Co., Inc. | Brock Gas Corp., Brock Field, Irion County, Tex. | Contract 10-31-61 Letter 2-5-62. | 30 | 1 1 |
| CI62-501 A 12-4-61 | Hassie Hunt Trust [2] | El Paso Natural Gas Co., Hokit, North Ellenburger Field, Pecos County, Tex. | Robert J. Sipoha, et al., d.b.a. Eastern Interior Oil Co., FPC GRS No. 7. Notice of succession 6-30-64. Supplemental agreement 2-25-64. Effective date: 1-1-64. | 2 | 1 |
| CI62-864 E 7-1-64 | Leslie W. Taylor (Operator), et al. (successor to Robert J. Sipoha, et al., d.b.a. Eastern Interior Oil Co.). | El Paso Natural Gas Co., Troy Dist., Gilmer County, W. Va. | Contract 1-1-62. Letter 9-19-62. | 2 | |
| CI62-802 A 2-5-62 | Hanley Co. (Operator), et al.[2] | El Paso Natural Gas Co., Spraberry Trend Area, Upton County, Tex. | Drilling and Exploration Co., Inc. (Operator), et al., FPC GRS No. 11. Notice of succession 9-20-63. Effective date: 10-1-63. | 32 | 1 |
| CI62-121 E 9-20-63 | Sinclair Oil & Gas Co. (successor to Drilling and Exploration Co., Inc. (Operator), et al.). | Pan American Petroleum Corp., acreage in Hansford County, Tex. | Letter agreement 7-1-64. [1] | 260 | |
| CI62-447 E 8-24-64 | Estate of B. F. Phillips (successor to B. F. Phillips Petroleum Co.). | Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla. | Effective date: 10-1-63. B. F. Phillips Petroleum Co., FPC GRS No. 3. Notice of succession 8-20-64. Effective date: 5-1-64. Contract 10-1-62 [3] | 2 | |
| A CI63-556 (G-17600) F 10-26-62 | Hanley Co. (Operator), et al.[2] | El Paso Natural Gas Co., Spraberry Field, Upton County, Tex. | Supplemental agreement 6-26-64.[1] | 355 | 3 |
| CI63-781 C 8-31-64 | Pan American Petroleum Corp. | Northern Natural Gas Co., acreage in Lipscomb County, Tex. | Ratification 3-5-64. | 267 | 2 |
| CI63-939 7-24-64 (as corrected by filing of 7-28-64). | The Atlantic Refining Co. (Operator), et al. | Northern Natural Gas Co., Cities Service Gas Co., Lovedale Field, Harper County, Okla. | Ratification 3-24-64. Ratification 4-8-64. Ratification 5-25-64. Ratification 5-25-64 [4] | 267 267 267 267 | 3 4 5 6 |

See footnotes at end of table.

[3] By letter dated July 29, 1964, Applicant stated willingness to accept permanent certificate at 16.0 cents per Mcf.
[4] Supersedes contract dated July 14, 1958 (see file as Pan American Petroleum Corp. FPC GRS No. 129) insofar as it pertains to Hanley's acquired interest.
[5] Applicant has not yet submitted a rate schedule.
[6] Applicant agreed to request the 15.0-cent rate until such time as a higher price is authorized for the area.
[7] Assignment from States Oil Co., Inc., to Pan American of nonproducing property.
[8] Production of gas no longer economically feasible.

[F.R. Doc. 64-10939; Filed, Oct. 27, 1964; 8:45 a.m.]



[Docket No. RI65-185 etc.]

## PHILLIPS PETROLEUM CO. ET AL.

### Order Providing for Hearings; Correction

OCTOBER 16, 1964.

Phillips Petroleum Company (Operator), Docket Nos. RI65-185, et al.; Martin, Williams & Judson (Operator), et al., Docket No. RI65-193.

In the Order Providing for Hearings on and Suspension of Proposed Changes in Rates, issued September 22, 1964, and published in the FEDERAL REGISTER, October 2, 1964 (F.R. Doc. 9682; 29 F.R. 13563), in the chart after Docket No. RI65-193, Martin, Williams, and Judson (Operator), et al. correct the Amount of Annual Increase to read "$29,720" in lieu of "29,750" also correct the Proposed Increased Rate from "21.9429" to read "21.9439".

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-10939; Filed, Oct. 27, 1964; 8:45 a.m.]

## SOCONY MOBIL OIL CO., INC., AND SKELLY OIL COMPANY

### Order Providing for Hearings; Correction

OCTOBER 16, 1964.

In the Order Providing for Hearings on and Suspension of Proposed Changes in Rates, Docket Nos. RI65-173, et al., Docket No. RI65-175, issued September 11, 1964, and published in the FEDERAL REGISTER September 18, 1964 (F.R. Doc. 64-9479; 29 F.R. 13087), in chart, after Docket No. RI65-175, Skelly Oil Co., correct the Date Suspended Until to read "1-2-65" in lieu of "1-1-65".

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-10940; Filed, Oct. 27, 1964; 8:45 a.m.]

[Docket No. RI65-157 etc.]

## SUPERIOR OIL CO. ET AL.

### Order Providing for Hearings; Correction

OCTOBER 16, 1964.

The Superior Oil Company, Docket Nos. RI65-157, et al.; and Columbian Fuel Corporation (Operator), et al., Docket No. RI65-161.

In the Order Providing for Hearings on and Suspension of Proposed Changes in Rates, issued September 2, 1964, and published in the FEDERAL REGISTER, September 12, 1964 (F.R. Doc. 64-9199; 29 F.R. 12889-12890), in the chart, after Docket No. RI65-161, Columbian Fuel Corporation (Operator), et al., correct the purchaser to read "United Fuel Gas Company" in lieu of "United Gas Pipe Line Company" under the column headed "Purchaser and Producing Area".

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-10941; Filed, Oct. 27, 1964; 8:45 a.m.]

[Docket Nos. G-17960, etc.]

## TURNBULL & ZOCH DRILLING CO. ET AL.

### Order Severing Proceedings; Correction

OCTOBER 8, 1964.

In the Order Severing Proceedings, Consolidating Proceedings, Cancelling Docket Numbers, Fixing Date for Prehearing Conference and Notice of Applications, issued May 28, 1964, and published in the FEDERAL REGISTER, June 5, 1964 (F.R. Doc. 64-5525; 29 F.R. 7334-7337) change "Five" to read "Six" in the first and fourth lines of paragraph four, in the third column.

Correct footnote 5 to read as follows:

[5] "Docket Nos. CI60-323, CI60-325, CI60-506, CI60-508, CI62-123, and CI63-925."

In finding paragraph (1)(c) and ordering paragraph (C) insert "CI63-925" after Docket No. CI61-71.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-10942; Filed, Oct. 27, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 604]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 23, 1964.

*Section A.* The following publications are governed by the new special rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

*Section B.* The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time, or 9:30 a.m., local d.s.t., if that time is observed, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A

No. MC 61592 (Sub-No. 22) (AMENDMENT), filed May 18, 1964, published FEDERAL REGISTER, May 27, 1964, amended October 2, 1964, and republished as amended this issue. Applicant: JENKINS TRUCK LINES, INC., 3766 Elm Street, Bettendorf, Iowa, 52722. Applicant's attorney: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and machinery parts and snow removal equipment*, from Tulsa, Okla., to points in Iowa and Wisconsin and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: The purpose of this republication is to add Wisconsin as a destination State.

*HEARING:* December 16, 1964, at the Mayo Hotel, Tulsa, Okla., before Examiner John B. Mealy.

SECTION B

No. MC 58135 (Sub-No. 2) (CORRECTED REPUBLICATION), filed March 30, 1964, published FEDERAL REGISTER, issue of April 15, 1964, republished, issue of September 30, 1964, and republished as corrected this issue. Applicant: FOGG'S TRANSPORTATION, INC., 76 Cross Street, Portland, Maine. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, (1) between the junction U.S. Highway 202 and Maine Highway 106 (about 4 miles north of Greene) and Leeds, Maine, over Maine Highway 106, serving no intermediate or off-route points, and (2) between Augusta and Waterville, Maine, over Maine Highway 104, serving Sidney, Maine as an intermediate point. The publication of September 30, 1964, referred to a report and order, recommended by Joint Board No. 70. Said order did not become effective, and was stayed by order of August 14, 1964. A report of the Commission, Operating Rights Review Board No. 2, served September 17, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle of general commodities (1) between the junction U.S. Highway 202 and Maine Highway 106 (approximately 4 miles north of Greene, Maine), and Leeds, Maine, over Maine Highway 106, serving no intermediate points, and (2) between Augusta, Maine, and Waterville, Maine, over Maine Highway 104, serving Sidney, Maine, as an intermediate point, subject, however, to the conditions (a) that the authority granted, to the extent it authorizes the transportation of Classes A and B explosives, shall be limited in point of time to a period expiring 5 years from the effective date thereof, and (b) that issuance of the certificate authorized

herein shall be withheld for a period of 30 days after republication of corrected notice in the FEDERAL REGISTER of the authority granted herein, during which period any proper party in interest may file an appropriate pleading.

No. MC 123614 (Sub-No. 4), filed November 7, 1963. Applicant: JAMES TROWBRIDGE, 99 Ridge Street, Shavertown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Big Flats, N.Y., to points (including farm delivery) in Susquehanna, Sullivan, Bradford, and Wyoming Counties, Pa. (excluding points within 20 miles of Liberty, Pa.).

*HEARING:* December 14, 1964, at Federal Building, Scranton, Pa., before Examiner Wm. N. Culbertson.

No. MC 124527 (Sub-No. 2) (REPUBLICATION), filed February 14, 1964, published FEDERAL REGISTER, issue of March 11, 1964, and republished this issue. Applicants: GEORGE G. SOUHAN, CLARA G. SOUHAN, IDA MAY GEB, AND FRANCIS J. SOUHAN, a partnership, doing business as FRANCIS J. SOUHAN AND GEORGE G. SOUHAN, Seneca Falls, N.Y. Applicant's attorney: Murray J. S. Kirshtein, 103 Oriskany Street E., Utica, N.Y., 13501. By application filed February 14, 1964, applicants seek a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of raw materials, dyes, and chemicals (not in bulk), used in the process of knitting and the manufacture of knit goods, and of empty containers or other such incidental facilities used in transporting such commodities, between Seneca Falls and Averill Park, N.Y., and Woonsocket, R.I., on the one hand, and, on the other, Fall River, Farnumsville, Malden, Wakefield, Spencer, West Concord, Webster, East Dedham, and Lowell, Mass., Stamford and Putnam, Conn., Perth Amboy and Jersey City, N.J., Woonsocket, R.I., and Elwood and Hanover, Pa. A report and order, recommended by Examiner Gordon McLean Callow, served July 27, 1964, recommended that applicants be granted the authority sought, except for the return movement of empty containers, limited to operations under contract with four shippers. On exceptions applicants state that they inadvertently omitted from their application a request to transport finished knitted products in addition to the commodities named. A report and order, Operating Rights Review Board Number 2, decided September 30, 1964, served October 14, 1964, finds that operation by applicants, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, under continuing contracts with Geb and Souhan Yarn Company, Inc., and Seneca Knitting Mills Company, Inc., both of Seneca Falls, N.Y., with Souhan Textiles, Inc. of Averill Park, N.Y., and with Bunin Spinning Co., Inc., of Woonsocket, R.I., of (1) raw materials, dyes, and chemicals (not in bulk), used in the process of knitting and in the manufacture of knit goods, and (2) finished knitted products, between Seneca Falls and Averill Park, N.Y., and Woonsocket, R.I., on the one hand, and, on the other, Fall River, Farnumsville, Malden, Wakefield, Spencer, West Concord, Webster, East Dedham, and Lowell, Mass., Stamford and Putnam, Conn., Perth Amboy and Jersey City, N.J., Elwood and Hanover, Pa., and Woonsocket, R.I., will be consistent with the public interest and the national transportation policy; and that a permit authorizing such operation should be granted, but not prior to the elapse of 30 days following republication in the FEDERAL REGISTER of a notice of authority granted herein.

### NOTICE OF FILING OF PETITIONS

No. MC 112497 (Sub-No. 72), renumbered and reentitled No. MC 107002 (Sub-No. 216) (PETITION FOR MODIFICATION), filed October 6, 1964. Petitioner: HEARIN-MILLER TRANSPORTERS, INC., Jackson, Miss. (SUCCESSOR-IN-INTEREST TO HEARIN TANK LINES, INC.). Petitioner's attorneys: Harry C. Ames, Jr., and E. Stephen Heisley, 529 Transportation Building, Washington, D.C., 20006. By Certificate issued to Hearin Tank Lines, Inc. in No. MC 112497 (Sub-No. 72), Hearin was authorized to transport: (a) Anhydrous ammonia, in bulk, in tank vehicles, from Velasco, Texas, to points in Louisiana and Mississippi, and (b) muriatic acid, in bulk, in tank vehicles, from Velasco, Texas, to points in Louisiana and Mississippi. It is these specific items of Sub-No. 72, to which the petition is directed. Pursuant to MC-F-7679, Hearin Tank Lines, Inc. (MC-112497 and Subs), and Miller Transporters, Ltd. (MC 11159 and Subs), were merged into W. M. Chambers Truck Line, Inc. (MC-107002 and Subs). Effective May 16, 1964, the merger of the three companies was consummated, and the name of the merged company was changed to Hearin-Miller Transporters, Inc., the petitioner herein. By the instant petition, petitioner requests modification of that portion of the certificate in MC 112497 (Sub-No. 72), now renumbered MC 107002 (Sub-No. 216), which authorizes the transportation of anhydrous ammonia and muriatic acid, from Velasco, Texas, to substitute Freeport, Texas, for Velasco, Texas. The remainder of the certificate would remain the same. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication, become a party to this proceeding by filing representations (consisting of an original and six copies) supporting or opposing the relief sought by petitioner.

### APPLICATIONS FOR CERTIFICATE OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 48022 (Sub-No. 7), filed October 21, 1964. Applicant: INLAND EXPRESS, INC., Maple and Walker Streets, Marlboro, Mass. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree 84, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (a) over regular routes between Boston and Williamstown, Mass. over Massachusetts Highway 2 serving the intermediate points of Arlington, Westminster, Gardner, Templeton, Erving, Greenfield, Shelburne, Charlemont, Florida, and North Adams and the off-route points of Cambridge, Somerville, Lexington, Lincoln, Concord, Acton, Littleton, Ayer, Shirley, Lunenburg, Fitchburg, Phillipston, Athol, Orange, Montague, Gill, Buckland, Savoy, and Clarksburg and (b) over irregular routes between points in that portion of Massachusetts east of the Cape Cod Canal bounded and described as follows including points on the highways specified: beginning at the intersection of Massachusetts Highway 31 at the Connecticut-Massachusetts State line at or near Dudley, Mass.; thence along Massachusetts Highway 31 to its intersection with Massachusetts Highway 56 at Paxton, thence along Massachusetts Highway 56 to its intersection with Massachusetts Highway 68 at North Rutland, thence along Massachusetts Highway 68 to its intersection with Massachusetts Highway 101 at Gardner, thence along Massachusetts Highway 101 to its intersection with Massachusetts Highway 119, thence along Massachusetts Highway 119 to the Massachusetts-New Hampshire State line.

NOTE: This is a matter directly related to MC-F-8915.

### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

### MOTOR CARRIERS OF PROPERTY

No. MC-F-8911. Authority sought for purchase by STANDARD TRANSFER AND STORAGE, INC., 4th and Bryant Streets NE., Washington 2, D.C., of a portion of the operating rights of HENRY C. BUNGIE, doing business as WASHINGTON-SOLOMONS FREIGHT LINE, 4408 Sheriff Road NE., Washington 19, D.C., and for acquisition by Robert W. BERBERICH, also of Washington, D.C., of control of such rights through the purchase. Applicants' attorneys: Donald E. Cross, 1329 E Street NW., Washington 4, D.C., and Leon M. Shinberg, 514 15th Street NW., Washington, D.C. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Washington, D.C., on the one hand, and, on the other, points in Charles, and Saint Marys Counties, Md. Vendee is authorized to operate as a *common carrier* in Maryland and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8912. Authority sought for purchase by R. W. EXPRESS, INC., 4940 Wyoming, Dearborn 2, Mich., of the operating rights of HOGUE STEEL EXPRESS CO., 4940 Wyoming, Dearborn 2, Mich., and for acquisition by C. RUSSELL WAGSTAFF, also of Dearborn, Mich., of control of such rights through the purchase. Applicants' attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Operating rights sought to be transferred: *Iron and steel articles*, as a *common carrier*, over irregular routes, between Detroit, Ecorse, River Rouge, and Dearborn, Mich., on the one hand, and, on the other, points in Michigan. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Ohio, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8913. Authority sought for purchase by NORWALK TRUCK LINES, INC., 180 Milan Avenue, Norwalk, Ohio, of the operating rights and property of VALLEY FREIGHT LINES, INC., Post Office Box 231, Rural Delivery No. 2, New Castle, Pa., and for acquisition by CHARLES W. HOKE, also of Norwalk, Ohio, GEORGE W. BYERS, SR., 658 Fairway Boulevard, Columbus, Ohio, ARTHUR E. WHITE, 5775 Carrington Court, Worthington, Ohio, ELMER J. KLAMFOTH (deceased—no appointed successor), 753 Bedford Avenue, Columbus, Ohio, JOHN W. CHRISTENSEN, 8 East Long Street, Columbus, Ohio, and EWING T. BOLES, 51 North High Street, Columbus, Ohio, of control of such rights and property through the purchase. Applicants' attorney: Eugene T. Lipfert, 1035 Universal Boulevard N., 1875 Connecticut Avenue NW., Washington, D.C., 20009. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between New Castle, Pa., and Cleveland, Ohio, serving certain intermediate and off-route points, between Beaver Falls, Pa., and Cleveland, Ohio, serving the intermediate point of Salem, Ohio, between Titusville, Pa., and Cleveland, Ohio, between Sharon, Pa., and Warren, Ohio, between Sharon, Pa., and Youngstown, Ohio, serving no intermediate points, between Meadville, Pa., and Pittsburgh, Pa., between specified points in Pennsylvania, serving all intermediate and certain off-route points, between Kittanning, Pa., and Indiana, Pa., between Indiana, Pa., and Blairsville, Pa., serving all intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk (not including those requiring refrigeration), between Erie, Pa., and Buffalo, N.Y., serving certain intermediate points; *general commodities*, between Erie, Pa., and Meadville, Pa., between junction Pennsylvania Highways 18 and 518, and Sharon, Pa., serving all intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk (not including those requiring refrigeration), over irregular routes, between Erie, Pa., on the one hand, and, on the other, points in Pennsylvania, within ten miles of Erie, Pa.; *such merchandise as is dealt in by retail merchandising establishments, in retail delivery service*, from New Castle, Pa., to points in Mahoning, Trumbull, and Columbiana Counties, Ohio. Vendee is authorized to operate as a *common carrier* in Ohio, Michigan, Indiana, Illinois, Pennsylvania, New York, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8914. Authority sought for purchase by ST. JOHNSBURY TRUCKING COMPANY, INC., 38 Main Street, St. Johnsbury, Vt., of the operating rights of ARTHUR E. CARD, JR., doing business as N.H. & VT. TRANSPORTATION, Manchester, N.H., and for acquisition by HARRY D. ZABARSKY, 38 Main Street, St. Johnsbury, Vt., MILTON J. ZABARSKY and MAURICE ZABARSKY, both of 40 Erie Street, Cambridge, Mass., of control of such rights through the purchase. Applicants' attorneys: Francis E. Barrett and Francis P. Barrett, both of 25 Bryant Avenue, East Milton, Mass., 02186 and Kenneth Graf, 40 Stark Street, Manchester, N.H., 03101. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Colebrook, N.H., and points in New Hampshire within 30 miles of Colebrook, on the one hand, and, on the other, points in Vermont; *household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between Colebrook, N.H., and points in New Hampshire within 15 miles of Colebrook, on the one hand, and, on the other, points in Maine. Vendee is authorized to operate as a *common carrier* in Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Maryland, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8915. Authority sought for purchase by INLAND EXPRESS, INC., Maple and Walker Streets, Marlboro, Mass., of the operating rights of EVERETT M. MILLIS, doing business as AYER MOTOR EXPRESS, 39 Central Avenue, Ayer, Mass., and for acquisition by RALPH R. RUBADO, and SAMUEL PEARL, both of Marlboro, Mass., of control of such rights through the purchase. Applicants' attorneys: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree, Mass., and Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over a regular route, between Boston, Mass., and Fitchburg, Mass., serving all intermediate and certain off-route points; and in pending docket No. MC-76613 Sub-2, seeking a certificate of registration, covering the transportation of paper mill supplies, and also property in bundles and containers and manufactured products, as a common carrier, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Massachusetts, New York, Connecticut, and Rhode Island. Application has been filed for temporary authority under Section 210a(b).

NOTE: No. MC-48022 Sub-7 is a matter directly related. A petition seeking termination of temporary authority in Docket No. MC-F-7798 (Lombard Bros., Inc.—Purchase—Everett M. Millis), was filed simultaneously upon determination of the temporary authority in the above application.

No. MC-F-8916. Authority sought for control by TRANSPORT MOTOR EXPRESS, INC., Post Office Box 958, Meyer Road, Fort Wayne, Ind., of CAPITOL FREIGHT LINES, INC. (IND. CORP.), 1530 S. Walnut Street, South Bend, Ind., and for acquisition by ROY HUSER, also of Fort Wayne, Ind., of control of CAPITOL FREIGHT LINES, INC., through the acquisition by TRANSPORT MOTOR EXPRESS, INC. Applicants' attorneys: Axelrod, Goodman, and Steiner, 39 S. La Salle Street, Chicago, Ill., 60603. Operating rights sought to be controlled: In pending Docket No. MC-121066 Sub-1, seeking a certificate of registration, covering the transportation of commodities generally, as a common carrier, in intrastate commerce, within the State of Indiana. TRANSPORT MOTOR EXPRESS, INC., is authorized to operate as a *common carrier* in Pennsylvania, Illinois, Indiana, Ohio, Delaware, West Virginia, New York, New Jersey, Maryland, Virginia, Massachusetts, Connecticut, Rhode Island, Wisconsin, Missouri, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-121066 Sub-2, is a matter directly related.

No. MC-F-8917. Authority sought for purchase by SOUTHWESTERN TRANSFER COMPANY, INC., 1730 Bassett Avenue, El Paso, Tex., of the operating rights of DALLAS TRUCKING, INC., 10518 Goodnight Lane (Post Office Box 13096), Dallas, Tex., and for acquisition by JOHN C. HUDSON, 1760 Elm, El Paso, Tex., and MARY L. BAILEY, 3033 Federal, El Paso, Tex., of control of such rights through the purchase. Applicants' attorney: Joe G. Pender, 2033 Norfolk Street, Houston 6, Tex. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking-up

thereof, and *such other commodities* as require specialized handling or rigging because of size or weight, as a *common carrier*, over irregular routes, between points in Texas. Vendee is authorized to operate as a *common carrier* in Texas, New Mexico, and Arizona. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8918. Authority sought for purchase by C. I. WHITTEN TRANSFER COMPANY, 200 19th Street, Huntington, W. Va., of the operating rights of THOMAS L. LEISHMAN, 206 Forest Road, Huntington, W. Va., and for acquisition by OLIVIER COMPANY, INC., c/o J. L. ULLMAN, 511 S. 20th Street, Birmingham, Ala., of control of such rights through the purchase. Applicants' attorney: William T. Croft, 940 Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Operating rights sought to be transferred: *Explosives*, as a *common carrier*, over irregular routes, from Evansville, Ind., and Wolf Lake, Ill., to certain points in Illinois and Indiana; *explosives* and *blasting supplies*, from Evansville, Ind., and Wolf Lake, Ill., to points in Kentucky on and west of U.S. Highway 31E. Vendee is authorized to operate as a *common carrier* in West Virginia, Pennsylvania, Ohio, Virginia, Kentucky, North Carolina, Illinois, New Jersey, Maryland, Alabama, Connecticut, Delaware, Massachusetts, Vermont, Maine, New York, Tennessee, Indiana, Iowa, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10948; Filed, Oct. 27, 1964; 8:46 a.m.]

[Notice 695]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 23, 1964.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice published in the FEDERAL REGISTER, issue of December 2, 1963, which became effective January 1, 1964.

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

*Special rules of procedure for hearing.* (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 103435 (Sub-No. 160), filed October 19, 1964. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, a corporation, E. 915 Springfield Avenue, Spokane, Wash. Applicant's attorney: George LaBissoniere, 333 Central Building, Seattle, Wash., and applicant's representative: J. Maurice Andren, Post Office Box 1631, Rapid City, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, frozen fruits, frozen berries, frozen vegetables, frozen juice concentrates, frozen pies, and potato products*, from points in Oregon, and Washington, to American Falls, Boise, Nampa, Pocatello, Caldwell, Heyburn, and Burley, Idaho, and Ontario, Oreg., for storage in transit and subsequent outbound movement to points in Iowa, Kansas, Missouri, and Nebraska.

*HEARING:* November 5, 1964, at the Hotel Boise, Eighth and Bannock, Boise, Idaho, before Examiner Frank R. Saltzman.

No. MC 113678 (Sub-No. 85), filed October 5, 1964. Applicant: CURTIS, INC., 770 E. 51st Avenue, Denver, Colo., 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *articles distributed by meat packinghouses* (except commodities in bulk in tank vehicles), from the plant site of Swift and Company located at or near Grand Island, Nebr., to points in Illinois, Colorado, New York, Massachusetts, Kentucky, Tennessee, Connecticut, Ohio, and Washington, D.C., Detroit, Mich., and Philadelphia, Pa., restricted to traffic originating at plant site of Swift and Company at or near Grand Island, Nebr.

*HEARING:* November 18, 1964, at the Midland Hotel, 172 West Adams Street, Chicago, Ill., before Examiner Bernard J. Hasson, Jr.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10949; Filed, Oct. 27, 1964; 8:46 a.m.]

[Notice 693]

## MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 23, 1964.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protests shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 8550 (Sub-No. 8), filed October 8, 1964. Applicant: TRUCKAWAY CORPORATION, 355 South Sanford Street, Pontiac, Mich. Applicant's attorney: Albert F. Beasley, Investment Building, 15th and K Streets NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis* (except mobile homes), in driveaway and truckaway service, from Rose City, Mich. and points within ten (10) miles thereof to military posts, camps, forts, reservations and stations in the United States (except Alaska and Hawaii) upon Government bills of lading.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 10761 (Sub-No. 170), filed October 15, 1964. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 N. Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616-618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the site of the plants of the General Motors Corporation located in Lordstown Township, Trumbull County, Ohio, as off-route points in connection with applicant's regular-route authority between Cleveland, Ohio and Pittsburgh, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.



No. MC 22278 (Sub-No. 17), filed October 7, 1964. Applicant: TAKIN BROS. FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Perry, Iowa, to points in Illinois, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 29566 (Sub-No. 91), filed October 12, 1964. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from Ft. Dodge and Webster City, Iowa, to points in Kansas, Missouri, and Oklahoma, and (2) from Kansas City, Mo.-Kans., to points in Illinois on and south of U.S. Highway 24, Festus, Poplar Bluff, Scott City, Sikeston, and Washington, Mo., and Ada, Ardmore, Clinton, Durant, and Hobart, Okla.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 30844 (Sub-No. 156) (CORRECTION), filed September 14, 1964, published FEDERAL REGISTER, issue of September 30, 1964, and republished as corrected, this issue. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa.

NOTE: The purpose of this republication is to set forth applicant's correct name as shown above in lieu of "Kroblin Refrigerated Xpress".

No. MC 30844 (Sub-No. 160), filed October 7, 1964. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes and potato products*, from points in Montcalm County, Mich. to points in Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 30844 (Sub-No. 161), filed October 12, 1964. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail gift and specialty business houses, from points in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin, to Waterloo, Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 50069 (Sub-No. 306), filed October 15, 1964. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank or hopper-type vehicles, from Tri-City Regional Port Complex located in Madison County, Ill., to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51322 (Sub-No. 2), filed October 12, 1964. Applicant: JACK DANE CAGNO, doing business as CAGNO HORSE TRANSPORTATION, 1343 Caryl Drive, Bedford, Ohio. Applicant's attorney: Bernard S. Goldfarb, 1625 The Illuminating Building, 55 Public Square, Cleveland, Ohio, 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses other than ordinary*, and in the same vehicle *such equipment* and *supplies*, incidental to the care, transportation, racing, and exhibition, of such horses, between points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and West Virginia.

NOTE: Duplicating authority is to be eliminated. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 52751 (Sub-No. 40), filed October 8, 1964. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, wallboard, pulp board, hardboard, insulation materials and materials and accessories for the installation thereof, and padding and cushioning materials*, from Bemidji, Cloquet, Duluth, Virginia, and International Falls, Minn., to points in Illinois, Iowa, Montana, North Dakota, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 52751 (Sub-No. 41), filed October 12, 1964. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baler and binder twine*, from Chicago, Ill., to points in Kansas, Missouri, and Nebraska (except Omaha).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 56213 (Sub-No. 11), filed October 8, 1964. Applicant: WILLIAM H. BRILLHART, doing business as H. & B. TRUCKING COMPANY, Codorus, Pa. Applicant's representative: John W. Frame, Post Office Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mica pigment*, from Hokes, Pa., to East Walpole, Mass., New Haven, Conn., Providence, R.I., and points in New York and New Jersey (excepting Perth Amboy, Hackensack, and Edgewater, N.J.), and *empty containers or other such incidental facilities* (not specified), used in transporting the above described commodity, on return.

NOTE: Applicant states that it now holds authority under its Sub 5 to transport mica pigment, in bags, to and from the same points. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 60272 (Sub-No. 7), filed October 7, 1964. Applicant: HANSON TRANSFER, INC., Mayville, N. Dak. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Grand Forks, N. Dak., and Aneta, N. Dak.: from Grand Forks, N. Dak., over U.S. Highway 81 to junction North Dakota Highway 15, thence over North Dakota Highway 15 to junction North Dakota Highway 32, thence over North Dakota Highway 32 to Aneta, N. Dak., and

return over the same route, serving all intermediate points (except those on U.S. Highway 81).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 61506 (Sub-No. 19), filed October 14, 1964. Applicant: RUSSELL TRANSFER COMPANY, INC., Athens-Augusta Highway, Post Office Box 92, Washington, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in Appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, including *naphtha*, but excluding all other acids and chemicals as defined in Appendix XV thereto, (1) from Guntersville, Ala., to points in Louisiana and (2) from New Orleans, La., to Guntersville, Ala., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 61506 (Sub-No. 20), filed October 14, 1964. Applicant: RUSSELL TRANSFER COMPANY, INC., Athens-Augusta Highway, Post Office Box 92, Washington, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in Appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, including *naphtha*, but excluding all other acids and chemicals as defined in Appendix XV thereto, from Charleston, S.C., to points in Kentucky north of Pike, Floyd, Magoffin, Breathitt, Lee, Estill, Madison, Garrard, Lincoln, Boyle, Marion, Nelson, Larue, Hardin, Grayson, Ohio, McLean, Webster, Henderson, and Union Counties, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 61506 (Sub-No. 21), filed October 14, 1964. Applicant: RUSSELL TRANSFER COMPANY, INC., Athens-Augusta Highway, Post Office Box 92, Washington, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in Appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, including *naphtha*, but excluding all other acids and chemicals as defined in Appendix XV thereto, in packages, from Charleston, S.C., to points in Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 75320 (Sub-No. 102), filed October 8, 1964. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plant site of McGraw Hill Book Company, located at or near Manchester, Mo., as an off-route point in connection with applicant's authorized regular-route operations between (1) Springfield, Mo., and Chicago, Ill., and (2) Memphis, Tenn., and St. Louis, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 87482 (Sub-No. 4), filed October 12, 1964. Applicant: NICK G. KATSILAS, doing business as GUST A. KATSILAS AND SON, 212 Fifth Street, Wilmerding, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between points in North Huntingdon Township, Westmoreland County, Pa., on the one hand, and, on the other, points in Allegheny, Beaver, Butler, Fayette, Lawrence, Mercer, and Westmoreland Counties, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 92983 (Sub-No. 451), filed October 7, 1964. Applicant: ELDON MILLER, INC., Post Office Box 617, Kansas City, Mo., 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats and oils*, in bulk, in tank vehicles, from points in California and Oregon to points in Kansas and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 93003 (Sub-No. 40), filed October 15, 1964. Applicant: CARROLL TRUCKING COMPANY, a corporation, Post Office Box 5468, Huntington 3, W. Va. Applicant's attorney: Paul F. Sullivan, Barr Building, 910 17th Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and *iron and steel* (except those requiring special equipment), from points in Cabell County, W. Va., to points in Tennessee, Virginia, North Carolina, South Carolina, Alabama, Georgia, Mississippi, Florida, and Louisiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 96176 (Sub-No. 11), filed September 24, 1964. Applicant: RAY CARTER, INC., 1629 Roselle Street, Memphis 7, Tenn. Applicant's attorney: Ernest A. Brooks, II, 1311–12 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction, maintenance, power distribution*, and *plant machinery, tools and equipment*, and *parts, accessories*, and *attachments therefor*, between points in Tennessee, Louisiana, Arkansas, Mississippi, Kentucky, and Alabama.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 102318 (Sub-No. 2), filed October 8, 1964. Applicant: GERALD SCOTT, 14 Fairway Drive, Hanover, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Resin coated fabrics, wall board cement, cap molding*, from Wharton, N.J., to points in Essex, Hudson, Union, Bergen, Passaic, Middlesex Counties, N.J.; points in New York, N.Y., commercial zone, Philadelphia, Pa., and Washington, D.C., and *rejected, damaged shipments*, on return, and (2) *embosser rolls*, between Wharton, N.J., on the one hand, and, on the other, South Norwalk, Conn. RESTRICTION: Under contract with L. E. Carpenter & Company, Wharton, N.J.

NOTE: Applicant presently holds contract carrier permit in MC 102318 Sub 1 authorizing pyroxylin coated fabrics from Wharton, N.J., to Newark, N.J., and points in New York, N.Y., commercial zone. Duplicating authority is not requested.

NOTE: If a hearing is requested, applicant requests it be held at New York, N.Y.

No. MC 103191 (Sub-No. 16), filed October 9, 1964. Applicant: THE GEO. A. RHEMAN CO., INC., Post Office Box 2095, Station A, Charleston, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Orangeburg County, S.C., to Charleston, S.C., and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 103435 (Sub-No. 155), filed October 2, 1964. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, a corporation, East 915 Springfield Avenue, Spokane 2, Wash. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, livestock, dangerous explosives, commodities in bulk, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467) serving the site of the International Aluminum Co. reduction plant located near Ferndale, Wash., as an off-route point in connection with applicant's regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.



No. MC 103435 (Sub-No. 157), filed October 8, 1964. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, a corporation, East 915 Springfield Avenue, Spokane, Wash. Applicant's representative: J. Maurice Andren, Post Office Box 1631, Rapid City, S. Dak. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products* and *commodities used by packinghouses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 from Newcastle, Wyo., and points within 10 miles thereof, to points in Oregon, Washington, and Idaho.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Denver, Colo.

No. MC 103435 (Sub-No. 159), filed October 12, 1964. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, a corporation, East 915 Springfield Avenue, Spokane, Wash. Applicant's attorney: George LaBissoniere, 333 Central Building, Seattle, Wash. and applicant's representative: J. Maurice Andren, Post Office Box 1631, Rapid City, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between St. Joseph, Mo., and Tarkio, Mo.: from St. Joseph, over U.S. Highway 71 to junction U.S. Highway 136 (formerly Missouri Highway 4), and thence over U.S. Highway 136 (formerly Missouri Highway 4) to Tarkio and return over the same route, serving all intermediate points and the off-route points of Graham, Pickering, and Hopkins, Mo.; (2) between St. Joseph, Mo., and Tarkio, Mo.: from St. Joseph over U.S. Highway 59 to Tarkio and return over the same route serving all intermediate points and the off-route points of Forest City, Maitland, Bigelow, and Rockport, Mo.; (3) between Westboro, Mo., and Omaha, Nebr.: (a) From Westboro over Atchison County Highway C to junction U.S. Highway 59, thence over U.S. Highway 59 to junction Iowa Highway 2, thence over Iowa Highway 2 to the Missouri River, thence across the Missouri River to Nebraska City, Nebr., thence over U.S. Highway 75 to Omaha, and (b) and return over U.S. Highway 75, from Omaha to Nebraska City, Nebr., thence across the Missouri River to junction Iowa Highway 2, thence over Iowa Highway 2 to junction U.S. Highway 275, thence over U.S. Highway 275 to junction U.S. Highway 59, thence over U.S. Highway 59 to Fairfax, Mo., thence return over U.S. Highway 59 to junction Atchison County Highway C, thence over Atchison County Highway C to Westboro, Mo., serving the intermediate points of Rockport, Fairfax, and Tarkio, Mo.; (4) between Langdon, Mo., and Rockport, Mo.: from Langdon over Atchison County Highway E to junction Missouri Highway 111, thence over Missouri Highway 111 to Rockport, and return over the same route, serving all intermediate points, (5) between Princeton, Mo., and East St. Louis, Ill., from Princeton over U.S. Highway 65 to Chillicothe, Mo.

Thence over U.S. Highway 36 to Hannibal, Mo., thence over U.S. Highway 61 to Wentzville, Mo., thence over Alternate U.S. Highway 40 to East St. Louis, and return over the same route, serving the intermediate points of Spickard, Tindall, Trenton and St. Louis, Mo., and the off-route points of Mill Grove, Cainesville, Goshen, Lineville, Lucerne, Modena, Mercer, Mt. Moriah, Powersville, and Ravanna; (6) between Princeton, Mo., and Kansas City, Kans.: from Princeton over U.S. Highway 65 to Trenton, Mo., thence over Missouri Highway 6 to junction U.S. Highway 69, thence over U.S. Highway 69 via Cameron, Mo., to Kansas City, Kans., and return over the same route serving all intermediate points between Trenton, Mo., and Kansas City, Kans., including Trenton, Mo., and Kansas City, Mo., and Spickard and Tindall, and the off-route points of Mill Grove, Cainesville, Goshen, Lineville, Lucerne, Mercer, Modena, Mt. Moriah, Powersville and Ravanna; and (7) between Princeton, Mo., and St. Joseph, Mo.: from Princeton over the immediately above specific route to Cameron, Mo., thence over U.S. Highway 36 to St. Joseph, and return over the same route, serving all intermediate points between Trenton and Cameron, Mo., including Trenton, Mo., and Spickard and Tindall, and the off-route points of Mill Grove, Cainesville, Goshen, Lineville, Lucerne, Mercer, Modena, Mt. Moriah, Powersville, and Ravanna, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 104654 (Sub-No. 135), filed October 9, 1964. Applicant: COMMERCIAL TRANSPORT, INC., Post Office Box 297, Belleville, Ill. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from New Madrid, Mo., and points within five miles, to points in that part of Illinois on and south of U.S. Highway 50.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 105159 (Sub-No. 14), filed October 9, 1964. Applicant: LAWRENCE TRUCKING, INC., 1320 West Main Street, Red Wing, Minn. Applicant's representative: Donald B. Taylor, Box 5068, Minneapolis, Minn., 55406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay sewer pipe, sewer pipe fittings, flue lining, wall coping, septic tank pipe, drain tile, fire brick, fire clay, mortar mix and clay filter media blocks* from Red Wing, Minn. to points in Michigan (upper peninsula only), and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: Applicant states the destination territory to be limited to that portion of Michigan bounded on the south by Wisconsin, Lake Michigan, and Lake Huron. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 105461 (Sub-No. 59), filed October 12, 1964. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa., 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and paving compounds*, in containers from the plant site of The Monsey Products Co., located at Philadelphia, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, and Maryland and points in Ashland, Ashtabula, Belmont, Carroll, Columbiana, Coshocton, Crawford, Cuyahoga, Erie, Geauga, Harrison, Holmes, Huron, Jefferson, Knox, Lake, Lorain, Mahoning, Medina, Morrow, Ottawa, Portage, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Tuscaraswas, Wayne, and Wyandot Counties, Ohio and points in Boone, Ohio, and Marshall Counties, W. Va.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106298 (Sub-No. 6), filed October 5, 1964. Applicant: BEN BLINDER, doing business as TRI STATE TRANSPORTATION CO., 1501 A. Avenue, Sioux Falls, S. Dak. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Sioux Falls, S. Dak. and Mitchell, S. Dak., (a) over U.S. Highway 16; and (b) from Sioux Falls over South Dakota Highway 38 to junction U.S. Highway 16, thence over U.S. Highway 16 to Mitchell, and return over the same route, serving no intermediate points on (a) and (b) above except as otherwise authorized; (2) between Huron, S. Dak. and Mankato, Minn., over U.S. Highway 14, serving no intermediate points except as otherwise authorized; (3) between Huron, S. Dak. and Watertown, S. Dak., (a) from Huron over U.S. Highway 14 to junction U.S. Highway 81, thence over U.S. Highway 81 to Watertown, and return over the same route; and (b) from Huron over U.S. Highway 14 to junction South Dakota Highway 25, thence over South Dakota Highway 25 to junction U.S. Highway 212, thence over U.S. High-





(same address as applicant). Authority

way 212 to Watertown, and return over the same route, serving no intermediate points on (a) and (b) above; (4) between Huron, S. Dak. and Aberdeen, S. Dak., from Huron over U.S. Highway 14 to junction U.S. Highway 281, thence over U.S. Highway 281 to Aberdeen, and return over the same route, serving no intermediate points; (5) between St. Peter, Minn. and Nicollet, Minn., over Minnesota Highway 99; (6) between Minneapolis, Minn. and New Ulm, Minn., from Minneapolis over Minnesota Highway 5 to Gaylord, Minn., thence over Minnesota Highway 19 to Winthrop, Minn., thence over Minnesota Highway 15 to New Ulm, and return over the same route; and (7) between Minneapolis, Minn. and Brookings, S. Dak., from Minneapolis over Minnesota Highway 5 to Gaylord, Minn., thence over Minnesota Highway 19 to the Minesota-South Dakota State line, thence over South Dakota Highway 30 to junction U.S. Highway 77, thence over U.S. Highway 77 to Brookings, and return over the same route, serving no intermediate points on (5) through (7) above inclusive, as alternate routes, for operating convenience only, in connection with applicant's authorized and proposed regular-route operations.

NOTE: Applicant states service to or from the termini of any of the routes described above in (5), (6), and (7) will be limited to joinder with other authorized routes unless otherwise specifically authorized. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 107064 (Sub-No. 38), filed October 12, 1964. Applicant: STEERE TANK LINES, INC., 2808 Fairmont Avenue, Box 2998, Dallas, Tex. Applicant's attorney: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex., 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, petroleum and petroleum products*, in bulk, between points in New Mexico and those in Texas on and west of U.S. Highway 83, on the one hand, and, on the other, points in Louisiana, Mississippi, Missouri, Alabama, Georgia, South Carolina, Tennessee, Arkansas, Kentucky, Virginia, West Virginia, Ohio, Indiana, Illinois, Iowa, Nebraska, Kansas, and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107107 (Sub-No. 325), filed October 14, 1964. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food ingredients, food supplements*, and *related advertising and promotional materials*, when moving with said commodities, from New York, N.Y., and points within 15 miles thereof, to points in Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 107496 (Sub-No. 335), filed October 12, 1964. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Applicant's attorney: H. L. Fabrik (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats* and *animal oils*, in bulk, in tank vehicles from the plant site of Wilson & Co., Inc., located at or near Cherokee, Iowa to points in Nebraska, Wisconsin, and Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 496), filed October 9, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Charlotte, and West End, N.C., to points in Virginia, Maryland, Delaware, District of Columbia, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, West Virginia, and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 497), filed October 14, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Ave. SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Minneapolis, Minn., Spencer, Greenwood and Marshfield, Wis., to points in Georgia, Alabama, Tennessee, Mississippi, North Carolina, and South Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 109397 (Sub-No. 104), filed September 28, 1964. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear, and by-product materials, radioactive materials, and related reactor-experiment equipment, component parts, and associated materials*, (1) between the Savannah River Plant of the United States Atomic Energy Commission located near Dunbarton, S.C., on the one hand, and, on the other, reactors located at or near the following points: Arco, Idaho; Upton, Sterling Forest, and Buffalo, N.Y.; Lemont, Ill.; Oak Ridge, Tenn.; Watertown, and Cambridge, Mass.; Washington, D.C.; Fort Worth, Tex.; Dayton, West Jefferson, and Sandusky, Ohio; Ft. Belvoir, Lynchburg, and Charlottesville, Va.; Columbia, Mo.; Gaithersburg, Md.; Ft. Kearney, R.I.; Atlanta, and Dawsonville, Ga.; Ames, Iowa; Los Alamos, and Sandia Base, N. Mex.; Pullman, Wash.; Plainsboro, N.J.; Waltz Mills, State College, Quehanna, and Peach Bottom, Pa.; Ann Arbor, Mich.; and Livermore and Pleasanton, Calif.; and (2) serving the ports of entry on the International Boundary line between the United States and Canada near Sault Ste. Marie, Mich., Buffalo and Alexandria Bay, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109397 (Sub-No. 105), filed October 9, 1964. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, blasting materials, supplies and agents*, between the Plant Site Hercules Powder Co., near Tenino, Wash., on the one hand, and, on the other, points in Oregon, Idaho, Nevada, California, Utah, Colorado, Montana, Wyoming, Arizona, and New Mexico.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 110193 (Sub-No. 72), filed October 9, 1964. Applicant: SAFEWAY TRUCK LINES, INC., 20450 West Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, toilet preparations, surgical dressings, swabs, absorbent cotton; and advertising matter and store display racks or stands* not to exceed 10 percent of weight of the shipment from Stamford and Clinton, Conn. to Monticello, Ind. and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 110193 (Sub-No. 73), filed October 12, 1964. Applicant: SAFEWAY TRUCK LINES, INC., 20450 West Ireland Road, South Bend, Ind. Applicant's representative: Walter Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles and hides) from Mason City, Iowa to points in Illinois (except Chicago), Michigan, Indiana, and Wisconsin, and (2) *dairy products*, from Dubuque, Iowa to Detroit, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 110193 (Sub-No. 74), filed October 12, 1964. Applicant: SAFEWAY TRUCK LINES, INC., 20450 West Ireland Road, South Bend, Ind. Applicant's representative: Walter Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packing-house products* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and hides), (1) from Perry, Iowa to points in Michigan, Illinois, Wisconsin and Missouri, also (2) from Fort Dodge, Iowa to points in Illinois, and (3) from Denison, Iowa Falls, and Sioux City, Iowa, to points in Illinois, Wisconsin and Missouri.

NOTE: If a hearing is deemed necessary, applicant has not specified a place of hearing.

No. MC 110420 (Sub-No. 388), filed October 8, 1964. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry and liquid, *acids and chemicals*, and *fertilizer compounds, including but not limited to anhydrous ammonia, aqua ammonia, nitrogen fertilizer solutions* in bulk, in tank or hopper type vehicles from Fremont, Nebr. and points within ten (10) miles thereof to points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota and South Dakota and *damaged and rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 110420 (Sub-No. 389), filed October 14, 1964. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, 100 S. Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, vegetable and fish oils and blends thereof*, in bulk, in tank vehicles, from Amsterdam, N.Y., to points in Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 678) (AMENDMENT), filed September 2, 1964, published FEDERAL REGISTER issue of September 16, 1964, amended October 16, 1964 and republished as amended this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C., 20005; and Edwin van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk from Belle, W. Va., to points in Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and Wisconsin.

NOTE: The purpose of this republication is to delete the specific type of equipment to be utilized for the transportation of this product and to include Kentucky as a destination state. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.



No. MC 110698 (Sub-No. 287), filed October 9, 1964. Applicant: RYDER TANK LINE, INC., Post Office Box 8418, Winston-Salem Road, Greensboro, N.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trichlorosilane*, in bulk, in tank vehicles, from Waterford, N.Y., to St. Peters, Mo., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodity, on return.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110988 (Sub-No. 95), filed October 14, 1964. Applicant: KAMPO TRANSIT, INC., 200 W. Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glycol propylene*, in bulk, in tank vehicles, from South Beloit, Ill., to points in New Jersey, Wisconsin, Minnesota, Michigan, Iowa, Kansas and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 111069 (Sub-No. 33), filed October 8, 1964. Applicant: COLDWAY CARRIERS, INC., Post Office Box 36, Clarksville, Ind. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 S. 5th Street, Louisville, Ky., 40202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant site of Pet Milk Company, Frozen Foods Division, Chambersburg, Pa., and storage facilities utilized by the aforementioned company within 25 miles of Chambersburg, Pa., to points in Alabama, Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia, and West Virginia, subject to the following restriction: service will be rendered only in the pickup of partial loads at the plant site of the Pet Milk Company, Frozen Foods Division, Chambersburg, Pa., and storage facilities maintained by the Pet Milk Company, Frozen Foods Division within 25 miles of Chambersburg, Pa., for handling with other shipments of the shipper, transported by applicant to the extent of its authority for the transportation of frozen foods, from Allentown, Pa., to the above described States (except Ohio).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111812 (Sub-No. 264), filed October 15, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Box 747, Sioux Falls, S. Dak., 57101. Applicant's representative: William J. Walsh, (address same as applicant) and applicant's attorney: Donald L. Stern 924 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses* from Perry, Iowa to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 113362 (Sub-No. 53), filed October 8, 1964. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 E. Broadway, Eagle Grove, Iowa. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectioneries*, from Long Island City and Poughkeepsie, N.Y., to Rockford, Ill., Kansas City, Mo., Detroit, Mich., and Cleveland, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 113475 (Sub-No. 15), filed October 5, 1964. Applicant: RAWLINGS TRUCK LINE, INC., Post Office Box 831, Emporia, Va. Applicant's attorneys: Jno. C. Goddin, Insurance Building, 10 South 10th, Richmond, Va., and L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flakeboard*, (1) from Smoky Ordinary, Alberta, Dinwiddie, and Stony Creek, Va., to points in Maryland, Pennsylvania, West Virginia, Ohio, Delaware, New Jersey, and the District of Columbia, and New York, N.Y., (2) from Waverly, and Smoky Ordinary, Va., to Norfolk, Portsmouth, and Newport, News, Va., (3) from points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line, and extending along U.S. Highway 29 to junction Alternate U.S. Highway 29 (formerly U.S. Highway 29), near Hamtown, N.C., thence along Alternate U.S. Highway 29 via Greensboro, High Point, and Thomasville, N.C., to junction U.S. Highway 29, thense along U.S. Highway 29 to Charlotte, N.C., and thence along U.S. Highway 21 to the North Carolina-South Carolina State line, points in South Carolina on and east of U.S. Highway 21 from the North Carolina-South Carolina State line to Columbia, S.C., and on and north of a line beginning at Columbia, and extending along U.S. Highway 76 to Sumter, S.C., thence along U.S. Highway 521 to Georgetown, S.C., and thence in an easterly direction along a straight line to the Atlantic Ocean; to the District of Columbia, Highstown, and Camden, N.J., and points in Pennsylvania, Maryland, and Virginia on and east of a line beginning at the New York-Pennsylvania State line, and extending along U.S. Highway 15 to junction U.S. Highway 29, and thence along U.S. Highway 29 to the Virginia-North Carolina State line, and (4) from points in that part of Virginia on and east of a line

beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to Lynchburg, Va., thence on and south of a line beginning at Lynchburg, Va., and extending along U.S. Highway 460 to Blacksburg, Va.

Thence along Virginia Highway 40 to junction U.S. Highway 460, near Waverly, Va., and thence along U.S. Highway 460 to Suffolk, Va., and on and west of a line beginning at Suffolk, Va., and extending along Virginia Highway 32 to the Virginia-North Carolina State line, to points in Connecticut, Indiana, Kentucky, Massachusetts, Michigan, North Carolina, Ohio, Rhode Island, Tennessee, and Vermont (except from points in Isle of Wight and Nansemond Counties, Va., to points in Connecticut, Massachusetts, Ohio, and Rhode Island), and *damaged, refused, and rejected shipments*, of the commodity specified, on return.

NOTE: Applicant states it takes the position and contends that it now holds authority from the Commission to transport the named commodity from the involved origin territory to the involved destination territory under its "lumber" authority heretofore issued to it by the Commission. This application is being filed for the purpose of getting that question settled and if it be held that the applicant does not now hold adequate authority from the Commission to transport this commodity under its "lumber" authority, then it requests that the within application be treated as a new application for authority to transport this commodity. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 113651 (Sub-No. 74), filed October 7, 1964. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 N. Broadway, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from La Porte, Ind., to points in Pennsylvania, New Jersey, Connecticut, Rhode Island, Massachusetts, New York, Vermont, New Hampshire, Maine, Delaware, Maryland, District of Columbia, West Virginia, Virginia, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113678 (Sub-No. 86), filed October 14, 1964. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton, textiles and textile products made of natural or synthetic fibres, metallic yarn, dry goods, rugs, carpeting, carpeting products*, and *manufactured textile products*, from Danville, Va., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 162), filed October 8, 1964. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potato products, other than frozen, with or without ingredients cooked, diced, flakes, powdered, shredded, or sliced*, in vehicles equipped with mechanical refrigeration, from Greenville, Mich., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Oklahoma, Tennessee, and Texas.

NOTE: Applicant does not specify place of hearing if one is deemed necessary.

No. MC 114211 (Sub-No. 64), filed October 14, 1964. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo (Black Hawk County), Iowa, Applicant's attorney: Charles W. Singer, 33 North LaSalle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery* and *agricultural implements, and parts thereof*, when moving incidental to and in the same vehicle with said commodities restricted against the transportation of any of the described commodities, which because of size or weight require the use of special equipment from Claremore, Okla., to points in the United States (except Alaska and Hawaii), and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114301 (Sub-No. 26), filed October 8, 1964. Applicant: DELAWARE EXPRESS CO., A Corporation, Post Office Box 141, Elkton, Md. Applicant's attorney: James E. Wilson, 1111 E. St. NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat scraps*, and *other dry feed ingredients* (except phosphate rock, lime and limestone, and products of these three ingredients), in bulk, between points in Delaware, Maryland, that part of New Jersey north of New Jersey Highway 33, and Wildwood, Lakewood, Elmer, and Tuckerton, N.J., Pennsylvania, Virginia, West Virginia (except Willow Island, W. Va., as an origin point), and the District of Columbia, subject to the following restrictions: (1) no transportation of urea will be performed from Belle, W. Va., (2) no transportation of meat scraps from Baltimore, Md., to Accomack and Northampton Counties, Va., and that part of Delaware on and south of the Chesapeake and Delaware Canals, and (3) no transportation will be performed from Allentown and Nazareth, Pa.

NOTE: Applicant states it holds authority in MC 114301 (Sub-No. 17) to transport the involved commodities nonradially between points in the above described territory, and the purpose of this application is to remove a vehicular restriction "in tank and pneumatic hopper-type vehicles." If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114848 (Sub-No. 21), filed October 8, 1964. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. Applicant's attorney: James N. Clay, III, 240 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, from points in Henry and Weakley Counties, Tenn., and Graves County, Ky., to points in Georgia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodity, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 115162 (Sub-No. 100), filed October 7, 1964. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 346, Evergreen, Ala. Applicant's representative: Robert E. Tate, 2031 9th Avenue, South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, and *advertising material, display material and paint stain when moving with lumber the weight of the advertising material, display material and paint stain not to exceed 2 percent of the total weight of the lumber*, from points in Jackson County, Miss., to points in Colorado, Oklahoma, New Mexico, North Dakota, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 115162 (Sub-No. 101), filed October 7, 1964. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 346, Evergreen, Ala. Applicant's representative: Robert E. Tate, 2031 9th Avenue, South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, and *advertising material, display material* and *paint stain when moving with lumber the weight of the advertising material, display material and paint stain not to exceed 2 percent of the total weight of the lumber*, from points in Jackson County, Miss., to points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant states it already holds lumber authority from points in Mississippi to points in Alabama, on and South of U.S. Highway 78, and by tacking can serve the destination territory sought in this application by other Subs from Alabama to the same territory via South Alabama. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 115331 (Sub-No. 86), filed October 9, 1964. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Lime and limestone products*, from Davenport, Iowa, to points in Minnesota, Wisconsin, Indiana, Missouri, Illinois,



South Dakota, Iowa, Nebraska and Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115840 (Sub-No. 16), filed October 8, 1964. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings*, from the plant and shipping yards of James B. Clow & Sons, Irving Park Road East of Mt. Prospect Road at or near Bensenville, Ill., to points in Kentucky, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, North Carolina, and South Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115915 (Sub-No. 25), filed October 8, 1964. Applicant: FRED E. HAGEN, doing business as HAGEN TRUCK LINE, 6120 North 16th Street, Omaha, Nebr. Applicant's attorney: J. Max Harding, Box 2028, 14th and J Streets, Lincoln, Nebr., 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products and articles distributed by meat packing houses and such commodities as are used by meat packers in the conduct of their business* when destined to and for use by meat packers, as described in Sections A, B, C, and D, Appendix I in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, (except hides and commodities in bulk in tank vehicles), from Perry, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming, and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 116544 (Sub-No. 58), filed October 14, 1964. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 E. Fairview Avenue, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn meal, bran, shorts*, and *mill feed*, in mixed shipments with flour (other than in bulk), from points in Oklahoma and Kansas, Kansas City and St. Joseph, Mo., to points in Florida, Georgia, Alabama, Mississippi, and Louisiana.

NOTE: Applicant states it is presently authorized to transport flour (other than in bulk) from the above described origin points to the above described destination points. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 117119 (Sub-No. 174) (AMENDMENT), filed September 28, 1964, published FEDERAL REGISTER issue of October 14, 1964, amended October 19, 1964, and republished as amended this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark., Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, chilled and frozen bakery products, frozen fruits, frozen vegetables, frozen berries, frozen french fries, frozen pizza* and *pizza pie ingredients*, between points in Colorado, on the one hand, and, on the other, points in Oklahoma, Texas, and New Mexico.

NOTE: The purpose of this republication is to more clearly set forth the territorial description. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117119 (Sub-No. 177), filed October 8, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed meal*, from Phoenix, Ariz., to points in Idaho.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Boise, Idaho.

No. MC 118831 (Sub-No. 32), filed October 7, 1964. Applicant: CENTRAL TRANSPORT, INC., Uwharrie Road, Post Office Box 5044, High Point, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, in tank or hopper type vehicles, from points in North Carolina, to points in South Carolina, Georgia, and Virginia, and *refused or unclaimed products*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 119702 (Sub-No. 13), filed October 8, 1964. Applicant: STAHLY CARTAGE CO., a corporation, 130-A Hillsboro Avenue, Edwardsville, Ill. Applicant's attorney: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Tri-City Regional Port Complex, located in Madison County, Ill., to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 32) (AMENDMENT), filed October 1, 1964, published in FEDERAL REGISTER, issue of October 14, 1964, and republished as amended this issue. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes, and potato products*, from Greenville, Mich., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Missouri, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

NOTE: The purpose of this republication is to clarify the commodities proposed to be transported. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119903 (Sub-No. 7), filed October 5, 1964. Applicant: D. J. WALRAVEN, 2713 Maple Drive, Rome, Ga. Applicant's attorney: Monty Schumacher, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, and in bags, from Tyner, Tenn., to points in Alabama.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 120546 (Sub-No. 1), filed October 5, 1964. Applicant: THOMPSON VAN & STORAGE, INC., Post Office Box 967, 5320 Highway 75 N., Sherman, Tex. Applicant's attorney: Alan F. Wohlstetter, One Farragut Square S., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, restricted to shipments having a prior or subsequent movement beyond a 120 miles radius of Perrin Air Force Base, Tex., and further restricted to pick-up and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such shipments, between points within a 120 miles radius of Perrrin Air Force Base, Tex., including Perrin Air Force Base, Tex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Sherman, Tex.

No. MC 123289 (Sub-No. 1), filed October 12, 1964. Applicant: JIM CAMP, Route 2, Algona, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials* (other than liquid in bulk), from Humboldt, Iowa, to points in Nebraska, North Dakota, South Dakota, and points in Fillmore, Houston, Olmsted, and Winona Counties, Minn., also points in Minnesota north of U.S. Highway 14 and on and south of U.S. Highway 12.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 123393 (Sub-No. 43), filed October 12, 1964. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from Springfield, Mo., to points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Massachusetts, Vermont, New Hampshire, Maine, West Virginia, Virginia, Rhode Island, Connecticut, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 125348 (Sub-No. 7), filed October 9, 1964. Applicant: CONNELL TRANSPORT CO., INC., Post Office Box 848, Warren, Ohio. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products* and *articles distributed by meat packinghouses*, from the site of the plant or facilities of Wilson & Co. located at or near Cherokee, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, New York, Delaware, Maryland, and the District of Columbia.

NOTE: Applicant holds contract carrier authority in MC 111443 and Subs thereto, therefore dual operations may be involved. If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 125941 (Sub-No. 1) (CORRECTION), filed August 24, 1964, published FEDERAL REGISTER, issue of September 16, 1964, under Docket No. MC 126540, corrected September 30, 1964, and republished, as corrected, this issue. Applicant: J. & S. TRUCK LINE, INC., 817 Southwest 37th Street, Oklahoma City 9, Okla. Applicant's attorney: James W. Hightower, Wynnewood Professional Building, Dallas 24, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, *fertilizer materials* and *feed grade urea*, in bags or bulk, except in tank vehicles, and *fertilizer materials* and *damaged and rejected shipments* of the above-specified commodities, between Bryan and Littlefield, Tex., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, and Oklahoma.

NOTE: Common control may be involved. The purpose of this republication is to show applicant's correct docket number in lieu of MC 126540, as previously published. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 126349 (Sub-No. 2), filed October 19, 1964. Applicant: GEHR AND DRUM TRANSPORTATION CORPORATION, Box 12, Cogan Station, Pa. Applicant's attorney: William T. Croft, Federal Bar Building, 1815 H Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Treated poles and posts*, from the site of the plant of the Taylor-Colquitt Company at or near Spartanburg, S.C., to points in Pennsylvania and New York, and (b) *rough lumber*, not including plywood or veneer, (1) from Odessa, N.Y., to points in North Carolina, (2) from Galeton, Pa., to points in North Carolina, and (3) from Williamsport, Pa., and points within 15 miles thereof to points in North Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Williamsport, Pa.

No. MC 126408 (Sub-No. 1) (CORRECTION), filed September 15, 1964, published FEDERAL REGISTER, issue of September 30, 1964, and republished as corrected this issue. Applicant: UHRICH TRANSFER, INC., 103 North Water Street, Uhrichsville, Ohio. Applicant's attorney: Paul F. Berry, 44 East Broad Street, Columbus, Ohio.

NOTE: The purpose of this republication is to correct part of the note appended to previous publication. Correctly, this should read: "Applicant is authorized to conduct operations as a common carrier under MC 7818, therefore, dual operations may be involved." Previous publication noted MC 7878, in error.

No. MC 126550 (Sub-No. 2), filed October 15, 1964. Applicant: EDWARD B. HUTCHINSON, JR., doing business as FLINT TRUCKING, 7 Flint Street, Danvers, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wet pickled skins, hides, and pelts*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between Philadelphia, Pa., and Peabody, Mass., Gloversville, N.Y., Camden and Clinton, Maine.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 126634 (Sub-No. 1), filed October 12, 1964. Applicant: RALPH NATHAN, doing business as RALPH NATHAN CARTAGE, 7726 North Kedvale Street, Skokie, Ill. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard boxes*, corrugated, knocked-down, flat, from Hillside, Ill., to points in Ottawa and Ionia Counties, Mich., and Lake, Porter, and La Porte Counties, Ind.

NOTE: Applicant states that the above-proposed service will be performed for the Mid-City Container Corp., Hillside, Ill., subsidiary of Boise Cascade Corporation, Boise, Idaho. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126635, filed October 12, 1964. Applicant: CHRISTIE-LAMBERT VAN & STORAGE CO. INC., 1001 Westlake Avenue N., Seattle, Wash., 98109. Applicant's attorney: George H. Hart, Central Building, Seattle, Wash., 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, restricted to shipments having a prior or subsequent movement beyond Washington in specially designed containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating and de-containerization of such shipments between points within five miles of Seattle, Wash., including Seattle.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 126636 (Sub-No. 1), filed October 8, 1964. Applicant: ROBERT A. KINKER, Route 6, Greensburg, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk products, milk byproducts*, and *fruit juices, fruit drinks*, and *fruit segments*, in containers, from the plant or plants of Sealtest Foods, Division of National Dairy Products Corp., at Cincinnati, Ohio, to points in Ripley, Dearborn, Franklin, Decatur, Switzerland, and Jefferson Counties, Ind., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return, for the account of Sealtest Foods, Division of National Dairy Products Corp., and distributors of Sealtest Foods in the Indiana counties named herein.

NOTE: Applicant states it will operate exclusively for Sealtest Foods, Division of National Dairy Products Corp. and/or distributors of Sealtest Foods in the Indiana counties named herein. The small distributors involved will enter into contracts, as will Sealtest Foods, Division of National Dairy Products Corp. In view of the fact, however, that the small distributors sometimes change, it would be agreeable to the applicant if a certificate were issued in lieu of a permit. In both cases all shipments will originate at the Sealtest Foods plant or plants at Cincinnati, Ohio, and move to points in the Indiana counties named herein. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 126642, filed October 5, 1964. Applicant: BLACK HILLS MOVERS, INC., doing business as BLACK HILLS MAYFLOWER, 610 East Omaha Street, Rapid City, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Rapid City, S. Dak., and points in South Dakota.

NOTE: Applicant states that the proposed service will involve shipments having an Interstate origin and/or destination. If a hearing is deemed necessary, applicant requests it be held at Pierre, S. Dak.

No. MC 126643, filed October 9, 1964. Applicant: MIRAMICHI TRANSPORT LIMITED, Post Office Box 449, Chatham, New Brunswick, Canada. Applicant's attorney: Frederick T. McGonagle, 85 Exchange Street, Portland, Maine. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fish* (*including shell fish*) pickled, salted, smoked, canned, spiced, corned, or kippered, and *frozen fruits, frozen berries*, and *frozen vegetables*, from ports of entry on the international boundary line between the United States and Canada located in Maine to points in Massachusetts, New York and Pennsylvania, and (2) *meat* and *meat products*, fresh, frozen, and canned, from points in Massachusetts and New York to ports of entry on the international boundary line between the United States and Canada located in Maine.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.



No. MC 126644, filed October 12, 1964. Applicant: VALLEY IMPLEMENT, INC., doing business as VALLEY REEFER SERVICE, Post Office Box 466, Lexington, Nebr. Applicant's attorney: John H. Lewis, The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as defined in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (272) and 766 (except commodities in bulk, in tank vehicles), from the site of the Platte Valley Packing Co. located at or near Darr, Nebr., to points in California, Oregon, Washington, and Arizona under a continuing contract with Platte Valley Packing Co. and *exempt commodities* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 126646, filed October 14, 1964. Applicant: RAY MEEK GARAGE, INC., 3125 U.S. Highway 30 West, Fort Wayne, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used tractors*, in secondary movements, in truckaway service, to be used as replacements for wrecked or disabled vehicles; (2) *wrecked and disabled motor vehicles and motor vehicle parts;* and (3) *accessories, supplies and materials used in connection with the repairing or reconditioning of damaged, disabled or wrecked motor vehicles, trailers and semitrailers* between points in Illinois, Indiana, Michigan, Ohio, Kentucky, Pennsylvania, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 126647, filed October 14, 1964. Applicant: JAMES R. PARSONS, 411 West Liberty, Vermillion, Ohio. Applicant's attorney: Bernard S. Goldfarb, 1625 The Illuminating Building, 55 Public Square, Cleveland, Ohio, 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Watercraft* of all makes, manufacture, construction and description, and *equipment supplies and accessories incidental thereto*, and *empty containers or other such incidental facilities* used in transporting the above commodities between points in Ohio, New York, Pensylvania, New Jersey, Maryland, Florida, Michigan, Indiana, Illinois, Massachusetts, and Connecticut.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 126648 filed October 14, 1964. Applicant: WILLIAM CLAYBORN DELP, Route 1, Meadowview, Va. (Washington County). Applicant's attorney: George M. Warren, Jr., Reynolds Arcade Building, Bristol, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer* from Johnson City and Knoxville, Tenn, to points in Bland, Smyth, Wythe, Washington, Pulaski, Scott, Wise, Lee, Buchanan, Russell, Dickenson, Tazewell Counties, Va. and Bristol and Norton, Va., and *empty containers or other such incidental facilities* used in transporting the above commodities and *repossessed, refused* or *returned fertilizer* on return.

NOTE: Applicant states the proposed operations will be under contract with American Agricultural Chemical Co. of Knoxville and Johnson City, Tenn. If a hearing is deemed necessary, applicant requests it be held at Abingdon, Va.

No. MC 126649, filed October 15, 1964. Applicant: MOSLEY'S MOTOR EXPRESS, INC., Black Hill Road, Concord, N.H. Applicant's attorney: Charles A. DeGrandpre, 40 Stark Street, Manchester, N.H., 03101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Concord, Manchester, and Berlin, N.H., on the one hand, and, on the other, points in New Hampshire.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 367), filed October 7, 1964. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round trip special operations, between Paterson, Clifton, Passaic, Bloomfield and Irvington, N.J., on the one hand, on the other, Charles Town and Shenandoah Race Tracks, Charles Town, W. Va.

NOTE: Applicant states that the proposed service will be during racing seasons. If a hearing is deemed necessary applicant requests it be held at Newark, N.J.

No. MC 84728 (Sub-No. 51), filed October 9, 1964. Applicant: SAFEWAY TRAILS, INC., 1200 I Street NW., Washington, D.C. Applicant's attorney: Julian P. Freret, 1012 14th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, (1) between junction U.S. Highway 29 and Interstate Highway 495 (Exit 23), near Silver Spring, Md., and the intersection of Anacostia Freeway and Interstate Highway 495 (Exit 38); from junction U.S. Highway 29 and Interstate Highway 495 (Exit 23) near Silver Spring, Md., over Interstate Highway 495, to intersection of Anacostia Freeway and Interstate Highway 495 (Exit 38), near Oxon Hill, Md., and return over the same route, serving all intermediate points, and (2) between junction Interstate Highway 295 and the Baltimore-Washington Expressway (Kenilworth Avenue interchange), and the intersection of Interstate Highway 295 and the District of Columbia-Maryland State line; from junction Interstate Highway 295 and the Baltimore-Washington Expressway, over Interstate Highway 295, to the District of Columbia-Maryland State line, and return over the same route, serving all intermediate points.

NOTE: Applicant states that it will tack the above proposed routes to its existing routes, and to those of Virginia Stage Lines, Inc. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113430 (Sub-No. 11), filed October 20, 1964. Applicant: PROVIDENCE ARROW LINES, INC., Room 2211, 625 Eighth Avenue, New York 18, N.Y. Applicant's attorney: John R. Sims, Jr., Post Office Box 9101, Arlington, Va., 22209. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express*, and *newspapers*, in the same vehicle with passengers, between Waterbury, Conn., and New York, N.Y., from Waterbury, Conn., over Connecticut Highway 8 to Bridgeport, Conn., thence over city streets to Interstate Highway 95, thence over Interstate Highway 95 to New York, N.Y., and return over the same route with service to all intermediate points between Waterbury and Bridgeport, Conn., including service between Bridgeport, Conn., and New York, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Waterbury or Bridgeport, Conn.

No. MC 115116 (Sub-No. 14), filed October 14, 1964. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. Applicant's attorney: Michael J. Marzano, 17 Academy Street, Newark, N.J., 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *newspapers* and *express*, in the same vehicle with passengers, (1) between Borough of Hopewell, N.J., and Montgomery Township, N.J.: From Borough of Hopewell, over New Jersey Highway 518 to junction U.S. Highway 206, Montgomery Township, N.J., and return over the same route, serving all intermediate points, (2) between Borough of Hopewell, N.J. and Borough of Princeton, N.J.: From Borough of Hopewell over New Jersey Highway 569 to junction Rosedale Road, Rosedale, N.J., thence over Rosedale Road to Borough of Princeton, and return over the same route, serving all intermediate points, (3) between West Trenton, N.J., and Trenton, N.J.: From West Trenton, over New Jersey Highway 579 to junction New Jersey Highway 29 (John Fitch Parkway), thence over New Jersey Highway 29 to junction access roads to Calhoun Street in Trenton, N.J., thence over access roads and Calhoun Street to junction West Hanover Street, thence over West Hanover Street to junction North Warren Street, thence over North Warren Street to junction Perry Street, thence over Perry Street to Perry Street Bus Terminal in Trenton, N.J., and return from Perry Street Bus Terminal in Trenton, N.J., over Perry Street to junction North Warren Street, Perry Street

and Bank Street, thence over Bank Street to junction Calhoun Street, thence over Calhoun Street to junction access roads to New Jersey Highway 29 (John Fitch Parkway), thence over access roads and New Jersey Highway 29 to junction New Jersey Highway 579, thence over New Jersey Highway 579 to West Trenton, N.J., serving all intermediate points, (4) between West Trenton, N.J. and East Brunswick, N.J.; From West Trenton over New Jersey Highway 579 to junction New Jersey Highway 29 (John Fitch Parkway), thence over New Jersey Highway 29 to Trenton, N.J., thence over city streets to New Jersey Highway 33.

Thence over New Jersey Highway 33 to junction U.S. Highway 130, Robbinsville, N.J., thence over U.S. Highway 130 to junction New Jersey Highway 33 in East Windsor Township, N.J., thence over New Jersey Highway 33 to access roads to New Jersey Turnpike at Interchange No. 8, near Hightstown, N.J., thence over New Jersey Turnpike Interchange No. 8 access roads to the New Jersey Turnpike, thence over the New Jersey Turnpike to New Jersey Turnpike at Interchange No. 9 at East Brunswick, N.J. (a point on applicant's presently authorized route), and return over the same route with the right to join the aforesaid route with the existing route of Suburban Transit Corp. on the New Jersey Turnpike at Interchange No. 9 in East Brunswick, N.J., serving all intermediate points, (5) between Trenton, N.J. and Trenton, N.J.; From Perry Street Bus Terminal in Trenton, over city streets to New Jersey Highway 33 in Trenton, and return over the same route, serving all intermediate points, and (6) between East Windsor Township, N.J., and North Brunswick Township, N.J.; From Junction U.S. Highway 130 and New Jersey Highway 33 in East Windsor Township, N.J., over U.S. Highway 130 to junction U.S. Highway 1 in North Brunswick, N.J., and return over the same route, serving all intermediate points.

NOTE: Applicant states it proposes to provide service to and from New York, N.Y., by joining the proposed routes to its existing routes. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 29120 (Sub-No. 74), filed October 15, 1964. Applicant: ALL-AMERICAN TRANSPORT, INC., Post Office Box 756, Sioux Falls, S. Dak. Applicant's representative: Maurice Rudow (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Chicago, Ill., and Sioux Falls, S. Dak., from Chicago over Interstate Highway 90 to Janesville, Wis., and junction with U.S. Highway 14, thence over U.S. Highway 14 through Madison, Wis., to La Crosse, Wis., and junction with U.S. Highway 16, thence over U.S. Highway 16 to Sioux Falls, and return over the same route, and (2) between Chicago, Ill., and Sioux Falls, S. Dak., from Chicago over Interstate 90 to Janesville, Wis., and junction with U.S. Highway 14, thence over U.S. Highway 14 through Madison, to La Crosse, thence over U.S. Highway 16 to junction with Minnesota Highway 44 at Hokah, Minn., thence over Minnesota Highway 44 to junction U.S. Highway 52 located at Prosper, Minn., thence over U.S. Highway 52 to junction with U.S. Highway 16 to Sioux Falls, S. Dak., and return over the same route.

NOTE: Applicant states the proposed service are "Alternate routes for operating convenience only. No service is sought at intermediate points, service at junction points is for joinder only."

No. MC 42963 (Sub-No. 23), filed October 14, 1964. Applicant: DANIEL HAMM DRAYAGE COMPANY, a corporation, Second & Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks, II, 1311–12 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica flour and silica sand*, in pneumatic pressure differential bulk trailers from points in St. Charles, St. Louis, and Jefferson Counties, Mo., to points in Indiana.

No. MC 111002 (Sub-No. 20), filed October 15, 1964. Applicant: CLARA MILES SCHREYER, FRANCES H. MILES and THOMAS M. MILES, doing business as T. M. MILES OIL COMPANY, 306 Railroad Avenue, Milton, Pa. Applicant's attorney: Preston L. Davis, 37 Arch Street, Milton, Pa., 17847. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Potassium silicate*, in bulk, in semitank trailer or trailers especially built for and owned by Sylvania Electric Products, Inc., from Towanda, Pa., to Rockford, Ill., and *empty containers or other such incidental facilities* used in transporting the above commodity, on return.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate MC 105351; therefore dual operations may be involved.

No. MC 111401 (Sub-No. 160), filed October 12, 1964. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Collapsible containers*, when moving at the same time and on the same vehicle when transporting transformer oils, in bulk, in tank vehicles, from Port Arthur, Tex., to points in Arizona, Colorado, Kansas, New Mexico, and Oklahoma.

NOTE: Applicant states it is presently authorized under MC 111401 Subs 73 and 82, to transport transformer oil, in bulk, in tank vehicles, from Port Arthur, Tex., to the above described destination points. Applicant states that the purpose of this application is to transport collapsible containers on the same vehicle at the same time it is transporting transformer oil, in bulk, in tank vehicles; no additional territory is being sought.

No. MC 125773 (Sub-No. 4), filed October 14, 1964. Applicant: WALTER R. PLANKINTON, doing business as BEE-LINE EXPRESS, 9071 Cedar Court, Thornton 29, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Live bees*, in hives, and *supplies* used by beekeepers and farmers, when such supplies are moving on the same vehicle and at the same time with live bees, between points in Utah, on the one hand, and, on the other, points in New Mexico, Arizona, Nevada, California, Oregon, Washington, Idaho, and Montana.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10950; Filed, Oct. 27, 1964; 8:46 a.m.]

[Notice 23]

## APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OF REGISTRATION

OCTOBER 23, 1964.

The following applications are filed under section 206(a)(7) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.244, of the Commission's rules of practice published in the FEDERAL REGISTER, issue of December 8, 1962, page 12188, which provides, among other things, that protests to the granting of an application may be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. Protests shall set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. Protests containing general allegations may be rejected. A protest filed under these special rules shall be served upon applicant's representative (or applicant, if no practitioner representing him is named). The original and six copies of the protests shall be filed with the Commission.

The Special Rules do not provide for publication of the operating authority, but the applications are available at the Commission's office in Washington, D.C., and the field offices.

Applications not included in this publication will be published at a later date.

CONNECTICUT

No. MC 120101 (Sub-No. 1) (REPUBLICATION), filed January 28, 1963, published in FEDERAL REGISTER issue of June 12, 1963, and republished this issue. Applicant: PETER LONGO, doing business as BRASS CITY EXPRESS, 300 Chase River Road, Waterbury, Conn., and BRASS CITY EXPRESS, INC., 300 Chase River Road, Waterbury, Conn., joint applicants. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn.

NOTE: The purpose of this republication is to show Brass City Express, Inc., as joint applicant.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10945; Filed, Oct. 27, 1964; 8:45 a.m.]

## NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 23, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. T-1154 Sub 3, filed October 8, 1964. Applicant: AMERICAN PARCEL SERVICE CORPORATION, 1800 East Bessemer Avenue, Greensboro, N.C. Applicant's attorney: Vaughan S. Winborne, 1108 Capitol Club Building, Raleigh, N.C. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *U.S. mail* and *general commodities*, in parcels or packages limited to 250 pounds per any one package, in such volume, destined to such points, and conditioned upon such prearranged agreements, oral or written, between shipper and carrier as to method and time of receiving the shipment at a point of origin and the method and place of delivering the shipment, between all points and places in North Carolina, subject to the following restrictions: (1) No service will be rendered in the transportation of dangerous explosives, household goods (transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading; (2) no service will be rendered in the transportation of moving picture and sound reproduction film, mechanisms, installation accessories, premium tickets, and complete film set-ups between motion picture distributors and motion picture theaters or television stations and (3) no service will be rendered in the transportation of magazines, newspapers, and newspaper cuts and mats, from magazine and newspaper distributors, newsstand operators or printers.

*HEARING:* November 13, 1964, at 10:00 a.m., in the North Carolina Utilities Commission, State Library Building, Raleigh, N.C.

Requests for procedural information, including the time for filing protests concerning this application should be addressed to the North Carolina Utilities Commission, Post Office Box 991, Raleigh, N.C., 27602, and should not be directed to the Interstate Commerce Commission.

State Docket No. T-2185 Sub 1, filed October 15, 1964. Applicant: MARQUAND EXPRESS, INC., 2726 Brentwood Boulevard, St. Louis, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Marquand, Mo., and St. Louis, Mo., from Marquand over County Route A to junction U.S. Highway 67, thence over U.S. Highway 67 to St. Louis, and return over the same route, serving between Marquand, Mo., on the one hand, and, on the other, Fredericktown, Mo., and St. Louis, Mo., and its commercial zone.

*HEARING:* December 9, 1964, at 10:00 a.m., in the Public Service Commission, 100 East Capitol Avenue, Jefferson City, Mo.

Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Missouri Public Service Commission, Jefferson Building, Jefferson City, Mo., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10946; Filed, Oct. 27, 1964; 8:46 a.m.]

[Notice 326]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 23, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 78), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309, filed October 9, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: Between Oklahoma City, Okla., and the junction U.S. Highway 277 and H. E. Bailey Turnpike over H. E. Bailey Turnpike, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Oklahoma City over U.S. Highway 62 to Chickasha, Okla., thence over U.S. Highway 62 to junction U.S. Highway 277, thence over U.S. Highway 277 to junction H. E. Bailey Turnpike, and return over the same routes.

No. MC 10761 (Deviation No. 34), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich., 48209, filed October 13, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Louisville, Ky., over Interstate Highway 71 to Cincinnati, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Cincinnati, Ohio, over U.S. Highway 50 to Seymour, Ind., and thence over U.S. Highway 31 to Louisville, Ky.; from Jeffersonville, Ind., over Indiana Highway 62 to Madison, Ind., thence over Indiana Highway 29 to Versailles (also from the junction Indiana Highway 62 and Indiana Highway 107, over Indiana Highway 107 to junction Indiana Highway 29), and return over the same routes.

No. MC 10761 (Deviation No. 35), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich., 48209, filed October 14, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Hartford, Conn., and junction of Connecticut Highway 15 and U.S. Highway 20 near Fiskdale, Mass., over Connecticut Highway 15 (also known as Wilbur Cross Highway), for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Boston over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 5 to Hartford; and from Boston over Massachusetts Highway 9 to Worcester, Mass., thence over Massachusetts Highway 12 to junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield, thence over U.S. Highway 5 to Hartford, Conn., and return over the same routes.

No. MC 10761 (Deviation No. 36), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich., 48209, filed October 15, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between New

York, N.Y., and Washington, D.C., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: Between Baltimore, Md., and Washington, over U.S. Highway 1; from Baltimore over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to junction Delaware Highway 273 (formerly U.S. Highway 40), thence over Delaware Highway 273 to Newcastle, Del., thence return over Delaware Highway 273 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., and return over the same route; from Harrisburg, Pa., over U.S. Highway 230 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 1, thence over U.S. Highway 1 to Newark, N.J., and return over the same route.

No. MC 59680 (Deviation No. 25), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex., 75222, filed October 16, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Baton Rouge, La., and New Orleans, La., over Interstate Highway 10, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Baton Rouge and New Orleans, over U. S. Highway 61.

No. MC 59680 (Deviation No. 26), STRICKLAND TRANSPORTATION CO., INC., AND STRICKLAND TRANSPORTATION CO., INC., OPERATOR (IN PART) OF ENGLAND TRANSPORTATION COMPANY, INC., Post Office Box 5689, Dallas, Tex., 75222, filed October 16, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Alexandria, La., over U.S. Highway 165 to junction U.S. Highway 65 at or near McGehee, Ark., thence over U.S. Highway 65 to Little Rock, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Alexandria over U.S. Highway 71 to Texarkana, Ark., thence over U.S. Highway 67 to Little Rock, and return over the same route.

No. MC 78643 (Deviation No. 4), HART MOTOR EXPRESS, INC., 2417 North Cleveland, St. Paul 13, Minn., carrier's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402, filed October 13, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* with certain exceptions, over deviation routes as follows: (A) From junction U.S. Highway 20 and Illinois Highway 47 over Illinois Highway 47 to junction U.S. Highway 14, thence over U.S. Highway 14 to junction Illinois Highway 23, and return over the same route; (B) between Marengo, Ill., and junction U.S. Highway 20 and Interstate Highway 90, near Rockford, Ill. over U.S. Highway 20; and (C) between junction U.S. Highway 14 and Wisconsin Highway 89 and junction U.S. Highway 14 and Interstate Highway 90 near Janesville, Wis., over U.S. Highway 14, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 20 to Marengo, Ill., thence over Illinois Highway 23 to junction U.S. Highway 14, thence over U.S. Highway 14 to junction Wisconsin Highway 89, thence over Wisconsin Highway 89 to junction U.S. Highway 12, thence over U.S. Highway 12 to Minneapolis (also from Chicago over U.S. Highway 12 to Minneapolis), and return over the same route.

No. MC 103435 (Sub-No. 2) (Deviation No. 8), UNITED-BUCKINGHAM FREIGHT LINES, East 915 Springfield Avenue, Spokane, Wash., carrier's representative: J. Maurice Andren, Post Office Box 1631, Rapid City, S. Dak, filed October 12, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between port of entry on the international boundary line between the United States and Canada at or near Blaine, Wash., and Portland, Oreg., over Interstate Highway 5, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Portland over U.S. Highway 99 to Kelso, Wash. (also from junction U.S. Highway 99 and Washington Highway 12 over Washington Highway 12 to Longview, Wash., thence over U.S. Highway 830 to Kelso), thence over U.S. Highway 99 to Bellingham, Wash.; from Bellingham over U.S. Highway 99 to the boundary line between the United States and Canada; from Mt. Vernon, Wash., over U.S. Highway 99 to Burlington, Wash., thence over unnumbered highway to Sedro Woolley, Wash.; from Mt. Vernon over U.S. Highway 99 to junction Washington Highway 1G, thence over Washington Highway 1G via Clear Lake, Wash., to Sedro Woolley; from Mt. Vernon over U.S. Highway 99 to Bellingham; from Anacortes, Wash., over Washington Highway 1 to Mt. Vernon, thence over U.S. Highway 99 to Conway, Wash., thence over Washington Highway 1E to East Stanwood, Wash., thence over Washington Highway 1Y to Stanwood, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 199) (Cancels Deviation No. 104), GREYHOUND LINES, INC. (SOUTHERN GREYHOUND LINES DIVISION), 219 East Short Street, Lexington, Ky., 40507, filed October 12, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From Argo, Ala., over Interstate Highway 59, to the Gadsden-Attalla interchange; and over the following access routes, (a) from junction Interstate Highway 59 and U.S. Highway 231, over U.S. Highway 231, to junction U.S. Highway 11, (b) from junction Interstate Highway 59 and U.S. Highway 231, over U.S. Highway 231, to junction U.S. Highway 411, and (c) from junction Interstate Highway 59 and Alabama Highway 174, over Alabama Highway 174, to junction U.S. Highway 411, and (2) from junction Interstate Highway 59 and U.S. Highway 11 at Ft. Payne, Ala., over Interstate Highway 59, to junction U.S. Highway 11 at the Alabama-Georgia State line, and return over the same routes, for operating convenience only. This notice indicates that the carrier is presently authorized to transport passengers and the above specified property, over a pertinent service route as follows: From Murfreesboro, Tenn., over U.S. Highway 41 to Chattanooga, Tenn., thence over U.S. Highway 11 via Attalla and Springville, Ala., to Birmingham, Ala. (also from Attalla over Alternate U.S. Highway 11 to Springville), and return over the same route.

No. MC 1515 (Deviation No. 200) (Cancels Deviation No. 105), GREYHOUND LINES, INC. (SOUTHERN GREYHOUND LINES DIVISION), 219 East Short Street, Lexington, Ky., 40507, filed October 12, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: (a) From Leeds, Ala., over Interstate Highway 20, to Riverside, Ala., and (b) from junction U.S. Highway 78 and Interstate Highway 20 near Pell City, Ala., over Interstate Highway 20 to junction Alabama Highway 77, thence over access road, Alabama Highway 77, to junction U.S. Highway 78, and return over the same routes, for operating convenience only. This notice indicates that the carrier is presently authorized to transport passengers and the above specified property over a pertinent service route as follows: from Atlanta, Ga., over U.S. Highway 78 to Birmingham, Ala., thence over Alabama Highway 5 via junction Alabama Highway 43 and Safford, Ala., to Mobile, Ala., and return over the same route.

No. MC 1515 (Deviation No. 201) (Cancels Deviation Nos. 85 and 86), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky., 40507, filed October 11, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over deviation routes as follows: (1) From junction U.S. Highway 60 and Interstate Highway 64 near Ewington, Ky., over Interstate Highway 64 to junction U.S. Highway 60 just west of the city limits of Lexington, Ky., also with the following access routes, (a) from junction Interstate Highway 64 and Kentucky Highway 11, over Kentucky Highway 11 for a distance of approximately three miles to Mt. Sterling, Ky., (b) from junction Interstate Highway 64 and secondary Highway 1678, over secondary Highway 1678 to junction U.S. Highway 60, (c) from junction Interstate Highway 64 and U.S. Highway 227, over U.S. Highway 227 to Winchester, Ky., (d) from junction Interstate Highway 64 and U.S. Highway 27–68, over U.S. Highway 27–68 to Lexington, Ky., (e) from junction Interstate Highway 64 and U.S. Highway 25, over U.S. Highway 25 to Lexington, Ky., and (f) from junction Interstate Highway 64 and U.S. Highway 421, over U.S. Highway 421 to Lexington, Ky., and (2) from junction U.S. Highway 60 and Interstate Highway 64, at or near Jett, Ky., over Interstate Highway 64 to Louisville, Ky., and also over the following access routes, (a) from Frankfort, Ky., over access route U.S. Highway 127 to junction Interstate Highway 64, (b) from junction Interstate Highway 64 and Kentucky Highway 53, over Kentucky Highway 53 to junction U.S. Highway 60 near Shelbyville, Ky., (c) from junction Interstate Highway 64 and Kentucky Highway 55, over Kentucky Highway 55 to junction U.S. Highway 60 near Shelbyville, Ky., (d) from junction Interstate Highway 64 and Kentucky Highway 841, over Kentucky Highway 841 to junction U.S. Highway 60 near Middletown, Ky., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Huntington, W. Va., over U.S. Highway 60 to Louisville, Ky., thence over U.S. Highway 31W via West Point, Ky., to Tip Top, Ky., and thence over U.S. Highway 60 to Henderson, Ky., and return over the same routes.

No. MC 61598 (Deviation No. 3), SMOKY MOUNTAIN STAGES, INC., 417 West Fifth Street, Charlotte, N.C., carriers attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C., filed September 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: Between the junction Interstate Highway 85 with South Caroline Highway 24 and Atlanta, Ga., over Interstate Highway 85, and over the following access routes: (1) From junction Interstate Highway 85 and U.S. Highway 441, over U.S. Highway 441 to Commerce, Ga., and thence over Georgia Highway 98 to junction Interstate Highway 85, (2) from junction Interstate Highway 85 and Georgia Highway 20, over Georgia Highway 20 to Lawrenceville, Ga., and thence over Georgia Highway 316 to junction Interstate Highway 85, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above-specified property over a pertinent service route as follows: From Atlanta over U.S. Highway 29 to Winder, Ga., thence over Georgia Highway 11 to Jefferson, Ga., thence over Georgia Highway 15 to Commerce, thence over Georgia Highway 59 via Lavonia to the Georgia-South Carolina State line, thence over South Carolina Highway 182 to Fair Play, S.C., thence over South Carolina Highway 80 to Anderson, S.C., and return over the same route.



By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10947; Filed, Oct. 27, 1964; 8:46 a.m.]

[Notice 1063]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 23, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67009. By order of October 16, 1964, The Transfer Board, approved the transfer to Walter J. Gover, 904 Lancaster Street, Stanford, Ky., 40484, of the operating rights of W. M. Gaunce, 219 Logan Avenue, Stanford, Ky., 40484, claimed under the "grandfather clause" of section 206(a)(7)(b), in No. MC 99691 Sub 1, covering certain transportation in Kentucky.

No. MC-FC 67039. By order of October 16, 1964, The Transfer Board approved the transfer to Mike Mercure Trucking, Inc., New Waterford, Ohio, of the operating rights claimed by Mike Mercure, New Waterford, Ohio, under the "grandfather clause" of section 206(a)(7)(b), in No. MC 96995 Sub 1, covering certain operations in Ohio. James M. Burtch, 44 E. Broad Street, Columbus 15, Ohio, attorney for applicants.

No. MC-FC 67044. By order of October 16, 1964, The Transfer Board approved the transfer to B. A. Miller & Sons Trucking, Inc., Liberty Center, Ohio, of the operating rights claimed by Burdette A. Miller, Liberty Center, Ohio, of the operating rights claimed by Burdette A. Miller, Liberty Center, Ohio, under the "grandfather clause" of section 206(a)(7)(b), covering certain transportation in the State of Ohio. James M. Burtch, 44 E. Broad Street, Columbus 15, Ohio, attorney for applicants.

No. MC-FC 67110. By order of October 16, 1964, The Transfer Board approved the transfer to Richard Acerra, Inc.; Long Island City, N.Y., of Permit in No. MC 94876, issued November 4, 1958, to Richard Acerra, Long Island City, N.Y., authorizing the transportation of: Bakery products, from New York, N.Y., to points in Connecticut on and West of U.S. Highway 5; and Stale bakery products and empty bakery product containers, from the above-specified destination points to New York, N.Y., and, Bakery products and empty bakery product containers, between New York, N.Y., on the one hand, and, on the other, points in Bergen and Essex Counties, N.J., and those in Dutchess, Orange, Ulster, and Westchester Counties, N.Y. Philip Schneiderman, 140 Nassau Street, New York 38, N.Y., attorney for applicants.

No. MC-FC 67124. By order of October 20, 1964, The Transfer Board, on reconsideration, approved the transaction to effect the transfer to New Way Transfer Company, Inc., Kansas City, Mo., the operating rights in Certificates Nos. MC 103967 Sub 5, MC 103967 Sub 10, MC 103967 Sub 15, MC 103967 Sub 24, and MC 103967 Sub 25, issued by the Commission November 4, 1947, April 3, 1947, March 20, 1950, February 11, 1954, and May 9, 1955, respectively, in the name of John Walls, doing business as New Way Transfer, Kansas City, Kans., was approved. The transportation authorized in the above numbered certificates involves commodities such as, Uncrated new furniture, store fixtures, physicians, dentists' and hospital equipment, household and office appliances, floor coverings, coin-operated vending machines, pianos, and other musical instruments, and radios, between points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Irving Achtenberg, 1212 Home Savings Building, Kansas City 6, Missouri, attorney for applicants.

No. MC-FC 67245. By order of October 20, 1964, The Transfer Board approved the transfer to Liberty-Middletown Express, Inc., Liberty, N.Y., of the operating rights in the Certificate No. MC 99340 Sub 1, and those evidenced by a Certificate of Registration in No. MC 99340 Sub 2, issued March 30, 1961 and March 10, 1964, respectively, to Daniel Rose, Carl Scherf, and Robert H. Sherwood, a partnership, doing business as Liberty-Middletown Express, Liberty, N.Y., authorizing transportation under the said Certificate of general commodities, excluding household goods and commodities in bulk, over irregular routes, from Ellenville, N.Y., to Poughkeepsie, N.Y.; and under the Certificate of Registration, such commodities as authorized by the New York Public Service Commission in Certificate of Public Convenience and Necessity No. 3009 dated February 21, 1955. John J. Brady, Jr., 75 State Street, Albany, N.Y., 12207, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10951; Filed, Oct. 27, 1964; 8:46 a.m.]

## FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 23, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39350 *Lumber and related articles to points in WTL territory.* Filed by Southwestern Freight Bureau, agent (No. B-8622), for interested rail carriers. Rates on lumber and related articles, in carloads, from points in southwestern territory, also Cairo and Thebes, Ill., Natchez and Vicksburg, Miss., Old Rock, Mo.-Kans., Coffeyville, Kans., and Memphis, Tenn., to points in Illinois, Iowa, Minnesota, South Dakota, and Wisconsin, also Omaha, Nebr.

Grounds for relief: Carrier competition.

Tariffs: Supplements 278 and 171 to Southwestern Freight Bureau, agent, tariffs I.C.C. 3985 and 4262, respectively.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10944; Filed, Oct. 27, 1964; 8:45 a.m.]

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[S.O. 947; Taylor's Car Distribution Order 1]

## ASSOCIATION OF AMERICAN RAILROADS, CAR SERVICE DIVISION

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of the Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014 and 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days notice.

*Therefore, it is ordered,* That:

(a) No common carrier by railroad subject to the Interstate Commerce Act shall intercept, appropriate or divert any plain boxcars inside length less than 44'8" when such cars are moving on Taylor's Car Distribution Orders.

(b) Effective date: This order shall become effective at 12:01 a.m. October 26, 1964.

(c) Expiration date: This order shall expire at 11:59 p.m., November 30, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of the agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 22, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-10952; Filed, Oct. 27, 1964; 8:46 a.m.]

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[S. O. 947; Taylor's Car Distribution Order 2]

## BOSTON & MAINE RAILROAD ET AL.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) Boston & Maine Railroad shall deliver to the New York Central Railroad Company a daily average of 35 plain serviceable boxcars inside length less than 44'8".

(b) *It is further ordered,* That cars delivered under this order shall be carded to the Atchison, Topeka & Santa Fe Railway and each car shall be identified by the Boston and Maine Railroad as moving under the provisions of this order.

(c) Effective date: This order shall become effective at 12:01 a.m. October 26, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 22, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-10953; Filed, Oct. 27, 1964; 8:46 a.m.]

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[S.O. 947; Taylor's Car Distribution Order 3]

## NEW YORK CENTRAL RAILROAD CO. ET AL.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days notice.

*Therefore, it is ordered,* That:

(a) The New York Central Railroad Company shall accept a daily average of 35 plain serviceable box cars, inside length less than 44'8", from the Boston and Maine Railroad as provided for in Taylor's Car Distribution Order No. 2 and deliver such cars received to the Atchison, Topeka and Santa Fe Railway.

(b) *It is further ordered,* That cars moving under the provisions of this order and so identified on cards or movement slips shall not be intercepted, appropriated, or diverted by the New York Central Railroad and must be moved promptly to the Atchison, Topeka and Santa Fe Railway.

(c) *And it is further ordered,* That the New York Central Railroad Company shall deliver a daily average of 15 plain serviceable box cars inside length less than 44'8", over and above those received from the Boston and Maine, from cars developing empty on its line or received empty from connections. Such cars to be identified on cards or movement slips as moving under the provisions of this order.

(d) Effective date: This order shall become effective at 12:01 a.m., October 26, 1964.

(e) Expiration date: This order shall expire at 11:59 p.m., November 15, 1964 unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of the agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 22, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent*

[F.R. Doc. 64-10954; Filed, Oct. 27, 1964; 8:46 a.m.]

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[S.O. 947; Taylor's Car Distribution Order 4]

## BALTIMORE AND OHIO RAILROAD CO. AND CHICAGO, BURLINGTON, & QUINCY RAILROAD CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Baltimore and Ohio Railroad Company shall deliver to the Chicago, Burlington & Quincy Railroad Company a daily average of 40 plain serviceable boxcars inside length less than 44'8".

(b) Cars delivered under this order shall be carded to the Chicago, Burlington & Quincy Railroad Company and each car shall be identified by the Baltimore and Ohio Railroad Company as moving under the provisions of this order.

(c) Effective date: This order shall become effective at 12:01 a.m. October 26, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m. November 15, 1964 unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 22, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-10955; Filed, Oct. 27, 1964; 8:46 a.m.]

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[S.O. 947; Taylor's Car Distribution Order 5]

## NEW YORK CENTRAL RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The New York Central Railroad Company shall deliver to the Chicago, Burlington & Quincy Railroad Company a daily average of 40 plain serviceable box cars inside length less than 44'8".

(b) Cars delivered under this order shall be carded to the Chicago, Burlington & Quincy Railroad Company and each car shall be identified by the New York Central Railroad Company as moving under the provisions of this order.

(c) Effective date: This order shall become effective at 12:01 a.m., October 26, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 22, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-10956; Filed, Oct. 27, 1964; 8:47 a.m.]

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FEDERAL REGISTER

Area Code 202 Phone 963–3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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# FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

NOV 4 1964

VOLUME 29 NUMBER 212 —MAIN READING ROOM

Washington, Thursday, October 29, 1964

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

On June 5, 1964, August 19, 1964, and September 10, 1964, notices of proposed rule making were published in the FEDERAL REGISTER (29 F.R. 7327, 29 F.R. 11844, 29 F.R. 12784), stating that the Civil Service Commission was considering amendment of the regulations governing the Federal Employees Health Benefits Program.

A number of comments were received and given careful consideration. Some of the suggestions for change have been adopted; others, after careful consideration, have not been accepted. In addition, certain clarifying changes have been made and, after careful consideration, it has been decided to extend eligibility for enrollment to employees losing coverage under the Retired Federal Employees Health Benefits Program because of cancellation of the covering enrollment.

There were so many comments, and questions raised, about the proposed advertising rules published as proposed rule making on June 5, 1964 (29 F.R. 7327) that a different rule was drafted and circulated to carriers by letter of October 8, 1964. Comments on this second proposal are still under consideration. Since the regulation changes adopted must become effective by the beginning of the next contract period, November 1, 1964, it is impracticable to delay this revision until a decision can be made on the advertising rules. Consequently, this revision does not alter the present advertising rules except by relocating them in § 890.204. This publication does not terminate the rule-making procedure as to section 890.204 begun by the publication of June 5, 1964 (29 F.R. 7327).

*It is ordered*, That, effective November 1, 1964, for all sections except § 890.503, and effective on the date of publication for § 890.503, Part 890 of Chapter I of Title 5, Code of Federal Regulations, is amended to read as follows:

Subpart A—Administration and General Provisions

Sec.
890.101 Definitions; time computations.
890.102 Coverage.
890.103 Employee appeals, corrections, and adjustments.
890.104 Legal actions.

Subpart B—Health Benefits Plans

890.201 Minimum standards for health benefits plans.
890.202 Minimum standards for health benefits carriers.
890.203 Application for approval of, and proposal of amendments to, health benefits plans.
890.204 Advertising and publicity.
890.205 Withdrawal of approval of health benefits plans.

Subpart C—Registration and Enrollment

890.301 Opportunities to register to enroll and change enrollment.
890.302 Coverage of family members.
890.303 Continuation of enrollment.
890.304 Termination of enrollment.
890.305 Reinstatement of enrollment after military service.
890.306 Effective dates.
890.307 Waiver or suspension of annuity or compensation.

Subpart D—Temporary Extension of Coverage and Conversion

890.401 Temporary extension of coverage and conversion.

Subpart E—Contributions and Withholdings

890.501 Government contributions.
890.502 Employee withholdings.
890.503 Reserves.

AUTHORITY: The provisions of this Part 890 secs. 890.101 to 890.503 issued under sec. 10, 73 Stat. 715; 5 U.S.C. 3009.

### Subpart A—Administration and General Provisions

**§ 890.101 Definitions; time computations.**

(a) In this part:

(1) Terms defined by section 2 of the Federal Employees Health Benefits Act of 1959 have the meanings there set forth.

(2) "Cancellation" means the act of filing a health benefits registration form terminating enrollment in a health benefits plan and electing not to be enrolled for the future by an enrolled employee or annuitant who is eligible to continue enrollment.

(3) "Change of enrollment" means the registration of an enrolled employee or annuitant to be enrolled for another plan or option, or for a different type of coverage (self alone or self and family), from that for which then enrolled.

(4) "Eligible" means eligible under the law and this part to be enrolled.

(5) "Employing office" means the office of an agency to which jurisdiction and responsibility for health benefits actions for the employee concerned have been delegated. For enrolled annuitants who are not also eligible employees, the office which has authority to approve payment of annuity or workmen's compensation for the annuitant concerned is the employing office.

(6) "Immediate annuity" means an annuity which begins to accrue not later than 1 month after the date enrollment under a health benefits plan would cease for an employee or member of family if he were not entitled to continue enrollment as an annuitant. Notwithstanding the foregoing, an annuity which commences on the birth of the posthumous child of an employee or annuitant is an immediate annuity.

(7) "Option" means a level of benefits. It does not include distinctions as to whether the members of the family are covered.

(8) "Pay period" means the biweekly pay period established pursuant to the Federal Employees Pay Act of 1945, as amended, for the employees to whom that act applies; the regular pay period for employees not covered by that act; and the period for which a single installment of annuity is customarily paid for annuitants.

(9) "Register" means to file with the employing office a properly completed health benefits registration form, either electing to be enrolled in a health benefits plan or electing not to be enrolled. "Register to be enrolled" means to register an election to be enrolled. "Enrolled" means to be enrolled in a health benefits plan approved by the Commission under this part.

(10) "Regular tour of duty" means a work schedule, prescribed in advance to continue indefinitely or for at least 6 months, of a certain number of hours or other time units in a day, week, biweekly pay period, month, or year.

(b) Whenever, in this part, a period of time is stated as a number of days or a number of days from an event, the period is computed in calendar days, excluding the day of the event. Whenever, in this part, a period of time is defined by beginning and ending dates, the period includes the beginning and ending dates.

**§ 890.102 Coverage.**

(a) Each employee, other than those excluded by paragraph (c) of this section, is eligible to be enrolled in a health benefits plan at the time and under the conditions prescribed in this part.

(b) An employee who serves in cooperation with non-Federal agencies and is paid in whole or in part from non-Federal funds may register to be enrolled within the period prescribed by the Commission for the group of which the employee is a member following approval by the Commission of arrangements providing that (1) the required withholdings and contributions will be made from Federally-controlled funds and timely deposited into the Employees Health Benefits Fund, or (2) the cooperating non-Federal agency will, by written agreement with the Federal agency, make the required withholdings and contributions from non-Federal funds and transmit them for timely deposit into the Employees Health Benefits Fund.

(c) The following employees are not eligible:

(1) An employee serving under an appointment limited to 1 year or less, except an acting postmaster.

(2) An employee whose employment is of uncertain or purely temporary duration, or who is employed for brief periods

at intervals, and an employee who is expected to work less than 6 months in each year, except an employee having a career-conditional or career appointment, or appointed under Schedule B of Part 213 of this chapter, who is employed under a cooperative work-study program of at least 1 year's duration which requires the employee to be in pay status during not less than one-third of the total time required for completion of the program.

(3) An intermittent employee—a non-full-time employee without a prearranged regular tour of duty.

(4) An employee whose salary, pay, or compensation on an annual basis is $350 a year or less.

(5) A beneficiary or patient employee in a Government hospital or home.

(6) An employee paid on a contract or fee basis.

(7) An employee paid on a piecework basis, except one whose work schedule provides for full-time service or part-time service with a regular tour of duty.

(d) The Commission makes the final determination of the applicability of this section to a specific employee or group of employees.

**§ 890.103 Employee appeals, corrections, and adjustments.**

(a) An employee or annuitant may appeal a refusal of an employing office to permit him to register to enroll, or to change enrollment. The appeal shall be made in writing, within 30 days of the refusal, to the Bureau of Retirement and Insurance, United States Civil Service Commission, Washington, D.C., 20415.

(b) An employee or annuitant may appeal a refusal of the Bureau of Retirement and Insurance to permit him to register to enroll, or to change enrollment. The appeal shall be made in writing, within 90 days of the refusal, to the Board of Appeals and Review, United States Civil Service Commission, Washington, D.C., 20415.

(c) (1) The employing office may make prospective correction of administrative errors as to enrollment at any time.

(2) The Bureau of Retirement and Insurance may order correction of an error, mistake, or omission upon a showing satisfactory to the Bureau that it would be against equity and good conscience not to do so.

(3) The Bureau of Retirement and Insurance may order the termination of an employee's or annuitant's enrollment in a group-practice plan and permit his enrollment in another plan upon a showing satisfactory to the Bureau that the furnishing of adequate medical care is jeopardized by a seriously impaired relationship between a patient and the plan's medical staff.

(d) The Commission does not adjudicate individual claims for payment or service under health benefits plans, nor does it arbitrate or attempt to compromise disputes between an employee or annuitant and his carrier as to claims for payment or service.

**§ 890.104 Legal actions.**

An action to compel enrollment of an employee or annuitant not excluded by § 890.102(c) should be brought against the employing office. An action to recover on a claim for health benefits should be brought against the carrier of the health benefits plan. An action to review the legality of the Commission's regulations or a decision made by the Commission should be brought against the United States Civil Service Commissioners, Washington, D.C., 20415.

## Subpart B—Health Benefits Plans

**§ 890.201 Minimum standards for health benefits plans.**

(a) To be qualified to be approved by the Commission, a health benefits plan shall:

(1) Comply with the Federal Employees Health Benefits Act of 1959 and this part, as amended from time to time.

(2) Accept the enrollment, in accordance with this part, and without regard to age, race, sex, health status, or hazardous nature of employment, of each eligible employee and annuitant except that a plan which is sponsored or underwritten by an employee organization may not accept the enrollment of a person who is not a member of the organization, but it may not limit membership in the organization on account of these prohibited factors. The carrier may terminate the enrollment of an employee or of an annuitant, other than a survivor annuitant, in a health benefits plan sponsored or underwritten by an employee organization on account of termination of membership in the organization. A comprehensive medical plan need not enroll an employee or annuitant residing outside geographic areas specified by the plan. A carrier who wishes to terminate the enrollment of an employee or annuitant under this subparagraph may do so by notifying the employing office in writing, with a copy of the notice to the employee. The termination is effective at the end of the pay period in which the employing office receives the notice.

(3) Provide health benefits for each enrolled employee and annuitant and covered member of their families wherever they may be.

(4) Provide for conversion to a contract for health benefits regularly offered by the carrier, or an appropriate affiliate, for group conversion purposes, which shall be guaranteed renewable, subject to such amendments as apply to all contracts of this class, except that it may be canceled for fraud, over-insurance, or nonpayment of periodic charges. A carrier shall permit conversion within the time allowed by the temporary extensions of coverage provided under section 890.401 for each employee, annuitant, and member of family entitled to convert. When an employing office gives an employee written notice of his privilege of conversion, the carrier shall permit conversion at any time before (i) 15 days after the date of notice or (ii) 75 days after his enrollment is terminated, whichever is earlier. When the Commission requests an extension of time for conversion because of delayed determination of ineligibility for immediate annuity, the carrier shall permit conversion until the date specified by the Commission in its request for extension. On conversion, the contract becomes effective as of the day following the last day of the temporary extension, and the employee, annuitant, or member of the family, as the case may be, shall pay the entire cost thereof directly to the carrier. The nongroup contract may not deny or delay an obstetrical or other benefit covered by the contract for a person converting from a plan approved under this part, except to the extent that benefits are continued under the health benefits plan from which he converts.

(5) Provide that each employee and annuitant who enrolls in the plan receive an identification card or cards or other evidence of his enrollment.

(6) Provide a standard rate structure which contains, for each option, one standard individual rate, and one standard family rate, without geographical or other variations.

(7) Maintain statistical records regarding the plan, separately from those of any other activities conducted or benefits offered by the carrier sponsoring or underwriting the plan.

(8) Provide for a special reserve for the plan. The carrier shall account for amounts retained by it as reserves for the plan separately from reserves maintained by it for other plans. The carrier shall invest the special reserve and income derived from the investment of the special reserve shall be credited to the special reserve. If the contract is terminated or approval of the plan is withdrawn, the carrier shall return the special reserve to the Employees Health Benefits Fund. However, in the case of a group-practice plan, the carrier, without regard to the foregoing provisions of this subparagraph, shall follow such financial procedures as are mutually agreed on by the carrier and the Commission.

(9) Provide for continued enrollment to the end of the then current pay period of each employee and annuitant enrolled at the effective date of termination of a contract. The carrier is entitled to subscription charges for this continued enrollment.

(b) To be qualified to be approved by the Commission, a health benefits plan shall not:

(1) Deny a covered person a benefit provided by the plan for a service performed on or after the effective date of coverage solely because of a pre-existing physical or mental condition, except that a plan may provide benefits for dentistry or cosmetic surgery, or both, limited to conditions arising after the effective date of coverage; or require a waiting period for any covered person for benefits which it provides, except that a plan, with the approval of the Commission, may limit benefits for services performed for a person, other than a person changing from one plan to another because his health benefits plan is discontinued in whole or part or changing pursuant to an order of the Bureau of Retirement and Insurance, who, on the effective date of enrollment or change of enrollment, is confined in a hospital or other institution, so long as the person is continuously confined therein. In this subparagraph "continuously confined" means one or more periods of confinement without a break of 31 consecutive days between actual confinements, except that a carrier by agreement with the Commission may provide that a shorter break terminates a continuous confinement.

(2) Have more than two options.

(3) Have an initiation, service, enrollment, or other fee or charge in addition to the rate charged for the plan, except that a comprehensive medical plan may impose an additional charge to be paid directly by the employee or annuitant for certain medical supplies and services, if the supplies and services on which additional charges are imposed are clearly set forth in advance and are applicable to all employees and annuitants. This subparagraph does not apply to charges for membership in employee organizations sponsoring or underwriting plans.



**§ 890.202 Minimum standards for health benefits carriers.**

The Commission shall approve a health benefits plan only when the carrier of the plan meets the requirements of the Federal Employees Health Benefits Act of 1959, as amended, and the following requirements:

(a) It must be lawfully engaged in the business of supplying health benefits.

(b) It must have, in the judgment of the Commission, the financial resources and experience in the field of health benefits to carry out its obligations under the plan.

(c) It must agree to keep such reasonable financial and statistical records and furnish such reasonable financial and statistical reports with respect to the plan as may be requested by the Commission.

(d) It must agree to permit representatives of the Commission and of the General Accounting Office to audit and examine its records and accounts which pertain, directly or indirectly, to the plan at such reasonable times and places as may be designated by the Commission or the General Accounting Office.

(e) It must agree to accept, subject to adjustment for error or fraud, in payment of its charges for health benefits for all employees and annuitants enrolled in its plan, the enrollment charges received by the Employees Health Benefits Fund less the amounts set aside for the administrative and contingency reserves prescribed in § 890.503. The Commission will pay over the amounts due each carrier at such times as are agreed on by the carrier and the Commission.

(f) A carrier which is an employee organization must agree to continue coverage, without requirement of membership, of any eligible survivor annuitants.

**§ 890.203 Application for approval of, and proposal of amendments to, health benefits plans.**

(a) Application for approval of comprehensive medical plans may be made by letter to the United States Civil Service Commission, Washington, D.C., 20415. Approval of a plan will become effective on a date to be set by the Commission for the plan. An application received less than 6 months in advance of a contract period will not be approved for that contract period.

(b) Any proposal for change in a health benefits plan shall be in writing, specifically describe the change proposed, and be signed by an authorized official of the carrier. The Commission will review a proposal for change and notify the carrier whether it accepts the change and may make a counterproposal or at any time propose changes on its own motion. The Commission will not consider until after the expiration of the then current contract period any proposal for change which is received less than 6 months before the expiration of the then current contract period, except that changes in subscription charges for the ensuing contract period may be proposed not less than 4 months before the expiration of the then current contract period.

**§ 890.204 Advertising and publicity.**

A carrier may not advertise a plan approved under the Federal Employees Health Benefits Program, or its participation in the program, to employees, or solicit enrollment of employees in a plan approved under the program, other than in accordance with the instructions of the Commission.

**§ 890.205 Withdrawal of approval of health benefits plans.**

(a) The Commissioners may withdraw their approval of a health benefits plan.

(b) Before withdrawing approval of a plan, the Commissioners shall cause to be sent, by certified mail, a notice to the carrier stating that they intend to withdraw their approval, and giving the reasons therefor. The carrier is entitled to reply in writing within 15 days of its receipt of the notice, stating the reasons why approval should not be withdrawn.

(c) On receipt of the reply, or in the absence of a timely reply, the Commissioners shall set a time and place for hearing. The Commissioners shall conduct the hearing or designate a representative to do so, unless the carrier waives hearing. The carrier shall be given notice thereof, by certified mail, at least 15 days in advance of the hearing. The carrier is entitled to appear by representative and present oral and written evidence and argument in opposition to the proposed action.

(d) The Commissioners shall make their decision on the record and communicate it to the carrier by certified mail. The Commissioners may set a future effective date for withdrawal of their approval.

(e) The Commissioners, in their discretion, may reinstate approval of a plan on a finding that the reasons for withdrawing approval no longer exist.

## Subpart C—Registration and Enrollment

**§ 890.301 Opportunities to register to enroll and change enrollment.**

(a) *Initial registration.* Except as otherwise provided in this part, each employee who becomes eligible shall register within 31 days after becoming eligible.

(b) *Belated registration.* When an employing office determines that an employee was unable, for cause beyond his control, to register to be enrolled or to change his enrollment within the time limits prescribed by this section, that office shall accept his registration within 31 days after it advises him of that determination.

(c) *Reregistration.* An employee whose enrollment was terminated under § 890.304(a)(4), or because he had a break in service of more than 3 days, or because he was furloughed by reason of reduction in force, shall register within 31 days after his return to pay status.

(d) *Open season.* (1) Not less often than once every 3 years, the Commission by regulation shall provide every employee an opportunity for enrollment and change of enrollment, on such terms and conditions as it may prescribe.

(2) During the period February 1 to February 15, 1965, an employee who is not registered to be enrolled may register to to be enrolled, and any enrolled employee or annuitant may change his enrollment from one plan or option to another, or from self alone to self and family, or both.

(e) *Change in family status.* An enrolled employee or annuitant may register to change his enrollment from self alone to self and family, or from one plan or option to another, or both, and an employee, if registered not to be enrolled, may register to be enrolled, at any time during the period beginning 31 days before a change in marital status and ending 60 days after the change in marital status. An enrolled employee or annuitant may change his enrollment from self alone to self and family within 60 days after any other change in family status.

(f) *Change to self alone.* An employee or annuitant may register at any time to change his enrollment from self and family to self alone. An employee or annuitant who is covered by the enrollment of another under this part may register to be enrolled for self alone within 31 days after a registration to change the covering enrollment has been filed under authority of this paragraph.

(g) *Loss of coverage under Federal programs.* (1) An employee who is not enrolled, but is covered by Chapter 55 of Title 10, United States Code (referred to in this paragraph as Medicare) or by an enrollment under Part 891 of this chapter, may register to be enrolled within 31 days after termination of coverage under Medicare or the enrollment, other than because of death, and within 60 days after termination, because of death, of Medicare or the enrollment.

(2) An employee who is not enrolled, but is covered by the enrollment of another under this part, may register to be enrolled within 31 days after termination of his coverage under the other's enrollment, other than because of death or cancellation, and within 60 days after termination, because of death, of the other's enrollment.

(3) An employee annuitant who was covered by the enrollment of another under this part and had been covered (including enrollment in his own right)

under this part since his first opportunity or for the 5 years immediately preceding his retirement, whichever is shorter, may register to enroll within 31 days after the termination of the covering enrollment, other than by cancellation.

(h) *Move from area served by comprehensive medical plan.* If a comprehensive medical plan limits full service to a geographic area, an employee or annuitant enrolled in that plan who moves outside the full service area or, if already living outside the full service area, moves farther from the full service area, may register, at any time after the move, to be enrolled in another health benefits plan.

(i) *Termination by employee organization plan.* An employee or annuitant who is enrolled in a health benefits plan sponsored or underwritten by an employee organization and whose membership in the employee organization is terminated, may register, if the plan terminates his enrollment, within 31 days after termination of his enrollment in the employee organization plan, to be enrolled in another health benefits plan. However, the employee or annuitant may not change his enrollment from self alone to self and family.

(j) *Transfer to or from overseas post of duty.* An employee who is transferred from a post of duty within the several States or the District of Columbia to a post of duty outside the several States and the District of Columbia, or the reverse, may register to be enrolled or to change his enrollment with respect to whether his family is covered, or the health benefits plan or option in which he is enrolled, or both, within the period beginning 31 days before the date he leaves the old post of duty and ending 31 days after he arrives at the new post of duty. An annuitant who is eligible to continue health benefits may register to change enrollment with respect to whether his family is covered, or the health benefits plan or option in which enrolled, or both, within 60 days after retirement or the death of the employee on whose service title to annuity is based, if the employee is stationed at a post of duty outside the several States and the District of Columbia at the time of his retirement or death, as the case may be.

(k) *Termination of plan in which enrolled.* If a plan is discontinued in whole or part, each employee and annuitant whose enrollment is thereby terminated may enroll in another plan. If the discontinuance is at the end of a contract period which is immediately preceded by an open season, the time for enrollment is the open season. Otherwise the Commission shall establish, by order, a time and effective date for enrollment. Persons who fail to change enrollment within the time set are considered to have cancelled their enrollments, except that if one option of a plan is discontinued, enrolled employees and annuitants who do not change plans will be considered enrolled in the remaining option of the plan.

(l) *On reaching 19.* An employee who is not registered to be enrolled may register to be enrolled within 31 days after he becomes 19 years of age.

(m) *On return from a uniformed service.* An employee who enters on duty in a uniformed service for a period of time not limited to 30 days or less may register to be enrolled or to change his enrollment within 31 days after he is restored to a civilian position pursuant to Part 353 of this chapter or other similar authority; and an annuitant who enters on duty in a uniformed service for a period of time not limited to 30 days or less may register to change his enrollment within 31 days after he is separated from the uniformed service.

(n) *Change in employment status.* If an employee or annuitant is entitled to provide coverage for another by a self-and-family enrollment, but both are enrolled for self alone, he may change his enrollment to self and family within 31 days after the other enrollment is terminated by a change in employment status which results in loss of eligibility.

(o) *Sole survivor.* When an employee or annuitant enrolled for self and family dies, leaving a survivor annuitant who is entitled to continue the enrollment in a health benefits plan, and it is apparent from available records that the survivor annuitant is the sole survivor entitled to continue enrollment in the health benefits plan, the office of the retirement system which is acting as employing office shall change the enrollment from self and family to self alone, effective on the commencing date of annuity for the survivor annuitant. On request of the survivor annuitant made within 31 days after the first installment of annuity is paid, the office of the retirement system which is acting as employing office shall rescind the action retroactive to the effective date of the action, with corresponding adjustment in withholdings and contributions.

(p) *Annuity insufficient to pay withholdings.* If the annuity of an annuitant or of all annuitants in a family is not sufficient to pay the withholdings for the plan in which the annuitants are enrolled, the employing office shall notify the annuitant of the plans available at a cost not in excess of the annuity. The annuitant may register to be enrolled in another plan whose cost is no greater than his annuity.

(q) *Registration by proxy.* In the discretion of the employing office, a representative of the employee or annuitant having a written authorization to do so may register for him.

(r) *Public Law 88-284.* An annuitant who becomes eligible to continue his enrollment by virtue of Public Law 88-284 may register, at any time before December 31, 1964, to be enrolled.

**§ 890.302 Coverage of family members.**

(a) *Family enrollment.* An employee or annuitant who enrolls for self and family includes in his enrollment all members of his family who are eligible to be covered by his enrollment, but no person may be covered by two enrollments.

(b) *Child incapable of self-support.* When an employee or annuitant enrolls for a family which includes a child incapable of self-support who has become 21 years of age, the employing office shall require the employee or annuitant to submit a certificate of the physician that the child is incapable of self-support because of a physical or mental disability which existed before the child became 21 years of age, and can be expected to continue for more than 1 year. The certificate shall include a statement of the name of the child, the nature of his disability, the period of time it has existed, and its probable future course and duration. The certificate shall be signed by the physician and show his office address. When an employee or annuitant is enrolled for a family which includes a child under 21 years of age who is incapable of self-support because of a physical or mental disability, the employing office shall require the employee or annuitant to submit the certificate on or before the date the child becomes 21 years of age. However, the employing office may accept otherwise satisfactory evidence of incapacity not timely filed.

(c) *Renewal of certificates of incapacity.* The employing office shall require the employee or annuitant who has submitted a certificate of incapacity to renew that certificate on the expiration of the minimum period of disability certified.

(d) *Determination of incapacity.* The employing office shall make determinations of incapacity.

**§ 890.303 Continuation of enrollment.**

(a) *On transfer.* Except as otherwise provided by this part, the registration of an employee or annuitant eligible to continue enrollment continues without change when he (1) moves from one employing office to another, without a break in service of more than 3 days, whether the personnel action is designated as a transfer or not, or (2) changes from one employing office to another by reason of reemployment, if he is an annuitant, or by reason of retirement under conditions making him eligible to continue enrollment. For the purpose of this part, an employee is considered to have enrolled at his first opportunity if he registered to be enrolled during the first of the periods set forth in section 890.301 in which he was eligible to register or was covered at that time by the enrollment of another employee, or registered to be enrolled effective not later than December 31, 1964.

(b) *Change of enrolled employees to certain excluded positions.* Employees and annuitants enrolled under this part who move, without a break in service or after a separation of 3 days or less, to an employment in which they are excluded by § 890.102(c), continue to be enrolled so long as they are employed full-time, or part-time with a regular tour of duty, unless excluded by subparagraphs (3), (4), (5), (6), or (7) of § 890.102(c).

(c) *On death.* The enrollment of a deceased employee or annuitant who is enrolled for self and family is transferred automatically to his eligible survivor annuitants. The enrollment is considered to be that of the survivor annuitant from whose annuity all or the greatest portion of the withholding for health benefits is made. It covers members of the family of the deceased employee or annuitant. A remarried spouse is not a member of the family of the deceased employee or annuitant.

(d) *Survivor annuitants.* If an employee who is entitled to health benefits coverage as a survivor annuitant elects to enroll or to continue to be enrolled under his eligibility as an employee, and is thereafter separated without entitlement to continued enrollment based on his own service, he is entitled to reinstatement of his employee-acquired enrollment on application to his retirement office. Reinstatement is effective immediately after termination of his employee-acquired enrollment if the application is received by the retirement office within 60 days of separation; otherwise reinstatement is effective on the first day of the first pay period after receipt of the application. The retirement office shall withhold from the annuity that the former employee receives as a survivor annuitant, the amounts necessary to pay his share of the cost of the enrollment.

(e) *In nonpay status.* The enrollment of an employee continues without cost to the employee while he is in nonpay status for up to 365 days. The 365 days' nonpay status may be continued or broken by periods of less than 4 consecutive months in pay status. If an employee has at least 4 consecutive months in pay status after a period of nonpay status he is entitled to begin the 365 days' continuation of enrollment anew. For the purposes of this paragraph, 4 consecutive months in pay status means any four-month period during which the employee is in pay status for at least part of each pay period.

**§ 890.304 Termination of enrollment.**

(a) *Employees.* An employee's enrollment terminates, subject to the temporary extension of coverage for conversion, at midnight of the earliest of the following dates:

(1) The last day of the pay period in which he is (i) furloughed by reason of reduction in force, or (ii) separated from the service other than by retirement under conditions entitling him to continue his enrollment.

(2) The last day of the pay period in which his employment status changes so that he is excluded from enrollment.

(3) The last day of the pay period in which he dies, unless he leaves a member of the family entitled to continue enrollment as a survivor annuitant.

(4) The day on which the continuation of enrollment under § 890.303(e) expires, or, if he is not entitled to any further continuation because he has not had 4 consecutive months of pay status since exhausting his 365 days' continuation of coverage in nonpay status, the last day of his last pay period in pay status.

(5) The day he is separated, furloughed, or placed on leave of absence in accordance with the provisions of Part 353 of this chapter or other similar authority for the purpose of performing duty not limited to 30 days or less in a uniformed service.

(b) *Annuitants.* (1) If the annuity of an annuitant or of all survivor annuitants in a family is not sufficient to pay the withholdings for the plan in which the annuitants are enrolled, and the annuitant does not, or cannot, elect a plan under § 890.301(p) at a cost to him not in excess of the annuity, the employing office shall terminate the annuitant's enrollment effective as of the end of the last period for which withholding was made. Each annuitant whose enrollment is so terminated is entitled to a 31-day extension of coverage for conversion.

(2) An annuitant's enrollment terminates, subject to the temporary extension of coverage for conversion, at midnight of the last day of the pay period in which he dies, unless he leaves a member of the family entitled to continue enrollment as a survivor annuitant, or, if his enrollment is not terminated by death, at midnight of the earliest of the following dates:

(i) The last day of the last pay period for which he is entitled to annuity, unless he is eligible for continued enrollment as an employee in which case his enrollment continues without change.

(ii) The last day of the pay period in which his title to compensation under the Federal Employees' Compensation Act, as amended, terminates, or in which he is held by the Secretary of Labor to be able to return to duty, unless he is eligible for continued enrollment as an employee or as an annuitant under a retirement system for civilian employees in which case his enrollment continues without change.

(iii) The day he enters on active duty in a uniformed service for the purpose of performing duty not limited to 30 days or less.

(c) *Coverage of members of the family.* The coverage of a member of the family of an enrolled employee or annuitant terminates, subject to the temporary extension of coverage for conversion, at midnight of the earlier of the following dates:

(1) The day on which he ceases to be a member of the family.

(2) The day the employee or annuitant ceases to be enrolled, unless the member is entitled, as a survivor annuitant, to continued enrollment, or is entitled to continued coverage under the enrollment of another.

(d) *Cancellation.* An enrolled employee or annuitant may register to cancel his enrollment at any time by filing with his employing office a properly completed health benefits registration form. The cancellation becomes effective on the last day of the pay period after the pay period in which the health benefits registration form canceling his enrollment is received by his employing office, except that the cancellation of an employee or annuitant having a monthly or 4-weekly pay period becomes effective at the end of the pay period in which the health benefits registration form is received if the form is received not less than 15 days before the end of the pay period. He and the members of his family are not entitled to the temporary extension of coverage for conversion or to convert to an individual contract for health benefits.

**§ 890.305 Reinstatement of enrollment after military service.**

The enrollment of an employee or annuitant whose enrollment was terminated because he entered on duty in a uniformed service for a period of time not limited to 30 days or less is reinstated automatically on the day the employee is restored to a civilian position pursuant to Part 353 of this chapter or other similar authority or on the day the annuitant is separated from the uniformed service, as the case may be.

(a) *Change to self alone.* The effective date of a change of enrollment under § 890.301(f) is the first day of the first pay period after the health benefits registration form is received by the employing office, except that at the request of the employee or annuitant and upon a showing satisfactory to the employing office that there was no family member eligible for coverage by the family enrollment, the change may be made effective as of the first day of the pay period following the one in which there were no family members.

(b) *Annuitant required to change enrollment.* The effective date of an annuitant's change to a lower cost enrollment under § 890.301(p) is immediately upon termination of his prior enrollment.

(c) *Open season.* (1) The effective date of a change in enrollment under § 890.301(d)(2) is the first day of the first pay period beginning on or after March 1, 1965.

(2) The effective date of a new enrollment under § 890.301(d)(2) is the first day of the first pay period beginning on or after March 1, 1965, which follows a pay period during any part of which the employee or annuitant is in pay or annuity status.

(d) *Generally.* The effective date of any other enrollment or change of enrollment is the first day of the first pay period which begins after the health benefits registration form is received by the employing office and which follows a pay period during any part of which the employee or annuitant is in pay or annuity status.

**§ 890.307 Waiver or suspension of annuity or compensation.**

(a) Except as provided in paragraph (b) of this section, when annuity or compensation is entirely waived or suspended, the annuitant's enrollment continues for not more than 3 months (not more than 12 weeks for annuitants whose compensation under the Federal Employees' Compensation Act is paid each 4 weeks). If the waiver or suspension continues beyond this period, the annuitant's enrollment is terminated, subject to the temporary extension of coverage for conversion, effective at the end of the period. It is reinstated automatically when payment of annuity or compensation is resumed, and the employing office shall make the withholding for the period of suspension or waiver during which enrollment was continued.

(b) If suspension of annuity or compensation is because of reemployment, the reemploying office shall make the withholding currently and enrollment continues during reemployment.

### Subpart D—Temporary Extension of Coverage and Conversion

**§ 890.401 Temporary extension of coverage and conversion.**

(a) *Thirty-one day extension and conversion.* An employee or annuitant whose enrollment is terminated other than by cancellation of the enrollment or discontinuance of his plan, in whole or part, and a member of the family whose coverage is terminated other than by cancellation of the enrollment or discontinuance of the plan under which he is covered, in whole or part, is entitled to a 31-day extension of coverage for self alone or self and family, as the case may be, without contributions by the enrolled person or the Government, during which he is entitled to exercise the right of conversion provided for by this part. A change from self and family to self alone operates as a cancellation as to the members of the family. The 31-day extension of coverage and the right of conversion for any person ends on the effective date of a new enrollment under this part which covers the person.

(b) *Continuation of benefits.* (1) Any person who has been granted a 31-day extension of coverage in accordance with paragraph (a) of this section and who is confined in a hospital or other institution for care or treatment on the 31st day of the temporary extension is entitled to continuation of the benefits of the plan during the continuance of the confinement but not beyond the 60th day after the end of the temporary extension.

(2) Any person whose enrollment has been changed from one plan to another, or from one option of a plan to the other option of that plan, unless because of the discontinuance of the plan in whole or part or pursuant to an order of the Bureau of Retirement and Insurance, and who is confined in a hospital or other institution for care or treatment on the last day of enrollment under the prior plan or option, is entitled to a continuation of the benefits of the prior plan or option during the continuance of the confinement, but not beyond the 91st day after the last day of enrollment in the prior plan or option. The plan or option to which enrollment has been changed shall not pay benefits with respect to that person while that person is entitled to continuance of benefits under the prior plan or option.

### Subpart E—Contributions and Withholdings

**§ 890.501 Government contributions.**

(a) The Government contribution for all plans, except those for which another contribution is set by paragraph (b) of this section for each enrolled employee who is paid biweekly is as follows:

| | |
|---|---|
| For an employee enrolled for self alone | $1.30 |
| For an employee enrolled for self and family | 3.12 |

(b) The biweekly Government contribution for each employee or annuitant enrolled in a plan whose total enrollment charge is less than twice the appropriate contribution listed in paragraph (a) of this section is 50 percent of the enrollment charge.

(c) The Government contribution for annuitants and for employees who are not paid biweekly is a percentage of that fixed by paragraphs (a) and (b) of this section proportionate to the length of the pay period, rounding fractions of a cent to the nearest cent.

(d) The Government contribution for employees whose annual salary is paid during a period shorter than 52 workweeks is determined on an annual basis and prorated over the number of installments of pay regularly paid during the year.

(e) The employing office shall not make a contribution for an employee or annuitant for periods for which withholding is not made.

**§ 890.502 Employee withholdings.**

(a) The employing office shall make the withholding required from enrolled survivor annuitants from the annuity of any surviving spouse. If that annuity is less than the withholding required, the employing office shall make the withholding to the extent necessary from the annuity of the youngest child, and, if necessary, from the annuity of the next older child, in succession, until the withholding is satisfied.

(b) The employing office shall not withhold from an employee who is in nonpay status, or from an annuitant for periods for which he does not receive annuity.

(c) Withholding for employees whose annual salary is paid during a period shorter than 52 workweeks is determined on an annual basis and prorated over the number of installments of pay regularly paid during the year.

**§ 890.503 Reserves.**

(a) The enrollment charge consists of the rate approved by the Commission for payment to the plan for each employee or annuitant enrolled, plus 4 percent, of which one part is for an administrative reserve and three parts are for a contingency reserve for the plan.

(b) The administrative reserve is credited with the one one-hundred-and-fourth of the enrollment charge set aside for the administrative reserve. The administrative reserve is available for payment of administrative expenses of the Commission incurred under this part, and for such other purposes as may be authorized by law.

(c)(1) The contingency reserve for each plan is credited with (i) the three one-hundred-and-fourths of the enrollment charge set aside for the contingency reserve from the enrollment charges for employees and annuitants enrolled for that plan, (ii) amounts transferred in accordance with law from other contingency reserves and the administrative reserve, (iii) income from investment of the reserve, (iv) its proportionate share of the income from investment of the administrative reserve, and (v) any return of reserves of the plan. The preferred minimum balance for the contingency reserve is 1 month's subscription charges at the average monthly rate paid from the Employees Health Benefits Fund for the plan during the most recent contract period.

(2) When, as of the end of a contract period, the total of all the reserves held by a carrier (other than a group-practice carrier) for the plan amounts to less than the total of the last 5 months' subscription charges paid from the fund to the carrier for the plan, the carrier is entitled to payment from the contingency reserve of the lesser of: An amount equal to the difference between the total of the last 5 months' subscription charges paid from the fund to the carrier for the plan and the total of the reserves held by the carrier for the plan, or an amount equal to the excess, if any, of the contingency reserve over the preferred minimum balance. The Commission shall authorize this payment after receipt of the accounting report for the contract period. The carrier shall credit the amount so paid to the special reserve for the plan.

(3) If a group-practice carrier's contingency reserve exceeds the preferred minimum balance, the carrier may request the Commission to pay a portion of the reserve not greater than the excess of the contingency reserve over the preferred minimum balance. The carrier shall state the reason for the request. The Commission will decide whether to allow the requests in whole or in part and will advise the plan of its decision.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
*Director, Bureau of Management Services.*

[F.R. Doc. 64-11028; Filed, Oct. 28, 1964; 8:48 a.m.]

## PART 930—PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS)

### Subpart B—Appointment, Compensation, and Removal of Hearing Examiners

Section 930.210 is amended to reflect a Commission decision that the pay of a newly-appointed hearing examiner will not be set above the minimum of the grade under the authority contained in section 801 of the Classification Act of 1949, i.e., on the basis of unusually high or unique qualifications or a special need of the Government for the appointee's services.

**§ 930.210 Compensation.**

* * * * *

(d) Upon appointment, a hearing examiner shall be paid at the minimum rate of the grade approved by the Commission unless he is eligible for a higher rate because of prior service.

(Sec. 11, 60 Stat. 244; 5 U.S.C. 1010)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
*Director, Bureau of Management Services.*

[F.R. Doc. 64-11029; Filed, Oct. 28, 1964; 8:49 a.m.]



# Title 8—ALIENS AND NATIONALITY

## Chapter I—Immigration and Naturalization Service, Department of Justice

SUBCHAPTER A—GENERAL PROVISIONS

[Order No. 325-64]

## PART 3—BOARD OF IMMIGRATION APPEALS

### Notice of Appeal

By virtue of the authority vested in me by section 103 of the Immigration and Nationality Act, 66 Stat. 173 (8 U.S.C. 1103), section 161 of the Revised Statutes (5 U.S.C. 22), section 2 of Reorganization Plan No. 2 of 1950, and section 1 of Reorganization Plan No. 4 of 1953, paragraph (a) of § 3.3 of the regulations relating to the Board of Immigration Appeals is amended and a new paragraph (c) is added to read as follows:

**§ 3.3 Notice of appeal.**

(a) A party affected by a decision who is entitled under this chapter to appeal to the Board shall be given notice of his right to appeal. An appeal shall be taken by filing Notice of Appeal, Form I-290A, in triplicate, with the officer of the Service having administrative jurisdiction over the case, within the time specified in the governing sections of this chapter. The certification of a case as provided in this part shall not relieve the party affected from compliance with the provisions of this section in the event that he is entitled, and desires, to appeal from an initial decision, nor shall it serve to extend the time specified in the applicable parts of this chapter for the taking of an appeal. Departure from the United States of a person under deportation proceedings prior to the taking of an appeal from a decision in his case shall constitute a waiver of his right to appeal.;

* * * * *

(c) *Briefs.* Briefs in support of or in opposition to an appeal shall be filed in triplicate with the officer of the Service having administrative jurisdiction over the case within the time fixed for appeal or within any other additional period designated by the special inquiry officer or other Service officer who made the decision. Such officer or the Board for good cause may extend the time for filing a brief or reply brief. The Board in its discretion may authorize the filing of briefs directly with it, in which event the opposing party shall be allowed a specified time to respond.

The amendment and the addition made by this order shall become effective on the date of publication of this order in the FEDERAL REGISTER.

The amendment and addition made by this order are technical in nature and involve agency procedure and do not impair any substantive or procedural right of any individual. Therefore, compliance with the provisions of section 4, of the Administrative Procedure Act (5 U.S.C. 1003), as to notice of proposed rule making and as to delayed effective date, is unnecessary.

Dated: October 26, 1964.

NICHOLAS DEB. KATZENBACH,
*Acting Attorney General.*

[F.R. Doc. 64-11036; Filed, Oct. 28, 1964; 8:50 a.m.]

# Title 12—BANKS AND BANKING

## Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 18548]

## PART 545—OPERATIONS

### Investments in Securities

OCTOBER 23, 1964.

Resolved that the Federal Home Loan Bank Board upon the basis of consideration by it of the advisability of amendment of § 545.9 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9) as hereinafter set forth, so as to provide implementation of amendments made to section 5(c) of the Home Owners' Loan Act by the Housing Act of 1964 (P.L. 88-560), approved September 2, 1964, and for the purpose of effecting such amendment and such implementation hereby amends said § 545.9, as follows, effective October 29, 1964.

Amend § 545.9 of the rules and regulations for the Federal Savings and Loan System to read as follows:

**§ 545.9 Investments in securities.**

(a) *General provisions.* A Federal association may invest in obligations of, or fully guaranteed as to principal and interest by, the United States, or in the stock of a Federal home loan bank, or in the stock of the Federal National Mortgage Association through making nonrefundable capital contributions as provided in subsections (b) and (f) of section 303 of the National Housing Act, as amended, or in obligations, participations, or other instruments of or issued by, or fully guaranteed as to principal and interest by, the Federal National Mortgage Association, a Bank or Banks for Cooperatives, including the Central Bank for Cooperatives, a Federal Land Bank or Banks, a Federal Home Loan Bank or Banks, a Federal Intermediate Credit Bank or Banks, the Tennessee Valley Authority; or in general obligations of any State or of any political subdivision thereof. For the purposes of this section, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico and the possessions of the United States.

(b) *Limitations on investments in specific securities.* Investments by a Federal association in general obligations of any State or political subdivision thereof shall be limited to obligations which, at the time of investment by such association, are in the four highest grades as shown by the most recently published ratings made of such obligations by a nationally recognized investment rating service, except that a Federal association may invest in unrated general obligations of a political subdivision, other than a State, in which the association's home office or a branch office is located but investments made under this exception shall not be made in an aggregate amount exceeding 1 percent of the association's assets.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as the foregoing amendment is designed to conform the provisions of § 545.9 of the rules and regulations for the Federal Savings and Loan System to the provisions of section 5(c) of the Home Owners' Loan Act as amended by the Housing Act of 1964, the Board hereby finds that notice and public procedure on the said amendment are unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) and section 4(a) of the Administrative Procedure Act.

Resolved further that, inasmuch as the foregoing amendment relieves restriction, the Board hereby finds that postponement of the effective date under the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board and section 4(c) of the Administrative Procedure Act is not required and the Board hereby provides that the above said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
*Assistant Secretary.*

[F.R. Doc. 64-11025; Filed, Oct. 28, 1964; 8:48 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-416]

## PART 234—FLIGHT SCHEDULES OF CERTIFICATED AIR CARRIERS: REALISTIC SCHEDULING REQUIRED

### Reporting of Schedule Arrival Performance

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of September 1964.

Notice was issued by the Civil Aeronautics Board in Docket 14433 (EDR-54, PSDR-6) and published at 28 F.R. 3700, proposing amendments to Part 234 of the Economic Regulations in respect to the requirement for reporting on-time performance by air carriers on flights between certain pairs of points. In the same notice the Board announced that it was considering the issuance of a statement of policy that it would regard ad-





vertising of schedule performance which

we propose that instead of requiring

CFR, Part 294), effective December 1,



within the purview of this section shall

**§ 399.81 Deceptive practices in adverti-**

vidually and as an officer of said corpo-

vertising of schedule performance which failed to disclose certain specified information as an unfair or deceptive practice or an unfair method of competition. The policy statement is being adopted without change simultaneously herewith.

In the comments submitted in response to our notice the question was raised whether there is a need for any on-time reporting. We considered this question in 1959 when the reporting requirement was adopted, in 1961 when it was revised and we have considered it again in this proceeding. Once more we find that the reports are useful and that their continued use is in the interest of the public. We note that only two carriers expressed doubt in this proceeding as to the desirability of some form of on-time reporting requirement. Since the introduction of the reporting system there has been a measurable improvement in the on-time performance of the trunk carriers. The data submitted by the carriers on Form 438 show a steady improvement in the on-time performance of the carriers since 1959 when the reporting began. In 1959 67.8 percent of the completed flights were on time or within 15 minutes thereof. In 1960 this rose to 71.4 percent and in 1961 it went to 74.4 percent. In 1963, 81.4 percent of the completed flights were on time or within 15 minutes thereof. While the 1963 figure is not directly comparable with earlier results, it is, if anything, depressed in relation to the earlier figures by the different reporting samples used. The 1963 figure is also more representative because it accounted for a significantly larger percentage of each carrier's total flights than the 1959–61 figure.

While many things necessarily contributed to the progress evidenced by the above figures, including continued improvement by management and its employees in scheduling techniques and operating and maintenance skills, better aircraft and navigation equipment, and better airports and air traffic control facilities, we feel that these results are also attributable in some measure to the on-time reporting requirement. We believe that the public availability of performance records has provided a strong inducement to the carriers to publish schedules which they can meet and to meet the schedules they publish. By providing an objective measure of on-time performance we believe that these figures have promoted healthy competition among the carriers in providing a service feature which we consider to be truly beneficial to the public. As we intended, the carriers have made use of the on-time performance figures in their advertising. The reports have also furnished the Board data against which to check passenger complaints. In this conection, fully one-third of the complaints by the public to the Board relate to schedule performance. We have concluded therefore that the reporting requirement should be continued.

In the notice of rule making we proposed, in essence, four changes in the reporting system established under § 234.8. The proposed changes and the disposition thereof are as follows: First, we propose that instead of requiring the carriers to determine the top-ranking reportable pairs of points from the Origin-Destination Survey of Airline Passenger Traffic the Board would prepare a special list of such points and distribute it to the carriers. This procedure is adopted in the rule.

Second, it was proposed in the notice of rule making that a new column be added to CAB Form 438 headed "Route not as Scheduled" in which carriers would report the number of times the scheduled flight was operated differently from the scheduled routing. A number of carriers objected to this proposal in general contending that deviations such as failure to operate the aircraft over the normal airway are of no real significance to the average passenger and that what interests him is whether the flight is cancelled, on time or late. We agree, and since these factors are all covered in other columns of Form 438, we will not insert the proposed column in the form.

Third, it was proposed in the notice to reduce the present four-column breakdown of arrival times (0 to 5 minutes late, 5 to 15 minutes late, 15 to 30 minutes late, and over 30 minutes late) to two categories, "On-time or within 15 minutes thereof" or "Over 15 minutes late." For the reasons given in the notice we are adopting the change proposed therein. The change does not mean that the Board in any way condones operations or schedules which result in a large number of flights arriving up to 15 minutes late.

Fourth, we had proposed the addition of four new columns to the reporting form in which the carriers would show the reasons for late arrivals ("weather", "air traffic control", "mechanical", "other"). All but two of the carriers commenting objected to these columns. It was contended that assigning one of these reasons for each flight would be a burden on pilots, that it would be unrealistic, since delays are frequently a compound of contributing causes, including delays on previous flight segments, and that special studies in depth by the carriers in cooperation with FAA are the most effective means of determining the basic causes of delays. We find merit in these contentions and will not add columns to Form 438 requiring carriers to show the reasons for lateness.

The contention was made by some of those commenting that the top traffic pairs represents an inadequate sampling system and results in substantial disparity in the proportion of departures reported on by the various carriers. We considered these comments. However, the scope of this proceeding was not such as to elicit adequate comments from the carriers on this point and for the present at least we will adhere to the existing sampling system.

We considered a number of other changes in the reporting requirement suggested by the carriers and did not find that their adoption would be in the interest of the public.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 234 of the Economic Regulations (14 CFR, Part 234), effective December 1, 1964, by amending § 234.8 to read as follows:

**§ 234.8 Reporting of schedule arrival performance.**

(a) Each certificated route air carrier scheduling nonstop passenger flights between any of the 100 top-ranking pairs of points in terms of revenue-passenger volume as prescribed in paragraph (b) of this section, and between the States of Hawaii or Alaska on the one hand and points in the 48 contiguous States, on the other hand, with a passenger volume greater than the 100th ranked pair in such list, shall, with respect to any such flights for each month, file in duplicate with the Board a "Monthly Report of Schedule Arrival Performance on Designated Passenger Flights", CAB Form 438 (Rev. 12–64):[1] *Provided*, That such report shall not be required with respect to flights between any pair of points which are less than 200 miles apart. The same information may be submitted on any comparable form prepared on automatic data processing equipment. Such substitute form shall be subject to Board approval and shall also be submitted in duplicate and contain the same column headings arranged in the same sequence as CAB Form 438. During any period that a carrier's obligation to provide service between a pair of points is suspended by the Board, the report need not be filed for such pair of points. The report shall be filed within 45 days of the end of the month which it covers and shall be certified to be correct by a responsible officer of the reporting carrier.

(b) The pairs of points on which reports are to be filed are shown in the "List of City Pairs for Use in Reporting on CAB Form 438" issued by the Board. The list is compiled from the current issues of the Board's Domestic Origin-Destination Survey of Airline Passenger Traffic and International Origin-Destination Survey of U.S. Flag Airline Passenger Traffic. Whenever the Survey shows a change in the 100 top-ranking pairs the Board will issue a revised reporting list indicating the date on which it is to become effective.

(c) The reports required under this section shall contain the following information:

(1) The airport-to-airport codes;

(2) The flight identification number;

(3) The number of times each flight was scheduled under such flight identification number;

(4) The number of such flights cancelled;

(5) The number of time each scheduled flight arrived at destination on time or within 15 minutes thereof;

(6) The number of times each scheduled flight arrived at destination over 15 minutes late;

(7) The total number of scheduled flights performed.

(d) Each certificated air carrier scheduling passenger flights which are within the purview of this section shall establish all records needed in order to accomplish full compliance with the reporting requirements hereof and shall preserve such records in accordance with the provisions of § 249.13(f) and Schedule of Records, category 301 of Part 249 of this subchapter.

(Secs. 102(d), 204(a), 404(a), 405(b) and 407(a) of the Federal Aviation Act of 1958, 72 Stat. 740, 743, 760 and 766; 49 U.S.C. 1302, 1324, 1374, 1375 and 1377 and Section 3 of the Administrative Procedure Act, 60 Stat. 238; 5 U.S.C. 1002)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.[2]

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64–11032; Filed, Oct. 28, 1964; 8:49 a.m.]

[1] CAB Form 438 (Rev. 12–64) is filed as part of the original document and can be obtained from the Publications Section, Civil Aeronautics Board, Washington, D.C., 20428.

[2] Dissenting opinion of members Gurney and Gillilland filed as part of original document.



SUBCHAPTER F—POLICY STATEMENTS

[Reg. No. PS–25]

## PART 399—STATEMENTS OF GENERAL POLICY

### Deceptive Practices in Advertising of Schedule Performance

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of September 1964.

Notice was issued by the Civil Aeronautics Board in Docket 14433 (EDR–54, PSDR–6) and published at 28 F.R. 3700, announcing that the Board was considering the issuance of a statement of policy that it would regard advertising of schedule performance which failed to disclose certain specified information as an unfair or deceptive practice or an unfair method of competition. In the same notice the Board also proposed several related changes in the on-time reporting provisions of Part 234 of the Economic Regulations.

A number of comments were received on the proposed amendments to Part 234. These are discussed in the preamble to Amendment of Part 234 (ER–416) adopted simultaneously herewith. None of those commenting expressed opposition to the proposed Policy Statement, although one carrier urged abandonment and another urged reconsideration of the need for the on-time reporting system to which the policy is related. For the reasons stated in ER–416, we will retain the reporting system and on the basis of the considerations stated in the notice of rule making we will adopt the proposed Statement of Policy without substantive change.

Accordingly, the Board hereby amends Part 399—Statements of General Policy (14 CFR Part 399) by adding a new § 399.81, effective December 1, 1964, to read as follows:

**§ 399.81 Deceptive practices in advertising of schedule performance.**

With respect to the advertising of schedule performance, it is the policy of the Board to regard as an unfair or deceptive practice or an unfair method of competition the use of any figures purporting to reflect schedule or on-time performance without indicating the basis of the calculation, the time period involved, and the pairs of points or the percentage of system-wide operations thereby represented and whether the figures include all scheduled flights or only scheduled flights actually performed.

(Secs. 102(d), 204(a), 404(a), 405(b), 407(a), and 411 of the Federal Aviation Act of 1958, 72 Stat. 740, 743, 760, 766 and 769; 49 U.S.C. 1302, 1324, 1374, 1375, 1377 and 1381 and sec. 3 of the Administrative Procedure Act, 60 Stat. 238; 5 U.S.C. 1002)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64–11033; Filed, Oct. 28, 1964; 8:49 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. C–848]

## PART 13—PROHIBITED TRADE PRACTICES

### Butterfield Golf Co., Inc., and John H. Keller

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Butterfield Golf Company, Inc., et al., Lisle, Ill., Docket C–848, Oct. 9, 1964]

*In the Matter of Butterfield Golf Company, Inc., a Corporation, John H. Keller, Individually and as an Officer of Said Corporation*

Consent order requiring a concern in Lisle, Ill., engaged in repainting and labeling used golf balls, and in the purchase of golf balls recovered or reconstructed by others which they then painted and labeled, to cease selling such golf balls with no disclosure on the balls or their wrappers or containers of the fact that they were rebuilt or reconstructed.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondents Butterfield Golf Company, Inc., a corporation, and its officers, and John H. Keller, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of washed, repainted, re-covered, rebuilt or reconstructed golf balls in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing to clearly and conspicuously disclose on the bags or boxes in which respondents' washed, repainted, re-covered, rebuilt or reconstructed golf balls are packaged, on the wrapper and on said golf balls themselves, that they are previously used balls which have been washed, repainted, re-covered, rebuilt or reconstructed. *Provided, however*, That disclosure need not be made on the golf balls themselves if respondents establish that the disclosure on the bags, wrappers and/or boxes is such that retail customers, at the point of sale, are informed that the golf balls are previously used and have been washed, repainted, re-covered, rebuilt or reconstructed.

2. Placing any means or instrumentality in the hands of others whereby they may mislead the public as to the prior use and washed, repainted, re-covered, rebuilt or reconstructed nature and construction of their golf balls.

*It is further ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 9, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64–10988; Filed, Oct. 28, 1964; 8:45 a.m.]

[Docket No. 8621]

## PART 13—PROHIBITED TRADE PRACTICES

### E. W. Sederstrom and Dakota Seed & Grain Company

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* § 13.1490 *Nature;* § 13.1515 *Organization and operation.* Misrepresenting oneself and goods—Goods: § 13.1663 *Individual's special selection or situation;* § 13.1697 *Opportunities in product or service;* § 13.1740 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, E. W. Sederstrom trading as Dakota Seed & Grain Company, Sioux Falls, S. Dak., Docket 8621, Oct. 8, 1964]

*In the Matter of E. W. Sederstrom, an Individual Trading and Doing Business as Dakota Seed & Grain Company*

Order requiring an individual engaged in Sioux Falls, S. Dak., in selling seeds



and grain to the public, to cease repre-

Title 17 COMMODITY AND



17. *Commitments and contingent liabili-*

LIFE INSURANCE COMPANIES

and grain to the public, to cease representing falsely, through his agents soliciting the purchase of his products, that he was establishing a malting barley production program and would purchase at premium prices, his customers' harvest from seeds sold by him, that his customers were specially selected, that his quality standards were adequate to satisfy those of the malting barley market and could be easily met, and that his connections with users of malting barley assured a ready market.

The order to cease and desist is as follows:

*It is ordered*, That respondent, E. W. Sederstrom, an individual trading as Dakota Seed & Grain Company, or under any other name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of seeds, grain or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication that:

(a) Respondent is establishing, sponsoring or maintaining a program for the production or marketing of seed, grain or other products for customer participation, or misrepresenting in any other manner the nature of respondent's business.

(b) Respondent will purchase or is contractually bound to purchase all or part of the harvest or increase grown, raised or produced by his customers from products sold by respondent, or misrepresenting in any manner the obligations incurred by respondent under his contracts with purchasers.

(c) Prospective customers are specially selected.

2. Misrepresenting in any manner:

(a) The quality standards established by users of seed, grain or other products.

(b) The ease by which growers may produce products which will meet the quality standards of the brewery or other users of seed, grain or other products.

(c) The opportunities afforded or available to customers to market their products.

By "Final Order", further order requiring report of compliance is as follows:

*It is further ordered*, That E. W. Sederstrom, an individual trading and doing business as Dakota Seed & Grain Company, shall, within sixty (60) days after service of this order upon him, file with the Commission a report in writing, setting forth in detail the manner and form of his compliance with the order to cease and desist.

Issued: October 8, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-10989; Filed, Oct. 28, 1964; 8:46 a.m.]

# Title 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

[Release 33-4727, 34-7433, 35-15134, 40-4057, A-100]

## PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

### Life Insurance Companies

The Securities and Exchange Commission today adopted an amendment to Regulation S-X (17 CFR Part 210) consisting of a new Article 7A (17 CFR 210.7a-01 to 210.7a-06) and also adopted new Rule 12-31 (17 CFR 210.12-31), to govern the form and content of financial statements and related schedules filed by life insurance companies.

The financial statements, schedules and special notes are based on information either in the annual statements filed by life insurance companies with state regulatory authorities or otherwise readily available.

Specific regulations for life insurance companies are deemed necessary because of the increasing number of life insurance companies filing financial statements with the Commission in registration statements and annual reports in order to provide for reasonable uniformity in financial reporting. The amendments are based on experience gained from the examination of financial statements and schedules filed with the Commission, on comments received from interested persons as a result of notice to adopt these amendments, and on discussions with representatives of industry associations, state regulatory authorities, and public accountants. Notice of the proposal to adopt these rules was published on August 25, 1962 at 27 F.R. 8553.

The amendment is attached except that the schedules referred to in Rule 7A-06 (17 CFR 210.7a-06) and other rules of Regulations S-X (17 CFR Part 210) which are unchanged are omitted.

This action is taken pursuant to authority conferred on the Securities and Exchange Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10, and 19(a) thereof; the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d), and 23(a) thereof; the Public Utility Holding Company Act of 1935, particularly sections 5(b), 14, and 20(a) thereof; and the Investment Company Act of 1940, particularly sections 8, 30, 31(c), and 38(a) thereof.

*Commission's action.* Part 210 of Title 17, Chapter II of the Code of Federal Regulations is amended by adding new §§ 210.7a-01 to 210.7a-06 to read as follows:

### LIFE INSURANCE COMPANIES

**§ 210.7a-01 Application of §§ 210.7a-01 to 210.7a-06.**

Sections 210.7a-01 to 210.7a-06 shall be applicable to financial statements filed for life insurance companies.

**§ 210.7a-02 General requirements.**

Except as otherwise provided in §§ 210.7a-01 to 210.7a-06, persons subject to §§ 210.7a-01 to 210.7a-06 shall follow the rules and instructions governing the definition and computation of items in annual statements to their State regulatory authority. If the registrant deviates from such rules and instructions of its State regulatory authority, except in accordance with the provisions of §§ 210.7a-01 to 210.7a-06, the reason for and effect of such deviation shall be stated.

**§ 210.7a-03 Balance sheets.**

(a) Balance sheets filed for life insurance companies shall comply with the following provisions:

ADMITTED ASSETS

1. *Bonds.*

2. *Investments in stocks other than stocks of affiliates.* State separately (i) preferred stocks and (ii) common stocks.

3. *Investments in stocks of affiliates.*

(i) *In insurance companies.* Include under this subcaption only stocks of insurance companies.

(ii) *In other affiliates.* Include under this subcaption stocks of other affiliates. If any such "other affiliate" controls insurance companies the stock of such "other affiliate" shall be included under this subcaption, and the fact of such control shall be stated in a note to the balance sheet.

4. *Mortgage loans on real estate.* State separately (i) first liens and (ii) other than first liens.

5. *Real estate.* State separately if material (i) property occupied by the company; (ii) property acquired by foreclosure; and (iii) investment property. The amount of encumbrances deducted shall be stated parenthetically.

6. *Policy loans.*

7. *Cash and bank deposits.*

8. *Premiums and other considerations deferred and uncollected.*

9. *Investment income due and accrued.*

10. *Other assets.* State separately any significant items.

LIABILITIES, CAPITAL SHARES AND SURPLUS

11. *Aggregate reserves for all policies.* State separately reserves for (i) life insurance; (ii) accident and health insurance; (iii) supplementary contracts without life contingencies; and (iv) policyholders' dividend accumulations.

12. *Policy and contract claims.*

13. *Other policyholders' funds.* Include premiums paid in advance, premium deposit funds, and dividends to policyholders declared and unpaid and estimated amounts provided for payment in the following year. State separately any material amounts.

14. *Dividends to stockholders declared and unpaid.*

15. *Borrowed money.* State here or in a note as to each loan (i) from whom borrowed; (ii) date of loan; (iii) repayment terms and other conditions governing each loan; (iv) due date; (v) extensions granted; (vi) original amount; and (vii) interest rate.

16. *Other liabilities.* State separately any significant items.



17. *Commitments and contingent liabilities. See* §§ 210.3-18, 210.3-19(g) and 210.7a-05 caption 3.

18. *Mandatory securities valuation reserve.* See § 210.7a-06 caption 2(iv).

19. *Capital shares.* State for each class of shares the title of issue, the number of shares authorized, the number of shares outstanding and the capital share liability thereof, and, if convertible, the basis of conversion. Show also the dollar amount, if any, of capital shares subscribed but unissued and of subscriptions receivable thereon.

20. *Surplus.* (i) Separate captions shall be shown for (a) paid-in surplus (b) surplus arising from revaluation of assets, (c) other capital surplus, and (d) earned surplus (1) appropriated and (2) unappropriated, plus, appropriated, all special surplus funds. That portion of the surplus allocable to participating policies should be included in caption 21 below.

(ii) If undistributed earnings of subsidiaries are included, state the amount thereof parenthetically or otherwise.

(iii) An analysis of each surplus account setting forth the information prescribed in § 210.11-02 shall be given for each period for which a profit and loss statement is filed, as a continuation of the related profit and loss statement or in the form of a separate statement of surplus, and shall be referred to here. In this statement caption 3, *Other additions to surplus*, shall be subdivided to show (a) unrealized gain on bonds and stocks from change in admitted assets values; (b) unrealized gain on other investments from change in admitted asset values; (c) realized gain on investments; and (d) all others, designating clearly the nature thereof. Likewise, caption 4, *Deductions from surplus other than dividends*, shall be subdivided to show (a) unrealized loss on bonds and stocks from change in admitted asset values; (b) unrealized loss on other investments from change in admitted asset values; (c) realized loss on investments; and (d) all others, designating clearly the nature thereof.

(iv) If separate balances are not shown in the accounts for the divisions of surplus in (i) above other than for earned surplus appropriated, i.e., if the company has not, up to the opening of the period of report, differentiated in its accounting for surplus as indicated, then the unsegregated surplus may be stated in one amount, and, in lieu of such segregation, there shall be given as a note an analysis of surplus since organization. Such analysis shall show (a) total net income after income taxes; (b) aggregate dividends paid (1) in cash and (2) in capital stock; (c) total paid-in surplus; (d) realized gain or loss on investments; (e) unrealized gain or loss from change in admitted asset values; (f) increase in reserves on account of change in valuation basis; (g) non-admitted assets; and (h) other additions or deductions of material amount, indicating clearly the nature of the item.

21. *Surplus allocable to participating policies.* State the amount of surplus required to be allocated to participating policies and not available for dividends to stockholders.

**§ 210.7a-04 Profit and loss or income statements (summary of operations).**

(a) Profit and loss or income statements (summary of operations) filed for life insurance companies shall comply with the following provisions:

1. *Premiums and other considerations.* State separately the amount arising from (i) life insurance; (ii) accident and health insurance; and (iii) considerations for supplementary contracts.

2. *Investment income.*

(i) *Investment income.*

(a) *Interest on bonds.*

(b) *Dividends.* State separately dividends from (1) unaffiliated companies and (2) affiliated companies.

(c) *Interest on mortgage loans.*

(d) *Real estate income.*

(e) *Interest on policy loans.*

(f) *Other investment income.* State separately any material amounts.

(g) *Total investment income.*

(ii) *Investment expense.* Include investment expense, investment taxes, and depreciation on real estate. State separately any material amounts.

(iii) *Net investment income.*

3. *Other income.* State separately any significant items.

4. *Total.*

5. *Death and other benefits.*

6. *Increase in aggregate reserves for all policies.*

7. *Total.*

8. *Balance.*

9. *Commissions.*

10. *General insurance expenses.* Amounts allocable to investment expense shall be excluded from this caption and captions 11 and 12 below.

11. *Insurance taxes, licenses and fees.* Income taxes shall not be included under this caption.

12. *Other insurance expense.*

13. *Increase in loading on and cost of collection on deferred and uncollected premiums.*

14. *Total income and profit and loss from insurance and investment.*

15. *Dividends to policyholders.*

16. *Net income or loss before provision for income taxes.*

17. *Provision for income taxes.* State separately (i) Federal normal income tax and surtax and (ii) other income taxes. Amounts allocable to realized gain or loss on investments shall be excluded from this caption and reported as deductions or additions to the related captions on the analysis of surplus.

18. *Net income or loss (net gain from operations).* State here or in a note the amount of net income allocated to participating policies.

**§ 210.7a-05 Special notes to financial statements.**

1. Assets shall be set forth in the balance sheet at admitted asset values. Book values of assets included under captions 1, 2, 3(i), 3(ii), 4, 5, and 6 of § 210.7a-03 shall be shown parenthetically or in a note.

The total amount of non-admitted assets shall be stated in a note, and if such amount exceeds one percent of the total admitted assets then a separate statement shall be presented showing the details of such assets. State in a note or otherwise the amount of assets charged to income or surplus immediately upon acquisition during the period if significant.

There shall also be added as a note to the financial statements the following:

"The term 'admitted assets' means the assets stated at values at which they are permitted to be reported to the respective domiciliary State regulatory authority for balance sheet purposes in the annual report in accordance with the rules and regulations of such regulatory authority."

"The term 'non-admitted assets' means assets other than assets which are so permitted to be reported."

2. State in notes or otherwise:

(i) The general policy of the company in determining dividends and profits allocable to participating policies.

(ii) The amount of surplus not available for payment of dividends to stockholders. See § 210.3-19(f).

(iii) The addition to the "policyholders surplus account" (under the sections of the Internal Revenue Code applicable to life insurance companies on which payment of income taxes has been deferred) for each period for which a profit and loss statement is filed and the total thereof accumulated as of the date of the most recent balance sheet filed. The income taxes, at current rates, which would become payable on these amounts upon distribution thereof to shareholders shall also be stated.

(iv) The amount of income tax which would accrue if the unrealized gain from change in admitted asset value of investments were realized by sale or maturity.

3. State in a note the names of mortality tables and rates of interest most generally used in calculating reserves and whether the net level premium or a modified reserve valuation method is used. Explain the policy with regard to reinsurance and the amount of such reinsurance.

**§ 210.7a-06 What schedules are to be filed.**

(a) Except as expressly provided otherwise in the applicable form:

(1) The schedules specified below in this section as Schedules I, II, III, IV, V, VI, VIII, and IX shall be filed as of the date of the most recent balance sheet filed for each person or group. Such schedules shall be certified if the related balance sheet is certified.

(2) All other schedules specified below in this rule shall be filed for each period for which a profit and loss statement is filed. Such schedules shall be certified if the related profit and loss statement is certified.

(b) Reference to the schedules shall be made against the appropriate captions of the balance sheet and the profit and loss statement.

(c) If the information required by any schedule (including the footnotes thereto) may be shown in the related balance sheet or profit and loss statement without making such statement unclear or confusing, that procedure may be followed and the schedule omitted.

*Schedule I—Bonds.* The schedule prescribed by § 210.12-23 shall be filed in support of caption 1 (§ 210.7a-03) of each balance sheet.

*Schedule II—Stocks—Other than stocks of affiliates.* The schedule prescribed by § 210.12-24 shall be filed in support of caption 2 (§ 210.7a-03) of each balance sheet.

*Schedule III—Mortgage loans on real estate.* The schedule prescribed by § 210.12-25 shall be filed in support of caption 4 (§ 210.7a-03) of each balance sheet.

*Schedule IV—Real Estate.* The schedule prescribed by § 210.12-26 shall be filed in support of caption 5 (§ 210.7a-03) of each balance sheet.

*Schedule V—Summary of investments in securities—Other than securities of affiliates.* The summary schedule prescribed by § 210.12-27 shall be filed in conjunction with Schedules I and II.

*Schedule VI—Investments in stocks of affiliates.* The schedule prescribed by § 210.12-28 shall be filed in support of caption 3 (§ 210.7a-03) of each balance sheet.

*Schedule VII—Policy reserves, benefits, and insurance in force.* The schedule prescribed by § 210.12-31 shall be filed in support of caption 11 (§ 210.7a-03) of each balance sheet and captions 5 and 6 of each profit and loss statement (§ 210.-7a-04). The schedule prescribed by § 210.12-29 shall be used insofar as it may more appropriately present those



reserves of accident and health business

*Effective date.* The amendment shall

Natural and Northern Illinois request



essary and appropriate to the admini-

Subpart 11—104 Insurance Under Fixed

reserves of accident and health business which are based on unearned premiums and the related benefits paid.

*Schedule VIII—Capital shares.* The schedule prescribed by § 210.12–24 shall be filed in support of caption 19 (§ 210.7a–03) of each balance sheet.

*Schedule IX—Other securities.* If there are any classes of securities not included in Schedule VIII, set forth in this schedule information concerning such securities corresponding to that required for the securities in such schedule. If the securities required to be reported on the schedules prescribed by §§ 210.12–10, 210.12–12, or 210.12–15 are present, those schedules should be used. Information need not be set forth, however, as to notes, drafts, bills of exchange or bankers' acceptances having a maturity at the time of issuance of not exceeding one year.

*Schedule X—Income from dividends—Equity in net profit and loss of affiliates.* The schedule prescribed by § 210.12–17 shall be filed in support of caption 2(i)(b)(2) of each profit and loss statement (§ 210.7a–04).

*Schedule XI—Summary of realized gains or losses on sale or maturity of investments.* The schedule prescribed by § 210.12–30 shall be filed in support of the related amount shown on each analysis of surplus required under caption 20(iii) of each balance sheet (§ 210.7a–03).

Part 210 of Title 17, Chapter II of the Code of Federal Regulations is amended by adding new § 210.12–31 to read as follows:

**§ 210.12–31 Policy reserves, benefits, and insurance in force.[1]**

FOR LIFE INSURANCE COMPANIES

| | | |
|---|---|---|
| (a) Policy Reserves: | | |
| 1. Additions | | $---- |
| (i) Tabular net premiums and other considerations | | ---- |
| (ii) Tabular interest | | ---- |
| (iii) Other [2] | | ---- |
| 2. Deductions | | $---- |
| (i) Tabular cost | | ---- |
| (ii) Reserves released | | ---- |
| (iii) Annuity, supplementary contract and other payments | | ---- |
| (iv) Other [2] | | ---- |
| 3. Increases in policy reserves | | ---- |
| 4. Policy reserves at beginning of period | | ---- |
| 5. Policy reserves at end of period | | ---- |
| (b) Death and other benefits | | $---- |
| (c) Insurance in force | | ---- |

[1] This schedule shall be prepared from and be in substantially the same form as the analysis of increase in reserves during the year (gain and loss exhibit) of the annual statement filed with the respective domiciliary State regulatory authority. If the company writes more than one line of business, e.g., industrial, ordinary, group life insurance, the schedule shall show in columnar form the changes in the policy reserves and the amounts of benefits and insurance in force allocable to each line of business. In lieu of this schedule there may be filed the aforementioned analysis of increase in reserves during the year (gain and loss exhibit) of the annual statement filed with the respective domiciliary State regulatory authority together with the information required regarding death and other benefits and insurance in force.

[2] State separately any significant items.

*Effective date.* The amendment shall be effective with respect to financial statements for any fiscal year ending on or after December 31, 1964, filed as a part of any registration statement, application for registration or report. However, if a registrant so elects, the revised articles may be applied to financial statements filed prior to that date.

(Secs. 6 & 7, 48 Stat. 75, 15 U.S.C. 77f & g; sec. 8, 48 Stat. 79, 15 U.S.C. 77h; sec. 10, 48 Stat. 81, sec. 205, 48 Stat. 906, sec. 8, 68 Stat. 685, 15 U.S.C. 77j; sec. 19, 48 Stat. 85, sec. 209, 48 Stat. 908, 15 U.S.C. 77s; sec. 12, 48 Stat. 892, sec. 1, 49 Stat. 1375, 15 U.S.C. 78l; sec. 13, 48 Stat. 894, 15 U.S.C. 78m; sec. 15, 48 Stat. 895, sec. 2, 49 Stat. 1377, 15 U.S.C. 78o; sec. 23, 48 Stat. 901, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w; sec. 5, 49 Stat. 812, 15 U.S.C. 79e; sec. 14, 49 Stat. 827, 15 U.S.C. 79n; sec. 20, 49 Stat. 833, 15 U.S.C. 79t; sec. 8, 54 Stat. 803, 15 U.S.C. 80a–8; sec. 30, 54 Stat. 836, 15 U.S.C. 80a–29; sec. 31, 54 Stat. 838, 15 U.S.C. 80a–30; sec. 38, 54 Stat. 841, 15 U.S.C. 80a–37)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 6, 1964.

[F.R. Doc. 64–10991; Filed, Oct. 28, 1964; 8:46 a.m.]

# Title 18—CONSERVATION OF POWER AND WATER RESOURCES

## Chapter I—Federal Power Commission

[Docket No. R–254; Order No. 285–A]

## PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

### Abbreviated Applications

OCTOBER 21, 1964.

Natural Gas Pipeline Company of America (Natural) and Northern Illinois Gas Company (Northern Illinois) filed Motions for Reconsideration of Order No. 285 (29 F.R. 11749), issued August 12, 1964, amending § 157.7 of the regulations under the Natural Gas Act. By that order we permitted the filing of budget-type applications for certification of gas sales facilities and for facilities for the testing and development of gas storage reservoirs.

Both Natural and Northern Illinois request deletion of the provision of § 157.7(c)(1)(i) of the regulations prohibiting the filing of a budget-type application to serve a distributor presently served, or proposed to be served, by more than one natural gas company. In situations where more than one natural gas company serves a distributor there is a distinct possibility that the other natural gas companies will desire to intervene in expansion applications of their competitors in order to protect a competitive position. Accordingly, we will continue to exclude this type of expansion from budget-type applications.

Natural and Northern Illinois request that budget-type applications be permitted for service to distributors in communities not having natural gas service. They observe that we denied similar requests in Order No. 285 for the reason that there existed a possibility of controversy between distributors proposing new service, but they contend that our requirement that the distributors have all requisite local and state authorization eliminates that possibility. However, we have been confronted three times in recent years with situations in which two distributors claimed to have requisite local authorization to serve the same community.[1] Furthermore competing fuel interests, by the action proposed, would be precluded from the opportunity to present their positions in such a case. Accordingly, we will not expand § 157.7(c)(1)(i) to include service to distributors in communities not being served.

Northern Illinois requests modification of § 157.7(c)(2) which limits budget-type authorization to deliveries to any one distributor or consumer to a maximum of 100,000 Mcf annually and which prohibits boiler fuel use of the gas so delivered. Northern Illinois suggests that these restrictions should carry a limitation for the first three years of the gas sales facilities, contending that it is unreasonable to impose such restrictions without time limit. These restrictions only apply to budget-type applications and will be retained. Whenever a natural gas company desires to avoid these restrictions it can file a separate application for the specific service not permitted under these limitations of budget-type applications.

Natural requests amendment of § 157.7(d)(4) which provides for the filing of budget-type applications requesting authorization of the construction and operation of pipeline and compression facilities for the testing and development of underground storage reservoirs for a three year period. That section limits budget-type applications to total expenditures of $3,000,000 over the three year period and $1,000,000 for any one year. Natural suggests that the three year period be expanded to four years and that the dollar limits be raised to $6,000,000 over the four year period and $2,000,000 for any one year. We do not agree that the time limit should be extended but, upon reconsideration, we do see the advisability of permitting, in given instances, the expenditure of somewhat greater amounts than have been specifically set forth in this section. Accordingly § 157.7(d)(4) will be amended to permit the filing of budget-type applications proposing construction in excess of the dollar limits previously prescribed when accompanied by a request for waiver of that limitation.

Upon consideration of the Motions for Reconsideration, the Commission further finds:

(1) Adoption of the amendment to the Regulations Under the Natural Gas Act contained in paragraph (A) below is necessary and appropriate to the administration of the Natural Gas Act.

(2) Good cause exists for the adoption herein of the amendment to § 157.7 embodied in the new paragraph (d)(4)(ii) thereof without giving the prior notice provided for by § 4 of the Administrative Procedure Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 7, 15, and 16 thereof (52 Stat. 824, 829, 830; 56 Stat. 83, 84; 15 U.S.C. 717f, 717n, 717o), orders:

(A) Subparagraph (4) of § 157.7(d), Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations, as prescribed by Order No. 285 (32 FPC ---, 29 F.R. 11749), is amended by designating the present text thereof as (4)(i) and adding a new subdivision (ii) to read as follows:

**§ 157.7 Abbreviated applications.**

* * * * *

(d) *Underground gas storage facilities—budget-type application.* * * *

(4)(i) * * *

(ii) Any application proposing the construction of facilities having an estimated cost in excess of the amounts specified in subdivision (i) of this subparagraph shall be accompanied by a request for waiver of the provisions of such subdivision and will be granted only for good cause shown.

(B) The amendment adopted herein shall become effective on the date of issuance of this order.

(C) To the extent not granted above the Motions for Reconsideration are denied.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–10992; Filed, Oct. 28, 1964; 8:46 a.m.]

[1] Northern Natural Gas Co., Opinion No. 324, 22 FPC 164; American Louisiana Pipe Line Co., et al., 28 FPC 41; Coastal Transmission Corp., et al., 28 FPC 685.



# Title 41—PUBLIC CONTRACTS

## Chapter 11—U.S. Coast Guard

[CGFR 64–56]

## PART 11–10—BONDS AND INSURANCE

Pursuant to authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 167–17 (20 F.R. 4976) and Treasury Department Order 167–50 (28 F.R. 530), Part 11–10 of 41 CFR is established under authority of 14 U.S.C. 633 and 10 U.S.C. Ch. 137.

Subpart 11–10.1—Bonds

Sec.
11–10.109 Execution and administration of bonds.

Subpart 11–10.2—Sureties on Bonds

11–10.204–1 United States bonds or notes.
11–10.204–2 Certified or cashier's checks, bank drafts, money orders, currency, or irrevocable letters of credit.

Subpart 11–10.4—Insurance Under Fixed-Price Contracts

Sec.
11–10.450 Work at a Government installation.

AUTHORITY: 14 U.S.C. 633 and 10 U.S.C. Ch. 137.

### Subpart 11–10.1—Bonds

**§ 11–10.109 Execution and administration of bonds.**

(a) *Review by contracting officer.* Where bonds are required in support of a contract, the contracting officer shall ascertain that the bond tendered is in the penal sum required and that it properly describes the contract in support of which is was given.

(b) *Approval.* (1) The original bonds together with a copy of the contract will be forwarded for review and approval by legal counsel assigned to the nearest geographically located Coast Guard unit.

(2) Legal review will consist of an examination of bonds as to form, the sufficiency of surety, and the authority of the agent executing the bond. Bonds will be returned to the office requesting approval, bonds not approved will set forth the reason(s) for disapproval.

(3) Treasury Department Circular No. 570 entitled "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" is published annually as of June 1 by the Treasury Department. Interim changes in the circular are published in the FEDERAL REGISTER as they occur. This circular will be utilized to determine authorized surety companies, their underwriting limitations, geographical limitations, if any, and other pertinent information.

(c) *Recording and filing.* Bonds shall be filed with the related original contract or the contract file shall be cross-referenced to the file containing the applicable bonds. Bonds returned to unsuccessful bidders or upon completion of bond requirements will be appropriately recorded on the Abstract of Bids or retained bid file to indicate disposition made of such bonds.

### Subpart 11–10.2—Sureties on Bonds

**§ 11–10.204–1 United States bonds or notes.**

(a) *Bid bond.* Except as provided in § 1–10.204–1, contracting officers may hold bonds and notes received as surety on bid bonds, pending award of contract and receipt of performance and payment bonds. Bonds and notes of unsuccessful bidders will be returned personally to the bidder's representative (receipt required) or via registered mail (return receipt requested). Bonds and notes held by the contracting officer will be retained in secure storage, i.e., fireproof, combination locked safe.

(b) *Performance and payment bonds.* United States bonds or notes furnished as surety on performance and payment bonds shall be deposited with the Treasurer of the United States, a Federal Reserve bank or any branch Federal Reserve bank having the requisite facilities or other depository designated for that purpose by the Secretary of the Treasury for safekeeping. When the contractor's bonding obligation has ceased, the bonds and/or notes together with the power of attorney and agreement accompanying such bonds and notes shall be returned to the contractor by the contracting officer. Transmittal of bonds or notes to or from contractors or depositories shall be via hand-to-hand delivery (receipt required) or registered mail (return receipt requested).

**§ 11–10.204–2 Certified or cashier's checks, bank drafts, money orders, currency, or irrevocable letters of credit.**

(a) *Bid bonds.* Currency or other negotiable security received as collateral on bid bonds may be returned in the form received to unsuccessful bidders or deposited with the collection clerk for refund on SF–1047. Refunds will be made as soon as practicable to all known unsuccessful bidders and to all other unsuccessful bidders on award of contract. Refund to the successful bidder(s) will not be made until required performance and payment bonds have been received and approved. A collection receipt describing the deposit will be furnished by the collection clerk to the contractor for all deposits which are not immediately refundable.

(b) *Performance and payment bonds.* Currency or other negotiable collateral received for surety on performance and payment bonds will be deposited with the collection clerk in the suspense account. A collection receipt fully describing the purpose of the deposit shall be furnished the contractor by the collection clerk. When the contractor's bonding obligation has ceased, the contracting officer shall initiate action for the refund of deposit to the contractor.

### Subpart 11–10.4—Insurance Under Fixed-Price Contracts

**§ 11–10.450 Work at a Government installation.**

(a) Any contract requiring performance of construction, repair or utilities work on a Government installation shall require that any contractor or subcontractor doing such work furnish a statement in writing to the contracting officer attesting to the existence, in addition to legally required insurance, of comprehensive general liability and automobile insurance in each instance for both bodily injury and property damage in such limits as contracting officer deems reasonable under the circumstances. The solicitation shall state the minimum insurance coverage required.

(b) Contractors and subcontractors may submit annual statements in compliance with the foregoing requirements, which statements shall be accepted in satisfaction thereof to the extent of the insurance coverage so reported.

(c) The foregoing requirements are not applicable to contracts of less than $2,500 or for work to be performed outside the United States, its possessions, and Puerto Rico.

Dated: October 21, 1964.

[SEAL] W. D. SHIELDS, *Vice Admiral, U.S. Coast Guard, Acting Commandant.*

[F.R. Doc. 64–11022; Filed, Oct. 28, 1964; 8:48 a.m.]

## Subtitle C—Federal Property Management Regulations System

## Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

## PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

## PART 101–38—MOTOR EQUIPMENT MANAGEMENT

Chapter 101 of Title 41 of the Code of Federal Regulations is amended by the addition of Parts 101–26 and 101–38. The following material represents the second portion of the Federal Property Management Regulations published in the FEDERAL REGISTER (see 29 F.R. 13255, September 24, 1964). It is a conversion of existing policies and procedures concerning management of Government-owned motor vehicles and sources of procurement by other than contract means.

SUBCHAPTER E—SUPPLY AND PROCUREMENT

## PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Sec.


101–26.000 Scope of part.

Subpart 101–26.1—[Reserved]

Subpart 101–26.2—Federal Requisitioning System

101–26.200 Scope of subpart.
101–26.201 General.
101–26.202 Applicability.
101–26.203 Forms required.
101–26.203–1 Forms prepared by ordering offices.
101–26.203–2 Forms furnished to ordering offices.
101–26.204 Availability of forms.
101–26.205 Implementation.
101–26.205–1 Training media.
101–26.206 GSA assistance.

Subpart 101–26.3—Procurement From GSA Stores Stock

101–26.300 Scope of subpart.
101–26.301 Applicability.
101–26.302 Standard and optional forms, blankbooks, pamphlets, and miscellaneous printed matter.
101–26.302–1 General.
101–26.302–2 Agency responsibilities.
101–26.302–3 Obtaining items from GSA supply depots.
101–26.302–4 Deviations from the text or format of standard or optional forms and other printed items.
101–26.302–5 Obtaining specially manufactured standard or optional forms.
101–26.302–6 Promulgation, modification, or revision of forms and related items.
101–26.302–7 Information concerning changes.
101–26.302–8 Disposition of excess or obsolete standard forms.
101–26.302–9 Employee suggestions.
101–26.303 Out-of-stock items at GSA regional offices.
101–26.303–1 General.
101–26.303–2 Notice to GSA.
101–26.303–3 Exceptions.
101–26.304 Substitution policy.
101–26.305 Orders for stock items.
101–26.306 Planned requisitioning for GSA stock items.
101–26.306–1 Establishment of requisitioning schedules.
101–26.306–2 Urgent requirements.
101–26.306–3 Requisitions valued at $25 or less.
101–26.307 Processing overages, shortages, and damages.
101–26.307–1 Reporting requirements.
101–26.307–2 Adjustments.
101–26.307–3 Inquiries relating to GSA shipments.

Subparts 101–26.4—101–26.48—[Reserved]

Subpart 101–26.49—Illustrations of Forms

101–26.4900 Scope of subpart.
101–26.4901 Standard forms.
101–26.4901–1 Standard Form No. 1: Printing and Binding Requisition.
101–26.4901–1C Standard Form No. 1–C: Printing and Requisition for Speciality Items.
101–26.4901–84 Standard Form 84: Stock Action Request (Standard Forms and Related Items).
101–26.4902 GSA forms.
101–26.4902–952 GSA Form 952: Single Line Item Billing Register.
101–26.4902–1052 GSA Form 1052: Over, Short, and/or Damage Report.
101–26.4902–1348 (6–PT) GSA Form 1348 (6–PT): GSA Single Line Item Requisition Document (MANUAL).
101–26.4902–1348m GSA Form 1348m: Single Line Item Requisition System Document (MECHANICAL).
101–26.4902–1348–1 GSA Form 1348–1: Single Line Item Release/Receipt Document.
101–26.4902–1348–4 GSA Form 1348–4: Multiline Requisition.


AUTHORITY: The provisions of this Part 101–26 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### § 101–26.000 Scope of part.

This part sets forth policies and procedures regarding the procurement of personal property and nonpersonal services from or through Federal agencies and from non-Federal agencies established as sources of supply.

### Subpart 101–26.1—[Reserved]



### Subpart 101–26.2—Federal Requisitioning System

### § 101–26.200 Scope of subpart.

This subpart prescribes a uniform requisitioning and issue system to be used in the acquisition of items from GSA established supply sources.

### § 101–26.201 General.

This requisitioning and issue system is identified as the Federal Standard Requisitioning and Issue Procedure (FEDSTRIP) and is based on the single item punched card utilizing a common coded language. The system is compatible with the Military Standard Requisitioning and Issue Procedure (MILSTRIP), and DOD or GSA supply sources may accept properly prepared FEDSTRIP requisitions. The main features of the system are:

(a) Address codes are assigned to identify each ordering office, consignee point, and paying office.

(b) A uniform issue priority code pattern is used to identify the delivery requirement in specific time frames.

(c) Significant agency codes on the requisition document are printed on the shipping document which is provided in multicopy sets.

(d) Codes, representing appropriations or other financial accounts, as identified by the requisitioning activity on the requisition, are summarized on the billing document for shipments made during the billing period.

### § 101–26.202 Applicability.

This subpart is applicable to civil executive agencies in connection with the submission of requisitions to GSA for stores stock items and, when specifically authorized, other items available from or through GSA or DOD supply sources.

### § 101–26.203 Forms required.

### § 101–26.203–1 Forms prepared by ordering offices.

(a) The following requisition forms are prepared manually using typewriter, ballpoint pen, or other printing process by agencies not utilizing automatic data processing equipment.

(1) GSA Form 1348 (6–PT), GSA Single Line Item Requisition System Document (MANUAL) (illustrated at § 101–26.4902–1348–6).

(2) GSA Form 1348–4, Multiline Requisition, may be used where advantageous to submit orders in lieu of GSA Form 1348 (6–PT) (illustrated at § 101–26.4902–1348–4).

(b) GSA Form 1348m, Single Line Item Requisition System Document (MECHANICAL), is prepared mechanically by ADP equipment through computer output or key punch machine (illustrated at § 101–26.4902–1348m).

(c) Either GSA Form 1348 (6–PT) or GSA Form 1348m is prepared by ordering offices for followup or cancellation of a previously submitted requisition. GSA Form 1348–4 is not used for these purposes.

### § 101–26.203–2 Forms furnished to ordering offices.

(a) GSA Form 1348–1, Single Line Item Release/Receipt Document. This form serves as a shipping and receiving document (illustrated at § 101–26.4902–1348–1).

(b) GSA Form 952, Single Line Item Billing Register. This form serves as a billing support for shipments made during the billing period (illustrated at § 101–26.4902–952).

(c) Information will be furnished to ordering offices on GSA Form 1348m with regard to status of requisitions and replies to followup inquiries.

### § 101–26.204 Availability of forms.

The forms shown in § 101–26.203 are stocked in all GSA supply depots. Requisitions may be submitted in the usual manner.

### § 101–26.205 Implementation.

Civil agencies shall conform requisitioning procedure to the FEDSTRIP system which is described in the "FEDSTRIP Operating Guide," issued and maintained by the Commissioner, Federal Supply Service, GSA. This guide contains detailed instructions required in the FEDSTRIP system.

### § 101–26.205–1 Training media.

The Commissioner, Federal Supply Service, issues and maintains the following publications designed to assist agencies in training employees in the FEDSTRIP system:

(a) "Understanding FEDSTRIP," is a programed instruction text which precludes the traditional classroom instructor/student relationship and enables the student to learn the system, using only the text with related reference material at his individual learning pace.

(b) The "FEDSTRIP Supervisor's Training Guide" provides general information as to the FEDSTRIP system and guidelines as to the manner in which training could best be administered by supervisors within their agencies.

### § 101–26.205–2 Assignment of codes.

Codes will be assigned by GSA for the requisitioning agency as specified in the "FEDSTRIP Operating Guide." Where agency procedures provide for payment of bills on a national or other basis extending beyond respective GSA regional boundaries, agencies shall furnish such address information to the GSA, Federal Supply Service, Washington, D.C., 20405, for assignment of codes and distribution to all GSA regional offices.

### § 101–26.206 GSA assistance.

The Federal Supply Service at each GSA regional office will advise and assist in the development of procedures required to adopt FEDSTRIP within an agency's field activities. Agency headquarters activities requiring assistance may contact GSA, Federal Supply Service, Office of Supply Management, Washington, D.C., 20405.

No. 212—8

## Subpart 101–26.3—Procurement From GSA Stores Stock

### § 101–26.300 Scope of subpart.

This subpart prescribes policy and procedures governing the procurement by agencies of items of supply stocked by GSA, including reporting and obtaining adjustments for overages, shortages, and damages. Items stocked are listed in the GSA Stores Stock Catalog and supplements thereto.

### § 101–26.301 Applicability.

All executive agencies within the United States (including Hawaii and Alaska) shall procure exclusively from the stock of GSA their requirements of all articles listed in the GSA Stores Stock Catalog and supplements thereto, except as provided in this Subpart 101–26.3 and as may be otherwise specifically authorized. Other Federal agencies may procure from such source and are encouraged to do so. Purchases from GSA self-service stores satisfy the mandatory requirements of GSA regulations. Specific exceptions to the use of this GSA supply source are:

(a) Requirements of the Department of Defense (DOD) to the extent that items to be procured are not covered by GSA/DOD supply support agreements or by § 101–26.302 covering standard and optional forms.

(b) When suitable Government-owned used, excess, or surplus property can be secured.

(c) Special items listed in the GSA Stores Stock Catalog and supplements thereto, which are only available from regional offices other than the one serving the requisitioning agency. This exception is not applicable when Agency/GSA agreements provide for mandatory use of GSA supply depot stock.

(d) Items listed in the GSA Stores Stock Catalog and supplements thereto which are also covered by the Government Printing Office Catalog of Blank Paper and Envelopes, and which are obtained from the Government Printing Office for delivery in the District of Columbia.

(e) Items obtained under Federal Supply Schedule contracts.

(f) Ruled or unruled marginally punched forms listed in the GSA Stores Stock Catalog and supplements thereto, and marginally punched continuous forms obtained under term contracts issued by, or available through, the facilities of the Government Printing Office. Orders for standard forms under such contracts must be cleared through GSA in accordance with § 101–26.302.

(g) Orders for $25 or less in value.

(h) Products required in case of public exigency, and time or circumstances do not permit clearance from appropriate GSA officials.

(i) Purchases in Alaska and Hawaii of items in Federal Supply Classification Group 89, Subsistence Items.

(j) Combustible, hazardous, or otherwise dangerous items which, because of mailing restrictions due to postal regulations (nonmailable), have been exempted by terms and conditions shown in the Stores Stock Catalog and supplements thereto. Such items may be ordered, in quantity or with other items, for freight or express shipment.

(k) Small local purchases at the site of work or point of need if imprest funds, Standard Form 44, Purchase Order-Invoice-Voucher, or blanket purchase arrangements are available and used; and

(l) The items needed are nonrepetitive, infrequent, or isolated requirements; or

(2) When an urgent need arises for any item customarily obtained from GSA stock and a portion or all of the requirements must be obtained prior to time when it could normally be delivered from such stock.

(l) Blind-made and prison-made products stocked by GSA where the:

(1) Location of the receiving activity denotes that it would be more practical and economical to purchase direct from the manufacturing facility rather than through the GSA regional offices; or

(2) Volume consists of a truckload, carload, or more.

### § 101–26.302 Standard and optional forms, blankbooks, pamphlets, and miscellaneous printed matter.

### § 101–26.302–1 General.

GSA is the central control point for the consolidated procurement, supply control, storage, and distribution of standard and optional forms and is responsible for promoting an economical and efficient Government-wide standard forms program, including the assurance that (1) forms being printed or otherwise reproduced are the latest editions; (2) using agencies are furnished adequate supplies of currently usable forms; (3) substantial stocks are not being produced of forms undergoing revision; and (4) adequate information is supplied to using agencies on cataloging, forms identification, utilization of excess stocks, and other related phases of the standard forms program.

(a) Information as to the latest editions of standard and optional forms to be supplied by GSA supply depots and the identification of currently usable editions are included in the Standard and Optional Forms Facsimile Handbook, available from GSA Region 3 (FSN 7610–082–2499).

(b) Upon approval by GSA, miscellaneous printed items of the type generally used by all Government agencies, such as blankbooks, stenographers' notebooks, informational pamphlets, and handbooks will be stocked by GSA as supply items.

(c) Except for forms intended for use solely by the agency prescribing them, agencies shall requisition from GSA, requirements of standard and optional forms and miscellaneous items of printed matter from the listings in the GSA Stores Stock Catalog (Standard Forms Supplement). New or revised forms and miscellaneous printed items which are placed in stock between catalog revisions shall be obtained in the same manner.

(d) The ordering of standard and optional forms from GSA is not required where agencies have been granted authority for direct procurement by the Joint Committee on Printing, however such orders must be cleared through GSA in accordance with § 101–26.302–6, unless otherwise excepted by the Joint Committee on Printing.

### § 101–26.302–2 Agency responsibilities.

(a) Agencies shall assure that such items are obtained from GSA in the same manner as other items listed in the GSA Stores Stock Catalog. Agencies with central forms control and procurement may, however, place consolidated orders with GSA Region 3.

(b) Where proposed new or revised standard forms are submitted to other agencies for comment, all agencies concerned shall advise their using and procurement activities of the proposal, so that they will not acquire large stocks of a form which may be scheduled for revision or obsolescence.

(c) Upon receipt of notification from GSA, agencies shall provide for proper dissemination of information to all applicable levels concerning changes, additions, or deletions in items covered by this § 101–26.302, including the date of availability from GSA supply depots and the use of disposition of existing stocks.

(d) It shall be the responsibility of the head of each agency to secure approval from the Joint Committee on Printing for any agency reproduction of stocks of blank standard or optional forms.

### § 101–26.302–3 Obtaining items from GSA supply depots.

Supplies of stock items shall be obtained by all Federal agencies by the submission of requisitions to the appropriate GSA supply depot. Supplies of currently usable standard and optional forms will be issued by GSA in accordance with instructions furnished by promulgating agencies.

### § 101–26.302–4 Deviations from the text or format of standard or optional forms and other printed items.

Except for planning purposes, the content of construction (where specified) of standard or optional forms, blankbooks, pamphlets, or miscellaneous printed matter listed in the GSA Stores Stock Catalog (Standard Forms Supplement) or which agencies have been advised will be listed in such catalog, may not be altered or modified without prior written approval from the promulgating agency. Requisitions for such items shall be submitted, with a copy of the letter of approval, to GSA in accordance with § 101–26.302–5.

### § 101–26.302–5 Obtaining specially manufactured standard or optional forms.

Forms or form assemblies that deviate in any manner in their construction from those listed in the GSA Stores Stock Catalog (Standard Forms Supplement) are not stocked or distributed by GSA. Examples of this category are most serially numbered forms, overprinted forms, snapout sets, special combinations of forms, and forms requiring paper of a different grade, weight, or color





than that regularly prescribed by the promulgating agency. Such items shall be procured as follows:

(a) Federal agencies requiring such nonstock forms shall prepare and transmit Standard Form 1, Printing and Binding Requisition (illustrated at § 101–26.4901) or Standard Form 1–C, Printing and Binding Requisition for Specialty Items (illustrated at § 101–26.4901–1C) directly to GSA Region 3, Federal Supply Service, Washington, D.C., 20407, for submission to the Government Printing Office.

(b) Where proofs are requested by the ordering agency, final proofs may be submitted to GSA Region 3 for a review of conformity with standard format and approved exceptions prior to their return to the vendor. Where proofs are not so reviewed GSA cannot be held responsible for the acceptability of the final product.

(c) Certain die-impressed stencils, hectograph masters, preprinted masters, and other adaptations of standard and optional forms which are not listed in the GSA Stores Stock Catalog (Standard Forms Supplement) may be procured directly from commercial sources by virtue of a waiver from the Government Printing Office. In such cases the procuring agency may:

(1) Prior to preparation of the purchase order, submit the complete printer's copy to GSA Region 3, for clearance and return, or

(2) After preparation of the purchase order, route the purchase order, with printer's copy attached, through GSA Region 3, for clearance.

(d) Scheduling of production, delivery instructions, and billing for forms not stocked by GSA shall be handled directly between the Government Printing Office (or other vendor) and the ordering agency.

(e) To minimize agency printing and binding costs, requisitions for the forms listed below shall be transmitted in accordance with the submission dates shown in this paragraph. GSA Region 3, will accumulate the requisitions, assign control numbers, and transmit them to the Government Printing Office on the scheduled dates, thereby making consolidated production runs possible.

| Standard form No. | Title | Date(s) due in GSA Region 3 |
|---|---|---|
| 1 | Requisition for Printing and Binding. | June 15. |
| 44 | Purchase Order-Invoice-Voucher. | June 15. |
| 50 | Notification of Personnel Action. | Apr. 15; Oct. 15. |
| 147 | Order for Supplies or Services. | Dec 15. |
| 148 | Order for Supplies or Services (Schedule-Continuation). | Dec. 15. |
| 502 | Narrative Summary..... | Mar. 15; Sept. 15. |
| 514–514M | Laboratory Reports..... | Jan. 15; July 15. |
| 519A | Radiographic Reports..... | Mar. 1; Sept. 1. |
| 1044 | Schedule of Collections... | June 15. |
| 1080 | Voucher for Transfer Between Appropriations and/or Funds (Disbursement). | Dec 15. |
| 1103 | U.S. Government Bill of Lading. | Feb. 1; Aug. 1. |
| 1109 | U.S. Government Bill of Lading (Continuation) | Dec. 15. |
| 1114 | Bill for Collection..... | Dec. 15. |
| 1126 | Payroll Change Slip..... | Feb. 15; Aug. 15. |
| 1130 | Time and Attendance Report. | Apr. 1. |
| 1131 | U.S. Government Transit Bill of Lading. | Apr. 1. |
| 1166 | Voucher and Schedule of Payments. | May 1; Nov. 1. |
| 1167 | Voucher and Schedule of Payments (Continuation). | May 1; Nov. 1. |
| 1168 | Request for Issuance of U.S. Savings Bonds—Series E. | Dec. 15. |
| 1169 | U.S.A. Transportation Request. | Nov. 1. |
| 1170 | Redemption of Unused Tickets. | Nov. 1. |

(1) Requisitions for forms other than those listed above, may be submitted at any time for processing and transmission to the Government Printing Office.

(2) In those cases where the scheduled submission dates do not coincide with agency replenishment cycles, agencies shall, in the interest of Government-wide economy, adjust the quantity ordered on their next requisition to bring their cycle into agreement with the schedule established by GSA.

(3) Should unforeseen requirements arise between scheduled submission dates, interim orders for the forms listed above, may be submitted to GSA Region 3 with a statement setting forth the urgency of the requirement and requesting immediate transmittal to the Government Printing Office.

### § 101–26.302–6 Promulgation, modification, or revision of forms and related items.

(a) *Standard and optional forms.* Standard Form 84, Stock Action Request, shall be used by promulgating agencies to notify GSA of agency action in connection with the promulgation, modification, revision or cancellation of standard and optional forms and related items. Standard Form 84, (illustrated at § 101–26.49–84) shall be submitted in original only to General Services Administration Region 3, Federal Supply Service, Washington, D.C., 20407.

(1) Prior to the promulgation of a standard or optional form, the promulgating agency shall have complied with Bureau of the Budget Circular A–17 Revised, and/or Title 9 of the Policy and Procedures Manual of the General Accounting Office in obtaining clearance for promulgation of a new form, or for modification or revision of an existing form. A copy of the BOB approval shall be transmitted with the printer's copy to GSA, Region 3, as an attachment to Standard Form 84.

(2) When the expected date of release of final copy for a new, modified or revised form has been established, a notice of intent, which may be a draft of the proposed promulgating document, shall be submitted to GSA, Region 3. This notice shall indicate the expected release date of final copy, where and by whom forms are to be stocked, and, in the case of a revision, shall also include instructions for utilizing and disposing of existing stocks of the superseded form.

(3) Upon initiation of any action or procedure which will result in revision, modification, or cancellation, or which will otherwise affect any GSA depot stock item of forms, the promulgating agency shall notify GSA Region 3 (using Standard Form 84) sufficiently in advance to preclude overstockage or further printing of the item(s) involved, and allow maximum utilization of existing stocks.

(i) In those cases where a new or revised form cancels previous editions, promulgating agencies shall give full consideration to the utilization of present stocks of the older form and, whenever possible, shall establish a use date which will permit maximum issuance of stocks held by GSA and other agencies.

(ii) Information on existing stocks shall be obtained from GSA Region 3, which will coordinate with major using agencies in determining the total Government stock position.

(4) The effective date for use of new or revised forms shall be coordinated with GSA Region 3, in order to give full consideration to the total stock position, as well as printing and distribution requirements, but in no case should it be less than 45 days after the final proofs have been returned to GSA Region 3. Where the effective date for use of a mandatory form is established or prescribed by law, the promulgating agency shall develop and process the prescribed form in sufficient time to permit GSA a minimum of 45 days for printing and distribution to GSA supply depots.

(5) New or revised forms shall be submitted to GSA Region 3, for production. The transmittal shall include complete printer's copy, one copy of Standard Form 84, a copy of the promulgating document, and a copy of the BOB or GAO approval. GSA Region 3 will assign a control number, arrange for production of supplies of the new or revised form, and request that proofs be sent directly to the promulgating agency for approval. Such proofs, indicating all necessary changes, shall be transmitted by the promulgating agency to GSA Region 3, for review and return to the Government Printing Office or vendor.

(6) Even though a standard form is not to be stocked by GSA the same procedures as set forth in this paragraph (a) will be followed except that 100 copies of the new or revised form shall be delivered to GSA Region 3 as soon as copies of the form are published.

(b) *Agency forms and miscellaneous items.* When an agency desires to utilize the storage and distribution facilities of GSA for the Government-wide distribution of its forms or publications, its request shall be submitted on Standard Form 84 to GSA Region 3. The request should include a description or sample copy of the item, recommended distribution points, estimated annual usage, and

any other pertinent factors. Upon approval by GSA, the procedure established in paragraph (a) of this section shall be followed.

**§ 101–26.302–7 Information concerning changes.**

(a) Agencies will be notified of additions, revisions, and deletions of standard and optional forms through changes to the Standard and Optional Forms Facsimile Handbook. Such notifications will include information as to the official availability schedule for latest editions, identification of usable editions, disposal of existing stocks, and other pertinent information for use by agencies' forms management personnel.

(b) Notifications of the availability date for new or revised standard or optional forms will be released by GSA as soon as a firm commitment for delivery has been received from the Government Printing Office. Where a revision does not obsolete previous editions, which are to be used until exhausted, supplies of the revised editions may not be available for a considerable time after announcement of the revision. In such cases, all agency requisitions will be filled with the earliest usable edition stocked by the GSA supply depots, with later editions being issued as stocks of previous editions become depleted.

**§ 101–26.302–8 Disposition of excess or obsolete standard forms.**

(a) Standard forms which are excess to the needs of an agency shall be reported to GSA in the same manner as other excess personal property pursuant to Part 101–43 of this chapter.

(b) Reports by the military services of excess standard forms may be made to GSA Region 3, by consolidated letter report or submission of Standard Form 120, Report of Excess Personal Property.

(c) Obsolete forms should not be reported but should be determined to be surplus and disposed of under the provisions of Part 101–45 of this chapter. Obsolete accountable forms must be mutilated in the process of disposition and the accountability record closed by noting the action taken.

**§ 101–26.302–9 Employee suggestions.**

Employee suggestions affecting any of the items included in this § 101–26.302 shall be evaluated first within the agency where the suggestion originates, then submitted to the agency shown on the form as the promulgating agency. Where the physical characteristics of the item or its stocking or distribution are involved, the promulgating agency shall consult with GSA Region 3, before taking final approval action on the suggested change.

**§ 101–26.303 Out-of-stock items at GSA regional offices.**

**§ 101–26.303–1 General.**

Generally, back-ordering by GSA of out-of-stock items is more advantageous to requisitioning agencies than cancelling the items, as an order priority is established which assures shipment within a reasonable time. Further, reordering by the requisitioning agency from another source of supply is eliminated. However, out-of-stock items will not be back-ordered when they are urgently needed and the agency prefers to procure them from local sources, or when the overall cost to the Government can be reduced by purchase of such items from local sources.

**§ 101–26.303–2 Notice to GSA.**

(a) When submitting orders for stock items, agencies may request GSA regional offices to cancel any or all items not available by indicating on the order, "Cancel Out-of-Stock Items" or "Cancel the Following Lines if Out-of-Stock * * *." The requests shall be based upon a determination by the agency that the item or items are urgently needed and are available from local sources, or that the overall cost to the Government will be reduced. In such cases, out-of-stock items will be canceled and may be purchased without further clearance from GSA.

(b) Unless otherwise notified, a back-order will be established for each out-of-stock item and the agency notified of the approximate date when shipment will be made. Upon receipt of such notification, the ordering agency will (1) determine if the shipping date will meet its needs, considering the practicality of local purchase of interim requirements, and accept the back-order, (2) request a suitable substitute item, or (3) request cancellation of the back-order if the item or items are urgently needed, or if local procurement would be in the best interest of the Government. GSA regional offices will approve the cancellation or advise the requisitioning office of any other action taken. The requisitioning office shall await reply from the regional office before procuring its requirement elsewhere.

**§ 101–26.303–3 Exceptions.**

Standard forms, office furniture, and blind and prison-made items which are temporarily out-of-stock will be back-ordered in all cases and notification furnished as to the expected delivery date. However, blind or prison-made items may be procured from commercial sources by requisitioning agencies to the extent indicated in § 101–26.301(l). If such action is taken, the requisitioning agency shall request cancellation of pertinent back-orders established by the GSA regional office.

**§ 101–26.304 Substitution policy.**

In supplying items requisitioned from GSA depot stock, GSA regional offices will substitute both regular and excess property without prior notification, unless the proposed substitute is used, reconditioned, or differs in some substantial characteristic from the item requisitioned. Notice of intent to substitute will be given in all cases and, if desired, an opportunity will be provided to inspect the substitute prior to shipment.

**§ 101–26.305 Orders for stock items.**

(a) Orders for items of stock to be shipped to users within the continental United States shall be submitted in original only. Orders for items for export shipment (including shipments to Alaska and Hawaii) shall be submitted in duplicate. Orders in FEDSTRIP format shall be submitted as prescribed in Subpart 101–26.2.

(b) The information shown on agency orders will be used by GSA to prepare invoice-shipping documents mechanically. Copies of these documents will be used to inform requisitioning agencies of the supply action taken on each item ordered, as packing lists to assist consignee points in checking incoming shipments, and for subsequent billing for merchandise shipped.

**§101–26.306 Planned requisitioning for GSA stock items.**

In placing requisitions for stock items with GSA regional offices, agencies shall follow schedules or cycle plans which will reduce the number of transactions to the most economical level for both the agency served and GSA.

**§ 101–26.306–1 Establishment of requisitioning schedules.**

GSA regional offices will develop jointly with each agency served schedules for the frequency and timing for submission of stock requisitions. Upon establishment of such schedules, ordering agencies shall accumulate requirements during the period between scheduled submission dates in order to permit their inclusion on the same requisition, and note the established requisitioning date on each request submitted. In establishing such schedules, due regard shall be given to ordering frequencies which are required to comply with the economic order quantity principle.

**§ 101–26.306–2 Urgent requirements.**

Requests for unforeseen urgent requirements which are submitted between scheduled requisitioning dates shall be kept to a minimum consistent with good supply practices.

**§ 101–26.306–3 Requisitions valued at $25 or less.**

Whenever practicable, requisitioning schedules shall be established on a frequency basis that will assure that the value of each requisition exceeds $25. Whenever such scheduling is not practicable, the agency shall determine whether it is to the best interest of the Government to procure its requirements from GSA stocks or from local sources.

**§ 101–26.307 Processing overages, shortages, and damages.**

**§ 101–26.307–1 Reporting requirements.**

(a) When overages, shortages, or damages are incurred in shipments of stores stock items made by GSA, agencies shall document such discrepancies with sufficient information to enable initiation and processing of claims against carriers for shortages and damages and the disposition of any overages and shortages in shipment.

(b) GSA Form 1052, Over, Short, and/or Damage Report (illustrated at § 101–26.4902–1052), shall be used to report discrepancies in accordance with instructions contained in this § 101–26.307 and the GSA Handbook, "Over, Short, or Damaged Shipments from GSA Supply Depots", promulgated by the Commissioner, Federal Supply Service. GSA Form 1052 is stocked in GSA Supply Depots under Stock Number 7540–965–2403. Agency requirements should be ordered in the same manner as standard and optional forms.

(c) Delay in submission of over, short, and damage reports, including those covering shipper discrepancies, will delay GSA adjustment action and may complicate claims action against carriers. Accordingly, reports shall be prepared promptly and mailed in sufficient time to be received by the GSA regional office no later than 15 days after receipt of shipment.

**§ 101–26.307–2 Adjustments.**

GSA will adjust any damage or other discrepancy resulting from over or under deliveries or from over or under charges. When the difference involved represents an amount of $5 or less on any one invoice, no adjustment in billing or payment is required. (GAO Manual, Title 7, Paragraph 4220.30). However, agencies are not relieved from the requirement to report discrepancies on GSA Form 1052 when the value involved is less than $5.

**§ 101–26.307–3 Inquiries relating to GSA shipments.**

Inquiries relating to GSA shipments should be directed to the appropriate addressee of the GSA regional office shown in the current edition of the GSA Stores Stock Catalog.

## Subpart 101–26.49—Illustrations of Forms

**§ 101–26.4900 Scope of subpart.**

This subpart illustrates forms prescribed or available for use in connection with subject matter covered in other subparts of Part 101–26.

**§ 101–26.4901 Standard forms.**

The standard forms are illustrated in this section to show their text, format, and arrangement and to provide a ready source of reference. The subsection numbers in this section correspond with the standard form numbers.

NOTE: The forms in §§ 101–26.4901–1—101–26.4901–84 filed as part of the original document. Copies may be obtained from Central Office, GSA.

**§ 101–26.4901–1 Standard Form No. 1: Printing and Binding Requisition.**

**§ 101–26.4901–1C Standard Form No. 1–C: Printing and Binding Requisition for Speciality Items**

**§ 101–26.4901–84 Standard Form 84: Stock Action Request (Standard Forms and Related Items).**

**§ 101–26.4902 GSA forms.**

The GSA forms are illustrated in this section to show their text, format, and arrangement and to provide a ready source of reference. The subsection numbers in this section correspond with the GSA form numbers.

NOTE: The forms in §§ 101–26.4902–952—101–26.4902–1348–1 filed as part of the original document. Copies may be obtained from Central Office, GSA.

**§ 101–26.4902–952 GSA Form 952: Single Line Item Billing Register.**

**§ 101–26.4902–1052 GSA Form 1052: Over, Short, and/or Damage Report.**

**§ 101–26.4902–1348 (6–PT) GSA Form 1348 (6–PT), GSA Single Line Item Requisition Document (MANUAL).**

**§ 101–26.4902–1348m GSA Form 1348m: Single Line Item Requisition System Document (MECHANICAL).**

**§ 101–26.4902–1348–1 GSA Form 1348–1: Single Line Item Release/Receipt Document.**

**§ 101–26.4902–1348–4 GSA Form 1348–4: Multiline Requisition.**

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

# PART 101–38—MOTOR EQUIPMENT MANAGEMENT


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101–38.4909 Notice to GSA of assignment of billing codes and billing addresses for U.S. Government National Credit Card.


AUTHORITY: The provisions of this Part 101–38 issued under sec. 205(c), 63 Stat. 390; to U.S.C. 486(c).

## § 101–38.000 Scope of part.

The provisions of this part prescribe policies and methods governing the economical and efficient management and control of Government-owned motor vehicles and motor vehicles rented or leased to the Government, including reporting, registration, inspection, identification, and the procurement and use of Standard Form 149, U.S. Government National Credit Card, for obtaining deliveries of gasoline, lubricants, fuel oil (diesel), kerosene, and related services under Federal Supply Schedule contracts.





### Subpart 101–38.0—Definition of Terms

## § 101–38.001 Definitions.

As used in this Part 101–38, the following terms shall have the meanings stated:

## § 101–38.001–1 Acquired for official purposes.

"Acquired for official purposes" means motor vehicles located in the United States, its territories, or possessions (a) owned by a Federal agency or the District of Columbia, or (b) rented or leased from private or commercial sources for a period exceeding three successive months by a Federal agency or the District of Columbia, unless otherwise herein provided. The definition of this term shall not be construed as authorizing the use of motor vehicles under (b) for a period less than three months in any manner other than for official purposes.

## § 101–38.001–2 Commercial design motor vehicles.

"Commercial design motor vehicles" means motor vehicles procurable from regular production lines and available also for civilian use. Commercial design motor vehicles are further classified as transport design and special design motor vehicles.

(a) "Transport design motor vehicles" means motor vehicles commercially designed to provide transportation service, i.e., transportation of personnel or cargo. This definition includes any motor vehicle designed for transportation service even though modified locally as an expedient for meeting special needs, e.g., snowplows, etc.

(b) "Special design motor vehicles" means motor vehicles commercially designed for special purpose uses, e.g., fire engines, rotary snowplows, and other vehicles with mounted equipment which are used for purposes other than to provide transportation service for personnel, supplies, or equipment. This definition excludes any motor vehicle designed for transport modified locally as an expedient for meeting special needs, e.g., snowplows, etc.

## § 101–38.001–3 Military design motor vehicles.

"Military design motor vehicles" means motor vehicles (excluding general purpose commercial design) designed in accordance with military specifications to meet transportation requirements for the direct support of combat or tactical operations, or for training of troops for such operations.

## § 101–38.001–4 Identification.

"Identification" means the official legend "For Official Use Only", and other identification showing either the full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or a title descriptive of the service in which it is used, if such title readily identifies the department, establishment, corporation, or agency concerned.

## § 101–38.001–5 Metropolitan area of Washington, D.C.

"Metropolitan area of Washington, D.C." means the area which includes the District of Columbia and Alexandria City; Arlington and Fairfax Counties, Virginia; and Montgomery and Prince Georges Counties, Maryland.

## § 101–38.001–6 Holding agency.

"Holding agency" means an executive agency having accountability for motor vehicles owned by or rented or leased to the Government. In case of motor vehicles owned by the Government, it is the agency which has authority to take possession of, assign, or reassign the motor vehicles regardless of which agency is using the motor vehicles. In the case of motor vehicles rented or leased from private or commercial sources, it is the agency administering the rental agreement or lease and making payment thereon.

## § 101–38.001–7 Reporting agency.

"Reporting agency" means a department or independent establishment or bureau or comparable organizational unit of such department or independent establishment having overall management responsibility or accountability for 2,000 or more reportable vehicles. For example, a department having ten bureaus, two of which have custody of or accountability for over 2,000 reportable vehicles on a worldwide basis would transmit two separate reports for those two bureaus.

## § 101–38.001–8 Tag.

"Tag" means the official U.S. Government motor vehicle identification plate, District of Columbia license plate, or license plate of any State, territory, or possession of the United States.

## § 101–38.001–9 Contractor.

"Contractor" means a holder of supply contract who is listed in the current Federal Supply Schedule, FSC Group 91, Part III, Gasoline, Lubricants, Fuel Oil (Diesel), Kerosene and Related Services.

## § 101–38.001–10 Service station.

"Service station" means any gasoline service station operated by, or in the name of, or for the contractor, and also those operated by independent merchants dispensing supplies and services of a contractor.

## § 101–38.001–11 Supplies.

"Supplies" means regular grade gasoline, diesel oil, and regular and premium grade lubricating oil. These are regularly refined products which are furnished the public at service stations.

## § 101–38.001–12 Services.

"Services" means the furnishing by service stations of lubrication services; oil filter elements; air filter service; tire and tube repairs; battery charging; washing and cleaning services; permanent type antifreeze; emergency replacement of defective spark plugs, fan belts, windshield wipers, lamps, and other emergency repairs known in the automobile trade as "road repairs."

## § 101–38.001–13 Billing code.

"Billing code" means a 10-digit number that is always the first embossed line on the Standard Form 149, U.S. Government National Credit Card.

## § 101–38.001–14 Billing address.

"Billing address" means the name of the agency and the address to which contractors shall send statements covering the purchases of supplies and services by the user of the Standard Form 149.

## § 101–38.001–15 Tag number.

"Tag number" means the tag number of the vehicle for which the credit card is issued, and is always the fifth embossed line. A credit card may be used only for supplies or services delivered to the vehicle bearing the tag or registration number embossed thereon.

## § 101–38.001–16 Billing data.

"Billing data" means the billing code, billing address, and tag number as defined in §§ 101–38.001–13 through 101–38.001–15.

## Subpart 101–38.1—Reporting Motor Vehicle Data

### § 101–38.100 Scope of subpart.

This subpart sets forth (a) policies and procedures for the reporting of motor vehicle data on Government-owned motor vehicles by a reporting agency; (b) information in connection with the requirements of the Bureau of the Budget Circular No. A–66; and (c) the responsibility of holding agencies for maintaining cost and operating data.

### § 101–38.101 Annual motor vehicle report.

A reporting agency means a department or independent establishment or bureau or comparable organizational unit of such department or independent establishment having overall management responsibility or accountability for 2,000 or more reportable vehicles. For example, a department having ten bureaus, two of which have custody of or accountability for over 2,000 reportable vehicles on a worldwide basis would transmit two separate Standard Forms 82, Annual Motor Vehicle Report (see § 101–38.001–7) for those two bureaus.

### § 101–38.101–1 Date for submission.

Each reporting agency shall submit Standard Form 82, Annual Motor Vehicle Report, in duplicate, by September 15, for the preceding fiscal year to the General Services Administration, Transportation and Communications Service, Motor Equipment Management Division, Washington, D.C., 20405. Detailed instructions for the preparation of Standard Form 82 are shown on the reverse of the form (for illustration of form, see § 101–38.4901).

### § 101–38.101–2 Vehicles to be reported.

Standard Form 82 shall include the reporting agency's Government-owned motor vehicles for which the reporting agency was accountable during the fiscal year in the United States, its territories and possessions, including the Canal Zone. Reportable data for motor vehicles located in foreign countries shall be included on a separate Standard Form 82 (except that the Department of Defense shall not report military design motor vehicles described in § 101–38.001–3).

### § 101–38.101–3 Reporting data on vehicles not operated by reporting agency.

If a reporting agency's motor vehicles are operated by another agency, the reporting agency shall report the data so that no data will be omitted or duplicated. The agency operating such motor vehicles shall submit to the reporting agency a report of expenditures incurred in the operation, maintenance, and repair of the motor vehicles. This report shall be submitted to reporting agency in sufficient detail to permit the reporting agency to include such expenditures on its Standard Form 82.

### § 101–38.101–4 Transfer of accountability.

When a reporting agency transfers accountability for a motor vehicle to or receives accountability from another agency, each reporting agency shall include in its report the data for such motor vehicle for the period of time held.

### § 101–38.101–5 Department of Defense vehicles.

The Department of Defense shall report Government-owned commercial design motor vehicles of the Department of Defense (see § 101–38.001–2).

### § 101–38.102 Standard Form 80.

The Bureau of the Budget will furnish copies of Standard Form 80, Report of Motor Vehicle Data, to GSA for motor vehicle inventory data.

### § 101–38.103 Records.

It is the responsibility of each reporting agency to develop adequate accounting and reporting procedures to insure accurate reporting of cost and operating data needed for the management and control of motor vehicles and to fulfill the requirements of this subpart.

## Subpart 101–38.2—Registration and Inspection

### § 101–38.201 Registration and inspection in the District of Columbia.

### § 101–38.201–1 Registration.

(a) All motor vehicles acquired for official purposes and regularly based or housed in the District of Columbia shall be registered in the District of Columbia, Department of Vehicles and Traffic, in accordance with section 40–102(b)(2) of the District of Columbia Code. Each motor vehicle shall be reregistered during February of each year. Special forms for registering motor vehicles are available from the Department of Vehicles and Traffic of the District of Columbia.

(b) The District of Columbia Code requires that the application for registration of title be accompanied by a certificate of origin, bill of sale, or other document attesting Government ownership. In the event such documents have been lost, destroyed, or are unavailable, GSA Form 1020, United States Government Certificate of Ownership (for illustration of form, see § 101–38.4902), certified by GSA, will be accepted by the District of Columbia in lieu of the missing documents. The holding agency may obtain GSA Form 1020 from the General Services Administration, Transportation and Communications Service, Motor Equipment Management Division, Washington, D.C., 20405, upon furnishing adequate proof of Government ownership.

### § 101–38.201–2 Inspection.

Each registered motor vehicle shall be inspected annually in accordance with section 40–204 of the District of Columbia Code and applicable regulations issued thereunder. If the motor vehicle passes inspection, a current "Approval Inspection Sticker" will be provided by the Department of Vehicles and Traffic.

### § 101–38.201–3 Charges.

No charge is made for registration and inspection in the District of Columbia.

### § 101–38.202 Registration and inspection outside the District of Columbia.

Motor vehicles acquired for official purposes and regularly based or housed outside the District of Columbia need not be registered in the States, territories, or possessions in which they are primarily used, except that motor vehicles exempted under Subpart 101–38.6 shall be registered and inspected in accordance with the laws of the State, territory, or possession involved.



## Subpart 101–38.3—Official Government Tags

No. 212

### § 101–38.301 General requirements.

Official Government tags shall be used only on Government-owned or -leased motor vehicles.

### § 101–38.302 Records.

Each holding agency shall maintain a current record of all official Government tags in use on motor vehicles for which such agency is accountable. Such records shall specify the motor vehicle for which the tags are assigned and shall include complete information regarding all reassignments of tags and voided tag numbers.

### § 101–38.303 Procurement.

### § 101–38.303–1 Procurement in the District of Columbia.

(a) Official U.S. Government tags will be issued to Federal agencies by the District of Columbia, Department of Vehicles and Traffic, without charge, pursuant to the provisions of section 40–102(b)(2) of the District of Columbia Code, at the time the motor vehicle is registered or reregistered as prescribed in § 101–38.201–1.

(b) Government-owned motor vehicles registered in the District of Columbia in accordance with § 101–38.201–1 and displaying official U.S. Government tags shall have affixed to the tags metal letter tabs bearing the letter code prescribed in § 101–38.304 to designate the agency having accountability for such motor vehicles. The official U.S. Government tags issued by the District of Columbia are fabricated so that the metal letter tabs may be fastened to them. Such letter tabs shall be purchased from the General Services Administration, Region 3, Washington, D.C., 20407.

### § 101–38.303–2 Procurement outside the District of Columbia.

(a) Federal agencies operating motor vehicles acquired for official purposes outside the District of Columbia (except for motor vehicles exempted under Subpart 101–38.6) shall procure official U.S. Government tags from the Superintendent of Industries, District of Columbia, Department of Corrections, Lorton, Virginia.

(b) Tags will be fabricated from aluminum, treated against salt erosion, and baked enamel surface. These plates have an estimated life expectancy of five years.

(c) In ordering tags, the following information shall be furnished:

(1) Purchase orders shall include the code letters and numbers to be imprinted on the tags; the dates on which deliveries are required; the consignee and shipping instructions; the symbol number of the appropriation to be charged; and the signature of an officer authorized to obligate the cited appropriation.

(2) For obligating purposes, the ordering agency should consult the prices for vehicle identification tags listed in the Current Price List of Industrial Products and Services issued by the Superintendent of Industries. Federal agencies and/or their field activities may request the Superintendent of Industries, District of Columbia, Department of Corrections, Lorton, Virginia, to add their name to the mailing list to receive price lists as issued.

(3) When requested by the ordering agency, tags will be shipped directly to field stations. If the size of the shipment requires the use of a Government bill of lading, the bill of lading shall accompany the purchase order. If the size of the shipment permits mailing, the Department of Corrections will supply the necessary postage and will add the cost to the invoice.

(4) Upon receipt of an appropriate billing document, each agency shall make payment direct to the Superintendent of Industries, District of Columbia, Department of Corrections, Lorton, Virginia.

### § 101–38.304 Numbering and coding.

### § 101–38.304–1 Code designations.

Official U.S. Government tags, except tags issued by the District of Columbia pursuant to § 101–38.303–1, shall be numbered serially for each agency, beginning with 101, and shall be preceded by a letter code designating the agency having accountability for the motor vehicles as follows:

| | |
|---|---|
| Agriculture, Department of | A |
| Air Coordinating Committee | AC |
| Air Force, Department of the | AF |
| Army, Department of the | W |
| Atomic Energy Commission | E |
| Civil Aeronautics Board | CA |
| Emergency Planning, Office of | EP |
| Civil Service Commission | CS |
| Commerce, Department of | C |
| Defense, Department of | D |
| Defense Supply Agency | DS |
| District of Columbia Redevelopment Land Agency | LA |
| Executive Office of the President | EO |
| Bureau of the Budget; Council of Economic Advisers; National Security Council. | |
| Export-Import Bank | EB |
| Federal Aviation Agency | FA |
| Federal Communications Commission | FC |
| Federal Deposit Insurance Corporation | FD |
| Federal Mediation and Conciliation Service | FM |
| Federal Power Commission | FP |
| Federal Reserve System | FR |
| Federal Trade Commission | FT |
| General Accounting Office | GA |
| General Services Administration | GS |
| Government Printing Office | GP |
| Health, Education, and Welfare, Department of | HW |
| Housing and Home Finance Agency | HH |
| Interagency Motor Pool Systems | G |
| Interior, Department of the | I |
| Interstate Commerce Commission | IC |
| Judicial Branch of the Government | JB |
| Justice, Department of | J |
| Labor, Department of | L |
| Legislative Branch of the Government | LB |
| National Aeronautics & Space Administration | NA |
| National Capital Housing Authority | NH |
| National Capital Planning Commission | NP |
| National Guard Bureau | NG |
| National Labor Relations Board | NL |
| National Science Foundation | NS |
| Navy, Department of the | N |
| Operations Coordinating Board | OB |
| Panama Canal Company | PC |
| Peace Corps | PCV |
| Post Office Department | P |
| Railroad Retirement Board | RR |
| Renegotiation Board | RB |
| Securities and Exchange Commission | SE |
| Selective Service System | SS |
| Small Business Administration | SB |
| Smithsonian Institution | SI |
| National Gallery of Art | |
| Soldiers Home, U.S. | SH |
| State, Department of | S |
| Tennessee Valley Authority | TV |
| Treasury, Department of the | T |
| United States Information Agency | IA |
| Veterans Administration | VA |
| Virgin Islands Corporation | VC |

### § 101–38.304–2 Request for additional code designations.

Additional code designations may be prescribed by GSA upon request of a Federal agency.

### § 101–38.305 Display, assignment, and removal of U.S. Government tags.

### § 101–38.305–1 Display.

Each motor vehicle acquired for official purposes (except vehicles exempted by Subpart 101–38.6) shall display official U.S. Government tags mounted on the front and rear of the vehicle. Motor vehicles of the Department of Defense shall be governed by Subpart 101–38.5.

### § 101–38.305–2 Assignment.

Official U.S. Government tags shall be used on the motor vehicles to which originally assigned until such vehicles are removed from the Government service or transferred to another agency, or until the tags have become mutilated or defaced so as to necessitate their replacement.

### §101–38.305–3 Removal.

Whenever a motor vehicle is removed from Government service or transferred to another agency, the official U.S. Government tags shall be removed. Subject to the provision of § 101–38.305–4, such tags may be transferred to a new motor vehicle acquired for official purposes, returned to stock for subsequent use, or voided against further use, as determined by the head of the holding agency concerned, or his designee. Tags which are voided shall be so defaced or destroyed as to prevent their re-use.

### § 101–38.305–4 U.S. Government tags issued by District of Columbia.

Official U.S. Government tags issued by the District of Columbia may be transferred, after approval by the Director of Vehicles and Traffic of the District of Columbia, only to another Government-owned or -leased motor vehicle of the same agency operating such vehicle in the District of Columbia. Damaged or mutilated tags finally removed from vehicles operating in the District of Columbia shall be delivered to the District of Columbia Department of Vehicles and Traffic for cancellation. Whenever motor vehicles regularly based or housed in the District of Columbia are transferred to operation in field areas or are removed from Government service or transferred to another agency, the official U.S. Government tags issued by the District of Columbia shall be removed and delivered to the District of Columbia Department of Vehicles and Traffic for cancellation.

## Subpart 101–38.4—Official Legend and Agency Identification

**§ 101–38.401 General requirements.**

(a) Each motor vehicle acquired for official purposes (except vehicles exempted by Subpart 101–38.6) shall display the legend "For Official Use Only" and agency identification as provided in § 101–38.403. Motor vehicles of the Department of Defense shall be governed by Subpart 101–38.5.

(b) Where motor vehicles at present display agency identification substantially in accordance with this subpart, such identification need not be replaced until necessary because of damage or wear or until replacement can be accomplished without excessive expense.

(c) Motor vehicles rented or leased from private or commercial sources for a period of 6 months or less and used primarily for off-highway work need not display the legend "For Official Use Only" and agency identification; however, such vehicles leased for periods longer than 3 months shall display official U.S. Government tags as prescribed in § 101–38.305.

**§ 101–38.402 Agency identification.**

The full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or a title descriptive of the service in which it is used if such title readily identifies the department, establishment, corporation, or agency concerned, shall be displayed conspicuously in letters of a color that is in definite contrast to the background color. The principal identifying word or words or the full title of such agency identification shall be in letters ¾-inch high. Subsidiary words, or titles of subordinate units, if desired, may be in letters ½-inch high. The identification may be applied through use of decalcomanias (pressure sensitive type). For examples of suggested possible arrangements, see illustration in § 101–38.4903.

**§ 101–38.403 Display of legend and agency identification.**

Each motor vehicle shall display the legend "For Official Use Only", and immediately below it the agency identification located as follows:

(a) On passenger cars, station wagons, ambulances, buses, carryalls, firetrucks, trucks, and tractors, centered on both front doors or in an equivalent position relative to the driver's seat, if there is no door.

(b) On trailers, vertically centered on both sides of front quarter of the vehicle.

(c) On motorcycles (sidecars only), vertically centered on the outside panel of the sidecar.

**§ 101–38.404 Procurement of decalcomanias.**

GSA will not stock decalcomanias for issue to other agencies. It is the responsibility of each agency to procure the decalcomania (pressure sensitive type) for their use.

**§ 101–38.405 Removal of legend and agency identification.**

Whenever a motor vehicle is permanently removed from Government service, prior to the transfer of its title or its actual delivery, there shall be removed therefrom the legend "For Official Use Only", agency identification, and any other identification as a Government motor vehicle.

## Subpart 101–38.5—Motor Vehicles of the Department of Defense

**§ 101–38.501 Commercial design motor vehicles.**

Commercial design motor vehicles of the Department of Defense shall be identified as prescribed in Subpart 101–38.4, provided that outside the District of Columbia such vehicles need not carry official Government tags if (a) such vehicles conspicuously display, in the manner provided in Subpart 101–38.4, a title descriptive of the service to which the vehicle is assigned, a registration number assigned by the service, and the legend "For Official Use Only," and (b) the title of the service and the registration number are displayed on the rear of the vehicle, where practicable.

**§ 101–38.502 Military design motor vehicles.**

Military design motor vehicles shall be identified as prescribed by the Secretary of Defense, except that such vehicles based in Washington, D.C. (except those exempted under Subpart 101–38.6) shall bear, in addition to such identification as may be prescribed by the Secretary of Defense, the official Government tags.



## Subpart 101–38.6—Exemptions From Use of Official U.S. Government Tags and Other Identification

**§ 101–38.601 General requirements.**

Motor vehicles (other than military design motor vehicles) acquired for official purposes, but which are exempted by the provisions of this subpart from the display of official U.S. Government tags and other identification, shall carry the regular license plates issued by the State, Commonwealth, or possession in which such motor vehicle is principally operated, or issued by the District of Columbia if the motor vehicle is regularly based or housed in the District of Columbia.

**§ 101–38.602 Unlimited exemptions.**

Unlimited exemptions from the requirement to display official U.S. Government tags and other identification are granted for the specific organizational units of the Federal agencies listed below, subject to the provisions of § 101–38.606, for those motor vehicles which are used in duties where conspicuous identification would interfere with the purpose for which the vehicle was acquired and used, as follows:

(a) *Atomic Energy Commission.* Motor vehicles which the Atomic Energy Commission designates for use in the conduct of security operations or in the enforcement of security regulations of the Commission.

(b) *Department of Agriculture.* Those motor vehicles of the Forest Service used for investigative law enforcement activities; motor vehicles used by the Agricultural Marketing Service in connection with the enforcement of the Packers and Stockyards Act of 1921, as amended; and motor vehicles used by investigative personnel of the Agricultural Research Service engaged in law enforcement activities in connection with the Federal Meat Inspection Act, as amended.

(c) *Department of Defense.* Motor vehicles used for intelligence, investigative, or security purposes, including such vehicles used by the Counter Intelligence Corps and the Criminal Investigation Division of the Department of the Army; the Office of Naval Intelligence of the Department of the Navy; and the Office of Special Investigation of the Department of the Air Force.

(d) *Department of Health, Education, and Welfare.* Motor vehicles operated by the Food and Drug Administration in undercover law enforcement and similar investigative work; motor vehicles operated by St. Elizabeths Hospital in outpatient work where the identification of the vehicle would be prejudicial to the patient, and one vehicle operated by the National Institutes of Health in transporting mentally disturbed children.

(e) *Department of the Interior.* Those motor vehicles operated by the Fish and Wildlife Service in the enforcement of Federal game laws, and those vehicles operated by the Geological Survey in the enforcement of the Connally "Hot Oil Act."

(f) *Department of Justice.* All motor vehicles operated by the Federal Bureau of Investigation; the Border Patrol; and those vehicles operated in undercover law enforcement activities or investigative work by the Immigration and Naturalization Service, by the Bureau of Prisons and Jail Inspectors, and by the United States Marshals.

(g) *Post Office Department.* The motor vehicles which the Postal Inspection Service uses for investigative and law enforcement activities.

(h) *Department of the Treasury.* All motor vehicles operated by the Bureau of Narcotics; the United States Secret Service; the Intelligence Division, the Alcohol and Tobacco Tax Division, and Internal Security Division of the Internal Revenue Service; the Division of Investigations and Enforcement of the Bureau of Customs; and the Intelligence Division of the United States Coast Guard.

(i) *District of Columbia.* Special motor vehicles operated by the Metropolitan Police Department; the Fire Department; the Department of Weights, Measures, and Markets; the Department of Corrections; and the District of Columbia Public Utilities Commission in connection with special investigative and undercover law enforcement activities.

(j) *National Security Council.* All motor vehicles operated by the Central Intelligence Agency.

(k) *Office of Emergency Planning.* Those motor vehicles which the Office of Emergency Planning uses in the conduct of security operations.

**§ 101–38.603 Limited exemptions.**

(a) The temporary removal, subject to the provisions of § 101–38.606, of official U.S. Government tags, other identification, and the temporary substitution of license plates issued by the appropriate State, Commonwealth, or possession, is authorized for the specific organizational units of those Federal agencies listed below whenever the head of the concerned agency determines that such temporary removal and substitution is in the public interest:

(1) *Department of the Interior.* Special officers of the Bureau of Indian Affairs, and the Branch of Investigations, Division of Inspection, Office of the Secretary.

(2) *Department of the Treasury.* The Collectors' Offices of the Bureau of Customs.

(3) *Federal Communications Commission.* Field Engineering and Monitoring Bureau.

(b) The authority to make this determination and to cause the substitution to be made may be delegated by the heads of such agencies to responsible officials under their jurisdiction. Motor vehicles operated by the specified organizational units upon like determination also may be exempted from displaying identification as prescribed in Subpart 101–38.4.

**§ 101–38.604 Special exemptions.**

All vehicles assigned for the personal use of the President, his Secretaries, and the heads of executive departments as enumerated in 5 U.S.C. 1 are exempt from the display of official identification. Such vehicles, other than those assigned for the personal use of the President, shall display the official U.S. Government tags.

**§ 101–38.605 Additional exemptions.**

Exemptions, in addition to those authorized in §§ 101–38.602 through 101–38.604, may be authorized by the head of the agency upon written certification that conspicuous identification will interfere with the purpose for which the motor vehicle is acquired and used. In each such case, the certification must state that the motor vehicle is acquired and used for the purpose of investigative, law enforcement, or intelligence duties involving security activities and that the identification of the motor vehicle would interfere with the discharge of such duties or endanger the security of individuals or the United States Government: *Provided*, That vehicles regularly used for common administrative purposes not directly connected with the performance of law enforcement, investigative, or intelligence duties involving security activities shall not because of such use be exempted. A conformed copy of each such certification, together with notice of cancellation thereof, if any, shall be submitted promptly to the General Services Administration, Transportation and Communications Service, Motor Equipment Management Division, Washington, D.C., 20405.

**§ 101–38.606 Approval of tag requests for exempted vehicles in the District of Columbia.**

The head of each agency shall designate a liaison representative, or representatives, to approve requests for regular District of Columbia tags for motor vehicles exempted from carrying U.S. Government tags and other identification. The name and specimen signature for each representative shall be furnished annually to the District of Columbia Department of Motor Vehicles.

**§ 101–38.607 Report of exempted motor vehicles.**

Annually, the head of each agency shall submit by July 15 a report, in triplicate, to the General Services Administration, Transportation and Communications Service, Motor Equipment Management Division, Washington, D.C., 20405, showing the total number of motor vehicles exempted under §§ 101–38.602 through 101–38.605.

## Subpart 101–38.7—Transfer of Title to Government-Owned Motor Vehicles

### § 101–38.701 Methods of transfer.

Federal agencies in disposing of a Government-owned motor vehicle shall use one of the two methods listed below for transfer of ownership:

(a) Motor vehicles based and titled in the District of Columbia shall be transferred as provided in section 4(c) of the Vehicle Title and Registration Regulations for the District of Columbia.

(b) Motor vehicles based outside the District of Columbia shall be transferred by executing Standard Forms 97 and 97A, Certificate of Release of a Motor Vehicle. The use of these forms in foreign countries is optional.

(c) All certificates and copies shall be numbered consecutively by the using agency, such numbers to be typed or overprinted on all copies of Standard Forms 97 and 97A in the space provided. Unnumbered certificates or certificates showing erasures and strikeovers will be considered invalid by State motor vehicle agencies and will not be honored.

(d) Standard Form 97 shall be furnished the purchaser; one copy of Standard Form 97A shall be furnished the holding agency; and one copy of Standard Form 97A shall be furnished the contracting officer of the agency effecting sale of the motor vehicle.

(e) Illustrations of Standard Forms 97 and 97A and instructions for preparing the forms are contained in §§ 101–38.4904 and 101–38.4905.

## Subpart 101–38.8—Obtaining Service Station Deliveries of Gasoline, Lubricants, Fuel Oil (Diesel), Kerosene, and Related Services Under Federal Supply Schedule Contract

### § 101–38.801 General.

### § 101–38.801–1 Federal Supply Schedule, FSC Group 91, Part III.

Federal agencies may obtain service station deliveries of gasoline, lubricants, fuel oil (diesel), kerosene, and related services at commercial facilities which dispense supplies and services of contractors listed in Federal Supply Schedule, FSC Group 91, Part III, through the use of commercial credit cards issued by such contractors, or by use of Standard Form 149, U.S. Government National Credit Card. Agencies desiring commercial credit cards should submit their requests to the appropriate contractors. Agencies should request commercial credit cards from as many contractors as necessary to satisfy their requirements.

### § 101–38.801–2 Standard Form 149, U.S. Government National Credit Card.

When a single credit card for use at all contractors' service stations is desired by an agency, Standard Form 149 (for illustration of form, see § 101–38.4906) shall be used. Instructions relative to procurement and use of Standard Form 149 are set forth in this subpart.

### § 101–38.802 Restriction on agency use.

The use of Standard Form 149 is optional. However, the use of the form within an agency must be on a bureau-wide or equivalent basis.

### § 101–38.803 Billing data to be shown on Standard Form 149.

Each Standard Form 149 when issued is embossed to reflect appropriate billing data as indicated on illustration of the form in § 101–38.4906. The information which may be embossed is limited to five lines with 22 characters (including spaces) per line, in accordance with the following:

(a) *Billing code.* The first embossed line on the Standard Form 149 is the billing code consisting of a 10-digit number. Nine of the digits are assigned by the using agency in accordance with the following instructions:

(1) The first three digits of the billing code will always be 000 or 002 to signify to the contractor that a Federal contract is involved.

(2) The fourth digit may be used by the agency to designate the vehicle class or provide additional billing code numerals. The military departments have been assigned the first four digits of the billing code as follows: U.S. Navy 002–1; U.S. Army 002–2; U.S. Air Force 002–3; Marine Corps 002–4; and Army and Air Force Exchange Service 002–5. The digits 002–6 have been reserved for the GSA Interagency Motor Pools.

(3) The fifth and sixth digits will be the Agency code, except where the first four digits have been assigned to designate the agency. Agency codes are shown in the Treasury Department booklet "Receipt, Appropriation, and Other Fund Account Symbols and Titles."

(4) The seventh, eighth, and ninth digits indicate the agency billing address code number, except where the first four digits cover the agency. Each Federal agency will assign its own billing address code numbers.

(5) The tenth digit is the reject number for use in automatic billing operations of the contractors. This number is not assigned by the agency but will be determined by the Federal Supply Schedule, FSC Group 75, Part VII, embossing contractor, or by the GSA regional office embossing the card.

(b) *Billing address.* The number of lines in the billing address is limited to three, and is always the second, third, and fourth embossed lines. As an example, Standard Forms 149 used in GSA motor pools in Region 2 will have the billing address as shown on the illustration in § 101–38.4908.

(c) *Tag number.* The fifth embossed line on Standard Form 149 is always the tag number of the vehicle for which the credit card is issued. A credit card may be used only for supplies or services delivered to the vehicle bearing the tag or registration number embossed thereon.

### § 101–38.804 Order for 50 or more embossed Standard Forms 149 from embossing contractor.

(a) Agencies requiring 50 or more embossed Standard Forms 149 shall forward purchase orders to the embossing contractor shown in Federal Supply Schedule, FSC Group 75, Part VII.

(b) Each agency shall furnish the embossing contractor with billing data for each Standard Form 149 ordered. Billing data shall accompany the purchase order. Billing data for each credit card ordered shall be on a separate 3" x 5" card in the format shown in § 101–38.4907.

(c) The embossing contractor will bill ordering agencies directly.

### § 101–38.805 Requisitioning 49 or less embossed Standard Forms 149 from designated GSA regional offices.

(a) Agencies requiring 49 or less embossed Standard Forms 149 shall forward requisitions to the Chief, Motor Equipment Division, to the GSA regional office in which the agency is located.

(b) Each agency shall furnish the billing data for each Standard Form 149 requisitioned. Such information shall accompany the requisition. Billing data for each embossed credit card ordered shall be in the format shown in § 101–38.4908.

(c) GSA will bill requisitioning agencies at 20 cents per embossed card, or will accept cash payment.

### § 101–38.806 Notice to GSA of assignment of billing codes and billing addresses.

### § 101–38.806–1 Notice of assignment.

Agencies shall notify GSA of assignment of Standard Form 149 billing codes and billing addresses. Such notices shall be submitted to: General Services Administration, Federal Supply Service, Procurement Operations Division, General Services Regional Office Building, Washington, D.C., 20407. In the interest of uniformity, it is requested that agencies, in submitting notices, use the format shown in § 101–38.4909.

### § 101–38.806–2 Notice of changes.

Once GSA has been officially notified of the assignment of billing codes and billing addresses, the agency may order additional Standard Forms 149, using the same billing code and billing address for additional tag numbers without reporting such use. Changes in billing codes and billing addresses must be furnished GSA so that the contractors may be informed. This is essential for proper control of billing procedures.

### § 101–38.807 Loss or theft of Standard Form 149.

In the event a Standard Form 149 is lost, stolen, or damaged, the agency shall secure a duplicate. If the lost or stolen credit card is recovered, it or the duplicate shall be destroyed.

### § 101–38.808 License tag changes.

Whenever a license tag is destroyed or expires, the corresponding credit card shall be destroyed.

### § 101–38.809 GPO waiver.

A waiver has been issued by the Government Printing Office to GSA for the procurement of the printing of the Standard Form 149.

## Subpart 101–38.9—Motor Vehicle Replacement Standards

### § 101–38.901 Applicability.

The motor vehicle replacement standards prescribed in this subpart shall be applied by any executive agency, except the Department of Defense, desiring to replace motor vehicles. The standards prescribed are minimum standards. Executive agencies shall retain motor vehicles which are in usable and workable condition even though the standard permits replacement, provided the item of property can be used or operated an additional period without excessive maintenance cost or substantial reduction in trade-in value.

### § 101–38.902 Passenger cars and station wagons.

Passenger cars and station wagons may be replaced when they have been operated for six years or 60,000 miles, whichever occurs first.

### § 101–38.903 Ambulances.

Ambulances may be replaced when they have been operated for seven years or 60,000 miles, whichever occurs first.

### § 101–38.904 Buses for eleven or more passengers.

Buses for 11 or more passengers may be replaced when they have been operated for eight years. Without regard to years of use, such buses may be replaced when they have been operated the following number of miles:

| | *Miles* |
|---|---|
| Intercity-type bus | 280,000 |
| City-type bus | 150,000 |
| School-type bus | 80,000 |

### § 101–38.905 Multiple-drive vehicles.

Multiple-drive (4- or 6-wheel drive) truck-chassis combination personnel and property carrying motor vehicles may be replaced when they have been operated for six years or 40,000 miles, whichever occurs first.

### § 101–38.906 Motor trucks.

Motor trucks provided with pickup or express, panel or sedan-delivery, carryall, van, open van, platform, stake, rack, dump, truck-tractor, or tank bodies may be replaced in accordance with the following table of years or mileage operation, whichever occurs first:

| Maximum GVW pounds | Total years | Total miles | Payload rating |
|---|---|---|---|
| Less than 12,500 | 6 | 50,000 | 1 ton and less. |
| 12,500 through 16,999. | 7 | 60,000 | 1½ through 2½ tons. |
| 17,000 and over | 9 | 80,000 | 3 tons and over. |

### § 101–38.907 Fleets.

Where an agency owns eight or more vehicles in any one of the following classes, not more than 25 percent of the vehicles in such class may be replaced in any one fiscal year; where the total number of vehicles in any one class is less than eight, not more than two of such vehicles may be replaced in any fiscal year: *Provided*, That all vehicles to be replaced shall meet the age or mileage replacement standards contained in this subpart.

(a) Automobiles (sedans, coupes, etc.).

(b) All other passenger-carrying vehicles (station wagons, ambulances, buses).

(c) All trucks and truck tractors.

### § 101–38.908 Exception.

If a motor vehicle has been wrecked or damaged (including wear caused by abnormal operating conditions) beyond economical repair, such unit may be replaced without regard to standards in this subpart after certification to that effect by the head of the agency or his delegate.

## Subparts 101–38.10—101–38.48 [Reserved]

## Subpart 101–38.49—Forms and Reports

**§ 101–38.4900 Scope of subpart.**

Sections 101–38.4901 through 101–38.4909 contain illustrations, forms, and reports used in connection with the regulations on motor equipment management prescribed in Part 101–38. The forms and reports are illustrated to show the format, text, and arrangement and to provide a ready source of reference. Instructions for preparing some of the forms and reports are shown in the illustrations.

NOTE: The forms in §§ 101–38.4901, 101–38.4902, and 101–38.4904—101–38.4906 filed as part of the original document. Copies may be obtained from Central Office, GSA.

**§ 101–38.4901 Standard Form 82: Annual Motor Vehicle Report.**

**§ 101–38.4902 GSA Form 1020: United States Government Certificate of Ownership of a Motor Vehicle.**

**§ 101–38.4903 Examples of agency identification.**

| *Agency identification* | *Letter height (Inch)* |
|---|---|
| FOR OFFICIAL USE ONLY<br>DEPARTMENT OF THE INTERIOR<br>BUREAU OF RECLAMATION | ½<br>¾<br>½ |
| FOR OFFICIAL USE ONLY<br>INTERNAL REVENUE SERVICE | ½<br>¾ |
| FOR OFFICIAL USE ONLY<br>ATOMIC ENERGY COMMISSION | ½<br>¾ |
| FOR OFFICIAL USE ONLY<br>FEDERAL AVIATION AGENCY | ½<br>¾ |

**§ 101–38.4904 Standard Form 97: Certificate of Release of a Motor Vehicle.**

**§ 101–38.4905 Standard Form 97A: Agency Record Copy of Certificate of Release of a Motor Vehicle.**

**§ 101–38.4906 Standard Form 149: U.S. Government National Credit Card.**

**§ 101–38.4907 Billing data format for transmittal to the embossing contractor.**

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N.Y. 10007
TAG NO. G11–5901

(Sample 3 x 5 Card)

The purchase order, or a separate transmittal, shall contain substantially the following statement:

You are requested to furnish -- embossed Standard Form 149, U.S. Government National Credit Card. Billing data for each Standard Form are attached.

**§ 101–38.4908 Billing data format for transmittal to the Chief, Motor Equipment Division, at the selected GSA Regional Office.**

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N.Y. 10007
TAG NO. G11–5901

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N.Y. 10007.
TAG NO. G11–5902

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N. Y. 10007
TAG NO. G11–5903

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N. Y. 10007
TAG NO. G11–5904

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N. Y. 10007
TAG NO. G11–5905

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N. Y. 10007
TAG NO. G11–5906

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N. Y. 10007
TAG NO. G11–5907

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N. Y. 10007
TAG NO. G11–5908

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N. Y. 10007
TAG NO. G11–5909

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N. Y. 10007
TAG NO. G11–5910

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N. Y. 10007
TAG NO. G11–5911

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N. Y. 10007
TAG NO. G11–5912

The requisition, or a separate transmittal, shall contain substantially the following statement:

You are requested to furnish -- embossed Standard Form 149, U.S. Government National Credit Card. Billing data for each Standard Form are attached.

**§ 101–38.4909 Notice to GSA of assignment of billing codes and billing addresses for U.S. Government National Credit Card.**

To: General Services Administration
Federal Supply Service
Procurement Operations Division
General Services Regional Office Building
Washington, D.C. 20407.

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(Agency, Bureau, Service, or Other Purchasing Activity)

has assigned the billing code(s) and billing address(es) as listed below, or attached hereto, to Standard Forms 149.

000 147 201
GSA REG COMPT MP 2–1
30 CHURCH STREET
NEW YORK, N.Y. 10007.

---

*Contracting Officer.*

NOTE: Tag Number is NOT required.

*Effective date:* These regulations shall be effective November 30, 1964, except § 101–26.307 which shall be effective February 1, 1965.

Dated: October 20, 1964.

BERNARD L. BOUTIN,
*Administrator of General Services.*

[F.R. Doc. 64–10909; Filed, Oct. 28, 1964; 8:45 a.m.]

# Title 25—INDIANS

## Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER F—ENROLLMENT

## PART 43b—PREPARATION OF A ROLL TO SERVE AS THE BASIS FOR THE DISTRIBUTION OF THE JUDGMENT FUNDS AWARDED THE CHEROKEE BAND OF SHAWNEE INDIANS

The Act of August 20, 1964 (78 Stat. 555), directs the Secretary of the Interior to prepare a new roll of Cherokee-Shawnee Indians to serve as the basis for the distribution of their share of the judgment funds awarded to Shawnee Tribe or Nation by the Indian Claims Commission. The purpose of the regulations in the new Part 43b is to govern the preparation of this roll, and the new part is set forth below.

Since the Act of August 20, 1964, supra, clearly delineates the basis for the new roll, who shall be eligible for inclusion thereon, and the form the distribution shall take, the procedure for general notice of proposed rule making is deemed unnecessary. These regulations will become effective upon the date of publication in the FEDERAL REGISTER Part 43b reads as follows:

Sec.
43b.1 Definitions.
43b.2 Purpose.
43b.3 Qualifications for enrollment.
43b.4 Eligibility of adopted children.
43b.5 Application forms.
43b.6 Filing of applications.
43b.7 Burden of proof.
43b.8 Review of applications by tribal committee.
43b.9 Action by the Area Director.
43b.10 Appeals.
43b.11 Decision of the Secretary.
43b.12 Preparation of roll.
43b.13 Certification and approval of roll.
43b.14 Special instructions.

AUTHORITY: The provisions of this Part 43b issued under the Act of Aug. 20, 1964 (78 Stat. 555).

**§ 43b.1 Definitions.**

As used in this Part 43b.

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Commissioner" means the Commissioner of Indian Affairs.

(c) "Director" means the Area Director, Muskogee Area Office, Bureau of Indian Affairs, Federal Building, Muskogee, Oklahoma, or his authorized representative.

(d) "Staff Officer" means the enrollment officer or other person authorized to prepare the roll.

(e) "Descendants" means those persons who have issued from an enrollee and includes such enrollee's children, grandchildren, etc. It does not include collateral relatives such as aunts, uncles, cousins, etc.

(f) "Living" means born on or prior to and living on August 20, 1964.

(g) "Sponsor" means a person who has filed an application for enrollment on behalf of another person.

(h) "Basic Roll" means that roll of Cherokee-Shawnees prepared in accordance with the Act of March 2, 1889 (25 Stat. 994).

**§ 43b.2 Purpose.**

The regulations in this Part 43b are to govern the compilation of a roll of persons who meet the enrollment requirements specified in section 3 of the Act of August 20, 1964 (78 Stat. 555), to serve as the basis for the distribution of the Cherokee Band of Shawnee Indians' portion of the judgment funds awarded to the Shawnee Tribe or Nation in Indian Claims Commission Docket No. 334.

**§ 43b.3 Qualifications for enrollment.**

Each person living on August 20, 1964, whose name appears on the roll of Cherokee-Shawnee prepared in accordance with the Act of March 2, 1889 (25 Stat. 994), and the lineal descendants living on August 20, 1964, of persons on the 1889 roll shall be eligible to be included on the roll prepared pursuant to this part.

**§ 43b.4 Eligibility of adopted children.**

Children of Indian blood of other tribes and non-Indian children who have

been adopted by either persons appearing on the roll of Cherokee-Shawnees prepared in accordance with the Act of March 3, 1893 (25 Stat. 994), or descendants thereof, shall not be eligible for enrollment. Children of Cherokee-Shawnee Indian blood adopted by non-Indians or Indians of other tribes shall be eligible if they otherwise meet the requirements for enrollment.

**§ 43b.5 Application forms.**

(a) Application forms will be furnished by the Director or other persons designated by him upon written or verbal request. Each person furnishing application forms shall keep a record of the names of the individuals to whom applications are given, as well as the number of forms and the date furnished.

(b) Among other information each application shall contain:

(1) The deadline for filing the application with the Director.

(2) The name, address and date of birth of the applicant.

(3) Certificate as to whether application is for a natural child or an adopted child.

(4) If application is filed by a sponsor, the name, address and relationship of sponsor to the applicant.

(c) Instructions for completing and filing application forms shall be furnished with each form.

**§ 43b.6 Filing of applications.**

Any adult person who desires to be enrolled and believes he meets the requirements for enrollment specified in these regulations must file or have filed in his behalf a completed application form with the Director on or before March 20, 1965. Written application forms for minors, mentally incompetent persons or other persons in need of assistance, members of the Armed Services or other services of the United States Government and/or any eligible member of their immediate families stationed in Alaska or Hawaii or elsewhere outside the continental United States, or a person who died after August 20, 1964, may be filed by the parent, guardian, next of kin, next friend, spouse, executor or administrator of estate, the Director, or other person on or before the deadline specified in this section.[1]

**§ 43b.7 Burden of proof.**

The burden of proof rests upon the applicant or sponsor to establish eligibility for enrollment. Documentary evidence such as birth certificates, death certificates, baptismal records, copies of probate findings, or affidavits, may be used to support claim for enrollment. Records of the Bureau of Indian Affairs may also be used to establish eligibility.

**§ 43b.8 Review of application by tribal committee.**

If practical the Director shall appoint a committee of Cherokee-Shawnee Indians whose function shall be to review the applications for the purpose of recommending to the Director approval or rejection of the applications. Such committee shall have no longer than three months from the deadline for filing applications to complete any review and to make pertinent recommendations and shall meet only when directed to by the Director. A recommendation for the rejection of any application shall be supported by a written statement of the reasons for the adverse recommendation.

**§ 43b.9 Action by the Area Director.**

(a) The Director shall consider each application and, when applicable, the Cherokee-Shawnee committee's recommendation thereon. Upon determination as to the eligibility of an individual the Director shall notify the applicant or sponsor in writing of his decision. If such determination is favorable, the name of the individual determined eligible shall be placed on the roll. If the decision is adverse, the applicant or sponsor shall be notified of such decision by certified mail, to be delivered to the addressee only, return receipt requested, together with the full explanation of the reasons therefor and of his right of appeal to the Secretary. (Registered mail must be used for notices of rejection sent outside the United States.) If an individual files applications on behalf of more than one person, one notice of eligibility or rejection may be addressed to the person who filed the applications. However, said notice must list the names of each person involved.

(b) To avoid hardship or gross injustice, the Director may waive technical deficiencies in applications or other submissions.

**§ 43b.10 Appeals.**

Appeals must be in writing, addressed and mailed to the Director, and received by him within 30 days from the receipt of rejection notice. The appellant may submit with his appeal any supporting evidence not previously furnished. When upon review of the evidence, the Director is satisfied that the right to enrollment has been established, the appellant shall be so notified and the appropriate name entered on the roll. If the Director determines the individual ineligible he shall forward the appeal, together with the complete record and his recommendations thereon to the Commissioner for transmittal to the Secretary.

**§ 43b.11 Decision of the Secretary on appeals.**

The decision of the Secretary on an appeal shall be final and conclusive and written notice of his decision shall be given the applicant or sponsor. When so directed by the Secretary, the Commissioner shall cause to be entered on the roll the name of any person whose appeal has been sustained.

**§ 43b.12 Preparation of roll.**

The staff officer shall prepare a minimum of five copies of the roll of those persons determined to be eligible for enrollment. The roll shall contain for each person listed thereon a roll number, name, address, sex, date of birth and, in the remarks column, the basic roll number, name and relationship of ancestor on basic roll through whom eligibility was established.

**§ 43b.13 Certification and approval of roll.**

A certificate shall be attached to the roll by the staff officer certifying that to the best of his knowledge and belief the roll contains only the names of those persons who were determined to meet the requirements for enrollment. The Commissioner shall approve the roll.

**§ 43b.14 Special instructions.**

To facilitate the work of the Director the Commissioner may issue special instructions not inconsistent with the regulations in this part.

FRANK P. BRIGGS,
*Acting Secretary of the Interior.*

OCTOBER 23, 1964.

[F.R. Doc. 64-11079; Filed, Oct. 28, 1964; 8:50 a.m.]

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SUBCHAPTER M—FORESTRY

## PART 141—GENERAL FOREST REGULATIONS

### Miscellaneous Amendments

On pages 12032–12033 of the FEDERAL REGISTER of August 22, 1964, there was published a notice and text of proposed amendment of Part 141 of Title 25, Code of Federal Regulations.

The purpose of these amendments is to incorporate numerous changes necessitated by the passage of the Act of April 30, 1964, Public Law 88–301.

Interested persons were given 30 days within which to submit comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted and are set forth below. These amendments shall become effective at the beginning of the 30th calendar day following the date of publication in the FEDERAL REGISTER.

FRANK P. BRIGGS,
*Acting Secretary of the Interior.*

OCTOBER 23, 1964.

1. Section 141.3 is amended to read as follows:

**§ 141.3 Objectives.**

(a) The following objectives are to be sought in the management of unallotted Indian forest lands in accordance with the principles of sustained yield:

(1) The preservation of such lands in a perpetually productive state by providing effective protection, by applying sound silvicultural and economic principles to the harvesting of the timber, and by making adequate provision for new forest growth as the timber is removed.

(2) The regulation of the cut in a manner which will insure method and order in harvesting the tree capital, so as to make possible continuous production and a perpetual forest business.

(3) The development of Indian forests by the Indian people for the purpose of promoting self-sustaining communities, to the end that the Indians may receive from their own property not only the stumpage value, but also the benefit of whatever profit it is capable of yielding and whatever labor the Indians are qualified to perform.

(4) The sale of Indian timber in open competitive markets in accordance with good business practices on reservations where the volume that should be harvested annually is in excess of that which is being developed by the Indians.

(5) The preservation of the forest in its natural state wherever it is considered, and the authorized Indian representatives agree, that the recreational or aesthetic value of the forest to the Indians exceeds its value for the production of forest products.

(6) The management of the forest in such a manner as to retain its beneficial effects in regulating water run-off and minimizing erosion.

(7) The preservation and development of grazing, wildlife, and other values of the forest to the extent that such action is in the best interest of the Indians.

(b) Similar objectives are sought in the management of allotted Indian forest lands, but, in addition, the sales of timber shall be based upon a consideration of the needs and best interests of the Indian owner and his heirs. The Secretary shall take into consideration, among other things:

(1) The state of growth of the timber and the need for maintaining the productive capacity of the land for the benefit of the owner and his heirs.

(2) The highest and best use of the land, including the advisability of devoting it to other uses for the benefit of the owner and his heirs.

(3) The present and future financial needs of the owner and his heirs.

2. Section 141.7 is amended to read as follows:

**§ 141.7 Timber sales from unallotted and allotted lands.**

(a) On reservations where the volume of timber available for cutting is in excess of that which is being developed by the Indians, open market sales of Indian timber will be authorized: *Provided*, That consent is given by the authorized representative of the tribe for tribal timber, and by the owners of a majority Indian interest in trust or restricted timber on allotted lands. The consent of the Secretary is required in all cases.

(b) The Secretary may sell the timber on any Indian land held under a trust or other patent containing restrictions on alienations without the consent of the owners when in his judgment such action is necessary to prevent loss of values resulting from fire, insects, disease, windthrow, or other natural catastrophes.

(c) Unless otherwise authorized by the Secretary, sales from unallotted lands, allotted lands, or a combination of these two ownerships having a stumpage value exceeding $500 will not be approved until an examination of the timber to be sold has been made by a qualified forest officer and a report setting forth all pertinent information has been submitted to the officer authorized to approve the contract as provided in § 141.13. In all such sales of timber exceeding $500 in value, the timber shall be appraised and sold at not less than its appraised value.

3. Section 141.9 is amended to read as follows:

**§ 141.9 Timber sales without advertisement.**

Sales of timber may be made without advertisement with the consent of the authorized representative of the tribe for tribal timber or with the consent of the owners of a majority Indian interest in trust or restricted timber on allotted lands, and the approval of the Secretary: (a) To Indians or non-Indians when the timber is to be cut in conjunction with the granting of a right-of-way or authorized occupancy, or must be cut to protect the forest from injury, or if it is impractical to secure competition by formal advertising procedures, or when otherwise specifically authorized by statutes or regulations; or (b) To Indians who are members of the tribe for stumpage value not exceeding $5,000. Such contracts shall not be made for a longer term than two years. The stumpage rates in connection with such sales shall be established by the approving officer after due appraisal procedure. Timber contract forms executed under authority hereof shall be those stipulated for the sale of timber under § 141.12, and shall carry the bond requirement stipulated in § 141.14. No more than one such sale without advertisement may be made to any person or operating group of persons in any one calendar year. In the case of each negotiated transaction the approving officer shall establish a documented record of the transaction, including a written determination and finding that the transaction is of a type or class allowing the negotiation procedures or warranting departure from the procedures provided in § 141.8; the extent of solicitation and competition, or a statement of the facts upon which a finding of impracticability of securing competition is based; and a statement of the factors on which the award is based, including a determination as to the reasonability of the price accepted.

4. Section 141.13 is amended to read as follows:

**§ 141.13 Execution and approval of contracts.**

(a) *Contracts for the sale of tribal timber.* All contracts for the sale of tribal timber shall be executed by the authorized representative of the tribe or tribal corporation. Contracts to be valid must be approved by the Secretary. There shall be included with the contract an affidavit executed by the appropriate officer of the tribe or tribal corporation setting forth the resolution or other authority of the governing body of the tribe or tribal corporation authorizing the sale.

(b) *Contracts for the sale of allotted timber.* Contracts for the sale of allotted timber shall be executed by the Indian owners or the Secretary acting pursuant to a power of attorney from the Indian owner, subject to conditions set forth in § 141.13(b) (1), (2), and (3). Contracts to be valid must be approved by the Secretary.

(1) The Secretary shall execute contracts on behalf of minors and Indian owners who are incompetent by reason of mental incapacity after consultation with any legally appointed guardian.

(2) The Secretary shall execute contracts for those persons whose ownership in a decedent's estate has not been determined or for those persons who cannot be located after a reasonable and diligent search and the giving of notice by publication.

(3) Upon the request of the owner of an undivided but unrestricted interest in land in which there are trust or restricted Indian interests, the Secretary shall include such unrestricted interest in a sale of the trust or restricted interests in the timber, pursuant to Part 141, and perform any functions required of him by the contract of sale for both the restricted and the unrestricted interests, including the collection and disbursement of payments for timber and the deductions as service fees from such payments of sums in lieu of administrative expenses.

5. Section 141.18 is amended to read as follows:

**§ 141.18 Deductions for administrative expenses.**

In sales of timber from either allotted or unallotted lands, a reasonable deduction shall be made from the gross proceeds to cover in whole or in part the cost of managing and protecting the forest lands, including the cost of timber sale administration, but not including the costs that are paid from funds appropriated specifically for fire suppression or forest pest control. Unless special instructions have been given by the Secretary as to the amount of the deduction, or the manner in which it is to be made, there shall be deducted 10 percent of the gross amount received for timber sold under regular supervision, and 5 percent when the timber is sold in such a manner that little administrative expense by the Indian Bureau is required. Service fees in lieu of administrative deductions shall be determined in a similar manner.

(Act of April 30, 1964, 78 Stat. 186, 187)

[F.R. Doc. 64-11000; Filed, Oct. 28, 1964; 8:46 a.m.]

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# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

## PART 202—ANCHORAGE REGULATIONS

### Chesapeake and Delaware Canal, Md.

Pursuant to the provisions of section 1 of an Act of Congress approved April 22,

[1] Criminal penalties are provided by statute for knowingly filing false information in such statements. 18 U.S.C. 1001.

1940 (54 Stat. 150; 33 U.S.C. 180), § 202.70 is hereby amended redesignating the easterly boundary of a special anchorage area along the Chesapeake and Delaware Canal, Maryland, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.70 Chesapeake and Delaware Canal, easterly of Courthouse Point, Md.

The waters southerly of a line joining the northernmost extremity of Courthouse Point and the westernmost point of Herring Island; westerly of a line bearing 180° from a point on the aforesaid line 220 yards from the westernmost point of Herring Island; and northerly and easterly of the shore line.

[Regs., Oct. 9, 1964, 1507-32 (Chesapeake and Delaware Canal, Md.)—ENGCW-ON] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

J. C. LAMBERT,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 64-11002; Filed, Oct. 28, 1964; 8:47 a.m.]

# Title 46—SHIPPING

## Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER Q—SPECIFICATIONS

[CGFR 64-67]

## PART 162—ENGINEERING EQUIPMENT

### Subpart 162.028—Extinguishers, Fire, Portable, Marine Type

PRESSURE GAUGES OR INDICATING DEVICES REQUIRED ON DRY CHEMICAL, STORED PRESSURE, FIRE EXTINGUISHERS; CHANGE IN EFFECTIVE DATE

By virtue of the authority vested in me as Commandant, United States Coast Guard, by section 632 of Title 14, U.S. Code, sections 375, 416 and 481 of Title 46, U.S. Code, and Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-38, dated October 26, 1959 (24 F.R. 8857), the Coast Guard document CGFR 64-51, dated August 28, 1964, and published in the FEDERAL REGISTER of September 9, 1964 (F.R. Doc. 64-9093; 29 F.R. 12725, 12726), is amended by changing and advancing the date from "January 1, 1965," to "June 1, 1965," in the paragraphs numbered 1, 2, and 3 of the preamble (3 places). This action is based on an appeal from a manufacturer and is considered appropriate in order to provide a reasonable time interval between the date of publication of the amendment and the date on which it becomes effective.

Dated: October 21, 1964.

[SEAL] W. D. SHIELDS,
*Vice Admiral, U.S. Coast Guard,*
*Acting Commandant.*

[F.R. Doc. 64-11023; Filed, Oct. 28, 1964; 8:48 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 32—HUNTING

## PART 33—SPORT FISHING

### Merritt Island National Wildlife Refuge, Florida

On page 13042 of the FEDERAL REGISTER of September 17, 1964, there was published a notice of a proposed amendment to §§ 32.11 and 33.4 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide for public hunting of migratory game birds and sport fishing on the Merritt Island National Wildlife Refuge, Florida, as legislatively permitted.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with regard to the proposal. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

* * * * *

FLORIDA

Merritt Island National Wildlife Refuge.

* * * * *

2. Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized:

§ 33.4 List of open areas; sport fishing.

* * * * *

FLORIDA

Merritt Island National Wildlife Refuge.

* * * * *

(Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i, and Sec. 4, 48 Stat. 402, as amended; 16 U.S.C. 664)

FRANK P. BRIGGS,
*Acting Secretary of the Interior.*

OCTOBER 23, 1964.

[F.R. Doc. 64-11005; Filed, Oct. 28, 1964; 8:47 a.m.]

## PART 32—HUNTING

### Big Game Animals, Minnesota; Correction

In F.R. Doc. 64-10483, appearing on page 14174 of the issue for Thursday, October 15, 1964, the following paragraphs should read as follows:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Rice Lake National Wildlife Refuge is permitted from sunrise to sunset November 7 through November 15, 1964, and with bow and arrow only from sunrise to sunset November 28 to December 20, inclusive, only on the area designated by signs as open to hunting. This open area comprising 13,000 acres, is delineated on a map available at refuge headquarters, McGregor, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following special conditions:

(1) Hunters may not enter the refuge before 6:00 a.m. daily and must leave the refuge before 6:00 p.m. daily.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through December 20, 1964.

W. P. SCHAEFER,
*Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

OCTOBER 22, 1964.

[F.R. Doc. 64-11020; Filed, Oct. 28, 1964; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[ 26 CFR Part 1 ]

### INCOME TAX

### Proposed Limitation on Amount of Casualty or Theft Loss Deduction

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 165 of the Internal Revenue Code of 1954 to section 208 of the Revenue Act of 1964 (78 Stat. 43), and to reflect in § 1.165, statutory provisions; losses, of such Regulations the amendment of section 165(i) by section 3 of the Excise-Tax Rate Extension Act of 1964 (78 Stat. 237), relating to losses arising from confiscation of property by the Government of Cuba, such regulations are amended as follows:

PARAGRAPH 1. Section 1.165 is amended by revising section 165(c)(3), by redesignating section 165(i) as 165(j), by adding a new section 165(i), and by revising the historical note. These amended and added provisions read as follows:

§ 1.165 Statutory provisions; losses.

SEC. 165. *Losses.* * * *

(c) *Limitation on losses of individuals.* * * *

(3) Losses of property not connected with a trade or business, if such losses arise from fire, storm, shipwreck, or other casualty, or from theft. A loss described in this paragraph shall be allowed only to the extent that the amount of loss to such individual arising from each casualty, or from each theft, exceeds $100. For purposes of the $100 limitation of the preceding sentence, a husband and wife making a joint return under section 6013 for the taxable year in which the loss is allowed as a deduction shall be treated as one individual. No loss described in this paragraph shall be allowed if, at the time of filing the return, such loss has been claimed for estate tax purposes in the estate tax return.

* * * * *

(i) *Certain property confiscated by the Government of Cuba*—(1) *Treatment as subsection (c)(3) loss.* For purposes of this chapter, in the case of an individual who was a citizen of the United States, or a resident alien, on December 31, 1958, any loss of property which—

(A) Was sustained by reason of the expropriation, intervention, seizure, or similar taking of the property, before January 1, 1964, by the government of Cuba, any political subdivision thereof, or any agency or instrumentality of the foregoing, and

(B) Was not a loss described in paragraph (1) or (2) of subsection (c),

shall be treated as a loss to which paragraph (3) of subsection (c) applies. In the case of tangible property, the preceding sentence shall not apply unless the property was held by the taxpayer, and was located in Cuba, on December 31, 1958.

(2) *Special rules.* (A) For purposes of subsection (a), any loss described in paragraph (1) shall be treated as having been sustained on October 14, 1960, unless it is established that the loss was sustained on some other day.

(B) For purposes of subsection (a), the fair market value of property held by the taxpayer on December 31, 1958, to which paragraph (1) applies, on the day on which the loss of such property was sustained, shall be its fair market value on December 31, 1958.

(C) For purposes of section 172, a loss described in paragraph (1) shall not be treated as an expropriation loss within the meaning of section 172(k).

(D) For purposes of section 6601, the amount of any tax imposed by this title shall not be reduced by virtue of this subsection for any period prior to February 26, 1964.

(3) *Refunds or credits.* Notwithstanding any law or rule of law, refund or credit of any overpayment attributable to the application of paragraph (1) may be made or allowed if claim therefor is filed before January 1, 1965. No interest shall be allowed with respect to any such refund or credit for any period prior to February 26, 1964.

(j) *Cross references.* (1) For special rule for banks with respect to worthless securities, see section 582.

(2) For disallowance of deduction for worthlessness of securities to which subsection (g)(2)(C) applies, if issued by a political party or similar organization, see section 271.

(3) For special rule for losses on stock in a small business investment company, see section 1242.

(4) For special rule for losses of a small business investment company, see section 1243.

(5) For special rule for losses on small business stock, see section 1244.

[Sec. 165 as amended by secs. 7 and 57 (c)(1), Technical Amendments Act 1958 (72 Stat. 1606, 1646); sec. 202 (a), Small Business Tax Revision Act 1958 (72 Stat. 1676); secs. 208 and 238, Rev. Act 1964 (78 Stat. 43, 128); sec. 3, Excise-Tax Rate Extension Act 1964 (78 Stat. 237)]

PAR. 2. Section 1.165-7 is amended by revising paragraph (a)(1) and by adding a new subparagraph (4) to paragraph (b). These amended and added provisions read as follows:

§ 1.165-7 Casualty losses.

(a) *In general*—(1) *Allowance of deduction.* Except as otherwise provided in paragraphs (b)(4) and (c) of this section, any loss arising from fire, storm, shipwreck, or other casualty is allowable as a deduction under section 165(a) for the taxable year in which the loss is sustained. However, see § 1.165-6, relating to farming losses, and § 1.165-11, relating to an election by a taxpayer to deduct disaster losses in the taxable year immediately preceding the taxable year in which the casualty occurred. The manner of determining the amount of a casualty loss allowable as a deduction in computing taxable income under section 63 is the same whether the loss has been incurred in a trade or business or in any transaction entered into for profit, or whether it has been a loss of property not connected with a trade or business and not incurred in any transaction entered into for profit. The amount of a casualty loss shall be determined in accordance with paragraph (b) of this section. For other rules relating to the treatment of deductible casualty losses, see § 1.1231-1, relating to the involuntary conversion of property.

* * * * *

(b) *Amount deductible.* * * *

(4) *Limitation on certain losses sustained by individuals after December 31, 1963.* (i) Pursuant to section 165(c)(3), the deduction allowable under section 165(a) in respect of a loss sustained—

(a) After December 31, 1963, in a taxable year ending after such date,

(b) In respect of property not used in a trade or business or for income producing purposes, and

(c) From a single casualty

shall be limited to that portion of the loss which is in excess of $100. The nondeductibility of the first $100 of loss applies to a loss sustained after December 31, 1963, without regard to when the casualty occurred. Thus, if property not used in a trade or business or for income producing purposes is damaged or destroyed by a casualty which occurred prior to January 1, 1964, and loss resulting therefrom is sustained after December 31, 1963, the $100 limitation applies.

(ii) The $100 limitation applies separately in respect of each casualty and applies to the entire loss sustained from each casualty. Thus, if as a result of a particular casualty occurring in 1964, a taxpayer sustains in 1964 a loss of $40 and in 1965 a loss of $250, no deduction

is allowable for the loss sustained in 1964 and the loss sustained in 1965 must be reduced by $60 ($100—$40). The determination of whether damage to, or destruction of, property resulted from a single casualty or from two or more separate casualties will be made upon the basis of the particular facts of each case. However, events which are closely related in origin generally give rise to a single casualty. For example, if a storm damages a taxpayer's residence and his automobile parked in his driveway, any loss sustained results from a single casualty. Similarly, if a hurricane causes high waves, all wind and flood damage to a taxpayer's property caused by the hurricane and the waves results from a single casualty.

(iii) Except as otherwise provided in this subdivision, the $100 limitation applies separately to each individual taxpayer who sustains a loss even though the property damaged or destroyed is owned by two or more individuals. Thus, if a house occupied by two sisters and jointly owned by them is damaged or destroyed, the $100 limitation applies separately to each sister in respect of any loss sustained by her. However, for purposes of applying the $100 limitation, a husband and wife who file a joint return for the first taxable year in which the loss is allowable as a deduction are treated as one individual taxpayer. Accordingly, if property jointly owned by a husband and wife, or property separately owned by the husband or by the wife, is damaged or destroyed by a single casualty in 1964, and a loss is sustained in that year by either or both the husband or wife, only one $100 limitation applies if a joint return is filed for 1964. If, however, the husband and wife file separate returns for 1964, the $100 limitation applies separately in respect of any loss sustained by the husband and in respect of any loss sustained by the wife. Where losses from a single casualty are sustained in two or more separate tax years, the husband and wife shall, for purposes of applying the $100 limitation to such losses, be treated as one individual for all such years if they file a joint return for the first year in which a loss is sustained from the casualty; they shall be treated as separate individuals for all such years if they file separate returns for the first such year. If a joint return is filed in the first loss year but separate returns are filed in a subsequent year, any unused portion of the $100 limitation shall be allocated equally between the husband and wife in the latter year.

(iv) If a loss is sustained in respect of property used partially for business and partially for nonbusiness purposes, the $100 limitation applies only to that portion of the loss properly attributable to the nonbusiness use. For example, if a taxpayer sustains a $1,000 loss in respect of an automobile which he uses 60 percent for business and 40 percent for nonbusiness, the loss is allocated 60 percent to business use and 40 percent to nonbusiness use. The $100 limitation applies to the portion of the loss allocable to the nonbusiness loss.

PAR. 3. Section 1.165–8 is amended by revising paragraphs (a)(1) and (c) to read as follows:

§ 1.165–8 Theft losses.

(a) *Allowance of deduction.* (1) Except as otherwise provided in paragraphs (b) and (c) of this section, any loss arising from theft is allowable as a deduction under section 165(a) for the taxable year in which the loss is sustained. See section 165(c)(3).

* * * * *

(c) *Amount deductible.* The amount deductible under this section in respect of a theft loss shall be determined consistently with the manner prescribed in § 1.165–7 for determining the amount of casualty loss allowable as a deduction under section 165(a). In applying the provisions of paragraph (b) of § 1.165–7 for this purpose, the fair market value of the property immediately after the theft shall be considered to be zero. In the case of a loss sustained after December 31, 1963, in a taxable year ending after such date, in respect of property not used in a trade or business or for income producing purposes, the amount deductible shall be limited to that portion of the loss which is in excess of $100. For rules applicable in applying the $100 limitation, see subparagraph (b)(4) of § 1.165–7. For other rules relating to the treatment of deductible theft losses, see § 1.1231–1, relating to the involuntary conversion of property.

[F.R. Doc. 64–11021; Filed, Oct. 28, 1964; 8:48 a.m.]

# DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## [ 50 CFR Part 257 ]

## RULES OF PRACTICE AND PROCEDURE FOR NOTICE AND HEARING ON SUBSIDIES

### Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of June 12, 1960 (Public Law 86–516; 46 U.S.C. 1401–1413), as amended, it is proposed to adopt 50 CFR Part 257 as set forth below. The purpose of these regulations is to provide procedures for notice and hearing requirements of the United States Fishing Fleet Improvement Act (Public Law 88–498) which was approved August 30, 1964. This Act amended the Act of June 12, 1960, and requires a notice and hearing on certain phases of each application for a subsidy and for permission for a vessel to change fisheries when such vessel has been constructed with the aid of this subsidy.

This proposed regulation relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, whenever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C., 20240, within 20 days of the date of publication of this notice in the FEDERAL REGISTER.

Sec.
257.1 Basis and purpose.
257.2 Definitions.
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257.4 Mailing address.
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257.6 Inspection of records.
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257.10 Notice, pleadings and replies.
257.11 Duties of Presiding Officer.
257.12 Hearing procedure.
257.13 Evidence.
257.14 The record.
257.15 Decisions.

AUTHORITY: The provisions of this Part 257 issued under the Act of June 12, 1960 (Public Law 86–516), as amended.

§ 257.1 Basis and purpose.

(a) The Act of June 12, 1960 (Public Law 86–516), as amended by the United States Fishing Fleet Improvement Act (Public Law 88–498) authorizes the Secretary of the Interior to pay a subsidy for the construction of fishing vessels in shipyards of the United States and requires that this be done only after Notice and Hearing.

(b) The purpose of this part is to establish rules of practice and procedure for the notice and hearing.

§ 257.2 Definitions.

Definitions shall be the same as in Part 256 of this subchapter.

§ 257.3 Scope of rules.

The regulations in this part govern the procedure in hearings subject to Part 256 of this subchapter. These hearings are subject to the Administrative Procedure Act (5 U.S.C. 1003, et seq.) and Practice Before The Department of the Interior (43 CFR Part 1). The regulations shall be construed to secure the just, speedy, and inexpensive determination of every proceeding with full protection for the rights of all parties therein.

§ 257.4 Mailing address.

Documents required to be filed in, and correspondence relating to, proceedings governed by the regulations in this part shall be addressed to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C., 20240.

§ 257.5 Authentication.

All rules, orders, determinations, and decisions of the Secretary shall be signed by the Secretary.

§ 257.6 Inspection of records.

The files and records of these hearings, except those held by the Secretary for good cause to be confidential, shall be open to inspection and copying as follows:



(a) All pleadings, motions, depositions, correspondence, exhibits, transcripts of testimony, exceptions, briefs, and decisions in any formal proceeding under this part may be inspected and copied in the office of the Chief, Branch of Loans and Grants, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C., 20240.

(b) Orders, rules, rulings, opinions, determinations, and decisions may be inspected in the office of the Chief, Branch of Loans and Grants, except those held by the Secretary for good cause to be confidential and not cited as precedents.

§ 257.7 Appearance and practice.

(a) A party may appear in person or by an officer, partner or regular employee of the party; by or with counsel or as otherwise permitted by 43 CFR Part 1 in any proceeding under the regulations in this part. A party may offer testimony, produce and examine witnesses, and be heard upon brief and at oral argument if oral argument is granted by the Presiding Officer. Attorneys-at-law who are admitted to practice before the Federal Courts or before the courts of any State or possession of the United States, may represent a party as counsel.

(b) Persons who appear at any hearing shall deliver a written notice of appearance to the official reporter, stating for whom the appearance is being made. The Presiding Officer may require a person making an appearance in a representative capacity to show his authority to act in such capacity. The written appearance shall be made a part of the record.

§ 257.8 Parties.

(a) The term "party" shall include any natural person, corporation, association, firm, partnership, trustee, receiver, cooperative or governmental agency determined by the Presiding Officer as having an interest in the proceedings. A party making an application shall be designated as "applicant." A party whose petition for leave to intervene is granted shall be designated an "intervenor." Only a party as designated in this section may introduce evidence or examine witnesses at hearings.

(b) For an intervenor to prove an interest in the hearings he must show that there is a reason for belief that the operation of the vessel described in the application will cause economic injury or hardship to efficient vessel operators already operating in the fishery in which it is proposed that the vessel be operated.

§ 257.9 Form, execution and service of documents.

(a) All papers to be filed under the regulations in this part shall be clear and legible; and shall be dated, signed in ink, contain the docket description and title of the proceeding and the title, if any, and the address of the signatory. Five copies of all papers are required to be filed. Documents filed shall be executed by (1) the person or persons filing same, (2) by an authorized officer thereof if it be a corporation or, (3) by an attorney or other person having authority with respect thereto.

(b) All documents, when filed, shall show that service has been made upon all parties to the proceeding. Such service shall be made by delivering one copy to each party in person or by mailing by first class mail, properly addressed with postage prepaid. When a party has appeared by attorney or other representative, service on such attorney or other representative will be deemed service upon the party. The date of service of document shall be the day when the matter served is deposited in the United States mail, shown by the postmark thereon, or is delivered in person, as the case may be.

(c) The original of every document filed under this part and required to be served upon all parties to a proceeding shall be accompanied by a certificate of service signed by the party making service, stating that such service has been made upon each party to the proceeding. Certificates of service may be in substantially the following form:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by: (1) Mailing postage prepaid, (2) delivering in person, a copy to each party.

Dated at ---------- this ------ day of ---------- 19...

Signature ----------

§ 257.10 Notice, pleadings and replies.

(a) After acceptance of an application eligible on its face for construction subsidy or for the transfer of a vessel to a different fishery, the Director, Bureau of Commercial Fisheries, shall publish a notice of hearing in the FEDERAL REGISTER advising that a hearing will be held not less than 30 days after date of such publication and setting the time and place and providing details with respect to such hearing. Any person desiring to intervene and present evidence that the approval of the application will cause economic injury or hardship to efficient vessel operators must file, at least 10 days prior to the date set for the hearing (unless otherwise consented to by the Presiding Officer), a Petition of Intervention setting forth his interest. The hearing will be held in Washington, D.C., unless such a petition is received. If such a petition is received, the Presiding Officer may designate a different hearing site by telegraphic notice to the parties in the proceedings. If no petition to intervene is received, it will not be necessary for the applicant to appear at the hearing if he files all information in writing as required by the Presiding Officer.

(b) All petitions shall be in writing and shall state the petitioner's grounds of interest in the subject matter; the facts relied upon, the relief sought; and shall cite the authority upon which the petition rests. The petition shall be served upon all parties named therein or affected thereby. Answers to petitions must be filed within 5 days of the hearing date, unless otherwise consented to by the Presiding Officer.

(c) Amendments or supplements to pleadings may be allowed or refused in the discretion of the Presiding Officer. The Presiding Officer may direct a party to state its case more fully and in more detail by way of amendment. If a response to an amended pleading is necessary, it may be filed and served within the time set by the Presiding Officer. Amendments or supplements allowed prior to hearing will be served in the same manner as the original pleading.

(d) All motions and requests for rulings shall state the relief sought, the authority relied upon and the facts alleged. If made before or after the hearing, such motions shall be in writing. If made at the hearing, motions may be stated orally: *Provided, however,* that the Presiding Officer may require such motion to be reduced to writing and filed and served in the same manner as a formal motion. Oral argument upon a written motion, in which an answer has been filed, may be granted within the discretion of the Presiding Officer. Answers to a formal motion or pleading shall be filed and served in the same manner as the motion or pleading.

§ 257.11 Duties of Presiding Officer.

The Presiding Officer shall have the authority and duty to:

(a) Take or cause depositions to be taken.

(b) Rule upon proposed amendments or supplements to motions and pleadings.

(c) Regulate the course of the hearings.

(d) Prescribe the order in which evidence shall be presented.

(e) Dispose of procedural requests or similar matters.

(f) Hear and initially rule upon all motions and petitions before him.

(g) Administer oaths and affirmations.

(h) Examine witnesses.

(i) Rule upon offers of proof and receive competent, relevant, material, reliable, and probative evidence.

(j) Exclude irrelevant, immaterial, incompetent, unreliable, repetitious or cumulative evidence.

(k) Exclude cross-examination which is primarily intended to elicit self-serving declarations in favor of the witness.

(l) Limit cross-examination to interrogatories which are required for a full and true disclosure of the facts in issue.

(m) Act upon petitions to intervene.

(n) Act upon submissions of facts or arguments.

(o) Hear arguments at the close of testimony.

(p) Fix the time for filing briefs, motions and other documents to be filed in connection with hearings.

(q) Issue the intial decisions and dispose of any other pertinent matter that normally and properly arises in the course of proceedings.

§ 257.12 Hearing procedure.

(a) Unless authorized by the Presiding Officer, witnesses will not be permitted to read prepared testimony into the record. The evidentiary record shall be limited to factual and expert opinion testimony. Arguments will not be received in evidence but should be presented in opening and/or closing statements or in briefs to the Presiding Officer.





§ 501.7 Grants to and contracts with

All exhibits and responses to requests for evidence shall be numbered consecutively by the party submitting same and shall be filed with the Presiding Officer if filed during the hearing. If filed at some other time they should be filed in accordance with § 257.4 with one copy also being sent to each party to the hearing.

(b) Normally, the order of presentation at the hearing will be alphabetical in each of the following categories:

(1) Applicant,

(2) Intervenors.

Rebuttal should be presented without any adjournment in the proceedings.

(c) Cross-examination shall be limited, subject to § 257.13(b), to the scope of the direct examination and to witnesses whose testimony is adverse to the party desiring to cross-examine. Only cross-examination which is necessary to test the truth and completeness of the direct testimony and exhibits will be permitted.

(d) A request for oral argument at the close of testimony will be granted or denied by the Presiding Officer in his discretion.

(e) Rulings of the Presiding Officer may not be appealed prior to, or during, the course of the hearings, except in extraordinary circumstances where prompt decision by the Secretary is necessary to prevent unusual delay or expense, in which instance the matter shall be referred forthwith to the Secretary by the Presiding Officer. Any appeal shall be filed within 10 days from the date of the close of the hearing.

**§ 257.13 Evidence.**

(a) In any proceedings under this part, all evidence which is relevant, material, reliable and probative, and not unduly repetitious or cumulative, shall be admissible. Irrelevant and immaterial or unduly repetitious evidence shall be excluded.

(b) Each party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence; and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(c) At any time during the hearing the Presiding Officer may call for the production of further relevant and material evidence, reports, studies and analyses upon any issue, and require such evidence to be presented by the party or parties concerned, either at the hearing or adjournment thereof. Such material shall be received subject to appropriate motions, cross-examination and/or rebuttal. If a witness refuses to testify or produce the evidence as requested, the Presiding Officer shall forthwith report such refusal to the Secretary.

**§ 257.14 The record.**

(a) The Director, Bureau of Commercial Fisheries, will designate an official reporter for all hearings. The official transcript of testimony taken, together with any exhibits and briefs filed therewith, shall be filed with the Director, Bureau of Commercial Fisheries. Transcripts of testimony will be available in any proceeding under the regulations of this part, and will be supplied by the official reporter to the parties and to the public, except when required for good cause to be held confidential, at rates fixed by the contract between the United States of America and the reporter. If the reporter is an employee of the Department of the Interior, the rate will be fixed by the Director, Bureau of Commercial Fisheries.

(b) The transcript of testimony and exhibits, together with all papers and requests, including rulings and the initial decision filed in the proceeding, shall constitute the exclusive record for decision. The initial decision will be predicated on this same record, as will the final decision.

**§ 257.15 Decisions.**

(a) The Presiding Officer is delegated the authority to render initial decisions in all proceedings before him. The same officer who presides at the reception of evidence shall render the initial decision except when such officer becomes unavailable to the Department of the Interior. In such case, another Presiding Officer will be designated by the Secretary to render the initial decision. Briefs, or other documents, to be submitted after the hearing must be received not later than ten (10) days after the hearing unless otherwise extended by the Presiding Officer upon motion by a party. The initial decision shall be made within twenty (20) days after the hearing or the receipt of all briefs, whichever is later. If no appeals from the initial decision are received within ten (10) days of the date of the initial decision, it will become the final decision on the twentieth day following the date of the initial decision. If an appeal is received, the appeal will be transmitted to the Secretary who will render the final decision after considering the record and the appeal.

(b) All initial and final decisions, shall include a statement of findings and conclusions, as well as the reasons or basis therefor, upon the material issues presented. A copy of each decision shall be served on the parties to the proceeding, and furnished to interested persons upon request.

(c) Official notice may be taken of such matters as might be judicially noticed by the courts; or of technical or scientific facts within the general or specialized knowledge of the Department of the Interior as an expert body; or of a document required to be filed with or published by a duly constituted Government body: *Provided*, That where a decision or part thereof rests on the official notice of a material fact not appearing in the evidence of the record, the fact of official notice shall be so stated in the decision and any party, on timely request, shall be afforded an opportunity to show the contrary.

FRANK P. BRIGGS,
*Assistant Secretary of the Interior.*

OCTOBER 26, 1964.

[F.R. Doc. 64-10929; Filed, Oct. 28, 1964; 8:45 a.m.]

## Office of the Secretary

## [ 18 CFR Ch. IV ]

## OFFICE OF WATER RESOURCES RESEARCH

### Notice of Proposed Rules and Regulations

OCTOBER 20, 1964.

Notice is hereby given that, pursuant to section 104 of the Water Resources Research Act of 1964 (Public Law 379, 88th Congress), the Department of the Interior, after consultation with other interested Federal agencies, is now considering prescribing rules and regulations for carrying out the provisions of said Act. These rules and regulations are set forth in tentative form below.

Prior to the final adoption and publication of the rules and regulations, consideration will be given to any comments and suggestions pertaining thereto that are submitted in writing, in duplicate, to the Director, Office of Water Resources Research, U.S. Department of the Interior, Washington, D.C., 20240, within 20 days from the date of publication of this notice in the FEDERAL REGISTER.

STEWART L. UDALL,
*Secretary of the Interior.*

Part
501 General.
502 Requests for allotments to institutes.
503 Applications for grants, contracts, matching or other arrangements.
504 Approval of allotments and applications.
505 Fiscal and accounting.
506 Progress and accomplishment reports.
507 Consultation and coordination.
508 Audits and inspections.

## PART 501—GENERAL

Sec.
501.1 Purpose.
501.2 Office of Water Resources Research.
501.3 Definition of terms.
501.4 Allotments to institutes.
501.5 Programs of institutes.
501.6 Grants to institutes of matching funds for specific projects.
501.7 Grants to, and contracts, matching or other arrangements with, entities other than institutes.

AUTHORITY: The provisions of this Part 501 issued under sec. 104, 78 Stat. 331.

**§ 501.1 Purpose.**

The regulations in this chapter are issued pursuant to the Water Resources Research Act of 1964 (Public Law 88-379), which authorizes appropriations to, and confers authority upon, the Secretary of the Interior in order to promote a more adequate national program of water research.

**§ 501.2 Office of Water Resources Research.**

(a) The Office of Water Resources Research has been established as a component of the Department of the Interior. It reports to the Secretary of the Interior and is administered by a Director.

(b) The Secretary has delegated to the Director authority to take the actions and make the determinations that, under the Act, are the responsibility of the Secretary, except for the issuance of regulations, reporting to the President, and reporting to the Congress. The Director has redelegated to the Associate Director the authority of the Director, to be exercised under his general administrative direction.

**§ 501.3 Definition of terms.**

As used in this chapter, the term—

(a) "Act" means the Water Resources Research Act of 1964 (Public Law 88-379),

(b) "Allotment" means the funds made available to an institute in a particular fiscal year pursuant to section 100 of the Act and the regulations in this chapter,

(c) "Director" means the Director, Office of Water Resources Research,

(d) "Institute" means a water resources research institute, center, or equivalent agency established in accordance with provisions of Title I of the Act,

(e) "Scientists" includes individuals in any professional discipline including individuals in the life, physical, or social sciences, and engineers,

(f) "Secretary" means the Secretary of the Interior or his authorized representative, and

(g) "State" includes each of the fifty States, and Puerto Rico.

**§ 501.4 Allotments to institutes.**

(a) Subject to the availability of appropriated funds, an allotment of $75,000 in the first fiscal year, $87,500 in each of the second and third fiscal years, and $100,000 in each fiscal year thereafter will be available to each State to assist in establishing and carrying on the work of an institute.

(b) An institute must be identified with a college or university in a State, unless two or more States cooperate in the designation of a single interstate or regional institute, in which event the sums assignable to all of the cooperating States shall be paid to such institute.

(c) An institute, as authorized by appropriate State authority, may, and is encouraged to, arrange with other colleges and universities within the State to participate in the institute's work. Such participation will not make the other colleges and universities ineligible for assistance under section 200 of the Act.

(d) Prior to receiving an allotment, each institute must meet certain qualifications prescribed in the Act and the regulations in this chapter.

**§ 501.5 Programs of institutes.**

(a) It shall be the duty of each institute to plan and conduct or arrange for a component or components of the college or university with which it is identified to conduct—

(1) Competent research, investigations, and experiments of either a basic or practical nature, or both, in relation to water resources, and

(2) Training of scientists through such research, investigations, and experiments.

(b) Such research, investigations, experiments, and training may include, without being limited to:

(1) Aspects of the hydrologic cycle,

(2) Supply and demand for water,

(3) Conservation and best use of available supplies of water,

(4) Methods of increasing such supplies, and

(5) Economic, legal, social, engineering, recreational, biological, geographic, ecological, and other aspects of water problems.

(c) Institutes shall give due regard to:

(1) The varying conditions and needs of the respective States,

(2) Water research projects being conducted by agencies of the Federal and State governments, the agricultural experiment stations, and others,

(3) Advice and assistance as provided by the Secretary pursuant to section 104 of the Act,

(4) Coordination of their programs with programs of other institutes and agencies, and

(5) Avoidance of any undue displacement of scientists elsewhere engaged in water resources research.

(d) An institute may also plan for research, investigations, and experiments to be conducted as part of the institute's program at colleges and universities other than the college or university with which the institute is identified. For purposes of financial management, reporting, and other research program management and administration activities, the institute shall be responsible for performance of the activities of other participating colleges and universities. The activities of participating colleges and universities must meet all of the requirements (such as scope of work, qualifications, coordination with other research) that are applicable to other portions of an institute's program.

**§ 501.6 Grants to institutes of matching funds for specific projects.**

(a) Section 101 of the Act provides for grants to institutes with the condition that such grants be matched on not less than a dollar-for-dollar basis with funds from States or other non-Federal sources. Appropriations are authorized in the following amounts:

| Fiscal year: | *Amount* |
|---|---|
| 1965 | $1,000,000 |
| 1966 | 2,000,000 |
| 1967 | 3,000,000 |
| 1968 | 4,000,000 |
| 1969 and each following year | 5,000,000 |

(b) Subject to the availability of appropriations, such matching grants may be made to provide funds to meet the necessary expenses of specific water resources research projects, including the expenses of planning and coordinating regional water resources research projects by two or more institutes, if the projects for which such grants are sought—

(1) Could not otherwise be undertaken were it not for the Federal grant, and

(2) Are approved by the Director on the basis of—

(i) Merit of the project,

(ii) Need for the knowledge it is expected to produce when completed, and

(iii) The opportunity it provides for the training of scientists.

**§ 501.7 Grants to, and contracts, matching or other arrangements with entities other than institutes.**

(a) Grants, contracts, matching or other arrangements may be made, pursuant to section 200 of the Act, for research into any aspects of water problems related to the mission of the Department of the Interior that are not otherwise being studied, when such research is deemed desirable by the Director.

(b) Subject to the availability of appropriated funds, such grants may be made to, or contracts, matching or other arrangements made with, any of the following:

(1) Educational institutions (other than those establishing institutes under Title I of the Act),

(2) Private foundations,

(3) Other institutions,

(4) Private firms,

(5) Individuals,

(6) Local government agencies,

(7) State government agencies, or

(8) Federal Government agencies.

## PART 502—REQUESTS FOR ALLOTMENTS TO INSTITUTES

Sec.
502.1 Initial allotment.
502.2 Allotments after first fiscal year.

AUTHORITY: The provisions of this Part 502 issued under sec. 104, 78 Stat. 331.

**§ 502.1 Initial allotment.**

In order to obtain an initial allotment, an institute should submit to the Director, Office of Water Resources Research, Department of the Interior, Washington, D.C., 20240, a request (in six copies) containing the following information:

(a) Evidence that the institute conforms to the requirements of subsection 100(a) of the Act in that—

(1) The institute has been established at the college or university in the State that was established in accordance with the Act of July 2, 1862 (12 Stat. 503) or, if established at some other institution, the institute is at a college or university that has been designated by act of the legislature of the State for the purposes of section 100 of the Act, or

(2) If there is in the State more than one college or university established in accordance with the Act of July 2, 1862 and no designation has been made by act of the legislature of the State for the purposes of section 100 of the Act, the institute has been established at the one such college or university designated by the Governor of the State to receive the allotment, or

(3) The institute has been designated as an interstate or regional institute by two or more States in cooperation as provided by section 100 of the Act.

(b) Evidence of the appointment by the governing authority of the institute of an officer to receive and account for all funds paid under the provisions of the Act and to make annual reports to the Secretary on work accomplished and the status of projects under way, together with a detailed statement of the amounts received under any provision of the Act during the preceding fiscal year,

and of its disbursement, on schedules prescribed by the Secretary.

(c) Evidence that the institute has plans for, and will conduct or arrange for a component or components of the college or university with which it is identified to conduct—

(1) Competent research, investigations, and experiments of either a basic or practical nature, or both, in relation to water resources, and

(2) The training of scientists through such research, investigations, and experiments.

(d) Names of other colleges or universities, if any, within the State with which arrangements have been made for their participation in the work of the institute, with indication of the nature and extent of such participation and an explanation of the arrangements by which such participation becomes a part of the work of the institute.

(e) Evidence that the institute has, or may reasonably be expected to have, the capability of doing effective work in one or more of the various water resources research activities contemplated by the Act, which evidence shall include:

(1) The proposed general plan of operation of the institute showing its organization and a summary of the institute program activities, by project or other appropriate headings, which includes information concerning the substantive character and the anticipated magnitude, in man-years, of proposed activities,

(2) Description of facilities to be utilized,

(3) A list of staff personnel with specific details as to academic and professional training, research experience, and other pertinent qualifications, and the time they will devote to research, training, or other activities of the institute,

(4) The money, facilities, services, property, and other contributions, from sources other than the annual allotment of Federal funds, that will be available to the institute in the initial fiscal year.

(f) Evidence that the institute is giving due regard to

(1) Water research projects being conducted by agencies of the Federal and State governments, the agricultural experiment stations, and others,

(2) Avoidance of any undue displacement of scientists elsewhere engaged in water resources research,

(3) Water resources conditions and needs of the State (or States, in the case of a regional institute) as ascertained by consultation with appropriate State officials and by other means,

(4) Advice and assistance as provided by the Director pursuant to Section 104 of the Act and section 501.2 of this chapter, and

(5) Coordination of its program with programs of other institutes and agencies.

(g) An agreement, in a form approved by the Secretary and the Attorney General, that all information, uses, products, processes, patents, and other developments resulting from any scientific or technological research or development activity financed with funds supplied pursuant to the Act will (with such exceptions and limitations as the Secretary may determine, after consultation with the Secretary of Defense, to be necessary in the interest of the national defense) be made freely and fully available to the general public.

(h) A financial plan relating expenditures to scheduled activity and rate of effort to be expended, and indicating the times at which there will be need for specified amounts of allotted Federal funds.

(i) An appropriate "Notice of Research Project," and supplementary documentation as may be requested by the Director, for each separately identifiable research project the institute proposes to undertake during the year, for submission, when the allotment is approved, to the Science Information Exchange for publication in a catalog of water resources research.

**§ 502.2 Allotments after first fiscal year.**

After the first fiscal year, in order to obtain an allotment, an institute should submit to the Director a request (in six copies) containing the following information:

(a) All amendments, deletions, and additions to previously submitted information that are necessary to make it currently applicable,

(b) Evidence that all reports due under Part 506 of this chapter have been submitted,

(c) Evidence that any moneys received by the institute under the Act that have been found by the Director to have been improperly diminished, lost, or misapplied have been replaced, and safeguards have been established by the institute that will assure proper handling of funds received under the Act in the future,

(d) An outline explaining any changes in its program the institute plans to make during the forthcoming fiscal year,

(e) A financial plan relating expenditures to scheduled activity and rate of effort to be expended, and indicating the times at which there will be need for specified amounts of allotted Federal funds,

(f) Evidence that the institute's program is effective and is giving due regard to:

(1) Water research projects being conducted by agencies of the Federal and State governments, the agricultural experiment stations, and others,

(2) Avoidance of ay undue displacement of scientists elsewhere engaged in water resources research,

(3) Water resources conditions and needs of the State (or States, in the case of a regional institute) as ascertained by consultation with appropriate State officials and by other means,

(4) Advice and assistance as provided by the Director pursuant to Section 104 of the Act and Section 501.2 of this chapter, and

(5) Coordination of its program with programs of other institutes and agencies.

## PART 503—APPLICATIONS FOR GRANTS, CONTRACTS, MATCHING OR OTHER ARRANGEMENTS

Sec.

503.1 Applications by institutes for grants of matching funds for specific projects.

503.2 Applications for research grants, contracts, matching or other arrangements by entities other than institutes.

AUTHORITY: The provisions of this Part 503 issued under sec. 104, 78 Stat. 331.

**§ 503.1 Applications by institutes for grants of matching funds for specific projects.**

(a) *Manner of submission.* An application for a matching grant under section 101 of the Act for a specific water resources research project should be submitted by an institute in 15 copies to the Director, Office of Water Resources Research, Department of the Interior, Washington, D.C., 20240.

(b) *Definition of funds eligible for matching.* Non-Federal funds which may be used to match a grant of Federal funds, on not less than a dollar-for-dollar basis, are those that have been or will be made available to an institute by State or other non-Federal sources during the duration of the project for which the grant is sought to meet the necessary expenses of a specific water resources research project, including the expenses of planning and coordinating regional water resources projects by two or more institutes. The fair value of services, facilities, property, or other contributions supplied from non-Federal sources, but excluding the cost of permanent buildings, may also be included. Title requirements for property purchased with non-Federal funds and used to match grants under the Act are set forth in section 505.5 of this chapter.

(c) *Information required with application.* Applications for matching grants shall be in the form of proposals to undertake specific water resources research projects. Such proposals shall set forth for each project—

(1) The nature and scope of the project to be undertaken,

(2) The period during which it will be pursued,

(3) The name and qualifications of the person who will direct the project,

(4) The number and general qualifications of the personnel who will work on the project, with the name, education, experience, and accomplishments of the principal scientist who will be assigned to it,

(5) The location or locations at which the project will be pursued,

(6) The importance of the project to the water economy of the Nation, the region, and the State concerned,

(7) The relation of the project to the over-all program of the institute,

(8) The relation of the project to other known research projects theretofore pursued or currently being pursued by the institute and by others (including but not limited to projects listed by the Science Information Exchange),



(9) The extent to which the project will provide opportunity for the training of scientists,

(10) A financial plan setting forth cash requirements, subdivided between grant and non-Federal funds—

(i) For each quarter of the first fiscal year, and

(ii) For each subsequent fiscal year during the proposed life of the project,

(11) The facilities that will be devoted to the project,

(12) The salient points of the plan that will be followed in pursuing the project, including a financial plan in which expenditures are related to activity and rate of effort to be expended,

(13) The intended method of publishing the results of the project on a timely basis,

(14) The basis for a determination that the project could not be undertaken without the grant for which application is made,

(15) That all reports due under part 506 of this chapter have been submitted,

(16) The names of other colleges or universities, if any, within the State with which arrangements have been made for their participation in the project, with indication of the nature and extent of such participation, an explanation of the arrangements by which such participation becomes a part of the work of the institute, and an acknowledgment of the institute's responsibility for the planning, work performance, and reporting for the entire project,

(17) Assurance that, if the grant is made, the required matching funds from non-Federal sources will be forthcoming, and

(18) Information as to whether the project has been or will be submitted to organizations other than the Office of Water Resources Research for the purpose of obtaining a contract or grant, with the names of any such organizations. Similar information, with the part (or parts) of the project appropriately identified, shall be provided when only a part (or parts) of the project has been or will be submitted to another organization.

(d) *Additional requirement.* There must be attached to the application an appropriate "Notice of Research Project", and supplementary documentation information as may be requested by the Director, for submission, if the project is approved, to the Science Information Exchange for publication in a catalog of water resources research.

**§ 503.2 Applications for research grants, contracts, matching or other arrangements by entities other than institutes.**

(a) *Eligible applicants.* Individuals and organizations other than an institute established under Title I of the Act and the educational institution with which the institute is identified are eligible to apply for Federal funds under section 200 of the Act to assist them in undertaking research into any aspects of water problems related to the mission of the Department of the Interior that are not otherwise being studied.

(b) *Manner of submission.* An application should be submitted in 15 copies to the Director, Office of Water Resources Research, Department of the Interior, Washington, D.C., 20240. A separate application must be submitted for each project. If an application is signed by an authorized representative of an applicant, evidence of the authority of the representative must be attached.

(c) *Information required with application.* (1) If the applicant is an individual, the application should include a statement in reasonable detail of his education, experience, accomplishments, and special qualifications for conducting the project for which application is being made.

(2) If the applicant is an organization, the application should include a statement as to its nature, officers, principal business, experience, and special qualifications for conducting the project for which application is being made.

(3) Each application shall also set forth the information specified in § 503.1 (c) and (d) to the extent applicable. (There is no requirement that matching funds be supplied from non-Federal sources in order to receive assistance under section 200 of the Act.)

## PART 504—APPROVAL OF ALLOTMENTS AND APPLICATIONS

Sec.

504.1 Return of defective submissions.

504.2 Approval of initial allotments to institutes.

504.3 Approval of allotments to institutes after the first year.

504.4 Approval of grants to institutes of matching funds for specific projects.

504.5 Approval of grants to, and contracts, matching or other arrangements with, entities other than institutes established pursuant to the Act.

AUTHORITY: The provisions of this Part 504 issued under sec. 104, 78 Stat. 331.

**§ 504.1 Return of defective submissions.**

(a) Upon receipt of a request for approval of an allotment or upon receipt of an application for a grant, contract, matching or other arrangement pursuant to the Act, the Director shall determine whether the submission conforms to the requirements of Part 502 or Part 503 of this chapter as appropriate. Non-conforming submissions will be returned with statements of the reasons for their return.

**§ 504.2 Approval of initial allotments to institutes.**

The Director will approve the initial allotment to an institute when he has determined that the institute—

(a) Has been organized in conformity with subsection 100(a) of the Act,

(b) Has, or may reasonably be expected to have, the capability of doing effective work under the Act.

(c) Is committed to a program of work and a plan of operation that conform with the provisions of the Act and provide for activities that will not duplicate established water research programs, and

(d) Has a financial plan in which proposed expenditures have a reasonable relationship to the probable value of the results of the institute's activities.

**§ 504.3 Approval of allotments to institutes after the first year.**

(a) Each fiscal year after the first, the Director will approve an allotment to an institute when he has determined that the institute—

(1) Has, since receiving its preceding allotment, undergone no changes in its form of organization, finances, and plan of operation that disqualify it for an allotment pursuant to section 100 of the Act,

(2) Has submitted, in satisfactory form, all reports required in Part 506 of this chapter,

(3) Is committed to a program of work and a plan of operation that conform to the provisions of section 100 of the Act and provide for activities that will not duplicate established water research programs,

(4) Is engaged in, and is committed to, a program of research, investigations, and experiments and the training of scientists through such activities that represent competent and effective work of the types and in the manner provided for in the Act,

(5) Has properly accounted for all funds received pursuant to the Act and, if the Director has determined that any portion of such funds were improperly diminished, lost, or misapplied, has replaced them and supplied evidence that it has instituted safeguards that will assure proper handling of funds received under the Act in the future, and

(6) Has a financial plan in which proposed expenditures have a reasonable relationship to the probable value of the results of the institute's activities.

(b) In evaluating the plans of an institute, the Director will give due regard to the varying conditions and needs of the respective States.

**§ 504.4 Approval of grants to institutes of matching funds for specific projects.**

(a) The Director will approve an institute's application for a matching-fund grant under section 101 of the Act to assist in financing a specific project after determining that—

(1) The applicant is a qualified institute,

(2) Satisfactory assurance has been furnished that funds from non-Federal sources that will be devoted to the project will equal or exceed the amount of the proposed matching grant, and

(3) The proposed project is deserving of approval on the basis of its over-all merits, including consideration of—

(i) The need for the knowledge it is expected to produce when completed,

(ii) The opportunity it provides for the training of scientists,

(iii) The probability that it will be pursued with competence and completed within a reasonable time,

(iv) The relationship between the amount of the grant and the probable results to be achieved,

(v) Freedom from unnecessary duplication of work being performed by others, and

(vi) Evidence that the proposed project could not be undertaken without the aid of the requested grant.





(b) When the Director has determined



§ 505.5 Title to property.

made available until the expiration of

tion of the project, prepare a report

(b) When the Director has determined that a grant should be made to an institute for a matching-fund project, he will draft and sign a proposed grant agreement setting forth the terms and conditions of the grant, including the commitments that the institute will fulfill, and forward five copies of it to the institute.

(c) The institute shall sign and return to the Director three copies of the grant agreement and thereafter submit public vouchers for payment in accordance with the terms of the grant agreement.

(d) If the proposed grant agreement is not formally signed by the institute and returned to the Director within 30 days, the proposed agreement may be withdrawn by the Director.

**§ 504.5 Approval of grants to, and contracts, matching or other arrangements with, entities other than institutes established pursuant to the Act.**

The Director may approve proposals submitted under section 200 of the Act and § 503.2 of this chapter after determining that—

(a) The applicant for such grant, contract, matching or other arrangement is a bona fide individual or organization, other than an institute established pursuant to the Act or the educational institution identified with such an institute, that has qualifications to perform work contemplated by section 200 of the Act,

(b) The proposal was properly signed by the applicant or its duly authorized agent,

(c) The work to be undertaken represents research into aspects of water problems related to the mission of the Department of the Interior,

(d) Such research is desirable and covers aspects of water problems not otherwise being studied,

(e) A reasonable relationship exists between the cost to the Government and the probable results to be achieved, and

(f) The applicant has expressed a willingness to enter into a research project agreement acceptable to the Director.

## PART 505—FISCAL AND ACCOUNTING

Sec.
505.1 Procedure for obtaining payments.
505.2 Cost computation principles.
505.3 Capital and related expenditures.
505.4 Credits against cost and repayments to the Government.
505.5 Title to property.
505.6 Accounting records.

AUTHORITY: The provisions of this Part 505 issued under sec. 104, 78 Stat. 331.

**§ 505.1 Procedure for obtaining payments.**

(a) *Allotments.* (1) After determining that an institute's qualifications and plans are acceptable, the Director will prepare and forward to the institute public vouchers that it may sign and return for certification by the Director and payment. Each voucher will be in five copies. Two copies may be retained by the institute; three must be returned to the Director.

(2) The amounts and dates of such vouchers will be those that the Director decides, on the basis of the financial plan and reports the institute has submitted, will provide funds as they are needed by the institute to liquidate the liabilities it expects to incur.

(b) *Grants.* (1) After the grant agreement has been formally signed, payments of grant funds to the grantee will be made on public vouchers prepared, signed, and submitted by the grantee in three copies to the Director. Such vouchers will provide for amounts to be paid to the grantee as funds are required for the liquidation of liabilities the grantee expects to incur pursuant to the terms of the grant.

(2) In support of each such voucher the grantee will relate it to the approved financial plan.

(3) In the case of matching grants, the grantee will also submit evidence that a proper relationship is being maintained between expenditures of grant and non-Federal funds.

(c) *Contracts and other arrangements.* Individuals and organizations that conduct research under contracts or other arrangements pursuant to section 200 of the Act will submit to the Director, not more frequently than monthly, public vouchers in three copies, claiming payment or reimbursement as called for by the terms of the contract or other arrangement. Such vouchers shall detail deliveries, performance, expenditure or such other criteria for payment as are required by or are appropriate under the contract or other arrangement. Educational institutions and non-profit organizations may obtain advance payments of initial expenses upon submission of a voucher in three copies when, in the opinion of the Director, such payment is necessary to facilitate the work being done under contracts or other arrangements pursuant to the Act.

**§ 505.2 Cost computation principles.**

(a) *Applicability to allotments and grants.* The cost-computation principles prescribed in this section shall be utilized in the cost accounting required with respect to allotments and grants under the Act to provide evidence that the recipient has discharged the obligation it assumed, when accepting these funds, to expend them solely for costs necessary for the accomplishment of the work for which they were received. These principles will also be applied in accounting for funds from other sources to the extent that such funds are applied to meet the requirement that grants be matched with non-Federal funds.

(b) *Applicability to contracts.* Computation of costs in accordance with the principles prescribed in this section is a prerequisite of payments from funds provided under the Act to a contractor under cost-reimbursement-type contracts. Such cost computation is also necessary for fixed-price contracts if they are terminated prior to completion or contain price-redetermination, renegotiation, or similar clauses.

(c) *Basic cost formulas.* Costs will be computed:

(1) By institutes and educational institutions, in accordance with Bureau of the Budget Circular A–21, as revised, except as provided in section 505.3.

(2) By all entities other than educational institutions and institutes, in accordance with the Federal Procurement Regulations (second edition) (Title 41, Code of Federal Regulations, Subpart 1–15.2) (29 F.R. 10288), except as provided in § 505.3.

**§ 505.3 Capital and related expenditures.**

(a) In no instance shall the Director approve payments pursuant to the Act which include any amounts representing, either directly or indirectly, the cost of permanent buildings. In no instance shall recipients of funds pursuant to the Act use such funds either directly or indirectly to pay the cost of permanent buildings.

(b) Payments received pursuant to the Act may be applied to capital expenditures, other than for permanent buildings, to the extent that such expenditures are provided for in plans for projects and other activities that have been approved by the Director.

**§ 505.4 Credits against cost and repayments to the Government.**

(a) Incidental income resulting from operations: (1) Income resulting from the work financed by allotments, grants, contracts, and other arrangements under the Act may be added to the funds in the hands of the allottee, grantee, or contractor and used for expenses of water resources research activities. Examples of such income are: Proceeds from the sale of scrap, water and other material produced as a by-product of, or remaining after use in, research activities; sale of, or royalties on, publications; etc. It is a responsibility of those receiving Federal funds under the Act to realize such incidental income to the maximum extent possible consistent with the purposes of the Act.

(2) In instances in which such incidental income results from joint expenditures of funds provided by the Act and of funds from other sources, such income shall be credited to their various sources in the ratio in which each contributed to the generation of the incidental income.

(b) Any interest earned on any funds received as allotments or grants under the Act shall accrue to the benefit of the United States and each institute or grantee shall submit as a part of its annual report a statement showing the amount of such interest earned during the period covered by the report.

(c) In the event an institute is dissolved or a research project conducted under a grant is completed or terminated prior to completion, all funds provided under the Act that remain in the hands of the allottee or grantee after liquidation of the costs chargeable to the allotment or grant will be returned to the Director.

(d) Similarly, any supplies and equipment or other assets that were purchased with funds provided under the Act as allotments may be disposed of by the Director at his discretion upon dissolution of an institute or, if purchased with grant funds, upon completion or termination of the project for which the funds were furnished.



**§ 505.5 Title to property.**

(a) Title to property purchased with Federal funds allotted to institutes pursuant to section 100 of the Act shall be in the name of the institute and not that of the State or the college or university with which the institute is identified. However, in instances in which a formal document evidencing title is prepared, and State law precludes its issuance in the name of the institute, titles such as the following will be satisfactory:

---------- University [or ---------- State] for the use and benefit of the ---------- Water Resources Research Institute.

(b) Title to property purchased with funds from non-Federal sources used to match grants under section 101 of the Act, shall, similarly, be vested in, or held for the use and benefit of, the institute. In the case of property purchased with non-Federal funds that is applied to meet matching requirements for grants under section 200 of the Act, title shall be vested in the grantee.

(c) In the case of reimbursement-type contracts, the title of property shall pass to and vest in the Government.

(1) Upon its delivery to the contractor if its purchase is paid for with funds supplied under the Act or the cost is reimbursable to the contractor from such funds, or

(2) Upon issuance of such property for use in the performance of the contract, or commencement of processing or use of such property in the performance of the contract, or reimbursement of the cost thereof by the Government, whichever first occurs.

(d) Title to property purchased with grant funds made available either under section 101 or under section 200 of the Act shall vest in the Government when acquired by the grantee, unless the grantee is a non-profit institution of higher education or a non-profit organization whose primary purpose is the conduct of scientific research and the Director determines that vesting title in such grantee would further the objectives of the Act.

**§ 505.6 Accounting records.**

(a) The officers of institutes appointed in compliance with section 102 of the Act, and appropriate officials of entities other than institutes, that receive funds under the Act, shall be responsible for maintaining books of account that clearly, accurately, and currently reflect the financial transactions involving allotments, grants, contracts, and other arrangements financed under the Act and also transactions financed with matching funds from sources other than the Federal Government. In addition, they shall maintain files of all papers necessary to explain and prove the validity of the transactions recorded.

(b) Such records, with all supporting and related documents shall, at all reasonable times, be made available, upon request, for inspection and audit by representatives of the Director and of the Comptroller General of the United States.

(c) Records relating to each allotment and each grant shall be retained and made available until the expiration of three years after the allottee's or grantee's last disbursement of such funds. Records with respect to contracts shall be retained and made available until the expiration of three years after the last payment thereunder was received by the contractor.

(d) The books and records maintained shall include a record of all property

(1) Received from the Federal Government,

(2) Charged as a cost of activities financed with funds provided by the Act,

(3) Included in costs paid with non-Federal funds to match grant funds, and

(4) Included in reimbursable costs under cost-reimbursement-type contracts.

(e) An accountability record shall be maintained for all items of such property that are nonexpendable and have an acquisition cost of $100 or more.

(f) Institutes, grantees, and contractors shall include the following provision in any contract or subcontract for services, equipment, or supplies they make that requires payments exceeding $2,500 from funds furnished under the Act or non-Federal funds used to match such Federal funds:

Representatives of the Director of the Office of Water Resources Research or of the Comptroller General of the United States shall, until the expiration of three years after final payment under this contract, have access to and the right to examine any directly pertinent books, documents, papers, and records relating to this contract.

For the purposes of this requirement, contracts or subcontracts for public utility services at rates established for uniform applicability to the general public are excluded.

## PART 506—PROGRESS AND ACCOMPLISHMENT REPORTS

Sec.
506.1 Project completion or termination reports.
506.2 Annual reports by institutes.
506.3 Annual reports by entities other than institutes.
506.4 Special reports.
506.5 Annual reports to the Congress.
506.6 Acknowledgment of Federal Government participation.

AUTHORITY: The provisions of this Part 506 issued under sec. 104, 78 Stat. 331.

**§ 506.1 Project completion or termination reports.**

(a) Recipients of funds under the provisions of sections 100, 101, and 200 of the Act are encouraged to publish, as technical literature, the findings, results, and conclusions relating to separately identifiable research projects undertaken pursuant to the Act. Fifty copies of such documents shall be furnished to the Director, together with supplementary information suitable for project documentation purposes.

(b) If a publication such as is described in paragraph (a) of this section has not been prepared with respect to a specific research project, recipients of funds under the provisions of sections 100, 101, and 200 of the Act shall, in conjunction with the completion or termination of the project, prepare a report which sets forth the findings, results, and conclusions relating to such project. Fifty copies of the report shall be furnished to the Director, together with supplementary information suitable for project documentation purposes.

**§ 506.2 Annual reports by institutes.**

(a) On or before September 1 of each year, each institute shall make an annual report relating to its program and activities conducted pursuant to sections 100 and 101 of the Act, for the year ending June 30, to the Director, in fifteen copies, which provides information as indicated in paragraphs (b), (c), and (d) of this section.

(b) Relating to the institute's program conducted pursuant to an allotment of funds and section 100 of the Act, the report shall provide—

(1) For each separately identified research project that was included as a part of the institute's annual program—

(i) A description of research performed and any findings, results, or conclusions relating thereto,

(ii) Supplementary information suitable for project documentation purposes,

(iii) A listing of any project-related publications or reports issued and papers prepared (with copies of such publications, reports, or papers being attached to each copy of the annual report),

(iv) In lieu of the information requested in subdivisions (i), (ii), and (iii) of this subparagraph (1), an appropriate reference to a project completion or termination report which contains similar information and which was submitted to the Director in accordance with the provisions of § 506.1, and

(v) Statements of project work remaining to be accomplished,

(2) A description of any other activities or work accomplished or remaining to be accomplished by the institute, including reports or publications issued and presented but not previously covered in subparagraph (1) of this paragraph (b),

(3) A record of training of scientists, and

(4) The nature and extent of activities conducted in cooperation with other institutes and research organizations.

(c) Relating to projects carried on pursuant to matching-fund grants and section 101 of the Act, the report shall provide, separately, for each project—

(1) Information similar to that prescribed in paragraph (b) above, and

(2) Other information relating to the project, as deemed appropriate by the institute.

(d) Relating to funds, the report shall provide detailed statements of the amounts received under the Act, and the disbursements thereof, on schedules prescribed by the Director—

(1) For the institute's annual program carried on pursuant to an allotment of funds under section 100 of the Act, and

(2) For each project carried on pursuant to a matching-fund grant under section 101 of the Act.

(e) In addition to information provided in their annual reports as pre-

scribed above, institutes are encouraged to add a report section which provides general accounts of other significant or interesting water resources research developments and prospects, and analyses of local, State, regional or national water needs in relation to the program of the institute.

**§ 506.3 Annual reports by entities other than institutes.**

(a) On or before September 1 of each year each entity that has received funds under section 200 of the Act shall make a report relating to its activity for the year ending June 30 and submit such report to the Director, in fifteen copies. If there was more than one grant, contract, matching, or other arrangement in effect with the entity during the year covering more than one specific research project, the annual report shall be made up of separate sections, one for each such project, which provide—

(1) A description of research accomplished and the findings, results, and conclusions relating thereto,

(2) Supplementary information suitable for project documentation purposes,

(3) A listing of project-related publications or reports issued and papers presented (with copies of such publications being attached to each copy of the annual report),

(4) Statements of project work remaining to be accomplished,

(5) The nature and extent of activities conducted in cooperation with institutes or other research organizations, and

(6) A detailed statement of the amounts received during the year under grant, contract, matching, or other arrangement, and disbursements thereof, on schedules prescribed by the Director.

(b) If the entity has submitted to the Director a project completion or termination report in accordance with the provisions of section 506.1 of this chapter, the entity make make, in lieu of providing the information requested in subparagraphs (1), (2), and (3) of paragraph (a) of this section, an appropriate reference to such project completion or termination report.

**§ 506.4 Special reports.**

All organizations and individuals receiving funds under grants, contracts, or other arrangements pursuant to the Act shall submit such reasonable special or interim reports as may from time to time be specifically requested by the Director.

**§ 506.5 Annual reports to the Congress.**

Each year the Director shall prepare a recommended report suitable for transmission by the Secretary to the Congress, which report shall—

(a) Summarize the receipts and expenditures and work of the institutes in all States and of others that have received funds under the provisions of the Act,

(b) Indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reasons therefor, and

(c) Summarize the advice and comments relative to needs and problems of the program authorized by the Act as such advice and comments may have been expressed by institutes and in the consultations described in Part 507 of this chapter, together with advice relative to the overall program secured by the Director from a special panel constituted by the Director for that purpose, which panel shall be composed of outstanding scientists, engineers, and laymen experienced in public affairs related to water resources.

**§ 506.6 Acknowledgment of Federal Government participation.**

Appropriate acknowledgment shall be given by institutes, grantees, and contractors to the Department of the Interior's participation in financing research carried out under provisions of the Act. Such acknowledgment shall be included in publications, news releases, and other information media developed by institutes and others to publicize, describe or report upon research activities and accomplishments carried out in whole or in part with funds received under provisions of the Act.

## PART 507—CONSULTATION AND COORDINATION

Sec.
507.1 Cooperation.
507.2 Advice, assistance, and coordination.
507.3 Consultations.
507.4 Cooperation with cataloging center.

AUTHORITY: The provisions of this Part 507 issued under sec. 104, 78 Stat. 331.

**§ 507.1 Cooperation.**

The Director shall encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

**§ 507.2 Advice, assistance, and coordination.**

The Director shall furnish such advice and assistance as will best promote the purposes of the Act, participation in coordinating research initiated under the Act by the institutes, and indicate to them such lines of inquiry as to him seem most important.

**§ 507.3 Consultations.**

The Director shall consult with and obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with water problems, of State and local governments, and of private institutions and individuals, to—

(a) Assure that the programs authorized by the Act will not duplicate established water research programs,

(b) Stimulate research in otherwise neglected areas,

(c) Contribute to a comprehensive, nationwide program of water and related resources research, and

(d) Obtain assistance in evaluating programs of the institutes, proposals for grants, contracts or other arrangements, reports of work, and the activities carried on pursuant to the Act.

**§ 507.4 Cooperation with cataloging center.**

The Director will cooperate with the cataloging center (established in such agency and location as the President determines to be desirable) by providing information to the center on work underway or scheduled pursuant to provisions of the Act, and otherwise as appropriate for the purpose of improving communication of information on water resources research. Such information will be used for cataloging current and projected scientific research in all fields of water resources.

## PART 508—AUDITS AND INSPECTIONS

Sec.
508.1 Introduction.
508.2 Audits.
508.3 Inspections.

AUTHORITY: The provisions of this Part 508 issued under sec. 104, 78 Stat. 331.

**§ 508.1 Introduction.**

Representatives of the Director and of the Comptroller General of the United States may conduct on-site audits and inspections of institutes and other entities which have received Federal funds pursuant to the Act.

**§ 508.2 Audits.**

Audits conducted at the direction or on behalf of the Director will extend to a determination and appropriate finding of fact concerning compliance with the provisions of the Act, the regularity and accuracy of financial transactions and recording, adequacy of property accountability and internal control, and reliability of financial reporting. As a part of such audits, examinations will be made on a selective basis to determine that matching funds (as defined in section 503.1 of this chapter) have been received and properly expended by recipients of matching-fund grants under the Act and that grantees maintain a proper relationship between costs paid with funds from non-Federal sources and with matching grant funds provided under the Act. Professional audit techniques will be applied and accepted principles of business administration will be the governing criteria.

**§ 508.3 Inspections.**

In relation to the substantive scientific research operations of allottees, grantees, contractors and others, the Director may, with such personnel as he considers qualified and with such procedures as he determines to be suitable, perform inspections of activities authorized and financed pursuant to the Act. Such inspections will cover acceptability of progress, consistency with approved plans, and other factors the Director deems important to enable him to discharge his responsibilities for achievements consistent with purposes of the Act.

[F.R. Doc. 64–11062; Filed, Oct. 28, 1964; 8:50 a.m.]



# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

[ 7 CFR Part 41 ]

## STANDARD CONTAINERS

### Notice of Proposed Rule Making

Notice is hereby given that the U.S. Department of Agriculture is considering the addition of a new § 41.6–2 and the revision of §§ 41.6, 41.11, and 41.19 of the regulations (7 CFR §§ 41.1 through 41.22) effective under the United States Standard Container Act of 1916 (39 Stat. 673, et seq., as amended; 15 U.S.C. §§ 251–256) and the United States Standard Container Act of 1928 (45 Stat. 685, et seq., as amended; 15 U.S.C. §§ 257–257i).

The proposed addition to and revision of the regulations is necessary because of an amendment to the Act of 1928, effective August 30, 1964. The changes are intended to carry out the purpose of the amendment which adds five new sizes of baskets and hampers and also provides that containers under the Act of 1928 be stamped or marked as to capacity.

All persons who desire to submit written data, views, or comments concerning the proposed amendments should file the same, in quadruplicate, with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed changes are as follows:

1. The heading preceding § 41.6 is changed from "Marking Requirements—Act of 1916" to "Marking Requirements."

2. Section 41.6 is renumbered § 41.6–1 and the heading for this section is changed to read:

**§ 41.6–1 Marking requirements for 1-pound climax baskets; act of 1916.**

3. A new § 41.6–2 is added to read as follows:

**§ 41.6–2 Marking requirements for containers; act of 1928.**

All containers covered by this Act shall be clearly stamped or marked with ink to show their capacity in bushels or quarts. The numbers and letters in the marking shall be not less than three-eighths of an inch in height or 36 point type size. The marking or stamping of the capacity shall be placed on the exterior of a side of the container at a position where it will be easily discernible.

4. Amend § 41.11 to read:

**§ 41.11 Certification of specifications.**

After approval of the dimensions specifications by the Director, a certificate will be issued to the manufacturer with a factory identification number which may be used in marking the container covered by the certificate. The marking of containers with capacity in quarts or bushels as required in the Act of 1928 must comply with § 41.6–2 of these regulations. The container may be marked in the following style:

708
U.S.
4 Qts.

5. Amend § 41.19 to read:

**§ 41.19 Table 2: Schedule of capacity tolerances allowed under the Act of 1928.**

| | Tolerances | |
|---|---|---|
| | Excess | Deficiency |
| | *Cubic inches* | *Cubic inches* |
| 1/16 bushel (2 quarts) | 5 | 2½ |
| ⅛ bushel (4 quarts) | 10 | 5 |
| ¼ bushel (8 quarts) | 16 | 8 |
| 11 quart basket | 21 | 11 |
| ⅜ bushel (12 quarts) | 23 | 12 |
| 14 quart basket | 26 | 13 |
| ½ bushel (16 quarts) | 30 | 15 |
| ⅝ bushel (20 quarts) | 36 | 18 |
| ¾ bushel (24 quarts) | 40 | 20 |
| ⅞ bushel (28 quarts) | 45 | 23 |
| 1 bushel (32 quarts) | 50 | 25 |
| 1⅛ bushel (36 quarts) | 54 | 27 |
| 1¼ bushel (40 quarts) | 58 | 29 |
| 1½ bushel (48 quarts) | 65 | 33 |

(Sec. 4, 39 Stat. 674; 15 U.S.C. § 255 and sec. 9, 45 Stat. 687; 15 U.S.C. 257h)

Done at Washington, D.C., this 23d day of October 1964.

CLARENCE H. GIRARD,
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F.R. Doc. 64–11030; Filed, Oct. 28, 1964; 8:49 a.m.]

[ 7 CFR Part 948 ]

[Area 1]

## IRISH POTATOES GROWN IN COLORADO

### Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering approval of the expenses and rate of assessment hereinafter set forth which were recommended by the area committee for Area No. 1 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948) regulating the handling of Irish potatoes grown in the State of Colorado and issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

**§ 948.247 Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1, established pursuant to Marketing Agreement No. 97 and this part (Order No. 948), both as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid amended agreement and order during the fiscal period ending May 31, 1965, will amount to $595.00.

(b) The rate of assessment to be paid by each handler in Area No. 1 pursuant to Marketing Agreement No. 97 and this part (Order No. 948), both as amended, shall be one-half cent ($0.005) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: October 26, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11031; Filed, Oct. 28, 1964; 8:49 a.m.]

# ATOMIC ENERGY COMMISSION

[ 10 CFR Part 20 ]

## STANDARDS FOR PROTECTION AGAINST RADIATION

### Proposed Labeling of Containers

The Atomic Energy Commission is considering an amendment of 10 CFR Part 20, "Standards for Protection Against Radiation", as set forth below, which would add the requirement in § 20.203(f) that containers in which licensed material greater than specified quantities is used or transported be labeled with information as to the kinds and approximate activities of the contained radioactive material and, except for natural uranium or thorium, the dates for which the activities are specified. At the present time § 20.203(f) requires this type of information only with respect to containers in which radioactive material is stored. The proposed amendment would delete the present requirement that the label on a storage container state quantities and dates of measurement of natural uranium or thorium.

A previously proposed amendment of 10 CFR Part 20, published in the FEDERAL REGISTER (27 F.R. 10167) on October 17, 1962, would have required labels showing kinds, amounts and dates of measurement on containers in which licensed material is used or transported, as well as on containers in which licensed material is stored. The previously proposed amendment also would have de-

fined "container" to include a sealed source or device, would have imposed additional labeling requirements for containers of special nuclear material for criticality control purposes, and would have reduced or dispensed with certain existing labeling requirements.

Many comments were addressed to the complexity of the previously proposed amendment. To eliminate problems raised by those persons who submitted comments, the only addition to the requirements of the presently effective regulation which would be made by the present proposed amendment is the extension of the storage container labeling requirements to containers in which licensed material is used or transported. The presently effective regulation requires only the radiation caution symbol and the words "Caution—Radioactive Material" on labels of containers in which licensed material is used or transported. The additional information as to kinds, activities and dates for which the activities are specified is necessary in the interest of health and safety to provide for adequate assessment of the radiation hazard potential of contained radioactive material regardless of the function served by the container.

The proposed rule would not require that quantities and dates of measurement of natural uranium and thorium in a container be stated on the label, because of the relatively low radiation hazard associated even with large quantities of these materials.

Those labeling requirements included in the previously proposed amendment to facilitate protection against accidental criticality are not included in the present proposed amendment, since further study has shown that such requirements can be determined more appropriately on an individual basis during the Commission's prelicensing evaluation of an applicant's proposed safety controls.

The labeling requirements for sealed sources and devices in the previously proposed amendment are not included in the present proposed amendment. The minimal advantages to health and safety afforded by the inclusion of such requirements would be insufficient to compensate for the undue burden on licensees resulting from the complexity of the exceptions to the requirements and from the fact that the small sizes of many sources and devices could not accommodate the proposed label. Labeling of sealed sources and devices which is deemed necessary for protection of health and safety, and which is not required by existing regulations, would continue to be required by license conditions.

The previously proposed amendment would have excepted containers from the requirement that the radiation caution symbol be in the prescribed colors, where the colors would be destroyed by heat under normal conditions of use. Since the Commission has determined that this problem, which has occurred infrequently, should continue to be handled on an individual basis, no such exception is included in the present proposed amendment.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendment of 10 CFR Part 20 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary, United States Atomic Energy Commission, Washington, D.C., 20545, within sixty (60) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

Paragraph (f) of § 20.203 is amended to read as follows:

§ 20.203 Caution signs, labels, and signals.

* * * * *

(f) *Containers.* (1) Each container in which is transported, stored, or used a quantity of any licensed material (other than natural uranium or thorium) greater than the quantity of such material specified in Appendix C of this part shall bear a durable, clearly visible label stating the kinds of radioactive material contained and, for each kind of material, the approximate activity and the date for which the activity is specified. The label shall also bear the radiation caution symbol and the words:

CAUTION [1]

RADIOACTIVE MATERIAL

(2) Each container in which natural uranium or thorium is transported, stored, or used in a quantity greater than ten times the quantity specified in Appendix C of this part shall bear a durable, clearly visible label stating the kinds of radioactive material contained and bearing the radiation caution symbol and the words:

CAUTION [1]

RADIOACTIVE MATERIAL

(3) Notwithstanding the provisions of subparagraphs (1) and (2) a label shall not be required:

(i) If the concentration of the material in the container does not exceed that specified in Appendix B, Table I, Column 2, of this part, or

(ii) For laboratory containers, such as beakers, flasks and test tubes, used transiently in laboratory procedures, when the user is present.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 15th day of October 1964.

For the Atomic Energy Commission.

W. B. McCOOL,
*Secretary to the Commission.*

[F.R. Doc. 64-10982; Filed, Oct. 28, 1964; 8:45 a.m.]

[1] Or "Danger".

# INTERSTATE COMMERCE COMMISSION

[ 49 CFR Parts 95-97 ]

[Ex Parte No. 241]

## RAILROAD FREIGHT CAR OWNERSHIP, CAR UTILIZATION, DISTRIBUTION, RULES AND PRACTICES

### Investigation of Adequacy

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 19th day of October, A. D. 1964.

Upon consideration of the order entered in this proceeding on July 29, 1964, requests from both the respondents and the Commission's staff committee for certain changes in the aforesaid order primarily in the filing dates prescribed, and good cause appearing:

*It is ordered,* That the subparagraphs numbered 1 through 7 in the fourth ordering paragraph of the aforesaid order be, and they are hereby, modified to read as follows:

1. Prior to March 1, 1965, the respondents listed in Appendix A attached hereto shall supply the information outlined in Sections I through XIII of the instructions attached hereto as Appendix B, by completing and filing with the Commission at its office in Washington, D.C., seven copies of the forms attached hereto as Appendixes C and D.

2. Prior to September 1, 1965, all respondents listed in Appendix A hereto shall supply the information outlined in Sections XIV through XVI of the said instructions attached as Appendix B by completing, filing and serving as specified in 1 above the forms attached hereto as Appendixes E and F.

3. Prior to March 1, 1965, any person desiring to participate in this proceeding must notify the Secretary of this Commission by letter to that effect, giving his name, address, and company or group represented. After that date no additional interventions will be allowed except by special permission and for good cause shown. To conserve time and avoid expense it is strongly urged that persons having common interests, endeavor to consolidate their presentation to the greatest extent possible. Individual participation is not precluded; mere casual interest, however, does not justify participation, and will make the service of verified statements burdensome and impracticable. The Commission desires participation only by those who intend to take an active part in the proceeding.

4. As soon as practicable after March 1, 1965, the Commission will serve a list of the named and addresses of all persons upon whom service of all verified statements, replies or other pleadings hereinafter specified must, unless waived, be made. An original (signed in ink) and 20 copies of each verified statement, reply or pleading shall be filed with the Commission and a copy of each such statement, reply or other pleading shall be served on each person named in the list prepared and served pursuant to this paragraph in accordance with Rule 1.22 of the Commission's general rules of practice.

5. Prior to November 1, 1965, any party to the proceeding may file and serve a verified [1] statement of relevant facts and any argument he desires to make. Where both facts and arguments are included in the same document, they shall be set forth under separate headings. Such document should, where appropriate, contain a discussion of any proposed rules including a detailed justification therefor, a discussion of the proper formula or formulas to be used in determining the adequacy of freight car ownership by type by individual carriers and a discussion by respondents of the subjects listed in Appendix G.

6. Prior to December 15, 1965, any party may file replies to the initial statements.

7. Prior to January 15, 1966, any party may file and serve a request for oral hearing, together with justification therefor. Any reply thereto must be filed prior to January 31, 1966.

*It is further ordered,* That all documents underlying the information to be supplied in the forms attached to the aforesaid order as Appendixes C, D, E, and F shall be preserved until further order of the Commission.

[1] In lieu of verification under oath, the statements and replies may be made subject to the following declaration: "I solemnly declare that I have examined the foregoing statement (or reply) and that to the best of my knowledge and belief the representations of fact contained therein are true." (Signature)



*It is further ordered,* That all other provisions of the aforesaid order shall remain in full force and effect.

*And it is further ordered,* That a copy of this order be served upon each respondent; upon the Association of American Railroads, Car Service Division, upon The American Short Line Railroad Association, and upon the public utility commissions or boards or similar regulatory bodies of each State; that a copy be posted in the office of the Secretary of this Commission; and that a copy be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64-10009; Filed, Oct. 28, 1964; 8:47 a.m.]

# Notices

## DEPARTMENT OF DEFENSE

### Department of the Army

### OFFICE OF CIVIL DEFENSE

### Further Redelegation of Authorities; Amendment

Redelegation of authorities to the Director, Procurement Services Division, Materiel Office, covered in section 5 of notice published at 29 F.R. 12653, September 5, 1964, is amended by revising subparagraph 5(b) (1) to read as follows:

(1) Provide for the establishment and maintenance of appropriate property accounts at OCD headquarters and field activities, and the issuance of instructions relating thereto;

This amendment is effective immediately.

R. E. HOLT,
*Assistant Director of Civil Defense, Management.*

[F.R. Doc. 64-11001; Filed, Oct. 28, 1964; 8:46 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Oregon 015246]

### OREGON

### Notice of Termination of Proposed Withdrawal and Reservation of Land

OCTOBER 20, 1964.

Notice of an application, Serial No. Oregon 015246, for withdrawal and reservation of lands was published as Federal Register Document No. 6628 on Page 8433 of the issue for July 3, 1964. The applicant agency, Forest Service, United States Department of Agriculture, has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2311 (formerly Part 295), such lands will be relieved of the segregative effect of the withdrawal application at 10:00 a.m. on October 28, 1964.

The lands involved in this notice of termination are:

OREGON

WILLAMETTE MERIDIAN

*Siuslaw National Forest*

Hebo Geological Area and North Hebo Observation Site

T. 4 S., R. 9 W.,
In Section 13.
Total, 7.50 acres.

Table Rock Observation Site

T. 19 S., R. 10 W.,
In Section 13.
Total, 10 acres.

The total area aggregates 17.50 acres.

DOUGLAS E. HENRIQUES,
*Land Office Manager.*

[F.R. Doc. 64-11003; Filed, Oct. 28, 1964; 8:47 a.m.]

### Office of the Secretary

[Order 2508, Amdt. 61]

### COMMISSIONER OF INDIAN AFFAIRS

### Delegation of Authority With Respect to Lands and Minerals

Section 13(a)(3) (14 F.R. 258) of Order 2508, as amended (23 F.R. 90), is further amended to read as follows:

Sec. 13. *Lands and minerals.* The Commissioner may exercise the authority of the Secretary in relation to the following classes of matters:

(a) * * *

(3) The authority conferred by subparagraphs (1) and (2) extends to and includes the approval of, or other appropriate administrative action required on, assignments of leases, whether heretofore or hereafter executed, bonds and other instruments required in connection with such leases or assignments thereof; unit and communitization agreements; well-spacing orders of the Oklahoma Corporation Commission submitted for approval under authority of section 11 of the Act of August 4, 1947 (61 Stat. 731); approval of the valuation of gas pursuant to the provisions of Osage gas leases; the acceptance of voluntary surrender of leases by the lessee; the cancellation of leases for violation of the terms thereof; the renewal, pursuant to 25 CFR Part 184, of leases under such terms and conditions as the Commissioner may require; and the approval of agreements for settlement of claims for damage to Indian lands resulting from oil, gas, or other mineral operations.

* * * * *

FRANK P. BRIGGS,
*Acting Secretary of the Interior.*

OCTOBER 22, 1964.

[F.R. Doc. 64-11004; Filed, Oct. 28, 1964; 8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[P. & S. Docket No. 1211]

### ST. PAUL UNION STOCKYARDS CO.

### Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on November 7, 1962 (21 A.D. 1216), which as modified by an order issued on March 5, 1963 (22 A.D. 225) authorizes the respondent, St. Paul Union Stockyards Company, to assess the current schedule of rates and charges.

By a petition filed on October 19, 1964, the respondent requested authority to modify, as soon as possible, the current schedule of rates and charges by adding a new subsection "C" under Item Number 1 of the schedule to read as follows:

In addition to all other applicable charges, including yardage as set forth in Item No. 1, A, the following charges will be assessed on cattle and calves consigned to commission firms and offered for sale at regularly scheduled auctions in this Company's auction ring:

Cattle or calves..... $0.35 per head

The above charge applies on all livestock offered in the ring whether sold or unsold.

The modification, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, within 5 days after the publication of this notice.

Done at Washington, D.C., this 23d day of October 1964.

DONALD A. CAMPBELL,
*Director, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 64-11006; Filed, Oct. 28, 1964; 8:47 a.m.]

### Office of the Secretary

### WISCONSIN

### Designation for Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Wisconsin natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

WISCONSIN

Polk.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify





under established policies and procedures.

Done at Washington, D.C., this 23d day of October 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-11007; Filed, Oct. 28, 1964; 8:47 a.m.]

## DEPARTMENT OF COMMERCE

### Bureau of International Commerce

[File No. 24-62A]

### JOSE LUIS MUSSOT

### Order Extending Temporary Denial of Export Privileges

In the matter of Jose Luis Mussot, Mexicali No. 53-2, Mexico City, Mexico, respondent; File 24-62A.

An order temporarily denying export privileges for a period of thirty days was issued on September 29, 1964 (29 F.R. 13615). Said order was issued in connection with an investigation instituted by the Investigations Division, Office of Export Control, Bureau of International Commerce, into activities of the respondent: In participating in the purchase of substantial quantities of U.S.-origin commodities with knowledge that their intended ultimate destination was Cuba; and in participating in the reexportation, diversion and transshipment of said commodities from Mexico to Cuba.

The Director of said Investigations Division has applied under § 382.11 of the Export Regulations for an extension of the temporary denial order. A charging letter has already been issued against said respondent and the time for filing an answer has not yet expired.

The matter has been considered by the Compliance Commissioner and he has reported his recommendation to me that the present temporary order be extended until the completion of administrative compliance proceedings and that such extension is reasonably necessary to protect the public interest pending final disposition of the proceedings and is necessary for the effective enforcement of the law. I do so find.

*Accordingly, it is hereby ordered:*

I. The provisions and restrictions of the temporary order issued against the above respondent on September 29, 1964 (29 F.R. 13615) are hereby continued in full force and effect.

II. The respondent, his successors or assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents and employees and to any successor and to any person, firm, corporation, or business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order continues in full force and effect the provisions and restrictions of the temporary denial order of September 29, 1964, and shall remain in effect until the completion of administrative compliance proceedings unless it is hereafter amended, modified, or vacated in accordance with the provisions of the United States Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondent.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

Dated: October 21, 1964.

FORREST D. HOCKERSMITH,
*Director, Office of Export Control.*

[F.R. Doc. 64-10987; Filed, Oct. 28, 1964; 8:45 a.m.]

[Case No. 333]

### AMSUR CHEMICAL EXPORT CO. AND MICHAEL SANCHEZ

### Order Denying Export Privileges

In the matter of Frederick M. Kuhner, doing business as Amsur Chemical Export Company, 96-25 Rockaway Boulevard, Ozone Park, New York, N.Y., and Michael Sanchez, Acuenaga 666, Buenos Aires, Argentina, respondents; Case No. 333.

By charging letter dated April 21, 1964, the above-named respondents were charged by the Investigations Division, Office of Export Control, Bureau of International Commerce, with violations of the Export Control Act of 1949, as amended, and regulations thereunder. The respondents have filed answers.

In accordance with the provisions of § 382.10 of the Export Regulations, with agreement of the Director, Investigations Division, the respondent Kuhner has proposed that a consent order substantially in the form hereinafter set forth be entered against him. For the purpose of this compliance proceeding only, Kuhner admitted the charges against him, waived all rights to an oral hearing before the Compliance Commissioner, and further waived all rights of an administrative appeal from, and judicial review of, such order.

An informal hearing was held before the Compliance Commissioner at which evidence in support of the charges against both respondents was presented. The Compliance Commissioner has reviewed the record in the case and has reported the facts to the undersigned with his recommendation that the consent proposal of Kuhner be accepted, and that an order be entered against Sanchez in the form hereinafter set forth.

After reviewing the facts in the case and considering the Compliance Commissioner's recommendations, I hereby make the following findings of fact:

1. The respondent Frederick M. Kuhner, a resident of Ozone Park, New York, is engaged in the export business and does business under the name of Amsur Chemical Export Company. The respondent Michael Sanchez is a resident of Buenos Aires, Argentina, and has engaged in exporting commodities from the United States to Argentina.

2. In October 1959 Sanchez, while in New York, made arrangements with Kuhner whereby Kuhner would purchase drums of caustic soda for export to Argentina, permit Sanchez to remove some of the caustic soda and substitute other commodities, and thereafter Kuhner would export the repacked drums to Argentina. Sanchez agreed to pay Kuh-

ner a fee for his services in each transaction.

3. On each of four occasions between October 1959 and April 29, 1960, Kuhner, through a third party, purchased 60 drums of caustic soda from a chemical company and had them delivered to warehouses. At the warehouses Sanchez had some of the caustic soda removed and substituted containers with other goods. Kuhner knew that other goods were being substituted for the caustic soda but did not know what they were.

4. Kuhner arranged for the exportation of the drums referred to in Finding 3 and the drums, containing caustic soda and other commodities, were exported from New York to Argentina. The Shipper's Export Declarations for the exportations, which were prepared on instructions from Kuhner, did not declare any commodity other than caustic soda as being exported.

5. In June 1960 Kuhner, through a third party, purchased 66 drums of caustic soda from a chemical company and had them delivered to a warehouse. At the warehouse Sanchez had some of the caustic soda removed from 60 of the drums and had substituted therefor other commodities which were wrapped in plastic containers. The commodities which were substituted included electronic equipment (mainly diodes, tubes, rectifiers, and condensers), lipsticks, nail clippers, and sweaters. Many of the items of electronic equipment were on the U.S. Positive List and required validated licenses for exportation. Kuhner knew that other goods were being substituted for the caustic soda but he did not know what they were.

6. Kuhner arranged to have the repacked 60 drums, referred to in Finding 5, exported from New York to Argentina. The Shipper's Export Declaration for the exportation, which was prepared on instructions from Kuhner, did not declare any commodities other than caustic soda as being exported. The declared value of the goods was $1,056.

7. While the 60 drums, referred to in Finding 5, were at the port of export awaiting loading, it came to the attention of the Customs Inspectors that at least one of the drums contained commodities other than caustic soda. The contents of all of the drums were examined and the falsity of the export declaration was disclosed. The goods were detained and the entire shipment was seized under Customs regulations on July 5, 1960. Forfeiture proceedings were instituted in the U.S. District Court for the Eastern District of New York and after due proceedings a decree forfeiting the goods to the United States was entered. The appraised value of the seized goods was $81,000.

8. Criminal prosecution was instituted against Kuhner for his participation in the foregoing transactions. He pleaded guilty to the charges and was fined $1,000.

Based on the foregoing I have concluded that the respondents violated §§ 372.3, 381.2, 381.3, 381.5, and 399.1 of the Export Regulations in that they acted in concert to bring about acts which constituted violations of the U.S. Export Regulations; caused false representations to be made to, and material facts concealed from, the U.S. Department of Commerce and the U.S. Collector of Customs in connection with the preparation and use of export control documents in effecting the exportation of commodities from the United States; and attempted to export from the United States to Argentina certain commodities subject to the U.S. Export Regulations which required validated export licenses without having obtained from the Department of Commerce the licenses required.

On consideration of the foregoing and based on the entire record, and being of the view that the following order is calculated to achieve effective enforcement of the law and the purposes thereof: *It is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. (a) The respondent Frederick M. Kuhner, d/b/a Amsur Chemical Export Company, for a period of three months from the effective date of this order is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the export regulations, except that during said period the said respondent shall be permitted to export to Canada, only such commodities as may be exported to countries listed in Group O and Group R (in § 371.3 of the Export Regulations) under General License GRO.

(b) The respondent Michael Sanchez for the duration of export controls is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the export regulations.

(c) Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (1) As a party or as a representative of a party to any validated export license application; (2) in the preparation or filing of any export license application or reexportation authorization, or document to submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their representatives, agents, partners, and employees, and also to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. (a) For a period of nine months following the three-month effective denial period against Kuhner, as set forth in Paragraph II, the said respondent shall be on probation. The terms of probation are that the said respondent shall not knowingly violate the terms and conditions of this order or knowingly violate any of the laws or regulations relating to export control during the 12-month period of denial and probation.

In the event the respondent Kuhner violates any of the conditions of probation, it shall be within the discretion of the Director, Investigations Division, to apply to the Compliance Commissioner for an order revoking all export privileges, including those excepted from the terms of the order, for the remaining period of probation. If such action is taken, it will in no way limit the Bureau of International Commerce from taking further action based on such violation as it shall deem necessary and proper. Any such application for revocation of probation and the proceedings to be conducted thereon shall be in accordance with the provisions of § 382.16 of the Export Regulations.

(b) Two years after the effective date of this order the respondent Sanchez may apply to have the effective denial of his export privileges held in abeyance while he remains on probation. Such application shall be supported by evidence showing compliance with the terms of this order and such disclosure of details of his activities relating to import and export transactions during said two years as may be necessary to determine his compliance with this order. The application will be considered on its merits and in the light of conditions and policies existing at that time. His export privileges may be restored under such terms and conditions as appear to be appropriate.

VI. During the time when any respondent or other person within the scope of this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any respondent or other person denied export privileges within the scope of this order, or whereby any such respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on October 27, 1964.

Dated: October 16, 1964.

FORREST D. HOCKERSMITH,
*Director, Office of Export Control.*

[F.R. Doc. 64-11024; Filed, Oct. 28, 1964; 8:48 a.m.]



# ATOMIC ENERGY COMMISSION

[Docket No. 50-230]

## GENERAL ATOMIC DIVISION OF GENERAL DYNAMICS CORP.

### Notice of Application for and Proposed Issuance of Facility Export License

Please take notice that General Atomic Division of General Dynamics Corporation, Post Office Box 608, San Diego, Calif., 92112, has submitted an application dated October 1, 1964, for a license to authorize the export of a 250 kilowatt thermal TRIGA Mark II research reactor to the University of Pavia, Pavia, Italy.

Upon finding that the reactor proposed for export is within the scope of the Agreement for Cooperation between the Governments of the United States of America and the Italian Republic, and unless within fifteen days after the publication of this notice in the FEDERAL REGISTER, a request for a formal hearing is filed with the U.S. Atomic Energy Commission by the applicant or an intervener as provided by the Commission's rules of practice (10 CFR Part 2), the Commission proposes to issue to General Atomic Division of General Dynamics Corporation a facility export license on Form AEC-250 containing the authority set forth in the text below authorizing export of the reactor described in the application.

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Chapter I, Code of Federal Regulations, the Commission has found that:

(a) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the facility to be exported.

A copy of the application, dated October 1, 1964, is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 15th day of October 1964.

For the Atomic Energy Commission.

EBER R. PRICE,
*Director, Division of State and Licensee Relations.*

PROPOSED EXPORT LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations of the U.S. Atomic Energy Commission issued pursuant thereto, and in reliance on statements and representations heretofore made, General Atomic Division of General Dynamics Corporation, Post Office Box 608, San Diego, Calif., 92112, is authorized to export a 250 kilowatt thermal TRIGA Mark II nuclear research reactor to the University of Pavia, Pavia, Italy, subject to the terms and provisions herein. The license to export extends to the licensee's duly authorized shipping agent.

Neither this license nor any right under this license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

This license is subject to the right of recapture or control reserved by section 108 of the Atomic Energy Act of 1954, and to all other provisions of said Act, now or hereafter in effect and to all valid rules and regulations of the U.S. Atomic Energy Commission. This license is effective as of the date of issuance and shall expire on December 30, 1965.

For the Atomic Energy Commission.

[F.R. Doc. 64-10983; Filed, Oct. 28, 1964; 8:45 a.m.]

[Docket No. 50-156]

## REGENTS OF THE UNIVERSITY OF WISCONSIN

### Notice of Issuance of Facility License Amendment

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on October 6, 1964, 29 F.R. 13782, the Atomic Energy Commission has issued Amendment No. 6 to Facility License No. R-74. The amendment authorizes (1) an increase in the steady state maximum power level from 10 kilowatts to 250 kilowatts (thermal), and (2) an increase in the limit on excess reactivity from 0.005 to 0.006 for the University of Wisconsin's pool-type nuclear reactor located on its campus in Madison, Wis. The amendment was requested by the licensee in an application dated April 15, 1964, and supplement thereto dated July 27, 1964.

The license amendment, as issued, is substantially as set forth in the notice of proposed action cited above except that minor changes have been made in the wording of the Technical Specifications to reflect more accurately the operating conditions which will prevail.

Dated at Bethesda, Md., this 22d day of October 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-10984; Filed, Oct. 28, 1964; 8:45 a.m.]

[Docket No. 50-139]

## UNIVERSITY OF WASHINGTON

### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 5, set forth below, to Facility License No. R-73, as amended. The license authorizes University of Washington to operate its Argonaut-type nuclear reactor located on the campus in Seattle, Washington. The amendment authorizes modifications to the control circuits of the reactor (1) to provide a means of dropping one control blade at a time, in addition to the ability to drop all three shim blades and the regulating blade simultaneously by depressing the rod drop button on the control console, and (2) to provide a time delay in the Dump Valve control circuit that will prevent the Dump Valve, once opened, from being closed until sufficient time has elapsed for all the water to drain from the core and headers.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. Operation of the reactor in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

3. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's two applications for license amendment each dated July 20, 1964, and (2) a related hazards analysis prepared by the Test

and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 19th day of October 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.*

AMENDMENT TO FACILITY LICENSE

[License R-73, Amdt. 5]

License No. R-73, as amended, issued to University of Washington, is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-73, as amended, University of Washington is authorized:

1. To modify the control circuits of the reactor to provide a means of dropping one control blade at a time, in addition to the ability to drop all three shim blades and the regulating blade simultaneously by depressing the rod drop button on the control console, as described in its application amendment dated July 20, 1964, and

2. To modify the control circuits of the reactor to provide a time delay in the Dump Valve control circuit that will prevent the Dump Valve, once opened, from being closed until sufficient time has elapsed for all the water to drain from the core and headers, as described in its application amendment dated July 20, 1964.

This amendment is effective as of the date of issuance.

Date of issuance: October 19, 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-10985; Filed, Oct. 26, 1964; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15672, 15673]

## ESTACADA TELEPHONE & TELEGRAPH CO., AND PACIFIC NORTHWEST BELL TELEPHONE CO.

### Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Estacada Telephone & Telegraph Company, Docket No. 15672, File No. 5557-C2-P-63; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service near Estacada, Oregon; Pacific Northwest Bell Telephone Company, Docket No. 15673, File No. 6281-C2-P-63; for a construction permit to modify the facilities of station KOA731 in the Domestic Public Land Mobile Radio Service near Salem, Oregon.

1. The Commission, by its Chief of the Common Carrier Bureau, acting under delegation of authority, pursuant to § 0.292(a) of the Commission's Rules, has before it (1) an application filed May 6, 1963, by Estacada Telephone & Telegraph Company (Estacada) for a construction permit to establish a new two-way communications service, using the frequencies 152.60 Mc/s (base) and 157.86 Mc/s (mobile) in the Domestic Public Land Mobile Radio Service near Estacada, Oregon; and (2) an application filed June 17, 1963, by Pacific Northwest Bell Telephone Company (Bell) for a construction permit to modify the facilities of station KOA731 by adding an additional channel for two-way communications service on frequencies 152.60 Mc/s (base) and 157.86 Mc/s (mobile), including authority to provide mobile stations equipped to operate on ten associated mobile frequencies, in the Domestic Public Land Mobile Radio Service near Salem, Oregon.[1] Estacada and Bell are each seeking to provide two-way communications service on the same frequencies in the same general area (the base stations would be approximately 47 miles apart), and it appears that these applications are mutually exclusive by reason of potential harmful electrical interference. Therefore, a comparative hearing is required to determine whether a grant to either or both of the applicants would serve the public interest, convenience and necessity.

2. It also appears that § 21.504 of the rules and regulations of this Commission describes a field strength contour of 37 decibels above one microvolt per meter as the limit of reliable service area for base stations engaged in two-way communications service, and that the Commission's Report No. T.R.R. 4.3.8., entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band" and the procedures set forth therein are a proper basis for establishing the location of such service (F50, 50) and interference contours of the facilities involved in this proceeding.

3. It also appears that except for the matters placed in issue herein, both applicants are financially, technically, legally and otherwise qualified to render the services they have proposed.

4. Accordingly, in view of our conclusions above: *It is ordered*, Pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine, on a comparative basis, the nature and extent of the services proposed by each applicant, including the rates, charges, personnel, practices, classifications, regulations and facilities pertaining thereto.

(b) To determine whether any harmful interference would result from simultaneous operations on the frequencies 152.60 and 157.86 Mc/s by Estacada and Bell, and if so, whether such interference would be intolerable or undesirable.

(c) To determine, on a comparative basis, the areas and populations that Estacada and Bell propose to serve within their respective 37 dbu contours, based upon the standards set forth in paragraph 2 above; and to determine the need for the proposed services in the said areas.

(d) To determine, in light of the evidence adduced on all the foregoing issues, whether or not the public interest, convenience or necessity will be served by a grant of one or both of the captioned applications, and the terms or conditions which should be attached thereto, if any.

5. *It is further ordered*, That the burden of proof on each of the issues in paragraph 4 is placed upon the applicants so far as the same relates to their respective applications; and

6. *It is further ordered*, That the applicants desiring to participate herein shall file their notice of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

Adopted: October 22, 1964.

Released: October 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11034; Filed, Oct. 28, 1964; 8:49 a.m.]

[1] Station KOA731 now provides: (a) two-way communications service on paired frequencies 35.26 Mc/s (base) and 43.26 Mc/s (mobile); and (b) two-way communications service on paired frequencies 152.57 Mc/s (base) and 157.83 Mc/s (mobile).

[Docket Nos. 15667-15669; FCC 64M-1049]

## KAISER INDUSTRIES CORP. ET AL.

### Order Scheduling Hearing

In re applications of Kaiser Industries Corporation, Chicago, Illinois, Docket No. 15667, File No. BPCT-3092; Frederick B. Livingston and Thomas L. Davis, d/b as Chicagoland TV Company, Chicago, Illinois, Docket No. 15668, File No. BPCT-3116; Warner Bros. Pictures, Inc., Chicago, Illinois, Docket No. 15669, File No. BPCT-3271; for construction permit for new television broadcast station.

*It is ordered*, This 23d day of October 1964, that Millard F. French shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on December 16, 1964; and that a prehearing conference shall be convened at 10:00 a.m. on November 23, 1964; *And it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: October 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11035; Filed, Oct. 28, 1964; 8:49 a.m.]



# FEDERAL MARITIME COMMISSION

## SOUTH ATLANTIC AND CARIBBEAN LINES, INC. AND TRANSCARLOADING CORP.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Edward M. Shea, Ragan & Mason
900 17th Street NW.
Washington 6, D.C.
Attorney for South Atlantic and Caribbean Lines, Inc.

Agreement No. DC-16 is an agreement between South Atlantic and Caribbean Lines, Inc. (SACAL) and Transcarloading Corp. (Transcarloading), wherein SACAL agrees to transport trailers for transcarloading from San Juan, Puerto Rico to Miami and Jacksonville, Florida.

SACAL is a common carrier by water. Transcarloading is a non-vessel operating common carrier which consolidates shipments in trailerload quantities for transportation via underlying water carriers to Florida.

Under the terms of the agreement, Transcarloading will tender a minimum of four loaded trailers per week to SACAL comprised of mixed trailerloads of freight, all kinds, at a rate of $350 per high cube trailer, including wharfage, handling and arrimo charges, for transportation northbound.

Dated: October 26, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11027; Filed, Oct. 28, 1964; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket Nos. CP65-84, CP64-96]

## EASTERN SHORE NATURAL GAS CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

### Notice of Application and Application To Amend

OCTOBER 22, 1964.

Take notice that on September 4, 1964, Eastern Shore Natural Gas Company (Eastern Shore), Salisbury, Maryland, filed in Docket No. CP65-84, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) the construction and operation of a total of 30.25 miles of 4- and 6-inch pipeline from Bridgeville, Delaware, to Cambridge, Maryland, and the sale and delivery of 550 Mcf of natural gas daily on a firm basis to the Cambridge Gas Company for resale in Cambridge and (2) the construction and operation of a total of 2.89 miles of 3- and 4-inch pipeline laterals from the proposed transmission line in (1) above to the Continental Can Company, Inc., Hurlock, Maryland, (2) Eastern Shore Rendering Company, East New Market, Maryland and (3) Carolina Poultry Farms, Inc., Federalsburg, Maryland, all as more fully set forth in the application on file with the Commission and open to public inspection.

Take notice that on September 29, 1964, Transcontinental Gas Pipe Line Corporation (Transco) 3100 Travis Street, Houston, Tex., filed in Docket No. CP64-96, an application to amend an order of the Commission issued April 17, 1964, in Docket No. CP64-96, authorizing among other things the sale and delivery of natural gas to Eastern Shore. The application to amend requests authorization to increase Transco's deliveries to Eastern Shore from 14,225 Mcf daily to 14,695 Mcf daily, an increase of 470 Mcf daily, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

Eastern Shore proposes to sell and deliver (1) 20 Mcf daily of firm gas to Continental Can, and 150,000 Mcf annually to Eastern Shore Rendering, and 70,000 Mcf annually to Carolina Poultry Farms on an interruptible basis, and (2) 550 Mcf daily on a firm basis to Cambridge Gas Company. To render the proposed new services Eastern Shore proposes to increase its present contract demand with Transco by 470 Mcf.

Eastern Shore estimates the total cost of the proposed facilities will be $568,000, which will be financed by the issuance of First Mortgage Pipeline Bonds.

These matters are ones that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate these applications for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on these applications provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 16, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-10994; Filed, Oct. 28, 1964; 8:46 a.m.]

[Docket No. CP65-80]

## KANSAS-NEBRASKA NATURAL GAS CO., INC.

### Notice of Application

OCTOBER 21, 1964.

Take notice that on September 21, 1964, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), Phillipsburg, Phillips County, Kansas, filed in Docket No. CP65-80 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1965 and the operation of routine field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities covered by this application will not exceed a

maximum of $1,550,000, with no single project to exceed a cost of $385,000, which costs are proposed to be financed from current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 16, 1964.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-10995; Filed, Oct. 28, 1964; 8:46 a.m.]

[Docket No. RP65-4]

## KNOXVILLE UTILITIES BOARD, ET AL.

### Order Instituting Investigation, Providing for Hearing and Designating Procedure

OCTOBER 22, 1964.

Knoxville Utilities Board, et al., complainant v. East Tennessee Natural Gas Company, defendant; Docket No. RP65-4.

On August 14, 1964, Knoxville Utilities Board, et al. (Knoxville), comprising 25 persons [1] engaged in purchasing gas for resale, filed a formal complaint under section 5(a) of the Natural Gas Act naming their supplier, East Tennessee Natural Gas Company (East Tennessee) defendant. Therein Knoxville alleges, among other things, that during the year 1963 East Tennessee sold approximately 28,577,000 Mcf of gas to resale customers within the state of Tennessee, realizing therefrom revenues of $12,362,000; that these revenues are excessive to the extent of $644,848 and that therefore East Tennessee's rates are not the lowest reasonable rates.

Knoxville supports its allegations with a cost of service study prepared from East Tennessee's annual report for 1963 filed with the Commission; requests that the Commission institute an investigation into the current resale rates of East Tennessee under section 5 of the Act, and states that the current rates and charges against which complaint is made, became effective as of April 5, 1960, by Commission order issued August 9, 1962, approving the settlement in Docket Nos. G-12264, G-17330 and G-20072.

East Tennessee's answer, filed September 14, 1964, as authorized by a 14-day extension of time, contends that the complaint should be dismissed because it fails to present the foundation for a section 5(a) investigation. In support of this contention, East Tennessee states, among other things, that complainants' figures are based on an abnormally cold year and therefore are not representative of future conditions; that complainants' use of a 6¾ percent rate of return would allow East Tennessee only a 8.29 percent return on common equity; that the current rate levels of East Tennessee are not excessive; that the complaint neglects consideration of the pending certificate proceedings in Docket No. CP64-270, et al., and of a contingent proposal therein for reduction of defendant's rates and in conclusion, that during the pendency of the above-identified proceedings no "intelligent determination with respect to East Tennessee's rates for the future" is possible.

The pleadings leave unresolved substantial questions of fact and law bearing upon the issues of whether the rates and charges complained against are excessive and if so, what rates and charges would constitute the lowest reasonable rates pursuant to section 5(a) of the Act. East Tennessee contends that a public hearing herein should be denied or deferred on account of pending certificate proceedings. However, the complaint is filed under section 5 of the Act and while in some areas, the problems thus presented may have relationship with possible future developments in certificate proceedings, the allegations of the complaint on the other hand, bear upon existing facts and conditions, and upon rates presently effective. It is our view therefore, that the pendency of certificate applications relating to future operations does not constitute a valid basis for deferring a public hearing on the complaint.

It appears that a public hearing should be held in order to afford all parties opportunity to present evidence concerning the issues herein; that Knoxville bears the obligation of adducing evidentiary support of its allegations and of going forward first in the presentation of its case-in-chief; that the issues herein should be determined with the greatest possible expedition in conformity with § 2.59 of the Commission's rules of practice and procedure and to that end each party should have the opportunity to understand and evaluate the positions of the other parties. All matters which can be fully resolved without formal trial should be eliminated from hearing and settled by stipulation.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues raised by the complaint filed by Knoxville be set for public hearing and that the proceeding be expedited in accordance with the procedures set out below.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5, 15 and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held concerning the matters involved and the issues presented in this proceeding.

(B) At the hearing herein, the complainant, Knoxville, shall have the obligation of going forward first with the presentation of its direct case-in-chief.

(C) Knoxville shall serve the prepared testimony and exhibits constituting its case-in-chief upon all parties, on or before November 17, 1964.

(D) The defendant, East Tennessee, shall serve the prepared testimony and exhibits comprising its direct case upon all parties on or before December 18, 1964.

(E) The Commission Staff and all other parties to this proceeding proposing to present evidence herein, shall serve their prepared testimony and exhibits on all parties on or before January 5, 1965.

(F) The Presiding Examiner shall set the date for the service of Knoxville's rebuttal case and, if determined necessary and appropriate without unduly delaying the proceeding, he may provide for filing of cross-rebuttal between the parties (including Staff) on a date prior to the date set for service of Knoxville's rebuttal.

(G) Presiding Examiner Seymour Wenner, or any other officer or officers of the Commission designated by the Chief Examiner for that purpose (see Delegation of Authority, 27 F.R. 4276, etc.) shall fix the date of hearing by notice thereof; shall preside at the prehearing conference and at the hearing in this matter, pursuant to the Commission's rules of practice and procedure, and as further provided by this order.

(H) Without limitation upon the authority of the Presiding Examiner to convene conferences prior to, or subsequent to the date herein fixed, pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner shall commence at 10:00 a.m., e.s.t., on January 12, 1965, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, for the purpose of effectuating the intent of the Commission as hereinabove set out in the body of this order.

(I) Notices and petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure, §§ 1.8 and 1.37(f) (18 CFR 1.8 and 1.37(f)) on or before November 6, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[1] The complainants are: Knoxville Utilities Board, United Cities Gas Company, Volunteer Natural Gas Company, Cleveland Natural Gas Company, Athens Utility Board, Citizens Gas Utility District, Cookeville Gas Department, Elk River Public Utility District, Englewood Natural Gas System, First Utility District of Maury County, Gallatin Natural Gas System, Harriman Utility Board, Jefferson-Cocke Utility District, Lenoir City Utilities Board, Lewisburg Gas Department, Livingston Gas Department, Loudon Utilities Board, Madisonville Gas Company, Marion County Natural Gas Company, Middle Tennessee Utility District, Oak Ridge Utility District, City of Rockwood Natural Gas Company, Sevier County Utility District, City of Sweetwater, Unicoi Natural Gas Utility District.



[F.R. Doc. 64-10996; Filed, Oct. 28, 1964; 8:46 a.m.]

[Docket No. CP65-50]

## ST. JOSEPH LIGHT & POWER CO.

### Notice of Application

OCTOBER 23, 1964.

Take notice that on August 19, 1964, as supplemented on October 12, 1964, St. Joseph Light & Power Company (Applicant), a Missouri corporation having its principal place of business at 520 Francis Street, St. Joseph, Mo., filed in Docket No. CP65-50 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for distribution and resale in the City of Graham, Mo., all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a natural gas distribution system in the City of Graham, Mo., and approximately 0.29 mile of 3-inch transmission pipeline extending from the proposed interconnection with the facilities of Michigan Wisconsin to the corporate limits of the city.

The estimated initial three-year period of peak day and annual requirements are stated to be:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual Mcf | 9,300 | 14,100 | 15,300 |
| Peak day Mcf | 124 | 155 | 162 |

The estimated cost of constructing the proposed distribution system and transmission lateral is $47,100, which Applicant proposes to defray from internally generated funds.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 12, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-10997; Filed, Oct. 28, 1964; 8:46 a.m.]

[Docket No. G-13770 [1]]

## SPARTAN DRILLING CO., ET AL.

### Order Permitting Withdrawal of Rate Filing and Terminating Proceeding

OCTOBER 22, 1964.

On October 30, 1957 Spartan Drilling Company (Spartan) tendered for filing Supplement No. 5 to its FPC Gas Rate Schedule No. 2, wherein it proposed a rate increase from a 10.096 cents to 11.1056 cents per Mcf for its jurisdictional sales of natural gas to El Paso Natural Gas Company from Pegasus Field, Midland and Upton Counties, Texas. The proposed increased rate was suspended by the Commission's order issued November 27, 1957 in Docket No. G-13770 until June 1, 1958 and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act. The increased rate was not made effective subject to refund pursuant to section 4(e) of the Natural Gas Act.

On November 30, 1959 Spartan tendered for filing Supplement No. 6 to its FPC Gas Rate Schedule No. 2, wherein it proposed a rate increase from 10.096 cents per Mcf to 17.1632 cents per Mcf. This proposed increased rate was suspended by Commission's order issued December 18, 1959 in Docket No. G-20413 until June 1, 1960. Pursuant to an appropriate motion this supplement was made effective subject to refund as of June 1, 1960.

Since no monies have been collected subject to refund in Docket No. G-13770 and since Supplement No. 5 to Spartan's FPC Gas Rate Schedule No. 2 has been superseded, the proceeding in Docket No. G-13770 is moot.

The Commission finds: Good cause exists for permitting the withdrawal of Supplement No. 5 to Spartan's FPC Gas Rate Schedule No. 2 and for terminating the proceeding in Docket No. G-13770.

The Commission orders:

(A) Withdrawal of Supplement No. 5 to Spartan Drilling Company, et al., FPC Rate Schedule No. 2 is hereby permitted.

(B) The proceeding in Docket G-13770 is hereby terminated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. No. 10998; Filed, Oct. 28, 1964; 8:46 a.m.]

[Docket No. CP65-73]

## UNITED GAS PIPE LINE CO.

### Notice of Application

OCTOBER 21, 1964.

Take notice that on September 15, 1964, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, La., filed in Docket No. CP65-73 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1965 and the operation of routine field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities covered by this application will not exceed a maximum of $2,000,000 with no single project to exceed a cost of $500,000, which costs are proposed to be financed from current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 16, 1964.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-10999; Filed, Oct. 28, 1964; 8:46 a.m.]

[1] Consolidated with Docket Nos. AR61-1, et al.

# FEDERAL RESERVE SYSTEM

## FIRST NATIONAL CORP.

### Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by First National Corporation, Appleton, Wisconsin, not yet organized, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), for the Board's prior approval of action to become a bank holding company through acquisition by First National Corporation of 80 percent of the voting



shares of First National Bank of Apple-

(d) The powers of the Director under

Whereas, after reading and evaluating

shares of First National Bank of Appleton, Appleton, Wisconsin, and Valley National Bank, Appleton, Wisconsin, a proposed new bank.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 23d day of October 1964.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 64-10986; Filed, Oct. 28, 1964; 8:45 a.m.]

# OFFICE OF ECONOMIC OPPORTUNITY

## DELEGATION OF AUTHORITIES TO CERTAIN FEDERAL AGENCIES FOR ADMINISTRATION OF ECONOMIC OPPORTUNITY PROGRAMS

1. Under the Economic Opportunity Act of 1964, 78 Stat. 508, P.L. 88-452, the Director of the Office of Economic Opportunity is responsible for the policies which will govern the administration of the programs created by the Act. Certain of the programs created by the Act may be administered by existing departments and agencies, pursuant to the delegation of the administration of these programs by the Director. The Director is authorized under Section 602(d) of the Act to delegate, with the approval of the President, any of his powers.

2. Certain of the powers conferred upon the Director of the Office of Economic Opportunity are hereby delegated as follows:

(a) The powers of the Director under Title I, Part B, Work-Training Programs, are hereby delegated to the Secretary of Labor.

(b) The powers of the Director under Title I, Part C, Work-Study Programs, are hereby delegated to the Secretary of Health, Education, and Welfare.

(c) The powers of the Director under Title II, Part B, Adult Basic Education Programs, are hereby delegated to the Secretary of Health, Education, and Welfare.

(d) The powers of the Director under Title III, Part A, Authority to Make Grants and Loans, are hereby delegated to the Secretary of Agriculture.

(e) The powers of the Director under Title IV, Employment and Investment Incentives, are hereby delegated to the Administrator of the Small Business Administration.

(f) The powers of the Director under Title V, Work Experience Programs, other than the power to transfer funds under Section 502 of the Act, are hereby delegated to the Secretary of Health, Education, and Welfare.

3. The powers of the Director contained in Sections 602 and 606 of the Economic Opportunity Act of 1964 are hereby delegated to the officers designated in paragraph 2, to the extent they may deem necessary or appropriate for carrying out their functions in exercise of the powers delegated under paragraph 2.

4. The powers delegated under paragraphs 2 and 3 may be redelegated by the delegatees with or without authority for further redelegation.

5. The powers hereby delegated shall be exercised pursuant to policies, standards, criteria, and procedures set forth in rules and regulations, which shall be prescribed in accordance with paragraph 6.

6. Rules and regulations for the exercise of the powers hereby delegated shall be prescribed jointly by the Director and the officer to whom the powers are delegated.

7. In exercising the powers hereby delegated preference shall, to the extent feasible, be given to programs and projects which are components of a community action program approved pursuant to Title II, Part A, of the Economic Opportunity Act of 1964.

8. The powers hereby delegated shall be exercised subject to the reporting and coordination provisions of Section 611 of the Economic Opportunity Act of 1964.

SARGENT SHRIVER, *Director, Office of Economic Opportunity.*

OCTOBER 23, 1964.

Approved:

LYNDON B. JOHNSON, *President of the United States.*

OCTOBER 24, 1964.

[F.R. Doc. 64-11087; Filed, Oct. 28, 1964; 8:50 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 493]

## FLORIDA

### Declaration of Disaster Area

Whereas, it has been reported that during the month of October 1964, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Florida;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid State and areas adjacent thereto, suffered damage or destruction resulting from Hurricane Isbell and accompanying conditions occurring on or about October 14 and 15, 1964.

OFFICES

Small Business Administration Regional Office
90 Fairlie Street NW.
Atlanta 3, Ga.

Small Business Administration Disaster Office
Room 359
Post Office Building
800 Northeast 1st Avenue
Miami, Fla.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1965.

Dated: October 16, 1964.

ROSS D. DAVIS, *Executive Administrator.*

[F.R. Doc. 64-10990; Filed, Oct. 28, 1964; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 26, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39351: *T.O.F.C. rates within southern territory.* Filed by O. W. South, Jr., agent (No. A4581), for interested rail carriers. Rates on roofing or siding or roofing or siding materials, loaded in trailers and transported on railroad flatcars, between points in southern territory, also Ohio and Mississippi River crossing, Virginia cities gateway points, Washington, D.C., St. Louis, Mo., East St. Louis, Ill., and intermediate points on lines of southern rail carriers.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 12 to Southern Freight Association, agent, tariff I.C.C. S-447.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-11010; Filed, Oct. 28, 1964; 8:47 a.m.]



[No. 34454]

# INCREASED LTL, AQ, AND TL RATES, TO, FROM, AND BETWEEN NEW ENGLAND TERRITORY

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 14th day of October A.D. 1964.

It appearing, that by order dated July 24, 1964, the Commission, Division 2, acting as an appellate division, instituted an investigation into and concerning the lawfulness of the rates, charges, and regulations applicable on the interstate or foreign commerce of general commodities, applicable between points in New England territory and between points in that territory and points in other territories, therein described, as set forth in the tariffs specified therein:

And it further appearing, that by an order of the Commission, Commissioner Freas, dated August 3, 1964, the respondents were notified and required, in the discharge of their burden of proof, to submit certain evidence and supporting data, as specified therein, in justification of the proposed increased rates and charges;

Upon consideration of the petition of the New England Motor Rate Bureau, Inc., filed August 27, 1964, on behalf of the respondents in the above-captioned proceeding, seeking certain modifications in the order of August 3, 1964, and of the replies thereto, filed on September 15, 1964, by the Manufacturers Association of Connecticut, Inc., The National Small Shipments Traffic Conference, Inc., the Drug and Toilet Preparations Conference, and The New England Industrial Traffic League, Inc., and of the reply filed on September 16, 1964, by The National Industrial Traffic League;

And good cause appearing therefor;

*It is ordered,* That so much of the order of August 3, 1964, as requires respondents to submit actual cost, revenue, and other data related to the traffic and territories involved, is hereby modified and amended to require also the inclusion of anticipated revenues to show the effect of the proposed increased rates;

*It is further ordered,* That the order of August 3, 1964 insofar as it requires the submission of cost and traffic studies, is hereby modified and amended to require such studies to be based upon and reflect the annual reporting period for the calendar year 1963 and the latest period in 1964 for which such data are available;

*It is further ordered,* That the order of August 3, 1964, insofar as the same requires respondents in this proceeding to report to the Commission their carrier-affiliate financial and operating relationships and transactions during the year 1963 be, and the same is hereby, modified to require such reporting by the class I and II respondents which, during the calendar year 1963, individually paid total charges to their subsidiaries or affiliates, which, separately, or in the aggregate, amounted to $2,500 or more;

*It is further ordered,* That the detailed information called for by the order of August 3, 1964, as modified herein, with respect to carrier-affiliates, shall be in writing and verified by a person or persons having knowledge thereof, and a verified original and two additional copies shall be mailed to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423, in sufficient time to reach the Commission on or before November 23, 1964; and, in addition, that this information is to be offered into evidence by the respondents at the hearing hereinafter referred to, but it may be in summary form, if so desired, cf. Surcharge on Small Shipments Within Central States, 63 M.C.C. 157, at 193 and 194;

*It is further ordered,* That:

(1) The respondents and interveners in support thereof shall serve on the parties of record on or before December 21, 1964, their direct evidence in the form of verified statements (with appendixes, if any); and that they also, at the same time, shall mail two copies to this Commission, together with certificates of service in accordance with § 1.22(a) of the general rules of practice, and mail one copy to the Hearing Examiner at the office of the Interstate Commerce Commission; and the original shall be tendered at the hearing;

(2) The protestants and interveners in support thereof shall also serve on the parties of record on or before January 18, 1965, their evidence in the form of verified statements (with appendixes, if any); and they shall comply also with the provisions in the preceding paragraph regarding the verification, mailing, service, and tender of such statements;

(3) This proceeding be, and it is hereby, referred to Examiner Henry C. Lawton for hearing on February 25, 1965, at 9:30 a.m., U.S. standard time, at the New Post Office and Court House Building, Boston, Mass., for (a) the tender in evidence of the originals of the verified statements, (b) cross examination thereon, if requested, (c) the introduction of rebuttal evidence, and (d) the closing of the record and recommendation of an appropriate order thereon by the Examiner, accompanied by the reasons therefor;

(4) Parties desiring to cross-examine witnesses who have submitted verified statements must give notice in writing of such request to the witness and his counsel, if any, on or before January 25, 1965, a copy of such notice to be filed simultaneously with this Commission. Failure of any witness whose attendance is requested to appear at the hearing for cross-examination shall be considered good cause for the rejection of his verified statement (and appendixes, if any);

(5) All underlying data used in the preparation of evidence set forth in the verified statements (with appendixes, if any) shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so; and that underlying data shall be made available also at the hearing; but only if, and to the extent specifically requested in writing and required by any party to the proceeding, for the purpose of cross-examination;

(6) Anyone intending to become a party of record and to participate in the hearing, and receive and/or serve copies of the evidence to be filed in accordance with the procedure set forth above, must notify the Commission and all the then known parties of record, in writing, on or before November 2, 1964. Attached hereto is a list of the known interested persons as of the date of service of this order. The names of any persons who, after this date, and on or prior to that just mentioned, shall advise the Commission of their interest in the proceeding and intention to participate therein, may be obtained from the Secretary of the Commission.

(7) Evidence presented which fails to conform to the above outlined procedure will not become a part of the record in this proceeding.

*It is further ordered,* That a copy of this order be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

*It is further ordered,* That, to avoid future unnecessary service upon those respondents who, although participating in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service of notices and orders of the Commission herein will be limited to those respondents who:

(1) Have been identified by name in the order or orders of investigation herein,

(2) Specifically made written request to the Secretary of the Commission to be included on the service list, or

(3) Have appeared at a hearing.

*And it is further ordered,* That except to the extent modified herein, the order of August 3, 1964, shall remain in effect, and the additional modifications thereof sought by petitioner and that sought by The National Small Shipments Conference, Inc., replicant, be, and the same are hereby, denied.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

No. 34454

INCREASED LTL, AQ, AND TL RATES, TO, FROM, AND BETWEEN NEW ENGLAND TERRITORY

SERVICE LIST AS OF OCTOBER 5, 1964

*Known Interested Persons*

Herman Matthei, The New England Motor Rate Bureau, Inc., 125 Lincoln Street, Boston, Mass., 02111.

T. J. Townsend, Joy Manufacturing Co., Claremont, N.H.

John B. Hedges, Post Office Box 118, West Hartford, Conn., 06107 (for the New England Industrial Traffic League, Inc.).

John D. Murphy, The Wiremold Co., Hartford, Conn.

John F. Donelan and John M. Cleary, Pope, Ballard & Loos, Attorneys, Brawner Building, 888 17th Street NW., Washington, D.C., 20006.

Ronald Kennedy, The Shippers Conference of Greater New York, Room 1548, 111 Eighth Avenue, New York, N.Y., 10011.

John F. Bohman, Attorney, 335 East Broadway, Gardner, Mass. (For American Gear Manufacturers Assoc., et al.).

Raynard F. Bohman, Jr., 335 East Broadway, Gardner, Mass. (Practitioner for National Furniture Traffic Conference, Inc., et al.).

L. F. Van Kleeck, Brown Co., 650 Main Street, Berlin, N.H.
Exeter Manufacturing Co., Exeter, N.H.
Clarence D. Smith and John J. C. Martin, American Home Products Corp., 685 Third Avenue, New York 17, N.Y. (for National Small Shipments Traffic Conference, etc.).
E. P. Hoyes, Witco Chemical Co., Inc., Post Office Box 305, Paramus, N.J., 07652.
John V. Hoey, Jr., National Textile Traffic Bureau, Inc., 366 Fifth Avenue, New York, N.Y.
Frank W. Schneider, Holyoke Chamber of Commerce, 300 High Street, Holyoke, Mass.
T. A. Dooley, The Stanley Works, New Britain, Conn.
Arthur A. Arsham, The New England Industrial Traffic League, Inc., 140 Broadway, New York 6, N.Y.
G. J. Maloney, Eastern Industrial Traffic League, 200 North Seventh Street, Kenilworth, N.J., 07033.
Francis J. Cincotta, New England Paper & Pulp Traffic Assoc., 38 Chauncy Street, Boston 11, Mass.
A. T. Easley, New Hampshire Manufacturers' Association, 130 Middle Street, Manchester, N.H.

[F.R. Doc. 64–11011; Filed, Oct. 28, 1964; 8:47 a.m.]

[Notice 1069]

## MOTOR CARRIER TRANSFER PROCEEDINGS

October 26, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 67243. By order of October 21, 1964, the Transfer Board approved the transfer to Spokane Transfer and Storage Co., a corporation, Spokane, Wash., of the operating rights in Certificate No. MC 71718, issued March 24, 1952, to Charles W. Trowbridge and George Trowbridge, a partnership, doing business as McCarroll Transfer Co., Spokane, Wash., authorizing the transportation, over irregular routes, of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Washington, and Idaho, within 35 miles of Spokane, Wash., including, Spokane. Raymond R. Tanksley, Jr., attorney at law, 217 Paulsen Building, Spokane, Wash.

No. MC–FC 67246. By order of October 21, 1964, the Transfer Board approved the transfer to Farris Truck Line, a corporation, Faucett, Mo., of the operating rights issued by the Commission March 11, 1954, June 5, 1962, March 31, 1964, June 19, 1963, and April 27, 1964, under Permits Nos. MC 114239, MC 114239 Sub 3, MC 114239 Sub 4, MC 114239 Sub 5, and MC 114239 Sub 8, respectively, to Gennie Farris, doing business as Farris Truck Line, Faucett, Mo., authorizing the transportation, over irregular routes, of such commodities as are dealt in by chain retail and mail-order department stores, from St. Joseph, Mo., to all points in Kansas in the counties of Brown, Nemaha, Doniphan, Atchison, and part of Jackson County; used and repossessed shipments of the above-specified commodities and traded-in merchandise, from the above-specified destination points to St. Joseph, Mo.; urea, in dry form, in bulk, except in tank or hopper type vehicles, from the plant and warehouses of W. R. Grace & Co., at Woodstock and Memphis, Tenn., to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming; urea, in dry form, in bags, from the plant and warehouses of W. R. Grace & Co., to points in Colorado, Idaho, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, Indiana, with exceptions, points in Kansas, specified points in Missouri, Texas, Wisconsin, and Illinois; urea (except agricultural grade urea) in dry form, in bags, from site and plant of W. R. Grace & Co., to points in Arizona, California, and New Mexico; feed, in bulk and in bags, and flour in bags, from Kansas City, Mo., to points in Kansas, Colorado, Wyoming, New Mexico, Nebraska, South Dakota, and Oklahoma; and damaged shipments of feed and flour, from points in Kansas, Colorado, Wyoming, New Mexico, Nebraska, South Dakota, and Oklahoma, to Kansas City, Mo.; agricultural pesticides, dry, in containers and in bulk and agricultural pesticides, liquid, in drums, from St. Joseph, Mo., to points in Arkansas, Iowa, Illinois, Kansas, Minnesota, and Nebraska; agricultural pesticides and ingredients thereof, dry, in containers and in bulk and liquid, in containers from St. Joseph, Mo., to points in Colorado, Indiana, Iowa, Kentucky, Michigan, Montana, North Dakota, New Mexico, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming; and from points in Arkansas, California, Colorado, Florida, Illinois, Iowa, Michigan, Mississippi, Nevada, New Jersey, New Mexico, Ohio, and Tennessee, to St. Joseph, Mo. Carl V. Kretsinger, Kretsinger, Kretsinger & Edell, Suite 510, Professional Building, Kansas City 5, Mo., attorney for applicants.

No. MC–FC 67256. By order of October 20, 1964, the Transfer Board approved the transfer to Winn Trucking Service, Inc., 210 Edwards Avenue, Horse Cave, Ky., of the operating rights issued by the Commission March 25, 1954, August 17, 1954, November 15, 1956, June 20, 1961, June 20, 1961, August 14, 1961, August 22, 1952, April 17, 1964, and September 2, 1964, under Permits Nos. MC 113642, MC 113642 Sub 3, MC 113642 Sub 5, MC 113642 Sub 9, MC 113642 Sub 10, MC 113642 Sub 11, MC 113642 Sub 12, MC 113642 Sub 13, and MC 113642 Sub 14, to James I. Winn, Jr., doing business as Winn Trucking Service, 210 Edwards Ave., Horse Cave, Ky., authorizing the transportation of cheese, over irregular routes, from Horse Cave and Cynthiana, Ky., to Richmond, Va.; conduit pipe, and fittings therefor, from Horse Cave, Ky., and points within 3 miles thereof to points in Illinois, Indiana, Ohio and Tennessee within 300 miles of Horse Cave; Cheese, from Horse Cave, Ky., to Decatur, Ga.; multi plate and tunnel liners, and bolts, channels, crowder bars, and nuts, when shipped with and used in the assembly of multi plate and tunnel liners, from Middletown, Ohio, to points in Kentucky; from Horse Cave, Ky., to points in Illinois, Indiana, Ohio, and Tennessee, within 300 miles of Horse Cave, Ky.; liquid asphalt, in bulk, in tank vehicles, from Brookville, Ind., to Horse Cave, Ky.; asphalt, in bulk, in tank vehicles, from the plant site of Witco Pioneer Chemical Division, at Lawrenceville, Ill., to the plant site of Armco Steel Corporation, Metal Products Division, at Horse Cave, Ky.; granite, from the plant site of Phillips Granite Co., at or near Rion, S.C., to the plant site of Keith Monument Co., at or near Elizabethtown, Ky.; and cheese, from Horse Cave, Ky., to Attalla, Ala., and Booneville, Miss.

No. MC–FC 67266. By order of October 20, 1964, the Transfer Board approved the transfer to Delbert Bruce, doing business as Bruce Truck Line, Mound City, Kans., of Certificate in No. MC 30078 issued September 6, 1962, to Raymond L. Poole, doing business as Poole Truck Line, Mound City, Kans., authorizing the transportation of livestock, seed, and hay, over regular route, from Mound City, Kans., to Kansas City, Mo., serving the intermediate point of Kansas City, Kans., and intermediate and off-route points within 10 miles of Mound City; general commodities, excluding household goods and commodities in bulk, from Kansas City, Kans., and intermediate and off-route points within 10 miles of Mound City; and between Mound City, Kans., and Kansas City, Mo., serving no intermediate points, but serving points in Missouri in the Kansas City, Mo.-Kans., commercial zone as defined by the Commission, as off-route points; general commodities, excluding household goods and commodities in bulk, over alternate route for operating convenience only, between Mission, Kans., and Kansas City, Mo.; livestock, agricultural commodities, empty petroleum products containers, and empty compressed gas cylinders, over irregular routes, from Mound City, Kans., and points within 10 miles thereof, to Kansas City, Kans., and Kansas City, Mo.; and livestock, feed, agricultural implements, agricultural implement parts, petroleum products in containers, compressed gas in cylinders, plumbing fixtures, and supplies, electrical fixtures, and equipment, and such merchandise as is dealt in by hardware stores, over irregular routes, from Kansas City, Mo., and Kansas City, Kans., to Mound City, Kans., and points within 10 miles thereof.

No. MC–FC 67269. By order of October 20, 1964, the Transfer Board approved the transfer to Brunswick Transportation Company, Inc., Brunswick, Maine, of the operating rights in Certificate No. MC 109830, issued June 6, 1951, in the name of Ernest L. Stedman, doing business as Stedman's Coach Service, Waterville, Maine, authorizing the transportation, over irregular routes, of: Passengers and their baggage in the same vehicle, in round-trip charter operations, beginning and ending at Waterville or Oakland, Maine and extending to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont. Kenneth B. Williams, 111 State Street, Boston, Mass., 02109, attorney for applicants.

No. MC–FC 67275. By order of October 20, 1964, the Transfer Board approved the transfer to Thomas Lekvin, doing business as Osterman Transfer Company, Eau Claire, Wis., of the operating rights in Certificate in No. MC 46072, issued December 23, 1952, to Leo Kenneth Shepler and Thomas Lekvin, a partnership, doing business as Osterman Transfer Company, Eau Claire, Wis., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Menomonie, and Chippewa Falls, Wis., over U.S. Highway 53, serving all intermediate points. William H. Frawley, 303¼ South Barstow, Eau Claire, Wis., 54701, attorney for applicants.

No. MC–FC 67278. By order of October 20, 1964, the Transfer Board approved the transfer to Yamashiro-Nako Enterprises, Inc., Los Angeles, Calif., of the operating rights in Certificate of Registration No. MC 121221 Sub 1 issued March 6, 1964, to Estero Corporation, doing business as Hi-Ball Trucking, Azusa, Calif., corresponding to the grant of intrastate authority to transferor issued by the Public Utilities Commission of California in Certificate of Public Convenience and Necessity Decision No. 63025, dated January 9, 1962. Donald Murchison, Suite 211, Allen Paris Building, 211 South Beverly Drive, Beverly Hills, Calif., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–11012; Filed, Oct. 28, 1964; 8:47 a.m.]

[S.O. 947; Taylor's Car Distribution Order 6]

## NEW YORK, NEW HAVEN AND HARTFORD RAILROAD CO. ET AL.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The New York, New Haven and Hartford Railroad Company shall deliver to the Lehigh and Hudson River Railway Company a daily average of 25 plain serviceable boxcars inside length less than 44'8".

(b) Cars received by the Lehgh and Hudson River Railway Company under this order will be delivered to the Pennsylvania Railroad Company.

(c) Cars received by the Pennsylvania Railroad Company under this order shall be delivered to the Chicago, Burlington and Quincy Railroad Company.

*It is further ordered,* That the New York, New Haven and Hartford Railroad Company shall prepare empty car cards, tickets or movement slips for all cars delivered to the Lehigh and Hudson River Railway Company. Such cards, tickets or slips to accompany cars and be delivered with cars to the Pennsylvania Railroad Company.

*It is further ordered,* That cars moving under the provisions of this order and so identified on cards, tickets, or slips shall not be intercepted, appropriated, or diverted by any carrier named in this order and must be moved promptly to the Chicago, Burlington and Quincy Railroad Company.

(d) *Effective date.* This order shall become effective at 12:01 a.m. October 26, 1964.

(e) *Expiration date.* This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11013; Filed, Oct. 28, 1964; 8:47 a.m.]

[Service Order 947; Taylor's Car Distribution Order 7]

## CENTRAL RAILROAD COMPANY OF NEW JERSEY AND ERIE-LACKAWANNA RAILROAD CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Central Railroad Company of New Jersey shall deliver to the Erie-Lackawanna Railroad Company a daily average of 40 plain serviceable boxcars inside length less than 44'8".

(b) Cars received by the Erie-Lackawanna Railroad Company under this order will be delivered to the Chicago, Burlington & Quincy Railroad Company.

*It is further ordered,* That the Central Railroad Company of New Jersey shall prepare empty car cards, tickets, or movement slips for all cars delivered to the Erie-Lackawanna Railroad Company. Such cards, tickets, or slips to accompany cars and be delivered with cars to the Chicago, Burlington & Quincy Railroad Company.

(c) *Effective date.* This order shall become effective at 12:01 a.m., October 26, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11014; Filed, Oct. 28, 1964; 8:48 a.m.]

[Service Order 947; Taylor's Car Distribution Order 8]

## LOUISVILLE & NASHVILLE RAILROAD CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Louisville & Nashville Railroad Company shall deliver to the Chicago, Burlington & Quincy Railroad Company a daily average of 25 plain serviceable boxcars inside length less than 44'8".

(b) Cars delivered under this order shall be carded to the Chicago, Burlington & Quincy Railroad Company and each car shall be identified by the Louisville & Nashville Railroad Company as moving under the provisions of this order.

(c) *Effective date.* This order shall become effective at 12:01 a.m. October 26, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m. November 15, 1964, unless otherwise ordered.

*It is further ordered*, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64-11015; Filed, Oct. 28, 1964; 8:48 a.m.]

[Service Order 947; Taylor's Car Distribution Order 9]

## BALTIMORE & OHIO RAILROAD CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5)(b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered*, That:

(a) The Baltimore & Ohio Railroad Company shall deliver to the Illinois Central Railroad a daily average of 40 plain serviceable boxcars inside length less than 44'8".

(b) Cars delivered under this order shall be carded to the Illinois Central Railroad and each car shall be identified by the Baltimore & Ohio Railroad as moving under the provisions of this order.

(c) *Effective date.* This order shall become effective at 12:01 a.m., October 26, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

*It is further ordered*, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64-11016; Filed, Oct. 28, 1964; 8:48 a.m.]

[Service Order 947; Taylor's Car Distribution Order 10]

## NEW YORK CENTRAL RAILROAD CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5)(b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered*, That:

(a) The New York Central Railroad Company shall deliver to the Illinois Central Railroad Company a daily average of 40 plain serviceable boxcars inside length less than 44'8".

(b) Cars delivered under this order shall be carded to the Illinois Central Railroad Company and each car shall be identified by the New York Central Railroad Company as moving under the provisions of this order.

(c) *Effective date.* This order shall become effective at 12:01 a.m., October 26, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

*It is further ordered*, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64-11017; Filed, Oct. 28, 1964; 8:48 a.m.]

[Service Order 947; Taylor's Car Distribution Order 11]

## LEHIGH VALLEY RAILROAD CO. AND NORFOLK AND WESTERN RAILWAY CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5)(b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered*, That:

(a) The Lehigh Valley Railroad Company shall deliver to the Norfolk and Western Railway Company a daily average of 40 plain serviceable boxcars inside length less than 44'8".

(b) Cars received by the Norfolk and Western Railway Company under this order will be delivered to the Illinois Central Railroad Company.

*It is further ordered*, That the Lehigh Valley Railroad Company shall prepare empty car cards, tickets, or movement slips for all cars delivered to the Norfolk and Western Railway Company. Such cards, tickets, or slips to accompany cars and be delivered with cars to the Illinois Central Railroad Company.

(c) *Effective date.* This order shall become effective at 12:01 a.m. October 26, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m. November 15, 1964 unless otherwise ordered.

*It is further ordered*, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 23, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64-11018; Filed, Oct. 28, 1964; 8:48 a.m.]



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Order from Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402



FEDERAL REGISTER
Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 213—EXCEPTED SERVICE

#### Department of Defense

Section 213.3306 is amended to show exception under Schedule C of a second position of Staff Assistant to the Principal Special Assistant to the Secretary of Defense. Effective upon publication in the FEDERAL REGISTER, subparagraph (28) of paragraph (a) of § 213.3306 is amended as set out below.

**§ 213.3306 Department of Defense.**

(a) *Office of the Secretary.* • • •

(28) Two Staff Assistants to the Special Assistant to the Secretary of Defense.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
*Director, Bureau of Management Services.*

[F.R. Doc. 64–11053; Filed, Oct. 29, 1964; 8:46 a.m.]

### PART 213—EXCEPTED SERVICE

#### Executive Office of the President

Section 213.3303 is amended to show the exception under Schedule C of one additional position of Private Secretary to the Chairman of the Council of Economic Advisers. Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (b) of § 213.3303 is amended as set out below.

**§ 213.3303 Executive Office of the President.**

• • • • • •

(b) *Council of Economic Advisers.* (1) Three Private Secretaries to the Chairman and one to each of the other two members.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
*Director, Bureau of Management Services.*

[F.R. Doc. 64–11054; Filed, Oct. 29, 1964; 8:46 a.m.]

### PART 213—EXCEPTED SERVICE

#### Small Business Administration

Section 213.3132(b) is amended to extend the authority to permit temporary appointment of personnel engaged in making and administering loans to small business organizations in areas declared disaster areas by the President as a result of hurricanes in the autumn of 1964. Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 213.3132 is amended as set out below.

**§ 213.3132 Small Business Administration.**

• • • • • •

(b) For the duration of the disasters caused by hurricanes in the autumn of 1964, as declared by the President, temporary appointment of personnel employed to make and administer small loans either directly or cooperatively to small business organizations under section 7(b)(2) of the Small Business Act, as amended by P.L. 88–264 of February 5, 1964. Such appointments shall not exceed six months initially, but may with prior approval of the Commission be extended for an additional six months.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
*Director, Bureau of Management Services.*

[F.R. Doc. 64–11055; Filed, Oct. 29, 1964; 8:47 a.m.]

## Title 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 612]

### PART 301—DOMESTIC QUARANTINE NOTICES

#### Subpart—Khapra Beetle

REGULATED AREAS

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76–2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

**§ 301.76–2a Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.**

Infestations of the khapra beetle have been determined to exist in the premises listed below. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

ARIZONA

University of Arizona Farm, 4101 North Campbell Avenue, Tucson.

University of Arizona, Ewing Farm, 4040 North Campbell Avenue, Tucson.

University of Arizona, River Road Farm, 3636 North Dodge Boulevard, Tucson.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.76–2)

These administrative instructions shall become effective October 29, 1964.

These administrative instructions designate certain premises in Arizona, in which khapra beetle infestations have been determined to exist, as regulated areas under the khapra beetle quarantine and regulations.

These instructions impose restrictions supplementing khapra beetle quarantine regulations already in effect. They must be made effective promptly in order to carry out the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 23d day of October 1964.

[SEAL] LEO G. K. IVERSON,
*Acting Director, Plant Pest Control Division.*

[F.R. Doc. 64–11056; Filed, Oct. 29, 1964; 8:47 a.m.]

### Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 70]

### PART 401—FEDERAL CROP INSURANCE

#### Subpart—Regulations for the 1961 and Succeeding Crop Years

PEANUTS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1965 crop year in the following respects:

1. Item (d) of section 2 of the peanut endorsement shown in § 401.36 is amended effective beginning with the 1965 crop year to read as follows:

(d) any acreage on any farm for which an acreage allotment for peanuts is not established.

2. The second sentence of section 4 of the peanut endorsement shown in § 401.36 is amended effective beginning with the 1965 crop year to read as fol-

lows: "The amount of insurance per acre for each crop year shall be the applicable pounds per acre of peanuts established by the Corporation by area, classification, group, or other designation for the insured acreage and shown on the county actuarial table multiplied by the minimum average support price per pound for the insured type of peanuts for the crop year as announced by the United State Department of Agriculture under the peanut price support program."

3. The second sentence of subsection 6(b) of the peanut endorsement shown in § 401.36 is amended effective beginning with the 1965 crop year to read as follows: "Any appraisals of production made for poor farming practices of uninsured causes of loss shall be valued at the final average support price per pound for peanuts for the crop year under the peanut price support program for the insured type: *Provided, however,* That if in any crop year, the peanuts on any insurance unit are destroyed prior to the issuance of the final average support price per pound for the insured type for that crop year, such appraisals of production will be valued at the minimum average support price per pound for the insured type of peanuts for the crop year as announced by the United States Department of Agriculture under the peanut price support program."

4. Section 7(a) of the peanut endorsement shown in § 401.36 is amended effective beginning with the 1965 crop year to read as follows:

(a) "Harvest" or "harvested" as to any acreage means the digging for threshing of at least 20 percent of the applicable pounds per acre of peanuts established by the Corporation by area, classification, group, or other designation for the insured acreage and shown on the county actuarial table.

5. That portion of section 7(b) of the peanut endorsement shown in § 401.36 which reads "for the insurable type of peanuts" is amended effective beginning with the 1965 crop year to read as follows: "for peanuts".

6. The peanut endorsement shown in § 401.36 is amended effective beginning with the 1965 crop year by deleting section 11.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on October 23, 1964.

[SEAL] EARLL H. NIKKEL,
*Secretary,*
*Federal Crop Insurance Corporation.*

Approved: October 27, 1964.

CHARLES S. MURPHY,
*Under Secretary.*

[F.R. Doc. 64-11092; Filed, Oct. 29, 1964; 8:50 a.m.]

[Amdt. 71]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

POTATOES

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1965 crop year in the following respects:

1. Section 2 of the potato endorsement shown in § 401.37 is amended effective beginning with the 1965 crop year to read as follows:

2. *Insured crop.* (a) The insured crop shall be potatoes of the variety shown on the county actuarial table as insurable. Insurance shall not be considered to have attached on any acreage on which it is determined by the Corporation that such acreage on any insurance unit (1) is less than two acres, (2) was planted to potatoes for the two preceding crop years, (3) was initially planted to potatoes after the date shown on the county actuarial table for such purpose, or (4) was not planted to certified seed potatoes or to seed potatoes which would meet all of the requirements for certification except for bagging and tagging. If within 15 days after the insured files his acreage report, it is determined by the Corporation that the insured did not follow recognized good farming practices the Corporation may elect to determine the insured acreage of potatoes involved to be "zero".

(b) Notwithstanding the provisions of the last sentence of section 2 of the policy, if the insured fails to file a report of the acreage planted to potatoes and his interest therein by the date established under item (3) of subsection (a) of this section, the Corporation may elect to determine the insured acreage and the interest or declare the insured acreage to be "zero".

2. The second paragraph of section 5(a) of the potato endorsement shown in § 401.37 is amended effective beginning with the 1965 crop year to read as follows:

The total production to be counted for an insurance unit shall be determined by the Corporation and shall include all harvested production from acreage harvested on the unit and any appraisals made by the Corporation for unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided,* That the total production to be counted shall be determined separately for acreage harvested on the unit and for acreage not harvested on the unit and in either case shall not be less than 25 percent of the production guarantee of the quality guaranteed and provided on the county actuarial table for such acreage: *Provided, further,* That the production to be counted for any acreage of potatoes which is abandoned or put to another use without the consent of the Corporation shall be the production guarantee provided on the county actuarial table for such acreage.

3. Section 6(b) of the potato endorsement shown in § 401.37 is amended effective beginning with the 1965 crop year to read as follows:

(b) "Harvest" or "harvested" means the digging of potatoes.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on October 23, 1964.

[SEAL] EARLL H. NIKKEL,
*Secretary,*
*Federal Crop Insurance Corporation.*

Approved: October 27, 1964.

CHARLES S. MURPHY,
*Under Secretary.*

[F.R. Doc. 64-11093; Filed, Oct. 29, 1964; 8:50 a.m.]

## PART 403—PEACH CROP INSURANCE

### Subpart—Regulations for the 1965 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the Peach Crop Insurance Regulations for the 1963 and Succeeding Crop Years, as amended, which shall remain in full force and effect for the 1964 crop year, are hereby amended for the 1965 and succeeding crop years to read as set forth below. The provisions of this subpart shall apply, until amended or superseded, to all continuous peach crop insurance contracts as they relate to the 1965 and succeeding crop years.

Sec.
403.40 Availability of peach crop insurance.
403.41 Premium rates and amounts of insurance.
403.42 Application for insurance.
403.43 Public notice of indemnities paid.
403.44 Creditors.
403.45 The application and the policy.

AUTHORITY: §§ 403.40 to 403.45 issued under secs. 506, 516, 52 Stat. 73, as amended, 77, as amended, 7 U.S.C. 1506, 1516.

**§ 403.40 Availability of peach crop insurance.**

Peach crop insurance shall be offered for the 1965 and succeeding crop years under the provisions of § 403.40 through § 403.45 in counties within limits prescribed by and in accordance with the provision of the Federal Crop Insurance Act as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for peach crop insurance. The counties designated by the Manager shall be published by appendix to this section.

**§ 403.41 Premium rates and amounts of insurance.**

The Manager shall establish premium rates and the amounts of insurance per acre which shall be shown on the county actuarial table on file in the county office. Such premium rates and amounts of insurance may be changed from year to year.

**§ 403.42 Application for insurance.**

Application for insurance may be submitted as provided in § 403.45 at the county office for the Corporation. The Corporation reserves the right to discontinue the taking of applications in any county upon its determination that the insurance risk involved is excessive prior to the closing date for the filing of applications. Such closing date shall be December 31 preceding the beginning of the crop year.

**§ 403.43 Public notice of indemnities paid.**

The Corporation shall provide for posting annually in each county at the county courthouse a listing of the indemnities paid in the county.

**§ 403.44 Creditors.**

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the application and policy set forth in § 403.45.



**§ 403.45 The application and the policy.**

The provisions of the Application and Policy for Peach Crop Insurance for the 1965 and Succeeding crop years are as follows:

Application and Policy
Form FCI-812-Peach Rev.

UNITED STATES DEPARTMENT OF AGRICULTURE
FEDERAL CROP INSURANCE CORPORATION
APPLICATION AND POLICY FOR PEACH CROP INSURANCE

(For 196_ and Succeeding Crop Years)

---

(State and County Code and Contract No.)

---

(Name and address of insured)

---

(County)

1. The undersigned applicant (herein called the "insured"), subject to the applicable provisions of the regulations of the Federal Crop Insurance Corporation (herein called the "Corporation"), hereby applies to the Corporation for insurance on his interest in peach crops (hereinafter called "the insured crop") located in the above-identified county (hereinafter called "the county"). The insured applies for the amount of insurance shown below which shall be an amount shown on the county actuarial table on file in the Corporation's office for the county. The amounts of insurance available each crop year and prescribed premium rates each crop year are shown on the county actuarial table from year to year. In counties where alternative amounts of insurance per acre are made available for election by the insured, the insured may change the amount of insurance which was in effect for a prior crop year and elect a new amount of insurance per acre by notifying the county office in writing before the date insurance attaches for the crop year for which the change is to become effective. Unless the contract of insurance is cancelled or terminated pursuant to the terms hereof, the amount of insurance per acre in effect for a crop year shall be the amount of insurance most recently elected by the insured and shown on a form prescribed for such purpose not to exceed the maximum dollar amount per acre shown on the county actuarial table for such crop year, except that when alternative amounts of insurance are not offered, the amount of insurance per acre for a crop year shall be the amount prescribed by the Corporation.

(Dollar Amount of Insurance Elected)

$-------- per acre

This application when executed by an individual shall not cover his interest in a crop produced by a partnership or other entity.

2. *Causes of loss insured against.* The insurance provided is against unavoidable loss resulting from frost, freeze, hurricane, tornado, hail, a number of hours of chilling temperatures insufficient to effectively break the dormant period, or windstorm when accompanied by hail provided that the percent of loss due to hail on any acreage is five percent or more of the peaches on the trees on the date when such damage occurs, subject however, to any exceptions, exclusions, limitations, or additions with respect to such causes of loss as are set forth on the county actuarial table. The Corporation shall not pay any loss hereunder as a result of split pits and misshapen fruit regardless of the cause thereof.

3. *Insured crop.* Only peaches grown on insurable acreage in any crop year as shown on the county actuarial table (a) in which the insured had an interest on the date insurance attaches, (b) which are grown on acreage on which the trees have reached the fourth growing season, and (c) which are grown on acreage having a minimum expected production on the date insurance attaches of 100 bushels per acre are insured.

4. *Responsibility of insured to report acreage and interest.* The insured at the time of filing this application shall also file on a form prescribed by the Corporation a report of all the acreage of the insured crop in the county in which he has an interest and show his interest therein. Such report shall include a designation of all the acreage of peaches which is uninsurable under the provisions of the preceding section. This report may be revised for any crop year before insurance attaches if the acreage and interest therein has changed and the latest report filed shall be considered as the basis for continuation of insurance from year to year, subject to revision as provided herein. The Corporation reserves the right to determine the insured acreage and the insured's interest therein. The acreage and interest insured shall be the acreage and interest reported by the insured or as determined by the Corporation, whichever the Corporation shall elect.

5. *The contract.* Upon acceptance of this application by the Corporation, the contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until canceled or terminated in accordance with the applicable provisions of the contract. This application and policy, and amendments thereto, if any, and the county actuarial tables for each crop year on file in the Corporation's office for the county shall constitute the contract for peach insurance. Any changes made in the contract shall not affect the continuity from year to year.

6. *Insurance period.* For each crop year insurance attaches on January 1, or upon acceptance of the application for such crop year whichever is later, and as to any insured acreage ceases upon harvest, or September 15, whichever occurs first.

7. *Annual premium.* (a) The annual premium for each unit shall be earned and payable on the date insurance attaches and shall be determined by multiplying the applicable amount of insurance for the insured acreage by the applicable premium rate and multiplying the product thereof by the insured's interest at the time insurance attaches and, where applicable, applying the discount herein provided.

(b) The insured's annual premium shall be reduced 5 percent if he has had three consecutive years of insurance on the crop immediately preceding the current crop year (eliminating any year in which a premium was not earned) without a loss for which an indemnity was paid. For each such additional consecutive year of insurance on the crop without a loss for which an indemnity was paid, the insured's annual premium shall be reduced an additional 5 percent, except that the total reduction shall not exceed 25 percent. If an insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years: *Provided,* That, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made. Any discount earned hereunder shall upon death of the insured and upon approval of the Corporation enure to the benefit of his estate, heirs, surviving spouse, or a surviving partner, who the Corporation determines were directly associated in the farming operations and management with the insured during the period in which the discount was earned.

(c) If, for any crop year, the premium is less than $50.00 it shall be increased to $50.00.

8. *Premium note.* In consideration hereof, the insured promises to pay to the order of the Federal Crop Insurance Corporation each crop year of the contract the annual premium and further agrees that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the United States Department of Agriculture.

----------, 19--.
(Date)

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(Signature of Applicant)

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(Witness to signature)

9. Recommended for acceptance by:

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(Corporation representative)

10. Accepted for the corporation by:

----------, 19--.
(Date)

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(State director)

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(County office address)

11. *Life of contract.* This contract is noncancelable the first crop year and shall continue in effect for each succeeding crop year until either the insured, or the Corporation, cancels the contract by giving written notice to the other by November 30 immediately preceding the crop year for which the cancellation is to become effective. The contract shall, however, terminate for non-payment of premium if such premium is not paid by December 31, of the crop year in which the premium was earned.

12. *Notice of damage or loss.* (a) It shall be a condition precedent to payment of any indemnity on any insurance unit (hereinafter called "unit") hereunder that the insured report each damage to the insured crop from a cause of loss insured against to the county office immediately after such damage giving the date, cause, and estimated extent of such damage. If not so reported within seven days, the Corporation reserves the right to reject any claim arising out of such damage on the unit if it determines that it has been prejudiced by such failure to report or by failure to give notice as required in subsection (b) of this section.

(b) Notice of the time of intended harvesting shall be given to the county office at least seven days before the beginning of harvest if a loss is to be claimed, and a final adjustment has not been made by that time. *Provided, however,* That if damage occurs within the seven-day period before the beginning of harvest, or during harvest, and a loss is to be claimed, notice shall be given immediately.

13. *Amount of loss and proof of loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation within 30 days after the amount of loss has been determined by the Corporation.

(b) Losses shall be determined separately for each unit and for the period in which the loss occurred, as hereinafter provided, except that any damage occurring in the second period which the Corporation cannot accurately separate from damage occurring in the first period shall be treated as having occurred in the first period. The amount of loss with respect to any unit for either period shall be determined by (1) multiplying the insured acreage of peaches on the unit by the applicable amount of insurance per acre, (2) multiplying the result thus ob-

tained by the applicable percent of loss determined in accordance with subsection (c) of this section and (3) multiplying the result by the insured interest.

(c) Reported damages from insured causes shall be indemnified on the basis of appraisals of production made by the Corporation and the percent of damage from insured causes occurring within either period shall be determined by relating the production lost due to insured causes to the production which the Corporation determines would have been produced had no damage from insured or uninsured causes occurred (herein called the "expected production").

The Corporation reserves the right to delay final appraisal of the extent of any damage, occurring in either period, and the settlement of any claim until the extent of damage can reasonably be determined.

Determination of the expected production for each period for any acreage shall be made by the Corporation on the applicable of such information as past production, cultural practices, age, size, condition and general capabilities of the trees, peaches on the trees, peaches harvested, and by comparing production with similar trees on which no damage has occurred. In addition, in determining the expected production for the second period any peaches harvested or lost due to uninsured causes in the first period shall also be taken into account.

All insured damage occurring within a period will be related to the expected production established for that period by the Corporation except that the minimum expected production used to determine the percent of damage for either period will never be less than 100 bushels per acre for the unit.

Any damage due to insured causes and any appraisals made by the Corporation shall be disregarded and no indemnity shall be payable whenever a normal crop of peaches, as determined by the Corporation, on the basis of age, size, condition, productive capabilities, and the cultural practices followed, remains on the trees.

The maximum amount payable under this contract shall be 80 percent of the amount of insurance for a unit. Subject to this limitation, the percent of loss payable for each period and the periods involved are as follows:

*First period.* This period shall be from the date insurance attaches through the later of March 31, or the date of the last frost or freeze damage occurring on the unit, as determined by the Corporation. The percent of loss payable as a result of damage occurring during this period shall be that in excess of 50 percent as determined in accordance with the provisions hereof. Any loss due to a number of hours of chilling temperatures insufficient to effectively break the dormant period shall be deemed to have occurred in this period.

*Second period.* This period shall commence on April 1, or the day following the date of the last frost or freeze damage occurring on the unit thereafter, as determined by the Corporation, and shall continue to the end of the insurance period. The percent of loss payable as a result of damage occurring during this period shall be that in excess of 20 percent as determined in accordance with the provisions hereof: *Provided, however,* That for the unit this deductible shall be reduced by 1 percentage point for each 1 percent of damage in excess of 30 percent determined by the Corporation to have occurred in the First Period.

(d) It shall be a condition precedent to payment of any claim that the insured furnish records of production harvested and any information required by the Corporation regarding the manner and extent of damage or loss.

14. *Abandonment of crop.* There shall be no abandonment of the insured crop or portion thereof to the Corporation.

15. *Contract changes.* After the first crop year the Corporation reserves the right to amend or change the terms of this contract from year to year. Notice thereof shall be mailed to the insured or made available at the county office by the November 15 immediately preceding the beginning of the crop year for which such amendment is to become effective. Acceptance of the changes will be conclusive in the absence of notice from the insured to cancel the contract as provided in paragraph 11, above.

16. *Collateral assignment—Transfer of interest.* The right to an indemnity in any crop year may be assigned as security upon prior approval of the Corporation. If the insured transfers his interest in the insured crop in any crop year he may, upon prior approval of the Corporation, transfer his right to an indemnity for such crop year with respect to the transferred interest in the insured crop. Any assignment or transfer shall be made on assignment or transfer forms prescribed by the Corporation and shall be subject to all the terms set forth thereon and to the terms hereof.

17. *Insured interest.* For the purpose of determining the amount of indemnity the interest insured shall not exceed the interest of the insured at the time of damage, as determined by the Corporation.

18. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for any earned premium(s) if at any time the insured has concealed or misrepresented any material fact or committed any fraudulent act against the Corporation and such voidance shall be effective as of the beginning of the crop year which relates to the insured crop with respect to which any such act or omission occurred.

19. *Subrogation.* The insured (including his assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

20. *Cause of loss not insured against.* The contract shall not cover any loss due to neglect or malfeasance of the insured, any member of his household, his tenants, or employees, or failure to follow recognized good peach farming practices, or to any cause other than a cause insured against.

21. *Payment of indemnity.* (a) Any indemnity will be paid within 30 days after a claim therefor is approved by the Corporation: *Provided,* That in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity.

(b) If the insured dies or is judicially declared incompetent before insurance attaches in any crop year, the contract shall terminate as of the date of death or judicial declaration, but if such an event occurs after insurance attaches in any crop year the contract shall terminate at the end of such crop year and any indemnity payable shall be paid to the person or persons the Corporation determines to be beneficially entitled thereto.

22. *Meaning of terms.* For purposes of insurance on peaches the terms:

(a) "County actuarial table" means the forms and related material approved by the Corporation which are on file for public inspection in the county office, and which show the applicable amounts of insurance, premium rates, and related information with respect to peach crop insurance for the crop year in the county.

(b) "County office" means the Corporation's office for the county shown in this application and policy or such office as may be designated by the Corporation from time to time.

(c) "County" means the area shown on the county actuarial table which may include units located in a local producing area bordering on the county.

(d) "Crop year" means the calendar year in which insurance attaches.

(e) "Production harvested" means marketable peaches picked from the trees or from the ground.

(f) "Insurance unit" means all insurable acreage of peaches in the county in which (1) the insured has 100 percent interest on the date insurance attaches for the crop year that is located on contiguous land under the same ownership, or (2) the same two or more persons have 100 percent interest on the date insurance attaches for the crop year that is located on contiguous land under the same ownership, excluding any other acreage of peaches in which such persons do not have 100 percent interest on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous. The Corporation may by agreement in writing with the insured before insurance attaches in any crop year combine units for the purpose of providing premium benefits resulting from the acreage of the varieties of peaches on the unit.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on October 23, 1964.

[SEAL] EARLL H. NIKKEL,
*Secretary, Federal Crop Insurance Corporation.*

Approved: October 27, 1964.

CHARLES S. MURPHY,
*Under Secretary.*

[F.R. Doc. 64-11094; Filed, Oct. 29, 1964; 8:50 a.m.]

## Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

### SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[Sugar Determination 833.11]

## PART 833—MAINLAND CANE SUGAR AREA

### Florida and Louisiana; 1964 Crop

Pursuant to the provisions of section 302(a) of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

**§ 833.11 Sugar commercially recoverable from sugarcane in the Mainland Cane Sugar Area.**

(a) *Definitions.* For the purposes of this section, the terms:

(1) "Trash" means green or dried leaves, sugarcane tops, dirt and all other extraneous material.

(2) "Gross weight" of sugarcane means the total weight (short tons) of sugarcane, including trash, as delivered by a producer for processing for sugar production.

(3) "Net weight" of sugarcane means:



(i) In Florida, the gross weight of sugarcane delivered by a producer to a processor's mill minus a deduction equal to the average percentage weight of trash delivered with all sugarcane ground during the 1964-crop season at such mill.

(ii) In Louisiana, the weight obtained by deducting the weight of trash from the gross weight of sugarcane as delivered by a producer.

(b) *Recoverable sugar.* For the 1964 crop of sugarcane, the amount of sugar, in hundredweight, raw value, commercially recoverable from sugarcane grown on a farm in the Mainland Cane Sugar Area and marketed (or processed by the producer) for the extraction of sugar or liquid sugar, shall be obtained by multiplying the net weight of the sugarcane in tons by the rate of recoverability specified for the average percentage of sucrose in the normal juice of such sugarcane, as follows:

(1) *For farms in Louisiana.*

| Percentage of sucrose in normal juice: [1] | *Rate of recoverable sugar (hundredweight) per net ton of sugarcane* |
|---|---|
| 3.6 | 0.000 |
| 4.0 | 0.071 |
| 5.0 | 0.252 |
| 6.0 | 0.433 |
| 7.0 | 0.614 |
| 8.0 | 0.925 |
| 9.0 | 1.106 |
| 10.0 | 1.293 |
| 11.0 | 1.478 |
| 12.0 | 1.661 |
| 13.0 | 1.845 |
| 14.0 | 2.030 |
| 15.0 | 2.212 |
| 16.0 | 2.395 |
| 17.0 | 2.577 |
| 18.0 | 2.760 |

[1] Rates for the intervening tenths of 1 percent shall be calculated by interpolation.

(2) *For farms in Florida.*

| Percentage of sucrose in normal juice: [1] | *Rate of recoverable sugar (hundredweight) per net ton of sugarcane* |
|---|---|
| 3.0 | 0.076 |
| 4.0 | 0.222 |
| 5.0 | 0.404 |
| 6.0 | 0.615 |
| 7.0 | 0.835 |
| 8.0 | 1.004 |
| 9.0 | 1.176 |
| 10.0 | 1.351 |
| 11.0 | 1.527 |
| 12.0 | 1.701 |
| 13.0 | 1.874 |
| 14.0 | 2.048 |
| 15.0 | 2.221 |
| 16.0 | 2.393 |
| 17.0 | 2.562 |
| 18.0 | 2.728 |

[1] Rates for the intervening tenths of 1 percent shall be calculated by interpolation.

(c) *Delegation and effectiveness.* Beginning with the 1965 crop the applicable rates of sugar commercially recoverable, as determined herein, shall be established by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, and shall become effective for each crop when the specific rates for each State (Louisiana and Florida) are published in the FEDERAL REGISTER.

STATEMENT OF BASES AND CONSIDERATIONS

Determinations of amounts of sugar commercially recoverable from sugarbeets and sugarcane are required under section 302(a) of the act to establish the amounts of sugar upon which payments are to be made pursuant to the act.

The rates of sugar commercially recoverable at the various normal juice sucrose levels, as specified in this determination, were calculated from data reported to the Department by the processors of sugarcane for sugar in each of the States of Florida and Louisiana. The calculation for the 8 to 18 percent normal juice sucrose levels made use of data representing averages in each State for the crop years 1959, 1960, 1961, 1962 and 1963 of each of the factors of normal juice extraction (the quantity of normal juice extraction per ton of sugarcane), boiling house efficiency (the ratio of the amount of sugar produced to the amount that could theoretically be produced), the polarization of the sugar produced, and net sugarcane as a percent of gross sugarcane. The calculation also used the purity or retention factor which correlates purity of normal juice with sugar recovery based on the well-established Winter-Carp formula. That formula is expressed mathematically as follows: Purity or Retention Factor=(1.4—40/P) in which P is purity of normal juice. For the purposes of this determination, the computed purity at each of the 8 to 18 percent normal juice sucrose levels for the crop years 1959, 1960, 1961, 1962 and 1963 was used.

The rates for the 3 to 7 percent normal juice sucrose levels in Florida and the 6 and 7 percent normal juice sucrose levels in Louisiana were calculated as above except that the data for each State was restricted to that for the 1962 crop. Data for these levels are not available for other crops. In Louisiana, the rates for the 5 percent and lower normal juice sucrose levels were determined by extrapolation as no data are available for these levels.

In calculating sugar commercially recoverable, the data are used in the following manner: The product of normal juice extraction and boiling house efficiency is divided by the product of the polarization of sugar produced and net sugarcane as a percent of gross sugarcane. The result so obtained is multiplied by 2,000 to obtain a factor which when multiplied by normal juice sucrose and the purity or retention factor for that normal juice sucrose gives pounds of sugar per ton of net sugarcane. By use of the applicable raw value conversion factor, in accordance with section 101(h) of the Sugar Act, pounds of sugar per ton of net sugarcane are converted into sugar, commercially recoverable, raw value. Expressed mathematically the formula reads:

$$\text{CRS., RV.} = \frac{\text{N.J.E.} \times \text{B.H.E.} \times 2{,}000 \times \text{N.J.S.} \times \text{P.R.} \times \text{R.V.C.F.}}{(\text{Pol. of sugar}) \times (\text{net sugarcane, \% sugarcane})}$$

Except for appropriate changes in each of the two moving five year averages, the aforestated calculation is the same as that used for the preceding crop. The use of data for the most recent five crops results in an average increase in rates of recoverable sugar of about 2 percent for farms in Florida, due in part to the change in definition of "net weight" for sugarcane in Florida. The use of such data also results in a decrease in such rates of one percent for farms in Louisiana.

Prior to the 1948 crop, recovery rates were computed with respect to the gross weight of sugarcane. With the increase in mechanical harvesting the amount of trash in sugarcane increased to such an extent that for the 1948 and subsequent crops, recovery rates were computed with respect to the net weight of sugarcane. In Louisiana, where most of the increase in mechanical harvesting has occurred, it has been customary to make deductions from gross weights of sugarcane for trash based upon samples taken from deliveries made by individual producers. This evolved, in part, from the many differences in the methods of handling the cane by the growers. In Florida, most of the cane is harvested by hand and the percentage of trash remains generally constant. Early tests indicated that approximately 4 percent of the gross weight of sugarcane was trash. Beginning with the 1956 crop, the net weight of sugarcane for Florida was determined to be 96 percent of the gross weight of the cane and for Louisiana, the weight obtained by deducting the weight of trash from the gross weight of sugarcane. Tests conducted during the period 1956 through 1961 indicated that the standard 4 percent deductions for trash for Florida was representative of the amount of trash in the sugarcane delivered. Because of the increase in the number of mills operating in the State and the increase in the number of farms, trash tests were made on deliveries of 1963 crop sugarcane to again check on the accuracy of the 4-percent deduction. These tests were the most comprehensive yet undertaken and were conducted in a manner so as to assure the testing of all kinds of sugarcane under all conditions. An evaluation of these tests indicate that, on the average, approximately 6 percent of the gross weight of sugarcane is trash. Thus, the rates of commercially recoverable sugar on the average will reflect net weights of cane based on 6 percent trash instead of 4 percent trash heretofore used.

It is further determined that the Deputy Administrator, State and County Operations, shall have the responsibility of establishing the annual rates of commercially recoverable sugar in the Mainland Cane Sugar Area, beginning with the 1965 crop.

Accordingly, I hereby find and conclude that the aforestated determination will effectuate the applicable provisions of the act.



(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, sec. 302,

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, sec. 302, 303, 304; 61 Stat. 930, as amended, 931; 7 U.S.C. 1132, 1133, 1134)

Effective date: Date of publication.

Signed at Washington, D.C., on October 26, 1964.

CHARLES S. MURPHY,
*Acting Secretary of Agriculture.*

[F.R. Doc. 64-11057; Filed, Oct. 29, 1964; 8:47 a.m.]

SUBCHAPTER C—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 851.1, Rev. 1, Amdt. 1]

## PART 851—COMMITMENT OF NATIONAL SUGARBEET ACREAGE RESERVE, 1962 AND SUBSEQUENT CROPS

### Miscellaneous Amendments

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 851.1 (29 F.R. 12819) is hereby amended in the following respects:

1. Paragraph (a) is amended by adding the following sentence: "The provisions of this section relating to the establishment of proportionate shares in the year or years following the year of commitment are subject to the provisions of section 850 pertaining to proportionate shares for the 1965 and subsequent crops in the Domestic Beet Sugar Producing Area."

2. Paragraph (d) is amended to read as follows:

(d) *Commitments to farms and farm operators, notification of commitments and conditions relating to utilization of such acreage.* The State Committee shall instruct the County Committee to notify the farm operator, on a form provided by the State Committee, of each eligible farm included on the foregoing lists that the acreage, as adjusted in accordance with paragraph (c) of this section, has been committed to such farm. In any locality in which the production records of farms will likely be used in establishing proportionate shares, such notice shall also inform the farm operator that if proportionate shares are in effect in either of the two years immediately following the year for which the acreage is committed, the proportionate share established for such farm will not be less than the acreage utilized for the production of sugarbeets for sugar in the preceding year except that it will not exceed the acreage committed. In any locality in which the production records of farm operators will likely be used in establishing proportionate shares, such notice shall inform the farm operator that if proportionate shares are in effect in either of the two years immediately following the year for which the acreage is committed, the proportionate share for any farm in such locality operated by such person in each of such two years will not be less than the acreage utilized for the production of sugarbeets for sugar in the preceding year, except that it will not exceed the acreage committed to the farm of which he was the operator during the year of commitment. The acreage available for establishing proportionate shares in either of the two years following the year of commitment of the acreage reserve to a locality, shall not be less than the amount of acreage of the reserve committed to such locality. Proportionate shares in a locality will be established in either of the two years following the year of commitment only for farms which were eligible for commitment of the reserve in the year of commitment: *Provided*, That if any farm to which acreage reserve is committed is combined with any other farm a proportionate share may be established for such combined farm.

3. Subdivisions (iii) of subparagraphs (2) of paragraphs (g), (h), (i), (j), (k), (l), (m), (n), and (o) are each amended by deleting the period at the end thereof and adding the following words: "and utilized for the production of sugarbeets for sugar in the crop year preceding the crop year for which a proportionate share is established."

STATEMENT OF BASES AND CONSIDERATIONS

This amendment is issued for the purpose of clarifying the proportionate share protection to be accorded farms and farm operators receiving commitments of reserve acreage if proportionate shares are in effect in either of the two years following the year of the commitment.

In an area in which the production records of farms will likely be used to establish proportionate shares, the proportionate share for any farm in such area to which a commitment of reserve acreage is made will not be less than the acreage utilized for the production of sugarbeets in the preceding year except that it will not exceed the acreage committed to the farm from such reserve.

In an area in which the production records of farm operators will likely be used to establish proportionate shares, the proportionate share for any farm operated by the same person who was the operator of a farm to which a commitment of reserve acreage was made will not be less than the acreage utilized for the production of sugarbeets in the preceding year except that it will not exceed the acreage committed to the farm from such reserve.

If a portion of the acreage committed to a farm or to a farm operator (in a personal history area) is not fully utilized in the year of commitment or in the subsequent year, an opportunity shall be accorded such farm or farm operator to utilize the acreage in the subsequent two years or subsequent year. If such farm or farm operator does not desire to fully utilize the committed acreage, such unutilized acreage may be made available to other eligible farms or farm operators in such subsequent year or years.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on October 27, 1964.

CHARLES S. MURPHY,
*Acting Secretary of Agriculture.*

[F.R. Doc. 64-11095; Filed, Oct. 29, 1964; 8:50 a.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

## PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

### Expenses and Rate of Assessment for 1964–65 Fiscal Period

Notice was published in the October 13, 1964, issue of the FEDERAL REGISTER (29 F.R. 14077) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period ending July 31, 1965, under the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established to the said amended marketing agreement and order), it is hereby found and determined that:

§ 909.203 Expenses and rate of assessment for the 1964–65 fiscal period and carryover of unexpended funds.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the said fiscal period beginning August 1, 1964, and ending July 31, 1965, will amount to $150,000.

(b) *Rate of assessment.* The rate of assessment which each handler who first handles grapefruit shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at three cents ($0.03) per carton of grapefruit handled by such first handler during the 1964–65 fiscal period.

(c) *Operating reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ending July 31, 1965, shall be carried over as a reserve in accordance with the applicable provisions of § 909.42 of said marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable grapefruit from the beginning of such year; and (2) the current fiscal period began on August 1, 1964, and the rate of assessment herein fixed will automatically apply to all assessable grapefruit beginning with such date.

Terms used in said amended marketing agreement and order, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 26, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-11058; Filed, Oct. 29, 1964; 8:47 a.m.]



## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1964—Tung Oil Warehouse-Stored Loan and Purchase Supp.]

## PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

### Subpart—1964-Crop Tung Oil Warehouse-Stored Loan and Purchase Program

The General Regulations Governing Price Support for 1964 and Subsequent Crops of Grain and Similarly Handled Commodities (29 F.R. 2686 and 7662) (hereinafter referred to as the "General Regulations") issued by the Commodity Credit Corporation, which contain regulations of general nature with respect to price support loan and purchase operations, are supplemented for tung oil processed from the 1964-crop of tung nuts as follows:

Sec.
1421.3575 Purpose.
1421.3576 Availability.
1421.3577 Cooperative marketing associations.
1421.3578 Eligible tung oil.
1421.3579 Warehouse receipts.
1421.3580 Power of attorney.
1421.3581 Service charges.
1421.3582 Storage and handling charges.
1421.3583 Maturity of loans.
1421.3584 Delivery for purchase.
1421.3585 Settlement.
1421.3586 Release of tung oil under loan.
1421.3587 Support rate.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, as amended; 1054; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421.

§ 1421.3575 Purpose.

This subpart, and the General Regulations to the extent that the provisions thereof are not made inapplicable by the provisions of this subpart, contain the terms and conditions under which CCC will make warehouse-stored tung oil loans to, and purchase of eligible tung oil from, eligible producers of 1964-crop tung nuts from which the eligible tung oil was extracted. Notwithstanding the provisions of the General Regulations, CCC will not make farm-stored loans on tung oil, and will not purchase, or make any loans on, 1964-crop tung nuts.

§ 1421.3576 Availability.

(a) *Area.* The program will be available in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

(b) *Period.* Loans will be available through September 30, 1965.

(c) *Application for price support.* Producers desiring to obtain price support by means of warehouse-stored loans on eligible tung oil and purchases of eligible tung oil must file an application therefor during the period November 1, 1964, through June 30, 1965, at the county office which keeps the farm program records for the farm on which the tung nuts are produced.

§ 1421.3577 Cooperative marketing associations.

As used in this section, the phrase "tung oil delivered to the association" shall include, where applicable, tung nuts delivered to the association by producers from which the tung oil was extracted. A cooperative marketing association which markets tung oil delivered to it by its members and which satisfies the requirements of this section shall be deemed an eligible producer and shall be eligible for price support on eligible tung oil through warehouse-storage loans and purchases: *Provided*, That warehouse-storage loans may be made to an association which tenders to CCC warehouse receipts issued by it on its own tung oil only in those States where the issuance and pledge of such warehouse receipts are valid under State law. An association desiring to qualify as an eligible producer shall submit its application for determination of eligibility to the State committee of the State where the association's principal office is located no later than November 16, 1964, or by such later date as the Executive Vice President, CCC, may determine is necessary to alleviate hardship in special cases. An approved cooperative marketing association applying for price support on tung oil extracted from tung nuts produced in more than one State shall make separate application for the tung oil delivered to the association by producers in each State.

(a) *Producer-owned and controlled.* The association must be a producer-owned cooperative marketing association of producers under the control of its producer-members. The association shall submit with its application a detailed statement of its method of operations showing the manner in which producer-members have control of the association.

(b) *Articles or bylaw provisions.* The articles of incorporations or association, or bylaws of the association, must provide for: (1) An annual membership meeting at a location which will provide reasonable opportunity for all members to attend and participate, (2) a notice of all district, area, or annual meetings to be given to all members affected by such meeting, (3) membership in the association to be open to all farmer-producers of tung nuts, except that producers may be denied membership on a reasonable basis, including among other reasons, that the membership of the farmer-producer would be inimical to the effective operation of the association, (4) voting on election of officers and directors by secret ballot when there have been more nominees than there are vacancies to be filled, (5) a single vote for each member, regardless of the number of shares of stock owned or controlled by him, or voting rights for each member based on the quantity of tung oil delivered by him to the association for marketing during the current year or a single preceding year, but whichever of the above described methods of voting is practiced, it shall be uniform for all members of the association, and (6) each member receiving a summary financial statement prepared by the independent accountant who made the annual audit of the association. The requirements of subparagraphs (4), (5), and (6) of this paragraph may be provided for by resolution of the board of directors of the association.

(c) *Financial condition.* The association must be on a financially sound basis. The association shall submit with its application evidence establishing that its operation is on a financially sound basis.

(d) *Operations.* The association must submit evidence that it has a sales organization sufficiently staffed to carry on a bona fide tung oil marketing function for its producer-members and that it does, in fact, market the tung oil delivered by its members. Tung oil tendered to CCC for purchase or delivered to CCC in satisfaction of price support loans shall not be considered as marketed.

(e) *Conflict of interest.* The association must submit with its application a report concerning all transactions, except those which are no different than transactions entered into by the association with its general membership, for the year preceding the date of the application: (1) With any director, officer, or employee of the association and any of his close relatives, (2) with any partnership in which any such person or any of his close relatives are entitled to receive a percentage of the gross profits, (3) with any corporation in which any such person or any of his close relatives own stock, (4) with any business entity from which any such person or any of his close relatives received fees for transacting business with or on behalf of the association, or (5) with any business entity in which any agent, director, officer or employee of the Association was an agent, director, officer or employee of

such business entity. A close relative shall be deemed to refer to a husband or a wife, or to a person related as child, parent, brother, or sister by blood, adoption, or marriage and shall include in-laws within such categories of relationship. The report must include, but is not limited to, transactions involving purchases, sales, processing, handling, marketing, transportation, warehousing, insurance and related activities. A statement must also be submitted indicating whether any transactions of the kind described in this paragraph are contemplated in the period between the date of the application and November 1, 1965, and if such transactions are contemplated, a detailed statement of the reasons therefor. The association shall not be eligible for price support unless it establishes that any such transactions in the year preceding the date of application and during the period beginning with the date of application and ending on October 31, 1965, have not and will not operate to the detriment of members of the association.

(f) *Uniform marketing agreement.* All eligible tung oil delivered to the association by producer-members which is included in a pool consisting in whole or in part of tung oil on which price support is obtained from CCC must be marketed through the association pursuant to a uniform marketing agreement between the association and each of its producer-members who delivers such eligible tung oil.

(g) *Purchased and non-member tung oil.* Tung oil purchased by a cooperative marketing association from producer-members who do not retain the right to share proportionately in the proceeds from marketing of the tung oil as provided in paragraph (l) of this section, and tung oil purchased or acquired from non-members are not eligible for price support.

(h) *Member business.* Not less than 80 percent of the tung oil marketed by the association must be tung oil delivered to it by the producer-members. Tung oil purchased by the association from CCC shall not be considered in determining the volume of tung oil marketed for members and non-members.

(i) *Vested authority.* The association must have authority to obtain a loan on the security of the tung oil and give a lien thereon as well as authority to sell such tung oil.

(j) *Records maintained.* The association must maintain a record of the quantity of tung oil eligible for price support delivered to the association by eligible producer-members. Also, the association must maintain a record of the quantity of tung oil not eligible for price support, showing the source from which it was acquired by or delivered to the association; such record must show the disposition of the ineligible tung oil.

(k) *Physical inventory.* The association, if operating warehouse facilities, must keep in inventory at all times tung oil equivalent in quality and quantity to the quality and quantity of the tung oil shown on its outstanding warehouse receipts.

(l) *Distribution of proceeds.* The association may establish separate pools for tung oil delivered to it by its members. Proceeds of marketing of any pool which consists in whole or in part of tung oil on which price support is obtained from CCC must be distributed only to members participating in such pool on a proportionate basis according to the quantity and quality of the tung oil delivered by each member which is included in such pool. All tung oil included in such a pool must be eligible for price support and must have been delivered by eligible producers who are members of the association. Allocations of costs and expenses as between separate pools shall be made in accordance with sound accounting principles and practices. Any losses incurred by the association in marketing tung oil not included in a pool consisting in whole or in part of tung oil on which price support is obtained from CCC shall not be assessed against the proceeds of marketing of such a pool.

(m) *Inspection by CCC.* Tung oil held by the association must be available for inspection by CCC at all reasonable times as long as the association has tung oil under price support. The books and records of the association must be available to CCC for inspection at all reasonable times through October 31, 1970.

(n) *Member associations.* Notwithstanding the requirements of paragraph (a) of this section, a cooperative marketing association otherwise eligible for price support which includes in its membership other cooperative marketing associations composed of producer-members, shall be eligible for price support if its member associations meet the requirements for price support under this section. The requirements of paragraph (l) of this section shall be deemed to be satisfied if such member associations have the right to deliver tung oil of their producer-members to the association applying for price support and to authorize such association to sell the tung oil and to obtain a loan on the security of the tung oil and to give a lien thereon. The association applying for price support shall: (1) In its charter, bylaws, marketing contracts or by other legal means require that its member associations meet the requirements for price support under this section, (2) submit the material and certifications required by paragraphs (c), (d) and (e) of this section with respect to each member association, (3) certify to CCC that its member associations are in fact eligible for price support under the requirements of this section, and (4) except for the requirement that it consist of producers, otherwise qualify for price support under this section.

(o) *Eligibility determinations.* Determinations with respect to the eligibility of cooperative marketing associations of producers under this section for either warehouse-storage loans, or purchases, or both, shall be made by the Executive Vice President, CCC.

(p) *Investigations.* CCC shall have the right at any time after an application is received to examine all records and make such investigations deemed necessary to determine whether the cooperative is operating in accordance with its articles of incorporation, bylaws, agreements with producers or member associations and with the representations made in its application.

(q) *Nondiscrimination.* A cooperative association receiving price support is subject to the provisions of Title VI of the Civil Rights Act of 1964, and of any regulations issued thereunder. Accordingly, the association shall not, on the grounds of race, color or national origin, deny any producer membership in the association or subject any producer to discrimination in receiving benefits, privileges, and rights in the association. The United States shall have the right to enforce compliance therewith by suit or any other action authorized by law.

**§ 1421.3578 Eligible tung oil.**

(a) *General.* Tung oil to be eligible for price support, must have been extracted from 1964-crop tung nuts produced by eligible producers and must meet the requirements of section 3, when tested in accordance with the provisions of section 4, of Federal Specification TT-T-775, Tung Oil Raw (Chinawood) dated May 28, 1957 (referred to in this subpart as "Federal Specifications"). The tung oil pledged as security for loan must be in approved storage which is a warehouse which has a current storage agreement with CCC on Form CCC-77, Tung Oil Storage Agreement. The names and addresses of such warehouses may be obtained from the Kansas City Agricultural Stabilization and Conservation Service Commodity Office and State and county offices.

(b) *Producer's certification of eligibility of tung oil.* Before a loan is made to a producer, other than an association, or before delivery of tung oil from such producer can be accepted for purchase by the county committee, such producer shall submit to the county office an executed statement in substantially the following form:

I hereby certify:

(1) That the ------ pounds of tung oil stored at ----------

---

(Name and address of storage facilities)

which I am pledging to CCC as collateral for loan or am tendering for delivery to CCC for purchase was delivered to me as oil processed for my account by ----------

(Name of mill)

out of ------ tons of 1964 crop tung nuts produced by me which I delivered to such plant for toll processing:

(2) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been in me or in me and a former producer whom I succeeded either as landowner, landlord, tenant, or sharecropper, before such tung nuts were harvested.

Signature ----------

(Producer)

----------

(Date)

(c) *Association's certification of eligibility of tung oil.* Before a loan is made to an association, or before delivery of tung oil from an association can be accepted for purchase by the county committee, the manager, or other official empowered to sign contracts for or on behalf of the association shall submit to the county office an executed statement in substantially the following form:

I hereby certify:

(1) That ------ pounds of tung oil stored at the mill shown below which are being pledged to CCC as collateral for loan, or are being tendered for delivery to CCC for purchase, were processed from ------ tons of 1964 crop tung nuts produced by eligible producer(s) who are members of the undersigned association.

(1)
Name and address of tung mill

(2)
1964-crop tung nuts delivered for crushing
(tons)

(3)
Tung oil crushed from tung nuts in Column 2 (pounds)

(2) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been, or was as of the time of delivery to the association and always had been, in such producers or in such producers and former producers whom such producers succeeded, either as landowner, landlord, tenant, or sharecropper, before such tung nuts were harvested.

----------

(Name of association)

By ----------

Title ----------

----------

(Date)

**§ 1421.3579 Warehouse receipts.**

Warehouse receipts tendered to CCC in connection with a loan or purchase must meet the requirements of § 1421.58 of the General Regulations and:

(a) Be signed by the warehouseman or his authorized reperesentative.

(b) Show the location of the warehouse.

(c) State the quantity of tung oil guaranteed by the warehouseman.

(d) Guarantee that the tung oil, when delivered, will meet Federal Specification.

(e) State the date of issuance.

(f) Include a statement or an endorsement in substantially the following form: "All warehouse charges (including insurance) through October 31, 1965, on the tung oil represented by this warehouse receipt have been paid or otherwise provided for, and the warehouseman has no lien upon the tung oil for such charges."

**§ 1421.3580 Power of attorney.**

Notwithstanding the provisions of paragraph (b) of § 1421.54 of the General Regulations, an eligible producer may designate an agent to act in his behalf in obtaining price support, or two or more eligible producers may designate an agent to act in their joint behalf in obtaining price support. In such event, the producer or group of producers shall execute a power of attorney on the form or in a form prescribed or approved by CCC. A copy of each power of attorney signed by the producer(s) must be delivered to the county office before any purchase or loan document filed by the agent on behalf of such producer(s) is approved.

**§ 1421.3581 Service charges.**

A charge of six cents per hundredweight will be made for the quantity of tung oil acquired by CCC and such charge shall be handled in accordance with § 1421.60(b) of the General Regulations.

**§ 1421.3582 Storage and handling charges.**

Except as provided in § 1421.72(l) of the General Regulations, CCC will not pay or assume the cost of storage, transportation, sampling, insurance, testing and analysis accruing on tung oil prior to delivery of the oil for purchase or prior to the maturity date of the loan on tung oil placed under loan, nor will CCC pay or assume any handling or processing charges which are necessary to prepare the tung oil to meet eligibility requirements. CCC and any subsequent holders of warehouse receipts covering tung oil shall be entitled to any unexpired portion of the storage time and outloading services to which the producer becomes entitled under any contract between the producer and the warehouseman.

**§ 1421.3583 Maturity of loans.**

Loans mature on demand but not later than October 31, 1965.

**§ 1421.3584 Delivery for purchase.**

(a) *Tung oil stored in approved warehouses.* In the case of tung oil stored in approved warehouses, if the producer desires to tender such tung oil to CCC for purchase, he must, not later than the date specified in the delivery instructions issued by the county committee submit to the county committee warehouse receipts issued in the form prescribed in § 1421.3579.

(b) *Tung oil stored in other than approved warehouses.* In the case of tung oil not stored in approved warehouses which is tendered for purchase, delivery shall be made by CCC f.o.b. tank cars at the producer's usual milling point or at other locations approved by CCC. The county committee will issue delivery instructions as prescribed in § 1421.71 of the General Regulations. Before issuance of such delivery instructions, the producer must submit a chemical analysis certificate (issued by an approved chemist) covering each tank car of tung oil tendered, showing that the oil meets Federal Specifications; or if it is found by the county committee that a submission of these analysis certificates on tank car lots would cause undue delay in shipment, (1) the producer may submit evidence that a sample of each car lot of oil has been properly drawn and submitted by inspectors authorized or licensed by the Secretary of Agriculture for analysis to a chemist approved by the Department of Agriculture (referred to in this subpart as "approved chemist") if the producer (i) waives his right of appeal of the findings of the approved chemist, (ii) agrees that demurrage incurred as a result of delay in receiving the chemical analysis prior to final acceptance, shall be for the producer's account, and (iii) agrees further that if the tung oil does not meet Federal Specifications, the car shall be rejected with all freight demurrage and handling charges reverting to the account of the producer; or (2) the producer may submit chemical analysis certificates (issued by an approved chemist) showing that the tung oil offered meets Federal Specifications and is stored in sealed identity preserved tanks if the producer agrees to have such tank oil checkloaded by a representative of CCC into tank cars for delivery to CCC and to bear all handling and other costs prior to acceptance by CCC f.o.b. tank cars.

**§ 1421.3585 Settlement.**

(a) *Tung oil stored in approved warehouses.* Settlement with producers for tung oil stored in approved warehouses which is acquired by CCC under loans or tendered for purchase shall be made pursuant to paragraphs (a) and (b) only of § 1421.72 of the General Regulations.

(b) *Purchase of tung oil stored in other than approved warehouses.* Settlement with producers for tung oil stored in other than approved warehouses which is tendered for purchase shall be made on the basis of (i) the quantity of such tung oil determined by approved scale weight upon delivery to CCC, and (ii) the quality of such tung oil determined on the basis of samples taken by inspectors authorized or licensed by the Secretary of Agriculture and analyzed by approved chemists. The provisions of § 1421.72 of the General Regulations (except paragraph (l) thereof) shall not be applicable to such settlement; the storage payment provided for in paragraph (l) of that section shall be computed at the storage rate specified in the current CCC Tung Oil Storage Agreement. The time of determining the quality of tung oil and the evidence of such quality shall be as provided in § 1421.3584.

**§ 1421.3586 Release of tung oil under loan.**

Notwithstanding the provisions of paragraph (c) of § 1421.68 of the General Regulations, a producer may at any time on or before maturity date obtain release of the tung oil under loan by paying to CCC the principal amount of the note, plus charges and accrued interest. Partial release prior to maturity may be arranged with the county committee by paying the amount of the loan represented by the quantity of the tung oil to be released, plus charges and accrued interest. However, the quantity to be released must equal the quantity covered by one or more warehouse receipts. If the producer has authorized another person to act as his agent solely for the purpose of receiving the warehouse receipts, such authorization must be in writing and must be made within 30 days prior to redemption of the warehouse receipts by repayment.

**§ 1421.3587 Support rate.**

Loans on and purchases of eligible tung oil shall be made at the rate of 24 cents per pound.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 27, 1964.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 64-11096; Filed, Oct. 29, 1964; 8:50 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

### PART 78—BRUCELLOSIS

### Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

**§ 78.13 Modified certified brucellosis areas.**

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

*Alabama.* Baldwin, Barbour, Bibb, Blount, Bullock, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, De Kalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Mobile, Monroe, Morgan, Pike, Randolph, Russell, St. Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, and Winston Counties;

*Arizona.* The entire State;

*Arkansas.* The entire State;

*California.* The entire State;

*Colorado.* Alamosa, Archuleta, Baca, Chaffee, Clear Creek, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jefferson, Kit Carson, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Phillips, Pitkin, Prowers, Pueblo, Rio Grande, Saguache, San Juan, San Miquel, Sedgwick, Washington, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

*Connecticut.* The entire State;

*Delaware.* The entire State;

*Florida.* Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

*Georgia.* The entire State;

*Hawaii.* Honolulu County;

*Idaho.* The entire State;

*Illinois.* The entire State;

*Indiana.* Adams, Allen, Bartholomew, Benton, Blackford, Boone, Brown, Carroll, Cass, Clark, Clay, Clinton, Crawford, Daviess, Dearborn, Decatur, De Kalb, Delaware, Dubois, Elkhart, Fayette, Floyd, Fountain, Franklin, Fulton, Gibson, Grant, Greene, Hamilton, Hancock, Harrison, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Jay, Jefferson, Jennings, Johnson, Knox, Kosciusko, Lagrange, Lake, La Porte, Lawrence, Madison, Marion, Marshall, Martin, Miami, Monroe, Montgomery, Morgan, Newton, Noble, Ohio, Orange, Owen, Parke, Perry, Pike, Porter, Posey, Pulaski, Putnam, Randolph, Ripley, Rush, Saint Joseph, Scott, Shelby, Spencer, Starke, Steuben, Sullivan, Switzerland, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warrick, Washington, Wayne, Wells, White, and Whitley Counties;

*Iowa.* Audubon, Boone, Butler, Carroll, Cherokee, Clayton, Clinton, Delaware, Dickinson, Emmet, Fayette, Floyd, Franklin, Greene, Guthrie, Hamilton, Harrison, Humboldt, Keokuk, Lyon, Marshall, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Shelby, Story, Tama, Wapello, Warren, Winnebago, Woodbury, Worth, and Wright Counties;

*Kansas.* The entire State;

*Kentucky.* The entire State;

*Louisiana.* Ascension, Assumption, Bienville, Claiborne, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Washington, and Webster Parishes;

*Maine.* The entire State;

*Maryland.* The entire State;

*Massachusetts.* The entire State;

*Michigan.* The entire State;

*Minnesota.* The entire State;

*Mississippi.* Alcorn, Amite, Attala, Benton, Chickasaw, Choctaw, Clay, Covington, De Soto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

*Missouri.* The entire State;

*Montana.* The entire State;

*Nebraska.* Adams, Antelope, Banner, Boone, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

*Nevada.* The entire State;

*New Hampshire.* The entire State;

*New Jersey.* The entire State;

*New Mexico.* The entire State;

*New York.* The entire State;

*North Carolina.* The entire State;

*North Dakota.* Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Burleigh, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grand Forks, Grant, Griggs, Hettinger, Kidder, LaMoure, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

*Ohio.* The entire State;

*Oklahoma.* Adair, Canadian, Choctaw, Cimarron, Delaware, Garfield, Grant, Haskell, Kingfisher, Latimer, McCurtain, Mayes, Noble, Nowata, Ottawa, Payne, Pushmataha, and Texas Counties;

*Oregon.* The entire State;

*Pennsylvania.* The entire State;

*Rhode Island.* The entire State;

*South Carolina.* The entire State;

*South Dakota.* Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Harding, Jerauld, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Sanborn, Spink, Turner, Union, Walworth, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;

*Tennessee.* The entire State;

*Texas.* Andrews, Armstrong, Bailey, Bandera, Baylor, Bexar, Blanco, Borden, Brewster, Briscoe, Brown, Burnet, Callahan, Cameron, Carson, Castro, Childress, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Fisher, Floyd, Gaines, Garza, Gillespie, Glasscock, Guadalupe, Hale, Hall, Hansford, Hardeman, Hartley, Hays, Hidalgo, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Jones, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lubbock, Lynn, McCulloch, Martin, Mason, Medina, Menard, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Parmer, Pecos, Presidio, Randall, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Winkler, Yoakum, and Young Counties;

*Utah.* The entire State;

*Vermont.* The entire State;

*Virginia.* The entire State;

*Washington.* The entire State;

*West Virginia.* The entire State;

*Wisconsin.* The entire State;

*Wyoming.* Albany, Big Horn, Campbell, Crook, Fremont, Goshen, Hot Springs, Laramie, Lincoln, Natrona, Niobrara, Park, Platte, Sublette, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;

*Puerto Rico.* The entire area; and

*Virgin Islands of the United States.* The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

*Effective date.* The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(l): Bullock, Monroe, and Tuscaloosa Counties in Alabama; Prowers County in Colorado; Butler and Keokuk Counties in Iowa; Burleigh County in North Dakota; and Brown and Hale Counties in Texas.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(l): Haskell and Oldham Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of October 1964.

E. E. SAULMON,
*Acting Director, Animal Disease Eradication Division, Agricultural Research Service.*

[F.R. Doc. 64–11059; Filed, Oct. 29, 1964; 8:47 a.m.]



# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

### SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 64–EA–51]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Federal Airways

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to change the name of the Clermont, N.Y., VOR to the Kingston, N.Y., VOR. This action is taken to reduce confusion in the spoken word due to the proximity and phonetic similarity of the Clermont VOR and the Carmel VOR.

Since these amendments are editorial in nature and will not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

Section 71.123 (29 F.R. 1009, 4671) is amended as follows: In V–445 and in V–489 "Clermont" is deleted whenever it appears and "Kingston" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 22, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–11066; Filed, Oct. 29, 1964; 8:48 a.m.]

[Airspace Docket No. 64–AL–7]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

On August 1, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11161) stating that the Federal Aviation Agency proposed to alter the control zone at Annette Island, Alaska.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Alaska Coastal-Ellis Airlines suggested that the control zone extension to the northwest be aligned along the Annette Island VOR 305° radial rather than the 308° radial. The control zone extension is based on an established VOR instrument approach procedure utilizing the 308° radial. For this reason, the suggested alignment would not provide the required protection for this approach, and the control zone is being altered as proposed in the notice.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. January 7, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 1101), the Annette Island, Alaska control zone is amended to read:

*Annette Island, Alaska.*

Within a 5-mile radius of Annette Island Airport (latitude 55°02' N., longitude 131° 34' W.); within 2 miles each side of a 169° bearing from the Annette Island R.R., extending from the 5-mile radius zone to 8 miles S of the R.R.; within 2 miles each side of the Annette Island VOR 165° radial, extending from the 5-mile radius zone to 8 miles S of the VOR; and within 2 miles each side of the Annette Island VOR 308° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 21, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–11063; Filed, Oct. 29, 1964; 8:47 a.m.]

[Airspace Docket No. 64–CE–14]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

On June 27, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 8175) stating that the Federal Aviation Agency proposed to alter the Madison, Wis., control zone.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matters presented.

The Air Transport Association endorsed the proposal. The operators of Hoonch-Na-Shee-Kaw-McManus Airport objected on the basis that the proposed extension would infringe upon the use of the airspace by private aircraft operating out of the various nearby private airports. The nearest airport is located approximately 5 miles west of the proposed control zone extension and adjacent to an existing control zone extension. The commentator's airport is located 18 miles south of the proposed extension. Due to these distances, designation of the additional extension proposed in the notice is not considered to be an undue infringement upon the activities of the pilots operating from the nearby airports.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. January 7, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 1101), the Madison, Wis., control zone is amended to read:

*Madison, Wis.*

Within a 5-mile radius of Truax Field, Madison, Wis. (latitude 43°08'20" N., longitude 89°20'15" W.); within 2 miles each side of the Madison ILS localizer S course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Truax VOR 134° radial, extending from the 5-mile radius zone to 7 miles SE of the VOR; within 2 miles each side of the Truax VOR 320° radial, extending from the 5-mile radius zone to 7 miles NW of the VOR; and within 2 miles each side of the Truax VOR 359° radial, extending from the 5-mile radius zone to 7 miles N of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 22, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–11064; Filed, Oct. 29, 1964; 8:47 a.m.]

[Airspace Docket No. 64–SO–51]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

On September 16, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12980) stating that the Federal Aviation Agency proposed to alter the control zone at Miami, Florida.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 1101) the Miami, Fla., control zone is amended to read:

*Miami, Fla. (International Airport)*

Within a 5-mile radius of Miami International Airport (latitude 25°47'35" N., longitude 80°17'10" W.); within a 3-mile radius of Tamiami Airport (latitude 25°45'15" N., longitude 80°22'35" W.); within 2 miles each side of the Miami Runway 9–L ILS localiser W course extending from the 5-mile radius zone to the Runway 9–L ILS OM; within 2 miles each side of the Miami Runway 27–L ILS localiser E course extending from the 5-mile radius zone to the Runway 27–L ILS OM, and within 2 miles each side of the Miami VORTAC 138° radial extending from the 5-mile radius zone to the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on October 22, 1964.

PAUL H. BOATMAN,
*Director, Southern Region.*

[F.R. Doc. 64–11065; Filed, Oct. 29, 1964; 8:47 a.m.]

[Airspace Docket No. 64–CE–42]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Transition Area

On August 22, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12036) stating that the Federal Aviation Agency proposed to designate a transition area at Coldwater, Mich.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. December 10, 1964, as hereinafter set forth.

In § 71.181 (29 F.R. 1160) the following is added:

*Coldwater, Michigan.*

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Branch County Memorial Airport, Coldwater, Mich. (latitude 41°56'00" N., longitude 85°03'15" W.) and within 8 miles NW and 5 miles SE of the 209° bearing from the Branch County Memorial Airport extending from the airport to 12 miles SW of the airport excluding the portion within the Sturgis, Mich., transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on October 20, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64–11067; Filed, Oct. 29, 1964; 8:48 a.m.]

[Airspace Docket No. 64–SO–37]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Transition Area

On September 16, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12981) stating that the Federal Aviation Agency proposed to designate a transition area at Toccoa, Ga.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposal has been published; therefore, for the reasons stated in the notice, the following action is taken:

Section 71.181 (29 F.R. 1160) is amended by adding the following:

*Toccoa, Georgia*

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Toccoa, Ga., Airport (latitude 34°35'35" N., longitude 83°17'45" W.); within 2 miles each side of the 180° and 360° radials of the Toccoa VOR extending from the 4-mile radius area to 6 miles N of the VOR; including that airspace extending upward from 1200 feet above the surface 5 miles W and 8 miles E of the 360° radial of the Toccoa VOR extending from the VOR to 12 miles N of the VOR.

This amendment shall become effective 0001 e.s.t., January 7, 1965.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348 (a))

Issued in East Point, Ga., on October 21, 1964.

PAUL H. BOATMAN,
*Acting Director, Southern Region.*

[F.R. Doc. 64–11068; Filed, Oct. 29, 1964; 8:48 a.m.]

# Title 31—MONEY AND FINANCE: TREASURY

## Chapter IV—Secret Service, Department of the Treasury

## PART 405—ILLUSTRATION OF SAVINGS BONDS AND STAMPS

By virtue of the authority delegated to me by Treasury Department Order No. 173 (Revised), dated March 19, 1954, Part 405 of title 31 is amended to delete the word "War" wherever it appears therein so that the part heading will read as set forth above and the text of the part will read as follows:

### § 405.1 Illustrations authorized.

(a) Authority is hereby given to make, hold, dispose of and use illustrations of Savings Bonds and Savings Stamps for publicity purposes in connection with the campaign for the sale of Savings Bonds and Stamps: *Provided:* That illustrations of stamps are of a size less than three-quarters or more than one and one-half, in linear dimension, of each part of such stamp.

(b) The making of any reproduction of a Savings Bond or Stamp in any manner or in any form other than as provided in this is not permitted.

Dated: October 26, 1964.

[SEAL] JAMES J. ROWLEY,
*Chief,*
*United States Secret Service.*

[F.R. Doc. 64–11076; Filed, Oct. 29, 1964; 8:48 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter VII—Department of the Air Force

SUBCHAPTER B—SALES AND SERVICES

## PART 812—USER CHARGES

SUBCHAPTER M—ANIMALS

## PART 930—USAF SENTRY DOG PROGRAM

1. Part 812 (and its heading) is revised to read as follows:

Sec.
812.1 Purpose.
812.2 General policy.
812.3 Determining costs and fees for special services.
812.4 Determining charges for lease or sale.

AUTHORITY: The provisions of this Part 812 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 177–8, July 6, 1964.

### § 812.1 Purpose.

This part prescribes general policy for developing an equitable and uniform system of charges for certain Government services and property.

### § 812.2 General policy.

A reasonable charge should be made to each recipient deriving a benefit from a special service provided by the Government or from property furnished by the Government.

(a) *Special services.* Charges should be sufficient to recover the full cost of the service.

(b) *Lease or sale.* Obtain a fair market value for federally owned resources or property leased or sold.

### § 812.3 Determining costs and fees for special services.

(a) *Determining costs.* Costs shall be determined or estimated from the best available records in the Air Force activity; cost accounting systems will not be established solely for this purpose. The cost computation shall cover the direct and indirect costs incurred by the activity performing the service. This includes but is not limited to:



(1) Civilian salaries (gross) and Air Force share of retirement and insurance.
(2) Military pay and allowances at standard rates.
(3) Travel expense.
(4) Cost of fee collection and postage.
(5) Material and supplies used.
(6) Maintenance and operation of buildings and equipment (including depreciation when appropriate).
(7) A pro rata share of the management and supervisory costs of the activity performing the service.
(8) The costs of research, establishing standards, enforcement and regulation, to the extent they are determined by the Air Force activity to be properly chargeable to the services performed.

(b) *Establishing fees to recover costs.* Unless otherwise prescribed by Air Force directives, fees will be established under the policies and procedures of this part. The maximum fee for a special service (where fees are not established by another Air Force directive) will be governed by its total cost and not by the value of the service to the recipient. The cost of providing the service shall be reviewed every year and the fees adjusted as needed. In setting new fees and increasing existing fees, exceptions may be made to the general policy, if:

(1) The cost of collecting the fees would be unduly large in proportion to the receipts from the activity. In such a case, the fee may be waived.
(2) Service furnished without charge is an appropriate courtesy to a foreign country or international organization; or if comparable fees are set on a reciprocal basis with a foreign country.
(3) The recipient is engaged in a nonprofit activity designed for the public safety, health, or welfare.
(4) Payment of the full fee by a state, local government, or nonprofit group would not be in the interest of the program.

### § 812.4 Determining charges for lease or sale.

Where federally owned resources or property are leased or sold, obtain a fair market value. Determine charges, so far as practicable and feasible, in accordance with comparable commercial practices. Charges need not be limited to the recovery of costs—they may produce new revenues to the Government. The exceptions in § 812.3(b) (1) through (4) also apply to lease or sale.

2. Part 930 is revised to read as follows:

Sec.
930.1 Procuring dogs.
930.2 Restrictions.

AUTHORITY: The provisions of this Part 930 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 125–9, March 31, 1964.

### § 930.1 Procuring dogs.

Air Training Command procures all sentry dogs required by the Air Force. All individuals offering dogs for sale or donation to the sentry dog program should direct correspondence to: Sentry Dogs, Base Procurement Office, Lackland Air Force Base, Tex., 78236.

### § 930.2 Restrictions.

(a) Air Force units must use only dogs procured in accordance with § 930.1 or procedures established by overseas commanders, or furnished through negotiations with foreign governments. Other dogs must not be trained or used in any manner that would make the Air Force responsible for their care or actions.

(b) The installation's local stray dog pound must not be operated as an integral part of the sentry dog facility, nor will it be located in the immediate or adjacent area.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64–11049; Filed, Oct. 29, 1964; 8:45 a.m.]

SUBCHAPTER E—SECURITY

## PART 851—PROTECTION OF USAF RESOURCES

A new Part 851 is added as follows:

Sec.
851.1 Purpose.
851.2 Definitions.
851.3 Authority.
851.4 Responsibility.
851.5 Air base policies.
851.6 Controlled area.
851.7 Warning signs.

AUTHORITY: The provisions of this Part 851 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 125–37, July 27, 1964.

### § 851.1 Purpose.

This part establishes the policy, guidelines, and procedures to be used in protecting USAF physical resources under USAF jurisdiction, exclusive of priority A, B, or C aerospace operational resources (see AFR 207–1). It is applicable to, but does not lessen the requirements of any other Air Force directive for, the protection of specific items, funds, facilities, documents, or categories of information (examples: Drugs, nonappropriated funds, ammunition storage areas, investigative reports, classified documents, or material).

### § 851.2 Definitions.

(a) *Protection.* The physical actions required to safeguard USAF resources from loss or damage.

(b) *USAF physical resources.* All property, real, personal, or mixed, within the jurisdiction, administration or custody of the U.S. Air Force and its units (exclusive of aerospace operational resources covered by AFR 207–1 (USAF Aerospace Systems Security Program)).

(c) *Aerospace operational resources.* USAF weapon systems, combat support systems, and nuclear weapons required for general and limited war operations (see attachment 1, AFM 207–1 (Doctrine and Requirements for Security of Aerospace Systems), June 10, 1964, for complete explanation).

(d) *Controlled area.* A land or water area, building, structure, or room, to which entry must be controlled to protect USAF physical resources situated thereon or contained therein (exclusive of aerospace operational resources).

(e) *Restricted area.* An area normally associated with aerospace operational resources in which special security measures are employed to prevent unauthorized entry. It is a legally established zone on a base or site that is under military jurisdiction and which personnel cannot enter without specific authority. (AFR 207–1 and AFM 207–1 provide for the establishment of such areas.)

(f) *Air police forces.* Air Policemen (AFSC 77XXX) and all military, Department of the Air Force (DAF) civilian, civilian contractor guard, and foreign national personnel who have been designated by proper authority to perform guard or police duties within the meaning of Article 7b, Uniform Code of Military Justice, and paragraph 19a, Manual for Courts-Martial 1951. Normally, such personnel will be under the staff supervision of the wing/base director of security and law enforcement.

### § 851.3 Authority.

Under 50 U.S.C. 797 certain otherwise lawful directives of military commanders designated by the Secretary of Defense may become criminally enforceable against all persons, including those not subject to the Uniform Code of Military Justice (UCMJ). DOD Directive 5200.8 designated commanders of major air commands (MACs), numbered air forces, air divisions, wings, groups, and installations to promulgate such regulations in accordance with policies and procedures established by the Secretary of the Air Force for the protection of resources subject to Air Force jurisdiction, administration, or custody. In addition, a lawful regulation issued by an Air Force unit commander is legally effective against persons under his jurisdiction who are subject to the UCMJ, without regard to such a regulation's effectiveness under 50 U.S.C. 797. Further, the on-base violation of a lawful regulation issued by a base commander may be sufficient to sustain the removal from the base of a person not subject to the UCMJ and to sustain a criminal prosecution of such a person for an unauthorized re-entry of the base under 18 U.S.C. 1382 even though the base regulation may not have been issued pursuant to 50 U.S.C. 797.

### § 851.4 Responsibility.

Commanders at all echelons and all USAF military and civilian personnel are responsible for taking lawful actions necessary to protect USAF physical resources under their jurisdiction, administration, or custody, or with which they are in any way associated. This individual responsibility is not lessened by air police or other USAF personnel being in, on, or near an area or facility.

### § 851.5 Air base policies.

(a) The base commander will determine the degree of control required over personnel entering or leaving the base, i.e., checking identification credentials,

registering visitors, etc. A system of complex, time-consuming entry controls at base entrances serves few useful security purposes. However, a complete laxity of entry procedures will have a detrimental effect on the security of the base. In determining the stringency of the controls to be used the commander will consider the current situation and the characteristic(s), security priority or threat, pilferage problem, etc. Entry circulation control procedures will be devised, by regulation, to provide the required degree of protection without hindering the base's mission or unduly inconveniencing personnel. Base plans should also provide procedures to permit a rapid transition from normal operations to those required during emergency periods.

(b) The policies in paragraph (a) of this section are not intended to impinge upon normal domestic or social activities of families residing on the base, nor to hamper or preclude properly arranged private visits, or public visits during officially sanctioned demonstrations, celebrations, etc.

**§ 851.6 Controlled area.**

When the base commander determines that entrance to a particular area on his base must be regulated to protect USAF physical resources from loss or damage, or for any other reason, he is authorized to establish a controlled area and appropriate methods and degrees of control. A restricted area, established in accordance with AFM 207-1, may also exist within a controlled area.

**§ 851.7 Warning signs.**

Display: Warning signs will be appropriately displayed at each gate and around the perimeter of the base or controlled area. The signs will be so mounted as to be easily read by persons approaching on foot or in vehicles. The minimum spacing between signs will be determined locally; however, it will not normally exceed 100 yards.

WARNING

ENTRY IS PROHIBITED WITHOUT THE PERMISSION OF THE COMMANDER, ---------- AIR FORCE BASE. PERSONNEL ENTERING THIS AREA AGREE TO A SEARCH OF THEIR PERSON AND/OR VEHICLE IF DIRECTED BY THE ABOVE COMMANDER.

(Sec. 21, Internal Security Act of 1950; 50 U.S.C. 797)

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lt. Colonel, U.S. Air Force,*
*Chief, Special Activities*
*Group, Office of The Judge*
*Advocate General.*

[F.R. Doc. 64-11050; Filed, Oct. 29, 1964; 8:45 a.m.]

SUBCHAPTER G—BOARDS

## PART 866—BOARDS OF OFFICERS FOR CONDUCTING INVESTIGATIONS

A new Part 866 is added as follows:

Sec.
866.1 Purpose and scope.
866.2 Authority.
866.3 Functions and duties.
866.4 Appointment.
866.5 Members to be sworn.
866.6 Notification to persons concerned.
866.7 Members subject to challenge.
866.8 Persons entitled to counsel.
866.9 Evidence.
866.10 Hearings.
866.11 Prejudicial allegations.
866.12 Absence of persons under investigation.
866.13 Findings.
866.14 Recommendations.
866.15 Minority report.
866.16 Preparation of reports of proceedings.
866.17 Action on completed proceedings.

AUTHORITY: The provisions of this Part 866 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 11-1, Dec. 29, 1953, and AFR 11-1A, May 28, 1963.

**§ 866.1 Purpose and scope.**

This part prescribes the procedures generally applicable to the conduct of investigations by boards of officers. It applies to all Air Force activities.

**§ 866.2 Authority.**

A commander possesses inherent authority to order a board of officers to investigate a matter within his command jurisdiction whether or not specific regulations exist covering the subject matter involved. Usually, however, boards of officers are appointed under specific Air Force Regulations. These instructions are supplemental to such regulations. In case of conflict, the specific Regulation under which the board is appointed will govern. When the specific Regulation is silent on a matter covered herein, the provisions of this part will apply. When no specific Regulation provides for the institution of an investigation, a responsible commander may initiate the investigation under the provisions of this part.

**§ 866.3 Functions and duties.**

The primary function of a board is to ascertain and report facts so that the appointing authority may have adequate information on which to base his decision. The primary duty of a board is to develop and consider the evidence concerning the matter under investigation, to arrive at clear, consistent findings and, where required, to make recommendations.

(a) The functions and duties of investigating boards are purely administrative, not judicial.

(b) Boards are not authorized to settle private disputes, or to fix pecuniary responsibility against one person in favor of another unless specifically authorized by law or regulation. (See UCMJ, Article 139.)

(c) Unless otherwise directed by the appointing authority, the president of the board will set the time and place of meetings, assign duties to the members, and preside over all meetings.

**§ 866.4 Appointment.**

Orders appointing a board will specify the matter to be investigated, the action to be taken by the board, and the scope of the findings required. If convened under a specific Air Force Regulation, the Regulation will be cited; if convened for a purpose not specifically covered by Regulations, the purpose must be stated in sufficient detail to apprise the board thereof.

(a) In the absence of a specific Regulation to the contrary, any commander is authorized to appoint and convene boards to investigate any matter within his command jurisdiction.

(b) Normally, the senior member will be designated as president and the junior member as recorder. In the absence of such designation, or when the designated president or recorder is absent, the senior member present will act as president and the junior member present will perform the duties of recorder. All member will be voting members unless otherwise indicated in the appointing orders. When circumstances dictate, a recorder without vote may be appointed in addition to the requisite number of voting members to perform the administrative and other duties of that position only. Similarly, where it is probable that assistance of a technical nature will be required frequently during the board's open and closed sessions, technical advisers (e.g., legal adviser, medical adviser) without vote may be named and clearly described as such advisers in the orders.

(c) Authorities competent to appoint boards will act promptly, by oral orders if necessary, whenever a board investigation is required, in order to obtain evidence which might not be available if action is delayed. Oral orders will be confirmed in writing without delay.

(d) Both commissioned and warrant officers may be appointed as members. Board members entitled to vote will be senior to any person under investigation; and this requirement may not be waived by the respondent.

(e) When it appears that the actions or decisions of the authority competent to appoint a board may become a material part of the subject matter of the investigation, such board will be appointed by the next higher authority.

(f) Except where a challenge for cause is sustained (see § 866.7), only the convening authority is authorized to excuse a member thereof from attendance and participation in the investigation of a matter duly referred to the board by him.

(g) When the number of voting members required to constitute either a board or quorum is specified in the appointing order or in pertinent law or regulations, no lesser number will constitute the quorum required to be present at all sessions. When the number of voting members required to constitute a board is not specified in the pertinent law or regulations, a board of not less than three voting members will be appointed and a majority of voting members so appointed, but never less than three, will constitute a quorum.

(h) Boards consisting of many officers will not be appointed for the purpose of furnishing more than one "quorum" to sit independently. Only one quorum may legally be derived from any one appointed board. Whenever circumstances are such that numerous matters of a similar nature which require investigation by boards of officers will arise or may be anticipated to arise at or close to the same time, an adequate number of separate boards will be appointed to conduct such investigations.

(i) Whenever a commander authorized to convene a board of officers is unable because of the exigencies of the military situation or other conditions within his immediate command to convene a suitable board of an appropriate number of officers, he will refer the matter to his immediate superior commander, who may appoint the board or authorize the appointment of officers under his command as members of the board convened by the referring commander.



**§ 866.5 Members to be sworn.**

Unless the specific law or regulation under which the board is appointed requires the members to be sworn, they are not required to be sworn.

**§ 866.6 Notification to persons concerned.**

(a) In every case in which the conduct, efficiency, fitness, or pecuniary liability of any person is to be investigated, the recorder will, at a reasonable time in advance of the convening of the board, deliver or dispatch to the person concerned a written communication, stating:

(1) Time and place of the convening of the board.

(2) Specific allegations or questions to be investigated, in sufficient detail to enable the person to answer. Generalized statements will not be used, except, as required for the protection of classified information under existing security regulations or directives.

(3) Names of the witnesses to be called by the board.

(4) That the board will endeavor to arrange for the presence of military witnesses requested by the individual: *Provided*, That:

(i) Timely request therefor is received,

(ii) The request can reasonably be complied with,

(iii) The witnesses can present material evidence, and

(iv) The witnesses are reasonably available.

(5) When applicable, that the person is entitled to be represented by available counsel of his own choice. (See § 866.8.)

(6) That if it is impossible for the respondent to appear before the board at the time and place fixed, he may request another date or meeting place; and that, if such request is reasonable, is received without delay, is based upon valid grounds, and the requested action is practicable, a new date and place of hearing will be arranged.

(7) That if for any reason not under his control the respondent will be unable to be present during the investigation, he may, if no counsel is selected by him, request the convening authority to appoint counsel to represent him. Such counsel or representative will be afforded an opportunity at the conclusion of the hearings to obtain a sworn statement from the respondent, which will be considered by the board prior to making its findings. If he does not desire to be represented by counsel, all rights of a respondent will nevertheless be accorded him to the extent practicable in his absence, witnesses will be heard or their evidence obtained, if possible, and any written statement the respondent wishes to submit will be considered, provided that it is received by the board prior to the conclusion of the investigation.

(b) A copy of the written communication required in paragraph (a) of this section, together with any reply thereto, will be entered in the record as an exhibit.

**§ 866.7 Members subject to challenge.**

(a) The privilege of challenge for cause will be extended in any case in which the conduct, efficiency, fitness, or pecuniary liability of any person is to be investigated. The burden of sustaining a challenge is on the challenger, and testimony may be taken by the board in open session upon the challenge. Where it is clear that a member cannot conscientiously participate or that a challenge would be unanimously sustained, the member should be excused forthwith. Disputed challenges will be considered and voted upon by the board in closed session with the challenged member excluded. A majority vote is required to sustain a challenge. A tie vote on a challenge disqualifies the member challenged. The remaining members will constitute the board, provided that additional members will be detailed whenever the number of members is reduced below the minimum required by law or regulation or when the number has been reduced below the number required for a quorum as provided in § 866.4(g). Peremptory challenges are not authorized and will not be entertained.

(b) If at any time during the course of a board hearing it becomes necessary to detail a new or additional member or members to replace a member or members excused upon sustained challenge for cause and bring the membership to the required number, the hearing may proceed from that point after such new member or members have been sworn (if the board was required to be sworn (see § 866.5)), opportunity to challenge has been given, and all proceedings including verbatim testimony, if any, taken up to that point have been read to the new member or members in the presence of the respondent and his counsel, if any.

**§ 866.8 Persons entitled to counsel.**

(a) Unless the law or a specific regulation so provides, a person under investigation is not entitled to counsel as a matter of right.

(b) An individual will be afforded the privilege of military counsel of his own choosing, if reasonably available, or civilian counsel at his own expense, and he may request that military counsel be assigned in any proceeding which may fairly be regarded as:

(1) Subjecting him to possible criminal prosecution, or disciplinary or corrective administrative action;

(2) Jeopardizing a commission, rating, grade, or status;

(3) Furnishing cause for possible elimination or demotion proceedings against him; or

(4) Imposing pecuniary liability upon him.

(c) At any stage of a board proceeding, if it becomes reasonably apparent from the information before the board, or from facts or information which may reasonably be anticipated, that any person appearing before the board is or may become involved as outlined in paragraph (b) of this section, the board will immediately advise such person of his rights under Article 31, UCMJ, will explain and extend the privileges set forth in § 866.6(a), and will grant reasonable time for procurement of counsel. Questions of doubt as to applicability of § 866.6(a) and the privilege to be represented by counsel in any given case will be resolved in favor of the individual concerned.

(d) Except as provided in paragraphs (b) and (c) of this section, witnesses will not be individually represented by counsel.

**§ 866.9 Evidence.**

The investigation by the board should be so conducted that the best evidence obtainable and available may be considered. Boards are enjoined to require evidence, wherever possible, which tends to fix dates, places, persons, and events definitely and accurately. Usually, a board's investigation is resolved into an inquiry concerning a few essential facts. These facts should be established by evidence of sufficient weight to be convincing.

(a) The board should not be satisfied until all reasonably available evidence has been examined, such as:

(1) Sworn testimony by witnesses appearing before the board.

(2) Depositions.

(3) Certificates of officers and affidavits of enlisted personnel and civilians.

(4) Original or properly authenticated true copies of records and documents.

(5) Other writings and exhibits.

(6) Stipulations (see paragraph 154b, MCM 1951).

(b) A board is not bound by the formal rules of evidence prescribed for trials by courts-martial. However, general observance of the essence of the following rules will promote orderly procedure and increase the probability of a full, fair, and impartial investigation.

(1) Materiality and relevancy of evidence (paragraph 137, MCM 1951, page 238).

(2) Presumptions; direct and circumstantial evidence (paragraph 138, MCM 1951, page 239).

(3) Hearsay rules (paragraph 139, MCM 1951, page 247).

(4) Res gestae (paragraph 142, MCM 1951, page 254).

(5) Official writings (paragraph 144, MCM 1951, page 265).

(6) Maps, photographs, etc. (paragraph 144e, MCM 1951, page 268).

(7) Competency of witnesses (paragraph 148, MCM 1951, page 276).

(8) Privileged communications (paragraph 151, MCM 1951, page 284).

(9) Judicial notice (paragraph 147, MCM 1951, page 273).

(c) Although the results of polygraph tests may be used as an investigative

technique, they are inadmissible as evidence before any proceedings governed in whole or part by the procedural rules of this part.

§ 866.10 Hearings.

During its hearings the board should adhere to an orderly and semiformal procedure. Informal conversation or comments, statements "off the record," and reference to extraneous matters should be avoided.

(a) A person whose conduct, efficiency, fitness, or pecuniary liability is under investigation will be extended the privilege of counsel, as provided in § 866.8, will be permitted to be present at all open sessions of the board, to cross examine witnesses appearing against him, and to call witnesses and present evidence in his own behalf. Whether or not the respondent or his counsel is present at all sessions, he will be given full opportunity to answer all allegations before hearings are concluded. The president of the board will cause to be delivered to the respondent a transcript or summary of any evidence received by the board at a session not attended by respondent; shall permit him, and his counsel if present, to examine any exhibits received in evidence, unless examination of such evidence is specifically prohibited by regulation, and shall grant him reasonable time to prepare and present in writing any brief, argument, or further information he may desire to bring before the board or the convening authority.

(b) A repondent may not be compelled to testify if he chooses to remain silent.

(c) Each witness appearing before a board will be sworn or his affirmation taken. Any member of a board appointed to conduct an investigation is authorized to administer oaths (UCMJ, Article 136). One of the following forms will be used:

You swear that the evidence you shall give in the matter now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God.

or

You affirm that the evidence you shall give in the matter now in hearing shall be the truth, the whole truth, and nothing but the truth.

(d) No witness shall be compelled to incriminate himself or to answer any question not material to the issue when such answer might tend to degrade him (UCMJ, Article 31; U.S. Const., Amend. V). When he claims this privilege, the refusal to answer a question must be specifically stated by the witness to be based on the protection afforded by the Uniform Code of Military Justice, Article 31, or by the Fifth Amendment to the Constitution of the United States. It is the proper province of the board in each case to decide whether the stated reason is well taken. Whenever it appears appropriate, the rights of a witness should be explained to him (see paragraph 150, MCM 1951, page 283).

(e) Depositions, certificates, affidavits, and stipulations may be received and considered by the board in cases where it is impracticable or impossible for a witness to appear personally. For this purpose, the commander of the installation where or nearest to which the witness can be found will be requested to obtain the deposition or affidavit. Commanders receiving such requests will comply therewith without unnecessary delay.

(f) The board is authorized to dispense with formal proof of the authenticity of documents provided that it is satisfied that a document is what it purports to be, and it is impracticable to produce a witness to identify the document. In most cases, the authenticity of a document may be established by stipulation. Whenever true copies are introduced to replace original exhibits to be withdrawn, each copy must be authenticated by the recorder. Regarding lost documents, and bulky or numerous writings, see paragraph 143a(2), MCM 1951, page 258. Copies of public records are regarded as sufficiently authenticated when obtained by or for the board, or at its request. Decision as to the proof required of the authenticity of such documents rests with the board.

(g) The respondent or his counsel may, at any time during the proceedings, submit a written brief covering the whole or any phase of the matter under investigation.

(h) Unless specifically authorized by law, boards of officers are not empowered to compel the attendance of civilian witnesses by process or otherwise. The Uniform Code of Military Justice, Articles 46 and 47, does not apply to proceedings of boards of officers. In the absence of specific authority to the contrary, civilian witnesses appearing before boards of officers in behalf and at the request of a respondent will not be reimbursed by the Government for expenses incurred by so appearing.

§ 866.11 Prejudicial allegations.

When matters adverse or prejudicial to the conduct, efficiency, fitness, or pecuniary liability of any person subject to the jurisdiction of the convening authority arise or become an issue during the course of the investigation, the board, before completing its hearing, will make known to the person concerned, in writing, the precise nature of the prejudicial allegations in a form substantially similar to that prescribed by § 866.6 (see also § 866.8(c)). The board will extend to such persons the same rights and privileges that would have been extended had the prejudicial allegation originally been before the board. This includes the privilege of representation by counsel as set forth in § 866.8, the right to examine or be apprised of the evidence of record, as provided in § 866.10, to appear and testify, and to call witnesses and present evidence in the person's own behalf. Every report of a board whose findings or recommendations are adverse to the conduct, efficiency, or fitness of a person, or recommend that he be held pecuniarily liable, will contain a positive statement that each such person subject to the jurisdiction of the convening authority has been afforded all of the rights and privileges to which he is entitled under this section, or a positive statement of reasons why such rights and privileges were not so extended to him.

§ 866.12 Absence of person under investigation.

Whenever a person under investigation is or becomes unavailable during the investigation, the president of the board will insure that his rights are protected to the fullest extent possible.

(a) In every case in which a question concerning the conduct, efficiency, fitness, or pecuniary liability of any person is to be investigated, or arises during the hearing, and the notice required by § 866.6 cannot be delivered for any reason, the convening authority will appoint a counsel to represent the interests of the person.

(b) In every case in which a question concerning the conduct, efficiency, fitness, or pecuniary liability of any person is to be investigated, or arises during the hearing, and the notice required by § 866.6 is delivered but the person is unable to appear before the board for any reason not under his control, all of the rights enumerated in § 866.6(a)(7) will be extended to him and the hearing may proceed accordingly.

(c) In every case in which a question concerning the conduct, efficiency, fitness, or pecuniary liability of any person is to be investigated, or arises during the hearing, and the notice required by § 866.6 is delivered but the person voluntarily absents himself from or otherwise neglects to attend the hearing for reasons within his control, the case will be considered in the same manner as one in which notice of the hearing was undeliverable.

§ 866.13 Findings.

The findings recorded will be the substance of the facts material to the issue as established by the evidence. In resolving disputed and conflicting evidence, the members of the board should use their professional knowledge and their best judgment and common sense in weighing the evidence, considering the probability or improbability thereof, and selecting that evidence considered most worthy of belief. Each finding must, however, be supported by evidence of record. In determining the facts, the board may make reasonable inferences based on the evidence, but must avoid conjecture. A finding should be made on each point in question before the board. Each finding should be stated separately in concise and unambiguous language, including specific dates, places, and events.

§ 866.14 Recommendations.

When required by law, regulation, or the order of appointment, the board will make recommendations. Recommendations must be appropriate to and consistent with the findings as well as consonant with applicable laws, regulations, policies, and customs of the service, with due consideration for the best interests of the Government and the person concerned.

§ 866.15 Minority report.

In case of disagreement among members of a board, a minority report should be submitted as to findings, recommendations, or both.



§ 866.16 Preparation of reports of proceedings.

The recorder will be responsible for the proper preparation of the report. Unless otherwise specified in other pertinent directives, the report should conform substantially to the sample format contained in attachment 8, AFM 10-1, February 1, 1960. Its text may be modified to suit the requirements of the particular case. Whenever a verbatim transcript of the testimony is appropriate, the convening authority may furnish a reporter, if available.

§ 866.17 Action on completed proceedings.

In all cases covered in § 866.6(a), after the report of proceedings has been processed for final action, it will be submitted to the staff judge advocate for review as to legal sufficiency before such final action is taken by each commander required by law or regulation to act thereon.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64-11051; Filed, Oct. 29, 1964; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

[ 9 CFR Part 30 ]

### FEDERAL-STATE COOPERATIVE MEAT INSPECTION PROGRAM

### Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)) that the Department of Agriculture is considering the issuance of the following regulations to appear in 9 CFR Part 30 pursuant to the Act of September 28, 1962 (7 U.S.C. 450) and the Meat Inspection Act, as amended (21 U.S.C. 71 et seq.), to provide for a Cooperative Federal-State Meat Inspection program with respect to certain establishments.

### PART 30—COOPERATIVE FEDERAL-STATE MEAT INSPECTION PROGRAM

**§ 30.1 Authority for program; general.**

Under the Act of Congress of September 28, 1962 (7 U.S.C. 450), the Secretary of Agriculture, among other things, is authorized, in the administration and enforcement of the Meat Inspection Act (21 U.S.C. 71 et seq.), whenever he deems it feasible and in the public interest, to enter into cooperative arrangements with State agencies charged with the administration and enforcement of State laws relating to meat inspection, and to provide that any such State agency which has adequate facilities, personnel, and procedures, as determined by the Secretary, may assist the Secretary in the administration and enforcement of the Meat Inspection Act to the extent and in the manner he deems appropriate in the public interest. Nothing in the Act of September 28, 1962, affects the jurisdiction of the Secretary under any Federal law. The provisions in this Part 30 state the conditions under which such a cooperative arrangement may be entered into between the Department and a State agency and outline the principles to govern such a cooperative program.

**§ 30.2 Conditions for cooperative arrangement.**

The Department will enter into a formal memorandum of understanding for a cooperative arrangement with the appropriate agency of any State charged with administering and enforcing the State meat inspection law, whereby such agency will be authorized to conduct Federal meat inspection in accordance with the provisions of this Part 30, the Meat Inspection Act, and the regulations in Parts 1 through 28 of this subchapter, and supplementary instructions issued by the Division, at establishments granted inspection under § 30.6, if the agency makes a request to the Division for such a cooperative arrangement and establishes to the satisfaction of the Director of Division that its facilities, personnel, and procedures are adequate to administer such meat inspection service in a manner that will effectuate the purposes of the Act of September 28, 1962, and the Meat Inspection Act, and that adequate financing for the operations of the State agency under such an arrangement (including but not limited to payment of the State meat inspectors) will be available from public funds of the State, and the Director finds that such arrangement would otherwise be in the public interest. A cooperative arrangement under this Part 30 may be terminated upon notice by either party.

**§ 30.3 Responsibilities of State agency under cooperative arrangement.**

Any State agency that enters into a cooperative arrangement under § 30.2 shall:

(a) Assign, in such numbers as are deemed necessary by the Director of Division after consultation with the State agency, State employed inspection personnel and supervisory personnel approved by the Director under § 30.10 to conduct inspections and supervision thereof in accordance with the provisions of this Part 30, the Meat Inspection Act, and the regulations in Parts 1 through 28 of this subchapter, and supplementary instructions issued by the Division, at each establishment within the State which is granted inspection under § 30.6;

(b) Compensate such State inspection personnel and other State employees working in the program, wholly from public funds of the State, including payment of salaries, any per diem, travel and other allowances, and any sick, health, and accident benefits in accordance with State law;

(c) Review proposed labels submitted to the State agency by the operator of each establishment applying for or receiving inspection under § 30.6, and transmit such labels, with the recommendations of the State agency to the Director of Division for Division review in accordance with § 30.6; and notify the establishment operator of the approval or disapproval of the labels by the Director under § 30.6;

(d) In all respects operate the cooperative meat inspection program in the State in accordance with the provisions of this Part 30, the Meat Inspection Act, and the regulations in Parts 1 through 28 of this subchapter and the supplementary instructions (whether written or oral) issued by the Division, including the Manual of Meat Inspection Procedures of the United States Department of Agriculture; and require the State personnel to comply with all instructions relating to meat inspection issued to them by Division supervisory personnel;

(e) Suspend inspection under this Part summarily in accordance with § 30.9, with respect to any establishment granted such inspection whenever such action is requested by the Director of Division, or is otherwise deemed appropriate by the State agency in accordance with § 30.9;

(f) Suspend summarily in accordance with § 30.10 the approval of any State inspection personnel or supervisory personnel whenever such action is requested by the Director of Division or is otherwise deemed appropriate by the State agency in accordance with § 30.10; and

(g) Require the State personnel working under the cooperative arrangement to make such reports to the Division as the Division may direct and otherwise keep the Division generally informed of operations under the cooperative arrangement.

**§ 30.4 Responsibilities of Federal agency under cooperative arrangement.**

The Division, as the Federal agency, under a cooperative arrangement made pursuant to § 30.2; will:

(a) Approve or disapprove applications for inspection under this Part 30 at State inspected establishments, including approval or disapproval of blueprints and labels in accordance with § 30.6;

(b) Approve the State inspection personnel and supervisory personnel to perform functions under the provisions of this Part 30, the Meat Inspection Act, and the regulations in Parts 1 through 28 of this subchapter, and supplementary instructions issued by the Division, at establishments granted inspection under § 30.6, upon a determination by the Division under § 30.10 that such personnel are qualified to perform such functions in accordance with said provisions;

(c) Provide Federal supervisory personnel to work cooperatively with the State personnel to assure that inspections made under the cooperative arrangement will be in accord with the provisions of this Part 30, the Meat Inspection Act, and the regulations in Parts 1 through 28 of this subchapter, and the supplementary instructions issued by the Division;

(d) Provide training for State personnel, at federally inspected establishments, Division training facilities, and work shop conferences to the extent feasible;

(e) Conduct periodic in-plant surveys at each establishment granted inspection under § 30.6 to determine that the facilities and operations and the conduct of inspections at the establishment are in accord with the provisions of this Part 30, the Meat Inspection Act, and the regulations in Parts 1 through 28 of this subchapter, and supplementary instructions issued by the Division;

(f) Supply the State agency with Division publications and other instructions and information relating to meat inspection as appropriate;

(g) Suspend summarily or for a specified period or revoke inspection from any establishment in-accordance with § 30.9; and





(h) Suspend summarily or for a specified period or revoke approval of any State inspection personnel or supervisory personnel, in accordance with § 30.10.

**§ 30.5 Eligibility of establishments for inspection.**

Any establishment at which cattle, sheep, swine, or goats are slaughtered or products thereof are prepared for intrastate commerce under the State meat inspection law in any State which has entered into a cooperative arrangement under § 30.2 may receive inspection under this Part 30 upon application and determination of its eligibility therefor under § 30.6.

**§ 30.6 Application for and grant of inspection.**

(a) *Application form; blueprints.* The operator of any establishment within § 30.5 may apply for inspection under this Part 30 by filing with the appropriate State agency completed MI form 401-A in quadruplicate and four sets of blueprints with specifications of the establishment's layout and facilities as specified in USDA Handbook 191, U.S. Inspected Meat Packing Plants. The forms may be obtained from the State agency or the Division. The State agency will forward the completed copies of the application form and other documents, with its recommendations, to the Washington, D.C., office of the Meat Inspection Division, which will determine whether the information given in the application, the blueprints and the specifications meet the requirements under the Meat Inspection Act. The State agency will be notified and will inform the operator of the establishment, of this determination. If the information in the application and the blueprints and specifications are approved, a survey will be made of the establishment by a Division representative to determine whether the establishment conforms to the blueprints and specifications, upon notification by the operator of the establishment to the State agency, and by the latter to the Division, that the establishment is believed to be in conformity with the blueprints and specifications. The Division will notify the State agency, which will then inform the operator of the establishment, of the results of the survey.

(b) *Label approval.* The operator of any establishment for which inspection under this Part 30 is desired and which has met the survey requirements of paragraph (a) of this section shall submit the labels it proposes to use at such establishment to the State agency which will transmit the labels to the Director of Division in accordance with § 30.3. The labels will be approved or disapproved by the Director in accordance with policies of the Division under the Meat Inspection Act and the State agency will be notified of such action.

(c) *Grant of inspection.* Upon approval of the establishment and its proposed labels under this section, the Director of Division will issue a grant of inspection under this Part 30 to such establishment and will notify the State agency of such action. Inspection will not be provided under this Part 30 until such grant is issued.

**§ 30.7 Effect of grant of inspection.**

A grant of inspection under § 30.6 for any establishment will authorize the inauguration of inspection by State employed inspection personnel at the establishment in accordance with the provisions of this Part 30, the Meat Inspection Act, and the regulations in Parts 1 through 28 of this subchapter, and supplementary instructions issued by the Division, and the use by such personnel of Federal marks of inspection on inspected and passed product prepared at such establishment in accordance with said provisions. Such product so marked shall be eligible for distribution in interstate or foreign commerce as if inspected and passed and so marked by inspectors appointed under the Meat Inspection Act.

**§ 30.8 Obligations of operators of establishments granted inspections.**

Each establishment granted inspection under this Part 30 shall be operated and maintained in accordance with the provisions of this Part and the Meat Inspection Act and the regulations in Parts 1 through 28 of this subchapter, and supplementary instructions issued by the Division.

**§ 30.9 Suspension or revocation of grant of inspection.**

The Director of Division may suspend for a specified period or revoke the grant of inspection with respect to any establishment if he finds after consultation with the State agency and opportunity to the operator of the establishment to present his views, that the operation of the establishment has not been in accordance with the provisions of this Part 30 or the Meat Inspection Act or the regulations in Parts 1 through 28 of this subchapter, or supplementary instructions issued by the Division to such operator, or the establishment otherwise does not meet the requirements of said provisions. Pending final determination the Director or the State agency may summarily suspend inspection whenever there is reason to believe that cause exists for suspension under this § 30.9.

**§ 30.10 Approval and suspension or revocation of approval of State personnel.**

(a) *Requirements for approval.* State-employed and State-paid meat inspection personnel (veterinarians or nonveterinarians), will be approved by the Director of Division to perform inspections or supervisory functions under the provisions of this Part 30, the Meat Inspection Act and the regulations in Parts 1 through 28 of this subchapter, and supplementary instructions issued by the Division, if they are found by the Director to have the qualifications required of Federal meat inspectors appointed to perform comparable functions under the Meat Inspection Act, and to be willing to carry out the responsibilities imposed by said provisions. The State employees must be employed under a State civil service system. The veterinary meat inspectors must be graduates of veterinary colleges recognized by the U.S. Civil Service Commission.

(b) *Notification of approval or disapproval; authority of approved inspectors.* Notice of approval of a State employee or of disapproval of such an employee and the reasons therefor under this section will be given by the Director of Division to the State agency. State employees approved as inspectors under this § 30.10 will be notified in writing by the State agency of their designation as meat inspectors and will have the same authority as inspectors appointed under the Meat Inspection Act in conducting meat inspection pursuant to the provisions of this part, the Meat Inspection Act, and the regulations in Parts 1 through 28 of this subchapter and supplementary instructions issued by the Division. Similarly, State supervisory personnel approved under this § 30.10 will be notified of such approval by the State agency. Written notice of disapproval of any State employee under this section, and the reason therefor, will be given to the employee by the State agency. State employees approved under this section shall not be deemed to be officers or employees of the Federal Government of the United States.

(c) *Suspension or revocation of approval.* Approval of any State employee under this § 30.10 may be suspended for a specified period or revoked by the Director of Division at any time after consultation with the State agency and opportunity for the employee to present his views, when the Director finds that such employee is not qualified to carry out his responsibilities as an approved inspector or supervisor under the provisions of this Part 30, the Meat Inspection Act, and the regulations in Parts 1 through 28 of this subchapter, and supplementary instructions issued by the Division, because of his conduct or performance on the job or other reasons, or because he has accepted any money or other thing of value from the operator of any establishment granted inspection under this Part 30 or any other establishment engaged in slaughtering livestock or preparing product, or from any employee or agent of any such operator. Pending final determination, the Director or the State agency may summarily suspend such approval whenever there is reason to believe that cause for suspension exists under this § 30.10.

**§ 30.11 Definitions.**

Terms used in this Part 30 shall have the meanings ascribed thereto in § 1.1 of this subchapter, except where the context otherwise requires.

Any interested persons who wish to submit written data, views or arguments on the proposed Part 30 may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C., 20250, within 60 days after publication hereof in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner con-

venient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 27th day of October 1964.

B. T. SHAW,
*Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 64-11097; Filed, Oct. 29, 1964; 8:51 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-SO-39]

## CONTROL ZONES AND TRANSITION AREAS

### Proposed Alteration and Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter the existing control zones and designate transition areas for Columbia Airport, North AF Auxiliary Field, McEntire ANGB, and Shaw AFB, South Carolina.

The Columbia, S.C., control zone is presently designated within a 5-mile radius of Columbia Airport within 2 miles either side of the Columbia VOR 326° radial extending from the 5-mile radius zone to the VOR and within 2 miles either side of the Columbia ILS localizer SW course extending from the 5-mile radius zone to 7 miles SW of the OM.

The North, S.C., control zone is presently designated within an 8-mile radius of North AFAF and within 2 miles either side of a 233° bearing from the airport extending from the 8-mile radius zone to 10 miles SW of the airport.

The Eastover, S.C., control zone is presently designated within a 5-mile radius of McEntire ANGB, Eastover, S.C.

The Sumter, S.C., control zone is presently designated within a 5-mile radius of Shaw AFB, Sumter, S.C.

The Columbia, S.C., transition area is presently described as that airspace extending upward from 1200 feet above the surface within 10 miles SW and 7 miles NE of the Columbia VOR 329° radial, extending from 9 miles NW to 41 miles NW of the VOR, excluding the airspace within Federal Airways.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Columbia, S.C., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29 (26 F.R. 570 and 27 F.R. 4012), proposes the airspace actions hereinafter set forth.

1. The Columbia, S.C., control zone would be redesignated within a 5-mile radius of the Columbia Airport (latitude 33°56'26" N., longitude 81°07'13" W.), within 2 miles each side of the Columbia VORTAC 329° radial extending from the 5-mile radius zone to one mile NW of the VORTAC and within 2 miles each side of the Columbia ILS localizer W course extending from the 5-mile radius zone to one-half mile east of the OM.

2. The North, S.C., control zone would be redesignated within a 5-mile radius of North AFAF (latitude 33°36'30" N., longitude 81°05'00" W.) and within 2 miles each side of the North AFAF, TACAN 234° radial extending from the 5-mile radius zone to 8 miles SW of the TACAN. This control zone shall be effective only during specific dates and times established 30 days in advance by a Notice to Airmen and continuously published in the Airman's Guide.

3. The Eastover, S.C., control zone would be redesignated within a 5-mile radius of McEntire ANGB (latitude 33°55'26" N., longitude 80°48'14" W.) and within 2 miles each side of the McEntire VOR 139° radial extending from the 5-mile radius zone to 10.5 miles SE of the VOR.

4. The Sumter, S.C., control zone would be redesignated within a 5-mile radius of Shaw AFB (latitude 33°58'15" N., longitude 80°28'19" W.), within 2 miles each side of the Shaw VOR 010° and 235° radials extending from the 5-mile radius zone to 12 miles N and 10.5 miles SW of the VOR and within 2 miles each side of the Shaw TACAN 033° and 213° radials extending from the 5-mile radius zone to 8 miles N and 13 miles S of the TACAN. The portion within R-6002 shall be used only after obtaining approval from appropriate authority.

5. The Columbia, S.C., transition area would be redesignated as that airspace extending upward from 700 feet above the surface within a 9-mile radius of the Columbia Airport (latitude 33°56'26" N., longitude 81°07'13" W.) and within 5 miles N and 8 miles S of the Columbia ILS localizer W course extending from the 9-mile radius area to 12 miles W of the OM; that airspace extending upward from 1200 feet above the surface bounded by a line beginning at the point of intersection of a 60-mile arc centered on Shaw AFB (latitude 33°58'15" N., longitude 80°28'19" W.) and the W boundary of V-155, extending clockwise along this arc to the W boundary of V-3, thence S along the W boundary of V-3 and W along the N boundary of V-18S (as proposed in Docket No. 64-SO-18) to the W boundary of V-37, thence to latitude 33°08'45" N., longitude 81°22'40" W., thence counterclockwise along the boundary of R-6004 to latitude 33°23'25" N., longitude 81°37'00" W., thence N to latitude 33°46'00" N., longitude 81°37'00" W., thence to the intersection of the N boundary of V-155 and longitude 81°41'30" W., thence NE along the N boundary of V-155 to its intersection with a line 10 miles SW and parallel to the centerline of V-53, thence NW along this line to its intersection with latitude 34°15'30" N., thence NE to latitude 34°30'00" N., longitude 81°02'00" W., thence NE to point of beginning; including that airspace extending from 7000 feet above mean sea level within 5 miles each side of the Shaw AFB TACAN 008° radial extending from the N boundary of the 1200-foot transition area to 60 miles N of the TACAN. The portion within R-6001 and 6002 shall be used only after obtaining approval from appropriate authority.

6. A North, South Carolina, transition area would be designated as that airspace extending upward from 700 feet above the surface within an 8-mile radius of North AFAF (latitude 33°36'30" N., longitude 81°05'00" W.). This transition area shall be effective only during the specific dates and times established at least 30 days in advance by a Notice to Airmen and continuously published thereafter in the Airman's Guide.

7. A Sumter, S.C., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Shaw AFB (latitude 33°58'15" N., longitude 80°28'19" W.), within 5 miles SE and 8 miles NW of the Shaw VOR 234° radial extending from the Shaw 7-mile radius area to 12 miles SW of the VOR, within 2 miles each side of the Shaw ILS localizer SW course extending from the Shaw 7-mile radius area to 12 miles SW of the Shaw OM; within an 8-mile radius area of McEntire ANGB (latitude 32°-55'26" N., longitude 80°48'14" W.), within 5 miles NE and 8 miles SW of the McEntire VOR 139° radial extending from the McEntire 8-mile radius area to 12 miles SE of the VOR; and within a 5-mile radius of Sumter Airport (latitude 33°59'39" N., longitude 80°21'45" W.). The portion within R-6001 and R-6002 shall be used only after obtaining approval from appropriate authority.

The proposed control zones for McEntire ANGB and Shaw AFB are necessary to protect prescribed instrument approach and departure procedures. The redesignated Columbia control zone is necessary to protect the existing VOR approach and the proposed approach procedures on the new instrument landing system.

The redesignated control zone and designated transition area for North AFAF would be part-time, effective only when North AFAF is in use by the Air Force.

The proposed transition areas are necessary to protect prescribed instrument departure procedures, holding patterns, transition routes, procedure turn maneuvering areas and missed approaches in the Columbia, South Carolina, terminal area complex.

The floors of airways which traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Georgia, 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Georgia.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Georgia, on October 21, 1964.

PAUL H. BOATMAN,
*Acting Director, Southern Region.*

[F.R. Doc. 64-11071; Filed, Oct. 29, 1964; 8:48 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-CE-127]

## CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

### Proposed Alteration, Designation, and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Fort Wayne, Indiana, terminal area.

The following controlled airspace is presently designated in the Fort Wayne, Indiana, terminal area:

1. The Fort Wayne control zone which lies within a 5-mile radius of Baer Field, Fort Wayne, Indiana; within 2 miles each side of the 231° bearing from the Fort Wayne RBN, extending from the 5-mile radius zone to 10 miles SW of the RBN; within 2 miles either side of the Fort Wayne ILS localizer SE course extending from the 5-mile radius zone to 12 miles SE of the OM and within 2 miles either side of the Fort Wayne VORTAC 103°, 232°, 250° and 325° radials extending from the 5-mile radius zone to 12 miles E, SW, W and NW of the VORTAC.

2. The Fort Wayne control area extension which lies within that airspace S of Fort Wayne bounded on the E by V-55, on the SE by V-14, and on the NW by V-11W alternate and V-96; the airspace W of Fort Wayne within a 40-mile radius of the Fort Wayne VORTAC bounded on the SE by V-11W alternate and V-96 and on the NE by V-277.

3. The Goshen, Indiana, control area extension which lies within a 15-mile radius of the Goshen VOR, including the airspace NE of the Goshen VOR bounded on the W by V-277, on the N by V-10, on the NE by V-30 and on the S by V-92.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Fort Wayne, Indiana, terminal area, including studies attendant to the implementation of the provisions of the Civil Air Regulations Amendments 60-21/60-29, proposes the following airspace actions:

1. Redesignate the Fort Wayne control zone as that airspace within a 5-mile radius of Baer Field (latitude 40°58'50" N., longitude 85°11'25" W.) within 2 miles each side of the Fort Wayne VORTAC 038° radial extending from the 5-mile radius zone to 7 miles NE of the VORTAC; within 2 miles each side of the Fort Wayne VORTAC 228° radial extending from the 5-mile radius zone to 12 miles SW of the VORTAC; within 2 miles each side of the Fort Wayne VORTAC 265° radial extending from the 5-mile radius zone to 8 miles W of the VORTAC; within 2 miles each side of the Fort Wayne VORTAC 320° radial extending from the 5-mile radius zone to 8 miles NW of the VORTAC and within 2 miles each side of the 231° bearing from the Fort Wayne RBN extending from the 5-mile radius zone to 12 miles SW of the RBN.

2. Designate the Fort Wayne transition area as that airspace extending upward from 700 feet above the surface within a 17-mile radius of Baer Field (latitude 40°58'50" N., longitude 85°11'-25" W.); and that airspace extending upward from 1200 feet above the surface within the area bounded by a line beginning at latitude 41°40'00" N., longitude 85°30'00" W., thence to latitude 41°40'-00" N., longitude 84°50'00" W.; to latitude 41°48'10" N., longitude 84°50'00" W.; to latitude 41°48'00" N., longitude 84°46'00" W.; to latitude 41°44'00" N., longitude 84°28'00" W.; to latitude 41°32'00" N., longitude 84°31'00" W.; to latitude 41°21'00" N., longitude 84°40'00" W.; to latitude 40°46'00" N., longitude 84°40'00" W.; to latitude 40°30'00" N., longitude 84°49'00" W.; to latitude 40°30'00" N., longitude 85°22'-00" W.; to latitude 40°40'00" N., longitude 85°30'00" W.; to latitude 40°40'00" N., longitude 85°50'00" W.; to latitude 41°20'00" N., longitude 85°50'00" W.; to latitude 41°20'00" N., longitude 85°30'-00" W.; thence to point of beginning.

3. Revoke the Goshen, Indiana, control area extension.

The Fort Wayne control area extension which will coincide in part with the transition area proposed herein will be revoked at a later date. This revocation will be proposed after studies attendant to the implementation of the Civil Air Regulations Amendments 60-21/60-29 have been completed for adjoining terminal areas.

The proposed alteration of the Fort Wayne control zone will eliminate the existing east and southeast extensions. In addition, it will realign and reduce the sizes of the existing west and northwest extensions so that they will correspond with the final approach courses specified in Fort Wayne instrument approach procedures. Additionally, the southwest extension will be realigned so as to provide protection for aircraft executing high altitude instrument approach procedures. The proposed extension to the northeast will provide protection for aircraft executing VOR instrument approaches to Runway 22. These four extensions will provide protection for aircraft executing prescribed instrument approach procedures during their descent below 1000 feet above the surface. Adequate protection for random departures from all runways will be provided by the 5-mile circle.

By the proposed designation of the Fort Wayne transition area, the floor of the controlled airspace beyond the immediate vicinity of Baer Field would be raised from 700 to 1,200 feet above the surface. The portion of the transition area with a floor of 700 feet above the surface would provide protection for aircraft receiving radar services and for aircraft executing prescribed instrument approach procedures. The portion of the transition area with a floor of 1,200 feet above the surface would provide protection for aircraft in prescribed holding patterns, for jet aircraft making penetrations, for enroute aircraft being vectored by the Chicago Air Route Traffic Control Center and for aircraft making enroute penetrations in preparation for instrument approaches into Fort Wayne.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein but operational complexity would not be increased nor would aircraft performance or landing minimums be adversely affected.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Missouri, on October 16, 1964.

KIRBY L. BRANNON,
*Acting Director, Central Region.*

[F.R. Doc. 64-11070; Filed, Oct. 29, 1964; 8:48 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-31]

## TRANSITION AREA

### Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Pontiac, Michigan, terminal area.

The Pontiac, Michigan, transition area is presently designated as:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Pontiac Municipal Airport (latitude 42°39'55" N., longitude 83°25'05" W.) and within 2 miles each side of the Pontiac VOR 271° radial, extending from the 7-mile radius area to 8 miles W. of the VOR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Pontiac, Michigan, terminal area, including studies attendant to the implementation of the provisions of the Civil Air Regulations Amendments 60-21/60-29, proposes the following airspace actions: Alter the transition area in the Pontiac, Michigan, terminal area by redesignating it as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Pontiac Municipal Airport (latitude 42°39'55" N., longitude 83°25'05" W.) and within 5 miles N and 8 miles S of the Pontiac VOR 091° and 271° radials extending from 2 miles E to 12 miles W of the Pontiac VOR.

The instrument approach procedure for Pontiac Municipal Airport will be revised to permit an approach from the holding pattern without executing a procedure turn. The revised procedure turn altitude will be less than 1500 feet above the surface and the additional 700-foot transition area will provide protection for aircraft executing the instrument approach procedure.

Certain minor revisions to prescribed instrument procedures would be affected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance or present landing minimums be adversely affected.

Specific details of the changes in procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110.

Interested persons may submit such written data, views on arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Missouri, on October 19, 1964.

KIRBY L. BRANNON,
*Acting Director, Central Region.*

[F.R. Doc. 64-11072; Filed, Oct. 29, 1964; 8:48 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-66]

## TRANSITION AREA, CONTROL ZONE, AND CONTROL AREA EXTENSION

### Proposed Designation, Redesignation and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Grand Island, Nebraska, terminal area.

The following controlled airspace is presently designated in the Grand Island, Nebraska, terminal area:

1. The Grand Island, Nebraska, control zone is designated as that airspace within a 5-mile radius of Grand Island Airport (latitude 40°58'04" N., longitude 98°18'51" W.), and within 2 miles E and 3 miles W of the Grand Island VOR 360° radial, extending from the 5-mile radius zone to 12 miles N of the VOR.

2. The Grand Island, Nebraska, control area extension is designated as that airspace within 18 miles W and 7 miles E of the Grand Island VOR 180° and 360° radials extending from 9 miles S to 34 miles N of the VOR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Grand Island, Nebraska, terminal area, including studies attendant to the implementation of the provisions of the Civil Air Regulations Amendments 60-21/60-29, proposes the following airspace actions:

1. Revoke the Grand Island, Nebraska, control area extension.

2. Redesignate the Grand Island, Nebraska, control zone as that airspace within a 5-mile radius of the Grand Island Municipal Airport (latitude 40° 58'04" N, longitude 98°18'51" W), and within 2-miles each side of the Grand Island VORTAC 360° radial extending from the 5-mile radius zone to a point 8-miles N of the VORTAC, and within 2-miles each side of Grand Island VORTAC 306° radial extending from the 5-mile radius zone to a point 8-miles NW of the VORTAC, and within 2-miles each side of Grand Island VORTAC 180° radial extending from the 5-mile radius zone to a point 7-miles S of the VORTAC.

3. Designate the Grand Island, Nebraska, transition area as that airspace extending upward from 700-feet above the surface within an 8-mile radius of the Grand Island Municipal Airport (latitude 40°58'04" N, longitude 98°18'-51" W), and within 5-miles E and 8-miles W of the Grand Island VORTAC 360° radial extending from the 8-mile radius to a point 12-miles N of the VORTAC, and within 5-miles NE and 8-miles SW of the Grand Island VORTAC 306° radial extending from the 8-mile radius to a point 12-miles NW of the VORTAC, and that airspace extending upward from 1200-feet above the surface within 5-miles E and 8-miles W of the Grand Island VORTAC 360° radial extending from 12-miles N of the VORTAC to the S edge of V-172, and within 5-miles E of the Grand Island VORTAC 180° radial and 5-miles W of the Grand Island VORTAC 201° radial bounded on the N by the arc of an 8-mile radius circle centered on Grand Island Municipal Airport, bounded on the S by a line 5-miles NW of and parallel to the Hastings VOR 066° radial, bounded on the W by a line 5-miles NE of and parallel to the Hastings VOR 338° radial.

The floors of the airways which traverse the transition area proposed would automatically coincide with the floors of the transition area.

The replacement of the Grand Island, Nebraska, terminal area and will make Grand Island, Nebraska, transition area will reduce the amount of controlled airspace designated in the Grand Island, Nebraska, terminal area and will make additional airspace available for other uses. The proposed control zone is required to contain aircraft executing departures and missed approach procedures until reaching 700 feet above the ground. The extensions are required to protect aircraft executing civil and military approach procedures. The proposed 1200-foot and 700-foot transition areas are necessary to contain holding, departure, missed approach, and transition procedures.

Specific details of the changes in procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825, Troost Avenue, Kansas City, Missouri, 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Missouri, on October 14, 1964.

KIRBY L. BRANNON,
*Acting Director, Central Region.*

[F.R. Doc. 64-11073; Filed, Oct. 29, 1964; 8:48 a.m.]



## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-SW-113]

## BROWNSVILLE, TEX., TRANSITION AREA

### Proposed Designation

*Correction*

In F.R. Doc. 64-10212, appearing at page 13905 of the issue for Thursday, October 8, 1964, the following correction is made in item 4 of the proposed airspace actions appearing on page 13906: In the 23d line of item 4, "latitude 36° 51'00" N.," should read "latitude 26° 51'00" N.,".

# Notices

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[T.D. Order 150-62]

### COMMISSIONER OF INTERNAL REVENUE

#### Delegation of Certain Functions Relating to Extensions of Time

By virtue of and pursuant to the authority vested in me by Reorganization Plan No. 26 of 1950, there are hereby transferred to the Commissioner of Internal Revenue the functions of the Secretary of the Treasury—

(1) Under section 6081 of the Internal Revenue Code of 1954 with respect to the granting of extensions of time for filing any return, declaration, statement, or other document required by chapter 41 of such Code as added by the Interest Equalization Tax Act (78 Stat. 809); and

(2) Under section 6161 of such Code with respect to granting extensions of time to pay the tax shown, or required to be shown, on any return or declaration required under such chapter 41 of such Code.

The functions herein transferred to the Commissioner may be exercised by any officer or employee of the Internal Revenue Service who is so authorized by the Commissioner, under such rules as may be prescribed by him.

Dated: October 26, 1964.

[SEAL] DOUGLAS DILLON,
*Secretary of the Treasury.*

[F.R. Doc. 64-11077; Filed, Oct. 29, 1964; 8:48 a.m.]

[AA 643.3-m]

### LITHARGE FROM MEXICO

#### Fair Value Determination

OCTOBER 24, 1964.

An allegation was received that litharge from Mexico was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that litharge from Mexico is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons.* Five Mexican firms were exporting litharge to the United States. Of the five, four were found to be selling to United States purchasers who were unrelated within the meaning of section 207 of the Antidumping Act. These firms had sold in the home market in sufficient quantities to afford a proper basis of comparison. Therefore, with regard to these four producers, purchase price was compared with home market price for fair value purposes.

Sales by the fifth company were made to a United States purchaser to which it was related within the meaning of section 207 of the Antidumping Act. With respect to this producer, sales in the home market were insufficient in relation to its sales for export to countries other than the United States to afford a proper basis of comparison. With respect to this manufacturer, exporter's sales price was compared with the highest home market price of similar merchandise produced by another manufacturer.

Several methods of pricing for export to the United States were used by the manufacturers involved, with terms varying from f.o.b. factory to duty paid, delivered United States purchaser's premises. In the calculation of purchase price, freight, United States duty, brokerage fees and other expenses incurred in Mexico and the United States have been deducted as appropriate to the particular sale.

Exporter's sales price has been calculated by deducting from the resale price in the United States, freight, duty, selling expenses in the United States, advertising, inland charges and brokerage fee.

Sales in the home market were made at varying terms. Delivery charges, and a cash discount have been deducted from the home market price, where appropriate. Adjustment has been made as applicable for differences in commission, and for differences in quantities sold in the home market as compared with the quantities sold for export to the United States.

Comparison between purchase price, or exporter's sales price, and home market price reveals that with respect to four manufacturers home market price from time to time exceeded purchase price or exporter's sales price. This was the result of the uneven fluctuations of the United States and Mexican lead markets during the period, but as the markets adjusted one to the other, this situation corrected itself. With respect to the fifth producer, however, margins existed throughout the whole period under consideration. The quantity and amount involved in these sales are, however, deemed to be not more than insignificant, there having been but one shipment reported since January 1, 1964. The manufacturer has been informed that should shipments resume in which purchase price is less than home market price, the case could be reopened with respect to such shipments.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64-11078; Filed, Oct. 29, 1964; 8:49 a.m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

### ANDREAS SPEISER

#### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property and Location*

Professor Dr. Andreas Speiser, 60 Sevogelstrasse, CH-4000 Basel, Switzerland, Claim No. 37393, Vesting Order No. 500A-107, $495.18 in the Treasury of the United States.

Executed at Washington, D.C., on October 26, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 64-11081; Filed, Oct. 29, 1964; 8:49 a.m.]

### FRIEDRICH REICHERT

#### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property and Location*

Friedrich Reichert, P.O. Box 73, Station H, Montreal, Canada, Claim No. 67026, Vesting Order No. 9693, $1,722.30 in the Treasury of the United States.

Executed at Washington, D.C. on October 26, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 64-11082; Filed, Oct. 29, 1964; 8:49 a.m.]

### CAROLINA VAN STYRUM-GOEDEWAAGEN ET AL.

#### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property and Location*

Carolina van Styrum-Goedewaagen, 1 Middenlaan, Haarlem, The Netherlands, $3,127.17 in the Treasury of the United States; Swiss Credit Bank, Zurich, Switzerland, $16,100.00 in the Treasury of the United States; Carrie Wirkler, 1501 6th Avenue SE., Cedar Rapids, Iowa, $1,175.00 in the Treasury of the United States, Claim No. 61897, Vesting Order Nos. 18323 and 18324.

Union Financiere Luxembourgeoise, S.A., 69A, Boulevard de Stalingrad, Luxembourg, Luxembourg, Claim Nos. 63480 and 61897, Vesting Order No. 18324, $2,000.00 in the Treasury of the United States.

Executed at Washington, D.C. on October 26, 1964.

For the Attorney General.

ANTHONY L. MONDELLO,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 64-11083; Filed, Oct. 29, 1964; 8:49 a.m.]

## DEPARTMENT OF COMMERCE

### National Bureau of Standards

### NBS STATION WWVH, MAUI, HAWAII

#### Change in Schedule

Propagation Forecasts given every five minutes in Morse Code from WWVH during the first half of each fifth minute of the hour will be discontinued at 0000 UT November 1, 1964.

These were issued by the North Pacific Radio Warning Service at Anchorage, Alaska. This NBS field station is reorienting its mission and will be known as the CRPL High Latitude Space Environment Monitoring Station as of November 1, 1964. It will concentrate on the monitoring and rapid reporting of geophysical events of interest not only to HF radio propagation users but also to those interested in changes in our space environment. Thus, though HF propagation notices will no longer be given on WWVH, it is anticipated that at a later date, as the need develops, some other statement upon solar and geophysical activity may be disseminated in their place.

Propagation forecasts will continue to be given every five minutes from WWV. Though these forecasts are specifically for the North Atlantic Area, to the extent that disturbed conditions prevail throughout the entire northern auroral region, they will also be generally applicable to the North Pacific Area.

A. V. ASTIN,
*Director,*
*National Bureau of Standards.*

[F.R. Doc. 64-11039; Filed, Oct. 29, 1964; 8:45 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### HOPS EXTRACT CORPORATION OF AMERICA

#### Notice of Filing of Petition Regarding Food Additive Methylene Chloride

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5A1574) has been filed by Hops Extract Corporation of America, P.O. Box 341, Yakima, Washington, 98901, proposing the issuance of a regulation to provide for the safe use of methylene chloride as a solvent in the extraction of hops. A tolerance is proposed of 2.2 percent methylene chloride in the hop extract to be used in the production of beer.

Dated: October 23, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-11052; Filed, Oct. 29, 1964; 8:46 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 14148, Order E-21447]

### BLOCKED SPACE SERVICE

#### Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of October 1964.

Petitions for reconsideration of the Board's Policy Statement on Blocked Space (PS-24, August 7, 1964, 29 F.R. 11589) and supporting answers have been filed by eight combination carriers,[1] by an association of indirect carriers;[2] by two labor organizations;[3] by the aeronautics departments of two states, and by 24 local communities and Chambers of Commerce;[4] and by 12 companies which ship and/or receive via air freight.[5] Answers opposing the petitions for reconsideration and supporting the policy statement have been filed by Airlift International, Inc. and by The Slick Corporation. Upon consideration of the matters presented, we find that no modification of the policy statement is warranted or required.

A number of the petitions and supporting answers contend that PS-24 was unlawfully issued and that implementation of PS-24 will require unlawful Board action. In particular, it is contended that interested persons were not given adequate prior notice or adequate opportunity to comment; that the policy statement is arbitrary and unreasonable; that the Board exceeded its power under section 416(a) of the Federal Aviation Act of 1958; that implementation of the policy statement will require unlawful revocation or modification of certificates and unlawful rate-making action; and that implementation of the policy statement will lead to an unlawful grant of indirect air carrier authority to the combination carriers.

A number of these arguments have already been made to the Board in the course of the voluminous written comments and the oral argument which preceded the promulgation of PS-24. After consideration of the arguments now presented, we remain unconvinced that PS-24 was unlawfully issued or that it contemplates unlawful action in the future.

It has been argued that implementation of the policy statement will result in a legal modification of certificates (i.e., in a modification which must be preceded by evidentiary hearings). The persons making this argument assume without discussion that because implementation of the policy statement will affect the operations of certificate holders, there will be a legal modification. This assumption ignores a number of cases holding that not all regulatory actions which result in restrictions on the operations of licensees are legal modifications, and that certain restrictions may be imposed by rule making methods. See, e.g., Air Line Pilots Ass'n v. Quesada, 276 F. 2d 892 (C.A. 2, 1960); 286 F. 2d 319 (C.A. 2, 1961), cert. denied, 366 U.S. 962. We adhere to the view that the restrictions which may result

[1] Pan American World Airways, Inc.; Braniff Airways, Inc.; Trans World Airlines, Inc.; American Airlines, Inc.; Delta Air Lines, Inc.; United Air Lines, Inc.; National Airlines, Inc.; Northwest Airlines, Inc.

[2] Air Freight Forwarders Association.

[3] Allied Pilots Association; Master Executive Councils of Pilots of Braniff Airways, et al.

[4] Michigan Department of Aeronautics; Department of Aeronautics of the State of Illinois; City of Memphis, et al.; Chamber of Commerce, Borough of Queens; San Diego United Port District; City of Cincinnati, Ohio, et al.; City of Dallas, et al.; City of Little Rock, et al.; City of Cleveland, et al.; Tucson Airport Authority; Columbus Area Chamber of Commerce; City of Columbus, et al.; Louisville Chamber of Commerce; City of Kansas City, Missouri, et al.; Empire State Chamber of Commerce; Buffalo Area Chamber of Commerce; The Long Island Association, Inc.; Phoenix Chamber of Commerce; Arkansas Industrial Development Commission; White Plains Chamber of Commerce; Niagara Frontier Port Authority; Rochester Chamber of Commerce; Commerce and Industry Association of New York, Inc.; Mayor and City Council of Baltimore, et al.; Greater Detroit Board of Commerce; Niagara Frontier Industrial Traffic League.

[5] Cutter Laboratories; I-T-E Circuit Breaker Company; Theodor Manufacturing Corporation; Jones & Laughlin Steel Corporation; Allegheny Ludlum Steel Corporation; Christensen Diamond Products Company; H. J. Heinz Company; The Travelodge Corporation; Beall Greenhouse Company, Inc.; Portland Fish Company; H. K. Porter Company, Inc.; Westinghouse Electric Corporation.







notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property and Location*

Carolina van Styrum-Goedewaagen, 1 Middenlaan, Haarlem, The Netherlands, $3,127.17 in the Treasury of the United States; Swiss Credit Bank, Zurich, Switzerland, $16,100.00 in the Treasury of the United States; Carrie Wirkler, 1501 6th Avenue SE., Cedar Rapids, Iowa, $1,175.00 in the Treasury of the United States, Claim No. 61897, Vesting Order Nos. 18323 and 18324.

Union Financiere Luxembourgeoise, S.A., 69A, Boulevard de Stalingrad, Luxembourg, Luxembourg, Claim Nos. 63480 and 61897, Vesting Order No. 18324, $2,000.00 in the Treasury of the United States.

Executed at Washington, D.C. on October 26, 1964.

For the Attorney General.

ANTHONY L. MONDELLO,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 64-11083; Filed, Oct. 29, 1964; 8:49 a.m.]

from implementation of PS-24 are restrictions of this type.[4]

Similarly we are not persuaded by the policy considerations raised against PS-24. Many of these arguments were previously presented to the Board and a number of them were discussed in PS-24. Some of the newly presented arguments seem wide of the mark, such as the contention that we have not acted to fulfill our "primary responsibility * * * to promote air transportation, not a particular class of carrier." We might first point out that the two concepts are not mutually exclusive and that frequently a decision which is in the best interests of air transportation will also particularly benefit one class of carrier, or even one individual carrier. Apart from this, we might repeat (this point was discussed at some length in PS-24) that we have concluded that permitting the all-cargo carriers to develop as large volume specialists is the best means of promoting air transportation in the form of greatly improved service for large volume shippers. Moreover, as we also indicated in the policy statement, the development of the all-cargo carriers as large volume specialists should be followed by a shift of small volume traffic to the combination carriers, and the ultimate result may be increased revenues for both combination and all-cargo carriers.

We have also given careful consideration to the contention that implementation of the policy statement will have an unfavorable impact upon cities not served by all-cargo carriers because shippers in those cities will be unable to ship at the low blocked space rates available to competing shippers in cities served by all-cargo carriers. In the first place there is no indication that the combination carriers, even if permitted to do so, would offer blocked space service at cities not served by all-cargo carriers.[5] We would also point out that cities are entitled to those classes of service which the carriers certificated for such points are authorized to provide and which the traffic generating potential can support. For example, some cities receive first class passenger service but no coach service; some receive passenger service, but no all-cargo service by any carrier; and others receive no air service at all. To the extent that cities, not now served by all-cargo carriers, can demonstrate a significant demand by regular shippers of large volume for blocked space service, the Board will give due consideration to applications by all-cargo carriers for necessary authorizations to serve additional points.

Additionally, some of the communities question the ability of the combination carriers, once the Board's policy is implemented, to continue to offer all-cargo service with the same frequency now being provided. A similar contention is made by the employees of combination carriers, who fear a prospective reduction in employment arising from curtailment of all-cargo flights. We are not convinced that the impact upon communities and upon employees will be as immediate or as great as the petitions and answers allege. In particular, we believe that the overall growth of air transportation will lead to an increase in flight crew employment which will more than offset the impact, if any, upon the employees of combination carriers. On balance, it is our conclusion that air transportation as a whole will be benefited if all-cargo carriers are given the exclusive right to provide blocked space service.

Finally, we must stress here as we did in connection with our recent amendments to Part 207[6] that our policy on blocked space service is not an immutable one. We have acted in the light of the present and reasonably foreseeable circumstances. The policy is thus subject to amendment as the blocked space experiment develops, and we, of course, retain our power to issue waivers under appropriate circumstances.

*Accordingly, it is ordered,* That the petitions for reconsideration of the Board's decision in this proceeding be and they hereby are denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-11088; Filed, Oct. 29, 1964; 8:49 a.m.]

[Docket No. 14945; Order E-21446]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of October 1964.

Agreement adopted by Joint Conference 1-2 of the International Air Transport Association relating to specific commodity rates; Docket No. 14945, Agreement C.A.B. 17869, R-12 and R-13.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda JT12/Rates 3215 and 3216, names the following additional specific commodity rates:

| Item | Agreement CAB 17869 | IATA Memorandum | From | To | Rates in cents per Kg. | Minimum weight in Kgs. |
|---|---|---|---|---|---|---|
| [1] 6002 | R-12 | 3215 | Madrid | Panama City | 125 | 200 |
| [2] 1105 | R-13 | 3216 | Bissau | New York | 138 | 100 |

[1] Chemicals, Dyes, Fertilizers, Insecticides, Paints, Pigments, Varnishes, Drugs; Pharmaceuticals, Medicines Cosmetics, Soaps, Toilet Preparations, Perfumes, Essential Oils; Gums, Resins and Plastics solely in the form of Sheets, Slabs, Rods, Tubings, Powder and other unfinished forms, N.E.S.
[2] Furs, Hides, Pelts and Skins, excluding Mink and Wearing Apparel, and parts thereof.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act.

*Accordingly, it is ordered,* That Agreement C.A.B. 17869, R-12 and R-13, be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-11089; Filed, Oct. 29, 1964; 8:49 a.m.]

[Docket Nos. 14265, 14367]

## EASTERN AIR LINES, INC., DOTHAN AND BRUNSWICK DELETION

### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled applications is assigned to be held on November 19, 1964, at 10:00 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

[4] It should also be noted that the petitions and answers contain little indication of why the protesting parties believe that their contentions could best be developed through evidentiary hearings.

[5] The three combination carriers which filed tariffs to match those of The Slick Corporation (American Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc.) stated that their filings were for defensive purposes only.

[6] ER-419, adopted September 18, 1964.



Dated at Washington, D.C., October 27, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-11090; Filed, Oct. 29, 1964; 8:49 a.m.]

[Docket No. 15501]

## WONG AVIATION LTD.

### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled application is assigned to be held on November 5, 1964, at 11:00 a.m., e.s.t., in Room 701, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., October 27, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-11091; Filed, Oct. 29, 1964; 8:50 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 64-SO-19]

## CHICAGO SKY TOWER CORP.

### Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-4756) to determine its effect upon the safe and efficient utilization of navigable airspace.

Chicago Sky Tower Corporation, Chicago, Illinois, proposes to construct an observation tower topped by a 150-foot communications antenna near Clearwater, Florida, at latitude 27°57'18" north, longitude 82°43'37" west. The overall height of the structure would be 871 feet above mean sea level (850 feet above ground).

The structure would be located within the boundaries of five airways and would exceed the standards for determining hazards to air navigation in § 77.23(a)(2) of the Federal Aviation Regulations by 650 feet since it would be more than 200 feet above ground.

The aeronautical study disclosed that the proposed construction would require the following increases:

1. From 1300 feet to 1900 feet in the minimum obstruction clearance altitude (MOCA) and from 1600 feet to 1900 feet in the minimum en route altitude (MEA) on VOR Federal airway No. (V) 35W/97W.

2. From 1300 feet to 1900 feet in the MOCA and from 1700 feet to 1900 feet in the MEA on V97.

3. From 1300 feet to 1900 feet in the MOCA and from 1600 feet to 1900 feet in the MEA on V35.

4. From 1300 feet to 1900 feet in the MOCA on V35E/441.

5. From 1700 feet to 1900 feet in the MOCA on V152N/441E.

6. From 1700 feet to 1900 feet in the MOCA on V152.

Although no cardinal altitude is lost by these increases, the location of the structure in proximity to the St. Petersburg VORTAC would create a substantial adverse effect upon aeronautical procedures in this area by requiring these increases.

Other increases or alterations would be required as follows:

1. At St. Petersburg-Clearwater International Airport:

a. From 600 feet to 1200 feet in the landing ceiling minimum altitude for standard instrument approach procedure (SIAP) AL-625-ADF-1 at St. Petersburg-Clearwater International Airport.

b. From 700 feet to 1300 feet in the landing ceiling minimum altitude for SIAP AL-625-VOR/DME-1 without identification of the two-mile fix established by distance measuring equipment (DME). Use of the DME fix, which permits a landing ceiling minimum of 400 feet, would be eliminated since an excessive rate of descent would be required.

c. It would require the missed approach radial to be altered on SIAP AL-625-ILS-RWY 35(BC).

2. At Tampa International Airport:

a. From 1600 feet to 1900 feet in the procedure turn altitude for SIAP AL-416-VOR/DME-1.

The increases in these procedures would have a substantial adverse effect on aeronautical operations in the Tampa-St. Petersburg area.

The study further disclosed that the structure would be located within 1500 feet of a direct route between St. Petersburg-Clearwater International Airport and Clearwater Municipal Airport. Traffic patterns at these airports, as well as the other airports in the Tampa-St. Petersburg complex, are held down to 800 feet to avoid conflictions with jet traffic operating at MacDill Air Force Base. All civil visual flight rules (VFR) traffic in this area tends to fly at the lower altitudes because of the military traffic. Under conditions of restricted visibility, the proposed structure would be a formidable endangerment to VFR flying.

There are 14 multiengine, 46 single engine and two rotor aircraft based at the St. Peterbsurg-Clearwater International Airport and one multiengine, 33 single engine and two rotor aircraft based at the Clearwater Municipal Airport. The based aircraft together with many transient aircraft produced approximately 100,000 aircraft operations at these two airports during Calendar Year 1963.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have a substantial adverse effect upon aeronautical operations in the Tampa-St. Petersburg area and would be detrimental to the safety of aircraft in flight.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on October 20, 1964.

JOSEPH VIVARI,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64-11074; Filed, Oct. 29, 1964; 8:48 a.m.]

[OE Docket No. 64-SO-16]

## MEMPHIS LIGHT, GAS AND WATER DIVISION

### Termination of Study

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-3984) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Memphis Light, Gas and Water Division, Memphis, Tennessee, proposes to install a poleline to serve a new residential subdivision in Memphis, Tennessee, at approximately latitude 35°04'00" north, longitude 89°53'30" west. The overall height of the poles would be approximately 308 feet above mean sea level (30 feet above ground).

The aeronautical study disclosed that this construction would be located north of and adjacent to the Memphis Flying Service Airport and would be amid houses already under construction.

During the study, the Agency was notified that the airport was permanently closed on September 30, 1964, thus it would on longer be a determining factor in this case.

Therefore, because of a change of circumstances, this study is hereby terminated and no determination will be issued.

Issued in Washington, D.C., on October 16, 1964.

JOSEPH VIVARI,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64-11075; Filed, Oct. 29, 1964; 8:48 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15211; FCC 64M-1056]

## CAMELLIA CITY TELECASTERS ET AL.

### Memorandum Opinion and Order Regarding Procedural Dates

In re application of Charles L. Bowman, Foster A. Bullock, Jack F. Matranga and Irving J. Schwartz d/b as Camellia City Telecasters, Sacramento, California, Docket No. 15211, File No. BPCT-3140; for construction permit for new television broadcast station.

The Hearing Examiner has under consideration a petition filed October 19, 1964, on behalf of the above-entitled applicant requesting leave to amend its application to specify a new transmitter and tower site and to incorporate in the application the engineering data with respect thereto.

The selection of a new transmitter and tower site followed the finding by the Federal Aviation Agency that the 399-foot overall height of the tower, antenna and beacon light proposed by this applicant at the site of an existing 180-foot FM tower would constitute an unnecessary hasard to air navigation.

No objection has been filed to the petition for leave to amend. The Hearing Examiner has been advised informally that no opposition will be filed on behalf of the Chief, Broadcast Bureau. Good cause for granting the petition for leave to amend has been shown. The question of whether the antenna and tower now proposed will or will not constitute an unnecessary hasard to air navigation has been presented to the Federal Aviation Agency for consideration. The parties are in agreement that no hearing be held on Issue 3 until the matter has been acted on by the FAA.

At the conclusion of the hearing conference on October 1, 1964, a further prehearing conference was scheduled to be held on Friday, October 30, 1964. As no problem has been raised by the proposed amendment, a further prehearing conference will not be necessary.

*It is ordered*, This the 26th day of October 1964, that the above-entitled petition for leave to amend is granted and the amendment is accepted;

*It is further ordered*, That the prehearing conference scheduled to be held on Friday, October 30, 1964, is cancelled, and a further evidentiary hearing in this proceeding is scheduled for Friday, December 4, 1964, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: October 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11084; Filed, Oct. 29, 1964; 8:49 a.m.]

[Docket Nos. 15672, 15673; FCC 64M-1054]

## ESTACADA TELEPHONE & TELEGRAPH CO. AND PACIFIC NORTHWEST BELL TELEPHONE CO.

### Order Scheduling Hearing

In re applications of Estacada Telephone & Telegraph Company, Docket No. 15672, File No. 5557-C2-P-63, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service near Estacada, Oregon; Pacific Northwest Bell Telephone Company, Docket No. 15673, File No. 6281-C2-P-63, for a construction permit to modify the facilities of station KOA731 in the Domestic Public Land Mobile Radio Service near Salem, Oregon.

*It is ordered*, This 26th day of October 1964, that Millard F. French shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on December 15, 1964; and that a prehearing conference shall be convened at 9:00 a.m. on November 24, 1964; *And it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: October 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11085; Filed, Oct. 29, 1964; 8:49 a.m.]

[Docket No. 14841; FCC 64M-1051]

## VERNE M. MILLER

### Order for a Hearing Conference

In re application of Verne M. Miller, Crystal Bay, Nevada, Docket No. 14841, File No. BP-14706; for construction permit.

On October 8, 1964, the hearing in the above-captioned proceeding was adjourned without date pending notification to the Hearing Examiner by October 23, 1964, concerning the intentions of respondent parties in the matter of presenting rebuttal evidence. By letter of October 22, counsel for respondent James E. McKahan (KSUE) has indicated that this party desires "to prepare and offer a presentation in rebuttal of the affirmative engineering presentation of the applicant." Also, counsel for KROY has informed the Examiner by letter of October 23 of "the possibility that Station KROY may join with Mr. McKahan in presenting rebuttal evidence."

In view of the aforementioned notifications, the Examiner deems it necessary to arrange for an early hearing conference of all counsel to ascertain more specifically the intentions of the parties who propose to present rebuttal evidence and to make the appropriate procedural arrangements for such further rebuttal hearing as may be required.

*Accordingly, it is ordered*, This 26th day of October 1964, that a Hearing Conference will be held on October 30, 1964, at 9:00 a.m., in the offices of the Commission, Washington, D.C.

Released: October 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11086; Filed, Oct. 29, 1964; 8:49 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G-3693 etc.]

## ELLIOTT OIL, INC., ET AL.

### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 21, 1964.

Elliott Oil, Inc. (formerly Elliott, Inc.) and other applicants listed herein, Docket Nos. G-3693, et al.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 16, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.



| Docket No. and date filed | Applicant | Purchaser, field, and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| C165-352 A 10-5-64 | George Mitchell & Associates, Inc. | Texas Eastern Transmission Corp., Sheridan Field, Colorado County, Tex. | 16.0 | 16.65 |
| C165-353 A 10-5-64 | Sun Oil Co. (Southwest Division). | El Paso Natural Gas Co., Payton (Simpson) Field, Pecos County, Tex. | [1] 15.2025 | 14.65 |
| C165-354 A 10-12-64 | Texas American Oil Corp. (Operator), et al. | Northern Natural Gas Co., Ozona Crockett County Southwest Field, Crockett County, Tex. | 16.0 | 14.65 |
| C165-355 B 10-12-64 | Cecil Meadows, et al. | Hope Natural Gas Co., Troy Dist., Gilmer County, W. Va. | Production declined. | |
| C165-356 B 10-5-64 | Allegheny Land & Mineral Co. | Hope Natural Gas Co., Lee Dist., Calhoun County, W. Va. | Production declined. | |
| C165-357 A 10-12-64 | Amar Petroleum Corp. | Panhandle Eastern Pipe Line Co., Panhandle Eastern Pipe Line Co. Northeast Carthage Field, Texas County, Okla. | 17.0 | 14.65 |
| C165-359 A 10-12-64 | Texaco Inc. | Panhandle Eastern Pipe Line Co., Northeast Carthage Field, Texas County, Okla. | 16.0 | 14.65 |
| C165-360 A 10-12-64 | The Atlantic Refining Co. | El Paso Natural Gas Co., Payton (Simpson) Field, Pecos County, Tex. | [1] 15.2025 | 14.65 |
| C165-361 A 10-12-64 | King-Stevenson Gas and Oil Co. | Northern Natural Gas Co., Northeast Gate Lake Field, Harper County, Okla. | 17.0 | 14.65 |
| C165-362 A 10-12-64 | do | Arkansas Louisiana Gas Co., Starr Field, Kingfisher County, Okla. | 16.0 | 14.65 |
| C165-363 B 10-12-64 | Tidewater Oil Co. | United Gas Pipe Line Co., Southwest Elida Field, Lea County, N. Mex. | Depleted | |
| C165-364 B 10-1-64 | Pan American Petroleum Corp. (Operator), et al. | Phillips Petroleum Co., Fuhrman-Mascho Field, Andrews County, Tex. | Declined in pressure. | |
| C165-365 A 10-1-64 | The Fure Oil Co. | Kansas-Nebraska Natural Gas Co., Inc., Wildman Area, Natrona County, Wyo. | 16.0 | 14.65 |
| C165-366 A 10-12-64 | Texaco Inc. | Lone Star Gas Co., North Keeely Field, De Witt County, Tex. | 16.0 | 14.65 |
| C165-367 B 10-1-64 | George W. Miller, et al. | Hope Natural Gas Co., DeKalb Dist., Gilmer County, W. Va. | Production declined. | |
| C165-368 A 10-1-64 | Sweetland Land and Mineral Co. | United Fuel Gas Co., Jefferson District, Lincoln County, W. Va. | 25.0 | 15.325 |
| C165-369 F 10-1-64 | Jas. F. Smith (successor to Shell Oil Co.). | Northern Natural Gas Co., Walkemeyer Field, Stevens County, Kans. | [1] 15.0 | 14.65 |
| C165-370 A 10-1-64 | J. F. Dean | Equitable Gas Co., Union Dist., Ritchie County, W. Va. | [1] 15.0 | 14.65 |
| C165-371 A 10-1-64 | Sinclair Oil & Gas Co. | Lone Star Gas Co., Northeast Walnut Grove Field, Lincoln Parish, La. | 25.0 | 15.325 |
| C165-372 B 10-1-64 | Stafford Oil Co. | Hope Natural Gas Co., McClellan Dist., Doddridge County, W. Va. | 16.48 | 14.65 |
| C165-373 B 10-1-64 | Elliott Oil, Inc. (formerly Elliott, Inc.). | El Paso Natural Gas Co., Eumont Field, Lea County, N. Mex. | 16.0 | 14.65 |
| C165-374 A 10-5-64 | Sinclair Oil & Gas Co. (Operator), et al. | El Paso Natural Gas Co., Dollarhide Field, Lea County, N. Mex. | [1] 15.2025 | 14.65 |
| G-4537 C 10-5-62 | Texas American Oil Corp. (Operator), et al. | El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex. | [1] 15.53967 | 14.65 |
| G-5872 E 10-8-64 | C. C. Mullin (successor to Drilling & Exploration Co., Inc., et al. | Oklahoma Natural Gas Co., Alfred Field, Jim Wells County, Tex. | 10.0960 | 14.65 |
| G-14459 E 9-8-64 | E. G. Rodman (successor to E. G. Rodman and W. D. Noel). | El Paso Natural Gas Co., acreage in Midland and Reagan Counties, Tex. | [1] 17.2295 | 14.65 |
| G-15404 C 10-15-64 | Francis A. Callery, et al. | Southern Natural Gas Co., Bay Coquille Field, Plaquemines Parish, La. | 15.0 | 15.025 |
| G-19563 C 10-14-64 | Ambassador Oil Corp. (Operator), et al. | Kansas-Nebraska Natural Gas Co., Inc., Carrick Field, Texas County, Okla. | 16.0 | 14.65 |
| G-19665 C 10-15-64 | Stonestreet Lands Co. | Hope Natural Gas Co., Lee Dist., Calhoun County, W. Va. | 25.0 | 15.325 |
| G-20098 E 9-14-64 | Harvey H. Henry (successor to Delhi-Taylor Oil Corp.). | El Paso Natural Gas Co., Bisti Area, San Juan County, N. Mex. | [1] 13.2495 | 15.025 |
| G-20568 E 9-14-64 | Harvey Henry (successor to Kenneth Murchison (Operator), et al.). | do | 13.0 | 15.025 |
| C161-286 D 10-9-64 | P. S. & G., Inc. | Texas Gas Transmission Corp., Monroe Field, Ouachita Parish, La. | Assigned | |
| C161-1592 C 10-8-64 | Okay Hinzman Oil & Gas Co. | Hope Natural Gas Co., Union Dist., Ritchie County, W. Va. | 25.0 | 15.325 |
| C161-1714 E 10-14-64 | E. C. Metz (successor to Zora A. Hafer). | Pennzoil Co., Elk Dist., Kanawha County, W. Va. | 15.0 | 15.325 |
| C162-454 A 10-14-64 | Beatrice Henry (successor to John W. Henry, d.b.a. Four H Drilling Co. | Colorado Interstate Gas Co., Mocane Area, Beaver County, Okla. | 17.0 | 14.65 |
| C162-767 C 10-12-64 | Roy G. Hildreth | Hope Natural Gas Co., Spencer Dist., Roane County, W. Va. | 25.0 | 15.325 |
| C162-857 E 9-16-64 | Mid-America Trust, Inc., Agent for O. W. Martin, et al. (formerly Mid-America Trust, Inc., et al.). | Hope Natural Gas Co., Union Dist., Clay County, W. Va. | 25.0 | 15.325 |
| C162-1251 C 10-15-64 | Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co. (Operator), et al. | Arkansas Louisiana Gas Co., Milton-Spiro Area, Le Flore County, Okla. | 15.0 | 14.65 |
| C163-318 C 10-14-64 | Frank A. Schultz, et al. | El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex. | 13.0 | 15.025 |
| C163-1080 A 2-19-63 | Bel Oil Corp. | Transcontinental Gas Pipe Line Corp., Crowley Field, Acadia Parish, La. | [1] 17.75 | 15.025 |
| C163-1040 C 10-12-64 | R. J. Caraway (Operator), et al. | Arkansas Louisiana Gas Co., Mansiel Field, Wood County, Tex. | 12.55406 | 14.65 |
| C164-136 C 10-8-64 | Cities Service Oil Co. | Arkansas Louisiana Gas Co., Levy Area, Kingfisher County, Okla. | 15.0 | 14.65 |
| C164-1400 C 10-5-64 | Almos Gas Gathering Co. | United Gas Pipe Line Co., various fields, Panola County, Tex. | 13.4196 | 14.65 |
| C164-1547 C 10-12-64 | Steve Goss (Operator), et al. | Arkansas Louisiana Gas Co., acreage in Haskell County, Okla. | 15.0 | 14.65 |
| C165-340 A 10-8-64 | Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co. | Kansas-Nebraska Natural Gas Co., Inc., acreage in Fremont County, Wyo. | 15.0 | 14.65 |
| C165-347 B 10-7-64 | Plaid Oil Co. | Transcontinental Gas Pipe Line Corp., Cocoa Field, St. Charles Parish, La. | 19.0 | 15.025 |
| C165-348 A 10-7-64 | Sooony Mobil Oil Co., Inc. | United Fuel Gas Co., Gum Cove Field, Cameron Parish, La. | Depleted | |
| C165-349 A 10-7-64 | Sierra Petroleum Co., Inc. (Operator), et al. | Cities Service Gas Co., Palmer Field, Barber County, Kans. | 13.0 | 14.65 |
| C165-349 A 10-8-64 | Union Oil Co. of California | Tennessee Gas Transmission Co. East Tallahatchie Bay Area, Lafourche Parish, La. | [1] [2] 20.625 | 15.025 |
| C165-350 F 10-5-64 | H & H Oil and Gas Corp. (successor to P. S. & G., Inc.). | Texas Gas Transmission Corp., Monroe Field, Union Parish, La. | [3] 15.0 | 15.025 |
| C165-361 A 10-9-64 | Humble Oil & Refining Co. | El Paso Natural Gas Co., XBC Field, Upton County, Tex. | 14.2420 | 14.65 |

[1] Petition to amend certificate to show change in corporate name.
[2] Rate in effect subject to refund in Docket Nos. RI64-482 (tax reimbursement increase of 0.0967 cent) and RI65-256 (decrease and tax reimbursement).
[3] Amendment dated December 5, 1963 was filed by predecessor, Western Natural Gas Company; by letter dated November 20, 1963 Sinclair was substituted as temporary certificate holder therein.
[4] Includes 0.00967 cent per Mcf tax reimbursement.
[5] Rate in effect subject to refund in Docket No. R160-6; no motion for substitution is required since Rodman is a party to the proceeding.
[6] Deletes that portion of rate (0.2486 cent) is in effect subject to refund in Docket No. C165-349.
[7] Deletes the portion of acreage for which certificate is filed for in Docket No. C165-349.
[8] Mid-America Trust, Inc. is succeeding Virginia Rutherford as Agent.
[9] Termination of application.
[10] In absence of Buyer's election to exercise its right to refuse delivery of gas containing less than 1,000 Btu's/CF, a full pressure base rate is applicable. Buyer elects to refuse gas containing less than 1,000 Btu's/CF.
[11] Reimbursement of 4/10ths of additional or greater tax levied in excess of 2.3 cents per Mcf after September 14, 1964.
[12] Plus 1.75 cents per Mcf Louisiana Severance Tax Reimbursement.
[13] Includes 0.2025 cents per Mcf tax reimbursement.
[14] For gas produced from formations below the top of the Morrowan Series of the Pennsylvanian System.
[15] For gas produced from formations below 3,400 feet and above the top of the Morrowan Series of the Pennsylvanian System.

[F.R. Doc. 64-10993; Filed, Oct. 29, 1964; 8:45 a.m.]



| Docket No. and date filed | Applicant | Purchaser, field, and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| G-3693 8-26-64 | Elliott Oil, Inc. (formerly Elliott, Inc.). | El Paso Natural Gas Co., Eumont Field, Lea County, N. Mex. | [1] 15.5557 | 14.65 |
| G-4537 C 10-5-62 | Sinclair Oil & Gas Co. (Operator), et al. | El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex. | 9.0 | 14.65 |
| G-5872 E 10-8-64 | C. C. Mullin (successor to Drilling & Exploration Co., Inc., et al. | Oklahoma Natural Gas Co., Jim Wells County, Tex. | [1] 15.53967 | 14.65 |
| G-14459 E 9-8-64 | E. G. Rodman and W. D. Noel). | El Paso Natural Gas Co., acreage in Midland and Reagan Counties, Tex. | 10.0960 | 14.65 |
| G-15404 C 10-15-64 | Francis A. Callery, et al. | Southern Natural Gas Co., Bay Coquille Field, Plaquemines Parish, La. | [1] 17.2295 | 14.65 |
| G-19563 C 10-14-64 | Ambassador Oil Corp. (Operator), et al. | Kansas-Nebraska Natural Gas Co., Inc., Carrick Field, Texas County, Okla. | 15.0 | 15.025 |
| G-19665 C 10-15-64 | Stonestreet Lands Co. | Hope Natural Gas Co., Lee Dist., Calhoun County, W. Va. | 16.0 | 14.65 |
| G-20098 E 9-14-64 | Harvey H. Henry (successor to Delhi-Taylor Oil Corp.). | El Paso Natural Gas Co., Bisti Area, San Juan County, N. Mex. | 25.0 | 15.325 |
| G-20568 E 9-14-64 | Harvey Henry (successor to Kenneth Murchison (Operator), et al.). | do | [1] 13.2495 | 15.025 |
| C161-286 D 10-9-64 | P. S. & G., Inc. | Texas Gas Transmission Corp., Monroe Field, Ouachita Parish, La. | 13.0 | 15.025 |
| C161-1592 C 10-8-64 | Okay Hinzman Oil & Gas Co. | Hope Natural Gas Co., Union Dist., Ritchie County, W. Va. | Assigned | |
| C161-1714 E 10-14-64 | E. C. Metz (successor to Zora A. Hafer). | Pennzoil Co., Elk Dist., Kanawha County, W. Va. | 25.0 | 15.325 |
| C162-454 A 10-14-64 | Beatrice Henry (successor to John W. Henry, d.b.a. Four H Drilling Co. | Colorado Interstate Gas Co., Mocane Area, Beaver County, Okla. | 15.0 | 15.325 |
| C162-767 C 10-12-64 | Roy G. Hildreth | Hope Natural Gas Co., Spencer Dist., Roane County, W. Va. | 17.0 | 14.65 |
| C162-857 E 9-16-64 | Mid-America Trust, Inc., Agent for O. W. Martin, et al. (formerly Mid-America Trust, Inc., et al.). | Hope Natural Gas Co., Union Dist., Clay County, W. Va. | 25.0 | 15.325 |
| C162-1251 C 10-15-64 | Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co. (Operator), et al. | Arkansas Louisiana Gas Co., Milton-Spiro Area, Le Flore County, Okla. | 25.0 | 15.325 |
| C163-318 C 10-14-64 | Frank A. Schultz, et al. | El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex. | [6] | |
| C163-1080 A 2-19-63 | Bel Oil Corp. | Transcontinental Gas Pipe Line Corp., Crowley Field, Acadia Parish, La. | 15.0 | 14.65 |
| C163-1040 C 10-12-64 | R. J. Caraway (Operator), et al. | Arkansas Louisiana Gas Co., Mansiel Field, Wood County, Tex. | 13.0 | 15.025 |
| C164-136 C 10-8-64 | Cities Service Oil Co. | Arkansas Louisiana Gas Co., Levy Area, Kingfisher County, Okla. | [1] 17.75 | 14.65 |
| C164-1400 C 10-5-64 | Almos Gas Gathering Co. | United Gas Pipe Line Co., various fields, Panola County, Tex. | 12.55406 | 14.65 |
| C164-1547 C 10-12-64 | Steve Goss (Operator), et al. | Arkansas Louisiana Gas Co., acreage in Haskell County, Okla. | 13.0 | 14.65 |
| C165-340 A 10-8-64 | Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co. | Kansas-Nebraska Natural Gas Co., Inc., acreage in Fremont County, Wyo. | 15.0 | 14.65 |
| C165-347 B 10-7-64 | Plaid Oil Co. | Transcontinental Gas Pipe Line Corp., Cocoa Field, St. Charles Parish, La. | 15.0 | 14.65 |
| C165-348 A 10-7-64 | Sooony Mobil Oil Co., Inc. | United Fuel Gas Co., Gum Cove Field, Cameron Parish, La. | 19.0 | 15.025 |
| C165-349 A 10-7-64 | Sierra Petroleum Co., Inc. (Operator), et al. | Cities Service Gas Co., Palmer Field, Barber County, Kans. | Depleted | |
| C165-349 A 10-8-64 | Union Oil Co. of California | Tennessee Gas Transmission Co. East Tallahatchie Bay Area, Lafourche Parish, La. | 13.0 | 14.65 |
| C165-350 F 10-5-64 | H & H Oil and Gas Corp. (successor to P. S. & G., Inc.). | Texas Gas Transmission Corp., Monroe Field, Union Parish, La. | [1] [2] 20.625 | 15.025 |
| C165-361 A 10-9-64 | Humble Oil & Refining Co. | El Paso Natural Gas Co., XBC Field, Upton County, Tex. | [3] 15.0 | 15.025 |
| | | | 14.2420 | 14.65 |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
* See footnotes at end of table.

[Docket No. CP65-44]

## CITY OF CRAWFORDVILLE, GEORGIA

### Notice of Application

OCTOBER 23, 1964.

Take notice that on August 11, 1964, the City of Crawfordville, Georgia (Applicant) filed in Docket No. CP65-44 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Transcontinental Gas Pipe Line Corporation (Transco) to sell up to 356 Mcf of natural gas per day to Applicant as hereinafter described, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant requests that such gas be delivered to an existing interconnection of Transco's main transmission line north of Colbert, Georgia, with a lateral owned and operated by the Cities of Union Point and Greensboro, Georgia, for the account of Applicant. The application states that Union Point and Greensboro, will transport such gas from the above interconnection southward approximately 36 miles through their existing facilities for delivery to applicant near Union Point, Georgia.

Applicant proposes to construct and operate a distribution system in Crawfordville together with approximately 12 miles of 2.5-inch pipeline extending from the point of connection with Union Point-Greensboro lateral to Crawfordville and to distribute and sell natural gas to consumers situated along the proposed 12 miles of pipeline and in the City of Crawfordville.

Requirements in Mcfs are as follows:

| Year of operation | Peak day | Annual |
|---|---|---|
| 1 | 186 | 15,242 |
| 2 | 272 | 21,865 |
| 3 | 356 | 28,752 |

The estimated total cost of the proposed project to Applicant is $170,000. Financial arrangements have been made, according to the application for the disposition of 30 year revenue bonds at a 5 percent interest rate to cover the cost of the project.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 13, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11042; Filed, Oct. 29, 1964; 8:45 a.m.]

[Docket No. CP65-79]

## KANSAS-NEBRASKA NATURAL GAS CO., INC.

### Notice of Application

OCTOBER 23, 1964.

Take notice that on September 21, 1964, as amended on October 1, 1964, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), Phillipsburg, Phillips County, Kansas, filed in Docket No. CP65-79 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1965 and the operation of natural gas facilities for the sale of natural gas to direct customers and existing distributors for resale and for miscellaneous rearrangements not resulting in any change of service rendered by means of the facilities involved, all as more fully set forth in the application, as amended, on file with the Commission and open to public inspection.

Applicant proposes to construct a maximum of 12 lateral lines of 6⅝-inch pipe with the maximum length being 10 miles and a maximum of 12 taps and meters in order to transport and sell natural gas previously authorized under certificates for transportation or sale to existing distributors at rates on file with the Commission, for resale in existing market areas, and in order to deliver natural gas to direct consumers who will use the gas solely for road building, irrigation, agriculture, general use in schools and hospitals located in areas outside of local distributors' franchise areas, and seasonal industrial purposes. Applicant also proposes to construct facilities necessary for a maximum of 4 miscellaneous rearrangements which affect direct sales to ultimate consumers.

The total cost of facilities proposed under this application will not exceed a maximum of $300,000 and the total deliveries to any one consumer will not exceed a maximum of 100,000 Mcf of natural gas per year.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 18, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11043; Filed, Oct. 29, 1964; 8:45 a.m.]

[Docket No. CP65-97]

## NATURAL GAS PIPELINE COMPANY OF AMERICA

### Notice of Application

OCTOBER 23, 1964.

Take notice that on October 12, 1964, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois, 60603, filed in Docket No. CP65-97 an application pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the sale and delivery of an additional daily contract quantity of 2,000 Mcf of natural gas to Interstate Power Company (Interstate), an existing customer of Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Interstate has requested an additional daily contract quantity of 2,000 Mcf of gas commencing as soon as possible for resale by Interstate to Hawkeye Chemical Company, Interstate's largest firm industrial customer. Hawkeye now uses natural gas and will use the increased quantity as a raw material in the manufacture of agricultural fertilizers.

Applicant states that it has unallocated system capacity sufficient to furnish the additional quantity of gas required.

Applicant further states that no additional facilities will be required to make the proposed additional delivery.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 16, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11044; Filed, Oct. 29, 1964; 8:45 a.m.]

[Docket No. CP65-72]

## NORTHERN NATURAL GAS CO.

### Notice of Application

OCTOBER 23, 1964.

Take notice that on September 14, 1964, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska, filed in Docket No. CP65-72, an application pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of a measuring and regulating station and appurtenances to establish a new delivery point for Western Power and Gas Company (Western) for the sale and delivery thereto of natural gas for resale to the Bruning Manufacturing Company's (Bruning) new plant located near Lincoln, Nebraska, all as more fully set forth in the application on file with the Commission, and open to public inspection.

The estimated annual sales to Western for resale to Bruning are 253 Mcf of firm gas and 14,192 Mcf of interruptible gas, will not require an increase in Western's contract demand with Northern and will be made under Northern's Zone 2 Rate Schedule.

The estimated cost of required facilities is $3,270, and will be paid by Western.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 16, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11045; Filed, Oct. 29, 1964; 8:45 a.m.]

[Docket No. RI65-270]

## NEVILLE G. PENROSE ET AL.

### Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

OCTOBER 23, 1964.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 15, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-270 | Neville G. Penrose (Operator), et al., 1813 Fair Building, Fort Worth 2, Tex. Attn: Mr. Glenn G. Neill. | 1 | 2 | El Paso Natural Gas Co. (Ignacio-Blanco Field, La Plata County, Colo.). | $4,320 | 9-30-64 | [1] 10-31-64 | [2] 11-1-64 | [4] 13.0 | [5] [6] 14.0 | |

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] The suspension period is limited to one day.
[3] Periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquids.

Neville G. Penrose (Operator), et al. (Penrose), request that their proposed increased rate be permitted to become effective as of the date of filing (September 30, 1964). Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Penrose's rate filing and such request is denied.

The periodic rate increase filed by Penrose did not include as part of the proposed rate the contractually provided for 1.0¢ per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0¢ per Mcf to the base rate results in a total rate in excess of the 13.0¢ per Mcf area ceiling for increased rates in the San Juan Basin Area and should be suspended for one day from October 31, 1964, the date of expiration of the statutory notice.

[F.R. Doc. 64-11047; Filed, Oct. 29, 1964; 8:45 a.m.]

[Docket No. CP65-76]

## TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

### Notice of Application

OCTOBER 23, 1964.

Take notice that on September 17, 1964, Transcontinental Gas Pipe Line Corporation (Transco), 3100 Travis Street, Houston, Texas, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas, and United Fuel Gas Company (United Fuel), P.O. Box 1273, Charleston, West Virginia, 25325, hereinafter referred to as Applicants, filed in Docket No. CP65-76, a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an emergency interconnection at the crossing of Transco's 30-inch main line and the westernmost part of Columbia Gulf's two 30-inch lines in Section 15, T-5-S, R-2-E, in Evangeline Parish, Louisiana, all as more fully set forth in the joint application on file with the Commission and open to public inspection.

Applicants state the proposed emergency interconnection and the proposed emergency exchange of gas (contract dated August 14, 1964) provides for utilization of the proposed interconnection when either company is confronted with an emergency which can be alleviated by deliveries of natural gas from the other, repayment in kind to be made within 60 days unless a longer period is agreed upon.

The estimated total cost of required facilities is $38,800, which will be defrayed from current funds of Transco and Columbia fuel. The joint cost of interchange facilities is $27,000. United Fuel will not construct any facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 16, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11046; Filed, Oct. 29, 1964; 8:45 a.m.]

[Docket No. RI65-287 etc.]

## SOUTHERN UNION PRODUCTION CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 23, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 9, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.



APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-287 | Southern Union Production Co.,[2] 1200 Fidelity Union Tower, Dallas, Tex., 75201. | 3 | 24 | Southern Union Gathering Co.[3] (Basin Dakota Pool and Blanco-Mesa Verde Pool, San Juan County, N. Mex.) (San Juan Basin Area). | $12,161 | 10- 5-64 | [4] 11-5 -64 | 4- 5-65 | [5] 13.0 | [6] [7] 14.0593 | |
| RI65-288 | North Central Oil Corp. (Operator), et al., 1200 Main St., Suite 1002, Houston, Tex., 77002. Attn: Mr. Archie E. Groff. | 4 | 6 | El Paso Natural Gas Co. (Hokit Field, Pecos County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area). | 7,200 | 10- 8-64 | [4] 11-15-64 | 4-15-65 | 15.0 | [6] 16.0 | |
| RI65-289 | King-Stevenson Gas and Oil Co. (Operator), et al., Suite 200, 324 North Robinson, Oklahoma City, Okla., 73102. | 2 | 3 | Arkansas Louisiana Gas Co. (East Kremlin Field, Garfield County, Okla.) (Oklahoma "Other" Area). | 385 | 10- 5-64 | [4] 12-26-64 | 5-26-65 | [8] 11.0 | [6] [8] 12.0 | |
| RI65-290 | Consolidated Oil & Gas, Inc., 4150 East Mexico Ave., Denver, Colo., 80222. | 23 | 6 | Tennessee Gas Transmission Co. (Lissie Field, Wharton County, Tex.) (R.R. Dist. No. 3). | 7,661 | 9-25-64 | [4] 10-26-64 | 3-26-65 | [8] [9] 13.47548 | [8] [9] 19.33333 | |

[2] A wholly owned subsidiary of Southern Union Gas Co.
[3] The stated effective date is the first day after expiration of the required statutory notice.
[4] Periodic rate increase.
[5] Pressure base is 15.025 p.s.i.a.
[6] Rate for gas produced from acreage added by Supplements Nos. 20 and 23 (all other acreage at 14.0617 cents per Mcf. Rate in effect subject to refund in Docket No. RI64-504);
[7] Includes partial reimbursement for 0.55 percent increase in New Mexico School Tax.
[8] The stated effective date is the effective date requested by Respondent.
[9] Pressure base is 14.65 p.s.i.a.
[10] Subject to downward B.t.u. adjustment.
[11] Redetermined rate increase.
[12] Includes dehydration charge of 0.21931 cent per Mcf deducted by buyer.
[13] Includes applicable tax reimbursement based upon the Texas Occupation Tax at the 9-percent level.

Southern Union Production Company requests waiver of notice to permit its proposed rate increase to become effective as of October 1, 1964. Consolidated Oil & Gas, Inc., requests waiver of the 30-day notice requirement to make its rate effective on the contractually due date, or in the alternative, 30 days after date of filing. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Southern Union Production Company's proposed rate increase pertains only to gas produced from acreage added by Supplements Nos. 20 and 23 to its FPC Gas Rate Schedule No. 3. A rate of 14.0617¢ per Mcf, in effect subject to refund in Docket No. RI64-504, applies to all other acreage dedicated to Southern Union Production Company's Rate Schedule No. 3.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

[F.R. Doc. 64-11048; Filed, Oct. 29, 1964; 8:45 a.m.]

# TARIFF COMMISSION

[TEA-F-5]

## NATIONAL TILE & MANUFACTURING CO.

### Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation and Hearing

*Investigation instituted.* Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed October 22, 1964 by the National Tile & Manufacturing Company, 1200 East 26th Street, Anderson, Indiana, the United States Tariff Commission, on October 23, 1964, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, certain ceramic floor and wall tiles, like or directly competitive with articles produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The imported articles to which this investigation relates consist of ceramic mosaic floor and wall tiles and glazed ceramic (other than mosaic) floor and wall tiles. The ceramic mosaic tiles are currently dutiable under item 532.21 of the Tariff Schedules of the United States at the rate of 24.5 percent ad valorem, and the glazed ceramic (other than mosaic) tiles are currently dutiable under item 532.24 of the said schedules at the rate of 22.5 percent ad valorem.

*Public hearing ordered.* A public hearing, which has been requested by the petitioner in connection with this investigation, will be held beginning at 10 a.m., e.s.t., on December 1, 1964, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

*Inspection of petition.* The petition filed in this case is available for inspection at the office of the Secretary of the Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: October 26, 1964.

By order of the Commission.

[SEAL] DONN N. BENT,
*Secretary.*

[F.R. Doc. 64-11061; Filed, Oct. 29, 1964; 8:47 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2407, 7-2408]

## CELANESE CORPORATION OF AMERICA AND MOSLER SAFE CO.

### Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 26, 1964.

In the matter of applications of the Cincinnati Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Celanese Corporation of America, File 7-2407.
Mosler Safe Company, File 7-2408.

Upon receipt of a request, on or before November 11, 1964, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the na-

ture of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-11040; Filed, Oct. 29, 1964; 8:45 a.m.]

[File No. 70-4236]

## MICHIGAN CONSOLIDATED GAS CO.

### Notice of Proposed Issuance and Sale of Notes to Banks

OCTOBER 26, 1964.

Notice is hereby given that Michigan Consolidated Gas Company ("Michigan"), One Woodward Avenue, Detroit, Michigan 48226, a gas utility subsidiary company of American Natural Gas Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Michigan proposes to issue and sell, from time to time commencing in November 1964 and in varying amounts as funds are required, its unsecured promissory notes to banks in an aggregate face amount not exceeding $12,000,000 outstanding at any one time. The banks and their respective commitments are as follows:

| | |
|---|---|
| First National City Bank, New York, N.Y. | $4,250,000 |
| National Bank of Detroit, Detroit, Michigan | 4,250,000 |
| Manufacturers Hanover Trust Company, New York, N.Y. | 2,250,000 |
| The Chase Manhattan Bank, New York, N.Y. | 1,250,000 |
| Total | 12,000,000 |

The notes are to be dated as of the date of issuance, are to mature October 29, 1965, and are to bear interest at the prime rate (currently 4½ percent per annum) in effect at First National City Bank, New York, N.Y., on the date of each borrowing. The interest rate will be adjusted to the prime rate in effect at such bank at the beginning of each 90-day period subsequent to the date of the first borrowing. There is no commitment fee, and the notes may be prepaid at any time without penalty. Michigan proposes to use the proceeds from the sale of the proposed notes to finance partially its 1964 construction program. The company will apply the net proceeds from any permanent debt financing effected prior to the maturity of the notes issued and outstanding under the above lines of credit in reduction of, or in total payment of, such outstanding notes, and the lines of credit will be reduced by the amount of any net proceeds of any such permanent debt financing.

Fees and expenses incident to the proposed transactions are estimated at $1,000, including legal fees of $500. The declaration states that no approval or consent of any regulatory body other than this Commission is necessary for the consummation of the proposed transactions.

Notice is further given that any interested person may, not later than November 16, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority.)

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-11041; Filed, Oct. 29, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 27, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 39352—*Pulpwood to Doctortown, Ga.* Filed by O. W. South, Jr., Agent, (No. A4580), for interested rail carriers. Rates on pulpwood, in carloads, from specified points in Georgia, to Doctortown, Ga.

Grounds for relief—Carrier competition.

Tariff—Supplement 62 to Atlantic Coast Line Railroad Company tariff I.C.C. B-3561.

FSA No. 39353—*Proportional Rates on Corn and Corn Products to Kankakee, Ill.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2746), for interested rail carriers. Rates on corn and corn products, in carloads, from points in Illinois on the Kankakee Belt Line branch of The New York Central Railroad Company, to Kankakee, Ill., applicable only on traffic destined to points in central, trunk-line and New England territories.

Grounds for relief—Barge and motor-truck competition.

Tariffs—Supplement 26 to The New York Central Railroad Company tariff I.C.C. 2382 and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-11060; Filed, Oct. 29, 1964; 8:47 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-XIII Disaster No. 2]

## MANAGER, DISASTER FIELD OFFICE, KALISPELL, MONTANA

### Delegation Relating to Financial Assistance Functions

Notice is hereby given that Delegation of Authority No. 30 Disaster No. 2, 29 F.R. 8504, is hereby rescinded in its entirety.

Effective date: October 19, 1964.

WILLIAM S. SCHUMACHER, *Regional Director, Seattle, Washington.*

[F.R. Doc. 64-11037; Filed, Oct. 29, 1964; 8:45 a.m.]

[Delegation of Authority No. 30-XIII Disaster No. 3]

## MANAGER, DISASTER FIELD OFFICE, GREAT FALLS, MONTANA

### Delegation Relating to Financial Assistance Functions

Notice is hereby given that Delegation of Authority No. 30 Disaster No. 3, 29 F.R. 8505, is hereby rescinded in its entirety.

Effective date: October 19, 1964.

WILLIAM S. SCHUMACHER, *Regional Director, Seattle, Washington.*

[F.R. Doc. 64-11038; Filed, Oct. 29, 1964; 8:45 a.m.]



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FEDERAL REGISTER
Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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Washington, Saturday, October 31, 1964

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MAIN READING ROOM

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*Announcing first 5-year Cumulation*

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Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402



**FEDERAL REGISTER**

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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# Rules and Regulations

## Title 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

### MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to the authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260) as amended, and 10 U.S.C. 2202.

### PART 1—GENERAL PROVISIONS

1. Sections 1.107, 1.108(c), 1.109–1, and 1.109–2 are revised and a new § 1.109–5 is added, as follows:

**§ 1.107 Dissemination and effective date of the regulation and revisions.**

The Armed Services Procurement Regulation, and revisions thereof, will be distributed by the Departments to all interested activities and individuals within the Department of Defense. The Departments shall obtain from the Government Printing Office the number of copies of the regulation, and revisions thereof, required to make this distribution. Private firms, individuals, and others outside the Department of Defense may obtain copies by purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402. Revisions of the regulation shall be effective at all applicable echelons 90 days after date of issuance, unless otherwise prescribed in any such revisions.

**§ 1.108 Departmental procurement instructions and ASPR implementations.**

• • • • •

(c) Each Department shall furnish to the other Departments one copy of each Departmental procurement instruction issued in accordance with paragraphs (a) and (b) of this section.

• • • • •

**§ 1.109–1 Applicability.**

For the purpose of this section, a deviation shall be considered to be any of the following:

(a) When a contract clause is set forth verbatim in this subchapter, use of a contract clause covering the same subject matter which varies from the coverage of this subchapter, or use of a collateral provision which modifies either the clause or its prescribed application constitutes a deviation; however, in the case of a purchase or contract of an offshore contracting activity with a foreign contractor made outside the United States, its possessions, or Puerto Rico, such contract clauses may (subject to the direction of authority above the level of the contracting officer) be modified if no change in intent, principle, or substance is made (Offshore contracting activities shall keep the cognizant unified Commander advised of significant deviations effected under this paragraph.)

(b) Commission of any mandatory contract clause constitutes a deviation;

(c) When a Standard, DD, or other form is prescribed by this subchapter or a Department of Defense Directive, use of any other form for the same purpose constitutes a deviation;

(d) Alteration of a Standard, DD, or other form (other than Departmental forms), except as authorized by this subchapter or a Department of Defense Directive constitutes a deviation;

(e) When limitations are imposed in this subchapter or a Department of Defense Directive upon the use of a contract clause, form, procedure, type of contract, or any other procurement action, including but not limited to the making or amendment of a contract, or actions taken in connection with the solicitation of bids or proposals, award, administration or settlement of contracts, the imposition of lesser or greater limitations constitutes a deviation; or

(f) When a policy, procedure, method or practice of conducting procurement actions of any kind at any stage of the procurement process is covered by this subchapter, any policy, procedure, method, or practice which is inconsistent with that set forth constitutes a deviation.

**§ 1.109–2 Deviations affecting one contract or transaction.**

Deviations from this subchapter or a Department of Defense Directive which affect only one contract or procurement may be made or authorized in accordance with Departmental procedures providing (a) special circumstances justify a deviation and (b) written notice of such deviation is furnished to the Assistant Secretary of Defense (Installations and Logistics) and in the case of the Department of the Army, to the Assistant Secretary of the Army (I&L), Attn: ASPR Policy Member; the Department of the Navy, the Chief of Naval Material, Attn: Code MAT 21C; Department of the Air Force, Director of Procurement Management, DCS/S&L, Attn: AFSPM–AS; and the Defense Supply Agency, Executive Director, Procurement and Production, Attn: DSAH–PM. Such written notice shall be given in advance of the effective date of such deviations unless exigency of the situation requires immediate action.

**§ 1.109–5 Request for approval of proposed deviation.**

Request for approval of any deviation shall be forwarded to the approving authority through procurement channels. Each submission shall contain as a minimum:

(a) Identification of the requirement of this subchapter from which deviation is sought;

(b) A full description of the deviation and the circumstances in which it will be used;

(c) A description of the intended effect of the deviation;

(d) A copy of any pertinent document, including forms or clauses and the proposed contractor's request, if any;

(e) A statement of the period of time for which the deviation is needed; and

(f) Detailed reasons supporting the request.

2. Section 1.113–1 and 1.201–14 are revised, and new §§ 1.201–23 and 1.201–24 are added, as follows:

**§ 1.113–1 Government personnel.**

All governmental personnel engaged in procurement and related activities shall conduct business dealing with industry in a manner above reproach in every respect. Transactions relating to expenditure of public funds require the highest degree of public trust to protect the interests of the Government. While many Federal laws and regulations place restrictions on the actions of governmental personnel, the latter's official conduct must, in addition, be such that the individual would have no reticence about making a full public disclosure thereof. See AR 600–50 and CPR C2, for the Army; SECNAV Instr. 5370.2B, revised 26 June 1963, for the Navy; AFR 30–30, for the Air Force; and DSAR 5500.1, for the Defense Supply Agency.

**§ 1.201–14 Procuring activity.**

"Procuring activity" includes, for the Army: U.S. Army Materiel Command and its subordinate Commands; U.S. Continental Army Command and the Zone of Interior Armies; U.S. Army, Alaska; U.S. Forces, Southern Command; U.S. Army Communications Zone, Europe; U.S. Army, Hawaii; U.S. Army, Japan; Military District of Washington, U.S. Army; National Guard Bureau; Office of the Chief of Engineers; Strategic Communications Command; Office of the Chief of Support Services; Office of the Surgeon General; Defense Atomic Support Agency; and U.S. Army Security Agency; for the Navy: each Bureau, the Office of Naval Research, the Navy Aviation Supply Office, the Military Sea Transportation Service, and the United States Marine Corps; for the Air Force: the Air Force Logistics Command and the Air Force Systems Command; for the Defense Supply Agency: the Defense Supply Centers and the Defense Traffic Management Service; for the Defense Communications Agency; The Headquarters, Defense Communications Agency, and the Defense Commercial Communications Office. It also includes any other procuring activity hereafter established. The number and designa-

tion of particular procuring activities of any Military Department may be changed by directive of the Secretary.

§ 1.201–23 Designee.

"Designee," as used, for example, in the phrase, "Head of a Procuring Activity or his designee", may include one or more officials.

§ 1.201–24 Contract Administration Office.

"Contract Administration Office" means an organizational element within the Department of Defense which performs functions relating to the administration of contracts and assigned preaward functions. The contract administration office and the purchasing office may be the same.

3. Paragraph (f) of § 1.302–3 is revised, and new §§ 1.324, 1.324–1, 1.324–2, 1.324–3, 1.324–4, 1.324–5, and 1.324–6 are added, as follows:

§ 1.302–3 Production and research and development pools.

* * * * *

(f) *Small business status.* Approval of an organization as a defense production or research and development pool under the Defense Production Act of 1950, as amended, does not confer upon such pool the preferences and privileges accorded to "small business concerns". Such preferences and privileges shall be accorded only to those pools which have been approved under the Small Business Act, Public Law 85–536, as amended.

§ 1.324 Warranties.

§ 1.324–1 General.

A warranty clause gives the Government a contractual right to assert claims regarding the deficiency of supplies or services furnished, notwithstanding any other contractual provisions pertaining to acceptance by the Government. Such a clause allows the Government additional time after acceptance in which to assert a right to correction of the defects, reperformance, an equitable adjustment in the contract price, or other remedies. This additional period of time may begin at the time of delivery or at the occurence of a specified event, and may run for a given number of days or months or until occurrence of another specified event. The value of a warranty clause depends upon the circumstances and its use is influenced by many factors (see § 1.324–3(b)).

§ 1.324–2 Policy.

(a) A warranty clause should be used only where it can be enforced and the potential increase in contract price is outweighed by the protection afforded the Government.

(b) A warranty clause shall not be included in cost-reimbursement type contracts, since the warranty aspects of the clause "Inspection of Supplies and Correction of Defects" in § 7.203–5 of this chapter, are sufficient to protect the interests of the Government.

(c) In negotiated procurements, the following clause shall be included in the solicitation when the procurement involves a commercial supply or service sold with a commercial warranty as a customary trade practice, and the contracting officer, after reviewing the factors listed in § 1.324–3(b), determines that the benefits of a commercial warranty should be obtained:

COMMERICAL WARRANTY (SEPT. 1964.)

The Contractor agrees that the supplies or services furnished under this contract shall be covered by the most favorable commercial warranties the Contractor gives to any customer for such supplies or services.

(d) Any warranty clause included in a contract shall not limit or be limited by any rights afforded to the Government by any other clause of the contract, especially the provisions of the "Inspection" clause relating to latent defects, fraud, and gross mistakes that amount to fraud. Care should be taken to insure that the clause used, and any other warranty provisions in the contract (e.g., in the specifications) are consistent, especially where performance specifications are used.

§ 1.324–3 Determination to use a warranty.

(a) Except for the "Commercial Warranty" clause covered in § 1.324–2(c), a warranty clause shall be included in individual procurements or in classes of procurements only after a written determination by the head of the procuring activity or his designee that it is in the best interest of the Government.

(b) In making the determination required in paragraph (a) of this section, at least the following factors shall be considered:

(1) Nature of the item and its end use;

(2) Cost of the warranty and degree of price competition as it may affect this cost;

(3) Cost of correction or replacement, either by the contractor or another source, in the absence of a warranty;

(4) Administrative cost and difficulty of enforcing the warranty;

(5) Ability to take advantage of the warranty, as conditioned by storage time, distance of the using agency from the source, or other factors;

(6) Operation of the warranty as a deterrent against substitution of defective or nonconforming supplies;

(7) Whether the Government inspection system provides adequate protection without a warranty;

(8) Whether contractor's present quality program is reliable enough to provide adequate protection without a warranty, or, if not, whether a warranty would cause the contractor to institute an effective and reliable quality program;

(9) Reliance on "Brand-name" integrity;

(10) Whether a warranty is regularly given for a commercial component of a more complex end item;

(11) Criticality of item for protection of personnel, e.g., for safety in flight;

(12) The stage of development of the item and the state of the art; and

(13) Customary trade practices.

§ 1.324–4 Scope of warranty clause.

(a) The terms and conditions of a warranty clause vary with the circumstances of the procurement. The clause must state the duration of the warranty. The clause may either provide that the contractor will be liable for defects or nonconformance to contract requirements existing at the time of delivery, or provide that he will be liable for such defects or nonconformance which develop prior to the expiration of a specified period of time or before the occurrence of a specified event.

(b) A warranty clause shall also include a specified period during which notice must be given to the contractor of any defects or nonconformance to contract requirements. The interest of the Government normally will be protected if the notice period starts at the time of delivery, or where services are involved, upon acceptance thereof by the Government. In some cases, however, it may be necessary to start the notice period at a later time. For example, where conformance of supplies cannot be determined satisfactorily until they are used, the period should begin when the items are put to use, or where supplies are procured in lots under sampling procedures and delivered in increments for storage, the period may begin when the supplies are put to use or at the time of the last delivery.

(c) Where the Government specifies the design of the item and its precise measurements, tolerances, materials, tests, or inspection requirements, the contractor's liability for defects or nonconformance should usually be limited to those in existence at the time of delivery.

(d) Where a contract contains performance specifications and design is of minor importance, the contractor's liability may extend to defects or nonconformance to specifications which may arise after delivery of the supplies or acceptance of the services. Where appropriate, however, the warranty should be limited to defects or nonconformance existing at the time of delivery of the supplies or acceptance of the services.

(e) Ordinarily, the remedy provided under a warranty clause to return nonconforming supplies to the contractor for correction or replacement should satisfy the Government's needs. However, where the supplies are of such nature (e.g., subsistence or drugs) that correction or replacement does not afford adequate remedy to the Government, the clause should provide (1) that the contracting officer may either return the supplies to the contractor; dispose of them in a reasonable manner, or replace with similar supplies, and (2) that the contractor shall be liable for any cost occasioned to the Government thereby.

(f) When it can be foreseen that it will not be practical to return an article for correction or replacement because of the nature of its use or the cost of preparation for its return (e.g., where operating equipment installed in a vessel, aircraft or tank needs only a correction of adjustment, but to return it would require substantial expense of removal from where it is installed), the clause should provide that the Government may correct or require the contractor to correct the article in place at its location, at the contractor's expense.

(g) Where it is determined that a warranty for the entire item is not advisable, a warranty may be required for a particular aspect of the item which may need special protection, e.g., installation, components, accessories, parts, sub-assemblies and preservation, packaging and packing, etc.

§ 1.324–5 Pricing aspects of fixed-price incentive contract warranty provisions.

In fixed-price incentive contracts, consideration should be given to the pricing aspects of the contract as they relate to a warranty. When it is determined to include a warranty clause, the estimated costs for the warranty shall normally be considered in establishing the incentive target price. Prior to the establishment of the total final price, all costs incurred or to be incurred by the contractor in complying with the warranty clause shall be considered when negotiating the final total negotiated cost. After the establishment of the total final price, contractor compliance with the warranty clause shall be at his expense and at no increase in the total final price. Equitable adjustments in the contract price under the warranty clause shall be governed by the paragraph entitled "Equitable Adjustments Under Other Clauses" in the incentive price revision clause.

§ 1.324–6 Warranty clauses.

(a) The following clause is an example of a warranty clause which is authorized for insertion in fixed-price supply contracts.

SUPPLY WARRANTY

(a) Notwithstanding inspection and acceptance by the Government of supplies furnished under the contract or any provision of this contract concerning the conclusiveness thereof, the Contractor warrants that ----------*:

(i) all supplies furnished under this contract will be free from defects in material or workmanship and will conform with the specifications and all other requirements of this contract; and

(ii) the preservation, packaging, packing, and marking, and the preparation for and method of shipment of such supplies will conform with the requirements of this contract.

(b) The Contracting Officer shall give written notice to the Contractor of any breach of the warranties in paragraph (a) of this clause ----------**.

*State in the blank the specific warranty period, e.g., "at the time of delivery"; "for (insert period of time) after delivery" or the specified event whose occurrence will terminate the warranty period, e.g., the number of miles or hours of use, or combination of any applicable events or periods of time, as appropriate (see § 1.324–4(a)).

**Insert in the blank the specific period of time in which notice shall be given to the contractor, e.g., "within (insert period of time) after delivery of the nonconforming supplies"; "within (insert period of time) of the last delivery under this contract", as appropriate (see § 1.324–4(b)).

(c) Within a reasonable time after such notice, the Contracting Officer may either:

(i) by written notice require the prompt correction or replacement of any supplies or part thereof (including preservation, packaging, packing, and marking) that do not conform with the requirements of this contract within the meaning of paragraph (a) of this clause; or

(ii) retain such supplies, whereupon the contract price thereof shall be reduced by an amount equitable under the circumstances and the Contractor shall promptly make appropriate repayment.

If the contract provides for inspection of supplies by sampling procedures, the Contracting Officer may, at his option, determine the quantity of supplies or parts thereof which are subject to this paragraph in accordance with such sampling procedures.

(d) When return, correction or replacement is required, the Contracting Officer shall return the supplies and transportation charges and responsibility for such supplies while in transit shall be borne by the Contractor. However, the Contractor's liability for such transportation charges shall not exceed an amount equal to the cost of transportation by the usual commercial method of shipment between the designated destination point under this contract and the Contractor's plant, and return.

(e) If the Contractor fails or refuses to correct or replace the nonconforming supplies within a period of ten (10) days (or such longer period as the Contracting Officer may authorize in writing) after receipt of notice from the Contracting Officer specifying such failure or refusal, the Contracting Officer may, by contract or otherwise, correct or replace them with similar supplies and charge to the Contractor the cost occasioned to the Government thereby. In addition, if the Contractor fails to furnish timely disposition instructions, the Contracting Officer may dispose of the nonconforming supplies for the Contractor's account in a reasonable manner, in which case the Government is entitled to reimbursement from the Contractor or from the proceeds for the reasonable expenses of the care and disposition of the nonconforming supplies, as well as for excess costs incurred or to be incurred.

(f) Any supplies or parts thereof corrected or furnished in replacement pursuant to this clause shall also be subject to all the provisions of this clause to the same extent as supplies initially delivered.

(g) Failure to agree upon any determination to be made under this clause shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(h) The word "supplies" as used herein includes related services.

(i) The rights and remedies of the Government provided in this clause do not limit any rights afforded to the Government by any other clause of the contract.

(b) When the contractor's design is to be used rather than a Government design, insert the word "design," before "material" in paragraph (a)(i) of the clause in paragraph (a) of this section.

(c) The following paragraph (c) may be substituted for the paragraph (c) of the clause in paragraph (a) of this section when the contract provides for inspection of supplies by sampling procedures:

(c) Conformance of supplies or parts thereof subject to warranty action shall be determined in accordance with the applicable sampling procedures contained in the contract except as provided herein: For sampling purposes, the Contracting Officer may group any supplies delivered under this contract. The size of the sample shall be that required by sampling procedure specified in the contract for the quantity of supplies on which warranty action is proposed. Warranty sampling results may be projected over supplies in the same shipment or other supplies contained in other shipments even though all of such supplies are not present at the point of reinspection, provided, the supplies remaining are reasonably representative of the quantity on which warranty action is proposed. The original inspection lots need not be reconstituted nor shall the Contracting Officer be required to use the same lot size as on original inspection. Within a reasonable time after notice of any breach of warranties in paragraph (a) of this clause as determined herein, the Contracting Officer may exercise one or more of the following options:

(i) require an equitable adjustment in the contract price for any group of supplies;

(ii) screen the supplies grouped under this clause at Contractor's expense and return all nonconforming supplies to the Contractor for correction or replacement;

(iii) require the Contractor to screen the supplies at depots designated by the Government within the continental United States and to correct or replace all nonconforming supplies;

(iv) return the supplies grouped under this clause to the Contractor for screening and correction or replacement.

(d) The following paragraph (d) may be substituted for paragraph (d) of the clause in paragraph (a) of this section when it is desirable to provide that necessary transportation incident to correction or replacement will be at the Government's expense. This may be appropriate, for instance, when the cost of a warranty would otherwise be prohibited.

(d) When correction or replacement is required, and transportation of supplies in connection with such correction or replacement is necessary, transportation charges and responsibility for such supplies while in transit shall be borne by the Government.

(e) The following paragraph (e) may be substituted for paragraph (e) of the clause in paragraph (a) of this section when the supplies cannot be obtained from another source.

(e) If the Contractor does not agree as to his responsibility to correct or replace the supplies delivered, he shall nevertheless proceed in accordance with the written request issued by the Contracting Officer under paragraph (c) to correct or replace the defective or nonconforming supplies. In the event it is later determined that such supplies were not defective or nonconforming within the provisions of this clause, the contract price will be equitably adjusted. Failure to agree to such an equitable adjustment of price shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes".

(f) The following paragraph should be added when the clause in paragraph (a) of this section is included in a fixed-price incentive contract.

(j) Prior to the establishment of the total final price, all costs incurred, or to be incurred by the Contractor in complying with this clause shall be considered when negotiating the final total negotiated cost under the Incentive Price Revision clause of this contract. After the establishment of the total final price, Contractor compliance with this clause shall be at the Contractor's expense and at no increase in the total final price. Any equitable adjustments made pursuant to paragraph (c) of this clause shall be

governed by the paragraph entitled "Equitable Adjustments Under Other Clauses" in the Incentive Price Revision clause of this contract.

(g) The following clause is an example of a warranty clause which is authorized for insertion in fixed-price services contract.

SERVICE WARRANTY

Notwithstanding inspection and acceptance by the Government or any provision concerning the conclusiveness thereof, the Contractor warrants that all services performed under this contract will be free from defects in workmanship and will conform to the requirements of this contract at time of acceptance. The Contracting Officer shall give written notice of any such defect or nonconformance to the Contractor ----------*. Such notice shall state either (i) that the Contractor shall correct or reperform any defective or nonconforming services, or (ii) that the Government does not require correction or replacement. If the Contractor is required to correct or reperform, it shall be at no cost to the Government, and any services corrected or reperformed by the Contractor pursuant to this clause shall be subject to all provisions of this clause to the same extent as work initially performed. If the Contractor fails or refuses to correct or reperform, the Contracting Officer may, by contract or otherwise, correct or replace with similar services and charge to the Contractor the cost occasioned to the Government thereby or obtain an equitable adjustment in the contract price. If the Government does not require correction or reperformance, the Contracting Officer shall make an equitable adjustment in the contract price. Failure to agree upon any determination to be made under this clause shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(h) When the contractor's design is to be used rather than a Government design, insert the words "design and" before "workmanship" in the first sentence of the clause in paragraph (g) of this section.

4. In § 1.603(a), the text pertaining to "Type F" is revised, and in § 1.701–1, paragraph (d) is revised, as follows:

**§ 1.603 Grounds for listing and treatment to be accorded listed concerns.**

(a) • • •

Type F includes concerns which have been debarred by the appropriate Secretary or the Executive Vice Chairman of the President's Committee on Equal Employment Opportunity for noncompliance with the Equal Opportunity clause. Concerns under Type F listings may not be awarded contracts or be solicited for bids.

• • • • •

**§ 1.701–1 Small business concerns.**

• • • • •

(d) *Service industries.* For services not elsewhere defined in this part, the average annual sales or receipts of the concern and its affiliates for the preceding three fiscal years must not exceed $1 million ($1,250,000 if located in Alaska). Any concern bidding on a contract for engineering services or naval architectural services is classified as small if its average annual sales or receipts for its preceding three fiscal years do not exceed $5 million.

• • • • •

5. A footnote "6", referring to item 3731 in the table, is added to the footnotes at the end of the table in § 1.701–4; and §§ 1.806–4(a) and 1.1504(a) are revised, as follows:

**§ 1.701–4 Manufacturing industry employment size standards.**

• • • • •

| *Classification Code* | *Industry* | *Employment Size Standard (Number of Employees)* |
|---|---|---|
| • | • | • |
| MAJOR GROUP 37—TRANSPORTATION EQUIPMENT | | |
| • | • | • |
| 3731 | Shipbuilding and repairing [6] | 1000 |

[6] Shipbuilding and repairing industry includes establishments primarily engaged in building and repairing all types of ships, barges, canal boats, and lighters, of 5 gross tons and over, whether propelled by sail or motor power or towed by other craft. Establishments primarily engaged in fabrication or repairing structural assemblies or components for ships, or subcontractors engaged in ship painting, joinery, carpentry work, electrical wiring installation, etc., are not included. The size standard for Boatbuilding and Repairing (establishments primarily engaged in building and repairing all types of boats, except rubber boats, under 5 gross tons) is 500.

• • • • •

**§ 1.806–4 Shipbuilding and repairing industry (Notification No. 57).**

(a) As used in this section, the "shipbuilding and repairing industry" (Industry Category 3731) includes establishments primarily engaged in building and repair of all types of ships, barges, canal boats, and lighters of five gross tons and over, whether propelled by sail or motor power or towed by other craft. Establishments primarily engaged in fabricating or repairing structural assemblies or components for ships, or subcontractors engaged in ship painting, joinery, carpentry work, electrical wiring installation, etc., are not included.

• • • • •

**§ 1.1504 Procedures.**

(a) When a contract is to contain an option clause, the solicitation must contain an appropriate option provision. If the contract is to be negotiated, the determination and findings shall set forth the approximate quantity to be awarded and the extent of the increase to be permitted by the option. The contract shall limit the additional quantities of supplies or services which may be procured, or the duration of the period for which performance of the contract may be extended, under the option and will fix the period within which the option may be exercised. This period shall be set so as to afford the contractor adequate notice of the requirement for performance under the option but with respect to service contracts may extend beyond the contract completion date when exercise of the option would obligate funds not available in the fiscal year in which the contract would otherwise be completed. In fixing the period within which the option may be exercised, consideration shall be given to (1) necessary lead time in order to assure continuous production and (2) the time required for additional funding and other necessary approval action. The period specified for exercising the option shall in all cases be kept to a minimum. When a solicitation contains an option which requires the offering of additional quantities of supplies at unit prices no higher than those for the initial quantities, it shall provide that the option quantities shall not exceed 50 percent of the initial quantity. When unusual circumstances exist, however, the head of the procuring activity or his designee may approve a greater percentage of quantity. The quantities and the period under option and the period during which the option may be exercised shall be justified and documented by the contracting officer in the contract file.

• • • • •

6. A new Subpart R is added, as follows:

**Subpart R—Post-Award Orientation of Contractors**

Sec.


1.1801 Scope of subpart.
1.1802 Policy.
1.1803 Post-award orientation conferences.
1.1803–1 Factors.
1.1803–2 Initial action.
1.1803–3 Agenda.
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1.1804 Subcontract conferences.
1.1805 Forms and reports.
1.1806 Post-award letters.


AUTHORITY: The provisions of this Subpart R issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

## Subpart R—Post-Award Orientation of Contractors

**§ 1.1801 Scope of subpart.**

This subpart prescribes the policy and procedures for post-award orientation in connection with contracts and subcontracts. This subpart is not applicable to construction contracts as defined in § 16.400 of this chapter.

**§ 1.1802 Policy.**

When it is determined after contract award, in accordance with the factors set forth in § 1.1803–1, that the contractor does not or may not have a clear understanding of the scope of the contract, the technical requirements, or the rights and obligations of the parties, it is essential that the Government initiate post-award orientation action to clarify contract requirements and resolve misunderstandings. A mutual understanding may be achieved by conducting a post-award orientation conference, as provided in § 1.1803, to assure that all matters requiring clarification or resolution are considered and contractual requirements explained. In less complex contracts, the objective may be achieved without a conference by writing the contractor a letter as provided in § 1.1806. For the post-award orientation of subcontractors, see § 1.1804.

**§ 1.1803 Post-award orientation conferences.**

**§ 1.1803–1 Factors.**

In selecting contracts for post-award orientation conferences, the following factors shall be considered:

(a) Nature and extent of the preaward survey and discussions with the contractor,
(b) Technical complexity of the item or service,
(c) End use or relationship of the item or service to critical programs,
(d) Urgency of the delivery schedule,
(e) Length of the planned production cycle,
(f) Past performance of the contractor,
(g) Procurement history of the item or service,
(h) Type and value of the contract,
(i) Provisioning requirements,
(j) Contractor's experience with defense contracts or with the item or service being procured,
(k) Extent of subcontracting, and
(l) Hazardous material or operations and safety precautions required.

**§ 1.1803–2 Initial action.**

(a) The need for a post-award orientation conference normally will be established as a result of substantive review and analysis of the contract by the Contract Administration Office. However, the contracting officer or technical representative of the purchasing office may initiate the request for a conference. A conference of Government personnel normally shall be held prior to notifying and conferring with the contractor to assure that the Government position on all matters is established.

(b) An orientation conference shall be held as soon as possible after contract award when analysis of the contract or other information indicates existing or potential problems which may adversely affect performance. The office which determines the need for a post-award orientation conference normally will make all necessary arrangements to:

(1) Conduct a preliminary meeting of Government personnel,
(2) Establish the time and place of the orientation conference,
(3) Prepare an agenda,
(4) Notify all participants,
(5) Designate a chairman, and
(6) Prepare a summary report of the conference.

When the purchasing office initiates the request for a conference, the above arrangements may be made by that office or, at its request, by the Contract Administration Office.

**§ 1.1803–3 Agenda.**

The agenda of an orientation conference may include such matters as:

(a) Special contractual provisions,
(b) Clarification of specifications and other work requirements,
(c) Production planning,
(d) Furnishing and control of Government property,
(e) Billing and payment procedures,
(f) Reporting requirements,
(g) Processing of engineering changes and change orders,
(h) Quality control and testing requirements,
(i) Provisioning requirements,
(j) Packaging and shipping,
(k) Subcontract consent,
(l) Prime contractor responsibility for subcontracts,
(m) Allowability of cost determinations,
(n) Incentive features and value engineering,
(o) Security requirements,
(p) Progress target dates, and
(q) Major problem areas or other appropriate topics.

**§ 1.1803–4 Participants.**

It is essential that all parties involved in the execution, administration, and performance of a Government contract have a clear and mutual understanding of the scope of the contract, the technical requirements, and the rights and obligations of the parties. Participants in a post-award orientation conference may include, as appropriate, representatives from the purchasing office and the Contract Administration Office, other Government personnel concerned, and the contractor's representatives.

**§ 1.1803–5 Conference procedure.**

The chairman of the conference shall conduct the meeting. Unless a specific contract change has been agreed to by the contracting officer at the preliminary meeting of Government personnel, the chairman will emphasize that the conference is not being held for the purpose of changing the contract. The contracting officer may make commitments or give directions within the scope of his authority, and he shall reduce to writing and sign any such commitment or direction. Participants who are without authority to bind the Government contractually shall not take action which in any way alters the provisions of the contract. Information and guidance given merely to explain existing provisions and requirements of the contract may, however, be given, but only by participants acting within the scope of their authority. All such information and guidance shall be specifically included in the summary report (see § 1.1805).

**§ 1.1804 Subcontract conferences.**

The prime contractor is generally responsible for conducting any necessary post-award orientation conferences with subcontractors. However, in exceptional cases involving subcontracted items or services of technical complexity, the prime contractor may invite the participation of the Government in such conferences or the Government may request the prime contractor to initiate such a conference with the subcontractor. Representatives from the Contract Administration Office administering the prime contract and subcontract should be included as participants. Government participants in such conferences must recognize the lack of privity of contract between the Government and the subcontractor, and shall not give commitments, directions, or take any action which change or are inconsistent with the provisions of the subcontract.

**§ 1.1805 Forms and reports.**

Post-Award Conference Record (DD Form 1484) shall be used in preparing the agenda and conducting the conference to assure that all significant matters are covered. A summary report of the conference shall be prepared under the supervision of the chairman and signed by him. The report shall cover all items discussed, including areas requiring resolution, controversial matters, and the names of the participants assigned responsibility for further actions, including the due dates for such actions. DD Form 1484 may be utilized as the summary report, where appropriate. Copies of the summary report shall be furnished to the purchasing office, the contract administration office, the contractor, and other participants and activities requiring the information.

**§ 1.1806 Post-award letters.**

In less complex contracts, a letter to the contractor may suffice in lieu of a conference. When such a letter is appropriate, it should identify the Government representative responsible for administering the contract, and cite any unusual contract requirements such as special reports, revised military specifications, preproduction tests, subcontracting consent requirements, Government property to be furnished, and any other significant requirements. (See, for example, the items in DD Form 1484.)

## PART 2—PROCUREMENT BY FORMAL ADVERTISING

7. In § 2.201(a), subparagraph (28) is revoked, as follows:

**§ 2.201 Preparation of invitation for bids.**

• • • • •

(a) • • •

(28) [Revoked]

## PART 3—PROCUREMENT BY NEGOTIATION

8. In § 3.202–2, paragraph (f) is revised; in § 3.501(b), subparagraph (39) is revoked and subparagraph (46) is revised; and in § 3.811, paragraph (a) is revised, to read as follows:

**§ 3.202–2 Application.**

• • • • •

(f) Purchase request citing an issue priority designator 1 through 6, inclusive, under the Uniform Material Issue Priority System.

NOTE: Requirements citing an issue priority designator 7 through 20 may justify negotiation under this or other negotiation authority, but in such cases the specific circumstances must be set forth in the determination and findings.

*Insert in the blank the specific period of time in which notice shall be given to the contractor, e.g., "within (insert period of time) from the date of acceptance by the Government"; "within (insert number of hours) of use by the Government"; or other specified event whose occurrence will terminate the period of notice, or combination of any applicable events or periods of time, as appropriate.

**§ 3.501 Preparation of request for proposals or request for quotations.**

• • • • • •

(b) • • •

(39) [Revoked]

• • • • • •

(46) If a firm fixed-price contract or fixed-price contract with escalation is to be awarded, the Certificate of Independent Price Determination as required by § 1.115 of this chapter.

• • • • • •

**§ 3.811 Record of price negotiation.**

(a) At the conclusion of each negotiation of an initial or a revised price, the contracting officer shall promptly prepare or cause to be prepared a memorandum, setting forth the principal elements of the price negotiation, for inclusion in the contract file and for the use of any reviewing authorities. The memorandum shall be in sufficient detail to reflect the most significant considerations controlling the establishment of the initial or revised price. The memorandum should include an explanation of why cost or pricing data was, or was not, required (see § 3.807) and, if it was not required in the case of any price negotiation in excess of $100,000, a statement of the basis for determining that the price resulted from or was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

• • • • • •

## PART 6—FOREIGN PURCHASES

9. Paragraph (a) in § 6.601 is revised; in § 6.603–3(a), the clause heading and clause paragraph (d)(iii) are revised; and in § 6.603–3(b), the clause heading and clause paragraph (b)(4)(iii) are revised, as follows:

**§ 6.601 Scope of subpart.**

(a) This subpart sets forth policies and procedures for excepting from import duty certain supplies that are imported into the United States in connection with Defense contracts. Ordinarily, duty is payable for the importation of supplies obtained outside the United States. Two exceptions to this rule are available to the Department of Defense: "emergency purchases of war materials abroad" by a Military Department may be imported duty-free pursuant to Schedule 8, Part 3, Item No. 832, Tariff Schedules of the United States, and certain supplies (not including equipment) for vessels or aircraft operated by the United States may be imported duty-free pursuant to 19 U.S.C. 1309. This subpart prescribes the uses and limits of these two exceptions.

• • • • • •

**§ 6.603–3 Contract clauses.**

(a) *Duty-free entry for designated items.* • • •

DUTY-FREE ENTRY FOR CERTAIN SPECIFIED ITEMS (SEPT. 1964)

• • • • • •

(d) • • •

(iii) the notation: "UNITED STATES (insert name of Military Department)—DUTY-FREE ENTRY TO BE CLAIMED pursuant to Schedule 8, Part 3, Item No. 832, Tariff Schedules of the United States. Upon arrival of shipment at port of entry, Collector of Customs, kindly notify the (insert title and address of Government representative), who will execute Customs Forms 7501 and 7501A and the Duty-Free Entry Certificate.";

• • • • • •

(b) *Duty-free entry for items not identified in the contract.* • • •

NOTICE OF IMPORTS—POSSIBLE DUTY-FREE ENTRY (SEPT. 1964)

• • • • • •

(b) • • •

(4) • • •

(iii) the notation: "UNITED STATES (insert name of Military Department)—DUTY-FREE ENTRY TO BE CLAIMED pursuant to Schedule 8, Part 3, Item No. 832, Tariff Schedules of the United States. Upon arrival at port of entry, Collector of Customs kindly notify the (insert title and address of Government representative), who will execute Customs Forms 7501 and 7501A and the Duty-Free Entry Certificate.";

• • • • • •

10. In § 6.603–4, paragraphs (b) and (f) are revised; and in § 6.605–2, the clause heading and clause paragraph (d)(iii) are revised, as follows:

**§ 6.603–4 Customs entries and duty-free certificates.**

• • • • • •

(b) When the Government agrees to execute duty-free entry certificates for supplies, in accordance with the clauses set forth in § 6.603–3 or authorized by § 6.605, the contractor shall be notified that the foreign supplier is to include on the bill of lading (or other shipping document) the information required to be inserted on such documents as provided in the clause. Failure to include such information on the bill of lading (or other shipping document) will result in the shipment being treated as a shipment without benefit of free entry under Schedule 8, Part 3, Item No. 832, Tariff Schedules of the United States.

• • • • • •

(f) The duty-free entry certificate referred to in this paragraph shall be printed, stamped, or typed on the face of Customs Form 7501 or attached thereto in the following form:

SEPTEMBER 1964.

I certify that the procurement of this material constituted an emergency purchase of war material abroad by the (indicate Department of the Army, Department of the Navy, Department of the Air Force, or Defense Supply Agency) and it is accordingly requested that such material be admitted free of duty pursuant to Schedule 8, Part 3, Item No. 832, Tariff Schedules of the United States.

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(Name)

---

(Title), who has been designated to execute free entry certificates for the above named (Department or Agency)

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(Organization)

**§ 6.605–2 Contract clause.**

• • • • • •

DUTY-FREE ENTRY—CANADIAN SUPPLIES (SEPT. 1964)

(d) • • •

(iii) the notation: "UNITED STATES (insert name of Military Department)—DUTY-FREE ENTRY TO BE CLAIMED pursuant to Schedule 8, Part 3, Item No. 832, Tariff Schedules of the United States. Upon arrival of shipment at port of entry, Collector of Customs, kindly notify the (insert title and address of Government representative), who will execute Customs Forms 7501 and 7501A and the Duty-Free Entry Certificate.";

• • • • • •

## PART 7—CONTRACT CLAUSES

11. Sections 7.104–29(a) and 7.104–41 are revised; the clause in § 7.104–42(a) is revised; and new §§ 7.104–51 and 7.105–10 are added, as follows:

**§ 7.104–29 Price reduction for defective cost or pricing data.**

(a) The following clause shall be inserted in any cost-reimbursement type, price redeterminable, or incentive contract. It shall also be inserted in any other negotiated contract over $100,000 except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In addition, the contracting officer shall include this clause in other negotiated contracts for which he has obtained a Certificate of Current Cost or Pricing Data in accordance with § 3.807–3(b)(4) of this chapter in connection with the initial pricing of the contract, and in such cases paragraph (c) may be appropriately modified in respect to subcontracts of less than $100,000.

PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA (SEPT. 1964)

(a) If the Contracting Officer determines that any price, including profit or fee, negotiated in connection with this contract was increased by any significant sums because the Contractor, or any subcontractor in connection with a subcontract covered by (c) below, furnished incomplete or inaccurate cost or pricing data or data not current as certified in the Contractor's Certificate of Current Cost or Pricing Data, then such price shall be reduced accordingly and the contract shall be modified in writing to reflect such adjustment.

(b) Failure to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(c) The Contractor agrees to insert the substance of paragraphs (a) and (c) of this clause in each of his cost-reimbursement type, price redeterminable, or incentive subcontracts hereunder, and in any other subcontract hereunder in excess of $100,000 unless the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In each such excepted subcontract hereunder which exceeds $100,000, the Contractor shall insert the substance of the following clause.

PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA—PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of $100,000, except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. The right to price reduction under this clause shall be limited to such price adjustments.

(b) If the Contractor determines that any price, including profit or fee, negotiated in connection with any price adjustment within the purview of paragraph (a) above was increased by any significant sum because the subcontractor or any of his subcontractors in connection with a subcontract covered by paragraph (c) below, furnished incomplete or inaccurate cost or pricing data, or data not current as of the date of execution of the subcontractor's certificate of current cost or pricing data, then such price shall be reduced accordingly and the subcontract shall be modified in writing to reflect such adjustment.

(c) The subcontractor agrees to insert the substance of this clause in each subcontract hereunder which exceeds $100,000.

• • • • • •

**§ 7.104–41 Audit and records.**

(a) Insert the following clause only in firm fixed-price and fixed-price with escalation negotiated contracts which exceed $100,000, except where the price negotiated is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

AUDIT (SEPT. 1964)

(a) For purposes of verifying that cost or pricing data submitted, in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of $100,000 are accurate, complete, and current, the Contracting Officer, or his authorized representatives, shall—until the expiration of three years from the date of final payment under this contract—have the right to examine those books, records, documents and other supporting data which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein, which were available to the Contractor as of the date of execution of the Contractor's Certificate of Current Cost or Pricing Data.

(b) The Contractor agrees to insert the substance of this clause including this paragraph (b) in all subcontracts hereunder in excess of $100,000, so as to apply until three years after final payment under the subcontract, unless the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In each such excepted subcontract hereunder in excess of $100,000, the Contractor shall insert the substance of the following clause to apply until three years after final payment under the subcontract.

AUDIT—PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of $100,000 unless the price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation and further provided that such change or other modification to this contract must result from a change or other modification to the Government prime contract.

(b) For purposes of verifying that cost or pricing data submitted in conjunction with a contract change or modification involving an amount in excess of $100,000 are accurate, complete and current, the Contracting Officer or his authorized representative shall—





until the expiration of three years from the date of final payment under this contract—have the right to examine those books, records, documents, and other supporting data which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein, which were available to the Contractor as of the date of execution of the Contractor's Certificate of Current Cost or Pricing Data.

(c) The Contractor agrees to insert the substance of this clause, including this paragraph (c), in all subcontracts hereunder in excess of $100,000 so as to apply until three years after final payment of the subcontract.

(b) Insert the following clause in formally advertised contracts which are expected to exceed $100,000, and in firm fixed-price and fixed-price with escalation negotiated contracts which exceed $100,000 when the price is based on adequate price competition, established catalog or market prices of commercial items solds in substantial quantities to the general public, or prices set by law or regulation. In negotiated contracts, delete from paragraph (b) of the clause the words "the Comptroller General of the United States".

AUDIT—PRICE ADJUSTMENTS (SEPT. 1964)

(a) This clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of $100,000, unless the price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(b) For purposes of verifying that cost or pricing data submitted in conjunction with a contract change or other modification involving an amount in excess of $100,000 are accurate, complete, and current, the Contracting Officer, the Comptroller General of the United States, or any authorized representatives, shall—until the expiration of three years from the date of final payment under this contract—have the right to examine those books, records, documents and other supporting data which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein, which were available to the Contractor as of the date of execution of the Contractor's Certificate of Current Cost or Pricing Data.

(c) The Contractor agrees to insert the substance of this clause in all subcontracts hereunder in excess of $100,000 so as to apply until three years after final payment under the subcontract and only when the change or other modification to the subcontract results from a change or other modification to the Government prime contract.

(c) Insert the following clause in any negotiated cost-reimbursement type, incentive, or price redeterminable contract.

AUDIT AND RECORDS (SEPT. 1964)

(a) The Contractor shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The foregoing constitute "records" for the purposes of this clause.

(b) The Contractor's plants, or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable times to inspection and audit by the Contracting Officer or his authorized representative.

(c) The Contractor shall preserve and make available his records (i) until the expiration of three years from the date of final payment under this contract, and (ii) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (A) or (B) below.

(A) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of three years from the date of any resulting final settlement.

(B) Records which relate to (i) appeals under the "Disputes" clause of this contract or (ii) litigation or the settlement of claims arising out of the performance of this contract, shall be retained until such appeals, litigation, or claims have been disposed of.

(d)(1) The Contractor shall insert the substance of this clause, including the whole of this paragraph (d), in each subcontract hereunder that is not on a firm fixed-price basis.

(2) The Contractor shall insert the substance of the following clause in each firm fixed-price subcontract hereunder in excess of $100,000, except those subcontracts covered by subparagraph (3) below.

AUDIT

(a) For purposes of verifying that cost or pricing data submitted in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of $100,000 are accurate, complete, and current, the Contracting Officer, or his authorized representatives, shall—until the expiration of three years from the date of final payment under this contract—have the right to examine those books, records, documents, and other supporting data which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein, which were available to the Contractor as of the date of execution of the Contractor's Certificate of Current Cost or Pricing Data.

(b) The Contractor agrees to insert the substance of this clause including this paragraph (b) in all subcontracts hereunder in excess of $100,000 unless the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(3) The Contractor shall insert the substance of the following clause in each firm fixed-price subcontract hereunder in excess of $100,000 where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

AUDIT—PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of $100,000 unless the price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation and further *provided* that such change or other modification to this contract must result from a change or other modification to the Government prime contract.

(b) For purposes of verifying that any cost or pricing data submitted in conjunction with a contract change or other modification involving an amount in excess of $100,000 are accurate, complete, and current, the Contracting Officer, or his authorized representatives, shall—until the expiration of three years from the date of final payment under

this contract—have the right to examine those books, records, documents and other supporting data which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein, which were available to the Contractor as of the date of execution of the Contractor's Certificate of Current Cost or Pricing Data.

(c) The Contractor agrees to insert the substance of this clause including this paragraph (c) in all subcontracts hereunder in excess of $100,000, so as to apply until three years after final payment of the subcontract.

In cost-reimbursement type contracts that have separate periods of performance and that are to include, in the Examination of Records clause prescribed by § 7.203–7, the alternate subparagraph (a)(4) which is set forth in § 7.203–7(b), the clause set forth above in this paragraph shall be modified by adding the following to paragraph (c) thereof:

Notwithstanding the foregoing, the Contractor's obligation to preserve and make available his records shall not extend beyond the period of his like obligation under the "Examination of Records" clause of this contract.

Such contracts may be administered as indicated in § 7.203–7(b).

(d) The requirement for inclusion of the clauses in paragraphs (a) and (b) of this section may be waived for contracts with foreign governments or agencies thereof under circumstances where the requirement for the clauses in §§ 7.104–29 and 7.104–42 may be waived.

**§ 7.104–42 Subcontractor cost and pricing data.**

(a) • • •

SUBCONTRACTOR COST AND PRICING DATA (SEPT. 1964)

(a) The Contractor shall require subcontractors hereunder to submit cost or pricing data under the following circumstances: (i) prior to award of any cost-reimbursement type, incentive, or price redeterminable subcontract; (ii) prior to the award of any subcontract the price of which is expected to exceed $100,000; (iii) prior to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed $100,000; except in the case of (ii) or (iii) where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(b) The Contractor shall require subcontractors to certify, in substantially the same form as that used in the certificate by the Prime Contractor to the Government, that to the best of their knowledge and belief, the cost and pricing data submitted under (a) above is accurate, complete, and current as of the date of execution, which date shall be as close as possible to the date of agreement on the negotiated price of the subcontract.

(c) The Contractor shall insert the substance of this clause including this paragraph (c) in each of his cost-reimbursement type, price redeterminable, or incentive subcontracts hereunder, and in any other subcontract hereunder which exceeds $100,000 except where the price thereof is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In each such excepted subcontract hereunder in excess of $100,000, the Contractor shall insert the substance of the following clause:

SUBCONTRACTOR COST AND PRICING DATA—PRICE ADJUSTMENTS

(a) Paragraphs (b) and (c) of this clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of $100,000. The requirements of this clause shall be limited to such price adjustments.

(b) The Contractor shall require subcontractors hereunder to submit cost or pricing data under the following circumstances: (i) prior to award of any cost-reimbursement type, incentive or price redeterminable subcontract; (ii) prior to award of any subcontract, the price of which is expected to exceed $100,000; (iii) prior to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed $100,000; except, in the case of (ii) or (iii), where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(c) The Contractor shall require subcontractors to certify, in substantially the same form as that used in the certificate by the Prime Contractor to the Government, that to the best of their knowledge and belief the cost and pricing data submitted under (b) above is accurate, complete, and current as of the date of execution, which date shall be as close as possible to the date of agreement on the negotiated price of the contract modification.

(d) The Contractor shall insert the substance of this clause including this paragraph (d) in each subcontract hereunder which exceeds $100,000.

• • • • •

**§ 7.104–51 Commercial warranty.**

In accordance with § 1.324 of this chapter, insert the clause in § 1.324–2.

**§ 7.105–10 Supply warranty.**

In accordance with § 1.324 of this chapter, an appropriate supply warranty clause may be inserted.

12. A new Subpart G is added, to read as follows:

**Subpart G—Clauses for Facilities Contracts**

Sec.
- 7.701 Applicability.
- 7.702 Required clauses for consolidated facilities contracts.
- 7.702–1 Definitions.
- 7.702–2 Facilities to be provided.
- 7.702–3 Late delivery, diversion, and substitution.
- 7.702–4 Changes.
- 7.702–5 Representations and warranties.
- 7.702–6 Inspection.
- 7.702–7 Excusable delays.
- 7.702–8 Location of the facilities.
- 7.702–9 Government bills of lading.
- 7.702–10 Allowable cost and payment.
- 7.702–11 Limitation of cost.
- 7.702–12 Use and charges.
- 7.702–13 Examination of records.
- 7.702–14 Maintenance.
- 7.702–15 Title.
- 7.702–16 Access.
- 7.702–17 Property control.
- 7.702–18 Liability for the facilities.
- 7.702–19 Insurance—Liability to third persons.
- 7.702–20 Indemnification of the Government.
- 7.702–21 Stop work orders.
- 7.702–22 Termination of work.
- 7.702–23 Notice of use of the facilities.
- 7.702–24 Termination of the use of the facilities.
- 7.702–25 Period of this contract.
- 7.702–26 Disposition of the facilities.
- 7.702–27 Failure to perform.
- 7.702–28 Disputes.
- 7.702–29 Military security requirements.
- 7.702–30 Authorization and consent.
- 7.702–31 Notice and assistance regarding patent and copyright infringement.
- 7.702–32 Patent or proprietary rights in facilities.
- 7.702–33 Subcontracts.
- 7.702–34 Utilization of small business concerns.
- 7.702–35 Utilization of concerns in labor surplus areas.
- 7.702–36 Buy American Act.
- 7.702–37 Assignment of claims.
- 7.702–38 Renegotiation.
- 7.702–39 Officials not to benefit.
- 7.702–40 Gratuities.
- 7.702–41 Covenant against contingent fees.
- 7.702–42 Payment for overtime premiums.
- 7.702–43 Convict labor.
- 7.702–44 Equal opportunity.
- 7.702–45 Walsh-Healey Public Contracts Act.
- 7.702–46 Work Hours Act of 1962—Overtime compensation.
- 7.702–47 Price reduction for defective cost or pricing data.
- 7.702–48 Audit and records.
- 7.702–49 Subcontractor cost and pricing data.
- 7.702–50 Competition in subcontracting.
- 7.703 Required clauses for facilities acquisition contracts.
- 7.703–1 Definitions.
- 7.703–2 Facilities to be provided.
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AUTHORITY: The provisions of this Subpart G issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

## Subpart G—Clauses for Facilities Contracts

**§ 7.701 Applicability.**

As used throughout this subpart, the term "facilities contract" means a contract under which Government facilities are provided to a contractor by the Government for use in connection with the performance of a separate contract or contracts for supplies or services. When property other than facilities is provided under a facilities contract, it shall be considered facilities for the purposes of that contract. Facilities contracts may take any of the following forms:

(a) Consolidated facilities contracts, which provide for both—

(1) The acquisition, construction, and installation of facilities; and

(2) The use, maintenance, accountability, and disposition of facilities;

(b) Facilities acquisition contracts, which provide for the acquisition, construction, and installation of facilities; or

(c) Facilities use contracts, which provide for the use, maintenance, accountability, and disposition of facilities.

**§ 7.702 Required clauses for consolidated facilities contracts.**

The following clauses shall be inserted in all consolidated facilities contracts.

**§ 7.702–1 Definitions.**

Insert the contract clause set forth in § 7.703–1 together with the following additional definitions.

(d) "Related procurement contract" means a Government contract or subcontract thereunder for furnishing supplies or services of any description, for the performance of which the use of the Facilities is or may be authorized.

(e) "Facilities" means, for purposes of this contract, all property provided under this contract. (Sept. 1964)

Additional definitions may be included in such clause provided they are not inconsistent with such clause or the provisions of this Regulation.

**§ 7.702–2 Facilities to be provided.**

FACILITIES TO BE PROVIDED (SEPT. 1964)

(a) The Contractor, at Government expense and subject to the terms and conditions of this contract, shall acquire, construct, or install the Facilities, and perform the work related thereto, described in the Schedule.

(b) The Government, subject to the terms and conditions of this contract, shall furnish to the Contractor the Facilities identified in the Schedule as Government-furnished Facilities. The Contractor, at Government expense, shall perform such work with respect to these Government-furnished Facilities as may be described in the Schedule.

**§ 7.702–3 Late delivery, diversion, and substitution.**

LATE DELIVERY, DIVERSION, AND SUBSTITUTION (SEPT. 1964)

(a) The Government shall not be liable to the Contractor for breach of contract by reason of nondelivery or of any delay in the delivery of the Facilities to be furnished by the Government hereunder.

(b) The Government, if it is determined by the Contracting Officer to be in the best interest of the Government, may divert the Facilities by directing:

(i) delivery of any or all of the Facilities acquired by or furnished to the Contractor hereunder to locations other than those specified in the Schedule; and

(ii) assignment, to the Government or to third parties, of purchase orders or subcontracts of the Contractor for any or all of the Facilities hereunder.

The work performed by the Contractor in complying with such directions shall be at Government expense.

(c) The Government may furnish any item of the Facilities, in lieu of the acquisition or construction thereof by the Contractor. In such event, the work performed by the Contractor in connection with the acquisition or construction of such Facilities, including the cost of terminating purchase orders or subcontracts therefor, shall be at Government expense.

(d) Appropriate equitable adjustment may be made in any related procurement contract of the Contractor which so provides and which is affected by any nondelivery, delay, diversion, or substitution under this clause.

**§ 7.702–4 Changes.**

CHANGES (SEPT. 1964)

(a) The Contracting Officer may at any time, by written order and without notice to the sureties, if any, make changes within the general scope of this contract, in the Facilities or work described in the Schedule. Work performed by the Contractor in complying with any such order shall be at Government expense. If any such change causes an increase or decrease in the estimated cost of this contract, in the time required for its performance, or otherwise affects any other provision of this contract, an equitable adjustment shall be made in the estimated cost, the completion schedule, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract. However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

(b) Appropriate equitable adjustment may be made in any related procurement contract of the Contractor which so provides and which is affected by any such change.

In the foregoing clause, the period of "thirty (30) days" within which any claim or adjustment must be asserted may be varied in accordance with Departmental procedures.

**§ 7.702–5 Representations and warranties.**

REPRESENTATIONS AND WARRANTIES (SEPT. 1964)

(a) The Government makes no warranty, express or implied, regarding the condition or fitness for use of any item of the Facilities. To the extent practicable, the Contractor shall be afforded an opportunity to inspect all items of Facilities that are to be furnished by the Government prior to the shipment of such Facilities to the Contractor. In the event that any item of such Facilities is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, within thirty (30) days after receipt and installation thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer and at Government expense, either (i) return such item or otherwise dispose of it, or (ii) effect repairs or modifications.

(b) Appropriate equitable adjustment may be made in any related procurement contract of the Contractor which so provides and which is affected by the return or disposition, or the repair or modification, of any item of Facilities under paragraph (a) above.

**§ 7.702–6 Inspection.**

INSPECTION (SEPT. 1964)

(a) The Facilities and work called for by this contract shall be subject to inspection and test by the Government, to the extent practicable at all times and places including the period of manufacture. The Contractor shall provide and maintain an inspection system acceptable to the Government covering the Facilities and work called for by this contract. The Government, through any authorized representative, may inspect such Facilities and work at the plant or plants of



the Contractor or any of his subcontractors

the Contractor or any of his subcontractors engaged in the performance of this contract. If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. All inspections and tests by the Government shall be performed in such a manner as will not unduly delay the work to be performed by the Contractor under this contract or any related procurement contract.

(b) The Contracting Officer may at any time require the Contractor to remedy by correction or replacement any Facilities or work which are defective or otherwise not in conformity with the requirements of this contract. Except as otherwise provided in paragraph (c) below, such corrections and replacements shall be carried out at Government expense if under the terms of this contract the Facilities or work thus corrected or replaced were initially provided or required to be performed at Government expense.

(c) The Contracting Officer may at any time require the Contractor, without cost to the Government hereunder or under any of its related procurement contracts or subcontracts, to correct or replace any Facilities or work which are defective or otherwise not in conformity with the requirements of this contract, if such defects or failures are due to:

(i) fraud, lack of good faith, or willful misconduct on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives who has supervision or direction of—

(A) all or substantially all of the Contractor's business;

(B) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed; or

(C) a separate and complete major industrial operation in connection with the performance of this contract; or

(ii) The conduct of one or more individual employees selected or retained by the Contractor after any of the supervisory personnel described in (i) above has reasonable grounds to believe that any such employee is habitually careless or otherwise unqualified.

(d) Corrected or replaced Facilities or work shall be subject to the provisions of this clause in the same manner and to the same extent as Facilities or work originally completed under this contract.

(e) The Contractor shall make his records of all inspection work available to the Government during the performance of this contract and for such longer periods as may be specified in this contract.

### § 7.702–7 Excusable delays.

Insert the clause set forth in § 8.708 of this chapter, except that the reference in the last sentence thereof to the clause entitled "Termination" shall be changed to read "Termination of Work".

### § 7.702–8 Location of the facilities.

LOCATION OF THE FACILITIES (SEPT. 1964)

The Contractor may use the Facilities at any of the locations specified in the Schedule, and, with the prior written approval of the Contracting Officer, at any other location. In granting this approval, the Contracting Officer may prescribe such terms and conditions as he may deem necessary for the protection of the Government's interest in the Facilities involved. Notwithstanding any inconsistency with the provisions of this contract, such terms and conditions shall prevail.

### § 7.702–9 Government bills of lading.

GOVERNMENT BILLS OF LADING (SEPT. 1964)

All shipments of the Facilities shall be made on Government bills of lading, unless otherwise authorized by the Contracting Officer. The required number of such Government bills of lading will be furnished to the Contractor by, and the Contractor shall be accountable therefor to, the transportation activity designated by the Contracting Officer.*

### § 7.702–10 Allowable cost and payment.

(a) Subject to the instructions set forth in paragraph (b) of this section, insert the following clause.

ALLOWABLE COST AND PAYMENT (SEPT. 1964)

(a) For the performance of any work, duty, or obligation by the Contractor under this contract which is provided herein to be at Government expense, the Government shall pay the Contractor the cost thereof, determined by the Contracting Officer** to be allowable in accordance with (i) Section XV, Part 5, of the Armed Services Procurement Regulation in effect as of the date of this contract; and (ii) the terms of this contract.

(b) Except as otherwise specifically provided in this contract, the failure of this contract to provide for reimbursement shall not preclude the Contractor from including, as part of the price or cost under any other Government contract or subcontract, an allocable portion of the costs incurred in the performance of any work, duty, or obligation under this contract which are not reimbursable hereunder.

(c) Once each month (or at more frequent intervals, if approved by the Contracting Officer**), the Contractor may submit to an authorized representative of the Contracting Officer**, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost.

(d) Promptly after receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, subject to the provisions of paragraph (e) below, make payment thereof as approved by the Contracting Officer**.

(e) At any time or times prior to final payment under this contract, the Contracting Officer** may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer**, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable cost hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(i) an assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) a release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided*, That such claims are not known to the Contractor on the date of the execution of the release: *And provided further*, That the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(C) claims for reimbursement of costs (other than expenses of the Contractor by reason of his indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

(b) In paragraph (f)(ii)(B) of the foregoing clause, the period of years may be increased to correspond with any statutory period of limitation applicable to claims of third parties against the contractor: *Provided*, That a corresponding increase is made in the period for retention of records required in paragraph (a)(4) of the clause prescribed by § 7.702–13.

### § 7.702–11 Limitation of cost.

LIMITATION OF COST (SEPT. 1964)

(a) It is estimated that the total cost to the Government for the performance of work under this contract which is provided herein to be at Government expense will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform such work within such estimated cost. If at any time the Contractor has reason to believe that the costs which he expects to incur in the performance of such work in the next succeeding thirty (30) days, when added to all costs previously incurred, will exceed eighty-five percent (85%) of the estimated cost then set forth in the Schedule or if at any time the Contractor has reason to believe that the total cost to the Government for the performance of such work will be substantially greater or less than the then estimated cost thereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving his revised estimate of such total cost for the performance of such work.

(b) The Government shall not be obligated to reimburse the Contractor under this contract for costs incurred in excess of the estimated cost set forth in the Schedule, and the Contractor shall not be obligated to continue the performance of work under this contract which is provided herein to be at Government expense, or to incur costs therefor, in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performing such work. When and to the extent that the estimated cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of such estimated cost prior to the increase in estimated cost shall be allowable to the same extent as if such costs had been incurred after such increase in estimated cost.

* In contracts of the Department of the Navy, insert "the Cognizant Inspector" in lieu of "the Contracting Officer".

** In contracts of the Department of the Navy, insert "the Director, Contract Audit Division, Auditor General of the Navy, Washington, D.C." in lieu of "the Contracting Officer".



### § 7.702–12 Use and charges.

USE AND CHARGES (SEPT. 1964)

(a) The Contractor may use the Facilities without charge in the performance of:

(i) prime contracts with the Government which specifically authorize use without charge.

(ii) subcontracts held by the Contractor under Government prime contracts or subcontracts of any tier thereunder if the Contracting Officer having cognizance of the prime contract concerned has authorized use without charge by approving a subcontract specifically authorizing such use or has otherwise authorized such use in writing, and

(iii) other work with respect to which the Contracting Officer has authorized use without charge in writing.

(b) Subject to the payment of a rental therefor, the Contractor may use all or part of the Facilities in the performance of work other than that specified in paragraph (a) above, as authorized by the Contracting Officer or as specifically provided in the Schedule. The amount of rentals to be paid for the right to use the Facilities under this paragraph (b) shall be determined in accordance with the following procedure.

(1) The following bases are or shall be established in writing for the rental computation prescribed in subparagraph (2) below in advance of any use of the Facilities under this paragraph:

(i) The rental rates for the right to use the Facilities shall be those set forth in Exhibit A.

(ii) The acquisition cost of the Facilities shall be the total cost to the Government, as determined by the Contracting Officer of each item of the Facilities, including the cost of the transportation and installation, if such costs are borne by the Government. When Government-owned special tooling or accessories are rented with any item of the Facilities, the acquisition cost shall be increased to include the price charged the Government for such tooling or accessories. When any item of the Facilities has been modernized by substantial rebuilding at Government expense so as to enhance its original capability, the acquisition cost for that item shall include the increased value, as determined by the Contracting Officer, that such rebuilding and modernization represent. The determination made by the Contracting Officer under this subparagraph shall be final.

(iii) The rental period shall be not less than one month nor more than six months, as may be mutually agreed to.

(iv) For the purpose of computing any credit under subparagraph (2) below, the measurement unit for determining the amount of use of the Facilities by the Contractor shall be direct labor hours, sales, hours of use, or any other measurement unit which will result in an equitable apportionment of the rental charge, as may be mutually agreed to.

(2) The Contractor shall compute the amount of rentals to be paid for each rental period, using the bases established pursuant to subparagraph (1) above. The rental rates shall be applied to the acquisition cost of such of the Facilities as may have been authorized for use in advance pursuant to this paragraph (b), for each rental period. The full charge for each rental period, so determined, shall be reduced by a credit in the amount of such rental as would otherwise be properly allocable to work with respect to which the use of the Facilities without charge is authorized in accordance with paragraph (a) above. Such credit shall be computed by multiplying the full rental for the rental period by a fraction whose numerator is the amount of use of the Facilities by the Contractor without charge during such period, and whose denominator is the total amount of use of the Facilities by the Contractor during such period.

(3) The Contractor shall submit to the Contracting Officer* within ninety (90) days after the close of each rental period a written statement of the use made of the Facilities by the Contractor and the rental due the Government hereunder, and shall make available such records and data as are determined by the Contracting Officer* to be necessary to verify the information contained in the statement.

(4) If the Contractor fails to submit the statement within the prescribed ninety (90) day period, the Contractor shall be liable for the full rental for the period in question, subject to the exception stated in subparagraph (5) below.

(5) If the Contractor's failure to submit the statement within the prescribed ninety (90) day period arose out of causes beyond the control and without the fault or negligence of the Contractor, the Contracting Officer shall grant to the Contractor in writing a reasonable extension of time in which to make such submission.

(c) Unless otherwise directed in writing by the Contracting Officer, the Contractor shall give priority in the use of the Facilities to the performance of contracts and subcontracts of the Department of the _____ and shall not undertake any work involving the use of the Facilities which would interfere with the performance of existing Government contracts or subcontracts.

(d) Concurrently with the submission of the written statement prescribed by paragraph (b)(3) above, the Contractor shall pay the rental due the Government under this clause by check made payable to the Treasurer of the United States. Each check shall be mailed or delivered to the Contracting Officer.** Receipt and acceptance by the Government of the Contractor's checks pursuant to this paragraph shall constitute an accord and satisfaction of the final amount due the Government hereunder, unless the Contractor is notified in writing one hundred eighty (180) days following such receipt that the amount received is not regarded by the Government as the final amount due.

(e) If the Contractor uses any item of the Facilities without authorization, the Contractor shall be liable for the full monthly rental, without credit, for such item for each month or part thereof in which such unauthorized use occurs. However, the Contracting Officer may waive the Contractor's liability for such unauthorized use if he determines that the Contractor exercised reasonable care to prevent such unauthorized use. In this latter event, the Contractor shall be liable only for the rental that would otherwise be due under this clause. The acceptance of any rental by the Government hereunder shall not be construed as a waiver or relinquishment of any rights it may have against the Contractor growing out of the Contractor's unauthorized use of the Facilities or any other failure to perform this contract according to its terms.

* In contracts of the Department of the Navy, insert "the Director, Contract Audit Division, Auditor General of the Navy, Washington, D.C." in lieu of "the Contracting Officer."

** In contracts of the Department of the Navy, insert "U.S. Navy Regional Finance Office, Washington, D.C.," in lieu of "the Contracting Officer".

EXHIBIT A

RENTAL RATES

The following rental rates are the rental rates referred to in the clause of this contract entitled "Use and Charges":

(i) For land and land preparation, buildings, building installations, and land installations other than those items specified in (ii) below, a fair and reasonable rental shall be established, based on sound commercial practice.

(ii) For machinery and production equipment of the type covered by the following classes of Production Equipment:

| Federal Supply Classification Code Numbers | Description |
|---|---|
| 3411 through 3419 | Machine tools. |
| 3441 through 3449 | Secondary metal-forming Machinery. |

The following rates shall apply:

| Age of Equipment | Monthly rental rate |
|---|---|
| 0 to 2 years | 1¾%. |
| Over 2 to 6 years | 1½%. |
| Over 6 to 10 years | 1%. |
| Over 10 years | ¾%. |

The age of each item of the Facilities shall be based on the year in which it was manufactured, with an annual birthday on 1 January of each year thereafter. On 1 January following the date of manufacture, the item shall be considered one year old; and on each succeeding January 1st, it shall become one year older. For example, if an item of equipment is manufactured on 15 July 1958, it will be considered to be one year old on 1 January 1959, two years old on 1 January 1960, three years old on 1 January 1961, and so forth. The item of equipment will be considered "over two years old" on and after 1 January 1960, "over six years old" on and after 1 January 1964, and "over ten years old" on and after 1 January 1968.

(iii) For personal property and equipment not covered in (i) or (ii) above, a rental shall be established at not less than the prevailing commercial rate, if any; or, in the absence of such rate, not less than two percent (2%) per month for electronic test equipment and automotive equipment; and not less than one percent (1%) per month for all other property and equipment.

### § 7.702–13 Examination of records.

In accordance with the instructions in § 7.203–7, insert the clause set forth therein, except that the first sentence of paragraph (a)(1) shall be deleted and the following sentence inserted in lieu thereof.

The Contractor agrees to maintain books, records, documents, and other evidence pertaining to the costs and expenses of this contract and to the use of and charges for the use of the Facilities (hereinafter collectively called "the records") to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies, and services, and other costs and expenses of whatever nature, for which reimbursement is claimed under the provisions of this contract, all use of the Facilities, and all charges to be made for the use of the Facilities.

(Sept. 1964)

### § 7–702–14 Maintenance.

MAINTENANCE (SEPT. 1964)

(a) Except as otherwise provided in the Schedule, the Contractor shall perform normal maintenance of the Facilities in accordance with sound industrial practice, in-

** Receipt and acceptance by the Government of the Contractor's checks pursuant to this paragraph shall constitute an accord and satisfaction of the final amount due the Government hereunder, unless the Contractor is notified in writing one hundred eighty (180) days following such receipt that the amount received is not regarded by the Government as the final amount due.



cluding protection, preservation, maintenance, repair, and replacement of the Facilities, and shall perform such work promptly so that the Facilities will be kept in such condition as is necessary for the proper conduct of the Government work to be performed hereunder. The Contractor shall perform such normal maintenance whether the Facilities are in use or idle, and whether they are used by the Contractor or by the Government upon (i) issuance for use of such Facilities to the Contractor, (ii) subsequent redelivery of such Facilities to the Government, or (iii) return of such Facilities to the Government upon completion of work under this contract.

(b) The Contractor shall maintain a program for maintenance, repair, and replacement of the Facilities so as to prevent unreasonable deterioration thereof other than fair wear and tear. The Contracting Officer may from time to time prescribe reasonable standards for such program and for the Contractor's performance thereunder. The Contracting Officer shall have the right to perform periodic inspections of the Facilities, and the Contractor shall provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All inspections and tests by the Government shall be performed in such a manner as will not unduly delay the work of the Contractor.

(c) The Contracting Officer may require the Contractor to survey the Facilities at Government expense if a survey is requested by the Government property administrator having cognizance of the Facilities or if there has been a substantial change in the condition of the Facilities since the last survey. The Contractor shall have the right to survey the Facilities at his own expense prior to the commencement of work hereunder and prior to the expiration of the period of use of each item thereof. The survey shall be conducted by a mutually acceptable person or persons and shall state the condition of the Facilities. If requested by the Contracting Officer, the Contractor shall furnish a copy of the survey to the Government property administrator having cognizance of the Facilities.

(d) The Contractor shall, upon the expiration of the period of use of each item of the Facilities, return the same to the Government in the condition in which it was furnished to the Contractor, ordinary wear and tear excepted. The Contractor shall not be responsible for any reduction in value of the Facilities by reason of their use hereunder, for ordinary wear and tear, or for the effects of natural forces.

### § 7.702–15 Risk of loss.

RISK OF LOSS (SEPT. 1964)

(a) The Contractor shall bear the risk of loss of, damage to, or destruction of the Facilities, except such risk as is assumed by the Government under paragraph (b) below. The Contractor shall not be relieved of liability for any loss, damage, or destruction by reason of failure on his part to insure or to maintain insurance in accordance with the instructions of the Contracting Officer, or to procure a waiver of subrogation rights.

(b) The Government assumes the risk of, and shall be responsible for, loss of, damage to, or destruction of the Facilities to the extent that such loss, damage, or destruction:

(i) results from normal wear and tear;

(ii) results from the effects of natural forces;

(iii) results from the use and occupancy of the Facilities by the Government, its agents, or employees, other than the Contractor, under any other contract, in the performance of work by them;

(iv) results from any act or omission of the Government, its agents, or employees, other than the Contractor, while the Facilities are in the possession or under the control of the Government, its agents, or employees, other than the Contractor;

(v) results from fire, if the Contractor has complied with the requirements of the Contracting Officer relating to the protection of the Facilities against fire; or

(vi) is insured against, or would be covered by insurance required to be carried by the Contractor under this contract, to the extent of the insurance required to be carried.

(c) Upon the occurrence of any loss, damage, or destruction of the Facilities, the Contractor shall promptly notify the Contracting Officer in writing. In the event of damage, the Contracting Officer may elect to have the damaged Facilities repaired by the Contractor, or to have the Contractor present them to the Government for disposition, as may be directed by the Contracting Officer. In the event that the Contracting Officer elects to have the damaged Facilities repaired, the Contractor shall repair them in accordance with the Contracting Officer's directions. In the event that the Contracting Officer elects to have the damaged Facilities presented to the Government for disposition, or in the event of loss or destruction of the Facilities, the Contractor shall make such disposition in accordance with the Contracting Officer's directions. The Contracting Officer may thereupon require the Contractor to procure such insurance against liability for such loss, damage, or destruction as may be required by the Contracting Officer during the remainder of the period of use of the Facilities.

(d) The Contractor shall not be liable for any loss, damage, or destruction which occurs after the Facilities are returned to the Government custody and control pursuant to the Contracting Officer's instructions contemplating such return.

(e) The Contractor shall not be liable for any loss, damage, or destruction to the Facilities caused by his failure to maintain insurance in accordance with the instructions of the Contracting Officer, if proceeds sufficient to cover the loss, damage, or destruction would have been payable to the Government had such insurance been in force and effect and carried with responsible insurers.

### § 7.702–16 Indemnification of Government.

INDEMNIFICATION OF GOVERNMENT (SEPT. 1964)

The Contractor agrees to indemnify the Government and its officers, agents, and employees against liability, including costs and expenses, for (i) death or bodily injury arising out of the Contractor's use of the Facilities hereunder, (ii) loss of, damage to, or destruction of property of the Contractor or third persons arising out of the Contractor's use of the Facilities hereunder, whether such death, injury, loss, damage, or destruction results from the conduct of the Contractor or any of his agents or employees or from any accident, whether or not involving negligence, and (iii) loss of, damage to, or destruction of the Facilities to the extent the Contractor is responsible for such loss, damage, or destruction under § 7.702–15.

### § 7.702–17 Taxes.

TAXES (SEPT. 1964)

The Contractor agrees to pay all taxes and assessments which may be lawfully assessed against the Facilities subsequent to delivery thereof to the Contractor hereunder, and to require that they be kept free of all liens for taxes and assessments. In the event that any taxes or assessments which the Contractor has agreed to pay or cause to be paid are nevertheless paid by the Government, the Contractor shall promptly reimburse the Government therefor upon demand.

### § 7.702–18 Insurance—work on the Government's premises.

Insert the clause set forth in § 7.703–2(h).



### § 7.702–19 Insurance—liability to third persons.

Insert the clause set forth in § 7.703–2(i), except that the first sentence of paragraph (a) shall be deleted and the following sentence inserted in lieu thereof.

The Contractor shall procure and thereafter maintain, with respect to the performance of work hereunder, such insurance as is required by the Contracting Officer.

### § 7.702–20 Insurance—liability for Government property.

Insert the clause set forth in § 7.703–2(j), except that the first sentence of paragraph (a) shall be deleted and the following sentence inserted in lieu thereof.

The Contractor shall procure and thereafter maintain, with respect to the performance of work hereunder, such insurance as is required by the Contracting Officer.

cluding protection, preservation, maintenance, and repair of the Facilities, and with respect to equipment, normal parts replacement.

(b) As soon as practicable after the execution of this contract, the Contractor shall submit to the Contracting Officer* in writing a proposed normal maintenance program, including an appropriate maintenance records system, in sufficient detail to show its adequacy as a normal maintenance program. To the extent that the Contracting Officer* and the Contractor agree upon such a program, it shall become the normal maintenance obligation of the Contractor; and the Contractor shall carry it out in satisfaction of (i) his normal maintenance obligation under paragraph (a) above, and (ii) his obligation to maintain records under paragraph (e) below.

(c) The Contracting Officer may at any time specify, by written notice to the Contractor, a reduction in the work required by the then current normal maintenance obligation of the Contractor. After receipt of such notice, the Contractor shall perform only such work as is specified therein. If any such notice causes a decrease in the cost of performing the normal maintenance obligation, appropriate equitable adjustment may be made in any related procurement contract of the Contractor which so provides and which is affected by any such decrease.

(d) The Contractor shall perform such maintenance work as may be directed by the Contracting Officer in writing. To the extent that such work is in excess of the Contractor's then current normal maintenance obligation under paragraphs (a) through (c) above, such work shall be at Government expense. The Contractor shall notify the Contracting Officer in writing whenever, in accordance with sound industrial practice, the Facilities require any work in excess of such normal maintenance obligation.

(e) The Contractor shall keep records of the work done on the Facilities in performing his obligations under this clause, and shall afford the Government adequate opportunity to inspect all such records. The Contractor shall deliver such records to the Government or third persons, if so directed by the Contracting Officer, whenever the Facilities to which they relate are disposed of hereunder.

(f) The Contractor's obligation under this clause shall continue, with respect to each item of the Facilities, until such item is removed, abandoned, or otherwise disposed of, until expiration of the ninety (90) day period prescribed in paragraph (c) of the "Disposition of the Facilities" clause, or until the Contractor has discharged his obligations under this contract with respect to such items, whichever last occurs.

### § 7.702–15 Title.

TITLE (SEPT. 1964)

(a) Title to all Facilities and components furnished by the Government shall remain in the Government. Title to all Facilities and components purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to replacement parts furnished by the Contractor in carrying out his normal maintenance obligations pursuant to the clause of this contract entitled "Maintenance" shall pass to and vest in the Government upon completion of their installation in the Facilities. Title to other property, the cost of which is reimbursable to the Contractor under this contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this contract; or (ii) commencement of processing or use of such property in the performance of this contract; or (iii) reimbursement of the cost thereof by the Government, whichever first occurs.

(b) Title to the Facilities shall not be affected by their incorporation in or attachment to any property not owned by the Government, nor shall any item of the Facilities be or become a fixture or lose its identity as personalty by reason of affixation to any realty. The Contractor shall keep the Facilities free and clear of all liens and encumbrances, and, except as otherwise authorized by this contract or by the Contracting Officer, shall not remove or otherwise part with possession of, or permit the use by others of any of the Facilities.

(c) The Contractor may, with the written approval of the Contracting Officer, install, arrange, or rearrange on premises furnished by the Government hereunder, readily movable machinery, equipment, and other items belonging to the Contractor. Title to any such item shall remain in the Contractor even though it is affixed to realty owned by the Government, unless it is so permanently attached to such realty as to be nonremovable without substantial injury, as determined by the Contracting Officer, to the property of the Government.

### § 7.702–16 Access.

ACCESS (SEPT. 1964)

The Government and any persons designated by it shall at all reasonable times have access to the premises where any of the Facilities are located.

### § 7.702–17 Property control.

PROPERTY CONTROL (SEPT. 1964)

The Contractor shall maintain adequate property control procedures and records, and a system of identification of the Facilities, in accordance with the provisions of Appendix B, "Manual for Control of Government Property in Possession of Contractors", or Appendix C, "Manual for Control of Government Property in Possession of Nonprofit Research and Development Contractors", of the Armed Services Procurement Regulation, as may be appropriate, in effect on the date of this contract.

### § 7.702–18 Liability for the facilities.

LIABILITY FOR THE FACILITIES (SEPT. 1964)

(a) The Contractor shall not be liable for any loss of or damage to the Facilities, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto) which results from:

(i) willful misconduct or lack of good faith on the part of any one of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of—

(A) all or substantially all of the Contractor's business; or

(B) all or substantially all of the Contractor's operations at any one plant or separate location, in which the Facilities are installed or located; or

(C) a separate and complete major industrial operation in connection with which the Facilities are used;

(ii) a failure, on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in subparagraph (i) above—

(A) to maintain and administer, in accordance with the clause of the contract entitled "Maintenance", a program for maintenance, repair, protection, and preservation of the Facilities, or

(B) to take all reasonable steps to comply with any appropriate written directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection of the Facilities;

(iii) a risk for which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the Schedule;

(iv) a risk expressly required to be insured pursuant to paragraph (c) of this clause, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement;

*Provided*, That, if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(b) If the Contractor transfers the Facilities to the possession and control of a subcontractor, the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to the Facilities as set forth above. However, the Contractor shall require the subcontractor to assume the risk of, and be responsible for, any loss or destruction of or damage to the Facilities while in the latter's possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, provides for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all the Facilities in as good condition as when received, except for reasonable wear and tear or for the utilization of the Facilities in accordance with the provisions of the prime contract.

(c) Unless expressly directed in writing by the Contracting Officer*, the Contractor shall not include as an element of price or cost under any contract with the Government any amount on account of the cost of insurance (including self-insurance) against any form of loss or damage to the Facilities. Any insurance required under this clause shall be in such form, in such amounts, for such periods of time, and with such insurers (including the Contractor as self-insurer in appropriate circumstances, if so approved) as the Contracting Officer* shall require or approve. Such insurance shall contain provision for thirty (30) days prior notice to the Contracting Officer*, in the event of cancellation or material change in the policy coverage on the part of the insurer. A certificate of insurance or a certified copy of each policy of insurance taken out hereunder shall be deposited promptly with said Contracting Officer*. The Contractor shall, not less than thirty (30) days prior to the expiration of any insurance required by this contract to be carried by the Contractor on the Facilities, deliver to said Contracting Officer* a certificate of insurance or a certified copy of each renewal policy to cover the same risks. The insurance shall be in the name of the United States of America (Department of the _____), the Contractor, and such other interested parties as the Contracting Officer shall approve, and shall contain a loss payable clause reading substantially as follows:

*In contracts of the Department of the Navy, insert "the Cognizant Inspector" in lieu of "the Contracting Officer".

*In contracts of the Department of the Navy, insert "the Insurance Branch, Office of Naval Material, Department of the Navy, Washington, D.C." in lieu of "Contracting Officer".



"Loss, if any, under this policy shall be adjusted with (Contractor) and the proceeds, at the direction of the Government, shall be paid to (Contractor). Proceeds not paid to (Contractor) shall be paid to the Treasurer of the United States of America.".

(d) Upon the happening of any loss or destruction of or any damage to the Facilities:

(i) the Contractor shall promptly notify the Contracting Officer thereof, and with the assistance of the Contracting Officer* shall take all reasonable steps to protect the Facilities from further damage, separate the damaged and undamaged Facilities, put all the Facilities in the best possible order, and promptly furnish to the Contracting Officer (and in any event within thirty (30) days after the Contractor has determined that loss or destruction of, or damage to, the Facilities has occurred) a statement of—

(A) the lost, destroyed, and damaged Facilities;

(B) the time and origin of the loss, destruction, or damage;

(C) all known interests in commingled property of which the Facilities are a part; and

(D) the insurance, if any, covering any part of or interest in such commingled property; and

(ii) the Contractor shall make such repairs, replacements, and renovations of the lost, destroyed, or damaged Facilities, or take such other action as the Contracting Officer may direct in writing.

The Contractor shall perform its obligations under this paragraph (d) at Government expense, except to the extent that the Contractor is responsible for such damage, loss, or destruction under the terms of this clause, and except as any damage, loss, or destruction is compensated by insurance.

(e) The Government is not obliged to replace or repair the Facilities which have been lost, destroyed, or damaged. In such event the right of the parties to an equitable adjustment in delivery or performance dates, or price, or both, and in any other contractual condition of the related procurement contracts affected thereby shall be governed by the terms and conditions of such contracts.

(f) Except to the extent of any loss or destruction of or damage to the Facilities for which the Contractor is relieved of liability, the Facilities shall be returned to the Government or otherwise disposed of under the terms of this contract in as good condition as when received by the Contractor, as subsequently improved or as they should have been subsequently improved under the terms of this contract, less ordinary wear and tear.

(g) In the event the Contractor is indemnified, reimbursed, or otherwise compensated (excepting proceeds from use and occupancy insurance, the cost of which is not borne directly or indirectly by the Government) for any loss or destruction of, or damage to, the Facilities, he, to the extent and as directed by the Contracting Officer:

(i) shall use the proceeds to repair, renovate, or replace the Facilities involved; or

(ii) pay such proceeds to the Government.

(h) The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any loss or destruction of, or damage to, the Facilities; and upon the request of the Contracting Officer shall furnish to the Government, at Government expense, all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

*In contracts of the Department of the Navy, insert "the Cognizant Inspector" in lieu of "the Contracting Officer".

### § 7.702–19 Insurance—liability to third persons.

In accordance with the instructions contained in § 7.203–22, insert the clause set forth therein. Wherever reference to the clause entitled "Allowable Cost, Fixed Fee and Payment" is made in this clause, insert in lieu thereof the following: "Allowable Cost and Payment". Wherever the phrase "performance under this contract" or "the performance of this contract" appears in such clause, insert in lieu thereof the following: "performance of work at Government expense under this contract".

### § 7.702–20 Indemnification of the Government.

INDEMNIFICATION OF THE GOVERNMENT (SEPT. 1964)

Except as provided in the "Insurance—Liability to Third Persons" clause, the Contractor shall indemnify and hold the Government harmless against claims for injury to persons or damage to property of the Contractor or others arising from the Contractor's possession or use of the Facilities. However, the provisions of the Contractor's related procurement contracts shall govern the Government's assumption of liability for such claims arising out of or related to the performance of each such related procurement contract and involving the possession or use of the Facilities.

### § 7.702–21 Stop work orders.

STOP WORK ORDERS (SEPT. 1964)

(a) The Contracting Officer may, at any time, by written order to the Contractor, require the Contractor to stop all, or any part, of the acquisition, construction, or installation work called for by the Schedule for a period of ninety (90)* days after the order is delivered to the Contractor, and for any further period to which the parties may agree. Any such order shall be specifically identified as a Stop Work Order issued pursuant to this clause. Upon receipt of such an order, the Contractor shall, at Government expense, forthwith comply with its terms and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Within a period of ninety (90)* days after a Stop Work Order is delivered to the Contractor, or within any extension of that period to which the parties shall have agreed, the Contracting Officer shall either:

(i) cancel the Stop Work Order, or

(ii) terminate the work covered by such order as provided in the "Termination of Work" clause of this contract.

(b) If a Stop Work Order issued under this clause is canceled or the period of the order or any extension thereof expires, the Contractor shall resume work. An equitable adjustment shall be made in the delivery completion schedule, the estimated cost, or both, and the contract shall be modified in writing accordingly, if:

(i) the Stop Work Order results in an increase in the time required for, or in the Contractor's cost properly allocable to, the performance of any part of this contract; and

(ii) the Contractor asserts a claim for such adjustment within thirty (30) days after the end of the period of work stoppage: *Provided*, That, if the Contracting Officer decides the facts justify such action, he may receive and act upon any such claim asserted at any time prior to final payment under this contract.

(c) If a Stop Work Order is not canceled and the work covered by such order is terminated, the reasonable costs resulting from the Stop Work Order shall be allowed in arriving at the termination settlement.

(d) Appropriate equitable adjustment may be made in any related procurement contract of the Contractor which so provides and which is affected by any Stop Work Order under this clause. In no event shall the Government be liable to the Contractor for damages or loss of profits because of a Stop Work Order issued under this clause.

* This clause may provide for less than ninety days.

### § 7.702–22 Termination of work.

TERMINATION OF WORK (SEPT. 1964)

(a) The performance of work under this contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part, whenever for any reason the Contracting Officer shall determine that such termination is in the best interest of the Government. Any such termination shall be effected by delivery to the Contractor of a written Notice of Termination specifying the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective.

(b) After receipt of a Notice of Termination and except as otherwise directed by the Contracting Officer, the Contractor shall:

(i) stop work in performance of the contract on the date and to the extent specified in the Notice of Termination;

(ii) place no further orders or subcontracts for materials, services, or Facilities except as may be necessary for completion of such portion of the work under the contract as is not terminated;

(iii) terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination;

(iv) assign to the Government, in the manner and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders or subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;

(v) with the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final and conclusive for all purposes of this clause, settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, the cost of which would be reimbursable in whole or in part, in accordance with the provisions of this contract;

(vi) transferred title (to the extent that title has not already been transferred) and, in the manner, to the extent, and at the times directed by the Contracting Officer, deliver to the Government—

(A) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in respect to the performance of, the work terminated by the Notice of Termination; and

(B) the completed or partially completed plans, drawings, information, and other property which, if the contract had been completed, would be required to be furnished to the Government;

(vii) use his best efforts to sell in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in (vi) above; *provided*, however, that the Contractor—

(A) shall not be required to extend credit to any purchaser; and

(B) may acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer: *And provided further*, That the proceeds of any such transfer or disposition shall be

applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may direct;

(viii) complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and

(ix) take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of Contractor in which the Government has or may acquire an interest.

The Contractor shall proceed immediately with the performance of the above obligations notwithstanding any delay in determining any item of reimbursable cost under this clause. At any time after expiration of the plant clearance period, as defined in Section VIII, Armed Services Procurement Regulation, in effect as of the date of this contract, the Contractor may submit to the Contracting Officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of, exclusive of items the disposition of which has been directed or authorized by the Contracting Officer, and may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter the Government will accept such items and remove them or enter into a storage agreement covering the same: *Provided*, That the list submitted shall be subject to verification by the Contracting Officer upon removal of the items, or if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(c) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer his termination claim in the form and with the certification prescribed by the Contracting Officer. Such claim shall be submitted promptly but in no event later than one year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer, upon request of the Contractor made in writing within such one year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such one year period or any extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any Settlement Review Board approvals required by Section VII of the Armed Services Procurement Regulation in effect as of the date of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.

(d) Subject to the provisions of paragraph (c), and subject to any Settlement Review Board approvals required by Section VIII of the Armed Services Procurement Regulation in effect as of the date of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount.

(e) In the event of the failure of the Contractor and the Contracting Officer to agree in whole or in part, as provided in paragraph (d), as to the amounts with respect to costs to be paid to the Contractor in connection with the termination of work pursuant to this clause, the Contracting Officer shall, subject to any Settlement Review Board approvals required by Section VIII of the Armed Services Procurement Regulation in effect as of the date of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall pay to the Contractor the amount determined as follows:

(i) there shall be included therein all costs and expenses reimbursable in accordance with this contract, not previously paid to the Contractor for the performance of this contract prior to the effective date of the Notice of Termination, and such of these costs as may continue for a reasonable time thereafter with the approval of or as directed by the Contracting Officer: *Provided, however*, That the Contractor shall proceed as rapidly as practicable to discontinue such costs;

(ii) there shall be included therein so far as not included under (i) above, the cost of settling and paying claims arising out of the termination of work under subcontracts or orders, as provided in paragraph (b)(v) above, which are properly chargeable to the terminated portion of the contract; and

(iii) there shall be included therein the reasonable costs of settlement, including accounting, legal, clerical, and other expenses reasonably necessary for the preparation of settlement claims and supporting data with respect to the terminated portion of the contract and for the termination and settlement of subcontracts thereunder, together with reasonable storage, transportation, and other costs incurred in connection with the protection or disposition of termination inventory.

(f) The Contractor shall have the right of appeal, under the clause of this contract entitled "Disputes", from any determination made by the Contracting Officer under paragraph (c) or (e) above, except that if the Contractor has failed to submit his claim within the time provided in paragraph (c) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e) above, the Government shall pay to the Contractor the following: (i) if there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer, or (ii) if an appeal has been taken, the amount finally determined on such appeal.

(g) In arriving at the amount due the Contractor under this clause there shall be deducted (i) all unliquidated advance or other payments theretofore made to the Contractor, applicable to the terminated portion of this contract, (ii) any claim which the Government may have against the Contractor in connection with this contract, and (iii) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold pursuant to the provisions of this clause and not otherwise recovered by or credited to the Government.

(h) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of the contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of six percent (6%) per annum for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however*, That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until ten (10) days after the date of such retention or disposition, or such later date as determined by the Contracting Officer by reason of the circumstances.

(i) Appropriate equitable adjustment may be made in any related procurement contract of the Contractor which so provides and which is affected by a Notice of Termination under this clause. In no event shall the Government be liable to the Contractor for damages or loss of profits by reason of a Notice of Termination issued pursuant to this clause.

### § 7.702–23 Notice of use of the facilities.

NOTICE OF USE OF THE FACILITIES (SEPT. 1964)

The Contractor shall notify the Contracting Officer in writing whenever:

(i) use of the Facilities for Government work is less than seventy-five percent (75%) of the total use of the Facilities;

(ii) non-Government use of Government-owned machinery and tools (Federal Supply Classification Code numbers 3411–3419 and 3441–3449) having a unit acquisition cost of $500 or more is expected to exceed twenty-five percent (25%) of the total use of such equipment in any rental period; or

(iii) a substantial part of the Facilities is no longer needed or usable for the purpose of performing Government contracts or subcontracts.

### § 7.702–24 Termination of the use of the facilities.

TERMINATION OF THE USE OF THE FACILITIES (SEPT. 1964)

(a) The Contractor may at any time, upon written notice to the Contracting Officer, terminate his authority to use any or all of the Facilities. Termination under this paragraph (a) shall not relieve the Contractor of any of his obligations or liabilities under any related procurement contract or subcontract affected thereby.

(b) The Contracting Officer may at any time, upon written notice, terminate or limit the Contractor's authority to use any or all of the Facilities. Except as otherwise provided in the "Failure to Perform" clause of this contract, appropriate equitable adjustment may be made in any related procurement contract of the Contractor which so provides and which is affected by any such notice.

### § 7.702–25 Period of this contract.

PERIOD OF THIS CONTRACT (SEPT. 1964)

If not previously terminated pursuant to the "Termination of the Use of the Facilities" clause of this contract, the use of the Facilities authorized under this contract shall terminate five (5) years after its effective date. Thereafter, if continued use of the Facilities by the Contractor is mutually desired, the parties shall enter into a new contract which shall incorporate such provisions as may then be required by applicable laws and regulations. The parties may, by written agreement, extend the use of the Facilities hereunder beyond this five (5) year period to permit the completion of then existing related procurement contracts and subcontracts.

A period of more than five years may be specified when authorized by the Secretary of the Department concerned or his designee, not lower than the head of a procuring activity. A period of less than five years may be specified where appropriate.



### § 7.702–26 Disposition of the facilities.

DISPOSITION OF THE FACILITIES (SEPT. 1964)

(a) Except as the Contracting Officer otherwise directs, or until use of all the Facilities under this contract is terminated, the provisions of this clause shall not be applicable to those Facilities, the use of which has been terminated by the Contractor by a notice of termination under paragraph (a) of the "Termination of the Use of the Facilities" clause of this contract if:

(i) such Facilities comprise less than all of the Facilities in the possession of the Contractor, and

(ii) the Contracting Officer determines that continued retention of such Facilities would not interfere with the Contractor's operations.

(b) Within sixty (60) days after the effective date of any notice of termination given pursuant to the "Termination of the Use of the Facilities" clause of this contract, or within such longer period as the Contracting Officer may approve in writing, the Contractor shall submit to the Contracting Officer, in form satisfactory to him, an accounting for all the Facilities covered by such notice.

(c) Within ninety (90) days after the Contractor accounts for any Facilities pursuant to paragraph (b) above, the Contracting Officer shall give written notice to the Contractor as to the disposition thereof, except as otherwise provided in paragraph (e) below. In effecting such disposition, the Government may either:

(i) abandon any such Facilities in place, and thereupon all obligations of the Government regarding such abandoned Facilities shall cease; or

(ii) require the Contractor to comply, at Government expense, with such written directions at the Contracting Officer may give with respect to—

(A) the preparation, protection, removal, or shipment of the affected Facilities;

(B) the retention or storage of the affected Facilities: *Provided*, That the Contracting Officer will not direct the Contractor to retain or store any items of Facilities in or on real property not owned by the Government if such retention or storage will interfere with the Contractor's operations;

(C) the restoration of Government-owned land or buildings incident to the removal therefrom of Government-owned Facilities; and

(D) the sale of any affected Facilities in such manner, at such times, and at such price or prices, as may be approved by the Contracting Officer, except that the Contractor shall not be required to extend credit to any purchaser.

(d) If the Contracting Officer fails to give the written notice required by paragraph (c) above within the prescribed ninety (90) day period, or within thirty (30) days after notice as hereinafter provided, the Contractor may, upon not less than thirty (30) days' written notice to the Government and at Government risk and expense, (i) retain the Facilities in place or (ii) remove any of the affected severable Facilities located in Contractor-owned buildings or property and store them elsewhere, at Contractor's plant or in a public insured warehouse, in accordance with sound practice and in a manner compatible with their security classification, if any. Except as provided in this paragraph, the Government shall not be liable to the Contractor for failure to give the written notice required by paragraph (c) above.

(e) Nonseverable items of the Facilities or items of the Facilities subject to patent or proprietary rights shall be disposed of in such manner as the parties may have agreed to in writing.

(f) The Government, either directly or by third persons engaged by it, may remove or otherwise dispose of any Facilities with respect to which the Contractor's authority to use has been terminated, other than those for which specific provision is made in paragraph (e) above.

(g) The Contractor shall, within a reasonable time after the expiration of the ninety (90) day period specified in paragraph (c) above, remove all property owned by him from land or buildings owned or acquired by the Government and take such action as the Contracting Officer may direct in writing with respect to restoring such land or buildings, insofar as they are affected by the installation therein of the Contractor's property, to their condition prior to such installation.

(h) Unless otherwise specifically provided in this contract, the Government shall not be obligated to the Contractor to restore or rehabilitate any property at Contractor's plant which may be damaged by the installation, use, removal, or storage of the Facilities, except any such damage as may be occasioned by the negligence of the Government, its agents, employees, or independent contractors. The Contractor agrees to indemnify the Government against all suits or claims arising out of the Government's failure to restore or rehabilitate any property at Contractor's plant or property of its subcontractors, except any such damage as may be occasioned by the negligence of the Government, its agents, employees, or independent contractors.

### § 7.702–27 Failure to perform.

FAILURE TO PERFORM (SEPT. 1964)

(a) Subject to the provisions of the clause hereof entitled "Excusable Delays", if the Contractor shall fail to perform this contract in accordance with its terms, the Contracting Officer shall give the Contractor written notice thereof. Thereafter, notwithstanding any other provision of this contract, the Contractor shall not be entitled to an equitable adjustment under either this contract or any related procurement contract, to the extent that such equitable adjustment arises out of the Contractor's failure to perform or such reasonable remedial action as may be taken by the Contracting Officer predicated upon such failure.

(b) The failure of the Government to insist, in any one or more instances, upon the performance of any term or terms of this contract shall not be construed as a waiver or relinquishment of the Government's right to future performance of such term or terms, and the Contractor's obligation in respect to such future performance shall continue in full force and effect.

(c) The rights and remedies of the Government provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

### § 7.702–28 Disputes.

In accordance with the instructions in § 7.203–12, insert the contract clause set forth in § 7.103–12.

### § 7.702–29 Military security requirements.

In accordance with the instructions set forth in § 7.104–12, insert the contract clause set forth therein, deleting paragraphs (e) and (f), and substituting the following paragraphs (e) and (f).

(e) If, subsequent to the date of this contract, the security classifications or security requirements under this contract are changed by the Government as provided in this clause, and if such change causes an increase or decrease in the estimated cost of performance of this contract, the estimated cost, to the extent appropriate, shall be subject to an equitable adjustment. Any such equitable adjustment shall be accomplished in the manner set forth in the "Changes" clause in this contract.

(f) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph (f) but excluding (e) of this clause. The Contractor may insert in any such subcontract, and any such subcontract entered into may contain, in lieu of paragraph (e) of this clause, provisions which permit equitable adjustments to be made in the subcontract price or in the estimated cost and fixed fee of the subcontract (as appropriate to the type of subcontract involved) on account of changes in security classifications or requirements made under the provisions of this clause subsequent to the date of the subcontract involved. (Sept. 1964)

### § 7.702–30 Authorization and consent.

Insert the contract clause set forth in § 9.102–1 or § 9.102–2 of this chapter, as appropriate, except where performance and delivery are to be outside the United States, its possessions, or Puerto Rico.

### § 7.702–31 Notice and assistance regarding patent and copyright infringement.

Insert the contract clause set forth in § 9.104 of this chapter, except where both performance and delivery are to be outside the United States, its possessions, or Puerto Rico.

### § 7.702–32 Patent or proprietary rights in facilities.

PATENT OR PROPRIETARY RIGHTS IN FACILITIES (SEPT. 1964)

(a) Except as otherwise provided in this contract for specified patents, products or processes, if the use of the Facilities or any part thereof, as designed, constructed, or modified by the Contractor, is or will be substantially limited to products or processes subject to any patent or proprietary rights, the Contractor agrees:

(i) not to assert such patent or proprietary rights against the Government or any purchaser or transferee of the Facilities or any part thereof in connection with such use; or

(ii) to indemnify the Government or any purchaser or transferee of the Facilities or any part thereof against—

(A) liability for infringement of such patent or proprietary rights arising out of such use, or

(B) loss of the use of such Facilities for such products or processes resulting from injunctive action enforcing such patent or proprietary rights.

(b) The rights and remedies of the Government provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

### § 7.702–33 Subcontracts.

Insert the contract clause set forth in § 7.203–8 except that paragraphs (c) and (g) shall be appropriately modified to delete references to facilities and special tooling.

### § 7.702–34 Utilization of small business concerns.

Insert the contract clause set forth in § 1.707–3(a) of this chapter, except in contracts with foreign contractors which are to be performed outside of the United States, its possessions, and Puerto Rico.

**§ 7.702–35 Utilization of concerns in labor surplus areas.**

In accordance with the requirements of § 1.805–3(a) of this chapter, insert the contract clause set forth therein.

**§ 7.702–36 Buy American Act.**

In accordance with the requirements of § 6.104–5 of this chapter insert the contract clause set forth therein.

**§ 7.702–37 Assignment of claims.**

In accordance with the instructions in § 7.103–8, insert the contract clause set forth therein.

**§ 7.702–38 Renegotiation.**

In accordance with the requirements of § 7.103–13, insert the appropriate contract clause set forth therein.

**§ 7.702–39 Officials not to benefit.**

Insert the contract clause set forth in § 7.103–19.

**§ 7.702–40 Gratuities.**

In accordance with the requirements of § 7.104–16, insert the contract clause set forth therein.

**§ 7.702–41 Covenant against contingent fees.**

Insert the contract clause set forth in § 7.103–20.

**§ 7.702–42 Payment for overtime premiums.**

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in § 12.102–3 (a).

**§ 7.702–43 Convict labor.**

In accordance with the requirements of § 12.202 of this chapter, insert the contract clause set forth in § 12.203 of this chapter.

**§ 7.702–44 Equal opportunity.**

In accordance with the requirements of § 12.802 of this chapter, insert the contract clause set forth therein.

**§ 7.702–45 Walsh-Healey Public Contracts Act.**

In accordance with the requirements of Subpart F, Part 12 of this chapter, insert the contract clause set forth in § 12.605 of this chapter.

**§ 7.702–46 Work Hours Act of 1962—overtime compensation.**

Insert the contract clause set forth in § 12.403–1(2) of this chapter.

**§ 7.702–47 Price reduction for defective cost or pricing data.**

In accordance with the requirements of § 7.104–29, insert the appropriate clause set forth therein.

**§ 7.702–48 Audit and records.**

In accordance with the requirements of § 7.104–41(c), insert the clause set forth therein except that paragraph (a) thereof shall be modified to read as follows:

(a) The Contractor shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly (i) all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract and (ii) the use of, and charges for the use of, the Facilities. The foregoing constitute "records" for the purposes of this clause. (SEPT. 1964)

**§ 7.702–49 Subcontractor cost and pricing data.**

In accordance with the requirements of § 7.104–42, insert the appropriate clause set forth therein.

**§ 7.702–50 Competition in subcontracting.**

In accordance with the requirements of § 7.104–40, insert the clause set forth therein.

**§ 7.703 Required clauses for facilities acquisition contracts.**

The following contract clauses shall be inserted in all facilities acquisition contracts.

**§ 7.703–1 Definitions.**

Insert the contract clause set forth in § 7.103–1, together with the additional definitions set forth in § 7.702–1. Additional definitions may be included in such clause *provided* they are not inconsistent with such clause or the provisions of this subchapter.

**§ 7.703–2 Facilities to be provided.**

Insert the contract clause set forth in § 7.702–2.

**§ 7.703–3 Late delivery, diversion, and substitution.**

Insert the contract clause set forth in § 7.702–3.

**§ 7.703–4 Changes.**

Insert the contract clause set forth in § 7.702–4.

**§ 7.703–5 Representations and warranties.**

Insert the contract clause set forth in § 7.702–5.

**§ 7.703–6 Inspection.**

Insert the contract clause set forth in § 7.702–6.

**§ 7.703–7 Excusable delays.**

Insert the contract clause set forth in § 8.708 of this chapter, except that the reference in the last sentence thereof to the clause entitled "Termination" shall be changed to read "Termination of Work".

**§ 7.703–8 Government bills of lading.**

Insert the contract clause set forth in § 7.702–9.

**§ 7.703–9 Allowable cost and payment.**

(a) In accordance with the instructions in § 7.702–10, insert the contract clause set forth therein.

(b) If desired, the following additional provision may be added after the first sentence of paragraph (d) of this clause.

After payment of an amount equal to eighty percent (80%) of the total estimated cost of performance of this contract set forth in the Schedule, further payment on account of allowable cost shall be withheld until a reserve of either one percent (1%) of such total estimated cost, or one hundred thousand dollars ($100,000) whichever is less, shall have been set aside.

(c) If desired, the following additional paragraph may be added to this clause as paragraph (f), in which case paragraph (f) of the clause set forth in § 7.702–10 shall be redesignated paragraph (g).

(f) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all relevant provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (g) below) the Government shall promptly pay to the Contractor any balance of allowable cost. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of (i) all work under this contract, or (ii) such work involving acquisition, construction, or installation of the Facilities as may then be specified in the Schedule, but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

**§ 7.703–10 Limitation of cost.**

Insert the contract clause set forth in § 7.702–11.

**§ 7.703–11 Examination of records.**

In accordance with the instructions in § 7.203–7, insert the contract clauses set forth therein, except that the first sentence of paragraph (a)(1) shall be deleted and the following sentence inserted in lieu thereof:

The Contractor agrees to maintain books, records, documents, and other evidence pertaining to the costs and expenses of this contract (hereinafter collectively called the "records") to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies, services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this contract. (Sept. 1964)

**§ 7.703–12 Title.**

Insert the contract clause set forth in § 7.702–15, except that the third sentence of paragraph (a) shall be deleted.

**§ 7.703–13 Access.**

Insert the contract clause set forth in § 7.702–16.

**§ 7.703–14 Liability for the facilities.**

Insert the contract clause set forth in § 7.702–18, except that the phrase "in accordance with the clause of the contract entitled 'Maintenance'," in paragraph (a)(ii) shall be deleted, and the phrase "in accordance with sound industrial practice" inserted in lieu thereof.

**§ 7.703–15 Insurance—liability to third persons.**

In accordance with the instructions contained in § 7.702–19, insert the contract clause set forth in § 7.203–22.

**§ 7.703–16 Indemnification of the Government.**

Insert the contract clause set forth in § 7.702–20.

**§ 7.703–17 Stop work orders.**

Insert the contract clause set forth in § 7.702–21.



**§ 7.703–18 Termination of work.**

Insert the contract clause set forth in § 7.702–22.

**§ 7.703–19 Failure to perform.**

Insert the contract clause set forth in § 7.702–27.

**§ 7.703–20 Disputes.**

In accordance with the instructions of § 7.203–12, insert the contract clause set forth in § 7.103–12.

**§ 7.703–21 Military security requirements.**

In accordance with the instructions set forth in § 7.702–29, insert the contract clause called for therein.

**§ 7.703–22 Authorization and consent.**

Insert the contract clause set forth in § 9.102–1 or § 9.102–2 of this chapter, as appropriate, except where performance and delivery are to be outside of the United States, its possessions, or Puerto Rico.

**§ 7.703–23 Notice and assistance regarding patent and copyright infringement.**

In accordance with the instructions contained in § 7.702–31, insert the contract clause set forth in § 9.104 of this chapter.

**§ 7.703–24 Patent or proprietary rights in facilities.**

Insert the contract clause set forth in § 7.702–32.

**§ 7.703–25 Subcontracts.**

Insert the contract clause set forth in § 7.203–8, except that subparagraphs (c) and (g) shall be appropriately modified to delete references to facilities and special tooling.

**§ 7.703–26 Utilization of small business concerns.**

Insert the contract clause set forth in § 1.707–3(a) of this chapter, except in those contracts entered into with foreign contractors which are to be performed outside the United States, its possessions, or Puerto Rico.

**§ 7.703–27 Utilization of concerns in labor surplus areas.**

In accordance with the requirements set forth in § 1.805–3(a) of this chapter, insert the contract clause set forth therein.

**§ 7.703–28 Buy American Act.**

In accordance with the requirements in § 6.104–5 of this chapter, insert the contract clause set forth therein.

**§ 7.703–29 Assignment of claims.**

In accordance with the instructions in § 7.103–8, insert the contract clause set forth therein.

**§ 7.703–30 Renegotiation.**

In accordance with the requirements of § 7.103–13, insert the appropriate contract clause set forth therein.

**§ 7.703–31 Officials not to benefit.**

Insert the contract clause set forth in § 7.103–19.

**§ 7.703–32 Gratuities.**

In accordance with the requirement of § 7.104–16, insert the contract clause set forth therein.

**§ 7.703–33 Covenant against contingent fees.**

Insert the contract clause set forth in § 7.103–20.

**§ 7.703–34 Payment for overtime premiums.**

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in § 12.102–3(a).

**§ 7.703–35 Convict labor.**

In accordance with the requirements of § 12.202 of this chapter, insert the contract clause set forth in § 12.203 of this chapter.

**§ 7.703–36 Equal opportunity.**

In accordance with the requirements of § 12.802 of this chapter, insert the contract clause set forth therein.

**§ 7.703–37 Walsh-Healey Public Contracts Act.**

In accordance with the requirements of Subpart F, Part 12 of this chapter, insert the contract clause set forth in § 12.605 of this chapter.

**§ 7.703–38 Work Hours Act of 1962—Overtime compensation.**

Insert the contract clause set forth in § 12.403–1(2) of this chapter.

**§ 7.703–39 Supersedure.**

SUPERSEDURE (SEPT. 1964)

When the acquisition, construction, or installation of the Facilities called for by this contract, or any usable increment thereof, is completed and accepted by the Government, such Facilities shall thereafter be subject to the provisions of the related facilities contract by which the use of such items by the Contractor is authorized.

**§ 7.703–40 Price reduction for defective cost or pricing data.**

In accordance with the requirements of § 7.104–29, insert the appropriate clause set forth therein.

**§ 7.703–41 Audit and records.**

In accordance with the requirements of § 7.104–41(c), insert the appropriate clause set forth therein except that paragraph (a) thereof shall be modified to read as follows:

(a) The Contractor shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly (i) all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract and (ii) the use of, and charges for the use of, the Facilities. The foregoing constitute "records" for the purposes of this clause. (Sept. 1964)

**§ 7.703–42 Subcontractor cost and pricing data.**

In accordance with the requirements of § 7.104–42, insert the appropriate clause set forth therein.

**§ 7.703–43 Competition in subcontracting.**

In accordance with the requirements of § 7.104–40, insert the clause set forth therein.

**§ 7.704 Required clauses for facilities use contracts.**

The following clauses shall be inserted in all facilities use contracts.

**§ 7.704–1 Definitions.**

Insert the contract clause set forth in § 7.103–1, together with the additional definitions set forth in § 7.702–1. Additional definitions may be included in such clause *provided* they are not inconsistent with such clause or the provisions of this subchapter.

**§ 7.704–2 Use and charges.**

Insert the contract clause set forth in § 7.702–12.

**§ 7.704–3 Allowable cost and payment.**

ALLOWABLE COST AND PAYMENT (SEPT. 1964)

(a) For the performance of any work, duty, or obligation by the Contractor under this contract, which is provided herein to be at Government expense, the Government shall pay the Contractor the cost thereof, determined by the Contracting Officer* to be allowable in accordance with (i) Section XV, Part 5, of the Armed Services Procurement Regulation as in effect on the date of this contract; and (ii) the terms of this contract.

(b) Except as otherwise specifically provided in this contract, the failure of this contract to provide for reimbursement shall not preclude the Contractor from including, as part of the price or cost under any other Government contract or subcontract, an allocable portion of the costs incurred in the performance of any work, duty, or obligation under this contract which are not reimbursable hereunder.

**§ 7.704–4 Limitation of cost.**

Insert the contract clause set forth in § 7.702–11.

**§ 7.704–5 Examination of records.**

In accordance with the instructions in §7.702–13, insert the contract clause set forth in § 7.203–7.

**§ 7.704–6 Location of the facilities.**

Insert the contract clause set forth in § 7.702–8.

**§ 7.704–7 Maintenance.**

Insert the contract clause set forth in § 7.702–14.

**§ 7.704–8 Inspection.**

Insert the contract clause set forth in §7.702–6.

**§ 7.704–9 Title.**

Insert the contract clause set forth in § 7.702–15, except that the following paragraph (a) shall be substituted for the corresponding paragraph in that clause:

(a) Title to the Facilities shall remain in the Government. Title to parts replaced by

*In contracts of the Department of the Navy, insert "the Director, Contract Audit Division, Auditor General of the Navy, Washington, D.C." in lieu of "the Contracting Officer".

the Contractor in carrying out its normal maintenance obligations pursuant to the clause of this contract entitled "Maintenance" shall pass to and vest in the Government upon completion of their installation in the Facilities. (Sept. 1964)

**§ 7.704–10 Access.**

Insert the contract clause set forth in § 7.702–16.

**§ 7.704–11 Property control.**

Insert the contract clause set forth in § 7.702–17.

**§ 7.704–12 Representations and warranties.**

Insert the contract clause set forth in § 7.702–5.

**§ 7.704–13 Government bills of lading.**

Insert the contract clause set forth in § 7.702–9.

**§ 7.704–14 Liability for the facilities.**

Insert the contract clause set forth in § 7.702–18.

**§ 7.704–15 Indemnification of the Government.**

Insert the contract clause set forth in § 7.702–20, deleting the phrase "Except as provided in the 'Insurance—Liability to Third Persons' clause" in the first sentence.

**§ 7.704–16 Notice of use of the facilities.**

Insert the contract clause set forth in § 7.702–23.

**§ 7.704–17 Termination of the use of the facilities.**

Insert the contract clause set forth in § 7.702–24.

**§ 7.704–18 Period of this contract.**

Insert the contract clause set forth in § 7.702–25.

**§ 7.704–19 Disposition of the facilities.**

Insert the contract clause set forth in § 7.702–26.

**§ 7.704–20 Failure to perform.**

Insert the contract clause set forth in § 7.702–27, except that the phrase "Subject to the provisions of the clause hereof entitled 'Excusable Delays'," shall be deleted in paragraph (a).

**§ 7.704–21 Disputes.**

In accordance with the instructions in § 7.203–12, insert the contract clause set forth in § 7.103–12.

**§ 7.704–22 Military security requirements.**

In accordance with the instructions in § 7.702–29, insert the contract clause called for therein.

**§ 7.704–23 Assignment of claims.**

In accordance with the instructions in § 7.103–8, insert the contract clause set called for therein.

**§ 7.704–24 Officials not to benefit.**

Insert the contract clause set forth in § 7.103–19.

**§ 7.704–25 Gratuities.**

In accordance with the requirement of § 7.104–16, insert the contract clause set forth therein.

**§ 7.704–26 Covenant against contingent fees.**

Insert the contract clause set forth in § 7.103–20.

**§ 7.704–27 Payment for overtime premiums.**

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in § 12.102–3(a).

**§ 7.704–28 Convict labor.**

In accordance with the requirements of § 12.202 of this chapter, insert the contract clause set forth in §12.203 of this chapter.

**§ 7.704–29 Equal opportunity.**

In accordance with the requirements of § 12.802 of this chapter, insert the contract clause set forth therein.

**§ 7.704–30 Work Hours Act of 1962—overtime compensation.**

Insert the contract clause set forth in § 12.403–1(2) of this chapter.

**§ 7.704–31 Supersedure.**

SUPERSEDURE (SEPT. 1964)

(a) Facilities heretofore provided to the Contractor pursuant to the contracts specified in the Schedule shall become subject to the terms of this contract upon its effective date. The terms of the contracts by which such Facilities may have been provided to the Contractor are hereby superseded with respect to such Facilities, except for rights and obligations which may have accrued under such other contract prior to the effective date hereof.

(b) Each item of Facilities hereafter provided to the Contractor under any contract which so specifies shall become subject to the terms of this contract upon the completion of its construction, acquisition, and installation, or upon its availability for use, whichever first occurs, except as otherwise provided in the contract or other document by which such Facilities are provided to the Contractor.

**§ 7.704–32 Price reduction for defective cost or pricing data.**

In accordance with the requirements of § 7.104–29, insert the appropriate clause set forth therein.

**§ 7.704–33 Audit and records.**

In accordance with the requirements of § 7.104–41(c), insert the appropriate clause set forth therein except that paragraph (a) thereof shall be modified to read as follows:

(a) The Contractor shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly (i) all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract and (ii) the use of, and charges for the use of, the Facilities. The foregoing constitute "records" for the purposes of this clause. (Sept. 1964)

**§ 7.704–34 Subcontractor cost and pricing data.**

In accordance with the requirements of § 7.104–42, insert the appropriate clause set forth therein.

**§ 7.704–35 Competition in subcontracting.**

In accordance with the requirements of § 7.104–40, insert the clause set forth therein.

**§ 7.705 Clauses to be used when applicable.**

**§ 7.705–1 Rights in data.**

In accordance with the requirements of Subpart B of Part 9 of this chapter, insert the appropriate clause set forth in § 9.203 of this chapter with appropriate additional or alternate paragraphs as prescribed by the instructions set forth therein. Particular attention shall be given to obtaining data where necessary to make possible the use or disposal of facilities.

**§ 7.705–2 Filing of patent applications.**

In accordance with the requirements of § 9.106 or § 9.106–1 of this chapter, insert either of the contract clauses set forth therein, as appropriate.

**§ 7.705–3 Priorities, allocations, and allotments.**

In accordance with the requirements of § 1.307–2 of this chapter, insert the clause set forth in § 7.104–18.

**§ 7.705–4 Transfer of title to the facilities.**

In accordance with the instructions contained in § 4.214–4 of this chapter, the following clause may be inserted in facilities contracts.

TRANSFER OF TITLE TO THE FACILITIES (SEPT. 1964)

Notwithstanding the provisions of the clause of this contract entitled "Title", the Contracting Officer may at any time during the term of this contract, or upon completion or termination, transfer title to equipment to the Contractor upon such terms and conditions as may be agreed upon: *Provided*, That the Contractor shall not under any Government contract, or subcontract thereunder, charge for any depreciation, amortization, or use of such equipment as is donated under this clause. Upon the transfer of title to equipment under this clause, such equipment shall cease to be Government property.

**§ 7.705–5 Labor standards for construction work.**

Except as provided in §§ 12.403–2, 12.403–3, and 12.403–4 of this chapter, every construction contract, as this term is defined in § 12.402 of this chapter, shall include the following.

LABOR STANDARDS FOR CONSTRUCTION WORK (SEPT. 1964)

(a) In the event that construction, alteration, or repair (including painting and decorating) of public buildings or public works is to be performed hereunder, the Contractor shall, prior to commencing the work, request the determination of the Contracting Officer as to the applicability of the Davis-Bacon and Copeland Acts and shall not perform any of said items hereunder without receipt of such determination.

(b) The Contractor shall, in the performance of items of work so determined to be subject to the Davis-Bacon Act, comply with the following clauses set forth in 12–403.1 of the Armed Services Procurement Regulation in effect as of the date of this contract:

(i) "Davis-Bacon Act (40 U.S.C. 276a–276a–7)",
(ii) "Apprentices",
(iii) "Payroll Records and Payrolls",
(iv) "Copeland ('Anti-Kickback') Act—Nonrebate of Wages",
(v) "Withholding of Funds to Assure Wage Payment", and
(vi) "Subcontracts—Termination".



(c) Upon determination that the Davis-Bacon Act is applicable to any item of work to be performed hereunder, the Contractor shall submit a request for a predetermination of the prevailing wage rates to be made applicable to such work. Upon receipt of such request, the Contracting Officer shall, as soon as possible, obtain a predetermination of the applicable prevailing wage rates and publish such rates and incidental instructions in numbered exhibits to this contract. Upon publication thereof, such exhibits shall be considered the wage determination decision of the Secretary of Labor referred to in paragraph (a) of the "Davis-Bacon Act" clause. Each such exhibit shall indicate to what work the rates set forth therein shall apply, including the period of time within which subcontracts subject to such rates may be issued.

**§ 7.705–6 Buy American Act—construction contracts.**

In accordance with the requirements of § 6.204–5 of this chapter, every contract for construction shall include the contract clause set forth therein.

**§ 7.705–7 Improvements to buildings or land owned by the government.**

Where necessary to assure that Government buildings or land will not be modified in a manner detrimental to the interests of the Government, the following clause shall be inserted.

IMPROVEMENTS TO BUILDINGS OR LAND OWNED BY THE GOVERNMENT (SEPT. 1964)

(a) The Contractor shall not construct or make, at its expense, any fixed improvement to, or structural alteration in the nature of, buildings or land owned or leased by the Government, without prior written approval of the Contracting Officer.

(b) For the purposes of paragraph (a), the terms "fixed improvement" and "structural alteration" mean any improvement to or alteration in the nature of the buildings or land which, after completion, cannot be removed without substantial loss of value or damage to the premises. Such terms do not include foundations for production equipment.

**§ 7.705–8 Patent rights.**

In all Facilities contracts in which research or development or both will be involved, insert one of the clauses set forth in § 9.107–5 or § 9.107–6 of this chapter, with additional or alternate paragraphs as prescribed therein, except that the percentage amount specified to be withheld under paragraph (g) of the clause set forth in § 9.107–5(a) and paragraph (f) of the clause set forth in § 9.107–5(b) may be changed from "ten percent (10%)" to "one percent (1%)". In Facilities contracts with educational or nonprofit institutions, paragraph (g) of the clause set forth in § 9.107–5(a) and paragraph (f) of the clause set forth in § 9.107–5(b) may be omitted.

**§ 7.705–9 Required source for jewel bearings.**

In accordance with the requirements of § 1.315 of this chapter, insert the clause set forth therein.

**§ 7.705–10 Changes to make-or-buy program.**

In accordance with the requirements of § 3.902–4 of this chapter, insert the clause set forth therein.

**§ 7.705–11 Interest.**

In accordance with the requirements of §§ 163.118 and 163.119 of this chapter, insert the clause set forth in § 163.118.

**§ 7.705–12 Negotiated overhead rates.**

Where negotiated overhead rates are to be used in contracts with concerns other than educational institutions pursuant to Subpart G, Part 3 of this chapter, insert the contract clause set forth in § 3.704–1 of this chapter except that the reference to "Part 2 of Section XV" in paragraph (c) thereof shall be changed to "Part 5 of Section XV". Where negotiated overhead rates (postdetermined or predetermined) are to be used in contracts with educational institutions, pursuant to that subpart, insert the appropriate contract clause set forth in § 3.704–2 of this chapter except that reference to "Section XV, Part 3" in paragraph (c) of these two clauses shall be changed to "Section XV, Part 5".

**§ 7.705–13 Advance payments.**

When advance payments are to be made in accordance with Subpart D, Part 163 of this chapter, insert the appropriate clause as set forth in § 163.64–2.

## PART 8—TERMINATION OF CONTRACTS

13. Section 8.502–2 is revised to read as follows:

**§ 8.502–2 Return of property to suppliers.**

Contractors are authorized and shall be encouraged to return allocable quantities of contractor-acquired property to suppliers for full credit less the supplier's normal restocking charge or 25 percent of cost, whichever is less. Contractors shall not include in their settlement proposals the cost of such property returned to suppliers in accordance with this section. Contractors may include in their settlement proposals as "other costs" the transportation handling and restocking charges with respect to the property so returned.

## PART 9—PATENTS, DATA, AND COPYRIGHTS

14. Sections 9.100 and 9.102 are revised; the introductory text of § 9.102–1 is revised; and the introductory text of § 9.102–2 is revised, as follows:

**§ 9.100 Scope of subpart.**

This subpart prescribes contract clauses and instructions which define and implement the policy of the Department of Defense with respect to—

(a) Inventions made in the course of experimental, developmental, or research work performed under Government contracts;

(b) Patent infringement liability resulting from work performed by or for the Government;

(c) Royalties payable in connection with the performance of Government contracts;

(d) Security requirements covering patent applications containing classified subject matter filed by contractors.

**§ 9.102 Authorization and consent.**

(a) Under 28 U.S.C. 1498, any suit for infringement of a United States patent based on the manufacture or use by or for the United States by a contractor or by a subcontractor (including lower-tier subcontractors) can be maintained only against the Government in the Court of Claims, and not against the contractor or subcontractor, in those cases where the Government has authorized or consented to the manufacture or use of the patented invention. Accordingly, to insure that work by a contractor or subcontractor under a Government contract may not be enjoined by reason of patent infringement, authorization and consent shall be given as herein provided. The liability of the Government for damages in any such suit against it may, however, ultimately be borne by the contractor or subcontractor in accordance with the terms of any patent indemnity clause also included in the contract, and an authorization and consent clause does not detract from any patent indemnification commitment by the contractor or subcontractor. Therefore, both a patent indemnity clause and an authorization and consent clause may be included in the same contract.

(b) Any provision whereby the Government expressly agrees to indemnify the contractor against liability for patent infringement shall not be included in a contract.

(c) An authorization and consent clause shall not be used in contracts where both complete performance and delivery are to be outside the United States, its possessions, or Puerto Rico.

**§ 9.102–1 Authorization and consent in contracts for supplies.**

The contract clause set forth below may be included in all contracts for supplies (including construction work), except:

(a) When prohibited by § 9.102(c); or

(b) In contracts for experimental, developmental, or research work in which the clause of § 9.102–2 is required.

* * * * *

**§ 9.102–2 Authorization and consent in contracts for research or development.**

Greater latitude in the use of patented inventions may be necessary in a contract for experimental, developmental, or research work than in a contract for supplies. Unless prohibited by § 9.102 (c), the clause set forth below shall be included in all contracts calling exclusively for experimental, developmental, or research work, and may be included in contracts calling for both supplies and experimental, developmental, or research work where the latter work is a primary purpose of the contract. In all other contracts for both supplies and experimental, developmental, or research work, the Authorization and Consent clause of § 9.102–1 shall be used. If the clause set forth below is included in a contract, the clause in § 9.102–1 shall not be included.

* * * * *

15. Sections 9.103 and 9.103-1 are revised; § 9.103-2 is revoked; and § 9.103-3 is revised, to read as follows:

**§ 9.103 Patent indemnification of Government by contractor.**

In order that the Government may be reimbursed for liability for patent infringement arising out of or resulting from the performance of construction contracts or contracts for supplies which normally are or have been sold or offered for sale to the public in the commercial open market or which are the same as such supplies with a relatively minor modification thereof a clause providing for indemnification of the Government is to be included in such contracts in accordance with the instructions set forth below. A patent indemnity clause shall not be used in contracts:

(a) Where the Authorization and Consent clause of 9-102.2 applicable to research and development contracts is authorized, except that in contracts calling also for supplies of the kind described above, a patent indemnity clause may be used with respect to such supplies;

(b) Where the contract is for supplies which clearly are not or have not been sold or offered for sale to the public in the commercial open market. However, even in the foregoing instance, a patent indemnity clause may be included where (1) in the case of contracts to be awarded by formal advertising it is desired to obtain an indemnity as to specific components or spare parts so sold or offered for sale, in which case the clause shall be modified pursuant to § 9.103-1(b); or (2) in the case of contracts to be awarded either by formal advertising (see § 2.407-8 of this chapter) or negotiation, a patent owner contends that the prospective procurement would infringe his patent and the low bidder or offeror is willing to indemnify the Government as to such patent either (i) without increase in price on the basis that the patent is invalid or not infringed, or (ii) for other good reasons;

(c) Where both performance and delivery are to be outside the United States, its possessions, or Puerto Rico, unless the contract indicates that the supplies are ultimately to be shipped into the United States, its possessions, or Puerto Rico, in which case the instructions of § 9.103-1 or § 9.103-3 are applicable; or

(d) Where the contract is for an amount of $5,000 or less, except that, as a matter of administrative convenience, the clause need not be deleted where it is a part of a standard form being used for contracts of $5,000 or less, since it is self-deleting as to such contracts.

**§ 9.103-1 Patent indemnification in formally advertised contracts—commercial status predetermined.**

(a) Except as prohibited by § 9.103 the clause set forth below is appropriate in formally advertised construction contracts and shall be included in formally advertised contracts for supplies when it has been determined in advance of issuing the invitation for bids that the supplies (or such supplies apart from relatively minor modifications to be made thereto) normally are or have been sold or offered for sale by any supplier to the public in the commercial open market.

PATENT INDEMNITY (SEPT. 1964)

If the amount of this contract is in excess of $5,000, the Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of any United States letters patent (except letters patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) arising out of the manufacture or delivery of supplies or out of construction, alteration, modification, or repair or real property (hereinafter referred to as "construction work") under this contract, or out of the use or disposal by or for the account of the Government of such supplies or construction work. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply to: (i) an infringement resulting from compliance with specific written instructions of the Contracting Officer directing a change in the supplies to be delivered or in the materials or equipment to be used, or directing a manner of performance of the contract not normally used by the Contractor; (ii) an infringement resulting from addition to, or change in, such supplies or components furnished or construction work performed which addition or change was made subsequent to delivery or performance by the Contractor; or (iii) a claimed infringement which is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction.

(b) Where a supply contract calls in part for specific components or spare parts which normally are or have been sold or offered for sale by any supplier to the public in the commercial open market, or are such supplies with relatively minor modifications made thereto. Ordinarily, the contracting officer, in consultation with the contractor, should be able to determine whether the supplies being purchased normally are on sale or have been sold or offered for sale by the contractor to the public in the commercial open market.

(a) Subject to the foregoing and to the prohibitions in § 9.103, the clause set forth in § 9.103-1(a) is approved for use in negotiated contracts for construction work or supplies.

(b) Where a supply contract calls in part for specific components or spare parts which normally are or have been sold or offered for sale by the contractor to the public in the commercial open market, or such items with relatively minor modifications, the patent indemnity clause of § 9.103-1(a) shall be modified by adding to the end of the clause either of the following sentences:

The foregoing shall not apply to the following:
(Specifically identify the items to be excluded from the Patent Indemnity clause) (SEPT. 1964)

or

The foregoing shall apply only to the following:
(Specifically identify the items to which the Patent Indemnity clause applies) (SEPT. 1964)

16. The introductory text of § 9.103-4 is revised; the contract clause in § 9.104 is revised; and the introductory text of § 9.107-5(c) is revised, to read as follows:

**§ 9.103-4 Waiver of indemnity by the Government.**

In the event that it is desired to exempt one or more specified United States patents from the patent indemnity clause of § 9.103-1, authority shall first be obtained from the Secretary concerned or his authorized representative, and the following clause shall be included in the contract, in addition to the patent indemnity clause:

* * * * *

**§ 9.104 Notice and assistance.**

* * * * *

NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT (SEPT. 1964)

The provisions of this clause shall be applicable only if the amount of this contract exceeds $10,000.

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event of any claim or suit against the Government on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor shall furnish to the Government, when requested by the Contracting Officer, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except where the Contractor has agreed to indemnify the Government.



**§ 9.107-5 Clauses for domestic contracts.**

* * * * *

(c) *Patent rights (deferred) clause.* Where the contracting officer has determined that the proposed contract comes within § 9.107-4(d), he shall include in the contract the Patent Rights (Title) clause set forth in paragraph (a) of this section, except that the name of the clause shall be changed to "Patent Rights (Deferred)" and paragraph (h) of that clause shall be replaced by the following paragraph (h). The clause, when so modified, differs from the clause set forth in paragraph (a) of this section only in the circumstances under which the Government may permit the contractor to acquire greater rights than the license.

* * * * *

## PART 12—LABOR

17. Sections 12.404-2, 12.404-8, 12.404-9, and 12.501 are revised to read as follows:

**§ 12.404-2 Wage determinations.**

(a) *Requests for.* Requests for the determination of wage rates by the Secretary of Labor shall be submitted on Department of Labor Form DB-11 in accordance with the instructions contained in 29 CFR 5.3. Requests should ordinarily be submitted at least 30 calendar days before required for the advertisement or negotiation of the contract for which the determination is sought.

(b) *Limitations.* Wage determinations initially issued shall be effective for 120 calendar days from the date of such determinations. If such a wage determination is not used in the period of its effectiveness, it is void. If it appears that a wage determination may expire between bid opening and award, a new wage determination should be requested sufficiently in advance of the bid opening to assure receipt prior thereto. However, when due to unavoidable circumstances a determination expires before award and after bid opening, the Solicitor of Labor upon a written finding to that effect by the Secretary of the Department concerned in individual cases may extend the expiration date of a determination whenever he finds it necessary and proper in the public interest to prevent injustice or undue hardship or to avoid serious impairment in the conduct of Government business.

(c) *Modifications.* (1) Modifications by the Secretary of Labor of an original wage determination shall be made part of the proposed contract if received prior to the award of the contract: *Provided*, That, in a formally advertised procurement, any modification received by the Department concerned less than ten calendar days before the opening of bids may be disregarded. Therefore, all copies of modifications and determinations shall be time-date stamped to show when they were first received by the Department.

(2) Pursuant to subparagraph (1) of this paragraph, if a new determination or a modification is received by the Department ten or more days before bid opening, the contracting officer shall:

(i) If the modification or new determination is received by the contracting officer before the bid opening, notify bidders of the new rates by an amendment to the invitation for bids and extend the date of opening if necessary; or

(ii) If the modification or new determination is received by the contracting officer after bid opening, use the following procedure:

(*a*) If there are no changes to applicable wage rates or if there are increases which the low responsible, responsive bidder will accept without change in his bid price, award shall be made to such low bidder: *Provided*, That written acceptance of the new rates is obtained from such low bidder and is attached to the bid and that the new rates are made a part of the contract.

(*b*) If any applicable wage rate is decreased or if there is any increase which the low responsible, responsive bidder will not accept without change in his bid price, award will not be made until the procurement has been readvertised using a correct, current determination.

(d) *Posting.* The contracting officer shall ascertain that a copy of the wage determination is kept posted at the site of the work in a prominent place where it can be easily seen by the workers.

**§ 12.404-8 Enforcement reports.**

(a) Where underpayments total $500 or more, or are willful, the Department concerned shall furnish to the Department of Labor, as soon as practicable, a detailed enforcement report. Such reports shall include a statement of the findings as to the violations and information as to restitution made, payment deductions, contract terminations, and the names and addresses of the workers, contractors, and subcontractors concerned.

(b) Where underpayments total less than $500 and are nonwillful, and where restitution has been effected and future compliance assured, no report need be furnished to the Department of Labor, unless the Department of Labor has expressly requested that the investigation be made. In the latter case, the Department concerned shall submit a factual summary report in accordance with 29 C.F.R. 5.7(a)(1).

(c) Where there is substantial evidence that violations are willful and in breach of the False Affidavits Act (18 U.S.C. 1001) or other criminal statute, the matter shall be forwarded to the Attorney General for prosecution and the Secretary of Labor shall be informed of such action.

**§ 12.404-9 Suspensions and deductions of contract payments.**

In the event of failure or refusal to pay all or any part of the wages due workers, the contracting officer may suspend further contract payments to the contractor in amounts equal to such unpaid wages and liquidated damages which may be due until either restitution has been made directly by the contractor or subcontractor concerned or deductions against payment vouchers are made as provided below. If such failure or refusal appears continuing and willful, or in the event of any other failure or refusal to comply with contract, statutory, and regulatory requirements, the contracting officer may suspend all future contract payments to the contractor until such violations have ceased. If restitution is not made directly by the contractor or subcontractor within a reasonable time, or, in any event, prior to final payment under the contract, the contracting officer shall submit with the contractor's payment voucher or vouchers a "Schedule of Deductions from Payments to Contractors (Act of August 30, 1935)" on Standard Form 1093 and a statement of the amount to be withheld as liquidated damages. These amounts shall be deducted from the payments made to the contractor, and the amounts shown to be due workers shall be deposited in the Treasury in accordance with Departmental procedures.

**§ 12.501 Safety and health regulations.**

The Secretary of Labor has promulgated Safety and Health Regulations for Ship Repairing and Shipbuilding pursuant to the authority of Public Law 85-742, 72 Stat. 835 (approved August 23, 1958) amending section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941). These regulations are set forth in Title 29, Code of Federal Regulations, Subtitle B, Part 1501 and Part 1502.

## PART 13—GOVERNMENT PROPERTY

18. A note is added to Subpart F, following the subpart heading, to read as follows:

**Subpart F—Use of Government-Owned Industrial Facilities on Work Other Than for a Military Department**

NOTE: The rental rates and rental applicability provisions set forth in §§ 13.601 and 13.603 should be disregarded, and the provisions contained in Exhibit A of the contract clause in § 7.702-12 used in lieu thereof.

## PART 15—CONTRACT COST PRINCIPLES AND PROCEDURES

19. Section 15.205-10 is revised to read as follows:

**§ 15.205-10 Employee morale, health, and welfare costs and credits.**

Reasonable costs of morale, health, and welfare activities, such as house publications, health or first aid clinics, recreational activities, and employee counseling services, incurred, in accordance with the contractor's established practice or custom in the industry or area, for the improvement of working conditions, employer-employee relations, employee morale, and employee performance, are allowable. Income generated from any of these activities shall be credited to the costs thereof unless such income has been irrevocably set over to employee welfare organizations.

## PART 30—APPENDIXES TO ARMED SERVICES PROCUREMENT REGULATIONS

20. In § 30.2, item 203 is amended by revising the heading and paragraph (b);

item 206 is revised; item 301(b) is revised; item 304.1 is revised; new subdivision (vi) is added to item 304.7(b); and a new item 304.8 is added, as follows:

**§ 30.2 Appendix B—Manual for control of Government property in possession of contractors.**

* * * * *

203 *Duties and responsibilities of Property Administrators.* * * *

(b) He shall, as the authorized representative of the contract administrator or administrators, insure compliance with the contract requirements relative to Government property and insure fulfillment of all obligations imposed by this Manual. Except as may be provided pursuant to B-304.1(e), he shall at the inception of each contract review and approve in writing the contractor's property control system, except that where the contractor has a number of contracts, the property administrator may perform such review and give such approval not less often than six months.

* * * * *

206 *Segregation or commingling of Government property and contractor's property.* Government property will be segregated and kept physically separate from contractor-owned property. However, when advantageous to the Government and consistent with the contractor's authority to use such property, the property may be commingled:

(i) When the Government property is special tooling or plant equipment which is clearly identified and recorded as Government property,

(ii) When approved by the property administrator in connection with research and development contracts,

(iii) When material is included in a multicontract cost and material control system approved in accordance with B-304.1(e), or

(iv) When otherwise approved by the property administrator.

301 *General.* * * *

(b) The contractor's property control system shall be reviewed and approved in writing by the property administrator either at the inception of each contract or periodically, as provided in B-203(b). In appropriate cases, the review will include a determination as to whether a multicontract cost and material control system would be in the interests of the Government. Any necessary corrective action will be required of the contractor prior to approval. Such corrective action will normally be effected by the property administrator through mediation with the contractor. Where corrective action would involve substantial increased costs or where agreement as to the corrective action is not reached through mediation, the differences will be referred to the contract administrator.

* * * * *

304.1 *Records of materials.* All Government material furnished to the contractor, as well as all other material, title to which has passed to the Government, by reason of allocation from contractor-owned stores, or by reason of purchase by the contractor for direct charge to a Government contract, or otherwise, shall be recorded in accordance with the contractor's property control system, as follows:

(a) *Contractor's property control system.* Except as provided in (d) and (e) below, the contractor's property control system shall be such as to provide the following information:

(i) Contract number.
(ii) Nomenclature or description of item.
(iii) Quantity received.
(iv) Quantity issued.
(v) Balance on hand.
(vi) Posting reference.
(vii) Date received or issued.
(viii) Unit price.
(ix) Location.
(x) Disposition action taken.

(b) *Consolidated stock record.* Where a contractor has more than one Government contract under which Government material is provided, a consolidated record for materials may be authorized, *provided* the total quantity of any item is allocated to each contract by contract number and each requisition of material from contractor-owned stores is charged to the contract on which the material is to be used. The supporting document or issue slip shall show the contract number or equivalent code designation to which the issue is charged.

(c) *Custodial records.* Custodial records shall be maintained for tool crib items, guard force items, protective clothing and other items issued for the use of individuals in the performance of their work under the contract.

(d) *Use of receipt and issue documents.* Based on a determination of the property administrator in accordance with B-301(b), the contractor may maintain in lieu of "stock records" a file of appropriately cross-referenced documents representing receipt, issue, and adjustments of Government-provided material in performance of a Government contract. Such determination shall be consistent with generally accepted accounting practices and a low frequency of receipt and issue of the items of material specified, i.e., usually issued directly upon receipt). Accordingly:

(i) The property administrator may authorize this method of property control for Government-provided material, including but not limited to items used in manufacturing or maintenance, office supplies, etc.; and

(ii) This method of property control may be used for research and development contracts.

(e) *Multicontract cost and material control*—(1) *Description and scope.* A multicontract cost and material control system constitutes a modification of the requirements for physical identification of Government material and substitutes therefor a system of financial accounting. The system operates as follows:

(i) The contractor may acquire, purchase, requisition, receive, store, and issue like items of material for the total requirements of all contracts included in the system without identifying the material to each contract.

(ii) The contractor may commingle, during all stages of contract performance, Government-owned and contractor-owned material and work in process, which was furnished, acquired, or produced for all Government contracts of any type covered by the system, without physical segregation or identification to individual contracts.

(iii) In lieu of physical segregation and identification to individual contracts, periodic calculation of requirements and distribution of costs to all contracts permits the allocation of material costs to products delivered. This system, by reflecting the materials expended to perform each contract at any stage in production, permits usage analysis to determine reasonableness of consumption and expenditure of Government material prescribed in B-203(f).

(iv) The system may appropriately include all Government contracts of any type which involve common repetitive operations.

(v) The system does not require commingling of all common materials of all contracts included. For example, items of Government-furnished material of high value or in short supply may be excluded from commingling and reserved for use in performance of the contract under which furnished.

(vi) Notwithstanding B-207.1, physical inventories of material in stores included in the system (other than work in process) will be taken by the contractor at least annually, price extended, and reconciled to the quantitative balance for each line item, and adjustments recorded in the stock record and financial inventory control accounts. Such physical inventories and adjustments shall be reviewed by and are subject to the approval of the property administrator. An equitable distribution to cost accounts of any inventory losses will be subject to a like review and approval.

(2) *Authorization.* The Head of a Procuring Activity or his designee (or if more than one Procuring Activity or Government agency is involved, the Head of the Procuring Activity having the preponderant monetary interest, with the concurrence of other interested Heads of Procuring Activities or their designees, and equivalent officials of other interested Government agencies) may authorize a contractor who is performing or will perform more than one Government contract to use a multicontract cost and material control system in accordance with this paragraph. The approving authority will, for each system, approve such detailed operating procedures as are necessary for that particular system.

(3) *Criteria.* A multicontract cost and material control system may be authorized if the following criteria are met—

(i) the contractor demonstrates that savings or improved operations will result from adoption of the system or that it will otherwise be in the interest of the Government;

(ii) the contractor's accounting system is adequate to satisfy the requirements set out in B-304.8; and

(iii) the system is applied to existing Government contracts only and excludes materials acquired or costs incurred for non-government work or in anticipation of future Government work.

304.7 *Financial control accounts.* * * *

(b) *Material.* * * *

(vi) Materials accounted for under an approved multicontract cost and material control system.

* * * * *

304.8 *Financial accounting requirements for multicontract cost and material control systems.* Whenever a multicontract cost and material control system is authorized, the contractor's financial accounts must include all material, including Government-furnished material in the system. Specifically, his accounting system must be adequate to:

(i) Provide on a complete and timely basis a clear "audit trail" from costs of materials acquired for each contract to materials used or disposed of on each contract;

(ii) Reflect separately for Government-furnished and contractor-acquired material in stores (except work in process) the inventory balances as affected by receipts, issues, adjustments and other dispositions;

(iii) Determine unit costs for each identifiable part, component, subassembly, assembly, end item and contract item;

(iv) Calculate amounts for cost reimbursements and progress payments during the life of the contract by applying or allocating such unit costs developed through each stage of work in process to contract items for the requirements of each contract; and

(v) Insure that when material furnished by one procuring activity is used on a contract of another procuring activity, the furnishing activity receives credit for such material.

[Rev. 7, ASPR, Sept. 1, 1964] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

J. C. LAMBERT,
*Major General, United States Army, The Adjutant General.*

[F.R. Doc. 64–11104, Filed, Oct. 30, 1964; 8:45 a.m.]



# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 213—EXCEPTED SERVICE

### Entire Executive Civil Service

**§ 213.3102 [Revoked]**

Effective upon publication in the FEDERAL REGISTER, paragraph(s) of § 213.3102, having expired by its own terms, is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
*Director, Bureau of Management Services.*

[F.R. Doc. 64–11125; Filed, Oct. 30, 1964; 8:49 a.m.]

## PART 213—EXCEPTED SERVICE

### Department of Agriculture

**§ 213.3113 [Revoked]**

Effective upon publication in the FEDERAL REGISTER, subparagraph (7) of paragraph (a) of § 213.3113, having expired by its own terms, is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
*Director, Bureau of Management Services.*

[F.R. Doc. 64–11124; Filed, Oct. 30, 1964; 8:49 a.m.]

# Title 7—AGRICULTURE

## Subtitle A—Office of the Secretary of Agriculture

## PART 16—MILK INDEMNITY PAYMENT PROGRAM

### Subpart—Regulations Governing Milk Indemnity Payments

This subpart contains the regulations which set forth the terms and conditions under which the indemnity payments will be made to eligible dairy farmers whose milk is removed from the market because of pesticide residue content.

Sec.
16.1 Administration.
16.2 Definitions.
16.3 Indemnity payment.
16.4 Normal marketings.
16.5 Fair market value.
16.6 Information to be furnished.
16.7 Other requirements.
16.8 Application for payment.
16.9 Assignments.
16.10 Instructions and form.
16.11 Limitation of authority.
16.12 Estates and trusts; minors.
16.13 Appeals.
16.14 Setoffs.
16.15 Overdisbursement.
16.16 Death, incompetency or disappearance.
16.17 Records and inspection thereof.

AUTHORITY: The provisions of this Part 16 issued pursuant to section 331 of the Economic Opportunity Act of 1964, 78 Stat. 525.

**§ 16.1 Administration.**

This indemnity payment program will be carried out by ASCS under the direction and supervision of the Deputy Administrator. In the field, the program will be administered by the State and County Committees.

**§ 16.2 Definitions.**

For purpose of this subpart, the following terms shall have the meanings specified:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "ASCS" means the Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(c) "Deputy Administrator" means the Deputy Administrator, State and County Operations, ASCS.

(d) "State Committee" means the Agricultural Stabilization and Conservation State Committee.

(e) "County Committee" means the Agricultural Stabilization and Conservation County Committee.

(f) "Pesticide" means an economic poison which, at the time of its use, was registered with the Secretary pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135–135k), and was recommended for use in the then current Agriculture Handbook No. 120, "Insecticide Recommendations of the Entomology Research Division for the Control of Insects Affecting Crops, Livestock and Households."

(g) "Milk handler" means the marketing agency to or through which the eligible dairy farmer marketed his milk or butterfat immediately before he was directed to remove his milk or butterfat from the commercial market.

(h) "Eligible farmer" means a person who produces milk which is removed from the commercial market any time from January 1, 1964, to January 15, 1965, pursuant to direction of a public agency or a milk handler because of detection of pesticide residue in such milk by tests made by a public agency or under a milk testing program deemed adequate for the purpose by a public agency.

(i) "Person" means an individual, partnership, association, corporation, trust, estate or other legal entity.

(j) "Application period" means any period with respect to which application for payment is made beginning not earlier than January 1, 1964, and ending not later than January 15, 1965, during which an eligible farmer's milk is removed from the commercial market pursuant to direction of a public agency or milk handler for reason specified in paragraph (h) of this section.

(k) "Pay period" means the period used by the milk handler in settling with the eligible farmer for whole milk or butterfat purchased from him, usually bi-weekly or monthly, or, in the case of an eligible farmer whose commercial market consisted of direct retail sales to consumers, a calendar month.

(l) "Whole milk" means milk as produced by cows.

(m) "Butterfat" means milk fat in farm separated cream.

(n) "Public agency" means any Federal, State or local public regulatory agency.

(o) "Commercial market" means the market to which the eligible farmer normally delivered his milk or butterfat and from which it was removed because of detection of pesticide residues.

(p) "Removed from the commercial market" means milk or butterfat (1) produced and destroyed or fed to livestock, or (2) produced and delivered to a handler who destroyed it or disposed of it on a salvage basis (such as separating it, destroying the fat, and drying the skim milk), or (3) produced and diverted to other than the commercial market.

(q) "Subject to refund" means a payment made by a milk handler to an eligible farmer which such farmer is obligated to refund to the milk handler.

**§ 16.3 Indemnity payment.**

The indemnity payment to the eligible farmer who is determined by the County Committee to be in compliance with all the terms and conditions specified in the regulations in this subpart shall be the fair market value of his normal marketings for the application period, as determined in accordance with §§ 16.4 and 16.5, less (a) any amount he received for milk or butterfat marketed during the application period, and (b) any amount he received from a milk handler with respect to whole milk or butterfat removed from the commercial market which is not subject to refund.

**§ 16.4 Normal marketings.**

The County Committee shall determine the eligible producer's normal marketings which, for the purposes of this subpart, shall be the sum of the quantities of whole milk or butterfat which such producer would have sold in the commercial market in each of the pay periods in the application period but for the removal of his milk or butterfat from the commercial market because of detection of pesticide residue. Determination of normal marketings for each pay period shall be based upon (a) if the eligible producer or another person marketed whole milk or butterfat from the farm during the period in the previous year equivalent to the pay period, the marketings of whole milk or butterfat from the farm during such equivalent period, or (b) if the eligible producer or another person did not market whole milk or butterfat from the farm during the period in the previous year equivalent to the pay period, the average of the eligible producer's marketings of whole milk or butterfat from the farm per pay period during the three months immediately prior to removal of his whole milk or butterfat from the commercial market. In the case of normal marketings based

upon paragraph (a) of this section, such base production shall be adjusted to reflect any change in the rate of the eligible farmer's milk production from the production of the previous year due to factors such as changes in herd size both before and after removal of milk or butterfat from the commercial market, and changes in management practices before such removal. In the case of normal marketings based upon paragraph (b) of this section, such base production shall be adjusted to reflect normal changes in the farmer's milk production during the pay period due to seasonal factors affecting production and changes in herd size. If only a portion of a pay period falls within the application period, normal marketings for such pay period shall be reduced so that they represent only that part of such pay period which is within the application period.

**§ 16.5 Fair market value.**

The County Committee shall determine the fair market value of the eligible producer's normal marketings which, for the purposes of this subpart, shall be the sum of the net proceeds such producer would have received for his adjusted normal marketings in each of the pay periods in the application period. Determination of the net proceeds such producer would have received in each pay period in the application period shall be made on the basis of the eligible producer's normal marketings for each such pay period multiplied by the average net price per hundredweight of whole milk or per pound of butterfat paid during the pay period by such farmer's milk handler in the same area for milk or butterfat similar in quality and butterfat test to that marketed by the eligible farmer in the base period used to determine his normal marketings, or, in the case of an eligible farmer whose commercial market consisted of direct retail sales to consumers, on the basis of his normal marketings in each such pay period multiplied by the average net price per hundredweight of whole milk per pound of butterfat, as determined by the County Committee, which other farmers in the same area who marketed their whole milk or butterfat through milk handlers received for milk or butterfat similar in quality and butterfat test to that marketed by the eligible farmer during the base period used to determine his normal marketings. In determining the average net price for whole milk or butterfat, the County Committee shall deduct from the gross price any transportation and administrative costs normally incurred by the eligible farmer but which were not incurred because of the removal of his milk from the market.

**§ 16.6 Information to be furnished.**

The eligible farmer shall furnish to the County Committee complete and accurate information sufficient to enable the committee to make the determinations required in §§ 16.4 and 16.5. Such information shall include, but not be limited to:

(a) A copy of the notice or other evidence of action by the public agency or handler which resulted in removing his milk or butterfat from the commercial market, including the name of the pesticide causing such removal.

(b) A record of the quantity and butterfat test of whole milk and the quantity of butterfat, which he produced on his farm and sold during each pay period, from January 1, 1963, to the time the milk was removed from market. This shall be either a certified statement or record furnished by the handler, or equivalent evidence of the volumes and quality of whole milk or butterfat marketed.

(c) The number of cows milked during each pay period in the application period, and during the pay periods for a three month period immediately prior to the application period.

(d) A statement for each pay period in the application period from the handler showing the average net price per cwt. of whole milk or pound of butterfat paid in the eligible producer's area for whole milk and butterfat similar in quality to that delivered by the eligible farmer during the base period used to determine his normal marketings. Such average price shall be based on the market price for such milk or butterfat less transportation and other costs which are normally incurred by the eligible farmer in connection with deliveries from the farm, but which have been eliminated because of removal of his milk from the market. In the event the handler does not have information on such transportation costs, the eligible farmer shall furnish it.

(e) The amount of payments, if any, received from the sale of milk or butterfat during the application period.

(f) The amount of any payments made to the eligible farmer by the milk handler with respect to the milk or butterfat removed from market which are not subject to refund.

(g) If a pesticide containing DDT was used after July 1, 1963, or if any other pesticide was used after November 15, 1963, by the farmer in producing feed for his dairy cattle, the name of such pesticide and the approximate date of such use, and the name of the manufacturer.

(h) Such other information as the County Committee may require to enable them to make the determinations required by the Economic Opportunity Act of 1964 and regulations in this subpart.

**§ 16.7 Other requirements.**

No indemnity payment shall be made under this subpart to any farmer whose milk was removed from the commercial market (a) if the pesticide, at the time of its use by the farmer, was not registered with the Secretary and recommended for use as provided in § 16.2(f), (b) if such removal was a result of his failure to use the pesticide in accordance with the directions and limitations stated on the label provided with the pesticide, (c) if he purchased feed used in feeding his dairy cattle which he knew contained a harmful level of pesticide residues, or (d) if he has failed to adopt practices designed to eliminate pesticide residues from his milk in order that such milk may be reinstated to the commercial market as soon as possible.

**§ 16.8 Application for payment.**

Application for payment shall be made, on a form prescribed therefor by the Deputy Administrator, by the eligible farmer or his legal representative, as set forth in § 16.12, who must sign and file the form with the ASCS County Office for the county where the farm headquarters are located no later than January 15, 1965, or such later date as the Deputy Administrator may specify. Application for payment shall cover application periods of at least 28 days, except that, if the entire application period, or the last application period, is shorter than 28 days, applications for payment may be filed for such shorter period.

**§ 16.9 Assignment.**

No assignment shall be made of any indemnity payment due or to come due under the regulations in this subpart.

**§ 16.10 Instructions and forms.**

The Deputy Administrator shall cause to be prepared such forms and instructions as are necessary for carrying out the regulations in this subpart.

**§ 16.11 Limitation of authority.**

(a) County office managers and State and County Committees do not have authority to modify or waive any of the provisions of the regulations in this subpart.

(b) The State Committee may take any action authorized or required by the regulations in this subpart to be taken by the County Committee which has not been taken by such Committee. The State Committee may also (1) correct, or require a County Committee to correct, any action taken by such County Committee which is not in accordance with the regulations in this subpart, or (2) require a County Committee to withhold taking any action which is not in accordance with the regulations in this subpart.

(c) No delegation herein to a State or County Committee shall preclude the Deputy Administrator or his designee from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or County Committee.

**§ 16.12 Estates and trusts; minors.**

(a) A receiver of an insolvent debtor's estate, an executor or an administrator of a deceased person's estate, the guardian of an estate of a ward or an incompetent person, and the trustee of a trust estate shall be considered to represent the insolvent debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian or trustee shall be considered to be the production of the person he represents. Program documents executed by any such person will be accepted only if they are legally valid and such person has the authority to sign the applicable documents.

(b) A minor who is otherwise an eligible producer shall be eligible for indemnity payments only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable program documents are signed by the guardian; (3) a bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had he been an adult.

**§ 16.13 Appeals.**

The Appeal Regulations issued by the Administrator, ASCS, effective July 25, 1964 (29 F.R. 8200), shall be applicable to appeals by farmers from determinations made pursuant to the regulations in this subpart.

**§ 16.14 Setoffs.**

(a) If the eligible farmer is indebted to any agency of the United States and such indebtedness is listed on the county debt record, indemnity payments due the eligible farmer under the regulations in this part shall be applied, as provided in the Secretary's Setoff Regulations, Part 13 of this subtitle (29 F.R. 9425), to such indebtedness.

(b) Compliance with the provisions of this section shall not deprive the eligible farmer of any right he would otherwise have to contest the justness of the indebtedness involved in the setoff action, either by administrative appeal or by legal action.

**§ 16.15 Overdisbursement.**

If the indemnity payment disbursed to an eligible farmer exceeds the amount authorized under the regulations in this subpart the eligible farmer shall be personally liable for repayment of the amount of such excess.

**§ 16.16 Death, incompetency or disappearance.**

In the case of the death, incompetency, or disappearance of any eligible farmer who is entitled to an indemnity payment, such payment may be made to the person or persons specified in the regulations contained in §§ 1472.1151 and 1472.1154 of this title (Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool) 27 F.R. 933) upon proper application to the office of the appropriate County Committee.

**§ 16.17 Records and inspection thereof.**

The eligible farmer as well as his milk handler and any other person who furnishes evidence to such dairy farmer for the purpose of enabling him to receive a milk indemnity payment under this program shall maintain any existing books, records and accounts supporting any information furnished in connection with this program until January 31, 1968. Authorized representatives of the Department of Agriculture shall at all times during regular business hours have access to the premises of the eligible dairy farmer, his milk handler and of the person who furnished evidence to the eligible farmer for the purpose of enabling him to receive a payment, in order to inspect, examine and make copies of such books, records and accounts.

NOTE: The reporting and/or record keeping requirement contained herein has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

STATEMENT OF BASES AND CONSIDERATIONS

The Economic Opportunity Act of 1964, Part D, Title III, section 331 thereof authorizes the Secretary of Agriculture to make indemnity payments, at a fair market value to dairy farmers who have been directed since January 1, 1964, to remove their milk from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, at the time of such use. Such indemnity payments will be made to a dairy farmer for milk or butterfat removed from the commercial market until he has been reinstated or January 15, 1965, whichever is earlier. This regulation establishes the basis for determining which dairy farmers are eligible to receive payments, the volumes of milk or butterfat in farm separated cream on which they are eligible for payment, and the fair market value of such milk or butterfat. Some farmers have reduced their feeding and milk production as a means of eliminating pesticide residues and in many cases the quantity of milk or butterfat removed from the commercial market is not available since it has been dumped on the farm. Therefore, eligible dairy farmers' marketings in the same period a year earlier, subject to certain adjustments will be the basis for determining the quantities on which they are eligible for payment.

Provision is made for deducting amounts of payments received by the dairy farmer in the event any of the milk produced on his farm is sold during the eligible period. Some milk handlers have assisted dairy farmers whose milk or butterfat has been withheld from market by advancing at least a partial payment for such milk or butterfat. The regulation provides that the indemnity payment will be reduced by any amount of advance which is not repayable to the handler in order that such a farmer will not receive an amount of payment for the withheld milk or butterfat in excess of that which he would normally have received.

Provision is also made as a condition of payment that the dairy farmer did not misuse the pesticide in applying it in the production of his feed crop and that he did not purchase feed which he knew to contain pesticide residues, that he has adopted practices designed to eliminate the pesticide residues from his milk in order to have such milk reinstated in the market. Other conditions require the furnishing of certified evidence of the farmers milk marketings, number of cows milked and prices paid to other farmers by his milk handler and other information to serve as a basis for determining the fair market value of the milk removed from the market and the amount of indemnity payment to which the dairy farmer is entitled.

Accordingly, I hereby find and conclude that the aforestated regulations will effectuate the applicable provisions of the Act.

Effective date: Date of publication.

Signed at Washington, D.C., on October 27, 1964.

CHARLES S. MURPHY,
*Acting Secretary of Agriculture.*

[F.R. Doc. 64-11111; Filed, Oct. 30, 1964; 8:46 a.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables; Tree Nuts), Department of Agriculture

## PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

### Determination Relative to Expenses and Fixing of Rate of Assessment for 1964–65 Fiscal Period and Carryover of Unexpended Funds

Notice was published in the October 13, 1964, issue of the FEDERAL REGISTER (29 F.R. 14077) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period ending July 31, 1965, under the marketing agreement, and Order No. 906 (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in lower Rio Grande Valley of Texas, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Texas Valley Citrus Committee (established pursuant to the said marketing agreement and order) it is hereby found and determined that:

**§ 906.204 Expenses and rate of assessment for the 1964–65 fiscal period and carryover of unexpended funds.**

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the said fiscal period beginning August 1, 1964, and ending July 31, 1965, will amount to $20,000.

(b) *Rate of assessment.* The rate of assessment which each handler who first handles fruit shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one-half cent ($0.005) per 7/10 bushel carton, or equivalent quantity of fruit handled by such handler during the 1964–65 fiscal period.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended July 31, 1964, shall be carried over as a reserve in accordance with the applicable provisions of § 906.35(a)(2) of said marketing agreement and order.

(d) Terms used in said marketing agreement and order, shall, when used herein, have the same meaning as is given to the respective terms in said marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit from the beginning of such period; and (2) the current fiscal period began on August 1, 1964, and the rate of assessment herein fixed will automatically apply to all assessable oranges and grapefruit beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 28, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11133; Filed, Oct. 30, 1964; 8:50 a.m.]

[Lemon Reg. 135]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

**§ 910.435 Lemon Regulation 135.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held open meetings after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at these meetings; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meetings were held; the provisions of this section, including its effective time, are identical with the aforesaid recommendations of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meetings were held on October 13 and 27, 1964.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., November 1, 1964, and ending at 12:01 a.m., P.s.t., November 1, 1965, no handler shall handle any lemons, grown in District 1, District 2, or District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at right angles to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the lemons in any type of container may measure less than 1.82 inches in diameter.

(2) As used in this section, "handle," "handler," "District 1," "District 2," and "District 3" shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 28, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11130; Filed, Oct. 30, 1964; 8:49 a.m.]

[Lemon Reg. 136]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

**§ 910.436 Lemon Regulation 136.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 27, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 1, 1964, and ending at 12:01 a.m., P.s.t., November 8, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 106,950 cartons;
(iii) District 3: 106,950 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 28, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11131; Filed, Oct. 30, 1964; 8:49 a.m.]

## PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY OF SOUTH TEXAS

### Limitation of Shipments

Notice of rule making with respect to proposed Limitation of Shipments regulation to be made effective under Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas, was published in the FEDERAL REGISTER, September 19, 1964 (29 F.R. 13105) and September 24, 1964 (29 F.R. 13269). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

This notice afforded interested parties an opportunity to file data, views, or arguments pertaining thereto within twenty days after publication. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

**§ 971.307 Limitation of shipments.**

During the period December 14, 1964, through March 27, 1965, no person may handle any lot of lettuce grown in the production area unless the lettuce meets requirements of paragraphs (a), (b), and (c) of this section, or unless the lettuce is handled in accordance with paragraph (d) or (e), of this section. Further, no handler may package lettuce during the above period on any Sunday or on Christmas day.

(a) *Grade.* Seventy-five percent U.S. No. 1 quality, or better, with not more than 10 percent serious damage including not more than five percent decay in any lot. Individual containers shall have not less than 60 percent U.S. No. 1 quality, with not more than 23 percent serious damage, including not more than three heads affected by decay.

(b) *Sizing and pack.* (1) Lettuce heads, if wrapped, may be packed only 18, 20, 22, 24, or 30 heads per container.

(2) Lettuce heads, if not wrapped, may be packed only 18, 24, or 30 heads per container.

(c) *Containers.* Containers may be only—

(1) Cartons with inside dimensions of 10 inches x 14¼ inches x 21⁵⁄₁₆ inches (designated as carrier container No. 7303), or

(2) Cartons with inside dimensions of 9¾ inches x 14 inches x 21 inches (designated as carrier container Nos. 7306 and 7313).

(d) *Minimum quantities.* Any person may handle up to, but not to exceed two cartons of lettuce a day without regard to inspection, assessment, grade, size, and pack requirements, but it must meet container requirements. This exception may not be applied to any portion of a shipment of over two cartons of lettuce.

(e) *Special purpose shipments.* Lettuce not meeting grade, size, or container requirements of paragraph (a), (b), or (c) of this section may be handled for any purpose listed, if handled as prescribed in this paragraph. Inspection or assessments are not required on such shipments.

(1) For relief, charity, or experimental purposes, if prior to handling, the handler pursuant to §§ 971.120–971.125 obtains a Certificate of Privilege applicable thereto and reports thereon.

(2) For export to Mexico, if the handler of such lettuce loads or transports it only in a vehicle bearing Mexican registration (license) and he maintains the following records of each transaction.

(i) Name and address of the purchaser;

(ii) Quantity involved in each sale;

(iii) Date of sale; and

(iv) Identification by make, model, and license number of the purchaser's or trucker's vehicle.

(f) *Inspection.* (1) No handler may handle any lettuce for which an inspection certificate is required unless an appropriate inspection certificate has been issued with respect thereto.

(2) No handler may transport, or cause the transportation of, by motor vehicle, any shipment of lettuce for which an inspection certificate is required unless each such shipment is accompanied by a copy of an inspection certificate or by a copy of a shipment release form (SPI–23) furnished by the inspection service verifying that such shipment meets the current grade, size, pack and/or container regulations promulgated under this part. A copy of the inspection certificate, or shipment release form, applicable to each truck lot shall be available and surrendered upon request to authorities designated by the committee.

(3) For administration of this part, an inspection certificate or shipment release form required by the committee as evidence of inspection is valid for only 72 hours following completion of inspection, as shown on such certificate or form.

(g) *Definitions.* (1) "Wrapped" heads of lettuce refers to those which are enclosed individually in parchment, plastic, or other commercial film (cf. AMS 481) and then packed in cartons or other containers.

(2) "U.S. No. 1" and "serious damage" shall have the same meaning as in the U.S. Standards for Lettuce (§§ 51.2510–51.2531 of this title).

(3) All other terms used in this section shall have the same meaning as when used elsewhere in this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: October 28, 1964, to become effective December 14, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11110; Filed, Oct. 30, 1964; 8:46 a.m.]



# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter II—Agricultural Marketing Service (Packers and Stockyards Division), Department of Agriculture

## PART 203—STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

### Statement With Respect to Purchases of Livestock by Packers for Export

The following statement concerning the livestock buying operations of packers subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), has been formulated and adopted by the Agricultural Marketing Service for the guidance of all packers and is issued as section 203.6, Part 203, Chapter II, Title 9, Code of Federal Regulations, to read as follows:

**§ 203.6 Statement with respect to the purchase of livestock by packers for export.**

(a) In recent months, a demand has arisen in Europe for livestock shipped from the United States. Present signs reveal a growing demand with respect to such movements of animals. The exportation of animals from the United States at the present time is in the public interest in order to assist in expanding markets for livestock produced in this country. Various packers have advised the Packers and Stockyards Division of the Agricultural Marketing Service that they have been approached by representatives of foreign concerns with respect to supplying such foreign concerns with livestock produced in the United States.

(b) It has been the consistent policy of the Agricultural Marketing Service in the administration of the Packers and Stockyards Act, 1921, as amended, not to permit packers to engage in the business of buying livestock for purposes of resale. This policy has been based on marketing conditions not involving export considerations. With respect to the operations of packers in buying livestock for purposes of slaughter, the Agricultural Marketing Service has required that all packer-buyers register under the Act "as dealers to purchase livestock for slaughter only" (§ 201.10(c)) of this chapter.

(c) It is in the public interest to assist the livestock industry by facilitating the movement of livestock into export channels. Buying or selling livestock for export, however, comes within the definition of the term "dealer" as used in section 301(d) of the Act (7 U.S.C. 201(d)). The Agricultural Marketing Service believes that, under present conditions and circumstances, the Act should not be deemed to preclude packers from buying or selling livestock, as dealers, for export. Any packer who de-

sires to engage in such dealer operations is subject to, and must comply with, the registration requirements of § 201.10(a) of this chapter, and the bonding requirements of §§ 201.29 through 201.34 of this chapter and in all other respects shall conduct such operations in accordance with the requirements of the Act and regulations applicable to livestock dealers.

(d) The Packers and Stockyards Division of the Agricultural Marketing Service will continually observe the developments with respect to the exportation of livestock by packers. If it appears that the dealer operations of packers engaged in the exportation of livestock result in conflict with the provisions of section 202 of the Act (7 U.S.C. 192), the Packers and Stockyards Division will take whatever action may be necessary to correct the situation.

The foregoing statement shall become effective upon its publication in the FEDERAL REGISTER.

(Secs. 202, 301, 303, 312, 401, 407; 42 Stat. 161 et seq., 42 Stat. 169, as amended, sec. 1, 57 Stat. 422; 7 U.S.C. 192, 201, 203, 204, 213, 221, 228)

Done at Washington, D.C., this 28th day of October 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64-11132; Filed, Oct. 30, 1964; 8:49 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

### SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 6278; Amdt. 95-121]

### PART 95—IFR ALTITUDES [NEW]

### Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 [New] of the Federal Aviation Regulations is amended, effective December 10, 1964, as follows:

1. By amending Subpart C as follows:

Section 95.101 *Amber Federal airway 1* is amended to read in part:

| *From, to, and MEA* |
|---|
| Sitka, Alaska, LFR; Cape Spencer INT, Alaska; 8,300. |
| Cape Spencer INT, Alaska; Yakutat, Alaska, LFR; 2,000. |

Section 95.6241 *Red Federal airway 41* is amended to read in part:

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|---|
| Cape Spencer INT, Alaska; Gustavus, Alaska, LFR; 5,500. |

Section 95.1001 *Direct routes—U.S.* is amended by adding:

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|---|
| Point Reyes, Calif., VOR; Woodside, Calif., VOR; 5,000. |
| Texarkana, Ark., VOR; Tyler, Tex., LF/RBN; *2,500. *2,000—MOCA. |
| Texarkana, Ark., VOR; Hot Springs, Ark., LF/RBN; *2,500. *2,300—MOCA. |

Section 95.1001 *Direct routes—U.S.* is amended to delete:

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|---|
| St. Petersburg, Fla., VOR; West Palm Beach, Fla., VOR; *5,000. *1,500—MOCA. |
| Texarkana, Ark., LF/RBN; Tyler, Tex., LF/RBN; 2,000. |
| Enid, Okla., VOR (Woodring Field); Gage, Okla., VOR; 3,700. |
| Int. SE crs Carter, Tex., ILS and 210° M Dallas VOR; Dallas, Tex., VOR; 2,000. |

Section 95.1001 *Direct routes—U.S.* is amended to read in part:

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|---|
| Salinas, Calif., VOR; Morgan INT, Calif.; 5,000. |
| Dallas, Tex., VOR; McAlester, Okla., VOR; *3,000. *2,500—MOCA. |
| Cannon AFB, N. Mex., LF/RBN; Field INT, N. Mex.; *6,500. *5,800—MOCA. |

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

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|---|
| Myrtle Beach, S.C., VOR; *Crescent INT, S.C.; **1,600. *3,000—MRA. **1,400—MOCA. |
| Crescent INT, S.C.; *Green INT, S.C.; **1,600. *2,500—MRA. **1,400—MOCA. |
| Green INT, S.C.; Wilmington, N.C., VOR; *1,600. *1,400—MOCA. |

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

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|---|
| Mariaville INT, N.Y.; Albany, N.Y., VOR; **3,000. *3,500—MRA. **2,500—MOCA. |
| Albany, N.Y., VOR; *Melrose INT, N.Y.; 3,500. *4,600—MCA Melrose INT, eastbound. Melrose INT, N.Y.; *Griswoldville INT, Mass.; 5,500. *4,300—MCA Griswoldville INT, westbound. |

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

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|---|
| Jacksonville, Fla., VOR., via W alter.; *O'Neil INT, Fla., via W alter.; 1,300. *1,500—MRA. O'Neil INT, Fla., via W alter.; Brunswick, Ga., VOR, via W alter.; 1,300. |

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

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|---|
| Loveland INT, Colo.; Longmont INT, Colo.; 7,900. |

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

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| New Hebron INT, Ind., via W alter.; Terre Haute, Ind., VOR, via W alter.; 2,500. |

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

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|---|
| Long Beach, Calif., VOR; Ontario, Calif., VOR; 5,000. |
| Ontario, Calif., VOR; Fontana INT, Calif., northeastbound, 10,000; southwestbound, 5,000. |
| Cisco INT, Utah; Grand Junction, Colo., VOR; 10,000. |
| Grand Junction, Colo.; Collbran INT, Colo.; southwestbound, 10,000; northeastbound, 13,500. |

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

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|---|
| *Waverly INT, Ill.; Capital, Ill., VOR; **2,200. *2,700—MRA. **2,000—MOCA. |
| McComb, Miss., VOR; *Florence INT, Miss.; **2,200. *3,200—MRA. **2,000—MOCA. |

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

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|---|
| Johnstown, Pa., VOR; Harrisburg, Pa., VOR; 4,500. |
| Bible Grove, Ill., VOR; Lewis, Ind., VOR; 2,500. |
| Gage, Okla., VOR; *Capron INT, Okla.; 4,300 *5,000—MRA. |

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

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|---|
| Ranch INT, N. Mex.; *Caprock INT, N. Mex.; **7,500. *9,000—MRA. **7,100—MOCA. |
| Caprock INT, N. Mex.; *Whiteface INT, Tex.; **7,500. *8,000—MRA. **5,500—MOCA. |
| Carlisle INT, N.Y.; Albany, N.Y., VOR; 3,600. |
| Albany, N.Y., VOR; *Melrose INT, N.Y.; 3,500. *4,600—MCA Melrose INT, eastbound. |
| Melrose INT, N.Y.; Griswoldville INT, Mass.; 5,500. *4,300—MCA Griswoldville INT, westbound. |

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

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|---|
| Los Angeles, Calif., VOR; Ontario, Calif., VOR; 4,500. |
| Banning INT, Calif.; *Palm Springs, Calif., VOR; **13,000. *11,400—MCA Palm Springs VOR, westbound. **12,400—MOCA. |
| Jacks Creek, Tenn., via N alter.; Vanleer INT, Tenn., via N alter.; *3,600. *2,200—MOCA. |

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

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|---|
| Omega INT, Okla.; Camargo INT, Okla.; *3,700. *3,600—MOCA. |
| Camargo INT, Okla.; Gage, Okla., VOR; 4,300. |

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

| |
|---|
| Cimarron, N. Mex., VOR, via E alter.; Int 040° M rad, Cimarron VOR and 163° M rad, Pueblo VOR, via E alter.; *11,600. *10,800—MOCA. |
| Int. 040° M rad, Cimarron VOR, and 163° M rad, Pueblo VOR, via E alter.; *Earl INT, Colo., via E alter.; 11,600. *10,500—MCA Earl INT, southbound. |

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

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|---|
| Picayune, Miss., VOR, via N alter.; Mobile, Ala., VOR, via N alter.; *2,000. *1,800—MOCA. |

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

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|---|
| Long Beach, Calif., VOR; Ontario, Calif., VOR; 5,000. |
| Ontario, Calif., VOR; Fontana INT, Calif., northeastbound, 10,000; southwestbound, 5,000. |

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

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|---|
| Gorman, Calif., VOR; *Grapevine INT, Calif.; 9,500. *9,500—MCA Grapevine INT, southbound. |
| Lamont INT, Calif., via E alter.; *Arvin INT, Calif., via E alter.; 8,000. *7,300—MCA Arvin INT, southbound. |
| Roseburg, Oreg. VOR, via W alter.; *Drain INT, Oreg., via W alter.; 5,000. *6,100—MRA. |



| *From, to, and MEA* |
|---|
| Section 95.6026 *VOR Federal airway 26* is amended to delete: |
| Cleveland, Ohio, VOR; New London INT, Ohio; *3,000. *2,300—MOCA. |
| Section 95.6036 *VOR Federal airway 36* is amended to read in part: |
| Lewiston INT, N.Y.; Buffalo, N.Y., VOR; *2,300. *2,000—MOCA. |
| Dale INT, N.Y.; Thurston INT, N.Y.; *4,000. *3,200—MOCA. |
| Section 95.6048 *VOR Federal airway 48* is amended to read in part: |
| Burlington, Iowa, VOR; London INT, Ill.; *2,400. *1,900—MOCA. |
| Section 95.6050 *VOR Federal airway 50* is amended to read in part: |
| Decatur, Ill., VOR; Arcola INT, Ill.; *2,400. *2,000—MOCA. |
| Arcola INT, Ill.; Terre Haute, Ind., VOR; *2,500. *2,100—MOCA. |
| Section 95.6069 *VOR Federal airway 69* is amended to read in part: |
| Auburn INT, Ill.; Capital, Ill., VOR; *2,100. *2,000—MOCA. |
| Section 95.6070 *VOR Federal airway 70* is amended to read in part: |
| Vienna, Ga., VOR; Allendale, S.C., VOR; *3,000. *1,700—MOCA. |
| Picayune, Miss., VOR; Greene County, Miss., VOR; *2,000. *1,500—MOCA. |
| Section 95.6072 *VOR Federal airway 72* is amended to read in part: |
| Hadley INT, Pa.; Tidioute, Pa., VOR; *3,500. *3,200—MOCA. |
| Section 95.6074 *VOR Federal airway 74* is amended to read in part: |
| *Magazine INT, Ark.; Little Rock, Ark., VOR; 4,000. *3,300—MCA Magazine INT, eastbound. |
| Section 95.6076 *VOR Federal airway 76* is amended to read in part: |
| Paige INT, Tex.; *Round Top INT, Tex.; **2,500. *2,500—MRA. **1,700—MOCA. |
| Round Top INT, Tex.; Sealy INT, Tex.; *6,000. *1,700—MOCA. |
| Lubbock, Tex., VOR; *Welch INT, Tex.; 5,100. *7,000—MRA. |
| Section 95.6078 *VOR Federal airway 78* is amended to read in part: |
| Huron, S. Dak., VOR; Watertown, S. Dak., VOR; 3,000. |
| Section 95.679 *VOR Federal airway 79* is amended to read in part: |
| Hobbs, N. Mex., VOR; *Welch INT, Tex.; **7,000. *7,000—MRA. **5,300—MOCA. |
| Section 95.6081 *VOR Federal airway 81* is amended to read in part: |
| Pat INT, Tex.; *Welch INT, Tex.; **5,100. *7,000—MRA. **4,300—MOCA. |
| Section 95.6085 *VOR Federal airway 85* is amended to read in part: |
| Casper, Wyo., VOR; Riverton, Wyo., VOR; 8,200. |
| Section 95.6091 *VOR Federal airway 91* is amended to read in part: |
| Poughkeepsie, N.Y., VOR; Athens INT, N.Y.; *3,000. *2,600—MOCA. |
| Athens INT, N.Y.; Greenbush INT, N.Y.; *2,600. *1,900—MOCA. |
| Greenbush INT, N.Y.; Albany, N.Y., VOR; *2,300. *1,900—MOCA. |
| Glens Falls, N.Y., VOR; Benson INT, N.Y.; 4,000. |

| *From, to, and MEA* |
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| Section 95.6100 *VOR Federal airway 100* is amended to read in part: |
| Chadron, Nebr., VOR; O'Neill, Nebr., VOR; *10,000. *5,900—MOCA. |
| Section 95.6102 *VOR Federal airway 102* is amended to read in part: |
| Hobbs, N. Mex., VOR; Lubbock, Tex., VOR; *6,000. *5,300—MOCA. |
| Section 95.6107 *VOR Federal airway 107* is amended to read in part: |
| *Los Banos, Calif., VOR; **Cathedral INT, Calif.; ***7,000. *5,500—MCA Los Banos INT, southbound. **7,000—MCA Cathedral INT, northwestbound. ***5,700—MOCA. |
| Section 95.6122 *VOR Federal airway 122* is amended to read in part: |
| Talent DME Fix, Oreg.; Klamath Junction INT, Oreg.; *10,500. *9,500—MOCA. |
| Section 95.6124 *VOR Federal airway 124* is amended to read in part: |
| Terre Haute, Ind., VOR; Wilbur INT, Ind.; *2,400. *1,900—MOCA. |
| Section 95.6135 *VOR Federal airway 135* is amended to read in part: |
| *Lida INT, Nev.; Tonopah, Nev., VOR; 9,000. *10,000—MCA Lida INT, northwestbound. |
| Section 95.6155 *VOR Federal airway 155* is amended to read in part: |
| Amelia INT, Va.; Flat Rock, Va., VOR; 2,000. |
| Section 95.6162 *VOR Federal airway 162* is amended by adding: |
| Int. 139° M rad, Clarksburg VOR, and 096° M rad, Elkins VOR; Clarksburg, W. Va., VOR; 5,200. |
| Section 95.6163 *VOR Federal airway 163* is amended by adding: |
| Brownsville, Tex., VOR, via W alter.; Harlingen, Tex., VOR, via W alter.; *1,500. *1,300—MOCA. |
| Harlingen, Tex., VOR, via W alter.; Armstrong INT, Tex., via W alter.; *1,500. *1,400—MOCA. |
| Section 95.6163 *VOR Federal airway 163* is amended to read in part: |
| San Antonio, Tex., VOR, via W alter.; *Guadalupe INT, Tex., via W alter.; **3,100. *4,300—MRA. **2,600—MOCA. |
| Section 95.6168 *VOR Federal airway 168* is amended to read in part: |
| Snake INT, Nebr.; O'Neill, Nebr., VOR; *13,000. *5,600—MOCA. |
| Section 95.6176 *VOR Federal airway 176* is amended to read in part: |
| Empire INT, Ala., via N alter.; Birmingham, Ala., VOR, via N alter.; 2,000. |
| Holly Springs, Miss., VOR; *Guntown INT, Miss.; **2,000. *3,000—MRA. **1,800—MOCA. |
| Guntown INT, Miss.; Hamilton, Ala., VOR; 2,200. |
| Hamilton, Ala., VOR; Jasper INT, Ala.; 2,000. |
| Jasper INT, Ala.; Birmingham, Ala., VOR; 1,700. |
| Section 95.6180 *VOR Federal airway 180* is amended to read in part: |
| *Bastrop INT, Tex.; **Smithville INT, Tex.; 2,000. *3,000—MRA. **3,300—MRA. |
| Section 95.6187 *VOR Federal airway 187* is amended to read in part: |

| *From, to, and MEA* |
|---|
| *Judith Gap INT, Mont.; **Great Falls, Mont., VOR; ***11,000. *9,500—MCA Judith Gap INT, northwestbound. **7,400—MCA Great Falls VOR, southeastbound. ***10,300—MOCA. |
| Section 95.6190 *VOR Federal airway 190* is amended to read in part: |
| Gage, Okla., VOR; *Capron INT, Okla.; 4,300. *5,000—MRA. |
| Las Vegas, N. Mex., VOR; *Hayden DME Fix, N. Mex.; **9,500. *7,500—MCA Hayden DME Fix, westbound. **9,000—MOCA. |
| Hayden DME Fix, N. Mex.; Dalhart, Tex., VOR; *7,000. *6,500—MOCA. |
| Section 95.6194 *VOR Federal airway 194* is amended to read in part: |
| Cofield, N.C., VOR, via S alter.; *Sunbury INT, N.C., via S alter.; 1,400. *2,500—MRA. |
| Sunbury INT, N.C., via S alter.; Norfolk, Va., VOR, via S alter.; 1,400. |
| Section 95.6196 *VOR Federal airway 196* is amended to read: |
| Utica, N.Y., VOR; Cranberry INT, N.Y.; *8,000. *4,700—MOCA. |
| Cranberry INT, N.Y.; Redford INT, N.Y.; *8,000. *4,900—MOCA. |
| Redford INT, N.Y.; Plattsburgh, N.Y., VOR; *5,000. *4,500—MOCA. |
| Section 95.6211 *VOR Federal airway 211* is added to read: |
| Int. 218° M rad, Alamosa VOR and 096° M rad, Durango VOR; *Durango, Colo., VOR; westbound, 11,000; eastbound, **13,000. *8,700—MCA Durango VOR, eastbound. **11,000—MOCA. |
| *Durango, Colo., VOR; Int. 270° M rad, Durango VOR, and 133° M rad, Dove Creek, VOR; 10,800. *9,200—MCA Durango VOR, westbound. |
| Section 95.6212 *VOR Federal airway 212* is amended to read in part: |
| Lockhart INT, Tex.; *Smithville INT, Tex.; **2,600. *3,300—MRA. **1,500—MOCA. |
| Coalfax INT, Pa.; Harrisburg, Pa., VOR; 4,500. |
| Section 95.6219 *VOR Federal airway 219* is amended to read in part: |
| Hayes Center, Nebr., VOR; Int. 047° M rad, Hayes Center VOR, and 079° M rad, North Platte, VOR; *5,000. *4,100—MOCA. |
| Int. 047° M rad, Hayes Center VOR, and 079° M rad, North Platte VOR; Wolbach, Nebr., VOR; *5,000. *3,700—MOCA. |
| Section 95.6222 *VOR Federal airway 222* is amended to read in part: |
| Fredericksburg INT, Tex.; *Guadalupe INT, Tex.; **4,000. *4,300—MRA. **3,000—MOCA. |
| Lockhart INT, Tex.; *Smithville INT, Tex.; **2,600. *3,300—MRA. **1,500—MOCA. |
| Smithville INT, Tex.; *Round Top INT, Tex.; **5,000. *2,500—MRA. **1,800—MOCA. |
| Round Top INT, Tex.; Sealy INT, Tex.; *6,000. *1,700—MOCA. |
| Section 95.6234 *VOR Federal airway 234* is amended to read in part: |
| *Conchas Dam INT, N. Mex.; Tank DME Fix, Tex.; **10,000. *8,500—MCA Conchas Dam INT, northeastbound. **7,000—MOCA. |
| Tank DME Fix, Tex.; Dalhart, Tex., VOR; *6,500. *6,200—MOCA. |
| Section 95.6241 *VOR Federal airway 241* is amended to read in part: |
| Dothan, Ala., VOR; *Bakerhill INT, Ala.; **2,000. *2,500—MRA. **1,700—MOCA. |

*From, to, and MEA*

Bakerhill INT, Ala.; Eufaula, Ala., VOR; *2,000. *1,700—MOCA.

Section 95.6244 *VOR Federal airway 244* is amended to read in part:

Woodward INT, Calif.; Duckwall INT, Calif.; 8,000.

Section 95.6263 *VOR Federal airway 263* is amended to read in part:

Cimarron, N. Mex., VOR; *Tobe, Colo., VOR; **11,100. *8,000—MCA Tobe VOR, southwestbound; **10,800—MOCA.

Section 95.6264 *VOR Federal airway 264* is amended to read in part:

Los Angeles, Calif., VOR, via S alter.; Ontario, Calif., VOR, via S alter.; 4,500.
Banning INT, Calif., via S alter.; *Palm Springs, Calif., VOR, via S alter.; **13,000. *11,400—MCA Palm Springs VOR, westbound; **12,400—MOCA.

Section 95.6270 *VOR Federal airway 270* is amended to read in part:

*Athens INT, N.Y.; Hillsdale INT, N.Y.; **4,000. *4,000—MOA Athens INT, westbound, **3,700—MOCA.
Hillsdale INT, N.Y.; Chester, Mass., VOR; 4,000.

Section 95.6278 *VOR Federal airway 278* is amended to read in part:

Columbus, Miss., VOR; Birmingham, Ala., VOR; 2,000.
Columbus, Miss., VOR, via S alter.; Millport INT, Ala., via S alter.; 2,000.
Millport INT, Ala., via S alter.; Tuscaloosa, Ala., VOR, via S alter.; 1,900.

Section 95.6280 *VOR Federal airway 280* is amended to read in part:

Ranch INT, N. Mex., via S alter.; *Caprock INT, N. Mex., via S alter.; **7,500. *9,000—MRA. **7,100—MOCA.
Caprock INT, N. Mex., via S alter.; *Dora INT, N. Mex., via S alter.; **9,000. *10,000—MRA. **5,500—MOCA.
Roswell, N. Mex., VOR; *Dora INT, N. Mex.; **6,500. *10,000—MRA. **5,500—MOCA.

Section 95.6306 *VOR Federal airway 306* is amended to read:

Austin, Tex., VOR; Navasota, Tex., VOR; *2,500. *2,100—MOCA.
Navasota, Tex., VOR; Daisetta, Tex., VOR; 2,100.

Section 95.6401 *Hawaii VOR Federal airway 1* is amended to read in part:

Penguin INT, Hawaii; *Lanai, Hawaii, VOR; 3,800. *4,400—MCA Lanai VOR, eastbound.
Harpoon INT, Hawaii; Lava INT, Hawaii; 7,000.
Lava INT, Hawaii; Upolu Point, Hawaii, VOR; 6,000.

Section 95.6402 *Hawaii VOR Federal airway 2* is amended to read in part:

Penguin INT, Hawaii; *Lanai, Hawaii, VOR; 3,800. *4,400—MCA Lanai VOR, eastbound.
Mango INT, Hawaii; *Harpoon INT, Hawaii; 6,000. *7,000—MCA Harpoon INT, eastbound.

Section 95.6421 *VOR Federal airway 421* is amended by adding:

Farmington, N. Mex., VOR; *Durango, Colo., VOR; 9,600. *9,100—MCA Durango VOR, southbound.
*Durango, Colo., VOR; **Gunnison, Colo., VOR; 16,100. *13,200—MCA Durango VOR, northbound. **12,500—MCA Gunnison VOR, southbound.

*From, to, and MEA*

Section 95.6431 *VOR Federal airway 431* is amended to read:

Cambridge, N.Y., VOR; Glens Falls, N.Y., VOR; 3,900.
Glens Falls, N.Y., VOR; Wilcox INT, N.Y.; 5,900.

Section 95.6438 *VOR Federal airway 438* is amended to read in part:

Anchorage, Alaska, VOR; Talkeetna, Alaska, VOR; 3,000. *Talkeetna, Alaska, VOR; Ferry INT, Alaska; 10,000. *6,000—MCA Talkeetna VOR, northbound.

Section 95.6443 *VOR Federal airway 443* is amended to read in part:

Tiverton, Ohio, VOR; Cleveland, Ohio, VOR; *3,000. *2,400—MOCA.

Section 95.6444 *VOR Federal airway 444* is amended by adding:

Fairbanks, Alaska, ILS/LMM; Big Delta, Alaska, VOR; 5,500.

Section 95.6472 *VOR Federal airway 472* is amended to read:

Franklin, VA., VOR; *Sunbury INT, N.C.; **2,500. *2,500—MRA. **1,400—MOCA.
Sunbury INT, N.C.; Elizabeth City, N.C., VOR; *2,500. *1,400—MOCA.

Section 95.6487 *VOR Federal airway 487* is amended to read in part:

Poughkeepsie, N.Y., VOR; Hillsdale INT, N.Y.; 4,600.
Hillsdale INT, N.Y.; Brainard INT, N.Y.; 4,000.
Brainard INT, N.Y.; Cambridge, N.Y., VOR; 4,400.
Cambridge, N.Y., VOR; Granville INT, N.Y.; 4,000.
Granville INT, N.Y.; Benson INT, Vt.; 4,000. *3,500—MOCA.

Section 95.6489 *VOR Federal airway 489* is amended to read in part:

Clermont, N.Y., VOR; Red Hook INT, N.Y.; 2,600.
Red Hook, INT, N.Y.; Athens INT, N.Y.; *3,000. *2,400—MOCA.
Athens INT, N.Y.; Greenbush INT, N.Y.; *2,600. *1,900—MOCA.
Greenbush INT, N.Y.; Albany, N.Y., VOR; *2,300. *1,900—MOCA.
Glens Falls, N.Y., VOR; Crown INT, N.Y.; *6,000. *4,800—MOCA.

Section 95.6498 *VOR Federal airway 498* is amended to read:

McGrath, Alaska, VOR; Galena, Alaska, VOR; *6,000. *5,500—MOCA.

Section 95.6507 *VOR Federal airway 507* is amended to read in part:

Lovelock, Nev., VOR; Sod House, Nev., VOR; *10,000. *9,500—MOCA.

Section 95.6802 *VOR Federal airway 802* is amended to read in part:

Bible Grove, Ill., VOR; Lewis, Ind., VOR; 2,500.

Section 95.6805 *VOR Federal airway 805* is amended to read in part:

Wilmington, N.C., VOR; *Green INT, S.C.; **1,600. *2,500—MRA. **1,400—MOCA.
Green INT, S.C.; *Crescent INT, S.C.; **1,600. *3,000—MRA. **1,400—MOCA.
Crescent INT, S.C.; Myrtle Beach, S.C., VOR; *1,600. *1,400—MOCA.

Section 95.6806 *VOR Federal airway 806* is amended to read in part:

Flat Rock, Va., VOR; Amelia INT, Va.; 2,000.

*From, to, and MEA*

Section 95.6810 *VOR Federal airway 810* is amended to read in part:

Chadron, Nebr., VOR; O'Neill, Nebr., VOR; *10,000. *5,900—MOCA.

Section 95.6819 *VOR Federal airway 819* is amended to read in part:

Alma, Ga., VOR; Dublin, Ga., VOR; *2,200. *1,600—MOCA.

Section 95.6837 *VOR Federal airway 837* is amended to read in part:

Picayune, Miss., VOR; Greene County, Miss., VOR; *2,000. *1,500—MOCA.

Section 95.6846 *VOR Federal airway 846* is amended to read in part:

Wolbach, Nebr., VOR; Int. 047° M rad, Hayes Center VOR, and 079° M rad, North Platte VOR; *5,000. *3,700—MOCA.
Int. 047° M rad, Hayes Center VOR, and 079° M rad, North Platte VOR; Hayes Center, Nebr., VOR; *5,000. *4,100—MOCA.

Section 95.6854 *VOR Federal airway 854* is amended to read in part:

O'Neill, Nebr., VOR; Chadron, Nebr., VOR; *10,000. *5,900—MOCA.

Section 95.6881 *VOR Federal airway 881* is amended to read in part:

Cleveland, Ohio, VOR; Tiverton, Ohio, VOR; *3,000. *2,400—MOCA.

Section 95.7010 *Jet route No. 10* is amended by adding:

*From, to, MEA, and MAA*

Denver, Colo., VORTAC; Sidney, Nebr., VOR; 18,000; 45,000.
Sidney, Nebr., VOR; O'Neill, Nebr., VORTAC; 18,000; 45,000.

Section 95.7033 *Jet route No. 33* is added to read:

Oakland, Calif., VORTAC; Ukiah, Calif., VORTAC; 18,000; 45,000.
Ukiah, Calif., VORTAC; Fortuna, Calif., VOR; 18,000; 45,000.
Fortuna, Calif., VOR; North Bend, Oreg., VOR; 18,000; 45,000.
North Bend, Oreg., VOR; Newport, Oreg., VORTAC; 18,000; 45,000.
Newport, Oreg., VORTAC; Hoquiam, Wash., VOR; 18,000; 45,000.
Hoquiam, Wash., VOR; Seattle, Wash., VORTAC; 18,000; 45,000.

Section 95.7052 *Jet route No. 52* is amended by adding:

Florence, S.C., VOR; Raleigh-Durham, N.C., VORTAC; 18,000; 45,000.

Section 95.7064 *Jet route No. 64* is amended to read in part:

Alamosa, Colo., VOR; Hill City, Kans., VORTAC; 24,000; 45,000.

Section 95.7078 *Jet route No. 78* is amended to read in part:

Tulsa, Okla., VORTAC; Farmington, Mo., VORTAC; 24,000; 45,000.

Section 95.7083 *Jet route No. 83* is added to read:

Knoxville, Tenn., VORTAC; Appleton, Ohio, VORTAC; 18,000; 45,000.
Appleton, Ohio, VORTAC; Cleveland, Ohio, VORTAC; 18,000; 45,000.

Section 95.7108 *Jet route No. 108* is added to read:

Winslow, Ariz., VORTAC; St. Johns, Ariz., VORTAC; 18,000; 45,000.



Section 95.7112 *Jet route No. 112* is added to read:

*From, to, MEA, and MAA*

Butler, Mo., VOR; Farmington, Mo., VORTAC; 18,000; 45,000.
Farmington, Mo., VORTAC; Louisville, Ky., VORTAC; 18,000; 45,000.

Section 95.7551 *Jet route No. 551* is added to read:

Peck, Mich., VOR; United States-Canadian border; 18,000; 45,000.

Section 95.7575 *Jet route No. 575* is amended by adding:

Boston, Mass., VOR; United States-Canadian border; 18,000; 45,000.

Section 95.7585 *Jet route No. 585* is added to read:

Nantucket, Maine, VOR; United States-Canadian border; 18,000; 45,000.

2. By amending Subpart D as follows:

**§ 95.8003 VOR Federal airway changeover points.**

*Airway segment: From, to—Changeover point: distance; from*

*V–8* is amended to read in part:
Ontario, Calif., VOR; Hector, Calif., VOR; 46; Ontario.
*V–16* is amended to delete:
Texarkana, Ark, VOR; Pine Bluff, Ark., VOR; 53; Texarkana.
*V–16* is amended to read in part:
Ontario, Calif., VOR; Palm Springs, Calif., VOR; 23; Palm Springs.
*V–21* is amended to read in part:
Ontario, Calif., VOR; Hector, Calif., VOR; 46; Ontario.
*V–105* is amended to read in part:
Coaldale, Nev., VOR; Reno, Nev., VOR; 55; Coaldale.
*V–137* is amended to delete:
Thermal, Calif., VOR; Palmdale, Calif., VOR; 59; Thermal.
*V–161* is amended to delete:
Ardmore, Okla., VOR; Okmulgee, Okla., VOR; 59; Ardmore.
*V–264* is amended to read in part:
Ontario, Calif., VOR, via S alter.; Palm Springs, Calif., VOR, via S alter.; 23; Palm Springs.
*V–485* is amended to delete:
Los Banos, Calif., VOR; Oakland, Calif., VORTAC; 35; Los Banos.
*J–15* is amended by adding:
Farmington, N. Mex., VORTAC; Grand Junction, Colo., VORTAC; 90; Farmington.
*J–23* is amended to delete:
San Antonio, Tex., VORTAC; Mineral Wells, Tex., VORTAC; 106; San Antonio.
*J–30* is amended by adding:
Appleton, Ohio, VORTAC; Front Royal, Va., VOR; 112; Appleton.
*J–64* is amended by adding:
Ellwood City, Pa., VORTAC; Yardley, Pa., VOR; 145; Ellwood City.
*J–89* is amended by adding:
Atlanta, Ga., VORTAC; Louisville, Ky., VORTAC; 130; Atlanta.
*J–96* is amended by adding:
Seattle, Wash., VORTAC; United States-Canadian border; 97; Seattle.
*J–110* is amended by adding:
Alamosa, Colo., VOR; Garden City, Kans., VORTAC; 101; Alamosa.

This amendment is made under the authority of sections 307 and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510).

Issued in Washington, D.C., on October 23, 1964.

G. S. MOORE,
*Director, Flight Standards Service.*

[F.R. Doc. 64–11080; Filed, Oct. 30, 1964; 8:45 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 15—CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

### Instant Blending Flours; Order Establishing Definition and Standard of Identity

A notice of proposed rulemaking was published in the FEDERAL REGISTER of May 15, 1964 (29 F.R. 6405), setting forth a proposal by General Mills, Inc., and the Pillsbury Company, both of Minneapolis, Minnesota, to establish a definition and standard of identity for instant blending flours. Within the 30 days provided for submission of views on the proposal comments were received from one State official and from six firms engaged in the flour-milling business. The State official and all the firms favored the establishment of a definition and standard of identity for a form of flour that is characterized by its lack of dustiness, its tendency to disperse in liquids more readily, its pourability and ease of measuring. Five of the firms, however, stated that the agglomeration process is not the only process for making a flour product with these characteristics, and they protested exclusion from the standard of such a form of flour as made by a procedure referred to as a "selective grinding and bolting procedure." Some of the firms objected to the names proposed for this form of flour and some suggested alternative names.

On the basis of relevant information available, taking into consideration the comments filed, it is concluded that it will promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity for this form of flour and to provide that it may be made by either the agglomeration procedure or by the selective grinding and bolting procedure. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs (21 CFR 2.90; 29 F.R. 471); *It is ordered*, That Part 15 be amended by adding a new section reading as follows:

**§ 15.75 Instantized flours, instant blending flours, quick mixing flours; identity; label statement of optional ingredients.**

(a) Instantized flours, instant blending flours, quick mixing flours, are the foods each of which conforms to the definition and standard of identity and is subject to the requirement for label statement of optional ingredients prescribed for the corresponding kind of flour by § 15.1, § 15.10, § 15.20, or § 15.30, except that each such flour has been made by one of the optional procedures set forth in paragraph (b) of this section. Such flour will all pass through a No. 20 Mesh U.S. Standard Sieve (840 micron opening) and not more than 20 percent will pass through a No. 200 Mesh U.S. Standard Sieve (74 micron opening).

(b) The optional procedures referred to in paragraph (a) of this section are:

(1) A selective grinding and bolting procedure, whereby controlled milling techniques are used to obtain flour particles too coarse to meet the granulation specification prescribed in § 15.1(a) for flour, and too fine to meet the granulation specification prescribed in § 15.130 (a) for farina.

(2) An agglomerating procedure, whereby flour that originally meets the granulation specification prescribed in § 15.1(a) has been modified by further processing so that a number of the individual flour particles have been combined into agglomerates conforming to the granulation specifications set out in paragraph (a) of this section.

(c) The name of each product covered by this section is the name prescribed by the definition and standard of identity for the corresponding kind of flour as referred to in paragraph (a) of this section, preceded immediately and conspicuously by the words, "Instantized," "Instant blending," or "Quick mixing."

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 948; 21 U.S.C. 341, 371)

Dated: October 23, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64–11112; Filed, Oct. 30, 1964; 8:46 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYURETHANE RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1494) filed by Spencer Kellogg Division of Textron, Inc., 4201 Genesee Street, Buffalo, New York, 14225, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of *N*-dodecylmorpholine as a catalyst for polyurethane resins that contact dry bulk food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), paragraph (a)(4) of § 121.2522 is amended by changing the item "Polyurethane, derived by reaction * * *" to read as follows:

§ 121.2522 Polyurethane resins.

* * * * *

(a) * * *

(4) * * *

| List of substances: | *Limitations* |
|---|---|
| Polyurethane, derived by reaction of toluene diisocyanate and/or diphenylmethane diisocyanate with one or more of the following substances, with or without the catalysts *N,N*-dimethyldodecylamine, and *N*-dodecylmorpholine: | * * * |
| Adipic acid. | |
| 1,4-Butanediol. | |
| Polypropylene glycol. | |
| Trimethylol propane. | |

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 26, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11113; Filed, Oct. 30, 1964; 8:47 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 6766]

## PART 301—PROCEDURE AND ADMINISTRATION

### Miscellaneous Amendments

On July 3, 1964, notice of proposed rule making with respect to the amendment of the Regulations on Procedure and Administration (26 CFR Part 301) under section 7701 of the Internal Revenue Code of 1954 to conform the regulations to section 6(c) of the Revenue Act of 1962 (76 Stat. 982), relating to definition of domestic building and loan association, and to section 5 of the Act of October 23, 1962 (Public Law 87-870, 76 Stat. 1161), relating to definition of cooperative bank, was published in the FEDERAL REGISTER (29 F.R. 8422). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are adopted.

PARAGRAPH 1. Section 301.7701 is amended by revising paragraph (19) of section 7701(a), adding a paragraph (32) to section 7701(a), and by revising the historical note. These amended and added provisions read as follows:

**§ 301.7701 Statutory provisions; definitions.**

SEC. 7701. *Definitions.* (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

* * * * *

(19) *Domestic building and loan association.* The term "domestic building and loan association" means a domestic building and loan association, a domestic savings and loan association, and a Federal savings and loan association—

(A) Which either (i) is an insured institution within the meaning of section 401(a) of the National Housing Act (12 U.S.C., sec. 1724(a)), or (ii) is subject by law to supervision and examination by State or Federal authority having supervision over such associations;

(B) Substantially all of the business of which consists of acquiring the savings of the public and investing in loans described in subparagraph (C);

(C) At least 90 percent of the amount of the total assets of which (as of the close of the taxable year) consists of (i) cash, (ii) obligations of the United States or of a State or political subdivision thereof, stock or obligations of a corporation which is an instrumentality of the United States or of a State or political subdivision thereof, and certificates of deposit in, or obligations of, a corporation organized under a State law which specifically authorizes such corporation to insure the deposits or share accounts of member associations, (iii) loans secured by an interest in real property and loans made for the improvement of real property, (iv) loans secured by a deposit or share of a member, (v) property acquired through the liquidation of defaulted loans described in clause (iii), and (vi) property used by the association in the conduct of the business described in subparagraph (B);

(D) Of the assets of which taken into account under subparagraph (C) as assets constituting the 90 percent of total assets—

(i) At least 80 percent of the amount of such assets consists of assets described in clauses (i), (ii), (iv), and (vi) of such subparagraph and of loans secured by an interest in real property which is (or, from the proceeds of the loan, will become) residential real property or real property used primarily for church purposes, loans made for the improvement of residential real property or real property used primarily for church purposes, or property acquired through the liquidation of defaulted loans described in this clause; and

(ii) At least 60 percent of the amount of such assets consists of assets described in clauses (i), (ii), (iv), and (vi) of such subparagraph and of loans secured by an interest in real property which is (or, from the proceeds of the loan, will become) residential real property containing 4 or fewer family units or real property used primarily for church purposes, loans made for the improvement of residential real property containing 4 or fewer family units or real property used primarily for church purposes, or property acquired through the liquidation of defaulted loans described in this clause;

(E) Not more than 18 percent of the amount of the total assets of which (as of the close of the taxable year) consists of assets other than those described in clause (i) of subparagraph (D), and not more than 36 percent of the amount of the total assets of which (as of the close of the taxable year) consists of assets other than those described in clause (ii) of subparagraph (D); and

(F) Except for property described in subparagraph (C), not more than 3 percent of the assets of which consists of stock of any corporation.

The term "domestic building and loan association" also includes any association which, for the taxable year, would satisfy the requirements of the first sentence of this paragraph if "41 percent" were substituted for "36 percent" in subparagraph (E). Except in the case of the taxpayer's first taxable year beginning after the date of the enactment of the Revenue Act of 1962, the second sentence of this paragraph shall not apply to an association for the taxable year unless such association (i) was a domestic building and loan association within the meaning of the first sentence of this paragraph for the first taxable year preceding the taxable year, or (ii) was a domestic building and loan association solely by reason of the second sentence of this paragraph for the first taxable year preceding the taxable year (but not for the second preceding taxable year). At the election of the taxpayer, the percentages specified in this paragraph shall be applied on the basis of the average assets outstanding during the taxable year, in lieu of the close of the taxable year, computed under regulations prescribed by the Secretary or his delegate.

* * * * *

(32) *Cooperative bank.* The term "cooperative bank" means an institution without capital stock organized and operated for mutual purposes and without profit, which—

(A) Either—

(i) Is an insured institution within the meaning of section 401(a) of the National Housing Act (12 U.S.C., sec. 1724(a)), or

(ii) Is subject by law to supervision and examination by State or Federal authority having supervision over such institutions, and

(B) Meets the requirements of subparagraphs (B), (C), (D), (E), and (F) of paragraph (19) of this subsection (relating to definition of domestic building and loan association) determined with the application of the second, third, and fourth sentences of paragraph (19).

In determining whether an institution meets the requirements referred to in subparagraph (B) of this paragraph, any reference to an association or to a domestic building and loan association contained in paragraph (19) shall be deemed to be a reference to such institution. In the case of an institution which, for the taxable year, is a cooperative bank within the meaning of the first sentence of this paragraph by reason of the application of the second and third sentences of paragraph (19) of this subsection, the deduction otherwise allowable under section 166(c) for a reasonable addition to the reserve for bad debts shall, under regulations prescribed by the Secretary or his delegate, be reduced in a manner consistent with the reductions provided by the table contained in section 593(b)(5).

[Sec. 7701 as amended by sec. 22 (g), (h), Alaska Omnibus Act (73 Stat. 146, 147); sec. 18 (i), (j), Hawaii Omnibus Act (74 Stat. 416); sec. 103(t), Social Security Amendments 1960 (74 Stat. 941); sec. 6(c), Rev. Act 1962 (76 Stat. 962); sec. 5, Act of Oct. 23, 1962 (Pub. Law 87-870, 76 Stat. 1161)]

PAR. 2. Section 301.7701-13 is renumbered and amended to read as follows:

**§ 301.7701-15 Other terms.**

Any terms which are defined in section 7701 and which are not defined in §§ 301.7701-1 to 301.7701-14, inclusive, shall, when used in this chapter, have the meanings assigned to them in section 7701.

PAR. 3. Immediately after § 301.7701-12 there are inserted the following new sections:

**§ 301.7701-13 Domestic building and loan association.**

(a) *In general.* For taxable years beginning after October 16, 1962, the term "domestic building and loan association" means a domestic building and loan association, a domestic savings and loan association, a Federal savings and loan association, and any other savings institution chartered and supervised as a savings and loan or similar association under Federal or State law which meets the supervisory test (described in paragraph (b) of this section), the business operations test (described in paragraph (c) of this section), and each of the various assets tests (described in paragraphs (d), (e), (f), and (h) of this section).

(b) *Supervisory test.* A domestic building and loan association must be either (1) an insured institution within the meaning of section 401(a) of the National Housing Act (12 U.S.C., sec. 1724(a)) or (2) subject by law to supervision and examination by State or Federal authority having supervision over such associations. An "insured institution" is one the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

(c) *Business operations test.*—(1) *In general.* An association must utilize its assets so that substantially all of its business consists of acquiring the savings of the public and investing in the loans described in subparagraphs (6) through (10) of paragraph (d) of this section. The requirement of this paragraph is referred to in this section as the business operations test. The business of acquiring the savings of the public and investing in the prescribed loans includes ancillary or incidental activities which are directly and primarily related to such acquisition and investment, such as advertising for savings, appraising property on which loans are to be made by the association, and inspecting the progress of construction in connection with construction loans. Even though an association meets the supervisory test in paragraph (b) and all the assets tests described in paragraph (d) through (h) of this section, it will nevertheless not qualify as a domestic building and loan association if any substantial part of its business consists of activities which are not directly and primarily related to such acquisition and investment, such as brokering mortgage paper, selling insurance, or subdividing real estate. However, an association will meet the business operations test for a taxable year if it meets the requirements of both subparagraphs (2) and (3) of this paragraph, relating respectively to acquiring the savings of the public, and investing in loans.

(2) *Acquiring the savings of the public.* The requirement that substantially all of an association's business (other than investing in loans) must consist of acquiring the savings of the public ordinarily will be considered to be met if savings are acquired in all material respect in conformity with the rules and regulations of the Federal Home Loan Bank Board or substantially equivalent rules of a State law or supervisory authority. In addition, such requirement will be considered to be met if more than 85 percent of the dollar amount of the total deposits and withdrawable shares of the association are held during the taxable year by the general public as opposed to amounts deposited by family or related business groups or persons who are officers or directors of the association. The percentage specified in this subparagraph shall be computed as of the close of the taxable year, or at the option of the taxpayer, on the basis of the average of the amounts of deposits held during the year. Such average shall be determined by computing the percentage specified either as of the close of each month, as of the close of each quarter, or semiannually during the taxable year and by using the yearly average of the monthly, quarterly, or semiannual percentages obtained.

(3) *Investing in loans.*—(i) *In general.* The requirement that substantially all of an association's business (other than acquiring the savings of the public) must consist of investing in the loans described in subparagraphs (6) through (10) of paragraph (d) of this section ordinarily will be considered to be met for a taxable year if the association meets both the gross income test described in subdivision (ii) of this subparagraph and the sales activity test described in subdivision (iii) of this subparagraph. However, if an association does not meet the requirements of both subdivisions (ii) and (iii) of this subparagraph, it will nevertheless meet the investing in loans requirement if it is able to demonstrate that substantially all its business (other than acquiring the savings of the public) consisted of investing in the prescribed loans. Transactions which are necessitated by exceptional circumstances and which are not undertaken as recurring business activities for profit will not be considered a substantial part of an association's business. Thus, for example, an association would meet the investing in loans requirement if it can establish that it failed to meet the gross income test because of receipt of a non-recurring item of income due to exceptional circumstances, or it failed to meet the sales activity test because of sales made to achieve necessary liquidity to meet abnormal withdrawals from savings accounts. For the purposes of this subparagraph, however, the acquisition of loans in anticipation of their sale to other financial institutions does not constitute "investing" in loans, even though such acquisition and sale resulted from an excess of demand for loans over savings capital in the association's area.

(ii) *Gross income test.* The gross income test is met if more than 85 percent of the gross income of an association consists of:

(a) Interest or dividends on assets defined in subparagraph (2), (3), or (4) of paragraph (d) of this section,

(b) Interest on loans defined in subparagraphs (6) through (10) of paragraph (d) of this section,

(c) Income attributable to the portion of property used in the association's business as defined in paragraph (d)(5) of this section,

(d) Premiums, discounts, commissions, or fees (including late charges and penalties) on loans defined in subparagraphs (6) through (10) of paragraph (d) of this section which have at some time been held by the association, or for which firm commitments have been issued,

(e) Gain or loss on the sale of governmental obligations defined in paragraph (d)(3) of this section, or

(f) Income, gain, or loss attributable to foreclosed property (as defined in paragraph (j)(1) of this section), but not including such income, gain, or loss which, pursuant to section 595 and the regulations thereunder, is not included in gross income.

For the purposes of this subparagraph, gross income shall be computed without regard to gains or losses on the sale of the portion of property used in the association's business (described in paragraph (d)(5) of this section), without regard to gains or losses on the rented portion of property used as the principal or branch office of the association (de-

scribed in such paragraph), and without regard to gains or losses on the sale of participations and loans (other than governmental obligations defined in paragraph (d)(3) of this section). Examples of types of income which would cause an association to fail to meet the gross income test, if in the aggregate they exceed 15 percent of gross income, are the excess of gains over losses on sale of real estate (other than foreclosed property); rental income (other than on foreclosed property and the portion of property used in the association's business); premiums, commissions, and fees (other than commitment fees) on loans which have never been held by the association; and insurance brokerage fees.

(iii) *Sales activity test: in general.* The sales activity test is met for a taxable year if the association meets both the sales of whole loans test described in subdivision (iv) of this subparagraph, and the sales of whole loans and participations test described in subdivision (v) of this subparagraph. For the purposes of this subdivision and subdivisions (iv), (v), and (vi) of this subparagraph:

(*a*) The term "loan" means loan as defined in paragraph (j)(1) of this section, other than foreclosed property defined in such paragraph and governmental obligations defined in paragraph (d)(3) of this section.

(*b*) The amount of a loan shall be determined in accordance with the rules contained in paragraph (l)(1) and (2)(ii) of this section.

(*c*) The term "loans acquired for investment during the taxable year" means the amount of loans outstanding as of the close of the taxable year, reduced (but not below zero) by the amount of loans outstanding as of the beginning of such year, and increased by the lesser of (*1*) the amount of repayments made on loans during the taxable year or (2) an amount equal to 20 percent of the amount of loans outstanding as of the beginning of the taxable year. For this purpose, repayments do not include repayments on loans to the extent such loans are refinanced by the association.

(*d*) The term "sales of participations" means sales by an association of interests in loans, which sales meet the requirements of the regulations of the Federal Home Loan Bank Board relating to sales of participations, or which meet substantially equivalent requirements of State law or regulations relating to sales of participations.

(*e*) The term "sales of whole loans" means sales of loans other than sales of participations as defined in subdivision (*d*) of this subdivision, but in determining the amount of sales of whole loans, the following sales shall be disregarded: sales of loans made to other financial institutions pursuant to an arrangement whereunder the association simultaneously enters into a bona fide agreement to repurchase such loans within a period of 18 months from the time of sale if such arrangement conforms to the rules and regulations of applicable supervisory authorities; sales made to the Federal Savings and Loan Insurance Corporation or to a corporation defined in paragraph (d)(4) of this section (relating to deposit insurance company securities); and sales made in the course of liquidation of the association pursuant to Federal or State law.

(iv) *Sales of whole loans test.* The sales of whole loans test is met for a taxable year if the amount of sales of whole loans during the taxable year does not exceed the greater of (*a*) 15 percent of the amount of loans acquired for investment during the taxable year, or (*b*) 20 percent of the amount of loans outstanding at the beginning of the taxable year. However, the 20 percent of beginning loans limitation specified in subdivision (*b*) of the previous sentence shall be reduced by the number of percentage points (rounded to the nearest one hundredth of a percentage point) which is equal to the sum of the two percentages obtained by dividing, for each of the two preceding taxable years, the amount of sales of whole loans during each such taxable year by the amount of loans outstanding at the beginning of such taxable year. For example, if the amounts of sales of whole loans made by a calendar year association in 1965 and 1966 were 3 percent and 4 percent, respectively, of loans outstanding at the beginning of each such year, the amount of sales of whole loans allowed under such subdivision (*b*) for 1967 would be an amount equal to 13 percent (20 percent minus 7 percentage points) of loans outstanding at the beginning of 1967. In computing the reduction to the 20 percent of beginning loans limitation specified in such subdivision (*b*), sales of whole loans made before January 1, 1964, shall not be taken into account.

(v) *Sales of whole loans and participations test.* The sales of whole loans and participations test is met if the sum of the amount of sales of whole loans and the amount of sales of participations during the taxable year does not exceed 100 percent of the amount of loans acquired for investment during the taxable year.

(vi) *Sales activity test: special rules—*(*a*) *Carryover of sales.* The amount specified in subdivision (iv)(*a*) of this subparagraph as the maximum amount of sales of whole loans shall be increased by the amount by which 15 percent of the amount of loans acquired for investment by the association during the two preceding taxable years exceeds the amount of sales of whole loans made during such preceding taxable years; and the amount specified in subdivision (v) of this subparagraph as the maximum amount of sales of whole loans and participations shall be increased by the amount by which the amount of loans acquired for investment by the association during the two preceding taxable years exceeds the sum of the amount of sales of whole loans and participations made during such preceding taxable years. For example, if 15 percent of the amount of loans acquired for investment in 1965 and 1966 exceeded the amount of sales of whole loans during such years by $250,000, the amount of sales of whole loans permitted in 1967 under subdivision (iv)(*a*) of this subparagraph would be increased by $250,000.

(*b*) *Use of preceding year's base.* If the amount of loans acquired for investment by the association during the preceding taxable year exceeds such amount for the current taxable year, the 15 percent limitation provided in subdivision (iv)(*a*) of this subparagraph and the 100 percent limitation provided in subdivision (v) of this subparagraph shall be based upon such preceding taxable year's amount. However, the maximum amount of sales of whole loans permitted under subdivision (iv)(*a*) and the maximum amount of sales of whole loans and participations permitted under subdivision (v) in any taxable year shall be reduced by the amount of the increase in such sales allowed for the preceding taxable year solely by reason of the application of the provisions of the previous sentence. For example, assuming no carryover of sales under subdivision (*a*) of this subdivision, if the amount of loans acquired for investment by a calendar year association was $1,000,000 in 1965, under subdivision (iv)(*a*) of this subparagraph the association could make sales of whole loans in 1966 of $150,000 (15% of $1,000,000) even though the amount of its loans acquired for investment during 1966 was only $800,000. However, the amount of sales of whole loans permitted in 1967 under subdivision (iv)(*a*) of this subparagraph would be reduced to the extent that the amount of the sales of whole loans made by the association during 1966 exceeded $120,000 (15% of $800,000).

(vii) *Examples illustrating sales activity test.* The provisions of subdivisions (iii) through (vi) of this subparagraph may be illustrated by the following examples in each of which it is assumed that the association is a calendar year taxpayer which is operated in all material respects in conformity with applicable rules and regulations of Federal or State supervisory authorities.

*Example* (*1*). X Association made sales of whole loans in 1964 and 1965 which were 10 percent and 7 percent, respectively, of the amounts of loans outstanding at the beginning of each such year, and which were 25 percent and 17 percent, respectively, of the amounts of loans acquired for investment in each such year. The amount of X's loans outstanding at the beginning of 1966 was $1,000,000, and the amount of its loans acquired for investment for such year was $300,000. The maximum amount of sales of whole loans which X may make under the percentage of beginning loans limitation for 1966 is $30,000, which is 3 percent (20 percent reduced by the sum of 10 percent and 7 percent) of $1,000,000. The maximum amount of sales of whole loans permitted under the percentage of loans acquired for investment limitation for 1966 is $45,000 (15 percent of $300,000). X may therefore sell whole loans in an amount up to $45,000 in 1966 and meet the sales of whole loans test. It is assumed that the amount of loans acquired for investment in 1965 did not exceed $300,000, so that the preceding year's base cannot be used to increase the amount of sales permitted in 1966.

*Example* (*2*). Assume the same facts as in the previous example, except that the amount of loans acquired for investment in the preceding year (1965) was $320,000. Since such amount is greater than the $300,000 amount of loans acquired for investment in 1966, X may base its 15 percent limitation for 1966 on the $320,000 amount and sell whole loans in an amount up to $48,000 (15 percent of $320,000) and still meet the sales of whole loans test. However, to the extent that the amount of sales of whole loans exceeds $45,000 (15 percent of the $300,000 amount of loans acquired for investment in 1966), the maximum amount of sales computed under the percentage of loans acquired for investment limitation (but not the 20 percent of beginning loans limitation) for 1967 must be reduced.

*Example* (*3*). Y Association made no sales of whole loans in 1964 and 1965, and made sales of participations in the two years in amounts which, in the aggregate, were $50,000 less than the amounts of loans acquired for investment for such years. At the beginning of 1966 the amount of Y's loans outstanding was $1,000,000, and the amount of its loans acquired for investment in such year was $100,000. Although the maximum amount of sales of whole loans which Y could make under the sales of whole loans test is $200,000 (20 percent of $1,000,000), nevertheless, in order to meet the sales of whole loans and participations test, the sum of the amounts of sales of whole loans and sales of participations may not exceed $150,000 (100 percent of the $100,000 amount of loans acquired for investment in 1966 plus a carryover of sales from the previous two years of $50,000). It is assumed that the amount of loans acquired for investment in 1965 did not exceed $100,000, so that the preceding year's base cannot be used to increase the amount of sales permitted in 1966.

(viii) *Reporting requirements.* In the case of income tax returns for taxable years ending after October 31, 1964, there shall be filed with the return a statement showing the amount of gross income for the taxable year in each of the categories described in subdivision (ii) of this subparagraph; and, for the taxable year and the two preceding taxable years, the amount of loans (described in subdivision (iii)(*a*) of this subparagraph) outstanding at the beginning of the year and at the end of the year, the amount of repayments on loans (not including repayments on loans to the extent such loans are refinanced by the association), the amount of sales of whole loans, and the amount of sales of participations.

(4) *Effective date.* The provisions of subparagraphs (1) through (3) of this paragraph are applicable to taxable years ending after October 31, 1964. However, at the option of the taxpayer, for a taxable year beginning before November 1, 1964, and ending after October 31, 1964, the provisions of subparagraphs (1) through (3) of this paragraph (except the 20 percent of beginning loans limitation specified in subdivision (iv)(*b*) of subparagraph (3) of this paragraph) shall apply only to the part year falling after October 31, 1964, as if such part year constituted a taxable year. In such case, the following rules shall apply:

(i) The amount of the "loans acquired for investment" for such part year shall be equal to the loans acquired for investment during the entire taxable year within which falls such part year, multiplied by a fraction the numerator of which is the number of days in such part year and the denominator of which is the number of days in such entire taxable year.

(ii) The increase in sales of whole loans and participations permitted by subdivision (vi) of subparagraph (3) of this paragraph (relating to carryover of sales and use of preceding year's base) shall be the amount of such increase computed under such subdivision, multiplied by the fraction specified in subdivision (i) of this subparagraph.

If, treating the part year as a taxable year, the association meets all the requirements of this paragraph for such part year it will be considered to have met the business operations test for the entire taxable year, providing it operated in all material respects in conformity with applicable rules and regulations of Federal or State supervisory authorities for the entire taxable year. The 20 percent of beginning loans limitation specified in subdivision (iv)(*b*) of subparagraph (3) of this paragraph shall be applied only on the basis of a taxable year and not the part year. For taxable years beginning after October 16, 1962, and ending before November 1, 1964, an association will be considered to have met the business operations test if it operated in all material respects in conformity with applicable rules and regulations of Federal or State supervisory authorities.

(d) *90 percent of assets test—*(1) *In general.* At least 90 percent of the amount of the total assets of a domestic building and loan association must consist of the assets defined in subparagraphs (2) through (10) of this paragraph. For purposes of this paragraph, it is immaterial whether the association originated the loans defined in subparagraphs (6) through (10) of this paragraph or purchased or otherwise acquired them in whole or in part from another. See paragraph (j) of this section for definition of certain terms used in this paragraph, and paragraph (k) of this section for the determination of amount and character of loans.

(2) *Cash.* The term "cash" means cash on hand, and time or demand deposits with, or withdrawable accounts in, other financial institutions.

(3) *Governmental obligations.* The term "governmental obligations" means obligations of the United States, a State or political subdivision of a State, and stock or obligations of a corporation which is an instrumentality of the United States, a State, or political subdivision of a State.

(4) *Deposit insurance company securities.* The term "deposit insurance company securities" means certificates of deposit in, or obligations of, a corporation organized under a State law which specifically authorizes such corporation to insure the deposits or share accounts of member associations.

(5) *Property used in the association's business—*(i) *In general.* The term "property used in the association's business" means land, buildings, furniture, fixtures, equipment, leasehold interests, leasehold improvements, and other assets used by the association in the conduct of its business of acquiring the savings of the public and investing in the loans defined in subparagraphs (6) through (10) of this paragraph. Real property held for the purpose of being used primarily as the principal or branch office of the association constitutes property used in the association's business so long as it is reasonably anticipated that such property will be occupied for such use by the association, or that construction work preparatory to such occupancy will be commenced thereon, within two years after acquisition of the property. Stock of a wholly owned subsidiary corporation which has as its exclusive activity the ownership and management of property more than 50 percent of the fair rental value of which is used as the principal or branch office of the association constitutes property used in such business. Real property held by an association for investment or sale, even for the purpose of obtaining mortgage loans thereon, does not constitute property used in the association's business.

(ii) *Property rented to others.* Except as provided in the second sentence of subdivision (i) of this subparagraph, property or a portion thereof rented by the association to others does not constitute property used in the association's business. However, if the fair rental value of the rented portion of a single piece of real property (including appurtenant parcels) used as the principal or branch office of the association constitutes less than 50 percent of the fair rental value of such piece of property, or if such property has an adjusted basis of not more than $150,000, the entire property shall be considered used in such business. If such rented portion constitutes 50 percent or more of the fair rental value of such piece of property, and such property has an adjusted basis of more than $150,000, an allocation of its adjusted basis is required. The portion of the total adjusted basis of such piece of property which is deemed to be property used in the association's business shall be equal to an amount which bears the same ratio to such total adjusted basis as the amount of the fair rental value of the portion used as the principal or branch office of the association bears to the total fair rental value of such property. In the case of all property other than real property used or to be used as the principal or branch office of the association, if the fair rental value of the rented portion thereof constitutes less than 15 percent of the fair rental value of such property, the entire property shall be considered used in the association's business. If such rented portion constitutes 15 percent or more of the fair rental value of such property, an allocation of its adjusted basis (in the same manner as required for real property used as the principal or branch office) is required.

(6) *Passbook loan.* The term "passbook loan" means a loan to the extent secured by a deposit, withdrawable share, or savings account in the association, or share of a member of the association, with respect to which a distribution is allowable as a deduction under section 591.

(7) *Home loan.* The term "home loan" means a loan secured by an interest in—

(i) Improved residential real property consisting of a structure or struc-

tures containing, in the aggregate, no more than 4 family units,

(ii) An individually owned family unit in a multiple-unit structure, the owner of which unit owns an undivided interest in the underlying real estate and the common elements of such structure (so-called condominium type),

or a construction loan or improvement loan for such property. A construction loan made for the purpose of financing more than one structure (so-called tract financing) constitutes a home loan, providing no individual structure contains more than 4 family units and it is contemplated that, as soon as possible after completion of construction, the structures will become property described in subdivision (i) of this subparagraph. A construction loan secured by a structure containing more than 4 family units constitutes a home loan only if the structure has been committed to a plan of individual apartment ownership described in subdivision (ii) of this subparagraph and such plan is held out and advertised as such. A loan secured by a cooperative apartment building containing more than 4 family units does not constitute a home loan.

(8) *Church loan.* The term "church loan" means a loan secured by an interest in real property which is used primarily for church purposes, or a construction loan or improvement loan for such property. For the purposes of this subparagraph, the term "church purposes" means the ministration of sacerdotal functions, the conduct of religious worship and closely associated activities designed primarily to provide fellowship among members of the congregation, or the instruction of religion. Thus, a parish hall would normally qualify as property used primarily for church purposes, whereas a building used primarily to furnish education, other than the instruction of religion, would not.

(9) *Multifamily loan.* The term "multifamily loan" means a loan, other than one defined in subparagraph (7) of this paragraph (relating to a home loan), secured by an interest in improved residential real property or a construction loan or improvement loan for such property.

(10) *Nonresidential real property loan.* The term "nonresidential real property loan" means a loan, other than one defined in subparagraph (7), (8), or (9) of this paragraph (relating respectively to a home loan, church loan, and multifamily loan) secured by an interest in real property, or a construction loan or improvement loan for such property.

(e) *18 percent of assets test.* Not more than 18 percent of the amount of the total assets of a domestic building and loan association may consist of assets other than those defined in subparagraphs (2) through (9) of paragraph (d) of this section. Thus, the sum of the amounts of the nonresidential real property loans and the assets other than those defined in paragraph (d) of this section may not exceed 18 percent of total assets.

(f) *36 or 41 percent of assets test*—(1) *36 percent test.* Unless subparagraph (2) of this paragraph applies, not more than 36 percent of the amount of the total assets of a domestic building and loan association may consist of assets other than those defined in subparagraphs (2) through (8) of paragraph (d) of this section. Thus, unless subparagraph (2) of this paragraph applies, the sum of the amounts of multifamily loans, nonresidential real property loans, and assets other than those defined in paragraph (d) of this section may not exceed 36 percent of total assets.

(2) *41 percent test.* If this subparagraph applies, not more than 41 percent of the amount of the total assets of a domestic building and loan association may consist of assets other than those defined in subparagraphs (2) through (8) of paragraph (d) of this section. Thus, if this subparagraph applies, the sum of the amounts of multifamily loans, nonresidential real property loans, and assets other than those defined in paragraph (d) of this section may not exceed 41 percent of total assets. See section 593(b)(5) and the regulations thereunder for the effect of application of this subparagraph on the allowable addition to the reserves for bad debts.

(g) *Taxable years for which 41 percent of assets test applies*—(1) *First taxable year.* For an association's first taxable year beginning after October 16, 1962, subparagraph (2) of paragraph (f) applies.

(2) *Second taxable year.* For an association's second taxable year beginning after October 16, 1962, subparagraph (2) of paragraph (f) applies if such association met all the requirements of paragraphs (b) through (e), (h), and either subparagraph (1) or (2) of paragraph (f) for its first taxable year.

(3) *Years other than first and second taxable years.* For any taxable year of an association beginning after October 16, 1962, other than its first and second taxable years beginning after such date, subparagraph (2) of paragraph (f) applies if such association met either—

(i) The requirements of paragraphs (b) through (e), (f)(1), and (h) of this section for the immediately preceding taxable year, or

(ii) The requirements of paragraphs (b) through (e), (f)(2), and (h) of this section for the immediately preceding taxable year, and the requirements of paragraphs (b) through (e), (f)(1), and (h) of this section for the second preceding taxable year.

Thus, in years other than its first and second taxable years beginning after October 16, 1962, an association may apply the 41 percent of assets test for two consecutive years, but only if it met the 36 percent test (and all other tests) for the year previous to the two consecutive years.

(4) *Examples.* The provisions of paragraph (f) and this paragraph may be illustrated by the following examples in each of which it is assumed that the association at all times meets all the requirements of paragraphs (b) through (e) and (h) of this section and files its returns on a calendar year basis.

*Example (1).* An association has 41 percent of its assets invested in assets other than those defined in subparagraphs (2) through (8) of paragraph (d) of this section as of the close of 1963 and 1964. Because 1963 is its first taxable year beginning after October 16, 1962, the 41 percent of assets test applies, and the association therefore qualifies as a domestic building and loan association for 1963. Because 1964 is its second taxable year beginning after such date and the 41 percent of assets test applied for its first taxable year, the 41 percent of assets test applies for 1964 and it therefor qualifies for such year.

*Example (2).* An association has 36 percent of its assets invested in assets other than those defined in subparagraphs (2) through (8) of paragraph (d) of this section as of the close of 1964, and 41 percent as of the close of 1965, 1966, and 1967. The association qualifies in 1965 because, as a result of having met the 36 percent of assets test for the immediately preceding taxable year (1964), the 41 percent of assets test applies to 1965. It qualifies in 1966 because as a result of having met the 41 percent of assets test in the immediately preceding taxable year (1965) and the 36 percent of assets test in the second preceding taxable year (1964), the 41 percent of assets test applies to 1966. The association would not qualify in 1967, however, because, although it met the 41 percent of assets test for the immediately preceding taxable year (1966), it did not meet the 36 percent of assets test in the second preceding taxable year (1965), and therefore the 41 percent of assets test does not apply to 1967.

*Example (3).* An association has more than 41 percent of its assets invested in assets other than those defined in subparagraphs (2) through (8) of paragraph (d) of this section as of the close of 1963, and 41 percent invested in such assets as of the close of 1964. The association does not qualify in either year. It does not qualify in 1963 because it exceeded the 41 percent limitation, and it does not qualify in 1964 because the 41 percent of assets test does not apply to 1964 since the association did not meet either the 41 percent of assets test or the 36 percent of assets test in the prior year (1963).

(h) *3 percent of assets test.* Not more than 3 percent of the amount of the total assets of a domestic building and loan association may consist of stock of any corporation, unless such stock is property which is defined in paragraph (d) of this section. The stock which constitutes property defined in such paragraph (d) is:

(1) Stock representing a withdrawable account in another financial institution;

(2) Stock of a corporation which is an instrumentality of the United States or of a State or political subdivision thereof;

(3) Stock which was security for a loan and which, by reason of having been bid in at foreclosure or otherwise having been reduced to ownership or possession of the association, is a loan within the definition of such term in paragraph (j)(1) of this section; and

(4) Stock of a wholly owned subsidiary corporation which has as its exclusive activity the ownership and management of property more than 50 percent of the fair rental value of which is used as the principal or branch office of the association.

(i) [Reserved]



(j) *Definition of certain terms.* For purposes of this section—

(1) *Loan.* The term "loan" means debt, as the term "debt" is used in section 166 and the regulations thereunder. The term "loan" also includes a redeemable ground rent (as defined in section 1055(c)) which is owned by the taxpayer, and any property (referred to in this section as "foreclosed property") which was security for the payment of any indebtedness and which has been bid in at foreclosure, or otherwise been reduced to ownership or possession of the association by agreement or process of law, whether or not such property was acquired subsequent to December 31, 1962.

(2) *Secured.* A loan will be considered as "secured" only if the loan is on the security of any instrument (such as a mortgage, deed of trust, or land contract) which makes the interest of the debtor in the property described therein specific security for the payment of the loan, provided that such instrument is of such a nature that, in the event of default, the interest of the debtor in such property could be subjected to the satisfaction of the loan with the same priority as a mortgage or deed of trust in the jurisdiction in which the property is situated.

(3) *Interest.* The word "interest" means an interest in real property which, under the law of the jurisdiction in which such property is situated, constitutes either (i) an interest in fee in such property, (ii) a leasehold interest in such property extending or renewable automatically for a period of at least 30 years, or at least 10 years beyond the date scheduled for the final payment on a loan secured by an interest in such property, (iii) a leasehold interest in property described in paragraph (d)(7)(i) of this section (relating to certain home loans) extending for a period of at least two years beyond the date scheduled for the final payment on a loan secured by an interest in such property or (iv) a leasehold interest in such property held subject to a redeemable ground rent defined in section 1055(c).

(4) *Real property.* The term "real property" means any property which, under the law of the jurisdiction in which such property is situated, constitutes real property.

(5) *Improved real property.* The term "improved real property" means—

(i) Land on which is located any building of a permanent nature (such as a house, apartment house, office building, hospital, shopping center, warehouse, garage, or other similar permanent structure), provided that the value of such building is substantial in relation to the value of such land;

(ii) Any building lot or site which, by reason of installations and improvements that have been completed in keeping with applicable governmental requirements and with general practice in the community, is a building lot or site ready for the construction of any building of a permanent nature within the meaning of subdivision (i) of this subparagraph; or

(iii) Real property which, because of its state of improvement, produces sufficient income to maintain such real property and retire the loan in accordance with the terms thereof.

(6) *Construction loan.* The term "construction loan" means a loan, the proceeds of which are to be disbursed to the borrower (either by the association or a third party) as construction work progresses on real property which is security for the loan, which property is, or from the proceeds of such loan will become, improved real property.

(7) *Improvement loan.* The term "improvement loan" means a loan which, by its terms and conditions, requires that the proceeds of the loan be used for altering, repairing, or improving real property. If more than 85 percent of the proceeds of a single loan are to be used for such purposes, the entire loan will qualify. If 85 percent or less of the proceeds of a loan are to be used for such purposes, an allocation of its adjusted basis is required. Examples of loans which constitute improvement loans are loans made for the purpose of painting a house, adding a new room to a house, remodeling the lobby of an apartment building, and purchasing and installing storm windows, storm doors, and awnings. Examples of loans which do not constitute improvement loans are loans made for the purpose of purchasing draperies, and removable appliances, such as refrigerators, ranges, and washing machines. It is not necessary that a loan be secured by the real property which is altered, repaired, or improved.

(8) *Residential real property.* The term "residential real property" means real property which consists of one or more family units. A family unit is a building or portion thereof which contains complete living facilities which are to be used on other than a transient basis by only one family consisting of one or more persons. Thus, an apartment which is to be used on other than a transient basis by one family, which contains complete facilities for living, sleeping, eating, cooking, and sanitation constitutes a family unit. Hotels, motels, dormitories, fraternity and sorority houses, rooming houses, hospitals, sanitariums, rest homes, and parks and courts for mobile homes do not normally constitute residential real property.

(k) *Amount and character of loans*—(1) *Treatment at time of determination*—(i) *In general.* The amount of a loan, as of the time the determination required by subparagraph (3) of this paragraph is made, shall be treated for the purposes of this section as being secured:

(a) First by the portion of property, if any, defined in subparagraph (6), (7), or (8) of paragraph (d) of this section to the extent of the loan value thereof;

(b) Next by the portion of property, if any, defined in subparagraph (9) of paragraph (d) of this section to the extent of the loan value thereof; and

(c) Next by the portion of property, if any, defined in subparagraph (10) of paragraph (d) of this section to the extent of the loan value thereof.

To the extent that the amount of a loan exceeds the amount treated as being secured by property defined in subparagraphs (6) through (10) of paragraph (d) of this section, such loan shall be treated as property not defined in paragraph (d) of this section. If the loan value of any one category of property defined in paragraph (d) of this section exceeds 85 percent of the amount of the loan for which it is security then the entire loan shall be treated as a loan secured by such property.

(ii) *Loans of $40,000 or less.* Notwithstanding the provisions of subdivision (i) of this subparagraph, in the case of loans amounting to $40,000 or less as of the time of a determination, made on the security of property which is a combination of two or more categories or property defined in subparagraph (6) through (10) of paragraph (d) of this section, all such loans for any taxable year may, at the option of the association, be treated for the purposes of this section as being secured by the category of property the loan value of which constitutes the largest percentage of the total loan value of the property except to the extent that the loan is treated as property not defined in paragraph (d) of this section.

(iii) *Home loans of $20,000 or less.* Notwithstanding the provisions of subdivisions (i) and (ii) of this subparagraph, if a loan amounting to $20,000 or less as of the time of a determination, is secured partly by property of a category described in subparagraph (7) of paragraph (d) of this section (relating to a home loan), the amount of the loan shall, for the purposes of this section, be treated as a loan described in such subparagraph except to the extent that the loan is treated as property not defined in paragraph (d) of this section.

(2) *Treatment subsequent to time of determination.* The amount of a loan outstanding as of any time subsequent to the time of a determination shall be treated, for the purposes of this section, as being secured by each of the categories of property in the same ratio that the amount which was treated as being secured by each category bore to the total amount of the loan at the time as of which the determination was last made with respect to such loan.

(3) *Time of determination*—(i) *In general.* The determination of the amount of a loan which is treated as being secured by each of the categories of property shall be made:

(a) As of the time a loan is made;

(b) As of the time a loan is increased;

(c) As of the time any portion of the property which was security for the loan is released; and

(d) As of any time required by applicable Federal or State regulatory authorities for reappraisal or reanalysis of such loans.

(ii) *Special rule.* In the case of loans outstanding with respect to which no event described in subdivision (i) of this subparagraph has occurred in a taxable year beginning on or after October 17, 1962, the determination of the amounts of such loans which are treated as being secured by each of the categories of property may be made, at the option of the association, as of the close of the first taxable year beginning on or after such date, providing the determinations with

respect to all such loans are made as of such date.

(4) *Loan value.* The loan value of property which is security for a loan is the maximum amount at the time as of which the determination is made which the association is permitted to lend on such property under the rules and regulations of applicable Federal and State regulatory authorities. Such loan value shall not exceed the fair market value of such property at such time as determined under such rules and regulations. However, in the case of loans made incidentally with and as a part of a bona fide salvage operation, the loan value of the security property shall be considered to be the face amount of the loan where the loan can be shown by the association to have been made for the primary purpose of recovering the investment of the association, and where such salvage operation is in conformity with rules and regulations of applicable Federal or State regulatory authorities.

(5) *Examples.* The following examples, in each of which it is assumed that X Savings and Loan Association files its return on a calendar year basis, illustrate the application of the rules in this paragraph:

*Example (1).* On July 1, 1963, X makes a single loan of $1,000,000 to M Corporation which loan is secured by real property which is a combination of homes, apartments, and stores. As of the time the loan is made X determines that the loan values of the categories of property are as follows:

| Category of property: | Loan value |
|---|---|
| Home | $400,000 |
| Multifamily | 420,000 |
| Nonresidential real property | 240,000 |
| Total | 1,060,000 |

As of the time the loan is made, therefore, the $1,000,000 loan is treated under subparagraph (1)(i) of this paragraph as being secured as follows:

| Category of loan | Amount of loan | Percentage of total |
|---|---|---|
| Home loan | $400,000 | 40 |
| Multifamily loan | 420,000 | 42 |
| Nonresidential real property loan | 180,000 | 18 |
| Total | 1,000,000 | 100 |

Assuming that the $1,000,000 loan to M was reduced to $900,000 as of the close of 1963, that there were no increases in the amount of the loan and no releases of property which was security for the loan, and that there was no regulatory requirement to reappraise or reanalyse the loan, such loan will be considered under subparagraph (2) of this paragraph to be secured, as of the close of 1963, as follows:

| Category | Percentage as of last determination July 1, 1963 | Amount as of Dec. 31, 1963 |
|---|---|---|
| Home | 40 | $360,000 (40%×$900,000) |
| Multifamily | 42 | 378,000 (42%×$900,000) |
| Nonresidential real property | 18 | 162,000 (18%×$900,000) |
| Total | 100 | 900,000 |

*Example (2).* X makes a loan of $40,000 secured by a building which contains a store on the first floor and four family units on the upper floors. The loan value of the part of the building used as a store is $21,000 and the loan value of the residential portion is $23,000. The loan will be treated under subdivision (1) of subparagraph (1) of this paragraph as a loan secured by residential real property containing four or fewer family units to the extent of $23,000, and by nonresidential property to the extent of $17,000, as of the time the loan is made. However, if X exercises the option to treat all loans of $40,000 or less in accordance with subdivision (ii) of subparagraph (1) of this paragraph, this loan would be treated as a home loan to the extent of the full $40,000 because the loan value of the residential portion is larger than the loan value of the nonresidential part.

(i) *Computation of percentages*—(1) *In general.* The percentages specified in paragraphs (d) through (h) of this section shall, except as provided in subparagraph (3) of this paragraph, be computed by comparing the amount of the assets described in each paragraph as of the close of the taxable year with the total amount of assets as of the close of the taxable year. The amount of the assets in any category and the total amount of assets shall be determined with reference to their adjusted basis under § 1.1011–1, or by such other method as is in accordance with sound accounting principles, provided such method is used in valuing all the assets in a taxable year.

(2) *Treatment of certain assets and reserves.* For purposes of this paragraph:

(i) Reserves for bad debts established pursuant to section 593, or corresponding provisions of prior law, and the regulations thereunder shall not constitute a reduction of total assets, but shall be treated as a surplus or net worth item.

(ii) The adjusted basis of a "loan in process" does not include the unadvanced portion of such loan.

(iii) Advances made by the association for taxes, insurance, etc., on loans shall be treated as being in the same category as the loan with respect to which the advances are made (irrespective of whether the advances are secured by the property securing the loan).

(iv) Interest receivable included in gross income shall be treated as being in the same category as the loan or asset with respect to which it is earned.

(v) The unamortized portion of premiums paid on mortgage loans acquired by the association shall be considered part of the acquisition cost of such loans.

(vi) Prepaid Federal Savings and Loan Insurance Corporation premiums shall be treated as being governmental obligations defined in paragraph (d)(3) of this section.

(vii) Accounts receivable (other than accrued interest receivable), and prepaid expenses and deferred charges other than those referred to in subdivision (v) or (vi) of this subparagraph, shall be disregarded both as separate categories and in the computation of total assets.

(viii) Foreclosed property (as defined in paragraph (j)(1) of this section) shall be treated as having the same character as the loan for which it was given as security.

(3) *Alternative method.* At the option of the taxpayer, the percentages specified in paragraphs (d) through (h) of this section may be computed on the basis of the average assets outstanding during the taxable year. Such average shall be determined by making the computation provided in subparagraph (1) of this paragraph either as of the close of each month, as of the close of each quarter, or semiannually during the taxable year and by using the yearly average of the monthly, quarterly, or semiannual percentages obtained for each category. The method selected must be applied uniformly for the taxable year to all categories of assets, but the method may be changed from year to year.

(4) *Acquisition of certain assets.* For the purpose of the annual computation of percentages under subparagraph (1) of this paragraph—

(i) Assets which, within a 60-day period beginning in one taxable year of the taxpayer and ending in the next year, are acquired directly or indirectly through borrowing and then repaid or disposed of within such period, shall be considered assets other than those defined in paragraph (d) of this section, unless both the acquisition and disposition are established to the satisfaction of the district director to have been for bona fide purposes; and

(ii) The amount of cash shall not include amounts received directly or indirectly from another financial institution (other than a Federal Home Loan Bank or a similar institution organized under State law) to the extent of the amount of cash which an association has on deposit or holds as a withdrawable account in such other financial institution.

(5) *Reporting requirements.* In the case of income tax returns for taxable years ending after October 31, 1964, there shall be filed with the return a statement showing the amount of assets as of the close of the taxable year in each of the categories defined in paragraph (d), and in the category described in paragraph (h) of this section, and a brief description and amount of all other assets. If the alternative method of computing percentages under subparagraph (3) of this paragraph is selected, such statement shall show such information as of the end of each month, each quarter, or semiannually and the manner of calculating the averages. With respect to taxable years beginning after October 16, 1962, and ending before November 1, 1964, taxpayers shall maintain adequate records to establish to the satisfaction of the district director that it meets the various assets tests specified in this section.

(6) *Example.* The principles of this paragraph may be illustrated by the following example in which a description of the assets, the subparagraph of paragraph (d) in which the assets are defined, the amount of the assets, and the percentage of the total assets included in the calculation are set forth.



Z SAVINGS AND LOAN ASSOCIATION ASSETS AS OF DECEMBER 31, 1964

| Item | Described in paragraph (d), subparagraph | Amount | Percentage |
|---|---|---|---|
| 1. Cash | (3) | $1,000,000 | 1 |
| 2. Governmental obligations [1] | (2) | 8,000,000 | 8 |
| 3. Deposit insurance company securities | (4) | 1,000,000 | 1 |
| Loans outstanding: [2] | | | |
| 4. Home | (7) | 50,000,000 | 50 |
| 5. Church | (8) | 1,000,000 | 1 |
| 6. Multifamily | (9) | 20,000,000 | 20 |
| 7. Nonresidential real property | (10) | 5,000,000 | 5 |
| 8. Passbook | (6) | 1,000,000 | 1 |
| 9. Other | | 2,000,000 | 2 |
| Fixed assets (less depreciation reserves): | | | |
| 10. Used in the association's business | (5) | 1,000,000 | 1 |
| 11. Rented to others | | 500,000 | .5 |
| 12. Land held for investment | | 500,000 | .5 |
| 13. Total assets included for purposes of this paragraph | | 100,000,000 | 100.0% |
| 14. Accounts receivable | | 100,000 | (disregarded) |
| 15. Prepaid expenses (other than prepaid FSLIC premiums) | | 1,000,000 | (disregarded) |
| 16. Deferred charges | | 1,000,000 | (disregarded) |
| 17. Total assets | | 102,100,000 | |

[1] Prepaid FSLIC premiums treated as governmental obligations.
[2] Not including unadvanced portion of loans in process, but including interest receivable and advances with respect to loans.

The computation of the percentages of assets in the various categories for the purpose of determining whether the percentage of assets tests in the paragraphs in this section are met as of the close of the year are as follows:

| Test and paragraph | Items considered | Percentage |
|---|---|---|
| 90 percent test (d) | the sum of items 1 through 8 and 10 / item 13 (total included assets) | =97 percent |
| 18 percent test (e) | the sum of items 7, 9, 11, and 12 / item 13 (total included assets) | =8 percent |
| 36 percent test (f) | the sum of items 6, 7, 9, 11, and 12 / item 13 (total included assets) | =28 percent |
| 3 percent test (h) | 0 / item 13 (total included assets) | =0 percent |

At the option of the association, the computations listed above could have been made as of the close of each month, each quarter, or semiannually, and averaged for the entire year.

(m) *Taxable years beginning before October 17, 1962.* For taxable years beginning before October 17, 1962, the term "domestic building and loan association" means a domestic building and loan association, a domestic savings and loan association, and a Federal savings and loan association substantially all the business of which is confined to making loans to members.

§ 301.7701–14 Cooperative bank.

For taxable years beginning after October 16, 1962, the term "cooperative bank" means an institution without capital stock organized and operated for mutual purposes without profit which meets the supervisory test, the business operations test, and the various assets tests specified in paragraphs (d) through (h) of § 301.7701–13, employing the rules and definitions of paragraphs (j) through (l) of that section. In applying paragraphs (b) through (l) of such section any references to an "association" or to a "domestic building and loan association" shall be deemed to be a reference to a cooperative bank.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: October 29, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64–11168; Filed, Oct. 30, 1964; 8:50 a.m.]

# Title 41—PUBLIC CONTRACTS

## Chapter 11—Coast Guard, Department of the Treasury

[CGFR 64–62]

## PART 11–2—PROCUREMENT BY FORMAL ADVERTISING

### Subpart 11–2.2—Solicitation of Bids

PREPARATION OF INVITATIONS FOR BIDS

Pursuant to authority vested in me as Commandant, United States Coast Guard by Treasury Department Order 167–17 (20 F.R. 4976) and Treasury Department Order 167–50 (28 F.R. 530), § 11–2.201(a)(54) is revised to read as follows:

§ 11–2.201 Preparation of invitations for bids.

(a) * * *

(54) *Item identification requirements.* Invitations for bids (IFB) for the procurement of equipment or materials for stock which have not previously been assigned a Federal Stock Number will provide that:

The contractor shall prepare and furnish to the contracting officer, item identifications based on Federal Description Patterns for each item set forth below in accordance with Standard Guides for Preparation of Item Identifications by Government Supplier (Federal Standard No. 5a) ---------- (list each item of the IFB requiring identification).

Upon receipt of identification data, the contracting officer will forward same to the Commandant (FS–4) for obtaining a Federal Stock Number.

* * * * * *

(14 U.S.C. 633, 10 U.S.C. Ch. 137)

Dated: October 21, 1964.

[SEAL] W. D. SHIELDS,
*Vice Admiral, U.S. Coast Guard, Acting Commandant.*

[F.R. Doc. 64–11123; Filed, Oct. 30, 1964; 8:49 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

[No. 34398]

## PART 131—UNITED STATES SAFETY APPLIANCE STANDARDS (RAILROAD)

### New Classification for Hy-Cube Cars

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., this 26th day of October A.D. 1964.

It appearing, that no exceptions having been filed to an examiner's recommended report and order promulgating a new classification and standards for a new type railroad car commonly known as a "Hy-Cube" car the report and order became a report and order of the Commission by operation of law upon expiration of the exception period effective October 22, 1964:

It further appearing, that while it is clear that the prescribed standards are effective on and after October 22, 1964, a question has been raised regarding the retroactive applicability of such standards to such cars under construction prior to October 22, 1964, and placed in service thereafter some of which are equipped with running boards or otherwise do not comply in all details with the standards prescribed by the order of October 22, 1964;

And it further appearing, that a need has been shown for a clarification of the applicability of the standards prescribed by the order effective October 22, 1964,

and to remove all uncertainty as to the retroactive effect of said order:

*It is ordered;* That the order of October 22, 1964, be, and it is hereby interpreted to prescribe standards for future "Hy-Cube" cars and is not intended to apply to such cars already in service prior to October 22, 1964, nor to such cars under construction prior thereto but placed in service before November 23, 1964:

*And it is further ordered,* That "Hy-Cube" cars under construction before the effective date of said order may be placed in service after October 22, 1964 without compliance with the standards prescribed by the said order of October 22, 1964, provided they are placed in service on or before November 23, 1964, and are in compliance with all other applicable standards prescribed by the Commission.

Notice of this order is being given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-11116; Filed, Oct. 30, 1964; 8:47 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 32—HUNTING

### Crab Orchard National Wildlife Refuge, Illinois

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.32 Special regulations; big game; for individual wildlife refuge areas.**

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Crab Orchard National Wildlife Refuge on an area designated by signs as open to hunting is permitted with bow and arrow from one-half hour before sunrise to one-half hour before sunset daily from October 1, 1964 through November 15, 1964, and from one-half hour before sunrise until one-half hour before sunset November 24, 1964 through December 31, 1964, except that deer may not be taken with bow and arrow from November 30, 1964 through December 6, 1964. Shot gun hunting of deer is permitted from 6:00 a.m. to 4:00 p.m., c.s.t., on November 20, November 21, and November 22, 1964, and December 4, December 5, and December 6, 1964. The open area comprising 9,380 acres is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1964.

URBAN C. NELSON,
*Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

OCTOBER 26, 1964.

[F.R. Doc. 64-11108; Filed, Oct. 30, 1964; 8:46 a.m.]

## PART 32—HUNTING

### Shiawassee National Wildlife Refuge, Michigan

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.32 Special regulations; big game; for individual wildlife refuge areas.**

MICHIGAN

SHIAWASSEE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Shiawassee National Wildlife Refuge is permitted from 6:00 a.m. to 7:00 p.m. each day from November 15, 1964, through November 30, 1964, only on the area designated by signs as open to hunting. This open area, comprising 3,000 acres, is delineated on a map available at the refuge headquarters, Saginaw, Michigan and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through November 30, 1964.

URBAN C. NELSON,
*Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

OCTOBER 26, 1964.

[F.R. Doc. 64-11109; Filed, Oct. 30, 1964; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 984 ]

### WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

### Notice of Proposed Rule Making

Notice is hereby given of a proposal to amend § 984.437 (29 F.R. 175) of Subpart—Administrative Rules and Regulations currently in effect under amended Marketing Agreement No. 105 and Order No. 984 (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal is based on the recommendation of the Walnut Control Board and other available information.

Consideration will be given to any written data, views, and arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than fifteen days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to prescribe in § 984.437 the following method for proposing names of additional candidates to be included on the Oregon-Washington grower's nomination ballot.

Any ten or more growers, whose orchards are located in Oregon or Washington, and who marketed an aggregate of 50 or more tons of walnuts in the preceding marketing year, may petition the Board not later than March 15 of any nomination year (on a form provided by the Board) to include on the ballot the names of a proposed candidate eligible to serve as a member and one as alternate member on the Board to represent the group specified in § 984.35(a)(8). The names proposed by such growers shall be included on the ballot.

Dated: October 28, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division.*

[F.R. Doc. 64-11135; Filed, Oct. 30, 1964; 8:50 a.m.]

[ 9 CFR Part 201 ]

### REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

### Bonding

Notice is hereby given that, pursuant to the authority contained in an act of Congress approved July 12, 1943 (7 U.S.C 204), and in section 407(a) of the Packers and Stockyards Act (7 U.S.C. 228 (a)), the Agricultural Marketing Service proposes to amend §§ 201.27 through 201.34 (9 CFR 201.27-201.34) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), concerning general bonding provisions and market agency and dealer bonds.

*Statement of considerations.* On September 28, 1961, there was published in the FEDERAL REGISTER (26 F.R. 9136) a notice of consideration of amendments to the registration and bonding regulations under the Packers and Stockyards Act. Interested persons were invited to submit proposals or comments with respect to such regulations. It was stated in the publication that if it was proposed after consideration of all submissions and comments, and consideration of all other relevant matters, that the regulations should be amended, a notice of proposed rule making would be published in the FEDERAL REGISTER setting forth any specific proposed amendments.

Numerous written recommendations have been received and it is now proposed that various amendments be made to the bonding regulations. The proposed regulations have been discussed with livestock industry groups throughout the country and represent the views and recommendations of most such groups and other interested persons with whom the regulations have been discussed.

Under the proposed bonding regulations, the amount of a registrant's bond not exceeding $25,000 would be determined on the basis of the multiple of $2,000 above the average amount of such registrant's business, instead of $1,000; and for bonds in excess of $25,000, the multiple of $5,000 would be used instead of $1,000. The proposed regulations would also increase to $10,000 the minimum bond for market agencies selling livestock on a commission basis or providing clearing services; provide for increasing bonds of seasonal operators; provide for exemption from bonding of dealers whose business does not exceed $100,000 per annum; clarify condition clauses in market agency and dealer bonds; provide for bonds without trustees if a principal so desires; and simplify and clarify the bonding requirements and procedures under the Packers and Stockyards Act. These amendments are proposed in an effort to modernize and strengthen the bonding provisions of the regulations in the light of the changing marketing conditions in the livestock industry. At the same time, they would reduce unnecessary expense and simplify the procedures for maintaining bonds, on behalf of both the marketing industry and the Government.

It is proposed that §§ 201.27 through 201.34 of the regulations under the Packers and Stockyards Act be amended to read as follows:

GENERAL BONDING PROVISIONS

**§ 201.27 Underwriter; equivalent in lieu of bonds.**

(a) The surety on bonds maintained under the regulations in this part shall be a surety company (1) which is currently approved by the U.S. Treasury Department for bonds executed to the United States, and (2) which has not failed or refused to satisfy its legal obligations under bonds issued under said regulations.

(b) A bond equivalent may be filed or maintained in lieu of a bond. A bond equivalent shall be in the form of a trust fund agreement based upon cash or fully negotiable bonds of the U.S. Government. The provisions of §§ 201.28 through 201.38 shall be applicable to such trust fund agreements.

**§ 201.28 Duplicates of bonds or equivalents to be filed with Area Supervisor.**

Fully executed duplicates of bonds or trust fund agreements maintained under the regulations in this part, and duplicates of all endorsements, amendments, riders, indemnity agreements and other attachments thereto, shall be filed with the Area Supervisor for the area in which the registrant or licensee, or person applying for registration or a license resides, or in the case of a corporation, where the corporation has its home office: *Provided,* That if such registrant or licensee or person does not engage in business in such area, the foregoing documents shall be filed with the Area Supervisor for the area in which the registrant's or licensee's or person's principal place of business is located.

MARKET AGENCY AND DEALER BONDS

**§ 201.29 Market agencies and dealers required to file and maintain bonds.**

(a) Every market agency and dealer, except packer buyers registered as dealers to purchase livestock for slaughter only and dealers granted an exemption under paragraph (c) of this section, shall execute and maintain, or cause to be executed and maintained, a reasonable bond to secure the performance of obligations incurred as such market agency or dealer, and no market agency or dealer shall conduct his operations unless there is on file and in effect a bond complying with the regulations in this part.

(b) Any person registered, or applying for registration, as both a market agency selling on a commission basis and as a dealer, shall file and maintain separate bonds to cover his market agency and dealer operations. The amount of each such bond shall be computed on the basis of the volume of business handled in each separate capacity.

(c) Any dealer whose volume of purchases of livestock is less than $100,000

per year may apply to the Director for an exemption from the requirements of this section. Such an exemption shall not be granted if such dealer has issued insufficient funds checks in payment for livestock, has failed to pay promptly for livestock, or has a high volume of operations during seasonal periods. Any such exemption authorized by the Director may be terminated or revoked by him, upon notice in writing to such dealer, upon the grounds that such dealer has issued insufficient funds checks in payment for livestock, has failed to pay promptly for livestock, has increased his volume of operations to over $100,000 per year, or has a high volume of operations during seasonal periods.

(d) Each market agency and dealer whose buying operations are cleared by another market agency shall be named as clearee in the bond filed and maintained by the market agency registered to provide clearing services. Each market agency selling livestock on an agency basis shall file and maintain its own bond: *Provided,* That any market agency selling livestock which was named prior to September 1, 1957, as clearee in the bond filed and maintained by a market agency registered to provide clearing services may continue to be named as a clearee in the bond filed by such market agency.

**§ 201.30 Amount of market agency and dealer bonds.**

(a) Except as hereinafter otherwise provided, the amount of each market agency and dealer bond shall be not less than the nearest multiple of two thousand dollars ($2,000) above the average amount of sales and purchases of livestock by a market agency, or purchases of livestock by a dealer, during a period equivalent to two business days based on the total number of the business days, and the total amount of such transactions in the preceding 12 months, or in such substantial part thereof in which such market agency or dealer did business, if any: *Provided,* That bonds above $25,000 shall be not less than the nearest multiple of $5,000 above the average amount of sales or purchases of livestock, or both, by a market agency or dealer computed as set out in this section. For the purpose of this computation, 260 shall be deemed the number of business days in any year. When the principal part of the livestock handled by a market agency selling livestock on a commission basis is sold at public auction, the amount of the bond shall be not less than the nearest multiple of two thousand dollars ($2,000) for those bonds of $25,000 or less and the nearest multiple of $5,000 for those bonds in excess of $25,000, above an amount determined by dividing the total value of the livestock sold by the market agency during the preceding 12 months, or such substantial part thereof as the market agency was engaged in business, by the actual number of auction sales at which livestock was sold by the market agency, but in no instance shall the divisor be greater than 130. When the amount of the bond for any market agency or dealer, calculated as hereinbefore specified, exceeds $50,000, the amount of the bond need not exceed fifty thousand dollars ($50,000) plus 10 percent of the excess, unless the Director has reason to believe a bond in such amount to be inadequate pursuant to paragraph (f) of this section.

(b) In no case shall a bond covering the buying operations of a market agency or dealer be less than five thousand dollars ($5,000), or such higher amount as may be required to comply with the laws of any State.

(c) In no case shall a bond covering the selling operations of a market agency be less than ten thousand dollars ($10,000), or such higher amount as may be required to comply with the laws of any State.

(d) In no case shall the amount of bond filed by a market agency acting in the capacity of a clearing agency be less than ten thousand dollars ($10,000), or the sum of the bonds computed in accordance with this section, whichever is greater: *Provided,* That in computing the amount of such bonds the provisions of paragraph (a) of this section relating to the maximum amount of bonds shall apply to the aggregate bond so determined rather than to the individual bonds of the clearees.

(e) If a person applying for registration as a market agency or dealer has been engaged in the business of handling livestock in such capacity prior to the date of the application, the value of the livestock so handled, if representative of his future operations, shall be used in computing the amount of bond. If the applicant for registration is a successor in business to a registrant formerly subject to these regulations, the bond of such applicant shall be in an amount not less than that required of the prior registrant, unless otherwise determined by the Director.

(f) Whenever the Director has reason to believe that any bond filed or maintained under the regulations in this Part is inadequate to secure the performance of the obligations of the market agency or dealer covered by such bond, he shall notify the market agency or dealer to adjust such bond to meet the requirements of this section or, if such bond is inadequate because of the volume of business conducted on a seasonal or otherwise irregular basis, to meet such requirements as may be determined by the Director to be reasonable based upon such seasonal or irregular operation.

**§ 201.31 Conditions in market agency and dealer bonds.**

Each market agency and dealer bond shall contain conditions applicable to the activity or activities in which the person or persons named as principal or clearees in the bond propose to engage, which conditions shall be as follows or in terms to provide equivalent protection:

(a) *When the principal sells livestock for the account of others.* If the said principal shall pay when due to the person or persons entitled thereto the gross amount, less lawful charges, for which all livestock is sold for the account of others by said principal.

(b) *When the said principal buys livestock for the account of others.* If the said principal shall safely keep and properly disburse all funds coming into his hands for the purpose of paying for livestock purchased for the account of others, and if said principal shall pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by said principal for the account of others.

(c) *If the principal buys livestock for his own account.* If the said principal shall pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by said principal.

(d) *When the principal clears other registrants buying livestock and thus is responsible for the obligations of such other registrants.* If the said principal, acting as a clearing agency responsible for the financial obligations of other registrants engaged in buying livestock, viz.: (insert here the names of such other registrants as they appear in the application for registration), or if such other registrants, shall (1) pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by such other registrants; and (2) safely keep and properly disburse all funds coming into the hands of such principal or such other registrants for the purpose of paying for livestock purchased for the account of others.

(e) *When the principal clears other registrants selling livestock and thus is responsible for the obligations of such other registrants.* The condition clauses of those selling agencies named prior to September 1, 1957, as clearees in the bonds filed and maintained by market agencies registered to provide clearing services shall remain the same as the condition clauses now in effect in such bonds.

**§ 201.32 Trustee in market agency and dealer bonds.**

Bonds may be in favor of a trustee who shall be a financially responsible, disinterested person satisfactory to the Director. State officials, secretaries or other officers of livestock exchanges or of similar trade associations, attorneys at law, banks and trust companies, or their officers, are deemed suitable trustees. If a trustee is not designated in the bond and action is taken to recover damages for breach of any condition thereof, the Director shall designate a person to act as trustee. In those States in which a State official is required by statute to act or has agreed to act as trustee, such official shall be designated by the Director as trustee when a designation by the Director becomes necessary.

**§ 201.33 Persons damaged may maintain suit to recover on market agency and dealer bonds; Director to be notified of claims; disclosure of information.**

(a) Each bond shall contain provisions that (1) any person damaged by failure of the principal to comply with the condition clauses of the bond may maintain suit to recover on the bond even though such person is not a party named in the bond, (2) the surety shall notify the Director of any claim filed with it under such bond at the time of receipt of such claim, and (3) the Director is authorized to designate a trustee pursuant to § 201.32.

(b) Representatives of the Packers and Stockyards Division are authorized to disclose to principals on bonds, clearees, trustees, claimants, and bonding companies, such information as may be necessary to facilitate the settlement of claims made upon a bond filed pursuant to the regulations in this part.

**§ 201.34 Termination of market agency and dealer bonds.**

Each bond shall contain a provision requiring that, prior to terminating such bond, at least thirty (30) days' notice in writing shall be given to the Director, Packers and Stockyards Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250, by the party terminating the bond.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., on or before November 25, 1964.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 28th day of October 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64-11134; Filed, Oct. 30, 1964; 8:50 a.m.]

## Agricultural Stabilization and Conservation Service

### [ 7 CFR Part 814 ]

### MAINLAND CANE SUGAR AREA

### Proposed Allotment of 1965 Sugar Quota

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended) hereinafter called the "Act", and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) and on the basis of information before me, I do hereby find that the allotment of the 1965 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held at Miami Beach, Fla. in the DiLido Hotel on November 12, 1964, beginning at 10:00 a.m., e.s.t.

The preliminary findings made above are based on the best information now available. It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary findings.

The purpose of the hearing is to receive evidence to enable the Secretary of Agriculture to establish fair, efficient, and equitable allotments of a portion of the above mentioned quota which will enable persons who process sugar from sugarcane grown in the Mainland Cane Sugar Area to market such sugar in an orderly manner during the period January 1, 1965, to the date the Secretary prescribes a method for allotting the entire 1965 quota on the basis of the record of another hearing to be held subsequently.

To avoid disorderly marketing by any allottee who might market early in 1965 a quantity of sugar larger than its allotment of the entire 1965 sugar quota, it is necessary to make allotments effective on January 1, 1965. Part of the evidence necessary to provide an adequate basis for establishing allotments of the entire 1965 quota for the Mainland Cane Sugar Area for the full calendar year cannot be adduced on the date for which the hearing is called. Therefore, the testimony on that date will be limited to data, views and arguments regarding the identity of the allottees and consideration of the factors cited in section 205(a) of the act pertinent to establishing allotments of a portion of the quota to be in effect from January 1, 1965, until an order establishing the method for allotting the entire quota for the area for the calendar year 1965 is made effective.

Upon notice hereafter to be given in accordance with applicable rules of practice and procedure, a public hearing will be held early in 1965 for the purpose of receiving evidence to enable the Secretary to establish allotments of the entire 1965 quota applicable to the area for the calendar year 1965 under the provisions of the Act.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Issued this 29th day of October 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64-11165; Filed, Oct. 29, 1964; 2:27 p.m.]

## SECURITIES AND EXCHANGE COMMISSION

### [ 17 CFR Parts 240, 249 ]

[Release 34-7447, 33-4728]

### REGISTRATION OF SECURITIES, PROXY RULES

### Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed amendment of its Rule 14a-3 (17 CFR 240.14a-3) and Form 8-A (listed and described in 17 CFR 249.208a) under the Securities Exchange Act of 1934. Form 8-A is an optional short form which may be used by an issuer for registering an additional class of securities on a national securities exchange on which it has one or more other classes of securities registered. The amended form would still be used for such registration, but it could also be used for registration pursuant to the new section 12(g) of the Act of a class of securities of an issuer which has one or more other classes of securities registered pursuant to section 12 (b) or (g) of the Act and for registration pursuant to section 12(g) by registrants which have recently filed a registration statement under the Securities Act of 1933 or which file reports pursuant to section 15(d) of the Securities Exchange Act of 1934.

The amended form would call only for a description of the securities to be registered, specimens or copies of such securities and copies of the constituent instruments defining the rights of the holders of such securities. The use of such an abbreviated form is made possible because of the information and documents which registrants who use the form have already filed with the Commission and the annual and other reports which they will continue to file subsequent to registration. It should be noted, in this connection, that issuers using this form are required to file an annual report pursuant to section 13 of the Act for the prior fiscal year, except in the case of an issuer registering securities pursuant to section 12 for the first time, where such fiscal year is covered by an effective registration statement under the Securities Act of 1933.

Form 8-A as now in effect calls for certain information with respect to the issuance of securities of the class to be registered and the transaction in which such securities were issued. Financial statements with respect to businesses acquired are also required in certain cases. These requirements would be deleted from the form inasmuch as the information will be furnished by the issuer in current reports on Form 8-K (listed and described in 17 CFR 249.308) or in the issuer's annual report to the Commission.

Any issuer which desires to register pursuant to section 12(g) of the Act prior to the adoption of the amended Form 8-A may, if it meets the terms and conditions of the rule as to the use of the form, use the proposed amended form for such registration. A copy of the form as proposed to be amended is set forth below.

It is also proposed to amend Rule 14a-3(b) (17 CFR 240.14a-3(b)) of the Commission's proxy rules for the purpose of requiring unlisted companies to include a description of their business in their annual reports to security holders, such as is customarily furnished by listed companies. The text of the proposed amendment is set forth below. The Commission is now considering rules to implement the new section 14(c) of the Act requiring issuers which do not solicit proxies to furnish to their security holders information equivalent to that which would be furnished in a proxy statement.

**§ 240.14a-3 Information to be furnished security holders.**

* * * * *

(b) If the solicitation is made on behalf of the management of the issuer, and relates to an annual meeting of security holders at which directors are to be elected, each proxy statement furnished pursuant to paragraph (a) shall

be accompanied or preceded by an annual report to such security holders as follows:

(1) The report shall contain such financial statements for the last fiscal year as will in the opinion of the management adequately reflect the financial position and results of operations of the issuer. Consolidated financial statements of the issuer and its subsidiaries shall be included in the report if they are necessary to reflect adequately the financial position and results of operations of the issuer and its subsidiaries, but in such case the individual statements of the issuer may be omitted, even though they are required to be included in reports to the Commission. Any differences, reflected in the financial statements in the report to security holders, from the principles of consolidation or other accounting principles or practices, or methods of applying accounting principles or practices, applicable to the financial statements of the issuer filed or proposed to be filed with the Commission, which have a material effect on the financial position or results of operations of the issuer, shall be noted and the effect thereof reconciled or explained in such report. Financial statements included in the report may, however, omit such details or employ such condensation as may be deemed suitable by the management, provided that such statements, considered as a whole in the light of other information contained in the report shall not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances. The financial statements included shall be certified by independent public or certified public accountants, unless (i) the corresponding statements included in the issuer's annual report filed or to be filed with the Commission for the same fiscal year are not required to be certified, or (ii) the Commission finds in a particular case that certification would be impracticable or would involve undue effort or expense. Subject to the foregoing requirements with respect to financial statements, the annual report to security holders may be in any form deemed suitable by the management, and

(2) If the solicitation relates to a class of securities not listed and registered on a national securities exchange, the report shall also contain such a description of the business of the issuer and its subsidiaries as will, in the opinion of the management, adequately reflect the operations and general nature and scope of the business of the issuer.

NOTE: As a guide to the kind of disclosure which may be appropriate, the registrant's attention is directed to Items 3 and 4 of Form 10 and the instructions thereto.

This paragraph shall not apply, however, to solicitations made on behalf of the management before the financial statements are available if solicitation is being made at the time in opposition to the management and if the management's proxy statement includes an undertaking in bold-face type to furnish such annual report to all persons being solicited, at least twenty days before the date of the meeting.

* * * * *

**§ 249.208a Form 8–A, for registration of certain class of securities pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934.**

GENERAL INSTRUCTIONS

A. *Rule as to use of Form 8–A.* This form may be used for registration of the following securities pursuant to the Securities Exchange Act of 1934:

(a) For registration on a national securities exchange pursuant to section 12(b) of the Act of a class of securities of an issuer which has one or more other classes of securities so registered on the same securities exchange;

(b) For registration pursuant to section 12(g) of the Act of a class of securities of an issuer which has one or more other classes of securities registered pursuant to either section 12 (b) or (g) of the Act.

(c) For registration pursuant to section 12(g) of the Act of a class of securities of any issuer which has filed under the Securities Act of 1933 a registration statement which has become effective and is not subject to any proceeding under section 8 of that Act or to an order issued pursuant thereto; *Provided:*

(1) The registration statement on this form will become effective within one year after the end of the last fiscal year for which certified financial statements were included in the registration statement under the Securities Act of 1933, or in a post-effective amendment thereto which has become effective; or

(2) the registrant is required to file reports pursuant to section 15(d) of the Securities Exchange Act of 1934 and has filed an annual report pursuant to such section for the last fiscal year ending prior to the effective date of the registration statement on this form; or

(3) the registrant would be required to file reports pursuant to section 15(d) of the Securities Exchange Act of 1934 but for the first sentence of section 12(f)(6) of that Act and has filed an annual report pursuant to section 13 of that Act for the last fiscal year ending prior to the effective date of the registration statement on this form.

B. *Application of general rules and regulations.* (a) The general rules and regulations under the Act contain certain general requirements which are applicable to registration on any form. These general requirements should be carefully read and observed in the preparation and filing of applications and statements on this form.

(b) Particular attention is directed to Regulation 12B (17 CFR 240.12b–1 to 240.12b–36) which contains general requirements regarding matters such as the kind and size of paper to be used, legibility, information to be given whenever the title of securities is required to be stated, incorporation by reference and the filing of the application or statement. The definitions contained in Rule 12b–2 (17 CFR 240.12b–2 should be especially noted).

C. *Preparation of application or statement.* This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the application or statement on paper meeting the requirements of Rule 12b–12 (17 CFR 240.12b–12). The application or statement shall contain the item numbers and captions, but the text of the items may be omitted provided the answers thereto are prepared in the manner specified in Rule 12b–13 (17 CFR 240.12b–13).

D. *Signature and filing of application or statement.* Three complete copies of the application or statement, including exhibits and all papers and documents filed as a part thereof, shall be filed with the Commission. At least one complete copy of each application for registration of securities on a national securities exchange shall be filed with each exchange on which registration is applied for. At least one of the copies filed with the Commission and one filed with each such exchange shall be manually signed. Unsigned copies shall be conformed.

SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

Form 8–A

FOR REGISTRATION OF CERTAIN CLASS OF SECURITIES PURSUANT TO SECTION 12 (B) OR (G) OF THE SECURITIES EXCHANGE ACT OF 1934

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(Exact name of registrant as specified in charter, and State of incorporation)

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(Address of registrant's principal executive offices)

Securities to be registered pursuant to section 12(b) of the Act; if none, so state:

| Title of each class to be so registered: | *Name of each exchange on which each class is to be registered* |
|---|---|
| | |

*Securities to be registered pursuant to section 12(g) of the Act; if none, so state:*

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(Title of class)

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(Title of class)

INFORMATION REQUIRED IN APPLICATION OR STATEMENT

*Item 1. Capital Stock to be Registered.* If capital stock is to be registerd hereunder, state the title of the class and furnish the following information (See Instruction 1):

(a) Outline briefly (1) dividend rights; (2) voting rights; (3) liquidation rights; (4) pre-emptive rights; (5) conversion rights; (6) redemption provisions; (7) sinking fund provisions, and (8) liability to further calls or to assessment by the registrant.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the registrant while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

*Instructions.* 1. If a description of the securities comparable to that required here is contained in any other filing with the Commission, such description may be incorporated by reference to such other filing in answer to this item. If the securities are to be registered on a national securities exchange and the description has not previously been filed with such exchange, copies of the description shall be filed with copies of the application filed with the exchange.

2. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

3. If the rights evidenced by the securities to be registered are materially limited or qualified by the rights of any other class of securities, include such information regarding such other securities as will enable investors to understand the rights evidenced by securities being registered.

*Item 2. Debt Securities to be Registered.* If the equity securities to be registered hereunder are bonds, debentures or other evi-



dences of indebtedness, outline briefly such of the following as are relevant:

(a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund or retirement.

(b) Provisions with respect to the kind and priority of any lien, securing the issue, together with a brief identification of the principal properties subject to such lien.

(c) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.

(d) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

*Instruction.* Provisions permitting the release of assets upon the deposit of equivalent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance moneys, and similar provisions, need not be described.

(e) The name of the trustee and the nature of any material relationship with the registrant or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may require before proceeding to enforce the lien.

(f) The general type of event which constitutes a default and whether or not any periodic evidence is required to be furnished as to the absence of default or as to compliance with the terms of the indenture.

*Instruction.* The instructions to Item 1 shall also apply to this item.

*Item 3. Other Securities to be Registered.* If securities other than those referred to in Items 1 and 2 are to be registered hereunder, outline briefly the rights evidenced thereby. If subscription warrants or rights are to be registered, state the title and amount of securities called for, the period during which and the price at which the warrants or rights are exercisable.

*Instruction.* The instructions to Item 1 shall also apply to this item.

*Item 4. Exhibits.* List below all exhibits filed as a part of the application or statement:

SIGNATURE

Pursuant to the requirements of section 12 of the Securities Exchange Act of 1934, the registrant has duly caused this application for registration (or registration statement) to be signed on its behalf by the undersigned, thereunto duly authorized.

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(Registrant)

By ---

(Signature) *

Date ---

*Print the name and title of the signing officer under his signature.

INSTRUCTIONS AS TO EXHIBITS

Subject to Rule 12b–32 (17 CFR 240.12b–32) regarding the incorporation of exhibits by reference, the following exhibits shall be filed as a part of the application or statement. Such exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may be referred to by the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits called for under Item 4.

1. Specimens or copies of each security to be registered hereunder.

2. Copies of all constituent instruments defining the rights of the holders of each class of such securities, including any contracts or other documents which limit or qualify the rights of such holders.

(Secs. 12, 14, 23; 48 Stat. 892, 895 and 901, as amended; 15 U.S.C. 781, 78n, 78w)

All interested persons are invited to submit their views and comments on the proposed amendments to the rule and form, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before, November 23, 1964. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 21, 1964.

[F.R. Doc. 64–11100; Filed, Oct. 30, 1964; 8:45 a.m.]

# Notices

## DEPARTMENT OF STATE

### Agency for International Development

[Delegation of Authority 53]

### PRINCIPAL U.S. DIPLOMATIC OFFICER IN MALAWI AND ZAMBIA

#### Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State of November 3, 1961 (26 F.R. 10608), I hereby delegate to the principal diplomatic officer of the United States in Malawi and Zambia, with respect to the administration of the foreign assistance program within the country to which he is accredited, the authorities delegated to Directors of Missions of the Agency for International Development (A.I.D.) in the following delegations, subject to the limitations applicable to the exercise of such authorities by A.I.D. Mission Directors:

(1) Unpublished Delegation of Authority of January 10, 1955;

(2) Delegation of Authority of November 26, 1954, as amended (19 F.R. 8049);

(3) Paragraphs 4 and 5 of Delegation of Authority of September 28, 1960 (25 F.R. 9927).

In addition to the foregoing, there is hereby delegated to the aforesaid diplomatic officers the authorities delegated to A.I.D. Mission Directors in existing A.I.D. manual orders, regulations (published or otherwise), policy directives, policy determinations, memoranda and other instructions.

This delegation of authority is effective October 24, 1964.

WILLIAM S. GAUD,
*Acting Administrator.*

OCTOBER 20, 1964.

[F.R. Doc. 64-11102; Filed, Oct. 30, 1964; 8:45 a.m.]

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[Delegation of Authority No. 54]

### ASSISTANT ADMINISTRATOR FOR TECHNICAL COOPERATION AND RESEARCH

#### Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 of November 3, 1961, as amended, from the Secretary of State, I hereby delegate to the Assistant Administrator for Technical Cooperation and Research the authority to:

1. Furnish assistance pursuant to sections 214 (a) and (b) of the Foreign Assistance Act of 1961, as amended, to schools, libraries, and hospitals which qualify under those sections of the law and to make grants to such institutions in connection therewith.

2. To specify terms and conditions for such assistance.

3. To administer and implement such assistance and to exercise all authorities with respect thereto that are vested and that become vested in the regional Assistant Administrators with respect to programs and projects for which they have operational responsibility, including, among other acts, approval of contracts.

The authorities delegated herein may be redelegated to the Deputy Assistant Administrator for Technical Cooperation and Research and, with approval of the cognizant regional Assistant Administrators to A.I.D. Mission Directors. The authorities provided in paragraph 3 may also be redelegated to the Director of the Education and Human Resources Development Service to the extent that the regional Assistant Administrators may be authorized to redelegate such authorities to persons other than their deputies or principal assistants.

The authorities delegated herein shall be exercised in accordance with agency policies, regulations and procedures.

This Delegation of Authority shall be effective immediately.

DAVID E. BELL,
*Administrator.*

OCTOBER 21, 1964.

[F.R. Doc. 64-11103; Filed, Oct. 30, 1964; 8:45 a.m.]

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[T.D. 56293]

[Customs Delegation Order 1, Rev.; Amdt.]

### DEPUTY COMMISSIONER, DIVISION OF COLLECTORS OPERATIONS

#### Delegation of Authority To Make Certain Decisions and Perform Certain Functions

OCTOBER 28, 1964.

By virtue of the authority vested in me by Treasury Department Order No. 165, Revised (T.D. 53654; 19 F.R. 7241), as amended, Customs Delegation Order No. 1 (T.D. 53161; 17 F.R. 11705), as revised by T.D. 53694 (19 F.R. 8756), and amended by T.D. 53914 (20 F.R. 7554), T.D. 54654 (23 F.R. 5962), T.D. 55431 (26 F.R. 6628), T.D. 55543 (27 F.R. 262), T.D. 55823 (28 F.R. 1267), T.D. 55946 (28 F.R. 7611), and T.D. 56262 (29 F.R. 13350), is hereby further amended as follows:

Subdivision (b)(7) of paragraph 1 is amended by deleting "(a)" and substituting in lieu thereof "(b)."

Paragraph 1 is amended by adding the following new subdivision (e) to read as follows:

(e) Deputy Commissioner, Division of Collectors Operations:

(1) Decisions regarding import quotas.

(2) Decisions on requests for permission for scheduled aircraft to land elsewhere than at an international airport of entry.

(3) Decisions regarding changes in hours of service at ports of entry.

This order shall become effective on November 1, 1964.

[SEAL] LESTER D. JOHNSON,
*Acting Commissioner of Customs.*

[F.R. Doc. 64-11119; Filed, Oct. 30, 1964; 8:48 a.m.]

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### Internal Revenue Service

[Order 96]

### ASSISTANT COMMISSIONER (COMPLIANCE) AND ASSISTANT COMMISSIONER (TECHNICAL)

#### Delegation Order Regarding Application of Rulings Without Retroactive Effect

Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7805-1(b):

1. The Assistant Commissioner (Compliance) is hereby authorized to prescribe the extent, if any, to which any ruling issued by or pursuant to authorization from him, relating to the internal revenue laws concerning alcohol, tobacco and firearms taxes other than the manufacturers excise tax on firearms arising from application of sections 4181 and 4182 of the Internal Revenue Code, shall be applied without retroactive effect.

2. The Assistant Commissioner (Technical) is hereby authorized to prescribe the extent, if any, to which any ruling issued by or pursuant to authorization from him, relating to the internal revenue laws concerning taxes other than those covered by delegation to the Assistant Commissioner (Compliance) in paragraph 1, shall be applied without retroactive effect.

3. This authority may not be redelegated.

Issued: October 27, 1964.

Effective date: October 27, 1964.

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner.*

[F.R. Doc. 64-11120; Filed, Oct. 30, 1964; 8:48 a.m.]

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[Order 97]

### ASSISTANT COMMISSIONER (COMPLIANCE) AND ASSISTANT COMMISSIONER (TECHNICAL)

#### Delegation Order Regarding Closing Agreements Concerning Internal Revenue Tax Liability

Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7121-1(a):





1. The Assistant Commissioner (Compliance) is hereby authorized to enter into a written agreement with any person relating to the internal revenue tax liability for alcohol, tobacco and firearms taxes, other than the manufacturers excise tax on firearms arising from application of sections 4181 and 4182 of the Internal Revenue Code, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed.

2. The Assistant Commissioner (Technical) is hereby authorized to enter into a written agreement with any person relating to the internal revenue tax liability, other than for those taxes covered by delegation to the Assistant Commissioner (Compliance) in paragraph 1, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed.

3. The Assistant Commissioner (Compliance) is hereby authorized to enter into a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific issues affecting other taxable periods.

4. This authority may not be redelegated.

Issued: October 27, 1964.

Effective date: October 27, 1964.

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner.*

[F.R. Doc. 64-11121; Filed, Oct. 30, 1964; 8:48 a.m.]

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### Office of the Secretary

[Treasury Department Order 150-63]

### ALBANY AND BUFFALO

#### Realignment of Boundaries of Internal Revenue Districts

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950, Reorganization Plan No. 1 of 1952, section 7621 of the Internal Revenue Code of 1954, as amended, and Executive Order 10289, approved September 17, 1951, made applicable to the Internal Revenue Code of 1954 by Executive Order 10574, approved November 5, 1954: *It is hereby ordered:*

1. *Albany District.* The Internal Revenue District, Albany, shall include the counties of Albany, Clinton, Columbia, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Orange, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie, St. Lawrence, Sullivan, Ulster, Warren, and Washington, within the State of New York.

2. *Buffalo District.* The Internal Revenue District, Buffalo, shall include the counties of Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Cortland, Delaware, Erie, Genessee, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Otsego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming, and Yates, within the State of New York.

3. *Effective date and implementation.* The provisions of sections 1 and 2 of this order shall be effective January 1, 1965. Effective immediately, the Commissioner of Internal Revenue is authorized to effect, at appropriate times and in an orderly manner, such transfers of functions, personnel, positions, equipment, and funds as may be necessary to implement the provisions of this order.

4. Treasury Department Order No. 150-58, dated May 17, 1963, is amended with respect to the boundaries of the Albany and Buffalo Internal Revenue Districts.

Dated: October 23, 1964.

[SEAL] DOUGLAS DILLON,
*Secretary of the Treasury.*

[F.R. Doc. 64-11122; Filed, Oct. 30, 1964; 8:48 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

[Public Announcement 29, Amdt. 4]

### COLUMBIA BASIN PROJECT, WASHINGTON

#### Public Announcement of Sale of Full-Time Farm Units

Public announcement of the sale of farm units in the Quincy-Columbia Basin Irrigation District, Columbia Basin Project, Washington, dated September 15, 1958, published in the FEDERAL REGISTER at 23 F.R. 7550, and subsequently amended, is further amended for Farm Unit 176, Irrigation Block 89, by deleting in its entirety section 16.d. *Residence Requirements.*

The purpose of this amendment is to enable the purchaser, who already has a permanent dwelling on nearby land, to obtain the necessary long-term credit to refinance his sprinkler system.

FLOYD E. DOMINY,
*Commissioner of Reclamation.*

OCTOBER 27, 1964.

[F.R. Doc. 64-11105; Filed, Oct. 30, 1964; 8:45 a.m.]

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[Public Announcement 30, Amdt. 4]

### COLUMBIA BASIN PROJECT, WASHINGTON

#### Public Announcement of Sale of Full-Time Farm Units

Public announcement of the sale of farm units in the South Columbia Basin Irrigation District, Columbia Basin Project, Washington, dated May 19, 1959, published in the FEDERAL REGISTER at 24 F.R. 4664, and subsequently amended, is further amended for Farm Unit 93, Irrigation Block 13, by deleting the second paragraph of section 16d *Residence Requirements* and substituting the following paragraph:

The time for compliance with initiation of residence may be further extended to April 1, 1965, by the Project Manager upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block.

The purpose of this amendment is to relieve undue hardship caused by a recent injury to the purchaser of Farm Unit 93, Irrigation Block 13.

FLOYD E. DOMINY,
*Commissioner of Reclamation.*

OCTOBER 27, 1964.

[F.R. Doc. 64-11106; Filed, Oct. 30, 1964; 8:46 a.m.]

## DEPARTMENT OF COMMERCE

### Bureau of International Commerce

[File No. 24-62]

### YAMIL AMADO HARON KOURI Y PEREZ

#### Order Temporarily Denying Export Privileges

In the matter of Yamil Amado Haron Kouri y Perez, also known as Yamil Kouri, Centro Nacional Cubano De Investigaciones Cientificas, Havana, Cuba, respondent; File No. 24-62.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, United States Department of Commerce, pursuant to the provisions of § 382.11 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commission for an order temporarily denying all export privileges to the above named respondent. It was requested that the order remain in effect for a period of sixty days pending continued investigation into the facts and transactions giving rise to the application and the commencement of such proceedings as may be deemed proper under the law against said respondent.

The Compliance Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report together with his recommendation that the application be granted and that a temporary denial order be issued for sixty days.

The evidence and recommendation of the Compliance Commissioner have been considered. The above named respondent is a resident of Havana, Cuba, and is Director of the Centro Nacional Cubano De Investigaciones Cientificas (Cuban National Center of Scientific Research). On the evidence presented there is substantial basis to believe that the respondent has participated in transactions, in countries other than the United States, for the purchase and procurement of U.S.-origin medical and scientific research equipment and supplies, for reexportation to Cuba, and that said respondent has knowingly caused, counseled, induced, and procured the doing of acts which are prohibited by the Export Control Act and regulations

thereunder. There is also reasonable basis to believe that said respondent will continue such conduct in contravention of the Export Control Act and regulations unless U.S. export privileges are temporarily denied. I find that an order temporarily denying export privileges to the respondent is reasonably necessary for the protection of the public interest and national security.

*Accordingly, it is hereby ordered:*

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent, his successors or assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents and employees and to any successor and to any person, firm, corporation, or business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall take effect forthwith and shall remain in effect for a period of sixty days from the date hereof, unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the United States Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondent.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C. at the earliest convenient date.

This order shall become effective forthwith.

Dated: October 27, 1964.

FORREST D. HOCKERSMITH,
*Director,*
*Office of Export Control.*

[F.R. Doc. 64-11127; Filed, Oct. 30, 1964; 8:49 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

### MAUNA MINING CORP.

### Notice of Filing of Petition Regarding Food Additive Pyrophyllite

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4C1373) has been filed by Mauna Mining Corporation, Box 290-C, Rural Delivery 2, Gardners, Pa., proposing the issuance of a regulation to provide for the safe use of pyrophyllite as an anticaking aid, blending agent, pelleting aid, or carrier in an amount not to exceed 2 percent in complete animal feeds.

Dated: October 27, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-11114; Filed Oct. 30, 1964; 8:47 a.m.]

### MICRO TRACERS, INC.

### Notice of Filing of Petition Regarding Food Additives Graphite-Base Microtracers

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5C1550) has been filed by Micro Tracers, Inc., 554 Fulton Street, San Francisco, Calif., 94102, proposing the issuance of a regulation to provide for the safe use of FD&C color-impregnated graphite in amounts not to exceed 50 parts per million of graphite in complete feeds for the quality control of mixed animal feeds.

Dated: October 26, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-11115; Filed, Oct. 30, 1964; 8:47 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-163]

## GENERAL DYNAMICS CORP.

### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 11, set forth below, to Facility License No. R-67, as amended. The license, as amended, authorizes General Dynamics Corporation to operate its TRIGA Mark F nuclear reactor located at Torrey Pines Mesa, Calif. The amendment authorizes General Dynamics Corporation to use fuel elements containing 7 to 9 weight percent uranium enriched to 20 percent in uranium-235 as described in the licensee's application for license amendment dated July 6, 1964, telegram dated August 5, 1964, and supplemental letter dated September 22, 1964.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(2) The issuance of this amendment will not be inimical to the common defense and security or the health and safety of the public;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice" (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated July 6, 1964, a telegram dated August 5, 1964, and supplemental letter dated September 22, 1964, and (2) the Hazards Analysis prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 22d day of October 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.*

[License No. R-67; Amdt. 11]

License No. R-67, as amended, issued to General Dynamics Corp. is hereby amended in the following respects:

1. Delete from section 4.1 on page 13 of Enclosure 2 of the application dated March 1, 1960, the words "containing 8 wt-percent uranium enriched to 20 percent in $U^{235}$.";

2. Insert new wording to replace the wording deleted as above as follows: "The fuel alloy will contain uranium enriched to 20 percent in U-235, within the range of 7 to 9 weight percent. The average uranium content of the fuel alloy will not exceed 8.5 percent by weight.";

as described in the application for license amendment dated July 6, 1964, telegram dated August 5, 1964, and supplemental letter dated September 22, 1964.

This amendment is effective as of the date of issuance.

Date of issuance: October 22, 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-11099; Filed, Oct. 30, 1964; 8:45 a.m.]

# BUREAU OF THE BUDGET

## REPORT ON THE UTILIZATION OF ADVISORY COMMITTEES

### Notice of Availability

OCTOBER 27, 1964.

In compliance with the provisions of Executive Order No. 11007, dated February 26, 1962, the Bureau of the Budget has prepared a report containing a list of all advisory committees utilized by the Bureau during the fiscal year 1964, including the names and affiliations of their members, a description of the function of each committee, and a statement of the dates of its meetings.

This report is available at the Office of the Administrative Assistant to the Director, Bureau of the Budget, Executive Office Building, Washington, D.C.

WILLIAM D. CAREY,
*Executive Assistant Director.*

[F.R. Doc. 64-11098; Filed, Oct. 30, 1964; 8:45 a.m.]



# CIVIL AERONAUTICS BOARD

[Docket No. 15567; Order E-21449]

## COLUMBIA AND JEFFERSON CITY, MO., AREA AIRLINE SERVICE AIRPORT

### Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of October 1964.

The City of Columbia, Missouri has filed an application seeking amendment of Ozark Air Lines, Inc.'s certificate of public convenience and necessity so as to designate Columbia and Jefferson City, which are now designated as separate points on segments 5 and 6 of Route 107, as a single, hyphenated point. Columbia has also filed a motion for prompt action on its application.

Columbia's application states that the city proposes to construct a new airport midway between the two airports which are 29 air miles apart and which are presently used by Ozark to serve Columbia and Jefferson City. The present airport at Columbia must soon be replaced because of inadequate runway length, lack of adequate clear zones and other safety factors. Columbia is faced with the problem of seeking a new airport site and must decide whether it should select a site to serve the combined area including Jefferson City or one which would fulfill Columbia's needs alone.

Columbia contends that Ozark is reequipping its fleet with larger, more modern aircraft and that a single airport to serve the two cities may prove more economical since Columbia and Jefferson City are served exclusively by Ozark on the same flights.

Columbia has requested prompt action on its application since it has been advised by the FAA that Federal Airport Aid Funds will not be approved for a midway site to serve both cities unless the Board designates Columbia and Jefferson City as a hyphenated point. Columbia states it has been authorized by a two-thirds majority vote of its electors to issue general obligation bonds of the city in the amount of $1,895,000 which together with requested Federal Airport Aid Funds will be used for land acquisition and airport construction.

Ozark has filed an answer in support of Columbia's motion. An answer in opposition to the motion has been filed by the Columbia Close-In Airport Committee, a voluntary organization which allegedly represents a number of local citizens.

In its answer Ozark states that it concurs in the request for a prompt hearing because its own equipment plans and future scheduling plans are contingent upon anticipated airport development. Ozark further points out that the proposed midway site will offer the carrier an opportunity to upgrade the service of Ozark as to quality and quantity of flights while simultaneously decreasing the costs of this operation to the federal government.

The Board has decided to set down Columbia's application for prompt hearing in keeping with our announced policy of giving hearing priority to single airport service consolidations which provide opportunity for economies without substantial adverse effect upon the public convenience and which can be processed with reasonable dispatch.[1] Moreover, the resolution of Columbia's airport problems apparently depends upon whether or not the Board should find that hypenation of Columbia-Jefferson City as a single point with service through a single airport is in the public interest. As noted by Ozark, a need exists for prompt resolution of the airport problem.

For the foregoing reasons the Board believes that a prompt hearing on Columbia's application is in order. As in prior cases involving possible consolidation of airline service at a single area airport we shall explore such matters as airport accessibility; historic traffic experience, as well as frequency of service and direction of traffic flow; airport capabilities; and the cost to all concerned, including the communities, the carrier, and the general public.[2]

*Accordingly, it is ordered:*

1. That an investigation, to be known as the Columbia and Jefferson City, Mo. Area Airline Service Airport Investigation, Docket 15567, be and it hereby is instituted pursuant to sections 204 and 401 of the Act, to determine whether the public convenience and necessity require the alteration, amendment, or modification of the certificate of Ozark Air Lines, Inc. in such a manner as to require that Columbia and Jefferson City, Missouri, be served through a single airport;

2. That a copy of this order be served upon Ozark Air Lines, Inc. and the cities of Columbia and Jefferson City, Missouri, who are made parties to this proceeding;

3. That a copy of this order be served upon the Missouri Division of Commerce and Industrial Development and the Columbia Close-In Airport Committee;

4. That the proceeding ordered herein be promptly assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

[1] CAB Press Release 64-31, March 20, 1964.

[2] North Central Area Airline Service Airport Investigation, Docket 13743, Order E-18533, dated June 29, 1962. See also Eastern North Carolina Area Airline Service Airport Investigation, Docket 13728, Order E-18727, dated August 21, 1962; North Central Airlines, Inc. (Michigan Points), Docket 14288, Order E-19202, dated January 17, 1963.

5. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-11128; Filed, Oct. 30, 1964; 8:49 a.m.]

## MOHAWK AIR LINES, INC.

### Service to Poughkeepsie, N.Y.; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 19, 1964, at 10:00 a.m., e.s.t., in Room 607, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., October 28, 1964.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 64-11129; Filed, Oct. 30, 1964; 8:49 a.m.]

# CIVIL SERVICE COMMISSION

## LIST OF OFFICERS EXCLUDED FROM COVERAGE

### Notice of Amendment of Exclusions From Annual and Sick Leave Act of 1951, as Amended

The list of officers excluded from coverage under the Annual and Sick Leave Act of 1951, as amended, under authority of section 202(c)(1)(C) of that Act is amended by adding the position of U.S. Commissioner, New York World's Fair, to the exclusions under the Department of Commerce. Effective October 20, 1964, the list is amended as set forth below:

DEPARTMENT OF COMMERCE

1. U.S. Commissioner, New York World's Fair.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
*Director,*
*Bureau of Management Services.*

[F.R. Doc. 64-11126; Filed, Oct. 30, 1964; 8:49 a.m.]

# FEDERAL MARITIME COMMISSION

## UNITED STATES LINES CO., AND MANZ LINES JOINT SERVICE

### Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of Agreement filed for approval by:

Elmer C. Maddy, Esq.
Kirlin, Campbell & Keating
One Twenty Broadway
New York, N.Y., 10005

Agreement No. 9392 between United States Lines Company and Manz Line Joint service (operating under Agreement No. 7814), provides for the institution of a joint cargo service in the trade from Australia (including Tasmania) to ports on the East and Gulf Coasts of the United States.

Dated: October 27, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64-11107; Filed, Oct. 30, 1964; 8:46 a.m.]

# INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

## COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN BRAZIL

### Prohibition of Entry or Withdrawal From Warehouse

OCTOBER 27, 1964.

On October 27, 1964, the United States Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6 relating to non-participants, informed the Government of Brazil that pending the conclusion of discussions on Brazil's exports of cotton textiles to the United States, it was renewing for an additional twelve month period beginning October 28, 1964, and extending through October 27, 1965, the restraint on imports to the United States of cotton textiles in Category 9, produced or manufactured in Brazil.

There is published below a letter of October 23, 1964, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, prohibiting, effective October 28, 1964, for the twelve month period extending through October 27, 1965, the entry or withdrawal from warehouse for consumption in the United States of cotton textile products in Category 9 produced or manufactured in Brazil, in excess of 525,000 square yards.

JAMES S. LOVE, Jr.,
*Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.*

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

*Washington 25, D.C.*
OCTOBER 23, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
*Washington, D.C.*

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6 relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective October 28, 1964, and for the twelve month period extending through October 27, 1965, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textile products in Category 9, produced or manufactured in Brazil in excess of the following level of restraint:

| Category: | *12-month level of restraint* |
|---|---|
| 9 | 525,000 sq. yds. |

Entries of cotton textile products in Category 9, produced or manufactured in Brazil, which have been exported to the United States from Brazil, prior to October 28, 1964, shall be subject to this directive since the level for the period October 28, 1963, through October 27, 1964, has been exhausted by previous entries.

A detailed description of Category 9 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Brazil and with respect to imports of cotton textile products from Brazil have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. D. MARTIN, Jr.,
*Acting Secretary of Commerce, and Acting Chairman, President's Cabinet Textile Advisory Committee.*

[F.R. Doc. 64-11118; Filed, Oct. 30, 1964; 8:48 a.m.]



# SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1679]

## STERLING PRECISION CORP., AND DESIGNATRONICS, INC.

### Notice of Filing of Application for Order Exempting Proposed Transactions

OCTOBER 27, 1964.

Notice is hereby given that Sterling Precision Corporation ("Sterling") 103 Park Avenue, New York, N.Y., a company controlled by The Equity Corporation ("Equity"), a registered closed-end, non-diversified investment company and Designatronics, Inc. ("Designatronics") 76 East 2d Street, Mineola, Long Island, N.Y., a company controlled by Sterling, have filed a joint application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the proposed purchase by Designatronics from Sterling of (a) certain real property for the sum of $103,500 in cash and (b) 115,937 shares of 4 percent Cumulative Preferred Stock, $10.00 par value, of Designatronics for $150,000 in cash and $775,000 principal amount of Designatronics Series 1979 Debenture Bonds, and the assignment by Sterling to Designatronics of any interest of Sterling in certain U.S. patents related to assets sold to Designatronics by Sterling in 1961. All interested persons are referred to the application, which is on file with the Commission, for a full statement of the applicants' representations which are summarized below.

Equity owns in the aggregate approximately 11.8 percent of the outstanding voting securities of Sterling. Upon conversion into common stock of all debentures and preferred stock of Sterling owned by Equity, Equity would own approximately 29.75 percent of the then outstanding stock. For purposes of the application Sterling is deemed to be controlled by Equity. Sterling is in turn the owner of approximately 30 percent of the outstanding voting securities of Designatronics.

Sterling is primarily engaged in the manufacture of fire trucks and related apparatus and its stock is listed on the American Stock Exchange. Designatronics is principally engaged in the manufacture and sale of precision electro-mechanical products and its stock is traded over-the-counter. At August 31, 1964, Designatronics had outstanding $185,125 principal amount of 6 percent Convertible Debentures, due December 1, 1975, 115,937 shares of Preferred Stock (all of which are owned by Sterling) and 280,000 shares of Common Stock (none of which are owned by Sterling). The shares of Preferred Stock and Common Stock of Designatronics are entitled to one vote each on all matters.

Sterling proposes to sell and Designatronics proposes to purchase from Sterling all of the Designatronics Preferred in return for the payment to Sterling by Designatronics of $150,000 in cash and the issuance to Sterling by Designatronics of $775,000 principal amount of Series 1979 Debenture Bonds of Designatronics. Such debentures mature in semi-annual installments from October 1964 through April 1979 and bear interest at the rate of 4¾ percent through March 31, 1969, and at the rate of 6 percent thereafter until maturity. Sterling also proposes to sell and Designatronics proposes to purchase from Sterling certain real property located at 17 Matinecock Avenue, Port Washington, N.Y., for the sum of $103,500 in cash.

The Designatronics Preferred was acquired by Sterling in 1961 in connection with the sale by Sterling to Designatronics of assets of Sterling's instrument division. In connection with such transaction, Designatronics also leased from Sterling for a five-year term the premises at 17 Matinecock Avenue, Port Washington, New York at an annual rental of $18,750. There is now pending in New York an action involving claims by Designatronics against Sterling arising out of the aforementioned acquisition in 1961 by Designatronics of assets of Sterling. Another action is pending in the same court involving a voting agreement entered into between Sterling and certain stockholders of Designatronics. There is also pending in that court an action in which the plaintiff, Wilco Equipment Corporation ("Wilco"), seeks specific performance of an alleged contract between plaintiff and Designatronics, as agent for Sterling, for the sale of the above-mentioned real property for $106,000 and in which Designatronics has asserted certain cross-claims against Sterling.

For the purpose of settling such litigation and various claims against each other, Sterling and Designatronics have entered into a settlement agreement dated February 27, 1964, which provides, in substance, for the exchange of general releases, cancellation of the lease, an undertaking by Designatronics to attempt to settle the suit brought by Wilco, the assignment by Sterling to Designatronics of any interest of Sterling in certain U.S. patents related to the assets sold to Designatronics, the purchase of the real property by Designatronics and the purchase and cancellation by Designatronics of the Designatronics Preferred Stock.

The consideration to be received by Sterling upon the sale of the Designatronics Preferred Stock ($925,000) represents $234,000 less than the liquidating claim of such stock. The book value of the stock, however, is $909,368. The basis of the determination by the Boards of Directors of Sterling and Designatronics that the selling price of the real property ($103,500) is the fair value thereof is that such price is related to the present carrying value of the property on the books of Sterling ($108,863) and is approximately the price proposed to be paid for the property by Wilco, an independent party. Sterling and Designatronics also place a value of approximately $56,000 on the cancellation of the lease between Sterling and Designatronics.

Sterling and Designatronics represent that the proposed transactions are reasonable and fair, that they are the result of arm's length negotiation and that they will not adversely affect the interest of any security holder of either Sterling or Designatronics.

Section 17(a) of the Act, insofar as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to, or purchasing from, such registered company or any company controlled by such company securities or property, unless the Commission upon application pursuant to section 17(b), grants an exemption from section 17(a) upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than November 13, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-11101; Filed, Oct. 30, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 1070]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 28, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations

prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66950. By order of October 21, 1964, the Transfer Board approved the transfer to Stefan P. Ponek and Elizabeth M. Ponek, a partnership, doing business as Ponek Movers, Bellows Falls, Vt., of the operating rights in Certificates Nos. MC 81957 and MC 81957 Sub 2, issued May 27, 1953 and May 24, 1960, respectively, to Albert D. Bushey, doing business as Rugg's Express, Bellows Falls, Vt., authorizing the transportation, over irregular routes, of: Household goods, as defined by the Commission, between Keene, N.H., and points in Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey, in a radial movement. Andre J. Barbeau, 795 Elm Street, Manchester, N.H., attorney for applicants.

No. MC–FC 66970. By order of October 21, 1964, the Transfer Board approved the transfer to Lloyd H. Bowser and Harold R. Bowser, a partnership, doing business as Bowser and Campbell, Knox, Pa., of the operating rights in Permit No. MC 1218, issued May 19, 1949, to Lloyd H. Bowser and Stella Campbell, a partnership, doing business as Bowser and Campbell, Knox, Pa., authorizing the transportation, over irregular routes, of: Glass containers and empty packing cartons, from specified points in Pennsylvania to points in described portions of Ohio, West Virginia, and New York, and empty cartons, on return. Wilhelmina Boersma, 2850, Penobscot Building, Detroit, Mich., 48226, attorney for applicants.

No. MC–FC 66975. By order of October 21, 1964, the Transfer Board approved the transfer to Frank J. Lewis and Samuel Braunstein, a partnership, doing business as Meehan Express, Schenectady, N.Y., of the operating rights in Certificate No. MC 121099 Sub 2, issued June 19, 1964, and the operating rights evidenced by the Certificate of Registration No. MC 121099 Sub 1, issued November 15, 1963, both in the name of Frank J. Lewis, doing business as Meehan Express, Schenectady, N.Y., and authorizing the transportation of general commodities, with certain exceptions, over regular routes, serving intermediate points, between Scotia, N.Y., and Troy and Rensselaer, N.Y., including service to those named points. John J. Brady, Jr., 75 State Street, Albany, N.Y., attorney for applicants.

No. MC–FC 67057. By order of October 21, 1964, the Transfer Board approved the transfer to Merle R. Ferwerda and Luetta L. Ferwerda, a partnership, doing business as Springfield-Sioux Falls Bus Line, Springfield, S. Dak., of the operating rights claimed in No. MC 99476 Sub 1, under the "grandfather" clause of Section 206(a)(7)(B), Interstate Commerce Act by Harold E. Halsey and Wilma L. Halsey, a partnership, doing business as Springfield-Sioux Falls Bus Line, Springfield, S. Dak., pursuant to proceedings in No. MC–FC 65905, corresponding to the grant of intrastate authority issued by the Public Service Commission of South Dakota, in No. 521, covering the transportation of: Passengers, baggage, and light express, between Springfield and Sioux Falls, S. Dak., over specified regular routes, serving named intermediate points, and conducting charter operations between the points authorized, solely within the State of South Dakota. Elmer E. Gemar, Springfield, S. Dak., attorney for applicants.

No. MC–FC 67059. By order of October 21, 1964, the Transfer Board approved the transfer to Frank Champer, Malden, Mass., of the operating rights in Permits Nos. MC 94548, MC 94548 Sub 1, and MC 94548 Sub 2, issued May 1, 1941, May 11, 1940, and August 31, 1949, in the name of Peter D'Ambrosio, doing business as, D'Ambrosio Transportation Company, Revere, Mass., authorizing the transportation, over irregular routes, of: New furniture, from Everett, Somerville, and Melrose, Mass., as well as radial movement, between certain points, to points within 200 miles of said points, in Maine, New Hampshire, Connecticut, and Rhode Island, and to all points in New York and Vermont. Francis J. Peralta, Jr., 7 Willow Street, Lynn, Mass., attorney for applicants.

No. MC–FC 67086. By order of October 20, 1964, the Transfer Board approved the transfer to Clifford Jerde, Inc., DeKalb, Ill., of Certificate of Registration No. MC 120535 Sub 1, issued November 6, 1963, to Clifford Jerde, DeKalb, Ill., authorizing the transportation of: Farm products, coal, limestone, sand, gravel, household goods, livestock and commodities general within a fifty (50) mile radius of 620 Prospect Street, DeKalb, Ill., and to transport such property to or from any point outside of such authorized area of operation for a shipper or shippers within such area. James F. Flanagan, 111 West Washington Street, Chicago, Ill., 60602, attorney for applicants.

No. MC–FC 67163. By order of October 22, 1964, the Transfer Board approved the transfer to D. Q. Wise & Co., Inc., Pawhuska, Okla., of Certificate in No. MC 42011, issued May 27, 1948, to D. Q. Wise, doing business as D. Q. Wise & Co., Pawhuska, Okla., authorizing the transportation of: Farm machinery and feed in truckload lots, from Kansas City, Mo., and Kansas City, Kans., to points in Oklahoma as specified; binder twine in truckload lots, from Moline, Kans., to points in Oklahoma as specified; oil, water, and gas-well outfits and supplies, from points in Oklahoma, to points in Kansas and Texas, clay products other than pottery, from Tulsa and Cleveland, Okla., to points in Arkansas as specified; and from Malvern and Perla, Ark., to points in Oklahoma as specified; brick, tile and clay pipe in truckload lots, between points in Oklahoma, Arkansas, Kansas, and those in Missouri and Texas as specified; heavy machinery and parts thereof in truckload lots, from Chicago, Ill., Milwaukee, Wis., Indianapolis and Evansville, Ind., to points in Oklahoma, and between points in Oklahoma on the one hand, and, on the other, points in Arkansas and Kansas and those in Missouri and Texas as specified; building material in truckload lots, between Malvern and Perla, Ark., and points in Arkansas, Oklahoma and Kansas as specified; livestock in truckload lots, between specified points in Oklahoma on the one hand, and, on the other, Kansas City, Kans., Kansas City, Mo., and points in Kansas as specified; machinery, materials, equipment, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including stringing and picking up thereof as excepted, between points in Kansas, Oklahoma, and Texas, and between points in Arkansas, on the one hand, and, on the other, points in Kansas and Oklahoma; and buildings, setup, and furnished, including component parts thereof when shipped therewith, from Wichita, Kans., to points in Arizona, Arkansas, Colorado, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wyoming. Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla., 73102, attorney for applicants.

No. MC–FC 67175. By order of October 22, 1964, the Transfer Board approved the transfer to Sunnyland Stages, Inc., Springfield, Mo., of Certificates in Nos. MC 52479 and MC 52479 Sub 1, issued June 21, 1950 and June 15, 1939, respectively, to Ford Barnes, doing business as Sunnyland Stages, Springfield, Mo., authorizing the transportation of: Passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, between Springfield, Mo., and Harrison, Ark., serving intermediate points; and during the season extending from the 15th of May to the 30th of September, inclusive, between junction U.S. Highway 65 and Missouri Highway 76 and Branson, Mo., serving all intermediate points and the off-route point of Rockaway Beach, Mo. Louis W. Cowan, 221 Woodruff Building, Springfield, Mo., attorney for applicants.

No. MC–FC 67233. By order of October 21, 1964, the Transfer Board approved the transfer to Joe Traynor, doing business as Joe Traynor Trucking, Plum City, Wis., of Certificates Nos. MC 51021 and MC 51021 Sub 2, issued April 23, 1956 and January 16, 1961, respectively, to Charles Taylor, Plum City, Wis., authorizing the transportation, over irregular routes, of livestock and agricultural commodities, from points in El Paso, Union, Salem, Rock Elm, and Maiden Rock in Pierce County, Wis., to South St. Paul and Red Wing, Minn.; general commodities, excluding household goods and commodities in bulk, from South St. Paul, St. Paul, Minneapolis, Hastings, Red Wing, Four Corners, New Brighton, and Hopkins, Minn., to points in Wisconsin specified above, not including the incorporated villages of Plum City and Maiden Rock, Wis.; feed, between Ellsworth, Wis., on the one hand, and, on the other, South St. Paul, St. Paul, Minneapolis, Hastings, Red Wing, Four Corners, New Brighton, and Hopkins, Minn.; household goods and emigrant movables, between South St. Paul, St. Paul, Minneapolis, Hastings, Red Wing, Four Corners, New Brighton, and Hopkins, Minn., on the one hand, and, on the other, points in El Paso, Union, Salem, Rock Elm, and Maiden Rock, in Pierce County, Wis.; threshing machinery and farm machinery, from Des Moines, Iowa, to points in Goodhue County, Minn., and those in Pierce, St. Croix, Pepin, Buffalo, and Dunn Counties, Wis.; and household goods, emigrant movables, and general commodities, excluding commodities in bulk, between points in Maiden Rock, Salem, Rock Elm, and Union in Pierce County, Wis., and those in Waterville, Pepin County, Wis., on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul, Newport, Red Wing, and Lake City, Minn. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., representative for applicants.

No. MC–FC 67274. By order of October 21, 1964, the Transfer Board approved the transfer to William T. Geipe Moving & Storage Co., Inc., 1700 Aiken Street, Baltimore, Md., of the operating rights issued by the Commission June 19, 1961, under Certificate No. MC 1813, to William T. Geipe, doing business as William T. Geipe Moving & Storage Company, Baltimore, Md., authorizing the transportation, over irregular routes, of household goods, between Baltimore, Md., and points within 6 miles of Baltimore, on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64–11117; Filed, Oct. 30, 1964; 8:48 a.m.]

## Bureau of Finance

[Notice No. 2]

### FINANCE APPLICATIONS

OCTOBER 28, 1964.

The following publications are governed by the Interstate Commerce Commission's General Requirements governing notice of filing of applications under sections 5(2), 20a except (12), 20b and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126) and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight savings time, if that time is observed), unless otherwise specified.

F.D. No. 23339—By application filed October 20, 1964, Southern Railway Company, Post Office Box 1808, Washington, D.C., 20013, seeks authority under Section 20a to assume obligation and liability in respect of $2,730,000 principal amount of Southern Railway Equipment Trust No. 2 of 1964 Certificates. Applicant is authorized to operate in the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Illinois, and Indiana. Applicant's attorney: Seddon G. Boxley, general solicitor, Southern Railway Company, Post Office Box 1808, Washington, D.C., 20013. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23340—By application filed October 20, 1964, Central Freight Lines, Inc., 303 South 12th Street, Waco, Tex., seeks authority under section 214 of the Act to issue a long term note in a total amount not to exceed $263,000, bearing interest at the rate of 5¼ percent per annum. Applicant is authorized to operate within the State of Texas. Applicant's attorneys: W. W. Callan, Jr., vice president, Central Freight Lines, Inc., Post Office Box 238, Waco, Tex. and Roland Rice, Rice, Carpenter and Carraway, Suite 618 Perpetual Building, 1111 E Street NW., Washington, D.C., 20004. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23341—By application filed October 20, 1964, Central Freight Lines, Inc., 303 South 12th Street, Waco, Tex., seeks authority under section 214 of the Act to issue a long term note in a total amount not exceeding $775,000, bearing interest at the rate of 5.32258 percent per annum. Applicant is authorized to operate within the State of Texas. Applicant's attorneys: W. W. Callan, Jr., vice president, Central Freight Lines, Inc., Post Office Box 238, Waco, Tex. and Roland Rice, Rice, Carpenter and Carraway, Suite 618 Perpetual Building, 1111 E Street NW., Washington, D.C., 20004. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23346—By application filed October 16, 1964, St. Louis Southwestern Railway Company and St. Louis Southwestern Railway Company of Texas, seeks approval under section 5(2) of the Act (1) of a proposed agreement with Southern Pacific Company by which applicants would acquire the right to use Southern Pacific Company's lines for through operation of main-line trains between Plano and Dallas, Tex., including the terminal incidental thereto known as Miller Yard, as well as tracks owned by Missouri-Kansas-Texas Railroad Company over which Southern Pacific Company has trackage rights and the right to admit applicants as its tenant, and (2) approval of operation of main-line trains by St. Louis Southwestern Railway Company over 283 feet of a connecting track built and maintained at its expense, but owned by and situated on property of Missouri-Kansas-Texas Railroad Company. (St. Louis Southwestern Railway Company presently uses Miller Yard for switching purposes only, under a joint switching agreement with Southern Pacific Company, and also uses the connecting track of Missouri-Kansas-Texas Railroad Company for switching purposes only under a contract dated May 1, 1963, which, by its terms, allows use by main-line trains also.) Applicant's attorney: Clyde W. Fiddes, general counsel, St. Louis Southwestern Railway Company, 1517 West Front Street, Tyler, Tex. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23353—By application filed October 20, 1964 Harris County Houston Ship Channel Navigation District, seeks authority to purchase all the capital stock of Northside Belt Railway Company, being 1,000 shares of common stock, par value of $100 per share, for a cash consideration of $350,000. Applicant's attorneys: J. L. Lockett, Jr., Navigation District Counsel, Post Office Box 2562, Houston, Tex., 77001 and Tom M. Davis, Special Counsel for Navigation District, 1600 Esperson Building, Houston, Tex., 77002. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23354—By application filed October 26, 1964, Jones Motor Co., Inc., Spring City, Pa., seeks authority to issue 25,942 shares of common stock with par value of $2.00 per share as a 5 percent dividend on the outstanding common stock of the company to stockholders of record, November 30, 1964. Applicant operates in the States of Pennsylvania, New York, New Jersey, Connecticut, West Virginia, Virginia, North Carolina, Tennessee, Rhode Island, Massachusetts, Maryland, Ohio, Michigan, Indiana, Illinois, and in the District of Columbia. Applicant's attorneys: Harry A. Hershey, senior vice president, Jones Motor Co., Inc., Spring City, Pa. and Roland Rice, Rice, Carpernter and Carraway, Suite 618 Perpetual Building, 1111 E Street NW., Washington, D.C., 20004. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64–11155; Filed, Oct. 30, 1964; 8:50 a.m.]

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THE UNIVERSITY
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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
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1934

# FEDERAL REGISTER

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## NOVEMBER 1964

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## THE FEDERAL REGISTER INDEX

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Entries in the Index are carried primarily under the names of the issuing agencies, with the most significant entries additionally carried in appropriate alphabetical position.

A cumulative codification guide, keyed to the *Code of Federal Regulations*, is also published monthly. The guide lists titles, parts, and sections, and indicates the nature of changes effected by *Federal Register* documents published to date in the calendar year. Proposed rules are listed at the end of pertinent titles.




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U.S. GOVERNMENT PRINTING OFFICE:0—1964

THE UNIVERSITY OF MICHIGAN

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OF MICHIGAN
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REFERENCE ROOM

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

# FEDERAL REGISTER

VOLUME 29 NUMBERS 1–232

# CODIFICATION GUIDE

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## JANUARY–NOVEMBER 1964

86-000—64——1

## THE CODIFICATION GUIDE

**The Codification Guide is published monthly on a cumulative basis. It lists titles, parts, and sections of the Code of *Federal Regulations* amended or otherwise affected by documents published in the *Federal Register* since January 1, 1964. Entries indicate the nature of changes effected. Proposed rules are listed at the end of appropriate titles.**

**Daily guides listing parts affected are carried following the Contents of each issue of the *Federal Register*, and within-the-month cumulations appear at the end of each issue.**

**A subject Index to the daily *Federal Register* is published separately, covering the contents of the *Federal Register* as follows: Monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.**



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## 32 CFR—Continued

Chapter V—Continued


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**32 CFR—Continued** Page

Chapter V—Continued
518.7
Added 5667
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Revised 3131
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36-000—64——15

U.S. GOVERNMENT PRINTING OFFICE: 1964

J
.12

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Washington, Tuesday, November 3, 1964

NOV 4 1964

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**FEDERAL REGISTER**
Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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| | 1943-1948 Compilation | 7.00 |
| | 1949-1953 Compilation | 7.00 |
| | 1954-1958 Compilation | 4.00 |
| | 1959 Supp. | .60 |
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| | 1961 Supp. | .60 |
| | 1962 Supp. | 1.75 |
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| | Supp. (Jan. 1, 1964) | .50 |
| 25 | (Rev. Jan. 1, 1958) | 4.50 |
| | Supp. (Jan. 1, 1964) | .60 |
| 26 | Parts: | |
| | 1 (§§ 1.0-1—1.400; Rev. Jan. 1, 1961) | 5.50 |
| | Supp. (Jan. 1, 1964) | .65 |
| | 1 (§§ 1.401—1.860; Rev. Jan. 1, 1961) | 5.50 |
| | Supp. (Jan. 1, 1964) | 1.00 |
| | 1 (§§ 1.861-end) to 19 (Rev. Jan. 1, 1961) | 5.00 |
| | Supp. (Jan. 1, 1964) | .75 |
| | 20-29 (Rev. Jan. 1, 1961) | 4.25 |
| | Supp. (Jan. 1, 1964) | .40 |
| 27 | | 3.00 |
| | Supp. (Jan. 1, 1964) | .30 |
| 28 | (Rev. Jan. 1, 1964) | .50 |
| 29 | (Rev. Jan. 1, 1964) | 2.50 |
| 30-31 | (Rev. Jan. 1, 1959) | 3.50 |
| | Supp. (Jan. 1, 1964) | 1.25 |
| 32 | Parts: | |
| | 1-39 (Rev. Jan. 1, 1961) | 5.50 |
| | Supp. (Jan. 1, 1964) | 1.25 |
| | 40-399 (Rev. Jan. 1, 1961) | 4.00 |
| | Supp. (Jan. 1, 1964) | .60 |
| | 400-589 (Rev. Jan. 1, 1962) | 3.50 |
| | Supp. (Jan. 1, 1964) | .45 |
| | 590-699 (Rev. Jan. 1, 1962) | 4.25 |
| | Supp. (Jan. 1, 1964) | .70 |
| | 700-799 (Rev. Jan. 1, 1962) | 5.00 |
| | Supp. (Jan. 1, 1964) | .55 |
| | 800-999 (Rev. Jan. 1, 1960) | 3.75 |
| | Supp. (Jan. 1, 1964) | .70 |
| | 1000-1099 (Rev. Jan. 1, 1964) | 1.75 |
| | 1100-end (Rev. Jan. 1, 1962) | 4.50 |
| | Supp. (Jan. 1, 1964) | .60 |
| 32A | (Rev. Jan. 1, 1958) | 5.00 |
| | Supp. (Jan. 1, 1964) | .70 |
| 33-34 | (Rev. Jan. 1, 1962) | 8.25 |
| | Supp. (Jan. 1, 1964) | .60 |
| 35 | (Rev. Jan. 1, 1960) | 3.50 |
| | Supp. (Jan. 1, 1964) | .35 |
| 36 | (Rev. Jan. 1, 1960) | 3.00 |
| | Supp. (Jan. 1, 1964) | .50 |
| 37 | (Rev. Jan. 1, 1960) | 3.50 |
| | Supp. (Jan. 1, 1964) | .35 |
| 38 | (Rev. Jan. 1, 1964) | 2.25 |
| 39 | (Rev. Jan. 1, 1962) | 3.25 |
| | Supp. (Jan. 1, 1964) | 1.00 |
| 40 | Reserved | |
| 41 | Parts: | |
| | 1-1—1-17 (Rev. Jan. 1, 1964) | 1.25 |
| | 2-1—end (Rev. Jan. 1, 1964) | 2.25 |
| 42 | (Rev. Jan. 1, 1960) | 4.00 |
| | Supp. (Jan. 1, 1964) | .60 |
| 43 | (Rev. Jan. 1, 1964) | 2.50 |
| | Spec. Supp. (Apr. 1, 1964) | 2.25 |
| 44 | (Rev. Jan. 1, 1960) | 3.25 |
| | Supp. (Jan. 1, 1964) | .50 |
| 45 | (Rev. Jan. 1, 1960) | 3.75 |
| | Supp. (Jan. 1, 1964) | .65 |
| 46 | Parts: | |
| | 1-145 (Rev. Jan. 1, 1963) | 3.00 |
| | Supp. (Jan. 1, 1964) | .45 |
| | 146-149 (Rev. Jan. 1, 1964) | 2.50 |
| | Supp. (July 1, 1964) | .75 |
| | 150-end (Rev. Jan. 1, 1958) | 6.25 |
| | Supp. (Jan. 1, 1964) | 1.50 |
| 47 | Parts: | |
| | 0-19 (Rev. Jan. 1, 1964) | 1.00 |
| | 20-69 (Rev. Jan. 1, 1964) | 1.50 |
| | 70-79 (Rev. Jan. 1, 1964) | 1.00 |
| | 80-end (Rev. Jan. 1, 1964) | 1.50 |
| 48 | (New Jan. 1, 1964) | .45 |
| 49 | Parts: | |
| | 0-70 (Rev. Jan. 1, 1963) | 5.25 |
| | Supp. (Jan. 1, 1964) | .40 |
| | 71-90 (Rev. Jan. 1, 1964) | 2.50 |
| | 91-164 (Rev. Jan. 1, 1958) | 5.00 |
| | Supp. (Jan. 1, 1964) | .60 |
| | 165-end (Rev. Jan. 1, 1964) | 6.25 |
| 50 | (Rev. Jan. 1, 1961) | 3.75 |
| | Supp. (Jan. 1, 1964) | .50 |
| General Index | (Rev. Jan. 1, 1964) | .65 |

## Title 7—AGRICULTURE

### Chapter IV—Federal Crop Insurance Corporation

[Amdt. 72]

### PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

DRY BEANS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1965 crop year in the following respects:

Section 3 of the Dry Bean Endorsement shown in § 401.18 of this chapter is amended effective beginning with the 1965 crop year to read as follows:

**§ 401.18 The dry bean endorsement.**

* * * * * * *

3. *Pound guarantee, and price per pound.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract the pound guarantee, and the price at which indemnities shall be computed for dry edible beans shall be those established by the Corporation and shown on the county actuarial table. The price per pound for computing indemnities for bush varieties of garden seed beans shall be the applicable contract price per pound provided in the contract of, or for, sale between the insured and a seed company provided in section 2 of this endorsement as a requirement for insurance on bush varieties of garden seed beans.

(b) The pound guarantee per acre shown on the county actuarial table shall be increased by one hundred pounds for any acreage on which the amount threshed is one hundred or more pounds per acre.

At the time the application for insurance is made the applicant shall elect a price per pound at which indemnities for dry edible beans shall be computed from among those shown on the county actuarial table. If any applicant, or insured, fails to make an election or elects a price per pound for dry edible beans not shown on the county actuarial table, the price per pound election which shall be in effect shall be the amount provided on the county actuarial table for such purposes. As to any succeeding crop year, any insured may change the price per pound, for computing indemnities for dry edible beans, which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election before contracts are terminated for indebtedness for the crop year for which the election is to become effective. If no such change is made, the price per pound at which indemnities for dry edible beans shall be computed shall be the price most recently in force under the contract but for any crop year shall not exceed the maximum price per pound as shown on the county actuarial table.

* * * * * *

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on October 23, 1964.

[SEAL] EARLL H. NIKKEL,
*Secretary,*
*Federal Crop Insurance Corporation.*

Approved: October 29, 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64-11164; Filed, Nov. 2, 1964; 8:47 a.m.]

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Cotton Loan Program Regs., Amdt. 5]

## PART 1427—COTTON

### Subpart—Cotton Loan Program Regulations

The regulations issued by Commodity Credit Corporation, published in 28 F.R. 5712, 28 F.R. 12794, 29 F.R. 11145, 29 F.R. 12422, and 29 F.R. 12957 as the 1964-Crop Cotton Loan Program Regulations, are hereby amended as follows:

Paragraph (b)(4) of § 1427.1375 is amended to read as follows:

**§ 1427.1375 Cotton cooperative marketing associations.**

* * * * *

(b) *Articles of incorporation or bylaw provisions.* * * *

(4) Nominations for election of officers may be made by secret balloting or by nominating committee. Nominations for election of directors may be made by secret balloting, nominating committee or by petition of members. In any event, nominations must also be permitted (i) by any director at the meeting for election of officers and (ii) by any member from the floor at the meeting for the election of directors. Voting for election of officers and directors must be by secret ballot when there are more than one nominee for a position to be filled or more nominees than there are vacancies to be filled, as applicable.

* * * * *

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421)

*Effective date.* This amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 29, 1964.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 64-11196; Filed, Nov. 2, 1964; 8:50 a.m.]

# Title 12—BANKS AND BANKING

## Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. K]

## PART 211—CORPORATIONS ENGAGED IN FOREIGN BANKING AND FINANCING UNDER THE FEDERAL RESERVE ACT

### Transactions in Federal Funds

**§ 211.101 Transactions to adjust reserve balance maintained by Corporation with Federal Reserve Bank.**

(a) Question has been raised as to whether Corporations operating under the provisions of this part that must maintain reserves against deposits as specified in paragraph (c) of § 211.7 may properly engage in Federal Funds transactions.

(b) The Board has concluded that it is permissible for such a Corporation to purchase or sell Federal Funds where such activities are merely used to adjust its reserve balance maintained with the Federal Reserve Bank, and not as a regular means of investing its funds.

(c) For the purposes of this part and reports of condition, Federal Funds Sold by the reporting Corporation shall be included in loans subject to the limitations and restrictions in paragraph (b) of § 211.9 and Federal Funds Bought shall be treated as liabilities for borrowed money.

(12 U.S.C. 248(i), 615. Interprets or applies 12 U.S.C. 615, 616)

Dated at Washington, D.C., this 26th day of October 1964.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 64-11136; Filed, Nov. 2, 1964; 8:45 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter II—Agricultural Marketing Service (Packers and Stockyards Division), Department of Agriculture

## PART 201—REGULATIONS UNDER PACKERS AND STOCKYARDS ACT

### Furnishing of Information Regarding Sales

On September 9, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12735) regarding the amendment of § 201.52 of the regulations (9 CFR 201.52) under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.). Interested persons were given an opportunity to submit written data, views, and arguments with respect to the proposed amendment. After consideration of all relevant matter submitted by interested persons, § 201.52, Part 201, Chapter II, Title 9 of the Code of Federal Regulations, is hereby amended as follows:

**§ 201.52 Information as to sales on commission or agency basis not to be furnished to unauthorized parties.**

No market agency or licensee, in connection with the sale of livestock or live poultry on a commission or agency basis, shall give to any person, except a person authorized by the Deputy Administrator to obtain such information or a person who has a financial interest in the consignment or a statement in writing from the owner thereof authorizing the market agency or licensee to furnish such information, any copy of an account of sale or other paper or information which will reveal to such person information relating to the price at which livestock or live poultry was sold or the amount of the net proceeds thereof remitted to the owner or consignor: *Provided, however,* That this shall not prevent a market agency or licensee from furnishing to a trucker, hauling livestock or live poultry for hire, information as to the weight of such livestock or live poultry in order that the trucker may have the necessary facts on which to base his hauling charges: *And provided further,* That this shall not prevent a market agency or licensee from giving to recognized market news reporting services such information as may be necessary to enable such reporting services to furnish the public with market news data: *And provided further,* That this shall not prevent a market agency or licensee from giving to any agency of the Government (Federal, State, or local) such information or records as are described herein.

The amendment to § 201.52 involves the addition of the last proviso. The purpose of such amendment is to make it clear that the regulation does not prohibit a market agency or licensee from furnishing to any agency of the Government (Federal, State, or local), information or records which will reveal the price at which livestock or live poultry was sold or the amount of the net proceeds thereof remitted to the owner or consignor.

This amendment shall become effective December 7, 1964.

(Sec. 407(a); 42 Stat. 169, 72 Stat. 1750; 7 U.S.C. 228(a))

Done at Washington, D.C., this 29th day of October 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64-11198; Filed, Nov. 2, 1964; 8:50 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Docket No. 1893; Amdts. 40-49, 41-14, 42-13]

## PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

## PART 41—CERTIFICATION AND OPERATION RULES FOR CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN OVERSEAS AND FOREIGN AIR TRANSPORTATION AND AIR TRANSPORTATION WITHIN HAWAII AND ALASKA

## PART 42—AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, COMMERCIAL OPERATORS USING LARGE AIRCRAFT, AND CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES

### Emergency Equipment for Overwater Operations; Postponement of Effective Date

On April 30, 1964, the Agency adopted amendments 40-44, 41-9, 42-8 (29 F.R. 5941; May 6, 1964), requiring each air carrier or commercial operator subject to Parts 40, 41, and 42 to install, by November 2, 1964, approved survivor locator lights on each required life preserver and life raft. The purpose of this amendment is to postpone the effective date of amendments 40-44, 41-9, and 42-8, until January 4, 1965.

At the time that amendments 40-44, 41-9, and 42-8 were adopted, the Agency felt that 180 days from the time of publication of the amendments in the FEDERAL REGISTER would be adequate to allow for the approval, procurement, and installation of the prescribed lights for all operators.

However, subsequent to the adoption of the subject amendments, some difficulty was encountered in procuring lights that could be approved as well as in adapting the available lights to the operational needs of individual air carriers and commercial operators. Therefore, in order to provide the additional time necessary for the procurement and installation of the required lights, the Agency is postponing the effective date of amendments 40-44, 41-9, and 42-8 until January 4, 1965.

In view of the imminence of the effective date of the subject amendments, I find that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, Chapter I of Title 14 of the Code of Federal Regulations is amended effective November 2, 1964, as follows:

1. Regarding Part 40 of the Civil Air Regulations, the November 2, 1964, effective date of amendment 40-44 is amended to read "January 4, 1965."

2. Regarding Part 41 of the Civil Air Regulations, the November 2, 1964, effective date of amendment 41-9 is amended to read "January 4, 1965."

3. Regarding Part 42 of the Civil Air Regulations, the November 2, 1964, effective date of amendment 42-8 is amended to read "January 4, 1965."

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424))

Issued in Washington, D.C., on October 29, 1964.

N. E. HALABY,
*Administrator.*

[F.R. Doc. 64-11242; Filed, Nov. 2, 1964; 8:50 a.m.]

## Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-423]

## PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED ROUTE AIR CARRIERS

### Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of October 1964.

Incidental to its current review of reporting requirements, the Board finds that the quarterly reports of cash requirements and resources required to be submitted by the supplemental air carriers in Schedule B-12 of the CAB Form 41 report have furnished information of little practical value, and none which may not be supplied, as needed, in ad hoc reports. It also finds that with the phasing out of individually ticketed services of the supplemental air carriers there is no longer any need for the data submitted by them monthly in Schedules T-8 and T-8(a) of Form 41 ("Flight Report" and "Agent Report") which were primarily designed to police such services. The secondary purposes of these schedules can be served by summarizing other items in the report form, and details are readily available from the subject carriers upon request. The Board will therefore delete Schedules B-12, T-8, and T-8(a) from Form 41.

Since this amendment relieves a restriction, the Board finds that notice and public procedure hereon are not required.

Accordingly, the Civil Aeronautics Board hereby amends Part 241 of its Economic Regulations (14 CFR Part 241) effective November 1, 1964, as follows:

1. By deleting from the table of schedules in Section 32(a) the following items:

(a) B-12—Anticipated cash requirements, quarterly, 40.
(b) T-8—Flight report, quarterly, 30.
(c) T-8(a)—Agent report, quarterly, 30.

so that the table will read as follows:

| Schedule No. | | Filing | |
|---|---|---|---|
| | | Frequency | Postmark interval (days) |
| A | Certification | Quarterly | 40 |
| A-1 | Status of Accounting Plans Required To Be Filed | Annually | 40 |
| B-1 | Balance Sheet | Quarterly | 40 |
| B-2.1 | Notes to Balance Sheet; Corporate Paid-in Capital; Analysis of Sole Proprietorship Capital or Partnership Capital. | do | 40 |
| B-7 | Airframes and Aircraft Engines Acquired | do | 40 |
| B-8 | Property and Equipment Retired | do | 40 |
| B-11 | Current and Long-Term Receivables; Current and Long-Term Payables. | Monthly | 30 |
| B-41 | Investments Held by, or for the Account of, Respondent | Annually | 90 |
| B-43 | Inventory of Airframes and Aircraft Engines | do | 90 |
| B-46 | Long-Term and Short-Term Non-Trade Debt | do | 90 |
| B-47 | Lease Obligations—Flight Equipment | do | 90 |
| P-1.1 | Interim Balance Sheet | Monthly | 30 |
| P-2 | Income Statement—Group I Air Carriers | Quarterly | 40 |
| P-3.1 | Notes to Income Statement | do | 40 |
| P-5.1 | Transport Revenues | do | 40 |
| P-6 | Aircraft Operating Expenses—Group I Air Carriers | do | 40 |
| | Maintenance, Passenger Service, and General Services and Administration Expense Functions. | do | 40 |
| T-3.1 | Interim Income Statement | Monthly | 30 |
| G-41 | Statement of Traffic and Capacity Statistics | do | 30 |
| G-42 | Persons Holding more than 5 per centum of Respondent's Capital Stock or Capital. | Annually | 90 |
| G-43 | Compensation and Expenses of all General Officers and Directors and of Management Personnel Receiving $20,000 or more per Annum for Personal Services. | do | 90 |
| G-44 | Compensation and Expenses of Persons and Firms (Other than Directors, Officers, and Employees) Receiving $5,000 or more during the Calendar Year. | do | 90 |
| | Corporate and Securities Data | do | 90 |

By deleting from the first sentence of section 32(b) the schedule designation "B-12" so that the subsection will read as follows:

(b) Each supplemental air carrier shall file the schedules of the CAB Form 41 reports with the Civil Aeronautics Board in accordance with the above instructions, except that the time for filing B and P report schedules for the final quarter of each calendar year may be extended to 90 days following the year's end provided that preliminary schedules B-1, P-1.1, and P-3.1 are submitted within the standard prescribed 40-day filing period. At the request of a supplemental air carrier, and upon a showing by such air carrier that public disclosure of its preliminary year-end report would adversely affect its interests and would not be in the public interest, the Board will withhold such preliminary year-end report from public disclosure until such time as (1) the final report is filed, (2) the final report is due, or (3) information covered by the preliminary report is publicly released by the carrier concerned, whichever first occurs.

3. By deleting from section 33 the subheading "Schedule B-12—Anticipated Cash Requirements" and all the following text in paragraphs (a) through (e).

4. By deleting from section 35 the subheading "Schedule T-8—Flight Report", and all the following text in paragraphs (a) through (f), including footnote 1 to paragraph (e).

5. By deleting from section 35 the subheading "Schedule T-8(a)—Agent Report" and all the following text in paragraphs (a) through (d).

(Secs. 204(a) and 407(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-11199; Filed, Nov. 2, 1964; 8:50 a.m.]



# Title 16—COMMERCIAL

1. Falsely or deceptively stamping, tive data or merits; § 13.70 *Fictitious or*

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket C-850]

## PART 13—PROHIBITED TRADE PRACTICES

### Modern Quilters, Inc., and Abraham Skora

Subpart—Furnishing false guaranties: § 13.1063 *Furnishing false guaranties:* 13.1053–90 Wool Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended, Secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Modern Quilters, Inc., et al., Minneapolis, Minn., Docket C–850, Oct. 14, 1964]

*In the Matter of Modern Quilters, Inc., a Corporation, and Abraham Skora, Individually and as an Officer of Said Corporation*

Consent order requiring Minneapolis, Minn., manufacturers of interlining materials to cease violating the Wool Products Labeling Act by such practices as labeling certain quilted interlining materials as "Reprocessed 70 percent, 30 percent" when they contained substantially different amounts of fibers than 70 percent reprocessed wool and 30 percent non-woolen; failing to disclose on labels the percentage of the total fiber weight of the constituent fibers, naming on labels a fiber not present in wool products, and furnishing false guaranties that their products were not misbranded; and to cease violating the Federal Trade Commission Act by misrepresenting on invoices and shipping memoranda the character and amount of constituent fibers in wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Modern Quilters, Inc., a corporation and its officers, and Abraham Sikora, individually and as an officer of said corporation, and respondents' representatives, agents and employees directly or through any corporate or other device in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment or shipment in commerce, of woolen quilted interlining materials or other wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding of such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Setting forth as a part of the listing or marking of required fiber content on the stamp, tag, label or other mark of identification affixed to a wool product words which constitute the name or designation of a fiber which is not present in the wool product.

*It is further ordered,* That respondents Modern Quilters, Inc., a corporation and its officers, and Abraham Sikora, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device do forthwith cease and desist from furnishing a false guaranty that any wool product is not misbranded under the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder when there is reason to believe that any wool product so guaranteed may be introduced, sold, transported or distributed in commerce as the term "commerce" is defined in the aforesaid Act.

*It is further ordered,* That respondents Modern Quilters, Inc., a corporation and its officers, and Abraham Sikora, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of quilted interlining materials or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 14, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-11138; Filed, Nov. 2, 1964; 8:45 a.m.]

[Docket C-849]

## PART 13—PROHIBITED TRADE PRACTICES

### Regal Audio Instruments et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–250 Qualifications and abilities; § 13.30 *Comparative data or merits;* § 13.70 *Fictitious or misleading guarantees;* § 13.85 *Government approval, action, connection or standards:* 13.85–30 Federal Trade Commission orders or indorsements; § 13.142 *Operation;* § 13.170 *Qualities or properties of product or service:* 13.170–52 Medicinal, therapeutic, healthful, etc.; § 13.185 *Refunds, repairs, and replacements;* § 13.190 *Results.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Regal Audio Instruments et al., Buffalo, N.Y., Docket C–849, Oct. 12, 1964]

*In the Matter of Regal Audio Instruments, Ultima Audio, Inc., and Endel Are, Individually and as an Officer of said Corporations*

Consent order requiring distributors of "Ultima" hearing aids in Buffalo, N.Y., to cease representing falsely in advertising that the device was unconditionally guaranteed, that respondent individual had been employed by NASA for many years and participated in the development of Project Mercury space capsules, that the "Ultima" hearing aid had a permanent source of power which would never need replacement, that it would bring every wearer's hearing up to normal levels, and that it was approved and endorsed by the Federal Trade Commission, among other false claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

PART I

*It is ordered,* That respondents Regal Audio Instruments, a corporation, Ultima Audio, Inc., a corporation, and their officers and Endel Are, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any hearing aid device or any component thereof do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing the dissemination of, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication that:

(a) The said product is guaranteed unless, in immediate conjunction therewith, there is a clear and conspicuous disclosure of the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform, and unless the guarantor does, in fact, perform in accordance with the guarantee as so represented.

(b) The purchase price of the said product will be refunded unless, in immediate conjunction therewith, there is a clear and conspicuous disclose of all terms and conditions required for such refund, the identity of the refunder and the procedure necessary to secure the refund, and unless the purchase price is in fact refunded to all persons complying with such terms, conditions and procedure.



(c) The said product was invented or developed by any individual who was at any time employed by the National Aeronautics and Space Administration (NASA) or participated in the development of equipment for Project Mercury space capsules or any other equipment for space exploration; or that respondents' products have been invented or developed by any individual or organization, or by any individual or organization possessed of specified scientific qualifications or experience, unless respondents can establish such to be the facts.

(d) Said hearing aid has been endorsed or approved by the Federal Trade Commission.

PART II

*It is further ordered,* That respondents Regal Audio Instruments, a corporation, Ultima Audio, Inc., a corporation, and their officers, and Endel Are, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the hearing aid device known as Ultima, or any other device of substantially the same construction or possessing substantially similar properties, or any component thereof, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing the dissemination of, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication that:

(a) The said hearing aid operates on power from any source other than a battery which needs to be recharged at frequent intervals.

(b) The said hearing aid contains an automatic volume control.

(c) The said hearing aid, whether fitted monaurally or binaurally will improve the hearing of any individual unless specifically limited to those persons having only a minor hearing loss.

(d) The said hearing aid does not distort voices or other sounds.

PART III

*It is further ordered,* That respondents Regal Audio Instruments, a corporation, Ultima Audio, Inc., a corporation, and their officers, and Endel Are, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any hearing aid device, or any component thereof, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondents' products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains any of the representations prohibited in Part I or II hereof.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 12, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-11139; Filed, Nov. 2, 1964; 8:45 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6767]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Receipt of Minimum Distributions From Controlled Foreign Corporations

On September 25, 1964, Income Tax Regulations conforming to section 963 of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006) were published in the FEDERAL REGISTER (29 F.R. 13323). In order to make certain minor or technical amendments, those regulations are amended as follows:

PARAGRAPH 1. Section 1.963 is amended by revising section 963(b)(1) to read as follows:

**§ 1.963 Statutory provisions; receipt of minimum distributions by domestic corporations.**

Sec. 963. *Receipt of minimum distributions by domestic corporations.* * * *

(b) *Minimum distribution.* * * *

(1) *Taxable years beginning in 1963.*

| If the effective foreign tax rate is (percentage)— | *The required minimum distribution of earnings and profits is (percentage)—* |
|---|---|
| Under 10 | 90 |
| 10 or over but less than 20 | 86 |
| 20 or over but less than 28 | 82 |
| 28 or over but less than 34 | 75 |
| 34 or over but less than 39 | 68 |
| 39 or over but less than 42 | 55 |
| 42 or over but less than 44 | 40 |
| 44 or over but less than 46 | 27 |
| 46 or over but less than 47 | 14 |
| 47 or over | 0 |

* * * * *

PAR. 2. Section 1.963–1 is amended by revising the second sentence of paragraph (f)(4)(i). This amended provision reads as follows:

**§ 1.963–1 Exclusion of subpart F income upon receipt of minimum distribution.**

* * * * *

(f) *Corporations to which a group election may apply.* * * *

(4) *Treatment of foreign branches of domestic corporation as foreign subsidiary corporations*—(i) *In general.* If the United States shareholder so elects, all branches (other than a branch excluded under subdivision (iii) of this subparagraph) maintained by such shareholder in foreign countries and possessions of the United States shall be treated, for purposes of applying subparagraph (1) of this paragraph, as wholly owned foreign subsidiary corporations of such shareholder organized under the laws of such respective foreign countries or possessions of the United States. Each branch treated as such a foreign subsidiary corporation shall be included in the group by the United States shareholder making the group election and shall be regarded, for purposes of section 963, as having distributed to such shareholder all of its earnings and profits for the taxable year, irrespective of the statutory percentage applied for the taxable year under paragraph (b) of § 1.963–2. As used in this subparagraph, the term "branch" shall mean a permanent organization maintained in a foreign country or a possession of the United States to engage in the active conduct of a trade or business. Whether a permanent organization is maintained in a foreign country or possession of the United States shall depend upon the facts and circumstances of the particular case. As a general rule, a permanent organization shall be considered to be maintained in such country or possession if the United States shareholder maintains therein a significant work force or significant manufacturing, mining, warehousing, sales, office, or similar business facilities of a fixed or permanent nature. If a United States shareholder so operates that it satisfies the branch test with respect to each of several foreign countries or possessions, each such branch shall be treated as a separate wholly owned foreign subsidiary corporation organized under the laws of such country or possession in respect of which it satisfies such test. In no event shall a branch which is treated as a wholly owned foreign subsidiary corporation under this subparagraph be also treated as a less developed country corporation. The term "possession of the United States," as used in this subparagraph, shall be construed to have the same meaning as that contained in paragraph (b)(2) of § 1.957–3.

* * * * * *

PAR. 3. Section 1.963–2 is amended by revising the second sentence of paragraph (e)(1). This amended provision reads as follows:

**§ 1.963–2 Determination of the amount of the minimum distribution.**

* * * * * *

(e) *Foreign income taxes used in determining effective foreign tax rate.* * * *

(1) *Shareholder's proportionate share of taxes of a foreign corporation.* The foreign income tax of a foreign corporation for a taxable year shall consist of the foreign income tax referred to in paragraph (d)(1)(ii) of this section with respect to such year and, if the United States shareholder chooses to take the foreign income tax described in paragraph (d)(1)(iii) of this section into account in determining the effective foreign tax rate of a chain or group which includes such foreign corporation, the



foreign income tax referred to in such

foreign income tax referred to in such paragraph with respect to such year. A United States shareholder's proportionate share, with respect to stock to which the election to secure an exclusion under section 963 applies, of the foreign income tax of such foreign corporation for a taxable year shall be the same proportion of such foreign income tax that such shareholder's proportionate share (as determined under paragraph (d)(2)(i) of this section) of the earnings and profits of such corporation for such year bears to the total earnings and profits of such corporation for such year. A United States shareholder's proportionate share of the foreign income tax, for the taxable year, of a branch treated as a wholly owned foreign subsidiary corporation and included in a group under paragraph (f)(4) of § 1.963–1 shall be the total foreign income tax of such branch for the taxable year.

* * * * *

PAR. 4. Section 1.963–2 is further amended by striking out of the last sentence of paragraph (d)(2)(i)(d) thereof "accumulated at December 31, 1963, and arrearage" and inserting in lieu thereof "accumulated at December 31, 1963, and an arrearage".

**§ 1.963–3 [Amended]**

PAR. 5. Section 1.963–3 is amended as follows:

(A) By striking out of the introductory clause of paragraph (c) thereof "the following subparagraph shall apply:" and inserting in lieu thereof "the following subparagraphs shall apply:".

(B) By striking out of the first sentence of paragraph (g)(2) thereof "If the United States shareholder of the foreign corporations so elects in a statement filed" and inserting in lieu thereof "If the United States shareholder of the foreign corporation so elects in a statement filed".

(C) By striking out of the last sentence of example (1) of paragraph (h) thereof "consisting of its total earnings and profits for that year of $200 less the $20 received" and inserting in lieu thereof "consisting of its total earnings and profits for that year of $220 less the $20 received".

PAR. 6. Section 1.963–4 is amended by revising the introductory clause of subparagraph (2) of paragraph (b), by revising examples (3) and (4) of paragraph (c)(2)(iii), by revising the fourth sentence of paragraph (a) of example (1) of paragraph (d), and by revising the fourth sentence of paragraph (a) of example (2) of paragraph (d). These amended provisions read as follows:

**§ 1.963–4 Limitations on minimum distribution from a chain or group.**

* * * * *

(b) *Special rules for determining earnings and profits and foreign income taxes.* * * *

(2) *Allocation of deficits.* For purposes of determining the amount of each foreign corporation's share of a pro rata minimum distribution from a chain or group for the taxable year and for purposes of determining the foreign tax credit under paragraph (c) of this section of the United States shareholder with respect to any minimum distribution from a chain or group for the taxable year—

* * * * *

(c) *Special foreign tax credit rules.* * * *

(2) *Nonaveraging of tax.* * * *

(iii) *Illustrations.* * * *

*Example (3).* For 1966, domestic corporation M makes a group election with respect to controlled foreign corporations A and B, both of which are wholly owned directly by M Corporation, and foreign branch C of M Corporation. All such corporations use the calendar year as the taxable year. Corporation M receives a pro rata minimum distribution from the group for 1966 and applies thereto the special rules of this paragraph and paragraph (b) of this section. Neither foreign corporation is a less developed country corporation under section 902(d). Corporations A and B pay foreign income tax at a flat rate of 20 percent and 30 percent, respectively. The 1966 foreign income tax of corporations A and B which is deemed paid by M Corporation under section 902(a) for 1966, and the remaining tax which is allocated to earnings and profits to be distributed to M Corporation in future years, are determined as follows:

| | *A* | *B* | *Branch C* | *Total* |
|---|---|---|---|---|
| Pretax and predistribution earnings and profits (and deficit) of the group | $60.00 | $60.00 | ($20) | $100.00 |
| Foreign income tax | 12.00 | 18.00 | | 30.00 |
| Earnings and profits (and deficit) | 48.00 | 42.00 | (20) | 70.00 |
| Allocation of deficit of Branch C: | | | | |
| ($48/($48+$42)×$20) | (10.67) | | | |
| ($42/($48+$42)×$20) | | (9.33) | | |
| Consolidated earnings and profits of the group | 37.33 | 32.67 | | 70.00 |
| Effective foreign tax rate ($30/$100) | | | | 30% |
| Statutory percentage under sec. 963(b) | | | | 69% |
| Amount received by M Corporation as pro rata minimum distribution for 1966: | | | | |
| (0.69×$37.33) | 25.76 | | | |
| (0.69×$32.67) | | 22.54 | | $48.30 |
| Tax deemed paid by M Corporation for 1966 for purposes of gross-up under sec. 78 and foreign tax credit: | | | | |
| ($25.76/$37.33×$12) | 8.28 | | | |
| ($22.54/$32.67×$18) | | 12.42 | | 20.70 |
| Remaining 1966 earnings and profits for future distribution to M Corporation: | | | | |
| ($48–$25.76) | 22.24 | | | |
| ($42–$22.54) | | 19.46 | | 41.70 |
| Foreign income tax attributable to 1966 earnings and profits remaining for future distribution to M Corporation: | | | | |
| ($12–$8.28) | 3.72 | | | |
| ($18–$12.42) | | 5.58 | | 9.30 |

*Example (4).* The facts are the same as in example (3) except that the group does not make a pro rata minimum distribution but distributes $48.30, consisting of $40 distributed by A Corporation and $8.30 distributed by B Corporation. Corporation M complies with the special rules of this paragraph and paragraph (b) of this section. The 1966 foreign income tax of corporations A and B which is deemed paid by M Corporation under section 902(a) for 1966, and the remaining tax which is allocated to earnings and profits to be distributed to M Corporation in future years, are determined as follows, the minimum overall tax burden for 1966 being such as to satisfy the requirement of paragraph (a)(1)(ii)(b) of this section:

| | *A* | *B* | *Branch C* | *Total* |
|---|---|---|---|---|
| Amount received by M Corporation | $40.00 | $8.30 | | $48.30 |
| Tax deemed paid by M Corporation for 1966 for purposes of gross-up under sec. 78 and foreign tax credit: | | | | |
| ($37.33/$37.33×$12) | 12.00 | | | |
| ($8.30/$32.67×$18) | | 4.57 | | 16.57 |
| Remaining 1966 earnings and profits for future distribution to M Corporation: | | | | |
| ($48–$40) | 8.00 | | | |
| ($42–$8.30) | | 33.70 | | 41.70 |
| Foreign income tax attributable to 1966 earnings and profits remaining for future distribution to M Corporation: | | | | |
| ($12–$12) | 0 | | | |
| ($18–$4.57) | | 13.43 | | 13.43 |

* * * * *

(d) *Illustrations.* * * *

*Example (1).* (a) For 1966, domestic corporation M makes a chain election with respect to controlled foreign corporation A, which it wholly owns directly, and controlled foreign corporation B, which A Corporation wholly owns directly. Corporation A is not a less developed country corporation under section 902(d). All corporations use the calendar year as the taxable year. For 1966, M Corporation complies with the special rules of paragraphs (b) and (c) of this section. Corporation A has pretax and predistribution earnings and profits for 1966 of $40 and is subject to foreign income tax at a flat rate of 36 percent, with no deduction being allowed for dividends received or paid. B Corporation has pretax and predistribution earnings and profits of $60 for 1966 and is subject to a foreign income tax at a flat rate of 20 percent, with no deduction being allowed for dividends received or paid. For 1967, B Corporation has no earnings and profits, A Corporation has no earnings and profits other than a dividend of $21.22 from B Corporation, and M Corporation has taxable income of $20.98 from United States sources. Corporation M uses the overall limitation under section 904(a)(2) on the foreign tax credit.

* * * * *

*Example (2).* (a) For 1963, domestic corporation M makes a group election with respect to controlled foreign corporations A and B, both of which M Corporation wholly owns directly. All such corporations use the calendar year as the taxable year. Corporation A is created under the laws of foreign country X, and B Corporation is created under the laws of foreign country Y; neither of such corporations is a less developed country corporation under section 902(d). Corporation M complies with the special rules of paragraphs (b) and (c) of this section. Each foreign corporation has pretax earnings and profits of $100 for 1963. The income of A Corporation is subject to a foreign income tax rate of 20 percent, and the income of B Corporation is subject to a foreign income tax rate of 30 percent. Corporation M uses the per-country limitation under section 904(a)(1) on the foreign tax credit.

* * * * *



PAR. 7. Section 1.963–4 is further amended as follows:

(A) By striking out of example (2) of paragraph (c)(2)(iii) thereof "($16.80/$70/$30)" and inserting in lieu thereof "($16.80/$70 x $30)".

(B) By striking out of the table headed "1966" in paragraph (c) of example (1) of paragraph (d) thereof "Tentative U.S. before foreign tax credit ($70.98 x .48)". and inserting in lieu thereof "Tentative U.S. tax before foreign tax credit ($70.98 x .48)".

(C) By striking out of the last sentence of paragraph (a) of example (4) of paragraph (d) thereof "with respect to the distributions which is made" and inserting in lieu thereof "with respect to the distribution which is made".

**§ 1.963–5 [Amended]**

PAR. 8. Section 1.963–5 is amended by striking out of the algebraic equation in paragraph (a) of example (1) of paragraph (e)(3) thereof "d=$68–(0.10×$68)–0.38 ($68–[0.10×$68]–d)–0.20d" and inserting in lieu thereof the following:

d=$68–(0.10×$68)–0.30 $68–[0.10×$68]–d)–0.20d

**§ 1.963–6 [Amended]**

PAR. 9. Section 1.963–6 is amended as follows:

(A) By striking out of the first sentence of paragraph (d)(2) thereof "this paragraph other then subdivision (i)" and inserting in lieu thereof "this paragraph other than subdivision (i)".

(B) By striking out of the last sentence of paragraph (g)(4) thereof "or paragraph (a)(1)(ii), or § 1.963–4 but," and inserting in lieu thereof "or paragraph (a)(1)(ii), of § 1.963–4 but,".

PAR. 10. Section 1.963–7 is amended by revising the introductory clause of subdivision (i) of paragraph (a)(2). This amended provision reads as follows:

**§ 1.963–7 Transitional rules for certain taxable years.**

(a) *Extension of time for making, revoking, or changing election.* * * *

(2) *Manner of making the election.* * * *

(i) By filing with the return (or with an amended return filed on or before such 90th day) for such taxable year—

* * * * *

Because the purpose of this Treasury decision is to make certain minor or technical amendments of the Income Tax Regulations, it is hereby found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4(c) of such Act.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: October 29, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64–11170; Filed, Nov. 2, 1964; 8:47 a.m.]

[T.D. 6765]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Sale or Exchange of Patents etc., to Foreign Corporations

On September 9, 1964, notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12734) regarding the amendment of the Income Tax Regulations (26 CFR Part 1) to conform such regulations to section 1249 of the Internal Revenue Code of 1954, as added by section 16 of the Revenue Act of 1962 (76 Stat. 1045). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: October 27, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 16 of the Revenue Act of 1962 (76 Stat. 1045), relating to gain from certain sales or exchanges of patents, etc., to foreign corporations, there is added immediately after § 1.1244(e)–1 the following new sections, effective with respect to taxable years beginning after December 31, 1962:

**§ 1.1249 Statutory provisions; gain from certain sales or exchanges of patents, etc., to foreign corporations.**

SEC. 1249. *Gain from certain sales or exchanges of patents, etc., to foreign corporations*—(a) *General rule.* [Except as provided in subsection (c),] [sic] gain from the sale or exchange after December 31, 1962, of a patent, an invention, model, or design (whether or not patented), a copyright, a secret formula or process, or any other similar property right to any foreign corporation by any United States person (as defined in section 7701(a)(30)) which controls such foreign corporation shall, if such gain would (but for the provisions of this subsection) be gain from the sale or exchange of a capital asset or of property described in section 1231, be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231.

(b) *Control.* For purposes of subsection (a), control means, with respect to any foreign corporation, the ownership, directly or indirectly, of stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote. For purposes of this subsection, the rules for determining ownership of stock prescribed by section 958 shall apply.

[Sec. 1249 as added by sec. 16, Revenue Act 1962 (76 Stat. 1045)]

**§ 1.1249–1 Gain from certain sales or exchanges of patents, etc., to foreign corporations.**

(a) *General rule.* Section 1249 provides that if gain is recognized from the sale or exchange after December 31, 1962, of a patent, an invention, model, or design (whether or not patented), a copyright, a secret formula or process, or any other similar property right (not including property such as goodwill, a trademark, or a trade brand) to any foreign corporation by any United States person (as defined in section 7701(a)(30)) which controls such foreign corporation, and if such gain would (but for the provisions of section 1249) be gain from the sale or exchange of a capital asset or of property described in section 1231, then such gain shall be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231. Section 1249 applies only to gain recognized in taxable years beginning after December 31, 1962.

(b) *Control.* For purposes of paragraph (a) of this section, the term "control" means, with respect to any foreign corporation, the ownership, directly or indirectly, of stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote. For purposes of the preceding sentence, the rules for determining ownership of stock provided by section 958 (a) and (b), and the principles for determining percentage of total combined voting power owned by United States shareholders provided by paragraphs (b) and (c) of § 1.957–1, shall apply.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 64–11169; Filed, Nov. 2, 1964; 8:47 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter VII—Department of the Air Force

SUBCHAPTER E—SECURITY

## PART 850—SAFEGUARDING CLASSIFIED INFORMATION

SUBCHAPTER I—MILITARY PERSONNEL

## PART 885—APPOINTMENT OF OFFICERS IN THE REGULAR AIR FORCE

### Miscellaneous Amendments

In Part 850—Safeguarding Classified Information, 1. revise the introductory text of § 850.5 and § 850.9(f)(2) to read as follows:

**§ 850.5 Espionage law notation.**

A classified document, except one containing Restricted Data, furnished to a DOD contractor, or to any other person or activity outside the Executive Branch, shall bear the following additional notation at least once:

* * * * * *

**§ 850.9 Dissemination and disclosure authority.**

* * * * *

(f) * * *

(2) *Dissemination authority.* The major air command responsible for the negotiation, award, or administration of a contract for the procurement of materiel, supplies, or services is authorized to disseminate the classified information and material which is essential to the performance of the contract. The major air command having responsibility for the project involved in a procurement action is also authorized to disseminate classified information and material which is essential to the performance of the project. In addition, the Commander, Air Force Systems Command, is authorized to disseminate classified information and material to the extent necessary for the successful fulfillment of the objectives of the grantee and long-range planning program. The Office of Aerospace Research is authorized to disseminate classified information and materiel to the extent necessary for the successful fulfillment of the objectives of the grantee program under Air Force Order Number 751.1, April 1, 1961. In all cases, the following applies:

* * * * *

2. Add new §§ 850.11, 850.12a, 850.14a and 850.19a as follows:

**§ 850.11 Destruction of classified material.**

(a) *Methods of destruction.* Classified material shall be destroyed by:

(1) Burning;

(2) Melting or chemical decomposition;

(3) A pulping machine which conforms to Military Specification MIL–P–4865A (USAF), December 19, 1962; or

(4) A pulverizing machine conforming to Military Specification MIL–P–9971 (USAF, May 9, 1963); or

(5) Mutilation, but only as authorized by paragraph (b) of this section.

(b) *Classified materiel.* When the destruction of a classified article of materiel is authorized, the custodian shall remove all classified components and destroy them by one of the methods prescribed in paragraph (a) of this section or by mutilation. If mutilation is used, it must be sufficient to preclude recognition or reconstruction of the classified information.

NOTE: When a commercial contractor is employed to provide the equipment used for destruction, by a method prescribed in paragraph (a) of this section, the classified material shall not be relinquished to the contractor; the contractor shall not be afforded access to the classified information; and the certifying and/or witnessing official shall place the classified material into the contractor-furnished destruction facility.

**§ 850.12a Reproduction.**

Use of thermal copy paper: When thermal copy paper is used to reproduce documents upon which classified information has been recorded, only Type 1 (back coated) thermal copy paper shall be utilized.

**§ 850.14a Notations.**

The Espionage Law notation shall also be affixed according to § 850.5 on material containing Formerly Restricted Data, but not on any material containing Restricted Data information.

**§ 850.19a Security cognizance; inspection requirements.**

The cognizant military activity is required to conduct periodic security inspections of cleared facilities for the purpose of determining whether the contractor is complying with the security requirements contained in the Industrial Security Manual and any additional security safeguards prescribed by the contracting activity (see paragraph 2–109f, AFR 205–4). The frequency with which these recurring inspections are to be conducted normally is dependent upon the category of classified information in the possession of the facility or the classification of the contract(s) being performed. However, instances frequently occur wherein the records of the cognizant security office indicate that a cleared facility is neither performing on a classified contract nor possesses classified material. Under these circumstances such facilities shall be visited at least once every 18 months in order to determine if (a) The facility security clearance should be administratively terminated in accordance with paragraph 2–110.1b, AFR 205–4, or (b) if the facility security clearance should be inactivated in accordance with paragraph 2–110.1d, AFR 205–4, or (c) the facility should be included on a regular inspection schedule in accordance with paragraph 2–109f, AFR 205–4.

**§ 850.11a [Redesignated]**

3. Section 850.11 is redesignated § 850.11a.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFR 205–1C, October 5, 1964]

In Part 885—Appointment of Officers in the Regular Air Force:

1. Revise § 885.3 to read as follows:

**§ 885.3 Buildup of the Regular Air Force.**

Air Force policy is to conduct an orderly buildup of the Regular Air Force toward authorized officer strength. This will be done by selecting the best qualified individuals possessing abilities, qualities and experience required by the Air Force. All selections with the exception of Distinguished Military Graduates, will be made on a best qualified basis by Hq USAF Selection Boards. However, a person may not be selected unless the board also considers him fully qualified. USAF Selections Board will use the fully qualified method when Distinguished Military Graduates selections are made. Appointments will be tendered in Regular grades as determined by the Secretary of the Air Force to those selected who desire to accept and who are found to be medically qualified for Regular Air Force appointment.

2. The third sentence of § 885.15(b) is revised. This paragraph now reads as follows:

**§ 885.15 Consideration for Regular appointment.**

* * * * *

(b) A Distinguished AFROTC graduate: An AFROTC student may submit an application in advance of graduation when informed that he will probably meet the criteria for designation as a Distinguished Graduate. No applications will be submitted after graduation. All Distinguished Military Graduates who did not previously apply will be automatically considered under the fully qualified method of selection by Hq USAF after they complete at least 90 days of active duty.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFR 36–5A, July 6, 1964]

By Order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lt. Colonel, United States Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64–11162; Filed, Nov. 2, 1964; 8:47 a.m.]

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

## PART 901—APPOINTMENT TO THE USAF ACADEMY

Part 901 is revised to read as follows:

Sec.
901.1 Purpose.
901.2 Policy.
901.3 Appointment vacancies.
901.4 Sources of nomination.
901.5 Basic requirements.
901.6 Nomination requirements and procedures.
901.7 Where applicant will report.
901.8 How to notify Director of Admissions of change of address or station assignment.
901.9 Suggested letter formats.

AUTHORITY: The provisions of this Part 901 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, 9331–9355 and Public Law 88–276, March 3, 1964.

SOURCE: AFR 53–10, July 15, 1964.

**§ 901.1 Purpose.**

This part explains application procedure and appointment to the USAF Academy.

**§ 901.2 Policy.**

Persons eligible for nomination to the Air Force Academy are encouraged to apply in every category in which they are eligible.

**§ 901.3 Appointment vacancies.**

Appointment vacancies are authorized by law to specific nominating authorities.

**§ 901.4 Sources of nomination.**

(a) United States Senators and Representatives.



(b) Resident Commissioner of Puerto Rico; Governor of Puerto Rico; Governor of the Panama Canal Zone; Governor of American Samoa; Governor of Guam; Governor of the Virgin Islands; and the Commissioners of the District of Columbia.

(c) Air Force enlisted Regular competitive category.

(d) Air Force enlisted Reserve competitive category.

(e) Presidential competitive category.

(f) Vice Presidential category.

(g) Sons of Deceased Veterans competitive category.

(h) Honor Military and Honor Naval Schools and Air Force Reserve Officer Training Corps competitive category.

(i) Sons of Congressional Medal of Honor winners.

(j) Allied Students. ("Designated"—"To receive instructions" 10 U.S.C. 9344, 9345.)

**§ 901.5 Basic requirements.**

All applicants must meet the following basic requirements:

(a) *Age.* Applicant must be at least 17 years of age but must not have passed his 22d birthday by July 1st of the year in which he enters the Air Force Academy. A nominee is required to legally substantiate his date of birth.

(b) *Citizenship.* Applicant must be a male citizen of the United States. If an applicant is a citizen by naturalization, the following certificate is required, authenticated by a notary public or other persons authorized by law to administer oaths:

I certify that I have this date seen the original certificate of citizenship number _____ stating that _____ was granted United States Citizenship by the _____ (Name of court) on _____ (Date) The following person was named in the certificate as a minor child _____ age _____ (Name of child)

Facsimiles or copies, photographs or otherwise, will not be made of naturalization certificates under any circumstances as stated in 18 U.S.C. 1426(H).

(c) *Domicile.* An applicant nominated by an authority designated in § 901.4 (a) or (b) must be domiciled within the constituency of such authority.

(d) *Moral character.* Applicant must be of highest moral character. Commanders will furnish information to the Director of Admissions, USAF Academy, on any military applicant or nominee whose official records indicate questionable background as indicated in subparagraphs (1) through (6) of this paragraph.

(1) He is or has been a conscientious objector. In this case, an affidavit expressing his abandonment of such beliefs and principles so far as they pertain to his willingness to bear arms and to give full and unqualified military service to his country is required.

(2) Any facts which give reason to believe that his appointment may not be clearly consistent with the interests of national security.

(3) Conviction by court-martial for other than a "minor offense" (paragraph 128b, p. 229, MCM 1951) or conviction of a felony in a civilian court.

(4) Elimination from any officer training program or any preparatory school of the Army, Navy, or Air Force academies for military inaptitude, indifference, or undesirable traits of character. This includes any person who resigned in the face of impending charges or who was eliminated by official action.

(5) Habitual intemperance.

(6) Any behavior, activity, or associations which tend to show that he is of questionable moral character or reputation.

(e) *Physical standards.* Each applicant must meet the physical requirements.

(f) *Marital status.* Applicants must not be and never have been married. Cadets are not permitted to marry until after graduation.

**§ 901.6 Nomination requirements and procedures.**

Young men desiring appointment to the USAF Academy must meet the basic requirements listed in § 901.5 and must obtain a nomination. After an applicant has been notified that he has been nominated, he should address all correspondence, forms, etc., to the Director of Admissions, USAF Academy, Colorado, 80840. Nominees will be scheduled for testing by the Director of Admissions who will also notify military applicants of their eligibility or ineligibility to be scheduled for final testing.

(a) *Congressional, District of Columbia, and United States Possessions.* A United States citizen domiciled in one of the 50 states may apply directly to the United States Senators of his State and the Representative of his Congressional District. Persons domiciled in the District of Columbia apply to the District Commissioners. Persons domiciled in Puerto Rico apply to the Resident Commissioner. Such persons who are natives of Puerto Rico also may apply to the Governor. Sons of civilians residing in the Panama Canal Zone, or sons of civilian employees of the United States Government and the Panama Canal Company residing in the Republic of Panama, apply to the Governor of the Panama Canal Zone. Residents of American Samoa, Guam, and the Virgin Islands apply to their respective Governors. Application (see § 901:9(a)) to the appropriate nominating authority should be made as early as May of the year preceding that in which admission to the Academy is desired. Address all inquiries concerning status of applications to the nominating authority.

(b) *Presidential (competitive).* The son of a member of a Regular component of the Armed Forces of the United States is eligible for nomination. The Regular component member must be on active duty, retired or deceased, but not discharged before retirement or death. The son of a member of a Reserve component is eligible in this category if his parent received a Reserve commission or warrant while a member of a regular component, remained on continuous extended active duty, and retained the right to revert to Regular status. An adopted son is eligible if adoption proceedings were initiated before his 15th birthday. An eligible individual may apply to the Director of Admissions, USAF Academy, Colorado, 80840, requesting nomination in accordance with § 901.9(b). The nominating period opens on June 1st and closes on November 30th.

(c) *Vice Presidential.* Any individual who meets the basic eligibility requirements may apply for nomination to The Vice President, United States Senate, Washington, D.C., 20510. Application (see § 901.9(c)) should be made as early as May of the year preceding that in which admission to the Academy is desired. Address all inquiries concerning status of application to the nominating authority.

(d) *Sons of deceased veterans (competitive).* The son of a deceased member of the Armed Forces of the United States is eligible for nomination in this category if he meets the basic requirements and if the deceased parent (male or female) was killed in action, or died as a result of wounds or injuries received, disease contracted in, or pre-existing injury or disease aggravated by, active service during World War I, World War II (December 7, 1941, through December 31, 1946), or the Korean Conflict (June 27, 1950, through January 31, 1955). An individual eligible for a nomination in this category will submit a written request to the Director of Admissions, USAF Academy, Colorado, 80840, in accordance with § 901.9(d). The nominating period opens on June 1st and closes on January 31st.

(e) *Honor military and honor naval schools and Air Force Reserve Officer Training Corps (competitive)*—(1) *Honor military and honor naval schools.* Three honor graduates or prospective honor graduates from each designated honor military and honor naval school may be nominated to fill the vacancies allocated to such schools. Vacancies are filled in the order of merit, regardless of the schools from which the nominations are made. Appropriate school authorities must certify that each nominee is an honor graduate and meets the basic eligibility requirements listed in § 901.5. Submit nominations to the Director of Admissions, USAF Academy, Colorado, 80840, by January 31st of the year in which the nominees desire appointment. Nominations are not limited to honor graduates of the current year. An individual eligible for nomination in this category will apply to the administrative authority of his school.

(2) *Air Force Reserve Officer Training Corps.* One student from each College or University AFROTC unit may be nominated to compete for the vacancies allocated to this category. Vacancies are filled in the order of merit. The student should apply for nomination to the Professor of Air Science who must certify that the nominee meets the basic eligibility requirements listed in § 901.5 and will have completed satisfactorily 1 year of scholastic work at the time the class for which applying enters the Academy.



The Professor of Air Science will

The Professor of Air Science will recommend for nomination the best qualified applicant to the President of the Educational Institution in which the AFROTC unit is established. The President of the Institution will submit the nomination to the Director of Admissions, USAF Academy, Colorado, 80840, by January 31st of the year in which the nominee desires appointment.

(f) *Sons of Congressional Medal of Honor Winners.* The son of any Congressional Medal of Honor winner who served in any branch of the armed services may apply for nomination. If an applicant meets the eligibility criteria and qualifies on the entrance examinations, he will be admitted to the Academy. An applicant must write to the Director of Admissions, USAF Academy, Colorado, 80840, requesting a nomination in this category. The nominating period opens on June 1st and closes on January 31st. The letter must include:

(1) Full name, address, and date of birth. If in the service, give grade, service number, organization, and station.

(2) Full name, rank, service number, and branch of service of the parent to whom the Medal of Honor was awarded.

(g) *Citizens of the American Republics and the Philippines.* These persons may apply for designation to receive instruction at the Air Force Academy. The Academy is authorized to provide instruction to as many as 20 persons at any one time from the American Republics. However, not more than three students from one republic may receive instruction at the same time. In addition, one student from the Republic of the Philippines may be admitted in each entering class. A citizen of an American Republic must apply to the Government of his own country. A Filipino applies to the President of the Republic of the Philippines. The application should contain complete particulars about his background and should be submitted at least a year before the time of desired admission to the Academy. Applicants in these categories must meet the eligibility requirements established for all Academy candidates and must be able to read, write, and speak English proficiently. With the exception of the American Republics and the Philippines, a student from any other foreign country may not be admitted to the Air Force Academy unless he has received specific authorization by legislation of the United States Congress.

**§ 901.7 Where applicant will report.**

An applicant nominated in one or more of the categories of § 901.6 (except § 901.6(g)) will be notified by the Director of Admissions, USAF Academy, to report to an Air Force Academy and Aircrew Examining Center for qualification testing. The nominee also will be instructed concerning the College Entrance Examination Board tests. All requirements are listed in the letter of instructions and the Instructions to Candidates Booklet. No nominee will be considered for appointment until scores on all tests are received.

**§ 901.8 How to notify Director of Admissions of change of address or station assignment.**

Each applicant or nominee is personally responsible for notifying the Director of Admissions of every change of address or station assignment. Notifications are sent to the Director of Admissions, USAF Academy, Colorado 80840, and will include complete name, grade, service number, and new organization or unit to which assigned. Reassignment of military personnel to any duty station will not be delayed pending action by the Director of Admissions.

**§ 901.9 Suggested letter formats.**

(a) *For requesting nomination in the following categories: Congressional, Canal Zone, District of Columbia, Puerto Rico, and Possessions.*

Date.

Honorable ----------,
House of Representatives,
*Washington, D.C. 20515.*

Dear Mr. ----------:

or

Honorable ----------,
United States Senate,
*Washington, D.C. 20510.*

Dear Senator ----------:

It is my desire to attend the Air Force Academy and to make the United States Air Force my career. I respectfully request that I be considered as one of your nominees for the class that enters the Academy in June -------.

The following personal data is furnished for your information:

Name: (As recorded on birth certificate).
Address: (City, County, State).
Parents' name:
Date of birth:
High school attended:
Date of high school graduation:
Approximate grade average:

I have been active in high school extracurricular activities shown on the attached list.

I shall greatly appreciate your consideration of my request for a nomination to the Air Force Academy.

Sincerely,

Signature.

(b) *For requesting a Presidential nomination.*

Date.

Director of Admissions,
USAF Academy, Colo. 80840.

Dear Sir: I request a nomination under the Presidential category for the class that enters the Academy in June ----------, and submit the following data:

Name: (Give name as shown on birth certificate. If different from the one you use, attach a copy of court order, if applicable.)
Address: (Give permanent and temporary.)
Date and place of birth. (Spell out month.)
Date of high school graduation:
If Member of Military: (List rank, serial number, component, branch of service, and organizational address—do not use CMR or Box No.)
If previous Candidate: (List year and candidate number.)

INFORMATION ON PARENT

Name, Rank, Serial Number, Component and Branch of Service:
Organizational Address:
Retired or Deceased: (Give date and attach copy of retirement orders or casualty report.)
Officer Personnel: (Attach Statement of Service prepared by personnel officer specifying Regular or Reserve status for all periods of service.)
Enlisted Personnel: (Attach statement prepared by personnel officer listing date of enlistment, date of enlistment expiration, component and branch of service.)

Sincerely,

Signature (As recorded on birth certificate).

(c) *For requesting a Vice Presidential nomination.*

Date.

THE VICE PRESIDENT,
UNITED STATES SENATE,
*Washington, D.C. 20510.*

DEAR MR. VICE PRESIDENT: It is my desire to attend the Air Force Academy and to make the United States Air Force my career. I respectfully request that I be considered as one of your nominees for the class that enters the Academy in June ----------.

The following personal data is furnished for your information:

Name:
Address:
Parents' name:
Date of birth:
High school attended:
Date of high school graduation:
Approximate grade average:
[1] ----------

I have been active in high school extracurricular activities shown on the attached list.

I shall greatly appreciate your consideration of my request for a nomination to the Air Force Academy.

Sincerely,

Signature.

(d) *For requesting a Son of Deceased Veteran nomination.*

Date.

DIRECTOR OF ADMISSIONS,
*USAF Academy, Colo. 80840.*

DEAR SIR: I request a nomination under the Sons of Deceased Veterans category for the class that enters the Academy in June ----------, and submit the following data:

Name: (Give name as shown on birth certificate. If different from the one you use, attach a copy of court order, if applicable.)
Address: (Give permanent and temporary.)
Date and place of birth: (Spell out month.)
Date of high school graduation:
If Member of Military: (List rank, serial number, component, branch of service, and organizational address—do not use CMR or Box No.)
If Previous Candidate: (List year and candidate number.)

INFORMATION ON PARENT

Name, Rank, Serial Number, Regular or Reserve Component and Branch of Service:
Date and place of death:
Cause of death:
Veterans Administration XC Claim Number:
Address of VA Office where case is filed:

Sincerely,

Signature (As recorded on birth certificate).

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64-11163; Filed, Nov. 2, 1964; 8:47 a.m.]

[1] If in the Military Service, give Grade, Service Number, Organization, and Station.



# Title 32A—NATIONAL DEFENSE, APPENDIX

## Chapter I—Office of Emergency Planning

[Defense Mobilization Order No. 9]

## DMO IV-2—ESTABLISHING A LABOR-MANAGEMENT MANPOWER POLICY COMMITTEE

### Revocation

Defense Mobilization Order No. 9, dated May 3, 1951 (16 F.R. 3932), redesignated as DMO IV-2, dated October 23, 1953 (18 F.R. 6736), is hereby revoked. The functions of the Committee created by this Order are restated in OEP Circular 1200.12 which may be obtained from the Office of Emergency Planning.

Dated: October 28, 1964.

EDWARD A. MCDERMOTT,
*Director,*
*Office of Emergency Planning.*

[F.R. Doc. 64-11193; Filed, Nov. 2, 1964; 8:50 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[FCC 64-981]

## PART 87—AVIATION SERVICES

### Applicant for Radionavigation Land Station; Notification of FAA

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of October 1964;

The Commission having under consideration an amendment to § 87.501 to require an applicant for a radionavigation land station to notify the Federal Aviation Agency prior to submission of an application to the FCC and to accompany each such application with a statement showing the name of the FAA Regional Office notified and the date of such notification:

It appearing, that this notification procedure, if followed by the applicant, will facilitate frequency coordination and will reduce the time necessary to process an application; and

It further appearing, that the amendment herein ordered is procedural in nature and, therefore, the public notice and effective date provisions of section 4 of the Administrative Procedure Act are not applicable; and,

It further appearing, that the authority for the action herein ordered is contained in section 303 (f) and (r) of the Communications Act of 1934, as amended;

*It is ordered,* Effective November 23, 1964, that Part 87 of the Commission's rules is amended as set forth below.

Released: October 29, 1964.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

The text of § 87.501 preceding paragraph (a) is amended to read as follows:

**§ 87.501 Frequencies available.**

In applying for a radionavigation land station authorization, the applicant need not specify the proposed operating frequencies inasmuch as the assigned frequencies are determined by the Commission after coordination with other agencies of the government. In order to facilitate coordination of frequencies, the appropriate Regional Office of the Federal Aviation Agency must be notified prior to submission to the Commission of an application for a new radionavigation land station or an application for modification of an existing radionavigation land station to change frequency, power, location or emission. Each such application, when submitted to the Commission, shall be accompanied by a statement showing the name of the FAA Regional Office notified and the date of such notification.

* * * * * *

[F.R. Doc. 64-11182; Filed, Nov. 2, 1964; 8:49 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

**Internal Revenue Service**

**[ 26 CFR Part 1 ]**

**INCOME TAXES**

**Proposed Retirement Income Credit**

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestons who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 37 of the Internal Revenue Code of 1954 to sections 1113(a), 201(d)(3) and 202 of the Revenue Act of 1964 (78 Stat. 24, 32, 33), such regulations are amended as follows:

PARAGRAPH 1. Section 1.37 is amended by revising subsection (a) of section 37, by redesignating subsection (i) of section 37 as subsection (j), by adding a new subsection (i) to section 37, and by revising the historical note. These amended and added provisions read as follows:

**§ 1.37 Statutory provisions; retirement income.**

SEC. 37. *Retirement income*—(a) *General rule.* In the case of an individual who has received earned income before the beginning of the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 17 percent, in the case of a taxable year beginning in 1964, or 15 percent, in the case of a taxable year beginning after December 31, 1964, of the amount received by such individual as retirement income (as defined in subsection (c) and as limited by subsection (d)); but this credit shall not exceed such tax reduced by the credits allowable under section 32(2) (relating to tax withheld at source on tax-free covenant bonds), section 33 (relating to foreign tax credit), and section 35 (relating to partially tax exempt interest).

* * * * *

(i) *Special rules for certain married couples*—(1) *Election.* A husband and wife who make a joint return for the taxable year and both of whom have attained the age of 65 before the close of the taxable year may elect (at such time and in such manner as the Secretary or his delegate by regulations prescribes) to determine the amount of the credit allowed by subsection (a) by applying the provisions of paragraph (2).

(2) *Special rules.* If an election is made under paragraph (1) for the taxable year, for purposes of subsection (a)—

(A) If either spouse is an individual who has received earned income within the meaning of subsection (b), the other spouse shall be considered to be an individual who has received earned income within the meaning of such subsection; and

(B) Subsection (d) shall be considered as providing that the amount of the combined retirement income of both spouses shall not exceed $2,286, less the sum of the amounts specified in paragraphs (1) and (2) of subsection (d) for each spouse.

(j) *Cross reference.* For disallowance of credit where tax is computed by Secretary or his delegate, see section 6014(a).

[Sec. 37 as amended by Act of Aug. 9, 1955 (Pub. Law 299, 84th Cong., 69 Stat. 591); Act of Jan. 28, 1956 (Pub. Law 398, 84th Cong., 70 Stat. 8); Act of Oct. 24, 1962 (Pub. Law 87-876, 76 Stat. 1199); sec. 7(a), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 828); secs. 113(a), 201 (d) (3), and 202, Rev. Act 1964 (78 Stat. 24, 32, 33)]

PAR. 2. Section 1.37-1 is amended to read as follows:

**§ 1.37-1 Allowance of credit for retirement income.**

(a) *In general.* Section 37 provides a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1954 in the case of an individual who receives in the taxable year retirement income as defined in section 37(c) and who meets the eligibility requirements of section 37(b). The amount of the credit is determined by multiplying the amount of retirement income for such taxable year, as limited by subsections (d) and (i)(2)(B) of section 37, by the rate provided in section 37(a) which is applicable for such year. The credit cannot exceed, however, the tax imposed by chapter 1, reduced by the credits enumerated in section 37(a).

(b) *Maximum amount of retirement income and rate to be used to compute credit.* (1) Section 37(d) provides that the amount of retirement income with respect to which the retirement income credit is allowable cannot exceed $1,524 ($1,200 for taxable years ending before October 25, 1962). In the case of a joint return filed for a taxable year beginning after December 31, 1963, where both spouses have attained age 65 and they elect to compute their retirement income credit under the special rules of section 37(i), paragraph (2)(B) of section 37(i) provides that section 37(d) shall be considered as providing that the amount of combined retirement income of both spouses with respect to which the retirement income credit is allowable shall not exceed $2,286. For computation of the retirement income credit in the case of such joint returns, see paragraph (d) of this section.

(2)(i) For taxable years beginning before January 1, 1964, the amount of the retirement income credit is determined by multiplying the amount of retirement income, as limited by section 37(d), by the rate of tax applicable under section 1 of the Code to the first $2,000 of taxable income for such taxable year. Since the rate of tax under section 1 of the Code applicable to the first $2,000 of taxable income for taxable years beginning before January 1, 1964, is 20 percent, the maximum retirement income credit for an individual in a taxable year ending before October 25, 1962, is $240 (20 percent of $1,200) and in a taxable year beginning before January 1, 1964, and ending after October 25, 1962, is $304.80 (20 percent of $1,524).

(ii) For taxable years beginning in 1964, the amount of the retirement income credit is determined by multiplying the amount of retirement income, as limited by section 37(d), by 17 percent. Thus, the maximum credit for an individual in a taxable year beginning in 1964 cannot exceed $259.08 (17 percent of $1,524). In the case of joint returns to which section 37(i) applies, the maximum credit cannot exceed $388.62 (17 percent of $2,286).

(iii) For taxable years beginning after December 31, 1964, the amount of the retirement income credit is determined by multiplying the amount of retirement income, as limited by section 37(d), by 15 percent. Thus, the maximum credit for an individual in a taxable year beginning after December 31, 1964 cannot exceed $228.60 (15 percent of $1,524). In the case of joint returns to which section 37(i) applies, the maximum credit cannot exceed $342.90 (15 percent of $2,286).

(c) *Limitation on amount of credit.* (1) Section 37(a) provides that the amount of retirement income credit shall not be greater than the excess of the individual's tax under chapter 1 of the Code for the taxable year over the sum of his credits against tax under section 32(2) (relating to tax withheld at source on tax-free covenant bonds), section 33 (relating to foreign tax credit) and section 35 (relating to partially tax-exempt interest). Also, in the case of dividends received by an individual on or before December 31, 1964, the credit under section 34 (relating to credit for dividends received by individuals) shall be taken into account.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following example:





*Example.* Assume that the individual has a retirement income credit of $240 for the calendar year 1961 before applying the limitation in section 37(a), and has the tax liability shown in (i) below, and the credits shown in (ii) and (vi).

| | |
|---|---|
| (i) Tax under chapter 1 | $300 |
| (ii) Sum of credits allowable under sections 32(2), 33, 34, and 35 | 100 |
| (iii) Tax reduced by credits in (ii) | 200 |
| (iv) Retirement income credit under section 37(a) ($240 or $200 whichever is lesser) | 200 |
| (v) Tax under chapter 1 as further reduced by credit in (iv) | 0 |
| (vi) Credit for tax withheld at source on wages under section 31 | 35 |
| (vii) Overpayment of tax | 35 |

(d) *Computation of credit in the case of joint returns*—(1) *General rule.* (i) In the case of a joint return of husband and wife, a separate determination is made with respect to the eligibility of each spouse for the retirement income credit, and (with the exceptions described in subdivision (ii) of this subparagraph) the retirement income credit of each spouse eligible for such credit is separately computed. See subparagraph (2) of this paragraph for the special rules in the case of certain joint returns filed for taxable years beginning after December 31, 1963.

(ii) The retirement income credit is allowable in the case of a joint return on account of the retirement income of each spouse without regard to whether the spouse would be liable for the tax imposed by chapter 1 of the Code if the joint return had not been filed. For example, if the wife's only income consists of $500 of retirement income, and if she is eligible for the credit, the retirement income credit is allowable with respect to such retirement income in case a joint return is filed. However, the limitation in section 37(a) on the amount of the credit is determined by reference to the tax and the credits under sections 32(2), 33, 34 (in respect of dividends received by an individual on or before December 31, 1964), and 35, required to be shown on the joint return. For this purpose, it makes no difference whether the tax or the credits are attributable to one or the other spouse. If both the husband and wife are entitled to a retirement income credit, their combined retirement income credit shall not exceed the amount so computed.

(iii) The application of subdivisions (i) and (ii) of this subparagraph may be illustrated by the following examples:

*Example (1).* Assume the same facts as in the example in paragraph (c) of this section, except that the return is a joint return, the retirement income credit is based on the retirement income of the husband only, the wife has no retirement income, and 90 percent of the amount shown as the tax under chapter 1 and the credits under sections 31, 32(2), 33, 34, and 35 are attributable to the wife. The retirement income credit on the joint return is limited to $200, computed in exactly the same manner as shown in the example in paragraph (c) of this section.

*Example (2).* Assume the same facts as in example (1) above, except that in addition the wife has a retirement income credit of $160 computed before applying the limitation in section 37(a). Accordingly, the combined retirement income credit without regard to the limitation in section 37(a) is the sum of $240 and $160, or $400. The combined retirement income credit allowable on the joint return after applying the limitation in section 37(a) is $200, computed in exactly the same manner as shown in the example in paragraph (c) of this section.

(2) *Special rules in the case of certain joint returns.* (i) For taxable years beginning after December 31, 1963, a husband and wife who make a joint return for the taxable year and both of whom have attained the age of 65 before the close of the taxable year may elect to determine the amount of the credit allowed by section 37(a) by applying the special rules of section 37(i)(2). These special rules provide that (a) if either spouse meets the earned income requirement of section 37(b), the other spouse shall be considered as also meeting that requirement, and (b) section 37(d) (relating to limitation on retirement income) shall be considered as providing that the amount of the combined retirement income of both spouses is not to exceed $2,286 less the sum of the amounts specified in paragraphs (1) and (2) of section 37(d) for each spouse (that is, amounts received in the taxable year as pensions or annuities which are excluded from gross income, and earned income in excess of certain specified amounts received during the taxable year). To determine the credit by application of these special rules, the retirement income of both spouses is combined, but the reductions specified in paragraphs (1) and (2) of section 37(d) for each are computed separately. The total reductions for each spouse are then combined to determine the amount by which $2,286 will be reduced to ascertain the limitation on the retirement income for purposes of computing the credit.

(ii) A husband and wife making a joint return shall exercise the election to have the special rules of section 37(i)(2) apply by claiming on the return the retirement income credit computed under such special rules. The election to have or not to have the special rules of section 37(i)(2) apply may be changed before or after the time prescribed for filing a return for the taxable year. However, the period of time prescribed in section 6511 within which claim for credit or refund of tax must be made is not extended by the right to effect a change of election. A change of election for any taxable year shall not be permitted if the tax liability of the taxpayer for the taxable year has been compromised under the provisions of section 7122.

(iii) The application of subdivision (i) of this subparagraph may be illustrated by the following example:

*Example.* Assume that H and W, both 65 years of age, make a joint return for the calendar year 1964 but only H meets the earned income requirement of section 37(b). During the year H received $400 of retirement income, $1,000 of benefits under the Social Security Act, and $1,300 of earned income, and W received $2,000 of retirement income, $500 of benefits under the Social Security Act, and $1,300 of earned income. Since H meets the earned income requirement, W is also considered to meet such requirement and they may elect to compute their retirement income credit pursuant to the special rules provided in section 37(i). The retirement income credit of H and W determined pursuant to the rules in section 37(i) (before applying the limitation in section 37(a)) is $116.62, computed as follows:

| | | |
|---|---|---|
| (i) Retirement income of H | | $400 |
| (ii) Retirement income of W | | 2,000 |
| (iii) Total retirement income of H and W | | 2,400 |
| (iv) Maximum amount upon which credit can be computed | | 2,286 |
| (v) Reduced by: | | |
| Social Security received by H | $1,000 | |
| Social Security received by W | 500 | |
| Earned income (½ of amount in excess of $1,200 but not in excess of $1,700): | | |
| Received by H | 50 | |
| Received by W | 50 | |
| | | 1,600 |
| (vi) Balance | | 686 |
| (vii) Amount upon which credit computed (line (iii) or line (vi), whichever is less) | | 686 |
| (viii) Retirement Income Credit (17 percent of $686) | | 116.62 |

If H and W do not elect to compute their retirement income credit pursuant to the special rules in section 37(i), H would be entitled to a retirement income credit of $68, computed as follows:

| | | |
|---|---|---|
| (i) Retirement income of H | | $400 |
| (ii) Maximum amount upon which credit can be computed | | 1,524 |
| (iii) Reduced by: | | |
| Social Security received by H | $1,000 | |
| Earned income (½ of amount in excess of $1,200 but not in excess of $1,700) | 50 | |
| | | 1,050 |
| (iv) Balance | | 474 |
| (v) Amount upon which credit is computed (line (i) or line (iv), whichever is less) | | 400 |
| (vi) Retirement Income Credit (17 percent of $400) | | 68 |

(e) *Retirement income to which community property laws apply.* If retirement income constitutes community income under community property laws applicable to such income, the retirement income credit of each spouse shall be separately computed by taking into account one-half of such amounts. If the husband and wife file a joint return, the limitation in section 37(a) on the amount of the combined retirement income credit is determined in the manner provided in paragraph (d) of this section. See § 1.37-2 for eligibility requirements that must be met by each spouse.

(f) *Election to have Government compute tax.* If the taxpayer elects under section 6014 to have the Government compute his tax, the retirement income credit is not taken into account in such computation.

PAR. 3. Paragraphs (a) and (d)(1) of § 1.37–2 are amended to read as follows:

**§ 1.37–2 Eligibility for retirement income credit.**

(a) In order to be eligible for the retirement income credit, section 37(b) provides that the taxpayer must have received earned income in excess of $600 during each of any 10 calendar years preceding the taxable year. Where both spouses have attained the age of 65 and file a joint return for the taxable year, and one spouse meets the earned income requirement of section 37(b), see paragraph (d)(2) of § 1.37–1 for computation of the retirement income credit under the special rules of section 37(i). For purposes of section 37(b) and section 37(d)(2), the term "earned income" has the same meaning as in section 911(b), except that earned income does not include any amount received as a pension or annuity. See section 911(b) and the regulations thereunder. Section 911(b) provides, in general, that earned income includes wages, salaries, professional fees, and other amounts received as compensation for personal services rendered. For the purposes of section 37(b) and section 37(d)(2), earned income means the entire amount of such income and shall not be reduced by any expenses connected with the earning of such income. Also, for such purposes, income earned by either spouse which constitutes community income under community property laws applicable to such income shall be treated as earned income received one-half by each spouse.

* * * * *

(d)(1) If a husband or wife dies, the earned income which the deceased spouse received in any calendar year shall be treated as earned income of the surviving spouse for such calendar year for the purpose of determining the eligibility of the surviving spouse for the retirement income credit. In any case in which the deceased spouse was eligible for the retirement income credit for the taxable year ending with his death, the surviving spouse will be deemed to have received earned income of more than $600 for 10 calendar years for the purpose of determining the eligibility of the surviving spouse. Thus, in such case, the deceased spouse is allowed a retirement income credit for the retirement income which he received during the taxable year ending with his death, and the surviving spouse is allowed a retirement income credit for the retirement income which she received during her taxable year in which he died, whether joint returns or separate returns are filed. (See, however, paragraph (c) of this section for additional requirement where the taxable year of the surviving spouse is a fiscal year.) However, in order to take advantage of the special rules provided by section 37(i), a joint return must be filed by the surviving spouse for the taxable year ending with the death of the other spouse. (See § 1.37–1(d)(2) relating to the computation of the retirement income credit in the case of certain joint returns.) If the year of death of the deceased spouse constitutes the tenth year in which he received earned income of more than $600, the deceased spouse is not eligible for the retirement income credit and the surviving spouse will not be deemed to meet the eligibility requirement (solely by virtue of the earned income received by her deceased spouse) for any taxable year prior to her first taxable year beginning in a calendar year subsequent to the calendar year in which he died.

* * * * *

PAR. 4. Paragraph (a)(1) of § 1.37–3 is amended to read as follows:

**§ 1.37–3 Retirement income.**

(a) *Inclusions in retirement income*—(1) *General rule.* Income which may be treated as the retirement income of an individual who is 65 years of age or older at the close of the taxable year is determined under section 37(c)(1). If the individual has not attained the age of 65 at the close of the taxable year, his retirement income for the taxable year is determined under section 37(c)(2). See paragraph (b) of this section for the exclusion from retirement income of certain portions of the income described in paragraph (1) or (2) of section 37(c), whichever is applicable to the individual. See also subsections (d) and (i)(2)(B) of section 37 and § 1.37–4 for limitations on the amount of retirement income with respect to which the retirement income credit is computed.

* * * * *

PAR. 5. Section 1.37–4 is amended by revising paragraphs (a) and (b) and by adding example (4) to paragraph (d). These amended and added provisions read as follows:

**§ 1.37–4 Limitation on amount of retirement income.**

(a) Section 37(d) provides a limitation on the amount of retirement income with respect to which the retirement income credit is allowable. Such credit is computed on the amount of retirement income, as defined in section 37(c), but on not more than the amount determined as the limitation provided by section 37(d). In any event, the maximum amount of retirement income with respect to which the retirement income credit is allowable is $1,524 ($1,200 for taxable years ending before October 25, 1962), except that in the case of certain married taxpayers filing a joint return to whom section 37(i) applies, the combined retirement income of both spouses is limited to $2,286 for taxable years beginning after December 31, 1963.

(b) The limitation provided by section 37(d) is determined by subtracting from $1,524 ($1,200 for taxable years ending before October 25, 1962) or from $2,286 (in the case of certain married taxpayers to whom section 37(i) applies), as the case may be, the sum of—

* * * * *

(d) * * *

*Example (4).* H, age 67, is eligible for the retirement income credit and makes a joint return for the taxable year 1964 with his wife, W, who attained the age of 65 before the close of the taxable year and who is not otherwise eligible for the credit. During the taxable year H received $1,200 as a pension from the State of Ohio and $2,100 as compensation for personal services, while W received $500 as dividends and $600 as compensation for personal services. The total combined retirement income of H and W is $1,700 ($1,200 pension of H plus $500 of dividends received by W). Since neither spouse has attained the age of 72 before the close of the taxable year, the limitation of subsection (d) by application of subsection (i)(2)(B) of section 37 is determined by subtracting from $2,286 the amount of $650, that is, $400, the amount of earned income of H which is in excess of $1,700, plus $250, one-half of the amount of earned income in excess of $1,200 but not in excess of $1,700. There is no deduction for the earned income of W since it does not exceed $1,200. The limitation is thus $1,636 ($2,286 less $650) and the retirement income credit is computed on $1,636 of the retirement income of the two spouses. If H had attained the age of 72 before the close of the taxable year 1964, no amount would be subtracted from $2,286 by reason of his earned income and the limitation would then be $2,286 instead of $1,636, and the retirement income credit would be computed on $1,700, the entire amount of the pension item of $1,200 received by H and the dividend item of $500 received by W.

PAR. 6. Section 1.37–5 is amended by revising so much of such section as precedes the example, by revising the heading of the example, and by adding a new example (2) at the end thereof. These amended and added provisions read as follows:

**§ 1.37–5 Illustration of application of section 37.**

The application of section 37 may be illustrated by the following examples:

*Example (1).* * * *

*Example (2).* Assume that the facts set forth in example (1) had occurred in respect of the calendar year 1965 except that the amount of dividend income (of which $100 is excluded under section 116) is $800. The retirement income credit of the individual would be computed in the following manner:

First, the taxpayer must compute his tax before the credit, as follows:

| | |
|---|---|
| Adjusted gross income ($700 dividend income + $600 rental income + $1,300 earned income) | $2,600 |
| Tax before retirement income credit (determined by table in section 3) | 147 |

Next, the taxpayer must compute his retirement income credit as follows:

| | |
|---|---|
| Retirement income includes: | |
| Dividend income | $700 |
| Rental income | 600 |
| Total retirement income | 1,300 |

But the limitations in section 37(d) provide that this amount may not exceed a maximum amount for the taxable year 1965, determined as follows:

| | |
|---|---|
| Maximum amount (before reduction) | $1,524 |
| Less railroad retirement pension | 600 |
| | 924 |
| Less earned income (½ of amount in excess of $1,200 but not in excess of $1,700) | 50 |
| Amount of retirement income upon which the credit is computed | 874 |



The retirement income credit is computed by applying the 15-percent rate to the maximum amount of retirement income reduced by the railroad retirement pension and ½ of the earned income over $1,200 but not in excess of $1,700, as follows:

| | |
|---|---|
| Maximum amount of retirement income as reduced above | $874 |
| 15 percent rate | .15 |
| Retirement income credit | 131.10 |

[F.R. Doc. 64–11171; Filed, Nov. 2, 1964; 8:47 a.m.]

## [ 26 CFR Part 1 ]

## INCOME TAXES

### Proposed Treatment of Redeemable Ground Rents

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] D. W. BACON,
*Acting Commissioner of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 163, 1055, and 1056 of the Internal Revenue Code of 1954 to the Act of April 10, 1963 (Public Law 88–9, 77 Stat. 6), such regulations are amended as follows:

PARAGRAPH 1. Section 1.163 is amended by redesignating section 163(c) as section 163(d), by inserting after section 163(b) a new section 163(c), by adding a paragraph (5) to section 163(d) (as redesignated), and by adding a historical note. These amended and added provisions read as follows:

**§ 1.163 Statutory provisions; interest.**

SEC. 163, *Interest.* * * *

(c) *Redeemable ground rents.*—For purposes of this subtitle, any annual or periodic rental under a redeemable ground rent (excluding amounts in redemption thereof) shall be treated as interest on an indebtedness secured by a mortgage.

(d) *Cross references.* * * *

(5) For treatment of redeemable ground rents and real property held subject to liabilities under redeemable ground rents, see section 1055.

[Sec. 163 as amended by sec. 1 (a) and (c), Act of Apr. 10, 1963 (Pub. Law 88–9, 77 Stat. 6)]

PAR. 2. Paragraph (b) of § 1.163–1 is amended to read as follows:

**§ 1.163–1 Interest deduction in general.**

* * * * *

(b) Interest paid by the taxpayer on a mortgage upon real estate of which he is the legal or equitable owner, even though the taxpayer is not directly liable upon the bond or note secured by such mortgage, may be deducted as interest on his indebtedness. Pursuant to the provisions of section 163(c), any annual or periodic rental payment made by a taxpayer on or after January 1, 1962, under a redeemable ground rent, as defined in section 1055(c) and paragraph (b) of § 1.1055–1, is required to be treated as interest on an indebtedness secured by a mortgage and, accordingly, may be deducted by the taxpayer as interest on his indebtedness. Section 163(c) has no application in respect of any annual or periodic rental payment made prior to January 1, 1962, or pursuant to an arrangement which does not constitute a "redeemable ground rent" as defined in section 1055 (c) and paragraph (b) of § 1.1055–1. Accordingly, annual or periodic payments of Pennsylvania ground rents made before, on, or after January 1, 1962, are deductible as interest if the ground rent is redeemable. An annual or periodic rental payment under a Maryland redeemable ground rent made prior to January 1, 1962, is deductible in accordance with the rules and regulations applicable at the time such payment was made. Any annual or periodic rental payment under a Maryland redeemable ground rent made by the taxpayer on or after January 1, 1962, is, pursuant to the provisions of section 163(c), treated as interest on an indebtedness secured by a mortgage and, accordingly, is deductible by the taxpayer as interest on his indebtedness. In any case where the ground rent is irredeemable, any annual or periodic ground rent payment shall be treated as rent and shall be deductible only to the extent that the payment constitutes a proper business expense. Amounts paid in redemption of a ground rent shall not be treated as interest. For treatment of redeemable ground rents and real property held subject to liabilities under redeemable ground rents, see section 1055 and the regulations thereunder.

* * * * *

PAR. 3. Section 1.1055 is redesignated § 1.1056, and as so redesignated is amended by redesignating section 1055 as section 1056, and by revising the historical note. These amended provisions read as follows:

**§ 1.1056 Statutory provisions; cross references.**

SEC. 1056. *Cross references.* * * *

[Sec. 1056 as renumbered by sec. 8(b), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1003); sec. 1(b), Act of Apr. 10, 1963 (Pub. Law 88–9, 77 Stat. 6)]

PAR. 4. There are inserted immediately after § 1.1054–1 the following new sections:

**§ 1.1055 Statutory provisions; redeemable ground rents.**

SEC. 1055. *Redeemable ground rents*—(a) *Character.* For purposes of this subtitle—

(1) A redeemable ground rent shall be treated as being in the nature of a mortgage, and

(2) Real property held subject to liabilities under a redeemable ground rent shall be treated as held subject to liabilities under a mortgage.

(b) *Application of subsection (a)*—(1) *In general.* Subsection (a) shall take effect on the day after the date of the enactment of this section and shall apply with respect to taxable years ending after such date of enactment.

(2) *Basis of holder.* In determining the basis of real property held subject to liabilities under a redeemable ground rent, subsection (a) shall apply whether such real property was acquired before or after the enactment of this section.

(3) *Basis of reserved redeemable ground rent.* In the case of a redeemable ground rent reserved or created on or before the date of the enactment of this section in connection with a transfer of the right to hold real property subject to liabilities under such ground rent, the basis of such ground rent after such date in the hands of the person who reserved or created the ground rent shall be the amount taken into account in respect of such ground rent for Federal income tax purposes as consideration for the disposition of such real property. If no such amount was taken into account, such basis shall be determined as if this section had not been enacted.

(c) *Redeemable ground rent defined.* For purposes of this subtitle, the term "redeemable ground rent" means only a ground rent with respect to which—

(1) There is a lease of land which is assignable by the lessee without the consent of the lessor and which (together with periods for which the lease may be renewed at the option of the lessee) is for a term in excess of 15 years,

(2) The leaseholder has a present or future right to terminate, and to acquire the entire interest of the lessor in the land, by payment of a determined or determinable amount, which right exists by virtue of State or local law and not because of any private agreement or privately created condition, and

(3) The lessor's interest in the land is primarily a security interest to protect the rental payments to which the lessor is entitled under the lease.

(d) *Cross reference.* For treatment of rentals under redeemable ground rents as interest, see section 163(c).

[Sec. 1055 as added by sec. 1(b), Act of Apr. 10, 1963 (Pub. Law 88–9, 77 Stat. 6)]

**§ 1.1055–1 General rule with respect to redeemable ground rents.**

(a) *Character of a redeemable ground rent.* For purposes of subtitle A of the Code (1) a redeemable ground rent (as defined in section 1055(c) and paragraph (b) of this section) shall be treated as being in the nature of a mortgage, and (2) real property held subject to liabilities under such a redeemable ground rent shall be treated as held subject to liabilities under a mortgage. Thus, under section 1055(a) and this paragraph, the transfer of property subject to a redeemable ground rent has the same effect as the transfer of property subject to a mortgage, the acquisition





of property subject to a redeemable

of property subject to a redeemable ground rent is to be treated the same as the acquisition of property subject to a mortgage, and the holding of property subject to a redeemable ground rent is to be treated in the same manner as the holding of property subject to a mortgage. See section 163(c) for the treatment of any annual or periodic rental payment under a redeemable ground rent as interest.

(b) *Definition of redeemable ground rent.* For purposes of subtitle A of the Code, the term "redeemable ground rent" means only a ground rent with respect to which all the following conditions are met:

(1) There is a lease of land which is assignable by the lessee without the consent of the lessor.

(2) The term of the lease is for a period in excess of 15 years, taking into account all periods for which the lease may be renewed at the option of the lessee.

(3) The lessee has a present or future right to terminate the lease and to acquire the lessor's interest in the land (i.e., to redeem the ground rent) by the payment of a determined or determinable amount, which amount is referred to in §§ 1.1055–2, 1.1055–3, and 1.1055–4 as a "redemption price". Such right must exist by virtue of State or local law. If the lessee's right to terminate the lease and to acquire the lessor's interest is not granted by State or local law but exists solely by virtue of a private agreement or privately created condition, the ground rent is not a "redeemable ground rent".

(4) The lessor's interest in the land subject to the lease is primarily a security interest to protect the payment to him of the annual or periodic rental payments due under the lease.

(c) *Effective date.* In general, the provisions of section 1055 and paragraph (a) of this section take effect on April 11, 1963, and apply with respect to taxable years ending on or after such date. See § 1.1055–3 for rules for determining the basis of real property acquired subject to liabilities under a redeemable ground rent regardless of when such property was acquired. See also § 1.1055–4 for rules for determining the basis of a redeemable ground rent in the hands of a holder who reserved or created such ground rent in connection with a transfer, occurring before April 11, 1963, of the right to hold real property subject to liabilities under such ground rent.

**§ 1.1055–2 Determination of amount realized on the transfer of the right to hold real property subject to liabilities under a redeemable ground rent.**

In determining the amount realized from a transfer, occurring on or after April 11, 1963, of the right to hold real property subject to liabilities under a redeemable ground rent, such ground rent shall be accounted for in the same manner as a mortgage for an amount of money equal to the redemption price of the ground rent. The provisions of this section apply in respect of any such transfer even though such ground rent was created prior to April 11, 1963. For provisions relating to the determination of the amount of and recognition of gain or loss from the sale or other disposition of property, see section 1001 and the regulations thereunder.

**§ 1.1055–3 Basis of real property held subject to liabilities under a redeemable ground rent.**

(a) *In general.* The provisions of section 1055(a) and paragraph (a) of § 1.1055–1 are applicable in determining the basis of real property held on or after April 11, 1963, in any case where the property at the time of acquisition was subject to liabilities under a redeemable ground rent. (See section 1055(b)(2).) Thus, if on or after April 11, 1963, a taxpayer holds real property which was subject to liabilities under a redeemable ground rent at the time he acquired it, the basis of such property in the hands of such taxpayer, regardless of when the property was acquired, will include the redeemable ground rent in the same manner as if it were a mortgage in an amount equal to the redemption price of such ground rent. Likewise, if on or after April 11, 1963, a taxpayer holds real property which was subject to liabilities under a redeemable ground rent at the time he acquired it and which has a substituted basis in his hands, the basis of the property in the hands of the taxpayer's predecessor in interest is to be determined by treating the redeemable ground rent in the same manner as a mortgage in an amount equal to the redemption price of such ground rent.

(b) *Illustrations.* The provisions of this section may be illustrated by the following examples:

*Example (1).* On April 11, 1963, taxpayer A held residential property which he acquired on January 15, 1958, for a purchase price of $10,000 and which, at the time he acquired it, was subject to a ground rent redeemable for a redemption price of $1,600. A's basis for the property includes the purchase price ($10,000) plus the redeemable ground rent in the same manner as if it were a mortgage for $1,600.

*Example (2).* In 1962, taxpayer X, a corporation, acquired real property subject to a redeemable ground rent in a transfer to which section 351 (relating to transfer of property to corporation controlled by transferor) applied and in which the basis of the property to X was the transferor's basis. X still held the property on April 11, 1963. The transferor's basis in the property is to be determined by treating the redeemable ground rent to which it was subject in the transferor's hands as if it were a mortgage.

**§ 1.1055–4 Basis of redeemable ground rent reserved or created in connection with transfers of real property before April 11, 1963.**

(a) *In general.* In the case of a redeemable ground rent created or reserved in connection with a transfer, occurring before April 11, 1963, of the right to hold real property subject to liabilities under such ground rent, the basis of such ground rent on or after April 11, 1963, in the hands of the person who reserved or created the ground rent is the amount which was taken into account in respect of such ground rent in computing the amount realized from the transfer of such real property. Thus, if no such amount was taken into account, such basis shall be determined without regard to section 1055. (See section 1055(b)(3).)

(b) The provisions of this section may be illustrated by the following examples:

*Example (1).* The taxpayer, who was in the business of building houses, purchased an undeveloped lot of land for $500 and built a house thereon at a cost of $10,000. Subsequently, he transferred the right to hold the lot improved by the house for a consideration of $12,000, and an annual ground rent for such property of $120 which was redeemable for a redemption price of $2,000. The taxpayer reported a $2,000 gain on the transfer, treating the amount realized as $12,000 and his cost allocable to the interest transferred as $10,000. Since the builder did not take the redeemable ground rent into account in computing gain on the transfer, his basis for such ground rent is $500 (the cost of the land not offset against the consideration received for the transfer). Thus, if he subsequently sells the redeemable ground rent (or if it is redeemed from him) for $2,000, he has a gain of $1,500 in the year of sale (or redemption).

*Example (2).* Assume the same facts as in Example (1) except that the builder reported a gain of $3,500 on the transfer, treating the amount realized as $14,000 ($12,000 cash plus $2,000 for the redeemable ground rent) and his costs as $10,500 ($10,000 for the house and $500 for the lot). Since the taxpayer took the entire amount of the redeemable ground rent into account in computing his gain, his basis for such ground rent is $2,000. Thus, if he subsequently sells the redeemable ground rent (or if it is redeemed from him) for $2,000, he has no gain or loss on the transaction.

*Example (3).* Assume the same facts as in Example (1) except that the builder reported a gain of $3,000 on the transfer. He computed this gain by treating the amount realized as $12,000 but treating his cost allocable to the interest transferred as $12,000/$14,000ths of his total $10,500 cost, or $9,000. Since the builder still has remaining $1,500 of unallocated cost, his basis for the redeemable ground rent is $1,500. Thus, if he subsequently sells the redeemable ground rent (or if it is redeemed from him) for $2,000, he has a gain of $500 in the year of sale (or redemption).

[F.R. Doc. 64–11172; Filed, Nov. 2, 1964; 8:48 a.m.]

# DEPARTMENT OF THE INTERIOR

## National Park Service

## [ 36 CFR Part 6 ]

## ISLE ROYALE NATIONAL PARK, MICHIGAN

### Proposed Motor Vessel Transportation Rates

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend Title 36, Part 6, § 6.11, of the Code of Federal Regulations as set forth below. The purpose of this amendment is to revise the motor vessel transportation rates at Isle Royale National Park, Michigan: (1) To provide an equitable differential in the amounts charged for different size boat categories; (2) to provide for reduced rates for children in the teenage group; (3) to provide for a family-group rate; and (4) to establish specific rates for transporting baggage, camping gear, supplies and equipment.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections concerning the proposed amendment to the National Park Service, Washington, D.C., 20240, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

As so amended § 6.11 reads as follows:

**§ 6.11 Motor vessel transportation.**

(a) *Isle Royale National Park.* (1) Transportation services between Houghton, Michigan, and Isle Royale National Park, Michigan, rendered aboard Government-owned vessels, shall be charged for at the following rates:

| | |
|---|---|
| Personal transportation—one way only | $7.50 |
| Personal transportation—round trip | 15.00 |
| Transportation of boats up to 14 feet in length—one way only | 5.00 |
| Transportation of boats up to 14 feet in length—round trip | 10.00 |
| Transportation of boats over 14 feet but not exceeding 17 feet in length—one way | 10.00 |
| Transportation of boats over 14 feet but not exceeding 17 feet in length—round trip | 20.00 |
| Transportation of boats over 17 feet but limited to 20 feet in length—one way | 15.00 |
| Transportation of boats over 17 feet but limited to 20 feet in length—round trip | 30.00 |
| Canoes—round trip: | |
| Transported on regular passage | 3.00 |
| Transported without one regular passage | 5.00 |
| Outboard motors ¾ h.p. to 10 h.p.—round trip | 3.00 |
| Outboard motors over 10 h.p. but not exceeding 25 h.p.—round trip | 5.00 |
| Outboard motors over 25 h.p.—round trip | 7.50 |

(2) Personal transportation for children between the ages of five and twelve, inclusive, will be one-half of the rates mentioned in subparagraph (1) of this paragraph for comparable service. Personal transportation for children between the ages of thirteen and eighteen, inclusive, will be two-thirds of the rates mentioned in subparagraph (1) of this paragraph for comparable service. No charge will be made for children under the age of five. Family groups consisting of parents (or a parent) and children shall be entitled to a special group rate not to exceed three times the amount of the individual adult fee.

(3) The rates for personal transportation mentioned in subparagraph (1) of this paragraph include the transportation of usual hand baggage and camping gear not exceeding 100 lbs. per person. Any baggage in excess of the 100 lbs. per person allowance will be subject to an additional charge of $1.00 per 100 lbs. or any part thereof.

(4) Shipment of baggage, supplies and equipment by persons not traveling aboard Government-owned vessels shall be subject to a rate of $1.00 per 100 lbs. or any part thereof for a one-way shipment.

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

OCTOBER 28, 1964.

[F.R. Doc. 64–11151; Filed, Nov. 2, 1964; 8:46 a.m.]



# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Part 73 ]

[Docket No. 14037; FCC 64–995]

## RADIO BROADCAST STATIONS

### Proposed Elimination of Interference Ratio

*Report and order.* 1. The Commission has before it for consideration the notice of proposed rule making in the above-entitled matter, adopted April 5, 1961 (FCC 61–470) which invited comments on a proposed amendment to § 73.182(w) (formerly 3.182(w)) of the Commission's rules to delete therefrom the 30:1 ratio pertaining to interference between stations 20 kc apart.

2. Since the issuance of the notice the Commission has given consideration to such an amendment in another proceeding, and in its Report and Order adopted July 1, 1964 (FCC 64–609) in Docket No. 15084 amended § 73.182(w) in accordance with the proposal made in this proceeding. Consequently, the proposed amendment having already been adopted in another proceeding, its consideration in this proceeding is unnecessary.

3. *Accordingly, it is ordered,* That effective November 6, 1964, this proceeding is terminated.

Adopted: October 28, 1964.

Released: October 29, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–11183; Filed, Nov. 2, 1964; 8:49 a.m.]

## [ 47 CFR Part 73 ]

[Docket No. 15683 (RM–606); FCC 64–996]

## TELEVISION BROADCAST STATIONS

### Proposed Table of Assignments for Redding, Calif.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration the petition of Northern California Educational Television Association, Inc. (NCETA), a California nonprofit corporation and permittee of Station KIXE–TV, Channel 9, Redding, California, filed May 25, 1964 (RM–606); and also NCETA's petition of April 21, 1961 (RM–254) (incorporated by reference). These petitions request that the Commission "designate television Channel 9, Redding, California, as a noncommercial educational television channel and if necessary specifically authorize the operation of Channel KIXE on said channel." There is no opposition to the requested action.

3. We denied NCETA's earlier petition (RM–254) in November 1961, when there were pending both its application for an educational station on Channel 9 at Redding, and a mutually exclusive commercial application for the same channel, filed by Redding-Chico Television, Inc. We stated (Memorandum Opinion and Order released November 20, 1961, FCC 61–1373, paragraph 17):

> • • • The close question of whether the public interest would best be served by using Channel 9 for a third commercial service or for a first educational service in the Redding-Chico area can be resolved most satisfactorily, in our judgment, through a comparative evaluation of the applications of commercial and educational applicants for the channel in an adjudicatory hearing. We are therefore of the view that it is not appropriate or desirable at this time to make this question, and that of reservation of Channel 9 at Redding, the subject of additional rule making.

These applications were subsequently designated for hearing. Then the principals of Redding-Chico formed a new corporation (Sacramento Valley Television, Inc.) which in June 1963 acquired the existing Redding commercial station (KVIP–TV, Channel 7), and they dismissed their application for Channel 9. NCETA's application was granted on November 29, 1963, and the new station went on the air under temporary authority on October 5, 1964.

4. It is clear from NCETA's petition and hearing showing that it plans a noncommercial educational operation, meeting the Commission's standards for operation on a channel reserved for noncommercial educational use. Therefore, reservation of the channel in the Table of Assignments, as requested, appears appropriate. Accordingly, we invite comments on the following change in § 73.606 of the rules:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Redding, Calif. | 7, 9 | 7, *9 |

5. Authority for the change in § 73.606, the Table of Assignments, adopted herein is contained in sections 4(i) and 303 (r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file comments on or before November 20, 1964, and reply comments on or before November 27, 1964. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written Comments, reply Comments or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the rules an original and 14 copies of all written comments, replies,

[1] Commissioner Bartley absent.

pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: October 26, 1964.

Released: October 29, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11184; Filed, Nov. 2, 1964; 8:49 a.m.]

# Notices

## DEPARTMENT OF DEFENSE

### Department of the Navy

[General Orders 5, 19]

### ORGANIZATION STATEMENT

### Assignment and Distribution of Authority and Responsibility for Administration of Navy Department and for Exercise of Command and Support of Shore (Field) Activities

Effective January 1, 1965, the Organization Statement of the Department of the Navy (16 F.R. 12573), as amended, is further amended to conform with General Orders 5 and 19 of the Secretary of the Navy, dated October 20, 1964, and enclosed herewith. The General Orders are being distributed to Navy and Marine Corps commands in due course. The General Orders supersede, to the extent of any inconsistencies, the previously published Organization Statement, as amended, including General Order 5 of July 1, 1963, published in the FEDERAL REGISTER of July 10, 1963 (28 F.R. 7037).

Dated: October 28, 1964.

By direction of the Secretary of the Navy.

[SEAL] WILFRED HEARN,
*Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.*

[General Order No. 5]

OCTOBER 20, 1964.

ASSIGNMENT AND DISTRIBUTION OF AUTHORITY AND RESPONSIBILITY FOR THE ADMINISTRATION OF THE DEPARTMENT OF THE NAVY

1. Scope.
2. Composition of the Department of the Navy.
a. The Department of the Navy.
b. The Navy Department.
3. Objectives.
4. Executive Administration of the Department of the Navy.
a. Secretary of the Navy.
b. Civilian Executive Assistants to the Secretary.
c. Naval Executive Assistants to the Secretary.
(1) Chief of Naval Operations.
(2) Commandant of the Marine Corps.
(3) Commandant of the Coast Guard.
d. Naval Material Support Assistant to the Secretary.
e. Naval Professional Assistants to the Secretary.
f. Staff Assistants to the Secretary.
g. Relationship to the Secretary.
5. Four Principal Organizational Parts.
a. Operating Forces of the Navy.
b. United States Marine Corps.
c. Naval Material Support Establishment.
d. Other Supporting Organizations.
6–7. Responsibilities of the Civilian Executive Assistants.
8–10. Responsibilities of the Naval Executive Assistants.
8–9. Chief of Naval Operations.
10. Commandant of the Marine Corps.
11–12. Responsibilities of the Naval Material Support Assistant.
11–22. Chief of Naval Material.
13–17. Responsibilities of the Naval Professional Assistants.
18. Responsibilities of the Staff Assistants.
19–20. Operating Relationships.
21. Authority Over Organizational Matters.
22. Effective Date.

SCOPE

1. This General Order prescribes policies and principles which shall hereafter govern the organization and administration of the Department of the Navy, and assigns basic responsibilities for its continued administration under the Secretary of the Navy.

COMPOSITION OF THE DEPARTMENT OF THE NAVY

2. The composition of the Department of the Navy and of the Navy Department is as follows:

a. The Department of the Navy is separately organized under the Secretary of the Navy. It operates under the authority, direction and control of the Secretary of Defense. It is composed of the executive part of the Department of the Navy; the Headquarters United States Marine Corps; the entire operating forces, including naval aviation, of the United States Navy and of the United States Marine Corps, and the reserve components of those operating forces; and all shore (field) activities, headquarters, forces, bases, installations, activities, and functions under the control or supervision of the Secretary of the Navy. It includes the United States Coast Guard when it is operating as a service in the Navy. (Title 10, U.S. Code (Section 5011)).

b. The term "Navy Department" refers to the central executive offices and bureaus of the Department of the Navy located at the seat of the government. The Navy Department includes the offices of all members of the executive administration of the Department of the Navy; these organizationally comprise the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations and the headquarters organizations of the United States Marine Corps, of the Naval Material Support Establishment, of Other Supporting Organizations, and of the United States Coast Guard when it is operating as a service in the Navy.

OBJECTIVES

3. The fundamental objectives of the Department of the Navy, within the Department of Defense, are (a) to organize, train, equip, prepare, and maintain the readiness of Navy and Marine Corps forces for the performance of military missions as directed by the President or the Secretary of Defense; and (b) to support Navy and Marine Corps forces, including the support of such forces and the forces of other military departments, as directed by the Secretary of Defense, which are assigned to unified or specified commands. Support, as here used, includes administrative, personnel, material and fiscal support, and technological support through research and development.

EXECUTIVE ADMINISTRATION OF THE DEPARTMENT OF THE NAVY

4. The members of the executive administration of the Department of the Navy and their relation to the Secretary are:

a. The Secretary of the Navy, who is the Head of the Department of the Navy. Under the direction, authority, and control of the Secretary of Defense, he is responsible for the policies and control of the Department of the Navy, including its organization, administration, operation and efficiency.

b. The Civilian Executive Assistants to the Secretary, who are the Under Secretary of the Navy, the Assistant Secretaries of the Navy, and the Special Assistant to the Secretary. These officials will be assigned responsibilities, under the Secretary of the Navy, as set forth in paragraphs 6 and 7 below.

c. The Naval Executive Assistants to the Secretary, who are:

(1) The Chief of Naval Operations, who is the senior military officer of the Department of the Navy and takes precedence above all other officers of the naval service, except an officer of the naval service who is serving as Chairman of the Joint Chiefs of Staff (10 U.S. Code, Section 5081(b)). He is the principal naval adviser to the President and the Secretary of the Navy on the conduct of war, and the principal naval adviser and naval executive to the Secretary on the conduct of the activities of the Department of the Navy. The Chief of Naval Operations is the Navy member of the Joint Chiefs of Staff; and is responsible for keeping the Secretary of the Navy fully informed on matters considered or acted upon by the Joint Chiefs of Staff; in this capacity, he is responsible under the President and the Secretary of Defense for duties external to the Department of the Navy as prescribed by law. Internal to the administration of the Department of the Navy, the Chief of Naval Operations is assigned responsibilities, under the Secretary of the Navy, as set forth in paragraphs 8 and 9 below.

(2) *The Commandant of the Marine Corps*, who is the senior officer of the United States Marine Corps. While matters which directly concern the Marine Corps are under consideration by the Joint Chiefs of Staff, and with respect to such matters, the Commandant has coequal status with the members of the Joint Chiefs of Staff. He is responsible for keeping the Secretary of the Navy fully informed on these matters. In this capacity, he is responsible under the President and the Secretary of Defense for duties external to the Department of

the Navy as prescribed by law. Internal to the administration of the Department of the Navy, the Commandant of the Marine Corps advises the Secretary of the Navy on matters pertaining to the Marine Corps and is assigned responsibilities, under the Secretary of the Navy, as set forth in paragraph 10 below.

(3) The Commandant of the Coast Guard, when the United States Coast Guard is operating as a service in the Navy.

d. The Naval Material Support Assistant to the Secretary, who is the Chief of Naval Material. He is the Head of the Naval Material Support Establishment and is assigned responsibilities, under the Secretary of the Navy, as set forth in paragraphs 11 and 12 below.

e. The Naval Professional Assistants to the Secretary, who are the Chief of the Bureau of Naval Weapons, the Chief of the Bureau of Ships, the Chief of the Bureau of Supplies and Accounts, and the Chief of the Bureau of Yards and Docks, each of whom is assigned responsibilities, under the Chief of Naval Material, as set forth in paragraph 13 below; and the Chief of Naval Personnel, the Chief of the Bureau of Medicine and Surgery, the Judge Advocate General, and the Chief of Naval Research, who are assigned responsibilities, under the Secretary of the Navy, as set forth in paragraphs 14, 15, 16, and 17 below, and the Deputy Comptroller of the Navy, who is assigned responsibilities, under the Comptroller of the Navy, as set forth in paragraphs 16 and 17 below.

f. The Staff Assistants to the Secretary, who are the Director, Office of Program Appraisal, the General Counsel, the Chief of Legislative Affairs, the Chief of Information, the Chief of Industrial Relations, and the heads of other offices and boards established by law or by the Secretary of the Navy for the purpose of assisting the Secretary or one or more of his Civilian Executive Assistants in the administration of the Department of the Navy. These officials will have responsibilities as provided for in paragraph 18 below.

g. Relationship to the Secretary: The Civilian Executive Assistants to the Secretary (subparagraph 4.b., above) are the principal policy advisers and assistants to the Secretary of the Navy on the administration of the affairs of the Department of the Navy as a whole. The Naval Executive Assistants to the Secretary (subparagraphs 4.c. (1), (2), and (3), above) shall be the principal operating executives of the Department of the Navy, under the Secretary of the Navy. The Naval Material Support Assistant to the Secretary (subparagraph 4.d., above) shall be the principal material support executive of the Department of the Navy, under the Secretary of the Navy. Each of them shall be responsible directly to the Secretary for the utilization of resources by and the operating efficiency of all activities under their respective commands as hereinafter assigned. Similarly, the Naval Professional Assistants to the Secretary (subparagraph 4.e., above) and the Staff Assistants to the Secretary (subparagraph 4.f., above) shall be responsible to the Secretary of the Navy or to one of his Civilian Executive Assistants as now or hereafter assigned, or responsible to the Chief of Naval Material as assigned in paragraphs 5.c. and 13 of this order for the utilization of resources by and the operating efficiency of all activities under their respective supervision or command. The Civilian Executive Assistants, the Chief of Naval Operations, the Commandant of the Marine Corps, the Naval Material Support Assistant, the Naval Professional Assistants, and the Staff Assistants to the Secretary shall perform financial management functions as assigned by the Secretary of the Navy. In all instances, authority shall be commensurate with assigned responsibility.

FOUR PRINCIPAL ORGANIZATIONAL PARTS

5. In order to provide for its total administration under the Secretary of the Navy, the Department of the Navy is hereby organized into four principal parts. These are:

a. The Operating Forces of the Navy, which shall include the Office of the Chief of Naval Operations, the several fleets, seagoing forces, sea frontier forces, district forces, Fleet Marine Forces and other assigned Marine Corps forces, the Military Sea Transportation Service, and such Navy shore (field) activities and commands as are assigned by the Secretary of the Navy.

b. The United States Marine Corps, within the Department of the Navy, which shall include Headquarters, United States Marine Corps; the Operating Forces of the Marine Corps; Marine Corps Supporting Establishments; and, the Marine Corps Reserve.

c. The Naval Material Support Establishment, which shall include the Office of Naval Material, the Bureau of Naval Weapons, the Bureau of Ships, the Bureau of Supplies and Accounts, the Bureau of Yards and Docks, and shore (field) activities as assigned by the Secretary of the Navy.

d. Other Supporting Organizations, which shall include the Bureau of Naval Personnel, the Bureau of Medicine and Surgery, the Office of the Comptroller of the Navy, the Office of the Judge Advocate General, the Office of Naval Research, offices of Staff Assistants to the Secretary, and the shore (field) activities as assigned by the Secretary of the Navy.

RESPONSIBILITIES OF THE CIVILIAN EXECUTIVE ASSISTANTS

6. It is the policy of the Secretary of the Navy to assign Department-wide responsibilities for areas, which are essential to the efficient administration of the Department of the Navy, to and among his Civilian Executive Assistants. Such areas will include, but are not limited to, manpower, material, facilities, research and development, financial management, and general departmental administration. Each Civilian Executive Assistant will have such authority over his assigned area as is delegated to him by the Secretary of the Navy.

7. One of the Civilian Executive Assistants will serve as Comptroller of the Navy; under him, the Deputy Comptroller of the Navy will, in addition to his other duties, serve as an adviser and assistant to the Chief of Naval Operations, the Commandant of the Marine Corps, and the Chief of Naval Material with respect to financial and budgetary matters.

RESPONSIBILITIES OF THE NAVAL EXECUTIVE ASSISTANTS

8. The Chief of Naval Operations, under the Secretary of the Navy, shall command the Operating Forces of the Navy. This general responsibility, which shall be exercised subject to the guidance contained in paragraphs 19 and 20 hereinafter, includes the following specific responsibilities:

a. To organize, train, prepare, and maintain the readiness of Navy forces, for assignment to unified or specified combatant commands for the performance of military missions as directed by the President or the Secretary of Defense. This includes the responsibility to make or initiate, as appropriate, any special provisions that may be required within the Department of the Navy for the administration of naval forces which are assigned to such combatant commands. Inherently, this responsibility includes determination of the training required to prepare Navy personnel, including reserve personnel, for combat. Naval forces, when assigned, are under the full operational command of the commander of the unified or specified combatant command to which they are assigned.

b. To plan for and determine the material support needs of the Operating Forces of the Navy (less Fleet Marine Forces and other assigned Marine Corps forces) including equipment, weapons or weapons systems, materials, supplies, facilities, maintenance, and supporting services. This responsibility includes the determination of the naval characteristics of and priorities for things to be developed or procured, and the determination of the order in which ships, aircraft, surface craft, weapons or weapons systems, and facilities are to be acquired, constructed, maintained, altered, repaired, and overhauled.

c. To plan for and determine the present and future needs, both quantitative and qualitative, for personnel, including reserve personnel, of the United States Navy. This includes responsibility for leadership in maintaining a high degree of competence among Navy officer and enlisted personnel in necessary fields of specialization through education, training, and equal opportunities for personal advancement; and for leadership in maintaining the morale and motivation of Navy personnel and the prestige of a Navy career.

d. To plan for and determine the needs for the care of the health of the personnel of the Navy and their dependents.

e. The Naval Reserve shall be organized, administered, trained, and supplied under the direction of the Chief of Naval Operations.

9. In addition, the Chief of Naval Operations, under the Secretary of the Navy, shall, except for those areas wherein such responsibility rests with the Commandant of the Marine Corps, exercise overall authority throughout the



Department of the Navy in matters essential to naval military administration, such as security, intelligence, discipline, communications, and matters related to the customs and traditions of the naval service.

10. The Commandant of the Marine Corps, under the Secretary of the Navy, shall command the United States Marine Corps. He is directly responsible to the Secretary of the Navy for its administration, discipline, internal organization, training, requirements, efficiency, readiness, operation of its material support system, and for the total performance of the Marine Corps. When performing these functions, the Commandant of the Marine Corps is not a part of the command structure of the Chief of Naval Operations. However, there must be a close cooperative relationship between the Chief of Naval Operations, as the senior military officer of the Department of the Navy, and the Commandant of the Marine Corps, who has command responsibility over that organization. The Commandant of the Marine Corps is directly responsible to the Chief of Naval Operations for the organization, training, and readiness of those elements of the operating forces of the Marine Corps assigned to the Operating Forces of the Navy. Such Marine Corps forces, when so assigned, are subject to the command exercised by the Chief of Naval Operations over the Operating Forces of the Navy. In addition, the Commandant of the Marine Corps is assigned the following responsibilities which shall be exercised subject to the guidance contained in paragraphs 19 and 20 hereinafter.

a. To plan for and determine the support needs of the Marine Corps for equipment, weapons or weapons systems, materials, supplies, facilities, maintenance, and supporting services. This responsibility includes the determination of Marine Corps characteristics of equipment and material to be procured or developed, and the training required to prepare Marine Corps personnel for combat. It also includes the operation of the Marine Corps Material Support System.

b. To budget for the Marine Corps, except as may be otherwise directed by the Secretary of the Navy.

c. To develop, in coordination with the other Military Services, the doctrines, tactics, and equipment employed by landing forces in amphibious operations.

d. To plan for and determine the present and future needs, both quantitative and qualitative, for personnel, including reserve personnel, of the United States Marine Corps. This includes responsibility for leadership in maintaining a high degree of competence among Marine Corps officer and enlisted personnel in necessary fields of specialization through education, training, and equal opportunities for personal advancement; and for leadership in maintaining the morale and motivation of Marine Corps personnel and the prestige of a Marine Corps career.

e. To plan for and determine the needs for the care of the health of the personnel of the Marine Corps and their dependents.

RESPONSIBILITIES OF THE NAVAL MATERIAL SUPPORT ASSISTANT

11. The Chief of Naval Material, under the Secretary of the Navy, shall command the Naval Material Support Establishment. This general responsibility, which shall be exercised subject to the guidance contained in paragraphs 19 and 20 hereinafter, includes the following specific responsibilities:

a. To be responsive directly to the Chief of Naval Operations in meeting material support needs of the Operating Forces of the Navy for equipment, weapons or weapons systems, materials, supplies, facilities, maintenance, and supporting services, including the development, acquisition, construction, maintenance, alteration, repair, and overhaul of ships, aircraft, surface craft, weapons or weapons systems, materials, and facilities; all consistent with approved programs. Inherently, this includes the responsibility to plan for and develop the resource capabilities and readiness of the Naval Material Support Establishment to meet needs of the Operating Forces of the Navy as determined by the Chief of Naval Operations. It also includes the responsibility to provide the Chief of Naval Operations with timely and adequate technical and economic data concerning the feasibility of meeting needs, so that the Chief of Naval Operations may better determine the work to be done in satisfaction of such needs.

b. To be responsive directly to the Commandant of the Marine Corps, in meeting those particular material support needs of the United States Marine Corps which are required to be provided by the Naval Material Support Establishment.

c. To plan for the utilization of resources in the performance of the work of meeting those material support needs of the Operating Forces of the Navy and of the Marine Corps, which are provided by the Naval Material Support Establishment; to distribute, direct, and supervise the performance of such work. Such work includes the development, procurement, acquisition, contracting, production, supply, maintenance, alteration, repair, overhaul, and disposal of naval material; it includes responsibilities for the development and operation of the Navy Supply System; and, it includes the acquisition, design, construction, maintenance, and disposal of naval facilities, including real estate and all improvements thereon and the operation of public utilities, except that this does not include the maintenance of Marine Corps facilities or the operation of their public utilities.

d. To provide the Chief of Naval Operations, and the Commandant of the Marine Corps, as appropriate, with timely advice concerning training and technical requirements essential for the operation and maintenance by naval personnel of new equipment under development; and, as appropriate, to provide the Operating Forces of the Navy with timely guidance on the operation, repair, and maintenance of all equipment and weapons or weapons systems.

e. The Chief of Naval Material shall report additionally to the Chief of Naval Operations and to the Commandant of the Marine Corps for the discharge of his responsibilities which require him to be responsive to those officials as set forth above.

f. The Chief of Naval Material shall be responsive to the heads of Other Supporting Organizations in meeting their material support needs which are provided by the Naval Material Support Establishment.

12. In addition, the Chief of Naval Material shall formulate and effectuate policies and methods of procurement, contracting, and production of material, and of procurement and contracting for services, throughout the Department of the Navy, including plans therefor, as determined by the Secretary of the Navy. Nothing in this General Order shall preclude any duly authorized procuring activity outside the Naval Material Support Establishment from procuring materials and services subject to the procurement, contracting, and production policies and methods of the Department of the Navy.

RESPONSIBILITIES OF THE NAVAL PROFESSIONAL ASSISTANTS

13. The Chiefs of the Bureau of Naval Weapons, the Bureau of Ships, the Bureau of Supplies and Accounts, and the Bureau of Yards and Docks, under the Chief of Naval Material, shall command their respective bureaus and assigned shore (field) activities; and they shall act as principal advisers to the Chief of Naval Operations and the Chief of Naval Personnel for military personnel matters related to the officer specialists or corps, as appropriate, with the approval of the Chief of Naval Material, who shall maintain the integrity of recommendations and advice of Bureau Chiefs having these sponsorship responsibilities. The responsibilities of these bureaus will be assigned in accordance with the provisions in paragraph 21 below.

14. The Chief of Naval Personnel, under the Secretary of the Navy, shall command the Bureau of Naval Personnel and assigned shore (field) activities.

15. The Chief of the Bureau of Medicine and Surgery, under the Secretary of the Navy, shall command the Bureau of Medicine and Surgery and assigned shore (field) activities, and shall act as principal adviser to the Chief of Naval Operations and the Chief of Naval Personnel for military personnel matters related to the officer specialists or corps of the Medical Department of the Navy.

16. The Judge Advocate General and the Chief of Naval Research, under the Secretary of the Navy, shall command their respective offices and assigned shore (field) activities. The Deputy Comptroller of the Navy, under the Comptroller of the Navy, shall command the Office of the Comptroller of the Navy and assigned shore (field) activities. The Judge Advocate General shall act as principal adviser to the Chief of Naval Operations and the Chief of Naval Personnel for military personnel matters related to law specialists.

17. The functions of the Bureau of Naval Personnel, the Bureau of Medicine and Surgery, the Office of the Comptrol-



ler of the Navy, the Office of the Judge ... of the bureaus and offices in their

ler of the Navy, the Office of the Judge Advocate General, and the Office of Naval Research will be as provided by law or as assigned by separate directive of the Secretary of the Navy.

RESPONSIBILITIES OF THE STAFF ASSISTANTS

18. Each Staff Assistant to the Secretary shall supervise all functions and activities internal to his office and assigned shore (field) activities if any. The duties of the individual Staff Assistants and their respective offices will be as provided by law or as assigned by separate directive of the Secretary of the Navy.

OPERATING RELATIONSHIPS

19. In order to provide for the effective coordination and direction of the efforts of determining needs and providing support, according to responsibilities herein assigned or provided for, formal relationships between (a) the Chief of Naval Operations or the Commandant of the Marine Corps, and their respective organizations, and (b) the Chief of Naval Material, and his organization, will be guided by and controlled on the basis of cause and effect relationships which are inherent in the following principles:

a. The Chief of Naval Operations will express the material needs of the Operating Forces of the Navy (less Fleet Marine Forces and other assigned Marine Corps Forces) to the Chief of Naval Material. The Commandant of the Marine Corps will in like manner express to the Chief of Naval Material those Marine Corps material needs which are to be provided by the Naval Material Support Establishment.

b. The Chief of Naval Material will advise the Chief of Naval Operations or Commandant of the Marine Corps as to the economic and technological feasibility of meeting such needs; he will also keep them informed of new capabilities to meet needs which may, or may not, have been previously expressed.

c. The Chief of Naval Operations or the Commandant of the Marine Corps, as appropriate, will select the work to be done to satisfy needs of the Operating Forces of the Navy or of the Marine Corps based on feasibility data and their current estimates of the military worth of a particular need in relation to other desirable needs. Selection of the work to be done includes, where necessary, the curtailment or cancellation of work already in progress in favor of work which offers greater promise or work of greater military worth.

d. The Chief of Naval Material will insure the efficient utilization of resources available to him and appropriate supervision of the accomplishment of the work selected.

e. The Chief of Naval Operations or the Commandant of the Marine Corps, as appropriate, will review the work in progress from the viewpoints of readiness and military worth; while the Chief of Naval Material will review such work from the viewpoints of progress and the efficient utilization of resources available to him.

The authority of the Chief of Naval Operations and the Chief of Naval Material to coordinate and direct the efforts of the bureaus and offices in their respective areas of responsibility (10 U.S.C. 5082) is exercised by law under the Secretary of the Navy. Such authority of the Chief of Naval Operations to coordinate and direct the efforts of the bureaus as may be necessary to make available and distribute, when and where needed, the material requirements of the operating forces, shall be exercised by him with respect to the Naval Material Suppport Establishment through the Chief of Naval Material in accordance with subparagraphs (a) through (e) above.

Nothing in these principles (paragraphs 19. a., b., c., d., and e., above) shall be construed to inhibit the informal flow of information among the organizations involved. Rather, it is intended that a free flow of information should supplement formal procedures and contribute to better decisions expressed through the operation of the formal control system which will be in accordance with the programming policies and procedures of the Department of Defense.

20. Relationships between (a) the Chief of Naval Operations or the Commandant of the Marine Corps, and (b) the Chief of Naval Personnel, or the Chief of the Bureau of Medicine and Surgery, or the Chief of Naval Research, will be like those described in paragraph 19, above, as between the Chief of Naval Operations or the Commandant of the Marine Corps, and the Chief of Naval Material. As required, additional formal procedures which involve relationships among the Chief of Naval Operations, the Commandant of the Marine Corps, the Chief of Naval Material, the Chief of Naval Personnel, the Chief of the Bureau of Medicine and Surgery, and the Chief of Naval Research will be prescribed or approved by the Secretary of the Navy.

AUTHORITY OVER ORGANIZATIONAL MATTERS

21. Subject to the approval of the Secretary of the Navy or guidance hereafter furnished by him, the members of the executive administration specified by paragraph 4, above, except those who are subject to the command of the Chief of Naval Material, are individually authorized to organize, assign, and reassign responsibilities within their respective areas of the organization of the Department of the Navy including the establishment and disestablishment of such component organizations as may be necessary, provided that: (a) the authority to disestablish does not extend to any organizational component of the Department established by law, and (b) the Secretary of the Navy retains unto himself the authority to establish and disestablish shore (field) activities, which will be done in accordance with procedures hereafter prescribed by him.

EFFECTIVE DATE

22. This general order is effective 1 January 1965. It supersedes General Order No. 5 dated 1 July 1963. The members of the executive administration of the Department of the Navy, in accordance with their responsibilities assigned herein, shall take appropriate action to promulgate or modify those regulations, orders, instructions and directives necessary to assure effective implementation of this order on its effective date.

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[General Order No. 19]

OCT. 20, 1964.

ASSIGNMENT AND DISTRIBUTION OF AUTHORITY AND RESPONSIBILITY FOR EXERCISE OF COMMAND AND SUPPORT OF SHORE (FIELD) ACTIVITIES OF THE DEPARTEMNT OF THE NAVY

1. Purpose
2. Authority
3. General Concepts
a. Command
b. Support
c. Assignment of Command and Support
d. Marine Corps Activities
4. Classes of Shore (Field) Activities.
5. Exercise of Command and Support Responsibilities.
a. Command and Support of Navy Shore (Field) Activities.
(1) The Chief of Naval Operations.
(2) The Naval Material Support Assistant to the Secretary of the Navy (Chief of Naval Material), and the Chiefs of Material Bureaus.
(3) Other Naval Professional Assistants to the Secretary of the Navy.
(4) The Staff Assistants to the Secretary of the Navy.
b. Command and Support of Marine Corps Shore (Field) Activities.
6. Area Coordination.
7. Administrative and Technical Guidance.
8. Naval Service-Wide Systems.
9. Exercise of Command or Area Coordination Authority in Special Situations.
10. Effective Date.

1. *Purpose.* The purpose of this Order is to provide for assignment and distribution of authority and responsibility for exercise of command and support of shore (field) activities of the Department of the Navy in consonance with General Order No. 5.

2. *Authority.* As stated in paragraph 21 of General Order No. 5, the Secretary of the Navy retains unto himself the authority to establish and disestablish all shore (field) activities. He will approve the missions of the activities, classify them, assign responsibility for command, and designate the official charged with primary support responsibility.

3. *General Concepts*—a. *Command.* The exercise of command over a shore (field) activity has as its primary purpose the provision of effective support to the forces of the United States Navy and of the United States Marine Corps. It encompasses over-all authority, direction, control, and coordination necessary to carry out the assigned mission, and responsibility for the operating efficiency of the activity. It includes authority and responsibility for mission planning, shore activity planning, and workload planning. It also includes authority and responsibility for coordinating the application of the various elements of support. Mission and facilities planning for shore (field) activities shall be accomplished with the guidance and assistance of bureaus and offices assigned support responsibilities, and with the technical advice of other bureaus and offices in accordance with paragraph 7 below. For the purpose of this order, supervision by Staff Assistants over assigned shore



(field) activities encompasses the same degree of authority and responsibility as command.

b. *Support.* Support is the collective term given to the responsibility assigned to an official of the Department of the Navy to provide resources to a command or activity of the Navy or Marine Corps to enable it to carry out its mission. It serves to complement the exercise of command. It includes administrative, personnel and material support, guidance and assistance in and evaluation of such matters as organization, procedures, budgeting, accounting, staffing, and the utilization of personnel, funds, material, and facilities. In addition, support includes the responsibility to assist command in evaluating the operating efficiency of activities. A single official shall be charged with the primary support responsibility for each shore (field) activity. However, elements of material and other support may flow from an official not charged with the primary support responsibility.

c. *Assignment of Command and Support.* The assignment of command generally shall be determined by the degree to which a shore (field) activity mission is related to provision of operational or training support to combatant forces as differentiated from other types of support. The assignment of primary support responsibility to a specific organizational element will be made after consideration of all factors which would contribute to the most effective utilization of resources and technical competence available, and which will provide the best correlation between operational considerations, required workload, and the nature of the support to be rendered.

d. *Marine Corps Activities.* The authority retained by the Commandant of the Marine Corps in the case of Marine Corps activities, whether or not assigned to the command of or primary support by the Chief of Naval Operations, a bureau or office, includes:

(1) administrative authority to determine internal organization and to insure proper standards of morale and discipline, and to prescribe other procedures of Marine Corps personnel administration;

(2) authority to insure proper training and a high degree of efficiency and readiness;

(3) authority for the establishment of training requirements;

(4) authority for the management and funding of Marine Corps non-appropriated fund activities;

(5) inspection authority to insure a high standard of overall performance; and

(6) authority for the budgeting, accounting, and general administration of Marine Corps appropriations.

4. *Classes of Shore (Field) Activities.* Shore (field) activities of the Department of the Navy shall be classified as follows:

*Class I.* Shore (field) activities which are in the chain of command of either the Chief of Naval Operations or the Commandant of the Marine Corps and which receive primary support from that official.

*Class II.* Shore (field) activities which are in the chain of command of either the Chief of Naval Operations or the Commandant of the Marine Corps but which receive primary support from an organizational element not under his command.

*Class III.* Shore (field) activities which are in the chain of command or under the supervision of an official other than the Chief of Naval Operations or the Commandant of the Marine Corps.

The assignment of command responsibilities for shore (field) activities will determine the principal part of the Department of the Navy, as defined in paragraph 5. of General Order No. 5, into which a particular shore (field) activity will be organizationally placed.

5. *Exercise of Command and Support Responsibilities.*—a. *Command and Support of Navy Shore (Field) Activities.* (1) *The Chief of Naval Operations.* The Chief of Naval Operations may delegate command of an activity assigned to his command to a Fleet Commander in Chief, or other official in his chain of command. The chief of Naval Operations may further assign to officials in his chain of command responsibility for the provision of primary support of the shore (field) activities assigned for his support.

(2) *The Naval Material Support Assistant to the Secretary of the Navy (the Chief of Naval Material), and the Chiefs of Material Bureaus.* The chain of command for shore (field) activities assigned to the Naval Material Support Establishment normally runs from the Chief of Naval Material to the Chiefs of Material Bureaus (the Bureau of Naval Weapons, the Bureau of Ships, the Bureau of Supplies and Accounts, and the Bureau of Yards and Docks) to the Commanding Officers of the respective shore (field) activities included in the Establishment. The Chief of each Material Bureau will be assigned primary support responsibility for designated shore (field) activities.

(3) *Other Naval Professional Assistants to the Secretary of the Navy.* Naval Professional Assistants to the Secretary of the Navy, other than those named in paragraph 5.a.(2) above, command assigned shore (field) activities and will provide for and meet primary support needs of designated shore (field) activities.

(4) *The Staff Assistants to the Secretary of the Navy.* The Staff Assistants to the Secretary of the Navy supervise assigned shore (field) activities and will, as assigned, provide for and meet the primary support needs of designated shore (field) activities.

b. *Command and Support of Marine Corps Shore (Field) Activities.* (1) The Commandant of the Marine Corps exercises command through commanders of Marine Corps supporting establishments and designated area commanders, and directly over selected individual activities when required. The Commandant of the Marine Corps may further assign to officials in his chain of command responsibility for the provision of primary support of shore activities assigned for his support.

(2) Marine Corps security forces are those Marine Corps commands which have as their primary mission the provision of security for the naval shore (field) activities to which assigned. They are under the command of the commanding officer of the activity to which assigned, and shall be governed by the appropriate provisions of this Order subject to the provisions of paragraph 3.d. relating to authority of the Commandant of the Marine Corps.

(3) The Marine Air Reserve Training Command is a functional command and comprises specified subordinate Marine Air Reserve Training Detachments located throughout the United States. The Commanding General, Marine Air Reserve Training Command, is under the command of the Commandant of the Marine Corps and receives certain logistic support from Chief of Naval Air Reserve Training.

(4) Area coordination relationships of Marine Corps commanders and Marine Corps District Directors with other officials assigned area coordination responsibilities are the same as described in paragraph 6 of this Order, with the following exceptions:

(a) Commanders of Marine Corps supporting establishments participate with the commandant of a naval district, or other official designated as area coordinator, in preparation and execution of civil defense and other domestic emergency plans. In those cases where the Commandant of the Marine Corps has assigned tasks and functions to an intermediate regional commander, Commanders of Marine Corps supporting establishments shall be guided by his policies and instructions. During times of civil defense or other domestic emergencies, the Commanders of Marine Corps supporting establishments shall furnish such assistance as can be made available, from resources not required in the execution of their primary missions, upon request of a commandant of a naval district, or other official designated as area coordinator.

(b) Commanders of Marine Corps supporting establishments are the direct representatives of the Commandant of the Marine Corps for matters of public information concerning the Marine Corps. Each shall be subject to the coordinating instructions issued by the appropriate naval district commandant or other official designated as area coordinator.

(c) Elements of a fleet marine force or Marine Corps supporting establishment temporarily or permanently stationed within the boundaries of a Navy shore (field) activity shall conform to those regulations of the naval district commandant, naval base commander, other official designated as area coordinator, or commanding officer or officer-in-charge of the activity which pertain to police, fire protection, security, safety, naval communications, and sanitation.

(d) Operating Forces of the Marine Corps not assigned to the Operating Forces of the Navy or to a unified or specified combatant command are under the command of the Commandant of the Marine Corps, or of one of his designated





subordinates. Unless specifically [illegible] the Naval Communication System [illegible]



[illegible] Done at Washington, D.C., this 28th [illegible] respondents. It was requested that the

subordinates. Unless specifically instructed to the contrary, these units shall have the same relationships with a commandant of a naval district, or other official designated as area coordinator, as specified for Marine Corps supporting establishments.

6. *Area coordination.* a. Area coordination has as its primary purpose the initiation of appropriate action to insure that the total efforts of all shore (field) activities of the Department of the Navy afford adequate support to the combatant forces, are adequately coordinated among themselves as to assure economy and efficiency of operation, and conform to and support service-wide functions and procedures. Area coordination is the responsibility of the Chief of Naval Operations and is exercised through his chain of command.

b. Area coordination includes matters involving command and support relationships with combatant forces, common support services, emergency planning, disaster control and civil defense, harbor facilities, multiple-activity facilities planning, negotiation and collaboration with other government agencies, appraisal for readiness, responsiveness to local needs, naval military administration as specified in paragraph 9 of General Order No. 5, and assigned Navy-wide programs. In addition, area coordination includes the authority to review and inspect, as appropriate, shore (field) activities in these matters. Officials will be designated by the Chief of Naval Operations for the exercise of area coordinating authority subject to the provisions of paragraphs 3.d. and 5.b. above relating to the responsibilities of the Commandant of the Marine Corps. Such officials may be directed to report for additional duty to an official in the chain of command of a Fleet Commander in Chief.

c. Officials designated for the exercise of area coordinating authority will represent the Secretary of the Navy and other officials of the Department of the Navy in such matters as may be assigned.

d. The head of each shore (field) activity shall report additionally to the official assigned responsibility for area coordination.

7. *Administrative and technical guidance.* In addition to the support provided for above, bureaus and offices shall provide administrative and technical guidance and assistance to shore (field) activities in accordance with their assigned functional responsibilities. This shall include:

a. The establishment of standards and procedures for specialized administrative or technical functions;

b. Professional and technical advice, guidance and assistance;

c. Performance of specialized administrative or technical functions as a service.

8. *Naval service-wide systems.* All officials charged with command, area coordination, or primary support responsibilities shall discharge their responsibilities with due regard for the system-wide aspects of support efforts where service-wide system control responsibilities have been assigned. Examples are: the Naval Communication System, the Navy and Marine Corps Supply Systems, and the Navy Enlisted Personnel Distribution System.

9. *Exercise of area coordination in special situations.* Officials charged with the exercise of area coordination responsibility have the authority to over-ride support, naval service-wide system, technical or other guidance where emergency, disaster or operational considerations involving the provision of effective support to combatant forces clearly demand such action. In exercising this authority, the official concerned assumes full responsibility for his actions and shall inform other cognizant officials of the action taken.

10. *Effective Date.* This General Order is effective 1 January 1965. It supersedes General Order No. 19 dated 21 May 1959. The members of the executive administration of the Department of the Navy, in accordance with their responsibilities herein assigned and subsequently assigned by the Secretary of the Navy under the provisions of this order, shall take appropriate action to promulgate or modify those regulations, orders, instructions, and directives necessary to assure effective implementation of this order on its effective date.

[F.R. Doc. 64-11150; Filed, Nov. 2, 1964; 8:46 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[Arizona 034182]

## ARIZONA

### Notice of Proposed Withdrawal and Reservation of Lands; Correction

In Federal Register Document 64-10771, published 29 F.R. 14502, the first line of the legal description of lands involved in the application reads:

T. 2 N., R. 9 E.,
Sec. 14, NE¼NE¼NE¼.

This description is hereby corrected to read as follows:

T. 1 N., R. 9 E., unsurveyed,
Sec. 13, NE¼.

The area correctly described above aggregates approximately 160.00 acres.

FRED J. WEILER,
*State Director.*

OCTOBER 28, 1964.

[F.R. Doc. 64-11173; Filed, Nov. 2, 1964; 8:48 a.m.]

## National Park Service

## LAKE MEAD NATIONAL RECREATION AREA, ARIZONA AND NEVADA

### Notice of Filing of Map

Notice is hereby given that, in accordance with the requirements of section 2 of the Act of October 8, 1964 (78 Stat. 1039), the boundary map identified as "boundary map, RA-LM-7060-B, revised July 17, 1963," has been filed with the Office of the Federal Register. Such map is also on file and available for inspection in the Office of the National Park Service of the Department of the Interior and in the headquarters office of the superintendent of the Lake Mead National Recreation Area.

Dated: October 28, 1964.

JACKSON E. PRICE,
*Acting Director,*
*National Park Service.*

[F.R. Doc. 64-11154; Filed, Nov. 2, 1964; 8:46 a.m.]

## FIRE ISLAND NATIONAL SEASHORE, NEW YORK

### Notice of Filing of Map

Notice is hereby given that, in accordance with the requirements of section 1(b) of the Act of September 11, 1964 (78 Stat. 928), the boundary map identified as "Fire Island National Seashore No. OGP-0002," and dated June 1964, has been filed with the Office of the Federal Register. Such map is also on file and available for inspection in the Office of the Director, National Park Service, Washington 25, D.C.

Dated: October 28, 1964.

JACKSON E. PRICE,
*Acting Director,*
*National Park Service.*

[F.R. Doc. 64-11153; Filed, Nov. 2, 1964; 8:46 a.m.]

## Office of the Secretary

## SETH N. WITTS

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 14, 1964.

Dated: October 14, 1964.

SETH N. WITTS.

[F.R. Doc. 64-11152; Filed, Nov. 2, 1964; 8:46 a.m.]

# DEPARTMENT OF AGRICULTURE

## Commodity Credit Corporation

[Amdt. 1]

## SALES OF CERTAIN COMMODITIES

### October Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, the CCC Monthly Sales List for October 1964 is amended by changing the table of sales price or method of sale for "wheat, bulk" as set forth below:

1. The phrase "The minimum price at which wheat shall be the highest of (a)" as it appears in the item "A. Storable" is amended to read as follows: "The minimum price for such wheat shall be the highest of (a)"

2. The following is deleted under the item "C. Markups and formula minimum price examples":

Minneapolis-------- No. 1 DNW $1.76½

3. The item "D. Availability information" is amended to read as follows:

D. *Availability information:* Storable Northern Spring wheat sales for unrestricted use have been suspended until further notice. For information on CCC wheat sales from bin sites, contact ASCS State or county offices. For information on the disposition of wheat from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at the end of this table.

(Sec. 4, 62 Stat. 1070, as amended: 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614-617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on October 29, 1964.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 64-11197; Filed, Nov. 2, 1964; 8:50 a.m.]

## Office of the Secretary

## MINNESOTA AND SOUTH CAROLINA

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Minnesota and South Carolina natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies or other responsible sources.

MINNESOTA

Lac qui Parle.

SOUTH CAROLINA

| | |
|---|---|
| Allendale. | Jasper. |
| Bamberg. | Kershaw. |
| Berkeley. | Lancaster. |
| Clarendon. | Lee. |
| Darlington. | Marlboro. |
| Dillon. | Oconee. |
| Dorchester. | Richland. |
| Hampton. | Sumter. |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Minnesota county after December 31, 1965, or in the above-named South Carolina counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of October 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64-11166; Filed, Nov. 2, 1964; 8:47 a.m.]

## MINNESOTA AND WISCONSIN

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Minnesota and Wisconsin natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies or other responsible sources.

MINNESOTA

| | |
|---|---|
| Beltrami. | Mahnomen. |
| Kittson. | Polk. |

WISCONSIN

Sawyer.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Minnesota counties after December 31, 1965, or in the above-named Wisconsin county after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of October 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64-11167; Filed, Nov. 2, 1964; 8:47 a.m.]

# DEPARTMENT OF COMMERCE

## Bureau of International Commerce

[File No. 23-992]

## SHEPHERD EXPORT & TRADING CO., AND DENIS H. SHEPHERD

### Order Temporarily Denying Export Privileges

In the matter of Shepherd Export & Trading Company, and Denis H. Shepherd, also known as D. H. Shepherd, 6 Chichester Road, and 19 Chepstow Road, Croydon, Surrey, England, respondents; File No. 23-992.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, United States Department of Commerce, pursuant to the provisions of § 382.11 of the Export Regulations (Title 15, Chapter III, Sub-chapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying all export privileges to the above named respondents. It was requested that the order remain in effect for a period of sixty days pending continued investigation into the facts and transactions giving rise to the application and the commencement of such proceedings as may be deemed proper under the law against said respondents.

The Compliance Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, together with his recommendation that the application be granted and that a temporary denial order be issued for sixty days.

The recommendation of the Compliance Commissioner has been considered. The evidence presented shows that Shepherd Export & Trading Company is a business organization with places of business in Croydon, Surrey, England; that said company is engaged in the import-export business; that Denis H. Shepherd, also known as D. H. Shepherd, is the individual primarily responsible for the conduct and operations of said company. On the evidence presented there is substantial basis to believe that the respondents have participated in purchasing and procuring U.S.-origin commodities from suppliers outside of the United States and have exported and participated in the exportation of such commodities to Cuba, in contravention of the U.S. Export Control Act and regulations thereunder. There is also reasonable basis to believe that said respondents will continue such conduct unless U.S. export privileges are temporarily denied. I find that an order temporarily denying export privileges is reasonably necessary for the protection of the public interest and national security. *Accordingly, it is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their successors or assigns, partners, directors, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, order-

ing, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall take effect forthwith and shall remain in effect for a period of sixty days from the date hereof, unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the United States Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

Dated: October 28, 1964.

This order shall become effective forthwith.

FORREST D. HOCKERSMITH,
*Director, Office of Export Control.*

[F.R. Doc. 64-11194; Filed, Nov. 2, 1964; 8:50 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

### AMERICAN CYANAMID CO.

### Notice of Filing of Petition for Food Additive Chlortetracycline

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5C1569) has been filed by American Cyanamid Company, P.O. Box 400, Princeton, New Jersey, proposing an amendment to §§ 121.208 and 121.225 of the food additive regulations to provide for the safe use of chlortetracycline in calf feed as follows:

*A.* For dairy calves weighing up to 200 pounds:

5–15 mg. chlortetracycline per head per day, for growth promotion and feed efficiency.

15–70 mg. chlortetracycline per head per day, as an aid in the reduction of bacterial diarrhea.

*B.* For veal calves weighing not more than 250 pounds:

5–40 mg. chlortetracycline per head per day, for growth promotion and feed efficiency.

15–120 mg. chlortetracycline per head per day, as an aid in the reduction of bacterial diarrhea.

Publication of this notice in no way constitutes actual or implied approval of the additive and its recommended uses by the petitioner.

Dated: October 27, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner, for Regulations.*

[F.R. Doc. 64-11180; Filed, Nov. 2, 1964; 8:48 a.m.]

### NOPCO CHEMICAL CO.

### Notice of Filing of Petition for Food Additive Cellophane

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1590) has been filed by Nopco Chemical Company, 60 Park Place, Newark, New Jersey, 07101, proposing an amendment to § 121.2507 of the food additive regulations to provide for the sale use of diethanolamine, coconut oil fatty acid ($C_{12}$-$C_{18}$) diethanolamide, and coconut oil fatty acid ($C_{12}$-$C_{18}$) diethanolamine soap as adjuvants employed during the processing of cellulose pulp used in the manufacture of cellophane base sheet.

Dated: October 27, 1964.

MALCOM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-11181; Filed, Nov. 2, 1964; 8:49 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

### CONTINENTAL VENDING MACHINE CORP.

### Order Suspending Trading

OCTOBER 28, 1964.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 29, 1964, through November 7, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-11140; Filed, Nov. 2, 1964; 8:45 a.m.]

[File No. 1-4722]

### TASTEE FREEZ INDUSTRIES, INC.

### Order Suspending Trading

OCTOBER 28, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 29, 1964, through November 7, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-11141; Filed, Nov. 2, 1964; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 191]

### CANADIAN BROADCAST STATIONS

### List of Changes, Proposed Changes and Corrections

OCTOBER 16, 1964.

Notification under the provisions of Part III, section 2 of the North American regional broadcasting agreement.

List of changes, proposed changes and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph No. 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

| Call letters | Location | Power (kw) | Antenna | Schedule | Class | Expected date of commencement of operation |
|---|---|---|---|---|---|---|
| | | *590 kilocycles per second* | | | | |
| CKEY (N.I.O. with increased daytime power). | Toronto, Ontario | 10 D/5 N | DA-1 | U | III | |
| | | *680 kilocycles per second* | | | | |
| *CJCN* (assignment of call letters and change in studio site). | *Grand Falls*, Newfoundland. | 10 | DA-2 | U | II | |
| | | *710 kilocycles per second* | | | | |
| *CJOX* (assignment of call letters). | Grand Bank, Newfoundland. | 1 | DA-1 | U | II | |
| | | *740 kilocycles per second* | | | | |
| CBX (N.I.O. with increased power). | Edmonton, Alberta | 50 | DA-2 | U | II | |
| | | *900 kilocycles per second* | | | | |
| CKDH (P.O.: 1400 kc 0.25 kw N.D.) (change in mode of operation from that notified in List No. 184). | Amherst, Nova Scotia | 1 | *DA-2* | U | II | 10-1-65 |
| | | *1010 kilocycles per second* | | | | |
| CBR (N.I.O. with increased power). | Calgary, Alberta | 50 | DA-2 | U | I-A | |
| | | *1060 kilocycles per second* | | | | |
| CFCN (P.O.: 1060 kc 10 kw DA-N). | Calgary, Alberta | *50 D/25 N* | *DA-2* | U | II | 10-1-65 |
| | | *1240 kilocycles per second* | | | | |
| CJWA (now in operation). | Wawa, Ontario | 1 D/0.25 N | ND | U | IV | |
| | | *1400 kilocycles per second* | | | | |
| CJFP (N.I.O. with increased daytime power). | Riviere du Loup, Province of Quebec. | 10 D/0.25 N | ND | U | IV | |

[SEAL] FEDERAL COMMUNICATIONS COMMISSION.
BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11185; Filed, Nov. 2, 1964; 8:49 a.m.]

[Docket No. 15520; FCC 64M-1061]

### CONANT BROADCASTING CO., INC. (WHIL)

### Order Regarding Procedural Dates

In re application of Conant Broadcasting Company, Inc. (WHIL), Medford, Massachusetts, Docket No. 15520, File No. BP-15030; for construction permit.

The Hearing Examiner having under consideration a motion filed on October 21, 1964, by applicant Conant Broadcasting Company, Inc., requesting that certain changes be made in procedural dates heretofore specified in the above-entitled proceeding; and

It appearing, that applicant's principal, because of other duties and commitments, will not be able to participate in the hearing as presently scheduled; and

It further appearing, that counsel for the Broadcast Bureau has informally advised that he will not interpose any objection to a grant of the instant motion and to a waiver of the so-called "four-day" rule:

*It is ordered,* This 27th day of October 1964, that the request for change in the schedule of procedural steps in the instant proceeding be and the same is hereby granted, and the schedule accordingly fixed as follows:

Exchange preliminary engineering between the applicant and the Broadcast Bureau, January 22, 1965.

Engineering conference, January 29, 1965.

Exchange of all exhibits, engineering and lay, February 10, 1965.

Notification concerning the names of such witnesses as will be called, February 17, 1965.

Hearing, February 24, 1965.

Released: October 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11186; Filed, Nov. 2, 1964; 8:49 a.m.]

[Docket Nos. 15299, 15300; FCC 64M-1068]

### GREAT NORTHERN BROADCASTING SYSTEM AND MIDWESTERN BROADCASTING CO.

### Order Continuing Hearing

In re applications of Robert L. Greaige and Roderick C. Maxson, d/b as Great Northern Broadcasting System, Traverse City, Michigan, Docket No. 15299, File No. BPH-3982; Midwestern Broadcasting Company, Traverse City, Michigan, Docket No. 15300, File No. BPH-4079; for construction permits.

On the unopposed oral request of counsel for applicant Great Northern Broadcasting System: *It is ordered,* This 28th day of October 1964, that the hearing is rescheduled from October 30 to November 13, 1964, at 9:00 a.m.

Released: October 29, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11187; Filed, Nov. 2, 1964; 8:49 a.m.]

[Docket Nos. 15167, 15168; FCC 64M-1062]

### MINNESOTA MICROWAVE, INC.

### Order Continuing Hearing Conference

In reapplications of Minnesota Microwave, Inc., Willmar, Minnesota, Docket No. 15167, File No. 2868-C1-R-63, for renewal of the license for station KAY61, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Willmar, Minnesota; Docket No. 15168, File Nos. 1845/1846/1847/1848/1849/1850/1851-C1-P-63, for construction permits to establish stations in the Point-to-Point Microwave Radio Service in or near

Roseville, Rockford, Cold Springs, Little Falls, Willmar, Benson, and Montevideo, Minnesota.

The Hearing Examiner having under consideration a motion filed on October 27, 1964, that the further hearing conference presently scheduled for October 28, 1964, at 9:00 a.m., be continued to November 3, 1964, at 2:00 p.m.; and

It appearing, that counsel for the other parties to this proceeding have informally consented to the immediate consideration and grant of the instant motion; and good cause has been shown for the grant thereof;

*It is, therefore, ordered,* This 27th day of October 1964, that the motion be and it is hereby granted; and the further hearing conference in the above-styled proceeding be and it is hereby rescheduled from October 28, 1964, at 9:00 a.m., to November 3, 1964, at 2:00 p.m., in Washington, D.C.

Released: October 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11188; Filed, Nov. 2, 1964; 8:49 a.m.]

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[Docket Nos. 15460, 15461; FCC 64R-502]

## SYMPHONY NETWORK ASSOCIATION, INC., AND CHAPMAN RADIO AND TELEVISION CO.

### Memorandum Opinion and Order Amending Issues

In re applications of Symphony Network Association, Inc., Fairfield, Alabama, Docket No. 15460, File No. BPCT-3238; William A. Chapman and George K. Chapman, d/b as Chapman Radio and Television Company, Homewood, Alabama, Docket No. 15461, File No. BPCT-3282; for construction permits for a new television broadcast station.

1. The Review Board has before it for consideration a Memorandum Opinion and Order (FCC 64M-852, released September 10, 1964, by Hearing Examiner Chester F. Naumowicz, Jr.) denying a petition of Symphony Network Association, Inc. (Symphony Network), which seeks dismissal of the competing application of William A. Chapman and George K. Chapman, d/b as Chapman Radio and Television Company (Chapman).[1] Although the Examiner denied the petition of Symphony Network, he certified to the Board the matters raised by the petition "for such modification, if any, of the issues as the Board may deem appropriate."

2. On August 27, 1964, Symphony Network filed a petition to dismiss the Chapman application alleging that Homewood, Alabama, the community applied for by Chapman, "had been absorbed" by the City of Birmingham as the result of a referendum in which the citizens of Homewood had voted for annexation of Homewood to that city. Since, Homewood was now a part of Birmingham, Symphony Network argued, it was no longer an unlisted community within 15 miles of a listed community (Bessemer, Alabama) to which the Bessemer channel could be assigned under the provisions of § 73.607(b) of the rules. Chapman countered the petition in an opposition filed September 2, 1964, in which it alleged that the referendum was being challenged in the Alabama courts and that annexation had not been and would not be consummated. Symphony Network's petition was denied by the Hearing Examiner on the ground that petitioner had failed to allege sufficient facts to support its contentions. Thus, from the facts alleged by Symphony Network, the Examiner found that he could not determine the legal consequences of the vote by the citizens of Homewood, since no citation to the legal background or authority for the referendum and its consequences were given by Symphony Network and since the petitioner's allegations were being disputed by Chapman on the ground that the referendum was being contested in the Alabama courts.

3. The pleadings now before the Board (See Note 1) essentially reargue the merits of the petition denied by the Examiner, and for that reason, Symphony Network's "Comments" will be treated as an appeal from an adverse ruling of the Hearing Examiner filed pursuant to § 1.301 of the Commission's rules; Chapman's "Reply" will be considered an opposition thereto. The only new allegations made by Symphony Network before the Board at this time are that two suits contesting the annexation referendum have been dismissed by respective courts for want of jurisdiction. However, Chapman counters with representations that these dismissals will be appealed. Symphony Network does not now allege any of the facts stated by the Examiner to be essential to its original petition and found by him to be absent therefrom. Thus, it is clear that whatever the outcome of an appeal on the contested referendum, the original deficiencies in Symphony Network's petition have not been cured. The Board will therefore deny Symphony Network's appeal.

4. Section 0.341 of the rules contemplates that any question which would be acted upon by persons other than the Hearing Examiner if it were raised by a party to the proceeding may be certified by the Examiner on his own motion to that person. See: Report and Order, FCC 64-399, released May 13, 1964. The Board does not construe this provision to include situations where an Examiner desires merely a review of his action or of the posture of the pending proceeding. However, in the instant case, it is apparent that the Examiner was aware that sufficient uncontroverted allegations had been made to raise the question as to whether a grant of the Chapman application would be consistent with the provisions of § 73.607(b) of the Commission's rules. He was also aware of the fact that no issue had yet been framed to permit resolution of such question, that no party had sought enlargement of the issues, and that he had no authority to frame such an issue. Thus, while it would have been preferable for the Examiner to put the question certified in a more specific form, the certification adequately raises the question whether Homewood is, or is about to become, ineligible for the assignment of a Bessemer channel under the provisions of § 73.607(b). Though the facts presented to the Board leave something to be desired, they are sufficient to warrant inclusion of an issue, particularly since no party disputes the fact that the future of Homewood's municipal status is presently being litigated in the Alabama courts.

*Accordingly, it is ordered,* This 28th day of October 1964, that the appeal from an adverse ruling of the Hearing Examiner (Comments on Petition to Dismiss Application and Oppositions filed thereto), filed September 14, 1964, by Symphony Network Association, Inc. is denied; and

*It is further ordered,* That the issues in this proceeding are enlarged on the Board's own motion, by addition of the following issue: "To determine whether a grant of the application of Chapman Radio and Television Company will comply with the provisions of § 73.607(b) of the Commission's rules."

Released: October 29, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11189; Filed, Nov. 2, 1964; 8:49 a.m.]

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[Docket No. 15212 etc.; FCC 64M-1069]

## TVUE ASSOCIATES, INC., ET AL.

### Order re Procedural Dates

In re applications of TVUE Associates, Inc., Houston, Texas, Docket No. 15212, File No. BPCT-3161; United Artists Broadcasting, Inc., Houston, Texas, Docket No. 15213, File No. BPCT-3166; for construction permits for New Television Broadcast Stations.

In re applications of Integrated Communication Systems, Inc., of Massachusetts, Boston, Massachusetts, Docket No. 15323, File No. BPCT-3167; United Artists Broadcasting, Inc., Boston, Massachusetts, Docket No. 15324, File No. BPCT-3169; for construction permits for New Television Broadcast Stations.

In re applications of United Artists Broadcasting, Inc., Lorain, Ohio, Docket No. 15248, File No. BPCT-3168; Ohio Radio, Incorporated, Lorain, Ohio, Docket No. 15626, File No. BPCT-3348; for construction permits for New Television Broadcast Stations.

At prehearing conference in the Lorain proceeding on October 15, 1964 (Dockets 15248 and 15626 captioned above), consideration was given to the further course of these interwoven cases. The Hearing Examiner is of the view that the public interest requires now the adoption of the schedule set forth below.

*Accordingly, it is ordered,* This 28th day of October 1964, that the now-scheduled date of November 9, 1964 for the commencement of hearing in the Lorain case is cancelled, that the joint motion to reschedule hearing dates filed September 11, 1964, on behalf of Integrated Communication Systems and United Artists Broadcasting, applicants in the Boston proceeding (Dockets 15323 and 15324 captioned above), is granted to the extent that the procedural dates then obtaining were put off by order released September 24, 1964 (FCC 64M-945) and is denied to the extent that the new dates suggested in the joint motion are not adopted, and that the following schedule will govern the further conduct of these proceedings:

December 18, 1964, on or before this date, the written direct case of United Artists Broadcasting on issues 1, 2, and 3 in the Boston case, these issues being identically specified in the Houston and Lorain cases, shall be exchanged among all the parties to all three of the subject proceedings.

January 11, 1965, on this date, hearing will begin in each of the subject proceedings with the first order of business to be given over to trial on a consolidated basis of the above-mentioned three issues directed to United Artists Broadcasting. At the outset, consideration will be given to such written material as will be relied upon by United Artists Broadcasting in support of its showing on those three issues. Immediately upon the conclusion of that phase, cross-examination will be expected to be undertaken on those issues.

December 30, 1964, By this date, any party desiring the production of witnesses for cross-examination on the direct case on the noted issues against United Artists Broadcasting will so notify that applicant.

Upon completion of the hearings on these three issues relating to United Artists Broadcasting, discussions will be held to schedule procedural dates for further hearings on all other issues in the three proceedings.

Released: October 29, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11190; Filed, Nov. 2, 1964; 8:49 a.m.]

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[Docket Nos. 15675, 15676]

## WESTERN CALIFORNIA TELEPHONE CO. AND PACIFIC TELEPHONE AND TELEGRAPH CO.

### Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Western California Telephone Company, Docket No. 15675, File No. 4409-C2-P-64, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Los Gatos, California; The Pacific Telephone and Telegraph Company, Docket No. 15676, File No. 5774-C2-P-64, for a construction permit to modify the facilities of station KMA612 in the Domestic Public Land Mobile Radio Service at San Jose, California.

[1] Also before the Board are: (1) Comments on Petition to Dismiss Application and Oppositions filed thereto, filed September 14, 1964, by Symphony Network Association, Inc.; and (2) Reply to Comments on Petition to Dismiss Application and Oppositions filed thereto, filed by Symphony Network Association, Inc., filed September 22, 1964, by Chapman Radio and Television Company.



1. The Commission, by its Chief of the Common Carrier Bureau, acting under delegation of authority, pursuant to § 0.292(a) of the Commission's rules, has before it (1) an application filed December 27, 1963 by Western California Telephone Company (Western) for a construction permit to establish a new two-way communications service, using the frequencies 152.78 Mc/s (base) and 158.04 Mc/s (mobile), in the Domestic Public Land Mobile Radio Service at Los Gatos, California, including authority to provide mobile stations equipped to operate on ten associated mobile frequencies; and (2) an application filed March 2, 1964, by The Pacific Telephone and Telegraph Company (Pacific) for a construction permit to modify the facilities of station KMA612 by adding an additional channel for two-way communications service on frequencies 152.78 Mc/s (base) and 158.04 Mc/s (mobile), in the Domestic Public Land Mobile Radio Service at San Jose, California, including authority to install and modify certain auxiliary test facilities.[1] Western and Pacific are each seeking to provide two-way communications service on the same frequencies in the same general area (the base stations would be approximately ten miles apart), and it appears that these applications are mutually exclusive by reason of potential harmful electrical interference. Therefore, a comparative hearing is required to determine whether a grant to either or both of the applicants would serve the public interest, convenience and necessity.

2. It also appears that § 21.504 of the rules and regulations of this Commission describes a field strength contour of 37 decibels above one microvolt per meter as the limit of reliable service area for base stations engaged in two-way communications service, and that the Commission's Report No. T.R.R.4.3.8., entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band" and the procedures set forth therein are a proper basis for establishing the location of such service (F50,50) and interference contours of the facilities involved in this proceeding.

3. It also appears that except for the matters placed in issue herein, both applicants are financially, technically, legally and otherwise qualified to render the services they have proposed.

4. Accordingly, in view of our conclusions above: *It is ordered,* Pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine, on a comparative basis, the nature and extent of the services proposed by each applicant, including the rates, charges, personnel practices, classifications, regulations and facilities pertaining thereto.

(b) To determine whether any harmful interference would result from simultaneous operations on the frequencies 152.78 and 158.04 Mc/s by Western and Pacific, and if so, whether such interference would be intolerable or undesirable.

(c) To determine, on a comparative basis, the areas and populations that Western and Pacific propose to serve within their respective 37 dbu contours, based upon the standards set forth in paragraph 2 above; and to determine the need for the proposed services in the said areas.

(d) To determine, in light of the evidence adduced on all the foregoing issues, whether or not the public interest, convenience or necessity will be served by a grant of one or both of the captioned applications, and the terms or conditions which should be attached thereto, if any.

5. *It is further ordered,* That the burden of proof on each of the issues in paragraph 4 is placed upon the applicants so far as the same relates to their respective applications; and

6. *It is further ordered,* That the applicants desiring to participate herein shall file their notice of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

Adopted: October 27, 1964.

Released: October 29, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11191; Filed, Nov. 2, 1964; 8:49 a.m.]

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[Docket Nos. 15677, 15678]

## WESTERN CALIFORNIA TELEPHONE CO. AND PACIFIC TELEPHONE AND TELEGRAPH CO.

### Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Western California Telephone Company, Docket No. 15677, File No. 4411-C2-P-64, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Novato, California; The Pacific Telephone and Telegraph Company, Docket No. 15678, File No. 5775-C2-P-64, for a construction permit to modify the facilities of station KMA745 in the Domestic Public Land Mobile Radio Service at San Francisco, California.

1. The Commission, by its Chief of the Common Carrier Bureau, acting under delegation of authority, pursuant to § 0.292(a) of the Commission's rules, has before it (1) an application filed December 27, 1963 by Western California Telephone Company (Western) for a construction permit to establish a new two-way communications service, using the frequencies 152.54 Mc/s (base) and 157.80 Mc/s (mobile), in the Domestic

[1] Station KMA612 now provides two-way communications service on frequencies 152.57 and 152.72 Mc/s (base) and 157.83 and 157.98 Mc/s (mobile).

Public Land Mobile Radio Service at Novato, California, including authority to provide mobile stations equipped to operate on ten associated mobile frequencies and to operate auxiliary test facilities; and (2) an application filed March 2, 1964 by The Pacific Telephone and Telegraph Company (Pacific) for a construction permit to modify the facilities of station KMA745 by adding an additional channel for two-way communications service on frequencies 152.54 Mc/s (base) and 157.80 Mc/s (mobile), in the Domestic Public Land Mobile Radio Service at San Francisco, California,[1] including authority to provide mobile stations equipped to operate on ten associated mobile frequencies and to operate auxiliary test facilities. Western and Pacific are each seeking to provide two-way communications service on the same frequencies in the same general area (the base stations would be approximately twenty-eight miles apart), and it appears that these applications are mutually exclusive by reason of potential harmful electrical interference. Therefore, a comparative hearing is required to determine whether a grant to either or both of the applicants would serve the public interest, convenience and necessity.

2. It also appears that § 21.504 of the rules and regulations of this Commission describes a field strength contour of 37 decibels above one microvolt per meter as the limit of reliable service area for base stations engaged in two-way communications service, and that the Commission's Report No. T.R.R.4.3.8., entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band" and the procedures set forth therein are a proper basis for establishing the location of such service (F50, 50) and interference contours of the facilities involved in this proceeding.

3. It also appears that except for the matters placed in issue herein, both applicants are financially, technically, legally and otherwise qualified to render the services they have proposed.

4. Accordingly, in view of our conclusions above: *It is ordered*, Pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine, on a comparative basis, the nature and extent of the services proposed by each applicant, including the rates, charges, personnel, practices, classifications, regulations and facilities pertaining thereto.

(b) To determine whether any harmful interference would result from simultaneous operations on the frequencies 152.54 and 157.80 Mc/s by Western and Pacific, and if so, whether such interference would be intolerable or undesirable.

(c) To determine, on a comparative basis, the areas and populations that Western and Pacific propose to serve within their respective 37 dbu contours, based upon the standards set forth in paragraph 2 above; and to determine the need for the proposed services in the said areas.

(d) To determine, in light of the evidence adduced on all the foregoing issues, whether or not the public interest, convenience or necessity will be served by a grant of one or both of the captioned applications, and the terms or conditions which should be attached thereto, if any.

5. *It is further ordered*, That the burden of proof on each of the issues in paragraph 4 is placed upon the applicants so far as the same relates to their respective applications; and

6. *It is further ordered*, That the applicants desiring to participate herein shall file their notice of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

Adopted: October 27, 1964.

Released: October 29, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11192; Filed, Nov. 2, 1964; 8:50 a.m.]

[1] Station KMA745 now provides two-way communications service on frequencies 152.51 and 152.63 Mc/s (base) and 157.77 and 157.89 Mc/s (mobile).

# FEDERAL MARITIME COMMISSION

## BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LOS ANGELES AND NATIONAL METAL AND SHEET CORP.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Port of Los Angeles,
Post Office Box 151,
San Pedro, Calif. 90733.

Agreement No. T-924 between the Board of Harbor Commissioners of the City of Los Angeles (Port) and the National Metal and Steel Corporation (Company), provides that Company lease certain property at Los Angeles for the storage of scrap metals and for the loading of such metals into vessels. As compensation Company agrees to pay a fixed amount as specified in the agreement. The agreement entitles Company the right to use certain wharves belonging to the Port for dismantling ships, for the berthing of vessels owned or operated by Company and for the loading and unloading of vessels with scrap metal. Company agrees to pay over to the Port all charges against vessels and cargo which accrue from the loading and unloading of scrap metal, except that it may retain one-half of the Port's wharfage rate in consideration for its maintenance of the Port's wharves.

Dated: October 29, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11174; Filed, Nov. 2, 1964; 8:48 a.m.]

[Docket No. 1198]

## FRANK P. CATTANO

### Application for Freight Forwarding License; Discontinuance of Proceeding

By order dated August 24, 1964, the Commission, pursuant to a request by Frank P. Cattano, an applicant for an independent ocean freight forwarder's license, instituted a proceeding to determine whether applicant is qualified for an independent ocean freight forwarder's license within the meaning of section 1 of the Shipping Act, 1916 (46 U.S.C. 801).

By letter of September 25, 1964, applicant requested a withdrawal of the application without prejudice to reapplication at a future date.

*Now therefore it is ordered*, That the proceeding is hereby discontinued.

*It is further ordered*, That Frank P. Cattano's application for a license is hereby dismissed without prejudice to the filing of a new application on the basis of changed facts.

*It is further ordered*, That a copy of this order shall be served upon the respondent herein, and that this order be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11175; Filed, No. 2, 1964; 8:48 a.m.]

## COMMONWEALTH OF PUERTO RICO AND WATERMAN DOCK CO.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).



Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Waterman of Puerto Rico-U.S.A., Inc.,
Post Office Box 1050,
Elizabeth, N.J.

Agreement No. T-1087 between the Commonwealth of Puerto Rico (Port) and Waterman Dock Company (Company), provides for the lease of certain terminal property at San Juan, P.R., including a franchise for the construction and operation of a public service bulkhead shed. The agreement provides that Company furnish all services on equal terms without discrimination and that Company's rates and charges shall be subject to regulation by the Port. Company must file a schedule of its rates and charges with the Port for approval. As compensation for the lease Company agrees to pay a fixed amount as specified in the agreement.

Dated: October 29, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11176; Filed, Nov. 2, 1964; 8:48 a.m.]

[No. 1211; Independent Ocean Freight Forwarder License 542]

## AETNA FORWARDING CO., INC.

### Revocation of License

On January 15, 1962, pursuant to section 44 of the Shipping Act, 1916 (Public Law 87-254, 46 U.S.C. 841(b)), Aetna Forwarding Co., Inc., 32 Broadway, New York, N.Y., filed application for a license as an independent ocean freight forwarder. Licensee was issued independent ocean freight forwarder License No. 542, effective April 16, 1964.

The Commission has information that the licensee has ceased carrying on the business of ocean freight forwarding, is indebted to various common carriers in the amount of approximately $30,000 resulting from its failure to pay freight advanced to it by shippers, and owes approximately $5,000 in unpaid insurance premiums on export shipments to insurance underwriters.

By letter dated September 10, 1964, Aetna Forwarding Co., Inc. was informed of the intent of the Federal Maritime Commission to revoke its independent ocean freight forwarder license No. 542 because of the information set forth above and was advised of its right to a hearing to show that revocation was unwarranted.

Whereas, attorney of licensee has requested the opportunity to show at a hearing that revocation of the license is unwarranted,

*It is ordered*, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821, 841(b)), that a proceeding is hereby instituted to determine whether the license of Aetna Forwarding Co., Inc. should be revoked.

*It is further ordered*, That Aetna Forwarding Co., Inc. be made respondent in this proceeding and that the matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Chief Examiner.

*It is further ordered*, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondent.

*It is further ordered*, That any persons, other than respondent, who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene with the Secreary, Federal Maritime Commission, Washington, D.C., 20573, with copy to respondent, on or before November 15, 1964, and;

*It is further ordered*, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Federal Maritime Commission.

[SEAL] THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11178; Filed, Nov. 2, 1964; 8:48 a.m.]

## PUERTO RICAN PORTS AUTHORITY AND PUERTO RICAN COAL CO.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Arnold, Fortas & Porter
1229 19th Street NW.
Washington, D.C. 20036

Agreement No. T-1567 between the Puerto Rican Ports Authority (Port) and the Puerto Rican Coal Company (Company) provides for the lease of Pier 10, San Juan, Puerto Rico, to be operated by Company as a public utility wharfinger facility. Port reserves the right to utilize the leased premises when not being used by Company. The agreement provides that all services authorized by the agreement are to be performed by Company for all members of the public without discrimination. All charges assessed by Company shall be reasonable and conform as nearly as possible to the charges assessed and published in the Port's terminal tariff. As compensation for the lease Company agrees to pay a fixed amount as specified in the agreement.

Dated: October 29, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11179; Filed, Nov. 2, 1964; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Project Nos. 1869, 2252]

## MONTANA POWER CO.

### Order Permitting Withdrawal of Application for License and Vacating Order Fixing Hearing

OCTOBER 27, 1964.

The Montana Power Company (Applicant) in March of 1929 acquired hydroelectric generating facilities at the Thompson Falls site on the Clark Fork River in Montana, the first unit of which had been placed in service in July of 1915. By order of March 15, 1949, in Project No. 1869, the Commission authorized the issuance of a license to the Applicant for the development at this site, effective from January 1, 1938, and to terminate December 31, 1975. The license included provisions in Article 11 which obligated the licensee to make economical enlargements of the project in the public interest when directed by the Commission.[1]

[1] Article 11 of the license in Project No. 1869 provides:

*Article 11.* In order that the Thompson Falls Project may conform to a comprehensive plan for improving and developing the Clark Fork of the Columbia River, for the use or benefit of interstate commerce, for the improvement and utilization of waterpower development and for other beneficial public uses including recreational purposes, the Licensee as directed by the Commission, after notice and opportunity for hearing, shall enlarge the Thompson Falls Project to the extent that it is economically sound and in the public interest to do so in accordance with plans which the Commission shall find best adapted to such comprehensive plan; or in lieu thereof, the licensee shall surrender the license for Project No. 1869 and remove its structures from the river.

October 27, 1958, the Applicant filed an application, Project No. 2252, for a new 50-year license for the Thompson Falls site, based on a plan for redevelopment consisting of raising the reservoir two feet and installing about 35,000 kw of additional capacity. In view of the provisions in Article 11 contemplating such redevelopment under the existing license, the application, seeking a new 50-year license, raised a serious legal question on its face because granting the application would mean that the United States' right to recapture the project would be delayed some 35 years. It was apparent that if the Company had an urgent need for additional power it would have proceeded under its existing license so as to avoid the legal problem raised by its request for a new 50-year license.

The Commission by its order of September 11, 1964, consolidated the proceedings in Project No. 1869 and 2252 and fixed a hearing for December 8, 1964. Subsequently, on September 21, 1964, the Applicant filed a petition to withdraw its application in Project No. 2252, and on the same date also filed a petition for cancellation of the hearing fixed by the Commission's order of September 11, 1964. Applicant in its petition states that:

1. Plans for construction of a steam electric generating plant have progressed to a point where design and engineering plans have been made and contracts have been entered into for the purchase of equipment;

2. Since the filing of the application The Montana Power Company has contracted for a substantial quantity of power from the Hanford Atomic Reactor plant of the Washington Public Power Supply System;

3. In addition to the Hanford power, substantial quantities of additional power will become available through Bonneville Power Administration by virtue of the recently implemented treaty with Canada relating to the storage of water in Canada and the coordinated operation of generating facilities on the Columbia River; and

4. There appears to be a probability that construction of the High Mountain Sheep Project will commence within the foreseeable future which will be a further source of power available to Applicant.

Montana attributes its withdrawal to the delay in processing its application in Project No. 2252 and claims that in the intervening time these above-mentioned alternative sources of power have been obtained and it now has a surplus of power available. Montana, however, fails to point out that it also had a power surplus in 1958 when the instant application was filed which continued during the intervening years. In 1956 during the hearing on the Low Mountain Sheep-Pleasant Valley development (Project No. 2173) of which The Montana Power Company was one of the four companies sponsoring the Applicant for license, the President of the Company testified that the Company would not be in a position to use its full share of the output of that development initially and that its share would probably be divided between two of the other sponsoring companies. At that time the contemplated construction schedule for the Mountain Sheep-Pleasant Valley Project No. 2173 was 42 months, with anticipated completion around August of 1959, if a license were issued.

In May of 1958, the Montana Power Company added the newly constructed Cochrane development with its rated generator capacity of 24,000 kw to its system. The license for the Cochrane development was issued by order of April 23, 1956, in Project No. 2188 (15 FPC 1330). It was thus apparent that at the time the application in Project No. 2252 for redevelopment of the Thompson Falls site was filed, the Company was not in need of additional power and that the principal purpose of that application was to obtain a new 50-year license for an existing project already held under license.

In light of these circumstances, the processing of the application for Project No. 2252 was held in abeyance pending disposition of another application raising the same question of the propriety of issuing a new license where in form an old license is surrendered but in substance the existing license would extend beyond 50 years. This was the application of the Pennsylvania Power & Light Company filed July 31, 1959, for Holtwood Project No. 2268, which was under license to that Company as Project No. 1881. It is significant that Applicant at no time pressed for a disposition of its application.

After oral argument in the proceedings on Holtwood Project No. 2268, the Commission on March 13, 1963, denied the application for a new 50-year license by its Opinion No. 380 (29 FPC 468). Rehearing was subsequently denied by the Commission's order of June 25, 1963 (29 FPC 1294). The application in Project No. 2252 was then processed and set for hearing.

It is clear in light of our opinion in the Holtwood case that the application for a new 50-year license for the Thompson Falls project should not be granted and in these circumstances we shall permit Applicant to withdraw its application for Project No. 2252. The Commission, however, reserves its right to require Montana Power Company after hearing to redevelop the Thompson Falls site under Article 11 of its license for Project No. 1869.

The Commission finds: It will not be inconsistent with the public interest to permit withdrawal of the application for license in Project No. 2252, and to vacate the order of September 11, 1964, fixing hearing in Project Nos. 1869 and 2252, as hereinafter provided.

The Commission orders:

(A) The order of September 11, 1964, consolidating proceedings and fixing hearing in Project Nos. 1869 and 2252, is vacated.

(B) The petition filed by The Montana Power Company to withdraw its application in Project No. 2252 for license authorizing redevelopment of the Thompson Falls site on the Clark Fork River, is granted and the proceeding in Project No. 2252 is terminated.

(C) The right to further consider the obligations of The Montana Power Company under Article 11 of its license for Project No. 1869 is hereby reserved.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-11142; Filed, Nov. 2, 1964; 8:45 a.m.]

[Docket No. CP64-34]

## TRANSWESTERN PIPELINE CO.

### Notice of Petition To Amend

OCTOBER 26, 1964.

Take notice that on September 18, 1964, Transwestern Pipeline Company (Applicant), Post Office Box 1502, Houston, Tex., 77002, filed in Docket No. CP64-34 a petition to amend the certificate issued to it by the Commission on December 16, 1963, in said docket authorizing Applicant to sell and deliver to Pacific Lighting Gas Supply Company (Pacific Lighting) up to 410,000 Mcf of natural gas per day on an annual average basis for a limited period ending on November 1, 1965, as more particularly described in paragraph (1) of the said certificate order.

In the subject petition Applicant seeks authority to increase its sale volume to Pacific Lighting from 410,000 Mcf per day to 430,000 Mcf per day on an average annual basis for a limited period ending December 31, 1965, or until the commencement of any new service resulting from a determination and order in Docket Nos. CP63-204, et al., whichever date is earlier.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 20, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-11143; Filed, Nov. 2, 1964; 8:45 a.m.]

[Docket No. G-5145 etc.]

## HUMBLE OIL & REFINING CO. ET AL.

### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates and Pending Certificate Application [1]

OCTOBER 27, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.



| Docket No. and date filed | Applicant | Purchaser, field and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| CI64-1246 A 10-15-64 | Thomas E. Berry (Operator), et al. | Panhandle Eastern Pipe Line Co., acreage in Beaver County, Okla. | 17.0 | 14.65 |
| CI65-192 B 8-31-64 | Watson Oil & Gas Co., Inc.[2] | Equitable Gas Co., Union Dist., Marion County, W. Va. | Uneconomical | ------ |
| CI65-193 B 8-31-64 | Earl Goodwin, et al.[3] | Equitable Gas Co., Freeman's Creek District, Lewis County, W. Va. | Uneconomical | ------ |
| CI65-573 A 10-16-64 | Dalton H. Cobb (Operator), et al. | Northern Natural Gas Co., Ozona Southwest Canyon Field, Crockett County, Tex. | 16.0 | 14.65 |
| CI65-574 A 10-16-64 | Pan American Petroleum Corp. | El Paso Natural Gas Co., Tocito Dome Pool, San Juan County, N. Mex. | 13.0 | 15.025 |
| CI65-575 A 10-16-64 | W. R. Hughey Operating Co., et al. | Arkansas Louisiana Gas Co., Clinton Lake Field, Marion County, Tex. | 12.4697 | 14.65 |
| CI64-576 A 10-16-64 | C. T. McLaughlin, J. Mark McLaughlin and Retha Martin. | Kansas-Nebraska Natural Gas Co., acreage in Weld County, Colo. | 12.0 | 15.025 |
| CI65-577 A 10-19-64 | Sentry Royalty Co. | Transmission Corp., Midland Field, Midlenberg County, Ky. | 14.0 | 15.025 |
| CI65-578 A 10-19-64 | Pan American Petroleum Corp. | Northern Natural Gas Co., West Lips Field, Roberts County, Tex. | 14.0 | 14.65 |
| CI65-579 A 10-19-64 | William Gruenewald & Associates, Inc., et al. | Panhandle Eastern Pipe Line Co., acreage in Texas County, Okla. | 17.0 | 14.65 |
| CI65-580 A 10-19-64 | Murphy Oil Corp. | Arkansas Louisiana Gas Co., Silgo Field, Bossier Parish, La. | [3] [4] 10.047 | 15.025 |
| CI65-581 A 10-19-64 | Union Texas Petroleum, a division of Allied Chemical Corp. | Northern Natural Gas Co., Ross-ton Area, Hansford County, Tex. | 17.0 | 14.65 |
| CI65-582 A 10-19-64 | Tidewater Oil Co. | Texas Eastern Transmission Co., Grand Isle Block 43 Area, Offshore Jefferson and Plaquemines, La. | 19.0 | 15.025 |
| CI65-583 A 10-20-64 | J. C. Trahan, Drilling Contractor, Inc. | Arkansas Louisiana Gas Co., Arkana Field, Bossier Parish, La. | [5] 13.8 | 15.025 |
| CI65-584 A 10-20-64 | Pan American Petroleum Corp. | Tennessee Gas Transmission Co., East Timbalier Bay Area, Lafourche Parish, La. | 20.625 | 15.025 |
| CI65-585 A 8-26-64 | Western Oil Fields, Inc. | Cities Service Gas Co., Boggs Field, Barber County, Kans. | 12.0 | 14.65 |
| CI65-586 A 10-20-64 | Sooony Mobil Oil Co., Inc. | Lone Star Gas Co., Keota Field, Haskell County, Tex. | 16.0 | 14.65 |
| CI65-587 A 10-20-64 | Krebs Oil Co. | United Fuel Gas Co., acreage in Kanawha County, W. Va. | [6] 26.0 | 15.325 |
| CI65-588 F 10-21-64 | J. Sterling McCluskey (Operator), et al. (successor to Paul L. Britton (Operator), et al.). | Lake Shore Pipe Line Co., Bushnell (Pennsylvania) Field, Erie County, Pa. | 27.0 | 15.025 |
| CI65-589 A 10-21-64 | Humble Oil & Refining Co. | Panhandle Eastern Pipe Line Co., N. E. Trail Field, Dewey County, Okla. | [7] 17.0 | 14.65 |
| CI65-590 B 10-21-64 | Amerada Petroleum Corp. | Kansas-Nebraska Natural Gas Co., Inc., Jackpot Field, Morgan and Weld Counties, Colo. | Uneconomical | ------ |
| CI65-591 A 10-22-64 | Jumbo Oil & Gas Co. | Hope Natural Gas Co., Upshur County, W. Va. | 25.0 | 15.325 |
| CI65-592 A 10-22-64 | David Mathes Oil & Gas Partnership. | Hope Natural Gas Co., Sheridan District, Calhoun County, W. Va. | 23.0 | 15.325 |
| CI65-593 A 10-22-64 | R. E. Garrett Tract. | Hope Natural Gas Co., Lee District, Calhoun County, W. Va. | 24.0 | 15.325 |

[1] Presently consolidated with G-4281, et al., Sunray DX Oil Co., et al.
[2] Buyer is unable to connect pipeline to well.
[3] Because of low pressure, gas is unable to enter Buyer's line.
[4] Deletes certain acreage from contract from which delivery of gas has never been made.
[5] Pending—Temporary authorization for sales; temporary certificate covering subject sale issued July 8, 1960.
[6] Application previously noticed October 13, 1964, in Docket Nos. G-3146 et al. at an initial rate of 16.6 cents per Mcf.
[7] Applicant filed an amendment to October 2, 1964, filing to reflect a rate of 17.0 cents per Mcf in lieu of 16.6 cents per Mcf.

Applicant states that under the contract, Purchaser will process the gas for removal of diluent content and deduct the cost of such processing from the present base contract rate of 17.0 cents per Mcf. This cost is variable, and is currently estimated at 7.5 cents per Mcf. Therefore, Seller will receive approximately 7.5 cents per Mcf for gas sold and delivered hereunder.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.



| Docket No. and date filed | Applicant | Purchaser, field and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| G-5145 C 10-15-64 | Humble Oil & Refining Co. | El Paso Natural Gas Co., acreage in Midland County, Tex. | 17.2296 | 14.65 |
| G-6006 E 8-31-64 | Hydrocarbon Chemicals, Inc. (successor to Watson Oil and Gas Co., Inc.). | Equitable Gas Co., Union Dist., Marion County, W. Va. | 20.0 | 15.325 |
| G-9097 [1] D 10-13-64 | Texaco Inc. | Colorado Interstate Gas Co., Northeast Carthage Field, Texas County, Okla. | (2) | ------ |
| G-10122 C 10-16-64 | Continental Oil Co. | Tennessee Gas Transmission Co., West Delta Area, Offshore Louisiana. | 19.0 | 15.025 |
| G-11479 C 10-14-64 | Pan American Petroleum Corp. (Operator), et al. | El Paso Natural Gas Co., Justis Blinebry Field, Lea County, N. Mex. | 9.0 | 14.65 |
| G-12707 E 10-15-64 | Mesa Petroleum Co., et al. (successor to Steeple Oil & Gas Co., et al.) | Natural Gas Pipeline Co. of America, acreage in Roberts County, Tex. | 12.0 | 14.65 |
| G-12885 D 10-16-64 | Murphy Oil Corp. (partial abandonment). | Gas Transmission Corp., Sligo Field, Bossier Parish, La. | (2) | ------ |
| G-17870 D 10-15-64 | Humble Oil & Refining Co. | United Gas Pipe Line Co., Northeast Gibson Field, Terrebonne Parish, La. | (2) | ------ |
| G-18741 [1] D 9-22-64 | Estate of J. A. Pitman, et al. (partial abandonment).[3] | Transwestern Pipeline Co., Lance Lease, Ochiltree County, Tex. | Depleted | ------ |
| CI61-21 [1] 10-21-64 | Graham-Michaelis Drilling Co. (Operator), et al. | Kansas-Nebraska Natural Gas Co., Inc. Cauffield Field, Texas County, Okla. | 17.0 | 14.65 |
| CI61-1567 C 10-22-64 | Livingston Oil Co. | Oklahoma Natural Gas Gathering Corp., Kingwood Field, Major County, Okla. | 11.0 | 14.65 |
| CI62-1533 A 10-21-64 | Tex-Star Oil & Gas Corp. | Kansas-Nebraska Natural Gas Co. Ignacio Field, La Plata County, Colo. | 18.0 | 15.025 |
| CI62-1534 C 10-20-64 | Sun Oil Co. (Southwest Division). | El Paso Natural Gas Co., Brown-Bassett Field, Terrell County, Tex. | [4] 7.5 | 14.65 |
| CI63-648 C 10-16-64 | Southwestern Development Co. | Hope Natural Gas Co., Union District, Middle Island Creek, W. Va. | [5] 27.0 | 15.325 |
| CI63-1036 C 10-16-64 | Sinclair Oil & Gas Co. | Arkansas Louisiana Gas Co., Dove-Hennessey Field, Kingfisher County, Okla. | [6] 15.0 | 14.65 |
| CI64-812 C 10-14-64 | Logue and Patterson | Lone Star Gathering Co., South Weeaska Field, Goliad County, Tex. | 14.0 | 14.65 |
| CI64-938 C 10-16-64 | Southern Union Production Co. | Michigan Wisconsin Pipe Line Co., Woodward Area, Woods County, Okla. | 15.0 | 14.65 |

[1] Application states that under the contract, Purchaser will process the gas for removal of diluent content and deduct the cost of such processing from the present base contract rate of 17.0 cents per Mcf. This cost is variable, and is currently estimated at 7.5 cents per Mcf. Therefore, Seller will receive approximately 9.5 cents per Mcf for gas sold and delivered hereunder.
[2] Pending—Temporary authorization for sales; temporary certificate covering subject sale issued July 8, 1960.
[3] Deletes certain acreage from contract from which delivery of gas has never been made.
[4] Application previously noticed October 13, 1964, in Docket Nos. G-3146 et al. at an initial rate of 16.6 cents per Mcf.
[5] Applicant filed an amendment to October 2, 1964, filing to reflect a rate of 17.0 cents per Mcf in lieu of 16.6 cents per Mcf.
[6] Presently consolidated with G-4281, et al., Sunray DX Oil Co., et al.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[10] Inclusive of 2.0-cent gathering and transportation charge.
[11] Application states (1) Buyer to reimburse Applicant for 75 percent of any new or additional taxes levied after August 25, 1961; (2) at such time as well cannot deliver into Buyer's pipeline, if Buyer elects to compress, the charge to be ¾ cents per stage with maximum total of 1½ cents for two stages; (3) if at any time the gas fails to meet quality specifications Buyer may accept such gas and treat it, charging actual cost of such treating, not to exceed 1 cent per Mcf.
[12] Abandonment application filed by Hydrocarbon Chemicals, Inc., as successor to Watson Oil & Gas Co., Inc., and Earl Goodwin, et al. Hydrocarbon has made succession filings, but in view of the abandonments, no further action will be taken on the succession filings.
[13] Includes 1.5 cents per Mcf tax reimbursement.
[14] Subject to deduction of 3/16 cent per Mcf for dehydration; ¾ cent to 1½ cents per Mcf for compression.
[15] Includes 1.0 cent per Mcf tax reimbursement.
[16] Includes 2.0 cents per Mcf transportation charge.
[17] Subject to B.t.u. adjustment.

[F.R. Doc. 64-11144; Filed, Nov. 2, 1964; 8:46 a.m.]

# INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

## COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN KOREA

### Entry and Withdrawal From Warehouse

OCTOBER 27, 1964.

There is published below a letter of October 27, 1964, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that 10,000 dozen cotton textile products in Category 51, exported from Korea to the United States on or after January 1, 1964, be permitted entry for consumption and withdrawal from warehouse for consumption, in excess of the level of restraint designated for Category 51. These goods are being permitted entry under suitable arrangements for compensation with the Government of Korea.

This letter constitutes an amendment to the directive of December 23, 1963, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, published in the FEDERAL REGISTER on January 3, 1964 (29 F.R. 62), concerning cotton textiles from Korea.

JAMES S. LOVE, Jr.,
*Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.*

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

*Washington 25, D.C.*
OCTOBER 27, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
*Washington, D.C.*

DEAR MR. COMMISSIONER: This directive supplements and amends my previous directive to you of December 23, 1963, which designated levels of restraint effective January 1, 1964, and for the period extending through December 31, 1964, for cotton textiles and cotton textile products in certain categories, including Category 51, produced or manufactured in Korea.

Pending the conclusion of negotiations for a bilateral agreement with Korea, the United States has agreed to permit entry for consumption and withdrawal from warehouse for consumption of 10,000 dozen cotton textile products in Category 51 exported from Korea to the United States on or after January 1, 1964, even though the level of restraint for those goods has been exhausted by previous entries.

The purpose of this letter is to direct you to permit entry for consumption and withdrawal from warehouse for consumption of 10,000 dozen cotton textile products in Category 51, exported from Korea to the United States on or after January 1, 1964, in excess of the level specified in my directive of December 23, 1963.

A detailed description of Category 51 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551), and amendments thereto on March 24, 1964 (29 F.R. 3679).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to Korea and with respect to imports of cotton textiles and cotton textile products from Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. D. MARTIN, Jr.,
*Acting Secretary of Commerce, and Acting Chairman, President's Cabinet Textile Advisory Committee.*

[F.R. Doc. 64-11195; Filed, Nov. 2, 1964; 8:50 a.m.]

# FEDERAL RESERVE SYSTEM

## SOCIETY CORP.

### Order Extending Period of Time Prescribed by Proviso in Order of Approval

In the matter of the application of Society Corporation, Cleveland, Ohio, for permission to become a bank holding company by acquiring stock of The Fremont Savings Bank Company, Fremont, Ohio.

Whereas, by order dated July 27, 1964, the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)) and section 222.4(a) of the Federal Reserve Regulation Y (12 CFR 222.4(a)(1)), approved the application of Society Corporation, Cleveland, Ohio, to become a bank holding company through the acquisition of a minimum of 16,000 shares (80%) of the common stock and 1,000 shares (100%) of the preferred stock of The Fremont Savings Bank Company, Fremont, Ohio, and said order was made subject to the proviso that the acquisition approved "shall not be consummated * * * (b) later than three months after said date [of order]"; and

Whereas, Society Corporation has applied to the Board for an extension of time within which the approved acquisition may be consummated, and it appearing to the Board that good cause has been shown for the additional time requested and that such extension would not be inconsistent with the public interest;

*It is hereby ordered*, That the Board's Order of July 27, 1964, be and it hereby is, amended so that the proviso relating to the time by which Society Corporation shall consummate the approved acquisition of stock of The Fremont Savings Bank Company shall read: "provided that the acquisition so approved shall not be consummated * * * (b) later than January 25, 1965".

Dated at Washington, D.C., this 23d day of October 1964.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 64-11137; Filed, Nov. 2, 1964; 8:45 a.m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

### CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Abbeville Manufacturing Co., Inc., Box 521, Abbeville, S.C.; effective 10-8-64 to 10-7-65 (ladies' dresses and blouses).

Archbald Sewing Co., 140 Cherry Street, Archbald, Pa.; effective 10-11-64 to 10-10-65 (children's dresses).



Bernice Manufacturing Corp., Bernice, La.; effective 10-8-64 to 10-7-65 (women's jumpers and nightwear).

Bishop and Co., 329 Franklin Street, Weissport, Pa., Railroad Street, Lehighton, Pa.; effective 10-10-64 to 10-9-65 (ladies' and children's blouses).

Blue Bell, Inc., Arab, Ala.; effective 10-17-64 to 10-16-65 (men's and boys' cotton denim pants).

Blue Bell, Inc., Oneonta, Ala.; effective 10-17-64 to 10-16-65 (men's and boys' coveralls).

Blue Bell, Inc., Commerce, Ga.; effective 10-18-64 to 10-17-65 (ladies', men's, boys' sport jackets, windbreakers).

Blue Bell, Inc., Fulton, Miss.; effective 10-14-64 to 10-13-65 (men's and boys' work and sport trousers).

Blue Gem Manufacturing Co., 1301 Carolina Street, Greensboro, N.C.; effective 10-1-64 to 9-30-65 (men's and boys' denim overalls; ladies', misses, girls' slacks and shorts).

Branchville Shirt Co., Inc., 108 Carroll Street, Branchville, S.C.; effective 9-30-64 to 9-29-65 (sport shirts).

Buffalo Garment Co., Buffalo, Minn.; effective 10-7-64 to 10-6-65 (children's outer garments).

Collinwood Manufacturing Co., Collinwood, Tenn.; effective 10-10-64 to 10-9-65 (women's washable cotton service uniforms).

Connellsville Sportswear Co., South First Street, Connellsville, Pa.; effective 9-30-64 to 9-29-65 (men's and boys' trousers).

Ephrata Apparel Co., Fulton Street, Ephrata, Pa.; effective 10-6-64 to 10-5-65 (children's dresses).

E-Town Sportswear Corp., Elizabethtown, Ky.; effective 10-3-64 to 10-2-65 (men's slacks).

Glenn Manufacturing Co., Inc., Amory, Miss.; effective 10-15-64 to 10-14-65 (men's, boys' and ladies' dress and casual slacks).

Hartwell Manufacturing Co., Inc., Depot Street, Hartwell, Ga.; effective 9-30-64 to 9-29-65 (men's and boys' trousers).

Honea Path Shirt Co., Honea Path, S.C.; effective 10-17-64 to 10-16-65 (men's and ladies' sport shirts).

Jaymar-Ruby, Inc., 209 West Michigan Boulevard, Michigan City, Ind.; effective 9-29-64 to 9-28-65 (men's slacks).

Kayler Manufacturing, Inc., 822 Anderson Street, New Kensington, Pa.; effective 10-5-64 to 10-4-65. Learners may not be employed at special minimum wages in the production of skirts (misses' and women's blouses).

Lebanon Garment Co., East Market Street, Lebanon, Tenn.; effective 10-15-64 10-14-65 (men's and boys' trousers).

Louisiana Garment Manufacturing Co., Inc., 2001 St. Bernard Avenue, New Orleans, La.; effective 10-11-64 to 10-10-65 (men's and boys' sport pants).

McNair Clothing Manufacturing Co., 759 East Fronton Street, Brownsville, Tex.; effective 10-11-64 to 10-10-65 (men's cotton wash pants and shirts).

Martin Shirt Co., 27 East Poplar Street, Shenandoah, Pa.; effective 10-1-64 to 9-30-65 (ladies' blouses, boys' shirts).

Masterson, Inc., North Third Street, Booneville, Miss.; effective 10-8-64 to 10-7-65 (parkas, cotton jackets).

Mercer Clothing Manufacturers, Inc., Box 8, Route 2, Mercersburg, Pa.; effective 10-6-64 to 10-5-65 (boys' shirts and jackets; ladies' and girls' blouses and jackets).

Mylcraft Manufacturing Co., Inc., Rich Square, N.C.; effective 10-20-64 to 10-19-65 (ladies' sleepwear).

Nino Sportswear, 221 Lackawanna Avenue, Scranton, Pa.; effective 10-9-64 to 10-8-65 boys' trousers).

Phillips-Van Heusen Corp., Clayton, Ala.; effective 10-4-64 to 10-3-65 (dress shirts).

Royal Manufacturing Co., Inc., Sandersville, Ga.; effective 10-12-64 to 10-11-65 (men's and boys' sport shirts).

J. H. Rutter Rex Manufacturing Co., Inc., 3725 Dauphine Street, New Orleans, La.; effective 10-11-64 to 10-10-65 (men's work pants and work shirts).

Henry I. Siegel Co., Inc., South Fulton, Tenn.; effective 10-14-64 to 10-13-65 (men's and boys' single pants).

Boris Smoler & Sons, Inc., 600-620 Crawford Avenue, Elkhart, Ind.; effective 10-7-64 to 10-6-65 (dresses).

Southern Foundations, a division of Kellwood Co., Alamo, Tenn.; effective 10-9-64 to 10-8-65 (women's foundation garments).

Southland Manufacturing Co., Inc., Post Office Box 420, Wilmington, N.C.; effective 10-3-64 to 10-2-65 (men's dress and sport shirts).

Standard Romper Co., Inc., Verney Building, Brunswick, Maine; effective 10-11-64 to 10-10-65 (children's pants).

Standard Romper Co., Inc., 321 Canco Road, Portland, Maine; effective 10-4-64 to 10-3-65 (children's outerwear).

Standard Romper Co., Inc., 558 Roosevelt Avenue, Central Falls, R.I.; effective 10-4-64 to 10-3-65 (children's outerwear).

A Stein & Co., Inc., 606 North Vermillion Street, Streator, Ill.; effective 9-28-64 to 9-27-65 (women's brassieres and girdles).

Levi Strauss & Co., Inc., Blue Ridge, Ga.; effective 10-7-64 to 10-6-65 (men's and boys' casual pants).

Sulcraft Manufacturing Co., Dushore, Pa.; effective 10-4-64 to 10-3-65 (boys' cotton pajamas).

Summerton Uniform Corp., Summerton, S.C.; effective 9-30-64 to 9-29-65 (nurses' and maids' uniforms).

Toll-Gate Garment Co., Inc., Hamilton, Ala.; effective 10-1-64 to 9-30-65 (sport and dress shirts).

Tom and Huck Togs, Inc., Amory, Miss.; effective 10-15-64 to 10-14-65 (men's and boys' dress and sport pants).

The following learner certificates were issued for normal labor turnover purposes. (The effective and expiration dates and the number of learners authorized are indicated.)

Apco Manufacturing Co., 922 Exchange Avenue, Brodhead, Wis.; effective 10-11-64 to 10-10-65; 10 learners (infants' and children's cotton knit polo shirts).

Du-Rite Sportswear Co., 123 North Main Street, Scranton, Pa.; effective 10-8-64 to 10-7-65; 10 learners (boys' outerwear coats).

Eileen Hope, Inc., 14 Newport Road; Duncannon, Pa.; effective 10-3-64 to 10-2-65; 10 learners (women's dresses).

Irene Sportswear Co., Inc., Plant No. 2, Main Street, Dalton, Pa.; effective 10-2-64 to 10-1-65; 5 learners (ladies' blouses).

Meyers & Son Manufacturing Co., Inc., Corner First and Jefferson Streets, Madison, Ind.; effective 10-9-64 to 10-8-65; 10 learners (men's one piece work suits).

Murcel Manufacturing Co., Glennville, Ga., effective 10-12-64 to 10-11-65; 10 learners (nurses' and maids' uniforms).

Rob Roy Co., Inc., Ridgely, Md.; effective 10-14-64 to 10-13-65; 10 learners. Learners may not be employed at special minimum wage rates in the production of swim suits (boys' shirts).

Boris Smoler and Sons, Inc., 507 Jefferson, La Porte, Ind.; effective 10-7-64 to 10-6-65; 10 learners (dresses).

Southern Garment Co., Robbins, N.C.; effective 10-4-64 to 10-3-65; 10 learners (women's cotton wash dresses).

Sunstate Sportswear of Vienna, Inc., Vienna, Ga.; effective 10-9-64 to 10-8-65; 10 learners (men's walking shorts).

A. S. Neiman, doing business as Tru-fit Trousers, 1129 Woodmere Avenue, Traverse City, Mich.; effective 10-9-64 to 10-8-65; 10 learners. Learners may not be employed at special minimum wage rates in the production of jackets of suit type construction (ladies', juniors' shorts, slacks and jackets; men's trousers).

Vista Slack Corp., 660 L Street, Chula Vista, Calif.; effective 9-30-64 to 9-29-65; 10 learners (men's dress slacks).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bernice Manufacturing Corp., Bernice, La.; effective 10-8-64 to 4-7-65; 100 learners (women's jumpers, ladies' nightwear).

Blue Bell, Inc., Lenoir, N.C.; effective 10-6-64 to 4-5-65; 150 learners (boys' dungarees, children's blouses and pants).

Formflex of Arizona, 1120 West Watkins Road, Phoenix, Ariz.; effective 9-30-64 to 3-29-65; 50 learners (girdles).

Eileen Hope, Inc., 135 South Fifth Street, Newport, Pa.; effective 8-17-64 to 12-14-64; 15 additional learners (women's dresses) (Supplemental Certificate).

Edward Hyman Co., Frost Street, Hazlehurst, Miss.; effective 9-30-64 to 3-29-65; 40 learners (work pants).

Jay Garment Co., Brookville, Ind., effective 10-1-64 to 3-31-65; 60 learners (boys' cotton and/or rayon pants).

Henry I. Siegel Co., Inc., Eloy, Ariz.; effective 9-30-64 to 3-29-65; 60 learners (men's and boys' single pants).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85, as amended).

Bayuk Cigars, Inc., Morgan Street, Selma, Ala.; effective 9-29-64 to 9-28-65; 10 percent of the total number of factory production workers for normal labor turnover purposes (cigars).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Banner Elk Glove Co., Inc., Banner Elk N.C.; effective 10-2-64 to 4-1-65; 20 learners for plant expansion purposes (leather palm work gloves).

Burnham-Edina Manufacturing Co., Edina, Mo.; effective 10-2-64 to 10-1-65; 5 learners for normal labor turnover purposes (leather palm work gloves).

The Glove Corp., Heber Springs, Ark.; effective 10-9-64 to 10-8-65; 10 learners for normal labor turnover purposes (leather and cotton work gloves).

Lambert Manufacturing Co., Kirksville, Mo.; effective 10-17-64 to 10-16-65; 10 learners for normal labor turnover purposes (work gloves).

St. Johnsbury Glovers, Inc., St. Johnsbury, Vt.; effective 10-5-64 to 4-4-65; 5 learners for plant expansion purposes (women's knitted gloves).

William E. Seal and Co., East North Street, Millersburg, Pa.; effective 10-1-64 to 9-30-65; 5 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Alba-Waldensian, Inc., Alba Division, Valdese, N.C.; effective 10-8-64 to 10-7-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless, full-fashioned).

Alba-Waldensian, Inc., finishing plant, Valdese, N.C.; effective 10-12-64 to 10-11-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Alba-Waldensian, Inc., Pauline Plant, Valdese, N.C.; effective 10-12-64 to 10-11-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Amos Hosiery Mills, Inc., High Point, N.C.; effective 10-5-64 to 10-4-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Burlington Industries, Inc., Scottsboro Hosiery Co., Scottsboro, Ala.; effective 10-9-64 to 10-8-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Commonwealth Hosiery Mills, Inc., Kilerbe, N.C., effective 10-8-64 to 10-2-65; 5 learners for normal labor turnover purposes (seamless).

Commonwealth Hosiery Mills, Inc., Randleman, N.C., effective 10-1-64 to 9-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Douglas Knitting Mills, 436 South Peterson Avenue, Douglas, Ga.; effective 10-8-64 to 10-7-65; 5 learners for normal labor turnover purposes (seamless).

Drexel Knitting Mills Co., Drexel, N.C.; effective 10-9-64 to 10-8-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Franklin Hosiery Co., Franklin, N.C.; effective 10-7-64 to 10-6-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Hudson Hosiery Co., Charlotte, N.C.; effective 10-8-64 to 10-7-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Hudson Hosiery Co., Shelby, N.C.; effective 10-8-64 to 10-7-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

V. I. Prewett and Son, Inc., 2806 North Gault Avenue, Fort Payne, Ala.; effective 9-30-64 to 9-29-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Walnut Cove Hosiery Mills, Walnut Cove, N.C.; effective 10-3-64 to 10-2-65; 5 learners for normal labor turnover purposes (seamless).

Wee-Sox Hosiery Mills, Inc., Randleman, N.C.; effective 10-12-64 to 10-11-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

## Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Dothan Manufacturing Co., Dothan, Ala.; effective 9-30-64 to 9-29-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's pajamas and shorts).

Junior Form Lingerie Corp., Cairnbrook, Pa.; effective 10-3-64 to 10-2-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (lingerie, slips, petticoats, gowns).

Rocky Mount Undergarment Co., Inc., 1536 Boone Street, Rocky Mount, N.C.; effective 10-8-64 to 10-7-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's cotton and tricot knit panties).

## Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

American Metal Products Co., Inc., Rt. No. 2, Km. 163.8, Rincon, P.R., Post Office Box 3624, Mayagues, P.R.; effective 9-14-64 to 3-13-65; 12 learners for plant expansion purposes in the occupations of cutting, punching, bending, joining, finishing for a learning period of 480 hours at the rates of 94 cents for the first 240 hours and $1.10 an hour for the remaining 240 hours (metal partitions, desks and files, kitchen and medical cabinets).

Andrea Shoe Corp., Antonio Luchetti Street, Post Office Box 407, Villalba, P.R.; effective 8-31-64 to 8-30-65; 28 learners for normal labor turnover purposes in any factory productive occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 76 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (tennis shoes).

Barceloneta Shoe Corp., % International Shoe Corp., Post Office Box 365, Manati, P.R.; effective 8-17-64 to 2-16-65; 150 learners for plant expansion purposes in any factory productive occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (men's shoes).

Caribe General Electric, Inc., Post Office Box 92, Palmer, P.R.; effective 8-25-64 to 2-24-65; 50 learners for plant expansion purposes in the occupations of: (1) welders, molders, calibrators, power press operators each for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours; and (2) assemblers, plastic finishers, platers, each for a learning period of 240 hours at the rate of $1.00 an hour (electrical products).

Caribbean Tissue Corp., Bo. Las Flores, Post Office Box 890, Rio Grande, P.R.; effective 8-17-64 to 2-16-65; 9 learners for plant expansion purposes in the basic machine production operations, operators of core machine, sheer cutter, log cutter, lawton wrapper, dietz perforator, and telesonic machine for a learning period of 240 hours at the rates of 85 cents an hour for the first 160 hours and 99 cents an hour for the remaining 80 hours (toilet paper).

Colonial Corp. of P.R., Post Office Box 386, Fajardo, P.R.; effective 9-17-64 to 3-16-65; 50 learners for plant expansion purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (ladies' underwear).

Consolidated Cigar Corp. of Cayey, Plant No. 21, Bo., Montellano, Post Office Box 937, Cayey, P.R.; effective 8-27-64 to 8-26-65; 120 learners for normal labor turnover purposes in the occupation of cigar making, packing for a learning period of 320 hours at the rates of 87 cents for the first 160 hours and 97 cents an hour for the remaining 160 hours (cigars).

Consolidated Cigar Corp. of Cayey (processing of Wrapper type Tobacco) Plants Nos. 22 and 24—Barrio Montellano, Post Office Box 937, Cayey, P.R.; effective 8-27-64 to 8-26-65; 177 learners for normal labor turnover purposes in the occupations of: (1) sorting, selecting, sizing and typing each for a learning period of 240 hours at the rate of 75 cents an hour; and (2) Machine stripping, inspectors, each for a learning period of 160 hours at the rate of 87 cents an hour (processing of wrapper type tobacco).

Corozal Knitting Mills, Inc., Post Office Box 576, Corozal, P.R.; effective 9-3-64 to 9-2-65; 28 learners for normal labor turnover purposes in the occupation of finger knitting, finger closing for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours.

D & D Fashions, Inc., Road No. 183, Post Office Box 5, Las Piedras, P.R.; effective 8-13-64 to 2-12-65; 30 learners for plant expansion purposes in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 72 cents an hour (ladies' lingerie).

D.W.G. International, Inc. (Plant No. 2), Road No. 30, Km. 1.8, Caguas, P.R.; effective 8-17-64 to 8-16-65; 10 learners for normal labor turnover purposes in the occupation of sorting and sizing for a learning period of 240 hours at the rate of 75 cents an hour (processing of wrapper type tobacco).

D.W.G. International, Inc. (Plant No. 1), Gurabo Industrial Area, Gurabo, P.R.; effective 8-17-64 to 8-16-65; 15 learners for normal labor turnover in the occupations of: (1) machine stripping for a learning period of 160 hours at the rate of 87 cents an hour; and (2) sorting, sizing and selecting, each for a learning period of 240 hours at the rate of 75 cents an hour (processing of wrapper type tobacco).

Juana Diaz Co., Inc., Post Office Box 273, Juana Diaz, P.R.; effective 8-15-64 to 8-14-65; 20 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres).

Elastic Bandage Corp. of P.R., Road No. 30, Km. 14.9, Post Office Box BB, Juncos, P.R.; effective 9-21-64 to 3-20-65; 30 learners for plant expansion purposes in the occupation of machine operators: weavers; schweiter operator, finishing and packaging machine operator, loom fixers, for a learning period of 240 hours at the rate of 72 cents an hour (elastic bandage).

General Electric Circuit Breakers, Inc., Post Office Box 96, Palmer, P.R.; effective 8-24-64 to 2-23-65; 65 learners for plant expansion purposes in the occupations of: (1) calibrator, welder, press operator, molder, each for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours; and (2) assembler, plastic finisher, light machine operator, each for a learning period of 240 hours at the rate of $1.00 an hour (circuit breakers).

IBEC Packing Co., Inc., Post Office Box 3145 Marina Station, Mayagues, P.R.; effective 9-14-64 to 9-13-65; 15 learners for normal labor turnover purposes in the occupation of tuna fish cleaning for a learning period of 160 hours at the rates of 94 cents an hour for the first 80 hours and $1.10 an hour for the remaining 80 hours (processing of tuna fish).

Isabel Products, Inc., Post Office Box 816, Santa Isabel, P.R.; effective 9-16-64 to 3-15-65; 50 learners for plant expansion purposes in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 88 cents an hour (girdles and brassieres).

Jo-Ann Embroidery, M-56 Street No. 9, Reparto Metropolitano Shopping Center, Rio Piedras, Puerto Rico; effective 9-4-64 to 3-3-65; 12 learners for plant expansion purposes in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; and (2) hand cutting of applique on embroidery panels for a learning period of 240 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 80 hours (women's lingerie).

La Torre Co., Inc., Post Office Box 605, Aibonito, P.R.; effective 9-8-64 to 9-7-65; 50 learners for normal labor turnover purposes in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) lace and motif burning or separation for a learning period of 240 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 80 hours; and (3) final inspection of fully assembled garments for a learning period 160 hours at the rate of 72 cents an hour (ladies' underwear, sleepwear and shoulder straps).

Medical Sterile Products, Inc., Bo. Ensanada, Km. .04 Road No. 413, Post Office Box 338, Rincon, P.R.; effective 8-24-64 to 2-23-65; 75 learners for plant expansion purposes in the occupations of: (1) grinding, buffing, inspection and packaging machine operator for a learning period of 480 hours at the rates of 98 cents an hour for the first 240 hours and $1.08 an hour for the remaining 240 hours; and (2) assembly, cleaning and sorting for a learning period of 160 hours at the rate of 98 cents an hour (sharpening of scalpel blades).

Plata Gloves, Inc., Post Office Box 1087, Cayey, P.R.; effective 9-1-64 to 10-20-64; 15 learners for plant expansion purposes in the occupation of sewing machine operating for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 86 cents an hour for the remaining 240 hours (fabric and leather gloves) (supplemental certificate).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., 23d day of October 1964.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 64-11149; Filed, Nov. 2, 1964; 8:46 a.m.]



# INTERSTATE COMMERCE COMMISSION

[Notice 1071]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 29, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66815. By order of October 23, 1964, the Transfer Board approved the transfer to Harry Cooper and Isadore Weisman, a partnership, doing business as Weisman and Cooper, New York, N.Y., of the operating rights issued by the Commission October 24, 1962, under Permit No. MC 124192, to Barton Trucking Corporation, New York, N.Y., authorizing the transportation, over irregular routes, of baggage, restricted to a seasonal operation to be performed during the months of June, July, and August, of each year, between New York, N.Y., and points in Westchester and Nassau Counties, N.Y., on the one hand, and, on the other, Flatbrookville, N.J., restricted to two contracts. Jerome Turner, care of Turner & Rosenthal, 371 South Long Beach Road, Oceanside, L.I., N.Y., attorneys for applicants.

No. MC-FC 67166. By order of October 23, 1964, the Transfer Board approved the transfer to Crofutt & Smith Storage Warehouses, Inc., Orange, N.J., of Certificate in No. MC 62821, issued July 8, 1941, to Sorhagen's, Inc., Newark, N.J., authorizing the transportation of: household goods and theatrical equipment, between Newark, N.J., on the one hand, and, on the other, points in New York and Pennsylvania. George A. Olsen, 69 Tonnele Ave., Jersey City, N.J., 07306, representative for applicants.

No. MC-FC 67178. By order of October 23, 1964, the Transfer Board approved the transfer to Throne Auto Service Inc., Toledo, Ohio, of Certificate in No. MC 108761, issued November 28, 1961, to Oral J. D. Throne, doing business as Throne Auto Service, Toledo, Ohio, authorizing the transportation of: Wrecked or disabled automobiles, busses, trucks, tractors and trailers, in truckaway service, between points in Lucas County, Ohio, on the one hand, and, on the other, points in Lenawee and Monroe Counties, Mich. Marc Gertner, 405 Spitzer Building, Toledo 4, Ohio, attorney for applicants.

No. MC-FC 67181. By order of October 26, 1964, the Transfer Board approved the transfer to Denton Trucking, Inc., Denton, Md., of the Certificates in Nos. MC 117664 Sub 1 and MC 117664 Sub 3, issued January 9, 1959 and April 14, 1961, respectively, to Frances Harris and Frederick R. Bilbrough, a partnership, doing business as Harris & Bilbrough Trucking Co., Denton, Md., authorizing the transportation of: Ground limestone, in bulk, from Billmyer and Thomasville, Pa., to Denton, Md.; fertilizer materials, from Morrisville, Pa., to Denton, Md.; and ground limestone, in bulk, from the plant sites of J. E. Baker Co., and National Gypsum Co., at or near York, Pa., to Denton, Md. Marvin H. Smith, 103 Law Building, Denton, Md., attorney for applicants.

No. MC-FC 67204. By order of October 26, 1964, the Transfer Board approved the transfer to Penn Empire Transport, Inc., Jamestown, N.Y., of the Certificate in No. MC 39387, issued February 15, 1956, to P & P Transit Lines, Inc., Falconer, N.Y., authorizing the transportation of: New furniture, from Jamestown, N.Y., to Washington, D.C., Baltimore, Md., Wheeling, W. Va., and points in Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, and Massachusetts. Raymond A. Richards, 35 Curtice Park, Post Office Box 25, Webster, N.Y., practitioner for applicants.

No. MC-FC 67218. By order of October 23, 1964, the Transfer Board approved the transfer to Alexander B. Pollock, doing business as Jiffy Vans, Indianapolis, Ind., of Certificate No. MC 38241 issued November 30, 1940, to Harry E. Moore, Anderson, Ind., authorizing the transportation of household goods, over irregular routes, between Anderson, Ind., and points within 50 miles of Anderson, on the one hand, and, on the other, points in Illinois, Michigan, and Ohio. Donald W. Smith, 511 Fidelity Bldg., Indianapolis, Ind., attorney for transferee. William J. Guenther, 1212 Fletcher Trust Bldg., Indianapolis, Ind., attorney for transferor.

No. MC-FC 67244. By order of October 22, 1964, the Transfer Board approved the transfer to Robinson's Express Co., Inc., North Andover, Mass., of Certificate in No. MC 78097 issued June 2, 1941, to William N. Blood, doing business as Bill Blood, Pepperell, Mass., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between Pepperell, Mass., on the one hand, and, on the other, points within 15 miles of Pepperell; and, household goods, over irregular routes, between Pepperell, Mass., and points in that part of Massachusetts and New Hampshire within 15 miles of Pepperell, on the one hand, and, on the other, points in Massachusetts and New Hampshire. Ernest B. Sheldon, 16 Heald Street, Pepperell, Mass., attorney for applicants.

No. MC-FC 67271. By order of October 23, 1964, the Transfer Board approved the transfer to Glen Johnson, doing business as Johnson's Freight Line, Quitman, Texas, of Certificate in No. MC 65774, issued November 25, 1940, to James Carl Chrietzberg, doing business as J. C. Chrietzberg, Quitman, Texas, authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over a regular route between Tyler, Texas and Winnsboro, Texas, with service authorized to and from all intermediate points. Edward W. Sampson, Jr., 1120 Fort Worth National Bank Bldg., Fort Worth, Texas, 76102, attorney for applicants.

No. MC-FC 67283. By order of October 26, 1964, the Transfer Board approved the transfer to Peeters Transportation Co., Inc., San Francisco, Calif., of Certificate in No. MC 22995 issued April 26, 1960 to Joseph E. Peeters and Robert J. Peeters, a partnership, doing business as Peeters & Sons, San Francisco, Calif., authorizing the transporta-

tion of household goods, over irregular routes, between points within 50 miles of San Francisco, Calif., including San Francisco; between Lodi, Calif., and Sacramento, Calif.; and between points within 25 miles of Lodi, Calif., including Lodi. Fred D. Peeters, Exec. V. Pres., Peeters Transportation Co., Inc., 1425 Donner Ave., San Francisco, Calif., 94124, representative for transferee. John M. England, 45 11th Street, San Francisco, Calif., representative for transferor.

No. MC-FC 67307. By order of October 23, 1964, the Transfer Board approved the transfer to Union Trucking Co., Inc., Kenilworth, N.J., of the operating rights in Certificate No. MC 20699 Sub 2, issued March 2, 1950, to Rahway Motor Freight Lines, Inc., Dunellen, N.J., authorizing the transportation, over irregular routes, of: General commodities, excluding household goods, commodities in bulk, and certain other specified commodities, between points in specified counties in New York and New Jersey. George A. Olsen, 69 Tonnele Ave., Jersey City, N.J., 07306, practitioner for applicants.

No. MC-FC 67333. By order of October 23, 1964, the Transfer Board approved the transfer to Irvington Trucking, Inc., Irvington, N.J., of the operating rights in Certificate No. MC 113313, issued June 9, 1964 to Union Trucking Co., Inc., Kenilworth, N.J., authorizing the transportation, over irregular routes, of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Union County, N.J., and New York, N.Y., in a radial movement. James J. Farrell, 201 Montague Place, South Orange, N.J., practitioner for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-11158; Filed, Nov. 2, 1964; 8:46 a.m.]

[Service Order 947; Taylor's Car Distribution Order 12]

## TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS ET AL.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Terminal Railroad Association of St. Louis shall deliver to the Chicago and North Western Railway Company a daily average of 50 plain serviceable box cars inside length less than 44'8".

(b) Cars delivered under this order shall be carded to the Chicago and North Western Railway Company and each car shall be identified by the Terminal Railroad Association of St. Louis as moving under the provisions of this order.

(c) *Effective date.* This order shall become effective at 12:01 a.m., November 2, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 28, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-11159; Filed, Nov. 2, 1964; 8:46 a.m.]

[Service Order 947; Taylor's Car Distribution Order 13]

## PENNSYLVANIA RAILROAD CO. ET AL.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Pennsylvania Railroad Company shall deliver to the Chicago and North Western Railway Company a daily average of 25 plain serviceable box cars inside length less than 44'8".

(b) Cars delivered under this order shall be carded to the Chicago and North Western Railway Company and each car shall be identified by the Terminal Railroad Association of St. Louis as moving under the provisions of this order.

(c) *Effective date.* This order shall become effective at 12:01 a.m., November 2, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 28, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-11160; Filed, Nov. 2, 1964; 8:46 a.m.]

[Service Order 947; Taylor's Car Distribution Order 14]

## PENNSYLVANIA RAILROAD CO. ET AL.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Pennsylvania Railroad Company shall deliver to the Illinois Central Railroad Company a daily average of 25 plain serviceable boxcars inside length less than 44'8".

(b) Cars received by the Illinois Central Railroad Company under this order will be delivered to the Great Northern Railway Company.

*It is further ordered,* That The Pennsylvania Railroad Company shall prepare empty car cards, tickets or movement slips for all cars delivered to the Illinois Central Railroad Company. Such cards, tickets or slips to accompany cars and be delivered with cars to the Great Northern Railway Company.

(c) *Effective date.* This order shall become effective at 12:01 a.m. November 2, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m. November 15, 1964 unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 28, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-11161; Filed, Nov. 2, 1964; 8:47 a.m.]

THE NATIONAL ARCHIVES 1934

# FEDERAL REGISTER

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Washington, Wednesday, November 4, 1964

THE UNITED STATES OF AMERICA

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### THE PRESIDENT

**PROCLAMATION**

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**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

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## Title 3—THE PRESIDENT

### Proclamation 3626

### IMMIGRATION QUOTA

**By the President of the United States of America**

**A Proclamation**

WHEREAS under the provisions of section 202(a) of the Immigration and Nationality Act, each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than independent countries of North, Central, and South America, is entitled to be treated as a separate quota area when approved by the Secretary of State; and

WHEREAS under the provisions of section 201(b) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota area established pursuant to the provisions of section 202(a) of the said Act, and to report to the President the quota of each quota area so determined; and

WHEREAS under the provisions of section 202(e) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to revise the quotas, whenever necessary, to provide for any political changes requiring a change in the list of quota areas; and

WHEREAS on July 6, 1964, the Nyasaland Protectorate, administered by the United Kingdom, became the independent state of Malawi; and

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have jointly determined and reported to me the immigration quota hereinafter set forth:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid Act of Congress, do hereby proclaim and make known that the annual immigration quota of the quota area hereinafter designated has been determined in accordance with the law to be, and shall be, as follows:

| *Quota Area* | *Quota* |
|---|---|
| Malawi | 100 |

The establishment of an immigration quota for any quota area is solely for the purpose of compliance with the pertinent provisions of the Immigration and Nationality Act and is not to be considered as having any significance extraneous to such purpose.

Proclamation No. 3298 of June 3, 1959, as amended, entitled "Immigration Quotas," is further amended by the addition of the quota for Malawi.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirty-first day of October in the year of our Lord nineteen hundred and sixty-four and [SEAL] of the Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
*Secretary of State.*

[F.R. Doc. 64–11330; Filed, Nov. 2, 1964; 4:27 p.m.]

# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

### PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

#### Determination Relative to Expenses and Fixing of Rate of Assessment for 1964–65 Fiscal Period

Notice was published in the October 17, 1964, issue of the FEDERAL REGISTER (29 F.R. 14367) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period ending July 31, 1965, under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Growers Administrative Committee (established pursuant to the said marketing agreement and order) it is hereby found and determined that:

**§ 905.203 Expenses and rate of assessment for the 1964–65 fiscal period.**

(a) *Expenses.* The expenses necessary to be incurred by the Growers Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning, during the fiscal period beginning August 1, 1964, and ending July 31, 1965, both dates inclusive, of the Growers Administrative Committee and the Shippers Advisory Committee, established under the aforesaid amended marketing agreement and order, will amount to $143,000.

(b) *Rate of assessment.* (1) The rate of assessment to be paid by each handler in accordance with the amended marketing agreement and order shall be six mills ($0.006) per standard packed box of fruit shipped by such handler during the said fiscal period; and such rate of assessment is hereby approved as each handler's pro rata share of the aforementioned expenses.

(2) As used herein, the terms "standard packed box," "fiscal period," "handler," "shipped," and "fruit" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of fresh fruit are now being made; (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit from the beginning of such period; and (3) the current fiscal period began on August 1, 1964, and the rate of assessment herein fixed will automatically apply to all assessable fruit beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 30, 1964

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11273; Filed, Nov. 3, 1964; 8:49 a.m.]

### PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

#### Approval of Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 114, as amended, and Order No. 947, as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and all counties in Oregon, except Malheur County, was published in the October 13, 1964, FEDERAL REGISTER (29 F.R. 14077). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 10 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

**§ 947.217 Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1964, and ending June 30, 1965, by the Oregon-California Potato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $22,300.00.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be four-tenths of one cent ($0.004) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) the relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began July 1, 1964, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: October 30, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division.*

[F.R. Doc. 64–11274; Filed, Nov. 3, 1964; 8:49 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

SUBCHAPTER D—AIRMEN [NEW]

[Reg. Docket No. 6294; Amdt. 61–11]

### PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS [NEW]

#### Written Test Passing Grades for Pilot Certification

The purpose of this amendment to Part 61 [New] of the Federal Aviation Regulations is to state in the regulations the Agency practice of requiring 70 percent as the passing grade for written tests given for pilot certification.

Parts 63 and 65 [New] of the Federal Aviation Regulations prescribe 70 percent as the minimum passing grade for a written test for other airman certification. However, Part 61—"Certification: Pilots and Flight Instructors [New]," does not have a minimum passing grade for written tests specifically stated, except in § 61.143 for the airline transport pilot written test.

The free balloon pilot written test, referred to in § 61.181(a)(5), requires the

applicant to answer 45 out of 50 questions within 1 hour. That test is the only true-false test used for airman testing. The validity and reliability of true-false testing are less than the multiple-choice type of testing. Therefore, the Agency has revised the free balloon pilot written test into a multiple-choice test so that it will be like the other airman written tests.

The Agency has long accepted the practice of requiring 70 percent as the minimum passing grade for pilot written tests. This amendment, therefore, merely states in the pilot regulations an accepted standard that has been in effect for many years. The amendment does not impose any additional burden on any person, and the Agency for good cause has found that compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary and impractical.

This amendment to § 61.19 states definitely that the minimum passing grade is 70 percent for all written tests for pilot certification. To avoid repetition, the lead-in clause to § 61.143 is amended to delete the reference to 70 percent, and § 61.181(a)(5) is amended to delete the reference to the true-false free balloon pilot test.

In consideration of the foregoing, Part 61 [New] of the Federal Aviation Regulations is amended, effective December 4, 1964, as follows:

1. By amending § 61.19 to read as follows:

§ 61.19 Tests: general procedure.

(a) Tests prescribed by or under this part are given at times and places, and by persons, designated by the Administrator.

(b) The minimum passing grade for each written test is 70 percent.

2. By amending the introductory paragraph of § 61.143 to read as follows:

§ 61.143 Airplane rating: aeronautical knowledge.

An applicant for an airline transport pilot certificate with an airplane rating must, after meeting the requirements of §§ 61.141 (except paragraph (a) thereof) and 61.145, pass a written test on—

* * * * * *

3. By amending the introductory paragraph of paragraph (a)(5) of § 61.181 to read as follows:

§ 61.181 General requirements.

(a) * * *

(5) Within 24 months before his certificate is issued, pass a written test on the following:

* * * * * *

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on October 28, 1964.

N. E. HALABY,
*Administrator.*

[F.R. Doc. 64-11205; Filed, Nov. 3, 1964; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 64-WA-82]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Federal Airway Segments

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to alter the segment of VOR Federal airway No. 221 between Salem, Mich., and Erie, Pa., and the segment of VOR Federal airway No. 218 from Pontiac, Mich., to the intersection of the Pontiac 091° and the Flint, Mich., 140° True radials.

The Canadian Department of Transport has advised that the Windsor, Ontario, VOR will be relocated to a new site on November 19, 1964, necessitating the relocation of several airways and intersections in this area, as contained in Airspace Docket No. 64-WA-40 (29 F.R. 14621). In addition to the actions contained therein, the following alterations are required as a result of the relocation of the Windsor VOR. VOR Federal airway No. 221 is presently designated in part from Salem, Mich., via the intersection of the Salem 079° and the Erie, Pa., 294° True radials to Erie. To retain an alignment of V-221 intersecting with VOR Federal airways Nos. 5 and 90 at the relocated Dolphin, Ontario, Intersection and with VOR Federal airways Nos. 2 and 98 at the relocated Dresden, Ontario, Intersection, action is taken herein to realign V-221 from Salem to Erie via the intersection of the Salem 083° and the Erie 290° True radials.

Additionally, the eastern terminal of VOR Federal airway No. 218 is presently designated as the intersection of the Pontiac, Mich., 091° and the Flint, Mich., 140° True radials. Action is also taken herein to redesignate this terminal as the intersection of the Pontiac 091° and the Flint, Mich., 133° True radials. This would place the terminal of V-218 on the centerline of the segment of VOR Federal airway No. 42 as amended in Airspace Docket No. 64-WA-40.

Since these changes result in a minor alteration of controlled airspace for the affected portions of V-218 and V-221 within the United States, the Administrator finds that compliance with the publication provisions of section 4 of the Administrative Procedure Act is unnecessary. In order to maintain compatibility with the Canadian portion of the airways and jet routes altered in association with the relocation of the Windsor VOR, the Administrator finds that good cause exists for making these amendments effective in less than 30 days.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation regulations is amended, effective 0001 e.s.t., November 19, 1964, as hereinafter set forth.

Section 71.123 (29 F.R. 1009) is amended as follows:

a. In V-221 "INT of Salem 079° and Erie, Pa., 294° radials;" is deleted and "INT of Salem 083° and Erie, Pa., 290° radials;" is substituted therefor.

b. In V-218 "Flint, Mich., 140°" is deleted and "Flint, Mich., 133°" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 29, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11215; Filed, Nov. 3, 1964; 8:46 a.m.]

[Airspace Docket No. 64-CE-72]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Area Extension

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to revoke an extension of the Rapid City, South Dakota, control area extension.

The Smithwick, South Dakota, VOR is scheduled to be decommissioned on October 23, 1964. This will make the controlled airspace based on the VOR unnecessary.

Since this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may become effective without regard to the 30 day statutory period.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.165 (29 F.R. 1073) the Rapid City, South Dakota, control area extension is amended by deleting "the airspace S of Rapid City within 10 miles E and 7 miles W of the Smithwick, S. Dak., VOR 182° radial extending from the 55 nmi radius area to 20 miles S of the Smithwick VOR".

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on October 22, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64-11213; Filed, Nov. 3, 1964; 8:46 a.m.]

[Airspace Docket No. 64-AL-13]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to alter the effective hours of the Farewell, Alaska, control zone.

The hours of operation of the Farewell FSS are being reduced from 24 to 16 per day. Air/ground communications and airways weather observations will be available only from 0545 to 2145, local time, daily. Therefore, the control zone is redescribed to correspond to the time these services are available.

Since this amendment imposes no additional burden on any person, notice and public procedure requirements of the Administrative Procedure Act are unnecessary and the amendment may be made effective upon date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.171 (29 F.R. 1118), the Farewell, Alaska, Control Zone is amended by adding "from 0545 to 2145 hours, local time, daily."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Anchorage, Alaska, on October 9, 1964.

R. G. TAYLOR,
*Acting Director, Alaskan Region.*

[F.R. Doc. 64-11206; Filed, Nov. 3, 1964; 8:45 a.m.]



[Airspace Docket No. 64-AL-14]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to alter the effective hours of the Unalakleet, Alaska, control zone.

The hours of operation of the Unalakleet FSS are being reduced from 24 to 16 per day. Air/ground communications and airways weather observations will be available only from 0545 to 2145, local time, daily. Therefore, the control zone is redescribed to correspond to the time these services are available.

Since this amendment imposes no additional burden on any person, notice and public procedure requirements of the Administrative Procedure Act are unnecessary and the amendment may be made effective upon date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, the following action is taken: In § 71.171 (29 F.R. 1156), the Unalakleet, Alaska, Control Zone is amended by adding "from 0545 to 2145 hours, local time, daily."

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Anchorage, Alaska, on October 9, 1964.

R. G. TAYLOR,
*Acting Director, Alaskan Region.*

[F.R. Doc. 64-11207; Filed, Nov. 3, 1964; 8:45 a.m.]

[Airspace Docket No. 64-AL-15]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to alter the effective hours of the Yakataga, Alaska, control zone.

The hours of operation of the Yakataga FSS are being reduced from 24 to 16 per day. Air/ground communications and airways weather observations will be available only from 0545 to 2145, local time, daily. Therefore, the control zone is redescribed to correspond to the time these services are available.

Since this amendment imposes no additional burden on any person, notice and public procedure requirements of the Administrative Procedure Act are unnecessary and the amendment may be made effective upon date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.171 (29 F.R. 1160), the Yakataga, Alaska, Control Zone is amended by adding "from 0545 to 2145 hours, local time, daily."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Anchorage, Alaska, on October 9, 1964.

R. G. TAYLOR,
*Acting Director, Alaskan Region.*

[F.R. Doc. 64-11208; Filed, Nov. 3, 1964; 8:45 a.m.]

[Airspace Docket No. 64-EA-42]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

On August 12, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11537) stating that the Federal Aviation Agency proposed to alter the effective time of the control zone at Islip, N.Y. from 0700 to 2300 hours, local time, daily, to continuous.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. January 7, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 1101), the Islip, N.Y. control zone is amended by deleting "extending from the 5-mile radius zone to 8.2 miles SW of the OM, from 0700 to 2300 hours, local time, daily." and substituting therefor "extending from the 5-mile radius zone to 8.2 miles SW of the OM."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 29, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11210; Filed, Nov. 3, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SO-50]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

On September 16, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12980) stating that the Federal Aviation Agency proposed to alter the control zone at Crestview, Florida.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Department of the Army objected to the proposal on the basis that the control zone extension proposed on the 032° bearing from the Crestview RBN was designed to accommodate an ADF approach procedure to Bob Sikes Airport that would conflict with IFR procedures being conducted in the Fort Rucker, Alabama, complex. The Agency reevaluated the need for an ADF approach to Bob Sikes Airport and determined that this airport will be adequately served by the establishment of a VOR/DME approach procedure. With the elimination of plans to establish an ADF approach procedure, the associated control zone extension is no longer required.

In the notice an extension was proposed within 2 miles each side of the Crestview VORTAC 111° radial extending from the 5-mile radius zone to the VORTAC. Since publication of the notice, refined plotting of the location of the new Bob Sikes Airport and the appropriate VORTAC radial reveals that the correct approach radial will be 109°. This minor change in the control zone extension is, therefore, incorporated in the final rule.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 1101) the Crestview, Fla., control zone is amended to read:

CRESTVIEW, FLA.

Within a 5-mile radius of Bob Sikes Airport, Crestview, Fla. (latitude 30°46'47" N., longitude 86°31'21" W.) and within 2 miles each side of the Crestview VORTAC 109° radial extending from the 5-mile radius zone to the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on October 22, 1964.

PAUL H. BOATMAN,
*Acting Director,*
*Southern Region.*

[F.R. Doc. 64-11211; Filed, Nov. 3, 1964; 8:46 a.m.]

[Airspace Docket No. 64-AL-16]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone and Transition Area

The purpose of this amendment to §§ 71.171 and 71.181 of the Federal Aviation Regulations is to alter the description of the Galena, Alaska, control zone and transition area.

The Galena control zone and transition area are described, in part, with reference to the Galena TACAN 257° instrument approach radial. The Department of the Air Force has relocated the instrument approach course to the 261° radial.

Accordingly, action is taken herein to substitute the Galena TACAN 261° radial for the 257° radial in the descriptions of the Galena control zone and transition area.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective upon the date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, the following action is taken:

In § 71.171 (29 F.R. 1121), the Galena, Alaska, control zone is amended as follows: In the text "Galena TACAN 257° radial" is deleted and "Galena TACAN 261° radial" is substituted therefor.

In § 71.181 (29 F.R. 1176), the Galena, Alaska, transition area is amended as follows: In the text "Galena TACAN 257° radial" is deleted and "Galena TACAN 261° radial" is substituted therefor.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Anchorage, Alaska, on October 22, 1964.

R. G. TAYLOR,
*Acting Director,*
*Alaskan Region.*

[F.R. Doc. 64-11209; Filed, Nov. 3, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SW-83]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone and Transition Area and Revocation of Transition Area

On August 18, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11754) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the El Dorado, Ark., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. January 7, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1116) the El Dorado, Ark., control zone is amended to read:

*El Dorado, Ark.*

That airspace within a 5-mile radius of Goodwin Airport, El Dorado, Ark. (latitude 33°13'05" N., longitude 92°48'45" W.), and within 2 miles each side of the 052° bearing from the El Dorado RBN, extending from the 5-mile radius zone to 7.5 miles NE of the RBN.

2. In § 71.181 (29 F.R. 1166) the Camden, Ark., transition area is revoked.

3. In § 71.181 (29 F.R. 1173) the El Dorado, Ark., transition area is amended to read:

*El Dorado, Ark.*

That airspace extending upward from 700 feet above the surface within 5 miles SE and 8 miles NW of the 052° bearing from the El Dorado RBN, extending from the RBN to 12 miles NE, and within 5 miles SE and 8 miles NW of the El Dorado VOR 059° radial, extending from the VOR to 12 miles NE; that airspace extending upward from 1,200 feet above the surface within 5 miles SE and 8 miles NW of the 052° and 232° bearings from the El Dorado RBN, extending from 7 miles SW to 13 miles NE of the RBN, within 5 miles SE and 8 miles NW of the El Dorado VOR 059° and 239° radials, extending from 7 miles SW to 13 miles NE of the VOR, and within 5 miles each side of the 234° bearing from the El Dorado RBN extending from the RBN to 23 miles SW.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on October 26, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-11212; Filed, Nov. 3, 1964; 8:46 a.m.]

[Airspace Docket No. 63-WA-81]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Federal Airways, Transition Area and Reporting Points

On August 28, 1964, there were published in the FEDERAL REGISTER (29 F.R. 12362) amendments to the Federal Aviation Regulations which would realign VOR Federal airways Nos. 5, 51, 157, 243, 819, 839 and 881 via a new VOR to be installed in the vicinity of Waycross, Ga. Action was also taken to alter the Macon, Ga., transition area and to designate the Waycross VOR as a reporting point. These amendment, after several delays in the effective date, were to become effective November 12, 1964. It now appears that the commissioning date of the Waycross VOR will be further postponed until Februray 4, 1965. Accordingly, action is taken herein to postpone the effective date of Airspace Docket No. 63-WA-81 until February 4, 1965.

Since 30 days will elapse from the time of publication of the rule as adopted to the new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, effective immediately, the following action is taken: In Airspace Docket No. 63-WA-81, "effective 0001 e.s.t. November 12, 1964." is deleted and "effective 0001 e.s.t. February 4, 1965." is substituted therefore.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 29, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations*
*and Procedures Division.*

[F.R. Doc. 64-11214; Filed, Nov. 3, 1964; 8:46 a.m.]

[Airspace Docket No. 64-SO-41]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS [NEW]

### Alteration and Designation of Transition Areas

On September 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13210) stating that the Federal Aviation Agency proposed to alter the transition area at Jackson, Tennessee, and designate a transition area at Lexington, Tennessee.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

1. In § 71.181 (29 F.R. 1160) the Jackson, Tennessee, transition area is amended to read:

*Jackson, Tenn.*

That airspace extending upward from 700 feet above the surface within a 7-mile radius of McKellar Field (latitude 35°35'55" N., longitude 88°54'55" W.); and the airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the 022° and 202° bearings from the Martin RBN extending to 12 miles SW and 5 miles NE of the RBN; within 5 miles each side of the 218° bearing from the Martin RBN extending from the RBN to 17 miles SW; including that airspace bounded on the N by V-140S, on the E by V-16N, on the S by V-16, and on the W by V-11E.

2. Section 71.181 (29 F.R. 1160) is amended by adding the Lexington, Tenn., transition area as follows:

*Lexington, Tenn.*

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Franklin Wilkins Airport (latitude 35°39'07" N., longitude 88°22'47" W.); within 2 miles each side of the Jacks Creek VOR 165° radial extending from the 5-mile radius area to 8 miles SE of the VOR; and the airspace extending upward from 1200 feet above the surface within 5 miles W and 8 miles E of the Jacks Creek VOR 345° and 165° radials extending 4 miles NW and 12 miles SE of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on October 28, 1964.

PAUL H. BOATMAN,
*Acting Director, Southern Region.*

[F.R. Doc. 64-11216; Filed, Nov. 3, 1964; 8:46 a.m.]



[Airspace Docket No. 63-SW-101]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Transition Area

On August 21, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (19 F.R. 11978) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Clovis, N. Mex., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 1169) the Clovis, N. Mex., transition area is amended to read:

*Clovis, N. Mex.*

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Cannon AFB, Clovis, N. Mex. (latitude 34°23'01" N., longitude 103°18'58" W.); within 2 miles each side of the 217° bearing from the Cannon AFB RBN, extending from the 14-mile radius area to 12 miles SW of the RBN, within 2 miles each side of the 225° bearing from the Cannon AFB RBN, extending from the 14-mile radius area to 8 miles SW of the RBN; within a 5-mile radius of the Clovis, N. Mex., Municipal Airport (latitude 34°25'00" N., longitude 103°05'00" W.); within 2 miles each side of the Texico, Tex., VOR 255° radial, extending from the 5-mile radius area to the Texico VOR; within 2 miles each side of the 057° bearing from the Clovis, N. Mex., RBN (latitude 34°27'30" N., longitude 103°01'30" W.) extending from the 5-mile radius area to 8 miles northeast of the Clovis RBN; within 2 miles each side of the extended center line of the Clovis Municipal Airport NE-SW runway, extending from the 5-mile radius area to 7 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Cannon AFB, extending clockwise from the Cannon VOR 051° radial to the Cannon VOR 190° radial; within a 37-mile radius of Cannon AFB, extending clockwise from the Cannon VOR 190° radial to the Cannon VOR 226° radial, thence via a line to latitude 34°01'10" N., longitude 104°04'00" W., thence to latitude 34°09'55" N., longitude 104°03'40" W., thence to latitude 34°10'00" N., longitude 103°55'00" W., thence to latitude 34°42'15" N., longitude 103°55'00" W., thence to the point of beginning; that airspace E of Clovis within 10 miles N and 7 miles S of the Texico, Tex., VOR 093° and 273° radials, extending from the 30-mile radius area to 25 miles E of the VOR; within 5 miles each side of the Cannon VOR 084° radial, extending from the 30-mile radius area to 51 miles E of the VOR; and that airspace extending upward from 8,000 feet MSL NW of Clovis bounded by a line beginning at latitude 34°32'30" N., longitude 103°55'00" W., thence to latitude 34°28'30" N., longitude 104°05'15" W., thence to latitude 34°38'00" N., longitude 104°10'30" W., thence to latitude 34°46'40" N., longitude 104°05'25" W., thence to latitude 34°42'15" N., longitude 103°55'00" W., thence to the point of beginning. The portions of this transition area within R-5104 and R-5105 shall be used only after obtaining prior approval from the appropriate authority.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on October 26, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-11217; Filed, Nov. 3, 1964; 8:46 a.m.]

[Airspace Docket No. 64-SW-39]

## PART 73—SPECIAL USE AIRSPACE [NEW]

### Redesignation of Restricted Area

The purpose of this amendment to § 73.51 of the Federal Aviation Regulations is to divide the Elephant Butte, New Mexico, Restricted Area R-5111 into two parts to be known as R-5111A and R-5111B.

Restricted Area R-5111 is one of a series of restricted areas which was established to contain the Athena off range missile firings. It is presently described as follows:

*R-5111 Elephant Butte, N. Mex.*

*Boundaries.* Beginning at latitude 33°35'00" N., longitude 106°48'00" W.; to latitude 33°13'00" N., longitude 106°52'00" W.; to latitude 32°43'00" N., longitude 106°45'00" W.; to latitude 32°47'00" N., longitude 107°06'00"W.; to latitude 33°00'00" N., Longitude 107°13'00" W.; to latitude 33°21'00" N., longitude 107°08'00" W,; to the point of beginning.

*Designated altitudes.* Surface to unlimited.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Albuquerque ARTC Center.

*Using agency.* Commander, Air Force Missile Development Center, Holloman AFB, New Mexico.

The United States Air Force has determined that R-5111, in its entirety, will be required for only 25 percent of the remaining scheduled firings whereas 75 percent of this schedule can be conducted in a substantially reduced portion of the area.

As a result, the U.S. Air Force has requested that the present area be divided into two areas, R-5111A and R-5111B. This would enable the controlling agency to make available for public use that airspace not required during 75 percent of the remaining scheduled firings; i.e., that airspace which would be encompassed by R-5111B.

Since this amendment reduces the burden upon the public, notice and public procedure hereon are unnecessary and good cause exists to make this amendment effective immediately.

In consideration of the foregoing, effective immediately, the following action is taken.

In § 73.51 New Mexico (29 F.R. 1264) R-5111 Elephant Butte, N. Mex., is revoked, and R-5111A Elephant Butte East and R-5111B Elephant Butte West are designated as follows:

*R-5111A Elephant Butte, N. Mex. (East).*

*Boundaries.* Beginning at latitude 33°00'00" N., longitude 106°49'00" W.; to latitude 33°00'00" N., longitude 107°00'00" W.; to latitude 33°26'50" N., longitude 107°00'00" W.; to latitude 33°35'00" N., longitude 106°48'00" W.; to latitude 33°13'00" N., longitude 106°52'00" W.; to the point of beginning.

*Designated altitudes.* Surface to unlimited.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Albuquerque ARTC Center.

*Using agency.* Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

*R-5111B Elephant Butte, N. Mex. (West).*

*Boundaries.* Beginning at latitude 33°00'00" N., longitude 106°49'00" W.; to latitude 32°43'00" N., longitude 106°45'00" W.; to latitude 32°47'00" N., longitude 107°06'00" W.; to latitude 33°00'00" N., longitude 107°13'00" W.; to latitude 33°21'00" N., longitude 107°08'00" W.; to latitude 33°26'50" N., longitude 107°00'00" W.; to latitude 33°00'00" N., longitude 107°00'00" W.; to the point of beginning.

*Designated altitudes.* Surface to unlimited.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Albuquerque ARTC Center.

*Using agency.* Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 27, 1964.

CLIFFORD P. BURTON,
*Acting Director,*
*Air Traffic Service.*

[F.R. Doc. 64-11218; Filed, Nov. 3, 1964; 8:46 a.m.]

[Reg. Docket No. 4057; Amdt. 105-1]

## PART 105—PARACHUTE JUMPING [NEW]

### Intentional Parachute Jumping

The purpose of this amendment to Part 105 [New] of the Federal Aviation Regulations is to permit a person making an intentional parachute jump to drift over a congested area, an open air assembly of persons, or an airport, with an opened parachute if he is at a sufficient altitude to avoid creating a hazard to air traffic or to persons or property on the ground. This action was published as a notice of proposed rule making and circulated as Federal Aviation Notice 64-15 (29 F.R. 3584), issued March 13, 1964.

Present § 105.15 [New] of the Federal Aviation Regulations prohibits an intentional parachute jump when it is made "over or into a congested area of a city, town, or settlement, or an open air assembly of persons unless a certificate of authorization for that jump has been issued * * *." A parachute jump is defined by § 105.1(b) so that it includes the use of a parachute "during all or part of that descent." Therefore, "drifting

over" a congested area or open air assembly with an opened parachute is prohibited by § 105.15 unless an authorization has been issued by the local FAA District Office.

The Agency proposed in Notice 64–15 to relax the regulations, not only with regard to § 105.15 but also § 105.17, that pertain to jumps over or onto airports. Comments on the proposal indicated concern as to whether the proposed relaxation would apply to other airspace. The requirements of §§ 105.19 (control zone with control tower), 105.21 (positive control area or positive control route segment), 105.23 (other controlled airspace), and 105.27 (restricted or prohibited areas) are not relaxed. This amendment to §§ 105.15 and 105.17 only relaxes the rule as it pertains to "drifting over" a congested area, an open air assembly, or an airport that does not have a functioning control tower operated by the United States. It does not modify the other requirements of Part 105 [New].

Section 105.17 has also been rewritten to make it clear that the airport management must give approval of a parachute jump over an airport that does not have a functioning control tower, as well as onto any airport.

Jumping into or through a cloud is already prohibited by §§ 105.29 and 105.31, but the lead-in clause to § 105.29 is rewritten to state that prohibition more specifically.

Comments to the proposal also expressed concern as to what was meant by a "sufficient altitude" for drifting over an airport that does not have a functioning control tower operated by the United States. Therefore, the regulation has been rewritten to state that an intentional parachutist may not drift over that airport unless he does so at least 2000 feet above the airport's traffic pattern.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matters presented.

In consideration of the foregoing, Part 105 [New] of the Federal Aviation Regulations is amended, effective December 4, 1964, as follows:

1. By amending § 105.15(a) [New] by adding a new sentence to read as follows:

**§ 105.15 Jumps over or into congested areas or open air assembly of persons.**

(a) * * * However, a parachutist may drift over that congested area or open air assembly with a fully deployed and properly functioning parachute if he is at a sufficient altitude to avoid creating a hazard to persons and property on the ground.

* * * * *

2. By amending § 105.17 [New] to read as follows:

**§ 105.17 Jumps over or onto airports.**

Unless prior approval has been given by the airport management, no person may make a parachute jump, and no pilot in command of an aircraft may allow a parachute jump to be made from that aircraft—

(a) Over an airport that does not have a functioning control tower operated by the United States; or

(b) Onto any airport.

However, a parachutist may drift over that airport with a fully deployed and properly functioning parachute if he is at least 2,000 feet above that airport's traffic pattern, and avoids creating a hazard to air traffic or to persons and property on the ground.

3. By amending the introductory paragraph of § 105.29(a) [New] to read as follows:

**§ 102.29 Clearance from clouds requirements.**

(a) No person may make a parachute jump into or through a cloud and no person may make a parachute jump—

* * * * *

(Secs. 307, 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354, 1421)

Issued in Washington, D.C., on October 22, 1964.

N. E. HALABY,
*Administrator.*

[F.R. Doc. 64–11219; Filed, Nov. 3, 1964; 8:46 a.m.]

## Chapter III—Federal Aviation Agency

### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6295; Amdt. 828]

### PART 507—AIRWORTHINESS DIRECTIVES

#### Lockheed Models 188A and 188C Series Aircraft

Several cracks have occurred in the wing upper surface in the area of the main landing gear rib forgings on Lockheed Models 188A and 188C Series aircraft attributable to landing gear load influence. Some of these cracks have extended out from previous repairs and reinforcements. To correct this condition, an airworthiness directive is being issued to require inspection of the upper wing planks for cracks and repair of any found cracked.

Since the major number of cracks reported are attributed to landing load influence, the compliance times in the AD are specified in terms of landings.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

LOCKHEED. Applies to Models 188A and 188C Series aircraft.

Compliance required as indicated.

There have been a number of cracks in the wing upper surface in the area of the main landing gear rib forgings, some of which have extended out from previous crack repairs and from reinforcements.

(a) Within the next 700 landings after the effective date of this AD, unless already accomplished within the last 700 landings prior to the effective date of this AD, and at intervals thereafter not to exceed 1,400 landings from the last inspection, accomplish the following inspections or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region:

(1) Inspect the external surface of the upper wing planks visually for cracks in the area bounded by the front spar-to-plank joint and the rear spar-to-plank joint between Wing Station 221 and the nacelle outboard skate angle, and between Wing Station 155 and the nacelle inboard skate angle;

(2) Inspect for cracks by dye penetrant technique, that portion of the external surface of the upper wing plank area located 2.5 inches forward and 2.5 inches aft of the No. 3-to-No. 4 plank joint between Wing Station 221 and the nacelle outboard skate angle and between Wing Station 155 and the nacelle inboard skate angle, which is not hidden by the existing 0.25 inch reinforcing doubler; and

(3) Inspect the tang of the No. 4 plank at the No. 3-to-No. 4 plank joint between Wing Station 221 and the nacelle outboard skate angle and between Wing Station 155 and the nacelle inboard skate angle, for vertical cracks at the tang radius, by either of the following:

(i) Externally by the ultrasonic technique described in Lockheed Service Bulletin 88/SB–620, section 2.A.(2)(b), pages 5 through 7. Visually reinspect internally if cracks are indicated by the ultrasonic inspection.

(ii) Visual internal inspection.

(b) The repetitive inspections specified in paragraph (a) may be discontinued if the upper wing planks are inspected, repaired, and reinforced in accordance with the following:

(1) Inspect for cracks as specified in paragraph (a) with the 0.25 inch reinforcing doubler removed and repair in accordance with paragraph (c) any cracks found; and

(2) Incorporate the reinforcements described by Lockheed Drawings 841314, 841315, SED/64–9010 and SED/64–9011 in accordance with the accomplishment instructions, section 2.A. through 2.L. of Lockheed Service Bulletin 88/SB–619, or equivalent reinforcements approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Repair any cracks found during the inspections specified in this AD before further flight, in accordance with the Lockheed Electra Structural Repair Manual or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, except that the aircraft may be ferried in accordance with the provisions of CAR 1.76 to the base at which the repairs are to be accomplished.

(d) Operators must maintain a record of landings in order to comply with this AD. Operators who have no records of past landings may estimate the number of landings by dividing each aircraft's hours' time in service by the operator's fleet average time per flight from takeoff to landing.

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Service Bulletins 88/SB–619 and 88/SB–620 cover this same subject.)

This amendment shall become effective November 4, 1964.

On November 20, 1964, this directive becomes an amendment to § 39.13 of Part 39 [New] of the Federal Aviation Regulations.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)



Issued in Washington, D.C., on October 27, 1964.

G. S. MOORE,
*Director, Flight Standards Service.*

[F.R. Doc. 64–11220; Filed, Nov. 3, 1964; 8:46 a.m.]

# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56297]

### PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

#### Information Required on Invoices of Certain Imported Merchandise

Treasury Decision 56254 (29 F.R. 12917) amended § 8.13(h) of the Customs Regulations to require that certain additional information be furnished on invoices of footwear classifiable under Schedule 7, Part 1A, Tariff Schedules of the United States. The information required by category (f) under item 4 of this document is incorrectly described as "Footwear with molded shoes laced to uppers." Item 4(f) is corrected to read: "Footwear with molded soles laced to uppers."

(Sec. 624, 46 Stat. 759, sec. 101, 76 Stat. 72; 19 U.S.C. 1624, Gen. Hdnote 11, Tariff Schedules of the United States)

[SEAL] LESTER D. JOHNSON,
*Acting Commissioner of Customs.*

Approved: October 29, 1964.

JAMES POMEROY HENDRICK,
*Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 64–11245; Filed, Nov. 3, 1964; 8:47 a.m.]

# Title 20—EMPLOYEES' BENEFITS

## Chapter I—Bureau of Employees' Compensation, Department of Labor

### PART 25—COMPENSATION FOR DISABILITY AND DEATH OF NON-CITIZENS OUTSIDE THE UNITED STATES

#### Criteria for Payment of Compensation

The Department of Labor Appropriation Act, 1965 (78 Stat. 959, 963), in providing an appropriation for compensation benefits payable in accordance with section 42 of the Act of September 7, 1916, as amended (39 Stat. 750, as amended; 5 U.S.C. 793), provided further that for the compensation benefits payable from the appropriation, the authority under section 32 of the Act of September 7, 1916, as amended (39 Stat. 749, as amended; 5 U.S.C. 783), to make rules and regulations shall be construed to include the nature and extent of the proofs and evidence required to establish the right to such benefits without regard to the date of the injury or death for which claim is made. A comparable provision was contained in the Department of Labor Appropriation Acts for 1961 (74 Stat. 755, 759), 1962 (75 Stat. 589, 594), 1963 (76 Stat. 361, 366), and 1964 (77 Stat. 224, 229). A regulation implementing the special provisions contained in these Acts was published in the FEDERAL REGISTER on October 29, 1960 (25 F.R. 10429), on November 8, 1961 (26 F.R. 10509), on September 21, 1962 (27 F.R. 9383), and on February 20, 1964 (29 F.R. 2599). A further extension of that regulation is timely, indicating that it applies to compensation benefits payable from the appropriation made under the Department of Labor Appropriation Act, 1965.

Therefore, pursuant to section 32 of the Act of September 7, 1916, as amended (39 Stat. 749, as amended, 5 U.S.C. 783), the Department of Labor Appropriation Act, 1965 (78 Stat. 959, 963), Reorganization Plan No. 19 of 1950 (15 F.R. 3178, 64 Stat. 1271), and General Order No. 46 of the Secretary of Labor (15 F.R. 3290) 20 CFR 25.5 is hereby revised to read as follows:

**§ 25.5 Applicable criteria.**

(a) The following criteria shall apply to cases of employees specified in § 25.1 and such cases, if otherwise compensable, shall be approved only upon evidence of the following nature without regard to the date of the injury or death for which claim is made:

(1) Appropriate certification by the Federal employing establishment, or;

(2) An Armed Services casualty or medical record, or;

(3) Verification of the employment and casualty by military personnel, or;

(4) Recommendation of an Armed Services "Claim Service" based on investigations conducted by it.

(b) This section shall apply only in the adjudication of claims for benefits payable from the appropriation provided in the Department of Labor Appropriation Act, 1965.

(78 Stat. 963)

This revision shall become effective immediately upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 23d day of October 1964.

THOMAS A. TINSLEY,
*Acting Director,*
*Bureau of Employees' Compensation.*

[F.R. Doc. 64–11234; Filed, Nov. 3, 1964; 8:47 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

### SUBCHAPTER A—INCOME TAX

[T.D. 6768]

### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

#### Current Tax Payments by Corporations

On August 25, 1964, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 6016, 6074, 6154, and 6655 of the Internal Revenue Code of 1954 to conform such regulations to section 122 of the Revenue Act of 1964 (78 Stat. 25) was published in the FEDERAL REGISTER (29 F.R. 12079). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as so proposed are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Paragraph (b) of § 1.6074–2, as set forth in paragraph 7 of notice of proposed rule making, is changed.

PAR. 2. Subparagraphs (1) and (3) of § 1.6154–2(b), as set forth in paragraph 10 of the notice of proposed rule making, are changed.

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: October 30, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 6016, 6074, 6154, and 6655 of the Internal Revenue Code of 1954 to section 122 of the Revenue Act of 1964 (78 Stat. 25), such regulations are amended as follows:

PARAGRAPH 1. Section 1.6016 is amended by revising subsection (f) of section 6016 and by adding a historical note. The amended and added provisions read as follows:

**§ 1.6016 Statutory provisions; declarations of estimated income tax by corporations.**

Sec. 6016. *Declarations of estimated income tax by corporations.* * * *

(f) *Cross reference.* For provisions relating to the number of amendments which may be filed, see section 6074(b).

[Sec. 6016 as amended by sec. 122(d), Rev. Act 1964 (78 Stat. 29)]

PAR. 2. Section 1.6016–1 is amended to read as follows:

**§ 1.6016–1 Declarations of estimated income tax by corporations.**

(a) *Requirement.* For taxable years ending on or after December 31, 1955, a declaration of estimated tax shall be made by every corporation (including unincorporated business enterprises electing to be taxed as domestic corporations under section 1361), which is subject to taxation under section 11 or 1201(a), or subchapter L, chapter 1 of the Code (relating to insurance companies), if its income tax under such sections or such subchapter L for the taxable year can reasonably be expected to exceed the sum of $100,000 plus the amount of any estimated credits allowable under section 32 (relating to tax withheld at source on nonresident aliens and foreign corporations and on tax-free covenant bonds), section 33 (relating to taxes of foreign countries and possessions of the United States), and section 38 (relating to investment in certain depreciable property).

(b) *Definition of estimated tax.* The term "estimated tax", in the case of a corporation, means the excess of the amount which such corporation estimates as its income tax liability for the taxable year under section 11 or 1201(a), or subchapter L, chapter 1 of the Code, over the sum of $100,000 and any estimated credits under sections 32, 33, and 38. However, for the rule with respect to the limitation upon the $100,000 exemption for members of certain electing affiliated groups, see section 243(b)-(3)(C)(v) and the regulations thereunder.

(c) *Examples.* The application of this section may be illustrated by the following examples:

*Example (1).* M, a corporation subject to tax under section 11, reasonably anticipates that it will have taxable income of $224,000 for the calendar year 1964. The normal tax and surtax result in an expected liability of $105,000. M determines that it will not have any allowable credits under sections 32, 33, and 38 for 1964. Since M's expected tax ($105,000) exceeds the exemption ($100,000), a declaration of estimated tax is required to be filed, reporting an estimated tax of $5,000 ($105,000-100,000) for the calendar year 1964.

*Example (2).* Under the facts stated in example (1), except that M estimates it will have an allowable foreign tax credit under section 33 in the amount of $4,000 and an allowable investment credit under section 38 in the amount of $3,000, no declaration is required, since M's expected tax ($105,000) does not exceed the $100,000 plus the allowable credits totaling $7,000.

PAR. 3. Section 1.6016-3 is amended to read as follows:

**§ 1.6016-3 Amendment of declaration.**

In the making of a declaration of estimated tax the corporation is required to take into account the then existing facts and circumstances as well as those reasonably to be anticipated relating to prospective gross income, allowable deductions, and estimated credits for the taxable year. Amended or revised declarations may be made in any case in which the corporation estimates that its gross income, deductions, or credits will materially change the estimated tax reported in the previous declaration. However, for the rule with respect to the number of amended declarations which may be filed for taxable years beginning after December 31, 1963, see paragraph (d)(2) of § 1.6074-1. Such amended declaration may be made on either Form 1120-ES (marked "Amended") or on the reverse side of the installment notice furnished the corporation by the district director. See, however, paragraph (b) of § 1.6016-2 for procedure to be followed if the prescribed form is not available.

PAR. 4. Paragraph (a) of § 1.6016-4 is amended to read as follows:

**§ 1.6016-4 Short taxable year.**

(a) *Requirement of declaration.* No declaration may be made for a period of more than 12 months. For purposes of this section a taxable year of 52 or 53 weeks, in the case of a corporation which computes its taxable income in accordance with the election permitted by section 441(f), shall be deemed a period of 12 months. For special rules affecting the time for filing declarations and paying estimated tax by such corporation, see paragraph (b) of § 1.441-2. A separate declaration is required where a corporation is required to submit an income tax return for a period of less than 12 months, but only if such short period ends on or after December 31, 1955. However, no declaration is required if the short taxable year—

(1) Begins on or before December 31, 1963, and is—

(i) A period of less than 9 months, or

(ii) A period of 9 or more months but less than 12 months and the requirements of section 6016(a) are not met before the 1st day of the last month in the short taxable year, or

(2) Begins after December 31, 1963, and is—

(i) A period of less than 4 months, or

(ii) A period of 4 or more months but less than 12 months and the requirements of section 6016(a) are not met before the 1st day of the last month in the short taxable year.

PAR. 5. Section 1.6074 is amended by revising section 6074 and by adding a historical note. These amended and added provisions read as follows:

**§ 1.6074 Statutory provisions; time for filing declarations of estimated income tax by corporations.**

Sec. 6074. *Time for filing declarations of estimated income tax by corporations*—(a) *General rule.* The declaration of estimated tax required of corporations by section 6016 shall be filed as follows:

| If the requirements of section 6016 are first met— | The declaration shall be filed on or before— |
|---|---|
| before the 1st day of the 4th month of the taxable year | the 15th day of the 4th month of the taxable year |
| after the last day of the 3d month and before the 1st day of the 6th month of the taxable year | the 15th day of the 6th month of the taxable year |
| after the last day of the 5th month and before the 1st day of the 9th month of the taxable year | the 15th day of the 9th month of the taxable year |
| after the last day of the 8th month and before the 1st day of the 12th month of the taxable year | the 15th day of the 12th month of the taxable year |

(b) *Amendment.* An amendment of a declaration may be filed in any interval between installment dates prescribed for the taxable year, but only one amendment may be filed in each such interval.

(c) *Short taxable year.* The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary or his delegate.

[Sec. 6074 as amended by sec. 122(b), Rev. Act 1964 (78 Stat. 27)]

PAR. 6. Section 1.6074-1 is amended to read as follows:

**§ 1.6074-1 Time and place for filing declaration of estimated income tax by corporations.**

(a) *Taxable years beginning on or before December 31, 1963.* For taxable years ending on or after December 31, 1955, and beginning on or before December 31, 1963, declarations of estimated tax for the taxable year shall be filed on or before the 15th day of the 9th month of such year by every corporation whose then anticipated income tax liability under section 11 or 1201(a), or subchapter L, chapter 1 of the Code, for the year meets the requirements of section 6016(a). If, however, the requirements necessitating the filing of a declaration are first met after the last day of the 8th month and before the first day of the 12th month of the taxable year the declaration shall be filed on or before the 15th day of the 12th month of the taxable year. If, however, the requirements of section 6016(a) are not met before the first day of the 12th month of the taxable year, no declaration need be filed for such year.

(b) *Taxable years beginning after December 31, 1963.* A declaration of estimated tax for a taxable year beginning after December 31, 1963, required of a corporation by section 6016 shall be filed as follows:

| If the requirements of section 6016 are first met— | The declaration shall be filed on or before— |
|---|---|
| before the 1st day of the 4th month of the taxable year | the 15th day of the 4th month of the taxable year |
| after the last day of the 3d month and before the 1st day of the 6th month of the taxable year | the 15th day of the 6th month of the taxable year |
| after the last day of the 5th month and before the 1st day of the 9th month of the taxable year | the 15th day of the 9th month of the taxable year |
| after the last day of the 8th month and before the 1st day of the 12th month of the taxable year | the 15th day of the 12th month of the taxable year |

(c) *Place for filing declaration.* The declaration of estimated tax shall be filed with the district director for the district in which the corporation expects to file its income tax return.

(d) *Amendment of declaration*—(1) *Taxable years beginning on or before December 31, 1963.* A declaration of estimated tax for a taxable year beginning on or before December 31, 1963, which is filed by a corporation prior to the 15th day of the 12th month of the taxable year may be amended in the manner prescribed in § 1.6016-3, at any time on or before such 15th day. An amended declaration shall be filed with the district director with whom the original declaration was filed.

(2) *Taxable years beginning after December 31, 1963.* In any case where a declaration of estimated tax for a taxable year beginning after December 31, 1963, has been filed, an amended declaration of estimated tax may be filed during any interval between installment dates prescribed for the taxable year. However, no amended declaration may be filed until after the installment date on or before which the original declaration was filed and only one amended declaration may be filed during each interval between installment dates. See § 1.6016-3 for the manner of making an amended declaration. An amended declaration shall be filed with the district with whom the original declaration was filed.



PAR. 7. Section 1.6074-2 is amended to read as follows:

**§ 1.6074-2 Time for filing declarations by corporations in case of a short taxable year.**

(a) *Taxable years beginning on or before December 31, 1963*—(1) *In general.* In the case of a short taxable year of 9 months or more beginning on or before December 31, 1963, where the requirements of section 6016(a) are met before the 1st day of the 9th month of the short taxable year, the declaration shall be filed on or before the 15th day of the 9th month of such short year. In the case of a short taxable year of more than 9 months, where the requirements of section 6016(a) are first met after the last day of the 8th month, but before the 1st day of the last month of the short taxable year, the declaration shall be filed on or before the 15th day of the last month of such short year. See § 1.6016-4, relating to the requirement of a declaration in the case of a short taxable year, and paragraph (a) of § 1.6154-2, relating to the time for payment of the estimated tax in case of a short taxable year.

(2) *Example.* The application of the provisions of this paragraph may be illustrated by the following example:

*Example.* A corporation which changes from a calendar year basis to a fiscal year basis beginning November 1, 1960, will have a short taxable year beginning January 1, 1960, and ending October 31, 1960. If the requirements of section 6016(a) are met before September 1, 1960 (the 1st day of the 9th month), the corporation is required to file its declaration on or before September 15, 1960 (the 15th day of the 9th month). However, if the requirements of section 6016(a) are first met after August 31, 1960 (the last day of the 8th month), but before October 1, 1960 (the 1st day of the last month of the short year), the corporation is required to file its declaration on or before October 15, 1960 (the 15th day of the last month of the short year).

* * * * *

(b) *Taxable years beginning after December 31, 1963*—(1) *In general.* In the case of a short taxable year of 4 or more months which begins after December 31, 1963, the declaration shall be filed on or before the applicable date specified in paragraph (b) of § 1.6074-1, except that in the case of a short taxable year ending after November 30, 1964, the declaration shall be filed on or before the 15th day of the last month of the short taxable year if the requirements of section 6016(a) are first met before the first day of such last month and the date specified in such paragraph (b) as applicable is not within the short taxable year. See § 1.6016-4, relating to the requirement of a declaration in the case of a short taxable year, and paragraph (b) of § 1.6154-2, relating to the time for payment of the estimated tax in case of a short taxable year.

(2) *Examples.* The application of the provisions of this paragraph may be illustrated by the following examples:

*Example (1).* A corporation filing on a calendar year basis which changes to a fiscal year beginning September 1, 1965, will have a short taxable year beginning January 1, 1965, and ending August 31, 1965. If the requirements of section 6016(a) are met before April 1, 1965 (the 1st day of the 4th month), the declaration of estimated tax must be filed on or before April 15, 1965 (the 15th day of the 4th month).

*Example (2).* If, in the first example, the corporation first meets the requirements of section 6016(a) during July 1965, then the requirements of section 6016(a) were met before the first day of the last month of the short taxable year, and a declaration of estimated tax is required to be filed on or before August 15, 1965, for the short taxable year. However, if the corporation does not meet the requirements of section 6016(a) until August 1, 1965, then the requirements of section 6016(a) were not met before the first day of the last month of the short taxable year, and no declaration of estimated tax is required to be filed for the short taxable year.

(c) *Amendment of declaration*—(1) *Taxable years beginning on or before December 31, 1963.* Where a declaration of estimated tax for a short taxable year of more than 9 months beginning on or before December 31, 1963, is filed before the 15th day of the last month of the short taxable year, an amended declaration may be filed any time on or before such 15th day.

(2) *Taxable years beginning after December 31, 1963.* Where a declaration of estimated tax for a short taxable year beginning after December 31, 1963, has been filed, an amended declaration may be filed during any interval between installment dates. However, no amended declaration for a short taxable year may be filed until after the installment date on or before which the original declaration was filed and only one amended declaration may be filed during each interval between installment dates. For purposes of this subparagraph the term "installment date" includes the 15th day of the last month of a short taxable year if such 15th day does not fall on a prescribed installment date.

PAR. 8. Section 1.6154 is amended by revising section 6154 and by adding a historical note. The amended and added provisions read as follows:

**§ 1.6154 Statutory provisions; installment payments of estimated income tax by corporations.**

Sec. 6154. *Installment payments of estimated income tax by corporations*—(a) *Amount and time for payment of each installment.* The amount of estimated tax (as defined in section 6016(b)) with respect to which a declaration is required under section 6016 shall be paid as follows:

(1) *Payment in 4 installments.* If the declaration is filed on or before the 15th day of the 4th month of the taxable year, the estimated tax shall be paid in 4 installments. The amount and time for payment of each installment shall be determined in accordance with the following table:

| If the taxable year begins in— | The following percentages of the estimated tax shall be paid on the 15th day of the— | | | |
|---|---|---|---|---|
| | 4th month | 6th month | 9th month | 12th month |
| 1964 | 1 | 1 | 25 | 25 |
| 1965 | 4 | 4 | 25 | 25 |
| 1966 | 9 | 9 | 25 | 25 |
| 1967 | 14 | 14 | 25 | 25 |
| 1968 | 19 | 19 | 25 | 25 |
| 1969 | 22 | 22 | 25 | 25 |
| 1970 or any subsequent year | 25 | 25 | 25 | 25 |

(2) *Payment in 3 installments.* If the declaration is filed after the 15th day of the 4th month and not after the 15th day of the 6th month of the taxable year, and is not required by section 6074(a) to be filed on or before the 15th day of such 4th month, the estimated tax shall be paid in 3 installments. The amount and time for payment of each installment shall be determined in accordance with the following table:

| If the taxable year begins in— | The following percentages of the estimated tax shall be paid on the 15th day of the— | | |
|---|---|---|---|
| | 6th month | 9th month | 12th month |
| 1964 | 11½ | 25½ | 25½ |
| 1965 | 5½ | 26½ | 26½ |
| 1966 | 12 | 28 | 28 |
| 1967 | 18¾ | 29¾ | 29¾ |
| 1968 | 25⅛ | 31¼ | 31¼ |
| 1969 | 29½ | 32½ | 32½ |
| 1970 or any subsequent year | 33¼ | 33¼ | 33½ |

(3) *Payment in 2 installments.* If the declaration of estimated tax is filed after the 15th day of the 6th month and not after the 15th day of the 9th month of the taxable year, and is not required by section 6074(a) to be filed on or before the 15th day of such 6th month, the estimated tax shall be paid in 2 installments. The amount and time for payment of each installment shall be determined in accordance with the following table:

| If the taxable year begins in— | The following percentages of the estimated tax shall be paid on the 15th day of the— | |
|---|---|---|
| | 9th month | 12th month |
| 1964 | 26 | 26 |
| 1965 | 29 | 29 |
| 1966 | 34 | 34 |
| 1967 | 39 | 39 |
| 1968 | 44 | 44 |
| 1969 | 47 | 47 |
| 1970 or any subsequent year | 50 | 50 |

(4) *Payment in 1 installment.* If the declaration of estimated tax is filed after the 15th day of the 9th month of the taxable year, and is not required by section 6074(a) to be filed on or before the 15th day of such 9th month, the estimated tax shall be paid in 1 installment. The amount and time for payment of the installment shall be determined in accordance with the following table:

| If the taxable year begins in— | The following percentages of the estimated tax shall be paid on the 15th day of the 12th month |
|---|---|
| 1964 | 52 |
| 1965 | 58 |
| 1966 | 68 |
| 1967 | 78 |
| 1968 | 88 |
| 1969 | 94 |
| 1970 or any subsequent year | 100 |

(5) *Late filing.* If the declaration is filed after the time prescribed in section 6074(a) (determined without regard to any extension of time for filing the declaration under section 6081), paragraphs (2), (3), and (4) of this subsection shall not apply, and there shall be paid at the time of such filing all installments of estimated tax which would have been payable on or before such time if the declaration had been filed within the time prescribed in section 6074(a), and the remaining installments shall be paid at the times at which, and in the amounts in which, they would have been payable if the declaration had been so filed.

(b) *Amendment of declaration.* If any amendment of a declaration is filed, the amount of each remaining installment (if any) shall be the amount which would have been payable if the new estimate had been made when the first estimate for the taxable year was made, increased or decreased (as the case may be), by the amount computed by dividing—

(1) The difference between (A) the amount of estimated tax required to be paid before the date on which the amendment is made, and (B) the amount of estimated tax which would have been required to be paid before such date if the new estimate had been made when the first estimate was made, by

(2) The number of installments remaining to be paid on or after the date on which the amendment is made.

(c) *Application to short taxable year.* The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary or his delegate.

(d) *Installments paid in advance.* At the election of the corporation, any installment of the estimated tax may be paid before the date prescribed for its payment.

[Sec. 6154 as amended by sec. 122(a), Rev. Act 1964 (78 Stat. 25)]

PAR. 9. Section 1.6154–1 is amended to read as follows:

**§ 1.6154–1 Payment of estimated tax by corporations.**

(a) *Taxable years beginning on or before December 31, 1963*—(1) *Amount required to be paid.* Every corporation required to file a declaration of estimated tax for a taxable year beginning on or before December 31, 1963, shall pay the following percentage of its estimated tax:

| If the taxable year ends— | The amount required to be paid is the following percentage of the estimated tax |
|---|---|
| On or after Dec. 31, 1955, and before Dec. 31, 1956 | 10 |
| On or after Dec. 31, 1956, and before Dec. 31, 1957 | 20 |
| On or after Dec. 31, 1957, and before Dec. 31, 1958 | 30 |
| On or after Dec. 31, 1958, and before Dec. 31, 1959 | 40 |
| On or after Dec. 31, 1959 | 50 |

(2) *Time for payment.* (i) In the case of a corporation on the calendar year basis which files its declaration on or before September 15 of the taxable year, the percentage of the estimated tax required to be paid is payable in two equal installments, one at the time of filing the declaration, and the other on or before December 15 of the taxable year. If the corporation files its declaration after September 15 of the taxable year, the percentage of the estimated tax required to be paid is payable in full on or before December 15 of the taxable year.

(ii) In the case of a corporation whose taxable year is a fiscal year, the dates prescribed for payment of the estimated tax shall be the 15th day of the 9th month and the 15th day of the 12th month of such taxable year. If the corporation files its declaration after the 15th day of such 9th month, the percentage of the estimated tax required to be paid is payable in full on or before the 15th day of such 12th month.

(3) *Amendment of declaration.* In the case of an amended declaration, filed in accordance with section 6074, the installment payable on the 15th day of the 12th month of the taxable year shall be ratably increased or decreased, as the case may be, to reflect the increase or decrease in the estimated tax by reason of the amended declaration. For example, X, a corporation on the calendar year basis, filed a declaration on September 15, 1955, reporting an estimated tax in the amount of $20,000. The first installment of $1,000 (5 percent of $20,000) accompanied the declaration. However, X filed an amended declaration on December 15, 1955, showing an estimated tax of $30,000. Since X has already paid $1,000, it must make a payment in the amount of $2,000 computed as follows:

| | |
|---|---|
| Required amount of estimated tax which must be paid for calendar year 1955 (10% of $30,000) | $3,000 |
| Amount paid with original estimate (5% of $20,000) | 1,000 |
| Balance to accompany amended declaration | 2,000 |

Had the amended declaration been filed on December 10, 1955, then only the balance of the first installment ($500) otherwise due on September 15 would have been required to be paid with the declaration and the installment required to be paid on or before December 15, 1955, would be $1,500.

(b) *Taxable years beginning after December 31, 1963*—(1) *Amount and time for payment of each installment*—(i) *In general.* Paragraphs (1) through (4) of section 6154(a) contain four tables setting forth the percentages of estimated tax for each taxable year beginning after December 31, 1963, which shall be paid as installments of estimated tax and the date on or before which each such installment shall be paid. The date on or before which the declaration of estimated tax for a taxable year is required, under the provisions of section 6074(a), to be filed determines which of the four installment payment tables shall be used by the corporation for that taxable year. Therefore, if the declaration is required to be filed by the 15th day of the 4th, 6th, 9th, or 12th month, the estimated tax will be required to be paid in four, three, two, or one installment, respectively. However, see subdivision (iii) of this subparagraph for the rules applicable in case of the late filing of a declaration.

(ii) *Examples.* The application of the tables in section 6154(a) may be illustrated by the following examples:

*Example (1).* X, a corporation reporting on a calendar year basis, is required for the calendar year 1966 to file a declaration of estimated tax on or before the 15th day of the 4th month thereof (April 15, 1966) reporting an estimated tax liability of $250,000. Assuming that the original declaration is filed on or before April 15, 1966, and is not subsequently amended, X is required to pay its estimated tax in four installments. The first and second installments, each in the amount of $22,500 (9 percent of $250,000), are to be paid on or before April 15, 1966, and June 15, 1966, respectively, and the third and fourth installments, each in the amount of $62,500 (25 percent of $250,000), are to be paid on or before September 15, 1966, and December 15, 1966, respectively.

*Example (2).* Y, a corporation which reports on a calendar year basis, is required for the calendar year 1967 to file a declaration of estimated tax on or before the 15th day of the 6th month thereof (June 15, 1967) reporting an estimated tax liability of $100,000. Assuming that the original declaration is filed on or before June 15, 1967, and is not subsequently amended, Y is required to pay its estimated tax in three installments. The first installment, in the amount of $18,666.67 (18⅔ percent of $100,000), is to be paid on or before June 15, 1967, and the second and third installments, each in the amount of $29,666.67 (29⅔ percent of $100,000), are to be paid on or before September 15, 1967, and December 15, 1967, respectively.

*Example (3).* Z, a corporation which reports on a fiscal year basis ending with June 30 of each year, is required for the fiscal year ended June 30, 1968, to file a declaration of estimated tax on or before the 15th day of the fourth month thereof (October 15, 1967) reporting an estimated tax liability of $200,000. Assuming that the original declaration is filed on or before October 15, 1967, and is not subsequently amended, Z is required to pay its estimated tax in four installments. The first and second installments, each in the amount of $28,000 (14 percent of $200,000), are to be paid on or before October 15, 1967, and December 15, 1967, respectively, and the third and fourth installments, each in the amount of $50,000 (25 percent of $200,000), are to be paid on or before March 15, 1968, and June 15, 1968, respectively.

(iii) *Late filing of declaration of estimated tax.* If a declaration of estimated tax is filed after the date prescribed by section 6074(a) (determined without regard to any extension of time for filing the declaration under section 6081), the tables set forth in paragraphs (2), (3), and (4) of section 6154(a) do not apply except as provided in this subdivision. In such a case, there shall be paid at the time of the filing of the declaration all installments of the estimated tax which would have been payable under the appropriate table in section 6154(a) on or before such date of filing if the declaration had been timely filed in accordance with the provisions of section 6074(a). The remaining installments shall be paid at the times and in the amounts in which they would have been payable if the declaration had been timely filed. For example, Z, a corporation filing its returns on a calendar year basis, fails to file a declaration of estimated tax on April 15, 1968, even though the requirements for filing a declaration were met before April 1, 1968. However, Z does file its declaration of estimated tax on July 1, 1968, disclosing an estimated tax of $75,000. As the first two installment dates specified in paragraph (1) of section 6154(a) (the 15th days of the 4th and 6th months) have passed, Z is required to pay $28,500 (2 installments, each in the amount of 19 percent of $75,000) when the declaration is filed on July 1, 1968. If there are no subsequent amendments of the declaration for this year, Z will be required to pay installments, each in the amount of $18,750 (25 percent of $75,000), on or before September 15, 1968, and December 15, 1968, respectively.

(2) *Amendment of declaration*—(i) *In general.* If any amendment of a declaration is filed, the amount of each remaining installment (including the installment due on the date of the filing of the amendment where the amendment is filed on an installment date), if any, is the amount which would have been payable as such installment if the new estimate had been the original estimate, adjusted as provided in this subdivision. The adjustment is for the difference between (*a*) the amount of estimated tax required to be paid before the date of the filing of the amendment and (*b*) the amount of estimated tax which would have been required to have been paid before such date if the new estimate had been the original estimate. The difference is divided by the number of remaining installments (including the installment due on the date of the filing of the amendment where the amendment is filed on an installment date), and the resulting amount is added to (if the amended declaration increases the amount of estimated tax) or subtracted from (if the amended declaration decreases the amount of the estimated tax) the amount which would have been payable on each remaining installment date if the new estimate had been the original estimate.

(ii) *Examples.* The application of the provisions of this subparagraph may be illustrated by the following examples:

*Example (1).* X, a calendar year corporation, determines that its estimated tax liability for the year 1967 is $100,000 and files a declaration of estimated tax by April 15, 1967, with an installment payment of $14,000. On June 15, 1967, the second installment payment of $14,000 is made. On July 1, 1967, X discovers that its 1967 estimated tax may reasonably be expected to be $150,000 and on September 15, 1967, files an amended declaration in that amount. The amounts to be paid on September 15, 1967, and December 15, 1967, are computed as follows:

| | |
|---|---|
| Installment payments required to be made under the original declaration before date of filing of amendment (14% of $100,000 is $14,000×2) | $28,000 |
| Installment payments which would have been required to be made before date of filing of amendment if the original declaration were in the amount of the amended declaration (14% of $150,000 is $21,000×2) | 42,000 |
| Difference | $14,000 |
| Amount of each installment payment due on September 15, 1967, and December 15, 1967, computed as if the original declaration were in the amount of the amended declaration (25% of $150,000) | 37,500 |
| Add: Amount of difference divided by number of remaining installments ($14,000÷2) | 7,000 |
| Amount of each remaining installment (September 15, 1967, and December 15, 1967) | 44,500 |

*Example (2).* Assume the same facts as in example (1), except that instead of filing the amended declaration on September 15, 1967, X files an amended declaration on June 15, 1967, disclosing an estimated tax of $70,000. The installment payments for June 15, 1967, September 15, 1967, and December 15, 1967, are computed as follows:

| | |
|---|---|
| Installment payment required to be made under the original declaration before the date of filing of amendment (14% of $100,000) | $14,000 |
| Installment payment which would have been required to be made before date of filing of amendment if the original declaration were in the amount of the amended declaration (14% of $70,000) | 9,800 |
| Difference | 4,200 |
| *June 15, 1967, installment computation:* | |
| Installment payment due on June 15, 1967, computed as if the original declaration were in the amount of the amended declaration (14% of $70,000) | 9,800 |
| Less: Amount of difference divided by number of remaining installments ($4,200÷3) | 1,400 |
| Amount to be paid as an installment on June 15, 1967 | 8,400 |
| *September 15, 1967, and December 15, 1967, installments computation:* | |
| Amount of each installment payment due on September 15, 1967, and December 15, 1967, computed as if the original declaration were in the amount of the amended declaration (25% of $70,000) | 17,500 |
| Less: Amount of difference divided by number of remaining installments ($4,200÷3) | 1,400 |
| Amount of each remaining installment (September 15, 1967, and December 15, 1967) | 16,100 |

(c) *Installments paid in advance.* A corporation may, at its election, pay any installment of its estimated tax in advance of the due date.

(d) *Considered payment of income tax.* Payments of estimated tax shall be considered payments on account of the income tax liability for the taxable year. Hence the amount of estimated tax paid shall be entered on the income tax return and applied in payment of the tax liability shown thereon.

PAR. 10. Section 1.6154–2 is amended to read as follows:

**§ 1.6154–2 Short taxable years.**

(a) *Taxable years beginning on or before December 31, 1963*—(1) *In general.* In the case of a corporation filing a declaration for a short taxable year beginning on or before December 31, 1963, the amount of the estimated tax required to be paid shall be paid as follows:

(i) If the short taxable year is a period of more than 9 months and the declaration is required to be filed on or before the 15th day of the 9th month, the amount of the estimated tax required to be paid shall be paid in 2 installments; the 1st on or before the 15th day of the 9th month and the 2d on or before the 15th day of the last month of the short taxable year.

(ii) If the short taxable year is a period of 9 or more months and the declaration is not required to be filed until the 15th day of the last month of the short taxable year, the amount of the estimated tax required to be paid shall be paid in full on or before the 15th day of the last month of the short taxable year.

(2) *Examples.* The application of the provisions of subparagraph (1) of this paragraph may be illustrated by the following examples:

*Example (1).* If a corporation changes from a calendar year to a fiscal year beginning November 1, 1956, and ending October 31, 1957, a declaration is required on or before September 15, 1956, for the short taxable year January 1, 1956, to October 31, 1956, if such corporation otherwise meets the requirements of section 6016(a) on or before August 31, 1956. In such case the first installment of the estimated tax must be paid with the declaration filed on September 15, 1956. The second installment must be paid on or before October 15, 1956, the 15th day of the last month of the short taxable year.

*Example (2).* If, in the first example, the corporation did not meet the requirements of section 6016(a) until after August 31, 1956, but before October 1, 1956, the declaration would have been due on October 15, 1956. In such case the amount of the estimated tax required to be paid must be paid in full with the declaration filed on October 15, 1956.

(b) *Taxable years beginning after December 31, 1963*—(1) *In general.* In the case of a short taxable year which begins after December 31, 1963, and in respect of which a declaration of estimated tax is required to be filed (see paragraph (b) of § 1.6074–2), the amount of, and time for payment of, each installment of estimated tax shall be determined by paragraphs (1) to (4), inclusive, of section 6154(a), except that in the case of a short taxable year ending after November 30, 1964, any estimated tax payable in installments which is not paid before the 15th day of the last month of the short taxable year (whether or not the date otherwise specified in section 6154(a) for payment has arrived) shall be paid on such 15th day of the last month of the short taxable year.

(2) *Examples.* The application of the provisions of subparagraph (1) of this paragraph may be illustrated by the following examples:

*Example (1).* X, a corporation filing on a calendar year basis, changes to a fiscal year beginning September 1, 1965, and ending August 31, 1966, and is required to file a declaration on or before April 15, 1965, for the short taxable year January 1, 1965, to August 31, 1965. X must make two 4 percent installment payments of the estimated tax, the first on or before April 15, 1965, and the second on or before June 15, 1965, and must pay 50 percent (25 percent for the 3d

installment plus 25 percent for the 4th installment) of the estimated tax on or before August 15, 1965 (the 15th day of the last month of the short taxable year), as the last installment.

*Example* (2). If, in the first example, X does not meet the requirements of section 6016(a) until June 15, 1965, the declaration is due on or before August 15, 1965. X is required to pay 38 percent of the estimated tax on or before August 15, 1965 (the 15th day of the last month of the short taxable year).

* * * * *

(3) *Late filing of declaration of estimated tax.* In the case of a declaration of estimated tax for a short taxable year beginning after December 31, 1963, filed after the date prescribed by section 6074(a) (determined without regard to any extension of time for filing the declaration under section 6081), the provisions of paragraph (b)(1)(iii) of § 1.6154–1 shall be applied in determining the amount of and time for payment of each installment. However, in the case of short taxable years beginning after December 31, 1963, and ending after November 30, 1964, where, under the provisions of paragraph (b)(1)(iii) of § 1.6154–1, installments are to be paid after the close of the short taxable year, such installments shall be paid on or before the 15th day of the last month of the short taxable year.

(4) *Amended declarations.* In the case of an amended declaration of estimated tax for a short taxable year beginning after December 31, 1963, filed in accordance with section 6074(b), the provisions of paragraph (b)(2) of § 1.6154–1 shall apply to determine the amount of each remaining installment. However, where, under the provisions of such paragraph (b)(2), installments are to be paid after the close of the short taxable year, such installments shall be paid on or before the 15th day of the last month of the short taxable year.

PAR. 11. Section 1.6655 is amended by revising subsections (c)(2) and (d)(3) of section 6655, and by adding a historical note. These amended and added provisions read as follows:

§ 1.6655 Statutory provisions; failure by corporation to pay estimated income tax.

SEC. 6655. *Failure by corporation to pay estimated income tax.* * * *

(c) *Period of underpayment.* * * *

(2) With respect to any portion of the underpayment, the date on which such portion is paid. For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subsection (b)(1) for such installment date.

(d) *Exception.* * * *

(3) (A) An amount equal to 70 percent of the tax for the taxable year computed by placing on an annualized basis the taxable income:

(i) For the first 3 months of the taxable year, in the case of the installment required to be paid in the 4th month,

(ii) For the first 3 months or for the first 5 months of the taxable year, in the case of the installment required to be paid in the 6th month,

(iii) For the first 6 months or for the first 8 months of the taxable year in the case of the installment required to be paid in the 9th month, and

(iv) For the first 9 months or for the first 11 months of the taxable year, in the case of the installment required to be paid in the 12th month of the taxable year.

(B) For purposes of this paragraph, the taxable income shall be placed on an annualized basis by—

(i) Multiplying by 12 the taxable income referred to in subparagraph (A), and

(ii) Dividing the resulting amount by the number of months in the taxable year (3, 5, 6, 8, 9, or 11, as the case may be) referred to in subparagraph (A).

* * * * *

[Sec. 6655 as amended by sec. 122(c), Rev. Act 1964 (78 Stat. 26)]

PAR. 12. Subparagraphs (1)(i), (2), and (3) of paragraph (a) of § 1.6655–1 are amended to read as follows:

§ 1.6655–1 Addition to the tax in the case of a corporation.

(a) *In general.* (1) * * *

(i) 70 percent of the tax shown on the return for the taxable year or, if no return was filed, 70 percent of the tax for such year, multiplied by the percentage of estimated tax required to be paid on or before the installment date, over

* * * * *

(2) The amount of the addition is determined at the rate of 6 percent per annum upon the underpayment of any installment of estimated tax for the period from the date such installment is required to be paid until the 15th day of the third month following the close of the taxable year, or the date such underpayment is paid, whichever is earlier. For purposes of determining the period of the underpayment (i) the date prescribed for payment of any installment of estimated tax shall be determined without regard to any extension of time, and (ii) a payment of estimated tax on any installment date, to the extent that it exceeds the amount of the installment determined under subparagraph (1)(i) of this paragraph for such date, shall be considered a payment of the previous underpayment, if any.

(3) The term "tax" as used in subparagraph (1)(i) of this paragraph means the excess of the tax imposed by section 11 or 1201(a), or subchapter L, chapter 1 of the Code, whichever is applicable, over the sum of $100,000 and the credits against tax provided by sections 32, 33, and 38. However, for the rule with respect to the limitation upon the $100,000 exemption for members of certain electing affiliated groups, see section 243(b)(3)(C)(v) and the regulations thereunder.

* * * * *

PAR. 13. Section 1.6655–2 is amended by revising subparagraphs (3), (4), and (5) of paragraph (a), by revising subparagraph (1) of paragraph (b), by revising so much of paragraph (2) of paragraph (b) as precedes subdivision (i) thereof, by revising the example in paragraph (c) and by revising paragraph (d). These amended and added provisions read as follows:

§ 1.6655–2 Exceptions to imposition of the addition to the tax in the case of corporations.

(a) *In general.* * * *

(3) An amount equal to 70 percent of the tax determined by placing on an annual basis the taxable income for—

(i) The first 3 months of the taxable year, in the case of the installment required to be paid in the 4th month,

(ii) Either the first 3 months or the first 5 months of the taxable year (whichever results in no addition being imposed), in the case of the installment required to be paid in the 6th month,

(iii) Either the first 6 months or the first 8 months of the taxable year (whichever results in no addition being imposed), in the case of the installment required to be paid in the 9th month, and

(iv) Either the first 9 months or the first 11 months of the taxable year (whichever results in no addition being imposed), in the case of the installment required to be paid in the 12th month.

The taxable income so determined shall be placed on an annual basis by first multiplying it by 12, and then dividing the resulting amount by the number of months in the taxable year for which the taxable income was so determined.

(4) In the case of a taxpayer whose taxable year consists of 52 or 53 weeks in accordance with section 441(f), the rules prescribed by paragraph (b) of § 1.441–2 shall be applicable in determining, for purposes of subparagraph (1) of this paragraph, whether a taxable year was a year of 12 months and in determining, for purposes of subparagraph (3) of this paragraph, the commencement of the 3-month period, or the 3- or 5-month period, or the 6- or 8-month period, or the 9- or 11-month period, whichever is applicable. For example, if a taxable year begins on December 26, 1956, taxable income for the first 6 months of such year, for purposes of subparagraph (3) of this paragraph, shall be taxable income for the period beginning on December 26, 1956, and ending on June 30, 1957, since such taxable year is deemed to commence on January 1, 1957, under section 441(f).

(5) If the end of any accounting period employed by the taxpayer (e.g., any of either thirteen 4-week periods or four 13-week periods) does not correspond to the termination date of the applicable 3-month, or 3- or 5-month, or 6- or 8-month, or 9- or 11-month, period, taxable income shall be determined from the beginning of the taxable year to the close of the accounting period ending immediately before the termination date of the applicable 3-month, or 3- or 5-month, or 6- or 8-month, or 9- or 11-month, period and to the close of the accounting period within which such termination date falls. There shall be determined that portion of the difference between the two amounts of taxable income so determined which bears the same ratio to the total difference between such amounts as the number of days from the close of the first such accounting period to the close of such applicable 3-month, or 3- or 5-month, or 6- or 8-month, or 9- or 11-month, period bears to the total number of days between the



termination dates of such two accounting periods. The portion of the difference between such amounts so determined shall then be added to (or subtracted from) taxable income determined to the close of the first such accounting period to determine taxable income for such applicable 3-month, or 3- or 5-month, or 6- or 8-month, or 9- or 11-month, period. For example, a taxpayer whose taxable year consists of 52 or 53 weeks in accordance with section 441(f) has a taxable year beginning on December 26, 1956, and thirteen 4-week accounting periods are employed in determining taxable income. Taxable income from December 26, 1956, to the close of the 4-week accounting period ending on June 11, 1957, is $200,000, and taxable income from December 26, 1956, to the close of the 4-week accounting period ending on July 9, 1957, is $228,000. Taxable income for the 6-month period ending on June 30, 1957, is $219,000 ($200,000+(19×28,000÷28)).

(b) *Meaning of terms.* (1) For the purpose of the exceptions described in paragraph (a) of this section, the term "tax" means the excess of the tax imposed by section 11 or 1201(a), or subchapter L, chapter 1 of the Code, whichever is applicable, over the sum of $100,000 plus the credits against tax allowed by sections 32, 33, and 38.

(2) The credits against the tax allowed by sections 32, 33, and 38, are—

* * * * *

(c) *Examples.* The application of the exceptions to the imposition of the addition to tax may be illustrated by examples employing the following statement of facts:

STATEMENT OF FACTS

Y, a corporation reporting on a calendar year basis, filed a declaration on April 15, 1965, showing an estimated tax of $47,100 for its taxable year ending December 31, 1965. The first installment of 4 percent of the estimated tax or $1,884 was paid with the filing of the declaration, the second installment in the same amount was paid on June 15, 1965, and the third and fourth installments of $11,775 (25 percent of the estimated tax) each were paid on September 15, 1965, and December 15, 1965, respectively. Y reported a tax liability of $175,900 on its return due March 15, 1966. There was an underpayment in the amount of $241.20 on each of the first and second installment dates and $1,507.50 on each of the third and fourth installments dates determined as follows:

| | |
|---|---|
| (1) Tax as defined in paragraph (b) of this section ($175,900–$100,000) | $75,900.00 |
| (2) 70% of item (1) | 53,130.00 |
| (3) 4% of item (2) | 2,125.20 |
| (4) Deduct amount paid on each of the first and second installment dates | 1,884.00 |
| (5) Amount of underpayment at each of the first and second installment dates (item (3) minus item (4)) | 241.20 |
| (6) 25% of item (2) | 13,282.50 |
| (7) Deduct amount paid on each of the last two installment dates | 11,775.00 |
| (8) Amount of underpayment at each of the third and fourth installment dates (item (6) minus item (7)) | $1,507.50 |

The application of each exception described in paragraph (a) of this section is determined as follows:

(1) Assume Y reported a liability of $158,000 on its return for the taxable year ending December 31, 1964. If the estimated tax were $158,000 reduced by $100,000, or $58,000, the amount which would have been required to be paid on or before each of the first and second installment dates would be 4 percent of $58,000, or $2,320. The amount which would have been required to be paid on or before each of the third and fourth installment dates would be 25 percent of $58,000, or $14,500. Since these amounts exceed the corresponding amounts actually paid on each installment date ($1,884 and $11,775, respectively), the exception described in paragraph (a)(1) of this section does not apply.

(2) As the corporation tax rates under section 11 are different for the taxable years ending December 31, 1964, and December 31, 1965, the amount of tax determined under paragraph (a)(2) of this section and the amounts required to be paid on or before each installment date must be determined. The tax liability determined on the basis of the calendar year 1965 rates but on the basis of the calendar year 1964 return is $151,900 and the estimated tax is $151,900 less $100,000, or $51,900. The amount which would have been required to be paid on or before each of the first and second installment dates would be 4 percent of $51,900, or $2,076, and the amount which would have been required to be paid on or before each of the third and fourth installment dates would be 25 percent of $51,900, or $12,975. Since these amounts exceed the corresponding amounts actually paid on each installment date ($1,884 and $11,775, respectively), the exception described in paragraph (a)(2) of this section does not apply.

(3) Y determined that its taxable income for the first 3, 5, 6, 8, 9, and 11 months was $87,500, $155,000, $185,000, $246,000, $288,000, and $341,000, respectively. The income for each period is annualized as follows:

$87,500×12÷ 3=$350,000
$155,000×12÷ 5=$372,000
$185,000×12÷ 6=$370,000
$246,000×12÷ 8=$369,000
$288,000×12÷ 9=$384,000
$341,000×12÷11=$372,000

To determine whether the installment payment made on April 15, 1965, equals or exceeds the amount which would have been required to be paid if the estimated tax were equal to 70 percent of the tax computed on the annualized income for the 3-month period, the following computation is necessary:

| | *3 months* |
|---|---|
| (1) Annualized income | $350,000 |
| (2) Tax on item (1) reduced by $100,000 | 61,500 |
| (3) 70 percent of item (2) | 43,050 |
| (4) 4 percent of item (3) | 1,722 |

To determine whether the installment payments made on or before June 15, 1965, equal or exceed the amount which would have been required to be paid if the estimated tax were equal to 70 percent of the tax computed on the annualized income for either the 3- or 5-month period, the following computation is necessary:

| | 3 months | 5 months |
|---|---|---|
| (1) Annualized income | $350,000.00 | $372,000.00 |
| (2) Tax on item (1) reduced by $100,000 | 61,500.00 | 72,060.00 |
| (3) 70 percent of item (2) | 43,050.00 | 50,442.00 |
| (4) 8 percent of item (3) | 3,444.00 | 4,035.36 |

To determine whether the installment payments made on or before September 15, 1965, equal or exceed the amount which would have been required to be paid if the estimated tax were equal to 70 percent of the tax computed on the annualized income for either the 6- or 8-month period, the following computation is necessary:

| | 6 months | 8 months |
|---|---|---|
| (1) Annualized income | $370,000.00 | $369,000.00 |
| (2) Tax on item (1) reduced by $100,000 | 71,100.00 | 70,620.00 |
| (3) 70 percent of item (2) | 49,770.00 | 49,434.00 |
| (4) 33 percent of item (3) | 16,424.10 | 16,313.22 |

To determine whether the installment payments made on or before December 15, 1965, equal or exceed the amount which would have been required to be paid if the estimated tax were equal to 70 percent of the tax computed on the annualized income for either the 9- or 11-month period, the following computation is necessary:

| | 9 months | 11 months |
|---|---|---|
| (1) Annualized income | $384,000.00 | $372,000.00 |
| (2) Tax on item (1) reduced by $100,000 | 77,820.00 | 72,060.00 |
| (3) 70 percent of item (2) | 54,474.00 | 50,442.00 |
| (4) 58 percent of item (3) | 31,594.92 | 29,256.36 |

The total amounts of all payments of estimated tax actually paid on or before the installment dates of April 15, 1965, June 15, 1965, September 15, 1965, and December 15, 1965, are $1,884, $3,768, $15,543, and $27,318, respectively. Since the total amounts of estimated tax actually paid on the first and second installment dates (April 15, 1965, and June 15, 1965) exceed the amounts required to be paid on such dates if the estimated tax were 70 percent of the tax determined by placing on an annualized basis the taxable income for the first 3 months of the taxable year, the exception described in paragraph (a)(3) of this section applies and no addition to tax will be imposed for the installments paid on April 15, 1965, and June 15, 1965. However, since the total amount of all payments of estimated tax actually paid on or before the third and fourth installment dates (September 15, 1965, and December 15, 1965) does not equal or exceed the applicable alternative amounts, the addition to the tax with respect to the underpayment of the September 15, 1965, and December 15, 1965, installments must be imposed.

(d) *Determination of taxable income for portion of taxable year.* In determining the applicability of the exception described in paragraph (a)(3) of this section, there must be an accurate determination of the amount of income and deductions for the appropriate period, that is, for the first 3, 5, 6, 8, 9, or 11 months of the taxable year. See paragraph (d)(1) of § 1.6654–2 for a description of a similar requirement with respect to individuals.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[F.R. Doc. 64–11247; Filed, Nov. 3, 1964; 8:47 a.m.]

# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

## PART 112—RATES AND CONDITIONS FOR SPECIFIC CLASSES

## PART 168—DIRECTORY OF INTERNATIONAL MAIL

### Miscellaneous Amendments

Part 112 is amended as follows:

In § 112.4 *Printed matter,* amend the table in paragraph (b)(1) so as to change the printed matter weight limitation for Peru from 11 pounds to 33 pounds.

NOTE: The corresponding Postal Manual section is 222.421.

Part 168 is amended as follows:

I. In § 168.1 *Postal Union mail,* amend the table in paragraph (a)(1) so as to change the printed matter weight limitation for Peru from 11 pounds to 33 pounds.

II. In § 168.5 *Individual country regulations,* make the following changes:

1. In country "Czechoslovakia", under Parcel Post, (29 F.R. 7509) add the following paragraph to the item *Observations:*

The foregoing gift parcel regulations do not apply to parcels mailed by or addressed to Czechoslovak citizens, visiting the United States containing only articles belonging to them and intended for their personal use. The customs declarations of such parcels, in addition to listing the nature and value of the articles enclosed, must indicate clearly that the contents are the property of a visiting Czechoslovak citizen.

2. In "Iceland", under Postal Union Mail, change the Special delivery data to read as follows:

*Special delivery.* Yes. See § 168.3 for fees and other conditions.

3. In "Iran", under Postal Union Mail, amend the item *Prohibitions and import restrictions* to read as follows:

*Prohibitions and import restrictions.* Coins; Iranian banknotes; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, and other precious articles.

Banknotes other than Iranian may be imported only with the permission of the Bank Melli Iran.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

4. In "Kuwait", under Parcel Post, make the following changes:

a. Amend the data respecting Sealing to read as follows:

*Sealing.* Insured parcels must, and ordinary parcels may be sealed.

b. Change the information on Insurance to read Yes.

c. Under the Postal forms required information, the reference to 2 Form 2966 is changed to 1 Form 2966.

d. Strike out *"Indemnity.* No provision" and insert in lieu thereof the following:

*Insurance.* The following insurance fees and limits of indemnity apply:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $165 | 60 |

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in United States currency and in gold francs. The indication in United States currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

Show the insured value in United States currency (figures only) in the appropriate space on the dispatch note (Form 2972).

See Part 133, for method of converting United States currency into gold francs and for general information on insurance.

The insurance of parcels containing coins, banknotes, currency notes, or any kind of securities payable to bearer, platinum, gold, or silver, whether manufactured or unmanufactured, precious stones, jewelry, or other precious articles is obligatory.

5. Country "Southern Rhodesia" (29 F.R. 258) is changed to read "Rhodesia"; Country "Northern Rhodesia" is changed to read "Zambia". These two countries should be placed in their new alphabetical order.

6. In "Union of Soviet Socialist Republics", under Parcel Post, amend the third paragraph under *Prohibitions and import restrictions* by inserting "chewing gum" before "perishable foods".

7. In "Venezuela (Republic of)", under Postal Union Mail, change the Special delivery information to read as follows:

*Special delivery.* Yes. See § 168.3 for fees and other conditions.

8. In "Places Not Included in Alphabetical List of Countries" make the following changes:

a. Insert in proper alphabetical order in the listing of places the following:

Ebeye Island, Marshall Islands (U.S. Trust Terr. See Pt. 2 of this chapter).

b. Insert in alphabetical order the following:

Eniwetok, Marshall Islands (U.S. Trust Terr. See Pt. 2 of this chapter).

c. Amend the parenthetical information related to Federation of Rhodesia and Nyasaland to read as follows:

(Rhodesia, Zambia, or Malawi).

d. Insert in alphabetical order the following:

Kwajalein, Marshall Islands (U.S. Trust Terr. See Pt. 2 of this chapter).

e. Insert in alphabetical order the following:

Northern Rhodesia (Zambia).

f. Insert in alphabetical order the following:

Rota, Mariana Islands (U.S. Trust Terr. See Pt. 2 of this chapter).

g. Insert in alphabetical order the following:

Southern Rhodesia (Rhodesia).

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 64-11235; Filed, Nov. 3, 1964; 8:47 a.m.]

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 5—General Services Administration

## PART 5-60—CONTRACT APPEALS

### Subpart 5-60.2—Rules of the General Services Administration Board of Contract Appeals

Subpart 5-60.2 of Part 5-50, Chapter 5, Title 41 of the Code of Federal Regulations, is revised to read as follows:

Sec.


5-60.201 Notice of appeal.
5-60.201-1 Filing.
5-60.201-2 Acknowledgment and distribution.
5-60.202 Contents of notices of appeal.
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5-60.222 Reconsideration of decisions.
5-60.223 Extensions of time.
5-60.224 Payment of claims.


AUTHORITY: The provisions of this Subpart 5-60.2 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### § 5-60.201 Notice of appeal.

### § 5-60.201-1 Filing.

A notice of appeal must be in writing, should be addressed to the Administrator of General Services, and mailed or otherwise furnished to the contracting officer. However, where the notice of appeal is addressed to the contracting officer from whose decision the appeal is taken, or to the head of the constituent General Services Administration organization, upon referral the Board will proceed as though the appeal had been made to the Administrator. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract, or as allowed in applicable provisions of directives or law. When a notice of appeal is received the recipient shall endorse thereon the date of receipt, and, if mailed, the date of mailing. The envelope in which the notice of appeal was received (whether by mail or by hand delivery) shall be preserved and attached to the notice.

### § 5-60.201-2 Acknowledgment and distribution.

After the Board receives the notice of appeal, it will promptly acknowledge receipt thereof to the appellant, furnishing the appellant with a copy of these rules. The Board simultaneously will furnish copies of the notice of appeal and acknowledgment to the contracting officer, the GSA Central Office service or staff office concerned, and the appropriate representative of the Office of the General Counsel.

### § 5-60.202 Contents of notices of appeal.

(a) A notice of appeal should indicate that an appeal is intended and should include the following information:

(1) Identification of contract involved (by number).

(2) The General Services Administration organization involved in the dispute, e.g., Public Buildings Service, Federal Supply Service, etc.

(3) The decision from which the appeal is taken, including any findings of fact made in connection therewith.

(4) The date of the decision.

(5) The contractual provisions concerned in the dispute.

(6) The nature of the dispute, and the relief sought by the appellant.

(b) The notice of appeal shall be signed by the appellant personally, if an individual, or if not, by an authorized officer or duly authorized representative of the appellant organization. A supporting brief may be submitted with the notice of appeal, or, if the appellant prefers, may be filed with the Board within 15 days after the mailing or filing of the notice.

### § 5-60.203 Defective notices of appeal.

Where the Board finds that a notice of appeal does not comply with the requirements of § 5-60.202, the appellant will be notified in writing promptly of such deficiency. Appellant's failure thereafter to perfect the appeal expeditiously will result in a written demand by the Board that appellant show cause why the appeal should not be dismissed, and such dismissal will ensue unless the appellant, within the time prescribed by the Board, furnishes a satisfactory explanation for his delay.

### § 5-60.204 Appeal file.

### § 5-60.204-1 Request, preparation, and submission.

The contracting officer will submit to the Board through the Central Office service or staff office concerned and through the Office of the General Counsel the following documents and information (herein referred to as the "appeal file") as promptly as possible after receipt of the Board's request therefor, and in any event so as to reach the Board within 30 days after such receipt.

### § 5-60.204-2 Documents and index.

(a) The appeal file should include the originals or copies of all documents pertinent to the appeal, together with an index listing the documents. There should be included:

(1) The decision from which the appeal is taken, including any findings of fact made in connection therewith.

(2) The invitation for bids, the contract, pertinent plans, specifications, amendments, and change orders.

(3) Correspondence between the parties.

(4) Transcripts of any testimony taken during the course of any proceedings conducted on the dispute prior to the filing of the appeal.

(5) Such additional information as may be considered material.

(6) A statement of the position relied on by the Government with regard to the issues presented by the appeal.

(b) A copy of the index listing the documents in the appeal file and of the statement of position relied upon by the Government shall be furnished the appellant by the Board when the appeal file is received.

### § 5-60.204-3 Availability.

The appeal file will be available for inspection by the parties or their representatives at the Board's offices. A duplicate appeal file will also be available for such inspection at the office of the contracting officer in the regional office. The contracting officer will notify the Board whenever the appellant makes inspection of his appeal file, furnishing dates, names, and other relevant information.

### § 5-60.204-4 Copies.

Arrangements can be made to furnish an appellant with desired copies of material in the appeal file upon payment of the cost involved. Authority to authenticate or attest such copies is vested in the GSA General Counsel to whom requests for such service should be addressed, with a copy of the request to be furnished the Board.

### § 5-60.204-5 Administrative record.

(a) *Contents.* The administrative record shall include the submissions to the Board by the parties to the appeal, the Board's correspondence file pertaining to the appeal, the transcript of any proceeding, and the written memorials of any other action taken by the Board with respect to the appeal.

(b) *Availability.* The administrative record shall be available for inspection by the parties or their representatives at the Board's offices.

(c) *Copies.* Copies of material in the administrative record shall be available upon the same basis as that set forth in § 5-60.204-4 for copies of documents in the appeal file.

### § 5-60.204-6 Clerk of the Board.

The Board's Clerk maintains central control of all records pertaining to the Board's activities, and is prepared to handle inquiries concerning same. In the interest of convenience, prior arrangements for inspection of any appeal file at the Board's Washington office or for inspection of any administrative record and for desired copies of material in such files or records should be made with the Clerk.

### § 5-60.205 Scope of appeals.

Where an appeal is within the jurisdiction of the Board, it will, in its discretion, hear, consider, and make decisions on all questions necessary for the complete adjudication of the issues. Defenses which go to the jurisdiction of the Board will be raised by motion. Filing of motions to dismiss for lack of jurisdiction shall not be unreasonably delayed. Normally, motions to dismiss for lack of jurisdiction shall, upon application of either party, be heard and determined before oral hearing on the merits. The Board, however, has the right at any time to determine its lack of authority to proceed in a particular case. Appeals not falling within the scope of the Board's jurisdiction will be formally dismissed.

### § 5-60.206 Untimely appeals.

Where the Government contends that a notice of appeal was not filed within the time specified, or where the Board itself decides that a question concerning timeliness of the appeal is present, the Board's initial consideration will be limited to such jurisdictional question. Accordingly, the Board shall not consider the merits of the appeal if the submission was in fact untimely. If the Board determines that a notice of appeal was filed untimely, it shall dismiss the appeal, giving appropriate notice of such action to the parties.

### § 5-60.207 Representation.

An appellant may appear before the Board in person, or may be represented by counsel or by any other duly authorized representative.

### § 5-60.208 Depositions.

(a) Upon agreement of the parties, the testimony of any person may be taken by deposition for use as evidence in the appeal proceedings. The deponent may be examined on any matter, not privileged, which is relevant to the subject of the appeal. Testimony taken by deposition shall not be considered as evidence in the appeal until such testimony is offered and received in evidence at the oral hearing. If oral hearing has been waived and the appeal is submitted on the record pursuant to the Board's rules, the deposition shall be considered in evidence before the Board, unless any

objection made thereto shall have been sustained. Objection may be made at the oral hearing or on submission on the record to receiving in evidence any deposition or any part thereof on the ground that it does not qualify for admission or upon any other ground which would require the exclusion of the evidence if the witness were orally testifying before the Board. Opportunity for rebuttal of relevant evidence contained in a deposition which is received in evidence shall be accorded the adverse party.

(b) Depositions shall be taken before any person authorized to administer oaths by the laws of the United States or of the state where the examination is held. Each deposition shall show the Board's docket number and style of the proceeding, the place and date of taking, the name of the deponent and the names of all persons present. The person taking the deposition shall certify thereon that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness.

(c) Depositions may be taken upon oral examinations or upon written interrogatories.

**§ 5–60.209 Discovery.**

(a) Upon written motion filed with the Board, appellant may move for access to official records in the custody of the General Services Administration for the inspection or production of records, not privileged, which constitute or contain evidence regarding any matter which is relevant to the subject matter involved in the appeal.

(b) The motion shall identify with reasonable particularity the document desired and in what respect it is relevant to the issues of the case in terms of discovery. No record furnished in response to a motion shall become evidence until offered and received in evidence. Motions for an order of discovery shall be filed with the Board prior to oral hearing.

(c) Privileged records are those (1) relating solely to internal management, (2) confidential by law, (3) security classified, and (4) whose release is otherwise not in the public interest.

(d) Records, as used in this subpart, include, but are not limited to, documents, papers, books, and letters.

**§ 5–60.210 Conferences.**

(a) The Board may, upon the request of either party, or in its own discretion, arrange for the holding of a conference at a time and place specified by the Board to consider the following:

(1) Simplification of the issues.

(2) Possibility of obtaining stipulations, admissions of fact, and agreement respecting the introduction of documents.

(3) Limitation of the number of expert witnesses.

(4) Such other matters as may facilitate disposition of the appeal.

(b) A memorandum report by the Board member who conducted the conference shall be included in the appeal file.

**§ 5–60.211 Submission without a hearing.**

Where neither party desires a hearing, and the Board does not require one, the Board's decision will be based upon the available record as furnished by the parties.

**§ 5–60.212 Hearings.**

The Board shall grant a hearing at the request of either party, or in its own discretion may order that a hearing be held. The parties will be given a minimum of 15 days' notice in writing of the time and place of the hearing. Unless there is substantial justification shown for holding the hearing elsewhere, it will be held in the General Services Building, Washington, D.C. The hearing will be presided over by a designated member of the Board panel which is to render the decision.

**§ 5–60.213 Absence of a party from hearing.**

The unexcused absence of a party or his authorized representative at the time and place set for the hearing will not be the occasion for delay of the hearing. In such event, the hearing will proceed and the case will be regarded as submitted on the record by the absent party.

**§ 5–60.214 Nature of hearings.**

Hearings will be as informal as reasonably permissible, and will seek to provide the Board with the pertinent facts and the positions of the parties as a basis for the Board's decision or recommendation. The parties may offer such relevant evidence or argument as they deem appropriate, subject, however, to the exercise of reasonable discretion by the presiding member of the Board in supervising the extent and manner of presenting such evidence. The weight to be attached to any evidence presented will be determined by the Board.

**§ 5–60.215 Examination of witnesses.**

Witnesses will not be required to testify under oath. However, if circumstances so warrant, the presiding Board member may warn the witness that his statements may be subject to the provisions of Title 18, U.S.C. secs. 287, 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

**§ 5–60.216 Post-hearing submissions.**

(a) Either party may submit, or at the direction of the Board shall submit, a brief or memorandum to be filed within a period of time, not to exceed 30 days, to be fixed by the presiding Board member. The other party will be afforded opportunity for rebuttal within a similar time limitation to be established as aforesaid. In appropriate cases, the Board may direct the filing of simultaneous briefs within a period of time to be designated by the presiding Board member.

(b) Each party will furnish the Board with a copy of his posthearing submission, serve the other party with a copy thereof, and give the Board due notice of such service. The Board thereupon will consider the appeal submitted for decision unless the Board, in its own discretion, or in response to a request from either party, should decide that a further development of the issues is necessary.

**§ 5–60.217 Transcripts of proceedings.**

Hearings shall be reported verbatim unless the Board orders otherwise. Copies of transcripts of proceedings can be obtained by appellants by ordering same from the public reporter and paying the cost thereof. Copies of such transcripts will be made available by the Board to the General Services Administration, and to other interested Government agencies upon their request.

**§ 5–60.218 Submission of additional information at Board's request.**

The Board may, at any stage of an appeal proceeding, request either party to furnish any information the Board deems necessary or desirable in connection with its consideration of the appeal. Submission thereof shall be made within a time limit to be specified by the Board.

**§ 5–60.219 Copies of documents.**

(a) Copies of documents will be accepted in evidence in lieu of submission of original documents where such submission is not practicable. After a decision has become final, any documents not needed for the appeal file will be returned to the parties upon request.

(b) All documents presented at any stage of an appeal, except for the notice of appeal and its supporting brief, if any, must be submitted in triplicate, including, specifically, documents offered in evidence at a hearing.

**§ 5–60.220 Decisions.**

(a) The Board's decision will be made in writing. The appellant will be furnished a copy of such decision by letter sent certified mail, return receipt requested, to appellant's last address of record. Copies of the decision will also be sent to appropriate officials of the General Services Administration.

(b) In certain instances, where circumstances warrant, the decisions of the Board will be in summary form. In those instances where the Administrator of General Services has reserved the right to make the decision on the appeal, the appellant will be notified thereof by letter signed by the Administrator.

**§ 5–60.221 Optional accelerated procedure for cases involving sums not in excess of $5,000.**

(a) An appeal involving sums not in excess of $5,000 shall be handled under this rule at the written request of either party, subject to the concurrence of the other party.

(b) The appeal will be decided on the basis of the available record as furnished by the parties unless a hearing has been requested by either party, or unless the Board orders a hearing.

(c) The appeal shall be decided by the chairman of the panel to which the appeal has been assigned. For this purpose, the chairman of the panel is vested with all the authority and power of the full Board to hear, consider, and decide the appeal. At the discretion of the panel chairman, the panel shall participate in the decision.

(d) Under this accelerated procedure the decision will be issued on an expedited basis, without regard to its normal position on the docket, and will be rendered in summary form unless other action appears indicated.

**§ 5–60.222 Reconsideration of decisions.**

A request for reconsideration of a decision may be filed in writing with the Board by either party within 30 days after the date of receipt of a copy of such decision. This filing requirement means that the request for reconsideration must actually be delivered to and be on file with the Board on or before the expiration of such 30-day period. Such a request will be considered if based upon (a) newly discovered evidence, or (b) a point of law, and must set forth specifically the grounds relied upon to sustain same. Either party may ask permission to present oral argument in support of his request, but such argument will be heard by the Board only in those cases in which three members of the Board agree that this should be done.

**§ 5–60.223 Extensions of time.**

The Board may grant time extensions except with respect to the filing of a notice of appeal and the filing of a request for reconsideration, respectively.

**§ 5–60.224 Payment of claims.**

In cases where the Board finds in favor of the appellant, claims shall not be paid by the Office of Data and Financial Management, OFA, General Services Administration, before 30 days after the date of the Board's decision unless, prior thereto, the Director of Data and Financial Management is notified that the Government does not intend to request reconsideration of the appeal. If the Government requests reconsideration, payment shall be withheld pending the Board's final ruling on the matters involved in such request.

*Effective Date.* November 2, 1964.

Dated: October 29, 1964.

LAWSON B. KNOTT, JR.,
*Acting Administrator*
*of General Services.*

[F.R. Doc. 64–11243; Filed, Nov. 3, 1964; 8:47 a.m.]



# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 15565; FCC 64–982]

## PART 89—PUBLIC SAFETY RADIO SERVICES

### Power and Antenna Height Limitations

*Report and order.* 1. The Commission issued a notice of proposed rule making in the above-entitled matter which was duly published in the FEDERAL REGISTER (July 22, 1964, 29 F.R. 9044) inviting comments in favor of or in opposition to the amendment proposed therein. The date for submitting such comments has passed, and all those which were timely filed have been considered by the Commission in reaching its determinations set forth below.

2. Section 89.259(g)(5) of the Commission's rules limits both the power and antenna height on thirty-five of the fifty-seven frequencies in the 152–162 Mc/s band allocated to the Local Government Radio Service. Paragraph (g)(5) reads as follows:

"The power which may be used for operation on these frequencies may not exceed 180 watts plate input power to the final radio frequency stage and the antenna height may not exceed 50 feet above ground level at the antenna location."

3. The proposal to delete the power and antenna height limitations contained in § 89.259(g)(5) was supported by those submitting comments.[1] It was agreed by all those commenting that the proposed change would, if adopted, promote a more efficient utilization of frequencies assigned to the Local Government Radio Service. It was also pointed out in the comments that the proposed change would assist the various coordinating committees which frequently in the past have had difficulty finding a suitable frequency for a Local Government system because of the limitations.

4. Since Part 89 of the Commission's Rules has recently been amended (1) to permit Local Government applicants to follow the Frequency Advisory Committee procedure, and (2) to require all applicants to specify the actual minimum power and antenna height required for satisfactory operation, the limitations contained in § 89.259(g)(5) are no longer needed. Furthermore, they only serve as an impediment to the optimum utilization of the frequencies involved. Therefore, the limitations are being deleted as proposed.

5. In view of the foregoing: *It is ordered,* That pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as Amended, Part 89 of the Commission's rules is amended as set forth below.

*It is further ordered,* That this amendment is effective December 7, 1964.

Adopted: October 28, 1964.

Released: October 30, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
*Secretary.*

Part 89 of the Commission's rules is amended as follows:

In § 89.259, the frequency table in paragraph (f) is amended by the deletion of limitation designator 5 wherever it appears in the third column, and the text of paragraph (g)(5) is deleted and the word "[Reserved]" is inserted in lieu thereof as follows:

**§ 89.259 Frequencies available to the Local Government Radio Service.**

* * * * * * *

(g) * * *

(5) [Reserved]

* * * * * * *

(Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303)

[F.R. Doc. 64–11270; Filed, Nov. 3, 1964; 8:49 a.m.]

[1] The California State Communications Advisory Board. The City of San Diego. International Municipal Signal Association. International Association of Fire Chiefs.

[2] Commissioner Bartley absent.

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 32—HUNTING

### Noxubee National Wildlife Refuge, Mississippi

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.32 Special regulations; big game; for individual wildlife refuge areas.**

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Noxubee National Wildlife Refuge, Mississippi, is permitted only on the area designated by signs as open to hunting. This open area, comprising 42,930 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) The open season for hunting deer on the refuge is from November 20 through November 28, 1964; and from December 26, 1964, through January 2, 1965, excluding Sundays.

(2) Only bucks with antlers over 4" long may be taken during the first hunt period from November 20 to November 28. During the second hunt period starting December 26, deer of either sex may be taken until 400 antlerless deer have been killed, after which only bucks with antlers over 4" long may be taken. A total kill quota of 800 deer is established. If this quota is reached during the above open seasons, the refuge hunt will be terminated.

(3) Any type gun may be used except .22 caliber rifles and shotguns smaller than 20 gauge. Shells with buckshot smaller than No. 1 prohibited. Long bows permitted.

(4) The use of dogs is not permitted.

(5) All deer killed must be checked at one of the designated check stations and all antlerless deer must be tagged before successful hunters leave the refuge.

The provisions of this special regulation supplement the regulations which

govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 2, 1965.

W. L. TOWNS,
*Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

[F.R. Doc. 64-11244; Filed, Nov. 3, 1964; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 1005 ]

[Docket No. AO-177-A23]

### MILK IN TRI-STATE MARKETING AREA

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Daniel Boone Hotel, Washington and Capitol Streets, Charleston, W. Va., beginning at 10:00 a.m., on November 13, 1964, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Tri-State marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Dairymen's Cooperative Sales Association, Huntington Interstate Milk Producers' Association and Southeastern Ohio Cooperative Dairy Sales Association:

*Proposal No. 1.* Amend § 1005.51 to provide for an addition to the Class I price of 25 cents per hundredweight for December 1964 through March 1965.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, P.O. Box 33, 19 Locust Street, Gallipolis, Ohio, 45631, or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on October 29, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64-11238; Filed, Nov. 3, 1964; 8:47 a.m.]

[ 7 CFR Part 1101 ]

### MILK IN KNOXVILLE, TENN., MARKETING AREA

### Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the Knoxville, Tennessee, marketing area is being considered.

The provision proposed to be suspended is: In § 1101.12 (a) and (b) the language, "(a) any day during the months of March through August, or (b) on not more than 10 days during the month in any other months of the year," relating to the 10-day limit on diverting the milk of any producer in each of the months of September through February.

The proposed suspension would enable handlers to divert unlimited excess milk supplies to manufacturing outlets during all months of the year without causing any producer to lose his status as a producer under the order or to lose credit in the computation of his base on his milk deliveries during the months of September through February.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, not later than three days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in duplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on October 29, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64-11239; Filed, Nov. 3, 1964; 8:47 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-56]

### CONTROL ZONE AND TRANSITION AREA

### Proposed Designation and Alteration

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to designate controlled airspace at Kearney, Nebr.

Having completed a comprehensive review of airspace requirements at Kearney, Nebr., the Federal Aviation Agency proposes to establish a control zone and a transition area at Kearney, Nebr.

The proposed Kearney control zone would be designated to comprise that airspace within a 5-mile radius of the Kearney Municipal Airport (latitude 40°43'36" N., longitude 99°00'31" W.), and within 2 miles each side of the Kearney VOR 192° radial extending from the 5-mile radius zone to a point 8 miles S of the VOR, and within 2 miles each side of the Kearney VOR 343° radial extending from the 5-mile radius zone to a point 8 miles NW of the VOR, and within 2 miles each side of the Kearney VOR 360° radial extending from the 5-mile radius zone to a point 14 miles N of the VOR. The control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Guide.

The proposed transition area would be designated to comprise that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Kearney Municipal Airport (latitude 40°-43'36" N., longitude 99°00'31" W.), and within 5 miles E and 8 miles W of the Kearney VOR 192° radial extending from the VOR to a point 12 miles S, and within 5 miles E and 8 miles W of the Kearney VOR 343° radial extending from the VOR to a point 12 miles N, and within 5 miles E and 8 miles W of the Kearney VOR 360° radial extending from the VOR to a point 18 miles N.

Kearney Municipal Airport, Kearney, Nebr., meets the communications, navigation aid, and instrument approach criteria for the establishment of a control zone. The designated control zone and control zone extensions would provide protection for aircraft executing prescribed arrival and departure procedures at the Kearney Municipal Airport during the hours of operation of the weather reporting service to be provided by duly certificated personnel of Frontier Airlines and the Nebraska State Weather Bureau. The normal hours for the taking of these weather observations and the dissemination of this information are from 0700 hours to 2200 hours local time daily. However, in the case of airline schedule changes, these hours may be changed. Normally, 30 days notice will be given in case of change. Notice of the change will be given by Notice to Airmen and published in the Airman's Guide.

A public instrument approach procedure is to be established at this location. The proposed transition area would provide protection for aircraft executing prescribed instrument approach procedures, departure procedures, and holding at the Kearney Municipal Airport.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined

by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 23, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64-11221; Filed, Nov. 3, 1964; 8:46 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-SO-19]

## CONTROL ZONE AND TRANSITION AREA

### Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter the control zone at Columbus, Georgia (Lawson AAF) and the Columbus, Georgia, transition area.

The Columbus, Ga. (Lawson AAF) control zone is presently designated within a 5-mile radius of Lawson AAF (latitude 32°20'20" N., longitude 84°-59'35" W.); within 2 miles each side of the Lawson AAF VOR 021° radial, extending from the 5-mile radius zone to 5.5 miles N of the airport; within 2 miles each side of the Lawson VOR 206° radial, extending from the 5-mile radius zone to 8 miles SW of the Columbus RBn; and within 2 miles each side of the Lawson VOR 341° radial, extending from the 5-mile radius zone to 6 miles N of the airport, excluding the portion within R-3002.

The Columbus, Ga., transition area is presently designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Muscogee County Airport, Columbus, Ga. (latitude 32°30'55" N., longitude 84°-56'25" W.); within 2 miles each side of the Columbus VOR 329° and 149° radials, extending from the Muscogee County Airport 7-mile radius area to 8 miles NW of the VOR; within a 9-mile radius of Lawson AAF, Columbus, Ga. (latitude 32°20'20" N., longitude 84°59'35" W.); within 2 miles each side of the 204° bearing from the Columbus RBn, extending from the Lawson AAF 9-mile radius area to 8 miles SW of the RBn; and that airspace extending upward from 1,200 feet above the surface bounded on the NE by the arc of a 50-mile radius circle centered at the Atlanta, Georgia Municipal Airport (latitude 33°38'42" N., longitude 84°25'37" W.), on the E by V-97, on the S by V-56, and on the NW by V-20; that airspace W of Lawson AAF bounded by a line beginning at latitude 32°06'55" N., longitude 84°48'25" W., clockwise around the arc of a 19-mile radius circle centered at Lawson AAF to latitude 32°37'00" N., longitude 85°-01'03" W., to point of beginning; and within 8 miles SW and 5 miles NE of the Columbus VOR 329° radial, extending from the VOR to 12 miles NW, excluding the portions within R-3002.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Columbus, Ga., terminal area, proposes the airspace actions hereinafter set forth.

1. The Columbus, Ga. (Lawson AAF), control zone would be redesignated within a 5-mile radius of Lawson AAF (latitude 32°20'20" N., longitude 84°59'35" W.); within 2 miles each side of the Lawson AAF VOR 021° radial, extending from the 5-mile radius zone to 5.5 miles N of the airport; within 2 miles each side of the Lawson AAF VOR 209° radial, extending from the 5-mile radius zone to 5.5 miles SW of the Columbus RBn; within 2 miles each side of the Lawson AAF VOR 341° radial, extending from the 5-mile radius zone to 6 miles N of the airport; within 2 miles each side of the 214° bearing from the Columbus RBn, extending from the 5-mile radius zone to 5.5 miles SW of the RBn, excluding that portion within R-3002.

2. The Columbus, Ga., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Muscogee County Airport (latitude 32°30'55" N., longitude 84°56'25" W.); within a 9-mile radius of Lawson AAF (latitude 32°20'20" N., longitude 84°-59'35" W.); within 8 miles W and 5 miles E of the Columbus VOR 329° and 149° radials, extending from the 7-mile and 9-mile radius areas to 12 miles NW of the VOR; within 2 miles each side of the 214° bearing from the Columbus RBn, extending from the 9-mile radius area to 8 miles SW of the RBn; within 2 miles each side of the Lawson AAF VOR 209° radial, extending from the Lawson 9-mile radius area to 8 miles SW of the Columbus RBn; and that airspace extending upward from 1200 feet above the surface bounded on the NE by the arc of a 50-mile radius circle centered at the Atlanta (Georgia) Airport (latitude 33°38'42" N., longitude 84°-25'37" W.), on the E by V-97, on the S by V-56 and the arc of a 26-mile circle centered at Lawson AAF (latitude 32°-20'20" N., longitude 84°59'35" W.) and on the NW by V-20; and that airspace west of longitude 84°45'00" W. within a 26-mile radius of Lawson AAF; excluding the portions within R-3002.

The floors of airways which traverse the transition areas proposed herein would automatically coincide with the floors of the transition area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be adversely affected.

Specific details of the changes to minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southern Region, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on October 19, 1964.

PAUL H. BOATMAN,
*Acting Director, Southern Region.*

[F.R. Doc. 64-11222; Filed, Nov. 3, 1964; 8:46 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-SW-52]

## CONTROL ZONES, TRANSITION AREAS AND CONTROL AREA EXTENSION

### Proposed Alteration, Designation and Revocation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Lubbock, Tex., terminal area.

The following controlled airspace is presently designated in the Lubbock, Tex., terminal area:

1. The Lubbock, Tex., control zone is designated as that airspace within a 5-mile radius of Lubbock Municipal Airport (latitude 33°39'35" N., longitude 101°49'41" W.); within a 5-mile radius of Reese AFB, Lubbock, Tex.; within 2 miles either side of the Lubbock RR E course, extending from Lubbock 5-mile radius zone to the RR; within 2 miles either side of the Lubbock RR N course, extending from the Reese 5-mile radius zone to 8 miles N of the RR; within 2 miles either side of the Lubbock VORTAC 302° and 122° radials, extending from the Lubbock 5-mile radius zone to 10 miles NW of the VORTAC and within 2 miles either side of the 180° bearing from the Lubbock LOM extending from the Lubbock 5-mile radius zone to the LOM.

2. The Plainview, Tex., control zone is designated as that airspace within a 3-mile radius of the Hale County Airport, Plainview, Tex. (latitude 34°10'10" N., longitude 101°43'00" W.) and within 2 miles each side of the Plainview VOR 034° radial, extending from the 3-mile radius zone to the VOR, from 0600 to 2200 hours local time, daily.

3. The Altus, Okla., control area extension is designated as that airspace bounded on the NE by V-17, on the SE by V-77, on the S by V-102, on the W by V-14 from Lubbock, Tex., to Childress, Tex., and V-114, from Childress, Tex., to Amarillo, Tex., and on the NW by V-12 excluding the portion of this control area extension which coincides with R-5601.

4. The Abilene, Tex., control area extension is designated as that airspace within a 35-mile radius of the Abilene VOR, the airspace N of Abilene bounded on the E by V-77, on the N by V-278 E of Guthrie, Tex., VOR and V-102 W of Guthrie VOR, on the SW by a line 5 miles NE of the Lubbock VOR 101° and the Abilene VOR 327° radials; the airspace NW of Abilene within 8 miles W of the Abilene VOR 344° radial extending from the VOR to 46 miles NW; the airspace SE, S and SW of Abilene bounded on the N by V-94, on the E by V-163, on the S by V-76 N and on the SW by V-76, excluding the portion that coincides with the arc of a 35-mile radius circle centered on the San Angelo, Tex., VOR and on the NW by V-66, and including the airspace W of Abilene within 8 miles N and 12 miles S of the Abilene VOR 266° radial extending from the VOR to the arc of a 35-mile radius circle centered on the Big Spring, Tex., VOR.

5. The Lubbock, Tex., control area extension is designated as that airspace within a 25-mile radius of the Lubbock RR in the SW, NW and NE quadrants of the RR and within a 40-mile radius of the RR in the SE quadrant of the RR; within 12 miles N and 8 miles S of the Lubbock VORTAC 277° radial extending from the Lubbock VORTAC to 48 miles W; within 12 miles NW and 8 miles SE of the Lubbock VORTAC 261° radial extending from the Lubbock VORTAC to 52 miles SW and within 12 miles E and 12 miles W of the Lubbock VORTAC 008° radial extending from the Lubbock VORTAC to 51 miles N.

6. The Big Spring, Tex., control area extension is designated as that airspace within a 35-mile radius of the Big Spring VOR; the airspace NW of Big Spring bounded on the NE by V-76 and on the W by V-81 and V-76; including the airspace N of Big Spring within 12 miles W and 12 miles E of the Webb AFB TACAN 014° radial extending from the 35-mile radius area to 61 miles N of the TACAN. The portion of this control area extension which coincides with R-6309 shall be used only after obtaining prior approval from the appropriate authority.

7. The Matador, Tex., transition area is designated as that airspace extending upward from 1,200 feet above the surface within 9 miles NW and 6 miles SE of the Childress, Tex., VOR 244° radial, extending from 8 miles SW to 19 miles NE of the Matador INT (INT of Childress VOR 244° and Guthrie, Tex., VOR 293° radials), and within 9 miles SE and 6 miles NW of the Childress VOR 244° radial, extending from 8 miles NE to 19 miles SW of the Matador INT.

8. The Plainview, Tex., transition area is designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hale County Airport, Plainview, Tex. (latitude 34°10'10" N., longitude 101°43'00" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the Plainview VOR 354° and 174° radials, extending from 7 miles S to 13 miles N of the VOR; within 8 miles SE and 5 miles NW of the Plainview VOR 214° and 034° radials, extending from 7 miles NE to 13 miles SW of the VOR; and within 8 miles W and 5 miles E of the Plainview VOR 006° and 186° radials, extending from 7 miles S to 13 miles N of the VOR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Lubbock, Tex., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, proposes the following airspace actions:

1. Redesignate the Lubbock, Tex., control zone as that airspace within a 5-mile radius of Lubbock, Tex., Municipal Airport (latitude 33°39'33" N., longitude 101°49'41" W.); within 2 miles each side of the Lubbock VORTAC 122° radial extending from the Lubbock 5-mile radius zone to the VORTAC; within 2 miles each side of the Lubbock VORTAC 124° radial extending from the Lubbock 5-mile radius zone to 11.5 miles SE of the VORTAC; within 2 miles each side of the 086° bearing from the Lubbock RR extending from the Lubbock 5-mile radius zone to one mile E of the RR, and within 2 miles each side of the Lubbock ILS localizer N course extending from the 5-mile radius zone to the OM.

2. Designate the Reese AFB, Tex., control zone as that airspace within a 5-mile radius of Reese AFB, Tex. (latitude 33°35'56" N., longitude 102°02'36" W.); within 2 miles each side of the Lubbock VORTAC 277° radial extending from the Reese AFB 5-mile radius zone to the VORTAC, within 2 miles each side of the Reese AFB TACAN 013° radial extending from the Reese AFB 5-mile radius zone to 6.5 miles N of the TACAN, within 2 miles N of the TACAN, and within 2 miles localizer N course extending from the Reese AFB 5-mile radius zone to 6.5 miles N of the TACAN and within 2 miles each side of the Reese AFB TACAN 168° radial extending from the 5-mile radius zone to 5.5 miles S of Reese AFB, excluding that portion which lies within the Lubbock Municipal Airport control zone. This control zone would be effective during the dates and times established in advance by the publication of Special Notices in the Airman's Guide.

3. Revoke the Matador, Tex., transition area.

4. Revoke the Lubbock, Tex., control area extension.

5. Designate the Lubbock transition area as that airspace extending upward from 700 feet above the surface within a 20-mile radius of latitude 33°42'15" N., longitude 101°54'45" W.; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 34°40'00" N., longitude 102°18'00" W.; to latitude 34°40'00" N., longitude 100°45'00" W.; to latitude 34°05'00" N., longitude 101°07'00" W.; to latitude 33°43'00" N., longitude 100°49'00" W.; to latitude 33°12'00" N., longitude 100°35'00" W.; to latitude 33°11'00" N., longitude 101°07'00" W.; to latitude 32°59'00" N., longitude 102°43'30" W.; to latitude 33°09'30" N., longitude 103°01'00" W.; to latitude 33°30'00" N., longitude 103°30'00" W.; to latitude 34°22'00" N., longitude 102°22'00" W.; to point of beginning; excluding that airspace within the Childress, Tex., transition area.

6. Redesignate the Plainview, Tex., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hale County Airport, Plainview, Tex. (latitude 34°10'10" N., longitude 101°43'00" W.).

The floors of the airways and the portions of control area extensions that would traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas. The Altus, Abilene and Big Spring control area extensions will be revoked at a later date as a part of the CAR Amendments 60-21/60-29 program proposed for terminal areas which adjoin the Lubbock terminal area.

The Lubbock control zone is presently designated for the protection of aircraft executing prescribed instrument approach and departure procedures at the Lubbock Municipal Airport and the Reese AFB. It has been determined that improved air traffic control service can be provided by designating separate control zones at the Lubbock Municipal Airport and Reese AFB. The Reese AFB control zone would be part-time since communications and weather services are not available on a full-time basis. The hours of designation of the Reese

AFB control zone would be published in the Airman's Guide. This is necessary to allow for minor variations in the time of designation as dictated by military training activities conducted at Reese AFB.

The proposed designation of the 1,200 foot floor portion of the Lubbock transition area and the revocation of the Lubbock control area extension would raise the floor of controlled airspace beyond the immediate vicinity of the Lubbock Municipal, Reese AFB, and Hale County Airports from 700 to 1,200 feet above the surface, yet the transition areas proposed would provide protection for aircraft executing prescribed instrument holding, arrival and departure procedures within the Lubbock terminal area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Fort Worth, Texas.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on October 26, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-11223; Filed, Nov. 3, 1964; 8:46 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 65-SW-124]

## CONTROL ZONE AND TRANSITION AREAS

### Proposed Alteration and Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Tulsa, Okla., terminal area.

The following controlled airspace is presently designated in the Tulsa, Okla., terminal area:

1. The Tulsa, Okla., control zone is designated as that airspace within a 5-mile radius of Tulsa Municipal Airport (latitude 36°12'01" N., longitude 95°53'-15" W.); within 2 miles either side of the Tulsa ILS localizer N course extending from the 5-mile radius zone to the Owasso, Okla., RBn; within 2 miles either side of the Tulsa VORTAC 268° radial extending from the 5-mile radius zone to the VORTAC, and within 2 miles either side of the ILS localizer S course extending from the 5-mile radius zone to the OM.

2. The Tulsa, Okla., control area extension is designated as that airspace within a 25-mile radius of latitude 36°12'55" N., longitude 95°51'31" W.; that airspace SW of Tulsa bounded on the NW by V-14, on the SE by V-15 and on the SW by V-163; that airspace S of Tulsa bounded on the W and NW by V-15, on the E and SE by a line 5 miles E of and parallel to the McAlester, Okla., VORTAC 008° radial extending from the S boundary of V-74 to the McAlester VORTAC, on E and SE by a line 5 miles E of and parallel to a direct line extending between the McAlester VORTAC and the Dallas, Tex., VORTAC, and on the S by the Sherman, Tex., Perrin AFB control area extension.

3. The Bartlesville, Okla., control area extension is designated as that airspace within a 20-mile radius of the Phillips Airport, Bartlesville, Okla. (latitude 36°45'46" N., longitude 96°00'30" W.).

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Tulsa, Okla., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, proposes the following airspace actions:

1. Redesignate the Tulsa, Okla., control zone as that airspace within a 5-mile radius of the Tulsa International Airport (latitude 36°12'00" N., longitude 95°53'15" W.); within 2 miles each side of the Tulsa ILS localizer N course extending from the 5-mile radius zone to 1 mile S of the OM, within 2 miles each side of the Tulsa ILS localizer S course extending from the 5-mile radius zone to 1 mile N of the OM, and within 2 miles each side of the Tulsa VORTAC 268° radial extending from the 5-mile radius zone to the VORTAC.

2. Designate the Tulsa, Okla., transition area as that airspace extending upward from 700 feet above the surface within a 9-mile radius of Tulsa, Okla., International Airport (latitude 36°12'00" N., longitude 95°53'15" W.); within 8 miles W and 5 miles E of the Tulsa ILS localizer N course extending from the OM to 12 miles N, and within 8 miles N and 5 miles S of the Tulsa VORTAC 088° radial extending from the 9-mile radius area to 12 miles E of the VORTAC; that airspace extending upward from 1200 feet above the surface within an area bounded by a line beginning at latitude 36°40'00" N., longitude 96°00'-00" W., to latitude 36°53'00" N., longitude 95°47'00" W., to latitude 36°48'00" N., longitude 95°30'00" W., to latitude 36°55'00" N., longitude 95°05'00" W., to latitude 36°24'00" N., longitude 94°-30'00" W., to latitude 36°12'00" N., longitude 94°28'00" W., to latitude 35°-46'00" N., longitude 95°06'30" W., to latitude 35°46'00" N., longitude 95°30'-00" W., to latitude 35°11'00" N., longitude 95°55'00" W., thence W along latitude 35°11'00" N., to and counterclockwise along the arc of a 57-mile radius circle centered at latitude 35°25'-50" N., longitude 97°35'10" W., to longitude 97°18'20" W., to point of beginning.

3. Designate the Okmulgee, Okla., transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Okmulgee, Okla., airport (latitude 35° 39'45" N., longitude 95°56'45" W.); and within 8 miles S and 5 miles N of the Okmulgee VOR 068° radial extending from the VOR to 12 miles E.

The floors of the airways and the portions of the Tulsa and Bartlesville control area extensions that would traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

The proposed alteration of the Tulsa control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Tulsa International Airport.

The proposed designation of the 1,200 foot floor portion of the Tulsa transition area would raise the floor of the controlled airspace beyond the immediate vicinity of Tulsa International and Okmulgee Airports from 700 to 1,200 feet above the surface, yet the transition areas proposed would provide protection for aircraft executing instrument holding, arrival and departure procedures within the Tulsa terminal area.

The revocation of the Tulsa and Bartlesville control area extensions will be accomplished at a later date as a part of the CAR Amendments 60-21/60-29 program proposed for the terminal areas which adjoin the Tulsa terminal area. A part-time control zone is proposed to be designated at Riverside Airport, Tulsa, Okla., in Airspace Docket No. 64-SW-45.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Fort Worth, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on October 27, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-11224; Filed, Nov. 3, 1964; 8:46 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-WE-59]

## CONTROL ZONE

### Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter the Palmdale, Calif., Control Zone.

The Palmdale, Calif., control zone is presently designated within a 5-mile radius of AF Plant No. 42, Palmdale, Calif. (latitude 34°37'45" N., longitude 118°04'54" W.), and within 2 miles either side of the Palmdale VOR 232° radial extending from the 5-mile radius zone to the VOR.

The Federal Aviation Agency proposes to redesignate the Palmdale, Calif., control zone within a 5-mile radius of AF Plant No. 42, Palmdale, California (latitude 34°37'45" N., longitude 118°04'54" W.); within 2 miles each side of the Palmdale VORTAC 045° True radial, extending from the 5-mile radius zone to 9 miles northeast of the VORTAC and within 2 miles each side of the Palmdale VORTAC 079° True radial, extending from the 5-mile radius zone to 5 miles east of the VORTAC.

The Palmdale VOR was relocated to latitude 34°37'52" N., longitude 118°03'-47" W., converted to a VORTAC facility and commissioned on August 20, 1964. Relocation and conversion of this facility required changes in instrument approach procedures and the controlled airspace proposed herein would provide protection to aircraft executing prescribed instrument procedures.

This proposal was circularized to the public for informal comment by the Los Angeles Area Office on July 1, 1964, as Case 64-LAX-17.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time; but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. A copy of the docket will also be available for examination at the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90009.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on October 7, 1964.

JOSEPH H. TIPPETS,
*Director, Western Region.*

[F.R. Doc. 64-11225; Filed, Nov. 3, 1964; 8:46 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-SW-49]

## TRANSITION AREA

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Pecos, Tex., terminal area.

The following controlled airspace is presently designated in the Pecos, Tex., terminal area:

The Wink, Tex., transition area is designated as that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 31°33'40" N., longitude 102°59'10" W.; to latitude 31°26'-20" N., longitude 103°01'00" W.; to latitude 31°26'30" N., longitude 103°29'30" W; to latitude 32°00'00" N., longitude 103°29'30" W; to latitude 32°06'45" N., longitude 103°07'50" W.; to latitude 32°-04'50" N., longitude 102°58'00" W.; to latitude 31°34'20" N., longitude 103°03'-45" W.; to point of beginning.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Pecos, Tex., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, proposes the following airspace actions:

Designate the Pecos transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Pecos, Tex., Municipal Airport (latitude 31°23'45" N., longitude 103°-30'50" W.); and within 2 miles each side of the Pecos VOR 146° radial, extending from the 6-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 31°40'00" N., longitude 103°29'30" W., to latitude 31°40'00" N., longitude 103°29'30" W., to latitude 31°40'00" N., longitude 103°48'00" W., to latitude 31°-09'00" N., longitude 103°48'00" W., to latitude 31°09'00" N., longitude 103°16'-00" W., to latitude 31°30'00" N., longitude 103°16'00" W., to latitude 31°30'00" N., longitude 103°29'30" W., to point of beginning; excluding the portion of the 1,200 foot transition area within the Wink, Tex., transition area.

The floors of the airways and the Wink transition area that would traverse the transition area proposed herein would automatically coincide with the floor of the transition area.

The proposed Pecos transition area would provide protection for aircraft executing instrument approach, holding, and departure procedures within the Pecos terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal Docket will also be available for examination at

the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on October 26, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-11226; Filed, Nov. 3, 1964; 8:46 a.m.]

## [ 14 CFR Part 75 [New] ]

[Airspace Docket No. 64-WA-65]

### JET ROUTE

### Proposed Designation

The Federal Aviation Agency is considering amendments to Part 75 [New] of the Federal Aviation Regulations which would designate a jet route from Los Angeles, Calif., via existing Jet Route No. 64 to Tuba City, Ariz., thence direct Gunnison, Colo., direct to Denver, Colo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received within 45 days will be considered by the Administrator before taking action on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

Designation of the proposed route would provide an additional route between Los Angeles and Denver which would be 24 miles shorter than the existing routing of jet routes numbers 64 and 10. The proposed route also could be used when unfavorable meteorological conditions prevail on the existing routing of J-60.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 27, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11227; Filed, Nov. 3, 1964; 8:47 a.m.]

## [ 14 CFR Part 75 [New] ]

[Airspace Docket No. 64-WA-66]

### JET ROUTE

### Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 75 [New] of the Federal Aviation Regulations which would realign Jet Route No. 67 via the direct radial between Newberg, Oreg., and Lakeview, Oreg.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received within 45 days will be considered by the Administrator before taking action on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

The realignment of J-67 via the direct radial between Newberg and Lakeview would reduce the present distance between these two points by 6 miles.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 27, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11228; Filed, Nov. 3, 1964; 8:47 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Part 73 ]

[Docket No. 15598]

### TELEVISION BROADCAST STATIONS

### Proposed Table of Channel Assignments for Harrisburg, Pa.; Order Extending Time

1. In the Report and Order herein (FCC 64-906, released October 2, 1964) the Commission amended § 73.606 of its rules, and terminated the proceeding except that Hudson Broadcasting Corporation, former permittee on Channel 33 at Harrisburg, would be afforded an opportunity to submit a brief and any further data it desired concerning arrangements between it and South Central Educational Broadcasting Council. Such additional material was to be submitted in 30 days.

2. Hudson Broadcasting Corporation has informally requested an extension of time to and including November 6, 1964, for making its additional submission. It appears that this slight extension is warranted.

3. In view of the foregoing: *It is ordered*, This 30th day of October 1964, that the time within which Hudson Broadcasting Corporation may make an additional submission concerning the matters mentioned above is extended, to and including November 6, 1964.

4. This action is taken pursuant to authority found in sections 4(i) and 303 (r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Released: October 30, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11271; Filed, Nov. 3, 1964; 8:49 a.m.]

# Notices

# DEPARTMENT OF THE TREASURY

## Bureau of Customs

[T.D. 56296]

### AMERICAN ZINC COMPANY OF ILLINOIS

### Notice of Qualification as Citizen of United States

OCTOBER 29, 1964.

This is to give notice that pursuant to § 3.21, Customs Regulations, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as amended by the Act of September 2, 1958 (46 U.S.C. 883-1), American Zinc Company of Illinois, 503 Blount Avenue, Knoxville, Tennessee, incorporated under the laws of the State of Maine, did on October 13, 1964, file with the Acting Commissioner of Customs, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in customs Form 1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Acting Commissioner of Customs, having found this oath to be in compliance with the law and regulations, on October 29, 1964, issued to American Zinc Company of Illinois a certificate of compliance on customs form 1262 as provided in § 3.21(i) of the regulations. The certificate and any authorization granted thereunder will expire three years from the date thereof unless there first occurs a change in the corporate status requiring a report under § 3.21(h) of the regulations.

[SEAL] LESTER D. JOHNSON,
*Acting Commissioner of Customs.*

[F.R. Doc. 64-11246; Filed, Nov. 3, 1964; 8:47 a.m.]

## Coast Guard

[CGFR 64-72]

### JAMES RIVER

### Closure to Navigation During Launching of "Lewis and Clark"

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and Executive Order 10173, as amended, by Executive Orders 10277 and 10352, I hereby affirm for publication in the FEDERAL REGISTER the order of O. C. Rohnke, Rear Admiral, United States Coast Guard, Commander, Fifth Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE JAMES RIVER

Pursuant to the request of the Commandant, Fifth Naval District, Norfolk, Virginia, and under the authority of Title II of the Espionage Act of June 15, 1917 (40 Stat. 220), as amended and Executive Order 10173, as amended, I declare that from 9:00 a.m. e.s.t. until 3:00 p.m. e.s.t. on Saturday the 21st day of November 1964 the following area is a prohibited area and I order that it be closed to any person or vessel due to the launching of "Lewis and Clark" (SSB(N) 644):

The waters of the James River, Norfolk-Newport News Harbor, Virginia, within the coordinates of latitude 36 degrees 59 minutes 34 seconds North, longitude 76 degrees 26 minutes 53 seconds West at the shoreline of Newport News at the foot of 52d Street, Newport News, to a point 500 yards offshore at latitude 36 degrees 59 minutes 27 seconds North, longitude 76 degrees 27 minutes 10 seconds West, thence southeasterly to a point latitude 36 degrees 58 minutes 43 seconds North, longitude 76 degrees 26 minutes 41 seconds West, 500 yards off the shoreline of Newport News at the foot of 32d Street, Newport News, and thence to a point at latitude 36 degrees 58 minutes 48 seconds North, longitude 76 degrees 26 minutes 27 seconds West at Newport News Shipbuilding Pier 8 Light (Light List 2786.5).

This prohibited area will be marked by two special purpose temporary buoys painted with orange and white horizontal bands.

No person or vessel may remain in or enter this prohibited area.

The Captain of the Port, Norfolk-Newport News Area, Virginia, shall enforce this order.

The Captain of the Port may be assisted by employees and facilities of any state or political subdivision thereof or any Federal Agency.

For violation of this order Title II of the Espionage Act of June 15, 1917 (40 Stat. 220), as amended, provides:

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be fined not more than $10,000 or imprisoned not more than two years, or both.

If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000.

Dated: October 27, 1964.

[SEAL] P. E. TRIMBLE,
*Rear Admiral, U.S. Coast Guard, Acting Commandant.*

[F.R. Doc. 64-11249; Filed, Nov. 3, 1964; 8:48 a.m.]

## Office of the Secretary

[Dept. Circular, Public Debt Series—No. 12-64]

### 4 PERCENT TREASURY NOTES OF SERIES D-1966

OCTOBER 29, 1964.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, subject to allotment, at par and accrued interest, from the people of the United States for notes of the United States, designated 4 percent Treasury Notes of Series D-1966. The amount of the offering under this circular is $9,250,000,000, or thereabouts. The following securities maturing November 15, 1964, will be accepted at par in payment or exchange, in whole or in part, for the notes subscribed for, to the extent such subscriptions are allotted by the Treasury:

4⅞ percent Treasury Notes of Series C-1964;
or
3¾ percent Treasury Notes of Series F-1964.

The books will be open only on November 2, 1964, for the receipt of subscriptions for this issue.

II. *Description of notes.* 1. The notes will be dated November 15, 1964, and will bear interest from that date at the rate of 4 percent per annum, payable semi-annually on May 15 and November 15, 1965, and on May 15, 1966. They will mature on May 15, 1966, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000, and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C., 20220. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 50 percent of the combined capital (not including capital notes or debentures), surplus and undivided profits of the subscribing bank. Subscriptions will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Federal Reserve Banks and Government Investment Accounts. Subscriptions from all others must be accompanied by payment (in cash or in securities of the two issues enumerated in paragraph 1 of Section I hereof, which will be accepted at par) of 2 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Registered notes submitted as deposits should be assigned as provided in section V hereof. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. All subscribers requesting registered notes will be required to furnish appropriate identifying numbers as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security number or an employer identification number.

3. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after midnight November 2, 1964.

4. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

5. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions from States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, Federal Reserve Banks and Government Investment Accounts will be allotted in full if the subscriber certifies in writing that at 4 p.m., Eastern Standard Time, October 28, 1964, it owned or had contracted to purchase for value securities of the two issues enumerated in paragraph 1 of Section I hereof in an aggregate amount equal to or greater than the amount of its subscription. If the certification is not made, none of such subscriber's subscription shall be subject to a preferred full allotment. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest,[1] if any, for notes allotted hereunder must be made or completed on or before November 16, 1964, or on later allotment. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number, as required by paragraph 2 of Section III hereof, has not been furnished; provided, however, if a subscriber has applied for but is unable to furnish the identifying number by the payment date only because it has not been issued, he may elect to receive, pending the furnishing of the identifying number, interim receipts and in this case payment will be deemed to have been completed. In every case where full payment is not completed, the payment with application up to 2 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment may be made for any notes allotted hereunder in cash or by exchange of securities of the two issues enumerated in paragraph 1 of section I hereof, which will be accepted at par. Where payment is made with notes in bearer form, coupons dated November 15, 1964, should be detached and cashed when due. In the case of registered notes, the final interest due on November 15, 1964, will be paid by check drawn in accordance with the assignments on the notes surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered notes.* 1. Treasury Notes of Series C–1964 and Series F–1964 in registered form tendered as deposits and in payment for notes allotted hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department, in one of the forms hereafter set forth. Notes tendered in payment should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C., 20220. The maturing notes must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for 4 percent Treasury Notes of Series D–1966"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for 4 percent Treasury Notes of Series D–1966 in the name of ----------"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 4 percent Treasury Notes of Series D–1966 in coupon form to be delivered to ----------."

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
*Secretary of the Treasury.*

[F.R. Doc. 64–11248; Filed, Nov. 3, 1964; 8:47 a.m.]

[1] Accrued interest from November 15 to November 16, 1964, will not be collected.

# DEPARTMENT OF JUSTICE

## Office of Alien Property

## JAN ARNOLDUS SCHOUTEN

### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Professor Dr. Jan Arnoldus Schouten, Bozenhof 56, Epe (Geld), The Netherlands; Claim No. 12265; Vesting Order No. 500A–97; $21.00 in the Treasury of the United States.

Executed at Washington, D.C., October 28, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 64–11200; Filed, Nov. 3, 1964; 8:45 a.m.]



# DEPARTMENT OF THE INTERIOR

## Office of the Secretary

## FORT SMITH NATIONAL HISTORIC SITE, ARKANSAS

### Designation of Certain Lands

Whereas Fort Smith, established in 1817 on La Belle Point, Arkansas, at the confluence of the Arkansas and Poteau Rivers, was the site of two forts established during the period of western expansion, principally to maintain peace among several Indian tribes; and

Whereas, following the abandonment of the second fort, which was established in 1838, it became the site of the United States Criminal Court for the Western District of Arkansas where Judge Isaac C. Parker presided and attained national prominence for his court's enforcement of law and order on the Oklahoma frontier; and

Whereas the act of September 13, 1961 (75 Stat. 489), authorizes the establishment of the Fort Smith National Historic Site; and

Whereas the city of Fort Smith, Arkansas, has conveyed by deed of donation all of its right, title, and interest in the land and structures within the boundaries designated as necessary to establish the Site; and

Whereas the Secretary of the Interior has determined that title to substantially all historically significant lands and structures thereon is now vested in the United States and that it is in the public interest that the Site be formally designated and established:

Now, therefore, I, Frank J. Barry, Acting Secretary of the Interior, under and by virtue of the authority vested in me by the act of September 13, 1961 (75 Stat. 489), do designate the lands within the boundaries described in Drawing No. NHS–FS–2001, as revised February 5, 1962, as the Fort Smith National Historic Site, and all lands within such boundaries owned by the United States are hereby set aside for national historic site purposes, to be administered pursuant to the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. secs. 1 and 3), and acts supplementary thereof and amendatory thereto. The lands within such boundaries which do not now belong to the United States shall become a part of such Site upon acquisition of title thereto by the United States. A copy of the drawing is on file with the FEDERAL REGISTER, and a copy will be kept in the office of the Superintendent, Fort Smith, Arkansas, for public inspection.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the national historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington, this 23d day of October 1964.

[SEAL] FRANK J. BARRY,
*Acting Secretary of the Interior.*

Approved: October 23, 1964.

LYNDON B. JOHNSON,
*President of the United States.*

[F.R. Doc. 64–11236; Filed, Nov. 3, 1964; 8:47 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## FLINT HILLS LIVESTOCK SALES, INC., ET AL.

### Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

*Name and Location of Stockyard and Date of Posting*

Flint Hills Livestock Sales, Inc., Florence, Kans.; June 11, 1959.
Tri-County Livestock Co., Inc., Magee, Miss.; January 24, 1962.
Osage County Sales Ring, Fairfax, Okla.; October 20, 1949.
Pioneer Livestock Auction Co., Wister, Okla.; July 11, 1960.
Waco Livestock Commission Company, Waco, Tex.; May 6, 1957.
Virginia Livestock Market, Inc., Winchester, Va.; March 2, 1959.

Notice or other public procedure has not preceded promulgation or the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 29th day of October 1964.

H. L. JONES,
*Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11240; Filed, Nov. 3, 1964; 8:47 a.m.]

## WENTZ BROTHERS LIVESTOCK AUCTION ET AL.

### Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Wentz Brothers Livestock Auction, Tucson, Ariz.
Salida-Monte Vista Livestock Commission, Co., Inc., Monte Vista, Colo.
Moline Auction Co., Moline, Kans.
Ohio Valley Producers Livestock Association, Inc., Bowling Green, Ky.
Puxico Stockyards and Auction Co., Inc., Puxico, Mo.
Carrington Livestock Auction, Inc., Carrington, N. Dak.
Eastern Washington Horse Auction, Prosser, Wash.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 29th day of October 1964.

H. L. JONES,
*Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11241; Filed, Nov. 3, 1964; 8:47 a.m.]

# DEPARTMENT OF COMMERCE

## Maritime Administration

## ALASKA STEAMSHIP CO.

## CERTAIN GOVERNMENT-OWNED VESSELS

### Continuance of Bareboat Charters

Three C1-M-AV1 Type Government-owned vessels; continuance of bareboat charters.

Notice in the above-captioned matter appeared in the FEDERAL REGISTER issue of October 9, 1964 (29 F.R. 13978), in which interested persons were given permission to file written objections or request a hearing by close of business on October 28, 1964.

Notice is hereby given that no objections nor requests for a hearing were received; therefore, the findings of the Acting Maritime Administrator are now final.

Dated: October 29, 1964.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
*Secretary.*

[F.R. Doc. 64-11237; Filed, Nov. 3, 1964; 8:47 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Office of Education

## FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

### Notice of Acceptance for Filing of Applications

Notice is hereby given that effective with this publication the following-described applications, and application amendment, for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

Indiana State College Board, Indiana State College, 217 North Sixth Street, Terre Haute, Ind., File No. 80, for the establishment of a new noncommercial educational television broadcasting station on channel 27, Terre Haute, Ind.

Department of Education of the Commonwealth of Puerto Rico, Zequeira Building, Stop 35, Hato Rey, Puerto Rico, File No. 81, to expand the operation of the noncommercial educational television broadcasting stations WIPR-TV operating on channel 3, San Juan, Puerto Rico and WIPM-TV operating on channel 6, Mayaguez, Puerto Rico.

Bay Area Educational Television Association, 525 Fourth Street, San Francisco, Calif., File No. 82, to expand the operation of the noncommercial educational television broadcast station KQED, operating on channel 9, San Francisco, Calif.

Nebraska Educational Television Commission, 13th and R Streets, Lincoln, Nebr., to amend its application, to propose a more powerful transmitter and greater coverage, for a new noncommercial educational television broadcasting station on channel 3, Lexington, Nebr.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications (within 10 calendar days from such publication regarding the above application amendment) with the Director, Educational Television Facilities Program, U.S. Office of Education, Washington, D.C., 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
*Director, Educational Television Facilities Program, U.S. Office of Education.*

[F.R. Doc. 64-11265; Filed, Nov. 3, 1964; 8:49 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 27-39]

## CALIFORNIA NUCLEAR, INC.

### Notice of Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that no request for a hearing or petition for leave to intervene has been filed following publication of the notice of proposed issuance of amendment of byproduct, source and special nuclear material license. The Atomic Energy Commission has this date issued Amendment No. 1 to License No. 13-10042-1. The license amendment is in the form set forth in the notice of proposed issuance published in the FEDERAL REGISTER on October 7, 1964, 29 F.R. 13838.

Dated at Bethesda, Md., October 26, 1964.

For the Atomic Energy Commission.

LYALL JOHNSON,
*Acting Director, Division of Materials Licensing.*

[F.R. Doc. 64-11201; Filed, Nov. 3, 1964; 8:45 a.m.]

[Docket No. 50-27]

## WASHINGTON STATE UNIVERSITY

### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 1, set forth below, to Facility License No. R-76. The license authorizes Washington State University (the licensee) to operate its pool-type nuclear reactor located on the University's campus in Pullman, Wash. The amendment authorizes the licensee (1) to remove the 2-inch beam port sections which extend into the pool water when the beam ports are not in use, in accordance with the procedures described in the application for license amendment dated June 19, 1964, and (2) to operate the reactor without graphite inserts in the major portion of the 2-inch tubes extending through the pool water.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Ch. I, CFR;

2. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

3. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment, and (2) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 27th day of October 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

FACILITY LICENSE AMENDMENT

[License R-76, Amdt. 1]

1. Facility License No. R-76, which authorizes Washington State University to operate its pool-type nuclear reactor located on the University's campus in Pullman, Washington, is hereby amended by changing the report dated March 31, 1959, entitled "Technical Information on the State College of Washington Research Reactor" and incorporated in the license, as follows:

a. *Section 2.3.2—Beam Ports*

(1) Change the third paragraph to read: "The four 2-inch ports have extensions in the water up to the face of the core. These extensions may be removed when not in use. They are to be used as exposure ports or as beam ports with suitable collimators."

(2) Change the second sentence of the fourth paragraph to read: "The 2-inch beam ports have no plug in the major portion of the tube extending through the water. The inner portion of the plug in the concrete shield extends 10 inches into the portion of the tube surrounded by water and has a ¼-inch thick boron carbide inner surface."

b. Washington State University shall follow the procedures described in the application for license amendment dated June 19, 1964, when removing the extensions from the 2-inch beam ports.

2. This amendment is effective as of the date of issuance.

Date of issuance: October 27, 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-11202; Filed, Nov. 3, 1964; 8:45 a.m.]



[Docket No. 50-191]

## BABCOCK & WILCOX CO.

### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 3, set forth below, to Facility License No. CX-19. The license as previously issued authorized The Babcock & Wilcox Company (the licensee) to operate the critical experiment facility (the facility) designated by the licensee as the "Advanced Test Reactor Critical Experiment" situated in Bay No. 1 of the licensee's Critical Experiment Laboratory located near Lynchburg, Virginia.

The license amendment authorizes The Babcock & Wilcox Company to conduct in the facility critical experiments designated by the licensee as the Zero Power Tests for SM-1A Core III, in accordance with the procedures described in the application for license amendment dated October 7, 1964.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Ch. I, CFR;

2. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

3. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment and (2) a related hazards analysis prepared by the Research & Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 27th day of October 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

FACILITY LICENSE AMENDMENT

[License CX-19, Amdt. 3]

1. License No. CX-19, as amended, which authorizes The Babcock & Wilcox Company (the licensee) to operate the Advanced Test Reactor Critical Experiment Facility situated in Bay No. 1 of the licensee's Critical Experiment Laboratory located near Lynchburg, Virginia, is further amended as follows:

A. In addition to the activities previously authorized by the Commission in License No. CX-19, as amended, the licensee is authorized to conduct the Zero Power Tests for SM-1A Core III, in accordance with the procedures described in the application for license amendment dated October 7, 1964, and in accordance with the applicable provisions of License No. CX-19, as amended.

2. This amendment is effective as of the date of issuance.

Date of issuance: October 27, 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-11203; Filed, Nov. 3, 1964; 8:45 a.m.]

[Docket No. 50-133]

## PACIFIC GAS AND ELECTRIC CO.

### Notice of Issuance of Amendment to Provisional Operating License

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 7, set forth below, to Provisional Operating License No. DPR-7. The license authorizes the Pacific Gas and Electric Company ("the licensee") to operate its nuclear reactor located in Humboldt County, California, at steady state power levels up to 165 megawatts (thermal). The amendment authorizes the licensee to conduct a 7-day test program to demonstrate power operation of the Humboldt Bay Unit No. 3 reactor at power levels up to 230 megawatts (thermal), as described in the application for license amendment dated April 13, 1964, and supplement thereto dated August 19, 1964. This 7-day test program represents the balance of a 15-day test program previously authorized by License Amendment No. 5.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Ch. I, CFR;

2. Referral of the application to the Advisory Committee on Reactor Safeguards and prior public notice of proposed issuance of this amendment are not necessary since no significant hazard consideration is presented by this amendment;

3. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment, and (2) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the hazards analysis may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 27th day of October 1964.

For the Atomic Energy Commission.

R. L. DOAN,
*Director, Division of Reactor Licensing.*

AMENDMENT TO PROVISIONAL OPERATING LICENSE

[License DPR-7, Amdt. 7]

1. Section 4.a. of Provisional Operating License No. DPR-7 issued to Pacific Gas and Electric Company for operation of its nuclear reactor located in Humboldt County, California, is hereby amended by the addition of a second paragraph as follows:

"For the purpose of completing a special test program originally authorized by Amendment No. 5, as described in an application amendment dated July 18, 1963, and further described in an additional application amendment dated April 13, 1964, and supplement thereto dated August 19, 1964, the steady state power level of the reactor may be increased to 230 thermal megawatts for not longer than seven (7) days of power operation. Pacific Gas and Electric Company shall promptly notify the Director, Division of Reactor Licensing, of the completion of the test program."

2. This amendment is effective as of the date of issuance.

Date of issuance: October 27, 1964.

For the Atomic Energy Commission.

R. L. DOAN,
*Director,*
*Division of Reactor Licensing.*

[F.R. Doc. 64-11204; Filed, Nov. 3, 1964; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 15176 et al.; Order No. E-21458]

## TRANSATLANTIC AND TRANSPACIFIC PRIORITY SERVICE MAIL RATE PROCEEDING

### Notice of Provisional Findings, Conclusions, and Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of October 1964.

STATEMENT OF PROVISIONAL FINDINGS AND CONCLUSIONS

The Board herewith proposes new final service mail rates for priority air mail,[1] effective October 1, 1964, for the transatlantic operations of Pan American World Airways, Inc. (Pan American), Seaboard World Airlines, Inc. (Seaboard), and Trans World Airlines, Inc. (TWA); and for the transpacific operations (exclusive of West Coast-Hawaii and West Coast-Alaska operations) of Northwest Airlines, Inc. (Northwest), and Pan American. On the basis of considerations discussed in the succeeding sections of this statement, the Board has tentatively determined the fair and reasonable final service mail rate for the transportation of priority mail in transatlantic operations to be 40 cents per mail ton-mile and in transpacific[2] operations 36 cents per mail ton-mile. This constitutes a reduction of 25.2 percent from the present transatlantic service mail rate of 53.5 cents per mail ton-mile, a reduction of 22.5 percent in Northwest's current rate of 46.44 cents to Tokyo and beyond, and a composite reduction of about 34 percent in Pan American's current transpacific rates of 46.44 cents to Tokyo and 66.05 cents to other Pacific points. We do not in this proceeding propose to change the several West Coast-Hawaii rates.[3] We also do not propose in this proceeding to change Northwest's current Seattle/Portland-Anchorage rate of 47 cents.[4] For the Pacific area as a whole, including West Coast-Hawaii services (but excluding West Coast-Alaska services), and reflecting an equalization of the San Francisco-Tokyo rate with that for Seattle-Tokyo, we estimate that at the proposed rates Pan American's yield would be 32.35 cents per mail ton-mile and Northwest's would be 35.86 cents.

In terms of 1963 mail volume, we estimate that the transatlantic rate cut will reduce service mail payments by $6.7 million and the transpacific by $6.5 million, for a total reduction of $13.2 million.

The Board proposes to base the computation of mail ton-miles to which the aforesaid rates apply, for mail services rendered between the specified points, on the standard mileages as prescribed in Appendix B, attached hereto. The Board also proposes to authorize voluntary equalization of mail rates under the terms and conditions set forth hereinafter.

HISTORY OF PROCEEDING

The present service mail rates for transatlantic operations were established effective January 1, 1955, and for transpacific services effective April 1, 1955. In view of substantial decline since 1955 in the overall unit costs of the transatlantic and transpacific carriers, the Board by letter dated February 10, 1964, informed the carriers that it intended to review the service mail rates applicable to their operations in those areas. On February 17, an informal meeting was held by the Board which was attended by representatives of the interested carriers, the Post Office Department, and the Department of Defense.

On April 10, 1964, the Postmaster General filed a petition for the following service mail rates for transatlantic and transpacific operations:

a. From April 10, 1964, to date of Board decision, 22.49 cents per mail ton-mile;

b. Thereafter, a multielement service mail rate comprised of a linehaul charge of 20.71 cents per mail ton-mile and a terminal charge of 3.32 cents per pound;

c. Computation of mail ton-miles to be based upon standard mileages;

d. Equalization of rates to the extent necessary to permit the distribution of mail on the basis of service considerations;

e. Authority, subject to Board approval, for the Postmaster General and carriers to establish service mail rates by agreement between the Postmaster General and carriers for mail carriage under such special conditions of service as may be desired by the Postmaster General from time to time.

A series of informal mail rate meetings and conferences[5] were held, beginning on May 15, participated in by the Board's staff, the carriers, and the Post Office Department. Factual matters bearing on the service mail rates were discussed and technical problems were resolved for establishing a formula that would produce equal service mail pay for any given shipment, regardless of carrier or routing. In light thereof, the Board has reached the tentative findings and conclusions set forth in this Statement.

DETERMINATION OF THE MAIL RATE

*Current rates.* The present service mail rate[6] for transatlantic services of 53.5 cents was established effective January 1, 1955, by Order E-9695, October 27, 1955 (21 C.A.B. 961).[7] The rates for transpacific services vary according to route.

| Routes | Cents per mail ton-mile | |
|---|---|---|
| | Pan American | Northwest |
| Seattle/Portland-Honolulu | 32.65 | 32.65 |
| San Francisco-Honolulu | 32.94 | |
| Los Angeles-Honolulu | 32.77 | |
| Seattle/Portland-Anchorage | | 47.00 |
| Seattle/Portland-Tokyo | [1] 46.44 | [1] 46.44 |
| San Francisco-Tokyo | [1] 46.44 | |
| All other Pacific services | 66.05 | 46.44 |

[1] Applied to a standard mileage of 5,078 miles.

Northwest's rates were established effective April 1, 1955, by Order E-9958, January 31, 1956 (23 C.A.B. 106); Pan American's rates were effective April 1, 1955, by Order E-11060, February 25, 1957 (24 C.A.B. 629). (See also Order E-20032, September 23, 1963.)

The bases of the 1955 transatlantic rate were the costs per revenue ton-mile in 1954, after appropriate rate-making adjustments, of the group averages of: (1) the domestic Big Four trunklines, and (2) Pan American and TWA in transatlantic services. In the case of the two transatlantic carriers, for purposes of determining the rate for 1955 and thereafter, the adjusted 1954 data were further adjusted to reflect a greatly expanded volume of mail in 1955 as estimated by the Post Office Department. The transatlantic mail cost was determined by deriving the ratio of the average of the transatlantic carriers' costs per revenue ton-mile to the average of such costs for the Big Four carriers and applying the resulting ratio to the Big Four's cost of mail of 37.4 cents per mail ton-mile. The cost so derived was 53.49 cents. The Board then proposed a future rate of 53.5 cents, taking into consideration the declining trend in revenue ton-mile costs of the two transatlantic carriers and that no specifically identifiable allowance had been made for the out-of-pocket costs, if any, of handling the increased 1955 mail volume.

The same technique was used to derive the 1955 service mail rate for transpacific services,[8] except that, in addition to deriving Pan American's overall adjusted cost for transpacific services, a separate determination was also made of the cost of the carrier's San Francisco-Tokyo service for 1955. Based upon the mail ton-mile distribution during April 1955, and reflecting therefor the existing effective rates for Seattle-Anchorage and Seattle-Honolulu services, Northwest's rate for all other Pacific services was so derived that the system yield per mail ton-mile equaled the overall cost of Northwest's mail service in the Pacific. Pan American's rate was derived by the same technique of reflecting existing service mail rates for Seattle-Honolulu, San Francisco-Honolulu, and Los Angeles-Honolulu, applying the cost determined for the San Francisco-Tokyo service, and determining the cost for all other Pacific services so as to provide the overall yield determined to be appropriate for Pan American for the future period.[9]

According to Form 41 reports, in fiscal year 1964 the current rates provided the following mail revenues and resulted in the indicated average yields per mail ton-mile:

| | Priority mail revenue (000) | Yield per mail ton-mile |
|---|---|---|
| | | *Cents* |
| Atlantic area: | | |
| Pan American | $13,494 | 52.88 |
| TWA | 11,023 | 53.07 |
| Seaboard | 2,345 | 54.53 |
| Total | 26,862 | 53.10 |
| Pacific area: | | |
| Pan American | 16,564 | 46.67 |
| Northwest | 8,802 | 45.09 |
| Total | 25,366 | 46.11 |

*Uniform rate.* The Postmaster General's petition and Northwest propose a concept of uniform rates for the Atlantic and Pacific areas. A contrary concept of separate rates for each area is embodied in the current rates. In fact, the Pacific area rates are further splintered according to routes. The operating and cost characteristics of the two areas are sufficiently diverse to warrant continuation of separate rates. For example, the cost data for both 1955 and fiscal year 1964, the latest available, clearly show disparate levels, both as of the time the current rates were fixed and as of now.

| | Operating expenses[1] per revenue ton-mile | |
|---|---|---|
| | 1955 | Fiscal year 1964 |
| | *Cents* | *Cents* |
| Atlantic: | | |
| Pan American | 51.28 | 32.41 |
| TWA | 49.13 | 28.07 |
| Average | 50.21 | 30.74 |
| Pacific: | | |
| Pan American | 44.09 | 22.47 |
| Northwest | 42.20 | 24.63 |
| Average | 43.15 | 23.55 |
| Difference | 7.06 | 7.19 |

[1] Reported total operating expenses less passenger service and promotion and sales costs.

In addition, the two areas show significant differences in aircraft utilization, traffic density, stage length, and average cargo rate and passenger fare level. In consideration of the foregoing basic differences noted between the two areas, we conclude that the service mail rates should continue to be established at separate levels for transatlantic and transpacific services.

*Multielement rate.* The Postmaster General also proposes that the mail rate for the future be multielement, with a line haul charge of 20.71 cents per mail ton-mile and a terminal charge of 3.32 cents per pound. We do not find the situation for which rates are proposed herein requires the complexity of a multielement rate as was the case when the current domestic service mail rates were established. Transatlantic and transpacific mail is dispatched from gateway points that are characterized by very heavy traffic activity. The mail movements are long haul. Situations of low activity stations or very short haul mail dispatches are not characteristic of the transatlantic and transpacific services as they are for many domestic routes. Neither do the carriers covered by the instant order present the wide diversity of size and economic strength as do the 11 domestic trunklines, the 13 local service carriers, and the 3 all-cargo carriers covered by the existing domestic service mail rate. Accordingly, we conclude that the economic factors that warrant a multielement rate for domestic mail services are largely lacking for the services for which rates are proposed herein.

*Rate level.* The Postmaster General predicates his proposed rate level upon cost allocation methods based upon the relative aircraft space and weight capacity devoted to each type of traffic.

It is not necessary at this time to go into the merits of the Postmaster General's proposals without the benefit of a full record developed by a formal proceeding. The rates proposed herein reflect, with the acquiesence of all parties, a reduction of current service rates on the basis of experienced reductions in unit costs since the earlier rates were established. It is our considered view that the rates we tentatively propose, grounded on concepts that have heretofore been employed and reflecting an up-dating of the current rates that were established after careful cost studies, are fair and reasonable for both the Postmaster General and the carriers.

The downward trend in costs of mail service since 1955, which motivated the Board to initiate the current review of service mail rates, is depicted by the following data:

| Period: | Cost per revenue ton-mile[1] | | | |
|---|---|---|---|---|
| | Atlantic | | Pacific | |
| | Pan American | TWA | Pan American | Northwest |
| | *Cents* | *Cents* | *Cents* | *Cents* |
| 1956 | 58.90 | 54.52 | 50.04 | 49.11 |
| 1957 | 56.40 | 59.57 | 47.75 | 46.02 |
| 1958 | 58.98 | 61.34 | 45.82 | 42.74 |
| 1959 | 57.87 | 51.65 | 44.90 | 46.56 |
| 1960 | 55.77 | 45.37 | 43.32 | 54.64 |
| 1961 | 54.21 | 68.74 | 37.98 | 46.46 |
| Average 1957–1961 | 56.65 | 56.83 | 43.83 | 47.26 |
| 1962 | 46.45 | 41.27 | 32.46 | 41.18 |
| 1963 | 42.65 | 39.83 | 28.62 | 34.98 |
| Average 1962–1963 | 44.55 | 40.55 | 30.54 | 38.08 |
| Fiscal year 1964 | 40.99 | 35.77 | 27.51 | 31.12 |

[1] Based on reported total operating expenses, less passenger service and promotion and sales expenses, plus 10-percent return on investment after income taxes. The 1956 data are the costs relied upon by the Board in establishing the current rates. They differ somewhat from 1957 and subsequent data because 1956 data reflect a 9-percent return and the other years all reflect a standard 10-percent return. This inconsistency is offset to some degree because 1955 data do not reflect an exclusion of general and administrative expenses related to the eliminated passenger service and promotion and sales expenses. Differences in accounting under a new Manual of Accounts effective January 1, 1957, may also create some minor differences.

During the 10-year period covered by these data, the carriers' unit costs fall into two distinct basic patterns or plateaus. The first such plateau covers the 1955–1961 period which reflected the last years of exclusive use of propeller aircraft, the introduction of the jets, and the rapid increase in use of the latter. The second cost plateau begins in 1962 and extends to current periods.

The foregoing data show that these carriers experienced gradually declining unit costs during the years following the establishment of the existing service mail rates although there are some random year to year fluctuations. This was what the Board expected when it established those service rates.[10] The subsequent introduction of the jet aircraft was accompanied by substantial integration and introductory costs of a nonrecurring character which affected overall unit costs during that period. By 1961, however, more than 80 percent of the carriers' transatlantic and transpacific capacity was performed with jet aircraft,[11] and by 1962 the impact on carrier unit costs was clear and significant. A new and substantially lower cost plateau had been achieved. Subsequent periods have shown still further cost declines basically reflecting the extremely favorable cost characteristics of the long-range jet airplane.

It is this pronounced and significant reduction in air carrier unit costs which justifies a substantial reduction of the

[1] Air mail and air parcel post. Current rates for nonpriority mail are final and not at issue in this proceeding.

[2] Exclusive of West Coast-Hawaii and West Coast-Alaska operations.

[3] These rates will be reviewed and revised as necessary at such time as the basic domestic service mail rate structure is reviewed.

[4] Northwest's service rate to Alaska will be reviewed in connection with any general review of service mail rates for that area. Pan American's service rate to Alaska was established in a separate docket and is not involved in this proceeding.

[5] The informal meetings culminated in an informal mail rate conference on August 13, 1964, conducted pursuant to the Board's Rules of Practice, particularly 14 CFR 302.311 through 302.321.

[6] All references are to priority mail unless otherwise noted.

[7] The same rate was made applicable to Seaboard, effective May 20, 1958, by Order E-12838, July 29, 1958 (27 C.A.B. 1074).

[8] Northwest's 1955 revenue ton-mile costs were forecast by reflecting first quarter 1955 or 12 months through March 31, 1955 data and constructing flight equipment depreciation expense for 1955. Pan American's cost for overall Pacific services was derived in the same manner as for the transatlantic proceeding. The Big Four costs were the same as those used in the transatlantic proceeding.

[9] The San Francisco-Tokyo rate was equalized with that of Northwest from Seattle/Portland, on the basis of a standard mileage of 5,078 miles.

[10] See our order in connection with the transatlantic rates, 21 C.A.B. (976), fn. 13.

[11] Percentage of total available ton miles in scheduled services provided by jet aircraft:

| Year | Atlantic | Pacific |
|---|---|---|
| 1958 | 2.3% | 0.0% |
| 1959 | 26.3 | 9.0 |
| 1960 | 71.9 | 58.7 |
| 1961 | 81.0 | 80.9 |

transatlantic and transpacific service mail rates. The exact extent of the necessary reduction is, of course, a matter of judgment since we must consider the diverse cost experience of the several carriers involved and the extent to which current costs and trends are representative for the future.

The data set forth in the table above suggest that the 1962–1963 cost plateau related to transatlantic services averages about 42 cents per ton-mile for the two carriers. This is about 25 percent below the general cost level of 56 cents per ton-mile experienced in the 1955–1961 period. In the Pacific, it is more appropriate to look at the two carriers separately because Pan American's operation to Hawaii represents a substantial percentage of its entire Pacific route system and since we are not revising the Hawaiian service rates in this order. Northwest's 1962–1963 average costs are about 20 percent below the 1955–1961 plateau. For Pan American, the corresponding decline was about 30 percent.

Each of the four carriers experienced further unit cost declines in fiscal year 1964, the latest period for which actual data are available. However, in considering these costs per revenue ton-mile and their indicated trend we must note that the traffic volumes upon which they are predicated reflect increasing amounts of military passengers and cargo, and nonpriority mail. These types of traffic bear rates well below normal commercial levels and reflect a lesser priority of movement. In addition, the relative importance of military charters has increased and unduly weights overall ton-mile costs. In these circumstances it would be inappropriate to assign a prorata or average share of cost to such traffic for purposes of costing air mail services.

Adjustments of fiscal 1964 data to reflect appropriate treatment of such traffic are set out in Appendix A. We have eliminated therein the revenues and the revenue ton-miles for nonpriority mail, Category A and Z traffic, and for MATS planeload charters on the basis that their costs including a fair return equate with such revenues. The residue, therefore, is an adjusted average cost per revenue ton-mile for normal commercial traffic and mail. In addition, in view of the fact that we have set aside Pan American's West Coast-Hawaii service mail rates from this proceeding, we have based our cost estimates for Pan American's Pacific services on data for other than such Pacific services provided by Pan American, and adjusted as appropriate. The unit costs so adjusted reflect a weighted average of 39.3 cents per revenue ton-mile for the Atlantic and 35.2 cents per revenue ton-mile for the Pacific (exclusive of West Coast-Hawaii and West Coast-Alaska).[12] On the basis of this data, it appears that the downtrend of unadjusted unit costs is significantly overstated as regards the Pacific.

In the light of this and similar data reviewed by all the parties in this proceeding at the informal mail rate conferences, rates of 40 cents and 36 cents for the transatlantic and transpacific services (except to Hawaii and Alaska), respectively, to be effective October 1, 1964, emerged from those meetings as the most appropriate basis for settlement of the matter and early reestablishment of reduced final service rates. On the basis of all the data available to the Board, we must conclude that such rates are fair and reasonable. The 40-cent Atlantic rate reflects a reduction of about 25 percent from the existing rate of 53.5 cents which is in line with overall cost trends and is further supported by the level of adjusted average costs for fiscal 1964. The 36-cent rate in the Pacific represents a cut of 22 percent for Northwest and 34 percent for Pan American, excluding services to Alaska and Hawaii. Here again, these reductions are reasonable in relation to indicated cost trends and are borne out by the independent calculation of adjusted average costs for fiscal 1964. Finally, we would note that, to the extent that carriers exercise the voluntary rate equalization provisions, their yields per ton-mile under these rates would tend to decline.

### THE RATE FORMULA

The proposed rate formula reflects the basic concept now embodied in domestic service mail rates, i.e., by utilizing standard mileages and uniform rates per ton-mile the same payment is made for a shipment of mail between two points irrespective of the carrier or the routing followed.[13] This approach is intended to permit the distribution of mail on the basis of service considerations and to avoid the problems which might otherwise result from differences in the rate for the various carriers. These same considerations underlie the proposal to make the rates and provisions of the multielement domestic mail rate order (Order E–9284) applicable to interstate mail carried by Pan American and Northwest which originates at or is destined for Honolulu, Hawaii, since similar mail services performed by United Air Lines, Inc., are presently subject to the terms of that Order. Although this results in a variation from the rates established generally for transpacific mail service, the proposal will effect little change in the market and this approach is considered essential to maintain the basic concept of equality of payment. A second variation from the transpacific rate pattern will apply to the Seattle/Anchorage mail services of Northwest where the 47-cent rate proposed is somewhat above the general level but is the same as that currently in effect, both for Northwest and other carriers.

The standard mileages used in this proposal are those which the carriers and the Post Office Department are presently using for the most part, in computing mail compensation. In order to reflect route and schedule changes, among other factors affecting mileage between points, the proposal contemplates that standard mileages for new points may be established at any time and provides for an annual amendment on July 1 of each year to reflect such revisions as may be necessary due to changes in flight routings, airport locations, and the flow of mail. The mileages set forth in Appendix B of this order will apply as specified from October 1, 1964, through June 30, 1965, and will be subject to revision as necessary effective July 1, 1965. We note, in this connection, that more than one mileage is specified for some pairs of points reflecting flight routing differences among the carriers serving such points or directional differences in flight routings. We anticipate that the revision of standard mileages effective July 1, 1965, will eliminate these variations and will provide for only one standard mileage for each pair of points.

The proposed formula also includes provisions for voluntary rate equalizations similar to those incorporated in the domestic formula. It will permit rate equalization (1) between domestic points where a Post Office Department international exchange office is located [14] and any other point to which such office is authorized to dispatch air mail, and (2) between foreign points. The inclusion of these provisions will make any further action unnecessary upon the applications for equalization filed by Pan American in Dockets 15111 and 15282,[15] and upon the similar application of TWA filed in Docket 15585. Under these circumstances these applications will be dismissed as moot.

In addition, we will propose to amend the multielement domestic rate order (E–9284) in order to effectuate our intent to permit carriers subject to that order to enter into agreements with carriers subject to this order for the purpose of equalizing rates and participating in the carriage of mail between points at which international exchange offices are located and other points to which such offices are authorized to dispatch air mail.

We have also determined to permit the common-rating of San Francisco and Seattle with respect to mail moving to and beyond Tokyo which is now required under the current rate order.

[12] We have not compiled similar data for Seaboard for purposes of this proceeding since that carrier's operations are confined to a relatively limited number of transatlantic points and are performed solely in all-cargo aircraft. We do not deem Seaboard's unit costs for such services to be sufficiently representative of the overall transatlantic route system and services.

[13] The proposed rates do not, however, reflect the multielement structure (line haul rate plus terminal charges) used domestically in view of basically different international cost characteristics.

[14] For the transatlantic area: Boston, New York, Washington, Chicago, Miami, San Francisco, Los Angeles, Seattle, and San Juan. For the transpacific area: Seattle, Anchorage, San Francisco, Los Angeles, Honolulu, Wake, Guam, Pago Pago, Washington, Chicago, and New York.

[15] Docket 15282 also involved a request by Pan American for adjustment of its Houston-Mexico City rate, which we proposed by Order E–21267. Since no objection was filed concerning this temporary rate, we will not dismiss that portion of Pan American's petition but will dispose of it separately.



### CONCLUSION

On the basis of the foregoing, the Board finds that the fair and reasonable rates of compensation to be paid the carriers named below by the Postmaster General, pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, for the transportation of priority air mail and air parcel post by aircraft over their respective routes as described below, the facilities used and useful therefor, and the services connected therewith, are as follows:

1. For the period April 10, 1964, to September 30, 1964, inclusive, (a) for Trans World Airlines, Inc., and Pan American World Airways, Inc. (transatlantic services), the same rates as are provided in Order E–9695, dated October 27, 1955 (21 C.A.B. 961), (b) for Seaboard World Airlines, Inc., the same rates as are provided in Order E–12838, dated July 29, 1958 (27 C.A.B. 1074), (c) for Northwest Airlines, Inc., the same rates as are provided in Order E–9958, dated January 31, 1958 (23 C.A.B. 106), and (d) for Pan American World Airways, Inc. (transpacific services), the same rates as are provided in Order E–11060, dated February 25, 1957 (24 C.A.B. 629), and Order E–20032, dated September 23, 1963.

2. On and after October 1, 1964, the mail compensation for each carrier shall be computed by multiplying the appropriate rate per mail ton-mile, as set forth below, by the mail ton-miles for each shipment of mail.

### RATES PER TON-MILE

A. For the transatlantic services [16] of Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc., 40 cents.

B. For the transpacific services [17] of Northwest Airlines, Inc., and Pan American World Airways, Inc.:

(1) For interstate shipments of mail originating at or destined for Honolulu, Hawaii, the rates and provisions of Order E–9284, as amended,[18] establishing the domestic multielement service mail rate shall apply;

(2) For interstate shipments of mail originating at Seattle, Washington, and destined for Anchorage, Alaska, and for interstate shipments of mail originating at Anchorage, Alaska, and destined for Seattle, Washington, carried by Northwest Airlines, Inc., 47 cents;

(3) For all other shipments of mail in transpacific services, 36 cents.

### MAIL TON-MILES

The mail ton-miles for each shipment of mail shall be based upon the standard mileage established herein for service between the points of origin and destination of each shipment.

### STANDARD MILEAGE

The standard mileage for each pair of points shall be as set forth in Appendix B to this order.

### CHANGES IN STANDARD MILEAGE

The standard mileages set forth in Appendix B to this order shall remain in effect throughout the period this rate order is in effect; *Provided, however,* That at any time the Board may institute a proceeding, and any carrier subject to this order and/or the Postmaster General, may make application to the Board for establishment of standard mileages to a new point: *And provided further, however,* That once each fiscal year the Board may institute a proceeding and any carrier subject to this order and/or the Postmaster General may make application to the Board for revision of any standard mileage effective July 1 of such fiscal year. Such applications will not be regarded as reopening the rate. Applications provided for above shall be clearly entitled "Application for (New) (Revised) Standard Mileage", shall contain a clear and concise statement of the requested standard mileage or standard mileage revision and the facts upon which such request is based, and shall in all other respects conform to the applicable requirements of the Rules of Practice.

In establishing standard mileages to a new point, the Board will consider the routings of flights to such point and the number of flights required by the postal service. In establishing revised standard mileages, the Board will consider the effect of changes in airport location, mail flow, and flight routings reflected in the carriers' general schedules during the first seven days of the month of May immediately preceding the July 1 effective date of such revision.

### ORIGIN AND DESTINATION OF MAIL SHIPMENTS

As used herein "point of origin" means the point at which the carrier first enplanes the mail shipment after receipt thereof from a Postal Administration or its representatives, from another rate-making division of the same carrier, the operations of which division are not encompassed herein, or from another carrier; and "point of destination" means the point at which the carrier deplanes the mail shipment for delivery to a Postal Administration or its representatives, to a separate rate-making division of the same carrier, the operations of which division are not encompassed herein, or to another carrier.

### EQUALIZATION OF RATES

1. *Election to equalize.* Any air carrier, or, pursuant to agreement, any two or more air carriers providing service on an interline or interchange basis, may, by notice, elect to establish a reduced charge for the carriage of mail between:

(a) Any point where a United States Post Office Department international exchange office is located [19] and any other point to which such international exchange office is authorized to dispatch air mail, or

(b) Foreign points,

equal to the charge then in effect for service between such points by any other air carrier or air carriers.[20]

2. *Common-rating of certain points.* Any carrier, or, pursuant to agreement, any two or more carriers providing service on an interline or interchange basis, may, by notice, elect to establish a reduced charge for the carriage of mail between San Francisco, California, and Tokyo, Japan, equal to the charge then in effect for service between Seattle, Washington, and Tokyo, Japan. Any such reduced charge shall apply to all mail carried between San Francisco, California, and Tokyo, Japan, moving to, from, or beyond San Francisco and to, from, or beyond Tokyo.

### NOTICE OF ELECTION TO EQUALIZE RATE

An original and three copies of each notice of election and agreement, and an original and three copies of each application, pursuant to equalization paragraph 1 or 2, above, shall be filed with the Board and a copy thereof shall be served upon the Postmaster General and each carrier providing on-line or connecting service between the stated points.

Any equalized rate established pursuant to this order shall be effective for the electing carrier or carriers as of the date of filing of the notice required by such paragraphs, or such later date as may be specified in the notice, until such election is terminated. Elections may be terminated by any electing carrier upon 10 days' notice filed with the Board and served upon the Postmaster General and each carrier providing on-line or connecting service between the stated points.

### DIVISION OF EQUALIZED RATES

In case of equalization of rates by agreement, pursuant to equalization paragraph 1 or 2 above, the agreement shall provide for the proration of the mail compensation between participating carriers on the basis of the relative compensation which would otherwise be

[16] The transatlantic services of Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc., are those performed pursuant to their certificates of public convenience and necessity authorizing service (1) between points in the United States and points in Europe, Bermuda, Africa, and Asia via the Atlantic, and (2) between points in such area.

[17] The transpacific services of Northwest Airlines, Inc., and Pan American World Airways, Inc., are those performed pursuant to their certificates of public convenience and necessity authorizing service (1) between points in the United States and foreign and overseas points in the Pacific area, (2) between points in the Pacific area, and (3) between points in the 48 contiguous States and points in the State of Hawaii, and, for Northwest only, between points in the 48 contiguous States and points in the State of Alaska.

[18] Domestic Trunklines, Service Mail Rates, 21 C.A.B. 8 (1955). The latest amendment was effected by Order E–20915, June 10, 1964.

[19] International exchange offices currently authorized to dispatch mail for the transatlantic area are located in Boston, New York, Washington, Chicago, Miami, San Francisco, Los Angeles, Seattle, and San Juan. Such offices for the transpacific area are currently located in Seattle, Anchorage, San Francisco, Los Angeles, Honolulu, Wake, Guam, Pago Pago, Washington, Chicago, and New York. The terms of this paragraph shall apply to points at which international exchange offices are hereafter established and shall cease to apply to any points at which international exchange offices are discontinued. The Postmaster General will file a notice of such new and discontinued offices in this docket and serve a copy on each carrier subject to this order.

[20] The domestic multielement service mail rate will be amended to permit the air carriers covered by that rate to participate with carriers covered by this order in rate equalizations with respect to mail shipments transported between certain U.S. points and other points subject to the provisions of both the domestic and international service rates.

payable to each carrier in the absence of the provisions of equalization paragraph 1 or 2 above. In the absence of an agreement among carriers, pursuant to equalization paragraph 1 or 2 above, for equalization of rates for interline or interchange shipments between a stated pair of points, any carrier (or two or more carriers jointly) may, by notice, elect to receive as its portion of the total compensation for each shipment the amount remaining after subtracting from such total compensation the compensation due the other carrier or carriers involved (non-electing carriers). Such total compensation shall be computed on the basis of the lowest rate then in effect for service between the stated pair of points for any carrier or carriers. The compensation due the non-electing carrier or carriers shall be that otherwise applicable to the point-to-point service it actually provides. In those instances where there is a non-electing carrier or carriers involved in providing the through service and two or more carriers elect to receive payment under this provision, the total payment due such electing carriers shall be prorated by them on the basis of the relative compensation which would otherwise be payable to each of them in the absence of the provisions of this paragraph.

DIVISIONS OF EQUALIZED RATES PRESCRIBED BY THE BOARD

In the event that any carrier is unable to enter into an agreement with any other carrier to transport mail between any stated points at a reduced rate, pursuant to equalization paragraph 1 or 2 above, it may file an application with the Board requesting it to determine and fix a different method of apportioning the total compensation for each such shipment of mail between the participating carriers. Such applications shall not be deemed to reopen the mail rates fixed by this order. Applications filed pursuant to this paragraph shall conform generally to the provisions of the Rules of Practice governing the filing of petitions in mail rate cases. Within 7 days after the application is served, any party may file an answer in support of or in opposition to the application, together with any documentary material upon which it relies. Any order upon an application filed pursuant to this paragraph shall be effective no earlier than the date of filing of the application with the Board.

In reviewing such application, the Board will consider, among other pertinent factors, the need for the proposed service, the historical participation of electing carrier or carriers in the transportation of mail between such stated points, the amount of absorption required, and the grounds for refusal by the carrier or carriers to enter into an equalization agreement. After hearing the carriers concerned, either orally or in writing, in those cases where it deems such action appropriate the Board will by order prescribe the method for apportioning the total compensation between such carriers, but in no event shall the carrier or carriers which refuse to enter into an agreement to equalize compensation be required to accept less than the compensation which would have been payable if the service were performed under voluntary agreement, pursuant to equalization paragraph 1 or 2 above.

The compensation provided herein shall be in lieu of, and not in addition to, the service mail compensation heretofore received by each carrier for priority air mail transported on and after April 10, 1964.

An appropriate order will be entered.

Boyd, Chairman, Gurney, Minetti and Gillilland, Members, concurred in the above Statement. Murphy, Vice Chairman, did not participate.

NOTE: Appendixes A and B filed as part of the original document.

ORDER TO SHOW CAUSE

The Board, having considered all of the information and data set forth or specifically referred to in the Statement of Provisional Findings and Conclusions (Statement), which is attached hereto and incorporated herein,[1] and having on the basis thereof made the provisional findings and conclusions and determined the rates specified in the Statement;

*It is ordered*, That

1. All interested persons, and particularly Northwest Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans World Airlines, Inc., and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine and publish the final rates specified in the Statement as the fair and reasonable rates of compensation to be paid to Northwest Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc., for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith over their systems as specified in the Statement.

2. Further procedures herein shall be in accordance with the Rules of Practice, 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions specified in the Statement, notice thereof shall be filed within 10 days, and, if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order.

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order fixing the rates and incorporating the findings and conclusions specified in the Statement.

4. If notice of objection and answer are filed, all issues going to the establishment of the rates shall be open, in accordance with Rule 319 of the Rules of Practice, except as limited in prehearing conference.

5. Docket 15130 shall be consolidated into Docket 15176, et al., and shall be made a part of such proceedings to be disposed of by a final order in Docket 15176, et al.

6. To the extent that the relief requested by Pan American World Airways, Inc., in Dockets 15111 and 15282, and by Trans World Airlines, Inc., in Docket 15585, is not granted herein, such petitions will be dismissed.[2]

7. This order and the attached Statement of Provisional Findings and Conclusions shall be served upon the Postmaster General, Northwest Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-11275; Filed, Nov. 3, 1964; 8:50 a.m.]

[1] All forms and reports, including Form 41 reports and the official mileage record of the Board, filed with the Board by the parties hereto, to the date of the Board's final decision, are incorporated into the record of this proceeding.

[2] See note 17 of the attached Statement of Provisional Findings and Conclusions regarding the requested service rate for Houston-Mexico City services.

[Docket No. 15636]

## ADRIA AIRWAYS

### Notice of Prehearing Conference

Application of Adria Airways for a foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to engage in the plane-load charter and split charter foreign air transportation with respect to (a) persons and their accompanied baggage, and (b) with respect to property as follows: Between any point or points in Yugoslavia and any point or points in the United States.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on November 24, 1964, at 10:00 a.m., e.s.t., in Room 607, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., October 30, 1964.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 64-11266; Filed, Nov. 3, 1964; 8:49 a.m.]

[Docket No. 15567]

## COLUMBIA AND JEFFERSON CITY, MO., AREA AIRLINE SERVICE AIRPORT

### Notice of Prehearing Conference in Investigation

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on November 30, 1964, at 10:00 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., October 30, 1964.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 64-11267; Filed, Nov. 3, 1964; 8:49 a.m.]



[Docket No. 15549; Order E-21460]

## REEVE ALEUTIAN AIRWAYS, INC.

### Service Mail Rates; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of October 1964.

The Board on October 16, 1964, adopted Order E-21406 (order) directing Reeve Aleutian Airways, Inc., and the Postmaster General to show cause why the Board should not adopt the proposed findings and conclusions and fix, determine, and publish the rates proposed therein for the mail transportation described.

The time designated for filing notice of objection has elapsed and no notice of objection or answer to the order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a final decision of the Board fixing a final rate.

The Board, upon consideration of the record, hereby reaffirms and makes final the findings set forth in the said order.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof: *It is ordered, That:*

1. The fair and reasonable rates of compensation to be paid Reeve Aleutian Airways, Inc., on and after October 15, 1964, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between the points between which the carrier, by its certificate of public convenience and necessity or exemption order, has been, is presently, or hereafter may be authorized to transport mail, are the rates specified in Show Cause Order E-21406, October 16, 1964, and said rates are incorporated by reference herein; and

2. This order be served upon Reeve Aleutian Airways, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-11268; Filed, Nov. 3, 1964; 8:49 a.m.]

[Docket 15419; Order No. E-21473]

## AMERICAN AIRLINES, INC., ET AL.

### Blocked-Space Airfreight Tariffs; Order Vacating Suspensions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of November 1964.

On July 17 and 27 and August 10, 1964, the Board suspended blocked-space airfreight tariffs proposed by The Slick Corporation, Trans World Airlines, Inc., American Airlines, Inc., and United Air Lines, Inc., and ordered investigation thereof (Orders E-21076, E-21122, and E-21167). Subsequently, the Board vacated the suspension of Slick's tariff (Order E-21160, August 7, 1964). Thereafter, on August 11, 1964, the Board determined to reject the previously suspended blocked-space tariffs of TWA, American, and United, and dismissed the investigation of these tariffs (Order E-21170).

On August 14, 1964, the Court of Appeals for the District of Columbia stayed Order E-21160, in which we vacated the Slick suspension, and Order E-21170, in which we rejected the tariffs of the other three carriers,[1] thereby reinstating the earlier orders of suspension and investigation. Inasmuch as the periods of suspension there ordered would have expired before the investigation of their lawfulness could be concluded and final order made, the proposed tariffs of the four carriers were suspended for additional 90-day periods by Orders E-21368 (October 6, 1964), E-21386 (October 9, 1964), and E-21387 (October 9, 1964).

On October 20, 1964, the Court of Appeals vacated its stay order of August 14. The purpose of this order is to clarify the present status of the various tariffs.

Since the blocked-space tariffs of American, TWA, and United stand rejected and the investigations of these tariffs are dismissed, the Board's orders of October 6 and 9 extending the suspension periods of these tariffs are of no effect and will be vacated. Likewise, the order extending the period of suspension of Slick's blocked-space tariff will be vacated, the tariff will be permitted to become effective, and the investigation of the lawfulness thereof will proceed pursuant to Orders E-21076 and E-21160.

In conformity with the stipulation of the parties to the Board proceeding that Slick's blocked-space tariff would not be put into effect until 15 days after an order of the court vacating its stay order, we will make this order effective November 4, 1964.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 403, and 1002 thereof;

*It is ordered*, That:

1. The tariff suspensions directed in Orders E-21368, E-21386, and E-21387 be and they hereby are vacated.

2. Order E-21170 be and it hereby is declared to be effective.

3. Copies of this order shall be filed with the tariffs and served upon all parties to this proceeding.

4. This order shall be effective November 4, 1964.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-11316; Filed, Nov. 3, 1964; 8:50 a.m.]

[1] American Airlines, et al. v. C.A.B., C.A.D.C. No. 18,833 et al.

[2] Dissenting statement of Members Gurney and Gillilland filed as part of original document.

# FEDERAL POWER COMMISSION

[Docket No. RI65-271 etc.]

## HUMBLE OIL & REFINING CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates[3]

OCTOBER 26, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 15, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[3] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-271 | Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001. Attn: Mr. John J. Carter. | 353 | 1 | El Paso Natural Gas Co. (XBC Field, Upton County, Tex.) (R.R. Dist. No. 7–C) (Permian Basin Area). | $3,640 | 9–28–64 | [2] 10–29–64 | 3–29–65 | [3] 15.7093 | [3 4] 16.7228 | |
| | Humble Oil & Refining Co. | 302 | 15 | El Paso Natural Gas Co. (Spraberry Area, Midland and Upton Counties, Tex.) (R.R. Dists. Nos. 7–C and 8) (Permian Basin Area). | 10,223 | 9–30–64 | [3] 10–31–64 | 3–31–65 | 11.1056 | [4 5] 17.2295 | RI62–415. |
| RI65–272 | Socony Mobil Oil Co., Inc. (Operator), 150 East 42d St., New York, N.Y., 10017. Attn: Mr. H. H. Beeson. | 48 | 16 | El Paso Natural Gas Co. (Pegasus Field, Midland and Upton Counties, Tex.) (R.R. Dists. Nos. 8 and 7–C) (Permian Basin Area). | 2,426 | 9–28–64 | [2] 10–29–64 | 3–29–65 | 10.0960 | [4 7] 18.2430 | |
| RI65–273 | Humble Oil & Refining Co. (Operator), et al. | 354 | 3 | United Fuel Gas Co. (Killens Ferry Field, Franklin and Tensas Parishes, La.) (North Louisiana). | 3,113 | 9–28–64 | [3] 11–1–64 | 4–1–65 | [10 11] 18.5 | [3 10 11 12] 21.5 | |
| RI65–274 | Harper Oil Co. (Operator), et al., 904 Hightower Building, Oklahoma City, Okla. | 26 | 2 | Lone Star Gas Co. (Sholem-Alechem Field, Carter County, Okla.) (Oklahoma "Other" Area). | 818 | 9–28–64 | [3] 10–29–64 | 3–29–65 | 10.0 | [4 13] 12.0 | |
| RI65–275 | E. B. McMurtry, Post Office Box 1926, Wichita, Kans. | [13] 2 | ------ | Colorado Interstate Gas Co. (Greenwood Field, Morton County, Kans.). | 623 | 9–28–64 | [3] 10–29–64 | 3–29–65 | 16.0 | | |
| | | 2 | 1 | | ------ | 9–28–64 | [3] 10–29–64 | 3–29–65 | [14] 16.0 | [3 4 14] 17.0 | RI60–221. |
| RI65–276 | Socony Mobil Oil Co., Inc. (Operator), et al. | 150 | 15 | Hassie Hunt Trust (Lisbon Field, Claiborne Parish, La.) (North Louisiana). | 22 | 9–28–64 | [3] 11–1–64 | 4–1–65 | [15] 16.0763 | [3 9 15] 16.2814 | RI64–210. |
| | do | 152 | 15 | do | 22 | 9–28–64 | [3] 11–1–64 | 4–1–65 | [15] 16.0763 | [3 9 15] 16.2814 | RI64–210. |
| RI65–277 | Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102. | 39 | 20 | Hassie Hunt Trust (Northeast Lisbon Field, Claiborne Parish, La.) (North Louisiana). | 94 | 9–30–64 | [3] 11–1–64 | 4–1–65 | [16 17] 16.8263 | [3 9 16 17] 17.0314 | RI64–222. |
| | do | 149 | 19 | do | 13 | 9–30–64 | [3] 11–1–64 | 4–1–65 | [15 18] 15.9513 | [3 9 15 18] 16.1564 | |
| | do | 172 | 9 | Texas Eastern Transmission Corp. (Bethany-Longstreet Field, Desoto Parish, La.) (North Louisiana). | 226 | 9–30–64 | [3] 11–1–64 | 4–1–65 | [16 20] 16.8263 | [3 9 16 20] 17.0314 | RI64–222. |
| | do | 208 | 7 | Texas Eastern Transmission Corp. (Fort Lynn Field, Miller County, Ark.). | 473 | 9–30–64 | [3] 11–1–64 | 4–1–65 | [11 21] 14.875 | [3 4 11 21] 15.075 | RI64–196. |
| RI65–278 | Pan American Petroleum Corp., (Operator), et al. | 150 | 19 | Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, La.) (North Louisiana). | 3,518 | 9–30–64 | [3] 11–1–64 | 4–1–65 | [16] 16.8263 | [3 9 16] 17.0314 | RI64–223. |
| RI65–279 | Russell Maguire (Operator), et al., 2110 Republic National Bank Building, Dallas 1, Tex. | 2 | 10 | Texas Eastern Transmission Corp. (Alco-Mag Field, Harris County, Tex.) (R.R. Dist. No. 3). | 7,200 | 9–28–64 | [3] 11–1–64 | 4–1–65 | [22] 15.4 | [4 13 22] 15.8 | RI63–133, et al. |
| | do | 5 | 1 | Valley Gas Transmission, Inc. (Good Friday (Atlee Sand) Field, Duval County, Tex.) (R.R. Dist. No. 4). | 720 | 9–28–64 | [3] 11–1–64 | 4–1–65 | 14.0 | [4 5] 15.0 | |
| RI65–280 | John W. Pace (Operator), et al., 700 First City National Bank Building, Houston, Tex., 77002. | 1 | 1 | South Texas Natural Gas Gathering Co. (Penitas Field, Hidalgo County, Tex.) (R.R. Dist. No. 4). | 10,000 | 9–28–64 | [3] 10–29–64 | 3–29–65 | [11] 14.0 | [4 11] 15.0 | |
| RI65–281 | General American Oil Co. of Texas, Meadows Building, Dallas, Tex., 75206. | 39 | 7 | Transcontinental Gas Pipe Line Corp. (Blk 45 Field, West Cameron Area, Gulf of Mexico, La.). | 152,764 | 9–28–64 | [3] 11–1–64 | 4–1–65 | [19] 18.5 | [3 9 19] 19.5 | G–19924. |
| | do | 67 | 6 | United Fuel Gas Co. (Ellis Field, Acadia Parish, La.). | 1,118 | 9–28–64 | [3] 11–1–64 | 4–1–65 | [16] 21.1 | [3 9 16] 21.5 | RI64–330, et al. |
| RI65–282 | General American Oil Co. of Texas (Operator), et al. | 60 | 7 | United Fuel Gas Co. (Duson Field, Lafayette Parish, La.). | 5,334 | 9–28–64 | [3] 11–1–64 | 4–1–65 | [16] 21.1 | [3 9 16] 21.5 | RI64–316, et al. |
| | do | 64 | 7 | United Fuel Gas Co. (West Duson Field, Lafayette Parish, La.). | 1,684 | 9–28–64 | [3] 11–1–64 | 4–1–65 | [16] 21.1 | [3 9 16] 21.5 | RI64–316, et al. |
| RI65–283 | Midwest Oil Corp. (Operator), et al., 1700 Broadway, Denver 2, Colo. | 14 | 6 | United Fuel Gas Co. (Ellis Field, Acadia Parish, La.). | 1,501 | 9–28–64 | [3] 11–1–64 | 4–1–65 | [16] 21.1 | [3 9 16] 21.5 | RI64–214, et al. |
| | do | 15 | 6 | United Fuel Gas Co. (Branch Field, Acadia Parish, La.). | 1,844 | 9–28–64 | [3] 11–1–64 | 4–1–65 | [16] 21.1 | [3 9 16] 21.5 | RI64–214, et al. |
| RI65–284 | Austral Oil Co. Inc. (Operator), et al., 300 San Jacinto Building, Houston, Tex., 77002. | 2 | 10 | United Fuel Gas Co. (South Lake Arthur Field, Jefferson Davis, Cameron and Vermilion Parishes, La.). | 2,483 | 9–30–64 | [3] 11–1–64 | 4–1–65 | [16] 21.1 | [3 9 16] 21.5 | RI64–186, et al. |
| RI65–285 | Jomell Gas, Inc. (Operator), et al., D–206 Petroleum Center, 900 Northeast Loop Expressway, San Antonio, Tex., 78209. | 2 | 3 | Tennessee Gas Transmission Co. (South Escobas (Wilcox) Field, Zapata County, Tex.) (R.R. Dist. No. 4). | 32,400 | 9–30–64 | [3] 11–1–64 | 4–1–65 | 16.0 | [4 5] 17.0 | |

See footnotes at end of table.



| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65–286 | Associated Oil & Gas Co., 3703 Yoakum Boulevard, Houston, Tex., 77006. | 15 | 12 | Tennessee Gas Transmission Co. (Agua Dulce Field, Nueces County, Tex.) (R.R. Dist. No. 4). | 40,774 | 10–1–64 | [3] 11–1–64 | 4–1–65 | [23 24] 14.6 | [3 4 23] 15.6 | |

[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Initial rate.
[6] Favored-nation rate increase.
[7] Renegotiated rate increase.
[8] The stated effective date is the effective date requested by Respondent.
[9] Pressure base is 15.025 p.s.i.a.
[10] Includes 1.5 cents per Mcf tax reimbursement.
[11] Subject to downward B.t.u. adjustment.
[12] Six-step periodic rate increase (contract provided for initial rate of 17.6 cents plus tax reimbursement. Permanent certificate for sale issued at rate of 17.0 cents per Mcf plus tax reimbursement).
[13] Two-step periodic rate increase.
[14] Subject to upward and downward B.t.u. adjustment.
[15] Includes 1.0 cent per Mcf tax reimbursement. Rate also includes 1.25 cents per Mcf handling charge and 0.25 cent per Mcf compression charge which are deducted by buyer.
[16] Periodic rate increase.
[17] Includes 1.75 cents per Mcf tax reimbursement.
[18] Includes 0.45275 cent for handling and 1.5 cents for 2-stage compression, both deducted by buyer.
[19] Includes 0.875 cent per Mcf tax reimbursement due to low deliverability of well.
[20] Includes 0.43275 cent per Mcf for handling and 0.75 cent for compression, both deducted by buyer.
[21] Includes 0.5 cent per Mcf deducted by buyer for amortization of gathering facilities.
[22] Includes 0.175 cent per Mcf tax reimbursement (Arkansas severance tax and conservation assessment).
[23] Includes 0.5 cent per Mcf for facilities amortization deducted by buyer.
[24] Includes 0.21931 cent per Mcf dehydration charge, deducted by buyer.
[25] Rate approved by Settlement Order issued November 29, 1960, in Docket Nos. G–9290 and G–20299.
[26] Supersedes E. B. McMurtry's FPC Gas Rate Schedule No. 1.

Humble Oil & Refining Company requests an effective date of August 1, 1964, for Supplement No. 1 to its FPC Gas Rate Schedule No. 353; Socony Mobil Oil Company, Inc. (Operator) requests that Supplement No. 16 to its FPC Gas Rate Schedule No. 48 be allowed to become effective as of October 28, 1964; Harper Oil Company (Operator), et al., request that their proposed rate increase be allowed to become effective immediately; E. B. McMurtry requests a retroactive effective date of January 1, 1964, for his proposed rate filings; John W. Pace (Operator), et al., request waiver of notice to permit their proposed rate increase to become effective as of September 28, 1964, and Humble Oil & Refining Company request waiver of notice for Supplement No. 15 to its FPC Gas Rate Schedule No. 302. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers rate filings and such requests are denied.

E. B. McMurtry (McMurtry) submits a superseding contract and related notice of change in rate. Excerpts from such superseding contract were previously filed in the form of, and appeared to be, an amendment to the original contract dated February 2, 1953. Such excerpts were considered as part of a notice of change filed on March 2, 1960, designated as Supplement No. 1 to McMurtry's FPC Gas Rate Schedule No. 1 and is presently involved in a rate proceeding in Docket No. RI60–221.

On October 14, 1964, El Paso Natural Gas Company filed a protest concerning the proposed favored-nation increased rate designated as Supplement No. 15 to Humble Oil & Refining Company FPC Gas Rate Schedule No. 302. In its protest El Paso claims that Humble on the basis of its favored-nation clause is not entitled to the same level of rates as those which have been renegotiated by producers who have agreed to the surrender of their favored-nation clauses. Our action herein in suspending Humble's proposed rate is without prejudice to any action we may take at a later date in connection with El Paso's protest.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. II, § 2.56).

[F.R. Doc. 64–11145; Filed, Nov. 3, 1964; 8:45 a.m.]

[Docket No. RI65–291]

## WHITEHALL OIL CO., INC.

### Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

OCTOBER 27, 1964.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 9, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65–291 | Whitehall Oil Co., Inc., 900 Vaughn Building, Dallas, Tex. | 5 | 1 | Cities Service Gas Co. (Chimney Creek Field, Woodward County, Okla.) (Panhandle Area). | 308 | 10–5–64 | [1] 11–5–64 | [2] 11–6–64 | [3 6] 16.0 | [4 5 6] 17.0 | |

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] The suspension period is limited to one day.
[3] Periodic rate increase.
[4] Pressure base is 14.65 psia.
[5] Subject to downward Btu adjustment.
[6] Includes 1.0 cent per Mcf charge to buyer for processing gas.

Whitehall Oil Company, Inc. (Whitehall) requests an effective date of September 1, 1964, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Whitehall's rate filing and such request is denied.

Whitehall's related contract was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed rate is above the applicable area ceiling for increased rates but does not exceed the applicable ceiling price for initial rates in the area involved. We believe, in this situation, Whitehall's rate filing should be suspended for one day from November 5, 1964, the date of expiration of the statutory notice.

[F.R. Doc. 64-11148; Filed, Nov. 3, 1964; 8:45 a.m.]

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[Docket Nos. RI63-212, CP65-58]

## JUPITER CORP. AND TENNESSEE GAS TRANSMISSION CO.

### Order Consolidating Proceedings, Providing for Hearing, Fixing Date of Prehearing Conference, and Prescribing Procedure

OCTOBER 30, 1964.

On August 28, 1964, Tennessee Gas Transmission Company (Applicant), Tennessee Building, Houston, Tex., filed in Docket No. CP65-58 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity which would authorize Applicant to lease and operate certain gas transportation facilities in the Rollover Field, offshore Louisiana, now owned and operated by the Jupiter Corporation (Jupiter).

Applicant currently purchases gas produced in the Rollover Field from Pure Oil Company (Pure) and Jupiter. The gas purchased by Applicant from Pure is transported onshore for Pure by Jupiter. The gas which Jupiter sells to Applicant is purchased by Jupiter from Phillips Petroleum Company and Kerr-McGee Oil Industries, Inc. (Phillips-Kerr-McGee) in the Rollover Field, and is transported onshore by Jupiter for the resale to Applicant. Both the Pure gas and the Jupiter gas is commingled and transported onshore through Jupiter's underwater pipeline facilities for delivery to Applicant at a point on its transmission line located in Vermillion Parish, La.

Applicant states that it has entered into a lease agreement with Jupiter whereby it agrees to lease and operate all of Jupiter's facilities in the Rollover Field at a proposed annual rental fee of $1,200,000. In order to effectuate the agreement, Applicant proposes changes in present contractual arrangements by which it will purchase gas directly from Pure and Phillips-Kerr-McGee and take delivery of the gas at their offshore platforms. No construction of facilities by Applicant is involved in the application and no additional service is to be rendered by Applicant other than that now rendered by Jupiter in the Rollover Field.

The Commission, by order issued December 5, 1962, in Docket No. RI63-212, instituted an investigation under section 5 of the Act into the rates and charges for the transportation of gas by Jupiter in the Rollover Field. At the time the order was issued Jupiter, a highly diversified corporation, was engaged in several unrelated businesses and had only been engaged in natural gas operations for a relatively short period, having acquired the Rollover Field properties in March 1962.

In determining whether the issuance of a certificate to Tennessee in Docket No. CP65-58 is in the public interest, one of our basic considerations is to determine whether the proposed lease arrangement would operate in a way which would have an adverse effect on consumers. Such determination involves a comparison of the proposed annual rental fee under the lease agreement with Tennessee's purchased gas costs and can be properly made only after the Commission's determination of a just and reasonable transportation rate for Jupiter in Docket No. RI63-212. Since our decision as to whether the issuance of a certificate to Tennessee is in the public interest depends to a great extent upon our determination of a lawful rate in Jupiter's rate proceeding, it is appropriate that the two cases be tried upon a consolidated hearing record, as hereinafter ordered.

This order constitutes public notice of the certificate application filed with the Commission by Tennessee on August 28, 1964.

The Commission finds:

(1) For the reasons stated herein, the proceedings in Docket Nos. RI63-212 and CP65-58 should be consolidated for the purpose of hearing on all matters at issue therein.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that these proceedings be set for public hearing and that a prehearing conference be convened herein before a Presiding Examiner, hereinafter designated, for the purpose of, but not limited to, arriving at a stipulation on facts and of considering such other matters as may properly be dealt with to aid in expediting the orderly conduct and disposition of the proceedings.

The Commission orders:

(A) Pursuant to § 1.20(b) of the Commission's rules of practice and procedure, the proceedings in Docket Nos. RI63-212 and CP65-58 be and they are hereby consolidated for hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5, 7, 15, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held concerning the matters involved and the issues presented in these proceedings.

(C) The Commission staff shall serve the prepared testimony and exhibits constituting its case-in-chief with respect to Jupiter's rate investigation and Tennessee shall serve the prepared testimony and exhibits constituting its case-in-chief with respect to its certificate application, upon all parties on or before November 23, 1964.

(D) Jupiter shall serve the prepared testimony and exhibits constituting its direct case upon all parties on or before December 23, 1964.

(E) The interveners proposing to present evidence shall serve their proposed testimony and exhibits upon all parties on or before January 6, 1965.

(F) The Presiding Examiner shall set the date for the service of staff's and Tennessee's rebuttal cases.

(G) Presiding Examiner, William E. Ellis, or any other officer or officers of the Commission designated by the Chief Examiner for that purpose (see Delegation of Authority, 27 F.R. 4276, etc.) shall fix the date of hearing by notice thereof; shall preside at the prehearing conference and at the hearing in this matter, pursuant to the Commission's rules of practice and procedure and as further provided by this order.

(H) Without limitation upon the authority of the Presiding Examiner to convene conferences prior to, or subsequent to the date herein fixed, pursuant to the provisions of § 1.18 or the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner shall commence at 10:00 a.m., e.s.t., on January 12, 1965, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, for the purpose of effectuating the intent of the Commission as hereinabove set out in the body of this order.

(I) Notices of intervention and petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure, §§ 1.8 and 1.37(f) (18 CFR 1.8 and 1.37(f)) on or before November 20, 1964. Any party heretofore permitted to intervene in Docket No. RI63-212 may participate in these proceedings to the extent provided in the order granting them permission to intervene.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-11269; Filed, Nov. 3, 1964; 8:49 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 64-WE-4]

## JERRY BASSET, INC.

### Notice of Petition for Public Hearing

Jerry Basset, Inc., Concord, California, has timely filed a petition for a public hearing pursuant to § 77.39 [New] (27 F.R. 10352), Part 77, Federal Aviation Regulations, in appeal of the Determination of Hazard to Air Navigation issued in OE Docket No. 64-WE-4 (29 F.R. 12886), for the proposed construction of a television antenna structure near Concord, California.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), the determination issued in OE Docket No. 64-WE-4 (29 F.R. 12886) is not and will not be a final determination pending final disposition of the petition.

Issued in Washington, D.C., on October 28, 1964.

GEORGE R. BORSARI, *Chief, Obstruction Evaluation Branch.*

[F.R. Doc. 64-11229; Filed, Nov. 3, 1964; 8:47 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15681, 15682; FCC 64-991]

## CHARLES L. HAMILTON ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of Charles L. Hamilton, Sr. and Mildred B. Hamilton (husband and wife), Newton, Iowa, requests: 95.9 Mc, No. 240; 3 kw; 300 feet, Docket No. 15681, File No. BPH-4379; Richard C. Brandt, Newton, Iowa, requests: 95.9 Mc, No. 240; 3 kw; 200 feet, Docket No. 15682, File No. BPH-4422; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of October 1964;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the areas for which the applicants propose to provide FM broadcast service are significantly different in size and that for purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM service (at least 1 mv/m) within such areas will be considered in the hearing ordered below for the purpose of determining whether a comparative preference should accrue to either applicant; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the area and population within each of the proposed 1 mv/m contours and the availability of other FM services (at least 1 mv/m) to such areas and populations.

2. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience, and necessity in light of the evidence adduced pursuant to the foregoing issue and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the FM station as proposed.

(b) Proposals of each of the applicants with respect to the management and operation of the FM broadcast station as proposed.

(c) The programming services proposed in each of the above-captioned applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 30, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-11272; Filed, Nov. 3, 1964; 8:49 a.m.]

[1] Commissioner Bartley absent.



# HOUSING AND HOME FINANCE AGENCY

## Office of the Administrator

## ACTING REGIONAL ADMINISTRATOR, REGION I (NEW YORK)

### Designation

Pursuant to the Housing and Home Finance Administrator's delegation of authority to Regional Administrators, effective as of May 4, 1962 (27 F.R. 4319, May 4, 1962), the following officers of Region I are hereby designated to act in the place and stead of the Regional Administrator for Region I, with the title of "Acting Regional Administrator," and with all the powers, functions, duties, and responsibilities delegated or assigned to the said Regional Administrator, in the event the Regional Administrator is unable to act by reason of his absence, illness, or other cause, provided that no officer identified below shall have authority to act as "Acting Regional Administrator" unless all those whose titles appear before his hereunder are unable to act by reason of absence, illness, or other cause:

1. Regional Counsel.
2. Regional Director of Urban Renewal.
3. Regional Director of Community Facilities.
4. Deputy Regional Director of Urban Renewal.

The designations made herein supersede those made in designation document effective June 15, 1962 (27 F.R. 5879, 6/21/62, which is hereby revoked.

Effective as of the 26th day of October 1964.

[SEAL] LESTER EISNER, Jr., *Regional Administrator, Region I.*

[F.R. Doc. 64-11264; Filed, Nov. 3, 1964; 8:49 a.m.]

# INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

## COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PAKISTAN

### Prohibition of Entry or Withdrawal From Warehouse

OCTOBER 30, 1964.

On October 30, 1964, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, informed the Government of Pakistan, that pending the conclusion of consultations between Pakistan and the United States regarding trade in cotton textiles, it was renewing for an additional twelve-month period beginning October 31, 1964, and

extending through October 30, 1965, the restraint on imports into the United States of cotton textiles in Category 22, produced or manufactured in Pakistan.

There is published below a letter of October 27, 1964, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs, prohibiting, effective October 31, 1964, for the twelve-month period extending through October 30, 1965, the entry or withdrawal from warehouse for consumption in the United States of cotton textile products in Category 22 produced or manufactured in Pakistan in excess of 610,000 square yards.

JAMES S. LOVE, Jr.
*Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.*

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

*Washington 25, D.C.*
OCTOBER 27, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
*Washington, D.C.*

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6 relating to non-participants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective October 31, 1964, and for the twelve month period extending through October 30, 1965, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textile products in Category 22 produced or manufactured in Pakistan, in excess of the following level of restraint:

| Category: | *12-month level of restraint* |
|---|---|
| 22 | 610,000 sq. yds. |

Entries of cotton textile products in Category 22, produced or manufactured in Pakistan, which have been exported to the United States from Pakistan, prior to October 31, 1964, shall be subject to this directive since the level for the period October 31, 1963, through October 30, 1964, has been exhausted by previous entries.

A detailed description of Category 22 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. D. MARTIN, Jr.
*Acting Secretary of Commerce, and Acting Chairman, President's Cabinet Textile Advisory Committee.*

[F.R. Doc. 64-11263; Filed, Nov. 3, 1964; 8:49 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1732]

## AETNA LIFE INSURANCE CO. AND AETNA CASUALTY AND SURETY CO.

### Notice of and Order for Hearing on Application for Order Exempting Transactions Between Affiliated Persons

OCTOBER 29, 1964.

Notice is hereby given that Aetna Life Insurance Company ("Aetna Life") and its majority-owned subsidiary, The Aetna Casualty and Surety Company, 151 Farmington Avenue, Hartford, Connecticut, 06115 ("Aetna Casualty"), both affiliated persons of Insurance Securities Trust Fund ("Insurance Securities"), a registered open-end diversified investment company, have filed a joint application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the proposed exchange of Insurance Securities' holdings of capital stock of Aetna Casualty for capital stock of Aetna Life as part of a proposed plan of Aetna Life and Aetna Casualty ("plan") to effectuate a complete identity of ownership of the capital stocks of the two companies. All interested persons are referred to the application, which is on file with the Commission, for a full statement of applicants' representations, which are summarized below.

Insurance Securities is a trust organized under the laws of the State of California and has its principal office in San Francisco, California. Its assets are invested primarily in stocks of insurance companies. It owns 406,817 shares, or 5.09 percent, of the 8,000,000 outstanding shares of capital stock of Aetna Life and 533,936 shares, or 7.63 percent, of the 7,000,000 outstanding shares of capital stock of Aetna Casualty.

Aetna Life, a Connecticut corporation, owns 4,312,535 shares, or 61.6 percent, of the outstanding capital stock of Aetna Casualty. Aetna Life is engaged in writing substantially all lines of life insurance customarily written by life insurance companies, including individual and group life, disability and health policies and annuity contracts, but not industrial policies. Aetna Casualty, also a Connecticut corporation, together with a subsidiary, write a virtually complete line of fire and casualty insurance. Aetna Life and Aetna Casualty are both licensed and do business in all the states of the United States, the District of Columbia, Puerto Rico, Guam, and Canada.

Briefly, the proposed plan provides in essence for (a) the merger of Aetna Casualty into a wholly-owned newly created subsidiary of Aetna Life through the issuance of new shares of Aetna Life to the shareholders of Aetna Casualty, and (b) the transfer by Aetna Life of all the outstanding shares of such subsidiary, which will carry on the business of Aetna Casualty, to a trust for the pro rata benefit of the shareholders of Aetna Life. The primary purpose of the plan is stated to be to establish complete identity of stock ownership of Aetna Life and Aetna Casualty in order to achieve business advantages and to permit the realization of substantial annual savings in Federal income taxes made possible by recent changes in the Federal tax laws.

In general, the plan proposes the following steps:

1. The number of outstanding shares of capital stock of Aetna Life will be increased from 8,000,000 shares, $5 par value, now outstanding to 20,000,000 shares, $2.50 par value, by a 2-for-1 stock split and a 25 percent stock dividend.

2. Aetna Life has caused Farmington Valley Insurance Company ("Farmington"), a Connecticut corporation, to be organized with an authorized capitalization of 1,000 shares of capital stock. Aetna Life will issue to Farmington shares of Aetna Life equal in number to 1.9 times the number of outstanding shares of Aetna Casualty, and, in return, will receive all of the 1,000 shares of Farmington's authorized capital stock.

3. Aetna Casualty will be merged into Farmington which, as the surviving corporation, will be named The Aetna Casualty and Surety Company ("New Aetna Casualty"). To effect the merger, each share of Aetna Casualty will be converted into 1.9 shares of Aetna Life which are equivalent to 0.76 of a share of Aetna Life now outstanding. Assuming no shareholder of Aetna Casualty demands his statutory appraisal rights, the number of Aetna Life shares to be issued in exchange for the 7,000,000 outstanding shares of Aetna Casualty will be 13,300,000. However, Aetna Life, as a shareholder of Aetna Casualty, will receive in the merger 8,193,816 shares of its own capital stock, thereby leaving a total of 25,106,184 shares of Aetna Life outstanding after the merger. Insurance Securities as a shareholder of Aetna Casualty will participate in the exchange on the same basis as all other shareholders, receiving 1,014,478 shares of Aetna Life resulting in its holding, after giving effect to the stock split and stock dividend, of 2,031,521 shares, or 8.09 percent, of the total number of shares of Aetna Life to be outstanding after the proposal.

4. Aetna Life will distribute all of the outstanding capital stock of New Aetna Casualty to Hartford National Bank and Trust Company, Hartford, Connecticut, as Trustee ("Trustee") to be held in trust under a trust agreement to be executed by Aetna Life and the Trustee for the benefit of the holders of the shares of Aetna Life outstanding at the date of the trust agreement. The beneficial interests in the shares of New Aetna Casualty will be transferrable only in conjunction with the transfer of the Aetna Life shares and may not be transferred or sold separately.

The application states that the ratio at which shares of Aetna Casualty are to be converted into shares of Aetna Life has been determined after consideration of their relative market prices, the per-share earnings and capital stock equities of both companies, dividend payments and other factors, and consideration by



the Boards of Directors of a report of the investment firm of Morgan Stanley & Co., retained by Aetna Life and Aetna Casualty, which recommended as fair the ratio at which Aetna Life shares are to be issued for Aetna Casualty shares, and the report of Alfred M. Best Company, Inc., insurance finance experts, retained by both companies, which concurred in the recommendation of Morgan Stanley & Co. In addition, the merger ratio has been found to be fair to the shareholders of each company by the Insurance Commissioner of the State of Connecticut after a public hearing.

Approval of the merger by the holders of not less than two-thirds of the outstanding shares of Aetna Casualty is required by the General Statutes of Connecticut. Aetna Life has advised Aetna Casualty that the approximately 62 percent of the outstanding shares of Aetna Casualty held by Aetna Life will be voted in favor of the merger. In addition, the proposed increase in Aetna Life's authorized capital stock to permit the stock split and stock dividend and the proposed transfer by Aetna Life of all outstanding shares of New Aetna Casualty to the trust are subject to the approval of the shareholders of Aetna Life.

Shareholders of Aetna Casualty have certain appraisal rights with respect to the merger pursuant to Section 33-374 of the General Statutes of Connecticut.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application:

*It is ordered*, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on November 13, 1964 at 10:00 a.m. in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington, D.C., 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings is directed to file with the Secretary of the Commission his application as provided by rule 9(c) of the Commission's rules of practice, on or before the date provided in said rule, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application.

*It is further ordered*, That William W. Swift, or any officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(a) Whether the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(b) Whether the proposed transaction is consistent with the policy of the registered investment company concerned; and

(c) Whether the proposed transaction is otherwise consistent with the general purposes of the Act;

*It is further ordered*, That at the aforesaid hearing attention be given to the foregoing matters and questions.

*It is further ordered*, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Aetna Life, Aetna Casualty and Insurance Securities; that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-11230; Filed, Nov. 3, 1964; 8:47 a.m.]

[File No. 70-4237]

## MISSISSIPPI POWER & LIGHT CO.

### Notice of Proposed Transfer of Portion of Earned Surplus to Capital Stock Account

OCTOBER 29, 1964.

Notice is hereby given that Mississippi Power & Light Company ("Mississippi"), Electric Building, Jackson 5, Mississippi, a public utility subsidiary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed with this Commission a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and has designated sections 6(a) and 7 of the Act as applicable to the proposed transaction.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

Mississippi proposes to transfer from its earned surplus account to its common capital stock account an aggregate of $2,850,000 which is equivalent to $1 per share on its outstanding no par value common stock, all of which is held by Middle South. The common capital stock account will thereby be increased to $45,600,000. At August 31, 1964, Mississippi's earned surplus account amounted to $9,010,108, per books, and will be reduced to $6,160,108 after giving effect to the proposed transaction. During the twelve months then ended, dividends charged to Mississippi's earned surplus account aggregated $4,336,035, consisting of $346,035 on its outstanding preferred stock (all publicly held) and $3,990,000 on its outstanding common stock.

The declaration states that no State regulatory agency and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction, and that no fees, commissions or expenses are to be paid in connection therewith.

Notice is further given that any interested person may, not later than November 23, 1964, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for the request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulatons promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided by rules 20(a) and 100 thereof or take such other action as it deems appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-11231; Filed, Nov. 3, 1964; 8:47 a.m.]

[File No. 1-935]

## MOUNTAIN FUEL SUPPLY CO.

### Notice of Application To Withdraw From Listing and Registration

OCTOBER 29, 1964.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Pittsburgh Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following: The Capital Stock of the Applicant is, and is expected to continue to be, listed and registered on the New York Stock Exchange. The dual listing and registration causes unnecessary expense. The volume of the Applicant's stock traded on the Pittsburgh Stock Exchange is negligible. The historical reason—large distribution of shares in the vicinity of the Exchange—that led to listing



and registration on the Exchange no

# TARIFF COMMISSION

8th and E Streets NW., Washington

and registration on the Exchange no longer exists.

Any interested person may, on or before November 16, 1964, submit by letter to the Secretary of the Securities and Exchange Commission, Washington 25, D.C., facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-11232; Filed, Nov. 3, 1964; 8:47 a.m.]

[File No. 7-2409]

## FINANCIAL FEDERATION, INC.

### Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 29, 1964.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Financial Federation, Inc.; File 7-2409

Upon receipt of a request, on or before November 16, 1964 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-11233; Filed, Nov. 3, 1964; 8:47 a.m.]

# TARIFF COMMISSION

## WATCHES, WATCH MOVEMENTS, AND PARTS OF WATCH MOVEMENTS

### Report to the President

OCTOBER 30, 1964.

The Tariff Commission today made public its report to the President on investigation No. TEA-I-7 under section 301(b) of the Trade Expansion Act of 1962. The investigation covered watches, watch movements, and parts of watch movements (except jewels). Concessions on these articles, in the form of duty reductions or bindings against increase of the rates of duty provided in the Tariff Act of 1930, were granted by the United States in a trade agreement with Switzerland, effective February 15, 1936. Following an escape-clause investigation concluded by the Tariff Commission in 1954, the President proclaimed increased rates of duty, effective July 28, 1954, on all the categories of watch movements on which the rates of duty had been previously reduced.

In the investigation just completed the Commission found unanimously that the articles covered by the investigation are not, as a result in major part of concessions granted under trade agreements, being imported in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry producing like or directly competitive articles.

All Commissioners held that any increases that may have occurred in recent years in imports of watches, watch movements, and one of the categories of parts of watch movements (those accompanying shipments of watch movements and valued at 4 percent or less of the value of such movements) are not attributable in major part to trade-agreement concessions. The 1936 trade-agreement reductions in duty on watch movements (including those incorporated in watches) were largely nullified by the escape action taken in 1954. The trade-agreement concession on the aforementioned category of parts consisted of a binding against increase of the 1930 rate of duty—a concession which could not have contributed significantly to any increase in imports.

With respect to the principal types of imported watch-movement parts, Commissioners Fenn, Sutton, and Culliton held that the imports have been stimulated mainly by factors other than the moderate reduction in duty made in 1936. Commissioners Dorfman and Talbot did not associate themselves with that view. Instead they held that the increased imports of those parts have not significantly affected competition between watches in which those parts are incorporated and other domestically made watches, whether pin-lever or jeweled-lever.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Address requests to the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., 20436.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 64-11177; Filed, Nov. 3, 1964; 8:50 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 30, 1964.

Protests to the granting of an application must be prepared in accordance with § 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39354: *Returned shipments of rice to Southern Territory Points.* Filed by O. W. South, Jr., agent (No. A4582), for interested rail carriers. Rates on rice and rice products, in carloads, returned to original points of origin, from points in official (including Illinois), southern, southwestern, western trunkline and Canadian territories, to points in southern territory, including Mississippi River crossings.

Grounds for relief: Carrier competition.

Tariff: Supplement 9 to Southern Freight Association, agent, tariff I.C.C. S-423.

FSA No. 39355: *Joint motor-rail rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 32), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states, middle Atlantic and New England territories, on the one hand, and points in Provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 26 to Niagara Frontier Tariff Bureau, Inc., agent, tariff MF-I.C.C. 59.

FSA No. 39356: *Soybeans to Fredonia, Kans.* Filed by Southwestern Freight Bureau, agent (No. B-8626), for interested rail carriers. Rates on soybeans, in bulk, in carloads, from specified points in Missouri and Oklahoma, to Fredonia, Kans.

Grounds for relief: Carrier competition.

Tariffs: Supplements 54 and 14 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4475 and 4483, respectively.

FSA No. 39357: *Liquid caustic soda to Pepperell, Ala.* Filed by O. W. South, Jr., agent (No. A4584), for interested rail carriers. Rates on liquid caustic soda, in tank car loads, from Acme and Wilmington, N.C., Brunswick, Ga., and Charleston, S.C., to Pepperell, Ala.



Grounds for relief: Market competition.

Tariffs: Supplements 96 and 154 to Southern Freight Association, agent, tariffs I.C.C. S-207 and S-194, respectively.

FSA No. 39358: *Liquid caustic soda to Cedartown, Ga.* Filed by O. W. South, Jr., agent (No. A4585), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Evans City and Redstone Arsenal, Ala., and Memphis, Tenn., to Cedartown, Ga.

Grounds for relief: Market competition.

Tariffs: Supplements 154 and 195 to Southern Freight Association, agent, tariffs I.C.C. S-194 and S-116, respectively.

FSA No. 39359: *Corn to points in Maine, New Hampshire, and Vermont.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2747), for interested rail carriers. Rates on corn, air dried or otherwise dried, in bulk, in carloads, from points in Indiana, Michigan, western New York, Ohio, western Pennsylvania, and western West Virginia, to points in Maine, New Hampshire, and Vermont.

Grounds for relief: Market competition and partially restore destination rate relationship with receivers in Maryland, Virginia, and Delmarva Peninsula.

Tariff: Supplement 3 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-474.

FSA No. 39360: *Carbolic acid from East St. Louis, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-8627), for interested rail carriers. Rates on acid, carbolic (phenol), in tank carloads, from East St. Louis, Ill., to Boutte and Luling, La.

Grounds for relief: Market competition.

Tariff: Supplement 71 to Southwestern Freight Bureau, agent, tariff I.C.C. 4469.

AGGREGATE-OF-INTERMEDIATES

FSA No. 39361: *Carbolic acid from East St. Louis, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-8628), for interested rail carriers. Rates on carbolic acid (phenol), in tank carloads, from East St. Louis, Ill., to Boutte and Luling, La.

Grounds for relief: Maintenance of depressed rates published to meet market competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 71 to Southwestern Freight Bureau, agent, tariff I.C.C. 4469.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-11250; Filed, Nov. 3, 1964; 8:48 a.m.]

[Notice 327]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 30, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 79), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309, filed October 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over Interstate Highway 55 to Winona, Miss., thence over access road, U.S. Highway 82 to Greenwood, Miss., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Memphis, over U.S. Highway 61 to Clarksdale, Miss., thence over U.S. Highway 49 to junction U.S. Highway 49-E, thence over U.S. Highway 49-E to junction U.S. Highway 82, thence over U.S. Highway 82 to Greenwood, and return over the same route.

No. MC 4963 (Deviation No. 8), JONES MOTOR CO., INC., Bridge St., and Schuyhill Road, Spring City, Pa., filed October 19, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 11 and 15 at Harrisburg, Pa., over U.S. Highway 15, to junction U.S. Highway 22, thence over U.S. Highway 22 to Pittsburgh, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Harrisburg over U.S. Highway 11 to Carlisle Toll Gate, thence over Pennsylvania Turnpike to Irwin Toll Gate, and thence over U.S. Highway 30 to Pittsburgh, and return over the same route.

No. MC 4963 (Deviation No. 9), JONES MOTOR CO., INC., Bridge St., and Schuyhill Road, Spring City, Pa., filed October 19, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 11 and 15 at Harrisburg, Pa., over U.S. Highway 15 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction U.S. Highway 422, thence over U.S. Highway 422 to Portersville, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Harrisburg over U.S. Highway 11 to Carlisle Toll Gate, thence over Pennsylvania Turnpike to Irwin Toll Gate, thence over U.S. Highway 30 to junction U.S. Highway 19, thence over U.S. Highway 19 to Portersville, and return over the same route.

No. MC 42261 (Deviation No. 1), LANGER TRANSPORT CORP., Route 1 & Foot of Danforth Avenue, Box 305, Jersey City, N.J. Carrier's attorney: William C. Mitchell, 140 Cedar Street, New York 6, N.Y., filed October 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: Between Albany, N.Y., and Utica, N.Y., over the Thomas E. Dewey Thruway (formerly known as the New York Thruway), for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: between Albany, and Utica, over New York Highway 5.

No. MC 59680 (Deviation No. 27), STRICKLAND TRANSPORTATION CO., INC., and STRICKLAND TRANSPORTATION CO., INC., OPERATOR (IN PART) OF ENGLAND TRANSPORTATION COMPANY, INC., Post Office Box 5689, Dallas, Tex., 75222, filed October 16, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From New Orleans, La., over U.S. Highway 61, to junction U.S. Highway 190 at Baton Rouge, La., thence over U.S. Highway 190 to junction U.S. Highway 71, thence over U.S. Highway 71 to Alexandria, La., thence over U.S. Highway 165, via Monroe, La., to junction U.S. Highway 65, thence over U.S. Highway 65 to Pine Bluff, Ark., thence over U.S. Highway 79 to Memphis, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from New Orleans, over U.S. Highway 61 to junction U.S. Highway 190 at Baton Rouge, thence over U.S. Highway 190 to junction U.S. Highway 71, thence over U.S. Highway 71 to Texarkana, Ark., thence over U.S. Highway 67, to Little Rock, Ark., thence over U.S. Highway 70 to Memphis, and return over the same route.

No. MC 75295 (Deviation No. 4), EAST COAST FREIGHT LINES, 3005 West Marshall Street, Richmond 30, Va., filed October 23, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between junction Interstate Highway 495 and U.S. Highway 350 and junction Interstate Highway 495 and U.S. Highway 50, over Interstate Highway 495, for operating convenience only. The

notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Richmond, Va. and New York, N.Y., over U.S. Highway 1.

No. MC 75320 (Deviation No. 22), CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo., 65801, filed October 22, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Crystal Springs, Miss., over Mississippi Highway 27 to the Mississippi-Louisiana State line, thence over Lousiana Highway 25 to junction U.S. Highway 190, thence over U.S. Highway 190 to junction Lake Pontchartrain Causeway, thence over Lake Pontchartrain Causeway to New Orleans, La., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New Orleans, over U.S. Highway 61 to junction U.S. Highway 51, thence over U.S. Highway 51 to Jackson, Miss., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 202) (Canceling Deviation No. 161) GREYHOUND LINES, INC. (Southern Division) 219 East Short Street, Lexington, Ky., 40507, filed October 16, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers over deviation routes as follows: (a) from junction U.S. Highway 11 and Interstate Highway 59 one-half mile south of Nicholson, Miss., over Interstate Highway 59 to junction U.S. Highway 11 one-half mile north of Pearl River, La.; (b) from Laurel, Miss., over Interstate Highway 59 to junction Mississippi Highway 26 approximately three miles east of Poplarville, Miss., thence over Mississippi Highway 26 to Poplarville, also over the following access routes: (1) over U.S. Highway 49 from its junction with Interstate Highway 59 to Hattiesburg, Miss., (2) from junction U.S. Highway 98 and Interstate Highway 59 over access route U.S. Highway 98 to Hattiesburg, Miss.; (3) from junction Interstate Highway 59 and U.S. Highway 11, over U.S. Highway 11 to Hattiesburg, Miss., and (4) from junction Interstate Highway 59 and Mississippi Highway 13, thence over Mississippi Highway 13 to Lumberton, Miss., and (c) from Meridian, Miss., over Interstate Highway 59 to junction U.S. Highway 11 near Toomsuba, Miss., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Birmingham, Ala., over U.S. Highway 11 via Bucksville and Box Springs, Ala. to New Orleans, La., and return over the same route.

No. MC 1515 (Deviation No. 203) (canceling Deviation No. 181), GREYHOUND LINES, INC. (Central Greyhound Lines Division), 210 East 9th Street, Fort Worth, Tex., filed October 19, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From the Illinois-Iowa State line over Interstate Highway 80 to Omaha, Nebr.; and over the following access routes: From junction Interstate Highway 80 and Iowa Highway 1 (formerly Iowa Highway 261) over Iowa Highway 1 to Iowa City, Iowa; also from junction Interstate Highway 80 and Iowa Highway 149 over Iowa Highway 149 to junction U.S. Highway 6, near South Amana, Iowa; also from junction Interstate Highway 80 and Iowa Highway 146 over Iowa Highway 146 to Grinnell, Iowa; also from junction Interstate Highway 80 and Iowa Highway 14 over Iowa Highway 14 to Newton, Iowa; also from junction Interstate Highway 80 and U.S. Highway 71 over U.S. Highway 71 to Atlantic, Iowa, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above specified property over a pertinent service route as follows: From De Kalb, Ill., over Alternate U.S. Highway 30 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Illinois Highway 2, thence over Illinois Highway 2 to junction Illinois Highway 92, thence over Illinois Highway 92 to junction U.S. Highway 6, thence over U.S. Highway 6 to Omaha, and return over the same route.

No. MC 61616 (Deviation No. 9), MIDWEST BUSLINES, INC., Post Office Box 1188, Little Rock, Ark., filed October 22, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express, mail, and newspapers*, in the same vehicle with passengers, over a deviation route as follows: Between North Little Rock, Ark., and junction Interstate Highway 40 and U.S. Highway 65, 10.5 miles northwest of North Little Rock, over Interstate Highway 40, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above specified property over a pertinent service route as follows: From Fort Smith, Ark., over U.S. Highway 64 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction U.S. Highway 70, thence over U.S. Highway 70 to Memphis, Tenn., and return over the same route.

No. MC 123833 (Deviation No. 1), THAMES VALLEY TRANSPORTATION, INC., 385 Central Ave., Norwich, Conn., filed October 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers*, in the vehicle with passengers, over a deviation route as follows: From a point near Quaker Hill, Conn., over Connecticut Highway 52 to Entrance 78 on the Connecticut Turnpike, thence over the Connecticut Turnpike and Connecticut Highway 52, to its northern extension at a point near Dayville, Conn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above specified property over a pertinent service route as follows: From New London, Conn., over Connecticut Highway 32 to Norwich, Conn., thence over Connecticut Highway 12 to the Connecticut-Massachusetts State line, thence over Massachusetts Highway 12 to Worcester, Mass., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-11251; Filed, Nov. 3, 1964; 8:48 a.m.]

[Notice 698]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 30, 1964.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.247) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 o'clock a.m., local d.s.t., if that time is observed), unless otherwise specified.

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

*Special rules of procedure for hearing.*

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 119741 (Sub-No. 12) (REPUBLICATION), filed June 29, 1964, published in FEDERAL REGISTER issue of July 8, 1964, amended October 8, 1964, and republished October 21, 1964. Applicant: KIM FREIGHT LINES, INC., 4234 South Emerald Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, other than hides and commodities in bulk, in tank vehicles, as described in Sections A and C Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site or facilities used by Wilson & Co., Inc., at or near Cherokee, Iowa, to points in Illinois, Kansas, Missouri, and Nebraska; and (2) *equipment, materials, and supplies* used or useful to persons engaged in the manufacture of meats and the processing and slaughtering of animals, from points in Illinois, Kansas, Missouri, and Nebraska to the plant or facilities of Wilson & Company located at or near Cherokee, Iowa.

NOTE: The purpose of this republication is to set forth the hearing information.

*HEARING:* December 16, 1964, at the Midland Hotel, 172 West Adams Street, Chicago, Ill., before Examiner Richard A. White.

No. MC 123639 (Sub-No. 22), filed October 15, 1964. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles) from Cherokee, Iowa to points in Colorado, Kansas, Nebraska, and Illinois.

NOTE: Applicant states the proposed operations will be restricted to traffic originating at the plant site of Wilson & Co., Inc. and/or cold storage facilities utilized by that company at or near Cherokee, Iowa.

*HEARING:* December 16, 1964, at the Midland Hotel, 172 West Adams Street, Chicago, Ill., before Examiner Richard A. White.

No. MC 124174 (Sub-No. 29) (REPUBLICATION), filed October 5, 1964, published in FEDERAL REGISTER issue October 21, 1964, and republished this issue. Applicant: MOMSEN TRUCKING COMPANY, a corporation, Highway 18 and 71 North, Spencer, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts* and *articles distributed by meat packinghouses* as described in Sections A and C, Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), restricted to Wilson & Co., Inc., traffic originating at the plant site and/or cold storage facilities utilized by Wilson & Co., Inc., from Wilson & Co., Inc. located at or near Cherokee, Iowa, to points in Illinois, Minnesota, Wisconsin, Omaha, Nebr., and the Indiana portion of the Chicago, Ill., Commercial Zone.

NOTE: The purpose of this republication is to set forth the hearing information.

*HEARING:* December 16, 1964, at the Midland Hotel, 172 West Adams Street, Chicago, Ill., before Examiner Richard A. White.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-11253; Filed, Nov. 3, 1964; 8:48 a.m.]

[Notice 697]

## MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 30, 1964.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protests shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 808 (Sub-No. 38), filed October 12, 1964. Applicant: ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio. Applicant's attorney: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive vehicles, chassis, bodies, cabs, and trailers, new, used, finished, unfinished, or wrecked, automobile parts, tools, and accessories*, moving in connection with the above-specified commodities, *chassis, bodies, cabs and trailers, and show equipment or paraphernalia*, in initial movements, in driveaway and truckaway service, from the plant site of the General Motors Corporation Assembly Plant located in Lordstown Township, Trumbull County, Ohio, to points in Arkansas, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: Applicant states the proposed service is to be "restricted against the transportation of trailers designed to be drawn by passenger automobiles." Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 827 (Sub-No. 7), filed October 16, 1964. Applicant: MAUD E. FLEMING AND DOROTHY M. IVINS, EXECUTRICES OF ESTATE OF WILLIAM T. FLEMING, 2215-17 Hunting Park Avenue, Philadelphia, Pa., 19140. Applicant's attorney: Russell Wolfe, 1220 Commercial Trust Building, Philadelphia, Pa., 19192. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by chain retail automobile supply stores and *damaged, defective and returned shipments, and trade-ins of such merchandise*, between Philadelphia, Pa., on the one hand, and, on the other, Salisbury, Md.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 2253 (Sub-No. 22), filed October 14, 1964. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Post Office Box 697, Cherryville, N.C. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Fiberton, N.C. (formerly Majolica), as an off-route point in connection with applicant's authorized regular-route operation between North Wilkesboro, N.C., and Charlotte, N.C.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2392 (Sub-No. 34), filed October 19, 1964. Applicant: WHEELER TRANSPORT SERVICE, INC., Box 432, Genoa, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, from the plant site of Comino Products, Inc.,

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

located at or near Hoag, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, and South Dakota, and *damaged and rejected shipments* of the commodities specified, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 3114 (Sub-No. 23), filed October 21, 1964. Applicant: T. H. COMPTON, INC., Great Cacapon, W. Va. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron pyrite cinders*, in bulk, from North Claymont, Del., to Martinsburg, W. Va.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 8948 (Sub-No. 55), filed October 14, 1964. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. Applicant's attorney: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, articles of unusual value, household goods as defined by the Commission, bulk commodities, and commodities requiring special equipment), serving the plant site of Cimarron Facilities of Nuclear Products Division of Kerr Mc-Gee Oil Industries, Inc., located along the south side of the Cimarron River, northeast of the junction of Oklahoma Highways 33 and 74, approximately twelve (12) miles north of the northern boundary of the city limits of Oklahoma City, Okla., as an off-route point in connection with applicant's presently authorized regular-route operation.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 9942 (Sub-No. 17), filed October 19, 1964. Applicant: HALL FREIGHT LINES, INC., 12–18 College Street, Danville, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plant site of Bethlehem Steel Company Burns Harbor plant located in Porter County, Ind., as an off-route point in connection with applicant's regular route operations to and from Chicago, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 13087 (Sub-No. 26), filed October 12, 1964. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street SW., Mason City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Mason City, Iowa, to points in Illinois (except Chicago), Indiana, Kansas, Minnesota, Missouri, Nebraska, Michigan, and Wisconsin (except Green Bay, Madison, Oshkosh, and Two Rivers).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 14702 (Sub-No. 6) (CLARIFICATION), filed September 11, 1964, published FEDERAL REGISTER issue September 24, 1964, and clarified and republished this issue. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the sites of the plants of General Motors Corporation, located in or near Lordstown Township, Trumbull County, Ohio, on the one hand, and, on the other, Warren, Ohio.

NOTE: Applicant states "that it intends to tack the authority here applied for to other authority held by it under MC 14702 thereby providing a through service between the plant sites specified above, on the one hand, and, on the other, points in Ohio, West Virginia, Pennsylvania, New Jersey, Virginia, Maryland, the District of Columbia, and New York." If a hearing is deemed necessary, applicant requests it be held with other similar cases seeking the same authority. The purpose of this republication is to more clearly state the service as proposed.

No. MC 15511 (Sub-No. 20), filed October 12, 1964. Applicant: CARSTENSEN FREIGHT LINES, INC., Lincoln Highway, Clinton, Iowa. Applicant's attorney: Edw. G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between junction U.S. Highway 30 and Iowa Highway 150, and Wheatland, Iowa, over U.S. Highway 30, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations, between Cedar Rapids, Iowa, and Moline, Ill.

NOTE: Applicant states it seeks authority to serve the junction of U.S. Highway 30 and Iowa Highway 150 as a point of joinder only. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 21571 (Sub-No. 28), filed October 19, 1964. Applicant: SCHERER FREIGHT LINES, INC., 424 West Madison Street, Ottawa, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the site of the Bethlehem Steel Company Burns Harbor plant located in Porter County, Ind., as an off-route point in connection with applicant's regular-route operations to and from Chicago, Ill.

NOTE: Applicant has contract carrier authority under MC 115738, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 22278 (Sub-No. 18), filed October 19, 1964. Applicant: TAKIN BROS. FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, packinghouse products and commodities used by packinghouses* as described by the Commission in Appendix I to the report in *Descriptions in Motor Carrier Certificates*—Packinghouse Products 61 M.C.C. 209 and 766, serving the off-route point of Hawarden, Iowa, in connection with applicant's authorized regular route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 27063 (Sub-No. 10), filed October 12, 1964. Applicant: LIBERTY TRANSFER COMPANY, INC., 1601 Cuba Street, Baltimore, Md. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Matches, in mixed loads with canned and bottled foods*, from Newark, N.J., to points in Delaware, Maryland, Pennsylvania, and the District of Columbia within 125 miles of Bridgeton or Winslow, N.J.

NOTE: Applicant states the proposed service will be performed for the account of Hunt-Wesson Sales Company, a Division of Hunt Foods and Industries, Inc. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 28595 (Sub-No. 5), filed October 9, 1964. Applicant: ANNA M. HANSSEN, doing business as HANSSEN'S TRUCK LINE, Westcliffe, Colo. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (1) *Vermiculite*, over irregular routes, from the plant site of Rimlite, Inc. (located about 1 (one) mile east of Westcliffe, Colo.), to points in Wyoming, Kansas, and those in Nebraska on the west of U.S. Highway 81, points in Texas and New Mexico on and north of U.S. Highway 66, and those in Utah on and east of U.S. Highway 91. (2) *General commodities*, over regular routes: (a) Between Westcliffe, Colo., and Pueblo, Colo., over Colorado Highway 96, serving all intermediate points, and (b) between Westcliffe, Colo., and Pueblo, Colo., from Westcliffe over Colorado Highway 96 to Wetmore, Colo., thence over Colorado Highway 67 to Florence, Colo., thence over Colorado Highway 115 to Canon City, Colo., thence over U.S. Highway 50 to Pueblo, and return over the same route, serving all intermediate points on Colorado Highway 96 between Westcliffe and Wetmore, Colo., and (3) irregular routes: Between points in that part of Custer County, Colo., not east of Colorado Highways 67 and 165, and points in that part of Huerfano County, Colo., on and north of a line extending from the Huerfano-Saguache County line through Bradford to Greenhorn, Colo., on the one hand, and, on the other, points in Colorado.

NOTE: Applicant states that it holds authority in MC 28595 (Sub-No. 3) for substantially the same authority–applied for in part two by virtue of Certificate of Registration, and that conversion of that authority to a certificate is necessitated because of Part 1 of the application. Applicant also transports passengers in the State of Colorado by virtue of a Certificate in No. MC 108575. If a hearing is deemed necessary, applicant requests that it be held at Denver, Colo.

No. MC 29566 (Sub-No. 92), filed October 19, 1964. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chicago and Deerfield, Ill., to points in Kansas, and points in Missouri on and north of U.S. Highway 50.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 30844 (Sub-No. 162), filed October 19, 1964. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from points in Dakota County, Nebr., to points in Colorado, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Washington, D.C.

No. MC 32430 (Sub-No. 4), filed October 12, 1964. Applicant: FERGUSON TRANSFER COMPANY, a corporation, 320 North Front Street, Coos Bay, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 SW. Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Coos and Curry Counties, Oreg., on the one hand, and, on the other, points in Multnomah County, Oreg., Clark County, Wash., and Del Norte County, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 40428 (Sub-No. 11), filed October 16, 1964. Applicant: CROSS TRANSPORTATION, INC., Carll's Corner, Bridgeton, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and plastic containers, carboys, demijohns, jars, bottles, packing glasses, caps, covers, stoppers, closures or tops, boxes, paper, fiberboard*, and *pulpboard*, in sheets or rolls, *fiberboard and pulpboard liners and fillers*, and *empty containers*, between Bridgeton, and Glassboro, N.J., on the one hand, and, on the other, points in New Hampshire, Vermont, West Virginia, and Maine.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 42614 (Sub-No. 44), filed October 20, 1964. Applicant: CHICAGO AND NORTH WESTERN RAILWAY COMPANY, a corporation, 400 West Madison Street, Chicago, Ill., 60606. Applicant's attorney: William A. Cottrell, 400 West Madison Street, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, and meat byproducts, articles distributed by meat packinghouses*, and *such commodities as are used by meat packers in the conduct of their business* when destined to and for use by meat packers, as described in Sections A, C, and D of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) between Watertown, S. Dak., and Aberdeen, S. Dak.; from Watertown over South Dakota Highway 20 to junction South Dakota Highway 37, thence over South Dakota Highway 37 to junction U.S. Highway 12 at Groton, S. Dak., thence over U.S. Highway 12 to Aberdeen, and (2) from Watertown over U.S. Highway 212 to junction U.S. Highway 281, thence over U.S. Highway 281 to Aberdeen, and return over the same routes, serving no intermediate points.

NOTE: Applicant states that the proposed service will be restricted to prior or subsequent rail haul. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 42614 (Sub-No. 45), filed October 20, 1964. Applicant: CHICAGO AND NORTH WESTERN RAILWAY COMPANY, a corporation, 400 West Madison Street, Chicago, Ill., 60606. Applicant's attorney: William F. Cottrell, 400 West Madison Street, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products*, and *meat byproducts, articles distributed by meat packinghouses*, and *such commodities as are used by meat packers in the conduct of their business* when destined to and for use by meat packers, as described in Sections A, C, and D of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Huron, S. Dak., and Aberdeen, S. Dak.; from Huron over U.S. Highway 14 to junction U.S. Highway 281, thence over U.S. Highway 281 to Aberdeen, and return over the same route, serving no intermediate points.

NOTE: Applicant states that the proposed service will be restricted to prior or subsequent rail haul. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Huron, S. Dak.

No. MC 52869 (Sub-No. 74), filed October 19, 1964. Applicant: NORTHERN TANK LINE, a corporation, 511 Pleasant Street, Miles City, Mont. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizers, fertilizer ingredients, and fertilizer solutions*, from Cheyenne, Wyo., and points within ten (10) miles thereof, to points in Nebraska, Colorado, Kansas, North Dakota, South Dakota, Montana, Utah, Idaho, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 56553 (Sub-No. 15), filed October 19, 1964. Applicant: PULASKI HIGHWAY EXPRESS, INC., 640 Hamilton Avenue, Nashville, Tenn. Applicant's attorney: James C. Havron, Nashville Bank and Trust Building, Nashville, Tenn., 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Lawrenceburg, Tenn., and the Tennessee-Alabama State line, over U.S. Highway 43, serving all intermediate points, (2) between St. Joseph, Tenn., and Iron City, Tenn., over an unnumbered highway, serving all intermediate points, (3) between Leoma, Tenn., and Pulaski, Tenn., from Leoma, Tenn., over Tennessee Highway 98 to Bonnertown, Tenn., thence over an unnumbered highway to Minor Hill,



Tenn., thence over Tennessee Highway

Tenn., thence over Tennessee Highway 11 to Pulaski, Tenn., and return over the same route, serving all intermediate points, and (4) between Lawrenceburg, Tenn., and Columbia, Tenn., over U.S. Highway 43, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: Applicant states that all of the above described routes are to be used in connection with applicant's presently existing service. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 59367 (Sub-No. 18), filed October 19, 1964. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Mason City, Iowa, to points in Minnesota, Missouri, and Illinois (except points in the Chicago, Ill., commercial zone as defined by the Commission).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 59570 (Sub-No. 24), filed October 12, 1964. Applicant: HECHT BROTHERS, INC., Lakewood Road, Post Office Box 232, Toms River, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodity, (1) between points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Orange and Rockland Counties, N.Y., New York, N.Y., and points in Connecticut and New Jersey, and (2) *salt*, from points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Orange and Rockland Counties, N.Y., New York, N.Y., and points in Connecticut and New Jersey, to points in Pennsylvania on and east of U.S. Highway 15, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodity, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 59852 (Sub-No. 21), filed October 19, 1964. Applicant: ALL STATES FREIGHT, INC., 1250 Kelly Avenue, Akron, Ohio. Applicant's representative: Walter M. F. Neugebauer, 1250 Kelly Avenue, Post Office Box 7036, Akron, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), serving the plant sites of the General Motors Corporation located in Lordstown Township, Trumbull County, Ohio, as off-route points in connection with applicant's authorized regular route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 61592 (Sub-No. 25), filed October 14, 1964. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements*, other than hand, as defined in Appendix XII 1.(b) in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *parts thereof* when moving with such machinery and implements, from Memphis, Tenn., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities and *returned and rejected shipments*, on return.

NOTE: Applicant states it is presently authorized to transport the above named commodities from Memphis to points in Illinois (except Rockford) on and west of U.S. Highway 51 and on and north of U.S. Highway 24, and points in that part of Iowa (except Charles City) on and east of U.S. Highway 65. Applicant agrees that to the extent the present application duplicates authority presently held the authority shall be construed as granting only one operating right. Applicant states that by observing a Moline, Ill., gateway, it is presently authorized to provide service on the named commodities from Memphis to points in Iowa, those in Wisconsin on and south of the previous route of U.S. Highway 10, and those in Illinois on and north of the previous route of U.S. Highway 40. Applicant also states that by observing gateways at Moline, Ill., and Ida Grove, Iowa, it is presently authorized to provide service on the named commodities from Memphis to points in Minnesota, Nebraska and South Dakota. Applicant further states that by observing a Kewanee, Ill., gateway, it is presently authorized to provide service on the named commodities, excepting parts thereof, from Memphis to points in North Dakota. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 27), filed October 19, 1964. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Illinois on and north of U.S. Highway 24, and from points in Iowa on and east of U.S. Highway 65, and on and south of U.S. Highway 20, to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Tennessee, and Wisconsin, and Minneapolis and St. Paul, Minn., and *returned and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 68183 (Sub-No. 20), filed October 21, 1964. Applicant: YANKEE LINES, INC., 1400 East Archwood Avenue, Akron, Ohio. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of Chevrolet Division of General Motors Corp. located in Lordstown Township, Trumbull County, Ohio, as an off-route point in connection with applicant's regular route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 68997 (Sub-No. 1), filed October 15, 1964. Applicant: A. A. RABALAIS, INC., 1333 Jefferson Highway, New Orleans 21, La. Applicant's attorney: Jack W. Thomson, Jr., 1649 National Bank of Commerce Building, New Orleans, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials and supplies used in the conduct of such business* between New Orleans, La., on the one hand, and, on the other, points in Ashley County, Ark., restricted to transportation services performed under contract with The Great Atlantic & Pacific Tea Company, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 69116 (Sub-No. 87), filed October 20, 1964. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Manchester, Mo., as an off-route point in connection with applicant's regular route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held with other similar cases seeking same authority.

No. MC 72442 (Sub-No. 14), filed October 14, 1964. Applicant: AKERS MOTOR LINES, INC., Post Office Box 579, Gastonia, N.C. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), serving Fiberton, N.C. (formerly Majolica, N.C.), as an off-route point in connection with applicant's authorized regular-route operation.

NOTE: If a hearing is deemed necessary, applicant requests it to be held at Washington, D.C.

No. MC 87720 (Sub-No. 23), filed October 20, 1964. Applicant: BASS TRANSPORTATION CO., INC., Star Route A, Old Croton Road, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New office furniture*, in mixed shipments, crated and uncrated, from Flemington, N.J., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, and Connecticut, and *rejected and damaged shipments*, on return.

NOTE: Applicant states the proposed service is to be "under contract with Standard Pressed Steel Company, Jenkintown, Pa., presently served." If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 88161 (Sub-No. 65), filed October 19, 1964. Applicant: INLAND TRANSPORTATION CO., INC., 8737 Corson Avenue South, Seattle, Wash. Applicant's representative: S. A. Cole (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and acids*, in bulk, in tank vehicles, and *rejected or contaminated shipments*, between points in Oregon on the one hand, and, on the other, points in Idaho and Montana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 92822 (Sub-No. 17), filed October 14, 1964. Applicant: JOHN R. LOOMIS, Granville, N.Y. Applicant's attorney: Martin Werner, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Pittsfield, Mass., to Ticonderoga, N.Y., and *returned, refused, and rejected shipments* of wood chips, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 94265 (Sub-No. 141), filed October 22, 1964. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Indianapolis, Ind., to points in Virginia, West Virginia, Maryland, Pennsylvania, Delaware, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94350 (Sub-No. 39), filed October 16, 1964. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and special purpose trailers designed to be drawn by passenger automobiles*, in initial movements from points in Sherman County, Kans. to points in the United States including Alaska but excluding Hawaii and *damaged or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it to be held at Goodland, Kans.

No. MC 94350 (Sub-No. 40), filed October 15, 1964. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and special purpose trailers designed to be drawn by passenger automobiles*, in initial movements from points in Yuma County, Colo., to points in the United States including Alaska, but excluding Hawaii and *damaged or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 94350 (Sub-No. 41), filed October 15, 1964. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and special purpose trailers designed to be drawn by passenger automobiles*, in initial movements from points in Kit Carson County, Colo., to points in the United States including Alaska, but excluding Hawaii and *damaged or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 94350 (Sub-No. 42), filed October 16, 1964. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and special purpose trailers designed to be drawn by passenger automobiles*, in initial movements from points in Rowan County, N.C., to points in the United States including Alaska but excluding Hawaii and *damaged or rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 95876 (Sub-No. 35), filed October 19, 1964. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Granite, marble, slate and stone*, from points in Elbert and Oglethorpe Counties, Ga., to points in Iowa, Wisconsin, and the Upper Peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 95876 (Sub-No. 37), filed October 19, 1964. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials*, from Cornell, Wis., to points in Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Iowa, and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 100666 (Sub-No. 66), filed October 19, 1964. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. Applicant's attorney: Wilburn L. Williamson, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulating materials*, and *gypsum and gypsum products* from Hamlin, Sweetwater, and Acme, Tex., and points within 5 miles of each to points in Oklahoma, Kansas, Missouri, Arkansas, New Mexico, and Louisiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 101219 (Sub-No. 44), filed October 21, 1964. Applicant: MERIT DRESS DELIVERY, INC., 524 West 36th Street, New York, N.Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, between New York, N.Y., on the one hand, and, on the other, Manchester, and Salem, N.H.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 101271 (Sub-No. 19), filed September 18, 1964. Applicant: BIRD & CUTSHAW TRUCKING COMPANY, INC., Myers Street, Greeneville, Tenn. Applicant's attorney: Jimmy Gray Cutshaw, 103 East Depot Street, Greeneville, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry mixed fertilizers, raw materials* for direct fertilizer application, *nitrogen fertilizer products* in bags, and *mixed shipments of twine* (twine shipments not to exceed 800 lbs. per load), between Greeneville, Tenn. on the one hand, and, on the other, points in Lee, Tazewell, Russell, Dickenson, Buchanan, Wythe, Washington, Scott, Smyth, Wise, and Bland Counties,



Va., and the City of Bristol, Va., points

Va., and the City of Bristol, Va., points in Madison, Mitchell, and Yancey Counties, N.C., and points in Harlan, Letcher, and Pike Counties, Ky., (2) *condensed milk, ice cream mix,* and *whole milk* (excluding canned evaporated milk), *machinery, materials, and supplies* used in dairy products plants, and *empty containers* for the commodities described above, between Greeneville, Tenn., and Abingdon, Va., on the one hand, and, on the other, Hickory, N.C., and (3) *ice cream mix,* in cans, cartons, and boxes between Abingdon, Va., on the one hand, and, on the other, Winston-Salem, N.C.

NOTE: Applicant states it intends to transport exempt agricultural commodities, on return. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 103378 (Sub-No. 306), filed October 22, 1964. Applicant: PETROLEUM CARRIER CORP., 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement,* in bulk and in bags, from the plant site of Atlantic Cement Company in Chatham County, Ga., to points in Alabama.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 103880 (Sub-No. 324), filed October 16, 1964. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Acids and chemicals,* in bulk, in tank vehicles, from the Tri-City Regional Port District located in Madison County, Ill., to points in Arkansas, Indiana, Illinois, Iowa, Kansas, Kentucky, Missouri, Nebraska, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 105045 (Sub-No. 12), filed October 16, 1964. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, Ind. Applicant's attorney: Ernest A. Brooks II, 1311–12 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Animal waste storage tanks,* steel, knocked down, glass lined, (2) *livestock scales,* steel, knocked down, with weighing attachments, (3) *livestock feed bunkers,* steel, knocked down, glass lined, (4) *forage metering devices,* (5) *animal waste spreader tanks,* steel, glass lined, and (6) *soil savers,* steel, knocked down, glass lined, from Kankakee, Ill., to points in Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, Maine, and the District of Columbia.

NOTE: Applicant states that it holds authority in MC 105045 (Sub-No. 5), to transport iron or steel silos, from Kankakee, Ill., to the above-described destination States. Applicant states that the purpose of this application is to extend its operations in the same territory by adding additional commodities used in conjunction with iron and steel silos. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 105275 (Sub-No. 30), filed October 14, 1964. Applicant: W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road (at South Shore Plaza), Braintree 84, Mass. Authority sought to operate as a *common carrier,* by motor vehicle, over a regular route, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Potsdam and Massena, N.Y., over New York Highway 56, serving all intermediate points.

NOTE: If a hearing is deemed necessary applicant requests it be held at Albany, N.Y.

No. MC 105750 (Sub-No. 7), filed October 22, 1964. Applicant: S. D'ANTONI, INC., 1333 Jefferson Highway, New Orleans 21, La. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials and supplies* used in the conduct of such business, between New Orleans, La., on the one hand, and, on the other, points in Ashley County, Ark., restricted to transportation services performed under contract with The Great Atlantic & Pacific Tea Company, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 106297 (Sub-No. 34), filed October 22, 1964. Applicant: MIDSTATES TRAILER TRANSPORT, INC., Post Office Box 243, Oak Glen Station, Lansing, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Mobile homes, including equipment, furnishings, and accessories when moving in conjunction therewith,* designed to be drawn by passenger automobiles, from points in Indiana (except Bourbon), to points in the Continental United States, including Alaska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106647 (Sub-No. 38), filed October 15, 1964. Applicant: CLARK TRANSPORT COMPANY, a Corporation, Post Office Box 395, Chicago Heights, Ill., 60412. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, buses, bodies, cabs, chassis,* and *parts thereof,* when moving in connection therewith, (1) in initial movements, in truckaway service, from Belvidere, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Tennessee and Wisconsin, and *rejected shipments,* on return, and (2) in secondary movements, in truckaway service, from Belvidere, Ill., to points in Michigan, Kentucky, Missouri, Tennessee, and Wiscontin, and *rejected shipments,* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107002 (Sub-No. 226), filed October 19, 1964. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Jackson, Miss., 39205. Applicant's attorneys: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C., 20006; and Harold D. Miller, Jr., Post Office Box 1250, Jackson, Miss. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products,* in bulk, in tank vehicles, from points in Pointe Coupee Parish, La., north of U.S. Highway 190 to points in Mississippi.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La.

No. MC 107010 (Sub-No. 14), filed October 19, 1964. Applicant: D & R BULK CARRIERS, INC., 1020 J Street, Auburn, Nebr. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions,* in bulk, in tank vehicles, from the plant site of Cominco Products, Inc., located at or near Hoag, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, and South Dakota, and *damaged and rejected shipments* of the specified commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107496 (Sub-No. 336), filed October 21, 1964. Applicant: RUAN TRANSPORT CORP., 303 Keosauqua Way, Des Moines, Iowa, 50309. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions, in bulk,* in tank vehicles, from the plant site of Cominco Products, Inc., at or near Hoag, Nebr., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, South Dakota, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107496 (Sub-No. 337), filed October 21, 1964. Applicant: RUAN TRANSPORT CORP., 303 Keosauqua Way, Des Moines, Iowa, 50309. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Synthetic resins and vegetable oils,* including *vegetable oils modified or blends thereof, varnish* and *paint oils,* from Valley Park, Mo., to points in Oklahoma.



NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 107515 (Sub-No. 498), filed October 22, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foods, food preparations, and foodstuffs* in vehicles equipped with mechanical refrigeration from the plant site of Commercial Cold Storage Co. located near Doraville, Ga., to points in Alabama, Mississippi, Louisiana, Tennessee, Florida (except Jacksonville), and that part of South Carolina on and north of a line beginning at the Georgia-South Carolina State line and extending along South Carolina Highway 72 to Rock Hill, S.C., and thence along U.S. Highway 21 to the South Carolina-North Carolina State line and that part of North Carolina on and north of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 21 to Charlotte, N.C., and thence along U.S. Highway 29 to the North Carolina-Virginia State line (except Charlotte, Greensboro, High Point, and Winston-Salem, N.C.).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 108449 (Sub-No. 186), filed October 16, 1964. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, having prior movement by rail, between points in Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tenessee, Utah, Wisconsin, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 108912 (Sub-No. 10), filed October 22, 1964. Applicant: CHICAGO PITTSBURGH EXPRESS, INC., 654 West 21st Street, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prepared food, and frozen food,* from LaPorte, Ind., to points in Ohio, Indiana, Pennsylvania, West Virginia, New York, New Jersey, Massachusetts, Rhode Island, and Connecticut.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109637 (Sub-No. 267), filed October 15, 1964. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products,* in bulk, in tank vehicles, from Jeffersonville, Ind., to points in Kentucky and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 109972 (Sub-No. 3), filed October 14, 1964. Applicant: HARRIS EXPRESS, INC., 1425 North Tryon Street, Charlotte, N.C. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, and those requiring special equipment), serving Fiberton (formerly Majolica), N.C., as an off-route point in connection with applicant's regular-route operations.

NOTE: Applicant states it is presently authorized to serve Fiberton, N.C., from its points of origin in the north and east. It seeks no duplicate authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110193 (Sub-No. 75), filed October 19, 1964. Applicant: SAFEWAY TRUCK LINES, INC., 20450 West Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos, 4625 West 55th Street, Chicago 32, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Rubber sheeting, related rubber articles,* and *incidental supplies* requiring temperature control equipment (except commodities in bulk in tank vehicles), from Passaic, N.J., to Neenah, Wis., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, and *returned rubber articles and incidental supplies,* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 110193 (Sub-No. 76), filed October 21, 1964. Applicant: SAFEWAY TRUCK LINES, INC., 20450 West Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos, 4625 West 55th Street, Chicago 32, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats,* and *packinghouse products,* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles), from Mason City, Iowa, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 110420 (Sub-No. 390), filed October 19, 1964. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Inedible animal grease,* in bulk, in tank vehicles from Madison, Wis., to Rockford, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 111045 (Sub-No. 42), filed October 22, 1964. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Palm River Road, Tampa, Fla. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Phosphate rock,* wet or dry, in bulk in dump tank or hopper-type vehicles from the plant-site of Texas Gulf Sulphur in Beaufort County, N.C., and points within 5 miles thereof to points in Virginia and South Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 111138 (Sub-No. 45), filed October 21, 1964. Applicant: COLONIAL & PACIFIC FRIGIDWAYS, INC., Box 616, Council Bluffs, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Confectionery products,* in vehicles equipped with mechanical refrigeration, from Chicago, Ill., to points in California.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111398 (Sub-No. 9), filed October 14, 1964. Applicant: FISCHBACH TRUCKING CO., a corporation, 921 Sherman Street, Akron 11, Ohio. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured, processed, or dealt in by rubber or rubber products manufacturers,* and in connection therewith, *equipment, materials,* and *supplies* used in conduct of such business, from West Springfield, Mass., to Syracuse, Buffalo, and Niagara Falls, N.Y., Chicago and Chicago Heights, Ill., points in Ohio, and that part of Indiana on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 36 to Indianapolis, Ind., and thence along U.S. Highway 52 to the Indiana-Illinois State line.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 112148 (Sub-No. 28), filed October 16, 1964. Applicant: JAMES H. POWERS, INC., Melbourne, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier,* by motor



vehicle, over irregular routes, transport

vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles) from Mason City, Iowa, to points in Missouri, the Lower Peninsula of Michigan, and those in that part of New York on and west of a line beginning at Oswego, thence along New York Highway 57 to junction with Interstate Highway 81 and thence along Interstate Highway 81 to the New York-Pennsylvania State line.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 112520 (Sub-No. 113), filed October 19, 1964. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Turpentine*, in bulk, in tank vehicles, from points in Georgia, to Jacksonville, Fla.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 112668 (Sub-No. 36), filed October 21, 1964. Applicant: HARVEY R. SHIPLEY & SONS, INC., Post Office, Finksburg, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron pyrite cinders*, in bulk, from North Claymont, Del., to Martinsburg, W. Va.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112801 (Sub-No. 13), filed October 19, 1964. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago, Ill. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals and plastics* (except liquid fertilizer solutions), in bulk, in tank and hopper type vehicles, from Peru, Ill., to points in Indiana, Ohio, Michigan, Wisconsin, Minnesota, Iowa, and Missouri, and (2) *dry plastics*, in bulk, in tank and hopper type vehicles, from Peru, Ill., to points in Kansas, Arkansas, Tennessee, Kentucky, Pennsylvania, and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112801 (Sub-No. 14), filed October 19, 1964. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago 50, Ill. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen fertilizer solution*, in bulk, in tank vehicles from Peru, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112893 (Sub-No. 25), filed October 15, 1964. Applicant: BULK TRANSPORT COMPANY, a corporation, Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt products*, from Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 113362 (Sub-No. 54), filed October 20, 1964. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy, confections, and confectionery products*, and (2) *advertising matter, premiums, and display materials* when shipped in the same vehicle with the commodities in (1) above, from Hackettstown, N.J., to points in Ohio, Kentucky, Michigan, Indiana, Illinois, Wisconsin, and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113495 (Sub-No. 16), filed October 14, 1964. Applicant: GREGORY HEAVY HAULERS, INC., 2 Main Street, Nashville, Tenn. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural steel and heavy machinery and construction equipment*, the transportation of which, because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment), between points in Virginia on and east of U.S. Highway 220 and points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to Rockingham, N.C., thence along U.S. Highway 1 to the North Carolina-South Carolina State line, (2) *road construction-type machinery and equipment*, as described in appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except those commodities which require the use of special equipment because of size or weight), between points in Tennessee, Kentucky, North Carolina, Virginia, and West Virginia.

NOTE: It is the intention of the applicant to tack the authority herein sought with the authority already held in MC 113495 and subs thereto. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113828 (Sub-No. 66), filed October 15, 1964. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bulk, in tank vehicles: (1) from Baltimore, Md., to points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia and (2) from points in Virginia (except Chesapeake), to points in North Carolina and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115331 (Sub-No. 87), filed October 21, 1964. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, dry*, in bulk, from Chicago, Ill., to Cincinnati, Ohio, St. Louis, and Kansas City, Mo., Detroit, Mich., and Milwaukee, Wis.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115331 (Sub-No. 88), filed October 21, 1964. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having prior movement by rail, between points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115695 (Sub-No. 3), filed October 15, 1964. Applicant: J. D. WILLIAMS AND JOE E. WILLIAMS a partnership, doing business as J. D. WILLIAMS & SON, Washington Avenue, Wrightsville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Johnson, Emanuel, Jefferson, Washington, Wilkerson, Laurens, and Treutlen Counties, Ga., to points in Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodity, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115841 (Sub-No. 205), filed October 21, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, nonfrozen, with or without other ingredients and including cooked, diced, flaked, powdered, shredded, and sliced, from Greenville, Mich., to points in Illinois, Missouri, Indiana, Kentucky, Virginia, West Virginia, Ohio, Maryland, Delaware, District of Columbia, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine.



NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115841 (Sub-No. 206), filed October 21, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and potato products* (except frozen), with or without other ingredients, and moving in straight or mixed loads with *frozen foods*, from Greenville, Mich., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Kentucky, Arkansas, Oklahoma, Texas, Louisiana, and Missouri.

NOTE: Applicant states that it already holds authority on frozen foods from origin to these States. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115841 (Sub-No. 207), filed October 26, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* (except commodities in bulk or in tank vehicles), as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with mechanical refrigeration, from Hernando, Miss., to points in Tennessee (except Memphis and its commercial zone) and Alabama.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 115931 (Sub-No. 11), filed October 15, 1964. Applicant: BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue North, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone* and *calcium carbonate*, in bulk and in bags, from Rapid City, S. Dak., and points within ten (10) miles thereof, to points in Montana, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, and *exempt agricultural commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 116544 (Sub-No. 59), filed October 15, 1964. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Mason City, Iowa to points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, and the Lower Peninsula of Michigan.

NOTE: Applicant states no service proposed from Mason City, Iowa to points in the Chicago, Ill., commercial zone as defined by the Commission. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 117883 (Sub-No. 37), filed October 15, 1964. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and potatoes and potato products*, frozen and unfrozen, with and without ingredients or preservatives which may be used in the processing or packaging thereof, from Greenville, Mich., to points in Connecticut, Delaware, the District of Columbia, Indiana, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 117883 (Sub-No. 38), filed October 15, 1964. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 Leveque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resilient hard-surface facing or floor coverings* and *related installation and maintenance materials, equipment*, and *supplies*, from Lancaster, Pa., to Indianapolis and Richmond, Ind., and Cincinnati, Ohio.

NOTE: Applicant states that it holds authority in No. MC 117883 (Sub-No. 2), to transport, hard surfaced floor covering material, and materials, equipment and supplies used in, or in connection with its installation, from Lancaster, Pa., to Indianapolis and Richmond, Ind., and Cincinnati, Ohio. The purpose of this application is to change the commodity description as set forth above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117933 (Sub-No. 3), filed October 19, 1964. Applicant: LOUIS G. PARIS, Box O, Krebs, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Pabst Brewing Co., Peoria, Ill., to points in that part of Oklahoma lying on and east of a line beginning at the Oklahoma-Kansas State line, along U.S. Highway 81 to junction U.S. Highway 277 at Chickasha, Okla., thence over U.S. Highway 277 to the Oklahoma-Texas State line, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 118865 (Sub-No. 8), filed October 21, 1964. Applicant: CEMENT EXPRESS, INC., Hokes Mill Road and Lemmon Street, York, Pa. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa., 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (1) between points in Connecticut; (2) between points in Delaware; (3) between points in District of Columbia; (4) between points in Maryland; (5) between points in Massachusetts; (6) between points in New Jersey; (7) between points in New York; (8) between points in Pennsylvania; (9) between points in Rhode Island; and (10) between points in Virginia. Restricted to shipments having prior movement by rail.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119551 (Sub-No. 3), filed October 19, 1964. Applicant: MORGAN PIPE HAULERS, INC., U.S. Highway 421 West, Post Office Box 424, Greensboro, N.C. Applicant's representative: Thaxton Richardson, Post Office Box 612, Greensboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and shale products*, and *related products*, including, but not limited to, various kinds of *pipe, conduit, wall coping, fittings*, and *vitrefied sewer pipe*, from Greensboro, and Gulf, N.C., to points in North Carolina, Virginia, District of Columbia, Maryland, Delaware, New Jersey, West Virginia, Pennsylvania, Tennessee, and Kentucky, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, and *refused, damaged or rejected shipments thereof*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Greensboro, N.C.

No. MC 119988 (Sub-No. 12), filed October 16, 1964. Applicant: GREAT WESTERN TRUCKING CO., INC., 811½ North Timberland Drive, Lufkin, Tex. Applicant's attorney: Mert Starnes, 721 Brown Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite* from points in Fairfield County, S.C., to points in Arizona, California, Idaho, Montana, New Mexico, Oregon, Utah, Washington, and Wyoming, and Elberton, Ga. and *damaged, defective, or rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Austin, Tex.

No. MC 120167 (Sub-No. 2), filed October 12, 1964. Applicant: LADS FURNITURE FREIGHT, INC., 3540 East 26 Street, Los Angeles, Calif. Applicant's attorney: R. Y. Schureman, 1010 Wilshire, Boulevard, Los Angeles, Calif., 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, from points in California to points in Clark County, Nev., and *rejected and damaged shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., and Las Vegas, Nev.

No. MC 123048 (Sub-No. 52), filed October 19, 1964. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors and tractor attachments* (except truck tractors designed for highway use and except commodities requiring the use of special equipment or special handling), from Detroit, Mich., to points in the United States (except Alaska and Hawaii), and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill., or Washington, D.C.

No. MC 123243 (Sub-No. 2), filed October 20, 1964. Applicant: M–E TRUCKING CO., a corporation, 2022 New York Avenue, Union City, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, not frozen from Hoboken, N.J., to points in Pennsylvania on and east of U.S. Highway 11 under a continuing contract with Continental Baking Co. of Rye, N.Y.

NOTE: Duplicating authority will be eliminated. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 123934 (Sub-No. 7), filed October 19, 1964. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. Applicant's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, glass bottles and glass jars*, with or without caps, *covers, tops or stoppers, glassware*, other than cut, *caps, covers, tops and stoppers* for glass containers, and *boxes and containers*, wooden or corrugated paper, set up or knocked down, (1) from points in McKean County, Pa., to points in Ohio, West Virginia, Indiana, Illinois, Michigan, and New York, and (2) from points in Warren County, Pa., to points in Ohio and New York. *RESTRICTION:* Service to be performed under a continuing contract or contracts with Knox Glass, Inc., Knox, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 124181 (Sub-No. 4), filed October 19, 1964. Applicant: JOSEPH GENOVA, Clayton Road, Williamstown, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, ends, caps, covers, materials, equipment, and supplies, used in the manufacture of containers, ends, caps, and covers* (except commodities in bulk, in tank vehicles, and those which require the use of special equipment), (1) from Winchester, Va., to points in Mercer, Salem, Camden, Atlantic, Gloucester, and Cumberland Counties, N.J., Baltimore, Md., and Philadelphia, Pa., (2) from Philadelphia, Pa., and Baltimore, Md., to Winchester, Va.

NOTE: Applicant states the proposed service to be "under continuing contract with Violet Packing Co., Williamstown, N.J., and Crown Cork & Seal Co., Inc." If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124212 (Sub-No. 27), filed October 19, 1964. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland 22, Ohio. Applicant's attorney: J. A. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate a a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* from the plantsite of Lehigh Portland Cement Co. located at Decatur, Ill., to points in Indiana and *empty containers or other such incidental facilities* used in transporting the above commodity, on return.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124212 (Sub-No. 28), filed October 19, 1964. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland 22, Ohio. Applicant's attorney: J. A. Knudtz, 1050 Union Commerce Building, Cleveland, Ohio, 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Lehigh Portland Cement Co. located at Cedar Rapids, Iowa, to points in Wisconsin and Illinois, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodity, on return.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124212 (Sub-No. 29), filed October 19, 1964. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland 22, Ohio. Applicant's attorney: J. A. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Lehigh Portland Cement Co., located at Anderson, Ind., to points in Ohio and Kentucky, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodity specified, on return.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124306 (Sub-No. 4), filed October 20, 1964. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, Post Office Box 2933, West Durham Station, Durham, N.C. Applicant's attorney: Louis Reznek, 5009 Keokuk Street, Washington 16, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wet and dry phosphate rock*, in bulk, in covered dump, tank, or hopper-type vehicles, from the Texas Gulf Sulfur Co.'s plantsite located in Beaufort County, N.C. and points within five (5) miles thereof, to points in Virginia and South Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 124925 (Sub-No. 3), filed October 19, 1964. Applicant: DONALD F. SCHEPMANN, 6410 Cleveland, Lincoln, Nebr. Applicant's representative: C. A. Ross, 621 Trust Building, Lincoln 8, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberglass, concrete* and *steel cribs, silos, grain dryers, bins* and *tanks* and all *accessories*, from Fremont, Nebr., and points within five (5) miles thereof, to points in Georgia, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin; and (2) *steel* (sheets, wire, structural) for production of bins and cribs, *electric motors* for grain handling equipment, *drying fans* and *heat units* for grain drying and *augers* for grain handling, from points in Georgia, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin, to Fremont, Nebr., and points within five (5) miles thereof.

NOTE: Applicant states he proposes to transport exempt commodities, on return. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 125353 (Sub-No. 1) (AMENDMENT), filed October 2, 1964, published in FEDERAL REGISTER issue October 21, 1964, amended October 28, 1964, and republished as amended this issue. Applicant: ROCHESTER AIR FREIGHT SERVICE CORPORATION, Air Cargo Building, Monroe County Airport, Rochester 11, N.Y. Applicant's attorney: Herbert M. Canter, Mezzanine, Warren



Parking Center, 345 South Warren Street, Syracuse, N.Y., 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), restricted to shipments having an immediately prior or immediately subsequent movement by air, between the Rochester-Monroe County Airport (Monroe County), N.Y., on the one hand, and, on the other, (1) points in Orleans, Genesee, Monroe, Livingston, Wyoming, Wayne, Ontario, and Yates Counties, N.Y., and (2) the John F. Kennedy International Airport (Queens and Nassau Counties), LaGuardia Airport (Queens County), The Greater Buffalo International Airport (Erie County), Rochester-Monroe County Airport (Monroe County), Oneida County Airport (Oneida County), Broome County Airport (Broome County), Chemung County Airport (Chemung County), Albany County Airport (Albany County), Watertown Airport (Jefferson County), Massena Airport (St. Lawrence County), Tompkins County Airport (Tompkins County), and the Clarence E. Hancock Airport (Onondaga County), N.Y., Newark Airport (Essex County), N.J., and Cleveland-Hopkins Airport (Cuyahoga County), Ohio.

NOTE: The purpose of this republication is to add the Clarence E. Hancock Airport (Onondaga County), N.Y., to the territorial description. If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 125550 (Sub-No. 1), filed October 15, 1964. Applicant: THE HELLER COMPANY, a corporation, 3700 Beale Avenue, Altoona, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical fixtures and component parts thereof* and *metal housewares, metal utility buildings*, and *metal housewares products*, manufactured by Stanley Electric Manufacturing Co., and sold by Stanley Electric Manufacturing Co., and under the trade names of William Heller Co., Inc., and The Warwick Co., Inc., from Altoona, Pa., to Boston, Mass., Rochester, N.Y., Chicago, Ill., Camden, N.J., Indianapolis, Ind., Washington, D.C., and points in California, and (2) *materials used in the manufacture of the above-specified commodities*, from Boston, Mass., Chicago, Ill., Camden, N.J., Mendenhall, Miss., Columbia, S.C., Danville, Ill., and points in California, to Altoona, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 125608 (Sub-No. 3), filed October 19, 1964. Applicant: VALER LUPU, doing business as VALER TRANSPORTATION COMPANY, 18615 Dix, Melvindale, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from St. Louis, Mo., to Detroit, Mich., under a continuing contract with Yagoda Sol Distributing Co., Detroit, Mich., and, (2) from St. Louis, Mo., to Hamtramck, Mich., under a continuing contract with Anna J. Fleischut, Frank J. Scostek, and William B. Gebaldo, doing business as Hamtramck Distributors, Hamtramck, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 126195 (Sub-No. 2), filed October 19, 1964. Applicant: MERCHANT'S PICKUP & DELIVERY SERVICE, INC., 715 South Church Street, Burlington, N.C. Applicant's attorney: W. Clary Holt, North Carolina National Bank Building, Burlington, N.C., 27216. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electronic equipment*, between Burlington, N.C., and Greensboro, N.C., and Greensboro Airport, N.C., for the account of Western Electric Co., Inc., on traffic having a prior or subsequent movement by air.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Greensboro, or Raleigh, N.C.

No. MC 126581 (Sub-No. 1) (AMENDMENT), filed September 21, 1964, published FEDERAL REGISTER issue of October 7, 1964, and republished as corrected this issue. Applicant: ELLIS WRIGHT, doing business as BUD'S EXPRESS VAN & STORAGE, 410 Mississippi Street, Vallejo, Calif. Applicant's attorney: G. Alfred Roensch, 100 Bush Street, San Francisco 4, Calif.

NOTE: The purpose of this republication is to show that applicant has amended its application to show his correct trade name as shown above, in lieu of Bud's Express Moving & Storage.

No. MC 126626, filed October 2, 1964. Applicant: HAROLD TIMPERLEY, doing business as TIMPERLEY TRUCKING, 607 North Eighth, Norfolk, Nebr. Applicant's attorney: George H. Moyer, Jr., Loan Association Building, Madison, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including *household goods*, as defined by the Commission, *anhydrous ammonia*, which requires special equipment, and *commodities in bulk* (but excluding Classes A and B explosives), (1) between points within a 25-mile radius of Madison, Nebr., and (2) between Madison, Nebr., and points in Nebraska, Kansas, Iowa, South Dakota, points in Henry, Whiteside, Carroll, Jo Daviess, Rock Island, Mercer, Pike, Brown, Schuyler, Fulton, Peoria, Stark, Quincy, Hancock, McDonough, Henderson, Warren, and Knox Counties, Ill., Lafayette, Green, Dane, Grant, Iowa, Sauk, Juneau, Monroe, Crawford, Richland, Vernon, La Crosse, Jackson, Trempealeau, Buffalo, Pepin, Eau Claire, Chippewa, Dunn, Pierce, Barron, St. Croix, Polk, Washburn, and Burnett Counties, Wis., Pine, Kanabec, Aitkin, Crow Wing, Cass, Wadena, Otter Tail, Becker, Clay, Chisago, Washington, Dakota, Goodhue, Wabasha, Winona, Houston, Fillmore, Olmsted, Rice, Scott, Hennepin, Ramsey, Anoka, Isanti, Mille Lacs, Morrison, Benton, Sherburne, Wright, Carver, Le Sueur, Dodge, Mower, Freeborn, Steele, Waseca, Faribault, Blue Earth, Nicollet, Sibley, McLeod, Meeker, Stearns, Todd, Kandiyohi, Renville, Brown, Watonwan, Martin, Jackson, Cottonwood, Redwood, Grant, Douglas, Stevens, Pope, Swift, Chippewa, Wilkin, Traverse, Big Stone, Lac Qui Parle, Yellow Medicine, Lincoln, Lyon, Pipestone, Murray, Rock, and Nobles Counties, Minn., Cass, Barnes, Stutsman, Kidder, Burleigh, Morton, Grant, Hettinger, Slope, Bowman, Adams, Sioux, Emmons, Logan, McIntosh, La Moure, Dickey, Ransom, Sargent, and Richland Counties, N. Dak., Weston, Niobrara, Goshen, and Laramie Counties, Wyo., Larimer, Weld, Adams, Denver, Arapahoe, Elbert, Lincoln, Cheyenne, Kiowa, Prowers, Baca, Kit Carson, Yuma, Washington, Phillips, Sedgwick, Logan, and Morgan Counties, Colo., Cimarron, Texas, Beaver, Harper, Woodward, Dewey, Blaine, Canadian, Oklahoma, Lincoln, Creek, Tulsa, Rogers, Mayes, Craig, Ottowa, Woods, Major, Kingfisher, Garfield, Alfalfa, Grant, Logan, Payne, Noble, Kay, Osage, Pawnee, Washington, and Nowata Counties, Okla., and Newton, Jasper, Barton, Vernon, Cedar, St. Clair, Hickory, Camden, Miller, Cole, Callaway, Audrain, Pike, Bates, Henry, Benton, Morgan, Moniteau, Boone, Monroe, Ralls, Cass, Johnson, Pettis, Cooper, Jackson, Lafayette, Saline, Howard, Platte, Clay, Ray, Carroll, Chariton, Randolph, Buchanan, Clinton, Caldwell, Linn, Livingston, Macon, Shelby, Marion, Holt, Andrew, DeKalb, Daviess, Grundy, Sullivan, Adair, Knox, Lewis, Atchison, Nodaway, Gentry, Worth, Harrison, Mercer, Putnam, Schuyler, Scotland, and Clark Counties, Mo.

NOTE: Applicant states that on return trips it proposes to transport farm produce, grain, and livestock. If a hearing is deemed necessary, applicant requests it be held at Madison, Nebr.

No. MC 126633 (Sub-No. 1), filed October 19, 1964. Applicant: DILLON BROTHERS, INC., Post Office Box 357, Bergholz, Ohio. Applicant's representative: Earl J. Thomas, Thomas Building, 5844–5866 North High Street, Worthington, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boxes, crates, pallets, platforms or skids*, wooden, new or old (used) and *lumber, native wood*, new or old (used) and *empty containers or other such incidental facilities* used in transporting the above commodities between Bergholz, Ohio, on the one hand, and, on the other, Follansbee, Weirton, and Wellsburg, W. Va.

NOTE: Applicant states the proposed operations will be conducted under continuing contract with the Allen Box Company at Bergholz, Ohio. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 126650 (Sub-No. 1), filed October 22, 1964. Applicant: JOHN E. DITTMAN, doing business as DITTMAN VAN & STORAGE COMPANY, 1132 Broadway Street, Vallejo, Calif. Appli-

cant's attorney: Marvin Handler, 625 Market Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission in 17 M.C.C. 467, between points in Sacramento, Sonoma, Solano, Yolo, Placer, Napa, Yuba, Sutter, Nevada, Butte, Contra Costa, Lake, Colusa, Marin, Mendocino, Alameda, and San Francisco Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126657, filed October 19, 1964. Applicant: CHARLES H. WRIGHT, doing business as WRIGHT SUPPLY CO., Drawer 391, Strasburg, Va. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction equipment and machinery, and electrical transformers and motors*, the transportation of which because of size or weight requires the use of special equipment, and of *related machinery parts and related contractor's materials and supplies* when their transportation is incidental to the transportation of the construction equipment and machinery and electrical transformers and motors which by reason size or weight require special equipment, between points in Virginia on the one hand, and, on the other, points in Alabama, Delaware, Georgia, Florida, Kentucky, Indiana, Illinois, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126658, filed October 19, 1964. Applicant: ROBERT LLOYD SURMAN, doing business as NORTHWEST AUTO TOWING, 5525 Imperial Street, South Burnaby 1, B.C., Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Damaged trucks and cars for salvage purposes* via tow away service, from the ports of entry on the international boundary line between the United States and Canada, located in Washington to points in Washington, Oregon, Idaho, Montana, and California, and *damaged or seized autos or trucks*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 126659, filed October 19, 1964. Applicant: HARE TRANSPORT CORP., 67–19 152d Street, Flushing, N.Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel on hangers*, from points in the New York, N.Y. Commercial Zone, as defined in *New York, N.Y. Commercial Zone*, 1 M.C.C. 665, to points in Florida, and *rejected shipments*, on return.

NOTE: Applicant states that the above proposed service will be performed under a continuing contract with J. M. Fields of Boston, Mass. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126660, filed October 14, 1964. Applicant: G & G CARRIERS, INC., Second and Pine Streets, Camden, N.J. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa., 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste materials* between points in New York, New Jersey, Pennsylvania, Delaware, and Maryland under a continuing contract or contracts with Giordano Waste Material Company.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 126661, filed October 19, 1964. Applicant: FREHNER TRUCKING SERVICE, INC., 2039 Las Vegas Boulevard, North, North Las Vegas, Nev. Applicant's attorney: William W. Morris, 319 South Third Street, South Suite, Ground Floor, Las Vegas, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except refined bulk petroleum, commodities of unusual value, Classes A and B explosives, and household goods as defined by the Commision), and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, between points within Nevada on and south of U.S. Highway 6.

NOTE: Applicant states the proposed service is to be with either origin or destination at railheads on the Union Pacific Railroad located within the confines of the territory requested. If a hearing is deemed necessary, applicant requests it be held at Las Vegas, Nev.

No. MC 126662, filed October 19, 1964. Applicant: BILLY C. DIXON, 915 Oakland Street, Florence, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes, and housetrailers, and empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, between points in Florence County, S.C., on the one hand, and, on the other, points in West Virginia, Virginia, North Carolina, Georgia, Florida, and Alabama.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 126663 (Sub-No. 1), filed October 21, 1964. Applicant: SACRAMENTO VAN & STORAGE CO., INC., 8296 Alpine Avenue, Sacramento, Calif. Applicant's attorney: G. Alfred Roensch, 21st Floor 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission in 17 M.C.C. 467 between points in Sacramento, Placer, El Dorado, Sutter, Nevada, Butte, Yuba, Colusa, Yolo, and San Joaquin Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126665, filed October 19, 1964. Applicant: THOMPSON TRUCKING & WELDING LTD., 66 West Avenue, St. Thomas, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment and heavy machinery, and other commodities requiring special equipment; accessories and parts thereto when transported with contractors' equipment and heavy machinery; and other commodities requiring special equipment* between ports of entry on the International Boundary line between the United States and Canada located in Michigan and New York, on the one hand, and, on the other, points in Michigan, Indiana, Ohio, Pennsylvania, and New York.

NOTE: Applicant states the proposed operations will be restricted to traffic moving to or from points in the Dominion of Canada. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 126668, filed October 22, 1964. Applicant: BELFIELD TRUCKING COMPANY, INC., 3435 NE. Killingsworth, Portland, Oreg. Applicant's attorney: Alex L. Parks, 1107 Standard Plaza, Portland, Oreg., 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel containers consisting of buckets, drums and pails*, nested and not nested from Portland, Oreg., to points in California, Washington, Idaho, and Montana and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 126670, filed October 20, 1964. Applicant: EDWIN TWYMAN CALL, JR. AND DOUGLAS MATTHEW HALL, doing business as CALL & HALL, 7004 Calamo Street, Springfield, Va. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washington, D.C., 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, in bulk, in dump trucks from points in Prince Georges and Anne Arundel Counties, Md., to Alexandria, Va.

NOTE: Applicant states the proposed operations will be under contracts with Helms Concrete Pipe Co., Inc. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126672, filed October 21, 1964. Applicant: SICOTTE TRANSPORTS LTD., 1025 Ottawa Street, Montreal, Canada. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany, N.Y., 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their nature, size, weight, or



shape, require the use of special equipment, and (2) *bulk cement*, between the ports of entry located on the international boundary line between the United States and Canada at or near Morses Line, West Berkshire, Richford, East Richford, North Troy, Beebe Plaine, Derby Line, High Gate Springs, and Norton, Vt., Beecher Falls, and Scott Bog, N.H., Ogdensburg, Waddington, Rooseveltown, Fort Covington, Trout River, Moores Forkes, Champlain, and Rouses Point, N.Y., and Woburn, and Jackman, Maine, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Delaware, and Maryland.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 126677, filed October 22, 1964. Applicant: REFRIGERATED EXPRESS, INC., 2404 North Broadway, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and packinghouse products requiring refrigeration in transit* between Muncie, Ind., and points in Indiana (except Indianapolis as a point of origin).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub-No. 48), filed October 14, 1964. Applicant: HUDSON TRANSIT LINES, INC., No. 17 Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, (1) between Mahwah, N.J., and Wyckoff, N.J.; beginning at the intersection of Franklin Turnpike and West Airmont Road in Mahwah, N.J. (a point on applicant's presently authorized routes); thence over West Airmont Road to Island Road; thence over Island Road to the Mahwah, N.J.-Ramsey, N.J., boundary line and North Central Avenue in Ramsey, N.J.; thence over North Central Avenue to West Main Street; thence over West Main Street to Wyckoff Avenue; thence over Wyckoff Avenue in Ramsey, N.J., and Mahwah, N.J., to the Mahwah, N.J.-Wyckoff, N.J., boundary line and Wyckoff Avenue; thence over Wyckoff Avenue in Wyckoff, N.J., to its intersection with Franklin Avenue (a point on applicant's presently authorized routes), and return over the same route, serving all intermediate points, and (2) between Allendale, N.J., and Waldwick, N.J.; beginning at the intersection of Franklin Turnpike and West Crescent Avenue in Allendale, N.J. (a point on applicant's presently authorized routes); thence over West Crescent Avenue in Allendale, N.J., to Waldwick, N.J., Boundary line; thence continuing over Crescent Avenue in Waldwick, N.J., to its intersection with Wyckoff Avenue (a point on applicant's presently authorized routes), and return over the same route, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 113096 (Sub-No. 7), filed October 21, 1964. Applicant: CARL W. CASKY, doing business as RELIANCE MOTOR COACH COMPANY, Railroad, Pa. Applicant's attorney: John W. Hessian, III, 117 Alleghany Avenue, Towson 4, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail, and newspapers* in the same vehicle with passengers, between Railroad, Pa., and Baltimore, Md.: From Railroad, Pa., over Pennsylvania Highway 851 to junction Interstate Highway 83, thence over Interstate Highway 83 to Baltimore, Md., and return over the same route, serving all intermediate points. RESTRICTION: Applicant proposes that the autnority sought be limited to traffic originating or terminating at Railroad, Pa., and points in Pennsylvania north and south of Railroad, Pa., which applicant is presently authorized to serve.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md.

No. MC 115432 (Sub-No. 5), filed October 19, 1964. Applicant: PAWTUXET VALLEY BUS LINES, INC., 76 Industrial Lane, West Warwick, R.I., 02893. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip special operations, beginning and ending at points in Kent County, R.I., and extending to the World's Fair, New York, N.Y.

NOTE: Applicant states that the above proposed operation will be conducted until the World's Fair closes in 1965. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 123916 (Sub-No. 6), filed October 22, 1964. Applicant: GROVE CITY BUS LINES, INC., Rural Delivery No. 4, Grove City, Pa. Applicant's attorney: Philip M. Browning, Jr., 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and newspapers and express*, in the same vehicle with passengers, between Meadville, Pa., and Oil City, Pa.: From Meadville over U.S. Highway 322 to Franklin, Pa., thence over U.S. Highway 62 to Oil City, Pa., and return over the same route, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 126667, filed October 16, 1964. Applicant: BRUSH HILL TRANSPORTATION COMPANY, a corporation, 55 Kilby Street, Boston, Mass., 02109. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, consisting of round trip conducted sightseeing pleasure tours beginning and ending at points in that part of Massachusetts on and east of Massachusetts Highway 12 and extending to points in the United States (excluding Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12926, filed October 15, 1964. Applicant: NATALE OLIVA, doing business as SNO BUNNY SKI TOURS, 123 Pond Path, Centereach, N.Y. For a license (BMC 5) to engage in operations as a *broker* at Centereach, N.Y., in arranging for transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, in groups and as individuals, beginning and ending at Long Island, N.Y. (Nassau and Suffolk Counties), and extending to points in Vermont and New York.

No. MC 12927, filed October 14, 1964. Applicant: WILLIAM B. WHITFIELD, doing business as WHITFIELD EDUCATIONAL TOURS, 1302 Sierra Boulevard, Post Office Box 134, Huntsville, Ala. Applicant's attorney: John W. Cooper, 805 Title Building, Birmingham, Ala., 35203. For a license (BMC 5) to engage in operations as a *broker* at Huntsville, Ala., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, both as individuals and groups, beginning and ending at points in Alabama, and extending to points in the United States, including ports of entry on the international boundary lines between the United States and Canada and between the United States and Mexico.

No. MC 12928, filed October 22, 1964. Applicant: CIT TRAVEL SERVICE, INC., 11 West 42d Street, New York, N.Y., 10036. For a license (BMC 5) to engage in operations as a *broker* at (1) New York, N.Y., (2) Chicago, Ill., (3) Los Angeles, Calif., and (4) San Francisco, Calif., in arranging for the transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, both as individuals and groups, between points in the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 28088 (Sub-No. 4), filed October 14, 1964. Applicant: NORTH & SOUTH LINES, INCORPORATED, Post Office Box 49, Harrisonburg, Va. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va., 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa meal* from points in Berks, Lehigh, Montgomery and Northampton Counties, Pa., to points in Virginia on and north of U.S. Highway 60 and on and west of U.S. Highway 29.

No. MC 35484 (Sub-No. 55), filed October 15, 1964. Applicant: VIKING FREIGHT CO., a corporation, 614 South Sixth Street, St. Louis, Mo., 63102. Applicant's attorney: G. M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo., 63102. Authority sought to



operate as a *common carrier*, by motor

operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between Philadelphia, Miss., and junction Mississippi Highway 21 and U.S. Highway 45; from Philadelphia over Mississippi Highway 21 to junction Mississippi Highway 21 and U.S. Highway 45, and return over the same route, serving no intermediate points, but serving the junction Mississippi Highway 21 and U.S. Highway 45 for joinder purposes only, as an alternate route for operating convenience only, in connection with applicant's regular-route authority.

No. MC 110525 (Sub-No. 684), filed October 19, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C.; and Edwin H. van Deusen (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles from Hanover, N.J. to South Charleston, W. Va.

No. MC 113828 (Sub-No. 67), filed October 22, 1964. Applicant: O'BOYLE TANK LINES, INC., 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone*, and *limestone products*, from Kimballton, Va., to points in West Virginia, North Carolina, South Carolina, Maryland, Virginia, points in that part of Kentucky in and east of Simpson, Warren, Butler, Grayson, and Hardin Counties, Ky., points in that part of Tennessee in and east of Sumner, Davidson, Rutherford, Bedford, Moore, and Franklin Counties, Tenn., and points in that part of Georgia in and north of Polk, Paulding, Douglas, Fulton, Fayette, Spalding, Butts, Monroe, Bibb, Twiggs, Wilkinson, Johnson, Emanuel, Candler, Bulloch, and Bryan Counties, Ga., and the District of Columbia.

No. MC 113828 (Sub-No. 68), filed October 22, 1964. Applicant: O'BOYLE TANK LINES, INC., 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles from Pittsburgh, Pa., to Bowling Green and Fremont, Ohio.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–11254; Filed, Nov. 3, 1964; 8:48 a.m.]

## NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 30, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 1470, filed October 21, 1964. Applicant: W. S. AND WAYNE HUNTER, Post Office Box 236, Jordan, Mont. Applicant's attorney: Jerome Anderson, Post Office Box 1215, Billings, Mont., 59101. Certificate of public convenience and necessity sought to operate as a freight service as follows: Transportation of *general commodities*, excluding livestock, feed, building materials, commodities in bulk, and commodities requiring special equipment for loading and unloading, to and from points within a 35-mile radius of both Billings and Jordan, Mont., serving the intermediate and off-route points of Winnett, Cat Creek and Mosby, Mont., over U.S. Highway 87, and Montana Highways 244 and 20.

*HEARING:* Date, time and place assigned for hearing this application, not specified.

Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Montana Board of Railroad Commissioners, Helena, Mont., 59601, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–11255; Filed, Nov. 3, 1964; 8:48 a.m.]

[Notice 1072]

## MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 30, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66547. By order of October 27, 1964, Division 3, acting as an Appellate Division, approved the transfer to Skinner School Bus Lines (St. Thomas) Limited, London, Ontario, Canada, of Certificate in No. MC 123480, issued August 1, 1961, to Sun Parlor Coach Lines, a corporation, Windsor, Ontario, Canada, authorizing the transportation of: Passengers and their baggage, in round-trip charter operations, from ports of entry on the United States-Canada boundary line in Michigan and New York, and extending to points in Illinois, Michigan, New York, Ohio, and the District of Columbia, and return. S. Harrison Kahn, 733 Investment Building, Washington, D.C., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–11256; Filed, Nov. 3, 1964; 8:48 a.m.]

[Service Order 947; Taylor's Car Distribution Order 15]

## DENVER AND RIO GRANDE WESTERN RAILROAD CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5)(b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Denver and Rio Grande Western Railroad Company shall deliver to the Chicago, Burlington & Quincy Railroad Company a daily average of 25 plain serviceable boxcars inside length less than 44'8".

(b) Cars delivered under this order shall be carded to the Chicago, Burlington & Quincy Railroad Company and each car shall be identified by The Denver and Rio Grande Western Railroad Company as moving under the provisions of this order.

(c) *Effective date.* This order shall become effective at 12:01 a.m., November 2, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 30, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11257; Filed, Nov. 3, 1964; 8:48 a.m.]



[Service Order 947; Taylor's Car Distribution Order 16]

## MISSOURI PACIFIC RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5)(b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Missouri Pacific Railroad Company shall deliver to the Chicago, Burlington & Quincy Railroad Company a daily average of 25 plain serviceable boxcars inside length less than 44'8".

(b) Cars received by Chicago, Burlington & Quincy Railroad Company under this order will be delivered to the Great Northern Railway Company.

*It is further ordered,* That the Missouri Pacific Railroad Company shall prepare empty car cards, tickets or movement slips for all cars delivered to the Chicago, Burlington & Quincy Railroad Company. Such cars, tickets or slips to accompany cars and be delivered with cars to the Great Northern Railway Company.

(c) *Effective date.* This order shall become effective at 12:01 a.m. November 2, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m. November 15, 1964 unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 30, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11258; Filed, Nov. 3, 1964; 8:48 a.m.]

[Service Order 947; Taylor's Car Distribution Order 17]

## CHESAPEAKE AND OHIO RAILWAY CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5)(b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Chesapeake and Ohio Railway Company shall deliver to the Chicago and Eastern Illinois Railroad Company a daily average of 25 plain serviceable boxcars inside length less than 44'8".

(b) Cars delivered under this order shall be carded to the Chicago and Eastern Illinois Railroad Company and each car shall be identified by The Chesapeake and Ohio Railway Company as moving under the provisions of this order.

(c) *Effective date.* This order shall become effective at 12:01 a.m., November 2, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 30, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11259; Filed, Nov. 3, 1964; 8:48 a.m.]

[Service Order 947; Taylor's Car Distribution Order 18]

## NORFOLK AND WESTERN RAILWAY CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5)(b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Norfolk and Western Railway Company shall deliver to the Detroit, Toledo and Ironton Railroad Company a daily average of 10 plain serviceable boxcars inside length less than 44'8".

(b) Cars delivered under this order shall be carded to the Detroit, Toledo and Ironton Railroad Company and each car shall be identified by the Norfolk and Western Railway Company as moving under the provisions of this order.

(c) *Effective date.* This order shall become effective at 12:01 a.m., November 2, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 30, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11260; Filed, Nov. 3, 1964; 8:49 a.m.]

[Service Order 947; Taylor's Car Distribution Order 19]

## READING CO., ET AL.

### Shortage of Freight Cars

Pursuant to Section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5)(b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Reading Company shall deliver to the Western Maryland Railway Company a daily average of 25 plain serviceable boxcars inside length less than 44'8".

(b) Cars received by the Western Maryland Railway Company under this order will be delivered to The Baltimore and Ohio Rail Road Company.

(c) Cars received by The Baltimore and Ohio Rail Road Company under this order shall be delivered to the Gulf, Mobile and Ohio Railroad Company.

*It is further ordered,* That the Reading Company shall prepare empty car cards, tickets or movement slips for all cars delivered to the Western Maryland Railway Company. Such cards, tickets or slips to accompany cars and be delivered with cars to The Baltimore and Ohio Rail Road Company.

*It is further ordered*, That cars moving under the provisions of this order and so identified on cards, tickets or slips shall not be intercepted, appropriated or diverted by any carrier named in this order and must be moved promptly to the Gulf, Mobile and Ohio Railroad Company.

(d) *Effective date.* This order shall become effective at 12:01 a.m. November 2, 1964.

(e) *Expiration date.* This order shall expire at 11:59 p.m. November 15, 1964 unless otherwise ordered.

*It is further ordered*, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 30, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64-11261; Filed, Nov. 3, 1964; 8:49 a.m.]

[Service Order 947; Taylor's Car Distribution Order 20]

## MISSOURI PACIFIC RAILROAD CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered*, That:

(a) The Missouri Pacific Railroad Company shall deliver to the Illinois Central Railroad Company a daily average of 25 plain serviceable boxcars inside length less than 44'8".

(b) Cars delivered under this order shall be carded to the Illinois Central Railroad Company and each car shall be identified by the Missouri Pacific Railroad Company as moving under the provisions of this order.

(c) *Effective date.* This order shall become effective at 12:01 a.m. November 2, 1964.

(d) *Expiration date.* This order shall expire at 11:59 p.m. November 15, 1964 unless otherwise ordered.

*It is further ordered*, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 30, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64-11262; Filed, Nov. 3, 1964; 8:49 a.m.]

[Notice 696]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 30, 1964.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

### MOTOR CARRIERS OF PROPERTY

No. MC 117574 (Sub-No. 94) (AMENDMENT), filed April 7, 1964, published FEDERAL REGISTER issue of April 22, 1964, amended September 23, 1964, republished as amended October 7, 1964, further amended October 26, 1964, and republished this issue. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural equipment and machinery and parts* from Tulsa, Okla., and points within 30 miles of Tulsa to points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, Maine, Massachusetts, Connecticut, New Hampshire, Vermont, North Carolina, West Virginia, Rhode Island, and the District of Columbia.

NOTE: The purpose of this republication is to add the destination states of West Virginia and Rhode Island. Common control may be involved.

*HEARING:* December 16, 1964, at the Mayo Hotel, Tulsa, Okla., before Examiner John B. Mealy.

### NOTICE OF FILING OF PETITIONS

### MOTOR CARRIERS OF PROPERTY

No. MC 94842 (PETITION FOR WAIVER OF RULE 1.101(e) AND PETITION FOR MODIFICATION OF CERTIFICATE NO. MC 94842), (CORRECTION), filed October 5, 1964, published FEDERAL REGISTER issue of October 21, 1964, and republished as corrected this issue. Petitioner: ROBERT CROCKET, INC., 102 Crescent Avenue, Chelsea, Mass. Petitioner's representative: Frank J. Weiner, 182 Forbes Building, Forbes Road, Braintree, Mass.

NOTE: The purpose of this republication is to show that Mr. Frank J. Weiner represents petitioner. Previous publication listed Mr. Weiner as an attorney, in error.

No. MC 123026 (PETITION TO MODIFY PERMIT), filed October 19, 1964. Petitioner: HOWARD KRUEPKE TRUCK SERVICE, INC., Route No. 1, Jackson, Wis. Petitioner holds a permit from this Commission in the above-referred to docket number, which authorizes, in part, the transportation of agricultural lime, from Lisbon, Wis., to certain designated areas in Illinois, limited to a transportation service to be performed under a continuing contract or contracts with two specifically named shippers, Quality Limestone Products Company, of Lisbon, Wis., and Waukesha Products Corporation, of Lisbon, Wis. Petitioner has now been informed that the businesses of the above-referred to shippers have been purchased by Consumers Company, Division of Vulcan Materials Company, Chicago, Ill. By the instant petition, petitioner requests that its permit be modified so as to authorize transportation services in the transportation of agricultural lime, from Lisbon, Wis., to the designated areas of the State of Illinois under a continuing contract with Consumers Company, Division of Vulcan Materials Company. Any person or persons desiring to participate in this proceeding may do so by filing representations (consisting of an original and 6 copies) for or against such modification within 30 days from the date of this publication in the FEDERAL REGISTER.

### APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 64600 (Sub-No. 26) (AMENDMENT), filed June 10, 1964, published in FEDERAL REGISTER issue of July 1, 1964, amended October 28, 1964, and republished as amended this issue. Applicant: WILSON TRUCKING CORPORATION, Broad Street (Box 340), Waynesboro, Va. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between junction Interstate Highway 95 and Virginia Highway 54, near Ashland, Va. and junction Interstate Highway 95 and Virginia Highway 350 (Henry G. Shirley Memorial Highway), north of Woodbridge, Va., over Interstate Highway 95, together with its interchanges connecting with applicant's other authority; (2) between the Virginia-Maryland State line at Woodrow Wilson Bridge, Alexandria, Va., and the Virginia-Maryland State line south of Cabin John, Md., over Interstate Highway 495 (Capitol Beltway), together with its interchanges connecting with applicant's other authority; (3) between Norfolk, Va. and Kiptopeke, Va., from Norfolk over U.S. Highway 13 to junction U.S. Highway 60, thence over U.S. Highway 60 to Virginia Beach, Va., thence over U.S. Highway 13 to junction Chesapeake Bay Bridge Tunnel, thence via Chesapeake Bay Bridge Tunnel to Kiptopeke, and return over the same route; (4) between junction Dulles Airport Road and Interstate Highway 66, near Falls Church, Va. and Centreville, Va., over Interstate Highway 66, together with its interchanges connecting with applicant's other authority.

(5) between Carmel Church, Va. and Leavells, Va., from Carmel Church over Virginia Secondary Highway 658 to junction Virginia Secondary Highway 639, thence over Virginia Secondary Highway 639 to junction Virginia Secondary Highway 738, thence over Virginia Secondary Highway 738 to junction Virginia Highway 208, thence over Virginia Highway 208 to Leavells, and return over the same route; (6) between junction Virginia Secondary Highways 658 and 639 and junction Virginia Secondary Highway 603 and U.S. Highway 1, from junction Virginia Secondary Highways 658 and 639 over Virginia Secondary Highway 639 to junction Virginia Secondary Highway 603, thence over Virginia Secondary Highway 603 to junction U.S. Highway 1, and return over the same route; (7) between junction Interstate Highway 95 and Virginia Highway 207 and junction Virginia Highway 207 and U.S. Highway 1, over Virginia Highway 207; (8) between junction Virginia Secondary Highways 603 and 604 near Blantons, Va. and junction Virginia Secondary Highways 605 and 738, from junction Virginia Secondary Highways 603 and 604 over Virginia Secondary Highway 604 to junction Virginia Secondary Highway 605, thence over Virginia Secondary Highway 605 to junction Virginia Secondary Highway 738, and return over the same route; (9) between junction Virginia Secondary Highways 604 and 605 and junction Virginia Secondary Highway 605 and U.S. Highway 1, over Virginia Secondary Highway 605; (10) between junction Interstate Highway 95 and Marine Corps Trunk Highway and the Potomac River, over Marine Corps Trunk Highway; and (11) between Virginia-District of Columbia State line and Dulles International Airport, over Dulles Airport Road.

NOTE: The purpose of this republication is to include the above described eleven (11) regular routes in applicant's proposed service in addition to the 197 routes previously published. This is a matter directly related to MC-F 8777, published in FEDERAL REGISTER issue of June 17, 1964.

*HEARING:* November 16, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David S. Letts.

### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

### MOTOR CARRIERS OF PROPERTY

No. MC-F-8889 (JOE MAGNANO—CONTROL—ALLEN'S TAXI CO., INC.), published in the September 30, 1964, issue of the FEDERAL REGISTER, on page 13503. As noted in the prior publication, this application was set for hearing on a consolidated record with Docket No. MC-126282 (ALLEN'S TAXI CO., INC.). In Docket No. MC-126282, all protests were withdrawn and that application is being handled under Modified Procedure. Docket No. MC-F-8889 will be handled separately. Protests, if any, should be filed in conformity with § 1.240 of the Commission's general rules of practice.





No. MC-F-8904 (correction) (WOMELDORF, INC. — PURCHASE — GEORGE T. ULRICH (JANICE W. ULRICH, ADMINISTRATRIX), published in the October 21, 1964, issue of the FEDERAL REGISTER on page 14454. The operating rights sought to be transferred should have included: *Empty containers* for malt beverages, from points in Pennsylvania and Ohio to Rochester, N.Y.

No. MC-F-8919. Authority sought for purchase by SANTINI BROS., INC., 1405 Jerome Ave., Bronx, N.Y., of the operating rights of LEROY MAYNARD BOWDEN, JR., 103 East Drew Street, Perry, Fla. Applicants' attorney: John T. Bond, 1955 Northwest 17th Avenue, Miami, Fla., 33125. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in that part of Florida between the Suwannee and Apalachicola Rivers, on the one hand, and, on the other, points in Alabama, Georgia, and South Carolina. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Connecticut, Delaware, Massachusetts, Florida, Rhode Island, Pennsylvania, Virginia, West Virginia, Georgia, Illinois, Michigan, North Carolina, Tennessee, Indiana, Kentucky, Ohio, Wisconsin, Minnesota, Missouri, Maryland, Maine, New Hampshire, Vermont, South Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8920. Authority sought for merger into WORSTER MOTOR LINES, INC., East Main Road, Rural Delivery No. 1, North East, Pa., of the operating rights and property of McKAY AND MacLEOD, INC., 7 East Race Street, Salamanca, N.Y., and for acquisition by DAVID B. WORSTER, West Lake Road, Rural Delivery No. 1, North East, Pa., of control of such rights and property through the transaction. Applicants' attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Jamestown, N.Y., and New York, N.Y., between junction New York Highways 17 and 16 near Portville, N.Y., and New York, N.Y., serving certain intermediate and off-route points, two alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Passaic, Hudson, and Essex Counties, N.J., RESTRICTION: The transportation of lumber, as authorized immediately above, is restricted against service between New York, N.Y., on the one hand, and, on the other, Passaic, N.J., and points within 15 miles of Passaic; between Salamanca, N.Y., on the one hand, and, on the other, points in New York, within 25 miles of Salamanca; *roofing material*, between Passaic, N.J., and points within 15 miles of Passaic, on the one hand, and, on the other, points in New Jersey and New York. WORSTER MOTOR LINES, INC., is authorized to operate as a *common carrier* in Pennsylvania, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, West Virginia, Indiana, Illinois, Michigan, Ohio, New Hampshire, Vermont, Maine, Minnesota, Virginia, South Carolina, Alabama, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: DAVID B. WORSTER, VINCENT R. WORSTER and LAURA H. BEMENT, control McKAY AND MacLEOD CORP., and F. D. McKAY, INC., pursuant to authority granted October 11, 1960, in No. MC-F-7001; McKAY AND MacLEOD CORP., was merged into F. D. McKAY, INC., and the corporate name was changed to McKAY AND MacLEOD, INC., pursuant to authority granted July 24, 1962, in No. MC-F-8114.

No. MC-F-8921. Authority sought for purchase by H. S. ANDERSON TRUCKING COMPANY, Port Arthur Highway-U.S. Nos. 69, 96, 287 (Post Office Box 29), Port Arthur, Tex., of a portion of the operating rights of W. M. DEWEY & SON, INC., 1101 McCarty Street, Houston, Tex., 77029, and for acquisition by H. S. ANDERSON, 3733 Platt Street, Port Arthur, Tex., of control of such rights through the purchase. Applicants' attorney: John H. Benckenstein, Post Office Box 551, Beaumont, Tex., 77704. Operating rights sought to be transferred: *Heavy or cumbersome commodities* other than those used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and, those used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, which, because of size or weight, require the use of special equipment, as a *common carrier* over irregular routes, between points in Texas within 125 miles of Houston, Tex. Vendee is authorized to operate as a *common carrier* in Louisiana and Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8922. Authority sought for purchase by MERCHANTS FAST MOTOR LINES, INC., East U.S. Highway 80 (Post Office Drawer 270), Abilene, Tex., of a portion of the operating rights of LEE WAY MOTOR FREIGHT, INC., 3000 West Reno Street, Oklahoma City, Okla. Applicants' attorneys: Sidney P. Upsher, 3000 West Reno Street, Oklahoma City, Okla., and Reagan Sayers, Century Life Building, Fort Worth, Tex. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods, and commodities in bulk, as a *common carrier*, over regular routes, between Amarillo, Tex., and Borger, Tex., as an alternate route for operating convenience only, serving no intermediate points; *general commodities*, except fresh fish, bulk liquids, and the commodities requiring specialized equipment and handling, from Panhandle to Borger, over Texas Highway 15. Vendee is authorized to operate as a *common carrier* in the State of Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8923. Authority sought for purchase by TRANSCON LINES, 1206 South Maple Avenue, Los Angeles 15, Calif., of the operating rights and property of (1) INDIANAPOLIS-KANSAS CITY MOTOR EXPRESS CO., 3537 Broadway, Kansas City 11, Mo., and (2) Decatur Seaway Motor Express, Inc., 3537 Broadway, Kansas City 11, Mo. Applicants' attorneys: Lee Reeder and W. E. Griffin, 1221 Baltimore Avenue, Kansas City 5, Mo., and Harry Morris, City National Bank Building, Kansas City 6, Mo. Operating rights sought to be transferred: (1) (INDIANAPOLIS-KANSAS CITY MOTOR EXPRESS CO.) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Indianapolis, Ind., and Richmond, Va., serving no intermediate points; *general commodities*, except dangerous explosives, livestock, grain, petroleum products, in bulk, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and commodities requiring special equipment, between Springfield, Ill., and Indianapolis, Ind., serving all intermediate points, and certain off-route points, RESTRICTION: Said carrier shall render no service between any two points, both of which are located in Illinois, or Indiana, as part of its operation over the route between Springfield, Ill., and Indianapolis, Ind.; between Kansas City, Mo., and Indianapolis, Ind., serving certain intermediate and off-route points, an alternate route for operating convenience only; (2) (DECATUR SEAWAY MOTOR EXPRESS, INC.) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between specified points in Missouri, Indiana, and Ohio, serving various intermediate and off-route points with restrictions, between Lafayette, Ind., and junction Illinois Highway 1 and unnumbered highway, serving all intermediate points, and the off-route point of West Lebanon, Ind., RESTRICTION: Service is not authorized to or from Lafayette, except on traffic moving from or to points west thereof, over Indiana Highways 25 and 28, and Illinois Highway 119.

Between Indianapolis, Ind., and Cincinnati, Ohio, serving all intermediate points, and certain off-route points with restriction, between Chicago, Ill., and Toledo, Ohio, serving the intermediate point of South Bend, Ind., and certain off-route points with restriction, between Cleveland, Ohio, and Indianapolis, Ind., serving all intermediate points, and certain off-route points with restrictions, between Cleveland, Ohio, and Indianapolis, Ind., serving all intermediate and certain off-route points, two alternate routes for operating convenience only; *general commodities*, except livestock, Class A and B explosives, inflammables, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between specified points in Illinois, Indiana, and Ohio, serving various intermediate and off-route points with restrictions, between Chicago, Ill., and St. Louis, Mo., serving all intermediate points, between Chicago, Ill., and Terre Haute, Ind., serving all intermediate points, unrestricted, and all off-route points within five miles of Danville, Ill., with restriction, between Chicago, Ill., and Indianapolis, Ind., serving all intermediate points, except those between Hammond, and Indianapolis, Ind., between Chicago, Ill., and Gary, Ind., serving all intermediate points, between Canton, Ill., and St. Louis, Mo., serving all intermediate and certain off-route points, between St. Louis, Mo., and Indianapolis, Ind., serving all intermediate and certain off-route points, between Gary, Ind., and Joliet, Ill., between Quincy, Ill., and Rockville, Ind., serving all intermediate points, between Danville, Ill., and Indianapolis, Ind., serving all intermediate points, unrestricted, and certain off-route points with restriction, between Chicago, Ill., and junction U.S. Highways 41 and 6 and Indiana Highway 152, serving all intermediate points on the Calumet-Tri-State Expressway, and serving the junction of U.S. Highways 41 and 6 and Indiana Highway 152 for joinder purposes only, between Danville, Ill., and junction Indiana Highways 32 and 63, at Perryville, Ind., serving intermediate and off-route points within five miles of Danville, Ill., with restriction, between Indianapolis, Ind., and Cincinnati, Ohio, between Cincinnati, Ohio, and Richmond, Ind., serving no intermediate points but serving the off-route point of the site of the Feeds Materials Production Center of the United States Atomic Energy Commission near Fernald, Ohio, numerous alternate routes for operating convenience only.

*General commodities*, including Class A and B explosives, between Terre Haute, Ind., and Prairie Creek or the Vigo Ordnance Depot, Ind., serving no intermediate points; *iron and steel articles*, as described in Groups II and III of Appendix V, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, over irregular routes, from Aurora, Ind., to points in Indiana, RESTRICTION: Service under the above-described irregular route authority is restricted to shipments having an immediately prior movement by water carrier. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Kansas, Indiana, Oklahoma, New Mexico, California, Texas, Arizona, Tennessee, Alabama, Georgia, and Mississippi. Application has not been filed for temporary authority under section 210a(b).

NOTE: Docket No. F.D. 23357 was filed simultaneously.

No. MC–F–8924. Authority sought (A) for control by LEASEWAY TRANSPORTATION CORP., 21111 Chagrin Boulevard, Cleveland 22, Ohio, of REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago, Ill., 60604, and for acquisition by H. M. O'NEILL, F. J. O'NEILL, and W. J. O'NEILL, all of Cleveland 22, Ohio, of control of REFINERS TRANSPORT & TERMINAL CORPORATION, through the acquisition by LEASEWAY TRANSPORTATION CORP.; and (B) for purchase by REFINERS TRANSPORT & TERMINAL CORPORATION, of a portion of the operating rights of MITCHELL TRANSPORT, INC., 21111 Chargin Boulevard, Cleveland 22, Ohio. The authority sought in (B) is contingent upon the grant of approval in (A) above. Applicants' attorneys: Roland Rice, 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C., and Ewald E. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Operating rights sought to be (A) controlled and (B) transferred: (A) (REFINERS TRANSPORT & TERMINAL CORPORATION) Numerous specified commodities, in bulk, in tank vehicles as a *common carrier*, over irregular routes, from and to specified points in all States in the United States (except Alaska and Hawaii), and the District of Columbia, with certain restrictions, as more specifically described in Docket No. MC–50069 and Sub-Numbers thereunder; The foregoing summary does not purport to be a complete description of all the operating rights of the carrier involved, and is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof.

(B) (MITCHELL TRANSPORT, INC.) *Petroleum products*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Canton, Findlay, and Toledo, Ohio, to points in the Lower Peninsula of Michigan, from Canton, Ohio, to points in Indiana, RESTRICTION: The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act. (A) LEASEWAY TRANSPORTATION CORP., holds no authority from this Commission. However, it controls the following carriers: (1) ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Boulevard, Cleveland 22, Ohio, which is authorized to operate as a *contract carrier* in all States in the United States (except Alaska and Hawaii), and the District of Columbia; (2) GREEN BAG TRANSPORT, INC., care of Pittsburg Coke and Chemical Company, Neville Island, Pittsburgh 25, Pa., which is authorized to operate as a *contract carrier* in Pennsylvania, Maryland, West Virginia, and Ohio; (3) MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland 22, Ohio, which is authorized to operate as a *common carrier* in Indiana, Ohio, Kentucky, Illinois, Maryland, Pennsylvania, Rhode Island, Connecticut, Massachusetts, New York, Maine, New Hampshire, Vermont, New Jersey, Alabama, Florida, Georgia, Mississippi, Tennessee, Kansas, Arkansas, Missouri, Oklahoma, Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, Delaware, Virginia, North Carolina, West Virginia, South Carolina, Michigan, and the District of Columbia; (4) POOL TRUCK, INC., 365 Victor, Highland Park, Mich., which is authorized to operate as a *contract carrier* in Michigan, Ohio, Indiana, New York, Pennsylvania, and West Virginia; (5) QUICK DELIVERIES, INC., 110 Olean Street, Rochester, N.Y., which is authorized to operate as a *contract carrier* in New York, Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, and Vermont; (6) SIGNAL DELIVERY SERVICE, INC., 5321 West Madison Street, Chicago 44, Ill., which is authorized to operate as a *contract carrier* in Illinois, Indiana, and Michigan; and (7) SUGAR TRANSPORT, INC., Post Office Box 4063, Port Wentworth, Ga., which is authorized to operate as a *contract carrier* in Georgia, Tennessee, Florida, North Carolina, South Carolina, Virginia, Kentucky, West Virginia, and Alabama. Application has not been filed for temporary authority under section 210a(b).

NOTE: A petition by LEASEWAY TRANSPORTATION CORP., has been filed simultaneously, seeking relief from the provisions of sections 20(1) through (10) inclusive, 20a(2) through (11) inclusive, 204(a)(1), 204(a)(2), 214 and 220 of the Interstate Commerce Act.

No. MC–F–8926. Authority sought for purchase by JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind., of a portion of the operating rights of THE BILLY BAKER COMPANY, 1301 Elm Street, Toledo, Ohio, and for acquisition by JOHN S. GRAY, JR., also of Hammond, Ind., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle St., Chicago, Ill., 60603. Operating rights sought to be transferred: *Commodities in bulk* (not including liquids), in tank vehicles, as a *common carrier* over irregular routes, between points in Lenawee, Monroe, Hillsdale, Jackson, Washtenaw, and Wayne Counties, Mich., Lucas, Wood, Fulton, Ottawa, Sandusky, Erie, Henry, Williams, and Defiance Counties, Ohio, and Steuben, DeKalb, and Allen Counties, Ind.; *cement*, from points in Erie and Lucas Counties, Ohio, to points in Lenawee, Monroe, Hillsdale, Jackson, and Washtenaw Counties, Mich.; *sand, gravel, stone, cinders, slag, coated aggregates, dirt*, and *such similar commodities* as are susceptible of being unloaded by dumping, in dump trucks, between points in Lenawee, Monroe, Hillsdale, Jackson, and Washtenaw Counties, Mich., on the one hand, and, on the other, points in Lucas, Wood, Fulton, Ottawa, and Sandusky Counties, Ohio; *sand, gravel, stone, cinders, slag, coated aggregates*, and *dirt*, in dump trucks, between points in Erie County, Ohio, on the one hand, and, on the other, points in Lenawee, Monroe, Hillsdale, Jackson, and Washtenaw Counties, Mich.; *sand, gravel, stone, cinders, slag, coated aggregates, dirt*, and *cement*, in dump trucks, between points in Lenawee, Monroe, Hillsdale, Jackson, Washtenaw, and Wayne Counties, Mich., points in Lucas, Wood, Fulton, Ottawa, Sandusky, Erie, Henry, Williams, and Defiance Counties, Ohio, and points in Steuben, DeKalb, and Allen Counties, Ind.; and *loose pig iron*, in dump vehicles, from points in Lucas County, Ohio, to points in Indiana and Michigan, with exceptions. The application also proposes to purchase authority sought in pending Docket Nos. MC–30727 Sub 20 and Sub 21. Vendee is authorized to operate as a *common carrier* in Indiana, Illinois, Iowa, Michigan, Minnesota, Missouri, Ohio, Wisconsin, Pennsylvania, West Virginia and Kentucky. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–8925. Authority sought (A) for purchase by GEORGE H. KUSS, doing business as VALLEY TRANSPORTATION CO., Hogsback Road, Oxford, Conn., of a portion of the operating rights of THE INTERCITY COACH COMPANY, 23 South Street, Danbury, Conn.; (B) for purchase by THE CHIEPPO COMPANY, INC., 192 Forbes Avenue, New Haven, Conn., of the remaining portion of the operating rights of THE INTERCITY COACH COMPANY, and for acquisition by THOMAS N. CHIEPPO, individually, and as Executor of the Estate of MARY H. CHIEPPO, also of New Haven, Conn., of control of such rights through the purchase; and (C) for purchase by THE CHIEPPO COMPANY, INC., of the entire operating rights of THE DANBURY BUS CORPORATION, 23 South Street, Danbury, Conn., and for acquisition by THOMAS N. CHIEPPO, individually, and as Executor of the Estate of MARY H. CHIEPPO, of control of such rights through the purchase. Applicants' attorney: Hugh M. Joseloff, 410 Asylum Street, Hartford 3, Conn. Operating rights sought to be transferred: (A) (THE INTERCITY COACH COMPANY) Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over a regular route, between Waterbury, Conn., and Bridgeport, Conn., serving all intermediate points; (B) (THE INTERCITY COACH COMPANY) Passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, as a *common carrier*, over a regular route, between Danbury, Conn., and Bridgeport, Conn., serving all intermediate points.

(C) (THE DANBURY BUS CORPORATION) Passengers and their baggage, as a *common carrier*, over regular routes, between Danbury, Conn., and Brewster, N.Y., serving all intermediate points; passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, between New Milford over U.S. Highway 7 via Danbury, Conn., to junction Connecticut Highway 35, and thence over Connecticut Highway 35 to Ridgefield, serving all intermediate points and the off-route point of Brookfield Center, Conn.; and passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, and baggage of passengers in a separate vehicle, between Danbury, Conn., and South Norwalk, Conn., between Branchville, Conn., and Ridgefield, Conn., serving all intermediate points. GEORGE H. KUSS, doing business as VALLEY TRANSPORTATION CO., is authorized to operate as a *common carrier* in Connecticut, and New York. THE CHIEPPO COMPANY, INC., is authorized to operate as a *common carrier* in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Maine, New Hampshire, Vermont, Pennsylvania, Delaware, Maryland, and the District of Columbia. Application has been filed for temporary authority under Section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–11252; Filed, Nov. 3, 1964; 8:48 a.m.]

## JOHN V. LAWRENCE

### Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 27 F.R. 9545, 28 F.R. 4117, 28 F.R. 10468, 29 F.R. 5579) during the six months' period ended September 14, 1964.

No change.

Dated: September 14, 1964.

JOHN V. LAWRENCE.

[F.R. Doc. 64–11157; Filed, Nov. 2, 1964; 8:46 a.m.]

## CUMULATIVE CODIFICATION GUIDE—NOVEMBER

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**FEDERAL REGISTER**

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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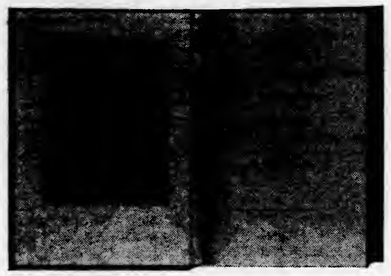

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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

VOLUME 29 NUMBER 217

*Washington, Thursday, November 5, 1964*

THE UNIVERSITY OF MICHIGAN

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Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

#### Miscellaneous Amendments

In Federal Register Document 64–11028 filed October 28, 1964 (29 F.R. 14711), the section number and heading "§ 890.306 *Effective dates.*" should be inserted immediately after the first paragraph in § 890.305, and the word "requests" in the last sentence in § 890.503(c)(3) should be changed to "request".

(Sec. 10, 78 Stat. 715; 5 U.S.C. 3009)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID P. WILLIAMS,
*Director,*
*Bureau of Management Services.*

[F.R. Doc. 64–11331; Filed, Nov. 4, 1964; 8:49 a.m.]

## Title 12—BANKS AND BANKING

### Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

### PART 3—NATIONAL BANK LOANS SECURED OR COVERED BY GOVERNMENTAL GUARANTIES

#### Definition of Terms

This amendment issued under authority of R.S. 5200, 12 U.S.C. 84(10), as amended, revises § 3.1 to redefine the term "unconditional" so as to include certain loans made in reliance upon the guaranty of the Small Business Administration. Since this amendment (a) interprets a term used in the statute, (b) recognizes a relief from a restriction and (c) is needed immediately to meet a continuing problem of National Banks, notice, public procedure, and delayed effectiveness of this amendment are found to be impractical, unnecessary, and contrary to the public interest. This amendment, therefore, will become effective upon publication.

Part 3, Ch. I, Title 12, of the Code of Federal Regulations of the United States of America is amended by revising § 3.1 to read as follows:

§ 3.1 **Definition of terms.**

(a) The requirement of exception 10 (R.S. 5200, 12 U.S.C. 84(10)) that a guaranty or a commitment or agreement to take over or to purchase, referred to collectively herein as "agreement," must be unconditional means that the protection afforded to the bank thereby against loss resulting from factors beyond its control, must not be substantially diminished or impaired. This protection is not materially diminished or impaired by procedural requirements (for example, a requirement that notification of a default be given by the lender to the guarantor within 20 days of its occurrence, even though demand for payment under the guaranty cannot be made until after the expiration of 90 days) or by requirements of good faith on the part of the bank. Such requirements, therefore, would not prevent an agreement from being unconditional for the purposes of this statute.

(b) An agreement is not unconditional within the meaning of Exception 10 if liability thereunder (1) is contingent upon the happening of an event or a condition precedent not within the control of the bank, or (2) is subject to defeasance by a contingency or a condition subsequent not within the control of the bank.

(c) An agreement may be unconditional even though it is to take over a loan only in the event of default. The requirement of the exception that the agreement must be unconditional and must be performed by payment in cash within sixty days after demand does not imply that there must be a right to demand performance prior to default.

Dated: October 30, 1964.

[SEAL] JAMES J. SAXON,
*Comptroller of the Currency.*

[F.R. Doc. 64–11298; Filed, Nov. 4, 1964; 8:46 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

[Reg. Doc. 955; Reg. No. SFAR–10]

### PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING AND ALTERATION [NEW]

#### Special Federal Aviation Regulation; Mechanical Work Performed on United States Registered Aircraft by Certain Canadian Mechanics

Special Civil Air Regulation No. SR–377D, effective from November 1, 1963, to November 1, 1964, extended the provisions of SR–377C, which provided an implementation of a reciprocal arrangement between Canada and the United States. The purpose of this Special Federal Aviation Regulation is to extend the provisions of SR–377D for an additional one-year period.

Section 610(a) of the Federal Aviation Act of 1958 provides, in pertinent part, that, "It shall be unlawful * * * for any person to serve in any capacity as an airman in connection with any civil aircraft, aircraft engine, propeller or appliance used or intended for use, in air commerce without an airman certificate authorizing him to serve in such capacity * * *." The term "airman" as defined in section 101(7) of the Act includes "* * * (except to the extent the Administrator may otherwise provide with respect to individuals employed outside the United States) any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances * * *." Under the provisions of this latter section, the Administrator is authorized, in effect, to exempt certain persons employed outside the United States from the requirements of holding a United States airman certificate.

The current provisions of SR–377D permit maintenance, repair, and alteration operations on aircraft of United States registry to be performed in Canada by or under the direct supervision of a mechanic holding a certificate of competence and appropriate ratings issued by the Canadian Government, subject to the condition that such operations performed are listed and certified by him in a manner and on a form prescribed by the Administrator, and subject to the further condition that all such operations are performed in conformance with the requirements of Part 43 [New] of the Federal Aviation Regulations.

SR–377D pertained to Part 18 of the Civil Air Regulations. That Part has been recodified into Part 43—Maintenance, Preventive Maintenance, Rebuilding, and Alterations [New] of the Federal Aviation Regulations. Therefore, this special regulation will be a Special Federal Aviation Regulation pertaining to Part 43 [New].

The circumstances which prompted the Agency to adopt SR–377D and its predecessor regulations continue to exist. Therefore, the provisions of that regulation are being extended for an additional period of one year.

Since this regulation continues in effect the provisions of the previous regulation and imposes no additional burden upon any person, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary, and it may be made effective in less than 30 days from publication.

In consideration of the foregoing, the following Special Federal Aviation Regulation is hereby adopted, effective November 1, 1964:

1. An individual holding a valid mechanic certificate of competence and appropriate ratings issued by the Canadian Government shall not be deemed an airman within the meaning of section 101(7) of the Federal Aviation Act of 1958, with respect to inspection, maintenance, overhaul, or repair operations conducted in Canada in connection with aircraft of United States registry, and such individual, notwithstanding any contrary provisions of the Civil Air Regulations or the Federal Aviation Regulations, may perform those operations in connection with

United States aircraft in Canada. However, in the case of repair, alteration, and maintenance, that operation must be listed and certified to by him in a manner and on a form prescribed by the Administrator and must be performed in conformance with the requirements of Part 43 [New] of the Federal Aviation Regulations.

2. An aircraft, aircraft engine, or propeller on which any major repair or major alteration has been performed as authorized herein shall not be flown in air commerce until examined, inspected, and approved by a Canadian Department of Transport Inspector of Aircraft. Such approval shall be indicated in a manner and on a form prescribed by the Administrator.

This regulation supersedes Special Civil Air Regulation No. SR-377D, and shall terminate November 1, 1965, unless sooner superseded or rescinded by the Federal Aviation Agency.

(Secs. 101(7), 313(a), 601, 605, and 610 of the Federal Aviation Act of 1958 (49 U.S.C. 1301, 1354, 1421, 1425, 1430)

Issued in Washington, D.C., on October 29, 1964.

N. E. HALABY,
*Administrator.*

[F.R. Doc. 64-11280; Filed, Nov. 4, 1964; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 64-WA-80]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation and Alteration of Reporting Points

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to designate the Millinocket, Maine, VOR as a reporting point and change the name of the Cape Spencer, Alaska, Intersection to Yakobi, Alaska, Intersection.

Air traffic control requirements periodically change with regard to specific reporting points. In the case of the Millinocket VOR, this facility is required to facilitate the separation of east-west traffic on J-500 from north-south traffic on J-49 and J-55. In the case of the Cape Spencer Intersection, the Cape Spencer radio beacon is located approximately 25 miles away from the Intersection and the duplication of place names often results in confusion in receiving traffic control instructions.

Since these amendments are procedural in nature and do not involve the assignment of airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

1. In § 71.211 (29 F.R. 1228) the following change is made: "Cape Spencer INT: INT NW course Sitka, Alaska, RR, SW course Gustavas, Alaska, RR." is deleted and "Yakobi INT: INT NW course Sitka, Alaska, RR, SW course Gustavas, Alaska, RR." is substituted therefor.

2. In § 71.207 (29 F.R. 1223) the following is added: "Millinocket, Maine."

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 30, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11276; Filed, Nov. 4, 1964; 8:45 a.m.]

[Airspace Docket No. 64-CE-80]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone and Transition Area

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to alter the Detroit City Airport control zone and the Detroit City transition area.

The Canadian Department of Transport has advised that the Windsor, Ontario, Canada, VOR navigational facility will be relocated to a new site. The new location will be at latitude 42°14'54" N., longitude 82°49'44" W. Since the control zone and the transition area designations are predicated in part on radials of the Windsor VOR, the action taken herein is necessitated by the new location of the Windsor VOR. In addition, the Detroit RBN has been renamed the Madison Heights RBN.

This relocation is to take place on November 19, 1964. Since approach procedures are dependent in part on the control zone and transition area designations, any delay in making these amendments will jeopardize public safety. For this reason, the Administrator finds that a situation exists wherein notice and public procedure hereon are impractical, and good cause exists for making the amendments effective on less than the 30-day notice required by section 4 of the Administrative Procedure Act.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 19, 1964, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101) the Detroit City Airport control zone is altered as follows:

*Detroit, Mich. (Detroit City Airport).*

Within a 5-mile radius of the Detroit City Airport (latitude 42°24'35" N., longitude 83°00'35" W.), within 2 miles each side of the 143° bearing from the Madison Heights, Mich. RBN, extending from the 5-mile radius zone to 6 miles NW of the approach end of the Detroit City Airport Runway 15 and within 2 miles each side of the Windsor, Ontario, Canada, R.R. NW course, extending from the 5-mile radius zone to the United States/Canadian border, and within 2 miles each side of the Windsor, Ontario, Canada, VOR 320° radial extending from the 5-mile radius zone to the United States/Canadian border.

2. In § 71.181 (29 F.R. 1160), the Detroit City transition area is altered as follows:

*Detroit City, Mich.*

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 143° and 323° bearings from the Madison Heights, Mich., RBN, extending from 6 miles NW of the approach end of the Detroit City Airport Runway 15 to 8 miles NW of the RBN, and within 2 miles each side of the Windsor, Ontario, Canada, VOR 320° radial, extending from 4 miles NW to 14 miles NW of the Detroit City Airport.

These amendments are made under authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C.A. 1348).

Issued at Kansas City, Mo., on October 27, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-11277; Filed, Nov. 4, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SO-54]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone and Designation of Transition Area

On September 22, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13143) stating that the Federal Aviation Agency proposed to alter the control zone and designate the Atlanta, Ga. (Dobbins AFB/NAS Atlanta) transition area.

There was a typographical error in the proposed redesignation of the control zone as published in the FEDERAL REGISTER. The location of Dobbins AFB/NAS Atlanta was specified incorrectly as latitude 33°55'00" N., longitude 84°41'00" W. However, the correct airport location (latitude 33°55'00" N., longitude 84°31'00" W.) was shown three times elsewhere in the same notice. Since this typographical error was editorial in nature and its correction imposes no additional burden on any person, notice and public procedure are unnecessary.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 (New) of the Federal Aviation Regulations is amended, effective January 7, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101), the Atlanta, Ga. (Dobbins AFB/NAS Atlanta) control zone is amended to read:

*Atlanta, Ga. (Dobbins AFB/NAS Atlanta).*

Within a 5-mile radius of the Dobbins AFB/NAS Atlanta (latitude 33°55'00" N., longitude 84°31'00" W.); within 2 miles each side of the 105° bearing from the Lost Mountain, Ga., RBN, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the 301° radial of the NAS Atlanta TACAN (latitude 33°54'08" N., longitude 84°30'35" W.) extending from the 5-mile radius zone to 7 miles NW of the TACAN.

2. Section 71.181 (29 F.R. 1160) is amended by adding the following:



*Atlanta, Ga. (Dobbins AFB/NAS Atlanta).*

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Dobbins AFB/NAS Atlanta (latitude 33°-55'00" N., longitude 84°31'00" W.); within 2 miles each side of the NAS Atlanta TACAN 301° radial extending from the 7-mile radius area to 10 miles NW of the TACAN; within 2 miles each side of the Norcross, Ga., VORTAC 265° radial extending from the 7-mile radius area to 9 miles W of the Dobbins AFB/NAS Atlanta Airport Reference Point (latitude 33°55'00" N., longitude 84°31'00" W.); excluding that airspace within a 15-mile radius of the Atlanta Airport (latitude 33°38'42" N., longitude 84°25'37" W.).

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on October 28, 1964.

PAUL H. BOATMAN,
*Acting Director, Southern Region.*

[F.R. Doc. 64-11278; Filed, Nov. 4, 1964; 8:45 a.m.]

[Airspace Docket No. 64-CE-46]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Transition Area

On September 4, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12592) stating that the Federal Aviation Agency proposed to designate a transition area at Independence, Kans.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 1160) the following is added:

*Independence, Kans.*

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Independence Municipal Airport (latitude 37°09'30" N., longitude 95°46'30" W.), and within 8 miles NE and 5 miles SW of the 157° bearing from the Independence Municipal Airport extending from the Airport to a point 12 miles SE.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Kansas City, Mo., on October 28, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-11279; Filed, Nov. 4, 1964; 8:45 a.m.]

[Special Federal Aviation Reg. 11; Reg. Docket No. 6300]

## PART 91—GENERAL OPERATING AND FLIGHT RULES [NEW]

### Prohibition of Air Traffic Over and in Vicinity of Houston, Texas

On November 2, 1964, President Lyndon B. Johnson will visit Houston, Tex. The interest of the public in the President and the large assemblage of persons resulting from his presence should attract numerous aircraft in the area that will be operated over the city of Houston and through the airspace generally used by other aircraft. In addition, the Federal agency responsible for the security of the President has requested that we take appropriate action for his safety and the safety of other persons present.

In order to provide appropriate safeguards for aircraft operations in the area and for persons and property on the ground, I have determined that a temporary restriction must be imposed on air traffic to prohibit the operation of all types of aircraft in the vicinity of Houston, Tex., below 3,000 feet above the surface unless authorized by the Houston International Airport Traffic Control Tower.

I have determined that there is a requirement for the immediate adoption of this regulation for the safety of air commerce. Therefore, I find it impracticable and contrary to the public interest to comply with the notice and public procedure provisions of the Administrative Procedure Act and that good cause exists for making this regulation effective immediately.

In consideration of the foregoing, the following Special Federal Aviation Regulation is adopted:

(1) Unless otherwise authorized by the Houston International Airport Traffic Control Tower, no person may operate an aircraft during the period from 1500 to 2100 hours, c.s.t., on November 2, 1964, below 3,000 feet above the surface within an area bounded on the south by the Houston VORTAC 282° radial; on the west and north by an arc of a 15 nautical mile radius circle centered at the Houston VORTAC; and on the east by the Houston VORTAC 070° radial.

(2) This regulation becomes effective immediately and expires at 2100, c.s.t., November 2, 1964.

(Sec. 307, Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on November 1, 1964.

HAROLD W. GRANT,
*Deputy Administrator.*

[F.R. Doc. 64-11338; Filed, Nov. 4, 1964; 10:51 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 6208; Amdt. 396]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

### Miscellaneous Amendments

*Correction*

In F.R. Doc. 64-9707, appearing in the issue for Friday, October 23, 1964, at page 14534, in the third table for amendatory paragraph 2 (§ 97.11(b)), under "Ceiling and visibility minimums", the last column opposite Park City FM and BIL-VOR should read as follows:

200-½
500-1½
800-2

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

## PART 8—COLOR ADDITIVES

### Subpart A—Definitions and Procedural and Interpretative Regulations

MISCELLANEOUS AMENDMENTS

Following the publication of the definitions and procedural and interpretative color additive regulations on June 22, 1963, informal comments were received about certain inconsistencies. The Commissioner of Food and Drugs concluded that certain minor amendments should be made for the purpose of clarifying these regulations. Therefore, pursuant to the provisions of Federal Food, Drug, and Cosmetic Act (secs. 701, 706, 52 Stat. 1055 as amended, 74 Stat. 399 et seq.; 21 U.S.C. 371, 376) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471): *It is ordered*, That Subpart A be amended as follows:

1. Section 8.1(e) is amended by substituting "Bureau of Scientific Standards and Evaluation" for "Bureau of Biological and Physical Sciences." As amended, paragraph (e) reads as follows:

**§ 8.1 Definitions and interpretations.**

* * * * *

(e) "Color Certification Branch" means the unit established within the Food and Drug Administration located in the Bureau of Scientific Standards and Evaluation, charged with the responsibility for the mechanics of the certification procedure hereinafter described, and including the examination of samples of color additives subject to certification.

* * * * *

2. Section 8.24(b) is amended by substituting "the person requesting certification" for "manufacturer." As amended, paragraph (b) reads as follows:

**§ 8.24 Treatment of batch pending certification.**

* * * * *

(b) Held under the control of the person requesting certification until certified.

* * * * *

3. In § 8.25, paragraph (a) is amended by substituting "the person requesting certification" for "manufacturer" and by deletion of the words "and pure color content", and paragraph (b) is amended by substituting "the person requesting certification" for "manufacturer." As amended, § 8.25 reads:

**§ 8.25 Treatment of batch after certification.**

(a) Immediately upon notification that a batch of color additive has been certified, the person requesting certification thereof shall identify such batch,

by labeling, with the certified lot number.

(b) The person requesting certification shall maintain storage in such manner as to prevent change in composition until such batch has been packaged and labeled as required by §§ 8.31 and 8.32, except that the person requesting certification may use such color additive for the purpose of coloring a food, drug, or cosmetic.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since these changes to the procedural regulations are editorial in nature and are nonrestrictive.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 701, 706, 52 Stat. 1055 as amended, 74 Stat. 399 et seq.; 21 U.S.C. 371, 376)

Dated: October 29, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11321; Filed, Nov. 4, 1964; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

### Black-Eye Peas, Potatoes; Order Listing Disodium EDTA and Calcium Disodium EDTA as Optional Ingredients

A notice of proposed rule making in the above-referenced matter was published in the FEDERAL REGISTER of September 2, 1964 (29 F.R. 12517) setting forth proposals by the Geigy Chemical Corp., Ardsley, N.Y., to amend the definition and standard of identity for canned vegetables other than those specifically regulated (21 CFR 51.990) to list disodium EDTA in an amount not to exceed 145 parts per million as a permitted optional ingredient in canned black-eye peas, and calcium disodium EDTA in an amount not to exceed 110 parts per million as a permitted optional ingredient in canned potatoes. In each case appropriate provisions were proposed for label declaration of the EDTA salts.

In consideration of the information furnished by the petitioner, and other available relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments proposed. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare, by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471): *It is ordered,* That, paragraphs (c) and (f) of the standard of identity for vegetables other than those specifically regulated (21 CFR 51.990) be amended by adding two new subparagraphs to each, as follows:

§ 51.990 **Canned vegetables other than those specifically regulated; identity; label statement of optional ingredients.**

* * * * * * *

(c) * * *

(11) In the case of canned black-eye peas, disodium EDTA may be added in a quantity not to exceed 145 parts per million.

(12) In the case of canned potatoes, calcium disodium EDTA may be added in a quantity not to exceed 110 parts per million.

* * * * * * *

(f) * * *

(10) If the optional ingredient specified in paragraph (c)(11) of this section is present, the label shall bear the statement "disodium EDTA added as a preservative" or "disodium EDTA added to preserve color."

(11) If the optional ingredient specified in paragraph (c)(12) of this section is present, the label shall bear the statement "calcium disodium EDTA added as a preservative" or "calcium disodium EDTA added to preserve color."

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 948; 21 U.S.C. 341, 371)

Dated: October 29, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11322; Filed, Nov. 4, 1964; 8:48 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM DISODIUM EDTA

The Commissioner of Food and Drugs having evaluated data in a petition (FAP 1404) filed by Geigy Industrial Chemicals, Division of Geigy Chemical Corp., Post Office Box 430, Yonkers, N.Y., and other relevant material has concluded that an amendment to § 121.1017 should issue to prescribe the safe use of calcium disodium EDTA to promote color retention in canned white potatoes. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), paragraph (b)(1) of § 121.1017 is amended by insertion, in alphabetical sequence, of a new item as follows:

§ 121.1017 **Calcium disodium EDTA.**

* * * * * * *

(b) * * *

(1) * * *

| Food | Limitation (parts per million) | Use |
|---|---|---|
| * * * | * * * | * * * |
| Canned white potatoes.. | 110 | Promote color retention. |

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 29, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11323; Filed, Nov. 4, 1964; 8:48 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

DISODIUM EDTA

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1330) filed by Geigy Industrial Chemicals, Division of Geigy Chemical Corp., Post Office Box 430, Yonkers, N.Y., and other relevant material, has concluded that an amendment to the food additive regulations (21 CFR 121.1056; 29 F.R. 2383) should issue to prescribe the safe use of disodium EDTA as a color stabilizer in canned black-eyed peas. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1056(b)(1) is amended by inserting alphabetically in the table the following new item:

§ 121.1056 **Disodium EDTA.**

* * * * * * *

(b) * * *

(1) * * *

| Food | Limitation (parts per million) | Use |
|---|---|---|
| * * * | * * * | * * * |
| Cannedblack-eyed peas.. | 145 | Promote color retention. |

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 29, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11324; Filed, Nov. 4, 1964; 8:48 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

SODIUM NITRATE; SODIUM NITRITE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5A1522) filed by the Association of Smoked Fish Processors, Inc., 111 Broadway, New York 6, N.Y., and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of sodium nitrate and sodium nitrite as preservatives and color fixatives in smoked, cured, sablefish. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), §§ 121.1063(a)(1) and 121.1064(a)(2) are amended as follows:

§ 121.1063 **Sodium nitrate.**

* * * * * * *

(a) * * *

(1) As a preservative and color fixative, with or without sodium nitrite, in smoked, cured sablefish, smoked, cured salmon, and smoked, cured shad, so that the level of sodium nitrate does not exceed 500 parts per million (0.05 percent) and the level of sodium nitrite does not exceed 200 parts per million (0.02 percent) in the finished product.

* * * * * * *

§ 121.1064 **Sodium nitrite.**

* * * * * * *

(a) * * *

(2) As a preservative and color fixative, with or without sodium nitrate, in smoked, cured sablefish, smoked, cured salmon, and smoked, cured shad so that the level of sodium nitrite does not exceed 200 parts per million (0.02 percent) and the level of sodium nitrate does not exceed 500 parts per million (0.05 percent) in the finished product.

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 29, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11326; Filed, Nov. 4, 1964; 8:48 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

POLYVINYLPYRROLIDONE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1411) filed by General Aniline and Film Corp., Dyestuff and Chemical Division, 435 Hudson Street, New York 14, N.Y., and other relevant material, has concluded that the food additive regulations should be amended to prescribe the safe use of polyvinylpyrrolidone as an adjuvant in the binding and coating of vitamin and mineral concentrates, nonnutritive sweeteners, and flavor concentrates in tablet form and as a stabilizer, bodying agent, and dispersant in vitamin and mineral concentrates and nonnutritive sweeteners in liquid form. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1139 is amended by revising paragraph (b) and by deleting paragraph (c). Revised paragraph (b) reads as follows:

§ 121.1139 **Polyvinylpyrrolidone.**

* * * * * * *

(b) The additive is used or intended for use in foods as follows:

| *Food* | *Limitations* |
|---|---|
| Flavor concentrates in tablet form.. | As a tableting adjuvant in an amount not to exceed good manufacturing practice. |
| Nonnutritive sweeteners in concentrated liquid form. | As a stabilizer, bodying agent, and dispersant, in an amount not to exceed good manufacturing practice. |
| Nonnutritive sweeteners in tablet form. | As a tableting adjuvant in an amount not to exceed good manufacturing practice. |
| Vitamin and mineral concentrates in liquid form. | As a stabilizer, bodying agent, and dispersant, in an amount not to exceed good manufacturing practice. |
| Vitamin and mineral concentrates in tablet form. | As a tableting adjuvant in an amount not to exceed good manufacturing practice. |
| Vinegar ---------- | As a clarifying agent, at a level not to exceed 40 parts per million. |



ing will be granted if the objections are



companied by a memorandum or brief in

shall be applicable to such foods

ing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 29, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11325; Filed, Nov. 4, 1964; 8:48 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ISOPARAFFINIC PETROLEUM HYDROCARBONS, SYNTHETIC

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1498) submitted by Humble Oil & Refining Co., Houston 1, Tex., and other relevant material, has concluded that § 121.2558 of the food additive regulations should be amended to provide for the use of higher boiling synthetic isoparaffinic petroleum hydrocarbons. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.2558(a) is amended by changing the specification "Boiling point 145°–410° F., as determined by A.S.T.M. Method D-86." to read "Boiling point 145°–500° F., as determined by A.S.T.M. Method D-86."

As amended, § 121.2558 reads as follows:

**§ 121.2558 Isoparaffinic petroleum hydrocarbons, synthetic.**

* * * * * *

(a) * * *

Boiling point 145°–500° F., as determined by A.S.T.M. Method D-86.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 29, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11327; Filed, Nov. 4, 1964; 8:49 a.m.]

SUBCHAPTER C—DRUGS

## PART 132—REGISTRATION OF PRODUCERS OF DRUGS

### Subpart A—Definitions

### Subpart B—Procedures for Domestic Drug Establishments

Effective as of the date of publication of this order in the FEDERAL REGISTER, Subparts A and B are revised to read as set forth below. This revision is made principally for the purpose of deletion or rewriting obsolete material, and none of the amendments made are within the purview of section 4 of the Administrative Procedure Act, requiring notice and public procedure and delayed effective date. Authority for the promulgation of this order is contained in the Federal Food, Drug, and Cosmetic Act (secs. 510, 701, 52 Stat. 1055 as amended; 76 Stat. 794; 21 U.S.C. 360, 371).

### Subpart A—Definitions

**§ 132.1 Definitions.**

(a) As used in this part, the term "act" means the Federal Food, Drug, and Cosmetic Act approved June 25, 1938 (52 Stat. 1040 et seq., as amended; 21 U.S.C. 301–392).

(b) "Establishment" means a place of business under one management at one general physical location. The term includes, among others, independent laboratories that engage in control activities for registered drug establishments (e.g., "consulting" laboratories) and manufacturers of medicated feeds and of vitamin products that are "drugs" within the meaning of section 201(g) of the act.

(c) "Manufacture, preparation, propagation, compounding, or processing" of a drug or drugs, as used in this part, means the making by chemical, physical, biological, or other procedures of any articles which meet the definition of drugs as defined in section 201(g) of the act, and including manipulation, sampling, testing, or control procedures applied to the final product or to any part of the process. The term includes repackaging or otherwise changing the container, wrapper, or labeling of any drug package in furtherance of the distribution of the drug from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer.

(d) The definitions and interpretations contained in sections 201 and 510 of the Federal Food, Drug, and Cosmetic Act shall be applicable to such terms when used in the regulations in this Part 132.

(Secs. 510, 701, 52 Stat. 1055 as amended; 76 Stat. 794; 21 U.S.C. 360, 371)

### Subpart B—Procedures for Domestic Drug Establishments

Sec.
132.2 Who must register.
132.3 Times for registration.
132.4 How and where to register.
132.5 Information required.
132.6 Notification of registrant; drug establishment registration number.
132.7 Inspection of registrations.
132.8 Amendments to registration.
132.9 Misbranding by reference to registration or to registration number.

AUTHORITY: The provisions of this Subpart B issued under secs. 510, 701, 52 Stat. 1055 as amended; 76 Stat. 794; 21 U.S.C. 360, 371.

**§ 132.2 Who must register.**

Owners or operators of all drug establishments not exempt under section 510(g) of the act or Subpart D of this Part 132 that engage in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs are required to register. Such owners or operators are required to register, whether or not the output of such establishment enters interstate commerce. Owners or operators of establishments who are submitting New-Drug Applications or Antibiotic Forms 5, 6, and/or 10 preparatory to engaging in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs are required to register before the New-Drug Application or Antibiotic Forms 5, 6, and/or 10 are approved. No registration fee is required.

**§ 132.3 Times for registration.**

The owner or operator of an establishment entering into an operation defined in § 132.1(c) must register such establishment within 5 days after the beginning of such operation. If the owner or operator of such an establishment has not previously entered into such operation, registration must follow within 5 days after the submission of a New-Drug Application or Antibiotic Forms 5, 6, and/or 10. Owners or operators of all establishments so engaged must register annually between November 15 and December 31.

**§ 132.4 How and where to register.**

The first registration of an establishment as a producer of drugs will be Form FD-1597, obtainable on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C., 20204, or at any of the Food and Drug Administration district offices listed below:

Food and Drug Administration, 60 Eighth Street NE., Atlanta, Ga., 30309.
Food and Drug Administration, 900 Madison Avenue, Baltimore, Md., 21201.
Food and Drug Administration, 585 Commercial Street, Boston, Mass., 02109.
Food and Drug Administration, 599 Delaware Avenue, Buffalo, N.Y., 14202.
Food and Drug Administration, Room 1222, Main Post Office Building, 433 West Van Buren Street, Chicago, Ill., 60607.
Food and Drug Administration, 1141 Central Parkway, Cincinnati, Ohio, 45202.



Food and Drug Administration, 3032 Bryan Street, Dallas, Tex., 75204.
Food and Drug Administration, Room 573, New Customhouse Building, 20th and California Streets, Denver, Colo., 80202.
Food and Drug Administration, 1560 East Jefferson Avenue, Detroit, Mich., 48207.
Food and Drug Administration, 1009 Cherry Street, Kansas City, Mo., 64106.
Food and Drug Administration, 1521 West Pico Boulevard, Los Angeles, Calif., 90015.
Food and Drug Administration, 240 Hennepin Avenue, Minneapolis, Minn., 55401.
Food and Drug Administration, Room 222, U.S. Customhouse Building, 423 Canal Street, New Orleans, La., 70130.
Food and Drug Administration, Room 1200, U.S. Appraisers Stores Building, 201 Varick Street, New York, N.Y., 10014.
Food and Drug Administration, Room 1204, U.S. Customhouse Building, Second and Chestnut Streets, Philadelphia, Pa., 19106.
Food and Drug Administration, Room 1002, U.S. Courthouse and Customhouse Building, 1114 Market Street, St. Louis, Mo., 63101.
Food and Drug Administration, Room 518, Federal Office Building, 50 Fulton Street, San Francisco, Calif., 94102.
Food and Drug Administration, Room 501, Federal Office Building, 909 First Avenue, Seattle, Wash., 98104.

Subsequent annual registration will be accomplished on Form FD-1597, which will be furnished by the Food and Drug Administration before November 15 of each year to establishments whose drug registration for that year was validated pursuant to § 132.6. The completed form should be mailed to Drug Registration, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C., 20204.

**§ 132.5 Information required.**

Form FD-1597 will require furnishing or confirming information required by the act. This information includes the name and street address of the drug establishment, including postoffice Zip code; all trade names used by the establishment; the kind of ownership or operation (e.g. individually owned, partnership, or corporation); and the name of the owner or operator of such establishment. The term "name of owner" or "operator" shall include in the case of a partnership the name of each partner and in the case of a corporation the name and title of each corporation officer and director, and the name of the State of incorporation. The information required shall be given separately for each establishment as defined in § 132.1(b).

**§ 132.6 Notification of registrant; drug establishment registration number.**

The Commissioner of Food and Drugs will provide to the registrant a validated copy of the registration form as evidence of registration. This validated copy will be sent only to the location shown for the registering establishment. A permanent registration number will be assigned to each drug establishment registered in accordance with these regulations.

**§ 132.7 Inspection of registrations.**

A copy of the required information filed by the registrant pursuant to § 132.5 will be available for inspection pursuant to section 510(f) of the act, at the Office of Public Information, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. In addition, there will be available for inspection at each of the Food and Drug Administration district offices listed in § 132.4 the same information for firms within the geographical area of such district office. Inquiries regarding the location of any particular registration should be directed to Drug Registration, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C., 20204.

**§ 132.8 Amendments to registration.**

Changes in individual ownership, corporate or partnership structure, or of street address shall be submitted by letter in triplicate as amendment to registration within 5 days of such changes. Changes in the names of officers and directors of corporations do not require such amendment but must be shown at the time of annual registration.

**§ 132.9 Misbranding by reference to registration or to registration number.**

Registration of a drug establishment or assignment of a drug establishment registration number does not in any way denote approval of the firm or its products. Any representation that creates an impression of official approval because of registration or possession of registration number will be considered misleading.

(Secs. 510, 701, 52 Stat. 1055 as amended; 76 Stat. 794; 21 U.S.C. 360, 371)

Dated: October 29, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11328; Filed, Nov. 4, 1964; 8:49 a.m.]

# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56296]

## PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

### Wool and Hair of Camel

Item 306.00, Tariff Schedules of the United States, provides for the free entry of certain wool or hair to be used in the manufacture of the articles enumerated therein. Public Law 88-331, approved June 30, 1964 (T.D. 56224), amended that provision to add "Karakul wools, and other wools of whatever blood or origin not finer than 40s * * * for use only in the manufacture of pressed felt for polishing plate and mirror glass." Therefore, the first sentence of § 10.91(b) is amended to read as follows:

**§ 10.91 Importation under item 306.00; entry or withdrawal under bond.**

* * * * * *

(b) When entry is made on customs Form 7501, it shall have endorsed thereon the following notation:

Above merchandise entered under bond for use in the manufacture of ----------

(camel hair belting, felt or knit boots, floor coverings, heavy fulled lumbermen's socks, press cloth, papermakers' felts, or pressed felt for polishing plate and mirror glass) under the provision of item 306.00, Tariff Schedules of the United States * * *.

Further, footnote 83 to § 10.91(a) is amended to read as follows:

* "Wools provided for in item 306.10, 306.11, 306.12, or 306.13, all other wools of whatever blood or origin not finer than 46s (except carbonized wools), and hair of the camel provided for in item 306.40, 306.41, 306.42, or 306.43, entered by a dealer manufacturer, or processor for use only in the manufacture of camel hair belting, felt or knit boots, floor coverings, heavy fulled lumbermen's socks, press cloth, or papermaker's felts; and Karakul wools and other wools of whatever blood or origin not finer than 40s, entered by a dealer, manufacturer, or processor for use only in the manufacture of pressed felt for polishing plate and mirror glass * * *". (Item 306.00, Tariff Schedules of the United States, as amended.)

(Sec. 101, 76 Stat. 72; Sch. 3, pt. 1C hdnote. 6, Tariff Schedules of the U.S.)

[SEAL] LESTER D. JOHNSON,
*Acting Commissioner of Customs.*

Approved: October 30, 1964.

JAMES POMEROY HENDRICK,
*Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 64-11299; Filed, Nov. 4, 1964; 8:46 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER M—COAST GUARD VESSELS

[CGFR 64-68]

## PART 135—LIGHTS FOR COAST GUARD VESSELS OF SPECIAL CONSTRUCTION

### Vertical Separation of Range Lights and Height of Forward Masthead Lights for Certain WAVP and WPG Types of Coast Guard Cutters

The provisions of section 2 and Rule 13(b) in section 6 of the act of October 11, 1951 (65 Stat. 407, 415; 33 U.S.C. 143a, 145k), section 1 of the act of December 3, 1945, as amended (59 Stat. 590; 33 U.S.C. 360), and section 5 of the act of May 21, 1948 (Sec. 5, 62 Stat. 250; 33 U.S.C. 356), provide, in essence, that Coast Guard vessels of special construction may be exempted from certain requirements of the various applicable laws with respect to the number, position, range of visibility, or arc of visibility of the lights required to be displayed by vessels when navigating on the high seas or on navigable waters of the United States, its territories, or possessions. Section 2 of the act of October 11, 1951, section 1 of the act of December 3, 1945, and section 5 of the act of May 21, 1948, also provide that if any exempted vessel or class of vessels, by reason of special construction, cannot comply with the applicable requirements, the lights pre-

scribed shall conform as closely to the requirements of the applicable laws as it is found or certified to be feasible. These laws also require that notice of such findings or certifications, together with the requirements describing the character and position of the lights to be displayed on such exempted vessels, shall be published in the FEDERAL REGISTER and in the Notice to Mariners.

Certain Coast Guard vessels of special construction cannot comply with certain applicable statutory requirements relating to the lights required to be displayed by public and private vessels when navigating on the high seas or navigable waters of the United States, its territories or possessions, without seriously affecting the characteristics and functions of the vessels concerned. Changes in antennas on certain Coast Guard Cutters required the relocation of masthead lights. The planned employment of these ships is such that it is not practical to modify the design to meet the requirements for vertical separation of range lights and minimum height of forward masthead lights without seriously compromising other important vessel characteristics.

It is hereby found that the WAVP and WPG types of Coast Guard Cutters are of special construction, as described in 33 CFR 135.40 and 135.45, below, and cannot comply with the requirements in Rule 2(a)(iii), International Rules, and Article 2 (a), (e), Inland Rules, regarding the vertical separation between the forward masthead light and the after range light shall be at least 15 feet (33 U.S.C. 145(a)(iii), 172 (a), (e)), and the requirements in Rule 2(a)(iii), International Rules, regarding the minimum height of 40 feet above the hull for power driven vessels having a beam in excess of 40 feet (33 U.S.C. 145(a)(iii)), and are therefore exempted. It is hereby found and certified that the requirements for such Coast Guard Cutters in 33 CFR 135.40 and 135.45, below, regarding the vertical separation of range lights and the height of forward masthead lights, conform as closely as feasible to the applicable statutory requirements.

Except as otherwise provided, the Coast Guard vessels described in this document are in full compliance with the other provisions of the applicable International Rules or Inland Rules governing the areas where the vessels will be operated.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by section 632 of Title 14, U.S. Code, and Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–6, dated November 17, 1953 (18 F.R. 7571), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments and additions are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

1. The "Cross Reference" in the Code of Federal Regulations at the beginning of Part 135 is amended to read as follows:

CROSS REFERENCE: For Navigational Light Waivers for certain classes and types of naval vessels issued by the Department of Defense, Department of the Navy, see 32 CFR Part 706, Navigational Light Waivers, and Part 707, Distinctive Lights Authorized for Submarines.

2. Section 135.40 is amended to read as follows:

§ 135.40 International Rules and Inland Rules; vertical separation of range lights.

(a) Rule 2(a)(iii), International Rules, and Article 2 (a), (e), Inland Rules, require that the verticle separation between the forward masthead light and the after range light shall be at least 15 feet (33 U.S.C. 145(a)(iii), 172 (a), (e)). Because of special construction the Coast Guard vessels named in this section cannot comply with this requirement and are therefore exempted.

(b) The vertical separation between the forward masthead light and the after range light for the following Coast Guard Cutters shall be as indicated:

| | |
|---|---|
| USCGC ABSECON (WAVP–374) | 12'1" |
| USCGC BERING STRAIT (WAVP–382) | 13'2" |
| USCGC CASTLE ROCK (WAVP–383) | 7'0" |
| USCGC COOK INLET (WAVP–384) | 10'3" |
| USCGC MACKINAC (WAVP–371) | 12'7" |
| USCGC ROCKAWAY (WAVP–377) | 14'6" |
| USCGC DUANE (WPG–33) | 5'5" |
| USCGC WINONA (WPG–65) | 13'0" |

(Secs. 2 and 6, Rule 13(b), 65 Stat. 407, 415, sec. 1, 59 Stat. 590, sec. 5, 62 Stat. 250; 33 U.S.C. 143a, 145k, 356, 360. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521, 167–6, Nov. 17, 1953, 18 F.R. 7571)

3. Part 135 is amended by inserting after § 135.40 a new § 135.45 reading as follows:

§ 135.45 International Rules; height of forward masthead light.

(a) Rule 2(a)(iii), International Rules, requires the forward masthead light to be at a minimum height of 40 feet above the hull for power driven vessels having a beam in excess of 40 feet (33 U.S.C. 145(a)(iii)). Because of special construction the Coast Guard Cutters named in this section cannot comply with this requirement and are therefore exempted.

(b) The height of the forward masthead light for Coast Guard Cutters in the following classes shall be as indicated:

| | |
|---|---|
| 311' WAVP CLASS | at least 38'0" |
| 255' WPG CLASS | at least 36'0" |
| 327' WPG CLASS | at least 38'0" |

(Secs. 2 and 6, Rule 13(b), 65 Stat. 407, 415, sec. 1, 59 Stat. 590, sec. 5, 62 Stat. 250; 33 U.S.C. 143a, 145k, 356, 360. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521, 167–6, Nov. 17, 1953, 18 F.R. 7571)

Dated: October 27, 1964.

[SEAL] P. E. TRIMBLE,
*Rear Admiral, U.S. Coast Guard,*
*Acting Commandant.*

[F.R. Doc. 64–11300; Filed, Nov. 4, 1964; 8:47 a.m.]

# Title 46—SHIPPING

## Chapter I—Coast Guard, Department of the Treasury

### SUBCHAPTER K—MARINE INVESTIGATIONS AND SUSPENSION AND REVOCATION PROCEEDINGS

[CGFR 64–70]

### PART 137—SUSPENSION AND REVOCATION PROCEEDINGS

### Subpart 137.01—Authority and Scope

### Subpart 137.05—Investigations

MISCELLANEOUS AMENDMENTS

The purpose of the amendments to 46 CFR 137.01–30(a)(3), 137.01–40(a), and 137.05–20(b) is to amend the wording to conform to the jurisdictional limitations in subsection 239(g) in Title 46, U.S. Code, while the amendment to 46 CFR 137.01–1(a) identifies what laws and regulations are included in the reference "title 52 of the Revised Statutes or of any of the regulations issued thereunder." Because these amendments constitute a statutory interpretation, which is also consistent with the Commandant's Merchant Marine Appeal No. 1427 of October 11, 1963, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule-making, public rule making procedure thereon and effective date requirements) is exempted by specific provisions in section 4 of this Act (5 U.S.C. 1003).

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–9, dated August 3, 1954 (19 F.R. 5195), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–15, dated January 3, 1955 (20 F.R. 840), 167–17, dated June 29, 1955 (20 F.R. 4976), and 167–20, dated June 18, 1956 (21 F.R. 4894), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective on the date of publication in the FEDERAL REGISTER.

1. Section 137.01–1(a) is amended by adding a new subparagraph (1) reading as follows:

§ 137.01–1 Authority for regulations.

(a) • • •

(1) Where the provisions in Title 46, U.S. Code, section 239, or other laws or regulations contain a reference to "title 52 of the Revised Statutes or of any of the regulations issued thereunder," or one similar to it, it is deemed to be a general reference to the applicable provisions in Title 46, U.S. Code, sections 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230–234, 239, 240, 361, 362, 364, 372, 375, 391, 391a, 392, 393, 399, 400, 402–414, 416, 435, 436, 451–453, 460, 461, 462, 467, 470–482, and 489–498, and the regulations issued thereunder, which are in this chapter.

• • • • • •

2. Section 137.01–30(a)(3) is amended to read as follows:



§ 137.01–30 Instituting suspension and revocation proceedings.

(a) • • •

(3) Willfully violated any of the provisions of title 52 of the Revised Statutes or of any of the regulations issued thereunder; or

• • • • • •

3. Section 137.01–40(a) is amended to read as follows:

§ 137.01–40 Violation of law or regulation.

(a) Under Title 46, U.S. Code, section 239, suspension and revocation proceedings may be conducted, without regard to whether the person charged was in the service of a vessel at the time of the alleged offense, when the charge is a willful violation of any of the provisions of title 52 of the Revised Statutes or of any of the regulations issued thereunder.

4. Section 137.05–20(b) is amended to read as follows:

§ 137.05–20 Types of charges.

• • • • • •

(b) *Violation of law or regulation.* Where the proceeding is based exclusively on that part of Title 46, U.S. Code, section 239, which refers to a willful violation of any of the provisions of title 52 of the Revised Statutes or of any of the regulations issued thereunder, the "charge" shall be "violation of statute" or "violation of regulation." The "specification" shall state the specific statute or regulation by title and section number, and the particular manner in which it was allegedly violated.

• • • • • •

(R.S. 4405, as amended, 4462, as amended, and sec. 633, 63 Stat. 545; 46 U.S.C. 375, 416, 14 U.S.C. 633. Interpret or apply R.S. 4426, as amended, 4450, as amended, sec. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 7, 54 Stat. 165, as amended, secs. 1 to 12, 60 Stat. 237–244, secs. 1, 2, 68 Stat. 484, sec. 3, 68 Stat. 675, sec. 3, 70 Stat. 152; 46 U.S.C. 239, 239a, 239b, 367, 390b, 404, 526f, 5 U.S.C. 1001–1011, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–9, Aug. 3, 1954, 19 F.R. 5195; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–15, Jan. 3, 1955, 20 F.R. 840; 167–17, June 29, 1955, 20 F.R. 4976; 167–20, June 18, 1956, 21 F.R. 4894)

Dated: October 30, 1964.

[SEAL] W. D. SHIELDS,
*Vice Admiral, U.S. Coast Guard,*
*Acting Commandant.*

[F.R. Doc. 64–11301; Filed, Nov. 4, 1964; 8:47 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[FCC 64–971]

### PART 1—PRACTICE AND PROCEDURE

### Annual Report of Licensee in Domestic Public Land Mobile Radio Service

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of October 1964.

The Commission having under consideration the desirability of making certain changes in Form L, Annual Report of Licensee in Domestic Public Land Mobile Radio Service.

It appearing, that as a result of a recent study of the Commission's reporting requirements, it was determined that data contained in section II, Mobile Stations Tabulated in Accordance With Priorities For Service, of Annual Report Form L are no longer necessary for the performance of the Commission's regulatory responsibilities since the number of held orders for service has decreased to the point where it is no longer significant; that deletion of section II makes it possible to reduce the size of the form to 8½ x 11 inches, to print all of the instructions on the front of the form, and makes it necessary to renumber the remaining sections and items and change the references to items in the instructions; and

It further appearing, that in its present wording, item 8 of section I of Form L is often misunderstood and that a rewording would produce better and more complete returns; and

It further appearing, that compliance with the public notice and rule making procedures of section 4 of the Administrative Procedure Act is unnecessary since one change ordered herein represents a minor relaxation of the Commission's reporting requirements and the other changes are entirely nonsubstantive in nature; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), 219(a), 303(j), and 303(r) of the Communications Act of 1934, as amended;

*It is ordered,* That effective with the report for the year 1964, Annual Report Form L is amended as follows: Section II, Mobile Stations Tabulated in Accordance With Priorities For Service, is deleted; Sections III, IV, V, and VI are renumbered II, III, IV and V, respectively; the item references are changed accordingly; the instructions now appearing on the back of the form are moved to the front of the form; the size of the form is reduced to 8½ x 11 inches; and item 8 of section I is reworded to read as follows: "Indicate total number of mobile stations served by licensee ---------. How many of these stations are operated by persons directly or indirectly controlling, controlled by, or under direct or indirect common control with, the licensee? --------- stations."

Released: October 29, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–11310; Filed, Nov. 4, 1964; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 925 ]

### FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

### Proposed Increase in Rate of Assessment for 1964–65 Fiscal Period

Consideration is being given to the following proposal submitted by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the provisions thereof:

(a) That the Secretary find that provisions pertaining to the rate of assessment in paragraph (b) of § 925.204 *Expenses and Rate of Assessment for the 1964–65 Fiscal Period* (29 F.R. 12452) be amended as follows:

§ 925.204 Expenses and rate of assessment for the 1964–65 fiscal period.

* * * * *

(b) Rate of assessment: The rate of assessment, which each handler who first handles fresh prunes shall pay as his pro rata share of the aforementioned expenses in accordance with the applicable provisions of said marketing agreement and order, is hereby fixed at eight-tenths cent ($0.008) per one-half bushel or equivalent quantity of fresh prunes so handled by such handler during such fiscal period.

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 30, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11296; Filed, Nov. 4, 1964; 8:46 a.m.]



[ 7 CFR Parts 1040, 1042 ]

[Docket Nos. AO–225–A14, AO–240–A7]

### MILK IN SOUTHERN MICHIGAN AND MUSKEGON, MICHIGAN, MARKETING AREAS

### Supplemental Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

This notice is supplemental to the notice issued on October 20, 1964 (29 F.R. 14544), of a public hearing to be held at the Lansing Civic Center, 505 West Allegan Street, Lansing, Mich., beginning at 10:00 a.m., local time, on November 16, 1964, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Southern Michigan and Muskegon, Mich., marketing areas.

Further notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), that evidence will be received on all the proposals contained in this supplemental notice and in the original notice issued October 20, 1964. The date, time, and place of the hearing are unchanged.

The proposals set forth below in this supplemental notice have not received the approval of the Secretary of Agriculture. Proposed by Michigan Producers Dairy, Kalamazoo Milk Producers Association, Independent Cooperative Milk Producers Association of Grand Rapids, McDonald Cooperative Dairy Company, Otsego Sanitary Milk Products Company, Berrien County Milk Producers Association, Michigan Milk Producers Association, and Mackinaw Trail Milk Producers Association:

*Proposal No. 15.* Revise § 1040.6(c) to read as follows:

§ 1040.6 Handler.

* * * * *

(c) A cooperative association, with respect to milk of its member producers which is delivered to pool distributing plants as defined in § 1040.16(a) in a tank truck in which milk is being transported for members of such cooperative association, for the account of such association, and the cooperative association pays its member producers for such milk so delivered,

* * * * *

*Proposal No. 16.* Amend § 1040.16(b) by inserting after the words "All supply plants which are operated by one handler," the following words: "all bulk milk delivered by a cooperative association under § 1040.6(c)."

*Proposal No. 17.* Revise § 1040.67 by adding a new paragraph (c) to read as follows:

§ 1040.67 Location differentials to producers and on nonpool milk.

* * * * *

(c) In the payment of shippers on bulk loads as described in § 1040.6(c), there shall be added or deducted from the base price and the adjusted uniform price paid to producers, the zone rate per hundredweight applicable pursuant to § 1040.54 which shall be computed on the basis of the weighted average of milk deliveries by zones by the load to pool or nonpool plants rounded to the nearest cent, provided if 65 percent or more of all of the milk on a bulk load in any accounting period is delivered to the plants in a single zone all the producers on the load shall be paid a zone price applicable to that zone.

Copies of this supplemental notice of hearing and the orders may be obtained from the Market Administrator, George Irvine, at 2899 West Grand Boulevard, Detroit, Mich., 48202 or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on November 2, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64–11297; Filed, Nov. 4, 1964; 8:46 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Part 121 ]

### ION-EXCHANGE RESINS

### Notice of Proposal To Amend Food-Additive Regulation Prescribing Safe Use

After publication of the regulation establishing the safety of the food additives ion-exchange resins for certain specific uses (21 CFR 121.1148; 29 F.R. 9708), in the FEDERAL REGISTER of July 18, 1964, comments were received proposing that this regulation be amended to exempt certain resins from the acetic acid-solvent extraction requirement; to expand the ion-exchange resin use; and to add new items to the list of desirable replacement ions. The Commissioner of Food and Drugs has evaluated these comments and other relevant information, and concluded that the regulation should be amended as requested. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785; 21 U.S.C. 348), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), and in accordance with § 121.74 *Procedure for amending and repealing tolerances or exemptions from tolerances*, it is proposed that § 121.1148 be amended by changing paragraph (b) to read as indicated below and by adding a new paragraph (d). The affected portions would read as follows:

§ 121.1148 Ion-exchange resins.

* * * * *

(b) Ion-exchange resins are used in the purification of foods, including potable water, to remove undesirable ions or to replace less desirable ions with one or more of the following: Bicarbonate, calcium, carbonate, chloride, hydrogen, hydroxyl, magnesium, potassium, sodium, and sulfate.

* * * * *

(d) The ion-exchange resins identified in paragraph (a) (1), (2), and (11) of this section are exempted from the acetic-acid extraction requirement of paragraph (c)(4) of this section.

All interested persons are invited to submit written views and comments on this proposal within 30 days of its date of publication in the FEDERAL REGISTER. Such comments should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201. Submitted views and comments may be accompanied by memorandums or briefs in support thereof.

Dated: October 29, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64–11329; Filed, Nov. 4, 1964; 8:49 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64–CE–3]

### CONTROL ZONE AND TRANSITION AREA

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to designate controlled airspace at Alliance, Nebraska. There is no control zone or transition area presently designated at Alliance, Nebr.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Alliance, Nebraska, terminal area including studies attendant to the implementation of the provisions of Amendments 60–21 and 60–29 of Part 60 of the Civil Air Regulations, proposes the following airspace actions:

1. Designate a control zone at Alliance, Nebr., to comprise that airspace within a 5-mile radius of Alliance Municipal Airport (latitude 42°03'04" N., longitude 102°48'21" W.) and within 2 miles each side of the 146° and 300° bearings from the Alliance Airport extending from the 5-mile radius zone to 12 miles SE and 8 miles NW of the Alliance Airport. The control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Guide, or its successor publication, the Airman's Information Manual, now planned for publication on December 10, 1964.

2. Designate a transition area to comprise that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Alliance Municipal Airport, and within 8 miles NE and 5 miles SW of the 146° bearing from the Alliance Airport extending from the airport to 12 miles SE of the Airport, and within 8 miles SW and 5 miles NE of the 300° bearing from the Alliance Airport extending from the airport to 12 miles NW of the airport; and that airspace extending upward from 1200 feet above the surface within 8 miles NE and 5 miles SW of the 146° bearing from the Alliance Airport extending from 12 miles SE of the airport to 16 miles SE of the airport and within 5 miles each side of the Scottsbluff, Nebr., VORTAC 073° radial extending from the arc of a 20 mile radius circle centered on the Scottsbluff VORTAC to 33 miles E of the VORTAC.

The designated control zone would provide protection for aircraft executing prescribed arrival and departure procedures at the Alliance Municipal Airport during the hours of operation of the weather reporting service to be provided by duly certificated personnel of Frontier Airlines. The normal hours for the taking of these weather observations and the dissemination of this information are from 0600 hours to 1800 hours local time daily. However, in the case of airline schedule changes, these hours may be changed. Normally 30 days notice will be given in case of change. Notice of the change will be given by Notice to Airmen and published in the Airman's Guide or its successor publication, the Airman's Information Manual, now planned for publication on December 10, 1964. Communications within the control zone will be provided by the Scottsbluff Flight Service Station through remote radio transmitting and receiving facilities located at the Alliance Municipal Airport.

The 700-foot floor portion of the proposed Alliance transition area would provide protection for aircraft executing those portions of the arrival, departure and holding pattern procedures conducted below the proposed 1200-foot floor area beyond the limits of the proposed control zone and during the hours that the control zone would not be effective. The proposed 1200-foot floor transition area would provide protection for aircraft executing the ADF instrument approach procedure and for aircraft operating from over Scottsbluff, Nebraska VORTAC to the Alliance VOR.

Certain minor revisions to prescribe instrument procedures would be affected in conjunction with the actions proposed herein but operational complexity would not increase nor would aircraft performance or present landing minimums be adversely affected.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 27, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64–11282; Filed, Nov. 4, 1964; 8:45 a.m.]

[ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64–CE–69]

### CONTROL ZONE AND TRANSITION AREA

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would designate controlled airspace in the Norfolk, Nebr., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Norfolk terminal area, including studies attendant to the implementation of the provisions of Civil Air Regulations Amendments 60–21 and 60–29, proposes to take the following airspace actions:

1. Designate a control zone at Norfolk, Nebr., to comprise that airspace within a 5-mile radius of the Karl Stefan Air-

port (latitude 41°59'10" N., longitude 97°26'00" W.), within 2-miles each side of the Norfolk VOR 147°, 195°, 318°, and 025° radials, extending from the 5-mile radius zone to 8 miles SE, S, NW, and NE of the VOR, from 0730 to 2000 hours local time daily.

2. Designate a transition area in the Norfolk, Nebr., terminal area to comprise that airspace extending upward from 700 feet above the surface within a 15-mile radius of the Norfolk VOR.

The Karl Stefan Airport at Norfolk, Nebr., meets the communications, navigation aid, and instrument approach criteria for the establishment of a control zone. The floors of the airways which traverse the proposed transition area herein would automatically coincide with the floor of the transition area. The control zone is required to contain aircraft executing departures and missed approach procedures until reaching an altitude of 700 feet above the ground. The extensions are required to protect the final approach course of aircraft executing VOR approaches to Runways 31, 19, 1, and 13. The approach procedures to Runways 19, 1, and 13 are presently restricted for airline use only; however, if the proposal is made effective, this Agency intends to convert these procedures to public use. The proposed 700-foot transition area is necessary to contain all holding, departure, and missed approach procedures.

Certain minor revisions to prescribed instrument procedures would be affected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would performance or present landing minimums be adversely affected.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Missouri, on October 28, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-11283; Filed, Nov. 4, 1964; 8:45 a.m.]

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[ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-68]

## TRANSITION AREA

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to designate controlled airspace at Beatrice, Nebraska.

Having completed a comprehensive review of airspace requirements at Beatrice, Nebraska, including studies attendant to the implementation of the provisions of Amendments 60-21 and 60-29 of Part 60 of the Civil Air Regulations, the Federal Aviation Agency proposes to establish a transition area at Beatrice, Nebraska.

The proposed Beatrice transition area would be designated to comprise that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Beatrice Municipal Airport (latitude 40°18'00" N., longitude 96°45'15" W.), and within 8 miles SW and 5 miles NE of the Beatrice VOR 319° radial extending from the VOR to a point 12 miles NW of the VOR.

The configuration of the transition area is based on the VOR approach procedures, holding patterns, and random departures at Beatrice Municipal Airport. The proposed transition area would provide protection for aircraft 1,000 feet and above the surface while holding or executing the VOR approach procedures and departure procedures at the airport.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 28, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-11284; Filed, Nov. 4, 1964; 8:46 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Montana 067795]

### MONTANA

### Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 28, 1964.

The Bureau of Sport Fisheries and Wildlife has filed the above application for the withdrawal of the lands described below, from all forms of appropriation except the mineral leasing laws.

The applicant desires the land for the management of migratory birds in conjunction with the Lake Mason National Wildlife Refuge.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Mont.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

T. 9 N., R. 24 E.,
Sec. 22, Lot 5.

The area described aggregates 17.59 acres.

R. PAUL RIGTRUP,
*Manager, Land Office.*

[F.R. Doc. 64-11294; Filed, Nov. 4, 1964; 8:46 a.m.]

### NEW MEXICO

### Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 28, 1964.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial Number New Mexico 0555214, for the withdrawal of lands described below from all forms of entry, including the general mining but not the mineral leasing laws. The applicant desires the lands for the operation and maintenance of the Alamogordo Reservior in DeBaca County, N. Mex.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Manager, Land Office, Post Office Box 1449, Santa Fe, N. Mex., 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

NEW MEXICO

T. 5 N., R. 24 E.,
Sec. 16, E½NE¼, W½SW¼.

The area described aggregates 160 acres.

MICHAEL T. SOLAN,
*Manager.*

[F.R. Doc. 64-11295; Filed, Nov. 4, 1964; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### NEBRASKA

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Nebraska natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NEBRASKA

| | |
|---|---|
| Antelope. | Dodge. |
| Burt. | Stanton. |
| Colfax. | |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 2d day of November 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-11332; Filed, Nov. 4, 1964; 8:49 a.m.]

### NORTH CAROLINA AND UTAH

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of North Carolina and Utah natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies or other responsible sources.

NORTH CAROLINA

| | |
|---|---|
| Tyrrell. | Washington. |

UTAH

Millard.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Utah county after December 31, 1965, or in the above-named North Carolina counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 2d day of November 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-11333; Filed, Nov. 4, 1964; 8:50 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 15640]

## JAPAN AIR LINES CO., LTD.

### Notice of Prehearing Conference

An application by Japan Air Lines Co., Ltd., for an amendment to its foreign air carrier permit under section 402 of the Federal Aviation Act of 1958, as amended, to include the addition of Taipei, Formosa as an intermediate point beyond Okinawa to the terminal point Hong Kong.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on November 10, 1964, at 10:00 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., November 2, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-11317; Filed, Nov. 4, 1964; 8:47 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15641; FCC 64M-1081]

## INTERNATIONAL PANORAMA TV, INC.

### Order Changing Date and Place of Hearing

In re application of International Panorama TV, Inc., Fontana, California, Docket No. 15641, File No. BPCT-3181; for constructon permit for new television broadcast station (Channel 40).

*It is ordered*, This 30th day of October 1964, upon consideration of requests by the Commission's Broadcast Bureau made and discussed with all counsel on the record of hearing conference held this date in the above-entitled proceeding, the said requests being supported by a showing of good and sufficient cause, that the formal hearing herein which heretofore was scheduled to be held in Washington, D.C., commencing November 16, 1964, is hereby continued to December 2, 1964, and will be held in Los Angeles, Calif.

Released: October 30, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11311; Filed, Nov. 4, 1964; 8:47 a.m.]



[Docket Nos. 15535, 15536; FCC 64R-505]

## NELSON BROADCASTING CO., AND UBIQUITOUS FREQUENCY MODULATION, INC.

### Memorandum Opinion and Order Amending Issues

In re applications of Donald P. Nelson & Wilbur E. Nelson, d/b as Nelson Broadcasting Company, Kingston, New York, Docket No. 15535, File No. BPH-4211; Ubiquitous Frequency Modulation, Incorporated, Hyde Park, New York, Docket No. 15536, File No. BPH-4312; for construction permits.

1. The Review Board has before it for consideration petitions filed by Ubiquitous Frequency Modulation, Incorporated (Ubiquitous) and Nelson Broadcasting Company (Nelson), requesting that the issues in the above-captioned proceeding be enlarged in order to determine whether Nelson and Ubiquitous, respectively, are financially qualified to construct and operate their proposed FM stations at Kingston, N.Y., and Hyde Park, N.Y., respectively.[1]

2. In its application as amended, Nelson estimates that its construction costs for its Kingston proposal will amount to $20,847.20. Its operating expenses for the first three months are estimated at $7,941.00. The total construction and initial operating costs therefore amount to $28,788.20. To finance this proposal, Nelson relies in part upon a deferred payment agreement with its supplier, Gates Radio Equipment, in the amount of $12,560.00. Hence, a total of $16,228.20 must be raised from other sources to finance the Kingston proposal.

3. Nelson in its application form claims that it has assets of $48,971.00 to finance its proposal. It concedes, however, that not all of these assets are available to finance its Kingston proposal. Thus, in its application as amended, Nelson also makes reference to its application for a construction permit for a new frequency modulation station in Newburgh, New York (File No. BPH-4212, Docket No. 15591). In its amended application for the Newburgh proposal, Nelson estimates that its construction and initial operating costs for its Newburgh proposal will amount to $20,404.00, and that its operating expenses for the first three months will amount to $7,935.00. The total construction costs and operating expenses for the Newburgh proposal will therefore amount to $28,339.00. To finance this proposal, Nelson relies in part upon a deferred payment agreement with its supplier, Gates Radio Equipment, in the amount of $12,000.00. Hence, a total of $16,339.00 must be raised from other sources to finance the Newburgh proposal.

4. Neither in its amended application for Kingston, nor in its amended application for Newburgh, does Nelson earmark certain of its assets for one of the proposals and other assets for the other proposal. Instead, in both of the amended applications it lists the same $48,971.00 in assets as available for the two proposals. Under these circumstances, a determination of whether Nelson is financially qualified with respect to its Kingston proposal cannot be made without regard to the fact that, in connection with its Newburgh proposal, it has committed itself to raise $16,339.00. See James V. Perry, FCC 61-1130, 22 R.R. 81. A determination that Nelson is financially qualified with respect to its Kingston proposal can be made only if, after meeting its $16,339.00 commitment in connection with the Newburgh proposal, it has available assets of at least $16,228.20 to meet the costs of its Kingston proposal. If Nelson has sufficient assets available to meet the costs of both proposals, a total of $32,567.20, there is no need for a financial qualifications issue as to the Kingston proposal. If, however, the available assets are insufficient to meet the costs of both proposals, the addition of a financial qualifications issue is required.[2]

5. It is recognized that the analysis in paragraph 4 hereof could result in the addition of a financial qualification issue as to both the Kingston and Newburgh proposals, even though there may be sufficient available assets to meet the costs of one, but not both, of the proposals. This, however, is a problem of Nelson's own making, resulting from the fact that it neither (a) earmarked certain assets for one proposal and the remaining assets for the other proposal, nor (b) indicated which of the two proposals will have first call upon its available assets. If the seemingly anomalous result of a financial qualification issue with respect to both of Nelson's proposals is to be avoided notwithstanding the availability of sufficient assets to meet the costs of one of the two proposals, Nelson should seek to amend its applications by identifying which of its assets are to be used for which proposal, or by indicating which of the two proposals is to have first call upon its available assets. It is for Nelson, and not the Board or an Examiner, to make this choice. Unless such amendment is sought and granted, an assessment of Nelson's financial qualifications with respect to its Kingston proposal must be based upon the assumption that its available assets are reduced by the amount of its commitment with respect to its Newburgh proposal, and vice versa. Should one of the two applications be dismissed, or should there be a final denial of one of the applications while the other remains pending, the financial commitment which had been made with respect to the dismissed or denied application may, of course, be ignored in determining Nelson's financial qualifications with respect to the remaining application.

6. As has been indicated, Nelson claims available assets in the amount of $48,971.00, and the financial requirements of its two proposals, over and above the credit extended by the equipment supplier, amounts to $32,567.20. Included in its assets are commitments from each of two relatives of the principals of Nelson to lend $5,000, or a total of $10,000, to finance the two proposals. While each of the two relatives in an affidavit submitted with Nelson's application claimed "quick liquid assets in excess of $15,000 over and above all liabilities," this is insufficient to establish their financial ability to meet their commitment to Nelson. The information which a lender must supply must be "sufficiently detailed to permit a determination of current position and should be more than a mere statement of total assets and total liabilities or a statement of net worth." See Publix Television Corp., FCC 59-643, 18 R.R. 762; Continental Broadcasting Corp., FCC 59-676, 18 R.R. 826. Because of the insufficiency of the showing as to the financial status of the two relatives who would, under Nelson's proposal, lend a total of $10,000, the latter sum cannot be included among Nelson's available assets for the purpose of determining whether Nelson is financially qualified.

7. Nelson's available assets are thus reduced from $48,971.00 to $38,971.00. Included in the remaining assets which are listed by Nelson as having a total value of $38,971.00, are the homes owned by each of the principals. According to an appraiser's affidavits which Nelson submitted with its amended application, one of the homes has a market value of $24,500 and the other has a market value of $33,000. The $24,500 home is subject to a mortgage of $13,325.00, and the $33,000 home is subject to a mortgage of $15,270. After payment of the real estate commissions and retirement of the mortgages, Nelson claims that these two homes represent available assets of $25,455. This claim presupposes that the homes can be sold at their appraised prices. For purposes of determining Nelson's financial qualifications, this claim cannot be accepted at face value. While applicants have, under certain circumstances, been permitted to rely upon non-liquid assets as a source of funds for financing their proposals, in each instance the stated worth of the non-liquid asset was far in excess of the sum which the applicant needed to realize from the non-liquid asset. See Massillon Broadcasting Co., Inc., FCC 61-1164, 22 R.R. 218; Integrated Communication Systems, Inc., of Massachusetts, FCC 64R-364, 3 R.R. 2d 557 Garo W. Ray, FCC 63R-103; Springfield Television Broadcasting Corporation, FCC 64R-243, 2 R.R. 2d 843; Martin Karig, 30 FCC 557, 21 R.R. 439. But where it has not been demonstrated by an applicant that the non-liquid assets will yield funds in the amount needed to finance the proposal, a financial qualification issue has been added. See Kent-Ravenna Broadcasting Co., FCC 61-1219, 22 R.R. 230.

8. Only if the sales of the homes yield at least $19,051.20 (which is $6,403.81 less than the $25,455 which Nelson, in its financial showing, assumes they will yield) after payment of commissions and retirement of mortgages, would Nelson, on the basis of its own showing, have sufficient funds to meet the financial requirements of the two stations. It is the Board's view that the showing made by Nelson is insufficient to establish that the two homes will yield as much as $19,051.20. While the appraiser has appraised the two homes as having a total value of $57,500, a 11.2 percent margin of error in the appraisal value could reduce the yield from the sale of the homes (after payment of commissions and retirement of mortgages) to less than $19,051.20, which would leave Nelson with insufficient funds to finance its two proposals. While an appraisal by a qualified appraiser is some evidence of value, it cannot be assumed that the homes will sell at the appraised prices. Appraisals are to some extent subjective, and will vary depending upon the appraiser. Moreover, the appraised value cannot be equated with cash; only if there is some concrete assurance that the house can be sold at the appraised price can full credit be given to the appraised value in determining the applicant's financial qualifications.

9. In this connection, it is noted that in Nelson's original application, filed November 5, 1963, it was stated that the home appraised at $33,000 is "on the market and an advertisement from an agent shows the selling price to be $32,900." It was further stated that whether the Kingston application is granted or not, the home will be sold. As of the time Nelson filed its opposition, on August 11, 1964, to the petition to enlarge issues, Nelson did not, either in its opposition or in an amendment to its application, indicate whether the home has been sold. Under the circumstances, the Board can only assume that the home has not been sold at the price at which it was offered. This bears out the views expressed herein that the appraised price cannot necessarily be equated with cash. Similarly, in the original application it was stated that arrangements were being made to sell the $24,500 home. No information has been supplied to indicate that the home has been sold, and, if so, at what price. If, after having been on the market for nine months, the homes have not been sold, it cannot be assumed, for purposes of determining Nelson's financial qualifications, that they will sell for their appraised prices. A reduction of 11.2 percent in the asking prices of the homes after this period of time might well be necessary in order to assure their sale. As indicated above, such a reduction would leave Nelson with insufficient funds to finance its proposals.

10. Some of the other items relied upon by Nelson to finance its proposals are deserving of comment. Thus, in its application, as amended on February 10, 1964, by the submission of a new Exhibit 3, Nelson relies upon "securities" valued at $5,939.00, and "security" valued at $1,620.00. These items are not otherwise identified, and hence it cannot be determined whether they may reasonably be regarded as a source of funds in the amounts claimed. Accordingly, in the absence of further information concerning these securities, they must be disregarded in assessing Nelson's financial qualifications. It may be that the securities in question are those listed in Exhibit 3 of its original application—securities listed on the New York Stock Exchange. However, in its February 10, 1964, amendment, Nelson stated that it was supplying a new Exhibit 3, and hence the information supplied in the original Exhibit 3 has been superseded by that set forth in the new Exhibit 3. Under the circumstances, the Board cannot assume that Nelson, in its new Exhibit 3, had reference to the same securities listed in the original Exhibit 3. As was stated by the Board in Paul Dean Ford, FCC 64R-420, ——, an applicant must present all relevant facts with its financial showing, and the Board will not speculate as to the showing that the applicant intended to make.

11. For the foregoing reasons, a financial qualification issue will be added. In addition to requesting a financial qualifications issue, the petitioner maintains that the community of Kingston cannot, in view of the other stations presently assigned to it, support a frequency modulation station such as that proposed by Nelson. The petitioner does not, however, propose an issue which would require a determination as to whether Nelson's proposed station could survive. Nor does the petitioner allege any specific facts which would warrant the addition of an issue requiring such determination. Instead, petitioner merely expresses its own conclusionary view that Kingston cannot support the proposed Nelson station. The showing made by the petitioner is not comparable with the showing made in William R. Ross, FCC 62-791, 23 R.R. 992, in which the Commission designated an issue to determine whether the principal community could support the proposed station. The allegations—based upon the small profit shown by the existing standard broadcast stations in Kingston—made by the petitioner are insufficient to warrant an inquiry as to whether the Nelson proposal can survive.

12. A financial qualifications issue as to Ubiquitous will likewise be added, as requested by Nelson in its petition to enlarge issues. According to Ubiquitous' application, $7,200.00 will be required to finance its proposal. To secure this sum, Ubiquitous relies upon stock subscription agreements whereby three persons will purchase shares of stock worth $5,100.00, $1,900.00, and $900.00, respectively, or a total of $7,900.00. The only showing made by these three persons as to their ability to fulfill their stock sub-

[1] The Review Board has before it for consideration the following pleadings: (1) petition to enlarge issues, filed July 29, 1964, by Ubiquitous Frequency Modulation, Incorporated; (2) opposition to (1), filed August 11, 1964, by Nelson Broadcasting Company; (3) opposition to (1), filed August 11, 1964, by the Broadcast Bureau; (4) reply to (2), filed August 21, 1964, by Ubiquitous; (5) petition to enlarge issues, filed July 29, 1964, by Nelson Broadcasting Company; (6) comments on (5), filed August 11, 1964, by the Broadcast Bureau; (7) opposition to (5), filed August 17, 1964, by Ubiquitous; (8) answer (Reply) to (7), filed August 7, 1964, by Nelson; (9) motion to strike (5), filed August 17, 1964, by Ubiquitous; and (10) motion to accept late filing, filed August 17, 1964, by Big River Broadcasting Corp.

[2] If the available assets are insufficient to meet the costs of both proposals, the addition of a financial qualification issue with respect to the Newburgh proposal would, of course, likewise be required. In a separate Memorandum Opinion and Order, in Nelson Broadcasting Company, FCC 64R-506, the Review Board added a financial qualifications issue as to Nelson's Newburgh proposal.

scription commitments are statements that their individual net worth exceeds $5,100.00, $3,00.00, and $2,000.00, respectively. In addition, they state that their individual annual net income after tax exceeds $6,000.00, $7,000.00, and $5,000.00, respectively. This showing is insufficient to establish the financial ability of the three stock subscribers to fulfill their commitments. See Publix Television Corp., FCC 59–645, 18 R.R. 769.

13. The motion to strike Nelson's petition will be denied. While, as stated by Ubiquitous in its motion to strike, Nelson did not submit with its petition any affidavits in support of its allegations, the merits of Nelson's petition turn upon matters of record, e.g., the stock subscription agreements and the financial showing made by Ubiquitous' stock subscribers. Under the circumstances, no affidavit was required.

14. Nelson also requested, in its petition to enlarge issues, that a financial qualifications issue be added as to Big River Broadcasting Corporation. The latter's application for Kingston, New York, had been consolidated for hearing in this proceeding, but subsequent to the filing of Nelson's petition the Big River application was dismissed by Order released September 22, 1964 (FCC 64M–925). Accordingly, Nelson's petition will be dismissed as moot to the extent that it seeks enlargement of the issues as to Big River Broadcasting Corporation. Similarly, the latter's motion for an extension of time to file an opposition will likewise be dismissed as moot.

*Accordingly, it is ordered,* This 30th day of October 1964, That the petition to enlarge issues, filed July 29, 1964, by Donald P. Nelson and Wilbur E. Nelson, d/b as Nelson Broadcasting Company, is granted insofar as it concerns the addition of an issue relating to the financial qualifications of Ubiquitous Frequency Modulation, Incorporated, and is dismissed as moot insofar as it requests enlargement of the issues against Big River Broadcasting Corporation; that the motion of Big River Broadcasting Corporation to accept late filing of an opposition, filed August 17, 1964, is dismissed as moot; that the petition to enlarge issues, filed July 29, 1964, by Ubiquitous Frequency Modulation, Incorporated is granted; that the motion to strike, filed August 17, 1964, by Ubiquitous Frequency Modulation, Incorporated is denied; and that the issues in this proceeding are enlarged by the addition of the following issues:

To determine whether Ubiquitous Frequency Modulation, Incorporated, is financially qualified to construct, own, and operate the proposed FM station at Hyde Park, New York.

To determine whether Nelson Broadcasting Company is financially qualified to construct, own, and operate the proposed FM station at Kingston, New York.

Released: November 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–11312; Filed, Nov. 4, 1964; 8:47 a.m.]

[Docket Nos. 15460, 15461; FCC 64M–1084]

## SYMPHONY NETWORK ASSOCIATION, INC., AND CHAPMAN RADIO AND TELEVISION CO.

### Order Scheduling Hearing Conference

In re applications of Symphony Network Association, Inc., Fairfield, Alabama, Docket No. 15460, File No. BPCT–3238; William A. Chapman and George K. Chapman, d/b as Chapman Radio and Television Company, Homewood, Alabama, Docket No. 15461, File No. BPCT–3282; for construction permits for a new television broadcast station.

The Hearing Examiner having for consideration (1) a letter of October 12, 1964, from counsel for Symphony Network Association, Inc., requesting reopening of the record for the purpose of receiving certain enclosed material as a supplement to its Exhibit 1; and (2) a Memorandum Opinion and Order of the Review Board released herein on October 29, 1964, wherein the issues in this proceeding have been enlarged;

It appearing, that Symphony's supplemental material has been submitted at the request of the Broadcast Bureau, and in the manner directed by the Hearing Examiner;

It further appearing, that a hearing conference for the purpose of determining the method and timing of the adduction of evidence on the enlarged issue is appropriate;

*It is ordered,* This 30th day of October 1964, that the record in this proceeding is reopened; and the above-referenced supplemental material is received into evidence as a supplement to Symphony Exhibit 1;

*It is further ordered,* That a hearing conference herein shall be convened on November 13, 1964, commencing at 9:00 a.m. in the offices of the Commission at Washington, D.C.

Released: November 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–11313; Filed, Nov. 4, 1964; 8:47 a.m.]

[Docket Nos. 15677, 15678; FCC 64M–1079]

## WESTERN CALIFORNIA TELEPHONE CO., AND PACIFIC TELEPHONE AND TELEGRAPH CO.

### Order Scheduling Hearing

In re applications of Western California Telephone Company, Docket No. 15677, File No. 4411–C2–P–64; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Novato, California; The Pacific Telephone and Telegraph Company, Docket No. 15678, File No. 5775–C2–P–64; for a construction permit to modify the facilities of station KMA745 in the Domestic Public Land Mobile Radio Service at San Francisco, California.

*It is ordered,* This 30th day of October 1964, that Walther W. Guenther shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on December 22, 1964; and that a prehearing conference shall be convened at 9:00 a.m. on November 27, 1964: *And it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: October 30, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–11314; Filed, Nov. 4, 1964; 8:47 a.m.]

[Docket Nos. 15675, 15676; FCC 64M–1080]

## WESTERN CALIFORNIA TELEPHONE CO., AND PACIFIC TELEPHONE AND TELEGRAPH CO.

### Order Scheduling Hearing

In re applications of Western California Telephone Company, Docket No. 15675, File No. 4409–C2–P–64; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Los Gatos, California; The Pacific Telephone and Telegraph Company, Docket No. 15676, File No. 5774–C2–P–64; for a construction permit to modify the facilities of station KMA612 in the Domestic Public Land Mobile Radio Service at San Jose, California.

*It is ordered,* This 30th day of October 1964, that H. Gifford Irion shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on December 22, 1964; and that a prehearing conference shall be convened at 9:00 a.m. on November 27, 1964: *And it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: October 30, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–11315; Filed, Nov. 4, 1964; 8:47 a.m.]

# FEDERAL MARITIME COMMISSION

[Fact Finding Investigation No. 6]

## STEAMSHIP CONFERENCE

### Notice of Hearing Regarding Effects on Foreign Commerce of United States

NOVEMBER 2, 1964.

A further hearing in this proceeding will commence at 10:00 a.m., on December 8, 1964, in Room 404, U.S. Customs House, 610 Canal Street, Chicago, Ill. The hearing will be open to the public.

RALPH P. DICKSON,
*Investigative Officer.*

[F.R. Doc. 64–11307; Filed, Nov. 4, 1964; 8:47 a.m.]



# NATIONAL AERONAUTICS AND SPACE COUNCIL

## AEROSPACE ASSISTANT

### Notice of Basic Compensation

*Appointment.* Name and title, salary rate, and position number:

Eugene B. Konecci, Aerospace Assistant, $24,500 p.a., SCS No. 3.

*Authority for this appointment.* Title III, section 306, subsection (c) reads: "That part of section 201(f) of the National Aeronautics and Space Act of 1958 (72 Stat. 428; 42 U.S.C. 2471(f), fixing a limit of $19,000 on the compensation of seven persons in the National Aeronautics and Space Council, is amended by striking out 'compensated at the rate of not more than $19,000 a year,' and inserting in lieu thereof 'compensated at not to exceed the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended,' "

Effective date: October 26, 1964.

E. L. LACEY,
*Administrative Officer.*

[F.R. Doc. 64–11376; Filed, Nov. 4, 1964; 10:53 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G–2810 etc.]

## SOCONY MOBIL OIL CO., INC., ET AL.

### Findings and Order

OCTOBER 27, 1964.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceeding, cancelling docket numbers, substituting respondents, redesignating proceedings, accepting agreements and undertakings for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61–1, as amended, or involve sales for which permanent certificates have been previously issued.

Socony Mobil Oil Company, Inc., Applicant in Docket Nos. G–17174 and CI61–137, proposes to continue the sale of natural gas as successor in interest to Bayview Oil Corporation pursuant to contracts heretofore designated as Bayview's FPC Gas Rate Schedule Nos. 8 and 9, respectively. The presently effective rates under Bayview's FPC Gas Rate Schedule Nos. 8 and 9 are in effect subject to refund in Docket Nos. RI64–642 and RI64–354, respectively. An increased rate has also been collected under Bayview's FPC Gas Rate Schedule No. 8 subject to refund in Docket No. RI64–1. Socony Mobil has submitted agreements and undertakings in Docket Nos. RI64–1, RI64–354, and RI64–642 to assure refunds of any amounts collected in excess of the amounts determined to be just and reasonable in said proceedings. Accordingly, Socony Mobil will be substituted in lieu of Bayview as respondent in said proceedings, the proceedings will be redesignated, and the agreements and undertakings will be accepted for filing.

After due notice, no petition or notice to intervene or protest to the granting of any of the respective applications or petitions have been filed.

At a hearing held on October 23, 1964, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in the following dockets should be amended as hereinafter ordered: G–2810, G–6296, G–9928, G–10644, G–12517, G–12526, G–13885, G–14164, G–14198, G–16218, G–17174, G–18683, CI61–137, CI61–524, CI61–737, CI61–919, C162–305, C162–322, C162–1019, C162–1437, CI62–1449, CI63–20, CI–63–1165, CI64–82, CI64–805, CI64–806, CI64–807, C164–808, C164–1239, C164–1250.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) The certificates of public convenience and necessity heretofore issued to the Applicants herein, relating to the several abandonments hereinafter permitted and approved should be terminated.

(8) It is necesary and appropriate in carrying out the provisions of the Natural Gas Act that Socony Mobil Oil Company, Inc., should be substituted in lieu of Bayview Oil Corporation as respondent in the proceedings pending in Docket Nos. RI64–1, RI64–354, and RI64–642, that said proceedings should be redesignated accordingly, and the agreements and undertakings submitted by Socony Mobil should be accepted for filing.

(9) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein, should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act

or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G–6296, G–9928, G–14164, G–16218, CI61–737, CI62–322, CI62–1437, CI62–1449, CI63–20, CI64–82, CI64–1239, and CI64–1250 are hereby amended by adding thereto and deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) The certificates heretofore issued in Docket Nos. CI61–919 and CI63–1165 are hereby amended by deleting therefrom authorization granted herein, in Docket Nos. CI65–212 and CI64–1487.

(F) The certificate heretofore issued to Penrose Production Company (Operator), et al., in Docket No. G–10644 is hereby amended to continue the sales authorized to be rendered by Makin Drilling Company (Operator), et al. Docket No. G–10491 which covered an add acreage supplement under the rate schedule is hereby cancelled and the subject sale thereunder is deemed to be covered under the authorization granted in Docket No. G–10644.

(G) The certificate heretofore issued in Docket No. CI61–524 is hereby amended to include the additional dedication and such authorization is conditioned as provided in the Commission's Opinion No. 353, issued March 7, 1962, in Docket Nos. CP61–102, et al.

(H) The certificate heretofore issued in Docket No. CI62–305 is hereby amended to change the name of the certificate holder from Texas Liberty Gas Corporation to Texas Gas Producing Company as indicated in the tabulation herein.

(I) The certificate heretofore issued in Docket No. CI62–1019 is hereby amended to reflect Circle Drilling Company, Inc., as the Operator of the subject properties in lieu of Gene M. Woodfin, et al., as indicated in the tabulation herein.

(J) The orders issuing certificates in Docket Nos. G–2810, G–12517, G–12526, G–13885, G–14198, G–17174, G–18683, and CI61–137 be and the same are hereby amended by changing the certificate holders to the successors in interest as indicated in the tabulation herein.

(K) A certificate is herein issued to William B. Osborn, III in Docket No. CI65–12 to continue partially the service initiated by E. W. Campbell and covered by W. B. Osborn, Jr. (Operator), et al., FPC Gas Rate Schedule No. 16, authorized by a certificate issued in Docket No. CI64–808. The certificate issued in Docket No. CI65–12 also covers interest acquired by William B. Osborn, III from E. W. Campbell which was heretofore covered by Campbell's FPC Gas Rate Schedule No. 4 which is superseded in its entirety by W. B. Osborn, III's filings. The certificates heretofore issued in Docket Nos. CI64–805, CI64–806, CI64–807 and CI64–808 are hereby amended to authorize the sale of natural gas from additional acreage, and the certificate heretofore issued in Docket No. CI64–808 is hereby amended to delete therefrom authorization for the sale of natural gas from the interest of E. W. Campbell which interest has been assigned to partial successors and hereafter will be covered by Jewel Osborn FPC Gas Rate Schedule No. 17, Betty Osborn Biedenhorn FPC Gas Rate Schedule No. 15, Osborn-Barrett Petroleum, Inc., FPC Gas Rate Schedule No. 6, and William B. Osborn, III FPC Gas Rate Schedule No. 1. The certificate heretofore issued in Docket No. G–2854 to E. W. Campbell, et al., is hereby terminated.

(L) In view of the supplements filed by the successors in paragraph (K) above, whereby they waive filing of the predecessor's contract amendment and thereby eliminated the downward Btu adjustment the rate suspension proceeding in Docket No. RI64–688 is hereby terminated.

(M) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(N) In view of the abandonment authorization granted herein, in Docket No. CI65–173 the certificate heretofore issued in Docket No. G–3270 is hereby terminated in part, only insofar as it pertains to sales of gas covered by Supplement No. 5 to FPC Gas Rate Schedule No. 2.

(O) The certificates heretofore issued in Docket Nos. G–11757, CI62–767 and CI64–490 are hereby terminated.

(P) Docket No. G–17448 is hereby cancelled.

(Q) The certificates issued herein to Pan American Petroleum Corporation in Docket Nos. CI64–1487 and CI65–122 respectively, are hereby conditioned as follows:

(1) The initial price therefor shall not exceed 15.0 cents per Mcf at 14.65 psia, plus Btu adjustment in Docket No. CI64–1487 (Opinion No. 350), and shall not exceed 17.0 cents per Mcf at 14.65 psia, plus Btu adjustment in Docket No. CI65–122 (Opinion No. 353).

(2) In the event the Commission amends its Policy Statement No. 61–1 by adjusting the boundary between the Panhandle area and the "Other" Oklahoma area so as to increase the initial wellhead price for new gas in the area of the sales involved herein, Applicant may thereupon substitute new rates reflecting the amount of such increase, and thereafter collect such new rates prospectively in lieu of the initial rates herein required.

(3) The allowances for the take-or-pay provisions and the upward Btu adjustment provisions in the related rate schedules are subject to the ultimate disposition with respect to such provisions in the rule-making proceedings in Docket Nos. R–199 and R–200; however, Applicant will not be required to file take-or-pay provisions for less than 80 percent of the annual contract quantity.

(R) The certificate issued herein, in Docket No. CI65–204 with respect to Coastal States Gas Producing Company's share of the gas proposed to be sold, determines only the payments which may legally be made by South Texas Natural Gas Gathering Company to Coastal States and does not and cannot estop the Commission from considering the appropriate costs to be attributed to the sales should South Texas' purchased gas costs be in issue in a future rate proceeding under section 4(e) or 5(a) of the Natural Gas Act.

(S) Socony Mobil Oil Company, Inc., be and it is hereby substituted in lieu of Bayview Oil Corporation as respondent in the proceedings pending in Docket Nos. RI64–1, RI64–354, and RI64–642; said proceedings are redesignated accordingly; [1] and the agreements and undertakings submitted by Socony Mobil in said proceedings are hereby accepted for filing.

(T) Socony Mobil Oil Company, Inc., shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreements and undertakings filed by Socony Mobil in Docket Nos. RI64–1, RI64–354, and RI64–642 shall remain in full force and effect until discharged by the Commission.

(U) The related rate filings and supplements as indicated in the tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the successions herein, are hereby redesignated and accepted, subject to the applicable Commission Regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Docket Nos. RI64–1 and RI64–642, Socony Mobil Oil Company, Inc.; Docket No. RI64–854, Socony Mobil Oil Company, Inc., et al.



| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted: Description and date of document | No. | Supp. |
|---|---|---|---|---|---|
| G–18683 E 8–26–64 | International Helium, Inc. (Operator), et al (successor to Fred Whitaker (Operator), et al.)[16] | Texas Gas Transmission Corp., Bryan and Blanco Fields, Panola County, Tex. | Fred Whitaker (Operator), et al, FPC GRS No. 10. Supplements Nos. 1–2. Notice of Succession 8–24–64. Assignment 7–31–64. | 7 | 7 |
| G–17448 [14] (G–1–59) A 1–2–59 | Oil Participations Inc. | Transcontinental Gas Pipe Line Corp. Lake Arthur Field, Jefferson Davis Parish, La. | Assignment 7–31–64. Atlantic Oil Co. (Operator), Agent for Oil Participations, Inc., FPC GRS No. 10. | 7 | 1–3 |
| CI61–137 F 9–2–64 | Socony Mobil Oil Co., Inc., et al. (successor to Bayview Oil Corp., et al.). | Brooks Gas Corp., Brooks Field, Iron County, Tex. | Supplements Nos. 1–3. Notice of Succession. | 10 | 2 |
| G–6296 C 9–1–64 | Leonard Oil Co. | El Paso Natural Gas Co., Jalmat Oil Pool, Lea County, N. Mex. | Bayview Oil Corp., et al., FPC GRS No. 9. Supplements Nos. 1–3. Notice of Succession. | 362 | 1–3 |
| CI61–824 C 9–1–64 | Shell Oil Co. (Operator), et al.[18] | Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey and Woodward Counties, Okla. | Letter agreement 7–15–64.[12] | 242 | 4 |
| CI61–737 D 9–1–64 | Shell Oil Co. | Texas Eastern Transmission Co. Schab Lease, Beaver County, Okla. | Texas Liberty Gas Corp., FPC GRS No. 1. Supplements Nos. 1–2. Notice of name change 3–10–64. | 8 | 1–2 |
| CI62–305 3–19–64 [15] | Texas Gas Producing Co. (formerly Texas Liberty Gas Corp.). | Tennessee Gas Transmission Co., De Large Field, Terrebonne Parish, La. | Effective date: 9–24–62. Supplemental Agreement 8–6–64.[17] | 8 | 4 |
| CI62–322 C 9–2–64 | Gulf Oil Corp. | Cities Service Gas Co., Northeast Waynoka Gas, Woods County, Okla. | Gene M. Woodfin, et al., FPC GRS No. 1. Letter 2–12–64.[11] | 226 | 4 |
| CI62–1019 2–13–64 [15] | Circle Drilling Co., Inc. (Operator), et al. (formerly Gene M. Woodfin, et al.) | Texas Gas Transmission Corp., North Welsh Field, Jefferson Davis Parish, La. | (11) | 4 | 1 |
| CI62–1437 C 9–8–64 | Pan American Petroleum Corp. | Anadarko Production Co., Hansford Field, Morton County, Kans. | | | |
| CI63–1449 C 9–4–64 | Big Chief Drilling Co. | Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla. | Amendment 7–6–64. | 12 | 2 |
| CI63–20 C 9–8–64 | Humble Oil & Refining Co. | Arkansas Louisiana Gas Co., Arkoma Area, Le Flore County, Okla. | Amendment 7–20–64.[1] | 327 | 6 |
| CI64–82 C 9–8–64 | Robert W. Adams & Associates. | Hope Natural Gas Co., Stafford District, Mingo County, W. Va. | Letter Agreement 8–3–64.[3] | 1 | 4 |
| CI64–805 (G–2854) [20] I 9–1–64 F 7–6–64 | Jewel Osborn. | Northern Natural Gas Co., Lipscomb Field, Kearny County, Kans. | Assignment 4–30–64.[19] Assignment 4–30–64.[11] Supplemental Agreement 8–12–64.[13] | 14 17 14 | 2 2 3 |
| CI64–806 (G–2854) [20] (CI64–808) [11] F 7–6–64 | Betty Osborn Biedenhorn. | do. | Effective date: 5–1–64. Assignment 4–30–64.[19] Assignment 4–30–64.[11] Supplemental Agreement 8–12–64.[13] | 12 15 12 | 2 2 3 |
| CI64–807 (G–2854) [20] (CI64–808) [11] F 7–6–64 | Osborn-Barrett Petroleum, Inc. | do. | Effective date: 5–1–64. Assignment 4–30–64.[19] Assignment 4–30–64.[11] Supplemental Agreement 8–12–64.[13] | 3 6 3 | 2 2 3 |
| CI64–808 (G–2854) [20] F 7–6–64 | W. B. Osborn, Jr. (Operator), et al. | do. | Effective date: 5–1–64. Assignment 4–30–64.[19] Assignment 4–30–64.[11] Supplemental agreement 8–12–64.[13] | 13 16 13 | 3 3 4 |
| CI64–1239 C 9–1–64 | Willard E. Ferrell. | Hope Natural Gas Co., Troy District, Gilmer County, W. Va. | Effective date: 5–1–64. Letter Agreement 7–14–64.[4] | 11 | 1 2 |



| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted: Description and date of document | No. | Supp. |
|---|---|---|---|---|---|
| G–2810 E 9–2–64 | Socony Mobil Oil Co., Inc. (successor to Bayview Oil Corp.). | Arkansas Louisiana Gas Co., Waskom Field, Harrison County, Tex. | Bayview Oil Corp., FPC GRS No. 2. Supplements Nos. 1–18. Notice of succession. Assignment 4–30–64. | 359 | 1–13 |
| G–2810 E 9–2–64 | do. | El Paso Natural Gas Co., Angel Peak and Huerfanito Areas, San Juan County, N. Mex. | Assignment 7–31–64. Atlantic Oil Corp., FPC GRS No. 5. Supplements Nos. 1–8. Notice of succession. | 359 360 360 | 14 1–8 9 |
| G–6296 C 9–1–64 | Leonard Oil Co. | El Paso Natural Gas Co., Jalmat Oil Pool, Lea County, N. Mex. | Assignment 9–1–64. Letter agreement 10–18–63.[2] | 360 2 | 9 10 |
| G–9928 C 9–2–64 D 9–2–64 | Gulf Oil Corp. | Natural Gas Pipeline Co. of America, Quinduno Field, Roberts County, Tex. | Supplemental agreement 4–24–56.[2] Supplemental agreement 7–31–64.[3] | 43 43 | 6 7 |
| G–10644 (G–14491) [17] F 1–16–64 9–16–64 [1] | Penrose Production Co.[6] (operator), et al. (successor to Makin Drilling Co. (Operator), et al.). | El Paso Natural Gas Co. Eumont Field, Lea County, N. Mex. | Letter agreement 7–31–64.[3] Makin Drilling Co. (Operator), et al., FPC GRS No. 1. Supplement No. 1. Notice of succession 8–14–64. | 4 4 | 1 2 |
| G–12517 E 9–27–64 | International Helium, Inc. (Operator), et al. (successor to Fred Whitaker (Operator), et al.).[16] | Texas Gas Transmission Corp., Carthage Field, Panola County, Tex. | Assignments 5–5–59.[5] Effective date: 4–1–58. Fred Whitaker (Operator), et al., FPC GRS No. 4. Supplement No. 1. Notice of succession 8–22–64. | 4 4 4 | 1 2 3 |
| G–12526 E 9–2–64 | do. | do. | Assignment 7–31–64. Effective date: 6–1–64. Fred Whitaker (Operator), et al., FPC GRS No. 7. | 5 5 6 | 4 5 6 |
| G–13885 E 9–21–64 | do. | do. | Supplement No. 1. Notice of succession 8–27–64. Assignment 7–31–64. | 6 6 | 7 8 |
| G–14198 E 7–27–64 | Texas Gas Producing Co. et al. (successor to Roy A. Lamb and A. G. Galt d.b.a. Pan American Engineering Co.). | United Gas Pipe Line Co., North La. Rosa Field, Refugio County, Tex. | Roy A. Lamb and A. G. Galt d.b.a. Pan American Engineering Co., FPC GRS No. 2. Supplements Nos. 1–2. Notice of Succession 7–22–64. | 9 9 9 | 1–2 3 4 |
| G–16218 I 9–2–64 D 9–10–64 | Gulf Oil Corp. (Operator), et al. | Transwestern Pipeline Co., Northwest Loretaville Field, Harper and Ellis Counties, Okla. | Assignment 11–30–61.[11] Assignment 9–20–63.[11] Letter agreement 7–24–64.[3] | 9 196 | 9 31 |
| G–17174 E 9–2–64 | Socony Mobil Oil Co. Inc. (successor to Bayview Oil Corp.). | El Paso Natural Gas Co. Gallegos Canyon Field, San Juan County, N. Mex. | Letter agreement 7–21–64.[3] Bayview Oil Corp., FPC GRS No. 8. Supplements Nos. 1–5. Notice of Succession. Assignment 9–1–64.[1] | 196 361 361 | 1–4 5 6 |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
Footnotes at end of table.

| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted: Description and date of document | No. | Supp. |
|---|---|---|---|---|---|
| C165-204.....<br>A 9-3-64 | Mokeen Oil Co.[24] (Operator) Agent, et al. | South Texas Natural Gas Gathering Co.[24a] Atwood Area, Hidalgo County, Tex. | Contract 8-7-64 [18]..... | 3 | |
| A C165-205.....<br>A 9-3-64 | R. W. Rine Drilling Co.. | Northern Natural Gas Co., acreage in Clark County, Kans. | Contract 9-21-63.....<br>Contract 7-31-63.....<br>Supplemental agreement 1-11-64.[1] | 5<br>6 | 1<br>2 |
| C165-208.....<br>A 9-4-64 | Quaker State Oil Refining Corp.[25] | United Fuel Gas Co., Four Mile-Branchland Gas Field, Stonewall District, Wayne County, W. Va. | Contract 4-3-64 [26].....<br>Assignment 10-19-60 [27].....<br>Letter 11-15-60 [28].....<br>Letter agreement 1-17-61.....<br>Assignment 12-27-63 [29].....<br>Effective date: 12-27-63.<br>Contract 3-1-64 [1]..... | 7<br>7<br>7<br>7<br>1 | 1<br>2<br>3<br>4 |
| C165-211.....<br>A 9-3-64 | R. J. Beams..... | Kansas-Colorado Utilities, Inc., West Sparks Field, Stanton County, Kans. | Contract 4-17-64.....<br>Letter agreement 4-17-64. | 1 | 1 |
| A C165-212.....<br>(C161-619) [30]<br>F 9-2-64 | George L. Buckles, et al. (successor to Reserve Oil and Gas Co.). | El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex. | Contract 5-1-40.....<br>Letter 6-13-40.....<br>Letter agreement 6-28-62.<br>Letter agreement 7-9-64.<br>Amendatory agreement 12-22-60.<br>Conveyance 9-10-63.<br>Assignment 10-3-63.<br>Effective date: 10-1-63. | 10<br>10<br>10<br>10<br>10<br>10<br>10 | 1<br>2<br>3<br>4<br>5<br>6 |
| C165-214.....<br>A 9-3-64 | Lone Star Producing Co. | Northern Natural Gas Co., acreage in Lipscomb County, Tex. | Contract 4-24-64 [1]..... | 77 | |
| C165-215.....<br>A 9-3-64 | Hugh Goodrich (Operator), et al. | Lone Star Gathering Co., Nursery Field Area, Victoria County, Tex. | Contract 4-2-64 [1]..... | 2 | |
| C165-216.....<br>A 9-3-64 | Worldwide Petroleum Corp. | Lamar Pipeline Co., Burnell Pipeline (Permian) Field, Erie County, Pa. | Contract 8-15-64 [1]..... | 10 | |
| C165-217.....<br>A 9-3-64 | Neal Rudder, et al..... | Equitable Gas Co., Central District, Doddridge County, W. Va. | Contract 8-10-64 [1]..... | 6 | |
| C165-219.....<br>A 9-1-64 | Edward L. Perring, Agent for E and K Oil and Gas Co. | Equitable Gas Co., Otter District, Braxton County, W. Va. | Contract 7-28-64 [1]..... | 1 | |

[1] Effective date: Date of transfer of properties.
[2] Effective date: Date of this order.
[3] Adds another producing zone to basic contract and deletes leases Nos. 17851 and 17873 which expired by their own terms.
[4] Makes indefinite pricing provisions contained in contract inoperative as they pertain to the Granite Wash Zone added to the contract by the Feb. 17, 1964 agreement.
[5] Effective date: Date of initial delivery.
[6] Proposed changed rate filing to replace Makin as Operator; Penrose Production is one of original et al., parties covered by Makin's filing.
[7] Docket No. G-1040 pertains to additional acreage filing which will be canceled and Docket No. G-10644 will cover all production under subject rate schedule.
[8] Applicant filed amendment to the application to reflect a rate of 9.5 cents in lieu of the 10.5 cents rate shown in the original application.
[9] Proposed changed rate filing by Makin Drilling to Neville Penrose and I. M. Zackary, the et al., parties under Penrose Production's proposed filing.
[10] Predecessor (Whitaker) has concurrently filed companion applications to transfer and assign authority to International; Whitaker's filings are considered to be joinders in successor's respective applications and do not require further action.
[11] Assigns acreage from A. G. Galt and Roy A. Lamb d.b.a. Pan American Engineering Co. to Southern Gulf Gas Transmission, Inc.
[12] Assigns acreage from Southern Gulf Gas Transmission, Inc., to Texas Gas Producing Co.
[13] Deletes nonproductive acreage.
[14] Application will be treated as a petition to amend the certificate in Docket No. G-14164 to add acreage and Docket No. G-17448 will be canceled. The rate schedule previously accepted for filing.
[15] Applicant agreed to accept same conditions for added acreage pursuant to the same terms and conditions as imposed in Opinion No. 353.
[16] Applicant's request for abbreviation for change of name only.
[17] Adds acreage to basic contract dated Aug. 16, 1961, and makes indefinite pricing provision contained therein inapplicable to the additional acreage.

| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted: Description and date of document | No. | Supp. |
|---|---|---|---|---|---|
| C164-1260.....<br>C 9-3-64 | Paul F. Starr, agent for L & N Oil Co. | Hope Natural Gas Co., Washington District, Wetzel County, W. Va. | Letter agreement 6-30-64. [1] | 13 | 1 |
| A C164-1467.....<br>(C165-1166)<br>F 9-1-64<br>C 7-9-64 | Pan American Petroleum Corp.[24] | Arkansas Louisiana Gas Co., North Cooper, Star and Lacey Areas, Kingfisher and Blaine Counties, Okla. | Contract 10-15-62 [2].....<br>Supplemental agreement 10-16-62.[2]<br>Assignment 8-26-63.....<br>Assignment 8-26-63.....<br>Assignment 8-26-63.....<br>Assignment 9-19-63.....<br>Assignment 8-21-64 [3].....<br>Supplemental agreement 8-20-64.[2]<br>Effective date: 5-1-64. | 395<br>395<br>395<br>395<br>395<br>395<br>395<br>395 | 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8 |
| C164-1509.....<br>A 9-22-64 | The Atlantic Refining Co. | Northern Natural Gas Co., Coyanosa Field, Pecos County, Tex. | Contract 4-17-64.....<br>Letter agreement 4-17-64. | 296 | 1 |
| A C165-12.....<br>(C164-608) [31]<br>F 7-1-64<br>A C165-12.....<br>(G-2854) [31]<br>F 7-6-64 | William B. Osborn, III. | Northern Natural Gas Co., Hugoton Field, Kearny County, Kans. | Contract 12-31-53.....<br>Assignment 4-30-64 [4].....<br>Effective date: 5-1-64.<br>Contract 8-3-64.....<br>Supplement 4-30-64 [5].....<br>Supplement 8-12-64 [5] agreement 8-12-64.<br>Effective date: 5-1-64.<br>Contract 1-13-64.....<br>Assignment 8-17-64 [6]..... | 1<br>2<br>2<br>390<br>390 | 1<br>1<br>2<br>1 |
| C165-122.....<br>A 8-10-64 | Pan American Petroleum Corp.[24] | Michigan Wisconsin Pipe Line Co., Hopkins Unit Area, Columbus Field, Woodward County, Okla. | Contract 7-22-64 [1]..... | 1 | |
| C165-161.....<br>A 9-2-64<br>A 9-4-64 | Dave Morgan (Operator), et al. | Cities Service Gas Co., acreage in Harper County, Okla. | Notice of cancellation 9-24-64.[7a] | 2 | 5 |
| C165-173.....<br>(G-3270) [8]<br>B 9-28-64 | Marshall R. Young..... | United Gas Pipe Line Co., West Mermentau Field, Jefferson Davis Parish, La. | Contract 8-1-64 [1]..... | 4 | |
| C165-182.....<br>A 8-31-64 | Thomas N. Berry & Co. (Operator), et al. | Cities Service Gas Co., Northwest Lovedale Field, Harper County, Okla. | Contract 7-16-64 [1]..... | 4 | |
| C165-194.....<br>A 9-3-64 | James F. Scott, et al. d. b. a. J. H. Hyde Well No. 1. | Hope Natural Gas Co., McClellan District, Doddridge County, W. Va. | Contract 7-23-64 [1]..... | 2 | |
| C165-195.....<br>A 9-3-64 | Ralph L. Warner, agent Guy L. Warner Estate. | Hope Natural Gas Co., Salt Lick District, Braxton County, W. Va. | Contract 8-28-64 [1]..... | 6 | |
| C165-196.....<br>A 9-2-64 | Harvey L. Starr, et al. d. b. a. Wood County Wells Limited Partnership of New Jersey. | Equitable Gas Co., Central District, Doddridge County, W. Va. | Contract 8-11-64 [1]..... | 339 | |
| C165-197.....<br>A 9-3-64 | Hemble Oil & Refining Co. | Kansas-Nebraska Natural Gas Co., Inc., Fremont and Natrona Counties, Wyo. | Notice of cancellation 6-30-64.[7a] | 45 | 1 |
| C165-198.....<br>(C162-767)<br>B 9-3-64 | W. H. Mossor d. b. a. Stout Oil and Gas Co. | Hope Natural Gas Co., Freeman's Creek District, W. Va. Lewis County, W. Va. | Contract 8-6-64 [1]..... | 341 | |
| C165-199.....<br>A 9-4-64 | Texaco Inc..... | El Paso Natural Gas Co., Gallego Canyon Unit, San Juan County, N. Mex. | Contract 7-25-64 [1]..... | 33 | |
| C165-200.....<br>A 9-4-64 | The California Co., a division of California Oil Co. | Texas Eastern Transmission Corp., North Lake Fields Field, Lafourche Parish, La. | Notice of cancellation 9-3-64.[7a] | 60 | 1 |
| C165-201.....<br>(C164-490)<br>B 9-4-64 | W. H. Mossor d. b. a. Gragg Oil & Gas Co. | Hope Natural Gas Co., Murphy District, Ritchie County, W. Va. | Notice of cancellation 9-3-64.[7a] | 1 | 3 |
| C165-203.....<br>(J-11757)<br>B 9-3-64 | Mobley & Stephens (Operator), et al. | Arkansas Louisiana Gas Co., Mead Field, Caddo Parish, La. | | | |

See footnotes at end of table.

[18] By letter dated Feb. 12, 1964, Applicant requested redesignation of certificate application and rate schedule to reflect Circle Drilling as Operator of the properties.
[19] No related rate schedule filing made by Applicant.
[20] Interest in Sudan No. 1 Unit, acquired from E. W. Campbell. Supersedes his FPC GRS No. 4 as to such interest. Since Campbell now owns no interest in properties thereunder his FPC GRS No. 4 is superseded in its entirety by assignee's filings.
[21] Interest in Gray No. 1 Unit, acquired from E. W. Campbell and heretofore covered by W. B. Osborn, Jr. (Operator), et al., FPC GRS No. 16.
[22] Supplement waives filing of contract amendment eliminating downward B.t.u. adjustment which was suspended in Docket No. RI64-688 because it would result in increase to equivalent rate which exceeds 11.0 cents area ceiling for increases, (therefore; proceeding in Docket No. RI64-688 will be terminated.
[23] Reflects acquisition by W. B. Osborn, Jr., of part of coowner's (E. W. Campbell's) interest, and deletion of remainder of Campbell's interests assigned to others who are filing separately. Term "(Operator), et al." being deleted from Osborn Jr., FPC GRS No. 13.
[24] By letter filed Oct. 5, 1964, Applicant agreed to accept permanent certificate as conditioned herein.
[24a] Basic contract between Calvert Exploration Co. and Arkansas Louisiana, on file as Calvert's FPC GRS No. 3.
[25] Supplements basic contract between Calvert and buyer to cover casinghead gas from oil wells.
[26] Conveys acreage from Calvert to Pan American. Calvert will be requested to file these assignments as supplements to its FPC GRS No. 3.
[27] Adds acreage. Supplement filed July 9, 1964 with related amendment to application.
[28] Assignment from Humble to Applicant. The acreage is subject to Humble's contract of Jan. 13, 1964. At the time of the assignment Humble had not filed this contract with the Commission; however, subsequently, it filed the contract and accepted a permanent certificate similar to those issued under Opinion No. 353.
[29] Applicant filed an amendment to reflect a total initial price of 17.0 cents in lieu of 16.0 cents provided in the original application.
[30] Docket No. G-3270 will be terminated in part; other sales covered under this docket.
[31] Source of gas depleted.
[32] Production of gas no longer economically feasible.
[33] Mokeen is a signatory party to the contract and seller's agent but owns no interest in the dedicated acreage.
[34] The buyer is an affiliate of Coastal States Gas Producing Co., a signatory party and coowner (50%) with Kenoll Corp. (50%) of the dedicated acreage.
[35] The predecessors, Waylin and Transylvania did not have certificates or rate schedules on file.
[36] Basic contract between Transylvania Petroleum Co. as seller and United Fuel Gas Co. as buyer.
[37] Transylvania Petroleum Co. to Waylin Oil Co.
[38] Confirms sale of Transylvania to Waylin.
[39] Waylin Oil Co. to Quaker State Oil Refining Corp.
[40] Subject acreage formerly dedicated to Reserve Oil and Gas Co. FPC GRS No. 9. Reserve Oil and Gas Co. is being requested to file to delete this acreage from their FPC GRS No. 9.

[F.R. Doc. 64-11146; Filed, Nov. 4, 1964; 8:45 a.m.]



[Docket No. CP65-59]

## CITY OF ALBANY, GEORGIA

### Notice of Application

OCTOBER 28, 1964.

Take notice that on August 31, 1964, the City of Albany, Ga. (Applicant) filed in Docket No. CP65-59, an application pursuant to section 7(a) of the Natural Gas Act for an order directing South Georgia Natural Gas Co. (South Georgia) to establish a second physical connection of its transportation facilities with the distribution system of the Applicant at a point on the northwesterly side of the City of Albany and to deliver natural gas to Applicant through the said connection and facilities required to effectuate such delivery, all as more fully described in the application on file with the Commission and open to public inspection.

The estimated cost of facilities to South Georgia to make the said second connection is $25,000, and the estimated cost to the Applicant for its connecting line is $22,000.

On October 5, 1964, South Georgia filed an answer to the application wherein no objection to the requested order was raised.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 20, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11288; Filed, Nov. 4, 1964; 8:46 a.m.]

[Docket No. CP65-67]

## W. H. DENNIS AND SON NATURAL GAS CO.

### Notice of Application

OCTOBER 28, 1964.

Take notice that on September 11, 1964, W. H. Dennis and Son Natural Gas Co. (Applicant) of Bloomdale, Ohio, filed in Docket No. CP65-67 an application pursuant to section 7(a) of the Natural Gas Act for an order directing The Ohio Fuel Gas Co. (Ohio Fuel) to establish a physical connection of its natural gas transportation facilities with the gas distribution system of the Applicant at a point in Wood County, Ohio, and to sell and deliver natural gas to Applicant for local resale and distribution along the 3-inch and 2-inch pipeline to be constructed from the point of interconnection and to the Village of West Millgrove.

The volumes of natural gas requirements for the first three years of service are estimated as follows:

| Years of service | Peak day | Annual |
|---|---|---|
| 1 | 136 | 11,000 |
| 2 | 150 | 11,500 |
| 3 | 160 | 12,000 |

The estimated total cost of Applicant's proposed facilities is $29,045, which cost will be paid from company funds.

On October 5, 1964, Ohio Fuel, filed an answer to the application herein advising that it had no objection to the issuance of the order requested by Applicant.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 20, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11289; Filed, Nov. 4, 1964; 8:46 a.m.]

[Project 2413]

## GEORGIA POWER CO.

### Notice of Place of Hearing

OCTOBER 29, 1964.

The hearing in the above-designated matter, fixed by the Commission's order issued October 20, 1964, on the application for preliminary permit filed by Georgia Power Co. for proposed Project No. 2413 on the Oconee River in Georgia, will commence at 10 a.m., e.s.t., November 17, 1964, in Court Room No. 212 in the Post Office Building, 115 Hancock Avenue, Athens, Ga.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11290; Filed, Nov. 4, 1964; 8:46 a.m.]



[Docket No. CP65-96]



[Docket No. CP65-61]

[Docket No. CP65-96]

## NATURAL GAS PIPELINE COMPANY OF AMERICA

### Notice of Application

OCTOBER 29, 1964.

Take notice that on October 12, 1964, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP65-96, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of an additional Daily Contract Quantity of 1,000 Mcf of natural gas to Iowa Electric Light and Power Co. (Iowa Electric) for resale to Monsanto Co., an existing industrial customer of Iowa Electric, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver the additional contract demand quantity of 1,000 Mcf on a firm and non-interruptible basis to Iowa Electric with a presently effective daily contract quantity of 31,776 Mcf under Applicant's Rate Schedule CD-1. Iowa Electric will supply the gas to Monsanto for use as a raw material in the manufacture of agricultural fertilizers. No additional facilities are required.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 23, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11291; Filed, Nov. 4, 1964; 8:46 a.m.]

[Docket No. E-7187]

## WESTERN LIGHT & TELEPHONE CO., INC.

### Notice of Application

OCTOBER 29, 1964.

Take notice that on October 20, 1964, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by the Western Light & Telephone Co., Inc. (Western Light), incorporated under the laws of the State of Delaware and doing business in the States of Iowa, Kansas, and Missouri, with its principal place of business office at Great Bend, Kans., requesting authority for a proposed merger with the Western Power & Gas Co. (Westgas). Westgas is incorporated under the laws of the State of Delaware and doing business in the States of Colorado, Nebraska, and South Dakota, with its principal place of business office at Lincoln, Nebr.

Western Light is engaged in generating, transmitting, distributing and selling electric energy, in furnishing telephone service, and, to a lesser extent, in distributing and selling natural gas and water. The territory in which it supplies electric service in the State of Kansas covers 33 counties, in which it services at retail 53,135 customers in 144 communities and adjoining rural territory, and at wholesale, thirteen municipalities. It furnishes telephone service to five communities in Kansas, twelve communities in Iowa, and 25 communities in Missouri. In addition, it furnishes natural gas service in eleven communities and water service in five communities in the State of Kansas.

Westgas owns and operates electric generating, transmission and distributing properties in seven counties in Colorado, serving, at June 30, 1964, 51,283 customers in 43 communities and adjoining territory. Westgas owns and operates natural gas distribution properties serving 69 communities in Nebraska and South Dakota.

The application states that the cost of facilities involved in the proposed merger as of June 30, 1964, were, for Western Light, $83,684,279, and for Westgas, $70,610,980.

According to the application, Westgas shall merge into Western Light and upon such merger the separate existence of Westgas shall cease and Western Light shall continue to exist as the Surviving Corporation under the name of Western Power & Gas Co., Inc. and shall be governed by the laws of the State of Kansas. If the merger is effected, the shares of common stock of Western Light outstanding immediately prior to the effectiveness of the merger will be split in the ratio of 4 for 3. After this stock split, each share of common stock of Westgas (except shares held by dissenters from the merger) will be changed by the merger into one share of common stock of the Surviving Corporation. Also upon the effectiveness of the merger, each outstanding share of preferred stock of Westgas (except shares held by dissenters from the merger) shall thereby be converted into one share of stock of the Surviving Corporation of the same par or stated value, and with the same rights, preferences, privileges, etc., as said shares had prior to the merger.

The Applicant, Western Light, represents that the ratio of exchange to the stockholders of Western Light and Westgas was arrived at by arm's-length negotiation between Western Light and Westgas; based on the relationship of the book and market values of, and the earnings and dividends paid on, the common stock of the respective companies, the character of the properties of the companies, their future prospects and such other factors as were deemed pertinent.

According to the application, the proposed merger will result in a combined company stronger financially, as well as in management and personnel. Westgas has had more experience and is better equipped to operate the telephone properties which will result from this merger. Western Light, on the other hand, is more experienced and better qualified in the electric power field, and can do a better job in operating the electric properties which will result from this merger of facilities. Better and less expensive service can, therefore, be furnished to the consumer in both electric and telephone service, as well as in the gas service which is a substantial part of the operations of Westgas.

Applicant, Western Light, states that all of the property of Westgas will be merged with that of Western Light upon the effectiveness of the merger. The operating facilities include the electric and gas properties of Westgas located in Colorado, South Dakota, and Nebraska. The stock of the various subsidiaries owned by Westgas will become the property of the Surviving Corporation. After the merger, there is no contemplated material change in the use of the facilities of either of the Constituent Corporations. No facilities presently in service will be retired as a result of the merger.

Any person desiring to be heard or to make any protests with reference to said application, should on or before November 20, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11292; Filed, Nov. 4, 1964; 8:46 a.m.]

# GENERAL SERVICES ADMINISTRATION

## HYOSCINE HELD IN NATIONAL STOCKPILE

### Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of the proposed disposition of approximately 2,100 ounces of hyoscine now held in the national stockpile.

This quantity of hyoscine is excess to the needs of the stockpile as a result of a revised determination, made by the Office of Emergency Planning pursuant to section 2 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98a, with respect to the quantity of hyoscine to be stockpiled.

Since the revised determination was not by reason of obsolescence of the hyoscine for use in time of war, this proposed disposition is referred to the Congress for its express approval as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to make said hyoscine available for transfer to other Government agencies, for sale on a competitive basis, or for disposition in such other manner as may be in the best interest of the Government, upon the express approval by the Congress of this proposed disposition, but not prior to the expiration of six months after the date of publication of this notice in the FEDERAL REGISTER. It is proposed that the hyoscine will be disposed of within a period of approximately one year and will be made available in quantities of interest to any potential buyer, including those who qualify as small business.

The plan and date of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets, as well as the protection of the United States against avoidable loss.

Dated: October 28, 1964.

BERNARD L. BOUTIN,
*Administrator of General Services.*

[F.R. Doc. 64-11309; Filed, Nov. 4, 1964; 8:47 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 811-315]

## AMERICAN ELECTRIC SECURITIES CORP.

### Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

OCTOBER 30, 1964.

Notice is hereby given that American Electric Securities Corp. ("applicant"), % Charles S. Guggenheimer, Esq., Guggenheimer & Untermyer, 80 Pine Street, New York 5, New York, a Delaware corporation and a management closed-end non-diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company. All persons are referred to the amended application on file with the Commission for a complete statement of the facts which are summarized below.

Applicant registered under the Act on November 1, 1940. At a special meeting on March 16, 1964, shareholders of the applicant voted to transfer substantially all of its assets to The Lehman Corp. ("Lehman"), a registered management closed-end non-diversified investment company, in exchange for shares of capital stock of Lehman and to distribute the shares received to shareholders of the applicant and for dissolution of the applicant.

On March 20, 1964, applicant transferred to Lehman all of the shares of stock held in its portfolio and received in exchange therefor 61,791 shares of capital stock of Lehman. These shares were transferred to Empire Trust Company ("Empire") as duly appointed agent for the shareholders. Empire caused such shares of Lehman to be distributed to those shareholders of the applicant who surrendered their shares for cancellation. As of September 22, 1964, Empire held 1,232 shares of capital stock of Lehman and $307.94 representing distribution declared by Lehman. Empire, as agent, is holding such Lehman shares for shareholders of the applicant who have not exchanged their shares. Applicant's sole remaining asset, $58,154.16 as of September 22, 1964, is under the control of the Court of Chancery of the State of Delaware in and for New Castle County for benefit of shareholders of the applicant and to provide for payment of any additional claims or debts and expenses of liquidation.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 19, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-11285; Filed, Nov. 4, 1964; 8:46 a.m.]

[File No. 811-1274]

## APPLIED SCIENCE CAPITAL CORP.

### Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

OCTOBER 30, 1964.

Notice is hereby given that Applied Science Capital Corporation ("applicant"), Suite 2308, 1700 Broadway, Denver, Colorado, a Colorado corporation and a management closed-end, non-diversified investment company registered under the Investment Company Act of 1940 ("Act") and licensed to operate under the Small Business Investment Act of 1958, has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the representations contained therein.

Applicant represents that it has no present intention of offering its securities to the public and that all its outstanding securities are beneficially owned by thirty stockholders.

Section 3(c)(1) of the Act provides that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Section 8(f) of the Act provides in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 19, 1964 at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act,

an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

*It is ordered*, That the Secretary of the Commission shall send a copy of this notice by registered mail to the Director, Office of Investment Assistance, Small Business Administration, Washington, D.C., 20416.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-11286; Filed, Nov. 4, 1964; 8:46 a.m.]

[File No. 811-1219]

## EBERSTADT INCOME FUND, INC.

### Notice of Application for Order Declaring Company Has Ceased To Be an Investment Company

OCTOBER 30, 1964.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that The Eberstadt Income Fund, Inc. ("applicant"), 65 Broadway, New York 6, New York, a Maryland corporation and a registered open-end diversified management investment company, has ceased to be an investment company by reason of the exception contained in section 3(c)(1) of the Act.

The applicant filed a Notification of Registration and registration statement under the Act on May 31, 1963. Applicant states that it has issued no shares of its capital stock and has no intention to offer shares to the public. Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. A registration statement under the Securities Act of 1933 was withdrawn on July 9, 1964.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 19, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-11287; Filed, Nov. 4, 1964; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 1073-A]

## MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 2, 1964.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC-FC 67369. Application filed November 2, 1964, for AR-DEE ALASKA TRUCK LINES, INC., 900 Minnesota Building, St. Paul 1, Minn., to temporarily lease the operating rights of HERDA ALASKA TRUCK LINES, INC. (JAMES C. NOONAN, RECEIVER), 60 East 4th Street, St. Paul 1, Minn., under section 210a(b). The transfer to AR-DEE ALASKA TRUCK LINES, INC., of the operating rights of HERDA ALASKA TRUCK LINES, INC., is pending.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-11318; Filed, Nov. 4, 1964; 8:47 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 2, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39362: *Fresh meats and packinghouse products from Worthington, Minn.* Filed by Western Trunk Line Committee, agent (No. A-2378), for interested rail carriers. Rates on fresh meats and packinghouse products, in carloads, from Worthington, Minn., to points in southern territory.

Grounds for relief: Market competition.

Tariff: Supplement 14 to Western Trunk Line Committee, agent, tariff I.C.C. A-4518.

FSA No. 39363: *Joint motor-rail rates—Central and Southern.* Filed by Central and Southern Motor Freight Tariff Association, Inc., agent (No. 88), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in central states territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 34 to Central and Southern Motor Freight Tariff Association, Inc., agent, tariff MF-I.C.C. 286.

FSA No. 39364: *Bituminous coal to points in Alabama and Georgia.* Filed by O. W. South, Jr., agent, (No. A4583), for interested rail carriers. Rates on bituminous coal and coal briquettes that are manufactured from raw coal (from which no byproducts have been extracted), pressed into forms by use of a binder in straight or mixed carloads, in carloads, from mine origins in Kentucky, Virginia, and West Virginia, to points in Alabama and Georgia.

Grounds for relief: Market competition and restoration of origin rate relationships.

Tariffs: Supplements 5 and 6 to Chesapeake and Ohio Railway Company tariffs I.C.C. 13861 and 13914, respectively.

FSA No. 39365: *Service station specialty items from and to points in southwestern territory.* Filed by Texas-Louisiana Freight Bureau, agent (No. 521), for interested rail carriers. Rates on antifreeze alcohol and other items commonly sold in gasoline service stations, in mixed carloads with petroleum lubricating oil and/or petroleum lubricating grease, in packages, in carloads, not to exceed 10 percent of weight of lubricating oils and grease, from points in southwestern territory, to Louisiana and Texas gulf ports, Brownsville, Eagle Pass, El Paso, Laredo, and Presidio, Tex., for export to Mexico, also to points in Texas.

Grounds for relief: Carrier competition.

Tariff: Supplement 49 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 963.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-11302; Filed, Nov. 4, 1964; 8:47 a.m.]

[Notice 1073]

## MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 2, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:



As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67054. By order of October 27, 1964, the Transfer Board approved the transfer to A A A Transfer, Inc., Seattle, Wash., of Certificate in No. MC 9194, issued March 30, 1942, to Merchants Transfer & Storage Company, a Corporation, Seattle, Wash., authorizing the transportation of: General commodities, with the usual exceptions including household goods, between points within three miles of Seattle, Wash., including Seattle. Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle 4, Wash., representative for applicants.

No. MC-FC 67145. By order of October 27, 1964, the Transfer Board approved the transfer to John L. Muth, doing business as Muth Van Service, Lexington, Ky., of Certificate in No. MC 106369, issued December 23, 1959, to Reliable Van Service, Inc., Lexington, Ky., authorizing the transportation of: Horses, other than ordinary, and in the same vehicle with such horses, stable supplies and equipment used in the care and exhibition of such horses, mascots and the personal effects of their attendants, trainers and exhibitors, between points in Illinois, Indiana, Kentucky, Michigan, and Ohio. George M. Catlett, Suite 703 McClure Building, Frankfort, Ky., attorney for applicants.

No. MC-FC 67157. By order of October 27, 1964, the Transfer Board approved the transfer to Modern Moving & Storage, Inc., Fayetteville, N.C., of a portion of Certificate in No. MC 19105, issued August 14, 1958, to Forbes Transfer Company, Inc., Wilson, N.C., authorizing the transportation of: Household goods, between Wilson, N.C., and points within 75 miles thereof, on the one hand, and, on the other, points in North Carolina, Virginia, South Carolina, and Georgia. Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, N.C., attorney for applicants.

No. MC-FC 67172. By order of October 27, 1964, the Transfer Board approved the transfer to Jack Farnell, doing business as Los Angeles Turf Express, Los Angeles, Calif., of Certificate in No. MC 114210 Sub 1, issued September 22, 1960, to Violet Baze, doing business as Horse Van Service, Renton, Wash., authorizing the transportation of: Horses, other than ordinary, and in the same vehicle with such horses, stable supplies and equipment used in their care and exhibition, mascots, and the personal effects of their attendants, trainers and exhibitors, between points in Washington, on the one hand, and, on the other, points in Oregon, and, between points in Washington and Oregon, on the one hand, and, on the other, points in California. R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif., 90017, attorney for applicants.

No. MC-FC 67189. By order of October 27, 1964, the Transfer Board approved the transfer to Bernard Tunink, Howard Tunink, and Gary Tunink, a partnership, doing business as Tunink and Sons, Glidden, Iowa, of Certificate in No. MC 8360, issued July 29, 1959, to Bernard Edward Tunink, Glidden, Iowa, authorizing the transportation of: Livestock, from Glidden, Iowa, to Omaha, Nebr., serving intermediate and off-route points within 20 miles of Glidden; and feed, tankage, hay, lumber, agricultural implements, cement blocks, tile, flour, tires, oil, paint, and hardware, from Omaha, Nebr., to Glidden, Iowa, serving intermediate and off-route points within 20 miles of Glidden.

No. MC-FC 67198. By order of October 26, 1964, the Transfer Board approved the transfer to Skjonsby Truck Line, Inc., Fargo, N. Dak., of the Certificate in No. MC 103602, issued February 12, 1962, to Bruce Skjonsby, doing business as Skjonsby Truck Line, Fargo, N. Dak., authorizing the transportation of: Heavy farm machinery, the transportation of which requires special equipment, and parts therefor; and heavy construction equipment, between points in North Dakota, on the one hand, and, on the other, points in South Dakota and Minnesota. Alan Foss, 502 First National Bank Building, Fargo, N. Dak., attorney for applicants.

No. MC-FC 67211. By order of October 27, 1964, the Transfer Board approved the transfer to Geraldine Coulson and Vernon J. Robillard, a partnership, doing business as T. W. Robillard, Waterbury, Conn., of Certificate in No. MC 13860, issued November 25, 1940, to William Robillard, doing business as T. W. Robillard, Waterbury, Conn., authorizing the transportation of: Household goods, between Waterbury, Conn., and points within 10 miles thereof, on the one hand, and, on the other, points in New York, New Jersey, Massachusetts, and Rhode Island. Eugene H. Kaplan, 111 West Main Street, Waterbury 2, Conn., attorney for applicants.

No. MC-FC 67213. By order of October 27, 1964, the Transfer Board approved the transfer of Cecil T. Weide, 105 South Lincoln, Yates Center, Kans., of Certificate in No. MC 1808, issued May 26, 1959, to Steve Kester, Toronto, Kans., authorizing the transportation of: Livestock, between Toronto, Kans., and Kansas City, Mo., serving the intermediate and off-route points within ten miles of Toronto, restricted to pickup only; and, feed, building materials, and farm machinery, from Kansas City, Mo., to Toronto, Kans., serving the intermediate and off-route points within ten miles of Toronto, restricted to delivery only.

No. MC-FC 67222. By order of October 26, 1964, the Transfer Board approved the transfer to Hocker Transfer, Inc., North Liberty, Ind., of Certificate in No. MC 62724, issued February 4, 1943, to Dola Hocker, doing business as Hocker Transfer Line, North Liberty, Ind., authorizing the transportation: of general commodities, with the usual exceptions including household goods and commodities in bulk, between South Bend, Ind., and Walkerton, Ind., serving the intermediate point of North Liberty, Ind., and the off-route points of Koontz Lake and Groveton, Ind. Douglas D. Seely, Jr., 801 Odd Fellows Building, South Bend, Ind., 46601, attorney for applicants.

No. MC-FC 67232. By order of October 27, 1964, the Transfer Board approved the transfer to Able Van Lines, Inc., Tulsa, Okla., of Certificate in No. MC 111962 Sub 3, issued October 4, 1961, to American Transfer & Storage Company, a corporation, Tulsa, Okla., authorizing the transportation of: Household goods, between points in Tulsa County, Okla., on the one hand, and, on the other, points in Oklahoma, Kansas, Missouri, and Texas. W. T. Brunson, 419 Northwest 6th Street, Oklahoma City 3, Okla., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-11303; Filed, Nov. 4, 1964; 8:47 a.m.]

[Service Order 947; Taylor's Car Distribution Order 21]

## WESTERN MARYLAND RAILWAY CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered*, That:

(a) The Western Maryland Railway Co. shall deliver to the Norfolk and Western Railway Co. a daily average of 25 plain serviceable boxcars inside length less than 44 feet 8 inches.

(b) Cars delivered under this order shall be carded to the Norfolk and Western Railway Co. and each car shall be identified by the Western Maryland Railway Co. as moving under the provisions of this order.

(c) Effective date: This order shall become effective at 12:01 a.m., November 2, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

*It is further ordered*, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 30, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-11304; Filed, Nov. 4, 1964; 8:47 a.m.]

[Service Order 947; Taylor's Car Distribution Order 22]

## ERIE-LACKAWANNA RAILROAD CO. AND SOO LINE RAILROAD CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Erie-Lackawanna Railroad Co. shall deliver to the Soo Line Railroad Co. a daily average of 25 plain serviceable boxcars inside length less than 44 feet 8 inches.

(b) Cars received by Soo Line Railroad Co. under this order will be delivered to the Northern Pacific Railway Co.

*It is further ordered,* That the Erie-Lackawanna Railroad Co. shall prepare empty car cards, tickets, or movement slips for all cars delivered to the Soo Line Railroad Co. Such cards, tickets, or slips to accompany cars and be delivered with cars to the Northern Pacific Railway Co.

(c) Effective date: This order shall become effective at 12:01 a.m., November 2, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 30, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64-11305; Filed, Nov. 4, 1964; 8:47 a.m.]

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[Service Order 947; Taylor's Car Distribution Order 23]

## ERIE-LACKAWANNA RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Erie-Lackawanna Railroad Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a daily average of 25 plain serviceable boxcars inside length less than 44 feet 8 inches.

(b) Cars received by Chicago, Burlington & Quincy Railroad Co. under this order will be delivered to the Northern Pacific Railway Co.

*It is further ordered,* That the Erie-Lackawanna Railroad Co. shall prepare empty car cards, tickets, or movement slips for all cars delivered to the Chicago, Burlington & Quincy Railroad Co. Such cards, tickets, or slips to accompany cars and be delivered with cars to the Northern Pacific Railway Co.

(c) Effective date: This order shall become effective at 12:01 a.m. November 2, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m. November 15, 1964 unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 30, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64-11306; Filed, Nov. 4, 1964; 8:47 a.m.]

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[Service Order 947; Taylor's Car Distribution Order 9-A]

## BALTIMORE AND OHIO RAIL ROAD CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Baltimore and Ohio Rail Road Co. shall deliver to the Chicago, Rock Island and Pacific Railroad Co. a daily average of 40 plain serviceable boxcars inside length less than 44 feet 8 inches.

(b) Cars received by the Chicago, Rock Island and Pacific Railroad Co. under this order will be delivered to the Northern Pacific Railway Co.

*It is further ordered,* That The Baltimore and Ohio Rail Road Co. shall prepare empty car cards, tickets, or movement slips for all cars delivered to the Chicago, Rock Island and Pacific Railroad Co. Such cards, tickets, or slips to accompany cars and be delivered with cars to the Northern Pacific Railway Co.

(c) Effective date: This order shall become effective at 12:01 a.m., November 3, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 2, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64-11319; Filed, Nov. 4, 1964; 8:47 a.m.]

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[Service Order 947; Taylor's Car Distribution Order 10-A]

## NEW YORK CENTRAL RAILROAD CO. AND CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order (vacating Taylor's Car Distribution Order No. 10) shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The New York Central Railroad Co. shall deliver to the Chicago, Milwaukee, St. Paul and Pacific Railroad Co., a daily average of 40 plain serviceable boxcars inside length less than 44 feet 8 inches.

(b) Cars received by the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. under this order will be delivered to the Great Northern Railway Co.

*It is further ordered,* That The New York Central Railroad Co. shall prepare empty car cards, tickets, or movement slips for all cars delivered to the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Such cards, tickets, or slips to accompany cars and be delivered with cars to the Great Northern Railway Co.

(c) Effective date: This order shall become effective at 12:01 a.m., November 3, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m., November 15, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroad, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 2, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64-11320; Filed, Nov. 4, 1964; 8:48 a.m.]



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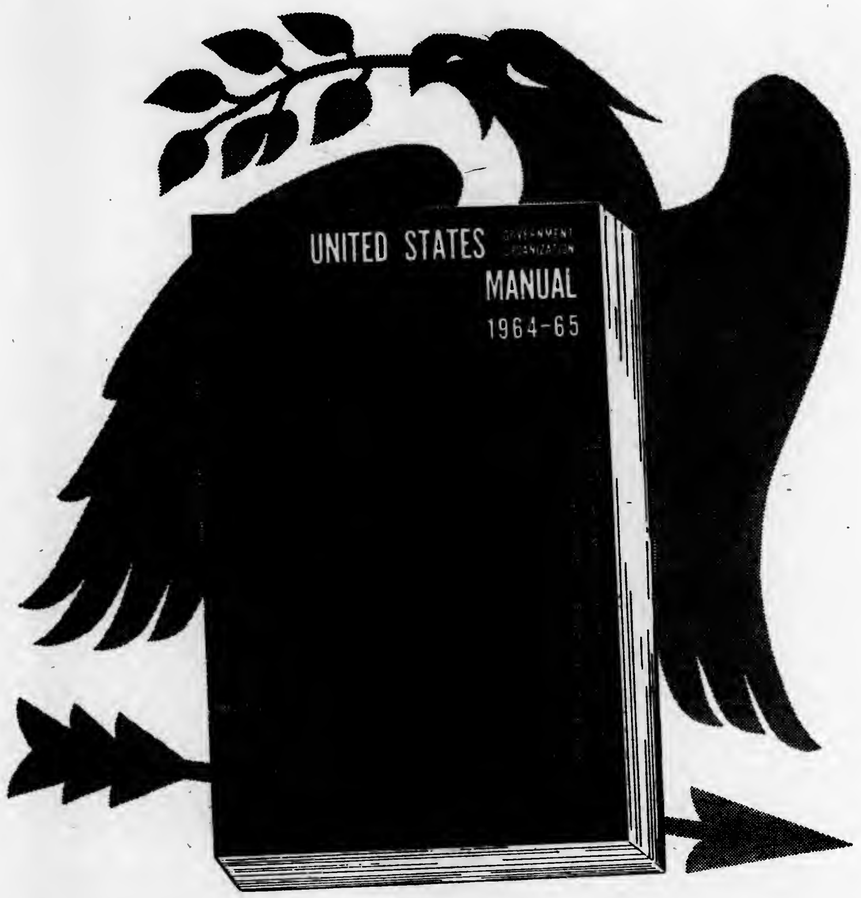


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VOLUME 29 NUMBER 218

*Washington, Friday, November 6, 1964*

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Area Code 202 Phone 963-3261

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# Rules and Regulations

## Title 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

SUBCHAPTER E—ORGANIZED RESERVES

### PART 564—NATIONAL GUARD REGULATIONS

#### Federal Recognition

In § 564.3(g), subparagraph (3), pertaining to age of commissioned officers, is revised to read as follows:

**§ 564.3 Federal recognition.**

* * * * *

(g) *Prerequisites.* * * *

(3) *Age*—(i) *General.* No applicant will be examined for Federal recognition who is less than 21 years of age, except that, when State laws so permit, the minimum age of 18 will apply to the following:

(*a*) Graduates of accredited officer candidate schools who also have completed the 6 months active duty for training program with the Armed Forces.

(*b*) Commissioned officers of the Army Reserve who apply for Federal recognition in the Army National Guard.

(ii) *Maximum ages*—(*a*) *Appointment.* Applicants for Federal recognition must not have attained the birthday shown below prior to appointment in grade indicated, except that age limits may be increased by an amount not to exceed length of previous service in the same or higher grade in an active status in any components of the Armed Forces. Waiver of the maximum age limitation will be considered for appointment to second lieutenant if applicant becomes over age due to administrative processing, provided the application was submitted within a reasonable period to permit normal processing and any delay encountered resulted from circumstances beyond control of the applicant. In any event, waiver will not be considered for any period in excess of 12 months. To insure adequate time for processing, applicants should be encouraged to submit their applications prior to their 27th birthday. An applicant's age must be such that he can serve at least 1 year before recognition will be terminated under age limitations as prescribed in § 564.5. Provisions of this paragraph are not applicable to applicants for promotion or change in branch.

| Grade: | *Age* |
|---|---|
| 2d lieutenant | 28 |
| 1st lieutenant | 33 |
| Captain | 39 |
| Major | 48 |
| Lieutenant colonel | 51 |
| Colonel | 55 |

(*b*) *Exception.* As an exception to the above, applicants selected for participation in the Army Senior Medical or Dental Student Programs and female applicants for assignment to the Army Nurse Corps and Army Medical Specialist Corps may be considered for Federal recognition as second lieutenant, Medical Service Corps, Army Nurse Corps, or Army Medical Specialist Corps as appropriate, provided they have not passed their 30th birthday.

(*c*) *Termination.* See § 564.5.

(iii) *Minimum ages.* The following minimum ages will apply for original appointment of officers to the grade indicated (except those initially commissioned prior to age 21 as provided in subdivision (i) of this subparagraph:

| Grade: | *Age* |
|---|---|
| 2d lieutenant | 21 |
| 1st lieutenant | 22 |
| Captain | 24 |
| Major | 26 |
| Lieutenant colonel | 30 |
| Colonel | 34 |

* * * * *

[C 1, NGR 20–2, September 30, 1964] (Sec. 110, 70A Stat. 600; 32 U.S.C. 110)

J. C. LAMBERT,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 64–11346; Filed, Nov. 5, 1964; 8:46 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

[Docket No. 6079; Amdt. 39–1]

### PART 39—AIRWORTHINESS DIRECTIVES [NEW]

#### Boeing Models 707/720 Series Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring the drilling of additional drain holes in the aft thrust reverser sleeve and the side cowl panels on Boeing Models 707 and 720 Series aircraft equipped with Pratt & Whitney JT3D engines was published in 29 F.R. 9340. Since the publication of that proposal, Part 507 has been recodified into Part 39 [New], effective November 20, 1964, therefore this amendment is being made to Part 39 [New].

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment suggested changes that would enable the rework to be accomplished without removal of the aft thrust reverser sleeve. The Agency concurs that the additional required drainage can be provided by the procedures suggested without removing the sleeve and the AD has been so changed. Another comment indicated that the 1,000 hours compliance time is unduly restrictive and requested that it be extended to 3,100 hours so that rework can be accomplished at engine overhaul. Further evaluation by the Agency substantiates such an increase and the AD has been changed accordingly. As a result of its further evaluation of the proposed AD, the Agency determined that repetitive inspection of the drain holes is a normal maintenance function. Accordingly, the proposed inspection has been deleted from the requirements of this AD.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 [New] (14 CFR Part 39 [New]) is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to Models 707 and 720 Series aircraft equipped with Pratt & Whitney JT3D engines.

Compliance required as indicated.

There have been a number of engine fires in service due to fuel accumulation in the aft thrust reverser sleeve and the side cowl panel as a result of false starts.

To correct this condition, unless already accomplished, provide additional fluid drainage in the left-hand side cowl panel and aft thrust reverser sleeve on each engine in accordance with either (a) or (b) or an equivalent approved by the Aircraft Engineering Division, FAA Western Region.

(a) Within 3,100 hours' time in service after the effective date of this AD accomplish the following:

(1) Drill or cut four ⅛ inch-diameter holes through lower skin of the aft thrust reverser sleeve at Station 222.30 as shown on page 5 of Boeing Service Bulletin No. 1908.

(2) Drill or cut two ¼ inch-diameter holes through lower skin of aft thrust reverser sleeve at Station 223.30, one hole outboard of each channel section E–E and F–F at the locations shown on page 6 of Boeing Service Bulletin No. 1908.

(3) Drill or cut two ½ inch-diameter holes through lower skin of the aft thrust reverser sleeve at Station 241.75 as shown on page 4 of Boeing Service Bulletin No. 1908.

(4) Drill or cut two ¼ inch-diameter holes, one hole outboard of each rib, through lower skin on the aft thrust reverser sleeve, 1.3 inches outboard and 0.1 inch forward of each hole drilled in accordance with subparagraph (3).

(5) Drill or cut two ½ inch-diameter holes through lower skin on lefthand side cowl nacelle Station 197.51 and bend trailing edge of each hole as shown on page 8 of Boeing Service Bulletin No. 1908.

(b) Within 3,100 hours' time in service after the effective date of this AD, drill or cut additional ½ inch-diameter drain holes in the aft thrust reverser sleeve and in the left side cowl panel in accordance with Boeing Service Bulletin No. 1908.

NOTE: American Airlines, Inc. Fleet Campaign Directive No. 810B is an equivalent which has been approved by the Aircraft Engineering Division, FAA Western Region.

(Boeing Service Bulletin No. 1908 dated January 16, 1964, covers this same subject.)

This amendment shall become effective December 7, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 30, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64–11337; Filed, Nov. 5, 1964; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 6214; Amdt. 397]

# PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

## Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority dele gated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| VIH VOR | TBN RBn | Direct | 2700 | T–dn | 300–1 | 300–1 | 200–½ |
| MAP VOR | TBN RBn | Direct | 2800 | C–dn | 500–1 | 600–1½ | 600–1½ |
| TBN VOR | TBN RBn | Direct | 2400 | S–dn–32 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar vector to final approach crs authorized in accordance with approved patterns. Aircraft may be released for final approach without procedure turn 3 miles from TBN RBn.
Procedure turn E side of crs, 140° Outbnd, 320° Inbnd, 2400′ within 10 miles. Procedure turn not authorized without prior approval.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 320°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing TBN RBn, climb to 2400′ on the 320° bearing from TBN RBn within 10 miles turn right and return to TBN RBn.
NOTES: 1. Authorized for military use only except by prior arrangement. 2. Aircraft executing missed approach may be radar controlled after radar identification.
MSA within 25 miles of facility: 000°–270°—2800′; 270°–360°—2400′.

City, Fort Leonard Wood; State, Mo.; Airport Name, Forney AAF; Elev., 1158′; Fac. Class., MH; Ident., TBN; Procedure No. 1, Amdt. 2; Eff. Date, 31 Oct. 64; Sup. Amdt. No. 1; Dated, 19 Sept. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–d | 300–1 | 300–1 | NA |
| | | | | C–d | 600–1 | 600–1 | NA |
| | | | | S–d | NA | NA | NA |
| | | | | A–d | NA | NA | NA |

Procedure turn NW side of crs, 040° Outbnd, 220° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 220°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing Lancaster RBn, climb on crs 220° to 1500′ within 10 miles, then make climbing left turn to 2700′ and proceed direct to the RBn. Hold NE 1-minute right turns, 220° Inbnd.
NOTE: No tower Unicom available 122.8 mc. ATC communications with Harrisburg approach control.
MSA within 25 miles of the facility: 000°–090°—2700′; 090°–180°—2200′; 180°–270°—2500′; 270°–360°—2500′.

City, Lancaster; State, Pa.; Airport Name, Garden Spot Airpark; Elev., 423′; Fac. Class., MHW; Ident., LRP; Procedure No. 1, Amdt. 2; Eff. Date, 31 Oct. 64; Sup. Amdt. No. 1; Dated, 29 Sept. 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Int HAR VOR R–132 and 058° bearing to Lancaster RBn. | Lancaster RBn (final) | Direct | 1500 | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–8 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn S side of crs, 238° Outbnd, 058° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 058°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing LRP RBn, make a climbing left turn and return to Lancaster RBn at 2300′. Hold SW LRP RBn, 1-minute right turns, 058° Inbnd.
MSA within 25 miles of the facility: 000°–090°—2700′; 090°–180°—2200′; 180°–270°—2500′; 270°–360°—2500′.

City, Lancaster; State, Pa.; Airport Name, Lancaster Municipal; Elev., 403′; Fac. Class., MHW; Ident., LRP; Procedure No. 1, Amdt. 8; Eff. Date, 31 Oct. 64; Sup. Amdt. No. 7; Dated, 1 June 63



ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| SD RBn | LK LOM | Direct | 2200 | T–dn | 300–1 | 300–1 | 300–1 |
| LOU VOR | LK LOM | Direct | 2200 | C–dn | 500–1 | 500–1 | 500–1½ |
| Harbor Int | LK LOM | Direct | 2200 | S–dn–32 | 500–1 | 500–1 | 500–1 |
| | | | | A–dn | 1000–2 | 1000–2 | 1000–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of final approach crs, 163° Outbnd, 343° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 343°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing LK LOM, make a climbing right turn to 2500′ on heading of 120°, intercept R–060 LOU–VOR and proceed to Shelby Intersection. Hold NE 1-minute right turns, 240° Inbnd.
Alternate missed approach: Within 4.9 miles after passing LK LOM, climb to 2000′ on R–333 LOU VOR to Sellersburg Intersection. Hold NW 1-minute right turns, 152° Inbnd.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—1900′; 180°–270°—2200′; 270°–360°—2600′.

City, Louisville; State, Ky.; Airport Name, Bowman Field; Elev., 549′; Fac. Class., LOM; Ident., LK; Procedure No. 1, Amdt. 2; Eff. Date, 31 Oct. 64; Sup. Amdt. No. 1; Dated, 16 Mar. 63

PROCEDURE CANCELLED EFFECTIVE OCT. 31, 1964.

City, Monterey; State, Calif.; Airport Name, Monterey Peninsula; Elev., 220′; Fac. Class., LMM; Ident., RY; Procedure No. 1, Amdt. Orig.; Eff. Date, 2 May 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| San Diego VOR | LOM | Direct | 1500 | T–dn# | 300–1 | 300–1 | 200–½ |
| Bostonia Int | LOM | Direct | 2500 | C–dn | 800–2 | 800–2 | 800–2 |
| Sargo Int | LOM (final) | Direct | 1000 | S–dn–9 | 600–1 | 600–1 | 600–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 271° Outbnd, 091° Inbnd, 1500′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1000′. Caution: 281′ trees and terrain between LOM and LMM.
Crs and distance, facility to airport, 091°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at LMM, make immediate left climbing turn to 1500′ on a 271° crs from LOM within 10 miles or, when directed by ATC, make immediate left climbing turn to 2800′ on a 326° bearing from LMM within 15 miles, or turn right, climb to 2000′ on 135° crs from LMM within 10 miles.
CAUTION: Buildings and terrain 472°—0.5 mile E of airport.
Other changes: Deletes transition from OCN RBn.
#500–1 required on Runway 9.

City, San Diego; State, Calif.; Airport Name, San Diego International-Lindbergh; Elev., 15′; Fac. Class., SLOM; Ident., SA; Procedure No. 1, Amdt. 7; Eff. Date, 31 Oct. 64; Sup. Amdt. No. 6; Dated, 26 Sept. 64

PROCEDURE CANCELLED EFFECTIVE OCT. 31, 1964, OR UPON DECOMMISSIONING OF FACILITY.

City, Texarkana; State, Ark.; Airport Name, Municipal; Elev., 389′; Fac. Class., SABH; Ident., TXK; Procedure No. 1, Amdt. 1; Eff. Date, 22 Sept. 62; Sup. Amdt. No. Orig.; Dated, 14 July 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn | 400–1 | 400–1 | NA |
| | | | | C–dn | 700–1 | 700–1 | NA |
| | | | | S–dn | NA | NA | NA |
| | | | | A–dn | NA | NA | NA |

Procedure turn E side of final approach crs, 344° Outbnd, 164° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 164°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing RBn make immediate left climbing turn to 2900′ and return to York RBn. Hold N York RBn 1-minute left turns Inbnd crs, 164°.
MSA within 25 miles of the facility: 000°–090°—2700′; 090°–180°—2300′; 180°–270°—2700′; 270°–360°—2700′.

City, York; State, Pa.; Airport Name, York; Elev., 480′; Fac. Class., MHW; Ident., THV; Procedure No. 1, Amdt. 1; Eff. Date, 31 Oct. 64; Sup. Amdt. No. Orig.; Dated, 23 Feb. 63

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| | | | | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 400–1 | 500–1 | 500–1½ |
| | | | | S–dn–17 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 5500′ within 10 miles.
Minimum altitude over facility on final approach crs, 5000′.
Crs and distance, facility to airport, 170°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing VOR, climb to 5500′ on R–170 within 20 miles.
CAUTION: 4300′ tower located 2.3 miles NE of airport.
MSA within 25 miles of facility: 000°–090°—5400′; 090°–180°—5000′; 180°–270°—5500′; 270°–360°—5000′.

City, Dalhart; State, Tex.; Airport Name, Dalhart Municipal; Elev., 3989′; Fac. Class., BVORTAC; Ident, DHT; Procedure No. 1, Amdt. 7; Eff. Date, 31 Oct. 64; Sup. Amdt. No. 6; Dated, 29 Aug. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| | | | | T-dn/f*<br>C-dn*<br>A-dn* | 300–1<br>1100–2<br>1100–2 | 300–1<br>1100–2<br>1100–2 | 200–½<br>1100–2<br>1100–2 |

Procedure turn W side of crs, 010° Outbnd, 190° Inbnd, 5200′ within 10 miles.
Minimum altitude over facility on final approach crs, 4800′.
Crs and distance, facility to airport, 190°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.7 mile after passing VOR, make right turn climb to 5500′ on R–010 within 10 miles, return to GLD–VOR.
CAUTION: 1. 4476′ tower 1.7 miles S of airport and 4021′ tower 3 miles SW of airport. 2. Circling not authorized S of airport in sector 150° clockwise through 250° due to tall obstructions.
*Night operation authorized only on NW–SE runway.
f/When 4476′ tower not visible on takeoff, and planned route of flight is to SE, S, or SW, proceed to GLD VOR, climb on R–010 GLD VOR, depart VOR no less than 5500′ on crs.
MSA within 25 miles of facility: 000°–360°—5500′.

City, Goodland; State, Kans.; Airport Name, Goodland Municipal; Elev., 3653′; Fac. Class., BVORTAC; Ident., GLD; Procedure No. 1, Amdt. 5; Eff. Date, 31 Oct. 64; Sup. Amdt. No. 4; Dated, 9 Mar. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Harrisburg LFR | HAR VOR | Direct | 3000 | T-dn/f | 500–1 | 500–1 | 500–1 |
| Harrisburg LOM | HAR VOR | Direct | 3000 | T-n/f | 500–2 | 500–2 | 500–2 |
| | | | | C-dn | 1200–2 | 1200–2 | 1200–2 |
| | | | | A-dn | 1200–2 | 1200–2 | 1200–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 288° Outbnd, 108° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 108°—7.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles after passing Harrisburg VOR, climb to 3000′ on HAR VOR R–115 to Middletown Int.* Hold E 2-minute left turns, Inbnd crs, 295°.
AIR CARRIER NOTE: Landing on Runway 2 authorized only during daylight hours with ceiling of 1500′ or better.
NOTE: Takeoff on Runway 20 not authorized.
f/Takeoff minimums of 300–1 authorized for Runways 8–26 only.
*Middletown Int: Int R–115 HAR VOR and R–203 RAV VOR.
MSA within 25 miles of the facility: 000°–090°—2800′; 090°–180°—2400′; 180°–270°—2700′; 270°–360°—3200′.

City, Harrisburg; State, Pa.; Airport Name, Harrisburg-York State; Elev., 347′; Fac. Class., BVORTAC; Ident., HAR; Procedure No. 1, Amdt. 7; Eff. Date, 31 Oct. 64; Sup. Amdt. No. 6; Dated, 14 July 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-d | 300–1 | 300–1 | NA |
| | | | | C-d | 700–1 | 700–1 | NA |
| | | | | S-d | NA | NA | NA |
| | | | | A-d | NA | NA | NA |

Procedure turn N side of crs, 053° Outbnd, 233° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 233°—7.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.2 miles after passing LRP–VOR, climb on crs 233° to 1500′ within 10 miles. Then make climbing left turn to 2600′ and proceed direct to VOR. Hold N 1-minute right turns, 233° Inbnd.
NOTE: No tower. Unicom available 122.8 mc. ATC communications with Harrisburg approach control.
MSA within 25 miles of the facility: 000°–090°—2700′; 090°–180°—2200′; 180°–270°—2500′; 270°–360°—2500′.

City, Lancaster; State, Pa.; Airport Name, Garden Spot Airpark; Elev., 423′; Fac. Class., BVOR; Ident., LRP; Procedure No. 1, Amdt. 1; Eff. Date, 31 Oct. 64; Sup. Amdt. No. Orig.; Dated, 18 Aug. 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300–1 | 300–1 | 300–1 |
| | | | | C-d | 800–1½ | 800–1½ | 800–1½ |
| | | | | C-n | 800–2 | 800–2 | 800–2 |
| | | | | A-dn | 1000–2 | 1000–2 | 1000–2 |
| | | | | If fan marker is received, the following minimums apply: | | | |
| | | | | C-dn | 500–1 | 500–1 | 500–1½ |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 150° Outbnd, 330° Inbnd, 2300′ within 10 miles.
Minimum altitude over LOU–VOR on final approach crs, 2300′; over FM, 1300′.
Crs and distance, facility to airport, 330°—8.3 miles; fan marker to airport, 330°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.3 miles after passing LOU–VOR, or 1.9 miles from fan marker, make a climbing right turn to 2600′ on heading of 120°, intercept R–060 LOU VOR and proceed to Shelby Int. Hold NE, 1-minute right turns, 240° Inbnd.
Alternate missed approach: Within 8.3 miles after passing LOU VOR, or 1.9 miles from fan marker, climb to 2600′ on R–332 LOU VOR to Sellersburg Int. Hold NW, 1-minute right turns, 152° Inbnd.
MSA within 25 miles of the facility: 000°–090°—2500′; 090°–180°—1900′; 180°–270°—2200′; 270°–360°—2600′.

City, Louisville; State, Ky.; Airport Name, Bowman Field; Elev., 549′; Fac. Class., BVORTAC; Ident., LOU; Procedure No. 1, Amdt. 5; Eff. Date, 31 Oct. 64; Sup. Amdt. No. 4; Dated, 9 Nov. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-d | 500–1 | 500–1 | 500–1½ |
| | | | | C-n | 500–2 | 500–2 | 500–2 |
| | | | | S-d–9 | 500–1 | 500–1 | 500–1 |
| | | | | S-n–9 | 500–2 | 500–2 | 500–2 |
| | | | | If aircraft has operating ADF or DME receivers and Lake Int* is identified, the following minimums are authorized: | | | |
| | | | | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | S-dn–9 | 400–1 | 400–1 | 400–1 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 288° Outbnd, 108° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′; over Lake Int* 700′.
Crs and distance, facility to airport, 108°—6.3 miles; Lake Int* to airport, 108°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MOB VOR, turn right, climb to 1800′ on MOB VOR R–180 within 20 miles or, when directed by ATC, turn left, climb to 1800′ on MOB VOR R–059 within 20 miles.
NOTE: When authorized by ATC, DME may be used within 20 miles at 1800′ to position aircraft for a straight-in approach with the elimination of a procedure turn.
Other change: Deletes transition from Brookley VOR.
*Lake Int: Int MOB VOR R–108 and 178° bearing from MO RBn or 3.0-mile DME fix from MOB VOR.
MSA within 25 miles of the facility: 000°–090°—1900′; 090°–180°—1900′; 180°–270°—1500′; 270°–360°—1600′.

City, Mobile; State, Ala.; Airport Name, Bates Field; Elev., 218′; Fac. Class., BVORTAC; Ident., MOB; Procedure No. 1, Amdt. 12; Eff. Date, 31 Oct. 64; Sup. Amdt. No. 11 Dated, 21 Sept. 63



3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| VIH VOR | TBN VOR | Direct | 2700 | T-dn | 300–1 | 300–1 | 200–½ |
| MAP VOR | TBN VOR | Direct | 2800 | C-dn | 600–1 | 600–1½ | 600–1½ |
| Richland Int | TBN VOR | Direct | 2400 | S-dn–14 | 600–1 | 600–1 | 600–1 |
| Richland Int | 5-mile radar fix (final) | Direct | 2200 | A-dn | 800–2 | 800–2 | 800–2 |

Radar vector to final approach crs authorized in accordance with approved patterns.
Procedure turn N side of crs, 317° Outbnd, 137° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Facility on airport.
Crs and distance breakoff point to runway, 142°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing TBN VOR, make left turn climb to 2700′ on TBN VOR R–090 within 10 miles, turn left and return to TBN VOR. Hold on R–090, right turns.
NOTES: 1. Authorized for military use only except by prior arrangement. 2. Aircraft executing missed approach may be radar controlled after radar identification.
MSA within 25 miles of facility: 000°–270°—2800′; 270°–360°—2400′.
*Richland Int: VIH VOR R–233 and TBN VOR R–317.

City, Fort Leonard Wood; State, Mo.; Airport Name, Forney AAF; Elev., 1158′; Fac. Class., VOR; Ident., TBN; Procedure No. TerVOR–14, Amdt. 2; Eff. Date, 31 Oct. 64; Sup. Amdt. No. 1; Dated, 19 Sept. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| VIH VOR | TBN VOR | Direct | 2700 | T-dn | 300–1 | 300–1 | 200–½ |
| MAP VOR | TBN VOR | Direct | 2800 | C-dn | 500–1 | 600–1½ | 600–1½ |
| MAP VOR | Roby Int* | Via MAP VOR R–278. | 2800 | S-dn–32 | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |
| Roby Int* | Big Piney Int** (final) | Direct | 1900 | | | | |

Radar vector to final approach crs authorized in accordance with approved patterns.
Aircraft may be released for final approach without procedure turn 3 miles from Big Piney Int.**
Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 2400′ within 10 miles. Procedure turn not authorized without prior approval.
Minimum altitude over Big Piney Int** on final approach crs, 1900′.
Crs and distance, Big Piney Int** to airport, 322°—2.8 miles; breakoff point to runway, 318°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing Big Piney Int,** climb to 2700′ on R–317 within 10 miles, turn right and return to TBN VOR. Hold on R–090, right turns.
NOTES: 1. Operating VOR and ADF equipment required to execute this procedure, or Roby Int* and Big Piney Int** identified by radar. 2. Authorized for military use only except by prior arrangement. 3. Aircraft executing missed approach may be radar controlled after radar identification.
*Roby Int: MAP VOR R–278 and TBN VOR R–142.
**Big Piney Int: TBN VOR R–142 and 235° bearing from TBN RBn.
MSA within 25 miles of facility: 000°–270°—2800′; 270°–360°—2400′.

City, Fort Leonard Wood; State, Mo.; Airport Name, Forney AAF; Elev., 1158′; Fac. Class., VOR; Ident., TBN; Procedure No. TerVOR–32, Amdt. 2; Eff. Date, 31 Oct. 64; Sup. Amdt. No. 1; Dated, 19 Sept. 64

4. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| 10-mile DME fix R–250 | 0-mile DME fix R–250 | Direct | 4700 | T-dn* | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 500–1 | 500–1 | 500–1½ |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn S side of crs, 250° Outbnd, 070° Inbnd, 5300′ within 10 miles.
Minimum altitude over facility on final approach crs, 4700′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.2-mile DME fix R–070, climb to 5200′ on R–055 within 20 miles.
NOTE: When authorized by ATC, BIL DME may be used to position aircraft for straight-in approach at 5300′ between R–249 clockwise to R–330 via 6-mile DME arc with the elimination of procedure turn.
Other changes: Deletes transitions from 20- to 14-mile DME fix, 14- to 8-mile DME fix and 0 to 3.2-mile DME fix. Deletes straight-in minimums.
*Takeoff below 300–1 prohibited on all runways except 9–27.
MSA within 25 miles of the facility: 000°–090°—5300′; 090°–180°—6800′; 180°–270°—5900′; 270°–360°—5300′.

City, Billings; State, Mont.; Airport Name, Logan Field; Elev., 3606′; Fac. Class., BVORTAC; Ident., BIL; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. Date, 31 Oct. 64; Sup. Amdt. No. 1; Dated, 4 Aug. 62

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| BIL VOR | 10-mile DME fix R-078 | Direct | 5200 | T–dn* | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–27 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn N side of crs, 078° Outbnd, 258° Inbnd, 5200′ between 10- and 20-mile DME fix R–078.
Minimum altitude over 10-mile DME fix R–078 on final approach crs, 4700′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.6-mile DME fix R–078, climb to 5300′ on R–250 within 10 miles.
NOTE: When authorized by ATC, BIL DME may be used to position aircraft for straight-in approach at 5200′ between R–330 CW to R–114 via 16-mile DME arc with the elimination of procedure turn.
Other changes: Deletes transitions from 20- to 16-mile DME fix, 16- to 10-mile DME fix and 10- to 4.6-mile DME fix.
*Takeoff below 300–1 prohibited on all runways except 9–27.
MSA within 25 miles of the facility: 000°–090°—5300′; 090°–180°—6800′; 180°–270°—5900′; 270°–360°—5300′.

City, Billings; State, Mont.; Airport Name, Logan Field; Elev., 3606′; Fac. Class., BVORTAC; Ident., BIL; Procedure No. VOR/DME No. 2, Amdt. 3; Eff. Date, 31 Oct. 64; Sup. Amdt. No. 2; Dated, 25 Aug. 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| CHS–RBn | CHS–VOR | Direct | 2000 | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 1200–1 | 1200–1 | 1200–1½ |
| | | | | S–dn–33 | 1200–1 | 1200–1 | 1200–1 |
| | | | | A–dn | 1200–2 | 1200–2 | 1200–2 |
| | | | | If aircraft equipped with operating DME equipment and the 4.5-mile DME or radar fix identified, the following minimums apply: | | | |
| | | | | C–dn | 600–1 | 600–1 | 600–1½ |
| | | | | S–dn–33 | 600–1 | 600–1 | 600–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 142° Outbnd, 322° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′; over 4.5-mile DME or radar fix, 1200′.
Crs and distance, breakoff point to Runway 33, 329°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of CHS–VOR, climb to 2000′ on R–322 within 15 miles of CHS–VOR.
NOTE: When authorized by ATC, CHS DME may be used for orbits from R–090 clockwise through R–215 from 10 to 15 miles at 2000′ to position aircraft for a straight-in approach with the elimination of the procedure turn.
MSA within 25 miles of facility: 000°–090°—1300′; 090°–180°—2100′; 180°–270°—1500′; 270°–360°—1400′.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Municipal; Elev., 45′; Fac. Class., BVORTAC; Ident., CHS; Procedure No. VOR/DME No. 2, Amdt. 1; Eff. Date, 31 Oct. 64; Sup. Amdt. No. Orig.; Dated, 12 Sept. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Pendleton LFR | PDT VOR | Direct | 3500 | T–dn | 300–1 | 300–1 | 200–½ |
| Gardena Int/19.7-mile DME fix R–005 | PDT VOR | Direct | 3500 | C–dn | 500–1 | 500–1 | 500–1½ |
| Pilot Rock Int/16.9-mile DME fix R–117 | PDT VOR | Direct | 4500 | S–dn–7 | 400–1 | 400–1 | 400–1 |
| Echo Int/10.4-mile DME fix R–234 | PDT VOR | Direct | 3500 | A–dn | 800–2 | 800–2 | 800–2 |
| Cold Springs Int/10-mile DME fix R–290 | PDT VOR | Direct | 3500 | | | | |
| Mission Int/10.8-mile DME fix R–070 | PDT VOR | Direct | 3500 | | | | |

Procedure turn N side of crs, 251° Outbnd, 071° Inbnd, 3500′ within 10 miles.
Minimum altitude over facility on final approach crs, 3600′.
Crs and distance, facility to airport, 071°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing PDT VOR, make left climbing turn direct to PDT VOR, continue climb to 4000′ on R–251 within 10 miles of PDT VOR.
NOTE: When authorized by ATC, DME may be used within 8 miles at 3500′ to position aircraft for straight-in approach with elimination of the procedure turn.
#400–¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–090°—5100′; 090°–180°—6400′; 180°–270°—5100′; 270°–360°—2800′.

City, Pendleton; State, Oreg.; Airport Name, Pendleton Municipal; Elev., 1498′; Fac. Class., H–BVORTA C; Ident., PDT; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. Date, 31 Oct. 64; Sup. Amdt. No. 2; Dated, 2 Sept. 64



5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for an route operation in the particular area or as set forth below.

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| BIL VOR | LOM | Direct | 5300 | T–dn* | 300–1 | 300–1 | 200–½ |
| BIL RBn | LOM | Direct | 5300 | C–dn | 500–1 | 500–1 | 500–1½ |
| Park City FM | LOM | Direct | 5300 | S–dn–9# | 200–½ | 200–½ | 200–½ |
| Musselshell Int | LOM | Direct | 6000 | A–dn | 600–2 | 600–2 | 600–2 |
| Rapelje DME fix** | LOM | Direct | 5300 | | | | |
| Ryegate Int | LOM | Direct | 5300 | | | | |
| 12-mile DME fix R–284 BIL VOR | W crs ILS (final) | Via R–284 BIL–VOR. | 5000 | | | | |

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 5300′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 5000′.
Altitude of glide slope and distance to approach end of runway at OM 4894′—4.0 miles; at MM 3815′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 5200′ on E crs of the ILS within 15 miles or, when directed by ATC, climb to 5200′ on R–055 BIL–VOR within 20 miles, or climb to 5300′ on R–114 BIL–VOR within 20 miles.
NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required.
*Takeoff below 300–1 prohibited on all runways except 9–27.
**Rapelje DME fix: 25-mile DME fix BIL R–284.
#400–1 required when glide slope not utilized.

City, Billings; State, Mont.; Airport Name, Logan Field; Elev., 3606′; Fac. Class., ILS; Ident., I–BIL; Procedure No. ILS–9, Amdt. 10; Eff. Date, 31 Oct. 64; Sup. Amdt. No. 9; Dated, 20 June 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Mobile VOR | LOM | Direct | 1800 | T–dn | 300–1 | 300–1 | 200–½ |
| Brookley VOR | LOM | Direct | 1800 | C–dn | 400–1 | 500–1 | 500–1½ |
| | | | | S–dn–14* | 200–½ | 200–½ | 200–½ |
| | | | | A–dn | 600–2 | 600–2 | 600–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 319° Outbnd, 139° Inbnd, 1800′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1500′.
Altitude of glide slope and distance to approach end of runway at OM, 1500′—4.5 miles; at MM, 424′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right turn, climb to 1800′ on 180° crs from LOM within 20 miles or, when directed by ATC, make right turn, proceed direct to MOB VOR climbing to 1800′ and enter VOR holding pattern.
*400–¾ required when glide slope not utilized.

City, Mobile; State, Ala.; Airport Name, Bates Field; Elev., 218′; Fac. Class., ILS; Ident., I–MOB; Procedure No. ILS–14, Amdt. 13; Eff. Date, 31 Oct. 64; Sup. Amdt. No. 12; Dated, 7 Sept. 63

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| 000° | 360° | 10–25 | 2900 | Surveillance approach | | | |
| 230° | 160° | 10–25 | 2800 | | | | |
| 230° | 160° | 0–10 | 2400 | T–dn | 300–1 | 300–1 | 200–½ |
| 160° | 230° | 0–10 | NA | C–d | 400–1 | 500–1 | 500–1½ |
| | | | | C–n | 400–1 | 500–1½ | 500–1½ |
| | | | | S–dn–14–32 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |
| | | | | Precision approach | | | |
| | | | | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–d | 400–1 | 500–1 | 500–1½ |
| | | | | C–n | 400–1 | 500–1½ | 500–1½ |
| | | | | S–dn–14, 32 | 300–¾ | 300–¾ | 300–¾ |
| | | | | A–dn | 600–2 | 600–2 | 600–2 |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runway 14: Make left turn climb to 2700′ on TBN VOR R–090 within 10 miles, turn left and return to TBN VOR. Hold on R–090 right turns. Runway 32: Make right turn climb to 2700′ on TBN VOR R–090 within 10 miles, turn left and return to TBN VOR. Hold on R–090 right turns.
NOTES: 1. Authorized for military use only except by prior arrangement. 2. Aircraft executing missed approach may be radar controlled after radar identification.

City, Fort Leonard Wood; State, Mo.; Airport Name, Forney AAF; Elev., 1158′; Fac. Class., RADAR; Ident., TBN; Procedure No. 1, Amdt. 1; Eff. Date, 31 Oct. 64; Sup. Amdt. No. Orig.; Dated, 18 July 64

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| | | | | Precision approach | | | |
| | | | | T-dn-14/32 | 300-1 | 300-1 | 200-½ |
| | | | | C-dn-A11 | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn-14/32 | 300-¾ | 300-¾ | 300-¾ |
| | | | | A-dn-A11 | 600-2 | 600-2 | 600-2 |
| | | | | Surveillance approach | | | |
| | | | | T-dn-14/32 | 300-1 | 300-1 | 200-½ |
| | | | | C-dn-A11 | 600-1 | 600-1 | 600-1½ |
| | | | | A-dn-A11 | 800-2 | 800-2 | 800-2 |

No terminal area maneuvering altitudes. Radar transitions and vectoring utilizing McChord RAPCON Radar or Gray AAF Radar authorized in accordance with approved radar patterns and sector altitudes.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runway 14: Turn left, climb to 2000' direct to GRF RBn. Runway 32: Climb to 2000' direct to GRF RBn. Alternate missed approach, all runways: Climb to 3000' on crs 270° to intercept R-020 OLM-VOR, thence to OLM-VOR.
CAUTION: Restricted area 6.8 miles N of airport.
NOTE: Authorized for military use only except by prior arrangement.

City, Fort Lewis; State, Wash.; Airport Name, Gray AAF; Elev., 301'; Fac. Class., Gray AAF Radar (PAR); Ident., McChord RAPCON Radar (ASR); Procedure No. 1, Amdt. 5; Eff. Date, 31 Oct. 64; Sup. Amdt. No. 4; Dated, 24 Nov. 62

| Radar terminal area maneuvering sectors and altitudes | | | | | | | | | | | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| From | To | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Dist. | Alt. | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | | | | | | | | | | | 65 knots or less | More than 65 knots | |
| 110 | 195 | 20 | 5600 | 15 | 4000 | | | | | | | | | Surveillance approach | | | |
| 195 | 035 | 20 | 3300 | 15 | 3200 | | | | | | | | | | | | |
| 060 | 110 | 20 | 3000 | 15 | 2400 | | | | | | | | | T-d-All °@ | 500-1 | 500-1 | 500-1 |
| All sectors within 10 miles | | | | | #2400 | | | | | | | | | T-n-All °@ | 500-2 | 500-2 | 500-2 |
| | | | | | | | | | | | | | | C-dn-8/30% | 1100-2 | 1100-2 | 1100-2 |
| | | | | | | | | | | | | | | C-dn-26 % | 1000-2 | 1000-2 | 1000-2 |
| | | | | | | | | | | | | | | S-dn-8/30 | 1100-2 | 1100-2 | 1100-2 |
| | | | | | | | | | | | | | | S-dn-26 | 600-1½ | 600-1½ | 600-1½ |
| | | | | | | | | | | | | | | A-dn-8/30 | 1100-2 | 1100-2 | 1100-2 |
| | | | | | | | | | | | | | | A-dn-26 | 1000-2 | 1000-2 | 1000-2 |

All bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runway 30: Make climbing left turn to 3000', proceed direct to HAR-VOR. Hold W HAR-VOR 1-minute right turns Inbnd crs, 101°. Runway 26: Make climbing right turn to 3000', proceed direct to HAR-VOR. Hold W HAR-VOR 1-minute right turns Inbnd crs, 101°. Runway 8: Climb to 3000' on HAR-VOR R-115 to Middletown Int.# Hold E 1-minute left turns Inbnd crs, 295°.
CAUTION: Towers 1689' 7.5 miles NW and 1539' 7.9 miles N of airport.
NOTE: Landing on Runway 2 authorized only during daylight hours with ceiling 1500' or better.
Other change: Deletes radar control note.
°Takeoff minimums of 300-1 authorized for Runways 8-26 only.
@Takeoff on Runway 20 not authorized.
%Circling minimums do not provide standard clearance over 1136' ridge and tower 1.6 miles S of airport.
#Middletown Int: Int R-115 HAR-VOR and R-203 RAV-VOR.

City, Harrisburg; State, Pa.; Airport Name, Harrisburg-York State; Elev., 347'; Fac. Class and Ident., Harrisburg Radar; Procedure No. 1, Amdt. 2; Eff. Date, 31 Oct. 64; Sup. Amdt. No. 1; Dated, 19 May 62

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on September 24, 1964.

G. S. MOORE,
*Director, Flight Standards Service.*

[F.R. Doc. 64-9930; Filed, Nov. 5, 1964; 11:46 a.m.]

# Title 7—AGRICULTURE

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

## PART 970—CARROTS GROWN IN SOUTH TEXAS

### Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 142 and Marketing Order No. 970, both as amended (7 CFR Part 970), regulating the handling of carrots grown in certain designated counties of South Texas, was published in the FEDERAL REGISTER October 23, 1964 (29 F.R. 14543). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto within seven days after publication. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will maintain orderly marketing tending to increase returns to producers of such carrots.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of carrots grown in the production area are expected to begin on or about the effective date of this section, (2) to maximize benefits to growers this regulation should apply to all shipments of carrots during the 1964-65 season, (3) special preparation on the part of handlers is not required because the handling of carrots in the South Texas production area has been regulated since 1960, and (4) notice has been given of the proposed Limitation of Shipments set forth in this section through publicity in the production area and by publication in the FEDERAL REGISTER, October 23, 1964 (29 F.R. 14543).



### § 970.305 Limitation of shipments.

During the period from November 9, 1964, through June 30, 1965, no handler shall package or load carrots on Sundays, or handle any lots of carrots grown in the production area unless such carrots meet the grade requirements of paragraph (a) of this section, and one of the size designations of paragraph (b) of this section, and meet the container and pack requirements of paragraphs (c) and (d) of this section, or unless such carrots are handled in accordance with provisions of paragraphs (e), (f), (g), and (h) of this section.

(a) *Minimum grade requirements.* U.S. No. 1, or better, and which are "clean."

(b) *Sizing requirements.*—(1) *Medium-to-large.* ¾ inch minimum diameter to 1½ inches maximum diameter, 5½ inches minimum length, with an average of 30 percent by count 1 inch minimum diameter or larger and no sample with less than 15 percent by count 1 inch or larger in diameter.

(2) *Jumbos.* 1 inch minimum diameter to 3 inches maximum diameter and 5½ inches minimum length.

(c) *Container requirements.* (1) Carrots may be handled only in containers classified by weight as follows:

(i) 1 pound;
(ii) 2 pounds;
(iii) 25 pounds;
(iv) 50 pounds; and
(v) 75–80 pounds.

(2) "Jumbos," as specified in paragraph (b) (2) of this section, may be handled only in 25, 50, and 75–80 pound containers.

(3) The container requirements of this paragraph shall not, but the pack requirements of paragraph (d) of this section shall, be applicable to carrots handled for export.

(d) *Pack requirements.* (1) Master containers for 1 pound or 2 pound packages shall contain the following number of packages only:

(i) 24 1 pound packages;
(ii) 48 1 pound packages; or
(iii) 24 2 pound packages.

(2) (i) Average gross weight of master containers is to be computed by multiplying the allowable number of packages therein by their weight classification, with respective tare allowances added. Tare allowances for crates, or their equivalents in other containers, are 4 pounds for crates Nos. 4015 and 3820, and 2 pounds for crate No. 5055. Crate designations are carrier numbers.

(ii) Master containers of packages with the following weight classifications may not weigh more than their average gross weight, plus the following tolerances:

(a) 1 pound packages, 22.5 percent.
(b) Over 1 pound and including 2 pound packages, 15 percent.
(c) Over 2 pound packages, 10 percent.

(iii) Containers weighing 25 pounds or more may not exceed an average of 10 percent of the net weight of contents.

(e) *Minimum quantities.* Pursuant to § 970.52(c)(2) any person subject to these regulations may handle, except for export, up to but not to exceed 100 pounds of carrots per calendar month without regard to the requirements of this section or to the inspection and assessment requirements of this part, but this exception may not apply to any portion of a shipment of over 100 pounds of carrots.

(f) *Handling carrots not grown in production area.* Carrots packed, but not grown, within the production area shall meet the requirements of paragraphs (a), (b), (c), and (d) of this section unless they are handled as a distinct entity in accordance with safeguards under §§ 970.120–970.125.

(g) *Special purpose shipments.* The requirements set forth in paragraphs (a), (b), (c), and (d) of this section, and the inspection and assessment requirements of this part, shall not be applicable to carrots handled for:

(1) Canning or freezing;
(2) Relief or charity;
(3) Experimental purposes; and
(4) Livestock feed only if mechanically mutilated in accordance with § 970.126 *Handling of culls* (28 F.R. 906).

(h) *Safeguards.* Each handler of carrots failing to meet the requirements of paragraphs (a), (b), (c), and (d) of this section, which (1) are packed but not grown within the production area under paragraph (f) of this section, or (2) are handled for canning or freezing, relief or charity, or experimental purposes under paragraph (g) of this section shall, prior to handling, apply for and obtain a Certificate of Privilege from the Committee. This shall require the handler to furnish reports and documents as the Committee may require showing that the carrots were handled in accordance with conditions specified in the certificate. Certificates are not required on carrots for canning or freezing if processed within Cameron, Starr, Willacy, and Hidalgo Counties.

(i) *Inspection.* (1) No handler may handle any carrots for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation of any shipment of carrots by motor vehicle for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto.

(3) For administration of this part each inspection certificate is valid for only 72 hours following completion of inspection as shown on the certificate.

(j) *Definitions.* The terms "U.S. No. 1," and "clean" shall have the same meaning as set forth in the U.S. Standards for Topped Carrots (§§ 51.2360–51.2381 of this title) including the tolerances set forth therein with the following exceptions: (1) For packages which contain 5 pounds or less, a composite sample of 50 carrots will be scored and restricted to double the tolerances for defects and off-size, provided that no more than one carrot which is affected by soft rot will be permitted in any package, and (2) for packages of more than 5 pounds the percentages of defects and off-size shall be calculated on the basis of count. The term "load" means to put carrots aboard a railroad car, truck, or other vehicle thereby placing carrots in the current of commerce within the production area or between the production area and any point outside thereof. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 142, and this part (Order No. 970).

(Secs. 1–19, 48 Stat. 31 as amended; 7 U.S.C. 601 et seq.)

Dated: November 3, 1964, to become effective November 9, 1964.

PAUL A. NICHOLSON,
*Deputy Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 64-11370; Filed, Nov. 5, 1964; 8:49 a.m.]

# Title 12—BANKS AND BANKING

## Chapter II—Federal Reserve System

### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. H]

## PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

### Reports of Change in Control

### § 208.114 Reports of change in control of bank management incident to a merger.

(a) A State member bank has inquired whether Public Law 88–593 (78 Stat. 940) requires reports of change in control of bank management in situations where the change occurs as an incident to a merger.

(b) Under the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), no bank with Federal deposit insurance may merge or consolidate with, or acquire the assets of, or assume the liability to pay deposits in, any other insured bank without prior approval of the appropriate Federal bank supervisory agency. Where the bank resulting from any such transaction is a State member bank, the Board of Governors is the agency that must pass on the transaction. In the course of consideration of such an application, the Board would, of necessity, acquire knowledge of any change in control of management that might result. Information concerning any such change in control of management is supplied with each merger application and, in the circumstances, it is the view of the Board that the receipt of such information in connection with a merger application constitutes compliance with Public Law 88–593. However, once a merger has been approved and completely effectuated, the resulting bank would thereafter be subject to the reporting requirements of Public Law 88–593.

(12 U.S.C. 248(i). Interprets 12 U.S.C. 1817 (j))

Dated at Washington, D.C., this 28th day of October 1964.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 64-11336; Filed, Nov. 5, 1964; 8:45 a.m.]

# Title 35—PANAMA CANAL

## Chapter I—Canal Zone Regulations

## PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

### Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, new §§ 4.305(d), 4.307 and 4.308 are added, and the heading of § 4.305 is amended to reflect the addition of § 4.305(d), all to read as follows:

**§ 4.305 Water Skiing: Observer required and duties; prohibited between sunset and sunrise; dangerous operation prohibited; certain licensed areas restricted to skiers.**

* * * * *

(d) No person shall operate water skis, an aquaplane or similar device within 100 feet of the shoreline of any area which has been licensed by the Canal Zone Government to a person, persons, or organization for use as a boat recreation site and which has been posted with the licensee's name and land license number. This prohibition shall not apply to the licensee of such area or to his guests.

**§ 4.307 Certain licensed areas restricted to small craft; exceptions.**

(a) No small craft shall be operated within 100 feet of the shoreline of any area which has been licensed by the Canal Zone Government to a person, persons, or organization for use as a boat recreation site and which has been posted with the licensee's name and land license number, unless it is necessary to do so in going to or from another licensed area, in which case the licensee of the area to or from which passage is being made or his guests may proceed through the restricted area, but must do so at a reduced speed that will avoid unreasonable interference with use of the area through which passage is made and the property thereon. This section shall not apply to use by a licensee or his guests of the area licensed to him; nor to any small craft in distress.

(b) For the purposes of this section, a small craft is defined as any vessel which is not required to have the assistance of locomotives when transiting the locks.

**§ 4.308 Operating small craft while intoxicated; while under the influence of drugs.**

(a) No person shall operate a small craft while intoxicated.

(b) It is unlawful for any person to operate any small craft who is a habitual user, or under the influence, of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely operating the vessel in Canal Zone waters. The fact that one lawfully is or has been using any drug shall not constitute a defense against a charge of violating this section.

(c) For purposes of this section, the term small craft shall have the same meaning as in § 4.307(b).

(2 C.Z.C. Sec. 1331, 76A Stat. 46; E.O. 9746, 11 F.R. 7329, 3 CFR, 1943-1948 Comp.; E.O. 10595, 20 F.R. 819, 3 CFR, 1954-1958 Comp.; 35 CFR 4.281)

[SEAL] ROBERT J. FLEMING, JR.,
*Governor.*

OCTOBER 23, 1964.

[F.R. Doc. 64-11347; Filed, Nov. 5, 1964; 8:46 a.m.]

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter II—National Bureau of Standards, Department of Commerce

### SUBCHAPTER B—STANDARD SAMPLES

## PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

### Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

### MISCELLANEOUS AMENDMENTS

Pursuant to authority contained in 15 U.S.C. 275a the following amendments are effective upon publication in the FEDERAL REGISTER.

**§ 230.11 [Amended]**

1. In § 230.11 *Descriptive list*, paragraph (r) Radioactivity standards is amended by the revision of sample numbers 4904, 4921-B, 4929, 4932-B, and 4999 to read as follows:

ALPHA, BETA, GAMMA STANDARDS

| Sample No. | Radiation | Nuclide | Nominal activity | Volume | Price per sample |
|---|---|---|---|---|---|
| 4904-A | $\alpha$ | Americium-241 | 40 dps | c | $60.00 |
| 4921-C | $\beta+\gamma$ | Sodium-22 | $10^4$ dps/g | 2.7 g | 37.00 |
| 4929-B | K | Iron-55 | $10^4$ dps/g | f | 46.00 |
| 4932-C | $\beta,\gamma$ | Mercury-203 | $10^4$ dps/g | 5.0 g | 49.00 |

POINT SOURCE STANDARDS [4]

| Sample No. | Radiation | Nuclide | Nominal activity | Price per sample |
|---|---|---|---|---|
| 4999-B | $\gamma$ | Cerium-139 | $10^4$ | $45.00 |

2. Paragraph (jj) is revised to change the title and to add a new sample (711) to read as follows:

(jj) *Glass viscosity standards.*

| Sample No. | Description | Weight | Price per sample |
|---|---|---|---|
| 710 | Soda-lime-silica glass viscosity standard, temperature range 560° C-1450° C. | Approximately 2 pounds. | $40.00 |
| 711 | Lead-silica glass viscosity standard, temperature range 460° C-1360° C. | Approximately 3 pounds. | 60.00 |

(Sec 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 15 U.S.C. 275a)

A. V. ASTIN,
*Director.*

[F.R. Doc. 64-11364; Filed, Nov. 5, 1964; 8:48 a.m.]

# Title 18—CONSERVATION OF POWER AND WATER RESOURCES

## Chapter I—Federal Power Commission

### SUBCHAPTER F—ACCOUNTS, NATURAL GAS ACT

[Docket Nos. R-231, R-232; Order 289]

## PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

### SUBCHAPTER G—APPROVED FORMS, NATURAL GAS ACT

## PART 260—STATEMENTS AND REPORTS (SCHEDULES)

### Miscellaneous Amendments

NOVEMBER 2, 1964.

Investment tax credit under 1962 and 1964 amendments to Internal Revenue Code; accounting treatment by natural gas companies; Docket No. R-232.

Interim accounting treatment of investment tax credit under 1962 amendments to Internal Revenue Code by public utilities, licensees, and natural gas pipeline companies; Docket No. R-231.



The Commission, in this order, is concluding the portion of this proceeding wherein, by notice issued January 15, 1963 (28 F.R. 528), it proposed the prescription of accounting requirements with respect to natural gas pipeline companies to reflect the tax credit for investment in certain depreciable property (investment tax credit) provided under section 2 of the Internal Revenue Act of 1962 (26 U.S.C. 38).[1]

Following the receipt of numerous responses to the invitation in the notice for the submission of comments on the proposals, oral argument was had before the Commission on October 7, 1963. However, due to the pendency in the Congress of legislation dealing with the investment credit, further consideration was postponed until after the enactment of the Revenue Act of 1964 (Public Law 88-272, Feb. 26, 1964).

Thereafter, on May 1, 1964, the Commission announced the accounting treatment it proposed to provide—that the accounting to be prescribed should afford the various choices afforded by the Congress in that Act to the companies affected. Then, as also announced, the Commission issued, on July 22, 1964, a notice of proposed rulemaking (29 F.R. 10473, July 28, 1964) with respect to natural gas pipeline companies. It is the subject matter of that notice which is now before us for action.[2]

The July 22 notice invited the submission of comments from interested parties by September 15, 1964. The time was extended to October 1 (29 F.R. 11756). Comments were received from 19 sources including pipeline companies, distributors, State regulatory agencies, firms of accountants, the NARUC Committee on Accounts and one federal agency. The majority of the responses approve the basic accounting proposed in the notice. Some requested clarification in texts, eight recommended deletion of the amendment (attachment C) which proposes an amendment with respect to annual reports to stockholders, four requested that we provide accounting for balances accumulated in 1962 and 1963 under the interim order of the Commission, five recommended removal of the provision that approval by the Commission is needed for accounting changes when a company changes its election to pass or not to pass on the benefits of the tax credit to consumers, two included recommendations for changes in the reporting schedules, and one, a natural gas company, objected to the rulemaking as being improper and requested a hearing to discuss the propriety of any action by the Commission in this matter.

All comments, recommendations and objections have been carefully considered. Many of the clarifying suggestions have been adopted and we will provide, as requested by four respondents, for the disposition of the investment tax credits which have been accumulated in Account 253 pursuant to the Commission's Interim Order of January 9, 1963, in Docket No. R-231.

We agree with the respondents making the point that when a company changes its method of accounting, as previously required in account 255, Accumulated deferred investment tax credits, from a deferral to a flow-through basis, provided that such change is in accordance with the instructions in the texts of the accounts, that they need not report such change to the Commission for its approval. We are also revising paragraph A of account 411.1, Investment tax credit adjustments, to require that account to be debited to the same extent that investment tax credits are used in calculating the current year's income taxes charged to account 409, Income Taxes, but if any or all of such credits are to be passed on to customers currently, either at the election of the company or pursuant to State commission direction, then the amounts so passed on to customers should be treated solely as a reduction in income taxes for the year and no entries made in account 411.1. This, we believe, clarifies the language proposed in the notice and more closely corresponds to the actual treatment of the investment tax credit to which the companies are subject.

Paragraphs 2 and 3 of the July 22 notice herein fully explain the provisions of the Revenue Acts of 1962 and 1964 upon which this proceeding is based and the conclusions the Commission reached with respect to the proper and adequate accounting treatment for investment tax credits. The statements there made are still pertinent and we here include their essence.

Under the Revenue Act of 1962, natural gas companies generally were allowed a credit on federal income tax of seven percent (7%) of investment in qualified properties. However, section 203(e) of the Revenue Act of 1964 has eliminated any authority on the part of the Commission to use the investment tax credit without the consent of the taxpayer to reduce the federal income taxes of a natural gas company in establishing its cost of service. Thus, insofar as federal regulation is concerned, gas pipeline companies are free to retain the tax savings derived from the investment tax credit and use them in any proper manner decided upon by company management, including reinvestment, payment in dividends to stockholders, or voluntary reduction of rates. Section 203(e) specifically recognizes that such natural gas companies might voluntarily pass along the tax credit to their customers in the form of lower rates.

In interpreting section 203(e) the Commission has concluded that the accounting should accommodate the choices afforded the gas pipeline companies by the Congress, and that it should give such companies the option in accounting for the investment tax credit to elect between (1) prorating the benefits of the investment tax credit over a period of years by means of a deferred account, or (2) reflecting the benefits of the investment tax credit in the income statement of the years in which the credits are earned.

Upon consideration of the entire record in this proceeding, the Commission further finds:

(1) The amendments herein adopted are necessary and appropriate for the purposes of the administration of the Natural Gas Act.

(2) Since the amendments to the Uniform System of Accounts herein adopted will, in effect, supersede the interim accounting prescribed in Order No. 261, in Docket No. R-231, issued January 9, 1963, and the Interim Order in Docket No. R-232, issued January 23, 1964, it is appropriate to rescind those orders insofar as they relate to accounting by natural gas companies.

(3) In view of the rescissions referred to in finding clause (2), above, it is necessary and appropriate for the purposes of the administration of the Natural Gas Act to provide, as hereinafter ordered, for the disposition of amounts of investment tax credits which have been accumulated in account 253, Other deferred credits, pursuant to the directions contained in Order No. 261.

(4) Since it is desirable that the new schedule being added to F.P.C. Form No. 2 be made available for reporting for the year 1964, good cause exists for making the amendments herein effective forthwith.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 8, 10, and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i, 717o), orders:

(A) Part 201, Uniform System of Accounts prescribed for natural gas companies, Subchapter F of Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding at appropriate points therein three new accounts, viz., account 255, Accumulated deferred investment tax credits, account 411.1, Investment tax credit adjustments, and account 420, Investment tax credits, to read, respectively, as set out below.

(B) F.P.C. Form No. 2, prescribed for natural gas companies by § 260.1 of Part 260, Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations, is amended, effective for the reporting year 1964, by adding at appropriate points therein, two new schedules, viz.: Investment Tax Credits Generated and Utilized and Accumulated Deferred Investment Credits (Account 255), to read as set forth in Attachment B, hereto.[3]

(C) Paragraph (c) of the aforesaid § 260.1 is amended by inserting between "Accumulated Deferred Income Taxes" and "Income from Utility Plant Leased to Others", the following new schedule titles:

[1] On Jan. 9, 1963, the Commission had prescribed an interim accounting treatment (Order No. 261 in Docket No. R-231, 29 FPC 62, 28 F.R. 402) to be followed by the companies in closing their books for the year 1962 and in accounting for income taxes. Order No. 261 was continued in effect by a subsequent Interim Order, still effective as of the date hereof, issued in the instant proceeding January 23, 1964 (31 FPC —, 29 F.R. 1567).

[2] It should be noted that the other notice of proposed rule making, issued on September 1, 1964, in this proceeding (29 F.R. 12735, September 9, 1964), relates to similar proposals affecting public utilities and licensees under the Federal Power Act. We will consider those proposals at a later date.

[3] Filed as part of original document.

Investment Tax Credits Generated and Utilized.
Accumulated Deferred Investment Tax Credits.

(D) The aforesaid Part 260 is amended by adding a new § 260.100 to read as follows:

**§ 260.100 General requirements for annual reports to stockholders and others.**

All annual reports to stockholders and others shall include an appropriate summary of the investment tax credits generated and utilized and a statement of the accounting method elected by the company in connection with the utilization of the credits.

(Secs. 8, 10, 16, 52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i, 717o)

(E) Effective upon the issuance of this order, the provisions of Order No. 261 in Docket No. R-231 and the Interim Order of January 23, 1964, in Docket No. R-232 are rescinded to the extent that they relate to natural gas companies.

(F) In view of our order herein rescinding Order No. 261, issued January 9, 1963, insofar as it relates to the interim accounting of natural gas companies, such companies shall dispose of the amounts of accumulated investment tax credits in account 253, Other deferred credits, accumulated in accordance with the interim procedure established by that order during 1962 and 1963, as follows:

1. Companies which will not follow deferral accounting whereby all or a part of the tax credits are not to be passed on to customers in accordance with the provisions of this order and the texts of accounts prescribed herein, shall credit all or such part of those balances as applicable to account 420, Investment Tax Credits, for the reporting period ending December 31, 1964.

2. Companies which will not follow deferral accounting whereby all or a part of the tax credits are to be passed on to customers in accordance with the provisions of this order and the texts of accounts prescribed herein, shall credit all or such part of those balances as applicable to account 411.1, Investment tax credit adjustments, for the reporting period ending December 31, 1964.

3. Companies which will follow deferral accounting for all or a part of the investment tax credits in accordance with the provisions of this order and the texts of accounts prescribed herein, shall transfer the applicable balances from account 253 to account 255, Accumulated deferred investment tax credits. Any amounts in such balances shall be recorded in the same manner as if the procedures and instructions in texts of accounts 255, 411.1, and 420, as promulgated in this opinion and order, had been effective in 1962 and 1963. In other words, amounts under deferral accounting procedures pertaining to 1962 and 1963 that would have been amortized in those respective years to accounts 411.1 and 420 had this order been then in effect, shall be recorded in the same manner as the amounts to be amortized for 1964.

It is recognized that for 1964 the amounts that will be shown as credits to accounts 411.1 and 420 will be overstated. It is believed that such amounts should not be sufficiently large in most instances to distort the net income of reporting companies. Separation of the amounts in accounts 411.1 and 420 by years (1962, 1963, and 1964) will be shown in the schedules of F.P.C. Form No. 2 prescribed herein.

(G) The caption of Docket No. R-232 is amended, for the purposes of this order, to read as set forth above.

(H) The amendments herein made to Parts 201 and 260 and to Annual Report F.P.C. Form No. 2 shall be effective upon the issuance of this order.

(I) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.[4]

JOSEPH H. GUTRIDE,
*Secretary.*

**255 Accumulated deferred investment tax credits.**

A. This account shall be credited with all investment tax credits deferred by companies which have elected to follow deferral accounting, partial or full, rather than recognizing in the income statement the total benefits of the tax credit as realized. After such election, a company may not transfer amounts from this account, except as authorized herein and in accounts 411.1, Investment Tax Credit Adjustments, and 420, Investment Tax Credits, or with approval of the Commission.

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and account 411.1 credited with a proportionate amount determined in relation to the average useful life of the property to which the tax credits relate or such lesser period of time as may be adopted and used by the company. If, however, the deferral procedure provides that investment tax credits are not to be passed on to customers, the proportionate restorations to income shall be credited to account 420.

C. If any of the investment tax credits to be deferred are related to utility operations other than gas or to nonutility operations, appropriate subdivisions of this account shall be maintained and entries shall be appropriately recorded in this account and in account 413, Expenses of Gas Plant Leased to Others; account 414, Other Utility Operating Income; account 416, Costs and Expenses of Merchandising, Jobbing, and Contract Work; account 417, Income from Nonutility Operations; or account 418, Nonoperating Rental Income.

D. Records shall be maintained identifying the properties related to the investment tax credits for each year, the weighted average service life of such properties, and any unused balance of such credits. Such records are not necessary unless the credits are deferred.

**411.1 Investment tax credit adjustments.**

A. This account shall be debited with the total amount of Investment Tax Credits used in calculating the reported current year's income taxes which are charged to account 409, Income Taxes, except to the extent that all or part of such credits are to be passed on to customers currently, either as a result of the election of the company, or a directive of a state regulatory commission as defined in the Natural Gas Act, under these latter circumstances that part or all of such credits passed on to customers would be treated solely as a reduction in income taxes for the year and no entries would be necessary.

1. When a company is using deferral accounting for all or any part of the investment tax credit allowed for the current year, account 255, Accumulated Deferred Investment Tax Credits, shall be credited with an equal amount of the investment tax credits debited to this account.

2. When a company's accounting does not provide for deferral of all or any part of the tax credits and such credits are not to be passed on to customers, account 420, Investment Tax Credits, shall be credited with the same amount of the investment tax credit debited to this account.

B. When a company which has deferred all or part of its investment tax credits passes on to its customers all or a part of such deferred credits, either as a result of its election to do so or at the direction of a state commission, it shall credit this account and debit account 255, with such amounts passed on in the current year, provided, however, that the amounts shall be allocated proportionately over the average useful life of the property to which the tax credits relate or such lesser period as may be adopted and consistently used by the company.

C. When deferral accounting for all or any part of investment tax credits is adopted, a company may change the apportionment of its annual amortization between this account and account 420 in accordance with the above instructions provided that the total annual amortization credit is calculated on a consistent basis such as over the average useful life of the property to which tax credits relate or over a lesser period of time as may be adopted and consistently used by the company.

**420 Investment tax credits.**

This account shall be credited as follows with investment tax credit amounts not passed on to customers:

(a) By amount equal to debits to account 411.1, Investment Tax Credit Adjustments, for investment tax credits used in calculating income taxes for the year when the company's accounting provides for nondeferral of all or a portion of such credits; and,

(b) By amounts equal to debits to account 255, Accumulated Deferred Investment Tax Credits, for proportionate amounts of tax credit deferrals allocated over the average useful life of the property to which the tax credits relate, or such lesser period of time as may be adopted and consistently used by the company.

[4] Commissioner O'Connor dissenting to § 260.100 prescribed by Paragraph (D) of this order.

[F.R. Doc. 64-11340; Filed, Nov. 5, 1964; 8:45 a.m.]



# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

### PART 8—COLOR ADDITIVES

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### PART 121—FOOD ADDITIVES

#### Cottonseed, Cottonseed Flour; Arsenic Limitation

CONFIRMATION OF EFFECTIVE DATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(2), 409(d), 706(b)(1), (c)(2); 68 Stat. 512, 72 Stat. 1787, 74 Stat. 399, 402; 21 U.S.C. 346a(d)(2), 348(d), 376(b)(1), (c)(2)), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), notice is given that no objections were filed to the order published in the FEDERAL REGISTER of September 25, 1964 (29 F.R. 13319), amending Parts 8, 120, and 121 with respect to the use of orthoarsenic acid in the production of cotton and the use of cottonseed therefrom in the production of food.

Accordingly, the amendments promulgated by that order became effective October 25, 1964.

(Secs. 408(d)(2), 409(d), 706(b)(1), (c)(2); 68 Stat. 512, 72 Stat. 1787, 74 Stat. 399, 402; 21 U.S.C. 346a(d)(2), 348(d), 376(b)(1))

Dated: October 30, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11365; Filed, Nov. 5, 1964; 8:48 a.m.]

SUBCHAPTER C—DRUGS

### PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

#### Sodium Nafcillin

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), the regulations for tests and methods of assay for penicillin and penicillin-containing drugs (21 CFR 141a.115) are amended as set forth below:

Section 141a.115(d) is amended by changing the words "2,000 micrograms" to read "16 milligrams." As amended § 141a.115(d) reads as follows:

**§ 141a.115 Sodium nafcillin.**

* * * * *

(d) *Toxicity.* Proceed as directed in § 141a.4, except use sterile U.S.P. saline test solution as the diluent and inject 0.5 milliliter of a solution containing 16 milligrams per milliliter.

* * * * *

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the change will effect an improved toxicity test for the drug involved and is in the public interest.

*Effective date.* This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: October 30, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11366; Filed, Nov. 5, 1964; 8:48 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6769]

### PART 198—PRODUCTION OF VOLATILE FRUIT-FLAVOR CONCENTRATES

### PART 240—WINE

#### Use of Volatile Fruit-Flavor Concentrates

In order to provide for the transfer of volatile fruit-flavor concentrates, from a volatile fruit-flavor concentrate plant qualified under 26 CFR Part 198, to a bonded wine cellar qualified under 26 CFR Part 240, for use in the production and cellar treatment of wine, and to provide corollary procedures, the regulations in 26 CFR Part 198, Production of Volatile Fruit-Flavor Concentrates, and in 26 CFR Part 240, Wine, are amended as follows:

PARAGRAPH A. 26 CFR Part 198 is amended as follows:

1. Section 198.11 is amended to insert a definition of "Bonded wine cellar" immediately following the definition of "Assistant regional commissioner." As amended, § 198.11 reads as follows:

**§ 198.11 Meaning of terms.**

* * * * *

*Assistant regional commissioner.* * * *

*Bonded wine cellar.* Premises established under the provisions of Part 240 of this chapter for the production, blending, cellar treatment, storage, bottling, or packaging of untaxpaid wine, and includes premises designated as "bonded winery."

* * * * *

2. Section 198.114 is amended so as to exempt concentrates removed for transfer to a bonded wine cellar from the restrictions imposed on concentrates removed for other purposes. As amended, § 198.114 reads as follows:

**§ 198.114 Removal of concentrate.**

(a) *General.* Concentrate fit for use as a beverage may not be removed from the place of manufacture. Where the alcohol content of any concentrate exceeds six percent but not fifteen percent of alcohol by volume, and it is desired to remove such concentrate from the premises, there shall be added to each gallon thereof not less than:

(1) 8⅓ pounds of sucrose; or

(2) 1 gallon of concentrated fruit juice of not less than 70 degrees Brix made from the same kind of fruit used in the manufacture of the concentrate; or

(3) 2½ ounces of any one of the following:

(i) Malic acid;
(ii) Citric acid;
(iii) Tartaric acid.

Concentrate containing not more than six percent alcohol by volume may be removed from the premises without being modified by the addition of any substance unless the Director finds that the concentrate is fit for use as a beverage and requires the addition thereto of substances specified in subparagraph (1), (2), or (3) of this paragraph.

(b) *Removal to a bonded wine cellar.* The restrictions imposed by paragraph (a) of this section on the removal of concentrate from the place of manufacture shall not apply to concentrate to be transferred to a bonded wine cellar under § 198.116.

3. Immediately following § 198.115, a new section, § 198.116, is added to prescribe procedures for the transfer of concentrate to a bonded wine cellar. As added, § 198.116 reads as follows:

**§ 198.116 Transfer of concentrate to bonded wine cellar.**

(a) *General.* Pursuant to an approved application on Form 3873, made as provided in Part 240 of this chapter, concentrate of not more than 24 percent alcohol by volume may be transferred to the bonded wine cellar named therein for use in the production of natural wine. When concentrate is so transferred, the proprietor shall give notice thereof on Form 3874 as provided in paragraphs (b) and (c) of this section.

(b) *Transfer in same region.* When concentrate is transferred to a bonded wine cellar in the same region, the proprietor shall prepare four copies of Form 3874 and, on the day of the shipment, forward two copies to the bonded wine cellar and one copy to his assistant regional commissioner, and retain the remaining copy for his files.

(c) *Transfer to another region.* When concentrate is transferred to a bonded wine cellar in another region, the proprietor shall prepare five copies

of Form 3874 and, on the day of shipment, forward two copies to the bonded wine cellar, one copy to his assistant regional commissioner, and one copy to the consignee's assistant regional commissioner, and retain the remaining copy for his files.

4. Immediately following new § 198.116, another new section, § 193.117, is added to provide for the receipt of concentrate returned from a bonded wine cellar. As added, § 198.117 reads as follows:

**§ 198.117 Concentrate returned from a bonded wine cellar.**

(a) *General.* The proprietor of a concentrate plant may accept the return of concentrate shipped by him to a bonded wine cellar. In such case, the proprietor of the concentrate plant shall:

(1) Give written consent to the proprietor of the bonded wine cellar for such return; and

(2) File, with the assistant regional commissioner, a consent of surety extending the terms of his bond, Form 1694, to cover the return of such concentrate to his plant. (He may, if he so desires, file one consent of surety on his bond to extend the terms thereof to cover all such concentrate which may be so returned to him.)

If the assistant regional commissioner approves the application of the proprietor of the bonded wine cellar to return the concentrate, he will send a copy of his approval to the proprietor of the concentrate plant.

(b) *Receipt of returned concentrate.* When the returned concentrate is received, the proprietor shall note on both copies of the covering Form 3874 any loss in transit or other discrepancy, sign the form, retain one copy, and forward one copy to his assistant regional commissioner before the close of the next business day. The quantity of concentrate received shall be recorded in the proprietor's daily records and shall be reported on an unused line on his monthly report, Form 1695.

5. Paragraph (d) of § 198.123 is amended to prescribe records respecting the transfer of concentrate to bonded wine cellars. As amended, paragraph (d) reads as follows:

**§ 198.123 Daily records.**

* * * * *

(d) Concentrates used in manufacture of products, and concentrates removed from the concentrate plant premises, showing the name and address of each person to whom such concentrates are shipped and, in the case of concentrates shipped to, or returned by, a bonded wine cellar (1) the registry number of the bonded wine cellar, (2) the variety of grape, the kind and variety of berry, or the kind of fruit (if other than grape or berry), from which the concentrate was produced, (3) the percent of alcohol by volume of the concentrate, and (4) the fold of the concentrate.

* * * * *

(72 Stat. 1392, as amended; 26 U.S.C. 5511)

PAR. B. 26 CFR Part 240 is amended as follows:

1. Immediately following § 240.17, a new section, § 240.17a, is added to define "concentrate plant." New § 240.17a reads as follows:

**§ 240.17a Concentrate plant.**

"Concentrate plant" shall mean an establishment qualified under Part 198 of this chapter for the production of volatile fruit-flavor concentrates.

2. Immediately following § 240.21a, a new section, § 240.21b, is added to define "fold." New § 240.21b reads as follows:

**§ 240.21b Fold.**

"Fold" shall mean the ratio of the volume of the fruit mash or juice to the volume of the volatile fruit-flavor concentrate produced from such fruit mash or juice; for example, one gallon of concentrate of 100-fold would be the product from 100 gallons of fruit mash or juice.

3. Immediately following § 240.53, a new section, § 240.53a, is added to define "volatile fruit-flavor concentrate." New § 240.53a reads as follows:

**§ 240.53a Volatile fruit-flavor concentrate.**

"Volatile fruit-flavored concentrate" shall mean any volatile fruit-flavor concentrate produced by any process which includes evaporations from any fruit mash or juice at a concentrate plant.

4. Immediately following § 240.222, a new section, § 240.223, is added to provide for a bond to cover the transfer of volatile fruit-flavor concentrate to a bonded wine cellar and its subsequent storage and use therein. New § 240.223 reads as follows:

**§ 240.223 Bond, Form 3872.**

Each proprietor of a bonded wine cellar intending to have volatile fruit-flavor concentrate transferred from a concentrate plant to his bonded wine cellar, and to store and use such concentrate therein, shall file bond on Form 3872. Such bond shall be conditioned that he (a) shall fully and faithfully comply with all of the requirements of the law and regulations now or hereafter in force relating to the transfer of volatile fruit-flavor concentrate to the premises of his bonded wine cellar, and to its storage and use therein, and (b) shall pay, or cause to be paid, all taxes, together with penalties and interest, on all such volatile fruit-flavor concentrate sold, transported, or used by him in violation of the provisions of Chapter 51, I.R.C., or of regulations promulgated thereunder. The penal sum of the bond shall be computed on the basis of the total wine gallons of volatile fruit-flavor concentrate that will be on hand, in transit, and unaccounted for, at any one time, at the rate prescribed by law as the internal revenue tax on distilled spirits: *Provided*, That the penal sum shall be not less than $1,000 or more than $5,000.

(72 Stat. 1314, 1383, as amended; 26 U.S.C. 5001, 5382)

5. Sections 240.320 and 240.321 are amended to provide, on discontinuance of business, for the disposition of unused volatile fruit-flavor concentrate and for the cancellation of outstanding Forms 3873. As amended, §§ 240.320 and 240.321 read as follows:

**§ 240.320 Notice.**

When the proprietor desires to discontinue operation of the bonded wine cellar, all wine, wine spirits, and volatile fruit-flavor concentrate shall (except as provided herein) be either lawfully removed from the premises or destroyed, and any outstanding approved Forms 257 authorizing the transfer of wine spirits to the wine cellar and Forms 3873 authorizing transfer of volatile fruit-flavor concentrate to the wine cellar shall be retrieved from the persons to whom they were sent and returned to the assistant regional commissioner for cancellation. When such disposition has been made of all wine, wine spirits, volatile fruit-flavor concentrate, and outstanding Forms 257 and Forms 3873, the proprietor shall file notice of discontinuance by letter, in triplicate, with the assistant regional commissioner, stating therein that the premises are to be discontinued, and giving the date the discontinuance is to be effective. The proprietor shall certify in the letter that (a) all wine, wine spirits, and volatile fruit-flavor concentrate have been either lawfully removed from the premises or destroyed, (b) that there are no wines, wine spirits, or volatile fruit-flavor concentrates in transit to the bonded premises, and (c) that there are no outstanding Forms 257 or Forms 3873 in his possession, or at any distilled spirits plant or concentrate plant, as the case may be. If the premises are being transferred to a successor, that fact and the name of the successor should be stated in the letter of notification and, in lieu of the statement that all wine, wine spirits, and volatile fruit-flavor concentrate have been either lawfully removed from the premises or destroyed, that all wine, wine spirits, and volatile fruit-flavor concentrate will be transferred to the successor as of the date the discontinuance is to be effective. All wine, wine spirits, and volatile fruit-flavor concentrate so transferred shall be identified as "Transferred to successor" on the Form 702 filed by the outgoing proprietor (in accordance with § 240.321); and identified as "Received from predecessor" on the initial Form 702 filed by the successor.

**§ 240.321 Final report, Form 702.**

After all wine produced or received, and all wine spirits received for use in wine production, and all volatile fruit-flavor concentrate, have been lawfully disposed of, the proprietor shall submit a report on Form 702 showing no wine, wine spirits, or volatile fruit-flavor concentrate on hand, which report shall be marked "Final."

(72 Stat. 1361; 26 U.S.C. 5367)

6. Section 240.353 is amended so as to provide for the securing of certain information in respect of juice, concentrated juice, or must received from a concentrate plant. As amended, § 240.353 reads as follows:



**§ 240.353 Concentrated fruit juice.**

Concentrated fruit juice restored to its original density, or as otherwise provided in this section, will be regarded as fruit juice for the purpose of standard wine production. In the case of concentrated juice derived from fruit juice of an original density of more than 22 degrees Brix, the concentrated juice may be diluted with water to its original density or to not less than 22 degrees Brix. In the case of concentrated fruit juice derived from a fruit juice of less than 22 degrees Brix, the concentrated juice may be diluted with water to its original density or to not more than 22 degrees Brix. Where water is to be added to concentrated fruit juice, or where concentrated juice is received for use as authorized under the provisions of § 240.358, the proprietor must procure a certificate from the producer of the concentrated fruit juice showing the kind of fruit juice from which it was made and giving the total solids content of the original juice and of the concentrated fruit juice in degrees Brix; in addition, where juice, concentrated juice, or must is received from a concentrate plant, the certificate shall also show whether the volatile fruit flavor has been removed from such juice, concentrated juice, or must and, if so, whether the identical volatile fruit flavor has been restored thereto. Concentrated fruit juice may be used for sweetening wine or juice made from the same kind of fruit as provided in this part. No concentrated fruit juice, or juice which has been concentrated and reconstituted, shall be used in standard wine production if at any time it was concentrated to more than 80 degrees Brix.

(72 Stat. 1383, as amended; 26 U.S.C. 5382)

7. In order to restate authorized uses of essences, flavors, or coloring in the production of wine, and to include in such authorized uses the addition of volatile fruit-flavor concentrate to natural wines, § 240.356 and its heading are amended to read as follows:

**§ 240.356 Use of essences, flavors, or coloring.**

Natural essences, natural flavors, or caramel coloring may be used in the production of special natural wine produced under Subpart S of this part; hops may be used in the production of honey wine produced under Subpart T of this part; and volatile fruit-flavor concentrate may be used in the production of natural grape and fruit wines produced, respectively, under Subparts P and Q of this part. The use in wine of essences, flavoring, or coloring, other than as authorized in this part, results in the production of an imitation or compound wine, with liability to rectification tax, and is permitted only on the bottling premises of a distilled spirits plant.

(72 Stat. 1328, 1383, as amended, 1386; 26 U.S.C. 5021, 5382, 5386, 5387)

8. In order to prescribe procedures respecting the procurement, receipt, storage, and use or other disposition of volatile fruit-flavor concentrate, a new undesignated center heading and five new sections, §§ 240.357 through 240.359b, are inserted, immediately following § 240.356, to read as follows:

VOLATILE FRUIT-FLAVOR CONCENTRATE

**§ 240.357 Use of volatile fruit-flavor concentrate in cellar treatment of natural wine.**

In the cellar treatment of natural wine, there may be added:

(a) To natural grape or berry wine of the winemaker's own production, volatile fruit-flavor concentrate produced from the same variety of grape or the same kind and variety of berry, or

(b) To natural fruit wine (other than grape or berry) of the winemaker's own production, volatile fruit-flavor concentrate produced from the same kind of fruit,

so long as the proportion of the volatile fruit-flavor concentrate to the wine does not exceed the proportion of the volatile fruit-flavor concentrate to the original juice or must from which it was produced.

(72 Stat. 1383, as amended; 26 U.S.C. 5382)

**§ 240.358 Use of juice or must from which volatile fruit-flavor has been removed.**

Juice, concentrated juice, or must processed at a concentrate plant is deemed to be pure juice, concentrated juice, or must even though volatile fruit flavor has been removed if, at such concentrate plant or at the bonded wine cellar, there is added to such juice, concentrated juice, or must, or (in the case of a bonded wine cellar) to wine of the winemaker's own production made therefrom, either the identical volatile fruit flavor removed or:

(a) In the case of natural grape or berry wine of the winemaker's own production, an equivalent quantity of volatile fruit-flavor concentrate derived from the same variety of grape or the same kind and variety of berry, or

(b) In the case of natural fruit wine (other than grape or berry wine) of the winemaker's own production, an equivalent quantity of volatile fruit-flavor concentrate derived from the same kind of fruit.

(72 Stat. 1383, as amended; 26 U.S.C. 5382)

**§ 240.359 Application.**

A winemaker desiring to receive, store, and use volatile fruit-flavor concentrate under the provisions of this subpart shall file with the assistant regional commissioner application on Form 3873. The application shall specify the name, address, and registry number of the concentrate plant from which the volatile fruit-flavor concentrate is to be procured. A separate application shall be filed for each concentrate plant from which it is desired to procure volatile fruit-flavor concentrate.

**§ 240.359a Receipt and storage of volatile fruit-flavor concentrate.**

When volatile fruit-flavored concentrate is received, the proprietor shall note on both copies of the covering Form 3874 any loss in transit or other discrepancy, sign the form, retain one copy, and forward one copy to his assistant regional commissioner before the close of the next business day. If the volatile fruit-flavor concentrate is not to be used immediately, it shall be stored on the bonded premises separate from essences and flavors which may be on hand for use in the production of special natural wines.

**§ 240.359b Return of volatile fruit-flavor concentrate to concentrate plant.**

A winemaker may, for any legitimate reason, return volatile fruit-flavor concentrate to the concentrate plant from which it was received, if the proprietor of the concentrate plant consents to the return, and permission for the return is in each instance first obtained by the winemaker from the assistant regional commissioner. Application for such permission shall be filed in triplicate (quadruplicate if the concentrate plant is in another region), and shall be accompanied by the concentrate plant proprietor's written consent to the return of such concentrate. If the application is approved the assistant regional commissioner shall retain a copy, and forward a copy to the winemaker, a copy to the proprietor of the concentrate plant, and the additional copy, if any, to the consignee's assistant regional commissioner. On receipt of the assistant regional commissioner's approval of the application the winemaker shall prepare Form 3874 to cover the return of such concentrate, and distribute the form in accordance with instructions on the form applicable to the consignor proprietor.

9. Section 240.915 is amended to include a requirement for keeping records respecting the receipt and use of volatile fruit-flavor concentrate, and of juice, concentrated juice, or must received from a concentrate plant. As amended, § 240.915 reads as follows:

**§ 240.915 Separate record of materials received and used.**

Each proprietor producing wine shall maintain a separate record showing the receipt and use or other disposition of basic winemaking materials, such as fruit, juice or concentrated juice. Where juice, concentrated juice, or must is received from a concentrate plant, the record shall also show whether the identical volatile fruit flavor has been restored to such juice, concentrated juice, or must, and further, as to any such concentrated juice, its original density. If volatile fruit-flavor concentrate is received for use in the cellar treatment of natural wine, as authorized in Subpart O of this part, the record shall also show the receipt of such concentrate, the fold of such concentrate, the percent of alcohol by volume contained therein, and the use or other disposition of such concentrate. The record must show the date of receipt, the quantity received, the name and address of the person from whom received, and the date of use or other disposition of the materials. If Form 2054 (or a substitute therefor) is maintained, the quantity of material used in each lot will be identified by lot number in the materials record. Where materials are

received from others, the invoices or commercial papers showing the receipt will be retained in chronological order in support of the record. If materials are received off bonded premises and subsequently transferred to the bonded premises, the record will be maintained only with respect to material received on the bonded premises and will show the date of transfer and quantity transferred, but the invoices or commercial papers covering the purchase of the materials will also be kept available for inspection. Where grapes (or other fruit) received on the bonded premises are used in producing juice to be stored for future use or for removal, the record will show the quantities of grapes used and juice produced. Where fruit or juice is used to produce concentrated juice the record will show the quantity of fruit or juice used and the quantity of concentrated juice produced. The record must also show the use or other disposition of the juice or concentrated juice produced. At the close of each month the materials account will be balanced and the totals reported on Form 702.

(72 Stat. 1381; 26 U.S.C. 5367)

Public Law 88–653, which authorized the use of volatile fruit-flavor concentrate in wine, and the transfer of such concentrate from volatile fruit-flavor concentrate plants to bonded wine cellars, was approved October 13, 1964, and becomes effective December 1, 1964. Because of the short time allowed between the passage of the law and its effective date, and because the provisions of this Treasury decision implementing this law should be effective on the same date as the law itself, it is found that it is impracticable to comply with the public rule-making and effective date requirements of sections 4 (a) and (c) of the Administrative Procedure Act, approved June 11, 1946. Accordingly, this Treasury decision shall become effective on December 1, 1964.

(Sec. 7805 of the Internal Revenue Code (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] BERTRAND M. HARDING,
*Commissioner of Internal Revenue.*

Approved: November 3, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64–11354; Filed, Nov. 5, 1964; 8:47 a.m.]

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 5B—Public Buildings Service, General Services Administration

## PART 5B–2—PROCUREMENT BY FORMAL ADVERTISING

## Subpart 5B–2.2—Solicitation of Bids

MISCELLANEOUS AMENDMENTS

New §§ 5B–2.202 and 5B–2.202–70 are added as follows:

Sec.
5B–2.202 Miscellaneous rules for solicitation of bids.
5B–2.202–70 Listing of subcontractors.

AUTHORITY: The provision of §§ 5B–2.202 and 5B–2.202–70 issued under sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c).

### § 5B–2.202 Miscellaneous rules for solicitation of bids.

### § 5B–2.202–70 Listing of subcontractors.

(a) Invitations for bids on construction and alteration contracts estimated to cost in excess of $150,000 shall require the bidder to name the principal subcontractors (or his own firm when it will perform the work).

(b) Contracting officers shall determine the work categories for which subcontractors' names are to be submitted. Generally the listing of the categories of work would include plumbing, heating, airconditioning, electrical, elevators, and other general construction categories the value of which is estimated to be at least 3½ percent of the estimated cost of the entire contract. The list of categories of work will be included as part of the Bid Form.

(c) The requirement to list subcontractors may be excluded when it would be clearly inappropriate, for example, if the invitation involves work of only one category. Determinations to exempt from the requirement shall be documented and retained in the contract file.

(d) The following clause shall be included in the Special Conditions:

LISTING OF SUBCONTRACTORS

a. For each of the categories of work contained in the list included as part of the Bid Form, the bidder shall submit the name and address of the firm to whom he proposes to subcontract the work. The list may be submitted with the bid or thereafter by telegraph, mail, or otherwise. If sent separately, the envelope must be sealed, identified as to content, and addressed in the same manner as prescribed for submission of bids. A list submitted after the time set for submission of bids must be delivered to the place designated for receipt of bids no later than the exact time set for bid opening as stated elsewhere in this Invitation for Bids. Failure to submit the list by the time set for bid opening shall cause the bid to be considered nonresponsive except in accordance with Instruction No. 7 of the Instructions to Bidders (Standard Form 22). Except as otherwise provided herein, the successful bidder agrees that he will not have any of the listed categories of work involved in the performance of this contract performed by any subcontractor other than the subcontractor named for the performance of such work.

b. The term "subcontractor" for the purposes of this requirement shall mean an individual or firm who performs active duties on the site, involving construction, fabrication, or installation of materials or items of equipment in connection with one or more of the categories of work contained in the list of subcontractors included as a part of the Bid Form and shall not include suppliers of these items unless listed or so stated in the specifications, or unless the supplier and installer are one individual or firm by reason of construction practice.

c. The bidder may list himself if it is his intention to perform one or more of the listed categories of work. In this case, all personnel performing such work shall be carried on his own payroll. Equipment may be self-owned or leased. If more than one subcontractor will perform a single category of work, the portion to be performed by each shall be specified.

d. Nothing contained in this clause shall be construed as changing the requirement in the General Conditions for the contractor to perform work with his own forces.

e. The Contractor shall be responsible for all work performed by subcontractors.

f. No substitutions for the firms named will be permitted except in unusual situations and then only upon the submission in writing to the Contracting Officer of a complete justification therefor and receipt of the Contracting Officer's written approval.

g. Notwithstanding any of the provisions of this clause, the contracting officer shall have authority to disapprove or reject the employment of any subcontractor he has determined nonresponsible; he shall have the right to require any information concerning the cost of performance of this contract by any subcontractor listed or proposed as a substitute for a listed subcontractor, as well as the right to require any other information he deems necessary concerning any listed subcontractor or subcontractor proposed as a substitute. Imposition of any requirements under this subparagraph shall not give rise to any course of action against the Government by the successful bidder or by any subcontractor engaged or proposed to be engaged hereunder.

h. Nothing contained in this clause shall in itself be construed to create any contract or property rights in the successful bidder or any subcontractor.

i. In the event the bidder fails in connection with this bid (1) to identify the subcontractors as required by subparagraph a, or (2) to comply with subparagraph c if the bidder himself intends to perform one or more listed categories of work, the bid will be rejected as nonresponsive to the invitation.

(e) Each invitation for bids containing the requirement to list subcontractors shall provide for submission of the list within 48 hours (plus 24 hours for each intervening Saturday, Sunday and/or holiday) after the time set for receipt of bids. Accordingly, Standard Form 20, Invitation for Bids (Construction Contract) shall be modified as follows:

TIME OF BID SUBMISSION

Sealed bids in triplicate for the work described herein will be received until _____, _____, at _____,
(Time) (Date) (Room and address)
where they will be held until _____,
(Time)
_____, and then publicly opened in
(Date)
_____
(Room No.)

(f) Contracting officers shall treat separate submissions of lists of subcontractors in the same manner as submissions of bids with respect to timeliness of receipt, modification, or withdrawal. Bids, modifications, or withdrawals received after the time set for receipt of bids are late and may be considered only if their late receipt may be waived under Instruction No. 7 of Instructions to Bidders (Standard Form 22). Lists of subcontractors, if submitted separately from the bid, modifications, or withdrawals received after the time set for opening of bids are late and may be considered only if their late receipt may be waived under Instruction No. 7 of Instructions to Bidders (Standard Form 22). Accordingly, Instruction No. 7 of Instructions to Bidders shall be modified as follows:



LATE BIDS AND MODIFICATIONS OR WITHDRAWALS

(a) Bids and modifications or withdrawals thereof received at the office designated in the Invitation for Bids after the exact time set for receipt of bid, and if submitted separately, lists of subcontractors and modifications or withdrawals thereof received at the office designated in the Invitation for Bids after the exact time set for opening of bids will not be considered unless: (1) They are received before award is made; and either (2) they are sent by registered mail or by certified mail for which an official dated Post Office stamp (postmark) on the original Receipt for Certified Mail has been obtained, or by telegraph if authorized, and it is determined by the Government that the late receipt was due solely to delay in the mails, or delay by the telegraph company, for which the bidder was not responsible; or (3) if submitted by mail (or by telegram if authorized), it is determined that the late receipt was due solely to mishandling by the Government after receipt at the Government installation; *Provided*, That timely receipt at such installation is established upon examination of an appropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt (if readily available) within the control of such installation of the Post Office serving it. However, a modification which makes the terms of the otherwise acceptable bid more favorable to the Government will be considered at any time it is received and may thereafter be accepted.

(b) Bidders using certified mail are cautioned to obtain a Receipt for Certified Mail showing a legible, dated postmark and to retain such receipt against the chance that it will be required as evidence that a late bid was timely mailed.

(c) The time of mailing of late bids submitted by registered or certified mail shall be deemed to be the last minute of the date shown in the postmark on the registered mail receipt or registered mail wrapper or on the Receipt for Certified Mail unless the bidder furnishes evidence from the Post Office station of mailing which establishes an earlier time. In the case of certified mail, the only acceptable evidence is as follows: (1) Where the Receipt for Certified Mail identifies the Post Office station of mailing, evidence furnished by the bidder which establishes that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station; or (2) an entry in ink on the Receipt for Certified Mail showing the time of mailing and the initials of the postal employee receiving the item and making the entry, with appropriate written verification of such entry from the Post Office station of mailing, in which case the time of mailing shall be the time shown in the entry. If the postmark on the original Receipt for Certified Mail does not show a date, the bid shall not be considered.

*Effective date.* These regulations are effective immediately.

Dated: November 4, 1964.

R. T. DALY,
*Commissioner,*
*Public Buildings Service.*

[F.R. Doc. 64–11436; Filed, Nov. 5, 1964; 9:53 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

**Internal Revenue Service**

**[ 26 CFR Part 1 ]**

**INCOME TAX**

**Investment Credit Provisions and Amendment of Depreciation Provisions**

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 48 and 167(f) of the Internal Revenue Code of 1954 to certain provisions of section 2 of the Revenue Act of 1962 (76 Stat. 962) and to certain provisions of section 203 of the Revenue Act of 1964 (78 Stat. 33), such regulations are amended as follows:

PARAGRAPH 1. Section 1.48–1 is amended by revising subparagraph (2) of paragraph (e) and by adding a new paragraph (m) at the end thereof. These revised and added provisions read as follows:

**§ 1.48–1 Definition of section 38 property.**

* * * * *

(e) *Definition of building and structural components.* * * *

(2) The term "structural components" includes such parts of a building as walls, partitions, floors, and ceilings, as well as any permanent coverings therefor such as paneling or tiling; windows and doors; all components (whether in, on, or adjacent to the building) of a central air conditioning or heating system, including motors, compressors, pipes and ducts; plumbing and plumbing fixtures, such as sinks and bathtubs; electric wiring and lighting fixtures; chimneys; stairs, escalators, and elevators, including all components thereof; sprinkler systems; fire escapes; and other components relating to the operation or maintenance of a building. However, the term "structural components" does not include machinery the sole justification for the installation of which is the fact that such machinery is required to meet temperature or humidity requirements which are essential for the operation of other machinery or the processing of materials or foodstuffs. Machinery may meet the "sole justification" test provided by the preceding sentence even though it incidentally provides for the comfort of employees, or serves, to an insubstantial degree, areas where such temperature or humidity requirements are not essential. For example, an air conditioning and humidification system installed in a textile plant in order to maintain the temperature or humidity within a narrow optimum range which is critical in processing particular types of yarn or cloth is not included within the term "structural components". For special rules with respect to an elevator or escalator, the construction, reconstruction, or erection of which is completed by the taxpayer after June 30, 1963, or which is acquired after June 30, 1963, and the original use of which commences with the taxpayer and commences after such date, see section 48 (a)(1)(C) and paragraph (m) of this section.

* * * * *

(m) *Elevators and escalators*—(1) *In general.* Under section 48(a)(1)(C), an elevator or escalator qualifies as section 38 property if—

(i) The construction, reconstruction, or erection of the elevator or escalator is completed by the taxpayer after June 30, 1963, or

(ii) The elevator or escalator is acquired after June 30, 1963, and the original use of such elevator or escalator commences with the taxpayer and commences after such date.

In the case of construction, reconstruction, or erection of an elevator or escalator commenced before January 1, 1962, and completed after June 30, 1963, there shall be taken into account in determining the qualified investment under section 46(c) only that portion of the basis which is properly attributable to construction, reconstruction, or erection after December 31, 1961. Further, if the construction, reconstruction, or erection of such property is commenced after December 31, 1961, and is completed after June 30, 1963, the entire basis of the elevator or escalator shall be taken into account in determining qualified investment under section 46(c). Also, if an elevator or escalator is reconstructed by the taxpayer after June 30, 1963, the basis attributable to such reconstruction may be taken into account in determining the qualified investment under section 46(c), irrespective of the fact that the original construction or erection of such elevator or escalator may have occurred before January 1, 1962. Paragraph (b) of § 1.48–2 shall be applied in determining the date of acquisition, original use, and basis attributable to construction, reconstruction, or erection.

(2) *Definition of elevators and escalators.* For purposes of this section the term "elevator" means a cage or platform and its hoisting machinery for conveying persons or freight to or from different levels and functionally related equipment which is essential to its operation. The term includes, for example, guide rails and cables, motors and controllers, control panels and landing buttons, and elevator gates and doors, which are essential to the operation of the elevator. The term "elevator" does not, however, include a structure which is considered a building for purposes of the investment credit. The term "escalator" means a moving staircase and functionally related equipment which is essential to its operation. For purposes of determining qualified investment under section 46(c) and § 1.46–3, the basis of an elevator or escalator does not include the cost of any structural alterations to the building, such as the cost of constructing a shaft or of making alterations to the floor, walls, or ceiling, even though such alterations may be necessary in order to install or modernize the elevator or escalator.

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

*Example (1).* If an elevator with a total basis of $100,000 is completed after June 30, 1963, and the portion attributable to construction by the taxpayer after December 31, 1961, is determined by engineering estimates or by cost accounting records to be $30,000, only the $30,000 portion may be taken into account as an investment in new section 38 property in computing qualified investment.

*Example (2).* If construction of an elevator with a total basis of $90,000 is commenced by the taxpayer after December 31, 1961, and is completed after June 30, 1963, the entire basis of $90,000 may be taken into account as an investment in new section 38 property.

*Example (3).* The facts are the same as in example (2) except that construction of the elevator was completed before June 30, 1963. The elevator is not considered to be section 38 property.

*Example (4).* In 1964, a taxpayer reconditions an elevator, which had been constructed and placed in service in 1962 and which had an adjusted basis in 1964 of $75,000. The cost of reconditioning amounts to an additional $50,000. The basis of the elevator which may be taken into account in computing qualified investment in section 38 property is $50,000, irrespective of whether the taxpayer contracts to have it reconditioned or reconditions it himself, and irrespective of whether the materials used in the process are new in use.





PAR. 2. Section 1.48–4 is amended by revising subparagraphs (1) and (3) of paragraph (k), by adding new examples (3) and (4) to paragraph (l), and by adding a new paragraph (m). These revised and added provisions read as follows:

**§ 1.48–4 Election of lessor of new section 38 property to treat lessee as purchaser.**

* * * * *

(k) *Adjustment of rental deductions*—(1) *In general.* The rules of this paragraph apply only to section 38 property placed in service before January 1, 1964, and with respect to any such property only for taxable years of a lessee beginning before January 1, 1964. If a lessor makes a valid election under this section with respect to property placed in service by the lessee before January 1, 1964, section 48(g) and § 1.48–7 (relating to adjustments to basis of property) shall not apply to the lessor with respect to such property. Thus, the lessor is not required to reduce under section 48(g)(1) the basis of such property. However, if such an election is made, the deductions otherwise allowable under section 162 to the lessee for amounts paid or accrued to the lessor under the lease shall be adjusted in the manner provided in this paragraph. For special adjustment for taxable years beginning after December 31, 1963, see paragraph (m) of this section.

* * * * *

(3) *Increase in rental deductions on account of early dispositions, etc.* (i) If, as a result of an early disposition, etc., in a taxable year beginning before January 1, 1964, with respect to leased property placed in service before such date, the lessee's tax is increased under section 47(a)(1) or (2), or an adjustment in a carryback or carryover is made under section 47(a)(3) by reduction of an unused credit, the rental deductions (if any) otherwise allowable under section 162 to such lessee for amounts paid or accrued to the lessor under the lease with respect to such property shall be increased in an amount equal to the total decreases previously made in the lessee's rental deductions under subparagraph (2) of this paragraph.

(ii) Except as provided in subdivision (iii) of this subparagraph, the increase in rental deductions described in subdivision (i) of this subparagraph shall be taken into account as an increase in rental deductions otherwise allowable under section 162 for the taxable year in which the early disposition, etc., occurred.

(iii) If, after the event which caused section 47(a)(1), (2), or (3) to apply, the lessee continues the use of the property in a trade or business or in the production of income, the increase in rental deductions described in subdivision (i) of this subparagraph shall be taken into account ratably over the remaining portion of the useful life of the property which was used in making the decreases in rental deductions with respect to the property under subparagraph (2) of this paragraph.

(iv) If subdivision (iii) of this subparagraph applies, and if, prior to the expiration of the useful life of the property used in making the decreases in rental deductions, the lease is terminated other than by actual purchase of the property by the lessee, any increase in rental deductions not previously taken into account shall be taken into account as an increase in rental deductions for the taxable year in which the lease is terminated. In the case of an actual purchase of the property by the lessee, see paragraph (e) of § 1.48–7.

(l) *Examples.* * * *

*Example (3).* Assume the same facts as in example (1) except that the lessee disposes of his interest in the lease on January 1, 1963, and that there is an increase in Y's tax for 1963 under section 47(a)(1) in the amount of $1,764. Under paragraph (k)(2) of this section, Y's deductions attributable to the leased property are decreased only in 1962, and the amount of such decrease is $134.75. In 1963 there shall be an increase of $134.75 in the deductions otherwise allowable under section 162 for such taxable year with respect to the leased property.

*Example (4).* Assume the same facts as in example (1) except that during the year 1963 the property was used by Y predominantly outside the United States within the meaning of paragraph (g) of § 1.48–1, and thereafter was used in Y's trade or business. Under paragraph (k)(3) of this section, the increase of $134.75 described in example (3) is taken into account ratably as an increase in rental deductions otherwise allowable under section 162 in the amount of $12.25 ($134.75 divided by 11 years) for 1963 and each of the 10 succeeding years.

(m) *Increase in rental deductions on account of section 203(a)(2)(B) of the Revenue Act of 1964*—(1) *In general.* (i) Under section 203(a)(2)(B) of the Revenue Act of 1964, if, for any taxable year of a lessee beginning before January 1, 1964, the rental deductions otherwise allowable under section 162 to such lessee for amounts paid or accrued to the lessor under the lease with respect to leased property placed in service before January 1, 1964, were decreased under paragraph (k)(2) of this section, such rental deductions shall be increased.

(ii) The increase in rental deductions described in subdivision (i) of this subparagraph shall be in an amount equal to the total decreases in the lessee's rental deductions previously made under paragraph (k)(2) of this section less any increases in rental deductions made under paragraph (k)(3) of this section.

(iii) Except as provided in subdivision (iv) of this subparagraph, the increase in rental deductions described in subdivision (i) of this subparagraph shall be taken into account ratably over the remaining portion of the useful life of the property commencing with the first day of the first taxable year beginning after December 31, 1963. For this purpose, the useful life of the property shall be the useful life used in making the decreases in rental deductions with respect to the property under paragraph (k)(2) of this section.

(iv) If the lease is terminated other than by the lessee's actual purchase of the property during a taxable year beginning after December 31, 1963, and before the end of the remaining useful life of the property used in making the decreases in rental deductions, the amount of the increase in rental deductions described in subdivision (i) of this subparagraph and not previously taken into account shall be allowed as a deduction for the taxable year in which such termination occurs.

(v) The rental deductions with respect to any section 38 property are not to be increased under this paragraph if the lessee dies in a taxable year beginning before January 1, 1964.

(vi) The increase in rental deductions described in subdivision (i) of this subparagraph shall ordinarily be taken into account by the lessee treated as the purchaser, that is, the lessee entitled to the credit. However, if the property under the lease is transferred by the lessee to a successor lessee in a transaction described in section 47(b) (other than a transfer by reason of death) under which the successor lessee assumes the lessee's obligations under the lease, such increase in rental deductions shall be taken into account by the successor lessee in the manner prescribed in this paragraph.

(2) *Examples.* The operation of this paragraph may be illustrated by the following examples:

*Example (1).* (a) X Corporation acquired on January 1, 1962, an item of new section 38 property with a basis of $24,000 and with a useful life to the lessor of 10 years. Y Corporation, which makes its returns on the basis of a calendar year, leased such property from X Corporation and placed it in service on January 2, 1962. Under this section, X Corporation made a valid election to treat Y Corporation as having purchased such property for purposes of the credit allowed by section 38 and supplied the lessee with information that the property had a useful life of 10 years. The amount of the credit earned with respect to such property was $1,680 (7 percent of $24,000). For each of the taxable years 1962 and 1963, Y Corporation decreased, under paragraph (k)(2) of this section, its deductions otherwise allowable under section 162 with respect to such property by $168 ($1,680 multiplied by 12/120).

(b) For each of the taxable years 1964 through 1971, Y Corporation increases its deductions otherwise allowable under section 162 for amounts paid to X Corporation under the lease by $42 ($336 (that is, $168 multiplied by 2) divided by the remaining useful life of 8 years).

*Example (2).* (a) The facts are the same as in example (1) except that the lease is terminated on January 3, 1965.

(b) For the taxable year 1964, Y Corporation increases its deductions otherwise allowable under section 162 by $42.

(c) For the taxable year 1965, Y Corporation increases its deductions otherwise allowable under section 162 for the portion of the increase which had not been taken into account as of the time of the termination of the lease. Thus, the amount of such increase for the taxable year 1965 is $294 ($336 minus $42).

PAR. 3. Section 1.48–7 is amended by revising subparagraph (1) of paragraph (a) and by adding new paragraphs (c), (d), and (e). These revised and added provisions read as follows:

**§ 1.48–7 Adjustment to basis.**

(a) *Reduction of basis; general*—(1) *In general.* Under section 48(g)(1), the

basis of "section 38 property" placed in service before January 1, 1964, shall be reduced by an amount equal to 7 percent of the "qualified investment" with respect to such property. The reduction in basis shall be made as of the time such property is placed in service by the taxpayer. The basis of such property must be reduced by 7 percent of the qualified investment even though the limitation based on amount of tax under section 46(a)(2) reduces the amount of the credit allowed by section 38 for the taxable year in which the property is placed in service. The reduction in basis of section 38 property placed in service before January 1, 1964, shall be taken into account for all purposes of subtitle A of the Code, except in computing (or recomputing in the case of early dispositions, etc.) the qualified investment with respect to such property. Thus, such reduction in basis is taken into account in determining a reasonable allowance for depreciation under section 167, except that the additional amount allowed under section 179 (relating to additional first-year depreciation allowance for small business) with respect to the cost of certain property is determined without regard to such reduction in basis. Section 48(g)(1) and this section do not apply to section 38 property placed in service after December 31, 1963. For increase in basis of property to which this section applies, see paragraphs (c), (d), and (e) of this section.

* * * * *

(c) *Increase in basis on account of early disposition, etc.*—(1) *In general.* If, as a result of an early disposition, etc., in a taxable year beginning before January 1, 1964, with respect to section 38 property placed in service before such date, the tax imposed under chapter 1 of the Code is increased under section 47(a)(1) or (2), or an adjustment in an unused credit carryback or carryover is made under section 47(a)(3), then the basis of such property shall be increased. Such increase shall be in an amount equal to the sum of the portion of such increase in tax and the portion of such adjustment in carrybacks or carryovers attributable to such property but not in excess of the reduction in basis made under paragraph (a) of this section or, in the case of leased property purchased by a lessee treated as the purchaser, the reduction in basis under paragraph (b) of this section plus the decrease in rental deductions made under paragraph (k)(2) of § 1.48-4. See paragraph (a)(2) of this section for rules indicating when basis is not reduced under paragraph (a) of this section. The increase in basis of such property shall be made immediately before the event which causes section 47(a)(1), (2), or (3) to apply, and this increase in basis shall be taken into account for all purposes of subtitle A of the Code. If, after the event described in the preceding sentence, the taxpayer continues the use of the property in a trade or business or in the production of income, the principles described in paragraph (d)(1) of this section shall be applied in computing the allowances for depreciation over the remaining useful life of the property.

(2) *Examples.* The operation of this paragraph may be illustrated by the following examples:

*Example (1).* (a) The facts are the same as those in example (1) of paragraph (a)(3) of this section except that on June 15, 1963, corporation X sold the property causing section 47(a)(1) to apply.

(b) Section 48(g)(2) requires that the basis of said property be increased immediately before the sale by the amount of $700, which amount is equal to the increase in tax for the taxable year 1963 arising under section 47(a)(1) ($700 credit allowed less credit allowable of 0).

*Example (2).* (a) The facts are the same as in example (1) of this subparagraph except that for the taxable year 1962 X Corporation's liability for tax was only $500, and a $200 unused credit carryover to 1963 resulted.

(b) The result is the same as in example (1) of this subparagraph, that is, the basis of the property is increased under section 48(g)(2) by the amount of $700 ($500 credit allowed plus $200 adjustment in carryover to 1963 less credit allowable of 0).

*Example (3).* (a) The facts are the same as those in example (1) of paragraph (a)(3) of this section except that the property was physically located outside of the United States during more than 50 percent of the taxable year 1963 within the meaning of paragraph (g) of § 1.48-1, and section 47(a)(1) therefore became applicable.

(b) The basis of the property is increased by $700 as of the first day of the taxable year 1963.

*Example (4).* (a) The facts are the same as example (5) of paragraph (a)(3) of this section. Assume also that on January 1, 1963, there is an early disposition, etc., of the three assets as described under section 47(a)(1).

(b) Section 48(g)(2) requires that the basis of asset No. 1 be increased immediately before such early disposition, etc., by the amount of $1,750 ($1,750 credit allowed less credit allowable of 0). Likewise, the basis of asset No. 2 is increased by the amount of $1,750. There is no increase in the basis of asset No. 3 since the basis of such asset was not reduced.

(d) *Increase in basis of property placed in service before January 1, 1964*—(1) *In general.* Under section 203(a)(2)(A) of the Revenue Act of 1964, the basis of section 38 property placed in service before January 1, 1964, shall be increased by an amount equal to 7 percent of the qualified investment with respect to such property (determined as of the date the property was placed in service) but not in excess of the net reduction in basis under section 48(g). For this purpose, the net reduction in basis under section 48(g) is the reduction in basis under section 48(g)(1) and paragraph (a) of this section less any increase in basis under section 48(g)(2) and paragraph (c) of this section. The increase in basis described in this paragraph shall be made as of the first day of the taxpayer's first taxable year beginning after December 31, 1963. For taxable years beginning after December 31, 1963, this increase in basis shall be taken into account for all purposes of subtitle A of the Code. Thus, for example, during that part of the remaining useful life of the property falling within the taxable years beginning after December 31, 1963, such increase in basis shall be taken into account in determining reasonable allowances for depreciation under section 167. In determining depreciation allowances with respect to the property for periods after such increase in basis, appropriate adjustments shall be made, whenever necessary, to the rate or other factors previously applied for taxable years beginning before January 1, 1964, so that the total depreciation allowances made during the remaining useful life of the property, plus the allowances for the expired useful life, will equal the allowances which would have resulted if section 48(g)(1) had not applied. Except as provided in section 167 and the regulations thereunder, no change may be made in the method of depreciation to be applied during the remaining life of the property. For purposes of section 167(d), any increase in basis under this paragraph shall constitute a fact not taken into consideration in the adoption of any agreement under that section fixing the rate of depreciation.

(2) *Special rules.* (i) The increase in basis provided by subparagraph (1) of this paragraph shall be taken into account ordinarily by the person in whose hands the basis of the property was reduced under section 48(g)(1). However, if the property is transferred in a transaction described in section 47(b) (other than a transfer by reason of death) prior to the first day of the first taxable year of the transferor beginning after December 31, 1963, then, to the extent that the basis of such property reflects the net reduction in basis described in subparagraph (1) of this paragraph in the hands of the transferor, the increase in basis provided for in this paragraph shall be taken into account by the transferee.

(ii) The basis of any section 38 property is not to be increased under subparagraph (1) of this paragraph if the taxpayer dies in a taxable year beginning before January 1, 1964.

(3) *Examples.* The application of this paragraph may be illustrated by the following examples:

*Example (1).* (a) A, an individual who makes his return on the basis of the calendar year, acquired and placed in service on January 1, 1962, asset No. 1 and asset No. 2, both of which assets qualified as new section 38 property. Each asset had a basis of $10,000, a salvage value of $1,000, and an estimated useful life of 10 years. Depreciation for each asset was computed under the straight line method. For the taxable year 1962, A was allowed under section 38 a credit of $1,400 (7 percent of $20,000). On January 2, 1963, A took asset No. 1 out of his business and on said date commenced to use such property entirely for personal purposes. Thus, for purposes of section 48(g)(2), there was an early disposition, etc., as described under section 47(a)(1).

(b) Under section 48(g)(1), the basis of each asset in 1962 was reduced to $9,300. Thus, depreciation with respect to each asset for the taxable year 1962 was $830 (adjusted basis of $9,300 minus salvage value of $1,000 divided by estimated useful life of 10 years).

(c) Immediately before the early disposition, etc., with respect to asset No. 1, the basis of such asset was increased by $700 to $9,170 (cost of $10,000 minus reduction in 1962 under section 48(g)(1) of $700, minus depreciation of $830, and plus the addition to basis in 1963 under section 48(g)(2) of $700). As of December 31, 1963, the adjusted basis of asset No. 2 was $7,640 (original cost of $10,000 minus reduction in 1962 under section 48(g)(1) of $700, minus depreciation of $830 in 1962, and minus depreciation of $830 in 1963).

(d) The basis of asset No. 1 is not increased under this section since the basis of such asset had previously been increased under section 48(g)(2) in the amount of $700, the full amount of the reduction previously made under section 48(g)(1). The basis of asset No. 2 is increased under this paragraph as of January 1, 1964, by $700 to $8,340 ($7,640 plus 7 percent of $10,000). The rate of depreciation to be applied to the adjusted basis of asset No. 2 for the remaining useful life of 8 years is adjusted in order to produce a total depreciation allowance of $9,000 at the end of the asset's useful life. Depreciation with respect to such asset for the taxable year 1964 and for each of the succeeding 7 years is $917.50 (adjusted basis of $8,340 minus salvage value of $1,000 divided by estimated remaining useful life of 8 years).

*Example (2).* (a) X Corporation, which makes its return on the basis of the calendar year, acquired and placed in service on January 1, 1962, an asset which qualified as new section 38 property. The asset had a basis of $165,000, a salvage value of $15,000, and an estimated useful life of 5 years. Depreciation was computed under the declining balance method at a rate of 200 percent of the straight line rate. The qualified investment with respect to such asset was $55,000 (33⅓ percent of $165,000). For the taxable year 1962, X Corporation was allowed under section 38 a credit of $3,850 (7 percent of $55,000).

(b) Under section 48(g)(1), the basis of such property in 1962 was reduced to $161,150 ($165,000 minus $3,850). Thus, depreciation with respect to such asset for the taxable year 1962 was $64,460 (adjusted basis of $161,150 multiplied by 40 percent). Depreciation for the taxable year 1963 was $38,676 ($161,150 minus $64,460 multiplied by 40 percent).

(c) As of January 1, 1964, the basis of such property is increased by $3,850 to $61,864 ($161,150 minus $64,460, minus $38,676, and plus $3,850). No adjustment in the rate of the allowance for depreciation is necessitated by the increase in basis under this section since the rate and method applied in 1962 and 1963 will produce a total allowance of $150,000 over the entire estimated useful life of the property. Thus, depreciation with respect to such asset for 1964 is $24,746 ($61,864 multiplied by 40 percent), for 1965 is $14,847 ($61,864 minus $24,746 multiplied by 40 percent), and for 1966 is $7,271, since such property cannot be depreciated below its salvage value of $15,000.

*Example (3).* (a) The facts are the same as in example (2) except that depreciation was computed under the sum of the years-digits method. Thus, depreciation with respect to such asset for the taxable year 1962 was $48,717 (adjusted basis of $161,150 minus $15,000 multiplied by 5/15). For the taxable year 1963 depreciation was $38,973 ($161,150 minus $15,000 multiplied by 4/15).

(b) As of January 1, 1964, the basis of such property is increased in the amount of $3,850. In order to produce a total allowance of $150,000 over the entire useful life, it is necessary to adjust the annual allowance. Thus, as of January 1, 1964, under the taxpayer's method of depreciation, a new rate of 5/6 is determined for the taxable year 1964. Commencing with such taxable year, this new rate is applied against the asset's adjusted basis of $77,310 minus salvage value of $15,000. The adjusted basis as of January 1, 1964, is determined as follows:



| | | |
|---|---|---|
| Original cost to taxpayer | | $165,000 |
| Less: Reduction for investment credit as prescribed by paragraph (a) | $3,850 | |
| Depreciation for 1962 | 48,717 | |
| Depreciation for 1963 | 38,973 | 91,540 |
| | | 73,460 |
| Add: Increase prescribed by this paragraph | | 3,850 |
| Adjusted basis as of January 1, 1964 | | 77,310 |

Depreciation for the taxable year 1964 is $31,155 (adjusted basis of $77,310 minus salvage value of $15,000 multiplied by 5/6). Likewise, depreciation for the taxable year 1965 shall be $20,770 ($77,310 minus $15,000 multiplied by 5/6).

*Example (4).* (a) The facts are the same as in example (2) except that the useful life was estimated in terms of units of production and depreciation was computed under the unit-of-production method. The estimated total production of the property was 150,000 units, and 30,000 units were produced annually. Thus, depreciation for the taxable year 1962 was $29,230 (adjusted basis of $161,150 minus $15,000 multiplied by 30,000/150,000). For the taxable year 1963 depreciation was again $29,230.

(b) As of January 1, 1964, the basis of such property is increased in the amount of $3,850. In order to permit a total allowance of $150,000 over the entire useful life of the property, it is necessary to adjust the annual allowance for depreciation over its remaining life. Thus, as of January 1, 1964, under the taxpayer's method of depreciation, a new rate of 30,000/90,000 is determined for the taxable year 1964. Commencing with such taxable year, this new rate is applied against the adjusted basis of the property of $106,540 minus salvage value of $15,000. The adjusted basis as of January 1, 1964, is determined as follows:

| | | |
|---|---|---|
| Original cost to taxpayer | | $165,000 |
| Less: Reduction for investment credit as prescribed by paragraph (a) | $3,850 | |
| Depreciation for 1962 | 29,230 | |
| Depreciation for 1963 | 29,230 | 62,310 |
| | | 102,960 |
| Add: Increase prescribed by this paragraph | | 3,850 |
| Adjusted basis as of January 1, 1964 | | 106,540 |

(Depreciation for the taxable year 1964 is $30,518 (adjusted basis of $106,540 minus salvage value of $15,000 multiplied by 30,000/90,000). Likewise, for the taxable year 1965 depreciation shall be $30,518 ($106,540 minus $15,000 multiplied by 30,000/90,000).

(e) *Increase in basis; purchase of leased property by lessee treated as purchaser*—(1) *In general.* If a lessor of property placed in service before January 1, 1964, made a valid election under § 1.48-4 to treat the lessee as having purchased such property for purposes of the credit allowed by section 38 and if the lessee actually purchased the property at a later date prior to the expiration of the useful life used in computing the credit, the basis of the property shall be increased. If the property was purchased by the lessee in a taxable year beginning before January 1, 1964, the increase shall be made as of the first day of the lessee's first taxable year beginning after December 31, 1963, in an amount equal to 7 percent of the qualified investment in the property (determined as of the date the property was placed in service), but not in excess of the reduction in basis made under paragraph (b) of this section plus the decrease in rental deductions made under paragraph (k)(2) of § 1.48-4. If the property was purchased by the lessee in a taxable year beginning after December 31, 1963, the increase shall be made to the basis of the property as of the date of purchase by an amount equal to any decrease in rental deductions actually made under paragraph (k)(2) of § 1.48-4 minus any increase in rental deductions taken into account by the lessee under paragraph (m) of § 1.48-4. Any increase in basis under this paragraph shall be reduced to the extent of any increase in basis previously made under paragraph (c) of this section on account of early disposition, etc., of the property. For taxable years of a lessee beginning after December 31, 1963, such increase in basis shall be taken into account for all purposes of subtitle A of the Code.

(2) *Special rules.* (i) The increase in basis provided by this paragraph shall be taken into account ordinarily by the lessee treated as the purchaser. However, if the property under the lease is transferred before the purchase by the lessee to a successor lessee in a transaction described in section 47(b) (other than a transfer by reason of death) under which the successor lessee assumes the lessee's obligations under the lease, or if the property is purchased by the lessee in a taxable year beginning before January 1, 1964, and subsequently transferred in a transaction described in section 47(b) (other than a transfer by reason of death), the increase in basis provided for in this paragraph shall be taken into account by the transferee.

(ii) The basis of any section 38 property is not to be increased under subparagraph (1) of this paragraph if the taxpayer dies in a taxable year beginning before January 1, 1964.

(3) *Examples.* The application of this paragraph may be illustrated by the following examples:

*Example (1).* (a) X Corporation acquired on January 1, 1962, an item of new section 38 property with a basis of $10,000, an estimated useful life of 10 years, and a salvage value of $1,000. Y Corporation, which makes its return on the basis of a calendar year, leased such property from X Corporation and placed it in service on January 2, 1962. Under § 1.48-4, X Corporation made a valid election to treat Y Corporation as having purchased such property for purposes of the credit allowed by section 38. The amount of the credit earned with respect to such property was $700 (7 percent of $10,000). For the taxable year 1962, Y Corporation decreased, under paragraph (k)(2) of § 1.48-4, its deductions otherwise allowable under section 162 for amounts paid to X Corporation under the lease with respect to such property by $70 ($700 multiplied by 1½₂₀). On January 1, 1963, Y Corporation purchased such property from X Corporation for $8,830.

(b) As of January 1, 1963, Y Corporation in accordance with paragraph (b) of this section reduced the basis of the property by the amount of $630 ($700 minus $70). The adjusted basis of the property for the taxable year 1963 for purposes of determining a reasonable allowance for depreciation under section 167 was $8,200 ($8,830 minus $630).

Depreciation under the straight line method for such taxable year amounted to $800 (adjusted basis of $8,200 minus salvage value of $1,000 and divided by estimated remaining useful life of 9 years). As of December 31, 1963, the adjusted basis had been reduced to $7,400 ($8,200 minus depreciation of $800 for the taxable year 1963).

(c) As of January 1, 1964, the basis of such property is increased to $8,100 ($7,400 plus $700). To permit a total allowance of $7,900 over the entire useful life of the property (treating as a part of the depreciable basis of the property the decrease of $70 made in the taxpayer's rental deductions for the taxable year 1962), it is necessary to recompute the annual allowance for depreciation. Thus, depreciation for the taxable year 1964 and for each of the 7 succeeding years is $887.50 (adjusted basis of $8,100 minus salvage value of $1,000 and divided by estimated remaining useful life of 8 years).

*Example* (2). (a) The facts are the same as in example (1) of paragraph (m)(2) of § 1.48-4 except that Y Corporation purchased the property on January 3, 1965, for $20,000.

(b) For the taxable year 1964 Y Corporation increases its deductions otherwise allowable under section 162 by $42.

(c) As of January 3, 1965, Y Corporation increases the basis of the property ($20,000) by $294 ($336 decrease in rental deductions made in 1962 and 1963 minus $42 increased rental deductions taken into account in 1964).

PAR. 4. Paragraph (c) of § 1.167(f)-1 is amended by revising examples (1), (2), (3), and (6) to read as follows:

**§ 1.167(f)-1 Reduction of salvage value taken into account for certain personal property.**

* * * * *

(c) *Illustrations.* * * *

*Example* (1). Taxpayer A purchases a new asset for use in his business on January 1, 1963, for $10,000. The asset qualifies for the investment credit under section 38 and for the additional first-year depreciation allowance under section 179. A is entitled to an investment credit of $700 (7% × $10,000) and elects to take an additional first-year depreciation allowance of $2,000 (20% × $10,000). The basis for depreciation (determined in accordance with the provisions of section 167(g) and § 1.167(g)-1) is computed as follows:

| | | |
|---|---|---|
| Purchase price | | $10,000 |
| Less: Adjustment required for taxable years beginning before Jan. 1, 1964, under section 1016(a)(19) for the investment credit | $700 | |
| Adjustment required under section 1016(a)(2) for the additional first-year depreciation allowance | 2,000 | |
| | | 2,700 |
| Basis for depreciation for the taxable year 1963 | | 7,300 |

However, the basis of the property for determining depreciation as of the time as of which salvage value is required to be determined is $10,000, the purchase price of the property. A files his income tax returns on a calendar year basis and uses the straight line method of depreciation. A estimates that he will use the asset in his business for 10 years after which it will have a salvage value of $500, which is less than $1,000 (10% × $10,000, the basis of the property for determining depreciation as of the time as of which salvage value is required to be determined). For the taxable year 1963 A may deduct $730 as the depreciation allowance. As of January 1, 1964, the basis of the asset is increased by $700 in accordance with paragraph (d) of § 1.48-7. In computing his total depreciation allowance on the asset, A may reduce the amount taken into account as salvage value to zero and may claim depreciation deductions (including the additional first-year depreciation allowance) totaling $10,000. See paragraph (d) of § 1.48-7 for the computation of depreciation for taxable years beginning after December 31, 1963, where there is an increase in basis of property subject to the investment credit.

*Example* (2). Assume the same facts as in example (1) except that A in a subsequent taxable year redetermines the estimate of the useful life of the asset and at the same time also redetermines the estimate of salvage value. Assume also that at such time the only reductions reflected in the basis are for depreciation allowed or allowable. Accordingly, the reduction under section 167(f) and this section will be computed with regard to the purchase price and not the unrecovered basis for depreciation at the time of the redetermination.

*Example* (3). Assume the same facts as in example (1) except that A estimates that the asset will have a salvage value of $1,200 at the end of its useful life. In computing his depreciation for the asset, A may reduce the amount to be taken into account as salvage value to $200 ($1,200 - $1,000). Accordingly, A may claim depreciation deductions (including the additional first-year depreciation allowance) totaling $9,800, i.e., the purchase price of the property ($10,000) less the amount taken into account as salvage value ($200).

* * * * *

*Example* (6). Taxpayer C purchases a new asset for use in his business on January 1, 1963, for $10,000. At the time of purchase, the asset has an estimated useful life of 10 years and an estimated salvage value of $1,500. C elects to compute his depreciation allowance for the asset by the declining balance method of depreciation, using a rate of 20% which is twice the normal straight line rate of 10% (without adjustment for salvage value). C files his income tax returns on a calendar year basis. In computing his depreciation allowance for the year 1966, C changes his method of determining the depreciation allowance for the asset from the declining balance method to the straight line method (in which salvage value is accounted for in determining the annual depreciation allowances) in accordance with the provisions of section 167(e) and paragraph (b) of § 1.167(e)-1. He also wishes to reduce the amount of salvage value taken into account in accordance with the provisions of section 167(f) and this section. At the close of the year 1966, the only reductions reflected in the basis of the asset are for depreciation allowances. Thus, C may reduce the amount of salvage value taken into account by $1,000 (10% × $10,000, the basis of the asset when it was acquired), and, therefore, will account for salvage value of only $500 in computing his depreciation allowance for the asset in 1966 and subsequent years.

[F.R. Doc. 64-11353; Filed, Nov. 5, 1964; 8:47 a.m.]

# Notices

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

### STOCKYARDS AND SLAUGHTERING ESTABLISHMENTS RELATING TO BRUCELLOSIS

### Notice of Specific Approval

Pursuant to §§ 78.14(b), 78.15(b), and 78.16(b) of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the movement of certain animals because of brucellosis, under the Acts of May 29, 1884, as amended, February 2, 1903, as amended, and March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125), notice is hereby given that the following stockyards and slaughtering establishments are specifically approved under said regulations as indicated below:

SPECIFICALLY APPROVED STOCKYARDS

The following stockyards preceded by an asterisk are specifically approved for the purposes of § 78.5, Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis. The following stockyards not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

ALABAMA

*Adams & Eagle, Inc.—Marion.
*Arab Stockyards, Inc.—Arab.
*Atmore Truckers Association, Inc.—Atmore.
*Bowman Stockyards—Montgomery.
*Escambia County Cooperative, Inc.—Brewton.
*Farmers Cooperative Market, Inc.—Frisco City.
*Farmers Cooperative Market—Opp.
*Florence Trading Post—Florence.
*Geneva Stockyard—Geneva.
*Hartford Livestock Co.—Hartford.
*Henry County Livestock Association, Inc.—Abbeville.
*Hodges-Capital Stockyards—Montgomery.
*Hooper Auction Co., Inc.—Montgomery.
*Kennamer Livestock Co., Inc.—Guntersville.
*Kennett-Murray & Co.—Montgomery.
*King Livestock Auction Co.—Florence.
*Limestone County Stockyards—Athens.
*Livingston Stock Yard—Livingston.
*Madison County Livestock Market—Huntsville.
*Monroe Livestock Market—Monroeville.
Montgomery Auction Market—Montgomery.
*Pickens County Livestock Commission Co.—Aliceville.
*Ramsey and Sons, Inc.—Dothan.
*Roanoke Stockyards, Inc.—Roanoke.
*Robertsdale Livestock Auction, Inc.—Robertsdale.
*Selma Stockyards, Inc.—Selma.
*Stokes & Brogden Stockyards, Inc.—Andalusia.
*Tri-County Stockyards—Hurtsboro.
*Triple S Stockyards, Inc.—Montgomery.
*Union Stock Yards—Eufaula.
*Valley Stockyard—Decatur.
*West Alabama Stockyard, Inc.—Eutaw.
*White Livestock Commission Co., Inc.—Birmingham.
*Winfield Livestock Commission Co.—Winfield.

ARIZONA

Arizona Livestock Auction—Phoenix.
*Casa Grande Livestock Auction Co.—Casa Grande.
Wentz Brothers Livestock Auction—Tucson.

ARKANSAS

*Ash Flat Sale Barn—Ash Flat.
*Beebe Auction Co.—Beebe.
*Bentonville Community Commission Sales—Bentonville.
*Carson Livestock Auction—Searcy.
*Chaney Sale Barn, Boy—Morrilton.
*Clark County Livestock Auction—Arkadelphia.
*Corning Sales Co.—Corning.
*County Line Sale—Ratcliff.
*Crawford County Livestock Auction—Van Buren.
*Drew County Auction Co.—Monticello.
*Eudora Sales Barn—Eudora.
*Farmers & Producers Auction Co.—Pocahontas.
*Farmers Livestock Auction—Springdale.
*Flippin Sales Co.—Flippin.
*Glover Livestock Commission Co.—Pine Bluff.
*Gravette Community Sales—Gravette.
*Harrison Stockyards—Harrison.
*Hope Livestock Commission Co.—Hope.
*Lafayette County Auction—Lewisville.
*Lewis Sale Barn, Major—Conway.
*Liles Brothers Livestock Commission Co.—Searcy.
*Logan County Livestock Auction—Magazine.
*Magnolia Livestock Auction—Magnolia.
*Mammoth Spring Sale Barn—Mammoth Spring.
*Montgomery County Auction—Mt. Ida.
*Morrilton Livestock Auction—Morrilton.
*Mountain Home Livestock Auction—Mountain Home.
*Ola Auction Sale—Ola.
*Pocahontas Livestock Co.—Pocahontas.
*Polk County Auction—Mena.
*Randolph County Livestock Auction Co.—Pocahontas.
*Rector Auction—Rector.
*Salem Livestock Auction—Salem.
*Scott County Livestock Auction—Waldron.
*Siloam Springs Sale Barn—Siloam Springs.
*Washington County Sale Barn—Fayetteville.
*White County Auction—Searcy.

CALIFORNIA

*Bakersfield Livestock Auction Co.—Bakersfield.
*California Farm Bureau Sales Yard—Visalia.
*Los Angeles Livestock Market—City of Industry.
*Oakdale Livestock Auction Yard—Oakdale.
*Producers Livestock Marketing Association—Artesia, Dairy Valley.
*Stockton Union Stockyards—Stockton.
*Red Bluff Farm Bureau Sales Yard—Red Bluff.
*Roseville Livestock Auction Yard—Roseville.
*Valley Stockyard, Inc.—El Centro.

COLORADO

*Alamosa Auction—Alamosa.
*Alsbury Sales Pavilion — Glenwood Springs.
*Basin Livestock Commission Co.—Durango.
*Brush Livestock Commission Co.—Brush.
*Burlington Livestock Sales Co.—Burlington.
*Cortez Sales Barn—Cortez.
*Craig Livestock Auction—Craig.
*Delta Sales Yard—Delta.
*Elizabeth Livestock Auction—Elizabeth.
*Farmer and Rancher Commission Co.—Fort Collins.
*Fort Collins Sales Yard—Fort Collins.
*Fowler Auction Co.—Fowler.
*Grand Junction Livestock Auction—Grand Junction.
*Haxtun Co-op Livestock Exchange—Haxtun.
*K & R Livestock Commission Co.—Broomfield.
*La Junta Livestock Commission Co.—La Junta.
*Lewis, R. R., & Son Auction Co.—La Junta.
*Limon Livestock Commission Co.—Limon.
*Longmont Sales Yard—Longmont.
*McCandless-Jones Livestock Commission—Lamar.
*Palmer Livestock Commission Co.—Trinidad.
*Pueblo Livestock Auction—Pueblo.
*Rifle Sales Yard—Rifle.
*Salida Livestock Commission Co., Inc.—Salida.
*Southern Colorado Livestock Inc.—Pueblo.
*Springville Livestock Market Co.—Springfield.
*Sterling Livestock Commission Co.—Sterling.
*Stratton Sale Barn—Stratton.
*Sunset Sales Yard—Greeley.
*Valley Livestock Auction Co.—Grand Junction.
*Weld County Livestock Commission Co.—Greenley.
*Western Slope Livestock Commission Co.—Montrose.
*Winter Livestock Commission Co.—La Junta.
*Wray Livestock Commission Co.—Wray.
*Yuma Livestock Auction—Yuma.

DELAWARE

*Carroll's Sales Co.—Felton.
*Goldinger Bros., Inc.—Smyrna.
*Harris Sales Company—Odessa.

FLORIDA

*Cattlemen's Livestock Market—Tampa.
Interstate Livestock Market—Seffner.
*Jay Livestock Market—Jay.
*Paxton Livestock Market—Paxton.
*Tindel Livestock Market—Graceville.

GEORGIA

*Augusta Livestock Market—Augusta.
*Bainbridge Auction Market, Inc.—Bainbridge.
*Bartow Livestock Commission Co.—Cartersville.
*Capital Livestock Auction Co., Inc.—Atlanta.
*Carroll County Livestock Sales Barn—Carrollton.
*Candler Livestock Market—Metter.
*Chatham Livestock Co.—Savannah.
*Columbus-Muscogee Stockyard Co.—Columbus.
*Cordele Livestock Co.—Cordele.

*Dublin Livestock Commission Co.—Dublin.
*Duvall-Wheeler Livestock Co.—Greensboro.
*Farmer's Stockyard—Sylvania.
*Flint River Livestock Auction—Bainbridge.
*Georgia Livestock Terminal Market, Inc.—Macon.
*Georgia Farm Products Sale Corp.—Thomaston.
*Fitzgerald Farmers' Auction—Fitzgerald.
*Jepeway-Craig Commission Co.—Dublin.
*La Grange Stockyards, Inc.—La Grange.
*Livestock Marketers, Inc.—Douglas.
*McClure-Burnett Commission Co.—Rome.
*McClure-Burnett Commission Co.—Atlanta.
*Metter Livestock Auction—Metter.
*Mitchell County Livestock Co.—Camilla.
*Moultrie Livestock Co.—Moultrie.
*North Georgia Farmers Livestock Market—Cumming.
*North Georgia Livestock Auction, Inc.—Athens.
*Pelham Livestock Co.—Pelham.
*Peoples Stockyard—Cuthbert.
*Pierce County Stockyard—Blackshear.
*Pulaski Stockyard—Hawkinsville.
*Queen City Livestock Auction Co.—Gainesville.
*Ragsdale-Long Commission Co.—Quitman.
*Rogers Livestock Sales—La Grange.
*Seminole Livestock Auction Market—Donalsonville.
*Shuman Stockyards—Hagan.
*Sumter Livestock Association, Inc.—Americus.
*Sutton Livestock Co.—Sylvester.
*Sylvania Stockyards—Sylvania.
*Tifton Stockyards—Tifton.
*Toccoa Livestock Auction—Toccoa.
*Tri-County Livestock Co.—Social Circle.
*Turner County Stockyard—Ashburn.
*Union Stock Yards—Albany.
*Valdosta Livestock Co., Inc.—Valdosta.
*Waycross Hog and Cattle Market—Waycross.
*Wayne County Livestock Co.—Jesup.
*Wilkes County Stockyard—Washington.

IDAHO

*The Bonners Ferry Livestock—Bonners Ferry.
*Burley Livestock Commission Co., Inc.—Burley.
*Cache Valley Livestock Auction—Preston.
*Cattlemen's Livestock Auction, Inc.—Nampa.
*Coeur d'Alene Livestock Commission Yards—Coeur d'Alene.
*Cottonwood Salesyard—Cottonwood.
*Emmett Livestock Commission Co.—Emmett.
*Gooding Livestock Commission Co.—Gooding.
*Jerome Livestock Commission Co.—Jerome.
*Meridian Salesyard—Meridian.
*Nampa Livestock Commission Co.—Nampa.
*Rexburg Livestock Auction, Inc.—Rexburg.
*Salmon River Livestock Auction—Salmon.
*Salmon Sales Yard—Salmon.
*Sandpoint Livestock Auction Co.—Sandpoint.
*Shoshone Salesyard, Inc.—Shoshone.
*Spencer Livestock Commission Co.—Lewiston.
*Stockgrowers Commission Co.—Twin Falls.
*Twin City Salesyards—Lewiston.
*Valley Livestock Commission Co.—Rupert.
*Weiser Livestock Commission Co.—Weiser.

ILLINOIS

Carthage Community Sale Co.—Carthage.
Colchester Sales Association—Colchester.
Dameron Livestock Auction—Vienna.
Danville Livestock Commission Co.—Danville.
Decker's Milford Sales and Commission Co.—Milford.
DeWane's Livestock Exchange—Belvidere.
Jennings Sales Co.—Macomb.
Kankakee County Livestock Sales—Bourbonnais.
Kewanee Sale Barn—Kewanee.
Knoxville Sale Co., Inc.—Knoxville.
La Salle County Livestock Marketing Center—Ottawa.
Paris Livestock Sales Co.—Paris.
*Peoria Union Stock Yards—Peoria.
Price's Livestock Marketing Co.—Shelbyville.
Rock Island Auction Sales, Inc.—Rock Island.
Schrader Consignment Sale—Dakota.
Souders Stockyards—Brookport.
*Springfield Stockyards—Springfield.
Sullivan Livestock Market—Sullivan.
Trainor Liverstock Sales—Clinton.
West Kankakee Livestock Sale—Kankakee.
Winslow Marketing Center—Winslow.
Woodford County Livestock Commission Co., Inc.—El Paso.

INDIANA

*Boswell Livestock Commission—Boswell.
*Fort Wayne Livestock Auction—Fort Wayne.
*Lowell Livestock Auction, Inc.—Lowell.
*Producers Marketing Association, Inc.—Montpelier.
*Producers Marketing Association—Centerville.
*Producers Marketing Association—Terre Haute.
*Producers Marketing Association—Vincennes.
*Shipshewana Livestock Auction—Shipshewana.
*Valparaiso Community Sale—Valparaiso.

IOWA

Ackley Sales Pavilion—Ackley.
Adel Sales Pavilion—Adel.
Albia Sales Co.—Albia.
Anita Auction Co.—Anita.
Algona Sale Co.—Algona.
Ankeny Sales Pavilion—Ankeny.
Aplington Sales Pavilion—Aplington.
Avoca Auction Co.—Avoca.
Baxter Sale Co.—Baxter.
Bedford Sales Co.—Bedford.
Belmond Sales Pavilion—Belmond.
Belle Plaine Livestock Commission Co.—Belle Plaine.
Bingley Sales Co.—Knoxville.
Boone Sales Co.—Boone.
Bowman Cattle Co.—Maquoketa.
Bradley Livestock Auction—Red Oak.
Cedar Valley Livestock Exchange—Vinton.
*Centerville Sales Co.—Centerville.
Central City Livestock Auction—Central City.
Charlton Sales Co.—Charlton.
Cherokee Livestock Auction Co., Inc.—Cherokee.
Clarinda Auction Co.—Clarinda.
Clear Lake Auction Co.—Clear Lake.
Coggon Livestock Sales Co.—Coggon.
Colfax Sales Co.—Colfax.
Creston Livestock Auction—Creston.
Decorah Sales Commission—Decorah.
DeVries Auction Co.—Buffalo Center.
Diagonal Livestock Auction—Diagonal.
Donnellson Commission Exchange—Donnellson.
Dunlap Sale Co.—Dunlap.
Eastern Iowa Livestock Commission, Inc.—Mechanicsville.
Edgewood Sale Barn—Edgewood.
Eldora Livestock Sales—Eldora.
Farmers Auction Market—Elders
*F. S. Service, Inc., Waukon Livestock Marketing Center—Waukon.
Fort Dodge Livestock Auction, Inc.—Fort Dodge.
Forest City Auction Co.—Forest City.
Garner Sales Co.—Garner.
Grinnell Livestock Exchange—Grinnell.
Guthrie Stock Pavilion, Inc.—Guthrie Center.
Hawkeye Livestock Auction—Fairfax.
Hi-Dollar Sales Co.—Sigourney.
Hillcrest Auction Co.—Knoxville.
Humboldt Livestock Auction—Humboldt-Dakota City.
Humeston Sale Barn—Humeston.
Indianola Sale Co.—Indianola.
Iowa City Sales Co.—Iowa City.
Irwin Sales Co.—Irwin.
Kalona Sales Barn—Kalona.
Keosauqua Sales Co., Inc.—Keosauqua.
Kimballton Auction Co.—Kimballton.
Knickman Livestock Sales Co.—Council Bluffs.
Lawn Hill Livestock Auction—Lawn Hill.
Lamoni Sale Corp.—Lamoni.
Le Mars Sales Co.—Le Mars.
Livestock Auction Co.—Denison.
Liser Livestock Auction—Gowrie.
Madison County Auction—Winterset.
Mapleton Auction Co.—Mapleton.
Marengo Livestock Commission Co.—Marengo.
Marshalltown Livestock Auction—Marshalltown.
Marvel-Edge Livestock Market Center—Webster City.
Massena Livestock Auction—Massena.
McCreary Sale Co.—Centerville.
Middletown Auction Sales, Inc.—Middletown.
Moorhead Sale Barn—Moorhead.
Mount Ayr Livestock Market—Mount Ayr.
Mountain States Stockyards, Inc.—Sioux City.
New Liberty Sale Barn—New Liberty.
Northeast Iowa Sales Commission—Waukon.
Northside Sales Co.—Sibley.
Northwest Iowa Livestock Exchange—Alta.
Northwood Sales Co., Inc.—Northwood.
Oseola Sales Co.—Oseola.
Oskaloosa Livestock Market—Oskaloosa.
Ottumwa Livestock Market—Ottumwa.
Pella Sales Co.—Pella.
Perry Sales Pavilion—Perry.
Riceville Sales Pavilion—Riceville.
Rock Valley Sales Co.—Rock Valley.
Russell Sales Co.—Russell.
Sales Co. of Hawarden—Hawarden.
Sheldon Sales Co.—Sheldon.
Shenandoah Livestock Auction—Shenandoah.
Sioux Center Sales Co.—Sioux Center.
Smylie Livestock Co.—Columbus Junction.
Spencer Livestock Sales—Spencer.
Spencer North Y. Auction, Inc.—Spencer.
Storm Lake Auction Co.—Storm Lake.
Story City Auction Sales—Story City.
Summer Livestock Auction—Summer.
Tama Livestock Auction—Tama.
Thompson Livestock Commission Co.—Lamoni.
Traer Sales Co., Inc.—Traer.
Tripoli Sales Co.—Tripoli.
Troutman Auction Sales—Bonaparte.
Wapello Livestock Auction—Wapello.
Washington Livestock Sales Co.—Washington.
Waverly Sales Co.—Waverly.
Winneshiek Co-op Association—Decorah.
Witthauer Auction—Council Bluffs.

KANSAS

*A. C. Sale Co.—Arkansas City.
*Abilene Livestock Sales Co.—Abilene.
*Allen County Livestock Auction—Gas City.
*Anderson County Sale Co.—Garnett.
*Anthony Livestock Co.—Anthony.
*Ashland Sales Co.—Ashland.



*Atchison County Auction Co.—Atchison.
*Atwood Sale Barn—Atwood.
*Beloit Livestock Auctions, Inc.—Beloit.
*Caldwell Community Sale—Caldwell.
*Cedar Vale Sales Co.—Cedar Vale.
*Central Livestock Sales Co.—South Hutchinson.
*Chandler Sales Co.—Smith Center.
*C & S Livestock Commission Co.—Norton.
*Chanute Sale Pavilion—Chanute.
*Clay Center Sale Co., Inc.—Clay Center.
*Cloud County Livestock Commission Co.—Concordia.
*Coffeyville Livestock Commission Co., Inc.—Coffeyville.
*Colby Livestock Auction, Inc.—Colby.
*Coldwater Sales Co., Inc.—Coldwater.
*Columbus Community Sale—Columbus.
*Concordia Sales Co.—Concordia.
*Council Grove Livestock Auction—Council Grove.
*Dighton Livestock Auction Market, Inc.—Dighton.
*Dodge City Livestock Commission Co., Inc.—Dodge City.
*Douglas Livestock Commission Co.—Douglas.
*Downs Sales Co.—Downs.
*El Dorado Sales, Inc.—El Dorado.
*Effingham Auction Co.—Effingham.
*Emporia Livestock Sales Co., Inc.—Emporia.
*Eureka Auction Sale—Eureka.
*Farmers Livestock Exchange, Inc.—Wakarusa.
*Farmers Marketing Sales Corp., Inc.—Hill City.
*Flint Hills Livestock Sales, Inc.—Florence.
*Fort Scott Sale Co.—Fort Scott.
*Frankfort Community Sale—Frankfort.
*Franklin County Sales Co., Inc.—Ottawa.
*Fredonia Livestock Sales Co., Inc.—Fredonia.
*Giger Sales Co.—Emporia.
*Glasco Livestock Exchange—Glasco.
*Goodland Livestock Commission Co., Inc.—Goodland.
*Harper Livestock Sale Co.—Harper.
*Hays Livestock Commission Co.—Hays.
*Herington Livestock Auction Co.—Herington.
*Hiawatha Auction Co.—Hiawatha.
*Holton Community Sale—Holton.
*Holton Livestock Exchange—Holton.
*Hoxie Livestock Sale—Hoxie.
*Hutchinson Livestock Sale Pavilion—Hutchinson.
*Iola Community Sale—Iola.
*Kinsley Livestock Sales Co.—Kinsley.
*Kiowa Sales Co.—Kiowa.
*Koenig Sales Co., Inc.—Junction City.
*Lawrence Livestock Sale—Lawrence.
*Leavenworth Community Sale—Leavenworth.
*Leoti Livestock Sales Co.—Leoti.
*Liberal Livestock Sales Co.—Liberal.
*Lincoln Sales Co., Inc.—Lincoln.
*Lindsborg Livestock Commission Co.—Lindsborg.
*Lyons Sale Pavilion—Lyons.
*Manhattan Sale Co.—Manhattan.
*Mankato Sales Co.—Mankato.
*Marysville Livestock and Commission Co.—Marysville.
*McKinley-Winter Livestock Commission Co., Inc.—Dodge City.
*Meade Livestock Commission Co.—Meade.
*Medicine Lodge Sales Co., Inc.—Medicine Lodge.
*Moline Auction Co.—Moline.
*Natoma Livestock Exchange, Inc.—Natoma.
*Ness Livestock, Inc.—Ness City.
*Newton Livestock Sale Provision Co.—Newton.
*Norton Livestock Commission Co.—Norton.
*Oakley Livestock Sales Co.—Oakley.
*Oberlin Livestock Commission Co.—Oberlin.
*Onaga Community Sale—Onaga.
*Osage City Livestock Sale—Osage City.
*Osborne Livestock Commission Co.—Osborne.
*Overbrook Livestock Sale Co.—Overbrook.
*Paola Market Sale—Paola.
*Pawnee Cattle Co., Inc.—Hutchinson.
*Phillipsburg Sales Co., Inc.—Phillipsburg.
*Plainville Livestock Commission Co., Inc.—Plainville.
*Pratt Livestock Commission Co.—Pratt.
*Quinter Livestock Commission—Quinter.
*Russell Livestock Commission Co., Inc.—Russell.
*Rush County Sale—La Crosse.
*Rezac Livestock Commission Co.—St. Marys.
*St. Francis Livestock Sales Co.—St. Francis.
*Sabetha Livestock Auction—Sabetha.
*Salina Livestock Commission Co.—Salina.
*Southeastern Kansas Sales Co.—Fort Scott.
*Stewart Auction Barn—Bronson.
*Stockton Livestock Commission Co.—Stockton.
*Stockyards Commission Co.—Great Bend.
*Sylvan Sales Company—Sylvan Grove.
*The Garden City Sale Co., Inc.—Garden City.
*Tri-State Sale, Inc.—Elkhart.
*WaKeeney Livestock Commission Co.—WaKeeney.
*Washington Sale Co.—Washington.
*Waverly Livestock Sale Barn—Waverly.
*Weaver & Dunn Livestock Auction Co.—Syracuse.
*Wellington Sales Co.—Wellington.
*Winfield Livestock Auction, Inc.—Winfield.
*Wilson Livestock Auction—Salina.
*Zima Livestock Sales Co.—Emmett.

KENTUCKY

Adair County Stockyards—Columbia.
*Albany Stockyards—Albany.
*Barren County Stockyards, Inc.—Glasgow.
*Berry and Whitford Stockyard—Mayfield.
*Blue Grass Stockyards Co.—Lexington.
*Bowling Green Livestock Market, Inc.—Bowling Green.
*Boyle County Stockyards Co.—Danville.
*Burkesville Stockyards—Burkesville.
*Carlisle Stockyards—Carlisle.
*Catlettsburg Livestock Sales Co.—Catlettsburg.
*Christian County Livestock Market, Inc.—Hopkinsville.
*Clay-Wachs Stockyards Co., Inc.—Lexington.
*Cynthiana Stockyards—Cynthiana.
*Edmonton Livestock Market—Edmonton.
*Farmers Commission Co., Inc.—Tompkinsville.
*Farmers Livestock Co.—Mayfield.
*Farmers Livestock Market, Inc.—Somerset.
*Farmers Livestock Market—London.
Farmers Livestock Sales, Inc.—Louisa.
*Farmers Stockyards—Flemingsburg.
*Farmers Stockyards Co., Inc.—Mt. Sterling.
*Franklin Livestock Market, Inc.—Franklin.
*Garrard County Stockyards—Lancaster.
*Gibson Livestock Co., Inc.—Marion.
*Glasgow Livestock Market—Glasgow.
Green County Stockyards—Greensburg.
*Hopkinsville Livestock Co.—Hopkinsville.
J & J Livestock Market—Horse Cave.
*Kentuckiana Livestock Market, Inc.—Owensboro.
*Kentucky-Tennessee Livestock Market—Guthrie.
*Knox County Stockyards—Barbourville.
*Laurel Sales Co.—London.
*Lebanon Stockyards, Inc.—Lebanon.
Lincoln County Stockyards, Inc.—Stanford.
*Logan County Livestock Co., Inc.—Russellville.
*Madison Sales Co.—Richmond.
*Maysville Stockyards—Maysville.
*Middlesboro Livestock Market—Middlesboro.
*Monticello Stockyards—Monticello.
*Murray Livestock Co.—Murray.
*O. K. Stockyard—Maysville.
*Olive Hill Livestock Co.—Olive Hill.
*Paducah Livestock Auction—Paducah.
Paintsville Livestock Market—Paintsville.
*Paris Stockyards—Paris.
*Princeton Livestock Co.—Princeton.
*Richmond Livestock Market Corp.—Richmond.
Russell County Stockyards—Russell Springs.
*Science Hill Stockyards—Science Hill.
*Sparta Stockyards Co.—Sparta.
*Winchester Stockyards—Winchester.

LOUISIANA

*Abbeville Commission Co.—Abbeville.
*Amite Livestock Auction, Inc.—Amite.
*Avoyelles Livestock Auction Market—Mansura.
*Bastrop Livestock Auction—Bastrop.
*Brabham Livestock Commission Market—Leesville.
Brown Alsbrooks Stockyards, Inc.—Baton Rouge.
Brown Alsbrooks Stockyards, Inc.—Opelousas.
*Clark Livestock Commission Co.—Benton.
*Coltharp's Livestock Market—De Ridder.
*Delhi Livestock Auction—Delhi.
*DeQuincy Livestock Commission Co.—De Quincy.
*Dominique's Cow Palace—Bossier City.
*Dominique's Cow Palace—Marksville.
*Dominique's Stockyards, Inc.—Opelousas.
*Dominique's Livestock Auction—Alexandria.
*Dominique's Stockyards, Inc.—Baton Rouge.
*Dominique's Livestock Auction—Carencro.
*Eunice Stockyards—Eunice.
*Farmer and Stockman Auction—Clarence.
*Franklin Livestock Auction—Winnsboro.
*Franklinton Stock Yards, Inc.—Franklinton.
*Hodges and Co., W. H.—Crowley.
*Hodges and Co., W. H.—Alexandria.
*Hodges and Co., W. H.—New Roads.
*Hodges Stockyard, Inc.—Arabi.
*Hodges Stockyard, Inc.—Raceland.
*Homer Livestock Auction—Homer.
*Lacassine Stockyard—Lacassine.
*Lake Charles Livestock Commission Yard—Iowa.
*J. D. Lacy Stockyard—Alexandria.
*Kentwood Stockyard, Inc.—Kentwood.
*Louisiana Delta Auction Co.—Tallulah.
*Lum Brothers Stockyards, Inc.—Vidalia.
*Lyles Auction Co., Bill—Grand Cane.
*Lyles Auction Co., Bill—Mansfield.
*Micelle's Commission Yard—Lake Charles.
*Miller & Dominique Stockyard—Welsh.
*Minden Livestock Commission Co.—Minden.
*North Tangipahoa Stockyard, Inc.—Kentwood.
*Oakdale Livestock Auction, Inc.—Oakdale.
*Lake Charles Livestock Commission Co.—Lake Charles.
*Rayville Livestock Market, Inc.—Rayville.
*Red River Livestock Auction—Coushatta.
*Ruston Stockyards, Inc.—Ruston.
*South Louisiana Livestock Co-op, Inc.—Thibodaux.
*Tate Commission Barn, Joe—Ville Platte.
*Town & Country Auction—Ville Platte.
*West Monroe Livestock Auction, Inc.—West Monroe.
*Zachary Stockyards—Zachary.

MARYLAND

*Aberdeen Sales Co.—Aberdeen.
*Caroline Sales Co., The—Denton.

*Cumberland Stock Yard, Inc.—Cumberland.
*Farmers Live Stock Exchange, Inc.—Boonsboro.
*Four States' Livestock Sales, Inc.—Hagerstown.
*Frederick Livestock Auction, Inc.—Frederick.
*Friend's Stock Yard, Inc.—Accident.
*Garrett County Livestock Sales, Inc.—Accident.
*Grantsville Community Sale—Grantsville.
*Rudnick, Harry, and Sons—Galena.
*West Nottingham Livestock Market, Inc.—Rising Sun.
*Western Maryland Stock Yards, Inc.—Westminster.
*Woodboro Livestock Sale, Inc.—Walkersville.

MASSACHUSETTS

*Brighton Stock Yards Co.—Brighton.
*Michelson's Cattle Auction—South Easton.
*Northampton Coop. Auction—Northampton.

MICHIGAN

*Andy Adams Sale Barn—Hillsdale.
*Adrian Livestock Auction—Adrian.
*Coldwater Livestock Auction—Coldwater.
*Dundee Livestock Auction—Dundee.
*Fulmer Stock Yards, Inc.—Sandusky.
*Howell Livestock Auction—Howell.
*Linameier Livestock Auction—Menominee.
*Michigan Livestock Exchange—Cassopolis.
*Napoleon Livestock Auction—Napoleon.
*Three Rivers Livestock Auction—Three Rivers.

MISSISSIPPI

*Alcorn County Stockyard—Corinth.
*Amory Commission Co.—Amory.
*Batesville Sales Co., Inc.—Batesville.
*Billingsley Auction Sale, "Doc."—Senatobia.
*Booneville Commission Co.—Booneville.
Carls' Commission Co.—Pontotoc.
*Chickasaw Commission Co.—Houston.
*Clarksdale Livestock Sales Co.—Clarksdale.
*Columbus Livestock Commission Co.—Columbus.
*Corinth Livestock Commission Co.—Corinth.
*Decatur Stockyards—Decatur.
*Dixie Stockyards, Inc.—Meridian.
*Felders Livestock Sales Co.—Summit.
*George County Stock Yards—Lucedale.
*Graves Livestock Co.—Winona.
*Grenada Livestock Exchange—Grenada.
*Gulfport Livestock Yards—Gulfport.
*Hattiesburg Livestock Yards, Inc.—Hattiesburg.
*Henderson Sale Co.—Philadelphia.
Holton, J. W., Livestock Sales—Centerville.
*Hub City Stockyards, Inc.—Hattiesburg.
*Jackson Union Stockyards (and Quinns)—Jackson.
*Jefferson County Stock Yards—Fayette.
*Knight Brothers Stockyard—Carthage.
*Laurel Stock Yards—Laurel.
*Lexington Sales Co.—Lexington.
*Lincoln County Livestock Commission Co.—Brookhaven.
L & L Commission Co.—Liberty.
*Lipecomb Commission Co.—Como.
*Livestock Producers Association—Tylertown.
*Lum Commission Co.—Vicksburg.
*Meridian Stockyards, Inc.—Meridian.
*Mid-South Order Buyers, Inc.—Jackson.
Mississippi Livestock Producer's Association, Edwards Branch—Edwards.
*Mississippi Livestock Producers Association, (North Yard)—Jackson.
*Mississippi Livestock Producers Association, (South Yard)—Jackson.
*Moore and Woods Commission Co.—Macon.
*Natchez Stockyards—Natchez.
*New Albany Sales Co.—New Albany.
*Olive Branch Sales Co.—Olive Branch.
*Oxford Livestock Commission Co.—Oxford.
*Peeler's Sale Barn—Kosciusko.
*Pontotoc Livestock Commission Co.—Pontotoc.
Prairie Land and Cattle Co.—West Point.
*Prentiss Auction Sale—Prentiss.
*Ripley Sales Co.—Ripley.
*Sardis Livestock Sales Co.—Sardis.
*Southwest Stockyards, Inc.—Fort Gibson.
*Spicer Brothers—Tupelo.
*Starkville Livestock Commission Co.—Starkville.
*Stiles Livestock Commission Co.—Sturgis.
*Stringer Sale Barn—Columbia.
*Tadlock Stockyards—Forest.
*Tri-State Stockyards, Inc. (Auxiliary Station)—Greenville.
*Tupelo Livestock Auction, Inc.—Tupelo.
*Tupelo Stockyards—Tupelo.
*Walnut Sale Co.—Walnut.
*Waynesboro Livestock Yards, Inc.—Waynesboro.
*West Point Livestock Commission, Inc.—West Point.
*Winston County Community Sales—Louisville.

MISSOURI

Adair County Sale Barn—Kirksville.
Alton Sales Co.—Alton.
Arnett and Son Livestock Auction—Warrensburg.
Ava Sales Co.—Ava.
Baker, Roy Sales Co.—Butler.
Beever Sale Pavilion—Chillicothe.
Bethany Livestock Auction—Bethany.
Bowling Green Auction Co.—Bowling Green.
Brunswick Sale Co.—Brunswick.
Buffalo Sale Barn—Buffalo.
Butler Community Sale—Butler.
Cabool Livestock Market—Cabool.
Callaway Stock Sales Association—Fulton.
Carrollton Livestock Auction—Carrollton.
Central Missouri Livestock Auction—Mexico.
Central Missouri Sales Co.—Sedalia.
*Charleston Auction Co.—Charleston.
Circle S Livestock Auction—Stanberry.
Clark County Sales Co.—Kahoka.
Clinton Community Sale—Clinton.
Columbia Livestock Auction, Inc.—Columbia.
Cox Auction Sale, Noel—Ozark.
Davis-Johnston Patrick's Sales and Commission Co.—Boonville.
Doniphan Auction Sales Co.—Doniphan.
Douglas County Livestock Auction—Ava.
Drexel Community Sale—Drexel.
Edina Sale Co.—Edina.
El Dorado Springs Sales Co.—El Dorado.
Fairground Sale Co.—Maryville.
Fairplay Sales Co.—Fairplay.
Farmers and Traders Commission Co., Inc.—Palmyra.
Farmington Auction Co., Inc.—Farmington.
Fredericktown Auction Co., Inc.—Fredericktown.
Gainesville Sale Barn—Gainesville.
Gallatin Livestock Auction—Gallatin.
Golden Valley Auction Co.—Clinton.
Goodman Auction Market—Goodman.
Grant City Sale Barn—Grant City.
Green City Auction Co.—Green City.
Halsey-Riley Sales Co., Inc.—Marshall.
Hannibal Sale Co., Inc.—Hannibal.
Hinds Sale Co.—Memphis.
Joplin Friday Sales Day—Joplin.
Kahoka Sale Co.—Kahoka.
Kennett Sales Co., Inc.—Kennett.
Kirksville Community Sale—Kirksville.
Lewis County Auction Co.—Lewistown.
Lexington Livestock Auction—Lexington.
Licking Auction Sales Co.—Licking.
Linn County Auction Co.—Brookfield.
Lockwood Community Sales, Inc.—Lockwood.
Lolli Sales Pavilion—Macon.
Mansfield Auction Co.—Mansfield.
Maryville Auction Co.—Maryville.
Mexico Stockyards Co.—Mexico.
Milan Auction Co.—Milan.
Moberly Livestock Auction—Moberly.
Monett Sale Co.—Monett.
Montgomery County Auction Co.—Wellsville.
Mountain Grove Livestock Auction—Mountain Grove.
Mountain View Auction—Mountain View.
Neosho Community Sale—Neosho.
Nevada Sale Co.—Nevada.
New Palmyra Sale Co.—Palmyra.
Odessa Community Sale—Odessa.
Olean Sale Co.—Olean.
Oregon Livestock Sale Co.—Oregon.
Palmyra Livestock Auction Market—Palmyra.
Pasley Auction Co., C. M.—Osceola.
Payne Auction Sales—Lebanon.
Platte County Sales Co.—Platte City.
Poplar Bluff Sales Co.—Poplar Bluff.
Potosi Auction Co.—Potosi.
Princeton Sale Co.—Princeton.
Producers Livestock Market—Marshall Junction.
Robert's Brothers Auction—Bolivar.
Robertson's Community Sale—Bethany.
Rockport Sales Pavilion, Inc.—Rockport.
Rolla Auction Co.—Rolla.
Salem Auction Co.—Salem.
Schuyler Sales Association—Lancaster.
Sebaugh, Dale D., Auction Barn—Sedgewickville.
Seneca Community Sale, Inc.—Seneca.
Shelbina Auction Co.—Shelbina.
Sikeston Auction Co.—Sikeston.
Steelville Auction Market—Steelville.
Stewart's Sales Pavilion—Cameron.
Summersville Auction Sale—Summersville.
Taney County Auction Barn—Forsyth.
Thayer Sales Co.—Thayer.
Troy Sales Company—Troy.
Unionville Auction Co.—Unionville.
Van Meter Auction Co.—Kingsville.
Vernon County Sales Co.—Nevada.
Versailles Auction Co.—Versailles.
Warsaw Sales Co.—Warsaw.
Welty Sales Pavilion—Nevada.
Wentzville Auction Co.—Wentzville.
West Plains City Sales—West Plains.
West Plains Livestock Auction—West Plains.
Windsor Auction Co.—Windsor.

MONTANA

*Billings Livestock Commission Co.—Billings.
*Glendive Auction Co., Inc.—Glendive.
*Schnell's Miles City Livestock Auction Co.—Miles City.
Sidney Livestock Market Center—Sidney.

NEBRASKA

*Ainsworth Sale Yard—Ainsworth.
*Albion Sales Pavilion—Albion.
*Alliance Livestock Auction Co.—Alliance.
*Alma Sale Barn—Alma.
*Arnold Livestock Commission Co.—Arnold.
*Ashland Sale Barn—Ashland.
*Atkinson Livestock Market—Atkinson.
*Augustin Brothers Auction, Inc.—Shelby.
*Bassett Livestock Sales—Bassett.
*Beatrice 77 Livestock Auction, Inc.—Beatrice.
*Beatrice Sales Pavilion—Beatrice.
*Beaver Valley Livestock Auction—Beaver City.
*Benkelman Sales Co.—Benkelman.
*Blue Hill Livestock Company—Blue Hill.
*Burwell Livestock Market—Burwell.
*Butte Livestock Market—Butte.
*Bloomfield Livestock Auction—Bloomfield.
*Central Nebraska Commission Co.—Broken Bow.
*Chadron Sales Co.—Chadron.
*Chappell Livestock Commission Co., Inc.—Chappell.
*Columbus Sales Pavilion Inc.—Columbus.



*Crawford Livestock Market, Inc.—Crawford.
*Creighton Livestock Market—Creighton.
*Dovel Sale Barn—Auburn.
*Elkhorn Valley Cattle Co.—Norfolk.
*Ewing Livestock Market—Ewing.
*Fairbury Livestock Co.—Fairbury.
*Falls City Auction Co.—Falls City.
*Farmers Livestock Sales Co.—Benkelman.
*Geneva Salesbarn—Geneva.
*Gordon Livestock Auction Co., Inc.—Gordon.
*Grand Island Livestock Auction, Inc.—Grand Island.
*Grant Sales Co.—Grant.
*Hebron Livestock Commission Co.—Hebron.
*Imperial Auction Market, Inc.—Imperial.
*Kearney Livestock Commission Co.—Kearney.
*Klug Brothers Livestock Co.—Columbus.
*Leigh Shipping Association—Leigh.
*Lexington Livestock Commission Co.—Lexington.
*Lockwood Livestock Auction—South Sioux City.
*McKee Sales Co.—Superior.
*Minden Livestock Sales Co.—Minden.
*Morrison Livestock Commission Co.—Scottsbluff.
*National Sale Barn—Plattsmouth.
*Nebraska Livestock Sales—Lincoln.
*Neligh Livestock Commission Co.—Neligh.
*Newman Grove Sales Co.—Newman Grove.
*Nollett Livestock Sales—Valentine.
*Norfolk Livestock Sales Co.—Norfolk.
*O'Neill Livestock Market—O'Neill.
*Ogallala Livestock Commission Co.—Ogallala.
*Oshkosh Livestock Commission Co.—Oshkosh.
*Oxford Livestock Commission Co.—Oxford.
*Pawnee Livestock Commission Co.—Pawnee City.
*Pender Livestock Sales Co.—Pender.
*Platte Valley Salebarn—Kearney.
*Red Cloud Sales Co.—Red Cloud.
*Republican Valley Livestock Auction—Franklin.
*Sheridan Livestock Commission Co.—Rushville.
*Sidney Livestock Sales Pavilion, Inc.—Sidney.
*Sioux County Livestock Auction—Harrison.
*Spalding Livestock Market—Spalding.
*Stickelman Livestock Commission Co.—Gothenburg.
*Superior Sales Co.—Superior.
*Tecumseh Livestock Market—Tecumseh.
*Thedford Livestock Sales Co.—Thedford.
*Tri-State Livestock Commission Co.—McCook.
*Union Livestock Commission Co.—Scottsbluff.
*Valentine Livestock Auction—Valentine.
*Verdigre Livestock Market—Verdigre.
*Wahoo Livestock Auction Market—Wahoo.
*Wayne Sales Co., Inc.—Wayne.
*Wells Commission Co.—Fremont.
*West Point Sales Co.—West Point.
*Western Livestock Auction Co.—North Platte.
*Wisner Livestock Sales Co.—Wisner.
*York Livestock Sales—York.

NEVADA

*Elko Livestock Sales Co.—Elko.
*Gallagher Livestock Co.—Fallon.

NEW JERSEY

*Community Livestock Auction—Woodstown.
*Flemington Agricultural Marketing Co-op, Inc.—Flemington.
*Harris Sales Co.—Woodstown.
*Jaeger's Auction Market—Sussex.
*Livestock Cooperative Auction Market Association, of North Jersey, Inc.—Hackettstown.
*Zlotkin Auction, Henry—Freehold.

NEW HAMPSHIRE

Newport Commission Sale—Newport.

NEW MEXICO

Five States Livestock Auction, Inc.—Clayton.
*Portales Livestock Commission Co.—Portales.

NEW YORK

Adams Malcolm "Spike"—Granville.
Amsterdam Livestock Sales, Inc.—Amsterdam.
Burton Livestock Exchange, Inc.—Vernon.
Cambridge Valley Livestock Market—Cambridge.
Chambers and Sons, Inc., D. R.—Unadilla.
Chatham Area Auction Coop., Inc.—Chatham.
Cobleskill Commission Auction, Inc.—Cobleskill.
D/B/A/Bertch's Slaughter House—Almond.
DiBello Commission Sales, Ben—Hannibal.
Empire Livestock Marketing Cooperative, Inc.—Bath.
Empire Livestock Marketing Cooperative, Inc.—Bullville.
Empire Livestock Marketing Cooperative, Inc.—Caledonia.
Empire Livestock Marketing Cooperative, Inc.—Dryden.
Empire Livestock Marketing Cooperative, Inc.—Gouverneur.
Empire Livestock Marketing Cooperative, Inc.—Lancaster.
Empire Livestock Marketing Cooperative, Inc.—Oneonta.
Empire Livestock Marketing Cooperative, Inc.—Watertown.
Farmer's Livestock Market—Bath.
Finger Lakes Livestock Market, Inc.—Canandaigua.
Gentner Livestock Commission Market, Raymond—Springville.
Hillsdale Farmers Auction, Inc.—Hillsdale.
Hudson Valley Live Stock Market—Waterford.
Johncox and Sons Livestock Auction N.—Palmyra.
Kaplan and Son, Inc., J. M.—Millerton.
Kimball Stand Commission Sales—Jamestown.
Lawrence's Commission Sale—Malone.
Luthers' Livestock Commission Market—Wassaic.
Maplehurst Livestock Market—Hinsdale.
Milford Commission Sales Stables, Inc.—Milford.
Miller's Livestock Market—Argyle.
Mohawk Valley Commission Sales, Inc.—Little Falls.
Mohawk Valley Commission Sales, Inc.—Fort Plain.
Neverett, H. L., and Sons—Chazy.
Norvel Reed Auction Sale—Sherman.
Norwich Commission Sale—Norwich.
Owego Livestock Sales—Owego.
Peters Livestock Exchange—Jeffersonville.
Southern Tier Livestock Market—Whitney Point.
Sullivan Bros. Livestock Exchange—Utica.
Sunny Acres Livestock Market—Bombay.
Wallkill Livestock Market—Walden.
Welch Livestock Market, Inc.—West Edmeston.

NORTH CAROLINA

Lancaster Stockyards—Rocky Mount.
*Norwood Stockyard—Norwood.
Powell Livestock, Inc.—Rowland.
Morris Livestock Co.—Charlotte.
Mount Airy Livestock Market, Inc.—Mount Airy.
Union County Livestock Auction, Inc.—Mineral Springs.

NORTH DAKOTA

Ashley Livestock Sales Co.—Ashley.
*Beulah Livestock Auction Market, Inc.—Beulah.
*Dobler Livestock Sales Co.—Jamestown.
*Dobler Livestock Sales—Ellendale.
*Edgeley Livestock Sales Co.—Edgeley.
*Ellendale Livestock Sales Co.—Ellendale.
*Hamann Livestock Co. (Uecker Yards)—Hettinger.
*Harrington Bros. Livestock Auction—Minot.
*Harvey Livestock Auction—Harvey.
*Hettinger Livestock Sales—Hettinger.
*Home Base Auction Co.—Bowman.
*J. K. L. Cattle Co.—Williston.
*Kamrath Sales Pavilion—Mott.
*Lake Region Auction Market—Devils Lake.
*Linton Livestock Sales, Inc.—Linton.
*Lorenz Livestock Sales—Hazen.
*Mandan-Bismarck Livestock Comm. Co., Inc.—Mandan.
Mayville Livestock Auction—Mayville.
*Minot Livestock Auction—Minot.
*Missouri Slope Livestock Auction, Inc.—Bismarck.
*Napoleon Livestock Auction, Inc.—Napoleon.
*Park River Livestock Auction Market—Park River.
*Rugby Livestock Sales—Rugby.
*Schlichenmayer Livestock Sales—Turtle Lake.
*Schnell Livestock Auction Co.—Dickinson.
*Valley City Livestock Auction—Valley City.
*Wahpeton Livestock Co.—Wahpeton.
*Western Livestock Co.—Dickinson.
*Williston Livestock Commission Co.—Williston.
*Wishek Livestock Market—Wishek.

OHIO

*Athens Livestock Sales Co.—Athens.
*Barnesville Livestock Exchange—Barnesville.
*Bloomfield Livestock Auction—North Bloomfield.
*Bowling Stockyard—Circleville.
*Canfield Livestock Auction—Canfield.
*Carrollton Livestock Auction—Carrollton.
*Creston Livestock Sales—Creston.
*Damascus Livestock Auction—Damascus.
*Delta Livestock Auction—Delta.
*Dorset Livestock Auction—Dorset.
*Elkton Auction—Elkton.
*Farmers' Livestock Auction, Inc.—Marietta.
*Fremont Livestock Exchange—Fremont.
*Geauga Livestock Commission—Middlefield.
*Gibsonburg Livestock Auction—Gibsonburg.
*Kenton Farmers Marketing Co.—Kenton.
*Kidron Auction Co.—Kidron.
*Lugbill Bros., Inc.—Archbold.
*Lugbill Brothers, Inc.—Columbus Grove.
*Marietta Livestock Market, Inc.—Marietta.
*Ohio Valley Livestock Co.—Gallipolis.
*Peoples Livestock Exchange—Greenville.
*Producers Livestock Association—Bucyrus.
*Producers Livestock Association—Chillicothe.
*Producers Livestock Association—Columbus.
*Producers Livestock Association—Coshocton.
*Producers Livestock Association—Eaton.
*Producers Livestock Association—Findlay.
*Producers Livestock Association—Hicksville.
*Producers Livestock Association—Hillsboro.
*Producers Livestock Association—Lancaster.
*Producers Livestock Association—Marion.

*Producers Livestock Association—Mt. Vernon.
*Producers Livestock Association—Wapakoneta.
*Producers Livestock Association—Washington C. H.
*Producers Livestock Association—Wilmington.
*Scio Auction Co.—Scio.
*Scioto Livestock Sales Co.—Chillicothe.
*Tiffin Livestock Sales Co.—Tiffin.
*Union Stockyards—Hillsboro.
*Washington C. H. Union Stockyards—Washington C. H.
*Western Ohio Livestock Exchange—Celina.
*Zanesville Community Sales—Zanesville.

OKLAHOMA

*Ada Livestock Auction, Inc.—Ada.
*Antlers Livestock Auction—Antlers.
*Beaver Livestock Sale—Beaver.
*Big Pasture Auction—Frederick.
*Blackwell Livestock Auction—Blackwell.
*Braden's Slaughtering Establishment—Ponca City.
*Buffalo Livestock Commission Co.—Buffalo.
*Carman Livestock Exchange—Carman.
*Chandler Auction—Chandler.
*Cherokee Sale Co.—Cherokee.
*Clinton Cattle Commission Co.—Clinton.
*Clinton Livestock Auction—Clinton.
*Cornwell-Ochsner Commission Sale—Yukon.
*Covington Sale Barn—Covington.
*Dewey Livestock Sales Company—Dewey.
*Duncan Livestock Auction—Duncan.
*Durant Livestock Commission Co.—Durant.
*Durant Stockyards Company—Durant.
*El Reno Livestock Auction Sale—El Reno.
*Fairview Sale Barn—Fairview.
*Farmers and Ranchers Livestock Auction—Vinita.
*Farmers Livestock Commission Co.—Enid.
*Grove Sales Co.—Grove.
*Hobart Stockyards—Hobart.
*Hollis Livestock Commission Co.—Hollis.
*Hugo Sales Commission Co.—Hugo.
*Idabel Livestock Auction, Inc.—Idabel.
*Jay Sale—Jay.
*LeFlore County Livestock Auction Co.—Wister.
*Locust Grove Sale—Locust Grove.
*Looper Auction—Stillwater.
*Mangum Livestock Co.—Mangum.
*Maxon Sales Co., Inc.—South Coffeyville.
*Maxon Sales Co., Inc.—Welch.
Meeker Livestock Auction—Meeker.
*Mountain View Community Sale—Mountain View.
*Muskogee Stockyards & Livestock Auction—Muskogee.
*Newkirk Livestock Auction—Newkirk.
*Oklahoma Auction Yards—Hominy.
*Oklahoma Stockyards, Inc.—Duncan.
*Osage Sale Barn—Fairfax.
*Pawnee Sale Co.—Pawnee.
*Perkins Y Livestock Auction—Perkins.
*Perry Livestock Exchange—Perry.
*Pryor Livestock Commission Co.—Pryor.
*Selling Sales Association, Inc.—Selling.
*Shawnee Sale Barn—Shawnee.
Snyder Stockyards—Snyder.
*Stigler Livestock Auction—Stigler.
*Texhoma Livestock Commission Co., Inc.—Texhoma.
*Tonkawa Livestock Auction—Tonkawa.
*Union Stockyard—McAlester.
*Vinita Stockyards Auction Co.—Vinita.
*Waurika Auction Sale—Waurika.
*Webb Livestock Sale—Sayre.
*Woodward Livestock Commission Co.—Woodward.

OREGON

*Coos-Curry Livestock Auction—Bandon.
*Douglas Livestock Market—Wilbur.
*Enterprise Livestock Auction Co.—Enterprise.
*Hermiston Livestock Commission Co.—Hermiston.
*Klamath Stockmen's Commission, Inc.—Klamath Falls.
*Madras Livestock Auction Market—Madras.
*McMinnville Auction Yard—McMinnville.
*Northwestern Livestock Commission Co.—Hermiston.
*Redmond Auction Yard—Redmond.
*Rogue Valley Livestock Auction, Inc.—Medford.
*Schricker and Son Livestock Auction—Sutherlin.
Salem Auction Yard—Salem.
*The Dalles Auction Yard—The Dalles.
*Valley Livestock Sales—Lebanon.
*Valley Livestock Auction Market—Hood River.

PENNSYLVANIA

Belknap Auction Sales—Dayton.
Belleville Livestock Market, Inc.—Belleville.
Carlisle Livestock Market—Carlisle.
Chambersburg Livestock Sales—Chambersburg.
Chesley's Livestock Market—North East.
Clinton Auction, Inc.—Mill Hall.
Coudersport Livestock Market—Coudersport.
Danville Livestock Market, Inc.—Danville.
Dewart Livestock Market—Dewart.
Eighty-four Auction Sales, Inc.—Eighty four.
Enon Valley Community Sales—Enon Valley.
Farmers' Tri-County Auction—Scenery Hill.
Fayette Stockyard Co.—Uniontown.
Gilbertsville Sales Stables—Gilbertsville.
Greencastle Livestock Market—Greencastle.
Green Dragon Livestock Sales—Ephrata.
Hatfield Livestock Market, Inc.—Hatfield.
Hickory Auction and Sales—Hickory.
Indiana Livestock Market, Inc.—Homer City.
Knoxville Sales, Inc.—Knoxville.
Lebanon Valley Livestock Market, Inc.—Fredericksburg.
Leesport Market and Auction—Leesport.
Lycoming Livestock Market—Williamsport.
Mason-Dixon Livestock Market, Inc.—Stewartstown.
Meadville Livestock Auction—Hagerstown.
Middleburg Auction Sales, Inc.—Middleburg.
Montague Livestock Auction—Union City.
Morrison Cove Livestock Market—Martinsburg.
New Holland Sales Stables, Inc.—New Holland.
New Wilmington Livestock Auction—New Wilmington.
Nicholson Sales Co.—Nicholson.
Penns Valley Sales Barn—Centre Hall.
Pennsylvania Livestock Auction, Inc.—Waynesburg.
*Pennsylvania Stockyards Co.—Philadelphia.
Perkiomenville Sales Stables—Perkiomenville.
Quakertown Livestock Sale—Quakertown.
Showalter's Live Stock Exchange—Duncansville.
Silver Springs Livestock Market—Mechanicsburg.
Tri-County Livestock Auction—Brockway.
Troy Sales Cooperative—Troy.
Valley Stock Yards, Inc.—Athens.
Vintage Sales Stables, Inc.—Paradise.
Wayne County Livestock Exchange, Inc.—Honesdale.
Whitford Sales Co.—Whitford.
Wyalusing Sales Company—Wyalusing.
York Livestock Market, Inc.—York.

SOUTH CAROLINA

*Bruce Livestock Co., P. L.—Greenville.
*Chesnee Livestock Co.—Chesnee.
*Conder Co., Inc., J. W.—Columbia.
*Florence Auction Market—Florence.
*Florence Union Stockyard—Florence.
*Greenwood Stockyard, Inc.—Greenwood.
*Herndon Stockyard, Inc.—Ehrhardt.
*Hutto Stockyard, Inc.—Holly Hill.
*Pageland Livestock Barn—Pageland.
*Pickens Auction Market, Inc.—Pickens.
*Rock Hill Sales Barn—Rock Hill.
*Saluda County Stockyard, Inc.—Saluda.
*Smith Stockyards of Columbia—Columbia.
*Spartansburg Livestock Yard—Spartansburg.
*Springfield Stockyards, Inc.—Springfield.
*Taylor Stockyards, John C.—Anderson.
*Walterboro Stockyards Co., Inc.—Walterboro.
*York County Stockyard Sales, Inc.—York.

SOUTH DAKOTA

*Aberdeen Livestock Sales Co.—Aberdeen.
*Belle Fourche Livestock Exchange—Belle Fourche.
*Britton Sales Pavilion, Inc.—Britton.
*Campbell County Livestock Auction—Herreid.
*Canton Livestock Sales Co.—Canton.
*Chamberlain Livestock Sales, Inc.—Chamberlain.
*Edgemont Livestock Sales Co., Inc.—Edgemont.
*Eureka Livestock Sales Co., Inc.—Eureka.
Faith Livestock Co.—Faith.
*Gregory Livestock Auction—Gregory.
*Hub City Livestock Sales Pavilion—Aberdeen.
*Kimball Livestock Auction—Kimball.
*Lemmon Livestock Sales Co.—Lemmon.
*Leola Livestock Sales Co.—Leola.
*Livestock Auction Management, Inc.—Phillip.
*Loken's Watertown Sales Pavilion—Watertown.
*Madden's Livestock Market, Inc.—St. Onge.
*Schnell Livestock Market, Inc.—Lemmon.
*Sisseton Livestock Sales Co.—Sisseton.
*South Dakota Livestock Sales—Watertown.
*Stockmen's Livestock Auction Co.—Yankton.
*Sturgis Livestock Exchange, Inc.—Sturgis.
*Timber Lake Livestock Sales Co.—Timber Lake.
*Webster Livestock Exchange, Inc.—Webster.
*Yankton Livestock Sales, Inc.—Yankton.

TENNESSEE

*Athens Livestock Auction Co.—Athens.
*Beasley Community Auction—Franklin.
*Botts-Evans Livestock Co.—Union City.
*Bryan Brothers Livestock Market—Decherd.
*Chattanooga Union Stockyards—Chattanooga.
*Clinton Livestock Auction Co.—Clinton.
*Cleveland Livestock Auction—Cleveland.
*Coffee County Livestock Market—Manchester.
*Collierville Auction Co.—Collierville.
*Cookeville Livestock Co.—Cookeville.
*Covington Sales Co.—Covington.
*Crockett County Sales Co., Inc.—Maury City.
*Cumberland City Stockyards—Cumberland City.
*Davis Stockyards—South Fulton.
*Davis Livestock Co.—Hartsville.
*Dayton Livestock Auction Co.—Dayton.
*De Kalb County Livestock—Alexandria.
*East Tennessee Livestock Center, Inc.—Sweetwater.
*Farmers Auction Co.—Fayetteville.
*Farmers Commission Co.—Carthage.
*Farmers Commission Co., Inc.—Camden.
*Farmers Livestock Exchange—Union City.
*Farmers Livestock Market, Inc.—Greeneville.
*Farmers Stockyard—Newport.



*Gallatin Livestock Market—Gallatin.
*Giles County Stockyard—Pulaski.
*Greeneville Livestock Co., Inc.—Greeneville.
*Hardin County Stockyards—Savannah.
*Henderson Sale Co.—Henderson.
*Jamestown Livestock Market—Jamestown.
*Jackson County Commission Co.—Gainesboro.
*Jackson Packing Co.—Jackson.
*Johnson City Livestock Market—Johnson City.
*Kenneth - Murray - Latta Stockyards—South Fulton.
*Kingsport Livestock Market—Kingsport.
*Lawrence County Stockyards—Lawrenceburg.
*Lewis County Stockyards—Hohenwald.
*Lexington Livestock Market—Lexington.
*Lincoln County Livestock Market—Fayetteville.
*Logan Livestock Co.—Union City.
*Macon County Livestock Co.—Lafayette.
*Madisonville Livestock Auction Co.—Madisonville.
*Middleton Sale Co.—Middleton.
*Mid-South Livestock Commission Co.—Columbia.
*Morristown Stockyards, Inc.—Morristown.
*Murfreesboro Livestock Market—Murfreesboro.
*Newsbern Sales Co.—Newsbern.
*Newport Livestock Auction Co.—Newsport.
*New Tazewell Livestock Market—New Tazewell.
*Nichols, Brown, Anderson Sales Barn—Thompson Station.
*O'Neal Stockyards, Sam—Chattanooga.
*Paris Livestock Commission Co.—Paris.
*Peoples Stockyard—Cookeville.
*Peoples Stockyard—Fayetteville.
*Plateau Livestock Exchange—Crossville.
*Pulaski Stockyards—Pulaski.
*Rogersville Livestock Market—Rogersville.
*Scotts Hill Auction Co., Inc.—Scotts Hill.
*Sevier County Livestock Auction Co.—Seymore.
*Shelbyville Livestock Market—Shelbyville.
*Smith County Commission Co.—Carthage.
*Smithville Livestock Sales—Smithville.
*Southern Livestock Auction Co.—Columbia.
*Southwestern Sales Co., Inc—Huntington.
*Thompson Livestock Co.—Obion.
*Trenton Livestock Sales Co.—Trenton.
*Trousdale County Livestock Market—Hartsville.
*Troy Livestock Co.—Troy.
*Union Livestock Yards—Knoxville.
*Unionville Livestock Market—Unionville.
*Ward (William) Stockyard—South Fulton.
*Warren County Livestock Co.—McMinnville.
*West Tennessee Auction Co.—Martin.
*White County Livestock Co.—Sparta.
*Wilson County Livestock Market—Lebanon.
*Wilson's Livestock Market—Lewisburg.

TEXAS

*Abilene Livestock Auction—Abilene.
*Amarillo Livestock Auction Co.—Amarillo.
*Arlington Livestock Commission Co.—Arlington.
*Athens Commission Co.—Athens.
*Athens Livestock Commission Co.—Athens.
*Blanco Livestock Commission Co., Inc.—Blanco.
*Bonham Livestock Commission Co.—Bonham.
*Bowie Livestock Commission Co.—Bowie.
*Brechenridge Livestock Exchange—Brechenridge.
*Bridgeport Auction Sale—Bridgeport.
*Brownwood Cattle Auction—Brownwood.
*Buffalo Livestock Commission Co.—Buffalo.
*Burkburnett Livestock Commission Co.—Burkburnett.
*Center Auction Co.—Center.
*Childress Livestock Commission Co.—Childress.
*Clarksville Livestock Exchange—Clarksville.
*Coastal Cattle Association—Beaumont.
*Coleman Livestock Auction—Coleman.
*Cuero Livestock Commission Co.—Cuero.
*Dalhart Livestock Auction Co.—Dalhart.
*Decatur Auction Co.—Decatur.
*Eads and Cole Commission Co.—Brownwood.
*East Texas Livestock Commission Co.—Palestine.
*Farmers & Ranchers Livestock Commission Co.—Tyler.
*Farmers and Ranchers Livestock Commission Co.—Paris.
*Gainesville Livestock Auction Co.—Gainesville.
*George, R. L. (Bob), Cattle Motel & Livestock Auction—Shamrock.
*Gillespie County Livestock Sales Co.—Fredericksburg.
*Graham Livestock Commission Co.—Graham.
*Grapevine Livestock Auction—Grapevine.
*Greenville Livestock Commission Co.—Greenville.
*Groesbeck Commission Co.—Groesbeck.
*Haskell Livestock Auction Co.—Haskell.
*Hopkins County Livestock Commission Co.—Sulphur Springs.
*Henderson County Livestock Auction—Athens.
*Huntsville Livestock Commission Co.—Huntsville.
*Johnson County Commission Sales—Burleson.
*Kirbyville Auction Barn—Kirbyville.
*Lampasas Auction, Inc.—Lampasas.
*Lometa Commission Co.—Lometa.
*Lufkin Livestock Exchange—Lufkin.
*Madison County Livestock Commission Co.—Madisonville.
*McDougal Livestock Auction—Comanche.
*McKinney Livestock Commission Co.—McKinney.
*Mansfield Commission Co.—Mansfield.
*Marshall Livestock Commission—Marshall.
*Marshall-Longview Livestock Exchange—Longview.
*Matthews Livestock Commission Co.—San Saba.
*Menard County Commission Co.—Menard.
*Mineral Wells Stockyards Co.—Mineral Wells.
*Muenster Livestock Commission Co.—Muenster.
*Nacogdoches Commission Co.—Nacogdoches.
*Nocona Livestock Commission Co.—Nacona.
*Olney Livestock Auction—Olney.
*Owen Brothers Livestock Commission Co.—Texarkana.
*Palestine Livestock Auction—Palestine.
*Paris Livestock Commission Co.—Paris.
*Panola County Livestock Commission Co. Inc.—Carthage.
*Parker County Livestock Commission Co.—Weatherford.
*Patton Auction Barn—Nacogdoches.
*Perryton Livestock Auction Co.—Perryton.
*Pilot Point Livestock Exchange—Pilot Point.
*Producers Livestock Auction Co.—San Angelo.
*Quanah Livestock Commission Co.—Quanah.
*Ranchers and Farmers Auction Co.—Midland.
*Ranchers and Farmers Commission Co.—Abilene.
*Rusk County Auction—Henderson.
*San Augustine Livestock Commission—San Augustine.
*Seymour Stockyards Co.—Seymour.
*Shamrock Livestock Auction—Shamrock.
*Sulphur Springs Livestock Commission Co.—Sulphur Springs.
*Templer Livestock Auction—Belton.
*Texoma Cattle Co.—Whitesboro.
*Trinity County Auction—Groveton.
*Tulia Livestock Auction—Tulia.
*Turner Livestock Auction—Douglasville.
*Vernon Stockyards Co., Inc.—Vernon.
*Victoria Livestock Commission Co.—Victoria.
*Waco Livestock Commission Co.—Waco.
*Wellington Livestock Commission Co.—Wellington.
*West Texas Livestock Sales Co.—Plainview.
*West Texas Livestock Auction—San Angelo.
*Wichita Falls Stockyards—Wichita Falls.
*Wills Point Livestock Commission Co.—Wills Point.
*Winnsboro Livestock Commission Co.—Winnsboro.
*Wood County Livestock Auction—Mineola.
*Woodville Livestock Commission Co.—Woodville.

UTAH

*Delta Livestock Auction Co.—Delta.
*Richfield Auction Market—Richfield.
*Salina Auction—Salina.
*Spanish Fork Livestock Auction Co.—Spanish Fork.
*Smithfield Livestock Auction, Inc.—Smithfield.
*Southern Utah Auction—Cedar City.
*Uintah Sales Barn—Roosevelt.
*Utah Valley Auction—Spanish Fork.
*Vernal Livestock Auction Co.—Vernal.

VERMONT

Addison County Commission Sale—East Middlebury.
Crosby Commission Sale—Whiting.
East Thetford Commission Sale—East Thetford.
Gallerani Commission Sale—Bradford.
Vergennes Livestock Commission Sale—Vergennes.
Westminster Commission Sale—Westminster.

VIRGINIA

*Abingdon Livestock Market, Inc.—Abingdon.
*Alleghany County Livestock Market—Covington.
*Bedford Livestock Market, Inc.—Bedford.
*Christiansburg Livestock Market, Inc.—Christiansburg.
*Farmers Livestock Market, Inc.—Bristol.
*Farmers Livestock Market, Inc.—Ewing.
*Farmers Livestock Exchange, Inc.—Winchester.
*Fauquier Livestock Exchange, Inc.—Marshall.
*Front Royal Livestock Market—Front Royal.
*Galax Livestock Market, Inc.—Galax.
*Giles County Stockyard, Inc.—Narrows.
*Highland County Livestock Market, Inc.—Monterey.
*Lee Farmers Livestock Market, Inc.—Jonesville.
*Loudoun County Livestock Market, Inc.—Leesburg.
*Lynchburg Livestock Market—Lynchburg.
*Nokesville Livestock Auction, Inc.—Nokesville.
*Norton Livestock Market—Norton.
*Orange Livestock Market, Inc.—Orange.
*Phenix Livestock Market—Phenix.
*Pulaski County Livestock Market—Dublin.
Pulaski Livestock Market—Richmond.
*Roanoke Livestock Market, Inc.—Roanoke.



*Rockbridge Livestock Market, Inc.—

*Farmers Stockyard—Newport.

*Roanoke Livestock Market, Inc.—Roanoke.



*Rockbridge Livestock Market, Inc.—Buena Vista.
*Rockingham Livestock Sales, Inc.—Harrisonburg.
*Shenandoah Valley Livestock Sales, Inc.—Harrisonburg.
*Smithfield Livestock Market, Inc.—Smithfield.
*South Boston Livestock Market—South Boston.
*South Hill Livestock Market—South Hill.
*Southside Stockyards, Inc.—Petersburg.
*Staunton Union Stockyards, Inc.—Staunton.
*Staunton Livestock Market, Inc.—Staunton.
*Tazewell Livestock Market, Inc.—Tazewell.
*Victoria Livestock Market—Victoria.
*Woodstock Livestock Market, Inc.—Woodstock.
*Wytheville Livestock Market, Inc.—Wytheville.

WASHINGTON

*Auburn Livestock, Inc.—Auburn.
Columbia Sales Barn—Vancouver.
*Colville Auction Co.—Colville.
*Davenport Livestock Auction—Davenport.
*Central Washington Livestock Market, Inc.—Quincy.
*Grange Interstate Livestock Co.—Moses Lake.
*Pasco Central Stockyards—Pasco.
*Prosser Sales Yard, Inc.—Prosser.
*Toppenish Salesyard, Inc.—Toppenish.
*Twin City Sale—Centralia.
*Vancouver Livestock Auction Market—Camas.
*Walla Walla Livestock Commission Co.—Walla Walla.
*Wink-Goldendale Salesyard, Inc.—Goldendale.

WEST VIRGINIA

*Alderson Livestock Market—Alderson.
*Bluegrass Market, Inc., #1—North Caldwell.
*Bluegrass Market, Inc., #2—Ronceverte.
*Blueridge Livestock Sales, Inc.—Charles Town.
*Bridgeport Stockyards, Inc.—Bridgeport.
*Buckhannon Livestock Sales Co.—Buckhannon.
*Evans Stock Yards, Inc.—Elkins.
*Gassaway Livestock Market, Inc.—Gassaway.
*Mannington Stockyards, Inc.—Mannington.
*Morgantown Livestock Sales, Inc.—Morgantown.
*Moundsville Livestock Auction Co.—Moundsville.
*New River Livestock Market, Inc.—Beckley.
*Ohio County Livestock Auction—West Alexander.
*Jackson County Livestock Market, Inc.—Ripley.
*Pt. Pleasant Livestock Co.—Point Pleasant.
*Pocahontas Producers Cooperative Association, Inc.—Marlinton.
*South Branch Stockyard, Inc.—Moorefield.
*Spencer Live Stock Exchange, Inc.—Spencer.
*Terra Alta Stockyards, Inc.—Terra Alta.
*Union Livestock Sales Co.—Parkersburg.
*Weston Livestock Sales Co., Inc.—Weston.

WISCONSIN

*Drees Livestock Market—Peshtigo.
*Equity Livestock Market—Bonduel.
*Kuehne Livestock Market—Seymour.
*Nerrison Livestock Sales—Coon Valley.

WYOMING

*Douglas Livestock Exchange Co.—Douglas.
Gillette Livestock Exchange, Inc.—Gillette.
*Greybull Livestock Commission Co.—Greybull.
*Lusk Livestock Commission Co.—Lusk.
*Torrington Livestock Commission Co.—Torrington.
*Lander Livestock Commission Co.—Lander.
*Powell Livestock Market—Powell.
*Riverton Auction-Kemp Brothers—Riverton.
Sheridan Livestock Commission Co., Inc.—Sheridan.
*Worland Livestock Auction—Worland.

SPECIFICALLY APPROVED SLAUGHTERING ESTABLISHMENTS

The following slaughtering establishments preceded by an asterisk are specifically approved for the purposes of § 78.5 of Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis, and those not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

*Name of Slaughtering Establishment and Location*

ALABAMA

Barney's Pork House—Decatur.
Bartel's Frozen Foods—Atmore.
*Beesley Packing Co., Inc.—Andalusia.
*Bird Packing Co., Inc.—Midland City.
*Brewton Abattoir—Brewton.
Brock-Mosley Packing Co.—Robertsdale.
Daulphin's Clover Farm and Processing Plant—Brewton.
*Decatur Packing Co.—Decatur.
*East Alabama Frozen Foods and Provision Co.—Opelika.
Florence Packing Co.—Florence.
Florence Frozen Foods—Florence.
Fort Payne Locker and Storage Plant, Inc.—Fort Payne.
Greensboro Packing Co., Inc.—Greensboro.
Hinote Packing Co.—Loxley.
*Leeds Packing Co., Inc.—Leeds.
Morgan Packing Co.—Tuscaloosa.
Nelms & Son—Decatur.
*Roanoke Packing Co., Inc.—Roanoke.
Valley Pride Packing Co., Inc.—Huntsville.
*White Rock Packing Co.—Dothan.
Williams Packing Co.—Gadsden.
*Zeigler, Inc., R. L.—Selma.
*Zeigler, Inc., R. L.—Tuscaloosa.

ARIZONA

Arizona Meat Packers—Tucson.
*C and C Packing Co.—Phoenix.
*Herseth Meat Packing Co.—Phoenix.
Maricopa Packing Co.—Phoenix.
*OK Wholesale Meat Co.—Phoenix.
Paramount Packing Co.—Casa Grande.
Safford Packing Co.—Safford.
Southwest Meat Co.—Yuma.
Stone and Randall Meat Co.—Mesa.
*Tempe Meat Packing Co., Inc.—Tempe.
*Vern Busby Meat Co.—Tucson.
*Western Meat Packing Co.—Tucson.

ARKANSAS

Adams Market—De Witt.
Barnette Slaughter House—Crossett.
Bramlett's Country Market—Lowell.
Brawner Packing Co.—Wynne.
Broadway Packing Co.—Jonesboro.
Brown Calhoun General Merchandise—Monticello.
*Brown Wholesale Meats, Kelton—Little Rock.
*Brown Packing Company—Little Rock.
*Burton Wholesale Meats, Roy—North Little Rock.
Butcher Wholesale Meats—Camden.
Camden Curing Plant—Camden.
Carroll Packing Co.—Paragould.
Charleston Frozen Foods—Charleston.
Columbia Packing Co.—Magnolia.
*Community Abbatoir, Inc.—Fort Smith.
Drew County Frozen Foods—Monticello.
Dumas Packing Co.—El Dorado.
*Farm Enterprizes, Inc.—Newport.
Finn Slaughter House—Rogers.
Fletcher Beef Co., Jim—Fayetteville.
Freer and Son, Philip—Ivan.
Gude Packing Co.—Blytheville.
*Heim Bros.—Little Rock.
Hot Springs Packing Co., Inc.—Hot Springs.
Huber Slaughter Plant—Subiaco.
Huckaby Super Market—Benton.
Hunt, Leo—Pine Bluff.
Kents Wholesale Meats—Hamburg.
*Kierre & Sons—North Little Rock.
Kindervater and Sons Market, R.—Little Rock.
Kranc Meat Market—Ozark.
*Kruse Packing Co.—Alexander.
Lawton Wholesale Meats—Warren.
*Little Rock Packing Co.—Little Rock.
*Malvern Meat Co.—Malvern.
Malvern Slaughtering Establishment—Malvern.
Mann Slaughtering and Processing—Piggott.
McKeiver's Wholesale Meats—Monticello.
*Meacham Packing Company—Batesville.
Melbourne Packing Co.—Melbourne.
Mhoon Beef Co.—Fayetteville.
*Miller Packing Co.—Judsonia.
Morris Packing Co.—Hope.
Northwest Arkansas Packing Co.—Rogers.
*Oliver Slaughtering House—Stutgart.
Owens Wholesale Butcher, O. E.—Pearcy.
Paragould Food Locker—Paragould.
*Phillips Packing Co.—Magnolia.
Pitchford Market—Hartford.
Polk County Locker Plant—Mena.
Prairie Grove Locker Plant—Prairie Grove.
*Prickett Packing Co.—Batesville.
Pruett Meat Market—Batesville.
*Quality Packing Co.—Trumann.
Ralph Montgomery Grocery and Market—Hope.
Ranch House Market—Van Buren.
Redd Slaughter House—Harrisburg.
*Reed Packing Co.—Pine Bluff.
*Reeder Meat Co.—Arkadelphia.
Riggan Brothers Locker Plant—Sheridan.
Robertson Packing Co.—Booneville.
Russellville Packing Co.—Russellville.
*Ryburn and Glover Meat Co.—Pine Bluff.
Saint Scholastica—Fort Smith.
*Searcy Frozen Food—Searcy.
Schelle Slaughter House—Paris.
Springdale Custom Butchering—Springdale.
Stafford's Quality Meats—Walnut Ridge.
Stearne Slaughter Plant, Carl—Springdale.
Sutton, Claude H., Slaughter Plant—Hope.
Taylor Bros. Wholesale Meats—Gurdon.
Texarkana Packing Company—Texarkana.
Turners Grocery and Market—Rison.
*Webb Packing Co.—Helena.
*Western Meat Packers, Inc.—Little Rock.
*White County Packing Co.—Search.
Whites Slaughter House—Warren.

CALIFORNIA

*Allen & Sons, James—San Francisco.
*Arnopole Meat Co.—Modesto.
*Atwater Meat Co.—Atwater.
*Avila Meat Co.—Newman.
*Circle Bar Meat Farm—Elk Grove.
*Crum Meat Co.—McArthur.
*Elk Grove Meat Co.—Elk Grove.
*Evart Meat Co.—Healdsburg.



*Felder and Son, Joe—Sonoma.
*Ferrara Meat Co.—San Jose.
*Hill Top Meat Co.—Roseville.
*Hohener, Ernest—San Leandro.
*Keller Bros. Meat Co.—St. Helena.
*Kern Valley Packing Co.—Bakersfield.
*Langer and Kretner—Eureka.
*Lewis and McDermott—Berkeley.
Meats-The-Taste, Inc.—Sioux City.
*Modesto Meat Co.—Modesto.
*Moller and Sons, H.—Pleasanton.
*Palace Market—Fresno.
*Panizzera, C. V.—Occidental.
*Pioneer Meat Plant—Modesto.
*Prime Meat Products—Ukiah.
*Redwood Meat Co.—Eureka.
*Regucci Meat Co.—Napa.
*Sebastopol Meat Co.—Petaluma.
*Stoeven Bros.—Dixon.
*Taafe, William A. Co., Inc.—San Francisco.
*Walnut Creek Meat Co.—Walnut Creek.
*Yettner Bros.—Fort Bragg.
*Zeff & Co., B.—Modesto.

COLORADO

*Altburger, Louis—Denver.
Basin Livestock Commission Co.—Durango.
*Colorado Packing Co., Inc.—La Junta.
Cortez Packing Co.—Cortez.
*Loveland Packing Co., Inc.—Loveland.
Mountain Packing Co.—Dolores.
Ovid Locker Plant—Ovid.
Pavetti Sausage Co.—Trinidad.
Reichard Packing Co.—LaSalle.

CONNECTICUT

E & J Farms—Willimantic.
*Bridgeport Municipal Abattoir—Bridgeport.
*Connecticut Packing Co.—Bloomfield.
Dan-Brook Packing Co.—Brookfield.
Double A Packing Co.—Beacon Falls.
*Forte, Inc., J. G.—North Branford.
Garneau & Sons—Plainfield.
*General Packing Co.—Torrington.
Goldberg, Daniel—Colchester.
Hazardville Slaughterhouse—Enfield.
*Home Pride Provisions Co.—Stafford Springs.
*Novak, Abe—Danbury.
*Shore Line Packing Co.—East Haven.
*Silk City Packing Co.—Manchester.
*Southington Packing Co.—Southington.
*Waterbury Butchering Co.—Waterbury.

DELAWARE

Goldberg Bros., Inc.—Wilmington.
Hendler, Sidney—Wilmington.
Kemps Meats—Wyoming.
Kosters Frozen Food Lockers—Laurel.
Messina, Anthony G.—Wilmington.
Platt, Isadore—Wilmington.
Poore's Meat Market—Smyrna.
Torbert Bros.—Felton.
Townsend Locker Plant—Townsend.
White Packing Co.—Lewis.
Woerner and Souder—New Castle.

FLORIDA

*Beesley Packing Co. of Florida—Pensacola.
*Copeland Sausage Co., Inc.—Alachua.
*Dirr Gold Seal Company—Miami.
*Economy Packing House—Hialeah.
*Florida Sausage Co.—Pensacola.
*Gotham Provision Co.—Miami Springs.
*Hawkins Wholesale Meats—Palatka.
*Hickory Hill Meat Packing Co.—Tampa.
*Jackson Packing Co.—Marianna.
*Jones-Chambliss Co.—Jacksonville.
*Loeb and Gotfried—Hialeah.
*Meat Supply Co.—Pensacola.
*Register Meat Co., Establishment No. 6—Cottondale.
*Sunnyland Packing Co.—Gainesville.
Suwannee Meat Co.—Live Oak.
*Tinsley Meat Slaughtering Co.—Jacksonville.
Tobias Meat Co.—Chipley.



GEORGIA

Akridge Sausage Co.—Rome.
Allison Packing Co., Inc.—Dalton.
Avera Provision Co.—Augusta.
Bearden Provision Co.—Calhoun.
*Beavers Packing Co.—Newman.
Brooks County Packing Co., Inc.—Quitman.
Bullard's Sausage Plant—Summerville.
Carroll Packing Co.—Valdosta.
*City Abattoir—Albany.
*Cochran Provision Co.—Dublin.
Dalton Slaughter House—Dalton.
Duffey Sausage Co., Inc.—Carrollton.
Evans Locker Plant—Evans.
Grady Packing Co.—Cairo.
Hatchers Abattoir—Bainbridge.
Harrell Sausage Co.—Bainbridge.
Jack's Union Provision Co.—Dalton.
Lee, D. L., & Sons, Inc.—Alma.
Levinson Bros.—Rome.
*Lowell Packing Co.—Fitzgerald.
*Meddin Packing Co.—Savannah.
*McEver Packing Co., R. H.—Talmo.
*Moree Packing Co.—Albany.
Quitman Abattoir—Quitman.
Rome Provision Co., Inc.—Rome.
*Scott Meat Packers—Augusta.
*Shores Packing Co.—Savannah.
*Southern Foods, Inc.—Columbus.
*United Butcher's Abattoir, Inc.—Atlanta.
Wiggers Packers—Columbus.

IDAHO

Anketell Slaughterhouse—Nampa.
Bendel's Meat Packing Plant—Troy.
*Boise Valley Packing Co.—Eagle.
Bratcher Meat Pack—Payette.
*Bryant Packing Co.—Burley.
Carter Packing Co.—Greenleaf.
City Meat Market—Wallace.
*Custom Meat Co.—Boise.
Dahmen Food Lockers—Lewiston.
*Davis Packing Co.—Boise.
*Gooby & Sons Meats, Inc.—Sandpoint.
*Grimes Packing Co.—Nampa.
Hartman, Joe, Packing Plant—Stites.
Howard's Meat Processing Plant—Grangeville.
*Idaho Falls Meat Co.—Idaho Falls.
*Independent Meat Co., Inc.—Twin Falls.
Independent Meat Co.—Weisser.
Jenson Custom Packing Co.—Rupert.
Johnston Bros.—Caldwell.
*Knudson Packing Co.—Preston.
*Liberty Meat Packers—Eagle.
Mathews, Inc.—Twin Falls.
*Mickelsen Pack—Blackfoot.
*Nampa Packing Co.—Nampa.
*Owyhee Meat Packers—Homedale.
Penguin Lockers—New Plymouth.
Simerly Hardware Store and Locker—Hamburg.
Simon Brothers Meats & Groceries—Cottonwood.
*Taylor Meat Co.—Idaho Falls.
Valley Packing Co.—Rexburg.
Williams Custom Service—Council.
*Y-J Packing Co.—Coeur d'Alene.
*York Packing Co.—Twin Falls.
*Zweigart Packing Corp.—Pocatello.

ILLINOIS

Al's Packing Plant—Warrenville.
Bartlow Bros., Inc.—Rushville.
Behrman Market—Okawville.
Bergman Meat Packing Co., Inc.—Pittsfield.
Brighton Locker Plant—Brighton.
Burnside and Sons, L.—Marengo.
Callhan and Co.—Peoria.
Chrisman Food Lockers—Chrisman.
Covemaker Packing Co.—Moline.
Curby's Butcher Shop—Beaverville.
David Frozen Food Center—Milford.
Dintelmann's Wye Market—Marissa.
Ducey Packing Co.—Jerseyville.
DuQuoin Packing Co.—DuQuoin.
Eckert Orchard Association—Belleville.
Edgar County Locker Service—Paris.
Elmwood Locker Service—Elmwood.
Eversgerd, Henry J.—Germantown.
Foremost Packing Co.—East Moline.
Goble, Howard—Danville.
Hamilton Locker Service—Hamilton.
Hansen's Meat Processing Plant—Freeport.
Harmon Packing Co.—Paris.
Hartrich Meat Processing Plant—Sainte Marie.
Hill Packing Co.—Danville.
Hoopeston Food Locker—Hoopeston.
Houchlei Meat Market—Sorento.
Hubbard Packing Co.—Chicago.
Humphrey Packing Co.—Lawrenceville.
Jones Packing Co.—Harvard.
Johannes Market—Quincy.
Kabrick Locker Plant—Plainville.
Knab Meat Market—New Athens.
Kunkel Packing and Provision Co.—Quincy.
L and M Slaughter House—Georgetown.
Landolt, Harold—Alhambra.
Lewistown Locker—Lewistown.
Lord, C. R.—Olney.
Little Egypt Processing Center—Olney.
Madison Packing Co.—Danville.
Margolin Packing Co.—Danville.
McLain's Locker Plant—Warren.
Metamora Abattoir—Metamora.
Mounds Locker Service—Mounds.
Parks Processing Plant—Warren.
Petroff Packing Co.—Benton.
Quincy Beef and Veal Co.—Quincy.
Raber Packing Co.—Peoria.
Raleigh Packing Co.—Raleigh.
Richard Locker and Processing Plant—Homer.
Rock River Provision Co.—Rock Falls.
Rocke's Cold Storage—Morton.
Rossville Food Lockers—Rossville.
Ruff Locker Service—Quincy.
Shanks Packing Co.—Mattoon.
Sheldon Market and Food Lockers—Sheldon.
Smith Packing Co.—Harrisburg.
Streck Packing Co.—Belleville.
Stone Meat Packing—Chicago Heights.
Ursa Cooperative Locker Service—Ursa.
Virginia Packing Co.—Virginia.
West Frankfort Packing Co.—West Frankfort.
Weyhaupt Brothers Packing Co.—Belleville.
Wunderlick Packing Co.—Boone County.
Tuscola Locker Service—Tuscola.
Y and T Packing Co.—Springfield.
Young's Packing Co., Inc.—Decatur.

INDIANA

Albany Frozen Food Locker—Albany.
All Valley Meat Supply—Terre Haute.
Allen's Monticello Packing Co.—Monticello.
Amo Locker Plant—Amo.
B and B Packing—Gary.
Bickmeier Processing Plant—Boonville.
Berne Locker Storage—Berne.
Betulius Slaughterhouse—Haubstadt.
Blinzinger's Market—Tell City.
Bloomington Packing Co., Inc.—Bloomington.
Bowman's Butchering House—Peru.
Boyer Lockers—New Washington.
Brook Locker Plant—Brook.
Carpenter & Sons Packing Co., K.—Shipshewana.
Clark and Moore Processing Plant—Monticello.
Cole Packing Co., Mark—Sharpsville.
Collins, Raymond—Poland.
Corbin Food Lockers—Brownsburg.
Coussens, Camiel—Granger.
Covington Food Lockers—Covington.
Denny and Barker, Inc.—Huntington.
Denny and Baker, Inc.—Huntington.
Dewig Brothers Packing Co.—Haubstadt.
Dishman, Felix—Peru.

Ditzler Locker Co.—Peru.
Eel River Packing Co.—Jamestown.
Elkhart Packing Corp.—Elkhart.
Fender, Russell Ted—Spencer.
Fisher Packing Co.—Portland.
Fitzsimmons Market—Boschdale.
Frankfort Provision Co.—Frankfort.
Freeman and Son Locker Plant—Worthington.
Frozan Food Service, Inc.—Salem.
Fults and Sons, E. C.—Indianapolis.
Gilbert Slaughter House—Van Buren.
Godfrey's Plant, R.R. No. 3—Brasil.
Goff, Inc.—Pendleton.
Grater Meats—Connersville.
Greenfield Abattoir, Inc.—Greenfield.
Greenwood Food Lockers—Greenwood.
Green Valley Slaughterhouse—Brownsburg.
Grundhoefer and Sons Packing Co.—Dale.
Gustin Slaughter House—Antwerp.
Gutzweiler Packing Co.—Jasper.
Hamilton Locker Plant—Hamilton.
Hand Slaughter House, Kenneth—Angola.
Hastings Slaughter House—Martinsville.
Helm Market, Forest—Winchester.
Hitch Packing Co.—Princeton.
Hockney Packing—Thayer.
Hollar Market—Nappanee.
*Hoosier Abattoir—Indianapolis.
Ingram's Meatland—Goshen.
Jenkins Food Market—Harrison.
Johnson County Farm Bureau Co-op Assoc., Inc.—Franklin.
Jones Custom Butchering—Zionsville.
Kaiser Meat Market—Cedar Grove.
Kentland Locker—Kentland.
Klinedinst Packing Co.—Walkerton.
Knight's Frozen Food Locker—Edinburg.
Kucan Food Shop—Gary.
Kuiper Packing Company—Lowell.
Laurents Packing Co., Guy—Fort Wayne.
Lengerich Slaughter House—Monroe.
Lennons Custom Butchering—Hartford City.
Lester Packing Co.—Linton.
Livengood Meat Shop—Lebanon.
Marburger Abattoir—Peru.
Melchi Market—Angola.
Miller Packing Co.—Kokomo.
Merkely and Sons, Inc.—Jasper.
Mishler Packing Co.—Lagrange.
M. M. Stephens & Sons Packing Co.—Chesterton.
Moore Packing—Gary.
Mooresville Locker Plant—Mooresville.
Mooresville Packing Co.—Mooresville.
Ness and Sons Packing Plant, J. E.—North Judson.
Ossian Locker Plant—Ossian.
Parrot Packing Co.—Fort Wayne.
Price's Abattoir, Walter—Plymouth.
Rahe and Sons, William J.—Muncie.
Riverside Packing Co.—Goshen.
Rockville Packing Co.—Rockville.
Roos Packing Co.—Indianapolis.
Rose City Packing Co., Inc.—New Castle.
Rowe and Sons, A.—Terre Haute.
Roy's Packing Plant—Elkhart.
Sanitary Main Meat Market—Brookville.
Schmitt Packing Co., H. P.—Decatur.
Schneider, V. C., and Sons Packing Co.—Spencer.
Schnelker Slaughter House—New Haven.
Schuler Packing Co.—Ferdinand.
Sellersburg Locker Co.—Sellersburg.
Schackelford, W. E.—Owensville.
Sievers, Lester—Vincennes.
Sniders Country Market—Muncie.
Snyder Market—Angola.
South Side Butchers—Indianapolis.
Stahley's Slaughterhouse—Milan.
Standard Packing Co.—Kokomo.
Steinker Meat Market—Seymour.
Stephen & Sons Packing Co., M. M.—Chesterton.
Straub and Smith Packing Co.—Indianapolis.
Summers Packing Co.—North Liberty.
Vale City Packing Co.—Valparaiso.
Valentine Company, Inc.—Terre Haute.
Van Wagner, Dick—Orland.
Vetter Meat Co.—Kokomo.
Vietti Bros. Packing Co.—Clinton.
*Wabnits Packing Co., Louis—Indianapolis.
Ward Packing Co.—Monon.
Warrick County Frozen Food Lockers—Boonville.
Weller Packing Co.—Batesville.
Wenning Packing Co., Inc.—New Salisbury.
Whisler and Sons, Inc., J. L.—Elkhart.
Wilcox Bros.—North Liberty.
Williams and Son, Inc., J. B.—Walkerton.
Wolf Meat Market—New Albany.
Wright Packing Co.—Chandler.
Wyatt Packing Co.—Wyatt.
Young Bros. Market—Ladoga.
Young Packing Co., Inc.—Noblesville.
Zaring Processing Plant—Greencastle.

IOWA

Besse Packing Co.—Cincinnati.
Bryant's Locker—Donnellson.
Carstensen Meat and Procurement Service—Lake Park.
Centerville Meat and Provision Co.—Centerville.
D and H Storage Co.—Sibley.
Estherville Lockers—Estherville.
Falk Lockers—Ocheyedan.
Farmintgon Lockers—Farmington.
Ford Lockers—Spirit Lake.
Forest City Locker Co.—Forest City.
Frozen Foods Center—Akron.
Gegner's Frozen Food Locker—Farmington.
Grandia Locker—Otley.
Groff Locker Service—Blockton.
Haviland Bros.—Inwood.
Inwood Lockers—Inwood.
Johnsons Market and Lockers—Rake.
Keosauqua Locker—Keosauqua.
K & K Locker Service—Milton.
Lansing Lockers—Lansing.
Larchwood Locker—Larchwood.
Lime Springs Locker—Lime Springs.
Links Locker Service—Fort Madison.
Long's Locker—Spirit Lake.
Manufacturers Surplus Outlet—West Burlington.
Marshall Packing Co.—Marshalltown.
Martin Meat Processing Co.—Underwood.
Meendering's Locker Plant—Little Rock.
Moulton Locker—Moulton.
Meats-The-Taste, Inc.—Sioux City.
New Albin Locker Plant—New Albin.
Nissen and Son Packing Co., Inc., G. B.—Webster City.
Northwood Locker Service—Northwood.
Pierce Lockers—Armstrong.
Pulaski Lockers—Pulaski.
Puritan Ice Cream Co.—Cresco.
Riceville Locker—Riceville.
Richard and Sons, Inc., C. W.—Muscatine.
Risetter Pack—Jewell.
Rock Rapids Cooperative Creamery Association—Rock Rapids.
Scarville Food Market—Scarville.
Simerly Hardware Store & Locker—Hamburg.
Smit and Son, Inc.—Boyden.
Steele Packing Co., George H.—Centerville.
Stithem's Friendly Freeze Services—Bedford.
Swea City Locker—Swea City.
Thompsons Locker & Grocery—Harris.
Thompson's Processing Service—Bloomfield.
Valley Locker Service—Rock Valley.
Verschoor Packing Co.—Hospers.
Wageman's Locker Service—Stacyville.
Younie Processing Plant—Hawarden.

KANSAS

A and H Butchers—Arkansas City.
*Abilene Packing Co.—Abilene.
*Adams Bros. Packing Plant—Coby.
Addington Slaughtering Establishment—Elkhart.
Anthony Meat—Anthony.
Ayers Packing Plant—Greenleaf.
Ball Lockers—Baxter Springs.
Barnes Beef Co.—Parsons.
Beattie Lockers—Beattie.
Beverly Meat and Locker, Inc.—Salina.
Bichelmeyer Slaughterhouse—Kansas City.
Brooks Locker Service—Blue Rapids.
Burd Locker and Grocery—Atwood.
Butcher Packing Co.—Coffeyville.
Cady Slaughtering Establishment, Claude—Osborne.
*Colby Locker—Colby.
Coldwater Lockers—Coldwater.
Columbus Wholesale and Retail Meats—Columbus.
Comanche Meat Co.—Wichita.
Community Locker Service—Medicine Lodge.
Cramer Food Bank—Washington.
Davenport Meat Plant—Lawrence.
DeGraeve Slaughtering Establishment, Lorene—Bucyrus.
*Dunn Packing Co.—Wichita.
Dye Slaughterhouse—Meade.
Economy Lockers—Sharon Springs.
Emporia Packing Co.—Emporia.
*Fanestil Packing Co.—Emporia.
Fisher Grocery and Locker—Bird City.
*Fredonia Packing Co.—Fredonia.
*Fort Scott Packing Co.—Fort Scott.
*Gallagher Processing—Concordia.
Garden City Packing Co.—Garden City.
*Gettle Packing Co.—Haysville.
Gardner Packing Co.—Hutchinson.
Glenn's Frozen Food Service—Dighton.
*Griffith Provision Co., Inc.—Downs.
Grinnell Locker—Grinnell.
Haag Locker Plant—Fairview.
Haddam Locker—Haddam.
Harrell Packing Co.—Hugoton.
Herrmann Locker—Waterville.
Hentzler Packing Co.—Topeka.
Herndon and Sons—Syracuse.
*Hinman Packing Co.—South Wichita.
Hoseney's Dressed Beef—Coffeyville.
Howard Packing Co.—Howard.
Howell's Market—St. Francis.
Independent Slaughter Establishment—Salina.
Jesco Meat Products—Caldwell.
Jones Packing Co.—Dodge City.
K-12 Meat Co.—Baxter Springs.
Kanes Packing Plant—Meade.
Katches Packing Co.—Wichita.
Kaw Valley Packing Co.—Kansas City.
Kier Grocery and Market—Mankato.
Kimmal Packing Co.—Norton.
*Kingman Community Sale—Kingman.
Kiowa Locker System—Kiowa.
Lee Packing Co., C. W.—Portis.
Liberal Packing Co.—Liberal.
Louie's Zero Locker—Girard.
*M and M Packing Co.—Iola.
Mathes Meat Co., W. A.—Kansas City.
*McArthur Meats, Inc.—Hutchinson.
McFerron Bros. Wholesale Meats—Lawton.
Menghini Packing Co.—Frontenac.
Miller Locker System—Erie.
Miller Packing Co.—Wilson.
Modern Market and Lockers—Winona.
*O.K. Packing Co.—Gooding.
Oberlin Locker—Oberlin.
Old Fashioned Meat Market—De Soto.
Palace Market—St. Francis.
*P and B Packing Co.—Hays.
Phillips Slaughterhouse—Hill City.
Phillipsburg Lockers—Phillipsburg.
Pratt Frozen Food Locker—Pratt.
Ragsdale Slaughtering Establishment—Liberal.
Rindt Slaughtering Co.—Galena.
Schnelle's Wholesale Meats—Greensburg.
Snow's Locker Plant—Kansas City.
Stoney Bros. Slaughterhouse—Herndon.
*Sunflower Packing Co.—Wichita.
Swim Lockers Service—Marysville.
Synovec Grocery and Locker—Morrowville.
*Thies Packing Co.—Great Bend.
Tonganoxie Frozen Foods Locker—Tonganoxie.
Valley Vista Locker Service—Topeka.
Vlach and Sons, Joseph—Hanover.
Washburn Packing Co.—Hutchinson.
Welch's Frozen Food Center—Frankfort.



Wiley and Green Packing Co.—Leavenworth.
Wilkerson Meat Co.—Pittsburg.
*Winchester Packing Co.—Hutchinson.
Winkler's Slaughterhouse—Liberal.
Woody's Wholesale Meats—St. Marys.
Wurst Locker Service, C. C.—Grainfield.

KENTUCKY

Alford and Son, J. W.—Alexandria.
Ashland Meat Co.—Ashland.
Boone's Abattoir—Bardstown.
Campbell Co., S. M.—Gray.
*Dawson-Apatz Packing Co., Inc.—Louisville.
Eckert Packing Co.—Henderson.
Emory Gillum Wholesale Meats, Inc.—Ashland.
Field Packing Co.—Bowling Green.
*Field Packing Co., Inc.—Owensboro.
*Fleishchaker Co.—Louisville.
Frosty Foods Locker—Taylorsville.
Henderson Slaughtering—Henderson.
Jones Packing Co.—Paducah.
*Koch Beef Co.—Louisville.
Langley's, Joe, Farms, Inc.—Clarkson.
*Louisville Beef Co.—Louisville.
Metzger Bros.—Paducah.
*Mount Sterling Packing Co.—Mount Sterling.
*Parker Sausage Co.—Georgetown.
Riddell Meat Market—Warsaw.
Riverside Packing Co.—Paducah.
Robb Packing Co.—Lexington.
Rogers Country Sausage, Inc.—Richmond.
*Ryan Packing Co.—Maysville.
Schneider and Son, Inc., J. F.—Middlesboro.
Shroat Meat Market—Murray.
*S & M Packers, Inc.—Louisville.
Waldrup Packing Co.—Blackey.
Wiman Packing Co.—Madisonville.

LOUISIANA

Alvin & Son Slaughter House—Starks.
*Angola Packing House—Angola.
*Autin Packing Co., Inc.—Houma.
Bahm's Meat Plant, Wallace—Loranger.
*Berry Slaughter House, H. O.—Bastrop.
*Bordelon Packing House—DeRidder.
*Britt Packing Co.—Shreveport.
Brown and Son Packing House, C.—Ragley.
*C & L Packing Co.—Tallulah.
*Caldwell Packing Co.—West Monroe.
Carroll's Slaughter House—Wisner.
Catalano's Meat Market—Independence.
Chesson Slaughter House—Vinton.
Coleman Slaughter House—Fields.
Courville Slaughter House—Lafayette.
Crawford's Super Market—Covington.
Crain Slaughter House, J. A.—Franklinton.
Crain Slaughter House, L. V.—Varnado.
Cutrer's Slaughter House, Gaylon—Kentwood.
Davis Slaughter House, John A.—Jonesville.
Delcambre Slaughter House, E. J.—New Iberia.
*DeRidder Locker Plant, Inc.—DeRidder.
*Dufrene Slaughter and Packing Co.—Des Allemands.
*Eunice Superette, Inc.—Eunice.
Fitzgerald Slaughter House—Covington.
*Fontenot Sausage Kitchen, Frank—Villa Platte.
*Frey and Sons, Inc., L. A.—Lafayette.
*Fuselier Packing Plant—Ville Platte.
*Goodman Slaughter House—Winnsboro.
Grant Slaughter House—Kurthwood.
*Green Packing House, Ed—Bastrop.
*Guillot, Inc., Arthur J.—Slidell.
*H and S Packing Co.—Baton Rouge.
*Hargrave Slaughter House—Kaplan.
Hyde's Slaughter House—Robert.
*Jennings Abattoir & Packing Company—Jennings.
*Johnson's Wholesale Meats—Opelousas.
Kennedy Bros. Meat Products—Angie.
Knight Slaughter House, S. A.—Bogalusa.
Knight Slaughter House, W. E.—Franklinton.
Knight Slaughter House, W. W.—Franklinton.
*Ledoux Slaughter House, Layton—Opelousas.
Ledoux Slaughter House, Boo—Eunice.
Lee's Meat Plant—Independence.
Liste's Meat Market—Patterson.
*Luke Packing Co.—Centerville.
*McManus Abattoir and Market—Eunice.
*Micelle Packing Plant—Lake Charles.
*Millwood Packing Co.—Scotlandville.
*Monroe Packing Co.—Monroe.
*Mougeot Packing Co.—New Roads.
Nash Slaughter House—DeRidder.
*New Orleans Butchers' Abattoir, Inc.—New Orleans.
*Old South Packing Co., Inc.—Baton Rouge.
Patterson's Slaughter House—Hammond.
Pickett's Slaughter House—Delhi.
Pizzolatto Slaughter House, Louis—Crowley.
Port City Packing Co., Inc.—Satsuma.
*Prejean Wholesale Meat & Products—Carencro.
Quin Packing Co., T. R.—Mt. Hermon.
Ravia's Slaughter House—Sulphur.
*Rapides Packing Co.—Alexandria.
Robichaux Slaughter House, Wiltz—Crowley.
Sances Slaughter House, Ned—Bogalusa.
*Shreveport Packing Co., Inc.—Shreveport.
Stanley Locker Plant—Logansport.
*Strohe Meat Co., Inc.—Welsh.
*Tallulah Slaughter House—Tallulah.
Thigpen Packing Co., R. E.—Mansfield.
*Theriot and Daigle Meat Packing Plant—Houma.
*Thompson-Peltier Packing Co.—Thibodaux.
*Veazey's Slaughter House—Abbeville.
Wagner Meat Supply, Floyd—Independence.
Walker Slaughter House, W.—White Castle.
*Watson Wholesale Meat Co., J. A.,—Jonesboro.
Watson Slaughter House—Jonesboro.
Wesley Market—Amite.
Western Packing Company—Slidell.
Womack's Slaughter House—Greensburg.
Wood Slaughter House, L. V.—Franklintown.

MARYLAND

Barcus Meat Market—Centreville.
Bauerlien, Edward C.—Hampstead.
Benson Meat Products Co.—Fallston.
Blessing, Frank I.—Keymar.
Bollinger's Meat Market—Emmitsburg.
Boyle, B. H.—Emmitsburg.
Burger, Samuel B.—Williamsport.
Brook Meadow Provision Co.—Hagerstown.
Bullock, G. Winston—Westminster.
Cecil Provision Co.—Elkton.
C & W Meats—Frostburg.
Clopper, Charles W.—Clear Spring.
Crystal Ice and Cold Storage Co.—Cambridge.
Cumberland Meats, Inc.—Cumberland.
Dutterer's of Manchester, Inc.—Manchester.
Eby, Irvin E.—Hagerstown.
Engle's Meat Market, Walter—Eckart.
Fraley, J. Austin—Thurmont.
Frozen Food Lockers—Chestertown.
Gaithersburg Locker Service—Gaithersburg.
Gladhill Meat Market—Damascus.
Glosser, John E.—Hagerstown.
Hahn Bros., Inc.—Westminster.
Harsch, M. D., Sr.—Williamsport.
*Heil, Henry—Baltimore.
Hemp and Sons, B. D.—Jefferson.
Heinzerling's Meats, Inc.—Baltimore.
Hoffman and Son, Roy L.—Hagerstown.
Holsinger, C. M.—Hagerstown.
Hurd and Son, C. G.—Hagerstown.
Joska, Anthony—Baltimore.
Late, Howard F.—Thurmont.
Lotz's Wholesale Meats, John F.—Frostburg.
Maurer & Miller Meats, Inc.—Manchester.
Main and Sons, C. F.—Middletown.
Martin and Son, Edward T.—Joppa.
*Maryland Beef and Provision Co.—Baltimore.
Metz, Walter M.—Williamsport.
*Myers and Sons, Inc., William F.—Westminster.
Miller's Market, Inc.—Oakland.
Montgomery Bros.—Rising Sun.
Moser, Weaver F.—Boonsboro.
Mt. Airy Locker Co.—Mount Airy.
Myers & Son, Inc., Wm. F.—Westminister.
*Reid Inc., George L.—Baltimore.
*Ruppersberger and Sons, George G.—Baltimore.
Ryan's Butcher Shop—Fallston.
*Schmidt, A. W. and Son, Inc.—Baltimore.
*Schmidt and Company, Charles J.—Baltimore.
Shallcross, H. E.—Rising Sun.
Shaum, F. E.—Taneytown.
Shuff, Harry William—Thurmont.
*Stapf, August E.—Baltimore.
Sudlersville Frozen Food Lockers, Inc.—Sudlersville.
Treuth and Sons, J. W.—Catonsville.
Welty's Market—Emmitsburg.
Weston Farms, Inc.—Knoxville.
Whitehall Lockers—Gambrills.
Will, Weldon W.—Sykesville.
Yingling Brothers—Union Bridge.
Yoders Locker Plant—Grantsville.

MAINE

Augusta Abattoir—Augusta.
Boston Bros.—North Berwick.
Boynton, Lawrence—Bridgton.
Ralph Chase—Sanford.
Stearns Packing Co.—Auburn.

MASSACHUSETTS

Arena and Sons, A.—Hopkinton.
Axler, Abraham (Hatfield Beef Co.)—Hatfield.
Blood and Son, E. L.—West Groton.
Bonanno and Sons, Rocco—Methuen.
Budnick and Son, E.—Boxford.
Cohen Beef Co., Inc.—Ipswich.
Cook, Edric—Leyden.
Crestfield Meat Packing, Inc.—Brockton.
Duda Slaughterhouse—Gill.
Goldberg, Morris—Great Barrington.
Granby Slaughtering Establishment—Granby.
Grasso, Angelo—Agawam.
Johnson, Lewis—Templeton.
Levine, Louis—Great Barrington.
Mason, Frank F.—Williamstown.
Molinari Packing Co., John—Milford.
Pekarski, T. Walter—South Deerfield.
Reynolds Slaughterhouse—Shelburne.
Santos Company, Charles—Tewksbury.
Scibelli, Anthony J.—Southwick.
Scibelli, George A.—Southwick.
Sheinhit, Jacob—Peabody.
Stearns, Ed—Charlton.
Streeter Slaughter House—Bernardston.
Suprenant, Peter—Leverett.
Szala Slaughtering Establishment—Hadley.
Wiegert Company, George—Worcester.
Wilbur, Joseph H.—South Easton.
Wohrle's Inc.—Pittsfield.

MICHIGAN

*Ada Beef Co.—Ada.
Allen Packing Co.—Charlotte.
*Allendale Beef Co.—Allendale.
Anderson Packing Co., Inc., J. S.—Muskegon.
*Arendsen Packing Co.—Grand Rapids.
Bayerl's Meat Market—Menominee.
*Besbris and Sons, Inc., Max—Kalamazoo.
*Bettinger and Barnett Beef Co.—Detroit.
Bluska Packing Co.—Port Huron.
Clare Packing Co.—Clare.
*Cohen and Levenberg—Detroit.
Cole, E. C.—North Adams.

Cox Slaughterhouse—Hudson.
Detroit Veal and Lamb, Inc.—Detroit.
*Dykstra Bros.—Grand Rapids.
Edson, Inc., Lee—Hudsonville.
Feldman Brothers—Detroit.
Felix Johnson & Sons—Escanaba.
*Fillmore Beef Co.—Holland.
Fishler Packing Co.—Benton Harbor.
41 Super Market—Menominee.
Forsyth and Hohner—Troy.
*Gemmen and Son, Albert—Allendale.
Gerding Wholesale Meats—Davison.
Haarer's Meat Packing Plant—Saline.
Hasekamp and Sons, Bert—Muskegon.
Heaters Fresh Meats—Dowagiac.
Hess, Earl J., Slaughter House—Ceresco.
Hillsdale County Meats—Hudson.
Holt Packing Co.—Holt.
Houghton Beef—Ionia.
*Huler Abattoirs, Inc.—Detroit.
*Johnson, Carl R.—Kalamazoo.
Kalamazoo Packing Co.—Vicksburg.
Kappler Packing Co.—Ann Arbor.
Kastel Slaughterhouse—Riga.
Keefer's Market & Locker—Morenci.
Kiebler, A. M. and Sons—Clinton.
Kirby Packing Co.—Detroit.
Lengel Meat Packers, Inc.—Temperance.
Lytle and Sons, W. E.—Coldwater.
Libert Slaughtering Establishment, Nelson N.—Coldwater.
Marshall Packing Co., Bruce T.—Bay City.
*Merritt Packing Co.—Carrollton.
Meyer Provision Co.—Iron River.
Middlebelt Packing Company—Romulus.
Midway Farm Market—Cassopolis.
*Midway Packing Co.—Wayland.
*Monarch Packing Co.—Detroit.
Moor, Don—Homer.
*Morris Snow and Co.—Detroit.
Myaards Meats—Hudsonville.
*Nathan Rubin, Inc.—Detroit.
Newsom Slaughter House—Niles.
Park-Way Meat Co.—Flatrock.
Parsell Beef Co.—Flint.
Paul, Leo—Coldwater.
Paulsen and Son, Inc., Max—Muskegon.
*Peet Packing Co.—Bay City.
*Peet Packing Co.—Grand Rapids.
Perry Packing Co., J.—Hart.
Primeat Packing Co.—Detroit.
Quincy Locker Co.—Quincy.
Resnik Packing Plant—South Haven.
Riverside Packing Co.—Jackson.
*Rochester Packing Co.—Rochester.
Rountree Packing Co.—Hanover.
Schmidt Packing Co.—Niles.
Shaw Wholesale Meats, R. I.—Casanovia.
Simpson's Country Market—Galien.
*Smallegan, Arthur—Forest Grove.
Smith Packing Co., Hubert H.—Muskegon.
Smith Packing Plant, H. A.—Port Huron.
Smith, John W.—Muskegon.
*Standard Beef, Inc. (east)—Detroit.
*Standard Beef, Inc. (west)—Detroit.
Standard Beef, Inc., Lamb and Veal Div.—Detroit.
Steeb Bros.—Ann Arbor.
Stone's Meat Packing Co.—South Haven.
*Tamaren Beef Co.—Detroit.
*Tannehill and De Young, Inc.—Traverse City.
Telfer Packing Co.—Owosso.
Terrill Super Market—Marcellus.
Thorne's Custom Butchering—Belleville.
Van Alstine, William—East Lansing.
*Victory Beef Co.—Detroit.
*Wall Packing Co.—Sturgis.
*Wayne Packing Co.—Detroit.
Weeks, Ray and Sons, Co., Inc.—Richmond.
Weiss, George J., Custom Slaughtering—Detroit.
Wise Slaughter House—Athens.
Wolverine Packing Co.—Detroit.
*Zandbergen Slaughterhouse—Grandville.

MINNESOTA

Caldwell Packing Co.—Windom.

MISSISSIPPI

Archer, B. F.—Mathieston.
Barnes & Sons—Cross Roads (Poplarville).
*Beard's Slaughter House—Waynesboro.
Belmont Packing Co.—Belmont.
*Bounds, John E.—Picayune.
Brown's Slaughter House—Walnut.
Brumfield, A. J.—Tylertown.
Bryant's Super Market—Winona.
Burks Slaughter House—Carriere.
Columbus Packing Co.—Columbus.
Corinth Meat Curing Plant—Corinth.
Davis Bros.—West Point.
*Delta Packing Co., Inc.—Clarksdale.
*Dedeaux Packing Co.—Gulfport.
Fortenberry, Ben—Carriere.
Fortenberry, Kearney E.—Sandy Hook.
*Gilbert Slaughter House—McComb.
*Hickman, H. J.—Gulfport.
Isbell Brothers Meat Curing Plant—Corinth.
Jackson Packing Co.—Jackson.
Jones, Mrs. Ruby, Slaughter House—Summit.
Jones Slaughter House—Brookhaven.
Lampard's Wholesale Meats—Cleveland.
Lamey's Slaughter House—North Biloxi.
Lang's Meat Processing Plant, Sam—Magnolia.
McBride Curing Plant—Iuka.
*Owen Bros. Packing Co. (Dixiana)—Meridian.
Passbach Slaughtering House—Natchez.
*Quaves Meat Products—Wiggins.
Ripley Meat Processing Co.—Ripley.
Robinson Bros. Packing Co.—Batesville.
Stringer Slaughter House—Columbia.
*Valley Farm Packing Co.—Laurel.
Van Norman Slaughtering House—McComb.
Vicksburg Packing Co.—Vicksburg.
Welch's Slaughter House—McComb.
Wells Processing & Meat Co.—Drew.
*West Packing Co.—Indianola.

MISSOURI

Alewel Bros. Locker Plant—Concordia.
Anderman, Edward—Hickman Mills.
Asel's Slaughter House—Washington.
Baker Packing Co.—Mexico.
Barton Packing Co., Inc.—Lamar.
Bouchaert Packing Co.—St. Louis.
Central Packing Co.—Cape Girardeau.
*Cloud and Son Packing Co., Ned—Springfield.
Coleman Packing Plant—Holden.
Copes' Slaughter Co.—Palmyra.
Crandal's Frozen Food Lockers—Warrensburg.
Crenshaw Packing Co.—Charleston.
Cummins Custom Butchery—Webb City.
Delaloys and Sons, Robert—Troy.
Dexter Packing Co., Inc.—Dexter.
Evans and Sons, E. S.—Carthage.
Frick's Super Market, Inc.—Washington.
Frick Slaughter Service—Union.
Grand Packing Co.—Imperial.
T. J. Grote (Custom Slaughterers for Dan Baum Packing Co.)—St. Louis.
Herrod Packing Co., Inc.—Joplin.
Hester Packing Co., A. L.—Bernie.
Kornbiet Packing Co. (Slaughterer for Paige Packing Co. and Schroeder Meat Co.)—St. Louis.
Lebanon Packing Co.—Lebanon.
Le Duc Packing Co.—Springfield.
Liberty Locker Co.—Liberty.
Manning Dressed Beef—Springfield.
Maryville Packing Co.—Maryville.
McGee's Home Killed Meats—Mexico.
Moberly Packing Plant—Moberly.
Modlin Slaughter Establishment, Jack—Webb City.
Mueller's Meat Market—Altenburg.
Ned Cloud Packing Co.—Springfield.
Nenninger Packing Co.—Cape Girardeau.
Ogden Slaughtering Establishment, Cottle P.—Vandalia.
Paris Lockers and Abattoir, Inc.—Paris.
Pemiscot Packing Co.—Wardell.
Pipkin-Boyd-Neal Packing Co.—Cape Girardeau.
Poplar Bluff Packing Co.—Poplar Bluff.
Porter "Deep Freeze", Kay M.—Poplar Bluff.
Raders, Inc.—Columbia.
Sikeston Food Lockers—Sikeston.
Twin City Packing Co.—Festus.
United Meat Co., Inc.—St. Louis.
Urbana Locker—Urbana.
Welah Packing Co., Inc.—Springfield.
Westerman, John—Troy.
Wuestling Packing Co.—St. Louis.
Yonts Packing Co.—Tipton.

MONTANA

Blastock Wholesale Meats—Butte.
Miles City Packing Co.—Miles City.
City Meat Co.—Wolf Point.
*Montana Meat Company of Helena, Inc.—Helena.
New Butte Butchering Co.—Butte.
Oljar Meat Co.—Glendive.
Rahr, John—Glendive.
Sidney Locker and Creamery Co.—Sidney.
Valley Meat Co.—Sidney.

NEBRASKA

Brauer Packing Co.—Chappell.
Bridgmon Wholesale—Tecumseh.
Community Locker Center—Fullerton.
Consumers Packing Co.—Superior.
Custom Pack—Hastings.
Deerson Meat Packing Plant—Elkhorn.
Dundy County Processors—Benkelman.
F and S Sausage Co.—Cozad.
Farmers Union Co-op Gas and Oil Co.—Big Springs.
*Flicker Packing Co.—Scottsbluff.
Ford Packing Co.—Grand Island.
Gude, O. A.—Nebraska City.
H and B Packing Co.—Scottsbluff.
*Hersch Packing Co.—Scottsbluff.
Hollstein's Packing Co.—Rushville.
Ideal Market—Gordon.
Jurgens Meat Service—Big Springs.
Kauf Packing Co.—Hastings.
Nebraska Ice and Locker Service—Falls City.
North Platte Packing, Inc.—North Platte.
Osborn's I.G.A. Store—Hay Springs.
*Red Cloud Packing Co.—Red Cloud.
Roman Packing Co.—Norfolk.
Sanitary Market—Mitchell.
Saum Lockers—Davenport.
Shaid Market—Gordon.
Standard Market—Hebron.
Sterling Packing Co.—Sidney.
Superior Locker—Superior.
Swayze Packing Co., S. E.—Edison.

NEVADA

Bybee Slaughtering Establishments—Ely.
Dangberg Meat Co.—Gardnerville.
*Hecks Market—Fallon.
*Ruby Mountain Packing Co.—Elko.

NEW HAMPSHIRE

Eastern Beef Slaughtering Establishment—Lancaster.
Edwards, George—Walpole.
French Brothers—Hooksett.
Langelier, Lucien—Rochester.
Satzow, Samuel—Claremont.
Sherman's Market—Grantham.
Taylor, George—Dover.
Tri-City Beef and Pork Co.—Somersworth.

NEW JERSEY

Brummel, Louis—Trenton.
Carteret Abattoir—Carteret.
Dealaman, George—Plainfield.
Delaware Packing Co.—Trenton.
De Vries, John—Newton.
Dielmann, Fritz—Oak Ridge.
Earrusso, Joseph—Whippany.
Fisher Brothers—Bridgeton.
Gervasoni Packing—Bordentown.
Haskell Packing Co.—Haskell.
Maresca's—Stockton.
Marval Packing House—Trenton.
Moonlight Hog Farms—Flemington.
Mundy, Harry and Sons—Bound Brook.
Rome, Clarence—Sussex.
Russo Packing Co.—Bound Brook.
Salem Packing Co.—Salem.
Singer, Philip L.—Sussex.



Sussex Packing Company—Sussex.
Tindik Son's, John—Trenton.
Trenton Packing Co.—Trenton.
Vineland Dressed Beef Co.—Vineland.
Wagner Provision Co.—Gibbstown.
Young, A. A.—Phillipsburg.

NEW MEXICO

Aztec Locker Plant—Aztec.
Ben's Slaughterhouse—Las Vegas.
Crescent Packing Co.—Albuquerque.
Dean Wholesale Meat Co., T. M.—Hobbs.
Deming Packing Co.—Deming.
Hatch Packing Co.—Portales.
Houk's Custom Slaughter Service—Clovis.
Joe's Packing Co.—Raton.
Las Cruces Meat Co.—Las Cruces.
New Mexico Packing Co., Inc.—Carlsbad.
Palmer Packing Co.—Albuquerque.
Rancho Packing Co.—Clovis.
Rayjax Packing Co.—Fort Sumner.
Rollins Packing Co.—Clovis.
66 Packing Co.—Tucumcari.
Schwartzman Packing Co.—Albuquerque.
Starkey Packing Co.—Clovis.
Stephens Packing Co.—Albuquerque.
Tularosa Packing Co.—Tularosa.
Valley Packing Co.—Farmington.
Wofford Slaughtering Establishment—Santa Fe.
Zero Locker Plant—Portales.

NEW YORK

Acer, Inc.—Buffalo.
Ahl, Charles F.—Warsaw.
Apthorpe, Charles F.—Jamestown.
Aronson and Milton Aronson, Jerome—Queensbury.
Aronson, William—Glens Falls.
Baldwin Slaughterhouse, Orval W.—Ripley.
Baxter's Boneless Beef—Buffalo.
Behr, Moritz—Catskill.
Bernacki Bros.—Depew.
Bertch's Slaughter House and Meat Processing Plant—Almond.
Booth, Harry L.—Poughkeepsie.
Brennan, P.—Buffalo.
C. J. D. Packing Co., Inc.—Buffalo.
Conti Packing Co.—Henrietta.
Cuomo, Neil—Schenectady.
DeVita, James and Gino—Endicott.
Dover Plains Packing Co.—Dover Plains.
F. K. and Son, Inc.—Buffalo.
Fairbank Farms—Ashville.
Fargnoli, Sam and John—Endicott.
Ford, E. D.—West Valley.
Frank Bros.—Poughkeepsie.
Goebel Packing Co.—Buffalo.
Goshen Packing Co.—Howells.
Greene, Robert and Paul—Otto.
Hans, Edward—Buffalo.
Harrison, W.—Corning.
Hokan's Slaughter House—Angola.
Kamery, John Wendell—Olean.
Kittle, Nicholas A.—Hudson.
Klinck Brothers, Inc.—Buffalo.
Klinck and Schaller, Inc.—Buffalo.
Kross-Ahl—West Albany.
Liepshutz Market—Hudson.
Ludington Bros.—Maine.
Maple Brook Slaughterhouse—Binghamton.
Maple Grove Farms—Syracuse.
Marbot, Frank—Troy.
McGuire, Frank B.—Granville.
Medina Provision Co.—Medina.
Mendel & Co., M.—Norwich.
Mest Packing Co., William G.—Strykersville.
Morandi Packing Co.—Hillsdale.
Newburgh Packing Co.—Newburgh.
Neckers, Norman C.—Clymer.
Owsowitz, Maurice and Son—Buffalo.
Parker's Slaughter House—Schaghticoke.
Polyniak, Victoria—Newark Valley.
Ralph Packing Co., Inc.—East Syracuse.
Rausch and Son, Inc., Frank—Buffalo.
Rosenblum Bros.—Cohoes.
Scott, Herbert—Brocton.
Schreiber & Sons, Frank J.—Webster.
Selected Meat Packers, Inc.—Schenectady.
Shappee and Sheive—Pine City.
Shoemakers Market—Kanona.
Smith, Harold J.—Pine Plains.
Syracuse Packing and Provision Co.—Camillius.
Staffeld and Sons, R. W.—Buffalo.
Sussman, Louis—Cohoes.
Valentine's Meat Market—Kennedy.
Waldenmaier and Sons, George—Feura Bush.
Wallens Byrne Packing Corp.—Buffalo.
Ziff, Herbert M.—Elmira.

NORTH CAROLINA

*Aberdeen Packing Co.—Aberdeen.
Ashville Packing Co.—West Ashville.
Boyd & Sons, John—Gastonia.
Bullock, Inc., Z. B.—Rocky Mount.
Caldwell Packing Co.—Cramerton.
*Carolina Packers—Smithfield.
Charlotte Abattoir—Charlotte.
Cook's Packing Co., Inc.—Concord.
*Curtis Packing Co.—Greensboro.
Draughon's Abattoir—Fayetteville.
Edward's Abattoir—Leaksville.
*Elliott Packing Co., Inc.—Goldsboro.
Frittz Packing Co., Inc.—Lexington.
Greenville Packing Co.—Greenville.
*Hickory Packing Co.—Hickory.
*Jones Abattoir Co.—Garner.
Land's Slaughterhouse—Spray.
Martin's Abattoir—Godwin.
Mecklenburg Abattoir—Charlotte.
Moricle Abattoir—Reidsville.
Mount Airy Abattoir—Mount Airy.
*New Bern Provision Co.—New Bern.
Nivens, E. T.—Charlotte.
Norris Packing Co.—Shelby.
Peacock Meat Co., Inc.—Rocky Mount.
*Piedmont Packing Co.—Hillsboro.
Randolph Packing Co.—Asheboro.
Skeen Packing Co.—High Point.
Statesville Packing Co., Inc.—Statesville.
Stewart's Abattoir—Mount Airy.
Whicker Packing Co., William A.—Mocksville.
White Packing Co., Inc.—Salisbury.
Williamston Packing Co.—Williamston.
Yadkin Valley Packers, Inc.—Elkin.

NORTH DAKOTA

Hillside Meat Co.—Williston.
Goldade's Butcher Shop—Linton.
Schmaltz Meats—Linton.
Wagner's Super Market—Strasburg.

OHIO

Allen Brothers Food Market—Manchester.
Arnett's Packing House—Laura.
Barnes Provision, Inc.—Alliance.
Blanton and Thatcher—West Union.
Boliantz, E. R. Co.—Mansfield.
Boll and Son, John—Ironton.
Braun Bros. Packing Co.—Troy.
Brewster Slaughtering Establishment—Mason.
Buchy Packing Co., Charles G.—Greenville.
Bussard Slaughter House—Germantown.
Busse and Sons, L. W.—Fort Laramie.
Canton Provision Co.—Canton.
*Ciralsky Packing Co.—Toledo.
*Copley Packing Co.—Copley.
Country Pork House—Cincinnati.
Crystal Slaughtering Establishment—Martin's Ferry.
*Davies, David, Inc. (616 West Mound St.)—Columbus.
Davies, David, Inc. (1340 Jackson Pike)—Columbus.
*Davies, David, Inc.—Zanesville.
Dayton Packing Co.—Dayton.
De Luca Slaughtering Establishment—Rayland.
DiCilio and Sons, Inc., A.—Cleveland.
Donelson Packing Co.—Carey.
*Duma Packing Co.—Clinton.
*Eckert Packing Co.—Defiance.
Eckert Packing Co.—Newark.
Egley's Slaughtering Establishment—Convoy.
*Evans Packing Co.—Gallipolis.
Fairmount Provision Co.—Alliance.
Fairview Packing—Champion.
Falter, Herman Packing Co.—Columbus.
Fehers Slaughtering Establishment—Martins Ferry.
Fidel Bros. Packing Co.—Unionville.
Findlay Provision Co.—Findley.
Fink and Heine Co.—Springfield.
Finley Packing Plant, Inc.—McConnelsville.
Fletchner Bros. Packing Co., Inc.—Fostoria.
Frame Slaughtering Establishment, Myron—Manchester.
Gen Packing Co.—Dayton.
Gibson Packing Co.—Zanesville.
Gils, K. C.—Cleveland.
Goldsberry Slaughtering Establishment—Ripley.
*Hall Brothers, Inc.—Olmsted Falls.
Hasselback and Son, E. E.—Fremont.
Henderson Meats—Waterloo.
*Henry Packing Co.—Lime City.
Herberth & Son, W. J.—Cincinnati.
Hermann, C., and Son Slaughtering Establishment—Portsmouth.
Hornung Packing Plant—Hamilton.
Hunt Meat Packer—Grove City.
Ideal Provision—Martins Ferry.
Jacoby, Hal C.—West Unity.
Kent Provision Co., Inc., Kent.
Krugh's Slaughtering Establishment—Wren.
Liber and Co., John—Alliance.
Lloyd Packing Co.—Youngstown.
Mahan Slaughtering Establishment—Bristolville.
Manchester Slaughter Plant—Manchester.
*Marks and Sons, Inc.—Cleveland.
Martin Farm Slaughter House—Fremont.
Matthews, J. H. and Son—Sardinia.
Mayer Meat Co.—Middletown.
Meloni's Meat—Kinsman.
Myers and Son—Archbold.
New Cooperative Co.—Dillonvale.
Nosse Packing, Joe—Middlefield.
Ohio Packing Co.—Columbus.
*Pacer Packing Co.—Toledo.
Parkman Packing Co.—Parkman.
Petrigalla Meat Company—Hubbard.
Piper and Son Provision—Dorset.
Pride of Lima Provision Co.—Lima.
Rittenberger Bros.—Zanesville.
Rockford Locker Service—Rockford.
Romer Slaughter House—Coldwater.
Ross Abattoir Co.—Springfield.
*Routh Packing Co.—Tiffin.
*Sandusky Dressed Beef—Sandusky.
Schuman Packing Co.—Columbus.
Sear's Meat Market—Greenville.
Seaman Sons, A. C.—Versailles.
Siekkinen, Harold W.—Williamsfield.
Sigi Samuel Slaughter House—Jefferson.
Stehlin and Sons, John—Cincinnati.
Sturgis Packing Co.—Kenton.
Summerside Packing Co.—Cincinnati.
Superior Provision Co.—Massillon.
Suter's Meat Market—Greenville.
*Tanks Meats—Elmore.
Teufel Co., Howard A.—Cleveland.
Trinbach Packing Co.—Dayton.
Vonder Haar, A.F.—Fort Recovery.
Walter and Sons—Wapakoneta.
Webb Beef Co.—Cleveland.
Weber Packing Co.—Marietta.
Werling, Eleanor, Slaughtering Establishment—Burkettsville.
Williams Slaughtering Establishment, B. J.—Pierpont.
Williman's Slaughtering Establishment—Van Wert.
Winner Sons, Robert F.—Osgood.
Zimmerman Packing Co.—Youngstown.

OKLAHOMA

*Akins and Fincannon—Sand Springs.
Antler's Slaughter House—Antlers.
B and B Packing Co., Inc.—Oklahoma City.
B and B Grocery and Locker—Dacoma.
*Banfield Frozen Food Co.—Tulsa.
Banfield Packing Co.—Enid.

Singer, Philip L.—Sussex,



*Braden's Slaughtering Establishment—Ponca City.
*Brooks Packing Co.—Tulsa.
*Brown's Slaughtering Establishment, Joe S.—Tulsa.
Butcher Slaughtering Establishment—Bartlesville.
Butcher Packing Co., W. H.—Oklahoma City.
*Canadien Valley Slaughtering Establishment—Oklahoma City.
*Central Packing Co.—Muskogee.
City Packing Co.—Shawnee.
Cleveland Lockers—Cleveland.
Coly's, H. H.—Boise City.
Cones Packing Co.—Miami.
*Cornett Slaughtering Establishment—Oklahoma City.
Crosby and Crosby Slaughtering Establishment—Wright City.
Cushing Packing and Provision Co.—Cushing.
*Custom Slaughtering, Inc.—Tulsa.
*Daack Packing Co.—Ponca City.
Douglas-Pierce Co.—Norman.
Dudley Tucker Slaughter—Durant.
Elkins Market—Waurika.
*Enid Packing Co.—Enid.
Fairfax Packing Company—Fairfax.
Fairview Packing Plant—Fairview.
*Farmers Livestock Exchange Sales—Pauls Valley.
Fraser Packing Co.—Aline.
Fraser Wholesale Meat Co.—Ardmore.
Germans Slaughtering Establishment—Rosston.
Gibson Meat Co.—Nowata.
Grant, R. O., Slaughtering Establishment—Idabel.
Groceteria Slaughtering Establishment—Texhoma.
Halstead Slaughtering Establishment—Fairview.
Harris Meat and Produce Co.—Oklahoma City.
Harrison's Meat House—Oklahoma City.
Hilburn Meat Market—Madill.
Hominy Food Lockers—Hominy.
*Husband Brothers Slaughtering Establishlishment—Oklahoma City.
Hutchinson Slaughtering Establishment, W. R.—Waynoka.
Jackson Slaughtering Establishment, Earl—Pawhuska.
Jones Market—Madill.
Kay Packing Co.—Ponca City.
Kingfisher Meat and Locker Co.—Kingfisher.
Klein's Meats—Perry.
*Lawton Meat Supply—Lawton.
*Little Dixie Packing Co.—McAlester.
Manschreck Wholesale Meats—Krebs.
*Miller Packing Co.—Sapulpa.
Miller Slaughtering Establishment, Elmer—Covington.
Morris Slaughtering Establishment, J. C.—Stilwell.
*Oklahoma Packing Co.—Oklahoma City.
*Okmulgee Packing Co.—Okmulgee.
Panhandle A & M College—Goodwell.
Puckett Packing Co.—Sayre.
Ralph's Packing Co.—Perkins.
*Reeves Packing Co., W. E.—Ada.
Riber Custom Slaughtering Establishment—Hominy.
Ridley Packing Co.—Duncan.
*Santa Fe Packing Co.—Muskogee.
*Shalloup Slaughtering Establishment—Alva.
Shultz Slaughtering Establishment—Stratford.
Tri-State Super Market—Guymon.
*Tulsa Beef and Provision Co.—Tulsa.
Turner Bros.—Nowata.
Turner Slaughtering Establishment, C. L.—Moore.
*Turvey, Inc.—Oklahoma City.
*Turvey Packing Co.—Blackwell.
*Virginia B Slaughtering Establishment—Tulsa.
Whitten Slaughter House—Broken Bow.
*Wickham Packing Co.—Ada.
*Wickham Packing Co.—Sapulpa.
Wiley Brewer Slaughtering Establishment—Seiling.
Wolfe Processing Plant—Perry.
Woods, Lloyd—Westville.
Woodward Packing Co.—Woodward.

OREGON

Alpine Meat Co.—Grants Pass.
*Arrow Meat Co.—Cornelius.
*Associated Meat Packers, Inc.—Portland.
Bevins Packing Co.—Madras.
Bond Brothers—Lakeview.
Boston's Beef House—Ontario.
Boyer Meat Co.—Roseburg.
*Bruce Packing Co.—Sublimity.
Cannon Meat Co., R. C.—Salem.
Cedar Point Packing Co.—Coquille.
Cinder Butte Packing Co.—Redmond.
Clover Leaf Packing Co.—Drain.
Coos Bay Packing Co.—Coos Bay.
*Crooked River Meat Co.—Prineville.
East Side Abattoir—Ashland.
Erdman Packing Co.—Bandon.
Farmer's Packing Co.—Medford.
Garrison, R. O.—Lebanon.
H & M Meat Co.—Union.
Hill Meat Co.—Pendleton.
*Hopkin's Wholesale Meats—Nyssa.
Independent Meat Co.—Ashland.
Jacobsmuhlen Slaughterhouse—Cornelius.
Lewis Brothers—Gresham.
Medford Meat Co.—Medford.
Merrill Meat Co.—Merrill.
Midway Meat Co.—Medford.
Montgomery Killing Plant—Silverton.
Mount Angel Meat Co.—Mount Angel.
Myers Packing Co.—Bend.
Myrtle Packing Co.—Coquille.
*Nebergall Meat Co., D. E.—Albany.
*Pioneer Meat Packers—Ontario.
*Silver Falls Packing Co.—Portland.
Stark's Slaughterhouse—Sherwood.
Steen Brothers—Albany.
*T. P. Packing Co.—Klamath Falls.
The Dalles City Pack—The Dalles.
Troutman Brothers—North Plains.
VanDine Meat Co.—Myrtle Creek.
Western Meats—Milton-Freewater.

PENNSYLVANIA

Ahrens and Sons, Inc., E. F.—York.
Alan Beef Co.—Dunmore.
Alba, Saverio, and William—Norristown.
Albert Packing Co.—Washington.
Alfery's Sausage Co.—Greensburg.
Alinikoff's and Son, Harry—Wilkes-Barre.
Anderson, Roy—East Berlin.
Aquilante, Congens—Berwyn.
Attig Bros.—Schrewsbury.
Baker's Meat Market—Biglerville.
Baker, Luther—Millville.
Balderston Bros.—Newton.
Baringer, Wilmer—Richlandtown.
Barnes, T. William—Waynesburg.
Baumgardner Packing Co.—Finleyville.
Beaver Valley Packing Co.—New Brighton.
Berwick Packing Co.—Berwick.
Bilski, Joseph—Waterford.
Bingman Packing Co.—Berlin.
Bloomfield Packing Co.—Pittsburgh.
Bonaccurso and Sons, S.—Philadelphia.
Bongiorni Bros.—Slovan.
Border, Carlos R.—Dalmatia.
Boose, H. Melvin—Manheim.
Bovalina Packing Co., Inc.—Slovan.
Bowders and Son, H.C.—Waynesboro.
Bowman, Mark—Hegins.
Boyer, Kenneth L.—Klingerstown.
Brand, William—Pipersville.
Brann's Slaughtering House—Canton.
Breauchy. Harry H.—Sharon.
Bristol Beef Co.—Bristol.
Brown Brothers and Sons, Inc.—Fairview.
Brown's Slaughter House—Smethport.
Brown, Victor—Port Allegany.
Burkee's Food Market—McSherrytown.
Burkholder, Eugene—Garrett.
Bush, G. D.—Jamestown.
Butler Packing Co.—Butler.
Carpenter Packing Co., Rex—Townville.
Carpenter, Simon T.—Sheridan.
Cary, William L.—Harrison Valley.
Castle Provision Co.—Darraugh.
Center Valley Packing Co.—Center Valley.
Check, Stephen—Pittsburgh.
Clark Packing Co.—Paxinos.
Clark, William A.—Homer City.
Coffaro, Frank P.—Sugargrove.
Cohick's Meat Market—Salladasburg.
Cowburn, Clark G.—Ulysses.
Crissman Bros.—Castanea.
Cunningham, R. P.—Indiana.
Cunningham Locker & Slaughterhouse—Sand Patch.
Daily and Sons—Vanderbilt.
Daisyfield Packing Co.—Daisytown.
Danko, Matthew—Latrobe.
Darling, Howard W.—La Plume.
De Franco, Nick—Bangor.
De Franco, Philip—North Bangor.
Delfrate Packing Co.—Slovan.
Delta Meat Products—Harrisburg.
Delta Farm Products Co.—Delta.
Detwiler's Abattoir—Pottstown.
Devault Packing Co.—Devault.
Ditzler Brothers Meat Market—Pine Grove.
Dorshimer, David E.—Brodheadsville.
Dressler, Norman—Exeter.
East Carson Packing Co.—Pittsburgh.
Edwards Frozen Food Center, Inc.—Elbensburg.
Elizabethville Abattoir—Elizabethville.
Engle, Russell S.—East Greenville.
Eremic, George N.—Monroeville.
Esposito, Attilio—Philadelphia.
Falk, Karl—Erie.
Feder Co.—Allentown.
Fehl Co., C. J.—Blooming Glen.
Fetterolf, Joseph I.—Hegins.
Fischer and Sons, Inc., J. Fred—York.
Fisher, Harry D.—Lewisburg.
Fisher, W. J.—Winfield.
Flagler, John—Raubsville.
Fox, Augustus—Soudertown.
Freed's Store—Gilbertsville.
Froehlich Packing Co.—Johnstown.
Frigid-Freeze Lockers—Riegelsville.
Gajan, John—Coal Center.
Galvanek, Edward—Freeport.
Gartner-Harf—Waterford.
Gashel, Lee—Claysville.
Gehman, Warren B.—Morwood.
Gensemer's—Bloomsburg.
George, Nathan T.—Orefield.
Gertner, Joseph and Stephen—Easton.
Ginter, Gervase—St. Mary's.
Ginter, Urban—St. Mary's.
Giunta and Sons, Joseph L.—Philadelphia.
Glick Bros. Packing Co.—Mt. Pleasant.
Godshall, Marvin K. and Son—Telford.
Goetz, Robert M.—Greencastle.
Goldberg Provision Co.—Greensburg.
Good, Inc., Carl—Denver.
Good's Market—Quincy.
Gourley, James P.—New Bethlehem.
Grande Brother Packing—Farrell.
Green Valley Packing Co.—Claysville.
Greenawalt and Keck—Lancaster.
Greenville Packing Co.—Greenville.
Grettler's Market—Girard.
Gum, Russell M.—Pen Argyl.
Gurgacz, Mike P.—New Castle.
Haas, Raymond—Weissport (East).
Hager's Meat Market—Quakertown.
Hahn Packing Co., Edward—Johnstown.
Haibach Bros.—Erie.
Hartman, Paul E.—New Tripoli.
Hawkeye Meat Market—Scottdale.
Heckel and Ferlan—Pittsburgh.
Heinnickel, Sylvester and Alquin—Crabtree.
Herring, Paul A.—Pitman.
Hershey Estates Abattoir—Hershey.
Hervitz Packing Co.—Harrisburg.
Hess Meats, Bob G.—Winfield.
*Hickory Packing Co.—Scranton.
Hill-n-Dale Farm Meat Co.—Dowington.
Hilltop Beef and Provision Co.—Loyalhanna.



Hippey, Samuel W.—Willow Street.
Hirsch, William R.—Kossuth.
Hoffman Brothers—York.
Hollinger, J. Lloyd—Lancaster.
Hollinger Meat Products, Inc.—Mechanicsburg.
Homestead Provision and Packing Co.—Pittsburgh.
Hoovers Meat Market—Hanover.
Horne's Slaughterhouse—Marianna.
Hostoffer and Sons, E. B.—Mount Pleasant.
Huffman, Ralph L.—Latrobe.
Hunsberger, Joseph J.—Royersford.
Hynes Abattoir, O. J.—Cedars.
Ishman, Robert J.—Worthington.
J. T. Provision Co.—McKeesport.
Johnson Packing Co.—Emeigh.
Joseph Packing Co.—Connellsville.
Juniata Packing Co.—Tyrone.
Keefer, C. F.—Mercersburg.
Kelso, C. W.—Hickory.
Kelso, Fred E.—Brookville.
Kesselring, J. R.—Greencastle.
*Kessler, Inc.—Lemoyne.
Kipp, Harvey A.—Bethlehem.
Kline Bros.—Hollidaysburg.
Knapp and Son, Lee—Albion.
Knight, Emerson—Penryn.
Kolansky, Abe—Wymart.
Kohn, M.—Philadelphia.
Kolb, Samuel—Spring City.
Kovacevic Brothers—Sewickley.
Kratzer, Beulah M.—Selinsgrove.
Kreisl Bros.—Hazelton.
*Kreisl Brothers, Inc.—Shamokin.
Kudasik, Andy—Central City.
Kunzler and Co., Inc.—Lancaster.
Lakeview Packing Co., Inc.—Sandy Lake.
Landis, Abram A.—Harleysville.
Landis Brothers Slaughtering Establishment—Skippack.
Landis, Edgar M.—Franconia.
Landis, T. M.—Mainland.
Lavella, Vector F.—Kersey.
Lawrence, H. M.—Albion.
Lesnett's Green Top Farm—Greenville.
Lepidi and Sons, Inc., M.—Jeanette.
Levchik, Mike—Hooversville.
Lichliter and Co., J. C.—Salisbury.
Liddiard, Richard W.—South Waverly.
Livezey, Merill—Sugar Grove.
Little and Son, L. D.—Hanover.
Locustdale Packing Co.—Locustdale.
Lonczynski, Thaddeus—Hazelton.
Loutsion Packing Co.—Cannonsburg.
Lukon Meats—Burgettstown.
Lux, Joseph H.—Jeannette.
Madrigale, Frank—Bristol.
Magdovitz Packing Co.—Connellsville.
Malzi, J. E.—Dunlo.
Mamula, Pete—Aliquippa.
Markle, Clair R.—Hanover.
Martin, Charles G. and Leon—East Earl.
Martin, Gerald—Chambersburg.
Martin, Ezra W.—Lancaster.
Martin, John F.—Stevens.
Marusco, Camilo—Boothwyn.
Marvin, Russell T.—Covington.
Martocci, Anthony—Roseto.
McClure Locker Plant—McClure.
McGee, G. Fred—Connellsville.
Meadow Valley Abattoir, Inc.—Gettysburg.
*Medford's Inc.—Chester.
Melvin, Arthur G.—Greenville.
Meoli, Peter—Berwyn.
Miller, E. R.—Hanover.
Miller, Eugene W.—Knox.
Mitman, Vernon K.—Nazareth.
Moccio and Son, Angelo J.—Allentown.
Moore, Amos, Sr.—Montgomeryville.
Mount Rose Food Market—York.
Mousourakis Packing Co.—Daisytown.
Moyer Bros.—Reinholds.
Moyer, Co., C. D.—Silverdale.
Moxham Packing Co.—Johnstown.
Myers Bros.—Spring Mills.
Nace, Melvin M.—Hanover.
Nell, C. R. and W. M.—East Berlin.
New Castle Packing Co.—New Castle.
New Holland Meat Market—New Holland.
Newman, Raymond H.—Hanover.
Nichols, Harold L.—Titusville.
Northrup, Gerry—North East.
Olijnyk, M., and Basilius—Harrison City.
P. S. Meat Co.—Philadelphia.
Palgon Bros.—Tarentum.
Palumbo, Dominic—Du Bois.
Patternson's Meat Market—Littlestown.
Pennsylvania State University—University Park.
Peluso, John M.—New Castle.
People's Meat Market—Brackenridge.
Peters Brothers Meat Market—Lenhartsville.
Pettello, Charles A.—Keiser.
Pezzner Bros.—Ashley.
Pieniazek, Walter—Waterford.
Pleasant Unity Packing Co.—Pleasant Unity.
Price, B. J.—Chester.
Prim Packing Co.—McDonald.
Princz, August—Mars.
Putnak, Robert L.—Monongahela.
Rebuck, J. E.—Dornsife.
Reed, Jay—Latrobe.
Rehrig Slaughter House—Ashfield.
Reichelderfer and Sons, E. H.—East Greenville.
Reitz, Maynard M.—Winfield.
Reliable Provision Co.—Scranton.
Rendulic, Frank D.—McKeesport.
Rex Slaughter House—Ashfield.
Rich Valley Cattle Co.—Emporium.
Riverside Meat Packing Co.—New Castle.
Robie Meat Packing, Inc.—Erie.
Rockhill's Meat Processing and Sales—Greenville.
Rook, B. A.—Milroy.
Rothermel, Wellington A.—Danville.
Rudy, Harry E.—Landisville.
Russic, M. C.—Hooversville.
Sabatasse, Jim—Slovan.
Salsburg's Abattoir—Shillington.
Shaffer, Arthur L.—New Cumberland.
Sharon Best Meats—Sharon.
Shamokin Packing Co.—Shamokin.
Schrickram, Franklin—Port Clinton.
Schlegal, Irving J.—Hegins.
Shaffer, Fred—Hooversville.
Shaw Bros.—Newry.
Shively Bros.—Miffinburg.
Shober, Roy L.—Denver.
Sicilia, Frank—New Kensington.
Silverberg Meats—Bradford.
Slagle's Packing House—Kittanning.
Smalstig, Fred—Pittsburgh.
Smelko Bros.—Mt. Pleasant.
Smith, Wilbur—Blairsville.
Smith, William B.—Titusville.
Smithgall and Ging—Trout Run.
Somerset Packing Co.—Bentleyville.
Spidle's Meat Market—Lancaster.
Spitzler's Meat Products, Inc.—Uniontown.
*Spungin's Abattoir, Inc.—Harrisburg.
Stairs Clover Farm—Confluence.
Stehle, Julius—Eightyfour.
Steinkirchner, George—Jennerstown.
Stepniak, William—Hop Bottom.
Sterner's Grocery, Inc.—Hancock.
Stockdale, Paul and Eugene—Dayton.
Stockton's Wholesale Meats—Columbus.
Taddio, Fred—Monaca.
Taylor Co., J. W.—Wyalusing.
Thoma, Paul—Saxonburg.
Thomas and Diehl—Glen Rock.
Thompson Packing Co.—Jersey Shore.
Thornton, Howard J.—Erie.
Triolo Brothers Food Market—Philadelphia.
Troutman Bros.—Klingerstown.
Troutman, N. S. and C. H.—Freeburg.
Troy Meat Plant, Inc.—South of Troy.
Union Provision and Packing Co.—Pittsburgh.
United Home Dressed Meat Co.—Altoona.
Utz Meat Market—Hanover.
Venezia, Carl—Conshohocken.
Venezia, Joseph—Norristown.
Venuto, Joseph—Philadelphia.
Waddington, Howard C.—New Castle.
Waddington, R. L.—Wampum.
Wagner Meat Supply, Floyd—Independence.
Waltman, Donald E.—Allenwood.
War, Prosper—Conshohocken.
Warrington Packing Co., Inc.—Chalfont.
Waynesburg Packing Co.—Waynesburg.
Weaver Brothers—Wellsville.
Wehry, William S.—Klingerstown.
Weise, R. A.—Hyndman.
Weiss, Milton—Large.
Weiss Packing Co.—Donora.
*Weller and Sons, Frank—Plymouth Meeting.
Werry, H. W.—Scottdale.
West Apollo Packing House—West Apollo.
Western Provision, Inc.—Erie.
Weyandt, Hughey, Jr.—Claysburg.
Wilcox, Gilbert—Milan.
Wildasin's Meat Market—Hanover.
Wilkes-Barre City Abattoir—Wilkes-Barre.
Williamson Wholesale Meats—Turbotville.
Willrich and Son, Thomas B.—Edinboro.
Winner Packing Co.—Lock Haven.
Winters, Walter W.—Mahoningtown.
Wisnieski, Steve—New Castle.
Wolfe's Meat Market—Myerstown.
Wolfe, Thomas F. and Lawrence H.—Herdon.
Worthington, Warren H.—Pennsdale.
Wright, Sharp B.—Fombell.
Yambrovich, Steve—Sharpsville.
Yakubik, Frank—New Castle.
Yoder, Kermit C.—Hollsopple.
Yoder's Meat Market—Shoemakersville.
Yoder Sons, C. M.—Telford.
Youndt, John E.—Adamstown.
Youndt Brothers—Denver.
Zeller, Alfred—Cedars.
Zitman, C. B.—Mercersburg.

RHODE ISLAND

Bruno's Slaughterhouse—Westerly.
Cory's Slaughterhouse—Tiverton.
Foster Packing, Inc.—Foster.
Diamond Hill Packing Co.—Cumberland.
Johnston Dressed Beef and Veal Co., Inc.—Johnston.
Parrillo, Inc., Anthony—Johnston.
Russo's Slaughterhouse—Bristol.

SOUTH CAROLINA

Azalia Meats, Inc.—Orangeburg.
*Brown Packing Co.—Greer.
*Carolina Abattoir—Columbia.
*Caughman's Meat Plant, Inc.—Lexington.
Cheraw Packing Plant—Cheraw.
Harmon Provision Co.—Saluda.
Hodges Sales Co.—Abbeville.
*Kimmerlins Wholesale Meat Packing Plant—Orangeburg.
Lancaster Frozen Foods, Inc.—Lancaster.
*Old Fort Packing Co.—Walterboro.
*Roddey Packing Co., Inc.—Columbia.
*Spartanburg Abattoir—Spartanburg.
*Turner's Abattoir, T. M.—Woodruff.

SOUTH DAKOTA

*Cimpl Packing Co.—Yankton.
*Dean Packing Co.—Vermillion.
Flanery Sausage Co.—Milbank.
Flanery Sausage Co., Inc.—Huron.
Trumbull Packing Co.—Sioux Falls.

TENNESSEE

Armstrong Sausage Co.—Strawberry Plains.
*Bakers Processing Co.—McKenzie.
Baltz Brothers Packing Co.—Elm Hill Road.
Barnett's Grocery—Huntingdon.
Beare Meat Co.—Madisonville.
Bedford County Slaughterhouse—Shelbyville.
*Benton Slaughterhouse, Lewis—Hixson.
Bills Processing Plant—Dyersburg.
Bolivar Packing Plant—Bolivar.
*Bridwell Packing Co.—Kingsport.
*Brundige Slaughter Plant—Martin.

*Bulla Wholesale Meats, Wade—Johnson City.
Bryson Packing Plant—Somerville.
Carthage Grocery & Locker Plant—Carthage.
*Chattanooga Sausage Co.—Chattanooga.
*Cleveland Provision Co.—Cleveland.
Cribbs Sausage Co.—Memphis.
*Dixie Sausage Co.—Lebanon.
*Duck River Sausage Co.—Manchester.
*Fayette Packing Co.—Hickory Withe.
*Fineburg Packing Co.—Memphis.
*Fletcher Brothers—Lenoir City.
Follis Slaughterhouse, Roy—Gadsden.
Foutch Grocery & Market—Cookeville.
Glasgow's Meat Co.—Dresden.
*Groce Provision Co.—Fayetteville.
*Hackett's Meat Co.—Carthage.
Hartsville Locker Co.—Hartsville.
Hendon's Meat Market—Milan.
Herron Packing Co.—Concord.
Hill's Wholesale Meats—Dayton.
Holmes Meat Market—Crossville.
Hyde, E. D.—Gallatin.
*Jackson Packing Co.—Jackson.
*Jacobs Packing Co.—Nashville.
*Keener Packing Co.—Lenoir City.
*Lingo Packing Co.—Jonesboro.
*Loomis Packing Co.—Sweetwater.
*McElhaney Slaughter House—Morristown.
McMinnville Meat Co.—McMinnville.
Mims Frozen Foods—Ardmore.
Moore, John L.—Fayetteville.
Morrissey Meat & Provision Co.—Nashville.
*Morton Brothers Packing Co.—Johnson City.
New 20 Packing Co.—Alamo.
*Norman Packing Co.—Covington.
*Parks Harris & Co.—Columbia.
Penn's Meat Market—Trenton.
*Powell Wholesale Meats—Chattanooga.
*Purity Packing Co.—Powell.
*Savannah Process & Locker—Savannah.
*Sells and Sons, Earl—Johnson City.
Smith's Market—Gallatin.
*Smith Packing Co.—Nashville.
Southern Abattoir Co.—Maloneyville Road.
*Southern Provision Co.—Chattanooga.
Stephens Slaughter House—Savannah.
Summer's Brothers Slaughterhouse—Hollow Rock.
*Tennessee Valley Packing Co., Inc.—Columbia.
Trolinger Slaughter House—Jackson.
Wamplers Wholesale Meat Inc.—Lenoir City.
*Wells Processing Plant—Brighton.
Wilkerson Slaughterhouse—Selmer.
*Wilson Sausage Co., John—Lewisburg.

TEXAS

A. B. C. Packing Co.—Wichita Falls.
Alamo Braun Beef Co.—San Antonio.
*Alice Meat Co.—Alice.
*Allen's Wholesale Meats—McKinney.
Amarillo Packing Co., Inc.—Amarillo.
Anderson Slaughtering and Processing Plant—Sherman.
Apache Packing Co.—San Antonio.
Auge Packing Co., Ed—San Antonio.
Azle Food Locker Corp.—Azle.
Berryhill Packing Co., Inc.—Levelland.
Big 4 Packing Co.—Perryton.
*Braun, George, Packing Co.—San Antonio.
Brown's Slaughter House—Annona.
Burlison Packing Co.—Wichita Falls.
Burton Bros. Public Abattoir—Houston.
*Cash Bros. Packing Co., Inc.—Dallas.
Central Packing Co. Inc.—Wichita.
Chief Packing Co.—Quanah.
*City Custom Packing—Houston.
Collins Packing Co.—Morton.
Columbia Packing Co.—Dallas.
*Crow Packing Co.—Pecos.
*Dallas City Packing Co.—Dallas.
*Dixon Packing Co., Inc.—Houston.
*Ehrdsman Bros. Packing Co.—Plainview.
Estes Bros. Packing Co.—Fort Worth.
Floyd Locker—Spearman.
*Freedman Packing Co.—Houston.
Gee and Gafford Slaughter House—Phillips.
Glover Packing Co. of Amarillo—Amarillo.
Golden Spread Packing Co.—Amarillo.
Graham Packing Co.—Graham.
*H and B Meat Co.—Vernon.
Haley's Food Locker—Crowley.
Hereford Locker—Hereford.
Hereford Meat Co.—Hereford.
*High Grade Packing Co.—Galveston.
Highland Packers, Inc.—Booker.
Jackson Wholesale Meats, O. B.—Plainview.
Lamesa Meat Co.—Lamesa.
Lubbock Packing Co.—Lamesa.
Nemecek Brothers—West.
*Newsom Packing Co.—Mount Vernon.
P and H Packing Co.—Dallas.
*P and S Meat Co.—Texarkana.
Pace Packing Co., Inc., Sweetwater.
Panhandle Packing Co., Inc.—Pampa.
*Pen Meat Packers—McKinney.
Perryton Packing Co.—Perryton.
Pickering Abattoir (P and S Meats)—Texarkana.
Pinkney Packing Co., Inc.—Amarillo.
Pitner and Hensley—Denton.
Plains Beef Co.—Amarillo.
Plains Beef Co.—Borger.
*Pratt Packing Co., Inc.—Sulphur Springs.
Quality Packing Co.—San Antonio.
Queen's Custom Slaughter—Bovina.
Richards Slaughter House—Bovina.
*Ridley Packing Co.—Sweetwater.
*Roberts Wholesale Beef—Van Horn.
Select Meat Co.—San Antonio.
Shamrock Slaughtering Plant—Shamrock.
Smith's Frozen Foods Plant—Atlanta.
*Southern Packing Co.—Denison.
Steauernagel Packing Co.—San Antonio.
Stratford Frozen Food Lockers—Stratford.
*Swift & Co.—San Antonio.
Swindell's Country Sausage Plant—Quanah.
*Texall Packing Co.—Houston.
Texas Dept. of Corrections Packing Central No. 1—Sugarland.
Texas Trail Meat Co.—Hereford.
Tyler Packing Co.—Tyler.
*Winfree Packing Co.—Orange.
Watkins Packing Co.—Dalhart.
*West Texas Packing Co.—San Angelo.
Wickham Packing Co., Inc.—Longview.
*Wilburn and Miller Wholesale Meats—Denison.
Wingate Brothers—Orange.
Wolff Meat Co.—San Antonio.
*Wright Packing Co.—Vernon.
Zuma Meat Co.—Beaumont.

UTAH

*Granite Meat and Livestock Market—Murray.
*Langston Packing Co.—Hurricane.
*Midvale Packing Co.—Midvale.
*Ogden Dressed Meat Co.—Ogden.
*Parke and Son, William C.—Ogden.
*Tri-Miller Packing Co.—Hyrum.

VERMONT

Becker and Kaplan—Essex Junction.
Boyce, George—South Street, Poultney.
Delairs Slaughtering Establishment—East Montpelier.
Gallerani's Market—Bradford.
Quinn's Slaughtering Establishment—Poultney.
Rubalcaba, G., Inc.—Websterville.
Stearns, Herrick—Rutland.

VIRGINIA

Corn Valley Packers, Inc.—Danville.
*Fleet & Co., Inc.—Winchester.
*Green Hill, Inc.—Elliston.
*Harrell Bros.—St. Brides.
Isom's Slaughter House—Galax.
Lee Packing Co.—Pennington Gap.
*McKenna, Inc.—Lynchburg.
*Orndorff, Charles, Abattoir—Winchester.
*Perry's Abattoir—Winchester.
Rosenbaum Slaughterhouse, Clyde—Glade Springs.
*Southern Packing Corp.—Norfolk.
*Suffolk Packing Co., Inc.—Suffolk.
*Woodstock Wholesale Meats—Woodstock.

WASHINGTON

Chambers Packing Co. No. 36—Tumwater.
Colfax Meat Packing Plant No. 117—Colfax.
*Curcio Meats No. 76—Walla Walla.
Evergreen Packing Co. No. 92—Vancouver.
*Federal Meat Co. No. 38—Tacoma.
Federal Packing Co. No. 48—Everett.
Ferry Bros., Inc. No. 16—Ferndale.
Fischer Bros. Meat Co. No. 85—Issaquah.
Florence Packing Co. No. 6—Stanwood.
*Grandview Packing Co. No. 15—Grandview.
Sierk Meat Packing Co. No. 55—Wenatchee.
Knight Packing Co., James, No. 21—Woodinville.
Johansen's Meats Inc. No. 41—Enumclaw.
Kratzig Meat Co. No. 81—Bellingham.
*Lewis River Meat Co. No. 118—Woodland.
*Longview Meat Co. No. 87—Longview.
McInroy Meat Co. No. 94—Wilbur.
Methow Valley Meat Co. No. 125—Twisp.
*Miller Packing Co., Inc. No. 7—Seattle.
Sky Valley Meats No. 51—Monroe.
Moses Lake Meat Co. No. 32—Moses Lake.
Mt. Vernon Meat Co., Inc. No. 93—Mt. Vernon.
Midway Meats No. 62—Chehalis.
Pasco Meat Packers, Inc. No. 37—Pasco.
*McKinley Meat Packing Co. No. 39—Longview.
Rice Meat Packing Co. No. 103—Veradale.
Schoner Meat Co. No. 75—Bremerton.
Shelton Meat Co. No. 70—Shelton.
Snohomish Meat Co. No. 77—Snohomish.
*Valley Packing Co. No. 18—Tacoma.
Webber and Ritter Co., Inc. No. 20—Sumner.
*Wenatchee Packing Co. No. 22—Wenatchee.

WEST VIRGINIA

Balls Wholesale Meat Co.—Kenova.
Bluegrass Market, Inc.—Lewisburg.
Camp Packing Co.—Parkersburg.
Coleman, M. E., Packing Co.—Oak Hill.
Crowgey Sausage Co.—Kellysville.
Elm Grove Packing—Wheeling.
Ennis Slaughter House—Uffington.
Fancher, R. L.—Shinnston.
Gamble and San Market—Houndsville.
Gissel Packing Co., Inc.—Huntington.
Hatten Wholesale Meat Co.—Huntington.
Holz Son, P. E., and Co.—Charleston.
Independent Dressed Beef Co.—Morgantown.
Frank M. Jenkins—Martinsburg.
Kidwiller, Frank E.—Harpers Ferry.
Lambert and Beavers—Squire.
Lee's Modern Market—Osage.
McCown & Sons Co., L. M.—Charleston.
Logan, S. S., Packing Co.—Huntington.
Mauk's Meat Market—Romney.
Miley, Lynn—Wardensville.
Miller Brothers—Martinsburg.
Moriang, Henry, Inc.—Parkersburg.
Martini Packing Co., Inc.—Wheeling.
Niebergall Meats Slaughtering Establishment—Wheeling.
Places Butchering Quarters—Martinsburg.
Rupert Meat-Poultry Supply—Rupert.
Smith Packing Co.—Parkersburg.
Smittle Packing—Paden City.
Solomon's Establishment, Frank—Fairview.
Spitznogle, Glen L., Slaughtering Establishment—Blacksville.
Staggs Meat Market—Burlington.
Stuart, Nate & Son, Inc.—Mt. Clare.
Thompson Brothers Packing Co.—Bluefield.
Tri-County Processing Plant, Inc.—Martinsburg.
Wade's Slaughter House—Mt. Morris.
Weimer Packing Co.—Wheeling.
Young & Stout, Inc.—Clarksburg.



WISCONSIN

Black Creek Meat Market—Black Creek.
*Born and Son, August—Milwaukee.
Bohrer's Packing Co.—Muskego.
Bonduel Meat Market—Bonduel.
Bruinsma, Casey—Union Grove.
Calewarts Meat Market—Green Bay.
Clinton Packing, Inc.—Clinton.
Coenen Packing Co.—Appleton.
Curless Meat Plant—Brodhead.
Dobratz Meat Market—Shawano.
Falls Locker Service—Menominee Falls.
Faust and Sons, Hy—Mayville.
Goldberg, Maurice, Slaughtering Establishment—Superior.
Green Bay Packing Co.—Green Bay.
Hagert's Locker—Siren.
Heiland's Food and Locker—Juda.
Jansen Meat Market—Costburg.
K. & K. Locker—River Falls.
Kenosha Packing Co.—Kenosha.
Kress Packing Co., Inc.—Waterloo.
*Luck, Inc., M.—Milwaukee.
Luedke Bros. Slaughtering Establishment—Sheboygan.
Merchant, W. J.—Brussels.
Meier Slaughtering, Alfred—Monroe.
Merridith Corrigan—Saxon.
*Midwest Packing Co.—Milwaukee.
Osseo Locker—Osseo.
*Quality Packing House—New London.
Resar Slaughtering Establishment, J. J. & J. M.—Park Falls.
*Richberg and Son, N.—Manitowoc.
Sawyer and Walter—East Troy.
Schaefer Sausage Co., Inc.—Oshkosh.
Schams Slaughtering, John—La Crosse.
Seymour Locker Storage—Peshtigo.
*South Side Packing Co.—Milwaukee.
*Stoppenbach Sausage Co.—Jefferson.
Sykes Packing Co.—Canton.
Tarlton Co., Lyman—Athelstane.
Thomson Packing Co.—West De Pere.
Townsend-Pillar Packing Co.—Cumberland.
*Valley Meat Service—Appleton.
Valley Packing Co.—Kaukauna.
Vans Packing House—Seymour.
Weinstein Slaughtering Establishment—Superior.
*Wolf River Sausage Co., Inc.—Weyauwega.

WYOMING

Ken's Locker & Slaughtering Establishment—South Laramie.
K and B Cold Storage Co.—Afton.
Kelly Slaughtering Establishment—Torrington.
Pilch Slaughtering and Processing Co.—Acme.
*Rocky Mountain Packing Co.—Casper.
*Roitz Meat Cutting—Ft. Bridger.
Shy-Ann Packing Co.—Cheyenne.
Starlite Meat Co.—Cheyenne.
Torrington Packing Co., Inc.—Torrington.
Triangle Packing Co.—Worland.

Notice is hereby given that the following stockyards and slaughtering establishments have been deleted from the list of specifically approved stockyards and slaughtering establishments, respectively, as follows:

*Stockyards*

ALABAMA

Aliceville Sale Barn—Aliceville.
Capital Stock Yards—Montgomery.
East Alabama Livestock Co.—Opelika.
Fort Payne Livestock Sales—Fort Payne.
King & Mewbourn Stockyards—Florence.
Roanoke Stockyards—Roanoke.

ARIZONA

Yuma Livestock Auction, Inc.—Araby.

ARKANSAS

Brown Livestock Comm. Co.—De Queen.
De Queen Livestock Commission—De Queen.
Farmers Auction Co.—Marianna.
Harrison Sales Co.—Harrison.
Huntsville Livestock Auction—Huntsville.
Logan County Livestock Auction—Booneville.
Randolph County Sale Co.—Pocahontas.

CALIFORNIA

Modoc Auction Yard—Alturas.

COLORADO

Arkansas Valley Livestock Commission Co.—Lamar.
Hess Livestock Commission Co.—Pueblo.
Shultz Sales Yard—Grand Junction.
Sunset Livestock Commission Co.—Greeley.

DELAWARE

Carroll Sales Co., J. C.—Dover.
Rudnick's Livestock Sales Co.—Dover.

GEORGIA

Bainbridge Stockyard—Bainbridge.
Coffee County Livestock Co.—Douglas.
Hudson-Holmes Livestock Auction, Inc.—Fitzgerald.
Jack's Union Provision Co.—Dalton.
Peoples Livestock Market, Inc.—Cuthbert.
Smith Stockyard No. 3—Thomson.
Thomson Stockyard, Inc.—Thomson.

IDAHO

Pocatello Livestock Auction Co., Inc.—Pocatello.

ILLINOIS

Carlson & O'Connor—Bushnell.
Champaign Co. Livestock Market Association Inc.—Urbana.
Charleston Livestock Auction—Charleston.
Illinois Producers Livestock Market Association—Dieterich.
Illinois Producers Livestock Market Association—Warren.
Worrell Cattle Co., Artie—Milledgeville.
Bates, Elmer—Galveston.
Clawson, Wayne L.—Delphi.
Talbert, L. S.—Greentown.
Reynolds Sale Barn—Reynolds.

IOWA

Carpenter Livestock—Carpenter.
Carroll Livestock Market—Carroll.
Farm Bureau Livestock Marketing Center—Waukon.
Farmers Sale Co., Inc.—Carroll.
Hampton Auction Co.—Hampton.
Harlan Auction Co.—Harlan.
La Porte City Livestock Auction—La Porte.
Marvel Livestock Market Center, Inc.—Webster City.
Northeast Iowa Sales Commission—Decorah.
O'Neil Livestock Auction—Eldora.
O & W Auction Market—Wadena.
Ogden Sales Barn—Ogden.
Waukon Sales Commission—Waukon.
Traer Livestock Market—Traer.

KANSAS

A. T. & S. F. Stockyards—Emporia.
Belleville Sale Co.—Belleville.
Dumler Bros. Livestock Comm. Co.—Russell.
Hansen Livestock Auction—Beloit.
Hugoton Livestock Comm. Co., Inc.—Hugoton.
Junction City Livestock Commission—Junction City.
Koenig Sale Co., Inc.—Manhattan.
Lenexa Community Sale—Lenexa.
Minneapolis Sales Pavilion—Minneapolis.
Mound City Sales Co.—Mound City.
Newton Livestock Auction Co.—Newton.
Ottawa Livestock Comm. Co.—Ottawa.
Pratt Livestock Commission Co.—Pratt.
S & J Livestock Comm. Co., Inc.—Norton.
Syracuse Sale Company—Syracuse.

KENTUCKY

Berry & Son Stockyards, R. B.—Clinton.
Brown & Whayne Stockyards—Clinton.
Tompkinsville Livestock Market—Tompkinsville.
Watwood Stockyards—Bardwell.

LOUISIANA

Gordon Stockyards—Lacassine.
Lake Charles Livestock Commission Co.—Lake Charles.

MARYLAND

Eyler's Livestock Market—Thurmont.
Friend's Stockyard, Inc., Blaine H.—Accident.

MICHIGAN

Hanchett Livestock Yards, Inc.—Leslie.
Marlette Livestock Sales Co.—Marlette.
Sturgis Livestock Auction Market—Sturgis.

MISSISSIPPI

Ballew's Stockyards—Liberty.
Batesville Sale Co.—Batesville.
Clay County Stockyards, Inc.—West Point.
Corinth Livestock Auction Co.—Corinth.
Deer Creek Livestock Sale—Hollandale.
Hernando Auction Co.—Hernando.
Hinds County Livestock Auction—Edwards.
W. H. Hodges & Co. of Miss.—Liberty.
Leake County Commission Co.—Carthage.
Lum Brothers Stockyards—Natchez.
Owen Brothers Stockyard—Meridian.
Owen Brothers Stockyards—Hattiesburg.
Peelers Livestock Sales—Kosciusko.
Richton Stockyards—Richton.
Shaw & Gray Commission Co.—Oxford.

MISSOURI

Cassville Auction—Cassville.
Crocker Sales Barn—Crocker.
E 66 Auction—Springfield.
Lamar Community Sale—Lamar.
Malden Sale Co.—Malden.
Marshfield Auction Co.—Marshfield.
Wheaton Community Sale—Wheaton.

NEBRASKA

Benkelman Sales Co., Inc.—Benkelman.
Deshler Livestock Commission Co.—Deshler.
Ericson Livestock Market—Ericson.
Kimball Livestock Auction—Kimball.
McCook Livestock Commission Co.—McCook.
National Co-Op Association—Plattsmouth.
Nebraska City Sales Barn—Nebraska City.
North Bend Livestock Sales Co.—North Bend.
O & O Commission Co.—Kearney.
Plattsmouth Sale Barn—Plattsmouth.
Schuyler Livestock Pavilion—Schuyler.
Sutton Sales Pavilion—Sutton.
Syracuse Sales Pavilion Co.—Syracuse.
Third City Livestock Commission Co.—Grand Island.
Tilden Livestock Market—Tilden.
Zimmerman Stockyards—Blair.

NEVADA

Midwest Livestock Commission Co.—Fallon.

NEW JERSEY

Flemington Auction Market—Flemington.

NEW MEXICO

Albuquerque Livestock Auction—Albuquerque.

NEW YORK

Empire Livestock Marketing Cooperative, Inc.—Green.
Horseheads Livestock Market, Inc.—Horseheads.
Kessler & Gentner—Springfield.
Neverett & Sons, H. L.—Malone.

NORTH CAROLINA

Farmer's Livestock Exchange—Marshville.

NORTH DAKOTA

Beulah Livestock Sales—Beulah.
Dobler Livestock Sales & Co.—Ashley.
Dobler & Smith Livestock Auction Co.—Ellendale.

Fraser Livestock Auction Market—Harvey.
Harrington Livestock Auction—Mayville.
Hettinger Livestock Sales Co.—Hettinger.
Jamestown Livestock Sales Co., Inc.—Jamestown.
Stanley Livestock Auction Market—Stanley.
Williston Sales Co.—Williston.

OHIO

Pickaway Livestock Co-op Association—Circleville.

OKLAHOMA

Buffalo Livestock Commission Co.—Buffalo.
Guymon Livestock Commission Co.— Guymon.
Holton Brothers Stockyards—Hugo.
Hominy Sale Co.—Hominy.
Leslie Livestock Commission Co.—Hugo.
Owen Brothers Livestock Auction Co.—Idabel.
Pawhuska Auction—Pawhuska.
Perry Auction Sale—Perry.
Pope, Raymond Livestock Sales Pavilion—Vinita.
Ranchers Livestock Commission Co.—Antlers.

OREGON

Klamath Cattle Sales—Klamath Falls.
Midway Auction Co.—Medford.

PENNSYLVANIA

Blairville Auction—Blairville.
Greenville Livestock Market, Inc.—Greenville.
Jamestown Livestock Market—Jamestown.
Westmoreland Auction Barn—Norvelt.

SOUTH CAROLINA

Lenox Stock Yard—Bennettsville.
Darlington Auction Market, Inc.—Darlington.
Union County Stockyard—Union.
Edgefield County Stockyard—Edgefield.
Harper Livestock Co.—Estill.
William Livestock Yard—Tabor City.
Johnston Stockyard—Honea Path.
Neeses Livestock Market—Neeses.
Nichols Auction Market—Nichols.
Peoples Livestock Market—Orangeburg.

SOUTH DAKOTA

Anderson Livestock Sales Yard—Yankton.
Burke Livestock Auction Co.—Burke.
Cresbard Sales Co.—Cresbard.
Martin Livestock Sales, Inc.—Martin.
Philip Livestock Auction—Philip.
Sioux Falls Livestock Auction—Sioux Falls.
Stockman's Commission Co., Inc.—Rapid City.

TENNESSEE

Franklin Auction Market—Franklin.
Kirk Livestock Auction—Athens.
Middle Tennessee Livestock Sales—Lawrenceburg.
Patterson and McCaleb Salebarn—Bradford.
Philip Livestock Auction, Inc.—Philip.
Tri-County Stockyard—McKenzie.
Viola Stockyard—Viola.

TEXAS

Branham Livestock Auction, Inc.—Martin.
Farmers & Ranchers Livestock Exchange—Shamrock.
Heart of Texas Commission Co., Inc.—Brady.
H C & H Cattle Co.—Douglassville.
Meridian Livestock Commission Co.—Meridian.
Mills Commission Co.—Douglasville.
North Texas Livestock Commission Co.—Whitesboro.

VERMONT

Chickering Commission Sale—Westminster.

VIRGINIA

Covington Stockyard, Inc.—Covington.

WISCONSIN

Antigo Auction Sales Livestock Market—Antigo.

WYOMING

Sheridan Livestock Commission Co.—Sheridan.
Wheatland Livestock Commission Co.—Wheatland.

*Slaughtering Establishments*

ALABAMA

Blue Bell Packing Co.—Decatur.
Brock-Mosley Packing Co.—Loxley.
Hansen Slaughter House—Prichard.

ARIZONA

Beverly Meat Co.—Tucson.

ARKANSAS

Boswell, Wholesale & Retail, R. O.—Camden.
Clough's Country Market—Lowell.
Cooper Packing Co.—Melbourne.
Dumas Packing Co.—El Dorado.
Dunn Slaughter House—De Queen.
Finks Meat Co.—Springdale.
Hi-Lo Provision Co.—El Dorado.
Hightower Packing Co.—Newport.
Hoover's Slaughter House, Jack—Murfreesboro.
Hughes Sausage Co.—North Little Rock.
Hylton Slaughter—Springfield.
Lawhon Meat Company, C. L.—North Little Rock.
Linaker Company, C. A.—McGehee.
Lowell Packing Co.—Lowell.
Lowery Brothers—North Little Rock.
Malone Packing Co.—Texarkana.
Mann Slaughtering & Processing—Piggott.
Morrilton Packing Co.—Morrilton.
Newport Packing Company—Newport.
North Side Packing Co.—North Little Rock.
Person Provision Co.—Jacksonville.
Rogers Packing Co.—Jonesboro.
Southwestern Packing Co.—Hope.
Steed Packing Co.—Judsonia.
Ward Packing Co.—Stamps.
Williams Slaughter Plant—Nashville.

CALIFORNIA

Auburn Meat and Livestock Co.—Auburn.
Brennan Meat Co.—Tulare.
Cuyamaca Meat Co.—El Cajon.
Klubniken Packing Co.—Los Angeles.
Pacific Packing Co. (Establishment No. 116)—Gazelle.
Rosen Meat Co.—Los Angeles.
Santa Ana Packing Co.—Santa Ana.
Smith Packing Co.—San Bernardino.
Sonoma Meat Co., Inc.—Sonoma.
Talone Packing Co.—Escondido.
Wright Packing Co.—National City.

COLORADO

Arvada Packing Co., Inc.—Arvada.
Samett Packing Co.—Denver.

CONNECTICUT

Beit Brothers—Norwich.
Block, Benjamin—Shelton.
Freeman & Company, M.—New London.
Hartford Provision Co.—Hartford.
Hertz Brothers—Norwich.
New Britain Slaughter House—New Britain.
Zeffiro, Frank—New Hartford.

FLORIDA

A & A Meat Co.—Jacksonville.
Central Packing Co.—Center Hill.

GEORGIA

Eastside Provision Co.—Dalton.
Union Provision Co.—Dalton.
Valdosta Abattoir, Inc.—Valdosta.

IDAHO

Custom Packing Co.—Twin Falls.
McKibbens Custom Butchering Establishment—Idaho Falls.
Meridian Meat Packers—Meridian.
Moscow Meat Co.—Moscow.
Peoples Market Plant—Pocatello.

ILLINOIS

Cowperthwaite Super Market—Bushnell.
Hauffe's Meat Market—Lincoln.
Ingalls Frozen Food Center—Milford.
Jones, Marshall E.—Springfield.
Lyetta Meats, Inc.—Coulterville.
Magelli Bros., Inc.—Marseilles.
Noble Locker—Noble.
Pasquo Podeschi—Taylorville.
Wessel Bros., Inc.—Belleville.

INDIANA

Boone County Packing Co.—Lebanon.
Clyde Packing Co.—Angola.
Daniel Brothers Packing Co.—Columbia City.
Dufrene Slaughter & Packing Co., Inc.—Des Allemands.
Hickory Hills Processing Plant—Spencer.
Franklin Slaughter House—Wabash.
Lutz Packing Co.—Indianapolis.
Snelly's Market—Angola.
Ward Brothers Packing Co.—Monon.

IOWA

Buffalo Pack—Davenport.
City Meat Locker—Little Rock.
Glasgow's Meat Market—Keokuk.
Hawkeye Pack—Sioux City.
Kane's Dressed Beef—Hawarden.
Karzlarich Pack—Rathbun.
Ledyard Locker—Ledyard.
Meyer Packing Co.—Sioux City.
Milton Locker Service—Milton.
Otranto Locker—Otranto.
Romann & Liebbe Co.—Muscatine.
Sergeant Bluff Produce Co.—Sergeant Bluff.
Smith Packing Co.—Sioux City.
White's Locker—Estherville.

KANSAS

Moore's Packing House Market—Parsons.

KENTUCKY

Gibson Livestock, Inc.—Providence.
Quality Packing Co.—Lexington.
Spring Packing Co.—Louisville.

LOUISIANA

Adam's Slaughter House—Amite.
Allen's Super Market—Kentwood.
Crumpler's Packing House—DeRidder.
Ferriday Packing Plant—Ferriday.
Morris Slaughter House—Kentwood.
Northside Packing House—Lake Charles.
Swifty Meat Packing Co.—Opelousas.
Suire's Slaughter House, Bill—Kaplan.
Villa Meat Co.—Olla.
Up-to-Date Market and Slaughter House—Sulphur.

MAINE

Hanson & Smith—St. Albans.

MARYLAND

County Butchers, Inc.—Granite.
Brewer's, H. W.—Williamsport.
Harden's Meat Market—Eckart Mines.
Howard County Meat Market—Ellicott City.
Lotz Wholesale Meats—Frostburg.
Miller, Charles—Manchester.
Nichols & Smith Meat Market—Federalsburg.
Thompson's Food Market—Maryland Line.
Wolf's Slaughter House—Cumberland.

MASSACHUSETTS

Bickford's—Cheshire.
Cramers, Louis—North Adams.
Grasso's Slaughterhouse—Boston.
Harris Slaughterhouse, George A.—Winchendon.



Hurlburt Slaughterhouse, Ronald—West Orange.
Independent Packing Co.—Brockton.
Judkins, F. H.—Athol.
Kabatchnick, Mark Sidney—Chester.
McAdoo, Harold A.—Bolton.
Rellins Packing Co.—Milford.
Robbins, Richard—Ashby.
Strycharz Slaughterhouse—Blackstone.

MICHIGAN

S. Loewenstein & Son—Detroit.
Costello Packing Co.—Detroit.
Hudson Locker Service—Hudson.
Pleasant Valley Packing Co.—Detroit.
Peet Packing Co.—Chesaning.
Christie Packing Co.—Schoolcraft.
Richmond Packing Co.—Richmond.
Isaac Tamaren Beef Co.—Detroit.
Hillsdale Packing Co.—Hillsdale.
Foster's Market—Quincy.

MISSISSIPPI

B & B Packing Co.—Byram.
Barnett Sausage Co.—North Biloxi.
Betheze Brothers Packing Co.—Meridian.
Cochran Frozen Food & Locker Plant—Waynesboro.
Counce Curing Plant, H. R.—Corinth.
Delta & Pineland Co.—Scott.
Dunn, B. T., Slaughter House—Walnut.
Happy Acres—Petal.
Isabell & Son Meat Curing Plant, A. H.—Corinth.
Isbell Distributing Co.—Corinth.
Bounds, Slaughter Establishment, John R.—Picayune.
Lauderdale Cold Storage—Meridian.
Mallett, F. S.—North Biloxi.
Michel Packing Co., C.—Meridian.
McComb Frozen Food & Locker Plant—McComb.
Old Hickory Sausage Plant—Magnolia.
Orman's Sausage Co.—Ellisville.
Sam's Slaughter House—Waynesboro.
Waller, Slaughter House—Waynesboro.
Willoughby's Slaughter House—Komono.
Wise & Wise Packing Co.—Greenville.

MISSOURI

Dan Baum Packing Co.—St. Louis.
General Meat Co.—St. Louis.
M. F. A. Packing Division—Springfield.
Reinhardt Packing Co.—St. Louis.
Reitz Meat Products Co.—Raytown.
Roseville Packing Co.—Springfield.
Schneider Packing Co.—St. Louis.
Stanley Meat Co.—St. Louis.
Volz Packing Co.—St. Louis.
Walter Wick's Slaughter House—Pierce City.

NEBRASKA

Gude, O. A.—Nebraska City.
Roode Packing Co., Inc.—Fairbury.
Vanderheiden's Slaughter House—Valentine.

NEVADA

Harlacher Meat Co.—Fallon.
Mori Slaughterhouse—Fallon.

NEW HAMPSHIRE

Hoffman, Fred—Hooksett.

NEW JERSEY

Monmouth County Abattoir—Asbury Park.
Schein, Inc.—Hopelawn.

NEW MEXICO

Addington Lockers—Clayton.
Belen Locker & Slaughter Pen—Belen.
Dick's Slaughtering House—Clovis.
Oliver Packing Co.—Raton.
Taos Locker Plant, Inc.—Taos.
Snell Packing Co., Inc.—Taos.
Valley Packing Co.—Fairview.
Valley Packing House—Albuquerque.
Williams' Slaughterhouse—Socorro.

NEW YORK

A. J. Aust—Otto.
Bertoh's Slaughter House—Almond.
Dembo's—Troy.
Eckman, Albert M. Slaughterhouse—Frewsburg.
Farber, Murray—Goshen.
Kingston Beef Corp.—Kingston.
Legters Bros.—Clymer.
Seven Valley Beef, Inc.—Cortland.
Smith, Bernard G.—Troy.
Valentine, Vincent V.—Kennedy.

NORTH CAROLINA

Bryan Packing Corp.—Asheville.
Chadbourn Packing Co.—Chadbourn.
Circle "F" Abattoir—Lexington.
City Abattoir—Shelby.
McDaniel's Abattoir—Fayetteville.
Shelby Abattoir & Processing, Inc.—Shelby.
Wilmington Packing Co.—Wilmington.

NORTH DAKOTA

Bean, Loyd—Williston.
Delaney Meat Co.—Williston.
Williston Meat Co.—Williston.

OHIO

Berry Slaughtering Establishment, S. P.—Winchester.
Henderson Meats—Waterloo.
Lorain-Elyria Packing Co.—Elyria.
Montenery Provision—Tiltonsville.
Schmidt Provision Co.—Toledo.

OKLAHOMA

Big Pastures Packing Co.—Grandfield.
Bittings Slaughtering Establishment, John—Tulsa.
Clarks Meat Slaughtering Establishment—Perry.

OREGON

Gardner Midway Meats, Donald R.—Medford.
Crane Slaughtering Establishment, Ralph W.—Perkins.
Hamilton Slaughtering Establishment—Medford.
McCreary Packing Co.—Enid.
Montgomery Brothers—Hugo.
O'Brien Meat Co.—Tulsa.
OK Packing Co.—Tecumseh.
Sooner Packing Co.—Collinsville.
Southeastern Slaughtering Establishment—Durant.
Thomas, Earl C.—Moore.
Van Cleve, C. L.—Tulsa.
Ward Slaughtering Establishment, John—Woodward.
Whittet, Billy W.—Dacoma.

PENNSYLVANIA

A. Green & Son—Berwick.
Aliquippa Packing Co.—Aliquippa.
Beatty Farm Meat Products—Turtle Creek.
Becks Welfare Farms—West Leesport.
Bethlehem Packing Co.—Bethlehem.
Biderman & Moss, Inc.—Philadelphia.
Bonanno, Jake—Germantown.
Brenzovich's Meat Market—Jefferson.
Bryan, John L.—Dushare.
Bubbemoyer, C. V.—Bernville.
Bull Run Packing Co.—Homestead.
Burkholder Brothers—Lebanon.
Cappucio—Philadelphia.
Charles C. Anspach—Womelsdorf.
Charles Meat Market—Liverpool.
Clapper, Dewey—Dillsburg.
C. & J. Packing Co.—Vandergrift.
Darling, Lester W.—LaPlume.
Davidek, M. J.—Bracenridge.
Delta Farm Products—Harrisburg.
Denholm Packing Co.—Pittsburgh.
Donnie's Food Market—East Berlin.
D. & K. Meat Co.—Philadelphia.
Dysinger & Sons—Mifflintown.
Earl S. Wenrich, Jr.—Sinking Spring.
Eblings Meat Market—Myerstown.
Engle Brothers—Markleysburg.
Fisher, Ralph—Yellow House.
Fox, Henry J.—Mertstown.
Gassert, John A.—Myerstown.
Gentzler, Wilfert N.—Dover.
Gillette Livestock Auction Co.—Gillette.
Godfrey Brothers—Felton.
Godfrey, M. Melvin—York.
Grecek, Frank—Portage.
Grissinger Bros.—McConnelsburg.
Gross Meats—Eureka.
Hawkeye Meat Market—Mount Pleasant.
Helm, Ralph E.—Waynesboro.
Hoffer, Frank L.—Carlisle.
Honsaker, Bros.—Roaring Springs.
Hooversville Supply Co.—Hooversville.
Hutchinson's Custom Butchering—Hydetown.
Imgrund, D. E.—New Baltimore.
Imler, Roy S.—Altoona.
Imperial Packing Co.—Imperial.
Innerst Bros.—Dallastown.
Janke's Slaughtering Establishment—Winburne.
Keeney, H. Z.—Hungerford.
Kirkpatrick's Meat Market—Scotland.
Kling, Arthur C.—Landisburg.
Knepp, Albert A.—Mifflintown.
Kohn & Hendler—Philadelphia.
Kottcamp, Homer S.—York.
Kressler, Herbert M.—Quakertown.
Kreisl Brothers, Inc.—Harrisburg.
Lorditch, Geo. J.—Johnstown.
Lower's Store—Biglerville.
Luckenbill, Curtis T.—Kutztown.
Mamie S. Wike—Robesonia.
Manbeck, Lloyd H.—Bernville.
Manieri Inc.—Robesonia.
McCall Packing Company—Rimersburg.
McClure Locker Plant—Felton.
McLaughlin & Fickes—Fayetteville.
Millerton, Jess A.—Gloe.
Mowry & McKean Super Market—Sandy Lake.
Moyer, Maurice J.—Plowville.
Musser Company, Clayton—Mohnton.
Mutzabaugh's Meat Market—Duncannon.
Myers Meat Market—Codorus.
Newman's Market—Fairfield.
New Mexico Meat & Provision Co.—Albuquerque.
Northside Packing Co.—Pittsburgh.
Oswald & Hess Co.—Pittsburgh.
Paul E. Adams—Jonesville.
Petruzzi's Abattoir—Drums.
Pierson, Leslie R.—Lewisville.
Potteiger, R. L.—New Kingston.
Pudliner, Charles J., Jr.—Johnstown.
Quality Meat Market—Johnsonburg.
Reimold, Ed.—Transfer.
Rhodes, Glen J.—Martinsburg.
Rosen, Max—Pittsburgh.
Rosen, Meyer—Creighton.
Roth & Son, C. R.—Shiremanstown.
Roth, Ivan J.—Shiremanstown.
Rouman, Abram—Lansdale.
Reichert, Melvin N.—Bechtelsville.
Ritter, Charles D.—Boyertown.
Rupert, Edgar B., Sr.—Chambersburg.
Russell Gum—Pen Argyl.
Shaffer, Fred—Hooversville.
Silver Lake Packing Company—Dunmore.
Snowberger Bros.—East Freedom.
Smith's Quality Super Market—Glen Rock.
Snyder, Lloyd J.—Fleetwood.
Sprecher, Chester A.—Fleetwood.
Stairs, James—Confluence.
Starry & Shultz—Carlisle.
Steely, Harry N.—Lewisberry.
Strunk Bros.—Hereford.
Stuebgen's Meat Market—Saxonburg.
Swan's Super Market—Shade Gap.
Tavernini, Alex.—Portage.
Varano & Troutman—Kulpmont.
Walborn, R. A.—Hershey.
Wills, Ambrose—Punxsutawney.

Winbrook Farms-Paul Winnick—New Castle.
Wolfes Meat Market—Myerstown.
Yost, Fred—Newville.
York Springs Meat Market—York Springs.

RHODE ISLAND

Carter Beef Co., Inc.—Johnston.
Concord Dressed Beef & Veal Co.—Pawtucket.
Rhody Trading Corp.—Pawtucket.
Ricci Packing Co., J.—Johnston.
Starlite Packing Co.—Pawtucket.

SOUTH CAROLINA

Southland Provision Co.—Orangeburg.

TENNESSEE

Brantley and Tillett—Shelbyville.
Brothers Seafood—Winchester.
Carey Packing Co.—Morristown.
Castellaw's Slaughterhouse—Alamo.
Charlie's Slaughterhouse—Trenton.
Cook's Slaughterhouse—Dyersburg.
Hickory Valley Packing Co.—Hickory Valley.
Rakes Slaughterhouse—Watertown.
Randolph Produce Co.—Crossville.
Sunnydale Meat Products, Inc.—Nashville.

VERMONT

Gibbs Slaughtering Establishment—Bradford.

VIRGINIA

Harrisonburg Wholesale Meat Co.—Harrisonburg.

WEST VIRGINIA

Bell Slaughtering Establishment, N. J.—Blackville.
Neibergall & Martini, Inc.—Wheeling.

WISCONSIN

Goldberg Packing Co.—Wentworth.
Scheiders Meat Market—Shawano.
Shubert's Market—Oshkosh.
Super Locker Co.—Amery.

WYOMING

Draney & Son Slaughtering Establishment, Deli—Afton.
Jim's Place Slaughtering Establishment—Cheyenne.
Pilch Slaughtering & Processing Service—Acme.
Ranchester Slaughtering Service—Ranchester.
Schneiders Meat Services—Shawano.
Shubert's Market—Oshkosh.
Super Locker Co.—Amery.
S & S Packing Co.—Cheyenne.

*Effective date.* The foregoing notice shall become effective upon publication in the FEDERAL REGISTER.

Certain additional stockyards and slaughtering establishments have been added to the list of those heretofore specifically approved under the regulations in 9 CFR Part 78. It has been determined that the inspection and handling of livestock or carcasses or products thereof at such stockyards or establishments are adequate to effectuate the purposes of such regulations. Certain stockyards and slaughtering establishments have been removed from the list of those heretofore specifically approved under said regulations, because it has been determined that such stockyards and establishments no longer qualify for specific approval under the regulations. This action, therefore, imposes certain restrictions necessary to prevent the spread of brucellosis and relieves certain restrictions presently imposed. It should become effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved hereby. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this action are impracticable and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of October, 1964.

E. E. SAULMON,
*Acting Director, ADE Division, Agricultural Research Service.*

[F.R. Doc. 64-11308; Filed, Nov. 5, 1964; 8:45 a.m.]

# DEPARTMENT OF THE TREASURY

## Bureau of Customs

[AA 643.3-b]

## BREAD IN LOAVES FROM CANADA

### Purchase Price and Foreign Market Value

NOVEMBER 2, 1964.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of bread in loaves imported from British Columbia, Canada, is less, or likely to be less, than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 1964).

Customs officers are being authorizing to withhold appraisement of entries of bread in loaves from British Columbia, Canada, pursuant to § 14.9 of the Customs Regulations (CFR 14.9).

The allegation in this case was received on July 6, 1964, and was made by Congressman Bill Stinson.

[SEAL] LESTER D. JOHNSON,
*Acting Commissioner of Customs.*

[F.R. Doc. 64-11355; Filed, Nov. 5, 1964; 8:47 a.m.]

# DEPARTMENT OF THE INTERIOR

## National Park Service

[Order 5]

## ASSISTANT SUPERINTENDENT ET AL.

### Delegation of Authority With Respect to Certain Contracts

SEPTEMBER 17, 1964.

1. *Assistant Superintendent, Administrative Officer and Procurement and Property Management Officer.* The Assistant Superintendent, Administrative Officer and Procurement and Property Management Officer may execute and approve contracts not in excess of $50,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

2. *Procurement Assistant.* The Procurement Assistant may execute and approve contracts not in excess of $10,000 for supplies, equipment or service in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

3. *Revocation.* This order supersedes Order No. 4 issued November 20, 1959.

(National Park Service Order No. 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Western Region Order No. 3 (21 F.R. 1495))

JOHN A. RUTTER,
*Superintendent, Mount Rainier National Park.*

[F.R. Doc. 64-11348; Filed, Nov. 5, 1964; 8:46 a.m.]

## Office of the Secretary

[Order 2884]

## DI GIORGIO FRUIT CORP.; CALIFORNIA

### Regional Director, Bureau of Reclamation, Sacramento, Calif.

OCTOBER 29, 1964.

SECTION 1. *Delegation.* The Regional Director, Bureau of Reclamation, Sacramento, California, is authorized to act, in substitution of the Secretary of the Interior, as the true and lawful attorney for the Di Giorgio Fruit Corporation in connection with the sale of excess lands under the terms of the April 9, 1952 agreement between the United States of America (Regional Director, Bureau of Reclamation) and the Di Giorgio Fruit Corporation (R. Di Giorgio, Vice President), recorded in the official records of Tulare and Kern Counties, California (Recordable Contract No. 175r-4703).

SEC. 2. *Redelegation.* This authority may not be redelegated.

JOHN A. CARVER, Jr.
*Acting Secretary of the Interior.*

OCTOBER 29, 1964.

[F.R. Doc. 64-11350; Filed, Nov. 5, 1964; 8:46 a.m.]

# DEPARTMENT OF COMMERCE

## Office of the Secretary

## CARL W. HASEK, JR.

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of October 9, 1964.

CARL W. HASEK, Jr.

Dated: October 9, 1964.

[F.R. Doc. 64-11369; Filed, Nov. 5, 1964; 8:49 a.m.]



# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## DOW CHEMICAL CO.

### Notice of Filing of Petition for Food Additives Polybutadiene Rubber Modified Polystyrene Resins

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B1282) has been filed by The Dow Chemical Company, Midland, Michigan, 48640, proposing the issuance of a regulation to provide for the safe use of polybutadiene rubber modified polystyrene resins as the food-contact surface of articles that contact food.

Dated: October 29, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-11367; Filed, Nov. 5, 1964; 8:48 a.m.]

## ELANCO PRODUCTS CO.

### Notice of Filing of Petition Regarding Food Additive Chlormadinone Acetate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5D1515) has been filed by Elanco Products Company, A Division of Eli Lilly and Company, Indianapolis, Indiana, 46206, proposing the issuance of a regulation to provide for the safe use of chlormadinone acetate (6-chloro-$\Delta^6$-17-acetoxyprogesterone) in animal feeds as follows:

| Principal ingredient | Quantity | Limitations | Indications for use |
|---|---|---|---|
| Chlormadinone acetate.. | 10 mg. per head per day. | For beef and dairy heifers and beef cows; animals not to be slaughtered within 28 days of last dosage. | For synchronization of estrus (heat). |

Publication of this notice in no way constitutes actual or implied approval of the named additive and use recommended by the petitioner.

Dated: October 29, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-11368; Filed, Nov. 5, 1964; 8:48 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-229]

## GENERAL ATOMIC DIVISION OF GENERAL DYNAMICS CORP.

### Notice of Issuance of Facility Export License

Please take notice that no request for a formal hearing having been filed following the publication of notice of proposed action in the FEDERAL REGISTER on October 8, 1964 (29 F.R. 13913), the Atomic Energy Commission has issued License No. XR-55 to General Atomic Division of General Dynamics Corporation, authorizing export of a 250 kilowatt TRIGA Mark II research reactor to the Institute Josef Stefan, Ljubljana, Yugoslavia. The export of this reactor to Yugoslavia is within the purview of the present Agreement for Cooperation between the Government of the United States of America and the International Atomic Energy Agency.

Dated at Bethesda, Md., this 30th day of October 1964.

For the Atomic Energy Commission.

EBER R. PRICE,
*Director, Division of State and Licensee Relations.*

[F.R. Doc. 64-11334; Filed, Nov. 5, 1964; 8:45 a.m.]

[Docket No. 50-159]

## TEXAS TECHNOLOGICAL COLLEGE

### Notice of Termination of Construction Permit

Please take notice that Texas Technological College, having requested cancellation of the permit authorizing construction of a 10-kilowatt, pool-type nuclear reactor on the College's campus in Lubbock, Texas, the Atomic Energy Commission has granted the request and has terminated Construction Permit No. CPRR-60 without prejudice to the filing of a new application at a later date.

For further details, see a copy of the request dated September 17, 1964, on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 30 day of October 1964.

For the Atomic Energy Comission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

TERMINATION OF CONSTRUCTION PERMIT

[No. CPRR-60]

In accordance with the request dated September 17, 1964, Construction Permit No. CPRR-60 issued to Texas Technological College for the construction of a 10-kilowatt, pool-type nuclear reactor on the College's campus in Lubbock, Texas, is hereby terminated without prejudice to the filing of a new application at a later date.

Date of issuance: October 30, 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-11335; Filed, Nov. 5, 1964; 8:45 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 64-SO-18]

## TENNESSEE STATE BOARD OF EDUCATION

### Notice of Petition for Public Hearing

The Tennessee State Board of Education, Nashville, Tennessee, has timely filed a petition for public hearing pursuant to § 77.39 [New] (27 F.R. 10352), Part 77, Federal Aviation Regulations, in appeal to Determination of Hazard to Air Navigation issued in OE Docket No. 64-SO-18 (29 F.R. 13843), for the proposed construction of a television antenna structure near Rogersville, Tennessee.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), the determination issued in OE Docket No. 64-SO-18 (29 F.R. 13843) is not and will not be a final determination pending final disposition of the petition.

Issued in Washington, D.C., on October 30, 1964.

GEORGE R. BORSARI,
*Chief, Obstruction Evaluation Branch.*

[F.R. Doc. 64-11339; Filed, Nov. 5, 1964; 8:45 a.m.]

# FEDERAL MARITIME COMMISSION

## A. P. MOLLER-MAERSK LINE AND SEA-LAND SERVICE, INC.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San

Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

A. J. Bruno, Traffic Supervisor,
Sea-Land Service, Inc.,
Puerto Rican Division,
Post Office Box 1050,
Elizabeth, N.J., 07207.

Agreement 8885–2, between the carriers comprising the A. P. Moller-Maersk Line joint service (operating pursuant to approved Agreement 7622, as amended), and Sea-Land Service, Inc., modifies Agreement 8885 between the parties which covers a through billing arrangement on cargo from Japan, Hong Kong, Formosa, Philippines, Federation of Malaya, Colony of Singapore, Thailand, Indonesia, Ceylon, Cambodia, and Viet Nam to Puerto Rico, with transhipment at New York. The purpose of the modification is to change the name of Federation of Malaya and Colony of Singapore to Malaysia (excluding Sabah, Sarawak), the present day designation of those countries, in the description of the trading area of the agreement.

Dated: November 3, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–11357; Filed, Nov. 5, 1964; 8:47 a.m.]

## NORTH ATLANTIC ISRAEL EASTBOUND FREIGHT CONFERENCE

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

B. Katz, Secretary,
North Atlantic Israel Eastbound Freight Conference,
42 Broadway,
New York, N.Y. 10006.

Agreement 8220–2 between the member lines of the North Atlantic Israel Eastbound Freight Conference (Agreement 8220) in the trade from United States North Atlantic Ports to ports in Israel on the Mediterranean Sea. The purpose of the modification is to describe conference procedures for the disposition of shippers' requests and complaints.

Dated: November 3, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–11358; Filed, Nov. 5, 1964; 8:47 a.m.]

## PACIFIC WESTBOUND CONFERENCE AND CARRIERS COMPRISING FERN LINE JOINT SERVICE

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement for approval, and notice of cancellation of agreement, filed by:

Mr. W. C. Galloway, Chairman,
Pacific Westbound Conference,
465 California Street,
San Francisco, Calif. 94104.

Agreement 57–84, between the member lines of the Pacific Westbound Conference (Agreement 57, as amended), and six (6) Norwegian carriers under the direction and control of Fearnley & Eger (operating as the "Fern Line" pursuant to approved joint service Agreement 9346), covers the admission of the joint service carriers to participation in the conference as an associate member. Under the agreement, the carriers comprising the "Fern Line" will (1) be obligated to observe all rates, rules, regulations and decisions of the conference, (2) have no vote in conference affairs, (3) not share in the general expenses of the conference as do regular members, and (4) not be required to post the usual surety bond required of full members, but will be liable for liquidated damages for violations of the terms and conditions of the conference agreement as provided therein. Agreement 57–84, has been filed to supersede and cancel approved associate membership Agreement 57–74, between the member lines of the Pacific Westbound Conference and the Fearnley & Eger and A. F. Klaveness & Co. A/S carriers, operating as the "Fern-Ville Lines" under approved joint service Agreement 8512, as amended.

Dated: November 3, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–11359; Filed, Nov. 5, 1964; 8:47 a.m.]

## SEATRAIN LINES, INC., AND AMERICAN EXPORT ISBRANDTSEN LINES, INC.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Seatrain Lines, Inc.,
595 River Road,
Edgewater, N.J.

Agreement 9395 between Seatrain Lines, Inc., and American Export Isbrandtsen Lines, Inc., covers a through billing arrangement for cargo transported from India, Pakistan, Ceylon, Persian Gulf, Red Sea and Gulf of Aden ports, ports in Egypt, Lebanon, Syria, Turkey and Greece to Puerto Rico with transhipment at the port of New York, New York, under terms and conditions set forth in said agreement.

Dated: November 3, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–11360; Filed, Nov. 5, 1964; 8:47 a.m.]



## SEATRAIN LINES, INC., AND AMERICAN EXPORT ISBRANDTSEN LINES, INC.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Seatrain Lines, Inc.,
595 River Road,
Edgewater, N.J.

Agreement 9396 between Seatrain Lines, Inc. and American Export Isbrandtsen Lines, Inc., covers a through billing arrangement for cargo, except refrigerated, garlic and other perishables or semi-perishables, transported from France, Italy, North Africa, Spain and Portugal to Puerto Rico with transhipment at the port of New York, New York, under terms and conditions set forth in said agreement.

Dated: November 3, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–11361; Filed, Nov. 5, 1964; 8:47 a.m.]

## SEATRAIN LINES, INC., AND A. P. MOLLER-MAERSK LINE JOINT SERVICE

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Seatrain Lines, Inc.,
595 River Road,
Edgewater, N.J.

Agreement 9393 between Seatrain Lines, Inc. and A. P. Moller-Maersk Line Joint Service, operating under approved Agreement 7622, covers a through billing arrangement for cargo transported from Japan, Hong Kong, Formosa, Philippines, Malaysia (excluding Sabah, Sarawak), Thailand, Indonesia, Ceylon, Cambodia, and Viet Nam to Puerto Rico with transhipment at the port of New York, N.Y., under terms and conditions set forth in said agreement.

Dated: November 3, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–11362; Filed, Nov. 5, 1964; 8:47 a.m.]

## SEATRAIN LINES, INC., AND A. P. MOLLER-MAERSK LINE JOINT SERVICE

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Seatrain Lines, Inc.,
595 River Road,
Edgewater, N.J.

Agreement 9394 between Seatrain Lines, Inc. and A. P. Moller-Maersk Line Joint Service, operating under approved Agreement 7622, covers a through billing arrangement for cargo transported from India to Puerto Rico with transhipment at the port of New York, New York, under terms and conditions set forth in said agreement.

Dated: November 3, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–11363; Filed, Nov. 5, 1964; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G–2598 etc.[1]]

## TENNECO OIL CO. AND CONTINENTAL OIL CO.

### Findings and Order

OCTOBER 27, 1964.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, substituting applicants, consolidating proceedings, substituting respondents, redesignating proceedings, and accepting agreements and undertakings for filing.

On April 27, 1964, Tenneco Oil Company (Tenneco) filed in Docket No. G–2598, et al., an application pursuant to section 7(c) of the Natural Gas Act to amend the certificates heretofore issued in said dockets to Delhi-Taylor Oil Corporation (Delhi-Taylor) by substituting Tenneco in lieu of Delhi-Taylor as certificate holder, all as more fully set forth in the application and in Appendix I hereto.

On April 29, 1964, Continental Oil Company (Continental) filed in Docket No. CI64–1285, et al., an application pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the sale of natural gas in interstate commerce for resale as successor in interest to Delhi-Taylor, all as more fully set forth in the application and in Appendix II hereto.

By agreement dated February 12, 1964, Tenneco and Continental have each acquired as of January 1, 1964, an undivided one-half interest in the producing properties and assets of Delhi-Taylor, and they propose to continue the sales of natural gas heretofore made by Delhi-Taylor. Tenneco has filed its application in the dockets in which certificates have heretofore been issued to Delhi-Taylor, and Continental has filed in new dockets for its portion of the acquired interest. The pertinent facts with respect to each docket are set forth in the appendixes hereto.

The FPC gas rate schedules of Delhi-Taylor have been redesignated as those of Tenneco as set forth in Appendix I hereto. The FPC gas rate schedules submitted by Continental have been accepted for filing and designated as set forth in Appendix II hereto.

Tenneco and Continental have filed separate motions to be substituted as

[1] Additional dockets are listed in the appendixes.

parties respondent in Delhi-Taylor's pending rate proceedings and each has filed agreements and undertakings to assure the refund of one-half of any amounts in excess of the amounts determined to be just and reasonable in said proceedings. One of the pending rate proceedings listed in both motions was stated to be in Docket No. RI60–513, related to Delhi-Taylor's FPC Gas Rate Schedule No. 26. The correct designation is Docket No. RI62–513 and the motions and agreements and undertakings will be so construed. In addition to those dockets listed in the motions, all of which are set forth in the appendixes hereto, Delhi-Taylor is respondent in a rate proceeding pending in Docket No. RI64–790. Accordingly, Tenneco and Continental will be substituted as parties respondent in Delhi-Taylor's pending rate proceedings, including Docket Nos. RI62–513 and RI64–790; said proceedings will be redesignated; and the agreements and undertakings will be accepted for filing.

Temporary certificates have been issued in all dockets listed in Appendixes I and II hereto. In addition to those dockets in which permanent certificates have been issued to Delhi-Taylor, temporary certificates have been issued to Tenneco and Continental in pending dockets, and related rate schedules have been redesignated and accepted for filing and designated, all as set forth below:

| Delhi-Taylor and Tenneco docket No. | Continental docket No. | Rate schedule | | |
|---|---|---|---|---|
| | | Delhi-Taylor | Tenneco | Continental |
| G–18223 | CI64–1307 | 27 | 150 | 265 |
| CI60–325 | CI64–1310 | 34 | 154 | 269 |
| CI63–869 | CI64–1309 | 55 | 165 | 281 |
| CI63–1315 | CI64–1311 | 56 | 166 | 282 |

Tenneco will be substituted in lieu of Delhi-Taylor as applicant in each proceeding with respect to Tenneco's one-half interest, and Continental will be applicant for the remaining one-half interest. Docket Nos. G–18223, CI60–325, and CI63–1315 are consolidated with Turnbull & Zoch Drilling Co., et al., Docket No. G–17960, et al., and Continental's applications filed in Docket Nos. CI64–1307, CI64–1310, CI64–1311 will be consolidated in said proceeding.

After due notice, no petition to intervene, notice of intervention, or protest to the granting of the applications has been received.

At a hearing held on October 23, 1964, the Commission on its own motion received and made part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Applicant, Continental Oil Company, is engaged in the sale of natural gas in interstate commerce for resale and is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sales of natural gas hereinbefore described, as more fully described in the application filed by Continental in the Dockets listed in Appendix II hereto, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by Continental, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by Continental, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) Continental is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates to Delhi-Taylor in the dockets listed in Appendix I hereto should be amended by substituting Tenneco in lieu of Delhi-Taylor as certificate holder and by deleting therefrom authorization to sell natural gas from the undivided one-half interest assigned to Continental.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Tenneco should be substituted in lieu of Delhi-Taylor as applicant in the certificate proceedings pending in Docket Nos. G–18223, CI60–325, CI63–869, and CI63–1315 with respect to its one-half interest in the properties involved.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Tenneco and Continental should be substituted in lieu of Delhi-Taylor as respondent in each of the pending rate proceedings listed in Appendixes I and II hereto and in the proceeding pending in Docket No. RI64–790, that said proceedings should be redesignated accordingly, and that the agreements and undertaking submitted by Tenneco and Continental should be accepted for filing.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the applications filed by Continental in Docket Nos. CI64–1307, CI64–1310, and CI64–1311 should be consolidated in the proceeding Turnbull & Zoch Drilling Co., et al., Docket No. G–17960, et al.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by Continental of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the application in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Continental continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Continental. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates to Delhi-Taylor in the dockets listed in Appendix I hereto be and the same are hereby amended by substituting Tenneco in lieu of Delhi-Taylor as certificate holder with respect to Tenneco's one-half interest in the subject properties and by deleting therefrom authorization to sell natural gas from the one-half interest in the subject properties assigned to Continental by Delhi-Taylor; and in all other respects said orders shall remain in full force and effect.

(E) Tenneco be and it is hereby substituted in lieu of Delhi-Taylor as applicant in the certificate proceedings pending in Docket Nos. G–18223, CI60–325, CI63–869, and CI63–1315.

(F) The certificate applications filed by Continental in Docket Nos. CI64–1307, CI64–1310, and CI64–1311 be and the same are hereby consolidated in the proceeding Turnbull & Zoch Drilling Co., et al., Docket No. G–17960, et al.

(G) The authorization issued to Tenneco in Docket Nos. G–10475 and G–14308 determines only the payments which legally may be made by Tennessee Gas Transmission Company to Tenneco and does not estop the Commission from considering the appropriate costs to be attributed to these sales should the purchased gas cost of Tennessee Gas Transmission Company be in issue in a future rate proceedings under sections 4(e) or 5(a) of the Natural Gas Act.

(H) Tenneco and Continental be and they are hereby substituted in lieu of Delhi-Taylor as respondent in the rate proceedings pending in the dockets listed in Appendixes I and II hereto and in the proceeding pending in Docket No. RI64–790; said proceedings are redesignated accordingly; and the agreements and undertakings submitted by Tenneco and Continental in said proceedings are hereby accepted for filing.

(I) Tenneco and Continental shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by Tenneco and Continental in the rate proceedings listed in Appendixes I and II hereto shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*



APPENDIX I

| Certificate docket No. | Tenneco Oil Co. | | | Delhi-Taylor Oil Corp. rate schedule | Purchaser | Location | Related rate proceeding docket No.[3] |
|---|---|---|---|---|---|---|---|
| | Rate schedule | Supplement[1] | Conveyance[2] | | | | |
| G–2598 | 141 | 1–7 | 8 | 1 | Trunkline Gas Co | McAllen Field, Hidalgo County, Tex. | |
| G–6306 | 142 | 1–6 | 7 | 14 | Southern Union Gathering Co | Blanco Field, San Juan County, N. Mex. | RI64–105, RI64–484. |
| G–10475 | 143 | 1 | 2 | 17 | Tennessee Gas Transmission Co | San Ramon Field, Hidalgo County, Tex. | G–19857.[4] |
| G–12834 | 144 | 1–4 | 5 | 19 | El Paso Natural Gas Co | Blanco-Pictured Cliffs Field, San Juan County, N. Mex. | RI64–89, RI64–482. |
| G–14308 | 145 | 1 | 2 | 21 | Tennessee Gas Transmission Co | Coastal Field, Starr County, Tex. | G–19857.[4] |
| G–15324 | 146 | 1–3 | 4 | 22 | El Paso Natural Gas Co | South Andrews and Wemac Fields, Andrews County, Tex. | RI60–322,[5] G–19728.[5] |
| G–12834 | 147 | 1–4 | 5 | 23 | do | Blanco-Pictured Cliffs Field, San Juan County, N. Mex. | RI64–89, RI64–482. |
| G–10901 | 148 | 1 | 2 | 24 | Florida Gas Transmission Co | Bay Natchez Field, Assumption and Iberville Parishes, La. | RI62–506.[6] |
| G–10263 | 149 | 1–9 | 10 | 26 | do | South McAllen Field, Hidalgo and Starr Counties, Tex. | RI62–513.[6] |
| G–20154 | 161 | 1–4 | 5 | 51 | El Paso Natural Gas Co | Huerfano Unit, San Juan County, N. Mex. | RI64–89, RI64–484. |
| G–18623 | 151 | 1–2 | 3 | 28 | do | Rinco Unit, Rio Arriba County, N. Mex. | RI64–89, RI64–484. |
| G–19973 | 152 | 1–2 | 3 | 31 | do | Bisti Area, San Juan County, N. Mex. | RI64–89, RI64–484. |
| CI62–1101 | 163 | 1–3 | 4 | 53 | do | Blanco Field, San Juan County, N. Mex. | RI64–89, RI64–482. |
| CI62–1096 | 162 | 1–4 | 5 | 52 | do | do | RI64–105, RI64–482. |
| G–6669 | 155 | 1–7 | 8 | 35 | Mississippi River Fuel Corp | Woodlawn Field, Harrison County, Tex. | RI62–539, RI64–70. |
| G–6669 | 156 | 1–7 | 8 | 38 | El Paso Natural Gas Co | Jalmat Field, Lea County, N. Mex. | |
| G–6669 | 157 | 1–3 | 4 | 45 | do | Blanco Field, San Juan County, N. Mex. | RI64–89, RI64–484. |
| G–6669 | 158 | 1–5 | 6 | 47 | do | do | RI64–89, RI64–482. |
| G–14800 | 159 | 1–3 | 4 | 49 | do | Aneth Field, San Juan County, Utah. | |
| CI62–1427 | 160 | 1–4 | 5 | 50 | do | Jalmat Field, Lea County, N. Mex. | RI60–278,[5] RI64–89. |
| CI63–651 | 164 | 1–2 | 3 | 54 | do | Ignacio-Blanco Field, La Plata County, Colo. | RI64–453. |
| G–20564 | 153 | 1–2 | 3 | 33 | do | Bisti Area, San Juan County, N. Mex. | RI64–89, RI64–484. |

[1] The numbers of the supplements to the predecessor's and successor's rate schedules are the same.
[2] Rate schedule supplement number of the conveyance of the subject properties.
[3] In each case the rates are in effect subject to refund.
[4] Consolidated with Docket No. AR64–2, et al.
[5] Consolidated with Docket No. AR61–1, et al.
[6] Consolidated with Docket No. AR61–2, et al.

APPENDIX II

| Continental certificate docket No. | Continental Oil Co. | | Description and date of instrument | Purchaser | Location | Delhi-Taylor certificate docket No. | Related rate proceeding docket No.[1] |
|---|---|---|---|---|---|---|---|
| | Rate schedule | Supplement | | | | | |
| CI64–1285 | 256 | | Notice of succession[2] | Trunkline Gas Co | McAllen Field Hidalgo County, Tex. | G–2598 | |
| | 256 | | Contract 11–3–54 | | | | |
| | 256 | 1 | Letter agreement 11–3–54 | | | | |
| | 256 | 2 | Letter agreement 4–27–54 | | | | |
| | 256 | 3 | Letter agreement 10–2–56 | | | | |
| | 256 | 4 | Letter agreement 1–10–58 | | | | |
| | 256 | 5 | Letter 2–16–59 | | | | |
| | 256 | 6 | Supplemental agreement 3–16–59 | | | | |
| | 256 | 7 | Letter agreement 7–20–60 | | | | |
| | 256 | 8 | Letter agreement 6–8–61 | | | | |
| | 256 | 9 | Letter agreement 12–7–61 | | | | |
| | 256 | 10 | Letter 12–14–61 | | | | |
| | 256 | 11 | Supplemental agreement 2–10–64 | | | | |
| | 256 | 12 | Conveyance[3] undated | | | | |
| CI64–1286 | 257 | | Notice of succession[2] | Southern Union Gathering Co. | Blanco Field, San Juan County, N. Mex. | G–6306 | RI64–105, RI64–484. |
| | 257 | | Contract 8–31–53 | | | | |
| | 257 | 1 | Supplemental agreement 11–5–53 | | | | |
| | 257 | 2 | Supplemental agreement 4–22–55 | | | | |
| | 257 | 3 | Letter agreement 12–14–56 | | | | |
| | 257 | 4 | Supplemental agreement 4–23–57 | | | | |
| | 257 | 5 | Supplemental agreement 8–15–57 | | | | |
| | 257 | 6 | Supplemental agreement 4–8–59 | | | | |
| | 257 | 7 | Supplemental agreement 4–28–59 | | | | |
| | 257 | 8 | Supplemental agreement 9–18–59 | | | | |
| | 257 | 9 | Supplemental agreement 7–18–60 | | | | |
| | 257 | 10 | Supplemental agreement 9–20–60 | | | | |
| | 257 | 11 | Supplemental agreement 11–11–60 | | | | |
| | 257 | 12 | Conveyance[3] undated | | | | |
| CI64–1287 | 258 | | Notice of succession[2] | Tennessee Gas Transmission Co. | San Ramon Field, Hidalgo County, Tex. | G–10475 | G–19857.[4] |
| | 258 | | Contract 4–25–56 | | | | |
| | 258 | 1 | Conveyance[3] undated | | | | |
| CI64–1288 | 259 | | Notice of succession[2] | El Paso Natural Gas Co. | Blanco-Pictured Cliffs Field, San Juan County, N. Mex. | G–12834 | RI64–89, RI64–482. |
| | 259 | | Contract 4–9–57 | | | | |
| | 259 | 1 | Supplemental agreement 4–9–57 | | | | |
| | 259 | 2 | Supplemental agreement 4–23–59 | | | | |
| | 259 | 3 | Letter agreement 7–5–60 | | | | |
| | 259 | 4 | Conveyance[3] undated | | | | |

See footnotes at end of table.

APPENDIX II—Continued

| Continental certificate docket No. | Continental Oil Co. Rate schedule | Continental Oil Co. Supplement | Description and date of instrument | Purchaser | Location | Delhi-Taylor certificate docket No. | Related rate proceeding docket No.[1] |
|---|---|---|---|---|---|---|---|
| CI64-1289 | 260 | | Notice of succession [2] | Tennessee Gas Transmission Co. | Coastal Field, Starr County, Tex. | G-14306 | G-19857.[3] |
| | 260 | | Contract 11-12-57 | | | | |
| | 260 | 1 | Conveyance [3] undated | | | | |
| CI64-1290 | 261 | | Notice of succession [2] | El Paso Natural Gas Co. | South Andrews and Wemac Fields, Andrews County, Tex. | G-15324 | G-19728,[4] RI60-322.[4] |
| | 261 | | Contract 12-3-57 | | | | |
| | 261 | 1 | Supplemental agreement 1-23-58 | | | | |
| | 261 | 2 | Supplemental agreement 10-26-59 | | | | |
| | 261 | 3 | Conveyance [3] undated | | | | |
| CI64-1291 | 262 | | Notice of succession [2] | do | Blanco-Pictured Cliffs Field, San Juan County, N. Mex. | G-12834 | RI64-89, RI64-482. |
| | 262 | | Contract 6-18-56 | | | | |
| | 262 | 1 | Conveyance [3] undated | | | | |
| CI64-1292 | 263 | | Notice of succession [2] | Florida Gas Transmission Co. | Bay Natches Field, Assumption and Iberville Parishes, La. | G-10901 | RI62-506.[5] |
| | 263 | | Contract 6-26-56 | | | | |
| | 263 | 1 | Letter agreement 3-29-62 | | | | |
| | 263 | 2 | Letter agreement 5-22-63 | | | | |
| | 263 | 3 | Conveyance [3] undated | | | | |
| CI64-1293 | 264 | | Notice of succession [2] | do | South McAllen Field, Hidalgo and Starr Counties, Tex. | G-10263 | RI62-513.[6] |
| | 264 | | Contract 12-30-55 | | | | |
| | 264 | 1 | Letter agreement 5-15-59 | | | | |
| | 264 | 2 | Letter agreement 10-5-59 | | | | |
| | 264 | 3 | Letter agreement 9-1-60 | | | | |
| | 264 | 4 | Letter agreement 12-15-60 | | | | |
| | 264 | 5 | Letter agreement 7-20-62 | | | | |
| | 264 | 6 | Letter agreement 1-18-63 | | | | |
| | 264 | 7 | Letter agreement 3-27-63 | | | | |
| | 264 | 8 | Letter agreement 8-13-63 | | | | |
| | 264 | 9 | Conveyance [3] undated | | | | |
| CI64-1294 | 266 | | Notice of succession [2] | El Paso Natural Gas Co. | Rinco Unit, Rio Arriba County, N. Mex. | G-18623 | RI64-89, RI64-484. |
| | 266 | | Contract 7-1-58 | | | | |
| | 266 | 1 | Conveyance [3] undated | | | | |
| CI64-1295 | 267 | | Notice of succession [2] | do | Bisti Area, San Juan County, N. Mex. | G-19973 | RI64-89, RI64-484. |
| | 267 | | Contract 9-29-59 | | | | |
| | 267 | 1 | Conveyance [3] undated | | | | |
| CI64-1308 | 268 | | Notice of succession [2] | do | do | G-20564 | RI64-89, RI64-484. |
| | 268 | | Contract 12-16-59 | | | | |
| | 268 | 1 | Conveyance [3] undated | | | | |
| CI64-1296 | 270 | | Notice of succession [2] | Mississippi River Fuel Corp. | Woodlawn Field, Harrison County, Tex. | G-6669 | RI62-539, RI64-70. |
| | 270 | | Ratification 4-3-51 | | | | |
| | 270 | 1 | Contract 4-3-51 | | | | |
| | 270 | 2 | Conveyance [3] undated | | | | |
| CI64-1298 | 272 | | Notice of succession [2] | El Paso Natural Gas Co. | Jalmat Field, Lea County, N. Mex. | G-6669 | |
| | 272 | | Contract 3-14-51 | | | | |
| | 272 | 1 | Letter agreement 6-28-52 | | | | |
| | 272 | 2 | Letter agreement 3-30-53 | | | | |
| | 272 | 3 | Letter agreement 5-5-54 | | | | |
| | 272 | 4 | Letter agreement 9-29-54 | | | | |
| | 272 | 5 | Supplemental agreement 12-9-60 | | | | |
| | 272 | 6 | Conveyance [3] undated | | | | |
| CI64-1299 | 273 | | Notice of succession [2] | do | Blanco Field, San Juan County, N. Mex. | G-6669 | RI64-89, RI64-484. |
| | 273 | | Contract 8-19-53 | | | | |
| | 273 | 1 | Conveyance [3] undated | | | | |
| CI64-1300 | 274 | | Notice of succession [2] | do | do | G-6669 | RI64-89, RI64-482. |
| | 274 | | Contract 10-7-53 | | | | |
| | 274 | 1 | Letter agreement 8-31-54 | | | | |
| | 274 | 2 | Letter agreement 1-18-55 | | | | |
| | 274 | 3 | Supplemental agreement 4-1-59 | | | | |
| | 274 | 4 | Conveyance [3] undated | | | | |
| CI64-1301 | 275 | | Notice of succession [2] | do | Aneth Field, San Juan County, Utah. | G-14800 | |
| | 275 | | Contract 9-2-57 | | | | |
| | 275 | 1 | Letter agreement 10-24-57 | | | | |
| | 275 | 2 | Letter agreement 11-22-57 | | | | |
| | 275 | 3 | Letter agreement 1-8-58 | | | | |
| | 275 | 4 | Conveyance [3] undated | | | | |
| CI64-1302 | 276 | | Notice of succession [2] | do | Jalmat Field, Lea County, N. Mex. | CI62-1427 | RI60-278,[7] RI64-89. |
| | 276 | | Contract 5-20-54 | | | | |
| | 276 | 1 | Supplemental agreement 5-31-56 | | | | |
| | 276 | 2 | Supplemental agreement 10-26-59 | | | | |
| | 276 | 3 | Supplemental agreement 4-19-63 | | | | |
| | 276 | 4 | Conveyance [3] undated | | | | |
| CI64-1303 | 277 | | Notice of succession [2] | do | Huerfano Unit, San Juan County, N. Mex. | G-20154 | RI64-89, RI64-484. |
| | 277 | | Contract 6-26-59 | | | | |
| | 277 | 1 | Supplemental agreement 9-24-59 | | | | |
| | 277 | 2 | Supplemental agreement 11-2-61 | | | | |
| | 277 | 3 | Conveyance [3] undated | | | | |
| CI64-1304 | 278 | | Notice of succession [2] | do | Blanco Field, San Juan County, N. Mex. | CI62-1096 | RI64-105, RI64-482. |
| | 278 | | Contract 1-4-54 | | | | |
| | 278 | 1 | Letter agreement 6-3-54 | | | | |
| | 278 | 2 | Supplemental agreement 2-4-57 | | | | |
| | 278 | 3 | Conveyance [3] undated | | | | |
| CI64-1305 | 279 | | Notice of succession [2] | do | do | CI62-1101 | RI64-89, RI64-482. |
| | 279 | | Contract 8-6-58 | | | | |
| | 279 | 1 | Conveyance [3] undated | | | | |
| CI64-1306 | 280 | | Notice of succession [2] | do | Ignacio-Blanco Field, La Plata County, Colo. | CI63-651 | RI64-453. |
| | 280 | | Contract 5-18-62 | | | | |
| | 280 | 1 | Letter agreement 11-9-62 | | | | |
| | 280 | 2 | Conveyance [3] undated | | | | |

[1] In each case the rates are in effect subject to refund.
[2] Succession to 50 percent of the interests of Delhi-Taylor Oil Corp.
[3] Sale of properties to Continental and Tenneco Oil Company.
[4] Consolidated with Docket No. AR64-2, et al.
[5] Consolidated with Docket No. AR61-1, et al.
[6] Consolidated with Docket No. AR61-2, et al.

[F.R. Doc. 64-11147; Filed, Nov. 5, 1964; 8:45 a.m.]



[Docket No. G-4274 etc.[1]]

## KIRBY PETROLEUM CO. ET AL.

### Order Amending Orders

OCTOBER 29, 1964.

Order amending orders issuing certificates, redesignating FPC gas rate schedules, accepting notices of succession and supplements to FPC gas rate schedules for filing, substituting applicant, substituting respondents, redesignating proceedings, accepting agreement and undertaking for filing, and requiring filing of agreements and undertakings.

On April 27, 1964, as amended on July 13, 1964,[2] Kirby Petroleum Co. (Applicant) filed an application pursuant to section 7(c) of the Natural Gas Act to amend the certificates heretofore issued to Kirby Production Company by changing the certificate holder to Kirby Petroleum Co. Applicant has acquired all of the producing properties of Kirby Production Company effective as of December 1, 1963, including all interest in gas contracts in which Kirby Production Company is seller. The pertinent facts with respect to the certificates heretofore issued to Kirby Production Company are set forth in the Appendix hereto and are more fully set forth in the application.

Kirby Production Company has received permanent certificates for the sale of natural gas in all of the dockets involved herein except Dockets Nos. CI61-30,[3] and CI62-6,[4] and CI63-85.[4] Temporary certificates have been issued in Dockets Nos. CI61-30 and CI62-6 to Kirby Production Company. Applicant will be substituted as holder of the permanent or temporary certificate in each instance and will be substituted as applicant in the proceedings pending in Dockets Nos. CI61-30, CI62-6, and CI63-85. The notices of succession and assignments submitted by Applicant will be accepted for filing and the related FPC gas rate schedules will be redesignated as those of Applicant.

Applicant proposes to sell natural gas pursuant to several rate schedules under which the presently effective rates are in effect subject to refund, as follows:

| FPC gas rate schedule | | Related rate proceeding |
|---|---|---|
| Kirby Production Co. | Kirby Petroleum Co. | |
| 1 | 14 | RI64-249. |
| 2 | 15 | RI63-29.[5] |
| 3 | 16 | RI63-29.[5] |
| 4 | 17 | RI60-310.[5] |
| 9 | 20 | RI60-311.[6] |
| 10 | 21 | RI63-29.[5] |
| 11 | 22 | RI64-283. |
| 12 | 23 | RI63-29.[5] |
| 13 | 24 | RI63-29.[5] |
| 14 | 25 | RI63-29.[5] |

[1] Other dockets are listed in the appendix.
[2] "Amendment to Notice of Succession and Other Related Documents".
[3] Consolidated with Docket No. G-4281, et al.
[4] Consolidated with Docket No. CP62-243, et al.
[5] Consolidated with Docket No. AR64-1, et al.
[6] Consolidated with Docket No. AR61-1, et al.

Kirby Production Company also collected increased rates under its FPC Gas Rate Schedules Nos. 1 and 9 which were subject to refund in Dockets Nos. RI63-200 and G-13838, respectively. An increased rate under Kirby Production Company, et al., FPC Gas Rate Schedule No. 19 has been suspended in Docket No. RI64-128 and has not been made effective. On April 27, 1964, as amended [2] on July 13, 1964, Applicant and Kirby Production Company filed in all of the above dockets a joint motion to substitute Applicant in lieu of Kirby Production Company as respondent in each proceeding and to relieve Kirby Production Company of any refund obligation. On April 27, 1964, as amended [2] on July 13, 1964, Applicant filed an agreement and undertaking in Dockets Nos. G-13838, RI60-310, RI63-29, and RI63-200 to assure the refund of any amounts collected in excess of the amount determined to be just and reasonable in said dockets. Accordingly, Applicant will be substituted as respondent in all of the proceedings; the proceedings will be redesignated; and the agreement and undertaking, as amended, will be accepted for filing. In addition, Applicant will be required to file agreements and undertakings in Dockets Nos. RI60-311, RI64-249, and RI64-283.

After due notice, no petition to intervene, notice of intervention or protest to the granting of the certificate application has been received.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing temporary and permanent certificates of public convenience and necessity to Kirby Production Company, as set forth in the appendix hereto, should be amended by substituting Applicant as certificate holder.

(2) It is necessary and appropriate in carrying out the provisions of the Natforth in the appendix hereto, should be substituted in lieu of Kirby Production Company as applicant in the proceedings pending in Dockets Nos. CI61-30, CI62-6, and CI63-85.

(3) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the notices of succession and supplements to FPC gas rate schedules submitted by Applicant should be accepted for filing and that the FPC gas rate schedules of Kirby Production Company should be redesignated as those of Applicant.

(4) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Applicant should be substituted in lieu of Kirby Production Company as respondent in the various rate proceedings involved herein, that said proceedings should be redesignated accordingly, that the agreement and undertaking submitted by Applicant should be accepted for filing, and that Applicant should be required to file agreements and undertakings in the proceedings pending in Dockets Nos. RI60-311, RI64-249, and RI64-283.

The Commission orders:

(A) The orders issuing temporary and permanent certificates of public convenience and necessity to Kirby Production Company, as set forth in the Appendix hereto, be and the same are hereby amended by substituting Applicant as certificate holder, and in all other respects said orders shall remain in full force and effect.

(B) Applicant be and is hereby substituted in lieu of Kirby Production Company as applicant in the proceedings pending in Dockets Nos. CI61-30, CI62-6, and CI63-85.

(C) The notices of succession and supplements to FPC gas rate schedules submitted by Applicant be and the same are hereby accepted for filing, effective December 1, 1963, and designated as set forth in the Appendix hereto, and the FPC gas rate schedules of Kirby Production Company be and the same are hereby redesignated as those of Applicant as set forth in the appendix hereto.

(D) Applicant be and it is hereby substituted in lieu of Kirby Production Company as respondent in the rate proceedings in Dockets Nos. G-13838, RI60-310, RI60-311, RI63-29, RI63-200, RI64-128, RI64-249, and RI64-283; said proceedings are redesignated accordingly; and the agreement and undertaking, as amended, submitted by Applicant in Dockets Nos. G-13838, RI60-310, RI63-29, and RI63-200 should be accepted for filing.

(E) Within 30 days from the issuance of this order, Applicant shall execute, in the form set out below, and shall file with the Secretary of the Commission, acceptable agreements and undertakings in Dockets Nos. RI60-311, RI64-249, and RI64-283 to assure refunds of any amounts, together with interest at the rate of seven percent per annum, collected in excess of the amounts determined to be just and reasonable in said dockets. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing.

(F) Applicant shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and all of Applicant's agreements and undertakings shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

| Docket No. | New designation Kirby Petroleum Co. Rate schedule | New designation Kirby Petroleum Co. Supplement | Former designation and description and date of instrument | Purchaser | Location |
|---|---|---|---|---|---|
| G-10539 | *14 | | Kirby Production Co., et al., FPC Gas Rate Schedule No. 1 and | Colorado Interstate Gas Co. | Keyes Field, Cimarron County, Okla. |
| | 14 | 1-3 | Supplements Nos. 1-3 thereto. | | |
| | 14 | 4 | Notice of succession, undated. | | |
| | | | Assignment, 12-1-63. | | |
| G-11044 | 15 | | Kirby Production Co., FPC Gas Rate Schedule No. 2 and | Natural Gas Pipeline Co. of America. | Camrick Southeast Field, Texas County, Okla. |
| | 15 | 1-4 | Supplements Nos. 1-4 thereto. | | |
| | 15 | 5 | Notice of succession, undated. | | |
| | | | Assignment, 2-11-64. | | |
| G-12805 | 16 | | Kirby Production Co., FPC Gas Rate Schedule No. 3 and | do | Camrick Southeast Field, Beaver County, Okla. |
| | 16 | 1-5 | Supplements Nos. 1-5 thereto. | | |
| | 16 | 6 | Notice of succession, undated. | | |
| | | | Assignment, 12-1-63. | | |
| G-13769 | 17 | | Kirby Production Co., FPC Gas Rate Schedule No. 4 and | do | Camrick Southeast Field, Texas County, Okla. |
| | 17 | 1-5 | Supplements Nos. 1-5 thereto. | | |
| | 17 | 6 | Notice of succession, undated. | | |
| | | | Assignment, 2-11-64. | | |
| G-4277 | **18 | | Kirby Production Co. (Operator), et al., FPC Gas Rate Schedule No. 5 and | Lone Star Gas Co. | Big Mineral Creek Field, Grayson County, Tex. |
| | 18 | 1-5 | Supplements Nos. 1-5 thereto. | | |
| | 18 | 6 | Notice of succession, undated. | | |
| | | | Assignment, 12-1-63. | | |
| G-4274 | **19 | | Kirby Production Co. (Operator), et al., FPC Gas Rate Schedule No. 8 [1] and | Panhandle Eastern Pipe Line Co. | Hugoton Field, Grant County, Kans. |
| | 19 | 1-3 | Supplements Nos. 1-3 thereto. | | |
| | 19 | 4 | Notice of succession, undated. | | |
| | | | Assignment 12-1-63. | | |
| G-4276 | **20 | | Kirby Production Co. (Operator), et al., FPC Gas Rate Schedule No. 9 and | El Paso Natural Gas Co. | Eunice-Monument Field, Lea County, N. Mex. |
| | 20 | 1-4 | Supplements Nos. 1-4 thereto. | | |
| | 20 | 5 | Notice of succession, undated. | | |
| | | | Assignment 12-1-63. | | |
| G-15477 | 21 | | Kirby Production Co., FPC Gas Rate Schedule No. 10 and | Natural Gas Pipeline Co. of America. | Camrick Southeast Field, Beaver County, Okla. |
| | 21 | 1-5 | Supplements Nos. 1-5 thereto. | | |
| | 21 | 6 | Notice of succession, undated. | | |
| | | | Assignment 12-1-63. | | |
| G-15831 | **22 | | Kirby Production Co. (Operator), et al., FPC Gas Rate Schedule No. 11 and | Panhandle Eastern Pipe Line Co. | Greenwood Field, Morton County, Kans. |
| | 22 | 1 | Supplement No. 1 thereto. | | |
| | 22 | 2 | Notice of succession, undated. | | |
| | | | Assignment 12-1-63. | | |
| G-16366 | 23 | | Kirby Production Co., FPC Gas Rate Schedule No. 12 and | Natural Gas Pipeline Co. of America. | Camrick Southeast Field, Beaver County, Okla. |
| | 23 | 1-4 | Supplements Nos. 1-4 thereto. | | |
| | 23 | 5 | Notice of succession, undated. | | |
| | | | Assignment 2-11-64. | | |
| G-17584 | 24 | | Kirby Production Co., FPC Gas Rate Schedule No. 13 and | do | Do. |
| | 24 | 1-3 | Supplements Nos. 1-3 thereto. | | |
| | 24 | 4 | Notice of succession, undated. | | |
| | | | Assignment, 2-11-64. | | |
| G-17943 | 25 | | Kirby Production Co., FPC Gas Rate Schedule No. 14 and | do | Camrick Southeast Field, Beaver County, Okla. |
| | 25 | 1-4 | Supplements Nos. 1-4 thereto. | | |
| | 25 | 5 | Notice of succession, undated. | | |
| | | | Assignment, 2-11-64. | | |
| CI61-30 [2] | 26 | | Kirby Production Co., FPC Gas Rate Schedule No. 15. | Michigan-Wisconsin Pipe Line Co. | Laverne Field, Harper County, Okla. |
| | 26 | 1 | Notice of succession, undated. | | |
| | | | Assignment, 12-1-63. | | |
| CI62-6 [3] | 27 | | Kirby Production Co., FPC Gas Rate Schedule No. 17 and | Cimarron Transmission Co. | Southwest Enville Field, Love County, Okla. |
| | 27 | 1-4 | Supplements Nos. 1-4 thereto. | | |
| | 27 | 5 | Notice of succession, undated. | | |
| | | | Assignment, 12-1-63. | | |
| G-4274 | **28 | | Kirby Production Co. (Operator), et al., FPC Gas Rate Schedule No. 18 [3] and | Panhandle Eastern Pipe Line Co. | Hugoton Field, Grant County, Kans. |
| | 28 | 1 | Supplement No. 1 thereto. | | |
| | 28 | 2 | Notice of succession, undated. | | |
| | | | Assignment, 12-1-63. | | |
| CI64-191 | *29 | | Kirby Production Co., et al., FPC Gas Rate Schedule No. 19 and | Colorado Interstate Gas Co. | Greenwood Field, Morton County, Kans. |
| | 29 | 1-2 | Supplements Nos. 1-2 thereto. | | |
| | 29 | 3 | Notice of succession, undated. | | |
| | | | Assignment, 12-1-63. | | |
| CI63-85 [4] | | | | Oklahoma Illinois Gas Pipeline Co. | Red Oak Field, Latimer County, Okla. |

*et al.
**(Operator), et al.
[1] Superseded by Kirby Production Co. (Operator), et al., FPC Gas Rate Schedule No. 18 with respect to formations above the base of the Chase Group.
[2] This is a pending proceeding. Kirby Production Co. has received a temporary certificate.
[3] This rate schedule covers sales of gas produced from formations above the base of the Chase Group.
[4] This is a pending proceeding.

BEFORE THE
FEDERAL POWER COMMISSION

(Name of Respondent)

Docket No. ------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------ (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto) [1] this ------ day of ----------, 196..

(Name of Respondent)
By ----------

Attest:

[F.R. Doc. 64-11293; Filed, Nov. 5, 1964; 8:45 a.m.]

[1] If a corporation.

[Docket No. CP65-69]

## AMERICAN LOUISIANA PIPE LINE CO.

### Notice of Application

OCTOBER 30, 1964.

Take notice that on September 14, 1964, American Louisiana Pipe Line Company (American Louisiana), One Woodward Avenue, Detroit, Mich., filed in Docket No. CP65-69 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to construct, and to operate after construction, a second crossing of the Cumberland River in Trigg and Lyon Counties, Kentucky, consisting of approximately 1.9 miles of 30-inch diameter pipeline paralleling its existing 30-inch pipeline crossing of the river. American Louisiana says that its existing crossing of the Cumberland River is approximately 800 feet in length and was installed in accordance with accepted standards of marine construction, but that it now has been informed by the U.S. Army Corps of Engineers that a dam is under construction downstream from its crossing and that, commencing in the spring of 1965, the lock in this dam will be so operated as to create a lake which will submerge approximately 1.9 miles of its present pipeline. American Louisiana states that, to give increased assurance of continuity of supply, it proposes to install a second river crossing, heretofore described, to conform to accepted standards of marine construction. American Louisiana estimates the cost of the proposed crossing, if installed this fall, at $498,000, but that the cost of construction will be more than doubled if the crossing is not installed until after the water level is raised next spring. It is stated that the cost of construction will be met with cash generated from operations.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 24, 1964.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-11341; Filed, Nov. 5, 1964; 8:45 a.m.]



[Docket No. CP65-77]

## CITIES SERVICE GAS CO.

### Notice of Application

OCTOBER 30, 1964.

Take notice that on September 18, 1964, Cities Service Gas Company (Applicant), Post Office Box 1995, Oklahoma City, Okla., filed in Docket No. CP65-77 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the balance of the calendar year 1964 and the operation of natural gas facilities to make direct interruptible sales from Cities Service's pipeline system.

The total cost of the projects will not exceed $65,000, and such cost will be paid out of treasury cash.

Cities Service estimates that it will have approximately twenty requests for such direct sales during the balance of 1964. The application states that deliveries to any one consumer through the facilities to be installed will not exceed 100,000 Mcf annually and will not be used by the consumer for boiler fuel purposes as defined by § 157.7(c)(9). The application further states that the use to be made of the gas sold and delivered to consumers under this application will be for the purposes specified in § 157.7(c) of the Commission's rules and regulations under the Natural Gas Act. The minimum price at which Cities Service proposes to make direct industrial sales under such application is 25¢ per Mcf. The maximum facilities Applicant proposes to install during the balance of the calendar year 1964 for such direct sales to ultimate consumers are twenty lateral lines, with a maximum length of one mile per line and a maximum diameter of four inches, and twenty taps and meters.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has found that there are no problems which warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition for leave to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised it will be unnecessary for the Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 24, 1964.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-11342; Filed, Nov. 5, 1964; 8:45 a.m.]

[Docket Nos. RI65-292, RI65-293]

## H. J. MOSSER AND J. C. TRAHAN, DRILLING CONTRACTOR, INC.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates, Consolidating Proceedings, and Setting Date for Hearing

OCTOBER 30, 1964.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for jurisdictional sales of natural gas to Tennessee Gas Transmission Company (Tennessee) in Texas District No. 4. The proposed changes in rates are, in each instance, a periodic rate increase from 17.24 cents per Mcf to 18.74 cents per Mcf at 14.65 psia.

The proposed changes are designated as follows:

Respondent, H. J. Mosser,[1] Docket No. RI65-292.
Producing area, Mosser Field, Starr County, Tex.
Rate schedule designation, Supplement No. 4 to Mosser's Rate Schedule No. 5.
Notice of change filed, October 1, 1964.
Effective date, November 1, 1964.[2]
Annual increase, $1,051.
Date suspended until, April 1, 1965.

Respondent, J. C. Trahan, Drilling Contractor, Inc.,[3] Docket No. RI65-293.
Producing area, Lopeno Field, Zapata County, Tex.
Rate schedule designation, Supplement No. 7 to Trahan's Rate Schedule No. 17.
Notice of change filed, October 14, 1964.
Effective date, November 14, 1964.[2]
Annual increase, $6,786.
Date suspended until, April 14, 1965.

Under section 4(a) of the Natural Gas Act all rates which are not just and reasonable are declared unlawful. If after a hearing the Commission finds the proposed increased rates unjust and unreasonable they must be disallowed.

In Amerada Petroleum Corporation, et al., Opinion No. 422, Docket No. CI62-1544, et al., issued March 23, 1964, mimeo. page 20, we stated:

On February 25, 1964, we issued an order in another proceeding [20] imposing a moratorium on all price increases in excess of 16 cents per Mfc on sales in District No. 4 on the ground that any rate increase filings to a level higher than that amount would have an adverse impact on the pricing structure in this area through the operation of price redetermination clauses. In our opinion the same moratorium should be applied as a condition to the certificates issued in this proceeding. The accompanying order includes this provision.

[20] Hassie Hunt Trust, Operator, et al., Docket No. G-19115, et al., Order Granting Application for Reconsideration and Modifying Opinion and Order.

It is therefore clear that if these increased rates are permitted to become effective subject to refund, such increases will affect future rate redeterminations in other producer contracts in the area. Such increases will also trigger favorednation increases in producer contracts. Accordingly, it is necessary that we set these matters for immediate hearing as hereinafter ordered. In view of the need for expeditious action herein, the hearing examiner is directed to take all steps necessary to make certain that the hearing proceeds with the greatest dispatch. Direct presentations by the Respondents will be incorporated into the record on the first day of hearing and cross-examination thereon will proceed immediately without recess.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the subject proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered, that the proceedings involved herein be consolidated for the purpose of hearing, and that appropriate hearing procedures be prescribed.

[1] Address is: 1315 Bank of the Southwest Building, Houston, Tex.

[2] The stated effective date is the proposed effective date.

[3] Address is: 2625 Line Avenue, Shreveport, La.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 15, and 16 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), the above-styled proceedings are hereby consolidated for the purpose of hearing and a public consolidated hearing shall be held on January 5, 1965, commencing at 10:00 a.m. e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the lawfulness of the subject proposed increased rates and charges contained in the above-designated supplements.

(B) Pending such hearing and decision thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date suspended until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) On or before December 11, 1964, Respondents shall serve upon staff and all parties to the respective proceedings their direct evidence in support of their proposed increased rates and charges for the subject sales. At the beginning of the hearing, witnesses for Respondents shall adopt their testimony and be cross-examined; the Presiding Examiner shall then determine and order such further procedures as will expedite the determination of the issues in these proceedings.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 23, 1964. Answers to petitions to intervene may be filed within 10 days after the date of service of the petition, but in no event later than November 30, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-11343; Filed, Nov. 5, 1964; 8:45 a.m.]

[Docket No. CP64-255 (Phase I) [1]]

## NORTHERN NATURAL GAS CO.

### Notice of Application

OCTOBER 30, 1964.

Take notice that on April 28, 1964, as supplemented on June 29, 1964, September 1 and 24, 1964, and October 1, 5, and 6, 1964, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP64-255 (Phase I) an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities in order to provide initial natural gas service to the Mesabi Iron Range Area of Minnesota, all as more fully set forth in the application, as supplemented (Phase I), on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 31.5 miles of mainline loops in Iowa and Kansas and an additional 12,800 compressor horsepower at existing stations in Kansas, Iowa, and Nebraska. Additionally, Applicant will extend its mainline some 48 miles into the Mesabi Area and construct and operate approximately 116 miles of branchlines, together with necessary regulating and metering stations, in Minnesota. These proposed facilities will enable Applicant to sell and deliver an additional 31,116 Mcf of natural gas per day.

Applicant proposes the following estimated third year peak day sales:

| Distributor: | Mcf |
|---|---|
| Iron Ranges Natural Gas Co. | 5,823 |
| Peoples Division of Applicant | |
| Village of Hoyt Lakes | 700 |
| Erie Mining Co. | 14,500 |
| Oglebay-Norton-Ford | 5,700 |
| Village of Hibbing, Minn. | 1,180 |
| City of Virginia, Minn. | 980 |
| Total | 28,883 |

The above figures do not take into account unallocated mainline capacity of 2,233 Mcf per day which may subsequently be used for service to the Hanna Mining Company. Applicant has not as yet entered into a contract for service to Hanna. Applicant will not construct and operate the measuring facilities (estimated at $22,150) required for service to Hanna until such service has been authorized.

The total estimated cost of the proposed facilities including the measuring facilities for Hanna is $13,843,600, which cost will be financed initially with short-term borrowings. Permanent financing will be by the issuance of sinking fund debentures.

Protests, petitions to intervene or requests for hearing in this proceeding (Phase I) may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 30, 1964.

GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 64-11344; Filed, Nov. 5, 1964; 8:45 a.m.]

[Docket No. CP65-58]

## SOUTHERN NATURAL GAS CO.

### Notice of Application

OCTOBER 30, 1964.

Take notice that on August 28, 1964, Southern Natural Gas Company (Applicant) Post Office Box 2563, Birmingham, Ala., 35202, filed in Docket No. CP65-56, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the transportation of natural gas in interstate commerce to the Triad Oil and Gas Company (Triad) in Smith County, Miss., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a measuring station on its 18-inch South Line at M.P. 23.9 for the purpose of selling and delivering natural gas on an interruptible basis to Triad. Peak day and annual requirements of Triad of 500 Mcf and 129,600 Mcf, respectively, will be purchased at a cost of 33 cents per Mcf, and delivered at a pressure not less than 175 p.s.i.g.

The cost of the proposed facilities is $4,100.00, and will be refunded to Applicant by Triad.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 23, 1964.

GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 64-11345; Filed, Nov. 5, 1964; 8:46 a.m.]

# INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

## CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS UNDER THE LONG TERM ARRANGEMENT REGARDING INTERNATIONAL TRADE IN COTTON TEXTILES

### Announcement of ITAC Actions and Restraint Levels

NOVEMBER 2, 1964.

The purpose of this notice is to announce certain actions taken by the United States Government in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962.

1. *Bilateral agreements.* A bilateral agreement has been concluded with the Government of Yugoslavia which will become effective January 1, 1965. The United States has also completed discussions with the Hong Kong Government for the purpose of establishing new ceilings on exports for the year beginning October 1, 1964.

The Governments of the United States and India have agreed to certain changes in the bilateral agreement of April 15, 1964. The Government of India will continue to limit exports in Categories 9, 18, 19, 22, 26, and 31, for the two and one-half year period beginning April 1, 1964, to the levels indicated in the following schedule:

| Category | Apr. 1, 1964 to Mar. 31, 1965 | Apr. 1, 1965 to Mar. 31, 1966 | Apr. 1, 1966 to Sept. 30, 1966 |
|---|---|---|---|
| 9 | 12,825,000 sq. yds. | 12,937,500 sq. yds. | 6,457,500 sq. yds. |
| 18/19 | 6,112,500 sq. yds. | 6,303,750 sq. yds. | 3,228,750 sq. yds. |
| 22 | 4,584,375 sq. yds. | 4,727,812 sq. yds. | 2,421,563 sq. yds. |
| 26 (duck only) | 2,241,250 sq. yds. | 2,311,875 sq. yds. | 1,183,875 sq. yds. |
| 26 (other than duck) | 17,318,750 sq. yds. | 17,860,625 sq. yds. | 9,148,125 sq. yds. |
| Aggregate ceiling for above fabric categories. | 37,693,750 sq. yds. | 38,873,125 sq. yds. | 19,910,625 sq. yds. |
| 31 | 2,699,987 pieces | 2,784,156 pieces | 1,426,031 pieces. |

The only effect of this amendment is to revise the export restraint periods involved in the original agreement.

Consultations are continuing with the Governments of Korea and Pakistan. Consultations concerning cotton textile exports trade from Mexico to the United States were held in Mexico City September 28-30. Consultations with the Government of Spain were held in Madrid during the week of October 12th.

2. *Completed restraint actions.* Discussions have been completed with the Government of Pakistan relating to the following categories:

| Category | Restraint level | Date effective |
|---|---|---|
| Printcloth in 18/19 and part of 26. | 4,300,000 sq. yds. | Mar. 31, 1964 |
| Barkcloth in 26 | 1,800,000 sq. yds. | Sept. 18, 1964 |
| 41/42 | 100,000 doz. | May 28, 1964 |

These will be restrained for a period of twelve months in the amounts indicated.

3. *Renewal of restraints.* In view of the continuing disruption of the domestic cotton textile market, the United States Government has renewed restraints for a further twelve-month period with respect to imports from Colombia in the categories indicated below:

| Category | Restraint level | Effective date of restraint renewal |
|---|---|---|
| 1 | 2,415,000 lbs. | Oct. 1, 1964 |
| 4 | 52,500 lbs. | Do. |
| 9 | 1,785,000 sq. yds. | Do. |

Restraints on imports of Category 1 from Mexico which became effective October 1, 1963, and Category 19 from the USSR, which became effective October 19, 1963, will not be renewed for a second twelve-month period.

4. *Pending restraint.* Discussions are continuing with the Government of Brazil on the outstanding restraint request by the United States Government concerning exports of yarn in Category 1. The Long Term Arrangement provides for consultations on such requests. If no agreement is reached, the importing country, at the end of a 60-day consultation period, may decline to accept imports of the products in question above the requested restraint level.

JAMES S. LOVE, JR., *Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.*

[F.R. Doc. 64-11356; Filed, Nov. 5, 1964; 8:47 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-XII; Amdt. 2]

## REGIONAL OFFICES

### Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9) as amended, 29 F.R. 11777, 12570 and 13354; Delegation of Authority No. 30-XII, as amended, 29 F.R. 12497 and 12859 is hereby further amended by revising Items I.C.3., I.K.1., I.K.2.a and II. to read as follows:

1.

I. * * *

C. * * *

3. To approve the following:

a. Business loans

(1) Direct not exceeding $350,000.

(2) Participation not exceeding $350,000.

b. Disaster loans

(1) Direct not exceeding $350,000.

(2) Participation not exceeding $350,000.

2.

I. * * *

K. * * *

1. To approve the following:

a. Direct loans not exceeding $100,000. (Except Phoenix not exceeding $50,000.)

b. Participation loans not exceeding $250,000. (Except Phoenix not exceeding $150,000.)

c. Simplified Bank Participation loans not exceeding $350,000. (Except Phoenix not exceeding $250,000.)

d. Simplified Early Maturities Participation loans not exceeding $350,000. (Except Phoenix not exceeding $250,000.)

e. Direct disaster loans not exceeding $350,000. (Except Phoenix not exceeding $100,000.)

f. Participation disaster loans not exceeding $350,000. (Except Phoenix not exceeding $150,000.)

3.

I. * * *

K. * * *

2. To decline the following:

a. Business loans not exceeding $250,000. (Except Phoenix not exceeding $200,000.)

4.

II. * * * (Except San Francisco may redelegate to the appropriate positions within the branch office the specific authority in Items I.K.1., I.K.2.a., I.K.7., and I.K.8.

* * * * *

Effective date: September 14, 1964.

ALVIN P. MEYERS, *Regional Director.*

[F.R. Doc. 64-11349; Filed, Nov. 5, 1964; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 3, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 39366: *Liquefied chlorine gas to Cantonment, Fla.* Filed by O. W. South, Jr., agent (No. A4586), for interested rail carriers. Rates on liquefied chlorine gas, in tank carloads, from Geismar, La., to Cantonment, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 33 to Southern Freight Association, agent, tariff I.C.C. S-397.

FSA No. 39367: *Sulphuric acid to Nashville, Tenn.* Filed by O. W. South, Jr., agent (No. A4587), for interested rail carriers. Rates on sulphuric acid, in tank carloads, subject to minimum of 5 cars per shipment, from Baton Rouge and North Baton Rouge, La., to Nashville, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 100 to Southern Freight Association, agent, tariff I.C.C. S-162.

FSA No. 39368: *Joint motor-rail rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 85), for interested carriers. Rates on various commodities moving on class



[1] This application, as supplemented, is divided into two phases. This notice pertains exclusively to Phase I of said application, as supplemented.

and supplemented.

an application pursuant to section 7(c) of the Natural Gas Act for a certificate

The purpose of this notice is to announce certain actions taken by the

country, at the end of a 60-day consulta-

ing $150,000.)

on various commodities moving on class



and commodity rates over joint routes of applicant rail and motor carriers, between points in central States territory.

Grounds for relief: Motortruck competition.

Tariff: Supplement 13 to Central States Motor Freight Bureau, Inc., agent, tariff MF-I.C.C. 1087.

FSA No. 39369: *Joint motor-rail rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 86), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central States territory.

Grounds for relief: Motortruck competition.

Tariff: Supplement 13 to Central States Motor Freight Bureau, Inc., agent, tariff MF-I.C.C. 1087.

FSA No. 39370: *Malt from points in Minnesota.* Filed by Southwestern Freight Bureau, agent (No. B-3629), for interested rail carriers. Rates on malt, in carloads, from Minneapolis, Minnesota Transfer and St. Paul, Minn., to specified points in Texas, also Oklahoma City, Okla.

Grounds for relief: Carrier competition.

Tariffs: Supplements 59 and 55 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4496 and 4475, respectively.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-11351; Filed, Nov. 5, 1964; 8:46 a.m.]

[Notice 1074]

## MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 3, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67255. By order of October 29, 1964, the Transfer Board approved the transfer to Anthony Schiavo, James Schiavo, and Louis Schiavo, a partnership, doing business as Sky View Pigeon Van Co., Mount Vernon, N.Y., of Corrected Certificate No. MC 115537, issued April 28, 1961, to Joseph Mendelson, doing business as Pigeon Van Service, Bronx, N.Y., authorizing the transportation of homing pigeons, in seasonal operations during the period March 1 to October 31, both inclusive, of each year, over regular routes, between New York, N.Y., and points in Westchester County, N.Y., and points in Fairfield County, Conn., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Somerset, and Union Counties, N.J., Martin Werner, 2 West 45th Street, New York, N.Y., 10036, representative for transferor and Nicholas S. Maltese, 111 Broadway, New York, N.Y., 10006, representative for transferee.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-11352; Filed, Nov. 5, 1964; 8:47 a.m.]

## CUMULATIVE CODIFICATION GUIDE—NOVEMBER

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Washington, Saturday, November 7, 1964


THE UNIVERSITY OF MICHIGAN

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**FEDERAL REGISTER**

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

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# Rules and Regulations

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 6229; Amdt. 398]

### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

**Miscellaneous Amendments**

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition: From— | Transition: To— | Transition: Course and distance | Transition: Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Int Briggs VOR R-048 and 270° bearing to LOM. | LOM | Direct | 2800 | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 400–1 | 500–1 | 500–1½ |
| Briggs VOR | LOM (final) | Direct | 2400 | S–dn–1 | 400–1 | 400–1 | 400–2 |
| Int Briggs VOR R–322 and 090° bearing to LOM. | LOM | Direct | 2800 | A–dn | 800–2 | 800–2 | 800–2 |
| Int Briggs VOR R–282 and 061° bearing to LOM. | LOM | Direct | 2800 | | | | |
| Akron VOR | LOM | Direct | 2800 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 186° Outbnd, 006° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 006°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, climb to 3000′ on heading of 006°, proceed direct to ACO VOR. Hold E, 1-minute right turns, 276° Inbnd.
MSA within 25 miles of facility: 000°–360°—2500′.

City, Akron; State, Ohio; Airport Name, Akron-Canton; Elev., 1228′; Fac. Class., LOM; Ident., CA; Procedure No. 1, Amdt. 15; Eff. Date, 7 Nov. 64; Sup. Amdt. No. 14; Dated, 13 May 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Akron VOR | AKR RBn (final) | Via R–259 ACO VOR. | 2200 | T–dn | 400–1 | 400–1 | 400–1 |
| | | | | C–dn | 700–1 | 700–1 | 700–1½ |
| Briggs VOR | AKR RBn | Direct | 2800 | S–dn–25 | 500–1 | 500–1 | 500–1 |
| Sharon Int | AKR RBn | Direct | 2800 | A–dn | 800–2 | 800–2 | 800–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 066° Outbnd, 246° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 246°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing AKR RBn, climb straight ahead to 3000′, then turn right to a heading of 360°, intercept on route radial of V–30. Proceed via V–30 to ACO VOR, hold E, 1-minute right turns, 276° Inbnd.
MSA within 25 miles of the facility: 000°–270°—2600′; 270°–360°—3000′.

City, Akron; State, Ohio; Airport Name, Akron Municipal; Elev., 1050′; Fac. Class., MH; Ident., AKR; Procedure No. 1, Amdt. 3; Eff. Date, 7 Nov. 64; Sup. Amdt. No. 2; Dated, 26 Apr. 63

PROCEDURE CANCELLED EFFECTIVE NOV. 7, 1964, OR UPON DECOMMISSIONING OF FACILITY.

City, Alexandria; State, La.; Airport Name, Esler; Elev., 109′; Fac. Class., MHW; Ident., ESF; Procedure No. 1, Amdt. 1; Eff. Date, 30 Nov. 63; Sup. Amdt. No. Orig.; Dated, 12 Nov. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| API–VOR | LOM | Direct | 2500 | T–dn | 300–1 | 300–1 | 300–1 |
| Surf Int | LOM | Direct | 2500 | C–dn | 500–1 | 500–1 | 500–1½ |
| Big Run Int | LOM | Direct | 2500 | S–dn–12 R and L* | 500–1 | 500–1 | 500–1 |
| MX RBn | LOM | Direct | 2500 | | | | |
| Griffith Int** | MX RBn | Direct | 2500 | A–dn | 800–2 | 800–2 | 800–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 312° Outbnd, 132° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 132°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing LOM, make right turn, climb to 2300′ and proceed to Peotone VOR Inbnd on R–001.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
*400′ straight-in minimums authorized provided descent below 1100′ not made until past ADF bearing 260° from MDW RBn.
**Griffith Int: Int EON VOR R–050 and CGT VOR R–087.
MSA within 25 miles of facility: 000°–090°—2800′; 090°–180°—2900′; 180°–270°—2400′; 270°–360°—2600′.

City, Chicago; State, Ill.; Airport Name, Chicago-Midway; Elev., 619′; Fac. Class., LOM; Ident., MD; Procedure No. 1, Amdt. 21; Eff. Date, 7 Nov. 64; Sup. Amdt. No. 20; Dated, 25 Jan. 64

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ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Crib Int | MX RBn | Direct | 2000 | T-dn | 300–1 | 300–1 | 200–½ |
| Griffith Int * | Calumet Int ** | Via bearing 132° from MX RBn. | 2000 | C-dn | 500–1 | 500–1 | 500–1½ |
| | | | | S-dn-31 L, R | 500–1 | 500–1 | 500–1 |
| Calumet Int ** | MX RBn (final) | Direct | 1500 | A-dn | 800–2 | 800–2 | 800–2 |
| Big Run Int | MX RBn | Direct | 2000 | | | | |
| API VOR | MX RBn | Direct | 2300 | | | | |
| CGT VOR | Calumet Int ** | Via CGT R-356 | 2000 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 132° Outbnd, 312° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 312°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles after passing LOM, make left turn, climbing to 2300′; proceed to Peotone VOR Inbnd on R–001.
NOTES: (1) Aircraft executing missed approach may, after being reidentified, be radar controlled. (2) Final approach from holding pattern not authorized. Procedure turn required.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—2000′; 180°–270°—2300′; 270°–360°—2500′.
* Griffith Int: Int CGT VOR R–087 and EON VOR R–050.
** Calumet Int: Int 132° bearing from MX RBn and CGT VOR R–356.

City, Chicago; State, Ill.; Airport Name, Chicago-Midway; Elev., 619′; Fac. Class., LOM (MHW); Ident., MX; Procedure No. 2, Amdt. 14; Eff. Date, 7 Nov. 64; Sup. Amdt. No. 13; Dated, 25 Jan. 64

PROCEDURE CANCELLED EFFECTIVE NOV. 7, 1964.

City, Fairbanks; State, Alaska; Airport Name, Eielson AFB; Elev., 548′; Fac. Class., HW; Ident., EA; Procedure No. 2, Amdt. 1; Eff. Date, 2 Dec. 61; Sup. Amdt. No. Orig.; Dated, 8 Apr. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| MYS VOR | Fort Knox RBn | Direct | 2600 | T-dn | 300–1 | 300–1 | 300–1 |
| Nadine Int | Fort Knox RBn | Direct | 2600 | C-dn | 1000–1 | 1000–1 | 1000–1½ |
| | | | | S-dn-17 | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 2000–3 | 2000–3 | 2000–3 |

Procedure turn W side of crs, 352° Outbnd, 172° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 172°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing FTK RBn, make a climbing right turn to 2600′, crs 266° to MYS VOR. Hold NE 1-minute right turns, 212° Inbnd.
NOTE: Procedure not authorized for civil use.
Other change: Deletes transitions from Elizabeth Int and Lanesville Int.
MSA within 25 miles of facility: 000°–270°—2300′; 270°–360°—1900′.

City, Fort Knox; State, Ky.; Airport Name, Godman AAF; Elev., 753′; Fac. Class, MH; Ident., FTK; Procedure No. 1, Amdt. 1; Eff. Date, 7 Nov 64; Sup. Amdt. No. Orig.; Dated, 23 Feb. 57

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Clarion VOR | Franklin RBn | Direct | 3200 | T-dn | 300–1 | 300–1 | NA |
| Seneca Int | Franklin RBn | Direct | 3200 | C-dn | 500–1 | 500–1 | NA |
| Wesley Int | Franklin RBn | Direct | 3200 | A-dn | 800–2 | 800–2 | NA |

Procedure turn N side of crs, 103° Outbnd, 283° Inbnd, 3200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 283°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing Franklin RBn, climb straight ahead to 3200′ and return to Franklin RBn. Hold E 1-minute right turns, 283° Inbnd.
MSA within 25 miles of facility: 000°–090°—3100′; 090°–360°—2900′.

City, Franklin; State, Pa.; Airport Name, Chess-Lamberton; Elev., 1540′; Fac. Class., MHW; Ident., FKL; Procedure No. 1, Amdt. 1; Eff. Date, 7 Nov. 64; Sup. Amdt. No. Orig.; Dated, 8 Feb. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| LCH VOR | LOM | Direct | 1500 | T-dn | 300–1 | 300–1 | 200–½ |
| LCH RBn | LOM | Direct | 1500 | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | S-dn-15 | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 1500′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 148°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LOM, climb to 1500′ on crs 148° within 20 miles or, when directed by ATC, make immediate right turn, climbing to 1500′ on the LCH VOR R–210 within 20 miles.

City, Lake Charles; State, La.; Airport Name, Lake Charles Municipal; Elev., 14′; Fac. Class., LOM; Ident., LC; Procedure No. 1, Amdt. 7; Eff. Date, 7 Nov. 64; Sup. Amdt. No. 6; Dated, 27 Apr. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Albacore Int | LOM | Direct | 2200 | T-dn* | 300–1 | 300–1 | 200–½ |
| Huntington Beach FM | LOM (final) | Direct | 1500 | C-dn | 500–1 | 600–1 | 600–1½ |
| San Pedro Int | LOM | Direct | 2200 | S-dn-30 | 500–1 | 500–1 | 500–1 |
| LGB VOR | LOM | Direct | 2200 | A-dn | 800–2 | 800–2 | 800–2 |
| Midway Int | LOM (final) | Direct | 1500 | | | | |

Radar vectoring to final approach crs authorized.
Procedure turn S side of SE crs, 120° Outbnd, 300° Inbnd, 2200′ within 10 miles of LOM. Not authorized beyond 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 300°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LOM, climb to 800′ on 300° bearing from LOM, turn left, climb on 200° heading to intercept the 160° bearing from LAX RBn and proceed to San Pedro Int at 2500′.
CAUTION: Standard clearance over obstructions not provided for circling minimums; 500′ hill with oil derricks 1 mile S of airport. All circling and maneuvering shall be accomplished N of field.
*300–1 required for takeoff Runways 16L, 25L, 34R; 600–1½ required for takeoff Runway 16R.
MSA within 25 miles of facility: 045°–135°—6100′; 135°–225°—1600′; 225°–315°—3400′; 315°–045°—6600′.

City, Long Beach; State, Calif.; Airport Name, Long Beach/Daugherty Field; Elev., 58′; Fac. Class., LOM; Ident., LG; Procedure No. 1, Amdt. 18; Eff. Date, 7 Nov. 64; Sup. Amdt. No. 17; Dated, 10 Mar. 62



ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|

PROCEDURE CANCELLED, EFFECTIVE 7 NOV. 1964.

City, Melbourne; State, Fla.; Airport Name, John F. Kennedy Memorial; Elev., 32′; Fac. Class., SBH; Ident., MEF; Procedure No. 1, Amdt. 1; Eff. Date, 1 Aug. 64; Sup. Amdt. No. Orig.; Dated, 7 Mar. 64

**2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:**

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition From— | Transition To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| AEX VOR | ESF VOR | Direct | 1700 | T-dn | 300–1 | 300–1 | 200–½ |
| AEX RBn | ESF VOR | Direct | 1700 | C-dn | 400–1 | 500–1 | 500–1½ |
| Boyce Int | ESF VOR | Direct | 1700 | S-dn-32 | 400–1 | 400–1 | 400–1 |
| Larto Int | ESF VOR | Direct | 2000 | A-dn | 800–2 | 800–2 | 800–2 |
| V-114 | Marks Int | AEX 119/ESF–148. | 1700 | | | | |
| Marks Int | Cox Int (final) | Direct | 1300 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 148° Outbnd, 328° Inbnd, 1600′ within 10 miles of Cox Int*. Beyond 10 miles not authorized.
Minimum altitude over Cox Int* on final approach crs, 1300′.
Crs and distance Cox Int* to airport, 328°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing Cox Int*, climb to 2000′ and proceed to ESF VOR. Hold NW on ESF R–328 (nonstandard).
Major change: Deletes transition from Clow Int.
MSA within 25 miles of the facility: 000°–090°—1400′; 090°–180°—1400′; 180°–270°—1700′; 270°–360°—1500′.

City, Alexandria; State, La.; Airport Name, Esler Field; Elev., 108′; Fac. Class., L–BVOR; Ident., ESF; Procedure No. 2, Amdt. 1; Eff. Date, 7 Nov. 64; Sup. Amdt. No. Orig.; Dated, 11 July 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | S-dn-3 | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn S side of crs, 210° Outbnd, 030° Inbnd, 5200′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 4500′.
Crs and distance, facility to airport, 030°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing HOB VOR, climb to 5400′ on crs 035° within 20 miles.
NOTE: Night operation Runways 17/35 not authorized.
CAUTION: 4348′ tower 5.0 miles E of airport; numerous other towers in all quadrants.
MSA within 25 miles of facility: 000°–090°—5400′; 090°–180°—4800′; 180°–270°—4900′; 270°–360°—5600′.

City, Hobbs; State, N. Mex.; Airport Name, Lea County; Elev., 3659′; Fac. Class., BVOR; Ident., HOB; Procedure No. 1, Amdt. 10; Eff. Date, 7 Nov. 64; Sup. Amdt. No. 9; Dated, 24 Oct. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Procedure turn S side of crs, 072° Outbnd, 252° Inbnd, 1500′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 252°—6.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 6.3 miles after passing VOR, climb to 1500′ on the LCH VOR R–249 within 20 miles.

City, Lake Charles; State, La.; Airport Name, Lake Charles Municipal; Elev., 14′; Fac. Class., BVOR; Ident., LCH; Procedure No. 1, Amdt. 4; Eff. Date, 7 Nov 64; Sup. Amdt. No. 3; Dated, 27 Apr. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Albacore Int | LGB VOR | Direct | 2000 | T-dn* | 300–1 | 300–1 | 200–½ |
| Midway Int | LGB VOR (final) | Direct | 1500 | C-dn | 500–1 | 600–1 | 600–1½ |
| Huntington Beach FM | LGB VOR (final) | Direct | 1500 | A-dn | 800–2 | 800–2 | 800–2 |

Radar vectoring and transitions via approved Long Beach radar patterns authorized.
Procedure turn S side of crs, 120° Outbnd, 300° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 274°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing LGB–VOR, turn right, climb on heading of 300° to 800′, turn left, climb on 200° heading to intercept LAX R–145 and proceed to San Pedro Int at 2500′.
CAUTION: Standard clearance over obstructions not provided for circling minimums; 500′ hill with oil derricks 1 mile S of airport. All circling and maneuvering shall be accomplished N of field.
*300–1 required on Runways 16L, 25L, and 34R; 600–1½ required for takeoff on Runway 16R.
MSA within 25 miles of facility: 045°–135°—6100′; 135°–225°—1600′; 225°–315°—3400′; 315°–045°—6600′.

City, Long Beach; State, Calif.; Airport Name, Long Beach/Daugherty Field; Elev., 58′; Fac. Class., BVORTAC; Ident., LGB; Procedure No. 1, Amdt 5; Eff. Date, 7 Nov. 64; Sup. Amdt. No. 4; Dated, 19 Sept. 64

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T–dn%<br>C–dn<br>A–dn | 300–1<br>700–1<br>800–2 | 300–1<br>700–1<br>800–2 | 200–½<br>700–1½<br>800–2 |

Procedure, turn S side crs, 246° Outbnd, 066° Inbnd, 1500′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, breakoff point to approach end of Runway 7, 073°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb to 1500′ on R–246 within 10 miles.
CAUTION: 500′ terrain 2.6 miles SW of airport.
%Takeoffs all runways; climb on the AST VOR 246° radial within 10 miles to cross AST VOR at or above 500′.
MSA within 25 miles of facility: 000°–090°—4100′; 090°–180°—4300′; 180°–270°—1700′; 270°–360°—3200′.

City, Astoria; State, Oreg.; Airport Name, Clatsop County; Elev., 11′; Fac. Class., L–BVOR; Ident., AST; Procedure No. VOR–7, Amdt. 2; Eff. Date, 7 Nov. 64; Sup. Amdt. No. 1; Dated, 16 Mar. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn%<br>C–dn<br>A–dn | 200–1<br>1200–1<br>1200–2 | 300–1<br>1200–1<br>1200–2 | 200–½<br>1200–1½<br>1200–2 |

Procedure turn W side crs, 304° Outbnd, 124° Inbnd, 2400′ within 10 miles. Not authorized beyond 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1200′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of AST VOR, turn right, climb to 2400′ on R–304 within 10 miles.
%Takeoffs all runways; climb on the AST VOR 246° radial within 10 miles to cross AST VOR at or above 500′.
MSA within 25 miles of facility: 000°–090°—4100′; 090°–180°—4300′; 180°–270°—1700′; 270°–360°—3200′.

City, Astoria; State, Oreg.; Airport Name, Clatsop County; Elev., 11′; Fac. Class., L–BVOR; Ident., AST; Procedure No. VOR–13, Amdt. 5; Eff. Date, 7 Nov. 64; Sup. Amdt. No. 4; Dated, 20 July 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| MYS VOR<br>Nadine Int | FTK VOR<br>FTK VOR | Direct<br>Direct | 2600<br>2600 | T–dn<br>C–dn<br>S–dn–15<br>A–dn | 300–1<br>500–1<br>500–1<br>800–2 | 300–1<br>500–1<br>500–1<br>800–2 | 200–½<br>500–1½<br>500–1<br>800–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing FTK VOR, make a climbing right turn to 2600′, crs 266° to MYS VOR. Hold NE, 1-minute right turns, 212° Inbnd.
CAUTION: Concrete plant ¾ mile N approach end of Runway 15.
Authorized for military use only except by prior arrangement.
Other changes: Deletes transition from Elizabeth Int.
MSA within 25 miles of facility: 000°–270°—2300′; 270°–360°—1900′.

City, Fort Knox; State, Ky.; Airport Name, Godman AAF; Elev., 753′; Fac. Class., VOR; Ident., FTK; Procedure No. TerVOR–15, Amdt. 1; Eff. Date, 7 Nov. 64; Sup. Amdt. No. Orig.; Dated, 12 Oct. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| MYS VOR<br>Nadine Int | FTK VOR<br>FTK VOR | Direct<br>Direct | 2600<br>2600 | T–dn<br>C–dn*<br>S–dn–17*<br>A–dn | 300–1<br>500–1<br>400–1<br>800–2 | 300–1<br>500–1<br>400–1<br>800–2 | 200–½<br>500–1½<br>400–1<br>800–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 003° Outbnd, 183° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing FTK VOR, make a climbing right turn to 2600′, crs 266° to MYS VOR. Hold NE, 1-minute right turns, 212° Inbnd.
Other change: Deletes transition from Elizabeth Int.
NOTE: Authorized for military use only except by prior arrangement.
CAUTION: Concrete plant 854′ ¾ mile N approach end of Runway 15.
Authorized for military use only except by prior arrangement.
*Descent to 1200′ authorized after passing FTK RBn.
MSA within 25 miles of facility: 000°–270°—2300′; 720°–360°—1900′.

City, Fort Knox; State, Ky.; Airport Name, Godman AAF; Elev., 753′; Fac. Class., VOR; Ident., FTK; Procedure No. TerVOR–17, Amdt. 1; Eff. Date, 7 Nov. 64; Sup. Amdt. No. Orig.; Dated, 12 Oct. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| MYS VOR<br>Nadine Int | FTK VOR<br>FTK VOR | Direct<br>Direct | 2600<br>2600 | T–dn<br>C–dn<br>S–dn–35<br>A–dn | 300–1<br>500–1<br>500–1<br>800–2 | 300–1<br>500–1<br>500–1<br>800–2 | 200–½<br>500–1½<br>500–1<br>800–2 |

Radar vectoring authorized in accordance with authorized patterns.
Procedure turn W side of crs, 165° Outbnd, 345° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing FTK VOR, make a climbing left turn to 2600′, crs 266° to MYS VOR. Hold NE, 1-minute right turns, 212° Inbnd.
NOTE: Authorized for military use only except by prior arrangement.
CAUTION: Tower 904′ 3 miles SSE airport and concrete plant 854′ ¾ mile N approach end of Runway 15.
Other change: Deletes transition from Elizabeth Int.
MSA within 25 miles of facility: 000°–270°—2300′; 270°–360°—1900′.

City, Fort Knox; State, Ky.; Airport Name, Godman AAF; Elev., 753′; Fac. Class., VOR; Ident., FTK; Procedure No. TerVOR–35, Amdt. 1; Eff. Date, 7 Nov. 64; Sup. Amdt. No. Orig.; Dated, 12 Oct. 63



4. By amending the following instrument landing system procedures pre scribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Akron VOR | LOM | Direct | 2800 | T–dn | 300–1 | 300–1 | 200–½ |
| Briggs VOR | LOM (final) | Direct | 2400 | C–dn | 400–1 | 500–1 | 500–1½ |
| Int Briggs VOR R–322 and 090° bearing to LOM. | LOM | Direct | 2800 | S–dn–1* | 200–½ | 200–½ | 200–½ |
| Int Briggs VOR R–282 and 061° bearing to LOM. | LOM | Direct | 2800 | A–dn | 600–2 | 600–2 | 600–2 |
| Int Briggs VOR R–048 and 270° bearing to LOM. | LOM | Direct | 2800 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side S crs, 186° Outbnd, 006° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope Int Inbnd, 2400′.
Altitude of glide slope and distance to approach end of runway at OM, 2410′—3.7 miles; at MM, 1450′—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on N crs of ILS to Derby Int. Hold N, 1-minute left turns, 186° Inbnd.
CAUTION: Glide slope unusable below 1428′ account roughness.
*400–¾ required with glide slope inoperative.

City, Akron; State, Ohio; Airport Name, Akron-Canton; Elev., 1228′; Fac. Class., ILS; Ident., I–CAK; Procedure No. ILS–1, Amdt. 15; Eff. Date, 7 Nov. 64; Sup. Amdt. No. 14; Dated, 20 Apr. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Akron VOR | LOM (final) | Via R–259 ACO–VOR. | 2200 | T–dn | 400–1 | 400–1 | 400–1 |
| Briggs VOR | LOM | Direct | 2800 | C–dn | 700–1 | 700–1 | 700–1½ |
| Sharon Int | LOM | Direct | 2800 | S–dn–25 | 500–1 | 500–1 | 500–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 066° Outbnd, 246° Inbnd, 2800′ within 10 miles.
No glide slope. Minimum altitnde over LOM on final approach crs, 2200′.
Crs and distance, LOM to airport, 246°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead to 3000′, then turn right to a heading of 360°, intercept the en route radial of V–30. Proceed via V–30 to ACO VOR. Hold E, 1-minute right turns, 276° Inbnd.

City, Akron; State, Ohio; Airport Name, Akron Municipal; Elev., 1059′; Fac. Class., ILS; Ident., I–AKR; Procedure No. ILS–25, Amdt.3; Eff. Date, 7 Nov. 64; Sup. Amdt. No. 2; Dated, 20 Apr. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–13R* | 300–¾ | 300–¾ | 300–¾ |
| | | | | A–dn | 600–2 | 600–2 | 600–2 |

Radar vectoring to final approach crs required in accordance with approved patterns.
Procedure turn not authorized.
Minimum altitude at glide slope interception Inbnd 2500′.
Altitude of glide slope and distance to approach end of runway at LOM, 2255′—5.0 miles; at LMM, 868′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right turn, climb to 2300′ and proceed to EON VOR Inbnd on R–001.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
CAUTION: False crs may be received from localizer when more than 060° from crs.
*500–1 required with glide slope inoperative, 400–1 straight-in minimums authorized provided descent below 1100′ not made until past ADF bearing 200° from MDW RBn.

City, Chicago; State, Ill.; Airport Name, Chicago-Midway; Elev., 619′: Fac. Class., ILS; Ident., I–MDW; Procedure No. ILS–13R, Amdt. 21; Eff. Date, 7 Nov. 64; Sup. Amdt. No. 20; Dated, 16 May 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Griffith Int* | Calumet Int** | Via SE crs MXT ILS. | 2000 | T–dn | 300–1 | 300–1 | 200–½ |
| Big Run Int | MX–RBn | Direct | 2000 | C–dn | 500–1 | 500–1 | 500–1½ |
| Crib Int | MX–RBn | Direct | 2000 | S–dn–31L&R | 400–1 | 400–1 | 400–1 |
| CGT VOR | Calumet Int** | Via CGT R–356 | 2000 | A–dn | 800–2 | 800–2 | 800–2 |
| API VOR | MX–RBn | Direct | 2200 | | | | |
| Calumet Int** | MX–RBn (final) | Direct | 1500 | | | | |

Procedure turn E side of crs, 132° Outbnd, 312° Inbnd, 2000′ within 10 miles.
No glide slope. No approach lights.
Minimum altitude over MX–RBn, 1500′.
Crs and distance, MX–RBn to airport, 312°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles after passing MX–RBn, make left turn, climb to 2300′, proceed to Peotone VOR Inbnd on R–001.
NOTE: Aircraft executing missed approach, may after being reidentified, be radar controlled.
CAUTION: Standard clearance not provided over 771′ and 776′ obstructions in final approach area.
*Griffith Int.: Int CGT R–087 and EON R–050.
**Calumet Int.: Int CGT R–356 and MXT ILS SE crs.

City, Chicago; State, Ill.; Airport Name, Chicago-Midway; Elev., 619′; Fac. Class., ILS; Ident., I–MXT; Procedure No. ILS–31 L–R, Amdt. 3; Eff. Date, 7 Nov. 64; Sup. Amdt. No. 2; Dated, 25 Jan. 64



ILS STANDARD INSTRUMENT APPROACH PROCEDURE

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition: From— | Transition: To— | Transition: Course and distance | Transition: Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| CGT VOR | Park Int# | Via CGT R-356 and SE crs OHA ILS. | 3500 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| API VOR | Park Int# (final NA) | Direct | | S-dn-32R* | 400-1 | 400-1 | 400-1 |
| Niles Int | Park Int# | | 3500 | A-dn | 800-2 | 800-2 | 800-2 |
| | | Via API R-088 and SE crs OHA ILS. | 3500 | | | | |
| ORD VOR | Park Int# (final NA) | Direct | 3500 | | | | |
| OBK VOR | Park Int# (final NA) | Direct | 3500 | | | | |
| Park Int | FMR RBn (final) | Direct | 2300 | | | | |
| Lakewood Int | ORD VOR | Via OBK R-271 and ORD VOR R-306. | 3500 | | | | |

Radar transition to final approach crs authorized. Aircraft may be released for final approach Inbnd to FMR RBn on final approach crs to cross FMR RBn at 2300'.
Procedure turn E side of crs, 138° Outbnd, 318° Inbnd, 3500' within 10 miles of Park Int#.
Minimum altitude over FMR RBn on final approach crs, 2300'; over Park Int# 3500'.
Crs and distance, FMR RBn to airport, 318°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing FMR RBn, turn right to 335° heading, climb to 1500' then make right climbing turn to 3500' and proceed to Evanston Int via ORD VOR R-075.
NOTES: 1. Functioning VOR receiver required unless a radar vector to final approach crs is obtained. 2. No glide slope, middle compass locator or approach lights. 3. Aircraft executing missed approach may be radar controlled after radar identification.
CAUTION: Takeoffs on Runway 27 when weather is below 2000-3 will intercept ORD-VOR R-250 and climb to 2000' before proceeding westbound. Takeoffs on Runway 32L when weather is below 2000-3 will intercept ORD-VOR R-306 and climb to 2000' before proceeding westbound. Motel sign 1¾ miles from approach end Runway 32L may be mistaken for approach lights.
*400-¾ authorized except for turbojet aircraft, with operative high-intensity runway lights.

City, Chicago; State, Ill.; Airport Name, Chicago-O'Hara International; Elev., 667'; Fac. Class., ILS; Ident., I-OHA; Procedure No. ILS-32R, Amdt. 3; Eff. Date, 7 Nov. 64; Sup. Amdt. No. 2; Dated, 11 Apr. 64

PROCEDURE CANCELLED, EFFECTIVE 7 NOV. 1964.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 792'; Fac. Class., ILS; Ident., I-CLE; Procedure No. ILS-23R, Amdt. 14; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 13; Dated, 25 May 63

PROCEDURE CANCELLED, EFFECTIVE 7 NOV. 1964.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 792'; Fac. Class., ILS; Ident., I-CLE; Procedure No. ILS-5L, Amdt. 23; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 22; Dated, 25 May 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Lake Charles RBn | LOM | Direct | 1500 | T-dn | 300-1 | 300-1 | 200-½ |
| LCH VOR | LOM | Direct | 1500 | C-dn | 400-1 | 500-1 | 500-1½ |
| Sulphur Int | LOM | Direct | 1500 | S-dn-15 | 200-½ | 200-½ | 200-½ |
| | | | | A-dn | 600-2 | 600-2 | 600-2 |

Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 1500' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1500'.
Altitude of glide slope and distance to approach end of runway at LOM, 1170'—4.3 miles; at LMM, 199'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1500' on the SE crs of ILS within 20 miles or, when directed by ATC, make immediate right turn, climbing to 1500' on the LCH VOR R-210 within 20 miles.

City, Lake Charles; State, La.; Airport Name, Lake Charles Municipal; Elev., 14'; Fac. Class., ILS; Ident., I-LCH; Procedure No. ILS-15, Amdt. 6; Eff. Date, 7 Nov. 64; Sup. Amdt. No 5; Dated, 31 Aug. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Albacore Int | LOM | Direct | 2200 | T-dn* | 300-1 | 300-1 | 200-½ |
| Midway Int | LOM (final) | Direct | 1500 | C-dn | 500-1 | 600-1 | 600-1½ |
| San Pedro Int | LOM | Direct | 2200 | S-dn-30# | 300-¾ | 300-¾ | 300-¾ |
| LGB VOR | LOM | Direct | 2200 | A-dn | 600-2 | 600-2 | 600-2 |
| Huntington Beach FM | LOM (final) | Direct | 1500 | | | | |

Radar vectoring to final approach crs authorized.
Procedure turn S side SE crs, 120° Outbnd, 300° Inbnd, 2200' within 10 miles of LOM. Beyond 10 miles not authorized.
Minimum altitude at glide slope Int Inbnd, 1500'.
Altitude of glide slope and distance to approach end of runway at OM, 1344'—4.3 miles; at MM, 230'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 800' on NW crs LGB ILS, turn left, climb on 200° heading to intercept LAX R-145 and proceed to San Pedro Int at 2500'.
CAUTION: Standard clearance over obstructions not provided for circling minimums; 500' hill with oil dericks 1 mile S of airport. All circling and maneuvering shall be accomplished N of field.
*300-1 required for takeoff Runways 16L, 25L, 34R; 600-1½ required for takeoff Runway 16R.
#Straight-in landing minimums are 400-1 with glide slope inoperative.

City, Long Beach; State, Calif.; Airport Name, Long Beach/Daugherty Field; Elev., 58'; Fac. Class., ILS; Ident., I-LGB; Procedure No. ILS-30, Amdt. 20; Eff. Date, 7 Nov. 64; Sup. Amdt. No. 19; Dated, 19 Sept. 64

PROCEDURE CANCELLED EFFECTIVE NOV. 7, 1964, OR UPON SHUTDOWN OF FACILITY.

City, Waco; State, Tex.; Airport Name, Waco Municipal; Elev., 515'; Fac. Class., ILS; Ident., I-ACT; Procedure No. ILS-18, Amdt. 3; Eff. Date, 6 July 63; Sup. Amdt. No. 2; Dated, 26 May 62

PROCEDURE CANCELLED EFFECTIVE NOV. 7, 1964, OR UPON SHUTDOWN OF FACILITY.

City, Waco State, Tex.; Airport Name, Municipal; Elev., 515'; Fac. Class., ILS; Ident., I-ACT; Procedure No. ILS-36, Amdt. 2; Eff. Date, 6 July 63; Sup. Amdt. No. 1; Dated, 26 May 62



ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition: From— | Transition: To— | Transition: Course and distance | Transition: Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| Youngstown VOR | Hubbard RBn | Direct | 2800 | T-dn | 300-1 | 300-1 | 200-½ |
| Hubbard RBn | LOM (final) | Direct | 2700 | C-dn | 400-1 | 500-1 | 500-1½ |
| Mercer Int | Hubbard RBn | Direct | 3000 | S-dn-32# | 200-½ | 200-½ | 200-½ |
| Sharpsville Int | Hubbard RBn | Direct | 2800 | A-dn | 600-2 | 600-2 | 600-2 |
| Palestine Int | Hubbard RBn | Direct | 3000 | | | | |
| Canfield Int | Hubbard RBn | Direct | 3000 | | | | |

Procedure turn N side of crs, 140° Outbnd, 320° Inbnd, 2800' within 10 miles of Hubbard RBn.*
Minimum alttitude at glide slope interception Inbnd, 2700'.
Altitude of glide slope and distance to approach end of runway at OM 2630—4.7 miles; at MM 1385—.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2700' straight ahead, make right turn and proceed to Youngstown VOR. Hold N on R-003 YNG-VOR, 1-minute right turns, 183° Inbnd at 2700'.
*Procedure turn predicated on Hubbard RBn. Maintain 2800' until intercepting glide slope Inbnd or passing Hubbard RBn.
#400-¾ required with glide slope inoperative.

City, Youngstown; State, Ohio; Airport Name, Youngstown; Elev., 1196'; Fac. Class., ILS; Ident., I-YNG; Procedure No. ILS-32, Amdt. 11; Eff. Date, 7 Nov. 64; Sup. Amdt. No. 10; Dated, 2 Nov. 63

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition: From— | Transition: To— | Transition: Course and distance | Transition: Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| All directions | | 0-10 miles | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| 290° | 065° | 10-20 miles | 2500 | | | | |
| 065° | 150° | 10-20 miles | 2000 | | | | |
| 150° | 185° | 10-15 miles | 2000 | | Precision approach | | |
| 150° | 185° | 15-20 miles | 2300 | S-dn-13R | 300-¾ | 300-¾ | 300-¾ |
| 185° | 290° | 10-20 miles | 2400 | A-dn | 600-2 | 600-2 | 600-2 |
| | | | | | Surveillance approach | | |
| | | | | C-dn# | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn# | 600-1 | 600-1 | 600-1 |
| | | | | C-dn* | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn* | 500-1 | 500-1 | 500-1 |
| | | | | A-dn-All runways. | 800-2 | 800-2 | 800-2 |

Radar control will provide 1000' vertical clearance within a 3-mile radius of towers 1504' 8 miles NE, 1260' 11 miles W, 1120' — miles NW, and 1080' 12 miles W of airport. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right or left turn as appropriate, climb to 2300' and proceed to EON VOR Inbnd on R-001.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
NOTES: MTI feature of ground radar equipment required for all surveillance approaches. Departures westbound on V-6 at 2000' will be released within 8 miles to climb to 2300'.
#Runway 22 L and R.
*Runways 4 R and L, 9, 13 R and L, 18, 27, 31 L and R, 36.

City, Chicago; State, Ill.; Airport Name, Chicago-Midway; Elev., 619'; Fac. Class. and Ident., Midway Radar; Procedure No. 1, Amdt 9; Eff. Date, 7 Nov. 64; Sup. Amdt No. 8; Dated, 25 Jan. 64

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348 (c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on October 2, 1964.

G. S. MOORE,
*Director, Flight Standards Service.*

[F.R. Doc. 64-10275; Filed, Nov. 6, 1964; 11:44 a.m.]

SUBCHAPTER B—PROCEDURAL RULES [NEW]

[Reg. Docket No. 6303; Amdt. 11-4]

## PART 11—GENERAL RULE-MAKING PROCEDURES [NEW]

### Assignment of Navigable Airspace

The purpose of this amendment is to bring certain references to other Parts of the Federal Aviation Regulations made in Part 11 [New] into agreement with redesignations of certain subparts effected in amending Part 71 [New], and to provide for the maintenance of certain public dockets in Regional offices of the Federal Aviation Agency.

Amendment 11-3 (Regulatory Docket No. 4003) to Part 11 [New] of the Federal Aviation Regulations was published in the FEDERAL REGISTER on July 17, 1964 (29 F.R. 9661), delegating to Regional Directors limited rule-making authority in the assignment of navigable airspace.

On July 7, 1964, a notice of rule making was published in the FEDERAL REGISTER (29 F.R. 8471), amending Part 71 [New] of the Federal Aviation Regulations effective September 17, 1964, and establishing a two-layer airspace structure within the 48 contiguous states and the District of Columbia. As a consequence of this amendment certain subparts of Part 71 [New] were revoked or redesignated.

Accordingly, as those references to Part 71 [New] in Amendment 11-3 to Part 11 [New] are to subparts as previously designated, this amendment is necessary to bring those references into agreement with subparts of Part 71 [New] as now amended.

Additionally, as a necessary adjunct to the exercise of rule-making authority by Regional Directors, a public docket relating to each action is maintained and is available for examination by interested persons in the office of the Regional Counsel. In order to clarify the requirement for maintenance of such dockets, § 11.11 of Subpart A is expanded to include a provision to that effect.

Since these amendments are procedural in character, and in the interest of correcting present references at the earliest possible date, notice and public procedure hereon are considered unnecessary and impracticable, and good cause exists for making this amendment effective immediately.

In consideration of the foregoing, Part 11 [New] of the Federal Aviation Regulations is amended effective immediately, as hereinafter set forth:

§ 11.11 [Amended]

1. Section 11.11 is amended by inserting the following new sentence after the first sentence thereof: "A public docket relating to rule-making actions taken by Regional Directors under Subpart D of this Part is maintained in the office of the Regional Counsel."

2. Section 11.61(c) is amended to read as follows:

§ 11.61 Scope.

* * * * *

(c) For the purpose of this subpart, "Director" means the Director, Air Traffic Service (or any person to whom he has delegated his authority in the matter concerned), or a Regional Director. The authority of the Regional Director is limited to those matters relating to terminal airspace within the United States, as described in § 71.165 of Subpart E, and Subparts F and G of Part 71 [New]. He may, however, include those matters relating to Federal airways or additional control areas within the United States, as described in Subparts B, C and I, and § 71.163 of Subpart E of Part 71 [New], if they are ancillary to the terminal area airspace matter.

* * * * *

(Sec. 307, Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 2, 1964.

N. E. HALABY,
*Administrator.*

[F.R. Doc. 64-11381; Filed, Nov. 6, 1964; 8:46 a.m.]

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 64-SO-42]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone, Revocation of Control Area Extension, and Designation of Transition Area

On September 16, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12980) stating that the Federal Aviation Agency proposed to revoke the control area extension, alter the control zone and designate a transition area at Muscle Shoals, Ala.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

1. In § 71.165 (29 F.R. 1073) the Muscle Shoals, Ala., control area extension is revoked.

2. In § 71.171 (29 F.R. 1101) the following control zone is amended to read:

*Muscle Shoals, Ala.*

Within a 5-mile radius of Muscle Shoals Airport (latitude 34°44'41" N., longitude 87°36'39" W.) and within 2 miles each side of the Muscle Shoals VOR 292° radial extending from the 5-mile radius zone to the VOR.

3. In § 71.181 (29 F.R. 1160) the following transition area is added:

*Muscle Shoals, Ala.*

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Muscle Shoals Airport (latitude 34°44'41" N., longitude 87°36'39" W.); that airspace extending upward from 1,200 feet above the surface within 8 miles N and 5 miles S of the Muscle Shoals VOR 112° and 292° radials extending 5 miles W and 13 miles E of the VOR, within 5 miles each side of the Muscle Shoals VOR 297° radial extending from 5 miles W to 18 miles W of the VOR, and within 8 miles W and 5 miles E of the Muscle Shoals VOR 002° radial extending from the VOR to a point 30 miles N of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a))

Issued in East Point, Ga., on October 29, 1964.

PAUL H. BOATMAN,
*Acting Director, Southern Region.*

[F.R. Doc. 64-11382; Filed, Nov. 6, 1964; 8:46 a.m.]

[Airspace Docket No. 64-CE-77]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Revocation of Control Area Extension

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to revoke the Battle Creek, Mich., control area extension.

The notice of proposed rule making concerning the designation of the Battle Creek, Mich., transition area was published in the FEDERAL REGISTER on June 21, 1963 (28 F.R. 6404). In that notice it was stated that the revocation of the Battle Creek control area extension would be delayed pending completion of associated separate airspace actions. These actions have now been completed and the Battle Creek control area extension is now encompassed by transition areas.

Since the change effected by this amendment is minor and less restrictive in nature than present requirements, and imposes no burden on any person, notice and public procedure hereon are unnecessary and the amendment may become effective on less than 30 days notice.

In consideration of the foregoing, effective immediately, § 71.165 of the Federal Aviation Regulations (29 F.R. 1075) is hereby amended as follows: Revoke the Battle Creek, Mich., control area extension.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Kansas City, Mo., on October 28, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-11383; Filed, Nov. 6, 1964; 8:46 a.m.]

[Airspace Docket No. 63-CE-111]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Federal Airways

On December 5, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12941) stating that the Federal Aviation Agency (FAA) proposed to revoke alternate airway segments to VOR Federal airway Nos. 15, 21, 24, 26, 78, and 82, and to alter the Minot, N. Dak., and the Watertown, S. Dak., control area extensions.



Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The State of North Dakota Aeronautics Commission and the Air Transport Association of America (ATA) both objected to the revocation of V-15W from Aberdeen, S. Dak., to Bismarck, N. Dak., to Minot, N. Dak. The State of North Dakota Aeronautics Commission contends that a continued requirement exists for the retention of these alternate airway segments and the portion of the Minot control area extension so as to provide a route and controlled airspace for slower moving aircraft and lateral spacing of such aircraft from high speed air traffic which utilizes the main airway segment of V-15 from Aberdeen via Bismarck to Minot. The commission also contends that V-15W between Bismarck and Minot should be retained for the routing of aircraft which may be cleared to conduct holding procedures at the Garrison Intersection south of Minot when air traffic delays are being encountered in the Minot terminal area. The ATA also contends that these segments of V-15W and the portion of the Minot control area extension should be retained due to the amount of Air Force and scheduled air carrier flights which operate into and from the Minot terminal area, and to assure expeditious handling by air traffic control of such traffic. The ATA also objected to the proposed revocation of V-26 south alternate segment from Wausau, Wis., to Green Bay, Wis., due to the substantial number of scheduled flights into and out of the Green Bay terminal area, until such time as radar facilities become available at Green Bay.

With respect to the comments of the State of North Dakota and the ATA regarding the revocation of V-15W between Aberdeen, Bismarck and Minot, traffic in the area is sufficiently light that V-15 can adequately accommodate all traffic between these points, and the west alternate is neither required for air traffic control purposes, nor is used sufficiently to warrant its retention.

The military operations at Minot are predominantly jet type and any propeller driven military aircraft would normally operate over Bismarck and Minot at altitudes above the air carrier flights. The Flint Rock Oil Burner Route places a definite limitation on the use of V-15W between Minot and Bismarck. When the Flint Rock route is in use V-15W cannot be used at altitudes below 8,000 feet. The Flint Rock route affects the Bismarck terminal area only to the extent that altitudes 6,000 feet and 7,000 feet cannot be used for holding aircraft or for en route operations on V-2 west of Bismarck. In addition, radar separation can be effected between aircraft on V-15 between Bismarck and Minot.

The air route traffic control facilities concerned state that there is no requirement for V-26S between Wausau and Green Bay, and, as stated in the notice, the peak day count indicated that little use is made of this segment. However, the Wausau, Wis., control area extension provides controlled airspace through which this segment of V-26S extends, therefore, IFR traffic may be routed through this airspace if desirable.

The FAA has determined that there is a requirement for the retention of the segment of V-78 south alternate from Huron, S. Dak., to Watertown, S. Dak., as radar coverage is presently nonexistent in the Huron-Watertown area, and the retention of this alternate segment is necessary for efficient air traffic control in this area. Retention of V-78 south alternate obviates the need for altering the Watertown control area extension.

Accordingly, the proposals contained in the notice to revoke the segment of V-78S from Huron to Watertown, and the alteration of the Watertown control area extension are being withdrawn.

The substance of the proposed amendments having been published and for the reasons stated herein and in the notice, the following actions are taken, effective 0001 e.s.t., January 7, 1965.

(a) Section 71.123 (29 F.R. 1009) is amended as follows:

1. In V-15 "Bismarck, N. Dak., including a W alternate; to Minot, N. Dak., including a W alternate via INT of Bismarck 333° and Minot 197° radials." is deleted and "Bismarck, N. Dak.; to Minot, N. Dak." is substituted therefor.

2. In V-21 "Cut Bank, Mont., including an E alternate and also a W alternate from Helena to Cut Bank direct;" is deleted and "Cut Bank, Mont., including a W alternate from Helena to Cut Bank direct;" is substituted therefor.

3. In V-24 "Redwood Falls, Minn., including an N alternate via INT of Watertown 086° and Redwood Falls 305° radials;" is deleted and "Redwood Falls, Minn.;" is substituted therefor.

4. In V-26, "Wausau, Wis., including an S alternate; Green Bay, Wis., including an S alternate via INT of Wausau 121° and Green Bay 269° radials;" is deleted and "Wausau, Wis.; Green Bay, Wis.;" is substituted therefor.

5. In V-82 "Rochester, Minn., including an S alternate from Minneapolis to Rochester via INT of Minneapolis 188° and Rochester 319° radials;" is deleted and "Rochester, Minn.;" is substituted therefor.

(b) Section 71.165 (29 F.R. 1073) is amended as follows: In the Minot, N. Dak., control area extension "VOR, including the airspace S of Minot within 8 miles W and 6 miles E of the Bismarck, N. Dak., VOR 333° radial extending from 58 miles NW of the Bismarck VOR to the Minot 35-mile radius area." is deleted and "VOR." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on November 2, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11384; Filed, Nov. 6, 1964; 8:46 a.m.]

[Airspace Docket No. 64-SO-40]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Transition Area

On September 16, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12981) stating that the Federal Aviation Agency proposed to designate a transition area at Aiken, S.C.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 1160) the following transition area is added.

*Aiken, S.C.*

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Aiken Airport (latitude 33°39'-10" N., longitude 81°41'25" W.); within 2 miles each side of the 289° bearing from the Aiken RBN extending from the 6-mile radius area to 8 miles W of the RBN.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)))

Issued in East Point, Ga., on October 30, 1964.

PAUL H. BOATMAN,
*Acting Director, Southern Region.*

[F.R. Doc. 64-11385; Filed, Nov. 6, 1964; 8:46 a.m.]

[Airspace Docket No. 64-SO-61]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Transition Area

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to change the name of the airport in the description of the transition area in the vicinity of Rockwood, Tenn.

Since this amendment is editorial in nature and will impose no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective upon publication.

In consideration of the foregoing, the following action is taken:

In § 71.181 the Rockwood, Tenn., transition area (29 F.R. 8163) is amended as follows: In the text of the Rockwood, Tenn., transition area "Rockwood Municipal Airport" is deleted and "Fowler Field" is substituted therefor.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)))

Issued in East Point, Ga., on October 29, 1964.

PAUL H. BOATMAN,
*Acting Director, Southern Region.*

[F.R. Doc. 64-11386; Filed, Nov. 6, 1964; 8:46 a.m.]

# Title 7—AGRICULTURE

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 137]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

**§ 910.437 Lemon Regulation 137.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 3, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 8, 1964, and ending at 12:01 a.m., P.s.t., November 15, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 106,950 cartons;
(iii) District 3: 106,950 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 5, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-11449; Filed, Nov. 6, 1964; 8:49 a.m.]

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 732—PERSONNEL SECURITY AND RELATED PROGRAMS

### Miscellaneous Amendments

The heading for Part 732, the heading for Subpart D of Part 732, § 732.401(a), and the citation of authority for Subpart D of Part 732 have been revised to show the applicability to actions involving the interest of the United States and loyalty grounds in addition to those involving the interest of national security.

### Subpart D—Security and Related Determinations

**§ 732.401 Reemployment eligibility of certain former Federal employees.**

(a) *Request.* A former civilian officer or employee who was terminated, or who resigned while suspended or while charges were pending, from a department or agency of the Government under a statute or executive order authorizing termination in the interest of national security, in the interest of the United States, or on grounds relating to loyalty, and authorizing the Commission to determine his eligibility for employment in another department or agency of the Government, may request the Commission in writing to determine whether he is eligible for employment in another department or agency of the Government.

* * * * * *

(Sec. 732.401 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218. Interprets or applies sec. 102(c), 61 Stat. 498, sec. 1, 64 Stat. 476, as amended; sec. 303, Pub. Law 88–290; 50 U.S.C. 403(c), 5 U.S.C. 22–1; E.O. 10450, 18 F.R. 2489, 3 CFR, 1949–1953 Comp., p. 936)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-11424; Filed, Nov. 6, 1964; 8:49 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

### SUBCHAPTER A—MEAT INSPECTION REGULATIONS

### PART 1—DEFINITIONS

### PART 9—ANTE-MORTEM INSPECTION

### PART 11—DISPOSAL OF DISEASED CARCASSES AND PARTS

### PART 18—REINSPECTION AND PREPARATION OF PRODUCTS

### Biological and Pesticide Residues in Meat

On May 29, 1964, there was published in the FEDERAL REGISTER (29 F.R. 7122) a notice with respect to proposed amendments to Parts 1, 9, 11, and 18 of the Federal Meat Inspection Regulations (9 CFR Parts 1, 9, 11, and 18) issued under the Meat Inspection Act, as amended and extended (21 U.S.C. 71–96) and sections 306 (b) and (c) of the Tariff Act of 1930, as amended (19 U.S.C. 1306 (b) and (c)). After due consideration of all relevant matters with respect to the proposals, and under the authorities cited above, said regulations are hereby amended as follows:

1. A new § 1.1(cc) is added to read:

**§ 1.1 Definitions.**

* * * * * *

(cc) *Biological residues.* Any substance, including metabolites, remaining in the animal at time of slaughter or in any of its tissues after slaughter, as the result of treatment or exposure of the animal to a pesticide, metallic or other inorganic compound, hormone, hormone-like substance, growth promoter, antibiotic, anthelmintic, tranquilizer, or other therapeutic or prophylactic agent.

2. A new § 9.19 is added to read:

**§ 9.19 Animals suspected of having biological residues.**

Animals suspected of having been treated with or exposed to any substance in a manner that may impart a biological residue that may make the edible tissues of the animal unwholesome or otherwise unfit for human food shall be marked "U.S. Suspect." The animals shall be held under the custody of a Division employee or other responsible official supervision until it can be expected that metabolic processes have reduced the residue sufficiently to make the tissues of the animals fit for human food.

3. A new § 11.42 is added to read:

**§ 11.42 Biological residues: disposition.**

Carcasses, organs or other parts of animals shall be condemned if they are determined to be unwholesome or otherwise unfit for human food because of the presence of any biological residue. The Director of Division shall issue to the inspectors instructions specifying the standards and procedures for making this determination. Copies of such instructions will be made available to interested persons upon request made to the Director.

(34 Stat. 1264, 46 Stat. 689, as amended; 19 U.S.C. 1306, 21 U.S.C. 89, 19 F.R. 74, as amended)

The increase in the development and use of certain pesticides, hormones, hormone-like substances, growth promoters, antibiotics, anthelmintics, tranquilizers, and other therapeutic or prophylactic drugs requires rigid restrictions to prevent harmful residue levels in meat and meat food products prepared from exposed or treated animals and plants. The foregoing amendments of the Meat Inspection Regulations formalize general policies and provide for standards and procedures to assure that meat and meat food products prepared under Federal meat inspection are wholesome and otherwise fit for human food. They make no substantive change in present operating requirements. The amendments vary in some respects from the proposals set forth in the notice of rule making. The variations are due to changes made pursuant to comments received with respect to the notice. It appears that further public rule making procedure with respect to the amendments would not make additional information available to the Department. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that further public rule making procedure on the amendments is unnecessary and impracticable and good cause is found for making the amendments effective less than 30 days after their publication in the FEDERAL REGISTER.

The amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of November 1964.

B. T. SHAW,
*Administrator, Agricultural Research Service.*

[F.R. Doc 64-11431; Filed, Nov. 6, 1964; 8:49 a.m.]

### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

### PART 74—SCABIES IN SHEEP

### Interstate Movement

Pursuant to the provisions of sections 4 through 7 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 1 through 4 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended (29 F.R. 14053), are hereby further amended in the following respects:

1. Subparagraph (1) of § 74.2(a) is hereby amended to read as follows, and a new subparagraph (5) is added to § 74.2(a):

**§ 74.2 Designation of free and infected areas.**

(a) * * *

(1) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Virgin Islands of the United States, Washington, Wisconsin, and Wyoming;

* * * * * *

(5) All counties in Ohio except Logan.

* * * * * *

2. A new subparagraph (5) is added to § 74.3(a) to read:

**§ 74.3 Designation of eradication areas.**

(a) * * *

(5) The following county in Ohio: Logan.

* * * * * *

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

*Effective date.* The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The amendments add the County of Logan in the State of Ohio to the list of infected and eradication areas and delete such county from the list of free areas as sheep scabies is known to exist therein. After the effective date of these amendments, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such county.

The amendments impose certain restrictions necessary to prevent the spread of scabies, a communicable disease of sheep, and must be made effective immediately in order to accomplish their purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of November 1964.

B. T. SHAW,
*Administrator, Agricultural Research Service.*

[F.R. Doc. 64-11432; Filed, Nov. 6, 1964; 8:49 a.m.]

# Title 12—BANKS AND BANKING

## Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

## PART 1—INVESTMENT SECURITIES REGULATION

### Bonds of Dormitory Authority of State of New York

**§ 1.159 Bonds of the Dormitory Authority of the State of New York.**

(a) *Request.* The Comptroller of the Currency has been requested to rule as to the application of the ten percent investment limitation of paragraph Seventh of 12 U.S.C. 24 to bonds issued by the Dormitory Authority of the State of New York and whether this limitation may be separately applied to the aggregate bonds of each college for which the Authority has issued bonds, or whether, all bonds issued by the Authority for various colleges in New York must be combined in applying this limitation.

(b) *Opinion.* (1) As was noted in our ruling of September 14, 1962, relating to the eligibility for investment by National Banks in the $8,630,000 Dormitory Authority of the State of New York, 3.60 percent Dormitory Revenue Bonds of 1957 (State University of New York), (12 CFR 1.115) the Authority is a public benefit corporation, created in 1944 to provide dormitories and related facilities at colleges in the State of New York. The bonds issued by the Authority to help finance the construction of dormitories and related facilities of a particular college are, in each instance, payable solely from the revenue derived from the lease of such facilities by the Authority to the particular college.

(2) The Authority, although the issuer and nominal obligor of these bonds, is a conduit through which the individual colleges make payment of the bonds issued for their respective benefit and for which they are the sole source of repayment. Whether the bonds issued for a particular college are eligible for investment by National Banks must be determined by an analysis of the ability of the particular college to perform all that it undertakes to perform in connection with the bonds, including all debt service requirements, and of the marketability of such bonds as required by § 1.5.

(c) *Ruling.* Accordingly, in applying the ten percent investment limitation of paragraph Seventh of 12 U.S.C. 24 and of § 1.6, to bonds issued by the Dormitory Authority of the State of New York, such limitation may be applied separately to bonds issued for a particular college when such bonds are repayable solely by that particular college. In these circumstances, the college is the obligor within the meaning of § 1.6(a).

Dated: November 3, 1964.

[SEAL] JAMES J. SAXON,
*Comptroller of the Currency.*

[F.R. Doc. 64-11411; Filed, Nov. 6, 1964; 8:48 a.m.]

## PART 8—ASSESSMENT OF FEES; NATIONAL BANKS, DISTRICT OF COLUMBIA BANKS

This revision, issued pursuant to the authority contained in R.S. 5240, as amended, 12 U.S.C. 482; sec. 3, 47 Stat. 1566, 26 D.C. Code 102, prescribing the assessment of fees upon National Banks and all banks located in the District of Columbia, is essentially a clarification of the presently existing schedule of assessments and does not impose new fees at variance with existing practice. For this reason, notice and delayed effectiveness are unnecessary and contrary to the public interest. Accordingly, this revision will be effective upon publication.

Part 8, Chapter I, Title 12, of the Code of Federal Regulations of the United States of America is revised to read as follows:

Sec.
8.1 Scope and application.
8.2 Semiannual assessment rate.
8.3 Daily rate for investigations.
8.4 Filing fee for applications for approval of mergers.
8.5 Daily rate for examinations of affiliates.
8.6 Daily rate for trust examinations.
8.7 Daily rate for investigations of applications for trust powers.

AUTHORITY: The provisions of this Part 8 issued under R.S. 5240, as amended, 12 U.S.C. 482; section 3, 47 Stat. 1566, 26 D.C. Code 102.

### § 8.1 Scope and application.

The assessments contained in this part are made pursuant to the authority contained in R.S. 5240, as amended, 12 U.S.C. 482, and in section 3, 47 Stat. 1566, 26 D.C. Code 102.

### § 8.2 Semiannual assessment rate.

The semiannual assessment rate is a basic assessment of $100 plus four cents per $1,000 of total assets.

### § 8.3 Daily rate for investigations.

The assessment rate for investigations of applications for new banks, or new branches of banks, or changes in locations of branches is $100 a day for the Examiner-in-charge and $50 a day for each additional Examiner plus the expenses of each Examiner. The same assessment rate applies to miscellaneous investigations.

### § 8.4 Filing fee for applications for approval of mergers.

A filing fee of $500 is assessed for each application for approval of a merger, consolidation, or purchase of assets and assumption of liabilities.

### § 8.5 Daily rate for examinations of affiliates.

The assessment rate for examinations of affiliates is $100 a day for the Examiner-in-charge and $50 a day for each additional Examiner plus the expenses of each Examiner.

### § 8.6 Daily rate for trust examinations.

The assessment rate for trust examinations is $100 a day for the Representative in Trusts in charge of the examination and $50 a day for each additional Representative, Associate, or Assistant in Trusts, but no charge shall be made for Associates or Assistants in Trusts who have been in the employ of the Office of the Comptroller of the Currency for less than three months. The assessment rate for a trust examination conducted by an Associate in Trusts is $50 a day. The minimum assessment rate for the examination of a trust department is $25.

### § 8.7 Daily rate for investigations of applications for trust powers.

The assessment rate for investigations of applications for trust powers is $100 a day for the Representative in Trusts in charge of the investigation and $50 a day for each additional Representative, Associate, or Assistant in Trusts plus the expenses of personnel conducting the investigation.

Dated: November 2, 1964.

[SEAL] JAMES J. SAXON,
*Comptroller of the Currency.*

[F.R. Doc. 64-11412; Filed, Nov. 6, 1964; 8:48 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter VII—Department of the Air Force

### SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

## MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Title 32 is amended as follows:

## PART 1001—GENERAL PROVISIONS

### Subpart B—Definition of Terms

### § 1001.201–1 [Amended]

In § 1001.201–1 amend the symbol "APRFE" to read "APRE."

### Subpart D—Procurement Responsibility and Authority

Section 1001.464 is amended to read as follows:

### § 1001.464 Delegation to Commander, Air Training Command.

In addition to the authorities delegated to him as a commander of a major air command, the Commander, ATC, has been authorized by the Director of Procurement and Production, Hq AFLC, to exercise the authority to authorize ATC contracting officers to enter into bailment agreements, and amendments thereto for loaning Government property to AF contractors for some specific purpose in connection with AF contracts when it has been determined that:

(a) The bailment is necessary in the interest of the national defense.

(b) It will not adversely affect the competitive aspect of procurement.

(c) The property is not available to the contractor in the open market within the time requirements of the Air Force.

(1) The authority may be redelegated not below the level of a staff officer responsible for procurement in the first echelon of command immediately subordinate to Hq ATC.

### Subpart G—Small Business Concerns

A new Subpart G is added as follows:

Subpart G—Small Business Concerns

Sec.
1001.704 Small business officials.
1001.704–3 Small business specialists.
1001.706 Set-asides.
1001.706–1 General.
1001.706–3 Review, withdrawal, or modification of set-asides or set-aside proposals.
1001.707–4 Responsibility for reviewing the subcontracting program.
1001.707–5 Reports on DD Form 1140–1.

AUTHORITY: The provisions of this Subpart G issued under sec. 8012, 70A Stat. 488; secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314.

### § 1001.704 Small business officials.

### § 1001.704–3 Small business specialists.

(a) An Executive for Small Business shall be appointed at each major air command headquarters to assure the effective implementation of the small business and labor surplus area programs of procuring activities and contract management activities under the jurisdiction of the Command Headquarters. The Executive for Small Business at Headquarters AFLC will provide guidance to all major air commands other than AFSC. An Assistant for Small Business shall be appointed in each Contract Management Region to exercise staff surveillance over the Small Business and Labor Surplus Area Programs of Contract Management Districts, Contract Management Offices, and Air Force Plant Representative Offices within the geographical boundaries of the Region.

(b) At Air Force procuring activities, a copy of each PR and incoming MIPR will be furnished to the small business specialist simultaneously with its release to the buyer. The buyer, prior to solicitation, on procurements estimated to be over $2,500 will contact the small business specialist in the most expeditious manner and inform him as to the proposed procurement plan. If the small business specialist concurs, the appropriate entries will be made on AFPI Form 46 and a signed copy furnished to the buyer. If the small business specialist does not concur with the proposed procurement plan, appropriate recommendations will be made to the buyer. If agreement is not reached, final decision will be made by the director of procurement and production at AFLC AMAs or comparable official at other Air Force procuring activities. A copy of AFPI Form 46 reflecting final agreement will be a permanent part of the procurement file for the information of reviewing authority.



### § 1001.706 Set-asides.

### § 1001.706–1 General.

(a) If circumstances permit the use of Pre-invitation Notices (see § 2.205–6 of this title and § 1002.205–4(c) of this subchapter) and the Commerce Business Daily prior to issuing IFBs or RFPs, the small business definition for that particular procurement will be included in the Pre-invitation Notice and in the transmittal to the Department of Commerce. Prospective suppliers will be required to state in their replies to the Pre-invitation Notices whether they qualify as small business according to that definition. In such cases no determination as to the applicability of a set-aside will be made until the replies to the Pre-invitation Notices have been reviewed to determine the extent of available competition.

### § 1001.706–3 Review, withdrawal, or modification of set-asides or set-aside proposals.

(a) and (b) No implementation.

(c) The chief of the small business office will act as arbitrator in any disagreement that may result from recommendations made by the Small Business Administration and if necessary will obtain a decision from the director of procurement and production at AFLC AMAs or comparable official at other Air Force procuring activities.

### § 1001.707–4 Responsibility for reviewing the subcontracting program.

(a) and (b) No implementation.

(c) Immediately after award of a contract containing the clause in § 1.707–3 (b) or § 1.805–3(b) of this title or both, the contracting officer will fill in the basic information on AFPI Form 1, Request for Determination of Responsibility for Contractor's Small Business Program, and send it with five copies to AFSC (SCK–4). An additional copy will be placed in the contract file. SCK–4, Hq AFSC, will determine which department has been assigned the responsibility for reviewing the contractor's small business and labor surplus area subcontracting programs according to §§ 1.707–4 and 1.805–4 of this title and will execute the 1st Indorsement on AFPI Form 1, as appropriate. If none of the departments have been assigned the responsibility, SCK–4 will send AFPI Form 1 to the Air Force Small Business Advisor (AFSPP–B), Hq USAF, who will return it to SCK–4 with a 2d Indorsement appropriately filled in.

(d) Promptly upon receipt of the name of a subcontractor who will participate in the small business and labor surplus area subcontracting program according to the clauses in §§ 1.707–3(b) and 1.805–3(b) of this title, the administrative contracting officer will fill out AFPI Form 1 and follow the procedure in paragraph (c) of this section.

(e) See § 1003.903–3(a) of this subchapter.

### § 1001.707–5 Reports on DD Form 1140–1.

The small business specialist in the CMD/CMO will arrange with contractors to have the original monthly report sent directly to the DOD as prescribed, and three copies sent directly to him. He will forward two copies to the Assistant for Small Business at the CMR who will forward one copy to the Executive for Small Business at AFSC (SCK–4). The small business specialist in the CMD/CMO will be responsible for timely action on the submission of DD Form 1140–1 on the part of plants whose defense small business subcontracting programs have been assigned to the cognizance of the Air Force.

### Subpart H—Labor Surplus Area Concerns

Revise §§ 1001.800 and 1001.803, the latter having a new second sentence inserted, as follows:

### § 1001.800 Scope of subpart.

See Subpart G, Part 1 of this title and Subpart G of this part.

### § 1001.803 Application of policy.

A copy of each PR with an estimated value of $300,000 or more will be forwarded by the director of procurement and production at AFLC AMAs, the chief, procurement and production office at AFSC divisions or the deputy for procurement at AFSC centers direct to SAF–IL (Special Assistant for Economic Utilization Policy) Room 4D–965, Pentagon, Washington, D.C., 20330, with a cover letter describing the kind of procurement action contemplated (i.e., competitive, sole source follow-on, etc.); and a statement as to whether a partial set-aside for labor surplus area concerns will be applied (§ 1.804 of this title) and if not, why not. Covering letter are not required for R&D procurements, but a copy of the PR will be marked "R&D" in large red print and forwarded to SAF–IL. If procurement action is to be taken by an activity other than the one which forwards the PR to SAF–IL, that fact should be indicated in the covering letter, and the procuring activity identified. The activity that will take the procurement action is then responsible for furnishing the foregoing information to SAF–IL. The PRs and the covering letter will be forwarded to SAF–IL at least 10 work days prior to any Source Selection Board or other action leading to source selection to permit SAF–IL sufficient time to make any labor surplus area recommendations deemed necessary.

### Subpart M—Transportation

In § 1001.1306(c) amend the shipping address to read as follows:

### § 1001.1306 Consignment and marking instructions.

* * * * * * *

(c) * * * Transportation Officer, MOAMA (MOST), Marked for: AFD 2010 FSC 6740, Contract AF 33 (6001–40919), Brookley AFB Ala 36615.

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## PART 1003—PROCUREMENT BY NEGOTIATION

### Subpart C—Determinations and Findings

1. In § 1003.301(c), the words "contract signature" are changed to "obligation" in the third sentence. This paragraph now reads as follows:

### § 1003.301 Nature of determinations and findings.

* * * * * * *

(c) Under current laws and regulations governing negotiated procurements in which a Secretarial Determinations and Findings is required, such Determinations and Findings must be executed before a Request for Proposal can be issued by the Air Force, or negotiations otherwise begun. At that early stage of a research and development program the technical aspects of the program often have not been determined sufficiently to permit final technical approval by SAF–RD. Consequently, in any case where a Determination and Findings under 10 U.S.C. 2304(a)(11) (§ 3.211 of this title) is approved with only preliminary approval as to technical validity, the procuring activity must obtain specific notification of final technical approval by SAF–RD prior to obligation. Similar technical approval must be obtained for any subsequent extension of the period of contract performance beyond that previously approved, or for any substantial change in the nature or extent of the work authorized. Where doubt exists as to extent of authorization, clarification should be sought. This approval will be furnished to the contracting officer by direction/authorization from Hq USAF, which will cite approval by SAF–RD, reference the pertinent Determinations and Findings and outline any restrictions which may be imposed on the procurement.

* * * * * * *

2. Section 1003.303 is amended by redesignating the first paragraph as (a)(1) and adding subparagraphs (2) and (3). This section now reads as follows:

### § 1003.303 Determinations and findings below the Secretarial level.

(a)(1) The authority to make determinations and findings under § 3.303 (a)(1) of this title is limited to Head of the Procuring Activity AFSC/AFLC.

(2) No implementation.

(3) All AFLC field procurement activities (including base procurement activities), AFRE, AFRFE and all procuring activities of major commands (whose procurement authority is derived from an AFLC delegation) will submit each proposed Determinations and Findings to use a Cost-Plus-Fixed-Fee contract for approval to Hq AFLC (MCP) through (MCPC).

## PART 1016—PROCUREMENT FORMS

### Subpart C—Purchase and Delivery Order Forms

Add new §§ 1016.350 and 1016.350–1 as follows:

**§ 1016.350 Auxiliary forms.**

**§ 1016.350–1 AFPI forms.**

AFPI Form 92, Expedite/Followup, Postal Card: See § 1054.3004 of this subchapter. Where it is considered necessary to obtain a vendor's acknowledgment of receipt of an Order For Supplies or Services (DD Form 1155) AFPI Form 92 may be used.

## PART 1030—APPENDIXES TO AIR FORCE PROCUREMENT INSTRUCTION

Appendix E is amended as follows:

1. In Part II:

a. Revise paragraphs E–213.50, E–214.53, E–216, and E–219.

b. In paragraph E–214 delete the text.

2. In Part III revise paragraphs E–303 and E–315.

**§ 1030.5 Appendix E—Contract Financing.**

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*Part II— Basic Policies*

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E–213.50 *Responsibilities.* (a) The Chief, Contract Division in each CMD/AFPRO, will obtain financial information from contractors doing business with the Air Force and on a company for which an FCR is being completed when adequate data is not available from published sources. OAR will obtain financial information from contractors for contracts which are being administered solely by OAR. When contractors, under AFSC administration, also have contracts administered by OAR, financial surveillance will be done by AFSC. Forward an original or a signed copy of each item of financial data to AFSC (SCKPF) as soon as received from companies or from internal Air Force sources. An additional copy will be forwarded to Hq USAF (AFSPP) on those companies receiving Government financial assistance in the form of progress payments, advance payments or guaranteed loan and companies reported under the requirements of paragraph E–216 (f), except from contractors on the approved "Prior Financial Clearance List." (See paragraph E–214.53.)

(b) Buyers, price analysts, or others will not request financial data from contractors or prospective contractors other than cost data for use in pricing contracts. Requirements for such information or analysis will be requested from the Financial Branch, Hq AFSC (SCKPF) or the cognizant CMD/AFPRO, whichever is nearer.

(c) Procurement personnel who receive financial data direct will forward it to SCKPF or the cognizant CMD/AFPRO whichever is nearer.

* * * * *

E–214.53 *Financial files.* Hq AFSC (SCKPF) will maintain complete financial files on Air Force contractors.

* * * * *

E–216 *Reporting of adverse developments; prompt decisions.* (a) The prompt reporting of adverse developments is essential for the protection of Air Force financial interest. Surveillance shall be maintained over all contractors who have been authorized progress payments, advanced payments or guaranteed loans. Such surveillance should include frequent visits to the contractor's plant, obtaining current financial statements and information concerning backlog, production problems and other pertinent facts. Production, quality control, financial, auditor and cognizant personnel will report pertinent facts to the ACO who will take whatever protective or remedial course of action is open to him. The ACO will report the situation in full to the procuring contracting officer with recommendations for additional action through normal channels by the most expeditious means. The POO will take whatever action is proper, prudent, and in the best interest of the Government.

(b) All echelons will take whatever action they can within their scope of authority and will recommend any necessary additional action by higher authority to protect the interest of the Government. The interest of the Government may be better fostered by providing additional financial assistance and the advisability of recommending additional assistance should be given due weight in the light of the existing situation. All action will be governed by the need for continued production. The cost of reprocurement, the loss of production time, and the essentiality of the procurement should be evaluated against any risks of monetary loss that may be involved in recommending additional financial assistance or continuing existing assistance.

(c) The ACO will promptly report known adverse developments through established channels to AFSC (SCKPF) with copy directly to Hq USAF (AFSPP). The report will describe the adverse development, its expected impact upon continued satisfactory production by a contractor or subcontractor, remedial or protective measures taken, and recommend a course of action.

(d) SCKPF, Hq AFSC, will explore the matter fully and take appropriate action within the limits of its authority. If the adverse development involves a contractor or subcontractor having a bank loan guaranteed by the Air Force, a progress payment or an advance payment, SCKPF will describe the adverse development fully, its expected impact upon continued satisfactory production, remedial actions taken by SCKPF and lower echelons, and recommended additional action by higher authority in an electrically transmitted message or airmail letter to Hq USAF (AFSPP).

(e) All echelons will take timely appropriate protective or remedial action when an adverse development occurs. Requests for information received by AFSC activities directly from the Secretarial level of the Air Force will be handled as expeditiously as possible. Complete coordinated responses will be forwarded, through channels, over the signature of the Chief or Deputy Chief, Pricing Division (SCKPF), Hq AFSC. In the interest of accuracy and completeness, telephonic response will not be made unless requested. If telephonic response is made, the substance of the inquiry and the reply will be reduced to writing and forwarded by the Chief or Deputy Chief (SCKPF), Hq AFSC to Hq USAF (AFSPP) for information.

(f) In addition to the above paragraph, the Chief, Contract Division in each CMD will arrange for the preparation of a report as of the end of January, April, July, and October of Air Force contractors under the jurisdiction of the CMD who have or are developing serious financial problems because of production or other difficulties. (Also see paragraph E–212). The report will be submitted by the CMD through the CMR to reach AFSC (SCKPF), by the 15th of February, May, August and November, respectively. The report (RCS: AFSC–N66) will show, with respect to each contractor reported on: (1) The nature of the contractor's financial difficulty, (2) factors involved, (3) subsequent changes, if any, in the condition, (4) significant financial changes that have taken place or can reasonably be expected to occur as a result of the difficulties experienced, and (5) constructive measures taken, contemplated, or recommended as necessary to protect the interests of the Government. The narrative report will be classified "For Official Use Only." Two copies of the list of contractors contained in the AFSC N66 report will be furnished to the small business specialist in the CMD, one of which will be forwarded by him to the assistant for small business at CMR headquarters for surveillance purposes. In addition, the small business specialist will be given access to the full AFSC N66 report within the contract administration division of the CMD.

* * * * *

E–219 *Interpretations.* Send written requests for interpretations through channels to Hq USAF (AFSPP).

*Part III—Guaranteed Loans*

E–303 *Procedure on application of a private financing institution.* (a) Authority to issue loan guarantees on behalf of the Air Force rests with the Deputy Comptroller of the Air Force.

(b) The application and supporting data for a guaranteed loan will be received from the Federal Reserve Bank by Hq USAF (AFAAC). A copy of the supporting data is received by AFSC (SCKPF).

(c) Upon receipt of the information in paragraph (b), SCKPF will notify the CMD/AFPRO. The CMD/AFPRO will analyze the contractor's balance sheet to insure that significant elements are properly represented. Special attention will be given to accounts receivable, inventories and deferred charges. The CMD/AFPRO will furnish SCKPF supporting data on a priority basis (normally within 5 working days).

* * * * *

E–315 *Procedure for certificate of eligibility.* (a) Certificates may be requested by Deputy Comptroller USAF, the Contract Financing Branch (AFAAF); the Department of the Army or Navy. Request for certificates will be directed to AFSC (SCKPF) Andrews AFB, who will immediately collect and evaluate the necessary supporting data.

(b) All procurement activities will furnish SCKPF supporting data on a priority basis (normally within 5 working days).

(c) Utilizing the information obtained under paragraph E–303(c) and (a) of this paragraph, SCKPF will evaluate the data, including a financial analysis, and submit recommendations with supporting documents to Hq USAF (AFSPP) for concurrence.

(d) Based on the information obtained under (b) of this paragraph and other pertinent analysis, AFSPP will evaluate the data received under (c) of this paragraph and furnish recommendations to the Deputy Comptroller, USAF.

(e) After authorization of a loan guarantee by the Deputy Comptroller, USAF, the cognizant procurement activity having contract administration will be advised. The contract administrative activity will insure that proper surveillance is made of the contractor or subcontractor in accordance with paragraph E–216(a). The reporting requirements of this part are exempt under paragraph 7(c)(1), AFR 174–1 (AF Reports Management System).

* * * * *



## PART 1054—CONTRACT ADMINISTRATION

### Subpart DD—Administration of Base Procurement Contracts

A new Subpart DD is added as follows:

**§ 1054.3004 Contract administration procedures.**

(a) *Purchase and Delivery Orders (DD Form 1155), requests against blanket purchase agreements and all definite quantity contracts other than construction, service orders for commercial warehousing, utility service contracts, and credit card purchases.* Following is the procedure to be followed in connection with proper administration of the documents referenced in this paragraph.

(1) Expediting: (i) Contracting officer should initiate expediting action sufficiently in advance of the scheduled delivery date to enable the contractor to make shipment within the scheduled or allotted time. Contractors within the local area may be queried as to whether or not delivery will be made on or before the scheduled date by telephone. However, AFPI Form 92, dated November 1963 should be used as a means of expediting shipment when the procurement is made outside the local area. Where past experience indicates constant compliance with Government scheduled delivery dates on part of the contractor, the contracting officer may dispense with expediting action. Contract files will be properly annotated.

(2) Review and follow-up action: (i) Files should be suspended for the day following the: (*a*) Scheduled date indicated on the DD Form 1155 (see § 1.305 of this title and § 1001.305 of this subchapter); (*b*) the scheduled delivery date indicated on the calls placed against Blanket Purchase Agreements; or (c) the specific date(s) established for delivery based upon date of receipt and acceptance of the document by the contractor, as evidenced by AFPI Form 29 or certified mail procedure.

(ii) Review and follow-up action will be completed daily on all files suspended for that day.

(iii) When a review of a contract file fails to indicate evidence of shipment (f.o.b. origin) or delivery (f.o.b. destination) by the suspense date, the receiving component will be contacted and if they verify nonreceipt of the material: (*a*) File will be identified as a delinquent file and (*b*) the contractor will be promptly notified of nonreceipt. However, in the case of certificates of conformance the contractor, rather than the receiving activity, will be contacted. An f.o.b. origin file containing a notice, indicating shipment will be made after the scheduled delivery date, will also be identified as a delinquent file. The notification may be accomplished by AFPI Form 92, Expedite/Follow-up, or orally. Reproduced form letters will not be used for this notification. A written memorandum of the oral conversation or of the mailing date of the AFPI Form 92 will be placed in the contract file. Care must be exercised to clearly indicate to the contractor that the government's oral inquiry is merely for the purpose of ascertaining the reason for nonreceipt; and (*c*) file will be resuspended for further action not more than 10 days when initial inquiry is made by telephone and not more than 10 days plus estimated transmittal time if written inquiry has been made.

(iv) On bona fide contracts (other than request against Blanket Purchase Agreements or Purchase Orders on DD Form 1155 where acceptance has not been received), if the contractor fails to make delivery or take action to cure the delinquency as a result of this initial notification and has not adequately justified such delay (for example: delinquent delivery being wholly due to contractor's fault or negligence), then the contracting officer will immediately take the action required to either: (*a*) Terminate for default when the default clause is included in the contract (see Part 8, Subpart F of this title and Part 1008, Subpart F of this subchapter); or (*b*) terminate for Breach of Contract when a default clause is not included in the contract.

(3) Action against habitual delinquent contractors: (i) Requests against Blanket Purchase Agreements: Periodic reports of delinquent requests against Blanket Purchase Agreements should be used to establish trends of possible habitual delinquents. After a trend is established from these reports, all requests (completed and delinquent) placed with the contractor over a period of no less than 2 months should be reviewed and analyzed. If this review substantiates habitual delinquency on requests against Blanket Purchase Agreements, the contractor will be: (*a*) Furnished a detailed findings of the review including number of requests placed, percentage of delinquency, average number of days delinquent, etc; (*b*) notified that deliveries against requests placed during the next 30 days will be reviewed and if delivery during that period is not improved, procurements with him through the Blanket Purchase Agreement method will be discontinued.

(ii) Purchase orders issued on DD Form 1155: Individual and complete action will be taken on each delinquent contract according to subparagraph (2) (iv) of this paragraph. In addition, periodic reports of current delinquent purchase orders should be reviewed to establish trends of possible habitual delinquents. After a trend is established from these reports, all purchase orders (completed and delinquent) placed with this contractor over a period of no less than 2 months should be reviewed and analyzed. If this review substantiates habitual delinquency: (*a*) All buyers within the procurement office will be notified that future purchase orders on the DD Form 1155 with said delinquent contractor will contain the following statement: "Payment will not be made on partial deliveries accepted by the Government under this contract. Only one payment will be made upon completion of the contract pursuant to General Provision 5 entitled 'Payments'"; (*b*) vendors written acceptance will be obtained on DD Form 1155s in view of the change in the payment provision (also see § 1016.303–51 of this subchapter); and (*c*) contractor will be notified of the detailed findings of the review and of action being taken on future procurements on DD Form 1155.

(iii) Action against habitual delinquent contractors involving other unnumbered and numbered supply contracts and delivery orders will be essentially as outlined in subdivision (ii) of this subparagraph to establish conclusive evidence of habitual delinquency and then consideration will be given to possible debarment action pursuant to § 1.604 of this title and § 1001.604 of this subchapter.

(b) *Construction and other contracts requiring performance on Government premises.* Unlike the administration of other base procurement contracts where only a minimum amount of action may be required between the date of award and the expiration of the performance period specified in the contract, effective administration of these contracts depends upon constant and continual inspection and observation of contractor's performance, the written recording of the deficiencies noted and the transmission of these deficiencies to the contractor for corrective action. By imposing on the contractor continual constructive pressure for strict compliance with the terms and conditions of the contract, especially during the early stages of performance, optimum performance will be assured.

(1) Preperformance conference or letter: The primary factor involved in assuring timely performance is the clear understanding by the contractor of his responsibilities under the contract and of the Government's rights which can be imposed in areas of noncompliance. These responsibilities are conveyed to the contractor through the media of a preperformance conference conducted prior to the commencement of work. AFPI Form 27 sets forth important factors to be discussed with contractors at the preperformance conference. AFPI Form 27 will be used as follows:

(i) Use is mandatory for contracts in excess of $2,500 ($2,000 for construction) for performance on government premises within the United States (e.g. construction, custodial services, vehicle maintenance) and as a check list prior to final payment to the contractor.

(ii) Use is optional for contracts to be performed outside the United States, for construction contracts to be performed in the United States of $2,000 or less or other contracts of $2,500 or less. It may also be used for supply contracts requiring installation of the items purchased (e.g. venetian blinds and drapes).

(iii) The form will be checked in column B after each subject has been discussed. The contractor and other persons in attendance will sign in the spaces provided. The form will be placed in the contract file for later use as a check sheet prior to final payment. A copy of the form will be given the contractor as a reminder of the contractual provisions discussed.

(iv) If for some uncontrollable reason a preperformance conference cannot be held, the contracting officer must write a letter to the contractor explaining the applicable items referred to in the AFPI

Form 27. When a preperformance letter is used in lieu of a conference, the contract file will be documented by: (a) A statement justifying the substitution and (b) the copy of preperformance letter containing the contractor's acknowledgment of receipt and his understanding of the responsibilities enumerated therein. A copy of the preperformance letter will be given to any other persons who would have reason to attend the conference had one been held (civil engineer, safety officer, security officer, etc.).

(2) Construction Contract Progress Schedules: Special Provision 1-06, "Progress Charts, Sundays, Holidays and Nights," of the contract requires construction contractors to prepare and submit to the contracting officer for approval a practical and feasible progress schedule showing the order in which the contractor proposes to carry out work required by the contract. For all construction contracts over $10,000 this schedule, on AFPI Form 78, "Construction Contract Progress Schedule," is required to be submitted to the contracting officer within 5 days after commencement of work or within such time as established by the contracting officer (AFPI Form 78 is optional for use in connection with construction contracts in the $2,000–$10,000 price category awarded on Standard Form 19).

(i) Instructions to the contractor for preparation of AFPI Form 78 are contained on the reverse side. The submission of the brief written report referred to in Paragraph 11 of the instructions may satisfy the requirements for weekly submission of progress information required by SP 1-01.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70 Stat. 127–133; 10 U.S.C. 2301–2314)

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314) [AFPI Rev. No. 46, July 31, 1964; AFPC Nos. 39, July 31, 1964; 40, Aug. 5, 1964; 41, Aug. 7, 1964]

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lt. Colonel, U.S. Air Force,*
*Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64-11372; Filed, Nov. 6, 1964; 8:45 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

### PART 0—COMMISSION ORGANIZATION

#### Radio Operator Examination Points

In the matter of amendment of § 0.445 (c) of the Commission's rules with regard to radio operator examination points.

*Order.* The Commission having under consideration a modification of its commercial and amateur radio operator license examination points; and

It appearing, that Lubbock, Texas is better situated than Amarillo, Texas as an examination point to serve the west central portion of that state; and

It further appearing, that the increased demand for examinations at El Paso, Texas and the remoteness of that city from other examination points warrant the conducting of examinations semi-annually instead of annually at El Paso; and

It further appearing, that said changes in examination points and the frequency of examinations would be in the public interest; and

It further appearing, that the amendment herein ordered is procedural in nature and not substantive and therefore compliance with public rulemaking procedures required by sections 4(a) and (b) of the Administrative Procedure Act is not required.

*It is ordered,* This 28th day of October 1964, pursuant to authority of § 0.261 of the Commission's rules and to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and pursuant to section 3(a) of the Administrative Procedure Act, that § 0.445(c) of the Commission's rules be amended as set forth below, effective November 12, 1964.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

Section 0.445(c) of the Commission's rules is amended by (1) deleting Amarillo, Texas as an annual examination point; (2) adding Lubbock, Texas as a semi-annual examination point; and (3) changing El Paso, Texas from an annual to a semi-annual examination point.

[F.R. Doc. 64-11405; Filed, Nov. 6, 1964; 8:47 a.m.]

### PART 97—AMATEUR RADIO SERVICE

#### Radio Operator Examination Points

In the Matter of amendment of Appendix 1, Part 97, regarding radio operator examination points.

*Order.* The Commission having under consideration a modification of its amateur radio operator license examination points; and

It appearing, that Lubbock, Texas is better situated than Amarillo, Texas as an examination point to serve the west central portion of that state; and

It further appearing, that the increased demand for examinations at El Paso, Texas and the remoteness of that city from other examination points warrant the conducting of examinations semi-annually instead of annually at El Paso; and

It further appearing, that said changes in examination points and the frequency of examinations would be in the public interest; and

It further appearing, that the amendment herein ordered is procedural in nature and not substantive and therefore compliance with public rulemaking procedures required by sections 4(a) and (b) of the Administrative Procedure Act is not required.

*It is ordered,* This 28th day of October 1964, pursuant to authority of § 0.261 of the Commission's rules, and to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and pursuant to section 3(a) of the Administrative Procedure Act, that Appendix 1 of Part 97 of the Commission's rules be amended as set forth below, effective November 12, 1964.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

Appendix 1, Part 97 of the Commission's rules is amended by (1) deleting Amarillo, Texas as an annual examination point; (2) adding Lubbock, Texas as a semi-annual examination point; and (3) changing El Paso, Texas from an annual to a semi-annual examination point.

[F.R. Doc. 64-11406; Filed, Nov. 6, 1964; 8:47 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

### PART 202—ANCHORAGE REGULATIONS

### PART 203—BRIDGE REGULATIONS

#### Key West, Fla., and Cooper River, N.J.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.189 is hereby prescribed to govern the use and navigation of an explosives anchorage area in Man-O-War Harbor, Key West, Fla., effective 30 days after publication in the FEDERAL REGISTER, as follows:

**§ 202.189 Man-O-War Harbor, Key West, Fla.; naval explosives anchorage area.**

(a) *The anchorage ground.* A circular area with its center at latitude 24°-34'29.7'', longitude 81°48'16.5'' with a radius of 175 yards. The area is for use during periods of foul weather.

(b) *The regulations.* (1) When occupied by a vessel handling explosives, no other vessel may enter the area unless authorized by the enforcing agency.

(2) Only one vessel handling explosives may anchor in the area at one time.

(3) No more than 200,000 pounds net of high explosives or equivalent may be handled in the area at any one time.

(4) The regulations in this section shall be enforced by the Commander, Naval Base, Key West, Florida, and any other agencies he may designate.

[Regs. Oct. 22, 1964, 1507-32 (Key West, Fla.)—ENGCW-ON] (Sec. 7, 38 Stat. 1053; 33 U.S.C. 471)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.225 governing the operation of bridges across navigable waters in the State of New Jersey where constant attendance of draw tenders is not required is hereby amended prescribing a new paragraph (f) (17-a) to govern the operation of the Pennsylvania Railroad Co. bridge, Federal Street and Admiral Wilson Boulevard bridges across Cooper River at Camden, N.J., effective 30 days after publication in the FEDERAL REGISTER, as follows:

**§ 203.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.**

* * * * *

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows: * * *

(17-a) Cooper River; Pennsylvania Railroad Company bridge at North River Avenue, Camden County highway bridge at Federal Street and New Jersey State Highway Department bridge at Admiral Wilson Boulevard, Camden. At least four hours' advance notice required.

* * * * *

[Regs., Oct. 22, 1964, 1507-32 (Cooper River, N.J.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 64-11373; Filed, Nov. 6, 1964; 8:45 a.m.]

# Proposed Rule Making

## INTERSTATE COMMERCE COMMISSION

**[ 49 CFR Part 170 ]**

[Ex Parte No. MC–7; 95 M.C.C. 305]

### REDEFINITION OF WASHINGTON, D.C., COMMERCIAL ZONE

**Extension of Time for Filing Comments**

OCTOBER 29, 1964.

Redefinition of the Washington, D.C., commercial zone heretofore defined in Ex Parte No. MC–7; Washington, D.C., commercial zone, 95 M.C.C. 305.

At the request of interested persons, the time for filing written statements of data, views, and argument in favor of, or against, the above proposed revision of the limits of the Washington, D.C., commercial zone is extended to November 9, 1964. The presently assigned date is November 2, 1964 (29 F.R. 14413). An original and 5 copies of such statements should be filed with the Commission at its office at Washington, D.C.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–11377; Filed, Nov. 6, 1964; 8:45 a.m.]

## DEPARTMENT OF THE INTERIOR

**National Park Service**

**[ 36 CFR Part 2 ]**

### COULEE DAM NATIONAL RECREATION AREA

**Proposed Camping Restriction**

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend 36 CFR 2.3(a) as is set forth below. The purposes of this amendment are to restrict all camping in the Coulee Dam National Recreation Area to designated camp areas and to insure maximum protection to natural, historic, and scientific values.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, National Park Service, Washington, D.C., 20240, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Section 2.3(a) is amended to change the present text. As so amended § 2.3 (a) reads as follows:

**§ 2.3 Camping.**

**(a) Camping, other than from vessels, is permitted only within established campgrounds, unless written authorization is obtained from the Superintendent in connection with trips to isolated sections of the area: *Except*, That all camping is restricted to established campgrounds in Shadow Mountain and Coulee Dam National Recreation Areas. Campers must use specific campsites when such are delineated within an established campground.**

* * * * *

STEWART L. UDALL, *Secretary of the Interior.*

NOVEMBER 3, 1964.

[F.R. Doc. 64–11374; Filed, Nov. 6, 1964; 8:45 a.m.]

## DEPARTMENT OF AGRICULTURE

**Agricultural Marketing Service**

**[ 7 CFR Part 1044 ]**

[Docket No. AO 293–A7]

### MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

**Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Michigan Upper Peninsula marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the seventh day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

*Preliminary statement.* The hearing on the record of which the proposed amendments as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Escanaba, Mich., August 20, 1964, pursuant to notice thereof which was issued July 22, 1964 (29 F.R. 10399).

The material issue on the record of the hearing related to incorporating a separate Class I price provision in the order.

*Findings and conclusions.* The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The Class I price provision of the Michigan Upper Peninsula order should be revised but the Class I price level should not be changed. To accomplish this, the Class I price provision of the order should provide a Class I price determined by a stated Class I differential added to a basic formula price, subject to adjustments based on the same supply-demand adjustment factor contained in the Northeastern Wisconsin order and presently effective under this order. This would replace the direct tie to the Northeastern Wisconsin order Class I price but would maintain the same price level.

The monthly average price received by farmers for manufacturing grade milk in Minnesota and Wisconsin as published by the Department on about the fifth day following the month (adjusted to a 3.5 percent butterfat basis) should be the basic formula price from which the Class I milk price is computed in this order. This is the same basic formula price as that used in the Northeastern Wisconsin order Class I price computation to which the Class I price of the Michigan Upper Peninsula order is now linked and is the price series presently used to determine the Class II price of the Michigan Upper Peninsula order.

A method for adjusting the price to a 3.5 percent butterfat basis must be adopted for the order because the Class I price is announced on this basis. For this purpose a generally recognized butterfat value, 0.120 times the average wholesale price for 92-score butter at Chicago, should be used. This method of adjustment is employed under the Northeastern Wisconsin order to adjust the basic formula price and is used under this order to adjust the Class II price to a 3.5 percent butterfat basis.

The Class I price under this order now is the Northeastern Wisconsin order Class I price, adjusted by the supply-demand adjustment of that order, plus a differential of 11 cents for plants in Zone 1 and 41 cents for plants in Zone 2.

A producer association, representing a majority of producers in the market, proposed that the order be amended to provide an independent formula for computing the Class I price. It was supported in its request by two other producer associations. There was no opposition to the proposal.

A separate Class I price provision should be adopted in the order. This will more effectively accommodate its operation on an independent basis. The pricing formula proposed herein will provide such independent pricing but will





maintain the present price level by incorporating the same basic formula and supply-demand adjustment now under the Northeastern Wisconsin order. The stated differential is comprised of the Class I differential under the Northeastern Wisconsin order plus the increments by which the present Michigan Upper Peninsula order Class I prices in the three zones are above the Northeastern Wisconsin price.

The Class II price provision of the order should be revised to refer to the basic formula price as the Class II price in each month. This is a conforming editorial change and does not change the Class II price level.

At the hearing a producer association representative proposed that the Class I price in Zone 1(a) be increased 10 cents to the level of the Zone 1 price. As justification for such action, it was pointed out that premiums above the order minimum price are paid in this area by the association. The witness indicated, however, that any general Class I price increase in this market should not be made because it could disrupt price alignment with the Northeastern Wisconsin order.

There is no basis for increasing the Zone 1(a) Class I price under the requirements of the Agricultural Marketing Agreement Act of 1937, the statutory authority under which milk marketing orders are issued. This Act requires that prices be established at a level that will tend to obtain an adequate supply of milk to meet the fluid needs of the market, plus a necessary reserve for fluctuations in demand.

At this time an adequate supply of milk is available in Zone 1(a) to meet fluid needs at the present price for that zone. In the first seven months of 1964, 67 percent of producer receipts at plants in Zone 1(a) was used for Class I sales compared to 74 percent in the same period a year earlier. For the year of 1963, 72 percent of producer receipts in this zone was used for fluid purposes; down two percent from 1962. The reserve supply of milk is adequate to meet the current and prospective fluid needs of the market in Zone 1(a) as indicated by the above percentages of producer receipts used in Class I. Moreover, the proportion of milk in the zone available for Class I uses has continued to increase at a steady rate since 1962.

A suggestion was made at the hearing that the supply-demand adjustment to the Class I price be made inoperative during the July–August vacation period of high Class I sales. However, it was requested that no action be taken on the request unless at the same time such action could be taken in the Northeastern Wisconsin order.

The Northeastern Wisconsin order cannot be amended on the basis of this record. Furthermore, it is inappropriate to consider increasing the Michigan Upper Peninsula order Class I price seasonally by eliminating the effect of the supply-demand adjustor. In July, the relationship of Class I sales to producer receipts is normally about the same as the yearly average and the Class I differential is equal to the annual average differential. While August normally is the month of highest Class I sales in relation to producer receipts the present August Class I price differential is 20 cents more than July to recognize this seasonal difference in supply and sales. Hence, there is no evidence to justify increasing the Class I price in July and August.

*Rulings on proposed findings and conclusions.* A brief and proposed findings and conclusions were filed by an interested party. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order amending the order.* The following order amending the order as amended regulating the handling of milk in the Michigan Upper Peninsula marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

**§ 1044.22 [Amended]**

1. In § 1044.22(l)(1), the reference "§ 1044.50" is revised to read "§ 1044.51".

2. Section 1044.50 is revised to read as follows:

**§ 1044.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis at the rate of the butter price times 0.120 and rounded to the nearest cent.

3. Section 1044.51 is revised to read as follows:

**§ 1044.51 Class prices.**

Subject to the provisions of § 1044.52, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $0.65 in Zone 1(a), $0.75 in Zone 1 and $0.95 in Zone 2 March through June; plus $1.05 in Zone 1(a), $1.15 in Zone 1 and $1.35 in Zone 2 August through November; and plus $0.85 in Zone 1(a), $0.95 in Zone 1 and $1.15 in Zone 2 in all other months, plus or minus a supply-demand adjustment of not more than 24 cents. For plants located outside of the marketing area and west of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 1 and for plants located outside the marketing area and east of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 2. The supply-demand adjustment shall be computed as follows:

(1) Calculate a "current utilization percentage" for each month by dividing the total pounds of Class I milk (excluding interhandler transfers) disposed of from fluid milk plants under the terms of this order and pool plants under the order regulating the handling of milk in the Northeastern Wisconsin marketing area (Part 1045 of this chapter) for the second and third preceding months into the total hundredweight of producer milk received at such plants during the same months, multiply by 100 and round to the nearest whole number;

(2) Calculate a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below, nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage;" and

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage."

| Month for which price applies | Month for which utilization is computed | Standard utilization range | |
|---|---|---|---|
| | | Minimum | Maximum |
| January | October–November | 123 | 128 |
| February | November–December | 128 | 133 |
| March | December–January | 130 | 135 |
| April | January–February | 136 | 139 |
| May | February–March | 138 | 140 |
| June | March–April | 140 | 145 |
| July | April–May | 145 | 150 |
| August | May–June | 150 | 155 |
| September | June–July | 145 | 150 |
| October | July–August | 130 | 135 |
| November | August–September | 126 | 128 |
| December | September–October | 123 | 128 |

(3) For a minus or a plus net deviation percentage the Class I price shall be increased or decreased, respectively, by two cents for each percentage unit of net deviation: *Provided*, That for each month, the supply-demand adjustment shall differ by not more than four cents from that calculated for the preceding month.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

**§ 1044.63 [Amended]**

4. In § 1044.63, the reference "§ 1044.50" is revised to read "§ 1044.51".

Signed at Washington, D.C., on November 3, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator,*
*Regulatory Programs.*

[F.R. Doc. 64-11430; Filed, Nov. 6, 1964; 8:49 a.m.]

## [ 7 CFR Parts 1063, 1070, 1078, 1079 ]

[Dockets Nos. AO 105-A17, AO 229-A9, AO 272-A4, AO 295-A5]

## MILK IN QUAD CITIES-DUBUQUE, CEDAR RAPIDS-IOWA CITY, NORTH CENTRAL IOWA AND DES MOINES MARKETING AREAS

### Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cedar Rapids, Iowa, on July 29, 1964, pursuant to notice thereof issued July 14, 1964 (29 F.R. 9671).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on October 9, 1964 (29 F.R. 14121; F.R. Doc. 64-10453) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue on the record of the hearing related to maintaining the present Class I price level.

*Findings and conclusions.* The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The Class I price provisions of the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa and Des Moines orders should be revised but the Class I price levels should not be changed. To accomplish this, the Class I price provisions of each of the orders should provide a Class I price determined by a stated Class I differential added to a basic formula price, subject to adjustments based on the supply-demand adjustment factor effective under the Chicago order. This would replace the present direct tie to the Chicago order Class I price but would maintain the same price levels.

The monthly average price received by farmers for manufacturing grade milk in Minnesota and Wisconsin as published by the Department on about the fifth day following the month (adjusted to a 3.5 percent butterfat basis) should be the basic formula price from which the Class I milk prices are computed in the four Iowa orders. This is the same basic formula price as that used in the Chicago order Class I price computation to which the Class I prices of the Iowa markets are now linked.

Official notice is taken of the description of the Minnesota-Wisconsin price series for manufacturing grade milk contained in a decision to amend the Chicago order issued by the Assistant Secretary, August 4, 1961 (26 F.R. 7134). This series reflects price information in each of the two states weighted by the proportion of manufacturing grade milk in each state. It is based on a large sample of plants located in a large area of predominantly manufacturing grade milk production. Approximately 50 percent of the total manufacturing grade milk sold off farms in the United States is produced in these two states. In Minnesota about 75 percent and in Wisconsin about 65 percent of the milk sold off farms is manufacturing grade milk. This price series is determined by competitive conditions which are affected by demand in all the major areas of manufactured dairy products. Consequently, no company or group of companies can influence significantly the level of such prices.

The manufacturing grade milk price for the two-state area is reported by the Department at the average butterfat test of the milk received. A method for adjusting the price to a 3.5 percent butterfat basis must be adopted for the orders because the Class I prices are announced on this basis. For this purpose a generally recognized butterfat value, 0.12 times the average wholesale price for 92-score butter at Chicago, should be used. This method of adjustment is employed under the Chicago order to adjust the basic formula price and is commonly used under most of the other Federal milk orders for this purpose.

The Class I prices under these orders now are the Chicago order Class I price, adjusted by the supply-demand adjustment under that order, plus a differential of 15 cents in the Cedar Rapids-Iowa City and North Central Iowa orders, 20 cents in the Quad Cities-Dubuque order and 35 cents in the Des Moines order.

Handlers proposed that each of the four orders be amended to provide independent formulas for computing Class I prices in view of possible action on the Chicago order which, under present provisions, would automatically change Class I prices in these orders. A recommended decision on proposed amendments to the Chicago milk order issued May 26, 1964, would increase that order's stated Class I price by 10 cents.

Handlers unanimously proposed that the present Class I price levels in the four orders be maintained. Producer associations testified that the effect of any upward revision of the Chicago price should be reflected in the Class I prices of the four Iowa orders in order to increase the blend prices to producers.

There is no basis for increasing the Class I prices of the four Iowa orders under the requirements of the Agricultural Marketing Agreement Act of 1937, the statutory authority under which milk marketing orders are issued. This Act requires that prices be established at a level that will tend to obtain an adequate supply of milk to meet the fluid needs of the market plus a necessary reserve for fluctuations in demand. There is no indication that the supplies in the four markets are inadequate or tending to become inadequate. Handler representatives testified that they had no difficulty recently in obtaining an adequate supply of milk to meet the fluid needs of the markets. Cooperative association representatives conceded that adequate supplies of milk were available to each of the four markets.

In 1963, 65 percent of producer receipts was used in Class I in the Quad Cities-Dubuque market compared to 66 percent in 1962. In the first six months of 1964 Class I utilization at 65 percent was up six percent from the same period a year earlier. In the Cedar Rapids-Iowa City market, 59 percent of producer milk was used in Class I during 1962 and 62 percent in 1963. In the first six months of 1964 Class I utilization was 56 percent, down one percent from the same period in 1963. Of producer receipts in the North Central Iowa order, 82 percent was used in Class I in 1962 compared to 87 percent in 1963. In the first half of 1964, 90 percent of producer receipts was in fluid uses, an increase of seven percent from the same period a year earlier. In the Des Moines market, Class I uses represented 76 percent of producer receipts in 1962, 75 percent in 1963 and 69 percent in the first half of 1964. The 69 percent is a decrease of four percent from the corresponding period a year earlier.

While recently Class I utilization of producer milk in two of these Iowa markets has increased, in the other two markets it dropped below the percentage used in Class I in the corresponding period last year. Because of the general availability of reserve supplies in the area to all markets, the adequacy of supplies for these markets must be considered on an overall four-market basis. There was no suggestion that the Class I prices in these four markets be considered on an individual basis.

The reserve supply of milk for the four markets is adequate to meet the current and prospective fluid needs of the markets as indicated by the percentages of total receipts from producers used in Class I. In 1963, 73 percent of producer milk receipts in these four markets was used in Class I, only one percent higher than the 72 percent so utilized in 1962. During the first six months of 1964, 70 percent of producer milk in these Iowa markets was used for Class I purposes compared with 69 percent in Class I uses in the corresponding period a year earlier.

Incorporation of separate pricing provisions in these orders under consideration should be made effective as soon as possible. Regardless of whatever action may be taken on the Chicago order, separate Class I price provisions should be adopted in the Iowa markets. This will more effectively accommodate the operation of each order on an independent basis. The pricing formulas proposed herein will provide such independent pricing but will maintain present price levels by incorporating the effect of the supply-demand adjustment under the Chicago order.

The fluid differentials specified in each order are:

| Order | August-November | March-June | Other months |
|---|---|---|---|
| Quad Cities-Dubuque | $1.30 | $0.90 | $1.10 |
| Cedar Rapids-Iowa City | 1.25 | .85 | 1.05 |
| North Central Iowa | 1.25 | .85 | 1.05 |
| Des Moines | 1.45 | 1.05 | 1.25 |

Conforming changes are made in provisions of each of the orders which refer to the pricing provisions in order to relate them to the revised pricing provisions. In the Quad Cities-Dubuque order, § 1063.52(a) is rewritten to correct an inadvertent omission by the order amendments issued July 22, 1964 (29 F.R. 10901), which became effective August 1, 1964.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Specified Marketing Area", and "Order Amending the Orders Regulating the Handling of Milk in Certain Specified Marketing Areas", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered*, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the orders as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of August 1964 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the specified marketing areas, are approved or favored by producers, as defined under the terms of each of the orders, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within each of the respective marketing areas.

*Referendum order and designation of referendum agent.* It is hereby directed that a referendum be conducted to determine whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Cedar Rapids-Iowa City marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

E. H. McGuire is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval for milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on November 3, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

### ORDER[1] AMENDING THE ORDERS REGULATING THE HANDLING OF MILK IN CERTAIN SPECIFIED MARKETING AREAS

**§ ____.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the orders herein specified and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the orders herein specified.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the marketing areas herein specified. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds,

[1] This order shall not become effective unless and until the requirements of § 900.14 of this title of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the orders as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

ORDERS RELATIVE TO HANDLING

*It is therefore ordered*, That on and after the effective date hereof, the handling of milk in the marketing areas herein specified shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended and as hereby amended, as follows:

## PART 1063—MILK IN THE QUAD CITIES-DUBUQUE MARKETING AREA

1. In § 1063.22(j)(1) the reference "§ 1063.50(a)" is revised to read "§ 1063.50(b)" and the reference "§ 1063.50(b)" is revised to read "§ 1063.50(c)".

2. In § 1063.50, paragraph (b) is redesignated paragraph (c) and the introductory text and the present paragraph (a) are revised to read as follows:

**§ 1063.50 Basic formula and class prices.**

Subject to the provisions of §§ 1063.51 and 1063.52 the basic formula and class prices per hundredweight for the month shall be as follows:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula price shall be rounded to the nearest cent.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.30 August through November, $0.90 March through June and $1.10 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio.

* * * * *

3. Section 1063.52(a) is revised to read as follows:

**§ 1063.52 Location differentials to handlers.**

(a) For milk received from producers at a pool plant and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1063.52(b) shall be reduced as follows:

(1) At a plant in Dubuque and Jackson Counties, Iowa, and East Dubuque, Illinois, by 10 cents; and

(2) At a plant located outside the marketing area and 70 miles or more from the City Hall, Rock Island, Illinois, by the shortest hard-surfaced highway distance as determined by the market administrator, at the rate set forth in the following schedule:

| Distance from the Rock Island City Hall (miles): | *Rate per hundredweight (cents)* |
|---|---|
| 70 but less than 80 | 10.0 |
| For each additional 10 miles or fraction thereof an additional | 1.5 |

* * * * *

## PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

1. In § 1070.22(j)(1) the reference "1070.50(a)" is revised to read "§ 1070.50(b)" and the reference "1070.50(b)" is revised to read "§ 1070.50(c)".

2. In § 1070.50, paragraph (b) is redesignated paragraph (c) and the introductory text and the present paragraph (a) are revised to read as follows:

**§ 1070.50 Basic formula and class prices.**

Subject to the provisions of §§ 1070.51 and 1070.52 the basic formula and class prices per hundredweight for the month shall be as follows:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula price shall be rounded to the nearest cent.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.25 August through November, $0.85 March through June and $1.05 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio.

* * * * *

3. In § 1070.52(a) the reference to "§ 1070.50(a)" is revised to read "§ 1070.50(b)".

## PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

1. In § 1078.22(j)(1) the reference "1078.50(a)" is revised to read "1078.50(b)" and the reference "1078.50(b)" is revised to read "1078.50(c)".

2. In § 1078.50, paragraph (b) is redesignated paragraph (c) and the introductory text and the present paragraph (a) are revised to read as follows:

**§ 1078.50 Basic formula and class prices.**

Subject to the provisions of §§ 1078.51 and 1078.52 the basic formula and class prices per hundredweight for the month shall be as follows:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula price shall be rounded to the nearest cent.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.25 August through November, $0.85 March through June and $1.05 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further*, That for milk received from producers at a pool plant north of the base zone the price otherwise applicable pursuant to this paragraph shall be reduced five cents.

* * * * *

3. In § 1078.52 the reference to "§ 1078.50(a)" is revised to read "§ 1078.50(b)".

## PART 1079—MILK IN DES MOINES MARKETING AREA

1. In § 1079.27(j)(1) the reference "§ 1079.50(a)" is revised to read "§ 1079.50(b)" and the reference "§ 1079.50(b)" is revised to read "§ 1079.50(c)".

2. In § 1079.50, paragraph (b) is redesignated paragraph (c) and the introductory text and the present paragraph (a) are revised to read as follows:

**§ 1079.50 Basic formula and class prices.**

Subject to the provisions of §§ 1079.51 and 1079.52 the basic formula and class price per hundredweight for the month shall be as follows:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula price shall be rounded to the nearest cent.



(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.45 August through November, $1.05 March through June and $1.25 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 10 cents because of such adjusted supply-demand ratio: *And provided further*, That for milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

* * * * *

3. In § 1079.52(a) the reference to "§ 1079.50" is revised to read "§ 1079.50(b)".

[F.R. Doc. 64-11156; Filed, Nov. 6, 1964; 8:45 a.m.]

## [ 9 CFR Part 201 ]

## PACKERS AND STOCKYARDS

### Prompt Reimbursement

Notice is hereby given that, pursuant to the authority contained in section 407(a) of the Packers and Stockyards Act (7 U.S.C. 228(a)), the Agricultural Marketing Service proposes to amend § 201.43 (9 CFR 201.43) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), to require packers, market agencies and dealers who purchase livestock through agents, to promptly reimburse such agents for payments made by them of their own funds for livestock purchased on an agency basis.

*Statement of considerations.* Effective March 15, 1964, § 201.43 of the regulations under the Packers and Stockyards Act was amended by the addition of a new paragraph (b) which requires each packer, market agency, or dealer who purchases livestock, to transmit or deliver to the seller the full amount of the purchase price before the close of the next business day following the purchase of the livestock and the determination of the purchase price, unless otherwise expressly agreed between the parties. This regulation is applicable to all livestock purchase and sale transactions in commerce, which includes transactions in commerce in the country and at auction markets and terminal stockyards subject to the Act, and is designed to insure the right of the seller to receive prompt and full payment for his livestock. Paragraph (b) of § 201.43 does not, however, apply to transactions between persons subject to the Act and agents who purchase livestock for such persons. In the livestock industry it is common for those agents to make themselves a party to a purchase transaction and to use their own funds to pay for livestock purchased for and on behalf of other persons. In some cases the persons for whom livestock has been purchased have failed to reimburse the agents who handled the transactions and paid for the livestock, and in many other cases such persons have been deliberately slow in reimbursing such agents in order to obtain involuntary extensions of credit.

The Agricultural Marketing Service considers it to be an unfair and deceptive practice for any person subject to the Packers and Stockyards Act to fail to reimburse, promptly and without undue or unreasonable delay, any agent who uses his own funds to pay for livestock purchased for and on behalf of such person, and is considering the issuance of a regulation covering this practice. The proposed regulation set forth below covers all transactions in commerce involving the purchase of livestock by packers, market agencies, or dealers through agents. It requires that the person who places an order for livestock shall, if the Agent uses his own funds to pay for livestock purchased to fill such order, reimburse such agent by the close of the next business day following receipt of notification of the payment of the purchase price, unless otherwise expressly agreed between the parties before the purchase of the livestock. The next business day referred to in the proposed regulation, as in the case of paragraph (b) of § 201.43, is the next regular business day for the business community and does not include Sundays or legal holidays. The next business day includes Saturday if the person subject to the regulation normally conducts business on Saturday. It should be noted that the "next business day" in the proposed regulation is the next business day after notice has been received by the person who orders livestock as to the amount of the payment made by the agent, and is not, as in the case of paragraph (b) of § 201.43, the next business day after the purchase of the livestock and the determination of the amount of the purchase price. The term "transmit or deliver", as in the case of paragraph (b) of § 201.43, includes the actual delivery or the mailing of checks, drafts payable on demand, money orders, or cash.

It is proposed that § 201.43 of the regulations under the Packers and Stockyards Act be amended by adding a new paragraph "c" reading as follows:

**§ 201.43 Payment and accounting for livestock and live poultry.**

* * * * *

(c) *Purchasers to promptly reimburse agents.* Each packer, market agency, or dealer who utilizes or employs an agent to purchase livestock for him, shall, in transactions where such agent uses his own funds to pay for livestock purchased on order, transmit or deliver to such agent the full amount of the purchase price before the close of the next business day following receipt of notification of the payment of such purchase price, unless otherwise expressly agreed between the parties before the purchase of the livestock. Any such agreement shall be disclosed in the records of the principal.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, Office of the Secretary, U.S. Department of Agriculture, Washington, D.C., 20250, or before December 15, 1964.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 3d day day of November 1964.

CLARENCE H. GIRARD,
*Deputy Administrator,*
*Regulatory Programs.*

[F.R. Doc. 64-11429; Filed, Nov. 6, 1964; 8:49 a.m.]

## Agricultural Research Service

## [ 7 CFR Part 301 ]

## EUROPEAN CHAFER

### Notice of Public Hearing on Extending Quarantine to States of New Jersey and Pennsylvania

The Administrator of the Agricultural Research Service has information that the European chafer (Amphimallon majalis (Razoumowsky)), a dangerous insect which previously has been found to exist in certain parts of the States of Connecticut, New York, and West Virginia, has been discovered in certain parts of the States of New Jersey and Pennsylvania.

Notice is hereby given that it is proposed under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), to quarantine the States of New Jersey and Pennsylvania and to regulate, under the European chafer quarantine and supplemental regulations (7 CFR 301.77, 301.77-1 et seq.), the interstate movement from these States, or areas therein where the European chafer has been discovered or other basis for regulation exists, into or through any other State, Territory, or District of the United States of (1) forest, field, nursery, and greenhouse-grown woody or herbaceous plants with roots; (2) soil, compost, manure, muck, clay, sand, and gravel, whether independent of or associated with nursery stock, other plants, plant products, or other products or articles, except that processed sand and gravel are not included as regulated articles; (3) grass sod; plant crowns and roots for propagation; true bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured; (4) used harvesting machinery and used construction and maintenance equipment; and (5) any other products and articles, or means of conveyance, of any character whatsoever, not heretofore listed, when it is determined by an inspector that they present a hazard of the spread of European chafer, and the person in possession thereof has been so notified. It is further proposed to delete the State of West Virginia from those States designated as quarantined in the said European chafer quarantine. The latter action is proposed for the reason that surveys have failed to disclose any European chafers in West Virginia for

the last three years. There has been no West Virginia area regulated under this quarantine since February 16, 1963.

A public hearing to consider the above proposals will be held before a representative of the Agricultural Research Service in the Crystal Room of the Henry Hudson Hotel, 353 West 57th Street, New York, N.Y., at 10 a.m., e.s.t., on December 16, 1964, at which hearing any interested person may appear and be heard, either in person or by attorney, on the proposals. Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md., 20781, on or before December 16, 1964, or with the presiding officer at the hearing. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Further, notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that if it is determined, after hearing, that the States of New Jersey and Pennsylvania should be quarantined as proposed, the Agricultural Research Service is considering amending the European chafer quarantine and administrative instructions thereunder (7 CFR 301.77, 301.77–2a) to add these two States to the States designated as quarantined and to specify regulated areas in these States for purposes of the regulations.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 19 F.R. 74, as amended)

Done at Washington, D.C., this 4th day of November 1964.

[SEAL] B. T. SHAW,
*Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 64–11433; Filed, Nov. 6, 1964; 8:49 a.m.]

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## [ 7 CFR Part 301 ]

## GYPSY MOTH AND BROWN-TAIL MOTH

### Notice of Public Hearing on Extending Quarantine to States of New Jersey and Pennsylvania

The Administrator of the Agricultural Research Service has information that the gypsy moth, Porthetria dispar L., a dangerous insect which previously has been found to exist in certain parts of the States of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, has been discovered in certain parts of the States of New Jersey and Pennsylvania.

Notice is hereby given that it is proposed under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), to quarantine the States of New Jersey and Pennsylvania and to regulate under the gypsy moth and brown-tail moth quarantine and supplemental regulations (7 CFR 301.45, 301.45–1 et seq.), the interstate movement from these States, or areas therein where the gypsy moth has been discovered or other basis for regulation exists, into or through any other State, Territory, or District of the United States of (1) timber and timber products; (2) plants having persistent woody stems (including deciduous trees and shrubs and Christmas trees), and parts thereof; (3) stone and quarry products; and (4) any aircraft, trucks, wagons, railway cars, boats, and other means of conveyance, and containers and products and articles of any character whatsoever, which by reason of infestation or exposure constitute a hazard of spreading the gypsy moth as determined in accordance with the regulations (7 CFR 301.45–1 et seq.).

Notice is hereby also given that it is proposed under the aforesaid authority to consider the advisability of either issuing the provisions of 7 CFR 301.45 and 301.45–1 et seq., relating to the brown-tail moth as a separate quarantine and separate regulations or revoking such provisions of the present quarantine and regulations on the basis that the brown-tail moth should no longer be considered a dangerous plant pest or insect infestation which will adversely affect the economy of the United States.

A public hearing to consider the above proposals will be held before a representative of the Agricultural Research Service in the Crystal Room of the Henry Hudson Hotel, 353 West 57th Street, New York, N.Y., at 2 p.m., e.s.t., on December 16, 1964, at which hearing any interested person may appear and be heard, either in person or by attorney, on the proposals. Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md., 20781, on or before December 16, 1964, or with the presiding officer at the hearing. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(a)).

Further, notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that if it is determined, after hearing, that the States of New Jersey and Pennsylvania should be quarantined as proposed, the Agricultural Research Service is considering amending the Gypsy Moth and Brown-tail Moth Quarantine and administrative instructions thereunder (7 CFR 301.45, 301.45–2a) to add these two States to the States designated as quarantined and to specify regulated areas in these States for purposes of the regulations. Likewise, notice is also given under said section that if it is determined, after hearing, that the provisions of 7 CFR 301.45 and 301.45–1 et seq., relating to the brown-tail moth should be issued as a separate document, or, as an alternative, that such provisions should be revoked, the Agricultural Research Service is considering taking such action.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 19 F.R. 74, as amended)

Done at Washington, D.C., this 4th day of November 1964.

[SEAL] B. T. SHAW,
*Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 64–11434; Filed, Nov. 6, 1964; 8:49 a.m.]

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# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64–CE–71]

## CONTROL ZONE AND TRANSITION AREA

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to designate controlled airspace at Imperial, Nebr.

Having completed a comprehensive review of airspace requirements at Imperial, Nebr., including studies attendant to the implementation of the provisions of Amendments 60–21 and 60–29 of Part 60 of the Civil Air Regulations, established a control zone and transition area at Imperial, Nebr.

The proposed Imperial, Nebr., control zone would be designated as that airspace within a 5-mile radius of Imperial Municipal Airport, Imperial, Nebr. (latitude 40°30'38" N., longitude 101°37'25" W.) and within 2 miles each side of the 137° bearing from Imperial Municipal Airport, extending from the 5-mile radius zone to 8 miles SE of the airport.

The proposed Imperial, Nebr., transition area would be designated as that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 5 miles SW of the 137° and 317° bearings from Imperial Municipal Airport, Imperial, Nebr. (latitude 40°30'38" N., longitude 101°37'25" W.) extending from 7 miles NW to 13 miles SE of the airport.

The Imperial control zone would provide controlled airspace protection for aircraft executing prescribed arrival and departure procedures at Imperial Municipal Airport during descent from 1,500 feet above the surface and climb to 1,200 feet above the surface.

The transition area would provide controlled airspace protection for the procedure turn area of the prescribed instrument approach procedure and for aircraft in the Imperial holding pattern.

The standard 5-mile radius control zone with an 8-mile extension eliminates the need for a transition area with a floor of 700 feet above the surface.

The floors of the airways which would traverse the transition area proposed herein would automatically coincide with the floor of the transition area.



The North Platte, Nebr., control area extension which this proposed transition area partially overlies will be revoked by action proposed in another airspace docket.

Certain minor revisions to the prescribed instrument procedure would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance or present landing minimums be adversely affected.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 29, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64–11387; Filed, Nov. 6, 1964; 8:46 a.m.]

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## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64–CE–76]

## CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

### Proposed Alteration, Designation and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Hutchinson, Kans., terminal area.

The following controlled airspace is presently designated in the Hutchinson, Kans., terminal area:

1. The Hutchinson control zone which lies within a 5-mile radius of Hutchinson Municipal Airport (latitude 38°04'00" N., longitude 97°51'35" W.); within an 8-mile radius of the Hutchinson ANG Base (latitude 37°55'35" N., longitude 97°54'20" W.), and within 2 miles either side of the Hutchinson VORTAC 222° radial extending from the Hutchinson ANG Base 8-mile radius zone to 12 miles SW of the VORTAC.

2. The Hutchinson control area extension which lies within a 25-mile radius of latitude 38°00'53" N., longtitude 97°51'40" W.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Hutchinson, Kans., terminal area, including studies attendant to the implementation of the provisions of the Civil Air Regulations Amendments 60–21/60–29, proposes the following airspace actions:

1. Redesignate the Hutchinson control zone as that airspace within a 5-mile radius of the Hutchinson Municipal Airport (latitude 38°03'56" N., longitude 97°51'38" W.) and within 2 miles each side of the 042° radial of the Hutchinson VOR extending from the 5-mile radius zone SW to the VOR, and within a 5-mile radius of the Hutchinson ANG Base (latitude 37°55'35" N., longitude 97°54'20" W.).

2. Designate the Hutchinson transition area as that airspace extending upward from 700 feet above the surface within a 8-mile radius of Hutchinson Municipal Airport (latitude 38°03'56" N., longitude 97°51'38" W.), and within a 7-mile radius of Hutchinson ANG Base (latitude 37°55'35" N., longitude 97°-54'20" W.), and within 8 miles NW and 5 miles SE of the 222° radial of the Hutchinson VOR extending from the VOR to a point 12 miles SW, and within 8 miles W and 5 miles E of the 342° radial of the Hutchinson VOR extending from the VOR to a point 12 miles N and within 8 miles NE and 5 miles SW of the Hutchinson ILS localizer NW course extending from the 8-mile radius area to a point 12 miles NW of the OM; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Hutchinson VOR, and within 5 miles SW and 8 miles NE of the Hutchinson VOR 296° radial extending from the 30-mile radius to 33 miles NW of the VOR, and the area SW of Hutchinson bounded on the NE by the arc of the 30-mile radius circle centered on the Hutchinson VOR, on the S by the N edge of V–12N, on the NW by the SE edge of V–280, excluding the Wichita, transition area; and that airspace W of Hutchinson extending upward from 3,500 feet MSL bounded on the E by the arc of the 30-mile radius circle centered on Hutchinson VOR, on the S by the N edge of V–10, and on the N by the S edge of V–10N, excluding the Great Bend transition area.

3. Revoke the Hutchinson, Kans., control area extension.

The proposed control zone will provide protection for aircraft departing from and executing prescribed missed approach procedures at Hutchinson Municipal Airport and the Hutchinson ANG base during their climb to 700 feet above the surface and to all arriving aircraft executing prescribed instrument approach procedures during their descent from 1,000 feet above the surface. The proposed extension to the southwest will provide protection for aircraft executing a VOR approach to Hutchinson Municipal Airport during their descent from 1,000 feet above the surface. The proposed transition area will provide protection for aircraft in prescribed holding patterns, for aircraft executing departure, missed approach and transition procedures and for arriving and departing aircraft being radar vectored. The portion of the transition area extending upward from 3,500 feet MSL will provide protection for military aircraft executing off airway instrument departure procedures.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein but operational complexity would not be increased nor would aircraft performance or landing minimums be adversely affected.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 28, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64–11388; Filed, Nov. 6, 1964; 8:46 a.m.]

[ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-SO-56]

## CONTROL AREA EXTENSION AND TRANSITION AREA

### Proposed Revocation and Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would revoke the control area extension and designate a transition area at Greenville, Miss.

The Greenville, Miss., control area extension is presently designated within 8 miles E and 5 miles W of the 006° and 186° bearings from the Greenville Municipal Airport (latitude 33°23'10" N., longitude 91°00'00" W.) extending from V-278 to 17 miles S of the Greenville Municipal Airport.

Flight activities are being moved from the old Greenville Municipal Airport to the Greenville AFB which is to be renamed the Greenville Municipal Airport. The Federal Aviation Agency plans to commission a VOR to serve the new Greenville Municipal Airport.

Because of the change in airspace requirements in the Greenville area, the Federal Aviation Agency proposes to revoke the Greenville, Miss., control area extension and designate a Greenville, Miss., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Greenville Municipal Airport (latitude 33°29'05" N., longitude 90°59'06" W.) and within 2 miles each side of the Greenville VOR 006° radial extending from the 5-mile radius area to 8 miles N of the VOR; including that airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the Greenville VOR 006° and 186° radials extending from 12 miles N to 4 miles S of the VOR.

The transition area is required to protect a proposed instrument approach procedure, holding pattern and missed approach procedure on the planned VOR. The floors of airways which traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on October 30, 1964.

PAUL H. BOATMAN,
*Acting Director, Southern Region.*

[F.R. Doc. 64-11389; Filed, Nov. 6, 1964; 8:46 a.m.]

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[ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-SO-60]

## CONTROL ZONE AND TRANSITION AREA

### Proposed Designation and Redesignation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would designate a control zone and alter the transition area at Crossville, Tenn.

It is the policy of the Agency to establish control zones at airports for which instrument approach procedures are prescribed and published under Part 97 of the Federal Aviation Regulations provided the airports meet certain communications and weather reporting requirements. Crossville Memorial Airport meets all requirements for a control zone.

The Crossville, Tenn., transition area is presently designated as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Crossville Memorial Airport (latitude 35°57'05" N., longitude 85°05'05" W.), within 2 miles each side of the Crossville VORTAC 334° radial, extending from the 6-mile radius area to the VORTAC, and within 8 miles NE and 5 miles SW of the Crossville VORTAC 154° radial, extending from the VORTAC to 12 miles SE, excluding the area SE of a line 16 miles NW of and parallel to the Chattanooga, Tenn., VORTAC 037° radial.

The City of Crossville proposes to establish a nondirectional radio beacon, hereinafter referred to as the Crossville RBN, at latitude 35°58'06" N., longitude 84°59'40" W. The radio beacon will be for public use and an instrument approach procedure to the Crossville Memorial Airport, utilizing this facility, will be published under Part 97 of the Federal Aviation Regulations.

The Crossville control zone would be designated as that airspace within a 5-mile radius of the Crossville Memorial Airport (latitude 35°57'05" N., longitude 85°05'05" W.), within 2 miles each side of the Crossville VORTAC 334° radial, extending from the 5-mile radius zone to the VORTAC.

The Crossville transition area would be redesignated as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Crossville Memorial Airport (latitude 35°57'05" N., longitude 85°05'05" W.); within 5 miles SW and 8 miles NE of the Crossville VORTAC 154° radial, extending from the VORTAC to 12 miles SE, excluding the area SE of a line 16 miles NW of and parallel to the Chattanooga, Tenn., VORTAC 037° radial; within 8 miles S and 5 miles N of the 073° bearing from the Crossville RBn (latitude 35°58'06" N., longitude 84°59'40" W.) extending from the 6-mile radius area to 12 miles E of the RBn, excluding that airspace within a 10-mile radius of Fowler Field, Rockwood, Tenn. (latitude 35°55'15" N., longitude 84°41'25" W.).

The control zone is required to protect aircraft arriving and departing the Crossville Memorial Airport in accordance with Instrument Flight Rules. The transition area alteration proposed herein will provide protection for the proposed new instrument approach procedure. The control zone designation will eliminate the requirement for a transition area between the VORTAC and the 6-mile radius area around the airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on October 30, 1964.

PAUL H. BOATMAN,
*Acting Director, Southern Region.*

[F.R. Doc. 64-11390; Filed, Nov. 6, 1964; 8:46 a.m.]

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[ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-65]

## FEDERAL AIRWAY

### Proposed Revocation

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would revoke VOR Federal airway No. 505 from Helena, Mont., to Great Falls, Mont.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of the notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination, by interested persons, at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

VOR Federal airway No. 505 is designated from Helena, Mont., via the intersection of Helena 089° and Great Falls, Mont., 180° radials; to Great Falls. The latest Federal Aviation Agency IFR peak day airway traffic survey for V-505 showed no aircraft movements between Helena and Great Falls. In addition, there is no longer an air traffic control requirement for this airway. Accordingly, V-505 can no longer be justified as an assignment of airspace.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 30, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11391; Filed, Nov. 6, 1964; 8:46 a.m.]

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[ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-SO-36]

## FEDERAL AIRWAY SEGMENT

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would designate a segment of VOR Federal airway No. 241 west alternate from Dothan, Ala., to Columbus, Ga., via Midway Intersection.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of the notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received.

An official docket will be available for examination, by interested persons, at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Victor 241 is designated in part from Dothan via Eufaula, Ala., to Columbus. The proposed west alternate from Dothan via the intersection of the Dothan 002° and Columbus 219° True radials; to Columbus, would provide an additional route between Dothan and Columbus and relieve the heavy congestion of air traffic now operating between these points on Victor 241.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 30, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11392; Filed, Nov. 6, 1964; 8:46 a.m.]

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[ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-SO-38]

## FEDERAL AIRWAY SEGMENT

### Proposed Revocation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would revoke the segment of VOR Federal airway No. 143 west alternate from Fort Mill, S.C., to Greensboro, N.C.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of the notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received.

An official docket will be available for examination, by interested persons, at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

VOR Federal airway No. 143 west alternate is designated in part from Fort Mill via the intersection of Fort Mill 005° and Greensboro 238° radials to Greensboro. The latest Federal Aviation Agency IFR peak day airway traffic survey for this airway segment showed no aircraft movements between Fort Mill and Greensboro. The Agency is considering the revocation of this segment of Victor 143 west alternate as it can no longer be justified as an assignment of airspace. Aircraft can continue to operate direct between Fort Mill and Greensboro via Victor 143 or via a combination of VOR Federal airways Nos. 37 and 20 which are designated in part via the alignment of Victor 143 west alternate.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 30, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11393; Filed, Nov. 6, 1964; 8:46 a.m.]

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[ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-74]

## TRANSITION AREA

### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to alter controlled airspace in the Readsville, Mo., transition area.

The Readsville, Mo., transition area is presently designated as that airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Readsville VOR 280° and 100° radials, extending from 20 miles W to 9 miles E of the VOR.

The Federal Aviation Agency, having completed a comprehensive review of the airspace structural requirements in the Readsville, Mo., area, proposes the following airspace action: Redesignate the Readsville, Mo., transition area to comprise that airspace extending upward from 1200 feet above the surface within 6 miles N and 9 miles S of the Readsville VOR 100° and 280° radials extending from 8 miles E to 19 miles W of the VOR and the airspace north of Readsville bounded on the N by V-4, on the E by an arc of a 33-mile radius circle centered on the St. Louis Municipal Airport, on the S by V-12 and on the W by V-63.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The proposed transition area would provide protection for aircraft in prescribed holding patterns at the Readsville VOR, for aircraft transitioning from the jet route structure to the VOR airway system, and for aircraft utilizing the long range radar vectoring service provided by the Kansas City, Mo., Air Route Traffic Control Center.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or ar-



guments presented during such confer-



airspace extending upward

guments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 28, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-11394; Filed, Nov. 6, 1964; 8:46 a.m.]

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## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-WE-8]

## TRANSITION AREA AND FEDERAL AIRWAY

### Proposed Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would designate controlled airspace for terminal procedures at Ely, Nev., and two airways connecting Ely with Elko, Nev., and an intersection near Bonneville, Utah.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attn: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Ely terminal area, proposes the following airspace actions:

(a) Designate the Ely, Nev., transition area to comprise that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ely VOR, and within 5 miles northeast and 8 miles southwest of the Ely VOR 303° True radial, extending from the VOR to 12 miles northwest; and that airspace extending upward from 1,200 feet above the surface within the arc of a 17-mile radius circle centered on the Ely VOR extending clockwise from a line 5 miles southwest of and parallel to the Ely VOR 332° True radial to a line 5 miles east of and parallel to the Ely VOR 007° True radial, and within 5 miles each side of the Ely VOR 167° True radial, extending from the VOR to 21 miles south.

(b) 1. Designate an airway from Ely, Nev., direct to Elko, Nev.

2. Designate an airway from Ely, Nev., to the intersection of the Ely 007° and the Bonneville, Utah, 272° True radials.

The airspace of both airways below 12,500 feet MSL would be excluded.

The transition area proposed herein would provide protection for aircraft executing prescribed instrument approach, missed approach and departure procedures at Ely, Nev. Designation of the airways would provide airway continuity between Ely and points east and west on Victors 32 and 810.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 30, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11395; Filed, Nov. 6, 1964; 8:46 a.m.]

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## [ 14 CFR Part 73 [New] ]

[Airspace Docket No. 64-LAX-14]

## RESTRICTED AREA

### Proposed Redesignation

The Federal Aviation Agency is considering an amendment to Part 73 [New] of the Federal Aviation Regulations which would redesignate the Yuma East, Ariz., Restricted Area R-2308.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Yuma East, Ariz., Restricted Area R-2308, is presently designated for joint use from 1,500 feet AGL to 20,000 MSL. The Commanding Officer, Yuma Proving Ground, Yuma, Ariz., is the using agency and the Federal Aviation Agency, Los Angeles ARTC Center is the controlling agency. Time of designation is continuous to terminate January 15, 1965.

In May 1964 the Department of the Army requested the redesignation and expansion of R-2308. Their request included an extension to the east of approximately four miles and an extension of the lower limits of the entire area from 1,500 feet AGL to the surface, however they were unable to justify a requirement for lowering the floor of the entire airspace to the surface.

The redesignation of R-2308 would be in support of the current drone program being conducted by the Yuma Proving Ground and for which the restricted area was originally designated.

R-2308 as presently described does not contain the entire flight paths of the drone activities; however, by extending the area to the east as proposed, the area will laterally contain the drone flight activities. In order to conduct low altitude drone flights it is necessary to designate a restricted area from 1,500 feet AGL to the surface over a portion of the area. This portion so designated overlies land leased by the Army for military purposes and is described below as R-2308B. The area, described as R-2308A, would have a floor of 1,500' AGL.

It is estimated that R-2308A would be released for general use 80 percent of the time, and the airspace below 1,500 feet AGL, designated as R-2308B, would be activated for military use a total of approximately 20 hours during calendar year 1965.

After extensive coordination with the Army, they have modified their original proposal in accordance with the preceding paragraph.

If this action is taken on the modified proposal, the Yuma East Restricted Area R-2308 would be redescribed in two parts as follows:

*R-2308A Yuma East, Ariz.*

*Boundaries.* Beginning at latitude 33°28'-00'' N., longitude 114°13'00'' W.; to latitude 33°24'00'' N., longitude 113°39'00'' W.; to latitude 33°17'30'' N., longitude 113°22'00'' W.; to latitude 33°15'00'' N., longitude 113°-19'30'' W.; to latitude 33°13'00'' N., longitude 113°18'00'' W.; to latitude 33°06'00'' N., longitude 113°19'30'' W.; to latitude 33°03'-45'' N., longitude 113°24'00'' W.; to latitude 33°02'00'' N., longitude 113°27'00'' W.; to latitude 33°02'00'' N., longitude 113°56'30'' W.; to latitude 33°00'00'' N., longitude 114°-11'00'' W.; to latitude 33°00'00'' N., longitude 114°17'20'' W.; thence north along State Highway 95 to point of beginning.

*Altitude.* 1,500 feet AGL to flight level 200.

*Time of use.* Continuous.

*Controlling agency.* Federal Aviation Agency, Los Angeles ARTC Center.

*Using agency.* Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

*R-2308B Yuma East, Ariz.*

*Boundaries.* Beginning at latitude 33°02'-00'' N., longitude 113°45'00'' W.; to latitude 33°17'30'' N., longitude 113°45'00'' W.; to latitude 33°17'30'' N., longitude 113°39'04'' W.; to latitude 33°02'00'' N., longitude 113°-39'04'' W.; to point of beginning.

*Altitude.* Surface to 1,500 feet AGL.



*Time of use.* Continuous.

*Controlling agency.* Federal Aviation Agency, Los Angeles ARTC Center.

*Using agency.* Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 6, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11486; Filed, Nov. 6, 1964; 9:40 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

### SEMINOLE INDIAN RESERVATION, FLORIDA

### Ordinance Legalizing Introduction, Sale or Possession of Intoxicants

Pursuant to the Act of August 15, 1953 (Public Law 277, 83d Congress, 1st Session; 67 Stat. 586), I certify that Seminole Tribal Council Ordinance No. C–2–65, was enacted on September 11, 1964, determining that the introduction, sale and possession of intoxicating beverages shall be lawful in accordance with the laws of the State of Florida on the Dania, Brighton, and Big Cypress Reservations which comprise the jurisdiction of the Seminole Tribe of Florida. Relevant portions of the ordinance read as follows:

Whereas, the Seminole Tribe of Florida is an organized Tribe as defined in section 16 of the Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1935 (49 Stat. 378), and

Whereas, Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488, and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs, and with an ordinance duly adopted by the Tribe having jurisdiction over such area of Indian country certified by the Secretary of the Interior and published in the FEDERAL REGISTER.

Now threfore be it resolved: By the Tribal Council of the Seminole Tribe of Florida that the provisions of this Ordinance shall apply on the Dania, Brighton, and Big Cypress Reservations under the jurisdiction of the Seminole Tribe of Florida.

*Section I.* That the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Seminole Tribe of Florida, provided that such introduction, sale or possession is in conformity with the laws of the State of Florida and with the provisions of this Ordnance.

*Section II.* In addition to the licenses required by the laws of the State of Florida, no person shall engage in the sale of intoxicating beverages within Indian country under the jurisdiction of the Seminole Tribe of Florida unless duly licensed by the Tribal Council of the Seminole Tribe of Florida.

*Section III.* No tribal liquor license issued under this Ordinance shall be granted to any person not possessing the qualifications and satisfying the conditions hereunder set forth. Any person or persons desiring a tribal liquor license required by Section II of the Ordinance shall file a sworn application for license with the Tribal Council of the Seminole Tribe of Florida. The application shall contain a full and complete showing of the following:

a. Proof satisfactory to the Tribal Council that the applicant is or will be duly licensed by the State of Florida.

b. Proof satisfactory to the Tribal Council that the applicant is or will be duly licensed by the representative county if such licenses are applicable.

c. (1) Payment of a fee of $25.00 for sale of intoxicants for off-premise consumption.

(2) Payment of a fee of $50.00 for sale of intoxicants for on-premise consumption.

d. Proof satisfactory to the Tribal Council that the applicant is not an officer or member of the Tribal Council or the Board of Directors of the Seminole Tribe of Florida, Inc., or an employee of the Tribe.

*Section IV.* Any tribal license issued under this Ordinance shall be subject to the following conditions:

a. The Tribal license shall be for a term of one year beginning October 1, and run concurrently with the term of the State license.

b. When a state liquor license on the reservation is transferred, the licensee shall not operate the establishment until a tribal license has been obtained as required by this Ordinance.

c. Liquor establishments operating under a tribal liquor license shall be closed during voting hours on days of official tribal elections.

*Section V.* Issuance of Tribal licenses:

a. Tribal licenses issued hereunder shall be issued by the tribal Secretary-Treasurer after approval thereof by the Tribal Council.

b. Fees for licenses issued hereunder shall be paid to the tribal Secretary-Treasurer for deposit to the general fund of the Tribe in the Tribe's usual depository.

STEWART L. UDALL,
*Secretary of the Interior.*

NOVEMBER 3, 1964.

[F.R. Doc. 64–11375; Filed, Nov. 6, 1964; 8:45 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

### PRICES FOR HAWAIIAN SUGARCANE AND DESIGNATION OF PRESIDING OFFICERS

### Notice of Hearing

Pursuant to the authority contained in section 301(c)(2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to fair price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Hilo, on the Island of Hawaii, in the Auditorium of the Hilo Electric Light Co., Ltd., on December 4, 1964, beginning at 9:00 a.m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, pursuant to the provisions of section 301(c)(2) of said Act, fair and reasonable prices or rates for the 1965 crop of Hawaiian sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the said Act.

The hearing after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to the foregoing matter. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

John C. Bagwell, Tom O. Murphy, and Floyd W. McCoy, are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on November 4, 1964.

H. D. GODFREY,
*Administrator, ASCS.*

[F.R. Doc. 64–11435; Filed, Nov. 6, 1964; 8:49 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### HESS AND CLARK

### Notice of Filing of Petition Regarding Food Additive Furazolidone

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5C1552) has been filed by Hess and Clark, Division of Richardson-Merrell, Inc., Ashland, Ohio, proposing the amendment of § 121.255 to provide for the safe use of furazolidone in swine feed, when fed for a minimum of five weeks at 100 grams per ton for specified conditions of swine.

Publication of this notice in no way constitutes actual or implied approval of the additive and its recommended use by the petitioner.

Dated: November 2, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64–11402; Filed, Nov. 6, 1964; 8:47 a.m.]

### S. B. PENICK AND CO.

### Notice of Filing of Petition Regarding Color Additive Henna

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 16) has been filed by S. B. Penick and Company, 100 Church Street, New York 8, N.Y., proposing the issuance of a regulation to provide for the safe use and exemption from certification of henna (*Lawsonia alba* Lam., *Lawsonia inermis* L.) as a color for hair. Proposed labeling warns against use in the area of the eye.

Dated: November 3, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64–11403; Filed, Nov. 6, 1964; 8:47 a.m.]

### WESTINGHOUSE ELECTRIC CORP.

### Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5M1592) has been filed by Westinghouse Electric Corporation, 3 Gateway Center, Pittsburgh, Pa., 15230, proposing the issuance of a regulation to provide for the safe use of ultraviolet radiation in the processing, handling, and storing of food.

Dated: November 2, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64–11404; Filed, Nov. 6, 1964; 8:47 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 2–21509 etc.]

### TRAILER TRAIN CO.

### Notice of Application and Opportunity for Hearing

NOVEMBER 3, 1964.

Notice is hereby given that Trailer Train Company (File Nos. 2–21509 (22–3554), 2–22896 (22–3774)) has filed an application pursuant to clause (ii) of section 310(b) of the Trust Indenture Act of 1939 (hereinafter referred to as the Act) for a finding by the Commission that the trusteeship of The First Pennsylvania Banking and Trust Company ("Bank") under an indenture with respect to an existing series of equipment trust certificates of the Company, namely Series 3, which was qualified under the Act, and the trusteeship of the bank under a new indenture which is proposed to be qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the bank from acting as trustee under the existing trusteeship and under the indenture to be qualified.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in that section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities of the same issuer are outstanding.

The present application, filed pursuant to clause (ii) of section 310(b)(1) of the Act seeks to exclude the existing indenture of the Company, under which the bank serves as trustee, from the operation of section 310(b)(1) of the Act.

The effect of the provision contained in clause (ii) of section 310(b)(1) of the Act on the matter of the present application is such that the existing indenture referred to above may be excluded from the operation of section 310(b)(1) of the Act if the Company shall have sustained the burden of proving, by this application to the Commission and after opportunity for hearing thereon, that the trusteeship of the bank under the presently outstanding indenture and under the proposed new indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the bank from acting as trustee under the indenture to be qualified.

The Company alleges that:

(1) The Company proposes to issue and sell approximately $5,040,000 aggregate principal amount of its ____ percent Equipment Trust Certificates (Series 4) to be issued under a new indenture to be executed by the Company with the bank as trustee.

(2) The Company proposes to issue and sell the new equipment trust certificates to the public. On November 5, 1964, it will file a registration statement under the Securities Act of 1933 and an indenture to be qualified under the Trust Indenture Act of 1939.

(3) The bank, the proposed trustee under the indenture to be qualified, is presently the trustee under an indenture with respect to an existing series of equipment trust certificates of the Company, namely Series 3. The trust certificates comprising such series were registered under the Securities Act of 1933 and the indenture with respect thereto was qualified under the Trust Indenture Act of 1939 (File No. 2–21509 (22–3554)) $4,560,000 in aggregate principal amount of such certificates is outstanding under the present trusteeship.

(4) Such differences as will exist between the indenture with respect to the existing trusteeship and the new indenture will not give rise to a conflict of interest in the trustee as to make it necessary in the public interest or for the protection of investors to disqualify the bank from acting as trustee under the new indenture.

(5) The Company's Equipment Trust Certificates, Series 3, and the proposed Equipment Trust Certificates, Series 4, are secured by separate lots of identified railroad cars. In the event that the trustee should have occasion to proceed under any such indenture against the cars securing such indenture, this would not affect the security or the use of any such security under the other indenture, so that existence of the other indenture would in any way inhibit or discourage the trustee's actions.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after November 24, 1964, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939. Any person may, not later than November 23, 1964, at 5:30 p.m., e.s.t., in writing submit to the Commission, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

For the Commission (Pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64–11371; Filed, Nov. 6, 1964; 8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 15240]

### FLUSHING HARPS FOOTBALL AND SOCIAL CLUB, INC., ET AL.

### Notice of Change in Place of Hearing

The Flushing Harps Football and Social Club, Inc., John Stanley Boylan, individually, John Brady, individually; enforcement proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearing in the above-entitled proceeding pre-

viously assigned to be held in Washington, D.C., on November 18, 1964, is hereby assigned and will now be held before Examiner Richard A. Walsh on November 16, 1964, at 10:00 a.m., e.s.t., in Conference Room F, 30 Church Street, New York, N.Y.

Dated at Washington, D.C., November 4, 1964.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 64-11427; Filed, Nov. 6, 1964; 8:49 a.m.]

[Docket No. 15433]

## PANAMA AERONAUTICA, S.A.

### Notice of Hearing

In the matter of the cancellation of the foreign air carrier permit of Panama Aeronautica, S.A.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 17, 1964, at 10:00 a.m., e.s.t., in Room 607, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Hearing Examiner.

For further information concerning the issues involved and other matters in this proceeding, interested persons are referred to the Statement of Tentative Findings and Conclusions in the Board's Order No. E-21133, adopted the 30th day of July, 1964, and the Memorandum filed by Panama Aeronautica, S.A. on August 26, 1964, which are on file in the above docket in the Docket Section of the Board.

Dated at Washington, D.C., November 3, 1964.

[SEAL] LESLIE G. DONAHUE, *Hearing Examiner.*

[F.R. Doc. 64-11428; Filed, Nov. 6, 1964; 8:49 a.m.]

[Docket No. 13777; Order E-21475]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of November 1964.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda TC1/Rates 2058 and 2059, names the following additional specific commodity rates:

| Item | Agreement CAB 17666 | IATA Memorandum | From | To | Rates in cents per kg. | Minimum weight in kgs. |
|---|---|---|---|---|---|---|
| [1]0007 | R-63 | 2058 | Buenos Aires | New York | 40 | 500 |
| [2]4417 | R-64 | 2059 | Panama City | La Paz | 66 | 100 |

[1] Fruits and/or Vegetables.
[2] Radio, Television and Combination Radio Phonograph Sets, Electrical Household Appliances, and parts thereof, N.E.S.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act.

*Accordingly, it is ordered:*

That Agreement C.A.B. 17666, R-63, and R-64, be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-11426; Filed, Nov. 6, 1964; 8:49 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[FCC 64-974]

## WESTERN TELEPHONE SYSTEM, INC.

### Proposed Tariffs; Memorandum Opinion and Order

1. The Commission has before it (1) a proposed tariff, tendered for filing September 4, 1964, by Western Telephone System, Inc., by its Transmittal No. 3, identified as Western Telephone System, Inc., Tariff F.C.C. No. 3, Message Toll Telephone Service Regulations and Schedules of Charges within the United States designated to become effective October 5, 1964, and (2) a proposed tariff, tendered for filing October 1, 1964, by Western Telephone System, Inc., by its Transmittal No. 4, identified as Western Telephone System, Inc., Tariff F.C.C. No. 4, Leased Facilities—Intercity Service Voice Transmission Services Regulations and Schedules of Charges within the United States designated to become effective October 31, 1964.

2. The tariffs of Western Telephone System, Inc. propose to offer message toll telephone service and leased facilities in intercity service "by means of wire, radio (nonlicensed operation permitted under Part 15 of the rules), or a combination thereof" between listed points in the State of Oregon and points in the State of Washington. However, there is no record in the Commission that Western Telephone System, Inc. has obtained from the Commission a certificate that the present or future public convenience and necessity require or will require the construction or operation of a new line or of an extension of any line to provide the interstate communications services described in the proposed tariffs as is required by section 214 of the Communications Act of 1934. In the absence of such certification, Western Telephone System, Inc. proposes to provide services by the proposed tariffs which it is not authorized by the Commission to provide. Therefore, the tendered documents should be stricken from the files and returned to the carrier. Matter of Press Wireless, Inc., 25 F.C.C. 1466 (1958), aff'd., Press Wireless, Inc. v. Federal Communications Commission, 264 F. 2d 372 (D.C. Cir. 1959); Matter of RCA Communications, Inc., 34 F.C.C. 171 (1963).

3. Since Western Telephone System, Inc. is not authorized to provide the services described in the proposed tariffs, it was not authorized to collect charges for whatever service may have been rendered pursuant to the invalid tariffs. Any charges collected for such service by Western Telephone System, Inc. would subject it to the forfeiture provisions of section 203(e) of the Communications Act of 1934. To obviate this result, Western will be required to refund whatever charges it may have collected for service rendered pursuant to the tendered tariffs.

*Accordingly, it is ordered,* That the documents identified (1) as Western Telephone System, Inc., Tariff F.C.C. No. 3, tendered for filing September 1, 1964, and (2) as Western Telephone System, Inc., Tariff F.C.C. No. 4, tendered for filing on October 1, 1964, be stricken from the files and returned to Western Telephone System, Inc., and that both of them shall be void and their use unlawful; and

*It is further ordered,* That Western Telephone System, Inc. shall refund all charges collected for service rendered pursuant to the tendered documents to the persons from whom the charges were collected; and

*It is further ordered,* That Western Telephone System, Inc. shall, within thirty days from the release of this order, submit to the Commission a verified report of (1) the sum of the charges collected, if any, for service rendered pursuant to the tendered documents, (2) the persons from whom the charges were collected, (3) the sums collected from each such person, and (4) the amount and the date of the refund to each such person.

Adopted: October 28, 1964.

Released: October 29, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-11422; Filed, Nov. 6, 1964; 8:49 a.m.]

[Docket Nos. 15681, 15682; FCC 64M-1088]

## CHARLES L. HAMILTON, SR., ET AL.

### Order Scheduling Hearing

In re applications of Charles L. Hamilton, Sr. and Mildred B. Hamilton (husband and wife), Newton, Iowa, Docket No. 15681, File No. BPH-4379; Richard C. Brandt, Newton, Iowa, Docket No. 15682, File No. BPH-4422; for construction permits.

*It is ordered,* This 30th day of October 1964, that David I. Kraushaar shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on December 16, 1964; and that a prehearing conference shall be convened at 9:00 a.m. on November 25, 1964; *And it is further ordered,* That, all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: November 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-11419; Filed, Nov. 6, 1964; 8:49 a.m.]

[Docket No. 15684; FCC 64M-1089]

## RADIO 13, INC.

### Order Scheduling Hearing

In re application of Radio 13, Inc., Docket No. 15684, File No. BR-4064, for renewal of license of Station WHZN Hazleton, Pennsylvania.

*It is ordered,* This 30th day of October 1964, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence at 10:00 a.m. on January 18, 1965, in Hazleton, Pa.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., November 23, 1964, in Washington, D.C.

Released: November 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-11420; Filed, Nov. 6, 1964; 8:49 a.m.]

[1] Commissioner Bartley absent.



[Docket Nos. 15679, 15680; FCC 64M-1087]

## TRI-CITIES BROADCASTING CO. AND DAWSON COUNTY BROADCASTING CORP.

### Order Scheduling Hearing

In re applications of David F. Stevens, Jr., tr/as Tri-Cities Broadcasting Co., Cozad, Nebraska, Docket No. 15679, File No. BP-15052; Dawson County Broadcasting Corporation, Cozad, Nebraska, Docket No. 15680, File No. BP-15679; for construction permits.

*It is ordered,* This 30th day of October 1964, that Herbert Sharfman shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on December 15, 1964; and that a prehearing conference shall be convened at 9:00 a.m. on November 24, 1964: *And it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: November 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-11421; Filed, Nov. 6, 1964; 8:49 a.m.]

[Docket Nos. 15595, 15597; FCC 64M-1092]

## WPFA RADIO, INC., AND CAPITAL BROADCASTING CO.

### Order Regarding Procedural Dates

In re applications of WPFA Radio, Inc., Springfield, Illinois, Docket No. 15595, File No. BPH-4265; Harold J. Hoskins, John H. Johnson, W. F. Wingerter, and R. W. Deffenbaugh, d/b as Capital Broadcasting Co., Springfield, Illinois, Docket No. 15597, File No. BPH-4337; for construction permits.

The Hearing Examiner having for consideration a letter of November 3, 1964, from counsel for Capital Broadcasting Co., requesting continuance of the presently scheduled procedural dates;

It appearing, that since the establishment of the presently scheduled dates, one applicant has withdrawn from the hearing and another has indicated an intention to do so, which withdrawals will materially affect the course of this hearing;

*It is ordered,* This 3d day of November 1964, that the request contained in the subject letter is granted, and the procedural dates heretofore established are continued pending further order.

Released: November 4, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-11423; Filed, Nov. 6, 1964; 8:49 a.m.]

[Docket Nos. 15591, 15592; FCC 64R-506]

## NELSON BROADCASTING CO. AND WBNR, INC.

### Memorandum Opinion and Order Amending Issues

In re applications of Donald P. Nelson and Wilbur E. Nelson, d/b as Nelson Broadcasting Company, Newburgh, New York, Docket No. 15591, File No. BPH-4212; WBNR, Inc., Newburgh, New York, Docket No. 15592, File No. BPH-4300; for construction permits.

1. The Review Board has before it for consideration a petition to enlarge issues filed by WBNR, Inc. (WBNR) on August 24, 1964.[1] WBNR by its petition seeks to enlarge issues beyond those designated for hearing by the Commission in its Order released August 4, 1964, FCC 64-754, and to add an issue as to Nelson Broadcasting Company's (Nelson) financial qualifications.

2. Nelson seeks authorization to build and operate two FM broadcasting stations; one in Newburgh, New York (instant application) and the other in Kingston, New York (Docket No. 15535). A petition to add a financial issue as to Nelson was filed in the Kingston proceeding on July 29, 1964 and granted in Nelson Broadcasting Company, FCC 64R-505 released November 2, 1964. Nelson lists the same financial qualifications in both the Newburgh and the Kingston applications; therefore, for the reasons stated in Nelson Broadcasting Company, supra, this motion to enlarge issues is granted.

3. A substantial portion of the petition is directed to the question of whether Nelson has underestimated its expenses and overestimated its anticipated first year revenues and hence, to the question of whether Nelson has sufficient funds to effectuate its proposal. The Hearing Examiner is authorized, under the terms of the designation Order, to add an issue to determine this question in response to a petition therefor. The Review Board is not, therefore, ruling on those allegations. Five Cities Broadcasting Co., Inc., FCC 63R-112, released March 5, 1963. Moreover, since a standard financial qualification issue is being added, inquiry into the sufficiency of funds is in any event permitted. Rhinelander Television Cable Corporation, FCC 63R-249, 25 RR 476.

4. WBNR also requests that, in view of the Commission's statistics demonstrating that only one out of four FM-only stations shows a profitable operation,[2] a showing of financial qualifications be-

[1] The pleadings before the Review Board are: (1) Petition to enlarge issues, filed Aug. 24, 1964, by WBNR, Inc.; (2) Opposition, filed Sept. 3, 1964, by Nelson Broadcasting Company; (3) Opposition, filed Sept. 8, 1964, by the Broadcast Bureau; and (4) Reply to oppositions, filed Sept. 16, 1964, by WBNR, Inc.

[2] FCC Broadcast Revenues, Expenses and Income of the Radio Broadcast Services, 1962. Released Nov. 21, 1963.



yond the usual three month period should

yond the usual three month period should be required of Nelson. Petitioner specifically requests that a twelve month, or at least a nine month, requirement be imposed on Nelson. Nelson and the Broadcast Bureau oppose the imposition of this additional requirement as without precedent. Petitioner WBNR suggests no reason for assuming that the Newburgh station will be one of the financially unsuccessful, and presents no statistical or economic data relating to the proposed area of Nelson's operation. The factual allegations made by the petitioner are not comparable to the showing which was made in William R. Ross, FCC 62-791, 23 RR 992, in which the Commission designated an issue such as that requested by petitioner herein.

5. Petitioner's reliance on Ultravision Broadcasting Company (FCC 64R-192, 2 RR 2d 271, in which the Review Board certified a similar question to the Commission involving a UHF television proposal in a city with three existing VHF network facilities, is misplaced. The case cited involved the financial qualifications of a UHF television station, and the imposition of special financial standards on proposed UHF stations does not of itself compel the imposition of extraordinary standards on an FM radio proposal. WBNR suggests an additional reason for the use of a higher standard of financial qualification in the instant case is Nelson's statement that its Kingston proposal might be in the "black" before Newburgh and that "it is possible that the Kingston station may help to support the Newburgh station for a time". However, petitioner does not allege that either of the proposed stations will remain in the "red" beyond the standard three month period and no reason appears for inferring a long term losing operation in Newburgh.

*Accordingly, it is ordered*, This 30th day of October 1964, that the motion to enlarge issues, filed August 25, 1964, by WBNR, Inc., is granted to the extent indicated herein and is denied in all other respects, and that the issues in this proceeding are enlarged by the addition of the following:

To determine whether Nelson Broadcasting Company is financially qualified to construct and operate its proposed station.

Released: November 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11407; Filed, Nov. 6, 1964; 8:47 a.m.]

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[Docket No. 15684; FCC 64-997]

## RADIO 13, INC.

### Order Designating Application for Hearing on Stated Issues

In re application of Radio 13, Inc., Docket No. 15684, File No. BR-4064; for renewal of license of Station WHZN, Hazleton, Pennsylvania.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 30th day of October 1964.

The Commission having under consideration (1) the above captioned application; (2) the Commission's issuances of Official Notices of Violations to Station WHZN (1300 kc/s, 1 kw-D, DA), Hazleton, Pennsylvania; (3) the licensee's actions and responses to the said Notices of Violation; and (4) other information available to the Commission, including information from the Commission's field inquiry, with respect to the operations of Station WHZN; and

It appearing, that following an inspection on June 15, 1962 of WHZN (then WTHT), an Official Notice of Violation was issued (FCC Form 793) on July 3, 1962, to the licensee as follows:

Section 3.93(a)—Operation of a directional antenna without a radio operator on duty having a radio telephone first-class operators license. (Inspection of operating logs shows that a first-class operator was not on duty for half of June 9, 1962 and all day June 10, 1962); and

It further appearing, that the licensee's answer, dated July 10, 1962, to the Official Notice of Violation represented to the Commission that corrective action had been taken in that the licensee stated "adoption of newly revised work schedules as of June 17, 1962, assures first-class operator on duty when station in operation"; and

It further appearing, that despite such representations, the licensee during the renewal period and up to the present date, and particularly during the period from January 1, 1963 to July 19, 1963, operated Station WHZN without a radio telephone first-class operator on duty at all times during the authorized broadcast day, and that on occasions there was no first-class operator present at all during the entire broadcast day, both in violation of § 3.93(a) of the Commission's rules; and

It further appearing, that a reinspection of WHZN on July 19, 1963 revealed that WHZN failed to maintain operating logs on several occasions during the renewal period and particularly during the period of January 1 to July 19, 1963; that on several occasions during such periods logs were maintained by persons not competent to do so and were not signed by the operator when starting duty and when going off duty; and that such operation was in violation of §§ 73.111 and 73.113 (formerly §§ 3.111 and 3.113) of the Commission's rules; and

It further appearing, that licensee's response dated August 5, 1963, to the Notice of Violation issued July 26, 1963, failed to indicate compliance with the numerous violations of the rules and acknowledged continued violation of the then § 3.93(a) of the rules in that as of August 5, 1963, WHZN was being operated for periods without any first-class operator on duty; and

It further appearing, that another Official Notice of Violation was issued on September 3, 1963, after reinspection of WHZN on August 30, 1963, revealed that: (1) WHZN was operated 22 days in August, 1963, for four or more hours without a first-class operator on duty; (2) several days in August, 1963, portions of the operating logs were maintained by persons not competent to do so (in violation of § 73.111(a) of the rules); (3) many required entries were not made in the operating log (in violation of § 73.113 (a) of the rules); and

It further appearing, that the licensee's reply, received September 4, 1963, represented that certain corrective action had been taken to insure compliance with the Commission's rules in that the licensee entered into an agreement with the first-class operators to work additional hours; however, the licensee made no response to the items pertaining to log-keeping violations; and

It further appearing, that on January 21, 1964, a reinspection of Station WHZN resulted in the issuance on January 24, 1964, of a fourth Official Notice of Violation citing licensee (this time for repeated violations occurring in December, 1963) for operating a station with a directional antenna without a radio operator holding a radio telephone first-class operator license; at the same time licensee was cited for the third time for violations of § 73.111 of the rules, in that repeatedly in December, 1963, the operating logs were not maintained by persons competent to do so; and

It further appearing, that licensee's responses of July 10, 1962, August 5, 1963, September 4, 1963 and January 31, 1964 to the Official Notices of Violation did not deny the cited violations of the Commission's rules; and

It further appearing, that by oral representations made on April 9, 1964 to the Commission's staff and by a signed statement dated June 17, 1964, the WHZN station manager repudiated his admission of March 26, 1964 that the station's only first-class operator worked only six days a week, and now represented that such operator worked seven days a week from station sign-on to sign-off during the renewal period to the present and particularly the period from December 1, 1963 to March 26, 1964; and

It further appearing, that the WHZN payroll records and time cards indicate that the only full-time first-class operator, from September 23, 1963 to April 24, 1964, worked 11 hours daily for six days (a total of 66 hours), whereas the operating logs beginning December 10, 1963, reflect that the first-class operator worked seven days a week from sign-on to sign-off, a weekly total of time which varied from 79 hours in January 1964, to 89½ hours in April, 1964; and

It further appearing, that the licensee's sole stockholder in an affidavit executed May 6, 1964, and submitted to the Commission, stated that on the basis of his own observation (and information from the WHZN manager) that he knew that the first-class operator actually spent more time at the station than reflected by the payroll and time records and that he was personally aware of several Sundays when the first-class operator supervised the operation of the station; and

It further appearing, that the WHZN manager informed the Commission in a statement dated June 17, 1964, that he "never instructed any employee in the operation of the transmitter . . . and never told any employee other than a first-class operator to put the station on the air, that is, to turn on the transmitter . . ."; and

It further appearing, that contrary to such oral and written representations to the Commission by the sole stockholder and the station manager of the licensee, the Commission has information that on various occasions and times of day during the renewal period and particularly during the period from December 10, 1963 through April 11, 1964, employees who were not first-class radio telephone operators were instructed how to put Station WHZN's transmitter on and off the air by the sole stockholder and the station manager and other personnel of WHZN; and that such employees who did not hold radio telephone first-class operator's licenses did in fact put the station's transmitter on and off the air; that operating logs were falsified to conceal operation of the station by employees who were not first-class radio telephone operators and who were not authorized to put broadcast station transmitters on and off the air under the Commission's rules; and

It further appearing, that with respect to the above matters, written statements submitted to the Commission by or on behalf of the licensee and/or oral statements made to the Commission's staff during the course of the field investigation of WHZN with respect to the December 1963 to April 1964 period, contained evasions, concealed facts, included misrepresentations and/or were lacking in candor; and

It further appearing, that between 1:52 p.m. and 3:45 p.m. on August 23, 1963, WHZN broadcast a program entitled "Live Report from the Mine Rescue Scene", a portion of which was a rebroadcast of another broadcasting station without the express authority of the originating station and without the licensee's notifying the Commission of the call letters of the station rebroadcast and certifying that express authority had been received from the originating station, in violation of section 325(a) of the Communications Act of 1934, as amended, and § 73.121 of the Commission's rules; and

It further appearing, that, although the licensee and its employees deny that, at the time, they were aware that it was an unauthorized rebroadcast, the facts surrounding the broadcast indicate that the licensee through its sole stockholder and its employees, knew or should have known that an unauthorized rebroadcast was occurring and should have terminated the rebroadcast; and

It further appearing, that the repeated and/or deliberate violations of the first-class operator and log-keeping rules, and the misrepresentations and lack of candor with respect to compliance with the Act and the rules, including compliance with section 325(a) of the Communications Act and §§ 73.121, 73.93(a), 73.111 and 73.113 of the rules, raise a serious question as to whether Radio 13, Inc., possesses the requisite character qualifications to be a licensee of the Commission; and

It further appearing, that after consideration of all the foregoing, the Commission is unable to find that a grant of the above-captioned application would serve the public interest, convenience and necessity; and that, therefore said application must be designated for a hearing;

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application is designated for a hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether in written or oral statements to the Commission with respect to the above matters, the principals of the licensee misrepresented facts to the Commission and/or demonstrated a lack of candor;

2. To determine whether the principals of the licensee on August 23, 1963, operated the station contrary to the provisions of section 325(a) of the Communications Act and § 73.121 of the Commission's rules and regulations;

3. To determine whether the principals of the licensee repeatedly or willfully violated §§ 73.93(a), 73.111 and 73.113 of the Commission's rules and regulations during the period of the licensee's most recent license renewal and up to the present time;

4. To determine whether the station's operating logs were kept or permitted by the principals of the licensee to be kept in a manner intended to deceive and mislead the Commission as to whether the licensee was complying with the requirements of §§ 73.93, 73.111 and 73.113 of the Commission's rules and regulations during the period of the licensee's most recent license renewal and up to the date of this order;

5. To determine whether the principals of the licensee have exercised adequate control or supervision over the operation of the station in a manner consistent with their licensee responsibility during the period of the licensee's most recent license renewal;

6. To determine whether, in light of the evidence adduced under the foregoing issues, the licensee possesses the requisite character qualifications to be a licensee of the Commission;

7. To determine whether a grant of the above-captioned application would serve the public interest, convenience and necessity;

*It is further ordered*, That to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules and regulations, in person or by attorney, shall within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intent to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered*, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission rules and regulations, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission thereof as required by § 1.594 of the Commission's rules and regulations.

*It is further ordered*, That upon the basis of the hearing record, the Hearing Examiner and the Commission will consider whether the public interest would be better served by issuance of an Order of Forfeiture to the licensee, pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of $10,000, or some lesser amount, in lieu of an order denying a grant for renewal of license of WHZN, and that for said purpose this Order is to be considered as a Notice of Apparent Liability pursuant to section 503(b)(2) of the Communications Act; and

*It is further ordered*, That the Secretary of the Commission send copies of this order by Certified Mail-Return Receipt Requested to Radio 13, Inc.

Released: November 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11408; Filed, Nov. 6, 1964; 8:47 a.m.]

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[Docket Nos. 15593, 15594; FCC 64M-1086]

## ST. ALBANS-NITRO BROADCASTING CO. AND WCHS-AM-TV CORP.

### Order Regarding Procedural Dates

In re applications of St. Albans-Nitro Broadcasting Co., St. Albans, West Virginia, Docket No. 15593, File No. BPH-4146; WCHS-AM-TV Corporation, Charleston, West Virginia, Docket No. 15594, File No. BPH-4332; for construction permits.

The Hearing Examiner has before him a letter request by counsel for WCHS-AM-TV Corporation filed on October 29, 1964, requesting that the time for exchange of engineering showings and the other procedural dates set forth in the Hearing Examiner's order of September 18, 1964, be extended 60 days; and

It appearing that the applicants in this proceeding have found another channel available in the Charleston-St. Albans area and on October 29, 1964, filed a joint petition for rule making requesting assignment of a new channel which, if granted, would make unnecessary hearing in this matter; and

It further appearing that counsel for the Broadcast Bureau, the only other party to the proceeding has no objection to the relief sought in the letter;

*It is ordered*, This 30th day of October 1964, that the request for extension of time described above is granted; and the schedule of future steps in this proceeding are changed in the following respects:

Preliminary exchange of Engineering showings extended from November 2, 1964, to January 4, 1965;

Engineering Conference extended from November 24, 1964 to January 25, 1965;

Engineering showings exchanged in final form extended from December 4, 1964, to February 2, 1965;

[1] Commissioner Bartley absent.

Further prehearing conference extended from December 7, 1964, to February 4, 1965;

Direct presentation of nonengineering showings exchange extended from January 7, 1965, to March 8, 1965.

Released: November 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11409; Filed, Nov. 6, 1964; 8:47 a.m.]

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[Docket Nos. 15679, 15680; FCC 64-990]

## TRI-CITIES BROADCASTING CO. AND DAWSON COUNTY BROADCASTING CORP.

### Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of David F. Stevens, Jr., tr/as Tri-Cities Broadcasting Co., Cozad, Nebraska, Requests: 1580kc, 1 kw, Day, Class II, Docket No. 15679, File No. BP-15052; Dawson County Broadcasting Corporation, Cozad, Nebraska, Requests: 1580kc, 1 kw, Day, Class II, Docket No. 15680, File No. BP-15679; for construction permits.

1. The Commission has before it for consideration (a) the above-captioned applications; (b) a "Petition for Reconsideration", filed July 15, 1964, by Stevens directed against the Commission's Order of May 13, 1964 (FCC 64-433) accepting the Dawson County application for filing[1]; (c) pleadings related to (b), above[2]; (d) a "Petition to Deny" the Stevens application, filed December 10, 1962, by Dawson County; and (e) pleadings in response to the new applications by appellants and others" [underscoring added]. Thus, latter petition.[5] There is also before us another set of pleadings[4] pertinent to the above applications. However, for the reasons stated herein, it will not be necessary to make specific findings relevant to these pleadings.

2. In view of the fact that the Commission's acceptance of the mutually exclusive Dawson County application has presently foreclosed the possibility of a grant of the Stevens application without hearing, we find that the latter is a "person aggrieved or whose interests are adversely affected" within the meaning of section 405 of the Communications Act of 1934, as amended, and that, accordingly, he has standing to file the present petition for reconsideration.

3. In the motion to strike, Dawson County points out that the reply to its opposition was filed one day late by Stevens and that accordingly the pleading is patently defective under § 1.106(h) of the rules. Stevens in his opposition to the motion and in the motion requesting acceptance of the pleading, attributes his tardiness to the fact that Dawson County's opposition to the petition for reconsideration, as distinguished from other pleadings previously exchanged by the parties, was served by hand and that counsel for Stevens inadvertently computed the time within which a reply was due as if the opposition had been served by mail.

4. Notwithstanding the fact that Stevens has not shown good cause for the late filing, we find that since there has been substantial compliance with the rules we will waive the provisions of § 1.106(h) to the extent necessary to permit consideration of the pleading on its merits.

5. Set forth below is a brief chronology of the events which precipitated the petition for reconsideration now at hand:

a. August 17, 1961, Stevens' application accepted for filing, BP-15052.

b. May 10, 1962, a.m. freeze imposed.

c. July 26, 1962, Dawson County application first tendered for filing.

d. October 17, 1962, Dawson County application returned as inconsistent with freeze.

e. December 10, 1962, Dawson County application retendered together with petition for extraordinary relief requesting waiver of the freeze for the first time. Dawson County also petitions to deny the Stevens application.

f. December 11, 1962, Stevens' application "cutoff" date.

g. December 20, 1963, Decision by Court of Appeals in Kessler v. F.C.C. 1 RR 2d 2061.

h. May 13, 1964, Dawson County application accepted for filing nunc pro tunc.

6. Stevens, in requesting the Commission to rescind its acceptance of the Dawson County application, maintains that the Court in Kessler, supra, while upholding the validity of the freeze, at the same time extended Ashbacker[6] rights only to those parties who sought administrative or judicial review of their respective rejections and that Dawson County abandoned its rights by seeking neither. Moreover, according to Stevens, whatever rights accrued at the time the application was initially tendered were waived when the application was retendered and Dawson County, instead of attacking the Commission's action as erroneous, merely sought a waiver[6] of the freeze on public interest grounds.[7]

7. In opposition, Dawson County asserts that the Stevens interpretation of the Kessler decision is too narrow; that Stevens' contention that Ashbacker rights were "waived" is frivolous since mutual exclusivity was obvious; and that it chose to stress public interest considerations rather than rely on the Ashbacker case because the Commission had ruled only two months before[8] that the freeze was not violative of Ashbacker. In reply, Stevens reiterates his claim that Dawson County's reliance on public interest considerations constituted a waiver of any Ashbacker rights and that the Commission erred in accepting the application for filing.

8. We find that Dawson County is entitled to comparative consideration and that this finding is fully consistent with the Court's rationale in Kessler. The Court was most concerned with the possibility that the freeze might result in grants without hearing to applicants against whom timely and mutually exclusive applications had been tendered. According to the Court, such action would have had the deleterious effect of freezing new applicants "permanently out of a right of substance * * *." Nor did the potential harm to the public inherent in such an event escape the Court's attention:

> We hardly need add that if a grant of a pending application is to be considered under existing standards, the public interest would demand that mutually exclusive applications timely tendered be also considered in a comparative hearing designed to ascertain the applicant best qualified to provide the broadcasting service involved.[9]

The Court went on to state[10] that the Commission had the option of proceeding with comparative hearings or postponing the hearing "pending conclusion of the rule making and the filing thereafter of

[1] After listing eight tendered proposals which were mutually exclusive with applications already accepted for filing, the order stated in pertinent part:

It further appearing, that the United States Court of Appeals for the District of Columbia Circuit issued its decision in the case of Kessler v. F.C.C., 1 R.R. 2d 2061 (1963) in which it ordered that applications which are, or become, in fact mutually exclusive with an application pending May 11, 1962 (the effective date of the freeze on standard broadcast applications as set forth in the note to § 1.571 of the Commission's rules), or one accepted for filing since that date, are entitled to a comparative hearing under the case of Ashbacker Radio Corp. v. F.C.C., 326 U.S. 327 (1945) with the mutually exclusive application on file, if the tendered mutually exclusive applications were timely and rejected solely because of the freeze on new applications.

*Accordingly, it is ordered,* That the above-captioned applications are accepted for filing.

[2] (a) "Opposition to Petition for Reconsideration" by Dawson County, filed June 30, 1964; (b) "Reply to Opposition to Petition for Reconsideration", filed July 8, 1964, by Stevens; (c) "Motion to Strike" by Dawson County, filed July 10, 1964; (d) "Opposition to Motion to Strike", filed July 17, 1964, by Stevens; (e) "Motion to Accept Pleading" by Stevens, also filed July 17, 1964; and (f) "Reply to Opposition to Motion to Strike and Statement Regarding Motion to Accept Pleading" by Dawson County, filed July 27, 1964.

[3] (a) "Motion to Strike" by Stevens, filed December 21, 1962; (b) "Opposition to Motion to Strike", filed January 9, 1963, by Dawson County; (c) "Reply to Opposition to Motion to Strike" by Stevens, filed January 21, 1963.

[4] (a) "Petition for Extraordinary Relief", by Dawson County, filed December 10, 1962; (b) "Opposition to Petition for Extraordinary Relief", filed December 27, 1962, by Stevens; (c) "Reply to Opposition to Petition for Extraordinary Relief" by Dawson County, filed January 9, 1963; (d) "Petition for Leave to File Additional Pleading", filed January 22, 1963, by Stevens; and (e) "Comments Concerning Reply to Opposition to Petition for Extraordinary Relief" by Stevens also filed January 22, 1963.

[5] Ashbacker Radio Corp. v. F.C.C. 326 U.S. 327 (1945).

[6] No request for waiver accompanied the first tender.

[7] A grant to Stevens would have placed Cozad's only radio station in the hands of the publisher of its only newspaper.

[8] Memorandum Opinion and Order, FCC 62-1052, released October 15, 1962.

[9] At page 2077, 1 R.R. 2d.

[10] Ibid.



while the Commission was empowered to use its discretion in determining when and under what set of rules hearings would be held, the mandate of the Court was explicit. No application can be granted without the right to a comparative hearing being afforded to an applicant who tendered a timely, mutually exclusive application.

9. We now turn to the question of whether Dawson County failed to preserve its rights by not seeking administrative or judicial review of the rejection of its application. Firstly, there is no doubt that by December 10, 1962, i.e., the date of retender, the 30-day time period for the filing of a petition for reconsideration or an appeal under sections 405 or 402, respectively, of the Act had expired. Had the Commission considered and denied the application after hearing, Dawson County, under § 1.519(a) of the rules, would have been precluded from filing a similar application within one year of the denial. But the latter rule is not here applicable. The original Dawson County application was dismissed for the sole reason that it did not comply with the criteria then governing the acceptability of applications. Neither the Act nor the rules promulgated thereunder prohibit an applicant from retendering an application[11] which for one reason or another was not accepted for filing. Dawson County was free to revive, as it were, the rights it had lost in failing to appeal the rejection within the specified time. We were then, in effect, faced with an entirely new application. Had the Commission upon retender dismissed the proposal during the pendency of the Kessler case little would have been accomplished from a standpoint of orderly administrative practice. For while it is true that a second rejection would have placed on Dawson County the burden of promptly seeking administrative or judicial review of the Commission's action, it would not have cleared the way for a grant of the Stevens application, since dispositive action on applications filed prior to the freeze—against whom competing proposals had been filed—was being withheld pending the outcome in Kessler. For this reason the Commission determined that the most practical and equitable course of action was to postpone ruling on acceptability, thus permitting Dawson County to maintain its status as a timely tendered applicant until the rights of post-freeze applicants were finally adjudicated.[12] As a result Dawson County's Ashbacker rights, as subsequently determined by the Court, were preserved. Thus, we will deny the petition for reconsideration. In view of this finding it will not be necessary for us to make specific findings with respect to Dawson County's petition for extraordinary relief and accordingly, it will be dismissed as moot.

10. We now turn to Dawson County's petition to deny the Stevens application. The petition was filed concurrently with the retendered application and the petition for extraordinary relief one day prior to Stevens' "cut-off" date. Standing was predicated on the fact that acceptance of the application for filing would confer on Dawson County, as a competing applicant, the status of a "party in interest" entitled to file a pregrant petition under section 309(d) of the Act and § 1.580(i) of the rules. In its motion to strike, Stevens contended that Dawson County lacked standing since its status was one of a "would-be-applicant".[13] Whatever merit might have attached to this argument at the time no longer exists. The Dawson County petition was tendered prior to Stevens' acquisition of protected status under the "cut-off" procedure and the Commission's nunc pro tunc acceptance of the application confers upon Dawson County the status of a timely filed competing applicant. As such Dawson County is a "party in interest" under section 309(d) of the Act.

11. In its motion to strike, Stevens also asserts, as a threshold matter of procedure, that the petition to deny is fatally defective[14] because of improper service in that a copy of the petition was mailed to an engineer rather than to the applicant or his attorney. Dawson County, by way of explanation, claims that it acted upon reasonable appearances under the circumstances. Section 1, page 2, of FCC Form 301 requires the applicant to list the names and addresses of engineering and/or legal counsel, if any. In response the names of two individuals, A and B, were listed. On the same page A was credited with the preparation of certain engineering data. Dawson County assumed that B was the legal counsel (actually both A and B were engineers) and mailed a copy of the petition to him.[15] Dawson County argues that the defects, if any, were corrected by virtue of the fact that Tri-Cities received actual notice of the petition.

12. We find that although the service was technically improper no fatal defect exists. In Tribune Building Co., supra note 14, no attempt was made to serve the adverse party nor did the pleading contain the proof of service required by the rules. It should also be noted that there the Commission found that the protestant lacked standing under Sanders[16] since no direct and immediate economic injury was shown. Here there was a bona fide effort made to adhere to the requirements of the rule and although the petition was misdirected the mailing did, in fact, ultimately result in actual notice to Stevens. Thus, it may be said that there was substantial compliance with the rule which in no way prejudiced Stevens' rights.

13. The primary ground upon which Dawson County bases its contentions in the petition is the allegation that a grant of the Stevens proposal would create a "monopoly" of the only two communications facilities in Cozad, the local newspaper and the local radio station. The applicant publishes the semiweekly Cozad Local, circulation 3,200, and the monthly Platte Valley Farmer which is directed specifically to the surrounding rural population and is circulated to approximately 18,000 persons. The only other publication in Cozad (population 3,184) is an advertising tabloid called The Free Press Shopping Guide. At the time the petition was filed the latter carried no news or editorial matter. In a supplemental pleading,[17] Stevens submitted a copy of the January 9, 1963, edition of the paper containing an announcement that it was the publisher's intention to "make a newspaper of the Free Press again." The announcement also stated that news space should be "rigidly curtailed" by advertising requirements and, for this reason, each article would be limited to approximately five column inches. On the basis of this submission, Stevens contends that there are now two newspapers in Cozad and, for this reason, no possibility of a communications monopoly exists. On February 20, 1963, the Stevens application was amended to include a statement and a showing regarding the numerous other broadcast stations and newspapers providing some degree of service to the Cozad area. The application was further amended on April 4, 1963. In this amendment a statement was submitted to the effect that there would be no joint rates as between the Cozad Local and the proposed new station and that, with the exception of the newspaper's sports editor, there would be no joint staffing.

14. The issue of whether or not a publisher should be awarded a broadcast facility in the same town served by his newspaper has often been contested within the context of comparative hearings. On some occasions the potential cross-ownership of newspaper and broadcast interests have been found to be the deciding factor.[18] The Commission, in Miami Broadcasting, designated

[11] Provided, of course, that it is retendered prior to the effective "cut-off" date of any competing application.

[12] After entry of the appeal in Kessler the Commission, as a matter of policy, withheld action on applications similarly situated.

[13] Citing Cal-Coast Broadcasters, 20 R.R. 910, affirmed sub nom. Ranger et al. (Radio Cabrillo) v. F.C.C. 111 U.S. App. D.C. 294 F. 2d 240, 21 R.R. 2030.

[14] Citing In re Tribune Building Co., 18 R.R. 689.

[15] Section 1.47(d) of the Commission rules is as follows: Documents may be served upon a party, his attorney, or other duly constituted agent by delivering a copy to the last known address. When a party is represented by an attorney of record in a formal proceeding, service shall be made upon such attorney.

[16] F.C.C. v. Sanders Bros., 309 U.S. 470 (1940).

[17] Accompanied by a petition for leave to file an additional pleading Stevens on January 22, 1963, submitted "Comments Concerning Reply to Opposition to Petition for Extraordinary Relief". Since the latter pleading brings forth information not available at the time Stevens filed his Opposition, the Commission has accepted the additional pleading and considered the matters therein as they relate to the petition to deny.

[18] Scripps-Howard Radio, Inc. v. F.C.C., 89 U.S. App. D.C. 13, 189 F. 2d 677; McClatchy Broadcasting Co. v. F.C.C., 99 U.S. App. D.C. 195, 239 F. 2d 15.



for hearing" an application seeking an

for hearing" an application seeking approval of the sale of a town's only radio station to the publisher of its only local newspaper for the sole purpose of determining whether a grant "would create a concentration of control of the media of mass communications". In that case the Commission set forth certain guidelines which the Broadcast Bureau could follow in adducing evidence pertinent to the public interest question presented:

> There can be a thorough exploration of such relevant factors as the number of other broadcast services and newspapers reaching the community in question from other communities and the audience or circulation of such outside sources; the extent to which such outside sources deal with local problems in the community in question; and such other factors as would tend to demonstrate that there would or would not be a concentration of control of mass communications media contrary to the public interest.

While there appears to be some dispute as to whether the Cozad Local is the only bona fide newspaper in the town, the Commission finds, under the circumstances presented, that Dawson County has alleged facts which raise substantial and material questions concerning a potential concentration of control of communications media in Cozad. Accordingly, a specific issue to that effect will be included and the opportunity presented for examination of the factors listed above.

15. Dawson County also challenges Stevens' financial qualifications and cast doubts on his ability to effectuate the programming proposal with the number of potential employees listed in the application. Subsequent amendments, however, have resolved whatever deficiencies may have existed regarding finances and staffing and we find that no substantial questions remain concerning Stevens' qualifications in these areas.

16. According to Dawson County, approximately $32,544 will be needed to cover the estimated construction costs and three months working capital for its proposed station. The financing plan is to secure the needed funds through the sale of capital stock to 15 stockholders and through loans. Thus far the corporation has issued 160 shares of stock for which it has received $4,000. Another 1,040 shares have been subscribed for at $25 per share ($26,000). This means that receipts, as presently contemplated, from both issued and subscribed stock will total only $30,000. Furthermore, examination of the application discloses that as of July 16, 1964, $3,704 of this amount has been used to pay for expenses incurred in preparation and prosecution of the application. In addition, the loan commitment from stockholder D. L. Dodds fails to show the terms of payment and security for the loan; nor does his balance sheet appear to show cash and/or liquid assets available to make the loan. It is also noted that the bank letter submitted does not, on its face, constitute a firm loan commitment. Therefore, on the basis of the information contained in the application, it cannot be concluded that Dawson County has adequate cash and/or liquid assets available in the amount required to finance the construction and operation of the proposed station for a reasonable period of time.

17. In addition, since it has not yet been determined whether or not the Dawson County antenna tower would constitute a hazard to air navigation, an issue with respect thereto will be included and the Federal Aviation Agency will be made a party to the proceeding ordered below.

18. Except as indicated by the issues below, the applicants are legally, technically, and otherwise qualified to construct and operate as proposed; Stevens is financially qualified, but it appears that Dawson County may not be financially qualified and an appropriate issue will be included. However, in view of the fact that the applications are mutually exclusive they must be designated for hearing in a consolidated proceeding on the issues set forth below.

*Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the application of David F. Stevens, Jr., would create a concentration of control of the media of mass communication in Cozad, Nebr., contrary to the public interest.

3. To determine whether Dawson County is financially qualified to construct and operate its proposed station.

4. To determine whether there is a reasonable possibility that the tower height and location proposed by Dawson County would constitute a menace to air navigation.

5. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

*It is further ordered,* That, the Federal Aviation Agency is made a party to the proceeding.

*It is further ordered,* That the "Petition for Reconsideration", filed by David F. Stevens, Jr., is denied; that the "Motion to Strike", by Dawson County, is denied; that the "Motion to Accept Pleading", by David F. Stevens, Jr., is granted; that the "Petition to Deny", by Dawson County, is granted to the extent indicated above and is denied in all other respects; that the "Motion to Strike", by David F. Stevens, Jr., is denied; that the "Petition for Extraordinary Relief", by Dawson County is dismissed; that the "Petition for Leave to File Additional Pleading", filed by David F. Stevens, Jr. is granted.

*It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

*It is further ordered,* That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Adopted: October 28, 1964.

Released: November 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[20]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11410; Filed, Nov. 6, 1964; 8:47 a.m.]

[19] In re Miami Broadcasting Company, released August 6, 1963 (FCC 63-774), 1 R.R. 2d 43.

[20] Commissioner Bartley absent.

# FEDERAL MARITIME COMMISSION

## ARCHER-DANIELS MIDLAND CO. AND NORTH PACIFIC GRAIN GROWERS, INC.

### Agreement Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Archer-Daniels Midland Co.,
733 Marquette Avenue,
Minneapolis, Minn. 55440.

Agreement No. T-828, between Archer-Daniels Midland Company (Company) and North Pacific Grain Growers, Inc. (Grain Growers), is a joint venture agreement whereby Company and Grain Growers agree to cooperate in the operation of a certain grain terminal at Vancouver, Wash. The agreement provides that the parties will jointly manage and operate the elevator with the decisions as to day to day operations to be made by Company. Each of the parties will have the right to use one-half of the storage space in the elevator and neither shall have any priority in the use of the facilities. The agreement also provides that annually the net profit or net loss from the operation will be divided 50-50 between the parties. The agreement further provides that if it becomes necessary to revise the present tariffs covering charges to be made at the elevator, both parties will consult with each other and determine mutually what provisions or conditions shall be made.

Dated: November 4, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11413; Filed, Nov. 6, 1964; 8:48 a.m.]

## B & O RAILROAD CO. AND UNITED FRUIT CO.

### Agreement Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Denning & Wohlstetter,
One Farragut Square South,
Washington, D.C. 20006.

Agreement No. T-579 between the B & O Railroad Company (Railroad) and United Fruit Company (Company), provides that Company assist in financing the construction of a fruit terminal at Locust Point, Baltimore. Company shall have the right to install and operate certain banana unloading equipment at the fruit terminal. Railroad agrees to pay a fixed amount over to Company for each car handled if the gross roadhaul revenue is in excess of a specified amount per car as repayment of financial assistance from Company. The agreement also provides that Company may dock its vessels at the facility and that the vessels will be charged the published tariff rates that are assessed against vessels docking at Railroad piers in the Port. The agreement further provides for lease of certain warehouse and office space to Company at a fixed amount.

Dated: November 4, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11414; Filed, Nov. 6, 1964; 8:48 a.m.]

## CITY OF CLEVELAND AND CLEVELAND STEVEDORE CO.

### Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by

City of Cleveland,
Department of Law,
204 City Hall,
Cleveland 14, Ohio.

Agreement No. T-1365 between the City of Cleveland (City) and the Cleveland Stevedore Company (Company), provides that Company operate the West Sixth Street pier facility as a responsible and reputable public wharfinger. Company agrees (1) to publish and make available a tariff listing rules and rates for services furnished, (2) that all charges for the use of the leased facility will be subject to control by the City through its Director of Port Control and (3) that such charges shall be commensurate with those assessed at similar facilities at Cleveland. As compensation for the lease Company agrees to pay a fixed amount as specified in the agreement.

Dated: November 4, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11415; Filed, Nov. 6, 1964; 8:48 a.m.]

## ELIZABETH RIVER TERMINALS AND PENNSYLVANIA RAILROAD CO.

### Agreement Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by

Kominers & Fort, Tower Building,
1401 K Street NW.,
Washington, D.C.

Agreement No. T-1494, between the Elizabeth River Terminals (Terminal) and the Pennsylvania Railroad Company (Railroad), provides that Terminal agrees to act as agent for the Railroad for handling export, import, coastwise, intercoastal freight, transshipped over certain facilities at Norfolk, Virginia, in connection with rail transportation by the Railroad. Terminal agrees to load and unload cars, provide storage and otherwise perform the duties and obligations of Railroad with respect to such freight at rates set forth in Railroad's published tariff. As compensation for the use of the facilities and for services performed on its behalf Railroad agrees to pay Terminal certain rates as specified in the agreement. Terminal shall be responsible to the Railroad for the





collection of freight charges and shall



at the Carriers' respective terminals in

collection of freight charges and shall pay over to Railroad all fixed charges collected.

Dated: November 4, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11416; Filed, Nov. 6, 1964; 8:48 a.m.]

## IMPERIAL TOBACCO CO. ET AL.

### Agreement Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Norfolk and Western Railway Co.
Law Department
Roanoke, Va.

Agreement No. T-893 between the Imperial Tobacco Company (Company) and Atlantic Coast Line Railroad, the Atlantic and Danville Railway, Norfolk Southern Railway, Seaboard Air Line Railroad and Southern Railway (Carriers), provides that the Carriers receive and deliver freight over their respective lines to and from Terminal at the same rates as applicable to and from Carriers' Terminals in the Norfolk area. Carriers agree to absorb certain terminal charges in the same manner as at their own terminals in the Norfolk area. Terminal agrees to collect freight charges billed by Carriers in accordance with their tariffs and pay same over to them. Terminal further agrees to abide by the written instructions of Carriers in the handling of such freight and will not exercise any demands made by the owners of the freight without approval by the Carriers. Terminal will assess no wharf demurrage charges against rail freight during the free time period established by the Carriers' tariffs. The agreement further provides that any charges assessed by Terminal must be the same as published in the Carriers' own tariffs applicable at their terminal facilities in the Norfolk area. Terminal further agrees to assess all freight moving by truck and barge the same rates as are assessed and collected at the Carriers' respective terminals in the Norfolk area.

Dated: November 4, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11417; Filed, Nov. 6, 1964; 8:48 a.m.]

## READING CO. AND MOORE-McCORMACK LINES

### Agreement Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Schnader, Harrison, Segal & Lewis,
1719 Packard Building,
Philadelphia, Pa. 19102.

Agreement No. T-797 between the Reading Company (Lessor) and Moore-McCormack Lines (Lessee), provides for the lease of certain property at Philadelphia, Pa., to be used by Lessee for the storage of import and export cargo. As compensation Lessee agrees to pay a fixed amount as specified in the agreement in lieu of Lessor's published storage charges.

Dated: November 4, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11418; Filed, Nov. 6, 1964; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. E-6887]

## BONNEVILLE PROJECT, COLUMBIA RIVER, OREGON-WASHINGTON

### Notice of Request for Confirmation and Approval of Amendment to Wholesale Rate Schedules

NOVEMBER 2, 1964.

Notice is hereby given that the Secretary of the Interior, on behalf of the Bonneville Power Administration has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Bonneville Act (50 Stat. 731), as amended, and section 5 of the Flood Control Act of 1944 (58 Stat. 890) amendment of Wholesale Rate Schedule F-4 of the Bonneville Power Administration, proposed to be effective for a one-year period, beginning December 20, 1964.

The amendment of Bonneville Power Administration's Wholesale Rate Schedule F-4 would be accomplished by inserting new sections 5 and 6.

Section 5 provides that firm capacity may be purchased on a contract demand basis for supply during a contract year or during a contract season of May 1 through September 30.

The minimum annual charge shall be as follows:

(1) Contract year service: $9.00 per kilowatt per year of the larger of the contract demand or measured demand for the contract year. Interim bills will be rendered monthly at the rate of $0.75 per kilowatt of billing demand starting with deliveries for the first month of each contract year.

(2) Contract season service: $5.00 per kilowatt per season of the larger of the contract demand or measured demand for the contract season. Interim bills will be rendered monthly at the rate of $1.00 per kilowatt of billing demand starting with deliveries for May of each contract season.

Contracts for the purchase of such firm capacity shall include provisions for the advance delivery or for return by the purchaser of energy accompanying the delivery of such capacity. Any such energy which is not supplied by the purchaser will be billed under Schedule H-3.

Section 6 provides that firm capacity may be purchased under Schedule F-4 in combination with the purchase of firm power under Schedule C-4.

Under such combination purchase, the billing demand for firm capacity under Schedule F-4 shall be the contract demand specified in the contract, which may be increased by the purchaser on July 1 of any year by prior notice to the Administrator. Capacity deliveries under Schedule F-4 shall be deducted from total firm power peak measured and peak computed demands in determining the billing demand under Schedule C-4. Any adjustment for power factor on combination purchase deliveries shall be applied to the billing under Schedule C-4 by relating total reactive kilovolt-amperehours to energy deliveries under Schedule C-4.

The contract for purchase of firm capacity in combination with Schedule C-4 shall include provisions for the advance delivery or for return by the purchaser of energy accompanying the delivery of such capacity from actual generation at the purchaser's plants or by purchase of energy from sources other than contracts with Bonneville. Any such energy which is not supplied by the purchaser will be billed under Schedule H-3.

The proposed amended Wholesale Power Rate Schedule is on file with the Commission for public inspection. Any person desiring to comment or to make any representations with respect thereto should submit same on or before November 18, 1964, to the Federal Power Commission, Washington, D.C., 20426.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11396; Filed, Nov. 6, 1964; 8:47 a.m.]



[Docket No. G-17485 etc.]

## NORTHERN NATURAL GAS CO., AND TOWN OF MANILLA, IOWA

### Order Consolidating Proceedings, Permitting Intervention, Prescribing Procedures, and Fixing Date of Hearing

NOVEMBER 2, 1964.

Northern Natural Gas Company, Dockets Nos. G-17485, G-17486; Town of Manilla, Iowa, RP64-46.

A "Notice of Application to Amend" was issued in Docket No. G-17486 on July 31, 1964, and published in the FEDERAL REGISTER on August 6, 1964.[1] This notice recited that on June 12, 1964, Northern Natural Gas Company (Northern) had filed an application to amend the Commission's order accompanying Opinion No. 324 issued July 31, 1959, in Northern Natural Gas Company, 22 FPC 164, so as to authorize Northern to sell to the City of Emmetsburg, Iowa, a third-year contract demand volume of 1,134 Mcf instead of the third-year contract demand quantity of 1,415 Mcf which Northern had originally been authorized to sell to Emmetsburg by the order accompanying Opinion No. 324.

Northern's filing of its application to amend precipitated the filing on July 13, 1964, of a "Joint Answer of Four Interveners"[2] opposing the granting of the requested reduction in the contract demand of Emmetsburg on the ground that such reduction would be contrary to the principles expressed in Opinion No. 324 which had authorized Northern to extend service to approximately 342 communities on the assumption that the market estimates used to calculate economic feasibility would materialize as represented by the companies and municipalities proposing new service in that proceeding. The Four Interveners stated that since the Commission had authorized Northern to serve certain relatively uneconomic communities on the condition that the distributors proposing such service be required to make contributions in aid of construction, it would be necessary for communities on the Emmetsburg lateral to make contributions in aid of construction in the amount of $60,184[3] since those communities had been certificated for service without the requirement of any contribution and they apparently cannot now buy enough gas for them to be permitted to retain their place among those communities which had been exempted from making contributions in aid of construction. The Four Interveners claim that they will be forced to help pay the cost of service on the Emmetsburg lateral if the third-year contract demand volumes to be served by means of that lateral are reduced as requested. They also contend that future markets will be deliberately overestimated by those proposing service to new communities in order to represent that such new service is economically feasible and to avoid, as far as possible, being required to make contributions in aid of construction.

On July 23, 1964, the Towns of Whittemore and West Bend, Iowa, filed a "Joint Reply of Two Interveners" to the above-described "Joint Answer of Four Interveners" pointing out that they are on the Emmetsburg lateral and have purchased their contract demand volumes as originally estimated and that it would be discriminatory to them to require them to make a contribution in aid of construction just because two other communities on that particular lateral have not been able to take the full contract demand volumes which they had originally estimated that they could use.

On August 3, 1964, the Emmetsburg Municipal Gasworks filed a reply to the "Joint Answer of Four Interveners" stating that the order authorizing Northern to serve the 342 communities concerned in Opinion No. 324 is a final order, that the Commission had already dealt with the Four Interveners' allegations in that proceeding, and that these interveners could not now raise the same issues again.

Other petitions requesting reduction in contract demand volumes were filed as indicated in the following tabulation:[4]

| Petitioner and docket Nos. | Date of filing | Third year CD certificated (Mcf at 14.73) | CD presently sought (Mcf at 14.73) | Reduction in CD requested (Mcf at 14.73) |
|---|---|---|---|---|
| Cascade, Iowa, G-17485 and G-17486 | 8-27-64 | 702 | 609 | 93 |
| Emmetsburg, Iowa, G-17486 | 8- 3-64 | 1,415 | 1,134 | 281 |
| Graettinger, Iowa, G-17486 | 7-20-64 amended 9-28-64 | 552 | 400 | 152 |
| Manilla, Iowa,[1] RP64-46 | 6-30-64 | 477 | 391 | 86 |
| North Central Public Service Co.,[2] G-17485 and G-17486 | 9- 2-64 | 10,367 | 8,959 | 1,428 |
| Osage, Iowa, G-17485 and G-17486 | 10- 2-64 | 1,747 | 1,587 | 160 |
| Woodbine, Iowa, G-17485 and G-17486 | 8-27-64 | 551 | 403 | 148 |
| Total reductions requested | | | | 2,348 |

[1] Although the document filed by Manilla seeks a reduction in contract demand, it is in the form of a complaint filed pursuant to Section 5(a) of the Natural Gas Act requesting that Northern be required to comply with its tariff which has a provision regarding a decrease in contract demand when there is an offsetting increase in contract demand in the same rate zone.

[2] North Central's petition seeks a decrease in contract demand regarding the Anoka, Minn., branch line.

On August 6, 1964, Northern filed an answer to Manilla's complaint in Docket No. RP64-46 observing that Manilla wishes to have its contract demand reduced below the third-year volume certificated in the order accompanying Opinion No. 324 and requesting that Manilla's complaint be consolidated with the petitions filed by other communities seeking reductions in contract demand because Manilla's difficulty is similar to the problems of other communities which do not seem to be able to use the third-year volumes of gas certificated in Opinion No. 324. Northern also filed answers to Cascade's and Graettinger's petitions on August 24, 1964, requesting that these petitions to reduce contract demands be consolidated with consideration of the same issues raised by other petitioners.

Petitions seeking leave to intervene in the proceeding regarding the above-described requests to reduce contract demands have been filed by the following municipalities and companies:

*Petitioners and Date of Filing*

Manilla, Cascade, and Woodbine, Iowa, Towns of (Joint Petition), August 21, 1964.
Iowa Power and Light Co., August 24, 1964.
Metropolitan Utilities District of Omaha, August 14, 1964, and September 25, 1964.
Minneapolis Gas Co., August 17, 1964.
Northern States Power Co. (Minn.), August 19, 1964.
Western Power & Gas Co., August 19, 1964.
Whittemore, West Bend, and Graettinger, Iowa, Towns of (Joint Petition), August 17, 1964.

On August 17, 1964, and September 28, 1964, Emmetsburg Municipal Gasworks (Gasworks) filed answers to Metropolitan Utilities District's two petitions to intervene. On August 28, 1964, Gasworks also filed answers to the petitions to intervene of Northern States Power Company and Western Power & Gas Company. In all of these answers Gasworks denies that the petitioners will be injured if Gasworks' contract demand volumes are reduced and also denies that the petitioners have shown good cause to be permitted to intervene.

This order shall constitute notice of the filing of the foregoing petitions to amend the order accompanying Opinion No. 324 and of the complaint filed in Docket No. RP64-46. These petitions to amend and complaint are on file with the Commission and open to public inspection.

[1] 29 F.R. 11397.

[2] Metropolitan Utilities District of Omaha, Minneapolis Gas Company, Northern States Power Company (Minn.), and Western Power & Gas Company.

[3] Minneapolis Gas Company's petition to intervene, filed August 17, 1964, raised this sum to $121,445 because by that time Graettinger, Iowa, which is on the same lateral as Emmetsburg, had also filed a petition seeking to have its contract demand reduced from the third-year volume certificated by the order accompanying Opinion No. 324.

[4] Since Emmetsburg's petition makes a request for reduction of contract demand which is identical to the earlier request made by Northern on behalf of Emmetsburg in its petition filed June 12, 1964, the tabulation summarizes all pending requests received up to the present time for reduction of the third-year contract demand volumes certificated by the order accompanying Opinion No. 324.

The Commission finds:

(1) The above-described requests to reduce contract demand volumes are related matters which should be heard on a consolidated record as hereinafter provided.

(2) It is desirable to allow the companies and municipalities which have filed petitions to intervene to become interveners in this proceeding in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The petitions and application filed in Dockets Nos. G–17485 and G–17486 and the complaint filed in Docket No. RP64–46 requesting that the order accompanying Opinion No. 324, 22 FPC 164, be amended to reduce the third-year contract demand volumes certificated therein or that Northern be required to comply with § 17.5 of the General Terms and Conditions of its FPC Gas Tariff regarding decreases in contract demand are hereby consolidated for purposes of hearing and decision thereon.

(B) Pursuant to the authority contained in, and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 5, 7, 15, and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing January 26, 1965, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, concerning the matters involved in and the issues presented by the petitions and complaint filed in Dockets Nos. G–17485, G–17486, and RP64–46 seeking reductions in the third-year contract demand volumes certificated by the order accompanying Opinion No. 324, 22 FPC 164.

(C) The above-named parties who have filed petitions to intervene in this proceeding are hereby permitted to become interveners in this consolidated proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; And *provided further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) Additional protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 30, 1964. Parties permitted to intervene in this consolidated proceeding by the instant order need not make additional filings in order to participate in all phases of the hearing regarding requests to reduce contract demands even though such requests may have been filed in dockets other than those in which their petitions to intervene were filed or may have been filed with the Commission subsequent to the receipt by the Commission of their petitions to intervene.

(E) The petitioners requesting reduction of contract demand volumes in Dockets Nos. G–17485, and G–17486 and the complainant in Docket No. RP64–46 shall, within 15 days after issuance of this order, serve copies of their petitions or complaint upon all the parties permitted to become interveners by paragraph (C) above, unless such service has heretofore been made.

(F) All petitioners and complainant requesting decreases in contract demand and any interveners in support of such requests shall on or before December 14, 1964, file with the Commission and serve on all parties to this proceeding all exhibits and testimony of all witnesses to be sponsored by them in support of their cases-in-chief.

(G) All interveners in opposition to the granting of reductions in contract demands and the Commission's staff shall on or before January 11, 1965, file with the Commission and serve on all parties to this proceeding all exhibits and testimony of all witnesses to be sponsored by them.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–11397; Filed, Nov. 6, 1964; 8:47 a.m.]

[Dockets Nos. G–10798, CP65–87]

## PANHANDLE EASTERN PIPE LINE CO.

### Notice of Applications

NOVEMBER 2, 1964.

Take notice that on September 30, 1964, Panhandle Eastern Pipe Line Company (Applicant), One Chase Manhattan Plaza, New York 5, N.Y., and Post Office Box 1348, Kansas City 41, Mo., filed in Docket No. CP65–87 an application pursuant to section 3 of the Natural Gas Act for authorization to export natural gas from the United States to the Dominion of Canada in accordance with the terms of an agreement dated April 21, 1954, between Applicant and Union Gas Company of Canada, Limited (Union Gas) as amended by an agreement dated December 20, 1963, all as more fully set forth in the application and exhibits which are on file with the Commission and open to public inspection.

The agreement of April 21, 1954, was the subject of certificate authorization granted to Applicant to export to Canada for sale and delivery to Union Gas up to 15,500,000 Mcf of natural gas per year, by order issued June 30, 1956, in Docket No. G–2475 (Opinion No. 292, Docket No. G–1705, et al., 15 FPC 46, 75). The term of the 1954 contract extended to 1976 but said contract provided for termination, upon proper notice, if equivalent volumes of natural gas became available to Union Gas from Canadian sources. The latter contingency occurred and deliveries by Applicant ceased, it is stated, on October 27, 1959. The subject application seeks to reinstate the 1954 contract with certain modifications according to the letter agreement of December 20, 1964.

Concurrently, on September 30, 1964, Applicant filed a petition for amendment of the Amended Permit authorizing the construction, operation, maintenance and connection of natural gas transmission facilities by Applicant at the international boundary between the United States and Canada, which permit was issued June 3, 1957, in Docket No. G–10798. This amendment is requested to implement the exportation of natural gas which is the subject of the letter agreement of December 20, 1963, and the certificate application in Docket No. CP65–87 as set forth hereinabove.

No additional facilities will be required in connection with the two applications which are the subject of this notice.

Protests, petitions to intervene or requests for hearing in these proceedings may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 30, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–11398; Filed, Nov. 6, 1964; 8:47 a.m.]

[Docket No. CP65–89]

## TEXAS GAS TRANSMISSION CORP.

### Notice of Application

NOVEMBER 2, 1964.

Take notice that on October 1, 1964, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Ky., filed in Docket No. CP65–89, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities, and the transportation of natural gas in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate metering and regulating facilities and to receive, measure and transport for the account of Hope Natural Gas Company (Hope), gas to be produced by Hope and gas to be purchased by Hope from the Exchange Oil & Gas Company (Exchange) and Sinclair Oil & Gas Company (Sinclair) in the Chalkey Field, Cameron Parish, Louisiana.

Applicant states the transportation for the account of Hope will be rendered under the certificate issued to Texas Gas on August 10, 1959, in Docket No. G–17335 and will not involve a change in the presently authorized transportation obligation of Applicant of 100,000 Mcf per day. The rate to be charged for such transportation will be as provided in Rate Schedule X–21 contained in Applicants' FPC Gas Tariff, Original Volume No. II.



The estimated cost of the proposed facilities is $2,790, and will be defrayed from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 25, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–11399; Filed, Nov. 6, 1964; 8:47 a.m.]

[Docket No. CP64–107]

## TEXAS GAS TRANSMISSION CORP.

### Notice of Application To Amend Order

NOVEMBER 2, 1964.

Take notice that on September 10, 1964, Texas Gas Transmission Corporation (Applicant), Owensboro, Ky., filed in Docket No. CP64–107, an application to amend an order of the Commission issued May 26, 1964, in Docket No. CP64–107, granting a certificate of public convenience and necessity authorizing among other things the sale and delivery of natural gas to Mississippi Valley Gas Company (Mississippi Valley). The application to amend states that the United States Gypsum Company has requested that a portion of its interruptible purchases from Mississippi Valley be converted to firm service beginning November 1, 1964, as a result of which Applicant proposes to increase firm sales and deliveries from 81,000 Mcf daily for the 1964–66 winter season to 82,500 Mcf and 85,500 Mcf daily, respectively, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

Applicant states the proposed service will be rendered from unallocated excess capacity authorized heretofore in Docket No. CP64–107. No new facilities are required to render the increased service.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 23, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–11400; Filed, Nov. 6, 1964; 8:47 a.m.]

[Docket No. RI62–91 [1]]

## UNION TEXAS PETROLEUM ET AL.

### Order Permitting Withdrawal of Rate Filing, Terminating Proceeding and Prescribing Refunds

OCTOBER 26, 1964.

On September 15, 1961, Union Texas Petroleum, a division of Allied Chemical Corporation (Union Texas) [2] tendered for filing a proposed change in rate from 20.25 cents to 22.25 cents per Mcf, designated as Supplement No. 6 to the Union Texas Petroleum, a division of Allied Chemical Corporation (Operator), et al., FPC Gas Rate Schedule No. 8, which was suspended by the Commission's order issued October 12, 1961, in the above-designated proceeding until March 25, 1962. The subject rate was made effective subject to refund under an undertaking as of March 25, 1962.

On September 10, 1964, Union Texas filed a motion requesting that it be permitted to withdraw Supplement No. 6 to the Union Texas Petroleum, a division of Allied Chemical Corporation (Operator), et al., FPC Gas Rate Schedule No. 8, and that the Commission terminate the proceeding in Docket No. RI62–91. Good cause exists for permitting Union Texas to make such withdrawal, for terminating the proceeding in Docket No. RI62–91 and for requiring Union Texas to refund all amounts collected under the subject FPC Gas Rate Schedule No. 8 in Docket No. RI62–91 in excess of 20.25 cents per Mcf, together with simple interest.[3]

Consistent with the action taken in the Commission's order issued July 8, 1964, in Humble Oil & Refining Company, Dockets Nos. G–9287 and G–9288, et al., we shall require Union Texas to retain the amounts of refunds ordered herein until further order directing the nature of their disposition and also to submit within 45 days of this order to the Commission and to its buyer, United Gas Pipe Line Company (United), a detailed report setting out the amount of refund related to the subject rate schedule, the volume of gas sold thereunder and the period covered. We shall also by separate action direct that United, within 10 days from the receipt of such report, submit a report of its own setting forth whether they intend to pass on all or part of such refund amounts to its customers, the names of such customers and the amounts of refund each should receive, or, if it claims to retain any portion of the refunds, a brief statement as to the legal or equitable basis of such claim. In the event such reports indicate that the refund will flow through to ultimate customers or distributing companies subject to the Commission's jurisdiction, the Commission will authorize the release of such refunds by Union Texas (unless a State regulatory authority after notification of the sum to be made available to a company subject to its regulatory jurisdiction asks us to defer releasing the funds until it can determine their ultimate disposition). In the event that United (or a pipeline customer of United) indicates that it is asserting a claim to retain substantial refund sums the Commission will by further order prescribe the procedure for determining the relative rights to such funds of United or its customers.

Union Texas may elect, at its option, to either use these funds in its business and pay 6 percent interest thereon or to deposit such funds in a savings account of any bank or savings and loan association where deposits are insured by the Federal Deposit Insurance Corporation and credit all such interest earned thereon to the savings account.

The Commission finds: It is necessary and proper in carrying out the provision of the Natural Gas Act and the regulations thereunder to permit the withdrawal of Supplement No. 6 to the Union Texas Petroleum, a division of Allied Chemical Corporation (Operator), et al., FPC Gas Rate Schedule No. 8, to terminate the proceeding in Docket No. RI62–91, to order refunds, and to prescribe the method by which such refunds will be made.

The Commission orders:

(A) The withdrawal of Supplement No. 6 to the Union Texas Petroleum, a division of Allied Chemical Corporation (Operator), et al., FPC Gas Rate Schedule No. 8 is hereby permitted.

(B) For the purpose of making refunds Union Texas shall compute that amount of monies collected subject to refund in excess of 20.25 cents per Mcf under the Union Texas Petroleum, a division of Allied Chemical Corporation (Operator), et al., FPC Gas Rate Schedule No. 8 in Docket No. RI62–91, to date of this order, together with interest at 7 percent. Union Texas shall within 30 days from the date of this order submit a report to the Commission and serve a copy of such on United, setting out the amount of refunds (showing separately the principal and interest), the basis used for such determination and the period covered.

(C) Union Texas shall retain the amount shown in the report required under paragraph (B) above, subject to further order of the Commission directing the disposition of these amounts.

(D) If Union Texas elects to commingle these retained refunds with its general assets and use them for its corporate purposes, it shall pay interest thereon at the rate of 6 percent per annum on all funds thus available from the date of this order to the date on which they are paid over to the person ultimately deter-

[1] Consolidated with Docket No. AR61–2, et al.

[2] Formerly Union Texas Natural Gas Corporation.

[3] The refunds will be approximately $11,907, exclusive of interest.

mined to be entitled thereto in a final order of the Commission.

(E) If Union Texas elects not to commingle these retained funds with its general assets it may deposit within 45 days of the date of this order such funds in a savings account in any bank or savings and loan association where deposits are insured by the Federal Deposit Insurance Corporation, with all interest earned thereon to be credited to the savings account.

(F) Within 45 days from the date of the issuance of this order Union Texas shall file with the Secretary of the Commission a statement indicating whether it has elected to commingle the retained funds with its general assets or to deposit such in a savings account in a bank or savings and loan association. If Union Texas determines to place the funds in a bank or savings and loan association such statement shall include the name and address of the bank or savings and loan association.

(G) Upon full compliance by Union Texas with all the terms and provisions of this order, the proceeding in Docket No. R162-91 shall be severed from the consolidated proceeding in Docket No. AR61-2, et al., and terminated.

(H) This order is without prejudice to any findings or orders which have been or may be made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by Union Texas, the Commission staff, or any affected party hereto, in any proceedings now pending, including area rate or similar proceedings, or hereafter instituted by or against Union Texas or any other companies, person or parties affected by this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-11401; Filed, Nov. 6, 1964; 8:47 a.m.]

## SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-X, Disaster No. 3]

### MANAGER, DISASTER FIELD OFFICE, LAFAYETTE, LOUISIANA

**Delegation Relating to Financial Assistance Functions**

Notice is hereby given that Delegation of Authority No. 30-X, Disaster 3 (29 F.R. 14423), is hereby rescinded in its entirety.

Effective date: October 31, 1964.

ROBERT E. WEST, *Regional Director, Dallas, Texas.*

[F.R. Doc. 64-11378; Filed, Nov. 6, 1964; 8:45 a.m.]

[Delegation of Authority 30-X, Disaster No. 6]

### MANAGER, DISASTER FIELD OFFICE, BATON ROUGE, LA.

**Delegation Relating to Financial Assistance Functions**

Notice is hereby given that Delegation of Authority No. 30-X, Disaster 6 (29 F.R. 14450), is hereby rescinded in its entirety.

Effective date: October 31, 1964.

ROBERT E. WEST, *Regional Director, Dallas, Texas.*

[F.R. Doc. 64-11380; Filed, Nov. 6, 1964; 8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 1075]

### MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 4, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67183. By order of October 30, 1964, The Transfer Board approved the transfer to Hiawatha Coaches, Inc., 1718 Market Street, La Crosse, Wis., 54601, of the operating rights claimed under the "grandfather clause" of section 206(a)(7)(b) by Harold C. Arentz, doing business as La Clair Lines, La Crosse, Wis., in No. MC 120123 Sub 1, covering certain operations in Wisconsin.

No. MC-FC 67220. By order of October 30, 1964, The Transfer Board approved the transfer to Dale Newell, doing business as Newell Truck Line, Wakefield, Kans., of the certificate in No. MC 1805, issued April 13, 1959, to Arthur Henry Fasse, doing business as Arthur Fasse Truck Line, Wakefield, Kans., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Wakefield, Kans., and Kansas City, Mo., serving the intermediate point of Kansas City, Kans.; livestock and agricultural commodities, from Wakefield, Kans., and points within 10 miles thereof, to Kansas City, Kans., and Kansas City, Mo.; and livestock, feed, building materials, fencing materials, petroleum products in containers, agricultural implements and parts, and farm machinery and parts, from Kansas City, Mo., and Kansas City, Kans., to points in the origin territory specified immediately above.

No. MC-FC 67230. By order of October 29, 1964, the Transfer Board approved the transfer to Aztec Transportation Co., Inc., San Diego, Calif., of the operating rights in Certificate of Registration No. MC 99555 Sub 1 issued January 6, 1964, to Arvil E. Bainbridge, doing business as Berrego Freight Lines, Vista, Calif., corresponding to the grant of intrastate authority to transferor issued by the Public Utilities of California in Certificate of Public Convenience granted in Decision No. 42586, dated March 8, 1949, and transferred to applicant in Decision No. 44845, dated September 26, 1950. Donald Murchison, Suite 211, Allen Paris Building, 211 South Beverly Drive, Beverly Hills, Calif., attorney for applicants.

No. MC-FC 67235. By order of October 29, 1964, the Transfer Board approved the transfer to David N. Stapleford, doing business as Bormann Bros., Somerville, Mass., of Certificate No. MC 29083, issued May 18, 1951 to Gustave W. Bormann, doing business as Bormann Brothers, Somerville, Mass., authorizing the transportation of household goods as defined by the Commission, over irregular routes, between points in Middlesex County, Mass., on the one hand, and, on the other, points in Massachusetts, New Hampshire, Maine, Vermont, Rhode Island, Connecticut, and New York. Robert J. Gallagher, 111 State Street, Boston, Mass., 02109, attorney for applicants.

No. MC-FC 67250. By order of October 29, 1964, the Transfer Board approved the transfer to Kimberlain Trucking, Inc., Racine, Wis., of Permits Nos. MC 119762 and MC 119762 Sub 1 issued to James O. Kimberlain, Racine, Wis., March 30, 1961, and January 22, 1962, respectively, authorizing the transportation, over irregular routes, of malt beverages, from Chicago, Ill., to Racine, Wis., and from Chicago, Ill., to Kenosha, Wis., restricted to continuing contract or contracts with Brown Bottle Distributors, Inc., of Racine, Wis., and with Triangle Wholesale Co., Inc., of Kenosha, Wis. Paul Pike Pullen, 4920 West Vliet Street, Milwaukee, Wis., 53208, attorney for applicants.

No. MC-FC 67252. By order of October 29, 1964, the Transfer Board approved the transfer to Gateway Transport, Inc., Seattle, Wash., 98104, of Certificate in No. MC 123336, issued December 4, 1963, to Jimmie M. Eastham, doing business as Husky Parcel No. 2, Ketchikan, Alaska, authorizing the transportation of: General commodities, except those of unusual value, Classes A and B explosives, commodities in bulk, and those requiring special equipment, between points on Revillagigedo Island, Alaska. George R. La Bissoniere, 333 Central Building, Seattle, Wash., 98104, attorney for applicants.



No. MC-FC 67258. By order of October 29, 1964, the Transfer Board approved the transfer to Chipper Cartage Company, Inc., a Delaware corporation; Peoria, Ill., of certificate in No. MC 99780 Sub 1, issued November 23, 1961, to Chipper Cartage Company, Inc.; Peoria, Ill., authorizing the transportation of: Meats, meat products, and packinghouse products, from Peoria, Ill., to points in Ill., those in a specified part of Indiana; and those in a specified part of Iowa; and, empty containers or other articles used in transporting the above-specified commodities from points in the said destination territories to Peoria, Ill. John A. Slevin, First National Bank Building, Peoria, Ill., 61602, attorney for applicants.

No. MC-FC 67260. By order of October 29, 1964, the Transfer Board approved the transfer to McKean & Burt, Inc., Washington, Pa., of Certificate No. MC 10949, issued March 27, 1963, to Belle A. McKean and R. H. Burt, a partnership, doing business as McKean and Burt, Washington, Pa., authorizing the transportation of household goods, over irregular routes, between points in Washington County, Pa., on the one hand, and, on the other, points in New York, New Jersey, Maryland, Ohio, West Virginia, and Illinois. Stephen I. Richmand, 325 Washington Trust Building, Washington, Pa., attorney for applicants.

No. MC-FC 67261. By order of October 29, 1964, The Transfer Board approved the transfer to Isaac J. Van Zuiden and Gerald E. Van Zuiden, a partnership, doing business as Van Zuiden Bros., Albany, Ill., of the Certificate in No. MC 2206, issued July 27, 1962, to Donald L. Shockey, doing business as Shockey Truck Line, Clinton, Iowa, authorizing the transportation of: Hogs, from Sabula and Clinton, Iowa, and points within 20 miles thereof, to Savanna, Ill.; feed, seed, fertilizer, farm machinery and parts, lumber, building materials, binder twine, hardware, fencing materials, and farm supplies, from Chicago, Ill., to Sabula and Clinton, Iowa, and points within 20 miles thereof; tile, from Woodland, Ill., to Sabula and Clinton, Iowa, and points within 20 miles thereof; coal, from Coal Valley and Annawan, Ill., to Sabula and Clinton, Iowa, and points within 20 miles of each; livestock, from points in Illinois within 50 miles of Clinton, Iowa, to Sabula and Clinton and points within 20 miles of each; petroleum products in containers, from Morrison, Ill., to Clinton and Davenport, Iowa; steel articles and hardware, from Sterling, Ill., to points as specified in Iowa; fertilizer, fertilizer compounds and fertilizer ingredients, from Prairie du Chien, Wis., to points in Jackson and Clinton Counties, Iowa; livestock, between Clinton and Sabula, Iowa, and points in Iowa within 20 miles of each, on the one hand, and, on the other, Chicago, Ill.; grain, feed, seed, and lumber, between Walnut, Fulton, Tampico, Prophetstown, Morrison, and Mt. Carroll, Ill., on the one hand, and, on the other, points in the above-described Iowa territory; and emigrant movables, between points in the above-described Iowa territory, on the one hand, and, on the other, points in Illinois. William A. Landau, 1307 East Walnut, Des Moines 16, Iowa, attorney for applicants.

No. MC-FC 67270. By order of October 30, 1964, The Transfer Board approved the transfer to Clifford Timke, doing business as Timke Transfer Company, Batesville, Ind., of the operating rights in Certificate No. MC 51126, issued June 26, 1955, to Clifford Timke and Raymond Amberger, doing business as Timke & Amberger Transfer Company, Batesville, Ind., authorizing the transportation, over irregular routes, of: Livestock and farm products, and general commodities, with the usual exceptions, serving Cincinnati, Ohio, and Batesville, Ind., and points within 10 miles of each. David W. Givens, 111 Monument Circle, Indianapolis, Ind., attorney for applicants.

No. MC-FC 67282. By order of October 30, 1964, The Transfer Board approved the transfer to Darwin Luce, Dansville, N.Y., of the operating rights in Certificate No. MC 105303 issued August 4, 1961 to Darwin Luce and Blanchard F. Charles, a partnership, doing business as L & C Trucking, Salamanca, N.Y., authorizing the transportation, over irregular routes, of: Sand, gravel, and crushed stone, from Franklinville, and Allegany, N.Y., and points within 5 miles of each to points in Pennsylvania within 100 miles of Allegany, N.Y. Robert G. Gawley, 631 Niagara Street, Buffalo, N.Y., representative for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-11378; Filed, Nov. 6, 1964; 8:45 a.m.]

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*Volume 77*

**UNITED STATES STATUTES AT LARGE**

**[88th Cong., 1st Sess.]**

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VOLUME 29 NUMBER 220

*Washington, Tuesday, November 10, 1964*


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## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 213—EXCEPTED SERVICE

#### Department of Labor

Section 213.3215 is added to show the temporary exception under Schedule B of not to exceed 20 positions of Manpower Development Specialists to plan, develop, and administer the work of the Neighborhood Youth Corps program established under Title IB of the Economic Opportunity Act of 1964. Effective upon publication in the FEDERAL REGISTER, § 213.3215, paragraph (a), is added to Part 213 as set out below.

**§ 213.3215 Department of Labor.**

(a) **Not to exceed 20 positions of Manpower Development Specialist at grades GS–13 through GS–15 in the departmental service and at grades GS–12 through GS–14 in the field service for employment in the Neighborhood Youth Corps. Employment under this authority shall not exceed December 31, 1966.**

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64–11460; Filed, Nov. 9, 1964; 8:46 a.m.]

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

### PART 982—HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

#### Expenses of Filbert Control Board and Rate of Assessment for 1964–65 Fiscal Year

Notice was published in the FEDERAL REGISTER on October 21, 1964 (29 F.R. 14441), that there was under consideration a proposal regarding expenses of the Filbert Control Board and rate of assessment for the fiscal year which began August 1, 1964. The proposal was based on the recommendation of the Filbert Control Board and other available information, pursuant to the provisions of amended Marketing Agreement No. 115 and Order No. 982 (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to file written data, views, or arguments pertaining to the proposal. The prescribed time has elapsed and no such communication has been received.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that expenses of the Filbert Control Board in the amount of $18,505 and an assessment rate of 0.20 cent per pound of merchantable filberts will effectuate the declared policy of the act.

Therefore, the expenses of the Filbert Control Board and rate of assessment for the fiscal year beginning August 1, 1964, are established as follows:

**§ 982.309 Expenses of the Filbert Control Board and rate of assessment for the 1964–65 fiscal year.**

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Filbert Control Board during the 1964–65 fiscal year beginning August 1, 1964, in accordance with § 982.60, will amount to $18,505, and the Board is authorized to incur such expenses.

(b) *Rate of assessment.* The rate of assessment for said fiscal year, payable by each handler in accordance with § 982.61, is fixed at 0.20 cent per pound of filberts.

It is hereby further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said amended marketing agreement and this part require that the assessment rate fixed for a particular fiscal year shall be applicable to all assessable filberts from the beginning of such year; and (2) the current fiscal year began on August 1, 1964, and the assessment rate herein fixed will automatically apply to all assessable filberts beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 5, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division.*

[F.R. Doc. 64–11481; Filed, Nov. 9, 1964; 8:48 a.m.]

### Chapter XIV—Commodity Credit Corporation, Department of Agriculture

#### SUBCHAPTER C—EXPORT PROGRAMS

[Rev. III; Amdt. 6]

### PART 1483—WHEAT AND FLOUR

#### Subpart—Wheat Export Program—Payment in Kind (GR–345) Terms and Conditions

MISCELLANEOUS AMENDMENTS

The Terms and Conditions of the Wheat Export Program-Payment in Kind (GR–345) (27 F.R. 6415), as amended (27 F.R. 10741, 28 F.R. 7120, 29 F.R. 4077, 9431, and 12067) are further amended as follows:

Section 1483.112(b) is amended by revising subdivision (v) and adding a new subdivision (ix), as follows:

**§ 1483.112 Submission of offers.**

* * * * *

(b) *Form.* * * *

(v) The export payment for which the Durum wheat will be exported expressed in whole cents per bushel, exclusive of any increment applicable to the exportation as specified by CCC in its announcement of rates under § 1483.120. The export payment applicable to the exportation shall be the export payment specified in the offer plus any increment which is specified by CCC in the rate announcement in effect prior to 3:31 p.m. on the day for which the offer is submitted for opening and which is based on the coast or port of export, method of shipment of the Durum wheat to such coast or port, or any other factors applicable to the exportation.

* * * * *

(ix) Any other provision as may be authorized by CCC in its announcement of rates.

Section 1483.147(l) is amended to read:

**§ 1483.147 Documents required as evidence of export.**

* * * * *

(l) Such additional evidence of export or shipment to the coast or port of export as may be required by CCC.

***Effective date.*** **Date of filing with the Director, Office of the Federal Register.**

Signed at Washington, D.C., on November 9, 1964.

H. D. GODFREY,
*Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 64–11550; Filed Nov. 9, 1964; 10:40 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. C-851]

### PART 13—PROHIBITED TRADE PRACTICES

#### Antonio Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.175 *Quality of product or service;* § 13.235 *Source or origin:* § 13.235–60 Place: § 13.235–60(c) Foreign, in general. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1295 *Quality or grade;* § 13.1325 *Source or origin:* § 13.1325–70 Place: § 13.1325–70(c) Foreign, in general.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Antonio Company et al., Tampa, Fla., Docket C-851, Oct. 19, 1964]

*In the Matter of The Antonio Company, a Corporation, and Karl B. Cuesta and A. L. Cuesta, Jr., Individually and as Officers of Said Corporation*

Consent order requiring Tampa, Fla., distributors of cigars to purchasers for resale, to cease misrepresenting the composition and origin of their cigars by use in advertising of the brand names "Havana Blunts", "Clear Havana", "Sherman's Havana", and "Imported Havana Wrapper" for cigars not made entirely from tobacco grown in Cuba; and to cease placing in the hands of distributors and dealers such means for misleading the purchasing public.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents The Antonio Company, a corporation, and its officers, and Karl B. Cuesta and A. L. Cuesta, Jr., individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of cigars or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the term "Havana" or any other term or terms indicative of tobacco grown on the island of Cuba, either alone or in conjunction with any other terms, to describe, designate or in any way refer to cigars not made entirely from tobacco grown on the island of Cuba; except that cigars containing a substantial amount of tobacco grown on the island of Cuba may be described, designated, or referred to as "blended with Havana," or by any term of similar import or meaning, provided that the words "blended with," or other qualifying word or words, are set out in immediate connection or conjunction with the word "Havana," or other term indicative of tobacco grown on the island of Cuba; in letters of equal size and conspicuousness.

2. Placing in the hands of distributors, wholesalers, dealers and retailers, and others, means and instrumentalities by and through which they may deceive and mislead the purchasing public concerning any merchandise in the respects set out above.

*It is furthered ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 19, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-11438; Filed, Nov. 9, 1964; 8:45 a.m.]

[Docket No. C-852]

### PART 13—PROHIBITED TRADE PRACTICES

#### Standard Cigar Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.175 *Quality of product or service;* § 13.235 *Source of origin:* 13.235–60 Place: 13.235–60(c) Foreign, in general. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misbranding or mislabeling: §13.1185 *Composition;* §13.1295 *Quality or grade;* § 13.1325 *Source or origin:* 13.1325–70 Place: 13.1325–70 (c) Foreign in general.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Standard Cigar Company et al., Tampa, Fla., Docket C-852, Oct. 19, 1964]

*In the Matter of Standard Cigar Company, a Corporation, and M & N Cigar Manufacturers, Inc., a Corporation, and Stanford J. Newman, and Millard W. Newman, Individually and as Officers of Said Corporations*

Consent order requiring Tampa, Fla., distributors of cigars for resale, to cease representing falsely that cigars they sold were made entirely from tobacco grown in Cuba by use of such brand names as "M & N Havana Specials", "Clear Havana", "Habana", etc., in advertising; and to cease placing in the hands of distributors and dealers such means for misleading the purchasing public.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Standard Cigar Company, and M & N Cigar Manufacturers, Inc., corporations, and their officers, and Standford J. Newman and Millard W. Newman, individually and as officers of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of cigars or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the term "Havana," or any other term or terms indicative of tobacco grown on the island of Cuba, either alone or in conjunction with any other terms, to describe, designate or in any way refer to cigars not made entirely from tobacco grown on the island of Cuba; except that cigars containing a substantial amount of tobacco grown on the island of Cuba may be described, designated, or referred to as "blended with Havana," or by any term of similar import or meaning, provided that the words "blended with," or other qualifying word or words, are set out in immediate connection or conjunction with the word "Havana," or other term indicative of tobacco grown on the island of Cuba, in letters of equal size and conspicuousness.

2. Placing in the hands of distributors, wholesalers, dealers, and retailers, and others, means and instrumentalities by and through which they may deceive and mislead the purchasing public concerning any merchandise in the respects set out above.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 19, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-11439; Filed, Nov. 9, 1964; 8:45 a.m.]

# Title 20—EMPLOYEES' BENEFITS

## Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, Amdt.]

### PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950 ———)

### Subpart G—Filing of Prescribed Application Form on Behalf of Deceased Individual

MISCELLANEOUS AMENDMENTS

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.) are further amended as follows:

1. Section 404.605 is amended to read as follows:

§ 404.605 Claimant must be alive when application is filed.

For an application to be effective the claimant must be alive at the time a properly executed application (see § 404.603) is filed with the Administration (see § 404.608). (See § 404.342 where a person potentially equitably entitled to the lump-sum death payment dies before filing an application. See also § 404.613 relating to the filing of a prescribed application form after submittal of a written statement.)

2. Section 404.613 is revised to read as follows:

§ 404.613 When written statement considered an application.

(a) *Written statement filed by individual on his own behalf.* Where an individual files a written statement with the Administration (see § 404.608) which indicates an intention to claim monthly benefits, a lump-sum death payment, a recomputation of a primary insurance amount, or to establish a period of disability, and such statement bears his signature or his mark properly witnessed, the filing of such written statement, unless otherwise indicated, shall be considered to be the filing of an application for such purposes: *Provided,* That:

(1) The individual or a proper party on his behalf (see § 404.603) executes a prescribed application form (see § 404.602) which must be filed with the Administration during the individual's lifetime and within the period prescribed in paragraph (c)(1) of this section; or

(2) In the case of an individual who dies prior to the filing of such prescribed application form within the period prescribed in paragraph (c)(1) of this section, a prescribed application form is filed with the Administration within the period prescribed in paragraph (c)(2) of this section:

(i) By or on behalf of a person eligible to receive benefits on the same earnings record as the deceased individual; or

(ii) By a party acting on behalf of the deceased individual's estate.

(b) *Written statement filed by person on behalf of another.* A written statement filed by a person which indicates an intention to claim on behalf of another person monthly benefits, a lump-sum death payment, a recomputation of a primary insurance amount, or to establish a period of disability shall, unless otherwise indicated, be deemed to be the filing of an application for such purposes: *Provided:*

(1) The written statement bears the signature (or mark properly witnessed) of the person filing the statement;

(2) The person filing the statement is the spouse of the individual on whose behalf the statement was filed or a proper party to execute an application on a prescribed form on behalf of a claimant as determined by §404.603; and

(3) A prescribed application form (see § 404.602) is executed and filed in accordance with the provisions of paragraph (a) (1) or (2) of this section.

(c) *Period within which prescribed application form must be filed.* After the Administration has received from an individual a written statement as described in paragraph (a) or (b) of this section:

(1) Notice in writing shall be sent to such individual (or where he is a minor or incompetent, to the person who submitted the written statement on his behalf), stating that an initial determination will be made with respect to such written statement if a prescribed application form, executed by him (or by a proper party on his behalf (see § 404.603)), is filed with the Administration within 6 months from the date of such notice; or

(2) If the Administration is notified that the death of such individual occurred before the mailing of the notice described in subparagraph (1) of this paragraph or within the 6-month period following the mailing of such notice but before the filing of a prescribed application form by or on behalf of such individual, notification in writing shall be sent to a person eligible to receive benefits on the same earnings record as the deceased individual, to a person acting on behalf of his estate, or to the deceased's last known address. Such notification will include information that an initial determination with respect to such written statement will be made only if a prescribed application form is filed within 6 months from the date of such notification.

(3) If, after notice as described in this paragraph has been sent, a prescribed application form is not filed (in accordance with the provisions of paragraphs (a) and (b) of this section) within the applicable period prescribed in subparagraph (1) or (2) of this paragraph, it will be deemed that the filing of the written statement to which such notice refers is not to be considered the filing of an application for the purposes set forth in paragraphs (a) and (b) of this section.

(Secs. 202, 205, 216, 223, 1102, Social Security Act, 49 Stat. 623, as amended, 53 Stat. 1368, as amended, 68 Stat. 1080, as amended, 70 Stat. 815, as amended, 49 Stat. 647, as amended; sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 402, 405, 416, 423, 1302)

3. *Effective date.* The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROBERT M. BALL, *Commissioner of Social Security.*

OCTOBER 15, 1964.

Approved: November 3, 1964.

ANTHONY J. CELEBREZZE, *Secretary of Health, Education, and Welfare.*

[F.R. Doc. 64-11463; Filed, Nov. 9, 1964; 8:47 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

FOOD ADDITIVES FOR USE IN MILK-PRODUCING ANIMALS

The Commissioner of Food and Drugs, having evaluated data submitted in a petition (FAP 1360) filed by the Norwich Pharmacal Company, Norwich, N.Y., and other relevant material, has concluded that the food additive regulations (21 CFR 121.249; 29 F.R. 1460) should be amended to provide for a withdrawal time of 36 hours (3 milkings) for milk from milk-producing animals administered furaltadone for treatment of bovine mastitis. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.249 is amended by changing paragraphs (a)(2)(iii) and (w)(3) to read as follows:

§ 121.249 Food additives for use in milk-producing animals.

* * * * * *

(a) * * *

(2) * * *

(iii) Milk that has been taken from animals during treatment and for 36 hours (3 milkings) after the latest treatment must not be used for food.

* * * * * *

(w) * * *

(3) Adequate directions and warnings for use, including the warning statement to the effect that: "Milk that has been taken from animals during treatment and for ____ hours (____ milkings) after the latest treatment must not be used for food," the blanks being filled in with the figures specified in the applicable subparagraph in this section.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 3, 1964.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 64-11464; Filed, Nov. 9, 1964; 8:47 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter VII—Department of the Air Force

SUBCHAPTER B—SALES AND SERVICES

## PART 816—SERVICE CLUB PROGRAM

A new Part 816 is added as follows:

Sec.
816.1 Purpose.
816.2 Air Force policy.
816.3 Mission.
816.4 Definitions.
816.5 Purpose of the club.
816.6 Club staff.
816.7 Club advisory council.
816.8 Programming.
816.9 Incidental club revenue.
816.10 Restrictions on activities.
816.11 Types of activities.
816.12 Other forms of entertainment.
816.13 Professional civilian entertainment.
816.14 Off-base performances by military personnel.
816.15 Scheduling of performances.
816.16 Admission charges.
816.17 Funds.
816.18 Military transportation.
816.19 Clearance and royalties for copyrighted dramatic works.

AUTHORITY: The provisions of this Part 816 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 215-3, August 5, 1964.

### § 816.1 Purpose.

This part states Air Force policy and the mission of the base service club and entertainment programs. It provides information on programming and activities and tells how to operate Air Force service clubs and entertainment programs.

### § 816.2 Air Force policy.

All activities will be conducted in a manner which is free from discrimination and provides equal opportunity to all Air Force personnel, regardless of race, color, creed, or national origin.

### § 816.3 Mission.

Service club and entertainment programs are intended to develop the morale and efficiency of all military personnel through a broad range of recreational and social activities and other services. The programs are designed to meet the needs primarily of enlisted personnel and their families; and secondarily, other personnel and their families.

### § 816.4 Definitions.

(a) *Service club.* Any designated facility or group of facilities, on an Air Force installation, which is:

(1) Used as a community center for military personnel, their dependents, and guests.

(2) Adequately furnished with supplies and equipment suitable for a wide variety of welfare, recreation, and morale activities.

(3) Staffed by professional civilian recreation personnel, military recreation specialists and supplemented by volunteers.

(b) *Service club personnel.* Personnel at all echelons who are responsible for planning, conducting, and administering the service club programs.

(c) *Service club program.* A broad range of services and activities comprising cultural, intellectual, instructional, social, and recreational-type events designed to meet the growing needs of all military personnel and their dependents.

(d) *Entertainment.* As applied to special services activities, this term includes all forms of organized entertainment activities presented for the enjoyment of Air Force military and civilian personnel and their dependents. While entertainment is considered to be essentially an integral part of service club programming, it is listed separately (see §§ 816.11 through 816.19) because of special regulatory aspects involved in this type of program. The entertainers involved may be amateurs or professionals, and either military or civilian personnel.

### § 816.5 Purpose of the club.

The service club is operated as a "home away from home" for lower grade, single, and married (unaccompanied) enlisted personnel, and as an outlet for relaxation, entertainment, and recreation. At most bases unmarried or unaccompanied men may constitute a minority of assigned personnel. The service club therefore provides for additional responsibility for airmen's dependents who live with them. Thus, the service club's role has increased in scope; and its programming must be designed to meet the entire military community's growing needs.

### § 816.6 Club staff.

AFM 26-1 (Policies, Procedures and Criteria) describes the minimum personnel requirements for an effective service club program.

(a) *Volunteers.* Both military and civilian volunteers are essential to effective programming of club activities. This program should utilize military personnel and their families; civilian employees; and community civilians. The civilians from nearby communities can help form a very desirable link between the military and civilian communities.

(1) *Sources of volunteers.* (i) USO: The USO is one of the best, since it was created specifically to be the official liaison between the military and civilian communities. If there is no local unit, the area USO representative may provide assistance, ideas, etc.

(ii) Other sources:

(*a*) On-base clubs and groups (such as wives' clubs).

(*b*) Off-base organizations (such as colleges, universities, nurses' training schools, etc.).

(*c*) Wives and senior dependents of military personnel.

(*d*) Air Force civilian employees.

(*e*) WAFs.

(2) *Use.* Volunteers may be designated according to services to be performed, such as junior volunteers for social functions; senior volunteers for all functions, services, or activities on a given schedule; and special volunteers for specific services or activities.

(3) *Assignment, training, and supervision.* (i) Assignments should be consistent with each person's capability, experience, talent, and interest. Sample job descriptions may be prepared outlining the nature of the work, specific duties, duty location, time required, etc.

(ii) A recognition program should be established for volunteers to provide incentive and maintenance of high level interest, and to motivate them to continue with their work and recruit new volunteers.

### § 816.7 Club advisory council.

A properly organized and operated service club council can be effective in assisting the service club staff in program and facility planning, and solving the numerous problems of operation. This is especially true at a large installation. Where a council is organized, it should:

(a) Include appropriate key personnel and representatives of various using agencies, such as wives' clubs, special interest groups, and military organizations. All members will be appointed on official orders.

(b) Meet at least once each calendar quarter.

(c) Submit the minutes of meetings through military channels for approval. The approving authority will be determined by the base commander.

### § 816.8 Programming.

To meet all present and potential needs, and to permit commanders to exercise command judgment, service club programming must be broad. Recreation programs will be given first priority over other programs such as briefings, commanders' calls, council meetings, etc. The emphasis on various types of programs for each service club will be governed by many factors such as geographic location of the base, mission, size, and nearness of the local community. For example: Large bases, such as those concerned with technical training and large numbers of students and transient personnel, will have a primary requirement for the "home away from home" concept of recreation. A small base near a small community may require a central-type club which generates service to military personnel and dependents on and off base. A large base in a remote area may require both types of programs. Each commander must utilize the most suitable concept in accomplishing his base mission.

(a) *General.* The service club program should emphasize first, active participation by individuals and groups; and second, passive or spectator type participation. A wide variety of military and community recreational activities should be encouraged. Activities and programs should vary sufficiently to attract and hold the interest of different age levels, sexes, families, and special interest groups. Both on and off-base programs, such as dependent youth activities, wives' clubs, library, education office, etc., must be closely coordinated with related agencies to avoid conflicts of schedules and interest, and to insure maximum utilization of all facilities. Multiple planning will be used to preclude limiting activities to one specific kind in one evening. Service club activities are not intended to replace those of day rooms, open messes, youth centers, or base exchanges. Suggestions for programs may be obtained from professional recreational books, pamphlets, and magazines, such as those available from the National Recreation Association, 8 West Eighth Street, New York, N.Y.



(b) *Program priorities.* In service club programming, priorities will be given in the order below:

(1) Recreation for:

(i) Lower grade enlisted personnel and their families.

(ii) All other military personnel and their families.

(2) Programs (not necessarily recreational) of interest to large segments of base personnel and their families. These programs include lectures, exhibits, etc.

(3) Programs such as briefings, base-orientations, commanders' calls, council meetings, etc. (The support of such programs will be dependent upon the number of assigned personnel, volunteers, and assistance from sponsoring organizations.)

(c) *Types of activities.* Generally, the service club program offers two main types of activities:

(1) Self-directed recreation: Individuals and groups use facilities and equipment provided, such as: Rooms for special interest groups, airmen's wives' clubs, etc., and equipment for billiards and table tennis, music (instruments), popular and classical record libraries, small games, and reading and letterwriting. If service club facilities are available, self-directed recreation may be extended to outdoor programs.

(2) Directed recreation: Activities organized and conducted by the service club director and staff. The standard directed program includes but is not limited to: Instruction in small crafts, dramatics, music and dancing classes; and scheduled discussion groups, holiday observances, special parties, picnics, all-base events, tournaments, talent contests, exhibits, dances, and tours. The directed program will be coordinated closely with other base activities and, where appropriate, with community organizations.

(d) *Complemental activities.* These fill out the regular program and include:

(1) Base-wide centralized services of the service club. These include but are not limited to services such as information center, tours, tickets for special events, etc.

(2) Services and entertainment for airmen's wives and other adult dependents.

(3) Activities outside of the facility or off-base. The service club staff should serve as a central planning body to regulate and plan events for military personnel and their families in conjunction with nearby civilian communities. To effect a mutually satisfactory base community working relationship, close cooperation should be maintained with similar community type services. This cooperation will insure full use of recreational advantages in nearby areas.

(4) Extension services (operated outside the service club) involving assistance in squadron social affairs, special interest, and hobby groups, etc.

### § 816.9 Incidental club revenue.

Airmen will not be charged dues for using the service club. When special events, such as dances, professional entertainment, and guest lecturers, require a large expenditure, admission may be charged to help defray the cost. The use of the service club for a self-supporting activity does not make it a revenue-producing activity under AFR 176-1 (General Policies and Operating Principles), but money derived from such an activity will be considered as incidental revenue of the central base fund and controlled and accounted for accordingly.

### § 816.10 Restrictions on activities.

Service clubs exist primarily to benefit enlisted personnel and their dependents. Activities which will deny them its use for extended periods will not be scheduled.

(a) The Army and Air Force Exchange Service (see AFR 147-7 (General Policies)) operates or manages activities classified as commercial enterprises and which produce revenue. The exchange officer, in charge of revenue-producing activities in the service club, will cooperate with the responsible service club officer and director to insure that the exchange activity is operating in the best interests of the service club and its entertainment programs.

(b) Mechanical merchandising machines may be installed with the base commander's approval. Locations of machines will be coordinated with the service club director.

(c) Gambling or a gambling device (such as punchboards and slot machines) will not be permitted within or about the service club or its facilities.

(d) Bingo is permitted as social entertainment. Games are to be conducted as friendly contests, not as lotteries or gambling concessions. Prizes for free or charge games will be nominal; and participation will be limited to military personnel, their families, and bona fide adult guests.

(1) *Age restriction.* Dependents under 16 years old will not be allowed to participate.

(2) *Bona fide guest.* A bona fide guest is a person who is:

(i) Actually a house guest of his host or

(ii) A member of a party whose host is willing to assume responsibility.

(iii) Present by invitation for a specific occasion.

(3) *Bingo prizes*—(i) *Free bingo.* No cash prizes will be awarded. The cash value of a merchandise prize should not exceed $10.

(ii) *Charge bingo.* Cash prizes may be awarded; however, the aggregate of cash prizes for an evening's play will not exceed $100. The cash value for a single item of merchandise will not exceed $100. Unawarded cash prizes may be carried over to successive evenings if such carryovers do not aggregate more than $300.

NOTE: Tobacco products will not be used for prizes, awards, or giveaways, in the service club program.

(4) *State and territory laws and restrictions.* Several States prohibit the playing of charge bingo. Charge bingo may not be conducted at service clubs unless host military installations have been fully ceded to the United States or, if not fully ceded, the State concerned permits the playing of such games.

(5) *Foreign areas.* Local laws and international agreements will be observed. Persons who are unauthorized to receive:

(i) Customs free imports will comply with local customs procedures when receiving customs free imports as bingo prizes.

(ii) United States currency or military payment certificates will be paid cash in the host country's currency.

(e) Office space will be provided only for individuals responsible for the service club and entertainment programs.

(f) Wine, beer, or other alcoholic beverages will not be consumed, sold, or given away in the service club or any of its facilities.

(g) Service clubs will not be designated by the numerical designation of an Air Force organization. The memorialization of the facility is encouraged, and names will be submitted per AFR 900-9 (Memorialization Program and Dedication Ceremonies). The term "service club" will be used, however, as the standard designation of the facility in all official papers and correspondence involving supply, construction, and budget matters.

### § 816.11 Types of activities.

The Air Force entertainment (see § 816.4(d)) program includes but is not limited to:

(a) *Airmen shows.* These include all forms of theatrical activities which encourage military personnel and their families to participate in:

(1) Audience activities such as quizzes, games, and talent shows.

(2) Regularly scheduled rehearsals for shows, such as musicals, drama, and variety type productions, to be presented in military or civilian theaters or on radio or television.

(b) *Music.* This includes all forms of off-duty musical activities such as:

(1) Individual singing (soloists), groups (barbershop quartets and small vocal groups), informal songfests, glee clubs, and the like.

(2) Concerts by visiting artists and bands, live or recorded recitals, musical film shorts, and musical quizzes.

(3) Instrumental groups involving small combos, dance bands, or soloists.

(c) *Celebrity shows.* These are entertainment produced by individuals or groups from civilian entertainment, sports, or similar fields, who donate their time and service in the performance.

(d) *Package shows.* These are entertainment produced by civic or church

organizations, schools, colleges, etc., without remuneration.

(e) *Commercial shows.* These include:

(1) Gratuitous: Performances by professional entertainers, sponsored by commercial interests, without remuneration.

(2) Base sponsored: Activities such as bands, theatricals, or other forms of professional entertainment where remuneration is made from local nonappropriated funds. An admission charge is optional.

(f) *Motion pictures.* These include all films commercially sponsored and obtained without cost and those available through the Air Force Library Film Exchange Service. Such films may be presented to augment the entertainment program in service clubs and open messes.

(g) *Miscellaneous.* Special events, exhibitions, demonstrations, and other activities that entertain military and civilian personnel of the Air Force and their families. The accompanying sale, except as a base exchange concession, of any items exhibited or manufactured during these programs is prohibited (see § 816.10).

**§ 816.12 Other forms of entertainment.**

(a) *Air Force bands.* Commanders are encouraged to use Air Force bands for concerts, dances, and other functions that will further the base recreation and entertainment program per Part 820, Subchapter C of this chapter.

(b) *Armed Forces Song Folio.* The monthly Armed Forces Song Folio features song hits, standards, and special rangements for choruses and quartets. Sets of orchestrations are distributed concurrently with the folios for songs included in the folios. The USAF Military Personnel Center allocates the folios worldwide according to distribution schedules furnished by major air commands.

(c) *Armed Forces phonograph records.* These are distributed monthly by the contractor and consist of two double-faced 33⅓ rpm recordings of hit tunes, standards, and some semi-classical selections. The allocation of the record sets is the same as for song folios (paragraph (b) of this section).

**§ 816.13 Professional civilian entertainment.**

Such entertainment is provided in:

(a) *CONUS*—Subject to the restrictions and requirements stipulated in AFR 76–20 (Authority to Airlift Civilian Celebrities and/or Entertainers) and the availability of funds.

(b) *Oversea areas*—Under the sponsorship of the Armed Forces Professional Entertainment Branch, Department of the Army. (See Part 830, Subchapter C of this chapter and AFR 34–40 (United Service Organizations Inc.))

**§ 816.14 Off-base performances by military personnel.**

(a) Part 920, Subchapter L of this chapter, covers the use, employment, or assignment of Air Force personnel for entertainment purposes off-base. These actions are governed by statutory limitations in sections 8634 and 8635, 10 U.S.C. as follows:

No enlisted man in the active service of the United States in the Air Force, whether a noncommissioned officer, musician, or basic airman shall be detailed, ordered or permitted to leave his post or engage in any pursuit, business or performance in civil life, for emolument, hire, or otherwise, when the same shall interfere with the customary employment and regular engagement of local civilians in the respective arts, trades, or professions.

(b) Base commanders are responsible for:

(1) Determining whether the use of Air Force personnel for entertainment purposes at a gathering is in conflict with the statute quoted above, and

(2) Enforcing instructions governing the use of Air Force personnel for entertainment purposes.

(3) Insuring that off-base performances will not benefit nor appear to benefit any individual interest or commercial venture.

(4) Insuring that advance coordination of base information services is obtained, if off-base performances involve radio or television.

**§ 816.15 Scheduling of performances.**

The proper location to present entertainment is dependent upon local conditions, available facilities, and the type of entertainment to be presented. (The location should provide audience comfort and proper stage facilities for the performers.) The use of theaters for live entertainment is authorized under the portion of AFR 34–32 (Army and Air Force Motion Picture Service) pertaining to cancellation of motion picture showings.

**§ 816.16 Admission charges.**

Federal taxes, on each admission charged, will be collected and paid to the Director of Internal Revenue. Net proceeds if any, after payment of taxes will be turned over to the Central Base Fund. Admission fees may:

(a) Not be charged when civilian entertainment is provided in whole or in part from publicly donated funds.

(b) Be charged when civilian entertainment is not sponsored by publicly donated funds. (See § 816.10.) When the performance is for an authorized benefit, the performer's written consent is required before the performance.

(c) Be charged for other forms of entertainment, at the local commander's discretion. If charges are made for copyrighted theatricals and musicals, copyright limitations on script material will prevail. Admission charges are encouraged when an Air Force installation contracts with professional entertainers.

**§ 816.17 Funds.**

Appropriated funds, as available, will be used for support of the entertainmnt programs. Nonappropriated funds may be used to supplement appropriated funds. In addition, nopappropriated funds may be used to provide en route, routine, and emergency expenses for touring entertainment units. Also, $2 per day personal expenses are authorized for members of a touring all-airman show when appropriated fund per diem is not authorized.

**§ 816.18 Military transportation.**

(a) *Military entertainers.* AFR 76–6 (Responsibilities and Policies for Movement of Traffic on Other Than MATS Scheduled Aircraft) authorizes transportation by military aircraft for military members traveling in a TDY status. Airman shows and other military units therefore may be transported within the CONUS by military aircraft, provided that space is available as a byproduct on equipment operated primarily to meet assigned mission requirements. AFR 76–15 (Movement of Traffic by the Single Manager Operating Agency for Airlift Service (MATS)) authorizes military members on TDY to travel to and from overseas by MATS aircraft in a space-required status. This transportation is reimbursable from funds of the sponsoring agency.

(b) *Civilian entertainers.* Part 830 of this chapter prescribes conditions under which professional entertainment is sponsored by the Armed Forces Professional Entertainment Branch, Department of the Army. AFR 76–15 authorizes military air transportation to and from overseas and within oversea areas for such entertainers. AFM 77–1 (Joint Procedures for Management of Administrative Use Motor Vehicles) covers authorized military ground transportation.

**§ 816.19 Clearance and royalties for copyrighted dramatic works.**

Clearances must be obtained and payments of royalties arranged for all dramatic works protected by copyright law in the United States and in other countries. Major air commanders:

(a) Are authorized to forward requests for copyright clearance directly to the authors, agents, or publishers holding the copyright. Such requests will include the:

(1) Name of the dramatic work, the author, and the publishing company.

(2) Date and numbr of performances to be presented.

(3) Location of the theater (city, state, country) and seating capacity.

(4) Admission charge (if none, so indicate).

(5) Audience composition (military, members of military community, or general public, and percentage of each).

(b) Will notify the base concerned of the royalty clearance, amount of royalty, and to whom it should be paid. The bases will pay the royalty directly to the leasing agents concerned, on or before the 10th day of the month following the last performance. If the production is cancelled or the performance postponed, the base will immediately notify the leasing agency.

(c) Will refer unsolvable copyright problems to Hq USAF (AFJALE), Washington, D.C., 20330. (See paragraph 14f, AFR 110–8, March 11, 1963.)

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64-11443; Filed, Nov. 9, 1964; 8:45 a.m.]



SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

## MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Title 32 is amended as follows:

## PART 1001—GENERAL PROVISIONS

### Subpart C—General Policies

**§ 1001.309 [Deleted]**

Delete § 1001.309.

### Subpart D—Procurement Responsibility and Authority

Revise § 1001.402(g) to read as follows:

**§ 1001.402 General authority of contracting officers.**

* * * * *

(g) Except as provided in this section, contracting officers will neither act as, nor perform the duties of, a contracting officer with respect to any contractual instrument obligating only nonappropriated funds. Contracting officers may act in an advisory capacity with respect to such instruments. Contracting officers are authorized to enter into and execute contracts funded, either partially or completely, with nonappropriated funds for construction work and architect engineer (A&E) services. See § 1004.5000 of this subchapter for policies and procedures for construction and A&E contracts funded partially or completely with nonappropriated funds.

* * * * *

## PART 1002—PROCUREMENT BY FORMAL ADVERTISING

### Subpart D—Opening of Bids and Award of Contract

In § 1002.403(b)(9)(ii) (*a*) through (c) "GAO" is amended. And is subdivision (iii) the reference is deleted. These now read as follows:

**§ 1002.403 Recording of bids (Abstract of bids).**

* * * * *

(b) * * *

(9) * * *

(ii) AFAFC (SAA)—(*a*) *Accepted bid.* The original of the accepted bid will be attached to the signed number of the contract or purchase order intended for the AFAFC (SAA).

(b) *When bid accepted is bid lowest as to price.* When the lowest bid as to price is accepted, that is, where the selected bidder is determined from the price alone, no offsetting or equalizing elements being for consideration, and when a certificate (on reverse of Standard Form 1034, "Public Voucher for Purchase and Services Other Than Personal," or Standard Form 1036, "Statement and Certificate of Award," as the case may be) to that effect is furnished by a responsible administrative officer having personal knowledge of the facts, neither the rejected bids nor an abstract need be forwarded to the AFAFC (SAA) with the contract. When the abstract of bids is not furnished to that office, the items accepted on any particular bid will be indicated on the original number of the bid which is furnished to that office.

(c) *Acceptance of other than lowest bid as to price.* Where other than the lowest bid as to price is accepted, the AFAFC (SAA) will be furnished, on Standard Form 1036, a detailed statement giving in full the reasons for the acceptance together with an abstract of all bids lower than the one accepted.

(iii) *Small Business Administration.* Within 3 working days after bids have been opened and final action taken, or after it is decided to cancel the invitation before opening bids, a copy of the abstract will be mailed to the Small Business Administration.

* * * * *

## PART 1003—PROCUREMENT BY NEGOTIATION

### Subpart B—Circumstances Permitting Negotiation

1. Revise § 1003.211–50(b)(1)(v) to read as follows:

**§ 1003.211–50 Sample format and justification.**

* * * * *

(b) * * *

(1) * * *

(v) Set forth the desired contract placement date and specific type of contract contemplated. (Note restriction on use of CPFF type of contracts in § 3.405–5(c)(1) of this title.)

* * * * *

**§ 1003.214–50 [Amended]**

2. In § 1003.214–50(b)(2) amend "subdivision (v)" to read "subdivision (vi)," and amend subdivision (iv) to read: "Specific type of contract contemplated."

### Subpart E—Solicitations of Proposals and Quotations

Revise § 1003.501(b)(17) to read as follows:

**§ 1003.501 Preparation of request for proposals or request for quotations.**

* * * * *

(b) * * *

(17) One such special factor is the inclusion of reliability and maintainability requirements expressed in specific numerical or quantitative terms, in contract work statements and the accompanying program requirements as per MIL–R–27542 and MIL–M–26512, Mortuary services. See § 1004.2002(a)(5) and (6) of this subchapter.

* * * * *

### Subpart H—Price Negotiation Policies and Techniques

**§ 1003.804–2 [Deleted]**

Delete § 1003.804–2.

## PART 1004—SPECIAL TYPES AND METHODS OF PROCUREMENT

A new Subpart XX is added as follows:

### Subpart XX—Nonappropriated Fund Contracts


Sec.
1004.5000 Scope of subpart.
1004.5001 Applicability of subpart.
1004.5002 Construction and architect-engineering contracts for AF nonappropriated fund activities.
1004.5002–1 General.
1004.5002–2 Construction or architect-engineer contracts funded with a combination of appropriated and nonappropriated funds.
1004.5002–3 Construction or architect-engineer contracts funded completely with nonappropriated funds.


AUTHORITY: The provisions of this Subpart XX issued under sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314.

**§ 1004.5000 Scope of subpart.**

This subpart contains instructions for the preparation and use of contracts funded partially or completely with nonappropriated funds.

**§ 1004.5001 Applicability of subpart.**

This subpart applies to all AF procuring activities, worldwide.

**§ 1004.5002 Construction and architect-engineering contracts for AF nonappropriated fund activities.**

**§ 1004.5002–1 General.**

Because of the complexity, need for standardization and requirements to comply with applicable Federal Statutes (i.e., labor laws, etc.), contracting officers have been authorized to enter into and execute contracts funded partially or completely with nonappropriated funds (§1001.402(g) of this subchapter). This subchapter sets forth specific policies and procedures for contracting officers to follow during all phases of procurement of construction or architect engineering services funded partially or completely with nonappropriated funds. Compliance with this subpart is mandatory upon all functional activities involved in accomplishing construction and A/E services for nonappropriated fund instrumentalities; i.e., procurement, civil engineering, accounting and finance, etc. All nonappropriated fund instrumentalities listed in paragraph 3, AFR 176–1, except Exchanges and Motion Picture Services are required to comply with this subchapter for all construction and architect engineering requirements.

**§ 1004.5002–2 Construction or architect-engineer contracts funded with a combination of appropriated and nonappropriated funds.**

(a) These contracts will be accomplished in the same manner as an appropriated fund procurement except contracting officers and accounting and finance officers will be furnished written documentation stating that the appropriate AF level welfare board or fund has approved the use of the nonappropriated funds and assuring that such funds will be made available when required for payments under the contract. Documentation assuring availability of funds for the nonappropriated portion

of the project will be signed as follows: (1) Amounts of $5,000 or less by the appropriate base nonappropriated fund custodian; (2) projects of more than $5,000 but less than $50,000 by the appropriate major command nonappropriated fund custodian; and (3) projects of more than $50,000 by the Air Force Civilian or Military Welfare Board.

(b) **Disbursement of nonappropriated funds:** It is contemplated that appropriated funds will be used to make monthly progress payments (if appropriate) until exhausted. Then, not more than 5 days prior to the anticipated date of the remaining payment(s), nonappropriated funds sufficient to cover each payment will be deposited by the fund custodian with the accounting and finance officer designated to make payment under the contract. By using his suspense account for receipt and disbursement of nonappropriated funds, the accounting and finance officer will pay appropriated and nonappropriated funds to the contractor. Responsibility for timely deposits of nonappropriated funds rests with the nonappropriated fund custodian.

**§ 1004.5002–3 Construction or architect engineer contracts funded completely with nonappropriated funds.**

(a) **General.** Two important policies have been considered in establishing this portion of this subchapter: (1) Generally keeping the normal procurement system intact and (2) still giving nonappropriated fund instrumentalities maximum flexibility. Except as provided in this section, policies and procedures in Subchapter A, Chapter 1 of this title and this subchapter should be followed unless cogent reasons justify noncompliance. Justification will be reduced to writing, signed by the chief of the appropriate functional activity, approved by the base commander, and at least one copy furnished to the contracting officer prior to beginning any procurement action.

(b) *Funding.* Contracting officers will take no action toward establishing these contracts until they are furnished written documentation stating that the appropriate AF level welfare board or fund has approved the use of the nonappropriated funds, and assuring that such funds will be made available when required for payments under the contract. Documentation assuring fund availability will be signed as indicated in § 1004.5002–2(a).

(c) *Payments to contractors.* The appropriate base nonappropriated fund custodian will be designated on the contract to receive invoices and make payments. The fund custodian will not make payment(s) to the contractor until he has received documentation from the base civil engineer, the contracting officer, and a corresponding invoice from the contractor, indicating the percentage of completion. Payment(s) may then be made as prescribed in the contract clause "Payments to Contractor."

(d) *Contract forms.* The forms used for nonappropriated fund contracts will be the same as prescribed by Subchapter A, Chapter 1 of this title and this subchapter for appropriated fund contracts.

(e) *Manual approval.* Manual approval of nonappropriated fund contracts is not required.

(f) *Clauses for construction contracts.* All required clauses and special provisions contained or referred to in Subpart F, Part 7 of this title and Subpart F, Part 1007 of this subchapter, will be used except as follows:

(1) Definitions: Delete clause in § 7.602–1 of this title and insert as follows:

Definitions.

(a) Insert clause in paragraph 17a, AFR 176–8.

(b) Insert clause in paragraph 17b, AFR 176–8.

(c) As used in this contract, the term "Fund" means the nonappropriated fund activity contracting for the services or supplies herein. Insert paragraph (d). As used in this contract, the term "sub-contracts" includes purchase orders.

(2) Disputes: Delete the disputes clause contained in § 7.602–6 of this title and in lieu thereof, insert the appropriate Disputes clause in paragraph 17c or 17d, AFR 176–8.

(3) Payments to contractors: Use the clause in § 7.602–7 of this title. Omit the last sentence in subparagraph (e) and add the following to the end of this clause, "Upon satisfactory completion and acceptance of all work required by this contract located on land in which the Government has a real property interest, and prior to final payment, the contractor hereby agrees to execute an instrument of conveyance, in a form approved by the contracting officer, conveying all real property to the Government."

NOTE: For construction on land owned or leased by a nonappropriated fund activity, modify this sentence to read: "Upon satisfactory completion and acceptance of all work required by this contract, located on land owned or leased by the Fund, and prior to final payment, the contractor hereby agrees to execute an instrument of conveyance, in a form approved by the contracting officer, conveying all real property to the Fund."

Also, add the following as subparagraph (f) to the clause entitled "Payments to Contractor", "This agreement is not a United States Government Contract, but is solely the obligation of the Fund."

(4) Assignment of claims: The use of the clause in § 7.602–8 of this title, "Assignments of Claims" is prohibited for nonappropriated contracts. If payment or assignment to a third party is required, a locally devised clause will be used.

(5) Patent indemnity: Use appropriate clause in § 9.103 of this title.

(6) Utilization of small business concerns: Omit the clause referred to in § 7.602–26 of this title, "Utilization of Small Business Concerns." The Small Business program is not applicable to contracts funded solely with nonappropriated funds.

(7) Renegotiation: Omit the clause referred to in § 7.602–28 of this title.

(8) Authorization and consent: Omit the clause referred to in § 7.602–31 of this title.

(9) Priorities, allocations, and allotments: Omit the clause referred to in § 7.603–8 of this title.

(10) Military security requirements: Omit the clause referred to in § 7.603–6 of this title.

(11) Alterations in contract: (i) As used throughout this contract, the word "Government" is deleted and the word "Fund" is substituted in lieu thereof except in the last sentence of the payments clause regarding conveyance of real property.

(g) *Additional procedures and clauses applicable to architect-engineering services contracts.* (1) The procedures and policies contained in paragraphs (a), (b), (c), (d), and (e) of this section are applicable to architect-engineering services contracts.

(2) Prior to negotiation with a selected architect-engineer firm, preprocurement requirements of AF policies and procedures pertaining to appropriated fund A/E contracting will be met except (i) The requirement for determinations and findings by the Secretary of the Air Force and (ii) evidence of the passage of the annual appropriations act. The statutory limitations on the monetary amounts that may be paid architect-engineers (5 U.S.C. 55(a) as implemented by the annual DOD appropriation act) are not for mandatory application to nonappropriated fund activities, but should be used as a guide.

(3) Use all required clauses, applicable clauses, required schedule provision, and applicable schedule provisions contained or referred to in Subpart QQ, Part 1007 of this subchapter, except as follows:

(i) Definitions: Delete clause in § 7.103–1 of this title and insert as follows:

Definitions.

(a) Insert the clause in paragraph 17a, AFR 176–8.

(b) Insert the clause in paragraph 17b, AFR 176–8.

(c) As used in this contract, the term "Fund" means the nonappropriated fund activity contracting for the services or supplies herein.

(d) As used in this contract, the term "subcontracts" includes purchase orders.

(ii) Disputes: Delete the disputes clause listed in § 7.103–12 of this title and in lieu thereof, insert the appropriate disputes clause in paragraph 17 c or d, AFR 176–8.

(iii) Assignment of claims: The use of the clause in § 7.103–8 of this title is prohibited for nonappropriated contracts. If payment or assignment to a third party is required, a locally devised clause will be used.

(iv) Renegotiation: Omit the clause referred to in § 7.103–13 of this title.

(v) Military security requirements: Omit the clause referred to in § 7.104–12 of this title.

(vi) Preliminary recitation: Omit the statement in § 1007.4306–1 of this subchapter.

(vii) Alterations in contract.

(a) As used throughout this contract, the word "Government" is deleted and the word "Fund" is substituted in lieu thereof.

(b) Add the following as subparagraph (b) to the clause entitled consideration and payment: "This agreement is not a United States Government Contract, but is solely the obligation of the Fund."



## PART 1006—FOREIGN PURCHASES

### Subpart A—Buy American Act; Supply and Service Contracts

1. In § 1006.103–2(h)(1) amend the symbol "(AFCIN–IE–M)" to read "(AFNIAA)", and revise subparagraph (2) as follows:

**§ 1006.103–2 Nonavailability in the United States.**

* * * * *

(h) * * *

(2) Except as provided in subdivision (i) of this subparagraph, requests for foreign periodicals and publications which must be procured outside the United States will be sent to the Director of Intelligence (AFNIAA), Hq USAF, for forwarding to the appropriate air attache for procurement. Such requests will contain information, including description of the item, estimated cost, name and address of vendor, citation of applicable appropriation, and shipping instructions.

(i) Direct purchase by Hq ACIC from foreign publishers is authorized for operational air information publications and services required by Hq ACIC to produce the USAF/USN Flight Information Publications.

2. In § 1006.103–50(a)(3) subdivision (i) is amended. This subparagraph now reads as follows:

**§ 1006.103–50 Other exceptions based on inconsistency with the public interest.**

(a) * * *

(3) When articles are purchased for evaluation and comparison, a copy of the determination (subpargraph (1) of this paragraph) will be attached to each of the following copies of the contract: (i) AFAFC (SAA), (ii) contract file, and (iii) contractor's file.

## PART 1007—CONTRACT CLAUSES

### Subpart F—Clauses for Fixed Price Construction Contracts

**§ 1007.602–52 [Deleted]**

1. Delete § 1007.602–52.

2. In § 1007.650–6 amend the date of the clause title and add the following material.

**§ 1007.650–6 Progress charts, Sundays, holidays and nights.**

SP 1–06 PROGRESS CHARTS, SUNDAYS, HOLIDAYS AND NIGHTS (MAY 1964)

(Not applicable to contracts with scheduled work periods of less than four work weeks.)

(a) * * *

* * * * *

### Subpart Z—Clauses for Open Contracts for Equipment and Services

**§ 1007.2606–3 [Amended]**

In § 1007.2606–3 delete paragraph (d).

## PART 1010—BONDS AND INSURANCE

### Subpart A—Bonds

**§§ 1010.102–50, 1010.102–52, 1010.103–3 [Amended]**

In §§ 1010.102–50(b), 1010.102–52(e), and 1010.103–3 "the General Accounting Office" is amended to read "AFAFC (SAA)." These sections now read as follows:

**§ 1010.102–50 Bid bonds for supply contracts.**

* * * * *

(b) All annual bid bonds must be submitted in duplicate to AMC (MCJCR), for review, approval, and filing of the original with AFAFC (SAA). Use Standard Form 34, "Annual Bid Bond." When approved, the annual bid bond may be used throughout the Air Force. If a contractor indicates in his bid that he has an annual bid bond on file, verification may be obtained from MCJCR.

**§ 1010.102–52 Bid bonds for sale of Government property.**

* * * * *

(e) If a bidder elects to furnish an annual bid bond, such bond will be prepared on AFPI Form 91 and submitted in duplicate to AMC (MCJCR) for review and filing of the original with RFAFC (SAA). When such annual bid bond has been approved, the bond may be used throughout the Air Force. If the bid made in connection with the sale of Government property indicates that the bidder has an annual bid bond on file, verification may be obtained from AMC (MCJCR).

**§ 1010.103–3 Annual performance bonds.**

All annual performance bonds must be submitted to MCJCR, in duplicate, for review, approval, and filing of the original with AFAFC (SAA). Use Standard Form 35, "Annual Performance Bond." Such bonds are not authorized without prior approval of the Procurement Law Division (MCJC), Hq AMC.

## PART 1054—CONTRACT ADMINISTRATION

### Subpart CC—Processing of Claims Under Cost-Reimbursement Type Contracts

In § 1054.2912 paragraph (a) is set forth to change "General Accounting Office" to "AFAFC (SAA)" as follows:

**§ 1054.2912 Suspensions and disallowances.**

* * * * *

(a) Costs to be suspended or disapproved by DD Form 396 will be agreed upon by the ACO and the military department auditor to the greatest extent possible before issuance of the DD Form 396. When the auditor issues a DD Form 396, an original and six unnumbered copies will be sent to the ACO. If the ACO concurs, he will assign a Notice Number and distribute the original and two copies to the contractor, one copy (attached to SF 1034) to AFAFC (SAA) through the disbursing officer, one copy (attached to SF 1034a) to the disbursing officer, one copy to the auditor and one copy for his own files. The original and the copies for the contractor and AFAFC (SAA) will be signed by the ACO and the auditor. Other copies may bear typed or stamped signatures. Where the ACO does not concur, he will state his reasons for nonconcurrence and return one unsigned and unnumbered copy to the auditor, after which he will confer with the auditor, Air Force and contractor personnel familiar with the items in question. The auditor should be present whenever questions of cost allowability are discussed with the contractor. When the ACO and the auditor do not agree on specific items based on available information, the ACO will include or ask the auditor to include those items under costs suspended pending further action at the next highest organizational levels.

* * * * *

(Sec. 8012, 70A Stat. 488; secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012; 10 U.S.C. 2301–2314) [AFPI Rev. No. 45, August 28, 1964]

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64–11444; Filed, Nov. 9, 1964; 8:45 a.m.]

# Title 32A—NATIONAL DEFENSE, APPENDIX

## Chapter I—Office of Emergency Planning

[Defense Mobilization Order 8500.1A]

### DMO 8500.1A—GUIDANCE ON PRIORITY USE OF RESOURCES IN IMMEDIATE POSTATTACK PERIOD

1. *Purpose.* This Order (1) states the policy of the Federal Government on use of resources in the period immediately following a nuclear attack on the United States, (2) provides general guidance for Federal, State, and local government officials on activities to be accorded priority in the use of postattack resources, and (3) lists those items essential to national survival in the immediate postattack period.

2. *Cancellation.* Defense Mobilization Order 8500.1, Guidance on Priority Use of Resources in Immediate Postattack Period, dated April 24, 1964 (29 F.R. 5796) is hereby superseded.

3. *General policy.* In an immediate postattack period all decisions regarding the use of resources will be directed to the objective of national survival and recovery. In order to achieve this objective, postattack resources will be assigned to activities concerned with the maintenance and saving of lives, immediate military defense and retaliatory operations, and economic activities essential to continued survival and recovery.

This guidance is designed to achieve a degree of national equity in the use of resources and to assign and conserve resources effectively in the immediate postattack period. Until more specific instructions are available, these are the general guidelines within which managerial judgment and common sense must be used to achieve national objectives under widely differing emergency conditions.

4. *Responsibilities.* As stated in The National Plan for Emergency Prepared-

ness, the direction of resources mobilization is a Federal responsibility. However, in the period immediately following an attack, certain geographical areas may be temporarily isolated, and State and local governments will assume responsibility for the use of resources remaining in such areas until effective Federal authority can be restored. State and local governments will not assume responsibility for resources under the jurisdiction of a Federal agency where the Federal agency is able to function.

As soon as possible after an attack and until specific national direction and guidance on the use of resources is provided, Federal, State, and local officials will determine what resources are available, to what needs they can be applied, how they are to be used, and the extent to which resources are deficient or in excess of survival needs. They will base determinations as to the relative urgency for use of resources primarily upon the importance of specific needs of defense, survival, and recovery.

5. *Priority activities in immediate postattack period.* The following activities are to be accorded priority over all other claims for resources. There is no significance in the order of the listing—all are important. The order in which and the extent to which they are supported locally may vary with local conditions and circumstances. If local conditions necessitate the establishment of an order of priority among these activities, that order shall be based on determinations of relative urgency among the activities listed, the availability of resources for achieving the actions required, and the feasibility and timeliness of the activities in making the most rapid and effective contribution to national survival.

a. The immediate defense and retaliatory combat operations of the Armed Forces of the United States and its Allies: This includes support of military personnel and the production and distribution of military and atomic weapons, materials and equipment required to carry out these immediate defense and retaliatory combat operations.

b. Maintenance or reestablishment of Government authority and control to restore and preserve order and to assure direction of emergency operations essential for the safety and protection of the people. This includes:

(1) Police protection and movement direction;

(2) Fire defense, rescue and debris clearance;

(3) Warnings;

(4) Emergency information and instructions;

(5) Radiological detection, monitoring and decontamination.

c. Production and distribution of survival items and provision of services essential to continued survival and rapid recovery. (For list of survival items, see Appendix 1 to this order.) These include:

(1) Expedient shelter;

(2) Food, including necessary processing and storage;

(3) Feeding, clothing, lodging, and other welfare services;

(4) Emergency housing and community services;

(5) Emergency health services, including medical care, public health and sanitation;

(6) Water, fuel, and power supply;

(7) Emergency repair and restoration of damaged vital facilities.

d. Essential communications and transportation services needed to carry out the above activities.

e. Provision of supplies, equipment, and repair parts to produce and distribute goods needed for the above activities.

6. *Assignment of resources.* Resources required for essential uses, including manpower, will be assigned to meet the emergency requirements of the priority activities indicated above. The principal objectives are to use available resources to serve essential needs promptly and effectively, and to:

a. Protect and to prevent waste or dissipation of resources prior to their assignment to priority activities;

b. Support production of essential goods. Other production will be permitted to continue only from inventories on hand and when there is no emergency requirement for the resources vital to this production.

c. Support construction for emergency repair and restoration, construction of facilities needed for survival, or the conversion of facilities to survival use, where this can be accomplished quickly. Other construction already under way should be stopped, and no new construction started unless it can be used immediately for essential purposes upon completion.

Dated: November 4, 1964.

*Effective date.* This order is effective the date of issuance.

EDWARD A. MCDERMOTT,
*Director,*
*Office of Emergency Planning.*

APPENDIX 1

This document contains a listing of items considered essential to sustain life at a productive level to assure national survival in an emergency. The list identifies items to which major attention should be given in all phases of preattack planning to insure the availability of basic essentials for a productive economy in the event of a nuclear attack. Supply-requirements studies and assessments for these items will be made to disclose critical deficiencies or other problems that can be anticipated. Revisions will be made as necessary to keep the items as up-to-date as possible.

The items are arranged by seven major groups:

(1) Health Supplies and Equipment,
(2) Food,
(3) Body Protection and Household Operations,
(4) Electric Power and Fuels,
(5) Sanitation and Water Supply,
(6) Emergency Housing and Construction Materials and Equipment, and
(7) General Use Items.

Survival items are defined as "those items without which large segments of the population would die or have their health so seriously impaired as to render them both burdensome and non-productive." The items have been classified into Group A or Group B, with Group A representing end products consumed or used directly by the population, and Group B consisting of those items essential to the effective production and utilization of the Group A items, which are consumed or used directly by the people.

There are no Group B items in the categories of Health Supplies and Equipment, Body Production and Household Operations, and Emergency Housing and Construction Materials and Equipment. All of these items are considered to be consumed directly and any attempt to separate them in to A and B groupings would be too arbitrary to be meaningful.

It is important to keep in mind the fact that while the items listed are the basic essentials necessary for maintaining a viable economy during the first six months following an attack, not all of them would create problems that would require government action preattack to insure adequate supplies. The aforementioned supply-requirements studies will be undertaken to identify the problem areas. In developing supply data, all available production capacity, existing inventories, and possible substitutions will be considered. For example, in analyzing clothing items, all available supplies would be considered from sport to dress shirts, from overalls to dress suits. However, new production would be limited to the simplest form of the basic item which can be produced. The final determination as to which of the items are most critical and which may require preattack actions by the Government, as well as the type of actions which must be taken, can be made only after a comprehensive supply-requirements analysis is completed.

LIST OF ESSENTIAL SURVIVAL ITEMS

I. Health Supplies and Equipment:

GROUP A

1. *Pharmaceuticals:*
Alcohol.
Analgesics, non-narcotic.
Antibiotics and antibacterials.
Antidiabetic agents, oral.
Antihistamines.
Antimalarials.
Atropine.
Blood derivatives.
Carbon dioxide absorbent.
Cardiovascular depressants.
Cardiovascular stimulants.
Corticosteriods.
Diuretics.
General anesthetics.
Hypnotics.
Insulin.
Intravenous solutions for replacement therapy.
Local anesthetics.
Lubricant, surgical.
Morphine and substitutes.
Oral electrolytes.
Oxygen.
Surgical antiseptics.
Sulfa drugs.
Synthetic plasma volume expanders.
Vitamin preparations, pediatric.
Water for injection.
2. *Blood Collecting and Dispensing Supplies:*
Blood collecting and dispensing containers.
Blood donor sets.
Blood grouping and typing sera.
Blood recipient sets.
Blood shipping containers.
3. *Biologicals:*
Diphtheria toxoid.
Diphtheria antitoxin.
Diphtheria and tetanus toxoids and pertussis vaccine.
Gas gangrene antitoxin.
Poliomyelitis vaccine, oral.
Rabies vaccine.
Smallpox vaccine.
Tetanus antitoxin.
Tetanus toxoid, absorbed.
Typhoid vaccine.
Typhus vaccine, epidemic.
Yellow fever vaccine.
4. *Surgical Textiles:*
Adhesive plaster.
Bandage, gauze.
Bandage, muslin.
Bandage, plaster of paris.
Cotton, USP
Surgical pads.
Stockinette, surgical.
Wadding, cotton sheet.
5. *Emergency Surgical Instruments and Supplies:*
Airway, pharyngeal.
Anesthesia apparatus.
Basin, wash, solution.
Blade, surgical knife.
Brush, scrub, surgical.
Catheter, urethral.
Containers for sterilization.
Chisel, bone.
Drain, Penrose.
Dusting powder.
Forceps, dressing.
Forceps, hemostatic.
Forceps, obstetrical.
Forceps, tissue.
Gloves, surgeon's.
Handles, surgical knife.
Holder, suture needle.
Inhaler, anesthesia, Yankauer (ether mask).
Intravenous injection sets.
Knife, cast cutting.
Lamps, for diagnostic instruments.
Lamps, for surgical lights.
Laryngoscope.
Light, surgical, portable.
Litter.
Mallet, bone surgery.
Needles, hypodermic, reusable.
Needles, suture, eyed.
Otoscope and ophthalmoscope set.
Probe, general operating.
Razor and blades (for surgical preparation).
Retractor, rib.
Retractor set, general operating.
Rongeur, bone.
Saw, amputating.
Saw, bone cutting, wire (Gigli).
Scissors, bandage.
Scissors, general surgical.
Sigmoidoscope.
Speculum, vaginal.
Sphygmomanometer.
Splint, leg, Thomas.
Splint, wire, ladder.
Steriliser, pressure, portable.
Stethoscope.
Sutures, absorbable.
Sutures, absorbable, with attached needle.
Sutures, nonabsorbable.
Sutures, nonabsorbable, with attached needle.
Syringes, Luer, reusable (hypodermic syringes).
Thermometers, clinical.
Tracheotomy tube.
Tube, nasogastric.
Tubing, rubber or plastic, and connectors.
Vascular prostheses.
Webbing, textile, with buckle.
6. *Laboratory Equipment and Supplies:*
Bacteriological culture media and apparatus.
Balance, laboratory with weights.
Blood and urine analysis instruments, equipment and supplies.
Chemical reagents, stains and apparatus.
Glassware cleaning equipment.
Laboratory glassware.
Miscroscope and slides.
Water purification apparatus.

GROUP B

None.

II. *Food:*



GROUP A

1. *Milk Group.* Milk in all forms, milk products. Important for calcium, riboflavin, protein, and other nutrients.
2. *Meat and Meat Alternate Group.* Meat, poultry, fish, eggs; also dry beans, peas, nuts. Important for protein, iron, and B-vitamins.
3. *Vegetable-Fruit Group,* including. 1. Dark green and yellow vegetables. Important for Vitamin A. 2. Citrus fruit or other fruit or vegetables. Important for Vitamin C. 3. Other fruits and vegetables, including potatoes.
4. *Grain Products.* Especially enriched, restored, cereal and cereal products, and bread, flours, and meals. Important for energy, protein, iron, and B-vitamins.
5. *Fats and Oils.* Including butter, margarine, lard, and other shortening oils. Important for palatability and food energy; some for Vitamin A and essential fatty acids.
6. *Sugars and Syrups.* Important for palatability and food energy.
7. *Food Adjuncts.* Certain food adjuncts should be provided to make effective use of available foods. These include antioxidants and other food preservatives, yeast, baking powder, salt, soda, seasonings and other condiments. In addition, coffee, tea, and cocoa are important for morale support.

GROUP B

Food containers.
Nitrogenous fertilizers.
Seed and livestock feed.
Salt for livestock.
*Veterinary Medical Items:*
Anthrax vaccine.
Black leg vaccine.
Hog cholera vaccine.
Newcastle vaccine.

III. *Body Protection and Household Operations:*

GROUP A

1. *Clothing:*
Gloves and mittens.
Headwear.
Hosiery.
Outerwear.
Shoes and other footwear.
Underwear.
Waterproof outer garments.
2. *Personal Hygiene Items:*
Diapers, all types.
Disposable tissues.
First aid items (included on Health Supplies and Equipment List).
Nipples.
Nursing bottles, all types.
Pins.
Sanitary napkins.
Soaps, detergents, and disinfectants.
Toilet tissue.
3. *Household Equipment:*
Bedding.
Canned heat.
Cots.
Hand sewing equipment.
Heating and cooking stoves.
Incandescent hand portable lighting equipment (including flashlights, lamps, batteries).
Kitchen, cooking, and eating utensils.
Lamps (incandescent medium base) and lamp holders.
Matches.
Nonelectric lighting equipment.
Sleeping bags.

GROUP B

None.

IV. *Electric Power and Fuels:*
1. *Electric Power.*

GROUP A

Electricity.

GROUP B

Conductors (copper and/or aluminum), including bare cable for high voltage lines and insulated wire or cable for lower voltage distribution circuits.
Switches and circuit breakers.
Insulators.
Pole line hardware.
Poles and crossarms.
Transformers (distribution, transmission, and mobile).
Tools for live-circuit operations, including rubber protective equipment, and linemen's tools.
Utility repair trucks, fully equipped.
Prime mover generator sets up to 501 kilowatts and 2400 volts, including portable and mobile sets up to 150 kilowatts and 110/220/440 volts, 3-phase, 60-cycle complete with fuel tank and switchgear in self-contained units.
2. *Petroleum Products.*

GROUP A

Gasoline.
Kerosene.
Distillate fuel oil.
Residual fuel oil.
Liquefied petroleum gas.
Lubricating oil.
Grease.

GROUP B

Storage tanks.
Pumps for loading and unloading.
Pressure containers and fittings for liquefied petroleum gas.
3. *Gas.*

GROUP A

Natural gas.
Manufactured gas.

GROUP B

Various sizes of pipe (mostly steel).
Various sizes of valves, fittings, and pressure regulators.
Specialized repair trucks and equipment.
4. *Solid Fuels.*

GROUP A

Coal and coke.

GROUP B

Conveyor belting.
Insulated trail cables.
Trolley feeder wire.
Roof bolts.

V. *Sanitation and Water Supply:*

GROUP A

1. *Water.*
2. *Water Supply Materials:*
a. *Coagulation:*
Ferric chloride.
Ferrous sulfate.
Ferric sulfate.
Chlorinated copperas.
Filter alum.
Hydrated lime.
Pulverised limestone.
Soda ash.
b. *Disinfection Chemicals:*
High-test hypochlorites (70 percent) in drums, cans, ampules.
Iodine tablets.
Liquid chlorine, including containers.
Chlorine compounds (not gas).
c. *Miscellaneous Materials:*
Diatomaceous earth.
Activated carbon.
3. *Chemical, Biological, and Radiological (CBR) Detection, Protection, and Decontamination Items:*
Calibrators.
Chemical agent detection kits, air, food, and water.
Dosimeters and chargers.
Protective masks, clothing, helmets.
Survey meters (Alpha, Beta, Gamma).
Warning signs—biological, chemical, and radiological contamination.
4. *Insect and Rodent Control Items:*
a. *Insecticides:*
DDT, water dispersible powder (75 percent).
Lindane powder, dusting (1 percent).
Lindane powder, dusting (1 percent).



Malathion, liquid, emulsifiable concentrate

Malathion, liquid, emulsifiable concentrate (57 percent).
Dust (diethyltoluamide) 75 percent in denatured alcohol.
Pyrethrum.
b. *Rodenticides:*
Anticoagulant type, ready-mixed bait.
"1080" (sodium monofluoroacetate) (for controlled use only).
5. *General Sanitation:*
Lye.

GROUP 2

1. *General Supplies and Equipment:*
Chemical feeders.
Mobile and portable pressure filters.
Chlorinators (gas and hypochlorites).
Pumps and appurtenances, Hand—Electric—Gasoline—Diesel.
Well-drilling equipment, including well casing, drive pipe and drive points.
2. *Storage and Transport Equipment:*
Lyster bags.
Storage tanks, collapsible and portable.
Storage tanks, rigid, transportable.
Storage tanks, wood stave, knock-down.
3. *Laboratory Equipment and Supplies:*
Membrane filter kits with filters and media.
Chlorine and pH determination equipment.
4. *Sanitation Equipment:*
Hand sprayer, continuous type.
Hand sprayer, compression type.
Hand duster, plunger type.
Spraying equipment for use with helicopter, fixed-wing light aircraft, high-speed fixed-wing attack aircraft, and cargo-type aircraft.

VI. *Emergency Housing and Construction Materials and Equipment.*

GROUP A

Asphalt and tar roofing and siding products.
Builders hardware—hinges, locks, handles, etc.
Building board, including insulating board, laminated fiberboard, hardpressed fiberboard, gypsum board, and asbestos cement (flat sheets and wallboard).
Building papers.
Plastic patching, couplings, clamps, etc., for emergency repairs.
Plumbing fixtures and fittings.
Prefabricated emergency housing.
Rough hardware—nails, bolts, screws, etc.
Sewer pipe and fittings.
Tents and tarpaulins; canvas, plastics, and other similar materials.
Lumber and allied products: Lumber, principally 1-inch and 2-inch, minor quantities of small and large timbers; siding and flooring; plywood; millwork, doors, and windows.
Masonry products—brick, cement, lime, concrete block, hollow tile, etc.
Translucent window coverings.
Water pipe and hose, plus fittings—all types, including fire hose.

GROUP B

None.

VII. *General Use Items.*

GROUP A

None.

GROUP B

Batteries, wet and dry cell.
Bulldozers.
Fire fighting equipment.
Light equipment and hand tools (including electric powered) for carpentry, masonry, plumbing, and excavation.
Pipe installation materials and equipment.
Refrigerators, mechanical.
Rigging tools—cables, ropes, tackle, hoists, etc.
Tank railroad cars.
Tank trucks and trailers.
Tires.
Trenching equipment.
Truck tractors and trailers, including low bed.
Trucks up to five tons (25 percent equipped with power takeoff).
Welding equipment and supplies (electric and acetylene).

[F.R. Doc. 64-11454; Filed, Nov. 9, 1964; 8:46 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 2—DELEGATIONS OF AUTHORITY

### Miscellaneous Amendments

1. In § 2.6, paragraphs (d) (3) and (e) (1) (ii) and (iii) are amended and paragraph (e) (4) is added so that the amended and added material reads as follows:

§ 2.6 Administrator's delegations of authority to certain officials (38 U.S.C. 212(a)).

* * * * *

(d) *Veterans Administration Central Office Loan Guaranty Committee on Waivers and Compromises.* * * *

(3) The Veterans Administration Central Office Loan Guaranty Committee on Waivers and Compromises, as established by § 36.4380 of this chapter issued pursuant to provisions of 38 U.S.C. 1820, shall be composed of the following:

Director, Loan Guaranty Service—Chairman.
Assistant Director for Liquidation, Loan Guaranty Service—Alternate of the Chairman.
Assistant General Counsel (Professional Staff Group I)—Member.
Deputy Assistant General Counsel (Professional Staff Group I) as designated by Assistant General Counsel—Alternate.
Chief, Administrative Review Group IV, Compensation, Pension and Education Service—Member.
Legal Consultant, Administrative Review Group I, II, III, or IV, Compensation, Pension and Education Service, as designated by the Deputy Director for Program Administration—Alternate.

(e) *General Counsel and Chief Attorneys.* (1) * * *

(ii) Except as provided in subparagraph (4) of this paragraph, authority is delegated to each of the personnel designated in subdivision (iii) of this subparagraph to execute an appropriate voucher and other necessary instruments in connection with any claim arising out of a negligent or wrongful act or omission of an employee of the Veterans Administration which is compromised by the Attorney General pursuant to 28 U.S.C. 2677.

(iii) General Counsel, Deputy General Counsel, Assistant General Counsels, Assistant to General Counsel, Special Assistant to the General Counsel, Deputy Assistant General Counsels.

* * * * *

(4) Authority is hereby delegated to each of the personnel designated in this subparagraph to determine whether a tort claim settled or compromised under 28 U.S.C. 2677 meets the criteria, "potentially subject to the offset provisions of 38 U.S.C. 351," for the purpose of the last clause under the heading Veterans Administration, "Compensation and Pensions," in the Independent Offices Appropriation Act:

General Counsel.
Deputy General Counsel.
Assistant General Counsel (Professional Staff Group IV).

2. In § 2.8, paragraph (b) is amended to read as follows:

§ 2.8 Delegation of authority to authorize allowances for Veterans Administration employees who are notaries public.

* * * * *

(b) Designated positions: Deputy Administrator, Chief Benefits Director, Chief Data Management Director, Chief Medical Director, General Counsel, Managers or Directors of regional offices, hospitals, domiciliaries, and centers.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: November 4, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
*Deputy Administrator.*

[F.R. Doc. 64-11455; Filed, Nov. 9, 1964; 8:46 a.m.]

# Title 45—PUBLIC WELFARE

## Chapter IV—Vocational Rehabilitation Administration, Department of Health, Education, and Welfare

## PART 401—THE VOCATIONAL REHABILITATION PROGRAM

### Subpart B—State Plans and Grants for Vocational Rehabilitation

ADDITIONAL ALLOTMENTS FOR FISCAL YEAR 1965

The purpose of this amendment is to provide for additional allotments for grants under section 2 of the Vocational Rehabilitation Act to States in which the Federal share of the costs of vocational rehabilitation services in fiscal year 1965 exceeds their allotments otherwise available for these purposes.

1. Section 401.150a is revised to read as follows:

§ 401.50a Additional allotments for fiscal year 1965.

(a) The Department of Health, Education, and Welfare Appropriation Act, 1965, provides that $175,000,000 shall be considered the sum available for allotments for vocational rehabilitation services under section 2 of the Vocational Rehabilitation Act for fiscal year 1965 (§ 401.50(a)). It also authorizes additional allotments, not exceeding $900,000 in the aggregate, for grants under section 2 of the act for fiscal year 1965 to States in which the Federal share (§ 401.51) of the costs of rehabilitation services under such section exceeds their respective allotments from such $175,000,000.

(b) Such additional allotments shall be determined as follows:

(1) The Commissioner shall make an estimate for each State of the amount of State or local funds (§ 401.49) which will be utilized for meeting part of the cost of vocational rehabilitation services for fiscal year 1965 for purposes of section 2 of the act, including State or local funds, if any, in excess of the amount required to earn such State's allotment under the $175,000,000 allotment base. In making such estimate, the Commissioner shall give particular consideration to information which has been furnished by the States, at the Commissioner's request for purposes of such estimate, on anticipated expenditures for vocational rehabilitation services for fiscal year 1965.

(2) The Commissioner shall then compute for each State the total amount of expenditures for vocational rehabilitation services under section 2 of the act of which the total amount of State or local funds so estimated (under subparagraph (1) of this paragraph) would constitute the State's share (§ 401.49), and he shall also compute for each State the amount of the corresponding Federal share of such expenditures.

(3) An allocation for an additional allotment for grants under section 2 of the act for fiscal year 1965 shall be made to each State for which the amount of the Federal share of expenditures, as computed under subparagraph (2) of this paragraph, exceeds the allotment for such grants for such State for such year determined (as described in § 401.50) on the basis of $175,000,000.

(4) Such allocation for any such State shall be in an amount which bears the same ratio to $900,000 as the amount of the excess of the Federal share of expenditures for such State, referred to in subparagraph (3) of this paragraph, bears to the sum of such excess amount for all such States.

(5) Such allocation shall become part of the State's additional allotment, and payments may be made therefrom, only if the Commissioner is satisfied that any available State or local funds will first be used to earn allotments under section 2 of the act, as determined in accordance with § 401.50, and only to the extent that such payments correspond to the Federal share of additional expenditures chargeable to fiscal year 1965 which the Commissioner is satisfied will be made for vocational rehabilitation services under the State plan for purposes of section 2 of the act. If at any time the Commissioner is not so satisfied, whether because of revisions in State expenditure estimates or otherwise, the State's allocation may be reduced accordingly. Such reduction may be restored if the Commissioner is so satisfied before the amount representing such reduction is used for any subsequent allocation pursuant to subparagraph (6) of this paragraph.

(6) From any sums available therefor, whether because of reductions in allocations as provided for in subparagraph (5) of this paragraph, or otherwise, the Commissioner may make subsequent allocations at such time or times prior to July 1, 1965, and on the basis of such information, as he may deem appropriate. Such subsequent allocations shall be made only to States (whether or not the State has received any prior allocation) which the Commissioner is satisfied will earn their regular allotments under section 2 (§ 401.50) of the act, plus their total existing allocations, if any, pursuant to this paragraph. The amount of any such subsequent allocation for any such State shall be determined in accordance with the principles utilized in subparagraphs (1) through (4) of this paragraph. Any subsequent allocation made pursuant to this subparagraph shall be added to the State's existing allocation, if any, and shall be subject to the provisions of subparagraph (5) of this paragraph.

(7) The allocation, if any, for each State at the close of fiscal year 1965 shall constitute the State's additional allotment for vocational rehabilitation services for such fiscal year.

(c) The provisions of §§ 401.50 through 401.55, insofar as they relate to allotments for vocational rehabilitation services under section 2 of the act and are not inconsistent with the provisions of this section, shall be applicable to allocations and additional allotments under this section.

2. *Effective date.* This revision shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 7(b) of the Vocational Rehabilitation Act, 68 Stat. 659; 29 U.S.C. 37(b). Interprets and applies Department of Health, Education, and Welfare Appropriation Act, 1965, Pub. Law 88-605, Title II, 78 Stat. 966)

Dated: November 3, 1964.

[SEAL] ANTHONY J. CELEBREZZE,
*Secretary.*

[F.R. Doc. 64-11468; Filed, Nov. 9, 1964; 8:47 a.m.]



# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 956]

## PART 95—CAR SERVICE

### Utilization of Certain Plain Boxcars

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 4th day of November A.D. 1964.

It appearing, that there is an acute shortage of boxcars fifty-foot long or longer and boxcars forty-foot long or longer with side door openings eight-foot wide or more; and it appearing that the present carrier rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars of these dimensions to the railroads owning such cars are ineffective; the Commission is of the opinion that an emergency exists requiring immediate action in all parts of the country, and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than 30 days' notice.

*It is ordered,* That:

§ 95.956 Utilization of fifty-foot long or longer plain boxcars and plain boxcars forty-foot long or longer with side door openings eight-foot wide or wider.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce and obey the following rules, regulations, and practices with respect to its car service:

(1) The provisions of this section apply to plain (XM, XME, and XI) forty-foot or longer boxcars with side door openings of eight-foot or wider and plain (XM, XME, and XI) fifty-foot or longer boxcars with any size side door opening, including all boxcars with plug doors of the following ownerships:

Chicago, Milwaukee, St. Paul and Pacific Railroad Co.
Great Northern Railway Co.
Northern Pacific Railway Co.
Southern Pacific Co.
Spokane, Portland and Seattle Railway Co.
Union Pacific Railroad Co.

(2) Cars of above ownerships shall not be loaded (other than by owners) except (i) to stations on owner's line or via owner's rails; (ii) to junction with owner, or (iii) to states listed below and territory west thereof.

Arkansas.
Iowa.
Louisiana.
Minnesota.
Missouri.

(3) Empty cars of the ownerships and types named in this section locating in the States named in this order or west thereof may be loaded only in accordance with Car Service Rules. In the absence of immediate loading as specified, cars should be moved to the owners' empty.

(b) *Application.* The provisions of this section shall apply to intrastate and interstate commerce.

(c) *Effective date.* This section shall become effective at 12:01 a.m., November 9, 1964.

(d) *Expiration date.* This section shall expire at 11:59 p.m., December 31, 1964, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4). 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

*It is further ordered,* That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-11459; Filed, Nov. 9, 1964; 8:46 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

## PART 32—HUNTING

### Crab Orchard National Wildlife Refuge, Illinois

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, bobwhite quail, rabbits, raccoons, opossums, skunks and weasels on the Crab Orchard National Wildlife Refuge, Illinois, is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,380 acres or 21 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408.

Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, bobwhite quail, rabbits, raccoons, opossums, skunks and weasels during the seasons specified below. The hunting of upland game species, as may be otherwise authorized by Illinois State regulations, is prohibited.

(1) Open season: Pheasants—from 12:00 noon to sunset November 14, 1964, and from sunrise to sunset November 15, 1964 through December 20, 1964, except that the season is closed on November 20, 21 and 22, 1964, and December 4, 5 and 6, 1964. Bobwhite quail—from 12:00 noon to sunset November 14, 1964, and from sunrise to sunset November 15, 1964 through December 31, 1964, except that the season is closed on November 20, 21 and 22, 1964, and December 4, 5 and 6, 1964. Rabbits—from sunrise to sunset November 24, 1964 through January 31, 1964, except that the season is closed on December 4, 5 and 6, 1964. Raccoons, opossums, skunks, and weasels (hunting only)—from 12:00 noon on November 5, 1964 to 12:00 noon on January 31, 1965, except that the season is closed on November 20, 21 and 22, 1964, and December 4, 5 and 6, 1964.

The provisions of this special regulation supplement the regulations which govern hunting on Wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1965.

R. W. BURWELL,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

NOVEMBER 3, 1964.

[F.R. Doc. 64-11448; Filed, Nov. 9, 1964; 8:46 a.m.]

## PART 32—HUNTING

### Lacassine National Wildlife Refuge, Louisiana

Pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), 50 CFR 32.11 is amended by the addition of Lacassine National Wildlife Refuge, Louisiana, to the list of wildlife refuges open to the hunting of migratory game birds.

It has been determined that the regulated hunting of migratory game birds may be permitted on the Lacassine National Wildlife Refuge without detriment to the objectives for which the area was established.

Notice and public procedure on this amendment are deemed contrary to the public interest because of the proximity of the hunting season in the State of Louisiana. Since the amendment benefits the public by relieving existing hunting restrictions on the Lacassine National Wildlife Refuge, it shall become effective upon publication in the FEDERAL REGISTER.

Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

**§ 32.11 List of open areas; migratory game birds.**

* * * * *

LOUISIANA

Lacassine National Wildlife Refuge.

JOHN A. CARVER, Jr.,
*Acting Secretary of the Interior.*

NOVEMBER 6, 1964.

[F.R. Doc. 64-11531; Filed, Nov. 9, 1964; 8:49 a.m.]

## PART 32—HUNTING

### Lacassine National Wildlife Refuge, Louisiana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impractical to give public notice of proposed rule making.

**§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.**

LOUISIANA

LACASSINE NATIONAL WILDLIFE REFUGE

On Lacassine National Wildlife Refuge, Louisiana, the public hunting of ducks and coots is permitted from November 21 through December 30, 1964, and the public hunting of geese is permitted from November 10, 1964, through January 15, 1965, but only on the area designated by signs as open to hunting. This open area, comprising 653 acres, is delineated on maps available at refuge headquarters, Lake Arthur, La., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1965.

JOHN GOTTSCHALK,
*Director, Bureau of Sport Fisheries and Wildlife.*

[F.R. Doc. 64-11538; Filed, Nov. 9, 1964; 8:49 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[Regs. 5]

[ 27 CFR Part 5 ]

### LABELING AND ADVERTISING OF DISTILLED SPIRITS

### Notice of Hearing

In order to implement Senate Concurrent Resolution 19, dated May 4, 1964, of the 88th Congress

That it is the sense of Congress that the recognition of Bourbon whisky as a distinctive product of the United States be brought to the attention of the appropriate agencies of the United States Government toward the end that such agencies will take apropriate action to prohibit the importation into the United States of whisky designated as "Bourbon Whisky".

Notice is hereby given, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U.S.C. 205), of a public hearing to be held on December 1, 1964, at 10 a.m., at Room 2601, Internal Revenue Service Building, 10th and Pennsylvania Avenue NW., Washington, D.C., at which time and place all interested parties will be afforded opportunity to be heard, in person or by authorized representative, with reference to proposals, the substance of which is stated below, to amend Regulations No. 5 (27 CFR Part 5), relating to labeling and advertising of distilled spirits.

1. Section 5.21(i), *Class 9: Products without geographical designations but distinctive of a particular place,* is amended by adding the following proviso at the end of the first sentence of subparagraph (1) thereof: "*Provided,* The word 'Bourbon' shall not be used to designate any whisky or whisky based distilled spirits not produced in the United States."

2. Section 5.51(d) is amended by deleting the phrase "and unless the labels are in all particulars consistent with the facts stated in the certificate" at the end of subparagraph (3) thereof.

Written data, views, or arguments relevent and material to these proposals may be submitted in duplicate for incorporation into the record of hearing (1) by mailing the same to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., provided they are received prior to the termination of the hearing, or (2) by presenting the same at the said hearing. At the conclusion of the hearing a reasonable opportunity will be afforded interested parties for examination of the record and for the submission of briefs.

[SEAL] HAROLD A. SERR,
*Director, Alcohol and Tobacco Tax Division, Internal Revenue Service.*

[F.R. Doc. 64-11466; Filed, Nov. 9, 1964; 8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 959 ]

### ONIONS GROWN IN SOUTH TEXAS

### Proposed Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit data, views, or arguments in connection with this proposal may file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation is as follows:

**§ 959.305 Limitation of shipments.**

During the period beginning March 1, 1965, through June 15, 1965, no handler may package or load onions on Sundays, or handle any lot of onions grown in the production area, except red onions, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable size requirements of paragraph (b) of this section, the container requirements of paragraph (c) of this section, and the inspection requirements of paragraph (f) of this section, or unless such onions are handled in accordance with the provisions of paragraph (d) or (e) of this section.

(a) *Minimum grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) 2 to 3½ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(c) *Container requirements.* (1) 25 pound bags, with not to exceed in any lot an average net weight of 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50 pound bags, with not to exceed in any lot an average net weight of 55 pounds per bag, and with outside dimensions not larger than 33 inches by 38½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal Agencies.

(d) *Minimum quantity exemption.* Any handler may handle, only as individual shipments and other than for resale, not more than 100 pounds of onions per day, in the aggregate, without regard to the requirements of this section or to the inspection and assessment requirements of this part.

(e) *Special purpose shipments and culls.* Onions failing to meet the grade, size, or container requirements of paragraph (a), (b), or (c) of this section, and not exempted under paragraph (d), of this section, may be handled only pursuant to § 959.126. Culls may be handled pursuant to § 959.126(a)(1). Shipments for relief or charity, or for experimental purposes, may be handled pursuant to § 959.126(b). Any such onions may be handled without regard to inspection and assessment requirements.

(f) *Inspection.* (1) During the effective period hereof, no handler may handle any onions, except pursuant to paragraph (d) or (e) of this section, unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation of any shipment of onions by motor vehicle for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the Committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or Committee document, upon request, is surrendered to authorities designated by the Committee.

(3) For purpose of operation under this part each inspection certificate or Committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificates.

(g) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), or in the United States Standards for Grades of Onions (§§ 51.2830–51.2850 of this title), whichever is applicable to the particular variety. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143 and this part (Order No. 959), both as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: November 5, 1964.

PAUL A. NICHOLSON,
*Deputy Director,*
*Fruit and Vegetable Division.*

[F.R. Doc. 64-11488; Filed, Nov. 9, 1964; 8:48 a.m.]

## [7 CFR Parts 1032, 1062, 1067]

## HANDLING OF MILK IN CERTAIN MARKETING AREAS

### Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

| 7 CFR Part | Docket No. | Marketing area |
|---|---|---|
| 1032 | AO-313-A3 and AO-313-A3-RO2. | Suburban St. Louis. |
| 1062 | AO-10-A29 | St. Louis, Mo. |
| 1067 | AO-222-A13 | Ozarks. |

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing order (7 CFR Part 900), a public hearing was held at Springfield and St. Louis, Mo., on June 4–11, 1963, pursuant to notice thereof issued on May 6, 1963 (28 F.R. 4665). This hearing with respect to the Suburban St. Louis order, was a reopening of the joint hearing on proposed amendments to the Quad Cities-Dubuque and Suburban St. Louis orders, and a proposed order for the Central Illinois marketing area, held at Effingham and Peoria, Ill., on January 3–12, 1962, pursuant to notice thereof issued December 14, 1961 (26 F.R. 12132).

Upon the basis of the evidence introduced at the June 1963 hearing and the record thereof, the Deputy Administrator on May 15, 1964 (29 F.R. 6630; F.R. Doc. 64-5076) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. The revised recommended decision with respect to the January 1962 hearing was filed January 20, 1964 (29 F.R. 1529, Part II; F.R. Doc. 64-781).

The material issues on the record of the January 1962 hearing pertaining to the Suburban St. Louis order and the material issues on the record of the June 1963 hearing pertaining to proposed amendments to the Suburban St. Louis, St. Louis and Ozarks orders relate to: (The following issues pertain to all three orders, except as specifically indicated.)

1. Expansion of the St. Louis marketing area;
2. Expansion of the Suburban St. Louis marketing area;
3. Modification of the definition of producer-handler, handler, dairy farmer for other markets (St. Louis), and pool plants;
4. Revision of the diversion provisions;
5. Classification of (a) fortified products, (b) milk which is used for livestock feed or which is dumped (St. Louis and Ozarks), and (c) milk sold to food manufacturers (Suburban St. Louis);
6. Revision of the transfer provisions (St. Louis, Suburban St. Louis);
7. Class I prices;
8. Class II prices;
9. Modification of location differentials and zone prices (St. Louis, Suburban St. Louis);
10. Type of pooling; and
11. Interest on overdue accounts (St. Louis).

At the time the recommended decisions on the above issues were filed, consideration was being given to the revision of the compensatory payment provisions for integrating other source milk into the regulatory scheme on the basis of a regional hearing held in January 1963. That hearing was also a reopening of the January 1962 hearing on proposed amendments to the Suburban St. Louis order. The action on the basis of the regional hearing has been completed (29 F.R. 10902). Thus, this decision incorporates all of the outstanding issues with respect to the Suburban St. Louis order.

The issue relating to expansion of the Suburban St. Louis marketing area (and redesignation as the Southern Illinois marketing area) as provided in the recommended decision based on the record of the January 1962 hearing is hereby terminated.

Exceptions to the revised recommended decision pointed out that the hearing record, insofar as it pertains to the territory proposed to be added to the Suburban St. Louis marketing area, does not reflect current marketing conditions because substantial changes have taken place since January 1962 in the distribution patterns in portions of the recommended new territory. This is borne out by the record of more recent hearings on amendments to the St. Louis and Suburban St. Louis orders. The most appropriate action under the circumstances, therefore, is to terminate consideration of the marketing area issue. However, with respect to the remaining issues of the January 1962 hearing there is no cause to believe that the amendments provided herein will not tend to effectuate the declared policy of the Act.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the St. Louis marketing area.* (a) The St. Louis marketing area should be expanded to include the Missouri counties of Bollinger, Cape Girardeau, Crawford, Franklin, Jefferson, Perry, St. Francois, Ste. Genevieve, and Washington.

These nine counties which are south and west of the present marketing area constitute part of the general sales area of the handlers now regulated and the inclusion of these counties in the marketing area will accommodate more orderly marketing of milk in the area. The sales by St. Louis handlers in this territory are made in competition with some unregulated handlers who buy milk from dairy farmers at a flat rate price approximating the St. Louis blend price. A high Class I utilization is maintained at some of these plants. The unregulated handlers who maintain a Class I utilization higher than the average of the regulated handlers, have a competitive advantage over the regulated handlers since they are not required to pay the full utilization value for their milk at the class prices provided in the order.

The expanded marketing area will more completely encompass the major sales territories of St. Louis regulated handlers and, to the maximum extent practicable, the sales areas of those handlers who would become regulated as a result of the enlargement of the marketing area. Handlers who distribute in the expanded marketing area would be assured that they would be in competition with distributors who would be required to pay for producer milk on a classified use basis.

It is expected that five additional handlers would become regulated as a result of expanding the marketing area. The population of the nine-county area at the time of the U.S. Census for 1960 was approximately 250,000. Principal cities located within the territory to be added to the marketing area include Cape Girardeau, Farmington, Perryville, Potosi, Ste. Genevieve and Washington.

The majority of the fluid milk products disposed of on routes in the nine-county area are processed at plants which are regulated under the St. Louis, suburban St. Louis or Ozarks orders. There are three plants in the area which are partially regulated under the St. Louis order due to the limited amount of their route sales in the present marketing area. These partially regulated handlers distribute milk in six of the nine counties and would become fully regulated with the addition of these counties to the marketing area. There are two other handlers located in the area who would become fully regulated and there are two plants located outside the area which have a very limited volume of sales in the proposed additional territory and, accordingly, would not be fully regulated.

A partially regulated handler located in Cape Girardeau proposed that the counties of Bollinger, Cape Girardeau, Jefferson, Perry, St. Francois and Ste. Genevieve be included in the St. Louis marketing area. This handler testified that approximately 18 percent of his sales of fluid milk products were made in the present marketing area. Except for sales to a military base in Blytheville, Arkansas, the remainder of his sales were confined to the territory around Cape Girardeau. His sales in Cape Girardeau and Bollinger Counties amounted to about 638,000 pounds per month. His competitors in this area (Bollinger and Cape Girardeau Counties) were four St. Louis handlers, one Suburban St. Louis handler, one Ozarks handler and an unregulated handler located in Sikeston, Missouri. Sales in these two counties by the Sikeston, Missouri, handler account for less than four percent of his total fluid milk sales.

Exceptions to the recommended decision indicated that since the time of the hearing the Cape Girardeau handler had begun selling fluid milk products in the Memphis, Tennessee, market and had become subject to regulation under the



Federal order regulating the handling of milk in the Memphis, Tennessee, marketing area. However, the exceptions do not show that the Cape Girardeau handler's fluid milk operations are more intimately associated with that market than with the present St. Louis market. With the addition of Bollinger and Cape Girardeau Counties to the St. Louis marketing area there is no question but that this handler will have most of his sales in the St. Louis marketing area.

The handler at Cape Girardeau obtains his supply of milk from producers located in Cape Girardeau County. The Cape Girardeau handler uses about 90 percent of his supply in Class I uses compared to about 70 percent Class I use under the St. Louis order and 75 percent Class I use under the Suburban St. Louis order. Thus, the handler could obtain a supply of milk at less than its class use value provided under the order and enjoy a competitive advantage over the regulated handlers that distribute milk in Cape Girardeau and Bollinger Counties. Also the producers supplying this plant were not assured of receiving the full classified use value which the order would provide for their milk.

Inclusion of Bollinger and Cape Girardeau Counties in the marketing area would contribute to orderly marketing by assuring that all handlers distributing milk in the area pay for their milk on a class use basis and that producers receive the full class use value for their milk.

The other four counties proposed by the Cape Girardeau handler are located between Cape Girardeau and the present marketing area. Addition of these counties will result in a marketing area which more closely conforms to the sales territory of presently regulated handlers. In two of these counties, Perry and Ste. Genevieve, there are no fluid milk sales by unregulated handlers. In St. Francois County there is one unregulated handler who accounts for about seven percent of the fluid milk sales in the county. In Jefferson County about five percent of the fluid milk sales are made by an unregulated handler.

Certain other proponents proposed that the Missouri counties of Crawford, Franklin, Gasconade, Mississippi, Scott, and Washington also be included in the St. Louis marketing area.

Unregulated handlers located in Franklin County, Missouri, distribute fluid milk products in competition with regulated handlers. Regulated handlers account for about two-thirds of the fluid milk sales in this county. There are about 100 producers in the county who ship their milk to St. Louis regulated handlers. Thus, the competitive buying price for milk in the area is the St. Louis blend price. Unregulated handlers in the county are in a position to purchase a supply of milk for fluid use at approximately the St. Louis blend price while their regulated competitors must pay the Class I price. Expansion of the marketing area to include Franklin County would contribute to orderly marketing by assuring that prices paid for fluid milk distributed in the county are uniform among all handlers and that producers receive the full use value for their milk.

The only unregulated handler with sales in Crawford and Washington Counties will become regulated on the basis of his sales in Franklin County where his plant is located. Inclusion of Crawford and Washington Counties in the marketing area will assure greater marketing stability by encompassing, to the greatest extent feasible, the area within which handlers regulated under the order have the majority of the Class I sales.

Gasconade County should not be included in the St. Louis marketing area. St. Louis handlers do not have a majority of the fluid milk business in this county. Gasconade County is a sparsely populated area where milk is distributed by handlers from the three distant population centers of St. Louis, Springfield, and Jefferson City, Missouri. Inclusion of Gasconade County in the marketing area might fully regulate a handler in Jefferson City, Missouri, which is about 50 miles west of the recommended marketing area. The major portion of this handler's distribution area lies in unregulated territory beyond the area proposed for inclusion in the marketing area. Thus, regulation of this handler could put him at a disadvantage in a substantial portion of his sales territory as he would have no assurance that his competitors were paying at least the minimum order prices for their milk.

Scott and Mississippi Counties should not be added to the marketing area. The principal distributor of milk in these counties is an unregulated handler located at Sikeston, Missouri. St. Louis regulated handlers account for not more than half of the sales in Mississippi County and for about one-fourth of the sales in Scott County. The remainder of the distribution in these counties is made by handlers regulated under other orders. The handler at Sikeston pays for his milk prices equal to, or in excess of, the St. Louis Class I price. Thus, he has enjoyed no competitive advantage over regulated handlers.

The handler at Sikeston was the proponent of the inclusion of these counties in the marketing area. The record, however, fails to establish that disorderly marketing conditions presently exist in these counties or are likely to occur in the future. It may be noted also that the producers who supply the milk to the plant at Sikeston were opposed to regulation. It must be concluded, therefore, that the inclusion of Scott and Mississippi Counties in the marketing area is not necessary to prevent disorderly marketing conditions in the counties themselves or in the remainder of the marketing area as proposed.

(b) A handler proposed that certain parts of the Suburban St. Louis marketing area be shifted to the St. Louis marketing area. Specifically the area proposed to be changed includes Madison County, Monroe County, that portion of St. Clair County not now in the St. Louis marketing area and the townships of Sugar Creek, Looking Glass, St. Rose, Breese and Germantown in Clinton County. As an alternative, the handler proposed that this portion of the Suburban St. Louis marketing area be designated a separate price zone with a Class I price the same as is effective under the St. Louis order for plants located within 30 miles of the City Hall in St. Louis and that no location differential be applicable under the St. Louis order at plants within 40 miles of the City Hall in St. Louis. This area lies within the base zone of the Suburban St. Louis order where the Class I price is fixed 10 cents per hundredweight below the St. Louis price.

The effect of the proposals would be to increase the Class I price 10 cents per hundredweight at all plants which are located in the proposed area and presently regulated under the suburban St. Louis order. The handler witness contended that the amendment was needed to provide equity among handlers regulated under the two Federal orders in this area where their sales overlap. Admittedly it would seem to be desirable to have identical pricing to all handlers competing for sales in a given area. However, neither of the proposals would bring about such a condition since only four of the 11 suburban St. Louis handlers competing for sales in the proposed area would be affected by either of the proposed changes. Whether adoption of either of the proposals would tend to minimize the problem is not determinable since the record does not indicate the relative volume of milk sold in the area by each handler.

Even if a common sales area for all handlers could be delineated it would be questionable whether either of the proposed changes would be appropriate since each of them would increase the price level for a substantial portion of the milk presently priced under the suburban St. Louis order.

In view of the above considerations neither of the proposals should be adopted as such. However, closer alignment of Class I prices at regulated plants in the area can appropriately be accomplished by providing that the St. Louis order Class I price at pool plants located more than 30 miles from the City Hall in St. Louis but located in Madison, Monroe or St. Clair County or in Sugar Creek, Looking Glass, St. Rose, Breese or Germantown Townships in Clinton County, be reduced no more than 10 cents per hundredweight. Findings on this issue are included in the discussion of proposed amendments to the location differential provision.

2. *Suburban St. Louis marketing area.* A cooperative association which operates several plants in Illinois, some of which are regulated under the suburban St. Louis order, proposed that the Illinois counties of Adams, Brown, Cass, Hancock, Morgan, Pike, Schuyler, and Scott be included in the suburban St. Louis marketing area. The cooperative operates an unregulated plant at Quincy, Illinois, at which fluid milk products are packaged and distributed on routes throughout these counties.

The proposal was supported only on the condition that the present marketing area be expanded and an order be issued for the Central Illinois area as contained in the recommended decision issued November 13, 1962, and published in the FEDERAL REGISTER on November 17, 1962 (27 F.R. 11369). The proponent cooperative's witness stated that the cooperative expects to change the operation of and

distribution from some of its plants. One of these changes would regulate the cooperative's Quincy, Illinois, plant under the suburban St. Louis order if the marketing area were expanded pursuant to the previously mentioned recommended decision. Milk is distributed from the Quincy plant on routes in the proposed counties in competition with several other handlers who would not be subject to regulation under the recommended Central Illinois order or amended suburban St. Louis order. Thus, these unregulated handlers could enjoy a competitive advantage over the Quincy handler by purchasing milk for fluid distribution at a flat price approximating the Federal order blend price.

There is a very limited amount of milk sold in the proposed additional area by handlers presently regulated under Federal orders. A large percentage of the fluid milk being distributed in this eight-county area comes from plants which undoubtedly would become regulated under the recommended order for Central Illinois if such an order were promulgated. Handlers operating these plants testified that the addition of these counties to the suburban St. Louis marketing area would regulate them under that order and leave a major proportion of their sales subject to competition from unregulated handlers if an order were not promulgated for Central Illinois.

In three of the proposed counties the major portion of the fluid milk is distributed by handlers who would be regulated under the recommended order for Central Illinois. Distribution by these handlers plus the distribution from the Quincy plant represents a majority of the sales in seven of the eight proposed counties.

The proponent's proposal to include these counties in the Suburban St. Louis marketing area was partly based on a desire to have all of its regulated plants under the same order to facilitate the movement of milk between its plants. Since the time of the hearing amendments have been made in the order with respect to the treatment of unpriced milk and shipment of milk between orders. This might have some bearing on the proponent's plans to associate his Quincy plant with the Suburban St. Louis order.

In view of the above considerations these counties might more properly be part of the recommended Central Illinois marketing area than the suburban St. Louis marketing area. However, the hearing notice did not cover their inclusion in the Central Illinois area. Thus, it would not be a proper action on the basis of this hearing. It is most appropriate that regulation of these counties be considered at another hearing. Under the circumstances the territory should not be added to the suburban St. Louis marketing area.

3. *Definitions*—(a) *Producer-handler.* It was proposed that the definition of a producer-handler in the St. Louis and suburban St. Louis orders be amended to permit producer-handlers to receive milk delivered in tank trucks directly from farms of members of a cooperative association which is the handler for the milk. The orders now provide that producer-handlers may receive no other source milk or milk from other dairy farmers if they are to retain producer-handler status. Thus, pool plants are the only source of supplemental supplies available to producer-handlers.

If a producer-handler were permitted to rely on other dairy farmers for supplies of milk his position would not be significantly different from that of regulated handlers. A cooperative association in its capacity as a bulk tank handler is an agent for producers with respect to the milk which they sell. The intervention of the cooperative association in the marketing process would not materially affect this relationship. Thus the producer-handler would, in effect, be buying milk directly from dairy farmers. Accordingly, the proposal should not be adopted.

(b) *Handler.* It was proposed that the definition of a handler be modified to include persons who transport, broker or distribute nonfluid milk products to a pool plant. The proponent witness stated that this revision of the handler definition was necessary so that the market administrator could require such persons to file reports which would identify the source of nonfluid milk products which may enter a pool plant, together with other information which he might deem pertinent. However, the proponent offered no specific evidence and cited no instances in which such information would seem to be necessary for effective operation of the order. Thus, the proposal should not be adopted.

(c) *Dairy farmers for other markets.* The "dairy farmer for other markets" provision in the St. Louis order should be deleted.

This section provides that the milk of any dairy farmer which is received at a pool plant during March through August will be other source milk if the handler or an affiliate received milk from the same farm as other than producer milk during the preceding months of September through February.

As stated in the Assistant Secretary's decision on January 18, 1960 (26 F.R. 663) this provision was included in the order as a means of distinguishing between persons producing milk primarily for the St. Louis market and those engaged in supplying plants associated with other markets. The milk of such farmers would, in most instances, be surplus to the needs of the market they had supplied. Pooling such milk in St. Louis would contribute to lower uniform prices for those producers who have assumed the responsibility of regularly supplying the St. Louis market by placing on them the burden of carrying the surplus of other markets without a compensating participation in the Class I sales of such markets during the months of short supply.

Although this provision has tended to benefit St. Louis producers in the manner described above, it has created unforeseen problems under the present pattern of handler's distribution. There are handlers under the St. Louis and suburban St. Louis orders who have route sales within both marketing areas. Also there are handlers who operate plants under each of the orders. Consequently, there is a definite possibility that regulation of a particular plant may shift from one order to the other or that producers may be shifted from a plant under one order to a plant under the other order. Under such circumstances a producer could become a nonpool producer. In fact, this was the case with producers supplying the plant at Breese, Illinois. This plant has a history of shifting between the two orders according to the order where it has the greater Class I distribution. Because of this circumstance it was found appropriate to terminate the "dairy farmer for other markets" provision of the suburban St. Louis order. It is equally appropriate that the provision be deleted from the St. Louis order so that producers will be assured of maintaining pool status in the event they are shifted between the orders under such circumstances.

(d) *Pool plant.* The performance standards under which a plant may qualify as a pool plant under the St. Louis order should be revised. A city plant should be a pool plant if at least 50 percent of the receipts of approved milk from dairy farmers, cooperative associations in their capacity as handlers, and country plants is distributed during the month as Class I milk on routes, and if at least 10 percent of such receipts or an average of not less than 7,000 pounds per day, whichever is less, is distributed on routes in the marketing area. Pool plant status should be granted to country plants during any month in which 20 percent of the receipts of approved milk from dairy farmers and cooperative associations in their capacity as handlers is shipped to city plants which are pool plants. A country plant should also be granted automatic pool status during the months of March through August if it were a pool plant in each of the preceding months of September through February. In addition, the order should provide that a country plant operated by, or under contract to a cooperative association, would qualify as a pool plant if 50 percent of the total milk supply of producers who were members of such association during the preceding 12 months had either been: (1) Shipped directly from farms to pool city plants; (2) transferred from a country plant operated by, or under contract to the cooperative association, to a city plant which is a pool plant; or (3) shipped directly from farms to pool country plants not operated by such cooperative association.

The present order requires that a city plant distribute 50 percent of its receipts of approved milk as Class I on routes and that 25 percent of such receipts be distributed in the marketing area if it is to qualify as a pool plant. It was proposed that this performance requirement for city plants be revised to afford pool status to a plant from which 50 percent of receipts from dairy farmers and cooperative associations is distributed as Class I on routes and from which an average of 200 pounds per day is distributed within the marketing area. The proponents argued that such performance standards were necessary to allow greater flexibility of interhandler transfers of milk and to assure equity in Class I costs between competing handlers.



Pool plant performance requirements are used to determine whether a plant is sufficiently associated with the market to participate in the marketwide pool. The requirement that 50 percent of all receipts of approved milk be disposed of as Class I was intended to assure that a plant, to share in the pool, be primarily engaged in the processing, packaging and distribution of fluid milk products. However, changes in the handling of milk in the market have rendered this requirement too restrictive. The use of bulk tank handling of milk has resulted in a greater proportion of the market's supply being shipped directly from the farms to city plants. Thus, city plants now handle a greater proportion of the reserve supply. Some plants have manufacturing facilities to dispose of this milk while others do not. This requires transfer or diversion to plants with manufacturing facilities of the milk which is not needed on weekends and short bottling days by plants which have no such facilities. The present provision includes such receipts in determining pool plant status, thus placing a limit on the amount of such milk that a plant can accept and still maintain its pool status. Modification of the pool plant requirement for city plants to count only receipts from dairy farmers, cooperative associations in their capacity as handlers, and supply plants will provide for more efficient marketing of milk in the area.

The other performance requirement for city plants of 25 percent distribution within the marketing area, should also be modified to recognize the expanded sphere of distribution from plants. Use of paper packages and the economy of high volume use of packaging machines along with improved refrigeration and better highways have resulted in larger distribution areas from city plants. Handlers located in St. Louis distribute milk on routes extending as far as 100 miles south of the marketing area. They also have extensive distribution in the suburban St. Louis marketing area. Thus a substantial part of their Class I distribution is outside the marketing area. To assure that such handlers retain pool status the requirement that 25 percent of receipts be distributed as Class I in the marketing area should be reduced to 10 percent. This same performance level should also be included in the surburban St. Louis and Ozarks orders. The overlap of production and sales under the three orders requires similar provisions to maintain orderly marketing.

The proposal to pool a plant from which an average of 200 pounds of milk per day is distributed in the marketing area should not be adopted as such. The proponent witness reasoned that the recent court decision in the Lehigh Valley case would necessitate low pool plant qualification standards to maintain equity in Class I costs between regulated and partially regulated handlers. Since the hearing, amendments have been issued on the treatment, under the orders, of milk from partially regulated handlers and of milk from unregulated and regulated sources. The amendments were based on a regional hearing held in January 1963 concerning the order provisions affected by the Lehigh Valley case. Accordingly, no action is necessary on the basis of this record with respect to the treatment of milk distributed in the marketing area from unregulated sources.

However, as urged by exceptors to the recommended decision, an alternative pool plant qualification on the basis of a specific minimum volume of milk distribution in the marketing area, such as is used under the Suburban St. Louis order (7,000 pounds per day) would be appropriate for the St. Louis and Ozarks orders. A large plant with several million pounds of Class I sales could distribute a substantial volume of milk in the marketing area and still not have such distribution represent 10 percent of its receipts. Such a plant could have a very significant influence upon the market and not qualify for full regulation. There is a definite trend toward consolidation of plant operations into larger size units to realize greater efficiency in scale of operation. A measurement of association with the market based on a minimum volume of distribution would enhance orderly marketing by providing greater assurance of continued regulation of presently regulated plants as they expand their sales territory over several markets.

An additional proposed change in the pool plant provisions of the Suburban St. Louis market (January 1962 hearing) would reduce the Class I route distribution requirements during the spring months. Certain distributing plants that have been regularly associated with this market have maintained supply and distribution patterns which indicate the need for a lower standard in the months of March through July. On the basis of this record and exceptions filed to the recommended decision, a decrease in the standard during these flush months from 50 percent to 40 percent of the receipts of Grade A milk from dairy farmers and cooperative associations in their capacity as handlers should be adequate to accommodate such plants. The lower standard during the March through July period will assure dairy farmers regularly associated with the market an opportunity to continue to participate in the marketwide pool in the months of flush production whenever supplies are not needed for fluid use.

The suspension of the 50 percent Class I distribution requirement for the month of May 1964 demonstrates that a lower performance requirement is needed in the Suburban St. Louis order during the months of flush production.

Pool plant qualifiesation provisions for country plants should also be modified. The change from can to bulk tanks has reduced the role of country plants in the St. Louis market. During the past several years, country plants at Carlyle and Pecan Grove, Illinois; Alton, Ava, Versailles, Linn, and Mountain Grove, Missouri, have been closed. However, the milk formerly received at these plants is still associated with the market—in most cases, on a direct shipping basis. In 1958, the receipts at country plants were 42 percent of the total receipts of the market. In 1962 receipts at country plants represented 20 percent of the total receipts of the market. In 1959, 59 percent of the receipts at country plants were shipped to city plants. The proportion shipped in 1962 was 26 percent.

A country plant should be a pool plant if it ships to pooled city plants 20 percent of its receipts from dairy farmers and cooperative associations in their capacity as handlers of producer milk. This performance standard is very similar to the present provision for qualifying an individual country plant. It was proposed that this provision be modified by pooling a country plant which ships 20 percent of its receipts to city plants with 50 percent Class I use irrespective of whether the city plant is a pool plant. Such a provision would not guarantee association with the market as it would allow pooling a country plant if it ships to a plant which has only token distribution in the marketing area. To assure that the supply at a country plant is sufficiently associated with the market to participate in the marketwide pool, the order should continue to provide that supply plant qualifications be based on shipments to city plants which are pool plants.

A country plant which qualifies as a pool plant in each of the months of September through February should continue to be afforded automatic pool plant status in each of the following months of March through August. This provision has facilitated orderly disposition of the market's reserve supply during the months of flush production by not requiring that milk be moved to city plants when it is not needed for Class I use.

The order now provides that country plants may be qualified for pool status on a system basis. All but one of the country plants on the market are operated by cooperatives and the cooperatives have been using system pooling to qualify their country plants. However, the cooperatives proposed to change the technique to be used in measuring the association of a country plant operated by a cooperative association with the market. In place of the system pooling provisions the proponent cooperatives would substitute a provision which would measure the association of a country plant operated by a cooperative on the basis of the total relationship of the milk of the membership of the cooperative with the market. The proponent witness states that such a provision would permit a greater degree of flexibility in handling the market's reserve supplies of milk.

Prior to the advent of farm bulk tanks, country plants were necessary for assembling for shipment to the market milk produced some distance from St. Louis. The advent of the bulk tank has changed this and now most of the milk used in the St. Louis market is shipped in bulk tank trucks directly from the farms where produced. The country plant has thus become a standby operation that acts as a balancing element to equate the fluctuation of the demand and supply of

the market rather than as a regular source of supply. There is a wide variation in day-to-day demand for milk for bottling in the St. Louis market. Shipments from country plants may be substantial on one or two days in a week and virtually nonexistent the remainder of the week, depending on handlers' bottling schedules.

To recognize the changed role of the country plant and to afford greater flexibility in operation of such plants the cooperative proposal should be adopted.

Specifically the proposal would provide that a country plant operated by, or under contract to a cooperative association would be qualified as a pool plant, if during the immediately preceding 12 months, an average of 50 percent of the total milk supply of the producers who are members of such association and who are approved for the market has been: (1) Shipped directly to pool city plants; (2) transferred from a country plant of the association to a city plant which is a pool plant; or (3) shipped directly from farms to pool country plants not operated by such cooperative association.

The proponents of the above modifications in the country plant provision of the St. Louis order recommended that similar changes be made in the Ozarks and Suburban St. Louis orders. The record does not indicate that supply plants in these markets function as standby operations in the same manner as those in the St. Louis market. Accordingly, the pool plant provisions of the Ozarks and Suburban St. Louis order should not be changed as they relate to supply plants. However, to conform with the change to unlimited diversion under the Suburban St. Louis order during August, the month of August should be included as a month of automatic pool plant status for supply plants which were pool plants during the previous months of September through January.

The Suburban St. Louis supply plant definition should not include facilities approved, by a health authority exercising jurisdiction in the marketing area, only for the transfer of milk from one tank truck to another and for the washing of tank trucks and at which, milk moved from the farm in a tank truck, is commingled in another tank truck, with milk from other farms before entering a milk plant. Such a facility should be designated a "reload point".

If such reloading operations are conducted on the premises of a plant at which equipment for the receiving, cooling, storing and processing of milk is currently being used to handle milk, such facilities should not be considered a reload point and the reloading of milk conducted on the premises of such a plant should be considered a part of the operation of the plant. This would not preclude a reload point from being operated on the premises of a plant which is not currently used for receiving, cooling, storing or processing milk.

In their exceptions, producers indicated that this definition is needed to accommodate reloading operations which presently function to assure the market of an adequate and dependable supply of milk. The facilities in question are used to assemble milk by transferring smaller loads of milk from farm pickup trucks to larger over-the-road tankers. Milk in these larger tankers can be transported to a plant for processing at much less cost than the same milk in a number of vehicles of smaller capacities. Such reloading operations are usually conducted at some distance from a pool plant and reloaded milk is held in a larger over-the-road truck for only a short time until a full load is assembled.

Provision should be made to exclude such an operation from the supply plant definition. Any milk received at a pool plant which passes through a reload point should be considered to be a direct receipt at the pool plant just as if it came directly from farms of producers. This provision will insure producers whose milk goes through a reload point that they will receive the uniform price applicable at the pool plant of receipt rather than the price which might apply at such a reloading facility in the absence of a specific exclusion from the supply plant definition. In order to clearly distinguish between a supply plant and a reload point, it should be provided that any facility, with equipment for the receiving, cooling, storing and processing of milk which is in current use, not be considered a reload point as defined since it would be performing certain marketing functions other than assembling. Receiving, cooling, and storing of milk before moving it to distributing plants are clearly the functions of a supply plant. Any milk moved from farms to such a facility should, therefore, be considered to have been received at the plant at that location and not at a reload point.

The St. Louis order should be amended to provide that a country plant meeting the performance standards of both the St. Louis order and another order issued pursuant to the Act, should be regulated under the order to which it moves the greater volume of milk during the month. Milk is regularly shipped to the St. Louis market from plants which also supply other Federal order markets. Thus, there is the possibility that such a plant would be qualified as a pool plant in more than one order and there should be some means of establishing which order should apply. It is most appropriate that this be determined on the basis of where it ships the greater volume of its receipts.

The pooling provisions of the Suburban St. Louis order should be further modified to permit a distributing plant meeting the requirements for full regulation under this order and another order and with a greater proportion of its Class I disposition in the other market, but which was pooled under this order in the most recent month, to retain pool status under this order until the third consecutive month in which a greater volume of Class I sales is made in such other marketing area.

If the provisions of the other order require such plant to be pooled under such other order it is provided herein that, except for requirements to file reports and permit verification of records, such plant would be exempt from regulation under this order.

A distributing plant meeting the pooling requirements of more than one order in general should be regulated under the order covering the area in which it has the greatest proportion of its distribution. This marketing area, however, is surrounded by the Louisville-Lexington-Evansville, Indianapolis, Paducah and St. Louis marketing areas. With the wide areas of distribution from some distributing plants, it is entirely possible that inadvertent shifting between orders may occur from month to month. Therefore, it should be provided that a handler operating a pool distributing plant which has been subject to the regulation under this order and continues to meet the pool plant standards provided herein generally should not be subject to another order unless it has disposed of more milk on routes in such other marketing area for three consecutive months. This will afford the handler reasonable notice that the obligation of regulation is shifting from one order to another and will afford him the opportunity to make adjustments in his business, if he so desires. Provision is also made to exempt from regulation under this order a plant which may, for one or two months, dispose of a greater proportion of sales in the Suburban St. Louis marketing area than in the area of the order under which it has been regulated if such other order contains a provision similar to the one provided herein.

It is necessary that all producer milk be fully regulated under the order regardless of whether it is disposed of within or without the marketing area. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in area" milk is subject to classification, pricing and pooling, a handler with sales outside the marketing area could assign any value he chose to such sales and thereby reduce the average cost of his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. In short, unless all milk of such a handler is fully regulated he would not in fact be subject to effective price regulation at all. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and lead to a complete breakdown of the order.

As noted in the decision of June 19, 1964 (29 F.R. 9109) referred to above, there is no way to treat unregulated milk equally with regulated milk other than to regulate it fully. In the case of plants having insufficient association with the market to meet pool plant requirements, it was concluded that the inequalities resulting from pricing only the small percentage of the milk at such plants which was disposed of in the marketing area would not be serious enough to jeopardize the marketing conditions within the regulated marketing area.

However, in the case of plants which have sufficient association with the market to meet the pool plant requirements, permitting them to dispose of a portion of their receipts outside the marketing



area completely free of regulation would, because of the volume of milk they dispose of in the marketing area, disrupt orderly marketing processes within the regulated market and render ineffective the classification and pricing provisions of the order. With a handler free to value a portion of his milk at any price he chose (zero if he desired) it would be impossible to enforce uniform prices to all regulated handlers or a uniform basis of payments to the producers who supply the market.

It is absolutely essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

4. *Diversions.* The St. Louis order should be modified to provide for (a) unlimited diversion during the month of August; (b) uniform application of diversion to all handlers; (c) extension of the "surplus disposal area"; (d) pricing diverted milk on the basis of a performance standard; (e) diversion to other order plants; and (f) diversion to other pool plants. The Suburban St. Louis order should also provide for: Unlimited diversion during the month of August; diversion to other order plants and to other pool plants; extension of the "surplus disposal area"; and diversion on one-half of the days of production.

(a) The present St. Louis order provides for unlimited diversion of producer milk during the months of March through July. Producer and handler witnesses proposed that the period of unlimited diversion be extended through the month of August. Production of milk in the St. Louis market varies seasonally, reaching its highest level during May and its lowest level in November. For example, in 1962 average daily receipts from producers were 2.48 million pounds in May and 1.97 million pounds in November. Although sales of Class I milk tend to be more uniform throughout the year, there is some seasonal variation. They are lower during the summer months than in other months of the year. Consequently, the period of greatest surplus production is during the spring and summer months. Permitting unlimited diversion to manufacturing plants will facilitate the orderly disposal of surplus supplies during the months when such surpluses are at the highest peak.

In the St. Louis market reserve supplies of milk have become more burdensome during the month of August. This is partly due to a slight shift in the seasonal pattern of production. However, the overall increased level of production relative to Class I sales over the past few years has been the principal reason for the increased proportion of the supply being used in Class II during the month of August. In 1958 the annual average Class I utilization of producer milk was 81.5 percent. This declined over the next few years to 71.3 percent in 1962. In August 1962 it was necessary to suspend the limit on diversion of producer milk to provide for the orderly disposition of the market's reserve supplies. In view of these considerations it is appropriate that the order be modified to permit unlimited diversion of producer milk during the month of August as well as the months of March through July.

The Suburban St. Louis order should also provide for unlimited diversion during the month of August. As was the case under the St. Louis order, it was found necessary in 1962 to suspend the limit on diversion of producer milk during the month of August in the Suburban St. Louis order. The production and sales conditions in the market are very similar to those mentioned above for the St. Louis market. Thus, unlimited diversion in August is also necessary in the market for orderly disposition of reserve supplies.

The recommended decision also provided for unlimited diversion of producer milk during the month of August under the Ozarks order. Several interested persons excepted to any change in the period of unlimited diversion under the Ozarks order. After review of the record evidence in light of the exceptions received, it is concluded that it would not be appropriate to modify these provisions. Therefore, the present diversion provisions of the Ozarks order should be retained.

(b) The diversion provisions of the St. Louis order should be amended to permit proprietary handlers to divert milk during the fall and winter months. The St. Louis order provides for unlimited diversion by both cooperative and proprietary handlers during the months of March through July and for limited diversion (16 days' production), but only by cooperative associations, during other months. Handlers proposed that all handlers be permitted to divert milk during the period September–February.

Limited diversion by all handlers is necessary for orderly marketing of milk to avoid uneconomic movements of milk to city plants when it is not needed for Class I purposes. Since city plants operate only part of the week and day-to-day sales vary greatly, the volume of milk needed at such plants for Class I use varies considerably on a daily basis throughout the week. Production tends to be constant throughout the week. Thus on certain days, particularly weekends, there will be no need for all or a portion of a handler's regular supply of milk at his plant. Oftentimes the most economical method of disposing of such excess production is to divert it to a manufacturing plant close to the farms where it is produced. However, under the present provisions it would be necessary for the milk to be shipped to the city plant and then transferred to a manufacturing milk plant in order to retain pool status. By permitting diversion of such milk directly to a manufacturing plant substantial savings in transportation and handling costs can be realized.

(c) The St. Louis order should be amended to permit Class II classification of milk which is transferred or diverted to nonpool plants within 350 airline miles of the City Hall in St. Louis, Missouri. The present order provides that milk shall be Class I if transferred or diverted to a nonpool plant more than 110 airline miles from the City Hall in St. Louis and not located, either in that part of the State of Missouri south of the Missouri River, or in Fulton County, Arkansas.

This area within which milk may be diverted to nonpool plants and classified in accordance with its actual use is commonly called the "surplus disposal area." The area proposed will encompass the normal production area for the market and the nonpool plants where the surplus production can be conveniently handled. It represents a proper limit to be placed on the distance which milk may be transported without being assigned a Class I utilization, since verification of the actual use of a shipment of milk beyond that distance would be very costly.

The production area for the St. Louis market has in recent years expanded beyond the surplus disposal area now provided in the order. Since September 1960 milk has been shipped to St. Louis from a country plant in northeastern Iowa at Fredericksburg about 320 airline miles from St. Louis. There is also a substantial number of producers located in southeastern Iowa and northeastern Missouri which are outside the present surplus disposal area. Expansion of the surplus disposal area to 350 airline miles from St. Louis will encompass the area within which are located the plants which can most economically handle the reserve supplies produced in the northern half of the milkshed. It will thus provide for more orderly and economical marketing of the market's reserve supplies and accordingly should be adopted.

The surplus disposal area under the Suburban St. Louis order should be expanded to include that area within 450 miles of Vandalia, Illinois.

Exceptions to the recommended decision indicated that a surplus disposal of up to 450 miles from Vandalia, Illinois, rather than 400 miles from this point is necessary to accommodate the orderly disposition of the market's reserve milk to manufacturing plants. They indicated that there are a number of plants located in Wisconsin which are more than 400 miles from Vandalia and which have some association with the Suburban St. Louis market. An additional 50 miles is necessary to encompass the area within which are located the plants that might serve as outlets for the market's reserve supplies of milk.

The area should be expanded to 450 miles to be certain that all available outlets for the manufacture of the market's reserve milk will be made available when needed for handling such milk.

(d) The diversion provisions of the St. Louis order should be amended to provide that milk diverted from a city pool plant to any nonpool plant located more than 110 miles from the City Hall in St. Louis be priced at the point of actual receipt. At the present time the price of milk diverted to nonpool plants more than 110 miles from St. Louis depends on whether the plant is located within the defined surplus disposal area.

The recommended decision would have priced all diverted milk at the plant at which it was physically received. This would have resulted in decreasing the net returns to nearby producers whose milk was diverted to manufacturing plants

more than 30 miles from the City Hall in St. Louis because the average rate per mile of the location differential is much greater at nearby plants than at plants more distant from the market. In the case of producers located more than 110 miles from the marketing area there would be little difference in net returns under either method of pricing. At a nonpool plant 35 miles from the City Hall in St. Louis the uniform price to producers would be reduced 16 cents, but there would be little or no saving in transportation costs to the producer when his milk was diverted to such a nonpool plant. In the case of the producer located more than 110 miles from St. Louis whose milk is diverted to a manufacturing plant in the same vicinity, the savings in transportation to the producer would, in most cases, be equal to the amount of the location differential applicable at the nonpool plant. Thus, net returns to producers at some distance from St. Louis would be approximately the same whether the milk was delivered to a pool plant or to a nonpool plant.

It is concluded, therefore, that the present provision relating to pricing diverted milk should be continued except that it should apply regardless of whether the nonpool plant is in the surplus disposal area.

(e) The St. Louis and suburban St. Louis orders should provide for diversion to a plant regulated under another order. This is necessary to avoid uneconomic transportation of surplus milk to a pool plant before shipping it to a plant with manufacturing facilities which is regulated under another order but which is close to the farms where the milk is produced. A suburban St. Louis pool plant at Litchfield, Illinois, purchases surplus Grade A milk from handlers regulated under the St. Louis order. A St. Louis order handler has a number of producers south and east of Litchfield whose milk is reloaded to over-the-road transport tank trucks at Vandalia, Illinois, and shipped to St. Louis.

At times this milk is not needed for bottling and the St. Louis handlers must move the milk to a manufacturing outlet. If the milk were moved directly to the Litchfield plant (33 miles from Vandalia) it would not be St. Louis pool milk under the present provisions of the order. It would be suburban St. Louis order milk and would be considered in the pool plant performance standards under that order. Under such circumstances the plant is limited by the terms of the order with respect to the amount of surplus milk it can handle and still be a pool plant. However, the milk can be disposed of at this plant if it remains as St. Louis order milk. This is being done by transporting it 50 miles to St. Louis where it is received at the St. Louis order plant, then reloaded and moved 54 miles back to the Litchfield plant. This uneconomic movement of milk can be avoided by providing for diversion of milk between such plants in the two markets. However, such diversion should be limited in accordance with the number of days' production per month which can be diverted under the orders.

The Suburban St. Louis order now permits diversion of producer milk on 10 days during each of the winter months. This provision should be changed to allow diversion of producer milk on one-half of the days of production during such months. The bulk tank method of handling milk and present plant operations require greater freedom in the movement of milk. This change in the order will better accommodate the economical movement of milk, particularly on weekends and holidays when many bottling plants do not operate.

(f) Likewise, the St. Louis and suburban St. Louis orders should provide for limited diversion between pool plants, to accommodate the economical movement of milk. There are many circumstances that arise when it is more practical and economical to move milk directly from the farm to the pool plant of another handler, particularly on weekends and holidays when many bottling plants do not operate. In these markets it is common for operators of bottling plants to move their reserve supplies to other pool plants which have facilities for processing such supplies into manufactured dairy products. By permitting diversion between pool plants, the milk can be moved directly to the processing plant from the farm without being first received at a plant and then tranferred from one plant to the other.

5. *Classification.* (a) The St. Louis and Ozarks orders should be revised to provide for classification in Class II of the skim milk and butterfat contained in fluid milk products disposed of for livestock feed, and in products which are dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping.

Inasmuch as fluid milk products are perishable there are occasions when certain amounts of such products become unfit for human consumption. This may occur, for example, when there is a breakdown in refrigeration or when an item remains in the dairy case of a store for an extended time without being sold. Products which have spoiled frequently have no salvageable use except as livestock feed.

Route returns of fluid milk products are often salvageable for use in manufactured dairy products, particularly the butterfat contained in such returned items. However, this is not always the case particularly with respect to items that are flavored such as chocolate milk or chocolate drink.

Some handlers have enough volume of unsalvageable fluid milk products to warrant accumulating them for disposition as livestock feed—thus realizing some value from the products. However, some handlers lacking such outlets find it more advantageous simply to dump such items.

Accordingly, it is appropriate that the orders be amended to recognize that it is often necessary for milk products to be sold for livestock feed or dumped. Such use should be accounted for at the Class II price. In order to assure that such disposition be kept at a minimum the handler should be required to maintain records of disposition for livestock feed including a receipt from the purchasers thereof. In addition, in the case of milk which is dumped, the market administrator should be notified in advance and be afforded the opportunity to witness such dumping, as this is the only positive means of verifying the quantity so disposed of.

(b) The recommended decision provided that the classification provisions of the St. Louis, Suburban St. Louis and Ozarks orders should also be amended to provide for the classification of fluid milk products fortified with additional milk solids as Class I milk only to the extent of the weight of an unmodified product of the same nature and butterfat content. The skim milk equivalent of the added solids in excess of such weight should be classified as Class II milk.

This amendment to each of the three orders has been effectuated (August 1, 1964) on the basis of the regional hearing held in St. Louis during January 1963.

The orders should provide that any disappearance of nonfluid milk products not otherwise accounted for should be considered a receipt of other source milk.

The Suburban St. Louis order should provide that skim milk and butterfat disposed of in bulk to commercial food processors and used in food products prepared for consumption off the premises should be classified as Class II. Grade A milk is not required by bakeries or by candy, soup or other commercial food manufacturing establishments. Skim milk and butterfat used to produce products not required to be made from Grade A milk are customarily defined as Class II. Therefore, skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises should be classified as Class II.

6. *Transfers.* The provision which requires prior notification to the market administrator with respect to cream shipments made without Grade A certification to nonpool plants outside the surplus disposal area should be deleted from the St. Louis and suburban St. Louis orders.

The orders provide for classifying cream in Class II when transferred outside the surplus disposal area if it is transferred without Grade A certification, the shipment is so invoiced and the market administrator has been given sufficient notice to permit him to verify the conditions of shipment. It was proposed that the prior notification provision on such shipments of cream be removed because it creates a problem in disposing of surplus cream.

Sales of cream to nonpool plants outside the surplus disposal area are frequently made on short notice and sometimes on an emergency basis. In the flush production months the amount of cream available may exceed the capacity of nearby facilities to dispose of such cream. This would be most apt to occur on weekends when bottling plants are not operating. On such days the office of the market administrator would also be closed. The requirement of prior notification in such circumstances could



seriously interfere with the disposal of the market's reserve supplies. Elimination of the prior notification as a condition for classifying cream shipments in Class II will facilitate the disposition of excess cream supplies and thereby contribute to orderly marketing.

7. *Class I price.* (a) The method of determining the Class I price under the St. Louis order should be modified by using a fixed differential over the basic formula price in place of the 50-cent fixed differential over the Chicago order price. No change, however, should be made in the level of the Class I price.

The present St. Louis Class I price provision specifies that the Class I price be the price for Class I milk established for the same month under Federal Order No. 30 regulating the handling of milk in the Chicago, Illinois, marketing area, plus 50 cents, and plus or minus a supply-demand adjustment.

The Chicago order provides that the Class I price be the basic formula price (Minnesota-Wisconsin price series) plus $1.10 in the months of August, September, October and November; $.90 during December, January, February and July; $.70 in all other months; and plus or minus a supply-demand adjustment.

Chicago order prices are announced for the 55–70 mile zone. Payments to producers are adjusted upward at plants less than 55 miles from the City Hall in Chicago and downward at plants beyond 70 miles from Chicago. It was proposed at a hearing in Chicago during May 1963 (28 F.R. 3858) that the Chicago order be amended so as to announce the prices f.o.b. the marketing area. Without changing the language in the St. Louis order, such a change in the Chicago order would raise the Class I price in St. Louis. A St. Louis handler proposed that the St. Louis order Class I price provision be modified so that a change in the location for which prices are announced under the Chicago order would not affect the St. Louis price. Such a modification of the St. Louis Class I price provision is obviously appropriate.

The 50-cent differential between the St. Louis and Chicago Class I prices represents the approximate cost of hauling milk from the northern Illinois and southern Wisconsin portions of the Chicago production area. Since there is a substantial amount of surplus milk production under the Chicago order, this production area represents an alternative supply area for the St. Louis market. Therefore, any change in the computation of the St. Louis Class I price should continue to maintain the present alignment with the Chicago market. This can be accomplished by providing that the St. Louis Class I price be the Minnesota-Wisconsin price for the preceding month plus $1.60 during the months of August, September, October and November; $1.40 during December, January, February and July; $1.20 in all other months; and plus or minus the amount of the Chicago supply-demand adjustment and the amount of the St. Louis supply-demand adjustment.

The proponent of the proposal argued that the current level of the Chicago supply-demand adjustment (minus 24 cents) should be written into the St. Louis order by reducing the amount of the fixed differential over the Minnesota-Wisconsin price. Contrariwise, producer witnesses proposed that the effect of the Chicago supply-demand adjustment be eliminated in computing the St. Louis price. Adoption of either of these proposals would tend to disrupt the alignment of prices between markets.

The Chicago order supply-demand adjustment is operative over a range of 48 cents—from plus 24 cents to minus 24 cents. Thus, if the St. Louis price were set to permanently reflect the current level of the Chicago supply-demand adjustment it would be possible for the Chicago price to increase as much as 48 cents relative to St. Louis. If no allowance were made for the Chicago supply-demand adjustment there would be a change of 24 cents in the relationship of Class I prices between the markets. Such changes would provide an incentive for uneconomic shifts of available supplies between the markets and accordingly should not be adopted.

Since the Minnesota-Wisconsin price is recommended as the basic price from which the Class I price is computed and is also recommended elsewhere in this decision as the Class II price for the Ozarks, suburban St. Louis and St. Louis markets it should be designated the basic formula price in the orders.

Since the Ozarks order Class I price is tied to the St. Louis order Class I price no change is made in the method of determining the Class I price under that order.

The Suburban St. Louis order Class I price has also been tied to the St. Louis order Class I price. The recommended decision based on the June 1963 hearing provided no change in this method of determining the Suburban St. Louis Class I price. The revised recommended decision based on the January 1962 hearing provided for a Class I price which did not reflect the amount of the supply-demand adjustment under the St. Louis order. This was recommended on the basis that there would be need for closer price alignment with the proposed Central Illinois market than with the St. Louis market. However, further review of the record indicates the desirability of retaining a closer tie with the St. Louis market. Accordingly the Class I price in the Suburban St. Louis market should continue to reflect the amount of the supply-demand adjustor in the St. Louis order.

(b) Several proposals were made by producer witnesses to increase the Class I prices under the St. Louis, suburban St. Louis and Ozarks orders. Some witnesses proposed that the price be set at a level which would reflect their estimated cost of producing milk, while others proposed that the price be set at a level which would return to farmers the parity price for all milk sold at wholesale in the United States. The estimates of cost of production ranged from $5.00 to $8.00 per hundredweight, while the parity price was $5.38 per hundredweight. These proposals represent substantial increases over the prices under the orders. During 1962 the St. Louis order Class I price averaged $4.25 and the blend price to producers averaged $3.94. Some proponents of a Class I price increase indicated only that the price should be increased without recommending a specific amount.

Any change in the level of the Class I price would have to be justified under the pricing standards of the Agricultural Marketing Agreement Act of 1937, which authorizes the issuance of milk orders. The Act requires that if the Secretary of Agriculture finds that the parity prices are not reasonable in view of the price of feeds, the available supplies of feeds and other economic conditions which affect market supply and demand for milk and its products in the marketing area, he shall fix minimum prices which will reflect such factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest.

The parity prices are unreasonable in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk and its products in the marketing area. Market statistics show that supplies of fluid milk are adequate to meet Class I needs in the St. Louis, suburban St. Louis and Ozarks marketing areas. In the individual markets the percent of producer milk utilized in Class I during 1962 was 71 percent in St. Louis, 75 percent in suburban St. Louis and 62 percent in the Ozarks. Class I utilization in the St. Louis market is significantly lower than its historical level for the market. During the five-year period of 1955 through 1959 the annual average proportion of producer milk used in Class I ranged between 78 and 82 percent. In 1960 and 1961 Class I use in St. Louis was 75 and 71 percent, respectively. During the eight-year period of 1955 through 1962 Class I use under the Ozarks order never exceeded the 72 percent level reached in 1959. Class I utilization under the suburban St. Louis order was 75 percent in each of the first two years the order was in effect, namely 1961 and 1962.

Several witnesses pointed out that any significant increase in price for these markets would have to be accompanied by provisions in the orders which exclude imports of lower-priced milk from markets to the north. Such an exclusion is clearly not authorized by the statute.

If Class I prices in these markets were set higher than the price level in an alternative supply area plus the cost of shipping milk from such area to these markets, handlers would be encouraged to obtain their supply of milk from the other area. This would not be in the interest of producers who regularly supply the markets as their milk would undoubtedly be used in manufactured dairy products which return a lower price. Thus, the practical ceiling on the Class I price for a market is the price in an alternative supply area plus the cost of transporting the milk to such market.

Milk produced on farms in eastern Iowa, northern Illinois, and southern Wisconsin represents an alternative supply for the St. Louis market. There are 43 producers located in eastern Iowa and nine producers in southern Wisconsin who ship milk to St. Louis handlers. These producers are located in the supply area of Federal order markets in

eastern Iowa, and northern Illinois which have quantities of surplus milk that are potentially available for Class I use in St. Louis. In addition to the milk shipped directly to St. Louis from farms in Iowa, milk imported from Federal order sources in Iowa accounts for about five percent of Class I sales under the St. Louis order.

In recognition of markets to the north as alternative sources of milk supplies for the St. Louis market, the St. Louis Class I price is fixed in line with the price under the Chicago order. This price relationship (plus 50 cents) represents the approximate cost of transporting milk from the Chicago market production area to the plants of handlers in St. Louis. The distance from St. Louis to plants in the Chicago 55–70-mile zone is approximately 230 miles at the closest point. The only evidence presented on the cost of transporting milk long distances to St. Louis was 35 cents per hundredweight from Ozark, Missouri, which is about 200 miles, and 55 cents from Fredricksburg, Iowa, which is about 320 miles. Interpolating from these rates, it would cost 50 cents per hundredweight to move milk 290 miles. A radius of 290 miles from St. Louis encompasses a large proportion of the Chicago order production area where alternative supplies could be shipped into St. Louis at a hauling cost of about 50 cents. Thus it is appropriate that the price relationship between the St. Louis and Chicago markets be maintained at a plus 50 cents per hundredweight. Such a price alignment is especially significant in considering a price change which would be effective on a long-range basis whereby handlers would have time to change their source of supply.

Several witnesses stated that a price increase was necessary to reflect the increased cost of feed grains, equipment, labor and other production items. Other factors such as poor pasture and reduced hay crops due to inadequate rainfall were also cited as justification to increase the Class I price. During the first five months of 1963 the price of mixed dairy feed was up 4.2 percent in Illinois and up 6.3 percent in Missouri from the same months of the previous year. On May 1, 1963, pasture conditions were 68 percent of normal in Missouri due to the abnormally low amount of rainfall. The dry weather also reduced the quality and yield of hay below normal levels. Obviously such factors are significant on the supply side of the market because of their effect on future production.

However, within the framework of the Agricultural Marketing Agreement Act, a price increase is appropriate when production is affected to the point where an actual reduction in the supply of milk occurs to a degree that the fluid milk requirements of the market are threatened. In this connection, official notice is taken of the emergency Class I price hearing held at Kansas City, Missouri, on October 28–29, 1963, and the subsequent actions pursuant to the hearing.

Since the drought conditions in the production area persisted throughout the remainder of the growing season it adversely affected feed supplies and prices, which in turn affected the production of milk for the St. Louis, suburban St. Louis and Ozarks markets. Thus Class I prices were increased 10 cents above what they would otherwise have been in these markets. The price increase was made effective through March 1964. Since April is normally the beginning of the flush production period and producer receipts could be expected to be more than ample to meet the market requirements for fluid milk, the price increase was not extended into that month.

By January 1964 the supply-sales conditions in all three markets had reversed from the relatively short supply condition which existed in the fall months to a surplus supply condition. Deliveries of producer milk in the St. Louis, suburban St. Louis and Ozarks markets during January 1964 were 126 percent, 130 percent and 130 percent, respectively, of gross Class I sales. The corresponding percentages for January 1963 were 119 percent, 120 percent and 124 percent, respectively, for the three markets. In February 1964 it was found necessary to suspend the country plant shipping requirement provision of the St. Louis order to facilitate the orderly disposition of the market's reserve supply of milk. Official notice is taken of the suspension order (29 F.R. 2859) and the "Statistical Summary for January 1964" for each market released by the market administrator.

Except for unusual circumstances, such as the severe drought in 1963, the pricing mechanism provided in the order tends to reflect supply and demand conditions in the market and adjust prices so as to assure adequate supplies of milk. The supply-demand adjuster automatically increases the Class I price when receipts fall in relation to Class I sales. Irrespective of an increase in the Class I price, the blend price to producers increases when the proportion of the available supply used for fluid purposes increases.

Handler and producer witnesses from the Indianapolis, Louisville-Lexington-Evansville and Paducah order markets presented evidence on the higher level of prices in these markets compared to the Suburban St. Louis market. These witnesses contended that the Suburban St. Louis order prices should be generally increased to align them with prices in their markets. The present record, however, does not afford a basis for changing the basic level of the Class I price.

In view of the above considerations it is concluded that: The Class I price levels in the St. Louis, suburban St. Louis, and Ozarks markets have and are expected to continue to reflect the economic factors, including the price of feeds and the available supplies of feeds, which affect market supply and demand for milk in the marketing areas, assure adequate supplies of milk and are in the public interest. Therefore, the proposed increases should not be adopted.

8. *Class II price.* The St. Louis suburban St. Louis, and Ozarks orders should be amended to provide that the price for Class II milk shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the United States Department of Agriculture adjusted to a 3.5 percent butterfat test. This price series has been recommended as the Class II price for the suburban St. Louis order on the basis of an earlier hearing (29 F.R. 1530). Since the present suburban St. Louis Class II price is tied to the St. Louis Class II price, the simultaneous amendment of both orders to use the Minnesota-Wisconsin price series as the Class II price is most appropriate.

The present Class II price under the St. Louis order during the months of August through February is the higher of either the average price paid by a specified group of midwestern condenseries or a price resulting from a butter-powder formula. For the months of March through July the Class II price is based on a butter-powder formula which results in a somewhat lower price than that used during the other months of the year. The Ozarks order Class II price provision is identical to the St. Louis provision during the August-February period, but the butter-powder formula effective during March through July returns a six-cent higher price than does the one in the St. Louis order.

In addition to the Minnesota-Wisconsin price series recommended herein, it was proposed that the Class II price be the higher of either the average price of milk for manufacturing purposes in the United States or the average of the prices paid by five specified manufacturing plants, plus 15 cents.

For the 12-month period April 1962 through March 1963 the average monthly Class II price for milk of 3.5 percent butterfat content in St. Louis was $2.93. The Minnesota-Wisconsin price series and the U.S. manufacturing milk price series for 3.5 percent milk averaged $3.06 and $2.99, respectively, during this period. The prices paid by a local manufacturing plant averaged $2.74 for the same 12 months.

Certain handler witnesses argued that the Minnesota-Wisconsin price series would result in too high a price for Class II milk. The Class II price should be at such level that handlers will accept and market whatever quantities of milk in excess of Class I needs may occur from time to time. The price, however, should not be so low, that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

Regulated plants use reserve milk regularly each month in relatively high value Class II products such as cottage cheese and ice cream. Milk in excess of need for such uses is manufactured into butter and powder which must compete on a nationwide market.

In order to obtain a supply of quality milk, manufacturing plants in the area pay premiums over their basic prices. It is a common practice for plants to pay a premium if the farm has a cooler and an additional premium for volume of milk shipped. During 1962 these premiums averaged 25 cents per hundredweight. Producers shipping to Federal order plants would undoubtedly qualify for such premiums. The 1962 average of the basic prices plus the premium was $3.00 per hundredweight at the 5 manufacturing plants in the area proposed as an alternative Class II price. During 1962 the St. Louis order Class II price averaged $2.96 and the Minnesota-Wisconsin price series averaged $3.11. During 1962 the premiums paid to producers supplying the St. Louis market averaged 20.3 cents per hundredweight on all milk. From the above considerations it appears that the Minnesota-Wisconsin price series would not be so high that handlers would refuse to accept the market's reserve milk and it would more realistically reflect the actual use value of the milk. The use of a lower price would not assure producers of the full use value of their milk.

The use of local manufacturing plant basic pay price plus an arbitrary fixed amount to reflect premiums paid would not provide as good a measure of the value of Class II milk as the Minnesota-Wisconsin price series. Since the amounts of the premiums paid are subject to change it would be virtually impossible to write a realistic allowance into the order. Similarly the butter-powder formula involves an arbitrary fixed allowance for manufacturing costs which are subject to change. Use of such formula could very easily result in prices which are either too low or too high and could cause intermarket dislocation of reserve supplies.

A manufacturing milk price series would be more appropriate as it would automatically reflect changing premium and manufacturing costs.

Of the two manufacturing milk price series proposed for use as the Class II price, the Minnesota-Wisconsin price series would be more appropriate for use in these markets. This is the price series used in many Federal order markets in the Midwest and it has been recommended for use as the price for reserve supplies in Illinois markets where the production area is coextensive with part of the St. Louis market supply area.

Official notice is taken of the Under Secretary's decision issued February 21, 1963 (27 F.R. 1802) to use the Minnesota-Wisconsin price series as the basic formula price in the determination of Class I prices in 36 Federal milk orders in the Midwest, including the St. Louis, suburban St. Louis and Ozarks orders. (Since the Class I price in these three orders are either directly or indirectly tied to the Chicago order, the use of the Minnesota-Wisconsin price in determining the Class I prices was effectuated through an amendment to the Chicago order on March 1, 1962.) The price for manufacturing grade milk in the two-state area of Minnesota and Wisconsin is issued by the State-Federal Crop Reporting Service on about the 5th day of each month for milk received at manufacturing plants in these States in the previous month. Plant operators report the total pounds of manufacturing grade milk received from farmers, the butterfat content, and total money paid to farmers for the milk. The two-state area is one in which there is a heavy concentration of manufacturing grade milk and where many plants are competing for such supply. In Minnesota about 80 percent of the milk sold off farms is manufacturing grade and in Wisconsin about 65 percent. About 50 percent of the manufacturing grade milk sold off farms in the United States is produced in these two States.

The manufacturing milk price for the two-state area is reported by the Department as the price at actual butterfat test. The announced price is adjusted to the 3.5 percent butterfat test used in the orders by means of a butterfat differential equal to 0.12 times the average wholesale price for 92-score butter at Chicago.

The Minnesota-Wisconsin price series is a better index for determining the value of Class II milk in the orders than the other means which were proposed. It is representative of prices paid to farmers for about half of the manufacturing grade milk produced in the country. It is a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. The system of reporting has been developed so that a reliable average price is available promptly and thus it provides just as current a basis for pricing milk as the present formula.

9. *Location differentials.* (a) The St. Louis order location differential provisions should be modified by providing for adjustments in the Class I and uniform prices of: (1) plus 15 cents per hundredweight at pool plants located in Cape Girardeau, Perry, or Ste. Genevieve County, Missouri; and (2) minus 10 cents per hundredweight at pool plants located more than 30 miles from the City Hall in St. Louis but located in Madison, Monroe or St. Clair County or in Sugar Creek, Looking Glass, St. Rose, Breese or Germantown Township in Clinton County, all in the State of Illinois. The city of Cape Girardeau should also be added as a basing point.

Under the St. Louis order Class I and uniform prices are reduced 16 cents at plants in the 30–40 mile zone and an additional cent for each mile or fraction thereof beyond 40 miles from the City Hall in St. Louis.

The expansion of the marketing area recommended herein would regulate city plants beyond 40 miles from the City Hall in St. Louis. One such plant is located at Cape Girardeau, Missouri, approximately 120 miles south of St. Louis. Under the present order a location differential of minus 22 cents would be applicable at this plant. Several witnesses proposed that the order provide for a plus differential of 26 cents at Cape Girardeau. The proponents argued that the plus differential would be necessary for price alignment with markets in Kentucky, Tennessee and Arkansas.

Producer milk should be priced in relation to its location value. Generally, in order to obtain an adequate supply of milk, markets south of the surplus milk production area (Minnesota and Wisconsin) require progressively higher prices for milk corresponding to the increased cost of transporting milk from such alternative milk supply areas.

Cape Girardeau is approximately 120 miles from St. Louis. It is located on the southern fringe of the supply areas for the St. Louis and Suburban St. Louis markets. Milk produced on farms immediately south of Cape Girardeau (in Scott and Mississippi Counties) is purchased by an unregulated handler located in Sikeston, Missouri (31 miles south of Cape Girardeau). The Sikeston handler pays his producers the St. Louis order Class I price plus 20 cents for milk received from them. The Paducah, Kentucky, marketing area is directly east of Mississippi County. The Class I and blend prices under the Paducah order exceeded the St. Louis order prices by an average of 14 cents and 30 cents, respectively, during the 12-month period preceding the time of the hearing.

The handler at Cape Girardeau purchases most of his supply of milk from producers located in Cape Girardeau County. His pay price to producers has been about 15 cents per hundredweight above the minimum prices received by producers in the county who supply regulated handlers located in St. Louis and in the Suburban St. Louis market.

The recommended decision provided for a price at Cape Girardeau equal to the f.o.b. St. Louis price. However, after a careful review of the record in light of the exceptions to the recommended decision, it is concluded that a price 15 cents per hundredweight above the St. Louis price would be more appropriate for the Cape Girardeau area. Such a price at Cape Girardeau appears necessary to assure an adequate supply for plants in the area and also provide for better alignment of prices between orders.

At the present time there are no plants located in the counties of Perry and Ste. Genevieve. If a plant were to be located in these counties, the Class I price should be the same as at Cape Girardeau to assure proper price alignment with markets to the south.

The city of Cape Girardeau should also be added as a basing point for determining location differentials at plants located near Cape Girardeau but outside the Counties of Cape Girardeau, Perry and Ste. Genevieve. At the present time no plants so located are expected to become subject to regulation. However, should a plant in such a location become regulated, the prices applicable at such plant should be aligned with those at Cape Girardeau.

In addition to the exceptions filed regarding the recommended price in the Cape Girardeau area, several requests were made to reopen the hearing to reconsider the issue. Careful consideration of the information supplied with the requests to reopen the hearing does not warrant such action. There is no reason to believe from such information that the proposed amendments provided herein would not be appropriate for adoption at this time. Therefore, the requests for a reopening of the hearing must hereby be denied.

As an adjunct to the proposal to shift part of the Suburban St. Louis marketing area to the St. Louis marketing area, the Class I price at a St. Louis plant located in the Suburban St. Louis marketing area and more than 30 miles from the City Hall in St. Louis would be increased 16 cents per hundredweight. The only ex-

isting plant which might be affected thereby is one located at Breese, Illinois.

For the most part this plant has been regulated under the Suburban St. Louis order. However, for several months it was a St. Louis pool plant because of its sales in Belleville and to the Scott Military Reservation. Belleville and Scott Military Reservation are located approximately halfway between the Breese plant and the city of St. Louis.

The St. Louis order Class I price applicable at the Breese plant is 16 cents less than at plants of other St. Louis regulated handlers that have sales within the city of Belleville and Scott Military Reservation. The Breese plant is located in the Suburban St. Louis order marketing area base zone where the Class I price is fixed 16 cents below the St. Louis order Class I price for the 0-30 mile zone. Thus, the St. Louis Class I price at this plant is six cents lower than it would be if the plant were regulated under the Suburban St. Louis order.

By becoming regulated under the St. Louis order this plant received a six-cent reduction in the Class I price to be paid at such location. Although this plant is again a Suburban St. Louis regulated plant, it, or any plant similarly located, could again achieve a similar reduction in the minimum price it is required to pay by increasing sales in Belleville or by receiving the contract to supply Scott Military Reservation.

The record does not show the complete distribution pattern from the Breese plant. However, it does indicate that there are sales from this plant to densely populated areas of the Suburban St. Louis order for which a higher price was proposed. In fact, there are a number of handlers under these two orders whose sales territories overlap. The Suburban St. Louis marketing area covers a substantial proportion of the production area for the St. Louis and Suburban St. Louis markets. Thus, close alignment of pricing under the two orders is essential for orderly marketing.

In view of the above considerations the location differential applicable at a pool plant located in Madison, Monroe or St. Clair County or in Sugar Creek, Looking Glass, St. Rose, Breese, or Germantown Township in Clinton County, all in the State of Illinois, should be limited to 10 cents per hundredweight.

(b) As an adjunct to expansion of the marketing area, the revised recommended decision would have changed the location differential applicable at certain pool plants regulated under the Suburban St. Louis marketing area. In view of the conclusion herein that the marketing area should not be expanded it is likewise concluded that the present provisions of the Suburban St. Louis order relating to location differentials be retained.

(c) It was proposed that the location differential of 32 cents at Ozark, Missouri, be reduced to 27 cents. The proponent witness argued that this was necessary to reflect the competitive price in the vicinity of these country plants since part of the supply for these plants originates from producers who are located near producers who ship milk to county plants at Lebanon, Missouri, where the location adjustment is 27 cents.

Milk is assembled at these country plants for shipment to plants in St. Louis. The value of milk at the country plants is equal to the f.o.b. St. Louis price minus the cost of hauling. The lower differential at the Lebanon, Missouri, plants reflects the fact that Lebanon is approximately 50 miles closer to St. Louis than Ozark, Missouri. Consequently, the cost of hauling milk to St. Louis from Lebanon is about five cents less than from Ozark. The order price should reflect the value of the milk at the plant where it is received rather than the location of the farm. Therefore it is concluded that no change should be made in the location differential at country plants.

10. *Type of pooling.* The marketwide equalization pool should be retained under each of the orders. Proposals were made to change each of the three orders to individual-handler pooling as a means of distributing returns to farmers. Under the present marketwide pools producers all share equally in the Class I sales by all handlers in the respective markets and the burden of carrying the necessary reserve supply is borne equally by all producers. Under an individual-handler pool a producer would receive a price based on the utilization of the particular handler to whom he ships his milk.

Since the handler who maintains the highest Class I utilization would also have the highest producer price under an individual-handler pool, handlers would be encouraged to buy only enough milk from producers to meet their Class I needs. Thus, many producers who are now supplying these markets would undoubtedly be dropped—at least during the months of flush production. In the fall months when production tends to drop, handlers would be adding additional producers or depending on another market for needed supplies. Such adding and dropping of producers would create unstable marketing conditions and would shift the burden of carrying the necessary reserve for the market to a particular group of producers or another market.

In these markets some plants have no manufacturing facilities. Such plants normally limit their receipts of producer milk to the quantity needed for Class I in the flush production season and in the short production months procure supplemental supplies of milk from plants which maintain manufacturing facilities and carry adequate supplies throughout the year. The marketwide pools enable handlers with manufacturing facilities or cooperative associations to handle the reserve supplies and to pay producers the same price as is paid by handlers who do not assume the responsibility of carrying the necessary reserve. Thus, the lower return for the reserve milk is apportioned equally among all producers.

The marketwide pools facilitate orderly marketing with respect to Class I sales under contracts to military installations. These contracts are let on a bid basis and often shift from one handler to another. The marketwide pool aids in shifting supplies to the handler obtaining such a contract and assures that all producers share in the sales.

In view of the above considerations it is concluded that marketwide pooling will maintain more efficient and orderly marketing of milk in these markets than would individual-handler pools.

11. *Overdue accounts.* The provision of the St. Louis order which applies an interest charge on overdue accounts handled by the market administrator should not be extended to cover handlers' money obligations which are not handled by the market administrator.

A cooperative association proposed that handlers' payments to cooperative associations be increased one-half of one percent for each month or portion thereof that such payment is overdue. The order now provides that such interest rate shall be applicable to overdue payments into and out of the producer-settlement fund and to marketing service and administrative expense payments.

The order provides that handlers shall pay cooperative associations for milk received from producer members of the association if the association so requests, rather than make payments directly to the producers. These payments are due the cooperative on or before the 14th day of each month for the previous month's receipts. A partial payment is due on or before the 25th day of the month for milk received during the first fifteen days of the month. The proponent stated that one handler has been from four to fifteen days late in making each of these payments to the proponent cooperative over a period of several months. The proponent witness proposed that the order provide for an interest penalty on such late payments to encourage prompt payment of the obligations. The witness knew of no other handler who did not make payments on or before the due dates provided in the order.

Assessment of interest charges on late payments by a handler to a cooperative association is not administratively feasible. The market administrator is not in a position to verify the actual date of payment because of the possibility of predating of checks, of agreements between handlers and cooperative associations with the respect to the extension of credit, and the issuance of notes to cover all or a part of the indebtedness.

It should be recognized also that the cooperative association as the marketing agent for its member producers has authority to enter into contractual relations with the purchasing handler which could provide for the payment of interest or other penalty on delinquent debts. These terms and conditions of sale should be left to the contract between the cooperative association and the purchasing handler rather than being incorporated in the order.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreements and orders.* Annexed hereto and made a part hereof are three documents entitled "Marketing Agreement Regulating the Handling of Milk in Certain Specified Marketing Areas", and three documents entitled "Order Amending the Order Regulating the Handling of Milk in Certain Specified Marketing Areas", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

*Determination of representative period.* The month of July, 1964, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the Suburban St. Louis and Ozarks marketing areas, are approved or favored by producers, as defined under the terms of the orders, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

*Referendum order; determination of representative period; and designation of referendum agent.* It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the St. Louis, Missouri, marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of July 1964 is hereby determined to be the representative period for the conduct of such referendum.

Fred L. Shipley is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on November 5, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in the Suburban St. Louis Marketing Area*

**§ 1032.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Suburban St. Louis marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Suburban St. Louis marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, as follows:

1. Sections 1032.6 through 1032.19 are revised and renumbered to read as follows:

**§ 1032.6 Suburban St. Louis marketing area.**

"Suburban St. Louis marketing area", hereinafter called "marketing area" means all the territory within the following counties all of which are in the State of Illinois together with all municipal corporations therein and all institutions owned or operated by the Federal, State, county or municipal governments located wholly or partially within such counties:

(a) *Northern zone.* The counties of Bond, Calhoun, Fayette, Greene, Jersey, Macoupin and Montgomery.

(b) *Base zone.* The counties of Clinton, Franklin, Jackson, Jefferson, Madison, Marion, Monroe, Perry, Randolph, St. Clair (except Scott Military Reservation, East St. Louis, Centerville, Canteen and Stites Townships and the city of Belleville), Washington and Williamson.

**§ 1032.7 Producer.**

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1032.14.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

**§ 1032.8 Producer-handler.**

"Producer-handler" means a person who:

(a) Operates a distributing plant and processes milk from his own farm production, and who distributes all or a portion of such milk within the marketing area on a route but who receives no milk from other dairy farmers or from nonpool plants in the form of fluid milk products; and

(b) Assumes as his personal enterprise and risk the processing and distribution of fluid milk products and the maintenance, care and management of dairy animals and other resources necessary to produce his own farm milk production.

**§ 1032.9 Handler.**

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to milk from producers diverted for its account from a pool plant to a nonpool plant or another pool plant pursuant to § 1032.14;

(d) Any cooperative association with respect to the milk of its members which is delivered from the farm to the pool plant of another handler as a tank truck owned and operated by, or under contract to such cooperative association, if the cooperative association, prior to delivery, notifies in writing the market administrator and the handler to whose plant the milk is delivered, that it will be the handler for the milk. Milk so delivered shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant to which it is delivered; and

(e) A producer-handler, or any person who operates an other order plant described in § 1032.61.

**§ 1032.10 Distributing plant.**

"Distributing plant" means any plant at which fluid milk products are processed and packaged and from which Grade A fluid milk products are disposed of on a route(s) in the marketing area during the month.

**§ 1032.11 Supply plant.**

"Supply plant" means any plant at which Grade A milk is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

**§ 1032.12 Pool plant.**

"Pool plant" means:

(a) A distributing plant, other than that of a producer-handler or one described in § 1032.61, from which during the month:

(1) Disposition of fluid milk products in the marketing area on routes is equal to 10 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1032.9(d), or from which an average of not less than 7,000 pounds per day of fluid milk products is distributed on routes in the marketing area; and

(2) Total disposition of fluid milk products on routes is equal to 50 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1032.9(d) during the months of August through February and 40 percent during all other months;

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1032.9(d) is moved to and received at a pool plant(s) described in paragraph (a) of this section.

(c) Any supply plant during the months of February through August that was a pool plant during each of the preceding months of September through January, unless the operator of such plant notifies the market administrator in writing before the first day of any such month of his intention to withdraw such plant as a pool plant, in which case such plant shall thereafter be a nonpool plant until it again meets the shipping requirements set forth in paragraph (b) of this section.

**§ 1032.13 Nonpool plant.**

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act;

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month;

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which Grade A fluid milk products are shipped to a pool plant.

**§ 1032.14 Producer milk.**

"Producer milk" means all skim milk and butterfat contained in milk which is:

(a) Received during the month (1) by a cooperative association in its capacity as a handler pursuant to § 1032.9 (c) or (d), or (2) at a pool plant directly from producers (including milk which is commingled at a reload point) except that received by diversion pursuant to paragraph (b)(1) of this section: *Provided*, That milk received at a pool plant by diversion from a plant at which such milk would be fully subject to the pricing and pooling under the terms or provisions of another order issued pursuant to the Act shall not be producer milk; or

(b) Diverted by the operator of a pool plant or by a cooperative association subject to the following conditions:

(1) Diverted during the month from a pool plant to another pool plant(s) for not more days of production of producer milk by such producer than is physically received at a pool plant(s) pursuant to paragraph (a) of this section;

(2) Diverted from a pool plant to a nonpool plant(s) at which the handling of milk is not fully subject to the pricing and pooling provisions of another order issued pursuant to the Act on any day during the months of February through August and in any other month for not more days of production of producer milk by such producer than is physically received at a pool plant(s) pursuant to paragraph (a) of this section;

(3) Diverted during the month from a pool plant to a nonpool plant(s) at which the handling of milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act for not more days of production of producer milk by such producer than is received at a pool plant(s) pursuant to paragraph (a) of this section: *Provided*, That milk so diverted shall not be producer milk if, notwithstanding the provisions of this subparagraph, the milk is unconditionally subject to the pricing and pooling provisions of the other order;

(4) Milk diverted for the account of a handler in his capacity as operator of a pool plant shall be deemed to have been received at the pool plant from which diverted; and

(5) Milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant from which diverted.

**§ 1032.15 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except:

(1) Fluid milk products received from pool plants;

(2) Producer milk; and

(3) Inventory of fluid milk products on hand at the beginning of the month;

(b) Products other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted for.

**§ 1032.16 Fluid milk product.**

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), cream (sweet or sour), concentrated milk, fortified milk or skim milk, reconstituted milk or skim milk and mixtures of milk, skim milk or cream (except frozen dessert mixes, eggnog, aerated cream, and sterilized products in hermetically sealed containers).



**§ 1032.17 Route.**

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product to a retail or wholesale outlet other than a pool plant or a nonpool plant.

**§ 1032.18 Chicago butter price.**

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

**§ 1032.19 Reload point.**

"Reload point" means a location at which facilities approved, by a health authority exercising jurisdiction in the marketing area, only for the transfer of milk from one tank truck to another and for the washing of tank trucks and at which milk moved from the farm in a tank truck is commingled in a tank truck with milk from other tank trucks before entering a milk plant: *Provided*, That reloading facilities on the premises of a plant having equipment for the receiving, cooling, storing and processing milk, which equipment is in current use, shall be considered a supply plant rather than a reload point.

**§ 1032.22 [Amended]**

2. Paragraph (i) of § 1032.22 is revised to read as follows:

**§ 1032.22 Duties.**

* * * * *

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the class utilization of producer milk received by each handler from members of the association. For the purpose of this report, the milk caused to be so delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class.

* * * * *

3. Section 1032.41 is revised to read as follows:

**§ 1032.41 Classes of utilization.**

Subject to the conditions set forth in §§ 1032.42 to 1032.46 the classes of utilization shall be as follows:

(a) *Class I.* Class I shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2), (3), (4), (5), and (6) of this section. Fluid milk products which have been fortified by the addition of nonfat solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content; and

(2) Not accounted for as Class II.

(b) Class II. Class II shall be:

(1) All skim milk and butterfat used to produce any product other than a fluid milk product;

(2) All skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises;

(3) All skim milk authorized by the market administrator to be dumped;

(4) All skim milk and butterfat accounted for as disposed of for livestock feed;

(5) The inventories of fluid milk products on hand at the end of the month;

(6) The skim milk and butterfat contained in that portion of "fortified" fluid milk products not classified as Class I pursuant to paragraph (a)(1) of this section;

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1032.46(b)(1), but not to exceed the following:

(i) Two percent of milk received directly from producers; plus

(ii) One and one-half percent of milk received in bulk tank lots from pool plants of other handlers; plus

(iii) One and one-half percent of milk received from a cooperative association which is the handler for such milk pursuant to § 1032.9(d); plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; less

(v) One and one-half percent of milk disposed of in bulk tank lots to plants of other handlers (except when the milk is diverted, the applicable percentage shall be two percent) and to nonpool plants; and

(8) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1032.46(b)(2).

4. In § 1032.43 the text of paragraph (a) preceding subparagraph (1), all of paragraph (c), the text of paragraph (d) preceding subparagraph (1), and the text of paragraph (e) preceding subparagraph (1) are revised to read as follows:

**§ 1032.43 Transfers.**

* * * * *

(a) At the utilization indicated by both handlers, otherwise as Class I milk, if transferred or diverted to the pool plant of another handler, subject in either event to the following conditions:

* * * * *

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 450 miles from the County Courthouse in Vandalia, Illinois, by shortest highway distance as determined by the market administrator, except that cream so transferred may be classified as Class II if the handler claims Class II use and establishes that such cream was transferred to a nonpool plant without Grade A certification and that each container was labeled or tagged to indicate that the contents were for manufacturing use and that the shipment was so invoiced.

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 450 miles from the County Courthouse in Vandalia, Illinois, unless the requirement of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph;

* * * * *

(e) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

**§ 1032.45 [Amended]**

5. In § 1032.45(a)(1) the reference "§ 1032.41(b)(6)" is changed to "§ 1032.41(b)(7)".

**§ 1032.46 [Amended]**

6. In § 1032.46(b) the references to "1032.41(b)(6)" are changed to "§ 1032.46(b)(7)".

7. Section 1032.50 is revised to read as follows:

**§ 1032.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5-percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

8. Section 1032.51 is revised to read as follows:

**§ 1032.51 Class prices.**

The respective minimum prices per hundredweight to be paid by each handler f.o.b. his plant for milk received from producers or from a cooperative association during the month shall be as follows: *Provided*, That the price so determined shall be increased 15 cents per hundredweight from the effective date of this amended order through March 31, 1965.

(a) *Class I price.* (1) The Class I price for plants located in the Base Zone shall be the basic formula price for the preceding month plus $1.50 during each of the months of August through November; plus $1.10 during each of the months of March through June and plus $1.30 during all other months. Such price shall be increased or decreased respectively, by whatever amounts the Class I prices computed pursuant to Part 1030 (Chicago) and Part 1062 (St. Louis, Missouri) are increased or decreased by the supply-demand adjustors computed for such month under such Parts; and

(2) The Class I price at plants in the Northern Zone shall be five cents less than the price computed pursuant to subparagraph (1) of this paragraph;

(b) *Class II price.* The Class II price shall be the basic formula price for the month.

9. Section 1062.61 is revised to read as follows:

**§ 1062.61 Plants subject to other Federal orders.**

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A distributing plant from which the Secretary determines a greater portion of fluid milk products is disposed of on routes in another marketing area regulated by another order issued pursuant to the Act and which is fully subject to such other order: *Provided,* That a distributing plant which was a pool plant under this order in the immediately preceding months shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition on routes is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated by such other order;

(b) A distributing plant meeting the requirements of § 1032.12(a) which also meets the pooling requirements of another marketing order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is so disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other marketing order; and

(c) Any plant qualified pursuant to § 1032.12(c) for any portion of the period of February through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

**§ 1032.62 [Amended]**

10. In § 1032.62(a) the reference to "§ 1032.13(b)" is changed to "§ 1032.12(b)".

*Order[1] Amending the Order Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area*

**§ 1062.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, two and one-half cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk and such handler's own production, (b) other source milk allocated to Class I pursuant to § 1062.45(a) (3) and (7) and the corresponding steps of § 1062.45 (b) and (c) Class I milk disposed of on routes in the marketing area from partially regulated city plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1062.6 is revised to read as follows:

**§ 1062.6 St. Louis, Missouri, marketing area.**

"St. Louis, Missouri, marketing area", hereinafter called the "marketing area", means the territory within the corporate limits of the cities of St. Louis and St. Charles and the territory within the counties of Bollinger, Cape Girardeau, Crawford, Franklin, Jefferson, Perry, St. Francois, Ste. Genevieve, St. Louis, and Washington, all in Missouri; and the territory within Scott Military Reservation, and East St. Louis, Centerville, Canteen, and Stites Townships, and the city of Belleville, all in St. Clair County, Illinois.

2. Section 1062.7 is revised to read as follows:

**§ 1062.7 Producer.**

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1062.14.

3. Section 1062.10 is revised to read as follows:

**§ 1062.10 Pool plant.**

"Pool plant" means:

(a) A city plant from which not less than 50 percent of the receipts of approved milk from dairy farmers, cooperative associations in their capacity as handlers pursuant to § 1062.12(d), and country plants is distributed during the month as Class I milk on routes and from which not less than 10 percent of such receipts or an average of not less than 7,000 pounds per day, whichever is less, is distributed on routes in the marketing area: *Provided,* That a plant which qualifies as a pool plant pursuant to this paragraph during the month shall be a pool plant during the following month;

(b) A country plant from which not less than 20 percent of receipts during the month of approved milk from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1062.12(d) is shipped to city plants which are pool plants pursuant to paragraph (a) of this section;

(c) A country plant during the months of March through August that was a pool plant in each of the preceding months of September through February, unless the operator of such plant submits a written request to the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following receipt of such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments;

(d) A country plant operated by, or under contract to a cooperative association if 50 percent of the total milk supply of producers who are members of such an association has during the immediately preceding 12 months been:

(1) Shipped directly from farms to pool city plants;

(2) Transferred from a country plant operated by, or under contract to, the cooperative association to a city pool plant; or

(3) Shipped directly from farms to pool country plants not operated by a cooperative association.

4. Section 1062.14 is revised to read as follows:

**§ 1062.14 Producer milk.**

"Producer milk" means all skim milk and butterfat contained in milk which is:

(a) Received during the month (1) by a cooperative association in its capacity as a handler pursuant to § 1062.9 (c) or (d), or (2) at a pool plant directly from producers (including milk which is commingled at a reload point) except that received by diversion pursuant to paragraph (b)(1) of this section: *Provided,* That milk received at a pool plant by diversion from a plant at which such milk would be fully subject to the pricing and pooling under the terms and provisions of another order issued pursuant to the Act shall not be producer milk; or

(b) Diverted pursuant to subparagraphs (1), (2), and (3) of this paragraph by the operator of a pool plant or by a cooperative association in its capacity as a handler. Milk so diverted shall be deemed to have been received at the location of the pool plant from which diverted, except that milk diverted from a pool city plant to a nonpool plant located more than 110 airline miles from the City Hall in St. Louis shall be deemed to have been received at a pool plant at the same location as the nonpool plant to which diverted.

(1) Diverted during the month from a pool plant to another pool plant(s) for not more than 16 days' production;

(2) Diverted from a pool plant to a nonpool plant(s) at which the handling of milk is not fully subject to the pricing and pooling provisions of another order issued pursuant to the Act on any day during the months of March through August and in any other month for not more than 16 days' production;

(3) Diverted during the month from a pool plant to a nonpool plant(s) at which the handling of milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act for not more than 16 days' production: *Provided,* That milk so diverted shall not be producer milk if, notwithstanding the provisions of this subparagraph, the milk is fully subject to the pricing and pooling provisions of the other order.

5. Section 1062.16 is revised to read as follows:

**§ 1062.16 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except:

(1) Fluid milk products received from pool plants;

(2) Producer milk; and

(3) Inventory of fluid milk products on hand at the beginning of the month;

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted for.

**§ 1062.17 [Revoked]**

6. Section 1062.17 is revoked.

7. Section 1062.41 is revised to read as follows:

**§ 1062.41 Classes of utilization.**

Subject to the conditions set forth in §§ 1062.42 through 1062.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2), (3), and (4) of this section. Fluid milk products which have been fortified by the addition of nonfat solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content; and

(2) Not accounted for as Class II.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Accounted for and used to produce any product other than a fluid milk product;

(2) All skim milk and butterfat authorized by the market administrator to be dumped;

(3) All skim milk and butterfat accounted for as disposed of for livestock feed;

(4) In inventory of fluid milk products on hand at the end of the month;

(5) The weight of the skim milk in fortified fluid milk products not classified as Class I pursuant to paragraph (a) (1) of this section;

(6) In shrinkage of skim milk and butterfat, respectively, but not to exceed the following:

(i) Two percent of milk received from dairy farmers exclusive of that diverted pursuant to § 1062.14; plus

(ii) One and one-half percent of milk received in bulk tank lots from pool plants of other handlers; plus

(iii) One and one-half percent of receipts of fluid milk products in bulk tank lots from other order plants, exclusive of the quantity for which Class II utilization was requested by the operators of such plants and the handler; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk tank lots from unregulated country plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(v) One and one-half percent of milk disposed of in bulk tank lots to pool plants of other handlers and to nonpool plants (exclusive of milk diverted pursuant to § 1062.14); and

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1062.46(b)(2).

8. In § 1062.43 the text of paragraph (a) preceding subparagraph (1), the text of paragraph (c) preceding subparagraph (2), all of paragraph (d) and the text of paragraph (e) preceding subparagraph (1) are revised; paragraph (f) is revoked; and the semicolon and the word "and" at the end of paragraph (e)(6) are deleted and a period is substituted therefor to read as follows:

**§ 1062.43 Transfers.**

* * * * * *

(a) At the utilization indicated by both handlers, otherwise as Class I milk, if transferred or diverted to the pool plant of another handler, subject in either event to the following conditions:

* * * * * *

(c) As Class I milk if moved to a nonpool plant which is neither an other order plant nor the plant of a producer-handler unless the requirements of subparagraphs (1), (2) and (3) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment set forth in subparagraph (4) of this paragraph:

(1) The transferee plant is located within 350 airline miles of the City Hall in St. Louis, Missouri;

* * * * *

(d) As Class I milk if moved in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 350 airline miles from the City Hall in St. Louis, Missouri, except that cream so transferred may be classified as Class II if the handler claims Class II use and establishes that such cream was transferred to a nonpool plant without Grade A Certification and that the contents were for manufacturing use and that the shipment was so invoiced; and

(e) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2) or (3) of this paragraph:

* * * * * *

**§ 1062.45 [Amended]**

9. In § 1062.45 the reference in paragraph (a)(1) which reads "§ 1062.41(b)(4)" is revised to read "§ 1062.41(b)(6)" and the provision in paragraphs (a)(4)(1) and (7) which reads "and from dairy farmers for other markets" is revoked.

**§ 1064.46 [Amended]**

10. In § 1062.46 the reference in paragraphs (b)(1) and (c) which reads "§ 1062.41(b)(4)" is revised to read "§ 1062.41(b)(6)".

11. Section 1062.50 is revised to read as follows:

**§ 1062.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

price shall be rounded to the nearest full cent.

12. In § 1062.51 the text preceding paragraph (a) (1) and paragraph (b) are revised to read as follows:

**§ 1062.51 Class prices.**

Subject to the provisions of §§ 1062.52 and 1062.53, the class prices per hundredweight shall be as follows:

(a) *Class I milk price.* The Class I price shall be the basic formula price for the preceding month plus $1.80 during the months of August, September, October and November; plus $1.40 during the months of December, January, February and July; and plus $1.20 during all other months. Such price shall be increased or decreased by whatever amount the Class I price computed pursuant to Part 1030 (Chicago) is increased or decreased by the supply-demand adjustor computed for such month under such part; and plus or minus the amounts provided in subparagraphs (1) and (2) of this paragraph: *Provided,* That the price so determined shall be increased 15 cents per hundredweight from the effective date of this amended order through March 31, 1965.

(1) • • •

(2) • • •

(b) *Class II milk price.* The Class II price shall be the basic formula price for the month.

13. Section 1062.52(a) is revised to read as follows:

**§ 1062.52 Location adjustments to handlers.**

(a) For producer milk which is received at a pool plant located more than 30 airline miles from the City Hall in St. Louis, Missouri, which is classified as Class I milk, and for other source milk for which a location adjustment credit is applicable, the price specified in § 1062.51 (a) shall, except as provided in subparagraphs (1), (2), and (3) of this paragraph, be reduced by 16 cents per hundredweight plus one cent for each 10 miles or fraction thereof that such distance exceeds 40 miles.

(1) At a pool plant located more than 30 airline miles from the City Hall in St. Louis but located in Madison, Monroe or St. Clair County or in Sugar Creek, Looking Glass, St. Rose, Breese or Germantown Township in Clinton County, all in the State of Illinois, the price specified in § 1062.51(a) shall be reduced 10 cents per hundredweight; and

(2) At a pool plant located in Cape Girardeau, Perry or Ste. Genevieve County, Missouri, the price specified in § 1062.51(a) shall be increased 15 cents per hundredweight; and

(3) At a pool plant outside the counties of Cape Girardeau, Perry or Ste. Genevieve and more than 30 airline miles from the City Hall in Cape Girardeau but nearer to the City Hall in Cape Girardeau than to the City Hall in St. Louis, the price specified in § 1062.51(a) shall be reduced one cent plus an additional one cent for each 10 miles or fraction thereof that such distance exceeds 40 miles from the City Hall in Cape Girardeau.

14. Section 1062.60 is revised to read as follows:

**§ 1062.60 Producer-handlers.**

Sections 1062.40 through 1062.46, 1062.50 through 1062.54, 1062.70 through 1062.72, and 1062.80 through 1062.89 shall not apply to a producer-handler.

**§ 1062.61 [Amendment]**

15. In § 1062.61 paragraph (b) is revised to read as follows:

**§ 1062.61 Plants subject to other Federal orders.**

• • • • •

(b) Any country plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualifies as a pool plant pursuant to § 1062.10 and ships more milk to city plants regulated under this order than to city plants regulated pursuant to such other order.

16. In § 1062.70 paragraph (e) is revised to read as follows:

**§ 1062.70 Computation of the net pool obligation of each pool handler.**

• • • • •

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume of skim milk and butterfat was received from an unregulated country plant and which was subtracted from Class I pursuant to § 1062.45(a)(7) and the corresponding step of § 1062.45(b).

17. In § 1062.71 paragraph (b) is revised to read as follows:

**§ 1062.71 Computation of uniform price.**

• • • • •

(b) Add an amount equal to the value of the net location differentials (reduction minus increases) applicable to the uniform price pursuant to § 1062.82;

18. Section 1062.82 is revised to read as follows:

**§ 1062.82 Location differential to producers.**

(a) The uniform price for producer milk received at a pool plant located more than 30 miles from the City Hall in St. Louis, Missouri, shall, except as provided in subparagraphs (1), (2) and (3) of this paragraph, be reduced 16 cents per hundredweight plus one cent for each 10 miles or fraction thereof that such distance exceeds 40 miles;

(1) At a pool plant located more than 30 miles from the City Hall in St. Louis but located in Madison, Monroe or St. Clair County or in Sugar Creek, Looking Glass, St. Rose, Breese or Germantown Township in Clinton County, all in the State of Illinois, the uniform price shall be reduced 10 cents per hundredweight; and

(2) At a pool plant located in Cape Girardeau, Perry or Ste. Genevieve County, Missouri, the uniform price shall be increased 15 cents per hundredweight.

(3) At a pool plant outside the counties of Cape Girardeau, Perry or Ste. Genevieve and more than 30 miles from the City Hall in Cape Girardeau but nearer to the City Hall in Cape Girardeau than to the City Hall in St. Louis, the uniform price shall be reduced one cent plus an additional one cent for each 10 miles or fraction thereof that such distance exceeds 40 miles from the City Hall in Cape Girardeau.

(b) For purposes of computations pursuant to §§ 1062.84 and 1062.85 the weighted average price shall be adjusted at the rates set forth in paragraph (a) of this section applicable at the location of the nonpool plant from which the milk was received.

*Order[1] Amending the Order Regulating the Handling of Milk in the Ozarks Marketing Area*

**§ 1067.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Ozarks marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demend for milk in the said marketing area, and minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.



*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the Ozarks marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1067.11 paragraph (a) is revised to read as follows:

**§ 1067.11 Pool plant.**

"Pool plant" means:

(a) An approved plant from which not less than 50 percent of its receipts of approved milk during the month is disposed of as Class I milk to wholesale or retail outlets (including sales through plant stores or vendors but not including sales to pool plants or nonpool plants) and from which not less than 10 percent of such receipts or an average of not less than 7,000 pounds per day, whichever is less, is disposed of as Class I milk in the marketing area to wholesale or retail outlets (including sales through plant stores or vendors but not including sales to pool plant or nonpool plants).

2. Section 1067.14 is revised to read as follows:

**§ 1067.14 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except:

(1) Fluid milk products received from pool plants;

(2) Producer milk; and

(3) Inventory of fluid milk products on hand at the beginning of the month;

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted for.

3. Section 1067.41 is revised to read as follows:

**§ 1067.41 Classes of utilization.**

Subject to the conditions set forth in §§ 1067.43 through 1067.46, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2), (3) and (4) of this section. Fluid milk products which have been fortified by the addition of nonfat solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content; and

(2) Not specifically accounted for as Class II.

(b) Class II milk shall be:

(1) All skim milk and butterfat used to produce any product other than a fluid milk product;

(2) All skim milk and butterfat authorized by the market administrator to be dumped;

(3) All skim milk and butterfat accounted for as disposed of for livestock feed;

(4) The inventories of fluid milk products on hand at the end of the month;

(5) The weight of the skim milk in fortified fluid milk products not classified as Class I pursuant to paragraph (a) (1) of this section;

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1067.42(b) (1), but not to exceed the following:

(i) Two percent of milk received directly from producers (except producer milk diverted to producer cans to a nonpool plant pursuant to § 1067.7) and from a cooperative association which is the handler for such milk pursuant to § 1067.8(b); plus

(ii) One and one-half percent of milk received in bulk tank lots from pool plants of other handlers; plus

(iii) One and one-half percent of receipts of fluid milk products in bulk from other order plants, exclusive of the quantity for which Class II utilization was requested by the operators of such plants and the handler; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(v) One and one-half percent of milk disposed of in bulk tanks lots to pool plants of other handlers; and

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1067.42(b) (2).

**§ 1067.46 [Amended]**

4. In section 1067.46(a) (1) the reference "§ 1067.41(b) (4)" is changed to "§ 1067.41(b) (6)".

5. Section 1067.50 is revised to read as follows:

**§ 1067.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (90-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

6. In section 1067.51 paragraph (b) is revised to read as follows:

**§ 1067.51 Class prices.**

• • • • •

(b) *Class II price.* The Class II price shall be the basic formula price for the month.

[F.R. Doc. 64-11490; Filed, Nov. 9, 1964; 8:45 a.m.]

## [7 CFR Parts 1033, 1034]

[Docket Nos. AO-166-A29, AO-175-A20]

## MILK IN THE GREATER CINCINNATI AND DAYTON-SPRINGFIELD, OHIO, MARKETING AREAS

### Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a joint public hearing was held at Cincinnati, Ohio, on July 8-9, 1964, pursuant to notice thereof issued on June 22, 1964 (29 F.R. 8146).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator on September 21, 1964 (29 F.R. 13269; F.R. Doc. 64-9714) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (29 F.R. 13269; F.R. Doc. 64-9714) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

Under the subheading 1. *Supply-demand formula,* the following changes are made:

1. In the fourteenth paragraph, the schedule is revised (with respect to the minimum percentages only) and in the sentence immediately preceding the schedule the figure "64" is changed to "63.5".

2. In the third sentence of the sixteenth paragraph, the phrase "or random monthly price" is changed to "to random monthly price".

3. In the third sentence of the twentieth paragraph, following the phrase "from the producers' schedule" the parenthetical phrase "(maximum of range)" is added.

4. In the first sentence of the twenty-first paragraph the parenthetical text is changed to read "(63.5 percent at the midpoint of a three-point range)".

5. The twenty-third paragraph is deleted and three new paragraphs are added.

6. The thirtieth paragraph is deleted.

7. At the beginning of the thirty-first paragraph, the word "Also" and the comma are deleted and the next word is capitalized.

8. At the end of the fortieth paragraph, two additional sentences are added. Two figures were changed in this paragraph and in the schedule shown in the next following paragraph.

The material issues on the record of the hearing relate to:

1. Adoption of a common supply-demand adjustor for both markets; and

2. Modification of Class I price differentials, including differential to adjust for butterfat content of Class I milk.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Supply-demand formula.* A common supply-demand "adjustor" to Class I prices should be adopted for the Greater Cincinnati and Dayton-Springfield orders.

Producer cooperatives representing a large majority of the producers supplying both the Greater Cincinnati and Dayton-Springfield markets joined in proposing a common supply-demand adjustment formula by which Class I prices in the respective markets would increase or decrease in response to changing supply-demand relationships determined on an aggregate (two-market) basis. The formula would provide for norms, or standard utilization percentages, averaging 58–62 percent Class I on an annual basis. The monthly (current) utilization ratios would be obtained by dividing (1) the aggregate pounds of fluid milk products disposed of in the two marketing areas from pool plants and nonpool plants (including partially regulated distributing plants and other order plants, but not including producer-handler plants) as Class I milk for the second and third months preceding the pricing month, by (2) the aggregate pounds of producer receipts plus a quantity of milk equal to the amount of Class I disposition in the two markets from all such nonpool plant sources. It would provide further for price adjustments computed at the rate of three cents for each full percentage point that the "current utilization percentage" deviates from the monthly standard utilization percentage (range). The "contraseasonal" price provisions of the present Cincinnati order would be made applicable to both markets and the amount or supply demand adjustment in any month would be limited to not more than 50 cents plus or minus.

In support of this proposal it was testified that since expansion of the Greater Cincinnati marketing area into the Hamilton-Middletown, Ohio area in 1959, competition between Dayton-Springfield regulated handlers and Greater Cincinnati regulated handlers has intensified greatly. Some Dayton-Springfield handlers have established substantial outlets for milk within the boundaries of the Greater Cincinnati marketing area as well as meeting Cincinnati competition in areas not under regulation.

Certain multiple-plant companies currently maintain bottling plants in both markets. Such operators may readily interchange milk and milk products between the plants. In one instance, a new plant is being built in Cincinnati for the express purpose of serving customers in both markets. In another case, a Dayton-Springfield regulated bottler is acquiring additional locations for its own dairy stores in the Cincinnati market which conceivably could result in regulation of the bottling plant under the Greater Cincinnati order as increased sales result. Plant shifts from one regulation to the other may occur also because large accounts such as supermarkets and chain dairy stores change plant suppliers from time to time. The cooperatives, representing producers in both markets, also testified that they can and do allocate milk supplies among handlers in both markets.

Proponents further pointed out that in 1959 when the order was amended to relate the Dayton-Springfield supply-demand adjustment to that in the Greater Cincinnati order, price coordination between the markets was recognized to be an important factor in establishing an appropriate formula for the Dayton-Springfield market. At that time it was determined that the Dayton-Springfield Class I price should be adjusted each month by averaging the supply-demand adjustment computed under such order (based upon Dayton-Springfield Class I sales and producer receipts) with the corresponding adjustment computed under the Greater Cincinnati order. By so doing an improved price relationship between the markets resulted.

Proponents contend, however, that, under today's competitive conditions in the distribution of milk, further integration of pricing provisions is needed to insure orderly marketing. They state that orderly marketing for producers will be promoted by a common price "mover" which would (1) eliminate short-term aberrations in prices between markets, (2) encourage improved allocation of milk supplies, and (3) preserve equitable competitive relationships among handlers in these markets.

Based upon the period beginning April 1961 and ending May 1964 the proposal of producers would have established "standard utilization percentages" in the formula at a level which would have resulted in an average 21 cents per hundredweight plus adjustment to be added to the Class I price differential in each market. This approximates the average of adjustments which have prevailed for the two markets over such three-year period. In relation to the separate Class I prices which prevailed in the two markets in the most recent two years, this proposal would have increased the Dayton-Springfield Class I price 10.6 cents and 10.9 cents per hundredweight, respectively, on an annual average for each of the years 1962 and 1963. The Greater Cincinnati Class I price contrariwise would have been reduced by 6.2 cents and 5.1 cents per hundredweight, respectively, for 1962 and 1963.

Handlers generally favored the elimination of the supply-demand formula from one or both of the two markets. Alternative formula proposals were recommended, however, in the event of a determination that the orders should continue to provide for a supply-demand adjustor.

In comparison with the proposal of producers, one such proposal would establish norms, or standard utilization percentages, with a 10-point range, or corridor. Such formula would provide further that any current deviation from the minimum or maximum figure of the range applicable for the pricing month would result in only a one-cent adjustment (in lieu of the present three cents) to the Class I price for each point of deviation. Another handler submitted a supply-demand formula quite similar to that of producers, differing therefrom mainly in the level of the standard utilization percentages. The annual level of norms proposed by this handler would be 11 percentage points higher than annual average reflected in the proposal of producers.

In support of their proposals, handlers pointed to elements of competition in the distribution of milk among the markets of Dayton-Springfield and Indianapolis, Fort Wayne and Greater Cincinnati, and between Dayton-Springfield and Columbus, and also alleged competition in procurement among handlers in the Dayton-Springfield, Greater Cincinnati, Columbus and Louisville-Lexington-Evansville markets. Handlers contended that there is need for appropriate alignment of prices between the Greater Cincinnati and Dayton-Springfield markets, on the one hand, and the named markets referred to above on the other.

Supply-demand formulas should be retained in both orders. Under the requirements of the Agricultural Marketing Agreement Act, authorizing Federal milk orders, minimum prices fixed by a milk marketing order must be established at a level which tends to equate milk supplies with the Class I milk requirements of the market and promotes orderly marketing. To achieve such objectives for these markets, it is concluded that the supply-demand adjustment for both the Greater Cincinnati and Dayton-Springfield markets should be based upon the relationship of producer milk supplies and Class I sales thereof in such markets in combination.

While prices in the two markets have been related since 1959 and have moved in like direction, there nevertheless have been significant differences in prices which have been the result of the separate price adjustors. For example, in 1963 the average difference in Class I prices was 25.6 cents per hundredweight, with the widest monthly difference amounting to 31 cents in May of that year. In 1962, the annual average differenoe was 28.7 cents, with the widest monthly difference amounting to 37.9 cents in the month of February. Only 10 cents of such differences may be accounted for by the respective stated Class I price differentials in the two orders. Under the intense competitive conditions described by proponent producers, it is necessary to insure that milk in both markets will be priced on a basis that will enable the producers of such milk to compete on reasonable terms for Class I outlets. This is a particularly pertinent consideration at this time in the Cincinnati market where Class I prices generally have been higher than those prevailing in the Dayton-Springfield market and other nearby competing Federal order markets but a similar problem could develop in the Dayton-Springfield market if the price there is not appropriately aligned also with those of other nearby markets.

Use of a common supply-demand adjustor (based upon the combined receipts of producer milk and Class I utilization of the two markets) to adjust Class I price differentials in both markets will bring about a close alignment of prices between the two markets by limiting the variation in prices each month to the 10 cents per hundredweight difference in the stated Class I differentials. These differentials are $1.34 and $1.24 respectively (this aspect of the Class I pricing formula is discussed further below).



Accordingly, a supply-demand formula applicable to both markets should be established which will provide for:

(1) The following schedule of standard utilization percentages (norms) which averages 63.5 percent (midpoint of range) pooled Class I use to producer receipts on an annual basis;

| Month for which price is being computed | Preceding months used in computation | Standard utilization percentages | |
|---|---|---|---|
| | | Minimum | Maximum |
| Jan. | Sept., Oct., Nov. | 66 | 69 |
| Feb. | Oct., Nov., Dec. | 68 | 71 |
| Mar. | Nov., Dec., Jan. | 69 | 72 |
| Apr. | Dec., Jan., Feb. | 68 | 71 |
| May | Jan., Feb., Mar. | 68 | 71 |
| June | Feb., Mar., Apr. | 66 | 69 |
| July | Mar., Apr., May | 60 | 63 |
| Aug. | Apr., May, June | 54 | 57 |
| Sept. | May, June, July | 52 | 55 |
| Oct. | June, July, Aug. | 53 | 56 |
| Nov. | July, Aug., Sept. | 58 | 61 |
| Dec. | Aug., Sept., Oct. | 62 | 65 |

(2) "Current utilization percentages" to be based upon aggregate producer receipts in the two markets and Class I utilization thereof for a 3-month period ending with the second month preceding the pricing month;

(3) Adjustments to the Class I price for each market at the rate of three cents per full percentage point of deviation of the applicable current utilization percentage for the month from the norm (range) for such month;

(4) A limitation of plus or minus 50 cents on the amount of supply-demand adjustment for any month.

The supply-demand formula under the present Greater Cincinnati order contains a schedule of monthly norms. At the midpoint of the individual monthly (two-point) ranges the schedule reflects an annual average Class I utilization of 60.2 percent. The Class I price, therefore, changes at the rate of three cents for each full percentage point the current utilization percentage deviates beyond the minimum or maximum limit of the applicable monthly range.

The schedule of monthly standard utilization percentages under the formula of the Dayton-Springfield order reflects an annual average Class I utilization of 75.4 percent. Unlike the schedule of norms for the Greater Cincinnati order, the Dayton-Springfield order norms are single monthly figures rather than monthly ranges. The use of a range in the monthly norm tends to act as a "dampener" to random monthly price changes which, at times, might otherwise result by action of the adjustor. Under the Dayton-Springfield order this "dampening" is effected by "bracketing" the price adjustment rates to be applied when deviations of current utilization from the norm occur. A further provision of the Dayton-Springfield formula provides for averaging the adjustment computed thereunder with that computed under the Cincinnati formula to get the final adjustment figure.

Provision for a schedule of standard utilization percentages averaging 65 percent (top of range) on an annual basis, together with other aspects of the supply-demand formula, will provide an appropriate base against which to measure current changes in the supply-sales relationship of the two markets in combination.

The monthly standard utilization percentages proposed by producers reflect on an annual basis a 62 percent Class I utilization (top of range). This compares with an actual Class I sales-producer receipts relationship in recent years of 69 percent for the two markets in combination. Such adjustment from recent utilization experience made in proponents' formula is designed to allow fully for the value influence on the monthly rates of supply-demand adjustment of other source milk used in Class I over the most recent three-year period.

Utilization percentages adopted herein, as discussed in more detail below, are based on receipts of producer milk and their use in Class I for both markets. The producer groups proposed the inclusion in the receipts and sales figures of fluid milk products disposed of in the respective marketing areas from all nonpool plants, except plants of producer-handlers. The inclusion in the supply-demand formula of such sales in these markets from nonpool plants (and the equivalent quantity as receipts) as proposed by producers would not contribute, however, to the accuracy with which the supply-demand adjustor reflects meaningful changes in the supply-demand situation at plants which utilize the milk which it is designed to price. Sales of nonpool milk in the market as Class I are not necessarily reflective of the regular demand for, or the regular supply of, producer milk associated with these two markets.

In establishing a schedule of norms under a formula which is to be based upon the utilization of producer milk in Class I to producer receipts, as adopted herein, it would not be appropriate, through the mechanics of establishing norms at a lower level, to give reflection to the value of other source milk used in such class. Consequently, the norms proposed should be at a higher level which does not reflect such value. An upward adjustment of three points from the producers' schedule (maximum of range) will accomplish this purpose.

The resulting standard utilization percentage would be 65 percent at top of range (or 63.5 percent at the midpoint of a three-point range) on an annual average basis. While this percentage figure also is somewhat below the combined utilization experience of the two markets in recent periods, it is a reasonable annual average level to reflect in the formula under present circumstances.

While the current norms in the Dayton-Springfield order average 75.4 percent and actual utilization has shown a persistent tendency to average 74 percent, actual adjustments to the Dayton-Springfield price have reflected, in effect, a somewhat lower level of norms. This is the result of the linking of the Dayton-Springfield and Greater Cincinnati formulas which took place in 1959, increasing the Dayton-Springfield price level above what it otherwise would have been based upon the norms stated in the order. For example, had the Dayton-Springfield formula operated in 1963 without benefit of linking with the Greater Cincinnati formula, it would have produced an adjustment averaging minus four cents for the year. The actual adjustment which prevailed was plus 12 cents, or a difference of 16 cents. Thus, whatever norms are adopted must be concerned mainly with future effects on prices rather than be grounded simply on historical considerations. The norms adopted herein would not have effected a reduction of prices in the Dayton-Springfield market below the level which prevailed in these markets in 1963 but would have held prices at approximately the prevailing level. This is reasonable under the supply-demand situation in this market and the relationship of prices in such market to those in surrounding markets. In the Greater Cincinnati market where the bulk of other source milk in Class I was used, the effect of the norms adopted is to eliminate the value influence of other source milk in the formula, but otherwise to produce an adjustment of prices at levels contemplated by the producers' proposal which likewise is reasonable in the circumstances.

It was concluded in the recommended decision that the standard utilization percentage for each month should be established as a range for the purpose of minimizing changes in the supply-demand adjustment which otherwise might result from minimal changes in the current utilization percentages. In their exceptions to such decision, producers alleged that the reasons for employing a three-month mover as provided for in the recommended decision equally support the need for a somewhat wider range of norms to insure against random variations which might be reflected in the current utilization percentage and thus cause erratic price changes.

In light of the exceptions filed, it is concluded that the range of monthly norms should be widened by extending the lower end of the range one additional percentage point. The recommended dedecision provided individual monthly norms with an average range of 63–65 percent annually. The schedule of individual monthly norms should be revised to reflect, as an annual average, a range of 62–65 percent. This will not materially affect over time the level of Class I utilization which is called for by the adjustor and which is deemed to be reasonable for the two markets in combination. It will provide, however, additional assurance that price adjustments to the stated Class I differentials (whether increases or decreases), through action of the adjustor as the current utilization percentage deviates from a normal utilization balance, will be the result of a significant departure of the supply and demand relationship from such normal utilization balance.

In computing current utilization percentages under the formula, provision is made to round to the nearest full percentage. This provision together with the three-point range thus, in effect, provides a "corridor" of four percentage points within which the current utilization percentage may move without effecting a price adjustment.

The monthly percentages were derived by combining producer receipts for the two markets and also combining pooled Class I disposition by regulated handlers in the two markets, after adjusting to eliminate any duplications due to interhandler and intermarket plant transfers. As under the present orders, Class I milk includes the aggregate pounds of milk in "overage" and inventory assigned to Class I during the month.

Three-month moving averages of such sales and receipts, respectively, were determined for each of the months covering the base years 1962 and 1963 used, and from the resulting monthly averages, a ratio of Class I milk to producer receipts was determined for each month of the two-year period. The 1962 and 1963 ratios were then averaged on a monthly basis.

Such average ratios, reflecting the general seasonal pattern of receipts in relation to Class I sales for 1962 and 1963, then were adjusted to reflect the annual relationship of 64 percent Class I utilization. Some further modification to these monthly ratios also was made to lessen the possibility of contraseasonal supply-demand adjustments which might occur as a result of random seasonal shifting in the relationship of production and Class I disposition in the two markets from one year to the next. For example, in each market the months of high and low production in relation to Class I sales cannot be predicted accurately. Peaks and troughs of deliveries do not always occur in the same months from year to year or is there necessarily a change one year to the next from which a trend may be detected. During 1963, June was the month of greatest supply in relation to Class I disposition in each market. October marked the month of shortest supply for Dayton-Springfield and was also one of the shortest production months for the Greater Cincinnati market. In both markets the peaks and troughs in supply occurred, however, in May and November, respectively, during 1962. This 1962 pattern was not similarly reflected, however, during the preceding three years of 1959–1961. The monthly ratios so adjusted (expressed as percentages) are adopted as the schedule of norms or standard utilization percentages against which the deviation, if any, of current utilization percentage discussed below is measured.

The "current utilization percentage" reflects any recent change in the supply-demand relationship from the applicable norm for the month. In computing the current utilization percentage the combined receipts and Class I sales of producer milk for the most recent three-month period rather than for the most recent two-month period (as presently employed in the two orders) are used. Proponent producers suggested this procedure as one of two alternatives which might be employed to minimize the effects, month-to-month, of wide variations in market requirements on different days of the week. Heaviest purchases of milk by consumers in these markets tend to occur on Fridays and Saturdays of each week, when approximately half of their milk purchases are made. Plants therefore have their heaviest needs for raw milk supplies on Thursdays and Fridays. The extra days over four full weeks in a month may be Thursday, Friday and Saturday in certain months. In other months, on the other hand, these extra days will occur earlier in the week when milk needs are relatively low.

This difference in the make-up of individual months may have an erratic effect on the current utilization percentage which is unrelated to any real change in the supply-demand relationship in the two markets. Use of data for a three-month period therefore will reduce substantially the random changes in the Class I price which might otherwise be induced by variation in the number of heavy bottling days in the period used to compute the mover. Further, the three-month mover will tend to minimize other unwarranted changes in Class I price resulting from such occurrences as abnormal weather conditions.

The alternative proposal of the proponent producer associations to correct unwarranted changes in supply-demand adjustment resulting from an unequal distribution of heavy bottling days in the period covered by the mover was the use of an index reflecting intra-week fluctuations in sales. This proposal should not be adopted, however, since data relative to such a proposal presented on the record were not sufficient to permit full appraisal of the proposal at this time.

The 10-point range for the monthly standard utilization percentage as proposed by one handler would tend to act sluggishly and would not respond to all meaningful changes in the supply-sales relationship of the two markets. Therefore, such proposal also is denied.

The proposal to include in the supply-demand formula a limitation on the direction of a change in supply-demand adjustment which may be effected by the adjustor during certain months (i.e. "contraseasonal" limit) should not be adopted.

Such a provision is now contained in the Greater Cincinnati order and provides that the January Class I price differential as adjusted by the supply-demand formula shall not be less than the adjusted differential for the preceding month of December and, contrariwise, the June Class I price differential shall not be higher as a result of the supply-demand adjustor than the differential for May preceding.

This device is intended generally to guard against a reduction in Class I price differential during a month of normally short production and also to avoid raising the Class I price differential during a month of normally flush production when additional supplies ordinarily should not be encouraged through the pricing mechanism.

In view of the general "updating" of the monthly standard utilization percentages (norms) which reflect the seasonal nature of production and supply for the two markets in combination, there appears to be no need for providing such a limitation on the direction of change which the adjustor may effect for any particular month of the year.

Moreover, the device as proposed by producers (and as contained in the supply-demand formula of the present Greater Cincinnati order) is not, in any real sense, a contraseasonal check on the direction the Class I price may move one month to the next. In both the proposed formula and in the present Greater Cincinnati formula, the effect of such a "snubber" is on the stated Class I differential only. The Class I price therefore may still move in a so-called "contraseasonal" direction as a result of the basic formula price, which is the other principal component of Class I price.

Also, the incidence of adjustments in the Class I price differential which might result from random fluctuations in the supply-demand factors should be lessened through the "dampening effect" associated with the mover adopted herein which is based upon a three-month supply-demand relationship in lieu of the two-month period upon which the mover in the present formula provision is based.

In view of these considerations the inclusion of the contraseasonal limitation in the supply-demand formula is denied.

Producers proposed that the maximum plus or minus supply-demand adjustment be set at 50 cents per hundredweight as provided in the present Greater Cincinnati order. The corresponding maximum under the present Dayton-Springfield order is 38 cents per hundredweight. From January 1959 through July 1964 the monthly supply-demand adjustments for the Greater Cincinnati market exceeded 38 cents on eight occasions. The 50-cent limit is a reasonable maximum for the common formula and therefore should be adopted.

The revised supply-demand formula proposed by proponents would have effected a somewhat lower Class I price level for the Greater Cincinnati market by reducing the plus adjustments which have resulted from the present supply-demand formula. It would also have raised the Dayton-Springfield price by an offsetting amount (in dollar value). As previously stated, on a per hundredweight basis their proposal would have reduced the Class I price in the Greater Cincinnati market by 8.2 and 5.1 cents for 1962 and 1963, respectively, and would have increased the Class I price for the Dayton-Springfield market by 10.6 and 10.9 cents, respectively, in such years. The formula adopted herein for the Greater Cincinnati market would have reduced the Class I price during 1962 and 1963 by 17.0 and 14.5 cents per hundredweight, respectively. For the Dayton-Springfield market the Class I price would have been increased about 1.8 and 1.5 cents per hundredweight for the same two years. In the recommended decision the effects of the formula as applied to 1963 were inadvertently understated by one cent (13.5 cents) with respect to Greater Cincinnati and were overstated by one cent (2.5 cents) with respect to the Dayton-Springfield market. These figures, together with corresponding adjustment in the following schedule of prices, are corrected herein.



The revised supply-demand formula together with the stated Class I price differentials, discussed below, will bring about a close alignment of Class I prices between the two markets and generally improve their alignment with other neighboring Federal order markets. The Class I prices for the two markets and nearby competing markets on an annual average basis (3.5 butterfat basis) for 1962 and 1963 are shown below. The table reflects both actual prices and estimated prices based upon Class I price differentials adjusted by the supply-demand adjustor proposed for adoption herein.

| | 1962 | 1963 |
|---|---|---|
| Greater Cincinnati: | | |
| Actual | $4.770 | $4.727 |
| Revised (est.) | 4.600 | 4.582 |
| Dayton-Springfield: | | |
| Actual | 4.482 | 4.467 |
| Revised (est.) | 4.500 | 4.482 |
| Louisville-Lexington-Evansville | 4.43 | 4.59 |
| Indianapolis | 4.41 | 4.38 |
| Columbus | [1] 4.30 | [1] 4.29 |
| Fort Wayne | 4.31 | 4.30 |

[1] If the amendment to the Class I pricing provisions of the Columbus, Ohio order (effective May 1964) had been in effect during the years 1962 and 1963, the annual level of Class I price would have been increased by approximately 12 cents per hundredweight, respectively, above the level shown.

2. The stated Class I price differentials (over basic formula price for Greater Cincinnati and Dayton-Springfield) should remain at the present levels of $1.34 and $1.24, respectively, for milk testing 3.5 percent butterfat. The Class I butterfat differential under the Cincinnati order should be modified.

(a) *Class I differential.* One handler proposed (1) adoption of identical Class I differentials for both markets to be fixed at $1.24 per hundredweight, and (2) elimination of the supply-demand adjustor from the Class I price formulas for both markets. The stated objectives of these proposals were to establish prices at exactly the same levels in both markets and to establish an improved alignment of prices with other nearby regulated markets.

The propriety of continuing supply-demand adjustment provisions, but on a common basis for both markets, has been discussed. There remains for consideration, however, the proposal as to whether a fixed, or stated, differential of $1.34 for the Cincinnati market should be reduced to $1.24 to equal the effective differential in the Dayton-Springfield market. Producers of both markets opposed the adoption of the $1.24 differential for the Greater Cincinnati market.

The Cincinnati procurement area or milkshed is more widely dispersed than that of Dayton-Springfield and surrounds, to a large degree, the milkshed of the latter market. The Dayton-Springfield marketing area also lies within the region from which the larger Cincinnati market draws much of its milk. Average hauling costs on milk moved from farms to Cincinnati are about 8 cents per hundredweight more than average hauling costs to Dayton-Springfield. The 10-cent higher price for Greater Cincinnati is appropriate to enable such market to compete for available milk supplies in the region. It is concluded that the $1.34 stated differential for the Greater Cincinnati market should be retained.

(b) *Butterfat differential.* Butterfat differentials are employed in the orders to adjust the Class I differential for Class I milk testing other than 3.5 percent butterfat. The butterfat differential per point (1/10 of one percent) of butterfat in the Greater Cincinnati market averaged $0.0804 for 1963. The butterfat differential per point of butterfat in the Dayton-Springfield market averaged $0.074 for the same period. Corresponding differentials in nearby markets in 1963 were Northeastern Ohio, $0.075; Columbus, $0.074; North Central Ohio, $0.075; Indianapolis, $0.070; and Louisville, $0.072.

In view of the lower differentials in other nearby markets, particularly Dayton-Springfield, improved price alignment among markets may be achieved by computing the butterfat differential for the Greater Cincinnati market on the same basis as that for the Dayton-Springfield market. Such formula provides that the differential each month be equal to the Chicago 92-score butter price per pound for the preceding month multiplied by 0.127. In view of the prevailing test of Class I milk at close to 3.5 percent butterfat, overall returns to producers on Class I milk should be little affected by this change.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which hearings have been held.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreements and orders.* Annexed hereto and made a part hereof are four documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Greater Cincinnati Marketing", and "Order Amending the Order Regulating the Handling of Milk in the Greater Cincinnati Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Dayton-Springfield, Ohio, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Dayton-Springfield, Ohio, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

*Determination of representative period.* The month of August 1964, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the Greater Cincinnati marketing area and the Dayton-Springfield, Ohio, marketing area, respectively, are approved or favored by producers, as defined under the terms of the respective orders, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the respective aforesaid marketing areas.

Signed at Washington, D.C., on November 5, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in Greater Cincinnati Marketing Area*

§ 1033.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Cincinnati marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, on and after the effective date hereof, the handling of milk in the Greater Cincinnati marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, on September 21, 1964, and published in the FEDERAL REGISTER on September 24, 1964 (29 F.R. 13269; F.R. Doc. 64-9714), shall be and are the terms and provisions of this order, and are set forth in full herein subject to a revision of the schedule of standard utilization percentages in § 1033.51(a)(2).

1. In Section 1033.51, paragraph (a) is revised to read as follows:

§ 1033.51 Class prices.

* * * * *

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.34, plus or minus a "supply-demand adjustment" of not more than 50 cents computed as follows:

(1) Divide the aggregate pounds of producer milk in Class I milk (including inventory and "overage", but adjusted to eliminate duplications due to interhandler and intermarket plant transfers) under this part and under Part 1034 of this chapter (Dayton-Springfield, Ohio order) for the second, third and fourth months preceding by the aggregate pounds of producer milk receipts under such parts for the same months, multiply the result by 100 and round to the nearest whole number. The result shall be known as the "Class I utilization percentage";

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum standard utilization percentage listed below increase the Class I price differential by three cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum standard utilization percentage listed below decrease such differential by three cents.

| Month for which price is being computed | Preceding months used in computation | Standard utilization percentages | |
|---|---|---|---|
| | | Minimum | Maximum |
| Jan. | Sept., Oct., Nov. | 66 | 69 |
| Feb. | Oct., Nov., Dec. | 66 | 71 |
| Mar. | Nov., Dec., Jan. | 69 | 72 |
| Apr. | Dec., Jan., Feb. | 66 | 71 |
| May | Jan., Feb., Mar. | 66 | 71 |
| June | Feb., Mar., Apr. | 66 | 69 |
| July | Mar., Apr., May | 60 | 63 |
| Aug. | Apr., May, June | 54 | 57 |
| Sept. | May, June, July | 52 | 55 |
| Oct. | June, July, Aug. | 53 | 56 |
| Nov. | July, Aug., Sept. | 58 | 61 |
| Dec. | Aug., Sept., Oct. | 62 | 65 |

* * * * *

2. In § 1033.52 the introductory text to paragraph (a) and paragraph (a) are revised to read as follows:

§ 1033.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1033.51 of this chapter shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.127.

* * * * *

[1] This order shall not become effective unless and until the requirements of § 900.14 of this title of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.



*Order[1] Amending the Order Regulating the Handling of Milk in the Dayton-Springfield, Ohio, Marketing Area*

§ 1034.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Dayton-Springfield, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, on September 21, 1964, and published in the FEDERAL REGISTER on September 24, 1964 (29 F.R. 13269; F.R. Doc. 64-9714), shall be and are the terms and provisions of this order, and are set forth in full herein subject to a revision of the schedule of standard utilization percentages in § 1034.51(a)(2).

Section 1034.51 is revised to read as follows:

§ 1034.51 Class I milk prices.

Subject to the provisions of § 1034.53 the price for Class I milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) Add $1.24 to the basic formula price for the preceding month plus or minus a "supply-demand adjustment" of not more than 50 cents computed as follows:

(1) Divide the aggregate pounds of producer milk in Class I milk (including inventory and "overage", but adjusted to eliminate duplications due to interhandler and intermarket plant transfers) under this part and part 1033 of this chapter (Greater Cincinnati order) for the second, third and fourth months preceding by the aggregate pounds of producer milk receipts under such parts for the same months, multiply the result by 100 and round to the nearest whole number. The result shall be known as the "Class I utilization percentage";

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum standard utilization percentage listed below increase the Class I price differential by three cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum standard utilization percentage listed below decrease such differential by three cents.

| Month for which price is being computed | Preceding months used in computation | Standard utilization percentages | |
|---|---|---|---|
| | | Minimum | Maximum |
| Jan. | Sept., Oct., Nov. | 66 | 69 |
| Feb. | Oct., Nov., Dec. | 66 | 71 |
| Mar. | Nov., Dec., Jan. | 69 | 72 |
| Apr. | Dec., Jan., Feb. | 66 | 71 |
| May | Jan., Feb., Mar. | 66 | 71 |
| June | Feb., Mar., Apr. | 66 | 69 |
| July | Mar., Apr., May | 60 | 63 |
| Aug. | Apr., May, June | 54 | 57 |
| Sept. | May, June, July | 52 | 55 |
| Oct. | June, July, Aug. | 53 | 56 |
| Nov. | July, Aug., Sept. | 58 | 61 |
| Dec. | Aug., Sept., Oct. | 62 | 65 |

[1] This order shall not become effective unless and until the requirements of § 900.14 of this title of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[F.R. Doc. 64-11451; Filed, Oct. 9, 1964; 8:45 a.m.]

## [7 CFR Parts 1050, 1063]

[Docket Nos. AO-339, AO-339-R01, AO-105-A14]

## MILK IN CENTRAL ILLINOIS AND QUAD CITIES-DUBUQUE MARKETING AREAS

### Decision on Proposed Marketing Agreement and Order and Amendment to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Effingham and Peoria, Illinois, on January 3-12, 1962, pursuant to notice thereof issued December 14, 1961 (26 F.R. 12132). This hearing was reopened at a joint hearing held in St. Louis, Missouri, on January 8-11, 1963, pursuant to notice thereof issued December 20, 1962 (27 F.R. 12773).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary on November 13, 1962 (27 F.R. 11369; F.R. Doc. 62-11465), January 20, 1964 (29 F.R. 1529, Part II; F.R. Doc. 64-781), and January 23, 1964 (29 F.R. 2101, Part III; F.R. Doc. 64-1058) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decisions containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the original January 3-12, 1962, hearing related to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for regulation, and whether the issuance of a new marketing agreement or order or the expansion of existing orders or a combination of both, will best tend to effectuate the policy of the Act; and

3. The form of such regulation and the area to be included under each order.

The hearing gave consideration among other things to the alternative possibilities of:

(1) Issuing a separate order to regulate the handling of milk in all or part of certain counties in Illinois to be known as the Central Illinois marketing area;

(2) Expanding the present Suburban St. Louis marketing area to regulate the handling of milk in all or part of such counties; and

(3) Expanding the present Quad Cities-Dubuque marketing area to include four counties in Illinois.

The findings with respect to the Suburban St. Louis order are not set forth herein as they have been incorporated in another document which covers proposed amendments to that order (and the St. Louis and Ozarks orders) based on a hearing held in Springfield and St. Louis, Missouri, on June 4-11, 1963.

The material issue on the record of the reopened hearing held January 8-11, 1963, related to the marketing of milk in each of 27 markets, including the proposed Central Illinois marketing area, from sources not fully subject to regulation under the respective order. The recommended decision (29 F.R. 2101) contained the pertinent provisions of the proposed order for the Central Illinois marketing area with respect to the integration of other source milk into the regulatory scheme. The final decision on this regional hearing was issued June 19, 1964 (29 F.R. 9109). However, the pertinent provisions for the Central Illinois order were not included with that decision as their issuance was deferred until a decision could be issued on all the issues relating to the proposed order. Therefore, the order proposed herein incorporates the provisions based on that hearing. Such provisions relate primarily to interplant transfers, assignments to classes, handler obligations as to nonpool milk handled, uniform price computations and related administrative provisions. Official notice is taken of such decision. The provisions incorporated in market pool orders on the basis of that hearing are adopted in the order for the Central Illinois marketing area.

*Findings and conclusions.* The following findings and conclusions on the general issues are based on evidence presented at the hearing and the record thereof:

(1) *Character of commerce.* All milk to be regulated by the proposed marketing agreement and order for Central Illinois and the tentative marketing agreement and order as proposed to be amended for Quad Cities-Dubuque is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk and its products.

Although all the area under consideration is located entirely within the State of Illinois, a substantial proportion of the fluid milk products disposed of in the areas to be regulated originates at sources outside the state. A number of farms and plants in the States of Wisconsin, Iowa, Indiana and Missouri have been and are supply sources of milk for the handlers to be regulated. Several Wisconsin plants supply large quantities of milk to handlers located throughout all the area proposed for regulation.

Handlers regulated by the Quad Cities-Dubuque and Rock River Valley orders distribute fluid milk products on routes to some extent in the Central Illinois area. Fluid milk products are also distributed on routes in the Central Illinois area by handlers regulated by the Chicago, Illinois, order. Several handlers regulated either by the Indianapolis, Indiana, or Louisville-Lexington-Evansville order have extensive sales throughout the counties proposed for regulation.

Fluid milk products are imported in packaged form by a handler located in Peoria, Illinois, from an affiliated plant at St. Louis, Missouri, where the milk used to produce such products is priced. Another handler located at Bloomington, Illinois, imports fluid milk products in packaged form from an affiliated plant at Kansasville, Wisconsin, which is regulated by the Milwaukee, Wisconsin, order where the milk used to produce such products is priced. Handlers regulated by the St. Louis, Missouri, order distribute fluid milk products on routes throughout most of the counties in southern Illinois, including those adjacent to the Wabash River.

Fluid milk products received at plants from plants regulated by other orders have been determined to be in the current of interstate commerce or to directly burden, obstruct, or affect interstate commerce. Fluid milk products

received from out-of-state sources by plants to be regulated are disposed of at wholesale and retail in direct and regular competition with fluid milk products derived from milk produced on farms within the state of Illinois. In many instances milk from out-of-state sources and milk produced on Illinois farms are commingled at the time of processing in such plant.

During several months of the year the handlers to be regulated must supplement their supplies of milk from dairy farmers by purchases from other handlers or from sources outside the state. This importation of milk is not confined to a few handlers but is a practice generally followed by most handlers throughout the entire area proposed for regulation. Relatively few plants rely entirely upon milk locally produced on farms to cover their complete need of milk for Class I purposes.

During the spring months, on the other hand, milk delivered by local dairy farmers to handlers to be regulated is generally in excess of the demand for fluid milk products and, therefore, it must be manufactured into various dairy products. These are distributed in other states as well as in Illinois.

(2) *Need for regulation.* The issuance of a marketing agreement and order for Central Illinois and the proposed amendments to the tentative marketing agreement and order for Quad Cities-Dubuque will tend to effectuate the declared policy of the Act.

The area proposed for regulation generally lacks a full supply of milk from local dairy farmers who may be identified as a regular source of Grade A milk for the market. To a large extent handlers rely upon supplies from distant sources mainly in Wisconsin, to supplement milk received from nearby producers. These distant milk supplies, in large part, represent milk which is surplus to the fluid milk requirements of other markets and are only incidentally associated with the area proposed for regulation. Such milk is disposed of on an opportunity basis to fluid milk markets which return the highest price at the time. The suppliers, however, assume no obligation to make milk available when needed by these markets.

Often Grade A milk is purchased from distant but irregular sources at a price higher than that received by local dairy farmers.

Dairy farmers delivering to plants, other than those operated by cooperative associations of which they are members, have little or no opportunity to bargain for the price to be paid for their milk.

No uniform method of payment for milk now exists in the area proposed for regulation. Prices paid producers delivering to the Chicago, Quad Cities-Dubuque, Indianapolis, Suburban St. Louis and Louisville-Lexington-Evansville markets, as well as the cost of available supplies of milk from out-of-state sources, are used by handlers as a basis for paying dairy farmers. This results in various schemes and rates of payments to dairy farmers delivering to plants that would be regulated. Since most of the handlers that will be regulated are engaged primarily in the distribution of Class I milk and since prices paid to dairy farmers are not generally determined on the basis of a classified pricing plan, dairy farmers have no assurance that they are receiving the full utilization value for their milk. Without a classified pricing plan dairy farmers may be paid manufacturing prices for a portion of their milk which is actually disposed of for fluid consumption.

The majority of the dairy farmers on the market deliver their milk to plants operated by proprietary handlers. Most of these farmers, even those belonging to cooperative bargaining associations, have had little voice in the determination of prices paid for their milk. In most cases milk is purchased on a "flat price basis" without regard to the utilization of the milk. Since most of these plants have a high utilization, it results in producers receiving less than full utilization value for their milk.

Grade A milk from other markets which is in excess of the fluid requirements of such markets and which would otherwise be used for manufacturing purposes is available to handlers in the area proposed for regulation. During much of the year this milk may be purchased at a price only slightly in excess of its value for manufacturing uses. The competitive pressure of this supply has adversely affected the bargaining position of producers and has tended to reduce the price for milk used for fluid purposes to a level below the economic value of such milk when used for fluid purposes and below the level which is contemplated should be returned to producers under the Act.

The introduction of regulation will tend to effectuate the declared policy of the Act by assisting in the establishment and maintenance of orderly marketing conditions for all producers and thus provide the basis for insuring an adequate and dependable supply of milk for consumers. The principal measures to be employed for this purpose are:

(a) The determination of minimum prices to producers at levels contemplated under the Agricultural Marketing Agreement Act of 1937, as amended;

(b) The establishment of uniform pricing to handlers for milk received from producers according to a classified pricing plan based upon the utilization made of the milk;

(c) An impartial audit of handlers' records of receipts and utilization, to insure uniform prices for milk purchased;

(d) A means for insuring accurate weights and tests of milk;

(e) Uniform returns to producers supplying the market and an equitable sharing by all producers of the lower returns from the sale of reserve milk; and

(f) Marketwide information on receipts and sales and other data relating to milk marketing in the area.

(3) The form of such regulation and the area to be included under each order.

It is concluded that there should be a separate order for 14 Illinois counties to be called the Central Illinois marketing area. The Illinois counties of Mercer and Henry should be added to the Quad Cities-Dubuque marketing area.

*Proposed marketing agreement and order for the Central Illinois marketing area—Central Illinois marketing area.* The marketing area for Central Illinois should include all the territory within the Illinois counties of: De Witt, Fulton, Knox, Logan, Marshall, Mason, McDonough, McLean, Menard, Peoria, Stark, Tazewell, Warren, and Woodford, together with all local, State and Federal institutions located wholly or partially therein.

The sanitary requirements applicable for Grade A milk produced for fluid distribution throughout the marketing area are patterned according to a U.S. Public Health Ordinance and Code. Milk meeting the sanitary requirements of the State of Illinois is acceptable for distribution throughout the proposed marketing area. The state regulations provide a minimum standard which may be, but seldom is, modified by stricter requirements adopted by local health authorities. The high degree of similarity in the health standards and the reciprocity of approval practiced throughout the 14-county area readily adapt themselves to a single regulation for the handling of all milk produced in such area.

The Central Illinois marketing area as herein proposed includes 9 of the 12 counties which were proposed and supported by the three proponent cooperative associations. The other five counties were proposed and supported by various interested parties. The population of the recommended area is approximately 653,000.

Most of the fluid milk products disposed of on routes in the proposed marketing area are processed in plants located within the area which will be fully subject to the order. Handlers regulated by the Quad Cities-Dubuque, Rock River Valley, Chicago, Indianapolis, and Suburban St. Louis orders also distribute fluid milk products on routes in the marketing area. A small percentage of the total distribution of fluid milk products, less than 1 percent of the total, is distributed by other plants located outside the defined marketing area.

As the result of active competition in the distribution of fluid milk products, wholesale and retail, throughout the counties a complex criss-cross pattern of distribution routes has been established. Several of the largest plant operators maintain route distribution throughout most of the proposed marketing area although each such handler does not maintain routes in each and every county. Handlers with smaller operations tend to be more localized in their distribution, sometimes confining routes to the county within which the plant is located. They are, nevertheless, in active, day-to-day, wholesale and retail route competition with the largest handlers. Although some routes of handlers to be regulated extend into other counties which were proposed for regulation by interested parties and in certain instances even into counties not considered for regulation under this order, the great bulk of their fluid milk



sales is made within the above named counties.

It was concluded in the original recommended decision that the counties of Champaign, Piatt and Vermilion should be included in the Suburban St. Louis marketing area. However, in the revised recommended decision these counties were among those recommended for inclusion in the Central Illinois marketing area.

A further review of the record, in the light of the exceptions to both decisions, and a consideration of the commonly known changes that have taken place in the distribution patterns of handlers and in the general market structure of these three counties, leads to the conclusion that a final determination with respect to these counties should not be made on the present record. Accordingly, these counties should not be included in either the Central Illinois marketing area or the Suburban St. Louis marketing area until a further hearing can be held. New evidence should be developed that will reveal the distribution patterns of handlers and the relationship of these counties to surrounding marketing areas as they exist at the present time.

It was proposed that the counties of Mercer, Henry, Warren and Knox be included either in the expansion of the Quad Cities-Dubuque marketing area or in the Central Illinois marketing area. Most of the distribution of fluid milk products in the counties of Mercer and Henry is made by handlers regulated by the Quad Cities-Dubuque marketing order. Sales of fluid milk products by Central Illinois handlers in these two counties represent only a small percentage of the total distribution of such handlers. It has been concluded elsewhere in this decision that Mercer and Henry counties should be added to the Quad Cities-Dubuque marketing area. Distribution of fluid milk products by handlers regulated by the Quad Cities-Dubuque order in the counties of Warren and Knox is negligible. These two counties are served primarily by handlers to be regulated by the Central Illinois order. They should, therefore, be included in the proposed marketing area.

Bureau, Grundy, La Salle, Livingston, Putnam, Ford, Iroquois, and Kankakee Counties are served primarily by handlers with plants located therein or by plants regulated by other Federal orders. Distribution from Central Illinois area plants in these counties is minor, and they do not form a part of the major distribution area of handlers to be regulated. Accordingly, their inclusion in the proposed marketing area is not recommended.

It was proposed that the counties of Sangamon, Christian, Moultrie, Morgan, Coles and Shelby be added either to the expanded Suburban St. Louis marketing area or to the Central Illinois marketing area. Except for Morgan County, these counties have a much closer association with the Suburban St. Louis market, and hence should not be made a part of the Central Illinois marketing area.

The majority of the distribution of fluid milk products in Morgan County is made by local handlers and by a handler located in Adams County. The major portion of the distribution area of the Adams County handler was not proposed for regulation. Thus, this handler is not expected to be regulated by the order. Inclusion of Morgan County could result in regulation of handlers whose primary association is with other markets and who have little or no sales competition with handlers to be regulated.

Furthermore, it was not shown to be necessary to include Morgan County in either marketing area to maintain integrity of regulation. It is therefore concluded that Morgan County not be included in either marketing area.

*Quad Cities-Dubuque marketing area.* As noted previously in this decision handlers regulated by the Quad Cities-Dubuque order have the major portion of the distribution of fluid milk products on routes in the Illinois counties of Mercer and Henry. Two small handlers purchase milk from approximately a dozen dairy farmers located in Henry County. These handlers are engaged exclusively in the distribution of Class I milk, but purchase their milk on a flat price based on the uniform price announced under the Quad Cities-Dubuque order. There are no handlers located in Mercer County.

These two counties are adjacent to the present Quad Cities-Dubuque marketing area and will encompass more completely the general sales area of the handlers now regulated under this order and will accommodate more orderly marketing of milk in this general area.

Only a small percentage of the distribution in these counties is by handlers who would be regulated by the Central Illinois order. Proponents of its inclusion in Central Illinois indicated only that these counties should be included in one order or the other to promote orderly marketing therein. Because of their much closer relationship with the Quad Cities-Dubuque market, they should be added to that marketing area.

*Proposed marketing agreement and order for Central Illinois Marketing Area—Statement of issues.* The material issues of record relate to:

1. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(a) *The scope of regulation.* The minimum class prices under the order should apply to that milk, which is produced in compliance with the Grade A inspection requirements of any duly constituted health authority, and which is regularly received at plants primarily engaged in processing fluid milk for distribution on retail or wholesale routes in the marketing area, or at plants which are regular and substantial suppliers of milk to such processing plants.

It is necessary that all producer milk be fully regulated under the order regardless of whether it is disposed of within or without the marketing area. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in area" milk is subject to classification, pricing and pooling, a handler with sales outside the marketing area could assign any value he chose to such sales and thereby reduce the average cost of his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. In short unless all milk of such a handler is fully regulated he would not in fact be subject to effective price regulation at all. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and lead to a complete breakdown of the order.

As noted in the decision of June 19, 1964 (29 F.R. 9109) referred to above, there is no way to treat unregulated milk equally with regulated milk other than to regulate it fully. In the case of plants having insufficient association with the market to meet pool plant requirements, it was concluded that the inequalities resulting from pricing only the small percentage of the milk at such plants which was disposed of in the marketing area would not be serious enough to jeopardize the marketing conditions within the regulated marketing area.

However, in the case of plants which have sufficient association with the market to meet the pool plant requirements, permitting them to dispose of a portion of their receipts outside the marketing area completely free of regulation would, because of the volume of milk they dispose of in the marketing area, disrupt orderly marketing processes within the regulated market and render ineffective the classification and pricing provisions of the order. With a handler free to value a portion of his milk at any price he chose (zero if he desired) it would be impossible to enforce uniform prices to all regulated handlers or a uniform basis of payments to the producers who supply the market.

It is absolutely essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

This milk may be identified by providing appropriate definitions of the terms "producer", "handler", "producer-handler", "distributing plant", "supply plant", "pool plant", "producer milk", "other source milk", and "fluid milk product".

*Producer.* The term "producer" should include dairy farmers who regularly provide Grade A milk to pool plants for fluid consumption in the marketing area. Accordingly, the definition of "producer" should distinguish between



those farmers who produce milk in com-

those farmers who produce milk in compliance with the sanitary requirements of a fluid market and other dairy farmers whose milk is qualified only for manufacturing purposes. Milk intended for fluid consumption in the proposed area is required to be produced in compliance with specific health standards. In addition to the milk which complies with Grade A requirements of a state or municipal health ordinance that which is approved by government authorities at installations under their supervision also would be considered as satisfying the health approval provision.

The qualification of a dairy farmer as a "producer" should be established primarily on receipt of his milk at a plant which is substantially supplying the marketing area, hereinafter defined as a "pool plant".

*Handler.* "Handler" is a term used to cover all persons operating plants or otherwise having responsibility with respect to the marketing of milk in the area. It would include (a) persons operating pool plants, (b) persons operating nonpool plants from which Grade A milk is supplied to the market, and (c) cooperative associations with respect to milk diverted to a nonpool plant or which is delivered to a pool plant in a bulk tank truck owned and operated by, or under contract to, the association, if the association gives prior notice to the market administrator and the plant operator of its intention to be the handler for such milk.

When a cooperative association is the handler for bulk tank milk delivered to the pool plant of another handler, the transaction constitutes an interhandler transfer and will be classified in the same manner as a transfer between pool plants. The pool plant operator will be required to pay the association the class prices for milk received. The association, in turn, will be required to settle with the pool through the producer-settlement fund.

*Distributing plant.* A "distributing plant" means any plant at which fluid milk products are processed and packaged and from which Grade A fluid milk products are disposed of on routes in the marketing area during the month.

*Supply plant and reload point.* "Supply plant" means any plant at which Grade A milk is received from dairy farmers and cooperative associations as handlers and from which fluid milk products are moved to a distributing plant. This definition should not include facilities approved, by a health authority exercising jurisdiction in the marketing area, only for the transfer of milk from one tank truck to another and for the washing of tank trucks and at which, milk moved from the farm in a tank truck, is commingled in another tank truck, with milk from other farms before entering a milk plant. These latter facilities should be designated a "reload point".

If such reloading operations are conducted on the premises of a plant at which equipment for the receiving, cooling, storing and processing of milk is currently being used to handle milk, such facilities should not be considered a reload point and the reloading of milk conducted on the premises of such a plant should be considered a part of the operation of the plant. This would not preclude a reload point from being operated on the premises of a plant which is not currently used for receiving, cooling, storing or processing milk.

In their exceptions, producers indicated that this definition is needed to accommodate reloading operations which presently function to assure the market of an adequate and dependable supply of milk. The facilities in question are used to assemble milk by transferring smaller loads of milk from farm pickup trucks to larger over-the-road tankers. Milk in these larger tankers can be transported to a plant for processing at much less cost than the same milk in a number of vehicles of smaller capacities. Such reloading operations are usually conducted at some distance from a pool plant and reloaded milk is held in a larger over-the-road truck for only a short time until a full load is assembled.

Provision should be made to exclude such an operation from the supply plant definition. Any milk received at a pool plant which passes through a reload point should be considered to be a direct receipt at the pool plant just as if it came directly from farms of producers. This provision will insure producers whose milk goes through a reload point that they will receive the uniform price applicable at the pool plant of receipt rather than the price which might apply at such a reloading facility in the absence of a specific exclusion from the supply plant definition. In order to clearly distinguish between a supply plant and a reload point, it should be provided that any facility, with equipment for the receiving, cooling, storing and processing of milk which is in current use, not be considered a reload point as defined since it would be performing certain marketing functions other than assembling. Receiving, cooling, and storing of milk before moving it to distributing plants are clearly the functions of a supply plant. Any milk moved from farms to such a facility should, therefore, be considered to have been received at the plant at that location and not at a reload point.

*Pool plant.* Generally there are two categories of milk plants functioning in the Central Illinois market. In one category are plants from which packaged fluid milk products are distributed in the marketing area. Such plants are defined as "distributing plants". In the other category are plants at which milk is received from dairy farmers, commingled and shipped to other plants for further processing and distribution. Such plants are defined as "supply plants".

Distributing plants should be further divided into two categories—pool distributing plants, those having a significant association with the market and nonpool distributing plants, those with only an incidental association.

To qualify under the first category a distributing plant should have a total route distribution, both inside and outside the marketing area during the month, of an amount equal to 50 percent or more of its Grade A receipts from dairy farmers and from cooperative associations, in their capacity as handlers with respect to bulk tank milk, during each of the months of August through February and 40 percent during all other months.

In addition to the above standards such a plant should dispose of as fluid milk products on routes in the marketing area during the month, either a minimum of 10 percent or more of its Grade A receipts from dairy farmers and from cooperative associations, in their capacity as handlers with respect to bulk tank milk, or an average of not less than 7,000 pounds per day. A plant meeting either of these standards is sufficiently identified with the market to participate in the marketwide pool under the order on a regular basis. These are the same standards as provided in the present Suburban St. Louis order.

A plant which distributes on routes within the marketing area a volume of Class I milk equal to 7,000 pounds per day is an important competitive factor in the market and should be subject to full regulation, even though this volume represents less than 10 percent of its Grade A receipts from dairy farmers and cooperatives in their capacity as handlers.

Use of the fixed figure rather than of a percentage related to the total Class I sales by all handlers in the market will afford the operators of plants an opportunity to know beforehand whether they will be subject to regulation and will permit them to adjust their business accordingly. It will also eliminate the shifting in and out of the pool of plants whose distribution in the area might be fairly constant but might vary percentagewise to the total in the pool as total Class I sales change seasonally or for other causes.

It was proposed that during the spring months the requirement that a distributing plant dispose of through route distribution an amount equal to at least 50 percent of its total receipts be reduced to 35 percent. Certain distributing plants that have been regularly associated with the Central Illinois market have maintained supply and distribution patterns which indicate the need for a lower standard during the months of March through July. On the basis of this record a decrease in the standard during these flush months from 50 percent to 40 percent should be adequate during the initial period of the operation of the order. The lower standard during the March through July period will assure dairy farmers regularly associated with the market an opportunity to continue to participate in the marketwide pool. Receipts of milk for custom bottling would not be included in determining a plant's qualification.

A number of exceptions were filed to the recommendation that all Grade A milk received at a distributing plant be included in the computations to determine whether a distributing plant has met the pooling standards of the order. Exceptions pointed out that a number of pool handlers under the Suburan St. Louis order have at times received large volumes of excess Grade A milk from other pool plants which is manufactured



into nonfluid products. These plants, which presently serve as surplus disposal outlets, can now handle such excess supplies without the danger of such supplies resulting in the loss of pool status because transfers from other plants are excluded in determining pool status.

The orderly disposition of reserve milk supplies for the Central Illinois market can best be achieved by permitting the efficient use of all available manufacturing outlets. The recommended order is, therefore, revised so that only Grade A receipts from dairy farmers and cooperative associations as handlers would be compared to total Class I route distribution in determining the pool plant status of distributing plants. This provision is identical to the provision presently in the Suburban St. Louis order and will permit the continued use of regular outlets for the disposition of excess Grade A milk without the danger of the distributing plants which receive such milk losing their pool status.

The second category of distributing plants consists of those plants which distribute only a token share of their fluid milk products on routes in the marketing area. The primary sales territory of such plants is in another market which may be subject to substantially different marketing conditions. Such a plant might suffer undue hardship through becoming regulated as a result of minor sales in the marketing area.

The marketing performance provisions of the order should permit a distributing plant meeting the requirements for full regulation under this order and another order and with a greater proportion of its Class I disposition in the other market, but which was pooled under this order in the most recent months, to retain pool status under this order until the third consecutive month in which a greater volume of Class I sales is made in the other marketing area. However, it must be recognized that the provisions of the other order may require such plant to be pooled under such other order. In such circumstances, the plant should be exempted from regulation under this order except for a requirement to file reports and permit verification.

A distributing plant meeting the pooling requirements of more than one order should in general be regulated under the order covering the area in which it has the greatest proportion of its distribution. However, recognition should be given to the confusion that would result were a plant, with almost equal utilization in this and another market, to shift back and forth from one pool to the other with minor changes in its distribution pattern. A handler operating a pool distributing plant which has been subject to regulation under this order and continues to meet the pool standards provided herein, generally should not be subject to another order unless it has disposed of more milk on routes in such other marketing area than in the Central Illinois marketing area for three consecutive months. This will afford the handler reasonable notice that regulation is shifting from one order to another and will afford him the opportunity to make adjustments in his business if he desires to do so. Provision is made also for exempting from regulation under this order a plant which may, for one or two months, dispose of a greater portion of milk in the Central Illinois marketing area than in the area of the order to which it has been subject, if such other order contains a provision similar to the one provided herein.

There are several plants from which fluid milk products are distributed on routes that receive no milk directly from dairy farmers. Their total supply of milk is received either from supply plants or from cooperative associations as handlers of bulk tank milk. Other distributing plants operating in the market and receiving milk directly from dairy farmers find the volume of such milk is insufficient to meet their full demand for fluid milk products. Some of these plants purchase supplemental milk from supply plants seasonally, while others do so on a regular and continuing basis.

Supply plants from which 50 percent or more of the receipts of Grade A milk from dairy farmers and cooperative associations as handlers is regularly delivered to pool distributing plants are clearly associated with the market. The dairy farmers supplying such plants should participate in the marketwide pool. Supply plants from which minor or incidental shipments of milk are made to pool distributing plants are not primarily associated with this market and should not participate in the pool.

It was proposed that a supply plant should be considered a regular source of supply for the market if shipments to pool distributing plants during the month are equal to 50 percent or more of its receipts of Grade A milk from dairy farmers during each of the months of September through November. Under the marketing conditions currently prevalent in this market, distributing plants rely on supply plants for a substantial volume of milk during each of the months of September through January. It is therefore concluded that supply plants which qualify as pool plants during each of the months of September through January should be allowed to maintain pool status if the operator so desires, during the following months of February through August, even though in such months the operator of such plant may ship to the market less than the standards herein provided. This will accommodate the economical handling of seasonal reserve supplies which normally would not be needed by distributing plants during the February through August period.

*Producer-handler.* The term "producer-handler" would apply to any person who produces milk on his own farm(s) and operates a plant from which fluid milk products are distributed on routes in the marketing area but who receives no fluid milk products from sources other than his own farm(s) or from pool plants.

The milk produced by a "producer-handler" would be exempt from pooling. In view of this it is necessary in the interest of orderly marketing that the term cover a particular type of operation. A handler whose milk supply is obtained entirely from his own production and from pool plants would qualify as a producer-handler.

The record does not disclose the number of producer-handlers but there would appear to be no more than two or three such handlers distributing fluid milk products on routes in the defined marketing area. Their competitive impact on other handlers and on other dairy farmers, under the present circumstances, is such that their full regulation is not necessary to insure orderly marketing throughout the area.

The order should provide that transfers of milk to producer-handlers from pool plants be a Class I disposition by the transferor handler. Receipts of milk at a pool plant from producer-handlers should be other source milk. This classification is appropriate, otherwise producer-handlers would share in the Class I sales of the market while not bearing a proper share of the reserve supplies associated with such Class I sales.

The exemption of producer-handlers from pooling might provide an incentive for individuals to attempt to adopt devices to circumvent the order's intent to regulate plants which receive milk from farmers. To preclude the use of such devices the order should provide that, to be a producer-handler, the maintenance, care and management of the dairy animals and all other resources used to produce the milk as well as the resources used in the processing, packaging and distribution of the milk be at the sole risk of the person who claims producer-handler status.

A producer-handler would be required to make such reports of his receipts and utilization as the market administrator deems necessary to verify the status of such person's operation and to facilitate verification of transactions with other handlers.

*Producer milk.* "Producer milk" should be defined as all skim milk and butterfat received at a pool plant directly from producers or from a cooperative association, and milk diverted by the operator of a pool plant or by a cooperative association under specific conditions. It was proposed that operators of pool plants should be permitted to divert milk production of a producer to the pool plant of another handler on an unlimited basis. There are many circumstances that arise when it is more practical and economical to move milk directly from the farm to the pool plant of another handler. Such movement of milk should be permitted but not on an unlimited basis. So that there may be proper accounting of milk received from dairy farmers while accommodating the economical movement of milk between pool plants, the operator of a pool plant should be limited to diverting the milk of not more than one-half of the days of production during the month of a producer to the pool plant of another handler.

Generally the purpose of the diversion privilege is to facilitate the movement of milk to nonpool plants when all of the



supply of Grade A milk in the market milk would continue to be available

supply of Grade A milk in the market is not needed for Class I purposes. Allowing for unlimited diversion to nonpool plants during those months when the reserve supplies of milk are heaviest will contribute to the economical movement of milk to nonpool plants. Unlimited diversion, however, is neither necessary nor desirable during the other months of the year when producer milk regularly associated with the market is needed to supply the Class I needs of the market. It is necessary even during the short supply season to permit handlers to divert milk on weekends or holidays or under unusual circumstances when the milk is not needed to fill the Class I needs of the market.

It is, therefore, provided that the operator of a pool plant may divert the milk production of a producer from a pool plant to a nonpool plant for any number of days during the months of February through August but during the months of September through January diversion to a nonpool plant should be limited to not more than one-half of the days of production of a producer during such month. A cooperative association would be similarly limited in the diversion of milk production of its producer-members from a pool plant or directly from the farm to a nonpool plant.

Likewise, diversion should be permitted on a limited basis between pool plants under this order and nonpool plants which are subject to full regulation under another order. Such milk designated as being diverted would thereby retain its association with the Central Illinois order as producer milk. It must be recognized, however, that the provisions of the other order may require that such milk be pooled under the other order. In that instance, such milk would not be producer milk under this order and would be excluded from the pricing and pooling provisions.

A handler should be permitted to divert producer milk equal to the number of days' production of any producer which is received at a Central Illinois pool plant during the month. Milk diverted in excess of this limt should be considered a part of the supply at the plant to which diverted and should not be producer milk under this Part. Permitting diversion of approximately 15 days' production of a producer during any month to a plant regulated under another order will significantly improve the orderly disposition of reserve milk not needed for fluid use by regulated handlers.

A correlative provision should be placed in the order to allow milk received by diversion from a plant at which such milk would be fully subject to pricing and pooling under another order issued pursuant to the Act to remain associated with the other order and not be producer milk under this Part on days when such milk was received at a Central Illinois pool plant. Such a provision would permit milk to be diverted from regulated plants under nearby markets and yet allow producers to retain their association with the other orders.

Thus, a number of pool plants throughout the State of Illinois which presently serve as outlets for surplus milk would continue to be available to accommodate surplus milk diverted between orders without such diverted milk being considered a receipt at these plants for purposes of determining pool plant status. Dairy farmers who are regularly associated with a certain Federal order market and whose milk is generally pooled under such order would continue to participate in the pool with which they are normally associated on days when their milk is diverted to a Central Illinois pool plant. However, recognition must be given to the possibility that the other order may exclude milk so diverted to a Central Illinois pool plant from its pricing and pooling provisions. In this case, the milk would be a direct receipt of producer milk at a Central Illinois pool plant and would participate in the marketwide equalization of this order.

Milk diverted for the account of the operator of a pool plant, or a cooperative association, from a pool plant to a nonpool plant shall be considered to have been received at the location of the pool plant from which diverted.

*Other source milk.* "Other source milk" should be defined as all skim milk and butterfat contained in fluid milk products received by a handler at his plant(s) (except producer milk, inventory of fluid milk products at the beginning of the month, and fluid milk products received from pool plants), products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month and any disappearance of nonfluid milk products not otherwise accounted for. As noted above, receipts from a producer-handler would be other source milk.

*Fluid milk product.* "Fluid milk product" should be defined as milk, skim milk, buttermilk, flavored milk and flavored milk drinks, "unmodified" or "fortified" including "dietary milk products" and reconstituted milk or skim milk; concentrated milk not in hermetically sealed containers; cream, sweet or sour; and mixtures of cream and milk or skim milk, but not including the following: frozen cream, aerated cream products, cultured sour cream mixtures, other than sour cream, eggnog, yogurt, ice cream and frozen dessert mixes, and cream or cream products in hermetically sealed containers.

*Additional definitions.* Additional definitions such as "Act", "Secretary", "Department", "person", "cooperative association", "nonpool plant", "route", and "Chicago butter price" should be included in the order for brevity and clarity in describing the operation of various order provisions. They are self explanatory.

(b) *Classification and allocation of milk.* Skim milk and butterfat are not used in most products in the same proportions as contained in producer milk, and, therefore, it is appropriate that they be classified as Class I or Class II separately according to use. Class prices, however, will apply to each hundredweight of milk and will be adjusted by butterfat differentials according to the butterfat content of the milk used in each class.

(1) *Classes of milk.* Class I milk should be all skim milk and butterfat disposed of in those fluid milk products which are required by health authorities having jurisdiction in the marketing area to be made from Grade A milk. The specific products included in Class I have already been specified in the definition of fluid milk product.

Fluid milk products which contain concentrated skim milk solids, such as skim milk drinks and buttermilk, to which extra solids are often added, or unsterilized concentrated whole milk disposed of for fluid use, should be included under the Class I definition. Products, such as evaporated or condensed milk which are either packaged in hermetically sealed containers or are used in the manufacture of other milk products, should not be considered concentrated milk and should not be classified as Class I.

Concentrated and reconstituted milk and skim milk should be classified as Class I including all water originally associated with the milk solids used. Concentrated milk to be restored to its original form in the home through the addition of water and reconstituted fluid milk products compete for the same Class I sales as whole milk and displace producer milk which is available for the same purpose. Therefore, accounting for these fluid milk products on the basis of original volume, including all the water originally associated with the solids, is necessary to return to producers a value commensurate with the use and availability of their milk for Class I purposes.

It is also necessary that milk solids used to fortify Class I products be priced as Class I utilization. However, it is not necessary to price as Class I all the water originally associated with the solids. The addition of the solids used in fortification does not displace producer milk in Class I in this market and by making a more desirable product may actually result in increased sales of producer milk.

To maintain proper accounting for such items, however, the nonfat milk solids added to such fortified items should be converted to their skim milk equivalent and an amount equal to the difference between the skim milk equivalent of the fortified product and the actual weight of the product disposed of in fluid form should be classified as Class II. The skim milk equivalent of such nonfat solids would likewise be considered a receipt of other source milk by the handler. Through the allocation procedures any additional charge to handlers would be eliminated.

Class II should include skim milk and butterfat used to produce those less perishable products which are not required to be made from Grade A milk. These products would include butter, cheese, evaporated and condensed milk, nonfat dry milk, cottage cheese, ice cream mix, eggnog, and cultured sour cream mixtures other than sour cream. In addition to the skim milk equivalent of nonfat solids added to fortified fluid milk products, Class II should also include the skim



milk component of any fluid milk product which is dumped after prior notification to and opportunity for verification by the market administrator; skim milk and butterfat used for livestock feed to the extent that appropriate records of such utilization are available; and skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises.

Butterfat and skim milk used to produce Class II products should be considered disposed of when so used. Handlers will need to maintain production records of such products, however, to permit audit of the utilization by the market administrator.

(2) *Transfers.* Exceptions were filed to the recommended surplus disposal area of 400 miles from Peoria, Illinois. Exceptions pointed out that a number of plants which have historically served as outlets for handling reserve supplies of the market are located in Wisconsin at a distance greater than 400 miles from Peoria. It would not be conducive to orderly marketing to provide that any milk moved to such plants be classified as Class I, since it would interfere with the orderly disposal of seasonal surpluses.

A distance of 450 miles is needed to accommodate the continued use of these outlets for handling the market's reserve supplies and to accommodate the orderly disposition of reserve milk.

(c) *The determination and level of class prices.* In order to restore and maintain orderly marketing conditions in the Central Illinois marketing area, minimum Class I and Class II prices for producer milk must be established at levels which will reflect economic conditions affecting the market supply and demand for milk and its products and assure the maintenance of a supply of quality milk adequate for the needs of the market.

The Class I price should be established at a level which will bring forth the required supply of fluid milk for Class I needs plus a reasonable reserve supply. Too low a Class I price will result in the production of insufficient milk to meet the Class I needs of the market. On the other hand, a Class I price which is too high will attract more milk than is needed to supply the demand for Class I milk including the necessary reserve. Such oversupplies would tend to shift agricultural resources into the production of unnecessary and uneconomical surpluses which would depress the blend price to producers.

Class II prices should be established at a level which will assure a market for milk delivered by producers in excess of Class I needs in the market. Such prices should not, however, encourage the development of milk supplies for use in Class II products.

Class prices as well as uniform prices to producers should be computed and announced for milk of 3.5-percent butterfat content. Milk prices in this general area are now quoted for milk of 3.5 percent butterfat. Continuation of the practice of announcing prices at this butterfat content will facilitate comparison of prices with other markets throughout the country.

(1) *Class I price.* For the first 18 months beginning with the effective date of the pricing sections of this order the Class I price for milk of 3.5-percent butterfat content at plants located within the marketing area should be the basic formula price for the preceding month plus $1.40 during each of the months of August through November; plus $1.00 during each of the months of March through June and plus $1.20 during all other months. Class I prices should be further adjusted by increasing or decreasing, respectively, such prices by 2 cents for each full percent that the adjusted supply demand ratio computed pursuant to Part 1030 (Chicago) of this Chapter is greater or less than 72 percent. This price adjustment should be limited to increases or decreases of not more than 24 cents.

The basic formula price should be the Minnesota - Wisconsin manufacturing milk price series. This is now used as a basis for pricing Class I milk in the other Federal order markets located in the Midwest area. Official notice is taken of a final decision issued February 21, 1962 (27 F.R. 1802), in which that series is recommended for use as the basic formula in these markets.

The purpose of this basic formula price is to reflect the general economic factors underlying the price for milk used in manufactured dairy products. Because the market for manufactured dairy products is nationwide, prices for such products and the milk used in them reflect to a large extent changes in general economic conditions affecting the supply and demand for milk. By using manufacturing milk prices as a formula factor in determining Class I prices it is possible to reflect such general economic factors automatically in the Class I price.

The basic formula price would be used in establishing the Class I price and should be the average price paid for manufacturing grade milk in Minnesota and Wisconsin for the preceding month as reported by the Department. Prices paid by the large number of plants in these two states are reported to the Department on the basis of the actual butterfat tests of milk received. The average price should be adjusted to a 3.5-percent butterfat test by a differential obtained by multiplying the Chicago butter price by 0.120. This butterfat differential is reflective of the value of butterfat at plants in this two-state region.

This price series reflects about the same level of prices as those reported paid at selected midwest condenseries. It was proposed that a condensery price series should be used as an alternative factor in the basic formula. However, the number of plants reporting prices for condenseries has been reduced to seven. Three of these seven plants are operated by one business concern and a further reduction in the number of reporting plants could result in the discontinuance of this price series.

The Minnesota-Wisconsin price series reflects prices paid by a large number of plants in these two states, and, therefore, provides a more representative basic price. Moreover, this price series is now in general use in Federal order markets and its use here will facilitate alignment of prices in this market with prices in surrounding order markets. The differentials to be added to the basic formula price follow the same seasonal pattern as those added to the Chicago order basic formula. The differential of the Central Illinois area should be 30 cents above the differentials for Chicago. Adjusting the Class I price for the Central Illinois market by the supply-demand ratio provided for in the Chicago order will further provide alignment of class prices between the two markets as well as other surrounding order markets.

There is no uniform system of determining prices at the present time in the Central Illinois market. The three proponent cooperative associations, another cooperative association, and individual handlers all use various schemes in determining the blend price to be paid to dairy farmers. In some instances, but not uniformly, "base" and "excess" prices are paid producers.

The wide variation in pricing schemes in the market and the lack of a classified plan for pricing milk makes it difficult to properly appraise the existing price levels in this market in relation to the supply and demand for milk. With the issuance of a Federal milk order, it may reasonably be assumed that the level of the Class I price in the Central Illinois area must bear an appropriate relationship to Class I prices in surrounding other Federal order markets.

Various proposals were made to establish the Class I price. These proposals varied from the addition of $1.15 to the basic formula price each month to the addition to the Chicago price of amounts which would provide an average annual differential above the basic formula of $1.08 to $1.34. The annual average differential to be added to the basic formula price to determine the Class I price as recommended in this decision would be $1.20. All proposals would adjust the Class I price by the supply-demand ratio of the Chicago order. During the past year this supply-demand ratio has reduced the Class I price by 24 cents each month.

The Chicago, Illinois, market Class I price is currently reduced because of large milk supplies relative to sales. Since the Central Illinois market procures a portion of its regular supply and all of its reserve supplies from the same general area as the Chicago market, it is appropriate that class prices for this order be related to those in the Chicago market. This is best accomplished by adjusting the Class I price for this market in the same manner and to the same degree as the Class I prices are adjusted in Chicago by the supply-demand adjuster.

Class I prices in the Central Illinois market should reflect local milk supply and sales relationships as well as a reasonable alignment with other markets. However, complete data with respect to receipts and sales of milk in the Central Illinois area are not available. Therefore, this approach is not practical at this time. Moreover, the conditions of

supply and sales are likely to be somewhat different under a program of orderly pricing than they have been in this unregulated market.

(2) *Class II price.* The Class II price should be based on the average price paid for manufacturing grade milk by plants in Minnesota and Wisconsin.

As noted above, this price series has been adopted as the basis for determining the Class I price. In this market it provides an equally satisfactory standard for pricing the reserve milk that must be manufactured into dairy products. It will reflect the competitive value of milk for manufacturing uses in the area from which this market draws a substantial portion of its milk supply.

Elsewhere in this decision the need for aligning Class I prices with those of other markets, particularly to the north, has been noted. It is equally important that prices for reserve milk be so aligned. Most of the plants on which this market relies for its reserve supply are located in northern Illinois or southern Wisconsin. Milk from this area is regularly furnished to the Chicago, Madison, and Rock River Valley marketing areas and handlers in these markets are in active competition with Central Illinois handlers for the available milk. Official notice is taken of the fact that these markets use the Minnesota-Wisconsin price series for pricing reserve supplies of milk. Use of the same price series in this order will maintain proper intermarket alignment of prices. Its feasibility in achieving the orderly disposition of reserve supplies in markets where it is now in use for this purpose indicates that it should also achieve the same result in this market. It will be high enough, however, so that it will not encourage handlers to procure milk supplies solely for the purpose of converting them into manufactured dairy products.

Proponents of the marketing order for this area proposed that the Class II price be the higher of either the Minnesota-Wisconsin price series or the price resulting from a butter-powder formula.

The butter-powder formula should not be used as an alternative price for Class II milk. In addition to the deficiencies which are inherent in the formula which must be based on an arbitrary allocation of manufacturing costs, its use only when it would return a higher price than the Minnesota-Wisconsin price could result in intermarket dislocation of reserve supplies at times when it was the effective Class II price in the Central Illinois order.

(3) *Butterfat differentials.* The class and uniform prices are established for milk containing 3.5 percent butterfat. Therefore, to reflect differences in the value of milk due to variation in butterfat content, it will be necessary to adjust Class I, Class II and uniform prices in accordance with the average butterfat test of milk in each class and of the milk delivered by each producer. The values obtained by multiplying the average price of 92-score butter at Chicago by 0.12 for Class I and 0.115 for Class II will provide an appropriate basis for adjusting the class prices for each one-tenth of one percent variation of butterfat content.

It was proposed that the Class II butterfat differential be at the same level as the Class I butterfat differential. On the basis of the record and a comparison of butterfat differentials in surrounding markets it is concluded that a Class II differential determined by multiplying the Chicago butter price by 0.115 will price butterfat at a level that will facilitate its disposition while leaving the skim milk value at a level more appropriately aligned with today's market.

The butterfat differential to producers should be calculated at the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class during the month. This follows the principle of uniform pricing to producers and will reflect changes in the use of butterfat and skim milk in each class.

(4) *Location differentials.* Class I and uniform prices paid by handlers operating plants located at a considerable distance from the market should be subject to minus adjustments to reflect the cost of moving milk to the market. Adjustments to Class I prices at such plants are necessary to equalize the cost of milk to all handlers distributing in the marketing area. Adjustments to the producers' prices will recognize the lesser location value of milk which must be transported considerable distances to the major distribution centers within the marketing area.

No location adjustment should apply at plants located within the State of Illinois within 50 miles of the City Hall in Peoria, Illinois, or south of the northernmost boundaries of Henderson, Warren, Knox, Stark, Marshall, Woodford, Livingston, Ford, and Iroquois Counties. The area thus circumscribed constitutes a homogeneous supply-demand region in which the competitive procurement among handlers requires the same Class I price level.

Location adjustment rates should apply to plants located outside the State of Illinois or in the State but north of the counties of Henderson, Warren, Knox, Stark, Marshall, Woodford, Livingston, Ford and Iroquois and 50 miles or more from the City Hall in Peoria, Illinois. Plants located outside the State of Illinois or north of the specified counties in the State of Illinois and more than 50 miles from the City Hall in Peoria but not more than 60 miles should receive a location adjustment of 7.5 cents per hundredweight. A further adjustment at the rate of 1.5 cents for each additional 10 miles or fraction thereof should apply at such plants located in excess of 60 miles from the City Hall in Peoria.

The rates provided herein reflect the approximate cost of moving milk to the marketing area. Transportation costs per mile are normally greater for short hauls than for longer hauls. Exhibits indicated that milk could be hauled from anticipated supply sources at approximately the rates provided herein. The location differentials as proposed will establish prices at each pool plant which will not only permit such pool plants to compete among themselves on the basis of prices adjusted to reflect transportation costs but will also establish prices at such plants which are aligned with minimum prices effective at plants regulated under nearby Federal milk orders.

No location adjustment should apply to Class II milk. The cost involved in moving manufactured products is minor relative to the cost involved in moving whole milk. Manufactured dairy products are much less perishable and the components of manufactured products are usually in concentrated form. Accordingly, there is little value in the milk used for manufacturing purposes which can be equated to plant location.

Since the supply of Grade A milk at pool plants in the marketing area is not adequate at all times to supply the demand for fluid milk products, some tolerance should be allowed in the assignment to Class I of milk brought in from supply plants. In calculating the location adjustment, transfers may be assigned to Class I only to the extent that 105 percent of Class I disposition at the transferee plant exceeds the sum of receipts at such plant from producers and cooperative associations, and the volume assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment to transferor plants shall be made first to plants at which no location adjustment credit is applicable and then in sequence beginning with the plants at which the lowest rate of such adjustment credit would apply.

(5) *Equivalent price.* If for any reason a price quotation required for computing class prices or for any other purpose is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Experience has shown that quotations described in the order may not be available at all times. It is concluded that provision for such contingencies should be made by providing for a determination by the Secretary of an equivalent price.

A number of exceptions were received to the recommended Class I price for the proposed Central Illinois market. These exceptions were mixed with respect to the appropriate differential to be applied in computing the Class I price. They ranged from a proposal to increase the proposal to reduce it ten cents. The exceptions failed to establish the need for a Class I price, for the market, other than that previously recommended.

(d) *Distribution of proceeds to producers.* The order should contain provisions which describe the means whereby the payments made by handlers for milk at class prices are to be converted to uniform prices to be paid to producers. The provisions should specify also the terms under which such payments must be made.

(1) *Type of pool.* The order should provide for the distribution of returns to producers through a marketwide equalization pool requiring payments for milk by all handlers.

Payments by handlers to producers have been made in many instances without regard to the utilization of milk by the handler and prices paid by different



handlers have varied considerably. When a handler did not need milk for fluid milk products he could reduce his supply by discontinuing purchases from certain producers.

A proposal was made to adopt the individual-handler type pool. The proposal was not supported at the hearing.

It should be pointed out, however, that under an individual-handler pooling system handlers in this market would be encouraged to buy from producers only enough milk to supply their Class I needs. Thus, a handler having 100 percent Class I utilization could add producers whenever he needed more milk and discontinue purchases from certain producers when he did not need the milk for Class I use. This adding and dropping of producers would create unstable marketing and would shift the burden of carrying the necessary reserve for the market to other handlers and to other producers.

The marketwide pool will insure that each producer supplying the market will receive a return based on his pro rata share of Class I and Class II utilization. Each producer will receive a "blend" price for his milk which will reflect the average utilization in the market. Each handler, however, will pay for milk according to the class prices. The utilization of all pool plants will be averaged to derive a uniform "blend" price for all producers.

The marketwide pooling of returns to producers will promote efficient handling of milk in the area. The proposed marketing area encompasses a wide geographical area with the supply of milk readily available at some plants in much greater or lesser supply than at others. Some plants disposing of milk in the proposed marketing area have no manufacturing facilities. Such plants normally limit their receipts of producer milk to the quantity needed for Class I in the flush production season and procure supplemental supplies of milk for Class I during the short production. Other plants have some manufacturing facilities or outlets available to market surplus supplies, and thus are able to carry adequate supplies of milk throughout the year.

The marketwide pool will enable a handler with manufacturing facilities or a cooperative association to handle the reserve supplies and to pay producers the same price as is paid by handlers who do not assume the responsibility of carrying the necessary reserve. The lower return for the reserve milk in the market will thereby be apportioned equally among all producers in the market. Under an individual-handler pool this burden would be carried by individual groups of producers.

A marketwide pool facilitates the sharing among all producers of the Class I utilization under contracts for large quantities of Class I products. There are several governmental institutions in the area which let contracts for fluid milk products on a bid basis. A marketwide pool permits a handler to bid on the contract business of military installations and other public institutions and to obtain supplies for such sales without upsetting the market when the business shifts from one handler to another.

Under the circumstances which exist in the Central Illinois market a system of marketwide pooling will promote and maintain more efficient and orderly marketing of milk than would an individual-handler pool.

(2) *Producer-settlement fund.* Because all producers will receive payment at the rate of the marketwide uniform price each month, and because the payment due from each handler at the applicable class prices may be more or less than he is required to pay directly to his producers, some method of balancing these differences is necessary. A handler who is required to pay more according to his utilization than he is required to pay his producers, shall pay such difference into the producer-settlement fund. A handler who is required to pay less according to his utilization than he is required to pay his producers shall receive such difference from the producer-settlement fund.

For efficient functioning of the producer-settlement fund, a reasonable reserve should be set aside each month. This fund is necessary to cover such contingencies as a failure of a handler to pay his monthly billing promptly to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the order by withholding from the pool computation each month an amount equal to not less than four cents nor more than five cents per hundredweight of producer milk.

If the balance in the producer-settlement fund is insufficient to cover the payments due handlers, the market administrator shall uniformly reduce payments per hundredweight to such handlers. The remaining amounts due such handlers should be paid as soon as the balance in the fund is sufficient to meet such payments, and producers in turn should receive full payment from handlers. In order to reduce the possibility of this occurring, milk received by any handler who has failed to make the required payments for the preceding month would not be included in the computation of the uniform price.

(3) *Payments to producers.* Each handler should pay each producer for milk received from him and for which payment is not made to a cooperative association, at the applicable uniform price no later than the 20th day after the end of each month.

Provision should be made for a cooperative association, if it so desires, to receive payment for the producer milk of its members which is received by a pool plant. The collection of payments for milk of its members will permit the cooperative association to reblend proceeds from the sale of such milk, will tend to facilitate the transfer of milk from handler to handler to maximize the use of producer milk in Class I as well as aid in the diversion of surplus milk to nonpool plants. Thus, a cooperative association will be assisted in discharging its responsibilities to its members and the market.

The Act provides for the payment by handlers to cooperative associations of producers for milk delivered by their members and permits the reblending of all proceeds from the sale of member milk. Cooperative associations in the area have contracts with their members which allow the associations to collect payment for members' milk. Therefore, each handler, if so requested, should pay cooperative associations, in lieu of paying the producer, the full amount due for such producer's milk. The association's request should provide for reimbursement for any loss incurred because of an improper claim. Handlers should be required to pay the association two days before payment is required to be made to individual producers so that the cooperative will have time to reblend its receipts and pay its members on the same date nonmembers are required to be paid.

At the time final settlement is made by the handler he should submit to the producer (or his cooperative association) a supporting statement. Such statement should contain the identity of each producer, the total pounds and average butterfat content of milk, the rate used in making the payment, the rate and nature of each deduction claimed by the handler and the net amount of payment to each producer.

In the recommended decision, it was concluded that sufficient seasonal variation in producers' prices would result from the seasonality of the recommended Class I pricing without the necessity of adopting a "Louisville plan".

Exceptions pointed out that a fall incentive plan similar to that contained in the Suburban St. Louis order would be beneficial to the Central Illinois market by providing incentive for more seasonal production. For this reason, and because provisions of the two orders should be as nearly alike as possible for maximum effectiveness, a "Louisville plan" identical to that applicable in the Suburban St. Louis market is recommended for the Central Illinois market.

The recommended "Louisville plan" is a fall incentive plan which operates by subtracting during each of the months of April through July an amount equal to ten cents per hundred-weight on the total amount of producer milk in the pool. This money is then retained in the producer-settlement fund and disbursed during each of the months of October, November and December of the same year by adding one-third of the total amount subtracted during the previous flush months of April through July, to the uniform price computations.

The mechanics of computing the fall incentive payment plan appear in the separate document on compensatory payments. This is done since the method of computing such adjustment can best be expressed in the uniform price computations.

(e) *Administrative provisions.* Certain other provisions are needed in the order to carry out the administrative steps necessary to accomplish the purposes of the proposed regulation.

(1) *Terms and definitions.* In addition to the definitions discussed earlier in this decision which established the scope of regulation, certain other terms and definitions are desirable for the purpose of brevity and to assure that each usage of the term implies the same meaning. Several terms as defined in the proposed order are common to most other Federal orders.

(2) *Market administrator.* The order should provide for the appointment by the Secretary of a market administrator to administer the order and should set forth the powers and duties of the market administrator.

(3) *Records and reports.* Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make the reports necessary to establish the proper classification and pricing of milk and payments due producers for milk.

It is essential that handlers' reports be submitted to the market administrator not later than the 8th day of each month. The market administrator should announce the uniform price for the previous month's milk by the 14th of each month. The payroll report of each handler should be submitted to the market administrator on or before the 20th day of each month. It should include such information as weights, butterfat tests, payments for milk and authorized deductions.

Handlers should maintain and make available to the market administrator all records and accounts of their operations which are necessary to determine the accuracy of the information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled and to verify all payments required under the orders.

Detailed reports to the market administrator by all handlers would be used to determine whether the plants of such handlers qualify as pool plants.

The market administrator should report to each cooperative association, which so requests, the percentage of milk delivered by its members and utilized in each class at each pool plant receiving such milk. For the purpose of this report the percentage of members' milk in each pool plant should be prorated in the proportion that producer milk was utilized by that handler. These reports are necessary for cooperative associations to market their member milk most efficiently so that available producer milk will be channeled to available Class I uses.

The order should also provide for a specific period of time that handlers are required to retain books and records and the time which such obligations expire. The provision made in this order is identical in principle to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F.R. 444). The decision covering the retention of records and claims is equally applicable in this situation and is adopted as a part of this decision.

It was proposed in regard to reports which handlers are required to file and the records and facilities which must be made available to the market administrator to verify such reports that the term "reasonably necessary" be inserted for the term "necessary". The testimony in support of the substitute language infers that the addition of the word "reasonably" would transfer the immediate responsibility for determining what records and reports are necessary from the market administrator to some unknown person. This would leave uncertainty in regard to such matters and, thus, hamper effective administration of the order. Hence, the proposal should not be adopted. The handler is not, of course precluded from seeking administrative correction of any demands of the market administrator which he deems are unreasonable.

(4) *Expense of administration.* The Act requires handlers to pay the cost of operating an order through an assessment on milk handled. Each handler operating a pool plant should be required to pay to the market administrator, as his proportionate share of the cost of administering the order, four cents, or such lesser amount as the Secretary may prescribe, on all receipts within the month of milk from producers including milk of such handler's own production, and any other source milk allocated to Class I, except milk so assessed under another Federal order.

The market administrator must have funds sufficient to enable him to administer the order. The order is designed to share this cost equitably among all handlers distributing milk in the proposed marketing area. However, to prevent duplication, an assessment should not be made on other source milk on which an assessment was made under another Federal order.

Provision should be made so that the Secretary may reduce the amount of the administrative assessment without the necessity of amending the order. The rate can thus be reduced when experience indicates a lower rate will be sufficient to provide adequate funds for the administration of the order.

(5) *Marketing service.* Provisions should be made in the order for providing for producers marketing services, such as the verification of tests and weights of producer milk and furnishing them with market information. The services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. If a cooperative association is performing such services for its member producers and is approved for such activity by the Secretary, the market administrator may accept this in lieu of his own services.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of individual producers' deliveries as reported by the handler are proved to be accurate.

An additional phase of this market service program is to furnish producers with current market information. Efficiency in the production, utilization and marketing of milk will be promoted by providing for the dissemination of current market information on a marketwide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of six cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the number of producers involved, location of handlers' plants and the expected volume of milk with that of markets of comparable size indicates that this maximum rate is reasonable and should provide funds necessary to conduct the program. If later experience indicates that marketing services can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of a hearing.

(6) *Interest payments on overdue accounts.* Provision is made for the payment of interest on amounts due to or from accounts of the market administrator at the rate of one-half percent on the first day of the month following the date such obligation is due and on the first day of each succeeding month until such obligation is paid.

Prompt payment of amounts due to or from the market administrator is essential to the operation of order provisions. Interest charges will encourage payment of amounts due on or before the specified date. The rate provided herein is reasonable to compensate for the cost of borrowing money in accord with normal business practices.

Interest charges should not be assessed on payments due to cooperative associations. These payments are not within the immediate supervision of the market administrator and, therefore, he cannot positively determine that payments to cooperative associations have not been made on time.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.



*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the order (Part 1063) regulating the handling of milk in the Quad Cities-Dubuque marketing area and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the proposed order for the Central Illinois marketing area and the tentative marketing agreement and the order as hereby proposed to be amended for the Quad Cities-Dubuque marketing area and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the proposed order for the Central Illinois marketing area and the tentative marketing agreement and the order as hereby proposed to be amended for the Quad Cities-Dubuque marketing area will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Marketing agreements and orders.* Annexed hereto and made a part hereof, are four documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Central Illinois Marketing Area", and "Order Regulating the Handling of Milk in the Central Illinois Marketing Area"; and "Marketing Agreement Regulating the Handling of Milk in the the Quad Cities-Dubuque Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Quad Cities-Dubuque Marketing Area". The above agreements and orders have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the order as hereby proposed to be amended, and, in the case of Central Illinois as proposed to be issued, by the attached orders which will be published with this decision.

*Referendum orders; determination of representative period; and designation of referendum agents.* It is hereby directed that referenda be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Quad Cities-Dubuque marketing area and the order regulating the handling of milk in the Central Illinois marketing area, are approved or favored by the producers, as defined under the terms of the order as hereby proposed to be amended, and, in the case of Central Illinois, as proposed to be issued, and who during the representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

The month of July 1964 is hereby determined to be the representative period for the conduct of such referenda.

A. T. Radigan is hereby designated Agent of the Secretary to conduct the referendum for the order regulating the handling of milk in the Central Illinois marketing area, and E. H. McGuire is hereby designated Agent of the Secretary to conduct the referendum for the Quad Cities-Dubuque marketing area. Such referenda are to be conducted in accordance with the procedure for the conduct of referenda to determine producer approval of marketing orders (15 F.R. 5177), such referenda to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on November 5, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

*Order[1] Regulating the Handling of Milk in the Central Illinois Marketing Area*


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AUTHORITY: The provisions of this Part 1050 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

**§ 1050.0 Findings and determinations.**

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Central Illinois marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which

[1] This order shall not become effective unless and until the requirements of § 900.14 of this title of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, four cents per hundredweight or such amount not to exceed four cents per hundredweight as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production); (b) other source milk allocated to Class I pursuant to § 1050.46(a)(3) and § 1050.46(a)(7) and the corresponding steps of § 1050.46(b); and (c) packaged Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plants from pool plants and other order plants.

*Order Relative to Handling—It is therefore ordered,* That on and after the effective date hereof, the handling of milk in the Central Illinois marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 1050.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1050.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1050.3 Department.

"Department" means the United States Department of Agriculture.

§ 1050.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1050.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, known as the "Capper-Volstead Act"; and

(b) To be engaged in making collective sales, or marketing milk or its products for its members.

§ 1050.6 Central Illinois marketing area.

"Central Illinois marketing area", hereinafter called the "marketing area" means all of the territory within the counties of De Witt, Fulton, Knox, Logan, Marshall, Mason, MacDonough, McLean, Menard, Peoria, Stark, Tazewell, Warren, and Woodford, all in the State of Illinois, together with all municipal corporations therein and all institutions owned or operated by the Federal, State, county or municipal Government located wholly or partially within such counties.

§ 1050.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who, in compliance with the Grade A inspection requirements of a duly constituted health authority, produces milk for distribution as fluid milk products or produces milk acceptable for fluid consumption at Federal, State or municipal institutions, and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1050.14.

§ 1050.8 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool distributing plants or supply plants, except that in the case of recognized divisions of the same company, which the market administrator determines are operated as separate and distinct business units, each such division shall be a handler with respect to the plant or plants which it operates;

(b) Any person who operates a partially regulated distributing plant;

(c) A cooperative association with respect to producer milk diverted for the account of such association from a pool plant to a nonpool plant;

(d) A cooperative association with respect to producer milk which is delivered from the farm to the pool plant(s) of another handler for the account of a cooperative association in a tank truck owned or operated by such cooperative association, if the cooperative association, on or before the first day of the month in which such milk is received from producers, has notified, in writing, both the market administrator and the handler to whom the milk is delivered, that it wishes to be the handler for such milk. The cooperative association shall be considered the handler for such milk effective the first day of the month following receipt of such notice and milk so delivered shall be considered as having been received by the cooperative association at a pool plant at the location of the first plant to which it is delivered; and

(e) A producer-handler, or any person who operates an other order plant.

§ 1050.9 Producer-handler.

"Producer-handler" means a person who:

(a) Operates a distributing plant at which no fluid milk or fluid milk products are received during the month except that of his own farm milk production or that which is transferred from a pool plant(s); and

(b) Assumes as his personal enterprise and risk the processing and distribution of fluid milk products and the maintenance, care and management of dairy animals and other resources necessary to produce his own farm milk production.

§ 1050.10 Distributing plant.

"Distributing plant" means any plant at which fluid milk products are processed and packaged and from which Grade A fluid milk products are disposed of on a route(s) in the marketing area during the month.

§ 1050.11 Supply plant.

"Supply plant" means any plant (except a reload point) at which Grade A milk is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 1050.12 Pool plant.

"Pool plant" means:

(a) A distributing plant, other than that of a producer-handler or one described in § 1050.61, from which during the month:

(1) Disposition of fluid milk products in the marketing area on routes is equal to 10 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1050.8(d), or from which an average of not less than 7,000 pounds per day of fluid milk products is distributed on routes in the marketing area; and

(2) Total disposition of fluid milk products on routes is equal to 50 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1050.8(d) during the months of August through February and 40 percent during all other months: *Provided,* That in determining receipts at a plant which disposes of packaged fluid milk products to another distributing plant, receipts of milk in bulk from such plant shall be excluded in an amount equal to the volume returned to such plant in packaged form;

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1050.8(d) is moved to and received at a pool plant(s) described in paragraph (a) of this section.

Any supply plant that was a pool plant during each of the months of September through January shall continue to be a pool plant during the following months of February through August unless the operator of such plant notifies the market administrator in writing before the first day of any such month of his intention to withdraw such plant as a pool plant, in which case such plant shall thereafter be a nonpool plant until it again meets the shipping requirements set forth in this paragraph: *Provided,* That for each month from the effective date of this order through August 1965, the supply plant may be a pool plant if the operator of such plant furnishes proof that 50 percent of such plant's receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1050.8(d) during the preceding period of September through January, inclusive, was shipped to distributing plants pursuant to paragraph (a) of this section.

§ 1050.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is not an other order plant nor a producer-handler plant.

§ 1050.14 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk which is:

(a) Received during the month at a pool plant directly from producers (including milk which is commingled at a reload point) except that received by diversion pursuant to paragraph (b)(1) of this section: *Provided,* That milk received at a pool plant by diversion from a plant at which such milk would be fully subject to the pricing and pooling under the terms or provisions of another order issued pursuant to the Act shall not be producer milk; or

(b) Diverted by the operator of a pool plant or by a cooperative association subject to the following conditions:

(1) Diverted during the month from a pool plant to another pool plant(s) for not more days of production of producer milk than is physically received at a pool plant or plants pursuant to paragraph (a) of this section;

(2) Diverted from a pool plant to a nonpool plant(s) at which the handling of milk is not fully subject to the pricing and pooling provisions of another order issued pursuant to the Act on any day during the months of February through August and in any other month for not more days of production of producer milk than is physically received at a pool plant(s) pursuant to paragraph (a) of this section;

(3) Diverted during the month from a pool plant to a nonpool plant(s) at which the handling of milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act for not more days of production of producer milk than is received at a pool plant(s) pursuant to paragraph (a) of this section: *Provided,* That milk so diverted shall not be producer milk if, notwithstanding the provisions of this subparagraph, the milk is fully subject to the pricing and pooling provisions of the other order;

(4) Milk diverted for the account of a handler in his capacity as operator of a pool plant shall be deemed to have been received at the pool plant from which diverted; and

(5) Milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant from which diverted.

§ 1050.15 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except:

(1) Fluid milk products received from pool plants;

(2) Producer milk; and

(3) Inventory of fluid milk products on hand at the beginning of the month;

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted for.

§ 1050.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk and flavored milk drinks unmodified or "fortified" including "dietary milk products" and reconstituted milk or skim milk; concentrated milk not in hermetically sealed containers; cream, sweet or sour; and mixtures of cream and milk or skim milk, but not including the following: frozen cream, aerated cream products, cultured sour cream mixtures other than sour cream, eggnog, yogurt, ice cream and frozen dessert mixes, and sterile cream or mixtures in hermetically sealed containers.

§ 1050.17 Route.

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product to a retail or wholesale outlet other than a milk plant or a commercial food processing establishment.

§ 1050.18 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

§ 1050.19 Reload point.

"Reload point" means a location at which facilities approved, by a health authority exercising jurisdiction in the marketing area, only for the transfer of milk from one tank truck to another and for the washing of tank trucks and at which milk moved from the farm in a tank truck is commingled in a tank truck with milk from other tank trucks before entering a milk plant: *Provided,* That reloading facilities on the premises of a plant having equipment for the receiving, cooling, storing and processing of milk, which equipment is in current use, shall be considered a supply plant rather than a reload point.

MARKET ADMINISTRATOR

§ 1050.20 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 1050.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make such rules and regulations as are necessary to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1050.22 Duties.

The market administrator shall perform all the duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount, and with satisfactory surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay from the funds received pursuant to § 1050.86, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1050.85, that are necessarily incurred by him in the maintenance and functioning of his office, and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments of each handler by audit, or such other investigation as may be necessary, of such handler's records and facilities and of the records and facilities of any other person upon whose utilization the classification of skim milk and butterfat depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or payments required by this part;

(i) Prepare and disseminate to producers, handlers and the public, general information as he deems necessary;

(j) On or before the date specified herein, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 6th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month; and

(2) The 14th day of each month, the uniform price and the producer butterfat differential for the preceding month;

(k) On or before the 14th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk received by each handler from members of the association. For the purpose of this report the milk caused to be delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class;

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1050.46(a)(8) and the corresponding step of § 1050.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1050.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS AND FACILITIES

**§ 1050.30 Reports of receipts and utilization.**

Not later than the 8th day after the end of the month, each handler shall report to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler operating a pool plant(s) shall report for each pool plant(s) and a cooperative association which is a handler pursuant to § 1050.8 (c) or (d) shall likewise report the quantities of skim milk and butterfat contained in:

(1) Receipts of milk from producers, including receipts of the handler's own production;

(2) The quantities of skim milk and butterfat contained in milk and milk products received from other pool plants and from a cooperative association which is a handler pursuant to § 1050.8(d);

(3) The quantities of skim milk and butterfat contained in other source milk, including milk which has been classified and priced under other Federal orders;

(4) The inventories of skim milk and butterfat on hand at the beginning and the end of the month;

(5) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the disposition of Class I milk outside the marketing area;

(6) The name and address of each producer from whom milk was received with statements showing dates on which such producer started shipping and the date on which milk shipments stopped; and

(7) Such other information with respect to the receipts and utilization of milk and milk products as the market administrator may require; and

(b) Each handler specified in § 1050.8 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk.

**§ 1050.31 Payroll reports.**

(a) On or before the 20th day after the end of the month, each handler operating a pool plant shall report to the market administrator in the detail and on forms prescribed by the market administrator his producer payroll for that month which shall show for each producer:

(1) His name and address;

(2) The total pounds and butterfat content of milk received during the month;

(3) The amount of any deductions authorized in writing by such producer to be made from payments due for milk delivered; and

(4) The prices paid and the net amount of the payment to each producer;

(b) Each handler operating a partially regulated distributing plant (except a handler making payments pursuant to § 1050.62(b)) shall report to the market administrator on or before the 20th day after the end of the month for each dairy farmer from whom milk was received, the same information as required pursuant to paragraph (a) of this section.

**§ 1050.32 Other reports.**

Each producer-handler and each handler pursuant to § 1050.61 shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

**§ 1050.33 Records and facilities.**

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers and disbursement of money so deducted.

**§ 1050.34 Retention of records.**

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

**§ 1050.35 Reports to cooperative associations.**

Each handler who receives milk during the month from producers for which



payment is to be made to a cooperative association pursuant to § 1050.80(b) shall report to such cooperative association for each such producer on forms approved by the market administrator as follows: On or before the 7th day after the end of the month:

(1) Total pounds of milk received from each producer together with the butterfat content of such milk, and

(2) The amount or rate and nature of any deductions authorized by a cooperative association.

CLASSIFICATION

**§ 1050.40 Skim milk and butterfat to be classified.**

The skim milk and butterfat to be reported by each handler pursuant to § 1050.30 shall be classified each month by the market administrator pursuant to the provisions of § 1050.41 through § 1050.46.

**§ 1050.41 Classes of utilization.**

Subject to the conditions set forth in §§ 1050.42 to 1050.46 the classes of utilization shall be as follows:

(a) *Class I.* Class I shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2), (3), (4), (5), and (6) of this section. Fluid milk products which have been fortified by the addition of nonfat solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content; and

(2) Not accounted for as Class II.

(b) *Class II.* Class II shall be:

(1) All skim milk and butterfat used to produce any product other than a fluid milk product;

(2) All skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises;

(3) All skim milk authorized by the market administrator to be dumped;

(4) All skim milk and butterfat accounted for as disposed of for livestock feed;

(5) The inventories of fluid milk products on hand at the end of the month;

(6) The skim milk and butterfat contained in that portion of "fortified" fluid milk products not classified as Class I pursuant to paragraph (a)(1) of this section;

(7) In shrinkage of skim milk and and butterfat, respectively, assigned pursuant to § 1050.42(b)(1), but not to exceed the following:

(i) Two percent of milk received directly from producers; plus

(ii) One and one-half percent of milk received in bulk tank lots from pool plants of other handlers; plus

(iii) One and one-half percent of milk received from a cooperative association which is the handler for such milk pursuant to § 1050.8(d), (except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage shall be two percent); plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of milk disposed of in bulk tank lots to plants of other handlers (except when the exception specified in subdivision (iii) of this subparagraph applies or the milk is diverted, the applicable percentage shall be two percent) and to nonpool plants; and

(8) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1050.42(b)(2).

**§ 1050.42 Assignment of shrinkage.**

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between: (1) Skim milk and butterfat, respectively, in the receipts used in the computations pursuant to § 1050.41(b)(7); and (2) skim milk and butterfat in other source milk in fluid form, exclusive of that specified in § 1050.41(b)(7).

**§ 1050.43 Responsibility of handlers.**

In establishing the classification of skim milk and butterfat as required by this part, the burden rests upon the handler who first receives such skim milk or butterfat to establish to the satisfaction of the market administrator that such skim milk or butterfat should not be classified as Class I.

**§ 1050.44 Transfers.**

Skim milk and butterfat disposed of by a handler, including a cooperative association in its capacity as a handler pursuant to § 1050.8 (c) and (d), to another plant shall be classified:

(a) At the utilization indicated by both handlers, otherwise as Class I milk, if transferred or diverted from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1050.46(a)(8) and the corresponding step of § 1050.46 (b). If a specified utilization is not claimed by both handlers, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is a handler pursuant to § 1050.8(d), shall be classified pro rata to the respective amounts remaining in each class for such month at the pool plant of the receiving handler after the computation pursuant to § 1050.46(a)(8) and the corresponding step of § 1050.46 (b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1050.46(a)(3) and the corresponding step of (b), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1050.46(a)(7) and (8) and the corresponding steps of (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 450 miles by the shortest highway distance as determined by the market administrator, from the City Hall of Peoria, Illinois, except that cream so transferred may be classified as Class II if the handler claims Class II use and establishes that such cream was transferred to a nonpool plant without Grade A certification and that each container was labeled or tagged to indicate that the contents were for manufacturing use and that the shipment was so invoiced;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 450 miles, by the shortest highway distance as determined by the market administrator, from the City Hall of Peoria, Illinois, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1050.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants,

next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk; and

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraphs (1), (2) or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1050.41.

### § 1050.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to this part and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler, or in the case of a cooperative association, for that milk received pursuant to § 1050.8 (c) and (d): *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat solids contained in such product, plus all the water originally associated with such solids.

### § 1050.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1050.45, the market administrator shall determine the classification of producer milk at each pool plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1050.41(b)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(c) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler.

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph.

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (4) (iii) of this paragraph pursuant to the following procedure:



(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1050.22(i); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers and cooperative associations according to the classification assigned pursuant to § 1050.44(a); and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragfaph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

## Minimum Prices

### § 1050.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

### § 1050.51 Class prices.

The respective minimum prices per hundredweight to be paid by each handler, f.o.b. his plant, for milk received from producers or from a cooperative association during the month shall be as follows:

(a) *Class I price.* The Class I price for the first 18 months beginning with the effective date of this provision shall be the basic formula price for the preceding month plus $1.40 during each of the months of August through November; $1.00 during each of the months of March through June and plus $1.20 during all other months, and it shall be increased or decreased, respectively, by whatever amount the Class I price computed pursuant to Part 1030 (Chicago) is increased or decreased by the supply-demand, adjustment computed for such month under such part.

(b) *Class II price.* The Class II price shall be the basic formula price for the month.

### § 1050.52 Butterfat differentials to handlers.

For each class of milk containing more or less than 3.5 percent butterfat, the class price calculated pursuant to § 1050.51 shall be increased or decreased, respectively, for each one-tenth of a percent of butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.12;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

### § 1050.53 Location adjustments to handlers.

(a) For milk from producers and for other source milk for which a location adjustment credit is applicable which is received at a pool plant located outside the State of Illinois, or in the State of Illinois but north of the northernmost boundaries of the counties of Henderson, Warren Knox, Stark, Marshall, Woodward, Livingston, Ford and Iroquois, and which is transferred to another pool plant in the form of fluid milk products and assigned to Class I pursuant to this section, or otherwise classified as Class I, the price specified in § 1050.51(a) shall be reduced 7.5 cents if such plant is 50 or more miles by the shortest accessible highway distance, as determined by the market administrator from the City Hall in Peoria, Illinois, plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 60 miles; and

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee plant only to the extent that 105 percent of Class I disposition at the transferee plant exceeds the sum of receipts at such plant from producers and cooperative associations pursuant to § 1050.8(d), and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

### § 1050.54 Equivalent price provision.

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specific price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

## Application of Provisions

### § 1050.60 Producer-handler.

Sections 1050.40 through 1050.54 and §§ 1050.61 through 1050.86 shall not apply to a producer-handler.

### § 1050.61 Handlers subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b) and (c) of this section the provisions of this part shall not apply except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) A distributing plant from which the Secretary determines a greater portion of fluid milk products is disposed of on routes in another marketing area regulated by another order issued pursuant to the Act and which is fully subject to such other order: *Provided*, That a distributing plant which was a pool plant under this order in the immediately preceding months shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition on routes is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated by such other order;

(b) A distributing plant meeting the requirements of § 1050.12(a) which also meets the pooling requirements of another marketing order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which is nevertheless fully regulated under such other marketing area; and

(c) Any plant qualified pursuant to § 1050.12(b) for any portion of the period of February through August, inclusive, that the milk at such plant is subject to the classification and pricing

provisions of another order issued pursuant to the Act.

**§ 1050.62 Obligations of handler operating a partially regulated distributing plant.**

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) of (b) of this section. If the handler fails to report pursuant to §§ 1050.30(b) and 1050.31 the information necessary to compute the amount specified in paragraph (a), he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1050.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1050.70(e) and a credit in the amount specified in § 1050.82(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1050.30(b) and 1050.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1050.12(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification to such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher.

DETERMINATION OF PRICES TO PRODUCERS

**§ 1050.70 Computation of the net pool obligation of each pool handler.**

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1050.46(c), by the applicable class prices (adjusted pursuant to §§ 1050.52 and 1050.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1050.46(a)(10) and the corresponding step of § 1050.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1050.46(a)(5) and the corresponding step of § 1050.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1050.46(a)(3) and the corresponding step of § 1050.46(b); and

(e) Add an amount equal to the value at the class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1050.46(a)(7) and the corresponding step of § 1050.46(b).

**§ 1050.71 Computation of the uniform price.**

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content which is received from producers at pool plants at which no location adjustments are applicable as follows:

(a) Combine into one total the values computed pursuant to § 1050.70 for all handlers who filed the reports prescribed by § 1050.30 for the month and who made the payments pursuant to §§ 1050.80 and 1050.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1050.73;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1050.72 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1050.70(e).

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in subparagraph (e)(2) of this section by the weighted average price;

(h) Subtract during each of the months of April, May, June and July, an amount equal to 10 cents per hundredweight for each hundredweight of producer milk specified in subparagraph (e)(1) of this section;

(i) Add during each of the months of October, November and December, one-third of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

**§ 1050.72 Butterfat differential to producers.**

In making payments pursuant to § 1050.80 there shall be added to, or subtracted from, the uniform price of milk of 3.5 percent butterfat content, for each one-tenth of one percent of butterfat in such producer milk above or below 3.5 percent, as the case may be, a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1050.52 weighted by the pounds of butterfat in producer milk in Class I and II, respectively, with the result rounded to the nearest tenth of a cent.



**§ 1050.73 Location differentials to producers and on nonpool milk.**

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1050.53; and

(b) For purposes of computations pursuant to §§ 1050.82 and 1050.83 the weighted average price shall be adjusted at the rates set forth in § 1050.53 applicable at the location of the nonpool plant from which the milk was received.

**§ 1050.74 Notification of handlers.**

On or before the 14th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in §§ 1050.30 and 1050.31 at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) The uniform price computed pursuant to § 1050.71 and the butterfat differential computed pursuant to § 1050.72; and

(c) The amounts to be paid by such handler pursuant to §§ 1050.82, 1050.85, or 1050.86 and the amount due such handler pursuant to § 1050.83.

PAYMENTS

**§ 1050.80 Time and method of payment.**

Each handler shall make payment as follows:

(a) To each producer from whom milk is received during the month and to whom payment is not made pursuant to paragraph (b) of this section, on or before the 20th day of the following month, an amount equal to not less than the uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(1) Less marketing service deductions made pursuant to § 1050.85;

(2) Plus or minus adjustments for errors made in previous payments made to such producer; and

(3) Less proper deductions authorized in writing by such producer: *Provided*, That, if by such date, such handler has not received full payment from the market administrator pursuant to § 1050.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall, on or before the second day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section: *Provided*, That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association.

(c) On or before the 10th day of the following month for milk received from a cooperative association for which it is a handler pursuant to § 1050.8(d) at not less than the value of such milk at the applicable class prices.

**§ 1050.81 Producer-settlement fund.**

The market administrator shall establish and maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments made by handlers pursuant to §§ 1050.62 (a) and (b), 1050.82, and 1050.84 and out of which he shall make all payments pursuant to §§ 1050.83 and 1050.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

**§ 1050.82 Payments to the producer-settlement fund.**

On or before the 15th day after the end of the month each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section;

(a) The total of the net pool obligation computed pursuant to § 1050.70 for such handler; and

(b) The sum of

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1050.80; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1050.70(e).

**§ 1050.83 Payments out of the producer-settlement fund.**

On or before the 17th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1050.82(b) exceeds the amount computed pursuant to § 1050.82(a). If at such time the balance in the producer-settlement fund is insufficient to make all payment pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

**§ 1050.84 Adjustment of accounts.**

Whenever audit by the market administrator of any reports, books, records, accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

**§ 1050.85 Marketing services.**

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 1050.80, shall deduct six cents per hundredweight, or such amount not exceeding six cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 20th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 20th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deduction and the amount of milk for which such deduction is computed for each producer.

**§ 1050.86 Expense of administration.**

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 20th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to (a) producer milk (including such handler's own production); (b) other source milk allocated to Class I pursuant to § 1050.46(a)(3) and (7) and the corresponding steps of § 1050.46(b), and (c) packaged Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

**§ 1050.87 Overdue accounts.**

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1050.82, 1050.83, 1050.84 (a) and (b), 1050.85(a), or 1050.86 shall be increased one-half of one percent on the first day of the month following after the date such obligation is due and on the first day of each succeeding month until such obligation is paid. Any remittance received by the market administrator postmarked prior to the first of the month shall be considered to have been received when postmarked.

**§ 1050.88 Termination of obligations.**

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account of which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and record pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 608c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

**§ 1050.100 Effective time.**

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

**§ 1050.101 Suspension or termination.**

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

**§ 1050.102 Continuing obligations.**

If, upon the suspension or termination of any or all provisions of this part, or any amendments thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

**§ 1050.103 Liquidation.**

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

**§ 1050.104 Agents.**

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

**§ 1050.105 Separability of provisions.**

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

*Order[1] Amending the Order Regulating the Handling of Milk in the Quad Cities-Dubuque Marketing Area*

**§ 1063.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Quad Cities-Dubuque marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, three cents per hundredweight or such amount not to exceed three cents per hundredweight as the Secretary may prescribe, with respect to (a) producer milk, (b) other source milk allocated to Class I pursuant to § 1063.46 (a)(3) and (7) and the corresponding steps of § 1063.46 (b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

*Order Relative to Handling—It is therefore ordered*, That on and after the effective date hereof, the handling of milk in the Quad Cities-Dubuque marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, as follows:

Section 1063.6 is revised to read as follows:

**§ 1063.6 Quad Cities-Dubuque marketing area.**

"Quad Cities-Dubuque marketing area" hereinafter called the marketing area means the territory within the boundaries of the counties of Clinton, Dubuque, Jackson, Muscatine and Scott in the State of Iowa; the counties of Henry, Mercer and Rock Island, and the city of East Dubuque, in the State of Illinois, including territory within such boundaries that is occupied by Government (Municipal, State or Federal) reservations, installations, institutions, or other establishments.

[F.R. Doc. 64-11452; Filed, Nov. 9, 1964; 8:45 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of this title of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.



# DEPARTMENT OF LABOR

## Wage and Hour Division

[ 29 CFR Part 681 ]

## PUERTO RICO

### Piece Rates

Pursuant to section 6(a)(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(2)), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), I hereby propose to amend 29 CFR 681.9 (b) by increasing the piece rates appearing there commensurate with increases in the minimum hourly wage rates now applicable under the Fair Labor Standards Act of 1938 for the button, jewelry, and lapidary work industry in Puerto Rico (29 F.R. 13668).

Any person interested in the proposal may file a written statement of data, views, or argument regarding it with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C., 20210, within 15 days after this notice is published in the FEDERAL REGISTER.

As amended, 29 CFR 681.9(b) would read as follows:

**§ 681.9 Minimum piece rates prescribed by the Administrator.**

* * * * *

(b) *Piece rate for hand-braiding leather buttons.* A minimum piece rate of 46 cents a gross shall be paid to homeworkers in Puerto Rico engaged in the hand-braiding of leather buttons, 24 to 30 ligne by the following method: Tying a braided knot around the tip of a finger, bringing the knot into a rounded button shape by pulling the ends of the strip, forming the button shank from the prepared shank end of the strip, and trimming the loose end by cutting off the excess leather; all operations to be performed upon undegreased leather strips, each of which has been cut in advance to suitable dimensions so that one end may be formed into the button shank and the remainder braided to become the rounded button.

* * * * *

(Sec. 6, 52 Stat. 1062; 29 U.S.C. 206)

Signed at Washington, D.C., this 4th day of November 1964.

CLARENCE T. LUNDQUIST,
*Administrator.*

[F.R. Doc. 64-11480; Filed, Nov. 9, 1964; 8:48 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

[ 21 CFR Part 46 ]

## PEANUT BUTTER; DEFINITIONS AND STANDARDS OF IDENTITY

### Proposed Modification of Standard of Identity

In the matter of establishing a definition and standard of identity for peanut butter:

A notice of proposed rule making was published in the FEDERAL REGISTER of July 2, 1959 (24 F.R. 5391), setting forth a proposal by the Commissioner of Food and Drugs to establish a definition and standard of identity for peanut butter. Based upon views and comments received and other information available at that time, the Commissioner published in the FEDERAL REGISTER of November 28, 1961 (26 F.R. 11209), an order establishing a definition and standard of identity for the subject food. Thereafter, persons adversely affected submitted objections to the peanut butter order in accordance with the provisions of section 701 of the Federal Food, Drug and Cosmetic Act and the Commissioner of Food and Drugs published an order in the FEDERAL REGISTER of February 1, 1962 (27 F.R. 943), staying the standard in its entirety. Subsequently, pertinent information has been received that was not available to the Commissioner at the time the standard of identity for peanut butter was established. Additionally, some of the peanut butter manufacturers have supplemented their objections.

It has been concluded that it will promote the interests of consumers and of others concerned for the Commissioner to publish a proposed revision of the standard of identity for peanut butter and to solicit the views and comments of all interested persons on such revision. Therefore, as provided in the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and pursuant to the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), notice is hereby given that the Commissioner of Food and Drugs, on his own initiative, proposes to modify the definition and standard of identity for peanut butter so that, as revised, it will read as follows:

**§ 46.1 Peanut butter; identity; label statement of optional ingredients.**

(a) Peanut butter is the food prepared from one of the shelled and roasted and ground peanut ingredients provided for by paragraph (b) of this section. One or more of the optional seasoning and stabilizing ingredients provided for by paragraph (c) of this section may be added, but such added ingredients do not in the aggregate exceed 10 percent of the weight of the finished food. During processing, the oil content of the peanut ingredient may be adjusted, subject to the condition that the fat content of the finished food shall not exceed 55 percent when determined as prescribed in sec. 25.004 Crude Fat—First Action, (a) Direct method, in "Official Methods of Analysis of the Association of Official Agricultural Chemists," 9th Edition, page 356.

(b) The peanut ingredients referred to in paragraph (a) of this section are:

(1) Blanched peanuts, in which the germ may or may not be included.

(2) Unblanched peanuts, including the skins and germ.

(c) The optional seasoning and stabilizing ingredients referred to in paragraph (a) of this section are: (1) Salt, (2) sugar, (3) invert sugar, (4) dextrose, (5) dried corn sirup, (6) dried glucose sirup, (7) honey, (8) hydrogenated peanut oil, (9) hydrogenated cottonseed oil (not to exceed 3 percent of the weight of the finished food), (10) mono- and diglycerides of fat-forming fatty acids, (11) lecithin, (12) hydroxylated lecithin. For the purposes of this section "hydrogenated peanut oil" and "hydrogenated cottonseed oil" shall be considered to include "partially hydrogenated peanut oil" and "partially hydrogenated cottonseed oil," respectively.

(d) If peanut butter is prepared from unblanched peanuts as specified in paragraph (b)(2) of this section, the name shall show that fact by some such statement as, for example, "Prepared from unblanched peanuts (skins left on)." Such statement shall appear prominently and conspicuously and shall be in type of the same style and not less than half the point size of that used for the words "peanut butter." This statement shall immediately precede or follow the words

"peanut butter," without intervening written, printed, or graphic matter.

(c) (1) The label of peanut butter shall name, by their common names, the optional ingredients used, as provided in paragraph (c) of this section, except that in lieu of the name or names of the particular sweeteners listed in paragraph (c) of this section the words "sweetener added" may be used. The designation for the ingredients provided for by paragraph (c) (8) and (9) of this section shall include the specific name of the oil used, for example, "hydrogenated ---------- oil" or "hardened ---------- oil," the blank to be filled in with the name of the oil used.

(2) The common names of the optional ingredients used, as provided in subparagraph (1) of this paragraph, shall be set out on the main display panel or panels of the label with such prominence and conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase, and use.

All interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding the proposed revised standard for peanut butter published herein. Such views and comments should be submitted to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Views and comments to be considered by the Commissioner should be filed to the present proposal whether or not such views and comments were filed to the prior published proposal (24 F.R. 5391) or whether or not objections were filed to the published order (26 F.R. 11209). Memoranda or briefs may accompany any comment submitted.

Dated: November 5, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11442; Filed, Nov. 9, 1964; 8:45 a.m.]

## Public Health Service

## [ 42 CFR Part 32 ]

## MEDICAL CARE FOR SEAMEN AND CERTAIN OTHER PERSONS

### Notice of Proposed Rule Making

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Secretary, proposes to amend Part 32 of Title 42, Code of Federal Regulations. As set out below, the amendments relate to eligibility for medical care of owner-operators of commercial fishing vessels.

Notice is also given that it is proposed to make any amendments that are adopted effective immediately upon publication in the FEDERAL REGISTER.

Interested persons may present data, views, and arguments in writing, in duplicate, to the Surgeon General, Public Health Service, Washington, D.C., 20201. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Part 32 would be amended as follows:

1. Section 32.1 would be amended by adding a new paragraph (l), to read as follows:

**§ 32.1 Meaning of terms.**

* * * * *

(l) "Commercial fishing operations" means the gathering of any form of either fresh water or marine animal life for sale on a commercial basis through available markets.

2. Section 32.6(a) would be amended by adding a new subparagraph (12), to read as follows:

**§ 32.6 Persons eligible.**

(a) Under this part the following persons are entitled to care and treatment by the Service as hereinafter prescribed:

* * * * *

(12) Persons who own vessels registered, enrolled, or licensed under the maritime laws of the United States, who are engaged in commercial fishing operations, and who accompany such vessels on such fishing operations, and a substantial part of whose services in connection with such fishing operations are comparable to services performed by seamen employed on such vessel or on vessels engaged in similar operations.

* * * * *

3. A new center heading and a new § 32.57 would be added, to read as follows:

OWNER-OPERATORS OF COMMERCIAL FISHING VESSELS

**§ 32.57 Conditions and extent of treatment.**

Persons who own vessels registered, enrolled, or licensed under the maritime laws of the United States, who are engaged in commercial fishing operations, and who accompany such vessels on such fishing operations, and a substantial part of whose services in connection with such fishing operations are comparable to services performed by seamen employed on such vessel or on vessels engaged in similar operations shall be entitled to care and treatment by the Service under the same conditions, where applicable, and to the same extent as is provided for American seamen.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 322, 58 Stat. 696, as amended by 78 Stat. 398; 42 U.S.C. 249)

Dated: October 21, 1964.

[SEAL] LUTHER L. TERRY,
*Surgeon General.*

Approved: November 3, 1964.

ANTHONY J. CELEBREZZE,
*Secretary.*

[F.R. Doc. 64-11467; Filed, Nov. 9, 1964; 8:47 a.m.]

## CIVIL AERONAUTICS BOARD

## [ 14 CFR Part 221 ]

[Economic Regs. Docket No. 15657]

## CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

### Notice of Proposed Rule Making

NOVEMBER 2, 1964.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments of Part 221 of the Economic Regulations (14 CFR Part 221).

The principal features of the proposed amendments are described in the explanatory statement below and the proposed rule changes are set forth below. The amendments are proposed under the authority of sections 204(a), 403, and 1001 of the Federal Aviation Act of 1958, as amended (72 Stat. 743; 49 U.S.C. 1324; 72 Stat. 758, as amended by 74 Stat. 445; 49 U.S.C. 1373; 72 Stat. 788; 49 U.S.C. 1481).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant material in communications received on or before December 7, 1964, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof by the Board.

When the procedures with respect to the proposed amendments are completed, the Board intends to reissue the entire Part 221, which was last reissued in 1954. This will enable publication in the FEDERAL REGISTER as a complete part and will make it available to the public in a more convenient form.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

*Explanatory statement.* Part 221 of the Board's Economic Regulations (14 CFR Part 221) contains the Board's rules and regulations pertaining to the publishing, filing and posting of tariffs. The amendments now proposed are mainly editorial in nature. Those which are substantive are discussed below.

*Tariffs for unauthorized air transportation.* New § 221.7 proposes an express prohibition against the publication and filing of rates, fares, or charges, or their governing provisions, applicable to air transportation which the issuing or participating carriers are not authorized to perform, except where the Board expressly authorizes or requests such filings prior to the Board's granting authority to perform the air transportation concerned. Although the existing regulations are interpreted as not permitting rates or fares to be filed for unauthorized transportation, the express prohibition will more effectively place tariff publishers on notice that such rates or fares are not to be filed unless expressly authorized or requested by the Board.

*Publishing charges or other amounts in foreign currency in tariff rules.* Section 221.51(b) provides, inter alia, that rates, fares, and charges applying between the United States and foreign countries may be stated in the rate or fare tables in the currencies of foreign countries (in addition to being stated in United States currency), provided that such fares, rates, and charges in foreign currencies are substantially equivalent in value to the respective fares, rates, and charges stated in United States currency. Current § 221.38(e), pertaining to tariff rules, provides that any charges or other amounts set forth in rules or regulations may be stated in such foreign currency in addition to the required statement in United States currency, but there is no proviso in § 221.38(e), corresponding to that in § 221.51(b), to the effect that charges or amounts in foreign currency must be substantially equivalent in value to the respective charges or other amounts stated in United States currency. We now propose to add such a proviso to § 221.38(e).

*Showing States, territories, possessions, and countries in connection with cities in rate or fare tables.* The effect of current § 221.52(a) is to impose requirements according to two geographical categories of tariffs, although such categories are not expressly named:

(1) Tariffs applying wholly within the United States and/or Canada are required to show in the rate or fare tables the States, territories, or possessions for United States points only in connection with two or more points of the same name receiving scheduled transport service.

(2) Tariffs applying to or from foreign countries (other than or in addition to Canada) are required to show in the rate or fare tables the country in which each point is located except that only the State, territory, possession, or province is required to be shown in connection with United States and Canadian points.

Proposed § 221.52(a) restates the requirements expressly according to those geographical categories which we believe will be helpful to tariff publishers. In addition, the omission of States, territories, possessions, or provinces in connection with points in category (1) above is proposed to be limited to tariffs having an alphabetical index or list of points complying with § 221.37(a) or § 221.37(d) which require such information to be shown in connection with points in such indexes or lists. This information is essential to definite identification of the points of origin and destination in the tariff. (See § 221.52(a), infra.)

*Aircraft equipment tariff.* It is proposed to authorize publication of an aircraft equipment tariff containing the aircraft seating configuration data currently required by § 221.38(a)(6). Such tariffs are presently published under waiver. Section 221.107 will provide permanent authority to file this type of tariff, thereby dispensing with the necessity of securing waiver of the regulations. (See §§ 221.38(g), 221.101(a)(6), and 221.107, infra.)

*Back-to-back printing of loose-leaf tariffs.* Although not expressly authorized by Part 221, the back-to-back method of printing loose-leaf tariffs is in current use. Under this method, matter is printed on both faces of each leaf (one page published on the front and one page on the back of the same leaf). It is now proposed to provide expressly for the back-to-back method of publication and to impose certain requirements to insure proper publication thereof. It is proposed

(a) To authorize pages to be published uniformly throughout a loose-leaf tariff either (1) on only one face of each leaf or (2) back-to-back on each leaf. Publishers will, however, be prohibited from changing from one method to the other during the life of the tariff. (§ 221.22(d), infra.)

(b) To require both pages on the same leaf to bear the same general effective date to the extent practicable. This will facilitate keeping current and canceled pages filed separately and in consecutive order. (§ 221.22(b)(6), infra.)

(c) To require publishers using the back-to-back method to reissue, on lawful notice, both pages on the same leaf notwithstanding that a change is desired to be made on only one page (reverse side will state "No Change on This Page"). This will prohibit the filing of so-called reprints, i.e., reproductions purporting to be identical in all respects with the pages reproduced. Although not authorized by Part 221, the "reprint" procedure has been followed for many years. Under this procedure, when a page on one face of a leaf is amended, the page on the reverse side is brought forward as a "reprint." In many instances "reprints" have contained changes in fares, rates, or other provisions and have contained illegible matter although the originally filed copies are legible. Also, the "reprint" procedure frequently brought forward rejected pages as reprints. (§ 221.111(a), infra.)

(d) To require a page in lieu of a rejected page (on the reverse side of a current page) to be filed within a short time after rejection and to require the page on the reverse side of the rejected page to be reissued. This procedure will minimize the difficulties of keeping a rejected page in the current pages of the Board's official tariff file, as well as in tariff files of shippers, carriers, and other tariff holders, and also minimize the possibility of tariff users' inadvertently observing rejected tariff provisions in violation of the Act. (§ 221.184, infra.)

(e) To add mechanical requirements in connection with the issuance of original pages (back-to-back) to an existing loose-leaf tariff. Such requirements are generally observed now and should be incorporated in the regulations (§ 221.111(b), infra.)

*Editorial changes.* In the course of drafting the proposed substantive changes in the regulations, certain minor editorial changes have been made. In addition, editorial changes have been made in certain other sections of the regulation. These changes in the main consist of such matters as updating references to the statute and pertinent regulations, specifying the width of margins on prescribed forms, inserting citations to other sections of the regulation, and the like.

It is proposed to amend Part 221 of the Economic Regulations (14 CFR Part 221) as follows:

**§ 221.3 [Amended]**

1. Delete § 221.3(d).[1]

2. Amend the definition of "class rate" in § 221.4 to read as follows:

**§ 221.4 Definitions.**

* * * * *

"Class rate" means a rate which is published to apply on articles or commodities assigned to a numbered class by a classification or an exception thereto.

* * * * *

3. Add a new § 221.7 to read as follows:

**§ 221.7 Unauthorized air transportation.**

Tariff publications shall not contain rates, fares, or charges, or their governing provisions, applicable to air transportation which the issuing or participating carriers are not authorized by the Board to perform, except where the Board expressly requests or authorizes tariff publications to be filed prior to the Board's granting authority to perform the air transportation covered by such tariff publications. Any tariff publication filed pursuant to such express request or authorization which is not consistent with section 403 of the Act and this part may be rejected; any tariff publication so rejected shall be void.

4. Amend § 221.22 by amending paragraph (b)(6) and adding paragraph (d) to read as follows:

**§ 221.22 Specifications applicable only to loose-leaf tariff publications.**

* * * * *

(6) In the lower right corner, the effective date on which the fares, rates, charges, rules, and other provisions will become effective (see § 221.160). When a page which is published back-to-back with another page on the same leaf is reissued to effect changes, and the page on the reverse side thereof is reissued without change in its provisions, both pages shall bear the same effective date.

* * * * *

(d) *Printing matter on one or both faces of each loose leaf.* Tariff matter shall be published uniformly throughout a loose-leaf tariff either (1) on only one face of each leaf (reverse side of each page left entirely blank) or (2) commencing on Page 1, on both faces of each leaf (two pages back-to-back to each other). Observance of subparagraph (1) of this paragraph is preferable. The method of publication used in

[1] Existing § 221.3(d) has been outdated by the recent amendment to Part 295—Transatlantic Supplemental Air Transportation (ER-408 effective April 30, 1964, 29 F.R. 6005.)

an original tariff shall be used on all revised pages and added original pages filed to such tariff. When it is desired to change from one method to the other, the entire tariff shall be reissued.

5. Amend § 221.38 by amending paragraphs (a)(5) (e) and (g) to read as follows:

**§ 221.38 Rules and regulations.**

(a) * * *

(5) The rules and regulations relating to the transportation of explosives and other dangerous or restricted articles, showing the articles which are not acceptable for transportation as well as those articles which are acceptable for transportation only when specified packing, marking, and labeling requirements have been met. Such rules and regulations shall further provide the specified packing, marking, and labeling requirements. All such provisions shall be in conformity with Part 103 of this title (Federal Aviation Regulations) (as amended or revised from time to time), including those portions of the Interstate Commerce Commission Regulations for Transportation of Explosives and Other Dangerous Articles which are referred to in Part 103 of this title (Federal Aviation Regulations). The rules and regulations required by this subparagraph are required to be set forth only in those tariffs which contain rates or charges for the transportation of explosives and other dangerous or restricted articles or in a tariff issued in accordance with § 221.104.

* * * * *

(e) *Clear, explicit, and definite statements required.* All rules and regulations shall be stated in clear, explicit, and definite terms. Ambiguous or indefinite terms or language shall not be used. Where the rules and regulations contain any rates or charges or other amounts affecting the charges to be paid on any shipment or by any passenger or charterer, such rates, charges, or amounts shall be stated in United States dollars or cents to be applied to a definite unit of weight, measurement, time, currency, or other definite measure. When transportation fares or rates are published in foreign currency under authority of § 221.51(b), any charges or other amounts set forth in rules or regulations may be stated in such foreign currency in addition to the required statement in United States currency, provided that such charges or other amounts in foreign currency are substantially equivalent in value to the respective charges or other amounts stated in United States currency. Where the carrier holds out to perform terminal or other services in connection with air transportation, the rule covering such services shall describe the exact service, state the rates or charges which the carrier will make for such service, and set forth in definite terms the conditions under which the carrier will perform such service. Where a rule provides a charge in the nature of a penalty, the rule shall state the exact conditions under which such charge will be imposed. Rules and regulations shall not contain indefinite statements to the effect that traffic of any nature will be "taken only by special arrangement", or that services will be performed or penalties imposed "at carrier's option", or that the carrier "reserves the right" to act or to refrain from acting in a specified manner, or other provisions of like import; instead, the rules shall state definitely what the carrier will or will not do under the exact conditions stated in the rules.

* * * * *

(g) *Separate rules tariff.* If desired, the rules and regulations required by this section may be published in separate governing tariffs to the extent authorized and in the manner required by §§ 221.100 through 221.104, and 221.107.

* * * * *

6. Delete the paragraph appearing after the caption of § 221.39 and before paragraph (a). Amend § 221.39(a) (5) and (7) to read as follows:

**§ 221.39 Classification ratings or exceptions to governing classification ratings.**

(a) *Classification ratings.* * * *

(5) An item shall not state that the rating on any article or commodity will be that applying on another article or commodity, for example, an item shall not provide that "paper wrappers" will take "wrapping paper" ratings. (If "paper wrappers" are to take the same rating as "wrapping paper", such rating shall be shown in the item listing "paper wrappers".)

* * * * *

(7) The following format is suggested for the publication of classification ratings in the tariff containing the class rates, but may be adjusted to conform with the format or context of a particular tariff:

CLASSIFICATION RATINGS

(Applicable only in connection with class rates in Section ----------)

| Item No. | Article or commodity | Class |
|---|---|---|
| | | |

* * * * *

7. Amend § 221.51(b)(3) to read as follows:

**§ 221.51 Currency.**

* * * * *

(b) * * *

(3) The fares, rates, and charges stated in cents or dollars of the United States are published separately from those stated in currencies of other countries. Such separate publication shall be done in a systematic manner and the fares, rates, and charges in the respective currencies shall be published either in separate columns on the same page, or on separate pages, or in separate sections or tables of the tariff.

8. Amend § 221.52(a) to read as follows:

**§ 221.52 Territorial application.**

(a) *Specific points of origin and destination.* Except as otherwise provided in this part, the specific points of origin and destination from and to which the fares or rates apply shall be specifically named directly in connection with the respective fares or rates. If the tariff names points only in the United States and/or Canada, the respective State, possession, territory or District of Columbia shall be shown in connection with each United States point and the respective province shall be shown in connection with each Canadian point; however, if such tariff applies to scheduled transport service and contains an index of points conforming to § 221.37 (a) or (d), the State, possession, territory, District of Columbia, or Canadian province may be omitted (at publisher's election) from the fare or rate tables except in connection with different points of the same name. If the tariff contains fares or rates applying to or from points in foreign countries (other than or in addition to Canada), the following shall be shown in connection with each point named:

(1) The respective State, possesison, territory or District of Columbia in which each United States point is situated, and the respective province in which each Canadian point is situated;

(2) The respective country in which each point is situated except that the country may be omitted (at publisher's election) in connection with United States and Canadian points;

(3) Only the respective possession is required to be shown in connection with each foreign point which is situated within a possession of a mother country, for example, Antigua, British West Indies; however, if such point is coextensive with the possession in which it lies, such as Hong Kong, it shall be identified by nationality in the following manner: Hong Kong (British).

* * * * *

9. Amend § 221.55 to read as follows:

**§ 221.55 Time fares, rates, or charges.**

Fares, rates, or charges for air transportation shall not be stated to apply per hour or any other unit of time except that rates or charges for the charter of an entire aircraft, or for the movement of empty aircraft incidental to such charter, may be stated to apply per hour or other unit of time provided the tariff clearly indicates how to determine the total period of time on which charges are to be assessed.

10. Amend § 221.63(b) to read as follows:

**§ 221.63 Applicable rates when no through local or joint fares or rates.**

* * * * *

(b) *Date governing combination fares or rates.* A combination fare or rate for through transportation shall be treated as a unit (single-factor fare or rate) from point of origin to final destination. The combination fare or rate applied shall be the combination of the intermediate fares or rates in effect on the date on which the passenger begins his transportation or shipment was received by the carrier and all of the rules and other tariff provisions applicable to each intermediate fare or rate in effect on such date shall be observed and cannot be varied as to that passenger or shipment during the period of transportation to final destination; except that in foreign or overseas air transportation, carriers may, by appropriate tariff rules, provide for application of combination fares in effect on date of sale of ticket for transportation commencing not later than 30 days after the effective date of an increase in any intermediate fares when such transportation is sold prior to the issue date of tariffs stating increased fares, and provided that each factor of the combination is subject to like tariff provisions.

11. Amend the paragraph entitled "*Method 1*" under § 221.73(c)(2) to read as follows:

**§ 221.73 Class rates.**

* * * * *

(c) * * *

(2) * * *

*Method 1.* The classes shall be consecutively numbered as "Class 1", "Class 2", "Class 3", "Class 4", etc., ranging from the class taking the highest rates to the class taking the lowest rates, respectively. All rates published for each class lower or higher than Class 1 shall bear the same percentage relationship to the respective Class 1 rates, for example, each Class 2 rate may equal 85 percent of the respective Class 1 rate, each Class 3 rate may equal 70 percent of the respective Class 1 rate. If it is found necessary to publish rates for classes higher than Class 1, such rates shall be assigned a class number which represents their percentage relationship to the respective Class 1 rates, for example, rates for "Class 125" shall equal 125 percent of the respective Class 1 rates.

* * * * *

12. Amend § 221.75(c)(2)(ii) to read as follows:

**§ 221.75 Specific commodity rates.**

* * * * *

(c) * * *

(2) * * *

(ii) The same generic commodity description as a heading followed by an explicit explanation of the application of the generic description.

* * * * *

13. Amend § 221.101(a)(6) to read as follows:

**§ 221.101 Contents of all governing tariffs.**

(a) * * *

(6) The contents specified in §§ 221.102 through 221.198, whichever section is applicable to the particular type of governing tariff. The contents specified in two or more of such sections shall not be combined into one governing tariff except that a governing rules tariff authorized by § 221.102 may include the contents specified in §§ 221.103 and 221.107.

* * * * *

14. Redesignate current § 221.107 as § 221.108 and add a new § 221.107 to read as follows:

**§ 221.107 Aircraft equipment tariff.**

If desired, the seating configuration data required by § 221.20(a)(4) may be published in a separate governing aircraft equipment tariff conforming to §§ 221.100 and 221.101 in lieu of publishing such data in the fare tariff or in the governing rules tariff authorized by § 221.102. Such aircraft equipment tariff may also include other definite data concerning the respective configurations, capacities or other physical characteristics of the various types of aircraft to the extent that such data are pertinent to the application of fares or charges in tariffs governed thereby. The seating configuration and other aircraft equipment data shall be arranged in a simple and systematic manner.

15. Amend § 221.111 (a) and (b) to read as follows:

**§ 221.111 Amending loose-leaf tariff by revised pages and additional original pages.**

(a) *Amendment by revised pages*—(1) *Method.* The amendment of any page of a loose-leaf tariff shall be made by reissuing the particular page upon which the change, addition or cancellation is to be made. Reissuing a page means to cancel it by a new page which shall be designated as a revised page in the manner shown in subparagraphs (2) and (3) of this paragraph and shall contain the same tariff provisions except for whatever additions, changes, or cancellations are to be made in such provisions. Where provisions are to be amended on only one of two pages published back-to-back on the same leaf, both pages shall be reissued on lawful notice, and the page containing no changes shall bear the notation "No Change on This Page" at its top. Reissuance of pages containing suspended matter or matter continued in effect by suspension shall comply with § 221.122 (a) or (b), whichever is applicable.

(2) *Revised page numbers.* Each revised page shall bear the same page number as the page which it amends and shall bear a consecutive revision number. A revised page which amends an original page shall be designated "1st Revised Page ----", and revisions of the same page subsequent to the 1st revision shall bear consecutive revision numbers: "2d Revised Page ----", "3d Revised Page ----", "4th Revised Page ----", etc.

(3) *Page cancellation.* Each revised page shall direct the cancellation of the original or revised page which it amends and such cancellation shall be shown in the following manner (using page 10 as an example):

1st Revised Page 10
cancels
Original Page 10

or, when 1st Revised Page 10 is to be amended, it shall be canceled by 2d Revised Page 10 in the following manner:

2d Revised Page 10
cancels
1st Revised Page 10

In the case of revised title pages, the designation of the revised title page and the page cancellation shall be shown as "1st Revised Title Page cancels Original Title Page", "2d Revised Title Page cancels 1st Revised Title Page", etc., in the above manner.

(4) *Revised title page shall show effective date of original tariff.* Each revised title page shall bear (immediately below its own effective date) the effective date of the original tariff which is to be shown in the following manner:

(Original tariff effective ----------)
(Show date)

(5) *Revised title page shall bring forward tariff cancellation.* Each revised title page shall bring forward without change any tariff cancellation or reference to a cancellation notice that is shown below the tariff's C.A.B. number on the original title page.

(b) *Adding original pages for expanded or added matter.* If, after a loose-leaf tariff has been issued, it becomes necessary to add pages thereto to provide for expanded or added tariff matter, such added page shall comply with the following requirements:

(1) A page added between pages shall be designated as an original page (not a revised page) and shall be given the same page number as the page which it follows but a letter suffix (in alphabetical sequence) shall be shown in such page number, for example:

(i) In a tariff where matter is printed on only one face of each leaf, a page added between pages 4 and 5 shall be designated as "Original Page 4-A"; a page added between pages 4-A and 5 shall be designated "Original Page 4-B"; and so on.

(ii) In a tariff where matter is printed on both faces of each leaf, two consecutive pages printed back-to-back on the same leaf to be added between pages 30 and 31 shall be designated "Original Page 30-A" and "Original Page 30-B", respectively; two consecutive pages printed back-to-back on the same leaf to be added between pages 30-B and 31 shall be designated "Original Page 30-C" and "Original Page 30-D", respectively; and so on.

(2) When a page is added at the end of the tariff after the last page, the added page shall be designated as an original page and shall bear the next consecutive page number following the number of the last page of the tariff. For example, if the last page of the tariff is page 99, the added page shall be designated Original Page 100.

(3) A page shall not be added between two pages both bearing page numbers with letter suffixes.

(4) A page shall not be added between two pages printed back-to-back on the same leaf. For example, if a tariff contains pages 31 and 32 published back-to-back, pages designated as Original Pages 31-A and 31-B shall not be added to such tariff.

(5) Where pages are added to a tariff in which matter is printed on both faces of each leaf, original pages shall be issued simultaneously on both faces of each added leaf. If the added or expanded matter requires the space of only one page on the added leaf, the body of the page on the reverse side thereof shall bear the notation "This page intentionally left blank."

* * * * *

16. Amend § 221.112(h)(1) and (l)(2) to read as follows:

**§ 221.112 Amending book tariff by supplement (also applicable to supplements to loose-leaf tariffs when such supplements are specifically authorized in this part).**

* * * * *

(h) *Amending numbered items, rules, and similar units*—(1) *Method of amending.* When any provision contained in a numbered item, rule, or similar unit is amended, all provisions (in their amended form) of such item, rule, or unit shall be published in their entirety in the supplement effecting such amendment and shall be given the same item, rule, or unit number followed by a letter suffix (each item, rule, or unit number shall be assigned letter suffixes in consecutive alphabetical sequence, commencing with "A"). The revised item, rule, or unit containing the amended provisions shall direct the cancellation of the former item, rule, or unit which it amends. The numbers of such revised items, rules, or units and the cancellation of such former items, rules, or units shall be shown in the following manner (using successive amendments in an Item 10 series as examples): When Item 10 is to be amended, the revised item containing the amended provisions shall show "Item 10–A cancels Item 10"; when Item 10–A is to be amended, the revised item containing the amended provisions shall show "Item 10–B cancels Item 10–A"; when Item 10–B is to be amended, the revised item containing the amended provisions shall show "Item 10–C cancels Item 10–B"; and so on. Using similar successive amendments in a Rule 10 series as examples, the successive issues of Rule 10 shall show "Rule 10–A cancels Rule 10"; "Rule 10–B cancels Rule 10–A"; "Rule 10–C cancels Rule 10–B" and so on.

* * * * *

(l) * * *

(2) The supplements (and the numbers of pages therein) authorized or required to be filed under the terms of the following sections shall be in addition to the number of supplements and volume of supplemental matter permitted by the terms of subparagraph (1) of this paragraph:

| Sec. | |
|---|---|
| 221.113(d) | (Cancellation supplement) |
| 221.121 | (Suspension supplement) |
| 221.131 | (Vacating supplement) |
| 221.140 | (Provided the supplement contains only matter described in § 221.140) |
| 221.223(c) | (Take-over supplement issued by alternate agent) |
| 221.224(b) | (Take-over supplement issued by new principal agent) |
| 221.231 | (Adoption supplement) |

* * * * *

17. Amend § 221.122 (a) (2), (3) and (b)(3) to read as follows:

**§ 221.122 Reissuing tariff publications suspended in part or containing matter continued in effect by suspension.**

(a) * * *

(2) The revised page (reissue) shall direct the cancellation of the partially suspended page except the portions thereof under suspension. Such page cancellation shall be set forth in substantially the manner shown in the following example:

2d Revised Page 10
cancels
1st Revised Page 10 (except portions under suspension in C.A.B. Docket No. ------)

(3) If the suspension has continued in effect tariff provisions on preceding issues of the page, the reissue of the page suspended in part shall bring forward without change those tariff provisions which were continued in effect by the suspension. In such cases, such reissue shall, in addition to directing the page cancellation required by subparagraph (2) of this paragraph, complete the cancellation of the page which contained the matter continued in effect by the suspension. Such cancellation shall be set forth in substantially the manner shown in the following example:

2d Revised Page 10
cancels
1st Revised Page 10 (except portions under suspension in C.A.B. Docket No. ------) and completes the cancellation of Original Page 10

All subsequent revisions of the same page, which are issued after such reissue and which become effective during the period of suspension, shall bring forward unchanged the tariff provisions continued in effect by the suspension and shall bear reference to the revision containing the suspended matter. Such reference shall be set forth immediately below the page number and cancellation in the manner shown in the following example:

3d Revised Page 10
cancels
2d Revised Page 10
(1st Revised Page 10 contains portions under suspension in C.A.B. Docket No. ------)

(b) * * *

(3) The revised page (reissue) shall not direct any cancellation of the suspended page but shall contain a statement that such page is under suspension which shall be set forth (immediately below the page number and page cancellation) in the manner shown in the following example:

3d Revised Page 10
cancels
1st Revised Page 10
(2d Revised Page 10 is under suspension in C.A.B. Docket No. ------)

All subsequent revisions of the same page, which are issued after such reissues and which become effective during the period of suspension, shall bring forward unchanged the tariff provisions continued in effect by the suspension and shall bear reference to the suspended revision to be set forth in the manner shown in the above example.

* * * * *

18. Amend § 221.132(b)(1) to read as follows:

**§ 221.132 When tariff amendments in addition to vacating supplement are required.**

* * * * *

(b) * * *

(1) A consecutive revision in the series of the page containing the suspended matter shall be issued which shall (i) republish the suspended matter without change, (ii) cancel the matter continued in effect by the suspension (if published on the preceding revisions of the page) and (iii) complete the cancellation of the page which contained the suspended matter. The latter cancellation shall be set forth (below the C.A.B. and page numbers in the upper right hand corner of the page) in the manner shown in the following example:

3d Revised Page 20
cancels
2d Revised Page 20
(and completes the cancellation of 1st Revised Page 20)

In the above example, the 3d revision (filed pursuant to this paragraph) cancels the 2d revision and completes the cancellation of the 1st revision (which was previously canceled by the 2d revision except as to the suspended matter).

* * * * *

19. Amend §221.161 to read as follows:

**§ 221.161 Delivering tariff publications to Board.**

Tariff publications will be received for filing only by delivery thereof to the Board through normal mail channels, or by delivery thereof directly to that office of the Board charged with the responsibility of maintaining the Board's official file of tariffs. Tariff publications will be received for filing only during the established business hours of the Board. The office of the Board is closed on Saturdays and Sundays and on the following holidays:

New Year's Day (January 1).
Inauguration Day (January 20, 1965, and January 20 of each fourth year thereafter).
Washington's Birthday (February 22).
Memorial Day (May 30).
Independence Day (July 4).
Labor Day (first Monday in September).
Veterans Day (November 11).
Thanksgiving Day (fourth Thursday in November).
Christmas (December 25).

When any such holiday falls on Saturday, the office of the Board will be closed on the preceding Friday. When any such holiday falls on Sunday, the office of the Board will be closed on the following Monday. No tariff publication will be accepted by the Board unless it is delivered to the Board free from all charges, including claims for postage.

20. Amend § 221.162 to read as follows:

**§ 221.162 Number of copies required.**

Three copies of each tariff, supplement, loose-leaf tariff page, index of tariffs, and adoption notice to be filed shall be sent to the Civil Aeronautics Board, Tariffs Section, Washington, D.C., 20428. All such copies shall be included in one package and shall be accompanied by a letter of tariff transmittal (§ 221.163).



21. Amend § 221.183(b) to read as follows:

**§ 221.183 Tariff publication issued in lieu of rejected publication.**

* * * * *

(b) If the rejected publication is a loose-leaf tariff page, the page which is issued in lieu thereof shall show the required notation under the page number in the manner shown in the following examples:

(1) When new page is issued in lieu of a rejected original page:

1st Revised Page 10
(Issued in lieu of Original Page 10 rejected by C.A.B.)

(2) When new page is issued in lieu of a rejected revised page:

3d Revised Page 16
(Issued in lieu of 2d Revised Page 16 rejected by C.A.B.)
cancels
1st Revised Page 16

* * * * *

22. Add new § 221.184 as follows:

**§ 221.184 Issue page in lieu of rejected loose-leaf page within 10 days.**

If a rejected loose-leaf tariff page is published on the reverse side of another page which has not been rejected, a page shall be issued and filed in lieu of the rejected page within 10 days after the date of the rejection notice, and the page on the reverse side of the rejected page shall be reissued on lawful notice.

23. Amend § 221.191(b) to read as follows:

**§ 221.191 How to prepare and file applications for Special Tariff Permission.**

* * * * *

(b) *Number of copies and place of filing.* The original and one copy of each such application for Special Tariff Permission, including all exhibits thereto and amendments thereof, shall be sent to the Civil Aeronautics Board, Tariffs Section, Washington, D.C., 20428.

* * * * *

24. Amend the introductory paragraph of § 221.201 to read as follows:

**§ 221.201 Form of application for waivers.**

Applications for waivers shall be in the form of a letter addressed to the Civil Aeronautics Board, Tariffs Section, Washington, D.C., 20428, and shall:

* * * * *

25. Amend § 221.240 by amending paragraphs (a) and references (1) and (5) to (b) to read as follows:

**§ 221.240 Letter of tariff transmittal.**

(a) *Form.* The letter of tariff transmittal required by § 221.163 shall contain the following information and shall be prepared substantially in the following form (on durable paper 8½ by 11 inches):

Name ----------(1)----------
Mail address ----------
Date ----------
Tariff Transmittal No. ----(2)----
To the CIVIL AERONAUTICS BOARD,
Tariffs Section, *Washington, D.C., 20428.*

Sent you for filing in compliance with the requirements of the Federal Aviation Act of 1958, as amended, is the accompanying tariff publication issued by ----------(1)---------- and bearing:

(3)
- Tariff C.A.B. No. ----, effective ----.
- ---- Revised Page ---- of C.A.B. No. ----, effective ----------.
- Original Page ---- of C.A.B. No. ----, effective ----------.
- Supplement No. ---- to C.A.B. No. ----, effective ----------.

(4) The above-named publication is concurred in by all carriers participating therein under concurrences (or, powers of attorney) which are now on file with the Civil Aeronautics Board except that the concurrences (or, powers of attorney) of the following named carriers are attached hereto:

---

---

Sufficient copies of the above named publication for posting in accordance with Subpart N of your Economic Regulations have been sent to each carrier participating in the above named publication.

(5) ----------

---

Signature ----------(6)----------
(Show typed name and title of issuing officer or agent below signature.)

(For explanations of reference marks shown in above form, see paragraph (b) of this section.)

(b) * * *

(1) Show name of issuing carrier or agent exactly as it appears in the tariff publication. If issued by an agent, show the agent's title after the agent's name.

* * * * *

(5) Here atate the changes and additions in the publications and the reasons therefor, or attach such statement and make reference thereto. (See § 221.165.)

26. Amend § 221.241(a) to read as follows:

**§ 221.241 Application for Special Tariff Permission.**

(a) *Form.* The application for Special Tariff Permission provided for in Subpart P of this part shall contain the following information, as far as applicable, and shall be prepared substantially in the following form (on durable paper 8½ by 11 inches):

Name ----------(1)----------
Mail address ----------
Date ----------
Special Tariff Permission Application No. ----(2)----
To the CIVIL AERONAUTICS BOARD,
Tariffs Section, *Washington, D.C., 20428.*

--------(1)-------- hereby petitions the Civil Aeronautics Board that your petitioner be permitted under Section 403 of the Federal Aviation Act of 1958, as amended, to put in force the following proposed tariff provisions to become effective not less than ---- days after the filing thereof with the Civil Aeronautics Board:

----------(3)----------

The proposed tariff provisions will be published in ----(4)----.

The proposed tariff provisions will supersede and take the place of ------(5)------.

The following air carriers and foreign air carriers are known to maintain competitive ----------between the points
(Fares, rates, or charges)

where the proposed tariff provisions will apply (or points related thereto): ----------(6)----------.

The basis on which the proposed ------- (Fares, ---------- are constructed is as follows: ----------(7)----------.

The following facts are relied upon by your petitioner as constituting special circumstances or unusual conditions which justify the request made herein: ----------(8)----------.

----------(1)----------
By ----------(9)----------
(Signature)
(Show typed name and title of issuing officer or agent under signature)

(For explanations of reference marks shown in the above form, see paragraph (b) of this section.)

* * * * *

27. Amend § 221.244(a) to read as follows:

**§ 221.244 Power of attorney.**

(a) *Form.* The power of attorney required by § 221.220 shall be prepared in accordance with the following form (on durable, white paper 8½ by 11 inches):

POWER OF ATTORNEY

(1) Power of Attorney No. ----
(2) (Cancels Power of Attorney No. ----)
Name ----------(3)----------
Mail address ----------
Date ----------

*Know All Men by This Instrument:*

That -----(3)-----, a common carrier by aircraft, hereby makes and appoints ----(4) ---- attorney and agent to publish and file, for such carrier, tariffs (including supplements thereto and revised or original pages thereof) which such carrier is required or permitted to file with the Civil Aeronautics Board by the Federal Aviation Act of 1958, as amended, and the regulations of the Civil Aeronautics Board issued pursuant thereto, and hereby ratifies and confirms all that said attorney and agent may lawfully do by virtue of the authority herein granted and hereby assumes full responsibility for the acts and failures to act of said attorney and agent.

RESTRICTION: This authority is restricted to the publication and filing of ----(5)-----.

And, further, that -------(3)------ hereby makes and appoints ------(6)------ alternate attorney and agent to do and to perform the same acts and exercise the same authority herein granted to ------(4)------ in the event and only in the event of the death or disability of ------(4)------.

----------(3)----------
By ----------(7)----------
(Signature)
(Show typed name and title under signature)

(8) Attest:
(Show corporate seal) -----(Signature)--
(Secretary)

Duplicate mailed to: --------(4)--------
Agent at: ----------
(Show mail address)

(For explanations of reference marks shown in above form, see paragraph (b) of this section.)

* * * * *

28. Amend § 221.246(a) to read as follows:

**§ 221.246 Adoption notice.**

(a) *Form.* The adoption notice required by § 221.230 shall be prepared in accordance with the following form (on

durable, white paper 8½ by 11 inches with a clear margin of not less than 1 inch at left side):

(1) C.A.B. No. ----
----------(2)----------

ADOPTION NOTICE

The above-named carrier hereby adopts, ratifies, and makes its own in every respect, as if the same had been originally filed and posted by it, all tariffs, classifications, rules, notices, traffic agreements, statements of divisions, powers of attorney, concurrences, or other instruments whatsoever, including supplements or amendments thereto, filed with the Civil Aeronautics Board by or on behalf of, or heretofore adopted by, ------(3)------ prior to ------(6)------.

Issued pursuant to Subpart T, Part 221, of the Economic Regulations and Order No. ----(4)---- of the Civil Aeronautics Board.

Issued: ------(5)------
Issued by:

(Show name and title of issuing officer)

(Show full address)

(For explanation of reference marks shown in above form, see paragraph (b) of this section.)

* * * * *

29. Amend § 221.247(a) to read as follows:

§ 221.247 Adoption supplement.

(a) *Form.* The adoption supplement required by § 221.231 shall be prepared in accordance with the following form (on durable, white paper 8½ by 11 inches with a clear margin of not less than 1 inch at left side):

(1) Supplement No. ----
to
C.A.B. No. ----
(----------(2)---------- series)

Supplements Nos. ---- are the only effective supplements.

----------(3)----------

Supplement No. ----
to
----------(4)----------
----------(5)----------
----------(6)----------

ADOPTION ANNOUNCEMENT

Effective ------(9)------, this tariff (as amended) became the tariff of -----(3)----- as stated in such carrier's adoption notice C.A.B. No. -----.

Issued puruant to Subpart T, Part 221, of the Economic Regulations and Order No. ----(7)---- of the Civil Aeronautics Board.

Issued: ----------(8)----------
Issued by:

(Name and title of issuing officer)

(Full address)

(For explanation of reference marks shown in above form, see paragraph (b) of this section.)

* * * * *

30. Amend § 221.248 to read as follows:

§ 221.248 Specimen title page of tariff.

Set forth below is a specimen title page of a tariff which is shown only for the purpose of illustrating the arrangement and location of a title page's contents. The parenthetical numbers in the following specimen refer to correspondingly numbered subparagraphs of § 221.31(a) which prescribe the respective information to be shown. (such parenthetical numbers shall not be shown on the actual title page):

(1) C.A.B. No. 8

(2) cancels

C.A.B. No. 1

[1] Original Title Page

(3) John Doe Airlines, Inc.

(4) Cargo Rates Tariff No. 1–A

(cancels Cargo Rates Tariff No. 1)

naming

(5) Local, Specific Commodity Rates

applicable to

Transportation of Cargo by Aircraft

(6) between

California, Florida, Oregon, Texas, and Washington on one hand, and New Jersey, New York, and Pennsylvania on the other hand.

(7) This tariff is governed, except as otherwise provided herein, by Cargo Rules Tariff No. 2, C.A.B. No. 2, issued by John Doe Airlines, Inc., and by supplements to and successive issues of said publication.

(9) This tariff expires with December 31, 1965, unless sooner canceled, changed, or extended.

(10) Issued: February 1, 1965.
(11) Effective: March 3, 1965.
(12) Issued by:
John Doe, President
905 Dean Road
Washington, D.C., 20006.

(Actual size of page shall be 8½ by 11 inches with a clear margin of not less than 1 inch at left side of page.)

[F.R. Doc. 64–11425; Filed, Nov. 9, 1964; 8:45 a.m.]

[1] Designation "Original Title Page" shall be shown only on the title page of a loose-leaf tariff and not on a book tariff.

# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Parts 2, 74 ]

[Docket No. 15666]

## GOVERNMENT SPACE RESEARCH EARTH STATIONS IN SUPPORT OF PROJECT APOLLO

### Proposed Frequency Allocations and Assignments; Correction

In the appendix to the notice of proposed rule making in the above-entitled matter, released October 23, 1964, FCC 64–950, the geographic coordinates for Kauai, Hawaii, as shown in the proposed US footnote in § 2.106, are corrected to read as follows:

Kauai, Hawaii (22°07'31" N., 159°40'16" W.).

Released: November 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–11475; Filed, Nov. 9, 1964; 8:47 a.m.]

## [ 47 CFR Part 73 ]

[Docket No. 15689; FCC 64–1021]

## FM BROADCAST STATIONS

### Proposed Table of Assignments for Austin and Wichita Falls, Tex.

In the matter of amendment of § 73.202 Table of Assignments, FM Broadcast Stations, Austin and Wichita Falls, Texas; Docket No. 15689, RM–554.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition for rule making, filed on January 10, 1964, and amended February 20, 1964, by Jim Gordon, Inc., licensee of Station KCLE–FM, Cleburne, Tex., proposing amendments in the FM Table of Assignments (§ 73.202 of the Commission's rules and regulations) and a modification of a station license. Petitioner seeks the deletion of Channel 236 at Wichita Falls, Tex., and Channel 234 at Austin, Tex., and the assignment of Channels 237A and 280A in substitution thereof. Inasmuch as Channel 236 is licensed to Station KNTO(FM), petitioner has also requested that the Commission issue an order proposing to modify this license so as to authorize the use of Channel 225, 247, or 277, at Wichita Falls instead of Channel 236.

3. The purpose of the proposed rule making, as stated by the petitioner, is to eliminate the short spaced assignments which presently prevent Station KCLE–FM from requesting the maximum facilities for this Class C station.[1] The proposed changes in the table would accomplish this and do so without creating other sub-standard separations. Petitioner points out that Station KCLE–FM maintains a regular early broadcast schedule and a night sign-off several hours after its sister AM station, KCLE, a "daytimer" with limited and varying broadcast hours, has left the air; that it carries local weather and emergency information as well as local civic, sports, and religious features and public service; and that an increase in power and tower height is believed to be necessary in order to expand important services to numerous communities in the Cleburne trade area which do not presently receive adequate service by KCLE–FM.

4. Cleburne has a population of 15,381 and is the county seat of Johnson County, which has a population of 34,720.[2] It is located some 125 miles southeast of Wichita Falls (population 101,724) and the distance between the transmitter sites of KCLE–FM, Cleburne, and KNTO, Wichita Falls, is about 119 miles, compared to the 150-mile minimum standard separation specified by the rules for adjacent channel Class C stations. Under the Fourth Report and Order released October 9, 1964, in the overall FM allocation proceeding (Docket No. 14185, FCC 64–919), these stations could get substantially increased facilities with both on their present channels; but, situated at less than 125 miles from each other, they could not get maximum facilities and of course the short separation would continue to exist. Therefore, since there are three unused Class C channels at Wichita Falls (and no other channels at Cleburne) it appears that a shift in the channel of KNTO might well serve the public interest. Therefore we are proposing the deletion of Channel 236 from Wichita Falls. With respect to petitioner's suggested replacement of Channel 236 by Channel 237A, we have on previous occasions expressed reluctance to mix Class A and Class B or C channels in the same city, because of the inequality involved, unless substantial reason therefor exists. Here, there are now five Class C channels at Wichita Falls and four would remain after the deletion (one, Channel 260, is in use). Therefore, while we will consider the assignment of Channel 237A if any party urges it and shows good reason therefor, we are not now proposing it.

5. As we have mentioned in recent similar situations, where a channel shift is proposed which would benefit the public interest and also redound to the benefit of private parties—here, KCLE–FM—we believe it is likely that equitable considerations should require the private party requesting the shift and benefitting to pay some or all of the costs thereof to the existing station. Comments are invited as to whether KCLE–FM would reimburse KNTO for the costs of changing channels, and what these costs would be.

6. We defer action on the request for an order looking toward modification of KNTO's license. Appropriate action will be taken if it is determined that the channel change proposed herein is in the public interest.

7. With respect to Austin, where petitioner requests the deletion of Channel 234, an application has been tendered for that channel, by Austin Broadcasting Company, Inc., licensee of AM Station KVET, Austin. Use of Channel 234 at standard separations would require a station on it to be some 10 miles southwest of Austin, not only because of the separation with the Cleburne station but also with a station at Houston and an assignment at San Angelo. The applicant requests waiver of the separation rules to permit use of its AM site. We are not here passing upon this waiver request. There appears no reason to propose deletion of this channel, since, if waiver is held to be inappropriate, either the present applicant or another party may be interested in using the channel at standard spacings. As in the case of Wichita Falls, we are not now proposing the addition of the suggested Class A channel at Austin, although if any interested party urges its assignment and shows good reason therefor, we will consider such action.

8. The Commission is of the opinion that rule making should be instituted on this proposal and invites comments on the following:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Wichita Falls, Tex. | 225, 226, 247, 260, 277 | 226, 247, 260, 277 |

9. Authority for the adoption of the amendment proposed herein is contained in sections 4(1), 303, and 307(b) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested person may file comments on or before December 14, 1964, and reply comments on or before December 30, 1964. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

11. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: November 4, 1964.

Released: November 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–11476; Filed, Nov. 9, 1964; 8:47 a.m.]

[1] The petition also proposed the deletion of another channel short spaced to 235 at Cleburne, Channel 238 at Dallas, for which a formerly outstanding construction permit was turned in in November 1963. As originally filed, the petition contained a plea by a co-petitioner for the substitution of a different channel at Dallas. This plea was not repeated in the amended petition, in which the co-petitioner did not join. By report and order of June 24, 1964, in Docket 15341, we deleted Channel 238. Therefore, this matter is now moot and will not be further considered herein.

[2] All population figures are from the 1960 U.S. Census.

## [ 47 CFR Part 73 ]

[Docket No. 15691; FCC 64–1023]

## TELEVISION BROADCAST STATIONS

### Proposed Table of Assignments for Hot Springs and Fort Smith, Ark.

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations, Hot Springs, Arkansas, Docket No. 15691, RM–506; and amendment of § 73.606, Table of Assignments, Television Broadcast Stations, Hot Springs, Fort Smith, Arkansas, RM–448.

1. Notice is hereby given of proposed rule making in the above matters.

2. The Commission has before it for consideration two petitions requesting rule making on conflicting proposals to amend the television Table of Assignments with regard to Channel 9, presently assigned to Hot Springs, Ark., and occupied by Station KFOY–TV (off the air since April 17, 1963), for which American Television Company, Inc. (American) holds an outstanding construction permit. One of these petitions was filed by KWHN Broadcasting Company, Inc. (KWHN), the licensee of Radio Station KWHN(AM), Fort Smith, Ark. (RM–448, filed May 27, 1963), and seeks the reassignment of Channel 9 to Fort Smith. The other was filed by the Arkansas Educational Television Commission (AETC), an agency of the State of Arkansas (RM–506, filed October 16, 1963), and seeks the reservation of Channel 9 for educational use at Hot Springs.

*KWHN Hot Springs-Fort Smith proposal (RM–448).* 3. KWHN proposes the reassignment of Channel 9 from Hot Springs to Fort Smith for a second VHF assignment, to be accomplished by replacing Channel 9 at Hot Springs with Channel 64. It also requests that the Commission implement the proposal by taking action to modify American's permit for Station KFOY–TV at Hot Springs to specify Channel 64 instead of Channel 9 as the station's operating frequency. The proposal would amend the television Table of Assignments as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Hot Springs, Ark. | 9+, 52+ | 52+, 64 |
| Fort Smith, Ark. | 5–, [3]16, 22, 39 | 5–, 9+, [3]16, 22, 39. |

4. American filed a statement opposing the KWHN petition and proposal, saying that it will seek judicial relief if any attempt is made to modify its authorization for Station KFOY–TV without affording it all the rights and protections provided for by Section 316 of the Communications Act. KWHN filed a reply to American's statement.[1]

*AETC Hot Springs proposal (RM–506).* 5. AETC requests that the Channel 9 Hot Springs assignment be redesignated as a reserved, noncommercial, educational Hot Springs assignment. AETC has entered into an agreement with American subject to Commission approval,[2] to buy Station KFOY–TV for an educational station which would be part of a planned educational television network in Arkansas. AETC points out that unless Channel 9 is reserved for educational use an educational station thereon will not be eligible for needed federal funds under the Educational Television Facilities Act.

6. Both KWHN and American filed statements directed to AETC's petition. KWHN suggests that the relative merits of its Channel 9 Hot Springs-Fort Smith reassignment proposal and AETC's conflicting Channel 9 Hot Springs educational proposal should be considered jointly in a rule making proceeding. In reply, AETC expresses opposition to the KWHN Channel 9 commercial reassignment proposal but urges early, favorable

[1] American also filed a Motion to Strike KWHN's reply pleading, as being scandalous, scurrilous, abusive, and without foundation, to which KWHN filed an opposition, and American, in turn, a reply.

[2] Consent to the assignment of the KFOY–TV construction permit to AETC is sought by American and AETC in a pending application (BAPCT–339, filed September 18, 1963).

action on its request for a Channel 9 reserved assignment at Hot Springs. American supports the AETC rule making request and proposal.

*Hot Springs Television situation.* 7. Hot Springs (1960 population 21,337) is centrally located in Arkansas, in Garland County (1960 population 44,697), approximately 50 miles southwest of Little Rock, Ark., and 97 miles southeast of Fort Smith. Although Channels 9 and 52 have been assigned to Hot Springs since 1952, only Channel 9 has ever been activated, and there is no authorization outstanding or application pending at this time for the UHF assignment. Station KFOY–TV, operating on Channel 9, provided Hot Springs with local television service from February 1, 1961, to April 17, 1963, when it suspended operation. Since that time, Hot Springs has been without local television service. American, the KFOY–TV permittee, originally requested and was granted authority to remain off the air for a 90-day period, ending July 17, 1963, but it subsequently requested and obtained successive authorizations for Station KFOY–TV to remain silent until January 15, 1965. Suspension of its Hot Springs Channel 9 operation was necessitated, according to American, because of accumulated operating losses of over $100,000 and in order to analyze and decide upon the steps to take for resumption of operation on a more economical basis. Toward that end, American first applied for authority to operate Station KFOY–TV with reduced power (BPCT–3179, filed April 23, 1963), but, at its request, the Commission dismissed the application on November 7, 1963.[3]

8. Although without local television service at the present time, the Hot Springs area receives satisfactory signals from the three Little Rock VHF stations, each of which is affiliated with a national network. Two of the Little Rock stations (KARK–TV, Channel 4; KTHV, Channel 11) place signals of Grade A field strength over Hot Springs. Station KATV, Channel 7, until recently located some fifty miles south of Little Rock at Jefferson Springs, has been authorized to relocate its transmitter some 1½ miles north of the KARK–TV transmitter, so that it too, will place a signal of Grade A field strength over Hot Springs. KATV's former site at Jefferson Springs will be used by educational Channel 2, application for which by AETC is now pending, which will, with the proposed power of 100 kw place a Grade B field strength signal well beyond Hot Springs. The Arkansas statewide plan for educational television, filed June 11, 1963 (RM–457), proposes the operation of Channel 2, Little Rock, from the Jefferson Springs site, and the operation of Channel 52 as an educational station at Hot Springs.

*Fort Smith Television situation.* 9. Fort Smith (1960 population 52,991) is located on the western Arkansas–Oklahoma border, in Sebastian County (1960 population 66,685), which comprises the Fort Smith standard metropolitan statistical area, about 130 miles northwest of Little Rock, 97 miles northwest of Hot Springs, and 100 miles southeast of Tulsa, Oklahoma. Station KFSA–TV, licensed to American Television Corporation, Inc.—the same corporation that is the permittee of station KFOY–TV at Hot Springs—operates on Channel 5, Fort Smith's only VHF assignment, assigned in 1952. This station commenced operation December 3, 1956, and used KNAC–TV call letters until September 1, 1959. American is owned (100 percent) by Donald W. Reynolds, who has multiple broadcast interests.[4] He first acquired a 49 percent stock interest in American on August 14, 1958, and upon obtaining Commission consent (BTC–2885, granted January 7, 1959), acquired the remaining 51 percent of the corporation's stock. Through other corporations, Mr. Reynolds also owns one of the four operating standard broadcast stations at Fort Smith (KFSA) and publishes Fort Smith's only daily and Sunday newspapers.

10. Fort Smith has been entirely dependent upon its Channel 5 station for local service since August 16, 1958, when the UHF station, which then operated on Channel 22 at Fort Smith with the KFSA–TV call letters now used by the Channel 5 station, left the air. This UHF station, which pioneered local television service at Fort Smith when it commenced operation on July 19, 1953, was also owned and operated by Mr. Reynolds.[5] It ceased operation when Mr. Reynolds acquired a minority interest in American, the Fort Smith Channel 5 licensee, and its construction permit was deleted September 2, 1958. Later, on September 14, 1960, Fort Smith Telecasters, Inc., was granted a construction permit for a new Channel 22 station, but the station was never built, and the permit for its construction was deleted July 20, 1961. At present, none of the Fort Smith UHF assignments—Channels *16, 22 and 39—is authorized for use or sought in a pending application.

11. In addition to service from the Fort Smith Channel 5 station, the Fort Smith area receives fringe service from the three Tulsa and three Little Rock VHF stations. While none of these stations now put a signal of Grade B field strength over Fort Smith, Station KTUL–TV, the Tulsa Channel 8 station, will be able to do so when it commences operating with improved facilities from its new site, authorized February 19, 1962 (BPCT–2941). The 1960 American Research Bureau television coverage study indicated that next to KFSA–TV at Fort Smith, Station KTUL was the only station having sizeable circulation in Sebastian County, with its estimated net weekly circulation shown to be 62 percent of the television homes.

*KWHN 1959 rule making request.* 12. KWHN sought rule making in 1959 on a similar proposal to move Channel 9 from Hot Springs to Fort Smith for a second VHF assignment. The Commission denied the request, along with another rule making request on a conflicting proposal to shift Channel 9 from Hot Springs to Shreveport, La., for a third VHF assignment.[6] The decision on those requests found merit in the argument presented on the need of each city for an additional VHF assignment at that time. It concluded, however, that it would not serve the public interest, or the mandate of section 307(b) of the Communications Act for a fair, efficient and equitable distribution of television facilities, to satisfy that need in either city by deleting the only Hot Springs' assignment which offered it any practical opportunity for a local television station.

13. This conclusion was based on a judgment that with Hot Springs overshadowed by three VHF signals from Little Rock stations, and with the Hot Springs area lacking any UHF stations or UHF set conversion, only the Hot Springs VHF assignment could be expected, under the then-existing circumstances, to provide any realistic prospect for a local television service at Hot Springs. Although it was argued that a VHF station could not survive at Hot Springs in competition with the Little Rock stations, the Commission did not find the argument convincing. Interest and demand for a Hot Springs station was evidenced by the outstanding construction permit for Channel 9.[7] The Channel 9 permittee had also applied for authority to operate on a much smaller scale than originally authorized,[8] and the Commission felt that the planned change in facilities would improve prospects for successful operation on Channel 9 at Hot Springs and still enable the station to provide Hot Springs with an effective local service.

*Recent developments.* 14. Station KFOY–TV went off the air on April 17, 1963. On May 27, 1963, KWHN filed its petition for rule making requesting the reassignment of Channel 9 to Fort Smith. On September 18, 1963, American and AETC filed an application for consent to the assignment of American's construction permit for Station KFOY–TV to AETC for educational use in Hot Springs. Thereafter, on October 16, 1963, AETC filed its petition for rule making in which it requested the reservation of Channel 9, Hot Springs, for educational use. Consequently the Commission is faced with alternative proposals and the necessity for determining which would better serve the public interest.

15. KWHN argues that the financial failure of KFOY–TV has demonstrated that Hot Springs cannot support a commercial VHF station in competition with the three Little Rock stations. It points out that Fort Smith, on the other hand, by comparison with Hot Springs is a thriving, growing community which needs an additional VHF channel to supplement its one existing station.[9] KWHN does not specifically oppose the AETC petition, but suggests that the public interest in competition among the mass media in the thriving community of Fort Smith is greater than the public interest in educational television in the "minimal" community of Hot Springs. It also suggests that American's motives, first in operating on and now in trying to sell Channel 9 have been to avoid reassignment of the channel to Fort Smith where it would break the monopoly of American's KFSA–TV.

16. AETC argues that reservation of Channel 9 is essential if AETC is to get the federal funds needed to bring educational television to Arkansas.[10] In addition it points out that the early implementation of plans for Channel 9 as an educational station will enable it to raise funds from the public which will be needed for the expansion of ETV in Arkansas. American points out that through the assignment of KFOY–TV to AETC, the inauguration of educational television in Arkansas will be possible far in advance of its otherwise anticipated commencement date. American also points out that by assigning KFOY–TV to AETC, it would be able to recoup some small part of the losses sustained over a period of some two years in bringing Hot Springs its only local service. Finally, American stresses that reservation of Channel 9 as requested is the only way that Hot Springs will keep its local service, while reassignment of the channel to Fort Smith will have a serious adverse impact on the development of Fort Smith's existing UHF allocations, in direct contradiction of stated Commission policy.

17. The Commission therefore wishes to consider the alternative proposals of reassignment of Channel 9 to Fort Smith and reservation of Channel 9 for educational use at Hot Springs. Views are solicited on the relative merits of each proposal. We would be particulary interested in comments from KWHN indicating why it believes that a reassignment of Channel 9 to Fort Smith would not have a serious adverse impact on the development of UHF there, as argued by American. Likewise, we would be interested in comments from AETC explaining in what way an educational Channel 9 at Hot Springs is essential to the Arkansas state-wide plan for ETV which proposes a reserved Channel 52 for Hot Springs. We would also be interested in the extent to which Channel 9's part in the state-wide plan would be assumed by Channel 2, Little Rock, upon its activation, and AETC's best estimate as to when Channel 2 can be activated, assuming prompt processing of the applications before this Commission and HEW once the required financial showing has been made by the applicant. In this connection we would like to know to what extent the financing for the acquisition of Channel 9 would be available for the activation of Channel 2, in the event that the Channel 9 assignment is not approved, and whether this would have any effect on the above estimate.

18. In view of the foregoing, comments and reply comments are invited on the following alternative proposals:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| *Alternative No. 1* | | |
| Hot Springs, Ark. | 9+, 52+ | 52+, 64 |
| Fort Smith, Ark. | 5−, *16, 22, 39 | 5−, 9+, *16, 22, 39 |
| *Alternative No. 2* | | |
| Hot Springs, Ark. | 9+, 52+ | *9+, 52+ |

19. If it is determined that either of the proposed alternative amendments will serve the public interest, the Commission will take such further action as may be appropriate with respect to outstanding authorizations and pending applications. We accordingly defer action on the pending application for assignment of the KFOY–TV construction permit to AETC.

20. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

21. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before December 15, 1964, and reply comments on or before December 30, 1964. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments or other appropriate pleadings. We shall also take cognizance of developments with respect to pending applications for construction permit for Channel 2, Little Rock, as they may occur.

22. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: November 4, 1964.

Released: November 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[11]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64–11478; Filed, Nov. 9, 1964; 8:47 a.m.]

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[ 47 CFR Part 73 ]

[Docket No. 15690; FCC 64–1022]

## FM BROADCAST STATIONS

### Proposed Table of Assignments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Iowa Falls, Iowa; West Terre Haute, Ind.; Larned, Kans.; Kingston, N.Y.; Pittsfield, Mass.; Elmira, N.Y.; Orleans, Mass.; Magee and Hazlehurst, Miss.; Alexandria and Wadena, Minn.; Titusville and Ocala, Fla.; Mexico, Hannibal, Moberly and Marshall, Mo.; Danville and Pulaski, Va., and Durham and Elizabeth City, N.C.; and Reno, Nev.; Dockets Nos. 15690, RM–623, RM–618, RM–659, RM–621, RM–627, RM–625, RM–634, RM–619, RM–630, RM–620, RM–631, RM–628, RM–633, RM–647.

1. Notice of proposed rule making is hereby given concerning changes in § 73.202 of the Commission's rules, the FM Table of Assignments, in connection with the above-listed petitions for rule making. No channel proposed herein for shift or deletion is either occupied or applied for. All proposed new assignments are alleged and appear to meet the separation requirement of the rules.

2. RM–623 and RM–659, Iowa Falls, Iowa (Iowa Falls Broadcast et al.). RM–627, West Terre Haute, Ind. (Floyd Huey). RM–634, Larned, Kans. (Rea Bowman, Broadcast Maintenance Service).

In these three cases, interested parties have sought the addition of a Class A channel to a community presently having no assignment, without requiring any other changes in the Table. All three communities are of substantial size, 3,000 or more persons. Comments are invited on the additions to the Table listed below. In the case of Iowa Falls the proposal is set forth in two alternatives. One (Channel 221A) represents the request of the Iowa Falls AM licensee (Iowa Falls Broadcasting Corporation), and the other is part of a proposal by Palmer Broadcasting Company, licensee of Station WHO–TV, Des Moines,

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[1] KWHN filed a "Petition to Deny" this application or to designate it for hearing on May 27, 1963, and filed a copy of the petition with its subject petition for rule making for consideration therewith.

[2] Through various corporations, Mr. Reynolds has controlling broadcast interests at the present time in 5 television stations, 5 standard broadcast stations and 1 FM station. The television stations are KFSA–TV, Channel 5, Fort Smith; KFOY–TV, Channel 9, Hot Springs; KORK, Channel 2, Las Vegas, Nevada; KOLO–TV, Channel 8, Reno, Nevada; and KGNS–TV, Channel 8, Laredo, Texas. The AM stations are KFSA, Fort Smith; KORK, Las Vegas; KOLO, Reno; KGNS, Laredo; KBRS, Springdale, Arkansas; and KOKL, Okmulgee, Oklahoma. The FM station is KORK–FM at Las Vegas.

[3] The permittee of this Channel 22 station was Southwestern Radio and Television Company, a subsidiary of Southwestern Publishing Company, whose stock is all owned by Mr. Reynolds.

[4] See Memorandum Opinion and Order, adopted October 28, 1959, FCC 59–1108, which denied the KWHN petition for rule making, filed January 30, 1959 (RM–90). 18 Pike & Fischer R.R. 1520.

[5] A construction permit for Channel 9, Hot Springs, was granted January 28, 1959, to Southwestern Operating Company, an American subsidiary. The permit was assigned to American, with Commission approval, granted September 20, 1961, effective October 1, 1961 (BAPCT–307).

[6] BMPCT–3340, granted December 2, 1959.

[7] 1960 U.S. Census figures are relied upon to show that the population of Hot Springs decreased from 29,307 to 28,337 between 1950 and 1960; that the population of Garland County, in which Hot Springs is located and which constitutes its principal market area, also decreased from 47,102 to 46,897 in population in that period; and that Hot Springs—the 5th largest city in Arkansas (outranked in size by Little Rock, Fort Smith, North Little Rock, and Pine Bluff)—was the only one of the twenty largest cities in Arkansas to decline in population in that 10-year period. 1960 U.S. Census figures are also relied upon to show that the population of Fort Smith increased from 47,942 to 52,991 between 1950 and 1960, and to 63,309 in 1962, according to a special U.S. Census, June, 1962. Other statistics are furnished to show that there have been substantial increases in bank debits, savings and loan assets, effective buying income, retail sales and post office receipts at Fort Smith between 1952 and 1962.

[8] A UHF channel could be reserved at Hot Springs and a permittee thereon would then be eligible for federal funds.

[9] Commissioner Ford not participating; Commissioner Cox abstaining from vote.

for several changes in assignments to avoid what it alleges will be severe second-harmonic interference to its operation on TV Channel 13 (RM-649).[1]

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Iowa Falls, Iowa | | 221A or 237A |
| West Terre Haute, Ind | | 268A |
| Larned, Kans | | 244A |

3. RM-630, Kingston, N.Y. (Skylark Corporation). RM-631, Pittsfield, Mass. (Greylock Broadcasting Company). RM-633, Elmira, N.Y. (WENY, Inc.).

In these three cases, interested parties (present or potential FM applicants who are also AM licensees in the communities) seek the addition of a Class A channel to a community which already has one, or in the case of Kingston two, Class A channels assigned (there are no Class B assignments therein). No other changes in the Table of Assignments would be involved. The populations of Elmira (46,517) [2] and Pittsfield (57,879) clearly warrant a second assignment. As to Kingston, its population, 29,260, would not necessarily make a third assignment appropriate; but it is shown that the channel proposed for addition (228A) cannot be used elsewhere in this general area except in a small area in which the only community of appreciable size (Walton, population 3,855) already has a Class A assignment. There are four applicants for the two channels presently assigned, and, as petitioner points out, a third channel will make FM service more quickly available to this community. Comments are therefore invited on the following proposed additions to the table:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Elmira, N.Y | 232A | 224A, 232A |
| Kingston, N.Y | 232A, 249A | 228A, 232A, 249A |
| Pittsfield, Mass | 288A | 269A, 288A |

4. *RM-647 Orleans, Mass.* By petition of August 19, 1964, Charter Broadcasting Corporation, prospective applicant for a new FM station at Orleans, Mass., sought the assignment of Class B Channel 291 at Orleans (population 2,342). The petition referred to the need of Cape Cod for FM service, and was framed on the erroneous assumption that there is now no FM station there, whereas at West Yarmouth, some 15 miles from Orleans, WOCB-FM operates on Class B Channel 235. E. Anthony and Sons, Inc., licensee of that station, opposed the petition; in reply Charter referred to the need for additional, competitive FM service in the area (there is no other FM assignment on the Cape). The opposing pleadings discuss the location of Orleans; Charter asserts that it is near the center of population of the Cape, while Anthony asserts that with Orleans located near the eastern end of the Cape, a station there would waste much of its signal over water and represent an inefficient use of the channel. In reply, Charter asserts this is true of any coastal station. It appears that, while Orleans is a community of relatively small population, there are no places of much larger size on Cape Cod, a relatively isolated area. Orleans is the type of community which may warrant a departure from our policy of assigning Class B channels to large cities. Accordingly, comments are invited on the following proposal:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Orleans, Mass | | 291 |

5. *RM-618 Magee and Hazlehurst, Miss.* Magee, Miss., population 2,039, is the county seat of and largest community in Simpson County, population 20,454. The only broadcast facility in the county is daytime-only Station WSJC, Magee, and the county's only FM assignment is Channel 252A there. Marvin L. Mathis, Robin H. Mathis, Ralph C. Mathis, Rad W. Mathis, and John B. Skelton, Jr., d.b.a. Southeast Mississippi Broadcasting Company, licensee of WSJC, by petition filed June 5, 1964, seek a wide-coverage Class C channel, 298, instead of 252A. This can be done if Channel 296A at Hazlehurst (population 3,400) is deleted and replaced by Channel 221A. It is pointed out that the change would not affect the FM potential of Hazlehurst, and it is asserted that a wide-coverage station at Magee would bring a first local service day and night to a substantial area. We have expressed previously our position that in general Class B and C channels should be assigned to larger places and more limited Class A channels to smaller communities. However, it appears that the area here is predominantly rural, relatively far from large cities and wide-coverage FM assignments (some 40 miles from Jackson and Hattiesburg, 35 miles from Laurel). We have made an exception in such cases, and it appears that the requested Class C assignment may be appropriate. We invite comments on the proposal set forth below; comments should if possible include a showing as to what effect the requested assignment would have on other possible future assignments in the general area.

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Hazlehurst, Miss | 296A | 221A |
| Magee, Miss | 252A | 298 |

6. *RM-621 Alexandria and Wadena, Minn.* By petition filed June 21, 1964, Central Minnesota Television Company (licensee of Station KCMT-TV, Alexandria) seeks a Class C assignment for Alexandria, instead of its present Class A assignment 224A. It is proposed to interchange that channel with Channel 264, now one of the two assigned to Wadena (neither is occupied or applied for). Alexandria, population 6,713, is the county seat and largest town in Douglas County (population 21,313); it has one fulltime AM station in addition to the television station. Wadena, population 4,381, is the county seat of Wadena County (population 12,199) and has one fulltime AM station. Petitioner asserts that it wishes to begin an independent, non-duplicating FM service, serving a wide area, largely sparsely settled and containing no major urban centers, from its TV tower. It appears that the area is relatively remote from urban centers. We invite comments on the following proposal:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Alexandria, Minn | 224A | 264 |
| Wadena, Minn | 264, 290 | 224A, 290 |

7. The above proposal would assign a Class A channel along with a Class C channel at Wadena. Other proposals covered herein would likewise involve putting Class A channels in the same community with wide-coverage Class C frequencies. In the past, except where necessary generally we have tried not to mix Class A and Class B or C assignments in the same community, because of the competitive inequality which might result between stations on these channels. Comments are invited as to whether this consideration should apply in the situations covered herein.

8. *RM-625 Titusville and Ocala, Fla.* By petition filed June 18, 1964, WRMF, Inc., licensee of daytime-only Station WRMF at Titusville, seeks the addition of Class A Channel 252A at that city, which now has no FM assignments and no AM station other than WRMF. Titusville's population is 6,410; it is the county seat of Brevard County, population 111,435, which contains other, larger communities and other AM stations and FM assignments. The assignment would be made by substituting Channel 252A for Channel 253 at Ocala. Ocala, population 13,598, is the county seat of Marion County (population 51,616). There has been no application for either of the FM channels assigned there; there is one fulltime and one daytime-only AM station. Petitioner asserts a need for rapid dissemination of information in the Titusville area at night and the unlikelihood of a fulltime AM facility coming into being. We are of the view that comments should be invited on the following:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Ocala, Fla | 229, 253 | 229, 252A |
| Titusville, Fla | | 252A |

[1] We do not now determine what significance will be attached to the WHO-TV petition. We are setting forth this portion of it here simply so as to avoid possible complications and get FM service to the Iowa Falls areas as quickly as possible.

[2] All population figures herein are 1960 U.S. Census figures.



9. *RM-619 and RM-620 Mexico and Hannibal, and Moberly and Marshall, Mo.* Mexico, population 12,889, and Moberly, population 13,170 are both the largest communities in their counties (Mexico, though not Moberly, is also the county seat), which have populations of about 26,000 and 22,000, respectively. Both have one Class A FM assignment, and in each case it is the only FM channel assigned in the county. Neither is in use or applied for. Each city and county have one Class IV (local) AM station. The licensees of these stations, Audrain Broadcasting Corporation and Moberly Broadcasting Company respectively, have filed petitions seeking to add Class C channels to their communities by deleting unused Class C assignments at other cities—Hannibal and Marshall respectively—and making Class C assignments at Mexico and Moberly. Audrain would delete Channel 236 at Hannibal so as to make possible the assignment of Channel 239 at Mexico, and would replace 236 at Hannibal with 281, thus leaving Hannibal with its present two Class C assignments. Moberly would move Channel 284 from Marshall to Moberly, substituting 275. Since Hannibal and Moberly are less than 65 miles apart, the proposals for use of 281 and 284 conflict. The population of Hannibal is 20,028.

10. Noting the conflict, Moberly filed a pleading urging that both proposals could be granted if Channel 281 were not used as a replacement channel at Hannibal, leaving that community with only one Class C assignment (no applications have been filed for either channel there). Moberly urges that, especially in view of the relative amount of nighttime primary AM service available, it is more important for Moberly to have a wide-coverage station than for Hannibal to have two.

11. We invite comments on three alternative proposals which would (1) grant the Mexico but not the Moberly proposal, (2) grant the Moberly but not the Mexico proposal, or (3) make both of the requested new assignments but not replace the channel which Hannibal would lose:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| *Alternative 1* | | |
| Mexico, Mo | 296A | 239, 296A |
| Hannibal, Mo | 236, 254 | 254, 281 |
| *Alternative 2* | | |
| Marshall, Mo | 284 | 275 |
| Moberly, Mo | 272A | 284 |
| *Alternative 3* | | |
| Hannibal, Mo | 236, 254 | 254 |
| Marshall, Mo | 284 | 275 |
| Mexico, Mo | 296A | 239, 296A |
| Moberly, Mo | 272A | 284 |

12. *RM-628 Danville and Pulaski, Va., and Durham and Elizabeth City, N.C.* Danville, Va., population 46,577, is one of the larger cities in the nation which is not provided an FM channel in the Table of Assignments. Piedmont Broadcasting Corporation, licensee of AM Station WBTM there, by petition filed June 30, 1964, seeks assignment of Class C Channel 295. This would require deletion of Channel 296A at Pulaski and Durham, and substitution of Channel 297 for 295 at Elizabeth City.

13. Danville has four AM stations, two fulltime (including WBTM) and two daytime-only. It is an independent city surrounded by Pittsylvania County (population, not including Danville, 58,296). That county has two daytime-only AM stations (at Altavista and Gretna) and one Class C FM assignment and station (at Gretna). Petitioner points to Danville's size and importance as a trade center and asserts that much of the county and parts of Danville do not receive primary AM service at night because of the directionalized operation of the two fulltime AM stations. This area, including the county seat of Pittsylvania County, would be served by a Danville Class C FM station. It is also asserted that such a station might well become a vital link in a State defense network. The station would have to be located some 12 miles northeast of the city to meet other mileage separation requirements; but it could be so located and meet our signal intensity rules. It is asserted that the above factors outweigh the deletion of Pulaski's only and Durham's second assignment, neither of which is occupied or applied for. Petitioner asserts that it is doubtful whether Pulaski could support a second aural facility.

14. Pulaski, population 10,469, is the county seat and largest city in Pulaski County (population 27,258). Its daytime-only AM station, WPUV, is the only broadcast facility in the county, and Channel 296A is the county's only FM assignment. Durham, North Carolina, population 78,302 and the county seat of Durham County, has two FM channels assigned with one in use, and three fulltime and one daytime-only AM stations. Elizabeth City, where one of two Class C assignments would be shifted, has a population of 14,062 and two AM fulltime stations.

15. Strong opposition is expressed by WPUV, Incorporated, the Pulaski AM licensee, unless a replacement channel can be found for that city, which it says is highly doubtful. WPUV stated that it has completed the engineering for an FM application and will file it as soon as it feels the venture can be financed. The opposition refers to the recent growth of Pulaski, to its lack of local nighttime service as compared to Danville, and to the fact that Piedmont once had an FM station, but abandoned it in 1955.

16. We recognize the substantial public interest factors on both sides of this question. Considering all of the circumstances, we are of the view that comments should be invited on the Piedmont proposal, which is as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Danville, Va | | 295 |
| Pulaski, Va | 296A | |
| Durham, N.C | 296, 296A | 296 |
| Elizabeth City, N.C | 297, 296 | 296, 297 |

17. *Reno, Nev.* Of four Class C commercial channels assigned to Reno, Nev., three—Channels 222, 226 and 230—were assigned inadvertently in violation of the minimum separation requirements of our rules (the fourth, Channel 238, is in use). On our own motion, we are therefore proposing to delete these three assignments at Reno, for which no applications have been filed, and replace them with three other Class C channels, 283, 289, and 295, which meet all separation requirements. We invite comment on the following:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Reno, Nev | 222, 226, 230, 238 | 238, 283, 289, 295 |

18. All proposed assignments which are within 250 miles of the United States-Canadian border require coordination with the Canadian Government under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963.

19. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

20. The matters covered in this notice vary in complexity and controversy. We are setting relatively short periods for comments and reply comments, so that those matters not presenting substantial problems may be decided as quickly as possible. Extensions of time in connection with the other matters will be considered, on an individual basis. Parties making such requests should indicate specifically which matter or matters they are particularly concerned with.

21. Pursuant to applicable procedures set out in §1.415 of the Commission rules, interested persons may file comments on or before December 7, 1964, and reply comments on or before December 23, 1964. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

22. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: November 4, 1964.

Released: November 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11477; Filed, Nov. 9, 1964; 8:47 a.m.]

# Notices

## DEPARTMENT OF JUSTICE

### Office of Alien Property

### JULIUS RATZERSDORFER

#### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Dr. Julius Ratzersdorfer, 20 Oxford Road, Teddington, Middlesex, England; Claim No. 85726, Vesting Order No. 500A-74; $36.55 in the Treasury of the United States.

Executed at Washington, D.C., on November 5, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 64-11483; Filed, Nov. 9, 1964; 8:48 a.m.]

### SPRINGER-VERLAG

#### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Springer-Verlag, Molkerbastei 5, Vienna I, Austria; Claim No. 44950, Vesting Order No. 500A-13 et al.; $7,472.31 in the Treasury of the United States.

Executed at Washington, D.C., on November 5, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 64-11484; Filed, Nov. 9, 1964; 8:48 a.m.]

### MARKUS E. FIERZ ET AL.

#### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property and Location*

Professor Dr. Markus E. Fierz, Felseneggstrasse 10, Kusnacht near Zurich Switzerland; $163.73 in the Treasury of the United States.

Dr. Heinrich K. Fierz, Sanatorium Bellevue, Kreuzlingen, Thurgau, Switzerland; $163.73 in the Treasury of the United States.

Dr. Felix Fierz, Weinhaldenstrasse 8, Kusnacht near Zurich, Switzerland; $163.74 in the Treasury of the United States.

Dr. Niklaus M. Fierz, Belpstrasse 12, Muri near Bern, Switzerland; Claim No. 5848, Vesting Order No. 500A-94; $163.74 in the Treasury of the United States.

Executed at Washington, D.C., on November 5, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 64-11485; Filed, Nov. 9, 1964; 8:48 a.m.]

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

### RALPH F. BOVIER

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 27, 1964.

Dated: October 27, 1964.

RALPH F. BOVIER.

[F.R. Doc. 64-11448; Filed, Nov. 9, 1964; 8:45 a.m.]

### LEMORE W. CLARK

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) A. Deletions: Westinghouse Electric, Harnischfeger Corp.
B. Additions: Hoover Ball Bearing, Continental Can.
(3) No change.
(4) No change.

This statement is made as of October 28, 1964.

Dated: October 28, 1964.

LEMORE W. CLARK.

[F.R. Doc. 64-11446; Filed, Nov. 9, 1964; 8:45 a.m.]

### GEORGE LESTER WILKINS

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 26, 1964.

Dated: October 26, 1964.

GEORGE LESTER WILKINS.

[F.R. Doc. 64-11447; Filed, Nov. 9, 1964; 8:45 a.m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### EXTRA LONG STAPLE COTTON

#### Determination of Surplus Supply

Section 3, P.L. 88-638 provides that "Notwithstanding any other provision of law, the Commodity Credit Corporation, in order to encourage exports of extra long staple cotton which is in surplus supply at competitive world prices, is directed to offer for sale, whenever extra long staple cotton is in surplus supply, any extra long staple cotton owned by it (except stocks released from the stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act, as amended) at prices not in excess of the prices at which cotton of comparable quality is being offered by other exporting countries, on condition that such cotton be exported or that an equal quantity of extra long staple cotton will be exported within the period specified by the Secretary of Agriculture. The Commodity Credit Corporation may accept bids in excess of the maximum prices specified herein but shall not reject bids at such maximum prices unless a higher bid is received for the same cotton. The Secretary of Agriculture shall make a determination of the amount, if any, of extra long staple cotton which is in surplus supply for the 1964-65 marketing year not later than thirty days after the effective date of this section and for each succeeding marketing year not later than thirty days prior to the beginning of each such marketing year. Extra long staple cotton shall be deemed to be in surplus supply whenever the Secretary of Agriculture determines that the total supply of such cotton (under the formula for determining the 'Total supply' of cotton specified in Section 301(b)(16)(C) of the Agricultural Adjustment Act of 1938, as amended, but not including cotton released from such stockpile) is in excess of estimated domestic consumption and estimated exports of such cotton excluding estimated exports made under the authority of this section, plus an allowance for carryover equal to fifty per centum of such estimated consumption and exports. Exports hereunder shall be excluded in making any determination with respect to national marketing quotas under the Agricultural Adjustment Act of 1938, as amended. Nothing herein shall preclude the Corporation from accepting bids which may be made at higher than world prices."

The latest available information and statistics for extra long staple cotton for the 1964-65 marketing year are as follows:

| | Bales |
|---|---|
| A. Total supply of extra long staple cotton: | |
| 1. Carryover August 1, 1964 (excluding cotton released from the stockpile) | 182,700 |
| 2. Estimated production (October Crop Report) | 122,400 |
| 3. Estimated imports | 85,600 |
| 4. Total supply | 390,700 |
| B. Disappearance plus allowance for carryover: | |
| 1. Estimated domestic consumption | 150,000 |
| 2. Estimated exports (excluding exports which cannot be taken into account in this determination) | 0 |
| 3. Total estimated consumption and exports | 150,000 |
| 4. Allowance for a carryover (150,000 times 50 percent) | 75,000 |
| 5. Estimated domestic consumption and exports plus allowance for carryover | 225,000 |
| C. Surplus supply determination: | |
| 1. Total supply | 390,700 |
| 2. Estimated domestic consumption and exports plus allowance for carryover | 225,000 |
| 3. Surplus supply for the 1964-65 marketing year (390,700 minus 225,000) | 165,700 |

Pursuant to the provisions of Public Law 88-638, the surplus supply of extra long staple cotton for the 1964-65 marketing year is hereby determined to be 165,700 bales.

(Sec. 3, Public Law 88-638; 78 Stat. 1035)

Signed at Washington, D.C., on November 6, 1964.

CHARLES S. MURPHY,
*Acting Secretary of Agriculture.*

[F.R. Doc. 64-11522; Filed Nov. 6, 1964; 3:17 p.m.]





## DEPARTMENT OF COMMERCE

### Bureau of International Commerce

[File No. 24-62]

### PARIS-LABO

#### Order Denying Export Privileges for an Indefinite Period

In the matter of Paris-Labo, 7 rue du Cardinal-Lemoine, Paris 5, France, Respondent; File No. 24-62.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondent all export privileges for an indefinite period because the said respondent failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 382.-15 of the Export Regulations (Title 15, Ch. III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that Paris-Labo is a corporation with a place of business in Paris, France, and deals in laboratory equipment and supplies; that the aforesaid Investigations Division is conducting an investigation into the receipt and disposition by said firm of certain sophisticated chemicals of the U.S.-origin which, it is believed, were reexported to Cuba. It is impracticable to subpoena the respondent and relevant and material interrogatories and request to furnish certain specific documents relating to its receipt and disposition of said commodities were served on it pursuant to § 382.15 of the Export Regulations. Said respondent has failed to furnish answers to said interrogatories or to furnish the documents requested, as required by said section, and it has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

*Accordingly, it is hereby ordered:*

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent, its successors or assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents and employees and to any successor and to any person, firm, corporation, or business organization with which it now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers, written information and documents in response to the interrogatories heretofore served upon it or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondent may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on November 5, 1964.

Dated: November 2, 1964.

FORREST D. HOCKERSMITH,
*Director, Office of Export Control.*

[F.R. Doc. 64-11437; Filed, Nov. 9, 1964; 8:45 a.m.]

### Office of the Secretary

### GEORGE L. WILSON

#### Statement of Changes in Financial Interests

In accordance with the requirements of Section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of October 20, 1964.

Dated: October 20, 1964.

GEORGE L. WILSON.

[F.R. Doc. 64-11462; Filed, Nov. 9, 1964; 8:46 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### GENERAL MILLS, INC.

#### Notice of Modification of Temporary Permit for Market Testing of Enriched Self-Rising Flour Deviating From Identity Standard

Pursuant to § 10.5(j), Title 21, Code of Federal Regulations, notice is given that the temporary permit issued May 26, 1964, to General Mills, Inc., Minneapolis, Minn., to cover shipments for market testing enriched self-rising flour deviating from the standard has been modified. The permit as issued (29 F.R. 7163) covered particle sizes too coarse to conform with the requirements of the standard, the addition of vegetable oil to promote uniformity, and the use on labels of the statement "Instantized Enriched Self-Rising Flour with Vegetable Oil Added to Insure Uniformity." As modified, the permit will continue to cover the particle-size deviation but it will not cover the adding of vegetable oil or the label statement declaring the vegetable oil ingredient. The previous notice of this order had the expiration date of May 31, 1965.

Dated: November 4, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11465; Filed, Nov. 9, 1964; 8:47 a.m.]

## FEDERAL DEPOSIT INSURANCE CORPORATION

### ALL INSURED BANKS

#### Notice of Special Call for a Summary of Deposits Statement

Pursuant to the provisions of section 9 Eighth of the Federal Deposit Insurance Act, each insured bank is hereby directed to submit to the Federal Deposit Insurance Corporation on or before December 2, 1964, a report of its deposits as of the close of business November 18, 1964 on Form 89—Call No. 8, entitled "Summary of Deposits"[1] and said report shall be prepared in accordance with "Instructions for Preparation of Summary of Deposits, Form 89—Call No. 8 as of the close of business November 18, 1964."[1]

Dated this 4th day of November 1964.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
*Secretary.*

[F.R. Doc. 64-11453; Filed, Nov. 9, 1964; 8:46 a.m.]

## FEDERAL MARITIME COMMISSION

### BRODIN LINE JOINT SERVICE

#### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Hill, Betts, Yamaoka, Freehill & Longcope,
26 Broadway,
New York, N.Y. 10004.

Agreement 7592-3, between Rederiaktiebolaget Disa, Rederiaktiebolaget Poseidon and Angfartygsaktiebolaget Tirfing (carriers compromising the Brodin Line joint service) modifies the approved agreement of that joint service (No. 7592, as amended), in the trades between Canadian and U.S. Atlantic ports and U.S. Gulf ports, on the one hand, and ports of Argentina, Paraguay, Uruguay, and Brazil, on the other hand. This modification provides any party to the agreement may withdraw from the agreement by giving ninety days' notice in writing to the other parties, and to the agent then acting for the joint service, and the withdrawal of any one party shall not affect the continuance of this agreement as to the two remaining parties. The agreement previously provided that any party may give to the other parties one year's written notice of termination, and to the agent then acting for the joint service, in which event the agreement shall terminate at the expiration of one year from mailing such notice. In addition provision is made that either of any two remaining parties to the agreement may terminate the agreement by giving ninety days' written notice of termination to the other party, and to the agent then acting for the joint service.

Dated: November 5, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11469; Filed, Nov. 9, 1964; 8:47 a.m.]

### ISTHMIAN LINES, INC., AND SEA-LAND SERVICE, INC.

#### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

A. J. Bruno, Traffic Supervisor,
Sea-Land Service, Inc.,
Puerto Rican Division,
Post Office Box 1050,
Elizabeth, N.J. 07207.

Agreement 9397, between Isthmian Lines, Inc., referred to as the originating carrier, and Sea-Land Service, Inc., the West Indies carrier, provides for a through billing arrangement in the transportation of general cargo under through bills of lading from loading ports of the originating carrier in France, Italy, North Africa, Spain, and Portugal, to ports of call of the West Indies carrier in Puerto Rico, with transhipment at Baltimore, Md., and New York, N.Y., in accordance with the terms and conditions specified therein.

Dated: November 5, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11470; Filed, Nov. 9, 1964; 8:47 a.m.]

[1] Filed as part of original document.



### ISTHMIAN LINES, INC., AND SEA-LAND SERVICE, INC.

#### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

A. J. Bruno, Traffic Supervisor,
Sea-Land Service, Inc.,
Puerto Rican Division,
Post Office Box 1050,
Elizabeth, N.J. 07207.

Agreement 9398, between Isthmian Lines, Inc., referred to as the initial carrier, and Sea-Land Service, Inc., the West Indies carrier, provides for a through billing arrangement in the transportation of general cargo under through bills of lading from loading ports of the initial carrier in India and Pakistan to ports of call of the West Indies carrier in Puerto Rico, with transhipment at New York, N.Y. in accordance with the terms and conditions specified therein.

Dated: November 5, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11471; Filed, Nov. 9, 1964; 8:47 a.m.]

### RIVER PLATE AND BRAZIL CONFERENCES

#### Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to Section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of proposed language changes in a dual rate contract form as set forth in a petition filed by:

David Orlin, Esq.,
Casey, Lane & Mittendorf,
26 Broadway,
New York, N.Y. 10004.

There has been filed on behalf of the River Plate and Brazil Conferences a petition requesting permission to make certain language changes in the form of dual rate contract approved for the River Plate and Brazil Conferences as indicated:

1. To eliminate language specifically referring to the Federal Maritime Commission from the preamble, Article 6(a), Article 9(f) and Article 15(c), and to substitute other appropriate language therefor. Also to provide that if arbitration is held in Canada, that it be held pursuant to the rules of the International Chamber of Commerce rather than of the American Arbitration Association, although the latter shall still govern disputes arbitrated in the United States.

Dated: November 5, 1964.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11472; Filed, Nov. 9, 1964; 8:47 a.m.]

### UNITED STATES LINES CO., AND AMERICAN EXPORT ISBRANDTSEN LINES, INC.

#### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. L. F. Nichols, Treasurer,
United States Lines Co.,
One Broadway,
New York 4, N.Y.

Agreement 9399 between United States Lines Company and American Export Isbrandtsen Lines, Inc., establishes a cooperative working arrangement for the joint operation of present offices in the United States, and those which may be opened in the future, maintained by the parties for the solicitation of passenger traffic and issuance of passenger tickets. Under the agreement, other American flag steamship companies may become a party thereto.

Dated: November 5, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11473; Filed, Nov. 9, 1964; 8:47 a.m.]

[Docket No. 1197]

### STEVENS SHIPPING CO.

#### Discontinuance of Proceeding Regarding Application for a Freight Forwarding License

By order dated August 11, 1964, the Commission, pursuant to a request by Stevens Shipping Co., an applicant for an independent ocean freight forwarder's license, instituted a proceeding to determine whether the applicant is qualified for an independent ocean freight forwarder's license within the meaning of section 1 of the Shipping Act, 1916 (46 U.S.C. 801).

Upon reconsideration, the Commission on October 12, 1964, determined applicant

qualifies for a license within the meaning of section 1.

*Now therefore, it is ordered,* That this proceeding is hereby discontinued.

*It is further ordered,* That a copy of this order shall be served upon the respondent herein, and that this order be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 64-11474; Filed, Nov. 9, 1964; 8:47 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CP65-82]

## EL PASO NATURAL GAS CO.

### Notice of Application

NOVEMBER 3, 1964.

Take notice that on September 25, 1964, El Paso Natural Gas Co. (El Paso), a Delaware corporation, Post Office Box 1492, El Paso, Tex., 79999, filed an application in Docket No. CP65-82 for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act, authorizing the construction and operation of certain loop pipeline facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that El Paso proposes to construct and operate approximately 3.4 miles of 6⅝-inch O.D. pipeline looping the presently unlooped portion of its Simplot-Westvaco lateral in Power County, Idaho, providing natural gas service to Intermountain Gas Co. for resale to J. R. Simplot Co. (Simplot) and F.M.C. Corp. for use in their respective phosphate processing plants situated near Pocatello, Idaho. The application further states that the proposed facilities are required in order to meet increased requirements and delivery pressures of Simplot which are occasioned by the construction by Simplot of an anhydrous ammonia plant on the site of its phosphate plant.

The application also reflects that, in addition to the facilities described above, El Paso proposes to replace certain valves and regulators at its Simplot-Westvaco meter station.

The total estimated cost of the proposed facilities is $77,000. El Paso proposes to finance such cost out of current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 27, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-11440; Filed, Nov. 9, 1964; 8:45 a.m.]

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[Docket Nos. G-3216, etc.]

## PAN AMERICAN PETROLEUM CORP., ET AL.

### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

NOVEMBER 2, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 30, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

| Docket No. and date filed | Applicant | Purchaser, field and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| G-3216 C 10-26-64 [2] | Pan American Petroleum Corp. | United Fuel Gas Co., Little Pecan Lake et al Fields, Cameron Parish, La. | [3] [3] 21.6 | 15.025 |
| G-18041 C 4-15-62 [4] | Peake Petroleum Co. | Hope Natural Gas Co., Acreage in Wyoming County, W. Va. | 26.65 | 15.325 |
| CI60-203 E 10-19-64 | Laurence W. Ritter (successor to Carl A. Houy, Trustee in Bankruptcy for Tidal Oil Co.). | El Paso Natural Gas Co., West Kutz Field, San Juan County, N. Mex. | 11.0 | 15.025 |
| CI60-356 E 10-27-64 | J. C. Trahan, Drilling Contractor, Inc. (successor to Shoreline Exploration, Inc.). | United Gas Pipe Line Co., East Gibson Field, Terrebonne Parish, La. | [5] 22.25 | 15.025 |
| CI61-1015 E 10-27-64 | do | United Gas Pipe Line Co., Gibson Field, Terrebonne Parish, La. | [5] 23.30 | 15.025 |
| CI62-73 E 10-27-64 | do | do | 23.30 | 15.025 |
| CI62-102 E 10-27-64 | do | do | 23.30 | 15.025 |
| CI62-333 D 10-23-64 | Paul L. Britton, Jr. (Operator), et al. | Lake Shore Pipe Line Co., Conneaut Township, Erie County, Pa. | Assigned | |
| CI62-1117 A 3-23-62 | Joseph G. Kluthe (Operator), et al. | El Paso Natural Gas Co., South Andrews Field, Andrews County, Tex. | 7.0 | 14.65 |
| CI62-1135 C 1-17-63 | Tenneco Oil Co.[7] | El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex. | [5] 13.0 | 15.025 |
| CI62-1135 C 2-18-63 | do | do | [5] 13.0 | 15.025 |
| CI62-1163 F 4-2-62 | Jeanne E. Kerbs (successor to J. Wes Johnson d.b.a. Tower Oil & Gas Co.). | El Paso Natural Gas Co., Spraberry Field Area, Upton County, Tex. | [9] 17.2295 | 14.65 |
| CI62-1285 B 4-18-62 | Peake Petroleum Co. | Amere Gas Utilities Co., Acreage in Wyoming County, W. Va. | [10] | |
| CI62-1289 A 4-26-62 | D. W. Falls, Inc. | El Paso Natural Gas Co., Basin-Dakota Field, San Juan County, N. Mex. | [11] 11.0<br>[12] 13.0 | 15.025<br>15.025 |
| CI62-1284 A 5-3-62 | F. R. Kincaid | Equitable Gas Co., Union District, Ritchie County, W. Va. | 25.0 | 15.325 |
| CI62-1285 A 5-3-62 | Superior Oil and Gas, Inc. | Cumberland and Allegheny Gas Co., Union District, Barbour County, W. Va. | 25.0 | 15.325 |
| CI62-1312 A 5-7-62 | Pace Bower Construction Co. | Hope Natural Gas Co., Washington District, Calhoun County, W. Va. | 25.0 | 15.325 |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.



| Docket No. and date filed | Applicant | Purchaser, field and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| CI63-796 A 12-31-62 | Thomas D. Bailey | Cities Service Gas Co., Guymon-Hugoton Field, Texas County, Okla. | 11.0 | 14.65 |
| CI64-960 C 10-26-64 | Amerada Petroleum Corp. | Northern Natural Gas Co., North Linscott Field, Ellis County, Okla. | 17.0 | 14.65 |
| CI65-120 C 10-23-64 | Louis J. Ramirez, d.b.a. Pacific States Gas and Oil Co., | Equitable Gas Co., Glenville District, Gilmer, County, W. Va. | 25.0 | 15.325 |
| CI65-394 A 10-23-64 | Texaco Inc. | El Paso Natural Gas Co., Gallegos Canyon Unit Well No. 140, San Juan County, N. Mex. | 13.0 | 15.025 |
| CI65-395 A 10-19-64 | Evan A. Thomas | United Gas Pipe Line Co., Cotton Valley Field, Webster Parish, La. | 13.05076 | 15.025 |
| CI65-396 A 10-26-64 | Rodman Oil Co. | Northern Natural Gas Co., East Ozona Canyon Field, Crockett County, Tex. | 16.0 | 14.65 |
| CI65-397 A 10-21-64 | F. A. Clark | United Gas Pipe Line Co., Cotton Valley Field, Webster Parish, La. | 13.05076 | 15.025 |
| CI65-398 F 10-26-64 | Phillips Petroleum Co. (successor to the Atlantic Refining Co.). | Tensas Gas Gathering Corp., Locust Ridge Field, Tensas Parish, La. | 14.5 | 15.025 |
| CI65-399 A 10-26-64 | Shell Oil Co. | El Paso Natural Gas Co., Northwest Ozona Plant, Crockett County, Tex. | [13] 16.1377 | 14.65 |
| CI65-400 A 10-26-64 | Roy A. Godfrey | Lone Star Gas Co., Acreage in Bryan County, Okla. | 15.0 | 14.65 |
| CI65-401 A 10-26-64 | Charles L. Hickman, et al., d.b.a. Valley Oil Co. | Equitable Gas Co., Central District, Doddridge County, W. Va. | 25.0 | 15.325 |
| CI65-402 A 10-26-64 | William E. Snee and Orville Eberly. | Arkansas Louisiana Gas Co., Wilburton Field, Latimer County, Oklahoma and Milton Field, LeFlore County, Okla. | 15.0 | 14.65 |
| CI65-403 A 10-27-64 | Socony Mobil Oil Co., Inc. | El Paso Natural Gas Co., Outlet of Pegasus Gasoline Plant, Midland County, Tex. | 16.0 | 14.65 |
| CI65-404 A 10-27-64 | Tex-Star Oil & Gas Corp. | El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex. | 13.0 | 15.025 |
| CI65-405 B 10-26-64 | Texaco Inc. | Tennessee Gas Transmission Co., West Calaboose Field, San Patricio County, Tex. | Depleted | |
| CI65-406 A 10-27-64 | Gulf Oil Corp. | Cities Service Gas Co., Northwest Lovedale Field, Harper County, Okla. | 17.0 | 14.65 |
| CI65-407 A 10-29-64 | Texaco Inc. | El Paso Natural Gas Co., Tocito Dome Field, San Juan County, N. Mex. | 13.0 | 15.025 |
| CI65-408 A 8-24-64 | George Fulton Collins, Jr. | Arkansas Louisiana Gas Co., West Milton Field, LeFlore County, Okla. | 15.0 | 14.65 |

[2] Adds acreage acquired from General Crude Oil Co. and Waterford Oil Co.
[3] Include 1.5 cents tax reimbursement and 0.5 cent for reserve determination.
[4] Rate in effect subject to refund in Docket Nos. RI61-548, RI62-389 and RI63-389.
[5] Adds acreage from which gas was previously sold to Amere Gas Utilities Co.
[6] Rate in effect subject to refund in Docket No. RI62-103.
[7] Rate in effect subject to refund in Docket No. RI61-557.
[8] Filing made by predecessor, Tenneco Corp.
[9] Includes 1.0 cent per Mcf guarantee for liquid products.
[10] Rate in effect subject to refund in Docket No. RI60-276.
[11] Applicant filed to abandon service to Amere Gas Utilities Co. to initiate sale of gas from same acreage to Hope Natural Gas Co. under a year-round contract. Subject sale is added under Applicant's certificate issued in Docket No. G-18041.
[12] Low-pressure gas.
[13] High-pressure gas. Includes 1.0 cent per Mcf minimum guarantee for liquids.
[14] Includes 0.1377 cent per Mcf tax reimbursement.

[F.R. Doc. 64-11441; Filed, Nov. 9, 1964; 8:45 a.m.]

# DEPARTMENT OF LABOR

## Bureau of Employment Security

## ALIENS PERFORMING TEMPORARY SERVICE OR LABOR

### Criteria for Clearance Order

The expiration, on December 31, 1964, of Title V of the Agricultural Act of 1949, as amended, and the Migrant Labor Agreement of 1951, as amended, will confine existing authority for temporary admission of foreign workers from the Republic of Mexico and elsewhere outside the United States to section 214(c) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1184(c)), which provides as follows:

(c) The question of importing any alien as a nonimmigrant under section 101(a)(15)(H) in any specific case or specific cases shall be determined by the Attorney General, after consultation with appropriate agencies of the Government, upon petition of the importing employer. Such petition shall be made and approved before the visa is granted. The petition shall be in such form and contain such information as the Attorney General shall prescribe • • •

Pursuant to such section, the Attorney General of the United States has by regulation (8 CFR 214.2(h)) provided as follows:

(*h*) *Temporary employees*—(*i*) *Petitions.* An alien defined in section 101(a)(15)(H) of the Act must be the beneficiary of an approved visa petition filed on Form I-129B. • • •

• • • • •

(*ii*) *Petition for alien to perform other temporary service or labor.* There shall be submitted a clearance order from the United States Employment Service concerning the availability of like labor in the United States which shall state that its policies have been observed.

• • • A statement shall be furnished describing in detail the situation or conditions which make it necessary to bring the alien to the United States, and whether the need is temporary, seasonal, or permanent; if temporary or seasonal, whether it is expected to be recurrent.

All interested parties, accordingly, are invited to present their views to assist the Secretary of Labor in consulting with the Attorney General concerning such criteria as should appropriately be applied in making the certification required by such regulations of the Attorney General, on such matters as wages, housing, insurance, transportation expenses, and other terms and conditions of employment. These views may be submitted either orally or in writing to Clifford P. Grant, a hearing examiner, appointed under Section 11 of the Administrative Procedure Act (5 U.S.C. 211) on November 30, 1964, at Departmental Auditorium, on Constitution Avenue between 12th and 14th Streets NW., Washington, D.C., or on December 2, 1964, at Bay Front City Auditorium, Fifth and Biscayne Boulevard, Miami, Fla., or on December 4, 1964, at North Ballroom of Sheraton-Dallas Hotel, Dallas, Tex., or on December 7, 1964, at California State Building, Room 1194, 455 Golden Gate Avenue, San Francisco, Calif. All proceedings will commence at 10 a.m. and will be conducted in accordance with the directions of the Hearing Examiner. After receiving all of the views presented by the interested parties, the Hearing Examiner will certify the record to the Secretary of Labor.

Signed at Washington, D.C., this 5th day of November 1964.

W. WILLARD WIRTZ, *Secretary of Labor.*

[F.R. Doc. 64-11479; Filed, Nov. 9, 1964; 8:48 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Service Order 947; Taylor's Car Distribution Order 20-A]

## MISSOURI PACIFIC RAILROAD CO.

### Shortage of Freight Cars

Upon further consideration of Taylor's Car Distribution Order No. 20 (Missouri Pacific Railroad Company) and good cause appearing therefor:

*It is ordered,* That:

(a) Taylor's Car Distribution Order No. 20 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 12:01 a.m., November 5, 1964.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 4, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-11459; Filed, Nov. 9, 1964; 8:46 a.m.]

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*Presidential Documents*

**CODE OF FEDERAL REGULATIONS**

**Title 3, 1959–1963 Compilation**

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 213—EXCEPTED SERVICE

#### Department of Defense and Department of the Army

Sections 213.3306 and 213.3307 are amended to show that the position of Deputy Assistant Secretary of Defense (Civil Defense) in the Department of Defense is no longer excepted in that Department under Schedule C and to show the exception under Schedule C of the successor position of Deputy Director of Civil Defense in the Department of the Army.

**§ 213.3306 [Amended]**

1. Effective upon publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (e) of § 213.3306 is revoked.

2. Effective upon publication in the FEDERAL REGISTER, subparagraph (14) is added to paragraph (a) of § 213.3307 as set out below.

**§ 213.3307 Department of the Army.**

(a) *Office of the Secretary.* • • •

(14) Deputy Director of Civil Defense.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-11533; Filed, Nov. 10, 1964; 8:49 a.m.]

### PART 213—EXCEPTED SERVICE

#### Federal Maritime Commission

Section 213.3367 is amended to show the exception under Schedule C of the positions of one Secretary to the Chairman, one Secretary to each Commissioner, one Secretary to the General Counsel, and one Secretary to the Managing Director of the Federal Maritime Commission. Effective upon publication in the FEDERAL REGISTER, paragraph (d) is added to § 213.3367 as set out below.

**§ 213.3367 Federal Maritime Commission.**

• • • • •

(d) One Private Secretary to the Chairman, one Private Secretary to each Commissioner, one Private Secretary to the General Counsel, and one Private Secretary to the Managing Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-11534; Filed, Nov. 10, 1964; 8:49 a.m.]

## Title 7—AGRICULTURE

### Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 4]

### PART 775—FEED GRAINS

#### Subpart—1964 and 1965 Feed Grain Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1964 and 1965 Feed Grain Program, 29 F.R. 590, as amended, are hereby further amended as follows:

**§ 775.301 [Amended]**

1. Section 775.301 is amended as follows:

a. Delete the second sentence of paragraph (a).

b. Delete paragraph (d).

**§ 775.302 [Amended]**

2. Section 775.302 is amended as follows:

a. Paragraph (b)(2)(i) is amended to read as follows:

(i) Barley prevented from reaching maturity by being clipped and left on the land, destroyed by mechanical means or used for hay, pasture or green manure not later than the applicable disposal date in paragraph (q) of this section, unless, for 1965, the farm operator requests that it be classified as barley acreage,

b. Paragraph (b)(2)(iii) is amended to read as follows:

(iii) Barley in excess of the permitted acreage destroyed by mechanical means or by natural causes to the extent that such barley cannot be harvested as grain, green chop, or silage, or consumed by livestock, not later than the applicable disposal date in paragraph (q) of this section or, except when certification of acreage is required under Part 718 of this chapter, as amended, 15 days after date of notice of excess acreage, whichever is later,.

c. Paragraph (b)(2) is amended by deleting the word "and" at the end of subparagraph (iv), by changing the period to a comma at the end of subparagraph (v) and adding the word "and", and by adding subparagraph (vi) to read as follows:

(vi) Barley within the permitted acreage destroyed by natural causes to the extent that it cannot be harvested as grain, green chop or silage, or consumed by livestock and the operator of the farm files a written request with the county committee to remove the barley acreage classification.

d. Paragraph (b)(3) is amended to read as follows:

(3) For 1959, 1960, and 1964, an acreage devoted to a mixture of crops not considered as wheat acreage under the regulations pertaining to farm acreage allotments, is considered to be barley acreage if the county committee determines the barley content is 50 percent or more by weight at harvest, and such acreage meets the requirements of subparagraph (1) or (2) of this paragraph as being barley acreage. For 1965, an acreage devoted to a mixture of crops not considered as wheat acreage under the regulations pertaining to farm acreage allotments, is considered to be barley acreage if the county committee determines that the combined wheat and barley content is 25 percent or more by weight at harvest, and such acreage meets the requirements of subparagraph (2) of this paragraph as being barley acreage.

e. Paragraph (q)(1) is amended to read as follows:

(1) Barley, oats and rye—the disposal date for barley and the 1965 disposal date for oats and rye for each county or area within the county shall be the same as the wheat disposal date specified in the Regulations Pertaining to Farm Acreage Allotments, Small Farm Bases and Normal Yields for 1964 and Subsequent Crop Years (Part 728 of this chapter) except that a different disposal date will be established for oats upon recommendation of the State committee and approval by the Deputy Administrator. (Such date will be available at the county ASCS office.)

f. Paragraph (s) is added to read as follows:

(s) "Oats and rye acreage" means:

(1) For 1959 and 1960—any acreage of oats or rye planted for harvest as grain.

(2) For 1965—any acreage of oats or rye harvested as grain and any other acreage seeded to oats or rye, excluding:

(i) Oats or rye prevented from reaching maturity by being clipped and left on the land, destroyed by mechanical means or used for green chop, silage, hay, pasture or green manure not later than the applicable disposal date in paragraph (q) of this section,

(ii) Oats or rye approved in §§ 775.307 and 775.308 as a conservation use,

(iii) Oats or rye in excess of the permitted acreage destroyed by mechanical means or by natural causes to the extent that such oats or rye cannot be harvested as grain, green chop, silage or hay, or consumed by livestock, not later than the applicable disposal date in paragraph (q) of this section, or, except when certification of acreage is required under Part 718 of this chapter, as amended, 15 days after date of notice of excess acreage, whichever is later,

(iv) Oats or rye within the permitted acreage, destroyed by mechanical means or by natural causes to the extent that it cannot be harvested as grain, green chop, silage or hay, or consumed by livestock, and designated as diverted acreage or needed to meet the requirements of § 775.304(b)(4), and

(v) Oats or rye within the permitted acreage destroyed by natural causes to the extent that it cannot be harvested as grain, green chop, silage or hay, or consumed by livestock and the operator of the farm files a written request with the county committee to remove the oats and rye acreage classification.

(3) An acreage devoted to a mixture of crops which includes oats or rye is considered to be oats and rye acreage except when considered as barley acreage under paragraph (b) of this section or when considered as wheat acreage under the regulations pertaining to farm acreage allotments.

**§ 775.304 [Amended]**

3. Section 775.304(c)(2) is amended by inserting the words "for 1964" immediately after the words "except that" in the last sentence thereof.

4. Section 775.306(e) is amended to read as follows:

**§ 775.306 Designation, use, and care of diverted acreage.**

* * * * *

(e) *Diverted acreage devoted to designated crops planted for harvest in lieu of conservation uses.* For 1964, diverted acreage devoted to castor beans, guar, sunflower, safflower, mustard seed, or sesame may be harvested. For 1965, the extent to which, if any, the diverted acreage may be devoted to substitute crops shall be provided in an amendment to this subpart.

* * * * *

**§ 775.307 [Amended]**

5. Section 775.307 is amended as follows:

a. Section 775.307(a)(1) is amended by changing the last sentence thereof to read as follows: "Wheat, barley, or (if an oats-rye base is in effect for the farm) oats or rye may be used as a cover crop only when destroyed by natural causes, plowed down as green manure, destroyed by mechanical means or clipped and left on the land not later than the established disposition date, except as provided for barley, wheat, oats and rye in subparagraph (11) of this paragraph."

b. Section 775.307(a)(11) is amended by adding the following new sentence at the end thereof: "Notwithstanding the foregoing provisions of this subparagraph, for 1965, wheat (and oats and rye when an oat-rye base is in effect for the farm) will qualify as a planting for wildlife food plots or establishment of wildlife habitat under the same conditions as specified for barley, corn, and grain sorghums.".

**§ 775.308 [Amended]**

6. Section 775.308(a)(3) is amended by changing the last sentence thereof to read as follows: "An acreage of barley, wheat, rice, or (if an oats-rye base is in effect for the farm) oats or rye left standing as of the established disposition date shall not be considered as devoted to a conservation use, except as provided in § 775.307(a)(11).".

7. Section 775.311(e)(2) is amended by adding subparagraph (vii) to read as follows:

**§ 775.311 Farm feed grain base.**

* * * * *

(e) * * *

(2) * * *

(vii) In addition, for 1965, in the case of a farm which includes land returned to agricultural production after being acquired by an agency having the right of eminent domain for which the total feed grain base was pooled pursuant to Part 719 of this chapter, at least three years have elapsed from the date the former owner was displaced from the acquired farm to the date the request for a new farm base is considered.

* * * * *

8. Section 775.314(a) is amended to read as follows:

**§ 775.314 Appeals.**

(a) A producer may obtain reconsideration and review of determinations made under this subpart in accordance with the Appeal Regulations, Part 780 of this chapter (29 F.R. 8200), as amended.

* * * * *

**§ 775.315 [Amended]**

9. Section 775.315(e) is amended by changing the first sentence thereof to read as follows: "The operator may withdraw Form 477 by filing a written notice of withdrawal of the form with the county committee.".

**§ 775.318 [Amended]**

10. Section 775.318 is amended as follows:

a. Paragraph (b) is amended to read as follows:

(b) Except as provided in subparagraph (3) of this paragraph, no payment shall be made for 1964 when a tolerance computed under subparagraph (1) of this paragraph is exceeded and no payment shall be made for 1965 when a tolerance computed under subparagraph (2) of this paragraph is exceeded.

(1) *1964.* No payment shall be made if (i) the acreage designated and credited as diverted from feed grains is less than the stated intention by more than, in case the stated intention is 20 acres or less, the larger of 1 acre or 10 percent of the stated intention, and, in case the stated intention is over 20 acres, the larger of 2 acres or 5 percent of the stated intention, not to exceed 15 acres; (ii) the total acreage of feed grains on the farm exceeds the permitted acreage by more than, in case the stated intention is 20 acres or less, the larger of 1 acre or 10 percent of the stated intention, and, in case the stated intention is over 20 acres, the larger of 2 acres or 5 percent of the stated intention, not to exceed 15 acres; or (iii) the total conserving acreage on the farm (including diverted acreage devoted to crops planted in lieu of conservation uses) is less than the sum of the conserving base and the intended diverted acres under the program and the wheat diversion program by more than (*a*) in case the sum of the conserving base and the stated intention is 20 acres or less, the largest of 1 acre, the sum of the tolerance applicable to the stated intention under subparagraph (i) of this subparagraph (1) and § 728.64(b)(2) of this chapter (regulations governing the wheat diversion program), or 10 percent of the sum of the conserving base and the stated intention, and (*b*) in case the sum of the conserving base and the stated intention is over 20 acres, the largest of 2 acres, the sum of the tolerance applicable to the stated intention under subparagraph (i) of this subparagraph (1) and § 728.64(b)(2) of this chapter (regulations governing the wheat diversion program), or 5 percent of the sum of the conserving base and the stated intention.

(2) *1965.* No payment shall be made if (i) the acreage designated and credited as diverted from feed grains and wheat (and oats and rye when an oats-rye base is in effect for the farm) is less than the total stated intention for such crops by more than, in case the total stated intention is 20 acres or less, the larger of 1 acre or 10 percent of the total stated intention, and, in case the total stated intention is over 20 acres, the larger of 2 acres or 5 percent of the total stated intention, not to exceed 15 acres: *Provided,* That the tolerance computed under this subdivision (i) shall not be applicable if the designated diverted acreage is less than 0.1 acre; (ii) the total acreage of feed grains and wheat (and oats and rye when an oats-rye base is in effect for the farm) exceeds the permitted acreage of such crops by more than, in case the total stated intention is 20 acres or less, the larger of 1 acre or 10 percent of the total stated intention, and, in case the total stated intention is over 20 acres, the larger of 2 acres or 5 percent of the total stated intention, not to exceed 15 acres: *Provided,* That, if an oats-rye base is in effect for the farm, that part of such tolerance utilized for feed grains shall not exceed a tolerance which would be computed if the farm were participating only in the feed grain program and, if there is no feed grain base in effect for the farm, no part shall be utilized for feed grains: *Provided further,* That if excess wheat produced on the farm is stored under the provisions of § 728.107 of this chapter (regulations governing the Farm Wheat Certificate Program, 28 F.R. 5133, as amended), the tolerance under this subdivision (ii) shall be computed and applied as if the farm were participating only in the feed grain program; or (iii) the total conserving acreage on the farm (including diverted acreage devoted to crops planted in lieu of conservation uses) is less than the sum of the conserving base and the total stated intention for feed grains and wheat (and oats and rye when an oats-rye base is in effect for the farm) by more than (*a*) in case the sum of the conserving base and the total stated intention is 20 acres or less, the larger of 1 acre or 10 percent of the sum of the conserving base and the total stated intention, and (*b*) in case the sum of the conserving base and the total stated intention is over 20 acres, the larger of 2 acres or 5 percent of the sum of the conserving base and the total stated intention, not to exceed 15 acres.

(3) *Tolerances for exceptional cases.* For farms other than those farms for which certification of acreage is required under Part 718 of this chapter, as amended, the county committee, with the approval of a representative of the State committee, may make payment to the extent of the acreage eligible for payment under paragraph (c) of this section with respect to a farm not meeting the requirements of subparagraphs (1) (i) and (iii), (2) (1), or (iii) of this paragraph, if the farm operator establishes that, because of the small size of the deficiency and the unavailability of recent measurements of field acreages on the farm, he had no reason to believe that the designated acreage was less than the acreage intended to be diverted or that the total conserving acreage was less than the conserving base plus the total stated intention, and all additional acreage on the farm (including any feed grain and other unharvested crops) eligible for such purposes at the time the operator receives a Form ASCS-590 (Notice of Acreage) is designated as diverted acreage or is counted toward meeting the conserving base requirement, and there is still insufficient acreage.

b. Change the first sentence of paragraph (f) to read as follows: "The farm shall be ineligible for the price support payment if the farm is ineligible for a diversion payment for any reason other than (1) the devotion of diverted acres to a substitute crop in lieu of payment, (2) for 1964, the diversion payment has been reduced to zero under § 775.304(c)(2) because the feed grain base on another farm has been exceeded but is within the tolerance prescribed in that section, (3) the acres eligible for payment are zero because of the application of § 775.318(c)(3) but the total conserving acreage is within the applicable tolerance prescribed in § 775.318(b), or (4) the diversion payment has been reduced to zero for authorized harvesting or grazing under the provisions of § 775.306."

e. Change the period at the end of the second sentence of paragraph (f) to a colon and add the following: "*Provided,* That for 1965 the total acreage of feed grains upon which price support payments are made shall in no event exceed 80 percent of the feed grain base and, if the actual acreage of feed grains for 1965 exceeds such acreage because of the use of the substitution provisions of § 775.328 or because of the application of any tolerance authorized, the acreage eligible for price support payments shall be apportioned to each commodity in accordance with the acreage of each commodity.".

**§ 775.327 [Amended]**

11. Section 775.327 is amended as follows:

a. Insert "(a)" immediately before the text thereof and add county average yields and rates for additional counties for 1964 as follows:

| County | Barley | | Corn | | Grain sorghum | |
|---|---|---|---|---|---|---|
| | 1959–62 adjusted average yield (bushels) | Rate (dollars) | 1959–62 adjusted average yield (bushels) | Rate (dollars) | 1959–62 adjusted average yield (bushels) | Rate (dollars) |
| ALABAMA | | | | | | |
| Elmore | 27.0 | 1.02 | | | | |
| CONNECTICUT | | | | | | |
| New London | | | | | 50.0 | 1.19 |
| FLORIDA | | | | | | |
| Hamilton | 21.5 | 1.05 | | | | |
| GEORGIA | | | | | | |
| Calhoun | 28.0 | 1.05 | | | | |
| Crisp | 40.0 | 1.05 | | | | |
| Early | 30.0 | 1.05 | | | | |
| Effingham | 27.0 | 1.05 | | | | |
| Glascock | 28.0 | 1.05 | | | | |
| Grady | 32.0 | 1.05 | | | | |
| Miller | 32.0 | 1.05 | | | | |
| Wilkinson | 25.0 | 1.05 | | | | |
| ILLINOIS | | | | | | |
| Jo Daviess | | | | | 58.8 | 1.09 |
| MINNESOTA | | | | | | |
| Goodhue | | | | | 55.0 | 1.05 |
| Sibley | | | | | 52.0 | 1.05 |
| Steele | | | | | 50.0 | 1.05 |
| TENNESSEE | | | | | | |
| Cumberland | | | | | 30.0 | 1.16 |
| TEXAS | | | | | | |
| Reagon | 26.2 | .92 | | | | |
| Waller | 20.6 | 1.14 | | | | |
| WASHINGTON | | | | | | |
| San Juan | | | 50.0 | 1.34 | | |

b. Add the following new paragraph (b):

(b) The county average yields and the county rates for determining the diversion payments for the 1965 crops of barley, corn, and grain sorghums under § 775.312 will be promulgated in an amendment to this subpart.

12. A new section 775.328 is added to read as follows:

**§ 775.328 Oats-rye diversion payment in 1965; substitution in 1965 of feed grains for wheat and wheat for feed grains, oats and rye.**

Oats-rye diversion payments in 1965 and substitution in 1965 of feed grains for wheat and wheat for feed grains and oats and rye shall be governed by the provisions of § 728.76 of the regulations governing the Wheat Diversion Program.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 6, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-11548; Filed, Nov. 10, 1964; 8:50 a.m.]



**Title 12—BANKS AND BANKING** F.R. 12314) and all relevant provisions

# Title 12—BANKS AND BANKING

## Chapter V—Federal Home Loan Bank Board

### SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 18,561]

### PART 525—ADVANCES

### Home Mortgages Exceeding $40,000

NOVEMBER 5, 1964.

Whereas, by Resolution No. 18,431, dated September 18, 1964, and duly published in the FEDERAL REGISTER on September 23, 1964 (29 F.R. 13214), this Board resolved that pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508), it was proposed that § 525.13 of the regulations for the Federal Home Loan Bank System (12 CFR 525.13) be amended by an amendment the substance of which was set out in said publication, and

Whereas, all relevant material presented or available having been considered by it;

It is hereby resolved, that this Board hereby determines to adopt the regulation, as published, without change.

It is hereby further resolved that, inasmuch as the foregoing amendment relieves restriction, the Board hereby finds that postponement of the effective date under the provisions of § 508.14 of the General Regulations of the Federal Home Loan Bank Board and section 4(c) of the Administrative Procedure Act is not required and the Board hereby provides that the said amendment shall become effective on November 12, 1964.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
*Assistant Secretary.*

Amend § 525.13 to read as follows:

**§ 525.13 Home mortgages exceeding $40,000.**

A home mortgage which was originally written for more than a sum equal to $40,000 for each home or other dwelling unit covered by such mortgage, but which has been reduced to not more than said sum, may be accepted as collateral, if otherwise eligible.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981; 3 CFR, 1947 Supp.)

[F.R. Doc. 64–11513; Filed, Nov. 10, 1964; 8:47 a.m.]

### SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 18,554]

### PART 545—OPERATIONS

### Participation Loans

NOVEMBER 5, 1964.

Resolved that, notice and public procedure having been duly afforded (29 F.R. 13214) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of paragraph (b) of § 545.6–4 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–4(b)) in order to implement and to effect conformity with the provisions of section 5(c) of the Home Owners' Loan Act of 1933, as amended by Public Law 88–560, approved September 2, 1964, relating to participation loans, and for the purpose of effecting such amendment hereby amends paragraph (b) of § 545.6–4 of the rules and regulations for the Federal Savings and Loan System to read as follows, effective December 11, 1964.

Amend § 545.6–4(b) of the rules and regulations for the Federal Savings and Loan System to read as follows:

**§ 545.6–4 Participation loans.**

* * * * *

(b) *Participation loans on real estate beyond regular lending area.* In addition to its authority under paragraph (a) of this section, any Federal association may, to the extent that it has legal authority to do so, participate with another institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation in making a loan, or may purchase from any such an institution a participation interest in a loan, of any type that it may make under this Part 545, secured by first lien upon a home, a combination of home and business property, other dwelling units, or a combination of dwelling units, including homes, and business property involving only minor or incidental business use, located beyond the association's regular lending area: *Provided*, That no such association may make any investment in a participation interest in any such loan, other than an insured or guaranteed loan, if the amount of such investment plus the amount of such association's outstanding investments in participation interests in loans (except participation interests in insured and guaranteed loans, and except participation interests in other loans on homes located within its regular lending area that are not subject to the 20-percent-of-assets limitation provided by § 545.6–7) aggregate a total greater than the amount by which 40 percent of such association's assets exceeds the amount of its investments subject to the 20-percent-of-assets limitation provided by § 545.6–7.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
*Assistant Secretary.*

[F.R. Doc. 64–11516; Filed, Nov. 10, 1964; 8:47 a.m.]

# Title 13—BUSINESS CREDIT AND ASSISTANCE

## Chapter I—Small Business Administration

[Amdt. 1]

### PART 110—INVESTIGATIONS; SMALL BUSINESS INVESTMENT COMPANIES

### Miscellaneous Amendment

Pursuant to authority contained in sections 308 and 310 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, the Small Business Administration hereby amends, as set forth below, Part 110 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations (27 F.R. 464), by adding thereto new §§ 110.6 and 110.7 and amending present § 110.4.

*Information and effective date.* Section 310 of the Small Business Investment Act of 1958 authorizes SBA to conduct investigations. For the purpose of any investigation, section 310 empowers SBA to subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents relevant to the inquiry, from any place in the United States.

As set forth below, a new § 110.7 is being added to SBA's rules Governing Investigations to authorize witnesses subpoenaed by SBA in an investigative proceeding to be paid the same fees and mileage as are paid witnesses in courts of the United States. This is a fair and reasonable provision appropriate to the subject. It incorporates, in effect, the rule stated in § 109.17 of SBA's rules of practice for Adjudicative Proceedings (27 F.R. 459) with respect to payment of witness fees in SBA adjudicative proceedings. Section 309(d) of the Act authorizes witnesses summoned to appear before SBA in an adjudicative proceeding to be paid the same fees and mileage as are paid witnesses in the courts of the United States. Payment of witness fees is not directly mentioned in section 310 of the Act which, as noted, empowers SBA to subpoena witnesses in investigations. Under the circumstances, SBA's authority to pay witnesses in an investigative proceeding the same fees and mileage as are paid witnesses summoned by it in an adjudicative proceeding appears to be necessarily implied and to fall within its rule making power under section 308(c) of the Act.

As set forth below, a new § 110.6 is also being added to provide that service of subpoenas in investigative proceedings shall be effected in the same manner as that prescribed by §§ 109.16(c) and 109.26(a) of the rules of practice for subpoenas issued in adjudicative proceedings.

Section 110.4, *Suspension or disbarment of counsel*, is being amended to provide that the Administrator for good cause shown may, in accordance with the procedures prescribed under Part 104 of SBA rules and regulations, reprimand, suspend or disbar counsel from practice before SBA because of contemptuous conduct, dilatory tactics or other improper conduct in the course of an SBA investigation.

Since the present amendment relates to procedural matters which are exempt from the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003), it shall become effective upon publication in the FEDERAL REGISTER.

The Rules Governing Investigations (27 F.R. 464) are hereby amended as follows:

1. By amending § 110.4, *Suspension or disbarment of counsel.* As amended, § 110.4 reads as follows:

**§ 110.4 Suspension or disbarment of counsel.**

The Administrator for good cause shown may, in accordance with the procedures set forth in Part 104 of this chapter, reprimand, suspend or disbar counsel from practice before the Administration because of contemptuous conduct, dilatory tactics or other improper conduct in the course of an investigation.

2. By adding thereto a new § 110.6 which reads as follows:

**§ 110.6 Service of subpoena.**

Service of subpoenas issued in an investigative proceeding shall be effected in the manner prescribed by §§ 109.16(c) and 109.26(a) of this Chapter for the service of subpoenas in adjudicative proceedings.

3. By adding thereto a new § 110.7 which reads as follows:

**§ 110.7 Witness fees.**

Witnesses in an investigative proceeding shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

Dated: November 4, 1964.

EUGENE P. FOLEY,
*Administrator.*

[F.R. Doc. 64–11539; Filed, Nov. 10, 1964; 8:49 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Docket No. 6309; Amdt. 39–2]

### PART 39—AIRWORTHINESS DIRECTIVES [NEW]

### McCauley Propellers and Beech Models D50E, J50 and 65 Aircraft; Correction

As a part of its recodification program, the Agency has added Part 39—Airworthiness Directives [New] to the Federal Aviation Regulations, replacing Part 507 of the Regulations of the Administrator, effective November 20, 1964. During the course of publication of Part 39 [New], the Agency adopted two airworthiness directives with effective dates of November 20, 1964, which were issued as amendments to Part 507 of the Regulations of the Administrator. As presently published, these airworthiness directives would amend a Part [507] that will not be in effect on the effective date of the airworthiness directives.

Therefore, effective November 20, 1964, Amendment 822, 29 F.R. 14405, McCauley Propellers, and Amendment 823, 29 F.R. 14437, Beech Models D50E, J50, and 65 Aircraft, respectively, are amended by deleting the reference to "§ 507.10(a) of Part 507 (14 CFR Part 507)" in the enacting clause and inserting in lieu thereof, "§ 39.13 of Part 39 [New] (14 CFR Part 39)."

Since this amendment is minor in nature, makes no substantive change, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1423)

Issued in Washington, D.C., on November 4, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64–11488; Filed, Nov. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 64–EA–35]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Federal Airway

On September 11, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12846) stating that the Federal Aviation Agency proposed to alter VOR Federal airway No. 139 between Providence, R.I. and Whitman, Mass.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Massachusetts Aeronautics Commission objected to the proposal on the basis that it would further complicate an already complicated airway system. Also, the Commission objected to a dogleg on the grounds that in order to fly the airway properly an aircraft must have either two OMNIs or an OMNI and a DME. It concluded that not many general aviation aircraft are so equipped and, for this reason, the proposed amendment would not be in the best interests of general aviation. However, in order to fly properly in the existing airway system a pilot must be able to fly along airways that are not directly aligned from facility to facility. He must be prepared to hold, or accept, routings along many of the airways that require turns at the intersection of several radials. Since the use of V–139 is still available for direct routing, V–139 east will not complicate the existing airway structure any more than other established alternate routes.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

In § 71.123 (29 F.R. 1009, 1561, 7018, 9529), V–139 is amended by deleting "Providence, thence 6 miles wide to Whitman, Mass.;" and substituting "Providence, thence 6 miles wide to Whitman, Mass., including an E alternate;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 3, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–11490; Filed, Nov. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 64–CE–84]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to modify the Duluth, Minn., control zone.

The present description of the Duluth control zone is as follows:

Within a 5-mile radius of Williamson-Johnson Airport, Duluth, Minn. (latitude 46°50'35" N., longitude 92°11'35" W.), and within 2 miles either side of the 198° bearing from the Duluth RBn extending from the 5-mile radius zone to 10 miles S of the RBn.

The nondirectional radio beacon and certain of the ILS components at the Duluth International Airport (formerly designated as the Williamson-Johnson Airport) have been relocated. It is therefore, necessary to provide an extension of the control zone to the relocated ILS OM in order to afford protection for aircraft executing ILS and ADF approaches. The southerly extension is being reduced in size but must in large part be retained in order to afford protection for aircraft executing VOR approaches to Runway 3.

The recommended extension to the outer marker, though a substantial addition to existing controlled airspace, is considered to be minor in nature. Further, the relocated RBn is to be commissioned at 0001 e.s.t. October 30, 1964. Aircraft will be utilizing the ILS and RBn in making approaches to the Duluth International Airport. Any delay in making this amendment effective will jeopardize public safety. For this reason, the Administrator finds that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and good cause exists for making the amendment effective on less than thirty days notice.

In consideration of the foregoing Part 71 [New] of the Federal Aviation Regulations is amended as hereinafter set forth:

In § 71.171 (29 F.R. 1101) the Duluth, Minn., control zone is amended to read:

*Duluth, Minn.*

Within a 5-mile radius of Duluth International Airport (latitude 46°50'35" N., longitude 92°11'35" W.), and within 2 miles each side of the Duluth VORTAC 197° radial extending from the 5-mile radius zone to 8 miles S of the VOR, and within 2 miles each side of the Duluth ILS W course extending from the 5-mile radius zone to the OM.

This amendment shall become effective 0001 e.s.t. October 30, 1964.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on October 28, 1964.

HENRY L. NEWMAN,
*Acting Director, Central Region.*

[F.R. Doc. 64-11489; Filed, Nov. 10, 1964; 8:45 a.m.]

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[Docket No. 4085; Amdt. 93-5]

## PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS [NEW]

### Subpart F—Valparaiso, Florida, Terminal Area

The purpose of this amendment to Part 93 of the Federal Aviation Regulations is to provide special air traffic rules for the terminal area at Valparaiso, Fla.

On April 4, 1964, a notice of proposed rule making, 64-19, was published in the FEDERAL REGISTER (29 F.R. 4805) stating that the Federal Aviation Agency proposed to amend Part 93 of the Federal Aviation Regulations to require all pilots operating aircraft between Restricted Areas R-2914 and R-2915 in the vicinity of Valparaiso, Fla., to obtain prior authorization from air traffic control for each flight conducted during daylight hours, Monday through Saturday.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Aircraft Owners and Pilots Association (AOPA) objected to the proposal on the ground that two isolated, undocumented incidents cannot adequately justify restricting civil use of the airspace involved. However, both military and civil flights are crossing the corridor with steadily increasing speeds and frequencies, rendering impotent the segregation of aircraft solely by pilot vigilance. The Air Force notified the FAA that a situation exists in the corridor which is pregnant with potential hazard. After several on-site inspections of military operations and coincident use of the corridor by civil aircraft, FAA personnel concurred with the Air Force in its opinion that a potential hazard exists. Therefore, the FAA has determined that action must be taken to prevent a serious or fatal incident from occurring. Two solutions are available: (1) promulgation of a specific regulatory provision, or (2) designation of restricted airspace. The former course of action has been selected since it is the least restrictive to civil users of the airspace.

The AOPA also claimed that the rule, as proposed, would have the same effect as a joint-use restricted area. This contention is not completely true. Joint-use restricted areas are normally used by the using agency, except when it advises that such areas are temporarily available to nonparticipating aircraft. However, at no time will this rule deny use of the airspace under consideration to civil aircraft pilots.

The AOPA further objected to the proposal on grounds that such a regulation would breed confusion, inadvertent disregard of regulations, and the possible derogation of safety. However, the Agency feels that the amendment would decrease a potentially hazardous condition if it is adequately publicized and clearly depicted, with appropriate explanation, on aeronautical charts. Distinct consideration is being given to this problem by the FAA.

Finally, the AOPA contended that civil operations cannot reasonably accept restrictions because of inadequate planning of Government agencies and recommended that the military bear the responsibility of corrective action. Originally, high speed test activities were confined to the restricted areas in the vicinity of Eglin AFB. However, technological advances resulting in highly sophisticated weapons delivery systems, as well as aircraft propelled at supersonic speeds, precipitated the requirement for more airspace. In order to achieve the most efficient use of existing restricted airspace, crossings over the corridor separating the restricted areas were commenced in the ensuing years. The increase of military activities in the vicinity of Valparaiso has been a natural evolution which started at a time when civil operations in the area were exceptionally light. Further, the Air Force has been extremely cooperative in helping to develop a reasonable and acceptable method for sharing the airspace with civil users; e.g., the FAA facilities involved are provided with operations schedules with sufficient advance notice to insure that information pertaining to altitude crossings not in use will always be available to civil users. In the event military operations will congest the area in an unsafe manner, such operations will be cancelled in deference to civil operations. However, situations of this nature are not anticipated since the military will never use more than two altitudes in crossing the corridor at any given time. For the majority of times, only one crossing altitude will be used.

Different objections to the proposal were raised by the National Business Aircraft Association, Inc. (NBAA). One objection was that the economic impact on civil aircraft and interests was not estimated and considered in the proposal. The economic impact on civil operations was considered and it was determined that such economic degradation would be negligible if it occurred at all. Under the terms of the agreement with the Air Force civil aircraft can use the corridor at all times. The only inconveniences would be the necessity of contacting the controlling agency, receiving an advisory, and the possibility of a non-mandatory changing of altitudes, usually encompassing a difference of not more than 1,000 feet. When the public has a thorough understanding of this, facilitated by extensive publicizing, very few, if any, civil users will be deterred from utilizing the corridor. Aircraft executing operations without a radio (NORDO aircraft) will be burdened to the extent that some form of communication with the controlling facility, other than by aircraft radio, would be required. However, this burden would be minimal in light of the fact that only two NORDO aircraft operated into Destin Airport, Florida, during 1962, as opposed to a total of 1,300 operations by different aircraft during that year.

The NBAA also contended that the "joint-use" concept requires the using agency to obtain a clearance to use a restricted area, and that utilization of a restricted area for extended periods is a violation of Part 73. A proper interpretation of the pertinent regulation is that a using agency is not required to obtain a clearance to use a restricted area. Utilization of a restricted area for "extended periods" is not a violation of Part 73 unless it is used at times not consistent with the official time of designation. However, it should be noted that the rule is consistent with the concept that the FAA has the ultimate authority over all aircraft movements in the corridor.

The NBAA recommended (1) that unrestricted use of altitudes normal to general aviation throughout the corridor be retained in order to avoid an economic impact on the area, and (2) that if no limitation of Air Force activities is possible, the corridor should be designated as a joint-use restricted area. Previous response to both of these recommendations has been made in the discussions above.

The Air Line Pilots Association (ALPA) opposed the proposed rule on the basis that it removes responsibility from the military operation and that the military should either conduct its activities in an established restricted area or move to a suitable restricted area. Under the rule, civil operations should comply with the traffic advisories issued by air traffic control (ATC). The military operations, by agreement, will be required to comply with the limitations imposed by ATC. Neither the military nor the FAA seeks to avoid responsibility for operations conducted in the corridor; rather, the intent is to have the Air Force and civil users share safely the airspace presently available with minimal inconvenience in accordance with the procedures imposed by this rule.

The ALPA also questioned the safety value of the proposal, and finally recommended withdrawal of the notice of proposed rule making. It has been determined that since FAA facilities will advise civil pilots of altitudes being used by the military, and if these altitudes are avoided, the safety value of the proposal will be patent from the dispelling of the potential hazard. Withdrawal of the notice would only permit the continuation of a recognized, potential hazard.

The Air Transport Association of America (ATA) contended that it was difficult to reconcile the rocket activity with the proposed rule; i.e., giving priority to the rocket operations which are conducted primarily outside of the domestic airspace. The FAA agrees with ATA in that rocket firing is of a very minor consequence to the proposed rule and would rarely, if at all, interfere with civil operations in the corridor. Further, ATA commented that it is presumed IFR traffic is provided for by ATC and that the benefits to VFR traffic are in doubt; that if such is true it is a reversal of procedures stated in the Airman's Guide. IFR traffic in the corridor is provided for by virtue of the fact that ATC does issue clearances which provide segregation from the test activities in process and other nonparticipating IFR traffic. As stated above, VFR traffic, upon contact with ATC, will be advised of altitudes in use by the military which should be avoided. The notice in the Airman's Guide stated, in part:

Advise all aircraft proposing transient [sic] of this area contact Crestview FSS or Eglin tower/rapcon for traffic info and recommend altitude for transient [sic].

The only significant difference in the substance of this notice, which has been discontinued, and the adopted rule is that the notice indicated no military or FAA control of the airspace involved. This rule incorporates the fact that use of the corridor airspace is controlled by ATC with the assurance that the corridor will always be available to civil users. Otherwise, the procedures in the rule and those in the notice formerly found in the Airman's Guide are the same. The only mandatory aspect pertaining to civil users is contact with ATC and the receiving of a pertinent advisory. Observance of the advisory is voluntary only.

The ATA commented that the proposed benefits to VFR traffic are sufficiently in doubt that adoption of a new concept should be withheld pending more specific information to the users. Adequate reconsideration of the concept indicates that further information cannot be made available until the program is actually implemented, progressively monitored and carefully evaluated. Retention, cancellation, or modification of the rule will depend upon pertinent observations. Responses to other objections by the ATA appear in the previous discussions above.

The ATA recommended either designating the corridor as a positive control route segment or as a positive control area. This action would appear unnecessary since there is no requirement to separate the civil VFR flights from one another. The problem is the intermingling of the high speed military crossings with VFR traffic transiting the corridor. The proposed regulation would insure that pilots of all VFR flights operating in the area would receive advisory information concerning the military operations. This would enable them to avoid the altitudes being used by the Air Force and, thereby, resolve the problem.

The Helicopter Association of America recommended that the lower airspace of the corridor be excluded from the proposed rule since obtaining a clearance would be an undue restriction upon helicopter flights which are operated VFR on no flight plan and at lower altitudes. This recommendation is not feasible since the Air Force occasionally must use 500 feet for a crossing altitude. However, due to the infrequency of such crossings and the minimal amount of time required for the completion of such (approximately two minutes or less), there should be slight inconvenience or disruption of normal helicopter operations in the area.

Subsequent to the issuance of the notice, Restricted Area R-2915 was subdivided into R-2915A and R-2915B in Airspace Docket No. 63-SO-18. Therefore, in § 93.81 as proposed, "thence along the eastern boundary of R-2915 at the point of beginning" should have read "thence along the eastern boundaries of R-2915B and R-2915A to the point of beginning." Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and pertinent action is taken herein to reflect the change.

In consideration of the foregoing, and for the reasons stated in the notice of proposed rule making, Part 93 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

Part 93, Federal Aviation Regulations, is amended by adding a new Subpart to read as follows:

**Subpart F—Valparaiso, Florida, Terminal Area**

Sec.
93.81 Applicability.
93.83 Aircraft operations.

AUTHORITY: The provisions of this Subpart F issued under sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348).

**§ 93.81 Applicability.**

This subpart prescribes a special air traffic rule for aircraft operated between sunrise and sunset, Monday through Saturday, in the airspace extending upward from the surface to the base of the overlying positive control airspace, bounded by a line beginning at latitude 30°42'50" N., longitude 86°38'02" W.; thence to latitude 30°43'10" N., longitude 86°27'37" W.; thence along the W boundary of R-2914 to latitude 30°19'45" N., longitude 86°23'45" W.; thence three nautical miles from and parallel to the shoreline to latitude 30°20'50" N., longitude 86°38'50" W.; thence along the E boundaries of R-2915B and R-2915A to the point of beginning.

**§ 93.83 Aircraft operations.**

Unless otherwise authorized, no person may operate an aircraft in flight in the area described in § 93.81, unless, before operating within the area, that person establishes communication with air traffic control (ATC) for the purpose of receiving an ATC advisory concerning operations being conducted therein.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 3, 1964.

N. E. HALABY,
*Administrator.*

[F.R. Doc. 64-11491; Filed, Nov. 10, 1964; 8:45 a.m.]





# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. 7652]

## PART 13—PROHIBITED TRADE PRACTICES

### ABC Vending Corp. et al.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.* Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.892 *Knowingly inducing or receiving discriminating payments.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

[Order of divestiture, ABC Vending Corporation (Long Island City, N.Y.) et al., Docket 7652, Oct. 22, 1964]

*In the Matter of ABC Vending Corporation, a Corporation, Now Known as ABC Consolidated Corporation, and Berlo Vending Company, a Corporation*

Consent order requiring the largest motion picture theater concessionaire in the United States and its subsidiary—operating confectionery stands and vending machines in indoor and outdoor motion picture theaters, as well as at other amusement and sport centers, airports, etc., through which they sold candy, popcorn, soft drinks, food, ice cream, and cigarettes—to divest themselves within a year and to a purchaser approved by the Commission, of motion picture theater concessions and contracts for the operation thereof, including all tangible and intangible properties and rights, having aggregate sales of not less than $4,000,000 of which at least $3,500,000 were in the New York and Philadelphia film exchange areas and including drive-in theater concessions as below specified; requiring them not to acquire or operate any concession so divested for a three year period, and not to acquire for ten years any interest in any business operating such concessions without Commission approval; requiring them to desist from contracting with exhibitors for exclusive concessionary rights at their theaters for periods longer than five years; requiring them to cease inducing or receiving any consideration from suppliers of concessionary products when they knew it was not made available on comparable terms to their competitors; and requiring them, within 90 days, to notify their suppliers of the Commission's order that they not receive aforesaid discriminatory considerations—all with provisions as stated in the order following.

The order of divestiture, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That respondent ABC Consolidated Corporation, including respondent Berlo Vending Company, and their officers, directors, agents, representatives, and employees, within twelve (12) months from the date of service of this Order, shall divest themselves

absolutely, in good faith, to a purchaser or purchasers, approved by the Federal Trade Commission, of motion picture theater concessions and contract rights for the operation of motion picture theater concessions in the continental United States having aggregate concessionary sales of not less than $4,000,000 of which not less than $3,500,000 shall be in the New York and Philadelphia film exchange areas (defined later herein). Drive-in theater concessions included in the divestiture shall be not less than ten (10) in number, nor more than ⅙ of the total number of motion picture theater concessions to be divested in the New York and Philadelphia film exchange areas. Said theater concession and contract rights to be divested under this Order shall include all the assets, properties, rights and privileges, tangible and intangible, including, but not limited to, concession rights, vending machines, concession stands, fixtures, and other equipment required by the purchaser to operate the divested motion picture theater concessions.

II. *It is further ordered,* That the assets required to be divested under Section I of this Order shall not be sold or transferred, directly or indirectly, to anyone who at the time of the divestiture is a stockholder, officer, director, employee, or agent of, or otherwise directly or indirectly connected with, or under the control or influence of, respondents, or any of respondents' subsidiary or affiliated companies.

III. As used in this Order, the New York and Philadelphia film exchange areas comprise the following listed counties in the States of New York, New Jersey, Pennsylvania, and Delaware:

NEW YORK FILM EXCHANGE AREA

NEW YORK COUNTIES

| | |
|---|---|
| Bronx. | Queens. |
| Dutchess. | Richmond. |
| Kings. | Rockland. |
| Nassau. | Suffolk. |
| New York. | Ulster. |
| Orange. | Westchester. |
| Putnam. | |

NEW JERSEY COUNTIES

| | |
|---|---|
| Bergen. | Morris. |
| Essex. | Passaic. |
| Hudson. | Somerset. |
| Hunterdon. | Sussex. |
| Middlesex. | Union. |
| Monmouth. | Warren. |

PHILADELPHIA FILM EXCHANGE AREA

PENNSYLVANIA COUNTIES

| | |
|---|---|
| Adams. | Monroe. |
| Berks. | Montgomery. |
| Bradford. | Montour. |
| Bucks. | Northampton. |
| Carbon. | Northumberland. |
| Chester. | Perry. |
| Columbia. | Philadelphia. |
| Cumberland. | Pike. |
| Dauphine. | Schuylkill. |
| Delaware. | Snyder. |
| Franklin. | Sullivan. |
| Juniata. | Susquehanna. |
| Lackawanna. | Tioga. |
| Lancaster. | Union. |
| Lebanon. | Wayne. |
| Lehigh. | Wyoming. |
| Luzerne. | York. |
| Lycoming. | |

NEW JERSEY COUNTIES

| | |
|---|---|
| Atlantic. | Gloucester. |
| Burlington. | Mercer. |
| Camden. | Ocean. |
| Cape May. | Salem. |
| Cumberland. | |

DELAWARE COUNTIES

| | |
|---|---|
| Kent. | Sussex. |
| New Castle. | |

IV. As used in this Order, the term "concessionary sales" means the sales of all products sold at indoor or drive-in motion picture theater concessions.

V. As used in this Order, the term "concessionary products" refers collectively to products suitable for resale in concessions located in indoor or drive-in motion picture theaters, including, but not limited to, candy, popcorn, nuts, soft drinks, beverage syrups, ice cream, cigarettes and other related products.

VI. *It is further ordered,* That for a period of three (3) years from the date of divestiture, but only so long as a divested motion picture theater concession location is served by the purchaser which was approved by the Commission and which purchased from respondents pursuant to said approval, respondents shall not solicit, acquire or operate, directly or indirectly, any such theater concession divested pursuant to this Order.

VII. *It is further ordered,* That, for a period of ten (10) years from the date of service of this Order, respondents shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, any assets, stock, or other share capital, or any other interest, in any other business, corporate or otherwise, which is engaged in the operation of concessions in motion picture theaters in the United States, without the prior approval of the Federal Trade Commission.

VIII. *It is further ordered,* That respondent, ABC Consolidated Corporation, its subsidiaries and affiliates, including respondent Berlo Vending Company, and their respective officers, directors, representatives, agents and employees, directly or through any corporate or other device, in, or in connection with, the business of supplying or operating concessions in motion picture theaters in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Contracting, or offering to enter into contracts with owners or operators of motion picture theaters (exhibitors) for exclusive concessionary rights at such theaters for periods of time greater than five (5) years; provided, however, that any such contract covering indoor motion picture theater concessions shall be terminable by the exhibitor at any time following the expiration of thirty-six (36) months from the date of such contract, and any such contract covering drive-in motion picture theaters shall be terminable by the exhibitor at any time following the expiration of forty-eight (48) months from the date of such contract; provided further that in the event of any such termination prior to the expiration of five (5) years, the exhibitor may be obligated to repay any outstanding loans or advances and any unamortized cost of equipment depreciated over a maximum amortization period of not more than five (5) years.

IX. *It is further ordered,* That respondent ABC Consolidated Corporation, and its subsidiaries and affiliates, including respondent Berlo Vending Company, and their respective officers, directors, representatives, agents and employees, directly, or through any corporate or other device, in, or in connection with, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act (15 U.S.C. 45), of products suitable for resale by respondents in motion picture theater concessions, or in connection with any other transaction between respondents and their various suppliers, involving or pertaining to the regular business of respondents, in distributing and selling motion picture theater concessionary products in the course of commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Inducing and receiving or receiving any price, allowance, term, exclusive package, or any other consideration or thing of value from any manufacturer or other supplier of concessionary products, when, in either inducing and receiving or receiving, respondents know or should know that such price, allowance, term, exclusive package, or other consideration or thing of value is not affirmatively offered and made available on proportionally equal terms to all other customers of such manufacturer or supplier competing with respondents for the operation of concessions in motion picture theaters.

X. *It is further ordered,* That respondent ABC Consolidated Corporation shall, within ninety (90) days from the date of service of this Order, notify each manufacturer or other supplier of concessionary products from which respondent ABC Consolidated Corporation, its subsidiaries and affiliates, including respondent Berlo Vending Company, made any purchase in commerce, or in the course of commerce, for resale in motion picture theater concessions, during a period of six (6) months prior to the date of service of this Order that the Federal Trade Commission has ordered ABC Consolidated Corporation, its subsidiaries and affiliates, including respondent Berlo Vending Company, and their respective officers, directors, representatives, agents and employees, directly or through any corporate or other device, forthwith to cease and desist from inducing and receiving or receiving any price, allowance, term, exclusive package, or other consideration, or thing of value, when, in either inducing and receiving or receiving, respondents know or should know that such price, allowance, term, exclusive package, or other consideration or thing of value is not affirmatively offered and made available on proportionally equal terms to all of respondents' conpetitors operating concessions in motion picture theaters.

XI. Respondents shall periodically, within sixty (60) days from the date of service of this Order and every ninety (90) days thereafter until divestiture is fully effected, submit to the Commission a detailed written report of their actions, plans, and progress, in complying with the provisions of this Order and fulfilling its objectives.

Issued: October 22, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-11535; Filed, Nov. 10, 1964; 8:49 a.m.]



[Docket No. 8589]

## PART 13—PROHIBITED TRADE PRACTICES

### Double Eagle Lubricants, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.140 *Old, reclaimed or reused product being new.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Double Eagle Lubricants, Inc., et al., Oklahoma City, Oklahoma, Docket 8589, Oct. 22, 1964]

*In the Matter of Double Eagle Lubricants, Inc., a Corporation, and Frank A. Kerran and Cameron L. Kerran, Individually and as Officers of Said Corporation*

Order requiring Oklahoma City sellers of previously used lubricating motor oil which they purchased from filling stations and other sources and then "re-refined" in their refinery plant, to cease selling such reclaimed oil without disclosing the prior use in advertising and promotional material and by a conspicuous statement to that effect on the front panel of containers; and to cease representing that reclaimed oil was manufactured from oil that had not been previously used.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Double Eagle Lubricants, Inc., a corporation, and its officers, and Frank A. Kerran and Cameron L. Kerran, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of lubricating oil, do forthwith cease and desist from:

1. Advertising, offering for sale or selling, any lubricating oil which is composed in whole or in part of oil which has been reclaimed or in any manner processed from previously used oil, without disclosing such prior use to the purchaser or potential purchaser in the advertising and sales promotion material, and by a clear and conspicuous statement to that effect on the front panel or front panels on the container.

2. Representing in any manner that lubricating oil composed in whole or in part of oil that has been manufactured, reprocessed or re-refined from oil that has been previously used for lubricating purposes, has been manufactured from oil that has not been previously used.

*It is further ordered,* That when the order in this proceeding becomes final respondents Frank A. Kerran and Cameron L. Kerran are relieved of their obligation to file reports of compliance under the cease and desist order in Docket 6432.

*It is further ordered,* That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 22, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-11536; Filed, Nov. 10, 1964; 8:49 a.m.]

[Docket No. 8601]

## PART 13—PROHIBITED TRADE PRACTICES

### National Research Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–125 Individual or private business being; 13.15–125(m) Educational or research institution; § 13.90 *History of product or offering;* § 13.170 *Qualities or properties of product or service:* 13.170–52 Medicinal, therapeutic, healthful, etc.; 13.170–70 Preventive or protective; 13.170–78 Renewing, restoring. Subpart—Using misleading name—Vendor: § 13.2410 *Individual or private business being educational, religious or research institution or organization.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, National Research Corporation (Lafayette, La.) et al., Docket 8601, Oct. 23, 1964]

*In the Matter of National Research Corporation, a Corporation, and Saul Sonnier, John C. Jackson, and Harold Sonnier, Individually and as Officers of Said Corporation*

Order requiring Lafayette, La., distributors of their drug product "Enurol", to cease representing falsely in advertising in newspapers, by radio and television broadcasts and otherwise, that their said product would prevent and cure arthritis, bursitis, rheumatism and other diseases and restore parts of the body crippled thereby, would decrease the cholesterol in the body and was a new discovery; and to cease using the word "research" as part of their business name.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents National Research Corporation, a corporation, and its officers, and John C. Jackson and Harold Sonnier, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of the liquid and capsule preparations referred to collectively as "Enurol", or either of them, or any other preparations of substantially similar composition or possessing substantially similar properties, under whatever name or names sold, do forthwith cease and desist from, directly or indirectly:

1. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication:

(a) That said preparations will be of any value in the prevention, treatment, relief, or cure of arthritis, bursitis, rheumatism, or any other degenerative disease, or of any aches, pains, or discomforts caused thereby.

(b) That said preparations will restore normal structure or function to parts of the body crippled by arthritis, bursitis, rheumatism, or any other degenerative disease.

(c) That said preparations will decrease the amount of cholesterol in the body.

(d) That said preparations will help rid the body of diseased or damaged tissue or aid the body in building healthy new tissue.

(e) That said preparations will enable a person to maintain good health.

(f) That said preparations are a new medical or scientific discovery or achievement.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondents' preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in Paragraph 1 hereof.

3. Disseminating, or causing to be disseminated, directly or indirectly, by means of the United States mails or by any other means, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement in which the word "research" or any other words of similar import are used as a part of any name under which respondents do business or which represents in any manner, directly or indirectly, that respondents are engaged in research of any kind.

*It is further ordered,* That the complaint be, and it hereby is, dismissed in its entirety as to respondent Saul Sonnier.

*It is further ordered,* That respondent National Research Corporation, a corporation, and individual respondents John C. Jackson and Harold Sonnier shall, within sixty (60) days of receipt of this order, file with the Commission a report, in writing, setting forth in detail the manner in which respondents

have complied with the terms of this order.

Issued: October 23, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-11537; Filed, Nov. 10, 1964; 8:49 a.m.]

[Docket No. C-853]

## PART 13—PROHIBITED TRADE PRACTICES

### Sunray Yarn Co., Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Using misleading name—Goods: § 13.2280 *Composition:* 13.2280-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Sunray Yarn Co., Inc., et al., New York, N.Y., Docket C-853, Oct. 27, 1964]

*In the Matter of Sunray Yarn Co., Inc., a Corporation, and Abraham Friedman and Alex Friedman, Individually and as Officers of Said Corporation*

Consent order requiring New York City importer-wholesalers of wool products to cease violating the Wool Products Labeling Act by tagging as "100% Mohair", yarns which contained a substantial amount of non-woolen fibers; failing to label certain yarns with the percentage of the total fiber weight of each constituent fiber; and describing fiber content as "Rhovyl" and "viscose" in stead of using the common generic name; and to cease using the word "Mohair" instead of "wool" on labels and invoices and shipping memoranda.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Sunray Yarn Co., Inc., a corporation and Abraham Friedman and Alex Friedman, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing into commerce, or offering for sale, selling, transporting, distributing or delivering for shipment in commerce wool yarn or any other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939:

1. Which are falsely and deceptively stamped, tagged, labeled or otherwise identified as to the character or amount of the constituent fibers contained therein.

2. Unless each such product has securely affixed thereto or placed thereon a stamp, tag, label or other means of identification;

(a) Correctly showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

(b) Setting forth the common generic name of fibers in the required information on labels, tags or other means of identification attached to wool products.

(c) Correctly setting forth the percentage of mohair contained in wool products when that term is used on labels as required information in lieu of the word "wool".

*It is further ordered,* That respondents Sunray Yarn Co., Inc., a corporation, and Abraham Friedman and Alex Friedman, individually and as officers of said corporation, and respondents' representatives, agents and employees directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of yarn or any other textile products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in yarn or any other textile products on invoices or shipping memoranda applicable thereto or in any other manner.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 27, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-11538; Filed, Nov. 10, 1964; 8:49 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

## PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Miscellaneous Amendments

Effective on the date of publication of this order in the FEDERAL REGISTER, the following amendments are ordered to Part 120 for the purpose of making minor editorial changes prior to republication of Title 21.

1. In § 120.3(e)(5) the common name of the pesticide chemical is inserted preceding the item "2,3-*p*-dioxanedithiol • • • •." As amended, this item reads as follows:

§ 120.3 **Tolerances for related pesticide chemicals.**

• • • • • • •

(e) • • •

• • • • • •

(5) • • •

Dioxathion (2,3-*p*-dioxanedithiol *S,S-bis* (*O,O*-diethylphosphorodithioate)) containing approximately 70 percent *cis* and *trans* isomers and approximately 30 percent related compounds.

• • • • • •

§ 120.7 [Amended]

2. In § 120.7(b) the city address in the application form is changed from "Washington 25, D.C." to "Washington, D.C., 20204".

§ 120.12 [Amended]

3. In the second sentence of § 120.12 (c), the word "revelant" is corrected to read "relevant."

§ 120.33 [Amended]

4. In § 120.33(k) in the mailing address for deposits and fees the Zip code number "20204" is inserted following "Washington, D.C."

No substantive amendments are included in this order, and therefore the requirements for notice and public procedure and delayed effective date contemplated by the Administrative Procedure Act are not necessary in this instance.

(Sec. 408, 68 Stat. 511; 21 U.S.C. 346a)

Dated: November 4, 1964.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 64-11529; Filed, Nov. 10, 1964; 8:48 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

### SUBCHAPTER A—INCOME TAX

[T.D. 6764]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Earnings and Profits of Controlled Foreign Corporations

*Correction*

In F.R. Doc. 64-10852, published at page 14628 of the issue for Tuesday, October 27, 1964, the following changes are made on page 14634:

(a) In the first column, the material appearing after the first table in "Example 1" should have been set forth as follows:

N Corporation's retained earnings for 1962 are determined on the basis of its balance sheet as of the end of that year, translated as follows:

| | Local currency | Exchange rate | U.S. dollars |
|---|---|---|---|
| Cash | 70,000 | 2.00:1 | $35,000 |
| Accounts receivable | 180,000 | 2.00:1 | 90,000 |
| Inventory | 350,000 | (1) | 175,000 |
| Fixed assets | 1,000,000 | (1) | 500,000 |
| Less: Accumulated depreciation | (200,000) | (1) | (100,000) |
| Total assets | 1,400,000 | | 700,000 |
| Current liabilities | 180,000 | 2.00:1 | 90,000 |
| Long-term liabilities | 300,000 | (2) | 150,000 |
| Paid-in capital | 800,000 | (1) | 400,000 |
| Retained earnings | 120,000 | | 60,000 |
| Total liabilities and net worth | 1,400,000 | | 700,000 |

[1] Historical.

The exchange gain or loss of N Corporation for 1963 may be computed as follows:

| | | |
|---|---|---|
| Retained earnings—1963 | | $110,410 |
| Less: | | |
| Retained earnings—1962 | $60,000 | |
| Operating profit—1963 | 55,720 | 115,720 |
| Exchange loss | | (5,310) |

(b) In the center column, "Example 2" should have been set forth as follows:

*Example* (2). Assume the same facts as in example (1). For 1964, N Corporation's operating profit is 104,800 yuccas or $15,740. It pays a dividend of 26,000 yuccas during a translation period when the appropriate exchange rate is 2.60 yuccas per United States dollar. At yearend, its balance sheet, as translated and adjusted pursuant to subparagraph (3) of this paragraph, is as follows:

| | Local currency | Exchange rate | U.S. dollars |
|---|---|---|---|
| Cash | 91,000 | 2.60:1 | 35,000 |
| Accounts receivable | 260,000 | 2.60:1 | 100,000 |
| Inventory | 430,000 | (1) | 174,400 |
| Fixed assets | 1,644,000 | (1) | 790,000 |
| Less: Accumulated depreciation | (663,700) | (1) | (323,000) |
| Total assets | 1,763,300 | | 776,400 |
| Current liabilities | 325,000 | 2.60:1 | 125,000 |
| Long-term liabilities | 300,000 | (1) | 150,000 |
| Paid-in capital | 800,000 | (1) | 400,000 |
| Retained earnings | 338,300 | | 101,400 |
| Total liabilities and net worth | 1,763,300 | | 776,400 |

[1] Historical.

The exchange gain or loss of N Corporation for 1964 would be computed as follows:

| | | |
|---|---|---|
| Retained earnings—1964 | | $101,400 |
| Add: | | |
| Dividends—1964 | | 10,000 |
| Predistribution earnings | | 111,400 |
| Less: | | |
| Retained earnings—1963 | $110,410 | |
| Operating profit—1964 | 15,740 | 126,150 |
| Exchange loss | | (14,750) |



| | Local currency | Exchange rate | U.S. dollars |
|---|---|---|---|
| Cash | 70,000 | 2.00:1 | $35,000 |
| Accounts receivable | 180,000 | 2.00:1 | 90,000 |
| Inventory | 350,000 | (1) | 175,000 |
| Fixed assets | 1,000,000 | (1) | 500,000 |
| Less: Accumulated depreciation | (200,000) | (1) | (100,000) |
| Total assets | 1,400,000 | | 700,000 |
| Current liabilities | 180,000 | 2.00:1 | 90,000 |
| Long-term liabilities | 300,000 | (2) | 150,000 |
| Paid-in capital | 800,000 | (1) | 400,000 |
| Retained earnings | 120,000 | | 60,000 |
| Total liabilities and net worth | 1,400,000 | | 700,000 |

[1] Historical.

The exchange gain or loss of N Corporation for 1963 may be computed as follows:

| | | |
|---|---|---|
| Retained earnings—1963 | | $110,410 |
| Less: | | |
| Retained earnings—1962 | $60,000 | |
| Operating profit—1963 | 55,720 | 115,720 |
| Exchange loss | | (5,310) |

(b) In the center column, "Example 2" should have been set forth as follows:

*Example* (2). Assume the same facts as in example (1). For 1964, N Corporation's operating profit is 104,800 yuccas or $15,740. It pays a dividend of 26,000 yuccas during a translation period when the appropriate exchange rate is 2.60 yuccas per United States dollar. At yearend, its balance sheet, as translated and adjusted pursuant to subparagraph (3) of this paragraph, is as follows:

| | Local currency | Exchange rate | U.S. dollars |
|---|---|---|---|
| Cash | 91,000 | 2.60:1 | 35,000 |
| Accounts receivable | 260,000 | 2.60:1 | 100,000 |
| Inventory | 430,000 | (1) | 174,400 |
| Fixed assets | 1,644,000 | (1) | 790,000 |
| Less: Accumulated depreciation | (663,700) | (1) | (323,000) |
| Total assets | 1,763,300 | | 776,400 |
| Current liabilities | 325,000 | 2.60:1 | 125,000 |
| Long-term liabilities | 300,000 | (1) | 150,000 |
| Paid-in capital | 800,000 | (1) | 400,000 |
| Retained earnings | 338,300 | | 101,400 |
| Total liabilities and net worth | 1,763,300 | | 776,400 |

[1] Historical.

The exchange gain or loss of N Corporation for 1964 would be computed as follows:

| | | |
|---|---|---|
| Retained earnings—1964 | | $101,400 |
| Add: | | |
| Dividends—1964 | | 10,000 |
| Predistribution earnings | | 111,400 |
| Less: | | |
| Retained earnings—1963 | $110,410 | |
| Operating profit—1964 | 15,740 | 126,150 |
| Exchange loss | | (14,750) |

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 3—ADJUDICATION

### Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. Section 3.256 is revised to read as follows:

§ 3.256 **Annual income and net worth questionnaires.**

A questionnaire will be sent once each calendar year to each payee other than a child who is receiving pension or dependency and indemnity compensation, whose entitlement is subject to an annual income (and net worth where applicable) limitation. (38 U.S.C. 415(e) and 506(a); Public Law 88-664)

2. In § 3.261, paragraphs (a) (2), (5), (13), (14), (15), (20), (29), and (30) and (b) are amended and paragraph (a)(31) is added so that the amended and added material reads as follows:

§ 3.261 **Character of income; exclusions and estates.**

• • • • • •

| | Dependency (parents) | Dependency and indemnity compensation (parents) | Pension; protected (veterans, widows, and children) | Pension; Public Law 86-211 (veterans, widows, and children) | See— |
|---|---|---|---|---|---|
| (a) *Income:* | | | | | |
| • • • | | | | | |
| (2) Income of spouse | Included | Included | Excluded | Included | § 3.262(b). |
| • • • | | | | | |
| (5) Gifts, including contributions from adult members of family: | | | | | |
| Property | Included | Included | Included | Excluded | § 3.262(k). |
| Money | do | do | do | Included | |
| • • • | | | | | |
| (13) Bonus or similar cash gratuity paid by any State based on service in Armed Forces of United States. | Excluded | Excluded | Excluded | Excluded | |
| (14) Retired Serviceman's Family Protection Plan (10 U.S.C. ch. 73): | | | | | |
| Annuities | do | Included | do | Included | § 3.262(e). |
| Refunds (10 U.S.C. 1446) | Included | do | Included | do | |
| (15) Retirement pay received direct from service department (amounts waived under 38 U.S.C. 3105 are not included). | do | do | do | do | § 3.262(e). § 3.262(h). |
| • • • | | | | | |
| (20) Veterans Administration payments: | | | | | |
| Pension | Excluded | Included | Excluded | Excluded | |
| Compensation and dependency and indemnity compensation. | do | Excluded | do | do | |
| World War I adjusted compensation. | do | Included | do | Included | |
| Insurance for disability or death, maturity of endowment policies, and dividends, including special and termination dividends. | do | do | do | Excluded | |
| Servicemen's indemnity | do | do | do | do | |
| Subsistence allowance (38 U.S.C. ch. 31) and such education and training allowance (38 U.S.C. ch. 33) as exceeds amounts expended for training. | Included | do | Included | Included | |
| Educational assistance (38 U.S.C. ch. 35). | | | Excluded | Excluded | |
| Special allowance under 38 U.S.C. 412. | Excluded | Included | do | Included | |
| Statutory burial allowance | do | Excluded | do | Excluded | |
| Accrued | do | Included except accrued as reimbursement. | do | Included except accrued as reimbursement. | |
| • • • | | | | | |
| (29) Bequests, devises, and inheritances: | | | | | |
| Property | Included | Included | Included | Excluded | § 3.262(k). |
| Money | do | do | do | Included | |
| (30) Profit from sale of property | do | do | do | Excluded | § 3.262(k). |
| (31) Jury duty or obligatory civic duties. | do | do | do | do | |
| (b) *Deduction of amounts paid by claimant:* | | | | | |
| (1) Unusual medical expenses | Not authorized. | Authorized. | Not authorized. | Not authorized (Special provision). | § 3.262(b)(2). § 3.262(1). |
| (2) Just debts, expenses of last illness and burial of veteran. | do | Not authorized. | do | Authorized | § 3.262(m). |
| (3) Expenses of last illness and burial of veteran's spouse or child. | do | do | do | do | § 3.262(n). |
| • • • | | | | | |

3. In § 3.262, paragraphs (b)(2), (e), (j)(1), (k)(3), (l) (introduction), (2) and (4), and (m) are amended and paragraphs (k)(5) and (n) are added so that the amended and added material reads as follows:

§ 3.262 **Evaluation of income.**

• • • • • •

(b) *Income of spouse.* Income of the spouse will be determined under the rules applicable to income of the claimant.

• • • • • •

(2) *Veterans.* The separate income of the spouse of a disabled veteran who is entitled to pension under laws in effect on June 30, 1960, will not be considered. Where pension is payable under Public Law 86-211 (73 Stat. 432), to a veteran who is living with a spouse there will be included as income of the veteran all income of the spouse in excess of whichever is the greater, $1,200 or the total earned income of the spouse, which is reasonably available to or for the veteran, unless hardship to the veteran would result. The presumption that inclusion

of such income is available to the veteran and would not work a hardship on him may be rebutted by evidence of unusual family expenses, such as medical expenses under the principles outlined in paragraph (l) of this section or unavailability because needed to defray expenses beyond the usual family requirements such as college education of a child. (38 U.S.C. 521(f); Public Law 88–664)

• • • • • •

(e) *Retirement benefits; general.* Retirement benefits, including an annuity or endowment, paid under a Federal, State, municipal or private business or industrial plan are considered income as limited by this paragraph. Where the payments received consist of part principal and part interest, interest will not be counted separately.

(1) Except as provided in this subparagraph, effective January 1, 1965, in determining income for pension purposes under laws in effect on June 30, 1960, 10 percent of the retirement payments received by a veteran, widow, or child will be excluded. The remaining 90 percent will be considered income as received. Where the retirement benefit is based on the claimant's own employment, payments will not be considered income until the amount of the claimant's personal contribution (as distinguished from amounts contributed by the employer) has been received. Thereafter the 10 percent exclusion will apply.

(2) Except as provided in this subparagraph, effective January 1, 1965, in determining income for pension purposes, under Public Law 86–211 (73 Stat. 432), 10 percent of the retirement payments received by a veteran, widow, or child will be excluded. The remaining 90 percent will be considered income as received. Where a person was receiving or entitled to receive pension and retirement benefits based on his own employment on December 31, 1964, the retirement payments will not be considered income until the amount of the claimant's personal contribution (as distinguished from amounts contributed by the employer) has been received. Thereafter the 10 percent exclusion will apply.

(3) In determining dependency of a parent for compensation purposes, all payments will be considered income as received.

(4) In determining income for dependency and indemnity compensation purposes, where the retirement benefit is based on the claimant's own employment, payments will not be considered income until the amount of the claimant's personal contribution (as distinguished from amounts contributed by the employer) has been received. After he has received an amount equal to his personal contribution all payments will be considered income as received. A retirement or survivor's benefit based on the employment of another person will be considered income as received. (38 U.S.C. 415(g), 503(6); Public Law 88–664)

• • • • • •

(j) *Commercial insurance—(1) Annuity or endowment insurance.* For pension, the provisions of paragraph (e) of this section apply. In determining dependency, payments are considered income as received. For dependency and indemnity compensation where an annuity or payment of endowment insurance is received by the purchaser, no part of the payments received will be considered income until the full amount of the consideration has been received, after which the full amount of such payments will be considered income.

• • • • • •

(k) *Property.*

• • • • • •

(3) *Sale of property.* Except as provided in subparagraphs (4) and (5) of this paragraph, net profit from the sale of real or personal property will be counted. In determining net profit from the sale of property owned prior to the date of entitlement, the value at the date of entitlement will be considered in relation to the selling price. Where payments are received in installments, payments will not be considered income until the claimant has received amounts equal to the value of the property at the date of entitlement. Principal and interest will not be counted separately.

• • • • • •

(5) *Sale of property; Public Law 86–211.* Where pension is payable under Public Law 86–211 (73 Stat. 432), profit from the sale of real or personal property other than in the course of a business will not be considered income. This applies to property acquired either before or after the date of entitlement. Principal and interest will be counted separately. Where payments are received in installments, amounts received on the principal will be excluded from consideration. Interest will be considered income for the year in which received. (38 U.S.C. 503(10); Public Law 88–664.)

(l) *Unusual medical expenses.* In claims for dependency and indemnity compensation (38 U.S.C. 415(g)(2)) and in making determinations under § 3.262(b)(2) in claims for pension under Public Law 86–211 (73 Stat. 432), there will be excluded from the amount of a claimant's annual income any amounts paid for unusual medical expenses. This includes expenses paid by a parent or spouse by reason of his illness and those paid for members of his family. "Members of his family" means those persons, including relatives in the ascending as well as descending class, whom the parent or spouse is under moral or legal obligation to support and who are members of his household.

• • • • • •

(2) Expenses paid by a parent or spouse for maintenance of the parent or spouse or paid by the parent or spouse for maintenance of a member of his family (who is actually or constructively a member of his household) in a nursing or convalescent home may be deducted.

• • • • • •

(4) Where a claimant indicates that he expects to have medical expenses which meet the requirements of this paragraph (e.g., maintenance in a nursing home), an estimate of amounts which will be paid for such expenses may be accepted. Where an estimate of such expenses has been accepted for the purpose of authorizing prospective payments, any necessary adjustment in the award will be made upon receipt of an amended estimate or after the end of the calendar year upon receipt of an income questionnaire.

(m) *Veteran's final expenses; pension.* In claims for pension under Public Law 86–211 (73 Stat. 432), there will be excluded from the income of a widow or for a child of a child of a deceased veteran where there is no widow, amounts equal to amounts paid by the widow or child for:

(1) His just debts;

(2) The expenses of his last illness; and

(3) The expenses of his burial to the extent such expenses are not reimbursed by the Veterans Administration.

Where the claimant receives income during the calendar year in which the veteran died and makes expenditures during the following year for the debts and expenses described, such expenditures may be deducted from the claimant's income for the year of death, if this deduction is advantageous to the claimant. Payments made in subsequent years will be deducted from annual income received during the calendar year in which such payments are made. In the absence of contradictory information, the claimant's statement will be accepted as to the nature, amount and date of payment, and identity of the creditor.

(n) *Final expenses of veteran's spouse or child; pension.* In claims for pension under Public Law 86–211 (73 Stat. 432), there will be excluded from the income of a veteran amounts equal to amounts paid by him for the last illness and burial of his deceased spouse or child. If the veteran pays any of these amounts during the calendar year following the last illness or burial of his spouse or child, such payments may be deducted from the veteran's income for the year of the last illness or burial, if this deduction is advantageous to him. Payments made in subsequent years will be deducted from annual income received during the calendar year in which such payments are made. In the absence of contradictory information, the claimant's statement will be accepted as to the nature, amount and date of payment, and identity of the creditor. (38 U.S.C. 503(9); Public Law 88–664)

4. In § 3.314(a), subparagraphs (1)(ii) and (2)(iii) are amended to read as follows:

**§ 3.314 Basic pension and eligibility determinations.**

(a) *Pension—(1) Prior to World War I.* • • •

(ii) Veterans entitled to pension on the basis of service in the Indian wars or the Spanish-American War may be entitled to an increased rate of pension if rated as being in need of regular aid and attendance. Veterans who have elected pension under Public Law 86–211 (73 Stat. 432) who are not rated as being in need of regular aid and attendance may be entitled to increased pension based on 100 percent permanent disability together with independent disability of 60 percent or more or by reason of being permanently housebound as provided in § 3.351(d). (38 U.S.C. 502(b), (c), 511, 512.)

(2) *World War I and subsequent wars.* • • •

(iii) Veterans entitled to nonservice-connected disability pension may be entitled to an increased rate of pension if rated as being in need of regular aid and attendance. Veterans entitled to pension under Public Law 86–211 (73 Stat. 432) who are not rated as being in need of regular aid and attendance may be entitled to increased pension based on a 100 percent permanent disability together with independent disability of 60 percent or more or by reason of being permanently housebound as provided in § 3.351(d). (38 U.S.C. 502(b), (c), 521).

• • • • • •

5. In § 3.351, paragraph (d) is added to read as follows:

**§ 3.351 Special monthly pension ratings.**

(d) *Permanent and total plus 60 percent, or housebound.* The monthly rate of pension otherwise payable to a veteran who is entitled to pension under Public Law 86–211 (73 Stat. 432) and who does not qualify for increased pension ($100) based on need of regular aid and attendance shall be increased by $35 if, in addition to having a single permanent disability rated as 100 percent under regular schedular evaluation, the veteran:

(1) Has additional disability or disabilities independently ratable at 60 percent or more, separate and distinct from the permanent disability rated as 100 percent disabling and involving different anatomical segments or bodily systems, or

(2) Is permanently housebound by reason of his disability or disabilities. This requirement is met when the veteran is substantially confined as a direct result of his disabilities to his dwelling and the immediate premises or, if institutionalized, to the ward or clinical area, and it is reasonably certain that the disability or disabilities and resultant confinement will continue throughout his lifetime. (38 U.S.C. 502(c), 521(e); Public Law 88–664)

6. In § 3.400(j), subparagraphs (3) and (4) are added; in paragraph (q), subparagraph (1) is amended so that the added and amended material reads as follows:

**§ 3.400 General.**

• • • • • •

(j) *Election of Veterans Administration benefits (§ 3.700 series).* • • •

(3) January 1, 1965 as to pension payable under Public Law 86–211 (73 Stat. 432) as amended by Public Law 88–664 if there was basic eligibility for pension on June 30, 1960, under the law in effect on that date and an election is filed prior to May 1, 1965.

(4) January 1, 1965 as to pension payable under Public Law 86–211 (73 Stat. 432) as amended by Public Law 88–664 if there was basic eligibility on that date for pension on the basis of service in the Indian wars or Spanish-American War and an election is filed prior to May 1, 1965.

• • • • • •

(q) *New and material evidence (§ 3.156)—(1) Other than service department records—(i) Received within appeal period or prior to appellate decision.* The effective date will be as though the former decision had not been rendered. See §§ 19.153, 19.154 of this chapter.

(ii) *Received after final disallowance.* Date of receipt of new claim or date entitlement arose, whichever is later.

• • • • • •

7. In § 3.452(c), subparagraph (3) is amended to read as follows:

**§ 3.452 Veteran's benefits apportionable.**

• • • • • •

(c) • • •

(3) Where a married veteran is receiving pension at the rate provided by 38 U.S.C. 521(b) and pension is reduced under the provisions of § 3.551(c), because of hospitalization by the Veterans Administration, all or any part of the pension at the rates payable under 38 U.S.C. 521(c), or (c) and (e) in excess of $30 monthly may be paid to his estranged wife as provided in § 3.454(b) if it is affirmatively shown that hardship exists. (38 U.S.C. 3203(d))

• • • • • •

8. In § 3.454, paragraph (b) is amended to read as follows:

**§ 3.454 Veteran's disability pension.**

• • • • • •

(b) Where the pension of any married veteran who is receiving pension under 38 U.S.C. 521(b) is reduced to $30 under the provisions of § 3.551(c), an apportionment may be made to his estranged wife upon an affirmative showing of hardship. The amount of the apportionment generally will be the difference between $30 and the rate payable if pension were being paid under 38 U.S.C. 521(c). If the increased rate of $35 per month is payable under § 3.351(d) it may be added to the apportionment. Apportionments authorized under 38 U.S.C. 3203(d) in effect prior to enactment of Public Law 87–556 (76 Stat. 245) may be continued as special apportionments, subject to review at the request of the veteran or apportionee. (38 U.S.C. 3203(d))

• • • • • •

9. In § 3.460(c), subparagraph (2) is amended to read as follows:

**§ 3.460 Death pension.**

• • • • • •

(c) *World War I or later wartime service.* • • •

(2) On and after January 1, 1965, under 38 U.S.C. 541, the widow's share will be:

$50.00—if her annual income will not exceed $1,000.
$40.00—if her annual income will not exceed $2,000.
$27.00—if her annual income will not exceed $3,000.

10. In § 3.461(b), subparagraph (1) is amended to read as follows:

**§ 3.461 Dependency and indemnity compensation.**

• • • • • •

(b) *Rates payable.* (1) The share for each of the children under 18 years of age, including those in the widow's custody as well as those who are not in her custody, will be $35 per month. The share for the widow will be the difference between the children's shares and the total amount payable. In the application of this rule, however, the widow's share will not be reduced to an amount less than 50 percent of that to which she would otherwise be entitled, or less than $70, whichever is greater.

• • • • • •

11. In § 3.551, paragraph (c) is amended to read as follows:

**§ 3.551 Reduction because of hospitalization.**

• • • • • •

(c) *Reduction after 2 months.* Where pension is being paid to a veteran under 38 U.S.C. 521(b) or to a Spanish-American War veteran or an Indian War veteran who was not receiving pension for June 30, 1960, or who elected pension as prescribed by 38 U.S.C. 521 pursuant to 38 U.S.C. 511(c) and 512(a)(3), the pension for a veteran who has neither wife nor child, or who, though married, is receiving pension as prescribed by 38 U.S.C. 521(b) because not living with or reasonably contributing to the support of his spouse shall continue at the full monthly rate until the end of the second calendar month (except as provided in paragraph (d) of this section) following the month of admission for hospitalization. The rate payable will be reduced effective the first of the third calendar month to $30 monthly. Where the veteran has been discharged from a period of hospitalization of not less than 2 full calendar months and is readmitted within 6 months, the award will be reduced effective the date of readmission. Where pension was being paid to a married veteran at the rate prescribed by 38 U.S.C. 521(b), all or any part of the rates payable under 38 U.S.C. 521(c) or (c) and (e) may be apportioned for an estranged wife as provided in § 3.454(b). (38 U.S.C. 3203(d))

• • • • • •

12. In § 3.552, paragraph (e) is amended to read as follows:

**§ 3.552 Adjustment of allowance for regular aid and attendance.**

• • • • • •

(e) Where pension is payable at the aid and attendance rate the reduced award will include the rate authorized by § 3.351(d) in addition to the appropriate basic rate, except for cases subject to paragraph (a)(2) of this section.

• • • • • •

13. In § 3.700, the introductory paragraph is amended to read as follows:

**§ 3.700 General.**

Not more than one award of pension, compensation or emergency officers' reg-

ular or reserve retirement pay will be made concurrently to any person based on his own service except as provided in § 3.803 relating to naval pension and § 3.750(c) relating to waiver of retirement pay. Not more than one award of pension, compensation or dependency and indemnity compensation may be made concurrently to a dependent on account of more than one period of service of a veteran. (38 U.S.C. 3104(a); Public Law 88–664)

* * * * *

14. Section 3.710 is revised to read as follows:

**§ 3.710 Civil service annuitants.**

Veterans Administration benefits may be paid concurrently with civil service retirement benefits. However, payments will be considered income as provided in § 3.262 (e) and (h).

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective January 1, 1965.

Approved: November 4, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
*Deputy Administrator.*

[F.R. Doc. 64–11456; Filed, Nov. 10, 1964; 8:45 a.m.]

# Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

## Chapter I—Patent Office, Department of Commerce

## PART 1—RULES OF PRACTICE IN PATENT CASES

### Petition to the Commissioner

The following amended rule is adopted. The text of the rule, except in one particular, was published in the FEDERAL REGISTER of July 28, 1964 (29 F.R. 10472) and all persons who desired to were invited to submit written data, views, arguments or suggestions in connection with the proposal. The rule is being adopted after full and careful consideration of all the material submitted. The rule departs from the published text only in changing the time within which a petition may be filed from "within 30 days" from the action complained of to "within 60 days".

This amendment shall take effect January 1, 1965, and shall apply only to Examiner's actions mailed after that date. In all other applications pending on the effective date, the rule prior to amendment shall apply.

Section 1.181 of 37 CFR (Patent Rule 181) is amended by deleting paragraph (f) thereof and replacing it with new paragraph (f) reading as follows:

**§ 1.181 Petition to the Commissioner.**

* * * * *

(f) Except as otherwise provided in these rules, any such petition not filed within sixty days from the action complained of, may be dismissed as untimely. The mere filing of a petition will not stay the period for reply to an Examiner's action which may be running against an application, nor act as a stay of other proceedings.

* * * * *

(Sec. 1, 66 Stat. 793; 35 U.S.C. 6)

EDWARD J. BRENNER,
*Commissioner of Patents.*

OCTOBER 28, 1964.

Approved: October 30, 1964.

J. HERBERT HOLLOMON,
*Assistant Secretary for Science and Technology.*

[F.R. Doc. 64–11500; Filed, Nov. 10, 1964; 8:46 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### Wichita Mountains Wildlife Refuge, Oklahoma

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUGE

Sport fishing on the Wichita Mountains Wildlife Refuge, Cache, Okla., is permitted only in the waters of that portion of the refuge open to the general public for recreational uses. These open waters comprise some 550 acres of lakes and one mile of intermittent stream and are delineated on maps available at the refuge headquarters, mail address Cache, Okla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Fishing will be with closely attended pole and line only, including rod and reel. Trotlines, throw lines, and multiple set lines are not permitted.

(2) The use of outboard motors and boats is permitted only on Lake Elmer Thomas where the provisions of § 28.21 of this title and those of the Oklahoma Boat and Water Safety Act as amended govern. The use of boats or other floating devices on all other refuge lakes is prohibited except the use of one-man inner tube type "fishing floaters"; inner tubes and similar safety floats commonly used by swimmers are not considered floating devices for purposes of this regulation.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective January 1, 1965, through December 31, 1965.

JULIAN A. HOURD,
*Refuge Manager, Wichita Mountains Wildlife Refuge, Cache, Okla.*

NOVEMBER 2, 1964.

[F.R. Doc. 64–11502; Filed, Nov. 10, 1964; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR Part 1 ]

### INCOME TAX

### Collapsible Corporations

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1) to the amendments of section 341 of the Internal Revenue Code of 1954 made by section 20 of the Technical Amendments Act of 1958 (72 Stat. 1615), section 13 (f)(4) of the Revenue Act of 1962 (76 Stat. 1035), and section 231(b)(4) of the Revenue Act of 1964 (78 Stat. 105), such regulations are amended as follows:

PARAGRAPH 1. Section 1.341 is amended by adding after section 341(d) a new subsection (e) and a historical note, as follows:

**§ 1.341 Statutory provisions; collapsible corporations.**

Sec. 341. *Collapsible corporations.* * * *

(e) *Exceptions to application of section—*

(1) *Sales or exchanges of stock.* For purposes of subsection (a)(1), a corporation shall not be considered to be a collapsible corporation with respect to any sale or exchange of stock of the corporation by a shareholder, if, at the time of such sale or exchange, the sum of—

(A) The net unrealized appreciation in subsection (e) assets of the corporation (as defined in paragraph (5)(A)), plus

(B) If the shareholder owns more than 5 percent in value of the outstanding stock of the corporation, the net unrealized appreciation in assets of the corporation (other than assets described in subparagraph (A)) which would be subsection (e) assets under clauses (i) and (iii) of paragraph (5)(A) if the shareholder owned more than 20 percent in value of such stock, plus

(C) If the shareholder owns more than 20 percent in value of the outstanding stock of the corporation and owns, or at any time during the preceding 3-year period owned, more than 20 percent in value of the outstanding stock of any other corporation more than 70 percent in value of the assets of which are, or were at any time during which such shareholder owned during such 3-year period more than 20 percent in value of the outstanding stock, assets similar or related in service or use to assets comprising more than 70 percent in value of the assets of the corporation, the net unrealized appreciation in assets of the corporation (other than assets described in subparagraph (A)) which would be subsection (e) assets under clauses (i) and (iii) of paragraph (5)(A) if the determination whether the property, in hands of such shareholder, would be property gain from the sale or exchange of which would under any provision of this chapter be considered in whole or in part as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231(b), were made—

(i) By treating any sale or exchange by such shareholder of stock in such other corporation within the preceding 3-year period (but only if at the time of such sale or exchange the shareholder owned more than 20 percent in value of the outstanding stock in such other corporation) as a sale or exchange by such shareholder of his proportionate share of the assets of such other corporation, and

(ii) By treating any sale or exchange of property by such other corporation within such 3-year period (but only if at the time of such sale or exchange the shareholder owned more than 20 percent in value of the outstanding stock in such other corporation), gain or loss on which was not recognized to such other corporation under section 337(a), as a sale or exchange by such shareholder of his proportionate share of the property sold or exchanged,

does not exceed an amount equal to 15 percent of the net worth of the corporation. This paragraph shall not apply to any sale or exchange of stock to the issuing corporation or, in the case of a shareholder who owns more than 20 percent in value of the outstanding stock of the corporation, to any sale or exchange of stock by such shareholder to any person related to him (within the meaning of paragraph (8)).

(2) *Distributions in liquidation.* For purposes of subsection (a)(2), a corporation shall not be considered to be a collapsible corporation with respect to any distribution to a shareholder pursuant to a plan of complete liquidation if, by reason of the application of paragraph (4) of this subsection, section 337(a) applies to sales or exchanges of property by the corporation within the 12-month period beginning on the date of the adoption of such plan, and if, at all times after the adoption of the plan of liquidation, the sum of—

(A) The net unrealized appreciation in subsection (e) assets of the corporation (as defined in paragraph (5)(A)), plus

(B) If the shareholder owns more than 5 percent in value of the outstanding stock of the corporation, the net unrealized appreciation in assets of the corporation described in paragraph (1)(B) (other than assets described in subparagraph (A) of this paragraph), plus

(C) If the shareholder owns more than 20 percent in value of the outstanding stock of the corporation and owns, or at any time during the preceding 3-year period owned, more than 20 percent in value of the outstanding stock of any other corporation more than 70 percent in value of the assets of which are, or were at any time during which such shareholder owned during such 3-year period more than 20 percent in value of the outstanding stock, assets similar or related in service or use to assets comprising more than 70 percent in value of the assets of the corporation, the net unrealized appreciation in assets of the corporation described in paragraph (1)(C) (other than assets described in subparagraph (A) of this paragraph).

does not exceed an amount equal to 15 percent of the net worth of the corporation.

(3) *Recognition of gain in certain liquidations.* For purposes of section 333, a corporation shall not be considered to be a collapsible corporation if at all times after the adoption of the plan of liquidation, the net unrealized appreciation in subsection (e) assets of the corporation (as defined in paragraph (5)(B)) does not exceed an amount equal to 15 percent of the net worth of the corporation.

(4) *Gain or loss on sales or exchanges in connection with certain liquidations.* For purposes of section 337, a corporation shall not be considered to be a collapsible corporation with respect to any sale or exchange by it of property within the 12-month period beginning on the date of the adoption of a plan of complete liquidation, if—

(A) At all times after the adoption of such plan, the net unrealized appreciation in subsection (e) assets of the corporation (as defined in paragraph (5)(A)) does not exceed an amount equal to 15 percent of the net worth of the corporation,

(B) Within the 12-month period beginning on the date of the adoption of such plan, no distribution is made of any property which in the hands of the corporation or in the hands of the distributee is property in respect of which a deduction for exhaustion, wear and tear, obsolescence, amortization, or depletion is allowable.

This paragraph shall not apply with respect to any sale or exchange of property by the corporation to any shareholder who owns more than 20 percent in value of the outstanding stock of the corporation or to any person related to such shareholder (within the meaning of paragraph (8)), if such property in the hands of the corporation or in the hands of such shareholder or related person is property in respect of which a deduction for exhaustion, wear and tear, obsolescence, amortization, or depletion is allowable.

(5) *Subsection (e) asset defined.* (A) For purposes of paragraphs (1), (2), and (4), the term "subsection (e) asset" means, with respect to property held by any corporation—

(i) Property (except property used in the trade or business, as defined in paragraph (9)) which in the hands of the corporation is, or, in the hands of a shareholder who owns more than 20 percent in value of the outstanding stock of the corporation, would

be property gain from the sale or exchange of which would under any provision of this chapter be considered in whole or in part as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231(b);

(II) Property used in the trade or business (as defined in paragraph (9)), but only if the unrealized depreciation on all such property on which there is unrealized depreciation exceeds the unrealized appreciation on all such property on which there is unrealized appreciation;

(III) If there is net unrealized appreciation on all property used in the trade or business (as defined in paragraph (9)), property used in the trade or business (as defined in paragraph (9)) which, in the hands of a shareholder who owns more than 20 percent in value of the outstanding stock of the corporation, would be property gain from the sale or exchange of which would under any provision of this chapter be considered in whole or in part as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231(b); and

(IV) Property (unless included under clause (I), (II), or (III)) which consists of a copyright, a literary, musical, or artistic composition, or similar property, or any interest in any such property, if the property was created in whole or in part by the personal efforts of any individual who owns more than 5 percent in value of the stock of the corporation.

The determination as to whether property of the corporation in the hands of the corporation is, or in the hands of a shareholder would be, property gain from the sale or exchange of which would under any provision of this chapter be considered in whole or in part as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231(b) shall be made as if all property of the corporation had been sold or exchanged to one person in one transaction.

(B) For purposes of paragraph (3), the term "subsection (e) asset" means, with respect to property held by any corporation, property described in clauses (I), (II), (III), and (IV) of subparagraph (A), except that clauses (I) and (III) shall apply in respect of any shareholder who owns more than 5 percent in value of the outstanding stock of the corporation (in lieu of any shareholder who owns more than 20 percent in value of such stock).

(6) *Net unrealized appreciation defined.* (A) For purposes of this subsection, the term "net unrealized appreciation" means, with respect to the assets of a corporation, the amount by which—

(i) The unrealized appreciation in such assets on which there is unrealized appreciation, exceeds

(ii) The unrealized depreciation in such assets on which there is unrealized depreciation.

(B) For purposes of subparagraph (A) and paragraph (5)(A), the term "unrealized appreciation" means, with respect to any asset, the amount by which—

(i) The fair market value of such asset, exceeds

(ii) The adjusted basis for determining gain from the sale or other disposition of such asset.

(C) For purposes of subparagraph (A) and paragraph (5)(A), the term "unrealized depreciation" means, with respect to any asset, the amount by which—

(i) The adjusted basis for determining gain from the sale or other disposition of such asset, exceeds

(ii) The fair market value of such asset.

(D) For purposes of this paragraph (but not paragraph (5)(A)), in the case of any asset on the sale or exchange of which only a portion of the gain would under any provision of this chapter be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231(b), there shall be taken into account only an amount of the unrealized appreciation in such asset which is equal to such portion of the gain.

(7) *Net worth defined.* For purposes of this subsection, the net worth of a corporation, as of any day, is the amount by which—

(A) (i) The fair market value of all its assets at the close of such day, plus

(ii) The amount of any distribution in complete liquidation made by it on or before such day, exceeds

(B) All its liabilities at the close of such day.

For purposes of this paragraph, the net worth of a corporation as of any day shall not take into account any increase in net worth during the one-year period ending on such day to the extent attributable to any amount received by it for stock, or as a contribution to capital or as paid-in surplus, if it appears that there was not a bona fide business purpose for the transaction in respect of which such amount was received.

(8) *Related person defined.* For purposes of paragraphs (1) and (4), the following persons shall be considered to be related to a shareholder:

(A) If the shareholder is an individual—

(i) His spouse, ancestors, and lineal descendants, and

(ii) A corporation which is controlled by such shareholder.

(B) If the shareholder is a corporation—

(i) A corporation which controls, or is controlled by, the shareholder, and

(ii) If more than 50 percent in value of the outstanding stock of the shareholder is owned by any person, a corporation more than 50 percent in value of the outstanding stock of which is owned by the same person.

For purposes of determining the ownership of stock in applying subparagraphs (A) and (B), the rules of section 267(c) shall apply, except that the family of an individual shall include only his spouse, ancestors, and lineal descendants. For purposes of this paragraph, control means the ownership of stock possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote or at least 50 percent of the total value of shares of all classes of stock of the corporation.

(9) *Property used in the trade or business.* For purposes of this subsection, the term "property used in the trade or business" means property described in section 1231(b), without regard to any holding period therein provided.

(10) *Ownership of stock.* For purposes of this subsection (other than paragraph (8)), the ownership of stock shall be determined in the manner prescribed in subsection (d).

(11) *Corporations and shareholders not meeting requirements.* In determining whether or not any corporation is a collapsible corporation within the meaning of subsection (b), the fact that such corporation, or such corporation with respect to any of its shareholders, does not meet the requirements of paragraph (1), (2), (3), or (4) of this subsection shall not be taken into account, and such determination, in the case of a corporation which does not meet such requirements, shall be made as if this subsection had not been enacted.

(12) *Nonapplication of section 1245(a).* For purposes of this subsection, the determination of whether gain from the sale or exchange of property would under any provision of this chapter be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231(b) shall be made without regard to the application of sections 1245(a) and 1250(a).

[Sec. 341 as amended by sec. 20, Technical Amendments Act 1958 (72 Stat. 1615); sec. 13(f)(4), Rev. Act 1962 (76 Stat. 1035); sec. 231(b)(4), Rev. Act 1964 (78 Stat. 105)]

PAR. 2. The following new section is inserted after § 1.341–5:

**§ 1.341–6 Exceptions to application of section.**

(a) *In general*—(1) *Transactions excepted.* Section 341(e) excepts 4 types of transactions from the application of the collapsible corporation provisions. These exceptions, where applicable, eliminate the necessity of determining whether a corporation is a collapsible corporation within the meaning of section 341(b) or whether any of the limitations of section 341(d) are applicable. Under section 341(e) (1) and (2), there are 2 exceptions which are designed to allow the shareholders of a corporation either to sell or exchange their stock or to receive distributions in certain complete liquidations without having any gain considered under section 341(a) (1) or (2) as gain from the sale or exchange of property which is not a capital asset. Under section 341(e)(3), a third exception is designed to permit the shareholders of a corporation to make use of section 333, relating to elections as to recognition of gain in certain complete liquidations occurring within one calendar month. Under section 341(e)(4), the fourth exception permits a corporation to make use of section 337, relating to nonrecognition of gain or loss on sales or exchanges of property by a corporation following the adoption of a plan of complete liquidation. Section 341(e) does not apply to distributions in partial liquidation or in redemption of stock (other than any such distribution pursuant to a plan of complete liquidation), or to distributions described in section 301(c)(3)(A).

(2) *Effective date.* The exceptions in section 341(e) (1), (2), and (3) apply only with respect to taxable years of shareholders beginning after December 31, 1957, and only with respect to sales or exchanges of stock and distributions of property occurring after September 2, 1958. The exception in section 341(e)(4) applies only with respect to taxable years of corporations beginning after December 31, 1957, and only if all sales or exchanges of property, and all liquidating distributions, made by the corporation under the plan of complete liquidation occur after September 2, 1958.

(3) *Definition of constructive shareholder and attribution rules.* (i) For purposes of this section, the term "constructive shareholder" means a person who does not actually own any stock but who is considered to own stock by reason of the application of subdivision (ii) of this subparagraph.

(ii) For purposes of this section (other than paragraph (k), relating to definition of related person) a person shall be considered to own the stock he actually owns plus any stock which is attributed to him by reason of applying the rules prescribed in paragraph (b) (2) and (3) of § 1.341. See section 341(e)(10).

(iii) As an example of this subparagraph, if a husband does not actually own any stock in a corporation but his wife is the actual owner of 5 shares in the corporation, then the husband is a constructive shareholder who is considered to own 5 shares in the corporation.

(4) *General corporate test.* No exception provided in section 341(e) applies unless a general corporate test and, where applicable, a specific shareholder test are satisfied. Under the general corporate test no taxpayer may utilize the provisions of section 341(e) unless the net increase in value (called "net unrealized appreciation") in the corporation's "subsection (e) assets" does not exceed 15 percent of the corporation's net worth. Subsection (e) assets are, in general, those assets of the corporation which, if sold at a gain by the corporation or by any actual or constructive shareholder who is considered to own more than 20 percent in value of the outstanding stock, would result in the realization of ordinary income. See paragraph (b) of this section for the definition of subsection (e) assets, and paragraph (h) of this section for definition of net unrealized appreciation. This subparagraph may be illustrated by the following examples:

*Example (1).* X Corporation is in the business of selling whiskey. The net unrealized appreciation in its whiskey is $20,000 and the net worth of the corporation is $100,000. Since the corporation's whiskey is a subsection (e) asset and since the net unrealized appreciation in subsection (e) assets ($20,000) exceeds 15 percent of net worth ($15,000), the general corporate test is not satisfied and section 341(e) is inapplicable to the corporation or its shareholders.

*Example (2).* Assume the same facts as in example (1) except that X Corporation is not in the business of selling whiskey. Assume further that an actual shareholder who owns more than 20 percent in value of the outstanding X stock (or a person who is considered to own such actual shareholder's stock, such as his spouse) is in the business of selling whiskey. The result is the same as in example (1).

(5) *Specific shareholder test.* Even if the general corporate test is met, a shareholder selling or exchanging his stock or receiving a distribution with respect to his stock (referred to as a "specific shareholder") who is considered to own more than 5 percent in value of the outstanding stock of the corporation may not utilize the benefits of the exception in section 341(e)(1) (or the exception in section 341(e)(2) unless he satisfies the applicable specific shareholder test. In general, the specific shareholder test is satisfied if the net unrealized appreciation in subsection (e) assets of the corporation, plus the net unrealized appreciation in certain other assets of the corporation which would be subsection (e) assets in respect of the specific shareholder under the following circumstances, does not exceed 15 percent of the corporation's net worth:

(i) If the specific shareholder is considered to own more than 5 percent but not more than 20 percent in value of the outstanding stock, he must take into account the net unrealized appreciation in assets of the corporation which would be subsection (e) assets if he was considered to own more than 20 percent in value of the outstanding stock (see paragraph (c)(3)(i) of this section);

(ii) In addition, if the specific shareholder is considered to own more than 20 percent in value of the outstanding stock, he must also take into account the net unrealized appreciation in assets of the corporation which would be subsection (e) assets under section 341(e)(5)(A) (i) and (iii) if his ownership within the preceding 3 years of stock in certain "related" corporations were taken into account in the manner prescribed in paragraphs (c)(3)(ii) and (d) of this section.

(b) *Subsection (e) asset defined*—(1) *General.* The benefits of section 341(e) are unavailable if the net unrealized appreciation (as defined in paragraph (h) of this section) in certain assets of the corporation (hereinafter called "subsection (e) assets") exceeds 15 percent of the corporation's net worth. In determining whether property is a subsection (e) asset, it is immaterial whether the property is described in section 341(b), and sections 1245 and 1250 (relating to gain from dispositions of depreciable property) shall not be taken into account.

(2) *Categories of subsection (e) assets.* The term "subsection (e) assets", as defined in section 341(e)(5)(A) (i), (ii), (iii), and (iv), means the following categories of property held by a corporation:

(i) The first category is property (except property described in section 1231(b), without regard to any holding period prescribed therein) which in the hands of the corporation is, or in the hands of any actual or constructive shareholder who is considered to own more than 20 percent in value of the outstanding stock of the corporation would be, property gain from the sale or exchange of which would under any provision of chapter 1 of the Code (other than section 1245 or 1250) be considered in whole or in part as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231(b). Included in this category is property which is section 1231(b) property in the hands of the corporation but which, in the hands of an actual or constructive more-than-20-percent shareholder, would be stock in trade, inventory, or property held by such shareholder primarily for sale to customers in the ordinary course of his trade or business. For additional rules relating to whether property is a subsection (e) asset under this subdivision, see subparagraphs (3), (4), and (5) of this paragraph.

(ii) The second category of subsection (e) assets is property which in the hands of the corporation is property described in section 1231(b) (without regard to any holding period prescribed therein), but only if there is net unrealized depreciation (within the meaning of paragraph (h)(2) of this section) on all such property. This subdivision may be illustrated by the following example:

*Example.* X Corporation owns only the following section 1231(b) property (determined without regard to holding period).

| Oil leaseholds | Adjusted basis | Fair market value | Unrealized appreciation (depreciation) |
|---|---|---|---|
| No. 1 | $16,000 | $10,000 | ($6,000) |
| No. 2 | 5,000 | 5,000 | (3,000) |
| No. 3 | 5,000 | 5,000 | 0 |
| No. 4 | 3,000 | 5,000 | 2,000 |
| Totals | 32,000 | 25,000 | (7,000) |

Since with respect to such property the unrealized depreciation in property on which there is unrealized depreciation ($9,000) exceeds the unrealized appreciation in property on which there is unrealized appreciation ($2,000), all such property is included in subsection (e) assets under clause (II) of section 341(e)(5)(A).

(iii) The third category of subsection (e) assets exists only if there is net unrealized appreciation on all property which in the hands of the corporation is property described in section 1231(b) (without regard to any holding period prescribed therein). In such case, any such section 1231(b) property (whether appreciated or depreciated) is a subsection (e) asset of the third category if, in the hands of an actual or constructive shareholder who is considered to own more than 20 percent in value of the outstanding stock of the corporation, such property would be property gain from the sale or exchange of which would under any provision of chapter 1 of the Code (other than section 1245 or 1250) be considered in whole or in part as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231(b). Included in this category, for example, is property which is section 1231(b) property in the hands of the corporation but which, in the hands of an actual or constructive shareholder who is considered to own more than 20 percent in value of the outstanding stock of the corporation, would be stock in trade, inventory, or property held by such shareholder primarily for sale to customers in the ordinary course of his trade or business. For additional rules relating to whether property is a subsection (e) asset under this subdivision, see subparagraphs (3) and (4) of this paragraph. This subdivision may be further illustrated by the following example:

*Example.* Assume the same facts as stated in the example under subdivision (II) of this subparagraph, except that in addition to the oil leaseholds the corporation also owns land which has a fair market value of $30,000 and an adjusted basis of $20,000 and which in the hands of the corporation is property described in section 1231(b) (without regard to any holding period prescribed therein). Assume further that A is a constructive shareholder of the corporation who is considered to own 25 percent in value of its outstanding stock and that A holds land primarily for sale to customers in the ordinary course of his trade or business, and that no actual or constructive shareholder who is

considered to own more than 20 percent in value of the stock of corporation X so holds oil leases. Since with respect to the corporation's section 1231(b) property the unrealized appreciation in such property on which there is unrealized appreciation ($12,000) exceeds the unrealized depreciation in such property on which there is unrealized depreciation ($9,000), then clause (iii), and not clause (ii), of section 341(e)(5)(A) is applicable. Therefore, no oil lease of the corporation is a subsection (e) asset. However, since in the hands of A, a more-than-20-percent constructive shareholder, the land would be property gain from the sale or exchange of which would be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231(b), the land is a subsection (e) asset. Consequently, the net unrealized appreciation on subsection (e) assets of the corporation is $10,000 since the net unrealized depreciation on the oil leases is not taken into account.

(iv) The fourth category of subsection (e) assets is property (unless included under subdivision (i), (ii), or (iii) of this subparagraph) which consists of a copyright, a literary, musical, or artistic composition, or similar property, or any interest in any such property, if the property was created in whole or in part by the personal efforts of any individual actual or constructive shareholder who is considered to own more than 5 percent in value of the outstanding stock of the corporation. The phrase "similar property" includes, for example, such property as a theatrical production, a radio program, a newspaper cartoon strip, or any other property eligible for copyright protection (whether under statute or common law), but does not include a patent or an invention, or a design which may be protected only under the patent law and not under the copyright law. In general, property is created in whole or in part by the personal efforts of an individual if such individual performs literary, theatrical, musical, or other artistic work which affirmatively contributes to the creation of the property, or if such individual directs and guides others in the performance of such work. A corporate executive who merely has administrative control of writers, actors, and other artists and who does not substantially engage in the direction and guidance of such artists in the performance of their work, does not create property by his personal efforts.

(3) *Manner of determination.* For purposes of determining whether property is a subsection (e) asset under subparagraph (2) (i) or (iii) of this paragraph, the determination as to whether property of a corporation in the hands of the corporation is, or in the hands of an actual or constructive shareholder of the corporation would be, property gain from the sale or exchange of which would under any provision of chapter 1 of the Code (other than section 1245 or 1250) be considered in whole or in part as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231(b) shall be made as if all property of the corporation had been sold or exchanged to one person in one transaction. For example, if a corporation whose sole asset is an interest in a gas well has entered into a long-term contract for the future delivery of gas from the well, the ownership of which will pass to the buyer only after extraction or severance from the well, the determination as to whether such contract is a subsection (e) asset shall be made as if the contract were sold or exchanged to one person in one transaction together with such corporation's interest in the well. An assumed sale under this subparagraph does not affect the character of property which is held for sale to customers in the ordinary course of a person's trade or business or the character of a transaction which would be an anticipatory assignment of income or would not be a sale or exchange. Thus, for example, if a corporation holds subdivided lots for sale to customers in the ordinary course of its trade or business, this subparagraph shall not be applied to change the manner in which the lots are held.

(4) *Shareholder reference test.* For purposes of subparagraph (2) (i) and (iii) of this paragraph, in determining whether any property of the corporation would, in the hands of a particular actual or constructive shareholder, be property gain from the sale or exchange of which would be considered in whole or in part as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231(b), all the facts and circumstances of the direct and indirect activities of the shareholder must be taken into account. If the particular shareholder holds or has held property primarily for sale to customers in the ordinary course of his trade or business and if similar property is held by the corporation, then it will be presumed that the shareholder would hold such corporate property primarily for sale to customers in the ordinary course of his trade or business. Moreover, even if the shareholder has not previously so held property which is similar to property hold by the corporation, it may be determined under the particular facts and circumstances (taking into account an assumed sale of such corporate property by the shareholder and all his other direct and indirect activities) that he would hold the corporate property primarily for sale to customers in the ordinary course of his trade or business. See also paragraph (d) of this section, pertaining to effect of stock in related corporations.

(5) *Special rule for stock in shareholder's investment account.* If—

(i) A dealer in stock or securities is an actual shareholder (considered to own more than 20 percent of the outstanding stock of a corporation) and holds such stock which he actually owns in his investment account pursuant to section 1236(a), or

(ii) A dealer in stock or securities is a constructive shareholder who is considered to own more than 20 percent of the outstanding stock of a corporation,

then stock or securities held by such corporation shall not be considered subsection (e) assets under subparagraph (2)(i) of this paragraph solely because such actual or constructive shareholder is a dealer in stock or securities. However, stock held by such corporation shall be considered as a subsection (e) asset if, in the hands of any more-than-20-percent actual or constructive shareholder of the corporation, the gain (or any portion thereof) upon a sale of such stock would (if it were held for more than 6 months) constitute, by reason of the application of section 341, gain from the sale of property which is not a capital asset. This subparagraph may be illustrated by the following example:

*Example.* Jones, a more-than-20-percent actual shareholder in corporation X holds his X stock in an investment account in the manner prescribed in section 1236(a). Jones is a dealer in stock and securities and holds land for sale to customers in the ordinary course of his trade or business. No other actual or constructive shareholder is a dealer in stock and securities or so holds land. X holds all of the stock in corporation Y, a collapsible corporation within the meaning of section 341(b). Y's sole asset is land on which unrealized appreciation exceeds 15 percent of Y's net worth. Since Jones holds his X stock in an investment account pursuant to section 1236(a), the Y stock cannot be considered a subsection (e) asset of the X Corporation merely because Jones is a dealer in stock and securities. Nevertheless, the Y stock is a subsection (e) asset of the X Corporation because if Jones were treated as having sold the Y stock, his gain would be treated as gain from the sale of property which is not a capital asset by reason of the application of section 341. If, however, the net unrealized appreciation on Y's land did not exceed 15 percent of Y's net worth the Y stock would not be a subsection (e) asset since section 341(e)(1) would except such sale from the application of section 341.

(c) *Sales or exchanges of stock*—(1) *General.* Section 341(e)(1) provides that, if certain requirements are satisfied, the provisions of section 341(a)(1) shall in no event apply to certain sales or exchanges of stock by a shareholder. See subparagraph (5) of this paragraph for sales or exchanges of stock which do not qualify under section 341(e)(1). Section 341(e)(1) applies to a sale or exchange of stock by a shareholder only if, at the time of such sale or exchange, the general corporate test and, if applicable, the specific shareholder test are satisfied.

(2) *General corporate test.* The general corporate test is satisfied if the net unrealized appreciation in subsection (e) assets of the corporation does not exceed an amount equal to 15 percent of the net worth of the corporation. See paragraphs (h), (b), and (j) of this section for the definition of "net unrealized appreciation," "subsection (e) assets," and "net worth."

(3) *Specific shareholder test.* The specific shareholder test (if applicable) is satisfied if the following conditions are met:

(i) If the shareholder selling or exchanging the stock is considered to own more than 5 percent but not more than 20 percent in value of the outstanding stock, the sum of the net unrealized appreciation in the following assets of the corporation must not exceed an amount equal to 15 percent of the net worth of the corporation:

(a) The subsection (e) assets of the corporation, plus

(b) The other assets of the corporation which would be subsection (e) assets



under section 341(e)(5)(A) (i) and (iii) if such shareholder were considered to own more than 20 percent in value of the outstanding stock.

(ii) If the shareholder selling or exchanging the stock is considered to own more than 20 percent in value of the outstanding stock, the sum of the net unrealized appreciation in the following assets of the corporation must not exceed an amount equal to 15 percent of the net worth of the corporation:

(a) The subsection (e) assets of the corporation, plus

(b) The other assets of the corporation which would be subsection (e) assets under section 341(e)(5)(A) (i) and (iii) if the shareholder's ownership of stock in certain related corporations were taken into account in the manner prescribed in paragraph (d) of this section.

(4) *Example.* Subparagraph (3) of this paragraph may be illustrated by the following example:

*Example.* Assume an individual, A, and his grandfather, G, each actually owns 3 percent in value of the stock of corporation X, a corporation holding apartment houses used in its trade or business on which net unrealized appreciation exceeds 15 percent of X's net worth. A, but not G, holds apartment houses primarily for sale to customers in the ordinary course of trade or business. Assume that X satisfies the general corporate test. A and G desire to sell their stock and to take advantage of section 341(e)(1). Since a grandfather and grandson are each considered to own the others stock under paragraph (a)(3)(ii) of this section, A and G are each considered to own 6 percent in value of corporation X's outstanding stock. Therefore, A cannot avail himself of section 341(e)(1) since he does not satisfy the specific shareholder test prescribed in subparagraph (3)(i) of this paragraph. G, however, who is considered to own 6 percent in value of the stock, does not hold apartment houses for sale to customers in the ordinary course of trade or business. Therefore, G satisfies the specific shareholder test and may benefit from section 341(e)(1).

(5) *Nonqualifying sales or exchanges.* Section 341(e)(1) does not apply to any sale or exchange of stock to the issuing corporation. Thus, stock redemptions (including distributions in complete or partial liquidation) cannot qualify under section 341(e)(1). In addition, section 341(e)(1) does not apply in any case where a shareholder who is considered to own more than 20 percent in value of the outstanding stock sells or exchanges stock to any person related (within the meaning of paragraph (k) of this section) to such shareholder. A sale or exchange of stock of the corporation by a shareholder to which section 341(e)(1) does not apply because of this subparagraph shall have no effect on the application of this section to other sales or exchanges of stock of the corporation.

(6) *Example.* For an illustration of the application of this paragraph, see example (2) in paragraph (o) of this section.

(d) *Stock in related corporations*—(1) *General.* This paragraph provides rules for applying the specific shareholder test prescribed in paragraph (c)(3)(ii) of this section for purposes of determining whether section 341(e)(1) (relating to sales or exchanges of stock of a corporation) or section 341(e)(2) (relating to distributions in complete liquidation of a corporation) applies to an actual shareholder who is considered as owning more than 20 percent in value of the corporation's outstanding stock. In general, if such a more-than-20-percent shareholder of such corporation (referred to as a "first" corporation) owns, or at any time during the preceding 3 years has owned, more than 20 percent in value of the outstanding stock of a "related" corporation (see subparagraph (2) of this paragraph), then certain transactions in respect of the stock of the related corporation are taken into account in the manner prescribed in subparagraph (3) of this paragraph. By taking such transactions into account, such shareholder of the first corporation may be deemed to hold primarily for sale to customers in the ordinary course of trade or business property similar or related in service or use to property owned by the first corporation where his other activities, direct and indirect, are insufficient to treat him as so holding such property. See section 341(e)(1)(C) and (2)(C). The transactions in respect of stock in a related corporation are taken into account solely for the purpose of determining the extent to which assets (other than subsection (e) assets) of the first corporation are treated as subsection (e) assets under the shareholder reference tests of section 341(e)(5)(A) (i) and (iii). For purposes of this paragraph, the term "similar or related in service or use" shall have the same meaning as such term has in section 1033 (relating to involuntary conversions), without regard to subsection (g) thereof.

(2) *Related corporation defined.* (i) A corporation (referred to as a "second" corporation) is "related" to another corporation (referred to as a "first" corporation) if the stock ownership test specified in subdivision (ii) of this subparagraph and the more-than-70-percent-asset comparison test specified in subdivision (iii) of this subparagraph are met.

(ii) The stock ownership test specified in this subdivision is met—

(a) In the case of a sale or exchange referred to in paragraph (c)(1) of this section, if the shareholder in the first corporation is considered to own on the date of such sale or exchange more than 20 percent in value of the outstanding stock of the first corporation, and if on such date (or at any time during the 3-year period preceding such date) such shareholder in the first corporation is an actual or constructive shareholder in the second corporation who was considered to own more than 20 percent in value of the outstanding stock of the second corporation, or

(b) In the case of a distribution pursuant to the adoption by the first corporation of a plan of complete liquidation referred to in paragraph (e) of this section, if the shareholder in the first corporation is considered to own on any date after the adoption of such plan more than 20 percent in value of the outstanding stock of the first corporation, and if on such date (or at any time during the 3-year period preceding such date) such shareholder in the first corporation was an actual or constructive shareholder in the second corporation who was considered to own more than 20 percent in value of the outstanding stock of the second corporation.

(iii) The more-than-70-percent-asset comparison test specified in this subdivision is met if more than 70 percent in value of the assets of the second corporation (at any of the applicable times determined under subdivision (ii) of this subparagraph during which the shareholder of the first corporation is or was considered to own more than 20 percent in value of the outstanding stock of the second corporation) are, or were, assets similar or related in service or use to assets comprising more than 70 percent in value of the assets of the first corporation (at any of the times determined under subdivision (ii) of this subparagraph during which the shareholder of the first corporation is or was considered to own more than 20 percent in value of the outstanding stock of the first corporation).

(iv) This subparagraph may be illustrated by the following example:

*Example.* X is a first corporation and Y is a second corporation. On January 15, 1960, Jones purchased 21 percent in value of the outstanding stock of X, which he sold on January 1, 1961. On January 15, 1955, Jones had purchased 21 percent in value of the outstanding stock of Y which he sold on December 15, 1959. Since Jones owned 21 percent of the outstanding X stock on January 1, 1961 (the date he sold his X stock) and also owned 21 percent of the outstanding Y stock at some time during the 3-year period preceding January 1, 1961, the stock ownership test specified in subdivision (ii)(a) of this subparagraph is met. Assume that more than 70 percent in value of the assets of Y were apartment houses held for rental purposes at some time between January 1, 1958, and December 15, 1959 (the portion of the 3-year period preceding the date Jones sold his X stock during which he was a more-than-20-percent shareholder in Y) and that more than 70 percent in value of the assets of X were apartment houses held for rental purposes at some time during the period January 15, 1960, to January 1, 1961, inclusive (the portion of the 3-year period preceding the date he sold his X stock during which he was a more-than-20-percent shareholder in X). Thus, the more-than-70-percent-asset comparison test specified in subdivision (iii) of this subparagraph is met. Accordingly, corporation Y is related to corporation X within the meaning of this subparagraph.

(3) *Manner of taking into account.* If an actual shareholder in a first corporation who is considered to own more than 20 percent of the first corporation's stock, owns or has owned stock in a related corporation, then—

(i) Any sale or exchange by such shareholder, during the applicable period specified in subparagraph (2)(ii) of this paragraph, of stock in the related corporation shall be treated as a sale or exchange by him of his proportionate share of the assets of the related corporation, if immediately before such sale or exchange he was an actual shareholder of the related corporation who was considered to own more than 20 percent in value of the outstanding stock of the related corporation. A shareholder's proportionate share of the as-

sets of a related corporation shall be that percent of each asset of the related corporation as the fair market value of the stock of the related corporation which he actually sold or exchanged bears, immediately before such sale or exchange, to the total fair market value of the outstanding stock of such related corporation; and

(ii) Any sale or exchange of property by the related corporation during the applicable period specified in subparagraph (2)(ii) of this paragraph, gain or loss on which was not recognized to the related corporation by reason of the application of section 337(a), shall be treated as a sale or exchange by him of his proportionate share of the related corporation's property sold or exchanged, if at the time of such sale or exchange he was an actual or constructive shareholder of the related corporation who was considered to own more than 20 percent in value of the outstanding stock of such related corporation. A shareholder's proportionate share of such related corporation's property sold or exchanged shall be that percent of each such property sold or exchanged as the fair market value of the stock which he was considered to own in the related corporation immediately before such sale or exchange bears to the total fair market value of the outstanding stock of such related corporation at such time.

(4) *Example.* This paragraph may be illustrated by the following example:

*Example.* (i) A owns 25 percent in value of the outstanding stock of Z Corporation. On December 31, 1959, he sells all his stock in the corporation and desires to take advantage of section 341(e)(1). The only asset of Z Corporation is an appreciated apartment house held for rental purposes but which is not a subsection (e) asset. However, during the preceding 3-year period A sold 25 percent in value of the outstanding stock of each of 3 related corporations. More than 70 percent in value of the assets of each related corporation consisted of an apartment house.

(ii) In determining whether the apartment house owned by Z Corporation would be a subsection (e) asset under the shareholder reference test of section 341(e)(5)(A)(iii), A is treated as having sold a one-fourth interest in each of 3 apartment houses during the preceding 3-year period and these sales must be taken into account, together with all other facts and circumstances, in determining whether the apartment house owned by Z Corporation would be, in the hands of A, property gain from the sale or exchange of which would under any provision of chapter 1 of the Code (other than section 1245 or 1250) be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231(b). However, A's sales of related corporation stock are not taken into account in determining whether section 341(e) (1) or (2) would be applicable to sales or exchanges of stock by (or liquidating distributions to) other shareholders of Z Corporation.

(e) *Distributions in liquidation*—(1) *In general.* Section 341(e)(2) provides that, if certain requirements are met, the provisions of section 341(a)(2) shall in no event apply to certain distributions in complete liquidation of a corporation. Section 341(e)(2) applies with respect to any distribution to a shareholder pursuant to a plan of complete liquidation if the following 3 requirements are satisfied:

(i) By reason of the application of section 341(e)(4) and paragraph (g) of this section, section 337(a) applies to sales or exchanges of property by the corporation within the 12-month period beginning on the date of the adoption of such plan. Thus, for example, section 341(e)(2) is not applicable in any case where depreciable, amortizable, or depletable property is distributed after the date of adoption of the plan to an actual or constructive shareholder who is considered to own more than 20 percent in value of the corporation's outstanding stock or if the corporation does not sell substantially all of the properties held by it on such date within such 12-month period, since such a distribution, or the failure of make such a sale, makes section 337(a) inapplicable under section 341(e)(4).

(ii) At all times within such 12-month period the general corporate test of paragraph (c)(2) of this section is satisfied.

(iii) In respect of the shareholder who receives the distribution—

(*a*) At all times within such 12-month period while such shareholder is considered to own more than 5 percent but not more than 20 percent in value of the outstanding stock of the corporation, the shareholder must satisfy the specific shareholder test of paragraph (c)(3)(i) of this section, and

(*b*) At all times within such 12-month period while such shareholder is considered to own more than 20 percent in value of the outstanding stock of the corporation, the shareholder must satisfy the specific shareholder test of paragraph (c)(3)(ii) of this section.

(2) *Illustration.* For an illustration of this paragraph, see example (4) in paragraph (o) of this section.

(f) *Recognition of gain in certain liquidations.* Section 341(e)(3) provides that, for purposes of section 333 (relating to elections as to recognition of gain in certain complete liquidations occurring within one calendar month), a corporation is considered not to be a collapsible corporation if, at all times after the adoption of the plan of complete liquidation, the net unrealized appreciation in subsection (e) assets of the corporation does not exceed an amount equal to 15 percent of the net worth of the corporation. For purposes of the preceding sentence, the determination of subsection (e) assets shall be made in accordance with paragraph (b) of this section except that subparagraph (2)(i) and (iii) of such paragraph (b) shall apply in respect of any actual or constructive shareholder who is considered to own more than 5 percent in value of the outstanding stock (in lieu of any actual or constructive shareholder who is considered to own more than 20 percent in value of such stock). Thus, no shareholder of the corporation can qualify under paragraph (3) of section 341(e) for use of section 333 if, because of any actual or constructive shareholder who is considered to own more than 5 percent in value of the stock, this modified general corporate test is not satisfied. On the other hand, once this modified general corporate test is satisfied, all the shareholders can use section 333 (assuming that the requirements of that section are satisfied) since there is no specific shareholder test. For an illustration of this paragraph, see example (3) in paragraph (o) of this section.

(g) *Gain or loss on sales or exchanges in connection with certain liquidations*—(1) *General.* Section 341(e)(4) provides that solely for purposes of section 337, a corporation is considered not to be a collapsible corporation if (i) at all times within the 12-month period beginning on the date of the adoption of a plan of complete liquidation, the net unrealized appreciation in subsection (e) assets of the corporation does not exceed an amount equal to 15 percent of the net worth of the corporation; (ii) within the 12-month period beginning on the date of the adoption of such plan, the corporation sells substantially all of the properties held by it on such date; and (iii) following the adoption of such plan, no distribution is made of any property which in the hands of the corporation or in the hands of the distributee is property in respect of which a deduction for exhaustion, wear and tear, obsolescence, amortization, or depletion is allowable. Thus, if at the time of the adoption of the plan of liquidation the corporation is a collapsible corporation within the meaning of section 341(b) and if the preceding requirements are satisfied, then except as provided in subparagraph (2) of this paragraph section 337(a) will apply to such corporation but the corporation will continue to be a collapsible corporation within the meaning of section 341(b) (including for purposes of section 341(e)(2)) with the result that each shareholder must still satisfy all the tests in paragraph (e) of this section before he can utilize the benefits of section 341(e)(2).

(2) *Exception to section 337 treatment.* Section 341(e)(4) shall not apply with respect to any sale or exchange of property by the corporation to any actual or constructive shareholder who is considered to own more than 20 percent in value of the outstanding stock of the corporation or to any person related (within the meaning of paragraph (k) of this section) to such actual or constructive shareholder if such property in the hands of the corporation, or in the hands of such shareholder or such related person, is property in respect of which a deduction for exhaustion, wear and tear, obsolescence, amortization, or depletion is allowable. Thus, gain or loss will be recognized on such sales or exchanges.

(3) *Cross references.* For effective date of section 341(e)(4) and this paragraph, see paragraph (a)(2) of this section. For an illustration of this paragraph, see example (4) in paragraph (o) of this section.

(h) *Net unrealized appreciation and depreciation defined*—(1) *Net unrealized appreciation.* For purposes of this section, the term "net unrealized appreciation" means, with respect to the assets of a corporation, the amount by which—

(i) The unrealized appreciation in such assets on which there is unrealized appreciation, exceeds



(ii) The unrealized depreciation in such assets on which there is unrealized depreciation.

(2) *Net unrealized depreciation.* For purposes of paragraph (b)(2)(ii) of this section, there is net unrealized depreciation on all property of a corporation which in its hands is property described in section 1231(b) (without regard to any holding period prescribed therein) if—

(i) The unrealized depreciation in such property on which there is unrealized depreciation, exceeds

(ii) The unrealized appreciation in such property on which there is unrealized appreciation.

(3) *Unrealized appreciation or depreciation.* For purposes of this paragraph—

(i) The term "unrealized appreciation" means (except as provided in subparagraph (4) of this paragraph), with respect to any asset, the amount by which (*a*) the fair market value of such asset, exceeds (*b*) the adjusted basis for determining gain from the sale or other disposition of such asset; and

(ii) The term "unrealized depreciation" means, with respect to any asset, the amount by which (*a*) the adjusted basis for determining gain from the sale or other disposition of such asset, exceeds (*b*) the fair market value of such asset.

(4) *Special rule.* For purposes of determining whether the net unrealized appreciation in subsection (e) assets of a corporation exceeds an amount equal to 15 percent of the corporation's net worth under the tests of section 341(e)(1), (2), (3), and (4), in the case of any asset on the sale or exchange of which only a portion of the gain would under any provision of chapter 1 of the Code (other than section 1245 or 1250) be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231(b), there shall be taken into account only an amount equal to the unrealized appreciation in such asset which is equal to such portion of the gain. This subparagraph shall have no effect on whether paragraph (b)(2)(ii) or (iii) of this section applies for purposes of identifying the subsection (e) assets of the corporation.

(i) [Reserved]

(j) *Net worth defined.* For purposes of this section, the net worth of a corporation, as of any day, is the amount by which—

(1) The fair market value of all its assets at the close of such day, plus the amount of any distribution (taken into account at fair market value on the date of such distribution) in complete liquidation made by it on or before such day, exceeds

(2) All its liabilities at the close of such day.

In computing the fair market value of all the assets of a corporation at the close of such day, there shall be excluded any amount attributable to money or property received by it during the one-year period ending on such day for stock, or as a contribution to capital or as paid-in surplus, if it appears that there was not a bona fide business purpose for the transaction in respect of which such money or property was received.

(k) *Related person defined*—(1) *General.* For purposes of paragraphs (c)(5) and (g)(2) of this section, the following persons are considered to be related to a shareholder:

(i) If the shareholder is an individual—

(*a*) His spouse, ancestors, and lineal descendants, and

(*b*) Any corporation which is controlled by him.

(ii) If the shareholder is a corporation—

(*a*) A corporation which controls, or is controlled by, such shareholder, and

(*b*) If more than 50 percent in value of the outstanding stock of such shareholder is owned by any person, any corporation more than 50 percent in value of the outstanding stock of which is owned by the same person.

(2) *Control.* For purposes of this paragraph, control means the ownership of stock possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote or at least 50 percent of the total value of shares of all classes of stock of the corporation.

(3) *Constructive ownership rules.* In determining the ownership of stock for purposes of this paragraph, the constructive ownership rules of section 267(c) shall apply, except that the family of an individual shall include only his spouse, ancestors, and lineal descendants.

(l) [Reserved]

(m) *Corporations and shareholders not meeting requirements.* In determining whether the provisions of section 341(a) through (d) apply with respect to any corporation, the fact that such corporation, or such corporation with respect to any of its shareholders, does not meet the requirements of section 341(e)(1), (2), (3), or (4) shall not be taken into account, and such determination shall be made as if section 341(e) had not been enacted.

(n) *Determinations without regard to sections 1245 and 1250.* For purposes of this section, the determination of whether gain from the sale or exchange of property would under any provision of chapter 1 of the Code be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231(b) shall be made without regard to the application of sections 1245(a) and 1250(a) (relating to gain on dispositions of depreciable property).

(o) *Illustrations.* The operation of section 341(e) may be illustrated by the following examples:

*Example (1).* (i) The outstanding stock of X Corporation is actually owned, on the basis of value, 75 percent by A, 15 percent by B, and 10 percent by C. None of the stock actually owned by one is attributed to another under the constructive ownership rules of paragraph (a)(3) of this section. The corporation owns no property which, in its hands, is property gain from the sale or exchange of which would be considered (without regard to section 1245 or 1250) as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231(b). The corporation owns no property described in section 1231(b) except an apartment house on which the unrealized appreciation is $20,000 and which in the hands of A would be property held primarily for sale to customers in the ordinary course of trade or business. The corporation owns no property of the type described in clauses (iv) of section 341(e)(5)(A). The net worth of the corporation is $100,000.

(ii) Although the apartment house in the hands of the corporation is section 1231(b) property, in the hands of A, a more-than-20-percent shareholder, the apartment house would be ordinary-income type property. Therefore, the apartment house is a subsection (e) asset under clause (iii) of section 341(e)(5)(A). Accordingly, since the net unrealized appreciation in subsection (e) assets ($20,000) exceeds 15 percent of net worth ($15,000), the general corporate test is not satisfied and section 341(e) is unavailable to the corporation or its shareholders.

*Example (2).* (i) Assume the same facts as in example (1), except that in the hands of B, but not in the hands of A or C, the apartment house would be property held primarily for sale to customers in the ordinary course of trade or business.

(ii) Since B does not own more than 20 percent in value of the outstanding stock, the fact that the apartment house owned by the corporation would, in his hands, be property held primarily for sale to customers in the ordinary course of trade or business does not make the apartment house owned by the corporation a subsection (e) asset. Therefore, since the net unrealized appreciation in subsection (e) assets (zero) does not exceed 15 percent of net worth, the general corporate test is satisfied. C may sell his stock to anyone (other than X Corporation) and will qualify under section 341(e)(1). However, a sale by A of his stock to persons related to A within the meaning of paragraph (k) of this section will not so qualify.

(iii) B, however, since he owns more than 5 percent but not more than 20 percent in value of the outstanding stock, must take into account not only the net unrealized appreciation in subsection (e) assets but also the net unrealized appreciation in any other assets of the corporation which would be subsection (e) assets under section 341(e)(5)(A) if he owned more than 20 percent in value of the outstanding stock. Therefore, since the apartment house owned by the corporation would be, in B's hands, property held primarily for sale to customers in the ordinary course of trade or business, and since the net unrealized appreciation in such property ($20,000) exceeds 15 percent of net worth ($15,000), B does not satisfy the specific shareholder test and therefore cannot avail himself of section 341(e)(1).

*Example (3).* (i) Assume the same facts as in example (1), except that in the hands of B, but not in the hands of A or C, the apartment house of the corporation would be property held primarily for sale to customers in the ordinary course of trade or business. Assume further that the shareholders of X Corporation wish to avail themselves of section 333.

(ii) For purposes of section 341(e)(3), section 341(e)(5)(A)(iii) applies in respect of any shareholder who owns more than 5 percent (instead of more than 20 percent) in value of the outstanding stock. Since in the hands of B, a more-than-5-percent shareholder, the apartment house would be held primarily for sale to customers in the ordinary course of trade or business, the corporation's apartment house is a subsection (e) asset. Therefore, since the net unrealized appreciation in subsection (e) assets ($20,000) exceeds 15 percent of net worth ($15,000), no shareholder of the corporation

may qualify under section 341(e)(3) for use of section 333. However, if B were not a more-than-5-percent shareholder of the corporation, or if, in his hands, the apartment house would not be held primarily for sale to customers in the ordinary course of trade or business, then all shareholders of the corporation could qualify under section 341(e)(3) for use of section 333 since the apartment house would not be a subsection (e) asset.

*Example* (4). (i) Assume the same facts as in example (1), except that in the hands of no shareholder of the corporation would the apartment house be deemed property held primarily for sale to customers in the ordinary course of trade or business (such determination, however, having been made without regard to A's ownership of stock of related corporations). Assume further that (a) X Corporation adopts a plan of complete liquidation, (b) within the 12-month period beginning on the date of such adoption X Corporation sells substantially all the property held by it on such date and distributes all its assets in complete liquidation, (c) following the adoption of such plan, no distribution is made of any property which in the hands of the corporation or in the hands of the distributee is property in respect of which a deduction for exhaustion, wear and tear, obsolescence, amortization, or depletion is allowable, and (d) following the adoption of such plan no property is sold or exchanged to A, to a constructive owner of A's stock, or to a person "related" (within the meaning of paragraph (k) of this section) to A or such constructive owner.

(ii) Since, under the above-stated facts, the requirements of section 341(e)(4) are satisfied, section 337(a) will apply to sales or exchanges of property by the corporation within the 12-month period beginning on the date of the adoption of the plan of liquidation.

(iii) Any distribution in complete liquidation to B and C, who own 15 and 10 percent, respectively, in value of the outstanding stock, will qualify under section 341(e)(2) because (a) by reason of the application of section 341(e)(4), section 337(a) applies to sales or exchanges of property by the corporation, and (b) at all times within the 12-month period beginning on the date of the adoption of the plan of complete liquidation the general corporate test is satisfied and B and C each satisfy the specific shareholder test of paragraph (e)(1)(iii)(a) of this section.

(iv) Any distribution in complete liquidation to A, who owns 75 percent in value of the outstanding stock, will qualify under section 341(e)(2) if, at all times within the 12-month period beginning on the date of the adoption of the plan of complete liquidation, and after taking into account A's ownership of stock in related corporations in the manner prescribed in paragraph (d) of this section, A satisfies the specific shareholder test of paragraph (e)(1)(iii)(b) of this section.

PAR. 3. Section 1.341–1 is amended to read as follows:

**§ 1.341–1 Collapsible corporations; in general.**

Subject to the limitations contained in § 1.341–4 and the exceptions contained in § 1.341–6, the entire gain from (a) the actual sale or exchange of stock of a collapsible corporation, (b) amounts distributed in complete or partial liquidation of a collapsible corporation which are treated, under section 331, as payment in exchange for stock, and (c) a distribution made by a collapsible corporation which, under section 301(c)(3), is treated, to the extent it exceeds the basis of the stock, in the same manner as a gain from the sale or exchange of property, shall be considered as gain from the sale or exchange of property which is not a capital asset.

PAR. 4. Paragraph (a) of § 1.333–1 is amended to read as follows:

**§ 1.333–1 Corporate liquidation in some one calendar month.**

(a) *In general.* Section 333 provides a special rule, in the case of certain specifically described complete liquidations of domestic corporations occurring within some one calendar month, for the treatment of gain on the shares of stock owned by qualified electing shareholders at the time of the adoption of the plan of liquidation. The effect of such section is in general to postpone the recognition of that portion of a qualified electing shareholder's gain on the liquidation which would otherwise be recognized and which is attributable to appreciation in the value of certain corporate assets unrealized by the corporation at the time such assets are distributed in complete liquidation. Only qualified electing shareholders are entitled to the benefits of section 333. The determination of who is a qualified electing shareholder is to be made under section 333(c). For the basis of property received on such liquidations, see section 334(c). Except to the extent provided in section 341(e)(3), section 333 has no application to collapsible corporations. See section 341(b) for definition of collapsible corporations.

* * * * *

PAR. 5. Section 1.337–1 is amended to read as follows:

**§ 1.337–1 General.**

Except as provided in sections 337(c) and 392(b), if a corporation distributes all of its assets in complete liquidation within 12 months after the adoption of a plan of liquidation, which plan must be adopted on or after June 22, 1954, no gain or loss shall be recognized from the sale of property (as defined in section 337(b)) during such 12-month period. For this purpose such sales may be made before the adoption of the plan of liquidation if made on the same day such plan is adopted. All assets (less assets retained to meet claims), both tangible and intangible, must be distributed within the 12-month period. Any assets retained after the expiration of the 12-month period for the payment of claims (including unascertained or contingent liabilities or expenses) must be specifically set apart for that purpose and must be reasonable in amount in relation to the items involved. The 12-month period shall begin on the date of adoption of the plan determined as provided in paragraph (b) of § 1.337–2 and no extension of such period can be granted. See section 453(d)(4)(B) relative to nonrecognition of gain on the distribution of certain installment obligations. Except to the extent provided in section 341(e)(4), sales or exchanges made by a collapsible corporation (as defined in section 341(b)) are excluded from the operation of section 337 by section 337(c). Accordingly, except as provided in section 341(e)(4), section 337 does not apply to any sale or exchange of property whenever the distribution of such property in partial or complete liquidation to the shareholders in lieu of such sale or exchange would have resulted in the taxation of the gain from such distribution in the manner provided in section 341(a) as to any shareholder or would have resulted in the taxation of the gain in such manner, but for the application of section 341(d). Likewise, section 337 does not apply to sales or exchanges made by a corporation if such corporation is liquidated in a transaction to which section 333 is applicable, or in a transaction to which section 332 applies (except to the extent provided in section 337(c)(2)(B)). Section 392(b) provides special rules with respect to the recognition of gain or loss upon certain sales made by a liquidating corporation during 1954 and 1955.

[F.R. Doc. 64–11523; Filed, Nov. 10, 1964; 8:48 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Research Service

## [ 7 CFR Part 318 ]

## FRUITS AND VEGETABLES FROM PUERTO RICO OR VIRGIN ISLANDS

### Proposed Quarantine Amendments

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Agricultural Research Service, pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), is considering amending paragraphs (a) and (b) of notice of quarantine No. 58 relating to Fruits and Vegetables from Puerto Rico or Virgin Islands (7 CFR 318.58 (a), (b)) and § 318.58–3(c) of the regulations supplemental to said quarantine (7 CFR 318.58–3(c)) to read, respectively, as follows:

**§ 318.58 Notice of quarantine.**

(a) Pursuant to section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), and after public hearing, it has been determined that it is necessary to quarantine Puerto Rico and the Virgin Islands of the United States to prevent the spread of certain dangerous insect infestations not heretofore widely prevalent or distributed within and throughout the United States, including the fruit flies, Anastrepha suspensa (Loew), and A. mombinpraeoptans Sein, and the bean pod borer, Maruca testulalis (Geyer) and that it is necessary to quarantine the said Virgin Islands to prevent the spread of a cactus borer, Cactoblastis cactorum (Berg.), not heretofore widely prevalent or distributed within and throughout the United States; and Puerto Rico and the said Virgin Islands are therefore quarantined.

(b) No fruits or vegetables, in the raw or unprocessed state, shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, by any person from Puerto Rico or the Virgin Islands of the United States into or through Guam, Hawaii, or the continental United States, and no cactus plants or parts thereof shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from the Virgin Islands of the United States into or through Guam, Puerto Rico, or the continental United States; in any manner or method or under conditions other than those prescribed in the regulations hereinafter made or amendments thereto: *Provided*, That whenever the Director of the Plant Quarantine Division shall find that existing conditions as to the pest risk involved in the movement of any of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall publish such finding in administrative instructions, specifying the manner in which the restrictions shall be made less stringent, whereupon such modification shall become effective; or he may, when the public interest will permit, with respect to the movement of any of such articles to Guam, upon request in specific cases and notification to the person making the request, authorize their certification under conditions, specified in the certificate to carry out the purposes of this subpart, that are less stringent than those contained in the regulations.

* * * * *

**§ 318.58–3 Products the movement of which is authorized.**[1]

* * * * *

(c) Cactus plants or parts thereof from the Virgin Islands of the United States, may be moved to Guam, Puerto Rico, or the continental United States when they have been given an approved treatment and are so certified by an inspector.

(Sec. 9, 37 Stat. 318, 7 U.S.C. 162; 19 F.R. 74, as amended. Interprets or applies sec. 8, 37 Stat. 318, as amended, 7 U.S.C. 161)

The purpose of the proposed amendment is to include the Virgin Islands of the United States in their entirety in the quarantine and regulations relating to the movement from the Virgin Islands to Guam, Puerto Rico, or the continental United States of cactus plants or parts thereof. Such movement is now regulated only from the Island of St. Croix in the said Virgin Islands. Since issuance on January 7, 1964, of the amendment applicable to St. Croix, the cactus borer has been found infesting the Island of St. Thomas. It may also have spread to other neighboring islands. For this reason it is proposed to regulate the movement of cactus plants or parts thereof from the entire Virgin Islands of the United States.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md., 20781, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 6th day of November 1964.

[SEAL] B. T. SHAW,
*Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 64–11547; Filed, Nov. 10, 1964; 8:50 a.m.]





# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 39 [New] ]

[Docket No. 6306]

## AIRWORTHINESS DIRECTIVES

### Boeing Models 707 and 720 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 39 [New] of the Federal Aviation Regulations to include an airworthiness directive for Boeing Models 707 and 720 Series aircraft. Failures of B-nuts on the high pressure air start system lines have resulted in whipping lines in the wheel well area. To correct this condition, an airworthiness directive is being proposed to require either replacement of the existing B-nuts on the high presure air start bottle system lines, relocation of the air pressure regulator and deactivation of the external high pressure air start connection, or deactivation of the high pressure air start system.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before December 11, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 [New] (14 CFR Part 39 [New]) by adding the following airworthiness directive:

BOEING. Applies to Models 707 and 720 Series aircraft equipped with an external high pressure air start connection.

Compliance required as indicated.

Failures of B-nuts on the high pressure air start system lines have occurred, resulting in whipping lines in the wheel well area. To correct this condition:

(a) Within 500 hours' time in service from the effective date of this AD, unless already accomplished, accomplish one of the following or an equivalent approved by the Aircraft Engineering Division, FAA Western Region:

(1) Replace all NAS 596–16 B-nuts on the one-inch high pressure air lines in the 3,000 p.s.i. high pressure air start bottle system with AN 818–16 nuts and MS 20819–16 sleeves in accordance with Boeing Alert Service Bulletin No. 2009 dated May 15, 1964;

(2) Relocate air pressure regulator Boeing P/N 10–3358–1 to a position on the high pressure air start bottle and deactivate the external high pressure air start connection; or

(3) Deactivate the high pressure air start system by removing the high pressure air start bottles and the external high pressure air start lines and connection.

(Boeing Alert Service Bulletin No. 2009 dated May 15, 1964, covers this subject.)

Issued in Washington, D.C., on November 3, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64–11492; Filed, Nov. 10, 1964; 8:45 a.m.]

## [ 14 CFR Part 39 [New] ]

[Docket No. 6307]

## AIRWORTHINESS DIRECTIVES

### Lockheed Models 188A and 188C Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 39 [New] of the Federal Aviation Regulations to include an airworthiness directive for Lockheed Models 188A and 188C Series aircraft. There have been cracks, substandard heat treat, and a failure of the nose landing gear actuator support link. To correct this condition, this AD requires inspection of the nose landing gear actuator support links and replacement of any found cracked.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before December 11, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), by adding the following airworthiness directive:

LOCKHEED. Applies to Models 188A and 188C Series aircraft.

Compliance required as indicated.

As a result of cracks, substandard heat treat, and failure of the nose landing gear actuator support link, LAC P/N 750645-3 manufactured by Acor, Inc. under Acor P/N N07011, accomplish the following:

(a) Unless already accomplished within the last 1,700 landings prior to the effective date of this AD, within the next 300 landings after the effective date of this AD, comply with all requirements of (b) and thereafter at intervals not to exceed 2,000 landings, comply with the requirements of (b) for crack inspection and replacement of cracked links.

(b) Inspect all Acor, Inc. links for cracks in the necked down area of the link using magnetic particle technique or an FAA approved equivalent and check the hardness of the Acor, Inc. link flaps midway between the bearings. Replace any cracked links and any link on which the heat treat is less than 140,000 p.s.i. before further flight with a new LAC P/N 750645-3 link manufactured by other than Acor, Inc. This replacement shall be accomplished in accordance with Sections 2.B(6) through 2.B(10) of Lockheed Service Bulletin 88/SB-612.

(c) The inspections of (b) may be discontinued when LAC P/N 750645-3 link manufactured by Acor, Inc. under Acor P/N N07011 is replaced by a new LAC P/N 750645-3 link manufactured by other than Acor, Inc.

NOTE: LAC P/N 750645-3 link manufactured by Acor, Inc. under Acor P/N N07011 may be identified by its center body thickness which is greater than 0.400 inch.

(d) Operators must maintain record of landings in order to comply with this AD. Operators who do not have records of past landings may estimate the number of landings by dividing each aircraft's hours' time in service by the operator's fleet average time per flight from takeoff to landing.

(e) Upon request to the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Service Bulletin 88/SB-612 dated February 14, 1964, covers this same subject.)

Issued in Washington, D.C., on November 3, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-11493; Filed, Nov. 10, 1964; 8:46 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-SO-46]

## CONTROL AREA EXTENSION, CONTROL ZONES, AND TRANSITION AREAS

### Proposed Revocation, Alteration, and Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would revoke the control area extension at Biloxi, Miss., alter the control zones at Gulfport and Biloxi, Miss., and designate transition areas at Gulfport and Pascagoula, Miss.

The Biloxi, Miss., control area extension is presently designated within a 25-mile radius of latitude 30°27'08" N., longitude 88°53'36" W.; and that airspace bounded on the E by longitude 88°30'00" W., on the SE and S by a line 5 miles S of and parallel to V-22, on the W by longitude 89°10'00" W., on the N by the Biloxi 25-mile radius area excluding the portion which coincides with W-453.

The Biloxi, Miss., control zone is presently designated within a 5-mile radius of Keesler AFB, Biloxi, Miss. (latitude 30°24'25" N., longitude 88°55'30" W.); within 2 miles either side of the Keesler AFB TACAN 047° radial extending from the 5-mile radius zone to 7 miles NE of the TACAN, and within 2 miles either side of the Keesler TACAN 204° radial extending from the 5-mile radius zone to 7 miles SW of the TACAN.

The Gulfport, Miss., control zone is presently designated within a 5-mile radius of Gulfport Municipal Airport (latitude 30°24'25" N., longitude 89°04'-20" W.) and within 2 miles either side of the Gulfport VOR 325° radial extending from the 5-mile radius zone to 12 miles NW of the VOR, excluding the portion within the Biloxi, Miss., control zone.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Biloxi, Gulfport and Pascagoula, Miss., terminal areas, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29 (26 F.R. 570 and 27 F.R. 4012), proposes the airspace actions hereinafter set forth.

1. The Biloxi, Miss., control area extension would be revoked.

2. The Gulfport, Miss., control zone would be redesignated within a 5-mile radius of Gulfport Municipal Airport (latitude 30°24'27.5" N., longitude 89°04'05" W.) and within 2 miles each side of the Gulfport VOR 325° radial extending from the 5-mile radius zone to 8 miles NW of the VOR excluding that portion E of longitude 89°00'00" W.

3. The Biloxi, Miss., control zone would be redesignated within a 5-mile radius of Keesler AFB (latitude 30°24'39.2" N., longitude 88°55'25.9" W.), within 2 miles each side of the 036° bearing from Keesler RBN extending from the 5-mile radius zone to 8 miles NE of the RBN, within 2 miles each side of the Keesler TACAN 047° radial extending from the 5-mile radius zone to 7 miles NE of the TACAN, and within 2 miles each side of the Keesler AFB Runway 22 centerline extending from the 5-mile radius zone to 6 miles SW of the AFB, excluding that portion W of longitude 89°00'00" W.

4. A Gulfport, Miss., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Gulfport Municipal Airport (latitude 30°24'-27.5" N., longitude 89°04'05" W.), within 8 miles SW and 5 miles NE of the Gulfport VOR 325° radial extending from the VOR to 12 miles NW, and within 2 miles each side of Keesler AFB Runway 22 centerline extending from 6 to 8 miles SW of Keesler AFB (latitude 30°24'39.2" N., longitude 88°55'25.9" W.); that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 29°55'00" N., longitude 89°18'00" W., thence N to latitude 30°41'00" N., longitude 89°18'00" W., thence NW to latitude 30°54'00" N., longitude 89°35'00" W., thence NE to latitude 31°06'00" N., longitude 89°23'00" W., thence counterclockwise along an arc 20 miles in radius centered on the Hattiesburg, Miss., VOR to the southern boundary of V-222, thence E along the southern boundary of V-222 to longitude 88°37'00" W., thence S to latitude 30°32'09" N., longitude 88°37'00" W., thence E to latitude 30°32'00" N., longitude 88°15'00" W., thence SE to latitude 30°14'00" N., longitude 88°01'30" W., thence S to latitude 30°09'15" N., longitude 88°01'30" W., thence three nautical miles from and parallel to the shoreline to latitude 30°-11'00" N., longitude 88°41'49" W., thence W to latitude 30°10'00" N., longitude 88°51'00" W., thence S to latitude 29°-55'00" N., longitude 88°51'00" W., thence W to point of beginning, excluding the portion within R-4401. The portion of this transition area within R-4402 shall be used only after obtaining prior approval from appropriate authority.

5. A Pascagoula, Miss., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Jackson County Airport (latitude 30°-22'43" N., longitude 88°29'37" W.) within 2 miles each side of a 082° bearing from the Jackson County Airport extending from the 5-mile radius area to 8 miles E of the airport and within 2 miles each side of a 272° bearing from the Jackson County Airport extending from the 5-mile radius area to 11 miles W of the airport.

The proposed control zones are necessary to protect prescribed instrument approach and departure procedures at the Gulfport Municipal Airport and Keesler AFB.

The proposed transition areas are necessary to protect prescribed instrument approach and departure procedures, holding patterns, transition routes and missed approach procedures for the Gulfport Municipal Airport, Keesler AFB and Jackson County Airport. The northern portion of the transition area is necessary to provide continuity of controlled airspace for random radar vectoring of aircraft arriving, departing and traversing the Gulfport area.

The floors of airways which traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on November 2, 1964.

PAUL H. BOATMAN,
*Acting Director,*
*Southern Region.*

[F.R. Doc. 64-11494; Filed, Nov. 10, 1964; 8:45 a.m.]



## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-SO-55]

## TRANSITION AREA

### Proposed Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER on September 23, 1964 (29 F.R. 13208) it was stated in part that the Federal Aviation Agency proposed to revoke the control area extension, redesignate the control zone and designate a transition area at Greenwood, Miss. The proposed transition area was described as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Greenwood VOR 243° and 063° radials extending from the Greenwood control zone to 8 miles southwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 8 miles southeast and 5 miles northwest of the Greenwood VOR 243° and 063° radials extending from 5 miles northeast of the VOR to 12 miles southwest and within 5 miles each side of the Greenwood VOR 063° radial extending from 5 miles northeast of the VOR to 18 miles northeast.

Subsequent to that publication, it was found that additional airspace was needed to enclose a holding pattern. Therefore, the proposed 1200-foot transition area for Greenwood, Miss., is hereby altered to add 2 miles to the portion southwest of the Greenwood VOR. As altered, the Greenwood, Miss., transition area would be described as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Greenwood VOR 243° and 063° radials extending from the Greenwood control zone to 8 miles SW of the VOR; that airspace extending upward from 1,200 feet above the surface within 8 miles SE and 5 miles NW of the Greenwood VOR 243° and 063° radials extending from 5 miles NE of the VOR to 14 miles SW, and within 5 miles each side of the Greenwood VOR 063° radial extending from 5 miles NE of the VOR to 18 miles NE.

The proposed Greenwood control zone would not be altered.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on October 30, 1964.

PAUL H. BOATMAN,
*Acting Director,*
*Southern Region.*

[F.R. Doc. 64-11495; Filed, Nov. 10, 1964; 8:45 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-CE-54]

## FEDERAL AIRWAY

### Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would extend VOR Federal airway No. 55 from Brainerd, Minn., to Grand Forks, N. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

Victor 55 is designated in part from Grantsburg, Wis., to Brainerd, Minn. The Federal Aviation Agency is considering the extension of this airway from Brainerd direct to Grand Forks. This action was requested by the Air Transport Association of America.

The extension of Victor 55 as proposed herein would reduce the airway mileage by 14 nautical miles for scheduled air carrier aircraft operating nonstop between Minneapolis, Minn., and Grand Forks. A chart study indicates that the change over point would be 97 nautical miles from Brainerd and that the minimum en route altitude would be 9,000 feet MSL. At such time as the Park Rapids, Minn., VOR which is state owned, can be certificated as an FAA facility, it will be incorporated in this segment of Victor 55. Its location between Brainerd and Grand Forks would permit reduction of the minimum en route altitude along this airway segment.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 2, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11496; Filed, Nov. 10, 1964; 8:45 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-WA-68]

## FEDERAL AIRWAY

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would designate a VOR Federal airway from Millinocket, Maine to Quebec, Canada, excluding the airspace in Canada.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received within 30 days after publication of the notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The Canadian Department of Transport has requested the United States to designate an airway from Millinocket to the international border at its point of intersection with the direct radial between the Millinocket VOR and a new VOR to be commissioned near Quebec at latitude 46°42'20" N., longitude 71°37'-36" W. This airway would provide a

route for instrument traffic between Quebec, Millinocket, and terminals to the south and east.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 2, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11497; Filed, Nov. 10, 1964; 8:46 a.m.]

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[ 14 CFR Parts 71 [New], 73 [New] ]

[Airspace Docket No. 64-EA-23]

## RESTRICTED AREAS, CONTROL AREA EXTENSION, FEDERAL AIRWAY, AND TRANSITION AREA

### Proposed Revocation and Alteration

The Federal Aviation Agency is considering amendments to §§ 71.123, 71.165, 71.181 and 73.40 of the Federal Aviation Regulations which would alter the Patuxent, Md. Restricted Areas R-4005 and R-4006, the Washington, D.C., Control Area Extension, the NAS Patuxent River, Md., Transition Area, VOR Federal airway No. 213, and which would revoke the Potomac River, Md. Restricted Area R-4008.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Restricted Areas R-4005, R-4006, and R-4008 are presently described as follows:

*R-4005 Patuxent, Md.*

*Boundaries.* Beginning at latitude 38°18'-26" N., longitude 76°14'30" W.; to latitude 38°13'00" N., longitude 76°11'30" W.; to latitude 38°13'00" N., longitude 76°00'00" W.; to latitude 38°08'00" N., longitude 76°00'00" W.; to latitude 38°08'00" N., longitude 76°08'00" W.; to latitude 37°55'15" N., longitude 76°02'30" W.; to latitude 37°52'45" N., longitude 76°11'03" W.; to latitude 38°02'20" N., longitude 76°17'24" W.; to latitude 38°07'41" N., longitude 76°17'24" W.; to latitude 38°15'00" N., longitude 76°20'50" W.; to latitude 38°18'30" N., longitude 76°17'08" W.; to point of beginning.

*Designated altitudes.* Unlimited.
*Time of designation.* Continuous.
*Using agency.* Commanding Officer, NAS, Patuxent River, Md.

*R-4006 Patuxent, Md.*

*Boundaries.* Beginning at latitude 38°41'-15" N., longitude 76°49'00" W.; to latitude 38°33'30" N., longitude 76°43'45" W.; to latitude 38°19'00" N., longitude 75°27'00" W.; along the Pennsylvania Railroad to latitude 38°12'30" N., longitude 75°41'30" W.; to latitude 38°02'30" N., longitude 75°53'30" W.; to latitude 37°55'00" N., longitude 75°52'30" W.; to latitude 37°46'39" N., longitude 75°57'48" W.; clockwise along the arc of a five-nautical mile radius centered at latitude 37°47'54" N., longitude 76°03'48" W.; to latitude 37°45'00" N., longitude 76°08'51" W.; to latitude 37°45'00" N., longitude 76°23'30" W.; to latitude 37°50'30" N., longitude 76°32'00" W.; to latitude 38°05'10" N., longitude 76°34'15" W.; to latitude 38°11'10" N., longitude 76°25'10" W.; to latitude 38°20'00" N., longitude 76°04'00" W.; to latitude 38°36'00" N., longitude 75°55'30" W.; along the Pennsylvania Railroad to point of beginning excluding R-4002, R-4005, R-4008 and R-6609.

*Designated altitudes.* 3,500 feet MSL to FL 850.
*Time of designation.* Continuous.
*Using agency.* Commanding Officer, NAS, Patuxent River, Md.

*R-4008 Potomac River, Md.*

*Boundaries.* Beginning at latitude 38°07'-00" N., longitude 76°24'30" W.; to latitude 37°53'10" N., longitude 76°14'00" W.; thence along the south shore of the Potomac River to latitude 37°59'20" N., longitude 76°26'30" W.; to latitude 38°05'40" N., longitude 76°33'52" W.; to latitude 38°07'25" N., longitude 76°30'45" W.; to latitude 38°07'00" N., longitude 76°28'80" W.; to point of beginning.

*Designated altitudes.* Unlimited.
*Time of designation.* Continuous.
*Using agency.* Commanding Officer, NAS, Patuxent River, Md.

The U.S. Navy has requested that Restricted Areas R-4005 and R-4008, together with the airspace which lies between them, be consolidated into one restricted area extending from the surface to FL 850. If this action is taken, the unrestricted airspace below 3,500 feet where R-4006 lies between R-4005 and R-4008 will become restricted airspace.

The U.S. Navy has stated that they require the additional airspace because of a shift in emphasis to low level operations of high speed aircraft and the need for precise evaluation of navigation and weapons systems throughout the performance range of the aircraft.

Specific low level operations for which the U.S. Navy has stated a requirement, and which cannot be accomplished within restricted airspace as presently designated, are as follows:

1. Aircraft fly-overs of ALF Webster Field at altitudes as low as 500 feet. These fly-overs would be used to evaluate various weapons systems and would be conducted at high subsonic speeds requiring total concentration on instruments by the pilot which would preclude visual separation from other aircraft in the area.

2. Flights along a Weapons Systems Test Theodolite Range which is located along the Chesapeake Bay shoreline between Cedar Point and Point-No-Point, Md. At present, these flights are being conducted and are used to evaluate navigational and weapons delivery systems and must adhere to a programmed flight profile which precludes visual separation from other aircraft.

3. Various tests which make it necessary for aircraft to transit the presently unrestricted airspace between R-4005 and R-4008. These tests include jet aircraft evaluating external ordnance configurations and operating at speeds in excess of 500 knots. They also include aircraft, towing 2,000 feet of cable, making pickups and drops of tow targets at ALF Webster Field.

For the reasons stated above, the Federal Aviation Agency proposes the alterations to Parts 73 and 71 of the Federal Aviation Regulations as hereinafter set forth.

1. In § 73.40 (29 F.R. 1255), the Patuxent, Md. Restricted Areas, R-4005, R-4006, and R-4008 would be amended, respectively, by:

a. Deleting all the boundaries and designated altitudes in R-4005 and substituting therefor:

*Boundaries.* Beginning at latitude 38°05'-40" N., longitude 76°33'32" W.; to latitude 38°11'10" N., longitude 76°25'10" W.; to latitude 38°18'20" N., longitude 76°17'05" W.; to latitude 38°18'26" N., longitude 76°-14'30" W.; to latitude 38°13'00" N., longitude 76°11'20" W.; to latitude 38°08'00" N., longitude 76°06'50" W.; to latitude 37°55'-15" N., longitude 76°02'30" W.; to latitude 37°53'10" N., longitude 76°14'00" W.; to the point of beginning.

*Designated altitudes.* Surface to FL 850.

b. Deleting from the text of R-4006 "excluding R-4002, R-4005, R-4008 and R-6609" and substituting therefor "excluding R-4002, R-4005 and R-6609".

c. Deleting R-4008 in its entirety.

2. In § 71.123 (29 F.R. 1009), VOR Federal airway No. 213 would be amended by deleting from the text of V-213 "the airspace within R-4005, R-4006, R-4007 and R-4008 is excluded" and substituting therefor "the airspace within R-4005, R-4006, and R-4007 is excluded.

3. In § 71.165 (29 F.R. 1073), the Washington, D.C. Control Area Extension would be amended by deleting "and excluding the portions within R-4002, R-4005, R-4006, R-4007 and R-4008" and substituting therefor "and excluding the portions within R-4002, R-4005, R-4006 and R-4007".

4. In § 71.181 (29 F.R. 1160), the NAS Patuxent River, Md. Transition Area would be amended by deleting "the portions within R-4002, R-4005, R-4006, R-4007, R-4008 and R-6609 are excluded", and substituting therefor "the portions within R-4002, R-4005, R-4006, R-4007 and R-6609 are excluded".

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 3, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11498; Filed, Nov. 10, 1964; 8:46 a.m.]



[ 14 CFR Part 75 [New] ]

[Airspace Docket No. 64-SO-24]

## JET ROUTE

### Proposed Designation

The Federal Aviation Agency is considering amendments to Part 75 [New] of the Federal Aviation Regulations which would designate a jet route from the Miami, Fla., VOR via the intersection of the Miami VOR 297° and St. Petersburg, Fla., VOR 152° True radials, to St. Petersburg and, thence, to the Gainesville, Fla., VOR.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The jet route proposed, herein, would serve the Tampa, Fla.-MacDill AFB, Fla., terminal area. It would facilitate the transitioning of both military and civil jet aircraft arriving at, and departing, the Tampa area to the northeast and the southeast.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 2, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11499; Filed, Nov. 10, 1964; 8:46 a.m.]

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# FEDERAL HOME LOAN BANK BOARD

[ 12 CFR Parts 541, 545 ]

[No. 18,560]

## FEDERAL SAVINGS AND LOAN SYSTEM

### Definitions and Operations; Proposed Collateral Loans

NOVEMBER 5, 1964.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that Parts 541 and 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 541 and 545) be amended by amendments, the substance of which is as follows:

§ 541.9 [Amended]

1. Redesignate existing § 541.9 of said Part 541 as § 541.9(a) and add a new § 541.9(b) to said Part 541 to read as follows:

(b) The term "loans on the security of first liens" includes loans secured by the assignment, as collateral, of loans described in paragraph (a) of this section.

2. Amend Part 545 by adding after § 545.6-16 a new section as follows:

§ 545.6-17 Collateral loans.

An association may make collateral loans, secured by the assignment of other loans, only in accordance with the following requirements:

(a) Each assigned loan is one which the association could itself make or purchase at par under applicable law and regulations, based on a current association appraisal;

(b) The amount of the collateral loan may not exceed at any time 90 percent of the aggregate unpaid balance of the assigned loans;

(c) The assignment to the association provides that:

(1) All payments of principal and interest on the assigned loans shall be made directly to the association and applied to the outstanding unpaid balance of the collateral loan, and

(2) A default on any assigned loan shall constitute a default on the collateral loan and permit acceleration of the maturity of the collateral loan; and

(d) The assignment is properly recorded and prior to any other lien of record on the assignor's interest in the assigned loans.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than December 11, 1964, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
*Assistant Secretary.*

[F.R. Doc. 64-11514; Filed, Nov. 10, 1964; 8:47 a.m.]

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[ 12 CFR Part 545 ]

[No. 18,553]

## FEDERAL SAVINGS AND LOAN SYSTEM

### Operations; Proposed Lending Area

NOVEMBER 5, 1964.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508 and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that § 545.6-6 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-6) be amended by an amendment, the substance of which is as follows:

Amend § 545.6-6 of the rules and regulations for the Federal Savings and Loan System to read as follows:

§ 545.6-6 Lending area.

The regular lending area of a Federal association consists of the area within a radius of 100 miles from such association's home office and, in the case of a Federal association which is converted from a State-chartered institution, that territory beyond 100 miles from its home office in which such association made loans while operating under State charter. Any Federal association may make loans in its regular lending area and, within the 20-percent-of-assets limitation as defined in § 545.6-7, in other territory but shall comply with the provisions of the rules and regulations for insurance of accounts with respect to loans on the security of real estate located more than 50 miles from the association's home office. Each converted association that desires to continue to make loans beyond 100 miles from its home office in territory in which it made loans while operating under State charter shall file with the Board a map showing the territory within which such association made loans while operating under State charter. For the purpose of this section a county is the unit of "territory" in which a converted association made loans beyond a radius of 100 miles from its home office while operating under State charter.

(Sec. 5, 48 Stat. 122, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues. (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than December 11, 1964, to be entitled to be considered, but any received later may

be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
*Assistant Secretary.*

[F.R. Doc. 64-11515; Filed, Nov. 10, 1964; 8:47 a.m.]

## [ 12 CFR Part 561 ]

[No. FSLIC-1,908]

## FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

### Proposed Definition of Specified Assets

NOVEMBER 5, 1964.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that paragraph (b) of § 561.17 of the rules and regulations for Insurance of Accounts (12 CFR 561.17) be amended by an amendment the substance of which is as follows:

Amend paragraph (b) of § 561.17 of the rules and regulations for Insurance of Accounts to read as follows:

(b) In computing specified assets at the close of any semiannual period, any asset which is sold or disposed of in one semiannual period and then repurchased or reacquired in the next semiannual period, or purchased or acquired in one semiannual period and then sold or disposed of in the next semiannual period, shall be computed as if it had not been sold or disposed of, or purchased or acquired, during such initial semiannual period.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than December 11, 1964, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
*Assistant Secretary.*

[F.R. Doc. 64-11517; Filed, Nov. 10, 1964; 8:47 a.m.]

## [ 12 CFR Part 561 ]

[No. FSLIC-1,911]

## FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

### Proposed Definition of Scheduled Items

NOVEMBER 5, 1964.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that § 561.15 of the rules and regulations for Insurance of Accounts (12 CFR 561.15) be amended by an amendment the substance of which is as follows:

Amend § 561.15 of the rules and regulations for Insurance of Accounts to read as follows:

§ 561.15 Scheduled items.

The term "scheduled items" means slow loans (other than insured or guaranteed loans), 20 percent of slow loans which are insured or guaranteed, real estate owned as a result of foreclosure, or acquired by deed in lieu of foreclosure, such real estate sold on contract, or by a loan, where the unpaid principal balance exceeds that permitted under otherwise applicable lending limitations or exceeds 90 percent of the value of the security, any investment securities upon which one or more interest payments due has not been paid and loans or real estate acquired in exchange for any of the foregoing.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than November 27, 1964, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
*Assistant Secretary.*

[F.R. Doc. 64-11518; Filed, Nov. 10, 1964; 8:47 a.m.]

## [ 12 CFR Part 563 ]

[No. FSLIC-1,907]

## FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

### Operations; Proposed Participation Loans

NOVEMBER 5, 1964.

Whereas, by Resolution No. FSLIC-1,879, dated September 18, 1964, and duly published in the FEDERAL REGISTER on September 23, 1964 (29 F.R. 13215), this Board resolved, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), to propose that § 563.9-1 of the rules and regulations for Insurance of Accounts (12 CFR 563.9-1) be amended by an amendment the substance of which was set out in said publication, and

Whereas, careful consideration has been given to such proposed amendment;

It is hereby resolved, that this Board hereby determines not to adopt the amendment proposed by said Resolution No. FSLIC-1,879.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
*Assistant Secretary.*

[F.R. Doc. 64-11519; Filed, Nov. 10, 1964; 8:47 a.m.]

## [ 12 CFR Part 563 ]

[No. FSLIC-1,909]

## FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

### Operations; Proposed Loans and Investments

NOVEMBER 5, 1964.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that § 563.9 of the rules and regulations for Insurance of Accounts (12 CFR 563.9) be amended by an amendment the substance of which is as follows:

Amend paragraph (a) of § 563.9 of the rules and regulations for Insurance of Accounts to read as follows:

§ 563.9 Loans and investments.

(a) *General provisions.* Insured institutions may lend and otherwise invest their funds to the extent and in the manner authorized by law: *Provided*, That, no insured institution may make, or invest its funds in, loans on the security of real estate located more than 50 miles from its principal office and outside the territory within which the institution was operating on June 27, 1934, without the prior approval of the Corporation. Such approval is hereby granted to each insured institution to the extent set forth in this section.

(1) Any insured institution may, to the extent that it has legal power to do so and without further approval of the Corporation, make, or invest its funds in, loans in an aggregate amount not exceeding 20 percent of such institution's assets on the security of real estate located more than 50 miles but not more than 100 miles from such institution's principal office and outside such territory, and an insured institution which, at the close of its most recent semiannual period, had scheduled items, other than assets acquired in a merger instituted for supervisory reasons, not in excess of 4 percent of its specified assets, may make or invest its funds in loans on real estate so located without regard to said 20 percent limitation;

(2) Any insured institution may, to the extent it has legal power to do so, without further approval of the Corporation, make, or invest its funds in, any guaranteed loan at least 20 percent of which is guaranteed;

(3) Any insured institution may, to the extent it has legal power to do so, without further approval of the Corporation, purchase any insured loan secured by a first lien on a home or a combination home and business property which is used in part for business purposes and in part for residence purposes for not more than four families; and

(4) Any insured institution which, at the close of the preceding semiannual period, had a ratio of scheduled items, other than assets acquired in a merger instituted for supervisory reasons, to specified assets of less than 2.5 percent, may, to the extent that it has legal power to do so, make or invest its funds in loans, originated and serviced by or through an institution the accounts or deposits of which are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation or by or through an approved Federal Housing Administration mortgagee, in an aggregate amount not exceeding 5 percent of such institution's assets on the security of real estate located in any metropolitan area in the United States as then defined in "Standard Metropolitan Statistical Areas" published by the Bureau of the Budget: *Provided, that:*

(i) The principal or a branch office of such originating and servicing institution or approved Federal Housing Administration mortgagee is located within the same metropolitan area as the real estate security;

(ii) Any such approved Federal Housing Administration mortgagee shall have been continuously and principally engaged in the business of originating and servicing loans for other lenders and investors for a period of at least 5 years, and such approved mortgagee shall furnish to such insured institution documentation showing that the mortgagee has been so engaged and is then approved by the Federal Housing Administration;

(iii) An insured institution shall not make or invest its funds in any loan under the provisions of this subparagraph (4) unless and until such institution has obtained a signed report of appraisal of the real estate security for the loan by an appraiser designated by such institution and who has no interest, direct or indirect, in the real estate or in any loan on the security thereof.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than December 11, 1964, to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
*Assistant Secretary.*

[F.R. Doc. 64-11520; Filed, Nov. 10, 1964; 8:47 a.m.]

## [ 12 CFR Part 563 ]

[No. FSLIC-1,910]

## FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

### Operations; Proposed Participation Loans

NOVEMBER 5, 1964.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that § 563.9-1 of the rules and regulations for Insurance of Accounts (12 CFR 563.9-1) be amended by amendments the substance of which are as follows:

1. Amend paragraph (c) of § 563.9-1 of the rules and regulations for Insurance of Accounts to read as follows:

(c) *Percentage of assets.* No insured institution shall participate in the making of a loan pursuant to the approval granted by this section or purchase a participation in a loan pursuant to such approval if the amount of such participation interest plus the amount of such institution's outstanding investments in participation interests in loans made pursuant to the approval granted by this section aggregate a total amount exceeding 40 percent of such institution's assets. In the case of an insured institution which, at the close of its most recent semiannual period, had scheduled items, other than assets acquired in a merger instituted for supervisory reasons, not in excess of 4 percent of its specified assets, the said 40 percent shall be exclusive of participation interests in loans on property located more than 50 miles but not more than 100 miles from the insured institution's principal office and outside the territory aforesaid. The provisions of this paragraph do not apply to any loan that is an insured loan or a guaranteed loan.

2. Amend paragraph (d) of § 563.9-1 of the rules and regulations for Insurance of Accounts to read as follows:

(d) *Limitations.* No insured institution that originated the loan shall sell a participation in any loan at any time when the percentage of such institution's scheduled items, other than assets acquired in a merger instituted for supervisory reasons, exceeds 4 percent of its specified assets, as reported in its most recent semiannual report.

(Sec. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than December 11, 1964, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
*Assistant Secretary.*

[F.R. Doc. 64-11521; Filed, Nov. 10, 1964; 8:48 a.m.]

# Notices

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

### SUGARBEET WAGES AND PRICES AND DESIGNATION OF PRESIDING OFFICERS

#### Notice of Hearings

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.) notice is hereby given that public hearings will be as follows:

At Yakima, Wash., on December 4, in the Harvest Hall of the Chinook Hotel, beginning at 9:30 a.m.;

At Fargo, N. Dak., on December 8, in the Strike Room of the Bowler, Inc., south of Highway 94 on Highway 81, beginning at 9:30 a.m.;

At Detroit, Mich., on December 9, in the Sky Room, Pick-Fort Shelby Hotel, beginning at 9:30 a.m.;

At Auburn, N.Y., on December 11, in the auditorium of the Farm, Home and 4-H Center, 248 Grant Avenue, beginning at 9:30 a.m.;

At Stockton, Calif., on December 14, in the Meeting Room, Pacific Gas and Electric Building, 4040 West Lane, beginning at 9:30 a.m.;

At San Antonio, Tex., on December 16, in the Gunter Hotel, Houston at St. Mary's Street, beginning at 9:30 a.m.;

At McAllen, Tex., on December 18, in the Fairway Motor Hotel, 2105 South 10th Street, beginning at 9:30 a.m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301(c)(1) of the Act, whether the wage rates established for sugarbeet fieldworkers in the wage determination which became effective April 3, 1964 (29 F.R. 4686), continue to be fair under existing circumstances, or whether such determination should be amended, and (2) pursuant to the provisions of section 301(c)(2) of the Act, fair and reasonable prices for the 1965 crop of sugarbeets to be paid, under purchase or toll agreements, by producers who process sugarbeets grown by other producers and who apply for payments under the Act.

To obtain the best possible information, the Department requests that all interested parties appear at the hearings to express their views and to present appropriate data with respect to wages and prices. While testimony on all pertinent points is desired, in view of recent administrative problems it is especially requested that witnesses representing producers and workers in the States of California, Arizona, and Nevada, offer information and recommendations on the establishment of specific piecework rates for the hand labor operations of blocking and thinning, hoeing, hoetrimming, and weeding; the work tasks involved in these operations; and the level of such rates.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

The hearings after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

Tom O. Murphy, J. Murray Thompson, Claude B. Freeman, and Ward S. Stevenson are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Signed at Washington, D.C. on November 5, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-11549; Filed, Nov. 10, 1964; 8:50 a.m.]

### Office of the Secretary

### NORTH CAROLINA

#### Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of North Carolina natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH CAROLINA

Bertie.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures..

Done at Washington, D.C., this 5th day of November 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-11503; Filed, Nov. 10, 1964; 8:46 a.m.]

### VIRGINIA

#### Extension of Period for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Virginia natural disasters for which said counties were designated (28 F.R. 9699, 10927; 29 F.R. 1592) have continued and have resulted in a continuing need in those counties for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

VIRGINIA

| | |
|---|---|
| Albemarle. | James City. |
| Alleghany. | King and Queen. |
| Amelia. | King George. |
| Amherst. | King William. |
| Appomattox. | Lancaster. |
| Augusta. | Loudoun. |
| Bath. | Louisa. |
| Bedford. | Lunenburg. |
| Bland. | Madison. |
| Botetourt. | Mathews. |
| Brunswick. | Mecklenburg. |
| Buckingham. | Middlesex. |
| Campbell. | Montgomery. |
| Caroline. | Nelson. |
| Charles City. | New Kent. |
| Charlotte. | Newport News.** |
| Chesterfield. | Northumberland. |
| Clarke. | Nottoway. |
| Craig. | Orange. |
| Culpeper. | Page. |
| Cumberland. | Patrick. |
| Dinwiddie. | Pittsylvania. |
| Essex. | Powhatan. |
| Fairfax. | Prince Edward. |
| Fauquier. | Prince George. |
| Floyd. | Prince William. |
| Fluvanna. | Pulaski. |
| Franklin. | Rappahannock. |
| Frederick. | Richmond. |
| Giles. | Rockbridge. |
| Gloucester. | Rockingham. |
| Goochland. | Shenandoah. |
| Greene. | Spotsylvania. |
| Greensville. | Stafford. |
| Halifax. | Surry. |
| Hampton City.* | Sussex. |
| Hanover. | Warren. |
| Henrico. | Westmoreland. |
| Henry. | Wythe. |
| Highland. | York. |

*That portion formerly Elizabeth City County.

**That portion formerly Warwick County.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 5th day of November 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-11504; Filed, Nov. 10, 1964; 8:46 a.m.]





### WISCONSIN

#### Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Wisconsin natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

WISCONSIN

Taylor.

It has also been determined that in the hereinafter-named county in the State of Wisconsin the natural disaster for which the county was designated has continued and has resulted in a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

| Wisconsin | *Previous designation* |
|---|---|
| Marinette | 28 F.R. 4816 |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 5th day of November 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-11505; Filed, Nov. 10, 1964; 8:46 a.m.]

## DEPARTMENT OF COMMERCE

### Bureau of International Commerce

[File No. 22-60]

### N. V. ZELANTRA

#### Notice of Related Party Determination

In the matter of N. V. Zelantra, Leendert Sparreboomstraat 13, Rotterdam, The Netherlands, File 22-60.

By order dated January 16, 1964, the Bureau of International Commerce, United States Department of Commerce, entered an order against E. Walda, later corrected to F. Walda, and other parties, denying all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data. This order was published in the FEDERAL REGISTER on January 21, 1964 (29 F.R. 505).

Section 382.1(b) of the Export Regulations provides in part that, to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to persons other than those named in the order with whom said named persons may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control that within the purview of said section the firm N. V. Zelantra, located at the above address, is a related party to said F. Walda. Under this determination the terms and restrictions of the order of January 16, 1964 are effective against said related party.

The said related party has been notified of this determination and has been advised that it may apply to have the ruling reconsidered. Due notice will be given of any termination or change in this related party determination.

Dated: November 3, 1964.

FORREST D. HOCKERSMITH,
*Director,*
*Office of Export Control.*

[F.R. Doc. 64-11461; Filed, Nov. 10, 1964; 8:45 a.m.]

### Maritime Administration

[Report No. 44]

### LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through November 2, 1964, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP

| | *Gross tonnage* |
|---|---|
| Total all flags (237 ships) | 1,645,888 |
| British (79 ships) | 584,716 |
| Amalia | 7,189 |
| Amazon River | 7,234 |
| *Antarctica | 8,785 |
| Ardenode | 7,036 |
| Ardgem | 6,981 |
| Ardmore | 4,664 |
| Ardpatrick | 7,054 |
| Ardrowan | 7,300 |
| Ardsirod | 7,025 |
| **Arlington Court (now Southgate—British flag). | |
| Athelcrown (Tanker) | 11,149 |
| Athelduke (Tanker) | 9,089 |
| Athelmere (Tanker) | 7,524 |
| Athelmonarch (Tanker) | 11,182 |
| Athelsultan (Tanker) | 9,149 |
| Aviafaith | 7,868 |
| Baxtergate | 8,819 |
| Canuk Trader | 7,151 |
| Cedar Hill | 7,156 |
| Chipbee | 7,271 |
| **Cosmo Trader (trip to Cuba under ex-name, Ivy Fair—British flag). | |
| Dairen | 4,939 |
| Denmark Hill | 7,150 |
| East Breeze | 8,708 |
| Eastfortune | 8,789 |
| Eirini | 7,402 |
| Free Enterprise | 6,807 |
| Free Merchant | 5,237 |
| **Garthdale (now Jeb Lee—British) | 7,542 |
| Grosvenor Mariner | 7,026 |
| Hazelmoor | 7,907 |
| Helka | 2,111 |
| Hemisphere | 8,718 |
| Ho Fung | 7,121 |
| Inchstaffa | 5,255 |
| **Ivy Fair (now Cosmo Trader—British flag) | 7,201 |
| **Jeb Lee (trip to Cuba under ex-name, Garthdale—British flag). | |
| Kinross | 5,388 |
| **Kirriemoor (now Jhelum—Pakistani flag) | 5,923 |
| La Hortensia | 9,486 |
| Linkmoor | 8,236 |
| London Endurance (Tanker) | 10,081 |
| Maratha Enterprise | 7,166 |
| Muswell Hill | 7,131 |
| Nancy Dee | 6,597 |
| Newdene | 7,181 |
| Newforest | 7,185 |
| Newgate | 6,743 |
| Newglade | 7,368 |
| Newgrove | 7,172 |
| Newheath | 5,891 |
| Newhill | 7,355 |
| Newlane | 7,043 |
| Newmeadow | 5,654 |
| Oceantramp | 6,185 |
| Oceantravel | 10,477 |
| Peony | 9,037 |
| Redbrook | 7,388 |
| Ruthy Ann | 7,361 |
| St. Antonio | 6,704 |
| Sandsend | 7,236 |
| Santa Granda | 7,229 |
| Sea Coral | 10,421 |
| Sea Empress | 10,074 |
| Shienfoon | 7,127 |
| Shun Fung | 7,148 |
| Soclyve | 7,291 |
| **Southgate (previous trips to Cuba under ex-name, Arlington Court—British flag) | 9,662 |
| Stanwear | 8,108 |
| Sudbury Hill | 7,140 |
| Suva Breeze | 4,970 |
| Swift River | 7,251 |
| Thames Breeze | 7,878 |
| **Timios Stavros (previous trips to Cuba under Greek flag) | 5,269 |
| Venice | 8,511 |
| Vercharmian | 7,265 |
| Vergmont | 7,381 |
| West Breeze | 8,718 |
| Woldingham Hill | 7,113 |
| Yungfutary | 5,388 |
| Yunglutaton | 5,414 |
| Zela M | 7,237 |
| Lebanese (57 ships) | 381,488 |
| Agia Sophia | 8,106 |
| Aiolos II | 7,256 |
| Ais Giannis | 6,997 |
| Akamas | 7,285 |
| Al Amin | 7,186 |
| Alaska | 6,989 |
| Anthas | 7,044 |
| Antonis | 6,259 |
| Ares | 4,557 |
| Areti | 7,178 |
| Aristefs | 6,995 |
| Astir | 5,824 |
| Athamas | 4,729 |
| Carnation | 4,884 |
| **Christos (trip to Cuba under ex-name, Pamit—Greek flag) | |
| Claire | 5,411 |
| Cris | 6,032 |
| Dimos | 7,187 |

*Added to Report No. 43, appearing in the FEDERAL REGISTER issue of October 28, 1964.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTRY, NAME OF SHIP—Continued

| | Gross tonnage |
|---|---|
| **Lebanese—Continued** | |
| Free Trader | 7,067 |
| Giorgos Tsakiroglou | 7,240 |
| Granikos | 7,282 |
| Ilena | 5,925 |
| Ioannis Aspiotis | 7,297 |
| Kalliopi D. Lemos | 5,103 |
| **Kapetanissa (now National Strength—Nationalist Chinese flag) | 7,281 |
| Katerina | 9,357 |
| Leftric | 7,176 |
| Malou | 7,145 |
| Mantric | 7,255 |
| Marichristina | 7,124 |
| Marymark | 4,383 |
| Mersinidi | 6,782 |
| Mimosa | 7,314 |
| Mousse | 6,984 |
| Nictric | 7,296 |
| Noelle | 7,251 |
| Noemi | 7,070 |
| Olga | 7,199 |
| Panagos | 7,133 |
| Parmarina | 6,721 |
| **Rasani (broken up) | 7,253 |
| Rio | 7,194 |
| St. Anthony | 5,349 |
| St. Nicolas | 7,165 |
| San George | 7,267 |
| San John | 5,172 |
| San Spyridon | 7,260 |
| Stevo | 7,066 |
| Taxiarhis | 7,349 |
| Tertric | 7,045 |
| Theodoros Lemos | 7,198 |
| Theologos | 6,529 |
| Toula | 4,561 |
| Troyan | 7,243 |
| Vassiliki | 7,192 |
| Vastric | 6,453 |
| Vergolivada | 6,339 |
| Yanxilas | 10,051 |
| **Greek (42 ships)** | 316,647 |
| Agios Therapon | 5,617 |
| Akastos | 7,331 |
| Aldebaran (Tanker) | 12,897 |
| Alice | 7,189 |
| **Ambassade (sold Hong Kong shipbreakers) | 8,600 |
| Americana | 7,104 |
| Anacreon | 7,359 |
| Anatoli | 7,178 |
| **Andromachi (previous trips to Cuba under ex-name, Penelope—Greek flag) | 6,712 |
| Antonia | 5,171 |
| Apollon | 9,744 |
| Armathia | 7,091 |
| Athanassios K | 7,216 |
| Barbarino | 7,084 |
| Calliopi Michalos | 7,249 |
| Capetan Petros | 7,291 |
| **Embassy (broken up) | 8,418 |
| Everest | 7,031 |
| Flora M | 7,244 |
| Galini | 7,266 |
| **Gloria (now Helen—Greek flag) | 7,126 |
| **Helen (trip to Cuba under ex-name, Gloria—Greek flag). | |
| Irena | 7,232 |
| Istros II | 7,275 |
| Kapetan Kostis | 5,032 |
| Kyra Hariklia | 6,888 |
| Maria Theresa | 7,245 |
| Marigo | 7,147 |
| Maroudio | 7,369 |
| Mastro-Stelios II | 7,282 |
| **Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag). | |

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTRY, NAME OF SHIP—Continued

| | Gross tonnage |
|---|---|
| **Greek—Continued** | |
| **Nicolaos Frangistas (now Nicolaos F.—Greek flag) | 7,199 |
| **Pamit (now Christos—Lebanese flag) | 3,929 |
| Pantanassa | 7,131 |
| Paxoi | 7,144 |
| **Penelope (now Andromachi—Greek flag). | |
| Perseus (Tanker) | 15,852 |
| **Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag). | |
| **Presvia (broken up) | 10,820 |
| Propontis | 7,128 |
| Redestos | 5,911 |
| **Seirios (broken up) | 7,239 |
| Sophia | 7,030 |
| **Stylianos N. Vlassopulos (now Plate Trader—Greek flag) | 7,244 |
| **Timios Stavros (now British flag). | |
| Tina | 7,362 |
| Western Trader | 9,268 |
| **Polish (13 ships)** | 87,426 |
| Baltyk | 6,963 |
| Bialystok | 7,173 |
| Bytom | 5,967 |
| Chopin | 6,987 |
| Chorzow | 7,237 |
| Huta Florian | 7,258 |
| Huta Labedy | 7,221 |
| Huta Ostrowiec | 7,175 |
| Huta Zgoda | 6,840 |
| Kopalnia Miechowice | 7,223 |
| Kopalnia Siemianowice | 7,165 |
| Kopalnia Wujek | 7,033 |
| Piast | 3,184 |
| **Italian (12 ships)** | 102,013 |
| Achille | 6,950 |
| Agostino Bertani | 8,380 |
| Andrea Costa (Tanker) | 10,440 |
| Aspromonte | 7,154 |
| Giuseppe Giulietti (Tanker) | 17,519 |
| Montiron | 1,595 |
| Nazareno | 7,173 |
| Nino Bixio | 8,427 |
| San Francesco | 9,284 |
| San Nicola (Tanker) | 12,461 |
| Santa Lucia | 9,278 |
| Somalia | 3,352 |
| **Yugoslav (7 ships)** | 49,926 |
| Bar | 7,233 |
| Cavtat | 7,266 |
| Cetinje | 7,200 |
| Dugi Otok | 6,997 |
| Mojkovac | 7,125 |
| Promina | 6,960 |
| **Trebisnjica (wrecked) | 7,145 |
| **Spanish (5 ships)** | 6,193 |
| Escorpion | 999 |
| Sierra Andia | 1,596 |
| Sierra Aranzazu | 1,600 |
| Sierra Madre | 999 |
| Sierra Maria | 999 |
| **French (5 ships)** | 12,652 |
| Circe | 2,874 |
| Enee | 1,232 |
| Mungo | 4,820 |
| Nelee | 2,874 |
| Neve | 852 |
| **Moroccan (5 ships)** | 35,828 |
| Atlas | 10,392 |
| Banora | 3,082 |
| Marrakech | 3,214 |

FLAG OF REGISTRY, NAME OF SHIP—Continued

| | Gross tonnage |
|---|---|
| **Moroccan—Continued** | |
| Mauritanie | 10,392 |
| Toubkal | 8,748 |
| **Finnish (4 ships)** | 32,849 |
| Augusta Paulin | 7,096 |
| Ragni Paulin | 6,823 |
| Susan Paulin | 7,239 |
| Valny (Tanker) | 11,691 |
| **Swedish (3 ships)** | 17,123 |
| Amfred | 2,828 |
| **Atlantic Friend (now Atlantic Venture—Liberian flag) | 7,805 |
| Dagmar | 6,490 |
| **Norwegian (2 ships)** | 10,002 |
| Ole Bratt | 5,252 |
| **Tine (now Jezreel—Panamanian flag) | 4,750 |
| **Kuwaiti (1 ship):** | |
| Maha | 1,392 |
| **Cypriot (1 ship):** | |
| Adelphos Petrakis | 7,134 |
| **Netherlands (1 ship):** | |
| Tempo | 499 |
| **Liberian:** | |
| **Atlantic Venture (trip to Cuba under ex-name, Atlantic Friend—Swedish flag). | |
| **Nationalist Chinese:** | |
| **National Strength (trips to Cuba under ex-name, Kapetanissa—Lebanese flag). | |
| **Panamanian:** | |
| **Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag). | |
| **Pakistani:** | |
| **Jhelum (trip to Cuba under ex-name, Kirriemoor—British flag). | |

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:

| | Gross tonnage |
|---|---|
| British (3 ships) | 42,711 |
| London Spirit (Tanker) | 10,176 |
| London Valour (Tanker) | 16,268 |
| Overseas Pioneer (Tanker) | 16,267 |



FLAG OF REGISTRY, NAME OF SHIP—Continued

| | Gross tonnage |
|---|---|
| Norwegian (1 ship): | |
| Polyclipper (Tanker) | 11,737 |

b. Previous reports:

| | Number of ships |
|---|---|
| Flag of registry (total) | 55 |
| British | 24 |
| Danish | 1 |
| French | 1 |
| German (West) | 1 |
| Greek | 18 |
| Italian | 5 |
| Japanese | 1 |
| Norwegian | 3 |
| Spanish | 1 |

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through November 2, 1964:

| Flag of registry | Number of trips | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1963 | 1964 | | | | | | | | | | Total |
| | | Jan. | Feb. | Mar. | Apr. | May | June | July | Aug. | Sept. | Oct. | |
| British | 133 | 15 | 7 | 21 | 20 | 18 | 19 | 18 | 17 | 13 | 10 | 291 |
| Lebanese | 64 | 6 | 4 | 13 | 8 | 8 | 10 | 8 | 9 | 10 | 1 | 141 |
| Greek | 99 | 1 | 5 | 3 | | 6 | 1 | 1 | 5 | 3 | 1 | 125 |
| Italian | 16 | 1 | | 1 | 3 | 1 | 4 | 3 | 2 | | | 31 |
| Spanish | 8 | | 3 | | 3 | | 2 | 2 | 2 | 2 | 2 | 24 |
| Norwegian | 14 | 2 | 1 | | 1 | 2 | 1 | | 1 | | 1 | 23 |
| Moroccan | 9 | | 2 | | | 2 | 1 | 3 | 1 | 2 | 2 | 22 |
| Yugoslav | 12 | 1 | 1 | 1 | 1 | | | 3 | | 2 | | 21 |
| French | 8 | | | | 1 | | | 2 | 2 | | | 13 |
| Swedish | 3 | | | | | | 2 | | | | | 5 |
| Finnish | 1 | | | | | | 1 | | 1 | 1 | | 4 |
| Kuwaiti | | | | | | | | 1 | | 1 | | 2 |
| Cypriot | | | | | | | | 1 | | | | 1 |
| Danish | 1 | | | | | | | | | | | 1 |
| German (West) | 1 | | | | | | | | | | | 1 |
| Japanese | 1 | | | | | | | | | | | 1 |
| Netherlands | | | | | | | | | | 1 | | 1 |
| Subtotal | 370 | 26 | 23 | 39 | 37 | 37 | 41 | 42 | 40 | 35 | 17 | 707 |
| Polish | 18 | 1 | 3 | 1 | 2 | | 2 | 1 | | 2 | | 30 |
| Grand total | 388 | 27 | 26 | 40 | 39 | 37 | 43 | 43 | 40 | 37 | 17 | 737 |

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba.

By order of the Deputy Maritime Administrator.

Dated: November 4, 1964.

JAMES S. DAWSON, Jr.,
*Secretary.*

[F.R. Doc. 64-11501; Filed, Nov. 10, 1964; 8:46 a.m.]

# CIVIL AERONAUTICS BOARD

## AIR DISPATCH, INC.

### Notice of Application for Tariff-Filing Authority; Pick-Up and Delivery Zone

NOVEMBER 6, 1964.

In accordance with Part 222 (14 CFR Part 222) of the Board's Economic Regulations (effective June 12, 1964, notice is hereby given that the Civil Aeronautics Board has received an application, Docket 15664, from Air Dispatch, Inc., 33d and Arch Streets, Philadelphia, Pa., for authority to file tariffs to provide pick-up and delivery service to all points within a 50 mile radius of the city limits of Kansas City, Mo., or in the alternative, to provide service between the Kansas City airport and the following points:

Atchison, Kans.
Butler, Mo.
Cameron, Mo.
Higginsville, Mo.
Holden, Mo.
Lawrence, Kans.
St. Joseph, Mo.
Lexington, Mo.
McLouth, Kans.
Ossawatomie, Kans.
Ottawa, Kans.
Paola, Kans.
Richmond, Mo.
Warrensburg, Mo.

Under the provisions of § 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application within fifteen (15) days after publication of this notice in the FEDERAL REGISTER. An executed original and nineteen copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-11540; Filed, Nov. 10, 1964; 8:49 a.m.]

## AIR DISPATCH, INC.

### Notice of Application for Tariff-Filing Authority; Pick-Up and Delivery Zone

NOVEMBER 6, 1964.

In accordance with Part 222 (14 CFR Part 222) of the Board's Economic Regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 15665, from Air Dispatch, Inc., 33d and Arch Streets, Philadelphia, Pennsylvania, for authority to file tariffs to provide pick-up and delivery service to all points within a 50 mile radius of the city limits of Dallas, or in the alternative, to provide service between the Dallas Airport and the following points:

Cleburne.
Corsicana.
Gainesville.
Hillsboro.
Sanger.
Sherman.

Under the provisions of § 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application within fifteen (15) days after publication of this notice in the FEDERAL REGISTER. An executed original and nineteen copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-11541; Filed, Nov. 10, 1964; 8:49 a.m.]

[Docket No. 15663; Order E-21485]

## AMERICAN AIRLINES, INC., ET AL.

### Proposed Reduced Specific Commodity Rates on Magnetic Recording Tape; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of November 1964.

Reduced specific commodity rates on magnetic recording tape proposed by American Airlines, Inc., The Flying Tiger Line Inc., Trans World Airlines, Inc., United Air Lines, Inc., Docket 15663.

By tariff revision posted October 8, 1964, and marked to become effective November 22, 1964, United Air Lines, Inc. (United), proposes specific commodity rates on magnetic recording tape from San Francisco to Baltimore, Chicago, New York, and Philadelphia. Identical proposals marked to become effective on the same date were filed on statutory notice by American Airlines, Inc. (American), and Trans World Airlines, Inc. The Flying Tiger Line Inc. also filed the same rates from San Francisco to Chicago, New York, and Philadelphia. The proposed rates would result in reductions of 12.4 to 41.2 percent below the currently applicable general or specific commodity rates in these markets; however, in two instances, the proposals would effect no change in current rates on this commodity.

In support of its filing, United states that, according to studies by the shipper, existing air freight rates for magnetic recording tape are too high to permit the continued use of air transportation for distribution of this product (estimated at between 150,000 to 200,000 pounds per month). The other carriers state that their proposals were made to meet competition.

American has protested United's filing, requesting suspension and investigation. In summary, the complaint alleges that (1) this commodity is already accorded substantial rate reductions in the Chicago and New York markets for a high value product (ranging from 9 to

18 percent below general commodity rates); (2) American currently carries a substantial volume of this article (approximately 100,000 pounds in September 1964); (3) the volume of recording tape carried by American during the first nine months of this year was almost double that of the same period last year; (4) all of the traffic in these markets is already moving by air; (5) United has not submitted any evidence to support the presumption that the traffic will return to surface modes unless a reduction in air rates is granted; and (6) the reduction proposed by United is not required and should not be permitted.

Upon consideration of all relevant matters, the Board finds that the proposed rates, to the extent that they effect reductions in current rates, may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. In our opinion, the proposed reductions have not been adequately justified by considerations either of costs or of traffic promotion. The rates would result in significant decreases below the current applicable rates which are either directionally low general commodity or specific commodity rates. But no cost justification has even been claimed by United on behalf of such decreases.

Nor does United advance any contention that the rate reductions would attract additional traffic to air transportation. The carrier relies wholly upon studies by the shipper that the current rates are so high as to result in diversion from air transportation. This point is denied by American, which claims that it performs all of the air movement of magnetic tape. While we realize that statements of this type may be self-serving, we will not here permit rate reductions not justified by cost reductions if they may chiefly result in transferring freight from one air carrier to another. While it is alleged that the current rates would result in driving certain traffic from air transportation, such allegation is not supported and in fact is controverted by the air carrier which assertedly is transporting the traffic.

In view of the significant dilution of carrier revenues that might ensue from the foregoing rates set for investigation, the Board has further concluded to suspend those portions of the tariff and defer their use pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof: *It is ordered*, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A hereto[1] and rules, regulations or practices affecting such rates and provisions are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful rates and provisions and rules, regulations or practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A hereto are suspended and their use deferred to and including February 19, 1965, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaint of American Airlines, Inc. in Docket 15643 be consolidated into the investigation instituted herein;

4. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariff and served upon American Airlines, Inc., The Flying Tiger Line Inc., Trans World Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-11542; Filed, Nov. 10, 1964; 8:49 a.m.]

[1] Filed as part of original document.

[Docket Nos. 14265, 14367]

## EASTERN AIR LINES, INC., DOTHAN AND BRUNSWICK DELETIONS

### Notice of Change of Time of Prehearing Conference

Notice is hereby given that the prehearing conference on the above-entitled applications, now assigned for November 19, 1964, at 10:00 a.m., e.s.t., is reassigned for November 19, 1964, at 2:00 p.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., November 5, 1964.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 64-11543; Filed, Nov. 10, 1964; 8:49 a.m.]

[Docket No. 13256]

## SERVICE TO TERRE HAUTE, IND.

### Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on December 9, 1964, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., November 6, 1964.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 64-11544; Filed, Nov. 10, 1964; 8:49 a.m.]

[Docket No. 13795 etc.]

## SUPPLEMENTAL AIR SERVICE PROCEEDING

### Notice of Change of Hearing Room

Notice is hereby given that the hearing to commence on November 17, 1964, in the above-entitled proceeding will convene in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., at 10 a.m., instead of in Room 1027 as previously scheduled.

Dated at Washington, D.C., November 6, 1964.

[SEAL] ROBERT L. PARK, *Hearing Examiner.*

[F.R. Doc. 64-11545; Filed, Nov. 10, 1964; 8:49 a.m.]

[Docket No. 15478]

## TACA INTERNATIONAL AIRLINES, S.A.

### Notice of Hearing

Application of TACA International Airlines, S.A., for an amendment of its foreign air carrier permit, which authorizes applicant to engage in the foreign air transportation of persons, property, and mail between the terminal point San Salvador, El Salvador, the intermediate points Guatemala City, Guatemala, Belize, British Honduras, and the terminal point New Orleans, Louisiana, by the addition of San Pedro Sula, and Tela, Honduras, as intermediate points.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 23, 1964, at 10 a.m., e.s.t., in Room 607, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Hearing Examiner.

For further information concerning the issues involved and other matters in this proceeding, interested persons are referred to the Report of Prehearing Conference, served October 23, 1964, and other documents on file in the above docket in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 4, 1964.

[SEAL] LESLIE G. DONAHUE, *Hearing Examiner.*

[F.R. Doc. 64-11546; Filed, Nov. 10, 1964; 8:50 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## NEW DRUGS

### Approval of Applications, March 1964, and Corrections

As provided in § 130.33 of the new-drug regulations (21 CFR 130.33; 29 F.R. 6377), notice is given of the following new drugs for which applications have been approved during the month of March 1964:



DRUGS FOR HUMAN USE

| Active ingredients | Trade name or other designated name | Class of compound | Applicant | Date approved | How dispensed [1] |
|---|---|---|---|---|---|
| Ethinyl estradiol; norethindrone acetate. | Norlestrin | Oral contraceptive. | Parke, Davis & Co., Joseph Campau Ave., At the River, Detroit, Mich. | Mar. 2, 1964 | $R_x$ |
| Aspirin; phenacetin; caffeine; orphenadrine citrate. | Norgesic Tablets | Analgesic | Riker Labs., Inc., 19901 Nordhoff St., Northridge, Calif. | Mar. 4, 1964 | $R_x$ |
| Norethindrone; mestranol. | Norinyl Tablets | Oral contraceptive. | Syntex Labs., Inc., 701 Welsh Rd., Palo Alto, Calif. | Mar. 5, 1964 | $R_x$ |
| Lidocaine; bismuth subgallate; zinc oxide; aluminum subacetate; Peruvian balsam. | Xylocaine Suppositories. | Anesthetic; astringent. | Astra Pharmaceutical Products, Inc., 7 Neponset St., Worcester, Mass. | Mar. 6, 1964 | $R_x$ |
| Nalidixic acid | NegGram Caplets | Systemic antibacterial. | Winthrop Labs., 1450 Broadway, New York, N.Y. | do | $R_x$ |
| Lidocaine | Xylocaine Liquid 5% Flavored. | Topical anesthetic. | Astra Pharmaceutical Products, Inc., 7 Neponset St., Worcester, Mass. | Mar. 11, 1964 | $R_x$ |
| Pralidoxime chloride. | Protopam Chloride Injection. | Anticholinergic | Campbell Pharmaceuticals, Inc., 121 East 24th St., New York, N.Y. | do | $R_x$ |
| Pralidoxime chloride. | Protopam Chloride Tablets. | Anticholinergic | Campbell Pharmaceuticals, Inc., 121 East 24th St., New York, N.Y. | Mar. 12, 1964 | $R_x$ |
| Ammonium form of cross-linked polyacrylic (carboxylic) cation-exchange resin. | 8 K & F Special Resin No. 648. | Potassium chelating agent. | Smith Kline & French Labs., 1500 Spring Garden St., Philadelphia, Pa. | Mar. 23, 1964 | $R_x$ |
| Meprobamate | | Tranquilizer | Success Chemical Co., Inc., 800 Hinsdale St., Brooklyn, N.Y. | Mar. 26, 1964 | $R_x$ |

DRUGS FOR VETERINARY USE

| | | | | | |
|---|---|---|---|---|---|
| Trichlorfon; phenothiazine; piperazine dihydrochloride. | Dyrex T.F. 200; Dyrex T.F. 500; Dyrex T.F. 1000. | Anthelmintic | Fort Dodge Labs., Fort Dodge, Iowa. | Mar. 4, 1964 | $R_x$ |
| Hexetidine | Hexederm Shampoo (Pets Best Fun-Jex Shampoo). | Anti-infective | Philips Roxane, Inc., 2400 Frederick Ave., St. Joseph, Mo. | Mar. 11, 1964 | OTC |
| Hexetidine | Hexederm Spray 0.5% (Pets Best Fun-Jex Spray). | Anti-infective | Philips Roxane, Inc., 2400 Frederick Ave., St. Joseph, Mo. | Mar. 25, 1964 | OTC |

[1] The abbreviation "$R_x$" means restricted by law to prescription only; the abbreviation "OTC" applied to drugs that by law are not required to be sold on prescription.

### CORRECTIONS

In the notice of approval of applications for October 1963 published in the FEDERAL REGISTER of January 29, 1964 (29 F.R. 1497), salicyclic acid (Surget's Teat Dilators) was listed as "$R_x$" and should have been "OTC".

In the notice of approval of applications for January 1964 published in the FEDERAL REGISTER of April 8, 1964 (29 F.R. 4925):

A. The drug undecoylium chloride-iodine; undecoylium chloride (Virac Solution Rex) listed as "OTC" should have been "$R_x$".

B. The active ingredient for Alkeran listed as "sarcolysine" should have been "melphalan".

C. The active ingredients for Equi-Verm listed as "trichloroform, phenothiazine" should have been "trichlorfon, phenothiazine".

D. The drug diazepam (Valium Tablets) listed as a drug for veterinary use should have been listed as a drug for human use.

(Sec. 701(a), 52 Stat. 1055 as amended; 21 U.S.C. 371(a))

Dated: November 4, 1964.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 64-11530; Filed, Nov. 10, 1964; 8:49 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 115-1]

## ELK RIVER DEMONSTRATION REACTOR PROGRAM PROJECT

### Notice of Application for Transfer of Facility Operating Authorization

Please take notice that Rural Cooperative Power Association, Elk River, Minn., under Part 115 of the AEC's regulations, has submitted an application for the transfer of Provisional Operating Authorization No. DPRA-3 from Allis-Chalmers Manufacturing Company to Rural Cooperative Power Association to operate the Elk River Reactor located near the village of Elk River, Minn. The reactor is currently being operated by Allis-Chalmers Manufacturing Company, which designed and constructed the reactor.

A copy of the application is available for public inspection in the AEC Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 3d day of November 1964.

For the Atomic Energy Commission.

R. L. DOAN, *Director, Division of Reactor Licensing.*

[F.R. Doc. 64-11487; Filed, Nov. 10, 1964; 8:45 a.m.]

# FEDERAL MARITIME COMMISSION

[Commission Order 1; Amdt. 1]

## MANAGING DIRECTOR

### Organization and Function

Commission Order 1 (Amended) is hereby Amended as follows:

Section 2.033—*Organization Components—Managing Director*—is amended to read:

(1) Office of Administration.
(2) Office of International Affairs and Relations.
(3) Office of Transport Economics.
(4) Bureau of Foreign Regulation.
(5) Bureau of Domestic Regulation.
(6) Bureau of Hearing Counsel.
(7) Bureau of Investigation.
(8) Bureau of Financial Analysis.
(9) Office of District Managers.

Section 3.03 *Lines of Responsibility* is amended to conform with the above amended section 2.033.

Section 5.06—*Functions of the Managing Director*—is amended by deletion of subsection 5.062—"Office of Information Services"—and revision of subsection 5.063 as follows:

3. *The Office of International Affairs and Relations* provides advisory, consultative, and coordinating services in connection with Federal Maritime Commission activities in international affairs; and performs public relations, information dissemination, and liaison functions with the Congress, other agencies of government, the maritime industry, the public and the press.

JOHN HARLLEE, *Rear Admiral, U.S. Navy (Ret.), Chairman.*

NOVEMBER 5, 1964.

[F.R. Doc. 64-11524; Filed, Nov. 10, 1964; 8:48 a.m.]



## CALIFORNIA MARITIME SERVICES

Commission for approval pursuant to John H. Faunce New York Inc. New

## CALIFORNIA MARITIME SERVICES ET AL.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreements filed for approval by:

Lillick, Geary, Wheat, Adams & Charles,
311 California Street,
San Francisco 4, Calif.

Agreements No. T-604 and T-604-A, between the California Maritime Services, International Terminals, Inc., and Jones Stevedoring Co., is a joint venture whereby the parties intend to engage in the business of performing certain cargo checking services at the Port of Long Beach, California, including arranging terminal space, checking cargo and receiving and delivering cargo. The joint venture shall be named Sierra Harbor Terminals and the parties to the agreement agree to contribute a specified amount to the joint venture. The agreement further provides that the Port of Long Beach has assigned Berths 20, 21, 22, 24, 25 and 26 at Pier C to the joint venture, and further that certain steamship companies will vacate the berths so that Sierra Harbor Terminals will be able to utilize them for their own use. The joint venture use of the specified piers and any other Port facilities will be in accordance with the provisions of the Port of Long Beach Tariff No. 3.

Dated: November 6, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11525; Filed, Nov. 10, 1964; 8:48 a.m.]

## N. D. CUMMINGHAM & CO., INC., ET AL.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

N. D. Cummingham & Company, Inc., Mobile, Ala., is party to the following agreements, the terms of which are identical. The other parties are:

| | |
|---|---|
| Express Forwarding & Storage Co., Inc., New York, N.Y. | FF-1710 |
| Trans World Shipping Corp., New York, N.Y. | FF-1712 |

Daniel F. Young, Inc., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

| | |
|---|---|
| Reedy Forwarding Co., Inc., Miami, Fla | FF-1729 |
| North American Van Lines, Inc., Fort Wayne, Ind | FF-1730 |

The following agreements have similar terms:

| | |
|---|---|
| Robert L. Keller, Miami, Fla., and Export-Import Services, Inc., New York, N.Y. | FF-1707 |
| R. W. Smith & Co., Houston, Tex., and W. C. Auger & Co., San Francisco, Calif. | FF-1708 |
| H. S. Thielen, Inc., Lake Charles, La., and W. R. Zanes & Co., of Louisiana, Inc., New Orleans, La. | FF-1709 |
| Gulf Florida Terminal Co., Tampa, Fla., and Judson Sheldon International Corp., New York, N.Y. | FF-1713 |
| Star Forwarders, Inc., Omaha, Nebr., and Graser-Rothe, M. A., Cincinnati, Ohio | FF-1714 |
| Air-Sea Forwarders, Inc., Los Angeles, Calif., and Behring Shipping Co., New Orleans, La. | FF-1715 |
| John H. Faunce Philadelphia, Inc., Philadelphia, Pa., and Copeland Shipping, Inc., New York, N.Y. | FF-1717 |
| Daniel H. Burdett Inc., New York, N.Y., and The Cottman Co., Baltimore, Md | FF-1716 |
| Haas & Co., Inc., Jersey City, N.J., and Buchholz & Kuttruff Inc., New Orleans, La. | FF-1719 |
| Federal Storage & Forwarding Co., Washington, D.C., and Arthur J. Fritz & Co., New Orleans, La. | FF-1720 |
| J. R. Willever, Inc., Jersey City, N.J., and Florida International Forwarders, Miami, Fla. | FF-1721 |
| Gaynar Shipping Corp., New York, N.Y., and Joseph A. Paredes & Co., San Francisco, Calif. | FF-1722 |
| John H. Faunce New York, Inc., New York, N.Y., and T. R. Spedden, New Orleans, La. | FF-1723 |
| Fillette, Green & Co. of Tampa, Tampa, Fla., and Sockrider Forwarding Co., Lake Charles, La. | FF-1724 |
| Judson Sheldon International Corp., Los Angeles, Calif., and F. J. Herbelin Forwarding Co., Inc., Houston, Tex. | FF-1725 |
| Barnett International Forwarders, Inc., New York, N.Y., and The Cottman Co., Baltimore, Md. | FF-1727 |
| A. F. Burstrom & Son, Inc., Detroit, Mich., and Richard Murray & Co., Mobile, Ala. | FF-1728 |
| John S. James, Savannah, Ga., and Le Mare Transport, Inc., New York, N.Y. | FF-1731 |
| Gulf Florida Terminal Co., Tampa, Fla., and Foreign Shipping Serv. Co., Inc., New York, N.Y. | FF-1732 |
| Norton & Ellis of New York, Inc., and Albury & Co., Miami, Fla. | FF-1733 |
| Wood, Niebuhr & Co., New York, N.Y., and Frederick Richards Inc., Charlestown, S.C. | FF-1734 |
| Robert E. Landwear & Co., Inc., Seattle, Wash., and J. T. Steeb & Co., Inc., Portland, Oreg. | FF-1735 |

Agreement FF-1706 between Cobal International, New York, N.Y. and James G. Willey Co., Los Angeles, Calif. is a working arrangement under which forwarding and service fees are to be divided equally. Ocean freight compensation is to be divided equally between the parties.

Dated: November 6, 1964.

By the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11526; Filed, Nov. 10, 1964; 8:48 a.m.]

## UNITED FRUIT CO. AND NEW YORK CENTRAL RAILROAD CO.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Denning & Wohlstetter,
One Farragut Square South,
Washington, D.C. 20006.



Agreement No. T-585 between the United Fruit Company (Company) and the New York Central Railroad Company (Railroad), provides that Company and Railroad will construct an interchange terminal at the Port of New York to provide facilities for interchanging freight between vessels and railroad cars and vessels and motor vehicles. Railroad agrees to repay a certain loan made to it by Company by paying to Company a certain amount for each railroad car loaded with bananas that produces for the Railroad a revenue over a certain amount as specified in the agreement. The parties agree to charge a wharfage charge against motor carriers using the facility for the loading of bananas which shall not be increased or decreased by Railroad except after 90 days advance notice to Company. At no time shall this rate exceed the general level of rates being charged for handling bananas at the Port of Baltimore.

Dated: November 6, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11528; Filed, Nov. 10, 1964; 8:48 a.m.]

# INTERSTATE COMMERCE COMMISSION

[No. MC-C-4000 [Sub-No. 1]]

## DETERMINATION OF EXEMPT ZONES

NOVEMBER 6, 1964.

Petition seeking individual determination of the zones exempt from economic regulation, under section 203(b)(7a) of the Interstate Commerce Act, surrounding Washington, D.C., Dulles International Airport, and Friendship International Airport. Petitioners: AIRPORT TRANSPORT, INC., AIRLINE TRANSPORT, INC., AND AIRLINE LIMOUSINE, INC. Petitioners' attorneys: L. C. Major, Jr., D. W. Markham, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. By petition filed August 28, 1964, petitioners request that the Commission individually determine (as provided in section (c), *Individual determination of exempt zones*, to its regulations, 49 CFR § 210.45, *Motor transportation of passengers incidental to transportation by aircraft*) the zones surrounding Washington, D.C., Dulles International Airport, and Friendship International Airport within which the transportation by motor vehicle of passengers having an immediately prior or subsequent movement by air must be performed to come within the partial exemption of section 203(b)(7a) of the Interstate Commerce Act. Petitioners ask that the transportation of passengers between Dulles International and Friendship International Airports be found to be within the scope of the exemption. They state that such transportation would be limited solely to passengers who have had or will have an immediately prior or immediately subsequent movement by air, and to the transportation of passengers solely between the two airports, and not to or from any surrounding points.

Any interested person wishing to make representations in favor of, or against, the petition may do so by the submission of written representations, views or arguments. An original and 20 copies of such representations must be filed with the Commission within 30 days of the publication of this notice.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64-11506; Filed, Nov. 10, 1964; 8:46 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 6, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39373: *Soap to points in Florida.* Filed by Illinois Freight Association, agent (No. 264), for interested rail carriers. Rates on soap, as described in the application, in carloads, from Chicago, East St. Louis, Ill., and St. Louis, Mo., to Jacksonville, Miami, South Jacksonville and Tampa, Fla.

Grounds for relief: Carrier competition.

Tariffs: Supplement 105 to Illinois Freight Association, agent, tariff I.C.C. 979, and supplement 195 to Southern Freight Association, agent, tariff I.C.C. S-116.

FSA No. 39374: *Butane or iso-butane gas to Salt Lake City and Woods Cross, Utah.* Filed by Southwestern Freight Bureau, agent (No. B-8638), for interested rail carriers. Rates on butane or iso-butane gas, in tank carloads, suitable only for mixing, blending, and/or refining, from Beaver, Hough, Laverne and Mocane, Okla., to Salt Lake City and Woods Cross, Utah.

Grounds for relief: Market competition.

Tariff: Supplement 19 to Southwestern Freight Bureau, agent, tariff I.C.C. 4557.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64-11507; Filed, Nov. 10, 1964; 8:46 a.m.]

[Notice 328]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 6, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2542 (Deviation No. 12), ADLEY EXPRESS COMPANY, 216 Crown Street, New Haven, Conn., 06510, filed October 27, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: between junction U.S. Highway 1 and Interstate Highway 95 at Richmond, Va., and junction Interstate Highway 95 and U.S. Highway 1 south of Fredericksburg, Va., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Suffolk, Va., over U.S. Highway 460 to Petersburg, Va., thence over U.S. Highway 1 via Richmond and Fredericksburg, to Baltimore, Md., and return over the same route.

No. MC 104004 (Deviation No. 28), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y., 10017, filed October 26, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: between Atlanta, Ga., and Greensboro, N.C., over Interstate Highway 85, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) from Atlanta, over U.S. Highway 29, to Lawrenceville, Ga., thence over Georgia Highway 20 to junction U.S. Highway 23, thence over U.S. Highway 23 to Cornelia, Ga., thence over Georgia Highway 13 (now U.S. Highway 123) to the Georgia-South Carolina State line, thence over South Carolina Highway 13 to Greenville, S.C., thence over U.S. Highway 29 to Lexington, N.C., and (2) from Lawrenceville over U.S. Highway 29 via Anderson, S.C., to Washington, D.C. (also from Anderson over U.S. Highway 76 to Belton, S.C., thence over South Carolina Highway 20 to Williamston, S.C., thence over U.S. Highway 29 to Washington), and return over the same routes.

No. MC 108473 (Deviation No. 6), ST. JOHNSBURY TRUCKING COMPANY, INC., 40 Erie Street, Cambridge 39, Mass., filed October 27, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route

as follows: from Boston, Mass., over the Massachusetts Turnpike to the New York-Massachusetts State line, thence over the Berkshire section of the New York State Thruway to the New York State Thruway, thence over the New York State Thruway to Exit 23, thence over New York Highway 9W to Albany, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Boston over Massachusetts Highway 2 to junction Massachusetts Highway 2A (formerly Massachusetts Highway 2), approximately three miles west of Concord, Mass., thence over Massachusetts Highway 2A to Fitchburg, Mass., thence over Massachusetts Highway 12 to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 12 to Fitzwilliam, N.H., thence over New Hampshire Highway 119 to the Connecticut River, thence across the river to Brattleboro, Vt., thence over Vermont Highway 9 to Bennington, Vt., thence over U.S. Highway 7 to Pownal, Vt., thence over Vermont Highway 346 to the New York-Vermont State line, thence over New York Highway 346 to junction New York Highway 22, thence over New York Highway 22 to junction of New York Highway 7, thence over New York Highway 7 to Watervliet, N.Y., thence over New York Highway 32 to Albany, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-11508; Filed, Nov. 10, 1964; 8:46 a.m.]

[Notice 699]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 6, 1964.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

### MOTOR CARRIERS OF PROPERTY

No. MC 103378 (Sub-No. 307), filed November 4, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Santa Rosa County, Fla., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: Applicant states that any duplicating authority will be eliminated.

*HEARING:* December 9, 1964, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Richard H. Roberts.

No. MC 110544 (Sub-No. 66), filed November 2, 1964. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen fruit products, citrus products*, not canned and not frozen, *frozen foods, fresh fruits* and *fresh vegetables*, in mixed loads with *canned goods*, from points in Florida to points in Ohio, Indiana, Illinois and Michigan, and (2) *canned goods*, from points in Florida to points in Ohio, Indiana, Illinois, Wisconsin, and Michigan.

*HEARING:* December 14, 1964, at the Hotel Tampa Terrace, Tampa, Fla., before Examiner Richard H. Roberts.

### NOTICE OF FILING OF PETITIONS

No. MC 19227 (Sub-No. 54) (REPUBLICATION) (LEONARD BROS. TRANSFER, INC., PETITION FOR CLARIFICATION OR CORRECTION OF CERTIFICATE). Petitioner: LEONARD BROS. TRANSFER, INC., Miami, Fla. Petitioner's attorney: William O. Turnery, 2001 Massachusetts Avenue NW., Washington, D.C. By petition dated October 12, 1961, accepted for filing August 13, 1962, petitioner seeks clarification or correction of its certificates Nos. MC-19227 (Sub-No. 44) and MC-19227 (Sub-No. 54), so as to clearly authorize the transportation of missile parts and supplies, materials, parts and components used in the construction of missiles and supplies, machinery, and equipment used in the maintenance, servicing, repair, and operations of missiles. A Report of the Commission on Petition, decided October 13, 1964, served October 26, 1964, finds, among other things, in No. MC 19227 (Sub-No. 54), that the present and future public convenience and necessity require operation by petitioner, as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, of (1) airplane parts, and supplies, materials, parts and components used in the construction of aircraft, and supplies, machinery and equipment, used in the maintenance, servicing, repair and operation of aircraft, except those which because of their size or weight require the use of special equipment and handling, or rigging, and (2) missile parts, and supplies, materials, parts, and components used in the maintenance, servicing, repair, and operation of missiles, between points in Florida, on the one hand, and, on the other, points in California, and from Burbank and Chula Vista, Calif., to Marietta, Ga. The Report further states, "In order to be abundantly fair to the protesting carriers, however, we will provide for publication in the Federal Register of the application in No. MC-19227 (Sub-No. 54) as reformed and amended in the light of the hearing on the petition. Any interested person believing himself to have been prejudiced or affected by our action herein may file an appropriate pleading setting forth its cause within 30 days of such publication."

No. MC 30209 (Subs 6 and 9) (PETITION FOR WAIVER OF RULE 1.101 (e) AND FOR LEAVE TO FILE PETITION FOR AMENDMENT OF PERMITS TO ADD ADDITIONAL CONTRACTING SHIPPER AND TO ELIMINATE WAREHOUSE SITE RESTRICTION), filed October 23, 1964. Petitioner: JOHN O'SHEA, INC., Ridgefield Park, N.J. Petitioner's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Petitioner holds authority in No. MC 30209 (Sub-No. 6) to transport: Such merchandise as is dealt in by wholesale and retail grocery businesses, over irregular routes, between Carlstadt, N.J., on the one hand, and, on the other, points in Orange, Rockland, Westchester, Nassau, and Suffolk Counties, N.Y., and points in Northampton, Lehigh and Berks Counties, Pa., limited to a transportation service to be performed under a continuing contract or contracts, with Seeman Bros., Inc., or Francis H. Leggett and Company, a wholly-owned subsidiary of Seeman Bros., Inc. In No. MC 30209 (Sub-No. 9) petitioner holds authority to transport, over irregular routes, such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, from the warehouse site of Seeman Bros., Inc., in Carlstadt, N.J., to Albany, N.Y., and points in Sullivan, Ulster, Dutchess, and Putnam Counties, N.Y.; and returned shipments of the above-described commodities, on return, limited to a transportation service to be performed, under a continuing contract or contracts with Seeman Bros., Inc., or Frances H. Leggett and Company, Carlstadt, N.J. By the instant petition, petitioner requests that the Commission amend Permit No. MC 30209 (Sub-No. 6), by adding another contracting party, Hudson Wholesale Groceries, Inc., and amending Permit No. MC 30209 (Sub-No. 9) by the elimination of the warehouse site restriction and authorizing the addition of Hudson Wholesale Groceries, Inc., as a contracting shipper. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

No. MC 51086 (PETITION FOR CORRECTION OF CERTIFICATE), filed October 29, 1964. Petitioner: RAPID TRANSPORTATION COMPANY, Boston, Mass. Petitioner's attorney: Francis E. Barrett, Professional Building, 25 Bryant Avenue, East Milton, Mass., 02186. Petitioner, a "Grandfather" operator, was authorized in 1939 to transport general commodities, with certain exceptions, from, to, and/or between points on specified routes in Maine, New Hampshire, Massachusetts, and Rhode Island, and specific commodities, from, to and between named points and/or areas in said states. Petitioner states that it was authorized to transport, Groceries, from Boston, Mass., to points in Rhode Island and a specified portion of Maine. Over the period of years, certain portions of petitioners authority have been transferred and new certificates issued. Petitioner states that the authority here at issue, through error, inadvertence or oversight on the part of the Commission,



was deleted from its certificate issued June 14, 1943. By the instant petition, it requests that the Commission correct the certificate issued June 14, 1943, and restore to it the right to transport "Groceries, from Boston, Mass., to points in Rhode Island." Any person or persons desiring to make representations in support or against this proceeding, may do so by filing an appropriate pleading, consisting of an original and six copies, within 30 days from the date of this publication in the FEDERAL REGISTER.

No. MC 95805 (PETITION FOR REINSTATEMENT OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY), filed October 23, 1964. Petitioner: ROYAL TRANSPORTATION, LTD., Winnipeg, Manitoba, Canada. Petitioner's attorney: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. Petitioner, in No. MC 95805, held a Certificate, issued January 7, 1941, authorizing operations, in interstate or foreign commerce, as a motor carrier, transporting: "General commodities, except those of unusual value, and except dangerous explosives and livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over regular routes, between Pembina, N. Dak., and Noyes, Minn., and the boundary of the United States and Canada, as follows: from Pembina over U.S. Highway 81 to the boundary of the United States and Canada; from Noyes over U.S. Highway 75 to the boundary of the United States and Canada; and return over these routes to Pembina and Noyes. Service is not authorized to or from intermediate points." In August, 1951, petitioner's president, through a misunderstanding, requested that its certificate be revoked. The certificate was subsequently revoked. As a result of the revocation petitioner has been operating without authority up to the present time. By the instant petition, petitioner requests that its earlier issued certificate be reinstated so that it may continue to carry on these operations. Any person or persons desiring to participate in this proceeding, may within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading consisting of an original and six copies each.

No. MC 115331 (Sub-Nos. 33 and 34), (PETITION FOR WAIVER OF RULE 1.101(e) OF THE GENERAL RULES OF PRACTICE BEFORE THE COMMISSION AND ACCEPTANCE OF TENDERED PETITION FOR REMOVAL OF RESTRICTIONS), filed October 19, 1964. Petitioner: TRUCK TRANSPORT, INC., St. Louis, Mo. Petitioner's attorney: William G. Spruill, Suite 1250, Federal Bar Building, Washington, D.C. Petitioner holds authority in No. MC 115331 (Sub-No. 33): "IRREGULAR ROUTES: *Lime and lime products*, in bulk, from Mosher and Ste. Genevieve, Mo., to points in Arkansas, Indiana, and Tennessee, with no transportation for compensation on return except as otherwise authorized. *Lime and lime products*, in bags, from Mosher and Ste. Genevieve, Mo., to Chicago, Ill., and points in Arkansas, Indiana, Iowa, Kentucky, and Tennessee (except Memphis, Tenn.), with no transportation for compensation on return except as otherwise authorized. RESTRICTION: The service authorized herein is subject to the following conditions: Carrier shall maintain complete separate accounting systems for its private and for-hire carrier operations. Carrier shall not at the same time and in the same vehicle transport property both as a private carrier and as a carrier for-hire." Petitioner holds authority in No. MC 115331 (Sub-No. 34): "REGULAR ROUTES: *General commodities*, except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Scott Air Force Base, Ill., and St. Louis, Mo., serving all intermediate points; and off-route points in St. Louis County, Mo., within the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission: from Scott Air Force Base, Ill., over Illinois Highway 158 to junction Illinois Highway 161, thence over Illinois Highway 161 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Ill., thence across the Mississippi River to St. Louis, and return over the same route. From Scott Air Force Base to Belleville as specified above, thence over Illinois Highway 13 to junction Illinois Highway 157, thence over Illinois Highway 157 to Cahokia, Ill., thence over Illinois Highway 3 to East St. Louis, Ill. (also from junction Illinois Highways 157 and 13 over Missouri Avenue to East St. Louis), thence across the Mississippi River to St. Louis, and return over the same routes. From Scott Air Force Base to Belleville as specified above, thence over Illinois Highway 15 to junction Illinois Highway 157, thence over Illinois Highway 157 to junction U.S. Highway 50, thence over U.S. Highway 50 to St. Louis (also from Belleville over Illinois Highway 15 to East St. Louis, Ill., thence across the Mississippi River to St. Louis), and return over the same routes. *Malt beverages*, from Milwaukee, Wis., to points in that part of Illinois south of and including the counties of Pike, Morgan, Sangamon, Macon, Moultrie, Douglas, and Edgar; and from Peoria Heights, Ill., to points in Missouri (except St. Louis and Kansas City, Mo.) and *empty malt beverage containers*, from points in that part of Illinois south of and including the counties of Pike, Morgan, Sangamon, Macon, Moultrie, Douglas, and Edgar, to Milwaukee, Wis., from points in Missouri (except St. Louis and Kansas City), to Peoria Heights, Ill. RESTRICTION: The service authorized herein is subject to the following conditions: The operating rights authorized herein shall be conducted separately from carrier's operations as a private carrier. That a separate and distinct accounting system shall be maintained for each. That carrier shall not transport property both as a for-hire and a private carrier in the same vehicle at the same time." In the instant petition, petitioner states that Truck Transport was originally organized as a Missouri Corporation and became authorized as a common carrier by motor vehicle under No. MC 115331 and subs thereunder. It later gained a charter as a Delaware Corporation in 1962, and at the present time is seeking to transfer the assets and liabilities of the Missouri Corporation, which will then be dissolved, to the Delaware Corporation by a transfer proceeding under section 212(b) in No. MC-FC-67176. Among the certificates to be transferred are those numbered No. MC 115331 (Sub-Nos. 33 and 34). These certificates contain certain restrictions. Therefore, by the instant petition, it seeks to have these restrictions removed and new certifieates issued at the same time as the Commission may set for the transfer of these certificates from the Missouri Corporation to the Delaware Corporation. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

No. MC-F-8927. Authority sought for control and merger by MORRISON MOTOR FREIGHT, INC., 1100 East Jenkins Boulevard, Akron, Ohio, of the operating rights and property of CLEVELAND & BUFFALO TRANSIT COMPANY, INC., 3621 Lakeside Avenue, Cleveland, Ohio, and for acquisition by MARMAC INSURANCE AGENCY, INC., 135 South LaSalle Street, Chicago, Ill., and in turn by PATRICK MULLADY, 7038 Ridge Avenue, Chicago, Ill., of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago, Ill., 60603, and John P. McMahon and Noel F. George, 44 East Broad Street, Columbus, Ohio. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over a regular route, between Cleveland, Ohio, and Buffalo, N.Y., serving the intermediate point of Blasdell, N.Y., and certain off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Buffalo, N.Y., on the one hand, and, on the other, points in Cuyahoga, Lake, and Portage Counties, Ohio. MORRISON MOTOR FREIGHT, INC. is authorized to operate as a *common carrier* in Kansas, Missouri, Ohio, Indiana, Illinois, Pennsylvania, Kentucky, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8928. Authority sought for purchase by DELCHER BROTHERS' STORAGE COMPANY, 262 Riverside Avenue (Post Office Box 507), Jacksonville, Fla., 32201, of a portion of the op-

erating rights of RALPH DeCOSTA SHAW, doing business as SEABOARD VAN LINES, 6255 Livingston Road, Oxon Hill, Md., and for acquisition by J. O. DELCHER and ELIZABETH D. CARTER (Individually, and as CO-EXECUTORS of the ESTATE OF CLARA K. DELCHER), also of Jacksonville, Fla., of control of such rights through the purchase. Applicants' attorney: Richard B. Austin, 616 Atlantic National Bank Building, Jacksonville, Fla., 32202. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between Pontiac, Ill., and points within 35 miles of Pontiac, on the one hand, and, on the other, points in Wisconsin, Minnesota, Michigan, Iowa, Nebraska, Colorado, Missouri, Kansas, Kentucky, Indiana, Ohio, and Pennsylvania. Vendee is authorized to operate as a *common carrier* in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Texas, Arkansas, Iowa, Kansas, Maine, Michigan, Oklahoma, Wisconsin, California, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8929. Authority sought for purchase by PACIFIC NATIONAL TRANSPORTATION CO., INC., 26 South Hanford Street, Seattle, Wash., 98134, of the operating rights and property of R. B. LONGFELLOW TRANSFER, INC., 3820 26th Avenue SW., Seattle, Wash., 98106, and for acquisition by SEATTLE TRANSFER & STORAGE COMPANY, also of 26 South Hanford Street, Seattle, Wash., and, in turn by F. K. HASLUND, JR., 1734 Washington Building, Seattle, Wash., and WILMA B. HASLUND, 4701 Ruffner, Seattle, Wash., of control of such rights and property through the purchase. Applicants' attorney: George H. Hart, 640 Central Building, Seattle, Wash., 98104. Operating rights sought to be transferred: *Iron and steel*, fabricated and not fabricated, as a *contract carrier* over irregular routes, between Seattle, Wash., on the one hand, and, on the other, points in Washington, Idaho, and Montana, between points in Washington, on the one hand, and, on the other, construction sites in Washington. Vendee holds no authority from this Commission. However, its controlling stockholder, SEATTLE TRANSFER & STORAGE COMPANY, is authorized to operate as a *common carrier* in Washington and Oregon. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8930. Authority sought for control and merger by ROY STONE TRANSFER CORPORATION, Post Office Box 385, Collinsville, Va., of the operating rights and property of VALLEY TRUCK SERVICE, INC., Post Office Box 460, Follansbee, W. Va., and for acquisition by ROY C. STONE, Sheraton Court, Martinsville, Va., J. D. BASSETT, JR., and J. E. BASSETT, both of Bassett, Va., and L. B. STONE (FIRMAR & COMPANY, TRUSTEE), Martinsville, Va., of control of such rights and property through the transaction. Applicants' attorneys: Spencer T. Money, 411 Park Lane Building, 2025 Eye Street NW., Washington, D.C., and John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be controlled and merged: *Iron and steel products*, as a *common carrier*, over irregular routes, between Weirton, W. Va., on the one hand, and, on the other, points in New York, Ohio, Pennsylvania, and West Virginia; *children's toys*, and *materials, supplies, and equipment* used in the manufacture and sale of children's toys, between Glen Dale and McMechen, W. Va., on the one hand, and, on the other, points in New York, Ohio, Pennsylvania, and West Virginia, RESTRICTION: The separately-stated authorities contained herein shall not be tacked or joined, directly or indirectly, for the purpose of performing any through service. ROY STONE TRANSFER CORPORATION is authorized to operate as a *common carrier* in Pennsylvania, Virginia, West Virginia, Ohio, Maryland, New York, New Jersey, North Carolina, South Carolina, Delaware, Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Iowa, Kansas, Missouri, Wisconsin, Michigan, Tennessee, Louisiana, Mississippi, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8931. Authority sought for merger into ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y., of the operating rights and property of KEYSTONE MOTOR EXPRESS, INC., 2412 Collis Avenue, Huntington 3, W. Va. Applicants' attorneys: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio, and Mortimer A. Sullivan, Walbridge Building, Buffalo 2, N.Y. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Pittsburgh, Pa., and Huntington, W. Va., serving all intermediate points, and certain off-route points with a restriction, between Sutton, W. Va., and Charleston, W. Va., serving all intermediate points, between Washington, Pa., and Wooster, Ohio, between Lisbon, Ohio, and Norwalk, Ohio, between Strasburg, Ohio, and Cleveland, Ohio, between Norwalk, Ohio, and Wheeling, W. Va., between Charleston, W. Va., and Weirton, W. Va., between Charleston, W. Va., and Ronceverte, W. Va., serving certain intermediate and off-route points, from Charleston, W. Va., to Cincinnati, Ohio, serving certain intermediate points; *general commodities*, excepting, among others, household goods, but not excepting, commodities in bulk, between Charleston, W. Va., and Cleveland, Ohio, between Uhrichsville, Ohio, and Canton, Ohio, serving all intermediate and certain off-route points, between Bedford, Ohio, and Cleveland, Ohio, serving all intermediate points, between Dover, Ohio, and Canton, Ohio, from Cadiz, Ohio, to Wheeling, W. Va., serving all intermediate and certain off-route points; *gas cylinders*, and *rubber tires*, from Cincinnati, Ohio, to Charleston, W. Va., serving certain intermediate points, RESTRICTION: Service to and from West Virginia points authorized herein is restricted against the transportation of traffic interchanged with Lyons Transportation Co. (MC-109564), at points in Erie, Crawford, Mercer, and Venango Counties, Pa., when such traffic is moving to or from New York, N.Y., and points in Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties, N.Y.; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, from points in Hamilton and Butler Counties, Ohio, and those in Kentucky within ten miles of Cincinnati, Ohio, to points in Allegheny County, Pa., and those in that part of West Virginia on and west of U.S. Highway 19 and on and north of U.S. Highway 60. ASSOCIATED TRANSPORT, INC., is authorized to operate as a *common carrier* in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, West Virginia, Ohio, Georgia, Tennessee, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: ASSOCIATED TRANSPORT, INC. controls KEYSTONE MOTOR EXPRESS, INC., through ownership of capital stock, pursuant to authority granted June 12, 1961, effective November 16, 1961.

No. MC–F–8933. Authority sought for control by MEYHAK OF RHODE ISLAND, INC., 260 Kingsley Avenue, Providence, R.I., of HENRY F. OWENS, INC., 129 Sherman Street, Cambridge, Mass., and for acquisition by SIDNEY MARKS, WESLEY MARKS, and SIDNEY H. MALKIN, all of 186 Alewife Brook Parkway, Cambridge, Mass., of control of HENRY F. OWENS, INC., through the acquisition by MEYHAK OF RHODE ISLAND, INC. Applicants' attorneys: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree, Mass., Joseph A. Kline, 185 Devonshire Street, Boston, Mass., and Herbert Burstein, 160 Broadway, New York, N.Y. Operating rights sought to be controlled: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between Cambridge, Mass., and points in Massachusetts within 30 miles of Cambridge, on the one hand, and, on the other, points in Massachusetts, Vermont, New Hampshire, Maine, Rhode Island, Connecticut, Pennsylvania, New York, New Jersey, Maryland, and the District of Columbia, between New York, N.Y., on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, New Jersey, and Pennsylvania; *pianos*, between Boston, Mass., on the one hand, and, on the other, points in Massachusetts, New Hampshire, Maine, and Rhode Island. MEYHAK OF RHODE ISLAND, INC., holds no authority from this Commission. However, its controlling stockholders are also stockholders of M & M TRANSPORTATION COMPANY, 186 Alewife Brook Parkway, Cambridge, Mass., which is authorized to operate as a *common carrier* in Massachusetts, Pennsylvania, New York, Maryland, New Jersey, and Connecticut. Application has not been filed for temporary authority under section 210a(b).



MOTOR CARRIERS OF PASSENGERS

No. MC–F–8932. Authority sought for purchase by SCHENECTADY TRANSPORTATION CORPORATION, 1344 Albany Street, Schenectady, N.Y., of the operating rights of MOHAWK VALLEY TRANSIT, INC., 461½ West Main Street, Amsterdam, N.Y., and for acquisition by T. MILAN RHODES, also of Schenectady, N.Y., of control of such rights through the purchase. Applicants' attorneys: Shereff Brothers, 292 Madison Avenue, New York, N.Y., 10017. Operating rights sought to be transferred: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Gloversville, N.Y., and Schenectady, N.Y., between Fonda, N.Y., and Fultonville, N.Y., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in New York, Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, North Carolina, South Carolina, Missouri, Mississippi, Florida, Louisiana, Tennessee, Arizona, California, Montana, Texas, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–11509; Filed, Nov. 10, 1964; 8:46 a.m.]

[Notice 700]

## MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 6, 1964.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

No. MC 1124 (Sub-No. 198), filed October 28, 1964. Applicant: HERRIN TRANSPORTATION COMPANY, A Corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *Classes A and B explosives*, serving the construction site of the Toledo Bend Dam Site and Powerhouse Station located on the Sabine River (Louisiana-Texas State line) as off-route points in connection with applicant's present routes over U.S. Highway 171.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 1641 (Sub-No. 60), filed October 29, 1964. Applicant: PEAKE TRANSPORT SERVICE, INC., Chester, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, from the plant site of Cominco Products, Inc., at or near Hoag, Nebr., to points in Iowa, and Kansas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 3151 (Sub-No. 15), filed October 21, 1964. Applicant: BENDER & LOUDON MOTOR FREIGHT, INC., 3024 North Cleveland Massillon Road, West Richfield, Ohio. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plant site of Chevrolet Division of General Motors Corporation located in Lordstown Township, Trumbull County, Ohio, as an off-route point in connection with applicant's authorized regular route operations.

NOTE: If a hearing is deemed necessary applicant requests it be held at Detroit, Mich.

No. MC 10875 (Sub-No. 18), filed October 27, 1964. Applicant: BRANCH MOTOR EXPRESS COMPANY, a Corporation, 300 Maspeth Avenue, Brooklyn 11, N.Y. Applicant's representative: Gabriel G. Heller (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between junction of U.S. Highway 111 and U.S. Highway 11 (near Lemoyne, Pa.) and junction of U.S. Highway 15 and New York Highway 17 (near Erwins, N.Y.), from junction of U.S. Highway 111 (Interstate Highway 83) and U.S. Highway 11 over U.S. Highway 11 to junction U.S. Highway 15, thence over U.S. Highway 15 to junction of New York Highway 17 (near Erwins, N.Y.), and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authority south of junction of U.S. Highway 111 (Interstate Highway 83) and U.S. Highway 11, on the one hand, and, on the other, applicant's authority north of junction of U.S. Highway 15 and New York Highway 17 (near Erwins, N.Y.).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 13087 (Sub-No. 26) (AMENDMENT), filed October 12, 1964, published FEDERAL REGISTER, issue of November 4, 1964, amended November 2, 1964, and republished as amended this issue. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street SW., Mason City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Mason City, Iowa, to points in Illinois (except Chicago), Indiana, Kansas, Minnesota, Missouri, Nebraska, Michigan, Wisconsin (except Green Bay, Madison, Oshkosh, and Two Rivers), and South Dakota.

NOTE: The purpose of this republication is to add the destination State of South Dakota. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 13659 (Sub-No. 12), filed October 23, 1964. Applicant: PALMER TRANSFER, INC., Rural Delivery 3, Moscow, Pa. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry sugar*, in bulk, from New York, N.Y., to points in Lancaster County, Pa., and (2) *sugar*, in bulk, from Philadelphia, Pa., to points in that part of New York on and west of U.S. Highway 11, from the Pennsylvania-New York State line to the international boundary line between the United States and Canada.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 19778 (Sub-No. 67), filed October 23, 1964. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, 516 West Jackson Boulevard, Chicago, Ill., 60606. Applicant's attorney: Robert F. Munsell, Room 888, 516 West Jackson Boulevard, Chicago, Ill., 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors equipment, materials,* and *supplies*, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-described commodities, between points on the rail lines of the Chicago, Milwaukee, St. Paul, and Pacific Roalroad Company located in Montana, on the one hand, and, on the other, points in Montana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 24379 (Sub-No. 30), filed October 29, 1964. Applicant: LONG TRANSPORTATION COMPANY, a corporation, 3755 Central Avenue, Detroit 10, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Chevrolet Division and Fisher Body Division of General Motors Corporation located in Lordstown Township, Trumbull County, Ohio, as an off-route point in connection with applicant's regular route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 25798 (Sub-No. 120), filed October 26, 1964. Applicant: CLAY HYDER TRUCKING LINES, INC., 301 Highway North, Post Office Box 1075, Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes,* and *potato products*, from points in Montcalm County, Mich., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, West Virginia, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Wisconsin, and the District of Columbia (except frozen foods to points in North Carolina and South Carolina).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 25869 (Sub-No. 25), filed October 26, 1964. Applicant: NOLTE BROS. TRUCK LINE, INC., Farnhamville, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from Norfolk, Nebr., to Chicago, Ill., Kansas City, and St. Louis, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 30844 (Sub-No. 163), filed October 29, 1964. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in cans, drums, packages, and containers, from Ponca City, Okla., and points within five (5) miles thereof, to points in Minnesota, North Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Ponca City, Okla., Kansas City, Mo., or Wichita, Kans.

No. MC 41404 (Sub-No. 50), filed October 23, 1964. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton Highway, Martin, Tenn. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food* and *prepared food* from La Porte, Ind., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 42261 (Sub-No. 86), filed October 22, 1964. Applicant: LANGER TRANSPORT CORP., Route 1 and Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry bulk commodities*, in tank and hopper vehicles, from Camden, and Jersey City, N.J., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, Ohio, Indiana, Illinois, and Michigan.

NOTE: Applicant states the proposed service is to be "restricted to shipments having a prior movement by railroad." If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 45194 (Sub-No. 5), filed October 23, 1964. Applicant: LATTAVO BROTHERS, INC., 1620 Cleveland Avenue SW., Canton, Ohio. Applicant's attorney: A. Charles Tell, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plant or plants of General Motors Corporation, located in or near Lordstown Township, Trumbull County, Ohio, as off-route points in connection with applicant's presently authorized regular route operations in MC 45194, over Ohio Highway 14 and 224.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 52657 (Sub-No. 634), filed October 20, 1964. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill., 60620. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, busses, bodies,* and *cabs, chassis,* and *parts* thereof when moving in connection therewith, in initial movements in truckaway service, from Belvidere, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Tennessee, and Wisconsin.

NOTE: Applicant states it is not requesting any authority for secondary truckaway service to any of the above-mentioned States because it presently holds secondary authority between all of the States enumerated above in Docket No. MC 52657, Grandfather Certificate and Subs 6 and 7 thereto. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52709 (Sub-No. 256), filed October 26, 1964. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., 80216. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oil, petroleum lubricating oil, paraffin wax, petroleum wax, petrolatum or petrolatum preparations, petroleum naphtha, and petroleum transformer oil*, in bulk, in tank vehicles, from Buffalo, N.Y.; Bradford, Emlenton, Farmers Valley, Franklin, Freedom, Karns City, Oil City, Petrolia, Reno, Rouseville, and Warren, Pa.; Falling Rock and St. Marys, W. Va.; to points in Colorado, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 52709 (Sub-No. 257), filed October 26, 1964. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., 80216. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, plastics, resins, cleaning compounds, lubricating oils*, other than petroleum, in bulk, in tank vehicles, from points in Illinois, Whiting, Ind., and points in Wayne County, Mich., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 52709 (Sub-No. 259), filed October 26, 1964. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., 80216. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, plastics, resins, cleaning compounds, lubricating oils*, other than petroleum, in bulk, in tank vehicles, from Marietta, Ohio, and points in West Virginia, to points in California, Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Wyoming, and Washington.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 54999 (Sub-No. 2), filed October 29, 1964. Applicant: C. B. WILEY, doing business as PITTSBURGH TRANSFER AND STORAGE COMPANY, 1320 Pennsylvania Avenue, Pittsburgh, Pa., 15222. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Pittsburgh, Pa., on the one hand, and, on the other, points in Pennsylvania within 15 miles of the limits of the city of Pittsburgh, restricted to shipments moving to and from Pitt-Penn Terminal Company, Pittsburgh, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 58711 (Sub-No. 1), filed October 30, 1964. Applicant: R. G. CLAER, Post Office Box 23, Longview, Tex. Applicant's attorney: Benton Coopwood, 904 Lavaca Street, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield equipment*, between points in Texas located within a radius of one hundred seventy-five (175) miles of Hallsville, Tex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 59071 (Sub-No. 2), filed October 16, 1964. Applicant: ROSEN'S FILM DELIVERY SYSTEM, INC., 1890 Dixwell Avenue, Hamden 14, Conn. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Motion picture films and associated commodities*, between Fort Lee, N.J., and New Haven, Conn., from Fort Lee over Interstate Highway 95 to Stamford, Conn., thence over unnumbered highway through Springdale, Conn., to New Canaan, Conn., thence over Connecticut Highway 123 to the Connecticut-New York State line, thence over New York Highway 123 to junction unnumbered highway, thence over unnumbered highway to the New York-Connecticut State line, thence over Connecticut Highway 35A to junction Connecticut Highway 35, thence over Connecticut Highway 35 to junction U.S. Highway 7, thence over U.S. Highway 7 to Danbury, Conn., thence over U.S. Highway 6 to Sandy Hook, Conn., and thence over Connecticut Highway 34 to New Haven, and return over the same route, serving all intermediate points and the off-route points of Manchester and Rockville, Conn., and points in Connecticut on and west of a line beginning at New Haven and extending along Connecticut Highway 15 to East Hartford, thence along U.S. Highway 5 to the Connecticut-Massachusetts State line.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 60229 (Sub-No. 9), filed October 23, 1964. Applicant: FERACO, INC., 469 North American Street, Philadelphia, Pa. Applicant's attorney: Morris J. Winokur, Suite 1920, 2 Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa., 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except liquid commodities, in bulk, in tank vehicles), from the plantsite of the Bestwall Gypsum Company, located at Wilmington, Del., to points in Massachusetts and Rhode Island.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 61396 (Sub-No. 115), filed October 26, 1964. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *fertilizer solutions* in bulk, in tank trucks from the plantsite of Cominco Products, Inc., located at or near Hoag, Nebr., to points in Iowa, Kansas, South Dakota, Minnesota, and Missouri and *returned and rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 61403 (Sub-No. 113), filed October 26, 1964. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer solutions*, in bulk, in tank vehicles, from points in Hamilton County, Tenn., to points in Kentucky, North Carolina, Virginia, and Tennessee, and (2) *dry potassium silicofluoride*, in bulk, in tank vehicles, from Savannah, Ga., to Cleveland, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 72444 (Sub-No. 18), filed October 21, 1964. Applicant: AKRON-CHICAGO, INC., 1016 Triplett Boulevard, Akron, Ohio. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), serving the plantsite of Chevrolet Division of General Motors Corporation located in Lordstown Township, Trumbull County, Ohio, as an off-route point in connection with applicant's authorized regular route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 80017 (Sub-No. 9), filed October 22, 1964. Applicant: EDMAC TRUCKING COMPANY, INC., 620 Dunn Road, Fayetteville, N.C. Applicant's attorney: A. W. Flynn, Jr., 201-205 Jefferson Building, Greensboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry rendered tankage*, in bulk, from Washington, D.C., to Fayetteville, N.C.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 106915, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 123), filed October 23, 1964. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex., 75222. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Compressors, pumps, blowers, condensers, drilling equipment and machinery, electric and pneumatic tools, heat exchangers, hoisting equipment and machinery, engines, mining equipment and machinery*, and (2) *parts, attachments*, and *accessories* of the items named in (1) above, from the plantsites of Ingersoll-Rand Company at Athens and Easton, Pa., Painted Post, N.Y., and Phillipsburg, N.J., and the plantsite of the Aldrich Pump Company at Allentown, Pa., to points in Alaska, Arizona, Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83885 (Sub-No. 2), filed October 23, 1964. Applicant: UNITED STATES TRUCKING CORPORATION, 66 Murray Street, New York, N.Y. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry sugar*, in bulk, *including blends with other sweetness*, in specialized equipment and *damaged or rejected shipments* between Brooklyn, N.Y., and points in New York and New Jersey within a 50-mile radius of Brooklyn, N.Y.

NOTE: Common control may be involved. Applicant is also authorized to conduct operations as a common carrier in Certificate MC 11712 and sub; therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 95540 (Sub-No. 606), filed October 26, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway, Director of Operating Rights, Watkins Motor Lines, Inc. (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Tennessee and Arkansas to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 102567 (Sub-No. 98), filed October 26, 1964. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, 235 Benton Road, Bossier City, La. Applicant's attorney: Jo E. Shaw, Bettes Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Union County, Ark. to points in Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 102682 (Sub-No. 245), filed October 22, 1964. Applicant: HUGHES TRANSPORTATION, INC., Post Office Box 851, Charleston, S.C. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammunition and explosives, component parts*, and *empty containers therefor*, (1) between Charlotte, N.C., on the one hand, and, on the other, points in North Carolina, (2) from points in South Carolina and Georgia to Charlotte, N.C., (3) from points in Georgia, to Charleston, S.C., (4) from Orangeburg, S.C., to Charleston, S.C., and (5) from Charleston, S.C., and points within 35 miles thereof, to points in South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, North Carolina, Kentucky, Virginia, Maryland, Pennsylvania, New Jersey, Delaware, the District of Columbia, and West Memphis, Ark.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston or Columbia, S.C.

No. MC 104896 (Sub-No. 13), filed October 27, 1964. Applicant: WOMELDORF, INC., Post Office Box 232, Lewistown, Pa., 17044. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa., 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, which are at the time moving on bills of lading of freight forwarders as defined in section 402(a)(5) of the Act), from points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, to points in Ohio, Pennsylvania, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105045 (Sub-No. 12) (AMENDMENT), filed October 16, 1964, published in FEDERAL REGISTER, issued November 4, 1964, amended November 4, 1964, and republished as amended this issue. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, Ind. Applicant's attorney: Ernest A. Brooks, II, 1311–12 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal waste storage tanks*, steel, knocked down, glass lined, (2) *livestock scales*, steel, knocked down, with weighing attachments, (3) *livestock feed bunkers*, steel, knocked down, glass lined, (4) *forage metering devices*, (5) *animal waste spreader tanks*, steel, glass lined, and (6) *soil savers*, steel, knocked down, glass lined, from Kankakee, Ill., to points in Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia.

NOTE: Applicant states that it holds authority in MC 105045 (Sub-No. 5), to transport iron or steel silos, from Kankakee, Ill., to the above described destination States. Applicant states that the purpose of this application is to extend its operations in the same territory by adding additional commodities used in conjunction with iron and steel silos. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. The purpose of this republication is to add New Hampshire as a destination State.

No. MC 105413 (Sub-No. 16) (AMENDMENT), filed September 1, 1964, published FEDERAL REGISTER, issue of September 24, 1964, amended September 27, 1964, and republished, as amended, this issue. Applicant: PETROLEUM TRANSPORT SERVICE, INC., Rural Free Delivery No. 1, Council Bluffs, Iowa. Applicant's attorney: Einar Viren, 905 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *fertilizer solutions*, in bulk, in tank vehicles, from the plantsite of Phillips Petroleum Company located at or near Hoag, Nebr., to points in Iowa, Kansas, and South Dakota.

NOTE: The purpose of this republication is to add "fertilizer solutions, in bulk, in tank vehicles." If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 105881 (Sub-No. 35), filed October 23, 1964. Applicant: M. R. & R. TRUCKING COMPANY, a corporation, 715 North Fudon Boulevard, Crestview, Fla. Applicant's attorney: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives* (but excluding commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Mobile, Ala., and Pensacola, Fla., over U.S. Highway 90, serving no intermediate points, and (2) between Mobile, Ala., and junction U.S. Highway Alternate 90 and U.S. Highway 29, from Mobile over U.S. Highway 90 to westerly junction of U.S. Highway 90 and U.S. Highway Alternate 90, thence over U.S. Highway Alternate 90 to its junction with U.S. Highway 29, and return over the same route, serving no intermediate points.

NOTE: Applicant states the authority as proposed in (1) and (2) above, "is to be restricted against the transportation of any traffic (a) between Mobile, Ala., and Pensacola, Fla., and (b) between Mobile, Ala., and Jacksonville, Fla." It is further noted that applicant "proposes to join the authority held by it to enable it to perform through service between points herein sought to be served and points otherwise served." If a hearing is deemed necessary, applicant requests it be held at Tallahassee, Fla.

No. MC 107002 (Sub-No. 227), filed October 21, 1964. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Highway 80 West, Jackson, Miss. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and animal fats*, in bulk, in tank vehicles, (1) from Memphis, Tenn., to points in Arkansas, Iowa, Kansas, Nebraska, Oklahoma, and Tennessee, and (2) from points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Missouri, and Oklahoma, to Memphis, Tenn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107002 (Sub-No. 228), filed October 21, 1964. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Highway 80 West, Jackson, Miss. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and prôducts thereof, and meals*, in bulk, in tank vehicles, from Helena, Ark., to points in Alabama, Florida, Georgia, Indiana, Illinois, Kansas, Kentucky, Louisiana, Missouri, Mississippi, Oklahoma, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 107162 (Sub-No. 16), filed October 26, 1964. Applicant: NOBLE GRAHAM, Brimley, Mich. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mineral feed*, from Madison, Wis., to points in the Upper Peninsula of Michigan; (2) *animal and poultry feed and feed ingredients*, from Watertown, Wis., to points in the Upper Peninsula of Michigan; and (3) *fertilizer*, in bags, from Juneau, Wis., to points in the Upper Peninsula of Michigan, and *rejected shipments*, on return, in (1), (2), and (3) above.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 107496 (Sub-No. 338), filed October 26, 1964. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of the Northwestern States Portland Cement Co., located at or near Cedar Rapids, Iowa, to points in Illinois, Missouri, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 107496 (Sub-No. 339), filed October 26, 1964. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from Arvada, Colo., to points in Wyoming.

NOTE: Applicant states that this authority will not be tacked or combined with any authority held by it for the purpose of performing a through service. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 107515 (Sub-No. 499), filed October 27, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hart and Ludington, Mich., to points in Pennsylvania, New York, and New Jersey.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Detroit, Mich., or Chicago, Ill.

No. MC 107515 (Sub-No. 500), filed October 27, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquettes*, from Wrigley, Tenn., to points in New Jersey, Oklahoma, Arkansas, and Texas.



NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 109136 (Sub-No. 26), filed October 28, 1964. Applicant: ORIOLE CHEMICAL CARRIERS, INC., 9722 Pulaski Highway, Baltimore, Md., 21220. Applicant's attorney: Maxwell A. Howell, 1511 K Street NW., Washington, D.C., 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid caustic soda*, in bulk, in tank vehicles, from: Diamond Alkali Co., Delaware City, Del., to points in Pennsylvania on and east of U.S. Highway 220; to points in New Jersey; to points in Delaware; to points in Maryland; to points in New York on and east of New York Highway 17 from the New York-Pennsylvania State line to and including Binghamton, on and east or south of New York Highway 7 from Binghamton to and including Troy, on and west of U.S. Highway 4 from Troy to junction of U.S. Highways 4 and 9, and on and west of U.S. Highway 9 from said junction through and including Yonkers, and thence south to the New York, N.Y., corporate boundary; to points in Virginia on and east of U.S. Highway 220 from the Virginia-North Carolina State line to and including Roanoke, and on and east of U.S. Highway 11 from Roanoke to the Virginia-West Virginia State line; to points in West Virginia on and east of U.S. Highway 11; and to the District of Columbia; and (2) *liquefied chlorine gas*, in containers, from: Diamond Alkali Co., Delaware City, Del., to points in Pennsylvania on and east of U.S. Highway 11 to Harrisburg and points on and south of U.S. Highway 22; to points in New Jersey; to points in Maryland; to points in Delaware; to the District of Columbia, and to Occoquan, Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities in (1) and (2) above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110193 (Sub-No. 77), filed October 23, 1964. Applicant: SAFEWAY TRUCK LINES, INC., 20450 West Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos, 4625 West 55th Street, Chicago 32, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, desserts and confectionery, and candy, dessert and confectionery ingredients*, in vehicles equipped with mechanical refrigeration, from Chicago, Ill., to Minneapolis, Minn.

NOTE: Applicant states that purpose of this application is for tacking and joinder only with its existing authority in MC 110193 Sub 56 wherein applicant is authorized to conduct operations over irregular routes on the same commodities from Boston and Mansfield, Mass., to Chicago, Ill. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 110193 (Sub-No. 78), filed October 23, 1964. Applicant: SAFEWAY TRUCK LINES, INC., 20450 West Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos, 4625 West 55th Street, Chicago 32, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cocoa, cocoa compounds, chocolate, coating, syrup, flour, candy, and confectionery*, in vehicles equipped with mechanical refrigeration, (1) from the intersection of Interstate Highway 90 and Elmhurst Road (located just northwest of Chicago, Ill.), to Minneapolis, Minn., and (2) from the intersection of Interstate Highway 90 and U.S. Highway 41 (located just north of Chicago, Ill.), to Milwaukee, Wis.

NOTE: Applicant states that the purpose of this application is for tacking and joinder only with its existing authority in MC 110193 Sub 25, from points in New York State only wherein it is authorized to conduct operations over irregular routes. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 110420 (Sub-No. 391), filed October 26, 1964. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrup coloring, caramel coloring*, and *burnt sugar*, in bulk, in tank vehicles, from Clinton, Iowa, to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kansas (except Bonner Springs), Kentucky, Louisiana, Maine, Massachusetts, Mississippi, Nebraska, New Hampshire, North Carolina, Oklahoma, Rhode Island, South Carolina, Texas, Vermont, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 685), filed October 29, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C., 20005, and Edwin H. van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics*, synthetic or resins, in bulk, in tank vehicles, from Tonowanda, N.Y., to points in California, Oregon, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 686), filed October 30, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street, Madison Building, Washington, D.C., and Edwin H. van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk, from the facilities of the E. I. DuPont de Nemours and Co. located at Lima, Ohio, to points in Indiana and Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 110988 (Sub-No. 95) (AMENDMENT), filed October 14, 1964, published FEDERAL REGISTER, issue of October 28, 1964, amended November 2, 1964, and republished as amended this issue. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glycol propylene*, in bulk, in tank vehicles, from South Beloit, Ill., to points in New Jersey, Wisconsin, Minnesota, Iowa, Michigan, Kansas, Oklahoma, and New York.

NOTE: The purpose of this republication is to add New York as a destination State. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 110988 (Sub-No. 96), filed October 26, 1964. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Peru, Ill., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110988 (Sub-No. 97), filed October 23, 1964. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from the Tri-City Regional Port District Complex located in Madison County, Ill., to points in Arkansas, Indiana, Illinois, Iowa, Kansas, Kentucky, Missouri, Nebraska, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 111231 (Sub-No. 57), filed October 14, 1964. Applicant: JONES TRUCK LINES, INC., Springdale, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plates, pans, trays*, foil nested or unnested, solid with or without covers, from Paris, Tex., to Fayetteville, Ark.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 111545 (Sub-No. 72), filed October 27, 1964. Applicant: HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Marietta, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217, Standard Federal Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquettes*, from Wrigley, Tenn., to points in New Jersey, Oklahoma, Arkansas, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 111792 (Sub-No. 2), filed October 26, 1964. Applicant: PALMER BROS., INC., Box 4910, Akron-Cleveland Road, Peninsula, Ohio. Applicant's attorney: Edwin C. Reminger, 905 Leader Building, Cleveland, Ohio, 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Concrete sewer pipe, the transportation of which, because of size or weight, requires the use of special equipment*, (1) from Cleveland and Youngstown, Ohio, to points in Pennsylvania on, south and west of a line beginning at the Ohio-Pennsylvania State line, and extending east along U.S. Highway 422 to Indiana, Pa., thence south on and along U.S. Highway 119 to junction U.S. Highway 22, thence west on U.S. Highway 22 to the West Virginia-Pennsylvania State line, (2) from Erie and points in Fairview Township, Pa., to points in Ohio on and north of U.S. Highway 40, and those on and east of Ohio Highway 13, (3) from Buffalo, N.Y., to points in Pennsylvania north and east of a line beginning at the Ohio-Pennsylvania State line, and extending east along U.S. Highway 422 to Indiana, Pa., thence north along U.S. Highway 119 to junction of U.S. Highway 219, thence along U.S. Highway 219 to Ridgway, Pa., thence along U.S. Highway 120 to Lock Haven, Pa., thence along U.S. Highway 220 to Williamsport, Pa., and thence north along U.S. Highway 15 to the New York-Pennsylvania State line, and (4) from Erie and points in Fairview Township, Pa., to points in New York on and west of U.S. Highway 15 to Rochester, N.Y., and thence north along the Genesee River to Ontario Beach, N.Y., including the points named, and thence on the indicated portions of the highway specified, (B) *concrete pipe forms, cores, and pallets*, (1) from points in Fairview Township, Pa., to Cleveland, Sandusky and Youngstown, Ohio, and Binghamton, Buffalo, and Rochester, N.Y., (2) from Erie, Pa., to Buffalo and Rochester, N.Y., (3) from Buffalo, N.Y., to Cleveland, Sandusky and Youngstown, Ohio, and Erie and points in Fairview Township, Pa., and (4) from Cleveland, Sandusky, and Youngstown, Ohio, to points in Fairview Township, Pa., and Buffalo, N.Y.

NOTE: Applicant states no duplication of authority is sought. Further, should the hereinabove authority sought be granted, it will surrender the following authority, which is embraced in the authority described above: "Concrete sewer pipe, from Erie, Pa., to points in Ohio, on, north and east of U.S. Highway 422, with no transportation for compensation on return except as otherwise authorized; and, from Erie, Pa., to points in Chautauqua County, N.Y., with no transportation for compensation on return except as otherwise authorized. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 113267 (Sub-No. 136), filed October 30, 1964. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., Post Office Box 548, Caseyville, Ill. Applicant's attorney: R. H. Burroughs, 115 East Main Street, Collinsville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, from Greenville, Mich., to points in Alabama, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, South Carolina, Tennessee, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113336 (Sub-No. 71), filed October 28, 1964. Applicant: PETROLEUM TRANSIT COMPANY, INC., Post Office Box 921, Lumberton, N.C. Applicant's attorney: Edward G. Villalon, 1111 E Street, NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wet and dry phosphate rock*, in bulk, in covered dump, tank, or hopper vehicles, from points in North Carolina, to points in Virginia, and South Carolina, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 113388 (Sub-No. 61), filed October 29, 1964. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Bridgeville, Del. Applicant's attorney: H. Charles Ephraim, 1411 K Street, NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen, from Milton, Pa., to points in Maine, New Hampshire, and Vermont.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 86) (AMENDMENT), filed October 14, 1964, published in FEDERAL REGISTER, issue October 28, 1964, amended October 29, 1964, and republished as amended this issue. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton, textiles and textile products made of natural or synthetic fibres, metallic yarn, dry goods, rugs, carpeting, carpeting products*, and *manufactured textile products*, from Danville, Va., to points in Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE: The purpose of this republication is to add Colorado as a destination State. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 88), filed October 26, 1964. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Applicant's attorney: Frank B. Morrison, Jr., Suite 707, City National



Bank, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in Nebraska, to points in Colorado, Arizona, and California.

NOTE: If a hearing is deemed necessary, applicant requests it be held with other similar cases seeking same authority.

No. MC 113855 (Sub-No. 98), filed October 26, 1964. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52, South Rochester, Minn. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal waste storage tanks*, knocked down, glass-lined steel, (2) *livestock scales, steel*, knocked down, with weighing attachments, (3) *livestock feed bunkers*, glass-lined steel, knocked down, (4) *forage meter device*, (5) *animal waste spreader tanks*, steel, *spreader tanks*, glass lined, and (6) *soil savers*, steel, glass lined, knocked down, from Kankakee, Ill., to points in Alaska, Arizona, California, Idaho, Nevada, Oregon, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114019 (Sub-No. 124), filed October 29, 1964. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in packages and containers, other than bulk, from St. Louis, Mo., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114211 (Sub-No. 65), filed October 26, 1964. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Iowa (Black Hawk County). Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roller mills, tankage mills, hammermills, truck lifts, grain pumps, molasses blenders, storage bins, agricultural machinery and agricultural implements and parts thereof, when moving incidental to and in the same vehicle with said commodities* from Streator, Ill., to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114301 (Sub-No. 27), filed November 3, 1964. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 141, Elkton, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat scraps*, from Baltimore, Md., to points in Accomack and Northampton Counties, Va., and that part of Delaware on and south of the Chesapeake and Delaware Canals.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114725 (Sub-No. 14) (AMENDMENT), filed September 21, 1964, published FEDERAL REGISTER, issue of October 7, 1964, amended October 28, 1964, and republished as amended this issue. Applicant: WYNNE TRANSPORT SERVICE, INC., 1528 North 11th Street, Omaha, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles from Nebraska City, Nebr., to points in Minnesota, and South Dakota and *damaged or rejected shipments* on return.

NOTE: The purpose of this republication is to more clearly set forth the commodity proposed to be transported by applicant. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115691 (Sub-No. 16), filed October 19, 1964. Applicant: R. J. COKER, doing business as COKER TRUCKING COMPANY, Post Office Box 398, Demopolis, Ala. Applicant's attorney: S. B. Zinder, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron soil pipe and fittings* and (2) *conduit or pipe, bituminized fibre* (asphalt or pitch impregnated), and *connections* and *fittings*, from Holt, Ala., to points in West Virginia, points in Ohio on and east of U.S. Highway 42, and points in Pennsylvania on and west of U.S. Highway 219, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117310 (Sub-No. 3), filed October 26, 1964. Applicant: FRANK C. CICIONI, 117 West Washington Street, Shenandoah, Pa. Applicant's representative: John W. Frame, Post Office Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment*, used in the manufacture of mirrors, from Frackville, Pa., to Mt. Carmel, Pa. (having a prior movement via rail or motor vehicle in interstate commerce, with no transportation on return except as otherwise authorized).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 117815 (Sub-No. 29) (AMENDMENT), filed October 12, 1964, published FEDERAL REGISTER, issue of November 4, 1964, amended November 4, 1964, and republished as amended this issue. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa, 50317. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Mason City, Iowa, to points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, the Lower Peninsula of Michigan, and Wisconsin (except Green Bay, Milwaukee, Oshkosh and Two Rivers).

NOTE: The purpose of this republication is to add to the destination territory the State of Wisconsin (except Green Bay, Milwaukee, Oshkosh, and Two Rivers). Applicant states no service proposed from Mason City, Iowa, to points in the Chicago, Ill., commercial zone as defined by the Commission. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 118595 (Sub-No. 4), filed October 20, 1964. Applicant: J. K. WYATT, doing business as J. K. WYATT TRUCKING CO., Gatesville, N.C. Applicant's attorney: Jno. C. Goddin, Insurance Building, 10 South 10th Street, Richmond, Va., 23219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), from points in Isle of Wight County, Va., to points in North Carolina, and *damaged, rejected* and *refused shipments* of the above-specified commodity, on return.

NOTE: Applicant holds contract carrier authority in MC 116962, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118890 (Sub-No. 5), filed October 26, 1964. Applicant: THAYNE ROBERT OLSON, doing business as THAYNE R. OLSON, 6259 Parkview Drive, Wichita, Kans. Applicant's attorney: J. F. Miller, 7501 Mission Road, Shawnee-Mission, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies, gypsum and gypsum products*, and *material and supplies* used in the installation or application of any of such commodities, from Southard, Okla., to points in Sherman, Hansford, Ochiltree, Dallas, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Hall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, and Childress Counties, Tex., and points in Colorado, Kansas, Missouri, and Arkansas.

NOTE: Applicant holds contract carrier authority in MC 118955, therefore dual operations may be involved. Applicant states he proposes to transport newspapers (exempt) on return. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Oklahoma City, Okla.

No. MC 119268 (Sub-No. 45), filed October 26, 1964. Applicant: OSBORN, INC., 228 North Fourth Street, Gadsden, Ala. Applicant's representative: M. H. Stephens, 228 North Fourth Street, Gads-

den, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and potato products* (except frozen with and without other ingredients, cooked, diced, flaked, powdered, shredded, and sliced), from Greenville, Mich., to points in Illinois, Missouri, Arkansas, Louisiana, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Maryland, Delaware, District of Columbia, New Jersey, New York, and Pennsylvania.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119268 (Sub-No. 46), filed October 26, 1964. Applicant: OSBORN, INC., 228 North Fourth Street, Gadsden, Ala. Applicant's representative: M. H. Stephens (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular *routes*, transporting: *Canned goods*, from points in the Lower Peninsula of Michigan, to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 119384 (Sub-No. 7), filed October 29, 1964. Applicant: MORTON TRUCK LINES, INC., 101 West Willis Avenue, Perry, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles) from Perry, Iowa, to points in Illinois, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 119767 (Sub-No. 33), filed October 26, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Des Moines, Fort Dodge, and Webster City, Iowa, to points in Minnesota, Wisconsin, and Illinois (except Chicago).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119778 (Sub-No. 77), filed October 23, 1964. Applicant REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid alum*, in bulk, in tank vehicles, from Atlanta, Ga., and points within fifteen (15) miles thereof, to points in Alabama.

NOTE: If a hearing is deemed necessary, applicant requests it be held with other similar cases seeking same authority.

No. MC 119792 (Sub-No. 18), filed October 26, 1964. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 4000 Packers Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and prepared foods* from La Porte, Ind., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119864 (Sub-No. 6), filed October 28, 1964. Applicant: HOFER MOTOR TRANSPORTATION CO., a corporation, 26740 Eckel Road, Perrysburg, Ohio. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, dairy products, packinghouse products* and *commodities used by packinghouses*, as described in Sections A, B, C, and D, Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) between Fremont, Ohio, and Chicago, Ill., and (2) between Fremont, Ohio, on the one hand, and, on the other, Fort Wayne, Ind., and Kalamazoo, Mich.

NOTE: Applicant states it is presently authorized in No. MC 119864 to transport "food products, dairy products and byproducts, and such materials, supplies, and equipment as are incidental to the production, packing, and sale of food products and dairy products and byproducts" from Chicago, Ill., to Fremont, Ohio, and "food products and dairy products" on return, restricted to shipments moving from, to, or between plants, warehouses, or other facilities of food manufacturing and dairy establishments. If the authority herein sought is granted, applicant would be agreeable to the cancellation of any duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 120377 (Sub-No. 2), filed October 30, 1964. Applicant: GLOBE TRUCKING, INC., 20 Vance Street, Toledo, Ohio. Applicant's representative: G. H. Dilla, 5275 Ridge Road, Cleveland 29, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Toledo, Ohio, and points in Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 123347 (Sub-No. 2) filed October 30, 1964. Applicant: AJAX TRANSFER CO., INC., 517 East Brooks Road, Memphis, Tenn. Applicant's attorney: R. Connor Wiggins, Jr., Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated metal and welded steel pipe, corrugated metal used in fabrication of metal pipe, tunneling and retaining walls, guard rails, steel sheeting, steel sheets, retaining wall spacers, retaining wall stringers, and retaining wall stringer stiffeners, and parts, fittings and accessories to be used on said commodities* and moving therewith for the account of the Armco Steel Corp., (1) from Middletown, Ohio, and Topeka, Kans., to Memphis, Tenn., and points in Arkansas and Mississippi and (2) from Memphis, Tenn., to points in Arkansas and Mississippi and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: Applicant states that it is now authorized in Permit MC 123347 to transport corrugated metal pipe, and fittings, accessories and attachments thereof, asphalt coated and uncoated, in mixed shipments, from the plant site of Armco Steel Corp., Metal Products Division of Memphis, Tenn., to points in Arkansas and Mississippi, under a continuing contract with Armco Steel Corp., Metal Products Division of Memphis, Tenn. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 123408 (Sub-No. 14), filed October 19, 1964. Applicant: FOOD HAULERS, INC., 600 York Street, Elizabeth, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials* and *supplies* used in the conduct of such businesses, between New York, N.Y., New Haven, Conn., and points in Hartford County, Conn., New Castle County, Del., Nassau, Putnam, Rockland, Suffolk, Sullivan, Westchester, Orange, Dutchess, and Ulster Counties, N.Y., Berks, Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, and Philadelphia Counties, Pa., and points in New Jersey. RESTRICTION: The proposed service is to be performed under contract with Wakefern Food Corporation.

NOTE: Applicant states it presently holds permit authority for nonradial service between New York, N.Y., New Haven, Conn., and points in Hartford County, Conn., New Castle County, Del., Nassau, Putnam, Rockland, Suffolk, Sullivan, and Westchester Counties, N.Y., Berks, Bucks, Chester, Delaware, Lehigh, Montgomery, and Philadelphia Counties, Pa., and points in New Jersey. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124047 (Sub-No. 28), filed October 26, 1964. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 611 South 28 Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of Phillips Petroleum Company, at or near North Bend, Ohio, to points in Indiana, Kentucky, and Michigan.



NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 124070 (Sub-No. 8), filed October 28, 1964. Applicant: CHEMICAL HAULERS, INC., 5723 Kennedy Avenue, Hammond, Ind. Applicant's attorney: Howell Ellis, Suite 616–618, Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles from the Tri-City Regional Port Complex in Madison County, Ill., to points in Arkansas, Indiana, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, Missouri, Ohio, Wisconsin, Tennessee, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 124078 (Sub-No. 125), filed October 26, 1964. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from the Tri-City Regional Port Complex in Madison County, Ill., to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 124123 (Sub-No. 21), filed October 26, 1964. Applicant: SCHWERMAN TRUCKING CO. OF ILL., INC., 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Streator, Ill., to points in Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124802 (Sub-No. 3), filed October 27, 1964. Applicant: CURTIS WOMELDORF, doing business as ACE MOTOR FREIGHT, Post Office Box 331, Summerville, Pa. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, (1) from Summerville, Pa., to points in New Jersey, Connecticut, Delaware, Virginia, Michigan, Indiana, Illinois, and the District of Columbia, and (2) from Lewis Run, Pa., to points in New Jersey, New York, Connecticut, Maryland, Virginia, Delaware, West Virginia, Ohio, Indiana, Illinois, Michigan, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124883 (Sub-No. 2), filed October 19, 1964. Applicant: WILLIAM J. LOCKE, doing business as LOCKE TRUCK LINES, 5303 Northeast Ninth Street, Des Moines, Iowa. Applicant's attorney: Stephen Robinson, 412 Equitable Building, Des Moines, Iowa, 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat*, from Des Moines and Spencer, Iowa, Kansas City, Mo., Dodge City, Kansas City, and Wichita, Kans., Norfolk, Nebr., and Austin, Minn., to Covington, Ky., under a continuing contract or contracts with Serv-All Foods, Inc., of Covington, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 124886 (Sub-No. 2), filed October 27, 1964. Applicant: PHILIP PICARIELLO, doing business as P & F CARRIERS, 21 Main Street, East Paterson, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nitrocellulose solutions*, in drums, from the plantsite of Cellofilm Corporation, at Woodridge, N.J., to Syracuse, N.Y., and Cleveland, Ohio, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-described commodities, on return.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate No. MC 26570, therefore dual operations may be involved. Applicant states that the above proposed operation will be performed under a continuing contract with Cellofilm Corporation, Woodridge, N.J. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124925 (Sub-No. 4), filed October 23, 1964. Applicant: DONALD F. SCHEPMANN, 6410 Cleveland, Lincoln, Nebr. Applicant's representative: C. A. Ross, 621 Trust Building, Lincoln 8, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Van bodies*, complete, *truck hoists*, complete, *bumpers*, complete, *camper bodies*, complete, *utility bodies*, complete, *lime spreader bodies*, complete, *truck bodies*, complete, *semitrailers*, complete, *truck racks*, complete, *dump bodies*, complete and *hydraulic fifth wheels*, complete, from Council Bluffs, Iowa, and points within ten (10) miles thereof, to dealers only located at points in Arizona, Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Washington, Wisconsin, and Utah, and (2) *hardwood lumber* for production of truck bodies, *steel* (raw, processed, structural) for production of truck bodies, *van bodies*, complete, for resale, *hoists*, complete, for resale, *truck bumpers*, complete, for resale, *bolts, and nuts*, for production of truck bodies, and trailers, *camper bodies*, complete, for resale, *utility bodies*, complete, for resale, *lime spreader bodies*, complete, for resale, *paint* for production of bodies, *dump bodies*, complete, for resale, and *hydraulic fifth wheels*, complete, for resale, from points in Arizona, Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Washington, Wisconsin, and Utah, to Council Bluffs, Iowa, and points within ten (10) miles thereof.

NOTE: Applicant states he proposes to transport exempt commodities, on return. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 125420 (Sub-No. 7), filed October 30, 1964. Applicant: MERCURY TANKLINES LIMITED, Post Office Box 71, Postal Station A, 627 Eighth Avenue, SW., Calgary, Alberta, Canada. Applicant's attorney: J. F. Meglen, 207 Behner Building, 2822 Third Avenue, N., Billings, Mont., 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages, wine and wine spirits*, in bulk, in tank vehicles, from the ports of entry on the international boundary line between the United States and Canada at or near Sweetgrass, Mont., Portal, N. Dak., Noyes, Minn., Detroit, Mich., and Buffalo and Ogdensburg, N.Y., to points in Illinois, Ohio, Kentucky, and California.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 125474 (Sub-No. 9), filed October 26, 1964. Applicant: BULK HAULERS, INC., 1901 Wooster Street, Wilmington, N.C. Applicant's attorney: Cyrus D. Hogue, Jr., Post Office Box 1268, Wilmington, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wet and dry phosphate rock*, in bulk, in covered dump, tank, and hopper type vehicles, from the plant site of Texas Gulf Sulphur, located in Beaufort County, N.C., and points within five (5) miles thereof, to points in Virginia, and South Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 126023 (Sub-No. 2), filed October 26, 1964. Applicant: LYLE L. HARRISON, 1220 Fourth Street, Lewiston, Idaho. Applicant's attorney: James W. Givens (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and asphaltic concrete*, between points in Nez Perce and Latah Counties, Idaho, on the one hand, and, on the other, points in Asotin, Garfield, and Whitman Counties, Wash.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lewiston, Nez Perce County, Idaho.

No. MC 126079 (Sub-No. 1), filed October 30, 1964. Applicant: STOUT CORPORATION, 2240 North Canyon Road, Provo, Utah. Applicant's attorney: Bartly G. McDonough, No. 10 Executive Building, Salt Lake City, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fabricated sections of steel storage tanks and field equipment used in the erection thereof*, from Provo, Utah, to points in Arizona,



California, Colorado, Idaho, New Mexico, Haines, Alaska, with the right to interline

California, Colorado, Idaho, New Mexico, Nevada, Montana, Oregon, Utah, Washington, and Wyoming and (2) *tools, equipment, surplus materials and supplies used in the erection of steel storage tanks* between points in Arizona, California, Colorado, Idaho, New Mexico, Nevada, Montana, Oregon, Utah, Washington, and Wyoming.

NOTE: Applicant states the above authority is for the account of Pittsburgh-Des Moines Steel Company and would be restricted against shipments originating at or destined to oil field and gas well locations. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 126390 (Sub-No. 2), filed October 22, 1964. Applicant: JOSEPH LaROCHE, doing business as JOS. LaROCHE TRANSPORT, Post Office Box 98, Fort Coulonge, Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough or dressed lumber* from ports of entry on the international boundary line between the United States and Canada located at or near Alexandria Bay, Ogdensburg, Niagara Falls, and Buffalo, N.Y., to Adams, Alexandria Bay, Baldwinsville, Brooklyn, Brownsville, Clayton, Cortland, East Mills, Rome, Elmira, Fulton, Gouverneur, Herkimer, Lockport, McGraw, Ogdensburg, Oswego, Painted Post, Rochester, Rome, Seneca Falls, Solvay, Syracuse, and Tonawanda, N.Y., and *empty containers or other such incidental facilities* used in transporting the above commodity on return.

NOTE: Applicant states the proposed operation will be (1) performed for the account of W. C. Edwards & Co. Ltd., and (2) originating in Davidson, Quebec, Canada. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 126399 (Sub-No. 2), filed October 19, 1964. Applicant: ARJA MOTOR EXPRESS, INC., Kero Road, Carlstadt, N.J. Applicant's attorney: John Kandravy, 570 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated office furniture and component parts*, between Carlstadt, N.J., on the one hand, and, on the other, points in Nassau County, N.Y., and the city of New York, N.Y., and points in Bergen, Essex, Hudson, Morris, Passaic, and Union Counties, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 126420 (Sub-No. 1), filed October 26, 1964. Applicant: GATEWAY TRANSPORT, INC., 333 Central Building, Seattle, Wash. Applicant's attorney: George R. LaBissoniere (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, and livestock), between Seattle, Wash., and points in southeastern Alaska.

NOTE: Applicant states it proposes to serve points in that part of Alaska south and east of the international boundary line between the United States and Canada located near Haines, Alaska, with the right to interline traffic with connecting carriers. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., and Ketchikan, Alaska.

No. MC 126569 (Sub-No. 2), filed October 19, 1964. Applicant: ROBERT DHAMERS, doing business as DHAMERS TRUCKING AND EXCAVATING CO., Post Office Box 102, Cordova, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Casein*, in bags, from the plantsite of The Erie Casein Dryers, located at or near Erie, Ill., to points in Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Iowa, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126640 (Sub-No. 1), filed October 12, 1964. Applicant: E. R. SNYDER & SON PRODUCE, INC., Rural Route No. 1, Vincennes, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hydroponic grass growing systems*, from Indianapolis, Ind., to points in the United States (except Alaska and Hawaii), and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 126645, filed October 14, 1964. Applicant: ROSCOE ORWICK AND FRANCES ORWICK, doing business as, ROSCOE AND FRANCES, Rural Delivery, Morrisdale, Clearfield County, Pa. Applicant's attorney: Walter M. Swoope, 230 North Front Street, Philipsburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Altoona, Pa., to Cumberland, Md., for Sealtest Foods, Division of National Dairy Products Corp.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126645 (Sub-No. 1), filed October 19, 1964. Applicant: ROSCOE ORWICK AND FRANCES ORWICK, doing business as, ROSCOE AND FRANCES, Rural Delivery, Morrisdale, Pa. Applicant's attorney: Walter M. Swoope, 230 North Front Street, Philipsburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, for Sealtest Foods, Division of National Dairy Products Corporation, from Altoona, Pa., to Baltimore, Md.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126666 (Sub-No. 1), filed October 28, 1964. Applicant: HOWARD C. FOSTER, doing business as FOSTER'S TRANSFER & STORAGE, 1521 Nevin Avenue, Richmond, Calif. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission in 17 M.C.C. 467 between points in Napa, Contra Costa, Solano, Alameda, and Sonoma Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126669, filed October 21, 1964. Applicant: JOHN BARBER, doing business as BELLINGHAM TRANSFER, 1726 Ellis Street, and 1059 State Street, Bellingham, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General freight, including household goods, heavy machinery, and building materials*, between points in Washington, in a service performed in connection with other carriers on traffic moving to and from points beyond the State.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 126671, filed October 21, 1964. Applicant: MELVIN M. ERNST, 924 10th Avenue NE., Aberdeen, S. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and livestock supplies*, in bulk and in sacks, from Fort Dodge, Iowa, to points in Brown, Edmunds, Spink, Beadle, McPherson, Marshall, Roberts, Grant, Coddington, Campbell, Walworth, Potter, Dewey, Hyde, Hand, Clark, Hamlin, Deuel, Kingsbury, Day, Faulk, and Brookings Counties, S. Dak.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 126681, filed October 26, 1964. Applicant: C. S. SCOTT, doing business as SCOTT TRUCK LINE, Mammoth Spring, Ark. Applicant's attorney: Louis Tarlowski, Pyramid Life Building, Little Rock, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles and jars*, in truckloads, from the plantsite of the Arkansas Glass Containers Corp., located at Jonesboro, Ark., to points in Missouri, Alabama, Texas, Louisiana, Indiana, Illinois, Oklahoma, Kentucky, Mississippi, Georgia, Florida, and Tennessee, under continuing contract with the Arkansas Glass Container Corp., Jonesboro, Ark.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 126685, filed October 29, 1964. Applicant: ERNEST R. SLATER AND HOMER L. NORRIS, a partnership, doing business as AUXVASSE ELEVATOR, Auxvasse, Mo. Applicant's attorney: Frank J. Iuen, 101 East High Street, Jefferson City, Mo. Authority



sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, but not in tank or hopper type vehicles, from points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone to Auxvasse, Mo., and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 126687, filed October 30, 1964. Applicant: ANDREW GORZKOWSKI, 723 York Avenue, Duryea (Avoca Post Office), Pa. Applicant's attorney: John J. Dempsey, Jr., 1200 Miners National Bank Building, Wilkes-Barre, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood and lumber*, in truckload lots on flat-bed or stake-body trucks and tractor-trailer combinations (1) from the site of the processing plant of American Creosoting Corp. located at Avoca, Luzerne County, Pa., to points in New York, New Jersey, Maryland, Delaware, Connecticut, Massachusetts, and West Virginia, and (2) between plants of the American Creosoting Corp. located in New York, New Jersey, Maryland, Delaware, Connecticut, and Pennsylvania.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126688, filed October 28, 1964. Applicant: PRECISION TRUCKING, INC., 282 Richmond Avenue, Massapequa, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and food and food products*, such as, but not limited to, cheese, eggs, bacon, shortening, candies, jams, jellies, preserves, salad oil, salad dressing, caramels, mayonnaise, and fruit salad, in refrigerated and temperature controlled vehicles, between shipper's facilities located at New York, N.Y., on the one hand, and, on the other, points in Connecticut.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

MOTOR CARRIERS OF PASSENGERS

No. MC 39491 (Sub-No. 11), filed October 23, 1964. Applicant: L.&W. TRANSPORTATION CO., INC., 408 Madison Avenue, Mt. Holly, N.J. Applicant's attorney: John R. Sims, Jr., Suite 201, 3600 M Street NW., Washington, D.C., 20007. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers between the junction of U.S. Highway 13 and Pennsylvania Turnpike and New York City, from junction of U.S. Highway 13 and Pennsylvania Turnpike (Interchange No. 29), thence over the Pennsylvania Turnpike to its junction with the New Jersey Turnpike (New Jersey Turnpike Interchange No. 6), thence over New Jersey Turnpike to exit No. 16, thence over the roadway between exit No. 16 and the entrance to Lincoln Tunnel, thence through the Lincoln Tunnel to New York City and return over the same route, with service at no intermediate points.

NOTE: Applicant states it proposes to tack the above authority with its present regular route authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 59238 (Sub-No. 57), filed October 26, 1964. Applicant: VIRGINIA STAGE LINES, INCORPORATED, 114 Fourth Street SE., Charlottesville, Va. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Washington, D.C., and Richmond, Va.: from Washington, D.C., over Interstate Highway 95 to Richmond, and return over the same route, serving all intermediate points.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests that the hearing be held at Washington, D.C.

No. MC 126524 (Sub-No. 1), filed October 29, 1964. Applicant: NAPA TRANSIT COMPANY, a corporation, 1851 Trancas Avenue, Napa, Calif. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Migrant workers*, as defined in section 203(a) (23) of the Interstate Commerce Act, and *their baggage* in the same vehicle, between points in Contra Costa, Imperial, Monterey, San Benito, San Luis Obispo, San Mateo, Santa Cruz, and Yolo Counties, Calif., on the one hand, and, on the other, points in Yuma, Chochise, and Maricopa Counties, Ariz.

NOTE: If a hearing is deemed necesary, applicant requests it be held at San Francisco, Calif.

No. MC 126627 (CORRECTION), filed October 2, 1964, published FEDERAL REGISTER, issue of October 21, 1964, and republished as corrected this issue. Applicant: MILLSTONE BUS LINE, INC., Amwell Road, East Millstone, N.J. Applicant's attorney: William C. Mitchell, Jr., 140 Cedar Street, New York 6, N.Y.

NOTE: Blawenburg, N.J., was misspelled in Route (1), both with respect to the community by that name and with respect to Blawenburg-Bellemead Road. Previous publication showed *Blowenburg* in error.

APPLICATION FOR BROKERAGE LICENSES

No. MC 12929, filed October 28, 1964. Applicant: ANNA M. HENNESSY, 926 Sara Drive, Springfield, Pa. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa., 19109. For a license (BMC 5) to engage in operations as a *broker* at Springfield, Pa., in arranging for transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, both as individuals and in groups, in special and charter operations, beginning and ending at points in Delaware County, Pa., and extending to points in the United States and ports of entry on the International Boundary line between the United States and Canada.

APPLICATIONS OF WATER CARRIERS

WATER CARRIERS OF PROPERTY

No. W-376 (Sub-No. 20) (Sea-Land Service, Inc.—Extension—Seattle), filed October 28, 1964. Applicant: SEA-LAND SERVICE, INC., Elizabeth-Port Authority Piers, Elizabeth, N.J. Application of Sea-Land Service, Inc. filed October 28, 1964, to operate as a common carrier, by water, in interstate or foreign commerce, for a revised certificate authorizing extension of its operations to include—*General commodities* between Oakland, Calif., and Seattle, Wash., by use of non-self-propelled barge with separate towing vessels applicable only with respect to (1) the transportation of freight originating at, destined to or moving via Atlantic Coast ports which applicant is authorized to serve and (2) freight moving by applicant to and from its Atlantic Coast ports.

WATER CARRIERS OF PASSENGERS

No. W-1185 (Sub-No. 1) John William Halliger Extension—Red Wing, filed November 2, 1964. Applicant: JOHN WILLIAM HALLIGER, doing business as LAKE CITY EXCURSION CO., Monticello, Minn. Authority sought to operate as a common carrier, by water, by self-propelled vessels, in the transportation of *passengers* in round trip cruise service, on the Mississippi River during the season from May to October each year, beginning and ending at Red Wing, Minn.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 109637 (Sub-No. 268), filed October 26, 1964. Applicant: SOUTHERN TANK LINES INC., 4107 Bells Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fluorine*, in bulk, in tank vehicles, from Metropolis, Ill., to points in Colorado and (2) *empty fluorine trailers*, from points in Colorado, to Metropolis, Ill.

No. MC 113828 (Sub-No. 69), filed October 28, 1964. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aplite, dry*, in bulk, in pneumatic or hopper type vehicles, from points in Hanover County, Va., to Baltimore, Md.

No. MC 123446 (Sub-No. 16), filed October 19, 1964. Applicant: BAKERY PRODUCTS DELIVERY, INC., 404 West Putnam Avenue, Greenwich, Conn. Applicant's attorney: Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* (except unleavened and frozen bakery products), from the plant site of Arnold Bakers, Inc., at Port Chester, N.Y.,

to Cliffwood, N.J., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities and *stale, damaged, refused, rejected* and *non-salable bakery products* (except frozen and unleavened bakery products), on return.

No. MC 125567 (Sub-No. 3), filed October 26, 1964. Applicant: EDWIN S. LEHMAN AND DENNIS D. LEHMAN, a partnership, doing business as LEHMAN TRUCKING CO., Box 103, Kidron, Ohio. Applicant's attorney: Bernard S. Goldfarb, 1625 The Illuminating Building, 55 Public Square, Cleveland, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum truck body kits, knocked down, and cabs and fabricated parts* for construction machinery, in shipper owned trailers, from Kidron, Ohio, to points in Connecticut, Florida, Georgia, Kentucky, Michigan, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Illinois, and Maryland, and (2) *damaged and defective shipments, and materials and supplies* used in the manufacture of the commodities specified above, from points in Connecticut, Florida, Georgia, Kentucky, Michigan, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Illinois, and Maryland, to Kidron, Ohio.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 60), filed October 26, 1964. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill., 60603. Applicant's attorney: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers. (1) *Revision of California Route No. 270 on Certificate Sheet No. 50.* Redescribe the southern terminus of Route No. 270 to read "Calexico Junction" instead of "Midway Well," to read as follows: "between El Centro and Calexico Junction; from El Centro over California Highway 86 to junction California Highway 111, thence over California Highway 111 to Calexico, thence over California Highway 98 to junction U.S. Highway 80 (Calexico Junction)." (2) *Revision of California Route No. 273 on Certificate Sheet No. 50.* Establish new regular routes of operation over relocated segments of U.S. Highway 91, also designated as Interstate Highway 15, to be incorporated as segments of regular Route No. 273, in lieu of the presently authorized segments of said route herein proposed to be revoked, between the concerned points as follows: (1) Between West Yermo Junction and Field Road bypassing the points of Yermo, North Yermo, Harvard, and Manix; (2) between West Cronise Junction and East Cronise Junction, bypassing the point of Cronise; (3) between West Baker Interchange and East Baker Interchange with authority to continue service to Baker over access highways to and from Interstate Highway 15, and (4) between Desert City Junction and the California-Nevada State line, bypassing Desert City, to read as follows: "between Barstow and the California-Nevada State line south of Jean, Nev.: from Barstow over Interstate Highway 15 to the California-Nevada State line. (Connects with Nevada route 6). Authority is granted to serve Baker over available access highways to Interstate Highway 15," and return over the same routes, serving all intermediate points, subject to the general conditions and orders set forth on First Revised Sheet No. 1A of former Certificate No. 1501 (Sub-No. 138), now assigned No. MC 1515 (Sub-No. 7).

NOTE: The changes in operating authority hereinabove shown and explained are proposed to be incorporated in the designated revised sheets to said Certificate No. MC 1501 (Sub-No. 138), now MC 1515 (Sub-No. 7). Common control may be involved.

No. MC 1515 (Sub-No. 61), filed October 27, 1964. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between junction U.S. Highway 167 and Louisiana Highway 182, west of Grand Coteau, La., and Opelousas, La., from junction U.S. Highway 167 and Louisiana Highway 182, west of Grand Coteau, La., over U.S. Highway 167, to Opelousas, La., and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

No. MC 1515 (Sub-No. 62), filed October 27, 1964. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, between junction new U.S. Highway 61 and Louisiana Highway 964, northwest of Scotlandville, La., and junction new U.S. Highway 61 and Louisiana Highway 964, southeast of St. Francisville, La., from junction new U.S. Highway 61 and Louisiana Highway 964, northwest of Scotlandville, La., over new U.S. Highway 61, to junction Louisiana Highway 964, southeast of St. Francisville, La., and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

No. MC 1515 (Sub-No. 63), filed October 27, 1964. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, between Lyman, S.C., and Greer, S.C., from Lyman, S.C., over U.S. Highway 29 to junction South Carolina Highway 14, thence over South Carolina Highway 14 to Greer, S.C., and return over the same route, serving no intermediate points.

NOTE: Common control may be involved.

No. MC 107586 (Sub-No. 20), filed October 29, 1964. Applicant: CONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. Applicant's attorney: D. Paul Stafford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and newspapers and express*, in the same vehicle with passengers, between Jacksboro, Tex., and Olney, Tex., as follows: from Jacksboro over Texas Highway 24 through Bryson, Tex., and Graham, Tex. to Newcastle, Tex., thence over Texas Highway 251 to Olney, Tex., and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-11510; Filed, Nov. 10, 1964; 8:46 a.m.]

## NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 6, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

State Docket No. M-1034, filed October 28, 1964. Applicant: MIDLAND CONTINENTAL RAILROAD COMPANY, 111 Third Street SW., Jamestown, N. Dak. Applicant's attorney: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Wimbledon, N. Dak., and Edgeley, N. Dak., from Wimbledon over North Dakota Highway 9 to junction North Dakota Highway 20, thence over North Dakota Highway 20 to Jamestown, N. Dak., thence over U.S. Highway 281 to Edgeley, and return over the same route, serving the intermediate point of Jamestown, N. Dak., and the off-route points of Nortonville, Millarton, and Sydney, N. Dak.



*HEARING:* Date, time and place assigned for hearing this application, not specified.

Requests for procedural information, including the time for filing protests concerning this application should be addressed to the North Dakota Public Service Commission, State Capitol Building, Bismarck, N. Dak., 56501, and should *not* be directed to the Interstate Commerce Commission.

State Docket No. MC-4291 (Sub-No. 1) (AMENDMENT), filed September 2, 1964, published FEDERAL REGISTER, issue of October 7, 1964, amended November 2, 1964, and republished as amended this issue. Applicant: SARTAIN TRUCK LINE, INC., 1354 North Second Street, Memphis, Tenn. Applicant's attorney: John L. Uhlian, 603 Stahlman Building, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, from Union City, Tenn., to Rutherford, Tenn., over U.S. Highway 45 W., serving all intermediate points, including Union City and Rutherford, Tenn., and return over same route, to be used in conjunction with present operating authority. Applicant also requests alternate route from Greenfield, Tenn., to Bradford, Tenn., over U.S. Highway 45 E as an alternate route for operating convenience only. Also an alternate route from Brownsville, Tenn., to Covington, Tenn., over Tennessee Highway 54 as an alternate route for operating convenience only.

NOTE: The purpose of this republication is to (1) delete proposed route between Union City, Tenn., and Brownsville, Tenn., substituting therefor, the above described route between Union City, Tenn., and Rutherford, Tenn.; (2) add the two above described alternate routes, to the authority sought; and (3) indicate date, time and place of continued hearing.

*CONTINUED HEARING:* December 16, 1964, at 9:30 a.m., at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn.

Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-11511; Filed, Nov. 10, 1964; 8:46 a.m.]

[Notice 1076]

## MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 6, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67203. By order of November 3, 1964, the Transfer Board approved the transfer to Ronald Walker, doing business as Walker Transfer, Kenova, W. Va., of that portion of the operating rights in Certificate No. MC 87102, issued October 5, 1953, to Walter Walker, doing business as Walker Transfer, Kenova, W. Va., authorizing the transportation, over irregular routes, of household goods, between points in Wayne County, W. Va., on the one hand, and, on the other, points in Ohio on and south of U.S. Highway 40, those in Kentucky on and east of U.S. Highway 25 from Covington to Corbin, and on and east of U.S. Highway 25E from Corbin to the Kentucky-Tennessee State line, and those in Virginia on and west of U.S. Highway 220. Charles F. Dodrill, 600 Fifth Avenue, Huntington, W. Va., attorney for applicants.

No. MC-FC 67079. By order of October 30, 1964, the Transfer Board approved the transfer to Great Western Packers Express, Inc., Denver, Colo., of Certificate in No. MC 125773, issued March 12, 1964, to Walter R. Plankinton, doing business as Beeline Express, Thornton, Colo., authorizing the transportation of: Supplies used by beekeepers, and live bees, in hives, between points in Colorado and Nebraska, on the one hand, and, on the other, points in California. Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-11512; Filed Nov. 10, 1964; 8:47 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 5, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39371: *Grain sorghums to points in Kansas and Missouri.* Filed by Western Trunk Line Committee, agent (No. A-2377), for interested rail carriers. Rates on grain sorghums, broken, chipped, cracked, crushed, or ground, in carloads, from points in Kansas and Nebraska, to points in Kansas and Missouri.

Grounds for relief: Rate relationship.

Tariffs: Supplement 16 to Western Trunk Line Committee, agent, tariff I.C.C. A-4445, and 2 other schedules named in the application.

FSA No. 39372: *Barytes to New Orleans, La.* Filed by O. W. South, Jr., agent (No. A4588), for interested rail carriers. Rates on barytes, crude or ground, in carloads, from Sweetwater, Tenn., to New Orleans, La.

Grounds for relief: Market competition.

Tariff: Supplement 8 to Southern Freight Association, agent, tariff I.C.C. S-417.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-11458; Filed, Nov. 9, 1964; 8:46 a.m.]

FEDERAL REGISTER
Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402



FEDERAL REGISTER

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 213—EXCEPTED SERVICE

#### Department of Defense

Section 213.3106 is amended to show that the position, Director of Policy Review, Office of the Assistant Secretary of Defense (International Security Affairs), no longer is excepted under Schedule A. Effective upon publication in the FEDERAL REGISTER, subparagraph (6) of paragraph (a) of § 213.3106 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64–11590; Filed, Nov. 12, 1964; 8:48 a.m.]

### PART 213—EXCEPTED SERVICE

#### Department of Defense

Section 213.3306 is amended to show that the position of Deputy Assistant Secretary (Near East, South Asia Affairs and MAP Policy Review) in the Office of the Assistant Secretary of Defense for International Security Affairs, is excepted under Schedule C. Effective upon publication in the FEDERAL REGISTER, subparagraph (41) is added to paragraph (a) of § 213.3306 as set out below.

**§ 213.3306 Department of Defense.**

(a) *Office of the Secretary.* • • •

(41) One Deputy Assistant Secretary (Near East, South Asia Affairs and MAP Policy Review), Office of the Assistant Secretary of Defense for International Security Affairs.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64–11591; Filed, Nov. 12, 1964; 8:48 a.m.]

### PART 213—EXCEPTED SERVICE

#### Department of Health, Education, and Welfare

Section 213.3316 is amended to show the exception under Schedule C of the position of Deputy Commissioner of Education. Effective upon publication in the FEDERAL REGISTER, subparagraph (3) is added to paragraph (c) of § 213.3316 as set out below.

**§ 213.3316 Department of Health, Education, and Welfare.**

• • • • • •

(c) *Office of Education.* • • •

(3) Deputy Commissioner of Education.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64–11592; Filed, Nov. 12, 1964; 8:49 a.m.]

## Title 7—AGRICULTURE

### Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

### PART 729—PEANUTS

#### Subpart—1965 National Marketing Quota, National Acreage Allotment, and Apportionment of National Acreage Allotment to States

Sec.
729.1601 Basis and purpose.
729.1602 Proclamation of national marketing quota, normal yield per acre, and national acreage allotment for the crop of peanuts to be produced in 1965.
729.1603 Apportionment of the national acreage allotment to States.

AUTHORITY: The provisions of this subpart issued under secs. 358, 375, 55 Stat. 88, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1358, 1375.

**§ 729.1601 Basis and purpose.**

(a) Subsection 358(a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), hereinafter referred to as the Act, provides that between July 1 and December 1 of each calendar year the Secretary of Agriculture shall proclaim a national marketing quota for the crop of peanuts to be produced in the next succeeding calendar year. The quota for such crop shall be a quantity of peanuts which will make available for marketing a supply equal to the average quantity of peanuts harvested for nuts during the immediately preceding five years, adjusted for current trends and prospective demand conditions. Subsection 358(a) further provides that the national marketing quota may not be less than a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

(b) Except for the 1,610,000 acres minimum, the national marketing quota for the 1965 crop would be 831,000 tons and the national acreage allotment, computed by dividing the national quota by the normal yield per acre, then adjusting for underharvesting, would be 1,291,000 acres. In order to obtain the minimum national acreage allotment of 1,610,000 acres, the national marketing quota must be set at 1,187,375 tons. Subsection 358(a) also provides that the national marketing quota shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre for the United States.

(c) Subsection 358(c) of the Act provides that the national acreage allotment less the acreage to be alloted to new farms under subsection 358(f), shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made.

(d) Section 729.1602 of this proclamation establishes the national marketing quota, the normal yield per acre, and the national acreage allotment for the 1965 crop of peanuts. Section 729.1603 apportions the 1965 national acreage allotment among the several peanut-producing States. The determinations contained herein are based on the latest available statistics of the Federal Government.

(e) Public notice of the proposed determination of the 1965 national marketing quota, the national acreage allotment, and apportionment of such allotment among the States was given (29 F.R. 12878–12879) in accordance with the Administrative Procedure Act (5 U.S.C. 1001 et seq.). This proclamation is made after due consideration of recommendations and views submitted in response to such notice. In order that State allotments may be made available for the orderly determination of farm allotments for 1965, it is essential that the provisions of this document be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest.

**§ 729.1602 Proclamation of national marketing quota, normal yield per acre, and national acreage allotment for the crop of peanuts to be produced in 1965.**

(a) *National marketing quota.* The amount of the national marketing quota for peanuts for the crop to be produced in the calendar year 1965 is 1,187,375 tons.

(b) *Normal yield per acre.* The normal yield per acre of peanuts for the United States is 1,475 pounds.

(c) *National acreage allotment.* The national acreage allotment for the crop to be produced in the calendar year 1965 is 1,610,000 acres.

**§ 729.1603 Apportionment of the national acreage allotment to States.**

The national peanut acreage allotment proclaimed in § 729.1602 is hereby apportioned as follows:

| State: | *1965 State acreage allotment* |
|---|---|
| Alabama | 217,703 |
| Arizona | 714 |
| Arkansas | 4,205 |
| California | 936 |
| Florida | 55,235 |
| Georgia | 527,762 |
| Louisiana | 1,956 |
| Mississippi | 7,531 |
| Missouri | 247 |
| New Mexico | 5,448 |
| North Carolina | 168,552 |
| Oklahoma | 138,419 |
| South Carolina | 13,866 |
| Tennessee | 3,607 |
| Texas | 356,805 |
| Virginia | 105,404 |
| Total apportioned to States | 1,608,390 |
| Reserve for new farms | 1,610 |
| Total, United States | 1,610,000 |

Effective date: Effective upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 9, 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64-11583; Filed, Nov. 10, 1964; 10:30 a.m.]

# Title 8—ALIENS AND NATIONALITY

## Chapter I—Immigration and Naturalization Service, Department of Justice

### MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

### PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. Section 212.4 is amended to read as follows:

**§ 212.4 Applications for the exercsie of discretion under section 212(d)(3).**

(a) *Recommendations by consular officers.* District directors in the United States and officers in charge outside the United States in the Manila, Philippines; Frankfurt, Germany; Mexico, D.F., Mexico; and Rome, Italy, districts are authorized to act upon recommendations made by consular officers for the exercise of discretion under section 212(d)(3)(A) of the Act. The District Director, Washington, D.C., has jurisdiction in such cases recommended to the Service at the seat-of-government level by the Department of State. When a consular officer or other State Department official recommends that the benefits of section 212(d)(3)(A) of the Act be accorded an alien, neither an application nor fee shall be required. The recommendation shall specify (1) the reasons for inadmissibility and each section of law under which the alien is inadmissible; (2) each port at which the alien will arrive; (3) each intended date of arrival; (4) the length of each proposed stay in the United States; (5) the purpose of each stay; (6) the number of entries which the alien intends to make, and (7) the justification for exercising the authority contained in section 212(d)(3) of the Act. If the alien desires to make multiple entries and the consular officer or other State Department official believes that the circumstances justify the issuance of a visa valid for multiple entries rather than for a specified number of entries, and recommends that the alien be accorded an authorization valid for multiple entries, the information required by subparagraphs (2), (3), and (4) of this paragraph shall be furnished only with respect to the initial entry. Subparagraphs (2) and (3) of this paragraph do not apply to a bona fide crewman. The consular officer or other State Department official shall be notified of the decision on his recommendation. No appeal by the alien shall lie from an adverse decision made by a Service officer on the recommendation of a consular officer or other State Department official.

(b) *Applications made when visa is not required.* When a visa is not required, an application for the exercise of discretion under section 212(d)(3)(B) of the Act shall be submitted on Form I-192 to the district director in charge of the applicant's intended port of entry prior to the applicant's arrival in the United States. (For Department of State procedure when a visa is required, see 22 CFR 41.95 and paragraph (a) of this section.) If the application is made because the applicant may be inadmissible due to present or past membership in or affiliation with any Communist or other totalitarian party or organization, there shall be attached to the application a written statement of the history of the applicant's membership or affiliation, including the period of such membership or affiliation, whether the applicant held any office in the organization, and whether his membership or affiliation was voluntary or involuntary. If the applicant alleges that his membership or affiliation was involuntary, the statement shall include the basis for that allegation. When the application is made because the applicant may be inadmissible due to disease, mental or physical defect, or disability of any kind, the application shall describe the disease, defect, or disability. If the purpose of seeking admission to the United States is for treatment, there shall be attached to the application statements in writing to establish that satisfactory treatment cannot be obtained outside the United States; that arrangements have been completed for treatment, and where and from whom treatment will be received; what financial arrangements for payment of expenses incurred in connection with the treatment have been made, and that a bond will be available if required. When the application is made because the applicant may be inadmissible due to the conviction of one or more crimes, the designation of each crime, the date and place of its commission and of the conviction thereof, and the sentence or other judgment of the court shall be stated in the application; in such a case the application shall be supplemented by the official record of each conviction, and any other documents relating to commutation of sentence, parole, probation, or pardon. If the application is made at the time of the applicant's arrival to the district director at a port of entry, the applicant shall establish that he was not aware of the ground of inadmissibility and that it could not have been ascertained by the exercise of reasonable diligence, and he shall be in possession of appropriate documents or have been granted a waiver thereof. The applicant shall be notified of the decision and if the application is denied of the reasons therefor and of his right to appeal to the Board within 15 days after the mailing of the notification of decision in accordance with the provisions of Part 3 of this chapter. If denied, the denial shall be without prejudice to renewal of the application in the course of proceedings before a special inquiry officer under sections 235 and 236 of the Act and this chapter. When an appeal may not be taken from a decision of a special inquiry officer excluding an alien but the alien has applied for the exercise of discretion under section 212(d)(3)(B) of the Act, the alien may appeal to the Board from a denial of such application in accordance with the provisions of § 236.5(b) of this chapter.

(c) *Terms of authorization.* Each authorization under section 212(d)(3)(A) or (B) of the Act shall specify (1) the reasons for inadmissibility and each section of law under which the alien is inadmissible; (2) each port at which each entry is permitted; (3) the intended date of each arrival; (4) the length of each stay authorized in the United States; (5) the purpose of each stay; (6) the number of entries for which the authorization is valid; (7) the date to which the authorization is valid for application for admission at ports of entry in the United States, and (8) the justification for exercising the authority contained in section 212(d)(3) of the Act. If the consular officer has recommended the issuance of the authorization valid for multiple entries rather than for a specified number of entries, and it is determined that the circumstances justify the issuance of the authorization valid for multiple entries, the information required by subparagraph (2), (3), and (4) of this paragraph shall be specified only with respect to the initial entry. Subparagraph (2) and (3) of this paragraph do not apply to a bona fide crewman. Authorizations granted crewmen may be valid for multiple entries and for a maximum period of two years. All other authorizations shall be valid only for the number of entries and for the period of time justified, up to a maximum period of six months. Each authorization shall specify that it is subject to revocation at any time.

(d) *Inadmissibility of a nonimmigrant under section 212(a)(24).* Pursuant to the authority contained in section 212(d)(3) of the Act, the ground of inadmissibility contained in section 212(a)(24) of the Act is waived for any nonimmigrant.

(e) *Action upon alien's arrival.* Upon admitting an alien who has been granted the benefits of section 212(d)(3)(A) of the Act, the immigration officer shall be guided by the conditions and limitations imposed in the authorization and noted by the consular officer in the alien's passport. When admitting any alien who has been granted the benefits of section 212(d)(3)(B) of the Act, the immigration officer shall note on the arrival-departure record, Form I-94, issued to the alien, the conditions and limitations imposed in the authorization.

(f) *Authorizations issued to crewmen without limitation as to period of validity.* When a crewman who has a valid section 212(d)(3) authorization without any time limitation comes to the attention of the Service, his travel document shall be endorsed to show that the validity of his section 212(d)(3) authorization expires as of a date six months thereafter, and any previously-issued Form I-184 shall be lifted and Form I-95 shall be issued in its place and similarly endorsed.

(g) *Revocation.* The Deputy Associate Commissioner, Travel Control, or the district director may at any time revoke a waiver previously authorized under section 212(d)(3) of the Act and shall notify the nonimmigrant in writing to that effect



### PART 214—NONIMMIGRANT CLASSES

2. Subparagraph (1), subdivision (ii) of subparagraph (2), and subparagraph (3) of paragraph (h) of § 214.2 are amended to read as follows:

**§ 214.2 Special requirements for administration, extension, and maintenance of status.**

* * * * *

(h) *Temporary employees—(1) Petitions.* An alien defined in section 101(a)(15)(H) of the Act must be the beneficiary of an approved visa petition filed on Form I-129B. The petition with supporting documents shall be filed by the petitioner with the district director having administrative jurisdiction over the place in the United States where the beneficiary will perform services or receive training. More than one beneficiary may be included in a petition if they will be performing the same type of service or will be receiving the same type of training, will be applying for visas at the same consulate, and will be performing services or receiving training in the same immigration district. If an alien in the United States desires to perform temporary services or training for another petitioner, a new petition on Form I-129B must be submitted, and if the petition is approved, an extension of stay may be granted without requiring the submission of Form I-539. The petitioner need not be a United States resident. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

(2) *Supporting evidence—(i) Petition for alien of distinguished merit and ability.* * * *

(ii) *Petition for alien to perform other temporary service or labor.* A United States Employment Service clearance order concerning the nonavailability of qualified persons in the United States and stating that its policies have been observed shall be attached to every submitted nonimmigrant visa petition to accord an alien a classification under section 101(a)(15)(H)(ii) of the Act, unless the petitioner has been informed by the Service that a clearance order for the beneficiary's occupation is not required. The clearance card issued by the Employment Service of the Territory of Guam will be accepted in lieu of that issued by the United States Employment Service in connection with a petition for employment of laborers in Guam. A statement shall be furnished describing in detail the situation or conditions which make it necessary to bring the alien to the United States, and whether the need is temporary, seasonal, or permanent; if temporary or seasonal, whether it is expected to be recurrent.

* * * * *

(3) *Admission and extension.* A beneficiary may apply for admission to the United States only during the period of validity of the petition. The authorized period of a beneficiary's admission shall be governed by the period of established need for his temporary services or training, but shall not exceed the date of validity of the petition. A nonimmigrant visa petition in a case in which a clearance order is not required shall be valid for not more than one year from the date of the petition's approval. If a clearance order is required, the approval of the petition shall be valid for not more than one year from the endorsement date placed on the clearance order by the Washington office of the United States Employment Service, except that if the clearance order sets forth a specific date to which it is valid, the approval of the visa petition shall not be valid beyond that specified date. An extension of stay may be authorized in increments of not more than 12 months each under the same terms and conditions that apply to an admission, except that an applicant for an individual extension on Form I-539 shall not require a new petition to continue previously authorized temporary employment or training. Form I-129B shall be used when filing an application for a group extension. An alien defined in section 101(a)(15)(H)(ii) of the Act shall not be granted an extension which would result in an unbroken stay in the United States for more than three years.

### PART 252—LANDING OF ALIEN CREWMEN

3. Section 252.2 is amended to read as follows:

**§ 252.2 Revocation of conditional landing permits; deportation.**

An alien permitted to land conditionally under § 252.1(d)(1) may, within the period of time for which he was permitted to land, be taken into custody by any immigration officer without a warrant of arrest and be transferred to the vessel upon which he arrived in the United States, if such vessel is in any port of the United States and has not been in a foreign port or place since the crewman was issued his conditional landing permit, upon a determination by the immigration officer that the alien crewman is not a bona fide crewman or that he does not intend to depart on the vessel on which he arrived in the United States. The conditional landing permit of such an alien crewman shall be taken up and revoked by the immigration officer, and a notice on Form I-259 to detain and deport such alien crewman shall be served on the agent for the vessel, and if they are available, on the owner and the master or commanding officer of the vessel. Form I-99 shall be served on the crewman when he is taken into cusetody or as soon as practicable thereafter. On the written request of the master of the vessel, the crewman may be detained and deported, both at the expense of the transportation line on whose vessel he arrived in the United States, other than on the vessel on which he arrived in the United States, if detention or deportation on such latter vessel is impractical.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure.

Dated: November 9, 1964.

RAYMOND F. FARRELL,
*Commissioner of Immigration and Naturalization.*

[F.R. Doc. 64-11588; Filed, Nov. 12, 1964; 8:48 a.m.]

# Title 12—BANKS AND BANKING

## Chapter II—Federal Reserve System

### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. H]

### PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

### Reports of Change in Control

**§ 208.115 Reports of changes in control of management.**

(a) Under a statute enacted September 12, 1964 (Public Law 88-593; 78 Stat.

940) all insured banks are required to report promptly (1) changes in the outstanding voting stock of the bank which will result in control or in a change in control of the bank and (2) any instances where the bank makes a loan or loans, secured, or to be secured, by 25 percent or more of the outstanding voting stock of an insured bank.

(b) Reports concerning changes in control of a State member bank are to be made by the president or other chief executive officer of the bank, and shall be submitted to the Federal Reserve Bank of its district.

(c) Reports concerning loans by an insured bank on the stock of a State member bank are to be made by the president or other chief executive officer of the lending bank, and shall be submitted to the Federal Reserve Bank of the State member bank on the stock of which the loan was made.

(d) Paragraphs 3 and 4 of this legislation specify the information required in the reports which, in cases involving State member banks, should be addressed to the Vice President in Charge of Examinations of the appropriate Federal Reserve Bank.

(12 U.S.C. 248(1). Interprets 12 U.S.C. 1817 (j))

Dated at Washington, D.C., this 18th day of September 1964.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 64-11527; Filed, Nov. 12, 1964; 8:46 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Airspace Docket No. 63-CE-54]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone and Designation of Transition Areas

On August 6, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11380) stating that the Federal Aviation Agency proposed to alter the control zone at Columbia, Mo., and designate transition areas at Columbia and Jefferson City, Mo.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101), the Columbia, Mo., control zone is amended to read:

*Columbia, Mo.*

Within a 5-mile radius of the Columbia Municipal Airport (latitude 38°58'25" N., longitude 92°21'50" W.); and within 2 miles each side of the Columbia VOR 003° radial, extending from the 5-mile radius zone to 8 miles N of the VOR.

2. Section 71.181 (29 F.R. 1160) is amended as follows:

a. The Columbia, Mo., transition area is designated to read:

*Columbia, Mo.*

That airspace extending upward from 700 feet above the surface, bounded on the N by latitude 39°09'00" N., on the W by longitude 92°31'00" W., on the S by latitude 38°53'20" N., on the E by longitude 92°14'00" W.; within 2 miles each side of the Columbia VOR 176° radial, extending from the VOR to 13 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 38°39'00" N., longitude 92°31'00" W., thence N along longitude 92°31'00" W., to latitude 38°53'30" N., thence E along latitude 38°53'30" N., to longitude 92°14'00" W., thence S along longitude 92°14'00" W., to latitude 38°43'30" N., longitude 92°14'00" W., thence SE to latitude 38°32'40" N., longitude 91°55'35" W., thence SW to latitude 38°23'-35" N., longitude 92°03'40" W., thence NW to the point of beginning.

b. The Jefferson City, Mo., transition area is designated to read:

*Jefferson City, Mo.*

That airspace extending upward from 700 feet above the surface, within a 6-mile radius of the Jefferson City Memorial Airport (latitude 38°35'30" N., longitude 92°09'30" W.), and within 2 miles each side of the 307° bearing from Jefferson City Memorial Airport, extending from the 8-mile radius area to 8 miles NW of the airport.

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 5, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11551; Filed, Nov. 12, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SO-57]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

On October 3, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13610) stating that the Federal Aviation Agency proposed to alter the control zone at Atlanta, Ga. (Atlanta Airport).

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 1101, 1445, 4855) the Atlanta, Ga. (Atlanta Airport) control zone is amended to read:

*Atlanta, Ga. (Atlanta Airport).*

Within a 5-mile radius of Atlanta Airport (latitude 33°38'42" N., longitude 84°25'37" W.); within 2 miles each side of the Atlanta ILS Runway 9 left localizer W course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Atlanta ILS localizer SE course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Atlanta ILS Runway 9 left localizer E course, extending from the 5-mile radius zone to the INT of the localizer E course and the McDonough, Ga., VORTAC 333° radial; within 2 miles each side of the Atlanta ILS Runway 9 right localizer W course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Rex, Ga., 271° radial, extending from the 5-mile radius zone to 8.5 miles E of the Atlanta Airport and within a 3-mile radius of Morris AAF (latitude 33°37'20" N., longitude 84°20'-30" W.).

This amendment is made under authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on November 4, 1964.

PAUL H. BOATMAN,
*Acting Director, Southern Region.*

[F.R. Doc. 64-11552; Filed, Nov. 12, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WE-30]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

On August 1, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11162) stating that the Federal Aviation Agency proposed to extend the time of effectiveness of the Pasco, Washington Control Zone from 0700 to 2100 hours to 0400 to 2200 hours, daily.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 1101, 6530) the Pasco, Wash., control zone altered as follows: "0700 to 2100 hours, local time, daily." is deleted and "0400 to 2200 hours, local time, daily." is substituted therefor.

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 5, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11553; Filed, Nov. 12, 1964; 8:45 a.m.]



# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

### Subpart D—Food Additives Permitted in Food for Human Consumption

DIMETRIDAZOLE

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1092) filed by Dr. Salsbury's Laboratories, Charles City, Iowa, and other relevant material, has concluded that the food additive regulations should be amended to provide the conditions under which dimetridazole (1,2-dimethyl-5-nitroimidazole) may be safely used in the drinking water of turkeys. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), Part 121 is amended by adding to Subpart C the following new section:

§ 121.258 Dimetridazole.

Dimetridazole may be safely used in accordance with the following conditions:

(a) The additive is the chemical 1,2-dimethyl-5-nitroimidazole, $C_5H_7O_2N_3$, conforming to the following specifications:

(1) Melting point 137° C. to 141° C.

(2) Assay (dry basis) 98.0 to 101.0 percent (by titration with perchloric acid in acetic acid).

(b) Permitted uses of dimetridazole alone are described in tabular form in this section.

(c) It is used or intended for use as follows:

TABLE 1—DIMETRIDAZOLE IN DRINKING WATER

| Principal ingredient | Amount | Combined with— | Amount | Limitations | Indications for use |
|---|---|---|---|---|---|
| 1. Dimetridazole | *Percent* 0.01 | | | For turkeys; as sole source of drinking water; not for laying birds; withdraw 3 days before slaughter; as sole source of dimetridazole. | Prevention of blackhead. |
| 2. Dimetridazole | 0.02 | | | do | Do. |
| 3. Dimetridazole | 0.04 | | | For turkeys; as sole source of drinking water; treat for 5 days only; not for laying birds; withdraw 5 days before slaughter; as sole source of dimetridazole. | Treatment of severe outbreaks of blackhead. |

(d) To assure safe use, the label and labeling of the additive, any combination of additives, any final dosage form, and any feed additive premix, feed additive concentrate, feed additive supplement, or complete feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities of each additive contained therein.

(3) Adequate directions and warnings for use.

2. Based upon an evaluation of the data before him and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner has further concluded that a tolerance limitation is required in order to assure that use of the food additive dimetridazole in accordance with § 121.258 will not cause the edible tissues and byproducts of turkeys to be unsafe. Therefore, Part 121 is amended by adding to Subpart D the following new section:

§ 121.1167 Dimetridazole.

A tolerance of zero is established for residues of dimetridazole in the uncooked edible tissues and byproducts of turkeys.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: November 4, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11575; Filed, Nov. 12, 1964; 8:46 a.m.]

### PART 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

### PART 146c—CERTIFICATION OF CHLORTETRACYCLINE AND CHLORTETRACYCLINE-CONTAINING DRUGS

### Chlortetracycline in Drinking Water of Laying Chickens

Pursuant to the provisions of sections 409(c)(1) and 507 of the Federal Food, Drug, and Cosmetic Act (secs. 409(c)(1), 507, 59 Stat. 463 as amended, 72 Stat. 1786; 21 U.S.C. 348(c)(1), 357)), and under the authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner of Food and Drugs (21 CFR 2.90; 29 F.R. 471), the following amendments are ordered:

§ 121.208 [Amended]

1. Based upon data contained in Food Additive Petition No. 4C1421, filed by American Cyanamid Company, P.O. Box 400, Princeton, New Jersey, 08540, and other relevant material, the Commissioner has concluded that the food additive chlortetracycline, when used in accordance with the conditions prescribed, may be safely used in the drinking water of laying chickens. Therefore, § 121.208 *Chlortetracycline* is amended by deleting the limitation "not for laying chickens" from items 1 and 3 in Table 4—Chlortetracycline in Drinking Water for Chickens and Turkeys in paragraph (d).

2. Under the conditions prescribed in Table 4, items 1 and 3, in § 121.208(d), the Commissioner concludes that the antibiotic drug chlortetracycline bisulfate may be safely administered in the drinking water of laying chickens. Therefore, § 146c.265 is amended to reflect the relaxation by changing the labeling requirement in paragraph (c)(1)(iv) to read:

§ 146c.265 Chlortetracycline bisulfate soluble powder veterinary.

* * * * *

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) * * *

(iv) A statement to the effect that it is to be administered only in the drinking water of poultry, and that it should not be given to laying chickens when it is administered in concentrations greater than 200 milligrams of chlortetracycline hydrochloride equivalent per gallon of water.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein

the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(1), 507, 59 Stat. 463 as amended, 72 Stat. 1786; 21 U.S.C. 348(c)(1), 357)

Dated: November 4, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11577; Filed, Nov. 12, 1964; 8:47 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

FOOD STARCH-MODIFIED

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5A1516) filed by Stein, Hall & Co., Inc., 605 Third Avenue, New York, New York, 10016, and other relevant material, has concluded that the food additive regulations (21 CFR 121.1031; 29 F.R. 12459) should be amended to provide for the safe use of a food starch-modified by treatment with not more than 0.1 percent phosphorus oxychloride and not more than 10.0 percent propylene oxide. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1031(f) is amended by changing the third item listed to read as follows:

§ 121.1031 Food starch-modified.

* * * * * *

(f) * * *

| Limitations |
|---|
| * * * * * * |
| Phosphorus oxychloride, not to exceed 0.1 percent, and propylene oxide, not to exceed 10.0 percent. |
| * * * * * * |

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 4, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11576; Filed, Nov. 12, 1964; 8:46 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SANITIZING SOLUTIONS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1375) filed by Economics Laboratory, Inc., Guardian Building, St. Paul, Minnesota, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of a sanitizing solution consisting in part of iodine and certain adjuvants. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.2547 is amended by adding a new subparagraph (4) to paragraph (b) and a new subparagraph (4) to paragraph (c), as follows:

§ 121.2547 Sanitizing solutions.

* * * * * *

(b) * * *

(4) An aqueous solution containing iodine, butoxy monoether of mixed (ethylene-propylene) polyalkylene glycol having a cloud-point of 90° C.–100° C. in 0.5 percent aqueous solution and an average molecular weight of 3300, ethylene glycol monobutyl ether, and diethylene glycol monoethyl ether, together with components generally recognized as safe.

(c) * * *

(4) Solutions identified in paragraph (b)(4) will contain iodine not in excess of the minimum required to provide not more than 25 parts per million of titratable iodine. The adjuvants used with the iodine will not be in excess of the minimum amounts required to accomplish the intended technical effect.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 4, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11578; Filed, Nov. 12, 1964; 8:47 a.m.]

# Title 31—MONEY AND FINANCE: TREASURY

## Subtitle A—Office of the Secretary

## PART 3—CLAIMS REGULATIONS

### Miscellaneous Amendments

The Supreme Court of the United States, in Williams v. United States, 350 U.S.C. 857 (1955), ruled that local law is to be applied in determining whether an employee was acting within the scope of his employment for purposes of the so-called Federal Tort Claims Act. Section 3.28 is amended to reflect this interpretation. Section 3.63 is amended to reflect changes in procedure within the Department.

1. Section 3.28 is amended by deleting the second sentence. As so amended § 3.28 reads as follows:

§ 3.28 Contributory negligence, subrogation and pain and suffering.

Questions of contributory negligence, subrogation, the allowance of damages for pain and suffering and other questions of law, will be determined by the law of the place where the accident occurred.

2. Section 3.63 is amended to read as follows:

§ 3.63 Payment of claim.

Claims cognizable under this subpart, upon approval are forwarded to the Accounting Officer, Bureau of Accounts. Pursuant to the call of the Bureau of the Budget, the Bureau of Accounts transmits the claim through the Director, Office of Budget and Finance, to the Bureau of the Budget for inclusion in a deficiency appropriation bill. After the enactment of the bill by the Congress, the claimant should make application for payment to the General Accounting Office. After receipt of the certificate of settlement issued by the General Accounting Office, the Treasury Department draws a check and mails it to the claimant.

(R.S. 161, as amended; 5 U.S.C. 22)

Dated: November 6, 1964.

[SEAL] G. D'ANDELOT BELIN,
*Acting Secretary of the Treasury.*

[F.R. Doc. 64-11587; Filed, Nov. 12, 1964; 8:48 a.m.]



# Title 32—NATIONAL DEFENSE

## Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

## MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W is amended as follows:

## PART 1001—GENERAL PROVISIONS

### Subpart D—Procurement Responsibility and Authority

1. In § 1001.451(b) the second reference is deleted. This paragraph now reads as follows:

§ 1001.451 Representatives of contracting officers.

* * * * * *

(b) The designating authority (see § 1001.454) may designate any officer, warrant officer, civilian, or noncommissioned officer to act as representative of a contracting officer or his duly designated successor. The written designation will contain specific instructions as to the extent to which the representative may take action for the contracting officer but will not contain authority to sign contractual documents.

* * * * * *

§ 1001.453 [Amended]

2. In § 1001.453(m)(3) delete the words "except as provided in § 1001.201–3."

§ 1001.457 [Amended]

3. In § 1001.457(a)(12)(v) delete the words "according to Subpart X, Part 1054 of this subchapter."

§ 1001.465 [Amended]

4. In § 1001.465(a) amend the reference "§ 1.311(c) of this title" to read "§ 4.101–2 of this title."

### Subpart E—Contingent or Other Fees

§ 1001.507–2 [Deleted]

Delete § 1001.507–2.

### Subpart I—Responsible Prospective Contractors

§ 1001.902–2 [Amended]

1. In § 1001.902–2(b) amend the reference "§ 1.902–1 (b) or (e)" to read "§ 1001.902–1 (b) or (e)."

2. In § 1001.904–1(a) the second sentence of subparagraph (4) is amended. This subparagraph now reads as follows:

§ 1001.904–1 Requirement.

(a) * * *

(4) Negative FCR, SSS, or SSSB recommendation with respect to "capacity" or "credit" of a small business concern (§ 1.701 of this title) require special handling. See § 1.705–4 of this title. (See also §§ 1001.902–1(c) and 1001.950.) The fact that the SBA has issued a Certificate of Competency as to the capacity or credit of a small business concern does not relieve the contracting officer from the responsibility for certifying that the prospective contractor is responsible as to the other factors of responsibility, i.e., questions Three, Five and Six of the FCR as applicable. (See § 1001.905–1(a).) Certificates of Competency will be placed in the contract file.

3. In § 1001.905–1(a), the reference in the Note which follows subparagraph (3)(vii) is deleted. The Note now reads as follows:

§ 1001.905–1 General.

(a) * * *
(3) * * *
(vii) * * *

NOTE: If the reply to question Three is negative, identify the deficiencies and furnish a complete explanation. Performance as to quality or delivery on previous or current Government contracts related to "capacity" or "credit" is considered under questions One and Two of the FCR and is subject to certification of competency by the SBA in the case of a small business concern.

* * * * * *

§ 1001.907 [Amended]

4. In § 1001.907 the reference "§ 1.705–6(b)" is amended to read "§ 1.705–4 of this title."

5. Section 1001.950 is set forth to correct the references therein, as follows:

§ 1001.950 Small business procedures.

(a) * * *

(1) See § 1.705–4 of this title, Certificate of Competency, and § 1001.902–1(c). The procedure outlined in subparagraph (2) of this paragraph will be followed when negative replies are submitted on a Small Business concern and the replies to question Three, Five or Six, as applicable, are affirmative on all proposed awards of $10,000 and over, or at the request of the PCO on proposed awards of over $2,500 and less than $10,000. SBA has 15 work days from the date it is notified in which to issue a Certificate of Competency (COC). Before selecting another source, the PCO will wait 5 work days from the date SBA was notified, unless notified sooner, for advice from the AF small business specialist in the purchasing activity as to whether or not a COC is being processed by SBA. If the PCO is notified that a COC is being processed he will take no further action pending receipt of the COC or notification that one will not be issued. The 15 day period may be extended at the option of the PCO. If a COC is issued, the PCO will accept it as conclusive as to questions One and Two unless he has substantial doubts as to the prospective contractor's ability to perform. (See also § 1001.904–1(a)(4) regarding required PCO Certification.) All actions between the PCO and SBA or local AF small business specialists will be channeled through the small business specialist at the purchasing activity, if one is assigned. The procedures in subparagraph (2) of this paragraph are mandatory except where the award must be made without delay in which case the PCO will make, sign and place in the contract file a certification setting forth the justification for awarding the contract without delay. The PCO must furnish the small business specialist at the purchasing activity a copy of his decision which will be transmitted to the cognizant SBA regional office through the small business specialist at the FCR activity.

(2) A copy of the FCR and the information in § 1.705–4 of this title will be sent to the AF small business specialist in the appropriate FCR activity at the same time that the FCR is sent to the PCO. The small business specialist will:

(i) Immediately advise the SBA regional office having jurisdiction over the area in which the small business or authorized pool is located, of the negative FCR and furnish SBA the information in § 1.705–4 of this title.

* * * * * *

### Subpart J—Publicizing Procurement Actions

1. In § 1001.1002–51(a) the parenthetical phrase is deleted. This paragraph now reads as follows:

§ 1001.1002–51 Distribution of invitations for bid and requests for proposals.

(a) AF procurement activities will effect distribution of unclassified IFBs and RFPs as follows, in addition to persons or firms on the appropriate bidders' mailing list. Copies of IFBs will be supplied to additional sources upon submission of AFPI Form 2B, "Request for Bid Set."

* * * * * *

§ 1001.1003–1 [Amended]

2. In § 1001.1003–1(d) the reference "§ 1.1003–3(a)" is amended to read "§ 1.1003–6." And in paragraph (e) the reference "and § 1001.1003–3" is deleted.

§ 1001.1005–6 [Amended]

3. In § 1001.1005–6(a) the reference "§ 1001.1005–11(c)" is amended to read "§ 1001.1005–11(a)."

4. Sections 1001.1006 and 1001.1006–2 are set forth to correct the references therein.

§ 1001.1006 Publicizing award information.

The words "press releases or public announcements" as used in §§ 1.1005 through 1.1005–2 of this title means releases or announcements made through the AF Office of Information Services and does not change procedures respecting synopses of contract awards covered by § 1.1004 of this title.

**§ 1001.1006–2 Awards after procurement by negotiation.**

(a) No implementation.

(b) A copy of each unclassified written notice required by § 3.507 of this title will be furnished by the concerned contracting officer to the office responsible for displaying IFBs (§ 1.1002–4 of this title) for public posting by that office for at least 7 days.

**§ 1001.1006–50 [Amended]**

5. In § 1001.1006–50 the first reference, "§ 1.1006," is amended to read "§ 1.1005."

## PART 1002—PROCUREMENT BY FORMAL ADVERTISING

### Subpart A—Use of Formal Advertising

**§ 1002.104–50 [Amended]**

Section 1002.104–50 is amended by deleting paragraph (c).

### Subpart B—Solicitation of Bids

**§ 1002.201 [Amended]**

a. In § 1002.201(a), the last reference in the Note following subparagraph (14) is deleted.

b. In paragraph (b)(ix) the reference "§ 1001.364 of this subchapter" is amended to read "§ 1.1208 of this title."

## PART 1003—PROCUREMENT BY NEGOTIATION

### Subpart A—Use of Negotiation

**§ 1003.106 [Amended]**

In § 1003.106 the reference is amended to read "§ 3.507(b)."

### Subpart D—Types of Contracts

In § 1003.404–6(c) the reference is deleted; and in paragraph (c)(6) the reference is amended, as follows:

**§ 1003.404–6 Retroactive and prospective price redetermination at a stated time during performance (FPR–C).**

* * * * *

(c) *Limitations.* To obtain Hq AFSC or Hq AFLC written approval for use of this contract, contracting officers located in AFSC procurement activities and Office of Aerospace Research (OAR) will address requests to AFSC (ASXKF), WPAFB, Ohio; requests from contracting officers located in all other AF procurement activities will be addressed to AFLC (MCPKP). Requests for approval will be signed by the contracting officer and will contain the following information:

* * * * *

(6) Statement indicating that each of the requirements under § 3.404–5(c) of this title has been considered and complied with.

* * * * *

### Subpart F—Small Purchases

1. Delete Note following subpart heading.

2. In § 1003.653(g) the reference is deleted. This paragraph now reads as follows:

**§ 1003.653 Blanket delivery orders.**

* * * * *

(g) When it is desired to allow the requiring activity to schedule deliveries not authorized in paragraph (f) of this section, request for approval with complete justification will be forwarded to AFLC (MCPPL). Authority previously granted under this section remains valid.

### Subpart H—Price Negotiation Policies and Techniques

In § 1003.850–6(a) the parenthetical phrase is amended and this paragraph now reads as follows:

**§ 1003.850–6 Pricing of fixed-price type maintenance, overhaul, and modification contracts.**

(a) In those maintenance, overhaul, and modification contracts where services and indirect materials are procured on a fixed-price basis and it is agreed that contractor will furnish, as needed, certain direct materials and parts on a cost-reimbursement basis, profit consideration on fixed price negotiated will represent reasonable reward for total contract effort. Subsequent reimbursement for contractor-furnished direct materials or parts will be limited to direct material costs only (see § 1007.4503–4 of this subchapter for contract clause and § 15.205–22(c) of this title for discussion on pricing intercompany sales or transfers of materials).

* * * * *

## PART 1004—SPECIAL TYPES AND METHODS OF PROCUREMENT

### Subpart A—Procurement of Construction

**§§ 1004.150–2; 1004.150–5 [Amended]**

In § 1004.150–2(b) amend the reference "§ 1.705–6" to read "§ 1.705–4"; in § 1004.150–5(a)(2)(ii) amend both references to "§3.506–1"; and in subdivision (c) amend the reference to read § 1.705–4.

## PART 1006—FOREIGN PURCHASES

### Subpart A—Buy American Act; Supply and Service Contracts

Amend § 1006.104–6 to read as follows:

**§ 1006.104–6 Contract administration.**

See § 1003.903–52 of this subchapter.

## PART 1007—CONTRACT CLAUSES

### Subpart B—Clauses for Cost-Reimbursement Type Supply Contracts

**§§ 1007.204; 1007.205 [Amended]**

1. In §§ 1007.204 and 1007.205 amend the reference to read "§ 1.705–1 of this title."

2. Revise § 1007.205–1 to read as follows:

**§ 1007.205–1 Alterations in contract.**

Insert the clause in § 7.105–1 of this title.

### Subpart U—Clauses for Fixed-Price Nonpersonal Service Contracts

Revise §§ 1007.2104–1 and 1007.2104–15 to read as follows:

**§ 1007.2104–1 Walsh-Healey Public Contracts Act.**

According to the requirements of §§ 12.602 through 12.602–3 of this title, insert the clause set forth in § 12.605 of this title.

**§ 1007.2104–15 Alterations in contract.**

Insert the clause set forth in §7.105–1 of this title.

### Subpart V—Clauses for Technical Services Contracts

Revise §§ 1007.2203–5 and 1007.2204–9 to read as follows:

**§ 1007.2203–5 Assignment of claims.**

Insert the clause set forth in § 7.103–8 of this title.

**§ 1007.2204–9 Alterations in contract.**

Insert the clause set forth in § 7.105–1 of this title.

### Subpart AA—Clauses for Facilities Contracts

Revise §§ 1007.2703–10, 1007.2703–19, and 1007.2704–7 to read as follows:

**§ 1007.2703–10 Assignment of claims.**

Insert the clause set forth in § 7.103–8 of this title.

**§ 1007.2703–19 Walsh-Healey Public Contracts Act.**

Insert the clause set forth in § 12.605 of this title.

**§ 1007.2704–7 Alterations in contract.**

Insert the clause set forth in § 7.105–1 of this title.

### Subpart BB—Clauses for Short-Form Facilities Contracts

Revise § 1007.2804–3 to read as follows:

**§ 1007.2804–3 Alterations in contract.**

Insert the clause set forth in § 7.105–1 of this title.

### Subpart FF—Clauses for Bakery and Dairy Products Contracts

Revise §§ 1007.3203–5, 1007.3203–12, and 1007.3204–5 to read as follows:

**§ 1007.3203–5 Assignment of claims.**

Insert the clause set forth in § 7.103–8 of this title.

**§ 1007.3203–12 Walsh-Healey Public Contracts Act.**

Insert the clause set forth in § 12.605 of this title.

**§ 1007.3204–5 Alterations in contract.**

Insert the clause set forth in § 7.105–1 of this title.

### Subpart GG—Clauses for Laundry or Dry Cleaning Contracts

Revise §§ 1007.3303–3 and 1007.3304–3 to read as follows:



**§ 1007.3303–3 Assignment of claims.**

Insert the clause set forth in § 7.103–8 of this title.

**§ 1007.3304–3 Alterations in contract.**

Insert the clause set forth in § 7.105–1 of this title.

### Subpart II—Clauses for Packing and Crating Contracts

Revise § 1007.3504–5 to read as follows:

**§ 1007.3504–5 Assignment of claims.**

Insert the clause in § 7.103–8 of this title.

### Subpart JJ—Contracts for Care of Remains

Revise § 1007.3604–14 to read as follows:

**§ 1007.3604–14 Walsh-Healey Public Contracts Act.**

See § 12.605 of this title.

### Subpart KK—Clauses and Arrangements for Negotiated Utility Service Contracts

Revise §§ 1007.3704–1 and 1007.3707–5 to read as follows:

**§ 1007.3704–1 Alterations in contract.**

Insert the clause in § 7.105–1 of this title.

**§ 1007.3707–5 Alterations in contract.**

Insert the clause in § 7.105–1 of this title.

### Subpart LL—Basic Agreement Provisions

Section 1007.3802–1 is revised to read as follows:

**§ 1007.3802–1 Basic agreement.**

The term "basic agreement" is defined in § 3.410–1 of this title.

### Subpart PP—Clauses for Contracts Issued by Foreign Procurement Activities

1. Revise §§ 1007.4202–1, 1007.4205–13 and 1007.4208–6 to amend the references as follows:

**§ 1007.4202–1 Contracts issued by foreign procurement activities.**

As used throughout this subpart, the term "contracts issued by foreign procurement activities" means any contract entered into between a foreign procurement activity and a foreign contractor.

**§ 1007.4205–13 Walsh-Healey Public Contracts Act.**

The clause contained in § 12.605 of this title will be omitted from the contract.

**§ 1007.4208–6 Approval of subcontracts.**

If the contract price is in excess of $2,000, insert the clause in § 3.903–1 of this title.

**§ 1007.4208–4 [Deleted]**

2. Delete § 1007.4208–4.

### Subpart QQ—Clauses for Fixed-Price Architectural Engineering Service Contracts

Revise §§ 1007.4303–7 and 1007.4304–1 to read as follows:

**§ 1007.4303–7 Assignment of claims.**

Section 7.103–8 of this title.

**§ 1007.4304–1 Alterations in contracts.**

Insert the clause in § 7.105–1 of this title.

### Subpart SS—Clauses for Fixed-Price Type Maintenance, Overhaul and Modification Contracts

Revise § 1007.4503 to read as follows:

**§ 1007.4503 Required clauses.**

Insert the clauses appearing in § 7.103 of this title and § 1007.103–2 of this subchapter according to the instructions pertaining thereto, subject to the following.

### Subpart VV—Clauses and Schedule Provisions for Flight Instruction of AFROTC Personnel at Civilian Colleges and Universities

Revise § 1007.4804–3 to read as follows:

**§ 1007.4804–3 Alterations in contract.**

Insert the clause set forth in § 7.105–1 of this title.

### Subpart XX—Clauses for Food Service Contracts

Revise § 1007.5004–3 to read as follows:

**§ 1007.5004–3 Alterations in contract.**

Insert the clause set forth in § 7.105–1 of this title.

### Subpart AAA—Clauses for Contracts for the Rental of Supplies and Equipment

Revise §§ 1007.5305–4 and 1007.5305–7 to read as follows:

**§ 1007.5305–4 Alterations in contract.**

Insert the clause in § 7.105–1 of this title.

**§ 1007.5305–7 Walsh-Healey Act.**

If the contract is in excess of $10,000 insert § 12.605 of this title.

## PART 1008—TERMINATION OF CONTRACTS

### Subpart B—General Principles Applicable to the Settlement of Fixed-Price Type Contracts Terminated for Convenience and to the Settlement of all Terminated Cost-Reimbursement Type Contracts

**§ 1008.208–3 [Amended]**

In § 1008.208–3(a) the last sentence is deleted.

## PART 1009—PATENTS, DATA, AND COPYRIGHTS

### Subpart A—Patents

**§§ 1009.107–1; 1009.107–7 [Deleted]**

1. Delete §§ 1009.107–1 and 1009.107–7.

**§ 1009.107–2 [Amended]**

2. In § 1009.107–2 (b) through (c) amend every reference of "§ 9.107–2" to read "§ 9.107–5," keeping the present accompanying paragraph designations.

**§§ 1009.107–3; 1009.107–4 [Amended]**

3. In § 1009.107–3 amend the reference "§ 9.107–3" to read "§ 9.107–6" and in § 1009.107–4 amend the reference to read "§ 9.107–7."

4. Revise § 1009.107–6 to delete paragraph (a) and correct the references in paragraphs (b) and (c) as follows:

**§ 1009.107–6 Patent license rights under product improvement programs or independent research programs.**

(a) No implementation.

(b) When a product improvement proposal has been approved by the appropriate authority, the Procurement Committee (MCPC), Hq AFLC, or the Procurement Committee (SCK–3), Hq AFSC, as appropriate, will recommend whether any patent rights should be obtained and, if the recommendation is affirmative, the Chief, Patents and Royalties Division (MCJP), Hq AFLC, or Chief, Patents Division (SCJP), Hq AFSC, as appropriate, will recommend the Patents Rights clauses to be included in procurement contracts under which the product improvement proposal will be carried out. The matter will then be forwarded for approval to the Director of Procurement and Production, or the Deputy Director of Procurement, Hq AFLC, or the Director or Deputy Director of Procurement, Hq AFSC, as appropriate.

(c) When a specific project within a contractor's independent research program has been approved by the contracting officer, the Procurement Committee (MCPC), Hq AFLC, or the Procurement Committee (SCK–3), Hq AFSC, as appropriate, will recommend whether any patent rights should be obtained and, if the recommendation is affirmative, the matter will then be forwarded for approval to the Director of Procurement and Production or the Deputy Director of Procurement, Hq AFLC, or the Director or Deputy Director of Procurement, Hq AFSC, as appropriate. When it has been determined to obtain for the Government patent license rights under a specific project within a contractor's independent research program, which specific project is not included in the Statement of Work, paragraph (c) will be added following paragraph (a)(i)(B) of the Patent Rights clause of § 9.107–5(b) of this title as follows:

* * * * *

### Subpart B—Data and Copyrights

1. In § 1009.202–1(b) revise subparagraph (1) and in subparagraph (5)(ii) delete the final words "according to § 1009.110(b)(3)."

**§ 1009.202–1 Acquisition of data.**

* * * * *

(b) *Supply contracts and subcontracts thereunder—(1) Clause as to rights in data in supply contracts.* Where the "Data" clause in §§ 9.203 through 9.203–1 of this title is included in a supply contract, the provision in the following subdivisions will be included in the Schedule of the contract. See § 1009.203–2.

* * * * *

**§ 1009.202–3 [Amended]**

2. In § 1009.202–3 paragraph (b) is deleted and paragraph (c) is redesignated paragraph (b).

**§§ 1009.203–2, 1009.251 [Amended]**

3. In § 1009.203–2(d) the reference "§ 1003.410–50" is amended to read "§ 1003.410–2," and in § 1009.251 the last line is amended to delete "(a) to (d)."

### Subpart K—Processing and Clearance of Invention, Subcontract and Royalty Reports

**§ 1009.1108 [Amended]**

In § 1009.1108(b) amend the reference to read "§ 9.107–5(c)."

## PART 1010—BONDS AND INSURANCE

### Subpart A—Bonds

**§ 1010.103–1 [Amended]**

1. In § 1010.103–1 the introductory line and paragraphs (a) and (d) to (e) are deleted and paragraphs (b) and (c) are redesignated paragraphs (a) and (b) respectively.

**§ 1010.106 [Deleted]**

2. Delete § 1010.106.

Subpart F, Insurance of Industrial Facilities Under Leases or Facilities Contracts, is deleted.

## PART 1011—FEDERAL, STATE, AND LOCAL TAXES

### Subpart B—Exemptions From Federal Excise Taxes

**§ 1011.201 [Amended]**

Section 1011.201 is amended by deleting paragraph (c).

### Subpart D—Contract Clauses

In § 1011.402(a)(1)(ii) the second sentence is deleted. This subdivision now reads as follows:

**§ 1011.402 Cost reimbursement type contracts.**

* * * * *

(a) * * *

(1) * * *

(ii) Under an informal ruling of the Internal Revenue Service a prime contractor under a cost type contract is entitled to purchase tax free direct from a manufacturer thereof articles which the Government is entitled to purchase tax free under section 4221 of the Internal Revenue Code (SPJGT/7570, July 12, 1944). If an exemption is claimed, the exemption certificate should be in the special form illustrated in figure 1, § 1011.205 of this Part, or as prescribed in Treasury Regulations.

* * * * *

## PART 1013—GOVERNMENT PROPERTY

### Subpart D—Industrial Facilities

**§ 1013.401 [Amended]**

In § 1013.401(a)(2)(i) the last two lines are deleted.

Subpart G, Use of Government-Owned Facilities and Special Tooling on Work for Foreign Governments, is deleted.

## PART 1014—INSPECTION AND ACCEPTANCE

### Subpart A—Inspection

In § 1014.105 the reference "§ 1001.1302" is amended. This portion now reads as follows:

**§ 1014.105 Places of inspection.**

To aid in determining points of inspection and acceptance according to §§ 14.105, 14.106, 14.203 of this title and §§ 1001.1302 through 1001.1305–4 of this subchapter, the procuring and quality control (inspection) activities will collaborate in establishing categories of supplies appropriate for source of destination inspection and acceptance. Unless there are compelling reasons, there will be only one inspection of material. Where preservation, packaging, packing, and shipping are accomplished at a point other than where the supplies are to be manufactured, the material must be inspected at the point of manufacture. If it is desired that the packaging be inspected at the point where the packaging is accomplished this should be so stated in the contract. Normally the point(s) of inspection and acceptance will be specified in the contract by using one of the following options:

* * * * *

## PART 1016—PROCUREMENT FORMS

### Subpart A—Forms for Advertised Supply Contracts

**§§ 1016.150; 1016.150–3 [Deleted]**

Delete §§ 116.150 and 1016.150–3.

### Subpart C—Purchase and Delivery Order Forms

Delete Note following subpart heading.

## PART 1030—APPENDIXES TO AIR FORCE PROCUREMENT INSTRUCTION

**§ 1030.5 [Amended]**

Section 1030.5 *Appendix E—Contract Financing* is amended as follows:

1. In Part II—Basic Policies, E–212.52, in Item E–212.52 the last reference "§ 1.705–6 of this title" is amended to read "Subpart G, Part 1 of this title."

2. In Part III—Guaranteed Loans, revise item E–310 to read as follows:

E–310 *Assignments of claims under contracts.* See § 7.103–8 of this title and Part IX of this Appendix E.

3. In Part IX—Assignment of Claims Arising Under Government Contracts, revise item E–908 to read as follows:

E–908 *Assignment of claims clause, "No Setoff" provision.* See § 7.103–8 of this title.

## PART 1054—CONTRACT ADMINISTRATION

### Subpart B—Secondary Administration of Prime Contracts and Review and Analysis of Subcontracts

**§ 1054.201 [Amended]**

In § 1054.201 amend the reference "§ 1001.201–55" to "§ 1001.201–57."

### Subpart O—Preparation and Issuance of Shipping Instructions

**§ 1054.1502 [Amended]**

In § 1054.1502(b)(2) delete the words "as defined in § 1001.201–54 of this chapter."

(Sec. 8012, 70A Stat. 488; secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012; 10 U.S.C. 2301–2314)

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64–11562; Filed, Nov. 12, 1964; 8:45 a.m.]

# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

## PART 4—INFORMATION ON POSTAL MATTERS

### General Postal Publications

Section 4.2 *General postal publications* (29 F.R. 9538) is amended to read as follows:

**§ 4.2 General postal publications.**

The following postal publications may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.



| Title | Price |
|---|---|
| *Annual Report of the Postmaster General*—The Postmaster General presents the annual report to the President on the services of the Post Office Department for the fiscal year. The foreword points up results in continuing programs to improve service and reduce costs. The organization of the Post Office Department is shown followed by a brief financial summary. The report then gives details on matters covering operations and services; research and engineering; modern transportation; financial and related services; facilities and equipment; personnel management; public information; the inspection service; legal matters; judicial functions; and plans for better management. The appendix contains numerous statistical tables giving data on financial statements, auditor's opinion, and summary; mail and other services; employees and employment; post offices and collection and delivery services; facilities and related services; inspection service; administrative proceedings; mail transportation service; and history of the postal service. | $0.70. |
| *Commemorative Stamp Posters*—8 x 10½ inch posters provide advance information on commemorative stamps. Contain enlarged illustration of stamp to be issued, date and place of issue, number of copies to be printed, size and color, and complete instructions for stamp collectors who wish to obtain first-day cancellations. | $1.50 a year. *$0.50. |
| *Equal Employment Opportunity in the U.S. Post Office Department (April 1963)*—A supplemental report to the Postmaster General by the Post Office Department Advisory Board showing progress made by the POD in demonstrating the administration's commitment to equal employment opportunity. | $0.15. |
| *Postal Bulletin*—Issued every Thursday, with special issues if required. Contains temporary instructions relating to operations of the Postal Service, including philatelic information of interest to stamp collectors; mail handling; transportation; finance; supplies; personnel; inspection; legislation; airmail; money orders; parcel post, etc. Postal installations will retain Postal Bulletins for 6 months only. Permanent instructions will be incorporated into the Postal Manual or some other permanent form of issuance. | $2.25 a year. *$2.50. |
| *Postal Manual (looseleaf)*— | |
| *Chapters* 1, Post Office Services (Domestic), and 2, International Mail | $4.00. *$1.00. |
| *Chapters* 3, Postal Procedures, and 7, Personnel | $3.50. *$1.00. |
| *Chapters* 1 through 8—Chapters 1 and 2 contain regulations and procedures for public use. Explain services available and conditions under which they may be obtained, and prescribe rates and fees. Chapters 3 through 8 contain internal operating instructions of the Department including finance, transportation, facilities, and organization and administration. Chapters 3 through 8 are usually needed by postal employees only. | [1] $10.00. |
| *Research, Development and Mechanization in the U.S. Post Office Department (Feb. 1963)*—An interim report to the Postmaster General by the Post Office Department Advisory Board reporting on the preliminary phase of an independent study of the Department's program on research, development, and mechanization and its impact on personnel policies and practices. | $0.30. |
| *How To Pack and Wrap Parcels for Mailing (Excerpts from Chapter 1, Postal Manual) (Sept. 1964)* | [1] |
| *Domestic Postage Rates and Fees (Excerpts from Chapter 1, Postal Manual) (Sept. 1964)* | [1] |
| *Receipts and Classes of Post Offices (July 1963)*—Lists all post offices alphabetically by States; shows their class, salary level of postmaster, and receipts. | $1.00. |
| *Postage Stamps of the United States, 1847–1963*—Illustrates all stamps from the first stamps issued in 1847, through the Audubon Commemorative Stamp, issued Dec. 7, 1963. Gives detail on each stamp and miscellaneous historical information. | $1.25. |
| *Postal Laws (looseleaf)*—A compilation of laws affecting the Post Office Department and the Postal Service. Contains all of Title 39 of the United States Code, and pertinent parts of Titles 2, 3, 5, 6, 7, 15, 16, 17, 18, 22, 26, 28, 31, 38, 39, 40, 41, 45, 48, 49, and 50. | $2.20. |
| *Mailing Permits (Excerpts from Chapter 1, Postal Manual) (Sept. 1964)* | [1] |
| *Mailing Chute Rules, Regulations, and Specifications (excerpts from Chapter 1, Postal Manual) (Dec. 1963)* | [1] |
| *Apartment House Mail Receptacles, Regulations and Instructions (excerpts from Chapter 1, Postal Manual) (Sept. 1963)* | [1] |
| *County List of Post Offices (excerpts from Directory of Post Offices, POD–26, July 1964)*—Lists States, counties within these States, and their post offices all in alphabetical order. Each post office shows its class, geographical position in the State and other information such as location of county seat court house; offices having city delivery; offices having rural delivery and number of boxes served; star route boxes served; and post office boxes rented at offices not having city delivery. | $0.60. |
| *How to Prepare Second- and Third-Class Mailings (excerpts from Chapter 1, Postal Manual) (Sept. 1964)* | [1] |
| *Directory of Post Offices (July 1964)*—Used to identify post offices and to compute parcel post rates. Explains how ZIP Code works and method of using parcel post zone keys. Lists regional offices; inspection service divisions; number of post offices, by classes, in each State and territory as of May 31, 1964; zoned offices for which individual ZIP Code Directories are available; sectional centers by States; sectional centers alphabetically (by cities); State list of post offices, branch post offices and stations (includes ZIP Code numbers); numerical list of post offices by ZIP code numbers; alphabetical list of post offices, branches, and named stations; post offices by States and counties; post offices discontinued and names changed during the past 2 years; named stations and branches discontinued and names changed during the past year; army posts, camps, and stations and air force bases, fields, and installations. | $2.75. |
| *Directory of International Mail (looseleaf)*: | |
| With binder | $5.00. *$1.50. |
| Without binder—Contains detailed information about postage rates, services available, prohibitions, import restrictions, and other conditions governing mail to other countries. Countries are listed alphabetically with the specific requirements applicable to mail addressed to each of them. | $2.50. *$1.25. |
| *International Mail (Dec. 1963)* | [1] |
| *Agreement Between U.S. Post Office Department and Six National Employee Organizations (July 1, 1964, to October 31, 1965)* | $0.30. |

See footnotes at end of table.

*Additional for foreign mailing.

[1] Available at post offices for distribution to patrons free of charge.

[2] For 2 year subscription.

NOTE: The corresponding Postal Manual sections are 114.21 and 114.22.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 64–11563; Filed, Nov. 12, 1964; 8:45 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 32—HUNTING

### White River National Wildlife Refuge, Arkansas; Correction

In FEDERAL REGISTER, Doc. 64–9159, appearing on page 12777 of the issue for Thursday, September 10, 1964, paragraphs (a) and (c) § 32.32 of the big game regulations should read as follows:

**§ 32.32 Special regulations; big game; for individual wildlife refuge areas.**

* * * * *

(a) Species permitted to be taken: White tailed deer, bucks only.

* * * * *

(c) Total bag limit: One buck.

* * * * *

WALTER A. GRESH,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

NOVEMBER 9, 1964.

[F.R. Doc. 64–11607; Filed, Nov. 12, 1964; 8:49 a.m.]

## PART 32—HUNTING

## PART 33—SPORT FISHING

### Merritt Island National Wildlife Refuge and Loxahatchee National Wildlife Refuge, Florida

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rulemaking.

**§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.**

FLORIDA

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Merritt Island National Wildlife Refuge, Florida, is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,000 acres, is delineated on a map available at the refuge headquarters, Titusville, Florida, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Georgia, 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

(1) Open season—Ducks and coots, November 25, 1964, through January 2,

1965. Hunting will be permitted Tuesday through Saturday only from sunrise until 12 o'clock noon.

(2) Blinds—The construction of blinds by the public is not permitted. Hunting shall be only from those blinds constructed and labeled by the Bureau.

(3) Hunters are authorized to hunt only from the blind specified on their permits. Shooting is not permitted outside of a blind.

(4) Guns must be unloaded while being transported on the refuge and while being carried to and from blinds. Guns must be left in blinds while dead or crippled birds are being retrieved.

(5) Ammunition—Shells that contain shot larger than BB's may not be used and will not be permitted in the possession of hunters.

(6) Intoxicating beverages shall not be permitted on the refuge.

(7) Hunters shall not be permitted to enter the refuge sooner than 1½ hours before sunrise.

(8) A maximum of three persons will be permitted to hunt from one blind.

(9) Dogs used to retrieve waterfowl must be under complete control at all times.

(10) Hunters must provide the means necessary to retrieve waterfowl which fall into or across deep water. Air thrust boats are not permitted on the refuge.

(11) Hunters under 16 years of age must be accompanied by an adult.

(12) A refuge permit is required of all hunters. A blind fee of $3 per blind per day is required. (One dollar per person if 3 persons occupy a blind.)

(13) Hunters are required to check out at the check station at the close of the hunt. All bagged waterfowl will be presented at the check station for inspection.

(14) Applications for advance reservations for refuge permits must be submitted in writing to the refuge manager. Only one application for a maximum of one blind for a maximum of three days will be accepted per individual. Vacancies not reserved by advance reservation will be awarded daily at the check station on a first come, first served basis. Reservation commitments for a refuge permit are nontransferable and, unless claimed prior to one hour before shooting time, are automatically cancelled.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1965.

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Loxahatchee National Wildlife Refuge, Florida, is permitted only on the area designated by signs as open to hunting. This open area, comprising 29,000 acres, is delineated on a map available at the refuge headquarters, Delray Beach, Florida, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

(1) Weapons — Only shotguns 10 gauge or smaller and incapable of holding more than 3 shells may be used. The possession or use of shells containing shot larger than No. 4 is prohibited.

(2) Blinds—Only temporary blinds constructed of native vegetation are permitted.

(3) Access—Hunters must enter and leave the refuge by either the S–39 landing or the headquarters landing and must use the following designated routes of travel to and from the hunting area: those portions of Canal 40 and Canal 39 (Hillsboro Canal) immediately east and south of the hunting area; also the refuge marsh areas near the headquarters landing and the S–39 landing lying between the hunting area and portions of lands described above. No hunting is permitted in or over these designated routes of travel.

(4) While using designated routes of travel to and from the hunting area, hunters must have their shotguns unloaded and dismantled or encased.

(5) Air-thrust boats may be authorized for use only by special permit issued by the Refuge Manager.

(6) All public use within the refuge is limited to the period each day from one hour before sunrise to one hour after sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Special Regulations, Part 32, and are effective through January 3, 1965.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

FLORIDA

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Merritt Island National Wildlife Refuge is suspended temporarily until such time as the National Aeronautics and Space Administration develops security procedures which will permit public entry for fishing.

WALTER A. GRESH,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

NOVEMBER 4, 1964.

[F.R. Doc. 64–11571; Filed, Nov. 12, 1964; 8:46 a.m.]

## PART 33—SPORT FISHING

### National Wildlife Refuges, Iowa, Nebraska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

IOWA AND NEBRASKA

DESOTO NATIONAL WILDLIFE REFUGE

Sport fishing on the DeSoto National Wildlife Refuge, Iowa and Nebraska, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 850 acres, is delineated on a map available at the refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: Daylight hours January 1, 1965, through February 28, 1965, and 4:30 a.m. to 10:00 p.m. May 1, 1965, through September 15, 1965.

(2) All fishermen shall conform with the regulations of the State in which he is properly licensed—either Iowa or Nebraska.

(3) Trot lines are not permitted.

(4) Archery fishing is not permitted.

(5) The use of motor boats is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through September 15, 1965.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Crescent Lake National Wildlife Refuge, Nebraska, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 1,330 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: From January 1, 1965 through September 30, 1965; daylight hours only.

(2) Boats, without motors, may be used for fishing.

(3) No person shall use minnows, fish, or parts thereof, for bait, nor have in possession any minnows or seine or net for capturing minnows.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective September 30, 1965.

NORTH PLATTE NATIONAL WILDLIFE REFUGE

Sport fishing on the North Platte National Wildlife Refuge, Nebraska, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,300 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: From January 1, 1965 through September 30, 1965.

(2) Boats, motorboats and other floating craft may be used.



The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through September 30, 1965.

VALENTINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Valentine National Wildlife Refuge, Nebraska, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 3,900 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: Daylight hours only from January 1, 1965 through December 31, 1965 in those waters opened by posting except that all fishing is prohibited during the migratory duck hunting season.

(2) No person shall use minnows, fish, or parts thereof, for bait, nor have in possession any minnows, seine or net for capturing minnows.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through December 31, 1965.

W. P. SCHAEFER,
*Acting Regional Director.*

NOVEMBER 5, 1964.

[F.R. Doc. 64–11572; Filed, Nov. 12, 1964; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### [ 25 CFR Part 221 ]

### OPERATION AND MAINTENANCE CHARGES; BASIC AND OTHER WATER CHARGES

### Fort Hall Indian Irrigation Project

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U.S.C. 1001) and pursuant to the Acts of March 1, 1907 (34 Stat. 1024), August 11, 1914 (38 Stat. 583) and August 31, 1954 (68 Stat. 1026), and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Area Director, Portland Area Office, Portland, Oregon, by section 200 of the Commissioner's Order 551, notice is hereby given of intention to modify § 221.32 *Basic and other water charges*, of Title 25, Code of Federal Regulations, dealing with the operation and maintenance charges on assessable lands under the Fort Hall Indian Irrigation Project, Fort Hall Indian Reservation, Idaho, beginning with calendar year 1965 and for subsequent years until further notice, as follows:

By increasing the annual operation and maintenance assessments under paragraph (2) Michaud Division, Fort Hall Reservation: Basic rate from $6.00 to $9.00 per acre. Additional rate for sprinkler irrigation when pressure is supplied by the project remains at $3.00 per acre.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Robert D. Holtz, Area Director, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oreg., 97208, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

ROBERT D. HOLTZ,
*Area Director.*

[F.R. Doc. 64-11561; Filed, Nov. 12, 1964; 8:45 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 27 ]

### FROZEN CONCENTRATE FOR LEMONADE AND FOR COLORED LEMONADE

### Notice of Proposed Rule Making

Notice is given that the Commissioner of Food and Drugs, on his own initiative, proposes that the standards of identity for frozen concentrate for lemonade (21 CFR 27.101) and frozen concentrate for colored lemonade (21 CFR 27.102) be amended as follows:

1a. By changing § 27.101(b) to provide that lemon juice and concentrated lemon juice used in the preparation of frozen concentrate for lemonade may be treated by heat to reduce microbiological and enzymatic activity.

b. By changing § 27.101(e)(1) to provide that frozen concentrate for lemonade containing the optional ingredient lemon oil, or concentrated lemon oil, may be labeled "flavoring added" or "with added flavoring." This proposal is in response to an objection to the requirement that such labeling specify the common name of the optional ingredient and is in accordance with the provisions of section 403(g) of the Federal Food, Drug, and Cosmetic Act.

2. By changing § 27.102(a) and (b)(3) to permit the use in frozen concentrate for colored lemonade of any color additive, including artificial coloring, listed as suitable and safe for use in food by regulations promulgated under section 706 of the act.

Amended as proposed, the affected portions of §§ 27.101 and 27.102 would read as follows:

**§ 27.101 Frozen concentrate for lemonade; identity; label statement of optional ingredients.**

* * * * *

(b) The lemon juice ingredients referred to in paragraph (a) of this section are:

(1) Lemon juice or frozen lemon juice or a mixture of these.

(2) Concentrated lemon juice or frozen concencrated lemon juice or a mixture of these.

For the purposes of this section, lemon juice is the undiluted juice expressed from mature lemons of an acid variety; and concentrated lemon juice is lemon juice from which part of the water has been removed. The lemon juice and concentrated lemon juice may be treated by heat to reduce microbiological and enzymatic activity.

* * * * *

(e)(1) If the optional ingredient specified in paragraph (d) of this section is used, the label shall bear the statement "---------- added" or "with added ----------," the blank being filled in with the word "flavoring" or with the name "lemon oil" or "concentrated lemon oil," or where both are used, with the names "lemon oil and concentrated lemon oil."

* * * * *

**§ 27.102 Frozen concentrate for colored lemonade; identity; label statement of optional ingredients.**

(a) Frozen concentrate for colored lemonade conforms to the definition and standard of identity and is subject to the requirement for label statement of optional ingredients prescribed for frozen concentrate for lemonade by § 27.101, except that it is colored with grape juice, cranberry juice, loganberry juice, beet juice, or any such juice that has been concentrated, or any suitable color additive ingredient (including artificial colorings) listed as safe for use in food by regulations promulgated in accordance with section 706 of the Federal Food, Drug, and Cosmetic Act.

(b) * * *

(3) If the color additive ingredient used is not an artificial coloring, the label shall either bear the statement "---------- added," the blank being filled in with the word "coloring" or with the common name of the color additive ingredient, or it shall bear the statement "colored with ----------," the blank being filled in with the common name of the color additive ingredient used; as, for example, "colored with grape juice."

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 848; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), all interested persons are invited to submit their views in writing regarding the proposals published herein. Such views and comments should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: November 4, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11579; Filed, Nov. 12, 1964; 8:47 a.m.]

### [ 21 CFR Part 147 ]

### ANTIBIOTIC SENSITIVITY DISCS

### Notice of Proposed Rule Making

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the Commissioner of Food and Drugs proposes that the regulations for antibiotics intended for use in the laboratory diagnosis of disease (21 CFR 147.1; 29 F.R. 7091, 9958) be amended by changing the assay procedures for erythromycin- and neomycin-containing sensitivity discs, to effect more precise assay results, as hereinafter set forth:

It is proposed that § 147.1 be amended by adding to paragraph (b) a new subparagraph (11); by changing in the table in paragraph (c)(3) the items "Erythromycin" and "Neomycin * * *"; by changing in the table in paragraph (d) the item "Neomycin * * *"; and by changing the fourth sentence of paragraph (e)(1). As amended, the affected portions would read as follows:

**§ 147.1 Antibiotic sensitivity discs; tests and methods of assay; potency.**

* * * * *

(b) * * *

(11) *Suspension 11. Streptococcus faecalis* (A.T.C.C. 14506) is maintained on medium E and transferred to a fresh agar slant once a week. After transfer, the culture is incubated at 37° C. for 24 hours and then kept refrigerated. Transfer from a freshly incubated agar slant to a tube containing 10 milliliters of culture medium described in § 147.3(b)(1). Incubate the broth culture for 16 to 18 hours at 37° C. and store in the refrigerator. This culture may be used for no more than 1 week.

(c) * * *

(3) * * *

| Antibiotic | Volume of suspension added to each 100 ml. of seed agar used for test | Suspension number | Medium | |
|---|---|---|---|---|
| | | | Base layer | Seed layer |
| * * * | * * * | * * * | * * * | * * * |
| Erythromycin | 2.0 | 11 | C | C. |
| * * * | * * * | * * * | * * * | * * * |
| Neomycin (sulfate) | 2.5 | 6 | C | C. |
| * * * | * * * | * * * | * * * | * * * |

(d) * * *

| Antibiotic | Solvent | Standard curve (antibiotic concentration per disc) |
|---|---|---|
| * * * | * * * | * * * |
| Neomycin (sulfate). | Water | 3.3, 6.3, 12.2, 23.4, 45.0 µg. |
| * * * | * * * | * * * |

(e) *Assay*—(1) *Individual discs one-fourth inch in diameter.* On each of three plates prepared as directed in paragraph (c) of this section, place the five control discs for the standard curve and two discs from each batch to be tested. The control discs for the standard and curve and the sample discs are placed on the plates in a random arrangement, with no discs being closer than 24 millimeters (on centers) to any other disc. Discs are placed on the plates with the aid of forceps within as short a period of time as possible (not to exceed 3 minutes per plate) and tapped gently to ensure an even seal. Incubate the plates overnight at 32° C.–35° C., except if it is cephalothin colistin, erythromycin, novobiocin, nystatin, polymyxin, or viomycin, the incubation temperature is 37° C. After incubation, measure the diameter of each circle of inhibition, using calipers or a measuring device of comparable accuracy. Average the three zone sizes for each of the five standard-curve concentrations and plot the mean sizes on the arithmetic scale of semilogarithmic graph paper with the antibiotic concentrations on the logarithmic scale. Use the following equation to calculate the best straight line:

* * * * *

All interested persons are invited to submit their written views and comments, preferably in quintuplicate, on this proposal within 30 days following its date of publication in the FEDERAL REGISTER. Such views and comments may be accompanied by a memorandum or brief in support thereof and should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201.

Dated: November 4, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11580; Filed, Nov. 12, 1964; 8:47 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Foreign Assets Control

### IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM BELGIUM

#### Available Certifications by the Government of Belgium

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Government of Belgium under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Belgium of the following additional item:

Camel hair, washed (scoured).

[SEAL] MARGARET W. SCHWARTZ,
*Director, Foreign Assets Control.*

[F.R. Doc. 64–11621; Filed, Nov. 12, 1964; 8:50 a.m.]

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

[Excess Land Sale Announcement 1]

### DELANO-EARLIMART IRRIGATION DISTRICT, CENTRAL VALLEY PROJECT, CALIFORNIA

#### Public Announcement of Sale of Excess Land

NOVEMBER 3, 1964.

Pursuant to the provisions of section 46 of the Act of May 25, 1926, 44 Stat. 649, as amended, 43 U.S.C., sec. 423e (1958), the Di Giorgio Fruit Corp., 350 Sansome Street, San Francisco, Calif., executed a recordable contract on April 9, 1952, covering 4,422 acres of excess land in the Delano-Earlimart Irrigation District of the Central Valley Reclamation Project in California. The recordable contract provides that, if the Corporation does not sell the land within ten years from the date of execution, the Secretary of the Interior as attorney in fact for the Corporation will dispose of the land at a price to be established by the Secretary without reference to benefits from the Central Valley Project. The Di Giorgio Fruit Corp. did not dispose of the property and the power of attorney vested with the Secretary on April 9, 1962.

Accordingly, thirty-one highly developed units of irrigated land varying in size from about 40 to 160 acres and located near Delano, Calif., are offered for sale by the Secretary of the Interior as attorney in fact for the Di Giorgio Fruit Corp. The sale prices determined for the property are those considered by the Secretary of the Interior to represent the current bona fide fair market value of the land and improvements, excluding value attributable to the Federal Central Valley Project. The sale prices range from $64,300 to $294,500. There is no representation that any of the units described for sale or any portion of them purchased separately will support a family.

Buyers must be able to take title to the land as nonexcess owners. To be eligible as a nonexcess owner a buyer must not own other land which, together with the amount he purchases, would make him the owner of more than 160 acres (320 acres for man and wife) of irrigable land within all areas covered by contract for water or service pursuant to the Federal reclamation laws.

Information relative to the units of land, sale prices, sale procedures and forms of application for purchase may be obtained from the office of the Bureau of Reclamation, 318 Patterson Building, Fresno, Calif.

No sale or transfer of title to any of these units within a period of five years shall carry the right to receive water or service from the Central Valley Project unless and until the purchase price and other terms and conditions of the sale or transfer are approved in writing by the Regional Director of Region 2 of the Bureau of Reclamation.

In addition to applications by individuals for the purchase of designated sale units, applications will be accepted from two or more individuals to purchase separately designated portions of a sale unit, provided that such portions comprise the total sale unit. Such applications shall indicate the purchase prices of such portions which together equal the announced purchase price of the sale unit and each of which must be approved by the Secretary.

Preference will be given to applications for portions of a sale unit together with preference to the applicant who states he will operate the property personally or through his employees as follows:

a. An applicant for a portion of a sale unit who will operate the portion personally or directly through his employees.

b. An applicant for an entire sale unit who will operate the unit personally or directly through his employees.

c. An applicant for a portion of a sale unit who does not commit himself to operate the portion personally or directly through his employees.

d. An applicant for an entire unit who does not commit himself to operate the unit personally or directly through his employees.

To distribute the opportunities for purchase of these lands, in the sale on December 2, 1964, the following additional rules will govern applications for these sale units:

(1) An applicant who has been selected as purchaser of one sale unit or portion thereof may not again be selected as a purchaser.

(2) A husband and wife may apply jointly and will be treated as a single applicant. If a husband and wife file separate applications, one of such applications will be considered as a joint application and the other application will be disregarded.

(3) All applications must be executed by the prospective purchaser in his or her individual capacity. Application forms executed by one in a representative capacity for another or applications from partnerships, corporations, etc., will not be considered, except in the case of a family-held corporation in which the principal stockholder is a person who expresses an intention to operate a unit, or portion thereof, for which application has been made. Application by a family-held corporation must list all stockholders by name and family relationship, showing stock ownership of each and irrigable lands, if any, held by each within an area covered by any contract for water or service pursuant to the Federal reclamation laws, and the applying corporation shall be considered as if it held title to all such lands.

(4) Each applicant must be personally competent to take and hold legal title to real property and to undertake a binding commitment to consummate the purchase. Applications from persons under the age of 21 will not be considered.

An eligible purchaser may apply for one or more sale units or portions thereof. A deposit of 10 percent of the sale price of the highest priced unit or portion thereof for which he applies must accompany his application for purchase.

If more than one application of equal preference is received for a unit, the purchaser will be selected by lot among the applicants of such preference.

Selection of purchasers will be made at the Veterans of Foreign Wars Building, Delano, Calif., at 10:00 a.m. on December 2, 1964. Units will be sold in their numerical order.

To be considered at this sale the application to purchase must have been received in the Fresno office of the Bureau of Reclamation no later than November 27, 1964. All applications received by that date will be considered as simultaneously filed.

If all 31 units of land are not disposed of on December 2, 1964, a second sale for the remaining units will be held on December 8, 1964.

Neither this announcement nor the filing of an application confers any rights in or to eligibility, selection or purchase. The right is reserved to reject any or all applications. All questions of eligibility, selection and sale will be determined by the designated representative of the Secretary whose determination shall be final.

Reasons of policy have caused the Department to impose restrictions upon acquisition by employees or their spouses of interests in the public lands. These reasons call for the application of a similar policy in connection with the sale of the lands covered by this public announcement. Accordingly, no employee of the Department and no spouse of such an employee shall be eligible to purchase a sale unit or a portion of a sale unit of these lands.

STEWART L. UDALL,
*Secretary of the Interior.*

NOVEMBER 3, 1964.

[F.R. Doc. 64–11566; Filed, Nov. 12, 1964; 8:45 a.m.]





## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

### ORGANIZATION, FUNCTIONS, AND AUTHORITIES

#### Assignment of Functions

The notice of organization functions, and authorities of the Agricultural Research Service (28 F.R. 12134) is amended in the following respects:

1. By adding at the end of section II A the following paragraph 19:

19. Administration of the provisions of the Act of July 2, 1962 (Public Law 87–518; 21 U.S.C. 134–134h).

2. By adding at the end of section II B 1 the following paragraph h:

h. The determination that an extraordinary emergency exists because of the outbreak of any dangerous, communicable disease of livestock or poultry anywhere in the United States and that such outbreak threatens the livestock or poultry of the United States, under section 2(b) of the Act of July 2, 1962 (Public Law 87–518; 21 U.S.C. 134a(b)).

3. By deleting from section VIII C the phrase "13 and 15 above." and substituting in lieu thereof the phrase "13, 15 and 19 above."

Done at Washington, D.C., this 6th day of November 1964.

B. T. SHAW,
*Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 64–11573; Filed, Nov. 12, 1964; 8:46 a.m.]

### Office of the Secretary

### INDIANA AND NEW YORK

#### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Indiana and New York natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

INDIANA

Johnson. Shelby.

NEW YORK

Cayuga.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 9th day of November 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64–11593; Filed, Nov. 12, 1964; 8:49 a.m.]

### FEDERAL-STATES RELATIONS; AGRICULTURAL RESEARCH SERVICE

#### Assignment of Functions

Pursuant to the authority contained in Reorganization Plan No. 2 of 1953, the statement of delegations of authority and assignment of functions (19 F.R. 74), as amended, is further amended in the following respects:

1. By adding at the end of section 200 the following paragraphs:

s. Administration of the provisions of the Act of July 2, 1962 (Public Law 87–518; 21 U.S.C. 134–134h).

2. By adding at the end of section 201a the following paragraph (8):

(8) The determination that an extraordinary emergency exists because of the outbreak of any dangerous, communicable disease of livestock or poultry anywhere in the United States and that such outbreak threatens the livestock or poultry of the United States, under section 2(b) of the Act of July 2, 1962 (Public Law 87–518; 21 U.S.C. 134a(b)).

Done at Washington, D.C., this 6th day of November 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64–11574; Filed, Nov. 12, 1964; 8:46 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### NALCO CHEMICAL CO.

#### Notice of Filing of Petition for Food Additives Boiler Water Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1146) has been filed by Nalco Chemical Company, 6216 West 66th Place, Chicago 38, Illinois, proposing an amendment to § 121.1088 of the food additive regulations to provide for the safe use of *N,N,N'*-tris(2-hydroxyethyl)-*N'*-tallow alkyl-1,3-propane diamine in boiler water resulting in not more than 3 parts per million in the steam which contacts food, excluding milk and milk products and baby foods.

Dated: November 4, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64–11581; Filed, Nov. 12, 1964; 8:48 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50–220]

### NIAGARA MOHAWK POWER CORP.

#### Notice of Hearing on Application for Provisional Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10:00 a.m., l.t., on December 15, 1964, in The Council Chambers, City Hall, West Second and Oneida Streets, Oswego, N.Y., to consider the application filed by Niagara Mohawk Power Corp. (the applicant), 300 Erie Boulevard West, Syracuse 2, N.Y., for a provisional construction permit pursuant to section 104 b. of the Act, to construct a boiling water reactor designed to operate at 1538 megawatts (thermal) to be located at Nine Mile Point, in the town of Scriba, N.Y.

The hearing will be conducted by an Atomic Safety and Licensing Board designated by the Atomic Energy Commission (the Commission), consisting of Dr. Albert J. Kirschbaum, Livermore, Calif.; Mr. Warren E. Nyer, Idaho Falls, Idaho; and Mr. J. D. Bond, Chairman, Washington, D.C.

The following issues will be considered at the hearing:

1. Whether in accordance with the provisions of § 50.35(a), Title 10, Part 50

(1) The applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components on which further technical information is required;

(2) The omitted technical information will be supplied;

(3) The applicant has proposed, and there will be conducted, a research and development program reasonably designed to resolve the safety questions, if any, with respect to those features or components which require research and development; and that

(4) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility and (ii) taking into considera-

tion the site criteria contained in Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility;

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

The application and the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of the ACRS report may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545.

Petition for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's "Rules of Practice", must be received in the Office of the Secretary U.S. Atomic Energy Commission, Germantown, Md., or in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than December 1, 1964, or, in the event of a postponement of the hearing date specified, at such time as the Licensing Board may specify.

Any person who wishes to make an oral or written statement setting forth his position on the issues specified, but who does not wish to file a petition to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's "Rules of Practice", 10 CFR Part 2.

Answer to this notice, pursuant to the provisions of § 2.705 of the Commission's "Rules of Practice", shall be filed by the applicant on or before December 1, 1964.

Papers required to be filed with the Commission in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, or may be filed by delivery to the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Licensing Board, parties shall file, pursuant to the provisions of § 2.708 of the Commission's "Rules of Practice", an original and twenty conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 10th day of November 1964.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
*Secretary to the Commission.*

[F.R. Doc. 64-11628; Filed, Nov. 12, 1964; 8:50 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14644; FCC 64M-1106]

## BAY SHORE BROADCASTING CO.

### Order Continuing Hearing

In re application of Keith Moyer and James Hilderbrand d/b as Bay Shore Broadcasting Company, Hayward, California, Docket No. 14644, File No. BP-14113; for construction permit.

On November 5, 1964, counsel for Bay Shore Broadcasting Company orally advised the Hearing Examiner that he is presently preparing a motion to dismiss its application. In view thereof: *It is ordered*, This 6th day of November 1964, that the further hearing herein, presently scheduled for November 9, 1964, is continued without date.

Released: November 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11566; Filed, Nov. 12, 1964; 8:45 a.m.]

[Docket No. 14650; FCC 64M-1109]

## DOMESTIC TELEGRAPH SERVICE

### Further Notice of Hearing Conference

On October 14, 1964, a Notice of Hearing Conference (FCC 64M-1012; Mimeo 56218) announced that such a meeting would be held at the conclusion of the hearing sessions scheduled for November 12, 1964. Since it now appears that no hearing session will transpire on November 12, this notice is to establish the exact time and place for the holding of the hearing conference. Such conference will be held in Room 1420, New Post Office Building, Washington, D.C. at 3:30 p.m. on November 12.

Dated: November 6, 1964.

Released: November 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11567; Filed, Nov. 12, 1964; 8:46 a.m.]

[Docket Nos. 15619, 15620; FCC 64M-1112]

## FARRAGUT TELEVISION CORP. AND PEOPLES BROADCASTING CORP.

### Order Continuing Hearing

In re applications of Farragut Television Corporation, Columbus, Ohio, Docket No. 15619, File No. BPCT-3319; Peoples Broadcasting Corporation, Columbus, Ohio, Docket No. 15620, File No. BPCT-3333; for construction permit for new television broadcast station.

As a result of agreements reached this day at a further hearing conference in the above-entitled matter: *It is ordered*, That the hearing date of November 16, 1964 is converted to a further hearing conference to be held at 2:00 p.m., and that the hearing originally scheduled to commence on that date is hereby rescheduled to commence on December 16, 1964, at 10:00 a.m., in the Commission's offices, Washington, D.C.

Dated: November 5, 1964.

Released: November 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11568; Filed, Nov. 12, 1964; 8:46 a.m.]

[Docket Nos. 15535, 15536; FCC 64M-1102]

## NELSON BROADCASTING CO. AND UBIQUITOUS FREQUENCY MODULATION, INC.

### Order Scheduling Hearing

In re application of Donald P. Nelson & Wilbur E. Nelson, d/b as Nelson Broadcasting Company, Kingston, New York, Docket No. 15535, File No. BPH-4211; Ubiquitous Frequency Modulation, Incorporated, Hyde Park, New York, Docket No. 15536, File No. BPH-4312; for construction permits.

*It is ordered*, This 5th day of November 1964, on the Hearing Examiner's own motion, that the hearing in the above-entitled proceeding heretofore orally scheduled for 10:00 a.m., November 23, 1964, is hereby formally scheduled to commence on that same date at 9:00 a.m., in the Commission's offices in Washington, D.C.

Released: November 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11569; Filed, Nov. 12, 1964; 8:46 a.m.]

[Docket Nos. 15675, 15676; FCC 64M-1110]

## WESTERN CALIFORNIA TELEPHONE CO. AND PACIFIC TELEPHONE AND TELEGRAPH CO.

### Order Continuing Hearing

In re applications of Western California Telephone Company, Docket No. 15675, File No. 4409-C2-P-64, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Los Gatos, California; The Pacific Telephone and Telegraph Company, Docket No. 15676, File No. 5774-C2-P-64, for a construction permit to modify the facilities of station KMA-612 in the Domestic Public Land Mobile Radio Service at San Jose, California.

*It is ordered*, This 6th day of November 1964, that Walther W. Guenther, in lieu of H. Gifford Irion, shall serve as presiding officer in the above-entitled proceeding; that the dates heretofore specified for commencement of the prehearing conference and the formal hearing in the said proceeding are hereby cancelled; and that new dates shall be specified by order of the presiding officer in light of the pendency of other similar proceedings in which Western California Telephone Company and The Pacific Telephone and Telegraph Company are applicants:

Released: November 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11570; Filed, Nov. 12, 1964; 8:46 a.m.]



# FEDERAL MARITIME COMMISSION

## ELIZABETH RIVER TERMINALS, INC. ET AL.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the partly filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Kominers & Fort,
Tower Building, 1401 K Street NW.,
Washington, D.C.

Agreement No. T-1496 between the Elizabeth River Terminals, Inc. (Terminal) and the Atlantic and Danville Railway Co., the Atlantic Coast Line Railway, Norfolk Southern Railway, Seaboard Air Line Railroad and Southern Railway (Carriers), provides that the Carriers receive and deliver freight over their respective lines to and from Terminal at the same rates as applicable to and from Carriers' terminals in the Norfolk area. Carriers agree to absorb certain terminal charges in the same manner as at their own terminals in the Norfolk area. Terminal agrees to collect freight charges billed by Carriers in accordance with their tariffs and pay same over to them. Terminal further agrees to abide by the written instructions of Carriers in the handling of such freight and will not exercise any demands made by the owners of the freight without approval by the Carriers. Terminal will assess no wharf demurrage charges against rail freight during the free time period established by the Carriers' tariffs. The agreement further provides that any charges assessed by Terminal must be the same as published in the Carriers' own tariffs applicable at their terminal facilities in the Norfolk area. Terminal further agrees to assess all freight moving by truck and barge the same rates as are assessed and collected at the Carriers' respective terminals in the Norfolk area.

Dated: November 4, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11584; Filed, Nov. 12, 1964; 8:48 a.m.]

## INDEPENDENT OCEAN FREIGHT FORWARDER APPLICATIONS

### Notice of Revision

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licenses issued pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANTS

Arrow Van Lines No. 218, 88 Randolph Street, Post Office Box 1051, Savannah, Ga., 31402; revoked October 30, 1964.

General Export Forwarding Co. No. 627, 2250 West 58th Street, Chicago, Ill., 60636; revoked September 2, 1964.

Rapido Shipping Company No. 116 (J. Del Aguila, d.b.a.), 11 Broadway, New York, N.Y., 10004; revoked October 22, 1964.

Smith Co., Inc., Theodore B. No. 836, 24 State Street, New York, N.Y., 10004; revoked October 27, 1964.

TMA Shipping Company No. 775 (Jaime Moreno Gutierrez, d.b.a.), 377 Broadway, New York 13, N.Y.; reinstated October 27, 1964.

NON-GRANDFATHER APPLICANTS

Fast Delivery Service Inc. (Non) (Enrique Radillo, d.b.a.), Ave 65 de Infanteria, esquina a TTE., Alcides Reyes, Rio Piedras, Puerto Rico; dismissed October 15, 1964.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any applicant should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

Bevon International, Inc. (Non), 196 East Bay Street, Post Office Box 258, Charleston, S.C.; John E. Bevon, president, treasurer, and director; William J. Tillinghast, Jr., vice president and director; Falcon B. Hawkins, secretary.

Seabird Forwarders, Inc. (Non), 1271 Avenue of the Americas, New York, N.Y.; Cleo F. Bergeron, president; Matthew H. Bowcock, vice president; George T. Seabold, vice president, and treasurer.

Hutchins & Co., Inc., C. L. (Non), 675 Switzer Street, 10th Avenue Terminal, San Diego, Calif., 90101; Carlton L. Hutchins, president-director; Lucille C. Hutchins, secretary-treasurer and director; Joseph P. McDonough, director; Frank R. Britton, Jr., vice president; Madeline Britton, vice president; Juan E. Mendoza, vice president; Mary Jane Katsumata, assistant secretary-treasurer.

CHANGE OF ADDRESS AND OFFICERS

Burstrom & Son, Inc., A. F., No. 22, 2030 Guardian Building, 500 Griswold Street, Detroit, Mich., 48226.

Doyle Co., Inc., G. S. No. 623, 16 Beaver Street, New York, N.Y., 10004.

Jung Forwarding Co., Inc., No. 839, 16 Beaver Street, New York, N.Y., 10004.

Stattel, George A., No. 1006, 27 Pearl Street, New York, N.Y., 10004.

Transcoast, Inc., No. 701, 350 Park Avenue, New York, N.Y., 10022; Mathias Kovacs, president, treasurer-director; Imre Herzberger, vice president-director; Erno Pastor, secretary-director.

Young, Inc., Daniel F., No. 656, One Whitehall Street, New York, N.Y., 10004.

Dated: November 9, 1964.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11585; Filed, Nov. 12, 1964; 8:48 a.m.]

## TRANS MARINE SYSTEM, INC., ET AL.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

The following agreements have similar terms:

Trans Marine System, Inc., New York, N.Y., and Stanley Lindo & Co., Los Angeles 13, Calif-------- FF-1736

| | |
|---|---|
| Express Forwarding & Storage Co., Inc., New York, N.Y., and J. T. Steeb & Co., Inc., Portland 4, Oreg | FF–1737 |
| Ingo & Company, Inc., New York 4, N.Y., and J. R. Michels, Inc., New Orleans, La | FF–1738 |
| Samuel Shapiro & Co., Inc., Baltimore 2, Md., and Allen Forwarding Co., Philadelphia 6, Pa | FF–1739 |
| Sockrider Forwarding Co., Lake Charles, La., and Westfeldt Brothers Forwarders, Inc., New Orleans, La | FF–1740 |
| R. W. Smith & Co., Houston, Tex., and Castelazo & Associates, Los Angeles, Calif | FF–1741 |
| Lep Transport, Inc., New York, N.Y., and R. G. Hobelmann & Co., Inc., Baltimore, Md | FF–1742 |
| King Shipping Co., New York 4, N.Y., and William H. Masson, Inc., Baltimore, Md | FF–1743 |

Agreement FF–1743 between King Shipping Co., New York, N.Y., and William H. Masson, Inc., Baltimore, Md., is a working arrangement under which forwarding and service fees are to be divided as agreed. Ocean freight compensation is to be divided equally.

Dated: November 9, 1964.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–11586; Filed, Nov. 12, 1964; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. RI62–3]

## CABOT CORP. (SW)

### Order Accepting Offer of Settlement, Requiring Filing of Notices of Change, and Terminating Proceeding

NOVEMBER 5, 1964.

On October 1, 1964, Cabot Corporation (Cabot) submitted an offer of settlement in the above-designated proceeding, involving the jurisdictional sale of natural gas under Cabot's FPC Gas Rate Schedule No. 25 to Hugoton Plains Gas and Oil Company (Plains) from the Hugoton Field, Seward County, Kansas (Kansas Area) and Texas County, Oklahoma (Oklahoma Panhandle Area). Plains gathers and processes the gas in its Tyrone Gasoline Plant and resells the residue gas to Northern Natural Gas Company (Northern).

The presently effective rate is 18.92 cents per Mcf at 14.65 p.s.i.a. The increased rate has been in effect subject to refund since July 29, 1961. Cabot's rate is based on a revenue sharing arrangement with Plains whereby Cabot is entitled as a contractual matter to receive a rate which is 1.1166 cents per Mcf (corrected for compressibility) less than Plains' resale rate to Northern. The rate in effect subject to refund was based on Plains' increased rate of 20.1628 cents per Mcf for the sale of gas to Northern which was suspended in Docket No. RI60–102. The proposed settlement rate is based on Plains' settlement rate of 15.75 cents which was approved by order issued October 8, 1963 in Docket No. RI60–102.

In its offer of settlement, Cabot proposes to reduce its increased rate effective from July 29, 1961, to 14.6334 cents per Mcf at 14.65 p.s.i.a., subject to any applicable contractual deduction for compression, if any. Refunds are not involved because Cabot has not collected rates above the proposed settlement rate.

Inasmuch as the proposed settlement rate is directly related through a revenue sharing arrangement to the 15.75 cents per Mcf resale settlement rate of Plains, acceptance of Cabot's proposed settlement is in the public interest. Our action here does not constitute either a change in our present policy of suspending all increased rates above 11 cents per Mcf in these areas for the sale of pipeline quality gas within the meaning of the Commission's Statement of General Policy No. 61–1, as amended, or a change in our general settlement policy, but is based solely on the special circumstances presented in this case, in which the Commission's recognition of the agreement made by the parties does not affect the price to the pipeline purchaser.

Our action should not be construed as constituting approval of any future rate increases, if any, that may be filed under the subject rate schedule, and is without prejudice to any findings or order of the Commission in any future rate proceedings, including area rate proceedings, involving Cabot's rate and rate schedule.

The Commission finds: The proposed settlement of the above-designated proceeding, on the basis described herein, as more fully set forth in the offer of settlement filed with the Commission by Cabot on October 1, 1964, is in the public interest and appropriate to carry out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) The offer of settlement filed with the Commission by Cabot on October 1, 1964, is hereby approved in accordance with the provisions of this order.

(B) Cabot shall file within 30 days from the date of issuance of this order, a notice of change in rate providing for the 14.6334 cents per Mcf at 14.65 p.s.i.a. rates specified in its offer of settlement. The notice of change shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(C) Upon notification by the Secretary of the Commission that Cabot has complied with the terms and conditions of the order, the rate and charge of 14.6334 cents per Mcf at 14.65 p.s.i.a., specified in its offer of settlement, subject to any applicable contract deductions, shall be effective as of the issuance of this order, and the above-designated proceeding shall be deemed terminated.

(D) The acceptance by the Commission of Cabot's offer of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against Cabot, including area rate or other similar proceedings.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–11557; Filed, Nov. 12, 1964; 8:45 a.m.]

[Project No. 2293]

## MONTANA POWER CO.

### Notice of Application for License

NOVEMBER 5, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by The Montana Power Co. (correspondence to J. E. Corette, president, and Sam B. Chase, attorney at law, The Montana Power Co., 40 East Broadway, Butte, Mont., and also to Willard W. Gatchell, attorney at law, Suite 307, Riddell Building, 1730 K Street, NW., Washington, D.C., 20006) for license for Project No. 2293, comprising proposed hydroelectric developments to be known as Buffalo Rapids Nos. 2 and 4 on the Flathead River in Montana at river mile 61 and 37, respectively, and also constructed Kerr development at river mile 72 on the Flathead River presently licensed by the Federal Power Commission as Project No. 5; all in the counties of Lake, Flathead and Sanders, Montana, near Polson, and affecting lands of the United States held in trust for the Confederated Salish and Kootenai Tribes of the Flathead Reservation.

Project No. 2293 comprises: Kerr Development (Existing)—A concrete arch dam with a gravity section at the right abutment located at about rive mile 72; a gated spillway section on top of the arch section; a reservoir with a storage capacity of 1,217,000 acre-feet between elevations 2,883 and 2,893, normal high water elevation; a separate intake section in the left abutment with 3 concrete lined tunnels extending to the powerhouse; a separate powerhouse downstream from the dam containing three 77,000 hp Francis turbines each direct connected to a 56,000 kw generator; step-up transformers; three short 110 kv transmission lines extending to the Kerr Switchyard; and appurtenant electrical and mechanical facilities; Buffalo Rapids No. 2 (Proposed)—A concrete gravity dam and an earth fill section at the left abutment located at about river mile 61; a gated spillway section; a reservoir extending upstream to Kerr, with a surface area of 3,350 acres and a storage capacity of 121,000 acre-feet at a pond elevation of 2,706 feet; an intake section; a semi-outdoor powerhouse, integral with the dam, containing two generating units with a total capacity of 120,000 kilowatts; a substation with step-up and switching facilities; two short 230 kv transmission lines extending to the applicant's interconnected transmission system; and appurtenant electrical and mechanical facilities; and Buffalo Rapids No. 4 (Proposed)—A concrete gravity dam and an earth fill section at the left abutment located at about river mile 37; a gated spillway section; a reservoir, extending upstream to Buffalo Rapids No. 2, with a surface area of 3,370 acres and a storage capacity of 113,000 acre-feet at a pond elevation of 2,621 feet; an intake section; a semi-outdoor powerhouse, integral with the dam, containing two generating units with a total capacity of 120,000 kilowatts; a substation with step-up and switching facilities; two short 230 kv transmission lines extending to the applicant's interconnected transmission system; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Rules of Practice and Procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 28, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–11558; Filed, Nov. 12, 1964; 8:45 a.m.]



[Docket No. CP65–70]

## TRANSCONTINENTAL GAS PIPE LINE CORP.

### Notice of Application

NOVEMBER 4, 1964.

Take notice that on September 14, 1964, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex., 77001, filed in Docket No. CP65–70 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of an annual volume of 2,000,000 Mcf of natural gas to Carolina Pipeline Co. (Carolina), an existing customer, all as more fully set forth in the application on file with the Commission and open to public inspection.

The subject sale would be made pursuant to Applicant's proposed FPC Gas Rate Schedule ACQ–2 (annual contract quantity—Zone 2). Such sale will be made in addition to the existing sales made under Applicant's FPC Gas Rate Schedules CD–2 and E–2 and by means of existing facilities. Further, the proposed sale will be on an off-peak basis when capacity is available in Zone 2.

The application indicates that Carolina has need for ACQ service in Zone 2 similar to that rendered by Applicant in Zone 3. Further, Applicant states that the proposed service will enable Carolina to serve its market area with a greater degree of effectiveness since volumes of excess gas available to Carolina under Applicant's Rate Schedule E–2 have not proved sufficient to meet the requirements of Carolina's system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and, to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 30, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–11559; Filed, Nov. 12, 1964; 8:45 a.m.]

# HOUSING AND HOME FINANCE AGENCY

## Office of the Administrator

### ACTING REGIONAL DIRECTOR OF URBAN RENEWAL, REGION I (NEW YORK)

### Designation

The officers named below or appointed to the following listed positions in Region I (New York) are hereby designated to serve as Acting Regional Director of Urban Renewal, Region I, during the absence of the Regional Director of Urban Renewal, with all the powers, functions, and duties redelegated or assigned to the Regional Director of Urban Renewal, provided that no officer is authorized to serve as Acting Regional Director of Urban Renewal unless all other officers whose name or titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Director of Urban Renewal.
2. Robert LaPlante, Assistant to the Chief, Operations Branch.
3. Chief, Fiscal Management Branch.
4. Assistant Regional Director for Special Programs.

This designation supersedes the designation effective September 1, 1964 (29 F.R. 14205, October 15, 1964).

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 26th day of October 1964.

[SEAL] LESTER EISNER, Jr.,
*Regional Administrator,*
*Region I.*

[F.R. Doc. 64–11589; Filed, Nov. 12, 1964; 8:48 a.m.]

# RAILROAD RETIREMENT BOARD

## RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

### Notice of Deficit

Pursuant to section 8(a) of the Railroad Unemployment Insurance Act, as amended, the Railroad Retirement Board has determined, and hereby proclaims, that as of the close of business on September 30, 1964, there was a deficit of $294,400,831.15 in the railroad unemployment. insurance account. The underlying figures relating to the computation of this deficit follow:

| | |
|---|---|
| Unexpended amount in the railroad unemployment insurance account | $3,391,672.61 |
| Deduct: | |
| Amounts borrowed from the Railroad Retirement Account which have not been repaid | −301,211,000.00 |
| Accrued interest on such borrowed amounts | −2,992,082.38 |
| Deficit in railroad unemployment insurance account proper | 300,811,409.77 (D) |
| Add: | |
| Balance in railroad unemployment insurance administration fund | +6,410,578.62 |
| Deficit in railroad unemployment insurance account | 294,400,831.15 (D) |

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Illinois, this 6th day of November 1964.

[SEAL] HOWARD W. HABERMEYER,
*Chairman.*
THOMAS M. HEALY,
*Member.*
A. E. LYON,
*Member.*

By the Railroad Retirement Board.

LAWRENCE GARLAND,
*Secretary of the Board.*

[F.R. Doc. 64–11560; Filed, Nov. 12, 1964; 8:45 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4722]

## TASTEE FREEZ INDUSTRIES, INC.

### Order Suspending Trading

NOVEMBER 6, 1964.

The common stock, 67¢ par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 8, 1964, through November 17, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-11555; Filed, Nov. 12, 1964; 8:45 a.m.]

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[File Number 24A-1698]

## TILECAST CORP.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

NOVEMBER 5, 1964.

I. Tilecast Corporation (issuer) Bayamon, Puerto Rico (Business Address) Two Penn Center Plaza, Suite 1616 Philadelphia 2, Pennsylvania (Principal Office Address), a Pennsylvania corporation, filed with the Commission on December 2, 1963, a notification, offering circular and other exhibits relating to a proposed offering of 43,000 shares of its $0.01 par value common stock at $4.00 per share for an aggregate of $172,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. Sheldon Securities Corporation (underwriter) was named as the underwriter for the offering, which was commenced on February 4, 1964. The issuer filed an amended offering circular on June 29, 1964, and a report on Form 2-A on September 8, 1964.

II. The Commission has reasonable cause to believe that: A. The offering has been and will be made in violation of Section 17 of the Securities Act of 1933, as amended, since the offering circular contains untrue statements of material facts, omits to state material facts and contains a misleading presentation of facts with respect to the underwriting of the issue and the terms and conditions of the offering relating to the escrow and return of funds to subscribers as set forth in the issuer's offering circular.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer has failed to file a revised offering circular meeting the requirements of Rule 256(e).

2. The issuer has failed to file a report on Form 2-A meeting the requirements of Rule 260.

C. The issuer has failed to cooperate in that it has failed to file a revised offering circular meeting the requirements of Rule 256(e) and a report on Form 2-A meeting the requirements of Rule 260 despite numerous requests therefor from the Atlanta Regional Office.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

*It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-11556; Filed, Nov. 12, 1964; 8:45 a.m.]

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[File No. 1-3421]

## CONTINENTAL VENDING MACHINE CORP.

### Order Suspending Trading

NOVEMBER 6, 1964.

The common stock, 10¢ par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 8, 1964, through November 17, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-11554; Filed, Nov. 12, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 9, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 39375: *Iron or steel reinforcing bars to Houston, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8635), for interested rail carriers. Rates on iron or steel reinforcing bars, in carloads, subject to aggregated minimum weight of 420,000 pounds per shipment, from Indian Oaks, Ill., to Houston, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 94 to Southwestern Freight Bureau, agent, tariff I.C.C. 4503.

FSA No. 39377: *Iron or steel articles from Indian Oaks, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-8637), for interested rail carriers. Rates on iron or steel articles, in carloads, from Indian Oaks, Ill., to points in Louisiana and Texas.

Grounds for relief: Market competition.

Tariff: Supplement 94 to Southwestern Freight Bureau, agent, tariff I.C.C. 4503.

FSA No. 39378: *Iron or steel articles to Havana, Ill.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2749), for interested rail carriers. Rates on iron or steel sheet or strip, in carloads, from Canton, Cleveland, Massillon, and Warren, Ohio, to Havana, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 453 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. 3388 (Hinsch series).

FSA No. 39379: *Class and commodity rates from and to Fordhaven, Mich.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2748), for interested rail carriers. Rates on various commodities moving on class and commodity rates, in carloads and less-than-carloads, from or to Fordhaven, Mich., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

Tariff: Detroit, Toledo and Ironton Railroad Co. tariff I.C.C. 852.

### AGGREGATE-OF-INTERMEDIATES

FSA No. 39376: *Iron or steel reinforcing bars to Houston, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8636), for interested rail carriers. Rates on iron or steel reinforcing bars, in carloads, subject to aggregated minimum weight of 420,000 pounds per shipment, from Indian Oaks, Ill., to Houston, Tex.

Grounds for relief: Maintenance of depressed rates published to meet market competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 94 to Southwestern Freight Bureau, agent, tariff I.C.C. 4503.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-11582; Filed, Nov. 12, 1964; 8:48 a.m.]



## CUMULATIVE CODIFICATION GUIDE—NOVEMBER

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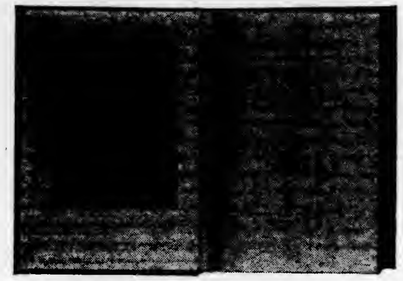

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# Rules and Regulations

## Title 7—AGRICULTURE

**Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture**

[Amdt. 12]

### PART 722—COTTON

**Subpart—Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton**

1965 FARM DOMESTIC ALLOTMENTS AND NEW COTTON FARM ELIGIBILITY

(a) This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This amendment provides for the establishment of farm domestic allotments for 1965 and also provides an additional limitation on new cotton farm eligibility.

(b) Notice of a proposal to amend the regulations to provide an additional limitation on new cotton farm eligibility was published in the FEDERAL REGISTER on July 25, 1964 (29 F.R. 10399) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice. Since the establishment of farm domestic allotments for 1965 requires immediate action by the Agricultural Stabilization and Conservation State and county committees, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

The acreage allotment regulations for the 1964 and succeeding crops of upland cotton (28 F.R. 11041, as amended) are amended as follows:

1. Section 722.212(b) of the regulations is amended by adding at the end thereof a new subparagraph as follows:

**§ 722.212 Allotments for new cotton farms.**

* * * * *

(b) *Eligibility of a new cotton farm for a cotton allotment.* * * *

(6) A farm which includes land acquired by an agency having the right of eminent domain for which the entire cotton allotment was pooled pursuant to Part 719 of this chapter which is subsequently returned to agricultural production shall not be eligible for a new cotton farm allotment for a period of three years from the date the former owner was displaced from the acquired farm.

* * * * *

2. The following new section is added immediately after § 722.228 of the regulations.

**§ 722.229 Farm domestic allotments for 1965.**

Section 350 of the act provides for the establishment of farm domestic allotments for 1965. The farm domestic allotment percentage of 65 percent was established for 1965 under § 722.258(c) (29 F.R. 14215). The county committee shall establish a farm domestic allotment for each farm for 1965 which shall be 65 percent of the smaller of (a) the 1965 farm allotment after release and reapportionment, or (b) the acreage actually planted or regarded as planted to cotton under the conservation programs on the farm in 1963 or 1964, whichever acreage was higher, except that if the acreage actually planted or regarded as planted to cotton under the conservation programs on the farm in (1) 1963 was 90 percent or more of the farm allotment for 1963 after release and reapportionment or in (2) 1964 was 90 percent or more of the farm allotment for 1964 after release and reapportionment (1964 farm domestic allotment on a farm receiving price support for 1964 under section 103(b) of the Agricultural Act of 1949), the entire amount of such farm allotment shall be deemed actually planted on the farm for purposes of this section: *Provided*, That the minimum 1965 farm domestic allotment for any farm from which no allotment is released for 1965 shall be the smaller of 15 acres or the farm allotment including any reapportioned acreage.

(Secs. 344, 350, 375, 63 Stat. 670, as amended, 78 Stat. 175, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1350, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 9, 1964.

E. A. JAENKE,
*Acting Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-11630; Filed, Nov. 13, 1964; 8:48 a.m.]

---

[Amdt. 3]

### PART 722—COTTON

**Subpart—Acreage Allotment Regulations for the 1964 and Succeeding Crops of Extra Long Staple Cotton**

ALLOTMENTS FOR NEW ELS COTTON FARMS

(a) This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This amendment provides an additional limitation on new ELS cotton farm eligibility.

(b) Notice of this proposed amendment was published in the FEDERAL REGISTER on July 25, 1964 (29 F.R. 10399) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice.

Section 722.312(b) of the acreage allotment regulations for the 1964 and succeeding crops of extra long staple cotton (28 F.R. 11034, as amended) is amended by adding at the end thereof a new subparagraph as follows:

**§ 722.312 Allotments for new ELS cotton farms.**

* * * * *

(b) *Eligibility of a new ELS cotton farm for an ELS cotton allotment.* * * *

(6) A farm which includes land acquired by an agency having the right of eminent domain for which the entire ELS cotton allotment was pooled pursuant to Part 719 of this chapter which is subsequently returned to agricultural production shall not be eligible for a new ELS cotton farm allotment for a period of three years from the date the former owner was displaced from the acquired farm.

* * * * *

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

Effective date: Thirty days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 9, 1964.

E. A. JAENKE,
*Acting Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-11629; Filed, Nov. 13, 1964; 8:48 a.m.]

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**Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar) Department of Agriculture**

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[Sugar Determination 831.4, Rev. 1, Supp. 1, Amdt. 1]

### PART 831—BEET SUGAR AREA

**Rates of Recoverability; 1964 Crop**

Pursuant to the provisions of section 302(a) of the Sugar Act of 1948, as amended, and paragraph (c) of § 831.4 of this chapter, § 831.11 of this chapter is amended by adding the following sentence immediately after the tabulation in paragraph (a) thereof:

**§ 831.11 Rates of recoverability; 1964 crop.**

* * * * *

(a) * * *

The hundredweight of sugar, raw value, commercially recoverable from sugarbeets of the 1964 crop, produced in the Finger Lakes area of New York and

processed by Buckeye Sugars, Inc., shall be computed by multiplying the net weight of sugarbeets (in tons) marketed by 2.743 which is the rate of commercially recoverable sugar computed for the Ottawa, Ohio, settlement area of Buckeye Sugars, Inc., for the 1964 crop.

* * * * *

STATEMENT OF BASES AND CONSIDERATIONS

For the 1964 crop year, sugarbeets were planted on about 150 acres in the Finger Lakes area of New York State. These plantings represented a continuation of tests preparatory to the beginning of commercial beet production in 1965 for the new factory being built in central New York. Since no cossette test data is available for the Finger Lakes area and since individual factory tests will not be made on grower's beets, this supplement provides that the rate of sugar commercially recoverable for 1964-crop sugarbeets grown in the Finger Lakes area and processed at the Buckeye Sugars, Inc., factory in Ottawa, Ohio, will be the same as that used for other sugarbeets of the 1964 crop processed at that factory.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 302, 303, 304, 61 Stat. 930, as amended, 931; 7 U.S.C. 1132, 1133, 1134)

Effective date: Date of publication.

Signed at Washington, D.C., on November 9, 1964.

CHAS. M. COX,
*Acting Deputy Administrator, State and County Operations.*

NOVEMBER 9, 1964.

[F.R. Doc. 64-11631; Filed, Nov. 13, 1964; 8:48 a.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Grapefruit Reg. 43]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

§ 905.431 Grapefruit Regulation 43.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 10, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750-51.783 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., November 16, 1964, and ending at 12:01 a.m., e.s.t., November 23, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit;

(iii) Any seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1;

(iv) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least U.S. No. 1 Russet: *Provided*, That such grapefruit which grade U.S. No. 2 or U.S. No. 2 Bright, may be shipped if such grapefruit meet the requirements as to form (shape) and color specified in the U.S. No. 1 grade; or

(v) Any seedless grapefruit grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida grapefruit.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 12, 1964.

F. L. SOUTHERLAND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-11697; Filed, Nov. 13, 1964; 8:50 a.m.]

[Orange Reg. 42]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

§ 905.432 Orange Regulation 42.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 10, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., November 16, 1964, and ending at 12:01 a.m., e.s.t., November 23, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the Regulation Area I, which do not grade at least U.S. No. 1;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II, which do not grade at least U.S. No. 1 Russet;

(iii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2^{5}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2^{1}/_{16}$ inches in diameter or smaller;

(iv) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(v) Any Temple oranges, grown in the production area, which are of a size smaller than $2^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 12, 1964.

F. L. SOUTHERLAND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-11696; Filed, Nov. 13, 1964; 8:50 a.m.]

[Tangerine Reg. 21]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

§ 905.433 Tangerine Regulation 21.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 10, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810-51.1834 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., November 16, 1964, and ending at 12:01 a.m., e.s.t., November 23, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than $2^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Tangerines.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 12, 1964.

F. L. SOUTHERLAND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-11694; Filed, Nov. 13, 1964; 8:50 a.m.]

[Tangelo Reg. 22]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

§ 905.434 Tangelo Regulation 22.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the

committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 10, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., November 16, 1964, and ending at 12:01 a.m., e.s.t., November 23, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2⅔₆ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 12, 1964.

F. L. SOUTHERLAND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11695; Filed, Nov. 13, 1964; 8:50 a.m.]

[Navel Orange Reg. 59]

## PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

**§ 907.359 Navel Orange Regulation 59.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the past week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 5, 1964.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., November 15, 1964, and ending at 12:01 a.m., P.s.t., October 31, 1965, no handler shall handle any Navel oranges, grown in District 1, District 3, or District 4 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the oranges contained in any type of container may measure smaller than 2.20 inches in diameter.

(2) As used in this section, "handle," "handler," "District 1," "District 3," and "District 4" shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 10, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11632; Filed, Nov. 13, 1964; 8:48 a.m.]

[Lemon Reg. 138]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

**§ 910.438 Lemon Regulation 138.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 10, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 15, 1964, and ending at 12:01 a.m., P.s.t., November 22, 1964, are hereby fixed as follows:

(i) District 1: 13,950 cartons;

(ii) District 2: 83,700 cartons;

(iii) District 3: 116,250 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 12, 1964.

F. L. SOUTHERLAND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11698; Filed, Nov. 13, 1964; 8:50 a.m.]

## PART 970—CARROTS GROWN IN SOUTH TEXAS

### Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment for the fiscal period ending July 31, 1965, to be effective under Marketing Agreement No. 142 and Order No. 970, both as amended (7 CFR Part 970), regulating the handling of carrots grown in South Texas, was published in the FEDERAL REGISTER October 20, 1964 (29 F.R. 14408). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, which was recommended by the South Texas Carrot Committee, established pursuant to the amended marketing agreement and order, it is hereby found and determined that:

**§ 970.205 Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred by the South Texas Carrot Committee, established under Marketing Agreement No. 142, and this part (Order No. 970), both as amended, to enable the committee to perform its functions under the provisions of the marketing agreement and marketing order during the fiscal period August 1, 1964, through July 31, 1965, will amount to $37,000.00.

(b) The rate of assessment to be paid by each handler under Marketing Agreement No. 142 and this part (Order No. 970), both as amended, shall be one-half cent ($0.005) per 50 pound sack (or crate) of carrots, or the equivalent quantity thereof packed in other containers, handled by him as the first handler thereof during said fiscal period.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of the amended marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable carrots from the beginning of such period, and (2) the current fiscal period began on August 1, 1964, and the rate of assessment herein fixed will automatically apply to all assessable carrots beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: November 10, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11633; Filed, Nov. 13, 1964; 8:48 a.m.]

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 3]

## PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

### Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Certain Commodities

RATE OF INTEREST AND BASIS COMPUTATION OF INTEREST EARNED

The Regulations issued by the Commodity Credit Corporation published in 26 F.R. 6192, as amended, containing the terms and conditions under which commercial banks may participate in pools of CCC price support loans on cotton are hereby further amended to increase from 3.70 to 3.875 percent per annum, effective November 15, 1964, the rate of interest on certificates evidencing participation in financing cotton price support loans.

Section 1427.1238 is amended to read as follows:

**§ 1427.1238 Rate of interest and basis of computation of interest earned.**

Certificates shall earn interest at the rate of 3.7 percent per annum through and including November 14, 1964, and 3.875 percent per annum thereafter. This interest rate of 3.875 percent may be increased or decreased by CCC upon publication in the FEDERAL REGISTER of an amendment to these regulations providing for such increase or decrease: *Provided,* That with respect to any decrease in the interest rate, the effective date of such decrease shall be at least 15 days subsequent to the date of publication of such amendment in the FEDERAL REGISTER. Interest earned will be paid on a 365 day basis from and including the date shown on the certificate to, but not including, the maturity date of the certificate, the date the certificate is purchased by CCC, or the date the certificate is to be presented to CCC for purchase in accordance with notice given the holder of record pursuant to § 1427.1237, whichever date first occurs. If the



29 F.R. 3614, as amended, containing the terms and conditions for participation in pools of CCC price support loans on certain commodities, are hereby further amended to change from 3.70 to 3.875 percent per annum, effective November 15, 1964, the rate of interest on certificates evidencing participation in financing price support loans.

I. Section 1421.3825(a) is amended to read as follows:

**§ 1421.3825 Rate of interest and basis of computation of interest earned.**

(a) *Rate of interest.* Certificates shall earn interest at the rate of 3.70 percent per annum through and including November 14, 1964, and 3.875 percent thereafter.

* * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, Stat. 1072; 15 U.S.C. 714c)

Signed at Washington, D.C., on November 9, 1964.

E. A. JAENKE,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 64–11605; Filed, Nov. 13, 1964; 8:46 a.m.]

[Amdt. 4]

## PART 1427—COTTON

### Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Cotton

RATE OF INTEREST AND BASIS OF COMPUTATION OF INTEREST EARNED

amount of accrued interest on a certificate presented for purchase is $3.00 or less, CCC shall not be obligated to pay any interest on the certificate.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U.S.C. 714c)

Signed at Washington, D.C., on November 9, 1964.

E. A. JAENKE,
*Acting Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 64-11606; Filed, Nov. 13, 1964; 8:46 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6311; Amdt. 829]

## PART 507—AIRWORTHINESS DIRECTIVES

### Beech Models C18S and AT-11 Series Aircraft

Amendment 810, 29 F.R. 12913, AD 64-21-1, which became effective September 16, 1964, superseding AD 50-28-1 as revised by Amendment 762, 29 F.R. 9324, requires inspection of the front spar lower cap and the wing center section steel truss joints in the nacelle region on Beech Models C18S and AT-11 Series aircraft. However, certain of the provisions set forth in Amendment 762, were inadvertently omitted in Amendment 810. Therefore, AD 64-21-1 is revised to include the omitted provisions of Amendment 762.

As a situation exists which demands immediate adoption of this regulation it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 810, 29 F.R. 12913, AD 64-21-1, Beech Models C18S and AT-11 Series aircraft, is amended by changing the last sentence of paragraph (b) (1) to read:

If cracks are found, make repairs within the limits of Part B of Beech Service Bulletin No. 64-16 provided the oleo drag legs, Beech P/N 734-188005 or Martin P/N 90-1000001 for aircraft at 7,650 pounds gross weight, or Beech P/N 734-188005-4 for aircraft at 8,750 pounds or higher gross weight, are installed in accordance with the manufacturer's recommendations.

This amendment shall become effective November 14, 1964.

On November 20, 1964, this directive becomes an amendment to § 39.13 of Part 39 [New] of the Federal Aviation Regulations.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 6, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-11586; Filed, Nov. 13, 1964; 8:45 a.m.]

# Title 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

[Release 33-4731 etc.]

## PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

### Miscellaneous Amendments

The Securities and Exchange Commission has allocated to the Division of Corporate Regulation certain functions relating to investment companies which have previously been performed by the Division of Corporation Finance (Release 33-4731, 34-7457, 39-211, and 40-4073).

In the past, the Division of Corporation Finance has been responsible for the administration of the disclosure requirements in registration statements filed by investment companies under the Securities Act of 1933 and in proxy statements filed under the Securities Exchange Act of 1934, for all matters pertaining to registered investment companies arising under the Trust Indenture Act of 1939, and, in addition, for the review of periodic reports filed with the Commission by registered investment companies and of reports transmitted to stockholders of such companies pursuant to sections 30(a) through 30(e) of the Investment Company Act of 1940. These functions have been transferred to the Division of Corporate Regulation, which continues to be responsible for the administration of the regulatory provisions of the Investment Company Act of 1940.

In connection with the transfer of functions, §§ 200.30-1 and 200.30-2 of Title 17 of the Code of Federal Regulations have been amended by the revocation of certain authority previously delegated to the Director of the Division of Corporation Finance and the delegation of that authority and certain additional authority to the Director of the Division of Corporate Regulation.

Sections 200.18 and 200.20 of Title 17 of the Code of Federal Regulations which describe the functions of the two Divisions, have been amended to reflect the transfer of functions.

Sections 200.18, 200.20, 200.30-1 and 200.30-2, as amended, are set forth below.

**§ 200.18 Director of the Division of Corporation Finance.**

The Director of the Division of Corporation Finance is responsible to the Commission for the administration and enforcement of all matters, except those pertaining to investment companies registered under the Investment Company Act of 1940, relating to establishing and requiring adherence to standards of economic and financial reporting and disclosure with respect to securities traded on national securities exchanges or offered for public sale pursuant to registration or exemptive regulations, establishing and requiring adherence to standards of fair disclosure in the solicitation of proxies for election of directors and other corporate actions, and for the enforcement of the standards set forth in the Trust Indenture Act of 1939 regarding indentures covering debt securities. These duties shall include the responsibility to the Commission for the administration and enforcement of disclosure and related requirements of the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, and the Investment Company Act of 1940, as listed below:

(a) All matters under the Securities Act of 1933 arising from or pertaining to material filed pursuant to the requirements of that Act, except such material filed by investment companies registered under the Investment Company Act of 1940.

(b) All matters, except those pertaining to investment companies registered under the Investment Company Act of 1940, arising under the Securities Exchange Act of 1934 in connection with:

(1) The registration of securities on national securities exchanges pursuant to section 12.

(2) The examination and processing of periodic reports filed pursuant to sections 13 and 15(d).

(3) The examination and processing of proxy soliciting material pursuant to section 14.

(4) The denial or suspension of registration of securities listed on national securities exchanges, pursuant to section 19(a)(2), arising from failure to comply with the reporting provisions of the Act.

(c) All matters relating to the examination and processing of ownership reports filed under section 16(a) of the Securities Exchange Act of 1934.

(d) The examination and processing of proxy material filed under the Public Utility Holding Company Act of 1935 and subject to Regulation 14 (17 CFR 240.14a-1 to 240.14a-11) issued under the Securities Exchange Act of 1934, and the examination of reports filed under section 17(a) of the Public Utility Holding Company Act of 1935.

(e) All matters, except those pertaining to investment companies registered under the Investment Company Act of 1940, arising under the Trust Indenture Act of 1939.

(f) All matters arising under section 30(f) of the Investment Company Act of 1940.

**§ 200.20 Director of the Division of Corporate Regulation.**

The Director of the Division of Corporate Regulation is responsible to the Commission for the performance of the Commission's responsibilities under Chapters X and XI of the Bankruptcy Act, for the administration and enforcement of the Public Utility Holding Company Act of 1935 and the Investment Company Act of 1940, and with respect to matters pertaining to investment companies registered under the Investment Company Act of 1940 the administration and enforcement of all matters relating to establishing and requiring adherence to standards of economic and financial reporting and the administration and enforcement of fair disclosure and related matters under the Securities Act of 1933 and the Securities Exchange Act of 1934 and enforcement of the standards set forth in the Trust Indenture Act of 1939 regarding indentures covering debt securites, as listed below:

(a) All matters relating to the Commission's responsibilities under Chapters X and XI of the Bankruptcy Act, including representation of the Commission in the United States District Courts in cases involving those chapters.

(b) The administration and enforcement of all matters arising under the Public Utility Holding Company Act of 1935, except:

(1) The examination and processing of proxy solicitation material which is subject to Regulation 14 (17 CFR 240.14a-1 to 240.14a-11) adopted under the Securities Exchange Act of 1934.

(2) The examination and processing of ownership reports filed under section 17(a).

(c) The administration and enforcement of all matters arising under the Investment Company Act of 1940, except those arising under section 30(f) of that Act.

(d) All matters under the Securities Act of 1933 arising from or pertaining to material filed pursuant to the requirements of that Act by investment companies registered under the Investment Company Act of 1940.

(e) All matters arising under the Securities Exchange Act of 1934, except the examination and processing of ownership reports filed under section 16(a) of the Act, pertaining to investment companies registered under the Investment Company Act of 1940, in connection with:

(1) The registration of securities on national securities exchanges pursuant to section 12.

(2) The examination and processing of periodic reports filed pursuant to sections 13 and 15(d).

(3) The examination and processing of proxy soliciting material pursuant to section 14.

(4) The denial or suspension of registration of securities listed on national securities exchanges, pursuant to section 19(a)(2), arising from failure to comply with the reporting provisions of the Act.

(f) All matters pertaining to investment companies registered under the Investment Company Act of 1940 arising under the Trust Indenture Act of 1939.

**§ 200.30-1 Delegation of authority to Director of Division of Corporation Finance.**

Pursuant to the provisions of Public Law No. 87-592, 76 Stat. 394, the Securities and Exchange Commission hereby





delegates, until the Commission orders otherwise, the following functions to the Director of the Division of Corporation Finance, to be performed by him or under his direction by such person or persons as may be designated from time to time by the Chairman of the Commission:

(a) With respect to registration of securities pursuant to the Securities Act of 1933, 15 U.S.C. 77a et seq., and Regulation C thereunder, § 230.400 et seq. of this chapter:

(1) To determine the effective dates of amendments to registration statements filed pursuant to section 8(c) of the Act, 15 U.S.C. 77b(c);

(2) To consent to the withdrawal of registration statements or amendments or exhibits thereto, pursuant to Rule 477, § 230.477 of this chapter;

(3) To authorize the issuance of orders granting confidential treatment to material submitted in accordance with Rule 485, § 230.485 of this chapter, but only when the Commission has previously by order granted confidential treatment to the same information;

(4) To accelerate the use or publication of any summary prospectus filed with the Commission pursuant to section 10(b) of the Act, 15 U.S.C. 77j(b), and Rule 434A(g) thereunder, § 230.434A(g) of this chapter:

(5) Pursuant to section 8(a) of the Act, 15 U.S.C. 77h(a), regarding the following types of registration statements:

(i) Statements filed on Form S-8, § 239.16b of this chapter;

(ii) Statements filed on Form S-9, § 239.22 of this chapter;

(iii) Statements filed on Form S-12, § 239.19 of this chapter;

(iv) Statements filed on Form S-14, § 239.23 of this chapter;

(v) Statements filed on Form F-1, § 239.9 of this chapter;

(vi) Statements filed in situations involving competitive bidding subject to Rule 415, § 230.415 of this chapter; and

(vii) Statements filed on any form subsequent to the effectiveness of another registration statement covering the securities of the same issuer where the issuer is subject to and is filing reports in compliance with the reporting requirements of section 13 or section 15(d) of the Securities Exchange Act of 1934, 15 U.S.C. 78m and 78o(d).

(a) To determine such registration statements to be effective within shorter periods of time than twenty days after filing thereof;

(b) To consent to the filing of amendments prior to the effective dates of such registration statements as parts thereof, or to determine that amendments filed prior to the effective dates of such registration statements have been filed pursuant to orders of the Commission, so as to be treated as parts of the registration statements for the purpose of section 8(a) of the Act;

(c) To determine to be effective applications for qualification of trust indentures filed therewith.

(6) Pursuant to instructions as to financial statements contained in forms adopted under the Act:

(i) To permit the omission of one or more financial statements therein required or the filing in substitution therefor of appropriate statements of comparable character, or

(ii) To require the filing of other financial statements in addition to, or in substitution for, the statements therein required.

(b)(1) To designate officers empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, or other documents in the course of any examination or investigation instituted by the Commission pursuant to section 19(b) of the Securities Act of 1933, 15 U.S.C. 77s(b), and section 21(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(b), and section 8(e) of the Securities Act of 1933, 15 U.S.C. 77h(e);

(2) In nonpublic investigatory proceedings within the responsibility of the director, to grant requests of persons submitting data or evidence to retain or procure copies of their data or transcripts of their testimony pursuant to Rule 3(b) of the Commission's rules of practice, § 201.3(b) of this chapter.

(c) With respect to the Securities Act of 1933, 15 U.S.C. 77a et seq. and Regulation B thereunder, 230.300 et seq. of this chapter:

(1) To authorize the issuance of orders temporarily suspending the effectiveness of offering sheets in the manner prescribed in Rule 340(a) thereunder, § 230.340(a) of this chapter;

(2) To issue notices of suspension of offering sheets and of opportunity for hearing thereon, in the manner prescribed in Rule 340(a), § 230.340(a) of this chapter;

(3) To terminate temporary suspension orders issued by the Commission under Rule 340(a), § 230.340(a) of this chapter, and proceedings under Rule 340(b), § 230.340(b) of this chapter, prior to taking any evidence at any such hearing thereon when, as set forth in Rule 340(c), § 230.340(c) of this chapter, it appears that the offering sheet has been amended to cure the objections specified in the temporary suspension order or the notice instituting the proceeding;

(4) To authorize the issuance of orders granting requests for withdrawal of offering sheets, pursuant to Rule 350, § 230.350 of this chapter, when it appears that no sales of the securities described in said offering sheets have, in fact, been made;

(5) To authorize the issuance of orders declaring effective amendments to offering sheets filed in accordance with the provisions in Rule 352, § 230.352 of this chapter, and Rule 354, § 230.354 of this chapter;

(6) To authorize the issuance of orders terminating the effectiveness of offering sheets upon applications of persons filing them in compliance with the provisions of Rule 356, § 230.356 of this chapter.

(d) With respect to the Trust Indenture Act of 1939, 15 U.S.C. 77aaa et seq.:

(1) To determine to be effective prior to the twentieth day after filing thereof applications for qualification of indentures filed on Form T-3 pursuant to section 307 of the Act, 15 U.S.C. 77ggg,

and Rule 7a–1 thereunder, § 260.7a–1 of this chapter;

(2) To authorize the issuance of orders exempting certain securities from the provisions of the Act pursuant to sections 304 (c) and (d) thereof, 15 U.S.C. 77ddd (c) and (d) and Rule 4(c)–1 thereunder, § 260.4(c)–1 of this chapter;

(3) In cases in which opportunity for hearing is waived, to authorize the issuance of orders determining that a trusteeship under an indenture to be qualified and another indenture is not so likely to involve a material conflict of interest as to make it necessary to disqualify the trustee pursuant to section 310(b)(1)(ii) of the Act, 15 U.S.C. 77jjj(b)(1)(ii) and Rule 10b–2 thereunder, § 260.10b–2 of this chapter.

(e) With respect to the Securities Exchange Act of 1934, 15 U.S.C. 78a et seq.:

(1) To determine to be effective applications for registration of securities on a national securities exchange prior to thirty days after receipt of a certification pursuant to section 12(d) of the Act, 15 U.S.C. 78l(d);

(2) Pursuant to instructions as to financial statements contained in forms adopted under the Act:

(i) To permit the omission of one or more financial statements therein required or the filing in substitution therefor of appropriate statements of comparable character;

(ii) To require the filing of other financial statements in addition to, or in substitution for, the statements therein required.

(3) To accord confidential treatment to material filed pursuant to section 24 (b) of the Act, 15 U.S.C. 78x(b), and Rule 24b–2 thereunder, § 240.24b–2 of this chapter, but only when the Commission has previously by order granted confidential treatment to the same information;

(4) To authorize the use of forms of proxies, proxy statements or other soliciting material within periods of time less than that prescribed in Rule 14a–6, § 240.14a–6 of this chapter, Rule 14a–8 (d), § 240.14a–8(d) of this chapter and Rule 14a–11, § 240.14a–11 of this chapter;

(5) To grant applications for exemptions from the operation of section 15(d) of the Act, 15 U.S.C. 78o(d), pursuant to Rule 15d–20, § 240.15d–20 of this chapter, except when a hearing is requested.

(f) Notwithstanding anything in the foregoing:

(1) Matters arising under the Investment Company Act of 1940, the Securities Act of 1933, the Securities Exchange Act of 1934 and the Trust Indenture Act of 1939 pertaining to investment companies registered under the Investment Company Act of 1940 are not within the scope of the functions delegated to the Director of the Division of Corporation Finance;

(2) In any case in which the Director of the Division of Corporation Finance believes it appropriate, he may submit the matter to the Commission.

**§ 200.30–2 Delegation of authority to Director of Division of Corporate Regulation.**

Pursuant to the provisions of Public Law No. 87–592, 76 Stat. 394, the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following functions to the Director of the Division of Corporate Regulation, to be performed by him or under his direction by such person or persons as may be designated from time to time by the Chairman of the Commission:

(a) With respect to the Public Utility Holding Company Act of 1935, 15 U.S.C. 79a, et seq.:

(1) To issue notices with respect to applications or declarations under the following sections of the Act and the rules and regulations promulgated thereunder where, upon examination, the application or declaration does not appear to him to present issues not previously settled by the Commission or to raise questions of fact or policy indicating that the public interest or the interest of investors or consumers requires that a hearing be held:

(i) Section 2(a)(3), 15 U.S.C. 79b(a)(3);
(ii) Section 2(a)(4), 15 U.S.C. 79b(a)(4);
(iii) Section 2(a)(7), 15 U.S.C. 79b(a)(7);
(iv) Section 2(a)(8), 15 U.S.C. 79b(a)(8);
(v) Section 3(a), 15 U.S.C. 79c(a);
(vi) Section 3(b), 15 U.S.C. 79c(b);
(vii) Section 5(d), 15 U.S.C. 79e(d);
(viii) Section 6(b), 15 U.S.C. 79f(b);
(ix) Section 7, 15 U.S.C. 79g;
(x) Section 9(c)(3), 15 U.S.C. 79i(c)(3);
(xi) Section 10, 15 U.S.C. 79j;
(xii) Section 12(b), 15 U.S.C. 79l(b);
(xiii) Section 12(c), 15 U.S.C. 79l(c);
(xiv) Section 12(d), 15 U.S.C. 79l(d);
(xv) Section 12(e), 15 U.S.C. 79l(e);
(xvi) Section 12(f), 15 U.S.C. 79l(f);
(xvii) Section 12(g), 15 U.S.C. 79l(g);
(xviii) Section 13(b), 15 U.S.C. 79m(b);
(xix) Section 13(c), 15 U.S.C. 79m(c);
(xx) Section 13(d), 15 U.S.C. 79m(d);
(xxi) Section 13(e), 15 U.S.C. 79m(e);
(xxii) Section 13(f), 15 U.S.C. 79m(f).

(2) To authorize the issuance of orders where a notice has been issued and no request for a hearing has been received from any interested person within the period specified in the notice and the matter involved presents no issue that he believes has not previously been settled by the Commission and it does not appear to him to be necessary in the public interest or the interest of investors or consumers that a hearing be held; section 20(c), 15 U.S.C. 79t(c);

(3) To permit the withdrawal of applications or declarations filed pursuant to the Act, 15 U.S.C. 79a, et seq.;

(4) Upon a showing of good cause and that it would not be contrary to the public interest or inconsistent with the protection of investors or consumers, to grant, reasonable extensions of time with respect to the time for the filing with the Commission of registration statements and of reports pursuant to section 20(a), 15 U.S.C. 79t(a), and Rules 1(b), 1(c), 2, 24 and 29; §§ 250.1(b), 250.1(c), 250.2, 250.24 and 250.29 of this chapter;

(b) With respect to the Investment Company Act of 1940, 15 U.S.C. 80a–1, et seq.:

(1) To issue notices, pursuant to Rule 0–5(a), § 270.05(a) of this chapter, with respect to applications for orders under the following sections of the Act and the rules and regulations promulgated thereunder where, upon examination, the application does not appear to him to present issues not previously settled by the Commission or to raise questions of fact or policy indicating that the public interest or the interest of investors requires that a hearing be held:

(i) Section 6(b), 15 U.S.C. 80a–6(b);
(ii) Section 6(c), 15 U.S.C. 80a–6(c);
(iii) Section 6(d), 15 U.S.C. 80a–6(d);
(iv) Section 6(e), 15 U.S.C. 80a–6(e);
(v) Section 7(d), 15 U.S.C. 80a–7(d);
(vi) Section 8(f), 15 U.S.C. 80a–8(f);
(vii) Section 10(e), 15 U.S.C. 80a–10(e);
(viii) Section 10(f), 15 U.S.C. 80a–10(f);
(ix) Section 11(a), 15 U.S.C. 80a–11(a);
(x) Section 12(g), 15 U.S.C. 80a–12(g);
(xi) Section 16(a), 15 U.S.C. 80a–16(a);
(xii) Section 17(b), 15 U.S.C. 80a–17(b);
(xiii) Section 17(d), 15 U.S.C. 80a–17(d);
(xiv) Section 17(e), 15 U.S.C. 80a–17(e);
(xv) Section 17(f), 15 U.S.C. 80a–17(f);
(xvi) Section 17(g), 15 U.S.C. 80a–17(g);
(xvii) Section 18(j), 15 U.S.C. 80a–18(j);
(xviii) Section 23(b), 15 U.S.C. 80a–23(b);
(xix) Section 23(c). 15 U.S.C. 80a–23(c);
(xx) Section 28(c), 15 U.S.C. 80a–28(c);
(xxi) Section 31(d), 15 U.S.C. 80a–30(d);
(xxii) Section 32(c), 15 U.S.C. 80a–31(c);
(xxiii) Section 45(a), 15 U.S.C. 80a–44(a).

(2) To authorize the issuance of orders where a notice, pursuant to Rule 0–5(a), § 270.05(a) of this chapter, has been issued and no request for a hearing has been received from any interested person within the period specified in the notice and the matter involved presents no issue that he believes has not previously been settled by the Commission and it does not appear to him to be necessary in the public interest or the interest of investors that a hearing be held; section 40(a), 15 U.S.C. 80a–39(a);

(3) To permit the withdrawal of applications pursuant to the Act, 15 U.S.C. 80a–1, et seq.;

(4) Upon a showing of good cause and that it would not be contrary to the public interest or inconsistent with the protection of investors, to grant reasonable extensions of time with respect to the time for (i) the mailing of reports to stockholders and (ii) the filing with the Commission of registration statements and of reports; section 38(a), 15 U.S.C. 80a–37(a);



(5) To permit, pursuant to Rule 20a–2(a)(9), § 270.20a–2(a)(9) of this chapter, the omission from a proxy statement of a registered investment company of the certification of the balance sheet of the investment adviser of such investment company and, if the investment adviser is primarily engaged in a business other than the underwriting or distribution of investment company securities or the performance of advisory services for registered investment companies, to permit the summarization or omission of such balance sheet.

(6) To authorize the issuance of orders granting confidential treatment pursuant to section 45(a) of the Act, 15 U.S.C. 80a–44(a), where applications for confidential treatment are made regarding matters of disclosure in registration statements filed pursuant to section 8 of the Act, 15 U.S.C. 80a–8, or in reports filed pursuant to section 30 of the Act, 15 U.S.C. 80a–29, but only when the Commission has previously by order granted confidential treatment to the same information.

(c) With respect to matters pertaining to investment companies registered under the Investment Company Act of 1940 arising under the Securities Act of 1933, the Securities Exchange Act of 1934 and the Trust Indenture Act of 1939, the same functions as are delegated to the Director of the Division of Corporation Finance in regard to companies other than such registered investment companies in sections (a)(1), (a)(2), (a)(3), (a)(6), (d) and (e) of Rule 30–1 of these rules.

(d) With respect to registration of securities pursuant to the Securities Act of 1933, 15 U.S.C. 77a et seq., and Regulation C thereunder, § 230.400 et seq. of this chapter, pursuant to section 8(a) of the Securities Act of 1933, 15 U.S.C. 77h(a), and Regulation C thereunder, § 230.400 et seq. of this chapter, regarding registration statements filed by investment companies registered under the Investment Company Act of 1940 on any form subsequent to the effectiveness of another registration statement covering the securities of the same issuer where the issuer is subject to and is filing reports in compliance with the reporting requirements of section 13 or section 15(d) of the Securities Exchange Act of 1934, 15 U.S.C. 78m and 78o(d), or section 30 of the Investment Company Act of 1940, 15 U.S.C. 80a–29;

(1) To determine such registration statements to be effective within shorter periods of time than twenty days after filing thereof;

(2) To consent to the filing of amendments prior to the effective dates of such registration statements as parts thereof, or to determine that amendments filed prior to the effective dates of such registration statements have been filed pursuant to orders of the Commission, so as to be treated as parts of the registration statements for the purpose of section 8(a) of the Act;

(3) To determine to be effective applications for qualification of trust indentures filed therewith.

(e) With respect to the Securities Act of 1933, 15 U.S.C. 77a et seq. and Regulation E thereunder, § 230.601 et seq. of this chapter:

(1) To authorize the offering of securities:

(i) Less than ten days subsequent to the filing with the Commission of a notification on Form 1–E, pursuant to Rule 604(a), § 230.604(a) of this chapter;

(ii) Less than ten days subsequent to the filing of an amendment to a notification on Form 1–E, pursuant to Rule 604(c), § 230.604(c) of this chapter;

(2) To authorize the use of a revised or amended offering circular less than ten days subsequent to the filing thereof pursuant to Rule 605(e), § 230.605(e) of this chapter;

(3) To authorize the use of communications specified in subsections (a), (b), and (c) of Rule 607, § 230.607 of this chapter, less than five days subsequent to the filing thereof;

(4) To permit the withdrawal of any notification, or any exhibit or other documents filed as a part thereof, pursuant to Rule 604(d), § 230.604(d) of this chapter.

(f)(1) To designate officers empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records in the course of investigations instituted by the Commission pursuant to section 18(c) of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79r(c), or pursuant to section 42(b) of the Investment Company Act of 1940, 15 U.S.C. 80a–41(b), or pursuant to section 19(b) of the Securities Act of 1933, 15 U.S.C. 77s(b), or pursuant to section 21(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(b), or pursuant to section 8(e) of the Securities Act of 1933, 15 U.S.C. 77h(e);

(2) In nonpublic investigatory proceedings within the responsibility of the director, to grant requests of persons submitting data or evidence to retain or procure copies of their data or transcripts of their testimony pursuant to Rule 3(b) of the Commission's rules of practice, § 201.3(b) of this chapter.

(g) Notwithstanding anything in the foregoing, in any case in which the Director of the Division of Corporate Regulation believes it appropriate he may submit the matter to the Commission.

(§§200.18 and 200.20 amended under secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U.S.C. 77s, 78w, 77sss, 79t, 80a–37, 80b–11; §§ 200.30–1 and 200.30–2 amended under sec. 1, 76 Stat. 394; 15 U.S.C. 78d–1)

The Commission finds that the foregoing actions relate to agency organization, procedure or practice and that compliance with sections 4 (a), (b), and (c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is unnecessary. Accordingly, the foregoing action, which was taken pursuant to Public Law No. 87–592, 76 Stat. 394, becomes effective November 10, 1964.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOVEMBER 10, 1964.

[F.R. Doc. 64–11597; Filed, Nov. 13, 1964; 8:45 a.m.]

# Title 21—FOOD AND DRUGS

**Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare**

**SUBCHAPTER A—GENERAL**

**PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT**

**PART 5—FOOD; EXEMPTIONS FROM LABELING REQUIREMENTS**

In the FEDERAL REGISTER of July 21, 1964 (29 F.R. 9803), the Commissioner of Food and Drugs proposed a special exempting regulation with respect to net-weight declarations on wrapped banana clusters at the request of the banana industry. Thirty days were announced for submitting views and comments on this proposal, and two comments were received. One recommended that the proposed requirement for a correct statement on the wrapper of its weight either be eliminated or be applicable only when the wrapper's weight exceeded some maximum amount to be set by the regulation. This proposal is inconsistent with the principle and meaning of "net weight," and a requirement to set forth the weight of the wrapper imposes no unreasonable burden on the affected industry. The other comment took general exception to the proposal on the ground that it would lead to consumer deception. The reasons given were not persuasive.

Upon consideration of all the views and comments and other relevant information, the Commissioner concludes that the proposed regulation should issue, without change. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403(e)(2), 405, 701(a), 52 Stat. 1046, as amended 1049, 1055; 21 U.S.C. 343(e)(2), 345, 371(a)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471): *It is ordered,* That §§ 1.13 and 1.14 be transferred to a new Part 5, reading as indicated below, and that § 5.8 be inserted in that part. No changes are intended or effected in the original text of §§ 1.13 and 1.14 except those editorial changes affecting recodification.

**PART 5—FOOD; EXEMPTIONS FROM LABELING REQUIREMENTS**

Sec.
5.1 Open containers.
5.2 Repacked, reprocessed, and relabeled foods.
5.3 Conditions affecting expiration of exemptions.
5.4 Labeling of cheeses during curing and processing.
5.5 [Reserved]
5.6 Markers.
5.7 Wrapped fish fillets.
5.8 Bananas, wrapped clusters (consumer units).

AUTHORITY: The provisions of this Part 5 issued under sec. 403, 701(a), 52 Stat. 1047, 1055 as amended, 21 U.S.C. 343, 371(a).

**§ 5.1 Open containers.**

(a) An open container is a container of rigid or semirigid construction, which

is not closed by lid, wrapper, or otherwise.

(b) An open container of a fresh fruit or fresh vegetable, the quantity of contents of which is not more than one dry quart, shall be exempt from the labeling requirements of subsections (e), (g)(2) (with respect to the name of the food specified in the definition and standard), and (i)(1) of section 403 of the act; but such exemption shall be on the condition that if two or more such containers are enclosed in a crate or other shipping package, such crate or package shall bear labeling showing the number of such containers enclosed therein and the quantity of the contents of each.

**§ 5.2 Repacked, reprocessed, and relabeled foods.**

Except as provided by §§ 5.3 and 5.4, a shipment or other delivery of a food which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantity at an establishment other than that where originally processed or packed, shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such establishment, from compliance with the labeling requirements of section 403 (c), (e), (g), (h), (i), (j) and (k) of the act if:

(a) The person who introduced such shipment or delivery into interstate commerce is the operator of the establishment where such food is to be processed, labeled, or repacked; or

(b) In case such person is not such operator, such shipment or delivery is made to such establishment under a written agreement, signed by and containing the post-office addresses of such person and such operator, and containing such specifications for the processing, labeling, or repacking, as the case may be, of such food in such establishment as will insure, if such specifications are followed, that such food will not be adulterated or misbranded within the meaning of the act upon completion of such processing, labeling, or repacking. Such person and such operator shall each keep a copy of such agreement until 2 years after the final shipment or delivery of such food from such establishment, and shall make such copies available for inspection at any reasonable hour to any officer or employee of the Department who requests them.

**§ 5.3 Conditions affecting expiration of exemptions.**

(a) An exemption of a shipment or other delivery of a food under § 5.2(a) shall, at the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment become void ab initio if the food comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed.

(b) An exemption of a shipment or other delivery of a food under § 5.2(b) shall become void ab initio with respect to the person who introduced such shipment or delivery into interstate commerce upon refusal by such person to make available for inspection a copy of the agreement, as required by § 5.2(b).

(c) An exemption of a shipment or other delivery of a food under § 5.2(b) shall expire:

(1) At the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment if the food comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed; or

(2) Upon refusal by the operator of the establishment where such food is to be processed, labeled, or repacked, to make available for inspection a copy of the agreement, as required by such paragraph.

**§ 5.4 Labeling of cheeses during curing and processing.**

The word "processed" as used in this section shall include the holding of cheese in a suitable warehouse at a temperature of not less than 35° F. for the purpose of aging or curing to bring the cheese into compliance with requirements of an applicable definition and standard of identity. The exemptions provided for in § 5.2 shall apply to cheese which is, in accordance with the practice of the trade, shipped to a warehouse for aging or curing, on condition that the cheese is identified in the manner set forth in one of the applicable following paragraphs, and in such case the provisions of § 5.3 shall also apply:

(a) In the case of varieties of cheese for which definitions and standards of identity require a period of aging whether or not they are made from pasteurized milk, each such cheese shall bear on the cheese a legible mark showing the date at which the preliminary manufacturing process has been completed and at which date curing commences, and to each cheese, on its wrapper or immediate container, shall be affixed a removable tag bearing the statement "Uncured _____ cheese for completion of curing and proper labeling," the blank being filled in with the applicable name of the variety of cheese. In the case of swiss cheese, the date at which the preliminary manufacturing process had been completed and at which date curing commences is the date on which the shaped curd is removed from immersion in saturated salt solution as provided in the definition and standard of identity for swiss cheese, and such cheese shall bear a removable tag reading, "To be cured and labeled as 'swiss cheese', but if eyes do not form to be labeled as 'swiss cheese for manufacturing.'"

(b) In the case of varieties of cheeses which when made from unpasteurized milk are required to be aged for not less than 60 days, each such cheese shall bear a legible mark on the cheese showing the date at which the preliminary manufacturing process has been completed and at which date curing commences, and to each such cheese or its wrapper or immediate container shall be affixed a removable tag reading, "_____ cheese made from unpasteurized milk. For completion of curing and proper labeling," the blank being filled in with the applicable name of the variety of cheese.

(c) In the case of cheddar cheese, washed curd cheese, colby cheese, granular cheese, and brick cheese made from unpasteurized milk, each such cheese shall bear a legible mark on the cheese showing the date at which the preliminary manufacturing process has been completed and at which date curing commences, and to each such cheese or its wrapper or immediate container shall be affixed a removable tag reading "_____ cheese made from unpasteurized milk. For completion of curing and proper labeling, or for labeling as _____ cheese for manufacturing," the blank being filled in with the applicable name of the variety of cheese.

**§ 5.5 [Reserved]**

**§ 5.6 Markers.**

The label declaration of a harmless marker used to identify a particular manufacturer's product may result in unfair competition through revealing a trade secret. Exemption from the label declaration of such a marker is granted, therefore, provided that the following conditions are met:

(a) The person desiring to use the marker without label declaration of its presence has submitted to the Commissioner of Food and Drugs full information concerning the proposed usage and the reasons why he believes label declaration of the marker should be subject to this exemption; and

(b) The person requesting the exemption has received from the Commissioner of Food and Drugs a finding that the marker is harmless and that the exemption has been granted.

**§ 5.7 Wrapped fish fillets.**

(a) Wrapped fish fillets of nonuniform weight intended to be unpacked and marked with the correct weight at the point of retail sale in an establishment other than that where originally packed shall be exempt from the requirement of section 403(e)(2) of the act during introduction and movement in interstate commerce and while held for sale prior to weighing and marking: *Provided*, That:

(1) The outside container bears a label declaration of the total net weight; and

(2) The individual packages bear a conspicuous statement "To be weighed at time of sale" and a correct statement setting forth the weight of the wrapper; and

*Provided further*, That it is the practice of the retail establishment to weigh and mark the individual packages with a correct net-weight statement prior to or at the point of retail sale. A statement of the weight of the wrapper shall be set forth so as to be readily read and understood, using such term as "wrapper tare _____ ounce," the blank being filled in with the correct average weight of the wrapper used.

(b) The act of delivering the wrapped fish fillets during the retail sale without the correct net-weight statement shall be deemed an act which results in the product's being misbranded while held for sale. Nothing in this section shall be construed as requiring net-weight statements for wrapped fish fillets delivered into institutional trade provided the outside container bears the required information.



**§ 5.8 Bananas, wrapped clusters (consumer units).**

(a) Wrapped clusters (consumer units) of bananas of nonuniform weight intended to be unpacked from a master carton or container and weighed at the point of retail sale in an establishment other than that where originally packed shall be exempt from the requirements of section 403(e)(2) of the act during introduction and movement in interstate commerce and while held for sale prior to weighing: *Provided*, That:

(1) The master carton or container bears a label declaration of the total net weight; and

(2) The individual packages bear a conspicuous statement "To be weighed at the time of sale" and a correct statement setting forth the weight of the wrapper; and

*Provided, further*, That it is the practice of the retail establishment to weigh the individual packages either prior to or at the time of retail sale.

(b) The act of delivering the wrapped clusters (consumer units) during the retail sale without an accurate net weight statement or alternatively without weighing at the time of sale shall be deemed an act which results in the product's being misbranded while held for sale. Nothing in this paragraph shall be construed as requiring net-weight statements for clusters (consumer units) delivered into institutional trade, provided that the master container or carton bears the required information.

*Effective date:* This order shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 403(e)(2), 405, 701(a), 52 Stat. 1046, as amended 1049, 1055; 21 U.S.C. 343(e)(2), 345, 371(a))

Dated: November 6, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11639; Filed, Nov. 13, 1964; 8:48 a.m.]

## PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

## PART 8—COLOR ADDITIVES

### Miscellaneous Amendments

Effective on the date of publication of this order in the FEDERAL REGISTER, the following amendments are ordered to Parts 3 and 8 for the purpose of making minor editorial changes prior to republication of Title 21.

**§ 3.204 [Revoked]**

1. Section 3.204 is revoked because the material contained therein is now obsolete.

**§§ 8.300, 8.6000 [Redesignated]**

2. Sections 8.390 and 8.6200 are renumbered as §§ 8.300 and 8.6000, respectively.

No substantive amendments are included in this order, and therefore the requirements for notice and public procedure and delayed effective date contemplated by the Administrative Procedure Act are not necessary in this instance.

(Sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371(a))

Dated: November 6, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11640; Filed, Nov. 13, 1964; 8:49 a.m.]

# Title 31—MONEY AND FINANCE: TREASURY

## Chapter I—Monetary Offices, Department of the Treasury

## PART 92—BUREAU OF THE MINT PROCEDURES AND DESCRIPTIONS OF FORMS

### Purchase of "Mint Sets"

Section 92.20a of Part 92 (Revised), Chapter I, Subtitle B of Title 31 of the Code of Federal Regulations is hereby amended by adding immediately after the final sentence thereof the following language: "The Bureau of the Mint specifically reserves the right to reduce or cancel orders for U.S. Mint sets, whether or not acknowledgement of receipt thereof has been made, and to make appropriate refund. The right is further reserved to discontinue all sale of such sets, beyond which orders will be returned."

Dated: November 9, 1964.

[SEAL] ROBERT A. WALLACE,
*Assistant Secretary.*

[F.R. Doc. 64-11623; Filed, Nov. 13, 1964; 8:47 a.m.]

## Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

[Dept. Circular 655 (Revised)]

## PART 211—DELIVERY OF CHECKS AND WARRANTS TO ADDRESSES OUTSIDE THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

In order to consolidate into one document the existing fourteen Supplements to Department Circular No. 655 and to eliminate obsolete material therefrom, Department Circular No. 655, dated March 19, 1941 (31 CFR Part 211), as amended, is hereby revised to read as follows:

Sec.
211.1 Authority for regulations.
211.2 Withholding of delivery of checks.
211.3 Reports and deposits of checks withheld.
211.4 Claims for the release of withheld checks or for the proceeds thereof.
211.5 Alternate procedure.
211.6 Exceptions.

AUTHORITY: The provisions of this Part 211 issued under sec. 5, 54 Stat. 1087 (31 U.S.C. 127); R.S. 161 (5 U.S.C. 22); R.S. 248 (5 U.S.C. 242); and Treasury Department Order No. 190 (Revision 2) (28 F.R. 11570).

SOURCE: §§ 211.1 to 211.6 contained in Treasury Department Circular No. 655 (Revised), effective Nov. 14, 1964.

**§ 211.1 Authority for regulations.**

The regulations in this part are prescribed and issued under authority of section 5 of the Act of October 9, 1940, 54 Stat. 1087 (31 U.S.C. 127), "To restrict or regulate the delivery of checks drawn against funds of the United States, or any agency or instrumentality thereof, to addresses outside the United States, its territories, and possessions, and for other purposes."; of sections 161 and 248 of the Revised Statutes (5 U.S.C. 22 and 242); and of Treasury Department Order No. 190 (Revision 2) (28 F.R. 11570).

**§ 211.2 Withholding of delivery of checks.**

(a) It is hereby determined that postal, transportation, or banking facilities in general or local conditions in Albania, Communist-controlled China, Cuba, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, North Korea, North Viet-Nam, the Union of Soviet Socialist Republics, the Russian Zone of Occupation of Germany, and the Russian Sector of Occupation of Berlin, Germany, are such that there is not a reasonable assurance that a payee in those areas will actually receive checks or warrants drawn against funds of the United States, or agencies or instrumentalities thereof, and be able to negotiate the same for full value.

(b) A check or warrant intended for delivery in any of the countries named in paragraph (a) of this section shall be withheld unless the check or warrant is specifically released. Before a check or warrant drawn against funds blocked pursuant to the provisions of Executive Order No. 8389 (3 CFR, 1943 Cum. Supp.), as amended, and which remain blocked under the proviso clause of General License No. 101 (8 CFR 511.101) may be released, it will be necessary for a license authorizing the release to be issued by the Department of Justice, Civil Division, Office of Alien Property, pursuant to that Executive Order, as amended. Attention is also directed to the following regulations issued by the Secretary of the Treasury: (1) The Foreign Assets Control Regulations issued on December 17, 1950 (31 CFR Part 500), pursuant to Executive Order No. 9193 (3 CFR, 1943 Cum. Supp.), which prohibit transactions involving payments to nationals of Communist-controlled China, North Korea and North Viet-Nam except to the extent that they have been authorized by appropriate license and (2) the Cuban Assets Control Regulations issued on July 8, 1963 (31 CFR Part 515), pursuant to the same authority, which prohibit similar transactions with nationals of Cuba unless licensed.

(c) Powers of Attorney for the receipt or collection of checks or warrants or of the proceeds of checks or warrants included within the determination of the Secretary of the Treasury set forth in paragraph (a) of this section will not be recognized.

**§ 211.3 Reports and deposits of checks withheld.**

(a) At the close of each quarter, a report, in duplicate, containing the information required in section 2 of the Act of October 9, 1940, 54 Stat. 1086 (31 U.S.C. 124), shall be made to the Bureau of Accounts, Investments Branch, Treasury Department, Washington, D.C., 20226, for checks or warrants withheld (1) pursuant to both Executive Order No. 8389, as amended, or Executive Order No. 9193, and the determination of the Secretary of the Treasury under § 211.2, or (2) solely pursuant to any such authority. Such reports shall contain the following: The name and address of the payee; the date, number, and amount of the check or warrant; and the account against which it was drawn. A separate tabulation shall be prepared for checks or warrants withheld under each disbursing officer's symbol applying to each administrative agency, in which report checks or warrants shall be segregated by countries.

(b) Checks withheld from delivery pursuant to the provisions of this part are to be deposited in the general account of the Treasurer of the United States for credit to the deposit fund account of the Secretary of the Treasury, 20X6048, Proceeds of Withheld Foreign Checks, at the close of the calendar quarter in which the check was drawn. The deposit will be made on Standard Form 219 prepared in accordance with the provisions of applicable Treasury regulations. The office deposit symbol, block 1, should be shown as 20–18–0006; Washington, D.C., 20226, should be shown in block 2 of the Certificate of Deposit.

**§ 211.4 Claims for the release of withheld checks or for the proceeds thereof.**

Claims for the release of checks or warrants withheld from delivery and claims for the proceeds of checks or warrants which have been deposited in the account "Secretary of the Treasury, Proceeds of Withheld Foreign Checks," shall be filed with the Bureau of Accounts, Investments Branch, Treasury Department, Washington, D.C., 20226, except that claims arising out of checks or warrants representing payments under laws administered by the Veterans Administration shall be filed with the Administrator of Veterans Affairs, Veterans Administration, Washington, D.C., 20420. The Bureau of Accounts will obtain from the administrative agency concerned its report and recommendation upon each claim submitted, prior to payment.

**§ 211.5 Alternate procedure.**

In lieu of drawing a check or warrant which would be withheld pursuant to § 211.2(b), a drawer agency may withhold payment on its books. Such an agency may be requested from time to time to submit reports similar to those required by § 211.3(a).

**§ 211.6 Exceptions.**

The regulations of this part do not apply to payments to foreign governments, nor to checks or warrants issued in payment of salaries or wages, or for goods or services purchased by the Government of the United States in foreign countries, unless such payments are subject to the Foreign Assets Control Regulations (31 CFR Part 500) or the Cuban Assets Control Regulations (31 CFR Part 515).

Dated: November 9, 1964.

[SEAL] JOHN K. CARLOCK,
*Fiscal Assistant Secretary.*

[F.R. Doc. 64–11619; Filed, Nov. 13, 1964; 8:47 a.m.]

SUBCHAPTER C—OFFICE OF THE TREASURER OF THE UNITED STATES

## PART 361—DISTRIBUTION OF UNCIRCULATED COINS FOR COLLECTION PURPOSES

### Revocation

By virtue of Treasury Department Order No. 179–3, dated August 16, 1961 (26 F.R. 9876), all functions and responsibilities for the sale and distribution of sets of uncirculated coin were transferred from the Office of the Treasurer of the United States to the Bureau of the Mint. Part 92 (Revised), Chapter I, Subtitle B of Title 31 of the Code of Federal Regulations was recently amended by adding thereto a new section, § 92.20a *Purchase of "Mint sets"* (29 F.R. 13321, September 25, 1964). This new section describes official U.S. Mint sets of uncirculated coins and prescribes procedures for ordering such sets.

Therefore, Part 361, Chapter II, Subchapter C of Title 31 of the Code of Federal Regulations has become obsolete and is hereby revoked.

(R.S. 161; 5 U.S.C. 22)

Dated: November 9, 1964.

[SEAL] ROBERT A. WALLACE,
*Assistant Secretary.*

[F.R. Doc. 64–11620; Filed, Nov. 13, 1964; 8:47 a.m.]

# Title 46—SHIPPING

## Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 5]

## PART 308—WAR RISK INSURANCE

### Miscellaneous Amendments

Effective as of midnight December 7, 1964, G.m.t., Part 308 is hereby amended to reflect the following changes:

Amend § 308.6 *Period of interim binders and renewal procedure*, § 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement*, § 308.206 *Standard form of war risk protection and indemnity insurance interim binder*, and § 308.305 *Standard form of Second Seamen's war risk insurance interim binder*, by changing the expiration dates contained therein to read "midnight, September 7, 1965, G.m.t."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: November 5, 1964.

By order of the Deputy Maritime Administrator.

JAMES S. DAWSON, Jr.,
*Secretary.*

[F.R. Doc. 64–11565; Filed, Nov. 13, 1964; 8:45 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

## PART 0—COMMISSION ORGANIZATION

## PART 97—AMATEUR RADIO SERVICE

### Examining and Licensing of Radio Operators

In the matter of amendment of Appendix 1, Part 97 and §§ 0.316(b) and 0.445(b) of the Commission's rules with regard to examining and licensing of radio operators.

*Order.* The Commission having under consideration a modification of the provision made under Parts 0 and 97 of its rules for examining applicants for amateur operator licenses and acting on applications for commercial radio operator licenses; and

It appearing, that the Commission's district field office at Los Angeles, California and its marine office at San Pedro, California both perform the aforementioned examining and licensing functions; that, except for acting on applications for Restricted Radiotelephone Operator Permits, the performance of said functions by the San Pedro office is unnecessary in view of its close proximity to the Los Angeles office and should be discontinued; and

It further appearing, that adoption of the aforementioned change would eliminate duplication of certain functions and would be in the public interest; and

It further appearing, that the amendment herein ordered is procedural in nature and not substantive and therefore compliance with the public rule-making procedures required by sections 4 (a) and (b) of the Administrative Procedure Act is not required.

*It is ordered*, This 9th day of November 1964 pursuant to authority of § 0.261 of the Commission's rules and to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and pursuant to section 3(a) of the Administrative Procedure Act, that Appendix 1, to Part 97 and §§ 0.316(b) and 0.445(b) of the Commission's rules be amended as set forth below, effective December 17, 1964.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*



1. Section 0.316(b) is amended to read as follows:

**§ 0.316 Authority delegated to Marine Supervisors at marine offices, to engineers engaged in ship inspection duties at radio district offices, and to radio engineers at suboffices.**

* * * * * *

(b) The Marine Supervisor at the marine office of the Field Engineering Bureau at Tampa, Fla., is delegated authority to act upon matters set forth in § 0.314 (a), (d), (e), (g), (j), (k), and (o). The Marine Supervisor at the marine office of the Field Engineering Bureau at San Pedro, Calif., is delegated authority to act upon matters set forth in § 0.314 (e), (g), (j), (k), and (o), and to act upon applications for restricted radiotelephone operator permits and requests for provisional radio operator certificates related thereto.

* * * * * *

**§ 0.445 [Amended]**

2. Section 0.445(b) of the Commission's rules is amended by deleting San Pedro, Calif., from the list of cities set forth therein at which examinations are given.

3. Part 97, Appendix 1, paragraph 2, is amended by deleting San Pedro, Calif., from the list of offices at which examinations are given.

[F.R. Doc. 64–11636; Filed, Nov. 13, 1964; 8:48 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

[Ex Parte Nos. MC–19, MC–61; Released Rates Order No. MC–505]

## MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS; PRACTICES AND RELEASED RATES

### Miscellaneous Amendments

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 9th day of October A.D. 1964.

## PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

It appearing, that on April 30, 1964, the Commission entered an order amending, renumbering, and revising Part 176, Transportation of Household Goods in Interstate or Foreign Commerce (49 CFR 176) and directed that the rules and regulations promulgated therein become effective on July 10, 1964;

It further appearing, that on April 30, 1964, the Commission entered Released Rates Order No. MC–505 on the record made in Ex Parte No. MC–61, Released Rates of Motor Common Carriers of Household Goods, and directed that Released Rates Order Nos. MC–2–B of April 21, 1953, MC–309 of March 28, 1950, MC–330 of May 22, 1951, MC–362 of May 24, 1954, and MC–429 of September 26, 1958, be rescinded effective July 10, 1964;

It further appearing, that the proceedings in Ex Parte No. MC–19, Practices of Motor Common Carriers of Household Goods, and Ex Parte No. MC–61, Released Rates of Motor Common Carriers of Household Goods were ordered discontinued;

It further appearing, that by order dated June 26, 1964, the Commission directed its two orders of April 30, 1964, in Ex Parte Nos. MC–19 and MC–61 to be modified so as to postpone their effective dates from July 10, 1964, to November 10, 1964;

It further appearing, that on June 24, 1964, petitions were filed jointly on behalf of the American Movers Conference, Household Goods Carriers Bureau, and the Movers and Warehousemen's Association of America, Inc., and individually by Wheaton Van Lines, Inc., requesting limited reconsideration of the Commission's report and orders dated April 30, 1964, in Ex Parte Nos. MC–19 and MC–61 and that replies to said petitions have been filed by the Bureau of Inquiry and Compliance, Wheaton, and the three carrier associations;

It further appearing, that upon consideration of said petitions and replies thereto the Commission determined that the said petitions should be granted and the proceedings in Ex Parte Nos. MC–19 and 61 reopened for limited reconsideration on the record made;

And it further appearing, that the Commission, on the date hereof, has made and filed its report on reconsideration herein setting forth the basis for its conclusions and findings therein, which report and the prior reports in 17 M.C.C. 467, 47 M.C.C. 119, 48 M.C.C. 247, 53 M.C.C. 177, 71 M.C.C. 113, and 95 M.C.C. 138, are hereby referred to and made a part hereof:

*It is ordered*, That the petitions dated June 24, 1964, filed jointly by American Movers Conference, Household Goods Carriers Bureau, and the Movers and Warehousemen's Association of America, Inc., and individually by Wheaton Van Lines, Inc., be, and they are hereby granted to permit the reconsideration, on the record made, of our new Released Rates Order No. MC–505 entered in Ex Parte No. MC–61, Released Rates of Motor Common Carriers of Household Goods, and certain minor revisions or clarifications to the regulations prescribed in our Order dated April 30, 1964, entered in Ex Parte No. MC–19, Practices of Motor Common Carriers of Household Goods.

*It is further ordered*, That the following sections of Part 176, be and they are hereby, revised and modified so as to read as follows:

Amend § 176.3(c) to read as follows:

**§ 176.3 Determination of weights.**

* * * * * *

(c) *Driver's weight certificate.* Whenever weights are required to be obtained pursuant to these rules, the carrier shall cause to be executed a weight certificate for each shipment, in the form specified below, at the time the last necessary weight is obtained, and the original or a copy of such certificate shall be carried in the vehicle transporting the shipment and shall be displayed upon request of the party paying the carrier's charges. The original or a true copy of such certificate shall be maintained by the carrier as part of its record of shipment.

DRIVER'S WEIGHT CERTIFICATE

Date _____

Name of carrier _____
Vehicle identification _____
Name of shipper _____
Origin of shipment _____
Destination of shipment _____
Gross weight of loaded vehicle without the crew thereon _____ pounds.
Tare weight of vehicle without the crew thereon, including full fuel tank and all necessary pads, chains, dollies, hand trucks, and other equipment _____ pounds.
Net weight of the shipment _____ pounds.
The above gross and tare weights were obtained at scales—

Gross:
_____
(Name of scale owner)
_____
(Location)

Tare:
_____
(Name of scale owner)
_____
(Location)

as shown by attached weight ticket(s) prepared by the weighmaster.

(Attach only gross weight ticket if tare weight is obtained from a weight ticket on shipments listed below.)

List of shipments, if any, on vehicle at time above weights were obtained:

| *Shipper* | *Net weight* |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

I certify the above entries are true and correct.

_____
(Driver's signature)

Amend §§ 176.7 and 176.8 to read as follows:

**§ 176.7 Selling of insurance to shippers prohibited.**

No such common carrier or any employee, agent, or representative thereof, shall sell, or offer to sell, or procure for any shipper, any kind of insurance, under any type of policy, covering loss or damage to a shipment or shipments of household goods to be transported in interstate or foreign commerce by such carrier, but this section shall not preclude such a carrier from procuring in its own name insurance covering its liability for such loss or damage.

**§ 176.8 Receipt or bill of lading; information thereon.**

(a) *Issuance of a receipt or bill of lading.* No such common carrier shall issue a receipt or bill of lading for household goods to be transported in interstate or foreign commerce prior to receiving such household goods for such transportation; but common carriers must issue such receipt or bill of lading when such household goods are received.

(b) *Information required on receipt or bill of lading.* Whenever a receipt or

bill of lading is issued in compliance with preceding paragraph (a), the carrier shall cause to be included therein the following information:

(1) The name of the motor carrier (not the agent's name) which will transport the shipment; if shipment is to be interlined, the names of the connecting carriers provided they are known when the shipment is received.

(2) The name, address, and telephone number of the office of the carrier that should be contacted in relation to the shipment, should there be a need for such contact.

(3) The name, address, and telephone number of a person to whom notification provided for in paragraph (c) of this section shall be given, except when this cannot be obtained from the shipper.

(4) The preferred delivery date or the period of time within which delivery of the shipment may be expected to be made at destination.

(c) *Notification of delay in delivery.* Whenever a carrier is unable to make delivery of a shipment of household goods on the date or during the period specified in the receipt or bill of lading, the carrier shall notify the shipper, or person designated by the shipper, by telegram or telephone, at the carrier's expense, of the date on which delivery of the shipment will be made; such notification to be given not less than 24 hours prior to the date or during the period shown on the receipt or bill of lading except when the circumstances causing the delay occur at a later time, in which case the notice shall be given as soon as possible but in no event more than 24 hours after the occurrence: *Provided,* That the requirement of this paragraph shall not apply where the carrier is unable to obtain from the shipper an address or telephone number for such notification.

In § 176.9, paragraph (b) *Insurance policy* and paragraph (c) *Advertisement of insurance* are revoked and paragraph (d) *Filing tariffs and evidence of insurance prerequisite to advertising that "all loads are insured"* is renumbered as paragraph (b)

In § 176.10, amend paragraphs (a) and (c), redesignate paragraph (d) as paragraph (f), and add new paragraphs (d), (e), and (g). The amended and added paragraphs read as follows:

**§ 176.10 Estimates of charges.**

(a) *Estimates by the carrier.* Whenever an estimate of the charges for a proposed service shall be given by a carrier to a prospective shipper of household goods, the estimate shall be made only after a visual inspection of the goods by the estimator. Such estimate shall be in the form [1] hereinafter set forth, and across the top of each form there shall be imprinted, in red letters not less than one-half inch high, the words "Estimated Cost of Services." The form shall be fully executed as appropriate in each case in accordance with the instructions therein. The original or a true legible copy of each estimate form prepared in accordance with this paragraph shall be delivered to the shipper; and a copy thereof shall be maintained by the carrier as part of its record of shipment. The shipper shall not be permitted or required to sign the "Estimated Cost of Services" form.

* * * * *

(c) *Specific request of shipper for notification.* Whenever the shipper specifically requests notification of the actual weight and charges on a shipment, the carrier shall comply with such request immediately upon determining the actual weight and charges, by telephone or telegraph if so requested. Such notification shall be at the carrier's expense in instances in which notification would be required under paragraph (d) of this section and in all other instances unless the carrier provides in its tariff that the actual cost of such notification shall be collected from the shipper. Such notification shall be made no later than 24 hours prior to the time the shipment is offered for delivery except where the shipment is in transit less than 24 hours.

(d) *Notification to shipper where charges exceed estimate.* Whenever actual charges on any shipment exceed by more than 10 percent or $25, whichever is greater, any estimate of charges given by the carrier to the shipper, immediately upon determining the actual charges, the carrier shall notify the shipper of the amount thereof by telegram or telephone at the carrier's expense. Such notice shall be made no later than 24 hours prior to the time the shipment is offered for delivery, except where the shipment is in transit less than 24 hours; *Provided,* That this paragraph shall not apply (1) where credit is to be extended by the carrier, and (2) where the shipper has not supplied, upon request by the carrier, an address or telephone number at which the communication would be received.

(e) *Report of underestimates.* Every motor common carrier of household goods shall file each month with the Interstate Commerce Commission, Washington, D.C., 20423, a report of all instances during the preceding month where the actual charges for services rendered exceeded the estimates of such charges by 10 percent or more, with an explanation of reasons for the variances.

* * * * *

(g) *Order for services shall not show charges or estimates.* There shall not be shown on any form in the nature of a "Moving Order" or "Order for Service" which may be used by carriers of household goods any charges or estimates of charges nor any reference to any estimate of charges given to the shipper.

Amend § 176.12 to read as follows:

**§ 176.12 Information for prospective shippers.**

(a) *Summary of information.* During the course of the first interview with every prospective shipper, every carrier of household goods shall cause to be given to the prospective shipper a summary of information in the form specified below. Such summary shall be printed on one sheet in not less than eight-point bold or full-faced type, and shall contain only the heading "Important notice to shippers of household goods" and the information shown below under that heading. The carrier's name, address, and telephone number may be shown on the sheet if that is desired. If no personal interview is had with a shipper, the carrier shall cause such summary to be mailed to the shipper on or prior to the day on which the order for service is placed. The carrier shall make an appropriate notation on the receipt or bill of lading that such summary has been furnished.

IMPORTANT NOTICE TO SHIPPERS OF HOUSEHOLD GOODS

The Interstate Commerce Commission requires that this notice and accompanying general information be furnished to all prospective shippers of household goods in interstate or foreign commerce.

*Estimates.* Carriers cannot determine exactly what your move will cost you until all packing has been completed and the goods are loaded on a vehicle and weighed. They make estimates to try to approximate the cost for you. To get a reasonably accurate estimate you must show the estimator everything you intend to ship. An estimate is not a bid nor a contract, and choosing the carrier submitting the lowest estimate will not assure you the lowest cost move. Regardless of any estimate, the actual weight of your goods and the actual amount of packing and other services performed by the carrier will determine the final amount you must pay for your moving. All estimates are now required to be in writing. Do not accept any verbal approximation of the charges.

*Carrier responsibility for loss and damage.* At its lowest rates, the carrier's responsibility for loss or damage caused by it is limited to sixty (60) cents per pound for the actual weight of each lost or damaged article. Most articles are worth more than this, and many are worth a great deal more. If you wish to hold the carrier responsible for the full value of any articles which it loses or damages, you must pay an extra charge of fifty (50) cents for each one hundred pounds shipped, with a maximum charge of $50, and if your shipment has a greater value than $10,000 a further charge of $5 for each $1,000 of valuation in excess of $10,000. Unless you have some other means of recovering the value of your lost or damaged goods, you should seriously consider paying the extra charges. These charges will be added by the carrier automatically when you declare the value of your shipment unless you declare a value of sixty (60) cents per pound per article. The extra charges will cover the actual value of all items lost or damaged up to a total of $10,000, and if you declare a higher value they will cover that higher value as well.

*Notification of charges and delay.* The carrier is required to notify you by telegram or telephone of any delays in delivery. Also of the amount of the charges if you request it or if they exceed the estimate by more than 10 percent or $25 whichever is greater. Be sure to give the carrier an address or telephone number where such messages can be sent.

*Packing.* Many articles must be packed in barrels, cartons, or crates so that they can be handled safely. Wardrobes are usually supplied for garments. There is a charge per container for these services. You may do your own packing. However, the carrier is not responsible for damage resulting from faulty packing you perform. The carrier will unpack containers it has packed, if you wish, but not those you have packed. Be sure mechanisms of refrigerators, washers, etc., are serviced to prevent damage during movement.

[1] Form filed as part of original document.



*Payment and delivery.* The carrier will require payment in cash, money order, or certified check before unloading your goods unless credit arrangements were made beforehand. Be prepared in case the actual charges demanded at this time are greater than what was estimated.

*Lost or damaged articles.* Be sure to check your goods as they are delivered. Note any lost articles or damage on the receipt which you will sign upon completion of the delivery. If other loss or damage is discovered later, notify the carrier immediately. A claim can be filed later.

*Additional information.* More detailed information is provided in a general information statement which the carrier must provide when you place an order for service.

(b) *Statement of general information.* Whenever the carrier receives an order for service, written or orally, it shall furnish the shipper immediately a printed statement, in not less than eight-point type, containing the information set forth below. Such statement in every instance shall be placed in the hands of the shipper prior to the time the goods are loaded. The carrier shall make an appropriate notation on the receipt or bill of lading that such statement has been furnished.

GENERAL INFORMATION FOR SHIPPERS OF HOUSEHOLD GOODS

This statement is of importance to you as a shipper of household goods and is being furnished by the carrier pursuant to a requirement of the Interstate Commerce Commission. It relates to the transportation of household goods, in interstate or foreign commerce by motor carriers frequently called "Movers" but here called carriers. Some carriers perform the transportation themselves. Others act as agents for the carriers which do the actual hauling. In some instances, the transportation is arranged by brokers. You should be sure to obtain the complete and correct name, home address, and telephone number of the carrier which is to transport your shipment, and keep that carrier informed as to how and where you may be reached at all times until the shipment is delivered. Before completing arrangements for the shipment of your household goods, all of the information herein should be considered carefully by you.

*Estimates.* Regardless of any prior estimate received, for the carriage of your shipment, you will be obligated to pay transportation charges and other charges computed in accordance with tariffs filed by the carrier with the Interstate Commerce Commission. The total charges which you must pay may be more, or less, than the estimate received from the carrier, and as explained under "Payment of charges—freight bill," the charges generally must be in cash or by money order or certified check at the time of delivery. Having additional funds on hand when the van arrives at destination can spare you considerable difficulty.

*Tariffs.* These are publications, in book form, containing the rates, charges, and rules of the carriers. The tariffs of all carriers are not the same, but all of them are open to public inspection and may be examined at the carrier's office. All tariffs contain rules and regulations, and those in the tariff of the carrier serving you must be applied in determining the charges on your shipment. Among the rules and regulations normally appearing in published tariffs will be found special provisions applicable to "Shipments picked up or delivered at more than one place"; "Packing and marking"; "Diversion of shipments en route"; and "Additional services", the charges for which are called accessorial charges, and which include services such as packing, unpacking, the furnishing of boxes or other containers, and carrying pianos up or down steps. The tariff of the carrier serving you will also probably have rules relating to the subjects which follow.

*Preparing articles for shipment.* Some articles such as stoves, refrigerators, and washing machines may require disconnection and usually require special servicing to protect their mechanisms during movement. It is your responsibility to have this done. Some carriers upon your request will arrange to have this servicing done at your expense. You should arrange to take down all blinds, draperies, window cornices, mirrors, and other items attached to the walls, and to take up carpets which are tacked down. The charge for such service is not included in the transportation charge and will be performed by the carrier only at an extra per-hour charge. Under no circumstances should you pack jewelry, money, or valuable papers with your other belongings, or pack any matches, inflammables, or other dangerous articles.

*Transportation rates and released values.* Rates are stated in amounts per hundred pounds, depending upon the distance involved. The carriers' charges generally vary according to the released or declared value of the shipment. Their tariffs usually provide that at its lowest rates, the carrier's responsibility for loss or damage caused by it is limited to sixty (60) cents per pound for the actual weight of each lost or damaged article. Most articles are worth more than this, and many are worth a great deal more. If you wish to hold the carrier responsible for the full value of any articles which it loses or damages, you must pay an extra charge of fifty (50) cents for each one hundred pounds shipped, with a maximum charge of $50, and if your shipment has a greater value than $10,000, a further charge of $5 for each $1,000 of valuation in excess of $10,000. Unless you have some other means of recovering the value of your lost or damaged goods, you should seriously consider paying the extra charges. These charges will be added by the carrier automatically when you declare the value of your shipment unless you declare a value of sixty (60) cents per pound per article. The extra charges will cover the actual value of all items lost or damaged up to a total of $10,000, and if you declare a higher value they will cover that higher value as well.

*Weights.* The transportation charges will be determined on the basis of the weight of your shipment. Ordinarily, the carrier will weigh its empty or partially loaded vehicle prior to the loading of your goods. After loading, it will again weigh the vehicle and determine the weight of your shipment. If your shipment weighs less than 1,000 pounds, the carrier may weigh it prior to loading.

If you so request, the carrier will notify you by telegraph or telephone of the weight of your shipment and the charges as soon as the weight has been determined. This may or may not be at your expense. However, where it develops that the actual charges exceed by more than 10 percent or $25, whichever is greater, an estimate of charges given to you by the carrier, the carrier is required to notify you immediately of the amount of the actual charges, by telegraph or telephone at the carrier's expense.

If you question the weight reported by the carrier, you may request that the shipment be reweighed prior to delivery. Reweighing will be accomplished only where it is practicable to do so. An extra charge may be made for reweighing, but only if the difference between the two net weights obtained does not exceed 100 pounds (if your shipment weighs 5,000 pounds or less) or does not exceed 2 percent of the lower net weight (if your shipment weighs more than 5,000 pounds). The lower of the two net weights must be used in determining the charges.

*Exclusive use of the vehicle.* If you do not desire to have the goods belonging to someone else transported with your shipment, you may direct the carrier to grant you the exclusive use of the vehicle. In such event, however, the charges will probably be much greater.

*Expedited service.* Carriers are not ordinarily required to make delivery on a certain date or within a definite period of time, but only within a reasonable time. However, their tariffs generally contain a rule to the effect that, upon request of the shipper, goods weighing more than a designated weight—usually 5,000 pounds—will be delivered on or before the date specified by the shipper. Such expedited service on shipments weighing less than that amount usually may be obtained only by paying charges based on 5,000 pounds.

*Preferred delivery date—delay.* Unless expedited service is to be rendered, as mentioned just above, the carrier is not obligated to deliver your goods on any particular day, but only to deliver within a reasonable time. However, when the goods are loaded, the carrier must specify on the bill of lading the delivery date (or period) which you prefer. If the carrier finds that it cannot deliver by that date it is required to notify you by telegraph or telephone at least 24 hours in advance if that is possible, or as soon thereafter as possible.

*Small shipments.* If your shipment weighs less than the minimum weight prescribed in the carrier's tariff, it will be subject to the minimum charge provided therein. If your shipment weighs substantially less than the minimum weight prescribed by the carrier, you should give consideration to the possibility that it may be shipped more reasonably by other means of transportation, even considering the expense of crating.

*Storage in transit.* If you desire your household goods to be stored in transit, and delivered at a later date, you may usually obtain such service upon specific request. The length of time a shipment may be stored in transit is limited by the carrier's tariff, and additional charges are normally made for such service. At the end of the designated storage-in-transit period, and in the absence of final delivery instructions, the shipment will be placed in permanent storage, and the carrier's liability in respect thereof will cease. Any further service must be made the subject of a separate contract with the warehouseman. If you do not specifically request storage-in-transit from the carrier, but arrange with someone other than the carrier to pick up your goods for storage, you will be required to pay such other person for such service. Some warehouses make seperate charges for checking goods out of storage, and collect dock charges from carriers for the space occupied by their vehicles while being loaded. Such charges are passed on to the shipper.

*Bill of lading.* Before your shipment leaves point of origin, you should obtain from the carrier a bill of lading or receipt, signed by you and the carrier. Be sure that this shows the carrier's name and address and the telephone number at which you can reach the carrier; an address and telephone number furnished by you to which the carrier can send messages regarding your shipment; the location to which your goods are moving; the date of loading and the preferred date of delivery; and the declared or released valuation of the goods.

*Payment of charges—freight bill.* Unless you have made arrangements beforehand for credit, the carrier will require payment in cash or by money order or certified check, before unloading. Be prepared with sufficient funds to pay the actual charges, which may be greater than what was estimated.

When paying charges, you should obtain a receipt for the amount paid setting forth the gross and tare weights of the vehicle; the net weight of your shipment; the mileage;

the applicable rate per 100 pounds; and the charges for transportation, additional protection, and any accessorial services performed. Such receipt is called a freight bill or expense bill.

*Loss or damage.* In the event of loss or damage to the shipment be sure you describe such loss or damage by making notations on the carrier's inventory of articles or delivery receipt. If the driver should refuse to permit you to make such notations, you should immediately report the circumstances and the condition of the articles in writing to the home office of the carrier. The notations made at the time of delivery does not constitute filing a claim in writing. The notation is made to support a claim to be filed later. If loss or damage did occur, you should then immediately address a letter to the home office of the carrier and describe the loss and damage. List the articles separately and show the weight of each damaged article, if you declared a released value of 60 cents per pound per article. Obtain and present to the carrier itemized estimates of cost of necessary repairs or replacement. Give the date of your move, the origin and destination of the shipment, and the carrier's order number.

All claims for loss or damage must be filed with the carrier, in writing. The carrier is required to acknowledge claims within 30 days and to either pay, decline, or make a firm compromise settlement offer within 120 days of receipt. If some reason beyond the carrier's control delays action on your claim for a longer time, the carrier is required to notify you then as to its status and each 30 days thereafter until final action is taken.

The Interstate Commerce Commission has no authority to compel carriers to settle claims for loss or damage and will not undertake to determine whether the basis for, or the amount of, such claims is proper, nor will it attempt to determine the carrier liable for such loss or damage. If the carrier will not voluntarily pay such claims, the shipper may contact the Interstate Commerce Commission for the name of the insurance company providing the required cargo insurance. The insurance company may be willing to settle a claim even if the carrier is not. The shipper may also commence a suit in a court of law. The names of the carrier's agents for service of process in each State may be obtained by writing the Interstate Commerce Commission, Washington, D.C., 20423.

Add a new rule numbered § 176.14 to read as follows:

**§ 176.14 Claims for loss or damage.**

(a) *Acknowledgement of claims.* Every common carrier of household goods which receives a written claim for loss of or damage to property transported by it shall acknowledge receipt of such claim in writing to the claimant within 30 calendar days after its receipt by the carrier or the carrier's agent. The carrier shall at the time such claim is received, cause the date of receipt to be recorded on the claim.

(b) *Handling by carrier.* Every such carrier which receives a written claim for loss or damage to household goods transported by it shall pay, decline, or make a firm compromise settlement offer in writing to the claimant within 120 days after receipt of the claim by the carrier or its agent; *Provided,* That, if for reasons beyond the control of the carrier the claim cannot be processed and disposed of within 120 days after the receipt thereof, the carrier shall at that time and the expiration of each succeeding thirty-day period while the claim remains pending, advise the claimant in writing of the status of the claim and the reasons for the delay in making final disposition thereof, and send a copy of such letter to the District Supervisor, Interstate Commerce Commission, Bureau of Motor Carriers, of the area in which the carrier has its principal place of business.

(c) *Register of loss and damage claims.* Every common carrier of household goods shall maintain a freight claim register, showing for each cargo loss and damage claim received, the claim number, date, and amount; the waybill or expense bill number and date; name of claimant; kind of commodity; date claim was paid; total amount paid; or date claim was disallowed and reasons; amount of salvage recovered, if any; amounts reimbursed by insurance companies, connecting carriers, or others, and the amount absorbed by the carriers. Each claim received shall be entered in the register and should be supported by the complete file of claim papers. However, if the claim papers are retained by insurance companies, connecting carriers, or others, the carrier's records should contain an acknowledgment from the party retaining the claim file that the papers are in its possession.

*It is further ordered,* That the rules herein prescribed and the released rates order attached hereto be, and they are hereby, prescribed to become effective on February 1, 1965.

*It is further ordered,* That the proceedings in Ex Parte No. MC–19, Practices of Motor Common Carriers of Household Goods, and Ex Parte No. MC–61, Released Rates of Motor Common Carriers of Household Goods, be, and they are hereby, discontinued.

*And it is further ordered,* That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

## PART 187—FREIGHT TARIFFS, SCHEDULES AND CLASSIFICATIONS

Upon reconsideration of the record in Ex Parte No. MC–61, Released Rates of Motor Common Carriers of Household Goods, the Commission, on the date hereof, has made and filed its report herein setting forth the basis for its conclusions and findings therein, which report is hereby referred to and made a part hereof:

*It is ordered,* That, § 187.201 (49 CFR 187.201) be, and it is hereby, amended to read as follows:

**§ 187.201 Released rates on household goods.**

(a) *Establishment authorized; rate bases.* Subject to the conditions specified in succeeding paragraphs hereof, each motor common carrier authorized to perform the specialized service of a household goods carrier be, and it is hereby, authorized to establish and maintain by filing and posting in the manner required by the Interstate Commerce Act, commodity rates for the transportation in interstate or foreign commerce, and charges for accessorial services in connection therewith, of household goods, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, said rates and charges to be applicable only when the value of the property as declared by the shipper in writing, or agreed upon in writing as the released value thereof is as follows:

| Released values and liability limitations | Transportation rate basis | Storage in transit rate basis |
|---|---|---|
| Released to a value not exceeding sixty (60) cents per pound for the actual weight of any lost or damaged article or articles in a shipment. | Base transportation rate. | Base storage rates. |
| Released to a value greater than sixty (60) cents per pound per article. | Base transportation rate plus an additional charge of fifty (50) cents per cwt. with a maximum charge of $50; plus five dollars ($5) per one thousand dollars ($1,000), or fraction thereof, of value declared in excess of ten thousand dollars ($10,000). | 110% of the base storage rates. |

Where a shipment is released to a value greater than sixty (60) cents per pound per article, the carrier's maximum liability shall be $10,000 per shipment, or the total value declared, whichever is greater. No rule of coresponsibility may be employed.

The total parts comprising any article knocked down or taken apart for handling or loading shall constitute one article for the purpose of determining the carrier's liability as above provided.

(b) *Changes in rates or released valuations.* Changes may be made in the rates or charges established under the authority of this order, but the released values provided herein may not be decreased, nor may the value charges as specified herein be increased without specific authority of this Commission.

(c) *Statement on orders for services and bills of lading.* The order for services and the bill of lading issued for any shipment accepted for transportation and storage at released rates and charges established and maintained under authority of this order, shall have printed in distinctive color in boldface type on the face thereof a statement reading as follows:

Unless the shipper specifies otherwise, the carrier will be liable for the actual value of all articles lost or damaged, up to a total of $10,000, and, if a greater value is declared up to that greater value. For this liability, an additional charge of fifty (50) cents per hundred pounds is made, with a maximum charge of $50. If the value declared is greater than $10,000 a further charge of $5.00 will be made for each $1,000 of such additional declared value. If the shipper wishes to avoid these additional charges, he must agree that if any articles are lost or damaged, the carrier's liability will not exceed sixty (60) cents per pound for the actual weight of any lost or damaged article or articles in the shipment.

(d) *Statement of carrier's maximum liability.* Tariffs containing rates or charges established under authority of this order shall specifically provide: The carrier's maximum liability shall be either:

(1) Sixty (60) cents per pound for the actual weight of any lost or damaged article or articles, if such a value has been expressly declared by the shipper; or

(2) $10,000 per shipment, or the total value declared, whichever is greater, for which the shipper shall pay the additional charges provided. No rule of coresponsibility may be employed.

(e) *Notation required in tariffs.* Tariffs containing rates or charges established under authority of this order shall show in connection therewith the following notations:

The released value must be entered on the bill of lading in the following form and may be completed only by the person signing the bill of lading.

Shipper, by signature below, agrees to the conditions hereon and the contract terms and conditions on the back hereof and hereby releases the entire shipment to a value not exceeding----------

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(To be completed by the person signing below)

NOTICE: The Shipper signing this contract must insert in the space above, in his own handwriting, one of the following:

a. "$10,000"; or

b. The full actual value of the shipment if that value is greater than $10,000; or

c. "60¢ per pound per article"

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(Shipper)

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(Date)

Rates or charges herein based on released value have been authorized by the Interstate Commerce Commission in Released Rates Order No. MC–505 of October 9, 1964, subject to complaint or suspension.

(f) *Limitation of authority.* This section does not constitute authority for the establishment of released rates or charges on any description of traffic other than herein specifically indicated, nor on traffic originating in an adjacent foreign country destined to points in the United States.

(g) *Lawfulness of rates.* The Commission does not hereby approve the lawfulness, except under sections 20(11) and 219 of the Interstate Commerce Act, of any rate or charge which may be filed under authority of this section.

*It is further ordered,* That Released Rates Orders Nos. MC–2–B of April 21, 1953, MC–309 of March 28, 1950, MC–330 of May 22, 1951, MC–362 of May 24, 1954, and MC–429 of September 26, 1958, be, and they are hereby, rescinded as of February 1, 1965, the date this order is to become effective.

(Sec. 204, 49 Stat. 546, as amended, 49 U.S.C. 304, interpret or apply Sec. 219, as amended, 20, as amended, 49 Stat. 563, as amended, 24 Stat. 386, as amended 49 U.S.C. 319, 320)

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–11608; Filed, Nov. 13, 1964; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 929 ]

### CRANBERRIES

### Notice of Proposed Rule Making

Consideration is being given to the approval of proposed expenses and a proposed rate of assessment, recommended by the Cranberry Marketing Committee, established pursuant to the marketing agreement and Order No. 929 (7 CFR Part 929). This marketing order regulates the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than 10 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

**§ 929.205 Expenses and rate of assessment for the 1964–65 fiscal period.**

(a) *Expenses.* The reasonable expenses to be incurred by the Cranberry Marketing Committee, established pursuant to the provisions of the marketing agreement and this part (Order No. 929), for its maintenance and functioning during the fiscal period ending July 31, 1965, will amount to $9,873.35.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler who first handles cranberries shall be one cent ($0.01) per barrel of cranberries, or an equivalent quantity of cranberries, handled by him as the first handler thereof during the said fiscal period.

Dated: November 10, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11634; Filed, Nov. 13, 1964; 8:48 a.m.]



# Notices

## DEPARTMENT OF THE TREASURY

### Coast Guard

[CGFR 64–77]

### JAMES RIVER

### Notice of Closure to Navigation During Sea Trials of "America"

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and Executive Order 10173, as amended, by Executive Orders 10277 and 10352, I hereby affirm for publication in the FEDERAL REGISTER the order of O. C. Rohnke, Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE JAMES RIVER

Under the authority of Title II of the Espionage Act of June 15, 1917 (40 Stat. 220), as amended, and Executive Order 10173, as amended, I declare that the following area is a prohibited area on Wednesday, November 18, 1964, Friday, November 20, 1964, Tuesday, December 1, 1964, and Thursday, December 3, 1964, during sea trials of "America" (CVA–66):

The waters of the James River, Norfolk-Newport News Harbor, Virginia within the coordinates of latitude 36 degrees 59 minutes 10 seconds North, longitude 76 degrees 26 minutes 31 seconds West; thence westerly to latitude 36 degrees 58 minutes 43 seconds North, longitude 76 degrees 27 minutes 32 seconds West; thence southeasterly to latitude 36 degrees 58 minutes 10 seconds North, longitude 76 degrees 26 minutes 59 seconds West; thence northeasterly to latitude 36 degrees 58 minutes 29 seconds North, longitude 76 degrees 26 minutes 14 seconds West.

Upstream and downstream limits of this prohibited area will be marked by two special purpose buoys, painted with orange and white horizontal bands.

No vessel may anchor in this prohibited area on any of the four dates.

No person or vessel may remain in or enter this prohibited area while "America" is underway or anchored in the prohibited area.

The Captain of the Port may be assisted by employees and facilities of any State or political subdivision thereof or any Federal Agency.

For violation of this order Title II of the Espionage Act of June 15, 1917 (40 Stat. 220), as amended, provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercises of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be fined not more than $10,000 or imprisoned not more than two years, or both.

"If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000."

Dated: November 6, 1964.

[SEAL] W. D. SHIELDS,
*Vice Admiral, U.S. Coast Guard, Acting Commandant.*

[F.R. Doc. 64–11624; Filed, Nov. 13, 1964; 8:48 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bonneville Power Administration

### CERTAIN OFFICIALS

### Redelegations of Authority

All section references in existing documents or forms to sections 1 to 18 of the former Redelegations of Authority shall be deemed to refer to the comparable section of these redelegations.

1. *Acting Administrator—succession and authority.* a. The line of succession as Acting Administrator is prescribed in the Departmental Manual (302 DM 4.10) and provides that in case of the death, resignation, or absence of the Administrator, the following officers or employees shall act as Administrator in the order indicated:

(1) Deputy Administrator

(2) Assistant Administrator for Power Management (Power Manager)

(3) Assistant Administrator for Administrative Management (Director of Administrative Management)

(4) Assistant Administrator for Engineering (Chief Engineer)

(5) In the event the above officials are unavailable, the Administrator may designate any one of the following to act as Administrator for a period not to exceed seven days: Assistant Power Manager, Assistant Director of Administrative Management, Assistant Chief Engineer, Field Operations Officer, Assistant to the Administrator, or Assistant to the Administrator-Programs.

b. The Acting Administrator shall perform the duties and exercise the powers of the Administrator except where otherwise provided by law, or Departmental regulation. Any person exercising the functions of the Acting Administrator shall sign documents as "Acting Administrator." (302 DM 4.10)

2. *Civil Defense Emergency—Emergency Administrator and Emergency Field Officials.* a. The line of succession as Emergency Administrator in a civil defense emergency and regulations pertaining thereto are prescribed in the Departmental Manual (205 DM 4). This provides that to assure the continuity of Bonneville Power Administration's direction of its activities in the event of the inability of the Administrator, or an official designated above in section 1, Acting Administrator—Succession and Authority, to exercise this direction, the officials listed below—in the order given—are designated to exercise in a civil defense emergency the authority of the Administrator:

(1) Manager, Portland Area Office
(2) Manager, Seattle Area Office
(3) Manager, Spokane Area Office
(4) Manager, Walla Walla Area Office
(5) Manager, Idaho Falls Area Office
(6) District Manager, Eugene, Oregon
(7) District Manager, Wenatchee, Washington
(8) District Manager, Kalispell, Montana.

b. The foregoing officials are authorized to exercise the full authority of the Administrator when the nature of the situation requires emergency action or does not permit referral to higher authority. However, before exercising such authority the official shall determine insofar as possible that neither the Administrator nor anyone authorized to act for him nor anyone whose title precedes his in the above listing, is able to exercise such authority.

c. Officials exercising emergency authority as Administrator under paragraph a. above shall sign documents as "Emergency Administrator, Bonneville Power Administration."

d. Delegation of authority to heads of field installations: To enable the heads of field installations to take emergency actions in a civil defense emergency during the inability of a superior in the normal chain of command to exercise authority, the head of a field installation, or his authorized representative, may exercise the authority of the Administrator with respect to the field installation (205 DM 4.4). When the official exercising the emergency authority is other than the normal head of the installation, he shall use the title of the latter prefixed with "Emergency," for example: "Emergency Area Manager, Portland Area Office, Bonneville Power Administration," etc. This authority may be exercised only when the nature of the situation requires immediate emergency action that does not permit referral to higher authority.

e. Officials exercising emergency authority shall:

(1) keep a record of important actions they have taken and the period during which they have exercised the authority; and

(2) continue to exercise the authority until normal arrangements become operative again or other delegations of authority are made. (205 DM 4)

3. Designation of acting officials other than Acting Administrator: a. Where an assistant head exists and is available, such assistant (or if more than one, the person designated by competent authority) shall serve as the acting head of the organizational unit during the unavail-

ability of the head of such unit, and in the absence of a specific designation to the contrary.

b. When a position to which authority has been delegated becomes vacant or the incumbent is unavailable, the person having supervisory authority over the position shall designate someone to serve in an acting capacity.

c. Employees serving in an acting capacity shall perform the duties and exercise the powers of the position and shall sign all documents in an acting capacity. Records shall be kept of periods during which and by whom the duties of the position are temporarily assumed. Designations of persons to serve in an acting capacity shall be filed with the Mail and Files Section. (302 DM 1)

4. *Delegated authority—limitation.* a. Except as otherwise expressly provided, all authority delegated herein may be exercised by any of the supervisors of the delegatee.

b. Failure to comply with administrative policy, procedures, or controls shall not impair the legality of an action as far as the public is concerned, but may be grounds for appropriate disciplinary measures.

c. The authority to compromise and settle contract claims granted by the Bonneville Project Act, 50 Stat. 731, as amended, 16 U.S.C. 832a(f) (1958), shall not be exercised by contracting officers in the Division of Engineering or the Division of Administrative Management. (200 DM 1, 200 DM 2, 25 F.R. 324)

5. *Deputy Administrator.* a. The Deputy Administrator may perform all duties and exercise the powers of the Administrator except those which the Administrator cannot redelegate.

b. The Deputy Administrator is designated the Administration's Inspection Officer with responsibility for carrying out its activities as part of the Departmental Inspection program. (205 DM 2; 351 DM 2)

6. *Negotiated contracts.* The following officials may exercise the authority delegated by the Administrator of General Services to the Secretary of the Interior (27 F.R. 3017) and redelegated to the Bonneville Power Administrator (205 DM 11.4, 27 F.R. 9359) to negotiate and execute contracts without advertising in accordance with the applicable provisions of section 302(c) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 378, as amended, 41 U.S.C. 252 (1958), and the limitations prescribed by the Secretary of the Interior. (205 DM 11.4, 27 F.R. 9359; 404 DM 1)

a. Assistant Chief Engineer—contracts for engineering and architectural services pursuant to section 302(c) (4) and (10) of the Act. (205 DM 11.4B)

b. Chief, Branch of Supply—contracts within labor surplus areas pursuant to section 302(c)(1) of the Act when the amount of the contract does not exceed $25,000. (205 DM 11.4A)

c. Chief, Branch of Supply—contracts, after advertising fails to result in receipt of reasonable or competitive bids, pursuant to section 302(c)(14) of the Act. The Head of the Procurement Section may exercise this authority when the amount involved does not exceed $50,000. (205 DM 11.4D)

d. Chief, Branch of Supply—contracts for supplies or equipment of types or designs not commonly used in alternating-current power transmission but required for the construction of a direct-current test line and terminating facilities, pursuant to section 302(c)(11) of the Act. (205 DM 11.4B) The Secretarial determination for the exercise of this authority has been made by Secretary's Order No. 2864, section 1, 27 F.R. 3861. (205 DM 11.4, 27 F.R. 9359; 404 DM 1)

7. *Land activities.* a. The Chief, Branch of Land, may:

(1) Authorize the acquisition of all interests in real estate necessary for the Administration's program, except electric utility system real properties, and authorize payment therefor;

(2) Negotiate and execute agreements for the acquisition of all interests in real estate and other rights and privileges pertaining to real property necessary for the Administration's program, except electric utility system real properties;

(3) Approve appraisals;

(4) Negotiate for the disposal of land and real property rights, except electric utility system real properties, for which the Administration is the authorized disposal agency under delegations heretofore or hereafter made pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 378, as amended, 40 U.S.C. 471 to 492 (1958);

(5) Execute conveyances for the full or partial release of easement rights relating to roads or highways to a State, political subdivision thereof, instrumentality of a State, and to a municipal corporation;

(6) Determine, for the purpose of making reimbursements pursuant to the Act of May 29, 1958, 72 Stat. 152, 43 U.S.C. 1231 to 1234 (1958), the fair value of any parcel of land acquired by the Administration, fix the amounts of reimbursement to which owners and tenants of such parcels of land may be entitled under said Act for moving expenses, losses and damages, and authorize payment therefor;

(7) Execute agreements under which the Administration grants rights or privileges pertaining to real property;

(8) Authorize the publication of advertisements, notices, or proposals when required by law, and authorize payment therefor, pursuant to section 3828 of the Revised Statutes, 16 Stat. 308, 44 U.S.C. 324 (1958);

(9) Execute trust fund agreements for the accomplishment of work for others relating to real property owned by the Government, and other agreements necesssary for the protection of land rights obtained by the Government, except those involving power contracts;

(10) Issue purchase orders for procuring title services.

b. The Principal Appraiser may exercise the authority described in subparagraph a.(3) of this section.

c. The Assistant Chief, Branch of Land, the Principal Negotiator and the Principal Title Officer each may exercise the authority described in subparagraphs a. (2) and (4) of this section, and, when the amount involved does not exceed $1,500, the authority described in subparagraphs a. (1), (7), (8), and (9) of this section.

d. The Principal Title Officer may exercise the authority described in subparagraph a.(10) of this section when the amount of the purchase order does not exceed $1,500 and the Conveyances Examiner for title services may exercise similar authority when the amount of the purchase order does not exceed $100. (Secretary's Order No. 2840, 24 F.R. 3615; 205 DM 5.1; 205 DM 10, 28 F.R. 9884)

8. *Construction and clearing contracts.* a. The Assistant to the Chief Engineer (Construction) may execute contracts and amendments to contracts for construction or clearing.

b. The Chief, Branch of Construction, may authorize changes, extra work, or adjustments necessary because of changed conditions, and appropriate time extensions therefor, for transactions not exceeding $5,000 or 25 percent of the amount of the original contract, whichever is smaller. (205 DM 11.1, 26 F.R. 11748)

9. *Power sales, operations, and maintenance activities—a. Power management.* (1) The Assistant Administrator for Power Management (Power Manager) may execute any document and exercise any authority conferred upon the Director of Operations and Maintenance or Deputy Director of Operations and Maintenance (which positions no longer exist) under contracts executed prior to March 15, 1961.

(2) The Assistant Power Manager may compromise and finally settle any claim for charges arising under any contract for power delivered or transferred to or for a customer.

(3) The Chief, Branch of Power Operations, may:

(a) Execute agreements with customers for the operation or maintenance of their equipment installed on premises of the Administration or the customer;

(b) Execute agreements for the operation or maintenance by customers of equipment of the Administration;

(c) Execute agreements for the storage and release of energy;

(d) Make agreements with customers which establish capabilities of their generating facilities for the purpose of applying the computed demand provision of rate schedules;

(e) Execute agreements and make arrangements with customers and other persons for the performance of emergency repair service by or for the Administration when an outage or similar emergency requires the immediate performance of the service and the furnishing of materials. Such arrangements may involve purchase, hire, or loan of equipment, materials, and services deemed necessary to correct the outage or emergency.

(4) The Power Dispatchers of the Branch of Power Operations each may make emergency arrangements for the sale, purchase, exchange, or wheeling of power including the charges applicable thereto, when an outage or similar emergency requires such action to prevent disruption of service or to restore interrupted service on the Administration's system or an interconnected system.

(5) The Chief, Branch of Customer Service, may make interim arrangements for the short term sale, purchase, exchange, or wheeling of power including the charges applicable thereto, such arrangements to be confirmed in writing and subsequently formalized by contracts executed by the Administrator or Deputy Administrator.

(6) The Head of Rates and Statistics may approve, in writing, a purchaser's resale rate schedules and any additions or modifications thereof, pursuant to a power contract providing therefor.

(7) The Chief, Branch of Power Marketing, may approve load estimates of customers for use in resale rate determinations and service planning.

b. *Area offices.* (1) The Area Managers, with respect to matters wholly within their respective areas, may:

(a) Exercise the authority described in subparagraphs a.(3) (a), (b), and (e); and subparagraph a.(5) of this section;

(b) Exercise the authority described in subparagraph a.(4) of this section when communication facilities are disrupted so that the Power Dispatchers of the Branch of Power Operations are unable to exercise the authority of said paragraph;

(c) Execute joint pole contact agreements.

(2) The Superintendents of Transmission Maintenance of the respective area offices each may, when the payment involved does not exceed $200, make arrangements and execute agreements with property owners or tenants for temporary access to Bonneville Power Administration rights-of-way. This authority may be exercised only when it is advantageous to the Government in terms of efficiency and economy to use such temporary access.

c. *Maintenance.* The Chief, Branch of Maintenance, may exercise the authority described in subparagraph a.(3) (e) of this section.

10. *Claims.* a. The Head of the Disbursement Audit Section may compromise and finally settle any claim arising under any contract (except power contracts) which the Administrator is authorized to settle under the Bonneville Project Act of August 20, 1937, 50 Stat. 731, as amended, 16 U.S.C. 832 to 8321 (1958).

b. (1) The Field Operations Officer may, when the amount involved does not exceed $500, exercise the authority of the Administrator under section 12(a) of the Bonneville Project Act of August 20, 1937, as amended, with respect to determining, settling, compromising, or paying claims of or against the Administration for damage to real or personal property.

(2) The Area Manager and the Field Contact Officer for the respective area offices each may exercise the authority described in subparagraph b.(1) of this section when the amount allowed does not exceed $200.

11. *Emergency procurement and hiring.* Administration personnel who have been issued valid "Disaster Authority" cards (Form BPA 83) are authorized on behalf of the United States to acquire materials, services, and equipment, and to employ, for periods of not to exceed 30 days, temporary personnel needed to maintain continuity of power service and operation of the Bonneville Power Administration transmission system in emergency situations caused by military attack, serious fire, flood, earthquake, or similar disaster. (Secretary's Order No. 2751, as amended)

12. *Materials and equipment contracts.* a. The Chief, Branch of Supply, may:

(1) Execute contracts, amendments to contracts, and procurement transactions for materials, equipment and services, including the exchange or sale of personal property for replacement purposes, except personal services and services in connection with the transfer or transmission of electrical energy;

(2) Execute contracts and amendments to contracts for the disposal of surplus property, except electric utility system real properties, for which the Administration is the authorized disposal agency under delegations heretofore or hereafter made pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 378, as amended, 40 U.S.C. 471 to 492 (1958);

(3) Authorize the publication of advertisements, notices, or proposals, pursuant to section 3828 of the Revised Statutes, 16 Stat. 308, 44 U.S.C. 324 (1958).

b. The Head of the Procurement Section may exercise the authority delegated to the Chief, Branch of Supply, when the amount involved does not exceed $50,000.

c. The Purchasing Agents each may exercise the authority described in subparagraphs a.(1) and a.(3) of this section when the amount involved does not exceed $2,500.

d. The Head of the Inspection Section is designated the authorized representative of the contracting officer with regard to the inspection and expediting functions of the administration of materials and equipment contracts. As authorized representative, he may exercise the contracting officer's authority to approve changes in contract technical provisions with the consent of the designer or user as appropriate, direct extra work, increase or decrease quantities, and approve changes in delivery time in connection therewith, when the net increase or decrease in the contract amount does not exceed $500 in any one instance. (205 DM 5.1; 205 DM 9.3; 205 DM 9.4; 205 DM 10, 28 F.R. 9884; 205 DM 11.1, 26 F.R. 11748; 404 DM 1)

13. *Personnel—paid advertising for recruitment purposes.* The Chief, Branch of Personnel Management, may authorize paid advertising for recruiting for occupations that are in short supply, in accordance with the standards relative to paid advertising contained in the Federal Personnel Manual. (379 DM 8.9)

14–19. Reserved.

20–99 are not published in the FEDERAL REGISTER since they relate solely to internal management.

100. *Revocation.* These Redelegations supersede the Redelegations of Authority published in the FEDERAL REGISTER May 3, 1961 (26 F.R. 3823); as amended (26 F.R. 4460, 26 F.R. 7019, 26 F.R. 9520, 27 F.R. 2811, 27 F.R. 4565, 28 F.R. 1071, 28 F.R. 4144, 28 F.R. 8165, 28 F.R. 12229, and 29 F.R. 12519), and all other existing delegations issued by the Administrator inconsistent with these delegations. Such delegations are hereby revoked.

(Secretary's Order No. 2563, 15 F.R. 3193; Secretary's Order No. 2860, as amended, 27 F.R. 591, 28 F.R. 5273; Secretary's Order No. 2883, 29 F.R. 14081; 50 Stat. 731, as amended, 16 U.S.C. 832 to 8321 (1958). Additional authority is cited in parentheses following the sections affected.)

Dated: November 6, 1964.

CHARLES F. LUCE,
*Administrator.*

[F.R. Doc. 64–11604; Filed, Nov. 13, 1964; 8:46 a.m.]

## Office of the Secretary

## HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE

### Order Adding Certain Lands

Whereas the home of Franklin D. Roosevelt, Town of Hyde Park, Dutchess County, State of New York, was designated a national historic site by order dated January 15, 1944, and the boundaries thereof extended by order of July 1, 1953; and

Whereas the act of October 7, 1964 (78 Stat. 1028), appropriated funds for the acquisition of a portion of the 144-acre historically significant Boreel tract adjoining this site as an addition thereto and for use in administering, preserving, and further interpreting the historic area:

Now, therefore, by virtue of and pursuant to the authority contained in the act of October 7, 1964, supra, and the act of August 21, 1935 (49 Stat. 666; 16 U.S.C., sec. 461, et seq.), the following described land, subject to valid existing rights, is hereby added to and made a part of the Home of Franklin D. Roosevelt National Historic Site:

All that certain piece or parcel of land situate in the Town of Hyde Park, County of Dutchess and State of New York, bounded and described as follows:

Commencing at the intersection of the westerly boundary of the Albany Post Road, Route 9, with the division line between the properties of The United States of America on the north and Bernard Kessler and Sidney Kessler on the south; thence westerly along said division line, N 75°15'00" W, 1294.63 feet to the point of beginning of the herein described parcel; thence southerly through said property of Bernard Kessler and Sidney Kessler, S 2°25'00" E, 167.14 feet, S 26°10'00" W, 141.00 feet, S 77°30'00" W. 18.50 feet, N 62°00'00" W, 104.00 feet, S 8°35'00" E, 170.00 feet, S 16°50'00" E, 98.00 feet, S 8°37'00" W,

97.00 feet, S 24°35'00" W, 188.00 feet, S 13°00'00" E, 20.00 feet, S 88°05'00" E, 52.00 feet, S 38°35'00" E, 42.00 feet, S 9°45'00" W, 128.00 feet, S 17°45'00" W, 130.00 feet, S 57°20'00" W, 42.00 feet, S 89°30'00" W., 37.00 feet, N 46°55'00" W, 106.00 feet, S 37°15'00" W, 16.00 feet, S 6°00'00" E, 158.00 feet, S 2°35'00" E, 225.00 feet, S 6°05'00" W, 194.00 feet, S 0°40'00" E, 79.00 feet, S 9°30'00" W, 179.00 feet, S 1°30'00" E, 75.00 feet, S 6°20'-00" E, 123.00 feet and S 8°05'00" W, 68.57 feet to a point on the division line between the properties of Bernard Kessler and Sidney Kessler on the north and Fred Hertlein and Elsie Hertlein on the south; thence westerly along said division line, N 75°14'55" W, 1096 feet, more or less, to its intersection with the original shore line of the Hudson River; thence northerly along said shore line, 1887 feet, more or less, to its intersection with the easterly boundary of the New York Central Railroad; thence northerly along said boundary, N 18°32'00" W, 633 feet, more or less, to its intersection with the original shore line of the Hudson River; thence northerly along said shore line, 870 feet, more or less, to its intersection with the aforesaid division line between the properties of The United States of America on the north and Bernard Kessler and Sidney Kessler on the south; thence easterly along said division line, S 83°06'20" E, 130 feet, more or less, S 81°33'40" E, 128.56 feet, S 77°18'50" E, 231.68 feet, S 75°44'10" E, 102.32 feet, S 79°55'10" E, 98.13 feet, S 75°31'00" E, 100.09 feet, S 72°51'10" E, 211.69 feet, S 77°03'40" E, 98.97 feet, S 78°25'40 E, 96.92 feet, S 75°31'50" E, 284.31 feet, S 75°-03'00" E, 120.97 feet, S 76°37'00" E, 290.78 feet and S 75°15'00" E, 750.05 feet to the point of beginning; being 94.0 acres, more or less.

The administration, protection, and development of the land hereinabove described, as a part of the national historic site, shall be exercised in accordance with the provisions of the act of August 21, 1935, supra.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this addition to said national historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington, this 9th day of November 1964.

[SEAL] STEWART L. UDALL,
*Secretary of the Interior.*

[F.R. Doc. 64-11612; Filed, Nov. 13, 1964; 8:47 a.m.]

# DEPARTMENT OF COMMERCE

## Maritime Administration

[Docket No. S-177]

## MOORE-McCORMACK LINES, INC.

### Notice of Application and of Hearing

Notice is hereby given of the application of Moore-McCormack Lines, Inc., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to permit its owned vessel, the SS "Robin Mowbray," which is under an extended time charter to States Marine Lines, Inc., for a period of about three to five months from July 28, 1964, to load lumber and/or lumber products commencing about November 27, 1964, for carriage on one eastbound voyage from U.S. Pacific ports to U.S. Atlantic ports, with an intermediate stop at Long Beach, Calif., to load MSTS cargo and personnel destined for New Orleans, La.

This application may be inspected by interested parties in the Chief Hearing Examiner's Office, Maritime Subsidy Board/Maritime Administration, Room 3043, GAO Building, 441 G Street NW., Washington, D.C.

A hearing on the application has been set for Nov. 24, 1964, at 9:30 a.m. in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on November 23, 1964, notify the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Subsidy Board/Maritime Administration, petitions for leave to intervene received after the close of business on November 23, 1964, will not be granted in this proceeding.

Dated: November 13, 1964.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
*Secretary.*

[F.R. Doc. 64-11727; Filed, Nov. 13, 1964; 11:15 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 27-10]

## NUCLEAR ENGINEERING CO., INC.

### Notice of Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 20 to License No. 4-3766-1 which amends the license to provide for the following:

1. Deletion of the requirement that there will be a maximum of 20 grams of special nuclear material in any single package.

2. Provides for an increase in the quantity which may be in any single package to 100 grams of Uranium 235 or 60 grams of Uranium 233 or 60 grams of Plutonium or a combination of these quantities so that the sum of the ratios of the quantity of each material to the quantities specified does not exceed unity.

3. Provides thta there shall be no more than 15 grams of any combination of Uranium 235, Uranium 233 or Plutonium per cubic foot of total volume in any single package.

4. Provides for relief from the requirement that each package containing special nuclear material be separated from any other package by a minimum of 8 inches of earth. The revised requirement is that there be 8 inches of earth between each "shipment" of special nuclear material. A "shipment" is defined as 500 grams of Uranium 235 or 300 grams of Uranium 233 or 300 grams of Plutonium or a combination of these quantities so that the sum of the ratios of the quantity of each material to the quantities specified does not exceed unity.

This amendment does not change the total quantity of special nuclear material which the licensee may possess at one time and involves only a change in the packaging requirements from those originally proposed by the licensee. This amendment provides only for an increase in the quantity of special nuclear material which may be in any single package and the quantity which may be buried without the need for earth shielding. There is no hazard since the quantity of special nuclear material involved is too low to achieve a critical mass.

The Commission has found that the application complies with the requirements of the Act and the Commission's regulations. The Commission has determined pursuant to the provisions of 10 CFR, Parts 2, 30, 40, and 70 that the issuance of the amendment is consistent with provisions of law, regulations and orders issued by the Commission. The Commission has determined that prior public notice of the proposed issuance of this amendment is not required since the amendment does not involve hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

The text of the amendment is attached to this notice.

Dated at Bethesda, Md., November 5, 1964.

For the Atomic Energy Commission.

LYALL JOHNSON,
*Acting Director,*
*Division of Materials Licensing.*

[License No. 4-3766-1; Amdt. No. 20]

License No. 4-3766-1 is amended as follows:

Condition 1.C.(2) is amended to read:

1.C.(2)(a) 500 grams of Uranium 235, 300 grams of Uranium 233 and 300 grams of Plutonium provided that the sum of the ratios of the quantity of each special nuclear material to the quantities specified herein does not exceed unity—at its facility near Beatty, Nev. Unity shall be determined by the following formula:

$$\frac{\text{grams contained U 235}}{500}+\frac{\text{grams contained U 233}}{300}+\frac{\text{grams contained Pu}}{300}=1$$

(b) No single package shall contain more than 100 grams of Uranium 235 or 60 grams of Uranium 233 or 60 grams of Plutonium or any combination thereof such that the sum of the ratios of the quantity of each special nuclear material to the quantities specified herein does not exceed unity. Unity shall be determined by the following formula:

$$\frac{\text{grams contained U 235}}{100}+\frac{\text{grams contained U 233}}{60}+\frac{\text{grams contained Pu}}{60}=1$$

(c) No single package shall contain more than 15 grams of any combined Uranium 235, Uranium 233 and Plutonium per cubic foot of total volume.

Condition 15, is deleted.

Condition 23, is amended to read:

23. Special nuclear material placed in a burial trench shall be so spaced so that there is a minimum of 8 inches of earth separating each shipment. A shipment is defined as that quantity of special nuclear material specified in Condition 1.C.(2)(a) of this license.

Dated at Bethesda, Md., November 5, 1964.

For the Atomic Energy Commission.

LYALL JOHNSON,
*Acting Director,*
*Division of Materials Licensing.*

[F.R. Doc. 64-11613; Filed, Nov. 13, 1964; 8:47 a.m.]

[Docket No. 50-231]

## SOUTHWEST ATOMIC ENERGY ASSOCIATES AND GENERAL ELECTRIC CO.

### Notice of Application for Construction Permit and Utilization Facility License

Please take notice that the Southwest Atomic Energy Associates, Little Rock, Arkansas, and the General Electric Company, San Jose, California, have submitted jointly an application for construction permit and license to construct and operate at 20 megawatt (thermal) experimental fast-spectrum, sodium-cooled reactor under section 104.b. of the Atomic Energy Act of 1954, as amended. The proposed location for the reactor, designated by the applicants as the Southwest Experimental Fast Oxide Reactor (SEFOR), is on a 620 acre site in Washington County approximately 20 miles southwest of Fayetteville, Ark. A copy of the application is available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Date of issuance: November 3, 1964.

For the Atomic Energy Commission.

R. L. DOAN,
*Director, Division of Reactor Licensing.*

[F.R. Doc. 64-11614; Filed, Nov. 13, 1964; 8:47 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 15529]

## BAGGAGE LIABILITY RULES CASE

### Notice of Postponement of Prehearing Conference

For the reasons given in a notice to all parties dated November 6, 1964, the prehearing conference in the above proceeding presently assigned to be held November 17, 1964, is hereby postponed until 10:00 a.m., e.s.t., November 24, 1964, in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., November 9, 1964.

[SEAL] MILTON H. SHAPIRO,
*Hearing Examiner.*

[F.R. Doc. 64-11641; Filed, Nov. 13, 1964; 8:49 a.m.]

[Docket No. 14560 etc.]

## NEW BERN AND JACKSONVILLE-CAMP LEJEUNE SERVICE CASE

### Notice of Hearing

Notice is given herewith, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held before the undersigned Examiner on December 8, 1964 at 10:00 a.m., e.s.t., in the Municipal Court Room, New Bern, N.C.

For information concerning the issues and other details in this proceeding, interested parties are referred to the Prehearing Conference Report served on October 14, 1964, and other documents which are on file in this proceeding in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 10, 1964.

[SEAL] RICHARD A. WALSH,
*Hearing Examiner.*

[F.R. Doc. 64-11642; Filed, Nov. 13, 1964; 8:49 a.m.]

[Docket No. 11908]

## REOPENED TRANSATLANTIC CHARTER INVESTIGATION

### Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on December 2, 1964, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., November 10, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-11643; Filed, Nov. 13, 1964; 8:49 a.m.]

[Docket No. 15348 etc.; Order E-21491]

## VANCE ROBERTS AND VANCE INTERNATIONAL AIRWAYS, INC.

### Supplemental Air Service Proceeding; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of November 1964.

Application of Vance Roberts and Vance International Airways, Inc., Docket 15348, for authorization to transfer interim operating authority and for exemption from section 408 of the Federal Aviation Act of 1958, as amended; Supplemental Air Service Proceeding, Docket 13795 *et al.*

On June 22, 1964, Vance Roberts (Roberts) and Vance International Airways, Inc. (Corporation) filed an application seeking authorization to transfer Roberts' interim operating authority, including his exemption to engage in air taxi operations,[1] and the right to prosecute his pending applications for certificates of public convenience and necessity to Corporation, and for exemption from section 408 with respect to the acquisition by Corporation of the assets, business, and good will of Vance Roberts.[2]

In support of this application the applicants allege, inter alia, that Corporation is incorporated in the State of Washington with authorized capital stock of 50,000 shares; that all of the outstanding stock is held by Vance Roberts (501 shares) and by his wife (18 shares); that the reasons for the desired transfer are to improve prospects of attracting both investment and debt capital and to obtain tax benefits and remove the present personal liability of Roberts; that the proposed transfer would not affect the control or management of the carrier nor involve any substantive changes in its operations; and that Vance Roberts would control Corporation and serve as its chief executive officer.

No objections to the application have been received.

The Board, upon consideration of the application and all pertinent circumstances, has decided to approve the transfer to Corporation of Roberts' operating authority as a supplemental air carrier and exemption authority as an air taxi operator, grant Corporation an exemption pursuant to section 416(b) from the provisions of section 408 insofar as they would otherwise prevent the acquisition by Corporation of Roberts' air

[1] By Order E-19112, adopted December 19, 1962, Roberts was issued interim operating authority as a supplemental air carrier and was also exempted from Title IV of the Act and Part 298 to the extent necessary to permit him to operate air taxi services while holding interim supplemental authority. The interim authority was reissued by Order E-19873, adopted August 1, 1963. No transfer of this authority may be made without Board approval.

[2] Approval under sections 408 and/or 409 is also requested, if deemed necessary, with respect to the control by Roberts of both Corporation and Commando Air Service, Inc., (Commando) a company engaged in aircraft maintenance work. Control of Commando by Roberts was approved by Order E-15930, adopted October 18, 1960.

carrier assets, permit Corporation to prosecute Roberts' applications in the Supplemental Air Service Proceeding, and approve the common control by Roberts of Corporation and of Commando without a hearing pursuant to section 408(b).

As indicated above, the Board has heretofore granted Roberts, as a sole proprietor, authority to operate as a supplemental air carrier and also granted Roberts an exemption to simultaneously operate as an air taxi operator. The Board also approved Roberts' ownership and control of Commando. The proposed incorporation of Roberts' air carrier operations presents no fundamental change in the ownership and control of the air carrier. From the application it is patent that Roberts will continue to own, control and manage the air carrier and continue his common control of the air carrier and of Commando. The sole difference between the existing situation and the proposed corporate management is that in the former, the air carrier is a sole proprietorship, and in the latter, the air carrier is a corporation. In these circumstances we do not believe the proposed action will affect the control of an air carrier within the meaning of section 408(b). Roberts' incorporation of his air carrier operations may increase the strength thereof by facilitating the acquisition of additional capital, both equity capital and debt capital. Lastly, in view of Roberts' past and present operations as a supplemental air carrier, we think it clear that the air carrier operations involved here are limited within the meaning of section 416(b).[2]

Based on the foregoing, the Board finds that a transfer to Corporation of the supplemental air carrier authority and of the air taxi exemption authority is not adverse to the public interest, that the enforcement of the provisions of section 408 with respect to the acquisition by Corporation of Roberts' air carrier assets would be an undue burden on Corporation by reason of the limited extent of its operations and would not be in the public interest, that the proposed transaction with respect to Corporation's acquisition of such assets would not result in creating a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier not a party to the transaction.

The Board tentatively finds that the proposed transaction with respect to the acquisition by Roberts of control of Corporation does not affect the control of an air carrier directly engaged in the operation of aircraft, does not result in creating a monopoly and does not tend to restrain competition. Interested persons may file comments to the common control by Roberts of Commando, a person engaged in a phase of aeronautics, and of Corporation, an air carrier. No person is requesting a hearing on the application herein.[4]

Pending the expiration of such opportunity, the Board will not implement its findings and conclusions made herein concerning the other aspects of this transaction and will defer issuance of its order thereon until action is taken on the common control issue. Moreover, the Board has determined that, in addition to the condition referred to in footnote 3, above, the transfer to Corporation of the supplemental air carrier interim operating authority and the reissuance to Corporation of the exemption which permits Roberts to engage in air taxi operations while holding authority as a supplemental air carrier will be conditioned upon the prior receipt of satisfactory proof that Corporation is ready to receive the supplemental air carrier interim operating authority and that all necessary corporate action has been completed with respect thereto.

*Accordingly, it is ordered:*

1. That interested persons may show cause within 15 days from the date of service of this order why the Board should not make final the tentative findings and conclusions herein and approve the common control by Roberts of Corporation and Commando;[5]

2. That the Attorney General be furnished a copy of this order within one day of its publication; and

3. That further action on the application in Docket 15348 be and it hereby is deferred until further order of the Board.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-11644; Filed, Nov. 13, 1964; 8:49 a.m.]

[2] Roberts' operations have been substantially below the minimum service requirements specified in § 208.25 of the Board's Economic Regulations. For example, in the second quarter of 1964, his supplemental air carrier operations totaled 75 revenue aircraft hours. The Board will make its approval of the proposed transfer of air carrier authority to Corporation subject to the condition that Roberts' failure to meet this requirement shall continue to be available as a basis for action to terminate the supplemental air carrier authority to the same extent as if the transfer of authority had not occurred.

[4] If approval is granted pursuant to section 408(b) with respect to the common control relationship, no action pursuant to section 409 will be necessary since the interlocking relationship would then fall under the general exemption of § 287.3 of the Board's Economic Regulations.

[5] Such filings shall conform with the general requirements of the Board's Rules of Practice in Economic Proceedings and shall be submitted to the Board's Docket Section. The Board will not separately entertain petitions requesting reconsideration of this order. All requests for relief from or modification of this order shall be submitted with such objections as may be made to the issuance of the order hereinabove proposed.

# CIVIL SERVICE COMMISSION

## LIST OF OFFICERS EXCLUDED FROM COVERAGE

### Notice of Amendment of Exclusions From Annual and Sick Leave Act of 1951, as Amended

The "General" exclusion in the list of officers excluded from coverage under the Annual and Sick Leave Act of 1951, as amended, under authority of section 202(c)(1)(C) of that Act is amended because of salary changes resulting from the Government Employees Salary Reform Act of 1964. Effective November 1, 1964, the "General" exclusion is amended as set out below.

GENERAL

Any person appointed by the President, by and with the advice and consent of the Senate, or by the President alone (other than postmasters, United States Attorneys, and United States marshals) to a position in the executive branch for which there exists authority to set a rate of basic compensation in excess of the maximum rate provided in the General Schedule of the Classification Act of 1949, as amended.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-11625; Filed, Nov. 13, 1964; 8:49 a.m.]

## LIST OF OFFICERS EXCLUDED FROM COVERAGE

### Notice of Amendment of Exclusions From Annual and Sick Leave Act of 1951, as Amended

The list of officers excluded from coverage under the Annual and Sick Leave Act of 1951, as amended, under authority of section 202(c)(1)(C) of that Act is amended because of salary changes resulting from the Government Employees Salary Reform Act of 1964. Effective November 1, 1964, the list is amended as set out below.

DEPARTMENT OF THE INTERIOR

* * * * *

4. Governor of Guam.
5. Governor of the Virgin Islands.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-11628; Filed, Nov. 13, 1964; 8:49 a.m.]

## LIST OF OFFICERS EXCLUDED FROM COVERAGE

### Notice of Amendment of Exclusions From Annual and Sick Leave Act of 1951, as Amended

The list of officers excluded from coverage under the Annual and Sick Leave Act of 1951, as amended, under authority of section 202(c)(1)(C) of that Act is amended by adding the position of Commissioner, International Boundary and Water Commission, United States and Mexico, to the exclusions under the Department of State. Effective November 1, 1964, the list is amended as set out below.



DEPARTMENT OF STATE

* * * * *

2. Commissioner, International Boundary and Water Commission, United States and Mexico.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-11627; Filed, Nov. 13, 1964; 8:49 a.m.]

# DELAWARE RIVER BASIN COMMISSION

## WATER SUPPLY POLICY

### Notice of Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on November 25, 1964.

The subject of the hearing will be the proposal to amend the Comprehensive Plan by the addition thereto of a section XI—Water Supply Policy. The text of the proposed policy is shown below.

The hearing will be held in Room 1306 of the Pennsylvania State Office Building, Broad and Spring Garden Street in Philadelphia, beginning at 2:00 p.m. All persons or organizations desiring to testify at the hearing are requested to register in advance with the Secretary.

W. BRINTON WHITALL,
*Secretary.*

NOVEMBER 9, 1964.

SECTION XI—WATER SUPPLY POLICY

A. Major Federal Projects:

1. The Commission, acting for and on behalf of the signatory parties, will acquire the right to use and to control water supply facilities associated with federal projects authorized in the Comprehensive Plan.

2. The Commission, subject to appropriate authorization by the signatory parties, will assume the obligation to repay the non-federal share of the federal investment cost of such water supply facilities.

3. The Commission will meet future annual repayment obligations assumed by Policy Statement No. 2 above out of revenues provided as follows:

a. Revenues from sale of water, or other products and services;

b. An apportionment of costs through the capital section of the Commission's annual budgets to the states in which benefits of the projects occur.

4. The Commission will make appropriate reductions in the share of the cost of water apportioned to the states as revenues are received from direct sale of water or other products and services, and from various fees.

5. The Commission will identify the beneficiaries of its water supply facilities and will require them to bear their fair share of the costs thereof.

a. The Commission will determine the share of the costs allocable to beneficiaries, based upon criteria such as (1) amounts of storage in a reservoir; (2) releases from a reservoir; (3) the volume of increased withdrawals or diversions; (4) increased streamflow at (a) water intakes or (b) waste outfalls along a stream course for general improvement in conditions of water use, quality, and physical convenience.

b. The Commission will use the principles contained in the proportionate-use-of-facilities method of cost allocation for sharing non-federal costs among general beneficiaries of such water supply facilities.

[F.R. Doc. 64-11594; Filed, Nov. 13, 1964; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14878, 14879; FCC 64M-1114]

## PRATTVILLE BROADCASTING CO. AND BILLY WALKER

### Order Scheduling Hearing

In re applications of Ned N. Butler and Claude M. Gray, d/b as The Prattville Broadcasting Company, Prattville, Alabama, Docket No. 14878, File No. BP-14571; Billy Walker, Prattville, Alabama, Docket No. 14879, File No. BP-14729; for construction permits.

Pursuant to agreements reached at the prehearing conference of this date, the evidentiary hearing in the above-entitled proceeding will be held on Tuesday, December 8, 1964, beginning at 10:00 a.m., in the offices of the Commission, Washington, D.C.

*It is so ordered,* This the 5th day of November 1964.

Released: November 9, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11637; Filed, Nov. 13, 1964; 8:48 a.m.]

[Docket Nos. 15476, 15477; FCC 64M-1113]

## WEZY, INC., AND WKKO RADIO, INC.

### Order Continuing Hearing

In re applications of WEZY, Inc., Cocoa, Florida, Docket No. 15476, File No. BPH-4172; WKKO Radio, Inc., Cocoa, Florida, Docket No. 15477, File No. BPH-4173; for construction permits.

The Hearing Examiner having under consideration an informal written motion dated November 3, 1964, submitted by WEZY, Inc., requesting that the hearing in the above-entitled proceeding now scheduled to begin on Monday, November 9, 1964, be continued for a period of not less than 30 days; and

It appearing that an agreement has been entered into between the above-entitled applicants pursuant to which one of the applications is to be dismissed, and the other retained in hearing, and pleadings reflecting the intent of the parties are being prepared and will be filed this date; and

It further appearing that there are no objections to the immediate favorable consideration of the informal motion referred to, and good cause for granting the same having been shown;

*It is ordered,* This the 6th day of November 1964, that the informal motion for continuance of the evidentiary hearing is granted, and the evidentiary hearing now scheduled to begin on Monday, November 9, 1964, is continued to Monday, December 21, 1964.

Released: November 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11638; Filed, Nov. 13, 1964; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CP65-61]

## EL PASO NATURAL GAS CO.

### Notice of Application

NOVEMBER 6, 1964.

Take notice that on September 1, 1964, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. CP65-61 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the sale and delivery of natural gas by means thereof and the sale and delivery of natural gas by means of certain of Applicant's existing facilities and certain facilities to be constructed and operated by Pacific Gas Transmission Co. (Pacific Gas), all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes the following:

(a) To sell and deliver natural gas to Intermountain Gas Company (Intermountain) for resale in the community of Aberdeen, Idaho, and surrounding irrigation areas. Applicant will utilize its existing Lamb-Weston Meter Station to make said sale. Intermountain will construct and operate distribution and connecting facilities at an estimated cost of $494,175.

(b) To construct and operate a measuring and regulating station adjacent to its existing 10¾-inch O.D. Northwest Division Eugene lateral pipeline and to sell and deliver natural gas to Northwest Natural Gas Co. (Northwest) for resale to the Coburg Veneer Co., near Coburg, Oreg. Northwest Natural will construct and operate connecting facilities at an estimated cost of $5,000.

(c) To construct and operate mainline taps on its 20-inch O.D. San Juan-Maricopa pipeline and on its 5-inch O.D. Yuma lateral pipeline and to sell and deliver natural gas to Arizona Public Service Co. (Public Service) for resale to Lone Butte Ranch, near Phoenix, Ariz., for irrigation use and to American Concrete and Pipe Co., Yuma County, Ariz.,

for industrial use. Public Service will construct and operate connecting facilities at an estimated cost of $36,154.

(d) To sell natural gas to California-Pacific Utilities Co. (California-Pacific) for resale to Winema Lumber Co., near Beaver Marsh, Oreg. Deliveries will be made out of gas transported by Pacific Gas for the account of Applicant. Applicant will pay for and Pacific Gas will construct, operate and own a measuring and regulating station necessary for the deliveries. California-Pacific will construct and operate connecting facilities at an estimated cost of $19,960.

The application shows the total third year estimated annual and maximum daily requirements for the herein proposed service to be 515,705 Mcf and 2,635 Mcf, respectively.

The total estimated cost of Applicant's proposed facilities, including the facilities to be constructed by Pacific Gas, is $17,400, which cost will be financed out of current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 30, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11599; Filed, Nov. 13, 1964; 8:45 a.m.]

[Docket No. CI64-25 etc.]

## GULF OIL CORP. ET AL.

### Findings and Order Granting Motion To Sever, Granting Request for Waiver of Intermediate Decision Procedure and Issuing Certificate of Public Convenience and Necessity

NOVEMBER 6, 1964.

Gulf Oil Corp., Docket No. CI64-25; Martha Featherstone, Docket No. CI64-591; W. S. Kilroy (Operator), Docket No. CI63-434; The Atlantic Refining Co., Docket No. CI63-576; Pan American Petroleum Corp., Docket No. CI61-419; Belco Petroleum Corp., Docket No. G-20104; Belco Petroleum Corp., Docket No. G-19591; Belco Petroleum Corp., Docket No. G-19589; Graham B. Morrison and Glen W. Pryor, Trustees, Docket No. G-18884.

On September 16, 1960, Pan American Petroleum Corp. (Pan American) filed in Docket No. CI61-419, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, for authority to sell natural gas to El Paso Natural Gas Co. (El Paso) from reserves located in Sublette County, Wyo., and to construct facilities necessary therefor, at a proposed initial price of 18.5 cents per Mcf at 860 p.s.i.g. (15.025 p.s.i.a.).

Temporary authorization to commence this sale was issued by letter order of October 21, 1960, containing a condition, among others, that the total initial price should not exceed 15 cents per Mcf at 14.65 p.s.i.a. (15.384 cents per Mcf at 15.025 p.s.i.a.).

By order issued July 29, 1964, the above-docketed proceedings were consolidated for hearing. The hearing in such proceedings commenced on that date and was concluded on October 8, 1964.

In the interim, on September 9, 1964, Pan American filed in Docket No. CI61-419 a motion for severance and for issuance of a certificate under the abridged hearing procedure, in which Pan American agreed to accept a permanent certificate for this sale in accordance with the initial price condition set out in the temporary authorization. Such motion was served on all parties to the proceedings and no objection to the grant of such motion has been filed.

Accordingly, we shall treat the motion filed by Pan American as a motion for severance and a request for waiver and omission of the intermediate decision procedure in Docket No. CI61-419.

The Commission finds:

(1) Docket No. CI61-419 should be disposed of pursuant to § 1.32 of the Commission's rules of practice and procedure (18 CFR 1.32).

(2) Pan American is a natural gas company within the meaning of the Natural Gas Act.

(3) The proposed sale of natural gas by Pan American is subject to the jurisdiction of the Commission, and such sale, together with the construction and operation of facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Act.

(4) Pan American is able and willing properly to do the acts and to perform the services proposed, and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) The sale proposed by Pan American, together with the construction and operation of any facilities subject to the jurisdiction of the Commission and necessary therefor, are required by the public interest upon the conditions set forth below and a certificate should be issued as ordered below.

The Commission orders:

(A) Docket No. CI61-419 is hereby severed from Docket Nos. CI64-25, et al.

(B) The request for waiver and omission of the intermediate decision procedure is hereby granted.

(C) A certificate of public convenience and necessity is hereby issued to Pan American in Docket No. CI61-419 for the sale of natural gas in interstate commerce for resale as proposed in the application and specifically modified in the motion filed by Pan American (which we shall treat as an amendment to such application) and this order, and for the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, as more fully described in the application and motion submitted herein. The certificate issued by this paragraph is not transferable and shall be effective only so long as Pan American continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission and shall be accepted in writing and under oath within thirty days after the issuance of this order.

(D) The general terms and conditions set forth in paragraphs (a), (b), (c), and (e) of § 157.20 of the Commission's regulations under the Natural Gas Act, shall attach to the issuance of the certificate granted in paragraph (A) hereof and to the exercise of the rights granted thereunder.

(E) The certificate issued by paragraph (A) hereof is granted upon the express condition that the initial price for this sale shall not exceed 15.0 cents per Mcf at 14.65 p.s.i.a., or 15.384 cents per Mcf at 15.025 p.s.i.a., for all gas delivered at or in excess of 500 p.s.i.g.

(F) The grant of the certificate herein shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act, or of Part 154 of the Commission's rules and regulations thereunder, requiring the filing of rate schedules for the services herein authorized, and is without prejudice to any findings or orders which have been or may hereafter be instituted by or against the respective applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objection relating to the operation of any price or related provisions in the gas purchase contracts herein involved.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11600; Filed, Nov. 13, 1964; 8:45 a.m.]

[Docket No. CP65-1]

## NORTHERN NATURAL GAS CO.

### Notice of Application

NOVEMBER 6, 1964.

Take notice that on July 1, 1964, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP65-1 an application pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in portions of Pecos, Reeves, Ward, and Winkler Counties, Tex., all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate 42 miles of 24-inch pipeline, along with appropriate measuring facilities, for the purpose of attaching to its system a new gas supply from the Coyanosa Field, located in Pecos County, Tex. Applicant seeks further authorization to construct a 12-inch side valve on the proposed line which will enable it to make possible the future sale or exchange of natural gas with Transwestern Pipeline Company, whose line intersects that of Applicant.

The estimated cost of the facilities is $3,250,700, which will be financed with internally generated funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 28, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11601; Filed, Nov. 13, 1964; 8:46 a.m.]

[Docket No. CP64-18]

## PANHANDLE EASTERN PIPE LINE CO.

### Notice of Application To Amend

NOVEMBER 6, 1964.

Take notice that on September 29, 1964, Panhandle Eastern Pipe Line Co. (Applicant), Post Office Box 1348, Kansas City 41, Mo., filed in Docket No. CP64-18 an application to further amend the Commission's order issued July 24, 1964, in said docket so as to authorize an upward revision in the summer contract demand of The Gas Service Company, an existing resale customer of Applicant, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

The order of July 24, 1964, modified and adopted the decision of the presiding examiner in Docket No. CP64-18, wherein Applicant was authorized to construct and operate certain facilities and to increase natural gas sales to certain of its present existing customers.

Applicant requests that the certificate order in Docket No. CP64-18 be further amended so as to increase the summer contract quantities to provide for contract demand of 2,100 Mcf of natural gas for the months of June, July, and August in lieu of 1,900, 1,700 and 1,700 Mcf, respectively, as presently authorized.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20428, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 27, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11602; Filed, Nov. 13, 1964; 8:46 a.m.]

[Project No. 2459]

## WEST PENN POWER CO.

### Notice of Application for License

NOVEMBER 6, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by West Penn Power Co. (correspondence to: Benjamin Bennett, Secretary, West Penn Power Co., Cabin Hill, Greensburg, Pa.) for a license for constructed Project No. 2459, known as the Lake Lynn hydro development, located on Cheat River about 3½ miles upstream from its mouth, in Monongalia County, W. Va., and in Fayette County, Pa., 2½ miles southeast of Point Marion.

The Lake Lynn hydro development consists of: (1) A concrete gravity type dam 1,000 feet long with a maximum height of 125 feet; (2) a reservoir at full pool elevation 870 feet extending 13 miles upstream from the dam and having an area of 72,300 acre feet; (3) a 624-foot long spillway controlled by 26 tainter gates, each 17 feet high and 21 feet long with rubber seals; (4) eight penstocks of reinforced concrete, 12 feet by 18 feet; (5) a gate house; (6) a red brick and steel frame powerhouse containing four Francis reaction type turbines each connected to a 16,000 kva generator rated at 0.8 power factor total installed capacity 51,200 kw; (7) four 3-phase transformer banks; (8) switchyards; and (9) other appurtenant electrical and mechanical equipment.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 21, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11603; Filed, Nov. 13, 1964; 8:46 a.m.]

# FOREIGN-TRADE ZONES BOARD

## FOREIGN-TRADE SUB-ZONE AT TAFT, LOUISIANA

### Application; Notice of Hearing

Notice is hereby given that an application has been made to the Foreign-Trade Zones Board by the Board of Commissioners of the Port of New Orleans, grantee of Foreign-Trade Zone No. 2, New Orleans, La., for the privilege of establishing, operating, and maintaining a foreign-trade subzone at Taft, La., within Customs Collection District No. 20 of the United States, pursuant to the provisions of the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998-1003; 19 U.S.C. 81a-81u).

The Executive Secretary of the Foreign-Trade Zones Board, pursuant to Board Regulations,[1] has designated Theodore L. Thau, Executive Secretary, Advisory Committee on Export Policy, U.S. Department of Commerce, as Examiner to investigate the application and accompanying exhibits for compliance with Sections 400.600-400.608 of said Regulations; and said application having been found to be in order, the Executive Secretary has designated as an Examiners Committee said Theodore L. Thau, Chairman; Honorable Raymond F. Hufft, Collector of Customs, New Orleans, La.; and Colonel Thomas J. Bowen, District Engineer, U.S. Army Engineer District, New Orleans, La., in whose districts the proposed subzone is to be located, to investigate thoroughly the application and report thereon to the Foreign-Trade Zones Board.

Notice is hereby given, pursuant to the Foreign-Trade Zones Act and Board Regulations,[1] that a public hearing on the application will be held by the Examiners Committee beginning at 10:00 a.m., December 14, 1964, at the Main Conference Room, New Federal Building, 701 Loyola Street, New Orleans, La.

A general description of the proposed subzone and maps will be available for public information at the office of the Collector of Customs, Room 232, Customhouse, 423 Canal Street, New Orleans, La.; the U.S. Department of Commerce Field Office, Federal Building South, 610 South Street, New Orleans, La.; and at the office of the Executive Secretary of the Foreign-Trade Zones Board, Room 6827, U.S. Department of Commerce, Washington, D.C. In accordance with Board Regulations, other information concerning the application may be made public if the Board is satisfied of the public necessity or desirability therefor, or the applicant consents.

[1] See Title 15, Code of Federal Regulations, Part 400, Article 13, Rules of Procedure and Practice.

In brief these plans propose that: the subzone will be located on a 79-acre tract on the west bank of the Mississippi River about 25 miles upstream from New Orleans at Taft in St. Charles Parish, La. The site is made available through a lease arrangement between the Board of Commissioners of the Port of New Orleans and the Union Carbide Corp. where this company proposes to erect and operate a petrochemical production facility in a foreign-trade zone area utilizing as raw material liquid hydrocarbon feedstocks of both domestic and foreign origin. Such raw materials would be processed into basic chemical products within the subzone and then either entered into U.S. customs territory for consumption, or reexported, or consumed within the subzone.

The purposes of the hearing are to inform interested parties concerning this application, to afford them an opportunity to express their views relative thereto, and to obtain other data useful to the Examiners Committee.

Interested parties or their representatives will be afforded the opportunity to be heard at the hearing; however, for the accuracy of the record and to facilitate proceedings, they should file written request therefor as soon as possible and provide a written summary of their views regarding the application. Prior to December 10, 1964, requests to be heard and written summaries should be directed to Mr. Theodore L. Thau, Chairman of the Examiners Committee, c/o Executive Secretary, Foreign-Trade Zones Board, Room 6627, U.S. Department of Commerce, Washington, D.C., 20230; subsequent to that date and prior to December 14, such requests and summaries to the Chairman of the Examiners Committee should be directed to Mr. Thau, c/o The Collector of Customs, Room 232 Customhouse, 423 Canal Street, New Orleans, La., 70130.

Persons not submitting an advance request to be heard may, nevertheless, be permitted to be heard at the hearing at the discretion of the Examiners Committee. Interested parties not able to be present or represented at the hearing may submit their written views concerning the application to the Examiners Committee as indicated above.

RICHARD H. LAKE,
*Executive Secretary,*
*Foreign-Trade Zones Board.*

NOVEMBER 10, 1964.

[F.R. Doc. 64-11646; Filed, Nov. 13, 1964; 8:49 a.m.]

# GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulation (Temporary) No. H-1]

## SALE OF PERSONAL PROPERTY BY THE GENERAL SERVICES ADMINISTRATION

1. *Purpose.* These regulations provide for sale by the General Services Administration of personal property under the control of executive agencies, including surplus, contractor inventory, and that property designated to be sold for replacement under Section 201(c) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 384.

2. *Background.* Pursuant to the authority contained in the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended (hereinafter referred to as the Act), the Administrator authorized all holding agencies to sell their personal property subject to policies and procedures as prescribed by the Administrator and set forth in GSA Reg. 1. This created a multiplicity of agency selling points, with attendant difficulties in the dissemination of information to the buying public and other interested persons and groups. In the case of the civil agencies, a widespread sales program necessarily has been carried on, although involving only a limited volume of property by any one agency. As announced in GSA Circular No. 231, dated February 15, 1961, GSA has been progessively assuming responsibility for the sale of civil agencies' property. These regulations extend the consolidated selling concept to all executive agencies.

3. *Action.*

a. *Applicability.* The provisions of these regulations apply to all agencies in the executive branch of the Federal Government having personal property becoming available for sale at locations within the United States, the Commonwealth of Puerto Rico, and the Virgin Islands. Other Federal agencies may participate in the GSA personal property sales program and are urged to do so.

b. *Responsibilities.* Responsibilities of the GSA regional offices and holding agencies regarding personal property available for sale are as follows:

(1) GSA regional offices will be responsible for:

(a) Conducting sales with a minimum of inconvenience to holding agencies;

(b) Performing all aspects of sales preparation including advertising, collection, documentation, deposit of proceeds, and contract administration;

(c) Programing property for sale as promptly as possible and from existing locations insofar as is practicable;

(d) Providing for consolidated sales with a minimum movement of property when it is determined to be advantageous and economical to the Government;

(e) Accepting physical custody of property when transported by holding agencies to a consolidated sales site as may be provided by GSA;

(f) Keeping holding agencies apprised of sales plans and requesting administrative, clerical, or labor assistance only when essential and such assistance is readily available; and

(g) Handling routine correspondence in connection with personal property sales.

(2) Holding agencies will be responsible for:

(a) Providing pertinent information required for effective sales of property as well as accounting data for appropriate application of gross proceeds;

(b) Transporting property to a consolidated sales site when mutually determined as being advantageous to the Government;

(c) Facilitating inspection of property by prospective bidders;

(d) Providing facilities if necessary and available for the conduct of sales and reasonable administrative, clerical, or labor assistance when requested by the GSA regional offices; and

(e) Assisting in the physical lotting of property to be sold as required by the GSA regional offices.

c. *Reporting property for sale.* Property shall be reported to the appropriate GSA regional office for the region in which the property is located in the manner outlined below:

(1) *Reportable property.* Property required to be reported for utilization screening will continue to be reported on Standard Form 120, Report of Excess Personal Property, and Standard Form 120A, Continuation Sheet. If not transferred or donated, such property will be programed for sale by the GSA regional office.

(2) *Nonreportable property.* Property not required to be reported for utilization screening and for which any required donation screening has been completed, shall be reported for sale on GSA Form 1673, Memorandum of Nonreportable Personal Property (Attachment A), or in accordance with such other local arrangements as may be made by a reporting activity and the regional office. Stocks of GSA Form 1673 may be requisitioned from GSA regional offices in the usual manner.

d. *Describing property.* Some prospective purchasers are unable to inspect property prior to submitting a bid. Therefore, in the interest of good business practice, property reported for sale shall be described in commercial terminology and as fully and accurately as possible, including its condition.

e. *Display and inspection.* Holding agencies shall assist prospective bidders to the maximum extent possible during the inspection period prescribed in the sales offerings. However, no information shall be provided to a prospective bidder which is not available to all bidders.

f. *Delivery.* After full payment has been received from a buyer, the GSA regional office will notify the holding activity by copy of the GSA Form 27, Notice of Award (Attachment B), that property may be released to the purchaser. Upon completion of a sale, holding agencies will be provided additional copies of the GSA Form 27 for use as an internal accounting document. If a purchaser fails to remove property within the period specified, the GSA regional office shall be advised of this fact immediately in order that appropriate action may be taken.

g. *Proceeds from sales.* Section 201(c) of the Act authorizes any executive agency to apply the proceeds from sale of exchange/sale property in whole or in part payment for similar items acquired for replacement purposes. Section 204 (a) of the Act requires, except in certain specified instances, that proceeds from sale of surplus personal property shall be covered into the Treasury as miscellaneous receipts. The exceptions are where property sold was originally acquired by funds not appropriated from the general fund of the Treasury, or appropriated therefrom and by law reimbursable from assessments, taxes, or other revenues; and where any contract entered into by any executive agency or any subcontract under such contract authorizes the proceeds of any sale of contractor inventory to be credited to the price or cost of the work covered by such contract or subcontract. In these cases, the gross proceeds from the sale of such property will be deposited by GSA to the reimbursable fund or appropriation or paid to the Federal agency accountable for the property. In all other cases, the gross proceeds from the sale of property will be deposited by GSA to the Treasury as miscellaneous receipts. Therefore, it is essential that the Standard Form 120 or GSA Form 1673 be properly completed to identify the appropriate appropriation or fund symbol, title, and station deposit symbol, or other manner in which payment is desired.

h. *Exemptions.* The sale of property in accordance with the provisions of these regulations has been determined to be advantageous to the Government in terms of economy, efficiency, and service, with due regard to the program activities of the agencies concerned. Any agency head who believes that authority with respect to the programs covered by section 602(d) of the Act would be impaired or adversely affected by this regulation, may seek an exemption from the Administrator by a letter explaining the impairment or adverse effect and justifying the exemption. In addition, GSA regional offices, after consultation with a holding activity, may, on a case-by-case or blanket basis, authorize sale by such holding activity of perishable items or small lots of limited value property at isolated locations. In such cases, Optional Form 15, poster, Sale of Government Property (Attachment C), and Optional Form 16, Sales Slip, Sale of Government Personal Property (Attachment D), are prescribed for use by holding activities for the sale of such property. These forms may be requisitioned from the GSA regional offices in the usual manner.

4. *Effect on other issuances.* This regulation modifies GSA Reg. 1–II and IV to the extent such regulations authorize executive agencies (holding agencies) to conduct sales of their personal property. GSA Circulars No. 124 of April 23, 1956, Subject: Preparation of Wastepaper Contracts; No. 226, Revised, of October 30, 1962, Subject: Sales of Government Personal Property; No. 231 of February 15, 1961, Subject: Integrated Personal Property Sales Program for Civil Agencies; and Memorandums of Understanding between GSA and the agencies listed below are rescinded by this regulation.

| Agency: | Date |
|---|---|
| Department of Commerce | Dec. 29, 1960 |
| Federal Aviation Agency | Jan. 13, 1961 |
| Department of Health, Education, and Welfare | Jan. 28, 1961 |
| Housing and Home Finance Agency | Dec. 21, 1960 |
| Department of Justice | Jan. 18, 1961 |
| Veterans Administration | Dec. 28, 1960 |
| Post Office Department | Dec. 27, 1960 |
| National Aeronautics and Space Administration | May 22, 1961 |
| Department of the Interior | Aug. 31, 1961 |
| Department of the Treasury | Oct. 6, 1961 |

5. *Effective date.* These regulations are effective January 1, 1965, except for the Tennessee Valley Authority, Department of Agriculture, Atomic Energy Commission, and the Department of Defense. The effective date for Tennessee Valley Authority, Department of Agriculture, and Atomic Energy Commission will be March 1, 1965. An agreement between the Department of Defense and the General Services Administration for assumption by GSA of sales responsibility for personal property belonging to that Department is pending before the Bureau of the Budget. Applicability of this regulation to the Department of Defense will be held in abeyance pending approval by the Bureau of the Budget of financing arrangements necessary for effectuating such assumption. All executive agencies are requested to submit two copies of implementing instructions to the Administrator by no later than sixty days from the effective date of this regulation.

6. *Expiration date.* These regulations shall remain in effect until incorporated in 41 CFR 101–45, which shall be no later than 90 days from the date of signature.

NOTE: Forms filed as part of the original document. Copies may be obtained from Central Office, GSA.

Dated: November 5, 1964.

BERNARD L. BOUTIN,
*Administrator.*

[F.R. Doc. 64-11689; Filed, Nov. 13, 1964; 8:49 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1729 etc.]

## AMERICAN & FOREIGN POWER CO., INC., AND ELECTRIC BOND AND SHARE CO.

### Notice of and Order for Hearing on Application for Order Declaring Company Is Not an Investment Company and Order Consolidating Proceeding With Prior Proceeding

NOVEMBER 9, 1964.

In the matter of American & Foreign Power Company Inc., 100 Church Street, New York, New York, 10007, File No. 812-1729; and in the matter of Electric Bond and Share Company, Two Rector Street, New York, New York, 10006, File No. 811-1022, File No. 31-627.

Notice is hereby given that American & Foreign Power Co. Inc. ("Foreign Power"), a company exempted as a holding company from the provisions of the Public Utility Holding Company Act of 1935, has filed an application (File No. 812-1729) pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act"), for an order (a) declaring that Foreign Power is primarily engaged directly or through majority owned subsidiaries in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities; or (b) pursuant to section 6(c) of the Act, exempting Foreign Power from the provisions of the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the representations therein, which are summarized below.

Foreign Power, a Maine corporation, was organized in 1923 by Electric Bond and Share Co. ("Bond and Share") as a holding company for public utility subsidiaries operating outside the United States. Foreign Power is a majority owned subsidiary of Bond and Share, which is a registered closed-end investment company. Following various corporate simplification proceedings instituted under the Public Utility Holding Company Act of 1935, Foreign Power, as a holding company, and its subsidiary companies, as such, were exempted from the provisions of that Act. (Holding Company Act Release No. 12196, November 2, 1953.)

Between 1923 and 1930 Foreign Power acquired public utility subsidiaries in Argentina, Brazil, Chile, China, Colombia, Costa Rica, Cuba, Ecuador, Guatemala, India, Mexico, Panama, and Venezuela. The properties in China were confiscated by the Japanese in 1941, were recovered following World War II, but were seized by the Chinese Communist Government in 1950. The properties in India were sold to private interests in 1947. Since 1950 Foreign Power's operations have been restricted to the above-named countries of Latin America. The properties of the subsidiary serving Cuba were expropriated without compensation by the Castro Government in 1960. Since January 1943 Ebasco International Corporation, a wholly owned subsidiary of Foreign Power, has rendered engineering and consulting services to Foreign Power's public utility subsidiaries.

Between 1958 and 1962, the utility properties of Foreign Power's subsidiaries in Argentina, Mexico and Colombia were sold to the governments of those countries. In exchange, Foreign Power received interest-bearing notes of the respective governments payable in United States dollars in serial maturities over periods of 15 to 20 years and, in the case of Argentina and Mexico, the installments, as received, are required to be invested in situations beneficial to the economic development of those countries. In February 1964, Foreign Power sold for cash its Venezuelan subsidiary to a private utility company in that country.

After lengthy negotiations a contract was initialed on August 25, 1964, by Foreign Power and Centrais Electricas Brasileiras, S.A. ("Eletrobras"), a Brazilian Government power agency, providing for the sale of all of Foreign Power's direct and indirect holdings in its utility subsidiaries in Brazil to Eletrobras. On October 6, 1964, the Brazilian Congress enacted legislation authorizing the Brazilian Government to guarantee the obligations of Eletrobras under the contract as well as the promissory notes to be issued in payment for Foreign Power's interests. Foreign Power anticipates that the contract will be signed in early November and promptly thereafter will be submitted to the Brazilian Tribunal de Contas for registration, at which time it will become effective.

The contract provides for a purchase price of $135,000,000 plus certain compensatory adjustments. On or prior to the closing date there will be a down payment of $10,000,000 on the purchase price, and at the closing date Eletrobras will issue two initial notes, one for $24,750,000 and the other for $100,250,000. Within 180 days after the closing date, in lieu of the initial notes, definitive notes will be issued (a) in the amount of $24,750,000, at 6 percent interest, payable semi-annually over 22 years commencing January 1, 1968; (b) and in the amount of $100,250,000, at 6½ percent interest, payable semi-annually from July 1, 1968 to July 1, 2009. The proceeds from the 6½ percent notes are required to be reinvested, upon receipt, in 6½ percent notes of Eletrobas, maturing semi-annually over a period of 20 years from time of investment.

The table below sets forth a summary of Foreign Power's assets (exclusive of cash and cash items) as of June 30, 1964, on the basis of the values assigned to them by Foreign Power. Such assets reflect the proposed sale of Foreign Power's interests in its Brazilian subsidiaries, and they do not reflect any interest in its Cuban subsidiary.

| | Percent voting securities of subsidiaries owned | Amount (000 omitted) | Percent |
|---|---|---|---|
| Securities of majority owned utility subsidiaries: [1] | | | |
| South American Power Co. (Chile) | 100 | $85,979 | 19.8 |
| Cia. Nacional de Fuerza y Luz, S.A. (Costa Rica) | 92 | 8,679 | 2.0 |
| Empresa Electrica del Ecuador, Inc | 100 | 13,547 | 3.1 |
| Empresa Electrica de Guatemala, S.A. | 93 | 21,028 | 4.8 |
| Panama Power & Light Co | 89 | 13,800 | 3.2 |
| Ebasco International Corp | 100 | 682 | 0.2 |
| Total utility subsidiaries | | 143,715 | 33.1 |
| Securities of wholly owned subsidiaries holding Latin American Government notes and other investment securities: | | | |
| Amercon Enterprises Ltd. (Mexico) | 100 | 50,494 | 11.6 |
| Argentine Electric Companies | 100 | 48,018 | 11.0 |
| Brazilian Electric Power Co | 100 | 75,232 | 17.3 |
| Colombian Electric Co | 100 | 20,827 | 4.8 |
| Total subsidiaries holding notes | | 194,571 | 44.7 |
| Direct holdings by Foreign Power of Latin American Government notes: | | | |
| Brazil | | 71,919 | 16.5 |
| Mexico | | 9,966 | 2.3 |
| Colombia | | 6,840 | 1.6 |
| Total notes | | 88,725 | 20.4 |
| Miscellaneous assets | | 7,676 | 1.8 |
| Total | | 434,687 | 100.0 |

[1] Including Ebasco International Corp. which renders engineering and consulting services to Foreign Power and its subsidiaries.

The securities of Foreign Power's majority owned and wholly owned subsidiaries were valued by Foreign Power at their underlying book values, which reflect the holdings of notes of Latin American governments at their principal amount. Foreign Power's direct holdings of notes of Latin American governments were also valued at their principal amount.

On the basis of the above table, Foreign Power's holdings of securities of majority owned utility subsidiaries represented 33.1 percent of the value of Foreign Power's total assets (exclusive of cash and cash items), and its holdings of Latin American government notes and of securities of wholly owned subsidiaries which hold Latin American government notes and other investments represented 65.1 percent of such total assets.

The application states that, giving effect to income from the Brazilian notes and the Colombian notes on a full year basis, Foreign Power's net equity in the income of its utility subsidiaries (based on the year 1963) would amount to 39 percent, and interest income from notes of Latin American governments would amount to 61 percent, of total net equity of Foreign Power in income from all sources.

Foreign Power asserts that it is not an investment company as defined in sections 3(a)(1) and 3(a)(3) of the Act. It states that it is not engaged and does not hold itself out as being engaged primarily in the business of investing, reinvesting, owning, holding or trading in securities within the meaning and intent of the Act. It asserts that its principal business activity continues to be public utility operations in Latin America. Foreign Power further asserts that it is in a state of partial transition, transforming its investments in certain unprofitable electric utility properties into substantial interests in industrial properties.

The application further states that the bulk of the foreign government notes presently held by Foreign Power are subject to such restrictions upon the use of their proceeds that they are not liquid or readily negotiable securities and that, consequently, they are not the type of security which the Act was intended to regulate.

It appears to the Commission that it is appropriate in the public interest and the interest of investors that a hearing be held with respect to the application.

The Commission has been advised by the Division of Corporate Regulation that on the basis of financial statements as of March 31, 1964, submitted by Bond and Share, the common stock of Foreign Power constituted 21.6 percent of the value of the total assets of Bond and Share (exclusive of cash and cash items) and that an additional 42.2 percent of the value of such total assets was composed of investment securities on that date. A determination that Foreign Power is an investment company not exempt from the provisions of the Act would result in 63.8 percent of Bond and Share's total assets consisting of investment securities and would preclude a finding by the Commission, pursuant to Bond and Share's application under section 3(b)(2) of the Act (File Nos. 811-1022 and 31-627), that Bond and Share is not an investment company.

It appearing to the Commission that common issues of law and fact with respect to the proceeding on Foreign Power's application to be exempted from the Act (File No. 812-1729) and the proceeding on the application of Bond and Share to be declared not to be an investment company (File Nos. 811-1022 and 31-627) are presented or may arise under the applicable provisions of the Investment Company Act making it appropriate that the two proceedings be consolidated:

*It is hereby ordered*, That:

(a) Pursuant to section 40(a) of the Investment Company Act a hearing be held upon the application of Foreign Power under the applicable provisions of that Act and the rules promulgated thereunder.

(b) The proceeding on the application of Foreign Power under sections 3(b)(2) and 6(c) of the Investment Company Act and the proceeding on the application of Bond and Share under sections 3(b)(2) and 8(f) of the Investment Company Act be, and they hereby are, consolidated, without prejudice, however, to the Commission's right, upon its own motion or application, to sever such proceedings or any issues therein for hearing or determination.

*It is further ordered*, That a hearing in the consolidated proceeding be held on the 23d day of November 1964, at 11:00 a.m., at the office of the Commission, 425 Second Street NW., Washington, D.C. Any person desiring to be heard in connection with the consolidated proceeding or proposing to intervene therein shall file with the Secretary of the Commission, Washington, D.C., 20549, on or before the 19th day of November 1964, a written request as prescribed by Rule 9 of the Commission's rules of practice. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address noted above, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) filed contemporaneously with such request.

*It is further ordered*, That Samuel Binder, or any officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act, section 18(c) of the Holding Company Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters and questions are presented for consideration, in addition to the matters and questions already presented for consideration in the proceeding on the application of Bond and Share, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether Foreign Power is an investment company within the meaning of section 3(a)(1) or section 3(a)(3) of the Act;

(2) Whether Foreign Power is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities either directly or (A) through majority owned subsidiaries or (B) through controlled companies conducting similar types of businesses;

(3) Whether (a) it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act to exempt Foreign Power from all or any provision or provisions of the Act or of any rule or regulation thereunder; and (b) if so, what conditions, if any, in the public interest and for the protection of investors should be imposed.

*It is further ordered*, That at the aforesaid hearing attention be given to the foregoing matters and questions.

*It is further ordered*, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by registered mail to Foreign Power and to Bond and Share, and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-11596; Filed, Nov. 13, 1964; 8:45 a.m.]





# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-XII-SF]

## SAN FRANCISCO, CALIFORNIA BRANCH OFFICE

### Delegation of Authority To Conduct Program Activities

I. Pursuant to the authority delegated to the Branch Manager by Delegation of Authority No. 30-XII, 29 F.R. 12497, as amended, 29 F.R. 12859 and 15063, the following authority is hereby redelegated to the specific positions as indicated herein:

A. Chief, Financial Assistance Section (and Assistant Chief, if assigned):

1. To approve the following:

a. Direct loans not exceeding $100,000.

b. Participation loans not exceeding $250,000.

c. Simplified bank participation loans not exceeding $350,000.

d. Simplified early maturities participation loans not exceeding $350,000.

e. Direct disaster loans not exceeding $350,000.

f. Participating disaster loans not exceeding $350,000.

2. To decline as follows:

a. Business loans not exceeding $250,000.

b. Disaster loans in any amount.

3. To disburse unsecured disaster loans.

4. To enter into business loan and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator

By ----------
(Name)
(Title of person signing)

6. To cancel, reinstate, modify, and amend authorizations for business or disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary action in connection with the administration, servicing and collection of all loans and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

11. Size determinations for financial assistance only.

12. Eligibility determinations for financial assistance only.

B. Branch Administrative Assistant:

1. To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of $25 in any one object class in any one instance but not more than $50 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance; and (d) to purchase printing from the General Services Administration where centralized reproduction facilities have been established by GSA.

2. In connection with the establishment of Disaster Loan offices, to (a) obligate Small Business Administration to reimburse General Services Administration for rental of office space; (b) rent office equipment; (c) rent motor vehicles commercially when not available from General Services Administration; (d) procure (without dollar limitation) emergency supplies and materials.

3. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as Acting in that position.

Effective date: September 14, 1964.

MARTIN SEAVER,
*Acting Branch Manager,*
*San Francisco Branch Office.*

[F.R. Doc. 64-11595; Filed, Nov. 13, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

[I.C.C. S.O. No. 947; Rev. Taylor's Car Distribution Order No. 11]

## LEHIGH VALLEY RAILROAD CO., AND NORFOLK AND WESTERN RAILWAY CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 29 F.R. 9670).

I find that there continues to exist a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Lehigh Valley Railroad Co. shall deliver to the Norfolk and Western Railway Co. a daily average of 40 plain serviceable boxcars inside length less than 44'8".

(b) Cars received by the Norfolk and Western Railway Co. under this order will be delivered to the Soo Line Railroad Co.

*It is further ordered,* That the Lehigh Valley Railroad Co. shall prepare empty car cards, tickets or movement slips for all cars delivered to the Norfolk and Western Railway Co. Such cards, tickets or slips to accompany cars and be delivered with cars to the Soo Line Railroad Co.

(c) Effective date: This order shall become effective at 12:01 a.m. November 11, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m. November 30, 1964 unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 10, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64-11618; Filed, Nov. 13, 1964; 8:47 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 10, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 39380: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 286), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central States territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 17th revised page 47-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39381: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 287), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central States territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 17th revised page 47-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39382: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 288), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central States, middlewest and southwestern territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 17th revised page 47-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39383: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 289), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central States territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 9th revised page 118-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39384: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 290), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central States, middlewest and southwestern territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 18th revised page 268 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39386: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 291), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central States and middlewest territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 16th revised page 219 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39387: *Corn to Gulf Ports for export.* Filed by Chicago, Rock Island and Pacific Railroad Company (No. 895), for itself and interested rail carriers. Rates on corn (not popcorn), in bulk, in carloads, subject to minimum weight of 500 tons of 2,000 pounds per shipment, from specified points in Iowa, to ports of Baton Rouge and New Orleans, La., Beaumont, Corpus Christi, Galveston, Houston, Port Arthur, and Texas City, Tex. (for export).

Grounds for relief: Port relationship.

Tariff: Supplement 13 to Chicago, Rock Island and Pacific Railroad Company, tariff I.C.C. C-13659.

FSA No. 39388: *Soda ash to Tucker, Ga.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2750), for interested rail carriers. Rates on dense soda ash, in bulk, in covered hopper cars, in carloads, from specified points in Michigan, New York and Ohio, to Tucker, Ga.

Grounds for relief: Rate relationship.

Tariffs: Supplements 71 and 146 to Traffic Executive Association-Eastern Railroads, agent, tariffs I.C.C. C-334 and C-102, respectively.

FSA No. 39389: *Salt to points in southern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8630), for interested rail carriers. Rates on salt, in carloads, from specified points in Louisiana, New Mexico, Oklahoma, and Texas, to points in southern territory.

Grounds for relief: Market competition.

Tariff: Supplement 32 to Southwestern Freight Bureau, agent, tariff I.C.C. 4562.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64-11609; Filed, Nov. 13, 1964; 8:46 a.m.]



[Notice 3]

## FINANCE APPLICATIONS

NOVEMBER 9, 1964.

The following publications are governed by the Interstate Commerce Commission's general requirements governing notice of filing of applications under sections 5(2), 20a except (12), 20b, and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER, issue of July 31, 1964 (29 F.R. 11126) and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local d.s.t., if that time is observed), unless otherwise specified.

F.D. No. 16252. By second supplemental application filed October 18, 1964, Chicago, Rock Island and Pacific Railroad Company, 139 West Van Buren Street, Chicago, Ill., 60605, seeks authority under section 5(2) of the Act to extend for ten years, from January 1, 1965, the expiration date of lease of the properties of Pullman Railroad Company and to continue the terms of said lease in all other respects for said extended period. Applicant's attorney: Thomas I. Megan, Assistant General Counsel, 139 West Van Buren Street, Chicago, Ill., 60605.

NOTE: Previous authority was granted by report and order, Division 4, dated November 17, 1949, and by a supplemental report and order, Division 4, dated January 20, 1955.

Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23356. By joint application filed October 26, 1964, Beard Land and Investment Co., 726 10th Street, Modesto, Calif., Modesto Interurban Railway, 530 11th Street, Modesto, Calif., and Modesto and Empire Traction Company, 530 11th Street, Modesto, Calif., seeks authority under section 5(2) of the Act to merge the properties and franchises of Modesto Interurban Railway and Modesto and Empire Traction Company into Beard Land and Investment Company. Applicants' attorney: Frederick O. Koenig, McCutchen, Doyle, Brown, Trautman & Enersen, 601 California Street, San Francisco, Calif., 94108. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23357. By application filed October 27, 1964, Transcon Lines, 1206 South Maple Avenue, Los Angeles, Calif., 90054, seeks authority under section 214 of the Act to issue an unsecured promissory installment note or notes in an aggregate amount not to exceed $3,100,000, or a lesser amount equal to the balance due after the cash payment has been applied to the established purchase price of Indianapolis-Kansas City Motor Express Company and Decatur Seaway Motor Express, Inc. Applicant's attorneys: Lee Reeder and W. E. Griffin, Reeder, Griffin & Dysart, 1221 Baltimore Avenue, Kansas City 5, Mo. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

NOTE: No. MC-F-8923 has been filed simultaneously.

F.D. No. 23362. By application filed October 29, 1964, Alleghany Corporation, 350 Park Avenue, New York, N.Y., 10022, seeks authority under sections 20a and 214 of the Act to issue two promissory notes in the amount of $20,000,000 each, bearing interest at the rate of 4½ percent. Applicant's attorneys: David G. Macdonald, Esquire, Suite 502, Solar Building, 1000 16th Street, NW., Washington, D.C., 20036, and John E. Tobin, Esq., Donovan, Leisure, Newton & Irvine, Two Wall Street, New York, N.Y., 10005. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23364. By application filed October 28, 1964, Missouri Pacific Railroad Company, 210 North 13th Street, St. Louis, Mo., 63103, seeks authority to acquire trackage rights over the Chicago, Burlington and Quincy Railroad Company between Winthrop and Donovan, within the switching limits of St. Joseph, Mo., a total distance of approximately 18.209 miles, and over a short portion of the approximately 320 feet connecting track to be constructed, pursuant to authority sought in a related application, at Donovan, St. Joseph, Mo., the subject portion being that located on Chicago, Burlington & Quincy Railroad Company right of way. Applicant's attorney: Mark M. Hennelly, Vice President and General Counsel, Missouri Pacific Railroad Company, 210 North 13th Street, St. Louis, Mo., 63103. Protest must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23370. By joint application filed November 3 1964, Atlantic Coast Line Railroad Company, 500 Water Street, Jacksonville, Fla., 32202, and Louisville and Nashville Railroad Company, 908 West Broadway, Louisville, Ky., 40201, seeks authority under section 20a of the Act to assume obligation and liability in respect of $3,945,000 aggregate principal amount of Clinchfield Railroad Serial Equipment Trust Certificates, Series E, and the sale thereof. Applicants' attorneys: F. J. Primosch, Secretary and Vice President, Atlantic Coast Line Railroad Company, 220 East 42d Street, New York, N.Y., 10017, and J. A. Kilduff, Assistant Vice President, Louisville and Nashville Railroad Company, 220 East 42d Street, New York, N.Y., 10017. Protest must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23288 Sub No. 1. By application filed November 4, 1964, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, Nebr., 68102, seeks under section 20a of the Act, such authority, if any, as may be necessary in connection with the issuance by Chicago, Rock Island and Pacific Railroad Company of Certificates of Deposit in respect of not exceeding 2,991,411 shares of its common stock. Applicant's attorneys: Frank E. Barnett, Vice President and General Counsel, 120 Broadway, New York, N.Y., 10005, and F. J. Melia, Vice President and Western General Counsel, 1416 Dodge Street, Omaha, Nebr., 68102. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23371. By application filed November 2, 1964, Quinn Freight Lines, Inc., 1093 North Montello Street, Brockton, Mass., seeks authority under section 214 of the Act to issue an installment note in the principal amount of $400,000, bearing interest at the rate of 5¾ percent per annum. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23377. By application filed November 5, 1964, The Denver and Rio Grande Western Railroad Company, 1531 Stout Street, Post Office Box 5482, Denver, Colo., 80217, seeks authority under section 20a of the Act to assume obligation and liability, as guarantor, in respect of not exceeding $6,420,000 of its Equipment Trust Certificates, Series DD. Applicant's attorney, T. A. White, General Solicitor, 1531 Stout Street, Post Office Box 5482, Denver, Colo., 80217. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23378. By application filed November 5, 1964, Signal Trucking Service, Ltd., a California corporation, 4455 Fruitland Avenue, Los Angeles 58, Calif., seeks authority under section 214 of the Act to issue a promissory note in the sum of $225,804, bearing interest at the rate of 6 percent per annum, secured by a chattel mortgage on property of applicant. Applicant's attorney: Edward M. Berol, Berol, Loughran and Geernaert, 100 Bush St., San Francisco, Calif., 94104. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64-11610; Filed, Nov. 13, 1964; 8:46 a.m.]

[Notice 1077]

## MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 10, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the

order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 67154. By order of November 6, 1964, the Transfer Board approved the transfer to P. J. Motorway, Inc., Palatine, Ill., of Certificate of Registration in No. MC 121084 Sub 1, issued December 20, 1963, to Robert Poole, doing business as P. J. Motorway, Palatine, Ill., authorizing the transportation of: Packaged merchandise within a fifty (50) mile radius from 1006 West Lake Street, Chicago, Ill. George M. Hilgendorf, Suite 2020, 111 West Washington Street, Chicago, Ill., 60602, attorney for applicants.

No. MC–FC 67167. By order of November 6, 1964, the Transfer Board approved the transfer to Bridgeport Cartage Service, Inc., Bridgeport, Conn., of the operating rights in Certificate of Registration No. MC 121208 Sub 1, issued April 9, 1964, to Frederick Hargrove, doing business as Wilson Trucking Service, Bridgeport, Conn., corresponding to the grant of intrastate authority to transferor, pursuant to Motor Common Carrier Certificate No. C–798, dated May 1, 1961, issued by the Public Utilities Commission of the State of Connecticut. G. Sarsfield Ford, 955 Main Street, Bridgeport, Conn., attorney for applicants.

No. MC–FC 67223. By order of November 6, 1964, the Transfer Board approved the transfer to Warren Reigle, Brunswick, Nebr., of the operating rights in Certificate No. MC 69060, issued August 26, 1960, to Reigle Bros. Co., a corporation, Brunswick, Nebr., authorizing the transportation, over irregular routes, of general commodities, excluding household goods and other specified commodities, between Brunswick, Nebr., and points in Nebraska within 25 miles of Brunswick, on the one hand, and, on the other, Sioux City, Iowa.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–11611; Filed, Nov. 13, 1964; 8:47 a.m.]

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Washington, Tuesday, November 17, 1964


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**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3627

### THANKSGIVING DAY, 1964

**By the President of the United States of America**

**A Proclamation**

As the harvest season draws to a close and our storehouses bulge with the bounty of the land, it is our desire to observe, in the custom and tradition of our forebears, a special day dedicated to giving thanks to God—a day on which to lay aside our daily tasks and cares and pay joyous homage to Him. We are impelled to raise our voices in His praise and to proclaim our heartfelt gratitude for another year in which we have been blessed with a bountiful harvest, with intellectual, humanitarian, economic, scientific, and technical advances and achievements, and with other gains too numerous to mention.

Although we have been blessed with unsurpassed prosperity, we recognize that poverty and want exist throughout the world—even among us—and we pledge ourselves to the eradication of those evils.

We know, too, that the foundation for a peaceful world is still to be built and that even now armed strife exists in parts of the world. We are saddened that gallant men of our Armed Services have fallen in the eternal quest for peace with freedom, dignity, and justice for all. We share with their bereaved families and friends a sense of tragic loss. In the words of Abraham Lincoln, we resolve "that these honored dead shall not have died in vain," and vow that their loss will supr us ever onward until man's great dream of universal peace is realized.

Yet we are filled with an instinctive impulse to give thanks for

—our free society of free men, free institutions, and free elections;

—our freedom of speech, our freedom of the press, and our freedom to worship as our conscience dictates;

—our emphasis upon the dignity, equality, and worth of man;

—our humanitarian instincts;

—our unalienable right to life, liberty, and the pursuit of happiness;

—our confidence in our ability to meet the challenges of today and of the future.

For these are the things that set us apart as a Nation—that made our Nation great—that will keep our Nation great.

So as our forefathers in Virginia, in New England, and throughout this land have done for more than three and one-half centuries, let us appoint a special day on which all of us, in keeping with the dictates of our own conscience, will give thanks to the Lord for His manifold blessings. And on that day, let us rededicate ourselves to meeting the challenges of the present with the fortitude and faith with which our forefathers met the challenges of the past.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, in consonance with the joint resolution of the Congress approved December 26, 1941, 55 Stat. 862 (5 U.S.C. 87b), designating the fourth Thursday of November in each year as Thanksgiving Day, do hereby proclaim Thursday, November 26, 1964, as a day of national thanksgiving.

On that day, let us gather in our homes and in our places of worship and in other suitable places to give thanks to God for His graciousness and His generosity to us—to pledge to Him our everlasting devotion—

to beseech His divine guidance and the wisdom and strength to recognize and follow that guidance—and to pray to Him that the forces of evil, violence, indifference, intolerance, and inhumanity may soon vanish from the face of the earth and that peace, reason, understanding, and goodwill may reign supreme throughout the world.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 13th day of November in the year of our Lord nineteen hundred and sixty-four, and [SEAL] of the Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
*Secretary of State.*

[F.R. Doc. 64-11780; Filed, Nov. 16, 1964; 10:40 a.m.]

# Rules and Regulations

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

[Regulatory Docket No. 5065]

### PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS [NEW]

This amendment adds Part 37 "Technical Standard Order Authorizations" [New] to the Federal Aviation Regulations to replace the requirements contained in Part 514 of the Regulations of the Administrator and is part of the Agency recodification program. Part 37 [New] was published as a notice of proposed rule making in the FEDERAL REGISTER on May 19, 1964 (29 F.R. 6499).

A number of changes have been made in the proposal, both as a result of comments received and as a result of further review by the Agency. Some of the comments received recommended substantive changes of the regulations. Although some of these recommendations might, upon further study, appear to be meritorious, they cannot be adopted as a part of the recodification program. However, all comments of this nature will be preserved and considered in any later substantive revision of this part.

A number of comments urged that the footnote contained in § 514.1(b) be retained to show that an article may be approved by measures other than a Part 37 Technical Standard Order. Although it is true that the Technical Standard Order is only one method of approval of an article, the present footnote is, itself, too restrictive. In addition to the one alternative set out in the footnote—approval as a part of the type design of a product—an article may also be approved on an individual basis by an authorized representative of the Administrator. To prevent any misunderstanding, all three of these methods will be listed specifically in § 21.305 of Part 21 [New].

In accordance with several comments, the note after § 514.5(b) of the regulations of the Administrator has been retained in § 37.11(c).

A comment also pointed out the deletion of the note following § 514.2(d)(2) of the regulations of the Administrator. The note contained a 30-day time restriction on notification of approval or denial of an application for a TSO authorization. In order to assure an applicant of notification within 30 days of receipt of his application, or addition thereto, a new § 37.5(d) incorporating that note has been added to Part 37 [New].

Deleted from proposed Part 37 [New] was the last sentence of § 514.2(d)(2) of the regulations of the Administrator, relating to the time for filing of additional information. The Agency now believes that inclusion in Part 37 [New] of this sentence will eliminate the possibility of a premature denial of an application as well as any unnecessary prolongation of the period during which an application must remain open, pending receipt of additional information. Therefore, a new § 37.5(c) has been added to Part 37, incorporating the last sentence of proposed § 37.5(a) and the last sentence of § 514.2(d)(2).

The functions of an "Engineering and Manufacturing Branch, Flight Standards Division" are conducted in the Western Region by the "Aircraft Engineering Division". Parenthetical additions to §§ 37.5(a), 37.9(b), 37.11(a), and 37.17 reflect this difference in Western Region organization.

No changes have been made to the TSO's in Subpart B of Part 514 except to renumber the sections and to reflect the fact that they are no longer issued by the Civil Aeronautics Administration under delegated authority from the Civil Aeronautics Board.

Other minor changes of a technical nature have been made. They are not substantive and do not impose any burden on regulated persons.

The definitions, abbreviations, and rules of construction contained in Part 1 [New] of the Federal Aviation Regulations apply to Part 37 [New].

In consideration of the foregoing, Chapter III of Title 14 of the Code of Federal Regulations is amended, effective January 4, 1965, by deleting Part 514 and Chapter I of Title 14 is amended by adding Part 37 [New] reading as hereinafter set forth.

This amendment is made under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421).

Issued in Washington, D.C., on October 7, 1964.

N. E. HALABY,
*Administrator.*

Subpart A—General


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Subpart B—Technical Standard Orders


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37.170 Airborne doppler radar ground speed and/or drift angle measuring equipment (for air carrier aircraft)—TSO–C65.
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37.172 Aircraft wheels and brakes—TSO–C26a.
37.173 Airborne radar altimeter equipment (for air carrier aircraft)—TSO–C67.
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37.177 Airborne static ("DC to DC") electrical power converter (for air carrier aircraft)—TSO–C71.
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37.180 Airborne ATC transponder equipment (for air carrier aircraft)—TSO–C74.
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37.183 Gas turbine auxiliary power units—TSO–C77.
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37.186 Flexible fuel and oil material—TSO–C80.
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37.191 Survivor locator lights—TSO–C85.

AUTHORITY: The provisions of this Part 37 issued under secs. 313(a), 601, 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421.

## Subpart A—General

### § 37.1 Applicability.

(a) This part prescribes—

(1) Requirements for the issue of Technical Standard Order Authorizations; and

(2) Technical Standard Orders (hereafter referred to in this part as "TSO's") containing minimum performance and quality control standards for specified materials, parts, or appliances (hereafter referred to in this part as "articles") used on civil aircraft.

(b) The performance standards in each TSO are those that the Administrator finds necessary to ensure that the article concerned will operate satisfactorily or will accomplish satisfactorily its intended purpose under specified conditions.

(c) An article manufactured under a TSO authorization or an FAA letter of acceptance as described in § 37.3(b), is an approved article for the purpose of meeting the regulations of this chapter that require the article to be approved.

(d) For the purposes of this part, a manufacturer is a person who controls the design and quality of an article produced under the TSO system (or to be produced, in the case of an application) including the parts thereof and any processes or services related thereto that are procured from an outside source.

### § 37.3 TSO authorization required.

(a) Except as provided in paragraph (b) of this section, no person may identify an article with a TSO marking unless he holds a TSO authorization and the article meets applicable TSO standards.

(b) The holder of an FAA letter of acceptance of a statement of conformance issued for an article before July 1, 1962, may continue to manufacture that article without obtaining a TSO authorization, but shall comply with the requirements of §§ 37.7 through 37.21.

### § 37.5 Application and issue.

(a) The manufacturer (or his authorized agent) must submit an application for a TSO authorization, together with the following documents, to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, of the region in which the manufacturer is located (or, in the case of the Western Region, the Chief, Aircraft Engineering Division):

(1) A statement of conformance certifying that the applicant has met the requirements of this subpart and that the article concerned meets the applicable performance standards of Subpart B of this part.

(2) Copies of the technical data required in the applicable performance standards of Subpart B of this part.

(3) A description of his quality control system in the detail specified in § ------ (§ 1.36) of this chapter.

In complying with this paragraph, the manufacturer may refer to current quality control data filed with the FAA as a part of a previous application. When a series of minor changes in accordance with § 37.11 is anticipated, the manufacturer may set forth in his application the basic model number of the article with open brackets after it to denote that suffix change letters will be added from time to time.

(b) After receiving the application and other documents required by paragraph (a) of this section to substantiate the manufacturer's compliance with this part and his ability to produce duplicate articles under this part, the Administrator issues a TSO authorization to the manufacturer to identify the article with the applicable TSO marking.

(c) If the application is deficient, the applicant must, when requested by the Administrator, submit any additional information necessary to show compliance with this part. If the applicant fails to submit the additional information within 30 days after the Administrator's request, his application is denied and the applicant is so notified.

(d) The Administrator issues or denies the application within 30 days after its receipt or, if additional information has been requested, within 30 days after receiving that information.

### § 37.7 General rules governing holders of TSO authorizations.

Each manufacturer of an article for which a TSO authorization has been issued under this part must—

(a) Manufacture the article in accordance with Subpart A of this part and the applicable requirements of Subpart B of this part;

(b) Conduct all required tests and inspections, and establish and maintain a quality control system adequate to ensure that the article meets the requirements of paragraph (a) of this section and is in condition for safe operation;

(c) Prepare and maintain, for each model of each article for which a TSO authorization has been issued, a current file of complete technical data and records in accordance with § 37.13; and

(d) Permanently and legibly mark each article to which this section applies with the following information:

(1) The name and address of the manufacturer.

(2) The name, type, or model designation of the article.

(3) The weight of the article to the nearest 1/10 of a pound.

(4) The serial number or the date of manufacture of the article, or both.

(5) The applicable TSO number.



### § 37.9 Approval for deviation.

(a) Each manufacturer who requests approval to deviate from any performance standard of Subpart B of this part must show that the standards from which a deviation is requested are compensated for by factors or design features providing an equivalent level of safety.

(b) The request for approval to deviate, together with all pertinent data, must be submitted to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, of the region in which the manufacturer is located (or, in the case of the Western Region, the Chief, Aircraft Engineering Division).

### § 37.11 Design changes.

(a) *Minor changes by the manufacturer holding the authorization.* The manufacturer of an article under an authorization issued under this part may make minor design changes (any change other than a major change) without further approval by the Administrator. In this case, the changed article keeps the original model number and the manufacturer shall forward to the appropriate Chief, Engineering and Manufacturing Branch (in the case of the Western Region, the Chief, Aircraft Engineering Division), any revised data that is necessary for compliance with § 37.5 (a).

(b) *Major changes by manufacturer holding the authorization.* Any design change by the manufacturer that is extensive enough to require a substantially complete investigation to determine compliance with Subpart B of this part is a major change. Before making such a change, the manufacturer must assign a new type or model designation to the article and apply for an authorization under § 37.5.

(c) *Changes by person other than manufacturer.* No design change by any person (other than the manufacturer who submitted the statement of conformance for the article) is eligible for approval under this part, unless the person seeking the approval is a manufacturer and applies under § 37.5(a). Persons other than a manufacturer may obtain approval for design changes under Part 43 [New] or under the applicable airworthiness regulations.

### § 37.13 Recordkeeping requirements.

(a) *Keeping of records.* Each manufacturer holding a TSO authorization under this part shall, for each article manufactured under that authorization, keep the following records at his factory:

(1) A complete and current technical data file for each type or model article, including design drawings and specifications.

(2) Complete and current inspection records showing that all inspections and tests required to assure compliance with this part have been properly done and documented.

(b) *Retention of records.* The manufacturer shall retain the records described in paragraph (a)(1) of this section until he no longer manufactures the article concerned under this part. At that time, he shall send copies of these records to the Administrator. The manufacturer shall retain the records described in paragraph (a)(2) of this section for a period of at least two years.

### § 37.15 FAA inspection.

Upon the request of the Administrator, each manufacturer of an article under a TSO authorization shall allow the Administrator to inspect—

(a) Any article manufactured under that authorization;

(b) The manufacturer's quality control inspections and tests;

(c) The manufacturing facilities; and

(d) The technical data files on that article.

### § 37.17 Manufacturing and design defects.

Whenever the investigation of an accident or service difficulty report shows that an article manufactured under a TSO authorization is unsafe because of a manufacturing or design defect, the manufacturer shall, upon the request of the Administrator, report to the Administrator the results of his investigation and any action, taken or proposed by the manufacturer, to correct that defect. If action is required to correct the defect in existing articles, the manufacturer shall submit to the appropriate Chief, Engineering and Manufacturing Branch (in the case of the Western Region, the Chief, Aircraft Engineering Division), the data necessary for the issue of an appropriate airworthiness directive.

### § 37.19 Noncompliance.

The Administrator may, upon notice, withdraw the TSO authorization of any manufacturer who identifies with a TSO marking an article not meeting the applicable performance standards of this part.

### § 37.21 Transferability and duration.

An authorization issued under this part is not transferable and is effective until surrendered, or withdrawn or otherwise terminated by the Administrator.

## Subpart B—Technical Standard Orders

### § 37.111 Technical Standard Order Cla: "Smoke Detectors".

(a) *Introduction.* (1) This Technical Standard Order is intended to serve as a criterion by which the product manufacturer can obtain approval of his smoke detector.

(2) In the establishment of this Technical Standard Order, consideration has been given to existing Government and industry standards for smoke detectors for the purpose of adopting the performance requirements of one of the recognized aeronautical standards as the minimum safety requirements for smoke detectors which are intended for use in civil aircraft. The specification of the Society of Automotive Engineers for smoke detectors contains such requirements.

(b) *Directive*—(1) *Provisions.* The performance requirements for smoke detectors as set forth in SAE Specification AS–400, Smoke Detectors, dated July 1, 1947,[1] stated below, with the exceptions hereinafter noted, are established as the minimum safety requirements for smoke detectors which are intended for use in civil aircraft:

1. *Purpose.* To specify minimum requirements for smoke detection instruments for use in aircraft, the operation of which may subject the instrument to environmental conditions specified in section 3.4.

2. *Scope.* This specification covers two basic types as follows:

Type I. Carbon monoxide.
Type II. Photoelectric cell.

3. *General requirements.*

3.1. *Material and workmanship.*

3.1.1. *Material.* Materials shall be of a quality which experience or tests have demonstrated to be suitable and dependable for use in aircraft instruments.

3.1.2. *Workmanship.* Workmanship shall be consistent with high-grade aircraft instrument manufacturing practice.

3.2. *Radio interference.* The instrument shall not be the source of objectionable interference, under operating conditions at any frequencies used on aircraft, either by radiation or feed-back, in radio sets installed in the same aircraft as the instrument.

3.3. *Identification.* The following information shall be legibly and permanently marked on the instrument or attached thereto:

(a) Name of instrument (smoke detector).
(b) SAE Spec. AS–400.
(c) Rating (electrical, vacuum, etc.).
(d) Manufacturer's part number.
(e) Manufacturer's serial number or date of manufacture.
(f) Manufacturer's name and/or trademark.

3.4. *Environmental conditions.* The following conditions have been established as design criteria only. Tests shall be conducted as specified in sections 5, 6, and 7.

3.4.1. *Temperature.* When mounted in accordance with the instrument manufacturer's instructions, the instrument shall function over the range of ambient temperature of −55° C. to 60° C. and shall not be adversely affected by exposure to temperatures in the range −65° C. and to 70° C.

3.4.2. *Humidity.* The instrument shall function and not be adversely affected when exposed to a relative humidity of up to and including 95% at a temperature of approximately 32° C.

3.4.3. *Altitude.* The instrument shall function and not be adversely affected when subjected to a pressure and temperature range equivalent to −1,000 feet to +40,000 feet standard altitude.

3.4.4. *Vibration.* When mounted in accordance with the instrument manufacturer's instructions, the units shall function and shall not be adversely affected when subjected to the following vibrations:

| Type of instrument mounting | Cycles per minute [1] | Amplitude [1] | Max. acceleration |
|---|---|---|---|
| | | Inch | |
| Shock mounted panel instruments | 500–3000 | 0.005 | 0.8 g |
| Unshock mounted panel instruments | 500–3000 | .010 | 1.3 g |
| Airframestructuremounted instruments | 500–3000 | .030 | 3.8 g |

[1] It is understood that the unit shall withstand vibrations at higher frequencies, but the acceleration values need not exceed those shown above.
When specified by the purchaser for use in rotary wing aircraft, the frequency range shall be 150–3000 cycles per minute.

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, New York.

4. *Detail requirements.*

4.1. *Design.*

4.1.1. The instrument shall consist of a means for:

Type I: Testing air for contamination with gaseous products of combustion. It shall include an alarm circuit or control circuit which will indicate the presence of contamination when it reaches a concentration of not more than 0.010% of carbon monoxide by volume.

Type II: Testing air for contamination with smoke or gas of all colors or particle sizes. It shall include an alarm circuit or control circuit which will indicate the presence of contamination which reduces the light transmission to not less than 90% of that of clean air. Percentage of transmission is defined as the light falling on a photoelectric cell through a one foot distance as compared to the light transmitted in clear air.

4.1.2. A means shall be incorporated in the design to admit the air sample to the sensitive element of the instrument in a positive manner.

4.2. *Indicating method.* The instrument shall be capable of actuating both visual and aural alarm indicators.

4.3. *Reliability.* False signals in the instrument shall not result from variations in voltage (+25% and −100% of the rated), flight altitude, accelerations encountered in flight or landing, and from normal amounts of dust they may accumulate within the instrument under normal flight operation.

4.4. *Integrity test provision.* The instrument shall be provided with a means for being tested in flight. The test shall cause operation of the alarm circuit or control circuit by initiating the sequency of actions through a disturbance in the instrument.

4.5. *Sampling characteristics.* When an instrument installation is designed to divert the air samples from more than one sampling station, it shall cycle at a rate not to exceed 30 seconds per sampling station, in which case, flow of air through all the sampling conduits shall be maintained continuously. In addition, when a smoke alarm is indicated, an alarm shall be actuated to indicate the location in which the smoke or gas is being generated and to continue to indicate the alarm until the condition is eliminated. It shall begin cycling in a normal manner within 30 seconds after releasing the alarm signal.

5. *Test conditions.*

5.1. *Atmospheric conditions.* Unless otherwise specified, all tests required by this specification shall be made at an atmospheric pressure of approximately 29.92 inches of mercury and at an ambient temperature of 22° C. When tests are made with the atmospheric pressure or the temperature substantially different from these values, allowance shall be made for the variations from the specified conditions.

5.2. *Vibration (to minimize friction).* Unless otherwise specified, all tests for performance may be made with the instrument subjected to a vibration of 0.002 to 0.005 inch amplitude at a frequency of 1,500 to 2,000 cycles per minute. The term amplitude as used herein indicates the total displacement from positive maximum to negative maximum.

5.3. *Vibration stand.* A vibration stand shall be used which will vibrate at any desired frequency between 500 and 3,000 cycles per minute and shall subject the instrument to vibration such that a point on the instrument will describe, in a plane inclined 45 degrees to the horizontal plane, a circle, the diameter of which is equal to the amplitude specified herein.

5.4. *Test position.* Unless otherwise specified, the instrument shall be mounted and tested in its normal operation position.

5.5. *Air sample.* Unless otherwise specified, air samples shall be as follows:

(1) Air containing 0.01% plus or minus 0.005% carbon monoxide, or

(2) Air containing smoke or gas having a light transmission value of 85% to 92% of that of clear air.

5.6. *Power conditions.* Unless otherwise specified all tests for performance shall be conducted at the power rating recommended by the manufacturer.

6. *Individual performance requirements.* All instruments, or components of such, shall be subjected to whatever tests the manufacturer deems necessary to demonstrate specific compliance with this specification including the following requirements where applicable.

6.1 *Response time.* The instrument shall be tested, so that, when an air sample per section 5.5 is introduced into the instrument under normal room temperature and atmospheric pressure conditions the alarm circuit or control circuit shall be energized within a maximum of 30 seconds.

6.2. *Dielectric.* The insulation shall be subjected to a dielectric test with an R. M. S. voltage at a commercial frequency applied for a period of 5 seconds equivalent to 5 times normal circuit operating voltage, except where circuits include components for which such a test would not be appropriate the test voltage shall be 1.25 times the normal circuit operating voltage. The insulation response shall not be less than 20 megohms at that voltage.

7. *Qualification tests.* As many instruments as deemed necessary to demonstrate that all instruments will comply with the requirements of this section shall be tested in accordance with the manufacturer's recommendations. The tests of each instrument shall be conducted consecutively and after the tests have been initiated, no further adjustments of the instrument shall be permitted. For those instruments which employ a cycling device for testing a multiplicity of locations with one instrument, these tests shall be conducted on the basis of a single sample station. During these tests no false alarm shall result.

7.1. *Stability.* The instrument shall be operated continuously for 24 hours at room temperature. At the end of the first and twenty-fourth hour of operation a sample of air, per section 5.5, shall be introduced into the instrument and the time required for operation of the alarm circuit or control circuit shall not exceed 30 seconds.

7.2. *Suction variation.* The instrument shall be operated continuously by varying the suction from 25% below to 25% above the rated. At each of these values a sample of air, per section 5.5, shall be introduced into the instrument and the time required for operation of the alarm circuit or control circuit shall not exceed 30 seconds.

7.3. *Voltage variation.* The instrument shall be operated with the voltage varying from 110% to 85% of the rated voltage. The instrument shall then be tested with an air sample, per section 5.5, and the response time shall not exceed 30 seconds.

7.4. *High temperature.* The instrument shall be exposed to a temperature of 70° C. for a period of 6 hours after which it shall be tested with air at 60° C. for a period of 30 minutes without giving a false alarm. The instrument shall then be tested with an air sample, per section 5.5, and the response time shall not exceed 30 seconds.

7.5. *Low temperature.* The instrument shall be exposed to a temperature of −65° C. for a period of 24 hours, after which it shall be raised to a temperature of −55° C. for a period of 6 hours. After operating for 30 minutes at a temperature −55° C., without giving a false alarm, the response time to the air sample in section 5.5 shall not exceed 30 seconds.

7.6. *Humidity.* The instrument shall be subjected to an atmosphere 32° C. with a relative humidity of 95%, with the air sample being taken from the same atmosphere. After operating in this manner for 5 hours, an air sample per section 5.5, shall be introduced into the instrument and the time required for operation of the alarm circuit or control circuit shall not exceed 30 seconds.

7.7. *Altitude effect.* The instrument shall be subjected to an altitude pressure equivalent to 40,000 feet. After operating in this manner continuously for five hours the time required for reaction of the alarm circuit or control circuit, on a sample of air per section 5.5, shall not exceed 30 seconds.

7.8. *Vibration.* The instrument shall be mounted on a vibration stand, in its own shock-mounted base, if provided with one, in its normal operating plane. The test shall be conducted with the instrument in normal operation condition. The instrument shall be subjected to vibration with an amplitude between 0.003 and 0.005 inch at frequencies from 500 to 3,000 cycles per minute, in order to determine whether the natural frequency of the instrument does occur in this frequency range.

7.9. *Vibration endurance.* With the instrument mounted on a vibration stand, per section 7.8 and with the instrument in a normal operating condition, it shall be vibrated continuously at a total amplitude of 0.03 inch for a period of 24 hours at the natural frequency, if applicable, as determined in section 7.8, or if not applicable at a frequency of 2,000 cycles per minute. At the completion of this test the instrument shall be examined to determine that no looseness in the mechanism nor damage to any part has resulted from the vibration and also, it shall be subjected to a sample of air introduced into it as per section 5.5 and the response time shall not exceed 30 seconds.

(2) *Exceptions.* Section 4.1.1, *Design.* Second sentence of Type II: "It shall include an alarm circuit or control circuit which will indicate the presence of contamination which reduces the light transmission to not less than 84 percent nor more than 96 percent of that of clear air.

Section 5.5, *Air sample.* Subparagraph (2): "Air containing smoke or gas having a light transmission value of 84 percent to 96 percent of that of clear air. A bar placed across light path to provide necessary light cut-off which has been calibrated against smoke may be used in place of actual smoke samples."

Section 7.3, *Voltage variation.* "The instrument may be operated with the voltage varying from 110 percent to 90 percent of the rated voltage. The response time to an air sample per section 5.5 shall not exceed 30 seconds."

Section 7.4, *High temperature.* "An air temperature of 45° C. is acceptable for the test after six hours of exposure at 70° C. The response time to an air sample per section 5.5 shall not exceed 30 seconds."

Section 7.5, *Low temperature.* "The instrument may be exposed to a temperature of −54° C. for a period of 24 hours after which time it shall be operated for a period of 30 minutes at −54° C. without giving a false alarm. The response time to an air sample per section 5.5 shall not exceed 30 seconds."

(3) *Application.* (i) Smoke detectors complying with the specifications appearing in this order are hereby approved for all aircraft. Smoke detectors already approved may continue to be installed in aircraft:

(a) For which an application for original type certificate is made prior to the effective date of this order.



(b) The prototype of which is flown within 1 year after the effective date of this order, and

(c) The prototype of which is not flown within 1 year after the effective date of this order if due to causes beyond the applicant's control.

(ii) If a major change is made in the installation within 9 months after the effective date of this order involving a change in type or model of smoke detector, previously approved types of smoke detectors may be installed. However, in any such change made after the 9-month period, new types of smoke detectors installed shall meet the specifications contained in this section.

(c) *Specific instructions*—(1) *Marking.* In addition to the identification information required in the referenced specification, each smoke detector shall be permanently marked with the Technical Standard Order designation, "FAA–TSO–C1a" to identify the smoke detector as meeting the requirements of this order in accordance with the manufacturer's statement of conformance outlined below. The Administrator accepts this identification as evidence that the established minimum safety requirements for the smoke detector have been met.

(2) *Data requirements.* Ten copies of the following technical information shall be submitted to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency in the region in which the manufacturer is located:

Installation recommendations prepared by the manufacturer covering the proper location, mounting, test circuits, and related technical information essential to insure proper functioning and maintenance of the unit as installed in the aircraft.

(3) *Effective date.* After June 1, 1948, specifications contained in this Technical Standard Order will constitute the basis for approval of smoke detectors for use in certificated aircraft.

(4) *Deviations.* Requests for deviation from, or waiver of, the requirements of this order, which affect the basic airworthiness of the component, should be submitted for approval by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(5) *Conformance.* (i) The manufacturer shall furnish to the FAA (address as noted under "Data requirements" above), a written statement of conformance signed by a responsible official of his company, setting forth that the smoke detector to be produced by him meets the minimum safety requirements established in this order. Immediately thereafter distribution of the smoke detector conforming with the terms of this order may be started and continued.

(ii) The prescribed identification on the smoke detector does not relieve the aircraft manufacturer or owner of responsibility for the proper application of the smoke detector in his aircraft, nor waive any of the requirements concerning type certification of the aircraft in accordance with existing Federal Aviation Regulations.

(iii) If complaints of nonconformance with the requirements of this order are brought to the attention of the Federal Aviation Agency and investigation indicates that such complaints are justified, the Administrator will take appropriate action to restrict the use of the product involved.

(iv) Copies of this Technical Standard Order may be obtained from the Library Services Division, HQ–630, Federal Aviation Agency, Washington, D.C., 20553.

### § 37.112 Airspeed indicator (pitot static)—TSO–C2b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airspeed indicators which specifically are required to be approved for use in the civil aircraft of the United States. New models of airspeed indicators (pitot static) manufactured for installation on civil aircraft on or after November 1, 1957, shall meet the standards set forth in SAE Aeronautical Standard AS–391B, "Airspeed Indicator (Pitot Static)," dated December 15, 1954.[1] Airspeed indicators (pitot static) approved by the Civil Aeronautics Administration prior to November 1, 1957, may continue to be manufactured under the provisions of their original approval.

(b) *Marking.* In lieu of the marking requirement of § 37.7(c) the range shall be shown.

(c) *Data requirements.* With the statement of conformance, one copy of manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

### § 37.113 Technical Standard Order C3a: "Turn-and-Bank Indicator".

(a) *Introduction.* (1) This Technical Standard Order is intended to serve as a criterion by which the product manufacturer can obtain approval of his turn-and-bank indicator.

(2) In the establishment of this Technical Standard Order, consideration has been given to existing Government and industry standards for turn-and-bank indicators for the purpose of adopting the performance requirements of one of the recognized aeronautical standards as the minimum safety requirements for turn-and-bank indicators which are intended for use in civil aircraft. The specification of the Society of Automotive Engineers for turn-and-bank indicators contains such requirements.

(b) *Directive*—(1) *Provision.* The performance requirements for turn-and-bank indicators as set forth in SAE Specification AS–395, Turn-and-Bank Indicator, dated July 1, 1947,[1] stated below, are hereby established as minimum safety requirements for turn-and-bank indicators which are intended for use in civil aircraft:

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, New York.

1. *Purpose.* To specify minimum requirements for turn and bank indicators for use in aircraft, the operation of which may subject the instruments to the environmental conditions specified in section 3.4.

2. *Scope.* This specification covers three basic types of instruments as follows:

Type I. Air driven.
Type II. DC operated.
Type III. AC operated.

3. *General requirements.*

3.1. *Materials and workmanship.*

3.1.1. *Materials.* Materials shall be of a quality which experience and/or tests have demonstrated to be suitable and dependable for use in aircraft instruments.

3.1.2. *Workmanship.* Workmanship shall be consistent with high grade aircraft instrument manufacturing practice.

3.2. *Radio interference.* The instrument shall not be the source of objectionable interference, under operating conditions at any frequencies used on aircraft, either by radiation or feed back, in radio sets installed in the same aircraft as the instrument.

3.3. *Identification.* The following information shall be legibly and permanently marked on the instrument or attached thereto:

(a) Name of instrument (Turn and bank indicator).
(b) SAE Specification, AS–395.
(c) Rating (nominal electric or vacuum, etc.).
(d) Manufacturer's part number.
(e) Manufacturer's serial number or date of manufacture.
(f) Manufacturer's name or trademark.

3.4. *Environmental conditions.* The following are established design criteria only. All tests shall be run as per sections 5, 6, and 7.

3.4.1. *Temperature.* When installed in accordance with the instrument manufacturer's instructions the instrument shall function over the range of ambient temperature from −30° C. to 50° C. and shall not be adversely affected by exposure to temperatures in the range of −65° C. to 70° C.

3.4.2. *Humidity.* The instrument shall function and shall not be adversely affected when exposed to a relative humidity of up to and including 95% at a temperature of approximately 32° C.

3.4.3. *Altitude.* The instrument shall function and shall not be adversely affected when subjected to a pressure and temperature range equivalent to −1,000 to 40,000 feet standard altitude except that the instrument temperature shall not be lower than −30° C.

3.4.4. *Vibration.* When installed in accordance with the instrument manufacturer's instructions the instruments shall function and not be adversely affected when subjected to vibrations of not more than 0.010 inch at a frequency from 500 to 3,000 cycles per minute or of not more than 1.3 g. When specified by the purchaser for use in rotary wing aircraft, the frequency range shall be 150–3,000 cycles per minute.

NOTE: It is understood that the unit shall withstand vibration at higher frequencies, but the acceleration values need not exceed those shown above.

4. *Detail requirements.*

4.1. *Indicating method.* Turns shall be indicated by means of a pointer, deflecting in direction of turn. Banks shall be indicated by means of a black ball, free to move in a curved transparent tube.

4.2. *Visibility.* Both bank and turn indications shall be visible from any point within the frustum of a cone whose side makes an angle of not less than 30 degrees with the perpendicular to the dial and whose small diameter is the aperture of the instrument case. The distance between the dial and the cover glass shall be a practical minimum and shall not exceed 0.187 inch.

4.3. *Dial markings.*

4.3.1. *Finish.* Unless otherwise specified, luminescent (self-activating) material shall be applied to all markings, pointer and the inclinometer backing.

4.3.2. *Letters.* Letters "L" and "R" shall be legibly marked on the dial.

4.3.3. *Instrument name.* The words "Turn and Bank" shall be marked and may be indicated in the same finish as the letters.

4.4. *Power variations* The instrument shall properly function with a voltage and frequency variation of ±10% of the rated value (provided the a. c. voltage and frequency vary in the same direction) and/or ±30% of the rated vacuum pressure.

5. *Test conditions.*

5.1. *Atmospheric conditions.* Unless otherwise specified, all tests required by this specification shall be made at an atmospheric pressure of approximately 29.92 inches of mercury and at an ambient temperature of approximately 22° C. When tests are made with atmospheric pressure or temperature substantially different from these values allowance shall be made for the variation from the specified conditions.

5.2. *Vibration (to minimize friction).* Unless otherwise specified all tests for performance may be made with the instrument subjected to a vibration of 0.002 to 0.005 inch amplitude at a frequency of 1,500 to 2,000 cycles per minute. The term amplitude as used herein indicates the total displacement from positive maximum to negative maximum.

5.3. *Vibration stand.* A vibration stand shall be used which will vibrate at any desired frequency between 500 and 3,000 cycles per minute and shall subject the instrument to vibration such that a point on the instrument case will describe in a plane inclined 45 degrees to the horizontal plane, a circle, the diameter of which is equal to the amplitude specified herein.

5.4. *Turntable.* A turntable which can be operated smoothly through the ranges specified herein shall be used for making calibration tests.

5.5. *Power conditions.* Unless otherwise specified all tests for performance shall be conducted at the power rating recommended by the manufacturer.

5.6. *Normal operation.* All instruments shall be operated at normal power for at least five minutes prior to conducting any tests (unless otherwise specified).

6. *Individual performance requirements.* All instruments or components of such shall be subjected to whatever tests the manufacturer deems necessary to demonstrate specific compliance with this specification including the following requirements where applicable.

6.1. *Bank indicator zero position.* With the instrument in normal position with the lower mounting holes on a horizontal line, the position of the ball shall be within 1/8s inch of the zero position.

6.2. *Bank indicator friction.* The ball shall move smoothly and without sticking throughout the full length of the tube.

6.3. *Bank indicator visibility.* With the ball in the extreme position at each end of the tube at least one half of it shall be visible from a point 12 inches directly in front of the zero mark.

6.4. *Bank indicator filling.* The instrument shall be rotated so that all the air in the tube is trapped in the expansion chamber. Then, with the plane of the dial vertical, the instrument shall be rotated to an angle of roll of 45°. With the expansion chamber end of the tube low, no part of the air bubble shall be visible from a point 12 inches directly in front of the bank indicator zero position.

6.5. *Turn indicator starting.*

6.5.1. *Type I requirements.* The gyro rotor shall start to rotate and continue to run on a suction not to exceed 50% of rated value. Rated instrument performance speed shall be reached within five minutes after normal rated suction is applied.

6.5.2. *Types II and III requirements.* The gyro rotor shall start to rotate and continue to operate at a speed sufficient for proper performance of the instrument on an applied voltage not to exceed 80% of the rated voltage. This speed shall be reached within five minutes after application of the voltage.

6.6. *Turn indicator sensitivity, room temperature.* Starting in normal position and operating under rated power, the instrument shall be rotated about the vertical axis at the rates specified in Table I. Deflections of the turn indicator pointer shall be of the magnitude shown in Table I. Pointer motion shall be smooth.

6.7. *Dielectric test.* (Types II and III only.) The insulation shall be subjected to a dielectric test with a R. M. S. voltage at a commercial frequency applied for a period of five seconds equivalent to five times normal circuit operating voltage. Except where circuits include components for which such a test would not be appropriate, then the test voltage shall be 1.25 times normal circuit operating voltage. The insulation resistance shall not be less than 20 megohms at that voltage.

7. *Qualification tests.* As many instruments as deemed necessary to demonstrate that all instruments will comply with the requirements of this section shall be tested in accordance with the manufacturer's recommendations.

7.1. *Case leakage.* (Type I only.) A differential pressure of 15 inches of mercury between the inside and outside of the case shall not result in a leakage greater than that which will cause a pressure drop of 0.4 inch of mercury in 10 seconds.

7.2. *Bank indicator damping (room temperature).* When the instrument is suddenly rotated from a position of 12 degrees bank through the vertical to 12 degrees opposite bank, the time for the ball to move from the bank indicator zero position to the rest position at the end of the tube shall be 0.2 second or more.

7.3. *Bank indicator damping (low temperature).* The instrument shall be exposed without operating to a temperature of −65° C., for one hour. Then the instrument shall be tested as specified in Paragraph 7.2 except that the instrument shall operate at a temperature of −30° C. The time for ball motion from the zero position of the bank indicator to the rest position at the end of the tube shall not exceed four seconds.

7.4. *Bank indicator leakage.* The exposure of the instrument to a temperature of 70° C. for two hours shall not cause appreciable change in the size of the air bubble at room temperature.

7.5. *Magnetic effect.* The magnetic effect of the indicator shall be determined in terms of the deflection of a free magnet, approximately 1½ inches long, in a magnetic field with a horizontal intensity of 0.18 (±0.01) gauss when the indicator is held in various positions on an east-west line with its nearest part 5 inches from the center of the magnet. An aircraft compass with the compensating magnets removed therefrom may be used as the free magnet for this test. This test shall be made first with the instrument not operating and then shall be repeated with the instrument in normal operation. The maximum deflection of the magnet shall not exceed 2 degrees for any pointer position.

7.6. *Turn indicator damping, room temperature.* The instrument operating under rated power in normal position, shall be rotated about the vertical axis at a rate which causes full scale pointer deflection. The turn shall be stopped suddenly and the pointer shall return to the zero mark without crossing it in not less than two nor more than four seconds.

7.7. *Turn indicator sensitivity, low temperature.* After exposure to temperature of −30° C. for three hours, without operating, the instrument while still at −30 C. shall meet the requirements of paragraph 6.6 except that pointer deflection shall be as indicated in Table II. The performance shall be checked within ten minutes after power is applied. When turning is stopped the pointer shall return smoothly to zero within 1/32 inch.

7.8. *Turn indicator sensitivity, high temperature.* The conditions of paragraph 6.6 shall also be met at a test temperature of 70 C.

7.9. *Vibration.* With the gyro operating under rated power the instrument shall be vibrated at 500 cycles per minute and describe a circle of 0.003 to 0.005 inch diameter. The frequency shall be slowly increased to 3,000 cycles per minute and then decreased to 500 cycles per minute, to determine whether the natural frequency of the instrument occurs in this range. At no time shall the pointer leave the zero position more zero within 1/16 inch. After three hours exthan 1/32 inch, and the ball shall remain at posure to vibration amplitude as specified in section 3.4.4 and at the natural frequency of between 500 and 3,000 cycles per minute, otherwise at 2,000 cycles per minute, no damage shall be evident and the instrument shall meet the requirements of section 6.

7.10. *Humidity.* The instrument shall be operated under the extreme conditions specified in section 3.4.2 for a period of 10 hours after which it shall meet the requirements of section 6.

TURN INDICATOR SENSITIVITY

TABLE I

Reference: Paragraph 6.6:

| Rate of turning (degree per minute): | *Deflection of pointer tip (inches)* |
|---|---|
| 0 | 0±.015 |
| 36 | 1/16±1/64 |
| 180 | 5/16±1/64 |
| 360 | 1/2±1/16 |
| 1,080 | 1±1/8 |

TABLE II

Reference: Paragraph 7.7:

| Rate of turning: | *Deflection of pointer tip (inches)* |
|---|---|
| 180° | 5/16±1/16 |
| 360° | 1/2±1/8 |

(2) *Application.* (i) Turn-and-bank indicators complying with the specifications appearing in this Technical Standard Order are hereby approved for all aircraft. Turn-and-bank indicators already approved may continue to be installed in aircraft,

(a) For which an application for original type certificate is made prior to the effective date of this order,

(b) The prototype of which is flown within 1 year after the effective date of this order, and

(c) The prototype of which is not flown within 1 year after the effective date of this order if due to causes beyond the applicant's control.

(ii) If a major change is made in the installation within 9 months after the effective date of this order involving a change in type or model of turn-and-bank indicator, previously approved types of turn-and-bank indicators may be installed. However, in any such change made after the 9-month period, new types of turn-and-bank indicators installed in aircraft used in instrument flight shall meet the specifications contained in this section.

(c) *Specific instructions*—(1) *Marking.* In addition to the identification information required in the referenced specification, each turn-and-bank indicator shall be permanently marked with the Technical Standard Order designation "FAA-TSO-C3" to identify the turn-and-bank indicator as meeting the requirements of this order in accordance with the manufacturer's statement of conformance outlined below. The Administrator accepts this identification as evidence that the established minimum safety requirements for turn-and-bank indicators have been met.

(2) *Data requirements.* None.

(3) *Effective date.* After July 1, 1948 specifications contained in this Technical Standard Order will constitute the basis for approval of turn-and-bank indicators for use in certificated aircraft used in instrument flight.

(4) *Deviations.* Requests for deviation from, or waiver of, the requirements of this order, which affect the basic airworthiness of the component, should be submitted for approval by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(5) *Conformance.* (i) The manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, a written statement of conformance signed by a responsible official of his company, setting forth that the turn-and-bank indicator to be produced by him meets the minimum safety requirements established in this order. Immediately thereafter distribution of the turn-and-bank indicator conforming with the terms of this order may be started and continued.

(ii) The prescribed identification on the turn-and-bank indicator does not relieve the aircraft manufacturer or owner of responsibility for the proper application of the turn-and-bank indicator in his aircraft, nor waive any of the requirements concerning type certification of the aircraft in accordance with existing Federal Aviation Regulations.

(iii) If complaints of nonconformance with the requirements of this order are brought to the attention of the Administrator and investigation indicates that such complaints are justified, the Administrator takes appropriate action to restrict the use of the product involved.

(iv) Copies of this Technical Standard Order may be obtained from the Library Services Division HQ-630, Federal Aviation Agency, Washington, D.C., 20553.

§ 37.114 Bank and pitch instruments (indicating gyro-stabilized type) (gyroscopic horizon, attitude gyro)—TSO-C4c.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for bank and pitch instruments (indicating gyro-stabilized type) (gyroscopic horizon, attitude gyro) which specifically are required to be approved for use on civil aircraft of the United States. New models of bank and pitch instruments (indicating gyro-stabilized type) (gyroscopic horizon, attitude gyro) manufactured for installation on civil aircraft on or after April 1, 1959, shall meet the standards set forth in SAE Aeronautical Standard AS-396B, "Bank and Pitch Instruments (Indicating Stabilized Type) (Gyroscopic Horizon, Attitude Gyro)," dated July 15, 1958[1] with the exceptions listed in subparagraph (2) of this paragraph. Bank and pitch instruments (indicating gyro-stabilized type) (gyroscopic horizon, attitude gyro) approved prior to April 1, 1959, may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* (i) Conformance with the following sections is not required: 3.1; 3.1.1; 3.1.2; 3.2; 4.3.5.

(ii) Substitute the following for section 7: "Performance tests: The following tests, in addition to any others deemed necessary by the manufacturer, shall be the basis for determining compliance with the performance requirements of this standard."

(b) *Marking.* In lieu of the weight specified in paragraph (c) of § 37.7, the rating if applicable, i.e., electrical, vacuum, etc., shall be shown.

(c) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

§ 37.115 Direction instrument, nonmagnetic, gyro-stabilized type (directional gyro)—TSO-C5c.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for direction instruments, non-magnetic, gyro-stabilized type (directional gyro) which specifically are required to be approved for use on civil aircraft of the United States. New models of direction instruments, non-magnetic, gyro-stabilized type (directional gyro) manufactured for installation on civil aircraft on or after April 1, 1959, shall meet the standards set forth in SAE Aeronautical Standard AS-397A, "Direction Instrument, Non-Magnetic, Stabilized Type (Directional Gyro)," dated July 15, 1958,[1] with the exceptions listed in subparagraph (2) of this paragraph. Direction instruments, non-magnetic gyro-stabilized type (directional gyro) approved prior to April 1, 1959, may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* (i) Conformance with the following sections is not required: 3.1; 3.1.1; 3.1.2; 3.2; 4.3.3.

(ii) Substitute the following for section 7: "Performance tests: The following tests in addition to any others deemed necessary by the manufacturer, shall be the basis for determining compliance with the performance requirements of this standard."

[1] Copies may be obtained from the Society of Automotive Engineers, Inc., 485 Lexington Avenue, New York 17, New York.

(b) *Marking.* In lieu of the weight specified in paragraph (c) of § 37.7, the following shall be shown:

(1) Instrument type (I or II).

(2) Rating if applicable, i.e., electrical, vacuum, etc.

(c) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

§ 37.116 Direction instrument, magnetic (gyro-stabilized type)—TSO-C6c.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for direction instruments, magnetic (gyro-stabilized type) which specifically are required to be approved for use on civil aircraft of the United States. New models of direction instruments, magnetic (gyro-stabilized type) manufactured for installation on civil aircraft on or after April 1, 1959, shall meet the standards set forth in SAE Aeronautical Standard AS-399A, "Direction Instrument, Magnetic (Stabilized Type)," dated July 15, 1958,[1] with the exceptions listed in subparagraph (2) of this paragraph. Direction instruments, magnetic (gyro-stabilized type) approved prior to April 1, 1959, may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* (i) Conformance with the following sections is not required: 3.1; 3.1.1; 3.1.2; 3.2; 4.3.3.

(ii) Substitute the following for section 7: "Performance tests: The following tests in addition to any others deemed necessary by the manufacturer, shall be the basis for determining compliance with the performance requirements of this standard."

(b) *Marking.* In lieu of the weight specified in paragraph (c) of § 37.7, the rating if applicable, i.e., electrical, vacuum, etc., shall be shown.

(c) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

§ 37.117 Direction instrument, magnetic, non-stabilized type (magnetic compass)—TSO-C7c.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for direction instruments, magnetic, non-stabilized type (magnetic compass) which specifically are required to be approved for use on civil aircraft of the United States. New models of direction instruments, magnetic, non-stabilized type (magnetic compass) manufactured for installation on civil aircraft on or after April 1, 1959, shall meet the standards set forth

in SAE Aeronautical Standard AS-398A, "Direction Instrument, Magnetic, Non-Stabilized Type (Magnetic Compass)," dated July 15, 1958,[1] with the exceptions listed in subparagraph (2) of this paragraph. Direction instruments, magnetic, non-stabilized type (magnetic compass) approved prior to April 1, 1959, may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* (i) Conformance with the following sections is not required: 3.1; 3.1.1; 3.1.2; 3.2; 4.3.3.

(ii) Substitute the following for section 7.: "Performance tests: The following tests in addition to any others deemed necessary by the manufacturer, shall be the basis for determining compliance with the performance requirements of this standard."

(b) *Marking.* In lieu of the weight specified in paragrah (c) of § 37.7, the following shall be shown:

(1) Instrument type (I or II).

(2) Rating if applicable, i.e., electrical, vacuum, etc.

(c) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

§ 37.118 Rate of climb indicator, pressure actuated (vertical speed indicator—TSO–C8b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for rate of climb indicators, pressure actuated (vertical speed indicator) which specifically are required to be approved for use on civil aircraft of the United States. New models of rate of climb indicators, pressure actuated (vertical speed indicator) manufactured for installation on civil aircraft on or after April 1, 1959, shall meet the standards set forth in SAE Aeronautical Standard AS-394A, "Rate of Climb Indicator, Pressure Actuated (Vertical Speed Indicator)," dated July 15, 1958,[1] with the exceptions listed in subparagraph (2) of this paragraph. Rate of climb indicators, pressure actuated (vertical speed indicator) approved prior to April 1, 1959, may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* (i) Conformance with the following sections is not required: 3.1; 3.1.1; 3.1.2; 3.2; 4.2.1.

(ii) Substitute the following for section 7.: "Performance tests: The following tests in addition to any others deemed necessary by the manufacturer, shall be the basis for determining compliance with the performance requirements of this standard."

(b) *Marking.* In lieu of the weight specified in paragraph (c) of § 37.7, the following shall be shown:

(1) Instrument type (I, II, III or IV).

(2) Range (feet per minute climb and descent).

(c) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

§ 37.119 Automatic pilots—TSO–C9c.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for automatic pilots to maintain flight and/or to provide maneuvering about the three axes through servo control which specifically are required to be approved for use in civil aircraft of the United States. New models of autopilots manufactured for such use on or after September 15, 1960, shall meet the standards set forth in SAE Aeronautical Standard AS-402A, "Automatic Pilots," dated February 1, 1959,[1] with the exceptions listed in subparagraph (2) of this paragraph and the additions listed in subparagraph (3) of this paragraph. Automatic pilots approved prior to September 15, 1960, may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* (i) Conformance with the following section is not required: 3.1, 3.1.1, 3.1.2, 3.2.

(ii) Substitute the following for section 7.: "Performance tests: The following tests, in addition to any others deemed necessary by the manufacturer, shall be the basis for determining compliance with the performance requirements of this standard."

(3) *Additions.* In addition to the means of indication specified in section 4.3 of AS-402A, the following shall be included:

(i) *Power malfunction indication.* Means shall be provided to indicate readily to the pilot in a positive manner when each phase of the primary power (voltage and/or current) to the automatic pilot is not adequate for safe operation.

(ii) *Airborne navigation reference indication.* A visual means shall be provided to indicate readily to the pilot in a positive manner when the automatic pilot is not engaged to the airborne navigation reference.

(b) *Marking.* In addition to the markings required in § 37.7, range and/or rating if definable shall be shown on each component of the system.

(c) *Data requirements.* With the statement of conformance, one copy each of the following shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located:

(1) Manufacturer's operating instructions

(2) Manufacturer's typical installation instructions

(3) Exploded views for each major component of the system

(4) Schematic diagrams for each major component and the system

(5) The manufacturer's compliance test report.

§ 37.120 Aircraft, altimeter, pressure, actuated, sensitive type—TSO–C10b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft altimeters which specifically are required to be approved for use on civil aircraft of the United States. New models of altimeters manufactured for such use on or after September 1, 1959, shall meet the standards set forth in SAE Aeronautical Standard AS 392C,[1] "Altimeter, Pressure Actuated Sensitive Type," revision date February 1, 1959,[2] with the exceptions listed in subparagraph (2) of this paragraph. Altimeters approved under prior issuances of this section may continue to be manufactured under the earlier provisions.

(2) *Exceptions.* (i) The following specifically numbered paragraphs in AS 392C do not concern minimum performance and therefore are not essential to compliance with this section: 3.1, 3.1.1, 3.1.2, 3.2, 3.2(a) (b) (c) (d) (e) (f).

(ii) In lieu of section 7. in AS 392C, it is a requirement that the altimeters covered by this section be capable of successfully passing the tests in paragraphs 7.1 through 7.5 and an External Case Pressure Test which is as follows:

*External Case Pressure Test.* The static pressure source of the instrument shall be sealed when an ambient temperature of 25°C and an ambient pressure of 29.92 inches (absolute) of mercury have been achieved. The ambient pressure shall then be increased at a rate of 20 inches of mercury in two seconds to 50 inches (absolute) of mercury and held at that pressure for three minutes. There shall be no adverse effect on the instrument or its accuracy.

(iii) The "Reference Section" under Table II of AS 392C is not applicable.

(b) *Marking.* In lieu of the weight specified in § 37.7(c) the range shall be shown.

(c) *Data requirements.* With the statement of conformance, one copy each of the following shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located:

(1) Manufacturer's operating instructions.

(2) Complete set of instrument's drawings of major components and a test report.

(3) Installation procedures with applicable schematic drawings.

§ 37.121 Fire detectors (thermal sensing and ionization sensing types)—TSO C11d.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for fire detectors of the subject types which are required to be approved for use on piston and/or turbine engine-powered civil aircraft of the United States. New models of these types of fire detectors manufactured for use on civil aircraft of the United States on or after the effective date of this section, shall meet the standards specified in Federal Aviation Agency Standards "Fire Detectors (Thermal Sensing and Ionization Sensing Types)," dated August 1, 1961. Fire detectors approved prior to the effective date of this section, may continue to be manufactured under the provisions of their original approval.

(b) *Marking.* In lieu of information required in § 37.7(c), the alarm temperature shall be shown. Compliance of the detector with the piston or turbine engine requirements, or both, shall be designated by –P, –T, or –PT, respectively, as a suffix following the TSO designation, as TSO–C11d–P.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his equipment. (See paragraph (d) of this section.)

(3) Six copies each, except where noted, of the following, shall be furnished with the statement of conformance certifying that the instrument conforms to this section, to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to the installation. This data shall include the following:

(a) Starting ambient temperature used in determining the response time (see § 7.1.1);

(b) Maximum allowable normal ambient temperature at the point of sensor location;

(c) Maximum allowable rate of temperature rise at point of sensor location as a result of normal operation;

(d) Operating voltage;

(e) Mounting or support method; and

(f) Maximum or minimum number of units or detector length which can be used in one circuit or one fire zone without adversely affecting sensitivity or causing false indications due to temperature associated with normal operation.

(iii) One copy of the manufacturer's test report.

(d) *Quality control.* Fire detectors shall be produced under a quality control system, established by the manufacturer, which will assure that each detector is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. The Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

§ 37.122 Life rafts (twin tube)—TSO–C12c.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for life rafts (twin tube) which specifically are required to be approved for use on civil aircraft of the United States. New models of life rafts manufactured on or after October 15, 1959, shall meet the standards set forth in the ATA Specification No. 800, "Airline Life Rafts," dated May 1, 1958,[1] with the additional requirements shown in subparagraph (2) of this paragraph, and the exceptions listed in subparagraph (3) of this paragraph. Life raft models approved prior to the effective date of this section may continue to be used under the provisions of their original approval until they are no longer seaworthy.

(2) *Additional requirements.* The degree of inflation shall be such that the raft will be "rounded-out" (i.e., attain its design shape and approximate dimensions) to be able to receive the first occupant within one minute after the start of inflation. Thereafter, inflation during boarding by the remainder of occupants shall be sufficient to ensure a serviceable and rigid raft.

(3) *Exceptions.* For the purpose of this section, conformance is not required with the provision of section 4.2.8 of ATA Specification No. 800 that the length of the installed gas release cables be identical and not exceed 30 inches.

(b) *Marking.* In lieu of the marking requirements specified by § 37.7, the marking instructions contained in ATA Specification No. 800 shall be acceptable and, in addition, each life raft shall be permanently marked with the Technical Standard Order designation, FAA–TSO–C12c, to identify the life raft as meeting the requirements of this section.

(c) *Data requirements.* (1) With the statement of conformance, one copy each of the manufacturer's operation and inflation instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(2) The raft manufacturer must also provide the purchaser with applicable limitations pertaining to installation of rafts on aircraft. These limitations shall include the minimum and maximum stowage area temperatures and any other limitations which will prevent the raft from performing its intended function and complying with the minimum performance standards under all reasonably foreseeable emergency conditions.

§ 37.123 Life preservers—TSO–C13c.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for life preservers which specifically are required to be approved for use on civil aircraft of the United States. New models of life preservers manufactured on or after October 15, 1960, shall meet the standards set forth in ATA Specification No. 801, "Airline Life Jackets," dated July 1, 1958,[1] with the exceptions listed in subparagraph (2) of this paragraph. Life preservers approved prior to October 15, 1960, may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* (i) Compliance with section 4.1.1. of ATA Specification No. 801 is optional. Life preservers may be non-reversible provided the design of the preservers is such so as to preclude the probability of improper donning.

(ii) In addition to the placarding instructions contained in section 4.2.2 of ATA Specification No. 801, the preserver shall also be marked with instructions which will describe the proper donning procedure.

(b) *Marking.* Each life preserver shall be marked in accordance with § 37.7 except that the weight specified in § 37.7(c) may be omitted, and the following additional information shall be shown:

(1) Date of manufacture of fabric (month and year);

(2) "Adult" or "child", as the case may be.

(c) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operation and inflation instructions shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(d) *Quality control.* Each life preserver shall be produced under a quality control system, established by the manufacturer, which will assure that each life preserver is in conformity with the requirements of this standard and is in condition for use. This system shall be described in the records required by section 4.3.1 of ATA Specification No. 801. The Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this standard.

§ 37.124 Aircraft fabric, intermediate grade; external covering material—TSO–C14a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft fabric, intermediate grade, for use as an external covering on civil aircraft of the United States with wing loadings of less than 9 p.s.f. and never exceed speeds of less than 160 m.p.h. Fabric manufactured on or after July 31, 1959, shall meet the requirements set forth in section 3 of SAE Aeronautical Material Specification 3804A, "Cloth, Airplane, Cotton, Mercerized; 65 lb Breaking Strength," revised May 1, 1954.[1] Fabric approved prior to July 31,

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, N.Y.

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Ave., New York 17, New York.

[2] In addition to the performance standards herein, altimeters when installed in aircraft must meet installation requirements as well as functional and reliability flight tests of the pertinent airworthiness sections of the Federal Aviation Regulations.

[1] Copies may be obtained from the Air Transport Association, 1000 Connecticut Avenue NW., Washington 6, D.C.

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, New York.

1959, may continue to be manufactured under the provisions of its original approval.

(b) *Marking.* The weight required in § 37.7 need not be included. The TSO number shall be marked continuously along the selvage edge of the fabric.

§ 37.125 Aircraft fabric, grade A; external covering material—TSO–C15c.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft fabric, grade A, for use as an external covering on civil aircraft of the United States. Fabric manufactured on or after September 23, 1959, shall meet the requirements set forth in section 3 of SAE Aeronautical Material Specification 3806A, "Cloth, Airplane, Cotton, Mercerized; 80 lb Breaking Strength," revised June 15, 1952, with the exception listed in subparagraph (2) of this paragraph. Fabric approved prior to September 23, 1959, may continue to be manufactured under the provisions of its original approval.

(2) *Exception.* The elongation limits specified in AMS 3806A 3.2.4. are amended as follows for the purpose of this section.

| Nominal width (inches): | *Maximum elongation (percent)* |
|---|---|
| 36 | 13 |
| 42 | 13 |
| 60 | 14 |
| 69 | 15 |
| 90 | 16 |

(b) *Marking.* The weight required in § 37.7 need not be included. The TSO number shall be marked continuously along the selvage edge of the fabric.

§ 37.126 Technical Standard Order C16: "Air-Speed Tubes (Electrically Heated)".

(a) *Introduction.* (1) This Technical Standard Order is intended to serve as a criterion by which the product manufacturer can obtain approval of his electrically heated air-speed tube.

(2) In the establishment of this Technical Standard Order, consideration has been given to existing Government and industry standards for air-speed tubes for the purpose of adopting the performance requirements of one of the recognized aeronautical standards as the minimum safety requirements for air-speed tubes which are intended for use in civil aircraft. The specification of the Society of Automotive Engineers for electrically heated air-speed tubes contains such requirements.

(b) *Directive*—(1) *Provision.* The performance requirement for air-speed tubes as set forth in sections 5 and 6 of SAE Specification AS–393, Air-Speed Tubes, Electrically Heated, dated December 1, 1947,[1] stated below, are hereby established as minimum safety requirements for electrically heated air-speed tubes which are intended for use in civil aircraft.

1. *Purpose.* To specify minimum requirements for Electrically Heated Air-Speed Tubes for use on aircraft the operation of which may subject the instrument to environmental conditions specified in section 3.4.

2. *Scope.* This specification covers the following basic types:

*Type I.* Pitot - Pressure, Straight and L-shaped, 12 and 24 volt nominal, 2 wire circuit.

*Type II.* Pitot and Static Pressures, Straight and L-shaped 12 and 24 volt nominal, 2 wire circuit.

3. *General requirements.*

3.1 *Materials and workmanship.*

3.1.1 *Materials.* Materials shall be of a quality which experience and/or tests have demonstrated to be suitable and dependable for the purpose intended.

3.1.2 *Workmanship.* Workmanship shall be consistent with high grade instrument manufacturing practice.

3.2 *Radio interference.* The instrument shall not be the source of objectionable interference under operating conditions at any frequencies used on aircraft, either by radiation or feedback, in radio sets installed in the same aircraft as the instrument.

3.3 *Identification.* The following information shall be legibly and permanently marked on the units or attached thereto:

a. Name of instrument.
b. SAE Spec. AS 393.
c. Rating (Nominal Voltage).
d. Manufacturer's Part No.
e. Manufacturer's Serial No. or date of manufacture.
f. Manufacturer's name and/or trademark.

3.4 *Environmental conditions.* The following conditions have been established as design criteria only. Tests shall be conducted as specified in sections 5, 6, 7.

3.4.1 *Temperature.* When the instruments are mounted in accordance with manufacturer's instructions, they shall function over the range of ambient temperatures of −65° C to +70° C and shall not be adversely affected by exposure to temperatures of −65° C to +70° C.

3.4.2 *Vibration.* When the instruments are mounted in accordance with the manufacturer's instructions, they shall function and shall not be adversely affected when subjected to the following vibration:

Frequency: 500–3,000 cycles per minute.
Amplitude: 0.250 inch.
Maximum Acceleration: 32.5 g.

NOTE: It is understood that the unit shall withstand vibration at higher frequencies but the acceleration value need not exceed that shown above.

When specified by the purchaser for use in rotary wing aircraft, the frequency range shall be 150–3,000 cycles per minute.

4. *Detail requirements.*

4.1 *Drainage.* The tube shall be designed to provide maximum drainage of water, resulting from rain or melting ice, consistent with maintaining the calibration specified in sections 6.3, 6.4 and 6.5.

4.2 *Marking.* Pitot pressure and static pressure lines shall be identified by the letters P and S, respectively, stamped, etched, engraved or otherwise permanently marked on the lines or fittings. The top of the tube shall be identified.

5. *Individual performance tests.* All instruments shall be subjected to whatever tests the manufacturer deems necessary to demonstrate specific compliance with the specification including the following requirements, where applicable.

5.1 *Leakage.* With a pressure of 10 inches of mercury applied separately to the pitot pressure and/or the static pressure lines, there shall be no evidence of leakage when the corresponding pitot or static pressure openings and drain holes are sealed.

5.2 *Dielectric.* The insulation shall withstand without evidence of damage the application of a sinusoidal voltage at a commercial frequency between the terminals of the heater circuit and the shell (case) for a period of 5 seconds. The R. M. S. value of the sinusoidal voltage applied shall be 500 volts.

5.3 *Heater operation.* When mounted in its normal position, the tube shall be tested for heater operation by applying the minimum rated voltage (12 or 24 volts) for a period of 2 minutes. The power consumption at that time shall be within ±30 percent of the power consumption at rated voltage.

6. *Qualification tests.* As many instruments as deemed necessary to demonstrate that all instruments will comply with the requirements of this section shall be tested in accordance with the manufacturer's recommendations, where applicable.

6.1 *Vibration.* The tubes shall be subjected to vibration for three hour periods in each of the three perpendicular reference planes such that a point on the tip of the tubes will oscillate ¼ inch. The test shall be conducted such that each period of three hours shall consist of one hour at 1,000, 2,000 and 3,000 cycles per minute. Rated voltage shall be applied to the terminals continuously during this test. Ambient temperature shall be 20° to 30° C. There shall be no failure of any kind.

6.2 *Endurance.* The tubes shall be made to operate continuously in still air at 15 or 30 volts (as applicable) for, at least, five hours. Ambient temperature shall be 70° C. There shall be no damage of any kind except discoloration, which will not affect corrosion resistance.

6.3 *Calibration at zero angle of attack.* The tube shall be mounted in a wind tunnel in line with the airflow and tested separately for pitot pressure and for static pressure at the values for air speeds specified in table I. The test shall be made by comparison with the results obtained under similar conditions with a calibrated tube. The error of the tube expressed in terms of indicated air speed shall not exceed 1 percent of the indication or 1 MPH, whichever is greater, and the static pressure shall be within the tolerances specified in table I.

TABLE I—PERMISSIBLE ERRORS IN STATIC PRESSURE

| Indicated air speed m. p. h.: | *Tolerance inches of water* |
|---|---|
| 50 | 0.10 |
| 75 | .15 |
| 100 | .20 |
| 125 | .25 |
| 150 | .30 |
| 175 | .35 |
| 200 | .40 |
| 225 | .45 |
| 250 | .50 |

6.4 *Calibration at various angles of attack.* The tube shall be tested as specified for "Error at Zero Angle of Attack" at approximately 125 MPH except that the angle of attack shall be varied by 2-degree intervals from +16 to −10 degrees inclusive. The indicated error expressed in terms of indicated air speed shall not differ from the indicated error at zero angle of attack by more than 3 miles per hour, and the error in static pressure shall not differ from the static pressure at zero angle of attack by more than 0.20 inch of water.

6.5 *Calibration at various angles of yaw.* The tube shall be tested as specified in section 6.3 at approximately 125 MPH except that the angle of yaw shall be varied between plus and minus five degrees. The indicated error expressed in terms of indicated air speed shall not differ from the error at zero angle of yaw by more than 3 miles per hour and the error in static pressure shall not differ from the static pressure at zero angle of yaw by more than 0.20 inch of water.

6.6 *Magnetic effect.* The magnetic effect of the tube shall be determined in terms of the deflection of a free magnet approximately 1½ inches long in a magnetic field with a horizontal intensity of 0.18±0.01 gauss, when the tube is held in various positions and with rated voltage applied on an east-west line with its nearest part five inches from the center of the magnet. (An aircraft Compass with the compensating magnets removed therefrom may be used as the free magnet for this test.) The maximum deflection of the magnet shall not exceed 5 degrees for any pointer deflection.

6.7 *De-icing.* The tube shall be tested in an icing wind tunnel at a temperature of −10° to −20° C. and at an indicated tunnel air speed of 200 miles per hour. When the tube is coated with ¼ inch of ice at the nose, the minimum rated voltage shall be applied to the terminals. The time required to clear the ice cap shall not be more than 2 minutes after the potential is applied. No re-icing shall occur.

6.8 *Cold resistance.* The tube shall be subjected to a temperature of −65° C. or colder for a minimum period of 48 hours. There shall be no evidence of damage. After this test, the tube shall be capable of successfully passing all tests described heretofore.

(2) *Application.* (i) Air-speed tubes complying with the specifications appearing in this Technical Standard Order are hereby approved for all aircraft. Air-speed tubes already approved may continue to be installed in aircraft:

(a) For which an application for original type certificate is made prior to the effective date of this order,

(b) The prototype of which is flown within 1 year after the effective date of this order, and

(c) The prototype of which is not flown within 1 year after the effective date of this order if due to causes beyond the applicant's control.

(ii) If a major change is made in the installation within 9 months after the effective date of this order involving a change in type or model of air-speed tube, previously approved types of air-speed tubes may be installed. However, in any such change made after the 9-month period, new types of air-speed tubes installed in aircraft used in instrument flight shall meet the specifications contained in this section.

(c) *Specific instructions*—(1) *Marking.* In addition to the identification information required in the referenced specification, each air-speed tube shall be permanently marked with the Technical Standard Order designation "FAA–TSO–C16" to identify the air-speed tube as meeting the requirements of this order in accordance with the manufacturer's statement of conformance outlined below. This identification will be accepted by the Administrator as evidence that the established minimum safety requirements for air-speed tubes have been met.

(2) *Data requirements.* None.

(3) *Effective date.* After September 1, 1948, specifications contained in this Technical Standard Order will constitute the basis for approval of air-speed tubes for use in certificated aircraft used in instrument flight.

(4) *Deviations.* Requests for deviation from, or waiver of, the requirements of this order, which affect the basic airworthiness of the component, should be submitted for approval by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(5) *Conformance.* (i) The manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, a written statement of conformance signed by a responsible official of his company, setting forth that the air-speed tube to be produced by him meets the minimum safety requirements established in this order. Immediately thereafter distribution of the air-speed tube conforming with the terms of this order may be started and continued.

(ii) The prescribed identification on the air-speed tubes does not relieve the aircraft manufacturer or owner of responsibility for the proper application of the air-speed tube in his aircraft, nor waive any of the requirements concerning type certification of the aircraft in accordance with existing Federal Aviation Regulations.

(iii) If complaints of nonconformance with the requirements of this order are brought to the attention of the Administrator and investigation indicates that such compliants are justified, the Administrator takes appropriate action to restrict the use of the product involved.

(iv) Copies of this Technical Standard Order may be obtained from the Library Services Division, HQ–630, Federal Aviation Agency, Washington, D.C., 20553.

§ 37.127 Technical Standard Order C17: "Fire-Resistant Aircraft Material".

(a) *Introduction.* (1) This Technical Standard Order is intended to serve as a criterion by which the product manufacturer can obtain approval of his fire-resistant aircraft material.

(2) In the establishment of this Technical Standard Order, consideration has been given to existing Government and industry standards for fire-resistant aircraft material for the purpose of adopting the performance requirements of one of the recognized aeronautical standards as the minimum safety requirements for fire-resistant materials which are intended for use in civil aircraft. The specification of the Society of Automotive Engineers for fire-resistant aircraft materials contains such requirements.

(b) *Directive*—(1) Provision. The performance requirements for fire-resistant aircraft material as set forth in section 3 of SAE Specification AMS–3851, Fire-Resistant Properties for Aircraft Materials, dated May 1, 1948,[1] stated below, are hereby established as minimum safety requirements for fire-resistant material which is intended for use in civil aircraft.

1. *Acknowledgment.* A vendor shall mention his specification number in all quotations and when acknowledging purchase orders.

2. *Application.* Primarily intended to cover materials which may be used without further treatment in areas in air carrier aircraft where a fire-resistant material is required.

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, New York.

3. *Technical requirements.* The material as supplied shall be capable of meeting the following test:

If the material is rigid an 8 x 8 in. specimen shall be used. If flexible, the material shall be placed in a frame, exposing an area 8 x 8 in. Where backing material is used, the specimen shall be provided with the same backing. The test specimen shall be supported at an angle of 45 degrees. The Bunsen or Tirrill burner shall rest upon a horizontal surface. The burner shall be adjusted for no air intake, giving a yellow tipped, 1½ in. flame. Suitable precautions shall be taken to avoid drafts. The period of application shall be 30 sec with ½ of the flame in contact with the material at the approximate center of the specimen. Upon removal of the flame source from the specimen, the flame shall extinguish itself within 15 sec and no smoldering or glowing shall be visible 10 sec thereafter. No complete penetration of the material shall result.

4. *Reports.* Unless otherwise specified, the vendor shall furnish, with the original sample submitted for approval, three copies of a notarized report of the results of the test noted above showing duration of flaming, time of smoldering, char width, and penetration. After approval, unless otherwise specified, vendor shall furnish with each shipment three copies of a notarized report of the results of the above test made on each grade or type of each lot or shipment of material contained in the order. This report shall include the purchase order number, this specification number, vendor's material number, and quantity.

5. *Packing and identification.*

5.1 Packaging shall be accomplished in such a manner as to insure that the materials being shipped will not be torn or damaged and will be protected against exposure and undue weathering and harmful materials of any kind.

5.2 Each package shall be permanently and legibly marked, and the material tagged or stamped to give the following information:

Material description ----------
AMS 3851
Meets fire resistance requirement AMS 3851
Vendor's identification----------
Purchase order number----------

6. *Approval.* A vendor shall not supply material until samples have been approved by the purchaser. After approval changes in composition, production manufacturing procedures and processes shall not be made without prior written approval by purchaser. Results of tests on incoming shipments shall be essentially equal to those obtained on approved samples.

7. *Rejections.* Material not conforming to this specification or to authorized modifications will be subject to rejection. Unless otherwise stipulated, rejected material will be returned to vendor at vendor's expense, unless purchaser receives, within three weeks of notification of rejection, other instructions for disposition.

(2) *Application.* Fire-resistant materials complying with the specifications appearing in this Technical Standard Order are hereby approved for all aircraft.

(c) *Specific instructions*—(1) *Marking.* In addition to the identification information required in the referenced specification, the material shall be permanently marked with the Technical Standard Order designation "FAA–TSO–C17" to identify the materials as meeting the requirements of this order in accordance with the manufacturer's statement of conformance outlined below. This identification will be accepted by the Administrator as evidence that the established minimum safety require-

ments for fire-resistant materials have been met.

(2) *Data requirements.* None.

(3) *Effective date.* See paragraph (b) (2) of this section.

(4) *Deviations.* Requests for deviation from or waiver of, the requirements of this order, which affect the basic airworthiness of the component, should be submitted for approval by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(5) *Conformance.* (i) The manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, a written statement of conformance signed by a responsible official of his company, setting forth that the fire-resistant material to be produced by him meets the minimum safety requirements established in this order. Immediately thereafter distribution of the material conforming with the terms of this order may be started and continued.

(ii) The prescribed identification on the fire-resistant material does not relieve the aircraft manufacturer or owner of responsibility for the proper application of the fire-resistant material in his aircraft, nor waive any of the requirements concerning type certification of the aircraft in accordance with existing Federal Aviation Regulations.

(iii) If complaints of nonconformance with the requirements of this order are brought to the attention of the Administrator, and investigation indicates that such complaints are justified, the Administrator takes appropriate action to restrict the use of the product involved.

(iv) Copies of this Technical Standard Order may be obtained from the Library Services Division, HQ–630, Federal Aviation Agency, Washington, D.C., 20553.

**§ 37.128 Position light flashers (air-carrier aircraft)—TSO–C18c.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for position light flashers which will be used on civil aircraft of the United States engaged in air-carrier operations. New models of position light flashers manufactured for installation in civil air-carrier aircraft on or after July 15, 1957, shall meet the standards set forth in SAE Specification AS211, "Flasher, Position Light," dated November 1, 1948,[1] with the exceptions listed in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) For the purpose of this section, the following shall apply in lieu of section 4.2 of AS211:

The flashing cycle and its frequency shall conform to either (a) or (b) of this subparagraph. A maximum deviation of 5° from the specified periods is permissible.

| | |
|---|---|
| (a) Red and green forward position lights, top and bottom fuselage lights and white rear position light "ON" | 130° |
| Dark | 50° |
| Red and green forward position lights, top and bottom fuselage lights and red rear position light "ON" | 130° |
| Dark | 50° |

This cycle shall be repeated at not less than 32.5 nor more than 42.5 times per minute.

| | |
|---|---|
| (b) Red and green forward position lights and white rear position light "ON" | 130° |
| Dark | 50° |
| Top and bottom fuselage lights and red rear position light "ON" | 130° |
| Dark | 50° |

This cycle shall be repeated at not less than 65 nor more than 85 times per minute.

(ii) The following shall apply in lieu of the last sentence of section 4.3 of AS211: The flasher contacts shall be adequate for the intended purpose.

(b) *Marking.* In lieu of the marking requirement of § 37.7(c), the following shall be shown:

(1) Voltage,

(2) Normal motor current—amps, and

(3) Flasher contact capacity—amps.

(c) *Data requirements.* Six copies each of installation, operating, and maintenance recommendations or instructions shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

**§ 37.129 Portable water-solution type fire extinguishers—TSO–C19b.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for portable water-solution type fire extinguishers which are to be used in civil aircraft of the United States. New models of portable water-solution type fire extinguishers manufactured for installation in civil aircraft on or after the effective date of this order shall meet the standards of sections 5 and 6 and subsections 4.1.1, 4.1.4, 4.1.5, 4.2.3, 4.3.1 and 4.3.2 of SAE Specification AS–245A, dated December 15, 1956, with the exceptions listed in subparagraph (2) of this paragraph. Portable water-solution type fire extinguishers approved by the Civil Aeronautics Administration prior to the effective date of this order may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* For the purpose of this order, the dischargeable capacity specified in 4.1.1 of AS–245A may be at least one quart.

(b) *Marking.* In addition to the information required in § 37.7, the following also must be legibly and permanently marked on the extinguisher: 1- capacity, 2- test pressure of container and 3- operating and maintenance instructions.

**§ 37.130 Technical Standard Order C20: "Combustion Heaters".**

(a) *Introduction.* This Technical Standard Order is intended to serve as a criterion by which the product manufacturer may obtain approval of his combustion heaters.

(b) *Directive*—(1) *Provision.* The requirements for combustion heaters, as set forth in SAE Aeronautical Standard AS143B; Heaters, Airplane, Internal Combustion Heat Exchanger Type, dated February 1, 1949,[1] stated below, are hereby established as minimum safety standards for combustion heaters intended for use in civil aircraft:

1. *Purpose.* To specify standards covering minimum safety and performance requirements for internal combustion heaters and certain auxiliary devices which are considered necessary to the safety and performance of the heaters as used in aircraft. These standards are to be considered currently applicable and necessarily subject to revision from time to time due to rapid development of the aeronautical industry. The following standards are based on practical engineering requirements for such internal combustion heat exchanger type heaters as are now used on airplanes and for such as may be developed to meet later requirements.

2. *Scope.* These standards are written to cover internal combustion heat exchanger type heaters used in the following applications:

2.1 Cabin heating. (All occupied regions and windshield heating.)

2.2 Wing and empennage heating.

2.3 Engine and accessory heating. (When heater is installed as part of the aircraft.)

3. *Definition.* An internal combustion heat exchanger type heater as used for airplane heating is one that utilizes through a heat exchanger the heat produced by combustion of a fuel within the heater for the purpose of heating the air being supplied to the airplane.

4. *General requirements.*

4.1 *Heater components.* An internal combustion type heater shall include all of the following:

4.1.1 Combustion chamber and heat exchanger assembly.

4.1.2 Casing or shroud for combustion chamber and heat exchanger assembly.

4.1.3 Igniter.

4.1.4 Burner.

4.1.5 Ventilating air inlet.

4.1.6 Ventilating air outlet.

4.1.7 Combustion air inlet.

4.1.8 Exhaust outlet.

4.1.9 Fuel inlet.

4.2 *Additional devices.* In addition to the heater, the following additional devices are considered necessary to the safety and performance of the heater and will be covered in that respect by these standards. These devices may be furnished separately or as part of the heater. These standards do not cover all tests necessary on these devices, but only those required in their relationship to the heater.

4.2.1 Fuel system.

4.2.1.1 Fuel nozzle, restrictor, orifice, or equivalent.

4.2.1.2 Fuel shutoff valve.

4.2.1.3 Fuel filter.

4.2.2 Safety controls.

4.2.2.1 A device to prevent the heater from becoming overheated.

4.2.2.2 A device to prevent fuel flow to the heater when combustion air is insufficient for safe operation.

4.2.3 Ignition system. (Required for spark ignition only.)

4.2.3.1 Device to provide high voltage power.

4.2.3.2 High voltage ignition lead assembly or equivalent electrical linkage between high voltage device and spark plug.

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Ave., New York 17, New York.

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, New York.



4.3 *Materials and workmanship.*

4.3.1 The heater and auxiliary equipment shall be constructed throughout of materials which are considered acceptable for the particular use intended and shall be made and furnished with a degree, uniformity, and grade of workmanship generally accepted in the aircraft industry.

4.3.2 The heater casing or shroud shall be constructed of fireproof material.

4.4 *Design features.*

4.4.1 The design shall be such as to preclude the possibility of discharging harmful concentrations of carbon monoxide into the ventilating air stream. See test, paragraph 6.5.4.1.

4.4.2 Where specified, the design shall be such as to preclude excessive loss of pressurized fuselage air. See test, paragraphs 6.5.4.2 and 6.5.4.3.

4.4.3 The design shall include protection against excessive radio interference. See test, section 6.4.

4.4.4 The design shall be such as to preclude harmful effects on construction or performance due to vibration. See test, section 6.3.

4.4.5 The design shall be such that the life of the heater and accompanying devices shall be comparable to other similar airframe components and accessories. See test, section 6.5.

4.4.6 Unless otherwise specified, the design shall be such that the heater and accompanying devices shall operate satisfactorily within normal ranges of power, fuel, and air supplies available in aircraft.

4.5 *Heater identification.* The following minimum information shall be legibly and permanently marked on the heater or on a nameplate attached thereto:

(a) Manufacturer's name and/or trademark.

(b) Manufacturer's part number.

(c) Manufacturer's serial number.

(d) SAE rated output, ------ B. t. u. hr. (See section 5.1.)

(e) Rated fuel pressure, -------- psig.

(f) Electrical characteristics.

(g) SAE Spec. AS–143B. For Use: Unpr. cabin --------, Press. cabin --------- Wing ------- (Stamp "X" in one or more blanks as applicable.)

5. *Detail requirements.*

5.1 *SAE rating conditions.* Heater shall deliver at least SAE rated output at following conditions:

5.1.1 Sea level ambient pressure.

5.1.2 Rated fuel pressure, as specified by manufacturer.

5.1.3 Rated sea level combustion air rate, as specified by manufacturer.

5.1.4 Ventilating air temperature rise of 250° F.

5.1.5 Inlet temperature of fuel and air between 50° F. and 125° F.

5.2 *Air supply.*

5.2.1 When sufficient combustion or ventilating air for safe operation is not available the heater shall be made automatically inoperative. See tests, paragraphs 6.5.7.1 and 6.5.7.2.

5.2.2 The combustion air and ventilating air inlets on the heater shall be separated from each other.

5.3 *Fuel supply.*

5.3.1 The fuel lines and fittings under pressure in the heater shall be enclosed in such manner as to prevent any fuel leakage from entering the ventilating air stream, and the enclosure shall have adequate provision for draining to the combustion chamber or to a fuel drain fitting.

5.3.2 A fuel drain outlet or equivalent safety device shall be provided to prevent accumulation of fuel in the combustion chamber and heat exchanger assembly in case the fuel flows without igniting.

5.3.3 All fuel lines in the heater shall be constructed of steel or other fire resistant material. Where flexibility is required in these lines, flexible fire resistant coupled hose assemblies shall be used to eliminate the possibility of using hose clamp connections. Connections in metal fuel lines shall not employ solder nor other relatively low melting point materials which cannot withstand a 2000° F. flame for five minutes.

5.3.4 All gaskets, synthetic rubber seals, etc. shall be suitable for use with aromatic fuels and shall be satisfactory for use at the temperatures encountered within the overheating limits of the heater.

5.3.5 The fuel system lines, fittings and controls shall be sufficiently isolated from the combustion side of the heater to prevent their being damaged by flame, radiant heat or backfire.

5.4 *Combustion chamber and heat exchanger assembly.*

5.4.1 The combustion chamber and heat exchanger assembly shall be constructed from a corrosion and heat resistant material in accordance with SAE Aeronautical Material Specification AMS 5540, or equivalent.

5.4.2 Means shall be provided to minimize malfunctioning due to lead deposits and to permit disassembly and cleaning of all parts affected by products of combustion.

5.4.3 The accumulation of lead scale or products of combustion deposits shall not cause functional failure before 500 hours of heater operation.

5.4.4 The heater combustion chamber and heat exchanger assembly shall be so designed that it will not rupture under the most severe explosion conditions that can occur with any possible fuel air mixture as demonstrated by test procedure outlined in section 6.1.6.

5.5 *Exhaust.*

5.5.1 The temperature of the exhaust gases at the point of discharge from the heater shall not exceed 1200° F. at rating. (See section 5.1.)

5.6 *Ignition.*

5.6.1 Ignition may be accomplished by:

5.6.1.1 Electrically heated resistance hot wire.

5.6.1.2 Electric high-voltage spark plug.

5.6.2 Ignition may be sustained during operation of the heater or discontinued if satisfactory combustion is assured.

5.6.3 The igniter shall be capable of functioning over a period of 200 hours without service. See test, section 6.5.5.

5.6.4 In event of ignition delay for an indefinite period, either with or without fuel supply, no hazardous condition shall result.

5.6.5 Heaters which are intended for wing-empennage heating shall ignite within 15 seconds under conditions of paragraph 6.1.2.3 except that the temperature shall not be higher than −20° F.

5.7 *Safety controls.* The following automatic safety controls shall be furnished separately or as part of the heater. These controls shall be independent of and in addition to the normal operating controls.

5.7.1 A control to shut off the heater fuel flow in case combustion air supply is insufficient for safe operation.

5.7.2 A control to prevent the heater from becoming overheated under any condition of ventilating air flow.

5.8 *Lines and fittings.*

5.8.1 All pipe and tubing fittings used shall comply with applicable AN standards.

5.8.2 Other fittings not covered above shall conform to accepted aircraft practice.

5.9 *Electrical equipment.*

5.9.1 All electrical equipment, including wiring, instruments, motors, insulation, shielding, relays, etc., shall conform to acceptable aircraft practice.

6. *Test requirements and methods.*

6.1 *Performance tests.* Tests shall be conducted to establish the following:

6.1.1 Ignition characteristic curve, plotting altitude as the ordinate and combustion air pressure differential as the abscissa such that the area under the curve represents the region of reliable starting and burning at −65° F. Include information on temperature of fuel and combustion air supplied to heater. The service ceiling of the heater and its accompanying ignition devices shall be defined as the peak of the ignition characteristic curve. A time record shall be kept on each test start.

6.1.2 Heat output, ventilating air pressure drop, combustion air pressure drop, exhaust temperature, ventilating air temperature rise, fuel rate at—

6.1.2.1 Sea level rating. (See section 5.1.)

6.1.2.2 Sea level rating, except with −65° F. inlet ventilating air, combustion air, and fuel temperatures.

6.1.2.3 20,000 feet pressure altitude with:

(a) Sea level rated weight of ventilating air at −65° F., inlet temperature.

(b) Combustion air at −65° F., inlet temperature, and combustion air pressure differential midway between 20,000 feet altitude ignition limits determined in 6.1.1.

(c) Sea level rated values of voltage and fuel pressure.

(d) Fuel at −65° F., inlet temperature.

NOTE: Temperature measurements for output shall be made in a manner which will provide a representative average temperature of the discharge air. Temperature sensing elements used in test shall be protected against effects of radiation from the heater.

6.1.3 Maximum starting and maximum running amperages required with normal voltage for operation of the heater and accompanying devices at sea level.

6.1.4 Voltage range within which the heater and accompanying devices will operate at sea level and service ceiling.

6.1.5 Collapsing pressure of the combustion chamber and heat exchanger assembly.

6.1.5.1 The heater shall be set up with an adjustable restriction on the combustion air inlet, and a source of vacuum connected to the exhaust outlet. The ventilating air shall discharge freely to atmosphere (sea level). A static pressure tap shall be provided in the exhaust pipe within 12" of the connection to the heater.

6.1.5.2 For a non-pressurized cabin heater or a wing-empennage heater, the heater shall be operated at sea level rating, except that the exhaust outlet pressure is to be maintained at a value which is at least 4 psi below the ventilating air outlet pressure. After operating the heater for at least one hour at these conditions, there must be no permanent distortion of any part of the heater, unless it can be demonstrated that such distortion does not affect the performance or life of the heater.

6.1.5.3 For pressurized cabin heaters, the test shall be the same as 6.1.5.2 except that the exhaust outlet pressure shall be maintained at a value which is at least 10 psi below the ventilating air outlet pressure.

6.1.6 *Combustion chamber burst pressure.* The following design test shall demonstrate compliance with section 5.4.4.

6.1.6.1 With the combustion chamber and heat exchanger assembly at room temperature, introduce a gaseous fuel air mixture in a ratio of from .085 to .095. Purge the combustion chamber and heat exchanger assembly with this mixture to the extent of at least ten times the volume of the combustion chamber and heat exchanger assembly. Ignite the mixture with the heater igniter. Repeat procedure to complete 50 explosions. The heater shall then meet the leakage requirements of section 6.5.4.2.

6.1.7 Radio interference noise levels. See test, section 6.4.

6.1.8 Effect of vibration of heater and accompanying devices. See test, section 6.3.

6.1.9 Minimum life and service requirements of heater and accompanying devices. See test, section 6.5.

6.2 *Test report.* The manufacturer shall furnish a report, on request, covering tests. This report shall include an introduction, a

summary, a description of apparatus, instrumentation, and tests, the results, a discussion, and conclusions.

6.3 *Vibration test.* The heater and auxiliary equipment shall be capable of withstanding and satisfactorily operating when subjected to a steady vibration over a range of frequencies from 600 to 2,700 cycles per minute with a total excursion of 1/16", and from 2,700 to 3,200 cycles per minute with an acceleration not exceeding 6 G's. Unless otherwise specified in detail specifications, the equipment shall be mounted on the vibrating apparatus with the longitudinal axis of the heater in a plane parallel to the vibrating surface of the apparatus and normal to the direction of vibration.

6.3.1 The heater shall be vibrated over a range of from 600 to 2,700 cycles per minute with a total excursion of 1/16". The frequencies at which resonance occurs, if any, shall be observed and noted.

6.3.2 The heater will be vibrated over a range of from 2,700 to 3,200 cycles per minute with an acceleration of not less than 5 G's and not more than 6 G's. The frequencies at which resonance occurs, if any, shall be observed and noted.

6.3.3 If resonance is observed under the test of either 6.3.1 or 6.3.2, a vibration test shall be conducted for fifteen hours at the frequency showing the maximum resonance.

6.3.4 If no resonance is observed under the tests of 6.3.1 or 6.3.2, a vibration test shall be conducted for 15 hours at 2,700 cycles per minute with 1/16" total excursion.

6.3.5 At the conclusion of the vibration test there shall be no evidence of structural failure and the heater and accompanying devices shall operate satisfactorily.

6.4 *Radio interference test.*

6.4.1 The heater shall be set up with a sleeve of bare metal ductwork having the same diameter as the heater casing connected at each end of the casing. The length of each piece of ductwork shall be not less than five diameters and shall be connected to the heater with a clamp of the type normally used in an installation.

6.4.2 In the same manner as 6.4.1, connect ductwork or tubing to the combustion air inlet and to the exhaust outlet with respective dimensions determined by diameters of the combustion air inlet and exhaust outlet fittings.

6.4.3 If the ignition voltage transformer is not part of the heater, mount in external to the heater and connect the high voltage terminal to the spark plug by means of the high voltage ignition lead assembly.

6.4.4 With the ignition system operating, check the complete assembly including heater, high voltage device, and high voltage ignition lead assembly using the recommended procedure of specification JAN–I–225 dated June 14, 1945, and Radio Interference Noise Limit Specification AAF–32466–A dated October 17, 1945.

6.5 *Life tests.* Life tests may be conducted in such manner as to qualify the heater and accompanying devices for cabin heating, wing-empennage anti-icing, or both. For cabin heating only, the duration of the test shall be at least 850 hours "on" time. For wing-empennage anti-icing only, the duration of the test shall be at least 500 hours "on" time. For qualification of the heater and accompanying devices under both cabin heating and wing-empennage classifications, the duration of the test may be 850 hours heater "on" time providing at least 500 hours "on" time is performed at wing-empennage conditions.

6.5.1 *General conditions.* The general conditions applying to both cabin and wing-empennage heater life tests shall be as follows:

6.5.1.1 Tests shall be performed at sea level rated fuel pressure and sea level rated combustion air rate.

6.5.1.2 Inlet air temperature shall not exceed 120° F.

6.5.1.3 Approximately 80% of the life test shall be with "continuous" operation, and the remainder of the test with "rapid cycling" operation.

6.5.1.3.1 During "continuous" operation, the ventilating air rate shall be adjusted as required to give the specified temperature rise under steady conditions. At least once, and not more than twice, during each two hours of operating time, the fuel and ignition system shall be shut off and the heater permitted to cool for at least 10 minutes with continuous ventilating air and combustion air flow. In calculating total "on" time for the heater, the 10-minute cooling periods shall not be included.

6.5.1.3.2 During "rapid cycling" operation, a thermostatic switch in the ventilating air outlet stream shall cycle the fuel on and off and maintain a specified outlet air temperature. The ventilating air rate shall be adjusted so that the average heat output (assuming that the setting of the cycling switch represents the average outlet air temperature) is between 60 and 75% of the rated output. At least once, and not more than twice during each 2 hours of operating time, the fuel and ignition system shall be shut off and the heater permitted to cool for at least 10 minutes with continuous ventilating air and combustion air flow. For cycling operation "on" time is defined as the total elapsed time during which the rapid cycling switch controls the heater operation; it does not include the 10-minute cooling periods.

6.5.2 *Cabin heater life tests.* The cabin heater life tests shall be divided into four periods, as follows:

6.5.2.1 *First period—250 hours.* Continuous operation, with the ventilating air rate adjusted to maintain a temperature rise of at least 200° F. and an outlet air temperature of at least 250° F.

6.5.2.2 *Second period—250 hours.* Rapid cycling operation, with the cycling switch set to control at 250±10° F. outlet air temperature.

6.5.2.3 *Third period—175 hours.* Same conditions as first period.

6.5.2.4 *Fourth period—175 hours.* Same conditions as second period.

6.5.3 *Wing-empennage anti-icing heater life tests.* Wing-empennage anti-icing heater life tests shall be divided into two periods, as follows:

6.5.3.1 *First period—250 hours.* Continuous operation, with the ventilating air rate adjusted to maintain a temperature rise of at least 300° F. and an outlet air temperature of at least 350° F.

6.5.3.2 *Second period—250 hours* Rapid cycling operation, with the cycling switch set to control at 350±10° F. outlet air temperature.

6.5.4 *Performance after tests.* At the end of the life and vibration tests the heater shall meet the following requirements:

6.5.4.1 *Carbon monoxide contamination.* At rating conditions, and with the burner operating, carbon monoxide concentration in the heated ventilating air stream shall not exceed one part in 20,000 or 0.005 of 1%. This test shall be run with the heater exhaust discharging to atmosphere. The ventilating air samples shall be taken from an unrestricted duct fastened to the heater ventilating air outlet. The duct shall be the same diameter as the heater casing and at least 5 diameters in length. Use carbon monoxide detector assembly AAF No. 46B1790 or Navy Stock No. R–83–BUA–9258, or equivalent.

6.5.4.2 *Leakage.* With an air pressure of 8 psig inside the combustion chamber and heat exchanger assembly, leakage shall not exceed 9 lbs/hr. (sea level and 59° F.). There shall be no leaks which could allow liquid fuel to enter the ventilating air stream in event of ignition failure, when the heater is mounted in any normal position, with drains open.

6.5.4.3 For pressurized cabin heaters, with pressurized jacket, air leakage through the ventilating air shroud or casing shall not exceed 10 lbs/hr. at sea level and room temperature when air pressure of 16 psig is applied to the ventilating air passages.

6.5.4.4 When heater is to be used for wing-empennage anti-icing, the output shall be not less than 90% of the original rating after the life test. If the heater is to be used for cabin heating, the manufacturer shall record in the test report the heater output at the end of the life test.

6.5.5 *Igniter.* Whenever it becomes necessary due to ignition failure during the life test, the igniter may be cleaned, adjusted, or replaced. However, the igniter shall not require servicing or replacement more than twice during the life test of a wing-empennage heater or more than four times during the life test of a cabin heater.

6.5.6 *Fuel system.*

6.5.6.1 Whenever necessary due to stoppage or failure, the fuel orifice or nozzle may be cleaned or replaced. Such servicing shall not be required more than once during a wing-empennage heater life test or twice during a cabin heater life test.

6.5.6.2 The fuel shut off valve may be cleaned once during a wing-empennage heater life test and twice during a cabin heater life test. It shall not be cleaned, serviced, or replaced due to failure to close during the life test. At the end of the life test the valve leakage in the closed position with rated fuel pressure shall not exceed two cubic centimeters of fuel in ten minutes.

6.5.6.3 The fuel filter may be cleaned or the filter element replaced but the filter body shall not be replaced during the life test. At the end of the life test there shall be no leakage through the case or body.

6.5.7 *Safety controls.*

6.5.7.1 The device used to prevent the heater from becoming overheated shall not be serviced or replaced during the life test due to failure to shut off the heater. At the beginning of the life test and at the end of each test period (section 6.5.2 or 6.5.3), any cycling or intermediate controls shall be bypassed and the ventilating air rate gradually reduced over a period of 15 minutes to permit operation of this device. Operation shall be within ±25° F. of the value obtained at the beginning of the life test.

6.5.7.2 The device to prevent fuel flow when combustion air is insufficient for safe operation shall be sensitive to heater combustion air pressure differential or to combustion air pressure. The device may be an air actuated electrical switch designed for use with an electrical fuel shut off valve, or an air actuated mechanical valve designed to control the flow of fuel.

6.5.7.2.1 If an air actuated electrical switch is used, it shall be checked as follows at the end of each test period (section 6.5.2 or 6.5.3) with the heater in operation:

6.5.7.2.1.1 Reduce the combustion air differential pressure or combustion air pressure gradually (approximately 30 seconds) from normal rating to a point where the switch closes the electrical fuel shut off valve. The combustion air differential pressure or combustion air pressure at which the fuel shut off valve closes shall not be less than the minimum value required for safe heater operation. At the end of 15 minutes "fuel off" time, the combustion air differential pressure or combustion air pressure, as applicable, shall be gradually increased at the same rate and the switch shall open the electrical fuel shut off valve at or above the rated combustion air pressure differential.

6.5.7.2.2 If an air actuated mechanical fuel valve is used it shall be checked as follows at the end of each test period (sections 6.5.2 or 6.5.3):

6.5.7.2.2.1 With the heater operating and with the fuel shut off valve "open", the combustion air differential pressure shall be reduced gradually (approximately 30 seconds) from normal rating to value required for safe heater operation. Leakage through the air actuated mechanical fuel valve shall then be measured and shall not exceed two cubic centimeters in ten minutes. At the end of 15 minutes "fuel off" time, the combustion air differential pressure shall be gradually increased at the same rate and the valve shall permit rated fuel flow when the rated combustion air pressure differential is reached.

6.5.7.3 *Ignition system.*

6.5.7.3.1 If necessary, the high voltage device may be serviced or parts replaced once during the life test.

6.5.7.3.2 If necessary, the high voltage ignition lead assembly or equivalent may be serviced or replaced once during the life test.

6.5.7.4 Unless otherwise specified, items 6.5.7.1, 6.5.7.2, 6.5.7.2.1, 6.5.7.2.2, 6.5.7.3, and 6.5.7.3.2, if furnished separately, not as part of the heater, need not be tested more than once providing no changes are made in their design, construction, or adjustment.

6.5.7.5 In case of life test failure of one or more of the devices in items 6.5.7.1, 6.5.7.2, 6.5.7.2.1, 6.5.7.2.2, 6.5.7.3, and 6.5.7.3.2, the test may be continued to qualify the heater or devices that have not failed. A separate life test shall apply only to the failed device if necessary to establish reliability.

7. *Desirable features* (Not Mandatory).

7.1 *Operation.*

7.1.1 The operation of the heater and accompanying devices should require a minimum of moving parts.

7.1.2 The heater should start operation within five seconds at −65° F. at sea level and at its service ceiling, and should reach its maximum output within three minutes after being started.

7.1.3 The heater should be designed in such a manner as to preclude violent explosions on being started.

7.1.4 The heater should be designed in such a manner and made from such materials as to withstand deteriorating effects of high humidity, condensation, fungus, and abrasive particles in the air.

7.1.5 The heater and its accompanying devices should not be adversely affected if subjected to ambient temperatures up to 160° F. for indefinite periods.

7.1.6 The heater should be designed to give low air pressure drop at high altitudes.

7.1.7 Where necessary, additional devices such as the following, may be provided to improve heater operation.

7.1.7.1 Air pressure regulator.
7.1.7.2 Fuel pressure regulator.
7.1.7.3 Combustion air blower.
7.1.7.4 Ventilating air blower.
7.1.7.5 Fuel air ratio control.
7.1.7.6 Thermal cycling switch.
7.1.7.7 Cabin heat controls.

7.2 *Igniter.* The igniter should be accessible for quick replacement or servicing.

7.3 *Fuel nozzle.* The fuel nozzle should be accessible for quick replacement or servicing.

(2) *Application.* (i) Combustion heaters complying with the specifications appearing in this order are hereby approved for all aircraft. Heaters already approved may continue to be installed in aircraft:

(a) For which an application for original type certificate is made prior to the effective date of this order.

(b) The prototype of which is flown within one year after the effective date of this order, and

(c) The prototype of which is not flown within one year after the effective date of this order if due to causes beyond the applicant's control.

(ii) If an alteration involving a change in type or model of heater is made within nine months after the effective date of this order, previously approved types of heaters may be installed. However, in any such change made after the nine-month period, new types of heaters installed shall meet the specifications contained in this section.

(c) *Specific instructions*—(1) *Marking.* In addition to the identification information required in the referenced specification, each heater shall be permanently marked with the Technical Standard Order designation, FAA–TSO–C20, to identify the heater as meeting the requirements of this order in accordance with the manufacturers' statement of conformance outlined in subparagraph (5) of this paragraph. This identification will be accepted by the Administrator as evidence that the established minimum safety requirements for combustion heaters have been met.

(2) *Data requirements.* Ten copies of the following technical information shall be submitted by the manufacturer of the heater with his Statement of Conformance to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located:

(i) Rated combustion air flow rates (or pressure drop) including minimum safe rate and variation with altitude.

(ii) Rated ventilating air flow rates (or pressure drop) including minimum safe rate and variation with altitude.

(iii) Ignition characteristics curve established in accordance with section 6.1.1 of Specification AS143B.

(iv) Minimum operating voltage used for subdivision (iii) of this subparagraph.

(v) Maximum operating altitude.

(vi) Operating fuel pressure.

(vii) Installation diagram showing installation of safety devices necessary to achieve compliance with sections 4.2, 5.7 and 6.5.7 through 6.5.7.2.2.1 of Specification AS143B.

(viii) Recommended electrical arrangement and any necessary limitations and pressure or temperature settings which are considered essential to proper and safe installation and operation.

(3) *Effective date.* After June 15, 1949, specifications contained in this order will constitute the basis for approval of combustion heaters for use in certificated aircraft.

(4) *Deviations.* Requests for deviation from, or waiver of, the requirements of this order, which affect the basic airworthiness of the component, should be submitted for approval by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(5) *Conformance.* (i) The manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, a written statement of conformance signed by a responsible official of his company, setting forth that the heater to be produced by him meets the minimum safety requirements established in this order. This statement shall indicate whether the heater meets the standards for cabin or wing-empennage heaters as prescribed in SAE Aeronautical Standard AS–143B and whether it has met the standards of this specification pertinent to pressurized systems. Immediately thereafter distribution of the heaters conforming with the terms of this order may be started and continued.

(ii) The prescribed identification on the heater does not relieve the aircraft manufacturer or owner of responsibility for the proper application of the heater in his aircraft, nor waive any of the requirements concerning type certification of the aircraft in accordance with existing Federal Aviation Regulations.

(iii) If complaints of nonconformance with the requirements of this order are brought to the attention of the Administrator and investigation indicates that such complaints are justified. The Administrator takes appropriate action to restrict the use of the product involved.

(iv) Copies of this Technical Standard Order Library Services Division, HQ–630, Federal Aviation Agency, Washington, D.C., 20553.



§ 37.131 Special aircraft turnbuckle assemblies and/or turnbuckle safetying devices—TSO–C21a.

(a) *Applicability.* (1) Minimum performance standards: Minimum performance standards are hereby established for special turnbuckle assemblies and/or safetying devices which are to be used on civil aircraft of the United States.

(2) New models of special turnbuckle assemblies and/or safetying devices manufactured on or after July 1, 1958, shall meet the performance requirements as set forth in sections 3 and 4 of Military Specification MIL–T–5685A dated April 6, 1950,[1] with the additional tests, when applicable, listed below. Special turnbuckle assemblies and/or safetying devices already approved may continue to be used for the purposes for which approved.

(3) Tests: The following tests, when applicable, are required in addition to those set forth in MIL–T–5685A, and shall be conducted to substantiate the strength and reliability of special turnbuckle assemblies and/or safetying devices. A minimum of six samples each shall be used in conducting the tests for torsion, tension, fatigue (tensile), and fatigue (torsion).

(i) *Torsion.* At least one sample of each size turnbuckle assembly and safetying device shall be tested in torsion to determine that the torque necessary to overcome the turnbuckle thread friction and break the safetying device is equal to or greater than that required when the conventional safety wire is used in accordance with the safetying procedure recommended in Civil Aeronautics

[1] Copies may be obtained from the Commander, Air Materiel Command, Attn: MCSIFP–2, Wright-Patterson Air Force Base, Ohio, or from the Commanding Officer, Naval Aviation Supply Depot, 700 Robbins Ave., Philadelphia 11, Pa., Code AD.

Manual 4b.329–2 effective April 30, 1955 [20 F.R. 2278].

(ii) *Tension.* At least one sample of each size turnbuckle and safetying device assembly shall be tested to determine that the turnbuckle assembly (including safetying device) will not fail at any tensile load under the maximum (ultimate) tensile strength for which the comparable standard MIL or NAS turnbuckle is rated. For this test, the sample shall consist of the turnbuckle assembly (including safetying device) with a two (2) foot length of cable appropriately attached to each terminal (end) of the turnbuckle. In making the determination, the sample shall be tested for tensile strength in accordance with Federal Test Method Std. No. 151.[2] If the sample does not fail under the specified maximum load, it need not be tested further to destruction.

(iii) *Vibration.* At least one sample of each of 3 representative sizes of turnbuckle assemblies, i. e., the smallest, the largest, and an intermediate size, shall be vibrated to determine that the lock wire, or other safetying device which relies upon spring action or clamping to safety the turnbuckle, can be depended upon not to jump out of place or otherwise lose its safetying properties, under vibratory conditions apt to be encountered in aircraft service. It is suggested that a cable tension load equal to 25 percent of rated ultimate cable strength and a frequency of 3600 cpm with an overall amplitude of 1/8 inch (parallel to the axis of the hole through the barrel) for 25 hours, be used for this determination.

(iv) *Fatigue (tensile).* At least one sample of each size turnbuckle assembly shall be given a repeated load test, in which a load equal to two-thirds the ultimate tensile strength requirement is applied repeatedly in tension for 300 applications of the load without failure of any component part. For this test, the sample shall consist of the turnbuckle assembly (including safetying device) with a two (2) foot length of cable appropriately attached to each terminal (end) of the turnbuckle.

(v) *Fatigue (bending).* The safety wire used in the conventional lock wire safetying procedure recommended in CAM 4b.329–2 is not considered to be re-usable. If the safety device used with the special aircraft turnbuckle assembly is to be considered re-usable, at least three (3) samples of the shortest formed non-standard safety wire (or other finished safetying device) shall be tested by alternate fastening and unfastening of the wire (or other safetying device), to determine that the device will not break after repeated applications of the bending loads involved. 200 on and off cycles, simulating rough treatment apt to be experienced during maintenance should substantiate a reasonable service life. It is felt that the shortest safety wire (or other safetying device) will be subjected to the greatest bending stresses. However, if the stresses may be greater in a longer wire (or other safetying device) intended for a larger size turnbuckle, the larger size turnbuckle and the longer wire (or other safetying device) shall be used for this test.

(vi) *Fatigue (torsion).* At least one sample of each size turnbuckle assembly and/or safetying device shall be given a repeated load test in which a load equal to two-thirds the torque (determined in test No. 1 above) required to overcome the turnbuckle thread friction and break the conventional safety wire (CAM 4b.329–2) is applied in torsion first in one direction and then reversed for 3000 complete cycles of reversal without failure of any component part.

§ 37.132 Safety belts—TSO–C22c.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for safety belts which are to be used on civil aircraft of the United States. New models of safety belts manufactured for installation on civil aircraft on or after the effective date of this section shall meet the standards of National Aircraft Standards Specification 802, revised May 15, 1950,[1] with the exceptions covered in subparagraph (2) of this paragraph. Belts approved under prior issuances of this section may continue to be manufactured under the earlier provisions.

(2) *Exceptions.* (i) For the purpose of this section the strengths specified in section 4.1.1 of NAS 802 shall be 1,500 pounds and 3,000 pounds instead of 3,000 pounds and 6,000 pounds.

(ii) In complying with section 4.3.2.2 of NAS 802, the curved portion of the test form may be padded with no more than one inch of medium density sponge rubber, or equivalent, and covered with suitable fabric to simulate a person's body and clothing.

(iii) Synthetic material webbing which is not subject to loss of strength due to the influence of humidity, temperature variations, etc., need not be subjected to the first six-month retesting period specified in section 3.1.2 of NAS 802. Retesting at succeeding six-month periods will be necessary if the belt manufacturer is unable to ascertain by means of textile data available to him that the webbing is unaffected by ambient storage conditions for the period of time involved.

(iv) In complying with section 4.1.3 of NAS 802, the two-inch webbing width shall be considered a nominal width. Thus, after considering all manufacturing processes as are necessary such as weaving, dyeing, mildew proofing, flame resistance and abrasion treatments, a webbing width of $1\frac{15}{16}$ inches $\pm\frac{1}{16}$ inch shall be acceptable.

(v) The slots or openings in the hardware for attachment of the safety belt webbing shall not be less than two inches.

(b) *Marking.* (1) Each half of each safety belt shall be marked in accordance with § 37.7 except that the weight required by paragraph (c) of § 37.7 need not be shown and the rated strength of the safety belt assembly shall be shown, and

(2) In lieu of the marking requirement in paragraph (d) of § 37.7 the date of manufacture is required. The serial number may also be marked on the belt but not in lieu of the date of manufacture.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file on complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) One copy of the following shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located: A drawing of the complete belt assembly showing the manufacturer's part numbers together with a notation indicating the minimum webbing strength specified by the belt manufacturer. If the test belts were tested to destruction, the average strength of the belt assembly should also be indicated.

(d) *Quality control.* Each safety belt shall be produced under a quality control system, established by the manufacturer, which will assure that each belt is in conformity with the requirements of this standard. This system shall be described in the data required under paragraph (c) (2) of this section. The Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this standard.

§ 37.133 Parachutes—TSO C23b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for parachutes which are to be used in civil aircraft of the United States. New models of parachutes manufactured for use in civil aircraft of the United States on or after the effective date of this section shall meet the minimum performance standards of National Aircraft Standards Specification 804 dated August 24, 1949,[1] with the exceptions covered in subparagraph (2) of this paragraph. Parachutes approved prior to the effective date of this section may continue to be manufactured under the provisions of the original approval.

(2) *Exceptions.* (i) The auxiliary parachute used in combination with a standard parachute shall be designed for use in combination with the specific main parachute.

(ii) For the purpose of testing an auxiliary type parachute used in combination with a standard parachute the speed specified in section 4.3.8 of NAS Specification 804 shall be 25 feet per second instead of 21 feet per second.

(b) *Marking.* The auxiliary parachute and its pack shall be marked "Auxiliary Parachute" in addition to the

[2] Copies may be obtained from the General Services Administration, Business Service Center, Region 3, Seventh and D Streets, SW., Washington 25, D. C., for 70¢ each.

[1] Copies may be obtained from the National Standards Association, 616 Washington Loan and Trust Building, Washington 4, D.C.

[1] Copies may be obtained from the National Standards Association, 616 Washington Loan and Trust Building, Washington 4, D.C.



other marking requirements contained in § 37.7.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(d) *Quality control.* Each parachute shall be produced under a quality control system, established by the manufacturer, which will assure that each parachute is in conformity with the requirements of this section. This system shall be described in the data required under paragraph (c) (2) of this section. The Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

§ 37.134 Technical Standard Order C24: "Landing Flares".

(a) *Introduction.* (1) This Technical Standard Order is intended to serve as a criterion by which the product manufacturer may obtain approval of his landing flares.

(b) *Directive*— (1) *Provision.* (i) The performance requirements for landing flares as set forth in sections 4.1 and 4.3 of National Aircraft Standards Specification NAS 805 dated February 15, 1950,[1] stated below, are hereby established as minimum performance requirements for landing flares intended for use in civil aircraft.

1. *Applicable specifications.*
1.1 None.
2. *Types.*
2.1 This specification covers four types of landing flares suitable for use in certificated civil aircraft.
Class 1.
Class 1A.
Class 2.
Class 3.
3. *Material and workmanship.*
3.1 Materials shall be of a quality which experience and/or tests have conclusively demonstrated to be suitable for use in landing flares. Workmanship shall be consistent with high-grade landing flare manufacturing practice.
3.2 The flare body should be so sealed as to reduce to a minimum deterioration of the ignition element and to increase, insofar as possible the service life of the unit. All metal parts should be suitably protected against corrosion. All fabric except nylon material should be mildew-proofed.
4. *Detail requirements.*
4.1 *Design and construction.*
4.1.1 *Light duration.* Flares shall have a minimum light duration as follows:
Classes 1 and 1A—3 minutes.
Class 2—1½ minutes.
Class 3—1 minute.
4.1.2 *Light intensity.* Flares shall have a minimum light intensity as follows:
Classes 1 and 1A—300,000 candlepower.
Class 2—110,000 candlepower.
Class 3—70,000 candlepower.
4.1.3 *Rate of descent.* Flares shall have an average rate of descent not greater than 550 feet per minute.
4.1.4 *Delaying fuse.* Class 1A flares shall incorporate a 90 second plus or minus 10 seconds delaying fuse.
4.1.5 *Firing cord.* Flares incorporating a manual firing cord actuating cable shall have cord length not less than 20 feet.
4.2 *Marking and instructions.*
4.2.1 Each flare shall carry the following information legibly marked on or attached to the flare and the flare container:
Manufacturer's name.
Model number or model name.
Instructions for installation procedures and safety precautions.
Date of manufacture (month and year).
National Aircraft Standard Number NAS 805.
4.3 *Qualification tests.* The following qualification tests shall be conducted.
4.3.1 *Functional tests.* Five flares of each model shall be installed in an airplane according to the manufacturer's instructions and shall be dropped from an altitude adequate to insure complete burning of the flare prior to ground contact.
4.3.1.1 In the event that there is one failure out of the five flares subjected to the functional tests, five additional flares shall be subjected to the functional tests.
4.3.1.2 Failure of two or more flares out of the ten dropped shall be sufficient grounds for rejection. The flare model will be considered to be satisfactory only if all five original flares function satisfactorily or in the event of one failure in the original five, if the second five function satisfactorily.

(2) *Application.* (i) Landing flares complying with the specifications appearing in this Technical Standard Order are hereby approved for use in all aircraft. Landing flares already approved may continue to be installed in aircraft.

(ii) If an installation change involving a new type or model landing flare is made within nine months after the effective date of this section, previously approved types of landing flares may be installed. However, in any such change made after the nine-month period, new types of landing flares installed in aircraft shall meet the specifications contained herein.

(c) *Specific instructions*—(1) *Marking.* (i) In addition to the identification information required in the referenced specification, except that the NAS 805 number is not required) each flare shall be permanently marked with the Technical Standard Order designation, FAA–TSO–C24, to identify the landing flare as meeting the requirements of this section in accordance with the manufacturers' statement of conformance outlined below. The Administrator accepts this identification as evidence that the established minimum safety requirements for landing flares have been met.

(2) *Data requirements.* (i) None.

(3) *Effective date.* (i) After October 10, 1950, specifications contained in this section will constitute the basis for approval of landing flares for use in civil aircraft.

(4) *Deviations.* (i) Requests for deviation from, or waiver of, the requirements of this section, which affect the basic airworthiness of the component, should be submitted for approval by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(5) *Conformance.* (i) The manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, a written statement of conformance signed by a responsible official of his company, setting forth that the landing flares to be produced by him meet the minimum safety standards established in this section. Immediately thereafter distribution of the landing flares conforming with the terms of this section may be started and continued.

(ii) The prescribed identification on the landing flares does not relieve the aircraft manufacturer or owner of responsibility for the proper installation of the landing flares in his aircraft, nor waive any of the requirements concerning type certification of the aircraft in accordance with existing Federal Aviation Regulations.

(iii) If complaints of nonconformance with the requirements of this section are brought to the attention of the Administrator and investigation indicates that such complaints are justified, the Administrator takes appropriate action to restrict the use of the product involved.

(iv) Copies of this Technical Standard Order and other Technical Standard Orders may be obtained from the Library Services Division, HQ–630, Federal Aviation Agency, Washington, D.C., 20553.

§ 37.135 Aircraft seats and berths (Type I transport, 6g forward load)—TSO–C25a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft seats and berths (Type I transport, 6g forward load) which are to be used in civil aircraft of the United States. These standards apply to Type I transport seats for use in transport category aircraft for which an application for type certificate was made prior to March 5, 1952.[3] New models of seats and berths (Type I transport, 6g forward load) manufactured for installation in civil aircraft on or after January 15, 1957 shall meet the standards of National Aircraft Standard Specification 806, revised January 1, 1956,[4] with the changes and exceptions listed in subparagraph (2) of this paragraph. Seats and berths approved by the Civil Aeronautics Administration prior to January 15, 1957, may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* (i) The ultimate loads corresponding to the aircraft reduced weight gust load factor or the airplane designer's special requirements may exceed the ultimate down loads for Type I seats specified in subsection 4.1.2 of NAS 806. For the purpose of this section, in order to provide for such loading conditions, the ultimate down loads specified in Table I of 4.1.2 for Type I seats shall be 1,000 pounds (6g) instead of 765 pounds.

(ii) To insure that pilot and copilot seats will provide for the rearward loads

[1] Copies may be obtained from the American Aeronautical Forum, 527 Washington Loan and Trust Building, Washington 4, D. C.

[3] Standards for Types II, III, IV, and I (for installation in aircraft for which an application for type certificate was made after March 5, 1952), are contained in § 37.136 (TSO–C39).

[4] Copies may be obtained from the National Standards Association, 616 Washington Loan and Trust Building, Washington 4, D. C.

resulting from the application of pilot forces to the flight controls, such seats shall withstand a rearward load of 450 pounds. The load shall be applied 8 inches above the intersection of the seat back with the seat bottom.

(iii) The weight of the seat or berth times the appropriate "g" value shall be added to the design ultimate load specified in subdivision (i) of this subparagraph and in subsection 4.1.2 of NAS 806.

(iv) For the purpose of this section, 4.2 (c) of NAS 806 should read: "that the structure is capable of supporting without failure for at least 3 seconds the ultimate loads specified in this order when applied separately."

(b) *Marking.* The weight required in § 37.7 need not be included.

**§ 37.136 Aircraft seats and berths—TSO–C39.**

(a) *Applicability*—(1) *Minimum performance standards.* (i) Minimum performance standards are hereby established for aircraft seats and berths of the following types which are to be used in civil aircraft of the United States:

Type I—Transport (9g forward load).
Type II—Normal and utility.
Type III—Acrobatic.
Type IV—Rotorcraft.

(ii) New models of seats and berths manufactured for installation in civil aircraft on or after the effective date of this order shall meet the standards of National Aircraft Standards Specification 809, dated January 1, 1956,[4] with the exception in subparagraph (2) of this paragraph. Seats and berths approved by the Civil Aeronautics Administration prior to January 15, 1957, may continue to be manufactured under the provisions of their original approval.

(2) *Exception.* The sideward loads as specified in 4.1.2 Table I need not exceed the requirements of the applicable Federal Aviation Regulations.

(b) *Marking.* The weight required in § 37.7 need not be included.

**§ 37.137 Airborne radio marker receiving equipment operating on 75 mc. (for air carrier aircraft)—TSO–C35c.**

(a) *Applicability.* (1) Minimum performance standards are hereby established for airborne radio marker receiving equipment operating on 75 mc. which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne radio marker receiving equipment operating on 75 mc. manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the minimum performance standards contained in Federal Aviation Agency Standard entitled "Minimum Performance Standards for Airborne Radio Marker Receiving Equipment Operating on 75 mc.",[1] dated April 6, 1962, and Radio Technical Commission for Aeronautics Paper 120–61/DO–108[2] entitled, "Environmental Test Procedures Airborne Electronic Equipment", dated July 13, 1961, with the exceptions to these standards listed in subparagraph (2) of this paragraph.

(2) Radio Technical Commission for Aeronautics Paper 120–61/DO–108 outlines various test procedures which define the environmental extremes over which the equipment shall be designed to operate. Some test procedures have categories established and some do not. Where categories are established, only equipment which qualifies under the following categories, as specified in RTCA Paper 120–61/DO–108, is eligible under this order:

(i) Temperature-Altitude Test—Categories A, B, C, or D;

(ii) Humidity Test—Categories A or B;

(iii) Vibration Test—Categories A, B, C, D, E, or F;

(iv) Audio-Frequency Magnetic Field Susceptibility Test—Categories A or B;

(v) Radio-Frequency Susceptibility Test—Category A; and

(vi) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the marking requirements of § 37.7(d), the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlined in RTCA Paper 120–61/DO–108 which have categories established. These should be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120–61/DO–108. Reading from left to right, the category designations shall appear on the nameplate in the following order so that they may be readily identified:

(i) Temperature-Altitude Test Category;

(ii) Humidity Test Category;

(iii) Vibration Test Category;

(iv) Audio-Frequency Magnetic Field Susceptibility Test Category;

(v) Radio-Frequency Susceptibility Test Category;

(vi) Emission of Spurious Radio-Frequency Energy Test Category; and

(vii) Explosion Test.

(2) Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X". A typical nameplate identification would be as follows: Env. Cat. DABAAAX.

(3) In some cases such as under the Temperature-Altitude Test Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner: Env. Cat. $\frac{A}{D}$ABAAAAX.

(4) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment component is designed to operate.

(c) *Data requirements.* In accordance with the provisions of § 37.5, the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Six copies of the manufacturer's operating instructions and equipment limitations;

(2) Six copies of the installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(3) One copy of the manufacturer's test report.

**§ 37.138 VOR radio receiving equipment operating within the radio-frequency range of 108–118 megacycles (for air carrier aircraft)—TSO–C40a.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne VOR radio receiving equipment operating within the radio-frequency range of 108–118 megacycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne VOR radio receiving equipment manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Airborne VOR Receiving Equipment Operating Within the Radio Frequency Range of 108–118 Megacycles," as amended (Paper 225–55/DO–69 dated December 13, 1955, and amendment, Paper 253–58/EC–363 dated November 13, 1958).[3] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60[4] which is incorporated by reference in and thus is a part of Paper 225–55/DO–69 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* (i) Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne VOR radio receiving equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100–54/DO–60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 5–50 cps.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph and need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(b) *Marking.* In addition to the information required in § 37.7, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A—I.P.

(c) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(d) *Previously approved equipment.* Airborne VOR radio receiving equipment approved prior to September 1, 1959, may continue to be manufactured under the provisions of its original approval.

**§ 37.139 Airborne radio receiving and direction finding equipment operating within the radio frequency range of 200–415 kilocycles (for air carrier aircraft)—TSO–C41b.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne radio receiving and direction finding equipment operating within the radio frequency range of 200–415 kilocycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne radio receiving and direction finding equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the standards as set forth in Radio Technical Commission for Aeronautics Papers 158–61/DO–111[1] dated August 10, 1961, and 120–61/DO–108[2] dated July 13, 1961. Exceptions to these standards are listed in subparagraph (2) of this paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics Paper 120–61/DO–108 outlines various test procedures which define the environmental extremes over which the equipment shall be designed to operate. Some test procedures have categories established and some do not. Where categories are established, only equipment which qualifies under the following categories as specified in RTCA Paper 120–61/DO–108, is eligible under this order:

(i) Temperature-Altitude Test—Categories A, B, C, or D.

(ii) Humidity Test—Categories A or B.

(iii) Vibration Test—Categories A, B, C, D, E, or F.

(iv) Audio-Frequency Magnetic Field Susceptibility Test—Categories A or B.

(v) Radio-Frequency Susceptibility Test—Category A.

(vi) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Markings.* (1) In addition to the marking requirements of § 37.7(d), the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlined in RTCA Paper 120–61/DO–108 which have categories established. These should be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120–61/DO–108. Reading from left to right, the category designations should appear on the nameplate in the following order, so that they may be readily identified:

(i) Temperature-Altitude Test Category.

(ii) Humidity Test Category.

(iii) Vibration Test Category.

(iv) Audio-Frequency Magnetic Field Susceptibility Test Category.

(v) Radio-Frequency Susceptibility Test Category.

(vi) Emission of Spurious Radio-Frequency Energy Test Category; and

(vii) Explosion Test.

(2) Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X". A typical nameplate identification would be as follows: Env. Cat. DABAAAX.

(3) (i) Two classes of equipment are specified as follows:

(*a*) Class A—For equipment intended for operation in the European-Mediterranean area (EUM) and in other areas where the frequency and geographical separation of ground facilities and their output powers are similar to those in the (EUM) area.

(*b*) Class B—For equipment intended for operation in the United States and in other areas where the frequency and geographical separation of ground facilities and their output powers are similar to those in the United States area.

(ii) The class of the equipment shall be identified on the nameplate. Equipment which complies with both Class A and Class B requirements need only be marked as Class A equipment. A typical nameplate identification would be as follows: Env. Cat. DABAAAX Class A.

(4) In some cases, such as under the Temperature-Altitude Test Category, a manufacturer may elect to qualify his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner: Env. Cat. $\frac{A}{D}$ABAAAX Class A.

(5) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment component is designed to operate.

(c) *Data requirements.* In accordance with the provisions of § 37.5, the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Six copies of the manufacturer's operating instructions and equipment limitations;

(2) Six copies of the installation procedures with applicable schematic drawings, wiring diagrams, and specifications (indicate any limitations, restrictions, or other conditions pertinent to installation); and

(3) One copy of the manufacturer's test report.

**§ 37.140 Propeller feathering hose assemblies (rubber and wire braid construction)—TSO–C42a.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for propeller feathering hose assemblies of the following types which are to be used in civil aircraft of the United States:

(i) Type 1 (pressure line) hose assemblies which are intended to be used in the line connecting the feathering pump outlet to the propeller governor.

(ii) Type 2 (supply line "fire-resistant") hose assemblies which are intended to be used in the line connecting the oil supply to the feathering pump where this entire line is located aft of the firewall.

(iii) Type 3 (supply line "fireproof") hose assemblies which are intended to be

[1] Copies may be obtained upon request addressed to Library Services Division, HQ–630, Federal Aviation Agency, Washington, D.C., 20553.

[2] Copies of this paper may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets, NW., Washington, D.C., 20006, at a cost of 75 cents per copy.

[3] Copies of these papers may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C., 20006. Paper 225–55/DO–69, 30 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

[1] Copies of these papers may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C., 20006, Paper 158–61/DO–111, 60 cents per copy; Paper 120–61/DO–108, 75 cents per copy.

used in the line connecting the oil supply to the feathering pump where this line is located wholly or in part forward of the firewall.

New models of propeller feathering hose assemblies manufactured for use in civil aircraft on or after March 1, 1957, shall meet the "performance" section of Military Specification MIL–H–8795 (ASG) dated January 6, 1956,[1] or MIL–H–8790 dated August 22, 1956,[1] with the following exception and shall also meet the appropriate fire test requirements listed below.

(2) *Exception.* The hydraulic impulse test requirements in MIL–H–8795 (ASG) and MIL–H–8790 need not be met for the purposes of this section.

(3) *Pressure line (type 1) hose assembly fire test*—(i) *Test setup and flame requirements.* (a) For the purpose of this test, a length of hose five times the outside diameter or longer shall be subjected to a flame of the size and temperature specified in (*d*) and (*e*) of this subdivision while the hose is in a horizontal position. The entire end fitting shall also be subjected to this flame.

(*b*) The hose assembly shall be installed horizontally in the test setup in such a manner that it includes at least one full 90° bend so that the pressure existing inside the hose will exert an axial force on the end fitting equal to the inside area of the hose multiplied by the internal pressure.

(*c*) During the test the end fitting which is subjected to flame shall be vibrated at the rate of 2,000 cycles per minute through a total amplitude of not less than ⅛ inch, i. e., a displacement of 1/16 inch on each side of the neutral position.

(*d*) The flame temperature shall be 2,000° F., plus or minus 50° F. as measured within ¼ inch of the surface of the hose and end fitting at the point nearest the flame. Suitable shielded thermocouples or equivalent temperature measuring devices shall be used for measuring the flame temperature. A sufficient number of these shall be used to assure that the specified temperature exists at least along the entire end fitting and along the hose for a distance of not less than three times its outside diameter.

(*e*) The flame diameter shall not be less than three times the maximum diameter of the hose or three times the maximum diameter of the end fitting (whichever is greater). The length of the flame shall be such that it extends beyond the end fitting and hose when they are in place during the test, for a distance of not less than three times the maximum diameter of the hose or three times the maximum diameter of the end fitting, whichever is greater.

(*f*) During the test SAE 20 oil or equivalent shall be circulated through the hose assembly, and the oil shall enter the hose assembly at a temperature of not less than 200° F.

[1] Copies of these specifications may be obtained by addressing a request to the Commanding General, Air Materiel Command, Wright-Patterson Air Force Base, Dayton, Ohio.

NOTE: Items (*d*) and (*e*) of this subdivision, concerning flame size and distribution, will be revised in accordance with agreements reached with the SAE A–5 Flame Test Subcommittee, when its study of this problem is completed.

(ii) *Fire test procedure*—(*a*) *Part I.*

Pressure: 150 psi (minimum).
Oil flow rate: 1.3 quarts/minute (maximum).
Duration: 4 minutes, 30 seconds.

(*b*) *Part II (which shall immediately follow Part I).*

Pressure: 1,650 psi (minimum).
Oil flow rate: 14 quarts/minute (maximum; any lower flow rate is acceptable).
Duration: 30 seconds.

(iii) *Criteria for acceptability.* The hose assembly under test shall be considered acceptable if it complies with these test conditions without evidence of leakage.

(4) *Supply line "fire-resistant" (type 2) hose assembly fire test*—(i) *Test setup and flame requirements.* Same as subparagraph (3) (i) of this paragraph.

(ii) *Fire test procedure.*

Pressure: 30 psi (minimum).
Oil flow rate: 1.3 quarts/minute (maximum).
Duration: 5 minutes.

(iii) *Criteria for acceptability.* Same as subparagraph (3) (iii) of this paragraph.

(5) *Supply line "fireproof" (type 3) hose assembly fire test*—(i)—*Test setup and flame requirements.* Same as subparagraph (3) (i) of this paragraph.

(ii) *Fire test procedure.* Test shall be conducted as described in subparagraph (4) (ii) of this paragraph except that upon completion thereof test shall be extended for an additional 10 minutes, making the total duration 15 minutes.

(iii) *Criteria for acceptability.* Same as subparagraph (3) (iii) of this paragraph.

(*b*) *Marking.* The following marking is required in lieu of that specified in § 37.7:

(1) Name or trademark of the manufacturer responsible for compliance with this TSO.

(2) Model designation.

(3) Date of manufacture.

(4) Applicable TSO number, followed immediately by "Type Number" (as "Type 1", etc.). This identification must be legibly stampled on a steel (or other fireproof material) band securely affixed to the hose assembly.

### § 37.141 Aircraft position lights—TSO–C30b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for position lights which are to be used in civil aircraft of the United States.[1] New models of position lights manufactured for installation on civil aircraft on or after March 31, 1957, shall meet the standards set forth in SAE Specification AS271, "Aircraft Position Lights," dated October 15, 1952,[2] with the exception listed in subparagraph (2) of this paragraph. Position lights approved by the Civil Aeronautics Administration prior to March 31, 1957, may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* For the purpose of this section only the standards set forth in subsection 3.3 and section 4 (except subsection 4.3.2.3 and 4.7) need be complied with.

(*b*) *Marking.* In lieu of the marking requirements of paragraph (c) of § 37.7, the minimum lamp candle power or lamp part number shall be shown.

### § 37.142 Temperature indicators—TSO–C43.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for temperature indicators which specifically are required to be approved for use in civil aircraft of the United States. New models of temperature indicators manufactured for installation in civil aircraft on or after October 15, 1957, shall meet the standards set forth in SAE Aeronautical Standard AS–413A, "Temperature Indicator," dated December 15, 1954.[2] Temperature indicators approved by the Civil Aeronautics Administration prior to October 15, 1957, may continue to be manufactured under the provisions of their original approval.

(*b*) *Marking.* In lieu of the weight specified in § 37.7(c), the rating shall be shown.

(*c*) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

### § 37.143 Fuel flow meters—TSO–C44.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for fuel flow meters which specifically are required to be approved for use in civil aircraft of the United States. New models of fuel flow meters manufactured for installation in civil aircraft on or after October 15, 1957, shall meet the standards set forth in SAE Aeronautical Standard AS–407A, "Fuel Flow Meters," dated December 14, 1954.[1] Fuel flow meters approved by the Civil Aeronautics Administration prior to October 15, 1957, may continue to be manufactured under the provisions of their original approval.

(*b*) *Marking.* In lieu of the weight specified in § 37.7(c), the range and rating shall be shown.

(*c*) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

[1] The number and types of position lights for each aircraft category are established in Federal Aviation Regulations Parts 23, 25, 27 and 29 of this title. In general, air-carrier aircraft use all five types listed in AS271, section 2, while other aircraft are equipped with types I, II, and III only.

[2] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, New York.



each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

### § 37.144 Manifold pressure indicating instruments—TSO–C45.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for manifold pressure indicating instruments which specifically are required to be approved for use in civil aircraft of the United States. New models of manifold pressure indicating instruments manufactured for installation in civil aircraft on or after October 15, 1957, shall meet the standards set forth in SAE Aeronautical Standard AS–411, "Manifold Pressure Indicating Instruments," dated November 1, 1948.[1] Manifold pressure indicating instruments approved by the Civil Aeronautics Administration prior to October 15, 1957, may continue to be manufactured under the provisions of their original approval.

(*b*) *Marking.* In lieu of the weight specified in § 37.7(c), the range shall be shown.

(*c*) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

### § 37.145 Maximum allowable airspeed indicators—TSO–C46a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for maximum allowable airspeed indicators which specifically are required to be approved for use in civil aircraft of the United States. New models of maximum allowable airspeed indicators manufactured for installation in civil aircraft on or after October 15, 1957, shall meet the standards set forth in SAE Aeronautical Standard AS–418, "Maximum Allowable Airspeed Indicators," dated December 15, 1956.[1] Maximum allowable airspeed indicators approved by the Civil Aeronautics Administration prior to October 15, 1957, may continue to be manufactured under the provisions of the original approval.

(*b*) *Marking.* In lieu of the weight specified in § 37.7(c), the range shall be shown.

(*c*) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, New York.

### § 37.146 Pressure instruments—fuel, oil, and hydraulic—TSO–C47.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for pressure instruments—fuel, oil, and hydraulic—which specifically are required to be approved for use in civil aircraft of the United States. New models of pressure indicators—fuel, oil, and hydraulic—manufactured for installation in civil aircraft on or after October 15, 1957, shall meet the standards set forth in SAE Aeronautical Standard AS–408A, "Pressure Instruments—Fuel, Oil, and Hydraulic," dated December 15, 1954.[1] Pressure instruments—fuel, oil, and hydraulic—approved by the Civil Aeronautics Administration prior to October 15, 1957, may continue to be manufactured under the provisions of their original approval.

(*b*) *Marking.* In lieu of the weight specified in § 37.7(c), the rating and range shall be shown.

(*c*) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

### § 37.147 Carbon monoxide detector instruments—TSO–C48.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for carbon monoxide detector instruments which specifically are required to be approved for use in civil aircraft of the United States. New models of carbon monoxide detector instruments manufactured for installation in civil aircraft on or after October 15, 1957, shall meet the standards set forth in SAE Aeronautical Standard AS–412A, "Carbon Monoxide Detector Instruments," dated December 15, 1956.[1] Carbon monoxide detector instruments approved by the Civil Aeronautics Administration prior to October 15, 1957, may continue to be manufactured under the provisions of their original approval.

(*b*) *Marking.* In lieu of the weight specified in § 37.7(c), the rating shall be shown.

(*c*) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

### § 37.148 Electric tachometer: magnetic drag (for air carrier aircraft)—TSO–C49a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for electric tachometers which specifically are required to be approved for use on civil aircraft of the United States. New models of electric tachometers manufactured for installation on civil aircraft on or after October 15, 1960, shall meet the standards set forth in SAE Aeronautical Standard AS–404B, "Electric Tachometer: Magnetic Drag (Indicator and Generator)," dated February 1, 1959[1] with exceptions, additions, and substitutions to the standards listed in subparagraph (2) of this paragraph.[2] Electric tachometers approved prior to October 15, 1960, may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* (i) The following specifically numbered parts in AS–404B do not concern minimum performance and therefore are not essential to compliance with this section: Parts 3.1, 3.1.1, 3.1.2, 3.2, 3.2 (a) (b) (c) (d) (e) (f), 4.1.3.1, 4.1.3.2, 4.1.3.3, 4.1.3.4, and 4.1.3.5.

(ii) In lieu of part 7 in AS–404B, it is a requirement that tachometers covered by this section be capable of successfully passing the tests in parts 7.1 through 7.8.

(*b*) *Marking.* In addition to the markings specified in § 37.7, range and rating shall be shown.

(*c*) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) Six copies each of the following shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(i) Manufacturer's operating instructions and instrument limitations.

(ii) Drawing or photograph showing exploded view of instruments.

(iii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(d) *Quality control.* Each electric tachometer shall be produced under a quality control system, established by the manufacturer, which will assure that each tachometer is in conformity with the requirements of this section and is in condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. The Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

### § 37.149 Aircraft audio and interphone amplifiers (for air carrier aircraft)—TSO–C50a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft audio and interphone amplifiers which are to be used on civil aircraft of the United States engaged in air carrier operation. New models of aircraft audio and interphone amplifiers

[2] When electric tachometers are installed on civil aircraft, the installation must comply with the functional and installational requirements of Parts 23, 25, 27, or 29 of the Federal Aviation Regulations as applicable.

manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Aircraft Audio and Interphone Amplifiers," as amended (Paper 45–57/DO–78 dated March 15, 1957, and amendment, Paper 255–58/EC–365 dated November 13, 1958).[10] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60 [10] which is incorporated in by reference and thus is a part of Paper 45–57/DO–78 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only aircraft audio and interphone amplifiers which meet the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, are eligible under this section.

(b) *Marking.* In addition to the information required in § 37.7, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(d) *Previously approved equipment.* Airborne audio and interphone amplifiers approved prior to September 1, 1959, may continue to be manufactured under the provisions of their original approval.

**§ 37.150 Aircraft flight recorder—TSO–C51.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft flight recorders which specifically are required to be approved for use in civil aircraft of the United States. Aircraft flight recorders eligible for installation in civil aircraft shall meet the standards set forth in CAA–CAB Standard, "Aircraft Flight Recorder", dated June 12, 1958.[1]

(b) *Marking.* In addition to the markings in § 37.7, the rating (nominal voltage and wattage) shall also be marked on the recorder.

(c) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

**§ 37.151 Flight directors—TSO–C52a.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for flight directors which specifically are required to be approved for use on civil aircraft of the United States. New models of flight directors manufactured for installation on civil aircraft on or after the effective date of this section shall meet the standards set forth in SAE Aeronautical Standard AS–420A, "Flight Directors," revised November 15, 1959,[2] with exceptions and additions to the standards listed in subparagraph (2) of this paragraph.

(2) *Exceptions and additions.* (i) The following specifically numbered parts in AS–420A do not concern minimum performance and therefore are not essential to compliance with this section: parts: 3.1; 3.1.1; 3.1.2; 3.2(a), (b), (c), (d), (e); and 4.1.1.3.

(ii) In lieu of part 7, it is a requirement that flight directors covered by this section be capable of successfully passing the tests in parts 7.1 through 7.6.

(iii) Thermal shock: This test shall apply to any hermetically sealed components. The component shall be subjected to four cycles of exposure to water at 85°±2° C. and 5°±2° C. without evidence of moisture penetration or damage to coating or enclosure. Each cycle of the test shall consist of immersing the component in water at 85°±2° C. for a period of 30 minutes, and then within 5 seconds of removal from the bath, the component shall be immersed for a period of 30 minutes in the other bath maintained at 5°±2° C. This cycle shall be repeated continuously, one cycle following the other until four cycles have been completed. Following this test, the component shall be subjected to the Sealing test specified in subdivision (iv) of this subparagraph. No leakage shall occur as a result of this test.

(iv) Sealing: This performance test shall apply to each hermetically sealed instrument. The instrument shall be immersed in a suitable liquid, such as water. The absolute pressure of the air above the liquid shall then be reduced to approximately one inch of mercury (Hg) and maintained for one minute, or until air bubbles cease to be given off by the liquid, whichever is longer. The absolute pressure shall then be increased by 2½ inches Hg. Any bubbles coming from within the indicator case shall be considered as leakage and shall be cause for rejection. Bubbles which are the result of entrapped air in the various exterior parts of the case shall not be considered as leakage. Other test methods which provide evidence equal to the immersion test of the integrity of the instrument's seals may be used. If the instrument incorporates nonhermetically sealed appurtenances, such as a case extension, these appurtenances may be removed prior to the sealing test.

(v) In addition to paragraph 4.6.2, the indicating means shall be readily discernible under any lighting condition normally encountered in aircraft.

(b) *Marking.* In addition to the markings specified in § 37.7 range and rating shall be shown.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) *Quality control* of this section.)

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located:

(i) Manufacturer's operating instructions and instrument limitations.

(ii) Drawings of major components or photographs showing exploded views of instruments.

(iii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation with the statement of conformance certifying that the instrument conforms to this section.

(iv) One copy of the manufacturer's test report.

(d) *Quality control.* Each flight director shall be produced under a quality control system, established by the manufacturer, which will assure that each flight director is in conformity with the requirements of this section and is in condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. The Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Flight directors approved prior to the effective date of this section may continue to be manufactured under the provisions of their original approval.

**§ 37.152 Fuel and engine oil system hose assemblies (rubber or tetrafluoroethylene tube and wire braid construction)—TSO–C53a.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for new models of fuel and engine oil system hose assemblies [1] of the following types manufactured on or after the effective date of this section, which are to be used on civil aircraft of the United States. Fuel and engine oil system hose assemblies of the following types approved prior to the effective date of this section may continue to be manufactured under the provisions of their original approval.

(i) *Type A.* Non-fire-resistant "normal" temperature hose assemblies which are intended to be used in locations outside fire zones where the fluid and ambient air temperatures do not exceed 250° F.

(ii) *Type B.* Non-fire-resistant "high" temperature hose assemblies which are intended to be used in locations outside fire zones where the fluid and ambient air temperatures do not exceed 450° F.

(iii) *Type C.* Fire-resistant "normal" temperature hose assemblies which are intended to be used in locations within fire zones where the fluid and ambient air temperatures do not exceed 250° F.

(iv) *Type D.* Fire-resistant "high" temperature hose assemblies which are intended to be used in locations within fire zones where the fluid and ambient air temperatures do not exceed 450° F.

(a) New models shall comply with the following minimum requirements. Three samples of each size shall be tested.

(1) Type A hose assemblies shall comply with the "3.3 Performance" section requirements of Specification MIL–H–8795A, dated July 25, 1958,[2] except as noted in subparagraph (2) of this paragraph. The hose incorporated therein shall conform to "3.6 Performance" section of Specification MIL–H–8794A, dated July 25, 1958,[2] except as noted in subparagraph (2) of this paragraph.

(2) Type B hose assemblies shall comply with the "3.6 Performance" section of Specification MIL–H–25579 (USAF) Amendment 2, dated March 19, 1959,[2] except as noted in subparagraph (2) of this paragraph.

(3) Type C hose assemblies shall comply with the above requirements for Type A hose assemblies and in addition shall pass the fire test described in subparagraph (3) of this paragraph.

(4) Type D hose assemblies shall comply with the above requirements for Type B hose assemblies and in addition shall pass the fire test described in subparagraph (3) of this paragraph.

(2) *Exceptions.* (i) Type A hose assemblies are not required to comply with sections 3.6.1.2 and 3.6.2.7 of Specification MIL–H–8794A. The operating and proof pressures referred to in Table 1 of that specification shall be those values listed in the "Fuel" column thereof. The burst pressures to be utilized shall be twice the proof pressures listed in the "Fuel" column in Table 1. The foregoing shall likewise apply in showing compliance with Specification MIL–H–8795A.

(ii) Type B hose assemblies are not required to comply with sections 3.6.5, 3.6.7 and 3.6.10 of Specification MIL–H–25579 (USAF). The burst pressures to be utilized shall be twice the proof pressures listed in Table 1 of that specification.

(3) *Fire test procedure and requirements.* A description of the standard fire test apparatus and its use is in FAA "Standard Fire Test Apparatus and Procedure" (Power Plant Engineering Report No. 3).[3] The use of a protective sleeve over the hose and/or end fittings is permitted to facilitate compliance with the fire test requirements. Sleeves or covers shall be secured to the hose assembly so that fire-resistant properties will be maintained.

(i) Oil pressure during fire test: Type C hose assemblies—the operating pressure specified in the "Fuel" column of Table 1 in Specification MIL–H–8795A. Type D hose assemblies—the operating pressure specified in Table 1 of Specification MIL–H–25579 (USAF).

(ii) Oil flow rate: 5×(Hose assembly actual ID in inches).[3] Example: Flow rate for −16 size=5×(⅞)[3]=3.8 GPM).

(iii) Duration: 5 minutes.

(iv) Criteria for acceptability: The hose assembly shall be considered acceptable if it complies with these test conditions without evidence of leakage.

(b) *Marking.* The markings required are specified in § 37.7 with the following exceptions:

(1) Trademark may be used in lieu of name, and manufacturer's address is not required.

(2) In lieu of the weight specified in paragraph (c) of § 37.7, the size of the hose assembly shall be shown.

(3) The applicable TSO number shall be followed immediately by the appropriate type designation, as TSO–C53–Type B. Where a protective sleeve is employed, the information should be legibly stamped on a steel (or other fireproof) band securely affixed to the hose assembly.

(c) *Data requirements.* The following information and data should be submitted with the letter of conformance.

(1) One copy of drawing showing the hose assembly construction, materials, part numbers and the recommended maximum and minimum fluid and ambient temperatures for continuous operation. The following data should be shown for each size: Proof and burst pressure (minimum), Operating pressure (maximum), Bending radius (minimum).

(2) One copy of any installation instructions and/or other pertinent information (may be shown on drawing).

**§ 37.153 Stall warning instruments—TSO–C54.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for stall warning instruments which specifically are required to be approved for use on civil aircraft of the United States. New models of stall warning instruments manufactured for installation on civil aircraft on or after the effective date of this section shall meet the standards set forth in SAE Aeronautical Standard AS 403A, "Stall Warning Instrument," revised July 15, 1958,[1] with exceptions, and additions to the standards listed in subparagraph (2) of this paragraph.

(2) *Exceptions and additions.* (i) The following specifically numbered parts in AS 403A do not concern minimum performance and therefore are not essential to compliance with this section: Parts 3.1; 3.1.1; 3.1.2; 3.2(a), (b), (c), (d), (e), and (f).

(ii) In lieu of Part 7 of AS 403A, it is a requirement that stall warning instruments covered by this section be capable of successfully passing the tests in Parts 7.1 through 7.7 of AS 403A.

(iii) Thermal shock: This test shall apply to any hermetically sealed component. The component shall be subjected to four cycles of exposure to water at 85°±2° C. and 5°±2° C. without evidence of moisture penetration or damage to coating or enclosure. Each cycle of the test shall consist of immersing the component in water at 85°±2° C. for a period of 30 minutes, and then within 5 seconds of removal from the bath, the component shall be immersed for a period of 30 minutes in the other bath maintained at 5°±2° C. This cycle shall be repeated continuously, one cycle following the other until four cycles have been completed. Following this test, the indicator shall be subjected to the Sealing test specified in subdivision (iv) of this subparagraph. No indicator leakage shall occur as a result of this test.

(iv) Sealing: This performance test shall apply to each hermetically sealed instrument. The instrument shall be immersed in a suitable liquid, such as water. The absolute pressure of the air above the liquid shall then be reduced to approximately 1 inch of mercury (Hg) and maintained for 1 minute, or until air bubbles cease to be given off by the liquid, whichever is longer. The absolute pressure shall then be increased by 2½ inches Hg. Any bubbles coming from within the indicator case shall be considered as leakage and shall be cause for rejection. Bubbles which are the result of entrapped air in the various exterior parts of the case shall not be considered as leakage. Other test methods which provide evidence equal to the immersion test of the integrity of the instrument's seals may be used. If the instrument incorporates nonhermetically sealed appurtenances, such as a case extension, these appurtenances may be removed prior to the sealing test.

(v) Power malfunction indication: Means shall be incorporated in the instrument to indicate when adequate power (voltage and/or current) is not being made available to all phases required for the proper operation of the

[10] Copies of these papers may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C., 20006. Paper 45–57/DO–78, 25 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

[1] Copies may be obtained from the Library Services Division, HQ–630, Federal Aviation Agency, Washington, D.C., 20553.

[2] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, N.Y.

[1] Hose assemblies for use in propeller feathering lines are covered in TSO–C42.

[2] Copies of these specifications may be obtained by addressing a request to: Commander, USAF, Administrative Services Office, Attention RWBFE, Wright-Patterson Air Force Base, Ohio.

[3] Copies of Power Plant Engineering Report No. 3 may be obtained by addressing a request to Library Services Division, HQ–630, Federal Aviation Agency, Washington, D.C., 20553.

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, N.Y.

instrument. The indicating means shall indicate a failure or a malfunction in a positive manner, and be readily discernible under any lighting condition normally encountered in aircraft.

(b) *Marking.* In addition to the markings specified in § 37.7 range or rating (voltage) shall be shown.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product.

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(i) Manufacturer's operating instructions and instrument limitations.

(ii) Drawings of major components or photographs showing exploded views of instruments.

(iii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications, including any limitations, restrictions, or other conditions pertinent to installation.

(iv) One copy of the manufacturer's test report.

(d) *Quality control.* Each stall warning instrument shall be produced under a quality control system, established by the manufacturer, which will assure that each stall warning instrument is in conformity with the requirements of this section and is in condition for safe operation. This system shall be described in the data required under paragraph (c) (2) of this section. The Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this standard.

(e) *Previously approved equipment.* Stall warning instruments approved prior to the effective date of this section may continue to be manufactured under the provisions of their original approval.

**§ 37.154 Fuel and oil quantity instruments (for reciprocating engine aircraft)—TSO–C55.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for fuel and oil quantity instruments (for reciprocating engine aircraft) which specifically are required to be approved for use on civil aircraft of the United States. New models of fuel and oil quantity instruments (for reciprocating engine aircraft) manufactured for installation on civil aircraft on or after April 1, 1959, shall meet the standards set forth in SAE Aeronautical Standard AS–405B, "Fuel and Oil Quantity Instruments," dated July 15, 1958,[1] with the exceptions listed in subparagraph (2) of this paragraph. Fuel and oil quantity instruments (for reciprocating engine aircraft) approved prior to April 1, 1959, may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* (i) Conformance with the following sections is not required: 3.1; 3.1.1; 3.1.2; 3.2; 4.2.1.

(ii) Substitute the following for section 7.: "Performance tests: The following tests, in addition to any others deemed necessary by the manufacturer, shall be the basis for determining compliance with the performance requirements of this standard."

(b) *Marking.* In lieu of the weight specified in § 37.7(c), the following shall be shown:

(1) Instrument type (I or II),

(2) Range,

(3) Rating if applicable, i.e., electrical, vacuum, etc.

(c) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division Federal Aviation Agency, in the region in which the manufacturer is located.

**§ 37.155 Engine-driven direct current generators for aircraft certificated under Part 25—TSO–C56.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for engine-driven direct current generators which are to be used on civil aircraft of the United States certificated under Part 25. New models of engine-driven direct current generators manufactured for use on civil aircraft on or after April 1, 1959, shall meet the minimum performance standards as set forth below.

(i) *Test conditions.* Unless otherwise specified in this section, each test shall be made under the following conditions:

(a) *Mounting.* The generator shall be mounted on a suitable drive stand capable of driving the generator continuously within the speed range. The longitudinal axis of the generator shall be horizontal.

(b) *Excitation.* The generator shall be self-excited and controlled by a suitable variable resistance in series with the shunt field. The shunt field current shall not be considered as part of the generator load current.

(c) *Ambient temperature.* The ambient temperature shall be 95°±9° F.

(d) *Altitude.* The tests shall be run at approximately sea level altitude.

(e) *Location of load.* The load for the generator shall be so located that it will not appreciably affect the ambient temperature or the blast-cooling air temperature (if blast cooling is used).

(f) *Warm-up.* Prior to the test, the generator shall be operated at continuous operating speed delivering rated load at rated voltage for sufficient time to reach a substantially constant temperature.

(ii) *Test methods*—(a) *Manufacturer's declaration.* The manufacturer shall declare the following generator ratings and characteristics. (These values are the "rated" and "declared" quantities referred to in subsequent paragraphs describing test methods.)

(1) Rated terminal voltage.

(2) Rated load current.

(3) Minimum blast cooling requirement (if blast cooling is to be used).

(4) Rated speed range.

(5) Continuous operating speed.

(6) Minimum speed for regulation.

(7) Maximum speed for regulation.

(8) Maximum overspeed.

(9) Minimum and maximum external field resistance in series with the shunt field.

(10) Maximum operating altitude.

(11) Allowable brush and commutator wear.

(12) Maximum static torque.

(13) Equalizing voltage (if provided) at rated load current.

(14) Overhang moment, with respect to the drive pad.

(b) *Maximum speed for regulation.* The generator shall not be given an operational warm-up prior to this test. The generator shall be operated at the maximum speed for regulation and it shall deliver the rated terminal voltage at no load with no more than the declared maximum external field resistance in series with the shunt field.

(c) *Heating, commutation, minimum speed and equalizing voltage.* Provision shall be made for determining speed, terminal voltage, load current, field voltage, field current and the resistance in series with the shunt field. The declared minimum blast cooling requirement shall be supplied to the generator air inlet. The temperature of the cooling air shall be determined by means of a suitable temperature indicating device whose responsive element is located within the cooling air duct. While the generator is cold, the resistance and temperature of the shunt field shall be determined for use in calculating the field temperature rise (average) during continuous operation at the declared full load current. The generator shall be considered to have reached a continuous operating condition when the rate of rise of the shunt field temperature, above the then existing ambient temperature, does not exceed 2° F. in five minutes.

(1) *Heating.* The ability of the generator to deliver the rated load current at rated terminal voltage at the declared continuous operating speed shall be demonstrated. Immediately following the above run, the ability of the generator to deliver rated load current at rated terminal voltage for both the minimum speed for regulation and the maximum rated speed shall be demonstrated. Following this test, the generator shall demonstrate its ability to deliver rated load current at minimum rated speed, at a terminal voltage not less than 85 percent of the rated terminal voltage.

(2) *Commutation.* Immediately following the above heat runs, with the generator hot, the commutation of the generator shall be observed over the rated speed range for no load, half load, and rated load current. There shall be no more than fine, pin-point sparking of the brushes during this test.

(3) *Minimum speed.* At no time during the above heat runs shall the required resistance external to the shunt field be less than the declared minimum external field resistance.

(4) *Equalizing voltage.* Where an equalizing voltage is provided, it shall be within 5 percent of the declared equalizing voltage when the generator is stabilized in temperature and operating at rated load current at the declared continuous operating speed. The declared minimum blast cooling requirement shall be supplied at the generator air inlet.

(d) *Overspeed.* This test shall be made while the generator is hot as a result of testing and shall be made at no load with the field circuit open and at the declared maximum overspeed. The generator shall demonstrate its ability to operate under overspeed conditions for five minutes without mechanical failure, throwing of varnish, or impairing electrical performance.

(e) *Dielectric strength.* While the generator is hot as a result of testing, it shall withstand the following test voltage at commercial frequency, applied between windings, and between each winding and frame, for the specified time:

500 volts (rms) for one minute, or
600 volts (rms) for one second.

(f) *Ripple voltage.* Ripple voltage shall be determined by means of a peak reading vacuum tube voltmeter in series with a 4.0 microfarad capacitor. The generator shall be operated at 120 percent of minimum rated speed at 50 percent of rated load current, with a manually operated field rheostat, and without a battery in parallel. Peak voltage readings shall be taken with the voltmeter successively connected for each of the two polarities and the higher of the two readings shall not exceed 1.5 volts.

(g) *Humidity.* The relative humidity for this test shall be 95±5 percent. Subject equipment to test condition at 160°±4° F. for six hours. The heat source shall be turned off for 16 hours without changing total moisture content in the test space. During the 16-hour period, the temperature shall drop to 100° F. or less. The test shall be repeated ten times, allowing a two-hour period to stabilize to 160° F. Check for corrosion, distortion, and general deterioration. At the end of this test, the generator shall deliver rated load current at the declared continuous operating speed for two hours.

(h) *Flexible drive.* The flexible drive test shall be conducted on a universal joint torsional vibration machine which has a fly-wheel of at least 20 times the amount of inertia of the generator armature being tested. Testing procedure shall be as follows:

(1) 100 hours with ±1 degree torsional amplitude input to drive shaft at critical frequencies. The flexible drive shall limit the armature amplitude within ±5 degrees.

(2) 50 hours with ±2 degrees torsional amplitude input to drive shaft at frequencies of 20 to 24 cps. The flexible drive shall limit the armature amplitude within ±7 degrees.

(3) 15 minutes with ±2 degrees torsional amplitude input to drive shaft at critical frequencies. The flexible drive shall limit the armature amplitude within ±7 degrees.

(i) *Performance of commutator, bearings, and brushes.* The generator shall be operated under the following conditions. New brushes may be installed for this test.

(1) 100 hours at the declared continuous operating speed, at rated load current with the test conditions specified in subdivision (i) of this subparagraph.

(2) Four continuous cycles consisting of the following: 24 hours at the declared continuous operating speed and rated load current, at altitude conditions approximating 115 percent of the declared maximum operating altitude. The ambient temperature (and cooling air temperature, if blast cooling is used) shall be related to the test altitude by the formula $T=104-(0.005)h$ (where $T$ is the temperature in degrees F. and $h$ is the test altitude in feet), except that the lower temperature limit, regardless of altitude, shall be −67° F.; at least one hour at the declared continuous operating speed and rated load current, with the test conditions specified in subdivision (i) of this subparagraph. The time interval between successive 24-hour runs at altitude shall not exceed two hours. The rate of change of altitude need not be controlled, but the temperature at any transition altitude shall be within 18° F. of that obtained from the temperature-altitude formula above.

(3) Two continuous cycles consisting of the following: Nine hours at the declared continuous operating speed and 75 percent rated load current, at altitude conditions approximating 115 percent of the declared maximum operating altitude. The ambient temperature (and cooling air temperature, if blast cooling is used) shall be related to the test altitude by the formula $T=160-(0.004)h$ (where $T$ is the temperature in degrees F. and $h$ is the test altitude in feet); at least one hour at the declared continuous operating speed and 75 percent rated load current, with the test conditions specified in subdivision (i) of this subparagraph. The time interval prior to each nine-hour run at altitude shall not exceed two hours. The rate of change of altitude need not be controlled, but the temperature at any transition altitude shall be within 18° F. of that obtained from the temperature-altitude formula above.

(4) Evaluation of results of tests (1), (2), and (3) above: Cumulative brush or commutator wear shall not exceed 20 percent of the declared allowable wear after tests (1) and (2) and shall not exceed 4 percent of the declared allowable wear after test (3). No mechanical failure or electrical malfunction shall occur during this test.

(j) *Drive shear section.* Sufficient torsional force shall be applied to the drive shear section (or to the armature shaft itself, if no shear section is provided) to result in its failure. The necessary torque indicating instrumentation shall be provided. Failure shall occur at an applied torque of less than the declared maximum static torque.

(b) *Marking.* In addition to the marking required in § 37.7, the nameplate shall contain the following information:

(1) Rated terminal voltage.

(2) Rated load current.

(3) Rated speed range.

(c) *Data requirements.* The manufacturer shall submit a tabulation of the declared generator ratings and characteristics (called for in paragraph (a) (1) (ii) (a) of this section to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

**§ 37.156 Aircraft headsets and speakers (for air carrier aircraft)—TSO–C57.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft headsets and speakers which are to be used on civil aircraft of the United States engaged in air carrier operations. New models of aircraft headsets and speakers manufactured for use on civil aircraft on or after August 14, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Aircraft Headsets and Speakers" (Paper 257–58/DO–90 dated November 18, 1958).[1] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60[1] which is incorporated by reference in and thus is a part of Paper 257–58/DO–90 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. Exceptions to these standards are covered in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only aircraft headsets and speakers which meet the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, are eligible under this section.

(ii) Radio Technical Commission for Aeronautics' Paper 257–58/DO–90 dated November 18, 1958, paragraph 2.3, Pilot Operated Gain Control. The provisions of this paragraph are applicable only to attenuators which are a part of the headset assembly.

(b) *Marking.* In addition to the information required in § 37.7, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions as out-

[1] Copies may be obtained from the Society of Automotive Engineers, Inc., 485 Lexington Avenue, New York 17, New York.

[1] Copies of these papers may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C., 20006. Paper 257–58/DO–90, 25 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

lined in Procedure B of this same paper, as amended, shall be marked as Category B equipment.

(c) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(d) *Previously approved equipment.* Aircraft headsets and speakers approved prior to August 14, 1959, may continue to be manufactured under the provisions of their original approval.

**§ 37.157 Aircraft microphones (for air carrier aircraft)—TSO–C58.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft microphones which are to be used on civil aircraft of the United States engaged in air carrier operations. New models of aircraft microphones manufactured for use on civil aircraft on or after August 14, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Aircraft Microphones" (Paper 258–58/DO–91 dated November 18, 1958).[2] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60 [3] which is incorporated by reference in and thus is a part of Paper 258–58/DO–91 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedure A, B, and C. Only aircraft microphones which meet the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, are eligible under this section.

(b) *Marking.* In addition to the information required in § 37.7, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions as outlined in Procedure B of this same paper, as amended, shall be marked as Category B equipment.

(c) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(d) *Previously approved equipment.* Aircraft microphones approved prior to August 14, 1959, may continue to be manufactured under the provisions of their original approval.

**§ 37.158 High frequency (HF) radio communication transmitting equipment operating within the radio frequency range of 1.5–30 megacycles (for air carrier aircraft)—TSO–C31b.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne high frequency radio communication transmitting equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne HF radio communication transmitting equipment manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Airborne Radio Communication Transmitting Equipment Operating Within the Radio-Frequency Range of 1.5–30 Megacycles," as amended (Paper 14–53/DO–48 dated January 26, 1953, and amendment, Paper 247–58/EC–357, dated November 13, 1958).[1] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60 [3] which is incorporated by reference in and thus is a part of Paper 14–53/DO–48 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne high frequency radio communication transmitting equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(b) *Marking.* In addition to the information required in § 37.7, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(d) *Previously approved equipment.* Airborne high frequency radio communication transmitting equipment approved prior to September 1, 1959, may continue to be manufactured under the provisions of its original approval.

**§ 37.159 High frequency (HF) radio communication receiving equipment operating within the radio frequency range of 1.5–30 megacycles (for air carrier aircraft)—TSO–C32b.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne high frequency radio communication receiving equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne HF radio communication receiving equipment manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Airborne Radio Communication Receiving Equipment Operating Within the Radio Frequency Range of 1.5–30 Megacycles," as amended (Paper 15–53/DO–49 dated January 26, 1953, and amendment, Paper 248–58/EC–358 dated November 13, 1958).[2] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60 [3] which is incorporated by reference in and thus is a part of Paper 15–53/DO–49 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedure A, B, and C. Only airborne high frequency radio communication receiving equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(b) *Marking.* In addition to the information required in § 37.7, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(d) *Previously approved equipment.* Airborne high frequency radio communication receiving equipment approved prior to September 1, 1959, may continue to be manufactured under the provisions of its original approval.

**§ 37.160 Airborne ILS glide slope receiving equipment (for air carrier aircraft)—TSO–C34b.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne ILS glide slope receiving equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne ILS glide slope receiving equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the minimum performance standards contained in Federal Aviation Agency Standard entitled "Minimum Performance Standards for Airborne ILS Glide Slope Receiving Equipment",[1] dated May 9, 1962, and Radio Technical Commission for Aeronautics Paper 120–61/DO–108 [2] entitled, "Environmental Test Procedures Airborne Electronic Equipment", dated July 13, 1961, with the exceptions to these standards as listed in subparagraph (2) of the paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics Paper 120–61/DO–108 outlines various test procedures which define the environmental extremes over which the equipment shall be designed to operate. Some test procedures have categories established and some do not. Where categories are established, only equipment which qualifies under the following categories, as specified in RTCA Paper 120–61/DO–108, is eligible under this order:

(i) Temperature-Altitude Test—Categories A, B, C, or D.

(ii) Humidity Test—Categories A or B.

(iii) Vibration Test—Categories A, B, C, D, E, or F.

(iv) Audio-Frequency Magnetic Field Susceptibility Test—Categories A or B.

(v) Radio-Frequency Susceptibility Test—Category A.

(vi) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 37.7(d), the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlined in RTCA Paper 120–61/DO–108 which have categories established. These should be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120–61/DO–108. Reading from left to right, the category designations shall appear on the nameplate in the following order so that they may be readily identified:

(i) Temperature—Altitude Test Category.

(ii) Humidity Test Category.

(iii) Vibration Test Category.

(iv) Audio-Frequency Magnetic Field Susceptibility Test Category.

(v) Radio-Frequency Susceptibility Test Category.

(vi) Emission of Spurious Radio-Frequency Energy Test Category.

(vii) Explosion Test.

(2) Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X". A typical nameplate identification would be as follows: Env. Cat. DABAAAX.

(3) In some cases such as under the Temperature-Altitude Test Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner: Env. Cat. $\frac{A}{D}$ABAAAX.

(4) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturers' name, TSO number, and the environmental categories over which the equipment component is designed to operate.

(c) *Data requirements.* Six copies each of the following, except where noted, together with the statement of conformance, shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located:

(1) Manufacturer's operating instructions and equipment limitations.

(2) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(3) One copy of the manufacturer's test report.

**§ 37.161 Airborne ILS localizer receiving equipment operating within the radio-frequency range of 108–112 megacycles—TSO–C36b.**

(a) *Applicability.* (1) Minimum performance standards are hereby established for airborne ILS localizer receiving equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne ILS localizer receiving equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the minimum performance standards contained in Federal Aviation Agency Standard entitled "Minimum Performance Standards for Airborne ILS Localizer Receiving Equipment",[1] dated June 15, 1962, and Radio Technical Commission for Aeronautics Paper 120–61/DO–108 entitled "Enviromental Test Procedures Airborne Electronic Equipment",[2] dated July 13, 1961, with the exceptions to these standards listed in subparagraph (2) of this paragraph.

(2) Radio Technical Commission for Aeronautics Paper 120–61/DO–108 outlines various test procedures which define the environmental extremes over which the equipment shall be designed to operate. Some test procedures have categories established and some do not. Where categories are established, only equipment which qualifies under the following categories, as specified in RTCA Paper 120–61/DO–108, is eligible under this order:

(i) Temperature-Altitude Test—Categories A, B, C, or D;

(ii) Humidity Test—Categories A or B;

(iii) Vibration Test—Categories A, B, C, D, E, or F;

(iv) Audio-Frequency Magnetic Field Susceptibility Test—Categories A or B;

(v) Radio-Frequency Susceptibility Test—Category A; and

(vi) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 37.7(d), the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlined in RTCA Paper 120–61/DO–108 which have categories established. These should be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120–61/DO–108. Reading from left to right, the category designations shall appear on the nameplate in the following order so that they may be readily identified:

(i) Temperature-Altitude Test Category;

(ii) Humidity Test Category;

(iii) Vibration Test Category;

(iv) Audio-Frequency Magnetic Field Susceptibility Test Category;

(v) Radio-Frequency Susceptibility Test Category;

(vi) Emission of Spurious Radio-Frequency Energy Test Category; and

(vii) Explosion Test.

(2) Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X". A typical nameplate identifica-

[2] Copies of these papers may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C., 20006. Paper 258–58/DO–91, 25 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

[1] Copies of these papers may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C., 20006. Paper 14–53/DO–48, 30 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

[3] Copies of these papers may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C., 20006. Paper 15–53/DO–49, 25 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

[1] Copies may be obtained upon request addressed to Library Services Division, HQ–630, Federal Aviation Agency, Washington, D.C., 20553.

[2] Copies of this paper may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C., 20006, at a cost of 75 cents per copy.

[1] Copies may be obtained upon request addressed to Library Services Division, HQ–630, Federal Aviation Agency, Washington, D.C., 20553.

[2] Copies of this paper may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C., 20006, at a cost of 75 cents per copy.

tion would be as follows: Env. Cat. DABAAAX.

(3) In some cases such as under the Temperature-Altitude Test Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner: Env Cat. $\frac{A}{D}$ABAAAAX.

(4) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment component is designed to operate.

(c) *Data requirements.* In accordance with the provisions of § 37.5 the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Six copies of the manufacturer's operating instructions and equipment limitations;

(2) Six copies of the installation procedures with applicable schematic drawings, wiring diagrams, and specifications, indicating any limitations, restrictions, or other conditions pertinent to installation; and

(3) One copy of the manufacturer's test report.

**§ 37.162 VHF radio communications transmitting equipment operating within the radio-frequency range of 118–136 megacycles—TSO–C37b.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne VHF radio communications transmitting equipment operating within the radio-frequency range of 118–136 megacycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne VHF radio communications transmitting equipment manufactured for use on air carrier aircraft on or after the effective date of this section shall meet the standards as set forth in Radio Technical Commission for Aeronautics Papers 134–61/DO–110 [1] dated July 13, 1961, and 120–61/DO–108 [1] dated July 13, 1961, with the exceptions to these standards listed in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) Only VHF transmitters which are designed for selection of frequency channels on discrete frequencies spaced 50 kc. apart or closer are eligible under this section.

(ii) Radio Technical Commission for Aeronautics Paper 120–61/DO–108 outlines various test procedures which define the environmental extremes over which the equipment shall be designed to operate. Some test procedures have categories established and some do not. Where categories are established, only equipment which qualifies under the following categories, as specified in RTCA Paper 120–61/DO–108, is eligible under this section:

(a) Temperature-Altitude Test—Categories A, B, C, or D;

(b) Humidity Test—Categories A or B;

(c) Vibration Test—Categories A, B, C, D, E, or F;

(d) Audio-Frequency Magnetic Field Susceptibility Test—Categories A or B;

(e) Radio-Frequency Susceptibility Test—Category A; and

(f) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 37.7 the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlined in RTCA Paper 120–61/DO–108 which have categories established. These shall be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120–61/DO–108. Reading from left to right, the category designations shall appear on the nameplate in the following order, so that they may be readily identified:

(i) Temperature-Altitude Test Category;

(ii) Humidity Test Category;

(iii) Vibration Test Category;

(iv) Audio-Frequency Magnetic Field Susceptibility Test Category;

(v) Radio-Frequency Susceptibility Test Category;

(vi) Emission of Spurious Radio-Frequency Energy Test Category; and

(vii) Explosion Test.

Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirements shall be identified by the letter "X".

(2) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment component is designed to operate.

(3) The equipment shall be marked to indicate the distance range over which it is designed to operate. Three classes of equipment have been established in RTCA Paper 134–61/DO–110 based upon maximum radio line-of-sight distances as follows:

Class I: 200 nautical miles—Not less than 16 watts output.

Class II: 100 nautical miles—Not less than 4 watts output.

Class III: 50 nautical miles—Not less than 1 watt output.

NOTE: A typical nameplate identification would be as follows: Env. Cat. DABAAAX Class I.

(4) In some cases such as under the Temperature-Altitude Test Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner: Env. Cat. $\frac{A}{D}$ABAAAAX Class I.

(c) *Data requirements.* Six copies each of the following, except where noted, shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located:

(1) Manufacturer's operating instructions and equipment limitations.

(2) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(3) One copy of the manufacturer's test report.

**§ 37.163 VHF radio communications receiving equipment operating within the radio-frequency range of 118–136 megacycles—TSO–C38b.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for VHF radio communications receiving equipment operating within the radio-frequency range of 118–136 megacycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne VHF radio comunications receiving equipment manufactured for use on air carrier aircraft on or after the effective date of this section shall meet the standards as set forth in Radio Technical Commission for Aeronautics Papers 130–61/DO–108 [2] dated July 13, 1961, and 120–61/DO–108 [2] dated July 13, 1961, with the exceptions to these standards listed in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) Radio Technical Commission for Aeronautics Paper 130–61/DO–109, Paragraph 2.8, Selectivity, outlines selectivity requirements for receivers designed for selection of frequency channels in discrete increments of 50 kc. or 100 kc. Only VHF receivers which are designed for selection of frequency channels on discrete frequencies spaced 50 kc. apart or closer are eligible under this section.

(ii) Radio Technical Commission for Aeronautics Paper 120–61/DO–108 outlines various test procedures which define the environmental extremes over which the equipment shall be designed to operate. Some test procedures have categories established and some do not. Where categories are established, only equipment which qualifies under the following categories, as specified in RTCA Paper 120–61/DO–108, is eligible under this order:

(a) Temperature-Altitude Test—Categories A, B, C, or D;

(b) Humidity Test—Categories A or B;

(c) Vibration Test—Categories A, B, C, D, E, or F;

(d) Audio-Frequency Magnetic Field Susceptibility Test—Categories A or B;

(e) Radio-Frequency Susceptibility Test—Category A;

(f) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 37.7, the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlined in RTCA Paper 120–61/DO–108 which have categories established. These shall be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120–61/DO–108. Reading from left to right the category designations shall appear on the nameplate in the following order, so that they may be readily identified:

(i) Temperature-Altitude Test Category;

(ii) Humidity Test Category;

(iii) Vibration Test Category;

(iv) Audio-Frequency Magnetic Field Susceptibility Test Category;

(v) Radio-Frequency Susceptibility Test Category;

(vi) Emission of Spurious Radio-Frequency Energy Test Category, and

(vii) Explosion Test.

Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X".

(2) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment component is designed to operate.

NOTE: A typical nameplate identification would be as follows: Env. Cat. DABAAAX.

(3) In some cases such as under the Temperature-Altitude Test Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner: Env. Cat. $\frac{A}{D}$ABAAAAX.

(c) *Data requirements.* Six copies each of the following, except where noted, shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located:

(1) Manufacturer's operating instructions and equipment limitations.

(2) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(3) One copy of the manufacturer's test report.

**§ 37.164 Airborne selective calling equipment (for air carrier aircraft)—TSO–C59.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne selective calling equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne selective calling equipment manufactured for use on civil air carrier aircraft on or after July 31, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Airborne Selective Calling Equipment," Paper 25–59/DO–93 dated February 10, 1959,[2] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60 [2] which is incorporated by reference in and thus is a part of Paper 25–59/DO–93 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne selective calling equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(b) *Marking.* In addition to the information required in § 37.7, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(d) *Previously approved equipment.* Airborne selective calling equipment approved prior to July 31, 1959, may continue to be manufactured under the provisions of its original approval.

**§ 37.165 Airborne Loran A receiving equipment operating within the radio-frequency range of 1800–2000 kilocycles (for air carrier aircraft)—TSO–C60.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne Loran A receiving equipment operating within the radio-frequency range of 1800–2000 kilocycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne Loran A receiving equipment manufactured for use on civil air carrier aircraft on or after July 31, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Airborne Loran A Receiving Equipment Operating Within the Radio-Frequency Range of 1800–2000 Kilocycles" (Paper 226–58/DO–92 [2] dated November 18, 1958). Radio Technical Commission for Aeronautics' Paper 100–54/DO–60 [2] which is incorporated by reference in and thus is a part of Paper 226–58/DO–92 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne Loran A receiving equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100–54/DO–60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 5–50 cps.
Maximum acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration require-

[1] Copies of these papers may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C., 20006. Paper 134–61/DO–110, 40 cents per copy; Paper 120–61/DO–108, 75 cents per copy.

[2] Copies of these papers may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C., 20006. Paper 130–61/DO–109, 45 cents per copy; Paper 120–61/DO–108, 75 cents per copy.

[1] Copies of these papers may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C., 20006. Paper 25–59/DO–93, 30 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

[2] Copies of these papers may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C., 20006. Paper 226–58/DO–92, 30 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

ments specified in subdivision (ii) of this subparagraph, and need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(b) *Marking.* In addition to the information required in § 37.7, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A—I.P.

(c) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(d) *Previously approved equipment.* Airborne Loran A receiving equipment approved prior to July 31, 1959, may continue to be manufactured under the provisions of its original approval.

### § 37.166 Portable aircraft emergency communications equipment (for air carrier aircraft)—TSO–C61a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for portable aircraft emergency communications equipment which specifically is required to be carried on civil aircraft of the United States engaged in particular air carrier operations. The radio frequencies to be utilized by such equipment shall be selected from 500 kc., 8364 kc., or 121.5 mc. A single frequency or a combination of the above frequencies may be used. New models of portable aircraft emergency communications equipment manufactured for use on air carrier aircraft on or after the effective date of this section shall meet the standards in the following Radio Technical Commission for Aeronautics Papers:

49–59/DO–95 [1] dated March 10, 1959, for 500 or 8364 kc. equipment; 26–59/DO–94 [1] dated February 10, 1959, for 121.5 mc. equipment; 100–54/DO–60 [1] dated April 13, 1954, Environmental Test Procedures; 256–58/EC–366 [1] dated November 13, 1958, Amendment to 100–54/DO–60.

Exceptions, additions, and substitutions to these standards are listed in subparagraph (2) of this paragraph.

[1] Copies of these papers may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C., 20006. Paper 49–59/DO–95, 30 cents per copy; Paper 26–59/DO–94, 30 cents per copy; Paper 100–54/DO–60, with Amendment Paper 256–58/EC–366, 20 cents per copy.

(2) *Exceptions.* (i) Radio Technical Commission for Aeronautics Paper 100–54/DO–60, and Amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(ii) (a) The vibration values specified below may be used in lieu of those specified in Paper 100–54/DO–60, as amended. If these values are used, no external shock mounting shall be used during the conduct of the test.

(*b*) Constant total excursion of 0.020" from 10 to 55 c.p.s. with a maximum acceleration of 3g.

(iii) Paper 26–59/DO–94, Paragraph 2.1, Operating Life. The capacity of the power supply shall be sufficient to provide continuous operation for at least 24 hours under the condition of maximum power consumption. At the end of the 24-hour period, the radiated power output shall not have deteriorated by more than 3 db from that specified in paragraph 2.2.1, as amended by subdivision (iv) of this subparagraph. These values also apply to the test procedures contained in Paragraph T–1, Appendix A.

(iv) Paper 26–59/DO–94, Paragraph 2.2.1, Radiated Power. The effective radiated power (ERP) from the antenna shall be at least 225 milliwatts. This value also applies to the test procedures contained in Paragraph T–2, Appendix A.

(v) Paper 26–59/DO–94, Paragraph 2.2.2, Modulation Capability. The transmitter output carrier shall be capable of being tone amplitude modulated a minimum of 90 percent downward and 10 percent upward by an audiofrequency signal between 900 and 1600 c.p.s. and by a 1000 c.p.s. signal applied to the microphone, if voice modulation is provided.

(vi) Paper 49–59/DO–95, Paragraph 2.1, Operating Life. The capacity of the power supply shall be sufficient to provide continuous operation for at least 24 hours under the condition of maximum power consumption. At the end of the 24-hour period, the radiated power output shall not have deteriorated by more than 3 db from that specified in paragraph 2.2.1. These values also apply to the test procedures contained in Paragraph T–1, Appendix A.

(b) *Marking.* In addition to the markings specified in § 37.7, equipment which has been designed to operate over the environmental conditions outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(iii) One copy of the manufacturer's test report.

(d) *Quality control.* Portable aircraft emergency communications equipment shall be produced under a quality control system, established by the manufacturer, which will assure that each equipment is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. The Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Portable aircraft emergency communications equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

### § 37.167 Aircraft tires—TSO–C62b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft tires, excluding tailwheel tires, which are to be used on civil aircraft of the United States. New design tires, manufactured on or after the effective date of this section, which are to be used on civil aircraft of the United States shall meet the standards specified in Federal Aviation Agency Standard, "Aircraft Tires" dated August 1, 1962.[1]

(b) *Marking.* In lieu of the marking requirements of § 37.7(d), aircraft tires shall be legibly and permanently marked with the following information:

(1) Brand name or name of the manufacturer responsible for compliance and the country of manufacture if outside the United States.

(2) The size, ply rating, and serial number.

(3) The qualification test speed and skid depth when the test speed is greater than 160 m.p.h., also, the word "reinforced" if applicable.

(4) Applicable Technical Standard Order (TSO) number.

(c) *Data requirements.* Six copies each of the following shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in

[1] Copies may be obtained upon request addressed to Library Services Division, HQ–630, Federal Aviation Agency, Washington, D.C., 20553.



which the manufacturer is located: tire size, static and dynamic load rating, ply rating, rated inflation pressure, outside diameter, skid depth, static unbalance, tire weight and a summary of the load-speed-time parameters used in the high speed dynamometer tests.

### § 37.168 Airborne weather radar equipment (for air carrier aircraft)—TSO–C63.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne weather radar equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne weather radar equipment manufactured for use on civil air carrier aircraft on or after December 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Airborne Weather and Ground Mapping Radar Operating Within the Radio Frequency Bands of 5250 to 5440 Mc and 9300 to 9500 Mc," Paper 148–59/DO–96 dated August 11, 1959.[1] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60 [1] which is incorporated by reference in and thus is a part of Paper 148–59/DO–96 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.[2]

(2) *Exception.* (i) Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne weather radar equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for indicators designed exclusively for installation in the cockpit area of aircraft in lieu of those specified in Paper 148–59/DO–96.

Amplitude: 0.015" (0.03" total excursion).
Frequency: Variable 10–55 cps.
Maximum Acceleration: 3.0 g.

(b) *Marking.* In addition to the information required in § 37.7, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(d) *Previously approved equipment.* Airborne weather radar equipment approved prior to the effective date of this section, may continue to be manufactured under the provisions of its original approval.

### § 37.169 Oxygen mask assembly, continuous flow, passenger (for air carrier aircraft)—TSO–C64.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for passenger oxygen mask assemblies which are to be approved for use on civil aircraft of the United States. New models of passenger oxygen mask assemblies manufactured for installation on civil aircraft on or after the effective date of this section shall meet the standards set forth in National Aircraft Standard, NAS 1179, "Oxygen Mask Assembly, Passenger", Revision 2, dated March 31, 1961,[1] with exceptions to the standard listed in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) The following specifically numbered subparagraphs in NAS 1179 are not concerned with minimum performance and, therefore, are not essential to compliance with this section: 2.0 in its entirety, 3.1.1, 3.1.2, 3.1.3.7, 3.1.12, 3.3.11 in its entirety, 4.2, 4.3.5, 5.3, 5.6, 5.7, and 5.8.

(ii) Conformance to "NAS Standard Part Number" and "NAS Standard Drawing" referred to throughout NAS 1179 is not required.

(iii) Paragraph 1.4 of NAS 1179 shall be revised and made a part of this standard, as follows:

1.4 *Coding of performance classification.* An eight digit performance classification number shall be assigned to each class of masks. This number shall correspond to the number assigned to the minimum performance curve established in paragraph 4.1.7.2.2 and shall appear in the part callout as the first dash number following specification No. NAS 1179. Each pair of digits, starting with the first pair to the left, shall represent the required minimum oxygen flow rates (NTPD) to the mask shown on curve "C" of Figure 2 at cabin pressure altitudes of 15,000, 25,000, 30,000 feet and the maximum approved altitude, respectively. Flow rates shall be to one decimal.

*Typical example.* NAS 1179–08233248–XX [2]

0.8—required minimum oxygen flow, LPM, NTPD, at 15,000 ft.
2.3—required minimum oxygen flow, LPM, NTPD, at 25,000 ft.
3.2—required minimum oxygen flow, LPM, NTPD, at 30,000 ft.
4.8—required minimum oxygen flow, LPM, NTPD, at maximum approved altitude.

(b) *Marking.* Each oxygen mask assembly shall be marked in accordance with § 37.7 except that the weight specified in § 37.7 may be omitted, and the following additional information shall be shown:

(1) The performance classification number.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his products. (See paragraph (d) of this section.)

(3) Six copies each, except where noted, of the following, shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable drawings and specifications, limitations, restrictions, or other conditions pertinent to installation. These limitations shall include the regulators which are capable of providing an oxygen partial pressure specified in the applicable Federal Aviation Regulations.

(iii) One copy of the manufacturer's test report.

(iv) Manufacturer's cleaning and sterilizing procedures.

(d) *Quality control.* Passenger oxygen masks shall be produced under a quality control system, established by the manufacturer, which will assure that each mask assembly is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. The Administrator shall be permitted to make such inspections and production tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Passenger oxygen masks approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

### § 37.170 Airborne doppler radar ground speed and/or drift angle measuring equipment (for air carrier aircraft)—TSO–C65.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne doppler radar ground speed and/or drift angle measuring equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne doppler radar ground speed and/or drift angle measuring equipment manufactured for use on civil air carrier aircraft on or after April 20, 1960, shall meet the minimum perform-

[1] Copies of these papers may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C., 20006. Paper 148–59/DO–96, 50 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

[2] In addition to the performance standards herein, airborne weather radar when installed in aircraft must meet installation requirements as well as functional and reliability flight tests of the pertinent airworthiness sections of the Federal Aviation Regulations.

[1] Copies of this standard may be obtained from the National Standards Association, Inc., 1315 Fourteenth Street NW., Washington 5, D.C.

[2] XX—Additional coding which the mask manufacturer may desire to add.

ance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Airborne Doppler Radar Ground Speed and/or Drift Angle Measuring Equipment" (Paper 166–59/DO–98[1] dated September 8, 1959). Radio Technical Commission for Aeronautics' Paper 100–54/DO–60[1] which is incorporated by reference in and thus is a part of Paper 166–59/DO–98 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.[2]

(2) *Exceptions.* (i) Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne doppler radar ground speed and/or drift angle measuring equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100–54/DO–60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 10–55 cps.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph, and need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(b) *Marking.* In addition to the information required in § 37.7, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100–54/DO–60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 10–55 c.p.s.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph, and need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(c) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(d) *Previously approved equipment.* Airborne doppler radar ground speed and/or drift angle measuring equipment approved prior to April 20, 1960, may continue to be manufactured under the provisions of its original approval.

§ 37.171 Airborne distance measuring equipment (DMET) (for air carrier aircraft)—TSO–C66.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne distance measuring equipment (DMET) which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne distance measuring equipment (DMET) manufactured for use on civil air carrier aircraft on or after August 1, 1960, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Airborne Distance Measuring Equipment (DMET) Operating Within the Radio Frequency Range of 960–1215 Megacycles," (Paper 167–59/DO–99)[1] dated September 8, 1959. Radio Technical Commission for Aeronautics' Paper 100–54/DO–60[1] which is incorporated by reference in and thus is a part of Paper 167–59/DO–99 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.[2]

(2) *Exceptions.* (i) Radio Technical Commission for Aeronautics' Paper 100–54/DO–60 and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne distance measuring equipment (DMET) which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100–54/DO–60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 10–55 c.p.s.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph, and need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(v) The following test condition may be substituted for that specified in paragraph 3.3, *Altitude Test,* of RTCA Paper 167–59/DO–99 for equipment intended for installation in heated and pressurized locations of aircraft:

With the equipment operating, adjust the atmospheric pressure to that equivalent to 40,000 plus-minus 5 percent feet at the ambient room temperature. Maintain this pressure for 10 minutes, then increase the pressure to that equivalent to 20,000 plus-minus 5 percent feet. Apply standard primary test voltage and frequency to the equipment and operate at maximum duty cycle for 15 minutes. Following this, with standard test voltage and frequency applied, and the equipment maintained at a pressure equivalent to 20,000 plus-minus 5 percent feet, the standards of paragraphs 2.1, 2.7, and 2.9 shall be met. During this test, the test chamber wall shall not be colder than −40° C.

(b) *Marking.* In addition to the information required in § 37.7, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A—I.P.

(c) *Data requirements.* With the statement of conformance, one copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(d) *Previously approved equipment.* Airborne distance measuring equipment (DMET) approved prior to August 1, 1960, may continue to be manufactured under the provisions of its original approval.

§ 37.172 Aircraft wheels and brakes—TSO–C26a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft wheels and brakes which are to be used on United States civil aircraft of the following categories:

Wheels—Transport and non-transport category airplanes.
Wheels—Transport and non-transport category rotorcraft.
Brakes—Transport category airplanes.

New models of wheels and brakes manufactured for installation on the above aircraft on or after June 1, 1961, shall meet the standards of Aeronautical Standard AS–227–C revised February 1, 1959,[1] with the exceptions in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) Unless determined to be unnecessary, means shall be provided to minimize the probability of wheel and tire explosions which result from elevated brake temperatures.

(ii) Reference paragraph 5.4.7.1 of AS 227–C, Braking Capacity Calculations. The deceleration effects of propeller reverse pitch, drag parachutes and engine thrust reversers shall not be considered in determining brake kinetic energy ratings.

(iii) Taxi and Parking Test. At least one maximum weight landing test followed by a taxi roll, one taxi stop and parking test, which realistically simulate normal airplane operation, shall be conducted on the dynamometer. The taxi speed and distance shall be obtained from the airplane manufacturer.

(iv) Reference Table II of AS 227–C. Change 65 to 100 normal energy dynamometer stops in Method I and II.

(v) Reference Table II of AS 227–C. Change Note 2 to read as follows: One change of brake lining and attached discs is permissible in making the 100 normal energy stops. The remainder of the brake assembly parts shall withstand the 100 normal energy stops without failure or impairment of operation.

(vi) Reference Notes 3, 6, and 8 of Table II of AS 227–C. The most critical speeds used in the analysis shall include consideration for high ambient temperatures and airport elevations.

(vii) ARP 586 "Wheel Castings" dated March 1, 1960.[1]

(a) Add the following sentence at the end of paragraph 2. "Acceptance of the provisions contained herein is predicated on the use of a casting factor of not less than 1.33 on ultimate radial and side loads."

(b) Add the words "in accordance with paragraph 4.1 or 4.2" to the end of paragraph 4.3.

(c) Paragraph 5.2.2. Replace the words "When at least five consecutive acceptable quality castings have been produced" by the following: "When quality control history is established, * * *."

(d) Revise the end of paragraph 9.1 to read as follows "* * *" in lieu of the procedures outlined above when authorized by the FAA."

(b) *Marking.* In lieu of the marking requirements of § 37.7, the aircraft wheels and brakes shall be legibly and permanently marked with the following information:

(1) Name of the manufacturer responsible for compliance.

(2) Serial number and drawing number.

(3) Applicable technical standard order (TSO) number.

(4) Size (this marking applies to wheels only). All stamped, etched or embossed markings shall be located in noncritical areas.

(c) *Data Requirements.* (1) The manufacturer shall maintain a current file of complete data regarding all his inspection work and tests required to determine compliance with the standards specified herein. (See paragraph (e) of this section.)

(2) Two copies of the following data shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(i) Weight of brake assembly.

(ii) Maximum rejected takeoff kinetic energy in foot-pounds.

(iii) Normal kinetic energy in foot-pounds.

(iv) Maximum operating brake pressure.

(v) Applicable speed specified in Note 1 or Note 5 of Table II of AS–227–C.

(vi) Type of hydraulic fluid used.

(vii) Weight of wheel assembly.

(viii) Maximum static load rating in pounds.

(ix) Maximum limit load rating in pounds.

(d) *Previously Approved Equipment.* Wheels and brakes approved prior to the effective date of this section may continue to be manufactured under the provisions of their original approval.

(e) *Quality control.* Each wheel and brake shall be produced under a quality control system, established by the manufacturer, which will assure that each wheel and brake is in conformity with the requirements of this standard and is in an airworthy condition. This system shall be described in the data required under paragraph (c)(1) of this section. The Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this standard.

§ 37.173 Airborne radar altimeter equipment (for air carrier aircraft)—TSO–C67.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne radar altimeter equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne radar altimeter equipment manufactured for use on civil air carrier aircraft on or after November 15, 1960, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards for Airborne Radar Altimeter Equipment Intended for Determining Pressure Gradients and Operating Within the Radio Frequency Band of 420–460 Megacycles," (Paper 73–60/DO–103)[1] dated April 12, 1960. Radio Technical Commission for Aeronautics' Paper 100–54/DO–60[1] which is incorporated by reference in and thus is a part of Paper 73–60/DO–103 has been amended by Paper 256–58/EC–366. This amendment is also a part of the minimum performance standards. Exceptions, additions, and substitutions to these standards are covered in subparagraph (2) of this paragraph.[2]

(2) *Exceptions.* (i) Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne radar altimeter equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100–54/DO–60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used,

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 10–55 c.p.s.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph, and need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

[1] Copies of these papers may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C., 20006. Paper 166–59/DO–98, 40 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

[2] In addition to the performance standards herein, airborne doppler radar ground speed and/or drift angle measuring equipment when installed in aircraft must meet installation requirements as well as functional and reliability flight tests of the pertinent airworthiness sections of the Federal Aviation Regulations.

[1] Copies of these papers may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C., 20006. Paper 167–59/DO–99, 50 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

[2] In addition to the performance standards herein, airborne distance measuring equipment (DMET) when installed in aircraft must meet installation requirements as well as functional and reliability flight tests of the pertinent airworthiness sections of the Federal Aviation Regulations.

[1] Copies may be obtained from the Society of Automotive Engineers, Inc., 485 Lexington Avenue, New York 17, New York.

[1] Copies of these papers may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C., 20006. Paper 73–60/DO–103, 40 cents per copy; Paper 100–54/DO–60 with Amendment Paper 256–58/EC–366, 20 cents per copy.

[2] When airborne radar altimeter equipment is installed on civil aircraft, the installation must comply with the functional and installation requirements of Parts 23, 25, 27 or 29 of the Federal Aviation Regulations as applicable.

(b) *Marking.* (1) In addition to the markings specified in § 37.7, equipment which has been designed to operate over the environmental conditions outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A–I.P.

(2) Each major component of airborne radar altimeter equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name and TSO number.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) Six copies each, except where noted, of the following, shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(iii) One copy of the manufacturer's test report.

(d) *Quality control.* Airborne radar altimeter equipment shall be produced under a quality control system, established by the manufacturer, which will assure that each equipment is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. The Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Airborne radar altimeter equipment approved prior to November 15, 1960, may continue to be manufactured under the provisions of its original approval.

**§ 37.174 Airborne automatic dead reckoning computer equipment utilizing aircraft heading and doppler-obtained ground speed and drift angle data (for air carrier aircraft)—TSO–C68.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne automatic dead reckoning computer equipment utilizing aircraft heading and doppler-obtained ground speed and drift angle data which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne automatic dead reckoning computer equipment utilizing aircraft heading and doppler-obtained ground speed and drift angle data manufactured for use on civil air carrier aircraft on or after January 16, 1961, shall meet the standards in Radio Technical Commission for Aeronautics Papers 101–60/DO–104[1] dated June 8, 1960; 100–54/DO–60[1] dated April 13, 1954; and 256–58/EC–366[2] dated November 13, 1958. Exceptions, additions, and substitutions to these standards are listed in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) Radio Technical Commission for Aeronautics Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne automatic dead reckoning computer equipment utilizing aircraft heading and doppler-obtained ground speed and drift angle data which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100–54/DO–60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 10–55 c.p.s.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph, and need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(b) *Marking.* (1) In addition to the markings specified in § 37.7, equipment which has been designed to operate over the environmental conditions outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A—I.P.

(2) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name and TSO number.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(iii) One copy of the manufacturer's test report.

(d) *Quality control.* Airborne automatic dead reckoning computer equipment utilizing aircraft heading and doppler-obtained ground speed and drift angle data shall be produced under a quality control system, established by the manufacturer, which will assure that each equipment is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. The Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Airborne automatic dead reckoning computer equipment utilizing aircraft heading and doppler-obtained ground speed and drift angle data approved prior to January 16, 1961, may continue to be manufactured under the provisions of its original approval.

**§ 37.175 Emergency evacuation slides—TSO–C69.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for emergency evacuation slides which are required to be of an approved type to be eligible for use on civil aircraft of the United States. New models of emergency evacuation slides manufactured on or after August 15, 1961, shall meet the standards set forth in FAA standard "Emergency Evacuation Slides".[1] Emergency evacuation slides approved prior to August 15, 1961, may continue to be manufactured under the provisions of their original approval.

(b) *Marking.* The slide shall be permanently marked in accordance with the marking provisions of § 37.7 except that (1) a part number which shall vary with length or any other change in the slide, (2) serial number, and (3) date of manufacture shall be included.

(c) *Data requirements.* (1) One copy each of the following shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(i) Packing instructions.

(ii) Operation instructions.

(iii) Assembly drawing.

(iv) Applicable limitations pertaining to installation of slides on aircraft. These limitations shall include the minimum and maximum stowage area temperatures and any other limitations which will prevent the slide from performing its intended function and from complying with the minimum performance standards under all reasonably foreseeable emergency conditions. The slide manufacturer shall also provide the purchaser with such limitations.

(2) The manufacturer shall maintain a current file of complete design data.

(3) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his evacuation slide. (See paragraph (d) of this section.)

(d) *Quality control.* Emergency evacuation slides shall be produced under a quality control system, established by the manufacturer, which will assure that each slide is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(3) of this section. The Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

**§ 37.176 Liferafts (nonreversible)—TSO–C70.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for liferafts (nonreversible) which are required to be of an approved type to be eligible for use on civil aircraft of the United States. Nonreversible liferaft models manufactured on or after the effective date of this section shall meet the standards set forth in FAA Standard "Nonreversible Liferafts"[1] dated March 1, 1961.

(b) *Marking.* The raft shall be permanently marked in accordance with the marking provisions of § 37.7 except for the following:

(1) The serial number of the raft need not be included.

(2) Include the rated and the overload capacity of the raft.

(3) Include the type of raft, i.e., Type I or Type II.

(c) *Data requirements.* (1) One copy each of the following shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located:

(i) Packing instructions.

(ii) Operation instructions.

(iii) Assembly drawing.

(iv) Applicable limitations pertaining to installation of rafts on aircraft. These limitations shall include the minimum and maximum stowage area temperatures and any other limitations which will prevent the raft from performing its intended function and from complying with the minimum performance standards under all reasonably foreseeable emergency conditions. The raft manufacturer shall also provide the purchaser with such limitations.

(2) The manufacturer shall maintain a current file of complete design data.

(3) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his liferafts. (See paragraph (d) of this section.)

(d) *Quality control.* Liferafts shall be produced under a quality control system, established by the manufacturer, which will assure that each raft is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(3) of this section. The Administrator shall be permitted to make such inspections and production tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

**§ 37.177 Airborne static ("DC to DC") electrical power converter (for air carrier aircraft)—TSO–C71.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne static ("DC to DC") electrical power converter equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of such equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the standards set forth in FAA Standard, "Airborne Static ('DC to DC') Electrical Power Converter (For Air Carrier Aircraft)" dated April 15, 1961,[2] and Radio Technical Commission for Aeronautics Paper 100–54/DO–60 as amended by Paper 256–58/EC–366 dated November 13, 1958.[2] Manufacturers of such equipment shall also comply with the requirements of paragraphs (b), (c), and (d) of this section for acceptance of their equipment under this section.

(b) *Marking.* In addition to the markings specified in § 37.7, equipment which has been designed to operate over the environmental conditions outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) Six copies each, except where noted, of the following shall be furnished to the Chief Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(iii) One copy of the manufacturer's test report.

(d) *Quality control.* Airborne static ("DC to DC") electrical power converter equipment shall be produced under a quality control system, established by the manufacturer, which will assure that each equipment is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. The Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Airborne static ("DC to DC") electrical power converter equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

**§ 37.178 Individual flotation devices—TSO–C72.**

(a) *Applicability.* Minimum performance standards are hereby established for individual flotation devices for use on civil aircraft of the United States. New models of individual flotation devices manufactured on or after the effective date of this section shall meet the standards specified in the Federal Aviation Agency Standard, "Individual Flotation Devices",[2] dated July 15, 1963.

(b) *Marking.* The markings specified in § 37.7(d) shall be shown except that the weight need not be included.

(c) *Data requirements.* In addition to the data specified in § 37.5, the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the

[1] Copies of these papers may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C., 20006. Paper 101–60/DO–104, 45 cents per copy; Paper 100–54/DO–60 with Amendment Paper 256–58/EC–366, 20 cents per copy.

[1] Copies of the FAA Standard may be obtained upon request addressed to: Library Services Division, HQ–630, Federal Aviation Agency, Washington, D.C., 20553.

[1] Copies may be obtained upon request addressed to Library Services Division, HQ–630, Federal Aviation Agency, Washington, D.C., 20553.

[2] Copies of the FAA Standard may be obtained upon request addressed to: Library Services Division, HQ–630, Federal Aviation Agency, Washington, D.C., 20553. Copies of RTCA Paper 100–54/DO–60 may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C., 20006, for 20 cents per copy.

manufacturer is located, the following technical data:

(1) Six copies of the descriptive information on the device;

(2) Six copies of the manufacturers' equipment operating instructions and limitations;

(3) Six copies of the applicable installation instructions indicating any restrictions or other conditions pertinent to installation;

(4) One copy of the manufacturers' test report; and

(5) One copy of the manufacturers' special cleaning and maintenance instructions.

**§ 37.179 Static electrical power inverter—TSO–C73.**

(a) *Applicability.* Minimum performance standards are hereby established for airborne static electrical power inverter equipment which is to be used on United States civil aircraft engaged in air carrier operations. New models of airborne static electrical power inverter equipment manufactured on or after the effective date of this section shall meet the standards specified in Federal Aviation Agency Standard, "Airborne Static Electrical Power Inverter", dated July 25, 1963.[1]

(b) *Marking.* In addition to the marking requirements of § 37.7(d), each static inverter shall be marked with the following:

(1) Rated terminal voltage, frequency, and the number of phases;

(2) Rated power in volt amperes;

(3) Output load power factor; and

(4) Maximum operating altitude.

(c) *Data requirements.* In addition to the data required by § 37.5, the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Six copies of the manufacturer's operating instruction and the equipment limitations. Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any restrictions or conditions pertinent to installation, and

(2) One copy of the manufacturer's test report.

**§ 37.180 Airborne ATC transponder equipment (for air carrier aircraft—TSO–C74.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne ATC transponder equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne ATC transponder equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the standards as set forth in Radio Technical Commission for Aeronautics Papers 181–61/DO–112[1] dated December 14, 1961, and 120–61/DO–108[1] dated July 13 1961, with the exceptions to these standards listed in subparagraph (2) of this paragraph.

(2) *Exceptions.* Radio Technical Commission for Aeronautics Paper 120–61/DO–108 outlines various test procedures which define the environmental extremes over which the equipment shall be designed to operate. Some test procedures have categories established and some do not. Where categories are established, only equipment which qualifies under the following categories, as specified in RTCA Paper 120–61/DO–108, is eligible under this order:

(i) Temperature-Altitude Test—Categories A, B, C, or D.

(ii) Humidity Test—Categories A or B.

(iii) Vibration Test—Categories A, B, C, D, E, or F.

(iv) Audio-Frequency Magnetic Field Susceptibility Test—Categories A or B.

(v) Radio-Frequency Susceptibility Test—Category A.

(vi) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 37.7, the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlined in RTCA Paper 120–61/DO–108 which have categories established. These shall be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120–61/DO–108. Reading from left to right, the category designations shall appear on the nameplate in the following order so that they may be readily identified:

(i) Temperature-Altitude Test Category.

(ii) Humidity Test Category.

(iii) Vibration Test Category.

(iv) Audio-Frequency Magnetic Field Susceptibility Test Category.

(v) Radio-Frequency Susceptibility Test Category.

(vi) Emission of Spurious Radio-Frequency Energy Test Category.

(vii) Explosion Test.

Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X".

(2) Equipment which is intended for installation in aircraft which operate at altitudes above 15,000 feet shall be identified on the nameplate as Class I equipment.

(3) Equipment which is intended for installation in aircraft which operate at altitudes not exceeding 15,000 feet shall be identified on the nameplate as Class II equipment. In some cases such as under the Temperature-Altitude Test Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner:

Env. Cat. $\frac{A}{D}$ABAAAX Class I.

(4) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment component is designed to operate.

NOTE: A typical nameplate identification would be as follows:

Env. Cat. DABAAAX
Class I

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(iii) One copy of the manufacturer's test report.

(d) *Quality control.* Airborne ATC transponder equipment shall be produced under a quality control system, established by the manufacturer, which will assure that each equipment is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. The Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Airborne ATC transponder equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

**§ 37.181 Hydraulic hose assemblies—TSO–C75.**

(a) *Applicability.* Minimum performance standards are hereby established for hydraulic hose assemblies which are to be used on U.S. civil transport category aircraft. New models of hydraulic hose assemblies, manufactured on or after the effective date of this section, which are to be used on U.S. civil transport category aircraft shall meet the standards specified in Federal Aviation Agency Standard, "Hydraulic Hose Assemblies",

[1] Copies may be obtained upon request addressed to Library Services Division, HQ–630, Federal Aviation Agency, Washington, D.C., 20553.

[1] Copies of these papers may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington D.C., 20006. Paper 181–61/DO–112, 55 cents per copy; Paper 120–61/DO–108, 75 cents per copy.



dated December 15, 1962.[1] Hydraulic hose assemblies approved prior to the effective date of this section may continue to be manufactured under the provisions of their prior approval.

(b) *Marking.* Articles shall be marked in accordance with the requirements of § 37.7(d) with the following exceptions:

(1) Trademark may be used in lieu of name, and manufacturer's address is not required;

(2) Size, type, and maximum operating pressure of the hose assembly shall be shown in lieu of the weight in paragraph (d)(3) of § 37.7;

(3) Part number shall be shown;

(4) Date of manufacture in terms of month and year is to be shown and serial number omitted;

(5) In lieu of paragraph (d)(2) of § 37.7 hose assemblies suitable for use with synthetic base fluids shall be marked with the letter "S" immediately following the type designation. Assemblies suitable for use with petroleum base fluids shall be marked with the letter "P". Assemblies suitable for use with both synthetic and petroleum base fluids shall be marked with "S/P", i.e., Type II–B–S, Type II–B–P, or Type II–B–S/P; and

(6) Hose assemblies complying with the fire resistant requirements shall be identified by the letter "F" immediately following the type and fluid designation, i.e., Type II–B–S/P–F.

(c) *Data requirements.* In accordance with the provisions of § 37.5, the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, six copies of the following technical data:

(1) Type;

(2) Size;

(3) Maximum operating pressure;

(4) Part number; and

(5) Installation instructions and limitations, if any.

(d) Effective date. September 4, 1963.

**§ 37.182 Fuel drain valves—TSO–C76.**

(a) *Applicability.* Minimum performance standards are hereby established for fuel drain valves to be used in civil aircraft of the United States. New models of fuel drain valves manufactured on or after the effective date of this section shall meet the standards specified in the Federal Aviation Agency Standards, "Fuel Drain Valves", dated October 1, 1962.[1]

(b) *Marking.* Articles shall be marked in accordance with the requirements of § 37.7(d) except that:

(1) The size shall be shown in lieu of the weight required by § 37.7(d)(3); and

(2) Parts too small to contain all the required information shall be marked with the TSO number and the manufacturer's name or identifying mark. For such parts, the other marking data required by § 37.7(d) shall be placed on the shipping container of the part.

[1] Copies may be obtained upon request addressed to Library Services Division, HQ–630, Federal Aviation Agency, Washington, D.C., 20553.



(c) *Data requirements.* In addition to the data specified in § 37.5 the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Six copies of an instruction manual describing the product and supplying information on maintenance, overhaul, and installation.

(2) One copy of the manufacturer's test report.

**§ 37.183 Gas turbine auxiliary power units—TSO–C77.**

(a) *Applicability.* Minimum performance standards are hereby established for gas turbine auxiliary power units for use on civil aircraft of the United States. New models of gas turbine auxiliary power units manufactured for use on civil aircraft on or after the effective date of this section shall meet the standards specified in the Federal Aviation Agency Standard, "Gas Turbine Auxiliary Power Units", dated January 3, 1963.[1]

(b) *Marking.* Articles shall be marked in accordance with the requirements of § 37.7(d) except that the weight need only be shown to the nearest pound. In addition, the following shall also be shown:

(1) Maximum rated speeds and temperature;

(2) Maximum allowable speeds and temperature;

(3) Maximum rated output;

(4) Category and class of service;

(5) Fuel grade and specification; and

(6) Lubricating oil grade and specification.

(c) *Data requirements.* In accordance with the provisions of § 37.5, the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Instruction manual containing instructions for the installation, operation, servicing maintenance, repair, and overhaul of the unit.

(2) Model specification.

**§ 37.185 Fire detectors (radiation sensing type)—TSO–C79.**

(a) *Applicability.* Minimum performance standards are hereby established for radiation sensing type fire detectors which are for use on both piston and turbine engine-powered civil aircraft of the United States. New models of fire detectors (radiation sensing type) manufactured on or after the effective date of this section, which are to be used on civil aircraft of the United States, shall meet the standards specified in Federal Aviation Agency Standard, "Fire Detectors (Radiation Sensing Type)", dated May 15, 1963.[1]

(b) *Marking.* In lieu of the weight required in § 37.7(d)(3), the operating voltage for the detector shall be shown. Compliance of the detector with the piston or turbine engine requirements, or both, shall be designated by –P, –T, or –PT, respectively, as a suffix following the technical standard order designation as TSO–C79–P.

(c) *Data requirements.* (1) In accordance with the provisions of § 37.5, the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(i) Six copies of the manufacturer's operating instructions and equipment limitations;

(ii) Six copies of the installation procedures with applicable schematic drawings, wiring diagrams, and specifications, indicating any limitations, restrictions, or other conditions pertinent to installation; and

(iii) One copy of the manufacturer's test report.

(2) The data required under subparagraph (1) (i) and (ii) of this paragraph shall include the following:

(i) Cone of vision expressed in degrees (apex of the cone is to be at the center of the sensor and the axis of the cone is to be at right angles to the face of the sensor).

(ii) Maximum effective range at field extremities;

(iii) Maximum allowable normal ambient temperature at the point of detector location;

(iv) Maximum and minimum allowable rate of temperature rise at point of detector location as a result of normal operation;

(v) Operating voltage;

(vi) Mounting or support method;

(vii) Maximum or minimum number of units which can be used in one circuit or one fire zone without adversely affecting sensitivity or causing false indications due to temperature;

(viii) Maximum allowable vibration at point of detector location;

(ix) Installation limitations (minimum distance) because of magnetic effect;

(x) Peak RF voltage and corresponding frequency;

(xi) Whether instrument is for pressurized area, nonpressurized area or both;

(xii) Which of the conditions in paragraphs 7.3.3, 7.3.4, 7.3.5 and 7.3.6 adversely affect the detector; and

(xiii) Whether detector meets the fire resistance requirements of paragraph 7.14.

**§ 37.186 Flexible fuel and oil cell material—TSO–C80.**

(a) *Applicability.* Minimum performance standards are hereby established for flexible fuel and oil cell liner material. New types of flexible fuel and oil cell material manufactured after the effective date of this section for use in civil aircraft of the United States shall meet the standards specified in Federal Aviation Agency Standard, "Flexible Fuel and Oil Cell Material", dated August 1, 1963.[1]

(b) *Marking.* In lieu of the marking requirements of § 37.7(d), flexible fuel and oil cell material shall be legibly and permanently marked with the following information:

(1) Name and address of the manufacturer;

(2) Type of fluid for which approved, i.e. fuel, or MIL–L–6082 oil, or MIL–L–7808 oil;

(3) For oil cell material, the minimum and maximum temperature limit;

(4) For oil cell material, the oil-dilution suitability;

(5) Month and year manufactured; and

(6) Applicable Technical Standard Order (TSO) number.

(c) *Data requirements.* In accordance with the provisions of § 37.5, the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Six copies of the manufacturer's end product typical assembly instructions and limitations;

(2) Six copies of the recommended installation procedures, limitations, restrictions, or other conditions pertinent to a satisfactory installation;

(3) Six copies of the instructions for the inspection, repair and storage of material and/or cells including age limits on material, i.e. shelf life and service time;

(4) Six copies of the following descriptive information:

(i) construction number and description (ply by ply) of the construction buildup complete with weight and gage of each ply,

(ii) support means (type of fastener and locations),

(iii) total weight per square foot of cell constructions, and

(iv) total thickness of cell construction; and

(5) One copy of the manufacturer's test report.

(d) *Effective date.* May 26, 1964.

**§ 37.190 Cockpit voice recorder—TSO C–84.**

(a) *Applicability.* (1) Minimum performance standards are hereby established for cockpit voice recorders for use on United States civil aircraft. New models of cockpit voice recorders manufactured for use on civil aircraft on or after September 2, 1964, shall meet the standards specified in Federal Aviation Agency Standard, "Minimum Performance Standards for Cockpit Voice Recorders," dated November 1, 1963,[1] and Federal Aviation Agency document entitled, "Environmental Test Procedures for Airborne Electronic Equipment," August 31, 1962,[1] except as provided in subparagraph (2) of this paragraph.

(2) Federal Aviation Agency document, "Environmental Test Procedures for Airborne Electronic Equipment," outlines various test procedures which define the environmental extremes over which the equipment shall be designed to operate. Some test procedures have categories established and some do not. Where categories are established, only equipment which qualifies under one or more of the following categories, as specified in the FAA document, is eligible for approval under this order:

(i) Temperature-Altitude Test—Categories A, B, C, or D;

(ii) Vibration Test—Categories A, B, C, D, E, or F;

(iii) Audio-Frequency Magnetic Field Susceptibility Test—Categories A or B;

(iv) Radio-Frequency Susceptibility Test—Category A; and

(v) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 37.7(d), the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are six environmental test procedures outlined in the FAA document, "Environmental Test Procedures for Airborne Electronic Equipment," which have categories established. These shall be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by six letters which identify the categories under which the equipment is qualified. Reading from left to right, the category designations shall appear on the nameplate in the following order so that they may be readily identified:

(i) Temperature-Altitude Category;

(ii) Vibration Test Category;

(iii) Audio-Frequency Magnetic Field Susceptibility Test Category;

(iv) Radio-Frequency Susceptibility Test Category;

(v) Emission of Spurious Radio-Frequency Energy Test Category; and

(vi) Explosion Test.

(2) Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X". A typical nameplate identification would be as follows: Env. Cat. DBAAAX.

(3) In some cases such as under the Temperature-Altitude Test Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner: Env. Cat. $\frac{A}{D}$ BAAAX.

(c) *Data requirements.* In accordance with the provisions of § 37.5, the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located the following technical data:

(1) Six copies of the manufacturer's operating instructions and equipment limitations;

(2) Six copies of the installation procedures with applicable schematic drawings, wiring diagrams, and specifications, indicating any limitations, restrictions, or other conditions pertinent to installation; and

(3) One copy of the manufacturer's test report.

**§ 37.191 Survivor locator lights—TSO–C85.**

(a) *Applicability.* Minimum performance standards are hereby established for survivor locator lights intended for installation on life preservers (adult and child) and life rafts for use in civil aircraft of the United States. New models of survivor locator lights manufactured on or after the effective date of this section shall meet the requirements specified in Federal Aviation Agency Standard, "Survivor Locator Lights", dated April 22, 1964.[1]

(b) *Marking.* The survivor locator light shall be permanently marked in accordance with the provisions of § 37.7(d), except that the weight of the light assembly may be omitted.

(c) *Data requirements.* In accordance with the provisions of § 37.5, as applicable, manufacturers of survivor locator lights shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

Six copies of an instruction manual containing descriptive information of the device, information for its maintenance and overhaul, instruction concerning the proper mounting of the light on the life preservers or life rafts to ensure continued compliance with prescribed minimum performance standards and pertinent operating instructions and limitations for the device.

(d) *Effective date.* July 6, 1964.

DISTRIBUTION TABLE

| *Former section* | *Revised section* |
|---|---|
| 514.1 | 37.1 |
| 514.2(a) and (b) | 37.3 |
| 514.2 (less (a) and (b)) | 37.5 |
| 514.3 | 37.7 |
| 514.4 | 37.9 |
| 514.5 | 37.11 |
| 514.6 | 37.13 |
| 514.7 | 37.15 |
| 514.8 | 37.17 |
| 514.9 | 39.19 |
| 514.10 | 37.21 |
| 514.11—514.91 | 37.111—37.191 |

[F.R. Doc. 64–11725; Filed, Nov. 16, 1964; 8:50 a.m.]

[1] Copies may be obtained upon request addressed to the Federal Aviation Agency, Attention HQ–630, Washington, D.C., 20553.

[1] Copies may be obtained upon request addressed to Library Services Division, HQ–630, Federal Aviation Agency, Washington, D.C., 20553.



[Airspace Docket No. 64–CE–2]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Federal Airway Segment

On March 7, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 3162) stating that the Federal Aviation Agency (FAA) proposed to designate a west alternate segment to VOR Federal airway No. 193 from White Cloud, Mich., via the intersection of the White Cloud 329° and the Traverse City 235° True radials to Traverse City.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association of America (ATA) commented that the proposal was desirable from an airline industry viewpoint. However, it was further stated that the proposal did not include the means for providing air route traffic control service at Manistee, Mich., with regard to communications. The ATA recommended that communications capability at Manistee be established prior to the designation of V–193 west alternate between White Cloud and Traverse City.

The establishment of a communication capability as recommended by the ATA is unrelated to the proposal contained in the Notice. The proposal as published pertained solely to the designation of an airway with associated control areas to provide a route for scheduled air carrier flights operating into and from the Manistee Airport. The FAA currently provides a communication capability through the Traverse City Flight Service Station down to the initial and missed approach altitudes at the Manistee Airport.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

Section 71.123 (29 F.R. 4, 1009) is amended as follows: In V–193 "Traverse City, Mich.;" is deleted and "Traverse City, Mich., including a W alternate from White Cloud to Traverse City via the INT of White Cloud 329° and Traverse City 235° radials;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 6, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–11656; Filed, Nov. 16, 1964; 8:46 a.m.]

[Airspace Docket No. 63–CE–103]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Control Zone and Transition Areas and Revocation of Transition Areas

On September 4, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12592) stating that the Federal Aviation Agency proposed to designate controlled airspace in the Benton Harbor, Mich.; South Bend, Ind.; and Goshen, Ind., terminal areas.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The notice of proposed rule making proposed to designate the Benton Harbor, Michigan, Control Zone "from 0730 to 2030 hours, local time, daily." In order to facilitate and expedite any future changes in the effective time of the control zone, the rule will modify the notice by specifying that the hours during which the control zone will be effective will be established in advance by a Notice to Airmen and continuously published in the Airman's Guide or its successor publication, the Airman's Information Manual, now planned for publication on December 10, 1964.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 1101) the following is added:

*Benton Harbor, Mich.*

Within a 5-mile radius of Ross Field, Benton Harbor, Mich. (latitude 42°07'45" N., longitude 86°25'45" W.) and within 2 miles each side of the 066° and 276° bearings from Ross Field, extending from the 5-mile radius zone to 8 miles east and west of the airport. This control zone shall be effective during specific times established in advance by a Notice to Airmen and continuously published in the Airman's Guide, or its successor publication, The Airman's Information Manual, now planned for publication on December 10, 1964.

In § 71.181 (29 F.R. 1160) the following is added:

*Benton Harbor, Mich.*

That airspace extending upward from 700 feet above the surface within 8 miles each side of the Keeler, Mich., VOR 266° radial, extending from the Keeler VOR to 29 miles west of the VOR.

*Goshen, Ind.*

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Goshen, Ind., Airport (latitude 41°31'43" N., longitude 85°47'48" W.) and within 2 miles north and 3 miles south of the Goshen, Ind. VOR 090° radial extending from the 5-mile radius area to the VOR.

*South Bend, Ind.*

That airspace extending upward from 700 feet above the surface within a 6-mile radius of St. Joseph County Airport, South Bend, Ind. (latitude 41°42'15" N., longitude 86°-15'50" W.) and within 5 miles south and 8 miles north of the South Bend ILS localizer east course, extending from St. Joseph County Airport to 12 miles east of the ILS outer marker and within 5 miles west and 8 miles east of the South Bend, Ind. VOR 360° radial, extending from the St. Joseph County Airport to 12 miles north of the VOR and within a 5-mile radius of Tyler Memorial Airport, Niles, Mich. (latitude 41°50'30" N., longitude 86°13'30" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the south by latitude 41°20'00" N., on the west by longitude 87°00'00" W., on the north by latitude 42°35'00" N., and on the east by a line extending from latitude 42°35'00" N., longitude 86°00'00" W., direct to latitude 42°-07'30" N., longitude 86°00'00" W., along the east edge of V–277 to latitude 41°40'00" N., longitude 85°38'25" W., direct to latitude 41°40'00" N., longitude 85°30'00" W., direct to latitude 41°20'00" N., longitude 85°30'00" N.

In § 71.181 (29 F.R. 1160) the following is deleted:

*Pullman, Mich.*

That airspace extending upward from 1,200 feet above the surface within the area bounded on the N by V–308, on the E by longitude 86°36'00" W., on the SE by V–193, on the SW by the South Bend, Ind., VORTAC 314° radial and on the W by longitude 87°-01'00" W.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on November 4, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64–11655; Filed, Nov. 16, 1964; 8:46 a.m.]

[Airspace Docket No. 64–WA–40]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

## PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

### Alteration of Federal Airways and Jet Routes

On October 27, 1964, the Federal Register Document No. 64–10881 was published in the FEDERAL REGISTER (29 F.R. 14621) amending Parts 71 and 75 [New] of the Federal Aviation Regulations by altering several VOR Federal airways and jet routes as a result of the relocation of the Windsor, Ontario, Canada, VOR. These actions are to become effective 0001 e.s.t., November 19, 1964.

Jet Route No. 70 was altered via the direct radial between the Windsor, Ontario, and Erie, Pa., VORs. Jet Route Nos. 70 and 550 presently coincide between Windsor and Erie. It is the intent of the Federal Aviation Agency that these jet routes should overlie VOR Federal airway No. 116 which, effective November 19, 1964, will be aligned from Windsor via the intersection of the Windsor 100° and the Erie 275° radials to Erie. Such action is taken herein.

Since the changes accomplished by these amendments move the jet routes concerned a maximum of approximately 3 miles within United States airspace, they are minor in nature, and the public is not particularly interested in public procedure thereon. Therefore, the Administrator finds that compliance with the notice and public procedure provisions of section 4 of the Administrative Procedure Act is unnecessary.

In order to maintain compatibility with the Canadian portion of the jet routes altered herein, the Administrator finds that good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, Federal Register Document No. 64-10881 is altered effective 0001 e.s.t., November 19, 1964, as follows:

1. Item 2b. is amended to read:

b. In Jet Route No. 70 everything after "Pullman, Mich.;" is deleted and "Windsor, Ont., Canada; INT of Windsor 100° and Erie, Pa., 275° radials; Erie; Huguenot, N.Y.; to Kennedy, N.Y. The portion within Canada is excluded." is substituted therefor.

2. Item 2f. is added to read:

f. In Jet Route No. 550 "Erie, Pa., 278° radial" is deleted and "Erie, Pa., 275° radial" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 6, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11657; Filed, Nov. 16, 1964; 8:46 a.m.]

## Chapter III—Federal Aviation Agency

## PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

CROSS REFERENCE: For supersedure of Part 514, see Part 37 [New] of Chapter I of this title, supra.

# Title 7—AGRICULTURE

## Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

## PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

## Subpart—United States Standards for Grades of Canned Orange Juice [1]

A proposal to revise the United States Standards for Grades of Canned Orange Juice was published in the FEDERAL REGISTER of September 16, 1964 (29 F.R. 12972). Interested persons were given until October 16, 1964, to submit written data, views, or arguments for consideration in connection with the proposed revision. Additional time for the submission of such data, views or arguments, to October 31, 1964, was provided by FEDERAL REGISTER publication on September 29, 1964 (29 F.R. 13430).

*Statement of consideration leading to the revised standards.* Few individual comments have been received concerning the Department's proposal of September 16, 1964. However, major citrus interests, the Florida Canners Association and the Florida Citrus Commission, voiced approval of the revised standards as proposed.

In the matter of minimum Brix/acid ratios for canned orange juice when the Brix of the juice is 15° or more, the proposed "no minimum" is changed to "9:1" to correspond to the minimum ratio as specified in the standards of identity for canned orange juice, promulgated by the Food and Drug Administration of the U.S. Department of Health, Education, and Welfare.

The Commonwealth of Puerto Rico commented that since oranges grown in that area are similar to those grown in Florida and Texas that area should also be included with those states in setting minimum acid requirements. Section 52.1559 *Flavor*, has been reworded to accomplish this.

After consideration of all relevant matters presented including the proposal in the aforesaid notice and pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended, 7 U.S.C. 1621-1627), the proposed United States Standards for Grades of Canned Orange Juice which were contained in the aforesaid notice are hereby adopted in the same form and manner as they appeared in the aforesaid notice and are hereby incorporated herein by this reference, except for the following change:

Section 52.1559, *Flavor*, is deleted in its entirety and a new § 52.1559 is substituted in lieu thereof.

It is hereby found that good cause exists for not postponing the effective date of this revision beyond that specified (5 U.S.C. 1003(c)) in that:

(1) The citrus processing season is imminent and it is necessary for purposes of inspection and marketing that the Department's grade standards be brought into conformance with Federal Food and Drug requirements of identity for orange juice products which became effective on July 1, 1964;

(2) The citrus industry is well aware of the provisions of the revised standards through published notice of proposed rule making, industry meetings, trade publications and other news media;

(3) No changes in production or marketing are required by the revised standards which are not already in effect and no preparation by users of the standards is required;

(4) Persons most interested in the revised standards have been supplied with copies of proposed standards, the text of which, for all practical purposes, is identical with the revised standards now promulgated.

The United States Standards for Grades of Canned Orange Juice (which is the eighth issue) contained in this subpart, shall become effective upon publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Grades of Canned Orange Juice which have been in effect since February 14, 1963.

Dated: November 12, 1964.

G. R. GRANGE,
*Deputy Administrator, Marketing Services.*

PRODUCT DESCRIPTION, STYLES, GRADES


Sec.
52.1551 Product description.
52.1552 Styles.
52.1553 Grades.

FILL OF CONTAINER

52.1554 Recommended fill of container.

FACTORS OF QUALITY

52.1555 Ascertaining the grade of a sample unit.
52.1556 Ascertaining the rating for the factors which are scored.
52.1557 Color.
52.1558 Defects.
52.1559 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.1560 Definitions of terms and methods of analyses.

LOT COMPLIANCE

52.1561 Ascertaining the grade of a lot.

SCORE SHEET

52.1562 Score sheet for canned orange juice.


AUTHORITY: The provisions of this subpart issued under secs. 202-208, 60 Stat. 1087; 7 U.S.C. 1621-1627.

PRODUCT DESCRIPTION, STYLES, GRADES

### § 52.1551 Product description.

Canned orange juice means the product as defined in the standards of identity for canned orange juice (21 CFR 27.108) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

### § 52.1552 Styles.

(a) Without sweetener.
(b) With sweetener.

### § 52.1553 Grades.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned orange juice that: (1) Shows no coagulation, (2) has a good color, (3) is practically free from defects, (4) possesses a good flavor, and (5) scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade C" (or "U.S. Standard") is the quality of canned orange juice that: (1) May show a slight coagulation, (2) has a fairly good color, (3) is fairly free from defects, (4) possesses a fairly good flavor, and (5) scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned orange juice that fails to meet the requirements of U.S. Grade C.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.



FILL OF CONTAINER

### § 52.1554 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be as full of orange juice as practicable.

FACTORS OF QUALITY

### § 52.1555 Ascertaining the grade of a sample unit.

(a) *General.* The grade of a sample unit of canned orange juice is ascertained by considering the degree of any coagulation, which is not scored; the ratings for the factors of color, defects, and flavor which are scored; the total score; and the limiting rules which may be applicable.

(b) *Factors rated by score points.* The relative importance of each scoring factor is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factor: | Points |
|---|---|
| Color | 40 |
| Defects | 20 |
| Flavor | 40 |
| Total | 100 |

### § 52.1556 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

### § 52.1557 Color.

(a) *Evaluation of color.* (1) The color of canned orange juice is evaluated by comparing the color of the product with the USDA Orange Juice Color Standards so that these color standards become points of reference.

(2) Such comparison is made under an artificial light source of approximately 150 candela intensity and having a spectral quality approximating that of daylight under a moderately overcast sky and a color temperature of 7500 degrees Kelvin, ±200 degrees.

(3) The USDA Orange Juice Color Standards range from yellow-orange to yellow color, with USDA OJ 1 being the most orange color in the series.

(b) *Procedure in evaluating color.* (1) Place the product in a clear glass test tube of 1 inch diameter.

(2) Arrange color standards in a test tube rack or similar device so that light coming from above strikes the standards at a 45 degree angle. The standards are inclined at a 45 degree angle against a neutral grey background. Observe the standards and product at right angles to the tubes.

(3) Classify the juice by inserting the tube of juice where it best fits in the series of color standards. Orange juice differing in color and brightness from the most nearly matching USDA Orange Juice Color Standard is evaluated by considering the amount of difference and its effect on the total appearance of the juice.

(c) *Availability of color standards.* The USDA Orange Juice Color Standards cited in this section are official color standards which may also be applied to other orange juices. Information regarding these color standards, and their availability, may be obtained from:

Processed Products Standardization and Inspection Branch,
Fruit and Vegetable Division,
Agricultural Marketing Service,
U.S. Department of Agriculture,
Washington, D.C., 20250.

(d) (*A*) *Classification.* Canned orange juice that has a good color may be given a score of 36 to 40 points. "Good color" means a bright yellow to yellow-orange color, typical of orange juice color. Canned orange juice that meets this criterion may be assigned score points in accordance with the following schedule:

| As compared with USDA Orange Juice Color Standards: | Score |
|---|---|
| Equal to or better than USDA OJ 2 | 40 points |
| Equal to or better than USDA OJ 3 | 39 points |
| Equal to or better than USDA OJ 4 | 38 points |
| Equal to or better than USDA OJ 5 | 37 points |
| Equal to or better than USDA OJ 6 | 36 points |

(e) (*C*) *Classification.* If the canned orange juice has a fairly good color, a score of 32 to 35 points may be given. Canned orange juice that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means a color that is not as good as USDA OJ 6. It may be slightly amber or very light in hue, or it may show slight evidence of browning; but is typical of canned orange juice.

(f) (*SStd.*) *Classification.* If the canned orange juice fails to meet the requirements of paragraph (e) of this section a score of 0 to 31 points may be given. Canned orange juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

### § 52.1558 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from recoverable oil; from particles of membrane, core, or skin; from seeds or seed particles; and from other defects.

(b) (*A*) *Classification.* Canned orange juice that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that there may be present not more than 0.030 percent by volume of recoverable oil and that the juice does not contain particles of membrane, core, or skin, seeds or seed particles, or other defects that affect more than slightly the appearance of the product.

(c) (*C*) *Classification.* If the canned orange juice is fairly free from defects, a score of 16 or 17 points may be given. Canned orange juice that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present not more than 0.050 percent by volume of recoverable oil and that the juice does not contain particles of membrane, core, or skin, seeds or seed particles, or other defects that affect materially the appearance of the product.

(d) (*SStd.*) *Classification.* Canned orange juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

### § 52.1559 Flavor.

(a) (*A*) *Classification.* Canned orange juice that possesses a good flavor may be given a score of 36 to 40 points. "Good flavor" means a fine, distinct canned orange juice flavor which is definitely free from traces of scorching, caramelization, oxidation, or terpene; is free from off flavors of any kind; and meets the following requirements for the respective styles; and when produced from fruit grown in the geographical areas indicated:

(1) *Without sweetener.*

| | Minimum | Maximum |
|---|---|---|
| Brix (degrees) | 10.5 | |
| Acid (per 100 ml.): | | |
| California or Arizona | 0.75 gm | 1.45 gms. |
| Outside California or Arizona | 0.65 gm | 1.45 gms. |
| Brix-acid ratio: | | |
| If Brix is less than 11.5° | 10:1 | 18:1. |
| If Brix 11.5° or more | 9:1 | 18:1. |

(2) *With sweetener.*

| | Minimum | Maximum |
|---|---|---|
| Brix (degrees) | 10.5° | |
| Acid (per 100 ml.): | | |
| California or Arizona | 0.75 gm | 1.45 gms. |
| Outside California or Arizona | 0.65 gm | 1.45 gms. |
| Brix-acid ratio: | | |
| If Brix less than 15° | 12:1 | 18:1. |
| If Brix 15° or more | 9:1 | 18:1. |

(b) (*C*) *Classification.* If the canned orange juice possesses a good flavor, a score of 32 to 35 points may be given. Canned orange juice that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means a good, normal canned orange juice flavor which may have a slightly caramelized or slightly oxidized flavor but is free from off flavors of any kind and meets the following requirements for the respective style; and when produced from fruit grown in the geographical areas indicated:

(1) *Without sweetener.*

| | Minimum | Maximum |
|---|---|---|
| Brix (degrees) | 10.0° | |
| Acid (per 100 ml.) | 0.55 gm | 1.60 gms. |
| Brix-acid ratio | 9:1 | |

(2) *With sweetener.*

| | Minimum | Maximum |
|---|---|---|
| Brix (degrees) | 10.5 | |
| Acid (per 100 ml.): | | |
| California or Arizona | 0.65 gm. | 1.65 gms. |
| Outside California or Arizona | 0.60 gm. | 1.65 gms. |
| Brix-acid ratio: | | |
| If Brix less than 15° | 12:1 | 18:1. |
| If Brix 15° or more | 9:1 | 18:1. |

(c) *(SStd) Classification.* Canned orange juice that fails to meet the requirements of paragraph (b) of this section, or is off flavor for any reason, may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

**§ 52.1560 Definitions of terms and methods of analyses.**

(a) *Brix.* "Brix" means the degrees Brix of canned orange juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing juice at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in the "Official Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of canned orange juice may be determined by any other method which gives equivalent results.

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 ml. of canned orange juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(c) *Brix-acid ratio.* The "brix-acid ratio" is the ratio of the degrees Brix of the canned orange juice to the grams of anhydrous citric acid per 100 milliliters of the juice.

(d) *Recoverable oil.* "Recoverable oil" in canned orange juice is determined by the following method:

(1) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 [2] or Figure 2.[2]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(2) *Procedure.* (i) Place exactly 2 liters of juice in the 3-liter flask and insert the separatory trap. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Continue boiling for one hour at the rate of approximately 50 drops per minute.

(ii) By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(iii) The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

[2] Filed as part of the original document.

LOT COMPLIANCE

**§ 52.1561 Ascertaining the grade of a lot.**

The grade of a lot of canned orange juice covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

**§ 52.1562 Score sheet for canned orange juice.**

| | | | |
|---|---|---|---|
| Size and kind of container | | | |
| Container mark or identification | (Cans | | |
| | (Cases | | |
| Label (including ingredient statement, if any) | | | |
| Liquid measure (fluid ounces) | | | |
| Vacuum (inches) | | | |
| Style | | | |
| Brix (degrees) | | | |
| Acid (grams/100 ml.: calculated as anhydrous citric acid) | | | |
| Brix-acid ratio ( :1) | | | |
| Recoverable oil (percent by volume) | | | |
| Degree of coagulation: | | | |
| ( ) None. | | | |
| ( ) Slight. | | | |
| ( ) Serious. | | | |
| **Factors** | **Score points** | | |
| Color | 40 | (A) 36–40<br>(C) 1 32–35<br>(SStd.) 1 0–31 | |
| Defects | 20 | (A) 15–20<br>(C) 1 16–17<br>(SStd.) 1 0–15 | |
| Flavor | 40 | (A) 36–40<br>(C) 1 32–35<br>(SStd.) 1 0–31 | |
| Total score | 100 | | |
| Grade | | | |

[1] Indicates limiting rule.

[F.R. Doc. 64-11609; Filed, Nov. 16, 1964; 8:49 a.m.]

## PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

### Subpart—United States Standards for Grades of Concentrated Orange Juice for Manufacturing [1]

A proposal to revise the United States Standards for Grades of Concentrated Orange Juice for Manufacturing was published in the FEDERAL REGISTER of September 16, 1964 (29 F.R. 12974). Interested persons were given until October 16, 1964, to submit written data, views, or arguments for consideration in connection with the proposed revision. Additional time for the submission of such data, views, or arguments, to October 31, 1964, was provided by FEDERAL REGISTER publication on September 29, 1964 (29 F.R. 13430).

*Statement of consideration leading to the revised standards.* No adverse comment has been received concerning the Department's proposal of September 16, 1964. Major citrus interests, the Florida Canners Association and the Florida Citrus Commission, voiced approval of the revised standards as proposed.

After consideration of all relevant matters presented including the proposal in the aforesaid notice and pursuant to the authority contained in the Agricultural Marketing Act of 1964 (secs. 202–208, 60 Stat. 1087, as amended, 7 U.S.C. 1621–1627) the proposed United States Standards for Grades of Concentrated Orange Juice for Manufacturing which were contained in the aforesaid notice are hereby adopted in the same form and manner as they appeared in the aforesaid notice and are hereby incorporated herein by this reference.

It is hereby found that good cause exists for not postponing the effective date of this revision beyond that specified (5 U.S.C. 1003(c)) in that:

(1) The citrus processing season is imminent and it is necessary for purposes of inspection and marketing that the Department's grade standards be brought into conformance with Federal Food and Drug requirements of identity for orange juice products which became effective on July 1, 1964;

(2) The citrus industry is well aware of the provisions of the revised standards through published notice of proposed rule making, industry meetings, trade publications and other news media;

(3) No changes in production or marketing are required by the revised standards which are not already in effect and no preparation by users of the standards is required;

(4) Persons most interested in the revised standards have been supplied with copies of proposed standards, the text of which is identical with the revised standards now promulgated.

The United States Standards for Grades of Concentrated Orange Juice for Manufacturing (which is the third issue) contained in this subpart shall become effective upon publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Grades of Concentrated Orange Juice for Manufacturing which have been in effect since December 20, 1957.

Dated: November 12, 1964.

G. R. GRANGE,
*Deputy Administrator,*
*Marketing Services.*

PRODUCT DESCRIPTION, STYLES, GRADES

Sec.
52.2221 Product description.
52.2222 Grades.

FILL OF CONTAINER

52.2223 Recommended fill of container.

FACTORS OF QUALITY

52.2224 Ascertaining the grade of a sample unit.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.



Sec.
52.2225 Ascertaining the rating for the factors which are scored.
52.2226 Color.
52.2227 Defects.
52.2228 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.2229 Definitions of terms and methods of analyses.

LOT COMPLIANCE

52.2230 Ascertaining the grade of a lot.

SCORE SHEET

52.2231 Score sheet for concentrated orange juice for manufacturing.

AUTHORITY: The provisions of this subpart issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, STYLES, GRADES

**§ 52.2221 Product description.**

Concentrated orange juice for manufacturing is the product as defined in the standards of identity (21 CFR 27.114 and 21 CFR 27.115) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

**§ 52.2222 Grades.**

(a) "U.S. Grade A for Manufacturing" (or "U.S. Fancy for Manufacturing") is the quality of concentrated orange juice that reconstitutes properly and of which the reconstituted juice: (1) Has a reasonably good color, (2) is practically free from defects, (3) possesses a reasonably good flavor, and (4) scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade C for Manufacturing" (or "U.S. Standard for Manufacturing") is the quality of concentrated orange juice that reconstitutes properly, and of which the reconstituted juice: (1) Has a faily good color, (2) is fairly free from defects, (3) possesses a fairly good flavor, and (4) scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of concentrated orange juice for manufacturing that fails to meet the requirements of U.S. Grade C for Manufacturing.

FILL OF CONTAINER

**§ 52.2223 Recommended fill of container.**

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be as full of concentrated orange juice as practicable without impairment of quality.

FACTORS OF QUALITY

**§ 52.2224 Ascertaining the grade of a sample unit.**

(a) *General.* The grade of a sample unit of concentrated orange juice for manufacturing is ascertained by considering the faculty of reconstituting properly which is not scored; the ratings for the factors of color, defects, and flavor which are scored; the total score; and the limiting rules which may be applicable.

(b) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 40 |
| Defects | 20 |
| Flavor | 40 |
| Total score | 100 |

**§ 52.2225 Ascertaining the rating for the factors which are scored.**

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

**§ 52.2226 Color.**

(a) *Evaluation of color.* (1) The color of concentrated orange juice for manufacturing, where applicable, is evaluated by comparing the color of the reconstituted product with the USDA Orange Juice Color Standards so that these color standards become points of reference.

(2) Such comparison is made under an artificial light source of approximately 150 candela intensity and having a spectral quality approximating that of daylight under a moderately overcast sky and a color temperature of 7500 degrees Kelvin, ±200 degrees.

(3) The USDA Orange Juice Color Standards range from yellow-orange to yellow color, with USDA OJ 1 being the most orange color in the series.

(b) *Procedure in evaluating color.* (1) Place the reconstituted juice in a clear glass test tube of 1 inch diameter.

(2) Arrange color standards in a test tube rack or similar device so that light coming from above strikes the standards at a 45 degree angle. The standards are inclined at a 45 degree angle against a neutral grey background. Observe the standards and product at right angles to the tubes.

(3) Classify the juice by inserting the tube of juice where it best fits in the series of color standards. Orange juice differing in color and brightness from the most nearly matching USDA Orange Juice Color Standard is evaluated by considering the amount of difference and its effect on the total appearance of the juice.

(c) *Availability of color standards.* The USDA Orange Juice Color Standards cited in this section are official color standards which may also be applied to other orange juices. Information regarding these color standards, and their availability, may be obtained from:

Processed Products Standardization and Inspection Branch,
Fruit and Vegetable Division,
Agricultural Marketing Service,
U.S. Department of Agriculture,
Washington, D.C., 20250.

(d) *(A Mfg.) Classification.* Concentrated orange juice for manufacturing of which the reconstituted juice possesses a reasonably good color may be given a score of 36 to 40 points. "Reasonably good color" means a reasonably good yellow to yellow-orange color, typical of properly processed and properly concentrated orange juice and reasonably free from browning due to scorching, oxidation, carmelization, or other causes. Concentrated orange juice for manufacturing that meets this criterion may be assigned score points in accordance with the following schedule:

| As compared with USDA Orange Juice Color Standards: | Score |
|---|---|
| Equal to or better than USDA OJ 2 | 40 points |
| Equal to or better than USDA OJ 3 | 39 points |
| Equal to or better than USDA OJ 4 | 38 points |
| Equal to or better than USDA OJ 5 | 37 points |
| Equal to or better than USDA OJ 6 | 36 points |

(e) *(C Mfg.) Classification.* If the reconstituted juice possesses a fairly good color, a score of 32 to 35 points may be given. Concentrated orange juice for manufacturing that falls into this classification shall not be graded above U.S. Grade C for Manufacturing regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the juice may be slightly amber or very light in color and may show evidence of slight browning but is not off color for any reason.

(f) *(SStd Mfg.) Classification.* If the reconstituted juice fails to meet the requirements of paragraph (e) of this section a score of 0 to 31 points may be given. Concentrated orange juice for manufacturing that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

**§ 52.2227 Defects.**

(a) *General.* The factor of defects concerns the degree of freedom from small seeds and portions thereof; from discolored specks, white flakes, harmless extraneous material, and other similar defects; and from juice sacs and particles of membrane, core, and peel in excess of that normally present in orange juice.

(b) *Small seeds and portions thereof.* "Small seeds and portions thereof" means seed, whether fully developed or not, and particles of seed that could pass readily through round perforations 1/8 inch (3.2 mm.) in diameter.

(c) *(A) Classification.* Concentrated orange juice for manufacturing of which the reconstituted juice is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that any combination of defects present may no more than slightly detract from the appearance or drinking quality of the juice.

(d) *(C Mfg.) Classification.* If the reconstituted juice is fairly free from defects, a score of 16 or 17 points may be given. Concentrated orange juice for manufacturing that falls into this classification shall not be graded above U.S. Grade C for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that any combination of defects present may not seriously detract

from the appearance or drinking quality of the juice.

(e) *(SStd. Mfg.) Classification.* Concentrated Orange Juice for Manufacturing that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2228 Flavor.

(a) *(A Mfg.) Classification.* Concentrated orange juice for manufacturing of which the reconstituted juice possesses a reasonably good flavor may be given a score of 36 to 40 points. "Reasonably good flavor" means that the flavor is typical of reconstituted concentrated orange juice from properly processed and concentrated orange juice; that the flavor may range from high acidity to low acidity; is practically free from traces of scorching, carmelization, oxidation, or terpene; and is free from other off flavors of any kind. To score in this classification the ratio of the Brix value of the concentrate to the acid shall be not less than 8 to 1 nor more than 20 to 1.

(b) *(C Mfg.) Classification.* If the reconstituted juice possesses a fairly good flavor, a score of 32 to 35 points may be given. Concentrated orange juice for manufacturing that falls into this classification shall not be graded above U.S. Grade C for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means a normal flavor for reconstituted concentrated orange juice; and that the flavor may range from high acidity to low acidity; may have a slightly caramelized or slightly oxidized flavor or may possess traces of terpene but is free from off flavors of any kind. To score in this classification the ratio of the Brix value of the concentrate to the acid shall be not less than 8 to 1 nor more than 24 to 1.

(c) *(SStd Mfg.) Classification.* If the concentrated orange juice for manufacturing fails to meet the requirements of paragraph (b) of this section, a score of 0 to 31 points may be given. Concentrated orange juice for manufacturing that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.2229 Definitions of terms and methods of analyses.

(a) *Reconstituted juice.* "Reconstituted juice" means the product obtained by thoroughly mixing the concentrate with the amount of distilled water to produce an orange juice of between 11.8 and 12.8 degrees Brix.

(b) *Reconstitutes properly.* "Reconstitutes properly" means that the concentrate goes into solution readily; and that in approximately 250 ml. of the reconstituted juice, after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clean glass cylinder (approximately 1¼ inches (3 cm.) in diameter, there may be a noticeable separation of suspended matter but any resulting zone of greater clarity shall be definitely turbid and not clear or transparent.

(c) *Acid.* "Acid" means the percent by weight of total acidity, calculated as anhydrous citric acid, in the concentrated orange juice. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(d) *Brix.* "Brix" of the reconstituted juice means the degree Brix as determined by the Brix hydrometer calibrated at 20 degrees Centigrade (68 degrees Fahrenheit) and to which any applicable temperature correction has been applied.

(e) *Brix value.* "Brix value" in concentrated orange juice for manufacturing is the refractometric sucrose value determined in accordance with the "International Scale of Refractive Indices of Sucrose Solutions" and to which the applicable correction for acid is added (see Table I of this subpart for corrections). The measurement of Brix value is determined on the concentrate in accordance with the refractometric method for sugars and sugar products, outlined in the "Official Methods of Analysis of the Association of Official Agricultural Chemists."

(f) *Brix value-acid ratio.* The Brix value-acid ratio is the ratio of the Brix value of the concentrate in degrees Brix to the grams of anhydrous citric acid per 100 grams of concentrate.

TABLE I [1]—CORRECTIONS FOR OBTAINING BRIX VALUE

| Citric acid anhydrous (percent by weight) | *Correction to be added to refractometer sucrose value to obtain degree Brix value* |
|---|---|
| 2.0 | 0.39 |
| 2.2 | .43 |
| 2.4 | .47 |
| 2.6 | .51 |
| 2.8 | .54 |
| 3.0 | .58 |
| 3.2 | .62 |
| 3.4 | .66 |
| 3.6 | .70 |
| 3.8 | .74 |
| 4.0 | .78 |
| 4.2 | .81 |
| 4.4 | .85 |
| 4.6 | .89 |
| 4.8 | .93 |
| 5.0 | .97 |

[1] Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, Vol. II, Page 447, August 15, 1939.

LOT COMPLIANCE

§ 52.2230 Ascertaining the grade of a lot.

The grade of a lot of concentrated orange juice for manufacturing covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.2231 Score sheet for concentrated orange juice for manufacturing.

| | | | |
|---|---|---|---|
| Size and kind of container | | | |
| Container mark or identification | Cans | | |
| | Cases | | |
| Label (including reconstitution factor) | | | |
| Liquid measure (fluid ounces) | | | |
| Vacuum (inches) | | | |
| Brix value (of concentrate) | | | |
| Total acidity: | | | |
| As anhydrous citric | | | |
| Percent by weight | | | |
| Brix value-acid ratio ( :1) | | | |
| Reconstitutes properly: (yes) (no) | | | |
| Preservative (or kind) (yes) (no) | | | |

| Factors | | Score points | |
|---|---|---|---|
| Color | 40 | A Mfg. | 36–40 |
| | | C Mfg. [1] | 32–35 |
| | | SStd. Mfg. [1] | 0–31 |
| Defects | 20 | A Mfg. | 18–20 |
| | | C Mfg. [1] | 16–17 |
| | | SStd. Mfg. [1] | 0–15 |
| Flavor | 40 | A Mfg. | 36–40 |
| | | C Mfg. [1] | 32–35 |
| | | SStd. Mfg. [1] | 0–31 |
| Total score | 100 | | |

| | |
|---|---|
| Grade for manufacturing | |

[1] Indicates limiting rule.

[F.R. Doc. 64–11700; Filed, Nov. 16, 1964; 8:49 a.m.]

## PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

### Subpart—United States Standards for Grades of Canned Concentrated Orange Juice [1]

A proposal to revise the United States Standards for Grades of Canned Concentrated Orange Juice was published in the FEDERAL REGISTER of September 16, 1964 (29 F.R. 12976). Interested persons were given until October 16, 1964, to submit written data, views, or arguments for consideration in connection with the proposed revision. Additional time for the submission of such data, views, or arguments, to October 31, 1964, was provided by FEDERAL REGISTER publication on September 29, 1964 (29 F.R. 13430).

*Statement of consideration leading to the revised standards.* No adverse comment has been received concerning the Department's proposal of September 16, 1964. Major citrus interests, the Florida Canners Association and the Florida Citrus Commission, voiced approval of the standards as proposed.

After consideration of all relevant matters presented including the proposal in the aforesaid notice and pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended, 7 U.S.C. 1621–1627) the proposed United States Standards for Grades of Canned Concentrated Orange Juice which were contained in the aforesaid notice are hereby adopted in the same form and manner as they appeared in the aforesaid notice and are hereby incorporated herein by this reference.

It is hereby found that good cause exists for not postponing the effective date of this revision beyond that specified (5 U.S.C. 1003(c)) in that:

(1) The citrus processing season is imminent and it is necessary for purposes of inspection and marketing that the Department's grade standards be brought into conformance with Federal Food and Drug requirements of identity for orange juice products which became effective on July 1, 1964;

(2) The citrus industry is well aware of the provisions of the revised standards through published notice of proposed rule making, industry meetings, trade publications and other news media;

(3) No changes in production or marketing are required by the revised standards which are not already in effect and no preparation by users of the standards is required;

(4) Persons most interested in the revised standards have been supplied with copies of proposed standards, the text of which is identical with the revised standards now promulgated.

The United States Standards for Grades of Canned Concentrated Orange Juice (which is the fourth issue) contained in this subpart shall become effective upon publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Grades of Canned Concentrated Orange Juice which have been in effect since December 12, 1953.

Dated: November 12, 1964.

C. R. GRANGE,
*Deputy Administrator,*
*Marketing Services.*

PRODUCT DESCRIPTION, STYLES, GRADES

Sec.
52.2251 Product description.
52.2252 Styles.
52.2253 Grades.

FILL OF CONTAINER

52.2254 Recommended fill of container.

FACTORS OF QUALITY

52.2255 Ascertaining the grade of a sample unit.
52.2256 Ascertaining the rating for the factors which are scored.
52.2257 Color.
52.2258 Defects.
52.2259 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.2260 Definitions of terms and methods of analyses.

LOT COMPLIANCE

52.2261 Ascertaining the grade of a lot.

SCORE SHEET

52.2262 Score sheet for canned concentrated orange juice.

AUTHORITY: The provisions of this subpart issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.





PRODUCT DESCRIPTION, STYLES, GRADES

§ 52.2251 Product description.

Canned concentrated orange juice (or canned orange juice concentrate) is the product as defined in the standards of identity (21 CFR 27.110) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.2252 Styles.

(a) *Without sweetener.* The Brix value of the finished concentrate is not less than 41.8 degrees and shall be such that when reconstituted according to directions, the reconstituted juice tests not less than 11.8 degrees Brix.

(b) *With sweetener.* The Brix value of the finished concentrate is not less than 42.0 degrees and shall be such that, when diluted according to directions, the reconstituted juice contains not less than 11.8 percent, by weight, of soluble orange solids.

§ 52.2253 Grades.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned concentrated orange juice that reconstitutes properly and of which the reconstituted juice: (1) has an appearance reasonably characteristic of fresh orange juice, (2) has a very good color, (3) is practically free from defects, (4) possesses a good flavor, and (5) scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade C" (or "U.S. Standard") is the quality of canned concentrated orange juice that reconstitutes properly and of which the reconstituted juice: (1) has a fairly good color, (2) is fairly free from defects, (3) possesses a fairly good flavor, and (4) scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned concentrated orange juice that fails to meet the requirements of U.S. Grade C.

FILL OF CONTAINER

§ 52.2254 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be as full of canned concentrated orange juice as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.2255 Ascertaining the grade of a sample unit.

(a) *General.* The grade of a sample unit of canned concentrated orange juice is ascertained by considering the faculty of reconstituting properly and the appearance of the reconstituted juice, which are not scored; the ratings for the factors of color, defects, and flavor which are scored; the total score; and the limiting rules which may be applicable.

(b) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | *Points* |
|---|---|
| Color | 40 |
| Defects | 20 |
| Flavor | 40 |
| Total score | 100 |

§ 52.2256 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.2257 Color.

(a) *Evaluation of color.* (1) The color of canned concentrated orange juice is evaluated by comparing the color of the product with the USDA Orange Juice Color Standards so that the color standards become points of reference.

(2) Such comparison is made under an artificial light source of approximately 150 candela intensity and having a spectral quality approximating that of daylight under a moderately overcast sky and a color temperature of 7500 degrees Kelvin, ±200 degrees.

(3) The USDA Orange Juice Color Standards range from yellow-orange to yellow color, with USDA OJ 1 being the most orange color in the series.

(b) *Procedure in evaluating color.* (1) Place the reconstituted product in a clear glass test tube of 1 inch diameter.

(2) Arrange color standards in a test tube rack or similar device so that light coming from above strikes the standards at a 45 degree angle. The standards are inclined at a 45 degree angle against a neutral grey background. Observe the standards and product at right angles to the tubes.

(3) Classify the color by inserting the tube of reconstituted juice where it best fits in the series of color standards. Orange juice differing in color and brightness from the most nearly matching USDA Orange Juice Color Standard is evaluated by considering the amount of difference and its effect on the total appearance of the juice.

(c) *Availability of color standards.* The USDA Orange Juice Color Standards cited in this section are official color standards which may also be applied to other orange juices. Information regarding these color standards, and their availability, may be obtained from:

Processed Products Standardization and Inspection Branch,
Fruit and Vegetable Division,
Agricultural Marketing Service,
U.S. Department of Agriculture,
Washington, D.C. 20250.

(d) *(A) Classification.* Canned concentrated orange juice of which the reconstituted juice possesses a very good color may be given a score of 36 to 40

points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of rich-colored orange juice. Canned concentrated orange juice that meets this criterion may be assigned score points in accordance with the following schedule:

| As compared with USDA Orange Juice Color Standards: | Score |
|---|---|
| Equal to or better than USDA OJ 2 | 40 points |
| Equal to or better than USDA OJ 3 | 39 points |
| Much better than USDA OJ 4 | 38 points |
| Equal to or slightly better than USDA OJ 4 | 37 points |
| Equal to or better than USDA OJ 5 | 36 points |

(e) (*C*) *Classification.* If the reconstituted juice possesses a fairly good color, a score of 32 to 35 points may be given. Canned concentrated orange juice that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the reconstituted juice may be slightly amber or very light in color and may show evidence of slight browning but is not off color for any reason. Canned concentrated orange juice that meets this criterion may be assigned score points in accordance with the following schedule:

| As compared with USDA Orange Juice Color Standards: | Score |
|---|---|
| Better than USDA OJ 6, not as good as USDA OJ 5 | 35 points |
| Equal to USDA OJ 6 | 34 points |
| Not as good as USDA OJ 6 | 33 or 32 points |

(f) (*SStd.*) *Classification.* If the reconstituted juice fails to meet the requirements of paragraph (e) of this section a score of 0 to 31 points may be given. Canned concentrated orange juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

### § 52.2258 Defects.

(a) *General.* The factor of defects concerns the degree of freedom from small seeds and portions thereof; from discolored specks, white flakes, harmless extraneous material, and other similar defects; from recoverable oil; and from juice sacs and particles of membrane, core, and peel in excess of that normally present in orange juice.

(b) *Definitions*—(1) *Small seeds and portions thereof.* "Small seeds and portions thereof" means seed, whether fully developed or not, and particles of seed that could pass readily through round perforations ⅛ inch (3.2 mm.) in diameter.

(2) *Recoverable oil.* "Recoverable oil" means oil recoverable by the method outlined in this subpart.

(c) (*A*) *Classification.* Canned concentrated orange juice of which the reconstituted juice is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that any combination of defects present may no more than slightly detract from the appearance or drinking quality of the juice. To score in this classification the canned concentrated orange juice shall contain a trace but not more than 0.0024 milliliter of recoverable oil per degree Brix value per 100 grams of the concentrate.

(d) (*C*) *Classification.* If the reconstituted juice is reasonably free from defects, a score of 16 or 17 points may be given. Canned concentrated orange juice that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that any combination of defects present may not seriously detract from the appearance or drinking quality of the juice. To score in this classification the canned concentrated orange juice may contain not more than 0.003 milliliter of recoverable oil per degree Brix value per 100 grams of the concentrate.

(e) (*SStd.*) *Classification.* Canned concentrated orange juice that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

### § 52.2259 Flavor.

(a) (*A*) *Classification.* Canned concentrated orange juice of which the reconstituted juice possesses a good flavor may be given a score of 36 to 40 points. "Good flavor" means a distinct orange juice flavor, typical of reconstituted orange juice from properly processed and concentrated orange juice. To score in this classification the concentrate shall meet the following limits for the respective style:

(1) *Without sweetener.* Brix value to acid ratio—not less than 11.5 to 1 nor more than 18 to 1.

(2) *With sweetener.* Brix value to acid ratio—not less than 12.0 to 1 nor more than 18 to 1.

(b) (*C*) *Classification.* If the reconstituted juice possesses a fairly good flavor, a score of 32 to 35 points may be given. Canned concentrated orange juice that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" mean that the flavor is normal for reconstituted canned concentrated orange juice and may have a slightly caramelized or slightly oxidized flavor but is free from abnormal flavors and off flavors of any kind. To score in this classification the canned concentrated orange juice shall meet the following requirements for the respective style:

(1) *Without sweetener.* Brix value to acid ratio—not less than 9.5 to 1 nor more than 20 to 1.

(2) *With sweetener.* Brix value to acid ratio—not less than 10 to 1 nor more than 20 to 1.

(c) (*SStd.*) *Classification.* If the canned concentrated orange juice fails to meet the requirements of paragraph (b) of this section, a score of 0 to 31 points may be given, canned concentrated orange juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

### § 52.2260 Definitions of terms and methods of analyses.

(a) *Reconstituted juice.* "Reconstituted juice" means the product obtained by thoroughly mixing the concentrate with the amount of water prescribed on the label or other appropriate directions.

(b) *Reconstitutes properly.* "Reconstitutes properly" means that the concentrate goes into solution readily; and that in approximately 250 ml. of the reconstituted juice, after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass cylinder (approximately 1¼ inches (3 cm.) in diameter), there may be a noticeable separation of suspended matter but any resulting zone of greater clarity shall be definitely turbid and not clear or transparent.

(c) *Acid.* "Acid" means the percent by weight of total acidity, calculated as anhydrous citric acid. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(d) *Brix value.* "Brix value" in canned concentrated orange juice is the refractometric sucrose value determined in accordance with the "International Scale of Refractive Indices of Sucrose Solutions" and to which the applicable correction for acid is added (see Table I of this subpart for corrections). The measurement of Brix value is determined on the concentrate in accordance with the refractometric method for sugars and sugar products, outlined in the "Official Methods of Analysis of the Association of Official Agricultural Chemists."

(e) *Brix value-acid ratio.* The Brix value-acid ratio is the ratio of the Brix value of the concentrate in degrees Brix to the grams of anhydrous citric acid per 100 grams of concentrate.

TABLE I [1]—CORRECTIONS FOR OBTAINING BRIX VALUE

| Citric acid, anhydrous (percent by weight): | *Correction to be added to refractometer sucrose value to obtain degree Brix value* |
|---|---|
| 2.0 | 0.39 |
| 2.2 | .43 |
| 2.4 | .47 |
| 2.6 | .51 |
| 2.8 | .54 |
| 3.0 | .58 |
| 3.2 | .62 |
| 3.4 | .66 |
| 3.6 | .70 |
| 3.8 | .74 |
| 4.0 | .78 |
| 4.2 | .81 |
| 4.4 | .85 |
| 4.6 | .89 |
| 4.8 | .93 |
| 5.0 | .97 |

[1] Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. B. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, Vol. II, Page 447, August 15, 1939.

(f) *Recoverable oil.* "Recoverable oil" is determined by the following method:



(1) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 [2] or Figure 2.[2]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(2) *Procedure.* (i) Place exactly 400 grams of the concentrate, mixed with water to approximately two liters, in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from the bottom to top, and bring the solution to a boil. Continue boiling for one hour at the rate of approximately 50 drops per minute.

(ii) By means of the stopcock, lower the oil into the graduated portion of the separatory trap. Remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(iii) The milliliters of recoverable oil per degree Brix value per 100 grams of the concentrate is determined as follows:

$$\text{ml. recoverable oil per degree Brix value per 100 grams conc.} = \frac{\text{ml. recovered oil}}{4\ (\text{Brix value of concentrate})}$$

LOT COMPLIANCE

### § 52.2261 Ascertaining the grade of a lot.

The grade of a lot of canned concentrated orange juice covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

### § 52.2262 Score sheet for canned concentrated orange juice.

| | | | |
|---|---|---|---|
| Size and kind of container | | | |
| Container mark or identification | Cans | | |
| | Cases | | |
| Label (including dilution factor, if any) | | | |
| Liquid measure (fluid ounces) | | | |
| Vacuum (inches) | | | |
| Brix value (of concentrate) | | | |
| Style | | | |
| Total acidity: | | | |
| As anhydrous citric | | | |
| Percent by weight | | | |
| Brix value-acid ratio ( :1) | | | |
| Recoverable oil (ml./100 gm./degree Brix val.) | | | |
| Reconstitutes properly: (yes) (no) | | | |
| Appearance of fresh juice: (yes) (no) | | | |

| Factors | | Score points | |
|---|---|---|---|
| Color | 40 | (A) | 36–40 |
| | | (C) [1] | 32–35 |
| | | (SStd.) [1] | 0–31 |
| Defects | 20 | (A) | 18–20 |
| | | (C) [1] | 16–17 |
| | | (SStd.) [1] | 0–15 |
| Flavor | 40 | (A) | 36–40 |
| | | (C) [1] | 32–35 |
| | | (SStd.) [1] | 0–31 |
| Total score | 100 | | |
| Grade | | | |

[1] Indicates limiting rule.

[F.R. Doc. 64–11701; Filed, Nov. 16, 1964; 8:49 a.m.]

[2] Filed as part of the original document.

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Amdt. 1]

## PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

### Limitation of Shipments

*Findings.* (a) Pursuant to Marketing Agreement No. 98 and Order No. 945, as amended (7 CFR Part 945), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1964 crop potatoes grown in the production area are now being made, (2) compliance with this amendment will not require any special preparation by handlers which cannot be completed by the effective date, (3) information regarding the committee's recommendation has been made to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of potatoes in the production area.

*Order, as amended.* Amend paragraph (a) of § 945.323 (29 F.R. 8161) to read as follows:

### § 945.323 Limitation of shipments.

(a) *Minimum quality requirements*—(1) *Grade.* All varieties—U.S. No. 2, or better grade.

(2) *Size*—(i) *Round red varieties.* 1⅞ inches minimum diameter: *Provided,* That any lot of potatoes that meets the requirements of the U.S. No. 2 grade only may be shipped if they are 1½ inches minimum diameter.

(ii) *All other varieties.* 2 inches minimum diameter or 4 ounces minimum weight: *Provided,* That any lot of potatoes that meets the requirements of U.S. No. 2 grade only may be shipped if they are 1½ inches minimum diameter.

(iii) *All varieties.* Size B.

(3) *Cleanliness*—(i) *Kennebec variety.* Not more than "slightly dirty."

(ii) *All other varieties.* "Generally fairly clean."

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: November 12, 1964, to become effective November 16, 1964.

F. L. SOUTHERLAND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11702; Filed, Nov. 16, 1964; 8:49 a.m.]

# Title 10—ATOMIC ENERGY

## Chapter I—Atomic Energy Commission

## PART 40—LICENSING OF SOURCE MATERIAL

### Exemption of Glass Enamel and Glass Enamel Frit Containing Source Material

On July 3, 1964 the Commission published in the FEDERAL REGISTER (29 F.R. 8431) a proposed amendment of § 40.13 (c) (2), 10 CFR Part 40, which exempts from licensing glazed ceramic tableware and glassware containing not more than stated percentages of source material, to add glass enamel and glass enamel frit containing not more than 10 percent by weight source material to the exemption. The proposed amendment would also amend § 40.13(c) (2) so that the percentages in the existing exemption for source material in glassware and tableware would be specified in terms of weight. All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendment within sixty days after publication of the notice in the FEDERAL REGISTER. After consideration of the comments received, the Commission has decided to adopt the proposed amendment, without change, as an effective rule.

Section 150.15(a) (6), 10 CFR Part 150, provides that persons in agreement States [1] are not exempt from the Commission's licensing and regulatory requirements with respect to "The transfer of possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material, intended for use by the general public." The Commission has determined that glass enamel and glass enamel frit are products intended for use by the general public. Accordingly, the transfer of possession or control by the manufacturer of such products would not be subject to the licensing and regulatory authority of an agreement State.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the follow-

[1] States to which the Commission has transferred certain regulatory authority over radioactive material by formal agreement pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

ing amendment of Title 10, Chapter I, Part 40, Code of Federal Regulations, is published as a document subject to codification to be effective thirty (30) days after publication in the FEDERAL REGISTER.

Section 40.13(c)(2) is amended to read as follows:

**§ 40.13 Unimportant quantities of source material.**

* * * * *

(c) * * *

(2) Source material contained in the following products: (i) glazed ceramic tableware, provided that the glaze contains not more than 20 percent by weight source material; (ii) glassware, glass enamel and glass enamel frit containing not more than 10 percent by weight source material; but not including commercially manufactured glass brick, pane glass, ceramic tile or other glass, glass enamel or ceramic used in construction;

* * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply sec. 62, 68 Stat. 932; 42 U.S.C. 2092)

Dated at Washington, D.C., this 2d day of November 1964.

For the Atomic Energy Commission.

W. B. McCOOL,
*Secretary to the Commission.*

[F.R. Doc. 64-11647; Filed, Nov. 16, 1964; 8:45 a.m.]

# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56302]

## PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

### Customs Station at Hogansburg, N.Y.; Supervision

The Customs station at Hogansburg, New York, formerly under the supervision of the port of entry of Rooseveltown, New York, has, since the revocation of the port of entry of Rooseveltown and the designation of the port of entry of Massena, N.Y., by Treasury Decision 54834 (24 F.R. 3109), been under the supervision of the port of Massena. To reflect this change, § 1.2(d) is hereby amended by substituting "Massena" for "Rooseveltown" in the column headed "Port of Entry having supervision" for Hogansburg, New York, in District No. 7.

(R.S. 161, as amended 251; 5 U.S.C. 22, 19 U.S.C. 66)

[SEAL] LESTER D. JOHNSON,
*Acting Commissioner of Customs.*

Approved: November 9, 1964.

JAMES POMEROY HENDRICK,
*Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 64-11680; Filed, Nov. 16, 1964; 8:48 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

## PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

### Aminopyrine or Dipyrone Drug Preparations for Human Use; Directions and Warnings

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(f), 701(a), 52 Stat. 1051, 1055; 21 U.S.C. 352(f), 371(a)), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), Part 3 is amended by adding thereto a new section as follows:

**§ 3.44 Aminopyrine or dipyrone drug preparations for human use; directions and warnings.**

(a) Because of the increasing number of reports of fatal agranulocytosis associated with the use of aminopyrine (4-dimethylamino-2,3-dimethyl-1-phenyl-3-pyrazolin-5-one) and dipyrone (1-phenyl-2,3-dimethyl-5-pyrazolone-4-methylaminomethanesulfonate sodium), the Commissioner of Food and Drugs convened an ad hoc Committee on Aminopyrine and Dipyrone. The members of the committee consisted of authorities in the fields of hematology, internal medicine, neurology, pediatrics, and pharmacology. This committee considered the questions of safety and effectiveness of aminopyrine and dipyrone and reported its findings and recommendations to the Commissioner of Food and Drugs. Copies of the committee's report and recommendations are available upon request, directed to the Office of Public Information, Food and Drug Administration, Washington, D.C., 20204. The committee found:

(1) Aminopyrine and dipyrone, a derivative of aminopyrine, are capable of causing and have caused fatal agranulocytosis.

(2) Relatively small amounts of these drugs given intermittently over a period of time, as well as regular and continued administration, can precipitate the reaction of agranulocytosis.

(3) In most instances, other antipyretics and analgesics that are much safer should be used in preference to aminopyrine or dipyrone.

(4) The only conditions in which aminopyrine or dipyrone are known to be possibly indicated are febrile convulsions in children, where a parenteral antipyretic may be needed, and in rare instances of Hodgkin's disease and similar malignant diseases in which the fever cannot be controlled by any other means.

(b) The committee summarized its recommendations as follows:

1. It is recommended that aminopyrine and dipyrone for the present be retained on the market, but that the following statements be included in the labeling of the drugs:

All brochures, mailing pieces, detail pieces, advertising, and other labeling should contain the following paragraphs, in this order:

*Warning*—THIS DRUG MAY CAUSE FATAL AGRANULOCYTOSIS. (This should immediately follow the name of the drug.)

*Caution*—This drug should be used only in those conditions in which it is specifically indicated and in which other less toxic drugs have proved ineffective or are not tolerated. The potential benefit accruing from the use of this drug must be weighed against the possibility of fatal agranulocytosis.

*Indications for use.* Aminopyrine and aminopyrine derivates (dipyrone preparations) should be restricted for use in serious or life-threatening situations were salicylates or similar drugs are known to be ineffective or are contraindicated or not tolerated.

*Duration of administration.* Fatal agranulocytosis has been reported after short-term use, intermittent use, and after long-term administration. Therefore, the use of these agents should be as brief as possible.

*Precautions.* Frequent white blood cell and differential counts should be carried out. However, it is emphasized that agranulocytosis may occur precipitously without prior warning. The drug should be discontinued at the first evidence of any alteration of the blood count or sign of agranulocytosis, and the patient should be instructed to discontinue use of the drug at the first indication of sore throat or sign of other infection in the mouth or throat (pain, swelling, tenderness, ulceration).

*Dosage.* Adults: The usual antipyretic dose should not exceed ½ to 1 gram per dose, nor should more than 3 grams total daily dosage be used. If the desired effect is not achieved within a very few days, use of the drug should be discontinued.

Children: 250 to 500 milligrams per dose, repeated in 3 to 4 hours if necessary. Use of the drug should be as brief as possible.

2. It is recommended that every effort be made through educational media to emphasize the identical nature of aminopyrine and dipyrone insofar as toxicity is concerned.

3. It is further recommended that the official name of dipyrone be changed to aminopyrinesulfonate sodium, if possible. The purpose of this is to achieve the objective of Item 2 above.

4. The committee suggests that the panel be recalled by the Commissioner of the Food and Drug Administration within approximately one year after these recommendations have been fully implemented. The purpose of such a meeting would be to ascertain whether the use of dipyrone and aminopyrine and the cases of fatal agranulocytosis associated with the use of these drugs had been noticeably reduced by the method proposed. If the recommended labeling changes do not have the desired effect, other recommendations would need to be considered at that time.

(c) The committee also decided that a letter should be sent to all physicians to remind them of the close similarity and toxicity of aminopyrine and dipyrone.

(d) On the basis of the available evidence, including the findings and recommendations of the committee, the Commissioner of Food and Drugs finds and determines with respect to any drug preparation intended for administration to man that contains aminopyrine or dipyrone:

(1) Such drugs are unsafe and are regarded as misbranded within the meaning of section 502(f)(1) and (2) and section 502(j) of the Federal Food, Drug, and Cosmetic Act when labeled or advertised for routine use as antipyretics or analgesics.

(2) Regulatory proceedings may be initiated with regard to the continued marketing of any such preparations with labeling or advertising offering such drugs for routine use as antipyretics or analgesics.

(3) Such preparations may be approved as safe and effective for marketing on the basis of new-drug applications containing labeling to the following effect, which labeling differs substantially from the labeling that has been commonly employed for many years in the marketing of such drugs:

(i) The label and labeling of the drug contains prominently and conspicuously, immediately following the trade name of the drug, without any intervening written, printed or graphic matter, the following:

(*a*) A quantitative declaration of the aminopyrine content; or

(*b*) A quantitative declaration of the dipyrone content with the name "dipyrone" followed immediately and conspicuously in parentheses by the declaration "aminopyrine derivative"; and

(*c*) The statement "Warning:—This drug may cause fatal agranulocytosis."

(ii) Labeling on or within the package from which the drug is to be dispensed and any other labeling for the drug that furnishes or purports to furnish information for use, or which prescribes, recommends, or suggests a dosage for the use of the drug, bears, in addition to the information required in this subparagraph, information to the following effect:

*WARNING*—THIS DRUG MAY CAUSE FATAL AGRANULOCYTOSIS.

*CAUTION:* This drug should be used only in those conditions in which it is specifically indicated and in which other less toxic drugs have proved ineffective or are not tolerated. The potential benefit accruing from the use of this drug must be weighed against the possibility of fatal agranulocytosis.

*Indications for use.* Aminopyrine and aminopyrine derivatives (dipyrone preparations) should be restricted to use for their antipyretic effect in serious or life-threatening situations where salicylates or similar drugs are known to be ineffective or are contraindicated or not tolerated.

*Duration of administration.* Fatal agranulocytosis has been reported after short-term use, intermittent use, and after long-term administration. Therefore, the use of these agents should be as brief as possible.

*Precautions.* Frequent white blood cell and differential counts should be carried out. However, it is emphasized that agranulocytosis may occur precipitously without prior warning. The drug should be discontinued at the first evidence of any alteration of the blood count or sign of agranulocytosis, and the patient should be instructed to discontinue use of the drug at the first indication of sore throat or sign of other infection in the mouth or throat (pain, swelling, tenderness, ulceration).

*Dosage.* Adults: The usual antipyretic dose should not exceed ½ to 1 gram per dose, nor should more than 3 grams total daily dosage be used. If the desired effect is not achieved within a very few days, use of the drug should be discontinued.

Children: 250 to 500 milligrams per dose, repeated in 3 to 4 hours if necessary. Use of the drug should be as brief as possible.



(4) A new-drug application for such a preparation should include a commitment that all advertising for the drug will bear the information required by subparagraph (3)(i) of this paragraph, and that any advertisement that provides any information regarding indications or dosage recommendations will include the information required to appear in the package labeling by subparagraph (3)(ii) of this paragraph and will not recommend or suggest use of the drug under any other conditions.

(5) A new-drug application will be regarded as approvable if it contains satisfactory information of the kinds required by items 2, 3, 4, 6, 7 and 9 of the new-drug application form contained in § 130.4(c) of this chapter.

(6) Regulatory proceedings may be initiated with regard to the interstate shipment of any such preparations labeled or advertised contrary to this statement of policy.

(7) No regulatory proceedings will be initiated with regard to the continued marketing of preparations of aminopyrine or dipyrone under labeling and advertising complying with this section; *Provided*, That within 90 days from the date of publication of this statement of policy in the FEDERAL REGISTER:

(i) The manufacturer, packer, or distributor of the drug submits a satisfactory new-drug application covering the marketing of the article in accord with this section; and

(ii) The applicant, starting from the thirtieth day after publication of this statement in the FEDERAL REGISTER, maintains records and submits reports in compliance with the provisions of § 130.13 of this chapter, including reports within intervals of 3 months during the first year; 6 months during the second year; and at yearly intervals thereafter.

(Secs. 502(f), (j), 701(a); 52 Stat. 1051, 1055; 21 U.S.C. 352(f), (j), 371(a))

Dated: November 10, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11645; Filed, Nov. 16, 1964; 8:45 a.m.]

# Title 24—HOUSING AND HOUSING CREDIT

## Chapter II—Federal Housing Administration, Housing and Home Finance Agency

### SUBCHAPTER A—GENERAL

## PART 200—INTRODUCTION

### Subpart D—Delegations of Basic Authority and Functions

ASSISTANT COMMISSIONER-COMPTROLLER AND DEPUTY, AND FINANCE COMMITTEE

In § 200.77 paragraph (h) is amended to read as follows:

**§ 200.77 Assistant Commissioner-Comptroller and Deputy.**

* * * * *

(h)(1) To submit to the Treasury Department authorizations for:

(i) Investment of moneys held in the various insurance funds, not needed for the current operations of the FHA, in bonds or other obligations of the United States, or in bonds or other obligations guaranteed as to principal and interest by the United States, and

(ii) The redemption or sale of investments in bonds or other obligations of the United States, or in bonds or other obligations guaranteed as to principal and interest by the United States, representing undisbursed mortgage proceeds relating to multifamily mortgages assigned to the Commissioner; and

(2) To recommend liquidation of investments and redemption of debentures, to execute assignments in connection with the redemption of debentures held for the account of the insurance funds of the FHA, and to maintain liaison with the Treasury Department in the execution of fiscal proposals.

* * * * *

In § 200.90 paragraph (b)(1) is revoked as follows:

**§ 200.90 Finance Committee.**

* * * * *

(b) *Functions.* * * *

(1) [Revoked]

* * * * *

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., November 12, 1964.

PHILIP J. MALONEY,
*Acting Federal Housing Commissioner.*

[F.R. Doc. 64-11688; Filed, Nov. 16, 1964; 8:48 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

### SUBCHAPTER A—INCOME TAX

[T.D. 6770]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Treatment of Amounts Received Under Wage Continuation Plans

On June 30, 1964, notice of proposed rule making regarding the Income Tax Regulations (26 CFR Part 1) under sections 72 and 105 of the Internal Revenue Code of 1954 to reflect the amendment made by section 205 of the Revenue Act of 1964 (Public Law 88-272, 78 Stat. 38) and to make certain other changes, was published in the FEDERAL REGISTER (29 F.R. 8223). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments to the regulations as so proposed are hereby adopted, subject to the changes set forth in paragraphs 1 and 2 below. Paragraph 4 of this Treasury decision amends the Income Tax Regulations to reflect the amendment to section 512 of the

Internal Revenue Code of 1954 made by the Act of July 17, 1964 (Public Law 88-380, 78 Stat. 333).

PARAGRAPH 1. Section 1.105 as set forth in paragraph 2 of the notice of proposed rule making, is amended by revising the historical note.

PAR. 2. Section 1.105-4 as set forth in paragraph 3 of the notice of proposed rule making, is amended by revising subparagraphs (5) and (6) (iv) of paragraph (e), examples (1) and (2) of paragraph (f) (2), and by adding example (3) to paragraph (f) (2).

PAR. 3. Section 1.512(b) is amended by adding a new paragraph (14) at the end of section 512(b) and by revising the historical note.

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: November 9, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 72 and 105 of the Internal Revenue Code of 1954 to section 205 of the Revenue Act of 1964 (Public Law 88-272, 78 Stat. 38), and to make certain other changes, such regulations are amended as follows:

PARAGRAPH 1. Paragraph (c) (1) and examples (1) and (2) of paragraph (f) of § 1.72-15 are amended to read as follows:

**§ 1.72-15 Applicability of section 72 to accident or health plans.**

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(c) *Accident or health benefits attributable to employee contributions.* (1) If a plan to which this section applies provides that any portion of the accident or health benefits is attributable to the contributions of the employee to such plan, then such portion of such benefits is excludable from gross income under section 104(a)(3) and paragraph (d) of § 1.104-1. Neither section 72 nor section 105 applies to any accident or health benefits (whether paid before or after retirement) attributable to contributions of the employee. Since such portion is excludable under section 104(a)(3), such portion is not subject to the dollar limitation of section 105(d) and if such portion is payable after the retirement of the employee, it is excludable without regard to the provisions of § 1.105-4 and section 72.

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(f) *Examples.* * * *

*Example (1).* A, an employee, is a participant in a contributory pension plan described in section 401(a) and exempt under section 501(a). Such plan provides for the payment of a pension to each participant when he retires at age 65 or when he retires earlier if the retirement is due to permanent and total disability. In 1964, A, who was age 52, became totally and permanently disabled because of an injury, was hospitalized, and commenced to receive a pension of $74 a week under this plan. The weekly amounts received by A do not exceed 75 percent of his "regular weekly rate of wages" under section 105(d). A had contributed $11,500 to the plan. The plan does not expressly provide that any portion of the disability pension is purchased with employee contributions. Accordingly, it is presumed that no portion of the disability pension is purchased with A's contributions. The disability pension which A receives qualifies as payments under a wage continuation plan for purposes of section 105(d) and § 1.105-4, and if such payments are the only accident or health benefits which are attributable to the contributions of his employer, such payments are entirely excludable under section 105(d) until A reaches age 65, his normal retirement age under the plan. The payments which A receives after he becomes age 65 are taxable under section 72. The payments which A receives do constitute an annuity as defined in paragraph (b) of § 1.72-2, but since the amounts which he will receive during the first three years after attaining age 65 exceed his contributions, he shall exclude under § 1.72-13 the entire amount of all payments that he receives as an annuity after attaining age 65 until such amounts equal his contributions to the plan, or $11,500. Thereafter, the payments that he receives under the plan are includible in gross income.

*Example (2).* B, an employee, is a participant in a contributory profit-sharing plan described in section 401(a) and exempt under section 501(a). Such plan provides that, in the event a participant is absent from work because of a personal injury or sickness, he will be paid $125 a week out of his account in such plan. Such weekly amount does not exceed 75 percent of B's "regular weekly rate of wages" under section 105(d). Any amount standing to the account of a participant at the time of his separation from service will be paid to him at such time. During 1964, B incurred a personal injury, was hospitalized, and as a result was absent from work for nine weeks. He received nine weekly payments of $125, or a total of $1,125, on account of such absence from work. At the time B was injured, he had contributed $5,000 to the plan. The plan did not expressly provide that a participant's contributions are to be used to provide for the distributions during disability. Accordingly, it is presumed that B's contributions were not used to provide the accident or health benefits under the plan. Since these weekly payments are paid because of B's absence from work due to the injury, and since such payments are considered as attributable to contributions of his employer, such payments are required under section 105(a) to be included in B's gross income except to the extent that they are excludable under section 105(d). If B receives no other payments under a wage continuation plan attributable to contributions of his employer, during the first 30 days in the period of absence $75 of each weekly payment is excludable from gross income under section 105(d), but $50 of each weekly payment is includible in gross income under section 105(a). Amounts attributable to the period of absence in excess of 30 days are excludable from gross income under section 105(d) to the extent of $100 a week and includible in gross income under section 105(a) to the extent of $25 a week. The excludable portion of payments does not reduce B's investment in the contract or the amount of premiums considered to have been paid by B for purposes of any subsequent computations under section 72.

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PAR. 2. Section 1.105 is amended by revising subsection (d) of section 105 and by adding a historical note. These amended and added provisions read as follows:

**§ 1.105 Statutory provisions; amounts received under accident and health plans.**

SEC. 105. *Amounts received under accident and health plans.* * * *

(d) *Wage continuation plans.* Gross income does not include amounts referred to in subsection (a) if such amounts constitute wages or payments in lieu of wages for a period during which the employee is absent from work on account of personal injuries or sickness; but this subsection shall not apply to the extent that such amounts exceed a weekly rate of $100. The preceding sentence shall not apply to amounts attributable to the first 30 calendar days in such period, if such amounts are at a rate which exceeds 75 percent of the regular weekly rate of wages of the employee (as determined under regulations prescribed by the Secretary or his delegate). If amounts attributable to the first 30 calendar days in such period are at a rate which does not exceed 75 percent of the regular weekly rate of wages of the employee, the first sentence of this subsection (1) shall not apply to the extent that such amounts exceed a weekly rate of $75, and (2) shall not apply to amounts attributable to the first 7 calendar days in such period unless the employee is hospitalized on account of personal injuries or sickness for at least one day during such period. If such amounts are not paid on the basis of a weekly pay period, the Secretary or his delegate shall by regulations prescribe the method of determining the weekly rate at which such amounts are paid.

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[Sec. 105 as amended by sec. 7(e), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 829); sec. 205, Rev. Act 1964 (78 Stat. 38)]

PAR. 3. Section 1.105-4 is amended by revising paragraphs (c), and (d) (1) exclusive of examples, and by adding new paragraphs (e), (f), and (g). These amended and added provisions read as follows:

**§ 1.105-4 Wage continuation plans.**

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(c) *Limitation in the case of absence from work due to sickness for periods commencing prior to January 1, 1964.* (1) In the case of a period of absence from work on account of sickness commencing prior to January 1, 1964, the exclusion provided by section 105 (d) does not apply to amounts attributable to the first seven calendar days of each such period, unless the employee is hospitalized on account of sickness for at least one day during the period of absence from work. This 7-day rule applies to each period of absence from work because of sickness, regardless of the frequency of such absences or the closeness in time to any prior period of absence from work because of sickness. For example, employee A becomes absent from work because of sickness on Friday, October 4, 1963, and returns to work on the morning of Monday, October 14, 1963. He suffers a relapse and again becomes absent from work on the afternoon of Monday, October 14, 1963. A's return to work on the morning of Monday, October 14, 1963, terminates the first period of absence from work because of sickness, and a new period of absence from work because of sickness begins on the afternoon of Monday, October 14, 1963. The 7-day limitation does not apply if the absence from work is due to personal injury. These rules may be illustrated by the following examples:

*Example (1).* Employee C normally works five days (Monday through Friday) during each week. On Saturday, October 5, 1963 (a nonworking day), C becomes sick and as a result, he does not return to work until Thursday, October 17, 1963. The period of absence from work due to sickness commences on Monday, October 7, 1963, and terminates when C returns to work on Thursday, October 17, 1963. If C is not hospitalized during such period of absence from work, section 105(d) does not apply to amounts which C receives under his employer's wage continuation plan attributable to the 7-day period commencing Monday, October 7, 1963, and ending Sunday, October 13, 1963, inclusive.

*Example (2).* Employee D incurs a personal injury which causes him to be absent from work two days. His regular wages are continued during this period in accordance with the wage continuation plan of his employer. Since D's absence from work was due to a personal injury, rather than a sickness, the 7-day waiting period does not apply, and, subject to the other requirements of section 105(d), D is entitled to an exclusion with respect to the amounts received under the employer's plan attributable to the 2-day period of absence.

(2) For the purpose of starting the 7-day waiting period, if the period of absence due to sickness commences after the start of a working day, the amount received with respect to the portion of such day that the employee is absent from work shall be considered the amount attributable to the first calendar day of the period of absence from work due to sickness. This rule may be illustrated by the following example:

*Example.* Employee E normally works from 9 a.m. until 5:30 p.m. on five days (Monday through Friday) during each week. From noon on Friday, September 6, 1963, until noon on Monday, September 16, 1963, E is absent from work on account of sickness but is not hospitalized at any time during this period. Section 105(d) does not apply to amounts received by E under his employer's wage continuation plan which are attributable to the calendar period beginning September 6, 1963, and ending September 12, 1963, inclusive. However, if the other requirements of section 105(d) are met, E may exclude from gross income amounts attributable to the period beginning September 13, 1963, and ending at noon on September 16, 1963, inclusive.

(3) If the absence from work is due to sickness, the amount attributable to the first seven calendar days of such absence includes all amounts paid for such seven calendar days, regardless of the number of work days included in such seven calendar days. For example, if on one of such seven calendar days an employee would have worked two 8-hour shifts, the amount he is paid for the two shifts is considered to be an amount attributable to only one calendar day.

(4) An employee is considered to be hospitalized for one day only if he is admitted to and confined in a hospital as a bed patient for at least one hospital day. Entry into a hospital as an in-and-out patient does not constitute hospitalization for purposes of section 105(d). The same applies to mere entry into the outpatient ward or the emergency ward of a hospital.

(d) *Exclusion not applicable to the extent that amounts exceed a weekly rate of $100 for periods of absence commencing prior to January 1, 1964*—(1) *In general.* Amounts received under a wage continuation plan, attributable to periods of absence commencing before January 1, 1964, which are not excludable from gross income as being attributable to contributions of the employee (see § 1.105-1) must be included in gross income under section 105(d) to the extent that the weekly rate of such amounts exceeds $100. Thus, an employee, who receives $50 under his employer's wage continuation plan on account of his being absent from work for two days due to a personal injury, cannot exclude the entire $50 under section 105(d) if the weekly rate of such benefits exceeds $100. If an employee receives payments under a wage continuation plan for less than a full pay period, the excludability of such payments shall be determined under subparagraph (2) of this paragraph. In all other cases, the weekly rate and excludability of such payments under a wage continuation plan shall be determined under subparagraph (3) of this paragraph. If, with respect to any pay period or portion thereof, the employee receives amounts under two or more wage continuation plans (whether such plans are maintained by or for the same employer or by different employers), the weekly rate and excludability of amounts received under each plan shall be determined under subparagraph (3) of this paragraph and the weekly rate for purposes of section 105(d) shall be the sum of all such weekly rates. This rule may be illustrated by the following examples:

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(e) *Limitation in the case of absence from work on account of personal injury or sickness for periods commencing after December 31, 1963.* (1) In the case of periods of absence from work on account of sickness or personal injury commencing after December 31, 1963, the exclusion provided by section 105(d) does not apply to amounts attributable to the first 30 calendar days of each such period, if such amounts are at a rate which exceeds 75 percent of the employee's "regular weekly rate of wages", as determined under subparagraph (5) of this paragraph. If the amounts are at a rate of 75 percent or less of the employee's "regular weekly rate of wages", the exclusion provided by section 105(d) does not apply to amounts attributable to the first 7 calendar days of each such period, unless the employee is hospitalized on account of personal injury or sickness for at least one day during the period of absence from work. The 7- or 30-day waiting period (whichever is applicable) applies to each period of absence from work because of personal injury or sickness, regardless of the frequency of such absences or the closeness in time to any prior period of absence from work because of personal injury or sickness. The waiting period is to be counted by beginning with the first work day for which the employee was absent. These rules may be illustrated by the following examples:

*Example (1).* Employee A is absent from work because of sickness on Tuesday, January 7, 1964, and returns to work on the morning of Thursday, February 13, 1964. He suffers a relapse and again becomes absent from work on the afternoon of Thursday, February 13, 1964. A's return to work on the morning of Thursday, February 13, 1964, terminates the first period of absence from work because of sickness, and a new period of absence from work because of sickness begins on the afternoon of Thursday, February 13, 1964.

*Example (2).* Employee B normally works five days (Monday through Friday) during each week. On Saturday, January 11, 1964 (a nonworking day), B becomes sick or injured and as a result he does not return to work until Monday, February 17, 1964. The period of absence from work commences on Monday, January 13, 1964, and terminates when B returns to work on Monday, February 17, 1964. Assuming B receives amounts under his employer's wage continuation plan at a rate exceeding 75 percent of his "regular weekly rate of wages" (as determined under subparagraph (5) of this paragraph), the exclusion provided by section 105(d) does not apply to amounts B receives under his employer's wage continuation plan which are attributable to the 30-day period commencing Monday, January 13, 1964, and ending Tuesday, February 11, 1964, inclusive. If B receives amounts under his employer's wage continuation plan at a rate which is 75 percent or less of his "regular weekly rate of wages" and he is not hospitalized during the period of absence from work, the exclusion provided by section 105(d) does not apply to amounts B receives which are attributable to the 7-day period commencing Monday, January 13, 1964, and ending Sunday, January 19, 1964, inclusive.

*Example (3).* Employee C is sick or incurs a personal injury which causes him to be absent from work for two weeks. He receives amounts under his employer's wage continuation plan at a rate which is 75 percent or less of his "regular weekly rate of wages" (as determined under subparagraph (5) of this paragraph) and is hospitalized from the eighth through the eleventh day of his absence. Since C was hospitalized on account of personal injury or sickness for at least one day during the period of absence, the 7-day waiting period does not apply, and, subject to the other requirements of section 105(d), C is entitled to an exclusion with respect to the amounts received under his employer's plan attributable to the two-week period of absence. If C were receiving amounts under his employer's wage continuation plan at a rate exceeding 75 percent of his "regular weekly rate of wages", he would not be entitled to an exclusion under section 105(d).

(2) For the purpose of starting the 7- or 30-day waiting period, whichever is applicable, if the period of absence commences after the start of a working day, the amount received with respect to the portion of such day that the employee is absent from work shall be considered an amount attributable to the first calendar day of the period of absence from work. This rule may be illustrated by the following example:

*Example.* Employee D normally works from 9 a.m. until 5:30 p.m. on five days (Monday through Friday) during each week. From noon on Wednesday, January 8, 1964, until noon on Monday, February 17, 1964, D is absent from work on account of personal injury or sickness but is not hospitalized at any time during this period. D receives amounts under his employer's wage continuation plan at a rate not exceeding 75 percent of his "regular weekly rate of wages" (as determined under subparagraph (5) of this paragraph). Section 105(d) does not apply to amounts received by D under his employer's wage continuation plan which are attributable to the calendar period beginning January 8, 1964, and continuing through January 14, 1964, inclusive. However, if the other requirements of section 105(d) are met, D may exclude from gross

income amounts attributable to the remainder of the period of absence, ending at noon on Monday, February 17, 1964.

(3) If the exclusion is subject to a 7- or 30-calendar-day waiting period, any amount attributable to such 7- or 30-calendar-day waiting period includes all amounts paid therefor, regardless of the number of work days included in such 7 or 30 calendar days. For example, if on one of the days included in the waiting period, an employee would have worked two 8-hour shifts, the amount he is paid for the two shifts is considered to be attributable to only one calendar day.

(4) An employee is considered to be hospitalized for one day only if he is admitted to and confined in a hospital as a bed patient for at least one hospital day. Entry into a hospital as an in-and-out-patient does not constitute hospitalization for purposes of section 105(d). The same applies to mere entry into the out-patient ward or the emergency ward of a hospital.

(5) (i) In general, the "regular weekly rate of wages", for purposes of section 105(d), shall be the average weekly wages paid for the last four weekly periods falling within a full pay period or full pay periods immediately preceding the commencement of the period of absence. If the employee was absent from work for three or more normal working days during any such pay period, and the amount of wages paid for such pay period was less than the amount of wages paid for the immediately preceding pay period during which the employee was not absent from work for three or more normal working days, then the amount of wages paid for the weekly period or weekly periods falling wholly or partly within the pay period during which each such absence occurred shall not be used in the determination of "regular weekly rate of wages". In such a case, there shall be substituted the amount of wages paid for the last weekly period or weekly periods falling within the pay period or pay periods immediately preceding the pay period or pay periods in which such absence or absences occurred during which the employee was not absent from work for three or more normal working days.

(a) In order to compute wages paid for the last four weekly periods falling within a full pay period or full pay periods immediately preceding the commencement of the period of absence, or any substituted weekly periods therefor, it will be necessary to convert the wages paid for any pay period other than a weekly pay period into a weekly rate or weekly rates of payment of such wages in accordance with the rules stated in subdivision (iv) of this subparagraph. Such weekly rate or weekly rates of wage payments are then used in determining the wages for the last four weekly periods falling within a full pay period or full pay periods immediately preceding the commencement of the period of absence, or any substituted weekly periods therefor.

(b) If the employee does not have four weekly periods falling within a full pay period or full pay periods preceding his absence during which he was not absent from work for three or more normal working days, then the greatest number of available weekly periods shall be used, consistent with the rules set forth in this subdivision (i), in determining the "regular weekly rate of wages."

(c) If the employee has been employed for a full pay period or more preceding his absence, and has worked for the number of days in a normal work week, but was absent from work for three or more normal working days during each of the pay periods preceding his absence, then the "regular weekly rate of wages" shall be determined by multiplying the employee's actual wages paid for the total number of normal working days in the pay period immediately preceding the employee's absence by the number of days that the employee is expected to work in a normal work week, and by dividing the product by the number of normal work days in such pay period for which wages were paid.

(d) If the employee has not been employed for a full pay period preceding his absence, and has worked for the number of days in a normal work week, the "regular weekly rate of wages" shall be determined by multiplying the employee's actual wages paid for the total number of normal working days preceding the employee's absence by the number of days that the employee is expected to work in a normal work week, and by dividing the product by the number of normal work days for which wages were paid.

(e) If the employee has not worked the number of days in a normal work week, then there is no "regular weekly rate of wages," and the employee will not be permitted an exclusion under section 105(d) for amounts attributable to the first 30 calendar days in the period of absence.

(f) Wages paid by a former employer shall not be used in the determination of "regular weekly rate of wages" as described in this subparagraph.

(ii) In the case of a wage continuation plan of an employer under which the benefits are computed as a specified percentage of average wages, the formula for computing the employee's average wages included in the plan may be used (in lieu of the formula provided in subdivision (i) of this subparagraph) for determining the "regular weekly rate of wages" for purposes of section 105(d), if under the plan—

(a) The definition of wages does not include any items which are not considered "wages" as defined in subdivision (iii) of this subparagraph,

(b) The period for computing average wages is not less than twenty-eight successive calendar days, and does not end earlier than five months preceding the date on which the period of absence commences, and is one in which the employee was at work at least 35 percent of the normal working time, and

(c) The period and formula for computing average wages are applied uniformly with respect to all employees eligible to receive benefits under the plan. A plan will not fail to meet the conditions of this subdivision merely because different portions of the employee's wages are averaged over different periods for purposes of computing his average wages, so long as each such period meets the requirements in (b) and (c) of this subdivision.

(iii) For the purpose of determining "regular weekly rate of wages" under subdivision (i) or (ii) of this subparagraph, whichever is applicable, an employee's wages shall comprise basic salary, fees, commissions, tips, gratuities, overtime, and any other type of taxable compensation which is normally paid for services. However, wages shall not include any type of compensation which is not normally paid, such as bonuses and incentive payments. An employee's compensation, for the purpose of determining his "regular weekly rate of wages", will not include any compensation which is not currently includible in gross income. For example, an employee's wages for the purpose of this subdivision shall not include deferred compensation paid by the employer which is not includible in gross income until received by the employee, such as employer contributions to a qualified annuity under section 403(a), or employer contributions to an accident or health plan excluded under section 106.

(iv) The following rules shall be used to convert wages for pay periods other than weekly pay periods into weekly rates of wage payments to be used in determining "regular weekly rate of wages" as described in subdivision (i) of this subparagraph.

(a) If wages are paid biweekly, the weekly rate of wage payments shall be one-half of the biweekly wages paid.

(b) If the employee is paid semimonthly, the weekly rate of wage payments shall be the semimonthly wages paid multiplied by 24 and divided by 52.

(c) If wages are paid monthly, the weekly rate of wage payments shall be the monthly wages paid multiplied by 12 and divided by 52.

(d) If wages are paid on the basis of a pay period other than a period described in (a) through (c) of this subdivision, the weekly rate of wage payments shall be determined by ascertaining the annual rate of wage payments and dividing by 52.

(e) For the purpose of this subparagraph, if separate portions of an employee's wages are paid on the basis of different pay periods, the weekly rate or weekly rates of wage payments of each portion of wages paid with respect to each pay period shall first be determined under the rules set forth in (a) through (d) of this subdivision and the average weekly rate of each portion of wages, determined in accordance with the rules set forth in subdivision (i) of this subparagraph, shall be aggregated to determine the employee's "regular weekly rate of wages" for purposes of section 105(d).

(v) The provisions of subdivisions (i), (iii) and (iv) of this subparagraph may be illustrated by the following examples:

*Example (1).* Employee A is a salesman who is paid a basic salary of $60 per week and, in addition, is paid commissions on a weekly basis. A became ill and did not report for work beginning Monday, February 17, 1964. For the four-week period preceding the commencement of the period of absence, A was paid the following:

| Week of— | Basic salary | Commissions | Total weekly wages |
|---|---|---|---|
| Jan. 20, 1964 | $60 | $10 | $70 |
| Jan. 27, 1964 | 60 | 50 | 110 |
| Feb. 3, 1964 | 60 | 30 | 90 |
| Feb. 10, 1964 | 60 | 40 | 100 |
| Total 4-week wages | | | 370 |

A's wages, under the rules set forth in subdivision (iii) of this subparagraph, consist of basic salary plus commissions. Since the amount of A's average weekly wages paid for the last four weekly periods falling within the four pay periods immediately preceding the commencement of his period of absence from work is $92.50 ($370÷4), such amount is considered as the "regular weekly rate of wages" (as computed under subdivision (i) of this subparagraph) for purposes of section 105(d).

*Example (2).* Assume, in example (1), that A normally works five days during each week (Monday through Friday) and that he was also absent from work for any reason from Monday, February 3, 1964, through Wednesday, February 5, 1964. Since A was absent from work for three normal working days during the pay period of February 3, 1964, and was paid a lesser amount of wages for such pay period than in the immediately preceding pay period during which he was not absent from work (week of January 27), the weekly pay period beginning January 27, 1964 is substituted for the weekly pay period beginning February 3, 1964 in the determination of "regular weekly rate of wages" (as computed under subdivision (i) of this subparagraph) for purposes of section 105 (d). The "regular weekly rate of wages" is calculated to be $97.50, as follows:

| Week of: | Total wages |
|---|---|
| February 10 | $100 |
| January 27 (substitute for week of Feb. 3) | 110 |
| January 27 | 110 |
| January 20 | 70 |
| | 390÷4=$97.50 |

*Example (3).* Employee B is a salesman who is paid a basic salary of $75 and, in addition, is paid commissions for semimonthly periods ending on the 15th day and the last day of each month. He was absent from work on account of a personal injury beginning Monday, February 17, 1964. He was paid the following amounts:

| Pay period | Salary | Commissions | Total wages |
|---|---|---|---|
| Feb. 1-15, 1964 | $75 | $60 | $135 |
| Jan. 16-31, 1964 | 75 | 50 | 125 |

The four weekly periods falling within full pay periods preceding the commencement of the period of absence are the weeks beginning February 9, February 2, January 26, and January 19. B's wages are converted to weekly rates of wage payments per pay period in accordance with the rule set forth in subdivision (iv)(b) of this subparagraph as follows:

From February 1, 1964–February 15, 1964, inclusive:

$135×24=$3240.00 (annual rate)

$3240.00/52=$62.31 (weekly rate)





From January 16–31, inclusive:

$126×24=$3000.00 (annual rate)

$3000.00/52=$57.69 (weekly rate)

The weekly rates are then used in determining the wages for four weekly periods falling within the pay periods immediately preceding the commencement of B's absence. B's "regular weekly rate of wages" (as computed under subdivision (i) of this subparagraph) is calculated to be $60.17, as follows:

| | |
|---|---|
| February 9–15, inclusive | $62.31 |
| February 2–8, inclusive | 62.31 |
| January 26–February 1, inclusive (⅘×$57.69+⅓×$62.31) | 58.35 |
| January 19–25, inclusive | 57.69 |
| | 240.66÷4=$60.17 |

*Example (4).* Employee C is paid semimonthly on the 5th and 20th of each month and he began working for his present employer at the beginning of the semi-monthly pay period commencing Tuesday, January 21, 1964. C received total wages of $200 for the pay period of January 21, 1964 through February 5, 1964, inclusive. He was not absent during that pay period. C became sick and was absent from work beginning February 7, 1964. Since employee C does not have four weekly periods falling within a full pay period or full pay periods preceding his absence, the average wages for the last two weekly periods falling within such full pay period will be C's "regular weekly rate of wages" (as computed under subdivision (i) of this subparagraph) for purposes of section 105(d), determined to be $92.31, as follows:

$200×24=$4800 (annual rate)

$4800/52=$92.31 (weekly rate)

*Example (5).* Employee D, an office worker, is paid weekly and is expected to work five days during each week. He has been employed by his present employer for three weeks, but has been absent from work for three normal work days in each of the weeks preceding his illness. He became ill and was absent from work on Monday, February 17, 1964. During the weekly pay period immediately preceding his absence (week of February 10) D was paid $48 salary. He was paid for two working days during such weekly pay period. D's "regular weekly rate of wages" (as computed under subdivision (i) of this subparagraph), is calculated to be $120.00, determined as follows:

$48 (total wages)×5 (normal work days in week) / 2 (number of work days for which wages were paid) = $120.00

*Example (6).* Employee E is an hourly worker who is paid a salary of $1.25 per hour. E is paid basic salary on a biweekly basis for the periods beginning every other Thursday and ending every other Wednesday. E is also paid monthly for his overtime work and is compensated for such work at one and one-half times the hourly rate. E worked 16 hours of overtime for his employer during the month of January. E was injured and could not report for work on Friday, February 21, 1964. E returned to work on Monday, March 16, 1964. E was paid as follows for the pay periods indicated:

| Pay period | Hours | | Salary per hour | | Total salary |
|---|---|---|---|---|---|
| | Regular | Overtime | Regular | Overtime | |
| Month of January 1964 | | 16 | | $1.875 | $30 |
| Jan. 23–Feb. 5, 1964, inclusive | 80 | | $1.25 | | 100 |
| Feb. 6–19, 1964, inclusive | 80 | | 1.25 | | 100 |

Under the rule set forth in subdivision (iv)(c) of this subparagraph, the weekly rates of payment of salary and overtime must be determined separately. Since basic salary is paid biweekly, the weekly rate of payment is determined to be one-half of $100.00, or $50.00. The full pay period immediately preceding the commencement of E's absence for overtime compensation ended on January 31, 1964. E's overtime earnings are converted to a weekly rate for such period, as follows:

$30.00 (overtime pay)×12=$360.00 (annual rate)

$360.00/52=$6.93 (weekly rate)

The average wages for the last four weekly periods falling within pay periods immediately preceding the commencement of E's absence with respect to basic salary (weeks of February 13, 6, January 30, and 23) is $50.00. The average wages for the last four weekly periods falling within the pay period immediately preceding the commencement of E's absence with respect to overtime compensation (weeks of January 25, 18, 11, and 4) is $6.93. Accordingly, E's "regular weekly rate of wages" (as computed under subdivision (i) of this subparagraph) for the purpose of section 105(d) is $56.93.

(6) (i) Amounts paid under a wage continuation plan must be converted to a weekly rate in order to determine the percentage of benefits paid in relation to the employee's "regular weekly rate of wages", since such percentage is used in determining the waiting period, if any, after which an exclusion is allowable under section 105(d). In order to calculate the weekly rate at which benefits are being paid, reference is made to the particular wage continuation plan. If, in the usual operation of the plan, benefits are paid for the same periods as regular wages, then the pay period of such benefits shall be the period for which a payment of wages is ordinarily made to the employee by the employer. If plan benefits are ordinarily paid for different periods than regular wages, then the pay period of such benefits shall be the period for which payment of such benefits is ordinarily made.

(ii) The weekly rate at which the benefits are paid under a wage continuation plan shall be determined in accordance with the following rules:

(a) If benefits are paid on the basis of a weekly pay period, the weekly rate at which such benefits are paid shall be the weekly amount of such benefits.

(b) If benefits are paid on the basis of a biweekly pay period, the weekly rate at which such benefits are paid shall be one-half of the biweekly rate.

(c) If benefits are paid on the basis of a semimonthly pay period, the weekly rate at which such benefits are paid shall be the semimonthly rate multiplied by 24 and divided by 52.

(d) If benefits are paid on the basis of a monthly pay period, the weekly rate at

which such benefits are paid shall be the monthly rate multiplied by 12 and divided by 52.

(c) If benefits are paid on the basis of a period other than a period described in (a) through (d) of this subdivision the weekly rate at which such benefits are paid shall be determined by ascertaining the annual rate at which such benefits are paid and dividing such annual rate by 52.

(iii) The principles of subdivisions (i) and (ii) of this subparagraph may be illustrated by the following example:

*Example.* A's employer maintains a noncontributory plan which provides for a monthly benefit of $400 during periods of absence from work due to personal injury or sickness. A, a salesman, receives regular salary of $520 per calendar month plus commissions, depending upon the amount of sales made by A during the month. During the month of January 1964, A was paid commissions of $180. A received a total benefit of $200 for an absence of two weeks because of illness occurring in February 1964. He was not hospitalized. Since benefits under the salary continuation plan are paid for the same period as regular wages, the pay period of the plan is monthly. A's "regular weekly rate of wages", determined in accordance with the rules set forth in subparagraph (5) (1) of this paragraph is $161.54$\frac{52}{(\$700\times 12)}$.

For purposes of determining the percentage of benefits paid in relation to A's "regular weekly rate of wages", the weekly rate of the benefits are calculated to be $92.31, as follows:

$400 (monthly rate) × 12 = $4,800 (annual rate)

$\frac{\$4,800}{52}$ = $92.31 (weekly rate)

Since $92.31 does not exceed 75 percent of A's "regular weekly rate of wages", A is entitled to an exclusion under section 105(d) for the second week of absence, subject to the other limitations provided in this section.

(iv) For the purpose of determining whether or not the rate of benefits paid under a wage continuation plan for a period of absence exceeds 75 percent of the employee's "regular weekly rate of wages" (as determined under subparagraph (5) of this paragraph), it is necessary to ascertain the average percentage of benefits paid in relation to the employee's "regular weekly rate of wages" for the first 30 calendar days in the period of absence. Such percentage is derived from a fraction, the numerator of which is the sum of benefits paid (attributable to employer contributions) for the period of absence occurring within the first 30 calendar days, and the denominator of which is the collective sum of the employee's "regular weekly rate of wages" during such period. This rule may be illustrated by the following examples:

*Example (1).* Employee A is paid a semimonthly basic salary of $150 plus commissions. He normally works five days during each week (Monday through Friday). During the month of January 1964, A received wages of $150 plus commissions of $66.67 for each of the semimonthly pay periods. A became ill on Monday, February 3, 1964, and as a result was absent from work until Monday, February 17, 1964, but was not hospitalized. Under the noncontributory wage continuation plan of A's employer, A received no benefits for the first three working days' absence (Monday through Wednesday) and was paid benefits at the rate of $100 a week thereafter. A's "regular weekly rate of wages," determined under the rules set forth in subparagraph (5) of this paragraph, is $100. A is considered to have received average benefits at a rate of 70 percent of his "regular weekly rate of wages", computed as follows:

| (1) Week of absence | (2) Benefits paid | (3) Regular weekly rate of wages |
|---|---|---|
| 1—Feb. 3 | $40 | $100 |
| 2—Feb. 10 | 100 | 100 |
| Totals | 140 | 200 |

Average percentage of benefits paid—$\frac{140}{200}$ = 70%. Accordingly, A may exclude amounts attributable to the second week of absence, subject to the other limitations of section 105(d).

*Example (2).* Assume, in example (1), that A did not return to work until Thursday, February 20, 1964. A is considered to have received average benefits at the rate of 76.92 percent of his "regular weekly rate of wages", computed as follows:

| (1) Week of absence | (2) Benefits paid | (3) Regular weekly rate of wages |
|---|---|---|
| 1—Feb. 3 | $40 | $100 |
| 2—Feb. 10 | 100 | 100 |
| 2⅖—Feb. 17 | [1] 60 | [1] 60 |
| Totals | 200 | 260 |

[1] Three-fifths of 100.

Average percentage of benefits paid—$\frac{200}{260}$ = 76.92%. Accordingly, A would not be permitted any exclusion under section 105(d).

(v) If with respect to any pay period or portion thereof the employee receives amounts under two or more wage continuation plans (whether such plans are maintained by or for the same employers or by different employers), the weekly rate for purposes of section 105(d) shall be the sum of the weekly rates received under all plans. This rule may be illustrated by the following example:

*Example.* An employee who is absent because of personal injuries or sickness receives $100 biweekly under wage continuation plan A maintained by his employer. He contributes one-half of the premiums for maintenance of the plan. Under wage continuation plan B maintained by his employer the employee receives $400 monthly. Plan B is noncontributory. The weekly rate at which benefits are paid for the purpose of section 105(d) is computed as follows:

Plan A—$\frac{\$100}{2}$ = $50.00 (weekly rate)

25.00 (less amount attributable to employee contributions (½))

25.00 (weekly rate of Plan A)

Plan B—$\frac{\$400\times 12}{52}$ = 92.31 (weekly rate of Plan B)

$117.31 (combined weekly rate at which benefits are paid)

The $25 attributable to contributions made by the employee under Plan A would be subject to section 104(a)(3).

(f) *Amount of exclusion for periods of absence commencing after December 31, 1963*—(1) *In general.* Amounts received under a wage continuation plan attributable to periods of absence commencing after December 31, 1963, and which are not excludable from gross income as being attributable to contributions of the employee (see § 1.105–1) are excludable from gross income of the employee to the extent that such amounts do not exceed—

(i) A weekly rate of $75, during the first 30 calendar days in the period of absence; and

(ii) A weekly rate of $100, after the first 30 calendar days in the period of absence.

For example, an employee who normally works five days during each week is absent from work for two days, is hospitalized during his absence, and receives $75 under his employer's wage continuation plan, which amount is at a rate of 75 percent of his "regular weekly rate of wages". The employee cannot exclude the entire $75 under section 105(d), if the weekly rate of such benefits exceeds $75.

(2) *Daily exclusion.* An employee receiving payments under a wage continuation plan must, in order to determine the amount of the exclusion under section 105(d), compute the daily rate of the benefits. Such daily rate is determined, for amounts attributable to the first 30 calendar days in the period of absence, by dividing the weekly rate at which benefits are paid (as determined under paragraph (e)(6)(ii) of this section), or the maximum weekly rate at which wage continuation payments are excludable ($75), whichever is lower, by the number of work days in a normal work week. In the case of amounts attributable to days in a period of absence after the first 30 calendar days, the daily rate for such period is determined by dividing the weekly rate at which benefits are paid (as determined under paragraph (e)(6)(ii) of this section), or the maximum weekly rate at which wage continuation payments are excludable ($100), whichever is lower, by the number of work days in a normal work week. The daily rate or daily rates of exclusion are then multiplied by the number of normal work days in the period of absence for which an exclusion is allowable in order to determine the total allowable exclusion. These rules may be illustrated by the following examples:



*Example (1).* Employee A is a salesman receiving salary and commissions on a weekly basis. His employer maintains a noncontributory wage continuation plan which provides for the continuation of A's basic salary of $80 per week during periods of absence. A was absent from work on account of sickness from Monday, February 3, 1964, through Sunday, March 15, 1964, but was not hospitalized. His normal work week is from Monday through Friday. The weekly amount of benefits paid to A ($80) does not exceed 75 percent of his "regular weekly rate of wages" as defined in paragraph (e)(5) of this section. Under section 105(d), the daily rate of exclusion for amounts attributable to the first 30 calendar days in the period of absence, excluding the first 7 days thereof (Monday, February 10, 1964, through Tuesday, March 3, 1964, inclusive) is limited to $15 ($75, maximum weekly rate of exclusion divided by 5 (number of normal work days in week)). The daily rate of exclusion for amounts attributable to the period of absence in excess of 30 calendar days (Wednesday, March 4, 1964, through Sunday, March 15, 1964, inclusive) is limited to $16 ($80, weekly rate of benefits divided by 5). Thus, the total exclusion permitted to employee A by section 105(d) is $383.00 ($15 x 17 work days ($255) + $16 x 8 work days ($128)).

*Example (2).* Assume the facts in example (1) except that A is paid benefits at the rate of $500 a month during periods of absence. The weekly rate of the benefits computed under the rules stated in paragraph (e)(6)(ii) of this section is $115.38, which amount does not exceed 75 percent of his "regular weekly rate of wages" as defined in paragraph (e)(5) of this section. Under section 105(d), the daily rate of exclusion for amounts attributable to the first 30 calendar days in the period of absence, excluding the first 7 days thereof (Monday, February 10, 1964, through Tuesday, March 3, 1964, inclusive) is limited to $15 ($75, maximum weekly rate of exclusion divided by 5). The daily rate of exclusion for amounts attributable to the period of absence in excess of 30 calendar days (Wednesday, March 4, 1964, through Sunday, March 15, 1964, inclusive) is limited to $20 ($100, maximum weekly rate of exclusion divided by 5). Thus, the total exclusion permitted to employee A by section 105(d) is $415.00 ($15 x 17 work days ($255) + $20 x 8 work days ($160)).

*Example (3).* Employee B, an office worker works five days during each week (Monday through Friday) and receives a salary of $85 per week. His employer maintains a noncontributory wage continuation plan which provides for no benefits during the first three days of absence, the continuation of full salary for one week thereafter and benefits at the rate of $65 per week thereafter. B was absent from work on account of sickness from Monday, March 16, 1964, through Tuesday, March 31, 1964, and was hospitalized from Wednesday, March 18, through Tuesday, March 24. B received total benefits of $137 for the period of absence, which does not exceed 75 percent of his "regular weekly rate of wages" as determined under paragraph (e)(5) of this section. B is permitted an exclusion under section 105(d) of $127 calculated as follows:

| Period of absence | Weekly rate of benefits | Maximum weekly rate of exclusion | Daily rate of exclusion | Days of absence in period | Maximum exclusion |
|---|---|---|---|---|---|
| Mar. 16–18 | 0 | $75 | 0 | 3 | 0 |
| Mar. 19–25 | $85 | 75 | $15 | 5 | $75 |
| Mar. 26–31 | 65 | 75 | 13 | 4 | 52 |
| Total exclusion | | | | | $127 |

(g) *Definitions.* The term "personal injury" as used in this section, means an externally caused sudden hurt or damage to the body brought about by an identifiable event. The term "sickness" as used in this section, means mental illnesses and all bodily infirmities and disorders other than "personal injuries". Diseases, whether resulting from the occupation or otherwise, are not considered personal injuries, but they are treated as a sickness.

Par. 4. Section 1.512(b) is amended by adding a new paragraph (14) at the end of section 512(b) and by revising the historical note. Such added and revised provisions read as follows:

**§ 1.512(b) Statutory provisions; unrelated taxable income; exceptions, additions, and limitations.**

SEC. 512. *Unrelated business taxable income.* * * *

(b) *Exceptions, additions, and limitations.* * * *

(14) In the case of an organization which is described in section 501(c)(5), there shall be excluded all income used to establish, maintain, or operate a retirement home, hospital, or other similar facility for the exclusive use and benefit of the aged and infirm members of such an organization, which is derived from agricultural pursuits conducted on a ground contiguous to the retirement home, hospital, or similar facility and further provided that such income does not provide more than 75 percent of the cost of maintaining and operating the retirement home, hospital, or similar facility; and there shall be excluded all deductions directly connected with such income.

[Sec. 512(b) as amended by Act of April 7, 1958 (Pub. Law 85–367, 72 Stat. 80); Act of July 17, 1964 (Pub. Law 88–380, 78 Stat. 333)]

Because the changes contained in paragraph 4 of this Treasury decision merely conform the regulations under section 512(b) to reflect the amendment made by the Act of July 17, 1964 (Public Law 88–380, 78 Stat. 333), and because no substantive rules regarding the application of such amendment are prescribed herein, it is hereby found that it is unnecessary, with respect to such changes, to issue paragraph 4 of this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 64–11622; Filed, Nov. 16, 1964; 8:47 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter V—Department of the Army

### SUBCHAPTER E—ORGANIZED RESERVES

### PART 562—RESERVE OFFICERS' TRAINING CORPS

### Miscellaneous Amendments

1. Sections 562.3(c) and 562.4 are revised to read as follows:

**§ 562.3 Definitions.**

* * * * *

(c) *Major Commander.* The term "major commander" as used in this regulation is limited to:

(1) Commanding General, Zone of Interior armies.

(2) Commanding General, United States Army, Alaska.

(3) Commander, United States Army Forces Southern Command.

(4) Commanding General, United States Army, Hawaii.

(5) Commanding General, Antilles Command, United States Army Southern Command.

* * * * *

**§ 562.4 Responsibilities.**

(a) *Supervision.* (1) The Department of the Army is the agency of the Federal Government charged by law with the:

(i) Formulation and preparation of plans, policies, regulations, and instructions implementing the statutory provisions pertaining to Army ROTC.

(ii) Supervision of the execution of pertinent laws relating to the Army ROTC.

(2) The Chief of Staff, U.S. Army, exercises supervision and control over the ROTC program.

(3) The Chief, Office of Reserve Components has the responsibility within the Army staff for general staff supervision and coordination of plans, policies, and programs of the ROTC. He has general staff responsibility for plans, policies, and programs of the ROTC.

(4) The Adjutant General is the administrative agency of the Department of the Army for ROTC matters.

(5) The Commanding General, U.S. Army Materiel Command, is responsible for logistical support of all ROTC activities.

(b) *Commanding General, United States Continental Army Command.* The Commanding General, United States Continental Army Command, is responsible for:

(1) General direction, supervision, inspection, and coordination of matters pertaining to the organization and training of ROTC units except those requiring action by Headquarters, Department of the Army.

(2) Preparation of training literature, including institutional and camp programs of instruction and ROTC manuals.

(3) Observance of unit and summer camp training.

(c) *Major commander.* The major commander commands the operation, training, and administration of the ROTC program within his Army area, in-

cluding orientation of officer personnel assigned to ROTC duty.

(d) *United States Army corps commander.* ROTC responsibilities and duties of the corps commander will be those delegated to him by the major commander.

(e) *Professor of military science.* (1) The PMS is the commander of the military personnel assigned to the ROTC unit. His primary responsibility is to insure that the ROTC program is administered at the institution in accordance with Army regulations, programs, objectives, and policies. As head of the department of military science, he is also responsible to the institutional authorities for the conduct of the program in accordance with institutional rules, regulations, and customs. He advises institutional authorities of the provisions of law and regulations affecting the conduct of the ROTC programs. In coordination with the head of the institution, the PMS drafts the rules and orders relating to the administration, control, and training of the ROTC unit, including appointment, promotion, and reduction of cadet officers and noncommissioned officers. The PMS is responsible for the maintenance of good relations with the authorities, faculty, and student body, and represents the Department of the Army locally in all matters relating to the ROTC program. He is also responsible for orientation of freshman faculty advisors on the ROTC program.

(2) All personnel assigned to ROTC duty at an institution will be assigned to the department of military science. They will be directly under the authority of the PMS in all matters pertaining to their military status and assigned duties.

(3) At institutions where the Army is responsible for accountability of Government property provided for the ROTC program, the PMS will designate an Army officer or warrant officer assigned to duty at the institution, or a Department of the Army civilian employee as Army ROTC property officer.

2. Sections 562.5 and 562.6 are revised to read as follows:

**§ 562.5 Department of military science.**

(a) All Army ROTC activities and functions at the institution will be grouped under the department of military science, which should be an integral academic and administrative subdivision of the institution. In institutional matters, the head of the institution exercises the same control over the department of military science that he exercises over the other departments of the institution.

(b) At the discretion of the institutional authorities, the department of military science may be grouped with the department of Air science and/or department of Naval science, if present, into a larger academic subdivision headed by a person designated by the head of the institution, in accordance with joint ROTC policies.

**§ 562.6 Channels of communication.**

(a) ROTC correspondence will normally be routed through the chain of command. However, administrative matters from major command level will be forwarded direct to The Adjutant General, ATTN: AGPB–OC, Department of the Army, Washington, D.C., 20315. Matters concerning organization and training from major command level will be routed through Commanding General, United States Continental Army Command. Normally, Headquarters, Department of the Army, will use similar channels.

(b) Heads of institutions are not restricted to command channels. However, it is usually desirable for institutional problems to be presented first to the major commander.

(c) Major changes in policy will be announced by Headquarters, Department of the Army, to all institutional heads. Implementing directives will be furnished to major commanders prior to announcement to institutional heads. Copies of correspondence between Headquarters, Department of the Army, and heads of institutions will be furnished to major commanders.

(d) In the interest of expediency, reports will be submitted direct to The Adjutant General unless otherwise indicated. Copies will be furnished intermediate commanders, as required.

(e) Major commanders will determine those matters which will be handled direct between major command headquarters and the PMS, and the matters to be handled between the Army Corps headquarters and the PMS.

(f) It is necessary for Headquarters, Department of the Army, to maintain a current listing of institutional heads. The PMS will advise The Adjutant General, ATTN: AGPB–OC, Department of the Army, Washington, D.C., 20315, of any changes.

3. Sections 562.9 and 562.9b are revised to read as follows:

**§ 562.9 Summer vacation.**

Military personnel on duty at educational institutions are available to the major commander during the period of summer vacation from the date of commencement to a date 2 weeks prior to the opening of the succeeding school year for such duty as he may deem necessary in the operation of ROTC summer camps. Major commanders will act upon special requests of institutional authorities for the retention of certain military personnel during the vacation period. At senior division institutions where several branches of training are maintained, at least one officer, warrant officer, or suitable noncommissioned officer should remain on duty at the institution during the entire summer. The nature of the duties of officers and enlisted personnel with ROTC units precludes absence from the institution during the school year. Therefore, careful consideration will be given in arranging details for summer training duty to insure that each individual is provided an opportunity for a reasonable amount of leave during the summer months.

**§ 562.9b Wearing of uniform.**

Military personnel will wear the proper military uniform when performing military duties, including classroom instruction and practical exercises.

[AR 145–5, Sept. 16, 1964] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 4381–4387, 70A Stat. 246–248; 10 U.S.C. 4381–4387)

J. C. LAMBERT,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 64–11671; Filed, Nov. 16, 1964; 8:47 a.m.]

# Title 41—PUBLIC CONTRACTS

## Chapter 11—Coast Guard, Department of the Treasury

[CGFR 64–64]

## PART 11–11—FEDERAL, STATE, AND LOCAL TAXES

Pursuant to authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 167–17 (20 F.R. 4976) and Treasury Department Order 167–50 (28 F.R. 530), Chapter 11 of Title 41 is amended by adding Part 11–11 (§§ 11–11.202 and 11–11.550—11–11.550–6).

**Subpart 11–11.2—Exemptions From Federal Excise Taxes**

Sec.
11–11.202 Manufacturer's excise taxes.

**Subpart 11–11.5—Tax Exemption Forms**

11–11.550 Use of SF 1094.
11–11.550–1 Applicability.
11–11.550–2 Restrictions.
11–11.550–3 Use of SF 1094.
11–11.550–4 Preparation of SF 1094.
11–11.550–5 Claims for refunds.
11–11.550–6 Supply and control of SF 1094.

AUTHORITY: The provisions of this Part 11–11 issued under 14 U.S.C. 633, 10 U.S.C. Ch. 137.

### Subpart 11–11.2—Exemptions From Federal Excise Taxes

**§ 11–11.202 Manufacturer's excise taxes.**

A substantial purchase for the purpose of taking advantage of tax exemptions authorized in § 1–11.202 of this title shall generally be construed to apply to those purchases in which the amount of tax exemption would exceed $200.

### Subpart 11–11.5—Tax Exemption Forms

**§ 11–11.550 Use of SF 1094.**

**§ 11–11.550–1 Applicability.**

This section prescribes the procedures for use of United States tax exemption certificates (Standard Form 1094) where exemptions, adjustments or refunds of State and local taxes are available on commodities or services purchased for the exclusive use of the United States Government. SF 1094 is not to be used to obtain exemption, where permitted, from any Federal taxes.

**§ 11–11.550–2 Restrictions.**

SF 1094 will not be used by Coast Guard officials or employees:

(a) For items of subsistence expense when per diem in lieu of subsistence has been granted,



(b) When using a personally owned motor vehicle for which mileage allowance has been authorized,

(c) In official travel status, for purchases for official purposes, unless payment is actually made at time of purchase,

(d) If merchandise purchased is subject only to Federal tax, or

(e) Where the amount of the taxes on any one bill or purchase is $1.00 or less.

**§ 11–11.550–3 Use of SF 1094.**

SF 1094 will be used when a State or local tax attaches at time of sale to the consumer, and the vendor or dealer:

(a) Sells to the Government at a price which is exclusive of tax. SF 1094 will be furnished to the vendor or dealer where evidence of the tax exempt sale is required for use in claiming exemption from payment of the tax to the taxing authority.

(b) Refuses to sell at a price exclusive of tax. SF 1094 will be used to obtain a record of the transactions for the United States Government in billing the taxing authority for refund of taxes paid.

(c) Makes multiple deliveries under a contract extending over a period of time. In such cases, the purchasing office may issue SF's 1094 to the contractor to support each invoice covering partial deliveries completed under the contract or may furnish them upon completion of the contract.

**§ 11–11.550–4 Preparation of SF 1094.**

A separate certificate will be issued for each kind of tax (State or local) for which exemption is claimed. Purchasers will fill in the blocks provided on each certificate showing the quantity delivered and the amount of tax for which the certificate is issued.

(a) *Identification of purchaser.* The purchaser, in addition to his signature and title, will enter on the lines provided on the certificate, where applicable, the number or official designation or the motor vehicle, boat or aircraft to which motor fuel and/or lubricating oil was delivered.

(b) *Identification of the purchasing agency and vendor.* SF 1094 will be completed to indicate that they were issued by the U.S. Coast Guard, the name and location of the issuing office and the name and address of the vendor or dealer. This information is necessary to provide State and local taxing authorities the identity of the purchasing office and vendor when claims for exemption, refund or adjustment of tax is made by the vendor or the Government.

(c) *Certification by vendor.* When the amount of tax is included in the purchase price paid by the Coast Guard, the certificate of the vendor will be obtained on each SF 1094 issued for the transaction.

(d) *Certificate and voucher numbers.* When SF 1094 is used by the Coast Guard to bill the taxing authority, § 11–11.550–3(b), the payment voucher number will be noted on the certificates and the serial number of the certificates will be shown on the payment voucher.

**§ 11–11.550–5 Claims for refunds.**

When it is impossible to make purchase exclusive of State and local taxes which are deemed to be inapplicable to the Coast Guard, SF 1094 will be issued and forwarded with applicable documents to the certifying officer for settlement with a written statement that the vendor refused such certificate. The account will be settled if otherwise correct, and a copy of the payment voucher and other pertinent documents will be forwarded to the Commandant (FP). All Coast Guard claims for refund of State or local taxes will be effected by the Commandant (FP). When the Commandant (FP) fails to secure refund of the State or local taxes from the applicable taxing authority, such claims will be forwarded to the Claims Division of the General Accounting Office, Washington, D.C., for further collection proceedings.

**§ 11–11.550–6 Supply and control of SF 1094.**

(a) *Source of supply.* SF 1094 will be requisitioned by the Coast Guard supply centers from the General Services Administration. Authorized issuing authorities will submit their orders to their applicable supply center. The unit of issue is "book" and each book contains 25 certificates (SF 1094) and 5 tabulation sheets (SF 1094a).

(b) *Issuing authorities.* All designated Coast Guard contracting officers and such other Coast Guard personnel as are specifically designated in writing by district commanders and commanding officers of Headquarters units may issue SF 1094.

(c) *Accountability of SF 1094.* Each unit authorized to stock and/or issue SF 1094 will maintain a record reflecting all receipts, expenditures, balance on hand by date source and serial numbers. Forms not in use will be kept in secure storage. Certificates rendered unserviceable in any manner will be voided and retained by the issuing authority until disposition of the applicable series of certificates is authorized. Certificates lost or destroyed after issue may be replaced by noting on the new certificate "This certificate is issued to replace No. ------ which has been lost or destroyed." Prior to issuing replacement certificates, the request for issuance of a replacement will set forth all pertinent circumstances regarding such loss or destruction. When loss or destruction is proven to the satisfaction of the issuing authority, a replacement certificate may be issued and the applicable taxing authority notified accordingly.

(d) *Disposition of forms.* Exhausted books will be retained until audited by either the General Accounting Officer or Coast Guard Internal Auditors and will then be destroyed by burning. Books or forms which are no longer required by issuing units will be returned, with applicable accounting records to the source from which originally received, for reissue or destruction after audit as set forth in this paragraph (d).

Dated: November 2, 1964.

[SEAL] W. D. SHIELDS,
*Vice Admiral, U.S. Coast Guard,*
*Acting Commandant.*

[F.R. Doc. 64–11681; Filed, Nov. 16, 1964; 8:48 a.m.]

[CGFR 64–65]

## PART 11–12—LABOR

Pursuant to authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 167–17 (20 F.R. 4976) and Treasury Department Order 167–50 (28 F.R. 530), Chapter 11 of Title 41 is amended by establishing Part 11–12—Labor, as follows:

**Subpart 11–12.1—Basic Labor Policies**

Sec.
11–12.101–1 General.

**Subpart 11–12.4—Labor Standards in Construction Contracts**

11–12.404–2 Wage determinations.
11–12.404–3 Additional classifications.
11–12.404–8 Reports of violations.

**Subpart 11–12.6—Walsh-Healey Public Contracts Acts**

11–12.604 Responsibilities of contracting officers.

AUTHORITY: The provisions of this Part 11–12 issued under 14 U.S.C. 633, 10 U.S.C. Ch. 137.

### Subpart 11–12.1—Basic Labor Policies

**§ 11–12.101–1 General.**

(a) *Labor disputes.* The policy set forth in § 1–12.101–1 of this title shall be observed by all Coast Guard personnel. When any labor dispute significantly affects, or threatens to affect the Coast Guard in any manner, the activity concerned shall furnish all information relevant thereto to the Commandant (FS) for appropriate action.

(b) *Federal and State labor requirements.* Coast Guard officials shall cooperate and require contractors to cooperate to the fullest extent possible with Federal and State agencies responsible for enforcing requirements of labor laws. In carrying out this policy, no application to responsible agencies shall be initiated or supported for suspension or relaxation of labor standards.

### Subpart 11–12.4—Labor Standards in Construction Contracts

**§ 11–12.404–2 Wage determinations.**

(a) Request for wage rate determinations shall be submitted via the Commandant (E). In emergencies request may be submitted to the Commandant (E) by message in lieu of form DB–11.

(b) Form SOL–155 is available from the Department of Labor for use in conjunction with the requirement for posting wage rates. When this form is used, the name and address of the contracting officer will be inserted in the appropriate space thereon.

**§ 11–12.404–3 Additional classifications.**

Reports and correspondence required for additional classifications prior to award of contract shall be forwarded via the Commandant (E); after award, such reports and correspondence may be forwarded direct with an information copy to the Commandant (FS).

**§ 11–12.404–8 Reports of violations.**

(a) *Enforcement reports.* Reports of violations required by § 1–12.404–8(a) of this title shall be submitted via the Commandant (CL) for review and processing.

(b) *Semi-annual enforcement reports.* (1) In accordance with the requirements of § 1–12.404–8(b) of this title, semi-annual enforcement reports, Reports Control Symbol (RCS) FS–6150, will be submitted to the Commandant (FS) to arrive not later than July 10 and January 10 respectively.

(2) Required reports will be submitted in the following format:

SEMI-ANNUAL LABOR COMPLIANCE REPORT

(RCS FS–6150)

Date _____

This report covers period from _____ to _____, 19__.

I.a. Number of contracts awarded subject to labor standards statutes _____.

b. Number of contracts on which preconstruction letters were sent _____.

c. Number of contracts on which preconstruction conferences were held _____.

d. Number of contracts on which letters of notice were sent to contractors emphasizing importance of future compliance _____.

II.a. Total gross payroll amount _____.

b. Number of employee interviews conducted _____.

1. Written _____.

2. Oral _____.

c. Amount of wage restitution made under Davis-Bacon and Related Acts $_____; under Contract Work Hours Standards Acts $_____.

d. Total number of workers who received restitution payments _____.

e. Amount of liquidated damages assessed for violations on Contract Work Hours Standards Act $_____.

f. Number of complaints received alleging violations of the contract labor standards requirements _____.

III.a. Number of visits to field offices by the contracting agency's Washington headquarters personnel to review labor standards compliance program _____.

b. Number of visits to contract sites by Division, District, or Regional Offices of agency to review labor standards compliance program _____.

IV. Remarks.

(Signed) _____
(Name)

_____
(Title)

_____
(Unit)

(3) Report preparation instructions:

Item Ia. Include contracts awarded during the period in excess of $2,000 involving construction, alteration or repair of public buildings or public works.

Item IIa. Total gross payroll amount is the sum of all gross payments made to laborers and mechanics during the reporting period. Contractor's Weekly Payroll Statement forms used by most agencies require that the gross payroll amount be shown on the Payroll Statement. This item requires merely the totalling of those gross amounts.

Item IIb. Written interviews (which can be facilitated by use of employee interview forms) should be supported by interview statements on file.

Item IIc. "Davis-Bacon and Related Acts" refers to all prevailing wage statutes listed in 29 CFR 5.1, whereas the Contract Work Hours Standards Act has reference to daily and weekly overtime.

Item IIf. This item refers to complaints and inquires from all sources, including employees, unions, the agency's Washington headquarters, the Department of Labor, or members of Congress.

Item III a and b. "Visit" as referred to in these items means a visit to an activity by one or more persons for an in-depth review of labor standards compliance procedures.

(4) To meet submission dates, reports may be submitted by message to the Commandant (FS) referring to RCS FS–6150 and providing information by the line number in accordance with the enumeration established therefor in § 11–12.404–8(b)(2).

## Subpart 11–12.6—Walsh-Healey Public Contracts Acts

**§ 11–12.604 Responsibilities of contracting officers.**

Forms required in § 1–12.604 (b) and (c) of this title may be obtained by letter request direct to Wage and Hours and Public Contract Division, Department of Labor, Washington, D.C., 20210.

Dated: November 4, 1964.

[SEAL] W. D. SHIELDS,
*Vice Admiral, U.S. Coast Guard,*
*Acting Commandant.*

[F.R. Doc. 64–11682; Filed, Nov. 16, 1964; 8:48 a.m.]

# Title 46—SHIPPING

## Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER A—POLICY, PRACTICE, AND PROCEDURE

[General Order 41, 3d Rev.]

## PART 201—RULES OF PRACTICE AND PROCEDURE

*Correction*

In Federal Register Document 64–10788, published at page 14475 in the issue for Thursday, October 22, 1964, the following changes should be made:

1. Page 14480, top of third column, "§ 201.107" should be designated "§ 201.102".

2. Page 14481, bottom of first column, "§ 201.55" should be designated "§ 201.111".

3. Page 14481, bottom of third column, "§ 201.113" should be designated "§ 201.122".

4. Page 14482, top of first column, "§ 201.114" should be designated "§ 201.123".

5. Heading of § 201.181 (page 14485, third column) should read: "General matters."

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 32—HUNTING

### Tishomingo National Wildlife Refuge, Oklahoma

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

The public hunting of squirrels on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,100 acres, is delineated on maps available at refuge headquarters, Tishomingo, Oklahoma, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels subject to the following special conditions:

(1) The open season for hunting squirrels on the refuge extends from May 15 through September 30, 1965, inclusive; and from November 1, 1965, through January 1, 1966, inclusive, on Tuesdays, Thursdays, Saturdays, Sundays, and national holidays.

(2) Shotguns only may be used for hunting.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 1, 1966.

The public hunting of rabbits, coyotes, wolves, and bobcats on the Tishomingo National Wildlife Refuge, Oklahoma, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,100 acres, is delineated on maps available at refuge headquarters, Tishomingo, Oklahoma, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits, coyotes, wolves, and bobcats subject to the following special conditions:

(1) The open season for hunting rabbits, coyotes, wolves, and bobcats on the



refuge extends from January 1 through September 30, 1965, inclusive; and from November 1 through December 31, 1965, inclusive, on Tuesdays, Thursdays, Saturdays, Sundays, and national holidays.

(2) Shotguns only may be used for hunting.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1965.

The public hunting of raccoons, skunks, and opossums on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,100 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of racoons, skunks, and opossums subject to the following special conditions:

(1) The open season for hunting raccoons, skunks, and opossums on the refuge extends from December 1 through December 31, 1965, inclusive, on Tuesdays, Thursdays, Saturdays, Sundays, and national holidays.

(2) Shotguns only may be used for hunting.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1965.

WILLIAM T. KRUMMES,
*Acting Regional Director,*
*Albuquerque, New Mexico.*

NOVEMBER 9, 1964.

[F.R. Doc. 64–11674; Filed, Nov. 16, 1964; 8:47 a.m.]

## PART 33—SPORT FISHING

### Tishomingo National Wildlife Refuge, Oklahoma

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Tishomingo National Wildlife Refuge, Tishomingo, Okla., is permitted only on the area designated by signs as open to fishing. These open areas, comprising 10,000 acres, are delineated on maps available at refuge headquarters, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following condition:

(1) The open seasons for sport fishing on the refuge extend from January 1 through December 31, 1965, inclusive, on the waters east of the north-south center line of Secs. 19, 30, and 31, T. 4 S., R. 7 E., and in Rock Creek, Bell Creek, Big Sandy Creek, Dick's Pond, and Goose Pen Pond; and from January 1 through September 30, 1965, inclusive, for all other refuge waters.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1965.

WILLIAM T. KRUMMES,
*Acting Regional Director,*
*Albuquerque, New Mexico.*

NOVEMBER 9, 1964.

[F.R. Doc. 64–11675; Filed, Nov. 16, 1964; 8:47 a.m.]

# Proposed Rule Making

## FEDERAL AVIATION AGENCY

### [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64–CE–62]

### CONTROL ZONE AND TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to alter controlled airspace in the Hastings, Nebr., terminal area.

The following controlled airspace is presently designated in the Hastings, Nebr., terminal area:

(1) The Hastings control zone is designated as that airspace within a 5-mile radius of Hastings Municipal Airport (latitude 40°36'20'' N., longitude 98°25'30'' W.), within 2 miles each side of the 338° bearing from Hastings Municipal Airport extending from the 5-mile radius zone to 8 miles NW of the airport, and within a 1-mile radius of Kent Airport, Juanita, Nebraska (latitude 40°40'00'' N., longitude 98°30'15'' W.), from 0600 to 2100 hours, local time, daily.

(2) The Hastings transition area is designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Hastings Municipal Airport (latitude 40°36'20'' N., longitude 98°25'30'' W.), and within 5 miles 1 and 8 miles W of the 338° bearing from Hastings Municipal Airport, extending from the airport to 12 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 7 miles E and 5 miles W of the 158° bearing from Hastings Municipal Airport, extending from the arc of a 7-mile radius circle centered on Hastings Municipal Airport to 16 miles SE of the airport, and within 5 miles E and 8 miles W of the 338° bearing from Hastings Municipal Airport, extending from 12 miles NW of the airport to 20 miles NW of the airport.

The Federal Aviation Agency proposes to take the following airspace actions:

(1) Alter the Hastings control zone by redesignating it as that airspace within a 5-mile radius of Hastings, Nebraska Municipal Airport (latitude 40°36'20'' N., longitude 98°25'30'' W.), and within 2 miles each side of the 338° bearing from Hastings Municipal Airport extending from the 5-mile radius zone to 8 miles N of the airport, and within 2 miles each side of the Hastings VOR 145° radial extending from the 5-mile radius zone to 8 miles SE of the VOR, and within a 1-mile radius of Kent Airport, Juanita, Nebraska (latitude 40°40'00'' N., longitude 98°30'15'' W.). The control zone shall be effective during the time established by a Notice to Airmen and continuously published in the Airman's Guide, or its successor publication, the Airman's Information Manual, now planned for publication on December 10, 1964.

(2) Alter the Hastings transition area by redesignating it as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Hastings Municipal Airport (latitude 40°36'-20'' N., longitude 98°25'30'' W.), and within 5 miles E and 8 miles W of the 338° bearing from the Hastings Municipal Airport, extending from the airport to 12 miles N of the airport, and within 2 miles each side of the Hastings VOR 145° radial extending from the VOR to 8 miles SE; and that airspace extending upward from 1200 feet above the surface within 7 miles E and 5 miles W of the 158° bearing from the Hastings Municipal Airport, extending from the arc of a 7-mile radius circle centered on Hastings Municipal Airport to 18 miles SE of the airport and within 5 miles SW and 8 miles NE of the Hastings VOR 145° radial extending from the VOR to 12 miles SE, and within 5 miles E and 8 miles W of the 338° bearing from Hastings Municipal Airport, extending from 12 miles N of the airport to 20 miles N of the airport, and within 5 miles each side of the 066° bearing from Hastings Municipal Airport, extending from the arc of a 7-mile radius circle centered on Hastings Municipal Airport to the S edge of V–138, and within 5 miles each side of the 286° bearing from Hastings Municipal Airport, extending from a line 8 miles W of and parallel to a 338° bearing from Hastings Municipal Airport to V–3S.

The proposed additional control zone extension to the southeast is required to protect the final approach course of aircraft conducting a new public instrument approach procedure to Runway 32 at Hastings Municipal Airport. This procedure will become effective concurrent with the designation of the required controlled airspace. The control zone will also provide protection for aircraft executing prescribed arrival and departure procedures at the Hastings Municipal Airport during the hours of operation of the weather reporting service to be provided by duly certificated personnel of Frontier Airlines. The normal hours for the taking of these weather observations and the dissemination of this information are from 0600 hours to 2100 hours local time daily. However, in the case of airline schedule changes, these hours may be changed. Normally 30 days notice will be given in case of change. Notice of the change will be given by Notice to Airmen and published in the Airman's Guide, or its successor publication, the Airman's Information Manual, now planned for publication on December 10, 1964.

The proposed additional transition area extending upward from 700 feet and 1,200 feet above the surface will contain aircraft executing the new instrument approach procedure to serve Runway 32, and aircraft transitioning from Kearney, Nebr., to Hastings, Nebr., to the York Intersection on VOR Federal Airway No. 138.

Certain minor revisions to prescribed instrument procedures would be affected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance or present landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on November 4, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64–11650; Filed, Nov. 16, 1964; 8:45 a.m.]



### [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63–CE–136]

### CONTROL ZONE AND TRANSITION AREA

#### Proposed Alteration and Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter the controlled airspace in the Peru, Ind., terminal area.

The following controlled airspace is presently designated in the Peru, Ind., terminal area:



1. The Peru, Ind., control zone is designated within a 5-mile radius of Bunker Hill AFB, Peru, Ind. (latitude 40°39'38'' N., longitude 86°08'31'' W.); within 2 miles either side of the Bunker Hill AFB VOR 042° and 231° radials extending from the 5-mile radius zone to 12 miles NE and SW of the VOR; within 2 miles either side of the Bunker Hill AFB TACAN 220° radial extending from the 5-mile radius zone to 10 miles SW of the TACAN; within a 5-mile radius of Kokomo, Ind., Municipal Airport (latitude 40°31'43'' N., longitude 86°03'33'' W.); and within 2 miles either side of the Kokomo VOR, 131° radial extending from the Kokomo 5-mile radius zone to 12 miles SE of the VOR.

2. The Peru, Ind., control area extension is designated within a 25-mile radius of the Bunker Hill AFB, Peru, Ind. (latitude 40°39'38'' N., longitude 86°08'31'' W.), excluding the portion which coincides with the Lafayette and the Fort Wayne, Ind., control area extensions; including the airspace NW of Peru bounded on the S by the Lafayette control area extension, on the W by V–7, on the N by V–38 and on the E by the Fort Wayne control area extension.

3. That portion of the Fort Wayne, Ind., control area extension south of latitude 41°00'00'' N. and west of longitude 85°50'00'' W. within a 40-mile radius of the Fort Wayne VORTAC.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Peru, Ind., terminal area, including studies attendant to the implementation of the provisions of the Civil Air Regulations Amendments 60–21/60–29, proposes the following airspace actions:

1. Alter the Peru, Ind., control zone by redesignating it within a 5-mile radius of Bunker Hill AFB, Peru, Ind. (latitude 40°39'38'' N., longitude 86°08'31'' W.); within 2 miles each side of the Bunker Hill AFB VOR 042° and 231° radials extending from the 5-mile radius zone to 8 miles NE and SW of the VOR; within 2 miles each side of the Bunker Hill AFB TACAN 053° and 220° radials extending from the 5-mile radius zone to 8 miles NE and SW of the TACAN; within a 5-mile radius of Kokomo, Ind., Municipal Airport (latitude 40°31'43'' N., longitude 86°03'33'' W.); within 2 miles each side of the Kokomo VOR 040° and 131° radials extending from the 5-mile radius zone to 8 miles NE and SE of the VOR; and within 2 miles each side of the 135° bearing from the Kokomo RBN extending from the 5-mile radius zone to 8 miles SE of the RBN.

2. Designate the Peru, Ind., transition area as that airspace extending upward from 700 feet above the surface within a 15-mile radius of Bunker Hill AFB, Peru, Ind.; within 8 miles SE of the Kokomo, Ind., VOR 040° radial extending from the VOR to 12 miles NE of the VOR; within 5 miles SW and 8 miles NE of the Kokomo VOR 131° radial extending from the VOR to 12 miles SE of the VOR, excluding that airspace within a 12-mile radius of the Marion Municipal Airport, Marion, Ind.; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 40°07'00'' N., longitude 86°00'00'' W.; to latitude 40°07'00'' N., longitude 86°33'00'' W.; to latitude 41°00'00'' N., longitude 86°33'-00'' W.; to latitude 41°00'00'' N., longitude 85°50'00'' W.; to latitude 40°30'00'' N., longitude 85°50'00'' W.; thence to point of beginning, excluding the airspace within a 12-mile radius of the Marion Municipal Airport, Marion, Ind.

In part, control area extensions for both Fort Wayne, Ind., and Peru, Ind., coincide with the transition area proposed herein. These will be revoked at a later date after studies associated with the implementation of Civil Air Regulations Amendments 60–21/60–29 have been completed for adjoining terminal areas.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The proposed alteration of the Peru control zone would adjust the alignment and reduce the existing northeast and southwest control zone extensions so as to correspond with the final approach courses specified in the Bunker Hill AFB instrument approach procedures. The proposed alteration would adjust the alignment and reduce the existing southeast control zone extension at the Kokomo Municipal Airport to correspond with the final approach courses specified in the Kokomo instrument approach procedures. The proposed control zone extension to the northeast of the Kokomo Airport will provide protection for aircraft executing a VOR instrument approach to Runway 22. The action proposed herein to designate a transition area at Peru would raise the floor of controlled airspace beyond the immediate vicinity of Bunker Hill AFB and Kokomo Municipal Airport from 700 feet to 1,200 feet above the surface. The controlled airspace proposed for retention would provide for the protection of aircraft executing prescribed instrument holding, arrival and departure procedures in the Bunker Hill AFB-Kokomo terminal area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein but operational complexity would not be increased nor would aircraft performance or landing minimums be adversely affected.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on November 4, 1964.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 64–11651; Filed, Nov. 16, 1964; 8:45 a.m.]



### [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64–WE–27]

### CONTROL ZONE, FEDERAL AIRWAY, AND TRANSITION AREA

#### Proposed Alteration and Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, which would provide controlled airspace and an airway capability for instrument traffic at Santa Rosa, Calif.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 9007, Airport Station, Los Angeles, Calif., 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The following controlled airspace is presently designated in the Santa Rosa, Calif., terminal area:

1. The Santa Rosa control zone is designated as that airspace within a 3-mile radius of Sonoma County Airport, Santa Rosa, Calif. (latitude 38°30'30'' N., longitude 122°48'45'' W.), from 0600 to 2200 hours local time, daily, excluding the portion within R–2522.

2. The western portion of the Sacramento, Calif., control area extension.

The Federal Aviation Agency has under consideration the following airspace actions:

1. Alter the Santa Rosa control zone by redesignating it as that airspace within a 5-mile radius of Sonoma County Airport, Santa Rosa, Calif. (latitude 38°30'-30" N., longitude 122°48'45" W.), and within a one-mile radius of Santa Rosa Coddingtown Airport (latitude 38°28'30" N., longitude 122°44'25" W.), effective from 0600 to 2200 hours, local time, daily. The portion within Restricted Area R-2522 would be used only after obtaining prior approval from appropriate authority.

2. Designate the Santa Rosa transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Sonoma County Airport and within a one-mile radius of Santa Rosa Coddingtown Airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 5 miles northeast of the Santa Rosa VOR (latitude 38°30'-30" N., longitude 122°48'34" W.) 153° and 333° True radials, extending from 13 miles northwest to 18 miles southeast of the VOR. The portion within R-2522 would be used only after obtaining prior approval from appropriate authority.

3. Designate VOR Federal airway No. 301 from Point Reyes, Calif., via Santa Rosa to Williams, Calif.

4. Extend VOR Federal airway No. 494 from Sacramento, Calif., via Santa Rosa; intersection of Santa Rosa VOR 325° and Ukiah, Calif., VORTAC 147° True radials to Ukiah.

The proposed alteration of the Santa Rosa control zone is necessary to provide protection for aircraft executing prescribed VOR instrument approach procedures.

The 700-foot floor portion of the proposed transition area is necessary to provide protection for aircraft executing prescribed instrument approach and departure procedures during the period the control zone is not effective. The 1,200-foot floor portion is necessary to provide protection for aircraft executing prescribed instrument approach, departure, and holding procedures at altitudes above 1,500 feet above the surface in the Santa Rosa terminal area.

The proposed Federal airways would provide airway continuity to and from the Santa Rosa terminal area. The floor of the proposed airways would be 700 feet above the surface in compatibility with presently designated airspace surrounding the Santa Rosa terminal area. At a future date, as a part of the implementation of the CAR Amendments 60-21/60-29 programs, it is planned to raise the floors of the airways connecting with and adjacent to Santa Rosa to 1,200 feet or higher above the surface.

These amendments are proposed under authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 6, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11652; Filed, Nov. 16, 1964; 8:45 a.m.]

## [ 14 CFR Part 73 [New] ]

[Airspace Docket No. 64-WA-47]

## RESTRICTED AREA

### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 73 [New] of the Federal Aviation Regulations which would alter restricted area R-6904 at Volk Field, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed amendment. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available in the rules docket for examination by interested persons, both before and after the closing date for comments.

A requirement exists for the use of R-6904 during the night in order to increase the proficiency in night flying, in activities for which the area was designated, by reservists. If the proposal is adopted, the following action would be taken: In the text of R-6904 Volk Field, Wisconsin, "Time of designation. Sunrise to sunset." and "Using agency. Adjutant General, State of Wisconsin, Madison, Wis." would be deleted and "Time of designation. 0600 to 2200 c.s.t., May 1 through September 30 and from 0800 to 1600 c.s.t., Saturday and Sunday, October 1 through April 30." and "Controlling agency. Federal Aviation Agency, Chicago ARTC Center." and "Using agency. Commander, Volk Field, Wisconsin." would be substituted therefor.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 6, 1964.

DANIEL E. BARROW,
*Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11653; Filed, Nov. 16, 1964; 8:45 a.m.]

## [ 14 CFR Part 165 [New] ]

[Docket No. 6313; Notice 64-49]

## WAKE ISLAND CODE

### Notice of Proposed Rule Making

The Federal Aviation Agency is considering amendments to Part 165—Wake Island Code [New] of the Federal Aviation Regulations to reflect new delegations of authority to fix certain fees and charges to the Regional Director, Pacific Region; to reflect the new titles of the Regional Director and Area Manager; to make changes designed to improve the administration of the area; to add a prohibition against providing or transferring gambling facilities; to authorize the Area Manager to issue citations for petty offenses; to describe the boundaries of the Wake Island Airport; and to limit the kinds of cases in which an accused may forfeit bail without permission and thereby terminate proceedings.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before January 18, 1965, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

The official titles of the Island Manager and Assistant Administrator are to be changed, respectively, to Area Manager and Regional Director.

The term "medical services and supplies" is considered to include dental services and supplies. Applicable provisions are to be amended to mention them specifically.

In this part specific amounts are stated as charges for medical and dental services, hospitalization, electric power, water and sewerage, telephone services, etc. This amendment would authorize the Regional Director to prescribe the amounts of these charges. This would permit simplification of the provisions now appearing in §§ 165.255, 165.257, 165.279, 165.281 and 165.283 of Subparts O and P of Part 165 [New]. The provisions for posting of the charges authorized by Subpart P of Part 165 [New], now found in § 165.283(e), would be amended and renumbered to new § 165.5, in order to apply them to all charges the Regional Director fixes.

Part 165 [New] provides that no charges are made for members of the Armed Forces on active duty at Wake Island for treatment of injury incurred while performing their duties, or for disease proximately caused by conditions of their employment. The FAA has entered into agreements with the various services of the Armed Forces under which the FAA provides medical and dental treatment and hospitalization for their members on a reimbursable basis. The provisions for treatment without charge of individuals governed by an agreement would be revised accordingly.

Subpart E of Part 165 [New] prohibits, as a petty offense, the act of gambling, wagering, operating, or participating in a lottery on the Wake Island Airport (§ 165.43(g)). But there has been no prohibition against the transferring or providing, on the island, of gambling facilities or interests in games of chance. In order to assist in the prevention of organized gambling on the island, the amendment would add a new paragraph (kk) to § 165.41 prohibiting transfers of



facilities for the purpose of organized gambling, or transfers of interests in games of chance, without permission from the Area Manager.

The Area Manager has authority to issue citations for violations of the Motor Vehicle Code (Subpart I of Part 165 [New]), but not for violations of petty offenses (Subpart E). Accordingly, the island attorney, who is stationed at the Pacific Region Headquarters in Hawaii, had to issue an information in case of a petty offense listed in Subpart E. The FAA considers it desirable to authorize the Area Manager to issue citations instead of requiring informations, in order to permit more expeditious disposition of these cases. For this purpose, § 165.15 (a) would be amended to grant this authority, and §§ 165.85(b), 165.89(a), and 165.129 would be amended to reflect the change.

A description of the boundaries of Wake Island Airport would be added in new § 165.1(c) and Appendix A. A map of the airport is to be on file with the Office of the Federal Register and available for inspection and copying at the offices of the Regional Director and the Area Manager.

Under § 165.85(b) it is possible for an accused person to forfeit bail and thereby terminate proceedings on his own initiative where an offense has been charged by a citation. This may tend to subvert the purpose for which the court was established. It is considered in the public interest to discontinue this right to forfeit bail and terminate the proceedings without the court's permission in cases other than minor traffic violations. Paragraph (b) of § 165.85 would be amended to reflect this change.

Paragraph (c) of § 165.151 prescribes certain equipment for motor vehicles operated on Wake Island. To prohibit the use of defective equipment, it is proposed to amend this provision to require that the equipment is adequate and properly functioning.

Section 165.17 of Part 165 [New] provides that the Area Manager may perform acts necessary to protect life and property during the "imminence and duration of any major emergency." The word "major" is to be deleted, since the Area Manager's authority to act should exist in any situation he considers an emergency, without the requirement that he first determine whether the emergency is "major."

In consideration of the foregoing, it is proposed to amend Part 165 [New] of Chapter I of Title 14 of the Code of Federal Regulations as hereinafter set forth.

These amendments are proposed under the authority of section 10 of the International Aviation Facilities Act (49 U.S.C. 1159); section 48 of the Hawaii Omnibus Act of July 12, 1960 (74 Stat. 424); Executive Order 11048 (3 CFR 1962 Supp., p. 241); and the agreement between FAA and the Department of the Interior of February 5, 1962 (27 F.R. 8887).

Issued in Washington, D.C., on November 9, 1964.

HAROLD W. GRANT,
*Acting Administrator.*

It is proposed to amend Part 165 [New] as follows:

1. Part 165 [New] is amended by striking out the terms "Island Manager" and "Assistant Administrator" wherever they appear and by inserting the terms "Area Manager" and "Regional Director", respectively, in place thereof.

2. Part 165 [New] is amended by striking out the heading of Subpart P and by adding a new heading in place thereof, to read as follows:

### Subpart P—Medical, Dental and Hospital Services

3. New paragraph (c) is added to § 165.1 to read as follows:

**§ 165.1 Applicability.**

* * * * *

(c) For the purposes of this part, the Wake Island Airport consists of the area shown on a map entitled "Wake Island Airport Boundary," File No. PC-A-1623, dated May 4, 1963, that has been filed with the Office of the Federal Register and is also available for inspection and copying at the offices of the Regional Director and the Area Manager. The boundaries of the airport are described in Appendix A to this part.

4. New § 165.5 is added to read as follows:

**§ 165.5 Publication of rates and charges for supplies and services fixed by the Regional Director.**

Whenever this part provides that the FAA Regional Director for the Pacific Region (Regional Director) fixes charges for supplies or services, the orders prescribing these charges are on file, and may be inspected, at the FAA Regional Office, 13 Kapiolani Boulevard, Honolulu, Hawaii. Copies of the orders are on file, and may be inspected, at the office of the Area Manager. Lists of all charges in effect are posted at the office of the Area Manager. In addition, charges for utility services are posted at each office where inquiry about billing may be made and charges for medical, dental and hospital services are posted in a prominent place in each Island Dispensary.

5. Paragraph (a) of § 165.15 is amended to read as follows:

**§ 165.15 Authorized functions, powers, and duties.**

* * * * *

(a) Issue citations for violations of Subpart E (Petty Offenses) and Subpart I (Motor Vehicle Code) of this part.

* * * * *

**§ 165.17 [Amended]**

6. The word "major" in § 165.17 is deleted.

7. A new paragraph (kk) is added to § 165.41 to read as follows:

**§ 165.41 General criminal offenses.**

* * * * *

(kk) Transfer or provide to any person any facilities, equipment, or device for the purpose of organized gambling, or any interest in a game of chance, without permission from the Area Manager. Organized gambling means gambling arranged for by a person or persons who intend to derive a profit, by participation in the gambling or otherwise, from making such arrangements.

Paragraph (b) of § 165.85 is amended to read as follows:

**§ 165.85 Bail.**

* * * * *

(b) When an offense has been charged by a citation issued by a peace officer or the Area Manager, bail shall be set in the amount prescribed by the senior judge for the violation. The bail shall be paid in cash to the Clerk of the Court. The bail may be forfeited by the accused and the proceedings thereby terminated in the case of a violation of Subpart I of this part that does not involve a moving vehicle or collision, or with permission of the Court in the case of any other offense charged by a citation.

**§ 165.89 [Amended]**

9. The second sentence of paragraph (a) of § 165.89 is amended to read as follows: "However, if the offense is one for which issue of a citation is authorized by this part and a citation for the offense has been issued, the citation serves as an information."

10. The first sentence of § 165.129 is amended to read as follows:

**§ 165.129 Citation in place of arrest.**

In any case in which a peace officer may make an arrest without a warrant, he may, under such limitations as the Area Manager may impose, issue and serve a citation, or serve a citation issued by the Area Manager, on a person in place of arresting him if the officer considers that the public interest does not require an arrest * * *.

11. Paragraph (c) of § 165.151 is amended to read as follows:

**§ 165.151 Motor vehicle maintenance and equipment.**

* * * * *

(c) No person may operate a motor vehicle on Wake Island unless it is equipped with an adequate and properly functioning—

(1) Horn;
(2) Wiper, for any windshield;
(3) Rear vision mirror;
(4) Headlights and taillights;
(5) Muffler; and
(6) Spark or ignition noise suppressors.

* * * * *

**§ 165.245 [Amended]**

12. Section 165.245 is amended by adding the ZIP Code number "96812" after the word "Hawaii."

**§§ 165.255, 165.257 [Deleted]**

13. Sections 165.255 and 165.257 are deleted.

14. Section 165.259 is amended to read as follows:

**§ 165.259 Charges for utility services.**

The Regional Director fixes the charges for electric power, water, sewerage disposal, and telephone service.

15. Paragraph (b) of § 165.261 is amended to read as follows:

§ 165.261 Rates of payment: measurement, adjustment, and billing.

• • • • • •

(b) If charges for utility services are increased, each user shall be notified at least 30 days before the increase takes effect.

16. Section 165.271 is amended to read as follows:

§ 165.271 Applicability.

This subpart prescribes the conditions under which the Administrator provides medical and dental services and supplies and hospitalization at Wake Island.

§ 165.273 [Deleted]

17. Section 165.273 is deleted.

18. The section heading and the introductory paragraph and subparagraph (3) of paragraph (a) of § 165.277 are amended to read as follows:

§ 165.277 Persons eligible for treatment.

(a) Subject to applicable charges as prescribed under § 165.283, general treatment for injury or disease is provided for—

• • • • • •

(3) Employees of a non-United States agency who are at an Island location under temporary or permanent assignment;

• • • • • •

§§ 165.279, 165.281 [Deleted]

19. Sections 165.279 and 165.281 are deleted.

20. Section 165.283 is amended to read as follows:

§ 165.283 Charges for medical services.

(a) Except as provided in paragraphs (b)–(d) of this section, the Regional Director fixes the charges for medical services; medical supplies; dental services; and hospitalization.

(b) No charge is made for treatment of civilian employees of the United States who are under the jurisdiction of the Bureau of Employees' Compensation for injury incurred while performing their duties or for disease proximately caused by the conditions of their employment.

(c) No charge is made for immunizations or physical examinations required in connection with employment by the United States.

(d) Individuals are not charged for services or supplies paid for by another Government agency or other third person under an agreement with FAA.

21. Part 165 [New] is amended by adding Appendix A to read as follows:

APPENDIX A

BOUNDARY DESCRIPTION—WAKE ISLAND AIRPORT

The boundaries of the Wake Island Airport are as follows: Beginning at a point located southwest of the southwest corner of the intersection of Gull Street and Samoa Avenue at a distance of ten feet from the southerly edge of Gull Street and five feet from the westerly edge of Samoa Avenue; thence in a general south and easterly direction on a line five feet west of the west edge of Samoa Avenue to the northeast corner of building T–182; thence in a southwesterly direction to the northwest corner of building T–182; thence in a southeasterly direction to the southwest corner of building T–182; thence in a northeasterly direction to the southeast corner of building T–182; thence in a general south and easterly direction on a line five feet west of the west edge of Samoa Avenue to a point ten feet west of the west edge of Wake Avenue; thence in a general south and easterly direction as a line ten feet west of the west edge of Wake Avenue past the Terminal Building and around the runway overrun to a point ten feet north where Wake Avenue and Elrod Drive join; thence in a general westerly direction on a line ten feet north of the north edge of the pavement of Elrod Drive to a point 400 feet west of the end of the runway and ten feet north of the north edge of Elrod Drive; thence in a general northerly direction for a distance of 790 feet on a line perpendicular to the center of the runway; thence in a general easterly direction for a distance of 900 feet on a line parallel to and 100 feet north of the north edge of the taxiway; thence in a general northerly diserction for a distance of approximately 650 feet on a line perpendicular to the runway centerline to the high water mark of the lagoon designated by a 4" x 4" concrete marker; thence in a general easterly and northerly direction along a line corresponding to the high water mark of the lagoon to a 4" x 4" concrete marker 300 feet west of the point where Taxiway "B" joins the aircraft parking area located on the west side of Taxiway "B"; thence in a general north and westerly direction along a line paralleling and located 400 feet west of the Taxiway "B" to the point of intersection of this line with a line paralleling and located 100 feet west of the west edge of the maintenance ramp; thence in a general northerly direction along this line 100 feet west of the west edge of the maintenance ramp to the point where this line meets a point ten feet south of the south edge of Gull Street; thence in a general easterly direction on a line ten feet south of the south edge of Gull Street to the point located ten feet south of Gull Street and five feet west of Samoa Avenue, southwest of the southwest corner of the intersection of Gull Street and Samoa Avenue.

[F.R. Doc. 64–11654; Filed, Nov. 16, 1964; 8:46 a.m.]

# FEDERAL MARITIME COMMISSION

## [ 46 CFR Part 502 ]

[General Order 8, Part II]

## FEES AND CHARGES FOR SPECIAL SERVICES

### Notice of Proposed Rule Making

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) and section 43, Shipping Act, 1936 (46 U.S.C. 841(a)) that the Federal Maritime Commission is considering the revision to existing and establishment of certain new charges to recover the costs of certain services, as set forth below in accordance with the Act of August 31, 1951 (5 U.S.C. 140), as affected by Reorganization Plan No. 7 of 1961 (26 F.R. 7315) and as implemented by the Bureau of the Budget Circular No. A–25, dated September 23, 1959. Accordingly, it is proposed that § 502.6, Title 46 CFR, be revised as follows:

§ 502.6 Fees and charges for special services.

(a) *Policy and services available.* Pursuant to policies established by the Congress, the Government's costs for special services furnished to individuals or firms who request such service are to be recovered by the payment of fees (Act of August 31, 1951—5 U.S.C. 140). Upon written request directed to and within the discretion of the Federal Maritime Commission, there are available upon payment of the fees hereinafter prescribed, with respect to documents subject to inspection, services as follows:

(1) Copying records/documents.

(2) Certification of copies of documents.

(3) Records search.

(4) Subscriptions to publications of the Commission.

(5) Transcripts of hearings.

(b) *Payment of fees and charges.* The fees charged for special services may be paid by check, draft, or postal money order, payable to the Federal Maritime Commission, except for charges for transcript of hearings. Fees for transcript of hearings are payable to the firm providing the services.

(c) *Fees for services.* The basic fees set forth below provide for documents to be mailed with ordinary first class postage prepaid. If copy is to be transmitted by registered, certified, air or special delivery mail, postage therefor will be added to the basic fee. Also, if special handling or packaging is required, costs thereof will be added to the basic fee.

(1) The copying of records and documents will be available at the rate of 25 cents per page (one side) by the Xerox process, limited to size 8¼" x 14" or smaller.

(2) The certification and validation (with Federal Maritime Commission seal) of documents filed with or issued by the Commission will be available at $1.00 for each such certification.

(3) To the extent that time can be made available, records and information search will be performed for reimbursement at the following rates:

(i) By clerical personnel at a rate of $4.00 per person per hours.

(ii) By professional personnel at an actual hourly cost basis to be established prior to search.

(iii) Minimum charge $2.00.

(4) Annual subscriptions to Commission publications for which there are regular mailing lists are available at the charges indicated below. Subscriptions will be available effective Jaunary 1, 1965, for a one-year term, and for calendar year terms thereafter. Subscriptions for periods of less than a full calendar year will be prorated on a quarterly basis. No provision is made for refund upon cancellation of subscription by a purchaser.

(i) Orders, notices, rulings and decisions (initial and final) issued by hearing examiners and by the Commission in all formal docketed proceedings before the Federal Maritime Commission are available at an annual subscription rate of $30.00.

(ii) Final decisions (only) issued by the Commission in all formal docketed proceedings before the Commission are available at an annual subscription rate of $10.00.

(iii) General Orders of the Commission, including all proposed and final rules, are available at an annual subscription rate of $2.00 (initial annual subscription will entitle the purchaser to a complete set of current General orders issued to date).

(iv) Exceptions: No charge will be made by the Commission for notices, decisions, orders, etc., required by law to be served on a party to any proceeding or matter before the Commission. No charge will be made for single copies of Commission publications individually requested, in person or by mail. In addition a subscription to Commission mailing lists will be entered without charge when one of the following conditions is present:

(*a*) The furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization.

(*b*) The recipient is another government agency, Federal, State or local, concerned with the domestic or foreign commerce by water of the United States or, having a legitimate interest in the proceedings and activities of the Commission.

(c) The recipient is a college or university.

(*d*) The recipient does not fall into 1, 2, or 3 above, but is determined by the Commission to be appropriate in the interest of its program.

(5) Transcripts of testimony and of oral argument are furnished by a non-Government contractor, and may be purchased directly from the reporting firm.

In the absence of any views or arguments, the Commission intends to adopt this proposed revision on January 1, 1965.

By order of the Commission, November 5, 1964.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–11685; Filed, Nov. 16, 1964; 8:48 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### CHEYENNE AND ARAPAHO RESERVATION

#### Transfer of Land Records to Custody of Anadarko Area Office

In accordance with 25 CFR Part 120 and pursuant to authority delegated by Amendment No. 49 to Secretarial Order No. 2508 (26 F.R. 11395), notice is hereby given that the official custody of all source title documents and land records pertaining to trust or restricted Indian-owned lands on the Cheyenne and Arapaho Indian Reservation in the State of Oklahoma have been transferred from the City of Washington, D.C., to the Anadarko Area Office, Bureau of Indian Affairs, Federal Building, Anadarko, Oklahoma.

Effective November 9, 1964, the Anadarko Area Office will be the office for the maintenance of records for all such trust and restricted lands.

GEORGE W. MATHIS,
*Acting Commissioner.*

NOVEMBER 10, 1964.

[F.R. Doc. 64-11669; Filed, Nov. 16, 1964; 8:46 a.m.]

### AGUA CALIENTE RESERVATION ET AL.

#### Transfer of Land Records to Custody of Sacramento Area Office

In accordance with 25 CFR Part 120 and pursuant to authority delegated by Amendment No. 49 to Secretary Order No. 2508 (26 F.R. 11395), notice is hereby given that the official custody of all source title documents and land records pertaining to Indian-owned trust or restricted lands on the Agua Caliente (Palm Springs), Augustine, Cabazon, Fort Independence, La Jolla, Mission Creek, Morongo, Pala, Perchanga, Rincon, Round Valley, Sycuan and Torres-Martinez Indian Reservations in the State of California, have been transferred from the city of Washington, D.C., to the Sacramento Area Office, Bureau of Indian Affairs, 2929 Fulton Avenue, Sacramento, Calif.

Effective October 26, 1964, the Sacramento Area Office will be the office for the maintenance of records for all such trust and restricted lands.

PHILLEO NASH,
*Commissioner.*

NOVEMBER 10, 1964.

[F.R. Doc. 64-11670; Filed, Nov. 16, 1964; 8:47 a.m.]



### Bureau of Land Management

### WYOMING

#### Redelegation of Authority in Connection With Lands and Resources; Correction

NOVEMBER 9, 1964.

In Federal Register Document 64-9699, appearing on page 13277 of the issue for Thursday, September 24, 1964, items 4 and 5 should be corrected to read as follows:

4. The Assistant Manager, Branch of Mining, is authorized to take all actions under the following part:

Part II, Sec. 2.6 (b)-(g) and (i)-(l) inclusive.

5. The Assistant Manager, Branch of Oil and Gas, is authorized to take all actions under the following part:

Part II, Sec. 2.6 (a) and (h).

BURTON W. SILCOCK,
*Assistant State Director.*

Approved: November 9, 1964.

ED PIERSON,
*Wyoming State Director.*

[F.R. Doc. 64-11684; Filed, Nov. 16, 1964; 8:48 a.m.]

[Classification 134]

### ALASKA

#### Small Tract Classification

NOVEMBER 9, 1964.

1. Pursuant to the authority delegated to me by the Alaska State Director and published in 29 F.R. 3015, March 5, 1964, I hereby classify the following described lands in the vicinity of Eagle River, Alaska, as suitable for lease and for sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended:

SEWARD MERIDIAN

T. 14 N., R. 2 W.,
Sec. 1, that part lying west of the Glenn Highway;
Sec. 2, E½;
Sec. 11, lots 5 to 12, incl., 20 to 27 incl., 36, 44 to 46, incl., 56 to 59 incl., 65, 70, 71, 77 to 81 incl., and N½NE¼, W½SW¼NW¼SE¼, and W½SW¼SE¼.
T. 15 N., R. 1 W.,
Sec. 20, lots 23 to 25, incl., 28, 29 and 32.

The areas described aggregate 599.57 acres.

2. Classification of the above described lands by this order is subject to valid existing rights and segregates the described lands from all appropriations, including locations under the mining laws, except to applications under the mineral leasing laws and to selections by the State of Alaska in accordance with, and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

3. The lands were restored from withdrawal by Public Land Order No. 891 of April 15, 1953, but were retained in reserve status pending an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a).

4. The lands classified by this order will not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended, until it is so provided by an order issued by an authorized officer opening the lands to applications or bids.

JAMES W. SCOTT,
*Manager, Anchorage District and Land Office.*

[F.R. Doc. 64-11683; Filed, Nov. 16, 1964; 8:48 a.m.]

### Office of the Secretary

### DIRECT-CURRENT TRANSMISSION TECHNOLOGY

#### Findings and Determination To Permit Negotiated Procurement To Assist Development

Findings and determination to permit negotiated procurement to assist the development of direct-current transmission technology in the United States under the Act of August 28, 1958 (Public Law 85-804):

*Findings.* In accordance with the authority granted by the Act of August 28, 1958 (50 U.S.C. 1431-1435), and pursuant to Executive Order No. 10789 issued pursuant to said Act, I find that the procurement of Terminal Facilities for the direct-current high-voltage transmission Intertie is significantly related to the National Defense. Competent engineering officials of the Bonneville Power Administration and the Bureau of Reclamation have compiled data which clearly support the proposition that transmission of large volumes of electrical energy may be most efficiently and economically achieved through the use of direct-current high-voltage technology.

The United States has been slow in developing these techniques; yet the Nation's entire industrial complex is dependent, in large measure, upon efficient power supplies. The Intertie Project offers the Nation the opportunity to take a major step forward in developing domestic capabilities, both in the technology and in the manufacture of essential facilities. Unless we exhaust every means of taking advantage of this opportunity, we cannot assure ourselves that our defense capability, in terms of manufactured materials, is benefited and reinforced by modern methods of power transmission.

To overcome the handicap which currently exists, the Department of the Interior, in obtaining the key terminal facilities for the Pacific Coast Intertie, must utilize contract methods best designed to insure the development of domestic manufacturing capability. Interior engineers have concluded that knowledge of D-C high-voltage technology is too limited both in Government and domestic industry to permit development of detailed specifications for use as a basis for formal advertising. Their research has produced the further fact that the operative terminal facility to be obtained in the first stage of the Intertie construction requires key components which must be of foreign manufacture. This fact emphasizes the need for doing everything within our power to accelerate domestic capability. In this regard, we are confronted with situations which stress the disparity in competitive position as between the only domestic manufacturer able to offer arrangements for supplying the terminal facilities under the time and quality conditions which must be imposed. There is imminent danger, therefore, that unless the competitive inequalities can be removed, the National Defense objectives and responsible public policy may not be served.

*Determination.* Based upon the foregoing findings, I hereby determine that:

1. The interests of National Defense require resort to extraordinary contractual actions for which authority is granted in Public Law 85-804 and Executive Order No. 10789;

2. Terminal facilities for the Intertie Project are impracticable for procurement through formal advertising;

3. Contract negotiations must be conducted in such a way as to insure (a) the development of technical and manufacturing capability in domestic industry on as broad a base as possible; (b) the development of such capability with all possible promptness; (c) reasonable competition among domestic sources; and (d) reasonable and realistic equalization of cost factors pursuant to such guidelines as the Department may issue on this subject;

4. The negotiations and any resulting contracts shall be in accordance with the regulations contained in FPR 1-17; and

5. Final decision prior to contract commitment is reserved to the Secretary.

*Delegation of authority.* I hereby delegate authority to the Administrator, Bonneville Power Administration, and the Commissioner, Bureau of Reclamation, to conduct negotiations leading to contracts consistent with the National Defense considerations cited above and in accordance with the terms and conditions hereof. This authority may be redelegated by the Administrator and the Commissioner.

*Supersession of prior findings, determination and authorities.* To the extent that they may be inconsistent with the foregoing Findings, Determination, and Delegation, the provisions of the memorandum of findings (memorandum of September 29, 1964, Assistant Secretary to Secretary, approved September 30) and the Determination executed September 30, 1964, are hereby superseded (29 F.R. 14241).

STEWART L. UDALL,
*Secretary of the Interior.*

NOVEMBER 10, 1964.

[F.R. Doc. 64-11672; Filed, Nov. 16, 1964; 8:47 a.m.]

### CHARLES KEITH MILLEN

#### Appointment and Statement of Financial Interests

NOVEMBER 9, 1964.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Charles Keith Millen.

Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position: Director, Defense Electric Power Area 13.

The name of the appointee's private employer or employers: Public Service Company of Colorado, Denver, Colorado.

The statement of "financial interests" for the above appointee is set forth below.

FRANK P. BRIGGS,
*Acting Secretary of the Interior.*

OCTOBER 23, 1964.

*Appointee's Statement of Financial Interests*

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on October 23, 1964, as Area Director, Defense Electric Power, Area 13, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Public Service Company of Colorado.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

CHARLES KEITH MILLEN.

NOVEMBER 3, 1964.

[F.R. Doc. 64-11673; Filed, Nov. 16, 1964; 8:47 a.m.]



## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15619, 15620; FCC 64M-1120]

### FARRAGUT TELEVISION CORP. AND PEOPLES BROADCASTING CORP.

#### Order Continuing Prehearing Conference

In re applications of Farragut Television Corporation, Columbus, Ohio, Docket No. 15619, File No. BPCT-3319; Peoples Broadcasting Corporation, Columbus, Ohio, Docket No. 15620, File No. BPCT-3333; for construction permit for new television broadcast station.

The Hearing Examiner having under consideration a verbal request for a change in date of further hearing conference which is now established as November 16;

It appearing, that other commitments of the parties make it advisable to change the date for further conference;

*It is ordered,* This 10th day of November 1964, that the date for further prehearing conference is changed from November 16 to November 20, 1964, at 2:00 p.m.

Released: November 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11690; Filed, Nov. 16, 1964; 8:48 a.m.]

[Docket Nos. 15299, 15300; FCC 64M-1125]

### GREAT NORTHERN BROADCASTING SYSTEM AND MIDWESTERN BROADCASTING CO.

#### Order Continuing Hearing

In re applications of Robert L. Greaige and Roderick C. Maxson, d/b as great Northern Broadcasting System, Traverse City, Michigan, Docket No. 15299, File No. BPH-3982; Midwestern Broadcasting Company, Traverse City, Michigan, Docket No. 15300, File No. BPH-4079; for construction permits.

On the unopposed oral request of counsel for applicant, Great Northern Broadcasting System: *It is ordered,* This 12th day of November 1964, that the hearing is rescheduled from November 13 to December 4, 1964, at 9:00 a.m.

Released: November 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11691; Filed, Nov. 16, 1964; 8:48 a.m.]

[Docket No. 15641; FCC 64M-1118]

### INTERNATIONAL PANORAMA TV, INC.

#### Order Continuing Hearing

In re application of International Panorama TV, Inc., Fontana, California,

Docket No. 15641, File No. BPCT-3181; for construction permit for new television broadcast station.

*It is ordered*, This 10th day of November 1964, upon consideration of a request by counsel for the Commission's Broadcast Bureau made and discussed on the record of prehearing conference held this date in the above-entitled proceeding, the said request being supported by a showing of good and sufficient cause, that the hearing in the proceeding, which heretofore was scheduled to commence December 2, 1964, is hereby continued to a date to be specified by subsequent order.

Released: November 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11692; Filed, Nov. 16, 1964; 8:48 a.m.]

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[Docket No. 15658; FCC 64M-1122]

## NAUGATUCK VALLEY SERVICE, INC. (WOWW)

### Order Re Procedural Dates

In re applications of Naugatuck Valley Service, Inc. (WOWW), Naugatuck, Connecticut, Docket No. 15658, File No. BP-14829; for construction permit.

According to agreements reached at a prehearing conference held on November 9, 1964: *It is ordered*, This 10th day of November 1964, that the following calendar of future procedural steps will be effected:

Preliminary exchange of applicant's technical presentation, December 14, 1964;

Final exchange of applicant's technical presentation and presentation (if any) of applicant's lay presentation, December 28, 1964;

Notification by respondents of applicant's witnesses it is desired be present at hearing for examination, January 4, 1965;

Notification by respondents of intention to make rebuttal presentation accompanied by recommended date for such presentation, January 4, 1965;

Freeze date—date after which applicant agrees not to make, on own volition, substantial change in presentation, January 4, 1965;

Hearing, January 11, 1965.

Released: November 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11693; Filed, Nov. 16, 1964; 8:49 a.m.]

# DEPARTMENT OF AGRICULTURE

## Commodity Credit Corporation

## SALES OF CERTAIN COMMODITIES

### November 1964 CCC Monthly Sales List

*Notice to buyers.* Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during November 1964 have been announced by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, dry beans, cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax, and soybeans.

Virginia-type shelled peanuts for unrestricted sale and lima beans have been dropped from the list for November.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Interest rates per annum under the CCC Export Credit Sales Program for November 1964 are 4 percent for periods up to and including 12 months, and 4½ percent for periods from over 12 months up to a maximum of 36 months. All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are available for export sale under the CCC Export Credit Sales Program as provided under specific commodity listings.

The following commodities are available for programming under Title IV, P.L. 480, private trade agreements: Wheat, corn, rye, rice, grain sorghum, upland and extra long staple cotton, tobacco from CCC loan stocks, butter, cheese, and nonfat dry milk. In addition, other surplus agricultural commodities are also eligible for Title IV programming. A list of all commodities available under this program, and current information on interest rates and other phases of the program are being sent separately to recipients of the CCC Monthly Sales List.

The following commodities are currently available for barter: Barley, cotton, tobacco, wheat, corn, and grain sorghum. (In addition, free market stocks of cottonseed and soybean oils are eligible for barter programming.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C., 20250, with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

*Notice to exporters.* The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled area of the Far East including Communist China, North Korea and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.



| Commodity | Sales price or method of sale |
|---|---|
| Barley, bulk | Domestic or export, unrestricted use:<br>Storable: Market price but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent [2] of the applicable 1964 price support rate (published price support loan rate plus 12 cents per bu.) for the class, grade, and quality of the barley plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown below.<br>Nonstorable: At not less than market price as determined by CCC. |

Markups and Agricultural Act of 1949 formula price examples (per bushel).

| Markup in cents received by | | Examples of in-store [2] formula minimum prices for No. 2 or better barley (ex-rail or barge in dollars) | |
|---|---|---|---|
| Truck | Rail or barge | Terminal | General sales price |
| *Cents* 11 | *Cents* 6 | Minneapolis, Minn. | $1.27 |
| | | Kansas City, Mo. | 1.29 |

Availability information: For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at end of table.

Export announcement sales:
(1) Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC barter and credit sales. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for the sales under these announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105% of the applicable price-support rate plus the adjustment referred to in above table. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted in arriving at barter and credit sales prices.

Available: Evanston and Kansas City ASCS offices. Stocks in Duluth or Minneapolis will be available through the Minneapolis ASCS grain office.

| | |
|---|---|
| Corn, bulk | Domestic or export—unrestricted use:<br>A. Redemption of domestic payment-in-kind certificates: [1] Such CCC dispositions of corn, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which corn shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1964 price support loan rate for the class, grade, and quality of the corn, plus the amount shown in C below applicable for the storage point involved.<br>B. General sales: [1]<br>1. Storable: Such CCC dispositions of storable corn, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent [2] of the applicable 1964 price support rate (published price support loan rate plus 15 cents per bushel) for the class, grade, and quality of the corn, plus the amount shown in C below, applicable to the storage point involved. Examples of these formula minimum prices are shown in C below. For corn in store at other than the point of production the freight from point of production to the present point of storage will also be added. CCC will normally make general sales of corn when dispositions of such corn are not being made against domestic payment-in-kind certificates.<br>2. Nonstorable: Such dispositions of nonstorable corn as CCC may designate as general sales will be made at not less than market price, as determined by CCC.<br>C. Markups and Agricultural Act of 1949 formula price examples (per bushel). |

| Markup in cents in-store at | | Example of in-store [3] formula minimum prices for No. 2 yellow corn (14 percent MT. and 2 percent F.M.) (ex-rail or barge in dollars) | |
|---|---|---|---|
| Production point | Other points | Terminal | General sales price |
| *Cents* 1½ | *Cents* 3 | Minneapolis, Minn. [4] | $1.36¼ |
| | | Chicago, Ill. [4] | 1.55 |

D. Availability information: For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis or Portland ASCS grain office listed at end of table.

Export announcement sales:
(1) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under the above announcements. CCC stocks of corn at West Coast seaboard terminals are available for sale under these export announcements, except such corn shall not be eligible for Title I, P.L. 480 purchase authorization or for barter. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted in arriving at credit and barter sales prices.

Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

See footnotes at end of table.

| Commodity | Sales price or method of sale |
|---|---|
| Cotton, upland | Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcement NO–C–16, as amended (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 105 percent of the current loan rate for such cotton, plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC.<br>Domestic or export, unrestricted use: Competitive offers under the terms and conditions of Announcement NO–C–26 (Disposition of Upland Cotton—for exchange of PIK certificates or rights in the certificate pool for upland cotton). Upland cotton may be acquired at its domestic market price which shall be the highest price offered but not less than the minimum price determined by CCC.<br>Export, CCC Credit Sales and Barter: Competitive bid under the terms and conditions of Announcement CN–EX–23 (Purchase of Upland Cotton for Export under the Export Credit Sales Program), Announcement CN–EX–24 (Acquisition of Upland Cotton for Export under the Barter Program), and Announcement NO–C–28 (Sale of Upland Cotton—CCC Credit and Barter Programs—1964–66 Marketing Years). |
| Cotton, extra long staple | Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcements NO–C–6 (Revised July 22, 1960), as amended, and NO–C–10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.<br>Export, CCC Sales for Export: Competitive bid under the terms and conditions of Announcements CN–EX–20 (Foreign-Grown Extra Long Staple Cotton Export Program) and NO–C–23 (Sale of Foreign-Grown Extra Long Staple Cotton); or competitive bid under the terms and conditions of Announcements CN–EX–22 (Extra Long Staple Cotton Export Program) and NO–C–27 (Sale of Extra Long Staple Cotton). |
| Available | Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from the office. |
| Dairy products | Sales are in carlots only in-store at storage location of products.<br>Submission of offers: Submit offers to the Minneapolis ASCS Commodity Office. |
| Butter | Domestic, unrestricted use: Announced prices, under LD–29, as amended: 62.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 61.25 cents per pound—Washington, Oregon, and California. All other States 61.0 cents per pound.<br>Export: Payment-in-kind under SM–7, as amended. Competitive bid under LD–33, as amended, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD–35: Any butter offered but not sold under the invitation to bid issued pursuant to LD–33 will be offered for sale through the following Monday noon at prices announced by press release from Minneapolis ASCS Commodity Office each Tuesday. |
| Cheddar cheese (standard moisture basis). | Domestic, unrestricted use: Announced prices under LD–29, as amended: 40.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 39.75 cents per pound.<br>Export: Competitive bid under LD–33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD–35: Any cheese offered but not sold under the invitation to bid issued pursuant to LD–33 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Tuesday. |
| Nonfat dry milk | Domestic, unrestricted use: Announced prices, under LD–29, as amended: Spray process, U.S. Extra Grade, 16.40 cents per pound.<br>Export: Payment-in-kind under SM–8, as amended. Competitive bid, under LD–33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. |

See footnotes at end of table.

| Commodity | Sales price or method of sale |
|---|---|
| Dry edible beans (bagged) | Unrestricted use: Domestic market price but not less than the following minimum price per hundredweight for U.S. No. 1 f.o.b. indicated points of production. Amount of paid-in-freight to be added as applicable. For other grades and locations adjust by applicable 1964 price support differentials. |

| Class | Price per cwt. | Area of production |
|---|---|---|
| Dark Red Kidney | $9.14 | Michigan. |
| Pea | 7.45 | Michigan. |
| Great Northern | 7.51 | Denver rate basis. |
| Pinto | 6.74 | Denver rate basis. |

| Commodity | Sales price or method of sale |
|---|---|
| Flaxseed, bulk | Domestic, unrestricted use:<br>Storable: Market price basis in-store,[2] but not less than the applicable 1964 support price for the class, grade, and quality of the flaxseed plus 14½ cents per bushel, and plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above. |

| Unit | Received by | | Examples of minimum prices (ex-rail or barge) | | |
|---|---|---|---|---|---|
| | Truck | Rail or barge | Terminal | Class and grade | Price |
| Bushel | *Cents* 14 | *Cents* 6 | Minneapolis | No. 1 | $2.33½ |

| Commodity | Sales price or method of sale |
|---|---|
| Grain sorghum, bulk | Nonstorable (as available): At not less than market price as determined by CCC through the Minneapolis Grain Merchandising ASCS office.<br>Available: Through the Minneapolis Grain Merchandising ASCS office.<br>Domestic or export, unrestricted use:<br>A. Redemption of domestic payment-in-kind certificates:[1] Such CCC dispositions of grain sorghum, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemption. Such formula price shall be the applicable 1964 price support loan rate for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved.<br>B. General sales:[1]<br>1. Storable: Such CCC dispositions of storable grain sorghum, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent [2] of the applicable 1964 price support rate (published price support loan rate plus 23 cents per hundredweight) for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of grain sorghum when dispositions of such grain sorghum are not being made against domestic payment-in-kind certificates.<br>2. Nonstorable: Such dispositions of nonstorable grain sorghum as CCC may designate as general sales will be made at not less than market price, as determined by CCC. |

| Commodity | Sales price or method of sale |
|---|---|
| Grain sorghum, bulk (continued) | Domestic and export, unrestricted use—Continued<br>C. Markups and Agricultural Act of 1949 formula price examples (per hundredweight). |

| Markup in cents received by | | Examples of in-store [3] formula minimum prices for No. 2 or better grain sorghum (ex-rail or barge in dollars) | |
|---|---|---|---|
| Truck | Rail or barge | Terminal | General sales price |
| *Cents* 21 | *Cents* 10 | Kansas City, Mo | $2.58 |

D. Availability information: For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland or Minneapolis ASCS grain office listed at end of table.
Export announcement sales:
(1) Under Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR–368 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program. CCC stocks of grain sorghum in-store in California terminals are not available for sale under these export announcements. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under the announcements. The statutory minimum price referred to in the price adjustment provision of these export sales announcements of 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted in arriving at credit and barter sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

| Commodity | Sales price or method of sale |
|---|---|
| Oats, bulk | Domestic or export: [1]<br>Storable: Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent [2] of the applicable 1964 price support rate for the class, grade, and quality of the oats plus the amount shown below applicable to the storage point involved. For oats in-store at other than the point of production, the freight from point of production to the present point of storage will also be added. |

| Per bushel markup in-store at | | Examples of per bushel formula minimum prices basis in-store | | |
|---|---|---|---|---|
| Production point | Other points | Terminal | Grade and class | Price |
| *Cents* 6 | *Cents* 7½ | Chicago,[5] Ill<br>Minneapolis,[6] Minn | No. 2 (or better) | $0.80<br>.88¾ |

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.
Nonstorable (as available): At not less than the market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS grain offices listed at end of table.
Export announcement sales:
(1) Under Announcement GR–368 (Rev. Aug. 31, 1959) as amended for feed grain export payment-in-kind programs. (2) Under Announcement GR–212 (Revision 2, Jan. 9, 1961) for application to approved CCC credit and other designated sales. Oats will not be sold for application to Title I, or Title IV, P.L. 480 purchase authorizations or for barter. Sale is at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted in arriving at credit sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

| Commodity | Sales price or method of sale |
|---|---|
| Peanuts, shelled or unshelled (farmers' stock as available). | Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (Revised Jan. 4, 1962), as amended and supplemented March 3, 1964. |
| Rice, rough | Domestic, unrestricted use: Market price but not less than 1964 loan rate plus 5 percent, plus 22 cents per hundredweight, basis in store.<br>Export: As milled or brown under Announcement GR–369, Revision II, Rice Export Program—Payment-in-kind, and under GR–379, Revision I, for approved credit sales.<br>Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office. |
| Available | |
| Rye, bulk | Domestic or export,[1] unrestricted use:<br>Storable: Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent [2] of the applicable 1964 price support rate for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above. |

| Per bushel markup received by | | Examples of per bushel formula minimum price (ex-rail or barge) | | |
|---|---|---|---|---|
| Truck | Rail or barge | Terminal | Class and grade | Price |
| *Cents* 12 | *Cents* 6 | Minneapolis, Minn | No. 2 or better (or No. 3 on TW only). | $1.42 |

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.
Nonstorable (as available): At not less than market price as determined by CCC through the ASCS grain offices listed at end of table.
Export:
(1) Under Announcement GR–368 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to arrangements for approved CCC credit and other designated sales. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted in arriving at credit sales prices.
Available: Evanston, Kansas City, and Portland ASCS offices; also Minneapolis ASCS grain office for rye stored in terminals in Minneapolis.

| Commodity | Sales price or method of sale |
|---|---|
| Soybeans, bulk | Domestic or export: Market price, but not less than the 1964 basic loan rate for No. 2 grade, basis point of production plus 19 cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and out-elevation charges at country loading point and in-elevation charges at subterminal or terminal storage point will be added to the above price.<br>Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City and Minneapolis ASCS offices. |

| Commodity | Sales price or method of sale |
|---|---|

Wheat, bulk

Domestic or export, unrestricted use:

A. Storable: The minimum price for such wheat shall be the highest of (a) market price as determined by CCC, (b) a minimum price for such wheat determined by CCC, or, (c) the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1964 price support loan rate for the class, grade, and quality [4] of the wheat plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to such formula price.

B. Nonstorable: Such dispositions of nonstorable wheat as CCC may designate will be made at not less than market price, as determined by CCC.

C. Markups and formula minimum price examples.

| Per bushel markup received by | | Examples of per bushel formula minimum price basis in-store [2] ex-rail or barge | | |
|---|---|---|---|---|
| Truck | Rail or barge | Terminal | Class and grade | Price |
| *Cents* 12 | *Cents* 6 | Chicago | No. 1 RW | $1.71 |
| | | Kansas City | No. 1 HW | 1.67 |
| | | Portland | No. 1 SW | 1.61 |

D. Availability information: Storable Northern Spring Wheat sales for unrestricted use have been suspended until further notice. For information on CCC wheat sales from bin sites, contact ASCS State or county offices. For information on the disposition of wheat from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at end of table.

Export announcement sales:

(1) Under Announcement GR-345 (Revised July 13, 1962) as amended for export under the wheat export payment-in-kind program except that (a) durum wheat will not be eligible for P.L. 480, Title I sales, and (b) hard winter wheat exports through west coast ports will not be eligible for Title I, P.L. 480 sales, (2) under Announcement GR-261 (Rev. 2, Jan. 9, 1961 as amended) for export as wheat and under Announcement GR-262 (Rev. 2, Jan. 9, 1961) for export as flour for application under arrangements for barter and approved CCC credit sales only at prices determined daily. Hard winter wheat will not be sold through west coast ports under Announcements GR-261 or GR-262.

Available: Evanston, Kansas City, Minneapolis and Portland ASCS grain offices. (See above for limited availability of hard winter wheat through west coast ports.)

[1] Such dispositions shall be for domestic unrestricted use or for export.

[2] The delivery basis for these examples is "in-store", and market prices will be on the same basis. The formula price delivery basis for bin site sales will be f.o.b.

[3] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown in the appropriate table and any applicable freight.

[4] On sales made on a protein basis, the loan rate shall be increased by the applicable market or loan bulletin protein premium for the protein content of the wheat, whichever is higher. On sales made on a sedimentation basis, the loan rate shall be increased by the applicable loan bulletin sedimentation premium for the sedimentation value of the wheat. On sales made on a combined sedimentation and protein basis, the loan rate shall be adjusted by the applicable loan bulletin sedimentation and protein premiums and discounts for the respective sedimentation value and protein contents of the wheat.

[5] Woodford County, Ill., origin.

[6] Redwood County, Minn., origin.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Evanston ASCS Commodity Office, 2201 Howard Street, Evanston, Ill., 60202. Telephone: Long distance—University 9–0600 (Evanston Exchange). Local—Rogers Park 1–5000 (Chicago, Ill.).

Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn., 55415. Telephone: 334–2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo., 64141. Telephone: Emerson 1–0860.

Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg., 97205. Telephone: 226–3411.

Alaska, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington (Domestic and Export Sales), Arizona and California (Export sales only).

Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif., 94704. Telephone: Thornwall 1–5121.

Arizona and California (Domestic sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue, South Minneapolis, Minn., 55410. Telephone: 334–3200.

COTTON, OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112. Telephone: 529–2411.

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2–8000.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif., 94111. Telephone: 556–6185.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply Sec. 407, 63 Stat. 1066; Sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; Secs. 303, 306, and 307, 76 Stat. 614–617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on November 9, 1964.

E. A. JAENKE,
*Acting Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 64–11635; Filed, Nov. 16, 1964; 8:45 a.m.]

## Rural Electrification Administration

### DEPUTY ADMINISTRATOR ET AL.

### Delegations of Authority

Pursuant to the authority delegated by the Secretary of Agriculture to the Administrator, Rural Electrification Administration, by Sections 116 and 1500 of the Delegations of Authority and Assignment of Functions dated December 24, 1953, effective January 2, 1954 (19 F.R. 74), as amended made pursuant to Reorganization Plan No. 2 of 1953 and other authorizations, the following delegations of authority have been made:

A. Authority has been delegated to the officials listed below to exercise, in the absence of the Administrator, and in the following order of precedence, any powers of the Administrator:

1. Deputy Administrator.
2. Assistant Administrator—Operations.
3. Assistant Administrator—Electric, designated to direct the electric program.
4. Assistant Administrator—Telephone, designated to direct the telephone program.
5. Such other official as shall be designated by the Administrator.

B. Authority has been delegated to the Deputy Administrator to approve or execute:

1. REA bulletins and staff instructions involving more than one program except those establishing policy.
2. Agreements or contracts covering management or operations services between telephone and electric borrowers.
3. Agreements between REA electric and telephone borrowers for the general joint use of facilities.
4. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs C through Z hereof.

C. Authority has been delegated to the Assistant Administrator—Operations, to approve or execute:

1. REA bulletins and staff instructions, except those establishing policy, concerning activities included in the following divisions: Controller's, Information Services, Personnel Management, and Program Services.
2. Contracts obligating the administrative funds of REA.
3. Withdrawal of approval of Certified Public Accountants.
4. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs Y and Z hereof.

D. Authority has been delegated to the Assistant Administrator—Electric, to approve or execute for electric borrowers:

1. REA bulletins and staff instructions for the electric program except those establishing policy.



2. Action concerning disapproval of the selection of a manager or an attorney by a borrower.
3. Electric wholesale, wheeling, and interchange power contracts.
4. Cash sales of property in place or sales of real estate by borrowers involving transactions of more than $50,000 or more than 10 percent of a borrower's total assets, but not in excess of $100,000, and releases of lien and all other documents relating to such sales.
5. Contracts for acquisition by electric borrowers of existing facilities in place.
6. The use and reimbursement of general funds for construction purposes exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser, when approval is required, except for facilities subject to power supply survey and requiring certification by the Administrator.
7. Authorization for advance of loan funds under "conditional agreements" when the conditions have been met; the placement of "stop orders" on loan funds subsequent to the approval of the loan and their release.
8. Loan budget adjustments which would constitute administrative approval of the following proposals except those which would provide funds for facilities subject to power supply survey and requiring certification by the Administrator.
   a. Alter the capacity of generating facilities.
   b. Change transmission facilities to serve loads or to connect to power sources that were not contemplated at the time of loan approval.
   c. Increase the cost of headquarters facilities in excess of 10 percent of the amount approved to date.
   d. Acquire electric plant.
9. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs E, H, L and V hereof.

E. Authority has been delegated to the Deputy Assistant Administrator—Electric, to approve or execute for electric borrowers:

1. Basis date agreements on approved forms providing for modification of existing mortgage notes.
2. Changes in borrowers' corporate status.
3. Action concerning payment of dividends or other cash distribution.
4. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs H, L, and V hereof.

F. Authority has been delegated to the Assistant Administrator—Telephone, to approve or execute for telephone borrowers:

1. REA bulletins and staff instructions for the telephone program except those establishing policy.
2. Action concerning disapproval of the selection of a manager or an attorney by a borrower.
3. Cash sales and removals of property in place or sales of real estate by telephone borrowers involving transactions of more than $50,000 or more than 10 percent of a borrower's total assets, but not in excess of $100,000, and releases of lien and all other documents relating to such sales.
4. Contracts for acquisition by telephone borrowers of existing facilities in place.
5. Interim financing proposals, subject to subsequent approval of a loan or advance of funds.
6. Authorization for advance of loan funds where waiver of loan contract provisions or new or revised administrative findings are involved, except where equity requirements have not been met or where new findings of feasibility (studies) are required.
7. Engineering fee schedules.
8. Loan budget adjustments involving legal or policy questions or a new or revised administrative finding, except where new feasibility findings (studies) are required.
9. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs G, Q, and W hereof.

G. Authority has been delegated to the Deputy Assistant Administrator—Telephone, to approve or execute for telephone borrowers:

1. Basis date agreements on approved forms providing for modification of existing mortgage notes.
2. Changes in borrowers' corporate status.
3. First advance of loan funds where waiver of loan contract conditions or new or revised administrative findings are not involved.
4. Cash sales and removals of borrower's property in place of sales of real estate involving transactions not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser, and releases of lien and all other documents relating to such sales.
5. The purchase price of properties to be acquired by telephone borrowers where the purchase price exceeds REA appraisal value.
6. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs Q and W hereof.

H. Authority has been delegated to the Area Directors—Electric, to approve or execute for electric distribution borrowers:

1. The award of contracts for construction and for the purchase of equipment.
2. Agreements for the joint use of electric borrowers' facilities, except for general joint use agreements between electric and telephone borrowers.
3. Loan budget adjustments excluding those which would constitute administrative approval of proposals to:
   a. Provide funds for facilities subject to a Power Supply Survey and requiring certification by the Administrator.
   b. Alter the capacity of generating facilities.
   c. Change transmission facilities to serve loads or to connect to power sources that were not contemplated at the time of loan approval.
   d. Increase the cost of headquarters facilities in excess of 10 percent of the amount approved to date.
   e. Acquire electric plant.
4. Agreements between electric borrowers for operation of a borrower's facilities.
5. Waiver of defects in title and rights-of-way obtained by borrowers.
6. Cash sales of electric borrowers' property in place or sales of real estate involving transactions not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser, and releases of lien and all other documents relating to such sales.
7. The use or reimbursement of general funds for construction purposes not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser, when approval is required, except for facilities subject to power supply survey and requiring certification by the Administrator.
8. Use of non-standard drawings, materials, and equipment.
9. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs I, J, and K hereof.

I. Authority has been delegated to Chiefs, Engineering Branches—Electric, to approve or execute for electric distribution borrowers:

1. Right-of-way clearing contracts.
2. The selection by borrower of an engineer or architect and contracts for engineering and architectural services.
3. Contracts for construction and for the purchase of equipment.
4. Final inventory documents and payments to contractors and engineers.
5. Financial Requirement and Expenditure Statements and work order inventories.
6. Plans and specifications and work orders for construction of generation facilities and for headquarters, garage, and warehouse facilities.
7. Technical engineering studies of distribution and transmission facilities requiring REA approval.
8. Borrowers' selection of force account method of construction.
9. Proposals for off-peak load control equipment.
10. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraph J hereof.

J. Authority has been delegated to Field Engineers—Electric, to approve or execute for electric distribution borrowers:

1. Plans and specifications for construction of distribution and transmission facilities and for preliminary design data and plans and profile sheets for transmission facilities.
2. Estimate work orders for construction of distribution and transmission facilities.
3. Construction contracts, on standard forms, for distribution line extensions and improvements.
4. Engineering approval of large power applications.
5. Final statements of engineering fees.
6. Annual work plans.

7. Certificates of completion for distribution and transmission contract construction.

8. Voltage drop, sectionalizing, and power factor studies.

K. Authority has been delegated to Chiefs, Operations Branches—Electric, to approve or execute for electric distribution borrowers:

1. Retail rate contracts between borrowers and others relating to large power installations.

2. Borrowers' cash sales of material and equipment excluding property in place, when approval is required, and releases of lien and all other documents relating to such sales.

3. Insurance and fidelity coverage of borrowers.

4. Special legal fees to be paid by borrowers from loan funds.

5. Borrowers' requests for approval to loan in excess of $2,500 of Section 5 loan funds other than to commercial or industrial enterprises.

6. Purchase of real estate by borrowers.

7. Certificates regarding a borrower's incorporation and changes in a borrower's corporate status or name.

8. Affidavits, certificates and statements with respect to the recording, filing or renewing of mortgages and deeds of trust, including financing statements under the Uniform Commercial Code.

9. Municipal and county franchises obtained by borrowers from the standpoint of acceptability for REA loans.

10. Selection of Certified Public Accountants by electric distribution borrowers.

L. Authority has been delegated to the Director, Power Supply Division—Electric, to approve or execute for electric power-type borrowers:

1. Agreements for the joint use of electric borrowers' facilities, except for general joint use agreements between electric and telephone borrowers.

2. Loan budget adjustments excluding those which would constitute administrative approval of proposals to:

a. Provide funds for facilities subject to a power supply survey and requiring certification by the Administrator.

b. Alter the capacity of generating facilities.

c. Change transmission facilities to serve loads or to connect to power sources that were not contemplated at the time of loan approval.

d. Increase the cost of headquarters facilities in excess of 10 percent of the amount approved to date.

e. Acquire electric plant.

3. Agreements between power-type borrowers for operation of a borrower's facilities.

4. Waiver of defects in title and rights-of-way obtained by borrowers.

5. Cash sales of borrowers' property in place or sales of real estate involving transactions not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser, and releases of lien and all other documents relating to such sales.

6. The use or reimbursement of general funds for construction purposes not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser, when approval is required, except for facilities subject to power supply survey and requiring certification by the Administrator.

7. Use of non-standard drawings, materials, and equipment.

8. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs M, N, O, and P hereof.

M. Authority has been delegated to the Assistant Director, Postloan—Electric, to approve or execute for power-type borrowers:

1. The award of contracts for construction and for the purchase and installation of generating equipment.

2. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs N, O, and P hereof.

N. Authority has been delegated to the Chief, Power Plants Branch—Electric, to approve or execute for power-type borrowers:

1. The selection by borrower of an engineer or architect and contracts for engineering and architectural services.

2. Plans and specifications and work orders for construction of generation facilities.

3. Borrowers' selection of force account method of construction.

4. Final statements of engineering fees.

5. Purchase by power-type borrowers of generating plant sites.

6. Contracts for the construction and the purchase and installation of generating facilities.

O. Authority has been delegated to the Chief, Transmission Branch—Electric, to approve or execute for power-type borrowers:

1. Right-of-way clearing contracts.

2. The selection by borrower of an engineer and contracts for engineering services.

3. Technical engineering studies of transmission and distribution facilities requiring REA approval.

4. Borrowers' selection of force account method of construction.

5. Plans and specifications for construction of transmission and distribution facilities and for preliminary design data and plans and profile sheets for transmission facilities.

6. Estimate work orders for construction of transmission and distribution facilities.

7. Engineering approval of large power applications.

8. Final statements of engineering fees.

9. Certificates of completion for transmission and distribution contract construction.

10. Voltage drop, sectionalizing, and power factor studies.

11. Contracts for the construction of transmission facilities.

12. Purchase of substation sites by power borrowers.

P. Authority has been delegated to the Chief, Management Branch—Electric, to approve or execute for power-type borrowers:

1. Final inventory documents and payments to contractors and engineers.

2. Financial Requirement and Expenditure Statements and work order inventories.

3. Retail rate contracts between power-type borrowers and others relating to large power installations.

4. Borrowers' cash sales of material and equipment excluding property in place, when approval is required, and releases of lien and all other documents relating to such sales.

5. Insurance and fidelity coverage of borrowers.

6. Special legal fees to be paid by borrowers from loan funds.

7. Certificates regarding a borrower's incorporation and changes in a borrower's corporate status or name.

8. Affidavits, certificates and statements with respect to the recording, filing or renewing of mortgages and deeds of trust, including financing statements, under the Uniform Commercial Code.

9. Municipal and county franchises obtained by borrowers from the standpoint of acceptability for REA loans.

10. The selection by a borrower of a Certified Public Accountant to perform audits.

11. Contracts for construction of headquarters, garage, and warehouse facilities.

12. Plans and specifications and work orders for headquarters, garage, and warehouse facilities.

13. The selection by a borrower of an architect and contracts for architectural services.

14. Purchase of real estate other than substation and generating plant sites.

Q. Authority has been delegated to the Area Directors—Telephone, to approve or execute for telephone borrowers:

1. Borrowers' lease agreements and contracts covering management or operations services except those involving electric borrowers.

2. Increases in salaries and other compensation to be paid to borrowers' officers, directors and managers, pursuant to authority, if any, granted under the REA mortgage.

3. Borrowers' use of non-standard operating reports.

4. Designation of borrowers required to obtain CPA audits.

5. The use of equity funds by borrowers prior to the first release of loan funds.

6. Area coverage design report and Form 780.

7. Borrowers' requests to waive competitive bidding for central office equipment where the borrower has existing equipment to be retained.

8. Award of contracts for construction and for central office equipment.

9. Loan budget adjustments as specified except those involving legal or policy questions or new or revised administrative findings.

10. Selection by telephone borrowers of the force account method of construction.

11. Use of non-standard drawings, materials, and equipment.



12. Waiver of defects in title and rights-of-way.

13. Letters to loan applicants setting forth loan requirements proposed for inclusion in a pending loan recommendation.

14. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs R, S, and T hereof.

R. Authority has been delegated to the Chiefs, Engineering Branches—Telephone, to approve or execute for telephone borrowers:

1. Contracts, including amendments thereto for construction and central office equipment.

2. Plans and specifications for central office equipment, radio and microwave equipment, commercial office, garage, and warehouse buildings and for non-standard central office equipment buildings.

3. Joint use agreements between telephone borrowers and parties other than REA borrowers.

4. The selection by a borrower of an engineer or an architect and contracts for engineering and architectural services.

5. Statement of final engineering fees.

6. Borrowers' proposals and cost estimates for force account engineering and construction.

7. Borrowers' proposals for the purchase of additions and modifications to central office equipment.

8. Contracts and amendments thereto, for the purchase of special equipment such as carrier, radio, repeaters, etc.

9. Financial requirement statements.

10. Final inventory documents and payments to contractors and engineers.

11. Purchase of real estate by borrowers.

12. Loan budget adjustments as specified except those involving legal or policy questions or new or revised administrative findings.

13. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraph S hereof.

S. Authority has been delegated to Field Engineers—Telephone, to approve or execute for telephone borrowers:

1. Plans and specifications for outside plant, standard office buildings, repeaters, carrier equipment and additions to radio and microwave equipment.

2. Borrowers' proposals for and completed construction of system improvements and extensions, when required.

3. Borrowers' proposals for purchase of repeaters, carrier equipment and additions to radio and microwave equipment.

4. Selection by the borrower of the method of installing repeaters and carrier equipment.

5. Line extension contracts.

T. Authority has been delegated to the Chiefs, Operations Branches—telephone, to approve or execute for telephone borrowers:

1. Affidavits, certificates and statements with respect to the recording, filing or renewing of mortgages and deeds of trust, including financing statements under the Uniform Commercial Code.

2. Municipal and county franchises obtained by borrowers from the standpoint of acceptability for REA loans.

3 Special legal fees to be paid by borrowers from loan funds.

4. Certificates regarding a borrower's incorporation and articles of incorporation and bylaws and changes in a borrower's corporate name.

5. State regulatory body orders and approvals from the standpoint of acceptability for REA loans.

6. Borrowers' cash sales of material and equipment, excluding property in place, when approval is required, and releases of lien and all other documents relating to such sales.

7. Borrowers' insurance and fidelity coverage.

8. Selection of Certified Public Accountants to perform audits.

9. Forms of stock and equity certificates.

10. Loan budget adjustments as specified except those involving legal or policy questions or new or revised administrative findings.

U. Authority has been delegated to the Director, Rural Areas Development Staff to approve loans by borrowers of between $2,500 and $25,000 of Section 5 loan funds to commercial or industrial enterprises.

V. Authority has been delegated to the Director, Electric Standards Division to approve or accept reports and invoices submitted under contracts covering research and services performed for REA in connection with the electric program.

W. Authority has been delegated to the Director, Telephone Standards Division to approve or accept reports and invoices submitted under contracts covering research and services performed for REA in connection with the telephone program.

X. Authority has been delegated to the Technical Standards Committees:

1. Committees "A" (Electric and Telephone) to accept or reject all proposals of standards, standard specifications, drawings, materials and equipment submitted for acceptance for use on REA financed electric and/or telephone systems.

2. Committees "B" (Electric and Telephone) to review and make final decision on cases referred to it by Committee "A" or by appeal from a sponsor from an adverse decision of Committee "A".

Y. Authority has been delegated to the Controller and to the Chief, Administrative and Loan Accounting Branch, Controller's Division to:

1. Execute endorsements or assignments of promissory notes or other collateral pledged by borrowers as security for Rural Electrification Administration loans, as may be necessary in connection with the return of such documents to borrowers because of the payment of the obligations in full or in order that the borrowers may institute legal action thereon or in connection therewith.

2. Cancel or endorse the fact of payment on borrowers' notes which have been paid in full or which are to be returned to borrowers by reason of the cancellation of such notes resulting from the receipt by REA of refunding, renewal, or substituted notes.

Z. Authority has been delegated to the Director, Program Services Division, the Chief, General Services Branch, Program Services Division and to the Head, Supply and Space Management Unit, General Services Branch, Program Services Division to approve the procurement of equipment, materials and services for REA.

In the event the incumbents of positions to whom delegations are made herein are absent or are unable to act, the person designated to act shall exercise the authority conferred by such delegations. Incumbents of positions delegated authority herein are authorized to designate persons to act for them in their absence. Such designation shall be in accordance with any instructions issued by the incumbent's supervisors.

There is reserved in the Administrator authority for all matters not delegated hereby, or by other written delegation, including without limitation:

1. The making or rescission of loans.

2. Extensions of loan periods pursuant to Section 12 of the Rural Electrification Act, as amended.

3. Execution of instruments relating to inter-borrower transfers involving the assumption of indebtedness.

These delegations supersede all prior delegations with reference to these matters.

Issued this 12th day of November 1964.

NORMAN M. CLAPP,
*Administrator.*

[F.R. Doc. 64-11703; Filed, Nov. 16, 1964; 8:50 a.m.]

# DEPARTMENT OF THE TREASURY

## Foreign Assets Control Office

## CASSIA

### Importation Directly From Taiwan; Available Certification by Government of Taiwan

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Government of Taiwan under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan of the following additional item:

Cassia.

[SEAL] MARGARET W. SCHWARTZ,
*Director, Foreign Assets Control.*

[F.R. Doc. 64-11779; Filed, Nov. 16, 1964; 10:00 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-123]

## CURATORS OF THE UNIVERSITY OF MISSOURI

### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued effective

as of the date of issuance, Amendment No. 3, set forth below, to Facility License No. R-79. The license authorizes The Curators of the University of Missouri ("the licensee") to possess and operate the pool-type nuclear reactor located on the University's campus at Rolla, Missouri. The amendment authorizes the licensee to install and use boron-steel shim-safety rods in place of the boron carbide rods presently in use and to load the reactor with an excess reactivity of 0.030 above cold clean critical for short periods of time, not to exceed seven consecutive days, for the purpose of control rod calibration in accordance with the application for license amendment dated September 28, 1964.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1964, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

3. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provision of the Commission's "Rules of Practice," 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) the application for license amendment dated September 28, 1964 and (2) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H. Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 6th day of November 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

[License No. R-79, Amdt. 3]

License No. R-79, as amended, which authorizes The Curators of the University of Missouri to possess and operate the nuclear reactor located on the campus of the University of Missouri at Rolla, Missouri, is hereby further amended as follows:

1. Add a new subparagraph 4.M. to read as follows:

M. The Curators of the University of Missouri are authorized to install and use boron-steel shim-safety rods in place of the boron carbide rods presently in use in the reactor in accordance with the application for license amendment dated September 28, 1964.

2. Amend subparagraph 4.B. of License No. R-79 to read as follows:

B. The excess reactivity of the core assembly alone or with any fixed experiment in place shall not exceed 0.007 with the exception noted in 4.C. below.

3. Amend Subparagraph 4.C. of License No. R-79 to read as follows:

C. The fuel loading shall be such that the total excess reactivity above cold, clean critical shall at no time exceed 0.015; provided, however, that for one period not to exceed seven consecutive days subsequent to November 1, 1964, and one period not to exceed seven consecutive days in the period from May 1 to September 1 of each year, it may be as large as 0.030 solely for the purpose of control rod calibration. The results of the initial rod calibration shall be reported to the Commission in writing within 30 days subsequent to the first above described period. The controls of the reactor shall be manipulated only by licensed senior reactor operators when the excess reactivity of the core assembly alone or with any fixed experiment in place exceeds 0.007.

This amendment is effective as of the date of issuance.

Date of Issuance: November 6, 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-11648; Filed, Nov. 16, 1964; 8:45 a.m.]

[Docket No. 50-2]

## UNIVERSITY OF MICHIGAN

### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic energy Commission has issued, effective as of the date of issuance, Amendment No. 14, set forth below, to Facility License No. R-28. The license authorizes the Regents of the University of Michigan (the University) to operate the Ford Nuclear Reactor located on the University's campus at Ann Arbor, Mich.

The license amendment authorizes the University to (1) install a heavy water reflector tank on one face of the reactor core, and (2) operate the reactor, as modified, in accordance with the procedures described in the application for license amendment dated July 24, 1964, and supplement thereto dated October 5, 1964.

The Commission has found that:

1. The application for amendment compliés with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

3. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice," 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment and supplement thereto, and (2) a related hazards analysis prepared by the Research & Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 6th day of November 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

[License No. R-28, Amdt. 14]

1. Facility License No. R-28, as amended, which authorizes the Regents of the University of Michigan (hereinafter "the University") to operate the Ford Nuclear Reactor (hereinafter "the reactor") on the University's campus at Ann Arbor, Michigan, is hereby further amended as follows:

A. The University is authorized to (1) install a heavy water reflector tank on one face of the reactor core and (2) operate the reactor, as modified, in accordance with the procedures described in the application for license amendment dated July 24, 1964, and supplement thereto dated October 5, 1964, and in accordance with the applicable provisions of License No. R-28, as amended.

2. This amendment is effective as of the date of issuance.

Date of issuance: November 6, 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-11649; Filed, Nov. 16, 1964; 8:45 a.m.]



# CIVIL AERONAUTICS BOARD

[Order E-21497]

## AIR TRAFFIC CONFERENCE OF AMERICA

### Order Approving Agreement Amending Standard Agent's Ticket and Area Settlement Plan

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of November 1964.

On April 24, 1964, the Board approved resolutions of members of the Air Traffic Conference of America (ATC) establishing a "Standard Agent's Ticket and Area Settlement Plan" (Plan).[1] Under the Plan as approved, ATC-appointed agents are required to use a single standard form of ticket in the sale of passenger air transportation involving a journey wholly within the United States (except Alaska), Canada or Hawaii, and for international air transportation between the 48 contiguous States and Canada. On August 24, 1964, the members of ATC filed a resolution (Agreement CAB 16874-A3) which would permit non-ATC members of the International Air Transport Association (IATA) to participate in the Plan on an individual basis.

In comments filed September 14, 1964, the American Society of Travel Agents (ASTA) requested the Board to disapprove the agreement on the ground that participation in the Plan by individual IATA carriers, rather than all of them, would create a confusing administrative situation for agents representing several carriers. In Order E-21369 dated October 7, 1964, the Board concluded tentatively to approve the resolution subject to specified conditions, but deferred final action for twenty days to afford interested persons an opportunity to comment on the matter. Responses to the order were received from British Overseas Airways Corporation (BOAC) and ASTA.

BOAC indicates, in effect, that agents' administrative difficulties would, at the most, be minimal, and that, until all IATA members become parties to the Plan, BOAC will leave its own ticket stock with those agents who wish to retain it, giving them the choice as to whether to ticket under the Plan or otherwise.

ASTA's response states: "ASTA would withdraw its objections to this resolution provided that the Board's order approving this resolution clearly establishes: (1) That the ATC may not terminate the agreement of a sales agent who does not desire to use the Plan for non-ATC members; (2) that non-ATC members may not compel an agent to utilize this Plan; and (3) that both ATC and non-ATC members make available to a sales agent individual carrier ticket stock for transportation other than that wholly within the United States (except Alaska), Canada and Hawaii, and transportation between the 48 contiguous states and Canada."

One of the conditions proposed in Order E-21369 would require that a Sales Agency Agreement not be subject to termination by the ATC because of an agent's failure to execute an amendment thereto applying the Plan's procedures to sales of international air transportation on behalf of a non-ATC carrier. This condition would appear to resolve any questions as to possible concerted carrier action against an agent pursuant to the agreement. Otherwise, we believe that the questions of whether and when an individual ATC agent should be required by a specific IATA carrier to utilize the Plan, and of its use in situations where it is not by its terms specifically mandatory are matters which properly should be decided by the parties directly involved.[2]

Based upon the foregoing, the Board finds that approval of the agreement would not be adverse to the public interest if made subject to the conditions proposed in Order E-21369, and that its findings and conclusions as expressed in that Order should be made final.[3]

*Accordingly, it is ordered:*

1. That Agreement CAB 16874-A3 be and it hereby is approved, subject to the conditions enumerated below;

2. That an agent's Sales Agency Agreement shall not be subject to termination by the ATC because of the agent's failure to execute an amendment applying the Plan's procedures to sales of international air transportation on behalf of a non-ATC carrier; and

3. That the name of each non-ATC carrier entering the Plan and the effective date of its entry be filed with the Board not later than such date.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-11704; Filed, Nov. 16, 1964; 8:50 a.m.]

[1] Agreements CAB 16874 and 16874-A1, approved by Order E-20741. The Plan is presently operative in the State of Illinois, and implementation in the remaining 12 states in the first bank area is scheduled for December 1, 1964.

[2] The basic Plan approved by the Board contains provisions for agents' use of carrier ticket stock in international transportation in appropriate special circumstances.

[3] As indicated in Order E-21369, to the extent that establishment of appropriate procedures for participation in the Plan by IATA carriers involves any further intercarrier agreement subject to section 412 of the Act, it should, of course, be filed pursuant to said section.

[Docket No. 14945; Order E-21498]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of November 1964.

Agreement adopted by Joint Conference 1-2 of the International Air Transport Association relating to specific commodity rates, Docket 14945, Agreement C.A.B. 17868, R-14.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memorandum JT12/Rates 3219 names an additional specific commodity rate as follows:

ITEM 0345—SALMON AND/OR STURGEON

Rate: 81 cents per kilogram, minimum weight 45 kilograms from Bucharest to New York

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

*Accordingly, it is ordered:*

That Agreement C.A.B. 17868, R-14, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-11705; Filed, Nov. 16, 1964; 8:50 a.m.]

[Docket No. 15417]

## SERVICIO AEREO DE HONDURAS, S.A.

### Permit Application; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 25, 1964, at 10 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on August 19, 1964, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 12, 1964.

[SEAL] BARRON FREDRICKS,
*Hearing Examiner.*

[F.R. Doc. 64-11706; Filed, Nov. 16, 1964; 8:50 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 64-SO-10]

## ANTILLES BROADCASTING CORP.

### Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-3621) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Antilles Broadcasting Corporation proposes to increase by 77 feet the height of a television antenna structure near Guaynabo, Puerto Rico, at latitude 18°-22'42'' N., longitude 66°07'04'' W. The overall height of the structure would be increased from 549 feet to 626 feet above mean sea level (123 feet to 200 feet above ground).

The proposed structure would be located approximately 5.6 miles south/southwest of the Isla Grande Airport and approximately 8.9 miles west/southwest of the Puerto Rico International Airport. The proposed structure would exceed § 77.25(c)(1), Federal Aviation Regulations, as applied to the Isla Grande Airport by approximately 115 feet and as applied to Puerto Rico International Airport by approximately 117 feet.

The aeronautical study disclosed that the proposed structure would have the following effects on aeronautical operations, procedures, and minimum flight altitudes:

1. An increase from 1,500 feet to 1,600 feet in the minimum procedure turn altitude for Instrument Approach Procedures (IAP) AL-784-VOR-RWY-7.

2. Cancellation of the authorized straight-in approach minimums for IAP AL-784-VOR-RWY-7.

3. An increase from 900 feet to 1,000 feet on the minimum altitude at the Antenna Intersection for IAP AL-784-VOR-RWY-7.

4. An increase from 900 feet to 1,000 feet in the minimums for IAP AL-784-VOR-RWY-7 for aircraft that are unable to identify the Antenna Intersection.

5. An increase from 1,500 feet to 1,600 feet in the minimum radar vector altitude within three miles of the proposed structure.

The aeronautical study, disclosed that the proposed structure would have no effect on a proposed ILS system and new runway at the Puerto Rico International Airport.

The aeronautical study disclosed that the proposed structure would be located in proximity to routes generally used by Visual Flight Rule (VFR) operations arriving from and departing to the west and southwest of San Juan. Further, the proposed structure would be located near two radio antenna structures, congested areas, and rising terrain in excess of 960 feet above mean sea level within a few miles to the south. The study further disclosed that VFR operations in the vicinity of the proposed structure would not normally operate at an altitude which would be in proximity to the height of the proposed structure.

The aeronautical study disclosed that standard radar vector procedures provide for vectoring of aircraft to a final approach position to Runway 7 of Puerto Rico International Airport. The study disclosed that a substantial number of aircraft are radar vectored to a final approach position to Runway 7 which is in use approximately 98 percent of the time due to prevailing winds. During CY 1963, Puerto Rico International Airport reported the following activity: total operations 113,929; instrument operations 39,317; and instrument approaches 743.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have a substantial adverse effect upon Instrument Flight Rule operations.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on November 4, 1964.

JOSEPH VIVARI,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64-11659; Filed, Nov. 16, 1964; 8:46 a.m.]

[OE Docket No. 64-SO-23]

## PHILLIPS PETROLEUM CO.

### Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-5014) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Phillips Petroleum Company, Bartlesville, Oklahoma, proposes to construct an addition to its Pier 66 Motor Hotel in Fort Lauderdale, Fla., at latitude 26°06'-04'' N., longitude 80°06'52'' W. The overall height of the structure would be 261.5 feet above mean sea level (253 feet above ground).

The motor hotel is located approximately 3 miles northeast of the Fort Lauderdale-Hollywood International Airport and within the boundaries of the airport control zone and VOR Federal airway No. 3. The proposed construction would exceed the conical surface, as defined in § 77.25(b)(1) of the Federal Aviation Regulations as applied to the airport by 29.5 feet. It would, also, exceed the standards for determining hazards to air navigation in § 77.23(a)(2) of the Federal Aviation Regulations by 53 feet since it would be more than 200 feet above ground within the boundary of the control zone and airway.

The study disclosed that the motor hotel is located in the congested area of the city of Fort Lauderdale where there are existing structures of equal and greater heights than that proposed. Therefore, at this location, the proposed construction would have no greater effect upon aeronautical operations than the existing structures.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on November 4, 1964.

JOSEPH VIVARI,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64-11660; Filed, Nov. 16, 1964; 8:46 a.m.]

[OE Docket No. 64-SO-20]

## UNIVERSITY OF GEORGIA

### Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (SO-OE-4766) to determine its effect upon the safe and efficient utilization of the navigable airspace.

The University of Georgia, Athens, Georgia, proposes to construct a television antenna structure at latitude 33°-48'21'' N., longitude 84°08'46'' W., in the vicinity of Stone Mountain, Ga. The overall height of the structure would be 2049 feet above mean sea level (366 feet above ground).

The structure would be located approximately 1.6 miles west-southwest of the Stone Mountain Airport.



The structure would exceed the standards for determining hazards to air navigation as defined in § 77.25(b)(2) of the Federal Aviation Regulations by its entire height as applied to the airport since the terrain at the site already exceeds the criteria by approximately 530 feet.

Although there is a high volume of air traffic in the Atlanta, Georgia, area, pilots operating under instrument flight rules (IFR) conditions would not be affected due to the airway configuration and minimum en route altitudes in effect in the area of Stone Mountain. Pilots traversing this area under visual flight rules (VFR) conditions and particularly those operating out of the nearby Stone Mountain Airport would be cognizant of the mountain and, therefore, circumnavigate it. Pilots would also avoid this area during periods of marginal weather and reduced visibility due to the mountain's prominence and massiveness.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures, or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on November 4, 1964.

JOSEPH VIVARI,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64-11661; Filed, Nov. 16, 1964; 8:46 a.m.]

[OE Docket No. 64-SO-15]

## WSTE-TV, INC.

### Determination of No Hazard to Air Navigation

The Federal Aviation Agency (FAA) has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-4191) to determine its effect upon the safe and efficient utilization of navigable airspace.

WSTE-TV, Inc., Muskogee, Okla., proposes to construct a television antenna structure near Fajardo, Puerto Rico, at latitude 18°16'31'' N., longitude 65°45'-42'' W. The overall height of the structure would be 3,875 feet above mean sea level (595 feet above the ground).

The study, conducted under Part 77 of the Federal Aviation Regulations, disclosed that the physical structure would have no adverse effect upon aeronautical operations.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that this structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that it would not be a hazard to air navigation provided that, if constructed, it is marked and lighted in accordance with Agency standards.

Conversely, however, the FAA and the Department of the Navy made a combined technical study concerning the electronic effect this installation would have upon the joint-use radar and communication facilities at this site. The proposed structure would be located 1850 feet from the radar installation and 2270 feet from the communications equipment. In summary, the technical study disclosed that the transmissions from the television antenna would adversely affect aeronautical activities by derogating the performance of the radar installation which is jointly operated by the FAA and the Department of the Navy for air traffic control purposes. The television transmissions would also derogate the functioning of the remote transmitter/receiver installation, thus interfering with the capability of instant communications with controlled aircraft and jeopardizing the safety of those engaged in air travel in this area. In recognition of the finding in this report, the FAA has gone on record to the Federal Communications Commission as being opposed to the issuance of a license for this station to operate from the proposed structure.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will-expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on November 4, 1964.

JOSEPH VIVARI,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64-11662; Filed, Nov. 16, 1964; 8:46 a.m.]

# FEDERAL MARITIME COMMISSION

## CITY OF MILWAUKEE AND HANSEN SEAWAY SERVICE, LTD.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Board of Harbor Commissioners, City Hall, Milwaukee 2, Wis.

Agreement No. T-576, between the City of Milwaukee (City) and Hansen Seaway Service, Ltd. (Hansen), provides for Hansen's 5-year lease of municipal general cargo terminal No. 2, to be operated as a public marine terminal, at a guaranteed minimum annual rental. As additional rental Company agrees to pay certain percentages of all storage income, plus a set rate per ton for wharfage on all cargo moving across the facility. An additional sum will be assessed Hansen annually for supplemental berthing of vessels at a certain area beyond the leased premises.

Hansen will provide reasonable and efficient stevedoring service for the accommodation of shippers, vessels, or cargo assigned to use the leased premises. Hansen also agrees to render maximum service to the commerce of the Port under reasonable regulations and conditions, and at reasonable fees and charges.

City will allow Hansen to use the dock apron on the terminal; this use is governed by City's rules and regulations. City retains control, management, and operation of the open dock area on a certain portion of the leased premises.

Hansen shall apply to the City for use of open storage areas, and agrees to assess rates and charges as specified in the Port's tariff, or as agreed upon by the City and Hansen.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11686; Filed, Nov. 16, 1964; 8:48 a.m.]

## CITY OF MILWAUKEE AND P & V ATLAS TERMINAL CORP.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as

amended (80 Stat. 723; 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H. Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Board of Harbor Commissioners, City Hall, Milwaukee 2, Wis.

Agreement No. T-577, between the City of Milwaukee (City) and the P & V Atlas Terminal Corporation (Company), provides for the exclusive lease of certain piers, sheds, and other terminal property at Milwaukee. Annual rental is a flat sum plus a certain percentage of storage income, and a set rate per gross ton for wharfage. Company also agrees to pay a flat sum daily for preferential berthing rights.

Company will provide reasonable and efficient stevedoring service for the accommodation of shippers, vessels, or cargo assigned to use the leased premises. Hansen also agrees to render maximum service to the commerce of the Port under reasonable regulations and conditions, and at reasonable fees and charges.

City will allow Company to use the dock apron on the terminal; this use is governed by City's rules and regulations. City retains control, management, and operation of the open dock area on a certain portion of the leased premises.

Company will apply to the City for use of open storage areas, and agrees to assess rates and charges as specified in the Port's tariff, or as agreed upon by the City and Company.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11687; Filed, Nov. 16, 1964; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CP64-308 etc.]

## MIDWESTERN GAS TRANSMISSION CO. ET AL.

### Order Permitting Intervention Consolidating Proceedings and Setting Hearing Date

NOVEMBER 9, 1964.

Midwestern Gas Transmission Company, Docket No. CP64-308, G-18314, G-18315, Milwaukee Gas Light Company, Docket No. CP64-174, North Star Natural Gas Company of Wisconsin, Inc., Docket No. CP65-9, Great Plains Natural Gas Co., Docket No. CP65-13.

CP64-308: On June 24, 1964, Midwestern Gas Transmission Company, 231 South La Salle Street, Chicago, filed an application under section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Midwestern to increase total peak day firm sales of natural gas to 5 present customers on its Northern System. The increases would be made in 4 annual increments beginning November 1, 1964, and would reach a total of 4,420 Mcf (@ 14.73 psia) on November 1, 1967. The customers who would receive incremental peak day volumes and the total of such volumes to be received by each customer commencing November 1, 1967, are as follows:

| Customer: | *Total incremental peak day volumes November 1, 1967 (Mcf @ 14.73 psia)* |
|---|---|
| American Gas Co. of Wisconsin, Inc. | 2,000 |
| North Central Public Service Co. | 225 |
| North Star Natural Gas Co. | 780 |
| Northern States Power Co. | 1,340 |
| Perham, Minn. (village of) | 75 |
| Total | 4,420 |

No additional facilities will be needed to render the increased service and the additional volumes of gas will be sold under the terms of Midwestern's presently effective FPC Gas Tariff.

G-18314: Midwestern Gas Transmission Company filed on June 24, 1964, under section 3 of the Natural Gas Act an application for amendment of the authorization granted to it by the Commission's order issued October 31, 1959, under docket No. G-18314 (22 FPC 775), to import from Canada into the United States up to 204,000 Mcf per day of natural gas which it would purchase from Trans-Canada Pipe Lines Limited, and would be transported over facilities authorized October 31, 1959, under docket No. G-18313 (22 FPC 775).

Midwestern requests that said authorization to import gas be amended to authorize it to import peak day volumes up to 222,360 Mcf of natural gas (@ 14.73 psia) to be purchased from Trans-Canada beginning November 1, 1967, with intermediate increases in peak day volumes on November 1 of 1964, 1965 and 1966. The annual volumes of natural gas to be imported will not be increased.

G-18315: Midwestern Gas Transmission Company filed on June 24, 1964, pursuant to Executive Order No. 10485 and §§ 153.10 and 153.11 of the Commission's regulations under the Natural Gas Act, an application for amendment of the presidential permit issued to it on October 31, 1959, under docket No. G-18315 (22 FPC 775) authorizing the construction, operation, maintenance and connection at the international boundary of facilities necessary for the importation from Canada of natural gas purchased from Trans-Canada Pipe Lines Limited. Midwestern requests that said presidential permit be amended to permit Midwestern to operate and maintain its existing facilities at the international boundary near Emerson, Manitoba, so as to import up to 222,360 Mcf (@ 14.73 psia) of natural gas per day in accordance with Midwestern's application under docket No. CP64-308 for authorization to make additional firm peak-day sales to existing customers.

CP64-174: On February 3, 1964, Milwaukee Gas Light Company (Milwaukee), 626 East Wisconsin Avenue, Milwaukee, filed an application (amended August 4, 1964) pursuant to section 7(a) of the Natural Gas Act for an order directing Midwestern Gas Transmission Company to establish physical connection of its transportation facilities with the facilities which Milwaukee proposes to construct, and to sell and deliver to Milwaukee natural gas for resale and distribution in the Cities of Neillsville, Greenwood, and Loyal in Clark County, Wisconsin and environs.

Milwaukee seeks a third year peak day volume of 1,385 Mcf and a third year annual volume of 412,850 Mcf, Milwaukee proposes to construct and operate a transmission line connecting Midwestern's main transmission line with the distribution systems which Milwaukee proposes to construct and operate in Neillsville, Greenwood, and Loyal. The total estimated cost of the proposed facilities is $830,513. Milwaukee expects that Midwestern will construct and operate sales and metering facilities at the proposed point of interconnection.

Milwaukee alleges that it has received franchises from each of the communities it proposes to serve.

CP65-9: On July 8, 1964, North Star Natural Gas Company of Wisconsin, Inc. (North Star), 123 East Elm Street, River Falls, Wisconsin, filed an application under section 7(a) of the Natural Gas Act for an order directing Midwestern Gas Transmission Company to establish connection of its transportation facilities with the facilities of North Star's proposed natural gas branch line and distribution system, and to sell and deliver to North Star natural gas for resale and distribution in Boyceville and Colfax, Wisconsin, and areas contiguous to the corporate limits of Colfax, and to provide mainline taps, side valves and meter stations at locations mutually agreeable to Midwestern and North Star. North Star estimates that it will need a third year peak day volume of 604 Mcf of gas and a third year annual volume of 286,250 Mcf.

CP65-13: Great Plains Natural Gas Co. (Great Plains), 3555 Farnam Street, Omaha 31, Nebraska, filed on July 13, 1964, under sections 7(a) and 7(c) of the Natural Gas Act an application: (1) For an order directing Midwestern Gas Transmission Company to establish connection of its transmission facilities with the pipeline and distribution facilities which Great Plains proposes to construct, and to sell and deliver to Great Plains natural gas for resale and distribution in Fergus Falls, Breckenridge and Pelican Rapids, Minnesota, and Wahpeton, North Dakota and environs; and (2) for a certificate of public convenience and necessity authorizing the construction and operation by Great Plains of approximately 63 miles of pipeline of 3-inch, 6-inch and 8-inch diameters.

Great Plains estimates that it will need a 3d year maximum day volume of 5,472 Mcf (@ 14.73 psia) of gas and a third year annual volume of 1,384,263 Mcf for the proposed operation.

Great Plains alleges that it presently holds franchises to distribute gas in each of said communities.

The applications in the above-entitled cases are on file with the Commission and are open to public inspection. Notice of the applications under Docket Nos. CP64-308, G-18314, G-18315 was issued July 20, 1964 (29 F.R. 10409), and petitions to intervene in those cases were filed by:

Minn-Dak Fuel Association, Bryce Rea, Jr., Attorney, 917 Munsey Building, Washington, D.C., 20004.

Great Plains Natural Gas Co., 3555 Farnam Street, Omaha 31, Nebr.

Northern States Power Co. (Minnesota) and Northern States Power Co. (Wisconsin) (jointly), 15 South Fifth Street, Minneapolis, Minn., 55402.

The Commission finds:

(1) It is desirable to allow the petitioners named above to intervene in these proceedings in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) The applications in the above-entitled cases involve related issues and the proceedings thereon should be consolidated for hearing.

The Commission orders:

(A) The petitioners named above are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided*, However, that their participation shall be limited to matters affecting rights and interests expressly asserted in their petitions to intervene: *And provided further*, That permission to intervene shall not be construed as recognition by the Commission that any intervener might be aggrieved by any order entered in these proceedings.

(B) The proceedings in the above-entitled cases are hereby consolidated for hearing.

(C) A public hearing on the issues presented by the applications in the above-entitled cases will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10:00 a.m., on December 15, 1964.

(D) Notices of intervention, petitions to intervene and protests under docket Nos. CP64-174, CP65-9, and CP65-13 may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10), on or before December 1, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11665; Filed, Nov. 16, 1964; 8:46 a.m.]



[Docket No. CP65-83]

## MISSOURI NATURAL GAS CO.

### Notice of Application

NOVEMBER 9, 1964.

Take notice that on September 25, 1964, Missouri Natural Gas Company (Applicant) a public utility company with its place of business at Farmington, Missouri, filed in Docket No. CP65-83 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Mississippi River Transmission Corporation to sell and deliver to it on a peak day and annual basis volumes of natural gas up to 189 Mcf per day and 22,315 Mcf per year for resale and distribution in the City of Annapolis, Iron County, Missouri and its environs.

Applicant proposes to construct pipeline facilities consisting of a distribution system in the City of Annapolis, Missouri and to interconnect it at the southern edge of the city onto the "Ruberoid" line of the Mississippi River Transmission Corporation system. The estimated cost of Applicant's proposed facilities is $51,100, which will be financed from current funds.

Applicant states that it has been duly authorized by the Public Service Commission of the State of Missouri and the City of Annapolis, Missouri to construct and operate the proposed facilities for the purpose of supplying the inhabitants of that city and its environs with natural gas.

On October 8, 1964, Mississippi River Transmission Corporation filed an answer to the application wherein it states that it has no objection to the request by Applicant to serve the gas requirements.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 30, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11666; Filed, Nov. 16, 1964; 8:46 a.m.]

[Docket No. CP64-255 (Phase II) etc.]

## NORTHERN NATURAL GAS CO. ET AL.

### Order Consolidating Proceedings, Granting Motion for Prompt Hearing, Fixing Procedures and Date of Hearing and Notice of Applications

NOVEMBER 9, 1964.

Northern Natural Gas Company, Docket No. CP64-255 (Phase II), Michigan Consolidated Gas Company, Docket No. CP65-38, Michigan-Wisconsin Pipe Line Company, Docket No. CP65-39.

On April 28, 1964, Northern Natural Gas Company (Northern) a Delaware corporation having its principal office at Omaha, Nebraska, filed an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act (Act), authorizing the construction and operation of pipeline facilities and sales of natural gas for resale in the Mesabi Iron Range area of Minnesota and the Upper Peninsula area of Michigan, all as more fully described in the application, as supplemented, which is on file with the Commission and open to public inspection. By its supplement filed on June 29, 1964, Northern elected to separate the project into two parts,[1] Phase I—The Mesabi Iron Range Project, and Phase II—the Upper Peninsula Project, which includes northern Wisconsin. The instant order deals only with Phase II. The Phase I Project has been noticed separately.

On August 10, 1964, Michigan Consolidated Gas Company (Mich-Con) a Michigan Corporation having its principal place of business at Detroit, Michigan, filed an application under section 7(a) of the Act requesting that the Commission order Michigan-Wisconsin Pipe Line Company (Mich-Wis), an affiliate of Mich-Con, to provide a supply of natural gas for resale by Mich-Con in the Upper Peninsula of Michigan. On the same day, Mich-Wis, a Delaware Corporation, having its principal place of business at Detroit, Michigan, filed an application for a certificate of public convenience and necessity authorizing the construction and operation of facilities and sale of gas requested by its affiliate.[2]

*Facilities.* Northern proposes: (1) To construct and operate some 86.5 miles of 30 inch main-line looping of its existing main transmission system in the States of Kansas and Nebraska; (2) to add some 15,400 compressor horsepower at existing main-line stations in Minnesota,

[1] The application was further supplemented on Sept. 1 and 24, 1964, and Oct. 28, 1964.

[2] Supplements were filed by Mich-Con on Sept. 14 and Oct. 8, 1964, and by Mich-Wis on Sept. 15, 1964.

Iowa, and Kansas; (3) to extend its main line some 270 miles from a point near Duluth, Minnesota, east across northern Wisconsin and into the Upper Peninsula of Michigan; and (4) to construct and operate some 224 miles of branch lines and metering facilities in the Upper Peninsula. The total estimated cost of the project of $35,715,500 is proposed to be financed by the sale of sinking fund debentures and cash on hand.

Mich-Wis proposes to construct and operate approximately 5.0 miles of 12-inch diameter pipeline extending its main line from Marinette, Wisconsin, to Menominee, Michigan, and to add some 5,000 compressor horsepower in the State of Wisconsin. Mich-Wis proposes no additional financing with respect to the $1,682,000 proposed construction.

Mich-Con proposes to construct and operate some 144 miles of transmission lines extending from the Mich-Wis delivery point at Menominee to proposed market areas in Iron, Dickerson, Delta, and Menominee Counties, Michigan. Mich-Con also proposes to build distribution systems in the area totaling some 278 miles of various diameter distribution mains. The estimated cost of the facilities proposed by Mich-Con is $14,127,000.

*Markets.* Northern proposes to sell the following third year contract demand volumes to the various customers in northern Wisconsin and the Upper Peninsula of Michigan:

| | Mcf |
|---|---|
| Michigan Gas and Electric Co | 18,045 |
| Peninsular Gas Co | 2,176 |
| Wisconsin-Michigan Power Co | 730 |
| City of Escanabe, Mich | 1,850 |
| Lake Superior District Power Co | 7,079 |
| Cleveland Cliffs Iron Co | 35,000 |
| M. A. Hanna Co | 5,000 |
| Total firm | 69,880 |

Mich-Con proposes to purchase all its Upper Peninsula requirements from Mich-Wis. Mich-Con then proposes to sell this gas at retail in the following locations. The estimated third year peak-day requirements are as follows:

| | Mcf |
|---|---|
| City of Escanaba | 7,191 |
| City of Gladstone | 2,578 |
| Escanaba Suburban | 2,314 |
| Iron Mountain | 10,140 |
| Iron River | 6,430 |
| Stephenson Area | 1,687 |
| Total firm | 30,340 |

RATE SCHEDULE No. 7—INTERRUPTIBLE

| | |
|---|---|
| City of Escanaba | 1,336 |
| Iron Mountain (including M. A. Hanna) | 7,606 |
| Iron River | 168 |
| Stephenson Area | 500 |
| Total | 39,937 |

The proposal of Northern and those of Mich-Wis and Mich-Con are partially competitive since 10 of the 26 Michigan communities and 1 of the 7 direct industrials plants proposed to be served by Northern are also proposed to be served by Mich-Con. A similar comparison of Mich-Con's project indicates that Northern proposes to sell gas to distributors for resale in 23 of the 36 cities, villages or townships and 1 from one plant which Mich-Con proposes to sell gas at retail.

On October 13, 1964, Mich-Con and Mich-Wis filed a joint motion for a prompt hearing. That motion is granted as hereinafter ordered. This order shall constitute notice of the filing of the applications which are open to public inspection in the Commission's offices.

The above-discussed matters are interrelated and should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

The Commission orders:

(A) The joint motion for prompt hearing filed by Mich-Con and Mich-Wis on October 13, 1964, is hereby granted.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held before a duly authorized hearing examiner on January 26, 1965, at 10:00 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the above-described applications as supplemented and amended.

(C) Protests and Petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 4, 1964.

(D) Applicants and all interveners filing in support of any of the foregoing applications will serve the direct presentations, to be relied upon at the hearing, by December 18, 1964, upon the Commission's staff, all other applicants, and all petitioners who have filed petitions to intervene as of December 4, 1964, unless the Commission, by the time set for service of such testimony and exhibits, has issued an order denying intervention to any of the petitioners.

(E) Following all preliminary matters to come before the presiding examiner on the above-designated hearing date witnesses will be presented to adopt their respective testimony, previously served, whereupon cross-examination will commence immediately. The presiding examiner, at a time deemed appropriate and in consideration of the magnitude of the respective presentations and the record that will have been made thereon, will, at his discretion, set a date for the filing of any answering evidence. In all other matters the presiding examiner's right to prescribe the manner in which the proceeding is to be conducted is preserved.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-11667; Filed, Nov. 16, 1964; 8:46 a.m.]

[Docket No. CP64-107]

## TEXAS GAS TRANSMISSION CORP.

### Notice of Application To Amend

NOVEMBER 9, 1964.

Take notice that on September 30, 1964, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky, filed in Docket No. CP64-107 an application to amend further the order of the Commission issued May 26, 1964, which order among other things granted Applicant a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in order to increase contract demand service to then existing customers. In the instant application, Applicant seeks to construct and operate certain natural gas transmission facilities in Knox County, Indiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to construct and operate two side valves and meters for the establishment of two new delivery points for Hoosier Gas Corporation (Hoosier), an existing customer of Applicant. Natural gas to be delivered through these delivery points is for resale by Hoosier to the incorporated community of Edwardsport, Indiana and the rural area of Freelandville, Indiana. Annual deliveries are estimated to be 22,239 Mcf and 30,435 Mcf respectively. No increase in the contract demand of Hoosier is proposed for this service.

The cost of the facilities is estimated to be $7,770 and will be financed with current funds.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 30, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-11668; Filed, Nov. 16, 1964; 8:46 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1724]

## UNITED INTERNATIONAL FUND LTD. AND UNITED FUNDS CANADA LTD.

### Notice of Filing of Application for Order Exempting Transactions Between Affiliated Persons

NOVEMBER 10, 1964.

Notice is hereby given that United International Fund Ltd. ("International Fund") and United Funds Canada Ltd. ("Canada Fund"), 70 Pine Street, New York, New York, 10005, both foreign corporations and diversified management open-end investment companies registered under the Investment Company Act of 1940 ("Act"), have filed a joint application pursuant to section 17(b) of the Act for an order of the Commission permitting International Fund to sell substantially all of its assets to Canada Fund in exchange solely for shares of Canada Fund as more fully described below. All interested persons are referred to the application on file with the Commission for a complete statement of applicants' representations therein, which are summarized below.

The proposed sale by International Fund of its assets to Canada Fund is part of a proposed reorganization of both investment companies whereby Canada Fund, after acquiring substantially all of International Fund's assets in exchange for its own shares would be known as United Funds Canada-International Ltd. ("Canada-International Fund"). International Fund will retain only sufficient assets to pay its estimated liabilities. Following the proposed reorganization substantially all of the assets of International Fund will consist of shares of Canada-International Fund, and International Fund will then distribute to its shareholders the shares of Canada-International Fund.

International Fund's total net assets have declined from $15,526,149 on July 18, 1963 to $8,942,680 on August 31, 1964. Canada Fund's total net assets have declined from $9,791,726 on July 18, 1963 to $8,269,088 on August 31, 1964. Applicants believe that the continuing decline in the total assets of the two funds is due to the proposal and passage of the Interest Equalization Tax which imposes a tax of up to 15 percent on American purchasers of foreign securities. The application states that due to the proposal and passage of the tax, both International Fund and Canada Fund have been prevented from selling their shares in the United States since July 18, 1963. There have also been attendant rises in the expense ratios of the two funds during their most recent fiscal years. The application also states that the decreasing size of International Fund and of Canada Fund and the necessity of meeting redemptions have also contributed to the difficulties of portfolio management since redemptions could be met or desirable portfolio acquisitions made only through disposition of portfolio securities. The managements of the two funds believe that the larger combined fund which would result from the proposed reorganization would be better able to meet the aforementioned difficulties more efficiently during the period the Interest Equalization Tax is in effect (it expires by its terms on December 31, 1965), as increased size would aid in reducing expense ratios and would provide a larger portfolio of securities which would afford greater latitude to management in selecting portfolio securities to be disposed of in order to meet redemption requests.

The application indicates that full and fractional shares of Canada Fund of an adjusted net asset value equal to the aggregate net asset value of all of International Fund's shares outstanding on the valuation date shall be issued in exchange for International Fund's assets. The adjustment to the per share net asset value of the two funds will be made by computing the difference in the two funds' realized and unrealized appreciation or depreciation and adjusting the basis upon which Canada Fund's shares are to be exchanged for International Fund's assets by 6½ percent of the difference in unrealized appreciation or depreciation at the valuation date and by 10 percent of the difference at such time in the funds' respective realized losses and undistributed capital gains realized since the beginning of the two funds' last fiscal years.

The valuation date shall be the close of business on December 30, 1964 or on such other date as may be mutually agreed upon. The actual exchange of International Fund's assets for shares of Canada Fund will be made on December 31, 1964 or another mutually agreeable date.

United States counsel for International Fund have advised that in their opinion the proposed reorganization will be a tax-free reorganization and no gain or loss or taxable income will be recognized to the two funds or their shareholders except that gain, if any, will be recognized, and taxed as dividend income, to the shareholders of International Fund to the extent of cash received in lieu of fractional shares. The cost of the shares of an International Fund shareholder will be carried over to the shares of Canada-International Fund which he will acquire in the reorganization, adjusted for any fractional share cash distribution to former shareholders of International Fund.

The application represents that if the proposed reorganization is consummated, shareholders of International Fund will, as shareholders of Canada-International Fund, acquire an investment in a fund which has the same investment adviser and similar investment objectives and restrictions.

The directors of each fund have recommended to the shareholders of each fund that they approve the proposed reorganization. The affirmative vote of a majority of the outstanding voting securities of each fund is required for approval of the proposed reorganization.

The boards of directors of International Fund and of Canada Fund consist of fifteen and eleven persons, respectively. Three of the directors of International Fund are also directors of Canada Fund. North American Intercontinental Advisers Ltd. serves as the investment adviser to both funds. The application represents that no person owns beneficially, either directly or indirectly, 25 percent of the voting securities of either International Fund or Canada Fund; consequently, it is applicants' view that the two funds are presumed not to be under common control. However, in view of the above-mentioned relationships, applicants have filed the present application, pursuant to section 17(b) of the Act, requesting an exemption from the provisions of section 17(a).

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered company any security or other property, subject to certain exceptions, unless the Commission upon application, pursuant to section 17(b) of the Act, grants an exemption from the provisions of section 17(a) upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than November 30, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the Application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-11663; Filed, Nov. 16, 1964; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 12, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 39390: *Liquefied petroleum gas to points in Colorado.* Filed by Southwestern Freight Bureau, agent (No. B-8643), for interested rail carriers.

Rates on liquefied petroleum gas, in tank carloads, from Beaver, Hough, Laverne, Mocane, and Straight, Okla., to Alamosa, Monte Vista, and Salida, Colo.

Grounds for relief: Market competition.

Tariff: Supplement 21 to Southwestern Freight Bureau, agent, tariff I.C.C. 4557.

FSA No. 39391: *Liquid caustic soda from Brunswick, Ga.* Filed by O. W. South, Jr., agent (No. A4589), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Brunswick, Ga., to Fairfax and Lanett, Ala.

Grounds for relief: Market competition.

Tariff: Supplement 156 to Southern Freight Association, agent, tariff I.C.C. S–194.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–11676; Filed, Nov. 16, 1964; 8:47 a.m.]

[Notice 1078]

## MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 12, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 67091. By order of November 9, 1964, the Transfer Board approved the transfer to Benjamin H. Ruegsegger, Kawkawlin, Mich., of the operating rights in Certificates Nos. MC 118545, MC 118545 Sub 2, and MC 118545 Sub 3, issued August 25, 1959, July 1, 1960, and June 3, 1963, respectively, to Cleo J. Carbary, doing business as Cleo J. Carbary Trucking Company, Kawkawlin, Mich., authorizing the transportation, over irregular routes, of malt beverages, soft drinks, beverage compounds, and empty containers and cases for malt beverages from and to specified points in Wisconsin, Michigan, Ohio, Illinois, and Indiana, varying with the commodities specified.

No. MC–FC 67251. By order of November 9, 1964, the Transfer Board approved the transfer to Thomas Motor Tours, Inc., Lothian, Md., of the operating rights issued by the Commission November 30, 1960, under Certificate in No. MC 108811 Sub 2, to Richard G. Thomas, Lothian, Md., authorizing the transportation, over irregular routes, of passengers and their baggage, in round trip charter operations, beginning and ending at points in Calvert County, Md., and specified parts of Anne Arundel and Prince Georges Counties, Md., to points in Delaware, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia; and beginning and ending at Annapolis, Md., and points in Calvert County, Md., and extending to points in Maryland and New Jersey. S. Harrison Kahn, Suite 733 Investment Building, Washington 5, D.C., attorney for applicants.

No. MC–FC 67284. By order of November 9, 1964, the Transfer Board approved the transfer to J. K. McKeown Co. Inc., Arlington, Mass., of a portion of Certificate No. MC 109453, issued July 23, 1951, to Wood Brothers, Inc., authorizing the transportation of household goods, over irregular routes, between Boston, Mass., and points within 20 miles of Boston, on the one hand, and, on the other, points in Indiana, points in the lower peninsula of Michigan, Pennsylvania, Delaware, Maryland, Ohio, Illinois, and the District of Columbia. Robert J. Gallagher, 111 State Street, Boston, Mass., 02109, attorney for applicants.

No. MC–FC 67286. By order of November 9, 1964, the Transfer Board approved the transfer to Villaneueva Transfer Inc., 501 North Meadow, Laredo, Tex., of Certificate No. MC 108464, issued May 27, 1957, to Jose Maria Villanueva, doing business as Villanueva Transfer, 501 North Meadow, Laredo, Tex., authorizing the transportation of general commodities, including household goods and commodities in bulk, over irregular routes, between the boundary of the United States and Mexico at Laredo, Tex., on the one hand, and, on the other, Laredo, Tex.; and between the boundary of the United States and Mexico at Eagle Pass, Tex., on the one hand, and, on the other, Eagle Pass, Tex.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–11677; Filed, Nov. 16, 1964; 8:47 a.m.]

[S.O. 947, Rev. Taylor's Car Distribution Order 17]

## CHESAPEAKE AND OHIO RAILWAY CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, 9670).

I find that there continues to exist a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Chesapeake and Ohio Railway Co. shall deliver to the SOO Line Railroad Co. a daily average of 25 plain serviceable boxcars inside length less than 44 feet 8 inches.

(b) Cars delivered under this order shall be carded to the SOO Line Railroad Co. and each car shall be under the provisions of this order.

(c) Effective date: This order shall become effective at 12:01 a.m., November 12, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m., November 30, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 10, 1964.

INTERSTATE COMMERCE COMMISSION, [SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11678; Filed, Nov. 16, 1964; 8:47 a.m.]

[S.O. 947, Taylor's Car Distribution Order 24]

## MISSOURI PACIFIC RAILROAD CO.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That:

(a) The Missouri Pacific Railroad Co. shall deliver to the Chicago and Eastern Illinois Railroad Co. a daily average of 25 plain serviceable boxcars inside length less than 44 feet 8 inches.

(b) Cars delivered under this order shall be carded to the Chicago and Eastern Illinois Railroad Co. and each car shall be identified by the Missouri Pacific Railroad Co. as moving under the provisions of this order.

(c) Effective date: This order shall become effective at 12:01 a.m. November 13, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m. November 30, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 12, 1964.

INTERSTATE COMMERCE COMMISSION, [SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11679; Filed, Nov. 16, 1964; 8:48 a.m.]



## CUMULATIVE CODIFICATION GUIDE—NOVEMBER

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**[January–October 1964]**

Published monthly on a cumulative basis. Lists titles, parts, and sections of the Code of Federal Regulations amended or otherwise affected by documents published in the Federal Register during 1964. Entries indicate the exact nature of all changes effected. (Mailed free to FR subscribers November 14.)

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Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402



**FEDERAL REGISTER**

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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*Washington, Wednesday, November 18, 1964*

DEC 1964

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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3628

### WRIGHT BROTHERS DAY, 1964

**By the President of the United States of America**

**A Proclamation**

WHEREAS Orville and Wilbur Wright made the first successful flights in a powered aircraft on December 17, 1903, near Kitty Hawk, North Carolina; and

WHEREAS these historic flights—and those that followed—have promoted universal understanding by bringing people closer together; and

WHEREAS the Wright brothers provided the initial spark that has made the United States of America the world leader in civilian and military aviation; and

WHEREAS the Congress, by a joint resolution approved December 17, 1963 (77 Stat. 402), designated the seventeenth day of December of each year as Wright Brothers Day and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby call upon the people of this Nation, and their local and national government officials, to observe Wright Brothers Day, December 17, 1964, with appropriate ceremonies and activities, both to recall the accomplishments of the Wright brothers and to provide a stimulus to aviation in this country and throughout the world.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 13th day of November in the year of our Lord nineteen hundred and sixty-four, and of the Independence of the United States of America the one hundred and eighty-ninth.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
*Secretary of State.*

[F.R. Doc. 64–11868; Filed, Nov. 17, 1964; 10:41 a.m.]

# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 213—EXCEPTED SERVICE

#### Office of Emergency Planning

Section 213.3326 is amended to show that the title of the Civil Affairs Office is changed. Effective upon publication in the FEDERAL REGISTER, the heading of paragraph (i) of § 213.3326 is amended as set out below.

§ 213.3326 Office of Emergency Planning.

* * * * * * *

(i) *Program Development Office.* * * *

* * * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64–11728; Filed, Nov. 17, 1964; 8:46 a.m.]

## Title 7—AGRICULTURE

### Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 70]

### PART 401—FEDERAL CROP INSURANCE

#### Subpart—Regulations for the 1961 and Succeeding Crop Years

PEANUTS

*Correction*

In F.R. Doc. 64–11092, appearing at page 14775 of the issue for Friday, October 30, 1964, the following correction is made in item 3: In the sixth and seventh lines, the phrase reading "of uninsured causes of loss" should read "or uninsured causes of loss".

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

### PART 948—IRISH POTATOES GROWN IN COLORADO

#### Expenses and Rate of Assessment

Notices of rule making regarding proposed expenses and a proposed rate of assessment, to be effective under Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, was published in the October 29, 1964, FEDERAL REGISTER (29 F.R. 14753). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 10 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were recommended by the area committee for Area No. 1, established pursuant to the said amended marketing agreement and order, it is hereby found and determined that:

§ 948.247 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1, established pursuant to Marketing Agreement No. 97 and this part (Order No. 948), both as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid amended marketing agreement and order during the fiscal period ending May 31, 1965, will amount to $595.00.

(b) The rate of assessment to be paid by each handler in Area No. 1 pursuant to Marketing Agreement No. 97 and this part (Order No. 948), both as amended, shall be one-half cent ($0.005) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period and (2) the current fiscal period began on June 1, 1964, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48, Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: November 12, 1964.

F. L. SOUTHERLAND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11726; Filed, Nov. 17, 1964; 8:46 a.m.]

### PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

#### Expenses of Raisin Administrative Committee and Rate of Assessment for 1964–65 Crop Year

Notice was published in the October 28, 1964, issue of the FEDERAL REGISTER (29 F.R. 14668) regarding proposed expenses of the Raisin Administrative Committee for the 1964–65 crop year and rate of assessment for that crop year, pursuant to §§ 989.79 and 989.80 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989; 29 F.R. 9482, 9560), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were received within the prescribed time.

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Raisin Administrative Committee, and other available information, it is found that the expenses of the Raisin Administrative Committee and the rate of assessment for the crop year beginning September 1, 1964, shall be as follows:

§ 989.315 Expenses of the Raisin Administrative Committee and rate of assessment for the 1964–65 crop year.

(a) *Expenses.* Expenses (other than those specified in § 989.82) in the amount of $123,200 are reasonable and likely to be incurred by the Raisin Administrative Committee during the crop year beginning September 1, 1964, for the maintenance and functioning of the Committee and the Raisin Advisory Board and for such purposes as the Secretary may, in accordance with § 989.79, determine to be appropriate.

(b) *Rate of Assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 989.80, to pay to the Raisin Administrative Committee as his pro rata share of the expenses is fixed at 80 cents per ton applicable to each of the following:

(1) Free tonnage raisins acquired by the handler during the crop year, exclusive of such quantity thereof as represents the assessable portions of other handlers' raisins pursuant to subparagraph (3) of this paragraph;

(2) Reserve tonnage raisins sold to the handler by the Committee pursuant to § 989.67 during the crop year; and

(3) Standard raisins (which he does not acquire) recovered by the handler by the reconditioning of off-grade raisins





but only to the extent of the percentage

but only to the extent of the aggregate quantity of the free tonnage portions of these standard raisins that are acquired by other handlers during the crop year.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said amended marketing agreement and order require that the rate of assessment fixed for a particular crop year which handlers are required to pay shall be applicable to all free tonnage raisins of the crop year and to all reserve tonnage raisins sold to handlers by the Committee during the crop year; and (2) the current crop year began on September 1, 1964, and the rate of assessment fixed herein will automatically apply to all such raisins beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 13, 1964.

F. L. SOUTHERLAND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11774; Filed, Nov. 17, 1964; 8:49 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 64–PC–9]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone

The Kahului, Hawaii, control zone is presently designated as follows:

*Kahului, Hawaii.*

Within a 5-mile radius of Kahului Airport (latitude 20°54'00" N., longitude 156°-26'00" W.); within 2 miles each side of the Maui, Hawaii, RR N course, extending from the 5-mile radius zone to 3 miles N of the RR; within 2 miles each side of the Maui VOR 038° radial, extending from the 5-mile radius zone to 12 miles NE of the VOR, and within 2 miles each side of the extended centerline of runway 2, extending from the 5-mile radius zone to 10 miles SW of the SW end of runway 2.

The portion of this airspace lying along the Maui radio range north course from the 5-mile radius zone to 3 miles north of the range is designated to provide controlled airspace for an instrument approach procedure based on the Maui radio range. This navigational aid is scheduled for decommissioning at 0001 e.s.t., November 12, 1964. Although a portion of the associated control zone extension must be retained to provide controlled airspace for other instrument approach procedures at Kahului, a large portion will no longer be required, and revocation is in order.

Since this amendment imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective at 0001 e.s.t., November 12, 1964, as hereinafter set forth:

In § 71.171 (29 F.R. 1101), the Kahului, Hawaii, control zone is amended to read:

*Kahului, Hawaii.*

Within a 5-mile radius of Kahului Airport (latitude 20° 54' 00" N., longitude 156° 26' 00" W.); within 2 miles each side of the Maui VOR 038° radial, extending from the 5-mile radius zone to 12 miles NE of the VOR; within 2 miles each side of the Maui VOR 201° radial, extending from the 5-mile radius zone to 9 miles S of the VOR; and within 2 miles each side of the extended centerline of Runway 2, extending from the 5-mile radius zone to 10 miles SW of the SW end of Runway 2.

(Secs. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510)

Issued in Honolulu, Hawaii, on November 9, 1964.

HUGH K. LAING,
*U.S. Navy, Acting Director, Pacific Region.*

[F.R. Doc. 64–11762; Filed, Nov. 17, 1964; 8:48 a.m.]

[Airspace Docket No. 64–WE–58]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

## PART 73—SPECIAL USE AIRSPACE [NEW]

### Alteration of Federal Airway, Control Area Extension, and Revocation of Restricted Area

The purpose of these amendments to Parts 73 and 71 [New] of the Federal Aviation Regulations is to revoke the Portland, Oreg., Restricted Area/Military Climb Corridor, R–5703, and to delete the reference to R–5703 from the description of VOR Federal airway No. 23 and the Portland, Oreg., control area extension.

The Department of the Air Force has stated that a requirement for a climb corridor of any configuration at Portland no longer exists.

Since these amendments are less restrictive in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and the amendments may be made effective immediately.

In consideration of the foregoing, Parts 73 and 71 [New] of the Federal Aviation Regulations are amended, effective immediately, as hereinafter set forth.

1. In § 73.57 (29 F.R. 1274), the Portland, Oreg. (Portland International Airport), Restricted Area/Military Climb Corridor, R–5703 is revoked.

2. Section 71.123 (29 F.R. 1009, 4855, 9529) is amended as follows: In V–23 "R–5703 and" is deleted.

3. Section 71.165 (29 F.R. 1073) is amended as follows: In Portland, Oreg., control area extension "The portion of this control area extension which coincides with R–5703 shall be used only after obtaining prior approval from appropriate authority." is deleted.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 10, 1964.

CLIFFORD P. BURTON,
*Acting Director, Air Traffic Service.*

[F.R. Doc. 64–11708; Filed, Nov. 17, 1964; 8:45 a.m.]

[Airspace Docket No. 64–SW–46]

## PART 73—SPECIAL USE AIRSPACE [NEW]

### Redesignation of Temporary Restricted Area

On September 26, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13403), stating that the Federal Aviation Agency was considering an amendment to § 73.51 of the Federal Aviation Regulations which would redesignate the Fort Wingate, N. Mex., Restricted Area R–5114 for the period from January 1, 1965, through February 15, 1965, in continuing support of a classified project.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments, but no adverse comments were received.

In consideration of the foregoing, Part 73 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 1, 1965, as hereinafter set forth.

In § 73.51 New Mexico (29 F.R. 1264, 2669), the following is added:

*R–5114* Fort Wingate, N. Mex.

*Boundaries.* Beginning at latitude 35°27'-00" N., longitude 108°35'00" W.; to latitude 35°11'00" N., longitude 108°13'00" W.; to latitude 35°04'40" N., longitude 108°24'00" W.; to latitude 35°24'00" N., longitude 108°-38'000" W.; to the point of beginning.

*Designated altitudes.* Surface to unlimited.

*Time of designation.* Continuous, January 1, 1965, through February 15, 1965.

*Controlling agency.* Federal Aviation Agency, Albuquerque ARTC Center.

*Using agency.* Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 10, 1964.

CLIFFORD P. BURTON,
*Acting Director, Air Traffic Service.*

[F.R. Doc. 64–11709; Filed, Nov. 17, 1964; 8:45 a.m.]



## Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6316; Amdt. 830]

## PART 507—AIRWORTHINESS DIRECTIVES

### Boeing Model 727 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on October 23, 1964, and made effective immediately as to all known United States operators of Boeing Model 727 Series aircraft. The directive requires deactivation of the autopilot.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Boeing Model 727 Series aircraft by individual telegrams dated October 23, 1964. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons.

BOEING. Applies to Model 727 Series aircraft. Compliance required as indicated.

(a) Before further flight after the effective date of this AD, open the SP–50 autopilot roll and pitch d.c. circuit breakers on panel P–18.

(b) At the first scheduled stop where facilities and personnel are available secure these circuit breakers in the off position.

(c) Autopilot may be reactivated when modified in accordance with Boeing Service Bulletin 22–7 dated October 27, 1964, or an FAA Western Region Aircraft Engineering Division approved equivalent.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated October 23, 1964.

On November 20, 1964, this directive becomes an amendment to § 39.13 of Part 39 [New] of the Federal Aviation Regulations.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 10, 1964.

G. S. MOORE,
*Director, Flight Standards Service.*

[F.R. Doc. 64–11710; Filed, Nov. 17, 1964; 8:45 a.m.]

# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56305]

## PART 16—LIQUIDATION OF DUTIES

### Tare; Dutiable Weights

Section 16.6, Customs Regulations, amended to add pimientos in tins imported from Spain to the list of merchandise for which schedule tare or dutiable weight is provided, and to make certain technical changes.

This amendment reflects the adoption of schedule drained weights for pimientos in various sizes of tins imported from Spain, as the basis for dutiable weights in liquidations of customs entries.

Collectors of customs will accept deposits of estimated duties based on entered drained weights, determined from the entrant's application of the appropriate adopted schedule drained weight. Except as required by paragraph (d) of § 16.6, sampling of import shipments to ascertain verified actual drained weight hereafter is to be limited to occasional sampling and testing to evaluate the continued suitableness of the schedule drained weights.

This change will operate to reduce appreciably the number of liquidations which result in refunds of excessive deposits or payments of increased assessments, heretofore usual because the entrant's entered net weight or his estimate of entered drained weight was either more or less than the customs verified drained weight relied upon in liquidation.

The heading of § 16.6 is amended to read "Tare; dutiable weights."

Section 16.6(c) is amended as follows:

The first sentence is amended by substituting "the average for certain classes of merchandise" for "the average weight of coverings of certain classes of merchandise" and by inserting in the proper alphabetic order the following:

*Pimientos in tins imported from Spain—*

| Size can: | Drained weights |
|---|---|
| 3 kilo | 30 pounds—case of 6 tins. |
| 28 oz | 36.72 pounds—case of 24 tins. |
| 15 oz | 17.72 pounds—case of 24 tins. |
| 7 oz | 8.62 pounds—case of 24 tins. |
| 4 oz | 5.33 pounds—case of 24 tins. |

Such schedule drained weight shall be used as the customs dutiable weight in the liquidation of entries, the difference between the weight of the net contents of pimientos in tins and such drained weight being the allowance made in liquidation for tare for water.

(Secs. 507, 624, 46 Stat. 732, 759; 19 U.S.C. 1507, 1624)

Notice of the proposed amendment was published in the FEDERAL REGISTER of August 22, 1964 (29 F.R. 12032), pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Upon consideration of the comments received, all of which favored the proposal, the amendments as set forth above are hereby adopted effective 30 days after the date of publication in the FEDERAL REGISTER. The schedule tares published herein may, however, be used prior to the effective date at the option of the importer.

[SEAL] LESTER D. JOHNSON,
*Acting Commissioner of Customs.*

Approved: November 10, 1964.

JAMES POMEROY HENDRICK,
*Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 64–11729; Filed, Nov. 17, 1964; 8:46 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

## PART 207—NAVIGATION REGULATIONS

### James River, Va.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.152 governing the use of a restricted area in James River, Va., is hereby amended with respect to subparagraph (b)(1) to prohibit the public from swimming in the area, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.152 James River off the entrance to Skiffes Creek, Va.; Army small-craft testing area.

* * * * *

(b) *The regulations.* (1) No vessels other than Department of the Army vessels and no persons other than persons embarked in such vessels shall enter the restricted area except as provided in subparagraph (2) of this paragraph.

* * * * *

[Regs., 26 October 1964, 1507–32 (James River, Va.)—ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
*Major General, U.S. Army, The Adjutant General.*

[F.R. Doc. 64–11733; Filed, Nov. 17, 1964; 8:46 a.m.]

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 9—Atomic Energy Commission

## PART 9–3—PROCUREMENT BY NEGOTIATION

### Subpart 9–3.8—Price Negotiation Policies and Techniques

| Sec. | |
|---|---|
| 9–3.807–1 | General. |
| 9–3.807–2(b) | Price analysis. |
| 9–3.807–3(b)(2) | Requirements for cost or pricing data. |
| 9–3.807–3(e) | Initial awards below $100,000. |
| 9–3.807–4 | Certificate of current cost or pricing data. |
| 9–3.807–11 | Overhead Rate Considerations. |
| 9–3.807–12 | Sole-source items. |
| 9–3.807–50 | Justification and documentation of procurement actions. |
| 9–3.807–51 | Definition of terms "price data" and "cost or pricing data". |
| 9–3.807–52 | Authority to Waive Requirements of 1–3.807. |
| 9–3.807–53 | Development of Special Items. |
| 9–3.814–2 | Audit and Records. |

AUTHORITY: The provisions of this Subpart 9–3.8 issued under sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Prop-

erty and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

**§ 9–3.807–1 General.**

FPR 1–3.807–1 (b) (1) (ii) (c) provides that price competition may not be presumed to be adequate even though conditions (A) through (D) in 1–3.807–1(b) (1) (i) are met when the lowest final price is not reasonable and the contracting officer supports such finding by an enumeration of the facts upon which it is based. This situation is likely to exist when complex non-standard items are being procured competitively, since cost experience necessary to close pricing is usually not available and the quoted prices include significant cost projections as well as provisions for contingency. Accordingly, it is particularly important in such procurement to perform through price analysis in order to establish that the proposed price is reasonable and that, therefore, cost analysis is not required.

**§ 9–3.807–2(b) Price analysis.**

(a) See AECPR 9–3.807–51 for definition of the term "price data" as used in 1–3.807–2(b).

(b) Price analysis, without regard to cost analysis, normally shall be used to support the reasonableness of any award regardless of amount when prices are based on adequate price competition or on established catalog or market prices of commercial items sold in substantial quantities to the general public. Price analysis by itself generally supports the reasonableness of awards of negotiated procurements under $100,000 under the conditions in 1–3.807–3(e). In all other negotiated procurements, cost analysis is required. However, price analysis techniques should be used to support or supplement cost analysis wherever appropriate.

**§ 9–3.807–3(b)(2) Requirements for cost or pricing data.**

The requirements of 1–3.807–3(b) (1) should not be applied to cost-type operating contracts; on-site service contracts of a continuing nature; fixed-price research contracts with educational institutions; or architect-engineer contracts where the lump sum or CPFF fees are based on Government estimates of construction costs. They are applicable when the architect-engineer fee is based on the architect-engineer's estimates of cost of services. The requirements of 1–3.807–3 are, however, applicable to procurements under cost-type research contracts with educational institutions and cost-type architect-engineer and construction contracts, where the estimated cost of procurement activities under such contracts exceeds $100,000 annually; and to procurements under cost-type operating contracts and on-site service contracts of a continuing nature. The requirements of 1–3.807–3 should be made applicable by including in the foregoing types of prime contracts, contract clauses which contain the substance of the clauses in 1–3.814, as they pertain to subcontracts. In exceptional cases, however, this may be accomplished through administrative approval of contractors' procurement procedures provided that the approved procedures adequately cover the requirements of 1–3.807–3.

**§ 9–3.807–3(e) Initial awards below $100,000.**

For initial awards below $100,000, but where follow-on requirements for the items involved will result in repetitive orders which cumulatively are expected to exceed $100,000, cost analysis should be performed in connection with the initial award.

**§ 9–3.807–4 Certificate of current cost or pricing data.**

In paragraph (a) of the certificate delete the language "[pricing data] [and] [cost data]*" and insert in lieu thereof "cost or pricing data*". Delete the statement following the first asterisk which appears at the bottom of the certificate and insert in lieu thereof "For definition of 'cost or pricing data', see AECPR 9–3.807–51".

**§ 9–3.807–11 Overhead Rate Considerations.**

AECPR 9–15 shall be applied in overhead rate considerations.

**§ 9–3.807–12 Sole-source items.**

(a) When purchases of standard commercial items or modified standard commercial items are to be made from sole-source suppliers, and the definition in 1–3.807–1(b) (2) is not satisfied, cost or pricing data will be required. If cost or pricing data cannot be obtained and the requirement is waived in accordance with 9–3.807–52, negotiations should be conducted on the basis outlined in 1–3.807–12.

(b) If negotiations are conducted on the basis of the "best user," "most favored customer", or similar practice customarily followed by the contractor, a provision shall be included in the contract giving the Commission or its authorized representatives access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor necessary to verify that the price is the "best user" or "most favored customer" price.

**§ 9–3.814–2 Audit and records.**

(a) Add the following language after the words "pricing data" at the end of paragraph (a) of the audit clause in 1–3.814–2(a) and after the words "pricing data" at the end of paragraph (b) of the audit-price adjustments clause in 1–3.814–2(b) : ", such other data, including books, records, and documents generated during the contract period, which the contracting officer or his authorized representatives consider necessary to verify that the data submitted were accurate, complete, and current".

(b) The clause in 9–7.5006–1 shall be used for the types of contracts listed in 1–3.814–2(c).

**§ 9–3.807–50 Justification and documentation of procurement actions.**

The justification for negotiated procurements (see AECPR 9–51.102) shall include an explanation of why cost or pricing data was or was not required, and if it was not required in the case of any price negotiation in excess of $100,000, a statement of the basis for determining that the price resulted from or was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public or prices set by law or regulation.

**§ 9–3.807–51 Definition of terms "price data" and "cost or pricing data."**

(a) As used in connection with the definition of price analysis in 1–3.807–2 (b), "price data" means data that is used to evaluate a prospective price without evaluation of the separate cost elements and profits; accordingly, "price data" (as distinguished from "pricing data") does not include data submitted in connection with the certificate of cost or pricing data (see 9–3.807–4).

(b) As used in 1–3.807, the terms, "cost data" and "pricing data", stated separately or jointly as "cost or pricing data", are all-inclusive and refer to information submitted in connection with the certificate of cost or pricing data. Cost or pricing data refers to that portion of the contractor's submission which is factual. The requirement for "cost or pricing data" subject to certification is satisfied when all facts reasonably available to the contractor up to the time of agreement on price and which might reasonably be expected to affect the price negotiations are accurately disclosed to the contracting officer or his representative. The definition of cost or pricing data embraces more than historical accounting data; it also includes, where applicable, such factors as vendor quotations, nonrecurring costs, changes in production methods and production and procurement volume, and unit cost trends such as those associated with labor efficiency, and make-or-buy decisions or any other management decisions which could reasonably be expected to have a significant bearing on costs under the proposed contract. In short, cost or pricing data consist of all facts which can reasonably be expected to contribute to sound estimates of future costs as well as to the validity of costs already incurred. Cost or pricing data, being factual, is that type of information which can be verified. Because the contractor's certificate pertains to "cost or pricing data", it does not make representations as to the accuracy of this contractor's judgment as to the estimated portion of future costs or projections. It does, however, apply to the data upon which the contractor's judgment is based. This distinction between fact and judgment should be clearly understood.

**§ 9–3.807–52 Authority to waive requirements of 1–3.807.**

Field Office Managers, for contracts estimated to be within the limits of their delegation of authority, are authorized without power of redelegation to approve the findings required by 1–3.807–1(b) (1) (ii) (C) and 1–3.807–3(a). Field Office Managers, for contracts estimated to be within the limits of their delegation of authority, are authorized without power of redelegation to waive the requirements for cost or pricing data under the circumstances set forth in 1–3.807–6 and 1–3.807–3(b)(2) provided that any such waivers granted are promptly reported to the Headquarters, Division of Contracts for its information and coordination with the Office of the Controller and other Headquarters staff.

**§ 9–3.807–53 Development of special items.**

If a negotiated fixed-price or cost-type contract or subcontract involves the development of special items and may reasonably be expected to lead to subsequent production orders, the initial contract or subcontract should include a provision whereby the vendor agrees to accept, when requested, subsequent production orders under either a cost-plus-a-fixed-fee contract or subcontract with AEC cost reimbursement principles and fee limitations or a fixed-price contract providing for price redetermination. In addition, the initial contract or subcontract should include a provision whereby the Commission or its authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records related to the contract or subcontract for the purpose of determining actual cost experience under the initial contract or subcontract.

*Effective date.* These regulations are effective 45 days after publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md., this 9th day of November 1964.

For the U.S. Atomic Energy Commission.

JAMES SCAMMAHORN,
*Acting Director,*
*Division of Contracts.*

[F.R. Doc. 64–11723; Filed, Nov. 17, 1964; 8:46 a.m.]



## PART 9–7—CONTRACT CLAUSES

### Miscellaneous Amendments

The following sections shall be added to Part 9–7—Contract Clauses:

**§ 9–7.5005–18 Price reduction for defective cost or pricing data.**

See § 1–3.614–1 of Chapter 1.

**§ 9–7.5005–19 Audit and records—fixed-price supply and fixed-price construction contracts.**

See § 9–3.614–2 of this chapter.

**§ 9–7.5005–20 Subcontractor cost and pricing data.**

See § 9–3.614–3 of this chapter.

**§ 9–7.5006–1 Accounts, records and inspection (CPFF).**

The present Note under paragraph (a) of § 9–7.5006–1 shall be changed to Note A and a Note B added:

NOTE A: Delete "a separate and distinct set of" from the first sentence of paragraph (a) if contract is with a cost-type contractor using privately-owned facilities whose accounts are not integrated with those of AEC.

NOTE B: If the contract includes the clause for "price reduction for defective cost or pricing data" required by FPR 1–3.814–1, paragraph (a) above should be modified by adding the words "or anticipated to be incurred" after the words "allowable costs incurred".

Under paragraph (g) of § 9–7.5006–1, the following Note should be added:

NOTE: If the prime contract contains a "defective cost or pricing data" clause or, in the absence of such clause in the prime contract, for procurement activities under prime contracts of the types listed in § 9–3.807–3(b)(2), this paragraph (g) shall be modified by adding the following:

The contractor further agrees to include:

(1) In each firm fixed-price subcontract in excess of $100,000 (except firm fixed-price subcontracts under the circumstances prescribed in (2) below) an audit clause, the substance of which is the audit clause under paragraph (d)(2) of 1–3.814–2(c), with paragraph (a) of such audit clause modified by adding the quoted language in 9–3.814–2(a).

(2) In each firm fixed-price subcontract in excess of $100,000, where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public or prices set by law or regulation, an audit clause, the substance of which is the "Audit-Price Adjustments" clause under paragraph (d)(2) of 1–3.814–2, with paragraph (b) of such "Audit-Price Adjustments" clause modified by adding the quoted language in 9–3.814–2(a).

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; section 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

*Effective date.* These regulations are effective 45 days after publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md., this 9th day of November 1964.

For the U.S. Atomic Energy Commission.

JAMES SCAMMAHORN,
*Acting Director,*
*Division of Contracts.*

[F.R. Doc. 64–11724; Filed, Nov. 17, 1964; 8:46 a.m.]

## Chapter 11—Coast Guard, Department of the Treasury

[CGFR 63–58]

## PART 11–6—FOREIGN PURCHASES

Pursuant to authority vested in me as Secretary of the Treasury in 14 U.S.C. 633, Chapter 137 of 10 U.S.C., 41 U.S.C. 10 a–d, and the policies set forth in Executive Order 10582 dated December 17, 1954 (19 F.R. 8723), as amended by Executive Order 11051 dated September 28, 1962 (27 F.R. 9683), the following policy and procedures implementing and supplementing Chapter 1 of 41 CFR are prescribed for the U.S. Coast Guard and §§ 116.01–10 through 116.01–19 of Chapter 1, 33 CFR are deleted having been revised and recodified in this Part 11–6 of 41 CFR.

## PART 11–6—FOREIGN PURCHASES

Sec.
11–6.000 Scope of part.

Subpart 11–6.1—Buy American Act—Supply and Service Contracts

11–6.101 Definitions.
11–6.102–50 Balance of payment program requirements.
11–6.102–51 Procurement from other Government Agencies.
11–6.103–50 Canadian supplies.
11–6.104–4 Evaluation of bids and proposals.
11–6.104–5 Contract clause.
11–6.150 List of excepted articles, materials, and supplies.

Subpart 11–6.2—Buy American Act—Construction Contracts

11–6.202–4 Noting exceptions and findings.
11–6.204–50 Evaluation of bids and proposals.
11–6.250 List of excepted articles, materials, and supplies.

Subpart 11–6.50—Purchases From Soviet-Controlled Areas

11–6.5001 Restrictions.
11–6.5001–1 General policy.
11–6.5001–2 Soviet-controlled areas.
11–6.5001–3 Certain supplies of foreign origin.
11–6.5001–4 Certain supplies from Hong Kong, Macao, and Soviet controlled areas.
11–6.5001–5 Supplies from North Korea or China.
11–6.5002 Exceptions.
11–6.5003 Contract clause.

AUTHORITY: The provisions of this Part 11–6 issued under 14 U.S.C. 633. Interpret or apply 41 U.S.C. 10 a–d.

**§ 11–6.000 Scope.**

This part deals with restrictions upon the procurement, or the use in construction, of supplies originating in foreign countries, and purchases from Soviet-controlled countries or areas.

### Subpart 11–6.1—Buy American Act—Supply and Service Contracts

**§ 11–6.101 Definitions.**

In addition to the definitions in § 1–6.101 of this title, the following terms have the meanings set forth below.

(a) *Canadian end product* means an unmanufactured end product mined or produced in Canada, or an end product manufactured in Canada if the cost of its components which are mined, produced, or manufactured in Canada or the United States exceeds 50 percent of the cost of all its components. The cost of components shall include transportation costs to the place of incorporation into the end product. See § 11–6.103–50.

**§ 11–6.102–50 Balance of payments program requirements.**

(a) The 50 percent evaluation factor in favor of domestic bids, described in § 11–6.104–4, is an interim measure designed to alleviate the impact of expenditures on the Nation's balance of international payments.

(b) Although the evaluation procedures in § 11–6.104–4 reduce overseas dollar expenditures resulting from procurement at an acceptable increase in budgetary costs, this result is an average and over-all result rather than one which precisely obtains in each case. This is so because, both under the Buy American Act and as a matter of administrative practicability, items are classified absolutely as "foreign" or "domestic" and varying degrees within each class are not recognized. However, deviations from the evaluation procedures of § 11–6.104–4 will be considered for major pro-

curements (e.g., over $100,000) where it is anticipated that the low domestic bid will involve relatively substantial foreign expenditures or that the low foreign bid will involve relatively substantial domestic expenditures. A request for such a deviation will be submitted for consideration to the chief officer responsible for procurement sufficiently in advance to permit the solicitation to describe the evaluation procedure that will be used.

**§ 11–6.102–51 Procurements from other Government agencies.**

As to any item which is to be acquired by another agency and subsequently transferred to the Coast Guard, compliance with the Buy American Act and applications of its exceptions are the responsibility of the department or agency which first acquires the item and any Coast Guard activity which is procuring the product directly through another agency (procurement from a contractor through use of another agency contract expected) will presume that the product was properly acquired and may properly accept same.

**§ 11–6.103–50 Canadian supplies.**

(a) *General.* The Secretary of the Treasury has determined that it would be inconsistent with the public interest for the Coast Guard to apply the restrictions of the Buy American Act

(1) to the acquisition of any Canadian end product that is offered by a bid or proposal after any applicable duty (whether or not a duty-free entry certificate may be issued) is included for evaluation purposes, and

(2) with respect to any supplies mined, produced, or manufactured in Canada that are incorporated in end products manufactured in the United States.

(b) *Application of Canadian Exception.* The effect of paragraph (a) of this section may be summarized as follows:

(1) As to any end product that is manufactured in the United States, all Canadian components are treated as components mined, produced, or manufactured in the United States for the purpose of determining whether the end product is a domestic source end product.

(2) Canadian end products are evaluated by including any applicable duty, whether or not a duty-free entry certificate may be issued.

(3) Award will not be made for a Canadian end product if there is a lower bid or proposal which would be acceptable in the absence of the Buy American Act.

(c) *Limitations.* The above exceptions from the provisions of the Buy American Act which are applicable solely with respect to Canadian supplies, and the special procedures relating thereto which are set forth in this part, do not apply to, or affect determinations made with respect to:

(1) Items contained in the list set forth in § 11–6.150, or

(2) Food items

**§ 11–6.104–4 Evaluation of bids and proposals.**

(a) In lieu of the provision of § 1–6.104–4 of this title the Secretary of the Treasury in accordance with the Buy American Act has determined that where the following procedures result in the acquisition of foreign end products, the acquisition of domestic source end products would be (1) unreasonable in cost or (2) inconsistent with the public interest (see §§ 1–6.103–3 and 11–6.103–50).

(b) Except as provided in paragraph (d) of this section, bids and proposals shall be evaluated so as to give preference to domestic bids. Each foreign bid (other than a low bid offering a Canadian end product) shall be adjusted for purposes of evaluation either by excluding any duty from the foreign bid and adding 50 percent of the bid (exclusive of duty) to the remainder, or by adding to the foreign bid (inclusive of duty) a factor of 6 percent of that bid, whichever results in the greater evaluated price, except that a 12 percent factor shall be used instead of the 6 percent factor if (1) the firm submitting the low acceptable domestic bid is a small business concern, or a labor surplus area concern, or both, (2) small purchase procedures (see Subpart 1–3.6 of this title) are not used, and (3) any contract award to a domestic concern which would result from applying the 12 percent factor, but which would not result from applying the 6 percent or 50 percent factor, would not exceed $100,000. (If an award for more than $100,000 would be made to a domestic concern if the 12 percent factor is applied, but would not be made if the 6 percent or 50 percent factor is applied, the matter shall be submitted to the Secretary for a decision as to whether the award to the small business or labor surplus area concern would involve unreasonable cost or inconsistency with the public interest). If the foregoing procedure results in a tie between a foreign bid as evaluated and a domestic bid, award shall be made on the latter. When more than one line item is offered in response to an invitation for bids or request for proposals, the appropriate factor shall be applied on an item-by-item basis, except that the factor may be applied to any group of items as to which the invitation for bids or request for proposals specifically provides that award may be made on a particular group of items.

(c) The following examples illustrate how the procedure in paragraph (b) of this section should be applied. Throughout these examples, "foreign bid" means a bid or offered price for a foreign end product which is not a Canadian end product; "domestic bid—large" means a domestic bid which is not from a small business or labor surplus area concern, and "domestic bid—small" means a domestic bid which is from either a small business concern or a labor surplus area concern or both.

EXAMPLE A

| | |
|---|---|
| Foreign Bid, including duty of $4,500 | $14,500 |
| Domestic Bid—Large | 15,100 |
| Domestic Bid—Small | 15,110 |

*Award on Domestic Bid—Large.* Domestic Bid—Small is out because it is not the low acceptable domestic bid. Foreign Bid, if adjusted by the 50-percent factor, would be $14,500 less $4,500 duty (i.e., $10,000), plus 50 percent of $10,000 (i.e., $5,000), or $15,000; but if adjusted by the 6-percent factor, it would be $14,500 plus 6 percent of $14,500 (i.e., $870), or $15,370; therefore, the 6-percent factor is added and Domestic Bid—Large is the low evaluated bid.

EXAMPLE B

| | |
|---|---|
| Foreign Bid, including duty of $2,000 | $12,000 |
| Domestic Bid—Large | 15,000 |

*Award on Domestic Bid—Large.* Foreign Bid, adjusted by 50-percent factor, is $15,000; adjusted by 6-percent factor, it is $12,720. Therefore, Foreign Bid is evaluated at $15,000, resulting in a tie and consequent award on the Domestic Bid—Large.

EXAMPLE C

| | |
|---|---|
| Foreign Bid, including duty of $3,500 | $13,500 |
| Domestic Bid—Large | 17,000 |
| Domestic Bid—Small | 15,100 |

*Award on Domestic Bid—Small.* Foreign Bid, adjusted by 50 percent factor is $15,000; adjusted by 12 percent factor, it is $15,120. Therefore, it is evaluated at $15,120, resulting in award on the Domestic Bid—Small.

EXAMPLE D

| | |
|---|---|
| Foreign Bid, including duty of $70,000 | $270,000 |
| Domestic Bid—Large | 310,000 |
| Domestic Bid—Small | 302,000 |

Submit the case to the Secretary via the Commandant (FS). Foreign Bid, adjusted by 50 percent factor is $300,000; adjusted by 12 percent factor, it is $302,400; adjusted by 6 percent factor, it is $286,200. Therefore, Domestic Bid—Small is in line for possible award only because of the bidder's small business or labor surplus area status. But since the contract award would exceed $100,000, the matter requires Secretarial decision.

(d) (1) Low bids offering Canadian end products of the type described in § 6.103–50 shall be evaluated on a parity with domestic bids (whether or not a duty-free entry certificate may be issued) except that any applicable duty shall be added.

(2) Proposed award shall be submitted to Secretary via the Commandant (FS) for a decision where:

(i) Rejection of an acceptable low foreign bid is considered necessary to protect essential national security interests, such as maintenance of a mobilization base; or

(ii) Rejection of any bid or proposal for other reasons of the national interest is considered necessary.

**§ 11–6.104–5 Contract clause.**

In lieu of the contract clause in § 1–6.104–5 of this title insert the contract clause set forth below:

BUY AMERICAN ACT

(a) In acquiring end products, the Buy American Act (41 U.S.C. 10a–d) provides that the Government give preference to domestic source end products. For the purpose of this clause:

(i) "Components" means those articles, materials, and supplies, which are directly incorporated in the end products;

(ii) "End products" means those articles, materials, and supplies, which are to be acquired under this contract for public use; and

(iii) A "domestic source end product" means (A) an unmanufactured end product which has been mined or produced in the United States and (B) an end product manufactured in the United States if the cost of the components thereof which are mined, produced, or manufactured in the United States or Canada exceeds 50 percent of the cost of all its components. For the purposes of this (a)(iii)(B), components of foreign origin of the same type or kind as the products referred to in (b) (ii) or (iii) of this clause shall be treated as components mined, produced, or manufactured in the United States.

(b) The Contractor agrees that there will be delivered under this contract only domestic source end products, except end products:

(i) Which are for use outside the United States;

(ii) Which the Government determines are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

(iii) As to which the Secretary determines the domestic preference to be inconsistent with the public interest; or

(iv) As to which the Secretary determines the cost to the Government to be unreasonable.

(The foregoing requirements are administered in accordance with Executive Order No. 10582, dated December 17, 1954. So as to alleviate the impact of expenditures on the United States balance of international payments, bids offering domestic source end products normally will be evaluated against bids offering other end products by adding a factor of fifty percent (50%) to the latter, exclusive of import duties. Details of the evaluation procedure are set forth in Subpart 11–6 of Title 41 CFR.)

In contracts for food items, delete the words "or Canada" in paragraph (a) (iii) (B) of the above clause.

**§ 11–6.150 List of excepted articles, materials, and supplies.**

Pursuant to the Buy American Act and §§ 1–6.103–2 and 1–6.103–3 the Secretary has determined that the articles, materials, and supplies listed below may be acquired for public use without regard to country of origin, except as provided in subpart 11–6.50. Additional determinations pursuant to § 1–6.103–2 covering individual procurements may be made by the chief officer responsible for procurement.

Acetylene, black.
Agar, bulk.
Antimony, as metal or oxide.
Asbestos, amosite.
Bananas.
Beef extract.
Bismuth.
Books, trade, text, technical or scientific; newspapers; magazines; periodicals; printed briefs and films; not printed in the United States and for which domestic editions are not available.
Brazil nuts.
Cadmium, ores and flue dust.
Calcium cyanamide.
Capers.
Cashew nuts.
Castor beans.
Chalk, English.
Chicle.
Chrome ore or chromite.
Cinchona bark.
Cobalt, in cathodes, rondelles, or other primary forms.
Cocoa beans.
Coconut and coconut meat in shredded, desiccated or similarly prepared form.
Coffee, raw or green bean.
Copra.
Cork, wood or bark and waste.
Damar gum.
Diamonds, industrial.
Emetine, bulk.



Ergot, crude.
Fiber, coir, abaca, and agave.
Goat and kid skins.
Graphite, natural, crystalline, crucible grade.
Hog bristles for brushes.
Hyoscine, bulk.
Iodine, crude.
Ipecac, root.
Jute and jute burlaps.
Kaurigum.
Lac.
Logs, veneer, and lumber from Alaskan yellow cedar, angelique, balsa, ekki, greenheart, lignum vitae, mahogany, and teak.
Menthol, natural, bulk.
Mica.
Nickel, primary, in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
Nitroguanidine (also known as picrite).
Nux vomica, crude.
Oiticica oil.
Olive oil.
Olives, green; plain (unpitted) and stuffed, bulk.
Opium, crude.
*Petroleum, crude oil; petroleum, finished products; and petroleum, unfinished oils.
Platinum and platinum group metals refined, as sponge, powder, ingots, or cast bars.
Pyrethrum flowers.
Quartz crystals.
Quebracho.
Quinidine.
Radium salts.
Rubber, crude and latex.
Rutile.
Santonin, crude.
Shellac.
Silk, unmanufactured.
Sperm oil.
Spices and herbs.
Talc, block, steatite.
Tapioca, tapioca flour and cassava.
Tartar, crude, tartaric acid and cream of tartar.
Tea.
Tin, in bars, blocks, and pigs.
Vanilla beans.
Wax, carnauba.

*Petroleum definitions, as used in this subpart.

(a) Crude oil means crude petroleum as it is produced at the wellhead;

(b) Finished products means any one or more of the following petroleum oils, or a mixture or combination of such oils, which are to be used without further processing except blending by mechanical means:

(1) Liquefied gases — hydrocarbon gases recovered from natural gas or produced from petroleum refining and kept under pressure to maintain a liquid state at ambient temperatures;

(2) Gasoline—a refined petroleum distillate which by its composition, is suitable for use as a carburant in internal combustion engines;

(3) Jet fuel—a refined petroleum distillate used to fuel jet propulsion engines;

(4) Naphtha—a refined petroleum distillate falling within a distillation range overlapping the higher gasoline and the lower kerosenes;

(5) Fuel oil—a liquid or liquefied petroleum product burned for lighting or for the generation of heat or power and derived directly or indirectly from crude oil, such as kerosene, range oil, distillate fuel oils, gas oil, diesel fuel, topped crude oil, residues;

(6) Lubricating oil—a refined petroleum distillate or specially treated petroleum residue used to lessen friction between surfaces;

(7) Residual fuel oil—a topped crude oil or viscous residuum which, as obtained in refining or after blending with other fuel oil, meets or is the equivalent of Military Specification Mil–F–859 for Navy Special Fuel Oil and any other more viscous fuel oil, such as No. 5 or Bunker C;

(8) Asphalt—a solid or semi-solid cementitious material which gradually liquefies when heated, in which the predominating constituents are bitumins, and which is obtained in refining crude oil.

(c) Unfinished oils means one or more of the petroleum oils listed in paragraph (b) of this section, or a mixture or combination of such oils, which are to be further processed other than by blending by mechanical means.

## Subpart 11–6.2—Buy American Act Construction Contracts

**§ 11–6.202–4 Noting exceptions and findings.**

The clause set forth below shall be included in all contracts for construction, except those executed on either Standard Form 19 or DD 1155, when any articles, materials, and supplies designated as nondomestic construction materials have been approved for use in connection with the contract pursuant to additional determinations made in accordance with § 11–6.250 and such items will be listed thereunder:

NONDOMESTIC CONSTRUCTION MATERIALS

The requirements of the clause of this contract entitled Buy American Act do not apply to construction materials or their components either included in the list set forth in § 11–6.250 of 41 CFR or as set forth below:

(Insert list here)

**§ 11–6.204–50 Evaluation of bids and proposals.**

(a) *Determinations.* In accordance with the Buy American Act, the Secretary has determined that where the procedures set forth in paragraph (b) of this section below result in the use of nondomestic construction materials, the use of domestic construction materials would unreasonably increase the cost.

(b) *Unreasonable cost.* If a bid or proposal is submitted in accordance with paragraph (b) of the provision set forth in § 1–6.204 of this title and if such bid or proposal would be the low acceptable bid or proposal but for the Buy American Act, award will be made on such bid or proposal if all the following conditions are satisfied:

(1) The bid or proposal specifically designates the nondomestic construction materials (not listed as exceptions in the invitations for bids or requests for proposals) for use;

(2) As to each such nondomestic construction material, accompanying data shows that the cost of any available acceptable domestic construction material, delivered at the construction site, would exceed by more than 6 percent the cost of the designated nondomestic construction material delivered at the

construction site (including any applicable duty);

(3) As to each such nondomestic construction material, the contracting officer is satisfied that the showing required by subparagraph (2) of this paragraph is correct as of the date of the opening of bids or proposals; and

(4) The bid or proposal is low after adding, for evaluation purposes, to each bid or proposal 6 percent of the cost of all nondomestic construction materials (delivered at the construction site and including any applicable duty) which are offered in such bid or proposal and which qualify under subparagraphs (1) through (3) of this paragraph.

(c) *Impracticability.* If a bid or proposal is submitted in accordance with paragraph (b) of the contract clause set forth in § 1–6.204, and if such bid or proposal would be the low acceptable bid or proposal but for the Buy American Act the proposed award shall be submitted, via the Commandant (F) to the Secretary, if the following conditions obtain:

(1) The bid or proposal specifically designates the nondomestic construction materials (not listed as exceptions in the Invitation for Bids or Requests for Proposals) proposed for use; and

(2) As to each such nondomestic construction material, accompanying data shows that it would be impracticable to use domestic construction materials.

### § 11–6.250 List of excepted articles, materials, and supplies.

Pursuant to the Buy American Act and § 1–6.202–1, the Secretary has determined that the articles, materials, and supplies listed below may be used in construction without regard to country of origin, except as provided in subpart 11–6.50 of this part. Additional determinations covering individual procurements may be made by the chief officer responsible for procurement.

Antimony, as metal or oxide.
Asbestos, amosite.
Bismuth.
Cadmium, ores and flue dust.
Chalk, English.
Chrome ore or chromite.
Cobalt, in cathodes, rondelles, or other primary forms.
Cork, wood or bark and waste.
Damar gum.
Graphite, natural crystalline, crucible grade.
Jute and jute burlaps.
Kaurigum.
Lac.
Logs, veneer, and lumber from Alaskan yellow cedar, angelique, balsa, ekki, greenheart, lignum vitae, mahogany, and teak.
Mica.
Nickel, primary, in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
Rubber, Crude and latex.
Shellac.
Tin, in bars, blocks, and pigs.

## Subpart 11–6.50—Purchases From Soviet-Controlled Areas

### § 11–6.5001 Restrictions.

### § 11–6.5001–1 General policy.

It is the general policy of the Coast Guard that supplies originating from sources within Soviet-controlled areas (except supplies which have been lawfully imported into the United States, its possessions, or Puerto Rico), shall not be acquired for public use, notwithstanding the provisions of any subpart of this part, and that Government contractors and subcontractors shall not acquire for use in the performance of any Government contract or subcontract thereunder any such supplies or services originating from Soviet-controlled areas.

### § 11–6.5001–2 Soviet-controlled areas.

For the purpose of this subpart, Soviet-controlled areas are the following:

Albania.
Bulgaria.
China, excluding Taiwan (Formosa), but including Manchuria, Inner Mongolia, the provinces of Tsinghai and Sikang, Sinkiang, Tibet, the former Kwantung Leased Territory, the present Port Arthur Naval Base Area, and Liaoning Province.
Communist-controlled area of Viet Nam and Communist-controlled area of Laos.
Cuba.
Czechoslovakia.
East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin).
Estonia.
Hungary.
Latvia.
Lithuania.
North Korea.
Outer Mongolia.
Poland and Danzig.
Rumania.
Union of Soviet Socialist Republics.

### § 11–6.5001–3 Certain supplies of foreign origin.

The following supplies, if of foreign origin and however processed, shall be presumed to have originated from Soviet-controlled (Chinese) sources and shall not be acquired for public use unless (a) such supplies have been lawfully imported into the United States, its Territories, its possessions, or Puerto Rico, or (b) the supplies are acquired directly from the countries indicated:

| *Type of merchandise* | *Excepted countries* |
|---|---|
| Aniseed, star | None. |
| Aniseed, oil | None. |
| Antiques, Chinese type | None. |
| Bamboo, split | None. |
| Braids, straw | Italy, Japan. |
| Bristles, hog | None. |
| Brushes, paint and hair pencil, and parts thereof containing hog bristles more than one and one half inches in total length or more than one and one quarter inches in length out of the ferrule. | None. |
| Carpet wool, Tibetan and Napalese types | None. |
| Cashmere | Iran. |
| Cassia | Indonesia. |
| Cassis oil | None. |
| Chinese types: | |
| Art objects | None. |
| Beverages | None. |
| Drugs | None. |
| Foodstuffs | None. |
| Garments | None. |
| Herbs | None. |
| Ivory articles | None. |
| Jade articles | None. |
| Medicines, prepared | None. |
| Rugs | None. |
| Tea | Formosa. |
| Cinnamic aldahyde | None. |
| Cinnamon oil | Ceylon, Seychelles. |
| Cornmint oil | Argentina, Brazil. |
| Eggs, poultry: | |
| Whole in the shell, preserved | None. |
| Dried (whole, albumen or yolks) | None. |
| Embroideries and embroidered articles of types chiefly imported from China prior to December 17, 1950. | None. |
| Feathers and down, Asiatic, except peacock feathers | Burma, India, Taiwan, Thailand, and those areas of Viet-Nam which are not under Communist control. |
| Firecrackers | None. |
| Floor coverings, grass, straw and seagrass | Japan. |
| Fur skins: | |
| Goat and kid | Argentina, Ethiopia, Iran, Iraq. |
| Kolinsky | Republic of Korea. |
| Weasel | Canada. |
| Gallnuts, except Aleppo gallnuts | None. |
| Ginger root, candied or otherwise prepared or preserved | None. |
| Hair, human: | |
| Asiatic | None. |
| Nets and netting | None. |
| Hats, unfinished: | |
| Manilla hemp (abaca) | None. |
| Palm leaf | Mexico, Philippines. |



| *Type of merchandise* | *Excepted countries* |
|---|---|
| Straw | Brazil, Dominican Republic, Italy, Japan, Philippines. |
| Jade stones, cut but not set, suitable for use in jewelry | None. |
| Menthol, natural and synthetic (except racemic) | Brazil. |
| Musk | None. |
| Rutin | None. |
| Seagrass mats and squares | Japan. |
| Silk, tussah, muga, eri | None. |
| Silk piece goods, tussah, muga, eri | None. |
| Sophora Japonica | None. |
| Tannic acid, from gallnuts other than Aleppo gallnuts | None. |
| Tung oil | Argentina, Brazil, Paraguay. |
| Walnuts, except black or pickled walnuts | France, Iran, Italy, Turkey. |
| Yak hair | None. |

### § 11–6.5001–4 Certain supplies from Hong Kong, Macao, and Soviet-controlled areas.

The following supplies, however processed, which are or were located in or transported from or through Hong Kong, Macao, or any Soviet-controlled area (see § 11–6.5001–2) shall be presumed to have originated from Soviet-controlled (Chinese) sources, and shall not be acquired for public use unless such supplies have been lawfully imported into the United States, its Territories, its possessions or Puerto Rico:

TYPE OF MERCHANDISE

Agar-agar.
Bamboo:
Bags, baskets and other manufactures, except furniture.
Poles and sticks.
Brocades and brocade articles.
Camphor, natural and synthetic.
Camphor oil, natural and synthetic.
Cane webbing.
Carpet wool.
Carpets.
Castor bean.
Castor oil.
Chinaware.
Citronella oil.
Cotton manufactures.
Cotton waste.
Earthenware.
Embroideries and embroidered articles.
Feather manufactures.
Glass, sheet (window).
Graphite.
Hair, animal.
Hair nets of any material.
Handkerchiefs.
Hardwood manufactures, except bentwood furniture.
Hats, paper.
Hides, buffalo.
Honey.
Ivory manufactures.
Lace and lace articles.
Linen manufactures, except wearing apparel not containing any lace, embroidery or brocade.
Marine products, edible.
Ores and metals:
Antimony.
Bismuth.
Mercury.
Molybdenum.
Tin.
Tungsten.
Peanut oil.
Peanuts.
Pigeons, frozen or otherwise prepared or preserved.
Poultry, frozen or otherwise prepared or preserved.
Ramie.
Rugs.
Seagrass manufactures.
Sesame oil.
Sesame seed.
Shoes, leather soled with non-leather uppers, except ladies' high-heel shoes.
Silk:
Manufactures except Western style suits and Indian saris.
Raw.
Waste.
Skins, deer and goat.
Stones, semi-precious.
Stones, semi-precious, manufactures.
Straw manufactures.
Tapestries.
Tapioca.
Tapioca flour.

### § 11–6.5001–5 Supplies from North Korea, China, North Viet-Nam or Cuba.

All supplies, however processed, which are or were located in or transported from or through North Korea, China or North Viet-Nam (described in § 11–6.5001–2) shall be presumed to have originated from Soviet-controlled (Chinese) sources, and all supplies, which are or were located in or transported from or through Cuba or are made or derived in whole or in part of any goods which are the growth, produce or manufacture of Cuba shall be presumed to have originated from Soviet-controlled (Cuba) sources, and no such supplies shall be acquired for public use unless supplies have been lawfully imported into the U.S., its Territories, its possessions, or Puerto Rico.

### § 11–6.5002 Exceptions.

(a) Exceptions shall be made only in unusual conditions, for example, in cases of emergency or where supplies are not available from any other source and a substitute supply is not acceptable, pursuant to determinations made by authorities indicated in paragraph (b) of this section.

(b) Supplies, other than those whose procurement is prohibited by § 11–6.5001–3, 11–6.5001–4 or 11–6.5001–5 originating from sources within Soviet-controlled areas (see § 11–6.5001–2) may be procured if the purchase is $2500 or less when the Contracting Officer makes a determination that there is need for the exception in accordance with paragraph (a) of this section. Procurements in excess of $2500 or of prohibited items will be made only on approval of the Secretary.

### § 11–6.5003 Contract clause.

(a) Except as provided in paragraph (b) of this section, in contracts for supplies, services, or construction, where acceptance is to take place outside the United States, its possessions, or Puerto Rico, the Soviet-controlled areas listed in § 11–6.5001–2 shall be set forth in the contract schedule, and the following clause shall be included in the contract:

SOVIET-CONTROLLED AREAS

(a) The Contractor shall not acquire for use in the performance of this contract any supplies or services originating from sources within Soviet-controlled areas, as listed in the Schedule of this contract, or transported from or through Hong Kong or Macao, without the written approval of the Contracting Officer.

(b) The Contractor agrees to insert the provisions of this clause, including this subparagraph (b) and the Soviet-controlled areas listed in the Schedule, in all subcontracts hereunder.

(b) The requirements of paragraph (a) of this section do not apply to purchase orders for small purchases (see Subpart 1–6.3) where there is other reasonable assurance of compliance with the policy set forth in this subpart.

Dated: November 5, 1964.

[SEAL] JAMES P. HENDRICK,
*Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 64–11731; Filed, Nov. 17, 1964; 8:46 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

## Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

DIMETRIDAZOLE

*Correction*

In F.R. Doc. 64–11575, appearing at page 15255 of the issue for Friday, November 13, 1964, the following correction is made in Table 1 following § 121.258 (c): In the "Indications for use" column, the second entry should read "Treatment of blackhead." instead of "Do.".

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

**Agricultural Marketing Service**

**[ 7 CFR Parts 1037, 1041 ]**

[Docket Nos. AO–72–A26, AO–197–A10]

### MILK IN THE TOLEDO, OHIO AND NORTH CENTRAL OHIO MARKETING AREAS (TO BE NEWLY DESIGNATED AS NORTHWESTERN OHIO MARKETING AREA)

### Decision on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Stony Ridge, Ohio, on February 10–15, 1964, pursuant to notice thereof issued January 7, 1964 (29 F.R. 289), and supplemental notice thereof issued on January 17, 1964 (29 F.R. 569).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on August 24, 1964 (29 F.R. 12377; F.R. Doc. 64–8754), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Extension of the marketing area and merger of Orders No. 37 and No. 41.
2. Appropriate terms and provisions of a consolidated order with respect to:
   (a) The distribution of returns to producers on a marketwide or handler pool basis;
   (b) Milk to be priced and pooled;
   (c) Classification and allocation of milk;
   (d) The determination and level of class prices and the application of location differentials;
   (e) Method of payment of producers; and
   (f) Administrative and miscellaneous provisions.
3. Discontinuance of the "eligible-ineligible quota plan" in the North Central Ohio Order No. 37.
4. Whether an emergency exists with respect to issue No. 3 which warrants the omission of a recommended decision and the opportunity for interested parties to file exceptions thereto on such issue only and the immediate issuance of a final decision.

Separate consideration was given in an earlier decision (29 F.R. 3671) to the issues (Nos. 3 and 4 above) of discontinuance of the "eligible-ineligible milk" quota plan in the North Central Ohio order. This was done to expedite an order amendment by April 1, 1964 when payments to producers under the North Central Ohio order otherwise would have been determined seasonally under the quota plan. No further consideration of such issue is necessary.

Certain provisions incorporated in the consolidated order proposed herein are based upon the findings and conclusions with respect to the evidence of another hearing, namely the regional hearing (referred to hereinafter as the Washington hearing) to consider amendments to 24 orders, including the Toledo and North Central Ohio Federal milk orders, which was held in Arlington, Virginia during January 1963. The Washington hearing, together with regional hearings held also during the same month in Denver, Colorado and St. Louis, Missouri, for 52 other Federal order markets, was called to reappraise certain provisions of the subject Federal orders in light of the "Lehigh decision" (decision of the Supreme Court of the United States, issued on June 4, 1962 in the case of Lehigh Valley Cooperative Farmers, Inc., et al., v. United States et al.) which invalidated certain application of "compensatory payment" provisions of the New York-New Jersey Federal milk order.

The June 19, 1964, decision (29 F.R. 9002) on the Washington hearing set forth revised provisions relating primarily to interplant transfers, assignments to classes, handler obligations as to nonpool milk handled, uniform price computations and related administrative provisions. Official notice is taken of such decision. The provisions incorporated in market pool orders on the basis of that hearing are adopted in the consolidated order for Toledo and North Central Ohio.

The proponent producer association representing approximately 85 percent of the producers in the combined marketing area testified at the February 1964 hearing that any consolidated order issued on such hearing should contain appropriate provisions for interplant transfers, assignments to classes of unregulated milk and milk priced under other orders, determinations of handler obligations as to nonpool milk, uniform price computations and related administrative provisions which are consistent with the findings and conclusions as contained in decision on the Washington regional hearing. Counsel for a large handler regulated under the Toledo order likewise acknowledged that provisions similar to those developed in the decision based upon the Washington regional hearing would be applicable to "the separate Toledo and North Central Ohio orders and are obviously equally applicable to a consolidated order, and to a consolidated order with the area expansion as proposed in this hearing." Other counsel representing a substantial number of proprietary handlers at the hearing concurred in such statement.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

*1. and 2(a). Consolidation of Orders 37 and 41, designation of marketing area, and adoption of marketwide pooling.* The Toledo and North Central Ohio marketing orders should be consolidated. The present marketing areas should be combined and expanded to include all territory geographically located within the Ohio Counties of Fulton, Henry, Putnam, Allen, Van Wert (city of Delphos only), Lucas, Wood, Sandusky (Woodville and Madison townships only); Hancock, Seneca, Crawford, Marion, Morrow, and Richland and those portions of Lenawee and Monroe Counties, Michigan, now under the Toledo order. It should be redesignated as the "Northwestern Ohio marketing area." Distribution of returns to producers should be made through a marketwide pooling plan.

The handling of milk in the two orders is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products. Part of the area already regulated under the Toledo order is in the State of Michigan. A large portion of farm produced milk for present major regulated Toledo and North Central Ohio handlers is from Michigan and Indiana. Sales areas of handlers regulated under the two orders extend also into these two states. Substantial quantities of milk and cream in excess of local fluid requirements also are used locally for manufacturing purposes or are shipped to manufacturing plants at other locations in the milkshed of the two orders. These various outlets manufacture dairy products which are moved over a wide area in the stream of interstate commerce. These conditions apply equally, if not to a greater extent, to the proposed consolidated and expanded order.

*Marketing area.* The reasons for establishment of a single marketing area under a consolidation of orders and for the adoption of marketwide pooling as the appropriate means of distributing among all producers the proceeds from the sale of milk are so interrelated that these issues warrant joint discussion.

The Toledo marketing area now includes all of Fulton and Lucas Counties and parts of Wood and Sandusky Counties in Ohio. It also covers several townships of Monroe and Lenawee Counties in Michigan. Allen and Richland Counties and the cities of Tiffin, Findlay, and Marion, Ohio, make up the present marketing area for North Central Ohio.

Proponent of order consolidation is a cooperative association which represents





a large majority of the producers in each market. Merger of the two orders was proposed by this association, and supported by certain handlers from both markets, on the major ground that the markets have become linked so closely from a marketing and distribution standpoint that a single order now is appropriate for the entire area. It was contended that the sales areas of Toledo and North Central Ohio handlers have outgrown the presently defined marketing areas and that intense intermarket competition for fluid milk sales has developed. Further, that enlargement of the marketing area in the manner described, under a merged order, would encompass more nearly the current sales territories of handlers in both markets and is needed to insure uniform pricing on milk distributed throughout such areas in the interests of both handlers and producers.

The territory to be included in the marketing area under a merged order should be determined primarily by conditions of competition in the distribution of milk. The expansion should be limited to those localities which constitute primary distribution areas for the handlers now covered by the separate orders. Population movements and characteristics, the extent of distribution by Toledo and North Central Ohio handlers in relation to that of unregulated distributors and handlers under other Federal orders, and reasonable correspondence in quality and sanitation requirements assist in reasonably defining the aggregate area which should be included.

The Northwestern Ohio marketing area should include all the territory now in both the Toledo and North Central Ohio marketing areas. In addition, it should be expanded to cover the Ohio counties of Henry, Putnam, Crawford, Van Wert (city of Delphos only) and Morrow, and the parts of Wood, Hancock, Seneca and Marion Counties which are not now a part of either the Toledo or North Central Ohio marketing area. As the routes from plants located in the separate markets have been extended beyond the boundaries of the original cities covered by the two orders, they have become so interwoven that it is no longer possible to distinguish separate market sales areas.

Routes originating in each of the presently defined marketing areas extend even into the other. Fulton County, in the Toledo marketing area, is supplied by a North Central Ohio regulated handler to the extent of about 10 percent of the county's packaged milk needs. Likewise, about 30 percent of the milk sales in Wood County, part of which also is in the Toledo marketing area, are made by North Central Ohio regulated handlers. Certain Toledo handlers, in turn, have significant sales in Seneca and Hancock Counties, in which are located Tiffin and Findlay, principal cities in the North Central Ohio marketing area. Their sales in Seneca and Hancock Counties make up about 30 percent and 10 percent, respectively, of the total fluid milk distribution in these counties.

The sales connection between the markets is further strengthened by intermarket competition in counties outside the respective marketing areas as presently defined. Henry County is a common sales area for handlers from the Toledo and North Central Ohio markets. Here about 50 percent of the milk is sold by Toledo handlers and 20 percent by North Central Ohio handlers. Sales routes reaching out from the several cities in the present marketing areas overlap extensively throughout Henry, Putnam, Crawford, Hancock, Wood, Seneca, and Marion Counties also. Toledo and North Central Ohio handlers together sell 60 percent or more of the fluid milk in each of such counties. In three of these counties they account for more than 75 percent of the Class I business. As a result, much of such territory has become a primary area of competition between handlers of the two markets. In Morrow County there are no sales by Toledo regulated handlers but about 65 percent of the milk is distributed by North Central Ohio handlers.

Most of the milk for these counties not distributed by either Toledo or North Central Ohio handlers is sold by regulated handlers from other Federal order markets. Sales by unregulated handlers make up only a very small percentage of the total in such eight-county territory. Only in Crawford County is the percentage of unregulated milk sales as much as 20 percent of the county total. One unregulated handler at Bucyrus accounts for these sales. It is likely that this handler would become regulated with inclusion of his home county in the marketing area. Other unregulated handlers from Williams, Defiance, Wyandot, Logan, and Ashland Counties distribute milk on the fringes of the eight-county area. It is probable that these handlers, with plants at West Unity, Defiance, Upper Sandusky, Bellefontaine, and Ashland, Ohio, respectively, would become "partially regulated handlers" as a result of such an expansion of the marketing area.

Toledo and North Central Ohio regulated handlers, therefore, are clearly the dominant sellers in all such counties. Extension of the marketing area to cover these eight counties in their entirety is necessary to assure such handlers that as to their primary areas of distribution currently unregulated competitors will not be afforded significant price advantage in the purchase of milk for sale there. Orderly marketing will be promoted by inclusion of these counties since all competing handlers distributing milk in such areas will be placed on a uniform minimum price basis in milk procurement, and the producers regularly supplying milk for such counties will have opportunity to share proportionately in the proceeds from Class I sales.

The marketing area also should cover the entire city of Delphos which is located on the border of Allen and Van Wert Counties. Under present circumstances it is difficult to determine whether sales made within the city of Delphos are actually in Allen County or Van Wert County. Thus, if that portion of the city lying within Van Wert County were omitted, it would be nearly impossible to compute accurately a handler's sales in the marketing area for purpose of calculating pool plant qualifications.

In the remaining counties considered for regulation, distribution by Toledo and North Central Ohio regulated handlers tends to become less in relation to total county sales. On the other hand, milk distributed from other nearby regulated and unregulated markets tends to become of greater significance so that a clear-cut connection between the particular county and the present marketing areas for Toledo and North Central Ohio cannot be reasonably determined. In some of such counties in Ohio, such as Knox, Logan, Wayne, Ottawa, Sandusky (unregulated part), Erie, Huron, Mercer, Van Wert (except the city of Delphos), Defiance, Paulding, Auglaize, and Holmes, and the portions of Lorain and Medina Counties not regulated under a Federal order, located on the periphery of the aggregate area proposed for regulation, the distribution from other markets exceeds distribution by Toledo and North Central Ohio regulated handlers. Such areas may not be considered an integral part of the primary distribution area for the latter since distributors from other regulated and unregulated markets are the dominant sellers.

In Williams, Wyandot, Hardin, and Ashland Counties, Ohio, where Toledo and North Central Ohio handlers do distribute majority proportions of the total milk sold, there was, nevertheless, insufficient showing of market disorder to warrant their regulation at this time. Prevailing prices paid for milk for fluid use by the relatively small, local unregulated distributors, or by handlers in nearby regulated markets also doing business there, have been closely related to Class I prices in the Toledo and North Central Ohio markets. Neither regulated handlers nor producers demonstrated that orderly marketing for handlers and producers in the consolidated market requires the inclusion of such counties.

Concerning the Michigan counties proposed for regulation, Branch County is not a major distribution area for Toledo or North Central Ohio handlers. While substantial proportions of the sales in Hillsdale, Lenawee, and Monroe Counties are made from Toledo plants, there was no showing of marketing disorder or adverse effect of locally distributed milk upon regulated milk entering competition in these areas which requires the inclusion of the portions of such counties not already regulated. There is no reason to conclude from the evidence that regulated handlers and their producers do not have reasonable opportunities to compete in these areas even though a uniform plan of producer prices does not necessarily prevail throughout the four counties.

In view of the foregoing, it is concluded that Knox, Logan, Mercer, Erie, Huron, Ottawa, Sandusky (unregulated part), Van Wert (except the city of Delphos), Auglaize, Ashland, Holmes, Williams, Paulding, Defiance, Hardin, Wayne, and Wyandot and those portions of Lorain and Medina in Ohio not now under regulation should not be included in the marketing area at this time. It is similarly concluded that the counties of Branch and Hillsdale and the unregu-

lated portions of Lenawee and Monroe in Michigan should not be included in the marketing area under a consolidated order.

Certain handlers opposed merger of the marketing areas contending that there is insufficient relationship between the markets to justify a merger. In this connection one handler pointed out that from a producer milk supply standpoint the North Central Ohio market is more closely linked to the Northeastern Ohio market than to the Toledo market.

It is true that North Central Ohio handlers draw large amounts of producer milk from the same counties as Northeastern Ohio handlers. However, the close relationship between the North Central Ohio market and the Northeastern Ohio market from a milk procurement standpoint is not by itself sufficient reason for denying producers the order consolidation. Handler distribution is the overriding factor which must be considered in determining whether a merger of marketing areas under a single order is appropriate. In this case a strong relationship was shown to exist from a distribution standpoint. Intermarket competition for sales is strong in the present marketing areas and in the unregulated territory between the markets. The merger is recommended primarily because of the strong sales link and the existence of certain problems resulting from this close distributional relationship which require correction. Only by regulating handlers on the basis of distribution can the price provisions and other order requirements be made to bear equitably upon handlers.

As a corollary matter, in accomplishing the order merger efficiently and equitably, the assets in the administrative funds of both orders should be consolidated. All currently regulated handlers who contributed to the administrative funds of the separate orders will continue to be regulated under the merged order. Since no handlers would fall from regulation and the liabilities of each of the present funds would be paid from the consolidated fund, it is equitable to employ accumulated monies to defray such liabilities and to carry over any minor balance to be used for administrative costs of the merged order.

Virtually all producers who contributed to the market service funds of the present orders also will continue to supply the expanded market. This makes consolidation of the market service funds appropriate since contributing producers would continue to receive similar market services for accumulated monies remaining in the market service funds.

*Market pooling.* The consolidated order should provide a marketwide pooling plan for distributing returns to producers. Market pooling would remove the price depressing effects on certain producers of carrying a disproportionate share of the reserve milk in the market. Market pooling also would eliminate the disruptive effect of marked changes in blend prices to particular producers caused by sudden, and usually unexpected, shifts of Class I sales among handlers. The more stable blended prices which would result would make possible more efficient operations by producers.

Certain existing conditions which support merger of the two orders also call for adoption of market pooling. Toledo and North Central Ohio handlers are in such close competition that large store accounts shift back and forth among plants of both markets. Increasing proportions of milk in the two markets are being sold through supermarkets. Intermarket competition for large store accounts is keen. Because of the substantial volumes involved, the gain or loss of a supermarket account can substantially alter the Class I use of a handler, and thus raise or lower his individual blended price significantly in relation to blended prices of other handlers. Under the present individual-handler pooling provisions, the producers at a single plant absorb the entire gain or loss of such an account, and an equal loss or gain in sales, as the case may be, is reflected in the blended price to producers at the other plant, even though market sales of Class I milk in the aggregate may not be changed. It is very difficult for producers to plan their operations efficiently when prices can vary so markedly. Although market pools under separate orders would minimize such price effects to a significant degree, the combining of these markets with a single market pool is even better suited to deal with transfers of large sales accounts between competing handlers and thus contribute to orderly marketing by providing more stable blended prices for all producers on the basis of their proportionate sharing of the total market sales.

Other difficulties concerning variation in producer prices at plants within the separate markets have been encountered under individual-handler pooling. One such situation involves a handler with bottling plants under both orders. At this handler's Toledo bottling plant a considerable amount of Class II milk is utilized for the manufacture of ice cream and cottage cheese. Reserve milk for the handler's Mansfield plant operation, under the North Central Ohio order, is carried at such Toledo plant also. Under individual-handler pools the substantial proportion of Class II milk carried at Toledo tends to depress blended prices at that plant relative to those at the Mansfield plant. In February 1963, for example, producers shipping to the Toledo plant received $3.88 for their milk, or 46 cents less than the $4.34 blended price at Mansfield. In September 1963, when the price of $4.18 at the Toledo plant was the market's lowest, the $4.37 blended price at the Mansfield plant was nearly the highest of any plant in the North Central Ohio market. For the entire year 1963, the handler's Toledo producers averaged 20 cents per hundredweight less than the producers shipping to Mansfield. (Official notice is taken of the market administrator's 1963 price announcements for the Toledo and North Central Ohio markets.)

Producers shipping to the Toledo plant received these depressed prices, in part, because the burden of carrying reserve milk for the Mansfield plant has been shifted to them. Assigning the reserve milk to the Toledo plant undoubtedly permits economies in the handler's operations. He, of course, should be permitted to continue to operate in this manner. At the same time, however, producers carrying the reserve milk should not be penalized by the lower prices. This inequity caused by unequal distribution of reserve supplies would be fully corrected only by merger of the orders under a market pool. Any combination of order amendments short of this such as merger of the orders under handler pools or separate market pool orders would still require certain producers to carry more than their proportionate share of reserve milk.

In another recent instance a North Central Ohio handler closed down his Tiffin, Ohio pool plant operation in order to bottle all milk for his North Central Ohio routes at another regulated plant located at Lima, Ohio. As a gradual shut-down of the Tiffin plant began, the handler served some of the Tiffin plant's routes with milk bottled at Lima, causing the company's Class I sales in relation to available supplies to become unevenly distributed between its plants during a time of transition. As the milk brought in from Lima replaced the Tiffin milk, Class I sales available to the Tiffin plant's producers decreased. This caused blended prices for the plant to decline sharply resulting in wide disparity with blended prices at other nearby plants.

Thus, under individual-handler pooling prices to certain producers decreased sharply with such shift in Class I utilization to another plant. This action by the handler caused hardship for his particular producers at Tiffin although no basic change in the market's supply and demand conditions had occurred. While the handler may have gained efficiencies from combining operations in this manner and should have full opportunity to do so, such an impact on blended prices impedes the opportunities of the farmers affected to operate efficiently.

Similar hardship for another group of producers occurred also in 1963 because of a strike at a Toledo plant. When the strike began during mid-April 1963 the plant suspended bottling and its producer milk was diverted to manufacturing plants. As a result, the plant's blended price for the month dropped 58 cents from $4.28 in March 1963 to $3.70 for April.

The impact on the producers involved caused by a temporary closing of a plant such as occurred here would be minimized under a market pool. Under market pooling, the producers whose milk was diverted to manufacturing plants while the plant was shut down would have received market blended prices during April and thus would have continued to have a full share in the market proceeds for Class I milk. This would be appropriate since a significant part of the Class I sales of this plant were retained within the market and the producers so affected were, and continued to be, regular suppliers of the market.



Similar effects on producer prices at individual plants may result from the market practice of "custom" bottling by one plant for another, such as packaging in certain types of containers.

Occurrences such as those described above are not unusual. Under individual-handler pooling the problems may be quite serious for the particular producers involved. The price declines suffered require difficult adjustments by such producers. A market pool would make it unnecessary for individual groups of producers to bear the full burden of lower prices caused, for whatever reason, by shifts of Class I sales among plants in relation to available plant supplies. Under today's conditions of intermarket competition and increasing mobility of milk a market pool order thus would be considerably more effective in maintaining orderly marketing for all producers.

In view of the above considerations, it is concluded that marketwide pooling should be adopted.

A witness representing producers supplying a handler of "All Jersey Milk" and a handler distributing "Golden Guernsey" milk testified in opposition to market pooling. These witnesses stated that if market pooling were adopted some form of handler pooling should be retained for plants selling predominantly "special milk". Under their proposal, plants with "special milk" sales equal to 70 percent of total Class I sales could pay their own producers of "special milk" through a handler pool. This proposal should not be adopted.

Proponents would include under separate pools "special milk" with certain identifying characteristics. Special milk they suggested, might be defined as: (a) Milk from a single breed, (b) milk for which production conditions are regulated more stringently than for regular milk, (c) milk of higher fat, solids-not-fat or protein content than regular milk, (d) milk with brand differentiation, "Golden Guernsey", "All-Jersey", "Certified", etc. and (e) milk produced by farmers belonging to a recognized sales and merchandising organization. In addition, "special milk" would include only that milk separately produced, handled and processed in such a way as to preserve its physical identification at all times.

Four types of milk were specified which would immediately qualify for handler pools. These were: Certified milk, "immune" milk, Golden Guernsey milk and All-Jersey milk. Other types also could qualify on meeting the specified standards for "special milk".

The proposal should not be adopted because the identifying characteristics suggested by proponents would not feasibly distinguish "special milk" from other milk in the market for pricing and pooling purposes.

"Special milk" is defined so broadly that many handlers, by modifying their operations slightly, could qualify for handler pooling. Neither could separate processing and handling be used to identify "special milk". Milk handlers sometimes set up special quality criteria of their own choosing, and conceivably they could arrange separate handling for any milk meeting these criteria. Thus, such milk also would qualify as "special milk" for handler pooling.

Handler pooling for "special milk" could have an unstabilizing influence in the market since this type of pooling has not effectively maintained orderly marketing in the area. A significant number of handlers conceivably could qualify as distributors of "special milk" and, thus, a sizable proportion of the market's milk could remain under handler pools. This would be undesirable in view of the requirement of market pooling for a large majority of the milk supply. In effect, certain producers and milk would be treated preferentially. The "special milk" proposal, therefore, should not be adopted.

2(b). *Milk to be priced and pooled.* In general terms, milk produced in compliance with the Grade A inspection requirements of a duly constituted health authority which is received regularly at plants primarily engaged in processing milk for distribution on retail or wholesale routes in the marketing area, or at plants which are regular and substantial suppliers of milk to such processing plants, should be made subject to pricing and pooling.

The following principal definitions included in the attached order serve to identify the specific types of milk and milk products to be subject to full regulation, and those persons and facilities involved with the handling of such milk and milk products. Definitions relating to handling and facilities are: "distributing plant", "route disposition", "supply plant", "pool plant", and "nonpool plant". Definitions of persons include: "producer", "handler", and "producer-handler". Definitions relating to milk and milk products are: "producer milk", "fluid milk products", "other source milk", and "butter price". The application of certain of these definitions is discussed in detail. Others are deemed to be self-explanatory.

*Definitions relating to handling and facilities.* The establishment of a marketwide pool to replace individual handler pools and the addition of new areas of regulation require substantial changes in plant performance standards which determine whether a distributing plant or supply plant regularly serves the fluid demands of the market and thus warrants the pooling of milk of producers received thereat in order that such milk may share in the available Class I sales of the market. The definition of "pool plant" should contain appropriate terms which will delineate between distributing and supply plants meeting the pool plant performance standards and those plants which may have only nominal association with the market and should not, therefore, be eligible to share month-to-month in the market's Class I sales.

In light of the foregoing, it is concluded that a distributing plant, other than one operated by a producer-handler, should be qualified as a pool plant (under § 1041.13(a)) in any month in which it meets both of the following conditions: (1) The total route disposition (in any market) from such plant amounts to 50 percent or more of Grade A milk received directly from dairy farmers and supply plants which qualify as pool plants under § 1041.13(b), and (2) the quantity of Class I milk disposed of therefrom on routes inside the marketing area is not less than 15 percent of its total Class I milk on routes.

The proponent cooperative association would base the computation of such 50 percent Class I requirement upon receipts from dairy farmers and receipts from a cooperative association in its capacity of a handler on bulk tank milk. It is not clear from the record whether proponent intended to include receipts from pool supply plants in such performance computation. A proprietary handler, on the other hand, proposed a different basis for computing delivery performance standards. With respect to the 50 percent qualification factor the proponent handler proposed that the total quantity of Class I milk (bulk or packaged, regardless of where and how sold) disposed of from a plant be not less than 50 percent of the plant's total receipts of Grade A milk, irrespective of source. This proposal to base the percentage requirement on total Grade A receipts, including receipts from other plants which are specifically intended for manufacturing use, could work hardship, however, in the case of any regulated plant which operates in a dual capacity (bottling and manufacturing) and is relied upon by other regulated distributing plants and nonpool plants as a manufacturing outlet for their reserve supplies. Under the handler's proposal, the operator of any such plant which provides an actual or potential outlet for the market's reserves might well be forced to limit purchases of surplus milk in order to maintain pool plant status. This could result in less efficient use of available facilities within the market.

It is appropriate to base the above 50 percent Class I milk requirement upon the quantity of Grade A milk received at the plant from dairy farmers and pool supply plants. Such receipts represent the normal and regular sources of milk received by plants in the market for Class I use. If receipts from supply plants were excluded in the determination of a distributing plant's association with the market the possibility that such a plant might be, or become, dependent upon supply plant sources for most or all its supply of Grade A milk would not be taken into consideration. Any plant from which less than 50 percent of receipts from dairy farmers and pool supply plants is distributed as Class I milk should not be considered, of course, to be primarily in the fluid milk business.

The proponent handler and the association held substantially different views as to the appropriate standard to be used to measure a plant's association with this fluid milk market. Producers proposed, as the second criterion for pool plant status, that a distributing plant be required to have Class I route disposition in the marketing area amounting to at least 10 percent of its Grade A milk receipts from dairy farmers and from any cooperative association in its capacity as a handler on its bulk tank member milk. The proprietary handler proposed, on the other hand, that an in-

area requirement of 10 percent route sales be predicated upon the Class I sales of such plant rather than upon the plant's Grade A milk receipts.

The principal purpose of the requirement of in-area distribution for pooling eligibility is to assure that the distributing plant is associated with the market in a significant and regular manner since the producers at pool plants are eligible to share in the monthly Class I proceeds of the market. It is concluded that, in consideration of the marketing area defined, route disposition in the marketing area of 15 percent or more of the plant's total Class I route sales will provide reasonable measure of a plant's association with the market for this purpose.

A distributing plant having more than 85 percent of its Class I route disposition outside of the marketing area is not considered substantially associated with this local fluid market and should not be subject to full regulation. Full regulation in this circumstance appears not to be necessary to achieve the ends of the regulation in this market.

The performance standards for pooling would not restrict any milk plant operator from disposing of any fluid milk product in the marketing area. Virtually any plant having more than minor or accidental association with the fluid milk market could be eligible for pooling. The requirements for pool plant status provided permit the operator of any plant only marginally associated with the fluid milk market to adjust his operations in such a manner as to provide him a choice of full regulation or partial regulation, whichever might better serve his interest.

A supply plant should be pooled in any month in which at least 50 percent of its receipts of Grade A milk from dairy farmers at such plant during the month is shipped as fluid milk products to pool distributing plants. This basis of determining pool plant status of a supply-type plant conforms to that proposed by the proponent cooperative association and will provide reasonable assurance under present conditions of the market that only a supply plant which is clearly associated with the market will be subject to pooling and full regulation under the consolidated order. A supply plant from which a lesser proportion of milk is received at pool distributing plants should not be considered as primarily associated with the market and therefore should not be fully regulated.

A supply plant which meets the 50 percent shipping standard during each of the months of September through December should be designated as a pool plant for the succeeding months of January through August (unless a written request for nonpool status is submitted to the market administrator) even though in such months such minimum shipping percentage is not met.

The North Central Ohio order presently contains similar provisions for the automatic pooling of a supply plant. Such provisions recognize the seasonal nature of milk production in the market. Distributing plant operators in the present markets generally do not rely upon supply plant supplies during the flush production months since in most cases, in this area, direct shipments from farms relatively close to the market are sufficient to fulfill their fluid needs in these months. While there is no supply plant regulated by either order at this time, there appears to be no reason why the order should be constructed so as to require the operator of any such plant which may become a pool plant under the merged order to make shipments of milk to pool distributing plants in the market during the flush production months in order to maintain pool plant status. Such shipments might well be made at needless expense. A supply plant which meets the regular shipping requirements for pooling in each of the short production months of September through December has demonstrated its association with the market.

The proponent association proposed the adoption of a provision similar to that proposed herein except that automatic pooling of a supply plant would apply for the months of February through August based upon the performance of such plant during the preceding period of September through January. The periods involved in this proposal represent a departure from those specified in the present North Central Ohio order and should not be adopted. Proponent gave no reasons for extending the performance period to include also the month of January. Also, statistical evidence does not indicate a seasonal shift of production in the two markets which warrants consideration of such change at this time. It is, therefore, unnecessary at this time to provide more stringent requirements for supply plant pooling throughout the year.

There will be times when milk will be disposed of outside the marketing area from pool distributing or supply plants. In these instances it is necessary that all producer milk received at such plants be subject to classification pricing under the order regardless of whether it is disposed of within or outside the marketing area. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in area" milk is classified, priced and pooled, a handler with sales outside the marketing area could assign any value he chose to such sales and thereby reduce the average cost of his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. In short, unless all milk of such a handler is subject to classification pricing under the order he would not, in fact, be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the marketing area and lead to a complete breakdown of the order.

As noted in the decision covering the Washington regional hearing referred to earlier, there is no way to treat milk disposed of in the marketing area by an unregulated handler equally with milk from regulated sources other than to regulate it fully. In the case of plants having insufficient association with the market to meet pool plant requirements, it was concluded that the inequalities resulting from pricing only the small percentage of the milk at such plants which was disposed of in the marketing area would not be serious enough to jeopardize marketing conditions within the order marketing area.

However, in the case of plants which have sufficient association with the market to meet the pool plant requirements, permitting them to dispose of a portion of their receipts outside the marketing area completely free of regulation would, because of the volume of milk they dispose of in the marketing area, disrupt orderly marketing processes within the market and render ineffective the classification and pricing provisions of the order. With a handler free to value a portion of his milk at any price he chose (zero if he desired) it would be impossible to enforce uniform prices to all regulated handlers or a uniform basis of payments to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

There may be instances also when a particular distributing or supply plant will meet the pooling requirements of more than one Federal order. Generally speaking, when this occurs the plant is regulated only under the order for the marketing area in which the greater volume of Class I sales are made from the plant. A similar standard is appropriate under this order. It is possible, however, that a plant may have virtually the same volume of distribution in each of the two regulated markets, and with very minor changes in the proportions distributed in the two markets, the plant could be shifted from one regulation to the other on a month-to-month basis. Such a situation would not be in the interest of orderly marketing.

It is concluded, therefore, that the general basis provided in the current orders for regulatory treatment in such situations be adopted for the consolidated order. A pool distributing plant or supply plant which meets the pooling requirements under another order thus would continue to be pooled under the consolidated order if during the current month (1) it meets the pooling requirements of such order, and (2) a greater volume of its fluid milk products is disposed of in the marketing area in the current month and for each of the three months immediately preceding. An exception would occur when, irrespective of such provision, the other order requires the plant to be pooled thereunder or the Secretary, for good reason, determines that the plant should be so pooled. In the latter circumstance, the handler should be required only to file receipts and use reports with respect to the plant and permit verification thereof by the market administrator, but otherwise the plant should be exempt from regulation under the consolidated order. Corollary provision also is included to exempt from pooling under the consolidated order a distributing plant or supply plant from which a greater portion



of its fluid milk products is disposed of to wholesale or retail outlets in this marketing area and to pool plants if it retains pooling status for the month under another order.

While producers proposed terms somewhat different from those in the current orders, their proposal nevertheless was intended to accomplish a generally similar purpose. Their provision would not apply, however, to supply plants, in contrast to the provisions in the current orders. No reason was presented, however, as to why the present basis, herein adopted, should not be continued.

Some plants may have facilities for handling both Grade A and ungraded milk. It should be provided, therefore, that any portion of a plant which is physically separate from that part of a pool plant where Grade A milk is received should not be considered as included under the definition of pool plant when such portion of the plant is not approved by any health authority for receiving, processing or packaging of any fluid milk product for Grade A disposition. Where such conditions can be assured, there is no reason to impose regulation on the operation of separate facilities used primarily for ungraded milk operations. If, however, the graded and ungraded operations are not maintained separately, effective order administration would require consideration of the ungraded milk handling facilities in the plant as part of the pool plant and the ungraded milk received in the plant as receipts of "other source milk".

The "nonpool plant" definition as presently defined in the two orders is adopted herein with no substantive change. The term applies to any milk manufacturing, processing or distributing plant which is not a pool plant during the month.

This definition, however, is expanded for clarification of the various categories of nonpool plants and conforms to the provisions included in the regulation as the result of the joint public hearing held in Washington, D.C. in January 1963 for the Toledo, North Central Ohio and 23 other Federal order markets. The "nonpool plant" definition includes such categories as "other order plant", "producer-handler plant", "partially regulated distributing plant", and "unregulated supply plant". The inclusion of these additional terms will facilitate reference to specified types of nonpool plants elsewhere in the order.

The order also should contain a definition of "route disposition". "Route disposition" is defined as any delivery of a fluid milk product classified as Class I to retail or wholesale outlets other than a pool plant or nonpool plant. Disposition by a vendor from a plant store or other distribution point, including a vending machine, is considered as route disposition from the plant where the milk was processed and packaged. In addition, as to fluid milk products moved from a milk plant to a warehouse, reload station or storage facility, the distribution from any such point also would be considered as route disposition from the bottling plant from which the milk was moved to such establishment.

*Definitions of persons.* The term "handler" should be defined to include any person who operates a distributing plant or a supply plant and any cooperative association with respect to producer milk diverted by it in accordance with terms set forth in the "producer milk" definition discussed elsewhere in these findings. A "producer-handler" and any person operating a nonpool plant categorized as a "partially regulated distributing plant" or an "other order plant" should be designated as a "handler" also.

The definition is used to designate those persons who are required to report the sources and the utilization of their Grade A milk supply, the handling of which (except in the case of a producer-handler) is to be regulated either partially or fully, and who are responsible for paying for milk in accordance with the terms of the order.

The definition proposed herewith adopts the terms of the "handler" definition of the present orders but is expanded to designate persons operating certain categories of nonpool plants in order to conform to the previously referred to decision based upon the Washington, D.C., hearing.

Producers proposed a modification to the "handler" definition of the present orders which would include a cooperative association with respect to bulk tank milk of its members caused to be delivered by the association to handlers' pool plants. This proposal is not adopted. The reasons for denial are discussed elsewhere in these findings in connection with the discussion of payments to producers through cooperatives.

A producer-handler should be defined under the consolidated order as any person who operates a dairy farm and a distributing plant and who receives only milk from his own-farm production or fluid milk products which are priced as Class I under a Federal order. This definition conforms in principle to the definitions of producer-handler under the present Toledo and North Central Ohio orders. Producer-handlers are essentially exempt from regulation under the two orders.

In this market a producer-handler, as distinguished from a pool handler who would be fully regulated, distributes to retail or wholesale outlets milk which is mostly from his own-farm production. A pool handler, on the other hand, markets milk received from producers or from other pool plants. The producer-handler maintains control of his milk from its source at the farm until its ultimate disposition. He is, therefore, generally in a position to adjust his farm production closely to the needs of his fluid milk business and, in turn, assumes himself the burden of maintaining the reserve supply of milk associated with his fluid milk operations. When an individual operates a dairy farm and a fluid milk business in such manner, it has not been necessary to require him to account for milk produced on his own farm at a particular minimum price.

The competition of a producer-handler with regulated handlers in this market makes it appropriate that exemption from pooling and pricing be contingent upon his meeting certain requirements. Such requirements are necessary to assure that his sale of milk will not have a disruptive effect on the orderly marketing of milk in the regulated market.

The definition, therefore, should clearly set forth the limits on the sources from which a person may receive milk and still retain producer-handler status. Producer-handlers in this market sometimes need suplemental milk supplies to meet daily and seasonal changes in the demand for fluid milk. The terms adopted provide that the milk supply of a producer-handler must be limited to his own-farm production or to receipts of fluid milk products priced as Class I milk under some Federal order. This is similar to the respective provisions of the present two orders which provide that a producer-handler may not receive milk from other dairy farmers but may purchase from any plant source.

The definition should indicate clearly that such a person may not receive fluid milk products from nonpool plants if he is to qualify for exempt status as a producer-handler. Milk transferred from pool plants to a producer-handler is classified under the order as Class I. It follows that any supplemental milk purchased by a producer-handler will have been pooled and will not represent a lower-priced source of supply as might be the case if he were permitted to make his purchase from unregulated nonpool plants and still retain his exempt status.

It is intended that the exemption from pricing and pooling of such operations be limited to those who are primarily dependent on milk of their own production and assume the risk involved in the plant operation. The North Central Ohio order provides, as criteria of producer-handler status, that the maintenance, care and management of the dairy animals and other resources necessary to produce milk and the processing and packaging of the milk handled shall be the personal enterprises of the producer-handler and shall be conducted at his personal risk. This provision should be included in the consolidated order.

To permit verification of a producer-handler's continuing status and to facilitate accounting with respect to the receipts from pool handlers the order also provides that each producer-handler shall make reports in such manner as the market administrator shall require.

The terms "producer" and "producer milk" should be modified from the definition presently included in the two orders to incorporate necessary changes brought about primarily by the proposed consolidation of the two orders, expansion of the marketing area to be regulated, and the adoption of marketwide pooling.

A "producer" should be defined as any person, except a producer-handler, who produces, in compliance with the Grade A inspection requirements of a duly constituted health authority, milk which is received at a pool plant or diverted under specified conditions as discussed below. This definition is not intended to include, however, any person with respect to milk which is fully subject to the class pricing and producer payment provisions of another Federal order.

*Definitions relating to milk and milk products.* "Producer milk" is defined to identify milk received from producers eligible for pooling as distinguished from milk from other dairy farmers and includes milk of eligible producers diverted to nonpool plants within prescribed limitations. Specific conditions for the diversion of milk to nonpool plants are set forth in order that continuing identification of the producer's milk with the market may be determined during temporary periods of delivery to such plants. Diversion provisions assist in the orderly disposition of unwanted week-end and seasonal excesses caused by differences in production and Class I sales patterns. Milk diverted by a handler or cooperative to a nonpool plant would be deemed to have been received at the pool plant from which diverted.

The respective positions taken by the proponent cooperative association and handlers concerning appropriate diversion provisions were widely divergent. Producers proposed to eliminate the "number-of-days" basis for limiting diversions of milk as now provided for in the two orders, and in its stead would substitute the maximum limit on diversions as a "percentage" of receipts. They also proposed that a cooperative association be given the option of exclusive diversion with respect to member milk. Handlers, in contrast, did not support the percentage basis of computing the limit on diversions. They also objected strongly to provisions which would afford a cooperative the option to divert at any time during a month, with the effect of denying the handler the privilege of making diversions of member milk subsequently during the month. Handlers contended that such an option given the cooperative would upset their day-to-day planning for needed milk supplies. One handler opposed any diversion privileges for a cooperative.

Under the specific terms proposed by producers, diversions to nonpool plants, within the percentage limits, would be allowed with respect to the milk of any producer who previously had made delivery to a pool plant on at least 5 days of the month. The cooperative could divert from pool plants to nonpool plants for its account such milk of member producers up to 50 percent thereof in each of the months of March, April, May and June, and 25 percent in any other month. A proprietary handler would be permitted to divert to a nonpool plant for his account, in any month, the milk of any producer member or nonmember, within a similar percentage limit computed on his total receipts, except that this privilege would not extend to member milk whenever the cooperative association already had diverted any member milk from any pool plant during the month.

Producers alleged as the main reasons for the percentage-type diversion limit the need for somewhat more stringent conditions for diversion under market pooling than under individual-handler pools and the greater control over supplies which would accrue to the cooperative.

It is concluded that a modified percentage basis of diversion to nonpool plants should be incorporated in the consolidated order to be applicable during the period of July through February. The present provisions of the two orders which permit diversions to nonpool plants on an unlimited basis March through June also should be included, with slight modification, in the order.

The order should provide that milk of a producer which is received at a pool plant in an amount equal to four days' production during the month may be diverted to a nonpool plant(s) by a cooperative association or a pool plant handler during the other days of the month but within specified limits in any of the months of July through February.

In the case of milk of member-producers diverted to a nonpool plant(s) for the account of a cooperative association the maximum amount allowed as diverted milk should not exceed 35 percent of the association's member-producer milk received at all pool plants (exclusive of any member milk diverted to a nonpool plant(s) for the account of a handler operating a pool plant) during any month of the period July through February. The maximum amount allowed a handler of a pool plant as diverted milk to a nonpool plant(s) during the same period should not exceed 35 percent of the total milk received from producers during the month at the pool plant of such handler, exclusive of any such milk receipts diverted for the account of a cooperative association.

The 35 percent limit on diversions should accommodate adequately the need to divert milk to nonpool plants during the months of July through February. Except for one handler on the Toledo market who testified that his diversions may amount to as much as 20 percent of his receipts, there was no statistical evidence submitted on the extent of diversions by handlers. The 35 percent figure involves approximately the same amount of milk, in total, as the present allowance in the North Central Ohio market of one-third of the days of production of each producer individually. It should provide handlers sufficient latitude for diversion to accommodate the economic movement of weekly and seasonal reserve supplies even under a condition of a 5-day bottling week.

Should milk be diverted to a nonpool plant(s) in excess of the respective percentage limits, eligibility for pricing and pooling under the order would be forfeited on a quantity of milk equal to such excess. In such instances the diverting handler should specify the dairy farmers whose milk is ineligible as producer milk. If the handler fails to designate the dairy farmers whose milk is ineligible, making it infeasible for the market administrator to determine which milk was over-diverted, all milk diverted to nonpool plants by such handler should be made ineligible as producer milk.

Diversion of milk to nonpool plants fully subject to the pricing and pooling provisions of another Federal milk order should be permitted on a similar basis. This provision was supported by producers and also by a handler under the Toledo order who diverts milk to a regulated plant in the Southern Michigan market.

For this purpose we see no reason to consider plants regulated under another Federal order issued pursuant to the Act differently from unregulated nonpool plants to which milk may be diverted. Thus, the same limitations would apply on diversions to plants regulated under another order. However, to coordinate regulations with orders for nearby markets, milk so diverted (within the limits provided) should not remain producer milk under the consolidated order in the event the other order compels the pooling of such milk. Such provisions relating to diversion of milk between orders will assist to facilitate the handling of milk. The basis of diversion applied will complement provisions in other nearby orders which have similar purpose.

A correlative proposal by the cooperative association would permit a pool plant handler under the consolidated order to receive milk by appropriate diversion from a plant which is fully subject to the pricing and pooling provisions of another Federal order without such milk necessarily becoming producer milk under this order. This provision likewise should be adopted as a means of providing coordination of orders.

One aspect of the producer proposal, was, of course, the option of exclusive diversion privileges provided an association with respect to member milk. This should not be adopted at this time. The proponent cooperative has an interest in two manufacturing plants which are outlets for reserve supplies of the milk in the two markets. These plants stand ready to accept the market's unwanted reserves, and reserve supplies are diverted at times to these plants by the association and by proprietary handlers in the two markets. Since diversions frequently are made by handlers and the record fails to reveal substantial reason for denying them this privilege which they now have, the opportunity for diversion should continue to apply to both cooperative associations and proprietary handlers.

The recommended decision contained a provision requiring handlers to give cooperative associations 12 hours' advance notification of their intention to divert milk of member producers to nonpool plants. There were numerous exceptions to this provision by handlers who contended that in many cases it would be impossible for them to comply with the requirement.

It appears that in some instances it would be difficult for handlers to supply this information to cooperatives. There could be times handlers themselves would not have this information 12 hours in advance. This would occur, for example, when schools close because of bad weather, reducing the demand for school sales and necessitating diversion of unneeded milk. At such times handlers often hear of the school closing shortly before the milk is to be received at the plant. As a result, the milk may be diverted to manufacturing plants on very short notice. To give 12 hours' advance notification on this type of diversion would be extremely difficult and perhaps impossible. Another problem arises in connection with reporting



diversions on Sundays and holidays. On these days when diversions often are greatest it would be difficult to reach the cooperative to report the information. In view of these difficulties, it is concluded that provision for advance notification should not be included in the order at this time.

Handlers excepted also to the provision of the recommended decision which would require them to notify the market administrator in advance of diverting milk to nonpool plants. Requiring such notification might create problems similar to those mentioned in connection with giving prior notice of diversions to cooperatives. In view of the reporting difficulties which could result from such a provision, it is concluded that this provision also should be omitted from the order.

Handlers, of course, should keep the cooperative informed of the member milk they divert. Some plan to accomplish this should be worked out between the handlers and the cooperative if overdiversions are to be avoided and milk kept eligible as producer milk under the order. If this cannot be done satisfactorily, then a provision requiring some form of advance notification can be considered for inclusion in the order at some later date.

It is expected that the provisions covering diversions to nonpool plants will provide handlers more flexibility and economy in their hauling arrangements and will enable prompt milk supply response to the varying needs of the processing plants, and at the same time require a substantial association of the individual producer with the market. Added flexibility is accomplished mainly by having the percentages apply to the total deliveries instead of to deliveries of the individual producer. The four-day delivery requirement on the producer will assure also that the producer's milk is currently acceptable, in terms of quality, for sale in the fluid market.

Provision should be made also to permit diversions between pool plants on an unlimited basis as currently provided for in the North Central Ohio order. Milk so diverted would be considered to have been received by the diverting handler at the location of the plant to which it is diverted. This will facilitate the handling of milk within the market and assist handlers in making maximum use of the consolidated market's processing facilities.

2(c) *Classification and allocation of milk.* The present definitions of "Class I milk" and "fluid milk products" should be included in the consolidated order with a slight modification.

Class I milk should be defined as all skim milk (including skim milk used to produce concentrated and reconstituted skim milk) and butterfat disposed of as any fluid milk product which is not accounted for as Class II. For this purpose, "fluid milk products" should be defined as milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), eggnog, fortified milk (including dietary milk products), concentrated milk, sweet or sour cream, and any mixture in fluid form of milk, skim milk or cream, including cultured sour mixtures disposed of as other than sour cream (often referred to as "dip specialty" products), which are labeled Grade A. Frozen or storage cream, frozen dessert mixes, ice cream and milk shake mixes, pancake mix, aerated cream products, evaporated and plain or sweetened condensed milk or skim milk, sterilized milk products packaged in hermetically sealed containers and cultured sour mixtures not labeled Grade A would be Class II milk.

The definition would differ from that included in the present two orders principally with respect to the classification of cultured sour mixtures not labeled Grade A, and milk and cream products sterilized and packaged in hermetically sealed containers, both of which categories currently are classified as Class I milk under the orders. Eggnog (except eggnog packaged in hermetically sealed containers) should continue to be classified as a Class I milk product.

The proponent cooperative association proposed that the present designation of eggnog as Class I milk be continued. A handler proposed that eggnog be considered as Class I milk only if disposed of under a Grade A label. Similar distinction based on a Grade A label was requested by some handlers in the case of cultured sour cream mixes.

Fluid milk products which are required by any applicable health authority in the marketing area to be processed from Grade A milk should continue, in most cases, to be designated as Class I. Some handler testimony contended that duly constituted health authorities do not require eggnog and certain cultured sour mixtures (dip specialty products) to be made from Grade A milk in all parts of the marketing area. It is not clear from the evidence, however, that these products, are, or may be, made from ungraded milk in principal segments of the marketing area as defined in the consolidated order unless distributed as a sterilized product in an hermetically sealed container.

Eggnog not so handled is akin in form and use to other fluid milk products. It is a highly seasonal product and is distributed by regulated handlers in the consolidated marketing area in the same manner and through the same facilities as fluid milk or cream. The health requirements for the processing of eggnog not sterilized and packaged in hermetically sealed containers are similar to those applicable to whole milk for fluid consumption. Eggnog distributed in the marketing areas of both orders from nonregulated sources in competition with regulated handlers, is packaged in hermetically sealed containers. To the extent that regulated handlers in the market may produce and distribute a product, including eggnog, sterilized and similarly packaged, provision is made in the consolidated order that such products will be classified as Class II. In view of these considerations, it is appropriate that eggnog (except eggnog packaged in hermetically sealed containers) continue to be classified and priced as Class I milk under the consolidated order the same as it is presently classified under the separate orders.

Cultured sour cream in fluid form must be derived from Grade A milk. It is a Class I product under the present orders and would be continued in such class. Dip specialty products are made from a cultured mixture of cream, milk or skim milk to which is added cheese or nondairy food items such as bacon, horseradish, onion and other flavorings and seasoning ingredients. Dip specialty products, unlike sour cream and other fluid milk products because of such additives, also are usually of a semiliquid or nonliquid consistency. The additives limit its use to those food categories commonly thought of as sauces, relishes or appetizers. The products are distributed by regulated handlers in the market sometimes in competition with similar products not derived from Grade A milk.

As has been indicated previously, it is not clear from the record what the grading and labeling requirements are as to such dip specialty products which are disposed of by regulated handlers in all parts of the marketing area. It is appropriate, therefore to provide that dip specialty products consisting of cultured sour mixtures of cream and milk or skim milk to which cheese or any food substance other than a milk product has been added should be included in Class II under the consolidated order when such products are not disposed of under a Grade A label. However, in the case such products are disposed of by regulated handlers under Grade A label, classification should be in Class I since sale under such label would require that they be derived from producer milk or milk of equivalent quality.

A handler requested that any milk or cream product which is sterilized and packaged in hermetically sealed containers also be excluded from the fluid milk product definition, to be classified as Class II milk rather than Class I milk. This handler purchases sterilized whipping cream packaged in hermetically sealed glass jars for resale in the marketing area. This pre-packaged sterilized product has a long shelf life and is distributed by nondairy business concerns in the same manner as other manufactured dairy products, such as evaporated or condensed milk in hermetically sealed containers, which are classified currently as Class II milk. It is concluded that such sterilized milk products, as well as eggnog, packaged in hermetically sealed containers should be classified as Class II milk.

In the consolidated order ice cream mixes, milk shake mixes, and frozen cream are specifically designated as products excepted from the fluid milk product definition in order to define more particularly the items which are not covered therein. This represents no change in the classification of these products.

Class II milk should include those milk products which are specifically exempt from the fluid milk product definition, i.e., cultured sour mixes not labeled Grade A, frozen cream, frozen dessert mixes, ice cream and milk shake mixes, aerated cream products, evaporated and plain or sweetened condensed milk or skim milk and sterilized milk products packaged in hermetically sealed con-

tainers. Fluid milk products disposed of for livestock feed or dumped should be included in this class under specified conditions. Further, Class II milk should include skim milk and butterfat utilized in other nonfluid products, and disposition in bulk to certain commercial food establishments, in month-end inventories, and in shrinkage with certain limits.

The matter of providing Class II classification on cultured sour cream mixes has been discussed previously in these findings. As to other Class II milk products, no change from their present classification is made.

Both orders presently provide for a maximum allowance of 2.0 percent shrinkage to Class II milk computed pro rata on the basis of receipts of producer milk and other source milk (bulk other source milk in the case of the North Central Ohio order).

It is concluded that the 2.0 percent maximum in Class II milk provided for in the present orders should be continued under the proposed consolidated order. The present terms should be revised, however, to provide for a division of such shrinkage allowance between plants when interplant transfers are involved.

Producers would allow 0.5 percent to be associated with the receiving of milk from farms at a plant, and the remaining 1.5 percent to be associated with the processing, packaging, and distribution of the milk. A handler, testifying on behalf of his pool plant located in Marion, Ohio, and on behalf of another pool plant located in Mansfield, Ohio, requested that the full 2.0 percent shrinkage allowance on other source receipts be continued. The proponent handler cited the function of the two plants in providing outlets during the flush production months of the year for surplus milk from plants which are not now regulated. The handler stated also that the two plants receive substantial quantities of bulk cream for ice cream production.

Normally, a greater shrinkage is experienced in the processing operation than in the single function of receiving. The proposal for division of shrinkage between plants recognizes the separate receiving and processing functions, giving only a minor portion of the shrinkage allowance to the plant where the milk is received and without processing is shipped to other plants, and assigning the larger portion of the allowance to the plant where the milk is actually processed.

Such provision, as proposed by producers, should be adopted. However, an exception should be made when the handler receives and separates the milk in the first plant and transfers the resulting cream to other plants. In such case the handler should be permitted the additional 1.5 percent allowance inasmuch as the principal processing function as well as the receiving function would have been performed by such handler with respect to the milk represented by the bulk cream transfers.

It is concluded also that no limit should be established on shrinkage assigned to Class II with respect to unpriced milk first allocated to Class II milk. It is appropriate, however, when unpriced milk is allocated pro rata to Class I and Class II milk, that the Class II shrinkage allowance on such milk received at pool plants be computed in the same manner as allowable Class II shrinkage on producer milk.

In computing the pro rata share of the total plant shrinkage on other source milk to be assigned as Class II milk, a handler's receipts of skim milk and butterfat from another pool plant should be combined with producer milk and certain milk received in bulk from other order plants and from unregulated supply plants. Under the present orders the receipts of milk at a handler's pool plant from another pool plant are excluded in prorating shrinkage between producer milk and other source milk in order to avoid a double accounting on milk derived from producers for this purpose. The type of shrinkage provision adopted herein, which provides a division of shrinkage on an individual plant basis, makes it appropriate to include receipts from other pool plants when so prorating shrinkage.

The matter of classifying nonfat milk solids used in fortified fluid milk products was considered in the decision on the Washington hearing issued by the Assistant Secretary June 19, 1964 (29 F.R. 9002) with respect to the two markets here involved, among others. In such decision, it was found that products fortified by the addition of milk solids should be Class I only to the extent of the weight of an equal volume of an unmodified product of the same nature and butterfat content. It is concluded that the evidence introduced at the hearing upon which such decision was based and the further evidence adduced at this hearing supports a similar application under the consolidated order.

Skim milk and butterfat contained in fluid milk products disposed of for livestock feed should be classified as Class II milk. Both orders presently provide for Class II classification of skim milk and butterfat in milk and milk products (including products defined as fluid milk products) disposed of in this manner. Fluid milk products such as chocolate milk and homogenized milk, when returned from routes, generally have no further use except for livestock feed or to be dumped. Classification in Class II as livestock feed should be contingent, however, upon specific records showing the amounts of skim milk and butterfat so disposed of which are made available for the market administrator for his verification.

The North Central Ohio order permits Class II classification of skim milk dumped if certain reporting requirements are met. The Toledo order, on the other hand, classifies dumpage as Class I milk. The cooperative association's initial proposal would permit Class II classification of only the skim milk portion of fluid milk products disposed of as livestock feed or dumped. They modified their position on this matter, however, to conform to that of handlers who requested that any butterfat in fluid milk products disposed of in either way also be considered as Class II milk.

In the case of route returns of certain fluid milk products such as homogenized milk and milk products or chocolate milk, it is difficult and impractical to salvage the butterfat for further use unless the plant can dispose of the milk as livestock feed. Most of the regulated plants have no facilities for the further processing of route returns into manufactured products. The Class II classification as dumped milk therefore should apply in the manner proposed by handlers and supported by producers. However, as a condition thereof, the market administrator should be afforded the opportunity to verify such dumping and an appropriate provision to this effect is included in the order.

*Transfer provisions.* The transfer provisions of the present North Central Ohio order, recently revised on the basis of the Washington hearing and modified slightly in consideration of marketwide pooling, are generally appropriate for the consolidated order.

The proponent association proposed the inclusion of provisions for the consolidated order, similar to those now provided for in the Toledo order, which would include also a surplus disposal area whereby bulk fluid milk moved to a nonpool plant beyond the limits of such area automatically would be classified as Class I milk without verification of ultimate use. While the Toledo order provides for such a surplus disposal area there is no such limitation in the North Central Ohio order. There was no showing of a need for such provisions and the proposal is therefore denied.

*Allocation provisions.* A statement concerning allocation provisions is set forth under the "preliminary statement" of this decision. The allocation provisions revised on the basis of the Washington hearing are generally appropriate for the consolidated order. With modification to accommodate market pooling, these provisions should be adopted.

2(d) *Class prices and location differentials—Class I prices.* For the purpose of establishing Class I prices the market should be zoned. For the first 18 months of the order's operation, the Class I price differentials (over the basic formula price for the preceding month) at plants in the vicinity of Mansfield should be $1.36 for August through March and $1.13 April through July, with lower differentials at other locations. The supply-demand "adjustor" of the Class I price formula should be related to that determined under the Northeastern Ohio order.

Producers proposed that for the first 18 months under a consolidated order the Class I price should be the basic formula price for the preceding month plus $1.25 for April through July and $1.55 for August through March, with adjustments thereto to apply at plants located nearest to certain points or boundaries within the marketing area, as follows:

| Point: | Amount |
|---|---|
| The boundaries of Lucas County Mansfield and Sandusky City Hall | $.00 |
| Tiffin City Hall | −.03 |
| Marion and Findlay City Hall | −.04 |
| Lima City Hall | −.08 |

For plants more than 80 miles from any of the above points, Class I prices would be reduced by 15 cents per hundredweight at 80–90 miles plus an additional 1.5 cents for each 10 miles beyond 90.



Handler testimony on Class I pricing was directed mainly to the matter of obtaining an appropriate relationship of pricing with nearby markets, particularly the Fort Wayne market. One handler proposed that no price differences should apply at plants within the marketing area.

*Level of prices:* Monthly utilization of producer milk in Class I generally has ranged from 70 to 85 percent in each of the present markets. At this utilization level sufficient milk has been available to satisfy bottling needs and to provide an adequate reserve. Milk supplies have been neither excessive nor short for any prolonged period in either market. Adoption of the present average level of Class I price should tend to promote, under the consolidated order, a reasonable balance between producer milk supplies and Class I sales and thus conform to the pricing requirements of the statute. While in the interest of improving intermarket price alignment (further discussed below) prices at plants in the present North Central Ohio market would be increased slightly and those at Toledo lowered somewhat, from present levels, the aggregate returns for Class I milk for the consolidated market would be maintained virtually at the average level which presently prevails for the two separate markets.

*Intermarket price alignment.* The consolidated marketing area is located in a milk supply area which is a common source of supply for both the Northeastern Ohio market and the markets in the proposed area. In this procurement area, Northeastern Ohio (Cleveland) is the dominant market. Because of competition with the latter market, particularly in procurement, as heretofore discussed, appropriate pricing at the various locations in the proposed area must continue to take into account the alternative value of milk for such market at all locations. On the other hand, competition for fluid milk sales between handlers under the Toledo and North Central Ohio orders and Fort Wayne handlers is such that a reasonably close alignment of Class I prices between the consolidated market and the Fort Wayne market also must be maintained.

Two measures are taken to accomplish intermarket price alignment at the general level of price referred to above. Price zones would be used in determining the prices at various locations in the market. Thus, prices would be highest at those plants in the vicinity of Mansfield, Ohio, nearest to the Northeastern Ohio market on the east, and graduated downward in a westerly direction from Mansfield, being lowest on the western edge of the marketing area at Lima, Ohio. Also, seasonal variation in the Class I price would be reduced as compared with seasonal changes under the present two orders.

To establish the price relationships described above the following schedule of zone price adjustments should be adopted:

| For a plant located within: | Amount of adjustment (cents) |
|---|---|
| Richland, Huron or Erie County, Ohio | 0 |
| Crawford or Morrow County, Ohio | 3 |
| Lucas, Fulton, Henry, Wood, Ottawa, Sandusky, Seneca, Wyandot or Marion County, Ohio | 4 |
| Hancock or Hardin County, Ohio | 7 |
| Allen or Auglaize County, Ohio | 9 |

Also, no price adjustment should apply for any plant at a location not specified in the above schedule which is located nearer to the Public Square in Cleveland than the distance from the Mansfield City Hall to the Cleveland Public Square.

In this connection, it may be noted that historically, a somewhat higher Class I price has prevailed at Toledo than at Lima in recognition of the need to attract milk supplies to Toledo from the heavier production areas in western Ohio. At Lima plants a somewhat lesser price has attracted the milk needed. Therefore, as indicated above, a slightly higher price for Toledo in relation to Lima is continued in order to achieve reasonable allocation of available milk supplies between these markets, and thus to assure each market an adequate quantity to meet its requirements.

The Toledo price should prevail at all plants within Lucas County and at plants within adjacent Fulton, Henry, Wood, Ottawa, Sandusky, and Seneca Counties which are, or might become, regulated plants. The Lima price would apply at all plants within Allen and Auglaize Counties. Further, the Northeastern Ohio order provides gradually lower prices for zone distances west of Mansfield; it also provides for higher prices as Cleveland is approached from the Mansfield direction. Many of the plants in this general area are already regulated under such order. A provision should be included in the merged order, therefore, to provide that the Richland County (Mansfield area) price will apply at any plant located nearer to the Public Square in Cleveland than the distance from the Mansfield City Hall to such Cleveland basing point, and at any plant located within Erie County or Huron County which might come under the order. Any price in this area below the Mansfield level would cause misalignment with the Northeastern Ohio market with price advantage to handlers regulated by the merged order over handlers regulated under the Northwestern Ohio order. The Class I price for plants in the area approaching Cleveland thus is established at the Mansfield level.

The territory for which zone prices apply in the above manner is modified from the recommended decision. Under the recommended decision specific price differentials were established for the cities of Lima, Marion, and Findlay, within a 15-mile radius of Mansfield, within a 40-mile radius of Toledo and in certain areas between Toledo and the Northeastern Ohio market. Prices set in the recommended decision for the above cities in relation to the "basic" price at Mansfield were as follows: Lima $0.09, Marion $0.04, Findlay $0.07 and Toledo $0.04.

The revision adopted herein extends the price adjustments from Mansfield included in the recommended decision for the principal cities of the marketing area to the counties in which these cities are located and into adjacent counties. For example, the Lima adjustment in the recommended decision ($0.09) would apply also to plants in Allen County and in adjacent Auglaize County. The Marion city adjustment ($0.04) would apply at plants in Marion and Wyandot Counties. Similarly, the Findlay adjustment ($0.07) is extended to cover Hancock County and nearby Hardin County. The Toledo price would be made effective for Lucas County and several adjoining counties lying for the most part within 40 miles of Toledo. Also, an adjustment of $0.03 would be established for Crawford and Morrow Counties.

Expansion of the price zones into the counties, as described above, is necessary to provide proper alignment of Class I prices among communities within the marketing area. Under the provision of the recommended decision it was possible that in some instances Class I prices for certain plants near a principal in-area city could be out-of-alignment with the price fixed at such city location. For example, a plant at Jenera, Ohio (27 miles northeast of Lima and 12 miles south of Findlay) would receive a location price 5 cents below the Lima Class I price and 7 cents below the Class I price at Findlay. Under the present North Central Ohio order the Class I price for Jenera is only one cent below the Findlay price and is 3 cents higher than the Lima price. In this situation a handler at Jenera could be at a disadvantage with nearby handlers in attracting an adequate supply of milk. Adoption of prices on the basis of wider areas will provide neighboring handlers the opportunity to procure milk on substantially similar price terms with due consideration of their location. The modification will provide the closer alignment of Class I prices within the market urged in exceptions to the recommended decision.

The second measure employed to achieve improved intermarket price alignment is a reduction in seasonal variation in the Class I price differential. Whereas at present the Toledo stated Class I price differential decreases seasonally by 40 cents February through July and there is a decrease of 45 cents in the corresponding differential under the North Central Ohio order for April through July, the seasonal decrease in stated differential provided in the merged order should be only 23 cents. At the Mansfield location, for example, the effective differential adopted would be $1.36 per hundredweight for August through March and $1.13 per hundredweight April through July, with effective differentials at Lima and Toledo 9 cents and 4 cents less, respectively, in each seasonal period. The higher seasonal differential should apply in the market during August through March, in order to insure that seasonal changes in price will take place at the same time and for the same period in the Northeastern Ohio and Northwestern Ohio markets. (August through March are the months

when the higher seasonal differential is effective under the Northeastern order Class I price formula).

At present the lower seasonal differential in the Toledo order applies during February through July. This has caused wide differences between Class I prices for the Toledo and Northeastern Ohio markets during the months of February and March. In February and March 1963, for example, the different seasonal patterns in Class I prices was a primary factor causing the Toledo prices to be 50 cents and 30 cents lower, respectively, than the Northeastern Ohio price in such months.

With the adoption of the revised seasonal basis for Class I price changes under the consolidated order, prices at Toledo area plants will be better aligned with Northeastern Ohio Class I prices. For example, the Toledo average Class I price for 1963 computed according to the new formula would have been $4.35 as compared to a $4.26 Northeastern Ohio Class I price applicable at the Toledo location (approximately 115 miles distant from Cleveland). The actual Toledo Class I price averaged $4.41 during 1963. Class I prices at other points, including Lima on the western edge of the marketing area and Mansfield on the eastern edge likewise would be better aligned with the Northeastern Ohio Class I price.

An improved price relationship with Fort Wayne also will result even though identical seasonal movements in prices for the two markets cannot be assured because the Fort Wayne market currently has a constant $1.20 Class I differential for each month of the year. Toledo area prices, for example, under the new formula will be better coordinated with Fort Wayne prices during the fall months. It is during these months that some wide differences have developed recently under the present orders. For example, the Toledo prices for August through December averaged 24 cents higher. Under the new formula the difference for Toledo area plants would have averaged only 13 cents in such period. If the adopted Class I price formula had been effective in 1963, it would have produced at $4.35 average Class I price at Toledo, a level 5 cents higher than the average Fort Wayne price. With this formula (which establishes a new seasonal pattern), the maximum difference between the Toledo and Fort Wayne Class I prices during any month of 1963 would have been 18 cents.

Differences between the Fort Wayne and North Central Ohio prices for April through July (months of greatest price difference) would be narrowed significantly. If, for example, the new formula had been effective during April through July 1963, the Fort Wayne price would have averaged only 16 cents higher than the North Central Ohio order price at Lima, Ohio. Under the present orders the Fort Wayne price was 39 cents higher than the Lima price for the four-month period. The average Class I price that would have resulted for 1963 at Lima is $4.30, equalling the average price at Fort Wayne.

*Location differentials.* In addition to zone pricing, as heretofore discussed, provision should be made for location adjustments at plants outside the pricing zones from which milk may be distributed within the marketing area or which may become suppliers of regulated distributing plants.

The present North Central Ohio and Toledo orders provide location adjustments applicable to Class I and blended prices based upon the location of the plant where the producer's milk is received. The North Central Ohio order applies the same adjustment for location as that determined under the Northeastern Ohio order. The zone rate, computed from the Public Square in Cleveland is 13 cents per hundredweight for the 40.1–60 mile zone and 20 cents for the 60.1 to 70 mile zone, plus one cent additional for each additional 10 miles or fraction in excess of 70 miles. Location adjustments under the present Toledo order apply for plants more than 60 miles from the Toledo City Hall at the rates of 15 cents for distances 60–75 miles, 17 cents for distances 75–90 miles, and 2 cents additional for each 15 miles or fraction thereof over 90 miles.

As previously stated, the producers' proposal would establish location adjustments for plants located more than 80 miles from specified points in the marketing area at the rate of 15 cents for distances of 80–90 miles and an additional 1.5 cents for each added 10 miles beyond 90.

Provision for appropriate location adjustments will permit Class I pricing f.o.b. market on milk brought into any portion of the marketing area from a plant at some distance away for Class I purposes equivalent to Class I milk derived from producer milk delivered from farms to a plant located in such portion of the marketing area.

The recommended decision provided for location adjustments of 1.5 cents per 10-mile zone based on distance of the plant from Toledo (for Michigan plants) or Mansfield, Ohio. In their exceptions handlers advocated removal of the location adjustment provisions from the order.

As stated above, location adjustment provisions are necessary to provide uniform pricing at the market on milk moved in from plants at various locations and should be retained in the order. The provisions as set forth in the recommended decision should be modified, however. Under the recommended decision which provided that all location adjustments (except those for Michigan plants) would be computed from Mansfield, Class I prices at plants located in certain areas bordering the marketing area could have been out of alignment with the price effective for the nearest sizeable community within the marketing area. This would have been particularly true for any plant in the territory beyond the western boundary of the marketing area. The Class I price at Bryan, Ohio (24 miles northwest of Napoleon, a nearby community in the marketing area), for example, would have been 13 cents lower than the price at Napoleon. With the location adjustment for Bryan computed from Napoleon (adopted herein as a basing point), the difference between the prices would be only about 5 cents which reasonably approximates the cost of moving milk between the two communities on the basis of 1.5 cents per 10-mile zone. The price at the Van Wert, Ohio, location (28 miles west of Lima) would have been eight cents lower than the Lima price under the terms of the recommended decision. Computing the Van Wert price from Lima as the nearest basing point reduces this difference to about 5 cents which again approximates closely the cost of moving milk to Lima from such location. Similar improvements in location pricing will obtain for plants bordering other parts of the marketing area.

Thus, in addition to Mansfield and Toledo, the communities of Marion, Lima, and Napoleon should be adopted as basing points also. Plant location adjustments then would be computed on the basis of distance of the plant from the City Hall (or municipal building if there is no City Hall) of the nearest of such points. In the event Toledo is the nearest basing point, the rate of adjustment of 1.5 cents per 10-mile zone would apply to locations beyond 40 miles from Toledo. For plants closer to one of the other basing points, the adjustment also would be at the rate of 1.5 cents per 10-mile zone and would apply beyond the first 15 miles from the basing point.

Adoption of such additional basing points thus will bring about appropriate price alignment at various plant locations both in and outside the marketing area.

*Other proposals re Class I price.* Handler proposals to promote even production by including in the order a "Louisville Plan" in lieu of seasonally varying Class I differentials should not be adopted. Handlers contended that Class I prices would be better aligned if a constant Class I differential which generally is used in conjunction with a "Louisville Plan" were employed. Adoption of Class I differentials with less seasonal variation will permit continued use of the familiar seasonal pricing plan used under the present orders, but yet permit a reasonable alignment of prices with those of the Northeastern Ohio order where seasonal variation in Class I prices still prevails.

A handler requested that a lower Class I price (equal to the order blend price) apply to out-of-marketing area Class I sales if all the territory proposed by such handler is not included in the consolidated marketing area. The handler indicated that unregulated handlers otherwise might enjoy a price advantage over regulated handlers who compete for Class I sales outside the designated marketing area. The record evidence does not show, however, that unregulated handlers would be so advantaged as to warrant the proposed lower price to regulated handlers. This proposed modification to the pricing provisions is therefore denied.

*Supply-demand adjustor.* Supply-demand adjustments should be related to any future price changes resulting from the supply-demand adjustor of the nearby Northeastern Ohio order. Thus, the Class I price would be modified by any amount by which the supply-demand adjustment under the Northeastern Ohio order may be less than minus 25 cents (maximum reduction). For example, if the Northeastern Ohio adjustor produced a minus 19 cents instead of minus 25 cents, 6 cents would be added to the consolidated order Class I price as otherwise computed.

A separate supply-demand adjustor should not be developed at this time for the combined order because of lack of information on future supply and utilization patterns in the expanded marketing area. Utilization levels and seasonal supply patterns could be significantly altered in the new market in view of the revisions of marketing area and pooling plan. It is not known at this time whether there will be important changes in plant numbers under the order and what new plants may become involved under the regulation. For an 18-month period, however, the Northeastern Ohio supply-demand mechanism should promote reasonable price alignment between this and nearby markets. After several months of experience, conditions should have stabilized sufficiently to permit development of an effective supply-demand adjustor based upon local supply and demand conditions for use after the initial 18-month period.

*Basic formula price.* The Minnesota-Wisconsin manufacturing milk price which now serves as the basic formula price in the Toledo and North Central Ohio orders should be used for this purpose in the consolidated order. This price constitutes a reasonable measure of manufacturing milk values. Since this price series is used as the basic formula price in all nearby milk orders, its use in the order also will facilitate the desirable objective of intermarket alignment of Class I prices.

The Class I price should be computed by adding the fluid differential for the month to the basic formula price for the preceding month. Computing the price in this way will permit announcement of the Class I price early in the month for which it applies. This will give handlers current information on their bottling milk costs and thus provide them a precise basis for deciding price schedules for the month. Class I price formulas of all nearby orders employ the basic formula price for the preceding month in computing the Class I price. Adopting the same procedure in the consolidated order will further promote Class I price alignment.

*Class II price.* The Class II price should be the Minnesota-Wisconsin manufacturing milk price. This price should be tied closely to the value of milk used in butter and nonfat dry milk solids. A ceiling, therefore, should be placed on the Minnesota-Wisconsin price for Class II pricing purposes to limit its movement to 10 cents over a butter-nonfat dry milk solids formula price.

The Minnesota-Wisconsin price (with a tie to butter-nonfat dry milk solids prices) presently is the Class II price for the North Central Ohio order. A producer proposal to use such a formula for this purpose in the consolidated order should be adopted.

The Minnesota-Wisconsin price is an appropriate Class II price because it provides the accurate measure of manufacturing milk values required of the price series used to price under the order milk which must be manufactured. This price average reflects prices paid farmers for about half the manufacturing grade milk produced in the country and is determined by competitive conditions which are affected by demand in all the major uses of manufactured dairy products.

The Minnesota-Wisconsin price has been incorporated as the surplus class price in many orders throughout the Midwest. With the tie to butter-nonfat dry milk solids prices, this price is employed as the Class II price (ice cream, cottage cheese and other manufactured products) in the nearby Fort Wayne and Columbus orders. With a tie to butter-nonfat dry milk solids prices, it also is the Class III price under the Northeastern Ohio order. In Class III under that order are ice cream and most other manufactured products except cottage cheese.

There is considerable overlap of sales and procurement areas of this and the nearby orders. Class II milk will be competitively priced if handlers pay substantially the same price as handlers from the other orders for milk used in manufactured products. Also, producers will receive approximately the same price as neighboring producers under other orders for milk used in Class II. This will promote orderly marketing by eliminating a source of interorder price variations.

Typically, Toledo and North Central Ohio handlers process fluid milk, cottage cheese and ice cream. At times, however, a significant percentage of the milk in excess of such needs is transferred to local manufacturing plants which make butter and nonfat dry milk solids since pool plants do not have facilities for surplus disposition. Because local butter plants are significant outlets for milk not needed for cottage cheese and ice cream, it is essential that the Class II price not differ significantly from the market values of butter and nonfat dry milk solids.

A formula price producing the same price level as the butter and nonfat dry milk solids alternative Class II price effective for the North Central Ohio order should be used as the alternative price. Manufacturing allowance factors included in this price formula are in general use throughout the area. Formula prices using the same manufacturing allowance factors and the same basic butter and nonfat dry milk solids prices also are used in the Class II or Class III price provisions of several nearby orders (Fort Wayne, Columbus, and Cleveland) to limit the Minnesota-Wisconsin price to 10 cents over the formula value of butter and powder. Use of the same formula price in the order for this purpose will keep in line the surplus class prices of the orders.

Separate proposals to incorporate the Midwest condensery series or the U.S. manufacturing milk price as the Class II price should not be adopted. The Midwest condensery series provides a less accurate measure of manufacturing milk values than the Minnesota-Wisconsin price. This is, in part, because of the relatively small number of plants now available to report prices for this series. Originally the Midwest condensery price was based on reports of 18 plants. The number reporting has now dwindled to seven. Three of these plants are operated by a single firm and two others by another firm. There is evidence also that the posted prices for certain plants in the series have not reflected the total cost of milk to such plants. As a result the Midwest condensery price is a less satisfactory indicator of manufacturing milk values for general use. For that reason, it should not be adopted as the Class II price formula for the consolidated orders.

One handler suggested that the U.S. manufacturing milk price be used as the Class II price provided it would not result in a price higher than the alternative butter-nonfat dry milk solids formula price as submitted by producers. The U.S. manufacturing milk price during 1962 and 1963 averaged about six cents lower than the Minnesota-Wisconsin price.

There is no evidence to indicate that a Class II price at this lower level would be necessary for disposal of surplus milk in this market. Handlers generally have accepted milk at the Minnesota-Wisconsin price. Also, at times premiums over the Class II price have been paid on manufacturing milk in this region. Under these circumstanees it would not be appropriate to adopt the lower prices of the U.S. manufacturing series as the Class II price.

*Butterfat differentials.* Class I and Class II butterfat differentials, respectively, should be computed by multiplying the Chicago butter price by 0.127 and 0.115. The producer butterfat differential should continue at the weighted average (weighted by the proportion of butterfat from producer milk in each class) of the Class I and Class II butterfat differentials.

At 0.127 times the Chicago butter price, the Class I differential equals the weighted average of the Class I differentials for the Toledo order (0.125×Chicago butter price) and the North Central Ohio order (0.130×Chicago butter price). Thus, with this differential Class I butterfat will be priced at the same general level that now exists in the two markets. Establishing the Class I differential at the weighted average of such differentials under the separate orders will provide an equitable compromise between the two levels of differentials. At the same time Class I butterfat will be priced competitively with Class I butterfat from alternate sources under nearby orders. For example, under the Fort Wayne, Northeastern Ohio and Dayton-Springfield orders, respectively, the factors used to compute the Class I differential factor are 0.125, 0.130 and 0.127. Thus, the factor 0.127 for this order is in line with the average of such factors used under nearby orders.

The Class II butterfat differential in the present North Central Ohio order, computed at 0.115 times the Chicago

butter price, should be retained as the Class II differential for the consolidated orders. This differential provides a representative measure of butterfat values for manufacturing purposes in the area. At 0.115 times the Chicago butter price it is identical with the manufacturing class butterfat differentials in the nearby Cleveland, Fort Wayne and Columbus orders. Its incorporation into the order will thus price Class II butterfat competitively with butterfat from alternative sources of supply. This will help insure disposal of surplus Class II butterfat. Too high a price would be undesirable since it could make difficult the disposal of surplus butterfat to area manufacturers. Manufacturers would be reluctant to accept Class II fat at a higher price if it were available at lower prices from plants under other nearby orders or from unregulated sources.

The producer butterfat differential should continue at the weighted average of the Class I and Class II butterfat differentials. The differential will thus reflect the proportion of butterfat from producer milk used in each class.

In the discussion of the class prices and butterfat differentials reference has been made to order provisions and order prices in nearby markets. Official notice is taken of the provisions of the Columbus, Fort Wayne, Northeastern Ohio, Indianapolis and Dayton-Springfield orders. Official notice also is taken of the monthly statistical summary of the market administrators for these orders for 1961 through 1963. In connection with the discussion of the Class II price and the basic formula price, official notice is taken of the Under Secretary's decision of February 21, 1962 (27 F.R. 1802) to incorporate the Minnesota-Wisconsin price series as the basic formula price in 36 Midwest orders.

2(e) *Method of Payment of Producers.* Provisions should be included in the order to enable a cooperative association, on its request, to collect from handlers payments due individual member producers, at the uniform price, on milk received by the handlers from such member producers.

The present Toledo order fixes the 15th day after the end of the month as the date by which each handler must pay each producer for milk received. The comparable provision under the North Central Ohio order fixes the 18th day after the end of the month as the final payment date. Each order also requires handlers to make partial payment to producers on or before the last day of the month for milk received during the first 15 days of the month. The North Central Ohio order provides further that payments by handlers shall be made to each producer or, under certain conditions, to a cooperative association.

Proponent producers submitted three proposed methods of paying producers for milk. One of the proposals made by producers would require that a handler, at the request of a qualified cooperative association, remit to such association the proceeds of all milk received from its members at the market uniform, or "blend", price. A handler would settle directly with his nonmember producers and with any of his producers who are members of an association which did not elect to collect payments on behalf of members.

In support of provisions which would enable a cooperative association to collect from handlers payments due individual member producers at the uniform "blend" price (and also in support of an other proposal for payments to be made to the association at class utilization values), the proponent association stated that such provisions would improve its ability to move milk so as to most efficiently balance supply with the fluid milk needs of individual handlers and thus enable producers to have the highest possible usage of their milk in Class I at all times. This would be accomplished by (a) reducing the number of instances in which one handler disposes of milk outside the market as surplus while other handlers at the same time request extra milk above their regular supplies for bottling purposes, (b) making more effective use of two manufacturing plants in which the association has an interest, with respect to providing outlets for the market reserve milk supplies, and (c) moving milk supplies to handlers to meet peak bottling needs and relieving handlers of excess supplies of milk as necessary. In this connection, proponent cited recent instances in the market where large grocery chain stores have shifted their purchases from one handler supplier to another, and other instances where plants have closed or temporarily ceased operations because of labor stoppage. These situations, proponent contends, call for rapid day-to-day shifts between handlers of milk supplies if producers are to maintain the best possible outlets for their mill.

They also stated that such provisions would permit the association to reblend the proceeds of all its sales in all markets as well as the proceeds of sales under the consolidated order. The association, in support of its need to reblend the proceeds of its member milk sales cited certain costs and obligations incurred as a result of disposing of surplus milk. They further contended that: (a) The Agricultural Marketing Agreement Act of 1937 specifically provides that a cooperative association be allowed to reblend proceeds of all their sales in all markets, (b) the vast majority of cooperative members in Ohio are paid through their respective associations, as are the haulers who haul their milk, and (c) it is not feasible or practical for the association to operate a reblending program or to offset extra hauling costs on surplus milk by means of regular association dues.

Provisions for payment by handlers to a cooperative association at the blend price value with respect to member milk would (1) enable the recipient cooperative association to blend the net proceeds of all its sales in all markets, and to conduct its marketing activities in such a manner as will tend to promote efficient methods of marketing of milk by producers, and (2) facilitate the channeling of milk by producers into available fluid milk outlets and the disposition of excess seasonal supplies in such a way as to augment the pooling and pricing provisions of the order.

A basic factor related to the marketing functions which cooperatives in present-day fluid milk markets perform is that, even under a milk order, handlers are not required to accept milk although it may be fully qualified and approved for fluid use. The responsibility for finding a market and of marketing milk so as to bring the highest possible return for the producer remains largely with the producer or with the cooperative which represents him. Under present-day marketing methods, the great majority of producers regularly associated with fluid markets look to their cooperative associations to assist them in attaining the best possible market outlets and returns for milk. The milk industry in fluid markets is dynamic, and in recent years has undergone significant and rapid technological changes both in farm-to-plant marketing (such as bulk tank handling) and in methods and patterns of milk distributions by handlers. Only occasionally is the individual producer, acting alone, in adequate position to carry out the necessary marketing functions to protect his market outlets and thus maximize his returns.

Technological changes in the industry, the constant striving toward greater efficiency in handling and marketing, and the increasing mobility of milk from the time it leaves the farm has resulted in greater need for cooperatives to move milk, on nearly a daily basis, to various plant outlets to achieve the highest use value of the milk. Increasing amounts of business done through chain stores and under large-scale contracts makes for peak load bottling at certain times as compared to other times. As contract business shifts from one handler to another, there is need to redirect milk supplies to follow the contract to the new handler. Both work stoppages and the trend toward efficiency in plant handling and distribution result in plant closings from time to time and necessitate the shift of milk supplies to other plants. Such conditions not only prevail generally but they prevail also in the Toledo and North Central Ohio markets. In the presence of a cooperative willing and able to assume the burden of marketing milk not needed or accepted by handlers, repetitive weekly and seasonal surplus burdens, and sporadic emergency situations which may be created by strike, fire or unforeseen contingencies, are minimized in their adverse effects on producer prices and handling efficiencies. Movement of the maximum quantities of producer milk into the highest-priced utilization at all times of the year not only aids in achieving the highest possible proceeds for the member producer but also, under a marketwide pooling system, benefits the nonmember producers as well.

The handling of milk by the cooperative under such circumstances is not, however, without cost to the member producers. The cooperative's ability to meet emergency situations or to effect efficient handling of the total available supply is hindered, perhaps even crippled, when it is unable to distribute the attending costs over its entire membership. There is no adequate reason, of course, why, under cooperative action,



the particular group of producers whose milk must be handled as unwanted surplus or under unusual circumstances should bear the full burden of the extra marketing cost incurred in the disposition of such milk outside the fluid market. It is well established in cooperative marketing that producers band together to bargain and, where necessary, to market their product physically at joint risk and expense, in the expectation that by joint action they will derive improved returns. The statute recognizes the need of cooperatives frequently to spread available proceeds and necessary marketing costs over the entire membership in carrying out association functions.[1]

The Northwestern Cooperative Sales Association, the proponent of the provision for payments to cooperatives, is organized under the cooperative laws of the State of Ohio. Producer membership is effected by the execution of a membership agreement between each member and the association. This agreement is a form of contract commonly used by cooperative milk marketing associations by means of which the producer makes the cooperative his sole and exclusive agent to handle and market milk produced by him with authority to designate the place and manner of its delivery. The agreement further provides for a commission (dues) from the producer to the cooperative from the proceeds from sales of milk.

Under the existing membership agreement, the cooperative association is given explicit authority to designate the persons to whom and the places to which member milk is to be delivered. The association, by its continuous representation of those producers in matters affecting their interests in these established market outlets, such as the checking of weights and tests, representation in making adjustments or negotiation with handlers of any of the terms and conditions of delivery and sale of member's milk, and bargaining for reasonable hauling rates, exercises its authority in the sale of member milk. The association utilizes the power to designate the recipient of its members' milk when, for various reasons, the milk of member producers is shifted physically from one handler to another to place a higher percentage of milk in Class I, or from a handler customarily receiving such milk to a nonhandler, as in the customary marketing activity of disposing of the unwanted weekend and seasonal surpluses at handler plants. The association arranges terms for the hauling of member milk.

[1] Section 608c(5)(F) in the Agricultural Marketing Agreement Act of 1937, as amended, states that "Nothing contained in this subsection is intended or shall be construed to prevent a cooperative marketing association . . . engaged in making collective sales or marketing of milk or its products for the producers thereof, from blending the net proceeds of all of its sales in all markets in all use classifications, and making distribution thereof to its producers in accordance with the contract between the association and its producers . . .".

Such association is a qualified association under §§ 1037.15 and 1041.5 of the North Central Ohio and Toledo milk orders, respectively, and at present is the only cooperative association operating under the orders. The association has approximately 1,700 member producers in the two markets. The association thus represents 95 percent (Toledo) and 85 percent (North Central Ohio), respectively, of the producers supplying these markets. While the association also has a substantial number of members supplying regulated handlers in other markets regulated under Federal orders, the Toledo and North Central Ohio markets are the principal markets for member milk.

This cooperative currently collects from certain Toledo handlers the payments for milk accruing to some 150 member producers. It also collects similarly with respect to the milk of 650 members who are producers under the Northeastern (Cleveland) Ohio Federal order.[2] As previously stated, plant facilities are available to the association to which milk may be moved at the times needed to remove excess weekend and seasonal supplies. This is of particular importance to the producers since, as previously indicated, handlers in the Toledo and North Central Ohio markets are under no obligation to accept milk offered by producers and producers are not obligated to sell milk to handlers. There is no fixed term for the delivery and acceptance of milk and neither handlers nor producers supplying them have any recourse for the failure to deliver or accept milk.

Past needs of the association in this market to incur marketing costs as an association (not as individual producers), and thus to reblend net proceeds for member milk, were illustrated on the record. In May 1963, a Lima, Ohio, bottling plant under the North Central Ohio order closed. When the plant shut down, the association's members shipping to this handler immediately lost their fluid market. The association then had to find a new outlet for the milk of each of these producers. This it did, and during the time it took to reassign the producers to other fluid milk plants they were paid through the association. Because during the transition period some of their milk had to be shipped to manufacturing plants and a lesser return than their previously received blended price was realized from the sale, the association added to the proceeds an additional $18,000 from its own treasury in order to provide these member producers a reasonable price in relation to blended prices received by the remainder of the market's producers. The producers who lost their market temporarily thereby were able to continue operations without undue financial loss caused by the closing of their outlet. Stability of the market for these producers, and with respect to the market's supply in the aggregate, therefore was aided by the cooperative's action.

In this case the $18,000 treasury outlay would have been unnecessary had the association been provided the opportunity to collect and reblend. However, since the cooperative has been able to collect member returns for milk from only a small number of handlers, it has been unable to conduct an adequate or equitable reblending operation.

The lack of opportunity to reblend member proceeds also can have crippling effects on the capacity of the cooperative to move milk into the best uses or outlets. Thus, it can be inhibited in action which, as a natural and generally accepted cooperative marketing function, would aid both the members and other producers on the market.

To move milk into the best utilization may involve not only the capacity to spread the risk of handling but also the opportunity to exercise at least some control of the physical handling. As in most other markets, it is the producer in the Toledo and North Central Ohio markets who pays the cost of having his milk hauled from farm to plant. The association acts for the member in negotiating reasonable charges for such hauling. Yet the real control over the movement of producer milk currently resides with the handlers because they make the payment to the haulers as well as, in most instances, make payments for milk directly to the individual producer. While the association agreement with the member provides authority to the association to direct the milk, handlers, as a practical matter, are in position to persuade the hauler as to the destination of milk since payment for the hauling, albeit that it is made with producer money, is transmitted to the hauler by the handler.

In April 1963, the cooperative encountered difficulty when it tried to shift producer milk to plants short of milk for bottling. In such month two Toledo bottling plants were forced to shut down by a strike. Other area plants attempted to bottle sufficient milk to supply the regular customers of the struck plants. To do this they called upon the association to furnish expeditiously extra supplies of milk. The association tried to comply with this request by means of shifting certain producers from other handlers not needing their full supplies for bottling. However, handlers regularly receiving such milk, who customarily have paid their producers individually, resisted the transfer of producers to the other plants. At the same time, however, producer milk at one of the struck plants was being diverted to lower-valued (Class II) manufacturing uses.

During the strike an unregulated handler from Defiance, Ohio, acquired some of the Class I sales of the struck plants. His Class I utilization rose significantly during the strike, increasing Class I utilization at his supply plant source (also located at Defiance) from 53 percent of Grade A receipts in March 1963 to 71 percent in April 1963. After the strike ended Class I use at the latter plant decreased sharply. Because the association was not in position to move

[2] Official notice is taken that the Northeastern Ohio Federal order provides (§ 1036.80) that a handler shall remit to a qualified cooperative authorized to make such collections the monies due member producers at the blended price for milk on request made by the cooperative.

milk readily to take advantage of the need for milk at the plants bottling for customers of the struck plants, an opportunity to maintain Class I outlets, previously enjoyed on a regular basis, was lost to association members.

The opportunity to collect proceeds for the sale of member producer milk is necessary also in connection with the association's surplus disposal operations. As previously referred to, the cooperative now owns a part interest in milk manufacturing plants located at Goshen, Indiana and Orville, Ohio. Part ownership in these plants was acquired at the urging of Toledo handlers for the purpose of servicing handlers with their precise needs and of assuring the availability of dependable outlets for milk not so needed. These plants stand ready to accept for manufacture any Class II milk whenever handlers do not wish to dispose of surpluses on their own. Such plants regularly purchase surplus milk from handlers and have provided a ready outlet for any hard-to-sell surplus. These purchases often involve nonmember milk as well as member milk since under bulk tank handling, which is the prevailing method of farm-to-plant delivery, it is not feasible to separate member and nonmember milk commingled in the same tank. Such facilities thus are a stabilizing element in the marketing process and a means by which all producers in the market may achieve the best possible return.

This is not to say, however, that handlers always use these association plants for surplus disposal. Nearby manufacturing plants at times pay "premiums" over the order Class II price, i.e., prices higher than the handler must pay to producers under the order for surplus milk. Handlers frequently divert the milk of association members to these other outlets, gaining the difference between the manufacturing plant's pay price and the order Class II price required to be paid producers. Whenever surplus milk has become difficult to move, however, under conditions of abundant manufacturing grade milk supplies available in the region, handlers have turned to the association to dispose of their surpluses, and at such times the milk normally is moved to the manufacturing plants at Goshen and Orville. Because of this customary practice of handlers, the association has not shared in the extra value when surplus milk for manufacturing has brought a premium price in the region, but has been asked to accept surplus supplies from handlers when no premium market was available.

The association and its producers should not be placed in the position of standing ready to dispose of surpluses for handlers when the price to be realized is lowest, and be denied the opportunity to share in any premium value for manufacturing milk when prices are more favorable. The opportunity to collect payments for member milk, bringing with it the opportunity to have greater influence on the physical movement of such milk (paid for by the member producers), would aid the cooperative and its members to obtain the best possible markets for manufacturing disposals of milk.

Handler witnesses testified in opposition to the association payment proposal on the basis that it would result in a lowering of the quality of milk marketed by producers. This would happen, they contended, because handlers would lose direct contact with producers. Handlers stated that they work through the milk haulers to maintain the quality of the milk supply. The haulers relate any farm quality problems to the handlers for further investigation.

We are unable to find any convincing demonstration in this record that the quality of milk production for the Northwestern Ohio market would be adversely affected by the adoption of the proposed amendment. No complaints were made concerning the quality of the milk delivered by those producers who now are paid through the association. There is no obvious reason, on the other hand, why milk haulers could not continue to advise handlers of any farm quality problems for appropriate action. Likewise, there is no indication in the record that the cooperative association would not cooperate fully with handlers or the health authorities in maintaining proper standards of production and care of the milk supply. It obviously would be to the cooperative's best interest to do so since the members' major market would be jeopardized if their milk quality were to decline. These factors should operate to keep milk quality at a satisfactory level.

Handlers also expressed concern that the proposed provision, in combination with another proposal (not adopted) providing the cooperative exclusive right over the diversion of milk, would provide the proponent cooperative association virtual control over the delivery of milk to handlers with consequences inimical to their interests. Particular attention was drawn to the potential control which they asserted would come into the hands of an association as an incident to taking over the function of paying haulers, both as to the persons for whom and the conditions under which milk could be hauled. Those who so testified should be well informed since, in the past, it has been the handlers, and not the producers, who have made payment to the hauler on behalf of the producer with the producer's money, and were the ones to whom haulers have looked for such payment.

There was no adequate explanation or reason advanced, however, why a producer should not be allowed to pay his own hauling bills, or why the producer should not be permitted to use his own association as his agent to do it for him. While the benefits in terms of marketing effectiveness are substantial, all that the payment provision does, in effect, is to require the handlers to honor an assignment by the producers to the cooperative of the monies due because of the handlers' purchase of milk. Common law and equity recognize assignments of this nature. On the other hand, it would not be reasonable to conclude that under normal marketing conditions the exercise of the authority to collect payment would alter the long-established relation of the vast majority of member-producers to their major outlets with fluid milk handlers.

The numerous Federal statutes designed to permit and to foster the growth of cooperative activity among farmers, including the Capper-Volstead Act of 1922, as amended, to which specific reference is made in the statute pursuant to which this milk order is issued, place no limit on the number of, or the percentage of, producers supplying a particular market who may act together in a cooperative to market their own milk. Concerning the marketing areas now regulated by Federal milk orders, it is known to the Secretary, and it is common knowledge throughout the industry, that in some of the areas a preponderant majority of all milk producers are affiliated with and act through a single cooperative association. In other markets there are numerous cooperative associations some of which operate as bargaining associations and others which carry, to varying degrees, their marketing functions into manufacturing or into wholesale and retail channels of distribution. At the same time, in all areas, as many milk producers as wish to are free to remain unaffiliated with any existing association, or may organize an association of their own. The types of marketing functions at issue here are commonly practiced by most, if not all, such cooperative associations.

Furthermore, the Department is not unmindful of the admonition contained in existing Federal law that in the exercise of the authority to issue milk orders, the Secretary shall accord such recognition and encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative association set forth in existing acts of Congress, and as will tend to promote efficient methods of marketing and distribution. Orderly marketing and efficient marketing of producer milk go hand in hand. There should be no impediment to the right of farmers, acting through their cooperative, to market their milk in the manner they feel is to their best interest merely because other persons doing business with them feel they could do it better. The kind of payment provisions provided for herein is included in many Federal orders, as an authorized provision of the statute, to assist cooperatives in carrying out well-recognized cooperative marketing practices in behalf of member producers. We conclude that the method of payment adopted here is a valid exercise of administrative discretion in carrying out the statutory objective.

At the hearing a handler offered a proposal which would modify the association proposal by requiring the association to promise to reimburse a handler for any loss incurred by him because of any improper claim for payment on the part of the association. Another significant modification would require the association to submit to each handler a certified list of producer members who are to be paid through the association. A duplicate list would be sent to the market administrator who would settle any disputes arising over whether certain producers are members of the association.

These modifications are reasonable and should be adopted. With these modifications there should be no question at the outset about which producers are to be paid through the association. Handlers also will receive timely notice of any changes in producers who are members. Inclusion of the provision which would require the cooperative to reimburse the handler for any loss incurred because of an improper claim will insure handlers that they will incur no extra cost as a result of the change in the payment system. Any unintentional overpayment due to errors in billings or other causes will be recoverable on the basis of order terms.

In another proposal, producers asked that any qualified cooperative be accorded the privilege of collecting from proprietary handlers the class utilization value of all member milk for which the cooperative is the first "handler". This would be accomplished by modification of the "handler" definition of the present orders so as to permit such a cooperative association the option of becoming the first handler with respect to member milk moved in bulk tank directly from farm to a proprietary handler's pool plant. The cooperative, in turn, would make any necessary pool settlement with respect to such milk. The provisions of the present orders which require a handler to make an advance, or partial, payment on milk received during the first fifteen days of the month would be retained. Each handler also would be required to furnish each producer or cooperative association from whom he has received milk a statement in support of his payments to show the total pounds of milk received, average butterfat content, rates of payment and deductions taken.

The establishment of such terms would not alter, of course, the ultimate price member producers would be eligible to receive under the minimum pricing provisions of the order. The payment provisions proposed herein for adoption permit a cooperative association to collect from proprietary handlers the proceeds from the sale of member milk valued at the market's uniform, or blended, price. Such price is the full price returnable to such producers under the minimum price provisions.

To provide a cooperative handler status on bulk milk caused to be delivered to proprietary plants for the principal purpose of collecting at class prices for the milk could create, in the circumstances found, certain problems which would have mitigating results on the effectiveness of the regulation.

Under the terms for marketwide pooling adopted herein the handler is responsible for remitting to the market administrator monies representing the amount by which his use value of milk exceeds the marketwide average, or "blend", price value of milk at his plant. Such excess of milk value becomes available for payment to producers other than his own as the result of the market equalization of producer returns through the producer-settlement fund. With respect to any member milk received at his plant, he would make payment to the association at the blended price value when requested to do so.

Under this plan proposed by producers, however, each handler purchasing producer milk marketed through a cooperative association would be required (if the cooperative so elected) to pay the cooperative for such milk at the class prices on the basis of its utilization at the handler's plant. The proposed plan thus would make the cooperative the handler and fix the responsibility primarily on the cooperative to make the monthly reports with respect to all marketings of member milk and to settle therefor with the producer-settlement fund. However, the cooperative's ability to make pool payment would remain dependent upon the proprietary handler, who received and utilized the milk, to fulfill his payment obligations to the cooperative and to provide the necessary information with respect to its utilization or disposition by him.

Inasmuch as the terms proposed would permit a cooperative association to elect handler status at any time during the month (if certain notice requirements are met), there could be misunderstanding between such parties as to which has first handler status on particular loads of milk delivered to a pool plant, or on milk lost by accident. A proprietary handler also might not agree on the terms of payment for particular loads of milk purchased from the cooperative. Thus, both the operator of a proprietary pool plant and a cooperative could claim to be the first handler with respect to the milk of particular member producers. This could result in the proprietary handler being accountable to the pool on a portion of his total receipts of milk of a particular producer and the cooperative, by its election as a handler on certain shipments to the proprietary handler, accountable for the remainder. Delays in payments to the producer-settlement fund could result from any disagreement or misunderstanding which might arise between a cooperative and a proprietary handler concerning the purchase and sale transaction. Under these circumstances the market administrator's ability to collect payments due the producer-settlement fund could be impaired.

It is necessary to consider that monies owed to the producer-settlement fund on milk so purchased through a cooperative association would not necessarily be monies accruing to producer members of such cooperatives, but rather could represent in part monies belonging to other producers, many of which would not be affiliated with the association. Since a division of responsibility concerning such payments would be created, action by the market administrator to insure full payment for milk could be rendered greatly more difficult. Any underpayment resulting from handler-cooperative disagreement or otherwise, therefore, at least could delay, or under certain circumstances possibly have more serious effect upon producer payments, and therefore tend to make less effective the essential provisions relating to pricing and the equalization of returns to all producers, member or nonmember.

It is difficult to see from this record how the orderly and efficient marketing of milk for the entire market would be aided to a greater extent by such provision than is possible under the provision adopted which would permit a cooperative to collect all monies due its own members. On the other hand, administrative and enforcement problems could arise under the proposal to permit collection by the cooperative class prices as the conduit for paying the producer-settlement fund. In view of the foregoing, the proposal for handler status to cooperatives on bulk tank milk deliveries to pool plants is denied.

Another proposal of the association would require each handler to pay directly to the market administrator the full utilization value of all producer milk received by him during the month. The market administrator, in turn, would distribute such monies to producers, either directly or to cooperative associations authorized to collect for members. This proposal would remove from handlers the responsibility of making payments directly to individual producers, both member and nonmember, and would make the market administrator the conduit for such payments. Proponent's testimony concerning the desirability for direct payments by proprietary handlers to cooperative associations for member milk generally applies also to this proposal for vesting in the market administrator the responsibility for collecting the full class value of milk and settling with producers and associations. Proponent further testified in support of the latter proposal, however, that such provision would: (1) simplify the handler's accounting to the pool, (2) tend to dispel any misunderstanding or confusion which otherwise might attend payments by handlers into, and their withdrawal of monies from, the "equalization fund", and (3) provide for prompt collection of monies due producers and permit the market administrator to take prompt action in collection of any payments in default.

It is not clear how that this method of payment would result in more prompt payment for milk, as producers contend. Regardless of the payment system used, handlers need a reasonable time each month to file their reports to the market administrator and the market administrator, in turn, must have time to compute the market pool price. The dates for producer payments adopted are the earliest feasible in view of the necessary functions of reporting and price computation.

It is not apparent that the proposed method of payment would reduce the risk of loss to producers from a handler's failure to meet his obligations to the marketwide pool. Except in the case of one plant which closed in 1958, no other instances were cited when any handler in either market failed to make full and prompt payment to producers for milk. Also, such method of payment proposed by producers could not assure that a

handler would not go out of business or that he would always remit his full obligation to the pool in the manner required. When it is appropriate to employ enforcement procedures authorized by the Act to collect proceeds due producers, this may be done under the method of payment adopted herein. In view of these considerations and the absence of testimony to demonstrate any significant advantage to the market at this time in making the market administrator's office the repository for the full classified value of milk of all handlers and the agent for remitting such value to individual producers and cooperatives at the uniform price, the proposal is denied.

2(f) *Administrative and Miscellaneous Provisions.* It is concluded from reconsideration of the evidence in light of exceptions that the provision for two accounting periods within a month should not be adopted.

The recommended decision included a provision to permit handlers to elect two accounting periods within a month. Two accounting periods were proposed by a regulated handler for the purpose of reducing the cost (insofar as the classification and pricing provisions of the order determine such cost) of importing other source milk at times when producer milk becomes short for a portion of the month. It was alleged, for example, that producer milk supplies might be adequate for Class I bottling requirements at the beginning of the month but inadequate later in the month. Multiple accounting periods were proposed to permit greater amounts of other source milk to be allocated to Class I at such times of short local supply.

Prior to August 1 the allocation provisions called for "down-allocation" to Class II milk of receipts of other source milk, i.e., producer milk received by handlers was given high priority in Class I and other source milk was assigned in sequence beginning with Class II (lower-valued class) to the extent use in such class was available to absorb it. Such allocation provisions often resulted in the down-allocation of fluid milk products which had been classified and priced as Class I milk under another Federal order. Consequently, it was possible that in certain circumstances more milk could be priced as Class I than was actually so used. For example, the Toledo order formerly down-allocated to the receiving handler's available Class II milk all other source milk receipts, including packaged and bulk Class I milk from plants regulated under other Federal orders. Under the North Central Ohio order Class I packaged milk from other order plants was allocated directly to Class I but all other types of other source milk were down-allocated. Under these provisions some producer milk which actually was put to surplus use in the early part of the month might be allocated to Class I even though it was not available for Class I use at the particular time during the month when producer supplies became short. Use of two accounting periods could reduce appreciably the impact of such Class II allocation on the cost of receiving other source milk purchased as Class I milk under another order.

Three decisions, all issued June 19, 1964, by the Assistant Secretary and effective August 1, 1964, official notice of which is taken, revised and integrated the allocation provisions of most milk orders. These new provisions (as applied under marketwide pooling) are adopted in the order for Northwestern Ohio. Under the new provisions, a handler supplementing his producer milk supplies with packaged Class I milk from a plant under another Federal order would have 98 percent of such milk allocated to Class I and two percent to Class II. This will provide the receiving handler essentially the same classification and pricing treatment of such milk as is applied to any quantities which might move from another regulated market into this market for direct route disposition without further obligation under this order.

As to bulk fluid milk products imported from another Federally-regulated market, the August 1 amendments to the various orders provide generally for proration of the transferred quantity based on the marketwide utilization of milk in the receiving market.[2] Also, the transferor market order accepts the classification assignment, or allocation, of the receiving market order. Thus, the same amount of milk will be priced in the shipping market as Class I and Class II as is assigned to these classes in the receiving market. No milk will be assigned to Class II in the receiving market which is required to be paid for as Class I in the shipping market. Moreover, the quantities of bulk milk transferred between regulated markets which will be assigned to Class II are greatly reduced as compared with the prior provisions for down-allocation to the full extent of the receiving handler's Class II use.

Under such marketwide proration, the maximum quantity of bulk imports from another regulated market to meet a Northwestern Ohio handler's fluid requirements which would be allocated to Class II ordinarily would not exceed 30 percent of the quantity imported since the marketwide Class II use has exceeded this percentage in only one month in the past two years (1962–63) in Toledo and in only three months during the past two years in North Central Ohio. During the fall months when producer supplies are at the seasonal low, the combined Class II use of producer receipts for these markets has averaged less than 20 percent. Marketwide proration in this manner would apply, of course, for each period if multiple accounting periods were employed. Since the same proration would apply whether there was one or more than one accounting period within the month, providing for more than one accounting period would serve little purpose with regard to receipts of milk from other order plants.

It would virtually never be necessary for a handler to go outside the Federal order system to obtain supplies necessary to meet a temporary shortage of local producer milk. Milk received by a handler but not subject to classification pricing under any Federal order, as pointed out in the June 19 decisions, presents a danger to the Federal order unless such milk is properly allocated, along with producer milk, to the total available utilization at the regulated plant, and is subject to an appropriate rate of payment to the producer-settlement fund when it is allocated to Class I. When such milk from unregulated plants is sold for fluid use in a Federal order market in competition with milk classified and priced under the order, means for integrating it into the regulatory scheme must be provided.

Such means was provided by the June 19 decision and subsequent order amendments. Having adopted provisions in various orders which give appropriate treatment to milk from unregulated sources throughout the order system, there is no apparent need to give further accommodation to it by adopting additional provisions to the disadvantage (in classification) of producer milk. Adoption of multiple accounting periods with respect to such milk holds open this possibility.

It may be noted in this connection that in the unlikely event a handler must obtain milk from a plant not regulated under any Federal order to supplement producer supplies, such milk would receive a classification on a pro rata basis with all milk from regulated sources received at the plant if the receiving handler has Class I utilization of at least 80 percent for the month. In the circumstance of short producer milk supply cited by proponent, this would permit assignment of a major portion of any such imported milk directly to Class I milk even with the monthly accounting plan. The obligation to the pool on such milk in Class I is computed at the difference between the Class I price and blend price for producer milk. It is therefore concluded that no additional provisions are appropriate further to reduce order obligations on handlers with respect to supplemental supplies of other source milk received from handlers regulated by another order or from unregulated handlers. The provision for two accounting periods should not be adopted.

A handler proposed that the order specify that the market administrator should require only such reports and conduct only such auditing investigations as would be "reasonably necessary for the proper functioning of this part". He proposed also that the market administrator release to the public only such statistics and information as is "reasonably necessary for the proper functioning of this part and as do not reveal confidential information."

The provisions of the consolidated order relative to handler reports and investigations by the market administrator are designed for the single purpose of enabling the market administrator to administer the terms and provisions of the order. The powers of the market administrator are prescribed and limited by the statute and the order provisions follow the prescription of the statute.

[2] In some instances the transferee-handler's percentage of Class II use may be higher than the market percentage, in which case his percentage is used. In any case, the amount allocated to Class II may not exceed the transferee-handler's volume in such class.



We do not see how the added language proposed in this connection could further limit such powers, but if the intent were to do so, proponent has presented no specific evidence of problems or abuses that would be corrected by inclusion of the proposed additional language. In view of the foregoing, the proposal is denied.

One handler objected to a proposed provision which would enable a cooperative association to obtain from the market administrator the class use percentages of member milk received by individual handlers based on the assumption that member milk is prorated to the classes on the same basis as all producer milk utilized by the handler. It was contended that this is confidential information which should not be released.

At present under handler pooling the handler's utilization can be accurately estimated for all practical purposes from the uniform price announced for him and other available information. Thus, the provision for release of such utilization percentages to cooperative associations on member milk would provide little information which has not been generally available in the past.

A cooperative association having authority to market milk for member producers should have available to it information on the use of such milk by individual handlers in order that member milk may be directed to those handlers needing Class I milk. This will promote orderly marketing by enabling the efficient allocation among handlers of available milk supplies, permit the market to be serviced with smaller reserve supplies and assist producers in maximizing their returns. A provision therefore should be included to instruct the market administrator to provide this information when it is requested by such an association.

The maximum rate of assessment for marketing services of 6 cents per hundredweight as presently provided in the two orders should be continued in the consolidated order. This maximum rate is reasonable in comparison with markets of comparable size (expected volume of milk and producer numbers) and should provide the funds necessary to conduct the program under the consolidated order.

If later experience indicates that the marketing services can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of a hearing.

The maximum rate of administrative assessment under the order should be three cents per hundredweight as specified in the recommended decision. Handlers in their exceptions urged that this rate be lowered to two cents.

Expansion of the marketing area will require additional expense by the market administrator to verify receipts and utilization at plants of handlers to be newly regulated or partially regulated. It is not practicable to know precisely whether the added administrative funds collected from the new handlers will cover the extra costs. Ultimate costs will vary depending on whether some of the partially regulated handlers elect to pay the utilization value of their milk to producers under the option provided in the order. In such cases auditing costs could be as great as for fully regulated handlers but the administrative assessment would be collected only on Class I sales in the marketing area.

Also, the present rates of assessment in the orders (2 cents in Toledo, 3 cents in North Central Ohio) have not always covered expenses and might not be sufficient to cover any added expense. For the year 1963, for example, under the North Central Ohio order the assessments did not cover expenses and reserves were drawn upon. (In this connection official notice is taken of the financial reports of the market administrator published for 1961–63.) In the circumstance that precise costs may not be predetermined, it is essential that the maximum rate of administrative assessment be set at three cents per hundredweight to permit collection of adequate administrative funds to meet future contingencies.

At the outset under the new order, however, the administrative assessment should be temporarily set at 2.5 cents per hundredweight, the average of the rates under the present orders. Such action is feasible at the beginning since there are reserves in the administrative funds to cover temporarily any immediate increase in cost. The rate of administrative assessment is subject to review at any time, of course, and would be increased or lowered (within the three-cent maximum) as conditions require. The milk upon which the administrative assessment would be charged is that specified in the findings and conclusion of the Washington, D.C., regional hearing.

The recommended decision provided that the market administrator would determine whether cooperative associations were properly verifying weights and tests of producer milk entitling them to collect from producers for market services. In the order proposed for the consolidated market, however, producers requested that this determination be made by the Secretary. It is concluded upon reconsideration of the evidence that this determination should be made by the Secretary as proposed. Adoption of this procedure will better implement intermarket coordination of standards with respect to marketing services performed under various orders.

A number of other provisions administrative in nature of the present Toledo and North Central Ohio orders are appropriate for inclusion in the consolidated order. Such provisions are adopted without substantive change in the new order. These provisions are largely self explanatory and require no further discussion.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

At the start of the hearing a motion was made on behalf of certain handlers calling for a recess of the hearing until appropriate notice could be given on an additional proposal with respect to enlargement of the marketing area.

The Deputy Administrator, Regulatory Programs, earlier had denied a hearing on the proposal handlers sought to have considered. The proposal in question would merge part of the present Fort Wayne, Indiana, regulated marketing area (Order No. 47) with the Toledo and North Central Ohio marketing areas and other unregulated territory. The reason for the denial was that there was inadequate showing of a relationship between the Fort Wayne marketing area and the Toledo and North Central Ohio markets in milk distribution which would justify a hearing on this particular proposal. The Deputy Administrator's letter of denial cited information demonstrating this existing minimal relationship. Handlers contended that their proposal should not have been denied without hearing and that they had not been permitted an opportunity to challenge such data.

The Hearing Examiner denied the motion for recess of the hearing until such time as a public notice on the proposal could be issued by the Deputy Administrator. He pointed out that authority for issuing notices of hearing rests with the Agricultural Marketing Service. Elaborating, he said that it would be an assumption of authority not his if he were to grant the motion to hear a proposal which previously had been denied a hearing by the agency. Following the denial by the Hearing Examiner, handlers asked that their request for recess of the hearing and issuance of supplemental notice be submitted to the Secretary of Agriculture and his Judicial Officer for a formal ruling to be made a part of the record. This request also was denied by the Hearing Examiner.

Handlers made no request to submit an offer of proof on the proposal from which it might be ascertained whether their information would be sufficient to warrant a hearing on the proposal. From the information before us we find no impediment to the establishment of a new, and enlarged, marketing area, to replace the present separate Toledo and North Central Ohio marketing areas, without also including the subject counties currently regulated under the terms of the Fort Wayne order. The rulings of the Hearing Examiner are affirmed.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and

conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreements upon which a hearing has been held.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreements and orders.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Northwestern Ohio Marketing Area", and "Order Amending and Consolidating the Orders Regulating the Handling of Milk in the Toledo, Ohio and North Central Ohio Marketing Areas", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

*Referendum order; determination of representative period; and designation of referendum agent.* It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order amending and consolidating the orders regulating the handling of milk in the Toledo, Ohio, and North Central Ohio marketing areas is approved or favored by the producers, as defined under the terms of such attached order, and who, during the representative period, were engaged in the production of milk for sale within the marketing area defined in such attached order.

The month of August 1964 is hereby determined to be the representative period for the conduct of such referendum.

Robert J. Quaintance is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on November 13, 1964.

CHARLES S. MURPHY,
*Under Secretary.*

*Order [1] Amending and Consolidating the Orders Regulating the Handling of Milk in the Toledo, Ohio and North Central Ohio Marketing Areas*

Subpart—Order Regulating Handling

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AUTHORITY: The provisions of this Part 1041 issued under secs. 1–19, 48 Stat. 31 as amended, 7 U.S.C. 601–674.

**§ 1041.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Toledo, Ohio, and North Central Ohio marketing areas. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The Northwestern Ohio order, which amends and consolidates the Toledo, Ohio, and North Central Ohio orders, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the Northwestern Ohio marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.



(3) The Northwestern Ohio order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreements upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the Northwestern Ohio order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such amount not to exceed 3 cents per hundredweight as the Secretary may prescribe, with respect to:

(i) Receipts of producer milk (including such handler's own farm production);

(ii) Other source milk at a pool plant which is allocated to Class I milk pursuant to § 1041.46(a)(3) and § 1041.46(a)(7) and the corresponding steps of § 1041.46(b); and

(iii) Other source milk disposed of on a route(s) in the marketing area during the month from a partially regulated distributing plant in excess of the Class I milk received during the month at such plant from pool plants and other order plants.

*Order relative to handling. It is therefore ordered,* That on and after the effective date hereof, the orders regulating the handling of milk in the Toledo, Ohio, and North Central Ohio marketing areas (Parts 1041 and 1037, respectively) shall be amended and consolidated into one order and the handling of milk in the consolidated marketing area, to be designated as the "Northwestern Ohio marketing area", shall be in conformity to, and in compliance with, the terms and conditions of Part 1041 as hereby amended. Part 1037 is hereby revoked and Part 1041 is hereby amended as follows:

DEFINITIONS

**§ 1041.1 Act.**

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

**§ 1041.2 Secretary.**

"Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

**§ 1041.3 Department.**

"Department" means the United States Department of Agriculture.

**§ 1041.4 Person.**

"Person" means any individual, partnership, corporation, association, or other business unit.



**§ 1041.5 Cooperative association.**

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members; and

(c) To have all of its activities under the control of its members.

**§ 1041.6 Northwestern Ohio marketing area.**

The "Northwestern Ohio marketing area" hereinafter called the "marketing area", means all the territory geographically within the places listed below, all waterfront facilities connected therewith, and all territory wholly or partly therein occupied by government (municipal, State or Federal) reservations, installations, institutions or other similar establishments:

OHIO COUNTIES

Allen.
Fulton.
Henry.
Putnam.
Hancock.
Wood.
Lucas.
Seneca.
Marion.
Morrow.
Crawford.
Richland.
Van Wert (city of Delphos only).
Sandusky (Woodville and Madison townships only).

MICHIGAN COUNTIES

Monroe (except Ash, Berlin, Exeter, London, Milan and Dundee townships).
Lenawee (Riga, Ogden, Palmyra, Blissfield and Deerfield townships only).

**§ 1041.7 Producer.**

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant or to another pool plant pursuant to § 1041.15. "Producer" shall not include any such person with respect to milk which is fully subject to the class pricing and producer payment provisions of another order issued pursuant to the Act.

**§ 1041.8 Handler.**

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) A cooperative association with respect to milk diverted for the account of such association pursuant to § 1041.15;

(c) Any person who operates a partially regulated distributing plant;

(d) A producer-handler; and

(e) Any person who operates an other order plant described in § 1041.61.

**§ 1041.9 Producer-handler.**

"Producer-handler" means a person who:

(a) Operates a dairy farm and a distributing plant;

(b) Receives only milk of his own production and fluid milk products which are priced as Class I milk under an order issued pursuant to the Act; and

(c) Provides proof satisfactory to the market administrator that the care and management of all dairy animals and other resources used in his own farm production and the operation of the processing and packaging facilities for fluid milk products are conducted as his personal enterprise and at his own risk.

**§ 1041.10 Plant.**

"Plant" means the land and buildings, together with their surroundings, facilities and equipment constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products. The term "plant" does not include:

(a) Distribution points (separate premises used primarily for the transfer to vehicles of packaged fluid milk products moved there from processing and packaging plants); or

(b) Bulk reload points (separate premises used for the transfer of milk enroute from dairy farmers' farms, at which premises facilities for washing and sanitizing cans or tank trucks are not maintained and used).

**§ 1041.11 Distributing plant.**

"Distributing plant" means a plant where fluid milk products are processed and packaged and from which there is route disposition in the marketing area during the month.

**§ 1041.12 Supply plant.**

"Supply plant" means a plant from which milk, skim milk or cream is shipped during the month to a plant qualified as a pool plant under § 1041.13(a).

**§ 1041.13 Pool plant.**

"Pool plant" means any plant specified in paragraph (a) or (b) of this section, except the plant of a producer-handler or a plant exempt pursuant to § 1041.61: *Provided,* That if a portion of a plant is physically separate from the facilities where Grade A milk is received and is not approved by any health authority for receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant with route disposition during the month of not less than 50 percent of the total Grade A milk received at such plant from dairy farmers (excluding any such milk received by diversion from a plant at which such milk is fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act) and pool supply plants, and with at least 15 percent of such route disposition made within the marketing area during the month.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is represented in shipments of fluid milk products to a plant described under paragraph (a) of this section. If a plant meets the above requirement in this paragraph in each of the months of September through December, such plant shall qualify under this paragraph until the end of the following August, unless the plant operator requests nonpool status for such plant; in the latter event nonpool plant status shall be effective the first month following the filing of a request in writing to the market administrator and shall continue until the plant requalifies under this section on the basis of actual shipments.

**§ 1041.14 Nonpool plant.**

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which there is route disposition in the marketing area during the month of Grade A fluid milk products in consumer-type packages or dispenser units.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which Grade A fluid milk products are shipped to a pool plant.

**§ 1041.15 Producer milk.**

"Producer milk" means all skim milk and butterfat contained in milk of any producer, not also a producer as defined in another order issued pursuant to the Act, which is:

(a) Received during the month at one or more pool plants directly from the producer or caused to be delivered from the producer's farm to a pool plant(s) by a cooperative association.

(b) Diverted by a handler from a pool plant to another pool plant for any number of days of the month. Milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant to which it is diverted.

(c) Physically received at a pool plant in an amount equal to four days' production from each producer during the month and is diverted to a nonpool plant(s) for the account of a handler operating a pool plant or a cooperative association, subject to the following conditions:

(1) Milk so diverted during any month July through February shall not exceed 35 percent of the applicable receipts specified in subdivision (i) or (ii) of this subparagraph.

(i) With respect to milk diverted for the account of a cooperative association, the total milk of association member producers received at all pool plants during the month exclusive of any member milk diverted to a nonpool plant(s) for the account of a handler operating a pool plant; and

(ii) With respect to milk diverted to a nonpool plant for the account of a handler operating a pool plant, the total receipts from producers at the pool plant of such handler during the month exclusive of any such milk receipts diverted for the account of a cooperative association.

(2) If milk is diverted to a nonpool plant(s) in excess of the amounts specified in subparagraph (1) of this paragraph, eligibility as producer milk under this section shall be forfeited on a quantity of milk equal to such excess amount. In such instances the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk. If a handler fails to designate such dairy farmers whose milk is ineligible, producer milk status shall be forfeited with respect to all milk diverted to nonpool plants by such handler.

(3) Milk diverted to a nonpool plant for the account of a handler operating a pool plant shall be deemed to have been received at the pool plant from which diverted and if diverted for the account of a cooperative association, shall be deemed to have been received by the cooperative association at the location of the pool plant from which diverted.

**§ 1041.16 Fluid milk product.**

"Fluid milk product" means milk, skim milk, flavored or cultured milk or skim milk, buttermilk, concentrated milk, eggnog, sweet or sour cream, and any mixture of fluid cream and milk or skim milk. Cultured sour mixtures disposed of as other than sour cream shall be considered as fluid milk products only if disposed of under a Grade A label. The term includes these products in fluid, frozen (except cream), fortified or reconstituted form, but does not include sterilized products in hermetically sealed containers, and such products as milkshake mix, ice cream mix and other frozen dessert mixes, aerated cream products, frozen cream, cultured sour mixtures (disposed of as other than sour cream and not disposed of under a Grade A label), pancake mixes and evaporated or sweetened condensed milk or skim milk in either plain or sweetened form.

**§ 1041.17 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month of fluid milk products except: (1) fluid milk products received from pool plants either by transfer or diversion, (2) producer milk, or (3) inventory of fluid milk products on hand at the beginning of the month;

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted into or combined with another product in the plant during the month; and

(c) Any disappearance of nonfluid products not otherwise accounted for.

**§ 1041.18 Route disposition.**

"Route disposition" means distribution of Class I milk by a handler to retail or wholesale outlets, which include vending machines but do not include plants or distribution points. The route disposition of a handler shall be attributed to the processing and packaging plant from which the Class I milk is moved to retail or wholesale outlets without intermediate movement to another processing and packaging plant.

**§ 1041.19 Butter price.**

"Butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported for the month by the Department.

MARKET ADMINISTRATOR

**§ 1041.25 Designation.**

The agency for the administration of this part shall be a market administrator who shall be selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

**§ 1041.26 Powers.**

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

**§ 1041.27 Duties.**

The market administrator shall perform all duties necessary to administer the terms and provisions of this part. His duties shall include but not be limited to those specified in this section.

(a) He shall execute and deliver to the Secretary, within 30 days following the date on which he enters upon his duties, a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) He shall employ and fix the compensation of any persons deemed necessary to enable him to exercise his powers and perform his duties.

(c) He shall obtain a bond in a reasonable amount, and with satisfactory surety thereon, covering each employee who handles funds entrusted to the market adminstrator.

(d) He shall pay out of the funds provided by § 1041.86 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties, except those incurred under § 1041.85.

(e) He shall keep such books and records to reflect clearly the transactions provided for in this part and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate.

(f) He shall submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary.

(g) He shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate), at his discretion and unless otherwise directed by the Secretary, the name of any handler the value of whose fluid milk products is not included in the computation of the uniform price because of failure to make reports pursuant to §§ 1041.30 and 1041.32, or payments pursuant to §§ 1041.80, 1041.82, 1041.84, 1041.85 and 1041.86.

(h) He shall verify handlers' reports and payments to the extent necessary, by any appropriate means including audit of the handlers' records and, if made available, of the records of any other persons upon whose utilization the classification of skim milk or butterfat depends.

(i) He shall prepare and make available for the benefit of producers, handlers and consumers, statistics and information concerning the operation of this part which do not reveal confidential information;

(j) He shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate):

(1) By the 6th day of each month, the Class I price computed pursuant to § 1041.51(a) and the Class I butterfat differential computed pursuant to § 1041.52(a), both for the current month; and the Class II price computed pursuant to § 1041.51(b) and the Class II butterfat differential computed pursuant to § 1041.52(b), both for the preceding month; and

(2) By the 12th day after the end of each month, the uniform price computed pursuant to § 1041.71 and the butterfat differential computed pursuant to § 1041.72.

(k) He shall report to each cooperative association, on or before the 12th day after the end of each month, upon request by such association, the percentage of the milk of its members which was utilized in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class in the same ratio as all producer milk received by the handler during the month;

(l) He shall notify on or before the 12th day after the end of each month each handler who reported pursuant to § 1041.30 of:

(1) The amount and value of such handler's milk in each class computed pursuant to § 1041.46 and § 1041.70;

(2) The uniform price computed pursuant to § 1041.71; and

(3) The amounts to be paid by such handler pursuant to §§ 1041.82, 1041.85 and 1041.86 and the amount, if any, due such handler pursuant to § 1041.83.

(m) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1041.46(a)(8) and the corresponding step of § 1041.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(n) He shall report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1041.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(o) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS AND FACILITIES

**§ 1041.30 Reports of receipts and utilization.**

On or before the 7th day after the end of each month, each handler for each of his pool plants and a cooperative association with respect to milk for which it is the handler, shall report to the market administrator for such month, in the detail and on forms prescribed by the market administrator, the quantities of skim milk and butterfat contained in:

(a) Receipts of own farm production and as producer milk from other dairy farmers;

(b) Fluid milk products received by transfer or diversion from other pool plants;

(c) Other source milk;

(d) Producer milk diverted pursuant to § 1041.15.

(e) Inventories of fluid milk products on hand at the beginning and end of the month;

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk inside the marketing area; and

(g) Such other information with respect to receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

**§ 1041.31 Other reports.**

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(b) On or before the 7th day after the end of each month, each handler who operates a partially regulated distributing plant shall report the information required of handlers operating pool plants pursuant to § 1041.30, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of route disposition of skim milk and butterfat in the marketing area as Class I milk.

**§ 1041.32 Payroll reports.**

(a) Each handler pursuant to § 1041.8 (a) or (b) shall submit to the market administrator, within 10 days after his request made not earlier than the 20th day after the end of the month, his producer payroll for that month, which shall show for each producer:

(1) The daily and total pounds of milk received from such producer with the average butterfat test thereof; and

(2) The net amount of such handler's payments to such producer with the prices, deductions and charges involved.

(b) Each handler operating a partially regulated distributing plant shall report to the market administrator on or before the 20th day after the end of the month the same information as is required of handlers operating pool plants pursuant to paragraph (a) of this section if he wishes his obligation under § 1041.62 to be computed according to § 1041.62(a). In such report payments to dairy farmers delivering Grade A milk shall be reported in lieu of payments to producers.

**§ 1041.33 Records and facilities.**

(a) Each handler shall maintain detailed and summary records showing all receipts, movements and disposition of milk and milk products during each month, and the quantities of milk and milk products in the inventories at the beginning and end of each month.

(b) For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(1) Verify the information contained in the reports submitted in accordance with this part;

(2) Weigh, sample and test milk and milk products; and

(3) Make such examination of records, operations, equipment and facilities as the market administrator deems necessary for the purpose specified in this paragraph.

**§ 1041.34 Retention of records.**

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain. If, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under § 8c(15)(A) of the Act or a court action specified in such

notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection herewith.

CLASSIFICATION AND ASSIGNMENT OF MILK AND MILK PRODUCTS

§ 1041.40 Skim milk and butterfat to be classified.

All skim milk and butterfat required to be reported pursuant to §§ 1041.30 and 1041.31 shall be classified by the market administrator as Class I milk or Class II milk under §§ 1041.41 through 1041.46. When nonfat milk solids derived from nonfat dry milk, condensed skim milk or any other product condensed from milk or skim milk are utilized or unaccounted for by the handler, the total pounds of skim milk classified shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids, except that if the solids are utilized to fortify fluid milk products the actual weight of any such products shall be included in classifying the total product weight.

§ 1041.41 Class I milk.

Class I milk shall be all skim milk (including that used to produce concentrated milk) and butterfat:

(a) Disposed of in the form of fluid milk products (except as provided in § 1041.42); and

(b) Not accounted for as Class II milk.

§ 1041.42 Class II milk.

Class II milk shall be all skim milk and butterfat for which the handler who first receives the skim milk and butterfat proves that the skim milk and butterfat were:

(a) Used to produce any product other than a fluid milk product;

(b) Disposed of for livestock feed, or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(c) Disposed of in bulk to and used at a commercial food establishment devoted exclusively to the manufacture of bakery products, candy or processed nondairy foods;

(d) Contained in that portion of fortified fluid milk products not classified as Class I milk pursuant to § 1041.41;

(e) Contained in inventory of fluid milk products on hand at the end of the month;

(f) Disposed of as shrinkage assigned pursuant to § 1041.43(b)(1) but not to exceed the following:

(1) Two percent of skim milk or butterfat, respectively, physically received directly from producers' farms and by diversion from other pool plants; plus

(2) One and one-half percent of that received by transfer from other pool plants in bulk (except bulk cream); plus

(3) One and one-half percent of that received by transfer from other order plants in bulk, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(4) One and one-half percent of that received by transfer from unregulated supply plants in bulk, exclusive of the quantity for which Class II utilization was requested by the handler; less

(5) One and one-half percent, of that transferred in bulk to other plants (except bulk cream); and

(g) Disposed of as shrinkage assigned pursuant to § 1041.43(b)(2).

§ 1041.43 Assignment of shrinkage.

The market administrator shall assign shrinkage to a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each of his plants; and

(b) Prorate the resulting amount at each plant between: (1) The net quantity of skim milk and butterfat specified in § 1041.42(f); and (2) skim milk and butterfat in other source milk received in bulk fluid form, exclusive of that specified in § 1041.42(f).

§ 1041.44 Transfers.

Skim milk or butterfat disposed of from a pool plant in the form of fluid milk products shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred or diverted to another pool plant, subject in either event to the following conditions;

(1) The skim milk or butterfat as assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1041.46(a)(8) and the corresponding step of § 1041.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1041.46(a)(3), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1041.46(a)(7) or (8) and the corresponding steps of § 1041.46(b), the skim milk and butterfat so transferred or diverted up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferrring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1041.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant.

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this paragraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular sources of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(d) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraphs (1), (2) or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If moved in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, movements in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is moved to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of §§ 1041.41 and 1041.42.

§ 1041.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class at each plant of such handler.

§ 1041.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1041.45, the market administrator shall determine the classification of producer milk received at each pool plant of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1041.42(f);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts;

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II:

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(c)(1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk.

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1041.27(m); or

(b) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1041.44(a); and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and deter-

mine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

**§ 1041.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the butter price for the month. The basic formula price shall be rounded to the nearest full cent.

**§ 1041.51 Class prices.**

Subject to the provisions of § 1041.52, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I milk prices.* In the first 18 months beginning with the month in which this section becomes effective, the monthly Class I milk price shall be the basic formula price for the preceding month, plus the sum of the amounts specified under subparagraphs (1) and (2) of this paragraph:

(1) The amount set forth below for the applicable month, subject to any adjustment for location pursuant to § 1041.53:

| | |
|---|---|
| August through March | $1.36 |
| April through July | $1.13 |

(2) Any amount by which the effective supply-demand adjustment for the month computed pursuant to part 1036 of this chapter (Northeastern Ohio order) differs from a minus 25 cents.

(b) *Class II milk price.* The Class II milk price each month, for all locations, shall be the basic formula price, but in no event shall the Class II price exceed a level computed by the market administrator pursuant to the following formula plus 10 cents:

(1) Add together the plus amounts pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the butter price subtract three cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(ii) From the simple average of the weighted averages of the carlot prices per pound of spray process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

**§ 1041.52 Butterfat differentials to handlers.**

When the use class of milk for the handler reflects more or less than 3.5 percent butterfat, the class price for the month computed pursuant to § 1041.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.127.

(b) *Class II price.* Multiply the butter price for the month by 0.115.

**§ 1041.53 Location adjustments to handlers.**

For milk received from producers at a plant and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (d) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1041.51(a) shall be reduced on the basis of the applicable amount or rate for the location of such plant pursuant to paragraphs (a) and (b) or paragraph (c) of this section, respectively. For the purpose of this section and § 1041.73, the distances to be computed shall be on the basis of the shortest hard-surfaced highway distances as determined by the market administrator:

(a) For a plant located within:

| | *Amount of adjustment (cents)* |
|---|---|
| Richland, Huron, or Erie County, Ohio | 0 |
| Crawford or Morrow County, Ohio | 3 |
| Lucas, Fulton, Henry, Wood, Ottawa, Sandusky, Seneca, Wyandot or Marion County, Ohio | 4 |
| Hancock or Hardin County, Ohio | 7 |
| Allen or Auglaize County, Ohio | 9 |

(b) For any plant at a location not specified in the preceding paragraph which is located nearer to the Public Square in Cleveland, Ohio, than the distance such Cleveland location point is from the City Hall at Mansfield, Ohio, no adjustment shall be made pursuant to this section.

(c) For any plant at a location not otherwise specified in paragraphs (a) and (b) of this section, the price shall be that applicable at Mansfield, Marion, Lima, Napoleon or Toledo, Ohio, whichever is nearest the plant, reduced for the distance of the plant from the City Hall of such nearest city at the rate of 1.5 cents for each 10 miles or fraction thereof, except that no such adjustment shall apply for distances of 40 miles and less from Toledo or 15 miles and less from Mansfield, Marion, Lima, or Napoleon.

(d) For purposes of calculating each such adjustment under this section, transfers between pool plants shall be assigned to Class I disposition at the transferee plant in excess of the sum of receipts at such plant from producers, and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

**§ 1041.54 Use of equivalent prices.**

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

**§ 1041.60 Producer-handler.**

Sections 1041.40 through 1041.54 and §§ 1041.61 through 1041.86 shall not apply to a producer-handler.

**§ 1041.61 Plants subject to other Federal orders.**

The provisions of this part except §§ 1041.30, 1041.31, 1041.32, and 1041.33 shall not apply to a distributing plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant qualified as a pool plant pursuant to § 1041.13 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to other pool plants in the Northwestern Ohio marketing area than in the marketing area regulated pursuant to such other order during the current month and each of the three months immediately preceding, unless the Secretary determines that the applicable order should more appropriately be determined on some other basis. The operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may request and permit his verification of such reports.

**§ 1041.62 Obligations of a handler operating a partially regulated distributing plant.**

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1041.31(b) and 1041.32(b) the information necessary to compute the amount specified in paragraph (a), he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1041.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1041.70(e) and a credit in the amount specified in § 1041.82(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1041.31(b) and 1041.32(b) similar reports with respect to the operation of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1041.13(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

DETERMINATION OF PRICES TO PRODUCERS

**§ 1041.70 Computation of the net pool obligation of each pool handler.**

The net pool obligation of each pool handler during each month shall be the sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1041.46(c), by the applicable class prices;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1041.46(a)(10) and the corresponding step of § 1041.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1041.46(a)(5) and the corresponding step of § 1041.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1041.46(a)(3) and the corresponding step of § 1041.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location (in the manner provided pursuant to § 1041.53) of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1041.46(a)(7) and the corresponding step of § 1041.46(b).

**§ 1041.71 Computation of uniform price.**

For each month the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers at pool plants for which no location adjustment applies as follows:

(a) Combine into one total the values computed pursuant to § 1041.70 for all handlers who filed the reports prescribed for the month and who made the required payments pursuant to § 1041.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1041.73;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (a) of this section is more than 3.5 percent or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1041.72 and multiplying the result by the total hundredweight of such milk;

(d) Add one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1041.70(e);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

**§ 1041.72 Butterfat differential to producers.**

The uniform price for producer milk shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1041.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest one-tenth cent.

**§ 1041.73 Location differentials to producers and on nonpool milk.**

(a) For the purposes of § 1041.80, the uniform price at a plant may be reduced on the basis of the applicable amount or rate for the location of such plant pursuant to § 1041.53;

(b) For the purpose of computations pursuant to §§ 1041.82 and 1041.83, the uniform price shall be adjusted on the basis of the applicable amount or rate pursuant to § 1041.53, applicable at the location of the nonpool plant from which the milk was received.

PAYMENTS

**§ 1041.80 Time and method of payment.**

(a) Each handler shall pay each producer for whom payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, at not less than the Class II price for the preceding month for the producer milk received during the first 15 days of the month;

(2) On or before the 17th day after the end of each month, at not less than the uniform price adjusted pursuant to §§ 1041.72, 1041.73 and 1041.85, less any payment made pursuant to subparagraph (1) of this paragraph, for producer milk received during such month. If by such date the handler has not received full payment from the market administrator pursuant to § 1041.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following receipt of the balance due from the market administrator; and

(3) If the net payment to a producer is for an amount less than the total amount due the producer under this paragraph, the burden shall rest upon the handler to prove to the market administrator that each deduction from the total amount due is properly authorized and properly chargeable to the producer.

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association, in lieu of payments pursuant to paragraph (a) of this section, an amount not less than the gross sum due, at the uniform price, for all milk received from certified members, less amounts owing by each member producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer.

(1) The foregoing payment, and the submission of information pursuant to paragraph (c) of this section, shall be made with respect to milk of each producer whom the cooperative association

certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) Partial and final payments shall be made to the cooperative association one day prior to the respective due dates otherwise applicable pursuant to paragraph (a) (1) and (2) of this section.

(3) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(c) In making payments for producer milk pursuant to this section, each handler simultaneously shall furnish each producer, or cooperative association in the case of member producers for whom payment is made pursuant to paragraph (b) of this section, a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The month and identity of the individual producer involved;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to this order;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount, or the rate per hundredweight, and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

**§ 1041.81 Producer-settlement fund.**

The market administrator shall maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments except those payments made under §§ 1041.85 and 1041.86 and out of which he shall make all payments pursuant to §§ 1041.83 and 1041.84: *Provided*, That the market administrator shall offset the payment due a handler against payments due from such handler.

**§ 1041.82 Payments to the producer-settlement fund.**

On or before the 14th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1041.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1041.80; and

(2) The value at the uniform price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1041.70 (e).

**§ 1041.83 Payments out of the producer-settlement fund.**

On or before the 15th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1041.82(b) exceeds the amount computed pursuant to § 1041.82 (a).

**§ 1041.84 Adjustment of errors in payments.**

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provision under which such error occurred.

**§ 1041.85 Marketing service deductions.**

(a) In making the payments required by § 1041.80 (a) (2) and (b) to producers, other than payments to himself and to any producer who is a member of a cooperative association which the Secretary determines is performing the services specified in paragraph (b) of this section, each handler shall deduct six cents per hundredweight, or such lesser amount as the Secretary shall determine to be sufficient, for marketing services. The handler shall pay the amount deducted to the market administrator on or before the 14th day after the end of the month.

(b) The market administrator shall expend amounts received under paragraph (a) of this section only in providing market information to such producers and for verification of weights, samples, and tests of milk received from them. The market administrator may contract with a cooperative association for the furnishing of the whole or any part of these services.

(c) Each handler, in making the payments required by § 1041.80 for producer milk received from members of a cooperative association which the Secretary determines is performing the services specified in paragraph (b) of this section, shall deduct from such payments, in lieu of the deduction specified in paragraph (a) of this section, an amount authorized by such producers. He shall pay the amount deducted to the association on or before the 16th day after the end of the month accompanied by a statement showing the pounds of milk received from each producer from whom the deduction was made.

**§ 1041.86 Expense of administration.**

On or before the 14th day after the end of each month, each handler shall make payment to the market administrator as his pro rata share of the expense of administration of this part. The payment shall be at the rate of three cents per hundredweight or such lesser amount as the Secretary may prescribe. The payment shall apply to all of the handler's receipts during the month of skim milk and butterfat contained in (a) producer milk (including a handler's own farm production); and (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1041.46(a)(3), and § 1041.46(a)(7) and the corresponding steps of § 1041.46(b). The payment shall apply also to the quantity of route disposition in the marketing area during the month of other source milk from a partially regulated distributing plant that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

**§ 1041.87 Effective time.**

The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

**§ 1041.88 Suspension or termination.**

The Secretary may suspend or terminate this part or provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part, in any event, shall terminate whenever the provisions of the Act authorizing it cease to be in effect.

**§ 1041.89 Continuing obligation.**

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

**§ 1041.90 Liquidation after suspension or termination.**

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, if so directed by the Secretary, shall liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

**§ 1041.91 Termination of obligations.**

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part, except as provided in paragraphs (b) and (c) of this section, shall terminate two years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that the money is due and payable. Service of the notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following:

(1) The amount of the obligation;

(2) The month during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator within the two-year period provided for in paragraph (a) of this section, may notify the handler in writing of the failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all the books and records pertaining to the obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) or (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

**§ 1041.92 Agents.**

The Secretary, by designation in writing, may name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

**§ 1041.93 Separability of provisions.**

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 64-11775; Filed, Nov. 17, 1964; 8:49 a.m.]





## [7 CFR Part 1047]

[Docket No. AO-33-A31]

## MILK IN FORT WAYNE, INDIANA, MARKETING AREA

### Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Fort Wayne, Ind., marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

*Preliminary statement.* The hearing on the record of which the proposed amendment, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, was formulated, was conducted at Indianapolis, Ind., on September 24, 1964, pursuant to notice thereof which was issued September 8, 1964 (29 F.R. 12875).

The material issue on the record of the hearing relates to the reclassification of sour cream and sour cream products from Class I milk to Class II milk.

*Findings and conclusions.* The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Sour cream not labeled Grade A should be reclassified under the Fort Wayne order from Class I to Class II milk. The classification of sour cream and sour cream products disposed of under a Grade A label should not be changed.

The order designates sour cream as a fluid milk product and classifies skim milk and butterfat used in fluid milk products as Class I milk. The order also classifies skim milk and butterfat in any "sour cream product" as Class I milk if such product is disposed of under a Grade A label. It was proposed by a Fort Wayne handler that all sour cream and sour cream products be removed from the fluid milk product category and be classified as Class II milk irrespective of whether they are labeled Grade A.

Essentially, the proponent's proposal would reduce the minimum prices of skim milk and butterfat used in sour cream. This change was suggested on the principal ground that proponent could be more competitive in the sale of sour cream.

Basically, the order classifies as Class I all fluid milk products which require the use of Grade A milk. It also fixes the class prices at levels which will assure an adequate supply of milk for use in such products. Milk which is in excess of the market needs for fluid uses generally is processed into manufactured dairy products such as butter and nonfat dry milk. Such use of producer milk is designated Class II and is priced at the level of manufacturing grade milk since all manufactured milk products generally compete in a common market whether made from Grade A milk or ungraded milk.

Sour cream has been classified Class I under the Fort Wayne order principally on the basis that it requires a supply of Grade A milk (official notice is taken of the Assistant Secretary's decision issued April 10, 1961 (26 F.R. 3191) containing findings and conclusions to this effect). Applicable health regulations require that sour cream sold in the Fort Wayne marketing area be labeled Grade A. Consequently, it continues to require a regular supply of Grade A milk. In this respect it is quite different from butter or other Class II products which are storable and can be made from producer milk delivered during the flush production months or from manufacturing grade milk.

A principal contention by proponent is that sour cream should be reclassified on the basis of obtaining closer alignment of prices between orders. To effectuate orderly marketing it obviously is desirable to have reasonably close alignment of prices among Federal milk orders—particularly among orders where there is an overlap of sales territory by handlers regulated under different orders. The Fort Wayne handler sells sour cream in competition not only with sour cream priced under the Indianapolis order but also with sour cream priced under the Chicago order.

At the present time the Indianapolis order classifies and prices milk used in sour cream as Class II. However, since the Chicago market is another regulated market from which sour cream is sold in competition with proponent's product, a price comparison with that order also is appropriate in consideration of inter-order alignment. Sour cream is designated Class II under the Chicago order also. However, this is a three-class market and the minimum price for butterfat in sour cream in Class II under the Chicago order actually is higher than the minimum price for butterfat in Class I under the Fort Wayne order. (Official notice is taken of the Chicago order.)

Further, the Fort Wayne market is in relatively close competition with certain other Federal order markets also. Of-

ficial notice is taken of the South Bend-LaPorte-Elkhart, Toledo, and North Central Ohio orders all of which classify sour cream in Class I. The order cost of skim milk and butterfat for sour cream in these markets is very comparable to the cost as Class I milk under the Fort Wayne order. Thus, reclassification of sour cream under the Fort Wayne order irrespective of labeling would alter but not necessarily improve alignment among the several adjacent markets.

The order currently provides for the classification in Class II of sour cream products, such as party dips, which are not labeled Grade A. In the absence of appropriate testimony that similar treatment of sour cream would create competitive problems or would be administratively impracticable in this market, the classification provision is revised to reclassify sour cream as Class II milk when not labeled Grade A. This will permit handlers to avoid the classification complained of in meeting any competition from other sour cream not under the Grade A label.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order amending the order.* The following order amending the order as amended regulating the handling of milk in the Fort Wayne, Indiana, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Amend § 1047.16 to read as follows:

**§ 1047.16 Fluid milk product.**

Fluid milk product means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk disposed of for fluid consumption (other than in hermetically sealed cans), cream, sour cream and sour cream products labeled Grade A, and any mixture of cream and milk or skim milk (except frozen cream, aerated cream products, eggnog, milk shake mixes, ice cream, ice cream mixes, other frozen desserts and sterilized products packaged in hermetically sealed containers).

Signed at Washington, D.C., on November 13, 1964.

S. R. SMITH,
*Administrator.*

[F.R. Doc. 64-11776; Filed, Nov. 17, 1964; 8:49 a.m.]

# FEDERAL AVIATION AGENCY

**[ 14 CFR Part 71 [New] ]**

[Airspace Docket No. 64-EA-32]

## FEDERAL AIRWAY, CONTROL AREA EXTENSION AND TRANSITION AREA

### Proposed Alteration

The Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would realign VOR Federal airway No. 496, alter the Rome, N.Y., control area extension, and the Middle Grove, N.Y., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to alter V-496 from Utica, N.Y., direct to Glens Falls, N.Y. The proposed route would be more advantageous than the existing alignment of V-496 in that it would be approximately 2 miles shorter.

A short clearance fix is planned for use by the Griffis, N.Y., RAPCON for the control of en route traffic on the proposed direct airway between Utica and Glens Falls. This fix, proposed as Mayfield INT, would consist of the intersection of the Utica VOR 086° and Albany, N.Y., VOR 322° M radials. For this reason the Rome control area extension would be altered by deleting "and the airspace E of Utica extending from the 40-mile radius area bounded on the N by a line 8 miles N of and parallel to the Utica VOR 091° radial and on the E and S by V496," and substituting therefor "and that airspace E of Utica extending from the 40-mile radius area bounded on the S by V490, on the E by a line 9 miles W and parallel to the Albany, N.Y., VORTAC 343° radial and on the N by a line 9 miles N and parallel to the Utica, N.Y., 074° radial." Also, "the portion of this control area extension which coincides with R-5204 shall be used only after obtaining prior approval from appropriate authority" would be deleted.

The proposed direct realignment of V-496 between Utica and Glens Falls would eliminate the presently designated Northfield Intersection, which is utilized as a holding fix for the Albany terminal area. A new holding fix formed by the intersection of V-203 and the proposed realignment of V-496 would be required. For this reason, alteration of the Middle Grove transition area would be necessary by deleting from the description "within 11 miles W and 7 miles E of the Albany, N.Y. VORTAC 343° radial extending from the N boundary of V496 to 50 miles NW of the VORTAC." and substituting therefor "within 9 miles W and 6 miles E of the Albany, N.Y., VORTAC 343° radial extending from the north edge of V490 to 56 miles NW of the VORTAC, excluding the airspace within the Glens Falls, N.Y., Transition Area."

From the proposed alterations of the Rome control area extension and the Middle Grove transition area, it can be observed that a relatively minor amount of additional controlled airspace is required.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 12, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11763; Filed, Nov. 17, 1964; 8:48 a.m.]



**[ 14 CFR Part 71 [New] ]**

[Airspace Docket No. 63-SW-58]

## CONTROL ZONE, TRANSITION AREA AND CONTROL AREA EXTENSION

### Proposed Alteration, Designation, and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter the controlled airspace in the Del Rio, Tex., terminal area.

The following controlled airspace is presently designated in the Del Rio, Tex., terminal area:

1. The Del Rio, Tex., control zone is designated as that airspace within a 5-mile radius of Laughlin AFB, Del Rio, Tex., within 2 miles either side of the 315° bearing from the Laughlin AFB extending from the 5-mile radius zone to the Laughlin AFB RBN and within 2.5 miles either side of the Laughlin AFB VOR 140° radial extending from the 5-mile radius zone to 12 miles SE of the AFB. This control zone is effective from 0600 to 1900 hours, local time, Monday through Friday and from 1200 to 1800 hours, local time, Sunday, excluding Federal legal holidays.

2. The Del Rio, Tex., control area extension is designated as that airspace over United States territory within a 55-mile radius of Laughlin AFB, Del Rio, Tex.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Del Rio, Tex., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, proposes the following airspace actions:

1. Redesignate the Del Rio control zone as that airspace within a 5-mile radius of Laughlin AFB, Del Rio, Tex., (Lat. 29°21'35'' N., Long. 100°46'35''W); within 2 miles each side of the Laughlin VOR 300° radial extending from the 5-mile radius zone to 12 miles NW of the VOR, within 2 miles each side of the Laughlin TACAN 305° radial extending from the 5-mile radius zone to 8.5 miles NW of the TACAN, within 2 miles each side of the Laughlin ILS NW course extending from the 5-mile radius zone to 8 miles NW of the airport, and within 2 miles each side of the Laughlin TACAN 144° radial extending from the 5-mile radius zone to 7 miles SE of the TACAN. This control zone would be effective during the dates and times established in advance by the publication of Special Notices in the Airman's Guide.

2. Designate the Del Rio, Tex. transition area as that airspace extending upward from 700 feet above the surface within a 12-mile radius of Lat. 29°23'00'' N., Long. 100°50'15'' W.; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Laughlin AFB, Del Rio, Tex., (Lat 29°-21'35'' N., Long. 100°46'35'' W.); and that airspace extending upward from 4,500 feet MSL within a 60-mile radius of Laughlin AFB; excluding the portion outside the United States and the portion extending upward from 4,500 feet MSL within Federal airways.

3. Revoke the Del Rio control area extension.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floor of the transition area with the exception of those within the 4,500 foot MSL portion.

The proposed alteration of the Del Rio control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures. The control zone would be part-time since communications and weather services are not available on a full-time basis. The hours of designation of the control zone would be published in the Airman's Guide. This is necessary to allow for minor variations in the time of designation as dictated by military training activities conducted at Laughlin AFB.

The proposed designation of the 1,200 foot portion of the Del Rio transition area and the revocation of the Del Rio control area extension would raise the floor of controlled airspace from 700 to 1,200 feet above the surface beyond the immediate vicinity of the Laughlin AFB, yet sufficient controlled airspace would be retained to provide adequate protection for aircraft executing prescribed instrument holding, arrival and departure procedures within the Del Rio terminal area. The portion of the transition area proposed with a floor of 4,500 feet MSL would provide protection for aircraft executing the higher altitude portion of standard instrument departure procedures from Laughlin AFB and for arriving aircraft operating at altitudes below the continental control area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Fort Worth, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on November 6, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-11711; Filed, Nov. 17, 1964; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

**[ 47 CFR Part 2 ]**

[Docket No. 15696; FCC 64-1038]

## LIMITATIONS AGAINST GOVERNMENT AERONAUTICAL RADIONAVIGATION OPERATIONS

### Notice of Proposed Rule Making

In the matter of amendment of Part 2 of the Commission's rules to remove the limitations against government aeronautical radionavigation operations in the Band 1605-1715 kc/s, Docket No. 15696.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Interdepartment Radio Advisory Committee (IRAC), on behalf of interested Government agencies, has expressed a need for increased frequency assignment flexibility with respect to the aeronautical radionavigation service in the band 1605-1715 kc/s which is presently allocated nationally to the aeronautical radionavigation, fixed, land mobile, maritime mobile and radiolocation services on a co-equal basis. Specifically, the IRAC has requested the removal of the limitation of footnote US79 imposed upon Government aeronautical radionavigation stations in the 1605-1715 kc/s band. Footnote US79 presently reads:

US79 The aeronautical radionavigation service may be authorized the use of the frequencies 1638 Kc/s and 1708 kc/s only.

3. Historically, this limitation was first imposed upon the band 1605-1715 kc/s by footnote NG25 pursuant to the Order resulting from proceedings in Docket No. 6651, released March 21, 1952, which adopted a table of frequency allocations between 10 and 25,000 kc/s pursuant to the Atlantic City Radio Conference in 1947. Footnote NG25 applied to non-Government users and was then written in the same manner as presently stated in US79. During the proceeding looking toward realignment of Part 2 with the Geneva Radio Regulations (1959) in Docket No. 13928, NG25 became US79 in the Second Memorandum Opinion and Order in that docket, effective December

1, 1961. Although the exact wording was carried over, the limitation thus became applicable to both Government and non-Government entities.

4. There now appear to be certain Government requirements for aeronautical radionavigation facilities in the band which cannot be satisfied by the limited use of 1638 kc/s and 1708 kc/s alone. Thus, it is proposed to permit Government aeronautical radionavigation stations to operate on frequencies within the entire 1605–1715 kc/s band while at the same time retaining the limitation under which non-Government aeronautical radionavigation stations would be permitted use of the discrete frequencies 1638 kc/s and 1708 kc/s. The exact proposal is set forth below.

5. The proposed action would not affect non-Government aeronautical radionavigation stations in status or in operation, and no requirements similar to those of the Government entities have come to the attention of the Commission in recent years. It should be noted, however, that footnote NG18, which is also applicable to the 1605–1715 kc/s band, imposes a limitation upon radiolocation stations as follows:

NG18 In the band 1605–1715 kc/s, stations in the radiolocation service shall not cause harmful interference to stations in the aeronautical radionavigation service.

Consequently, although it is probable that the number of additional Government aeronautical radionavigation frequency assignments would be small and that such assignments will be accommodated only after appropriate coordination between the Commission and the agencies concerned, it is recognized that the incidence of harmful interference being caused by non-Government radiolocation stations may increase slightly. In view of the relatively few non-Government radiolocation assignments, however, it is believed that necessary adjustments can be made in the event of such interference.

6. Authority for the amendment proposed herein is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended.

7. Pursuant to appropriate procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before December 22, 1964, and reply comments on or before January 4, 1965. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it in addition to the specific comments invited by this notice of proposed rule making.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: November 12, 1964.

Released: November 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

In § 2.106, the Table of Frequency Allocations is amended in columns 7 and 8 for the frequency band 1605–1715 kc/s, footnote US79 is deleted, and footnote NG — is added, as follows:

**§ 2.106 Table of Frequency Allocations.**

Federal Communications Commission

| Band (kc/s) 7 | Service 8 |
|---|---|
| • • • • • | |
| 1605–1715 | AERONAUTICAL RADIONAVIGATION. (NG—) FIXED. LAND MOBILE. MARITIME MOBILE. RADIOLOCATION. (NG18) |
| • • • • • | |

NG—The aeronautical radionavigation service may be authorized the use of the frequencies 1638 kc/s and 1708 kc/s only.

[F.R. Doc. 64–11764; Filed, Nov. 17, 1964; 8:48 a.m.]

[1] Commissioners Lee and Ford absent.

# INTERSTATE COMMERCE COMMISSION

[ 49 CFR Ch. I ]

[Ex Parte No. MC–67]

## MOTOR CARRIER TEMPORARY AUTHORITIES

### Notice of Proposed Rulemaking and Order

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 5th day of November A.D. 1964:

It appearing, that consideration has been given to the matter of the filing, processing, and determination of applications for temporary authority, under section 210a(a) of the Interstate Commerce Act, to conduct motor carrier operations in interstate or foreign commerce; and that consideration has been given also to the desirability of adopting appropriate rules and regulations which would establish procedures and standards governing the filing, processing, and determination of such applications; and good cause therefor appearing:

*It is ordered*, That a proceeding be, and it is hereby, instituted under the authority of sections 204(a)(6), 210a(a), 217, and 218 of the Interstate Commerce Act (49 U.S.C. 304(a), 310a(a), 317, and 318), and of sections 4 and 9(b) of the Administrative Procedure Act (5 U.S.C. 1003 and 1008(b)), for the purposes of determining, in light of the national transportation policy and the provisions of the Interstate Commerce Act, whether the proposed rules appearing below, or any other rules, should be prescribed to govern the filing, processing, and determination of applications by motor common and contract carriers for temporary operating authority, and for the taking of such other and further action as the facts and circumstances may require.

*It is further ordered*, That any interested person may file with the Commission written representations, statements of fact, or arguments in support of or in opposition to the proposed rules contained in the appendix below, or may suggest modifications or additions to such rules.

An original and 20 copies of such written representations, statements of fact, or arguments shall be filed with the Commission on or before December 31, 1964. Any person desiring to present evidence at a public hearing or to be heard in oral argument should make such a request in writing, together with the reasons therefor, on or before December 31, 1964. On the basis of the statements and requests received, the Commission will determine whether public hearings should be held or what further procedure, if any, will be appropriate before making a final decision in the matter.

*And it is further ordered*, That copies of this notice and order be mailed to the Governors of every State and to the Public Utility Commissions or Boards, or other regulatory bodies, in each State having jurisdiction over transportation by motor vehicle; that a copy be posted in the office of the Secretary, Interstate Commerce Commission, for public inspection; and that a copy be delivered to the Director, Office of the Federal Register for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

*Rules, Regulations and Instructions Governing the Filing, Processing, and Determination of Applications for Temporary Authority Under Section 210a(a) of the Interstate Commerce Act to Conduct Motor Carrier Operations in Interstate and Foreign Commerce, and Extensions and Terminations Thereof*


Section I Statutory Authority and Definitions

Section II Filing and Processing of Applications

Section III Determination of Applications

Section IV Rates, Tariffs, and Special Permission Applications

Section V Petitions for Reconsideration


SECTION I

A. *Statutory Authority.* Section 210a(a) of the Interstate Commerce Act, as amended, 49 U.S.C. 310a(a), which



these rules and regulations are designed to implement, provides as follows:

To enable the provision of service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority for such service by a common carrier or a contract carrier by motor vehicle, as the case may be. Such temporary authority, unless suspended or revoked for good cause, shall be valid for such time as the Commission shall specify but for not more than an aggregate of one hundred and eighty days, and shall create no presumption that corresponding permanent authority will be granted thereafter.

Extensions of temporary authority beyond 180 days are governed by the special rules, contained in 49 CFR 2, promulgated pursuant to section 9(a) of the Administrative Procedure Act, 5 U.S.C. 1008(b).

B. *Definitions.* As used in these rules, the following words and terms are construed as follows:

(1) *"Temporary authority"*. Limited-term motor carrier operating authority issued for periods up to 180 days (TA) pursuant to section 210a(a) of the Interstate Commerce Act to authorize transportation service for which there is an immediate and urgent need and which cannot be met by existing carrier service. This term includes "emergency temporary authority" issued for periods of 30 days or less (ETA) to meet an immediate and urgent need for service due to emergencies, in which time or circumstances do not reasonably permit the filing and processing of an application for temporary authority (TA).

(2) *"Common carrier by motor vehicle"*. Same as defined in section 203(a)(14) of the Interstate Commerce Act (49 U.S.C. 303(a)(14)).

(3) *"Contract carrier by motor vehicle"*. Same as defined in section 203(a)(15) of the Interstate Commerce Act (49 U.S.C. 303(a)(15)).

(4) *"Aggregate of 180 days"*. The total number of days of temporary authority which may be granted to a motor carrier under the provisions of section 210a(a) of the Interstate Commerce Act to meet a continuing need for a particular service.

(5) *"Person"*. Same as defined in section 203(a)(1) of the Interstate Commerce Act (49 U.S.C. 303(a)(1)).

SECTION II—FILING AND PROCESSING OF APPLICATIONS FOR TEMPORARY OPERATION AUTHORITY UNDER SECTION 210a(a)

A. *General.* All temporary authority applications are filed at and initially processed by the Commission's field offices. The field staff of the Commission's Bureau of Motor Carriers conducts preliminary investigations into applications for temporary authority and transmits the applications, with recommendations as to their disposition, to the Commission's Temporary Authorities Board in Washington, D.C. The Bureau's field offices maintain records of authorized carriers and their operating authorities, and its staff members are available for consultation and to give assistance in the obtaining of motor carrier service, and guidance in the preparation of temporary authority applications and related supporting material, and in making rate, insurance, and other required filings. The field offices will furnish copies of necessary forms upon request.

B. *How and where filed.* A separate application for each temporary authority sought must be filed on Form BOR–95 (49 CFR 7.95). The signed original and six copies of each application and all supporting documents must be filed with the Bureau of Motor Carriers' field office which has jurisdiction over the area in which applicant is domiciled.

C. *Supporting statements.* Each application for temporary authority must be accompanied by a supporting statement(s) designed to establish an immediate and urgent need for service which cannot be met by existing carriers, except that when the Department of Defense is the shipper such support may be furnished directly to the Temporary Authorities Board by the Washington office of that agency. Each such shipper's statement, except those submitted by the Department of Defense, must contain a certification of its accuracy and must be signed by the person (or an authorized representative thereof) having such immediate and urgent need for motor carrier service. Any such supporting statement must contain at least the following information:

(1) Description of commodity or commodities to be transported.

(2) Points or areas to, from, or between which such traffic is to be transported. (If service is needed to or from a territory or area rather than a specific point or points, clearly describe such territory or area and furnish evidence of a broad need to justify the territorial grant of authority requested.)

(3) Volume of traffic involved and how transported now and in the past.

(4) How soon the service must be provided and the reasons for such time limit.

(5) How long the need for such service likely will continue, and whether the shipper will support a permanent service application.

(6) Recital of the consequences if service is not made available.

(7) The circumstances which created an immediate and urgent need for the requested service.

(8) Whether efforts have been made to obtain the service from existing motor, rail, or water carriers, and the dates and results of such efforts.

(9) Names and addresses of existing carriers who have either failed or refused to provide the service, and the reasons given for any such failure or refusal.

(10) Name and address of motor carrier who will provide service and is filing application for temporary authority.

(11) If the shipper(s) has supported any prior application for permanent or temporary authority covering all or any part of the desired service, give the carrier's name, address, and motor carrier docket number, if known, and state whether such application was granted or denied and the date of such action, if known.

D. *Special procedures for filing applications for emergency temporary authority.* (1) Emergency temporary authority should be applied for only where emergency conditions exist which do not permit sufficient time to afford the notice specified in Paragraph F of this Section. Applications for emergency temporary authority must be filed on Form BOR–95 (49 CFR 7.95).

(2) Where the emergency is found to continue beyond the period of the initial grant, the emergency temporary authority may be extended only upon written request until disposition is made of the longer term temporary authority application.

(3) In cases where the urgency of the situation warrants, the supporting statements of those having the immediate and urgent need for carrier service may be furnished by telegram. However, such telegram must contain substantially the factual information which is more fully described in paragraph (C) hereof. The telegram must be sent to the Bureau of Motor Carriers' staff member who is handling the application.

(4) In processing emergency temporary authority applications, it often becomes necessary to use telephone and telegraph service to verify rate levels and the absence of existing carriers' service, and to submit the Bureau of Motor Carriers' field report to the Temporary Authorities Board in Washington, D.C. As Government funds are not available to pay such communication expenses, the applicant must have or make arrangements with the telephone and telegraph companies so that such costs can be charged to its account.

E. *Insurance and Service of Process.* (1) Where the applicant is an authorized carrier, a statement must accompany the application indicating whether evidence of effective insurance is on file with the Commission and whether agents for service of process have been designated for each State in which operations are conducted or proposed. If applicant is not an authorized carrier, it should furnish a statement containing the name of its insurance company, its policy number, the effective and expiration dates of such policy, the limits contained therein, and a copy of the Commission's Form BMC 3 (49 CFR 7.3) designating an agent for service of process in each State where operations are proposed to be conducted. If such carrier does not have appropriate insurance it may submit a statement, which includes the name of its insurance company and of its intent to effect compliance before commencing operations if the authority is granted.

(2) On urgent emergency temporary authorities, where time does not permit the submission of the required written statement by applicant, a telegraphic statement may be accepted.

F. *Notice to interested persons*—(1) *Service.* Notice of the filing of temporary authority applications tendered shall be given by the publication of a summary of the authority sought in the FEDERAL REGISTER, except that no such summary will be published in the case of

emergency temporary authority applications. Such summaries will be prepared by the Bureau of Motor Carriers district supervisor and forwarded to the Bureau of Operating Rights, Washington, D.C.

(2) *Filing of protests.* Any interested persons who can and will provide all or any part of the proposed service may file a protest against the application. Such protest must be specific as to the service which such protestant can and will offer to the shipper or consignee involved and must consist of a signed original and six (6) copies which must be filed with the district supervisor named in the FEDERAL REGISTER publication within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant by U.S. mail or in person.

G. *Publication of Rates and Charges.* A carrier may not lawfully perform transportation under a grant of temporary authority unless and until compliance has been made with the rate and other requirements of section 217 of the Act in the case of common carriers and of section 218 in the case of contract carriers, as provided in Section IV hereof.

H. *Revocation for Noncompliance, and Reinstatement and Extension of Time for Making Compliance.* Temporary authority is approved subject to compliance within 30 days with the applicable provisions of the statute and the requirements, rules, and regulations prescribed by the Commission thereunder governing the filing of rate and contract publications, the filing of acceptable evidence of security for the protection of the public and designation of agents for service of process.

If compliance is not made within the 30-day period, applicant will be notified that the temporary authority order is of no further force and effect. Where this occurs, applicant may make written request for reinstatement of the granting order if it so desires, provided (1) that such request is made within 20 days from the date of the notice, (2) that good cause can be shown as to why compliance was not made within the time allowed, and (3) that the request for reinstatement contains positive assurance that applicant is now able to and will comply immediately with all applicable requirements, if the order is reinstated.

SECTION III—DETERMINATION OF APPLICATIONS FOR TEMPORARY AUTHORITY

A. *General.* Initial determination of temporary authority applications will be made by the Commission's Temporary Authorities Board or by Division 1 of the Commission, acting initially. For purposes of administration, distinctions in the applicable grounds of approval and rate filings will be maintained as between temporary authority of not more than 30 days (ETA), and temporary authority of up to 180 days (TA). No successive grants of temporary authority shall exceed a total of 180 days, and, if a grant of an emergency temporary authority results in a total of aggregate temporary authority grants of more than 180 consecutive days, such total, to the extent that it exceeds 180 days, will be reduced accordingly.

A grant of temporary authority is neither a permit nor a certificate, but enables the applicant to provide service as a common or contract carrier, as the case may be. Consequently, an applicant for temporary authority to operate as a motor contract carrier must show that the operation proposed is that of a contract carrier by motor vehicle as defined in section 203(a)(15) of the Interstate Commerce Act; that is, that the applicant serves one or a limited number of shippers, and that the service proposed involves either the assignment of vehicles to the supporting shipper's exclusive use or the provision of a transportation service designed to meet the distinct needs of that shipper. No "dual operation" finding is necessary, however, where a grant of temporary authority to operate as a contract carrier is made to an existing common carrier and vice-versa.

Since a grant of temporary authority is not a permit or certificate, none of the related rights, such as the incidental charter rights of passenger carriers and the implied authority to perform terminal services at points within the commercial zone but beyond the corporate limits of named municipalities, is applicable. Where there is a need for the latter type of service, this should be specifically stated so that proper authority can be granted.

B. *Standards for Determination.* The following standards shall be used by the Temporary Authorities Board, and by Division 1 of the Commission acting initially or in an appellate capacity, in the absence of special or unusual circumstances, in the determination under section 210a(a) of the Interstate Commerce Act (49 U.S.C. 310a(a)) of applications for temporary authority.

(1) *General.* Grants of temporary authority shall only be made upon the establishment of an immediate and urgent need for the transportation of passengers, or of particular commodities or classes of commodities, from specified origin points or areas to specified destination points or areas, having no carrier service capable of meeting such needs. Requests for temporary authority involving service to or from entire States, Counties, or other defined areas will warrant approval only when supported by evidence that there is a compelling need for service to or from a representative number of points in each such State, County, or area, that there is a reasonable certainty that such service will be utilized, and that there is no carrier service available capable of meeting such need. Otherwise, such grants will be limited in accordance with the evidence to point-to-point authorizations covering the immediate and urgent need for service.

Any need which is the basis of an operation authorized by a temporary authority to be conducted for a period of less than an aggregate of 180 days is presumed not to be of a "continuing nature" unless the Commission otherwise expressly determines. If the need for a particular service ceases and a temporary authority covering such need expires or is revoked, and a new or separate need arises subsequent to such expiration or revocation, additional temporary authority for the 180-day aggregate, or for a shorter period, may be granted to the same carrier for the service, notwithstanding the prior grant or grants. However, an application filed after an aggregate of 180 days temporary authority has expired or been revoked will be denied unless the facts clearly show that the application is in reality based on a new need and not a continuation of the need on which the prior grant of authority was based.

(2) *Immediate and urgent need.* An immediate and urgent need justifying a grant of temporary authority will be determined to exist only where it is established that there is or soon will be an immediate transportation need which reasonably cannot be met by existing carrier service. Such a showing may involve a new or relocated plant, different method of distribution, new or unusual commodities, an origin or destination not presently served by carriers, a discontinuance of existing service, failure of existing carriers to provide service, or comparable situations which require new motor carrier service before an application for permanent authority can be filed and processed.

(3) *Emergency temporary authority.* An immediate and urgent need justifying a grant of emergency temporary authority will be determined to exist only where it is established that existing carrier service is not capable of providing transportation service to meet immediate and actual emergencies, such as, for example, to prevent a plant shut-down, to move particular shipments in the interest of the national defense, to meet needs resulting from fires, floods, storms, or other disasters which affect the public health, safety, and welfare, disruption in existing carrier services by work-stoppages, unexpected cessation of existing transportation service, lack of equipment capable of transporting the involved commodity, failure or lack of storage facilities and imminent spoilage of perishable commodities, or comparable situations which make it impracticable to afford the notice specified in paragraph F of Section II.

(4) *Single-line service.* Generally, the desire of a shipper for single-line service in lieu of existing interchange or connecting-carrier service will not warrant a grant of temporary authority. A grant of temporary authority to effectuate single-line service will be authorized only when it is clearly established that the carriers providing multiple-line service are not capable of, or have failed in, meeting the reasonable immediate and urgent needs of shippers or receivers between the points or territories and in respect of the commodity or commodities involved.

(5) *Complete service.* Requests for temporary authority on the basis of "providing a complete service to a shipper", even though existing carriers are participating in the traffic and in many instances can provide a substantial part of the service, require special justification. Generally, in such instances, the applicant must establish with reasonable certainty that the existing carriers cannot adequately serve the shipper in their



authorized territories; or that the supporting shipper has revised its distribution methods to such an extent that there actually is an immediate and urgent need for the complete service proposed.

(6) *Failure to provide equipment.* Temporary authority may be granted where existing authorized carriers are unable or refuse to furnish equipment necessary to move the traffic of shippers in order to meet an immediate and urgent transportation need.

(7) *Alternate routes.* Except in unusual circumstances, temporary authority to operate over an alternate route will not be granted, even though the service route may be circuitous, since the carrier applicant may now operate between the points involved.

(8) *General bases for disapproval.* Applications for temporary authority may be denied for the following reasons:

(a) Failure to meet statutory standards

(b) Unfitness of the applicant

SECTION IV—RATES, CHARGES, TARIFFS, AND SPECIAL PERMISSION APPLICATIONS

A. *Rate requirements generally*—(1) *Motor common carriers.* A motor common carrier may not lawfully perform transportation until effective rates and provisions are published, posted, and filed with the Commission as required by section 217 of the Interstate Commerce Act and the Commission's rules and regulations issued thereunder. Rates to be established upon less than thirty days' notice must not be less than existing motor common carrier commodity rates on the same commodities in like quantities from and to the same points, or in the absence thereof not less than the motor common carrier commodity rates on the same commodities in like quantities from and to nearby points for similar distances. In the absence of existing motor common carrier commodity rates, the rates to be established on less than thirty days' notice shall not be less than the applicable motor common carrier class rates from and to the same points except as otherwise authorized in paragraph (B) of this section. Detailed instructions on rate filings may be obtained from any Bureau of Motor Carriers' field office.

(2) *Motor contract carriers.* A motor contract carrier may not lawfully provide transportation until executed transportation contracts, when required, and schedules of rates and charges are on file with the Commission as required by section 218 of the Interstate Commerce Act and the Commission's rules and regulations issued thereunder. The filing of contracts covering transportation of passengers, currency, bullion, and certain other valuable articles is not required. Except as otherwise authorized in paragraph (B) hereof, the rates proposed to be established upon less than thirty days' notice shall not be lower than permitted under paragraph (A)(1) if applicant were a common carrier, except that if any of the points of origin, destination or territory to be served is at the times served by a contract carrier transporting the same commodities, the rates and charges may be made on the same or higher basis as those of such contract carrier, or those maintained by applicant between other points in the same area.

(3) *Notice of rate publication required.* In most cases there is outstanding special permission authority to publish rates on less than statutory notice covering transportation service by and for the Railway Express Agency and the substitution of motor for rail service. Most tariff publishing agents also have outstanding special permission authority to publish on short-notice scope of operating rights to be granted pursuant to a temporary authority application and to add new participating carriers to their tariffs. The temporary authority application must state who will make the tariff publication, and whether it is to be made on thirty days' notice or upon less than thirty days' notice.

(4) *Special permission applications.* (a) If publication is to be made on short notice by the carrier filing the temporary authority application and it is not covered by the outstanding special permission authority referred to in paragraph (B)(1) hereof, such temporary authority application must be accompanied by a special permission application (four copies with original signed and notarized), setting forth the proposed rates clearly and completely. An accompanying exhibit may be used if identified by letter, such as Exhibit "A", and so referred to in the application. If the proposed provisions consist of rates, all points of origin and destination must be shown or definitely indicated. If permission is sought to establish a rule, the exact wording of the proposed rule must be shown. If relief from tariff circular rules is sought, the exact form of publication must be shown.

(b) The special permission application must contain the names of motor carriers known to maintain competitive rates, charges, or rules between the same points or points related thereto, together with adequate identification of tariffs containing such rates, charges, or rules. It must also state whether such carriers have been advised of the proposed rates, charges, or rules and whether they have been advised that it is proposed to establish such provisions on less than thirty days' notice. The rates, charges, or rules proposed to be established should conform to the competitive rate level standards of paragraph (A)(1) for motor common carriers or paragraph (A)(2) for motor contract carriers. In the absence of effective commodity rates via competing carriers on the commodity or commodities to be transported, the Special Permission Board, upon a proper showing, may authorize the establishment of rates on a different level.

B. *Emergency temporary authority*—(1) *Property carriers.* Each application for emergency temporary authority for 30 days or less, except those involving the Railway Express Agency or substitution of motor for rail service, shall be accompanied by a statement of the rates, charges, and rules to be filed under Special Permission M-60160 and M-60161, for use in the event the authority sought is granted. Such statement shall contain the names of competing motor carriers transporting the same commodities and the rates of such carriers between the same points or from or to nearby points for similar distances and the application will not be acted upon until such statement shall have been furnished by the applicant to the district supervisor.

(2) *Existing rates.* If the statement of the proposed rates submitted with the emergency temporary authority application contains rates or charges lower than existing rates described under paragraphs (A)(1) or (A)(2) hereof by the named or other carriers, approval will not be recommended or authority granted. All emergency temporary authority will be expressly conditioned on establishing rates or charges no lower than those set forth in the application and a "W" tariff naming rates lower than those set forth in the application will be rejected. Emergency temporary authority will be revoked for failure to seasonably file a proper "W" tariff.

(3) *Suspended or special permission rates.* (a) In every case the carrier shall state in its emergency authority application whether there is under suspension at the time any rates published for its account, or whether an application for special permission authority to file its rates on less than 30 days' notice has been granted or denied, covering the same traffic from and to the same points in connection with another temporary or permanent authority application. If the applicant has rates or other tariff matter under suspension, or has received or been denied special permission to file on less than 30 days' notice any rates not yet effective, covering the same traffic, the district supervisor will not recommend approval of the request nor will a grant be made of the emergency temporary authority.

(b) If applicant carrier has rates under suspension covering the same traffic, it should file a special permission application as set forth in paragraph (B)(2) hereof, stating a copy was served upon protestant(s) and requesting short notice authority to cancel the suspended matter and to file rates according to paragraphs (A)(1) or (A)(2) or, in the alternative, state that the suspended rates will be defended and request short notice authority to file rates conforming with paragraphs (A)(1) or (A)(2) to apply during the suspension period, such rates to expire at the end of the suspension period.

(4) *Passenger carriers.* (a) Each application for emergency temporary authority must be accompanied by an application for special permission to publish fares and charges in connection therewith if they are proposed to be made effective on less than 30 days statutory notice. Such application shall be accompanied by a statement of the fares, charges, and rules to be filed if the authority is granted. Authority to file fares and charges on less-than-statutory notice will be granted only when the proposed fares and charges are on a level which does not undercut or disrupt the

existing level of the fares and charges between the points involved maintained by competing motor carriers generally in the same territory.

(b) The special permission application must contain the names of motor carriers known to maintain competitive fares, charges, or rules between the same or related points, together with accurate identification of the tariffs, by I.C.C. Nos., containing such fares, charges, and rules. It must also state whether such competing carriers have been advised of the fares and charges proposed to be established upon less-than-statutory notice.

SECTION V—PETITIONS

*Petitions for reconsideration.* Pursuant to and in accordance with the Commission's General and Special Rules of Practice, petitions for reconsideration of orders of the following may be filed by any interested person:

(1) Temporary Authorities Board.

(2) Division 1 initially granting or denying temporary authority in proceedings not subject to prior determination by the Temporary Authorities Board.

(3) Replies may be filed by any interested person to such petitions; but if the facts stated in any such petition disclose a need for accelerated action, such action, in the discretion of the Commission, may be taken before expiration of the time allowed for reply. Replies received after accelerated action on petition will be treated as petitions for reconsideration of the accelerated action and given corresponding accelerated action.

(4) The filing of a petition for reconsideration of an order of Division 1 or the Temporary Authorities Board does not have the effect of automatically staying such order, and the grantee carrier may conduct the operations authorized by such order upon compliance with its tariff, insurance, and other requirements for the duration of the temporary authority, or until otherwise ordered.

[F.R. Doc. 64–11735; Filed, Nov. 17, 1964; 8:46 a.m.]

# Notices

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### KANSAS

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Kansas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KANSAS

| | |
|---|---|
| Grant. | Stevens. |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 13th day of November 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64–11777; Filed, Nov. 17, 1964; 8:49 a.m.]

### WISCONSIN

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Wisconsin a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

WISCONSIN

| | |
|---|---|
| Ashland. | Iron. |
| Bayfield. | |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 13th day of November 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64–11778; Filed, Nov. 17, 1964; 8:49 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50–38]

### MARTIN-MARIETTA CORP.

### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 11, set forth below, to Facility License No. CX–7, authorizing operation until July 1, 1969, of the Martin-Marietta Critical Experiment Facility located near Middle River, Md.

Facility License No. CX–7, originally issued December 6, 1957, was amended March 8, 1960, and again June 22, 1961, to extend the term of the license to July 21, 1961 and July 1, 1964, respectively. The Martin-Marietta Corp. filed an application dated September 11, 1964, for extension of the license through July 1, 1969. No change in operating conditions is involved.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

3. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the application for extension, a copy of which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 10th day of November 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

[License CX–7, Amdt. 11]

1. Pursuant to the application dated September 11, 1964, License No. CX–7, as amended, which authorizes the Martin-Marietta Corp. to operate its Critical Experiment Facility located near Middle River, Md., is hereby further amended as follows:

A. Paragraph 5, as amended, is amended to read:

5. This amended license is effective as of the date of issuance and shall expire July 1, 1969, unless sooner terminated.

2. This amendment is effective as of the date of issuance.

Date of issuance: November 10, 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
*Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64–11707; Filed, Nov. 17, 1964; 8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. SA–380]

### ACCIDENT NEAR PARROTTSVILLE, TENN.

### Investigation; Notice of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 7405, which occurred near Parrottsville, Tenn., July 9, 1964, Docket No. SA–380.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 1:30 p.m. (e.s.t.) on January 12, 1965, in the Ballroom of the Hotel Andrew Johnson, Knoxville, Tenn.

Dated this 13th day of November 1964.

[SEAL] ROBERT L. ALLARD,
*Hearing Officer.*

[F.R. Doc. 64–11772; Filed, Nov. 17, 1964; 8:49 a.m.]

[Docket No. 15475]

### TRANS-AIR SYSTEM, INC., ET AL.

### Notice of Proposed Approval

Application of Trans-Air System, Inc., et al., for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 15475.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of fifteen days from date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., November 12, 1964.

[SEAL] J. W. ROSENTHAL,
*Chief, Routes and Agreements Division, Bureau of Economic Regulation.*

Issued under delegated authority.

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

Application of Trans-Air System, Inc., et al. for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 15475.

By application filed August 20, 1964, as amended September 17, and October 23, 1964, Sidney B. Lifschultz, Conrad K. Grossman, Merrill E. Brown, Arthur Rubenstein, David A. Berman, M. James Spitzer, Trans-Air System, Inc. (Trans-Air), an indirect air carrier, Lifschultz Transport, Inc. (Transport), a local cartage company operating in San Francisco, California, and Lifschultz Terminal N.Y., Inc. (Terminal N.Y.), a freight consolidator, request the Board to approve under section 408 of the Federal Aviation Act of 1958, as amended (the Act) certain control relationships resulting from the acquisition of over 50 percent of the voting securities of Trans-Air by Transport and Terminal N.Y., who are in turn controlled by Mr. Lifschultz and other members of his family. Mr. Lifschultz and family also control Lifschultz Fast Freight (Fast Freight), a surface freight forwarder, Lifschultz Terminal Co., Inc. (Terminal), a common carrier by motor vehicle within the Chicago terminal area, and Arrow Freight Forwarders (Arrow), a surface freight forwarder.[1] The application also requests approval under section 409 of the Act for the interlocking relationships set forth in the appendix hereto.

The applicants state that the instant relationships will not create a monopoly, restrain competition or injure any other person; that Trans-Air's ability to serve the public and develop its potential will improve because the Lifschultz system will provide strong and dependable financial support and management which is successful and experienced in other phases of transportation and that there will be no conflict of interest because the services offered by the companies within the Lifschultz system supplement and complement the needs of Trans-Air. The applicants also state that there have been no transactions or business arrangements between Trans-Air and the Lifschultz system except the lease of office space by Fast Freight to Trans-Air and none are contemplated except the possible furnishing of cartage services by Transport to Trans-Air.

No comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, it is concluded that Terminal N.Y., Fast Freight, Transport, Terminal, and Arrow, are common carriers within the meaning of section 408 of the Act, and that the acquisition of control of Trans-Air by Sidney Lifschultz and family, while they control Terminal N.Y., Fast Freight, Transport, Terminal, and Arrow, is subject to section 408 of the Act. However, it has been further concluded that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The control relationships presented by this application are similar to others which the Board has approved and essentially do not present any new substantive issues.[2] It therefore appears that approval of the control relationships would not be inconsistent with the public interest.[3] However, should the trucking services of Transport or Terminal be expanded to include interstate services new issues would be raised which could be resolved only upon the filing of a new application for prior approval of the Board. Accordingly, approval of the instant relationships shall be effective only so long as the operation of motor vehicles by Transport and Terminal are limited to the State of California and the State of Illinois, respectively.[4]

It is also concluded that interlocking relationships within the scope of section 409(a) of the Act will exist between the companies as a result of the holding by Messrs. Lifschultz, Grossman, Brown, Berman, and Spitzer of the positions described in the appendix hereto.[5] However, the parties have made a due showing in the form and manner prescribed that such interlocking relationships will not adversely affect the public interest, provided that approval thereof is made subject to the condition set forth above.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3 it is found that, subject to the foregoing, the instant control relationships should be approved under section 408(b) of the Act, without a hearing, and that the interlocking relationships should be approved under section 409.

*Accordingly, it is ordered:*

1. That the acquisition of control of Trans-Air by Mr. Lifschultz and family, while they control Terminal N.Y., Fast Freight, Transport, Terminal, and Arrow, be and it hereby is approved;

2. That, subject to the provisions of Part 251 of the Board's Economic Regulations, as now in effect or hereafter amended, the interlocking relationships existing by reason of the holding by Messrs. Lifschultz and Spitzer of the positions set forth in the appendix hereto and the holding by Messrs. Grossman, Brown, and Berman of the positions set forth in the appendix hereto with Trans-Air, Terminal N.Y., Transport, Terminal, and Arrow be and they hereby are approved;

3. That the approval granted herein shall be effective only so long as the motor carrier services of Transport and Terminal are limited to the State of California and the State of Illinois, respectively;

4. That to the extent not granted above the application be and it hereby is dismissed; and

5. That jurisdiction over this proceeding be and it hereby is retained for the purpose of imposing, from time to time, such terms and conditions on the approvals granted herein as the Board may find to be just and reasonable.

Persons entitled to petition the Board for review of this Order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within five days after the date of service of this Order.

This Order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this Order on its own motion.

J. W. ROSENTHAL,
*Chief, Routes and Agreements Division, Bureau of Economic Regulation.*

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

APPENDIX

INTERLOCKING RELATIONSHIPS, DOCKET 15475

| Individual | Trans-Air | Terminal N.Y. | Fast Freight | Transport | Terminal | Arrow |
|---|---|---|---|---|---|---|
| S.B. Lifschultz | Director | President and Director. | Partner | President and Director. | President and Director. | President and Director. |
| C. K. Grossman | do | Vice President. | General Manager. | Vice President and Director. | Vice President. | Vice President and Director. |
| M. E. Brown | Treasurer and Director. | Secretary and Treasurer. | Assistant General Manager. | Secretary and Treasurer. | Secretary and Treasurer. | Secretary and Treasurer. |
| A. Rubenstein | Director | | Superintendent of Sales and Operations. | | | |
| D. A. Berman | Secretary | Assistant Secretary and Assistant Treasurer. | Auditor | Assistant Secretary and Assistant Treasurer. | | Assistant Secretary and Assistant Treasurer. |
| M. J. Spitzer | Assistant Secretary and Director. | Assistant Secretary. | | | | |

[F.R. Doc. 64-11773; Filed, Nov. 17, 1964; 8:49 a.m.]

[1] Mr. Lifschultz and his three sisters, Rose Grossman, Nora Bergman, and Bernice Brown Eisenberg, control 66⅔ percent of the voting stock of Terminal, N.Y., 89 percent of Fast Freight and 100 percent of the voting stock of Transport which in turn holds 100 percent of the voting stock of Arrow. Mr. Lifschultz, Mrs. Bergman, and Mrs. Eisenberg, together with various of Mr. Litschultz's nieces and nephews, control 80 percent of Terminal.

[2] See WTC Air Freight, et al., Order E-20713, April 16, 1964, Docket 15095 and ABC International, Inc., et al., Order E-20368, January 15, 1964, Docket 14812.

[3] It has been decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships, 15 CAB 876 (1952) and to consider the application on its merits.

[4] Such restriction is not intended to preclude the operation of motor vehicles within the Chicago terminal area, as defined by the Interstate Commerce Commission.

[5] The positions of Messrs. Grossman, Brown, Rubenstein, and Berman with Fast Freight do not appear to be those of officers or directors and thus the positions of these individuals with Fast Freight and Trans-Air do not appear to create interlocking relationships within the meaning of section 409 of the Act. Accordingly, to the extent the application requests approval of such relationships it will be dismissed.



# FEDERAL AVIATION AGENCY

[OE Docket No. 64-SW-6]

## GUARANTY BROADCASTING CORP.

### Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (SW-OE-6922) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Guaranty Broadcasting Corp., WAFB-TV, Baton Rouge, La., proposes to construct a television antenna structure at latitude 30°21'55" N., longitude 91°12'-45" W., near Baton Rouge. The overall height of the structure would be 1,749 feet above mean sea level (1,729 feet above ground).

The structure will exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(1) of the Federal Aviation Regulations by 1,229 feet since it would be more than 500 feet above ground at the site of construction.

The structure would be located approximately ten miles southeast of the Baton Rouge, VORTAC, on an approved off-airway direct route between the Baton Rouge, VORTAC, and the Welcome, La., Intersection, and would require an increase from 2,000 feet to 2,700 feet in the minimum en route altitude (MEA). The aeronautical study disclosed that the off-airway route was not used on the peak days for the last three years, therefore, the increase in MEA would have no substantial adverse effect upon aeronautical operations on this route.

The study further disclosed that proposed structure would have no substantial adverse effect upon visual flight rules (VFR) operations since it would be located at least two miles from the railroad tracks and highways which make up the routes generally used by VFR traffic in the area south of Baton Rouge.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on November 6, 1964.

JOSEPH VIVARI,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64-11712; Filed, Nov. 17, 1964; 8:45 a.m.]

[OE Docket No. 64-CE-10]

## KAISER BROADCASTING CORP.

### Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (CE-OE-6291) to determine its effect upon the safe and efficient utilization of the navigable airspace.

The Kaiser Broadcasting Corp., Detroit, Mich., proposes to construct a television antenna structure at latitude 42°29'01" N., longitude 83°18'44" W., in Southfield, Mich. The overall height of the structure would be 1,749 feet above mean sea level (1,049 feet above ground).

The study disclosed that the proposed structure would be located 8.0 miles southwest of the Berz Airport, the nearest airport to the site. At this distance, the structure would not penetrate any airport imaginary surface and would have no adverse effect upon this or other known airport.

The study also disclosed that the structure would have no adverse effect upon any Federal airway, established off-airway route or VFR route. The structure would be located within the boundaries of VOR Federal airways Nos. 42 and 22 1/2 and would exceed the standards of § 77.23(a)(2) by 849 feet; however, the minimum en route altitudes and the minimum obstruction clearance altitudes for the two airways would not be affected due to existing structures of the same approximate height and structures previously approved but not yet built of the same height being located in the immediate vicinity and having the same effect upon the airways as would the instant proposal. The nearest of these other structures would be only 1,800 feet distance.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on November 6, 1964.

JOSEPH VIVARI,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64-11713; Filed, Nov. 17, 1964; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[FCC 64-1049]

## STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

NOVEMBER 13, 1964.

In accordance with the Commission's action of November 12, 1964, granting a waiver of § 1.571(c) allowing the below-described applications to be placed at the top of the processing line, notice is hereby given that on December 15, 1964, the following applications:

New, Kingstree, S.C.
Collins Corporation of Georgia
Req: 1310 kc, 1 kw, Day, Class III.

New, Kingstree, S.C.
Santee Broadcasting Co., Inc.
Req: 1310 kc, 5 kw, Day, Class III.

will be considered as ready and available for processing, and that pursuant to §§ 1.227(b)(1) and 1.591(c) of the Commission's rules, an application, in order to be considered with these applications or with any other application on file by the close of business on December 14, 1964, which involves a conflict necessitating a hearing with these applications, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on December 14, 1964, or (b) the earlier effective cut-off date which these applications or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning the above applications pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: November 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11771; Filed, Nov. 17, 1964; 8:48 a.m.]

[1] Commissioners Lee and Ford absent.

[FCC 64-1046]

## STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

NOVEMBER 13, 1964.

The application listed below is mutually exclusive with the application, File No. BR-1513, of the licensee of Station WUST, Bethesda, Md., for renewal of license, in that it requests the same channel as that presently assigned to WUST:

New, Bethesda, Md.
Bethesda-Chevy Chase Broadcasters, Inc.
Req: 1120 kc, 250 w, Day.

Accordingly, notice is hereby given that the above application is accepted for filing and that on December 21, 1964, the application will be considered as ready and available for processing, and pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application, or with any other application on file by the close of business on December 18, 1964, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on December 18, 1964; or (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The Commission hereby waives the provisions of the Note to § 1.571 of the Commission's rules, adopted July 1, 1964, to the extent necessary to permit the acceptance of other applications seeking essentially the same facilities.

The attention of any party in interest desiring to file pleadings concerning the above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: November 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11770; Filed, Nov. 17, 1964; 8:48 a.m.]

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[Docket No. 15697; FCC 64-1056]

## STEREOPHONIC SOUND FOR TELEVISION BROADCASTING

### Notice of Inquiry

In the matter of stereophonic sound for television broadcasting, Docket No. 15697, RM-96, RM-376.

1. Present Commission rules provide for the transmission of stereophonic sound by FM broadcasting stations. On October 2, 1961, we denied petitions by Philco Corporation, Radio Corporation of America, and Kahn Research Laboratories, to provide for the transmission of stereophonic sound by standard (AM) broadcasting stations. No action was taken at that time with respect to a petition by Philco Corporation for the transmission of stereophonic sound by television broadcasting stations. We now wish to consider that matter.

2. The Philco petition (RM-96), filed February 12, 1959, and a subsequent petition (RM-376) filed October 17, 1962, by General Electric Company requested the institution of rule making to provide for the transmission of stereophonic sound by television broadcast stations. Each proposed a specific system designed to be "compatible" in that satisfactory reception may be obtained on conventional TV receivers that are not equipped for stereophonic reception. However, we do not wish to limit our consideration to the systems proposed since other methods of achieving stereophonic sound may be suitable for the narrow viewing angle of home television.

3. It is the purpose of this proceeding to determine whether or not the employment of stereophonic sound in television broadcasting will add to the realism or otherwise contribute a worthwhile improvement to the overall portrayal of the programs presented by television broadcast stations and if so, what system of producing stereophonic sound transmission and reception should be employed. Pertinent data obtained from experiments and tests will be most helpful. Data is also desired as to the effect of stereophonic sound transmissions on the quality of picture and sound reception both for monophonic TV receivers and for those equipped to receive the stereophonic sound transmissions accompanying the picture transmissions. We will also be concerned with bandwidth requirements as well as costs and complexity of installing and operating transmitting and receiving equipment.

4. Accordingly, we invite comments from interested persons as to the desirability and methods of providing for stereophonic sound transmission and reception in television broadcasting, within the present TV channels. Comments concerning availability of stereophonic program material and production techniques are also desired.

5. Comments may be filed on or before January 22, 1965, and replies thereto on or before February 8, 1965. In reaching a decision in this matter the Commission will not be limited to consideration of such comments but will consider also any pertinent data obtained from informed sources.

6. Authority for the institution of this proceeding is contained in sections 4(i), 303 (b) and (g), and 403 of the Communications Act of 1934, as amended.

7. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: November 12, 1964.

Released: November 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11766; Filed, Nov. 17, 1964; 8:48 a.m.]

[1] Commissioners Lee and Ford absent.

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[Docket Nos. 15442, 15443; FCC 64M-1142]

## DUBUQUE BROADCASTING CO. AND TELEGRAPH-HERALD

### Order Continuing Hearing

In re applications of Dubuque Broadcasting Company, Dubuque, Iowa, Docket No. 15442, File No. BPH-3920; Telegraph-Herald, Dubuque, Iowa, Docket No. 15443, File No. BPH-4288; for construction permits.

*It is ordered*, This 13th day of November 1964, on the Examiner's own motion, that hearing in the above-entitled matter now scheduled for November 17, 1964, is continued to December 17, 1964.

Released: November 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11765; Filed, Nov. 17, 1964; 8:48 a.m.]

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[Docket Nos. 15584, 15585; FCC 64M-1129]

## VAUGHN-HANSSEN CO. AND CAPE CANAVERAL BROADCASTERS, INC.

### Order Regarding Procedural Dates

In re applications of R. A. Vaughn and Thomas R. Hanssen d/b as Vaughn-Hanssen Company, not incorporated, Melbourne, Fla., Docket No. 15584, File No. BP-14921; Cape Canaveral Broadcasters, Incorporated, Eau Gallie, Fla., Docket No. 15585, File No. BP-15570; for construction permits.

The Hearing Examiner having for consideration the Joint Request for Continuance filed by the applicants herein on October 30, 1964; petitioners asserting that the Broadcast Bureau has consented to the requested relief; and no opposition having been filed by any other party;

*It is ordered*, This 12th day of November 1964, that the subject petition is granted, and the procedural dates herein are continued as follows:

(a) Informal exchange from November 2, 1964 to January 4, 1965;

(b) Formal exchange from November 9, 1964 to January 11, 1965;

(c) Notification of witnesses from November 18, 1964 to January 20, 1965; and

(d) Commencement of hearing from November 23, 1964 to January 25, 1965.

Released: November 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11767; Filed, Nov. 17, 1964; 8:48 a.m.]

[1] Commissioners Lee, Ford, and Cox absent.



[Docket Nos. 15677, 15678; FCC 64M-1126]

## WESTERN CALIFORNIA TELEPHONE CO. AND PACIFIC TELEPHONE AND TELEGRAPH CO.

### Order Continuing Prehearing Conference

In re applications of Western California Telephone Company, Docket No. 15677, File No. 4411-C2-P-64, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Novato, Calif.; The Pacific Telephone and Telegraph Company, Docket No. 15678, File No. 5775-C2-P-64, for a construction permit to modify the facilities of station KMA745 in the Domestic Public Land Mobile Radio Service at San Francisco, Calif.

Pursuant to the November 10, 1964, oral request of counsel for The Pacific Telephone and Telegraph Company (confirmed by letter received from said counsel on November 12, 1964) and with the consent of counsel for all other parties: *It is ordered*, This 12th day of November 1964, that the prehearing conference herein, presently scheduled to be held on November 27, 1964, is continued to 11:00 a.m., December 17, 1964, in the Offices of the Commission, Washington, D.C., and that the hearing, presently scheduled to commence on December 22, 1964, is continued to a date to be established at the prehearing conference.

Released: November 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11768; Filed, Nov. 17, 1964; 8:48 a.m.]

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[Docket Nos. 15675, 15676; FCC 64M-1133]

## WESTERN CALIFORNIA TELEPHONE CO. AND PACIFIC TELEPHONE AND TELEGRAPH CO.

### Order Scheduling Prehearing Conference

In re applications of Western California Telephone Company, Docket No. 15675, File No. 4409-C2-P-64, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Los Gatos, Calif.; The Pacific Telephone and Telegraph Company, Docket No. 15676, File No. 5774-C2-P-64, for a construction permit to modify the facilities of station KMA612 in the Domestic Public Land Mobile Radio Service at San Jose, Calif.

Pursuant to the November 10, 1964 oral request of counsel for The Pacific Telephone and Telegraph Company (confirmed by letter received from said counsel on November 12, 1964) and with the consent of counsel for all other parties: *It is ordered*, This 12th day of November 1964, that a prehearing conference in this proceeding will be held at 9:00 a.m., December 17, 1964, in the Offices of the Commission, Washington, D.C.

Released: November 13; 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11769; Filed, Nov. 17, 1964; 8:48 a.m.]

# FEDERAL MARITIME COMMISSION

## STATE OF WASHINGTON AND PORT OF VANCOUVER

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Cleveland C. Cory,
Rockwood, Davies, Biggs, Strayer and Stoel,
1410 Yeon Building, Portland 4, Oregon.

Agreement No. T-497, between the State of Washington (State) and the Port of Vancouver (Port), provides for Port's lease of certain tracts of land in the Vancouver Tide Lands. The State has the right to establish and to change the rates of wharfage, dockage, and other tolls to be imposed by Port.

Agreement No. T-497-A between the Port and the Spokane, Portland & Seattle Railway Company (Railway), provides for the sub-lease of this property to Railway. Railway agrees to pay a flat monthly rental, and to use the land and elevator bins for the storage and handling of wheat and other grain. Port reserves the right to use the dock and railroad facilities in common with the Railway, paying the prevailing wharfage rate. This agreement is subject to the lease between the State and the Port.

Agreement No. T-497-B provides for Railway's further sub-lease of the property to Archer-Daniels Midland Company (Company). This agreement is subject to the provisions of Agreement No. T-497-A. Company will pay as rental a certain percentage of the cost to Railway of the grain elevator and improvements. In addition, Company will reimburse Railway for its rental payments to the Port and will pay a sum equal to a percentage by which the yearly profits exceed the fixed annual rental. Railway's tariff charges apply for switching services. Where rates and services are as favorable, and where Company controls routing, Company will route all shipments to and from the leased elevator facilities over Railway's lines.

Dated: November 13, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11761; Filed, Nov. 17, 1964; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G-2855 etc.]

## NEMOURS CORP. ET AL.

### Findings and Order

NOVEMBER 9, 1964.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, severing and terminating rate proceeding, cancelling docket number, substituting respondents, making successor in interest co-respondent, redesignating proceedings, requiring filing of surety bond, requiring filing of certain agreement and undertaking, accepting certain agreements and undertakings for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

The Estate of L. L. Horne, Applicant in Docket No. G-14949, proposes to continue the sale of natural gas as successor in interest to L. L. Horne, deceased, pursuant to a contract heretofore designated as L. L. Horne FPC Gas Rate Schedule No. 1 which will be redesignated as a rate schedule of the Estate of L. L. Horne. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. G-18268,[1] and the Estate

[1] Consolidated with Docket No. AR61-1, et al.

of L. L. Horne has filed a motion to be substituted as respondent in said proceeding. Accordingly, the Estate of L. L. Horne will be substituted as respondent, the proceeding will be redesignated, and the Estate of L. L. Horne will be required to file a surety bond or an appropriate rider to the surety bond heretofore filed by L. L. Horne to assure the refund of any amounts collected in excess of the amount determined to be just and reasonable in Docket No. G–16268.

Tex-Star Oil & Gas Corp., Applicant in Docket Nos. CI63–290 and CI63–1271, proposes to continue the sales of natural gas as successor in interest to Mountain States Natural Gas Corporation pursuant to contracts heretofore designated as Mountain States' FPC Gas Rate Schedule Nos. 6 and 2 which will be redesignated as Tex-Star's FPC Gas Rate Schedule Nos. 36 and 38, respectively. The presently effective rate under said contracts is in effect subject to refund in Docket No. RI64–466. Tex-Star has filed a motion to be substituted as respondent therein and has filed an agreement and undertaking to assure the refund of any amounts collected by it or by Mountain States in excess of the amount determined to be just and reasonable in said proceeding. Accordingly, Tex-Star will be substituted in lieu of Mountain States as respondent in the rate proceeding, said proceeding will be redesignated, and the agreement and undertaking will be accepted for filing.

Amerada Petroleum Corporation, Applicant in Docket No. CI65–111, proposes to continue the sale of natural gas heretofore authorized in said docket in lieu of Sinclair Oil and Gas Company pursuant to a contract heretofore designated as Sinclair's FPC Gas Rate Schedule No. 115, which will be redesignated as FPC Gas Rate Schedule No. 122 of Amerada. The presently effective rate under said contract is in effect subject to refund in Docket No. RI61–56,[1] and increased rates have also been suspended and collected subject to refund in Docket No. G–20580. Amerada has filed a motion in both dockets to be made co-respondent therein, but inasmuch as Amerada agrees to the refund provisions in said dockets only subsequent to March 31, 1964, and inasmuch as no rates have been collected subject to refund in Docket No. G–20580 subsequent to March 31, 1964, it will not be necessary to make Amerada co-respondent in the rate suspension proceeding pending in Docket No. G–20580. Amerada has also filed an agreement and undertaking to assure the refund of any amounts collected by it, subsequent to March 31, 1964, in excess of the amount determined to be just and reasonable in Docket No. RI61–56. Accordingly, Amerada will be made co-respondent in the rate proceeding pending in Docket No. RI61–56, said proceeding will be redesignated, and the agreement and undertaking will be accepted for filing.

Rodman Oil Company, Applicant in Docket No. CI65–205, proposes to continue partially the sale of natural gas pursuant to a contract heretofore designated as Pan American Petroleum Corporation FPC Gas Rate Schedule No. 315 and which has also been accepted for filing and designated as Rodman's FPC Gas Rate Schedule No. 1. The presently effective rate under said contract is in effect subject to refund in Docket No. RI60–409. Rodman has filed a motion to be made co-respondent in said proceeding. Accordingly, Rodman will be made co-respondent in the proceeding pending in Docket No. RI60–409, said proceeding will be redesignated, and Rodman will be required to file an agreement and undertaking to assure the refund of any amount collected since the date of transfer of the subject property in excess of the amount determined to be just and reasonable in Docket No. RI60–409 insofar as said proceeding pertains to sales made pursuant to the contract herein designated as Rodman Oil Company FPC Gas Rate Schedule No. 1.

After due notice, no petition or notice to intervene or protest to the granting of any of the respective applications or petitions have been filed.

At a hearing held on October 29, 1964, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in the following dockets should be amended as hereinafter ordered:

G–2598, G–2599, G–2855, G–6686, G–7022, G–8098, G–10247, G–10830, G–10852, G–11229, G–11475, G–12721, G–12728, G–13805, G–14131, G–14949, G–15380, G–16010, G–16562, G–17475, G–19213, CI61–939, CI62–604, CI62–1358, CI63–290, CI63–459, CI63–852, CI63–1271, CI63–1389, and CI64–367.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) The certificates of public convenience and necessity heretofore issued to the Applicants herein, relating to the several abandonments hereinafter permitted and approved should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the Estate of L. L. Horne should be substituted in lieu of L. L. Horne as respondent in the proceeding pending in Docket No. G–18268, that said proceeding should be redesignated accordingly, and that the Estate of L. L. Horne should be required to file a surety bond or rider to the surety bond heretofore filed by L. L. Horne to assure the refund of any amounts collected in excess of the amount determined to be just and reasonable in Docket No. G–18268.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Tex-Star Oil & Gas Corp., should be substituted in lieu of Mountain States Natural Gas Corporation as respondent in Docket No. RI64–466, that said proceeding should be redesignated accordingly, and that the agreement and undertaking filed concurrently with the subject motion should be accepted for filing.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Amerada Petroleum Corporation should be made a co-respondent in the rate proceeding pending in Docket No. RI61–56, that said proceeding should be redesignated accordingly, and that the agreement and undertaking filed in said docket by Amerada should be accepted for filing.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Rodman Oil Company should be made a co-respondent in the proceeding pending in Docket No. RI60–409, that said proceeding should be redesignated accordingly, and that Rodman should be required to file an agreement and undertaking in said proceeding.

(12) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein, should be accepted for filing as hereinafter ordered.

The Commission orders:

[1] Consolidated with Docket No. AR61–1, et al.



(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G–2855, G–6686, G–12728, G–14131, G–16010, G–17475, CI62–604, CI62–1358, and CI63–1389 are hereby amended by adding thereto and deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) The certificates heretofore issued in Docket Nos. G–11229, G–13805, and G–15380 are hereby amended by deleting therefrom authorization granted herein, in Docket Nos. CI65–111, CI65–247, and CI65–205.

(F) The certificate heretofore issued in Docket No. G–2598 is hereby amended to authorize Tenneco Oil Company (Operator), et al., to continue sales previously rendered by Delhi-Taylor Oil Corporation and also to include the sale from interest acquired from Mayfair-Minerals, Inc., in Docket No. G–2599, and the certificate heretofore issued in Docket No. G–2599 is hereby amended to delete therefrom authorization for the sale of natural gas from the interest of Mayfair-Minerals, Inc.

(G) The certificate heretofore issued in Docket No; G–16562 is hereby amended to change the name of the certificate holder from Mobley & Stephens to Mobley & McCain 1957, et al., as indicated in the tabulation herein.

(H) The certificate heretofore issued in Docket No. CI63–459 is hereby amended to include the additional authorization and such authorization is conditioned as was the original certificate upon the basic application issued March 30, 1964, in the Pan American Petroleum Corporation, et al., Docket Nos. G–19417, et al., proceeding.

(I) The certificate heretofore issued in Docket No. CI64–367 is hereby amended to authorize Aztec Oil & Gas Company to continue sales previously rendered by W. P. Luse Estate in Docket No. CI64–617 and the certificate heretofore issued in Docket No. CI64–617 is hereby terminated.

(J) The certificates heretofore issued in Docket Nos. G–7022, G–8098, G–10247, G–10830, G–10852, G–11475, G–12721, G–14949, G–19213, CI61–939, CI63–290, CI63–852, and CI63–1271 are hereby amended by changing the certificate holders to the successors in interest as indicated in the tabulation herein.

(K) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(L) The certificates heretofore issued in Docket Nos. G–6593, G–16586, G–18203, CI61–779, and CI61–1720 are hereby terminated.

(M) In view of the abandonment authorization granted herein, in Docket No. CI65–237 the rate suspension proceeding in Docket No. RI61–465 is hereby severed from the proceedings in Docket No. AR64–1, et al., and is hereby terminated, since the proposed rate has not been placed into effect and service has ceased.

(N) Docket No. CI64–1460 is hereby cancelled.

(O) The Estate of L. L. Horne be and it is hereby substituted in lieu of L. L. Horne as respondent in the proceeding pending in Docket No. G–18268, and said proceeding is redesignated accordingly,[2]

(P) Within 30 days from the issuance of this order the Estate of L. L. Horne shall execute in the form set out below [2a] and shall file with the Secretary of the Commission a surety bond in Docket No. G–18268 in the amount of $2,200, or a rider to the surety bond heretofore filed in said proceeding by L. L. Horne to assure the refund of any amounts, together with interest at the rate of six percent per annum, collected in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such surety bond or rider shall be deemed to have been accepted for filing.

(Q) The Estate of L. L. Horne shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Commission's regulations thereunder, and the surety bond filed in Docket No. G–18268 shall remain in full force and effect until discharged by the Commission.

(R) Tex-Star Oil & Gas Corp., be and it is hereby substituted in lieu of Mountain States Natural Gas Corporation as respondent in the proceeding pending in Docket No. RI64–466, and said proceeding is redesignated accordingly,[3] and that the agreement and undertaking filed in said docket by Tex-Star is hereby accepted for filing.

(S) Tex-Star Oil & Gas Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed in Docket No. RI64–466 by Tex-Star shall remain in full force and effect until discharged by the Commission.

(T) Amerada Petroleum Corporation be and it is hereby made a co-respondent with Sinclair Oil and Gas Company in the pending rate proceeding in Docket No. RI61–56, said proceeding is redesignated accordingly,[4] and the agreement and undertaking filed by Amerada is hereby accepted for filing.

(U) Amerada Petroleum Corporation shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed in Docket No. RI61–56 by Amerada shall remain in full force and effect until discharged by the Commission.

(V) Rodman Oil Company be and it is hereby made a co-respondent in the proceeding pending in Docket No. RI60–409 insofar as said proceeding pertains to sales made pursuant to the contract herein designated as Rodman Oil Company FPC Gas Rate Schedule No. 1, and said proceeding is redesignated accordingly.[5]

(W) Within 30 days from the issuance of this order Rodman Oil Company shall execute, in the form set out below,[5a] and shall file with the Secretary of the Commission, an acceptable agreement and undertaking in Docket No. RI60–409 to assure the refund of any amount, together with interest at the rate of seven percent per annum, collected in excess of the amount determined to be just and reasonable in said proceeding, insofar as said proceeding pertains to sales from properties assigned to Rodman by Pan American Petroleum Corporation effective May 29, 1964. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

[2] Estate of L. L. Horne.

[2a] Form filed as part of original document.

[3] Tex-Star Oil & Gas Corp.

[4] Sinclair Oil and Gas Company and Amerada Petroleum Corporation.

[5] Pan American Petroleum Corporation and Rodman Oil Company.

[5a] Form filed as part of original document.

(X) Rodman Oil Company shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and Rodman's agreement and undertaking filed in Docket No. RI60–409 shall remain in full force and effect until discharged by the Commission.

(Y) The related rate filings and supplements as indicated in the tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the successions herein, are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

| Docket No. and date filed | Applicant | Purchaser, field and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| G–2855 D 9–14–64 | Nemours Corp. (partial abandonment). | United Gas Pipe Line Co., Monroe Field, Union Parish, La. | Notice of partial cancellation 9–10–64.[1 2] | 1 | 8 |
| G–6686 C 9–16–64 | Union Texas Petroleum, a division of Allied Chemical Corp., et al. | El Paso Natural Gas Co., acreage in Lea County, N. Mex. | Supplemental agreement 5–1–64.[3] | 28 | 13 |
| G–7022 E 8–31–64 | Hydrocarbon Chemicals, Inc. (successor to Earl Goodwin, et al.). | Carnegie Natural Gas Co., Freemans Creek Dist., Lewis County, W. Va. | Earl Goodwin, et al., FPC GRS No. 4. | 9 | |
| | | | Supplement No. 1 | 9 | 1 |
| | | | Notice of succession 8–21–64. | | |
| | | | Assignment 8–7–59 [4] | 9 | 2 |
| G–8098 E 8–13–64 | do | Cumberland and Allegheny Gas Co., Otter Dist., Braxton County, W. Va. | Earl S. Goodwin, et al., FPC GRS No. 1. | 11 | |
| | | | Supplement No. 1 | 11 | 1 |
| | | | Notice of succession 8–10–64. | | |
| | | | Assignment 8–7–59 [4] | 11 | 2 |
| G–10247 E 8–31–64 | International Helium, Inc. (Operator), et al. (successor to Fred Whitaker (Operator), et al.).[5] | Arkansas Louisiana Gas Co., Carthage Field, Panola County, Tex. | Fred Whitaker (Operator), et al., FPC GRS No. 1. | 1 | |
| | | | Supplement Nos. 1–2 | 1 | 1–2 |
| | | | Notice of succession 8–25–64. | | |
| | | | Assignment 7–31–64 | 1 | 3 |
| | | | Effective date: 6–1–64 | | |
| G–10830 E 9–14–64 | do | United Gas Pipe Line Co., Bethany Field, Harrison County, Tex. | Fred Whitaker (Operator), et al., FPC GRS No. 2. | 2 | |
| | | | Supplement Nos. 1–4 | 2 | 1–4 |
| | | | Notice of succession 8–31–64. | | |
| | | | Assignment 7–31–64 | 2 | 5 |
| | | | Effective date: 6–1–64 | | |
| G–10852 E 9–14–64 | do | do | Fred Whitaker (Operator, et al., FPC GRS No. 3. | 3 | |
| | | | Supplement Nos. 1–5 | 3 | 1–5 |
| | | | Notice of succession 8–31–64. | | |
| | | | Assignment 7–31–64 | 3 | 6 |
| | | | Effective date: 6–1–64 | | |
| G–11475 E 9–16–64 | Republic Royalty Co. (successor to Chas. T. McCord, Jr. (Operator), et al.). | Texas Eastern Transmission Corp., Huxley Field, Shelby County, Tex. | Chas. T. McCord, Jr. (Operator), et al., FPC GRS No. 1. | 1 | |
| | | | Supplement Nos. 1–3 | 1 | 1–3 |
| | | | Notice of succession (undated). | | |
| | | | Assignment 9–1–63 | 1 | 4 |
| | | | Effective date: 8–1–63 | | |

| Docket No. and date filed | Applicant | Purchaser, field and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| G–12721 E 9–11–64 | Petroleum Property Management, Inc., agent for Ambassador Oil Corp., et al. (successor to Cheyenne Oil Corp. of Delaware (Operator), et al.). | Texas Gas Transmission Corp., South Elton Field, Jefferson Davis Parish, La. | Cheyenne Oil Corp. of Delaware (Operator), et al., FPC GRS No. 1. | 2 | |
| | | | Supplement Nos. 1–2 | 2 | 1–2 |
| | | | Notice of succession 8–13–64. | | |
| | | | Letter agreement 8–15–62.[6] | 2 | 3 |
| | | | Effective date 4–1–62 | | |
| G–12728 C 9–26–60 | Socony Mobil Oil Co., Inc. | Panhandle Eastern Pipe Line Co., Hugoton Field, Morton and Stevens Counties, Kans. | Supplemental Agreement 9–29–60. | 345 | 1 |
| G–14131 D 9–11–64 | Phillips Petroleum Co. (partial abandonment). | Northern Natural Gas Co., Emperor Pool Area, Winkler County, Tex. | Agreement 7–15–64 [7] | 306 | 2 |
| G–14949 E 7–27–64 | Estate of L. L. Horne (successor to L. L. Horne). | Northern Natural Gas Co., Puckett-Ellenburger Field, Pecos County, Tex. | L. L. Horne, FPC GRS No. 1. | [8] 1 | |
| | | | Supplement Nos. 1–4 | 1 | 1–4 |
| | | | Notice of succession (undated). | | |
| | | | Will 11–6–61 | 1 | 5 |
| | | | Effective date 5–19–62 | | |
| G–16010 D 9–8–64 | Sunray DX Oil Co | Northern Natural Gas Co., Harper Ranch Field, Clark County, Kans. | Supplemental Agreement 7–7–64.[9] | 129 | 3 |
| G–16562 7–29–64 [10] | Mobley & McCain 1957, et al. (formerly Mobley and Stephens). | Texas Gas Transmission Corp., North Dubberly Area, Webster Parish, La. | Mobley & Stephens, FPC GRS No. 2. | 1 | |
| | | | Supplement Nos. 1–2 | 1 | 1–2 |
| G–17475 D 8–27–64 | Tidewater Oil Co | Hope Natural Gas Co., West Rayne Area, Acadia Parish, La. | Amendment 7–16–64 [11] [12] | 89 | 2 |
| G–19213 E 9–11–64 | Petroleum Property Management, Inc., agent for Oil & Gas Ventures, Second 1958 Fund, Ltd., et al. (successor to Cheyenne Oil Corp. (Operator), et al.). | United Gas Pipe Line Co., North Lewisburg Field, St. Landry Parish, La. | Cheyenne Oil Corp. (Operator), et al., FPC GRS No. 3. | 3 | |
| | | | Supplement Nos. 1–3 | 3 | 1–3 |
| | | | Notice of succession 8–13–64. | | |
| | | | Letter Agreement 3–23–64.[6] | 3 | 4 |
| | | | Effective date 4–1–62 | | |
| CI61–939 E 9–14–64 | R. Olsen (successor to Howard Olsen Development Co.). | Transwestern Pipeline Co., Atoka-Pennsylvania Gas Pool, Eddy County, N. Mex. | Howard Olsen Development Co., FPC GRS No. 1. | 11 | |
| | | | Supplement Nos. 1–7 | 11 | 1–7 |
| | | | Notice of succession 9–9–64. | | |
| | | | Assignment 5–1–64 [4] | 11 | 8 |
| | | | Letter Agreement 6–15–64. | 11 | 9 |
| | | | Effective date: 10–15–64 | | |
| CI62–604 C 9–16–64 | Allerton Miller | Equitable Gas Co., Buckhannon and Meade Dist., Upshur County, W. Va. | Letter Agreement 9–3–64.[3] | 5 | 4 |
| CI62–750 A 1–8–62 | Hanley Co., et al | El Paso Natural Gas Co., Spraberry Field, Glasscock County, Tex. | ([13]) | | |
| CI62–1358 C 9–16–64 D 9–16–64 | Allerton Miller | Equitable Gas Co., Warren and Elk Dist., Upshur and Harrison Counties, W. Va. | Letter Agreement 8–27–64.[13 3] | 6 | 2 |
| CI63–290 E 7–31–64 | Tex-Star Oil & Gas Corp. (successor to Mountain States Natural Gas Corp.). | El Paso Natural Gas Co., Basin Dakota Field, LaPlata County, Colo. | Mountain States Natural Gas Corp., FPC GRS No. 6. | 36 | |
| | | | Supplement Nos. 1–3 | 36 | 1–3 |
| | | | Notice of succession 7–31–64. | | |
| | | | Assignment 5–18–64 [4] | 36 | 4 |
| CI63–459 C 9–16–64 | Gulf Oil Corp.[14] | Michigan Wisconsin Pipe Line Co., North Oakdale Field, Woods County, Okla. | Amendment agreement 8–14–64.[3] | 243 [15] | 6 |

Filing code:
A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.



| Docket No. and date filed | Applicant | Purchaser, field and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| CI63–852 E 9–17–64 | O. W. Mayhew d.b.a. Mayhew Oil & Gas Developments, et al. (successor to William E. Allen, et al.). | Equitable Gas Co., Otter Dist., Braxton County, W. Va. | William E. Allen, et al., FPC GRS No. 2.[16] | 2 | |
| | | | Notice of succession 9–14–64. | | |
| | | | Assignment 2–4–64 [4] | 2 | 1 |
| CI63–1271 E 8–31–64 | Tex-Star Oil & Gas Corp. (successor to Mountain States Natural Gas Corp.). | El Paso Natural Gas Co., Basin Dakota Field, LaPlata County, Colo. | Mountain States Natural Gas Corp., FPC GRS No. 2. | 38 | |
| | | | Supplement Nos. 1–3 | 38 | 1–3 |
| | | | Notice of succession 8–31–64. | | |
| | | | Assignment 5–18–64 [4] | 38 | 4 |
| CI63–1389 C 9–14–64 | Wacker Oil Co., Inc. | United Gas Pipe Line Co., Donner Field, Terrebonne Parish, La. | Amendment 7–23–64 [3] | 2 | 1 |
| CI64–367 (CI64–617) [17] E 8–31–64 | Aztec Oil & Gas Co. (successor to W. P. Luse estate). | Texas Gas Transmission Corp., North Rousseau Area, Lafourche Parish, La. | Assignment 6–1–64 [18] | [18] 15 | 6 |
| | | | Sublease 6–1–64 [20] | 15 | 7 |
| | | | Assignment 6–1–64 [18] | [21] 16 | 5 |
| | | | Sublease 6–1–64 [4] [20] | 16 | 6 |
| CI64–1453 A 6–4–64 | Mike Abraham, et al. | El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex. | Contract 4–9–64 | 4 | |
| | | | Letter Agreement 9–22–64.[3] | 4 | 1 |
| CI64–1460 (G–2598) [22] (G–2599) [22] F 6–4–64 | Tenneco Oil Co. (Operator), et al. (successor to Delhi-Taylor Oil Corp.). | Trunkline Gas Co., McAllen Field, Hidalgo County, Tex. | Assignment 2–10–64 | 141 | 9 |
| | | | Conveyance 2–18–64 [24] | 141 | 10 |
| | | | Effective date: 1–1–64 | | |
| A CI65–111 (G–11229) F 8–3–64 | Amerada Petroleum Corp. (successor to Sinclair Oil & Gas Co.). | Northwest Production Corp., Barnhart Field, Reagan County, Tex. | Sinclair Oil & Gas Co., FPC GRS No. 115. | 122 | |
| | | | Supplemental Nos. 1–14 | 122 | 1–14 |
| | | | Notice of succession 7–30–64. | | |
| | | | Assignment 4–1–64 | 122 | 15 |
| | | | Letter 4–27–64 | 122 | 16 |
| | | | Effective date: 4–1–64 | | |
| CI65–151 (G–6903) B 7–31–64 | Watson Oil & Gas Co., Inc.[25] | Carnegie Natural Gas Co., Murphy Dist., Ritchie County, W. Va. | Notice of cancellation (undated).[1 2] | 4 | 2 |
| A CI65–205 (G–15380) F 9–4–64 | Rodman Oil Co. (successor to Pan American Petroleum Corp.). | West Lake Natural Gasoline Co., Nena Lucia Area, Nolan County, Tex. | Contract 3–6–56 | 1 | |
| | | | Supplemental Agreement 5–17–63. | 1 | 1 |
| | | | Assignment 5–29–64 [3] | 1 | 2 |
| CI65–220 (G–18203) B 9–11–64 | E. W. Bowers and Associates, et al. | Hope Natural Gas Co., Murphy Dist., Ritchie County, W. Va. | Notice of cancellation 9–9–64.[1 2] | 1 | 1 |
| CI65–221 (CI61–1720) B 9–11–64 | Richard H. Brumbaugh d.b.a. Conrad 26—Acre lease. | do | Notice of cancellation 9–9–64.[1 2] | 6 | 1 |
| CI65–222 (G–16586) B 9–11–64 | Philip Lemon, et al. | Hope Natural Gas Co., Union Dist., Ritchie County, W. Va. | Notice of cancellation 9–9–64.[1 2] | 6 | 1 |
| CI65–223 A 9–14–64 | Joseph E. Seagram & Sons, Inc. d.b.a. Texas Pacific Oil Co. | El Paso Natural Gas Co. Gallegos Canyon Unit, Basin Dakota Field, San Juan County, N. Mex. | Contract 5–25–64 [3] | 81 | |
| CI65–227 A 9–14–64 | Westheimer-Neustadt Corp. | Lone Star Gas Co., Sholem Alechem Field, Carter County, Okla. | Contract 9–1–64 [3] | 3 | |
| CI65–230 A 9–14–64 | George J. Despot | Texas Gas Transmission Corp., Sugar Creek Field, Claiborne Parish, La. | Contract 8–31–64 [3] | 1 | |
| CI65–231 A 9–14–64 | Howard C. Johnson, et al. | Lone Star Gas Co., North Dibble Area, McClain County, Okla. | Ratified 8–4–64 | 1 | |
| | | | Contract 5–1–64 [3] | 1 | 1 |
| CI65–236 A 9–16–64 | W. Leslie Rogers | Equitable Gas Co., Central Dist. Doddridge County, W. Va. | Contract 6–30–64 [3] | 5 | |
| CI65–237 (CI61–779) B 9–9–64 | Barber Gas Operations, Inc. | Cities Service Gas Co., Whelan Field, Barber County, Kans. | Notice of cancellation 9–2–64.[1 3] | [26] 2 | 3 |
| CI65–242 A 9–17–64 | Socony Mobil Oil Co., Inc. | Lone Star Gas Co., Penn-Griffith Field, Rusk County, Tex. | Ratified 7–7–64 | 363 | |
| | | | Contract 10–7–63 [3] | 363 | |

See footnotes at end of table.

| Docket No. and date filed | Applicant | Purchaser, field and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| CI65–243 A 9–17–64 | A. G. Anderson, et al. d.b.a. Dependable Pipe & Supply Co. | Equitable Gas Co., Court House Dist., Lewis County, W. Va. | Contract 8–10–64 [3] | 2 | |
| CI65–245 A 9–15–64 | Charley Cain | United Fuel Gas Co., Acreage in Martin County, Ky. | ([27]) | 1 | |
| A CI65–247 (G–13805) F 9–14–64 | George L. Buckles, et al. (successor to Sinclair Oil & Gas Co.). | El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex. | Contract 7–19–39 | 11 | |
| | | | Amendment Agreement 4–2–42. | 11 | 1 |
| | | | Letter Agreement 2–15–43. | | 2 |
| | | | Letter Agreement 12–6–49. | 11 | 3 |
| | | | Assignment 6–28–54 | 11 | 4 |
| | | | Amendment Agreement 1–18–61. | 11 | 5 |
| | | | Assignment 7–31–64 [28] | 11 | 6 |
| | | | Effective date: 8–1–64 | | |
| (G–13805) | Sinclair Oil & Gas Co | do | Assignment 7–31–64 [29] | 153 | 19 |
| | | | Effective date: 8–1–64 | | |

[1] Source of gas no longer economically feasible.
[2] Effective date: Date of this order.
[3] Effective date: Date of initial delivery.
[4] Effective date: Date of transfer of properties.
[5] Predecessor (Whitaker) has concurrently filed companion applications to transfer and assign authority to International, Whitaker's filings are considered to be joinders in successor's respective applications and do not require further action.
[6] Letter appointing Petroleum Property Management, Inc., operator of the related properties, however, since Petroleum Management owns no interest therein, they are being treated as "Agent".
[7] Deletes 40 acres from the basic contract; Applicant states that pressure is not sufficient to continue sales into Northern's system.
[8] Rate in effect subject to refund in Docket No. G–18268; Applicant has filed motion to be substituted as respondent in said docket.
[9] Deletes nonproductive acreage.
[10] Amendment to certificate for change of name only.
[11] Petition to amend certificate requests deletion of Tidewater's interest in gas sales from the Klumpp "D" Sand Unit F. This gas was authorized to be sold by Union Oil of California, operator of the Klumpp "D" Sand Unit F, under its FPC GRS No. 78, Docket No. CI64–233.
[12] By letter filed June 23, 1964, Applicant agreed to accept a permanent certificate at a rate of 16.0 cents per Mcf at 14.65 p.s.i.a.; the proposed supplement dated June 22, 1964, previously accepted for filing as Supp. No. 5 to Hanley's FPC GRS No. 31.
[13] Agreement adds 911 acres to the contract and deletes 218 acres, net addition of 693 acres; acreage deleted results from expired leases.
[14] Applicant requests authorization for the subject acreage under same terms and conditions as its certificate issued March 30, 1964, in the Docket Nos. G–19417, et al., proceeding.
[15] Settlement rate approved by Commission's Order issued March 30, 1964 in Docket Nos. G–19417, et al.
[16] Insofar as it pertains to the interest of William E. Allen. The et al., parties remain the same.
[17] Docket No. CI64–617 erroneously assigned to succession application filed by Aztec Oil & Gas Co., August 31, 1964, and noticed September 16, 1964, in Docket Nos. G–2810, et al. (Aztec filed to amend its certificate issued in Docket No. CI64–367 to reflect the additional interest assigned by W. P. Luse Estate; W. P. Luse Estate was issued a certificate in Docket No. CI64–617 which will be terminated).
[18] Assigns producing acreage formerly dedicated to W. P. Luse Estate FPC GRS Nos. 1 and 2.
[19] Supersedes W. P. Luse Estate FPC GRS No. 1.
[20] Assigns nonproductive acreage formerly dedicated to W. P. Luse Estate FPC GRS Nos. 1 and 2.
[21] Supersedes W. P. Luse Estate FPC GRS No. 2.
[22] Application filed by Tenneco in Docket No. CI64–1460 will be treated as a petition to amend the certificate in Docket No. G–2598 to add acreage acquired from Mayfair-Minerals, Inc., and Docket No. CI64–1460 will be cancelled.
[23] Tenneco is succeeding to one-half of the interest authorized in Docket No. G–2599 to Mayfair-Minerals, Inc.
[24] Conveys interest from Mayfair-Minerals, Inc., to Continental Oil Co., and Tenneco Oil Co.
[25] Abandonment application filed by Hydrocarbon Chemicals, Inc., as successor to Watson Oil & Gas Co., Inc. Hydrocarbon has made succession filing, but in view of the abandonment it is recommended that no action will be taken on the succession filing.
[26] Rate of 13.0 cents per Mcf suspended in Docket No. RI61–465 until October 1, 1961; however, rate never placed into effect subject to refund, therefore, Docket No. RI61–465 will be terminated.
[27] Rate Schedule No. 1 previously accepted for filing by letter dated April 13, 1955.
[28] Assignment of acreage from Sinclair Oil & Gas Co. to George L. Buckles, et al.
[29] Deletes acreage assigned to George L. Buckles, et al., FPC GRS No. 1 in Docket No. CI65–247.

[F.R. Doc. 64–11664; Filed, Nov. 17, 1964; 8:45 a.m.]

[Docket No. CP65-23]

## BLACKSTONE GAS CO.

### Notice of Application

NOVEMBER 10, 1964.

Take notice that on July 21, 1964, as amended on October 5, 1964, Blackstone Gas Company (Applicant), 10 State Street, Boston, Massachusetts, filed an application pursuant to section 7(a) of the Natural Gas Act for an order directing Tennessee Gas Transmission Company to establish physical connection of its existing transmission facilities with the facilities proposed to be constructed by the Applicant, and to sell and deliver to Applicant up to 222 Mcf of natural gas per day for resale by Applicant in the towns of Blackstone and Bellingham, Massachusetts, all as more fully described in the application on file with the Commission and open to public inspection.

The total estimated cost of Applicant's proposed facilities is $106,625, which will be financed by funds from company sources and from bank loans.

The facilities proposed by Applicant consists of 21,000 Mcf of 4-inch pipeline to be paid within the boundaries of the above named communities.

Applicant states that it has been authorized by the Massachusetts Department of Public Utilities to construct and operate said facilities within the areas of Blackstone and Bellingham.

The estimated volumes of natural gas required to meet the Applicant's demands are measured in Mcfs as follows:

| Year | Peak day | Annual |
|---|---|---|
| 1 | 105 | 11,486 |
| 2 | 177 | 19,337 |
| 3 | 222 | 24,242 |

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 30, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11715; Filed, Nov. 17, 1964; 8:45 a.m.]

[Docket No. CP64-99]

## EL PASO NATURAL GAS CO.

### Notice of Application To Amend Further

NOVEMBER 10, 1964.

Take notice that on August 18, 1964, El Paso Natural Gas Co. (Applicant), P.O. Box 1492, El Paso, Tex., 79999, filed in Docket No. CP64-99 an application to amend further the Commission's order issued February 18, 1964, in said docket, as amended, by authorizing Applicant to continue to participate, as to its one-third interest, in certain additional testing activities of the Jackson Prairie Storage Unit, including an increase in the volumetric limitation on the inventory of gas in said storage reservoir from 600,000 Mcf to 1,400,000 Mcf, for a period continuing through June 30, 1965, or until divestiture of Applicant's Northwest Division System, whichever first occurs, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

The order of February 18, 1964, as amended, authorized Applicant to construct and operate certain facilities; to sell and deliver natural gas to Washington Natural Gas Co. (Washington Natural) and Washington Water Power Co. (Water Power) and, with respect to Applicant's interest therein, to share in the cost of facilities to be constructed and operated by Water Power, all solely for the purpose of testing the Jackson Prairie Storage Unit. The total estimated cost, which is to be shared equally by the three participants, of the project was $1,019,400. The order, as amended, also limited the gas inventory in the storage reservoir to 600,000 Mcf (14.73 p.s.i.a.) and terminated the authorization on December 31, 1964.

In addition to the request for extension of authorization through June 30, 1965, or until divestiture of Applicant's Northwest Division System, whichever first occurs, it is proposed to increase the volumetric limitation of the inventory gas from 600,000 Mcf (14.73 p.s.i.a.) to 1,400,000 Mcf (14.73 p.s.i.a.), inclusive of the 232,900 Mcf injected through August 1, 1964. Further, Applicant, Washington Natural and Water Power, the latter continuing as Storage Unit Operator, have agreed to increase their individual commitments from $350,000 to $700,000 to finance the proposed expanded testing program which includes the installation of water removal facilities, the drilling of two stratigraphic test wells, four withdrawal wells and one water disposal well. The total estimated cost of continuing the testing program, as proposed, will increase from $1,019,400 to $2,100,000, inclusive of the amount of $1,004,980 expended through August 1, 1964.

The application indicates that the herein proposed project is required to verify the to-date testing conclusion that gas injected into Zone No. 2 is not migrating to Zone No. 1, and to evaluate fully the potential of the underground storage reservoir.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 3, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11716; Filed, Nov. 17, 1964; 8:45 a.m.]

[Docket No. CP65-104]

## LONE STAR GAS CO.

### Notice of Application

NOVEMBER 10, 1964.

Take notice that on October 16, 1964, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, Tex., 75201, filed in Docket No. CP65-104 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1965 and the operation of routine field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

Total cost of the facilities covered by this application will not exceed a maximum of $1,770,000, with no single project to exceed a cost of $442,500, which costs are proposed to be financed out of funds currently on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.



Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 4, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11717; Filed, Nov. 17, 1964; 8:45 a.m.]

[Docket No. CP65-106]

## NATURAL GAS PIPELINE COMPANY OF AMERICA

### Notice of Application

NOVEMBER 10, 1964.

Take notice that on October 22, 1964, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP65-106 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1965 and the operation of routine field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities covered by this application will not exceed a maximum of $3,500,000 with no single project to exceed a cost of $500,000, which costs are proposed to be financed out of funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or represented at the hearing.
be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 4, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11718; Filed, Nov. 17, 1964; 8:45 a.m.]

[Docket No. CP65-54]

## TOWN OF WELLMAN, IOWA

### Notice of Application

NOVEMBER 10, 1964.

Take notice that on August 26, 1964, as amended on October 5, 1964, the Town of Wellman, Washington County, Iowa, (Applicant) filed in Docket No. CP65-54 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Natural Gas Pipeline Company of America (Natural) to establish physical connection of its transmission facilities with the proposed facilities of and to sell natural gas to Applicant for resale and distribution in Wellman, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a distribution system in Wellman and 7.4 miles of 2⅞-inch lateral pipeline connecting the facilities of Natural with the proposed distribution system.

The application shows Applicant's estimated third year peak day and annual natural gas requirements to be 799 Mcf and 95,490 Mcf, respectively.

The total estimated cost of transmission and distribution facilities for the project is $259,790, which cost will be financed by the issuance of gas revenue bonds.

On September 14, 1964, Natural filed an answer to the subject application stating that it had no objection to the issuance of the requested order.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 7, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11719; Filed, Nov. 17, 1964; 8:45 a.m.]

[Docket No. CI62-1179]

## GENERAL AMERICAN OIL COMPANY OF TEXAS

### Notice of Application

NOVEMBER 10, 1964.

Take notice that on April 2, 1962, General American Oil Co. of Texas (Applicant), filed in Docket No. CI62-1179 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce for resale as successor in interest to Harway Producers, Inc. (Harway), and Crescent Production Co., Inc. (Crescent), all as more fully set forth in the Appendix below and in the application which is on file with the Commission and open to public inspection.

The subject application will be processed as an application to amend the orders issuing certificates to Harway and Crescent. The related FPC gas rate schedules of Harway and Crescent heretofore have been redesignated as those of Applicant as set forth in the Appendix below.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 7, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

APPENDIX

| Docket No. | Crescent Production Co., Inc. FPC Gas Rate Schedule | General American Oil Co. of Texas FPC Gas Rate Schedule | Purchaser | Location | Price (cents per Mcf at 15.025 p.s.i.a.) |
|---|---|---|---|---|---|
| G-5985 | [1] 1 | [2] 46 | Arkansas Louisiana Gas Co. | East Haynesville Field, Claiborne Parish, La. | 13.478 |
| | 3 | 47 | do | North Ruston Field, Lincoln Parish, La. | 13.27 |
| | 7 | 50 | do | do | 13.27 |
| | 8 | 51-B | do | Haynesville Field, Claiborne Parish, La. | 13.478 |
| | 11 | 53 | Mississippi River Fuel Corp. | North Ruston Field, Lincoln Parish, La. | 13.703 |
| G-18127 | 16 | 54 | Arkansas Louisiana Gas Co. | Simsboro Field, Lincoln Parish, La. | 13.003 |

[1] et al.
[2] (Operator), et al.

| Docket No. | Harvey Producers, Inc. FPC Gas Rate Schedule | General American Oil Co. of Texas FPC Gas Rate Schedule | Purchaser | Location | Price (cents per Mcf @ 14.65 psia) |
|---|---|---|---|---|---|
| G-8078 | 1 | [1] 52 | Mississippi River Fuel Corp. | North Choudrant Field, Lincoln Parish, La. | 18.708 |
| | 2 | 55 | Arkansas Louisiana Gas Co. | North Ruston Field, Lincoln Parish, La. | 13.27 |
| | 3 | [1] 48 | do | do | 13.27 |
| | 4 | [1] 49 | do | do | 13.27 |
| | 6 | 56 | do | Ruston Field, Lincoln Parish, La. | 13.27 |
| | 7 | 57 | do | North Ruston Field, Lincoln Parish, La. | 13.27 |
| | 8 | 51-A | do | Haynesville Field, Claiborne Parish, La. | 13.476 |
| CI61-1017 | 12 | 58 | do | Calhoun Field, Ouachita Parish, La. | 18.75 |

[1] General American Oil Co. of Texas FPC Gas Rate Schedule Nos. 48, 49, and 52 supersede Crescent Production Co., Inc., FPC Gas Rate Schedule Nos. 4, 5, and 10, respectively.

[F.R. Doc. 64-11721; Filed, Nov. 17, 1964; 8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2410]

### ROCKWELL-STANDARD CORP.

### Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 12, 1964.

In the matter of application of the Pacific Coast Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Rockwell-Standard Corporation (Delaware), File 7-2410.

Upon receipt of a request, on or before November 29, 1964 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-11714; Filed, Nov. 17, 1964; 8:45 a.m.]

## SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-X, Disaster No. 5]

### MANAGER, DISASTER FIELD OFFICE, MORGAN CITY, LA.

### Delegation Relating to Financial Assistance Functions

Notice is hereby given that Delegation of Authority No. 30-X, Disaster 5 (29 F.R. 14423), is hereby rescinded in its entirety.

Effective date: November 7, 1964.

ROBERT E. WEST, *Regional Director, Dallas, Texas.*

[F.R. Doc. 64-11732; Filed, Nov. 17, 1964; 8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 329]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 13, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PROPERTY

No. MC 1124 (Deviation No. 15), HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, Tex., 77003, filed November 2, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, with certain exceptions, over a deviation route as follows: From Baton Rouge, La., over Interstate Highway 10 to New Orleans, La., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Baton Rouge, La., over U.S. Highway 61 to New Orleans, La., and return over the same route.

No. MC 1124 (Deviation No. 16), HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, Tex., 77003, filed November 2, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, with certain exceptions, over a deviation route as follows: From Shreveport, La., over Louisiana Highway 3 to Louisiana-Arkansas State line, thence over Arkansas Highway 29 to Hope, Ark., thence over U.S. Highway 67 and Interstate Highway 30 to Little Rock, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Little Rock, over U.S. Highway 167 via Thornton and El Dorado, Ark., to Junction City, La., thence over Louisiana Highway 9 (formerly Louisiana Highway 115) to Homer, La., thence over U.S. Highway 79, via Minden, La., to Shreveport (also from Thornton, Ark., over U.S. Highway 79 to Camden, Ark., thence over Arkansas Highway 7 to El Dorado, Ark., thence over U.S. Highway 82 to Magnolia, Ark., thence over U.S. Highway 79 to Homer, La.) and return over the same route.

No. MC 14252 (Deviation No. 5), COMMERCIAL MOTOR FREIGHT, INC., 525 Cleveland Avenue, Columbus, Ohio, 43215, filed November 2, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: between Columbus, Ohio, and Cincinnati, Ohio, over Interstate Highway 71, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Columbus, over Ohio Highway 3 to Cincinnati, and (2) from Columbus, over U.S. Highway 40 to junction Ohio Highway 142, thence over Ohio Highway 142 to junction U.S. Highway 42, thence over U.S. Highway 42 to Cincinnati, and return over the same routes.



No. MC 52709 (Deviation No. 15), RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., 80216, filed November 5, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Denver, Colo., over Interstate Highway 80S to junction Interstate Highway 80 near Big Springs, Nebr., thence over Interstate Highway 80 to junction Interstate Highway 55 near Joliet, Ill., thence over Interstate Highway 55 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Denver over U.S. Highway 85 to Greeley, Colo., thence over U.S. Highway 34 to Brush, Colo., thence over U.S. Highway 6 via Sterling, Colo., and Hastings, Nebr., to Omaha, Nebr., (2) from Denver over U.S. Highway 6 to junction Nebraska Highway 3, thence over Nebraska Highway 3 via Oxford, Nebr., to Beatrice, Nebr., thence over U.S. Highway 77 to Lincoln, Nebr., thence over U.S. Highway 6 to Omaha, (3) from Denver over U.S. Highway 85 to Greeley, thence over U.S. Highway 34 to Brush, thence over U.S. Highway 6 to Sterling, thence over U.S. Highway 138 to junction U.S. Highway 30, thence over U.S. Highway 30 via Grand Island, Nebr., to junction U.S. Highway 275, thence over U.S. Highway 275 to junction U.S. Highway 6, thence over U.S. Highway 6 to Omaha, (4) from Denver over U.S. Highway 85 to Greeley, thence over U.S. Highway 34 to Brush, thence over U.S. Highway 6 to Sterling, thence over U.S. Highway 138 to junction U.S. Highway 30, thence over U.S. Highway 30 to Grand Island, thence over U.S. Highway 281 to junction U.S. Highway 34, thence over U.S. Highway 34 to Seward, Nebr., thence over Nebraska Highway 15 to junction U.S. Highway 6, thence over U.S. Highway 6 to Omaha, and (5) from Omaha over U.S. Highway 6 to junction unnumbered highway (formerly U.S. Highway 6), thence over unnumbered highway via Brooklyn, Carnforth, and Victor, Iowa, to junction U.S. Highway 6, thence over U.S. Highway 6 via Marengo, Iowa, to Moline, Ill., thence over Illinois Highway 92 to junction U.S. Highway 34, thence over U.S. Highway 34 to La Moille, Ill., thence return over U.S. Highway 34 to junction Illinois Highway 92, thence continue over U.S. Highway 34 to junction unnumbered highway (formerly U.S. Highway 34) near Earlville, Ill., thence over unnumbered highway via Earlville, to junction U.S. Highway 34, thence over U.S. Highway 34 to junction unnumbered highway (formerly U.S. Highway 34) near Leland, Ill., thence over unnumbered highway via Leland to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, and return over the same routes.

No. MC 52953 (Deviation No. 7), ET&WNC TRANSPORTATION COMPANY, 132 Legion Street, Johnson City, Tenn., filed November 4, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over Interstate Highway 55 to Winona, Miss., thence over access road, U.S. Highway 82 to Greenwood, Miss., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Memphis, over U.S. Highway 61 to Clarksdale, Miss., thence over U.S. Highway 49 to Tutwiler, Miss., thence over U.S. Highway 49E to Greenwood, and return over the same route.

No. MC 59206 (Deviation No. 2), HOLLAND MOTOR EXPRESS, INC., 1 W. 5th Street, Holland, Mich., filed November 6, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Decatur, Ind., over U.S. Highway 33 to junction U.S. Highway 127 about seven miles north of Celina, Ohio, thence over U.S. Highway 127 to Eaton, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Richmond, Ind., over U.S. Highway 35 to Eaton, and thence over U.S. Highway 127 to Cincinnati, Ohio, and from Fort Wayne, Ind., over U.S. Highway 27 to Cincinnati, and return over the same routes.

No. MC 59206 (Deviation No. 3), HOLLAND MOTOR EXPRESS, INC., 1 West Fifth Street, Holland, Mich., filed November 6, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Columbus, Ind., over Interstate Highway 65 to Indianapolis, Ind., (2) from Indianapolis, over Interstate Highway 69 to Fort Wayne, Ind., (3) from Shelbyville, Ind., over Interstate Highway 74 to Cincinnati, Ohio, (4) from Indianapolis, over Interstate Highway 65 to Chicago, Ill., (5) from Holland, Mich., over Interstate Highway 196 to junction Interstate Highway 94 approximately 5 miles east of Benton Harbor, Mich., and (6) from Niles, Mich., over U.S. Highway 12 to junction U.S. Highway 131, approximately one mile west of White Pidgeon, Mich., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Grand Haven, Mich., over Michigan Highway 104 to junction U.S. Highway 16, thence over U.S. Highway 16 to Grand Rapids, Mich., thence over U.S. Highway 131 to Kalamazoo, Mich., thence over U.S. Highway 12 to junction Michigan Highway 40, thence over Michigan Highway 40 to Niles, thence over U.S. Highway 31 to junction Indiana Highway 431 (about 1 mile north of Carmel, Ind.), and thence over Indiana Highway 431 to Indianapolis, (2) from Benton Harbor over U.S. Highway 12 to junction Michigan Highway 40, (3) from St. Joseph, Mich., over U.S. Highway 31 to Niles, (4) from Muskegon, Mich., over U.S. Highway 31 to Benton Harbor, thence over U.S. Highway 12 to Chicago, (5) from Chicago over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Indianapolis, thence over Indiana Highway 431 to Columbus, thence over U.S. Highway 31A to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31E to Louisville, Ky., (6) from Indianapolis, over Indiana Highway 29 (now U.S. Highway 421) to junction Indiana Highway 46, thence over Indiana Highway 46 to junction Indiana Highway 48, thence over Indiana Highway 48 to junction U.S. Highway 50, thence over U.S. Highway 50 to Cincinnati, (7) from junction U.S. Highway 31 and Michigan Highway 140 (about two miles south of South Haven, Mich.), over Michigan Highway 140 to junction U.S. Highway 31 (about two miles northwest of Niles), (8) from South Bend, Ind., over U.S. Highway 20 to Michigan City, Ind., (9) from Kalamazoo, Mich., over U.S. Highway 131 to junction U.S. Highway 112 near White Pigeon, thence over U.S. Highway 112 to junction Michigan Highway 78 at Sturgis, Mich. (also from Kalamazoo over U.S. Highway 131 to Three Rivers, Mich., thence over Michigan Highway 86 to junction Michigan Highway 78, thence over Michigan Highway 78 to Michigan-Indiana State line, thence over Indiana Highway 9 to Merriam, Ind., (10) from junction U.S. Highway 31 and U.S. Highway 31A near Columbus, over U.S. Highway 31 to junction Indiana Highway 31A east of Seymour, Ind., and (11) from junction U.S. Highway 31 and U.S. Highway 16 (about two miles south of Muskegon Heights, Mich.) over U.S. Highway 16 to junction Michigan Highway 104 (near Nunica, Mich.), and return over the same routes.

No. MC 66562 (Deviation No. 17), RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y., carrier's attorney: Erwin H. Baumer, 1220 Citizens & Southern National Bank Building, Atlanta, Ga., 30303, filed November 2, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, moving in express service, over a deviation route as follows: Between Columbia and Charleston, S.C., over Interstate Highway 26, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Columbia over U.S. Highway 21 via junction U.S. Highways 21 and 176, to Branchville, S.C., thence over U.S. Highway 78 to junction U.S. Highway 178 (also from junction U.S. Highways 21 and 176 over U.S. Highway 176 to junction South Carolina Highway 6, thence over South Carolina Highway 6 to St. Matthews, S.C., thence over U.S. Highway 601 to Orangeburg, S.C., and thence over U.S. Highway 178 to junction U.S. Highway 78), thence over U.S. Highway 78 to Charleston, and return over the same route.

No. MC 72444 (Deviation No. 12), AKRON-CHICAGO, INC., 1016 Triplett Boulevard, Akron 6, Ohio, filed November 5, 1964. Carrier proposes to operate as a *common carrier*, by motor ve-



hicle, of *general commodities*, with cer-

Western Terminus of the Massachusetts

9W via Kingston, N.Y., to Albany (also



that the carrier is presently authorized

commerce, as a common carrier by motor

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hicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Columbus, Ohio, and Cincinnati, Ohio, over Interstate Highway 71, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Columbus, over U.S. Highway 40 to junction U.S. Highway 42, thence over U.S. Highway 42 to Cincinnati, and return over the same route.

No. MC 72444 (Deviation No. 13), AKRON-CHICAGO, INC., 1016 Triplett Boulevard, Akron 6, Ohio, filed November 5, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Akron, Ohio, and the Ohio-Pennsylvania State line, over Interstate Highway 80, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Akron over Ohio Highway 18 to Youngstown, and (2) from Akron over Ohio Highway 5 to junction Ohio Highway 7 at Kinsman, Ohio, thence over Ohio Highway 7 to junction U.S. Highway 62, thence over U.S. Highway 62 to Youngstown, and return over the same routes.

No. MC 104004 (Deviation No. 29), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y., 10017, filed November 2, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: (1) From Cleveland, Ohio, over Interstate Highway 71 to Cincinnati, Ohio, and (2) from Erie, Pa., over Interstate Highway 90 to junction Interstate Highway 271, thence over Interstate Highway 271 to junction Interstate Highway 71, thence over Interstate Highway 71 to Cincinnati, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Cincinnati over U.S. Highway 42 to Cleveland, and (2) from Erie over U.S. Highway 20 to Ashtabula, Ohio, thence over unnumbered highway to junction Ohio Highway 45, thence over Ohio Highway 45 to junction Ohio Highway 84, thence over Ohio Highway 84 to junction U.S. Highway 6, thence over U.S. Highway 6 to Cleveland, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 204) (Cancels Deviation Nos. 1, 17, and 27) GREYHOUND LINES, INC. (EASTERN GREYHOUND LINES DIVISION), 1400 West Third Street, Cleveland, Ohio, 44113, filed November 2, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express, newspapers*, and *mail*, in the same vehicle with passengers over a deviation route as follows: From Boston, Mass., over the Massachusetts Turnpike (Interstate Highway 90) to the Western Terminus of the Massachusetts Turnpike (Interstate Highway 90) and junction Eastern Terminus of the Berkshire Section of the New York Thruway (Interstate Highway 90) at the Massachusetts-New York State line, thence over the Berkshire Section of the New York Thruway to junction New York Thruway's Mainline (Interstate Highway 87) at Interchange No. 21A (Berkshire Connection Interchange—near Selkirk, N.Y.); and over the following access routes: From Worcester, Mass., over Massachusetts Highway 122 to junction unnumbered access road, thence over unnumbered access road to Interchange No. 11 of the Massachusetts Turnpike; from junction U.S. Highway 20 and Massachusetts Highway 15 (near Sturbridge, Mass.), over Massachusetts Highway 15 to Interchange No. 9 of the Massachusetts Turnpike; from Springfield, Mass., over access streets and access road to Interchange No. 6 of the Massachusetts Turnpike (Indian Orchard Interchange); and from Pittsfield, Mass., over U.S. Highway 20 to Shaker Village, Mass., thence over Massachusetts Highway 41 to West Stockbridge, Mass., thence over Massachusetts Highway 102 to the Massachusetts-New York State line, thence over New York Highway 22 and access roads to Interchange B-3 of the Berkshire Section of the New York Thruway, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Boston over U.S. Highway 20 via Worcester, to Springfield (also from Boston over Massachusetts Highway 9 to Worcester), (2) from Worcester over Massachusetts Highway 12 to junction U.S. Highway 20, thence over U.S. Highway 20 via Charlton City, Mass., to junction Massachusetts Highway 15, (3) from Boston over Massachusetts Highway 9 to Worcester (also from Boston over U.S. Highway 20 via Northboro, Mass., to junction unnumbered highway at a point approximately one mile southwest of Northboro, thence over unnumbered highway via Shrewsbury, Mass., to junction Massachusetts Highway 9 at a point approximately three miles east of Worcester, thence over Massachusetts Highway 9 to Worcester), thence over Massachusetts Highway 12 to junction U.S. Highway 20, thence over U.S. Highway 20 via Fiskdale, Mass., to Springfield, thence over Massachusetts Highway 116 to Holyoke, Mass., thence over U.S. Highway 202 to junction U.S. Highway 5, thence over U.S. Highway 5 to Northampton, Mass., thence over Massachusetts Highway 9 to Pittsfield (also from Springfield, over U.S. Highway 20 via West Springfield, Mass., to Pittsfield; also from West Springfield, over U.S. Highway 5 to junction U.S. Highway 202 west of Holyoke), thence over U.S. Highway 20 to Albany, N.Y., (4) from Suffern, N.Y., over U.S. Highway 202 to junction New York Highway 59, thence over New York Highway 59 to Ramapo, N.Y., thence over New York Highway 17 to Harriman, N.Y., thence over New York Highway 32 to Newburg, N.Y., thence over U.S. Highway 9W via Kingston, N.Y., to Albany (also from Catskill, N.Y., over New York Highway 385 via Athens and Coxsackie, N.Y., to junction U.S. Highway 9W), (5) from Ravena, N.Y., east over New York Highway 143 to junction New York Highway 144, thence over New York Highway 144 to junction U.S. Highway 9W, and (6) from Suffern (Interchange No. 15), over New York State Thruway to Buffalo (Interchange No. 50), and return over the same routes.

No. MC 1515 (Deviation No. 205) (Cancels Deviation No. 160) GREYHOUND LINES, INC. (Eastern Division), 1400 West 3d Street, Cleveland, Ohio, 44113, filed November 6, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over deviation routes as follows: (a) From Richmond, Va., over Interstate Highway 95 to its Interchange with Virginia Highway 350 (Shirley Highway) and U.S. Highway 1, approximately 2 miles north of Woodbridge, Va., and also over the following access roads; (b) from the Interchange Interstate Highway 95 and Virginia Highway 54 east of Ashland, Va., over Virginia Highway 54 to Ashland; (c) from the Interchange Interstate Highway 95 and Virginia Highway 207 east of Carmel Church, Va., over previously authorized Virginia Highway 207 to Carmel Church; (d) from Fredericksburg, Va., over U.S. Highway 1 to its Interchange with Interstate Highway 95 (approximately 3 miles south of Fredericksburg), (e) from Fredericksburg, Va., over Virginia Highway 3 to its Interchange with Interstate Highway 95 west of Fredericksburg, (f) from Falmouth, Va., over Virginia Highway 17 to its Interchange with Interstate Highway 95 northwest of Falmouth; (g) from Triangle, Va., over Virginia Highway 619 to its Interchange with Interstate Highway 95 west of Triangle; (h) from Dumfries, Va., over Virginia Highway 234 to its Interchange with Interstate Highway 95 west of Dumfries; and (i) from Woodbridge, Va., over Virginia Highway 123 to its Interchange with Interstate Highway 95 west of Woodbridge and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Washington, D.C., over U.S. Highway 1 to Petersburg, Va., thence over U.S. Highway 460 to Suffolk, Va., and thence over U.S. Highway 58 to Norfolk, Va., and return over the same route.

No. MC 2890 (Deviation No. 43) (Cancels Deviation Nos. 5 and 8), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed November 2, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: From Richmond, Ind., over Interstate Highway 70 to Cambridge, Ohio, and over the following access route, from Springfield, Ohio, over U.S. Highway 40 to junction Interstate Highway 70, west of Springfield, and return over the same routes, for operating convenience only. The notice indicates



that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Pittsburgh, Pa., over U.S. Highway 22 to Zanesville, Ohio, thence over U.S. Highway 40 to Columbus, Ohio (U.S. Highway 40, renamed Ohio Highway 440, between junction U.S. Highway 40, two miles east of Brownsville, Ohio, and junction U.S. Highway 40 west of Kirkersville, Ohio), thence over U.S. Highway 40 to St. Louis, Mo. (old U.S. Highway 40 renamed Ohio Highway 440 between Springfield and junction U.S. Highway 40 three miles east of Arlington, Ohio), and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-11737; Filed, Nov. 17, 1964; 8:46 a.m.]

[Notice No. 701]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 13, 1964.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

APPLICATIONS ASSIGNED FOR ORAL HEARING

No. MC 61592 (Sub-No. 22) (AMENDMENT), filed May 18, 1964, published FEDERAL REGISTER May 27, 1964, amended October 2, 1964, republished as amended October 28, 1964, further amended November 9, 1964, and republished as further amended this issue. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and machinery parts and snow removal equipment*, from Tulsa, and Claremore, Okla., to points in Iowa and Wisconsin and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: The purpose of this republication is to add Claremore, Okla., as an origin point.

*HEARING:* Remains as assigned December 16, 1964, at the Mayo Hotel, Tulsa, Okla., before Examiner John B. Mealy.

No. MC 121140 (Sub-No. 3) (REPUBLICATION), filed February 24, 1963, published FEDERAL REGISTER, issue of March 20, 1963, and republished this issue. Applicant: STATEWIDE TRANSPORT, INC., 7103 Folk Street, Boise, Idaho. Applicant's attorney: J. Charles Blanton, First Security Building, Boise, Idaho. By application filed February 24, 1963, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of construction, mining, and loggins machinery, equipment, and supplies, and of commodities of unusual weight, size, or dimension requiring the use of special equipment to load, unload, or transport, between points in Idaho. A Report of the Commission, Operating Rights Review Board Number 3, decided September 11, 1964, served September 22, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of *construction supplies and materials*, and of *commodities which because of size or weight require the use of special equipment*, between points in Idaho and that a certificate authorizing such operation should be issued after the elapse of 30 days from the date of republication in the FEDERAL REGISTER of a corrected statement of the authority sought herein, provided that no protests or petitions for further hearing are received during such period.

No. MC 125999 (Sub-No. 1) (REPUBLICATION), filed April 20, 1964, published FEDERAL REGISTER issue of May 6, 1964, and republished, this issue. Applicant: JOHN C. HAGGERTY, doing business as FAS TRANSPORTATION CO., 129 99th NE., Bellevue, Wash. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak., 58102. By application filed April 20, 1964, as amended at the hearing, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle over irregular routes, of meats, meat products and meat byproducts, from Omaha, Nebr., and Storm Lake, Iowa, to Fairbanks and Anchorage, Alaska. The application was referred to Examiner Frank J. Mahoney for hearing and the recommendation of an appropriate order thereon. Hearing was held on September 14, 1964 at Omaha, Nebr. At the hearing the amendment involved the changing of the requested authority from contract to common-carrier authority. A Report and Order, served October 6, 1964, which became effective November 5, 1964, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *meats, meat products*, and *meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Omaha, Nebr., and Storm Lake, Iowa, to Fairbanks and Anchorage, Alaska. The examiner further finds that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued, subject to republication in the FEDERAL REGISTER for at least 30 days so as to give notice to any interested party who may be affected by the amendment of the application from contract to common-carrier authority an opportunity to file an appropriate petition to intervene.

NOTICE OF FILING OF PETITIONS

No. MC 1328 (Sub-No. 6), and MC 1328 (Sub-No. 8) (PETITION TO AMEND AND/OR MODIFY CONTRACT CARRIER PERMITS, BY ADDING AN ADDITIONAL CONTRACTING SHIPPER), filed November 9, 1964. Petitioner: J. J. LONG, INC., Alexandria, Ind. Petitioner is authorized in MC 1328 (Sub-No. 6), to transport mineral wool and mineral wool products, from Gimco City, Ind., to a described area in Pennsylvania, Kentucky, Michigan, and certain named counties in Iowa and Wisconsin, limited to a transportation service to be performed under a continuing contract or contracts with National Gypsum Company, of Buffalo, N.Y. Petitioner is authorized in MC 1328 (Sub-No. 8), to transport accessories used in the installation of mineral wool and mineral wool products, in mixed shipments with mineral wool and mineral wool products, from Gimco City, Ind., to points in Ohio, Illinois, Kentucky, West Virginia, Tennessee, Michigan, a described area in Pennsylvania, and certain named counties in Iowa and Wisconsin, limited to a transportation service to be performed under a continuing contract or contracts with National Gypsum Company, of Buffalo, N.Y. By the instant petition, petitioner requests amendment and/or modification of its contract carrier permits MC 1328 (Sub-No. 6) and MC 1328 (Sub-No. 8) so as to authorize transportation service for an additional contracting shipper, and that as amended or modified, the restriction contained in each of said permits read as follows: "The above-described operations are limited to a transportation service to be performed under a continuing contract or contracts with National Gypsum Company, of Buffalo, N.Y., and Johns-Manville Corp., New York, N.Y." Any person or persons desiring to participate in this proceeding may do so by filing an appropriate pleading within 30 days from the date of this publication in the FEDERAL REGISTER. Such pleading should consist of an original and six copies each.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 48022 (Sub-No. 7) (AMENDMENT), filed October 21, 1964, published in FEDERAL REGISTER issue of October 28, 1964, amended November 4, 1964, and republished as amended this issue. Applicant: INLAND EXPRESS, INC., Maple and Walker Streets, Marlboro, Mass. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree 84, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and

those injurious or contaminating to other lading), over regular routes, between Boston, Mass., and Williamstown, Mass., over Massachusetts Highway 2, serving the intermediate points of Cambridge, Arlington, Lexington, Lincoln, Concord, Acton, Littleton, Fitchburg, Westminster, Templeton, Gardner, Phillipston, Athol, Orange, Erving, Gill, Greenfield, Shelburne, Charlemont, Savoy, Florida, and North Adams, Mass., and the off-route points of Somerville, Ayer, Shirley, Lunenburg, Montague, Buckland, and Clarksburg, Mass.; and over irregular routes, between points in that portion of Massachusetts west of Cape Cod Canal bounded and described as follows including points on the highways specified: Beginning at the intersection of Massachusetts Highway 31 at the Connecticut-Massachusetts State line at or near Dudley, Mass.; thence along Massachusetts Highway 31 to its intersection with Massachusetts Highway 56 at Paxton, thence along Massachusetts Highway 56 to its intersection with Massachusetts Highway 68 at North Rutland, thence along Massachusetts Highway 68 to its interesection with Massachusetts Highway 101 at Gardner, thence along Massachusetts Highway 101 to its intersection with Massachusetts Highway 119, thence along Massachusetts Highway 119 to the Massachusetts-New Hampshire State line.

NOTE: The purpose of this republication is to (1) clearly designate the intermediate and off-route points which applicant seeks to serve in connection with the above described regular-route between Boston, Mass., and Williamstown, Mass.; and (2) correctly designate points which applicant seeks to serve over irregular routes in that portion of Massachusetts *west* of the Cape Cod Canal, rather than east of the Cape Cod Canal, shown in the original publication. This is a matter directly related to MC–F 8915, published in FEDERAL REGISTER issue of October 28, 1964.

No. MC 88130 (Sub-No. 4), filed November 6, 1964. Applicant: HYMAN ABRAMOWITZ, doing business as CAPITOL TRUCKING CO., 52 South Second Street, Brooklyn, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between New York, N.Y., on the one hand, and, on the other, points in Albany, Erie, Monroe, Montgomery, Nassau, Oneida, Onondaga, Orange, Schenectady, and Suffolk Counties, N.Y., (2) from New York, N.Y., to points in Dutchess, Greene, Renssalaer, Rockland, Sullivan, Ulster, and Westchester Counties, N.Y., (3) from points in Albany County, N.Y., to points in Erie, Monroe, Montgomery, Onondaga, and Westchester Counties, N.Y., (4) from points in Nassau, Onondaga, and Saratoga Counties, N.Y., to point in Albany County, N.Y., (5) from points in Erie County, N.Y., to points in Monroe County, N.Y., and (6) from points in Monroe and Onondaga Counties, N.Y., to points in Erie County, N.Y.

NOTE: Applicant states "this application is made to convert applicant's Certificate of Registration in MC 88130 Sub 3, so that he may be in a position to acquire the operating authority of Capitol Trucking Corporation in MC 8015." This is a matter directly related to MC–F 8934.

No. MC 121086 (Sub-No. 2), filed October 21, 1964. Applicant: CAPITOL FREIGHT LINES, INC., 3200 Maumee, Fort Wayne, Ind. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes; transporting: *General commodities*, REGULAR ROUTES: (1) between Indianapolis, Ind., and Terre Haute, Ind., over U.S. Highway 40, serving the intermediate points of Plainfield, Brazil, Seelyville, Stilesville, and Ben Davis, and the off-route points of Mount Pleasant, Bellmore, and West Terre Haute; (2) between Terre Haute, Ind., and Evansville, Ind., over U.S. Highway 41, serving the intermediate points of Shelburn, Sullivan, Paxton, Carlisle, Oaktown, Emison, Vincennes, and Patoka, and the off-route points of Farmersburg, Fort Branch, Kings-Station, Haubstadt, Decker, Hazelton, Princeton, and Erskine; (3) between Linden, Ind., and Lafayette, Ind., from Linden over county road to junction Indiana Highway 25, thence over county road to Mellott, thence over county road to junction Indiana Highway 28, thence over Indiana Highway 28 to junction Indiana Highway 25, thence over Indiana Highway 25 to Lafayette, and return over the same route, serving the intermediate points of New Richmond, Wingate, Mellott, Newtown, Odell, Westpoint, and Shadeland; (4) between Terre Haute, Ind., and Lafayette, Ind., from Terre Haute over U.S. Highway 41 to junction Indiana Highway 47, thence over Indiana Highway 47 to junction Indiana Highway 43, thence over Indiana Highway 43 to Lafayette, and return over the same route, serving the intermediate points of Rockville, Crawfordsville and Romney, and the off-route points of New Market, Marshall, Russellville, Brownsville, Milligan, and Judson, provided that applicant shall not pick up property originating at Terre Haute and destined for Rockville and intermediate points, nor property originating at Rockville and destined for Terre Haute and intermediate points; (5) from the junction of Indiana Highway 163 and U.S. Highway 41 over Indiana Highway 163 to Clinton, Ind., serving Clinton, Ind., only; (6) from the junction of U.S. Highway 31 and Indiana Highway 431, southwest on U.S. Highway 31 to junction 71st Street (also known as "Delaware Trail"), thence west on 71st Street to the intersection of Indiana Highway 29, thence over Indiana Highway 29 to the city limits of Indianapolis, thence over Northwestern Avenue to 520 West Ray Street, and return over the same route, serving no intermediate points.

(7) Between South Bend, Ind., and Wabash, Ind., from South Bend over U.S. Highway 20 to junction Indiana Highway 15, thence over Indiana Highway 15 through Goshen, Ind., to junction U.S. Highway 6, thence over U.S. Highway 6 to Nappanee, thence return over U.S. Highway 6 and Indiana Highway 15 to the junction of Indiana Highway 15 and Indiana Highway 114, thence over Indiana Highway 114 to North Manchester, thence over Indiana Highway 13 to Wabash, thence over County roads to New Paris, Leesburg, and Claypool, and return over the same route, serving the intermediate points of Mishawaka, Elkhart, Goshen, Nappanee, New Paris, Milford, Leesburg, Warsaw, Claypool, Silver Lake, North Manchester, and Urbana; (8) between Indianapolis, Ind., and South Bend, Ind., from Indianapolis over U.S. Highway 31 and County Road to Macy, Ind., and return over the same route, serving the intermediate points of Peru, Mexico, Macy, Rochester, Argos, Plymouth, Lapaz, and Lakeville, and the off-route point of Kokomo;

(9) Between Peru, Ind., and Elkhart, Ind., from Peru over Indiana Highway 19 to junction Indiana Highway 16, thence over Indiana Highway 16 to Roann, from Roann over Indiana Highway 16 to junction Indiana Highway 19, thence over Indiana Highway 19 to Elkhart, and return over the same route, serving the intermediate points of Chili, Roann, Gilead, Akron, Mentone, Etna Green, Nappanee, and Wakarusa; (10) between Peru, Ind., and Ft. Wayne, Ind., over U.S. Highway 24, serving the intermediate points of Lagro and Huntington, and the off-route points of Rich Valley, Wabash, Andrews, and Roanoke; (11) between the Indiana-Illinois State line and Muncie and Anderson, as follows: From the Indiana-Illinois State line over U.S. Highway 41 to junction U.S. Highway 6; thence over U.S. Highway 6 to junction Indiana Highway 130, thence over Indiana Highway 130 to Valparaiso, thence over U.S. Highway 30 to junction U.S. Highway 35, thence south on U.S. Highway 35 to Logansport, thence east on U.S. Highway 24 to Peru, thence south on Indiana Highway 21 to junction Indiana Highway 18, thence east over Indiana Highway 18 to Marion, thence south over Indiana Highway 9 to Anderson, and return over the same route; also south from Marion over Indiana Highway 15 to junction U.S. Highway 35, thence over U.S. Highway 35 to Muncie, and return over the same route, serving the intermediate points of Hammond, Whiting, Gary, Hobart, Wheeler, Valparaiso, Knox, Bass Lake, Beardstown, Winamac, Royal Center, Logansport, Peru, Santa Fe, Amboy, Marion, Jonesboro, Wanatah, Converse, Alexandria, and Matthews, and serving the off-route points of East Chicago, Indiana Harbor, Hanna, Star City, Thornhope, and Gas City.

(12) From the intersection of Indiana Highway 15 and U.S. Highway 6 over U.S. Highway 6 to the Indiana-Illinois State line, serving the U.S. Government Ordnance Works located at or near Kingsbury, Ind.; (13) over U.S. Highway 35 from its intersection of U.S. Highway 6 south of Union Center, Ind., to its intersection with U.S. Highway 30, serving no intermediate points; (14) from junction U.S. Highway 30 and U.S. Highway 35 over U.S. Highway 30 to Fort Wayne, and return over the same route, serving no intermediate points; (15) from Illinois-Indiana State line over U.S. Highway 41 to junction U.S. Highway 41 and Indiana Highway 47, and return over the same route, serving no intermediate points; (16) from junction U.S. Highway 41 and U.S. Highway 52 over U.S. Highway 52 to Indianapolis, and return over the same route, serving no intermediate points; (17) from Illinois-Indiana State line over U.S. Highway 136 to Indianapolis, and return over the same route, serving no intermediate points; (19) from Vincennes over Indiana Highway 67 to Muncie, and return over the same route, serving no intermediate points; (19) from Lafayette over Indiana Highway 25 to Warsaw, and return over the same route, serving no intermediate points; (20) from Rochester over Indiana Highway 14 to junction Indiana Highway 14 and Indiana Highway 15, thence over Indiana Highway 15 to Wabash, and return over the same route, serving no intermediate points; (21) from Kokomo over U.S. Highway 35 to junction U.S. Highway 35 and Indiana Highway 9, thence over Indiana Highway 9 to Huntington, and return over the same route, serving no intermediate points; (22) from South Bend over U.S. Highway 20 to Elkhart, and return over the same route, serving no intermediate points; (23) from Akron over Indiana Highway 114 to junction Indiana Highway 114 and Indiana Highway 15, and return over the same route, serving no intermediate points; (24) from Illinois-Indiana State line over U.S. Highway 30 to Valparaiso, and return over the same route serving no intermediate points; (25) from Terre Haute, Ind., over Indiana Highway 63, serving the Wabash River Ordnance Works in conjunction with applicant's presently authorized operations, and return over the same route, serving no intermediate points; (26) between Terre Haute, Ind., and the Indiana-Illinois State line over U.S. Highway 150, serving all intermediate points; (27) between Upland, Ind., and applicant's presently authorized routes, serving Upland as an off-route point; (28) between Monticello, Ind., and applicant's presently authorized routes, serving Monticello as an off-route point; (29) between North Manchester, Ind., and the junction of U.S. Highway 6 and Indiana Highway 15, as follows: from North Manchester over Indiana Highway 13 to junction of U.S. Highway 6, thence over U.S. Highway 6 to junction Indiana Highway 15, and return over the same route, serving all intermediate points; (30) between Indianapolis, Ind., and Logansport, Ind., over Indiana Highway 29 and U.S. Highway 421, for operating convenience only, and serving no intermediate points.

(31) Between Evansville, Ind., and the building site of the Southern Indiana Gas & Electric Company, located on the Ohio River near Newburgh, Ind., as follows: From Evansville, Ind., over Indiana Highway 66 to the intersection of County Roads, including that which is known as Darlington Road, located a short distance east of Newburgh, Ind., and thence over such County Highways to the plantsite of the Southern Indiana Gas & Electric Company on the Ohio River, and return over the same route, serving no intermediate points; (32) between the Indiana-Illinois State line and South Bend, Ind., as follows: From the Indiana-Illinois State line over U.S. Highway 20 to its junction with Indiana Highway 2, thence over Indiana Highway 2 to South Bend, Ind., and return over the same route, serving no intermediate points; (33) serving the site of the B. F. Goodrich Tire Company located in Milan Township, Allen County, Ind., approximately nine and one-half airline miles east from the city limits of Fort Wayne, Ind., on U.S. Highway 24 between County Road, Webster, and Garver, as an off-route point in connection with carrier's authorized regular route operations to and from Fort Wayne, Ind.; (34) serving Portage, Porter County, Ind., as an intermediate or off-route point in connection with carrier's authorized regular route operations. IRREGULAR ROUTES: (35) Between points in Marion County, Ind., restricted to transportation of freight which has had or will have a prior or subsequent movement by the applicant over its authorized intrastate routes in Indiana; (36) between Fort Wayne, Ind., on the one hand, and, on the other hand, all points and places within five miles of Fort Wayne, Ind., including Ferguson, Ind., and Baer Field, located at or near Ferguson, Ind., to be used in conjunction with applicant's presently authorized service to and from Fort Wayne, Ind.; (37) between Kingsbury Ordnance Depot, Kingsbury, Ind., and Crane Naval Depot, Crane, Ind.; (38) between the Wabash River Ordnance Works at or near Dana, Ind., and the Crane Naval Depot, Crane, Ind.

NOTE: This is a matter directly related to MC–F 8916, which was published in FEDERAL REGISTER, issue of October 28, 1964.

### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

### MOTOR CARRIERS OF PROPERTY

No. MC–F–8934. Authority sought for purchase by HYMAN ABRAMOWITZ, doing business as CAPITOL TRUCKING CO., 50 South Second Street, Brooklyn, N.Y., 11211, of the operating rights and property of CAPITOL TRUCKING CORPORATION, 14 Hope Street, Brooklyn, N.Y., 11211. Applicants' attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Philadelphia, Pa., and New York, N.Y., and Trenton, N.J., serving all intermediate and certain off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Nassau and Suffolk Counties, N.Y., and those in the NEW YORK, N.Y. COMMERCIAL ZONE, as defined by the Commission in 1 M.C.C. 665; *foodstuff*, between points in Philadelphia County, Pa.; *groceries*, between Philadelphia, Pa., and Camden, N.J.; *sugar*, between Philadelphia, Pa., on the one hand, and, on the other, Paulsboro, Delaware, Wrightstown, and Camden, N.J.; *carbonated beverages*, between Philadelphia, Pa., on the one hand, and, on the other, Jersey City, Trenton, Wrightstown, Wildwood, Asbury Park, Ocean City, Somers Point, Atlantic City, Phillipsburg, Tuckerton, Bridgeton, Egg Harbor City, Salem, Vineland, Hammonton, Glassboro, Mount Holly, Clementon, Palmyra, Camden, Merchantville, Newark, Elizabeth, Paterson, Passaic, Orange, Orange Valley, South Orange, West Orange, Woodbridge, Long Branch, Perth Amboy, Hightstown, New Brunswick, South River, Red Bank, Hazel Landing, Woodbine, and Toms River, N.J., New York, N.Y., and Wilmington and Dover, Del.; *floor coverings and related commodities*, from New York, N.Y., to points in Nassau and Westchester Counties, N.Y., and Essex, Bergen, Passaic, Union, and Hudson Counties, N.J. Vendee is authorized to operate under a certificate of registration, as a common carrier, in intrastate commerce, in the State of New York. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC–88130 Sub–4 is a matter directly related.

No. MC–F–8935. Authority sought for purchase by BOYCE MOTOR LINES, INC., Lake Shore Drive, Canandaigua, N.Y., of the operating rights of BEST MOTOR LINES, INC., 666 Tift Street, Buffalo 20, N.Y., and for acquisition by BOYCE EXPRESS, INC., also of Lake Shore Drive, Canandaigua, N.Y., and, in turn by LESTER BOYCE, West Lake Road, Canandaigua, N.Y., of control of such rights through the purchase. Applicants' attorneys: Norman M. Pinsky and Herbert M. Canter, Mezzanine, 345 South Warren Street, Syracuse, N.Y., 13202, and Albert L. Feldman, 924 City National Bank Building, Omaha 2, Nebr. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–96706 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of New York. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC–109672 Sub–9 is a matter directly related.

No. MC–F–8936. Authority sought for merger into MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind., of the operating rights and property of HAECKL'S EXPRESS, INCORPORATED, doing business as

HAECKL, 2345 South 13th Street, Terre Haute, Ind., and for acquisition by HARRY J. ADAMS, also of Terre Haute, Ind., of control of such rights and property through the transaction. Applicants' attorneys: Robert G. Wolfe, Sycamore Building, Terre Haute, Ind., and John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes, from Omaha, Nebr., to Fort Crook, Nebr., between Columbus, Ohio, and Cincinnati, Ohio, between Dayton, Ohio, and Wilmington, Ohio, between London, Ohio, and Cedarville, Ohio, between Springfield, Ohio, and South Charleston, Ohio, between Indianapolis, Ind., and Chicago, Ill., between Remington, Ind., and Muncie and Anderson, Ind., between Chicago, Ill., and Lincoln, Nebr., and between Harrison, Ohio-Ind., and Cincinnati, Ohio, serving certain intermediate and off-route points, several alternate routes for operating convenience only; *general commodities*, with certain exceptions, including household goods and excluding commodities in bulk, between Cincinnati, Ohio, and Indianapolis, Ind., between Cincinnati, Ohio, and Dayton, Ohio, between Dayton, Ohio, and Eaton, Ohio, between Dayton, Ohio, and the Dayton Municipal Airport, and between Cincinnati, Ohio, and the Kenton County, Ky., Municipal Airport, with restrictions, serving certain intermediate and off-route points, several alternate routes for operating convenience only; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between Harrison, Ohio-Ind., and points within 10 miles thereof, on the one hand, and, on the other, certain points in Indiana, Ohio, and Kentucky, with restriction; *general commodities*, except Class A and B explosives, livestock, sand, gravel, and household goods as defined by the Commission, between Cincinnati, Ohio, on the one hand, and, on the other, certain points in Kentucky when the transportation from and to such points is not exempt from such grant of authority under section 203(b)(8) of the Interstate Commerce Act, and between Speedway, Ind., on the one hand, and, on the other, certain points in Ohio, with restriction; *new furniture*, uncrated, from Hamilton, Ohio, to Chicago, Ill., and points in Indiana. MOTOR FREIGHT CORPORATION is authorized to operate as a common carrier in Illinois, Indiana, and Missouri. Application has not been filed for temporary authority under section 210a(b).

NOTE: MOTOR FREIGHT CORPORATION, controls HAECKL'S EXPRESS, INCORPORATED, doing business as HAECKL, through ownership of capital stock, pursuant to authority granted December 26, 1958, effective January 9, 1959.

No. MC-F-8937. Authority sought for purchase by BUCKLEY MOTOR EXPRESS, INC., Corner Broad and High Streets, Carthage, N.Y., of the operating rights and certain property of JOHN C. FOWLER, doing business as FOWLER'S MOTOR FREIGHT, Corner Broad and High Streets, Carthage, N.Y., and for acquisition by LOCKWOOD F. BUCKLEY, 520 Budd Street, Carthage, N.Y., of control of such rights and property through the purchase. Applicants' attorneys: Norman M. Pinsky and Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y., 13202. Operating rights sought to be transferred: Under the "grandfather" provisions of section 206(a)(7) of the Interstate Commerce Act, pursuant to BOR 99, in Docket No. MC-99253 Sub 1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of New York. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Massachusetts, New Hampshire, and Vermont. Application has not been filed for temporary authority under section 210a(b).

NOTE: Docket No. MC-65812 Sub 7 is a matter directly related.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-11738; Filed, Nov. 17, 1964; 8:46 a.m.]

[Notice No. 703]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 13, 1964.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 114274 (Sub-No. 4), filed October 29, 1964. Applicant: ELMER VITALIS, doing business as VITALIS TRUCK LINE, 1656 East Grand Avenue, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Cherokee, Iowa, to points in Illinois, Indiana, and Nebraska.

NOTE: Applicant states that the proposed service will be restricted to traffic of Wilson & Co., Inc., originating at the plant site of that shipper and/or cold storage facilities utilized by it at or near Cherokee, Iowa.

*HEARING:* December 16, 1964, at the Midland Hotel, 172 West Adams Street, Chicago, Ill., before Examiner Richard A. White.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-11739; Filed, Nov. 17, 1964; 8:46 a.m.]

[Notice 702]

## MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 13, 1964.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protests shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.



No. MC 531 (Sub-No. 158), filed November 2, 1964. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Calcasieu Parish, La., to points in the United States (except points in Alaska and Hawaii).

NOTE: Common control may be involved if a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 10761 (Sub-No. 171), filed October 30, 1964. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616-618 Fidelity Building, 111 Monument Circle, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Buffalo, N.Y., to Carbondale, Champaign, Danville, Milan, Moline, Rockford, Rock Island, and Streator, Ill., Evansville, Goshen, Holland, Logansport, and Peru, Ind., Davenport, Iowa, and Lansing, Mich., and *refused and damaged shipments* of the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 22278 (Sub-No. 19), filed November 2, 1964. Applicant: TAKIN BROS., FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses*, as described in Sections B and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates—Packinghouse Products*, 61 M.C.C. 209 and 766, serving Columbus Junction, Iowa, as an off-route point in connection with applicant's authorized regular route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 29079 (Sub-No. 20) (AMENDMENT), filed October 5, 1964, published in FEDERAL REGISTER, issue of October 21, 1964, amended November 5, 1964, and republished as amended this issue. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1200 Home Avenue, Kokomo, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Metal rolling mill rolls, fabricated structural steel* and *dies*, including *die parts, die models, die checking fixtures, hand jigs or tools, patterns* and *templates*, moving in connection with dies, over the following described regular and irregular routes: *REGULAR ROUTES:* (1) Between Saginaw, Mich., and Detroit, Mich., serving all intermediate points, and off-route points within three miles of Detroit; from Saginaw over U.S. Highway 10 to Detroit, and return over the same route. (2) Between Pontiac, Mich., and junction U.S. Highways 24 and 25 approximately three miles north of Flat Rock, Mich., serving all intermediate points, and off-route points within three miles of Detroit; from Pontiac over U.S. Highway 24 to junction U.S. Highway 25, and return over the same route. (3) Between Lansing, Mich., and Toledo, Ohio, serving the intermediate point of Jackson, Mich.; from Lansing over U.S. Highway 127 via Jackson, Mich., to junction U.S. Highway 112, thence over U.S. Highway 112 to junction U.S. Highway 23, thence over U.S. Highway 23 to Toledo, and return over the same route. (4) Between Grand Rapids, Mich., and Detroit, Mich., serving the intermediate point of Lansing, Mich.; from Grand Rapids over U.S. Highway 16 to Detroit, and return over the same route. *IRREGULAR ROUTES:* (1) From Detroit, Dearborn, Ecorse, Hamtramck, Highland Park, and River Rouge, Mich., to Rockford, Ill., and points in Ohio and Indiana, and those in Chicago, Ill., Commercial Zone, as defined by the Commission, with no transportation for compensation on return except as otherwise authorized. (2) From Newport and Ashland, Ky., and points in Ohio to Detroit, Dearborn, Hamtramck, Highland Park, and River Rouge, Mich., with no transportation for compensation on return except as otherwise authorized.

(3) From Toledo, Ohio and points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to Toledo and Cleveland, Ohio, and points in Michigan on and south of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to junction Alternate U.S. Highway 10, thence along Alternate U.S. Highway 10 to Midland, Mich., thence along Michigan Highway 20 to Saginaw River and thence along the Saginaw River to Saginaw Bay, with no transportation for compensation on return except as otherwise authorized. (4) Between Warren, Youngstown, Akron, Marion, and Defiance, Ohio, on the one hand, and, on the other, Cleveland, and Port Clinton, Ohio, Holland and Wyandotte, Mich., and points specified in connection with the above-specified regular routes, those within five miles of Cleveland, and those on U.S. Highways 24 and 25 between Toledo, Ohio and Detroit, Mich., except that furnaces and furnace parts may not be transported to or from Holland. (5) From points in the Detroit, Mich., Commercial Zone, as defined by the Commission (except Detroit, Dearborn, Ecorse, Hamtramck, Highland Park, and River Rouge, Mich.), to Rockford, Ill., and points in Ohio, Indiana, and those in Chicago, Ill., Commercial Zone, as defined by the Commission, with no transportation for compensation on return except as otherwise authorized. (6) From Newport and Ashland Ky., and points in Ohio, to points in the Detroit, Mich., Commercial Zone, as defined by the Commission (except Detroit, Dearborn, Hamtramck, Highland Park, and River Rouge), with no transportation for compensation on return except as otherwise authorized. (7) From Gibralter, Mich., to Chicago and Rockford, Ill., and points in Ohio and Indiana, with no transportation for compensation on return except as otherwise authorized. (8) From Ashland and Newport, Ky., and points in Ohio (except Toledo), to the site of the Ford Motor Company plant at or near the intersection of Mound Road and 17-Mile Road, Sterling Township, Macomb County, Mich., with no transportation for compensation on return except as otherwise authorized. (9) Between the site of the Ford Motor Company plant located near Chicago Heights, Ill., and points in Michigan. (10) From the plant site of the Kelsey-Hayes Company, located at the intersection of North Line Road and Huron River Drive, Romulus Township, Wayne County, Mich., to Chicago and Rockford, Ill., and points in Ohio and Indiana, with no transportation for compensation on return except as otherwise authorized. (11) From Kokomo, Ind., and points within 50 miles of Kokomo, on the one hand, and, on the other, Erie, Pa.

NOTE: The purpose of the requested authority is to remove existing doubts concerning applicant's transportation of the above commodities under existing authority for the movement of iron and steel or iron and steel products moving between points in the above described territory. The application, as originally filed, sought, for purpose of convenience, to generalize the territory. The above amendment makes this application conform exactly, territorially, with applicant's present iron and steel products authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 29883 (Sub-No. 4), filed November 2, 1964. Applicant: GEORGE FAIRALL, STANLEY FAIRALL, AND THOMAS A. FAIRALL, ADMINISTRATORS, doing business as, FAIRALL TRUCKING, 18472 Allen Road, Wyandotte, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit, Mich., 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses; and, in connection therewith, *equipment, materials and supplies* used in the conduct of such business, and *empty containers or other such incidental facilities* (not specified), used in transporting the above described commodities, between Detroit, Mich., on the one hand, and, on the other, Chicago, Ill., Toledo and Cincinnati, Ohio, and Indianapolis, Ind.

NOTE: Applicant states that the proposed service will be under a continuing contract or contracts with The Great Atlantic & Pacific Tea Company, Inc. Applicant also states it is presently authorized to transport empty containers, eggs and groceries between the points covered hereby and has engaged in such operations for The Great Atlantic & Pacific Tea Company, Inc., since prior to 1943. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 42261 (Sub-No. 86) (AMENDMENT), filed October 22, 1964, published

FEDERAL REGISTER, issue November 11, 1964, amended and republished this issue. Applicant: LANGER TRANSPORT CORP., Route 1, and Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York, N.Y.

NOTE: The purpose of this republication is to amend the service as proposed and published previously, by elimination of the phrase, "in tank and hopper vehicles", shown after the commodity description. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 50935 (Sub-No. 9), filed October 30, 1964. Applicant: WOLVERINE TRUCKING COMPANY, a corporation, 8205 Mt. Elliott, Detroit, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo., to points in Wayne, Oakland, and Macomb Counties, Mich., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 50935 (Sub-No. 10), filed October 30, 1964. Applicant: WOLVERINE TRUCKING COMPANY, a corporation, 8205 Mt. Elliott, Detroit, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Detroit, Mich., to points in West Virginia, and Pennsylvania, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 56244 (Sub-No. 23), filed November 3, 1964. Applicant: KUHN TRANSPORTATION COMPANY, INC., Gardners, Pa. Applicant's attorney: John M. Musselman, 400 North Third Street, Post Office Box 46, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Coloma, Hart, Ludington, Paw Paw, and St. Joseph, Mich., to Biglerville, and Gardners, Pa., and Inwood, W. Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 59680 (Sub-No. 140), filed October 29, 1964. Applicant: STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Baton Rouge and New Orleans, La., on the one, hand, and, on the other, Philadelphia, Pa., Phillipsburg, N.J., and New York, N.Y., from New Orleans, over U.S. Highway 11 to its intersection with U.S. Highway 190, and from Baton Rouge, over U.S. Highway 190 to its intersection with U.S. Highway 11, thence over U.S. Highway 11 to Harrisburg, Pa., thence over Interstate Highway 76 to Philadelphia, also over the parallel interstate highways now constructed, proposed, and being constructed as Interstate Highways 12, 59, 75, 81, and 76, from Harrisburg, over U.S. Highway 22 to Phillipsburg, and New York City, also over the parallel interstate highway now constructed, proposed and being constructed as Interstate Highway 78, and return over the same route, serving no intermediate points. Note: Applicant states it "proposes to use the above routes to transport traffic between its presently authorized service points in Massachusetts, Connecticut, New York, New Jersey, Louisiana, Texas, and Oklahoma," (2) between Baton Rouge, and New Orleans, La., on the one hand, and, on the other, Cleveland, Ohio, and Detroit Mich., from New Orleans, over U.S. Highway 61 to its intersection with U.S. Highway 51, thence over U.S. Highway 51 to Memphis, Tenn., and from Baton Rouge, La., over U.S. Highway 61 to Memphis, Tenn., thence over U.S. Highway 70 to Nashville, Tenn., thence over U.S. Highway 31W to Louisville, Ky., thence over U.S.. Highway 42 to Cleveland, Ohio, also over the parallel interstate highways now constructed, proposed, or being constructed as Interstate Highways 12, 55, 40, 65, and 71, from Louisville, Ky., over U.S. Highway 42 to Cincinnati, Ohio, thence over U.S. Highway 25 to Detroit, also over the parallel interstate highway now constructed, proposed, or being constructed as Interstate Highway 75, and return over the same routes, serving no intermediate points.

(3) Between Baton Rouge, and New Orleans, La., on the one hand, and on the other, Chicago, Ill., from New Orleans, over U.S. Highway 61 to its intersection with U.S. Highway 51, thence over U.S. Highway 51 to Memphis, Tenn., from Baton Rouge, La., over U.S. Highway 61 to Memphis, thence over U.S. Highway 51 to its intersection with U.S. Highway 66, thence over U.S. Highway 66 to Chicago, also over the parallel interstate highways now constructed, proposed, or being constructed as Interstate Highways 12, 55, and 57, and return over the same routes, serving no intermediate points. Note: Applicant states it "proposes to use the above routes to transport traffic between its presently authorized service points in Louisiana, Texas, Illinois, Indiana, Wisconsin, and Michigan," and (4) between Baton Rouge, and New Orleans, La., on the one hand, and, on the other, Memphis, Tenn., and St. Louis, Mo., from New Orleans, La., over U.S. Highway 61 to its intersection with U.S. Highway 51, thence over U.S. Highway 51 to Memphis, and from Baton Rouge, over U.S. Highway 61 to Memphis, and thence over U.S. Highway 61 to St. Louis, Mo., also over the parallel interstate highways now constructed, proposed, or being constructed as Interstate Highways 12 and 55 and return over the same routes, serving no intermediate points.

NOTE: Applicant states it "proposes to use the above routes to transport traffic between its presently authorized service points in Louisiana, Texas, Arkansas, Illinois, Indiana, Michigan, Wisconsin, Ohio, Pennsylvania, New Jersey, New York, Connecticut, and Massachusetts." Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, or New Orleans, La.

No. MC 64932 (Sub-No. 359), filed November 2, 1964. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum naphthas*, from the plantsite of the American Mineral Spirits Co., located at or near Toledo, Ohio, to points in Indiana.

NOTE: Applicant states it is presently providing service in the transportation of petroleum naphthas, in bulk, in tank vehicles, from origin to destination in connection with its Sub 301 certificate and its basic certificate via the Ferndale, Mich., gateway. By this application, it seeks to eliminate the necessity of operating via Ferndale, Mich. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 67450 (Sub-No. 9), filed November 2, 1964. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 South Ewing Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Condiments, pickles, relishes, salad oils, margarine, peanut butter, bleaching compounds, shortening, syrups, flavoring compounds, table sauces, table spreads, dye-stuffs, shoe dressings, textile softeners, and detergents* (other than commodities in bulk, in tank vehicles), from the plantsites, warehouses, and facilities of the Corn Products Co., located in Argo, and Chicago, Ill., to points in Indiana, Ohio, and the lower peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69043 (Sub-No. 1), filed October 30, 1964. Applicant: PAULINE E. RICHARDSON, doing business as RICH'S SOUTH SHORE EXPRESS, 732 Nantasket Avenue, Hull, Mass. Applicant's attorney: Francis P. Barrett, Professional Building, 25 Bryant Avenue, East Milton (Boston), Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, excepting petroleum products in tank trucks, lumber, dump truck commodities (except as otherwise specified) between points within 25 miles of the City Hall, Boston, Mass., (2) *road building, grading, and road waste materials, and snow*, between points within 10 miles of the Town Hall, Danvers, Mass., and (3) *crushed stone, field waste, ashes, rubbish, gravel and sand*, between points within 35 miles of the Town Hall, Danvers, Mass.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.



No. MC 76177 (Sub-No. 297), filed October 27, 1964. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, nitro carbo nitrate, blasting supplies, blasting materials, and blasting agents*, (1) between the storage magazines of the Trojan Powder Company located at the intersection of West Virginia Highway 62 and White Church Road near Point Pleasant (Mason County), W. Va., on the one hand, and, on the other, points in New York, Massachusetts, Connecticut, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Ohio, Indiana, and the plantsite of the Trojan Powder Company located near Wolf Lake (Union County), Ill., the plantsite of the U.S. Powder Company, a division of the Commercial Solvents Corporation located at or near Ordill (Williamson County), Ill., and points in Jefferson County, Ala., and (2) between the plantsite of the Trojan Powder Company located at or near Wolf Lake (Union County), Ill. and points in Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 80430 (Sub-No. 110), filed November 2, 1964. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La Crosse, Wis. Applicant's attorney: John C. Bradley, 618 Perpetual Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Indianapolis, Ind., and Vincennes, Ind., over Indiana Highway 67, serving no intermediate points, as an alternate route for operating convenience only, and (2) between Indianapolis, Ind., and Evansville, Ind., from Indianapolis over U.S. Highway 40 to Terre Haute, Ind., thence over U.S. Highway 41 to Evansville, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, serving Vincennes for purposes of joinder only with applicant's authorized regular routes.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 92983 (Sub-No. 452), filed November 2, 1964. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Texas, to points in Missouri and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 93649 (Sub-No. 14), filed October 26, 1964. Applicant: GAINES MOTOR LINES, INC., Second Avenue and 27th Street NW., Hickory, N.C. Applicant's attorney: A. W. Flynn, Jr., 201–205 Jefferson Building, Greensboro, N.C., mailing address: Post Office Box 127, Greensboro, N.C., 27402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Wilkes, Alexander, Burke, Caldwell, Catawba, Iredell, and Lincoln Counties, N.C., to points in Maine, Vermont, and New Hampshire.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C..

No. MC 99970 (Sub-No. 1), filed October 28, 1964. Applicant: WALT'S TERMINAL, INC., 401 West South Street, Indianapolis, Ind., 46225. Applicant's attorney: Kirkwood Yockey, Suite 1406 Morris Plan Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Articles of iron and steel manufacture*, between Indianapolis, Ind., on the one hand, and, on the other, points in Indiana, except no shipments originating in Lake, Porter, LaPorte, or St. Joseph Counties, Ind., (2) *articles of iron and steel manufacture*, and *tanks*, between points in Indiana, except no shipments originating in Lake, Porter, LaPorte, or St. Joseph Counties, Ind., (3) *brass bars, brass sheets*, and *sheet aluminum*, from Indianapolis, Ind., to points in Indiana, (4) *building materials and supplies*, between Indianapolis, Ind., on the one hand, and, on the other, points in Indiana, (5) *insulation materials*, and *supplies and materials* used in the installation thereof, from South Bend, Ind., to points in Indiana, (6) *materials and supplies* used in construction of highways and bridges, between points in Indiana, limited to shipments from one highway or bridge construction job site to another, (7) *new road grading and construction machinery*, the transportation of which does not require low-boy type equipment, between Indianapolis, Ind., on the one hand, and, on the other, points in Indiana, (8) *used road grading and construction machinery*, the transportation of which does not require low-boy type equipment, between points in Indiana, and (9) *electric motors and industrial machinery, including industrial woodworking, and machinery used in construction work*, between points in Indiana.

NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 100666 (Sub-No. 67), filed November 2, 1964. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. Applicant's attorney: Wilburn L. Williamson, 443–54 American National Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing, and insulating material and gypsum and gypsum products*, from Duke, Okla., and points within five (5) miles thereof, to points in Texas, Kansas, New Mexico, Colorado, Missouri, Arkansas, and Louisiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 102567 (Sub-No. 99), filed November 2, 1964. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, 235 Benton Road, Bossier City, La. Applicant's attorney: Jo E. Shaw, Bettes Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Collapsible containers*, when moving at the same time and on the same vehicle when transporting transformer oil, in bulk, in tank vehicles, from Port Arthur, Tex., to points in Mississippi.

NOTE: Applicant states that the purpose of this application is to transport collapsible containers on the same vehicle at the same time it is transporting transformer oil, in bulk, in tank vehicles, from and to the points above set forth and no additional territorial authority is sought herein. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 103378 (Sub-No. 303) (AMENDMENT), filed October 8, 1964, published FEDERAL REGISTER issue October 21, 1964, amended and republished this issue. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solutions, ammoniating solutions, anhydrous ammonia, and aqua ammonia*, in bulk, in tank vehicles, from points in Decatur County, Ga., to points in Alabama.

NOTE: The purpose of this republication is to include additional commodities not shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 103880 (Sub-No. 326), filed November 2, 1964. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphates*, in bulk, in compartmented trailers, from the plantsite of Monsanto Company, Trenton, Mich., to Akron, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Akron, Ohio.

No. MC 107107 (Sub-No. 328), filed October 28, 1964. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami, Fla. Authority sought to operate as a

*common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Belvidere, Ill., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee (except Memphis).

NOTE: Applicant states the proposed service is restricted in the following manner: "service to points in North Carolina and South Carolina is limited to partial delivery of shipments involving deliveries in other states." If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 107496 (Sub-No. 340), filed October 29, 1964. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from Tri-City Regional Port Complex located in Madison County, Ill., to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110193 (Sub-No. 79), filed November 3, 1964. Applicant: SAFE-WAY TRUCK LINES, INC., 20450 West Ireland Road, South Bend, Ind., 46613. Applicant's representative: Walter J. Kobos, 4625 West 55th Street, Chicago 32, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potatoes and potato products*, frozen and unfrozen, with or without ingredients or preservatives which may be used in the processing or packaging thereof, from Greenville, Mich., to points in Connecticut, Delaware, District of Columbia, Indiana, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111138 (Sub-No. 46), filed October 29, 1964. Applicant: COLONIAL & PACIFIC FRIGIDWAYS, INC., Post Office Box 616, Council Bluffs, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., and Applicant's representative: John F. De Cock (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as defined in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Mason City, Iowa, to points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 113094 (Sub-No. 13), filed November 2, 1964. Applicant: R. A. GOULD, INC., Post Office Box 822, Moab, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, petroleum products, in bulk, and commodities requiring the use of special equipment), between Salt Lake City, Utah, and Montrose, Colo., with service at Montrose, Colo., restricted to interline service only.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 113678 (Sub-No. 90), filed October 30, 1964. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, chilled and frozen bakery products, frozen fruits, frozen vegetables, frozen berries, frozen french fries, frozen pizza, and pizza pie ingredients*, between points in Colorado, on the one hand, and, on the other, points in Oklahoma, Texas, and New Mexico.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 91), filed November 2, 1964. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products* (except commodities in bulk, in tank vehicles and hides), from (1) Fort Dodge, Iowa, to points in Illinois, and (2) Denison, Iowa Falls and Sioux City, Iowa, to points in Illinois, Wisconsin, and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held with similar applications.

No. MC 113678 (Sub-No. 92), filed November 2, 1964. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and vegetable products*, from points in Colorado east of the Continental Divide, to points in Arizona.

NOTE: If a hearing is deemed necessary applicant requests it be held at Denver, Colo.

No. MC 114274 (Sub-No. 3), filed October 29, 1964. Applicant: ELMER VITALIS, doing business as VITALIS TRUCK LINES, 1656 East Grand Avenue, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Perry, Iowa to points in Illinois, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 114301 (Sub-No. 28), filed November 9, 1964. Applicant: DELAWARE EXPRESS CO., A Corporation, Post Office Box 141, Elkton, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate rock*, from Philadelphia, Pa., to points in Delaware, Maryland, and Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity and *rejected and refused shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 22), filed November 4, 1964. Applicant: DART TRANSIT COMPANY, A Corporation, 780 North Prior Avenue, St. Paul, Minn., 55104. Applicant's attorney: Charles W. Singer, 33 North La Salle St., Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal cans and metal can ends*, from Milwaukee, Wis., to points in Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114734 (Sub-No. 7), filed November 2, 1964. Applicant: D AND J TRANSFER CO., A Corporation, Sherburn, Minn. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquids in bulk, in tank vehicles), from Spencer, Iowa, to points in Wisconsin (except Madison and Milwaukee), under continuing contract with Spencer Packing Co.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115162 (Sub-No. 103), filed October 29, 1964. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 346, Evergreen, Ala. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue, S., Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron soil pipe and fittings*, and (2) *conduit or pipe, bituminized fibre* (asphalt or pitch impregnated), and *connections* and *fittings*, from Holt, Ala., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Indiana, Michigan, Ohio, New York, Pennsylvania, Maine, Vermont, New Hampshire, Massachusetts, Connecticut,



New Jersey, Maryland, Delaware, Virginia, West Virginia, and Rhode Island.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115651 (Sub-No. 6), filed November 2, 1964. Applicant: KANEY TRANSPORTATION, INC., 1023 East Album Street, Freeport, Ill., 61033. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paint and paint materials, varnish, lacquers, driers, stains, shellacs, fillers, thickeners, thinners, and reducing and removing compounds*, in bulk, in tank vehicles, from Rockford, Ill., to Denver and Pueblo, Colo., and (2) *core compound*, in bulk, in tank vehicles, from Rockford, Ill., to Minneapolis, Minn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115841 (Sub-No. 208), filed October 29, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, W., Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton, textiles, and textile products*, made of natural or synthetic fibres, *metallic yarn, dry goods, rugs, carpeting, carpeting products*, and *manufactured textile products*, from Danville, Va., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115841 (Sub-No. 209), filed October 30, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, W., Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except (1) meats, meat products, and meat by-products, (2) frozen foods, and dairy products, to points in New York, Pennsylvania, Connecticut, New Jersey, Massachusetts, Rhode Island, Kentucky, Ohio, Michigan, Indiana, and Illinois, and (3) commodities in bulk or tank vehicles), from Knoxville, Tenn., to points in New York, Pennsylvania, New Jersey, Maryland, Delaware, Virginia, Connecticut, Massachusetts, Rhode Island, West Virginia, Kentucky, Ohio, Michigan, Indiana, Illinois, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 117954 (Sub-No. 14), filed November 2, 1964. Applicant: H. L. HERRIN, JR., Post Office Box 456, Metairie, La. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue, S., Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, other than frozen, with or without ingredients, cooked, diced, flakes, powdered, shredded, or sliced from points in Idaho, Oregon, Washington, and Montana to points in Arkansas, Louisiana, Texas, and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117954 (Sub-No. 15), filed November 2, 1964. Applicant: H. L. HERRIN, JR., Post Office Box 456, Metairie, La. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue, S., Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, other than frozen, with or without ingredients, cooked, diced, flakes, powdered, shredded, or sliced, from points in Idaho, Oregon, Washington, and Montana, to points in Arkansas, Louisiana, Texas, and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118130 (Sub-No. 12), filed November 2, 1964. Applicant: BENJAMIN M. HAMRICK, doing business as BEN HAMRICK, 740 North Houston, Fort Worth, Tex. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue, S., Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, other than frozen, with or without ingredients, cooked, diced, flakes, powdered, shredded, or sliced, from points in Idaho, Oregon, Washington, and Montana, to points in Arkansas, Louisiana, Texas, and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118130 (Sub-No. 13), filed November 2, 1964. Applicant: BENJAMIN M. HAMRICK, doing business as BEN HAMRICK, 740 North Houston, Fort Worth, Tex. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue, S., Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, other than frozen, with or without ingredients, cooked, diced, flakes, powdered, shredded, or sliced, from Greenville, Mich., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, Texas, and Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118159 (Sub-No. 17), filed November 2, 1964. Applicant: EVERETT LOWRANCE, Post Office Box 10216, New Orleans 21, La. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue S., Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, other than frozen, with or without ingredients, cooked, diced, flakes, powdered, shredded, or sliced, from Greenville, Mich., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118159 (Sub-No. 18), filed November 2, 1964. Applicant: EVERETT LOWRANCE, Post Office Box 12016, New Orleans 21, La. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue S., Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *potato products*, other than frozen, with or without ingredients, cooked, diced, flaked, powdered, shredded, or sliced, from points in Idaho, Oregon, Washington, and Montana, to points in Arkansas, Louisiana, Texas, and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119338 (Sub-No. 6), filed October 30, 1964. Applicant: FUSCO TRUCKING CO., Inc., 3138 Webster Avenue, New York, N.Y., 10467. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dinette sets* from New York, N.Y., to points in Nassau, Suffolk, and Westchester counties, N.Y., and *refused, damaged and rejected shipments* on return.

NOTE: Applicant states the proposed operations will be tacked with carrier's existing authority at New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 119631 (Sub-No. 9), filed November 3, 1964. Applicant: DEIOMA TRUCKING CO., a Corporation, Post Office Box 915, Mount Union Station, Alliance, Ohio. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from Philadelphia, Pa., to points in Ashtabula, Lake, Geauga, Cuyahoga and Lorain Counties, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119767 (Sub-No. 35), filed November 4, 1964. Applicant: BEAVER TRANSPORT CO., a Corporation, Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved food products*, from points in Minnesota and Wisconsin to points in Missouri (except St. Louis), and Lexington, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 119767 (Sub-No. 36), filed November 4, 1964. Applicant: BEAVER TRANSPORT CO., a Corporation, 100

South Calumet Street, Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides, and commodities in bulk, in tank vehicles), as described in Sections A and C of Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Mason City, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Ohio, Wisconsin, and Louisville, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 119944 (Sub-No. 4), filed October 5, 1964. Applicant: BROCKWAY FAST MOTOR FREIGHT, INC., 568 Central Avenue, Somerville, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, between points in Bridgewater Township, N.J., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. Restriction: The proposed service to be restricted to the transportation of only shipments having a prior or subsequent movement by rail.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 124121 (Sub-No. 1), filed November 2, 1964. Applicant: DONALD NUSSBERGER AND WILLIS NUSSBERGER, a partnership, doing business as NUSSBERGER BROS., Catawba, Wis. Applicant's attorney: Robert G. Marotz, 125 West Doty Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and advertising used in promotion of such products*, from St. Paul, Minn., to Rib Lake, Wis., and *empty containers or other such incidental facilities* (not specified), used in transporting the above described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 124813 (Sub-No. 17), filed November 2, 1964. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 E. Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, and fertilizer materials* (other than liquid in bulk, in tank vehicles), from Danville and Fulton, Ill., to Humboldt, Iowa, and points in Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125113 (Sub-No. 1), filed October 29, 1964. Applicant: CHRISTMAN TRUCKING CORPORATION, Post Office Box 127, Rural Delivery 2, Washington, Pa. Applicant's attorney: Stephen I. Richman, Washington Trust Building, Washington, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the Greater Pittsburgh Airport located in Moon Township, Allegheny County, Pa., Allegheny County Airport located in West Mifflin Borough, Allegheny County, Pa., and Ohio County Airport located in Ohio County, W. Va., on the one hand, and, on the other, points in Lawrence County, Pa.

NOTE: Applicant states the proposed service is to be "restricted to traffic having an immediately prior or an immediately subsequent movement by air." If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125722 (Sub-No. 7), filed November 2, 1964. Applicant: GREAT WESTERN PACKERS EXPRESS, INC., Post Office Box 16886, Denver, Colo. Applicant's attorney: Charles W. Singer, 33 N. La Salle St., Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses* as defined by the Commission, from Minden, Nebr., and points within five miles of Minden on U.S. Highway 6 to points in Arizona, California, Oregon, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 126678 (Sub-No. 1), filed October 30, 1964. Applicant: WILLIAM L. FERNANDES AND ROY A. GOODMAN, a copartnership, doing business as PDQ VAN & STORAGE CO., 10th and Yuba (Post Office Box 227) Marysville, Calif. Applicant's attorney: G. Alfred Roensch, 21st Floor, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, 17 M.C.C. 467, between points in Butte, Colusa, Nevada, Placer, Sutter, and Yuba Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126686, filed October 29, 1964. Applicant: LEO GANGI AND ANTHONY GANGI, doing business as GANGI BROS. TRUCKING, 249 North Ninth Street, Brooklyn, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wire goods (shopping carts and display racks), and damaged, rejected, and returned shipments* of the commodities specified, between Englewood, N.J., and points in Westchester, Nassau, and Suffolk, Counties, N.Y.

NOTE: Applicant states the proposed service is to be "restricted to the manufacture of Cart-Wright Industries, Inc., Englewood, N.J." If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126692, filed October 26, 1964. Applicant: EDWARD WIEDERHOLD, doing business as WIEDERHOLD FREIGHT LINES, 5224 Whalen Street, Elkton, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in that part of Michigan on and north of Michigan Highway 21 and on and east of U.S. Highway 10, including points on the highways specified, on the one hand, and, on the other, points in Illinois, Indiana, Ohio, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 126696, filed November 2, 1964. Applicant: PAUL F. OSELKA, doing business as OSELKA CONSTRUCTION COMPANY, Union Pier, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aggregates*, from South Bend, Ind., to New Buffalo, Mich.

NOTE: Applicant states the proposed service is to be "limited to the continuing contract with the New Buffalo Concrete Products Company." If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

MOTOR CARRIERS OF PASSENGERS

No. MC 2908 (Sub-No. 18), filed November 2, 1964. Applicant: CAPITAL MOTOR LINES, a corporation, 520 North Court Street, Montgomery, Ala. Applicant's attorney: William A. Oldacre, Second Floor, Hill Building, Montgomery 1, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, between Florala, Ala., and Fort Walton, Fla., from Florala over unnumbered highway (formerly Alabama Highway 15) to the Alabama-Florida State line, thence over Florida Highway 85, via Crestview, Valparaiso, and Shalimar, to Fort Walton; also from Florala, over said unnumbered highway and Florida Highway 85 to Valparaiso, thence over unnumbered highway via Eglin Field to Shalimar, thence over Florida Highway 85 to Fort Walton, and return over the same routes, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tallahassee or Pensacola, Fla.

No. MC 9598 (Sub-No. 2), filed November 2, 1964. Applicant: UNION STREET RAILWAY COMPANY, a corporation, 935 Purchase Street, New Bedford, Mass.



Applicant's attorney: Neal Holland, 77 Franklin Street, Boston, Mass., 02110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending in the cities of Fall River, New Bedford, and Taunton, Mass., and in the towns of Acushnet, Berkley, Bourne, Dartmouth, Fairhaven, Freetown, Lakeville, Marion, Mattapoisett, Rochester, Wareham, and Westport, Mass., and extending to points in the United States, including Alaska and Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 72349 (Sub-No. 22), filed November 2, 1964. Applicant: EASTERN MASSACHUSETTS STREET RAILWAY COMPANY, a corporation, 1442 Main Street, Brockton, Mass. Applicant's attorney: Neal Holland, 77 Franklin Street, Boston, Mass., 02110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers in special operations in round-trip sightseeing and pleasure tours, beginning and ending at points in Essex, Middlesex, Suffolk, Norfolk, Plymouth, and Bristol Counties, Mass., and extending to points in the United States, including Alaska and Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 126253 (Sub-No. 1), filed November 4, 1964. Applicant: WESTERN MASS. BUS LINES, INC., 82 Conz Street, Northampton, Mass. Applicant's representative: William L. Mobley, Rooms 311–315, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, (1) in special operations consisting of nonscheduled door-to-door service, and (2) in charter operations, both (1) and (2) limited to transportation of no more than ten (10) passengers in any one vehicle (not including the driver thereof), beginning and ending at Amherst, Northampton, and South Hadley, Mass., and extending to points in Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass.

No. MC 126695, filed November 2, 1964. Applicant: ANCHORAGE TRANSIT SYSTEM, INC., 414 Denali Street, Anchorage, Alaska. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between the International Airport at Anchorage, Alaska, on the one hand, and, on the other, all points in Alaska (except those in what is commonly known as Southeastern Alaska).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Anchorage, Alaska.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 157), filed October 30, 1964. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Applicant's attorney: Ewell H. Muse, Jr. (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating grease*, in bulk, in tank vehicles, from Port Arthur, Tex., to Coraopolis, Pa.

NOTE: Common control may be involved.

No. MC 111170 (Sub-No. 92), filed October 28, 1964. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. Applicant's attorney: Thomas Harper, Kelley Building, Post Office Box 297, Fort Smith, Ark., 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood oil*, in bulk, in tank vehicles, from Crossett, Ark., to Houston, Tex., (2) *inhibitor oil*, in bulk, in tank vehicles, from Wrigley, Tenn., to Crossett, Ark., (3) *methanol*, in bulk, in tank vehicles, from Crossett, Ark., to Memphis, Tenn., (4) *methanol*, in bulk, in tank vehicles, from Demopolis, Ala., to Crossett, Ark., (5) *formaldehyde*, in bulk, in tank vehicles, from Demopolis, Ala., to Crossett, Ark., and (6) *synthetic resin*, in bulk, in tank vehicles, from Crossett, Ark., to points in Louisiana and Mississippi, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, (1) through (6), on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 126121 (Sub-No. 2), filed November 2, 1964. Applicant: ARTHUR C. SANTEE, 291 Euclid Avenue, Sharon, Pa. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail, and newspapers*, in the same vehicle with passengers, between Ravenna, Ohio, and Cleveland, Ohio: From Ravenna over Ohio Highway 5 to junction Ohio Highway 43 at Kent, Ohio, thence over Ohio Highway 43 to junction Ohio Highway 14, thence over Ohio Highway 14 to Cleveland, and return over the same route, serving all intermediate points.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–11740; Filed, Nov. 17, 1964; 8:46 a.m.]

## NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 13, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 4286 Sub 1, filed November 5, 1964. Applicant: WEST TENNESSEE MOTOR EXPRESS, INC., Faydur Court, Nashville, Tenn. Applicant's attorney: Robert H. Cowan, 434 Stahlman Building, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except household goods and commodities requiring special equipment), (1) from Humboldt, Tenn., to Bells, Tenn., over Tennessee Highway 76, with closed doors at Humboldt and intermediate points; and (2) between Trenton, Tenn., and Alamo, Tenn., over Tennessee Highway 54, for operating convenience only, serving no intermediate points, to be used in conjunction with applicant's present operating authority.

*HEARING:* December 14, 1964, at 9:30 a.m., at the Commission's Court Room, C–1 Cordell Hull Building, Nashville, Tenn.

Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–11741; Filed, Nov. 17, 1964; 8:46 a.m.]

[S.O. 947, Taylor's Car Distribution Order 2; Amdt. 1]

## BOSTON & MAINE RAILROAD

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 2 (Boston & Maine Railroad) and good cause appearing therefor:

*It is ordered*, That, Taylor's Car Distribution Order No. 2 be, and it is hereby,

amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 25, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 15, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 12, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11742; Filed, Nov. 17, 1964; 8:46 a.m.]

[S.O. 947, Taylor's Car Distribution Order 3; Amdt. 1]

## NEW YORK CENTRAL RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 3 (The New York Central Railroad Company) and good cause appearing therefor:

*It is ordered,* That, Taylor's Car Distribution Order No. 3 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., November 25, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 15, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 12, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11743; Filed, Nov. 17, 1964; 8:46 a.m.]

[S.O. 947; Taylor's Car Distribution Order 4; Amdt. 1]

## BALTIMORE AND OHIO RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 4 (The Baltimore and Ohio Railroad Company) and good cause appearing therefor:

*It is ordered,* That, Taylor's Car Distribution Order No. 4 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 25, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 15, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 12, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11744; Filed, Nov. 17, 1964; 8:46 a.m.]

[S.O. 947, Taylor's Car Distribution Order 5; Amdt. 1]

## NEW YORK CENTRAL RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 5 (The New York Central Railroad Company) and good cause appearing therefor:

*It is ordered,* That, Taylor's Car Distribution Order No. 5 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 25, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 15, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 12, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11745; Filed, Nov. 17, 1964; 8:46 a.m.]

[S.O. 947, Taylor's Car Distribution Order 6; Amdt. 1]

## NEW YORK, NEW HAVEN AND HARTFORD RAILROAD CO. ET AL.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 6 (The New York, New Haven and Hartford Railroad Company, The Lehigh and Hudson River Railway Company, The Pennsylvania Railroad Company) and good cause appearing therefor:

*It is ordered,* That, Taylor's Car Distribution Order No. 6 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., November 25, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 15, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 12, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11746; Filed, Nov. 17, 1964; 8:46 a.m.]

[S.O. 947; Taylor's Car Distribution Order 7; Amdt. 1]

## CENTRAL RAILROAD COMPANY OF NEW JERSEY AND ERIE-LACKAWANNA RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 7 (The Central Railroad Company of New Jersey, Erie-Lackawanna Railroad Company) and good cause appearing therefor:

*It is ordered,* That, Taylor's Car Distribution Order No. 7 be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 25, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 15, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 12, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11747; Filed, Nov. 17, 1964; 8:46 a.m.]

[S.O. 947, Taylor's Car Distribution Order 8; Amdt. 1]

## LOUISVILLE AND NASHVILLE RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 8 (The Louisville and Nashville Railroad Company) and good cause appearing therefor:

*It is ordered,* That, Taylor's Car Distribution Order No. 8 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 25, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 15, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 12, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11748; Filed Nov. 17, 1964; 8:46 a.m.]

[S.O. 947, Taylor's Car Distribution Order 9–A; Amdt. 1]

## BALTIMORE AND OHIO RAILROAD CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 9–A (The Baltimore and Ohio Railroad Company; Chicago, Rock Island and Pacific Railroad Company) and good cause appearing therefor:

*It is ordered,* That, Taylor's Car Distribution Order No. 9–A be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 25, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 15, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 12, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11749; Filed Nov. 17, 1964; 8:47 a.m.]



[S.O. 947; Taylor's Car Distribution Order 10–A; Amdt. 1]

## NEW YORK CENTRAL RAILROAD CO. AND CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 10–A (The New York Central Railroad Company; Chicago, Milwaukee, St. Paul and Pacific Railroad Company) and good cause appearing therefor:

*It is ordered,* That, Taylor's Car Distribution Order No. 10–A be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 25, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 15, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 12, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11750; Filed, Nov. 17, 1964; 8:47 a.m.]

[S.O. 947; Taylor's Car Distribution Order 12; Amdt. 1]

## TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 12 (Terminal Railroad Association of St. Louis) and good cause appearing therefor:

*It is ordered,* That, Taylor's Car Distribution Order No. 12 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 25, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 15, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 12, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11751; Filed, Nov. 17, 1964; 8:47 a.m.]

[S.O. 947, Taylor's Car Distribution Order 13; Amdt. 1]

## PENNSYLVANIA RAILROAD CO. AND CHICAGO AND NORTH WESTERN RAILWAY CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 13 (The Pennsylvania Railroad Company; Chicago and North Western Railway Company) and good cause appearing therefor:

*It is ordered,* That, Taylor's Car Distribution Order No. 13 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 25, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 15, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 12, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11752; Filed, Nov. 17, 1964; 8:47 a.m.]

[S.O. 947, Taylor's Car Distribution Order 14; Amdt. 1]

## PENNSYLVANIA RAILROAD CO. AND ILLINOIS CENTRAL RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 14 (The Pennsylvania Railroad Company; Illinois Central Railroad Company) and good cause appearing therefor:

*It is ordered,* That, Taylor's Car Distribution Order No. 14 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 25, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 15, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 12, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11753; Filed, Nov. 17, 1964; 8:47 a.m.]

[S.O. 947, Taylor's Car Distribution Order 15; Amdt. 1]

## DENVER AND RIO GRANDE WESTERN RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 15 (The Denver and Rio Grande Western Railroad Company) and good cause appearing therefor:

*It is ordered,* That, Taylor's Car Distribution Order No. 15 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 25, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 15, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 12, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11754; Filed, Nov. 17, 1964; 8:47 a.m.]

[S.O. 947; Taylor's Car Distribution Order 16; Amdt. 1]

## MISSOURI PACIFIC RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 16 (Missouri Pacific Railroad Company; Chicago, Burlington & Quincy Railroad Company) and good cause appearing therefor:

*It is ordered,* That, Taylor's Car Distribution Order No. 16 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 25, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 15, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 12, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11755; Filed, Nov. 17, 1964; 8:47 a.m.]

[S.O. 947, Taylor's Car Distribution Order 18; Amdt. 1]

## NORFOLK AND WESTERN RAILWAY CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 18 (Norfolk and Western Railway Company) and good cause appearing therefor:

*It is ordered,* That, Taylor's Car Distribution Order No. 18 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 25, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 15, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 12, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11756; Filed, Nov. 17, 1964; 8:47 a.m.]

[S.O. 947; Taylor's Car Distribution Order 19; Amdt. 1]

## READING CO. ET AL.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 19 (Reading Company; Western Maryland Railway Company; The Baltimore and Ohio Railroad Company) and good cause appearing therefor:

*It is ordered,* That, Taylor's Car Distribution Order No. 19 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., November 25, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 15, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 12, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11757; Filed, Nov. 17, 1964; 8:47 a.m.]

[S.O. 947, Taylor's Car Distribution Order 21; Amdt. 1]

## WESTERN MARYLAND RAILWAY CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 21 (Western Maryland Railway Company) and good cause appearing therefor:

*It is ordered,* That, Taylor's Car Distribution Order No. 21 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 25, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 15, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 12, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11758; Filed, Nov. 17, 1964; 8:47 a.m.]

[S.O. 947; Taylor's Car Distribution Order 22; Amdt. 1]

## ERIE-LACKAWANNA RAILROAD CO. AND SOO LINE RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 22 (Erie-Lackawanna Railroad Company; Soo Line Railroad Company) and good cause appearing therefor:

*It is ordered,* That, Taylor's Car Distribution Order No. 22 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:



(d) *Expiration date.* This order shall expire at 11:59 p.m., November 25, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 15, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 12, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11759; Filed, Nov. 17, 1964; 8:47 a.m.]

[S.O. 947, Taylor's Car Distribution Order 23; Amdt. 1]

## ERIE-LACKAWANNA RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

### Expiration Date

Upon further consideration of Taylor's Car Distribution Order No. 23 (Erie-Lackawanna Railroad Company; Chicago, Burlington & Quincy Railroad Company) and good cause appearing therefore:

*It is ordered,* That, Taylor's Car Distribution Order No. 23 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 25, 1964, unless otherwise modified, changed, suspended, or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., November 15, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 12, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64–11760; Filed, Nov. 17, 1964; 8:47 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 13, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39392: *Joint motor-rail rates—Southern motor carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 104), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southwestern territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 34 to Southern Motor Carriers Rate Conference, agent, tariff MF–I.C.C. 1251.

FSA No. 39393: *Tin or terne plate to Pascagoula, Miss.* Filed by O. W. South, Jr., agent (No. A4590), for interested rail carriers. Rates on tin or terne plate, as described in the application, in carloads, from East St. Louis, Ill., and St. Louis, Mo., to Pascagoula, Miss.

Grounds for relief: Barge competition.

Tariff: Supplement 153 to Southern Freight Association, agent, tariff I.C.C. S–163.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–11736; Filed, Nov. 17, 1964; 8:46 a.m.]

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FEDERAL REGISTER
Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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Washington, Thursday, November 19, 1964


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## Title 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

### PART 577—MEDICAL AND DENTAL ATTENDANCE

**Dependents' Medical Care**

Sections 577.60–577.68 are revoked and the following substituted therefor:

Sec.
- 577.60 Purpose of scope.
- 577.61 Definitions.
- 577.62 Administration.
- 577.63 Eligibility.
- 577.64 Identification forms and procedures.
- 577.65 Source of care for spouses and children.
- 577.66 Care for dependents at facilities of the uniformed services.
- 577.67 Care for spouses and children from civilian sources.
- 577.68 Care in miscellaneous circumstances.
- 577.69 Summary of eligibility.

AUTHORITY: The provisions of §§ 577.60 to 577.69 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 1071–1085, 72 Stat. 1445–1450; 10 U.S.C. 1071–1085.

SOURCE: AR 40–121, 13 July 1964.

**§ 577.60 Purpose and scope.**

(a) Sections 577.60–577.69 prescribe policies and procedures for administering the Dependents' Medical Care Program for dependents of—

(1) Active duty members of the uniformed services.

(2) Retired members of the uniformed services.

(3) Persons who at the time of their death were retired member of the uniuniformed services.

(4) Persons who at the time of their death were retired members of the uniformed services.

(b) Sections 577.60–577.69 are applicable to the uniformed services and are to be used in conjunction with the joint regulation, Fiscal Policies pertaining to Dependents' Medical Care, §§ 577.80–577.84.

**§ 577.61 Definitions.**

When used in §§ 577.60–577.69, the following terms have the meanings indicated:

(a) "Uniformed services" means the Army, the Navy, the Marine Corps, the Air Force, the Coast Guard, the Commissioned Corps of the Coast and Geodetic Survey, and the Commissioned Corps of the Public Health Service.

(b) "Active duty member of a uniformed service" means a person who is serving on active duty (or active duty for training) in a uniformed service pursuant to a call or order that does not specify a period of 30 days or less.

(c) "Retired member of a uniformed service":

(1) Except as indicated in subparagraph (2) of this paragraph, this term means a member or former member of a uniformed service who is entitled to retired, retainer, or equivalent pay as a result of service in a uniformed service.

(2) When used in §§ 577.60–577.69, this term does not include a member or former member entitled to retired pay, in accordance with the provisions of the following service directives, who has served less than 8 years on active duty (other than for training):

(i) Army—AR 135–180.

(ii) Navy—BuPERSINST 1750.5 series.

(iii) Marine Corps—chapter 13, Marine Corps Personnel Manual (MCO P5000.3).

(iv) Air Force—chapter 9, Air Force Manual 35–7.

(v) Coast Guard—section 11–7–4, CG 296 (Administrative Manual for Coast Guard Reserve—1960).

(d) "Dependent" means a person who bears any of the following relationships to an active duty or retired member of a uniformed service, or to a person who at the time of his death was on active duty or was a retired member of a uniformed service:

(1) The wife, regardless of whether or not actually dependent on the active duty or retired member.

(2) The unremarried widow, regardless of whether or not actually dependent on the active duty or retired member at the time of his death.

(3) The husband, if he is dependent on the active duty or retired member for over one-half of his support.

(4) The unremarried widower, if he was dependent on the active duty or retired member at the time of her death for over one-half of his support because of a mental or physical incapacity.

(5) An unmarried legitimate child, including an adopted child or stepchild, who either—

(i) Has not passed his 21st birthday, regardless of whether or not he is dependent on the active duty or retired member;

(ii) Has passed his 21st birthday but is incapable of self-support because of a mental or physical incapacity that existed before that birthday and is, or was at the time of death of the active duty or retired member, dependent on him for over one-half of his support; or

(iii) Has passed his 21st birthday but has not passed his 23d birthday and is enrolled in a full-time course in an institution of higher learning approved by the Secretary of Defense or Secretary of Health, Education, and Welfare, as the case may be, and is, or was at the time of death of the active duty or retired member, dependent on him for over one-half of his support. (Institutions meeting the above criteria are listed in "Education Directory, Part 3, Higher Education," and/or "Accredited Higher Institutions" issued periodically by the Office of Education, U.S. Department of Health, Education, and Welfare. For determination as to approval of an institution not listed in either of the above directories or of a foreign institution of higher learning, a statement may be obtained from the Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C., 20202.)

(6) A parent or parent-in-law who either—

(i) Is dependent on the active duty or retired member for over one-half of his support and is residing in a dwelling place provided or maintained by the member; or

(ii) Was at the time of death of the member dependent on him for over one-half of his support and was residing in a dwelling place provided or maintained by the member.

(e) "Secretary of a uniformed service" means the Secretary of the Army, Navy (for the Navy and Marine Corps), or Air Force. For the other uniformed services (Coast Guard, Public Health Service, Coast and Geodetic Survey), this term means the Secretary of Health, Education, and Welfare.

(f) "United States" means all of the States and the District of Columbia.

(g) "Contractor" means the legal entity with which the Government enters into a contract under the provisions of the Dependents' Medical Care Program such as a State medical society, an insurance company, Blue Shield, or Blue Cross.

(h) Miscellaneous medical and technical terminology:

(1) "Diagnosis" means a determination of the existence and nature, or absence, of disease or injury by means of physical examination and the utilization of medically accepted diagnostic procedures; e.g., laboratory tests and pathological and radiological examinations.

(2) "Outpatient care" means the medical services which are normally performed in locations such as the home, a physician's office, or the outpatient department of a hospital, clinic, or dispensary.

(3) "Maternity and infant care" means medical and surgical care for a mother incident to pregnancy, including prenatal care, delivery, postnatal care, care of an infant, and treatment of complications of pregnancy.

(4) "Domiciliary care" means care which is normally given in a nursing home, convalescent home, or similar institution to a patient who requires personal care rather than active and definitive treatment in a hospital for an acute medical or surgical condition. It includes nursing care required as a result of old age or chronic disease.

(5) "Chronic disease" includes nonacute conditions and disabilities in which the prognosis indicates long continued duration of the ailment. This term includes, but is not limited to, arthritis, degenerative diseases of the cardiovascular system, residuals of poliomyelitis and other degenerative diseases of the ner-

vous system, severe injuries to the nervous system including quadriplegia, paraplegia, hemiplegia, and blindness or deafness requiring definitive rehabilitation.

(6) "Nervous and mental disorders" mean those conditions classified as neuroses, psychoneuroses, or psychoses.

(7) "Dental care as a necessary adjunct to medical or surgical treatment" means that dental care which is determined by the cognizant physician and dentist to be an additional requirement in the proper treatment of a medical or surgical condition.

**§ 577.62 Administration.**

(a) The Secretary of Defense has jurisdiction over the Coast Guard when it is operating as a service with the Navy and over the Army, Navy, Marine Corps, and Air Force.

(b) The Secretary of Health, Education, and Welfare has jurisdiction over the Public Health Service. For medical care purposes, he also has jurisdiction over the Coast Guard when it is not in service with the Navy and over the Coast and Geodetic Survey.

(c) The Secretary of each of the uniformed services is responsible for care provided dependents in the medical facilities of his service worldwide and for providing for payment for authorized civilian care for eligible dependents of members of his service in areas other than the United States and Puerto Rico.

(d) Civilian care in the United States and Puerto Rico:

(1) The Secretary of the Army, acting as executive agent for the Secretary of Defense and the Secretary of Health, Education, and Welfare, has the responsibility of contracting for medical care from civilian sources in the United States and Puerto Rico for persons authorized care under §§ 577.60–577.69. This responsibility has been further delegated to The Surgeon General, Department of the Army.

(2) The Executive Director, Office for Dependents' Medical Care, Office of The Surgeon General, Department of the Army, Denver, Colo., 80240, administers the portion of the Dependents' Medical Care Program referred to in subparagraph (1) of this paragraph.

(e) Civilian care outside the United States and Puerto Rico: The Secretaries of the uniformed services have delegated authority to major commanders (or commanders with comparable responsibility) to administer the Dependents' Medical Care Program in areas outside the United States and Puerto Rico. In addition to §§ 577.60–577.69, such commanders will be guided by the following regulations of the individual services:

(1) Army—AR 40–123 (Fiscal Procedures—Dependents' Medical Care—Outside the United States and Puerto Rico).

(2) Navy—BUMED Instruction 6322.6 Series (Dependents' Medical Care in Civilian Facilities in Areas Other Than the United States and Puerto Rico; Payment of Charges for).

(3) Air Force—AFR 168–4 (Civilian Medical Care for Eligible Dependents in Areas Other than CONUS, Alaska, Hawaii, and Puerto Rico).

**§ 577.63 Eligibility.**

(a) *Dependents eligible for care.* The Summary of Eligibility (§ 577.69) lists the dependents eligible for care under the Dependents' Medical Care Program and indicates which dependents are eligible for care in both uniformed services and civilian facilities and those eligible for care in uniformed services facilities only.

(1) *Dependents eligible for civilian care.* Except as provided in § 577.67(e), only wives, children as defined in § 577.61(d)(5), and dependent husbands of active duty members of the uniformed services are authorized care from civilian sources at Government expense. No other dependents may be furnished civilian care under the Dependents' Medical Care Program, regardless of circumstances, emergency, or nonavailability of uniformed services facilities.

(2) *Dependents eligible for care in uniformed services facilities.* All dependents listed in § 577.61(d) are eligible for care in facilities of the uniformed services, subject to the availability of space and facilities and the capabilities of the professional staff.

(b) *Beginning date of eligibility.* A dependent becomes eligible for care on the date the member enters on active duty or on the date an event occurs which places an individual in the status of a dependent as defined in § 577.61(d) (e.g., marriage to a service member).

(c) *Changes in and termination of eligibility.* When the status of the member or the dependent changes, eligibility changes or terminates as indicated below:

(1) *Change in status of member.* (i) When a member's period of active duty ends (for any reason other than retirement) or he is officially placed in a desertion status, his dependents lose their eligibility for care in both civilian facilities and uniformed services facilities.

(ii) The dependents of members carried as "missing" or "missing in action" retain their eligibility for care in both uniformed services and civilian facilities or in uniformed services facilities only, as appropriate, until the member is declared legally dead or it is determined that he was in a status of unauthorized absence and he is officially placed in a desertion status. If the member is declared legally dead, the provisions of subdivision (v) of this subparagraph apply.

(iii) The dependents of a military prisoner under a sentence to a punitive discharge retain their eligibility for care authorized by §§ 577.60–577.69 until such time as the discharge is executed.

(iv) When a member is retired, his dependents lose eligibility for care in civilian facilities but retain eligibility for care in uniformed services facilities.

(v) When a member dies while on active duty, his dependents:

(*a*) Lose eligibility for civilian care with the following exceptions:

(*1*) A wife whose husband dies on active duty and who is pregnant at the time of his death may be provided obstetrical and maternity care for that pregnancy from civilian sources.

(2) A dependent who is receiving care in a civilian facility at the time of death of the member, or who requires care in a civilian facility as the result of being in the same accident or disaster-type episode which proved fatal to the member, may be provided civilian care until transfer to a uniformed services facility can be arranged.

(*b*) Retain eligibility for care in uniformed services facilities with the exception of certain widowers. (Subdivision (vii) of this subparagraph.)

(vi) When a member dies while in a retired status, his dependents continue to be eligible for care in uniformed services facilities with the exception of certain widowers (subdivision (vii) of this subparagraph).

(vii) A widower to be eligible for care in service facilities must not only have been dependent on the service wife at the time of her death for over one-half of his support but the dependency must have been caused by a mental or physical incapacity. In contrast, during her lifetime the only requirement is that he be dependent on her for over one-half of his support.

(2) *Change in status of dependent.* (i) A wife or dependent husband who is divorced from a member loses eligibility for care in both civilian facilities and uniformed services facilities on the date the divorce becomes final. A wife does not lose eligibility through issuance of an interlocutory decree of divorce even when the court has approved a property settlement releasing the service member from responsibility for her support. A wife's eligibility for care depends on her relationship alone and she remains eligible so long as the relationship of husband and wife is not terminated by a final divorce decree. The eligibility of children is not affected by the divorce (except that a stepchild relationship would cease upon divorce of parent and stepparent), nor does the fact that the divorced wife of a service member remarries necessarily terminate a child's eligibility for care. However, adoption of the child by a third party (other than a person whose dependents are eligible for care under the Dependents' Medical Care Program) terminates the child's eligibility.

(ii) With the exception of children who are mentally or physically incapacitated and those who are enrolled in an approved institution of higher learning, children lose eligibility upon reaching age 21. If a child is married before reaching age 21 to a person whose dependents are not eligible for care under the program, eligibility ceases on the date of marriage. However, should the marriage be terminated, the child may again be entitled to care as the child of a service member, provided the eligibility requirements of § 577.61(d)(5) are met.

(d) *Notice of eligibility termination.* (1) Members being processed for separation or release from active duty are required to complete section I, DD Form 1407 (Dependent Medical Care and DD Form 1173 Statement), indicating whether or not they have a dependent receiving medical care in a uniformed services facility or civilian care under



the Dependents' Medical Care Program. The Public Health Service uses Form PHS–3209 for obtaining this statement.

(2) When the DD Form 1407 (or Form PHS–3209) indicates that a member has a dependent receiving care, the commander processing the member for release will take the following action at the earliest possible time during processing and in no event any later than the date of release:

(i) When care is being received from civilian sources, notify the Executive Director, Office for Dependents' Medical Care, Office of The Surgeon General, Department of the Army, Denver, Colo., 80240, when the patient is in the United States or Puerto Rico, or the appropriate oversea commander when the patient is outside the United States and Puerto Rico. Notice will be sent direct by message communication or other expeditious means, furnishing the name of the dependent, the name of the member, date of release of the member from active duty, the name and address of the civilian physician and/or the civilian hospital where the dependent is receiving care.

(ii) When care is being received in a uniformed services facility by a dependent (other than a dependent of a member who is being retired), notify the uniformed services facility concerned by message communication or other expeditious means, furnishing the name of the dependent, the name of the member, and the date of release of the member from active duty.

(3) When a member is officially placed in a desertion status, the commander effecting such action and who has reason to believe that the member has a dependent receiving care shall accomplish the notification prescribed in subparagraph (2) of this paragraph if he has or can readily obtain the pertinent information.

(4) Upon death of a member, his organization commander shall accomplish notification prescribed in subparagraph (2)(i) of this paragraph if he has reason to believe that the member has a dependent receiving care from civilian sources.

(5) When a commander learns that a dependent of a member of his command is receiving care and that the status of the dependent has changed so that the said dependent is no longer entitled to care, he will effect the notification prescribed in subparagraph (2) of this paragraph.

(6) When the Executive Director, Office for Dependents' Medical Care, or the oversea commander receives a notice of eligibility termination on a dependent who is receiving civilian care, he will notify the contractor, civilian hospital, civilian physician, or other source of civilian care by any expeditious means deemed appropriate that the dependent's eligibility for care at Government expense terminated or will terminate on a specified date.

**§ 577.64 Identification forms and procedures.**

(a) *Identification.*

(1) DD Form 1173 (Uniformed Services Identification and Privilege Card) is the form prescribed for identification of dependents seeking care in either uniformed services facilities or from civilian sources. Application for a DD Form 1173 will be made by submitting a DD Form 1172 (Application for Uniformed Services Identification and Privilege Card) as prescribed by the directives listed in subparagraph (2) of this paragraph. It is incumbent upon each member of the uniformed services to insure that his eligible dependents obtain and keep in their possession a DD Form 1173 and that new DD Forms 1173 are obtained upon expiration date shown on the form for those dependents whose eligibility continues beyond that date.

(2) Determination of a dependent's eligibility for care is a responsibility of the uniformed services of which the sponsor is a member. Procedures for determination of eligibility and issue of DD Forms 1173 are prescribed by the following directives of the individual services:

(i) Army—AR 606–5 (Identification Cards, Tags, and Badges).

(ii) Navy—BUPERSINST 1750.5-series, Uniformed Services Identification and Privilege Card (DD Form 1173); Regulation governing, and MARCORPS PERSMAN (MCO P5000.3), paragraph 11051.

(iii) Air Force—AFR 30–20 (Issue and Control of Identification Cards).

(iv) U.S. Public Health Service—Dependents' Medical Care Circular No. 2.

(3) Except as indicated in subdivisions (i) and (ii) of this subparagraph, when requesting care from uniformed services facilities or from civilian sources under the Dependents' Medical Care Program, dependents 10 years of age or older will be required to show DD Form 1173 to the cognizant medical authority or his designee. Normally, DD Form 1173 is not issued to children under 10 years of age. Certification and identification of such children for care will be the responsibility of the service member, accompanying parent, legal guardian, or acting guardian. Under extenuating circumstances, a DD Form 1173 may be issued children under 10 years of age as authorized by the directives of the individual services.

(i) In an emergency, satisfactory collateral identification may be accepted in lieu of DD Form 1173.

(ii) Where DD Form 1173 is not available and no emergency exists—

(*a*) The patient may be admitted to a civilian hospital as a potential beneficiary of the Dependents' Medical Care Program. Payment in such cases will be made only if the conditions in paragraph (b)(2) of this section are met.

(*b*) Uniformed services facilities may accept a statement from the dependent, parent, sponsor, legal guardian, or acting guardian, attesting to the fact that eligibility has been established in accordance with the appropriate uniformed services regulations and giving the reason why the DD Form 1173 is not in their possession. This statement will be affixed to the patient's medical record.

(iii) In all cases where care is obtained from civilian sources, the dependent, parent, sponsor, legal guardian, or acting guardian, as appropriate, will be required to execute the applicable certificate on DA Form 1863–1 ((Hospital) (Services by Civilian Hospital, Private Nurses, Anesthetists, Physical Therapists—Medicare)) and DA Form 1863–2 ((Physician) (Services by Civilian Physicians and Dentists—Medicare)).

(b) *Documentation of DA Forms 1863–1 and 1863–2 for civilian care furnished dependents without DD Form 1173.* Before claims from civilian sources in these cases are submitted for consideration of payment, the DD Form 1173, if available, must be presented and the card number, beginning date of eligibility, and expiration date entered on the claim form. In cases where the DD Form 1173 is not available, the claim must be documented as follows:

(1) The DA Forms 1863–1 and 1863–2 for emergency care provided a dependent without a DD Form 1173 must contain a statement by the attending physician that the case was an emergency. In addition, an entry must be made on these forms indicating how the patient was identified as an eligible dependent (e.g., identification card of sponsor, verification by local military commander, personal knowledge).

(2) In instances where civilian care is provided a dependent under the conditions set forth in paragraph (a)(3)(ii)(*a*) of this section, the DA Forms 1863–1 and 1863–2 must be supported by a statement from an official of the sponsor's branch of service who has access to the sponsor's records indicating that the patient was an eligible dependent during the period covered by the claim. The statement will include the name, rank or grade, and position of the issuing official.

**§ 577.65 Source of care for spouses and children.**

(a) *Spouses and children residing apart from sponsor.* Spouses and children who are not residing with their sponsor may elect to obtain authorized care in either uniformed services facilities (§ 577.66 (d), (e), and (f)) or from civilian sources (§ 577.67 (b), (c), and (d)). Some care authorized in uniformed services facilities, however, is not authorized from civilian sources.

(b) *Spouses and children residing with sponsor—*(1) *In the United States and Puerto Rico.* Spouses and children residing with their sponsor may obtain authorized care at Government expense from civilian sources only after it has been determined that such care cannot be provided by a uniformed services facility located within reasonable distance of the patient's residence, except in emergencies and under other circumstances listed herein. For the purposes of §§ 577.60–577.69, the term "spouses and children residing with their sponsor" includes those who reside in an area to which their sponsor is assigned; e.g., those who reside in the household of the sponsor in the area of his permanent duty station, or the home port or home yard of a ship, even though the sponsor may be temporarily away, by reason of temporary duty with his unit or ship

from the permanent duty station or home port or home yard, respectively, or by reason of the sponsor's absence on individual temporary duty or temporary additional duty orders. Therefore, the DA Forms 1863–1 and 1863–2 covering a dependent residing in an area to which the sponsor is assigned should be filled in to show that the dependent is residing with the sponsor.

(i) A DD Form 1251 (Nonavailability Statement—Dependents Medical Care Program) normally will be furnished spouses and children who reside with their sponsors in the following instances: when there are no medical facilities of the uniformed services in the area in question; or when available medical facility (or facilities) of the uniformed services in the area cannot provide the required care because it lacks the necessary staff, facilities, or space; or when the dependent does not live within a reasonable distance of the uniformed services facility. The form (4-part set) will be signed by the issuing officer. Three copies will be furnished to the patient; one to be given to the attending physician, one to the civilian hospital, and one to be retained by the patient. The remaining copy will be retained by the issuing authority.

(a) The issuing authority will explain to the patient that the DD Form 1251 must be presented to the source of civilian care if the dependent chooses to seek such care under the Dependents' Medical Care Program. The issuing authority will point out that the statement is for immediate use and will emphasize that the statement should not under any circumstances or conditions be considered as an indication that the Government will necessarily pay for the civilian care obtained. The issuance of a statement may be considered to reflect the following:

(*1*) The care requested is not available from uniformed services facilities.

(*2*) If the care obtained from civilian sources is subsequently determined to be authorized care under the Dependents' Medical Care Program, it will be paid for by the Government to the extent authorized by §§ 577.60–577.69.

(*3*) If the care obtained is not care authorized to be obtained from civilian sources under the program, the issuance of the DD Form 1251 will not render the Government liable for payment of any portion of the unauthorized care received.

(*b*) Under the provisions of the Dependents' Medical Care Program, the contractor processing a claim for civilian care must be governed by the statements and information entered on, or attached to, the DA Forms 1863–1 and 1863–2 submitted by the hospital and physician and not by the statements of the individual issuing the DD Form 1251. Accordingly, no entry will be made on the nonavailability statement by the issuing authority as to diagnosis or classification of the condition (acute or chronic). Additionally, a commander of a uniformed services installation or activity, or any member of his command, will not make any commitment to a civilian physician or civilian hospital that the care provided in a specific case will be authorized for payment by the Government under the Dependents' Medical Care Program.

(ii) When residing in an area where there is no uniformed services medical facility, the sponsor or dependent may request a DD Form 1251 from the nearest uniformed services installation or off-post activity (except installations and off-post activities of the Coast and Geodetic Survey) in ordr to obtain civilian care. It is the responsibility of the commander of such installation or off-post activity, or his designated representative, to furnish the sponsor or dependent with a DD Form 1251 if he determines that a medical facility of the uniformed services is not within reasonable distance of the dependent's residence. In determining what constitutes reasonable distance, in addition to the distance factor, consideration will be given to time required to normally complete the trip, unusual geographic and transportation factors, such as availability of private or public transportation, and the presence of toll bridges or ferries which would increase unreasonably the time and expense of travel. The fact that a uniformed services medical facility is located in another geographic area, as delineated by a State, county, city, town, or similar boundary, does not in and of itself, place the facility outside the area of the dependent's residence.

(iii) When residing in an area where there is a uniformed services medical facility, the dependent will apply for care at that facility. The commander of the medical facility, or his designee, will determine whether adequate medical facilities and medical staff are available to furnish the required care and whether the dependent's home is within reasonable distance of the uniformed services facility. When it is determined that the care cannot be provided by the uniformed services medical facility or that the dependent does not live within reasonable distance of such facility, it is the responsibility of the commander of the medical facility, or his designee, to furnish the dependent or sponsor a DD Form 1251. Dependents will not be referred to a specific hospital or physician.

(iv) In areas where there are medical facilities of two or more uniformed services and care required by a dependent cannot be furnished at the medical facility to which the dependent applies, the other uniformed services medical facilities in the area will be contacted to determine whether the care can be provided at such facilities. A DD Form 1251 will be issued only after it is determined that the care is not available at any of the uniformed services medical facilities in the area. See § 577.66(h) on cross utilization of service facilities.

(v) An issuing authority may issue a DD Form 1251 on a retroactive basis to cover care already commenced or completed by civilian sources when it is determined that the DD Form 1251 could have been issued before the care was commenced if application had been made. DD Forms 1251 issued under these circumstances will bear a statement in the "Remarks" section of the form that it was issued on a retroactive basis with an effective date of (_____).

(vi) A DD Form 1251 is not required:

(*a*) When in an emergency it is necessary for a spouse or child to obtain care from civilian sources, e.g., serious injury following an accident or illness of sudden onset requiring immediate hospitalization at the nearest available medical facility to preserve life, health, or to prevent undue suffering. In such cases, the attending physician is required to certify as to the existence of the emergency.

(*b*) During a period of absence from the area of the sponsor's household on a trip.

(vii) When the status of a dependent changes from residing apart to residing with sponsor, the source of care will be as follows:

(*a*) *Hospitalization.* A spouse or child who is residing apart from sponsor at the time of admission to a civilian hospital and who acquires the status of "residing with sponsor" during hospitalization, may complete authorized care for that admission (and readmission as authorized in § 577.67(f)(7)) without a DD Form 1251.

(*b*) *Outpatient care.* An eligible dependent who is residing apart from sponsor at the time authorized outpatient care, including maternity care, is commenced, and who takes up residence with the sponsor during the period of care, may continue to obtain care from civilian sources without a DD Form 1251 until that course of care is completed provided there is no change in the attending physician. If such a dependent cannot continue with the same physician, care will be obtained as outlined in subdivisions (ii) or (iii) of this subparagraph.

(2) *Outside the United States and Puerto Rico.* (i) Where medical facilities of the uniformed services are available within the area and are capable of providing the required care, spouses and children who are residing with their sponsors will utilize these facilities for medical care except as follows:

(*a*) In an emergency.

(*b*) When temporarily absent from the area.

(c) When a dependent's status changes from "residing apart from sponsor" to "residing with sponsor" while hospitalized in a civilian facility or after authorized civilian outpatient care has been commenced and there is no change in the attending physician.

(ii) In areas where medical facilities of the uniformed services are either nonexistent or incapable of providing adequate care, spouses and children who are residing with their sponsors will be provided authorized civilian care from professionally acceptable local sources in accordance with §§ 577.60–577.69. The oversea commander will determine whether a uniformed services medical facility is near enough to the dependent's residence to be considered "in the area," and if so, whether the facility can provide what he considers to be adequate care.

### § 577.66 Care for dependents at facilities of the uniformed services.

(a) *Eligibility for care in uniformed services facilities.* Dependents are eligible for care in uniformed services facilities if they bear one of the relationships listed in § 577.61(d) to—

(1) An active duty member of the uniformed services.

(2) A retired member of the uniformed services.

(3) A person who at the time of his death was an active duty member of the uniformed services.

(4) A person who at the time of his death was a retired member of the uniformed services.

(b) *Authority for providing care to dependents.* (1) Whenever requested, and except as indicated in subparagraph (2) of this paragraph, authorized medical and dental care will be provided eligible dependents subject to the availability of space and facilities and the capabilities of the professional staff.

(2) Care is not available to dependents at the following Public Health Service facilities:

(i) Outpatient offices.

(ii) Designated physician's offices.

(iii) Indian or Alaska native service hospitals.

(3) Determinations made by the person in charge of the uniformed services facility, or by his designee, as to the availability of space and facilities and the capabilities of the professional staff, will be conclusive. A dependent requesting care will not be denied such care on the basis of the sponsor's service affiliation or assignment, or on the basis of the location of the dependent.

(4) The furnishing of care to dependents will not be permitted to interfere with accomplishment of the primary mission of the facility.

(c) *Determination of availability of facilities.* In determining whether or not a uniformed services facility is available to dependents for care, consideration will be given to the following:

(1) Primary mission of the facility.

(2) Adequacy of professional care available.

(3) Optimum number of patients who can be treated without sacrificing high professional standards.

(4) Optimum utilization of the facility.

(d) *Medical care authorized.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph, medical care of dependents in the facilities of the uniformed services is limited to the following:

(i) Diagnosis.

(ii) Treatment of acute medical conditions.

(iii) Treatment of surgical conditions.

(iv) Treatment of contagious diseases.

(v) Immunization.

(vi) Maternity and infant care.

(vii) Treatment of chronic diseases only when active and definitive treatment is required for an acute exacerbation or complication of the disease or when surgery is required for improvement of function. See paragraph (f)(2)(ii) of this section for adjunctive dental care authorized.

(viii) Treatment of nervous and mental disorders only when active and definitive treatment is required for an acute exacerbation or complication of the disorder.

(2) Except as provided in subparagraph (1) (vii) and (viii) of this paragraph, dependents will not ordinarily be provided hospitalization for the treatment of chronic diseases and nervous and mental disorders. However, in special and unusual cases, exceptions for specific patients may be made by the commander of the uniformed services facility concerned and hospitalization and/or treatment may be provided for such diseases or disorders. In no instance may the period of hospitalization for these special and unusual cases exceed 12 months. The limitation on length of hospitalization for these cases is established by law and cannot be exceeded regardless of circumstances. The commander of the uniformed services facility concerned is responsible for arranging for discharge of dependents hospitalized as special and unusual cases under authority of this paragraph prior to expiration of the 12-month period.

(3) Treatment may be provided for acute emergencies of any nature, including acute emotional disorders, which are a threat to the life, health, and well-being of the patient. Hospitalization is authorized in facilities of the uniformed services for such emergencies only pending completion of arrangements for care elsewhere unless the illness or condition qualifies for care under subparagraphs (1) or (2) of this paragraph.

(4) When a hospitalized dependent patient requires care beyond the capabilities of the medical facility, the commanding officer or officer in charge of the facility is authorized to arrange for the required care by one of the following means:

(i) Transfer the patient to the nearest medical facility of the uniformed services where the required care is available. Government transportation may be utilized for transfer. Movement by commercial transportation at Government expense is not authorized.

(ii) Procure from civilian sources the necessary supplemental material and professional and personal services required for the proper care and treatment of the patient. Charges for such material or services will be paid from funds available to operate the uniformed services facility furnishing the care.

The authorization provided by this paragraph is applicable after admission of the patient when the patient's condition so requires.

(5) Care provided dependents in uniformed services facilities may include braces, walking irons, elastic stockings, and similar orthopedic aids when required for the proper care and treatment of the patient.

(6) Prescriptions written by licensed civilian physicians and dentists for dependents will be filled at uniformed services facilities to the extent that local resources permit.

(e) *Medical care not authorized.* (1) Dependents will not be provided hospitalization at facilities of the uniformed services for the following:

(i) Chronic diseases (§ 577.61(h)(5)) except in an emergency and as provided in paragraph (d) (1)(vii) and (2) of this section.

(ii) Nervous and mental disorders (§ 577.61(h)(6)) except in an emergency and as provided in paragraph (d) (1) (viii) and (2) of this section.

(iii) Care which, in the opinion of the cognizant medical authority, is not medically indicated; e.g., surgery solely for cosmetic purposes.

(iv) Domiciliary care (§ 577.61(h)(4)).

(2) Dependents will not be provided—

(i) Artificial limbs, artificial eyes, hearing aids, orthopedic footwear, and spectacles at Government expense. However, these items if available from Government stocks, may be sold to dependents at invoice cost outside the United States and at remote stations within the United States where adequate civilian facilities are not available when so designated by the Secretary of the Army, Navy, or Air Force upon approval of the Secretary of Defense, or by the Surgeon General, Public Health Service, upon approval of the Secretary of Health, Education, and Welfare. When the invoice cost is not known, the inventory or catalog price may be used at the discretion of the responsible property officer concerned. For example, the charges to the dependent for spectacles could be on the basis of standard unit price of components. The restriction on furnishing the above items to dependents does not preclude the uniformed services facility from furnishing certain services in connection therewith as a part of authorized treatment. Such services may include examination, treatment, taking of necessary measurements, procurement of the item for the individual at no expense to the Government, fitting of the item, and training in its use.

(ii) Ambulance service for initial admission, except that a Government ambulance may be used in acute emergency as determined by the medical officer in charge to be medically necessary.

(iii) Home calls, except in special cases where it is determined by the medical officer in charge to be medically necessary.

(f) *Dental care authorized.* (1) Dependents are authorized routine dental care at uniformed services dental facilities in the following locations:

(i) Outside the United States.

(ii) At designated remote areas within the United States.

(2) In those areas within the United States which have not been designated remote for dental care purposes, dental treatment authorized dependents is limited to the following:

(i) Emergency dental treatment to relieve pain and suffering. This does not include permanent restorative dentistry or fabrication of dental prosprotheses.

(ii) Adjunct to medical or surgical treatment. Dental treatment deemed necessary by the cognizant dentist and physician as an adjunct to medical or surgical treatment of an acute or chronic condition; e.g., acute or chronic nephritis caused or complicated by advanced periodontoclasia.

NOTE: The above limitation on dental treatment does not preclude the carrying out of preventive measures such as fluoridation of water, instructions in oral hygiene,





etc., under preventive dentistry programs of



tory tests and pathological and radio-

etc., under preventive dentistry programs of the individual services. Nor does it preclude the taking of appropriate X-rays.

(g) *Designation of remote areas for dental care.* Remote areas within the United States will be designated by the Secretary of the Army, Navy, or Air Force upon approval by the Secretary of Defense, or by the Surgeon General of the Public Health Service upon approval by the Secretary of Health, Education, and Welfare. Normally, an area will not be considered as remote unless the uniformed services activity is more than 30 miles from a community with adequate civilian dental facilities. Consideration will be given to unusual geographic and transportation factors such as toll bridges or ferries which would unreasonably increase the time and expense of travel. A community's dental facilities ordinarily will not be considered adequate for the purpose of §§ 577.60–577.69 unless an average of one civilian dentist is in private civilian practice per 2,000 population. Notwithstanding the foregoing criteria, a local commander may request designation of an area as remote when he believes justification exists. All requests for designation of an area as remote will include the following:

(1) The distance of the area from a community with adequate civilian dental facilities (in miles and time) including unusual transportation factors, if any, which must be considered.

(2) The number of civilian dentists engaged in active practice within 30 miles of the uniformed services dental facility.

(3) The civilian population within 30 miles of the uniformed services activity.

(4) The dependent population residing on or adjacent to the installation.

(5) The total number of dependents who would be eligible for dental care at a uniformed services dental facility if the area were designated as remote.

(6) The availability of specialized dental services within the civilian community.

(7) The capability of the uniformed services dental facility to provide dental care to dependents in the area.

(8) Statement concerning excessive costs, if any, for civilian dental service in the community.

(9) Examples of unusual delays, if any, in obtaining civilian dental service.

(10) Statement from the State dental society setting forth its position concerning the proposed designation of the area as remote.

(h) *Cross-utilization of uniformed services facilities.* To provide effective cross-utilization of medical and dental facilities of the uniformed services, eligible dependents, regardless of service affiliation, will be given equal opportunity for care. In areas where facilities of two or more uniformed services are available, the appropriate officials of each service will participate jointly in determining the capabilities and establishing areas of responsibility for dependent care. Delineation of such areas will be published jointly and will include—

(1) Zone boundaries and the facility serving each zone.

(2) Provision that dependents who reside in a zone served by a facility not of the sponsor's own service may obtain care at that facility or at a facility of the sponsor's own service located in another zone.

(3) Provision that if the facility to which the dependent applies cannot furnish the needed care, the other facility or facilities in the area will be contacted to determine whether care can be provided at such facility.

(4) Listing by position and telephone number of an individual at each facility as the point of contact to determine whether a dependent patient, who cannot be provided care at one facility, can be accepted by another facility in the area.

(i) *Charges for care in uniformed services facilities.* When care is provided dependents in facilities of the uniformed services, the following charges will be made to the patient:

(1) *Inpatient care—$1.75 per day.* No charge will be made for new-born infants while the mother is a patient in the hospital. In cases where the mother is discharged from the hospital and the infant remains as a patient, or where an infant is readmitted as an individual patient, charges will be $1.75 per day.

(2) *Outpatient care.* No charge will be made for outpatient care.

(j) *Dependents who become ineligible for care.* (1) In case a dependent is an inpatient in a uniformed services facility at the time the sponsor is separated from the service, other than by retirement, or is officially placed in a desertion status, or when the dependent's status changes so that said inpatient is no longer a dependent by definition as in § 577.61(d), the Government's responsibility for furnishing such a person care under the Dependents' Medical Care Program ceases at midnight of the date of such event.

(2) If continuation of the hospitalization of such a patient in a uniformed services facility after the date of such change in status is deemed necessary by the medical officer in charge (until proper disposition of the patient can be made), charges will be at the full per diem reimbursement rate.

### § 577.67 Care for spouses and children from civilian sources.

(a) *Eligibility for civilian care.* (1) Only a wife, a dependent husband, and children of active duty members of the uniformed services are eligible to receive specified care from civilian sources at Government expense. Spouses and children requesting care from civilian sources will be required to observe the identification procedures prescribed by the uniformed services (§ 577.64(a)). In addition, spouses and children who are residing with their sponsors in the United States and Puerto Rico are required to provide civilian sources with a DD Form 1251 except in an emergency or when the dependent is absent from the area of the sponsor's household on a trip (§ 577.65(b)(1)(vi)).

(2) When seeking civilian care, the dependent should ascertain that the source of care desires to participate in the Dependents' Medical Care Program. Following acceptance of the patient under the program by the civilian source of care, the patient is not responsible for payment of any amount for authorized care except as specified in paragraph (f) of this section.

(b) *Care authorized from civilian sources.* (1) The following care is authorized spouses and children from civilian sources:

(i) Treatment during hospitalization of acute medical conditions, including acute exacerbations or acute complications of chronic diseases.

(ii) Treatment during hospitalization of acute surgical conditions and surgical conditions that are not classified as acute but for which good medical practice dictates prompt attention (e.g. tonsillectomies). However, treatment of some nonacute surgical conditions requiring hospitalization will be authorized only if certain conditions prevail. Following are some examples of surgery falling in this category.

(a) Ears—surgery for restoration or improvement of hearing is allowable.

(b) Eyes—surgery for glaucoma, cataracts, strabismus (squint) or other conditions to aid or improve vision of the affected eye is allowable.

(c) Harelip and/or cleft palate—surgery for initial repairs, including surgery for subsequent repair known and established as a requirement at the time of original surgery is authorized. Subsequent revisions are not authorized.

(d) Rhinoplasties—authorized only for improvement of nasal respiratory physiology.

(e) Skeletal defects (e.g., club foot, congenital dislocated hip)—surgical treatment is authorized only when treatment is required as an in-hospital patient to improve function.

(f) Surgical treatment for removal of supernumerary digits or for correction of syndactylism is authorized only for improvement of function.

(g) Scars—surgical treatment is authorized only when a scar is ulcerated, shows clinical evidence of malignancy, or when a contracture impairing anatomical function is present.

(h) Surgical treatment for removal of nevi, hemangiomas and/or telangiectatic lesions is authorized only if they are bleeding, ulcerated, painful, or show clinical evidence of malignancy, or if size and location produce functional impairment.

(i) Surgical treatment for removal of plantar warts, verrucae, sebaceous cysts, condylomata, or moles is authorized only if they are bleeding, ulcerated, painful, or show clinical evidence of malignancy, or if size and location produce functional impairment.

(j) Mammoplasty is authorized only when severe pain or marked disability is present.

(k) Tubal ligation or other sterilization procedure is authorized only when the procedure is a necessary requirement in the proper management of a medical or surgical condition for which treatment is authorized under §§ 577.60–577.69.

NOTE: Those surgical procedures that are customarily performed by a dentist may be performed by a dentist who is a member of the staff of a hospital and normally performs these surgical procedures in that hospital.



The removal of teeth, gingivestomies, and alveolectomies are not authorized surgical procedures unless they meet the criteria specified in subdivisions (vi) or (vii) of this subparagraph. When authorized surgical treatment is performed by a dentist, other procedures, diagnostic tests, services and supplies authorized or ordered by him may be paid to the same extent as if a physician or surgeon authorized or ordered them.

(iii) Treatment of contagious diseases during hospitalization.

(iv) Complete obstetrical and maternity care including certain infant care.

(a) Complete obstetrical and maternity services will include prenatal care, delivery, and postnatal care in a hospital, office, or home. Payment for hospitalization will be in accordance with paragraph (f) of this section. Payment for prenatal care, delivery, and postpartum care will be made to the physician performing the respective service in accordance with paragraph (c)(2)(iii)(a) of this section.

(b) Allowances are authorized for laboratory tests, pathological or radiological examinations and other procedures performed or authorized by the attending physician in the management of the pregnancy.

(c) The attending physician may include in his bill the cost of drugs administered by injection to maternity patients provided such drugs are necessary and directly related to the pregnancy. Payment for oral medication is not authorized except during hospitalization.

(d) Necessary infant care will be provided during the period of hospitalization following delivery. If the infant requires further hospitalization after discharge of the mother, such care is authorized as a continuation of the original admission. Also, in the case of a home or office delivery, necessary infant care may be provided on an outpatient basis for a period not to exceed 10 days following the date of delivery.

(e) In instances of home or office confinement, payments are not authorized for the purchase or rental of beds, bassinets, or similar equipment, nor services of private-duty nurses.

(f) Obstetrical and maternity patients who develop acute emotional disorders complicating pregnancy or constituting postpartum psychosis occurring within the 6 weeks' postpartum period authorized for maternity care, are authorized in-hospital care for such disorders. See subdivision (v) of this subparagraph.

NOTE: Any patient hospitalized in a civilian hospital for treatment authorized by subdivisions (i) through (iv) of this subparagraph may be transferred to a hospital of the uniformed services subject to the availability of space and facilities and the capabilities of the professional staff. Government transportation may be utilized for transfer to the uniformed services hospital. Movement by commercial transportation at Government expense is not authorized. Arrangements for transfer should be made between the sponsor or patient and the commander of the nearest uniformed services medical facility.

(v) In-hospital treatment for nervous and mental disorders is authorized as follows:

(a) Treatment for nervous and mental disorders, including acute emotional disorders, required by a dependent during a period of hospitalization for a condition that qualifies as authorized care.

(b) Treatment for acute emotional disorders complicating pregnancy or constituting postpartum psychosis occurring within the authorized 6 weeks' postpartum period.

(c) Treatment for an acute emotional disorder if such disorder is considered to constitute an emergency which is a threat to the life or health of the patient.

(d) Ordinarily, care will be provided for an acute emotional disorder only until the disorder subsides, until arrangements are made for care elsewhere, or until the end of 21 days of hospitalization, whichever occurs earliest. Extension beyond 21 days may be granted on a case-by-case basis for a specified number of days where arrangements for care elsewhere cannot be completed within the 21-day period. In the United States and Puerto Rico, requests for extension will be submitted to the Executive Director, Office for Dependents' Medical Care, and outside the United States and Puerto Rico, to the appropriate oversea commander. Requests must be supported by a statement from the attending physician that the treatment given, or to be given, during the time period covered by the requested extension is for the acute phase of the disorder. A request for extension will be considered only if made by the service member, the dependent, or the representative of either, and if it is shown that—

(1) Due to absence, the service member was unable to join the dependent in sufficient time to make suitable arrangements, within the 21-day period, for care elsewhere.

(2) No other competent member of the service member's family was available to make such arrangements.

(3) The number of days requested for extension represents the minimum time required to complete suitable arrangements.

(e) In special and unusual cases, additional care for an acute emotional disorder may be provided in a hospital of the uniformed services in accordance with § 577.66(d)(2). In such cases, Government transportation may be utilized for transfer to the uniformed services hospital. Movement by commercial transportation at Government expense is not authorized.

(vi) Dental care which is necessary adjunct to medical or surgical treatment rendered in a hospital to a dependent who is a hospital patient. Such dental care will not include removable or fixed prosthodontic restorations, orthodontics, permanent types of restorative dentistry, and/or prolonged series of periodontal therapy.

(vii) Hospitalization of dependents with chronic diseases for the purpose of performing oral surgery determined by the cognizant physician and dentist to be a necessary adjunct to, and required for the proper treatment of, recurrently progressive debilitative diseases. See note at end of subdivision (ii) of this subparagraph.

(viii) All diagnostic and therapeutic tests and procedures, including laboratory tests and pathological and radiological examinations, when ordered by the attending physician and accomplished during a period of hospitalization.

(ix) In those instances during the period of hospitalization when treatment by the use of X-ray, radium, or radioisotopes is prescribed, such treatment may be continued or carried out on an outpatient basis.

(x) The cost of blood and the service charge for blood required during authorized care of eligible dependents in civilian facilities are allowable benefits. However, friends and relatives of the patient having the type blood required should be encouraged to donate blood. In the instances where blood must be purchased, these purchases should be made by the civilian source of care and included in its claim for reimbursement. Any person providing blood for a dependent undergoing treatment at Government expense may be reimbursed therefor at the local prevailing rate provided the sum of $50 for each withdrawal is not exceeded.

(xi) Services required of a physician or surgeon prior to and following hospitalization for a bodily injury or surgical operation.

(xii) When a dependent is hospitalized for treatment of a bodily injury or for a surgical procedure, payment for pre- and post-hospitalization tests and procedures is authorized as follows:

(a) Payment is authorized in an amount not to exceed $75 for necessary diagnostic tests and procedures performed or authorized by the attending physician prior to hospitalization for the same bodily injury or surgical procedure for which hospitalized.

(b) Payment is authorized in an amount not to exceed $50 for necessary tests and procedures performed or authorized by the attending physician for proper after-care of the same bodily injury or surgical procedure for which hospitalized.

(c) The monetary limitations in (a) and (b) of this subdivision may be exceeded in special cases provided the physician authorizing the tests and procedures submits a special report justifying the additional charges. In the United States and Puerto Rico these reports will be submitted to the Contracting Officer, Office of Dependents' Medical Care, who may authorize additional payments. Outside the United States and Puerto Rico, special reports referred to above will be processed in accordance with procedures established by the commander administering the program in the area.

(xiii) Treatment of bodily injuries (fractures, dislocations, lacerations, and other wounds) is authorized on an outpatient basis. Authorized treatment includes diagnostic and therapeutic tests and procedures in an amount not to exceed $75 when performed or authorized by the attending physician. This monetary limitation may be exceeded only in special cases where the attending physician submits a special report in the manner described in subdivision (xii)(c) of this subparagraph. Payment is also authorized for hospital outpatient facilities

required for the treatment of the injury; e.g., a cast room. Treatment of fractures, dislocations, lacerations, and other wounds customarily cared for by a dentist may also be paid under the provisions of this paragraph.

(xiv) If a consultant's services are required for proper care and treatment of a patient, such services are authorized.

(2) Hospitalization for authorized care is allowable only in semiprivate accommodations (except as provided in paragraph (f) of this section).

(3) Hospitalization for the types of care referred to in subparagraph (1) (i) through (iv) of this paragraph is limited to a maximum of 365 days for each admission (except as provided in paragraph (g) of this section).

(4) The necessary services and supplies furnished by the hospital to a dependent in an inpatient status are considered part of hospitalization.

(5) Clinical evidence and certification furnished by the source of civilian care will be used as a basis for determining whether or not bills for care furnished under this paragraph will be paid.

(c) *Special definitions and policies.* In determining the extent of care to be provided spouses and children at Government expense, the following special definitions and policies will apply. (These definitions and policies may be modified for use outside the United States and Puerto Rico by the appropriate oversea commander or other commander with comparable responsibility.)

(1) *Special definitions*—(i) *Hospital.* The word "hospital" as used in this section means a civilian institution operated in accordance with the laws of the jurisdiction in which it is located and one which is primarily engaged in providing diagnostic and therapeutic facilities for surgical and medical diagnosis, treatment and care of injured and sick persons by or under the supervision of one or more staff physicians or surgeons, and provides 24-hour nursing service by registered graduate nurses.

(ii) *Private accommodations.* The term "private accommodations" means one bed in a room.

(iii) *Semiprivate accommodations.* The term "semiprivate accommodations" means 2, 3, or 4 beds in a room.

(iv) *Ward accommodations.* The term "ward accommodations" means 5 or more beds in a room.

(v) *Necessary services and supplies.* Those services and supplies ordered by the attending physician which are customarily provided and charged for by the hospital.

(vi) *Physician or surgeon.* A person who is legally qualified to prescribe and administer all drugs and to perform all surgical procedures.

(vii) *Dentist.* A person who is legally qualified to prescribe and administer all drugs and perform all procedures related to the teeth, jaws, and supporting structures of the oral cavity.

(viii) *Local schedule of allowances.* The maximum allowances for payment of physicians' services applicable to a local area. In the United States and Puerto Rico, the schedule of allowances is that schedule negotiated with the physicians' representative and approved by the Executive Director, Office for Dependents' Medical Care, for the Department of Defense and the Department of Health, Education, and Welfare.

(ix) *Hospital care.* Hospital care under this section is defined as inpatient care for 18 consecutive hours or more, except for shorter periods of hospitalization for surgical procedures, treatment of fractures or other bodily injuries, or instances in which death occurs in a lesser period of time. Hospital care includes board and room and necessary services and supplies for a maximum of 365 days for each admission except as provided in paragraphs (b) (1) (v) (*d*) and (g) of this section.

(2) *Policies*—(i) *Medical facilities other than hospitals.* Payment may be made to a civilian medical facility which does not meet the criteria specified in subparagraph (1) (i) of this paragraph when it is necessary for spouses and children to obtain medical care on an emergency basis in such a facility.

(ii) *Use of ward accommodations.* Although dependents are normally provided hospitalization in semiprivate accommodations, ward accommodations may be furnished under certain circumstances. Ward facilities may be used for pediatric cases whenever this is the normal medical practice and the parent or guardian willingly accepts such accommodations. Further, when the attending physician admits his patient to a hospital in which all semiprivate accommodations are occupied, care furnished in ward accommodations will be considered authorized care, but the patient should be transferred to a semiprivate room as soon as possible. Also, when a patient is admitted to an otherwise acceptable institution which furnishes only ward accommodations, care furnished therein shall be considered authorized care.

(iii) *Professional services.* Payment for professional services is authorized as follows:

(*a*) Payment of physicians, including necessary consultants, at their usual charge for the service provided but not exceeding the charge listed therefor in the local schedule of allowances incorporated in the applicable contract.

NOTE: Where a local schedule of allowances has not been negotiated and approved, the Executive Director, Office for Dependents' Medical Care, may provide a schedule of allowances for use in payment for physicians' services in the United States and Puerto Rico. Where no schedule is in existence, particularly in oversea areas, the standard charge for services by physicians in the locality concerned will be used as a guide in lieu of such schedule.

(*b*) Payment of dentists' fees for authorized care.

(*c*) Payment for services of self-employed anesthetists and self-employed physical therapists for services provided eligible dependents when the attending physician certifies that such services were required for the proper care and treatment of the patient.

(*d*) Payment of a portion of the cost for private-duty nursing care when the attending physician certifies that such care was required for the proper care and treatment of the patient while receiving authorized hospital care (paragraph (f) (5) of this section).

(iv) *Drugs and medicinals.* (*a*) A physician or dentist furnishing authorized care to an eligible dependent may include in his bill the cost to him of those drugs which he administers by injection, provided such drugs are necessary and directly related to the condition for which treatment is being furnished.

(*b*) Payment is not authorized for medication dispensed by a physician or dentist on an outpatient basis or prescribed by a physician or dentist on an outpatient basis and procured by the dependent or sponsor from civilian sources. However, payment is authorized for medication prescribed by a physician or dentist and furnished by a hospital to an eligible dependent during hospitalization for use during such hospitalization.

(d) *Care not authorized from civilian sources.* The following medical care and services are not authorized from civilian sources:

(1) Treatment of chronic diseases (§ 577.61(h)(5)) except as provided in paragraph (b)(1)(i) and (vii) of this section.

(2) Treatment of nervous and mental disorders (§ 577.61(h)(6)), including acute emotional disorders, except as provided in paragraph (b)(1)(v) of this section.

(3) Domiciliary care (§ 577.61(h)(4)).

(4) Treatment or procedures normally considered to be outpatient care (§ 577.61(h)(2)) except as provided in paragraph (b)(1)(iv), (ix), (xi), (xii), and (xiii) of this section.

(5) Civilian ambulance service.

(6) Prosthetic devices such as artificial limbs, artificial eyes, hearing aids, orthopedic footwear, spectacles, and similar medical supports or aids.

(7) Surgical care that is requested by the patient which is not medically indicated. The opinion of the attending physician will determine whether the care is medically indicated and therefore payable under the provisions of paragraph (b)(1)(ii) of this section, except that the types of surgery described below are not authorized for payment under any circumstances:

(i) Cosmetic surgery—any surgery for improvement or change of appearance or for psychological reason.

(ii) Ears—reconstruction and/or revision of the external ear; surgery based on psychological reasons.

(iii) Congenital defects of skeletal and/or central nervous system which are readily identifiable as representing chronic long term conditions and characteristically respond poorly to surgical intervention.

(iv) Sterilization procedures for multiparity and/or socioeconomic reasons.

(v) Procedures designed to correct a state of infertility or sterility.

(vi) Removal of tattoos.

(8) Treatment for nonacute medical conditions. Examples of types of care not authorized are set forth below:

(i) Procedures designed to determine state of infertility or sterility.



(ii) Pseudocyesis (false pregnancy) or pregnancy suspected but not proven.

(iii) Tests to determine pregnancy, except when the patient is in fact pregnant and when tests are required for proper conduct of maternity or postpartum care (hydatid mole).

(iv) Diagnostic evaluation and hospital admission in connection therewith when patients are not acutely ill or when diagnostic surveys are not followed by surgery.

(v) Rehabilitation procedures for persons with congenital defects, cerebral palsy, or poliomyelitis (except when related to in-hospital care of surgical procedure performed for improvement or restoration of function).

(vi) Treatment for tuberculosis—inactive (nonacute) when determined by clinical tests. Treatment is authorized only for the active (acute) phase as determined by acceptable medical standards (positive sputa; positive gastric washings; or positive chest or other X-rays).

(vii) Tests and procedures such as the following:

(*a*) Psychological, psychometric, or intelligence measuring tests.

(*b*) Speech and/or hearing therapy, remedial reading, or orthoptic training.

(c) Child guidance therapy.

(e) *Administrative procedures for dependent patients who become ineligible for civilian care.* (1) Spouses and children of members of the uniformed services receiving treatment in a civilian facility at Government expense at the time of death of a member, or such spouses and children requiring care in a civilian facility as a result of being in the same accident or episode (e.g., disaster-type situation) which proved fatal to the member, if continued hospitalization is required, shall be transferred to a uniformed services facility as soon as the physical condition of the patient permits. Government transportation may be utilized for transfer to the uniformed services facility. Movement by commercial transportation at Government expense is not authorized. Request for transfer should be made to the commander of the nearest uniformed services medical treatment facility. The cost of medical and hospital care authorized from civilian sources which was furnished to the dependent during the period of hospitalization in the civilian facility shall be borne by the Government subject to the charges provided in paragraph (f) of this section.

(2) A dependent wife who is eligible for civilian care, whose husband dies while on active duty, who is pregnant at the time of his death and is delivered on or after 28 July 1959, may be provided from civilian sources at Government expense the obstetrical and maternity care authorized in paragraph (b)(1)(iv) of this section. This includes authorized prenatal care obtained before, on, or after 28 July 1959 and authorized neonatal care for the child. The widow will pay the charges specified in paragraph (f) of this section for this type care.

(i) The widow will be required to surrender DD Form 1173 authorizing care in both civilian and uniformed services facilities and will be issued a new DD Form 1173 authorizing care in uniformed services facilities only.

(ii) When appropriate, the official who issues a new DD Form 1173 will provide the widow with a letter, in triplicate, indicating that—

(*a*) Notwithstanding the fact that the DD Form 1173 in her possession does not authorize care in civilian facilities, she is authorized obstetrical and maternity care for her current pregnancy from civilian sources at Government expense if it is determined that she was pregnant on _____ (date of husband's death). and

(*b*) A copy of the letter should be attached to the DA Forms 1863–1 and 1863–2 submitted by the civilian physician and hospital providing care under these circumstances.

(iii) The widow may elect to receive care in either civilian or uniformed services medical facilities.

(3) In cases of spouses and children (other than those referred to in subparagraphs (1) and (2) of this paragraph) receiving treatment from civilian sources at Government expense at the time entitlement to receive care from civilian sources ceases, the Government's responsibility for payment for such care ceases, so far as the source of civilian care is concerned, as of midnight on the date of receipt of notice by the source of care that the dependent's entitlement to care from civilian sources has terminated, or the normal expiration date of the DD Form 1173, whichever is earlier. The Government's responsibility ceases, so far as the dependent or member is concerned, as of midnight on the date the dependent, for any reason, ceases to be entitled to receive care from civilian sources at Government expense. Examples of instances in which the Government's responsibility for payment ceases include, but are not limited to the following: the member's release from active duty, discharge, separation from the service by punitive-type discharge, official placement of the member in a desertion status, and divorce (§ 577.63(c)).

(f) *Charges for civilian care.* When the charge for the hospitalization of a spouse or child is $25 or less, the patient shall pay the charge as a direct transaction not involving the Government. In other instances, the patient shall pay the charge as prescribed under applicable circumstances below.

(1) When the entire period of hospitalization has been in other than private accommodations, the patient shall pay to the hospital the greater of subdivision (i) or (ii) of this subparagraph:

(i) The first $25 of the expense incurred.

(ii) An amount determined by multiplying the number of days of hospitalization by $1.75.

(2) If hospital care in a private room is obtained because it is required for proper care and treatment, and if the patient's attending physician so certifies, the amount of private room charges less the patient's payment set forth below will be paid by the Government. When private room charges are more costly, the patient will be required to pay the hospital the greater of subparagraph (1) (i) or (ii) of this paragraph and in addition 25 percent of the difference between private room charges and weighted average cost of semiprivate room charges. The weighted average cost of semiprivate room beds is based on the number of different rates for semiprivate room beds in that hospital multiplied by the number of beds at each rate combined into a sum of the products divided by the total number of beds; e.g., 20 beds at $10 equals $200; 10 beds at $12 equals $120; 10 beds at $15 equals $150; for a total of $470. The weighted average cost per bed would then be calculated ($470 divided by 40 equals $11.75 weighted average cost).

NOTE: For hospitals having only private rooms, the term "weighted average cost of semiprivate room charges" is defined as 90 percent of the daily hospital charges for the room furnished the dependent or $15 per day, whichever is less.

(3) If hospital care in a private room is provided at the specific request or desire of the patient or of the sponsor, the patient will be required to pay to the hospital the greater of subparagraph (1) (i) or (ii) of this paragraph. In addition, when private room charges are more costly, he will pay the difference between private room charges and the weighted average cost of semiprivate room charges.

(4) Except as provided in subparagraph (2) of this paragraph, if hospital care in a private room is obtained in a hospital which has only private rooms, the patient will be required to pay to the hospital the greater of subparagraph (1) (i) or (ii) of this paragraph, and in addition 10 percent of the daily hospital charges for the private room or the total daily hospital charges for such room, less $15 per day, whichever is the greater.

(5) If private-duty nursing care is required for proper care and treatment while receiving authorized hospital care, and if the patient's attending physician so certifies, the patient will pay the first $100 and 25 percent of the charges in excess of $100. The Government will pay 75 percent of the special-duty nursing charges in excess of $100.

(6) All admissions to a hospital of an obstetrical patient as an in-patient for care required in direct connection with the pregnancy, including admissions for direct complications thereof, during the period of pregnancy up to and including delivery, and admissions for postpartum inpatient care for complications of pregnancy where the complication arises within the authorized 6 weeks postpartum period and where treatment is commenced by the attending physican within that period, will be considered as one admission for the purpose of determining charges to the patient. Admission for a nonobstetrical diagnosis in the course of but not connected with a pregnancy would require the patient to pay the charges for a separate admission. When delivery occurs outside a hospital and the patient is not hospitalized in direct connection with the pregnancy, the patient will pay to the attending physician the first $15 of his charges for the delivery. If hospitalized, the charges

will be in accordance with other applicable provisions of this paragraph.

(7) Patients who previously were admitted to a hospital for authorized care, who paid at least $25 of the hospital charges for that admission and who are readmitted to a civilian hospital within 14 days following discharge from the previous admission for authorized treatment of the original conditon for which initially hospitalized, or direct complications thereof, will not be required to pay the first $25 of the subsequent hospitalization, but will be required to pay an amount determined by multiplying the number of days of the current hospitalization by $1.75, plus additional charges for a private room and private duty nursing care, when appropriate, in accordance with subparagraphs (2), (3), (4), and (5) of this paragraph. Hospitals will be responsible for obtaining from the patient, sponsor, physician, or other hospitals satisfactory evidence that the patient is entitled to the lesser charge.

(8) When an inpatient is transferred to another hospital for necessary treatment not available in the first hospital and no break in hospitalization occurs except for time in transit, it will be considered as one admission for the purpose of payment of charges by the patient in accordance with this paragraph.

(9) When a patient is treated for injury other than as an inpatient in a hospital in accordance with paragraph (b)(1)(xiii) of this section, the patient will pay the first $15 of the physician's charges for each different cause or accident for which treatment and services are rendered, except that multiple injuries to the same person resulting from a single accident will be considered as one injury for payment of the maximum required fee ($15) by the patient. The Government will pay for all costs in excess of $15 as authorized in the local schedules of allowances. However payment by the Government for laboratory tests and pathology and radiology examinations will not exceed the $75 maximum except as provided in paragraph (b)(1)(xiii) of this section.

(g) *Hospitalization beyond period of 365 days.* When a spouse or child requires a period of hospitalization in excess of 365 days, the hospital if located in the United States or Puerto Rico, will notify the contractor who, in turn, will forward this notification to the Executive Director, Office for Dependents' Medical Care. Outside the United States and Puerto Rico, the major commander or other commander concerned will, to the extent possible, provide civilian hospitals with instructions for notifying the proper uniformed services authority. Notification by the hospital will be submitted not later than 300 days after admission of the patient. Advance notice will permit arrangements to be made for proper transfer of the patient to a hospital of the uniformed services when feasible. When transfer is not feasible, continuation of care in the civilian hospital at the expense of the Government may be authorized as provided in this paragraph.

(1) The Executive Director, Office for Dependents' Medical Care, or oversea commander, upon receipt of such information, will notify the Surgeon General of the uniformed service of which the sponsor is a member. The Surgeon General of the uniformed service concerned will determine the feasibility of moving the patient to an appropriate facility of the uniformed services or other disposition as may be indicated prior to the expiration of the 365 days of authorized care. If transfer of the patient is not feasible, continuation of civilian hospital care beyond 365 days may be approved by the Surgeon General concerned for an initial period of not more than 90 days. If required, 90-day extensions may be granted. Specific approval for extension must be obtained from the Surgeon General concerned prior to the end of each such period.

(2) Government transportation may be utilized to transfer the spouse or child from the civilian hospital to a uniformed services hospital. Movement by commercial transportation at Government expense is not authorized.

(h) *Government liability for payment of civilian medical care costs.* (1) As prescribed in § 577.64(a), the uniformed services will provide eligible dependents with means of identification. When sources of civilian care exercise reasonable care and precaution in identifying persons claiming to be eligible dependents (§ 577.64(a)(3)) and furnish authorized care to those persons in good faith, payment is authorized. When care has been provided in good faith by the source of civilian care and it is subsequently determined that the persons concerned were not in fact entitled to care at Government expense under the Dependents' Medical Care Program, collection and other legal action will be taken only against the sponsor, guardian, or individual who was not entitled to the care. Collection action in individual cases will be the responsibility of the uniformed service whose appropriations reimbursed the executive agent or whose appropriations were used in payments made on behalf of persons not entitled to care at Government expense. Where fraud is indicated, the matter may be referred to the Attorney General of the United States with recommendation for prosecution.

(2) Notwithstanding the foregoing, the Government will not be responsible for payment for care rendered to spouses and children residing with their sponsors in the United States and Puerto Rico without a Nonavailability Statement (DD Form 1251) except as provided in § 577.65(b)(1)(vi) and paragraph (e)(2) of this section. Where representations are made by the source of civilian care that it was not aware of the requirement for a nonavailability statement and that it furnished care authorized under this regulation to a spouse or child possessing a valid DD Form 1173, and efforts by the physician or hospital to obtain a nonavailability statement through the sponsor or dependent had failed (§ 577.65(b)(1)(v)), the matter will be brought to the attention of the Executive Director, Office for Dependents' Medical Care. The uniformed service concerned will be notified and the matter will be brought to the attention of the service member as an unpaid debt. In special circumstances where the source of civilian care shows that collection has not been possible, the Contracting Officer, Office for Dependents' Medical Care, may authorize payment provided the claim covers care authorized under §§ 577.60–577.69 and was otherwise in accordance with all requirements except those concerning a nonavailability statement.

(3) The Contracting Officer, Office for Dependents' Medical Care, or appropriate oversea commander, may authorize certain claims for payment where the procedures in § 577.64(a)(3) and (b) have not been followed if it is established that authorized care was furnished to an eligible dependent. The Secretary of each uniformed service, or his designee, will, upon request of the Contracting Officer, Office for Dependents' Medical Care, or oversea commander thereof in writing.

### § 577.68 Care in miscellaneous circumstances.

(a) *Care in Federal medical facilities other than those of the uniformed services.* Dependents will not be provided care in facilities operated by any agency of the Federal Government other than the uniformed services except as follows:

(1) *Care in Freedmen's Hospital.* Dependents eligible for civilian care may obtain care in Freedmen's Hospital, Washington, D.C., on the same basis as a non-Federal hospital. Bills for such care will be processed and paid by the contractor for the District of Columbia in the same manner as those from a non-Federal hospital. Charges to the dependent will be as specified in § 577.67(f).

(2) *Emergency care.* Federal medical facilities (other than uniformed services facilities and Freedmen's Hospital) may be reimbursed only for care provided in an emergency to a dependent eligible for civilian care. When spouses and children receive care authorized by §§ 577.60–577.69 on an emergency basis in such facilities, the patient will pay the charges listed in § 577.67(f), as applicable, and the Government will pay the difference between the amount payable by the patient and the reimbursable cost. Payment will be on a reimbursement basis between the Executive Director, Office for Dependents' Medical Care, and the department or agency concerned if the care is obtained in the United States or Puerto Rico. For care provided outside the United States and Puerto Rico, reimbursement will be effected between the department of which the sponsor is a member and the agency or department furnishing the care.

(b) *Care in medical facilities of the Canal Zone Government*—(1) *Eligibility.* All dependents listed in § 577.61(d) are eligible for care in medical facilities of the Canal Zone Government.

(2) *Scope of care.* The care for which dependents are eligible in medical facilities of the Canal Zone Government is comparable in all respects to that which is furnished dependents in uniformed services medical facilities outside the United States.

(3) *Charges.* When hospitalized in a medical facility of the Canal Zone Government, the dependent will pay $1.75 a day. Outpatient care will be furnished without charge. The Canal Zone Government will be reimbursed by the uniformed service of which the sponsor is a member for care furnished dependents on an outpatient basis and for hospitalization, less the amount paid by the dependent. Rates for departmental reimbursement will be established annually by the Canal Zone Government.

(c) *Care in medical facilities of a foreign government.* When spouses and children receive medical care authorized by §§ 577.60–577.69 in the medical facilities of a foreign government, reimbursement will be as follows:

(1) Except as indicated in subparagraph (2) of this paragraph, the patient will pay the charges listed in § 577.67(f). The difference between the total bill and the amount paid by the dependent will be paid by the appropriate oversea commander in accordance with the individual service regulations (§ 577.62(e)).

(2) In instances where a reciprocal agreement between a foreign government and the United States is in effect which provides for no charge or a lesser charge to the patient than those listed in § 577.67(f), the charges, if any, prescribed in the reciprocal agreement will prevail.

### § 577.69 Summary of eligibility.

| Dependent's relationship to sponsor | Type care authorized | | |
|---|---|---|---|
| | If sponsor is serving on active duty for more than 30 days | If sponsor is a retired member | If sponsor died while on active duty or in a retired status |
| Wife | Civilian facilities and uniformed services facilities. | Uniformed services facilities only. | Uniformed services facilities only. |
| Unremarried widow | | | |
| Husband, if dependent on service wife for over ½ of his support. | Civilian facilities and uniformed services facilities. | Uniformed services facilities only. | Do. |
| Unremarried widower, if, because of mental or physical incapacity he was in fact dependent on service wife at the time of her death for over ½ of his support. | | | |
| Unmarried legitimate child, including an adopted child or a stepchild, who either—<br>a. has not passed his 21st birthday<br>b. is incapable of self-support because of a mental or physical incapacity that existed before that birthday and is, or was at the time of the member's or former member's death, in fact dependent on him for over ½ of his support; or<br>c. has not passed his 23d birthday, is enrolled in a full-time course of study in an institution of higher learning approved by the Secretary of Defense, or the Secretary of Health, Education, and Welfare, as the case may be, and is or was at the time of the member's or former member's death, in fact dependent on him for over ½ of his support. | Civilian facilities and uniformed services facilities. | Uniformed services facilities only. | Do. |
| Parent or parent-in-law who, is, or was at the time of the member's or former member's death, in fact dependent on him for over ½ of his support and residing in a dwelling place provided or maintained by the sponsor. | Uniformed services facilities only. | ....do.... | Do. |

J. C. LAMBERT,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 64–11793; Filed, Nov. 18, 1964; 8:45 a.m.]



# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 54]

### PART 8—COMPETITIVE BIDS

### Bids of Carriers Subject to Clayton Antitrust Act for Securities, Supplies, or Other Articles of Commerce

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 22d day of October A.D. 1964:

It appearing, that the Commission's order dated October 6, 1919 (as amended October 4, 1920), 56 I.C.C. 847, as supplemented by orders of January 29, 1938, and March 25, 1942, and as further amended May 18, 1954, prescribed regulations to govern bids of common carriers subject to section 10 of the Clayton Antitrust Act, for securities, supplies, or other articles of commerce;

It further appearing, that on petition filed June 9, 1964, by The Port Authority Trans-Hudson Corporation, a common carrier by railroad subject to part I of the Interstate Commerce Act, the Commission in Ex Parte No. 54 issued a notice of proposed rule making dated June 18, 1964, proposing to amend the above regulations as they may apply to carriers owned or operated by an agency of one or more states, or a wholly owned subsidiary corporation thereof;

It further appearing, that a copy of the notice of proposed rule making was given to the general public by depositing a copy in the Office of the Secretary of the Commission and by filing a copy with the Director of the Office of the Federal Register, Washington, D.C.; and

It further appearing, that interested persons were offered the opportunity to file with the Commission on or before August 10, 1964, representations in favor of, or against, the proposed amendment or the special competitive bidding procedure proposed, and that no representations have been received;

*It is ordered,* That the petition be, and it is hereby, granted, and that, effective December 16, 1964, § 8.1 be amended to include in the heading thereof "variation from the generally applicable procedure", and to that section to add paragraph (c). As amended the heading of § 8.1 and paragraph (c) will read as follows:

### § 8.1 Specifications, form of proposal and contract; publication of request for bids; variation from the generally applicable procedure.

* * * * *

(c) Upon application, a carrier owned or operated by any state or by an agency of one or more states, or a wholly-owned subsidiary corporation thereof, may be authorized by the Commission to employ a competitive bidding procedure or procedures varying from the generally applicable procedure provided by this regulation upon the following showing: (1) That the applicant carrier is owned or operated by a state or by an agency of one or more states, or is a wholly-owned subsidiary corporation thereof; (2) a detailed statement of the procedure for which authorization is requested and the variations thereof from the generally applicable procedure provided by this regulation and the purpose or reason for such variation; and (3) that the generally applicable procedure provided by this regulation imposes on the carrier an unreasonable burden or interferes with obtaining by the carrier of the most favorable bid.

*It is further ordered,* That notice of this order be given to all common carriers subject to the Interstate Commerce Act and to the general public by depositing a copy thereof in the Office of the Secretary, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(Sec. 10, 38 Stat. 734; 15 U.S.C. 20; secs. 201–227, 49 Stat. 543–567, as amended; 49 U.S.C. 301–327; sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interprets or applies sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64–11799; Filed, Nov. 18, 1964; 8:46 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

### SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 6245; Amdt. 399]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

### Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| PROCEDURE CANCELLED, EFFECTIVE NOV. 14, 1964, OR UPON DECOMMISSIONING OF LFR. | | | | | | | |
| City, Kahului, Maui; State, Hawaii; Airport Name, Kahului; Elev., 59'; Fac. Class., SBRAZ; Ident., MAU; Procedure No. 1, Amdt. 4; Eff. Date, 24 Aug. 63; Sup. Amdt. No. 3; Dated, 10 Aug. 63 | | | | | | | |
| UNK VOR | UN LFR | Direct | 2800 | T-dn<br>C-dn<br>S-dn<br>A-dn | 300-1<br>500-2<br>NA<br>800-2 | 300-1<br>500-2<br>NA<br>800-2 | 200-½<br>500-2<br>NA<br>800-2 |

Shuttle descent to 2800' in 1-minute holding pattern, right turns, 270° Outbnd, 090° Inbnd. Shuttle descent below 2800' not authorized, procedure turn required.
Procedure turn S side W crs, 270° Outbnd, 090° Inbnd, 1000' within 15 miles.
Proceed Outbnd 5 miles from LFR on W crs not below 1800' before starting descent to procedure turn altitude.
Descend to 500' immediately after completion of procedure turn.
Crs and distance, facility to airport, 276°—2.4 miles.
If visual contact not established upon descent to 500', turn right, climb to 2800' on W crs UN LFR within 20 miles. VFR flight required from missed approach point to airport.
CAUTION: Terrain rising to 800' 1.5 miles N of airport, 300' 1.1 miles N of UN LFR. Maneuvering not authorized N through E of airport.
NOTE: Air carrier sliding scale not authorized.
Other change: Deletes final approach maneuvering note.
MSA within 25 miles of facility: 000°-090°—4000'; 090°-180°—4600'; 180°-270°—2000'; 270°-360°—3000'.

City, Unalakleet; State, Alaska; Airport Name, Unalakleet; Elev., 21'; Fac. Class., SBRAZ; Ident., UN; Procedure No. 1, Amdt. 11; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 10; Dated, 14 Dec. 63

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| BC-LFR | LOM | Direct | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| BFL-VOR | LOM | Direct | 2400 | C-dn | 500-1 | 500-1 | 500-1½ |
| Maricopa Int | LOM | Direct | 3000 | S-dn-30R | 400-1 | 400-1 | 400-1 |
| Arvin Int | LOM (final) | Direct | 2000 | A-dn | 800-2 | 800-2 | 800-2 |
| Lamont Int | Arvin Int | Direct | 6500 | | | | |

Procedure turn S° side of crs, 119° Outbnd, 299° Inbnd, 2400' within 10 miles of LOM. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 299°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 3000' on NW crs of the BO LFR within 20 miles or, when directed by ATC, (1) climb to 3000' on R-227 BFL VOR within 15 miles; (2) climb to 3000' on SW crs BO LFR within 15 miles.
°All turns S side of crs, high terrain N.
MSA within 25 miles of facility: 000°-090°—8700'; 090°-180°—8100'; 180°-270°—6100'; 270°-360°—5300'.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 488'; Fac. Class., LOM; Ident., BF; Procedure No. 1, Amdt. 4; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 3; Dated, 30 May 64



ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| SBN VOR | BEH RBn | Direct | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| ELX VOR | BEH RBn | Direct | 2000 | C-dn | 600-1 | 600-1 | 600-1½ |
| Musky Int | BEH RBn | Direct | 2300 | S-dn-9 | 600-1 | 600-1 | 600-1 |
| Mermaid Int | BEH RBn | Direct | 2300 | A-dn* | NA | NA | NA |

Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of BEH RBn, climb straight ahead to 2300' and proceed direct to ELX VOR, contact SBN approach control for further instructions or, when directed by ATC, climb straight ahead to 2000' and then return to BEH RBn.
NOTE: Procedure authorized from 0600 to 2400 local time.
*800-2 alternate minimums authorized only during hours of control zone operation or for air carrier with approved weather reporting service.
MSA within 25 miles of facility: 000°-090°—2200'; 090°-180°—2000'; 180°-270°—2100'; 270°-360°—1800'.

City, Benton Harbor; State, Mich.; Airport Name, Ross Field; Elev., 642'; Fac. Class., MHW; Ident., BEH; Procedure No. 2, Amdt. 1; Eff. Date, 14 Nov. 64; Sup. Amdt. No. Orig.; Dated, 29 June 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Harris Neck Int | HIN RBn | Direct | 1600 | T-dn | 300-1 | 300-1 | 200-½ |
| Int R-211 SAV VOR and 090° crs HIN RBn. | HIN RBn | Direct | 1600 | C-dn<br>S-dn-5 | 500-1<br>400-1 | 500-1<br>400-1 | 500-1½<br>400-1 |

Procedure turn W side of crs, 230° Outbnd, 050° Inbnd, 1600' within 10 miles. Beyond 10 miles not authorized.°
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 050°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles after passing HIN RBn, turn right climb to 1600' returning direct to HIN RBn.°°
NOTE: Authorized for military use only except by prior arrangement.
°Due proximity of R-3006.
°°Holding when required, hold SW on 230° crs, 1-minute left turns, 1600'.

City, Fort Stewart; State, Ga.; Airport Name, Liberty AAF; Elev., 46'; Fac. Class., MHW; Ident., HIN; Procedure No. 1, Amdt. 1; Eff. Date, 14 Nov. 64; Sup. Amdt. No. Orig.; Dated, 24 Aug. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| OGG VOR | GG LMM | Direct | 5000 | T-dn# | 300-1 | 300-1 | 200-½ |
| MPH RBn | GG LMM | Direct | 6000 | C-dn | 700-1 | 700-1 | 700-1½ |
| Kelki Int | MPH RBn | Direct | 6000 | S-dn-20 | 700-1 | 700-1 | 700-1 |
| Mango Int | MPH RBn | Direct | 6600 | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn NW side of crs, 024° Outbnd, 204° Inbnd, 1500' within 20 miles. Beyond 20 miles not authorized.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 024°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of GG LMM, turn left, climb to 3000' on 360° crs from OGG LMM within 20 miles, reverse crs, climb to 6000' over LMM, hold N on the 204° Inbnd crs, 1-minute right turns.
CAUTION: 570' tower, 4 miles W of airport.
Other change: Deletes transition from MAU LFR.
#Takeoff minimums, Runways 23, 20, 17 are 600-1 and all aircraft must cross airport under VFR conditions prior to departing on crs.
MSA within 25 miles of facility: 000°-090°—4300'; 090°-180°—12,100'; 180°-270°—7800'; 270°-360°—7000'.

City, Kahului, Maui; State, Hawaii; Airport Name, Kahului; Elev., 59'; Fac. Class., MH (LMM); Ident., GG; Procedure No. 1, Amdt. 1; Eff. Date, 14 Nov. 64; Sup. Amdt. No. Orig.; Dated, 29 Feb. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Carmel Int | LOM | Direct | 4000 | T-dn* | 300-1 | 300-1 | 200-½ |
| Salinas VOR | LOM | Direct | 3000 | C-d | 900-2 | 900-2 | 900-2 |
| Salinas VOR | Marina Int | Direct | 2000 | C-n | 900-3 | 900-3 | 900-3 |
| Marina Int | LOM | Direct | 2000 | A-dn | 1000-3 | 100-3 | 1000-3 |
| Shark Int | LOM | Direct | 3000 | | | | |

Procedure turn S side on crs, 276° Outbnd, 096° Inbnd, 2000' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 096°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM (at the LMM), make immediate left climbing turn, proceed direct to LOM climbing to 2000' in a 1-minute holding pattern 096° Inbnd, right turns.
CAUTION: High terrain SW through SE of airport. All maneuvering for circling approaches must be accomplished N of Runway 10/28.
AIR CARRIER NOTE: Reductions in visibility by sliding scale or local conditions not authorized, except for takeoff on Runway 28.
*500-1 required for takeoff on Runway 6. *1000-1 required for takeoff on Runway 24.
*700-1 required for takeoff on Runway 10 and left turn must be started within 1 mile of airport.
Southbound IFR departures must comply with published Monterey SID's.
MSA within 25 miles of facility: 040°-130°—5800'; 130°-220°—5900'; 220°-310°—1500'; 310°-040°—4200'.

City, Monterey; State, Calif.; Airport Name, Monterey Peninsula; Elev., 220'; Fac. Class., LOM; Ident., MR; Procedure No. 1, Amdt. Orig.; Eff. Date, 14 Nov. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Flat Rock VOR | LOM | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| Richmond RBn | LOM | Direct | 1500 | C-dn | 400-1 | 500-1 | 500-1½ |
| Manakin RBn | LOM | Direct | 2000 | S-dn-6 | 400-1 | 400-1 | 400-1 |
| HPW VOR | LOM | Direct | 2000 | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 243° Outbnd, 063° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 063°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2000' on crs 063° within 10 miles, then left turn direct to Manakin RBn. Hold NW, 124° Inbnd, 1-minute right turns.
fMSA within 25 miles of facility: 000°-090°—1500'; 090°-360°—2100'.

City, Richmond; State, Va.; Airport Name, Richard E. Byrd Flying Field; Elev., 167'; Fac. Class., LOM; Ident., RI; Procedure No. 1, Amdt. 14; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 13; Dated, 26 Sept. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

| Transition From— | To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| RIC VOR | RIC RBn | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| MNY RBn | RIC RBn | Direct | 2000 | C-dn | 400-1 | 500-1 | 500-1½ |
| PAK VOR | RIC RBn | Direct | 2000 | A-dn | 800-2 | 800-2 | 800-2 |
| HPW VOR | RIC RBn | Direct | 2000 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 218° Outbnd, 038° Inbnd, 2000′ within 10 miles. Nonstandard due obstruction.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 018°—1.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 miles after passing RIC RBn, make immediate left climbing turn to 2000′ on crs 360°, then proceed direct to Manakin RBn. Hold NW 124° Inbnd, 1-minute right turns.
MSA within 25 miles of facility: 000°–090°—1500′; 090°–360°—2100′.

City, Richmond; State, Va.; Airport Name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., SBH; Ident., RIC; Procedure No. 2, Amdt. 2; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 1; Dated, 26 Sept. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Goshen RBn | Elkhart Int | Direct | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| Goshen VOR | Elkhart Int | Direct | 2500 | C-dn | 500-1 | 500-1 | 500-1½ |
| South Bend VOR | LOM | Direct | 2200 | S-dn-27 | 500-1 | 500-1 | 500-1 |
| Bristol Int | Elkhart Int | Direct | 2400 | A-dn | 800-2 | 800-2 | 800-2 |
| Goshen RBn | LOM | Direct | 2900 | | | | |
| Elkhart Int | LOM (final) | Direct | 1900 | | | | |
| North Liberty Int | LOM | Direct | 2900 | | | | |

Procedure turn N side of crs, 089° Outbnd, 269° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 269°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, make climbing right turn to 2000′ and proceed direct to SBN VOR or, when directed by ATC, make climbing right turn to 2200′ and proceed direct to SBN LOM.
CAUTION: 1918′ tower 5.6 miles S of LOM.
MSA within 25 miles of facility: 000°–090°—2400′; 090°–180°—3000′; 180°–270°—3000′; 270°–360°—2200′.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778′; Fac. Class., LOM; Ident., SB; Procedure No. 1, Amdt. 16; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 15; Dated, 15 Sept. 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| YUM VOR | NYL RBn | Direct | 3000 | T-dn% | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 700-1 | 700-1 | 700-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn W side of crs, 347° Outbnd, 167° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of NYL RBn, climb to 1500′ on 167° bearing from NYL RBn within 8 miles, turn right, climb to 2500′ to NYL RBn.
%Northeast bound (280° through 100°) IFR departures must climb via YUM VOR.
MSA within 25 miles of facility: 045°–135°—4200′; 135°–225°—1800′; 225°–315°—3300′; 315°–045°—2700′.

City, Yuma; State, Ariz.; Airport Name, Yuma MCAAS/International; Elev., 213′; Fac. Class., MHW; Ident., MYL; Procedure No. 1, Amdt. Orig.; Eff. Date, 14 Nov. 64

**3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:**

VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition From— | To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-d | 700-1 | 700-1 | 700-1½ |
| | | | | C-n | 700-2 | 700-2 | 700-2 |
| | | | | A-dn | NA | NA | NA |
| | | | | If Harold Int received, minimums become: | | | |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |

Radar transitions and vectoring utilizing Atlanta radar authorized in accordance with approved patterns.
Procedure turn N side of crs, 061° Outbnd, 241° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach, 3000′; over Harold Int, 1700′.
Crs and distance, facility to airport, 241°—9.7 miles; Harold Int to airport, 241°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.7 miles after passing OCR-VOR, make climbing right turn to 3000′ and proceed to Crabapple Int via REG-VOR R-344.
NOTE: Pilots must cancel IFR flight plan with Atlanta APC when landing is assured or immediately upon landing while the control tower is not in operation. No weather reporting facilities available. Air carrier use not authorized.
MSA within 25 miles of facility: 000°–090°—3700′; 090°–360°—4100′.

City, Atlanta; State, Ga.; Airport Name, DeKalb-Peachtree; Elev., 1002′; Fac. Class., BVORTAC; Ident., OCR; Procedure No. 1, Amdt. 5; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 4; Dated, 11 Jan. 64



VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

| Transition From— | To— | Course and distance | Minimum altitude (feet) | Ceiling and visibility minimums: Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 1000-3 | 1000-3 | 1000-3 |
| | | | | S-dn-27 | 1000-3 | 1000-3 | 1000-3 |
| | | | | A-dn# | NA | NA | NA |
| | | | | The following minimums apply to aircraft equipped with dual VOR receivers and when Zang Int identified: | | | |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-27 | 500-1 | 500-1 | 500-1 |

Procedure turn N side of crs 086° Outbnd, 266° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′; over Zang Int, 1600′.
Crs and distance, facility to airport, 266°—13.3 miles; Zang Int to airport, 266°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 13.3 miles after passing the ELX-VOR or 3.0 miles after passing Zang Int, climb to 2300′ on ELX-VOR R-266 then proceed direct to ELX-VOR and contact SBN approach control for further instructions.
#1000-3 alternate minimums authorized only during hours of control zone operations or for air carrier with approved weather reporting service.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—2400′; 180°–270°—2100′; 270°–360°—1900′.

City, Benton Harbor; State, Mich.; Airport Name, Ross Field; Elev., 642′; Fac. Class., BVOR; Ident., ELX; Procedure No. 1, Amdt. 3; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 2; Dated, 28 July 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-31 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn* | 800-2 | 800-2 | 800-2 |

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn E side of crs, 155° Outbnd, 335° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 335°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing DBQ VOR, make left climbing turn to 2300′ and return to DBQ VOR.
AIR CARRIER NOTE: Alternate minimums authorized 24 hours daily for air carriers with weather reporting service at the airport.
*Alternate minimums authorized only during hours of control zone operation.
MSA within 25 miles of the facility: 000°–360°—2600′.

City, Dubuque; State, Iowa; Airport Name, Dubuque Municipal; Elev., 1075′; Fac. Class., L-BVOR; Ident., DBQ; Procedure No. 1, Amdt. 2; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 1; Dated, 30 Nov. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| GSH RBn | GSH VOR | Direct | 2500 | T-dn | 300-1 | 300-1 | |
| | | | | C-d | 700-1 | 700-1 | |
| | | | | C-n | 700-2 | 700-2 | |
| | | | | S-d-9 | 700-1 | 700-1 | |
| | | | | S-n-9 | 700-2 | 700-2 | |
| | | | | A-dn | NA | NA | |
| | | | | When passage of GSH RBn can be determined, the following minimums apply: | | | |
| | | | | C-dn | 500-1 | 500-1½ | |
| | | | | S-dn-9 | 500-1 | 500-1 | |

Procedure turn S side of crs, 270° Outbnd, 090° Inbnd, 2500′ within 10 miles.
Minimum altitude over GSH VOR on final approach crs, 2500′; over GSH RBn on final approach crs, 1500′.
Crs and distance, facility to airport, 090°—10 miles; GSH RBn to airport, 088°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.1 miles of GSH-VOR or 2.5 miles after passing GSH RBn, climb to 2500′ on R-090 within 20 miles.
NOTE: No weather available.
MSA within 25 miles of facility: 000°–090°—2300′; 090°–180°—2400′; 180°–270°—2300′; 270°–360°—3000′.

City, Goshen; State, Ind.; Airport Name, Goshen; Elev., 825′; Fac. Class., BVOR; Ident., GSH; Procedure No. 1, Amdt. 3; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 2; Dated, 27 Jan. 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Hibiscus Int | Bayview Int* | Direct | 2000 | T-dn** | 300-1 | 300-1 | 200-½ |
| Bayview Int* | Hilo VOR (final) | Direct | 400 | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn-26 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S side of crs, 080° Outbnd, 260° Inbnd, 1500′ within 10 miles. Nonstandard due ATC requirements.
Minimum altitude over facility on final approach crs, 400′.
Crs and distance, facility to airport, 259°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.0 mile after passing VOR, execute right turn, climbing to 3000′ on R-353 within 20 miles.
CAUTION: Gradually rising terrain westerly quadrants.
NOTE: Aircraft must have both VOR and ADF equipment in operation to utilize Bayview Int.
*Bayview Int: Int ITO-VOR R-080 and 090° bearing from Pahoa RBn.
**400-1 required Runway 26 with right turn after takeoff.
MSA within 25 miles of facility: 030°–120°—1200′; 120°–210°—7000′; 210°–300°—15,800′; 300°–030°—8000′.

City, Hilo; State, Hawaii; Airport Name, General Lyman; Elev., 34′; Fac. Class., BVOR; Ident, ITO; Procedure No. 1, Amdt. 9; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 8; Dated, 6 Apr. 63.

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn% | 300-1 | 300-1 | 300-1 |
| | | | | C-d* | 700-1 | 700-1 | 700-1½ |
| | | | | C-n* | 700-2 | 700-2 | 700-2 |
| | | | | A-dn | 900-2 | 900-2 | 900-2 |

Procedure turn N side of crs, 218° Outbnd, 038° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 038°—8.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.4 miles after passing HQM VOR, turn right, climb to 1600′ direct to HQM VOR.
CAUTION: 600′ hills N and NE of airport.
*All circling and maneuvering will be executed south of Runway 6/24.
%Takeoffs all runways; climb direct to HQM VOR before proceeding on crs.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—2500′; 180°–270°—1100′; 270°–360°—1700′.

City, Hoquiam; State, Wash.; Airport Name, Bowerman; Elev., 14′; Fac. Class., H-BVOR; Ident., HQM; Procedure No. 1, Amdt. 5; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 4; Dated 26 Sept. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T-dn | 300-1 | NA | NA |
| | | | | C-dn* | 500-1 | NA | NA |
| | | | | S-dn-33 | 500-1 | NA | NA |
| | | | | A-dn | NA | NA | NA |

Procedure turn E side of crs, 161° Outbnd, 341° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 341°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing JKS VOR, make left climbing turn to 2100′ and return to JKS VOR.
*Night landings not authorized Runway 19 due to unlighted obstructions in approach area.
MSA within 25 miles of facility: 000°–090°—2000′; 090°–180°—1700′; 180°–270°—1900′; 270°–360°—2100′.

City, Lexington; State, Tenn.; Airport Name, Franklin-Wilkins; Elev., 517′; Fac. Class., BVOR; Ident., JKS; Procedure No. 1, Amdt. 1; Eff. Date, 14 Nov. 64; Sup. Amdt No. Orig.; Dated, 25 Apr. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-29 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn N side crs, 108° Outbnd, 288° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 288°—5.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing MSL VOR, climb to 2200′, turn left and return to MSL VOR or, when directed by ATC, climb to 2200′ on R-293 MSL VOR within 10 miles.
CAUTION: Transmission line poles 654′ located 1.5 miles E of approach end of Runway 29.
MSA within 25 miles of facility: 000°–090°—2000′; 090°–270°—2100′; 270°–360°—2200′.

City, Muscle Shoals; State, Ala.; Airport Name, Muscle Shoals; Elev., 548′; Fac. Class., BVOR; Ident., MSL; Procedure No. 1, Amdt. 13; Eff. Date, 14 Nov. 64; Sup. Amdt No. 12; Dated, 1 Feb. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn** | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-24* | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring by Otis RAPCON authorized in accordance with approved patterns.
Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 240°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 1.9 miles after passing ACK VOR, climb to 1700′ on R-240 within 10 miles of ACK VOR; return to ACK VOR. Hold NE of ACK VOR on R-060, 1-minute right turns, 240° crs Inbnd.
NOTE: Tower operates 0700–2300.
#Final approach from a holding pattern at ACK VOR not authorized. Procedure turn required.
*400-½ authorized, except for turbojet aircraft, with operative ALS and high-intensity runway lights.
**CAUTION: 342′ tower 2.6 miles W of airport; 652′ Loran antenna (3.0 miles ESE of airport).
MSA within 25 miles of facility: 000°–360°—1700′.

City, Nantucket; State, Mass.; Airport Name, Nantucket Memorial; Elev., 47′; Fac. Class., BVORTAC; Ident., ACK; Procedure No. 1, Amdt. 5; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 4; Dated, 18 July 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| GSH RBn | SBN VOR | Direct | 2900 | T-dn | 300-1 | 300-1 | 200-½ |
| North Liberty Int | SBN VOR | Direct | 2400 | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-d-3 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | NA | NA | NA |

Procedure turn S side of crs, 226° Outbnd, 046° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 046°—5.5 miles.
If visual contact not established upon decent to authorized landing minimums or if landing not accomplished within 5.5 miles, make left turn, climb to 2400′, return to SBN VOR or, when directed by ATC, climb to 2400′ on SBN VOR R-046 within 20 miles.
NOTES: 1. No weather available. 2. When authorized by ATC, DME may be used to position aircraft on final approach crs via 8-mile DME arc at 2900′, 075° clockwise to 310° from SBN VOR with the elimination of procedure turn. 3. No lights Runway 3/21.
MSA within 25 miles of facility: 000°–090°—2400′; 090°–180°—3000′; 180°–270°—2200′; 270°–360°—2200′.

City, Niles; State, Mich.; Airport Name, Jerry Tyler Memorial; Elev., 743′; Fac. Class., BVORTAC; Ident., SBN; Procedure No. 1, Amdt. 4; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 3; Dated, 10 Oct. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| OE LFR | OME VOR | Direct | 2300 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-27 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S side of crs, 090° Outbnd, 270° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 270°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing OME VOR, turn left, climb to 2100′ on R-090 OME VOR within 15 miles.
NOTE: High terrain to 1200′ beyond 3 miles N of OME VOR.

City, Nome; State, Alaska; Airport Name, Nome FAA; Elev., 37′; Fac. Class., H-BVOR; Ident., OME; Procedure No. 2, Amdt. Orig.; Eff. Date, 14 Nov. 64



VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Phoenix RBn | PHX VOR | Direct | 4500 | T-dn | 300-1 | 300-1 | 200-½ |
| Lake Int | Falcon Int | Direct | 6000 | C-dn | 600-1 | 600-1 | 600-1½ |
| Falcon Int | PHX VOR (final) | Direct | 2700 | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn Teardrop side of crs, 052° Outbnd, turn right, 232° Inbnd, 4500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2700′, minimum altitude abeam RBn/Z, 1900′.
Crs and distance, VOR to airport, 256°—5.3 miles; abeam RBn/Z to airport, 256°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing PHX VOR, climb to 4000′ on R-258 within 20 miles, or, when directed by ATC, climb to 3000′ on R-258, make a right climbing turn and return to VOR at 4500′.
NOTE: Descend to authorized landing minimums only after passing PHX RBn or "Z" marker. Initial approach MEA, except MCA V-16 4500′ eastbound.
CAUTION: Hills and tower 2967′ 6 miles SSW of airport; 3312′ terrain 15 miles ENE.
MSA within 25 miles of facility: 000°–090°—6100′; 090°–180°—5200′; 180°–360°—5600′.

City, Phoenix; State, Ariz.; Airport Name, Phoenix Sky Harbor Municipal; Elev., 1122′; Fac. Class., H-BVORTAC; Ident., PHX; Procedure No. 1, Amdt. 13; Eff. Date 14 Nov. 64; Sup. Amdt. No. 12; Dated, 22 Aug. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | NA |
| | | | | C-dn | 700-1 | 700-1 | NA |
| | | | | S-dn-28 | 700-1 | 700-1 | NA |
| | | | | A-dn | NA | NA | NA |
| | | | | The following minimums apply if latest weather and altimeter setting is obtained from Mercer County Airport, Trenton, N.J. | | | |
| | | | | C-dn | 500-1 | 500-1 | NA |
| | | | | S-dn | 500-1 | 500-1 | NA |

Procedure turn N side crs, 108° Outbnd, 288° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 288°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing RBV-VOR, make right climbing turn to 1900′ and return to RBV-VOR. Hold E, 1-minute right turns, Inbnd crs 288°.
MSA within 25 miles of the facility: 000°–360°—1800′.

City, Robbinsville; State, N.J.; Airport Name, Trenton-Robbinsville; Elev., 115′; Fac. Class., B-VORTAC; Ident., RBV; Procedure No. 1, Amdt. 2; Eff. Date, 14 Nov 64; Sup. Amdt. No. 1; Dated, 7 Sept. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Maryland Heights VOR | STL VOR | Direct | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-d | 700-1 | 700-1½ | 700-1½ |
| | | | | C-n | 700-2 | 700-2 | 700-2 |
| | | | | S-d-12L | 700-1 | 700-1 | 700-1 |
| | | | | S-n-12L | 700-2 | 700-2 | 700-2 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar transitions to final approach crs authorized in accordance with approved patterns.
Procedure turn W side of crs, 315° Outbnd, 135° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 135°—8.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.5 miles after passing STL VOR make right turn, climb to 2400′ direct to LAQ RBn or, when directed by ATC, make left turn, climb to 1900′ direct to ST LOM.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
MSA within 25 miles of facility: 000°–090°—2000′; 090°–180°—2600′; 180°–270°—2100′; 270°–360°—2200′.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., BVORTAC; Ident., STL; Procedure No. 2, Amdt. Orig.; Eff. Date, 14 Nov. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Goshen RBn | SBN-VOR | Direct | 2900 | T-dn | 300-1 | 300-1 | 200-½ |
| North Liberty Int | SBN-VOR | Direct | 2400 | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn E side of crs, 360° Outbnd, 180° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 180°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing SBN-VOR, make right turn, climbing to 2000′ and return to SBN VOR or when directed by ATC: (1) Make a right climbing turn to 2600′ and proceed to North Liberty Int via the 200° radial of SBN VOR.
CAUTION: 1918′ tower 5.6 miles S of LOM.
NOTE: When authorized by ATC, DME may be used to position aircraft on final approach crs via 8-mile DME arc at 2400′ 270° clockwise to 095° from SBN VORTAC with the elimination of procedure turn.
MSA within 25 miles of facility: 000°–090°—2400′; 090°–180°—3000′; 180°–270°—2200′; 270°–360°—2200′.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778′; Fac. Class., BVORTAC; Ident., SBN; Procedure No. 1, Amdt. 12; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 11; Dated, 10 Oct. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| UN LFR | UNK VOR | Direct | 2800 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-2 | 500-2 | 500-2 |
| | | | | S-dn | NA | NA | NA |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Shuttle descent to 2800′ in 1-minute holding pattern, right turns, 245° Outbnd, 065° Inbnd. Shuttle descent below 2800′ not authorized, procedure turn required.
Procedure turn S side of crs, 245° Outbnd, 065° Inbnd, 1000′ within 15 miles.
Proceed Outbnd 5 miles from VOR on R-245 not below 1800′ before starting descent to procedure turn altitude.
Descend to 500′ immediately after completion of procedure turn.
Crs and distance, facility to airport, 245°—3.0 miles.
If visual contact not established upon descent to 500′, turn right, climb to 2800′ on R-245 of UNK VOR within 20 miles. Visual flight required from missed approach point to airport.
CAUTION: Terrain rising to 800′ 1.5 miles N of airport, 396′ 1.1 miles N of UN LFR. Maneuvering not authorized N through E of airport.
NOTE: Air carrier sliding scale not authorized.
MSA within 25 miles of facility: 000°–090°—4000′; 090°–180°—4600′; 180°–270°—2000′; 270°–360°—3000′.

City, Unalakleet; State, Alaska; Airport Name, Unalakleet; Elev., 21′; Fac. Class., BVOR; Ident., UNK; Procedure No. 1, Amdt. Orig.; Eff. Date, 14 Nov. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Cashmere VHF Int | EAT VOR | Direct | 7300 | T-dn% | 1000-1 | 1000-1 | 1000-1 |
| Beehive Mt. VHF Int | EAT VOR | Direct | 6000 | C-dn* | 1900-1 | 1900-1 | 1900-1½ |
| | | | | A-dn | 2000-2 | 2000-2 | 2000-2 |
| | | | | If Malaga FM received the following minimums apply: | | | |
| | | | | C-d* | 1000-1 | 1000-1 | 1000-1½ |
| | | | | C-n* | 1000-1½ | 1000-1½ | 1000-2 |

Procedure turn N side of crs, 102° Outbnd, 282° Inbnd, 4500' within 10 miles.
Minimum altitude over Malaga FM on final approach crs, 3100'; over EAT VOR 2200'.
Crs and distance, Malaga FM to airport, 282°—3.5 miles, EAT VOR on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of EAT VOR, make an immediate left climbing turn, climb to 4500' on R-102 within 15 miles of EAT VOR.
CAUTION: High terrain in all quadrants.
*Terrain to 1800' 1.7 miles NW through NE of airport. All circling and maneuvering S of Runway 11/29.
%Takeoffs all runways: Climb visually over the airport to 2200'. Then climb southeastbound on EAT VOR R-102 to 3300'; thence return to EAT VOR climbing to cross VOR at: 4000' eastbound V-2N; 4500' southbound V-25; 4500' westbound V-2N. All turns N side of R-120. Upon reaching 3300' on R-102, eastbound aircraft may proceed to intercept V-2N via magnetic heading 060°.
MSA within 25 miles of facility: 000°-090°—4700'; 090°-180°—6900'; 180°-270°—9700'; 270°-360°—8900'.

City, Wenatchee; State, Wash.; Airport Name, Pangborn Field; Elev., 1245'; Fac. Class., L-BVOR; Ident., EAT; Procedure No. 1, Amdt. 3; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 2; Dated, 23 Apr. 64

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Scotland VOR | BMG VOR | Direct | 2300 | T-dn | 300-1 | 300-1 | 200-½ |
| Spencer Int | BMG VOR | Direct | 2300 | C-dn | 500-1 | 500-1 | 500-1½ |
| Paragon Int | BMG VOR | Direct | 2300 | S-dn-6 | 500-1 | 500-1 | 500-1 |
| Wilbur Int | BMG VOR | Direct | 2300 | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S side of crs, 234° Outbnd, 054° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, breakoff point to Runway 6, 059°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of BMG VOR, climb to 2300' on R-054 and return to BMG VOR.
Other changes: Deletes transition from Sanders Int.
MSA within 25 miles of facility: 000°-090°—2400'; 090°-180°—2300'; 180°-270°—2300'; 270°-360°—2100'.

City, Bloomington; State, Ind.; Airport Name, Monroe County; Elev., 840'; Fac. Class., BVOR; Ident., BMG; Procedure No. TerVOR-6, Amdt. 1; Eff. Date, 14 Nov. 64; Sup. Amdt. No. Orig.; Dated, 10 Aug. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Camp Int | OGG VOR | Direct | 6000 | T-dn# | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn W side of crs, 027° Outbnd, 207° Inbnd, 1500' within 20 miles. Beyond 20 miles not authorized.
Facility on airport.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, breakoff point to Runway 20, 200°-1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of OGG VOR, turn left, climb to 3000' on R-027 within 20 miles, reverse crs and climb to 5000' to VOR.
CAUTION: 570' tower 4 miles W of airport.
Other change: Deletes transition from Maui LFR.
#Takeoff minimums Runways 23, 20, and 17 are 600-1, and all aircraft must cross airport under VFR conditions prior to departing on crs.
MSA within 25 miles of facility: 000°-090°—4300'; 090°-180°—12,100'; 180°-270°—7800'; 270°-360°—7000'.

City, Kahului, Maui; State, Hawaii; Airport Name, Kahului; Elev., 59'; Fac. Class., H-BVOR; Ident., OGG; Procedure No. TerVOR R-027, Amdt. 3; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 2; Dated, 10 Aug. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Harpoon Int | Mango Int | Direct | 4000 | T-dn# | 300-1 | 300-1 | 200-½ |
| Mango Int | Int OGG R-190 and LNY R-081 | Direct | 3000 | C-dn | 700-1 | 700-1 | 700-1½ |
| Int OGG R-190 and LNY R-081 | OGG VOR (final) | Direct | 800 | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn not authorized. Straight-in approach from Mango Int only.
Facility on airport.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, breakoff point to Runway 2, 020°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR climb to 3000' on R-027 within 20 miles, reverse crs climbing to 5000' over OGG-VOR.
CAUTION: 570' tower 4 miles W of airport.
#Takeoff minimums Runways 23, 20, and 17 are 600-1, and all aircraft must cross airport under VFR conditions prior to departing on crs.
NSA within 25 miles of facility: 000°-090°—4300'; 090°-180°—12,100'; 180°-270°—7800'; 270°-360°—7000'.

City, Kahului, Maui; State, Hawaii; Airport Name, Kahului; Elev., 59'; Fac. Class., H-BVOR; Ident., OGG; Procedure No. TerVOR R-190, Amdt. 6; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 5; Dated, 10 Aug. 63



TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| PL LFR | PMD VOR | Direct | 5000 | T-dn** | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S* side of crs, 030° Outbnd, 210° Inbnd, 4700' within 10 miles.
Minimum altitude over facility on final approach crs, 2949'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of PMD VOR, make right climbing turn, climb via PMD R-067 to 5000' within 10 miles.
NOTE: Military aerodrome—prior permission required.
Other change: Deletes straight-in minimums. Deletes crs and distance breakoff point to runway.
*Traffic restrictions N of crs.
**600-2 required for takeoff on Runway 22.
MSA within 25 miles of facility: 000°-090°—4700'; 090°-180°—10,400'; 180°-360°—7700'.

City, Palmdale; State, Calif.; Airport Name, Palmdale AF Plant No. 42; Elev., 2549'; Fac. Class., H-BVOR/DME; Ident., PMD; Procedure No. VOR-22, Amdt. 3; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 2; Dated, 29 Aug. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Flat Rock VOR | RIC VOR | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-1½ |
| Manakin RBn | RIC VOR | Direct | 2000 | C-dn | 600-1 | 600-1 | 600-1½ |
| Hopewell VOR | RIC VOR | Direct | 1700 | S-dn-6 | 600-1 | 600-1 | 600-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |
| | | | | If aircraft equipped with VOR and ADF receivers and Stack Int# received, the following minimums apply: | | | |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-6 | 400-1 | 400-1 | 400-1 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 236° Outbnd, 056° Inbnd, 1700' within 10 miles of RIC VOR.
Minimum altitude* until over Stack Int# on final approach crs, 800'.
Crs and distance, breakoff point to approach end of runway, 063°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIC VOR, climb to 2000' on R-056 RIC VOR within 10 miles. Return to RIC VOR, hold SW 220° Outbnd, 040° Inbnd, 1-minute right turns.
*If Stack Int# not received, maintain 800' over RIC VOR.
#Stack Int: Int R-236 RIC VOR and 304° bearing from RIC RBn.
MSA within 25 miles of facility: 000°-090°—1500'; 090°-360°—2100'.

City, Richmond; State, Va.; Airport Name, Richard E. Byrd Flying Field; Elev., 167'; Fac. Class., BVOR; Ident., RIC; Procedure No. Ter VOR-6, Amdt. 8; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 7; Dated, 7 Sept. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Flat Rock VOR | Biltmore Int | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| Biltmore Int | RIC VOR (final) | Direct | 600 | C-dn | 600-1 | 600-1 | 600-1½ |
| Manakin RBn | RIC VOR | Direct | 2000 | S-dn-15 | 600-1 | 600-1 | 600-1 |
| 5-mile radar fix | RIC VOR (final) | Direct | 600 | A-dn | 800-2 | 800-2 | 800-2 |
| | | | | If aircraft equipped with dual VOR receivers and Biltmore Int or 5-mile radar fix received, the following minimums apply: | | | |
| | | | | S-dn-15 | 400-1 | 400-1 | 400-1 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 347° Outbnd, 167° Inbnd, 1700' within 10 miles.
Minimum altitude over Biltmore Int on final approach crs, 800'; over facility, 600'.
Crs and distance, breakoff point to approach end of runway, 154°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIC VOR, climb to 2000' on R-167 RIC VOR within 10 miles, return to RIC VOR. Hold SW, 220° Outbnd, 040° Inbnd, 1-minute right turns.
MSA within 25 miles of facility: 000°-090°—1500'; 090°-360°—2100'.

City, Richmond; State, Va.; Airport Name, Richard E. Byrd Flying Field; Elev., 167'; Fac. Class., BVOR; Ident., RIC; Procedure No. TerVOR-15, Amdt. 12; Eff Date, 14 Nov. 64; Sup. Amdt. No. 11; Dated, 9 May 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Whitehouse Int | Meadow Int | Direct | 1900 | T-dn | 300-1 | 300-1 | 200-½ |
| Meadow Int | RIC VOR (final) | Direct | 600 | C-dn | 500-1 | 500-1 | 500-1½ |
| New Kent Int | RIC VOR | Direct | 1900 | S-dn-24 | 400-1 | 400-1 | 400-1 |
| 5-mile radar fix | RIC VOR (final) | Direct | 600 | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of final approach crs, 075° Outbnd, 255° Inbnd, 1900' within 10 miles. Do not descend below 1900' until passing Meadow Int, or 5-mile radar fix.
Minimum altitude over facility on final approach crs, 600'.
Crs and distance, breakoff point to approach end of Runway 24, 243°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIC VOR, climb on R-255 to 2000' within 10 miles, return to RIC VOR. Hold SW 220° Outbnd, 040° Inbnd, 1-minute right turn.
MSA within 25 miles of facility: 000°-090°—1500'; 090°-360°—2100'.

City, Richmond; State, Va.; Airport Name, Richard E. Byrd Flying Field; Elev., 167'; Fac. Class., BVOR; Ident., RIC; Procedure No. Ter VOR-24, Admt. 4; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 3; Dated, 31 Aug. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Flat Rock VOR | RIC VOR | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| Hopewell VOR | RIC VOR | Direct | 1700 | C-dn | 600-1 | 600-1 | 600-1½ |
| Manakin RBn | RIC VOR | Direct | 2000 | S-dn-33 | 600-1 | 600-1 | 600-1 |
| Brown Int | RIC VOR (final) | Direct | 800 | A-dn | 800-2 | 800-2 | 800-2 |
| 5-mile radar fix | RIC VOR (final) | Direct | 600 | If aircraft is equipped with VOR and ADF receivers and Brown Int or 5-mile radar fix received, the following minimums apply: | | | |
| | | | | S-dn-33 | 400-1 | 400-1 | 400-1 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 138° Outbnd, 318° Inbnd, 1700' within 10 miles.
Minimum altitude over Brown Int on final approach crs, 800'; over facility, 600'.
Crs and distance, breakoff point to approach end of runway, 334°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIC VOR, climb to 2000' on R-318 of RIC VOR within 10 miles, return to RIC VOR. Hold SW 220° Outbnd, 040° Inbnd, 1-minute right turns.
NOTE: 5-mile radar fix may be used in lieu of Brown Int for 400-1 minimums.
MSA within 25 miles of facility: 000°-090°—1500'; 090°-360°—2100'.

City, Richmond; State, Va.; Airport Name, Richard E. Byrd Flying Field; Elev., 167'; Fac. Class., BVOR; Ident., RIC; Procedure No. Ter VOR-33, Amdt. 9; Eff. Date' 14 Nov. 64; Sup. Amdt. No. 8; Dated, 7 Mar. 64

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| 10-mile fix R-350 | 0-mile fix R-350 (final) | Direct | 5000 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-17 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 5500′ within 10 miles.
Minimum altitude over facility on final approach crs, 5000′.
Crs and distance, facility to airport, 170°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing VOR or 3.4-mile DME fix R-170, climb to 5500′ on R-170 within 20 miles.
CAUTION: 4300′ TV tower located 2.3 miles NE of airport.
When authorized by ATC, DME may be used within 10 miles at 5500′ to position aircraft on final approach with the elimination of a procedure turn.
MSA within 25 miles of facility: 000°–090°—5400′; 090°–180°—5000′; 180°–270°—5500′; 270°–360°—5000′.

City, Dalhart; State, Tex.; Airport Name, Dalhart Municipal; Elev., 3989′; Fac. Class., BVORTAC; Ident., DHT; Procedure No. 1, Amdt. 3; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 2; Dated, 17 Oct. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| LAF VOR | Mulberry Int | 128°—21 miles | 2900 | T-dn | 300-1 | 300-1 | NA |
| EPT VOR | Mulberry Int | Direct | 2300 | C-d | 600-1½ | 600-1½ | NA |
| | | | | C-n | 600-2 | 600-2 | NA |
| | | | | A-dn | NA | NA | NA |

Procedure turn E side of crs, 128° Outbnd, 308° Inbnd, 2300′ within 10 miles of Mulberry Int.
Minimum altitude over Mulberry Int on final approach crs, 2100′.
Crs and distance, Mulberry Int to airport, 308°—5.5 miles.
If visual contact not established at 15.5-mile DME fix R-128, make right turn climb to 2300′ and return to Mulberry Int. Hold SE, Inbnd crs 308°, right turns.
CAUTION: 1305′ tower 2 miles W.
NOTE: No weather available.
MSA within 25 miles of facility: 000°–360°—2300′.

City, Lafayette; State, Ind.; Airport Name, Halsmer; Elev., 664′; Fac. Class., BVORTAC; Ident., LAF; Procedure No. 1, Amdt. Orig.; Eff. Date, 14 Nov. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 18-mile DME fix PHX R-052 (Lake Int) | 9-mile DME fix PHX R-052 (Falcon Int). | Direct | 6000 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 600-1 | 600-1 | 600-1½ |
| 9-mile DME fix PHX R-052 (Falcon Int) | PHX VOR (final) | Direct | 2700 | S-dn-26L | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn, Teardrop, 032° Outbnd, turn right, intercept 232° Inbnd, 4500′ within 10 miles.
Minimum altitude over VOR on final approach crs, 2700′; over R-256/3-mile fix, 1900′.
Crs and distance, VOR to airport, 256°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing PHX VOR, climb to 4000′ on R-258 within 20 miles or, when directed by ATC, climb to 3000′ on R-258, make a right climbing turn and return to VOR at 4500′.
NOTE: When authorized by ATC, DME may be used from 9 to 15 miles at 7000′ from PHX R-325 CW to PHX R-147 to position aircraft for a straight-in approach with the elimination of the procedure turn. Initial approach MEA, except MCA V-16 4500′ eastbound.
CAUTION: Hills and tower 2987′ 6 miles SSW of airport. 3312′ terrain 15 miles ENE of airport.
MSA within 25 miles of facility: 000°–090°—6100′; 090°–180°—5200′; 180°–360°—5600′.

City, Phoenix; State, Ariz.; Airport Name, Phoenix Sky Harbor Municipal; Elev., 1122′; Fac. Class, H-BVORTAC; Indent., PHS; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 1; Dated, 29 Aug. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 7-mile fix R-318 | STL VOR | Direct | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| STL VOR | 4-mile fix R-138 | Direct | 1400 | C-d | 500-1 | 500-1½ | 500-1½ |
| | | | | C-n | 500-2 | 500-2 | 500-2 |
| | | | | S-dn-12R | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar transitions to final approach crs authorized in accordance with approved patterns.
Procedure turn W side of crs, 318° Outbnd, 138° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′; minimum altitude over 4-mile DME fix 1400′.
Crs and distance, facility to airport, 138°—8.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 8-mile DME fix R-138 make right turn, climb to 2400′ direct to LAQ RBn or, when directed by ATC, make left turn, climb to 1900′ direct to ST LOM.
NOTES: 1. Aircraft executing missed approach may be radar controlled after radar identification. 2. When authorized by ATC, DME may be used via 7-mile DME arc at 2400′ altitude between STL R-229 clockwise to STL R-067 to position aircraft for final approach with elimination of procedure turn.
MSA within 25 miles of facility: 000°–090°—2000′; 090°–180°—2600′; 180°–270°—2100′; 270°–360°—2200′.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis; Elev., 571′; Fac. Class, BVORTAC; Ident., STL; Procedure No. VOR/DME 1, Amdt. Orig; Eff. Date, 14 Nov. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| YK LFR | YAK VOR | Direct | 1200 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-d-02* | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S side of crs, 200° Outbnd, 020° Inbnd, 1200′ within 10 miles.
Descend to 700′ after 8-mile DME fix. Descend to 400′ after 4-mile DME fix.
Crs and distance, breakoff point to approach end of Runway 02, 020°—1.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR climb to 1200′ on YAK VOR R-200 within 20 miles.
NOTE: When authorized by ATC, DME may be used to position aircraft for final approach at 1200′ between radials 110° clockwise to 268° within 10 miles with the elimination of procedure turn. Within 20 miles of YAK–VOR when on airways, descent to 1200′ authorized.
*Night straight-in not authorized.

City, Yakutat; State, Alaska; Airport Name, Yakutat; Elev., 37′; Fac. Class., BVORTAC; Ident., YAK; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. Date, 14 Nov. 64; Sup. Amdt. No. Orig.; Dated, 31 Aug. 63



6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| BC LFR | LOM | Direct | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| BFL VOR | LOM | Direct | 2400 | C-dn | 500-1 | 500-1 | 500-1½ |
| Maricopa Int | LOM | Direct | 3000 | S-dn-30R# | 200-½ | 200-½ | 200-½ |
| River Int | LOM | Direct | 2400 | A-dn | 600-2 | 600-2 | 600-2 |
| Arvin Int | LOM (final) | Direct | **2000 | | | | |
| Lamont Int | Arvin Int | Direct | 6500 | | | | |

Procedure turn S° side SE crs, 119° Outbnd, 299° Inbnd, 2400′ within 10 miles of OM. Beyond 10 miles not authorized.
Minimum altitude at glide slope. Int Inbnd, 2000′. **Descent to 1085′ at LOM authorized after glide slope intercept on localizer crs.
Altitude of glide slope and distance to approach end of runway at OM, 1985′—4.5 miles; at MM, 719′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on NW crs ILS within 20 miles or, when directed by ATC, (1) climb to 3000′ on R-227 BFL within 15 miles; (2) climb to 3000′ on SW crs BC LFR within 15 miles; (3) climb to 3000′ on NW crs BC LFR within 20 miles.
°All turns S side of crs, high terrain N.
#400-¾ required with glide slope inoperative.

City, Bakersfield; State, Calif; Airport Name, Meadows Field; Elev., 488′; Fac. Class., ILS; Ident., I-BFL; Procedure No. ILS-30R, Amdt. 15; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 14; Dated, 30 May 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Lofall Int | PAE LOM | Direct | 3000 | T-dn# | 300-1 | 300-1 | 200-½ |
| Bainbridge LF Int | PAE LOM | Direct | 3000 | C-dn | 600-2 | 600-2 | 600-2 |
| PAE VOR | PAE LOM | Direct | 3000 | S-dn-16° | 200-½ | 200-½ | 200-½ |
| | | | | A-dn | 600-2 | 600-2 | 600-2 |

Radar vectoring authorized utilizing Seattle center radar in accordance with approved patterns.
Procedure turn E side of crs, 338° Outbnd, 158° Inbnd, 3000′ within 10 miles of PAE LOM.
Minimum altitude at glide slope interception Inbnd, 2700′.
Altitude of glide slope and distance to approach end of runway at OM, 2698′—7.9 miles; at MM, 821′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 2000′ on R-275 of PAE VOR within 10 miles, or when directed by ATC, turn right, climb to 3000′, direct PAE LOM.
CAUTION: Numerous jet aircraft activities from airport and in immediate surrounding area.
#Takeoff minimums 200-½ authorized only for Runways 16 and 34.
°400-1 required when glide slope not used. 400-½ authorized, except for turbojet aircraft, with operative ALS and high-intensity runway lights. 400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Everett; State, Wash.; Airport Name, Paine Field; Elev., 603′; Fac. Class., ILS; Ident., I-PAE; Procedure No. ILS-16, Amdt. 2; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 1; Dated, 8 Aug. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Tiverton VOR | LOM | Direct | 2900 | T-dn | 300-1 | 300-1 | 200-½ |
| Mansfield VOR | LOM | Direct | 2500 | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-32# | 200-½ | 200-½ | 200-½ |
| | | | | A-dn | 600-2 | 600-2 | 600-2 |

Procedure turn N side of crs, 140° Outbnd, 320° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2500′.
Altitude of glide slope and distance to approach end of runway at OM, 2500′—4.0 miles; at MM, 1510′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ on NW crs ILS, turn right and return to Mansfield LOM. Hold SE Mansfield LOM, right turns, 1-minute, 320° Inbnd.
#400-¾ required with glide slope inoperative.

City, Mansfield; State, Ohio; Airport Name, Mansfield Municipal; Elev., 1296′; Fac. Class., ILS; Ident., I-MFD; Procedure No. ILS-32, Amdt. 3; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 2; Dated, 26 Oct. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Carmel Int | LOM | Direct | 4000 | T-dn%° | 300-1 | 300-1 | 300-¾ |
| Salinas VOR | LOM | Direct | 3000 | C-d | 700-2 | 700-2 | 700-2 |
| Salinas VOR | Marina Int | Direct | 2000 | C-n | 700-3 | 700-3 | 700-3 |
| Marina Int | LOM | Direct | 2000 | S-dn-10# | 300-¾ | 300-¾ | 300-¾ |
| Shark Int | Seal Int | Direct | 4000 | A-d | 700-2 | 700-2 | 700-2 |
| Seal Int | LOM (final) | Direct | 1700 | A-n | 700-3 | 700-3 | 700-3 |

Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 2000′ within 10 miles of OM. Beyond 10 miles not authorized.
Minimum altitude at glide slope interception Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1630′—4.3 miles; at MM, 370′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make immediate left climbing turn, proceed direct to LOM climbing to 2000′ in a 1-minute holding pattern, 096° Inbnd, right turns.
CAUTION: High terrain SW through SE of airport. All maneuvering for circling approaches must be accomplished N of Runway 10/28.
AIR CARRIER NOTE: Reductions in visibility by sliding scale or local conditions not authorized, except for takeoff on Runway 28.
*500-1 required for takeoff on Runway 6. °1000-1 required for takeoff on Runway 24.
#700-1 required for takeoff on Runway 10 and left turn must be started within 1 mile of airport.
%Southbound IFR departures must comply with published Monterey SID's.
#400-1 required with any component of the ILS inoperative except that 700-1½ required with glide slope inoperative.

City, Monterey; State, Calif.; Airport Name, Monterey Peninsula; Elev., 220′; Fac. Class, ILS; Ident., I-MRY; Procedure No. ILS-10, Amdt. 11; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 10; Dated, 11 Apr. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Nantucket VOR | AC LOM | Direct | 1700 | T-dn** | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 600-1 | 600-1½ |
| | | | | S-dn-24* | 200-½ | 200-½ | 200-½ |
| | | | | A-dn | 600-2 | 600-2 | 600-2 |

Radar vectoring by Otis RAPCON authorized in accordance with approved patterns.
Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 1600′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude at glide slope interception Inbnd, 1600′.
Altitude of glide slope and distance to approach end of runway at OM, 1515′—4.4 miles, at MM, 266′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left climbing turn to 1600′ and return to AC LOM. Hold NE of AC LOM, 240° Inbnd, 1-minute right turns.
NOTE: Tower operates 0700–2300.
*400-1 required when glide slope inoperative. 400-½ authorized in lieu of 400-1, except for turbojet aircraft, with operative ALS and high-intensity lights.
°400-1 required during hours when tower facility not in operation.
**CAUTION: 342′ tower (2.6 miles W of airport)—652′ Loran antenna (3.0 miles ESE of airport).

City, Nantucket; State, Mass.; Airport Name, Nantucket Memorial; Elev., 47′; Fac. Class, ILS; Ident., I-ACK; Procedure No. ILS-24, Amdt. 4; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 3; Dated, 18 July 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Int SW crs Allentown LFR and S crs ILS | LOM | Direct | 2500 | T-dn* | 300-1 | 300-1 | 200-½ |
| Honeybrook Int | LOM (final) | Direct | #2100 | C-dn | 600-2 | 800-2 | 800-2 |
| Rienbolds Int | LOM | Direct | 2700 | S-dn-36** | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 1000-2 | 1000-2 | 1000-2 |

Procedure turn E side S crs, 181° Outbnd, 001° Inbnd, 2100′ within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at OM, 1631′—3.9 miles, at MM, 541′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on crs of 001° from the RDG LOM to intercept the 322° radial of the Pottstown VOR direct to Hamburg Int## and hold SW on R-255 ABE VOR, 1-minute pattern, left turns.
AIR CARRIER NOTE: Neither sliding scale nor any reduction in takeoff minimums authorized on Runways 31 or 36.
*300-1 required for takeoff on Runways 31 and 36; takeoff on Runways 18 and 13, make right turn as soon as practical, to avoid towers 1236′ mean sea level and high terrain 2.6 miles SE of airport.
**500-1 required with glide slope inoperative.
#After interception of localizer crs Inbnd, descent on glide slope to cross outer marker at 1631′ on final approach is authorized.
##Hamburg Int: Int of PTW VOR R-322 and ABE VOR R-255.

City, Reading; State, Pa.; Airport Name, General Carl A. Spaatz Field; Elev., 343′; Fac. Class., ILS; Ident., I-RDG; Procedure No. ILS-36, Amdt. 9; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 8; Dated, 13 Oct. 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SFO VOR | Sunnyvale Int# (final) | Direct | 2000 | T-dn* | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn-12R$ | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring using Moffett radar authorized in accordance with approved patterns.
Procedure turn not authorized. Aircraft must (1) proceed from SFO VOR, or (2) be radar vectored to final approach crs.
Minimum altitude over Sunnyvale Int# on final approach crs, 2000′.
Crs and distance, Sunnyvale Int# to airport, 122°—5.6 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing Sunnyvale Int#, make a left climbing turn, climb to 2000′ on the NW crs of SJC ILS within 15 miles.
AIR CARRIER NOTE: Reduction in visibility by sliding scale or local condition not authorized for takeoff on Runways 12 R and L.
#Sunnyvale Int: Int NW crs SJC ILS and OSI R-062.
*400-1 required for takeoff on Runways 12 L and R.
$400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 56′; Fac. Class., ILS; Ident., I-SJC; Procedure No. ILS-12R, Amdt. 4; Eff. date, 14 Nov. 64; Sup. Amdt. No. 3; Dated, 19 Sept. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SJC VOR | Lick Int ** | Direct | 4000 | T-dn* | 300-1 | 300-1 | 200-½ |
| Morgan Int | Lick Int ** | Direct | 4000 | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn-30L# | 200-½ | 200-½ | 200-½ |
| | | | | A-dn | 600-2 | 600-2 | 600-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 122° Outbnd, 302° Inbnd, 4000′ within 10 miles of Lick Int.**
Minimum altitude at glide slope interception Inbnd, 3700′.
Altitude of glide slope and distance to approach end of runway at OM, 1734′—5.1 miles; at MM 292′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on NW crs of SJC ILS within 15 miles.
AIR CARRIER NOTES: 1. Reduction in visibility by sliding scale not authorized for landing. 2. Reduction in visibility by sliding scale or local condition not authorized for takeoff on Runways 12 R and L.
*400-1 required for takeoff on Runways 12 R and L.
# 700-1 required if glide slope not utilized.
**Lick Int: Int R-332 SNS VOR and E crs SJC ILS or R-120 SJC VOR.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 56′; Fac. Class, ILS; Ident., I-SJC; Procedure No. ILS-30L, Amdt. 4; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 3; Dated, 19 Sept. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Long Lake Int | Elkhart Int | Via GSH R-018 and E crs ILS. | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | *400-1 | 500-1 | 600-1½ |
| North Liberty Int | LOM | Direct | 2900 | S-dn-27* | 200-½ | 200-½ | 200-½ |
| South Bend VOR | LOM | Direct | 2400 | A-dn | 600-2 | 600-2 | 600-2 |
| Bristol Int | Elkhart Int | Via E crs ILS | 2400 | | | | |
| Goshen RBn | Elkhart Int | Via 325° bearing from GSH RBn. | 2400 | | | | |
| Elkhart Int | LOM (final) | Direct | 2000 | | | | |
| Goshen VOR | Norman Int | Via R-345 GSH-VOR. | 2400 | | | | |
| Norman Int | LOM (final) | Direct | 2000 | | | | |

Procedure turn N side of final approach crs, 060° Outbnd, 240° Inbnd, 2200′ within 10 miles.
Minimum altitude at glide slope Int Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1900′—3.8 miles; at MM, 975′—0.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing right turn to 2000′ and proceed direct to the SBN VOR or make climbing right turn to 2200′ and proceed direct to SB LOM.
CAUTION: 1918′ tower 5.6 miles S of LOM.
NOTE: When authorized by ATC, DME, may be used to position aircraft on final approach crs at 2200′ via 14-mile DME arc, 075° clockwise to 138° from SBN VOR with the elimination of the procedure turn.
*500-1 required when glide slope inoperative.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778′; Fac. Class., ILS; Ident., I-SBN; Procedure No. ILS-27, Amdt. 18; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 17; Dated, 10 Oct. 64



ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Bradley Int | DL LMM | Direct | 2700 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-24§* | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 058° Outbnd, 238° Inbnd, 2700′ within 13 miles of DL LMM, but NE of Thompson Int.**
Minimum altitude crossing Thompson Int** on final approach crs, 1900′.
Crs and distance, Thompson Int** to airport, 238°—5.0 miles.
No glide slope. No outer marker or middle marker.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing Thompson Int,** climb straight ahead to 2500′ direct to BD LOM. Hold SW of BD LOM, 058° Inbnd, 1-minute left turns.
NOTE: Procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously.
CAUTION: Unlighted hills 2.4 miles NW of airport, approximately 768′.
*Descent to published minimums authorized after passing Thompson Int** on final approach.
**Thompson Int: Int NE crs BDL/ILS and BAF/VOR R-163, or 5-mile radar fix.
§400-¾ authorized (except for turbojet aircraft) with operative high-intensity runway lights.

City, Windsor Locks: State, Conn.; Airport Name, Bradley Field; Elev., 173′; Fac. Class., ILS; Ident., I-BDL; Procedure No. ILS-24, Amdt. 3; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 2; Dated, 7 Sept. 63

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| 058° | 090° | Within 20 miles | 2500 | Precision approach | | | |
| All other sectors | Radar site | 20 miles | 2000 | S-dn-4* | 200-½ | 200-½ | 200-½ |
| | | | | A-dn-4§ | 600-2 | 600-2 | 600-2 |
| | | | | Surveillance approach | | | |
| | | | | T-dn# | 300-1 | 300-1 | 200-½ |
| | | | | C-dn%& | 600-1 | 600-1 | 600-1½ |
| | | | | C-dn-4& | 600-1 | 600-1 | 600-1½ |
| | | | | C-dn-22& | 900-1 | 900-1 | 900-1½ |
| | | | | S-dn%$ | 600-1 | 600-1 | 600-1 |
| | | | | S-dn-22 | 900-1 | 900-1 | 900-1 |
| | | | | A-dn%& | 800-2 | 800-2 | 800-2 |
| | | | | A-dn-22 | 900-2 | 900-2 | 900-2 |
| | | | | †The following minimums apply to turbojet aircraft when circling west of Runway 4/22 centerlines extended. | | | |
| | | | | C-dn | 900-2 | 900-2 | 900-2 |
| | | | | A-dn | 900-2 | 900-2 | 900-2 |

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 4: Climb to 2000′ on 037° crs from EW LOM to interception of LGA VOR R-292, make left turn, proceed to Morristown VHF Int at 2000′, hold SW, 1-minute left turns, 061° Inbnd.
Runway 22: Climb to 2000′ on crs 217° from AR LOM to intercept ARD R-069, then make right turn, proceed to Kilmer Int at 2000′. Hold SW 1-minute right turns, Inbnd crs 069°.
Runway 29: Climb straight ahead to 2000′, proceed direct to CAT RBn. Hold NE of CAT RBn 1-minute right turns, Inbnd crs 241°.
Runway 11: Make right climbing turn to 2000′, proceed direct to EW LOM. Thence via 217° bearing to intercept ARD R-069. Then proceed to Kilmer Int at 2000′. Hold SW, 1-minute right turns, Inbnd crs 069°.
CAUTION: Building 598′ 2.2 miles N of airport.
%Runways 11 and 29.
*Runway 4 only—200-½ or runway visual range of 2000′; provided, that approaches conducted on the basis of reported runway visual range shall be governed by the following: (1) All components of the approach lights and high-intensity runway lights shall be in normal operation and (2) descent below the authorized landing minimum altitude of 218′ shall not be made unless (a) visual contact with the approach lights has been established or (b) the aircraft is clear of clouds. (3) Both compass locators required to be operative for RVR 2000′.
#Runway 4 only—runway visual range of 2000′ may be utilized in lieu of 200-½ when 200-½ is authorized.
$Runway 11 only—maintain 700′ until passing the 2.5-mile radar fix.

City, Newark; State, N.J.; Airport Name, Newark; Elev., 18′; Fac. Class. and Ident., Newark Radar; Procedure No. 1, Amdt. 14; Eff. Date, 14 Nov. 64; Sup. Amdt. No. 13; Dated, 28 Mar. 64

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

| Radar terminal area maneuvering sectors and altitudes | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| | | Within: | | Surveillance approach | | | |
| 012° | 068° | 5 miles | 1800 | | | | |
| 228° | 012° | 5 miles | 2200 | T-dn | 300-1 | 300-1 | 200-½ |
| 012° | 192° | 10 miles | 2000 | C-dn | 400-1 | 400-1 | 500-1½ |
| 192° | 228° | 10 miles | 2500 | S-dn-1, 33, 19 and 24.* | 400-1 | 400-1 | 400-1 |
| 228° | 012° | 10 miles | 2700 | A-dn | 800-2 | 800-2 | 800-2 |
| 012° | 068° | 15 miles | 2200 | | | | |
| 068° | 148° | 15 miles | 2600 | | | | |
| 148° | 228° | 15 miles | 2500 | | | | |
| 228° | 012° | 15 miles | 2000 | | | | |
| 012° | 148° | 20 miles | 2700 | | | | |
| 148° | 228° | 20 miles | 2500 | | | | |
| 228° | 012° | 20 miles | 3200 | | | | |
| 012° | 148° | 25 miles | 2700 | | | | |
| 148° | 228° | 25 miles | 2500 | | | | |
| 228° | 012° | 25 miles | 3300 | | | | |
| 012° | 148° | 30 miles | 2700 | | | | |
| 148° | 228° | 30 miles | 2500 | | | | |
| 228° | 012° | 30 miles | 3600 | | | | |
| 012° | 068° | 35 miles | 2800 | | | | |
| 068° | 148° | 35 miles | 2700 | | | | |
| 148° | 192° | 35 miles | 2500 | | | | |
| 192° | 228° | 35 miles | 2600 | | | | |
| 228° | 328° | 35 miles | 4100 | | | | |
| 328° | 012° | 35 miles | 3800 | | | | |
| All directions | | 50 miles | 5300 | | | | |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runways 1 and 33: Make a climbing left turn to 2500' direct to BD LOM. Hold SW of BD LOM, 058° Inbnd, 1-minute left turns.
Runway 19: Make a climbing right turn to 2500' direct to BD LOM. Hold SW of BD LOM, 058° Inbnd, 1-minute left turns.
Runway 24: Climb straight ahead to 2500' direct to BD LOM. Hold SW of BD LOM, 058° Inbnd, 1-minute left turns.
CAUTION: Unlighted hills 2.4 miles NW of airport approximately 768'.
*400-¾ authorized for Runway 24 (except turbojet aircraft) with operative high-intensity runway lights.

City, Windsor Locks; State, Conn.; Airport Name, Bradley Field; Elev., 173'; Fac. Class. and Ident., Bradley Radar; Procedure No. 1, Amdt. 1; Eff. Date, 14 Nov. 64; Sup. Amdt. No. Orig.; Dated, 7 Sept. 63

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on October 8, 1964.

G. S. MOORE,
*Director, Flight Standards Service.*

[F.R. Doc. 64-10549; Filed, Nov. 18, 1964; 8:45 a.m.]

# Title 7—AGRICULTURE

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders: Fruits, Vegetables, Tree Nuts), Department of Agriculture

## PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

### Subpart—Administrative Rules and Regulations

FUMIGATION DURING INSPECTION

The Raisin Administrative Committee has unanimously recommended that § 989.158(a)(8) of the Subpart—Administrative Rules and Regulations be amended so as to allow handlers a maximum of five, instead of the present two, business days to fumigate incoming lots of natural condition raisins during the inspection and certification process. The Committee is established under, and the rules and regulations are effective pursuant to, the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989; 29 F.R. 9482, 9560), regulating the handling of raisins produced from grapes grown in California. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

Section 989.158(a)(8) provides that the inspection and certification of any incoming lot of natural condition raisins at a handler's inspection point may, upon the request of the handler, be suspended for a maximum of two business days (excluding intervening non-work days) to permit the handler to fumigate the raisins. This provision, which has worked smoothly, has improved plant sanitation and permitted many lots of raisins to be certified initially as standard raisins rather than as off-grade. Such initial certification as standard raisins tends to reduce costs to handlers, the Committee, and the inspection service by eliminating the record-keeping, surveillance, and additional inspection and certification which would otherwise be required if the raisins were first certified as off-grade and later fumigated and inspected and certified as standard raisins. Certain handlers have found, however, the two business days allowed for fumigation to be insufficient and do not fumigate some lots of raisins during the inspection and certification process for that reason. Extending the time allowed to five business days should provide an adequate period and, thus, permit more raisins to be fumigated before they are initially certified. As a consequence, the extension will encourage additional improvement in sanitation and further reduce costs. Thus, the declared policy of the act will tend to be effectuated.

*Therefore, it is ordered*, That in § 989.158(a) of Subpart —— Administrative Rules and Regulations (7 CFR 989.101 to 989.176), subparagraph (8) is amended by changing "two" to read "five". As so amended, subparagraph (8) reads as follows:

§ 989.158 Natural condition raisins.

(a) • • •

(8) With respect to any lot of natural condition raisins being received and inspected at a handler's inspection point pursuant to subparagraph (3) of this paragraph, the inspector shall, upon the request of the handler, afford such handler an opportunity to fumigate the lot during the inspection and certification process. Such lot of raisins shall remain under the supervision of the inspector during the fumigation. The inspection certificate shall not be issued until the fumigation is completed: *Provided*, That the inspection certificate shall be issued, whether or not the fumigation is completed, not later than five business days, excluding intervening non-work days, after the date the inspection and certification process is suspended by the inspector to permit fumigation. The certification shall be on the basis of inspection information and data then available to the inspector and his determinations with respect thereto.

• • • • •

It is hereby found that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) This amendatory action relieves restrictions and does not impose any new restrictions; (2) it was unanimously recommended by the Committee which includes representatives of producers, dehydrators, and handlers in its membership; and (3) handlers need no additional time in order to operate under the less restrictive regulation.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated November 16, 1964, to become effective upon publication in the FEDERAL REGISTER.

F. L. SOUTHERLAND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-11825; Filed, Nov. 18, 1964; 8:49 a.m.]



## Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 101]

## PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

### Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Knoxville, Tennessee, marketing area (7 CFR Part 1101), it is hereby found and determined that:

(a) In § 1101.12 the provision of the order which reads "(a) Any day during the months of March through August, or (b) on not more than 10 days during the month in any other months of the year," no longer tends to effectuate the declared policy of the Act for the period of December 1964 through February 1965:

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order is necessary to enable handlers to divert unlimited excess milk supplies during the effective period to manufacturing outlets without causing any dairy farmer to lose his producer status under the order or to lose credit in the computation of his base on his milk deliveries during such period.

(4) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (29 F.R. 14933). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective December 1, 1964.

*It is therefore ordered*, That the aforesaid provision of the order is hereby suspended for the period December 1964 through February 1965.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: December 1, 1964.

Signed at Washington, D.C., on November 16, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64-11826; Filed, Nov. 18, 1964; 8:49 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

## PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

## PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

## PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AND AFRICAN SWINE FEVER: PROHIBITED AND RESTRICTED IMPORTATIONS

### Statements of Authority

The statement of authority for the provisions in 9 CFR Part 91, set forth following the table of contents in said Part 91, is hereby amended to read:

AUTHORITY: The provisions of this Part 91 issued under secs. 4, 5, 23 Stat. 32, as amended, sec. 1, 32 Stat. 791, as amended, sec. 10, 26 Stat. 417, sec. 1, 26 Stat. 833, as amended, 34 Stat. 1263, 41 Stat. 241, secs. 2, 3, 11, 76 Stat. 129, 130, 132; 21 U.S.C. 80–82, 86, 96, 105, 112, 113, 120, 121, 134a, 134b, 134f, 46 U.S.C. 466a; and 19 F.R. 74, as amended.

The statement of authority for the provisions in 9 CFR Part 92, as amended, set forth following the table of contents in said Part 92, is hereby amended to read:

AUTHORITY: The provisions of this Part 92 issued under secs. 6, 7, 8, 10; 26 Stat. 416, as amended, 417, sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended, secs. 2, 3, 4, 11, 76 Stat. 129, 130, 132; 19 U.S.C. 1306, 21 U.S.C. 102–106, 111, 134a, 134b, 134c, 134f; and 19 F.R. 74, as amended.

The statement of authority for the provisions in 9 CFR Part 94, as amended, set forth following the table of contents in said Part 94, is hereby amended to read:

AUTHORITY: The provisions of this Part 94 issued under sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended, secs. 2, 3, 4, 11, 76 Stat. 129, 130, 132; 19 U.S.C. 1306; 21 U.S.C. 111, 134a, 134b, 134c, 134f; and 19 F.R. 74, as amended.

These amendments are for the purpose of bringing up to date the citation of authorities for the provisions in Parts 91, 92 and 94 of Title 9, Code of Federal Regulations, and impose no new requirements on persons subject to such provisions. They should be made effective immediately to reflect the fullest legal bases available for such provisions. Public rule-making on these amendments would not make additional relevant information available to this Department. Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure on the amendments are unnecessary and impracticable and good cause is found for making the amendments effective less than 30 days after publication hereof in the FEDERAL REGISTER.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of November 1964.

B. T. SHAW,
*Administrator, Agricultural Research Service.*

[F.R. Doc. 64-11832; Filed, Nov. 18, 1964; 8:50 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. C-854]

## PART 13—PROHIBITED TRADE PRACTICES

### Superior Garment Co. et al.

Subpart—Invoicing products falsely: § *13.1108 Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § *13.1185 Composition:* 13.1185–30 Fur Products Labeling Act; 13.1185–90 Wool Products Labeling Act; § *13.1212 Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act; 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosures: § *13.1845 Composition:* 13.1845–30 Fur Products Labeling Act; § *13.1852 Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; 13.1852–80 Wool Products Labeling Act; § *13.1865 Manufacture or preparation:* 13.1865–40 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 68, 69f) [Cease and desist order, Hyman Cohn et al. trading as Superior

Garment Company, New York, N.Y., Docket C–854, Nov. 4, 1964]

*In the Matter of Superior Garment Company, a Partnership, and Hyman Cohn, Lillian Cohn, and Albert Cohn, Individually and as Copartners Trading as Superior Garment Company*

Consent order requiring New York City manufacturers of fur and wool products to cease violating the Fur Products Labeling Act by failing to use the term "natural" in labeling, invoicing and advertising to describe fur products which were not artificially colored; failing to set forth required item numbers on labels and invoices; and failing to show the true animal name of fur and to set forth the term "Persian Lamb" as required, on labels; and to cease violating the Wool Products Labeling Act by tagging woolen coats with conflicting information with regard to the fiber content and failing to disclose on certain coat labels the percentage of the total fiber weight of the various fibers present.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Superior Garment Company, a partnership, and Hyman Cohn, Lillian Cohn, and Albert Cohn, individually and as copartners trading as Superior Garment Company or under any other trade name or names and respondents, representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, and in the manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "Persian Lamb" on labels in the manner required where an election is made to use that term instead of the word "Lamb".

3. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

*It is further ordered,* That respondents Superior Garment Company, a partnership, and Hyman Cohn, Lillian Cohn and Albert Cohn, individually and as copartners trading as Superior Garment Company, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment in commerce, of wool coats or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 4, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64–11784; Filed, Nov. 18, 1964; 8:45 a.m.]

[Docket No. C–855]

## PART 13—PROHIBITED TRADE PRACTICES

### Timed Energy, Inc.

Subpart—Advertising falsely or misleadingly: *§ 13.20 Comparative data or merits; § 13.170 Qualities or properties of product or service:* 13.170–53 Medicinal, therapeutic, healthful, etc.; *§ 13.205 Scientific or other relevant facts; § 13.280 Unique nature or advantages.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Timed Energy Inc., New York, N.Y., Docket C–855, Nov. 5, 1964]

Consent order requiring New York City distributors of drug and food products to cease—in circular letters and pamphlets advertising their prolonged release of "timed" vitamin-mineral preparations designated "Potencaps" and "Vita-Timed Capsules"—falsely claiming unique qualities, and misrepresenting the comparative merits, effectiveness and general need for the products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

PART I

*It is ordered,* That respondent Timed Energy, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any vitamin, or vitamin-mineral preparation do forthwith cease and desist from, directly or indirectly, disseminating, or causing the dissemination of, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that vitamin, or vitamin-mineral preparations which release their contents over a prolonged period of time when being digested in the human body are in any way superior, because of this feature, to other preparations of similar content which do not have this feature.

PART II

*It is further ordered,* That respondent Timed Energy, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of "Potencaps" or "Vita-Timed Capsules", or any other preparation of substantially similar composition or possessing substantially similar properties, under whatever name or names sold, do forthwith cease and desist from, directly or indirectly, disseminating, or causing the dissemination of, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication:

1. That "Potencaps" or "Vita-Timed Capsules", or both of them together, constitute the only prolonged release vitamin or vitamin-mineral combination preparations available to consumers.

2. That "Potencaps" will provide sufficient energy to a person to enable him to complete his daily tasks.

3. That men or women have a special need at suppertime for vitamins or minerals as supplied by "Potencaps".

4. That during the day a person's body needs a constantly replenished supply of the vitamins or minerals contained in "Potencaps".

5. That "Potencaps" rapidly supplies new energy to the human body, or continues to provide new energy for 24 hours; or which misrepresents in any manner the time in which said preparation may produce such an effect.

6. That the preparation "Potencaps" or any ingredient supplied thereby, will be of benefit in the treatment and relief of tiredness, exhaustion, or irritability, unless such advertisement expressly limits the effectiveness of the preparation to those persons whose symptoms are due to a deficiency of Thiamine Chloride (Vitamin $B_1$), Riboflavin (Vitamin $B_2$), Ascorbic Acid (Vitamin C), or Niacinamide, and, further, unless the advertisement clearly and conspicuously reveals the facts that in the great majority of persons, and of any age, sex or other class or group thereof, who experience tiredness, exhaustion or irritability, such symptoms are caused by conditions other than those which may respond to treatment by the use of the preparation and that in such persons the preparation will not be of benefit.

7. That the use of "Vita-Timed Capsules," or any ingredient supplied thereby, will be of benefit in the treatment or relief of a lack of energy, strength, vitality or vigor or run-down feeling, unless such advertisement expressly limits the effectiveness of the preparation to those persons whose symptoms are due to a deficiency of Thiamine Chloride (Vitamin $B_1$), Riboflavin (Vitamin $B_2$), Ascorbic Acid (Vitamin C), or Niacinamide, and, further, unless the advertisement clearly and conspicuously reveals the facts that in the great majority of persons, or of any age, sex or other class or group thereof, who experience tiredness, exhaustion or irritability, lack of energy, strength, vitality and vigor or run-down feeling, such symptoms are caused by conditions other than those which may respond to treatment by the use of the preparation, and that in such persons the preparation will not be of benefit.

PART III

*It is further ordered,* That respondent Timed Energy, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any vitamin or vitamin-mineral preparation do forthwith cease and desist from directly or indirectly, disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondent's preparations, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in, or which fails to comply with any of the affirmative requirements of, Part I or II hereof.

*It is further ordered,* That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: November 5, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64–11785; Filed, Nov. 18, 1964; 8:45 a.m.]



# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56306]

## PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

### Ports of Entry

On or about December 1, 1964, new border inspection facilities will be completed at Wild Horse and Willow Creek, Montana. The border inspection station at Havre, Montana, will be closed and new inspection stations at Wild Horse and Willow Creek will be opened simultaneously with the completion of the new facilities.

Accordingly, effective December 1, 1964, the designation of Havre, Montana, as a customs station is being revoked. Effective December 1, 1964, new customs stations at Wild Horse and Willow Creek are being designated. These new stations are being placed under the supervision of the customs port of entry at Great Falls, Montana.

Section 1.2(d) of the Customs Regulations is amended to conform to these changes as follows: In District No. 33 delete "Havre, Montana," from the column headed "Customs Station" and substitute therefor "Wild Horse, Montana." Also, in District No. 33, in the column headed "Customs Station" add "Willow Creek, Montana," and on the same line in the column headed "Port of entry having supervision" add "Great Falls."

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623; 5 U.S.C. 22, 19 U.S.C. 1, 2)

[SEAL] LESTER D. JOHNSON, *Acting Commissioner of Customs.*

Approved: November 12, 1964.

JAMES POMEROY HENDRICK, *Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 64–11803; Filed, Nov. 18, 1964; 8:47 a.m.]

# Title 20—EMPLOYEES' BENEFITS

## Chapter III—Social Security Administration, Department of Health, Education, and Welfare

## PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1940–1950)

## PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950–———)

### Miscellaneous Amendments

The following amendments to Chapter III of Title 20 are for the purpose of correcting certain cross-references in Part 404 to sections of Subparts B and D, which subparts were recently revised and the sections therein renumbered, to make certain other editorial corrections in various sections of Part 404, and to provide for the decodification of Part 403—Federal Old-Age and Survivors Insurance (1940–1950). Part 403 (Regulations No. 3 of the Social Security Administration) relates to the provisions of title II of the Social Security Act as in effect prior to January 1951. The regulations in Part 403 (Regulations No. 3) are generally obsolete with respect to current claims for benefits under title II of the Social Security Act and have been superseded by Part 404 (Regulations No. 4 of the Social Security Administration) of Chapter III, Title 20, CFR. The discontinuance of publication of Regulations No. 3 of the Social Security Administration in codified form as Part 403 of Chapter III, Title 20, CFR, shall not, however, operate as a revocation of Regulations No. 3 and such regulations shall continue in effect as provided in § 404.3(a) of Part 404. Chapter III, Title 20 is, therefore, amended as follows:

1. Part 403—Federal Old-Age and Survivors Insurance, 1940–1950 (§ 403.1 et seq., as amended), is hereby decodified.

§ 404.2 [Amended]

2. Section 404.2(a)(11) is amended by substituting "(20 CFR, 1961 ed., Part 403)" in lieu of "(Part 403 of this chapter)."

3. Section 404.3(a) is amended to read as follows:

**§ 404.3 General provisions.**

(a) *Extent to which Regulations No. 3 (20 CFR, 1961 ed., Part 403) remain in effect.* Regulations No. 3 of the Social Security Administration (20 CFR, 1961 ed., Part 403) continue in effect with respect to old-age and survivors insurance benefits under title II of the Act for months prior to September 1950 (except with respect to additional deductions from such benefits under section 203(g) of the Act in effect prior to the Social Security Act Amendments of 1950); with respect to lump-sum death payments under title II of the Act where death occurred after 1939 and before September 1950; and with respect to determinations as to whether, under title II of the Act, services performed before 1951 constitute employment and remuneration paid before 1951 constitutes wages. Except as provided in this paragraph or as specifically incorporated into this Part 404 by reference, Regulations No. 3 of the Social Security Administration (20 CFR, 1961 ed., Part 403) are superseded by the regulations in this Part 404.

• • • • •

§ 404.103 [Amended]

4. Section 404.103(e)(2), the last sentence, is amended by substituting "404.355(b)" in lieu of "404.338(b)."

§ 404.201 [Amended]

5. Section 404.201 is amended by substituting "(see § 403.402 of Regulations No. 3 (20 CFR, 1961 ed., Part 403))" in lieu of "(see § 403.402 of this chapter (Regulations 3))" in the second sentence, and by substituting "(see Subpart D)"

in lieu of "(see § 404.343)" in the third sentence thereof.

§ 404.202 [Amended]

6. Section 404.202 is amended by deleting the cross-reference "(see § 404.104)" from where it appears in the first sentence of paragraph (a)(1) and in the first sentence of paragraph (b) preceding subparagraph (1).

§ 404.204 [Amended]

7. Section 404.204 is amended as follows:

(a) In the first sentence of paragraph (a) preceding subparagraph (1) substitute "(see § 403.301 of Regulations No. 3 (20 CFR, 1961 ed., Part 403))" in lieu of "(see § 403.301 of this chapter (Regulations 3))";

(b) In the first sentence of paragraph (a)(2) substitute "(§ 403.304 of Regulations No. 3 (20 CFR, 1961 ed., Part 403))" in lieu of "(§ 403.304 of this chapter (Regulations 3))";

(c) In paragraph (b) substitute "(see § 403.301 et seq. of Regulations No. 3 (20 CFR, 1961 ed., Part 403))" in lieu of "(see § 403.301 et seq. of this chapter (Regulations 3))"; and

(d) In paragraph (c)(3) substitute "(§ 403.301 of Regulations No. 3 (20 CFR, 1961 ed., Part 403))" in lieu of "(§ 403.301 of this chapter (Regulations 3))."

§ 404.209 [Amended]

8. Section 404.209 is amended by substituting "(see § 404.111(a)(1) and (a)(2))" in lieu of "(see § 404.108)" in the sentence following paragraph (c).

§ 404.235 [Amended]

9. Section 404.235(c) is amended by substituting "§ 404.111(a)(3)" in lieu of "§ 404.107(b)" each place it appears therein.

§ 404.275 [Amended]

10. Section 404.275(c) is amended by substituting "(§ 404.363)" in lieu of "(§ 404.343)" in the last sentence thereof.

§ 404.315 [Amended]

11. Section 404.315 is amended by substituting "'in her care'" in lieu of "in 'her care'" in the second sentence.

12. Section 404.318 is amended by deleting from the heading the phrase "rate of benefits"; so that the heading reads as follows:

§ 404.318 Husband's insurance benefits; rate of benefit.

13. Section 404.329(b)(1) is amended by substituting the word "is" in lieu of the word "if" at the first place it appears in the material preceding clause (i), so that such opening sentence reads as follows:

§ 404.329 Widow's insurance benefits; duration of entitlement.

* * * * *

(b) *When remarriage will not terminate entitlement.* (1) A woman's entitlement to widow's insurance benefits is not terminated by her remarriage if the man she marries:

* * * * *

§ 404.341 [Amended]

14. Section 404.341(b)(1) is amended by substituting "date" in lieu of the word "death" at the second place it appears therein.

§ 404.402 [Amended]

15. Section 404.402(c) is amended by substituting "(see § 404.353(d))" in lieu of "(see § 404.334)."

§ 404.406 [Amended]

16. Section 404.406 is amended by deleting the heading "(a) *Increases to the next multiple of ten cents*" and by deleting paragraph (b) in its entirety.

§ 404.503 [Amended]

17. Section 404.503 is amended by substituting "§ 404.360" in lieu of "§ 404.340" in paragraph (c); and by substituting "§ 404.361" in lieu of "§ 404.341" in paragraph (d).

§ 404.603 [Amended]

18. Section 404.603(d) is amended by substituting "§ 404.361" in lieu of "§ 404.341."

§ 404.605 [Amended]

19. Section 404.605 is amended by substituting "§ 404.362" in lieu of "§ 404.342" in the last sentence.

§ 404.608 [Amended]

20. Section 404.608(a)(4) is amended by substituting "(see § 404.320)" in lieu of "(see § 404.312)", "(see § 404.328)" in lieu of "(see § 404.319)", "(see § 404.335)" in lieu of "(see § 404.325)", and "(see § 404.338)" in lieu of "(see § 404.328)."

§ 404.609 [Amended]

21. Section 404.609 is amended by substituting "(see § 404.355(b))" in lieu of "(see § 404.338(b))" in that part of the first sentence preceding paragraph (a), and by substituting "(see § 404.360)" in lieu of "(see § 404.340)" at the end of paragraph (b).

§ 404.611a [Amended]

22. Section 404.611a is amended by substituting "(see § 404.320)" in lieu of "(see § 404.312)", "(see § 404.328)" in lieu of "(see § 404.319)", "(see § 404.335)" in lieu of "(see § 404.325)", and "(see § 404.338)" in lieu of "(see § 404.328)."

§ 404.612 [Amended]

23. Section 404.612(a) is amended by substituting "(see § 404.355)" in lieu of "(see § 404.338)", and "(see §§ 404.319(c), 404.334(c), and 404.341(b))" in lieu of "(see §§ 404.309, 404.322, and 404.328)."

§ 404.616 [Amended]

24. Section 404.616 is amended by substituting "§ 404.316(a)(4), § 404.331(a)(6), or § 404.338(a)(6)" in lieu of "§ 404.309(e), § 404.322(f), or § 404.328(c)"; and "§ 404.355(b)" in lieu of "§ 404.338(b)."

§ 404.617 [Amended]

25. Section 404.617(a) is amended by substituting in the material preceding paragraph (1): "§ 404.316(a)(4), § 404.331(a)(6), or § 404.341(b)" in lieu of "§ 404.309(e), § 404.322(f), or § 404.328(c)"; and "§ 404.355(b)" in lieu of "§ 404.338(b)."

§ 404.717 [Amended]

26. Section 404.717 is amended by substituting "(see § 404.350)" in lieu of "(see § 404.332)" in the first sentence and by substituting "§ 404.319" in lieu of "section 202(c)(1)(C) of the Act" in the second sentence.

§ 404.718 [Amended]

27. Section 404.718 is amended by substituting "(see § 404.350)" in lieu of "(see § 404.332)" in the first sentence and by substituting "§ 404.334" in lieu of "section 202(f)(1)(D) of the Act" in the second sentence.

§ 404.719 [Amended]

28. Section 404.719 is amended by substituting "(see § 404.350)" in lieu of "(see § 404.332)" and "§ 404.335(b)(8)" in lieu of "section 202(g)(1)(F) of the Act" in that part of the first sentence preceding paragraph (a).

§ 404.720 [Amended]

29. Section 404.720 is amended by substituting "(see § 404.350)" in lieu of "(see § 404.332)" in the first sentence and by substituting "§ 404.341" in lieu of "section 202(h)(1)(B)(i) of the Act" in the second sentence.

§ 404.720a [Amended]

30. Section 404.720a is amended by substituting in the first sentence, "§§ 404.319, 404.334, 404.341 and 404.355" in lieu of "sections 202(c)(1)(C), 202(f)(1)(D), 202(h)(1)(B)(ii), and 202(i) of the Act."

§§ 404.721, 404.722, 404.723, 404.724 [Amended]

31. Sections 404.721, 404.722 preceding paragraph (a), 404.723 preceding paragraph (a), and 404.724 (a)(1) and (b) are amended by substituting "§ 404.323" in lieu of "section 202(d)(1)(C) of the Act."

§ 404.809 [Amended]

32. Section 404.809 is amended by inserting the word "individual's" before the word "survivor."

§ 404.810 [Amended]

33. Section 404.810 is amended by deleting the words "of this chapter" from the first sentence.

§ 404.1002 [Amended]

34. Section 404.1002, the last sentence, is amended by substituting "Regulations No. 3 (20 CFR, 1961 ed., Part 403)" in lieu of "Part 403 of this chapter (Regulations 3)."

§ 404.1026 [Amended]

35. Section 404.1026(a)(1), the last sentence, is amended by substituting "Regulations No. 3 (20 CFR, 1961 ed., Part 403)" in lieu of "Part 403 of this chapter (Regulations 3)."

§§ 404.1250, 404.1255 [Amended]

36. Sections 404.1250(a), the last sentence, and 404.1255(a), the first sentence, are amended by substituting "Baltimore, Maryland 21235" in lieu of "Baltimore 35, Maryland."

37. *Effective date.* The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 205 and 1102, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405 and 1302)

Dated: November 6, 1964.

[SEAL] ROBERT M. BALL,
*Commissioner of Social Security.*

Approved: November 10, 1964.

ANTHONY J. CELEBREZZE,
*Secretary of Health, Education, and Welfare.*

[F.R. Doc. 64-11805; Filed, Nov. 18, 1964; 8:47 a.m.]



# Title 21—FOOD AND DRUGS

**Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare**

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

**Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals**

**Subpart D—Food Additives Permitted in Food for Human Consumption**

3,5-DINITROBENZAMIDE, ACETYL-(*p*-NITROPHENYL) SULFANILAMIDE

1. The Commissioner of Food and Drugs, having evaluated the data submitted in the petition (FAP 671) filed by Dr. Salsbury's Laboratories, Charles City, Iowa, and other relevant data, has concluded that the food additive regulations should be amended to provide the conditions under which 3,5-dinitrobenzamide and acetyl-(*p*-nitrophenyl) sulfanilamide may be safely used in chicken feed for prevention of coccidiosis. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), Part 121 is amended by adding to Subpart C two new sections, as follows:

§ 121.263 3,5-Dinitrobenzamide.

3,5-Dinitrobenzamide may be safely used in the treatment of chickens in accordance with the following prescribed conditions:

(a) The additive is the chemical 3,5-dinitrobenzamide ($C_7H_5N_3O_5$) conforming to the specifications prescribed in this paragraph:

(1) Melting-point range: 180° C. to 184° C.

(2) Assay (by total nitrogen determination): 95.0 to 100 percent.

(3) Glycol-mono-3,5-dinitrobenzoate: 0 to 5 percent.

(4) Molecular weight: 211.13.

(5) Moisture content: 0.0–2.0 percent.

(6) An intense purple color is developed when 25 milligrams of the compound is dissolved in a solution of 5 milliliters of dimethyl sulfoxide plus 1 milliliter of diethylamine.

(b) The additive is used or intended for use as prescribed in the following table (the term "principal ingredient" as used in this table refers to the additive named in the heading of this section):

| Principal ingredient | Grams per ton | Combined with— | Grams per ton | Limitations | Indications for use |
|---|---|---|---|---|---|
| 3,5-Dinitrobenzamide. | 227 (0.025%) | Acetyl-(*p*-nitrophenyl)sulfanilamide. | 272 (0.030%) | For chickens, not to be fed to laying chickens; withdraw 5 days before slaughter; from feed additive premixes containing not more than 25% 3,5-dinitrobenzamide and 30% acetyl-(*p*-nitrophenyl) sulfanilamide. | As an aid in the prevention of coccidiosis caused by *E. tenella*, *E. necatrix* and *E. acervulina*. |

(c) To assure safe use, the label and labeling of the additive or additives, any combination of additives, and any feed additive premix, feed additive concentrate, feed additive supplement, or complete feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity of the additive or additives contained therein.

(3) Adequate directions and warnings for use.

§ 121.264 Acetyl-(*p*-nitrophenyl)sulfanilamide.

Acetyl-(*p*-nitrophenyl(sulfanilamide may be safely used in the treatment of chickens in accordance with the following prescribed conditions:

(a) The additive is the chemical acetyl-(*p*-nitrophenyl)sulfanilamide ($C_{14}H_{13}N_3O_5S$) conforming to the specifications prescribed in this paragraph:

(1) Melting-point range: 260° C. to 261° C.

(2) Assay (by sodium nitrite titration): 97 to 100.5 percent.

(3) Moisture (method No. 5.96, "Official Methods of Analysis of the Association of Official Agricultural Chemists," 8th edition, 1955, page 64): 0.0 to 2.0 percent.

(4) Molecular weight: 335.34.

(5) Soluble in 0.1*N* sodium hydroxide, reprecipitating unchanged on acidification.

(b) The additive is used or intended for use as prescribed in the following table (the term "principal ingredient" as used in this table refers to the additive named in the heading of this section):

| Principal ingredient | Grams per ton | Combined with— | Grams per ton | Limitations | Indications for use |
|---|---|---|---|---|---|
| Acetyl-(*p*-nitrophenyl)sulfanilamide. | 272 (0.030%) | 3,5-Dinitrobenzamide. | 227 (0.025%) | For chickens, not to be fed to laying chickens; withdraw 5 days before slaughter; from feed additive premixes containing not more than 25% 3,5-dinitrobenzamide and 30% acetyl-(*p*-nitrophenyl) sulfanilamide. | As an aid in the prevention of coccidiosis caused by *E. tenella*, *E. necatrix* and *E. acervulina*. |

(c) To assure safe use, the label and the labeling of the additive or additives, any combination of additives, and any feed additive premix, feed additive concentrate, feed additive supplement, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity of the additive or additives contained therein.

(3) Adequate directions and warnings for use.

2. Based upon an evaluation of the data before him, and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner has concluded that where chickens have been fed with combinations of 3,5-dinitrobenzamide and acetyl-(*p*-nitrophenyl) sulfanilamide in accordance with §§ 121.263 and 121.264, tolerance limitations are required to assure that the edible products of chickens are safe for consumption. Therefore, Part 121 is amended by adding to Subpart D two new sections, as follows:

§ 121.1168 3,5-Dinitrobenzamide.

A tolerance of zero is established for residues of 3,5-dinitrobenzamide and its metabolites in the edible tissues and by-products of chickens.

§ 121.1169 Acetyl-(*p*-nitrophenyl)sulfanilamide.

A tolerance of zero is established for residues of acetyl-(*p*-nitrophenyl) sulfanilamide and its metabolites in the edible tissues and byproducts of chickens.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order

deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4))

Dated: November 12, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11806; Filed, Nov. 18, 1964; 8:47 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

### Subpart D—Food Additives Permitted in Food for Human Consumption

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PETROLATUM

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1021) filed by American Petroleum Institute, 1271 Avenue of the Americas, New York 20, New York, and other relevant material, has concluded that food additive regulations should issue to prescribe the safe use of petrolatum. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), Part 121 is amended by adding three new sections and by amending §§ 121.2526 and 121.2553 as hereinafter set forth:

1. A new section is added to Subpart C, as follows:

**§ 121.261 Petrolatum.**

Petrolatum may be safely used in or on animal feed, subject to the following prescribed conditions:

(a) Petrolatum complies with the specifications set forth in the U.S. Pharmacopeia XVI for white petrolatum or in The National Formulary XI for yellow petrolatum.

(b) Petrolatum meets the following ultraviolet absorbance limits when subjected to the analytical procedure described in § 121.1156(b).

Ultraviolet absorbance per centimeter path length:

| Millimicrons: | *Maximum* |
|---|---|
| 280–289 | 0.25 |
| 290–299 | .20 |
| 300–359 | .14 |
| 360–400 | .04 |

(c) It is used in animal feed for the following purposes:

(1) To reduce dustiness of feeds or mineral supplements.

(2) To serve as a lubricant in the preparation of pellets, cubes, or blocks, and to improve resistance to moisture of such pellets, cubes, or blocks.

(d) The quantity of petrolatum present in animal feeds from the uses specified in paragraph (c) of this section shall not exceed 3.0 percent in mineral supplements nor shall it exceed 0.06 percent of the total ration when present in feed or feed concentrates.

(e) When used in combination with technical white mineral oil for the uses described in paragraph (c) of this section, the total quantity of combined petrolatum and technical white mineral oil shall not exceed the limits prescribed in paragraph (d) of this section.

(f) Petrolatum may contain any antioxidant permitted in food by regulations issued in accordance with section 409 of the act, in an amount not greater than that required to produce its intended effect.

(c) Petrolatum is used or intended for use as follows:

| *Use* | *Limitation (inclusive of all petroleum hydrocarbons that may be used in combination with petrolatum)* |
|---|---|
| In bakery products; as release agent and lubricant. | With white mineral oil, not to exceed 0.15 percent of bakery product. |
| In dehydrated fruits and vegetables; as release agent. | Not to exceed 0.02 percent of dehydrated fruits and vegetables. |
| In egg white solids; as release agent | Not to exceed 0.10 percent of egg white solids. |
| On raw fruits and vegetables; as protective coating. | In an amount not to exceed good manufacturing practice. |
| In beet sugar and yeast; as defoaming agent | As prescribed in § 121.1099. |

(d) Petrolatum may contain any antioxidant permitted in food by regulations issued in accordance with section 409 of the act, in an amount not greater than that required to produce its intended effect.

3. A new section is added to Subpart F, as follows:

**§ 121.2588 Petrolatum.**

Petrolatum may be safely used as a component of nonfood articles in contact with food, in accordance with the following conditions:

(a) Petrolatum complies with the specifications set forth in the U.S. Pharmacopeia XVI for white petrolatum or in The National Formulary XI for yellow petrolatum.

(b) Petrolatum meets the following ultraviolet absorbance limits when subjected to the analytical procedure described in § 121.1156(b):

Ultraviolet absorbance per centimeter path length:

| Millimicrons: | *Maximum* |
|---|---|
| 280–289 | 0.25 |
| 290–299 | .20 |
| 300–359 | .14 |
| 360–400 | .04 |

(c) It is used or intended for use as a protective coating of the surfaces of metal or wood tanks used in fermentation process, in an amount not in excess of that required to produce its intended effect.

(d) Petrolatum as defined by this section may be used for the functions described and within the limitations prescribed by specific regulations in Subpart F which prescribe uses of petrolatum. For the purpose of cross-reference, such specific regulations include: §§ 121.2514, 121.2519, 121.2520, 121.2526, 121.2535, 121.2553, 121.2557, 121.2562, and 121.2577.

(e) Petrolatum may contain any antioxidant permitted in food by regulations issued pursuant to section 409 of the act, in an amount not greater than that required to produce its intended effect.

4. Section 121.2526(b) is amended by adding to subparagraph (2), in alphabetical sequence, a new item, as follows:

**§ 121.2526 Resinous and polymeric coatings for paper and paperboard.**

* * * * * * *

(b) * * *

(2) * * *

| *List of substances* | *Limitations* |
|---|---|
| * * * | * * * |
| Petrolatum | Complying with § 121.2588. |
| * * * | * * * |

* * * * * * *

5. Section 121.2553(a) is amended by adding to subparagraph (3), in alphabetical sequence, a new item, as follows:

**§ 121.2553 Lubricants with incidental food contact.**

* * * * * * *

(a) * * *

(3) * * *

| *List of substances* | *Limitations* |
|---|---|
| * * * | * * * |
| Petrolatum | Complying with § 121.2588. Addition to food not to exceed 10 parts per million. |
| * * * | * * * |

* * * * * * *



Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 9, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11808; Filed, Nov. 18, 1964; 8:48 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

UNSATURATED POLYESTER-STYRENE COPOLYMER RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1514) filed by Atlas Chemical Industries, Inc., Wilmington, Del., 19899, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of silicon dioxide in unsaturated polyester-styrene copolymer resins. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.2576(b) is amended by adding alphabetically a new substance to item 2 of the table, reading as follows:

**§ 121.2576 Unsaturated polyester-styrene copolymer resins.**

* * * * * * *

(b) * * *

| *List of substances* | *Limitations (limits of addition expressed as percent by weight of finished resin)* |
|---|---|
| * * * | * * * |
| Silicon dioxide | |
| * * * | * * * |

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat 1786; 21 U.S.C. 348(c)(1))

Dated: October 29, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11807; Filed Nov. 18, 1964; 8:47 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter I—Coast Guard, Department of the Treasury

### SUBCHAPTER J—PROCUREMENT

### PART 116—PROCEDURES FOR PURCHASING

#### Deletion of Certain Sections

CROSS REFERENCE: For the deletion of §§ 116.01–10 to 116.01–19 of Part 116, see Chapter 11 of Title 41 in the Rules and Regulations section of the issue of the FEDERAL REGISTER for Wednesday, November 18, 1964 (F.R. Doc. 64-11731, 29 F.R. 15411).

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 1—Federal Procurement Regulations

### USE OF CERTAIN STANDARD FORMS

The revision of the Federal Procurement Regulations (29 F.R. 10102) prescribed the use, among others, of the June 1964 editions of Standard Forms 24, 25, 25A, 25B, 34, 35, and 44. Due to delays in the availability of sufficient stocks of some of the revised bond forms for distribution to the surety companies, use is hereby authorized of the 1950 editions of Standard Forms 24, 25, 25A, 27, 27A, 27B, 34, and 35 in invitations for bids and requests for proposals issued prior to March 1, 1965. In view of the substantial stocks of the 1954 edition of Standard Form 44 which some agencies still have on hand, use is hereby authorized of the 1954 edition of Standard Form 44 until stocks of that edition of the form have been exhausted.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

*Effective date.* This regulation is effective November 20, 1964.

Dated: November 16, 1964.

LAWSON B. KNOTT, JR.,
*Acting Administrator of General Services.*

[F.R. Doc. 64-11884; Filed, Nov. 18, 1964; 8:50 a.m.]

# Title 42—PUBLIC HEALTH

## Chapter I—Public Health Service, Department of Health, Education, and Welfare

### SUBCHAPTER D—GRANTS

### PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES AND STUDENT LOANS

#### Subpart D—Nursing Student Loans

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following Subpart D—Nursing Student Loans, which relates solely to assistance to public and nonprofit private schools of nursing for the establishment and operation of student loan funds under Public Law 88–581 (42 U.S.C. 297 et seq.).

These regulations will become effective on the date of publication in the FEDERAL REGISTER. Part 57 is amended by adding a new Subpart D as follows:

Sec.


57.301 Policy and purpose of the Nursing Student Loan Program.
57.302 Definitions.
57.303 Institutional application to participate in the Nursing Student Loan Program.
57.304 Federal institutional loan agreements.
57.305 Allotment, allocation and payment of Federal capital contributions.
57.306 Eligibility and selection of student loan recipients.
57.307 Advancement and repayment of student loans.
57.308 Provisions for student loan cancellations.
57.309 Fiscal.
57.310 Compliance by institutions.
57.311 Preceding provisions not exhaustive of jurisdiction of the Surgeon General.


AUTHORITY: The provisions of this Subpart D issued under Rev. Stat. § 161, 5 U.S.C. § 22. Interpret or apply secs. 822–828 of the Public Health Service Act as amended, 78 Stat. 908–919, 42 U.S.C. 297b–297h.

**§ 57.301 Policy and purpose of the Nursing Student Loan Program.**

Part B of Title VIII of the Public Health Service Act, as amended by the Nurse Training Act of 1964, authorizes the Nursing Student Loan Program. Under this program Nursing Student Loan Funds will be established at participating schools of nursing in a State.

The purpose of these Funds is to make long-term, low interest loans to qualified students who are in need of such financial assistance in order to pursue a full-time course of study leading to a baccalaureate or associate degree in nursing or an equivalent degree or a diploma in nursing, or to a graduate degree in nursing.

**§ 57.302 Definitions.**

All terms not defined herein shall have the same meaning as given them in the Act. As used in this subpart:

(a) "The Act" means the Public Health Service Act, as amended (42 U.S.C. 201 et seq.).

(b) "The Surgeon General" means the Surgeon General of the Public Health Service or an official of the Public Health Service to whom the Surgeon General has delegated authority to act in his behalf to carry out the purposes of Part B, Title VIII, of the Act.

(c) "The Commissioner" means the Commissioner of Education or an official within the Office of Education to whom the Commissioner has delegated authority to act in his behalf with respect to the provisions of subsection 843(f) of the Act.

(d) "Institution" (except as used in section 823(b)(3) of the Act) means a school of nursing as defined in section 843 of the Act.

(e) "Institutional application to participate in the Nursing Student Loan Program" means:

(1) A proposed agreement between the Surgeon General and the institution pursuant to section 822 of the Act for payment of Federal capital contributions into a Nursing Student Loan Fund at such institution;

(2) An application in such form as the Surgeon General may require for a Federal capital contribution pursuant to section 825 of the Act; and

(3) If the institution's capital contribution is to be financed in whole or in part through a Federal institutional loan under section 827 of the Act, an application in such form as the Surgeon General may require, for a Federal institutional loan.

(f) "Nursing Student Loan Fund" or "Fund" means the Fund established pursuant to section 822 of the Act at an institution with which the Surgeon General has executed an agreement, such Fund being composed of Federal capital contributions, institutional capital contributions, repayment of capital and interest and any other earnings of the Fund.

(g) "Federal capital contribution" means the capital portion contributed by the Surgeon General to a Nursing Student Loan Fund pursuant to section 825 of the Act.

(h) "Federal institutional loan" means a loan made by the Federal Government pursuant to section 827 of the Act to an institution, the proceeds of which are to be deposited by such institution in its Nursing Student Loan Fund.

(i) "Institutional capital contribution" means the money provided by and deposited in a Nursing Student Loan Fund by the institution in an amount not less than one-ninth of the Federal capital contributions thereto.

(j) "Student Loan; total student loan; total loan." A "student loan" means the actual amount of money advanced to a student borrower from the Fund under a single, properly executed promissory note. For repayment purposes all student loans made to a student borrower shall be combined into one principal sum which will be identified as the total student loan or total loan.

(k) "National of the United States" means (1) a citizen of the United States or (2) a person who though not a citizen of the United States owes permanent allegiance to the United States (8 U.S.C. § 1101(a)(22)).

(l) "Course of study" means the curriculum offered by a school of nursing, satisfactory completion of which entitles a student to receive a baccalaureate or associate degree in nursing or an equivalent degree or a diploma in nursing, or a graduate degree in nursing.

(m) "Full-time course of study" means that portion of the course of study in which a student is expected to be engaged at any point in time in order to complete the course of study within no more than the number of semesters or academic terms, or other period of time normally required therefor at the institution in which he is enrolled.

(n) "Enrolled" means carried on the roster of a school of nursing, or otherwise identified by such school, as a full-time student of the school in accordance with its standards and practices.

(o) "Full-time student" means a student who is enrolled in and is pursuing a full-time course of study.

(p) "Ceasing to pursue a full-time course of study". A student borrower shall be considered to have ceased to pursue a full-time course of study upon the first day of the month which is nearest to the date upon which he ceases to be a full-time student as defined herein: *Provided, however,* That when a borrower, within a one-year period, reenters the same or another institution as a full-time student as defined herein the date upon which interest accrual and the repayment period begins shall be related to and determined by the date he last ceases to attend the institution as a full-time student.

(q) "Good standing" means the eligibility of a student to continue in attendance at the institution where he is enrolled as a full-time student in accordance with the institution's standards and practices.

(r) "Academic year" means the traditional, approximately nine-month September to June annual session. For the purposes of computing academic year equivalents for students who, during a twelve-month period, attend for a longer period than the traditional academic year, the academic year will be considered to be of nine-month duration.

(s) "Fiscal year" means the Federal fiscal year commencing on the first day of July and ending on the 30th day of June.

(t) "Permanently and totally disabled" means unable to engage in any substantial gainful activity because of medically determinable impairment, which impairment is expected to continue for a long and indefinite period of time, or to result in death, such disability to be determined on the basis of the report of a physician on such forms as the Surgeon General may prescribe.

**§ 57.303 Institutional application to participate in the Nursing Student Loan Program.**

(a) *Applications for Federal capital contributions.* (1) Applications for Federal capital contributions shall be filed by institutions in such form and manner and at such times as may be prescribed by the Surgeon General pursuant to section 825(b)(1) of the Act.

(2) The amount requested in each application for a Federal capital contribution shall be reviewed in the light of the demands which may reasonably be expected to be made upon the Fund during the period covered by the application after taking into consideration the balance in the Fund. When necessary to this end the Surgeon General may require the submittal of additional data.

(b) *Application for Federal institutional loan.* (1) Each application for a Federal institutional loan shall include a statement of supporting data on which there shall be provided such information as the Surgeon General may require (including information relative to the terms and conditions under which such funds are available from non-Federal sources) in order to make the necessary determinations under section 827 of the Act.

(2) The amount requested in each application for a Federal institutional loan shall be reviewed and approved by the Surgeon General in the light of the requirements of section 827 of the Act, the amount of Federal funds available, and the amount of the Federal capital contribution allocated to the school.

(c) *Agreement for Federal capital contributions.* (1) The institutional application to participate in the Nursing Student Loan Program shall include a proposed agreement in accordance with section 822 of the Act, signed by an authorized representative of the applicant institution, which shall be submitted for consideration and acceptance by the Surgeon General.

(2) No application for a Federal capital contribution or for a Federal institutional loan shall be approved unless there is in effect between the Surgeon General and the applicant institution an agreement pursuant to section 822 of the Act.

**§ 57.304 Federal institutional loan agreements.**

Federal institutional loans shall be made subject to the terms of a note which shall be executed by an official who is duly authorized to execute such notes on behalf of the borrowing institution. Such loans shall be used only for institutional capital contributions to the borrower's Nursing Student Loan Fund. Each note shall include such terms with respect to the payment of interest and repayment of capital as are consistent with section 827 of the Act and shall include such other terms as the Surgeon



General finds necessary to protect the financial interests of the United States and to promote the purposes of the Act.

**§ 57.305 Allotment, allocation and payment of Federal capital contributions.**

(a) *In general.* All allotments, reallotments, allocations, and payments of Federal capital contributions shall be made in accordance with the provisions of section 825 of the Act. In estimating the number of students enrolled full-time in public or nonprofit private schools of nursing, only those students who are enrolled as defined in this Subpart shall be considered.

(b) *Insufficient institutional capital contributions.* In the event that an institution which has applied for a Federal capital contribution is unable to secure the necessary amount of funds as may be required in order to make the necessary institutional capital contribution, the amount of the Federal capital contribution which could have been offered to such institution pursuant to section 825 of the Act shall be reduced to an amount equal to not more than nine times the amount of whatever capital contribution the institution is able to make to the Fund.

**§ 57.306 Eligibility and selection of student loan recipients.**

(a) *Eligibility—In general.* Loans shall be made only to a student who (1) is a national of the United States or is in a State for other than a temporary purpose and intends to become a permanent resident of the United States; (2) is in need of the amount of the loan to pursue a full-time course of study at the institution; and (3) has been accepted for enrollment in the school as a full-time student to pursue a full-time course of study, or, in the case of a student already enrolled in such institution and pursuing such full-time course of study, is in good standing.

(b) *Determination of need.* All determinations of need shall be made in accordance with policies and procedures established by the institution. In determining a student's need for a loan from the Fund, the institution shall take into consideration (1) the income, assets and resources of the applicant, (2) the income, assets, and resources of the applicant's family, and (3) the cost reasonably necessary for the student's attendance at the institution, including any special needs and obligations which directly affect the student's financial ability to attend such institution on a full-time basis.

(c) *Limitations governing maximum amount of loans.* The total of the loans from any Fund or Funds for any academic year to any student may not exceed $1,000 or the amount of such student's financial need, whichever is lesser. However, when a student during a twelve-month period pursues the course of study for a longer period than an academic year, he may borrow more than $1,000 on an acadamic year equivalent basis.

(d) *Order of selection.* In the event applications exceed available funds, the order of selection shall be made on the basis of objective criteria which are established by the institution and made a part of the agreement for Federal capital contributions.

(e) *Nondiscrimination.* No eligible applicant shall be denied a student loan from the Fund on account of sex or creed. Attention is further called to the requirements of Title VI of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat. 252; P.L. 88-352). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Therefore assistance provided pursuant to the regulations set forth in this subpart is subject to this provision and to such applicable rules, regulations or orders as may be issued with the approval of the President to effectuate the provisions of section 601.

(f) *Preference to persons entering as first-year students after September 4, 1964.* In the selection of students to receive loans from the Fund, preference shall be given to persons who enter a school as first-year students after September 4, 1964. Such preference is not limited to the first year of attendance but extends throughout the period of eligible attendance at the school first entered or at any other school to which the student may transfer.

(g) *Records of approval or disapproval.* The records of the institution shall indicate the basis of approval or disapproval of all or any part of each student application for a loan.

**§ 57.307 Advancement and repayment of student loans.**

(a) *Evidence of indebtedness—Note.* (1) The note which shall be executed by a student-borrower shall be in such form as shall be approved by the Surgeon General. Except for a provision reflecting an institution's election to require security or endorsement in cases permitted under section 823(b)(6) of the Act, any substantive deviations from the promissory note form so approved shall be made only pursuant to approval by the Surgeon General prior to the making of any loans to be evidenced thereby. Each promissory note shall set forth the annual interest rate which is to be borne by the loan during the period the loan is repayable. Such interest rate shall be three percent per year or the "going Federal rate" as defined in section 823(b)(5) of the Act, whichever rate is the higher. Prior to the beginning of each Federal fiscal year, the Surgeon General shall advise each participating school of the amount of the going Federal rate of interest for the fiscal year.

(2) Each promissory note shall also contain a provision whereby the borrower agrees (i) that, for repayment purposes, all student loans made to him shall be combined into a total loan, (ii) that the principal sum of the total loan shall bear interest during the ten-year repayment period at a rate equivalent to the interest rates shown on each promissory note weighted by the amounts advanced to him under each note and (iii) that each payment made by him shall be applied first to the accrued interest, and the balance to the principal sum of the total loan.

(3) A copy of every executed note shall be supplied to the student maker thereof.

(b) *Repayment.* The total loan to a student-borrower shall be repayable in accordance with the provisions of section 823(b) of the Act. Each student-borrower may choose (from those in use by the institution and approved by the Surgeon General) the repayment schedule which he prefers but a student-borrower may at his option and without penalty prepay all or part of the principal and accrued interest at any time.

**§ 57.308 Provisions for student loan cancellations.**

(a) *Full-time employment as a professional nurse.* The determination as to whether a student-borrower is entitled to have any portion of his loan cancelled for full-time employment as a professional nurse, in accordance with section 823(b)(3) of the Act, shall be made by the institution to whose Fund such loan is payable, upon receipt and evaluation of an application for cancellation from such student-borrower.

(b) *Permanent and total disability.* The determination (based on medical evidence supplied by the borrower) as to whether a student is entitled to a cancellation of indebtedness in accordance with section 823(b)(4) of the Act on the basis of permanent and total disability shall be made by the Surgeon General after considering the recommendations of the institution to whose Fund the borrower is indebted.

(c) *Death.* The determination as to whether a student is entitled to a cancellation of indebtedness in accordance with section 823(b)(4) of the Act because of death of the borrower shall be made by the institution to whose Fund the borrower is indebted on the basis of a certificate of death or such other official proof as is conclusive under State law.

**§ 57.309 Fiscal.**

(a) *In general.* The Fund shall be deposited and carried in a special account of the institution, which shall be used only for loans to student, for capital distributions as provided in section 826 of the Act or as agreed to by the institution and the Surgeon General, and for the cost of litigation arising in connection with the collection of any obligation to the Fund and interest thereon. There shall be in the Fund at all times monies representing the institutional capital contribution equal to at least one-ninth of the amount of the balance of the Federal capital contributions in such Fund.

(b) *Advancement of student loans.* (1) Advances from the Fund shall be made to student-borrowers in such installments as are deemed appropriate by the institution, except that no borrower may receive more, during a given semester, term, quarter, or academic year than he needs for such period.

(2) No monies shall be advanced to any student-borrower from the Fund unless at the time of such advancement he is a student pursuing a full-time course of study as provided in § 57.306(a)(3).

(3) Upon failure of the student-borrower to maintain good standing, the institution shall withhold any or all further installments of his loan as may be appropriate.

(c) *Collection of student loans.* Each institution at which a Fund is established shall exercise due diligence in the collection of all loans due the Fund.

(d) *Records and reports.* (1) Each institution shall keep adequate records reflecting all transactions with respect to the Fund. Federal capital contributions and institutional capital contributions shall be separately recorded. Each transaction shall be recorded so as to afford ready identification of each borrower's account and the status thereof. If a fiscal agent is utilized by the institution, its functions must be limited solely to the performance of ministerial acts. The responsibilities of the institution to make determinations relative to the making and collection of loans shall not be delegated.

(2) Institutions shall submit such reports and information as the Surgeon General may reasonably require in connection with the administration of the Act and shall comply with such provisions as he may find necessary to insure the correctness and verification of such reports. Annual reports of Fund status and transactions shall be forwarded to the Surgeon General by each institution within 30 days of the close of each fiscal year.

**§ 57.310 Compliance by institutions.**

If, at any time, after notice and opportunity for hearing, the Surgeon General determines (a) that the requirements for an institution's participation in the student loan program are no longer met or (b) that any monies in the Fund or to be deposited therein have been expended for purposes for which the Fund is legally unavailable and such diversions have not been restored, no further Federal capital contributions shall be made to such Fund and no further expenditures (except as may be specifically approved by the Surgeon General) shall be permitted to be made from such Fund until there is no longer any failure of such compliance.

**§ 57.311 Preceding provisions not exhaustive of jurisdiction of the Surgeon General.**

No provision of this part now or hereafter promulgated shall be deemed exhaustive of the jurisdiction of the Surgeon General under the Act. The provisions of this part may be modified or further regulations may be issued hereafter as circumstances may warrant.

Dated: November 10, 1964.

[SEAL] ANTHONY J. CELEBREZZE,
*Secretary.*

[F.R. Doc. 64-11619; Filed, Nov. 18, 1964; 8:48 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

### Group 2200—Disposition

[Circular 2176]

### PART 2230—SPECIAL USES

### Subpart 2234—Rights-of-Way

TRAMROADS AND LOGGING ROADS

To expand the acceptable bond requirements to permit the use of cash or negotiable securities in connection with use of existing roads used under the authority vested in the Secretary of the Interior by the Act of January 21, 1895 (28 Stat. 635; 43 U.S.C. 956), the following regulation is amended to read as set forth below. In addition several minor printing errors are being corrected. Since the proposed amendments merely expand an existing regulation, and correct printing errors, notice and public procedure thereon have been deemed unnecessary, and the amendment shall become effective on the date of publication in the FEDERAL REGISTER.

Sections 2234.2-3(b) (6)(i)(*a*), (7)(iv), (17), (18)(i), and (19)(i)(a) are amended to read as follows:

**§ 2234.2-3 For tramroads and logging roads.**

* * * * *

(b) *Over O. and C. and Coos Bay revested lands.* * * *

(6) *Applications*—(i) *Filing.* (*a*) An application for a permit for a right-of-way over the O. and C. lands must be submitted in duplicate on a form prescribed by the Director and filed in the appropriate district office. Application forms will be furnished upon request.

* * * * *

(7) *Right-of-way and road use agreement; recordation.* * * *

(iv) Any grant of rights to the United States under this section shall be executed on a form prescribed by the Director which shall constitute and form a part of any permit issued upon the application involved. The applicant shall record such agreement in the office of land records of the county or counties in which the roads, rights-of-way, or lands, subject to the agreement are located, and submit evidence of such recordation to the appropriate district manager.

* * * * *

(17) *Bond on connection with existing roads.* An applicant for permit or a permittee desiring to use an existing road owned or controlled by the United States, shall prior to such use post a bond on a form prescribed by the Director. The amount of the bond shall be determined by the authorized officer but in no event less than five hundred dollars ($500) per mile or fraction thereof. The bond shall be executed by an approved corporate surety, or the permittee may deposit an equivalent amount in cash or negotiable securities of the United States and the bond shall be conditioned upon compliance with § 2234.2-3(b)(1)—(24) and the terms and conditions of the permit.

(18) *Approval of permit.* (i) Upon the applicant's compliance with the appropriate provisions of this paragraph and if it is determined that the approval of the application will be in the public interest, the authorized officer may, in his discretion, issue an appropriate permit, upon a form prescribed by the Director.

* * * * *

(19) *Terms and conditions of permit.* (i) As to all permits: Every permittee shall agree:

(*a*) To comply with the applicable regulations in effect as of the time when the permit is issued and, as to the permittee's roads as to which the United States has received rights under subparagraph (7) of this paragraph with such additional regulations as may be issued from time to time relating to the use of roads for the purpose of access by properly licensed hunters and fishermen and by other recreationalists to lands of the United States in the O. and C. area which are suitable for such recreational purposes, where such use will not unreasonably interfere with the use of the road by the permittee for the transportation of forest products or unduly enhance the risk of fire, collision, or other hazards on such road and on lands in the vicinity thereof. If, notwithstanding the request of the authorized officer that the permittee allow use of a road in conformity with such additional regulations, the permittee shall unreasonably withhold his assent, the authorized officer shall refer the disagreement through the proper channels to the Director of the Bureau for his consideration, and, if the Director concurs in the conclusion of the authorized officer and if the matter is still in dispute, he shall refer the matter to the Secretary of the Interior for his consideration. In the event of the Secretary's concurrence in the conclusions of the authorized officer, and if the permittee nevertheless unreasonably withholds such assent, the United States may institute such judicial proceedings as may be appropriate to enforce said regulations.

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STEWART L. UDALL,
*Secretary of the Interior.*

NOVEMBER 12, 1964.

[F.R. Doc. 64-11796; Filed, Nov. 18, 1964; 8:46 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 14867; FCC 64-1037]

### PART 1—PRACTICE AND PROCEDURE

### Substantial and Significant Changes in Information Furnished by Applicants to Commission

Report and order. 1. On November 30, 1962, the Commission issued a notice



of proposed rule making looking towards the adoption of a rule which would make express the implicit obligation of applicants to keep the Commission informed as to material changes in the information set forth in applications and in any other significant circumstances which might affect the Commission's decision.[1] Although prior notice of rule making was not required by law, since the proposed rule is procedural in nature and merely restates well established Commission policy, we believe it appropriate to afford interested persons an opportunity to submit constructive suggestions and comments with respect to the detailed provisions which such a rule should contain, and the procedural implications.

2. Comments have been received from Meredith Broadcasting Company (Meredith), the law firm of Dow, Lohnes and Albertson (Dow, Lohnes), the American Broadcasting Company (ABC), and Westinghouse Broadcasting Company (Westinghouse). With the exception of Meredith, all those commenting favor the proposed rule in principle but urge that the wording is ambiguous in the various respects discussed below. Meredith asserts that the implicit obligation is so clear that there is no need for an explicit provision in the Commission's rules of practice and procedure. However, since the rule making proposal was occasioned by a number of recent cases where applicants have failed to apprise the Commission of material changes in the status of an application,[2] it is our judgment that an express statement of the applicant's responsibility will be helpful in avoiding future incidents of this nature. There would appear to be considerable merit, however, in Meredith's suggestion that the duty to keep information up-to-date should be stated on the application forms themselves. Accordingly, in addition to the rule adopted herein, we shall give careful consideration to such a requirement when the forms are next revised.[3]

3. The principal objection stated in the comments is that the proposed rule does not set forth a clear and precise standard to guide applicants as to exactly what changes should be reported. The proposed rule reads in pertinent part as follows:

> The applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application or in Commission proceedings involving the pending application. Whenever it appears to any applicant that the information furnished in his pending application is no longer accurate and complete in all material respects, he shall promptly amend or request the amendment of his application so as to furnish such additional or corrected information as may be appropriate. Whenever it appears to any applicant that there has been a material change as to any matter of decisional significance in a Commission proceeding involving the pending application, he shall promptly submit a statement furnishing such additional or corrected information as may be appropriate.

The commenting parties point to the fact that every statement in an application is "material" and assert further that an applicant is not in a position to know what is a "matter of decisional significance" among the many matters which may be involved in a proceeding on an application. They express a fear that the result of the rule may be either overcompliance by cautious applicants reporting a welter of minute details or the imposition of a penalty under section 502 of the Act, 47 U.S.C. 502, for an honest mistake in judgment.

4. Since it is impossible to catalogue or even foresee in advance the precise information which may be material to differing applications or the myriad changed circumstances which may arise, a rule of this nature must necessarily state the applicant's responsibility in general terms. However, in view of the objections expressed in the comments, we will undertake to clarify the intent of the rule and the general character of the information to be reported. In addition, we have also made two revisions in the wording of the rule in an effort to avoid the reporting of unimportant minute details of little or no significance to the public interest judgment. The second sentence in the rule has been revised by substituting "the information furnished in the pending application is no longer substantially accurate and complete in all significant respects" in place of the proposed language reading "the information furnished in his pending application is no longer accurate and complete in all material respects." In the third sentence, the words "there has been a substantial change as to any other matter which may be of decisional significance" have replaced the words "there has been a material change as to any matter of decisional significance."

5. The rule is thus intended to apply (i) where there has been a substantial change and (ii) where that substantial change may be significant to the Commission's consideration of an application and determination of the public interest. The information contained in the application itself is definite and the obligation to keep it substantially accurate and complete is akin to the duty of avoiding an initial misrepresentation or lack of candor. Moreover, the public interest factors pertinent to consideration of applications are either fairly well established or should be obvious in the case of a particular application involving special or novel circumstances. While appreciative of the fact that an applicant cannot always predict the exact basis of a Commission decision or the weight to be accorded any particular factor by the Commission, we do not anticipate that applicants will experience difficulty in recognizing the kinds of matters which may be decisionally significant. Indeed, most applicants are already complying with obligation here made express by rule.

6. As requested by Dow, Lohnes, we will give a series of examples to illustrate the intended application of the rule. Such examples have been selected at random; they are not to be viewed as exhaustive or as raising any implication that other changes need not be reported. In general, applicants should report any substantial change in circumstances pertaining to basic qualifications (legal, technical, financial, character), matters affecting service to the public or the nature of the proposed operations and factors urged as a basis for a grant or a comparative preference. In broadcast cases, for example, it is clear that an applicant should report any substantial change in ownership or legal status, such as a corporate merger (Huntington-Montauk, 24 R.R. 195); the death of a principal who is important to an application either as a ground for preference (Southland Television Co. v. Federal Communications Commission, 266 F. 2d 686, 687 (C.A.D.C.); Tidewater Teleradio, Inc., 24 Pike & Fischer, R.R. 653) or as a basis for demerit (Fleming v. Federal Communications Commission, 225 F. 2d 523 (C.A.D.C.)); a substantial change in plans as to program proposals, studio facilities or integration of ownership with management (Butterfield Theatres, Inc. v. Federal Communications Commission, 237 F. 2d 552 (C.A.D.C.); Tidewater Teleradio, Inc., 24 Pike and Fischer, R.R. 653); or a change of circumstances affecting the diversification factor or sufficiently altering the financial status of an applicant as to be pertinent to financial qualifications (Enterprise Company v. Federal Communications Commission, 231 F. 2d 708 (C.A.D.C.)).

7. The rule is not intended to require the reporting of minor changes which would have no significance in the Commission's consideration of an application under the public interest standard. We recognize that some material matters may normally fluctuate on a day-by-day basis, such as the financial position of an applicant, the current business interests of its principals, etc. The rule does not contemplate the reporting of normal, foreseeable everyday changes unless they are substantial and might have a significant impact on the status of an application. The changes to be reported are those which are major or out of the ordinary—those which may make a difference from the standpoint of the public interest, and those which the Commission should be aware of in order to reach a realistic decision. See Eugene Ketring, 1 Pike & Fischer, R.R. 2d 71; Walter Gaines, 17 Pike & Fischer, R.R. 163.[4]

8. Where the change is with respect to material set forth in the application, it should be reported by means of an amendment to, or request to amend, the application. Any other pertinent change should be reported by submission of a statement. As stated in the notice of

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[1] FCC 62-1247 (Mimeo No. 27753), published in the FEDERAL REGISTER December 5, 1962, 27 F.R. 11999.

[2] See, e.g., Huntington-Montauk, 24 Pike & Fischer, R.R. 195; Tidewater Teleradio, Inc., 24 Pike & Fischer, R.R. 653.

[3] It would not suffice merely to include a statement on the application forms since the proposed rule goes to changes in other material circumstances which may affect the Commission's decision on an application as well as to changes in the information actually set forth in the application itself.

[4] In view of the foregoing discussion (and see particularly par. 5) we do not believe that there is any merit to the argument advanced that penalties will be imposed under section 502 for honest mistakes in judgment as to the applicability of this rule.

proposed rule making, by requiring the filing of a request to amend an application in hearing status to reflect a changed circumstance with respect to material contained in the application, we are not in any way indicating whether such request will be granted. Our determination as to grant or denial would, of course, depend on the facts of the particular case. The proposed rule does not affect the rules governing amendment of applications in hearing status and is not intended as a means for applicants to improve their comparative positions vis-a-vis other applicants.

9. Meredith asserts that there is no need to require service of a statement furnishing additional or corrected information upon other parties of record to the proceeding, since the rules already require service of any petition to amend an application. We have decided to retain the service requirement because the statement might concern matters not set forth in the application. Where the report is in the form of a petition to amend the application, service of the petition will suffice to meet the service requirement.

10. Nor do we find substance in Meredith's objection that the requirement for service on the Commission's General Counsel where the matter is before any court for review constitutes an encroachment on the judicial jurisdiction. Service on the General Counsel does not affect the jurisdiction of the reviewing court or alter the record on appeal. Where the Commission believes that a changed circumstance affects the validity of a decision on appeal or should be incorporated in the certified record, it will seek a remand for this purpose or file some other appropriate pleading with the court. See Ford Motor Co. v. N.L.R.B., 305 U.S. 364, 373–374.

11. Westinghouse challenges as ambiguous the provision for amending or requesting amendment "promptly" and urges substitution of a fixed time period, such as thirty days after knowledge of the change. We think the suggestion has merit and have accordingly provided in the rule that amendments, requests for amendments and statements shall be filed within thirty days unless good cause is shown. However, it is expected that changes will be reported as promptly as possible, and that applicants will not await the full thirty-day period where time is of the essence and the change is of a nature which can and should be reported without delay, particularly where a grant or denial of an application is about to become final.

12. The notice of proposed rule making looked toward the addition of this rule as paragraph (c) of § 1.304 (now § 1.514). Section 1.514 applies only to broadcast application proceedings. Since the obligation to apprise the Commission as to changed circumstances pertains to all applicants and not merely to applicants for broadcast facilities, we consider it more appropriate to add the new provision as § 1.65, under the heading, "General Application Procedures."

In view of the foregoing and pursuant to authority contained in sections 4(i), 303(r) and 308 of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 303(r) and 308: *It is ordered*, Effective December 22, 1964, That Part 1, rules of practice and procedure, is amended as set forth below.

(Secs. 4(i), 303(r), 308, 48 Stat. 1066, 1082, 1084, as amended; 47 U.S.C. 154(i), 303(r), 308).

Adopted: November 12, 1964.

Released: November 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
*Secretary.*

Section 1.65 is added to read as follows:

**§ 1.65 Substantial and significant changes in information furnished by applicants to the Commission.**

Each applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application or in Commission proceedings involving a pending application. Whenever the information furnished in the pending application is no longer substantially accurate and complete in all significant respects, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, amend or request the amendment of his application so as to furnish such additional or corrected information as may be appropriate. Whenever there has been a substantial change as to any other matter which may be of decisional significance in a Commission proceeding involving the pending application, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, submit a statement furnishing such additional or corrected information as may be appropriate, which shall be served upon parties of record in accordance with § 1.47. Where the matter is before any court for review, statements and requests to amend shall in addition be served upon the Commission's General Counsel. For the purposes of this section, an application is "pending" before the Commission from the time it is accepted for filing by the Commission until a Commission grant or denial of the application is no longer subject to reconsideration by the Commission or to review by any court.

[F.R. Doc. 64–11837; Filed, Nov. 18, 1964; 8:50 a.m.]

[5] Commissioners Lee and Ford absent.

[Docket No. 13854; FCC 64–1054]

## PART 73—RADIO BROADCAST SERVICES

### Frequency Monitors

Report and order. 1. On November 22, 1960, the Commission adopted a notice of rule making (FCC 60–1408) proposing to make the following changes in our rules concerning the operation of frequency monitors at TV broadcast stations:

(a) Delete the requirement that a type approved monitor be kept in continuous operation during all periods when the TV broadcast transmitter is operating.

(b) Delete the requirement that the frequency of the transmitter as shown by the monitor be logged every 30 minutes.

(c) Delete the requirements for type approval of frequency monitors.

(d) Require that the operating frequency of the visual and aural transmitter be checked with the frequency monitor, or other suitable reference frequency source at sufficiently frequent intervals and in any event at least once every day to insure that the operating frequencies of the station are kept within the prescribed tolerance at all times.

(e) Require that the frequency monitor or other reference frequency source be checked against the standard frequency transmissions of WWV or WWVH at sufficiently frequent intervals to insure that its accuracy is adequate to insure that when it is used to check the operating frequency of the visual or aural transmitter it will reveal departures in excess of the prescribed tolerance.

(f) Require that the frequency monitor or other combination of devices that may be used to measure the transmitter frequencies be capable of indicating the relationship of the transmitter frequency to the reference frequency to within 10 percent of the prescribed frequency tolerance. It would not be necessary to determine whether the deviation of the operating frequency is above or below the assigned frequency.

2. A number of comments filed merely endorsed the proposed amendment. Most of these parties also requested clarification of the rules with respect to continued use of present frequency monitors. Detailed comments were filed by the National Association of Broadcasters (NAB); WHP, Inc., Westinghouse Broadcasting Company, Inc. (WBC); Hammett and Edison, Consulting Engineers; General Radio Company, manufacturer of TV frequency monitors; and, Northwest Monitoring Service, a commercial frequency measuring service.

3. NAB stated that they welcomed the proposal as recognition by the Commission of the inherent stability of modern TV transmitters but were concerned with the proposal that the stability of the apparatus used to check the operating frequency must be at least 10 percent of the frequency tolerance prescribed for TV stations. This, they pointed out, would make present type approved frequency monitors unsuitable or at least require that they be calibrated against WWV every day. They suggested that the stability not be required to be better than 50 percent of the prescribed tolerance. WHP, Inc. stated that the cost of daily frequency checks which would be needed to maintain the 10 percent stability would be $8.00 each and that such cost would be prohibitive. Westinghouse Broadcasting Company, Inc., noted its general agreement with the proposal but feared that it would not accomplish the intended purpose. They state that the 10 percent stability requirement would automatically exclude all existing frequency monitors and all stations would have to either obtain



frequency measurements from a commercial frequency measuring service or set up their own frequency measuring equipment. They point out that such frequency measuring equipment would necessarily rely upon the standard frequency transmissions of WWV and that daily reception of WWV in all parts of the United States might not be possible. They recommended that we retain the requirement for a continuously operating frequency monitor meeting the specifications now set forth for type approval, that the monitor accuracy be checked against a reference signal with known accuracy within plus or minus 100 cycles, at least once each 30 days for VFH stations and once each 10 days for UHF stations, and that the present requirement of monitor readings each half hour be changed to require monitor readings at the beginning and end of each broadcast day and at such times as the monitor is checked against an external frequency source. KING Broadcasting Company, KLIX Corporation, and Kern County Broadcasting Company, support the proposal generally but argue that a mandatory requirement of a daily frequency check is not justified unless it can be shown to be more reliable, less expensive, or both. They claim that frequency measuring equipment which can be checked against WWV would cost at least $3,000.

4. Hammett and Edison contend that although present rules place undue reliance on the long-term stability of frequency monitors, a requirement of daily frequency checks would place an unreasonable requirement on television stations. They recommend that we retain the requirement for a continuously operating frequency monitor, that it be read every hour, that the type approval requirements be changed to require a guaranteed stability of 1,000 cycles per second for 30 days, that the transmitter frequencies and monitor be checked against an external frequency source accurate to within 100 cycles per second at least once every six months and, that such external check be required each time the monitor indicates a carrier frequency deviation beyond the prescribed frequency tolerance, and that neither the transmitter frequency nor the calibrating frequency be intentionally altered without a simultaneous calibration against an external frequency source of known accuracy.

5. General Radio Company contends that reception of WWV may be highly unreliable because of the vagaries of skywave propagation and that even when received its accuracy may be affected by Doppler-shift to as much as 5 parts per million and that on the upper UHF channels this is greater than 10 percent of the prescribed frequency tolerance for TV stations. They point out that our proposal to permit the check of the transmitter operating frequency to be made at a multiple or sub-multiple of the actual operating frequency, could result in oversight of malfunctioning of subsequent stages or mistuning. General wonders whether this method will be acceptable for modulation monitoring since past practice has been to combine circuits for frequency, modulation, fidelity, and noise monitoring in a single instrument connected to the output of the TV transmitter. General also claims that the proposed amendment will not result in any substantial savings to TV stations since a TV station must still have modulation, fidelity and noise measuring equipment and elimination of the frequency monitoring feature from present instruments would not save enough to pay for separate frequency measuring equipment. General also believes that without the combination monitors such as those now used, there will be a deterioration of signal quality. They urge that we continue the requirement for continuous frequency monitoring on the grounds that such a decision would stimulate development of more stable frequency monitors and would remove the uncertainty which has up to this time, deterred instrument manufacturers from risking large investments in such development.

6. Northwest Monitoring Service opposes the proposal as unnecessary and impractical on the grounds that the costly investment by TV stations in suitable monitoring equipment would not improve the quality of TV service to the public. They note that present frequency monitors include a means for checking the frequency relation between the visual and aural carriers and that this is more important to the public than the individual carrier frequencies. They argue that the stability requirement is unrealistic and cannot be accurately checked against WWV because of Doppler-shift.

7. This proceeding was initiated for the purpose of modernizing our rules relating to frequenoy monitors and measurements at TV broadcast stations, in the light of the present state of the art. We have carefully reviewed the comments filed in this proceeding and conclude that the rules should be amended but that our notice of rule making was complicated by an attempt to spell out in unnecessary detail the procedure that must be followed to insure that the station stays within the prescribed frequency tolerance. Our objective was to stress the point that it is the responsibility of the licensee to maintain visual and aural carrier frequencies of its TV station within the prescribed tolerance at all times. The use of a continuously indicating frequency monitor is only one of several ways of keeping a check on the operating frequencies of a TV station. We believe that a licensee should be permitted to choose among the various methods the one most suited to his convenience. Individual experience will dictate how often the transmitter frequencies need be checked to insure that they are within the prescribed tolerance at all times. However, in our opinion good operating practice dictates that a determination should be made at least once each day.

8. Many licensees will continue to rely upon some locally generated reference signal such as a continuously operating frequency monitor, frequency counter, or other combination of apparatus for the daily (or more frequent) tolerance check. Although such devices may be highly refined they are not primary frequency standards and must be compared with a frequency source of known accuracy at frequent intervals. Standard frequency stations operated by the National Bureau of Standards provide a convenient source of standard frequency transmissions which may be used. Such stations operating in the VLF (very low frequency) and LF (low frequency) portions of the spectrum are not as prone to errors introduced by propagation phenomena as the higher frequency stations. However, the transmissions should be observed over a sufficiently long period of time to detect phase differences which may amount to cycles or kilocycles when multiplied up to TV broadcast bands. A phase difference of only 10 degrees at 18 kc/s would amount to more than the allowable tolerance for TV broadcast stations operating in the upper portion of the UHF television broadcast band. Two Standard Frequency Stations are known to be in operation. WWVL on 20 kc/s and WWVB on 60 kc/s both operated by the National Bureau of Standards at Boulder, Colorado. If suitable receiving equipment is employed, the signals of these stations may be received in any part of the United States. The standard frequency transmissions of WWV and WWVH, operated by the National Bureau of Standards, are well known to the broadcasting industry.

9. Experience with a particular piece of equipment or combination of apparatus will indicate how often the frequency should be compared with a source of standard frequency transmissions. As a matter of good operating practice any apparatus should be checked at intervals of no more than one month. In the rules adopted herein, we require that the operating frequencies of the transmitter be actually measured at intervals of no more than one month. Whether this is done by accurately adjusting the frequency monitor or other reference signal source to the standard frequency transmissions of one of the aforementioned standard frequency stations and then determining the relationship of the TV transmitter frequencies thereto, or by direct measurement of the transmitter frequencies, is left to the discretion of the licensee. If the latter practice is followed, the frequency monitor or other local reference signal source should be adjusted to bear the correct frequency relationship to the measured transmitter frequencies. Although we will no longer require the use of a type-approved frequency monitor, we are continuing the provision for type approval of frequency monitors which meet certain basic specifications. While this does not guarantee the performance of individual monitors, it will indicate that type-approved monitors are capable of meeting those specifications. Regardless of the method used to check the operating frequencies of the transmitter, the licensee is expected to maintain the operating frequencies of the stations within the prescribed tolerance at all times.

10. Therefore, in the rules adopted herein we have simplified the language

to merely require that the licensee take adequate precautions to insure that the transmissions stay within their assigned frequency space and observe good operating practices without spelling out in unnecessary detail how this shall be done. Although we are primarily concerned with the actual output frequencies of the transmitter it is well known that the output frequency may be determined by measuring some multiple or sub-multiple thereof and where this is more convenient and where adequate recognition is given to the need for greater accuracy at sub-multiples of the output frequency, such a measurement is completely acceptable.

11. A few comments suggested that it might be impossible to receive WWV in some places and that the standard frequency transmissions are not always accurate when received because of Doppler-shift effects. It would be a rare occasion when WWV could not be received on one of its 6 operating frequencies between 2.5 and 25 MC/s, at some time of the day. Should this occur, the standard frequency transmissions of WWVH or at least one of the other standard frequency stations mentioned in paragraph 8 should be available. If Doppler-shift errors are suspected a safety factor may be used or the VLF or LF stations may be used for a more accurate determination. In any event, the rules adopted herein do not require the degree of precision that would be markedly affected by Doppler-shift except perhaps under extremely unusual conditions.

12. *Accordingly, it is ordered,* That effective December 22, 1964, Subpart E of Part 73 of our rules is amended as set forth below.

13. Authority for the amendments adopted herein is contained in sections 4(i), 303 (e), (f), and (r) of the Communications Act of 1934, as amended.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1062, as amended; 47 U.S.C. 303)

Adopted: November 12, 1964.

Released: November 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

1. Section 73.672(c) is amended to read as follows:

**§ 73.672 Maintenance log.**

* * * * *

(c) An entry describing the method used and the results obtained in determining the operating frequency of the transmitter:

(1) Whenever the frequency check required by § 73.690(a) is made.

(2) Whenever the frequency measurement required by § 73.690(c) is made.

* * * * *

2. Section 73.690 is amended to read as follows:

**§ 73.690 Frequency measurements.**

(a) The visual carrier frequency and the difference between the visual carrier frequency and the center frequency of the aural transmitter shall be checked as often as necessary to ensure that they are kept at all times within the prescribed tolerance. At least one such check shall be made each day.

(b) The daily frequency checks need not be an exact measurement of the actual operating frequencies but merely a determination that the transmitters are operating within the prescribed frequency tolerance. The choice of method for performing the daily frequency checks is left to the discretion of the licensee. However, whatever method used, it shall be capable of sufficient accuracy to reveal deviations of the operating frequencies in excess of the prescribed tolerance.

(c) The visual carrier frequency and the difference between the visual carrier frequency and the center frequency of the aural transmitter shall be measured as often as is necessary to ensure that they are maintained within the prescribed tolerance. The interval between successive measurements shall never be more than one month.

(d) The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of stations WWV, WWVB, WWVH, and WWVL of the National Bureau of Standards.

3. Section 73.691(a) is amended to read as follows:

**§ 73.691 Modulation monitors.**

(a) The licensee of each television broadcast station shall have in operation at the transmitter an approved modulation monitor for the aural transmitter. There shall also be employed sufficient monitoring equipment for the visual signal to determine that the signal complies with the requirements of this subpart.

NOTE: Approved aural modulation monitors are included on the Commission's "Radio Equipment List, Part A, Television Broadcast Equipment." Copies of this list are available for inspection at the Commission's office in Washington, D.C., and at each of its field offices.

* * * * *

[F.R. Doc. 64-11839; Filed, Nov. 18, 1964; 8:50 a.m.]

[Docket No. 15424; FCC 64-1053]

## PART 73—RADIO BROADCAST SERVICES

### Table of Assignments

In the matter of amendment of § 73.202 Table of Assignments, FM Broadcast Stations, (Elgin and Glen Ellyn, Ill.; Paintsville, Ky.; London, Ohio; Clarksburg and Morgantown, W. Va.; Marshfield, Merrill, Middletown, Port Washington, Waupaca and Wisconsin Rapids, Wisconsin); Docket No. 15424, RM-567, RM-569, RM-570, RM-575, RM-556.

*Memorandum opinion and order.* 1. On July 7, 1964 (FCC 64-616) the Commission issued a Report and Order in the above-entitled matter which, among other things, deleted the assignment of FM Channel, 280A from Elgin, Illinois and denied the request of Mr. James C. French for the assignment of this channel to Carpentersville, Illinois. The Commission pointed out that Channel 280A at Elgin was short-spaced to two Chicago stations and that this assignment at Carpentersville appeared to be short-spaced to adjacent channel Station WTOS(FM) on Channel 279 at Wauwatosa, Wisconsin. While Mr. French stated that sites were available which would meet the required spacing to Chicago no showing was made at that time that such sites were available which would meet all the required separations. The Report and Order further stated that "In the event Mr. French or any other interested party wishes to petition for rule making to assign Channel 280A to a community in this area from which all the spacings, including that to WTOS, can be met, the Commission will entertain such a petition when it is filed".

2. The Commission has before it for consideration a petition for reconsideration of the Report and Order in this proceeding insofar as it did not assign Channel 280A to the Carpentersville-Dundee area. Mr. French submits an engineering showing depicting an area from which all the spacings can be met, including that to WTOS(FM), and from which the required signal for the principal community can be placed over the entire city. He urges that action on his request for reconsideration rather than on a new petition for rule making would expedite matters and save time and expense for all parties concerned. Mr. French bases his showing on the "Carpentersville-Dundee" area and requests that assignment for Dundee whereas he formerly requested the assignment be made to Carpentersville.

3. On reconsideration of this matter of assigning Channel 280A and after consideration of the facts submitted by Mr. French, we are of the view that Channel 280A should be assigned to a community in this area and that this would serve the public interest. However, we believe the assignment should go to Carpentersville rather than to Dundee, the former having a population of 17,424 while the total population of East and West Dundee is only 4,751. Since these communities are all within 25 miles of each other and presently have no assignments, interested parties may file for any of them under our rules.

4. Authority for the adoption of the amendment contained herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered,* That effective December 21, 1964, the FM Table of Assignments contained in § 73.202 of the Commission's rules and regulations is amended insofar as the community named is concerned as follows:

Add the following entry:

| City | Channel No. |
|---|---|
| Carpentersville, Ill. | 280A |

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: November 12, 1964.

Released: November 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11840; Filed, Nov. 18, 1964; 8:50 a.m.]

[Docket No. 15329; FCC 64-1055]

## PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

### Automatic Relay Stations With Remote Pickup Broadcast Stations

*Report and order.* 1. On February 5, 1964, the Commission adopted a notice of proposed rule making in the above-entitled matter and invited interested persons to comment thereon on or before March 20, 1964, and to reply to such comments on or before March 30, 1964.

2. A number of comments by individual broadcast station licensees merely endorsed the proposed provision and urged its adoption. Among those so commenting were KSEN, Shelby, Montana; KKJO, St. Joseph, Missouri; KDNT and KDNT-FM, Denton, Texas; KIMM, Denver, Colorado; WHDH, Boston, Massachusetts; KSGM, Ste. Genevieve, Missouri; KJCF, Festus, Missouri; KCLE, Cleburne, Texas; and the American Broadcasting Company. ABC added the comment that the technical provisions appeared feasible. More detailed comments were received from Marti Electronics, manufacturer of remote pickup equipment; J. Ned Richardson, licensee of KPAY, Chico, California; Columbia Broadcasting System, Inc.; and Radio Specialist Company, Denver, Colorado, engaged in sales, engineering and maintenance of equipment similar to that used in the remote pickup service. The petitioner, New Mexico Broadcasting Company, Inc. also filed comments incorporating by reference the material submitted in the original petition.

3. Marti Electronics stated that they could build suitable equipment to meet all of the proposed technical requirements including the "lock-out" device and the coded actuating signals. They stressed the need for the proposed service and urged adoption of the proposal.

4. J. Ned Richardson supported the proposal to provide for automatic relaying but urged certain modifications in the proposed rules. He voiced the opinion that propagation characteristics of frequencies in the 450 Mc/s region of the spectrum made them unsatisfactory in unusual terrain and asked that frequencies in the lower remote pickup bands be made available upon a showing of need. He also urged that a single licensee be allowed to use two frequencies for automatic relay operation and described the advantages that might accrue from such a provision. The need for a second channel could arise if the broadcast station engaged in a remote broadcast needed to communicate with the remote pickup unit without interrupting the program in progress. A second channel would be needed to "set up" for a succeeding remote broadcast to follow one that is in progress. A second channel would also be needed so that a news-gathering mobile unit could relay important news items to the broadcast station while a remote was in progress without interrupting the remote broadcast.

5. The second channel would also provide a means for actually monitoring the other automatic mobile relay channel prior to actuating the transmitter so that in cases where there was a momentary pause in a relay in progress or a circuit was being established to do a remote broadcast by another licensee sharing the frequency and the "lock-out" device was not activated, accidental interference to the other user could be avoided. Such a monitoring arrangement would also allow the licensee of an automatic relay station upon discovering that his transmitter was "locked-out" on one channel to go to the other channel and monitor the transmissions on the first channel to determine their nature, or if no signals were using the channel, to discover malfunctioning of the automatic equipment. Finally, by having a choice of two channels, a licensee could switch to the second channel if the first channel were in use by some other licensee. It was also suggested that one of the two channels be treated as a "high priority" channel and the other principally as a "monitoring" channel. This would leave the "monitoring" channel normally available for use to determine the nature of the activity on the other channel. The desirability of having still another channel for control of the automatic repeater was mentioned.

6. Columbia Broadcasting System, Inc. (CBS) recommended that licensees be permitted to use two frequencies for automatic relaying. It was pointed out that with shared used of frequencies one might be in use by another licensee and a second available channel would provide a second choice. The circumstance where a station may want to "set up" for one remote broadcast while another is in progress was also discussed. CBS also suggested that a more effective method of avoiding accidental actuation of the automatic relay stations than the coded actuating signal proposed, would be the transmission of a continuous superaudible or subaudible tone, superimposed on the material being transmitted for relay. Merely using a coded signal to actuate the transmitter would not prevent a stronger signal from "capturing" the relay transmitter whereas if a continuous actuating tone is transmitted a stronger signal would mask the actuating tone and the relay transmitter would cease operating. They request that the rules make the use of such a continuous tone permissive.

7. CBS also called attention to some portions of the proposed rules that needed clarification. For example, the definition proposed in § 74.401 implied that relaying could only be from mobile unit via the relay. While the definition proposed referred to "mobile communications," (and this is intended to include two-way communication between base and mobile stations as well as between mobile stations) we have revised the definition of automatic mobile relay station to make this clear. CBS also referred to § 74.464(a) which relates to identification displays at unattended automatic relay stations and required that the display be visible to a person standing on the ground. CBS reminded us that some installations might be made on the roofs of buildings and it would be sufficient to have the display visible to a person standing on the roof. This change has been made. CBS misinterpreted the provisions of § 74.465 by assuming that all of the requirements apply to automatic mobile relay stations. Only the first two sentences of paragraph (b) are intended to apply to automatic mobile relay stations and the remainder of the paragraph are related to an earlier provision for the use of low-power hand carried transmitters operating through a mobile unit. In order to eliminate any possible confusion, we are separating the requirements for the two types of relay operation into different paragraphs.

8. Radio Specialists Company which deals principally with private mobile communication systems in the non-broadcast services, suggested the use of techniques such as frequency "pairing" which is used in the non-broadcast services to eliminate the need for the coded actuating signals, "lock-out" devices, etc. The effective use of frequency "pairing" relies heavily upon the assignment of exclusive channels to individual licensees. This is not practical in the remote pickup broadcast service. Broadcasters are required to share the remote pickup frequencies and by close cooperation are able to meet their more urgent needs. If this were not so, the remote pickup service would require many times the small amount of spectrum space now allocated to this service. As the manufacturer of a small hand-carried transmitter which operates in the 450 Mc/s portion of the spectrum, Radio Specialists Company is concerned with the added weight and costs which would be involved if it were required to include protective devices in its transmitter. The use of such small transmitters in connection with the automatic mobile relay operation treated herein would be expected to be very limited and of not sufficient importance to dilute the protective measures contained in these rules.

9. Other comments by Radio Specialists Company were concerned with the limit to 1 watt of power for small hand-carried transmitters which appears in § 74.437 of our present rules. This is outside the scope of the subject rule making proceeding.

10. The comments filed in this proceeding have been most helpful. We are impressed with the statements showing

[1] Commissioners Lee, Ford, and Cox absent.

[1] Commissioners Lee, Ford, and Cox absent.

a need by individual licensees for two channels to be used for automatic mobile relay purposes and have modified the rules adopted herein to provide for that. The added advantage in using the second channel for monitoring purposes has merit and provision has been made for such use. The normal brevity of such observations should not create a "loading" problem on the channels. We have also included a provision whereby remote pickup stations operated by one licensee may communicate with remote pickup stations operated by another licensee for the purpose of resolving conflicts arising out of the shared use of a frequency. While it is true that such communications could be carried on by landline telephone this may not be as effective as direct communication between users via the facilities involved. It should be clearly understood that no licensee has the authority to order another licensee to desist in the use of a frequency. If conflicts cannot be resolved by mutual agreement (§ 74.403 (a)) the matter may be reported to the Commission for appropriate action.

11. We are not persuaded that automatic mobile relay stations should be permitted to operate on the lower frequency remote pickup bands. The problem that these stations are intended to solve is that where mobile units at the scene of an event to be broadcast may be unfavorably situated for transmitting directly to the broadcast station studio or transmitter site. By locating the automatic relay station at a place where reception of mobile units is favored and from which direct transmission to and from the broadcast station transmitter or studio site is also favored, the problem is substantially minimized. The mobile units may use the lower remote pickup frequencies for longer range for the most important phase of their operation, i.e., sending program material back to the broadcast station. Reception of the "talk-back" circuit from the automatic relay station in the 450 Mc/s region of the spectrum may not be possible at all locations. However, the use of an elevated site with local problems taken into account in the choice of the site, should provide a high degree of reliability. Our decision does not rest entirely on technical considerations. The lower frequency bands are much more heavily loaded than the 450 Mc/s and 455 Mc/s bands and the use of these frequencies by the mobile units makes direct communication possible in many cases thus eliminating the need for a relay station. Adding automatic relay stations to these loaded bands and thereby creating a need for more automatic relay stations by stations forced to go to the higher frequency bands would not be good frequency management. Therefore, we adhere to our original proposal to confine the operation of automatic mobile relay stations to the 450–451 Mc/s and 455–456 Mc/s bands.

12. The suggestion that we provide still another frequency for "control" of the automatic relay station has no merit. Automatic relay stations are intended to be actuated automatically and with the safeguards provided in the rules adopted herein there appears to be no valid need for a radio control circuit. If the suggestion is for use of radio control in lieu of automatic operation it is beyond the scope of this proceeding. As a matter of fact, the adoption of these rules should substantially reduce the need for relay stations controlled from a remote location which is manned by a qualified operator. The provision for remote control which has been in our rules for many years did not originally contemplate the location of the transmitter so far from the control point as to require the use of a radio circuit. It was originally designed to permit a licensee to locate the remote pickup transmitter on his broadcast tower or the roof of the studio or transmitter building and control it from the broadcast station or studio control room. This would allow the broadcast station operator to operate the remote pickup equipment. While some remote pickup authorizations involving control over several miles have been granted in the past, the provision for automatic relay stations should eliminate the need for such radical departures from the basic remote control concept.

13. We are not adopting the suggestion that channels used for automatic relay stations be designated as "high priority" and "low priority". Circumstances unique to a given location may dictate the choice of channels and this does not lend itself to a general rule. Individual licensees sharing the same channels may work out a system of priorities by mutual agreement.

14. In the light of the foregoing and under the authority contained in sections 4(i) and 303(a), (b), (c), (e) and (r) of the Communications Act of 1934, as amended: *It is ordered*, That effective December 22, 1964, Part 74 Subpart D of the Commission rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended: 47 U.S.C. 303)

Adopted: November 12, 1964.

Released: November 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

1. Amend § 74.401 by inserting the following new definition in the appropriate alphabetical sequence:

§ 74.401 **Definitions.**

* * * * *

*Automatic mobile relay station.* A remote pickup broadcast base station actuated by automatic means and used to relay communications between base and mobile stations, between mobile stations, and from mobile stations licensed under the rules of this subpart, to broadcast stations.

* * * * *

2. Amend § 74.431 by adding the following new paragraphs (i) and (j):

§ 74.431 **Permissible service.**

* * * * *

(i) Automatic mobile relay stations may be used to relay any authorized transmissions of other remote pickup base and mobile stations except other automatic relay stations operating on any authorized remote pickup frequency. Normally such transmissions will originate from remote pickup broadcast stations operated by the licensee of the automatic relay station. However, transmissions of remote pickup broadcast stations operated by other licensees on a frequency occupied by an automatic mobile relay station may be relayed for monitoring purposes to avoid interference which might be caused by actuating the automatic mobile relay station when the channel on which it operates is occupied. Operation of the automatic mobile relay station for monitoring observations shall be confined to the brief period necessary to determine whether the monitored frequency is in use.

(j) Remote pickup broadcast base and mobile stations operated by one licensee may communicate with remote pickup broadcast base and mobile stations operated by another licensee either directly or via an automatic mobile relay station, for the purpose of scheduling the use of shared remote pickup frequencies, in order to minimize the hazard of mutual interference.

3. Amend § 74.432(d) by adding the following new subparagraph (5):

§ 74.432 **Licensing requirements.**

* * * * *

(d) * * *

(5) Base stations may be authorized at suitable locations to operate as automatic mobile relay stations. Such operation will be authorized only on frequencies listed in Group N of § 74.402(a). A single licensee may be authorized to operate more than one automatic mobile relay station. However, each licensee will be limited to the use of not more than two frequencies for automatic mobile relay operation in any given area. The priorities of § 74.403(b) apply to the operation of automatic mobile relay stations. Base stations operated as automatic mobile relay stations shall comply with the requirements of § 74.438.

4. Add a new § 74.438 to read as follows:

§ 74.438 **Special requirements for automatic relay stations.**

An automatic mobile relay station installation shall include a monitor receiver, a control unit, and one or more relay receivers.

(a) Monitor receiver: A receiver tuned to the frequency assigned to the automatic mobile relay station and connected to the transmitting antenna used by the automatic mobile relay station shall be in operation at the automatic mobile relay station site at all times when the relay transmitter is capable of being turned on automatically. The monitor receiver shall comply with the following requirements:

(1) The receiver shall be equipped with a control circuit which will prevent the relay transmitter from being turned on automatically whenever a signal other than the signal of the relay transmitter is being received.

(2) The sensitivity of the monitor receiver shall be such that a signal of 2 microvolts or more across the antenna input terminals will actuate the "lock-out" control which prevents the transmitter from being turned on automatically.

(3) The "lock-out" control shall be so designed that if the Monitor Receiver is inoperative the relay transmitter cannot be turned on automatically.

(b) Control unit: The control unit may be an integral part of the relay receiver or may be a separate unit into which the output of one or more relay receivers is fed. The control unit shall meet the following requirements:

(1) The control unit shall be so designed that it will turn the relay transmitter on only upon receipt of a predetermined coded signal consisting of at least two tones which may be transmitted either simultaneously or sequentially, or a series of at least three dissimilar pulse combinations transmitted sequentially. In lieu of the coded signal, the control unit may be designed so that the transmitter will remain operative only when receiving a continuous single tone superimposed on the material being relayed.

(2) The control unit shall be capable of turning the transmitter off upon receipt of an appropriate signal. The complexity of the signal used to turn off the relay transmitter is left to the discretion of the licensee.

(3) The control unit shall also be designed so that the absence of a signal from the relay receiver either due to cessation of operation of the station being relayed or failure of the relay receiver or control unit, will automatically place the relay transmitter in an inoperative condition. A suitable time-delay factor may be incorporated to prevent actuation of the automatic cut-off due to momentary failures of the incoming signals.

(c) Relay receiver: One or more receivers tuned to frequencies used by the stations which are to be relayed by the automatic mobile relay station, may be installed at the automatic mobile relay station site. The receivers shall be installed so that they will turn the relay transmitter on and off only through the control unit. The choice of receivers and receiving antennas is left to the discretion of the licensee.

(d) The automatic mobile relay station may accomplish the retransmission of the incoming signals by simple heterodyne frequency conversion or by modulating the transmitter with aural signals obtained by demodulation of the incoming signal. If the relay transmitter is to be modulated with such aural signals the transmitter or the receiver or both shall be equipped with automatic controls which will prevent overmodulation of the relay transmitter.

(e) The transmitting apparatus and control equipment shall be adequately protected against tampering by unauthorized persons.

(f) An application for authority to construct an automatic mobile relay station shall include a satisfactory showing as to the manner of compliance with the requirements of this section.

5. Amend § 74.464 by adding a new paragraph (a) (3) to read as follows:

§ 74.464 **Station and operator licenses; posting of.**

(a) * * *

(3) If the station is authorized to operate as an automatic relay station and is operated at an unattended site, the call sign and location of the associated broadcast station together with the legend "Automatic Relay Station" shall be displayed at the relay transmitter site on the transmitter housing or antenna supporting structure so as to be visible to a person standing on the ground at the transmitter site or if installed on the roof of a building, so as to be visible to a person standing on the roof. The display shall be prepared so as to withstand normal weathering for a reasonable period of time and shall be maintained in a legible condition by the licensee. The original of the station license and any other instrument of authorization or individual order, shall be kept in the files of the associated broadcast station so as to be available for inspection upon request of any authorized representative of the Commission.

* * * * *

6. Amend § 74.465 (a), (c), and (d) and add a new paragraph (e) to read as follows:

§ 74.465 **Operator requirements.**

(a) Except as provided in paragraphs (b) and (c) of this section, an operator holding a valid radiotelephone first-class or second-class operator license or a valid radio-telegraph first-class or second-class operator license or a valid restricted radiotelephone operator permit shall be on duty at the place where the transmitting apparatus is located or at a remote control point established pursuant to the provisions of §74.434, and in actual charge of the operation at all times when the transmitter is operating.

* * * * *

(c) Automatic mobile relay stations authorized pursuant to the provisions of § 74.432(d)(5) may be operated unattended.

(d) The operator on duty and in charge of the operation of a remote pickup broadcast station may, at the discretion of the station licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator license held and the rules and regulations governing such other stations. However, such extra duties shall in no way interfere with the duties connected with the operation of the remote pickup station.

(e) Further provisions and restrictions concerning the operator's authority are contained in Part 13 of this chapter.

7. Amend § 74.482 to read as follows:

§ 74.482 **Station identification.**

(a) Except for stations licensed pursuant to the provisions of § 74.437, each remote pickup broadcast base and mobile station will be assigned an individual call sign. This call sign shall be transmitted over the transmitter to which it is assigned, at the beginning and end of each period of operation. A period of operation may consist of a single continuous transmission or a series of intermittent transmissions related to the broadcast of a single event.

(b) In cases where a period of operation is of more than one hour duration, identification of the remote pickup stations participating in the operation shall be accomplished either by the transmission of the call signs assigned to the individual transmitters or identification of the associated broadcast station.

(c) In cases where an automatic mobile relay station is a part of the circuit, the call sign of the relay transmitter may be transmitted automatically the relay transmitter or by the remote pickup broadcast base or mobile station that actuates the automatic mobile relay station.

[F.R. Doc. 64–11841; Filed, Nov. 18, 1964; 8:50 a.m.]

[1] Commissioners Lee, Ford, and Cox absent.



[Docket No. 14894; FCC 64–1036]

## PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

## PART 91—INDUSTRIAL RADIO SERVICES

### Miscellaneous Amendments

In the matter of amendment of Parts 74 and 91 (formerly Parts 4 and 11) of the Commission's rules to permit the use of television broadcast auxiliary stations to transmit program material to closed circuit educational TV systems and the use of microwave facilities of closed circuit educational TV systems to transmit program material to noncommercial educational television broadcast stations; Docket No. 14894, RM–329, FCC 64–1036.

*Report and order.* 1. On December 14, 1962, the Commission issued a notice of proposed rule making in the above-entitled matter. Interested parties were invited to comment by January 21, 1963, and to reply to such comments by January 31, 1963. Comments were received from Lloyd P. Morris, President of the Board of Education, Elmwood Park, Illinois; University of Texas; National Educational Television and Radio Center (NET); National Committee for Utilities Radio (NCUR); Sarkes Tarzian, Inc., a manufacturer of microwave equipment; Henry F. Hoppe, Chairman of the Tri-County ETV Council of Chicago; and the Detroit Board of Education, licensee of WDTR, Detroit, Michigan. Reply comments were filed by WGBH Educational Foundation, licensee of WGBH, Boston, Massachusetts. All except NCUR supported the basic proposal, but objected to the proposed limit on the percentage of time that could be devoted to the alternate use. NCUR opposed the use of private educational microwave facilities, licensed under Part 91, for the transmission of broadcast program material.

2. Under current rules, the frequency bands 1990–2110 Mc/s, 6875–7125 Mc/s, and 12,700–13,200 Mc/s are allocated for use by (1) TV pickup stations which may

be taken to the scene of an event to be broadcast and are used to transmit the visual part of the event back to the TV broadcast station for broadcast; (2) studio-transmitter links which are used to transmit visual programs originating in a studio to the TV transmitter; and (3) inter-city relay stations which are used to relay visual programs between TV broadcast stations. These TV auxiliary stations may or may not also transmit the accompanying aural portion of the program. Other microwave frequency bands are available in the Business Radio Service to educational institutions for private closed circuit educational television systems. Thus, under existing allocations, frequencies allocated to the Business Radio Service may not be used for broadcast purposes and frequencies allocated to broadcasting may not be used for nonbroadcast private communications.

3. As indicated above, all those who supported our basic proposal for alternate reciprocal use of broadcast auxiliary and educational closed circuit systems opposed the proposed time limitation for the alternate use (that is, no more than 20 percent). Some suggested that we permit access to either the Business Radio Service or the TV Broadcast Auxiliary Service, at the discretion of the applicant. The University of Texas argues that limiting the alternate use of a system to 20 percent of the time would defeat the basic purpose of our proposal (elimination of duplicate parallel systems), because a licensee so limited would need, in most cases, an additional parallel system to meet his relay requirements.

4. The instant proceeding was initiated because the strict application of our allocations principle, in cases where an educational organization operates both "closed circuit" and broadcasting facilities, would require the establishment of parallel facilities, licensed in two different services and occupying two different frequency bands. This would be costly to the licensee and wasteful of spectrum space. Thus, it appeared that the public interest would be served by permitting licensees in one service to use their stations to carry programs in the other service, provided they were not operated exclusively for such secondary use more than 20 percent of the total operating time. However, on review, it is evident that the 20 percent limitation contained in our original proposal is unduly restrictive. In fact, we are aware of situations which now require such use more than 20 percent of the time. We have concluded, therefore, that the public interest would be served by permitting licensees in one service to use their stations to carry programs in the other service, provided that the stations are not operated exclusively for such secondary use 50 percent or more of the operating time. Thus, for example, we would permit a system authorized to an educational institution in the Business Radio Service to be operated exclusively, so long at it is less than 50 percent of its operating time, to carry program material for use by an educational broadcast station. The system would be permitted, without time limitation, to carry program material for simultaneous use by its own units and by educational broadcast stations. This would permit flexibility in the use of relay systems by educators; it would materially reduce the necessity of licensing an additional parallel system; and it would preserve the basic structure of our frequency allocations.

5. To give meaning to the limitations on the alternate use, it must refer to a definite period of time. We think that each year of the license term is an appropriate period. This would allow much flexibility in the use of the system and would provide a reasonable reference for the enforcement of the limitations. Thus, we are providing that alternate use of a system during each year of the license term shall be less than 50 percent of the total usage during each such year. Moreover, the limitation in each year is to be figured solely on the basis of that year's usage, and no "carry-over" of unused permissible secondary usage from one year to the next will be allowed. Licensees will be required to show a basic need in the service for which an original application is filed and thereafter submit a report with their renewal applications showing the breakdown of usage in terms of primary and alternate uses, during each year of the license term.

6. The National Educational Television and Radio Center (NET) suggested that the prohibition against making a charge for service rendered over the facilities which would be licensed pursuant to the proposed rules was too restrictive and should be modified to allow the licensee to recover the costs of operating the system. WGBH Educational Foundation in reply comments, supports NET. Stations licensed under Parts 74 and 91 are authorized to fulfill a communications need of the licensee. The limited sharing of facilities permitted under the rules adopted herein is based on the assumption that the system to be shared was established to provide a communication service to the licensee, and that the system has some capacity for the secondary use also. To permit an educational or commercial licensee to charge for the secondary uses of the system or to permit sharing the costs between educational and commercial interests would negate the private character of the system involved. Thus, we conclude that no charge will be permitted, either directly or indirectly, for the secondary use of a system.

7. We now turn to the comments of the National Committee for Utilities Radio (NCUR) which opposed the proposed amendment. NCUR expresses concern that removal of the restriction on the transmission of material intended for broadcasting over stations licensed in the non-broadcast radio services may result in increased usage of the bands which are shared by the Power Radio Service and other non-broadcast users, thereby limiting the availability of these channels for non-broadcast users. NCUR suggests that transmission of material for broadcast use should be conducted in those bands allocated for broadcast auxiliaries. NCUR does not suggest that the non-broadcast uses by educational organizations be conducted on the broadcast auxiliary bands. What is adopted here does not change present eligibility requirements. An applicant, to become a licensee in the Business Radio Service, must have a legitimate need for a private system unrelated to any broadcast operation and must use the facilities so licensed for non-broadcast purposes. A broadcast station licensee having a primary need for a broadcast auxiliary operation is not eligible to use the non-broadcast frequencies. The educational field is somewhat unique because the same educational group may operate broadcast stations and closed circuit educational systems. Under the present rules, the educational group would apply for facilities in the Business Radio Service for its closed circuit operations and additional facilities in the broadcast auxiliary service for its broadcast operations. It is possible that one or the other of the bands would be occupied unnecessarily. What we are providing here would eliminate duplicate systems. Furthermore, we are permitting alternate usage of systems licensed either in the Broadcast Auxiliary or in the Business Radio Service. We believe that our proposal herein will not appreciably increase the use of frequencies available for private closed circuit systems. The reciprocal nature of the new usage permitted here should result in no net increase in the use of the frequencies available to either service. Actually, the net result should be reduction of the total demand for frequencies.

8. In view of the foregoing: *It is hereby ordered*, That effective December 22, 1964, Parts 74 and 91 of the Commission's rules and regulations are amended, as set forth below.

9. Authority for the amendments adopted herein is contained in sections 4(i) and 303 (b) and (f) of the Communications Act of 1934, as amended.

10. *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: November 12, 1964.

Released: November 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
*Secretary.*

1. Section 74.631 is amended by revising the text of paragraph (e) and adding a new paragraph (f) to read as follows:

**§ 74.631 Permissible service.**

* * * * *

(e) Except as provided in paragraphs (a) and (f) of this section, all program material transmitted over a television pickup, STL, or intercity relay station shall be used by or intended for use by a television broadcast station owned by or under the common control of the licensee of the television pickup, STL, or intercity relay station. Program material transmitted over a television pickup, STL, or intercity relay station and so used by the licensee of such facility may, with the permission of the licensee of the broadcast auxiliary facility, be used by other television broadcast stations and by non-broadcast closed circuit educational television systems operated by educational institutions.

(f) A television broadcast pickup, STL, or intercity relay station may, at times when it is not transmitting program material to its associated television broadcast station, be used for the transmission of program material to non-broadcast closed circuit educational television systems operated by educational institutions, provided that such use is less than 50 percent of the total use of the broadcast auxiliary facility during any one year of the license period. Use of the broadcast auxiliary facility for this purpose is subject to the condition that no harmful interference is caused to broadcast auxiliary stations operating in accordance with the basic frequency allocation. No charge either direct or indirect shall be made for this use. Licensees shall submit reports with their applications for renewals showing the breakdown of usage in terms of primary and alternate uses, during each year of the license term.

2. Section 91.2 is amended to read as follows:

**§ 91.2 General limitations on use.**

(a) The radio facilities authorized under this part shall not be used for any of the following purposes:

(1) Rendition of a communications common carrier service.

(2) Transmission of program material for use in connection with broadcasting, except as provided in paragraph (b) of this section.

(b) The facilities of closed circuit educational television systems that have been licensed to educational institutions in the Business Radio Service may be utilized for the transmission of program material to non-commercial educational television broadcast stations, provided that the use of the facilities exclusively for carrying such program material shall be less than 50 percent of their total use during any one year of the license period. No charge either direct or indirect shall be made for such use. Licensees shall submit reports with their applications for renewals showing the breakdown of usage in terms of primary and alternate uses, during each year of the license term.

[F.R. Doc. 64-11842; Filed, Nov. 18, 1964; 8:50 a.m.]

[1] Commissioner Ford absent.

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Parts 1032, 1062, 1067 ]

### HANDLING OF MILK IN CERTAIN MARKETING AREAS

### Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders; Correction

| 7 CFR Part | Docket No. | Marketing area |
|---|---|---|
| 1032 | A0-313-A3 and A0-313-A3-R02. | Suburban St. Louis. |
| 1062 | A0-10-A29 | St. Louis, Mo. |
| 1067 | A0-222-A13 | Ozarks. |

In the decision on proposed amendments to the tentative marketing agreements and to orders issued on November 5, 1964 and published in the FEDERAL REGISTER on November 10, 1964 (29 F.R. 15130; F.R. Doc. 64-11450), the following corrections are made:

In § 1032.51 the proviso which is included at the end of the first paragraph is changed to appear at the end of subparagraph (1) of paragraph (a). The corrected section reads as follows:

**§ 1032.51 Class prices.**

The respective minimum prices per hundredweight to be paid by each handler f.o.b. his plant for milk received from producers or from a cooperative association during the month shall be as follows:

(a) *Class I price.* (1) The Class I price for plants located in the Base Zone shall be the basic formula price for the preceding month plus $1.50 during each of the months of August through November; plus $1.10 during each of the months of March through June and plus $1.30 during all other months. Such price shall be increased or decreased respectively, by whatever amounts the Class I prices computed pursuant to Part 1030 (Chicago) and Part 1062 (St. Louis, Missouri) are increased or decreased by the supply-demand adjustors computed for such month under such Parts: *Provided,* That the price so determined shall be increased 15 cents per hundredweight from the effective date of this amended order through March 31, 1965; and

(2) The Class I price at plants in the Northern Zone shall be five cents less than the price computed pursuant to subparagraph (1) of this paragraph;

(b) *Class II price.* The Class II price shall be the basic formula price for the month.

Signed at Washington, D.C., on November 16, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64-11827; Filed, Nov. 18, 1964; 8:49 a.m]



### [ 7 CFR Part 1046 ]

[Docket No. AO-123-A28]

### MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

### Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Louisville - Lexington - Evansville marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

*Preliminary statement.* The hearing on the record of which the proposed amendments as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Louisville, Kentucky, on July 14-16, 1964, pursuant to notice thereof which was issued June 22, 1964 (29 F.R. 8146).

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area to include several additional counties and deletion of Montgomery County, Kentucky from the marketing area.
2. Diversion of producer milk from one pool plant to another;
3. Revision of definition of "route";
4. Provision for two accounting periods per month;
5. Classification of "waste" milk, and butterfat in dumped milk, as Class II milk;
6. Modification of shrinkage allowance with respect to interplant transfers of cream in bulk;
7. Classification of skim milk used by handler in "pancake mix" as Class II milk; and
8. Differential pricing of Class I milk and producer milk receipts at plants located in certain western Indiana counties of the marketing area and at Madisonville, Kentucky, (or, as an alternative, reduction of the Class I price differential at all regulated plants).

The notice of hearing included a proposal (No. 10) to revise the minimum marketing area route delivery performance requirements for a city plant to be fully regulated under Order No. 46. No evidence was offered on this proposal and therefore no further reference is made to the proposal and it is denied.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Revision of the Marketing Area.* The marketing area should be expanded to include 16 additional Kentucky counties. Counties which should be added to the marketing area are Logan, Butler, Edmonson, Hart, Green, Washington, Marion, Taylor, Adair, Cumberland, Casey, Russell, Clinton, Lincoln, Pulaski, and Wayne. Montgomery County, Kentucky, should be deleted from the marketing area. The handling of milk in the proposed expanded marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in milk and its products.

Kyana Milk Producers Association proposed adding the new territory referred to above plus Trimble County, Kentucky and the counties of Scott, Jennings and Jefferson in Indiana. Proponent contended that enlargement of the marketing area as they recommended would more nearly encompass the current sales territories of handlers in the market and is needed to insure uniform pricing on milk distributed throughout such area in the interests of both producers and handlers.

The expansion should include those areas which constitute primary distribution areas for handlers covered by the order. Distribution by Louisville-Lexington-Evansville handlers in relation to that of unregulated distributors and handlers under other Federal orders, and reasonable correspondence in quality and sanitation requirements, assist in defining the area which should be included in the marketing area.

The counties which should be added are located in central and southern Kentucky, generally between the present marketing area and the Nashville, Tennessee marketing area under Federal Order No. 98. Milk is distributed throughout this entire area by Louisville-Lexington-Evansville (Order 46) regulated handlers. In Butler, Edmonson, Marion, Washington, Lincoln and Pulaski Counties, Kentucky they supply a substantial majority of the milk sold through stores. Over 70 percent of the milk sold through such outlets (the most important distribution outlets for milk in the area) in each of these six counties is supplied by Order 46 regulated handlers. In four other counties (Russell, Casey, Green and Logan) their sales accounted for approximately 50 percent of the milk sold through stores. Remaining sales in the above counties are made by Nashville regulated handlers, partially regulated handlers under Order No. 46, or local unregulated handlers.



Such 10-county area in Kentucky thus is a major sales area for Louisville-Lexington-Evansville regulated handlers. The marketing area should be extended to cover these counties in order to assure such handlers that as to their primary areas of distribution currently unregulated competitors will not be afforded significant price advantage on milk for fluid distribution there. It is expected that including the 10 counties in the marketing area would bring under full regulation as a pool handler a now partially regulated handler from Campbellsville, Kentucky (Taylor County) and a Monticello, Kentucky distributor (Wayne County) currently unregulated. There is also an unregulated distributor at Lebanon, Kentucky (Marion County) who sells milk in this 10-county area. The record evidence is not clear, however, whether this operator is a producer-distributor making no purchases from other producers.

At present no supervised classified pricing plan prevails in the 10-county area. Unregulated and partially regulated handlers have opportunity to buy milk for sale there in fluid form at prices considerably below the Class I prices paid by regulated handlers. One instance of price advantage involves the partially regulated handler from Campbellsville, Kentucky. For example, for the first five months of 1964 (the months for which price information was submitted at the hearing), this handler purchased milk, without regard to utilization, at a price approximating the Louisville-Lexington-Evansville blended price. Dairy farmers selling milk to this handler have not consistently supplied his full plant needs and supplemental milk has been bought regularly from the Louisville-Lexington-Evansville market. A high utilization of his regular dairy farmer supply is maintained at the plant, exceeding that of the average handler in the Louisville-Lexington-Evansville market. Payment on the basis of the Order 46 blended price (which reflected an average Class I use of 73 percent of producer receipts for the first 5 months of 1964) in this circumstance on milk sold in these counties provides a significant price advantage for this distributor over Louisville-Lexington-Evansville regulated handlers.

Supplemental milk for both the Campbellsville partially regulated handler and the unregulated Monticello, Kentucky distributor has been supplied by the Kyana Milk Producers Association of Louisville. The availability of such supplies enables such distributors to avoid surplus disposal problems which are inevitable when a full year-round dairy farmer supply is maintained to fill all bottling needs and to provide an adequate reserve to meet daily and seasonal fluctuations in demand. Regulation of these distributors will enable producers who have provided a portion of the reserve supplies for them to share regularly in their Class I sales at the minimum Class I price. This is appropriate since they bear the burden of the lower prices associated with the surplus disposition of the milk when such distributors do not require it for fluid use.

Hart, Adair, Cumberland, Clinton, Wayne and Taylor Counties also should be added to the marketing area. These counties are primary sales areas of presently regulated handlers and of handlers who will become fully regulated by their sales in the other 10 counties to be added to the marketing area. Store sales of presently regulated Louisville-Lexington-Evansville handlers plus those of the Campbellsville partially regulated handler and the Monticello distributor, both of whom would become fully regulated, are not less than 57 percent of the total in any of these counties. In two of the counties their proportions of such sales amount to over 90 percent of the total. A presently unregulated Taylor County distributor sells milk in this area also. This unregulated distributor's plant, like that of the previously mentioned partially regulated handler, is located in Campbellsville. It is expected that such distributor would become fully regulated with the inclusion of his home county in the marketing area.

Order 46 handlers, or handlers who will become fully regulated by their sales in other counties to be added to the marketing area, therefore are the dominant sellers in the six-county area. Expansion of the marketing area to cover these counties is necessary to assure such handlers that unregulated distributors will not have a price advantage in purchasing milk for distribution in their primary sales area. Orderly marketing will be promoted by inclusion of these counties since all competing distributors selling milk in such areas will be placed on a uniform minimum price basis in milk procurement, and the producers supplying milk for such counties will have opportunity to share proportionately in the proceeds from Class I sales.

The enlarged marketing area described above would more nearly encompass the primary sales areas of regulated handlers. All sales of such regulated handlers would not be covered on an in-area basis, of course, since some of their routes extend even beyond this expanded marketing area. All producer milk at such regulated plants should be subject to classification pricing under the order, however, regardless of whether it is disposed of within or outside the marketing area. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in area" milk is classified, priced and pooled, a handler with sales outside the marketing area could assign any value he chose to such sales and thereby reduce the average cost of his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. In short, unless all milk of such a handler is subject to classification pricing under the order he would not, in fact, be subject to effective price regulation at all. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the marketing area and lead to a complete breakdown of the order.

As noted in the June 19, 1964, decision covering the Washington regional hearing on compensatory payments (29 F.R. 9002), there is no way to treat milk disposed of in the marketing area by an unregulated handler equally with producer milk other than to classify, pool and price it in a comparable manner. In the case of plants having insufficient association with the market to meet pool plant requirements, it was concluded that the inequalities resulting from pricing only the small percentage of the milk at such plants which was disposed of in the marketing area would not be serious enough to jeopardize marketing conditions within the marketing area.

However, in the case of plants which have sufficient association with the market to meet the pool plant requirements, permitting them to dispose of a portion of their receipts outside the marketing area completely free of regulation would, because of the volume of milk they dispose of in the marketing area, disrupt orderly marketing processes within the marketing area and render ineffective the classification and pricing provisions of the order. With a handler free to value a portion of his milk at any price he chose (zero if he desired) it would be impossible to enforce uniform prices to all regulated handlers on a uniform basis of payments to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

Other proposed counties (Jefferson, Jennings and Scott Counties, Indiana, and Trimble County, Kentucky) should not be added to the marketing area. Distribution in these counties by Order 46 handlers is quite small in relation to total county sales. On the other hand, milk distribution from other nearby regulated markets tends to be of major significance. In Scott County, Indiana, for example, Louisville-Lexington-Evansville regulated handlers sell only about 16 percent of the milk while other handlers from other Federal order markets account for most of the remainder. A similar relationship exists in the other proposed counties where sales by handlers from other regulated markets exceed those of Order 46 handlers by a considerable margin. Such areas may not be considered an integral part of the primary distribution area for Order No. 46 handlers since distributors from other markets are the dominant sellers.

Only one handler selling milk in this four-county area is not fully regulated by some Federal order. This is a Madison, Indiana distributor who is partially regulated by the Louisville-Lexington-Evansville order. About three percent of this handler's milk is distributed in the present Order No. 46 marketing area. By contrast, 60 percent of his sales are in the proposed counties where other order handlers are the dominant distributors. An expansion to include these counties thus would fully regulate under Order No. 46 the partially regulated Madison, Indiana handler whose primary

competition is from other regulated markets.

Should the partially regulated handler significantly further expand his sales in the Louisville-Lexington-Evansville marketing area to any great extent he would lose his status as a partially regulated handler and automatically become fully regulated. Order No. 46 handlers thus have assurance that they will not be selling milk at a disadvantage to this handler in their own primary distribution areas. In view of the foregoing, Jefferson, Jennings and Scott Counties, Indiana and Trimble County, Kentucky should not be added to the marketing area at this time.

A proposal to delete Montgomery County, Kentucky, located on the eastern edge of the marketing area, from the marketing area, was submitted by a Morehead, Kentucky handler who is currently partially regulated under the order because of his Montgomery County sales. The Morehead handler maintains that the high price he must pay to hold his producer milk supply plus the additional cost of partial regulation make it difficult for him to compete in Montgomery County and that deletion of the county is necessary to place him on reasonable price terms with regulated handlers.

Milk for this handler's plant, located between the Louisville-Lexington-Evansville and the Tri-State order marketing areas, is supplied by producers in Fleming, Bath, Montgomery and Rowan Counties. Many producers in this general area sell milk to Tri-State order regulated handlers. Because of competition from these handlers for milk, the Morehead handler has had to pay the Tri-State order blend price for the Huntington district (Charleston-Huntington district effective April 1, 1963) in order to maintain a supply of milk for his plant.

Payment of this price, plus his obligation under Order No. 46 as a partially regulated handler, has increased his cost of milk to a level considerably higher than that of his Louisville-Lexington-Evansville competitors in Montgomery County for much of the year. During 1963, for example, the Tri-State order blend price for the Charleston-Huntington district averaged slightly higher than the Louisville-Lexington-Evansville Class I price. In this connection official notice is taken of the uniform price announcements of the market administrator of the Tri-State order for 1963. At times the price paid by the handler to his producers for all milk has been as much as 50 cents higher than the Order No. 46 Class I price. Partial regulation under the order further increased his costs.

With the handler's cost of producer milk at this level there is no indication that regulation of Montgomery County is necessary to insure reasonably competitive conditions in the county. There was no showing in the record that the fully regulated handlers selling in Montgomery County would be competitively disadvantaged by deletion of the county. None of the such regulated handlers appeared to oppose its deletion. In view of the foregoing, Montgomery County, Kentucky should be deleted from the marketing area.

The redefinition of the marketing area requires no change in the three-cent per hundredweight maximum rate of administrative assessment now provided in the order. Although three or four handlers will become regulated with the inclusion of the 16 additional counties, there will not be a large increase in the amount of milk priced and pooled under the order. The additional milk involved should not on the average alter the cost of administering the order. The rate of administrative assessment is subject to review, of course, and may be reduced from the three-cent per hundredweight maximum if at any time it appears that a lower rate will cover administrative expenses.

2. *Diversion of producer milk between pool plants.* A proposal to amend the order to provide for diversions of producer milk between pool plants should be adopted. When the Louisville-Lexington and Ohio Valley orders were merged to the present Louisville-Lexington-Evansville order, the provisions of those orders which permitted such inter-plant diversions were not included in the present order. This resulted in loss of flexibility in handler operations and reduced efficiency in the allocation of milk among plants in the market. To regain the efficiencies it was proposed that the provision be placed in the order at this time.

Frequently, it is convenient and economical to move milk directly from the farm to another pool plant on a temporary basis, and yet permit the producers to remain on the payroll of the plant where their milk normally is received. In most instances, operating and accounting advantages are achieved by this procedure. In the absence of provision for inter-pool plant diversions, however, such milk must be physically received at one pool plant and then transferred to the other in order for it to remain producer milk at the plant where it is customarily received. Such transfers result in additional handling and hauling expense which in no way benefits producers or handlers.

Because of the considerable variation in the types of facilities available at pool plants in the Louisville-Lexington-Evansville market, both for fluid and nonfluid uses, milk supplies must be allocated among the plants. Providing for diversion of producer milk to other pool plants on any number of days during the month would enable handlers to move all milk surplus to bottling needs to other pool plants for bottling or manufacturing without loss of identification with the pool plant of primary association. Such a provision would minimize handling and hauling costs and permit maximum flexibility in handler operations. For these reasons, provision for diversions between pool plants should be included in the order.

3. *Revision of the route definition.* The definition of "route" should be revised to make it clear that deliveries of packaged milk through distribution points to wholesale or retail outlets are to be considered route disposition under the order. It also should be specified in the order that such deliveries are to be attributed to the plant from which the Class I milk was moved through the distribution points to wholesale or retail outlets without intermediate movement to another milk plant. The wording of the present definition of route has caused some confusion concerning sales through distribution points. The revision described above will clarify the meaning of the order in this respect without changing substantively the route definition.

A further clarification of the present route definition should be made to delete that part of the definition which excludes from route disposition any milk sales to a food processing plant which uses the milk for other than fluid consumption. Such disposition is Class II milk under the classification provisions of the order. Thus, no specific exclusion is necessary under the route definition which relates only to fluid milk products in Class I milk.

4. *Provision for two accounting periods per month.* The proposal to permit handlers to elect two accounting periods within a month should not be adopted.

Two accounting periods were proposed by a regulated handler for the purpose of reducing the cost (insofar as the classification and pricing provisions of the order determine such cost) of importing other source milk at times when producer milk becomes short for a portion of the month. It was alleged, for example, that producer milk supplies might be adequate for Class I bottling requirements at the beginning of the month but inadequate later in the month. Multiple accounting periods were proposed to permit greater amounts of other source milk to be allocated to Class I at such times of short local supply.

Prior to August 1 the allocation provisions called for "down-allocation" to Class II milk of receipts of other source milk, i.e., producer milk received by handlers was given high priority in Class I and other source milk was assigned in sequence beginning with Class II (lower-valued class) to the extent use in such class was available to absorb it. Such allocation provisions often resulted in the down-allocation of fluid milk products which had been classified and priced as Class I milk under another Federal order. Consequently, it was possible that in certain circumstances more milk could be priced as Class I than was actually so used. For example, under the provisions for down-allocation formerly included in the Louisville-Lexington-Evansville order other source milk was assigned to any available Class II milk at the plant in the following sequence: Unpriced other source milk and any other order milk priced as as surplus under an other Federal order were first assigned to Class II. Next, five percent of producer milk was assigned to the surplus class. Lastly, both packaged (except certain sour cream and dietary products) and Class I bulk milk from other order plants were assigned to any remaining Class II milk at the plant. Under these provisions some producer milk which actually was put to surplus use in the early part of the month might be allocated to Class I even though it was not available for Class I use at the particular time during the month when producer supplies became short. Use of two accounting periods could reduce appreciably the impact of such Class II allocation on the cost of receiving other source milk purchased as Class I milk under another order.



Three decisions, all issued June 19, 1964, by the Assistant Secretary and effective August 1, 1964, official notice of which are taken, revised and integrated the allocation provisions of most milk orders. These new provisions are adopted in the Louisville-Lexington-Evansville order. Under the new provisions, a handler supplementing his producer milk supplies with packaged Class I milk from a plant under another Federal order would have 98 percent of such milk allocated to Class I and two percent to Class II. This will provide the receiving handler essentially the same classification and pricing treatment of such milk as is applied to any quantities which might move from another regulated market into this market for direct route disposition without further obligation under this order.

As to bulk fluid milk products imported from another federally regulated market, the August 1 amendments to the various orders provide generally for proration of the transferred quantity based on the marketwide utilization of milk in the receiving market.[1] Also, the transferor market order accepts the classification assignment, or allocation, of the receiving market order. Thus, the same amount of milk will be priced in the shipping market as Class I and Class II as is assigned to these classes in the receiving market. No milk will be assigned to Class II in the receiving market which is required to be paid for as Class I in the shipping market. Moreover, the quantities of bulk milk transferred between regulated markets which will be assigned to Class II are greatly reduced as compared with the prior provisions for down-allocation to the full extent of the receiving handler's Class II use.

Under such marketwide proration, the maximum quantity of bulk imports from another regulated market to meet an Order No. 46 handler's fluid requirements which would be allocated to Class II ordinarily would not exceed 30 percent of the quantity imported since the marketwide Class II use has exceeded this percentage in only three of the last 17 months (through May 1964). During the fall months when producer supplies are at the seasonal low, the Class II use of producer receipts for the market averages only about 20 percent. Marketwide proration in this manner would apply, of course, for each period if multiple accounting periods were employed. Since the same proration would apply whether there was one or more than one accounting period within the month, providing for more than one accounting period would serve little purpose with regard to receipts of milk from other order plants.

It would virtually never be necessary for a handler to go outside the Federal order system to obtain supplies necessary to meet a temporary shortage of local producer milk. Milk received by a handler but not subject to classification pricing under any Federal order, as pointed out in the June 19 decisions, presents a danger to the Federal order unless such milk is properly allocated, along with producer milk, to the total available utilization at the regulated plant, and is subject to an appropriate rate of payment to the producer-settlement fund when it is allocated to Class I. When such milk from unregulated plants is sold for fluid use in a Federal order market in competition with milk classified and priced under the order, means for integrating it into the regulatory scheme must be provided.

Such means was provided by the June 19 decision and subsequent order amendments. Having adopted provisions in various orders which give appropriate treatment to milk from unregulated sources throughout the order system, there is no apparent need to give further accommodation to it by adopting additional provisions to the disadvantage (in classification) of producer milk. Adoption of multiple accounting periods with respect to such milk holds open this possibility.

It may be noted in this connection that in the unlikely event a handler must obtain milk from a plant not regulated under any Federal order to supplement producer supplies, such milk would receive a classification on a pro rata basis with all milk from regulated sources received at the plant if the receiving handler has Class I utilization of at least 80 percent for the month. In the circumstance of short producer milk supply cited by proponent, this would permit assignment of a major portion of any such imported milk directly to Class I milk even with the monthly accounting plan. The obligation to the pool on such milk in Class I is computed at the difference between the Class I price and blend price for producer milk. It is therefore concluded that no additional provisions are appropriate further to reduce order obligations on handlers with respect to supplemental supplies of other source milk received from handlers regulated by another order or from unregulated handlers. The provision for two accounting periods should not be adopted.

5. *Classification of butterfat in fluid milk products dumped.* Butterfat in fluid milk products which are dumped should be Class II milk.

A handler proposed that the order (1) permit butterfat in fluid milk products dumped to be accounted for as so disposed of and therefore to be classified as Class II milk, and (2) to include in Class II milk also any wasted product resulting from broken containers, in addition to the shrinkage of fluid milk products up to a maximum two percent which is now assignable to Class II milk.

It is concluded that butterfat in fluid milk products dumped should be Class II milk. In the case of route returns of certain fluid milk products, such as homogenized milk and milk products or chocolate milk, it is difficult and impractical to salvage the butterfat for further use unless the plant can dispose of it as livestock feed (also a Class II use). Most of the regulated plants, particularly small plants, have no facilities for the further processing of route returns into manufactured products.

Skim milk in products dumped presently may be classified as Class II milk if the market administrator has been notified in advance of the contemplated dumping action and afforded an opportunity to verify it. Likewise, the dumping of butterfat in fluid milk products should be made only on advance notification to the market administrator with opportunity given for him to verify it. With the safeguard of verification provided, there was no objection to the proposal and it is adopted on such basis.

The proposal to classify as Class II milk any "waste" milk or milk product resulting from broken containers either in the plant or on routes over and above the quantities thereof permissible as Class II under the present shrinkage allowance and dumping provisions should not be adopted.

Although handlers suffer losses when containers are broken, it is not reasonable to pass back to the producer this cost of operating a milk plant. To grant the proposal would assess against the producer a cost brought about not by lack of efficiency or responsibility on his part but by lack of efficiency or responsibility of persons or equipment over which only the handler has control. The proposal would not encourage maximum efficiency in milk handling. The handler has bought the milk on delivery to his plant. It is his problem to handle it efficiently. Moreover, it would be impracticable for the market administrator to verify each loss resulting from a container broken either in a plant or on a route.

6. *Revision of the shrinkage allowance on bulk cream.* The amount of allowable shrinkage in Class II milk with respect to interplant transfers of bulk cream should be modified.

The present order allows only 0.5 percent shrinkage in Class II milk at the transferor plant on all fluid milk products transferred in bulk to another plant, pool or nonpool. A handler proposed to limit such 0.5 percent Class II shrinkage allowance (in the first plant) to bulk transfers of fluid whole milk between pool plants. Under this proposal, transfers of other fluid milk products, either in cans or in bulk to another pool plant, would not be subject to such limitation of 0.5 percent in the transferor plant and therefore the maximum two percent allowance in Class II would be applied thereto.

Proponent witness stated that while his company is able to operate within such 0.5 percent shrinkage allowance on transfers of whole milk to other pool

[1] In some instances the transferee-handler's percentage of Class II use may be higher than the market percentage, in which case his percentage is used. In any case, the amount allocated to Class II may not exceed the transferee-handler's volume in such class.

plants, cream frequently accrues at its pool plant and must be moved to a nonpool butter, or ice cream manufacturing, plant for processing. When this occurs, the 0.5 percent allowance is not adequate to cover the original separation of the cream in the transferor pool plant, causing "excess" losses of butterfat in most months and a resulting Class I classification of the excess amounts.

Another handler suggested a modification of the above proposal to limit the 0.5 percent shrinkage allowance on any transfers of fluid whole milk in bulk to nonpool plants as well as to other pool plants. While this provision would allow shrinkage up to two percent on bulk cream transferred to other plants, pool or nonpool, the 0.5 percent limitation would continue to apply to transfers of fluid whole milk to both pool and nonpool plants as under the present order.

Normally, a greater shrinkage is experienced in the processing operation than in the single function of receiving. The proposal for division of shrinkage between plants recognizes the separate receiving and processing functions, giving only a minor portion of the shrinkage allowance to the plant where the milk is received and without processing is shipped to other plants, and assigning the larger portion of the allowance to the plant where the milk is actually processed.

Such division of shrinkage continues to be appropriate. However, an exception should be made when the handler receives and separates the milk in the first plant and transfers the resulting cream to other plants. In such case the handler should be permitted the additional 1.5 percent allowance at the transferor-plant inasmuch as the principal processing function, as well as the receiving function, would have been performed there with respect to the milk represented by the bulk cream transfers. The record does not indicate that similar exception should apply, however, with respect to any fluid milk product other than bulk cream, and therefore the amendment adopted applies only to transfers of bulk cream.

7. *Classification of fluid milk products used in pancake mix.* Fluid milk products utilized in pancake mix should be reclassified from Class I to Class II milk.

One handler in recent months introduced to the market a product distributed under the label "pancake mix". This product, processed in the handler's regulated plant, consists principally of skim milk and commercial bakery mix (flour, yeast, sugar, etc., as indicated on the container) prepared by a large food company in the ratio of 120 pounds of fluid skim milk to each 100 pounds of bakery mix. It has a thick consistency although it will pour from its container. The handler claimed the use of such skim milk in this product, processed in his pool plant, to be a "surplus" use, and proposed that the skim milk so utilized be reclassified from Class I to Class II milk to be priced equivalent to other surplus uses.

The use of skim milk in such product is not comparable with the fluid uses of milk and skim milk which are disposed of in "fluid milk products". Once mixed the skim milk cannot be recovered from the product to be reused in fluid form. Use in the handler's plant is appropriately compared with similar product use by commercial food processors not in the business of handling fluid milk. Similar use of skim milk in pancake mix is Class II milk under the present order when prepared by a commercial bakery or similar food processing establishment using fluid skim milk received by transfer from a regulated handler's plant. There was no opposition to the reclassification requested.

It is concluded, therefore, that the fluid milk product definition should be modified to exclude pancake mix (fluid or frozen), thus effecting the reclassification of any skim milk or butterfat used therein to Class II milk.

8. *Class I price proposals.* The proposals to reduce the Class I and uniform prices at plants located in the western portion of the marketing area should not be adopted. Also, an alternative proposal to reduce the Class I price by 25 cents on a marketwide basis should not be adopted.

Two handlers at Evansville, Indiana, joined in proposals having the principal objective of reducing the Class I and blend prices at plants in Evansville, Indiana, and in other western portions of the marketing area, by 25 cents per hundredweight. One proposal would do this by making price adjustments based on plant location. An alternative method suggested would change the stated Class I differential (over the basic formula price) in the order from $1.29 to $1.04 per hundredweight, with the effect of an across-the-board decrease in Class I prices of 25 cents at all regulated plants irrespective of location.

Another handler at Holland, Indiana, proposed that the Class I and blend prices for milk delivered to plants located at Tell City, Indiana, and at other Indiana locations within the marketing area lying west of Indiana State Highway No. 37 be reduced by 15 cents per hundredweight, as an adjustment for location.

a. *Reduction in Class I price differential.* The separate proponents had similar objectives, i.e., closer alignment of the Class I prices at their plant locations with minimum Class I prices effective under the Suburban St. Louis market order, particularly for plant locations in southeastern and southern Illinois. Proponents distribute 50 percent or more of their bottled milk throughout the western portion of the Louisville-Lexington-Evansville (Order No. 46) marketing area where certain southern Illinois handlers also distribute milk.

Proponents testified to important and growing competition for fluid milk sales within the western portion (particularly the Indiana counties) of the marketing area from Illinois handlers with milk priced under the Suburban St. Louis order. They pointed to the difference in the minimum Class I price levels applicable under the Suburban St. Louis and Louisville-Lexington-Evansville orders, contending that Suburban St. Louis handlers can purchase milk at minimum prices which proponents deem duly out of line with minimum prices under the Louisville-Lexington-Evansville order. Because there is a seasonal differential of 40 cents from high to low in the Suburban St. Louis order Class I price and the Louisville-Lexington-Evansville order provides a "flat" Class I price differential throughout the year, there are certain months when Suburban St. Louis handlers enjoy a significantly lower price relative to Louisville-Lexington-Evansville handlers. Proponents testified that Suburban St. Louis handlers take advantage of this price difference to obtain new store accounts during the months of seasonally low prices. This, they contend, has resulted in the loss of some local wholesale accounts which were being served by proponents. They claim also that in meeting the competitive price level to hold other accounts their resale prices in the Indiana counties have been reduced.

The supply-demand adjustor in Order No. 46 reflects the relationship between producer receipts and Class I sales of handlers regulated under the order so as to increase the Class I price when sales increase relative to receipts and decrease the price when receipts increase relative to sales. This provides a price incentive to attract an adequate supply of milk for Class I use by handlers regulated under the order. The supply-demand adjustments have been substantially on the plus side since September 1962. During 1963 they averaged 19 cents per hundredweight and in the first seven months of 1964 they averaged 20 cents per hundredweight.

For the 12 months ending with June 1964 producer receipts increased 6.17 percent over the 12 months ending with June 1963 while Class I use of producer milk increased 7.47 percent for the same period. Class I utilization for the market for the 12 months immediately preceding the hearing amounted to 74.8 percent of producer receipts. Thus, it does not appear that the Class I price provisions, inclusive of the plus supply-demand adjustments since 1962, have resulted in a price level which may be considered unreasonably high in terms of attracting an adequate supply of milk for the market as a whole, including the necessary reserves to meet sales fluctuations. Such supply-sales conditions also indicate that any reduction in the Class I price level in a portion of the marketing area might necessitate an offsetting price increase in the remaining portion of the market to maintain producer returns and thus assure an adequate supply of milk on a marketwide basis. To reduce the Class I differential by 25 cents on a marketwide basis would not be appropriate in these circumstances.

b. *Location pricing.* The Class I price structure should be one which will assure that sufficient milk will be moved to the more populous centers of this elongated marketing area to meet Class I needs. Thus, the Class I price at Evansville should be at a level which will attract a supply of milk to fulfill Class I needs at plants in that location. The proponent handlers at Evansville have expanded their sales in other areas, particularly to the south in competition with handlers regulated under the Nashville order. While inter-order competition has resulted in sales shifts it was not shown that there is a reduced need for milk for Class I use at proponents' plants because of the competition from milk under the Suburban St. Louis order. Since supplies produced close to Evansville are not adequate to meet the requirements of Evansville plants, a Class I price at that location which is somewhat higher than that applicable in the adjacent rural area of southeastern Illinois is reasonable in view of the need to attract the substantial quantities of milk needed for this urban community.

Evansville handlers receive milk from approximately 350 producers. About 200 of these producers have farms in nearby southwestern Indiana counties and the farms of about 40 producers are located about 75 miles north of Evansville in the State of Illinois. The remaining producers have their farms in Kentucky. approximately 75 of the farms of the Kentucky producers supplying the Evansville handlers are located in Logan, Edmonson and Grayson Counties which are 80–100 miles south of Evansville.

About one-fifth of the producers now shipping milk to Evansville handlers, mainly those located in the south-central Kentucky counties of Logan, Edmonson and Grayson, are located as near or nearer to Nashville or Louisville than to Evansville. Evansville handlers thus compete for about 20 percent of their supplies of milk in production areas which are closer to other plants under the Louisville-Lexington-Evansville and Nashville orders, at which Class I or blend price levels would not be affected by proponents proposed change in location adjustments. It is reasonable to expect that these producers would ship their milk to such other outlets where prices would be higher in the event the price at Evansville were lowered appreciably. Since Evansville handlers indicated a Class I utilization higher than the market average, it must be presumed that any significant loss of such producers because of an uncompetitive blend price level would require them to seek other supplies.

The Evansville handlers did not demonstrate, however, that other supplies of milk were available to them at lower prices. The only evidence of the cost of alternative supplies was a reference to two loads of milk brought into the market from Wisconsin during October 1963. The net cost of this milk was stated to be 40 cents per hundredweight above the Order No. 46 Class I price (including a plus 27-cents supply-demand adjustment). It should be pointed out in this connection, however, that the seasonal Class I differential under the Chicago order (the supply source) is at its highest seasonal level in October. There was no evidence that there is milk available to them at lower cost from the nearby Suburban St. Louis market or that producers who now ship to that market are readily available for association with the Evansville market even though the minimum blend price at Evansville is higher than at southern Illinois plants under the Suburban St. Louis order.

Plants at Madisonville, Russellville, Hopkinsville and Bowling Green have generally common supply and sales areas. It is doubtful that the Madisonville and Russellville plants under Order No. 46 could attract supplies of milk at the prices which would result under this proposal since the Class I and blend prices at such locations would be significantly lower than prices applicable at the nearby plants in Hopkinsville and Bowling Green, Kentucky, under the Paducah and Nashville orders, respectively.

While not to the same degree, the proposal of the handler at Holland, Indiana, for a 15-cent location adjustment at plants in certain locations in the Indiana portion of the marketing area would result in price misalignment if adopted for the Evansville and Madisonville locations as well as for the Holland area. If adopted only for a more confined area such as Holland and Tell City, it would create misalignments between Order No. 46 plants, that is, between the Holland plant and plants at Evansville, Indiana, and Owensboro, Kentucky. Thus, this proposal likewise would tend to shift price differences to new locations with little apparent improvement in marketing conditions for either handlers or producers.

In view of the foregoing, we may not conclude that the Class I price at Evansville should be reduced. This hearing did not open up, of course, reconsideration of the pricing structure of the Suburban St. Louis market. The Department announced on November 5, 1964, however, it would review the Class I price level of the latter market and the scope of the marketing area regulated. All interested parties are invited to submit proposals for review at an early hearing. Thus, further opportunity is provided to consider whether the alignment of Suburban St. Louis prices with prices in adjacent markets may be improved.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in the tentative marketing agreement and the order, as hereby proposed to be amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his prorata share of such expense, three cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to: producer milk and milk received from a cooperative association as a handler pursuant to § 1046.8(c); other source milk allocated to Class I pursuant to § 1046.46(a) (3) and (7) and the corresponding steps of § 1046.46(b); and Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

*Recommended marketing agreement and order amending the order.* The following order amending the order as amended regulating the handling of milk in the Louisville-Lexington-Evansville marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1046.6 is revised to read as follows:

**§ 1046.6 Louisville-Lexington-Evansville marketing area.**

The "Louisville-Lexington-Evansville marketing area", hereinafter called the "marketing area", means all the territory geographically within the counties listed below and all territory wholly or partly therein occupied by municipal corpora-

tions and institutions owned or operated by Federal, State or local governments:

INDIANA COUNTIES

| | |
|---|---|
| Clark. | Orange. |
| Crawford. | Perry. |
| Daviess. | Pike. |
| Dubois. | Posey. |
| Floyd. | Spencer. |
| Gibson. | Vanderburgh. |
| Harrison. | Warrick. |
| Knox. | Washington. |
| Martin. | |

KENTUCKY COUNTIES

| | |
|---|---|
| Adair. | Jessamine. |
| Anderson. | Larue. |
| Bourbon. | Lincoln. |
| Boyle. | Logan. |
| Breckinridge. | Madison. |
| Bullit. | Marion. |
| Butler. | McLean. |
| Casey. | Meade. |
| Clark. | Mercer. |
| Clinton. | Muhlenberg. |
| Cumberland. | Nelson. |
| Daviess. | Ohio. |
| Edmonson. | Oldham. |
| Fayette. | Pulaski. |
| Franklin. | Russell. |
| Garrard. | Scott. |
| Grayson. | Shelby. |
| Green. | Spencer. |
| Hancock. | Taylor. |
| Hardin. | Union. |
| Hart. | Washington. |
| Henderson. | Wayne. |
| Henry. | Webster. |
| Hopkins. | Woodford. |
| Jefferson. | |

2. Section 1046.14 is revised to read as follows:

**§ 1046.14 Producer milk.**

"Producer milk" means that skim milk and butterfat contained in milk of a producer which is:

(a) Received from producers at a pool plant for the account of the person operating such plant. When milk is withdrawn at more than one pool plant from the same load delivered by a farm tank pickup truck, the entire load shall be deemed to have been received at the first pool plant at which any of such milk was withdrawn unless:

(1) There is an agreement among the operators of the pool plants receiving such milk providing for other receiving handler(s) to report and pay for all or a portion of such milk; or

(2) The milk involved is that which is delivered to pool plants for the account of a cooperative association pursuant to § 1046.8(c).

(b) Diverted by a handler from a pool plant to another pool plant for any number of days of the month. Milk so diverted shall be deemed to have been received by the diverting handler at the location of the pool plant from which it is diverted.

(c) Diverted from a pool plant to a nonpool plant for the account of the operator of the pool plant or a cooperative association, subject to the following conditions:

(1) Milk so diverted shall be deemed to have been received at the pool plant from which it is diverted; and

(2) Producer milk pursuant to this paragraph shall not include the milk of any person during any of the months of October, November, January and February on days on which it is diverted by a handler to a nonpool plant in excess of 22 days (11 days in the case of every-other-day delivery) during the month.

(d) Received by a cooperative association in its capacity as a handler pursuant to § 1046.8(c).

3. Section 1046.15 is revised to read as follows:

**§ 1046.15 Fluid milk product.**

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, pancake mix, evaporated milk, condensed milk, aerated cream products, eggnog, and cultured sour mixtures not labeled as Grade A) which are neither sterilized nor packaged in hermetically sealed containers.

4. Section 1046.17 is revised to read as follows:

**§ 1046.17 Route.**

"Route" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor) of a fluid milk product(s) to a wholesale or retail outlet(s) other than to a milk plant(s). A delivery through a distribution point shall be attributed to the plant from which the Class I milk is moved through a distribution point to wholesale or retail outlets without intermediate movement to another milk plant.

5. In § 1046.41, paragraph (b) (4) and (7) is revised to read as follows:

**§ 1046.41 Classes of utilization.**

* * * * *

(b) * * *

(4) Disposed of for livestock feed, or in fluid milk products dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping.

* * * * *

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1046.42(b)(1), but not to exceed the following:

(i) Two percent of skim milk and butterfat, respectively, physically received directly from producers' farms and by diversion from other pool plants; plus

(ii) One and one-half percent of skim milk and butterfat, respectively, in milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), except that if the handler operating such pool plant files notice with the market administrator on or before the date he submits his monthly report applicable to such milk pursuant to § 1046.30 that he is purchasing such milk on the basis of weights determined at the farm from farm bulk tank measurements, the applicable percentage shall be two percent; plus

(iii) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products received at a pool plant in bulk (except bulk cream) as a transfer from other pool plants; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products transferred in bulk (except bulk cream) from a pool plant to other plants; and plus

(vii) One-half of one percent of skim milk and butterfat, respectively, in producer milk received by a cooperative association in its capacity as a handler pursuant to § 1046.8(c), unless the exception provided in subdivision (ii) of this subparagraph applies; and

6. In § 1046.44, paragraphs (a) and (b) are revised to read as follows:

**§ 1046.44 Transfers.**

* * * * *

(a) At the utilization reported pursuant to § 1046.30 by the operator(s) of both plants, otherwise as Class I milk, if transferred or diverted by the operator of a pool plant or a cooperative association in its capacity as a handler pursuant to § 1046.8(c) to another pool plant, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1046.46(a)(8) and the corresponding step of § 1046.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1046.46(a)(3) and the corresponding step of § 1046.46(b), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1046.46(a)(7) or (8) and the corresponding steps of § 1046.46(b), the skim milk and butterfat so transferred or diverted up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) If a specified utilization of skim milk and butterfat transferred or diverted to a pool plant of another handler by a cooperative association in its capacity as a handler pursuant to § 1046.8(c) is not claimed by both handlers pursuant to paragraph (a) of this section, such skim milk and butterfat shall be classified pro rata to the respective amounts remaining in each class at the pool plant of the receiving handler after making the assignment pursuant to § 1046.46(a)(8) and the corresponding step of § 1046.46(b), and after assignment of milk for which specified classification has been claimed by handlers pursuant to paragraph (a) of this section.

* * * * *

Signed at Washington, D.C., on November 16, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator,*
*Regulatory Programs.*

[F.R. Doc. 64-11828; Filed, Nov. 18, 1964; 8:49 a.m.]



## [7 CFR Parts 1071, 1073, 1074]

[Docket Nos. AO-227-A16, AO-173-A16, AO-249-A6]

## MILK IN NEOSHO VALLEY, WICHITA, KANSAS, AND SOUTHWEST KANSAS MARKETING AREAS

### Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Wichita, Kansas, on October 29, 1964, pursuant to notice thereof issued on October 20, 1964 (29 F.R. 14596).

The material issues on the record of the hearing related to:

1. The need for an emergency increase in the Class I prices under the Neosho Valley, Wichita, Kansas, and Southwest Kansas orders, and

2. Whether an emergency exists concerning Issue No. 1 which requires the omission of a recommended decision and opportunity for interested persons to file exceptions thereto and the immediate issuance of a final decision.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price increase.* The Class I prices established by the orders regulating the handling of milk in the Neosho Valley, Wichita, Kansas, and Southwest Kansas marketing areas should be increased 10 cents per hundredweight for the period beginning with the effective date of the amended orders proposed herein through February 1965.

The Class I prices under these three orders are determined monthly by adding to the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, adjusted to a 3.5 percent butterfat basis, a fluid milk differential. This differential is $1.57 and $1.65 each month for the Wichita and Southwest Kansas orders, respectively. The differential in Neosho Valley is $1.00 for April–June and $1.45 July–March. Both the Wichita and Southwest Kansas orders provide for supply-demand adjustments to the Class I prices. For the period June through December 1964, that portion of the supply-demand adjustment provision that would provide plus adjustments in the Class I price of the Southwest Kansas order is suspended in order that certain temporary movements of producers from this market would not unduly increase the Class I price. The Southwest Kansas price is directly "tied" to the Class I prices of the Wichita and Texas Panhandle orders. Similarly, the Class I price under the Neosho Valley order is "tied" to the Class I prices of the Oklahoma Metropolitan and Ozarks orders. The Wichita Class I price is "tied" to the Kansas City price so that during the months of August through March it is not less than the Kansas City price and not more than the Kansas City price plus 50 cents per hundredweight.

The Southwest Milk Producers Association proposed that the Class I prices under these orders be increased on an emergency basis 25 cents per hundredweight from the earliest possible effective date of an amended order through March 1965. The association indicated that such a price increase was necessary because of decreasing milk supplies caused by severe drought conditions prevailing in the milkshed areas of these markets.

While some producers supplying milk to these three markets are located outside the State of Kansas, the primary sources of milk are in Kansas. Rainfall in the State of Kansas this year has been below normal and this situation was preceded by a deficiency in 1963. Below normal rainfall, combined with exceedingly high temperatures, has reduced substantially the availability of pastures and the production of hay and feed grains.

Production of the four principal feed grains in Kansas (sorghum grain, corn, barley, and oats) is expected to be 32 percent below 1963 and 36 percent below the 1958–1962 average. The hay crop is below average. Pasture conditions as of October 1 were 69 percent of normal in the crop reporting district in which most southwest Kansas producers are located, 69 and 71 percent in the districts from which Wichita draws the bulk of its supplies and 81 percent in the Neosho Valley area. Forage from wheat pasture was very limited this fall. Less than two percent of fall seeded acreage had sufficient growth to pasture at the end of September. Soil moisture supplies available this fall in central and western Kansas are the lowest in eight years.

The severity of the drought is pointed up by the large number of counties in Kansas which have been approved for assistance under the Federal drought disaster program. Seventy-six counties which cover the primary counties of the milksheds of these three markets have been approved for the grazing and hay program. Missouri and Oklahoma counties from which Neosho Valley draws milk supplies are also included in this program.

Drought relief as such cannot be granted to producers through amendments to the orders issued under the Agricultural Marketing Agreement Act of 1937, as amended. Under this Act, the Secretary is required to establish prices at levels which will reflect factors affecting the supply and demand for milk in a marketing area, insure a sufficient quantity of pure and wholesome milk, and be in the public interest. The current and prospective adequacy of milk supplies is, therefore, the most important factor in fixing prices under an order. In areas where supplies of producer milk have decreased substantially in relation to Class I sales and have reached the point where an adequate supply of milk is threatened, it is proper within the framework of the Act to provide a price increase.

The Southwest Milk Producers Association represents a majority of producers in each of these three markets and can and does move producers freely between the markets. There is also substantial route competition between handlers regulated by the respective orders. The association regularly makes substantial shipments of bulk milk to other areas for Class I use. Most of such shipments are pooled in the Wichita and Southwest Kansas markets, although some are not priced under any of these orders. It is therefore appropriate to consider the combined receipts and sales of the three markets and the unpooled receipts and sales in determining the adequacy of supply.

For the first eight months of 1964, producer receipts pooled in the three markets exceeded those of the comparable period in 1963 by 9.4 percent. For September, however, the increase was only 2.3 percent over September 1963. Producer receipts declined 3.1 percent from August to September a year ago and 5.9 percent this year.

Pooled Class I sales for the January–August 1964 period were 12.8 percent higher than in the same months of 1963. For September they were 7.9 percent higher. The percentage of producer milk used in Class I increased from 66 last year to 68 this year for the January–August period and from 76 last year to 80 this year for September.

For September total sales, including bulk shipments not pooled, were approximately 5 percent greater than in September 1963. The Class I sales of pool handlers with route sales increased substantially more than did bulk shipments of the cooperative association. The production associated with these sales was practically the same as that a year earlier but 4 to 5 percent less than for August 1964. The Class I utilization of all such milk was approximately 81 percent. For the first 15 days of October production was reported to be about 6 percent less than for the first 15 days of September. Normally, production drops about 3 percent from September to October. In September shipments of bulk milk totaled almost 6.8 million pounds. About 90 percent of such milk went to customers regularly supplied by the Southwest Milk Producers Association. While September out-of-market bulk shipments were only about 2.5 percent greater than the 6.6 million pounds shipped in September 1963, shipments during the January–August 1964 period were almost three times those of 1963. Last year, shipments during April through July were less than one million pounds each month, while this year they exceeded four million pounds each month.

While bulk shipments of milk to distant markets have not been made from the Neosho Valley market, this market has experienced a substantial increase in Class I sales. For September, Class I sales of producer milk were 17.9 percent higher than in September 1963.

Largely as a result of the increase over 1963 in out-of-market sales in the months of April through July, Class I prices of the Wichita and Southwest Kansas orders have been higher in recent months than in 1963 when substantial minus supply-demand adjustments were effective during the late summer and early fall months. The minus adjustments have been much less in the same months of 1964. For the Wichita market the 1964 Class I prices for August, September and October averaged 22.7 cents per hundredweight above the same months in 1963; 16 cents of this change resulted from improved supply-demand conditions, the other 6.7 cents represented an increase in basic formula prices. For the Southwest Kansas market, the total increase for this period averaged 26.4 cents per hundredweight, of which 19.7 cents resulted from improved supply-demand conditions.

Due to substantial increases in bulk shipments which began in August 1963, the supply-demand adjustor increased Class I prices by at least 17 cents per hundredweight in these markets beginning with November of that year. No substantial increase in price is in prospect at this time. For November of this year supply-demand adjustments in Wichita and Southwest Kansas are identical with those for November 1963 and represent improvement of only 2 cents from October. While some more favorable adjustments may result in later months, these will probably not represent changes over last year as great as those that have occurred in August, September and October.

It is evident that despite more favorable prices in recent months milk production has not kept pace with increased sales. The price increase which occurred in November 1963 is not expected this year. Under these circumstances, it is necessary that the Class I prices in these markets be increased until such time as seasonal increases in milk production may be expected. An increase of 10 cents per hundredweight will tend to encourage the maintenance of adequate milk supplies for these three markets. It should continue through February 1965, after which wheat pastures may be expected to be available until the regular pasture season.

A greater increase in Class I prices is not necessary. Both Class I and blend prices under these orders have averaged higher so far this year as compared with a year ago. Basic formula prices are higher than in 1963. Should the effects of the drought continue over the next few months, some increases from the supply-demand adjustors in the Wichita and Southwest Kansas markets will probably result. This, plus the increase of 10 cents per hundredweight, should be adequate for this emergency situation.

The amendments to these orders should be made effective at the earliest possible date even though it may not be at the beginning of the monthly accounting periods. There will be little difference in returns to producers whether the Class I prices are prorated over the month's utilization based on the number of days each price was effective or whether two accounting periods in the same month are established. Each handler should be given the option of either filing two reports for the month or having the two Class I prices prorated according to the number of days within the month for which the different price levels were effective. The option chosen by the handler should be indicated at the time of filing his report of receipts and utilization.

2. *Emergency action.* The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto on Issue No. 1. The conditions in these markets are such that it is urgent that remedial action be taken as soon as possible. Any delay in informing interested parties of the conclusions made will tend to make ineffective the relief sought. The time necessarily involved in the preparation, filing and publication of a recommended decision and the filing of exceptions thereto would in this instance contribute to the threat of an insufficient supply of milk for these markets.

The notice of hearing stated that consideration would be given to the economic and emergency marketing conditions relating to the proposed amendments. Action under the procedure described above was requested by proponents at the hearing.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the respective orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreements upon which a hearing has been held.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in Certain Specified Marketing Areas" and "Order Amending the Orders Regulating the Handling of Milk in Certain Specified Marketing Areas", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the orders, as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of September 1964 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order which hereby proposes to amend the orders, as amended, regulating the handling of milk in certain specified marketing areas, is approved or favored by producers, as defined under the terms of each of the orders, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within each of the aforesaid marketing areas.

Signed at Washington, D.C., on November 16, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

*Order [1] Amending the Orders Regulating the Handling of Milk in Certain Specified Marketing Areas*

*Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above designated marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the respective designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended and as hereby further amended, as follows:

## PART 1071—MILK IN THE NEOSHO VALLEY MARKETING AREA

In § 1071.51(a), the language which precedes the first proviso in the introductory text is revised to read as follows:

**§ 1071.51 Class prices.**

* * * * *

(a) *Class I milk.* The price per hundredweight for Class I milk shall be the basic formula price for the preceding delivery period plus $1.00 during the delivery periods of April through June and $1.45 during the delivery periods of July through March, and plus 10 cents for the period from the effective date of this amended order through February 28, 1965:

* * * * *

## PART 1073—MILK IN THE WICHITA, KANSAS, MARKETING AREA

In § 1073.51(a), the language which precedes the proviso in the introductory text is revised to read as follows:

**§ 1073.51 Class prices.**

* * * * *

(a) *Class I milk.* The price per hundredweight shall be the basic formula price for the preceding month plus $1.57 during all months of the year, plus 10 cents for the period from the effective date of this amended order through February 28, 1965, and plus or minus a supply-demand adjustment computed as follows:

* * * * *

## PART 1074—MILK IN THE SOUTHWEST KANSAS MARKETING AREA

In § 1074.51(a), the introductory text is revised to read as follows:

**§ 1074.51 Class prices.**

* * * * *

(a) *Class I milk.* The price per hundredweight shall be the basic formula price for the preceding month plus $1.65 during all months of the year, plus 10 cents for the period from the effective date of this amended order through February 28, 1965, and plus or minus a supply-demand adjustment computed as follows:

* * * * *

[F.R. Doc. 64-11829; Filed, Nov. 18, 1964; 8:49 a.m.]

## [7 CFR Part 1132]

[Docket No. AO-262-A10]

## MILK IN TEXAS PANHANDLE MARKETING AREA

### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at the Holiday Inn, West, 601 NW. 8th Avenue, Amarillo, Texas, on October 30, 1964, pursuant to notice thereof issued on October 21, 1964 (29 F.R. 14596).

The material issues on the record of the hearing related to:

1. The need for an emergency increase in the Class I price, and

2. Whether an emergency exists concerning Issue No. 1 which requires the omission of a recommended decision and opportunity for interested persons to file exceptions thereto and the immediate issuance of a final decision.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price increase.* The Class I price established by the order regulating the handling of milk in the Texas Panhandle marketing area should be increased 10 cents per hundredweight for the period beginning with the effective date of the amended order proposed herein through February 1965.

The Class I price under the Texas Panhandle order is determined monthly by adding to the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, adjusted to a 3.5 percent butterfat basis, a fluid milk differential of $2.15 for the months of July through February and $1.85 for all other months.

The principal cooperative association in this market proposed that the Class I price be increased on an emergency basis 25 cents per hundredweight through March 1965. The association indicated that such a price increase was necessary because of decreasing supplies of milk caused by severe drought conditions prevailing in the milkshed.

The record shows that drought conditions exist generally throughout the milk production area of the Texas Panhandle market. Rainfall in western Oklahoma and the Texas Panhandle this year has been considerably below normal and this situation was preceded by below normal rainfall in 1963. Greater than normal rainfall experienced in August and September of this year at some weather stations in the production area of this market cannot be expected to diminish to any great extent the problems which have arisen in the market because of the extended drought conditions. Approximately 80 percent of the total milk supply for this market is obtained from counties in western Oklahoma where high temperatures and lack of rainfall were the worst in the past 10 years. Soil moisture is reported to be from 50 to 60 percent of that which is considered to be normal for proper crop production conditions.

Below normal rainfall, coupled with exceedingly high temperatures, has reduced substantially the availability of pastures and the production of hay and feed grains. In August this year pastures were 50 percent and 43 percent of normal in the respective states. Producers have been feeding during the recent summer months feed supplies normally used during the winter. They have purchased hay, mixed feeds and silage in excess of normal in an effort to maintain milk production.

The severity of the drought is indicated by the fact that all counties of the milkshed have been approved for the assistance under the Federal drought disaster program which permits the grazing and haying of specified crops and the fact that five counties of the milkshed have been approved for the livestock feed program.

Drought relief as such cannot be granted to producers through amendments to orders issued under the Agricultural Marketing Agreement Act of 1937, as amended. Under this Act the Secretary is required to establish prices

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

at levels which will reflect factors affecting the supply and demand for milk in a marketing area, insure a sufficient quantity of pure and wholesome milk, and be in the public interest. The adequacy of present and prospective milk supplies is, therefore, the most important factor in fixing prices under an order. In areas where supplies of producer milk have decreased substantially in relation to Class I sales or where they have reached the point that an adequate supply of milk is threatened, it is proper within the framework of the Act to provide a price increase.

The Texas Panhandle market is interrelated both from the standpoint of route distribution by handlers and overlapping of production areas with the Red River Valley and Lubbock-Plainview marketing areas. There is an intermarket movement of packaged milk and a shifting of producers between these three markets. Producers serving both the Red River Valley and Lubbock-Plainview markets have been granted at an earlier date an emergency increase of 10 cents per hundredweight through March 1965.

The relationship of supply to demand for the first nine months of 1964 compared to the first nine months of 1963 has changed very little. Production for this nine-month period has increased approximately 5 percent. The Class I sales have increased 6 percent when compared to the same period of last year. A significant change in the supply of producer milk, however, is a decrease of 1.5 percent in September of this year as compared with a year ago, while at the same time, Class I sales increased 5.1 percent when compared to last year. While this relative shortening of supplies in September 1964 left the market with a sufficient supply of fluid milk to meet the requirements of handlers, a continued trend of this nature through February would endanger an adequate supply of milk plus a reasonable reserve for the market. Nearly 82 percent of the receipts from producers was classified as Class I in September 1964, an increase of 5 percentage points over September 1963. A continued increase of 5 percent in the usually high Class I utilization months of October through February would mean that from 85 to 92 percent if receipts from producers would be classified as Class I milk. Such a high utilization in Class I in this market would represent inadequate supplies of milk for current needs and reasonable reserves.

The current tightening of the supply-demand situation in this market coupled with the present feed situation are all factors tending to reduce the milk supply in the months ahead. With drought-induced shortages of hay and grain supplies, it will be difficult for producers to maintain the present level of milk production between now and March 1, 1965.

The record is clear that receipts from producers increase in relation to Class I sales normally from February to March. Normally the months of November, January and February reflect the highest utilization of producer milk classified as Class I milk. It is also noted that the lower seasonal differential of $1.85 per hundredweight above the basic formula price starts each year with the month of March.

Under the circumstances described above it is necessary that the Class I price in the Texas Panhandle market be increased until such time as seasonal increases in milk production may be expected in the spring of 1965. An increase of 10 cents per hundredweight through February 1965 will tend to encourage the maintenance of adequate milk supplies for this market.

A Class I price increase greater than this and beyond February 1965 is not necessary. The October Class I price was 12 cents higher than a year ago. The September 1964 blend price, reflecting current tightening of supply to demand, was 16 cents per hundredweight higher than September 1963. The total increase in the blend prices, including the effect of the proposed 10 cents per hundredweight increase in the Class I price, should be adequate incentive to producers to maintain adequate supplies through February 1965. The Class I and blend prices for the first nine months of 1964 compared with 1963, however, averaged only 6 cents per hundredweight above last year.

The amendment to this order should be made effective at the earliest possible date even though it may not be at the beginning of a monthly accounting period. It should make little difference in returns to producers whether the Class I prices are prorated over the month's utilization based upon the number of days each price was effective or whether two accounting periods in the same month are established. Each handler should be given the option of either filing two reports for the month or having the two Class I prices prorated according to the number of days within each month for which the different price levels are effective. The option chosen by the handler should be indicated at the time of filing his report for receipts and utilization.

2. *Emergency action.* The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto on Issue No. 1. The conditions in the Texas Panhandle market are such that it is urgent that remedial action be taken as soon as possible. Any delay in informing interested parties of the conclusions reached will tend to make ineffective the relief sought. The time necessarily involved in the preparation, filing and publication of a recommended decision and the filing of exceptions thereto would in this instance contribute to the threat of an insufficient supply of milk for this market.

The notice of hearing stated that consideration would be given to the economic and emergency marketing conditions relating to the proposed amendments. Action under the procedure described above was requested by the proponents at the hearing.

It is, therefore, found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Texas Panhandle Marketing Area" and "Order Amending the Order Regulating the Handling of Milk in the Texas Panhandle Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of September 1964 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Texas Panhandle marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on November 16, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in the Texas Panhandle Marketing Area*

**§ 1132.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area; and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the Texas Panhandle marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, as follows:

In § 1132.51, paragraph (a) is revised to read as follows:

**§ 1132.51 Class prices.**

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.15 during the months of July through February and plus $1.85 during all other months, plus 10 cents for the period from the effective date of this amended order through February 28, 1965.

* * * * *

[F.R. Doc. 64-11830; Filed, Nov. 18, 1964; 8:50 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.





## Agricultural Stabilization and Conservation Service

**[ 7 CFR Part 730 ]**

**RICE**

**Proposed Marketing Quota Regulations for 1964 and Subsequent Crop Years**

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1374, 1375), the Department proposes to amend Sections 730.1552, 730.1555, 730.1581, and 730.1595 of the rice marketing quota regulations for 1964 and subsequent crop years.

The purpose of these amendments is to change the final dates for the disposal of excess rice acreage in the State of Texas effective for 1965 and subsequent crop years, and to change various cross references to other regulations to show the current designation.

Prior to the issuance of these amendments, any data, views or recommendations pertaining thereto which are submitted in writing to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250, will be given consideration provided such submissions are postmarked not later than 30 days from the date of publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

It is proposed that:

1. The second sentence of § 730.1552 be amended by changing the title of the Part 719 reference to read: "Reconstitution of Farms, Allotments, and Bases."

2. Section 730.1555 be amended by changing the final dates for the disposal of excess rice acreage for Texas to read:

TEXAS

The counties of Austin, Bastrop, Brazoria, Calhoun, Colorado, Fort Bend, Galveston, Harris, Jackson, Lavaca, Matagorda, Travis, Victoria, Waller, Washington, and Wharton; July 1.

The counties of Chambers, Hardin, Jasper, Jefferson, Liberty, Newton, Orange, Polk, and Walker; July 15.

Bowie County; September 1.

3. The last sentence in paragraph (h) of § 730.1581 be amended by changing the title of the Part 719 reference to read: "Reconstitution of Farms, Allotments, and Bases."

4. Paragraph (b) of § 730.1595 be amended by changing the word "Performance" to the word "Compliance."

Signed at Washington, D.C., on November 13, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-11798; Filed, Nov. 18, 1964; 8:46 a.m.]

## CIVIL AERONAUTICS BOARD

**[ 14 CFR Part 241 ]**

[Economic Regs. Docket No. 15690]

**SUPPLEMENTAL AIR CARRIERS**

**Proposed Reports of Aircraft Utilization by Aircraft Type**

NOVEMBER 13, 1964.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 241 which would require supplemental air carriers to report aircraft utilization by aircraft type on Schedule T-3.1. The rule is proposed under authority of sections 204 (a) and 407 of the Federal Aviation Act of 1958 (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of their comments addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant material in communications received by December 21, 1964, will be considered by the Board before taking action on the proposal. Copies of such communications will be available for examination by interested persons in the Docket Section, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

*Explanatory statement.* In its comments to EDR-65, January 29, 1964, 29 F.R. 1658, which proposed certain miscellaneous amendments to CAB Form 41, the Department of Defense requested that supplemental air carriers be required to report aircraft utilization by aircraft type on amended Schedule T-3.1.[1] In adopting the miscellaneous amendments on September 18, 1964, ER-417, 29 F.R. 13528, the Board did not adopt the amendment proposed by Defense on the ground that further rule making proceedings would be necessary.

[1] Filed as part of the original document.

The Board is now issuing a notice looking toward adoption of the amendment requested by Defense. Aircraft utilization has been an important factor affecting minimum MATS charter rates under Part 288 of the Economic Regulations. The scheduled route carries regularly report aircraft utilization on Schedule T-3. Several supplemental carriers are important MATS contractors, but the supplemental carriers have furnished utilization data only upon an ad hoc basis since 1961.

Rate reviews have been rather frequent in the MATS charter field as the MATS contractors have shifted to the new jet and turboprop aircraft which MATS officially favors. These aircraft represent a large capital investment with attendant increase in costs for depreciation, return on investment, and hull insurance. Unit costs of operations for these three important cost items vary directly with utilization. An industry rate based on average unit costs must necessarily reflect the utilization achieved by the supplemental carriers. Utilization is also an index of the carrier's expansion capability under the "expansion" clause of MATS contracts.

Aircraft utilization is basic to the costs of carrier operations and involves only a report of the total number of days that aircraft of each type are available to the carrier. Since this requirement entails minimum effort by the carrier, there is no apparent reason why such data should not be currently reported by all supplemental carriers.

*Proposed rule.* The Board therefore proposes to amend Part 241 of the Economic Regulations (14 CFR Part 241) as follows:

In section 35, amend the text for "Schedule T-3.1—Statement of Traffic and Capacity Statistics" by redesignating paragraphs (f) through (l) as paragraphs (g) through (m), and adding a new paragraph (f) to read:

(f) Daily utilization by aircraft type shall reflect the sum of the number of days that each aircraft owned by the reporting carrier and each aircraft rented, leased or borrowed from others is in the possession of the carrier. For reporting purposes, part of a day shall be considered a full day. Daily utilization need not be reported separately for domestic, territorial, and international operations, but may be reported in total on the domestic sheet.

[F.R. Doc. 64-11833; Filed, Nov. 18, 1964; 8:50 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES IN ANIMAL FEED

### Proposed Antibiotics for Growth Promotion and Feed Efficiency

Publication of recent amendments to § 121.225 *Antibiotics for growth promotion and feed efficiency* provided the permitted maximum and minimum levels for uses of a number of antibiotics for promotion of growth and feed efficiency in animals. Certain other antibiotic drugs also are used for this purpose but are not yet included in § 121.225. This has led to some misunderstanding and confusion regarding the permitted uses of antibiotic drugs in animal feed for growth promotion and increasing feed efficiency.

The Commissioner of Food and Drugs has considered this situation and reviewed all prior considerations given by the Food and Drug Administration to the use of antibiotic drugs in animal feeds for this purpose. He has concluded that the adoption of the amendments to § 121.225 as now proposed would give recognition to all uses of antibiotic drugs in animal feeds for growth promotion and increasing feed efficiency that are supported by adequate evidence of safety and efficacy available to the Food and Drug Administration.

Section 121.225, if amended as proposed, would cover all antibiotics and combinations of antibiotics that may be used in animal feed for the promotion of growth and feed efficiency. The use of any other antibiotic or combinations of antibiotics for such purposes will require amendment of this section in accordance with the procedures established under section 409 of the Federal Food, Drug, and Cosmetic Act.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), it is proposed to amend the food additive regulations in the following respects:

§ 121.220 [Amended]

1. It is proposed to amend § 121.220 *Nystatin* by deleting Table 2 in paragraph (d).

2. It is proposed to amend § 121.225 by adding the following new paragraphs:

§ 121.225 Antibiotics for growth promotion and feed efficiency.

* * * * *

(k) *Nystatin.* Nystatin, as follows:

(1) Nystatin is the antibiotic substance produced by the growth of *Streptomyces noursei* (Fam. *Actinomycetaceae*) or the same antibiotic substance produced by any other means, and for the purpose of this section refers to nystatin or feed-grade nystatin.

(2) The quantities of the antibiotic authorized in this paragraph refer to the weight of the appropriate antibiotic standard, with 1 gram of nystatin equivalent to 2,800,000 units of activity.

(3) It is used or intended for use in the feed of swine in an amount equal to 20 grams per ton of complete feed.

(l) *Oxytetracycline.* Oxytetracyline, as follows:

(1) Oxytetracycline is the antibiotic substance produced by the growth of *Streptomyces rimosus* or the same antibiotic substance produced by any other means.

(2) The quantities of the antibiotic authorized in this paragraph are expressed in terms of the weight of oxytetracycline hydrochloride.

(3) It is used or intended for use as the monoalkyl ($C_8$-$C_{18}$) trimethylammonium salt of oxytetracycline:

(i) In the feed of chickens and turkeys, in an amount not less than 10 grams nor more than 50 grams per ton of complete feed.

(ii) In the feed of swine, in an amount not less than 10 grams nor more than 50 grams per ton of complete feed.

(iii) In the feed of sheep, in an amount not less than 20 grams nor more than 50 grams per ton of complete feed.

(iv) In the feed of mink, in an amount not less than 20 grams nor more than 50 grams per ton of complete feed.

(v) In the feed of calves, in an amount not less than 25 grams nor more than 50 grams per ton of complete feed.

(vi) In the feed of beef cattle, in an amount to provide an intake of 75 milligrams per head per day.

(vii) With oleandomycin, as provided in paragraph (l)(3)(ii) of this section.

All interested persons are invited to present their views, in writing, regarding the proposals published in this notice. Such views and comments should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments may be accompanied by a memorandum of brief in support thereof.

Dated: November 9, 1964.

GEORGE P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11810; Filed, Nov. 18, 1964; 8:48 a.m.]

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Proposed Use of Nihydrazone in Chicken Feed

Pursuant to the filing of petitions, an order was published in the FEDERAL REGISTER of November 20, 1962 (27 F.R. 11414), providing for the safe use of nihydrazone in chicken feed. Following publication of the order, one of the petitioners, Hess and Clark Company, Division of Richardson-Merrell, Inc., Ashland, Ohio, requested consideration of an indication for use "to reduce the number of lesions" in the presence of chronic respiratory disease in chickens.

The Commissioner of Food and Drugs, having evaluated this request, the material originally submitted, and other relevant information, has concluded that the food additive regulation (21 CFR 121.237) should be amended to include an additional condition for which the additive may be safely used. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 1787; 21 U.S.C. 348(d)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the Commissioner proposes that § 121.237(b) be amended in the table by adding a new indication for use to item 2. As proposed, item 2 would read as follows:

§ 121.237 Nihydrazone.

* * * * *

(b) * * *

NIHYDRAZONE IN COMPLETE CHICKEN FEED

| Principal ingredient | Grams per ton | Limitations | Indications for use |
|---|---|---|---|
| * * * | * * * | * * * | * * * |
| 2. Nihydrazone | 100 | do | In the presence of chronic respiratory disease (air sac infections): to reduce mortality and severity of infection, to reduce the number of lesions, and to assist in maintaining weight gains and feed efficiency. |
| * * * | * * * | * * * | * * * |

* * * * *

All interested persons are invited to submit their views and comments in writing on this proposal within 30 days from the date of its publication in the FEDERAL REGISTER. Such views and comments should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201.

Dated: November 10, 1964.

GEORGE P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11811; Filed, Nov. 18, 1964; 8:48 a.m.]



# INTERSTATE COMMERCE COMMISSION

## [ 49 CFR Part 10 ]

[No. 32153]

## UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

### Notice of Proposed Rule Making

NOVEMBER 2, 1964.

Notice is hereby given, pursuant to section 4 of the Administrative Procedure Act, that the Commission has under consideration amendment of the uniform system of accounts for railroad companies, to be effective as of January 1, 1965, with regard to the accounting for current retirements of emergency facilities which were previously subject to amortization accounting during the period 1941–1951.

Experience shows that when such facilities are retired from service the salvage value realized is commonly in excess of the net book value (cost less amortization and depreciation reserve). Under the present rules this excess is credited to operating-expense account 330, "Retirements—Equipment," or account 267, "Retirements—Road." In many cases such credits to the operating expense accounts are large in amount and result in distortion of those accounts and material overstatement of reported net income for the year.

Under the revised rules herein proposed, when the credit realized from retirement of the equipment or road property or the aggregate of such credits for the year are so material that inclusion in the expense accounts would distort the accounts and impair the significance of net income for the year, and thus be misleading, the amount shall be credited directly to retained income account 606, "Other credits to retained income." Complete statement of the revisions in the accounts is indicated in the detailed statement of proposed rule below.

Detailed statement of proposed rule:

ITEM NO. 1: EQUIPMENT

*Account 330, Retirements—Equipment.* In the text of this account eliminate paragraph (a) pertaining to equipment previously subject to amortization accounting and substitute therefor the following revised paragraph (a); also add new paragraph (b) set forth below and change present paragraph (b) to paragraph (c):

330 Retirements; Equipment.

(a) When equipment previously subject to amortization accounting (pursuant to rules in effect during the period 1941–1951 consistent with section 124, "Amortization deductions," of the Internal Revenue Code) is retired the difference between (1) the service value (ledger value less value of salvage and insurance recovered) thereof, and (2) the balance in account 736, "Amortization of defense projects—Road and equipment," after appropriate adjustment for any depreciation accrued thereon, shall be included in this account, except for a difference, material in amount, as covered by paragraph (b) of this account.

(b) When the difference referred to in paragraph (a) of this account or the aggregate of all such differences for retirements is so material that inclusion in this account would distort and impair the significance of net income for the year the amount shall be credited to retained income account 606, "Other credits to retained income." (See General Instructions 1–2(d).)

* * * * *

ITEM NO. 2: ROAD PROPERTY

*Account 267, Retirements—Road.* In the text of this account eliminate paragraph (b), pertaining to road property previously subject to amortization accounting; add the following revised paragraph (b); also add new paragraph (c) set forth below and change present paragraph (c) to paragraph (d):

267 Retirements; Road.

* * * * *

(b) When road property previously subject to amortization accounting (pursuant to rules in effect during the period 1941–1951 consistent with section 124, "Amortization deductions," of the Internal Revenue Code) is retired the difference between (1) the service value (ledger value less salvage value and insurance recovered) thereof, and (2) the balance in account 736, "Amortization of defense projects—Road and equipment," after appropriate adjustment for any depreciation accrued thereon, shall be included in this account, except for a difference, material in amount, as covered by paragraph (c) of this account.

(c) When the difference referred to in paragraph (b) of this account or the aggregate of all such differences for retirements is so material that inclusion in this account would distort and impair the significance of net income for the year the amount shall be credited to retained income account 606, "Other credits to retained income." (See General Instructions 1–2(d).)

* * * * *

*Responses.* Railroad companies affected by the proposed rule herein and other interested parties who desire to do so should present written views or comments for our consideration as soon as practicable and not later than November 27, 1964. The Commission will consider all such responses and presentations before deciding the matter herein, after which such order as may be found appropriate will be entered. An original and three copies of any such responses should be submitted.

Notice shall be given to railroad companies hereby affected and to the general public by depositing this Notice in the Office of the Secretary of the Commission at Washington, D.C., and by filing this Notice with the Director, Office of the Federal Register.

(Sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 64-11800; Filed, Nov. 18, 1964; 8:46 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

## [ 17 CFR Part 240 ]

[Release 34-7459]

## REGISTRATION OF SECURITIES

### Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a new Rule 12b-6 (17 CFR 240.12b-6) under

the Securities Exchange Act of 1934 (Exchange Act). The new rule is proposed for the purpose of making clear that securities are not deemed to be registered under the Exchange Act until registration on a national securities exchange, or a registration statement filed pursuant to section 12(g), has become effective as provided in section 12 (d) or (g).

Under the 1964 amendments to the Exchange Act, the periodic reporting and the proxy solicitation provisions of sections 13 and 14 of the Exchange Act were amended to be applicable when an issuer has a security "registered pursuant to section 12" of the Exchange Act, and section 15(d) was amended to provide that the obligation of an issuer to file periodic reports under that section is suspended if and so long as it has a class of security "registered pursuant to section 12." Section 16(a) was amended to provide that the ownership reports required to be filed by officers, directors and holders of more than 10 percent of a registered class of equity security are required to be filed "by the effective date of a registration statement filed pursuant to section 12(g)" and "at the time of the registration of such security on a national securities exchange."[1]

Section 12(b) of the Exchange Act states that "a security may be registered on a national securities exchange by the issuer filing an application with the exchange." New section 12(g) states: "Every issuer * * * shall * * * register [a] security by filing with the Commission a registration statement." Section 12(d) provides that registration (if the exchange certifies the security has been accepted for listing) shall become effective 30 days after certification by the exchange, and section 12(g) provides that the registration statement shall become effective sixty days after filing. Under both sections the effective date may be accelerated by the Commission.

In view of the aforementioned provisions of section 12, the question has arisen whether securities are "registered pursuant to section 12" at the time of filing or at the effective date. The proposed Rule 12b–6 (17 CFR 240.12b–6) would make it clear that, for the purposes of sections 13, 14, 15(d) and 16 of the Act and the rules and regulations thereunder, securities are not registered pursuant to section 12 until the application or statement is effective, and that securities are not subject to sections 13, 14 and 16 of the Act until the application or statement is effective as provided in section 12.

Companies proposing to file registration statements for the first time should be aware of the fact that section 16(b) provides for recovery by or on behalf of the issuer of a registered equity security of any profit realized by an officer or director of such issuer, or beneficial owner of more than 10 percent of the registered equity security, in the purchase and sale or sale and purchase of an equity security of such issuer, whether or not registered, within a period of less than six months. It should be carefully noted that the courts in interpreting this section have held that an officer or director[2] of such issuer is liable to the issuer for any profit realized where an equity security is purchased (sold) before registration and — within six months—a sale (purchase) is made after registration of an equity security of the issuer.[3]

The text of the proposed rule is as follows:

**§ 240.12b–6 When securities are deemed to be registered.**

A class of securities with respect to which an application for registration or a registration statement has been filed pursuant to section 12 of the Act shall be deemed to be registered for the purposes of sections 13, 14, 15(d) and 16 of the Act and the rules and regulations thereunder only when such application or statement has become effective as provided in section 12, and securities of said class shall not be subject to sections 13, 14 and 16 of the Act until such application or statement has become effective as provided in section 12.

(Secs. 3(b), 12(h), 13, 14, 16 and 23(a); 48 Stat. 882, 892, 894, 895, 896, 901, as amended; 15 U.S.C. 78c, 78l, 78m, 78n, 78p, 78w)

All interested persons are invited to submit their views and comments on the proposed rule, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before December 11, 1964. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOVEMBER 12, 1964.

[F.R. Doc. 64–11786; Filed, Nov. 18, 1964; 8:45 a.m.]

[1] Prior to the 1964 amendments the provisions of sections 13, 14 and 16(a) were applicable to issuers or their insiders when an issuer's security was registered on a national securities exchange. The General Rules and Regulations and the forms adopted under the Exchange Act provided that such sections were applicable when the security was listed and registered on a national securities exchange. The obligation of an issuer to file reports under section 15(d) was suspended if and so long as the issuer had a security listed and registered on a national securities exchange.

[2] Section 16(b) specifically exempts transactions by a beneficial owner where the beneficial owner of a registered equity security is not such both at the time of purchase and the time of sale.

[3] See, e.g., Perfect Photo, Inc. v. Grubb, 205 F. Supp. 569 (E.D. Pa. 1962) and Heli-Coil Corp. v. Webster, 222 F. Supp. 831 (D.N.J. 1963).

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Group 419]

### CALIFORNIA

### Notice of Filing of Plats of Survey

NOVEMBER 9, 1964.

1. Plats of survey of the lands described below will be officially filed in the District and Land Office, Riverside, California, effective 10:00 a.m. on December 7, 1964.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 13 S., R. 17½ E.,
Sec. 36: All.

The area described aggregates 640.00 acres. Plat of survey accepted September 25, 1964.

T. 14 S., R. 16 E.,
Sec. 16: All;
Sec. 21: All;
Sec. 36: Lots 1, 2, 3, 4, S½NW¼, N½SW¼.

The area described aggregates 1,608.90 acres. Plat of survey accepted September 25, 1964.

T. 15 S., R. 19 E.,
Sec. 36: Lots 1, 2, 3, 4, W½E½, W½.

The area described aggregates 642.64 acres. Plat of survey accepted September 25, 1964.

T. 14 S., R. 20 E.,
Sec. 36: All.

The area described aggregates 640.00 acres. Plat of survey accepted September 25, 1964.

T. 16 S., R. 20 E.,
Sec. 36: All.

The area described aggregates 640.00 acres. Plat of survey accepted September 25, 1964.

T. 13 S., R. 21 E.,
Sec. 16: All;
Sec. 36: Lots 1, 2, 3, 4, N½S½, N½.

The area described aggregates 1,274.00 acres. Plat of survey accepted September 25, 1964.

T. 14 S., R. 21 E.,
Sec. 36: Lots 1, 2, 3, 4, 5, 6, 7, 8.

The area described aggregates 335.69. Plat of survey accepted September 25, 1964:

T. 13 S., R. 22 E.,
Sec. 25: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, SE¼NE¼, SE¼NW¼, E½SE¼;
Sec. 36: Lots 1, 2, 3, 4, SE¼SW¼, SE¼.

The area described aggregates 1,118.52 acres. Plat of survey accepted September 25, 1964.

2. Except for and subject to valid existing rights, it is presumed that title to the following lands passed to the State of California upon acceptance of the plats of survey:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 13 S., R. 17½ E.,
Sec. 36: All.
T. 14 S., R. 20 E.,
Sec. 36: All.
T. 14 S., R. 21 E.,
Sec. 36: Lots 1, 2, 3, 4, 5, 6, 7, 8.
T. 13 S., R. 22 E.,
Sec. 36: Lots 1, 2, 3, 4, SE¼SW¼, SE¼.

The area described aggregates 2,216.57 acres.

3. The following described lands have been withdrawn by Departmental Orders of September 9, 1903, February 28, 1918, March 15, 1919, February 19, 1929, and June 4, 1930, and included in First Form Reclamation Withdrawals for the Yuma and Colorado River Storage Projects, under provisions of Section 3 of the Act of June 17, 1902:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 14 S., R. 18 E.,
Sec. 16: All;
Sec. 21: All;
Sec. 36: Lots 1, 2, 3, 4, S½NW¼, N½SW¼.
(First Form Reclamation Withdrawal of June 4, 1930)
(First Form Reclamation Withdrawal of February 28, 1918)
T. 15 S., R. 19 E.,
Sec. 36: Lots 1, 2, 3, 4, W½E½, W½.
(First Form Reclamation Withdrawal of February 28, 1918)
T. 16 S., R. 20 E.,
Sec. 36: All.
(First Form Reclamation Withdrawal of March 15, 1919)
T. 13 S., R. 22 E.,
Sec. 25: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, SE¼NE¼, SE¼NW¼, E½SE¼.
(First Form Reclamation Withdrawals of September 8, 1903, February 19, 1929 and June 4, 1930)

The area described aggregates 3,409.18 acres.

4. The following described lands have been withdrawn, by Public Land Order 2818 dated November 9, 1962 (27 F.R. 11424), from application under the nonmineral public land laws and from disposition under the homestead, desert land, and scrip selection laws, and designated as the Picacho Land and Wildlife Management Area:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 13 S., R. 21 E.,
Sec. 16: All;
Sec. 36: Lots 1, 2, 3, 4, N½S½, N½.

The area described aggregates 1,274.00 acres.

5. The following lands lie within the Sand Hills Impact Area which has been contaminated by explosives as a result of use as a bombing range by the Department of the Navy. The Department of the Navy has completed explosive contamination surveys of the area. The United States, however, cannot and does not give any assurance that contamination does not exist in any part of the area. All leases under the mineral leasing laws shall be issued with the understanding that the United States neither warrants nor represents that the lands are safe or suitable for such use. All leases shall contain provisions absolving and releasing the United States from any and all liability of whatever nature for damage to property arising out of operations, under such lease, which may be suffered by the lessee, his successors and assignees, and the agents, servants and employees of either.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 14 S., R. 18 E.,
Sec. 16: All;
Sec. 21: All;
Sec. 36: Lots 1, 2, 3, 4, S½NW¼, N½SW¼.

The area described aggregates 1,608.90 acres.

6. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of the applicable laws, rules, and regulations.

7. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claim must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims.

8. Inquiries concerning these lands should be addressed to the Manager, District and Land Office, Bureau of Land Management, 1414 8th Street, Post Office Box 723, Riverside, Calif., 92502.

HALL H. MCCLAIN, *Manager.*

[F.R. Doc. 64–11804; Filed, Nov. 18, 1964; 8:47 a.m.]

### IDAHO

### Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 12, 1964.

The Department of Agriculture has filed an application Serial Number Idaho 015791 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the General Mining Laws. The applicant desires the land for public campgrounds.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho, 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and their resources. He will also undertake negotiations with the applicant agency with the view of adjust-

ing the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

PAYETTE NATIONAL FOREST

*Bruin Creek Recreation Area*

A tract of land within the unsurveyed S½S½ Sec. 11, T. 25 N., R. 11 E., more particularly described as:

Beginning at a point where Hot Springs Creek enters the Salmon River thence easterly along the high water mark of the south bank of said river for 1,237 feet; thence S. 2° W., 289 feet; thence S. 86° W., 330 feet; thence S. 72° W., 1,526 feet; thence N. 20° W., 289 feet, more or less, to the south bank of the Salmon River; thence easterly along high water mark of said river to the mouth of Hot Springs Creek, the place of beginning, containing 13.5 acres, more or less.

*Warren Creek Bar Public Service Site*

A tract of land within lot 2, Sec. 28, T. 24 N., R. 7 E., more particularly described as:

Beginning at the point where Warren Creek crosses the high water line on the south bank of the main Salmon River thence along said high water line southeasterly 400 feet; thence N. 75° W., 1,120 feet across the point of land to the south bank of the Salmon River; thence easterly along the high water line to the point of beginning, containing 5.6 acres.

The areas described aggregate 19.1 acres more or less in Idaho County, Idaho.

ORVAL G. HADLEY,
*Manager.*

[F.R. Doc. 64-11797; Filed, Nov. 18, 1964; 8:46 a.m.]

### National Park Service

[Order 1]

### PADRE ISLAND NATIONAL SEASHORE, CORPUS CHRISTI, TEXAS

#### Administrative Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

SECTION 1. The Administrative Assistant, Padre Island National Seashore, may execute and approve contracts not in excess of $2,500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order No. 14 (19 F.R. 8824), 39 Stat. 535, 16 U.S.C., sec. 2; Southwest Region Order No. 3 (21 F.R. 1494))

Dated: October 23, 1964.

WILLIAM L. BOWEN,
*Superintendent,*
*Padre Island National Seashore.*

[F.R. Doc. 64-11795; Filed, Nov. 18, 1964; 8:46 a.m.]

### Office of the Secretary

### BUREAU OF LAND MANAGEMENT INSIGNIA

The insignia depicted below is hereby prescribed as the official insignia of the Bureau of Land Management, Department of the Interior.

In making this prescription, notice is hereby given that whoever manufactures, sells or possesses this insignia, or any colorable imitation thereof, or photographs, prints, or in any other manner makes or executes any engraving, photograph or print, or impression in the likeness of this insignia, or any colorable imitation thereof, without authorization from the United States Department of the Interior, is subject to the penalty provisions of section 701 of Title 18 of the United States Code.

Dated: November 12, 1964.

STEWART L. UDALL,
*Secretary of the Interior.*

[F.R. Doc. 64-11734; Filed, Nov. 18, 1964; 8:45 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### 2-CHLORO-6-(TRICHLOROMETHYL) PYRIDINE

#### Notice of Establishment of Temporary Tolerances

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), notice is given that at the request of The Dow Chemical Company, Midland, Michigan, temporary tolerances are established for residues of the fungicide 2-chloro-6-(trichloromethyl) pyridine, expressed as its metabolite 6-chloropicolinic acid, as follows:

0.5 part per million in or on cottonseed.

0.2 part per million in or on corn forage.

Zero in or on corn grain and sweet corn kernels.

The fungicide is used to control the ammoniacal nitrogen content of the soil through control of certain bacteria responsible for the conversion of the ammonium to nitrite. Based upon data supplied by the petitioner, the Commissioner concludes that the temporary tolerances established will protect the public health.

Conditions under which these temporary tolerances are established are:

1. The total amount of the fungicide to be used under the experimental permit issued by the U.S. Department of Agriculture will not exceed 8,250 pounds active ingredient. Distribution will be under The Dow Chemical Company name.

2. The fungicide will not be marketed for general use in the production of cottonseed and corn, but will be supplied to qualified persons as permitted in the experimental permit for bona fide experimental use.

3. The Dow Chemical Company will immediately notify the Food and Drug Administration of any reports on findings from the experimental use that have a bearing on safety. The company will also keep records of manufacture, distribution, and performance and on request make these available to any authorized officer or employee of the Food and Drug Administration.

These temporary tolerances expire November 6, 1965.

Dated: November 9, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11809; Filed, Nov. 18, 1964; 8:48 a.m.]

### CANNED PRUNE JUICE DEVIATING FROM IDENTITY STANDARD

#### Notice of Issuance of Temporary Permit for Market Testing

Pursuant to § 10.5(j) of Title 21, Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of the standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to the Fruitcrest Corporation, 103-109 South Sixth Street, Brooklyn, New York, to cover interstate marketing tests of canned prune juice that will deviate from its standard of identity (21 CFR 27.60) in that it will contain added vitamin C as a nutrient. The labels will state "Vitamin C added" and "A 6-ounce serving contains 100% of the minimum daily adult requirement of vitamin C." This permit expires November 15, 1965.

Dated: November 10, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11812; Filed, Nov. 18, 1964; 8:48 a.m.]



### CELANESE CORPORATION OF AMERICA

#### Notice of Filing of Petition Regarding Food Additive 1,3-Butylene Glycol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5)), 72 Stat. 1786; 21 U.S.C. 348(b)(5), notice is given that a petition (FAP 5A1531) has been filed by Celanese Corporation of America, 522 Fifth Avenue, New York, New York, 10036, proposing the issuance of a regulation to provide for the safe use of 1,3-butylene glycol as a solvent for synthetic and natural flavoring substances.

Dated: November 16, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-11813; Filed, Nov. 18, 1964; 8:48 a.m.]

### CORVEL, INC.

#### Notice of Filing of Petition for Food Additive Tylosin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5D1589) has been filed by Corvel, Inc., Subsidiary of Eli Lilly and Company, 1124 Harney Street, Omaha, Nebraska, proposing an amendment to § 121.217 of the food additive regulations to provide for the safe use of tylosin for intramuscular injection from 2 milligrams to 5 milligrams per pound of body weight per day for the treatment of localized and systemic infections in beef cattle. Such treatment is not to exceed 5 days, and treated animals are not to be slaughtered for food within 8 days of the latest treatment.

Dated: November 16. 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-11814; Filed, Nov. 18, 1964; 8:48 a.m.]

### MASONITE CORP.

#### Notice of Filing of Petition Regarding Food Additive Hemicellulose Extract

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5C1521) has been filed by Masonite Corporation, 29 North Wacker Drive, Chicago, Illinois, proposing the issuance of a regulation to provide for the safe use of hemicellulose extract (wet or dry) obtained from the treatment of wood with water at elevated temperatures, containing primarily pentose and hexose sugars having a total carbohydrate content of not less than 55 percent and Brix of not less than 65° in the wet product, and containing not less than 74 percent carbohydrate in the dry product. The additive is proposed to be used as a nutritive ingredient in animal feed.

Dated: November 6, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-11815; Filed, Nov. 18, 1964; 8:48 a.m.]

### CHAS. PFIZER AND CO., INC.

#### Notice of Withdrawal of Petition for Food Additive Oxytetracycline

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Chas. Pfizer and Company, Inc., 235 East 42d Street, New York 17, New York, has withdrawn its petition (FAP 1153), published in the FEDERAL REGISTER of August 7, 1963 (28 F.R. 8049), proposing the issuance of a regulation to provide for the safe use of oxytetracycline alone or in combination with hygromycin B in swine feeds for specified conditions of use.

The withdrawal of this petition is without prejudice to a future filing.

Dated: November 9, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-11816; Filed, Nov. 18, 1964; 8:48 a.m.]

### DR. SALSBURY'S LABORATORIES

#### Notice of Filing of Petition for Food Additives 3,5-Dinitrobenzamide, Acetyl-(p-Nitrophenyl)-Sulfanilamide, and 3-Nitro-4-Hydroxyphenyl-Arsonic Acid

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5D1562) has been filed by Dr. Salsbury's Laboratories, Charles City, Iowa, proposing the issuance of a regulation to provide for the safe use of 3,5-dinitrobenzamide, acetyl-(p-nitrophenyl)-sulfanilamide, and 3-nitro-4-hydroxyphenyl-arsonic acid in combination in complete feeds for chickens, as follows:

| Principal ingredient | Grams per ton | Combined with— | Grams per ton | Limitations | Indications for use |
|---|---|---|---|---|---|
| 3,5-Dinitrobenzamide. | 227 (0.025%) | Acetyl-(p-nitrophenyl)-sulfanilamide. + 3-Nitro-4-hydroxyphenyl-arsonic acid. | 272 (0.03%) 45.4 (0.005%) | For chickens; not to be fed to laying chickens; withdraw 4 days before slaughter. | Prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation. |

Dated: November 10, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-11817; Filed, Nov. 18, 1964; 8:48 a.m.]

### SCHERING CORP.

#### Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5C1585) has been filed by Schering Corporation, Bloomfield, New Jersey, proposing the issuance of a regulation to provide for the safe use of a combination drug containing procaine penicillin, dihydrostreptomycin sulfate, dexamethazone, and chlorpheniramine maleate for intramuscular treatment of localized and systemic infections in cattle, sheep, and swine.

Dated: November 16, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-11818; Filed, Nov. 18, 1964; 8:48 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-89]

### GENERAL DYNAMICS CORP.

#### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 13, set forth below, to Facility License No. R-38, as amended. The license, as amended, authorizes General Dynamics Corporation to operate its TRIGA Mark I nuclear reactor located at Torrey Pines Mesa, California. The amendment authorizes the installation and use of an additional pneumatically operated irradiation facility (rabbit tube) in the reactor as described in the licensee's application amendment dated April 7, 1964, and supplemental letters dated July 21, 1964, and September 29, 1964.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(2) The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated April 7, 1964, and supplemental letters dated July 21, 1964, and September 29, 1964, (2) the Hazards Analysis prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545 Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 5th day of November 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.*

AMENDMENT TO FACILITY LICENSE

[License R-38, Amdt. 13]

License No. R-38, as amended, issued to General Dynamics Corporation is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-38, as amended, General Dynamics Corporation is authorized to install and use an additional pneumatically operated irradiation facility (rabbit tube) in the TRIGA Mark I reactor located at Torrey Pines Mesa, California, as described in its application for license amendment dated April 7, 1964, and supplemental letters dated July 21, 1964, and September 29, 1964.

This amendment is effective as of the date of issuance.

Date of issuance: November 5, 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.*

[F.R. Doc. 64-11781; Filed, Nov. 18, 1964; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order E-21502]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of November 1964.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotected notices to the carriers and promulgated in IATA memoranda, names additional rates as set forth in the attachment hereto.[1]

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

*Accordingly, it is ordered:*

That Agreement C.A.B. 17666, R-65 through R-67, be and hereby is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-11834; Filed, Nov. 18, 1964; 8:50 a.m.]

[Docket No. 14911]

## LINEA AEREA PATAGONICA ARGENTINA, S.A.

### Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will commence on Friday, November 20, 1964, at 2 p.m., local time, in Room 925, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before Examiner Merritt Ruhlen.

[1] Filed as part of original document.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Is the applicant fit, willing and able properly to perform the air transportation proposed in its application and to conform to the provisions of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and requirements of the Board thereunder?

2. Will the air transportation proposed in the application be in the public interest?

3. Is substantial ownership and effective control of the applicant vested in nationals of Argentina?

4. If the application is granted, what should be the duration of the permit and what terms, conditions and limitations, if any, should be attached thereto?

For further details of the issues involved in this proceeding, interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Dated at Washington, D.C., November 13, 1964.

[SEAL] MERRITT RUHLEN,
*Hearing Examiner.*

[F.R. Doc. 64-11835; Filed, Nov. 18, 1964; 8:50 a.m.]

[Docket No. 15675]

## SATURN AIRWAYS, INC., AND AAXICO AIRLINES, INC.

### Merger Case; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 1, 1964, at 10:00 a.m., e.s.t., in Room 607, Universal Building, Connecticut and Florida Avenues, NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., November 16, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-11836; Filed, Nov. 18, 1964; 8:50 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15697; FCC 64-1056 Corrected]

## STEREOPHONIC SOUND FOR TELEVISION BROADCASTING

### Notice of Inquiry

1. Present Commission rules provide for the transmission of stereophonic sound by FM broadcasting stations. On October 2, 1961, we denied petitions by Philco Corporation, Radio Corporation of America, and Kahn Research Laboratories, to provide for the transmission of stereophonic sound by standard (AM) broadcasting stations. No action was taken at that time with respect to a petition by Philco Corporation for the transmission of stereophonic sound by television broadcasting stations. We now wish to consider that matter.

2. The Philco petition (RM-96), filed February 12, 1959, and a subsequent petition (RM-376) filed October 17, 1962, by General Electric Company requested the institution of rule making to provide for the transmission of stereophonic sound by television broadcast stations. Each proposed a specific system designed to be "compatible" in that satisfactory reception may be obtained on conventional TV receivers that are not equipped for stereophonic reception. However, we do not wish to limit our consideration to the systems proposed since other methods of achieving stereophonic sound may be suitable for the narrow viewing angle of home television.

3. It is the purpose of this proceeding to determine whether or not the employment of stereophonic sound in television broadcasting will add to the realism or otherwise contribute a worthwhile improvement to the overall portrayal of the programs presented by television broadcast stations and if so, what system of producing stereophonic sound transmission and reception should be employed. Pertinent data obtained from experiments and tests will be most helpful. Data is also desired as to the effect of stereophonic sound transmissions on the quality of picture and sound reception both for monophonic TV receivers and for those equipped to receive the stereophonic sound transmissions accompanying the picture transmissions. We will also be concerned with bandwidth requirements as well as costs and complexity of installing and operating transmitting and receiving equipment.

4. Accordingly, we invite comments from interested persons as to the desirability and methods of providing for stereophonic sound transmission and reception in television broadcasting, within the present TV channels. Comments concerning availability of stereophonic program material and production techniques are also desired.

5. Comments may be filed on or before January 22, 1965, and replies thereto on or before February 8, 1965. In reaching a decision in this matter the Commission will not be limited to consideration of such comments but will consider also any pertinent data obtained from informed sources.

6. Authority for the institution of this proceeding is contained in sections 4(i), 303 (b) and (g), and 403 of the Communications Act of 1934, as amended.

7. In accordance with the provisions of § 1.419 of the rules, and original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: November 12, 1964.

Released: November 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11844; Filed, Nov. 18, 1964; 8:50 a.m.]

[1] Commissioners Lee, Ford, and Cox absent.





[Docket No. 14650; FCC 64M-1138]

## DOMESTIC TELEGRAPH SERVICE

### Order Re Procedural Dates

The Examiner having under consideration the agreements reached at the conference with record counsel on November 12, 1964, pursuant to notices of hearing conference dated October 14, 1964 (FCC 64M-1012; Mimeo 58218) and November 6, 1964 (FCC 64M-1109; Mimeo 59207), respectively;

*It is ordered,* This 13th day of November 1964, that supplemental and rebuttal evidence may be presented in this proceeding on behalf of The Western Union Telegraph Company, The American Telephone and Telegraph Company, The Department of Defense and Aeronautical Radio, Inc., respectively, provided that each participant proposing the submission of such further evidence shall reduce the same to written form and deliver it to all other participants in this proceeding on or before December 21, 1964: *Provided further, however,* That AT&T shall be permitted to effect delivery of any proposed evidence relating to its position on the suggested separation of voice and record services no later than January 4, 1965; and

*It is further ordered,* That further hearing sessions herein shall be held commencing at 10:00 a.m. on January 12, 1965, at the offices of the Commission, Washington, D.C., and that the order of procedure at such further sessions shall be as follows:

(1) Aeronautical Radio, Inc.
(2) Western Union
(3) Department of Defense
(4) American Telephone and Telegraph

Released: November 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary,*

[F.R. Doc. 64-11845; Filed, Nov. 18, 1964; 8:50 a.m.]

[Docket No. 15650; FCC 64M-1145]

## EAGLE WHARF AND TOWING CO.

### Order Scheduling Hearing

In the matter of Eagle Wharf and Towing Company, St. Louis, Missouri, Docket No. 15650; order to show cause why the license for Radio Station WP-8577 aboard the vessel "Charles H. West" should not be revoked.

*It is ordered,* This 13th day of November 1964, that David I. Kraushaar shall serve as presiding officer in the above-entitled proceeding, and that the hearings therein shall be convened in St. Louis, Missouri, at 10:00 a.m., January 5, 1965.

Released: November 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11846; Filed, Nov. 18, 1964; 8:50 a.m.]

[Docket Nos. 15460, 15461; FCC 64M-1147]

## SYMPHONY NETWORK ASSOCIATION, INC., AND CHAPMAN RADIO AND TELEVISION CO.

### Order Re Procedural Dates

In re applications of Symphony Network Association, Inc., Fairfield, Alabama, Docket No. 15460, File No. BPCT-3238; William A. Chapman and George K. Chapman, d/b as Chapman Radio and Television Company, Homewood, Alabama, Docket No. 15461, File No. BPCT-3282; for construction permits for a new television broadcast station.

The Hearing Examiner having for consideration: (1) A petition filed by Chapman Radio and Television Company on November 2, 1964 requesting the receipt into evidence of certain attached supplemental exhibits; and (2) the record of a hearing conference held on November 13, 1964 at which certain procedures and procedural dates were established;

It appearing, that Chapman's supplemental exhibits have been submitted at the request of the Broadcast Bureau, and in the manner directed by the Hearing Examiner;

*It is ordered,* This 13th day of November 1964, that Chapman's subject petition is granted, and that Chapman's supplemental exhibits are received into evidence as Chapman Exhibits H-7, H-8, H-9 and H-10, by which numbers they are identified on their face;

*It is further ordered,* That Chapman's direct case on the issue added by the Review Board's Order released herein on October 29, 1964, shall be entirely in the form of sworn written exhibits; that such exhibits shall be formally exchanged on or before December 18, 1964; and that in the event any party wishes to call for cross-examination any witness sponsoring any of Chapman's exhibits, such party shall give notice thereof on or before January 5, 1965;

*It is further ordered,* That the presentation of rebuttal evidence shall commence immediately after the close of Chapman's direct case; that in the event any party wishes to present a portion of its rebuttal evidence in the form of exhibits, copies thereof shall be exchanged on or before January 4, 1965; that in the event any party wishes to present a portion of its rebuttal case in oral form, such party shall identify its witness and the general scope of their testimony on or before January 4, 1965; and in the event any rebuttal exhibits are exchanged and any other party wishes to call for cross-examination any witness sponsoring any such exhibit, such party shall give notice thereof on or before January 8, 1965;

*And, it is further ordered,* That hearing herein shall recommence on January 11, 1965, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: November 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-11847; Filed, Nov. 18, 1964; 8:50 a.m.]

# FEDERAL MARITIME COMMISSION

## ATLANTIC & GULF AMERICAN-FLAG BERTH OPERATORS

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

R. L. Hansen, Secretary,
Atlantic & Gulf American-Flag Berth Operators,
80 Broad Street,
New York 4, N.Y.

Agreement No. 8086–5, between the members of Atlantic & Gulf American-Flag Berth Operators, modifies Article 7 of the basic agreement, as amended, to read as follows:

ARTICLE 7: Any carrier becoming a party to this Agreement shall thereby become a party to, and any carrier withdrawing from this Agreement shall thereby cease to be a party to, ANY AGREEMENTS BETWEEN ALL THE PARTIES TO THIS AGREEMENT, OR any agreements between the parties to this Agreement (jointly entered into by said parties in their capacity of participants in this Agreement) and any other carrier or other person subject to the Shipping Act, 1916, as amended, provided said agreements are filed and approved pursuant to the provisions of said Act and contain specific provisions for such admission to or withdrawal from participation therein.

The modification adds the word "ALL" to the phrase set forth in capitalized letters above.

Dated: November 16, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–11821; Filed, Nov. 18, 1964; 8:49 a.m.]

## ATLANTIC & GULF AMERICAN-FLAG BERTH OPERATORS

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

R. L. Hansen, Secretary,
Atlantic & Gulf American-Flag Berth Operators,
80 Broad Street,
New York 4, N.Y.

Agreement No. 9355–1, between the members of Atlantic & Gulf American-Flag Berth Operators, modifies the basic agreement by adding to Articles 5 and 6 thereof the following provisions:

ARTICLE 5: Any other American Flag Berth Operator, a member of Agreement No. 8086, as amended, shall become a member hereof by signing this Agreement or counterpart thereof, membership to become effective thirty (30) days from the time of signature. Any other carrier becoming a member of Agreement No. 8086, as amended, shall thereupon automatically become a member of this agreement. The termination of any carrier's adherence to Agreement No. 8086, as amended, shall automatically terminate such carrier's participation in this agreement.

ARTICLE 6: Any party hereto may withdraw from this Agreement upon withdrawing from Agreement No. 8086, as amended, by giving 30 days written notice to all other parties.

The parties to Agreement 9355 are the same as those participating in Agreement No. 8086, as amended, under which they arrange rates and conditions inter alia for the carriage of cargo, for and at the request of the Military Sea Transportation Service and related Shipper Services (Army, Navy, Air Force, etc.)

Dated: November 16, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64–11822; Filed, Nov. 18, 1964; 8:49 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CP64–155]

## MICHIGAN-WISCONSIN PIPE LINE CO.

### Notice of Application To Amend

NOVEMBER 12, 1964.

Take notice that on September 23, 1964, Michigan-Wisconsin Pipe Line Company (Applicant), 1 Woodward Avenue, Detroit, Michigan filed in Docket No. CP64–155 an application to amend an order of the Commission issued June 2, 1964, in Docket No. CP64–155, authorizing among other things the delivery by Applicant of a Maximum Daily Quantity (MDQ) of 78,000 Mcf to Wisconsin Power and Light Company (Wisconsin Power), and a Maximum Daily Quantity of 4,000 Mcf to Stoughton Light & Fuel Company (Stoughton). The application to amend requests modification of the said order so as to authorize an increase in deliveries to Wisconsin Power from 78,000 Mcf to 81,000 Mcf of MDQ under Applicants' Rate Schedule ACQ–1, and a deletion of the authorization for the sale and delivery to Stoughton of an MDQ of 4,000 Mcf under Applicants' Rate Schedule SGS–1, as a result of a merger of Wisconsin Power and Stoughton, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

Wisconsin Power has obtained approval of the merger from the Public Service Commission of Wisconsin, and has requested that the service agreements between Michigan Wisconsin and Wisconsin Power and Stoughton tendered for filing by Michigan Wisconsin on July 13, 1964, be superseded and that there be substituted in lieu thereof a new service agreement between Michigan Wisconsin and Wisconsin Power providing for an MDQ of 81,000 Mcf. Applicant requested an effective date of November 1, 1964.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 3, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–11790; Filed, Nov. 18, 1964; 8:45 a.m.]

[Docket No. RI65–321]

## JAS. F. SMITH

### Order Providing for Hearing on and Suspension of Proposed Change in Rate

NOVEMBER 12, 1964.

On October 13, 1964, Jas. F. Smith (Smith)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission.

[1] Address is: P.O. Box 1005, Avondale Station, Amarillo, Texas.



The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

*Description.* Notice of Change, dated October 2, 1964.
*Purchaser and producing area.* Northern Natural Gas Company (Walkemeyer Field, Stevens County, Kansas).
*Rate schedule designation.* Supplement No. 7 to Smith's FPC Gas Rate Schedule No. 13.
*Effective date.* November 13, 1964.[2]
*Amount of annual increase.* $37,800.
*Effective rate.* 11.0 cents per Mcf.[3 4]
*Proposed rate.* 16.0 cents per Mcf.[5 6 7]
*Pressure base.* 14.65 psia.

Smith requests that his proposed rate increase be permitted to become effective "immediately". Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Smith's rate filing and such request is denied.

The proposed renegotiated rate increase filed by Smith exceeds the 11.0 cents per Mcf ceiling price for increased rates for the area involved as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 7 to Smith's FPC Gas Rate Schedule No. 13 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Smith's FPC Gas Rate Schedule No. 13.

(B) Pending such hearing and decision thereon, Supplement No. 7 to Smith's FPC Gas Rate Schedule No. 13 is hereby suspended and the use thereof deferred until April 13, 1965, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 31, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64–11791; Filed, Nov. 18, 1964; 8:45 a.m.]

[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] Presently effective price for gas from all depths in which seller has interests.
[4] Subject to downward Btu adjustment from 950 Btu's.
[5] Renegotiated rate increase.
[6] Price for gas from formations below top of Morrowan Series of Pennsylvania System, from which all production will come at this time. Contract also provides for 14.0¢ per Mcf rate for gas from intermediate formation.
[7] Subject to downward Btu adjustment from 1000 Btu's.

# FEDERAL RESERVE SYSTEM

## BARNETT NATIONAL SECURITIES CORP.

### Order Extending Periods of Time Prescribed by Provisos in Order of Approval

In the matter of the application of Barnett National Securities Corporation, Jacksonville, Florida, for permission to acquire 80 per cent or more of the voting shares of The San Jose Barnett Bank, Jacksonville, Florida.

*Whereas*, by Order dated August 12, 1964, the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2) and § 222.4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), approved the acquisition by Barnett National Securities Corporation, Jacksonville, Florida, of 80 per cent or more of the voting shares to be issued by The San Jose Barnett Bank, Jacksonville, Florida, a proposed new bank, and said Order was made subject to the provisos that the acquisition so approved "shall not be consummated * * * (b) later than three months after said date [of Order], and that The San Jose Barnett Bank shall be opened for business not later than six months after said date [of Order]"; and

*Whereas*, Barnett National Securities Corporation has applied to the Board for extensions of time within which the approved acquisition may be consummated and within which the bank shall be opened for business, and it appearing to the Board that good cause has been shown for the extensions of time requested and that such extensions would not be inconsistent with the public interest;

*It is hereby ordered*, That the Board's Order of August 12, 1964, be, and it hereby is, amended so that the provisos relating to the time by which Barnett National Securities Corporation shall consummate the approved acquisition of stock, and the date by which The San Jose Barnett Bank shall be opened for business, shall read: "provided that the acquisition so approved shall not be consummated * * * (b) later than December 31, 1964, and that The San Jose Barnett Bank shall be opened for business not later than May 20, 1965."

Dated at Washington, D.C., this 12th day of November 1964.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 64–11782; Filed, Nov. 18, 1964; 8:45 a.m.]

# FOREIGN-TRADE ZONES BOARD

## HONOLULU, HAWAII

### Application for Foreign-Trade Zone; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Foreign-Trade Zones Act of June 18, 1934, as amended, and the regulations of the Foreign-Trade Zones Board,[1] that a hearing concerning an application to establish a foreign-trade zone at Honolulu, Hawaii, will be held on December 15, 1964, at 10:00 a.m., local time, at the Federal Building, Merchant Street, Honolulu, Hawaii, before the Examiners Committee of the Board.

As announced in the FEDERAL REGISTER on September 19, 1964, this application has been made to the Foreign-Trade Zones Board on behalf of the State of Hawaii by the Director of the Department of Planning and Economic Development, a public agency and instrumentality of that State, for the privilege of establishing, operating, and maintaining a foreign-trade zone at Honolulu, Hawaii, within Customs Collection District No. 32 of the United States. The site on which the proposed foreign-trade zone is to be located consists of approximately 41,000 square feet of covered and open space at Pier 39, Honolulu, Hawaii. The applicant indicates that should business requirements necessitate expansion of the initial zone site, additional area and facilities at or near Pier 39 would be available for this purpose.

The Examiners Committee is investigating to determine whether the proposed plans and location are suitable for the accomplishment of the purposes of a foreign-trade zone under the Foreign-Trade Zones Act. The object of the hearing is to inform interested parties concerning this application, and to afford them an opportunity to express their views relative thereto, and to obtain other data useful to the Examiners Committee.

A general description of the proposed zone and maps will be available for public information at the office of the Collector of Customs, Federal Building, Merchant Street, Honolulu, Hawaii, and at the office of the Executive Secretary, Foreign-Trade Zones Board, Room 6827, U.S. Department of Commerce, Washington, D.C., 20230. In accordance with Board Regulations, other information concerning the application may be made public if the Examiners Committee is satisfied of the public necessity or desirability therefor, or the applicant consents.

[1] See Title 15, Code of Federal Regulations, Part 400, Article 13, Rules of Procedure and Practice.

Interested parties or their representatives will be afforded the opportunity to be heard at the hearing; however, for the accuracy of the record and to facilitate proceedings, they should file written request therefor as soon as possible and provide a written summary of their views regarding the application. Prior to December 7, 1964, requests to be heard and written summaries should be directed to Mr. Jerome Sachs, Chairman of the Examiners Committee, % Executive Secretary, Foreign-Trade Zones Board, Room 6627, U.S. Department of Commerce, Washington, D.C., 20230; subsequent to that date and prior to noon, December 14, 1964, such requests and summaries should be directed to the Chairman of the Examiners Committee, Mr. Sachs, % the Collector of Customs, Federal Building, Merchant Street, Honolulu, Hawaii.

Persons that have not submitted an advance request to be heard may, nevertheless, be permitted to be heard at the hearing at the discretion of the Examiners Committee. Interested parties not able to be present or represented at the hearing may submit their written views concerning the application to the Examiners Committee as indicated above.

RICHARD H. LAKE,
*Executive Secretary,*
*Foreign-Trade Zones Board.*

NOVEMBER 12, 1964.

[F.R. Doc. 64-11783; Filed, Nov. 18, 1964; 8:45 a.m.]

# OFFICE OF EMERGENCY PLANNING

## GEORGIA

### Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated November 4, 1964, reading in part as follows:

I have determined the damage in various areas of the State of Georgia adversely affected by flooding beginning on or about October 3, 1964, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Georgia to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of November 4, 1964:

The counties of:

| | |
|---|---|
| Fannin. | Towns. |
| Gilmer. | Union. |
| Rabun. | White. |
| Stephens. | |

Dated: November 10, 1964.

FRANKLIN B. DRYDEN,
*Deputy Director,*
*Office of Emergency Planning.*

[F.R. Doc. 64-11794; Filed, Nov. 18, 1964; 8:46 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 811-621]

## DE VEGH INVESTING CO., INC. AND PINE STREET FUND, INC.

### Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 13, 1964.

Notice is hereby given that an application has been filed by Pine Street Fund, Inc. ("applicant"), 30 Wall Street, New York, New York, 10005, a registered open-end diversified management investment company, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that de Vegh Investing Company, Inc. ("de Vegh"), a Maryland corporation and a open-end diversified management investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a complete statement of applicant's representations which are summarized below.

The application states that de Vegh was consolidated with and merged into applicant on June 24, 1963 pursuant to an Agreement of Consolidation and Articles of Merger approved by shareholders of both companies. As of September 10, 1964, 115 holders of certificates formerly representing de Vegh stock had not exchanged them for certificates of applicant. On December 26, 1963, and September 15, 1964, applicant sent notices of the right to exchange to those shareholders who had not exchanged their de Vegh certificates. Applicant states that it intends to periodically notify such persons of their rights.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 4, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-11787; Filed, Nov. 18, 1964; 8:45 a.m.]

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[File Nos. 59-109, 54-235]

## WEST PENN POWER CO. AND ALLEGHENY POWER SYSTEM, INC.

### Order Directing Elimination of Publicly-Held Common Stock Interest and Approving Plan

NOVEMBER 13, 1964.

In the matters of West Penn Power Company, Allegheny Power System, Inc., File No. 59-109; Allegheny Power System, Inc., File No. 54-235.

The Commission having instituted a proceeding under section 11(b)(2) of the Public Utility Holding Company Act of 1935 ("Act") with respect to Allegheny Power System, Inc. ("Allegheny"), a registered holding company, and its subsidiary company, West Penn Power Company ("West Penn"); and Allegheny having filed, pursuant to section 11(e) of the Act, a plan and amendments thereto ("Plan") for the elimination of the publicly-held common stock interest in West Penn; and the Commission having consolidated the proceeding under section 11(b)(2) with the proceeding under section 11(e);

A public hearing having been held, after appropriate notice, with respect to the consolidated proceeding, at which hearing all interested persons were afforded an opportunity to be heard;

Allegheny having, pursuant to section 11(e) of the Act, requested that the Commission apply to an appropriate United States District Court to enforce and carry out the terms and provisions of the Plan;

Allegheny having further requested that, if the Commission approve the section 11(e) Plan, the Commission's order contain the findings and recitals necessary to meet the requirements of sections 4382(b) and 1081(f) of the Internal Revenue Code of 1954, as amended; and

The Commission having considered the entire record and having this day filed its Findings and Opinion; on the basis of such Findings and Opinion:

*It is ordered,* Pursuant to section 11(b)(2) of the Act, that Allegheny and West Penn be, and each hereby is, directed to take appropriate action to effect the elimination of the publicly-held common stock interest in West Penn.

*It is further ordered,* Pursuant to section 11(e) of the Act, that the Plan filed by Allegheny be, and hereby is approved, subject to the terms and conditions contained in Rule 24 promulgated under the Act and to the following additional terms and conditions:

(1) This order shall not be operative to authorize any transaction proposed in the Plan until an appropriate United States District Court shall, upon application thereto, enter an order approving and enforcing the Plan;

(2) Only such fees and expenses in connection with the Plan and the proceedings incident thereto as the Commission may approve on appropriate application made to it shall be paid by Allegheny and West Penn, jurisdiction being specifically reserved to determine the reasonableness of all such fees and expenses and all other remuneration incurred or to be incurred by Allegheny and West Penn in connection with the Plan, the transactions incident thereto, and all proceedings on or related thereto; and

(3) Jurisdiction is specifically reserved with respect to the entering of such further orders and the taking of such further action as the Commission may deem necessary or appropriate to effectuate the requirements of section 11(b) of the Act.

*It is further ordered,* That the issuance and sale by Allegheny of its shares of common stock be, and hereby are, excepted from the competitive bidding requirements of Rule 50 under the Act.

*It is further ordered and recited,* In accordance with sections 1081(f) and 4382(b) of the Internal Revenue Code of 1954, as amended, that the Plan and the transactions set forth therein and all action required for carrying out the Plan are necessary or appropriate to effectuate the provisions of section 11(b) of the Public Utility Holding Company Act of 1935, including (1) the change and conversion of all of the 180,926 shares of West Penn common stock, owned by stockholders other than Allegheny, into 615,148.4 shares of common stock, $2.50 par value, of Allegheny, (2) the issuance of a certificate or certificates representing said 615,148.4 shares of common stock, $2.50 par value, of Allegheny and the delivery thereof to the Agent for delivery to the former holders of West Penn common stock as outlined in the Plan, (3) the delivery by the Agent of certificates for said 615,148.4 shares of Allegheny common stock to the former holders of West Penn common stock as outlined in the Plan, and (4) the vesting in Allegheny of ownership of 180,926 shares of common stock, no par value, of West Penn and the issuance to Allegheny by West Penn of a certificate or certificates representing such shares.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-11788; Filed, Nov. 18, 1964; 8:45 a.m.]



# TARIFF COMMISSION

[TC Publication 144; AA1921-43]

## WINDOW GLASS FROM CZECHOSLOVAKIA

### Determination of No Injury or Likelihood Thereof

NOVEMBER 16, 1964.

On September 23, 1964, the Tariff Commission was advised by the Assistant Secretary of the Treasury that window glass, 16-ounce through 28-ounce thicknesses, from Czechoslovakia is being, or is likely to be, sold in the United States at less than fair value as that term is used in the Antidumping Act, 1921, as amended. Accordingly, the Commission on September 24, 1964, instituted an investigation under section 201(a) of that act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the investigation was published in the FEDERAL REGISTER (29 F.R. 13552). The Commission did not order a public hearing, but referred interested parties to § 208.4 of its rules of practice and procedure (19 CFR 208.4), which provides that they may, within 15 days after the date of publication of the Commission's notice of investigation in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request. No request for a hearing was received.

In arriving at this determination, the Commission gave due consideration to all written statements submitted by interested parties and all information obtained by its staff.

On the basis of the investigation, the Commission has unanimously determined that an industry in the United States is not being, and is not likely to be, injured, or prevented from being established, by reason of the importation of window glass, 16-ounce through 28-ounce thicknesses, from Czechoslovakia, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

*Statement of reasons.* Imports of window glass[1] from Czechoslovakia increased in the early 1960's, and reached a record high in 1962. The quantity imported was one-third as large in 1963 as in 1962, and imports in 1964 have been entering at about the same rate as those in 1963. At their highest level (in 1962), the imports from Czechoslovakia comprised less than 2 percent of U.S. imports of window glass and accounted for less than one-half of 1 percent of the apparent U.S. consumption of such glass in that year.

The imports of window glass from Czechoslovakia at less than fair value have had no discernible effect on U.S. producers of window glass. The aggregate U.S. sales of window glass from Czechoslovakia in 1961-63 were equivalent to 0.4 percent of shipments of window glass by the domestic producers. The corresponding ratio for sales of window glass imported from all countries was 28 percent. Annual shipments of domestically produced window glass have risen steadily since 1961; the increase in such shipments has been many times as large as the annual imports from Czechoslovakia at their peak. Sales of Czechoslovakian glass have had no demonstrable depressing effect on the prices received by the domestic producers; the prices of domestic window glass have been increased on three successive occasions since 1961.

Window glass from Czechoslovakia has been sold in the United States predominantly to manufacturers of storm windows and doors who are located in New England and the New York Metropolitan area. Because of the severe price competition in these products, many manufacturers have used low-priced window glass imported not only from Czechoslovakia, but also from other foreign suppliers. If imports of glass from Czechoslovakia should decline further or even cease altogether, firms now using such glass would probably turn to low-priced glass imported from other countries.

Continuation of imports of window glass from Czechoslovakia would not likely cause material injury to any industry in the United States. Among other factors, uncertainty of deliveries of such glass from the Czechoslovakian supplier and the quality of the glass, together with ideological objections to its use, distinctly limit its consumption in the United States.

This determination and statement of reasons are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended.

By the Commission.

[SEAL] DONN N. BENT,
*Secretary.*

[F.R. Doc. 64-11820; Filed, Nov. 18, 1964; 8:49 a.m.]

[1] As used herein, the term "window glass" refers to sheet glass weighing from 16 ounces to not more than 28 ounces per square foot. Window glass is used predominantly for glazing windows and doors.

# DEPARTMENT OF LABOR

## Office of the Secretary

[Secretary's Order 34-64]

## REGIONAL DIRECTORS AND DISTRICT OF COLUMBIA FIELD SERVICE REPRESENTATIVE OF BUREAU OF APPRENTICESHIP AND TRAINING

### Redelegation of Authority To Enter Into and Execute Contracts

OCTOBER 14, 1964.

1. *Purpose.* This order redelegates certain authority to enter into and execute contracts for property and services.

2. *Authority and directives affected.* Secretary's Order No. 10–64 delegated certain procurement and contracting authority to the Assistant Secretary for Administration, with certain powers of redelegation. Secretary's Order No. 13–64 redelegated certain of this authority to the Administrator, Bureau of Apprenticeship and Training, and to such Regional Directors and field employees thereof as should thereafter be designated.

3. *Redelegation of authority.* a. The authority under Secretary's Order No. 13–64, paragraph 3d(2), is hereby redelegated to the Regional Directors and to the District of Columbia Field Service Representative of the Bureau of Apprenticeship and Training, or officials acting in such capacity, in the following offices of said Bureau.

Region I: Boston, Mass.
Region II: New York, N.Y.
Region III–IV: Chambersburg, Pa.
Region V: Atlanta, Ga.
Region VI: Cleveland, Ohio
Region VII: Chicago, Ill.
Region VIII: Minneapolis, Minn.
Region IX: Kansas City, Mo.
Region X: Dallas, Tex.
Region XI: Denver, Colo.
Region XII: San Francisco, Calif.
Region XIII: Seattle, Wash.
District of Columbia, Washington, D.C.

b. All contracting authority above redelegated shall be exercised in accordance with the provisions of paragraphs 3e, 3f, and 4 of Secretary's Order No. 13–64.

4. *Effective date.* This order is effective immediately.

LEO R. WERTS,
*Assistant Secretary for Administration.*

[F.R. Doc. 64–11792; Filed Nov. 18, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 16, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 39394: *Joint motor-rail rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 33), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states territory, on the one hand, and points in Provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 27 to Niagara Frontier Tariff Bureau, Inc., agent, tariff MF–I.C.C. 59.

FSA No. 39395: *Dense soda ash to Forest Park and Hapeville, Ga.* Filed by Southwestern Freight Bureau, agent (No. B–8631), for interested rail carriers. Rates on dense soda ash, in bulk, in covered hopper cars, in carloads, from points in Louisiana and Texas, also Baldwin, Ark., to Forest Park and Hapeville, Ga.

Grounds for relief: Market competition.

Tariffs: Supplements 56, 154 and 50 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4529, 4450 and 4534, respectively.

FSA No. 39396: *Liquid caustic soda to points in Georgia and South Carolina.* Filed by Southwestern Freight Bureau, agent (No. B–8632), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from points in Louisiana and Texas, also Baldwin, Ark., to Augusta, Ga., Clearwater, Graniteville and Langley, S.C.

Grounds for relief: Market competition.

Tariffs: Supplements 56, 154 and 50 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4529, 4450 and 4534, respectively.

FSA No. 39397: *Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 105), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: Supplement 8 to Southern Motor Carriers Rate Conference, agent, tariff MF–I.C.C. 1314, and other schedules named in the application.

FSA No. 39398: *Liquid caustic soda from Plaquemine, La.* Filed by Southwestern Freight Bureau, agent (No. B–8633), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Plaquemine, La., to Augusta, Ga., Clearwater, Graniteville and Langley, S.C.

Grounds for relief: Market competition.

Tariff: Supplement 154 to Southwestern Freight Bureau, agent, tariff I.C.C. 4450.

FSA No. 39399: *Liquefied chlorine gas from Plaquemine, La.* Filed by Southwestern Freight Bureau, agent (No. B–8634), for interested rail carriers. Rates on liquefied chlorine gas, in tank-car loads, from Plaquemine, La., to Demopolis and Green Tree, Ala., and Cantonment, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 154 to Southwestern Freight Bureau, agent, tariff I.C.C. 4450.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64–11801; Filed, Nov. 18, 1964; 8:46 a.m.]

[S.O. 947, Rev. Taylor's Car Distribution Order 1]

## SHORTAGE OF FREIGHT CARS

### Order to All Railroads

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of the Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days notice.

*Therefore, it is ordered,* That,

(a) No common carrier by railroad subject to the Interstate Commerce Act shall intercept, appropriate or divert any plain box cars inside length less than 44'8" when such cars are moving on Taylor's car distribution orders.

(b) No common carrier by railroad subject to the Interstate Commerce Act shall apply cars of the Bangor and Aroostook Railroad and Maine Central Railroad ownership to Taylor's car distribution orders now in effect.

(c) Effective date: This order shall become effective at 12:01 a.m. November 14, 1964.

(d) Expiration date: This order shall expire at 11:59 p.m. November 30, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of the agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 13, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64–11802; Filed, Nov. 18, 1964; 8:46 a.m.]

[S.O. 947, Taylor's Car Distribution Order 2]

## SHORTAGE OF FREIGHT CARS

### Order to All Railroads

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of the Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014; and 29 F.R. 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest, and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That,

(a) All common carriers by railroad subject to the Interstate Commerce Act shall handle empty mechanical refrigerator cars (Mechanical Designation RP and RPL) owned by railroads or railroad controlled private car lines in accordance with owners' instructions or in absence of instructions shall return such cars empty in reverse route of last loaded movement.

(b) Effective date: This order shall become effective at 12:01 a.m., November 18, 1964.

(c) Expiration date: This order shall expire at 11:59 p.m., December 31, 1964, unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 16, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64–11824; Filed, Nov. 18, 1964; 8:49 a.m.]

[Notice 4]

## FINANCE APPLICATIONS

NOVEMBER 16, 1964.

The following publications are governed by the Interstate Commerce Commission's General Requirements governing notice of filing of applications under sections 5(2), 20a except (12), 20b and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126) and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight savings time, if that time is observed), unless otherwise specified.

Finance Docket No. 23384—By application filed November 12, 1964, The Chesapeake and Ohio Railway Company, 3100 Terminal Tower, Post Office Box 6419, Cleveland, Ohio, 44101, seeks authority under section 20a of the Act to assume obligation and liability, as guarantor, in respect of not exceeding $50,000,000 face amount, at any one time outstanding, of short-term notes to be issued from time to time by The Chessie Corporation, a wholly-owned non-carrier subsidiary of applicant. Applicant's attorney: C. C. Kimball, General Attorney, 3117 Terminal Tower, Post Office Box 6419, Cleveland, Ohio, 44101. Protests must be filed no later than 15 days from the date of publication in the FEDERAL REGISTER.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64–11823; Filed, Nov. 18, 1964; 8:49 a.m.]



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FEDERAL REGISTER
Area Code 202 Phone 963–3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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**Price: $6.00**

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration
Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402



FEDERAL REGISTER
Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3629

### JOHN F. KENNEDY—A REDEDICATION

**By the President of the United States of America**

**A Proclamation**

In John Kennedy's life he drew guidance from history. In death he has entered and enriched it.

For history is more than the record of man's conflict with nature and himself. It is the knowledge which gives dimension to the present, direction to the future, and humility to the leaders of men. A nation, like a person, not conscious of its own past is adrift without purpose or protection against the contending forces of dissolution.

Thus America will draw continual strength and direction from his story. And the intensity and love with which we celebrate his greatness will be a measure of our own.

He had one quality which we must now strive to share. He saw the world and its problems in all their fantastic complexity. A thousand blending shades of interest and outlook made up a challenge where difficulty was piled upon difficulty and danger upon danger.

Yet he was unshaken in his faith that man's problems could be solved by man, and in his determination to make the effort.

We too must have the courage to confront complexity, never permitting it to sever the nerve of action or dull the edge of faith.

He had qualities of greatness. But it is among the hazards of fortune whether character will join with circumstances to produce great deeds.

It can be said of him, as Thomas Jefferson said of George Washington: "Never did nature and fortune combine more perfectly to make a man great, and to place him in everlasting remembrance."

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do proclaim Sunday, November twenty-second, 1964, a day of national rededication.

On that day, let the word go forth, to friend and foe alike, that the vision of John F. Kennedy still guides the Nation which was the source and the object of his greatness.

In churches and homes everywhere, on November twenty-second, let us rededicate ourselves to the pursuit of those ideals of human dignity in which he believed and whose course he so brilliantly illuminated.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this nineteenth day of November, in the year of our Lord nineteen hundred and sixty-four, [SEAL] and of the Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
*Secretary of State.*

[F.R. Doc. 64-11991; Filed, Nov. 19, 1964; 2:00 p.m.]

## Executive Order 11188

### AMENDING THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by the Universal Military Training and Service Act (62 Stat. 604), as amended, I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Orders No. 9988 of August 20, 1948, No. 10292 of September 25, 1951, No. 10363 of June 17, 1952, No. 10650 of January 6, 1956, No. 10659 of February 15, 1956, No. 10714 of June 13, 1957, No. 10809 of March 19, 1959, No. 10837 of September 14, 1959, No. 10984 of January 5, 1962, and No. 11098 of March 14, 1963, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. (a) Subparagraphs (1), (2), (5), and (7) of paragraph (b) of section 1611.2 of Part 1611, *Duty and Responsibility to Register*, are amended to read as follows:

"(1) He is a full-time official or employee of a foreign government, or a member of the immediate family or service staff of such official or employee, who has the status of a nonimmigrant under the provisions of section 101(a)(15)(A) of the Immigration and Nationality Act, and who has been notified to the Department of State;

"(2) He is a representative to, or a full-time official or employee of, a public international organization, or a member of the immediate family or service staff of such representative, official or employee, who has the status of a nonimmigrant under the provisions of section 101(a)(15)(G) of the Immigration and Nationality Act;"

* * * * *

"(5) He is a person who is within the United States temporarily under the provisions of section 101(a)(15)(J) of the Immigration and Nationality Act for the purpose of participating in a program designed by the Secretary of State pursuant to the provisions of the Mutual Educational and Cultural Exchange Act of 1961, as amended, and continues to pursue such purpose, or is the spouse or a minor child of any such person;"

* * * * *

"(7) He is a person who has entered the United States temporarily as a nonimmigrant under the provisions of section 101(a)(15)(F) of the Immigration and Nationality Act solely for the purpose of pursuing a full course of study at an established institution of learning or other recognized place of study in the United States, particularly designated by him and approved by the Attorney General after consultation with the Office of Education of the United States, and continues to pursue such purpose to the satisfaction of the Attorney General, or is the spouse or a minor child of any such person;"

(b) Paragraph (d) of section 1611.2 of Part 1611 is amended to read as follows:

"(d) Each alien who is in the category described in subparagraph (5) of paragraph (b) of this section must have in his possession and available for examination a visa or other official document issued to him by a diplomatic, consular, or immigration officer of the United States evidencing that he is within the United States pursuant to the provisions of section 101(a)(15)(J) of the Immigration and Nationality Act."

2. Section 1621.16 of Part 1621, *Preparation for Classification*, is amended to read as follows:

"§ 1621.16 *Permit to depart from the United States.*

"The Director of Selective Service, the State Director of Selective Service, or the local board may issue to a registrant a permit to depart from the continental United States, the State of Alska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone to any place which is not within any of those areas whenever the registrant's absence is not likely to interfere with the performance of his obligations under the Universal Military Training and Service Act, as amended. Such permit shall be issued by the completion of a Permit

for Registrant to Depart from the United States (SSS Form No. 300)."

3. (a) Paragraph (a) of section 1622.1 of Part 1622, *Classification Rules and Principles*, is amended to read as follows:

"(a) The Universal Military Training and Service Act, as amended, provides that every male citizen of the United States, every male alien admitted to the United States for permanent residence, and every male alien who has remained in the United States in a status other than that of permanent resident for a period exceeding one year, who is between the ages of 18 years and 6 months and 26 years, shall be liable for training and service in the Armed Forces of the United States, and that persons who on June 19, 1951, or thereafter were deferred under the provisions of section 6(c)(2)(A) of such Act that were in effect prior to September 3, 1963, shall remain liable for training and service until they attain the age of 28, and that persons who on June 19, 1951, were, or thereafter are, deferred under any other provision of section 6 of such Act shall remain liable for training and service until they attain the age of 35. Certain exemptions and deferments are specifically provided; others are authorized to be provided by regulations promulgated by the President."

(b) Section 1622.2 of Part 1622 is amended by deleting from the list of classes appearing therein "Class I–Y: Registrant qualified for military service only in time of war or national emergency." and inserting in lieu thereof "Class I–Y: Registrant not eligible for a lower class who would be qualified for military service in time of war or national emergency.".

(c) Paragraphs (a), (b), (e), and (f) of section 1622.13 of Part 1622 are amended to read as follows:

"(a) In Class I–D shall be placed any registrant who prior to attaining the age of 18 years and 6 months, and prior to September 3, 1963, became by enlistment or appointment a member of an organized unit of the Army National Guard or the Air National Guard. Such registrant shall remain eligible for Class I–D so long as he continues to serve satisfactorily as such member or as a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be.

"(b) In Class I–D shall be placed any registrant who (1) has been selected for enrollment or continuance in the senior division, Reserve Officers' Training Corps, or the Air Reserve Officers' Training Corps, or the Naval Reserve Officers' Training Corps, or the Naval and Marine Corps officer candidate training program, or the Reserve officers' candidate program of the Navy, or the platoon leader's class of the Marine Corps, or the officer procurement programs of the Coast Guard and the Coast Guard Reserve, or is appointed an ensign, United States Naval Reserve, while undergoing professional training; (2) has agreed, in writing, to accept a commission, if tendered, and to serve subject to order of the Secretary of the military department having jurisdiction over him (or the Secretary of the Treasury with respect to the United States Coast Guard), not less than two years on active duty after receipt of a commission; and (3) has agreed to remain a member of a regular or reserve component until the sixth anniversary of his receipt of a commission. Such registrant shall remain eligible for Class I–D until completion or termination of the course of instruction and so long thereafter as he continues in a reserve status upon being commissioned except during any period he is eligible for Class I–C under the provisions of section 1622.12."

* * * * *

"(e) In Class I–D shall be placed any registrant who prior to August 1, 1963, enlisted for a period of eight years in a unit of the Ready Reserve of any reserve component of the Armed Forces under the provisions of section 262 of the Armed Forces Reserve Act of 1952, as amended. Such registrant shall remain eligible for Class I–D so long as he continues to serve satisfactorily, as determined under regulations prescribed by the Secretary of the department concerned, as a member of such reserve component or of another reserve component,



the Army National Guard, or the Air National Guard, as the case may be.

"(f) In Class I–D shall be placed any registrant, other than a registrant referred to in paragraph (b) or (g) of this section, who prior to attaining the age of 26 years and prior to the issuance of orders for him to report for induction, enlists or accepts appointment on or after September 3, 1963, in the Ready Reserve of any reserve component of the Armed Forces, the Army National Guard, or the Air National Guard. Such registrant shall remain eligible for Class I–D so long as he serves satisfactorily as a member of an organized unit of such Ready Reserve or National Guard, or satisfactorily performs such other Ready Reserve service as may be prescribed by the Secretary of Defense, or serves satisfactorily as a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be."

(d) Section 1622.17 of Part 1622 is amended to read as follows:

"§ 1622.17 *Class I–Y: Registrant not eligible for a lower class who would be qualified for military service in time of war or national emergency.*

"In Class I–Y shall be placed any registrant who, under the provisions of section 1623.2 of this chapter, is not eligible for a lower class, and would be classified in Class I–A, Class I–A–O, or Class I–O but for the fact that he is found under applicable physical, mental, and moral standards to be not currently qualified for service in the Armed Forces and who would be qualified for such service in time of war or national emergency declared by the Congress."

(e) (1) Subparagraphs (1), (5), (6), (7), and (8) of paragraph (a) of section 1622.40 of Part 1622 are amended to read as follows:

"(1) A registrant who subsequent to September 16, 1940, was discharged or transferred to a reserve component of the Armed Forces for the convenience of the Government after having served honorably on active duty for a period of not less than six months in the Army, the Air Force, the Navy, the Marine Corps, or the Coast Guard."

* * * * *

"(5) A registrant who after becoming a member of a unit of the Ready Reserve of a reserve component of the Armed Forces by enlistment prior to August 1, 1963, under the provisions of section 262 of the Armed Forces Reserve Act of 1952, as amended, has continued to serve satisfactorily as such member or as a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, and who has completed eight years of such satisfactory service during which he has performed an initial period of active duty for training of not less than three months.

"(6) A registrant who after becoming a member of an organized unit of the Army National Guard or the Air National Guard by enlistment or appointment prior to attaining the age of 18 years and 6 months and prior to September 3, 1963, has continued to serve satisfactorily as such member or as a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, and who has completed eight years of such satisfactory service during which he has performed active duty for training with an armed force for not less than three consecutive months.

"(7) A registrant who after becoming a member of the Ready Reserve of any reserve component of the Armed Forces, the Army National Guard, or the Air National Guard by enlistment or appointment on or after September 3, 1963, and prior to attaining the age of 26 years, has served satisfactorily as such member or as a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, and who has completed six years (or eight years if so obligated under the provision of section 6(d)(1) of the Universal Military Training and Service Act, as amended) of such satisfactory service during which he has performed active duty for training with an armed force for not less than four consecutive months.





"(8) A registrant who after completion of six years of satisfactory

"(8) A registrant who after completion of six years of satisfactory service as a member of one or more reserve components of the Armed Forces has ceased to be a member of any reserve component of the Armed Forces."

(2) Subparagraph (9) of paragraph (a) of section 1622.40 is redesignated as subparagraph (10) and amended to read as follows:

"(10) A registrant who is the sole surviving son of a family of which the father or one or more sons or daughters were killed in action or died in line of duty while serving in the Armed Forces of the United States, or subsequently died as a result of injuries received or disease incurred during such service: *Provided*, That no registrant shall be placed or retained in Class IV–A under the provisions of this subparagraph (i) if he volunteers for induction, or (ii) during the period of a war or national emergency declared by the Congress after July 7, 1964."

(3) A new subparagraph (9) is added to paragraph (a) of section 1622.40 to read as follows:

"(9) A registrant, other than a registrant referred to in subparagraph (5) or (6) of this paragraph, who has completed six years of satisfactory service as a member of one or more of the Armed Forces including the reserve components thereof."

(f) Paragraph (a) of section 1622.44 of Part 1622 is amended to read as follows:

"(a) In Class IV–F shall be placed any registrant who is found under applicable physical, mental, and moral standards to be not qualified for any service in the Armed Forces either currently or in time of war or national emergency declared by the Congress."

(g) Paragraph (b) of section 1622.50 of Part 1622 is amended to read as follows:

"(b) In Class V–A shall be placed every registrant who has attained the twenty-eighth anniversary of the day of his birth except (1) those registrants who are in active military service in the Armed Forces and are in Class I–C, (2) those registrants who are performing civilian work contributing to the maintenance of the national health, safety, or interest in accordance with the order of the local board and are in Class I–W, (3) those registrants who have consented to induction, and (4) those registrants who on June 19, 1951, or at any time thereafter, were deferred under any provisions of section 6 of the Universal Military Training and Service Act, as amended, other than the provisions of subsection (c) (2) (A) of such section which were in effect prior to September 3, 1963. Except as is otherwise provided in this paragraph, registrants who prior to attaining the twenty-eighth anniversary of the day of their birth have been classified in some other class shall, as soon as practicable after attaining the twenty-eighth anniversary of the day of their birth, be reclassified into Class V–A."

4. Paragraph (b) of section 1623.1 of Part 1623, *Classification Procedure*, is amended by striking out "he has been separated from the armed forces of the United States and the local board determines that he may be classified properly without requiring him to complete and return a Classification Questionnaire (SSS Form No. 100), or (3)".

5. Paragraph (a) of section 1624.1 of Part 1624, *Appearance Before Local Board*, is amended to read as follows:

"(a) Every registrant after his classification is determined by the local board, except a classification which is determined upon an appearance before the local board under the provisions of this part, shall have an opportunity to appear in person before the member or members of the local board designated for the purpose if he files a written request therefor within 10 days after the local board has mailed a Notice of Classification (SSS Form No. 110) to him. Such 10-day period may not be extended."

6. Section 1627.3 of Part 1627, *Appeal to the President*, is amended to read as follows:



"§ 1627.3 *Appeal to President.*

"When a registrant has been classified by the appeal board and one or more members of the appeal board dissented from that classification, the registrant, any person who claims to be a dependent of the registrant, or any person who prior to the classification appealed from filed a written request for the current occupational deferment of the registrant may appeal to the President within 10 days after the mailing by the local board of the Notice of Classification (SSS Form No. 110) notifying the registrant of this classification by the appeal board. The local board may permit any person who is entitled to appeal to the President under this section to do so, even though the 10-day period for taking an appeal has elapsed, if it is satisfied that the failure of such person to appeal within such 10-day period was due to a lack of understanding of the right to appeal or to some other cause beyond the control of such person."

7. Paragraph (b) of section 1630.4 of Part 1630, *Volunteers*, is amended by adding the word "or" after the semicolon at the end thereof, paragraph (c) of section 1630.4 is revoked, and paragraph (d) is redesignated as paragraph (c).

8. Paragraph (a) of section 1631.8 of Part 1631, *Quotas and Calls*, is amended to read as follows:

"(a) Notwithstanding any other provision of the regulations in this chapter, any registrant enlisted or appointed after October 4, 1961, in the Ready Reserve of any reserve component of the Armed Forces (other than under section 511(b) of title 10, United States Code), the Army National Guard, or the Air National Guard, prior to attaining the age of 26 years, or any registrant enlisted or appointed in the Army National Guard or the Air National Guard prior to attaining the age of 18 years and 6 months and prior to September 3, 1963, and deferred under the provisions of section 6(c)(2)(A) of the Universal Military Training and Service Act, as amended, which were in effect prior to September 3, 1963, or any registrant enlisted in the Ready Reserve of any reserve component of the Armed Forces prior to attaining the age of 18 years and 6 months and prior to August 1, 1963, and deferred under section 262 of the Armed Forces Reserve Act of 1952, as amended, who fails to serve satisfactorily during his obligated period of service as a member of such Ready Reserve or National Guard or the Ready Reserve of another reserve component or the National Guard of which he becomes a member as certified by the respective armed force, shall be ordered to report for induction by the local board regardless of the class in which he is classified and without changing his classification. Any registrant who is ordered to report for induction under this paragraph shall be forwarded for induction at the next time the local board is forwarding other registrants for induction or at any prior time when special arrangements have been made with the induction station, without any calls being made for the delivery of such registrants. Whenever the local board desires to deliver such a registrant specially, it shall request the State Director of Selective Service to make the special arrangements for the time and place at which the registrant may be delivered for induction."

9. Sections 1642.12 and 1642.13 of Part 1642, *Delinquents*, are amended to read as follows:

"§ 1642.12 *Classification of delinquent registrant.*

"Any delinquent registrant between the ages of 18 years and 6 months and 26 years and any delinquent registrant between the ages of 26 and 28 who was deferred under the provisions of section 6(c)(2)(A) of the Universal Military Training and Service Act, as amended, which were in effect prior to September 3, 1963, and any delinquent registrant between the ages of 26 and 35 who on June 19, 1951, was, or thereafter has been or may be, deferred under any other provision of section 6 of such Act, including the provisions of subsection (c)(2)(A) in effect on and after September 3, 1963, may be classified in or reclassified into Class I–A or Class I–A–O, whichever is applicable,

regardless of other circumstances: *Provided*, That a delinquent registrant who by reason of his service in the Armed Forces is eligible for classification into Class IV–A may not be classified in or reclassified into Class I–A or Class I–A–O under this section unless such action is specifically authorized by the Director of Selective Service.

"§ 1642.13 *Certain delinquents to be ordered to report for induction.*

"The local board shall order each delinquent registrant between the ages of 18 years and 6 months and 26 years and each delinquent registrant between the ages of 26 and 28 who was deferred under the provisions of section 6(c)(2)(A) of the Universal Military Training and Service Act, as amended, which were in effect prior to September 3, 1963, and each delinquent registrant between the ages of 26 and 35 who on June 19, 1951, was, or thereafter has been or may be, deferred under any other provisions of section 6 of such Act, including the provisions of subsection (c)(2)(A) in effect on and after September 3, 1963, who is classified in or reclassified into Class I–A or Class I–A–O to report for induction in the manner provided in section 1631.7 of this chapter unless (a) it has already done so, or (b) pursuant to a written request of the United States Attorney, the local board determines not to order such registrant to report for induction."

10. Part 1680. *Selection of Certain Persons Who Have Critical Skills for Enlistment in Units of the Ready Reserve of the Armed Forces*, is revoked.

LYNDON B. JOHNSON

THE WHITE HOUSE,
*November 17, 1964.*

[F.R. Doc. 64–11947; Filed, Nov. 19, 1964; 10:36 a.m.]

# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 847.2, Rev., Supp. 10]

### PART 847—PUERTO RICO

#### Approved Local Producing Areas for 1963–64 Crop

Pursuant to the provisions of § 847.2, as revised (27 F.R. 6080), the Director of the Agricultural Stabilization and Conservation Service Caribbean Area Office hereby makes the following determinations:

**§ 847.12 Approved local producing areas in Puerto Rico.**

For purposes of considering eligibility of farms for abandonment and crop deficiency payments on the 1963–64 sugarcane crop in Puerto Rico, each of the following named municipalities and single wards are determined to be local producing areas in which, due to drought and flood, the actual yields of sugar for the 1963–64 crop year from ten percent or more of the total number of farms, or part of farms; or from ten percent or more of the total planted acreage of sugarcane in each such local producing area were below 80 percent of the applicable farm normal yields:

(a) *Municipalities.* Aguada, Aguadilla, Aibonito, Arecibo, Arroyo, Barceloneta, Barranquitas, Bayamón, Cabo Rojo, Camuy, Carolina, Ceiba, Ciales, Cidra, Comerío, Corozal, Dorado, Fajardo, Guánica, Guayanilla, Guaynabo, Gurabo, Hatillo, Hormigueros, Humacao, Isabela, Jayuya, Juana Díaz, Lares, Las Marías, Loíza, Luquillo, Manatí, Mayaguez, Moca, Morovis, Naguabo, Naranjito, Patillas, Peñuelas, Ponce, Quebradillas, Rincón, Sabana Grande, San Germán, San Sebastián, Toa Alta, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, and Yauco.

(b) *Single wards.* Ward Mulas, of the municipality of Aguas Buenas; wards Caracol, Carreras, Cerro Gordo, Cidra, Daguey, Espino, Ovejas, Playa, Quebrada Larga, and Río Cañas, of the municipality of Añasco; wards Borinquen, Río Cañas, and San Antonio, of the municipality of Caguas; wards Matón Abajo, and Toita of the municipality of Cayey; wards Caimito, and Lirios, of the municipality of Juncos; wards Lajas, and Plata, of the municipality of Lajas; ward Collores, of the municipality of Las Piedras; wards Lizas, Matuyas Bajo, and Palo Seco, of the municipality of Maunabo; ward Clénaga Alta, of the municipality of Río Grande; ward Río Jueyes, of the municipality of Salinas; ward Media Luna, of the municipality of Toa Baja; and wards Aguacate, Juan Martín, Limones, and Playa, of the municipality of Yabucoa.

*Statement of bases and considerations.* One of the conditions of eligibility of a farm in Puerto Rico for an acreage abandonment or crop deficiency payment in connection with the production of sugar from sugarcane is that the farm be located in a local producing area for which the Director of the Agricultural Stabilization and Conservation Service Caribbean Area Office determines that drought, flood, storm, disease, or insects have damaged a substantial part of the sugarcane crop in such area.

The purpose of this supplement is to set forth that the specified municipalities and single wards have been determined to comprise local producing areas for the 1963–64 crop and that such areas have qualified under the requirements relating to crop damage. Any sugarcane producer on a farm which is located in whole or in part in any one of these local producing areas, and which is otherwise qualified, may apply for payment accordingly, if he has not already done so.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, Sec. 303, 61 Stat. 930; 7 U.S.C. 1133)

CARLOS G. TROCHE,
*Director, Agricultural Stabilization and Conservation Service, Caribbean Area Office.*

NOVEMBER 10, 1964.

[F.R. Doc. 64–11890; Filed, Nov. 19, 1964; 8:48 a.m.]

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[Sugar Determination 848.2, Supp. 3]

### PART 848—VIRGIN ISLANDS

#### Approved Local Producing Area for 1964 Crop

Pursuant to the provisions of § 848.2 (17 F.R. 2111), the Director of the Agricultural Stabilization and Conservation Service, Caribbean Area Office, hereby makes the following determinations:

**§ 848.5 Approved local producing area in the Virgin Islands.**

For purposes of considering eligibility of farms for abandonment and crop deficiency payments on the 1964 sugarcane crop in the Virgin Islands, the Island of St. Croix is determined to be a local producing area in which, due to drought, the actual yields of sugar for the 1964 crop year from ten percent or more of the total number of sugarcane farms in such local producing area were not in excess of 80 percent of the applicable farm normal yields.

*Statement of bases and considerations.* One of the conditions of eligibility of a farm in the Virgin Islands for an acreage abandonment or crop deficiency payment in connection with the production of sugar from sugarcane is that the farm be located in a local producing area for which the Director of the Agricultural Stabilization and Conservation Service, Caribbean Area Office, determines that drought, flood, storm, disease, or insects damaged a substantial part of the sugarcane crop in such area.

The purpose of this supplement is to give notice that the Island of St. Croix has been determined to comprise a local producing area for the 1964 crop and that such area has qualified under the requirements relating to crop damage. Any sugarcane producer on a farm which is located in whole or in part in this local producing area and which is otherwise qualified may apply for payment accordingly, if he has not already done so.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, sec. 303, 61 Stat. 930; 7 U.S.C. 1133)

CARLOS G. TROCHE,
*Director, Agricultural Stabilization and Conservation Service, Caribbean Area Office.*

NOVEMBER 10, 1964.

[F.R. Doc. 64–11891; Filed, Nov. 19, 1964; 8:48 a.m.]

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### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lime Reg. 14]

### PART 911—LIMES GROWN IN FLORIDA

#### Quality and Size

**§ 911.316 Lime Regulation 14.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the

circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 23, 1964. Shipments of Florida limes are current regulated pursuant to Lime Regulation 13 (29 F.R. 14431) and are subject thereunder to quality restrictions; Lime Regulation 13 is scheduled to terminate effective at 12:01 a.m., e.s.t., November 23, 1964; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to November 23, 1964, and in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on November 11, 1964, held to consider recommendations for regulation; the provisions of this section are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this section effective as hereinafter set forth; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., November 23, 1964, and ending at 12:01 a.m., e.s.t., January 22, 1965, no handler shall handle:

(i) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, which do not grade at least U.S. Combination, Mixed Color, with not less than 60 percent, by count, of such limes in each container thereof grading at least U.S. No. 1, Mixed Color, and the remainder thereof grading at least U.S. No. 2, Mixed Color, or

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter: *Provided*, That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement.

(2) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) limes (§§ 51.1000–51.1016).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 17, 1964.

F. L. SOUTHERLAND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11892; Filed, Nov. 19, 1964; 8:49 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

### PART 78—BRUCELLOSIS

### Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125); § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

**§ 78.13 Modified certified brucellosis areas.**

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

*Alabama.* Baldwin, Barbour, Bibb, Blount, Bullock, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, De Kalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Mobile, Monroe, Morgan, Pike, Randolph, Russell, St. Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, and Winston Counties;

*Arizona.* The entire State;

*Arkansas.* The entire State;

*California.* The entire State;

*Colorado.* Alamosa, Archuleta, Baca, Chaffee, Clear Creek, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Fremont, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jefferson, Kit Carson, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Phillips, Pitkin, Prowers, Pueblo, Rio Grande, Saquache, San Juan, San Miquel, Sedgwick, Washington, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

*Connecticut.* The entire State;

*Delaware.* The entire State;

*Florida.* Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

*Georgia.* The entire State;

*Hawaii.* Honolulu and Kauai Counties;

*Idaho.* The entire State;

*Illinois.* The entire State;

*Indiana.* Adams, Allen, Bartholomew, Benton, Blackford, Boone, Brown, Carroll, Cass, Clark, Clay, Clinton, Crawford, Daviess, Dearborn, Decatur, De Kalb, Delaware, Dubois, Elkhart, Fayette, Floyd, Fountain, Franklin, Fulton, Gibson, Grant, Greene, Hamilton, Hancock, Harrison, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Jay, Jefferson, Jennings, Johnson, Knox, Kosciusko, Lagrange, Lake, La Porte, Lawrence, Madison, Marion, Marshall, Martin, Miami, Monroe, Montgomery, Morgan, Newton, Noble, Ohio, Orange, Owen, Parke, Perry, Pike, Porter, Posey, Pulaski, Putnam, Randolph, Ripley, Rush, Saint Joseph, Scott, Shelby, Spencer, Starke, Steuben, Sullivan, Switzerland, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warrick, Washington, Wayne, Wells, White, and Whitley Counties;

*Iowa.* Audubon, Boone, Butler, Carroll, Cherokee, Clayton, Clinton, Delaware, Dickinson, Emmet, Fayette, Floyd, Franklin, Greene, Guthrie, Hamilton, Harrison, Humboldt, Keokuk, Lyon, Marshall, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Shelby, Story, Tama, Wapello, Warren, Winnebago, Woodbury, Worth, and Wright Counties;

*Kansas.* The entire State;

*Kentucky.* The entire State;

*Louisiana.* Ascension, Assumption, Bienville, Claiborne, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Washington, and Webster Parishes;

*Maine.* The entire State;

*Maryland.* The entire State;

*Massachusetts.* The entire State;

*Michigan.* The entire State;

*Minnesota.* The entire State;

*Mississippi.* Alcorn, Amite, Benton, Chickasaw, Choctaw, Clay, Covington, De Soto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

*Missouri.* The entire State;

*Minnesota.* The entire State;

*Nebraska.* Adams, Antelope, Banner, Boone, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

*Nevada.* The entire State;

*New Hampshire.* The entire State;

*New Jersey.* The entire State;

*New Mexico.* The entire State;

*New York.* The entire State;

*North Carolina.* The entire State;

*North Dakota.* Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Burleigh, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grand Forks, Grant, Griggs, Hettinger, Kidder, LaMoure, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

*Ohio.* The entire State;

*Oklahoma.* Adair, Canadian, Choctaw, Cimarron, Delaware, Garfield, Grant, Haskell, Kingfisher, Latimer, McCurtain, Mayes, Noble, Nowata, Ottawa, Payne, Pushmataha, and Texas Counties;

*Oregon.* The entire State;

*Pennsylvania.* The entire State;

*Rhode Island.* The entire State;

*South Carolina.* The entire State;

*South Dakota.* Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Harding, Jerauld, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Sanborn, Spink, Turner, Union, Walworth, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;

*Tennessee.* The entire State;

*Texas.* Andrews, Armstrong, Bailey, Bandera, Baylor, Bexar, Blanco, Borden, Brewster, Briscoe, Brown, Burnet, Callahan, Cameron, Carson, Castro, Childress, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Fisher, Floyd, Gaines, Garza, Gillespie, Glasscock, Guadalupe, Hale, Hall, Hansford, Hardeman, Hartley, Hays, Hidalgo, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Jones, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lubbock, Lynn, McCulloch, Martin, Mason, Medina, Menard, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Parmer, Pecos, Presidio, Randall, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Winkler, Yoakum, and Young Counties;

*Utah.* The entire State;

*Vermont.* The entire State;

*Virginia.* The entire State;

*Washington.* The entire State;

*West Virginia.* The entire State;

*Wisconsin.* The entire State;

*Wyoming.* Albany, Big Horn, Campbell, Crook, Fremont, Goshen, Hot Springs, Laramie, Lincoln, Natrona, Niobrara, Park, Platte, Sublette, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;

*Puerto Rico.* The entire area; and

*Virgin Islands of the United States.* The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

*Effective date.* The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Fremont County in Colorado; Kauai County in Hawaii; and Stephens County in Texas.

The amendment deletes the following area from the list of areas designated as modified certified brucellosis areas because it has been determined that such area no longer comes within the definition of § 78.1(i): Attala County in Mississippi.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of November 1964.

E. E. SAULMON,
*Acting Director, Animal Disease Eradication Division, Agricultural Research Service.*

[F.R. Doc. 64–11893; Filed, Nov. 19, 1964; 8:49 a.m.]



# Title 12—BANKS AND BANKING

## Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

### PART 6—LOANS MADE BY NATIONAL BANKS SECURED BY DIRECT OBLIGATIONS OF THE UNITED STATES

This amendment, issued pursuant to the authority contained in paragraph (8) of R.S. 5200, as amended, 12 U.S.C. 84(8), permits unlimited loans by National Banks when secured by any direct obligations of the United States. Notice of the proposed amendment was published in the FEDERAL REGISTER on October 15, 1964 (29 F.R. 14177). All comments and suggested revisions received have been considered and incorporated into this amendment. Since this amendment relieves a restriction, delayed effectiveness is unnecessary and contrary to the public interest. Accordingly, this amendment will become effective upon publication.

Part 6, Chapter I, Title 12 of the Code of Federal Regulations of the United States of America is amended to read as follows:

Sec.
6.1 Scope and application.
6.2 General authorization.

AUTHORITY: The provisions of this Part 6 issued under par. 8, R.S. 5200, as amended, 12 U.S.C. 84(8).

**§ 6.1 Scope and application.**

(a) This part is issued by the Comptroller of the Currency with the approval of the Secretary of the Treasury under authority of paragraph (8) of section 5200 of the Revised Statutes, as amended (12 U.S.C. 84), and section 321(b) of the Act of August 23, 1935 (49 Stat. 713).

(b) This part applies to loans made by National Banks secured by direct obligations of the United States.

**§ 6.2 General authorization.**

The obligations to any national banking association of any person, co-partnership, association, or corporation, secured by not less than a like amount (at par or face value) of direct obligations of the United States, shall not be subject to any limitation based upon the capital and surplus of the association.

Dated: November 3, 1964.

[SEAL] JAMES J. SAXON,
*Comptroller of the Currency.*

Approved:

DOUGLAS DILLON,
*Secretary of the Treasury.*

[F.R. Doc. 64–11916; Filed, Nov. 19, 1964; 8:50 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Airspace Docket No. 64–LAX–4]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Federal Airway; Withdrawal of Pending Amendment

On July 17, 1964, there was published in the FEDERAL REGISTER (29 F.R. 9663) an amendment to the Federal Aviation Regulations which realigned VOR Federal airway No. 21 west alternate from the intersection of the Hector, Calif., 226° and the Daggett, Calif., 187° True radials to Daggett.

Because of a delay in relocating the Ontario, Calif., VOR as announced in Airspace Docket No. 64–LAX–4, the effective date of the above mentioned amendment was postponed until December 10, 1964 (29 F.R. 11335). The cause of the delay in relocating the Ontario VOR has continued until it now appears that it may not be commissioned until June 1965. It is therefor necessary to withdraw this pending amendment. It is the intention of the FAA to issue a subsequent amendment to Part 71 [New] at the appropriate time preceding the commissioning date.

In consideration of the foregoing, effective immediately, the amendment issued in Airspace Docket No. 64–LAX–4 is withdrawn.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 16, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–11851; Filed, Nov. 19, 1964; 8:45 a.m.]

[Airspace Docket No. 64-EA-36]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Federal Airway

On August 28, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12403) stating that the Federal Aviation Agency was considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would realign VOR Federal airway No. 14 from Gardner, Mass., via the intersection of the Gardner 132° and the Boston, Mass., 256° True radials, to Boston.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

Section 71.123 (29 F.R. 1009, 3225, 6246, 7595) is amended as follows: In V-14 "to INT of Gardner 132° and Boston, Mass., 223° radials." is deleted and "INT Gardner 132° and Boston, Mass., 256° radials; to Boston." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 12, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11850; Filed, Nov. 19, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-52]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Federal Airway

On September 11, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12847) stating that the Federal Aviation Agency was considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would redesignate VOR Federal airway No. 457 from Providence, R.I., to Boston, Mass., via the Millis, Mass., intersection.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Massachusetts Aeronautics Commission suggested that the airway be realigned via the Franklin, Mass., intersection on the basis that it is more widely known. Revised air traffic procedures are being introduced in the Boston terminal area which necessitate the new alignment of V-457 via the Millis intersection. The Air Transport Association concurred in the proposed amendment.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

In § 71.123 (29 F.R. 1009), V-457 is amended by deleting from the text "INT of Providence 017° and Boston, Mass., 223° radials; to Boston," and substituting therefor "INT of the Providence 013° and Boston, Mass., 223° radials; to Boston."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 12, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11853; Filed, Nov. 19, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SO-18]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation, Alteration and Revocation of Federal Airway Segment and Alteration of Control Area Extension and Transition Area

On August 28, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12404) stating that the Federal Aviation Agency was considering amendments to the Federal Aviation Regulations which would realign VOR Federal airway No. 18 between Augusta, Ga., and Charleston, S.C., retain the present alignment of V-18 between these points as a south alternate, revoke the segment of VOR Federal airway No. 56 south alternate from Augusta to Columbia, S.C., and alter the Columbia control area extension and the Savannah, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

1. Section 71.123 (29 F.R. 1009, 3226, 5885) is amended as follows:

a. In V-18 "INT of Augusta 157° and Allendale, S.C., 262° radials; Allendale; to Charleston, S.C." is deleted and "INT of Augusta 097° and Charleston, S.C., 300° radials; to Charleston, including an S alternate from Augusta to Charleston via INT of Augusta 157° and Allendale, S.C., 262° radials and Allendale." is substituted therefor.

b. In V-56, all after "Columbia, S.C.," is deleted and "including an N alternate via INT of Augusta 054° and Columbia 266° radials; INT of Columbia 079° and Florence, S.C., 243 radials; to Florence." is substituted therefor.

2. In § 71.165 (29 F.R. 1073, 11113) is amended as follows: In the Columbia, S.C., control area extension "on the S by V-18" is deleted and "on the S by V-18 S alternate" is substituted therefor.

3. In § 71.181 (29 F.R. 3293) is amended as follows: In the Savannah, Ga., transition area "to V-18; thence E via the S boundary of V-18" is deleted and "to V-18 S alternate; thence via the S boundary of V-18 S alternate" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 12, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11852; Filed, Nov. 19, 1964; 8:45 a.m.]

[Airspace Docket No. 64-AL-12]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Federal Airway

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to realign VOR Federal airway No. 453 from Dillingham, Alaska, to Bethel, Alaska, via the intersection of the Bethel 143° and the Dillingham 308° True radials.

At present, the Bethel 143° and the Dillingham 313° radials are used for the segment of V-453 between Bethel and Dillingham. A 6,500-foot MEA, instead of a 7,500-foot MEA, can be established for this airway. However, in order to do this it is necessary to realign the airway in the manner proposed. There is a slight increase in distance, but this is determined to be offset by the lower MEA.

Since this airway is relatively isolated and the amendment effects only a slight change in controlled airspace, the Administrator has determined that the change is so minor in nature as to preclude the necessity of complying with the notice and public procedure provisions of the Administrative Procedure Act.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

In § 71.125 (29 F.R. 1046, 11113) V-453 is amended by deleting "Dillingham 313°" and substituting "Dillingham 308°" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 12, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11849; Filed, Nov. 19, 1964; 8:45 a.m.]

[Airspace Docket No. 63-CE-108]

## PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

### Revocation of Jet Route

On December 27, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 14337) stating that the Federal Aviation Agency proposed the revocation of Jet Route No. 54 in its entirety from Alamosa, Colo., to Atlanta, Ga.



Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Air Transport Association of America (ATA) objected to the revocation of this route because of its occasional use by scheduled air carrier flights as an alternate route. However, revocation of this jet route does not preclude direct flight between Garden City, Kansas; Ponca City, Okla.; Tulsa, Okla., and Little Rock, Ark., by air carrier flights if the air carrier company so desires and traffic permits. The remaining portions of J-54 west of Garden City and east of Little Rock are duplicated by other jet routes.

In consideration of the foregoing, Part 75 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

In § 75.100 (29 F.R. 1287), Jet Route No. 54 (Alamosa, Colo., to Atlanta, Ga.) is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 12, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11854; Filed, Nov. 19, 1964; 8:45 a.m.]

[Docket No. 6143; Amdt. 151-5]

## PART 151—FEDERAL AID TO AIRPORTS [NEW]

### Equal Employment Opportunity Under Airport Construction Contracts

In notice of proposed rule making of August 11, 1964, 29 F.R. 11602, the Federal Aviation Agency proposed amendments to Part 151 [New] of the Federal Aviation Regulations to implement the equal employment opportunity regulations prescribed by the President's Committee on Equal Employment Opportunity, 41 CFR Part 60-1, 28 F.R. 9812, 11305. No adverse comments have been received.

Part 151 prescribes FAA policies for administering the Federal Aid—Airport Program under the Federal Airport Act, as amended (49 U.S.C. 1101, et seq.). Grant agreements with airport sponsors who receive federal aid for airport projects provide that construction contracts let by the sponsors must comply with the requirements of §§ 151.47, et seq. The instant amendment adds further requirements which for convenience are set forth separately in a new section, § 151.54. These requirements were fully explained in the notice of proposed rule making.

The new requirements are derived from the regulation of the President's Committee, and to the extent possible the provisions of these regulations are incorporated verbatim by reference. An existing provision of Part 151, § 151.49 (b) (17), which is similar in import to the new provisions, will be inapplicable to grant agreements made after the effective date of this amendment, since these agreements are governed by this amendment.

In consideration of the foregoing, Part 151 of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective December 21, 1964, as follows:

§ 151.47 [Amended]

1. A new sentence is inserted between the first and second sentences of paragraph (b) of § 151.47 to read: "The advertisement shall inform the bidders of the contract and reporting provisions required by § 151.54."

§ 151.49 [Amended]

3. Paragraph (b) of § 151.49 is amended by adding a sentence to read: "Subparagraph (17) of paragraph (a) of this section does not apply to contracts made under grant agreements entered into after December 21, 1964."

4. A new § 151.54 is added to read:

**§ 151.54 Equal employment opportunity requirements.**

In conformity with Executive Order 11114 of June 22, 1963 (28 F.R. 6485) and regulations prescribed by the President's Committee on Equal Employment Opportunity (41 CFR Part 60-1, 28 F.R. 9812, 11305, referred to herein by section numbers of Part 60-1), the provisions referred to below are incorporated by reference into this part.

(a) *Equal employment opportunity requirements.* There are hereby incorporated by reference into this part, as requirements, the provisions of § 60-1.3 (b) (1). The FAA is primarily responsible for the sponsor's compliance.

(b) *Equal employment opportunity requirements in construction contracts.* The sponsor shall cause the "equal opportunity clause" in § 60-1.3(b) (1) to be incorporated into all prime contracts and subcontracts as required by § 60-1.3(c).

(c) *Reporting requirements for contractors and subcontractors.* The sponsor shall cause the filing of compliance reports by contractors and subcontractors as provided in § 60-1.6(a) and the furnishing of such other information as may be required under that provision.

(d) *Bidders' reports.* (1) The sponsor shall include in his invitations for bids or negotiations for contracts, and shall require his contractors to include in their invitations for bids or negotiations for subcontracts, the following provisions based on § 60-1.6(b) (1):

Each bidder, prospective contractor or proposed subcontractor shall state as an initial part of the bid or negotiation of the contract whether he has participated in any previous contract or subcontract subject to the equal opportunity clause and, if so, whether he has filed with the President's Committee on Equal Employment Opportunity or the contracting or administering agency all compliance reports due under applicable instructions. In any case in which a bidder or prospective contractor or proposed subcontractor who has participated in a previous contract or subcontract subject to the equal opportunity clause has not filed a compliance report due under applicable instructions, such bidder, prospective contractor or proposed subcontractor shall submit a compliance report prior to the award of the proposed contract or subcontract. When a determination has been made to award a contract to a specific contractor, such contractor shall, prior to award, furnish such other pertinent information regarding his own employment policies and practices as well as those of his proposed subcontractors as the FAA, the sponsor, or the Executive Vice Chairman of the President's Committee may require.

(2) The sponsor or his contractors shall give express notice of the requirements of this paragraph (d) in all invitations for bids or negotiations for contracts.

(e) *Enforcement.* The FAA conducts compliance reviews, handles complaints and, where appropriate, conducts hearings and imposes, or recommends to the Committee, sanctions, as provided in Subpart B—General Enforcement; Complaint Procedure of Part 60-1.

(f) *Exempted contracts.* Except for subcontracts for the performance of construction work at the site of construction, the requirements of this section do not apply to subcontracts below the second tier (§ 60-1.3(c)). The requirements of this section do not apply to contracts and subcontracts exempted by § 60-1.4.

(g) *Meaning of terms.* The term "applicant" in the provisions of Part 60-1 incorporated by reference in this section means the sponsor, except where the Committee Regulations refer to an applicant for employment, and the term "administering agency" therein means the FAA.

(h) *Applicability to existing agreements and contracts.* This section applies to grant agreements made on or after December 21, 1964. It applies to contracts and subcontracts as defined in § 60-1.2 (i) and (k) of Part 60-1 made in accordance with a grant agreement to which this section applies.

(Federal Airport Act, as amended (49 U.S.C. 1101 through 1119), E.O. 11114 of June 22, 1963 (28 F.R. 6485) and Regulations of President's Committee on Equal Employment Opportunity (41 CFR Part 60-1), and with prior approval of Executive Vice Chairman of President's Committee (41 CFR Part 60-1.5(c))

Approved: ———

HOBART TAYLOR, JR.,
*Executive Vice Chairman.*

Issued in Washington, D.C., on November 13, 1964.

HAROLD W. GRANT,
*Acting Administrator.*

[F.R. Doc. 64-11856; Filed, Nov. 19, 1964; 8:46 a.m.]

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER A—MISCELLANEOUS REGULATIONS

## PART 363—CHINA TRADE ACT REGULATIONS

### Fees

Section 363.11 is amended to read as follows:

§ 363.11 Fees.

(a) *Filing fees.* The following fees are prescribed and shall be payable, in

the form of a draft payable to the Treasurer of the United States of America, upon the filing by the corporation of any of the following documents:

| | |
|---|---|
| Incorporation fee (as provided for by section 5 of the Act). | $100.00 U.S. |
| Certificate of Amendment of Articles of Incorporation. | $25.00 U.S. |
| Certificate of Property Value (minimum) (fee based on value of property and nature of investigations made). | $25.00 U.S. |

(b) *Other fees and charges:*

| | |
|---|---|
| Search and copying records and documents. | $0.30 per page. |
| Certifying copies of records and documents. | $0.50 |

(56 Stat. 1067; 5 U.S.C. 606, 15 CFR 4.2)

Because this amendment merely republishes existing fees, except for the addition of those for searching and copying records and documents, I find that notice of and an opportunity to participate in the rule making is unnecessary and would serve no useful purpose.

This amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Dated: November 16, 1964.

BUREAU OF INTERNATIONAL COMMERCE,
EUGENE M. BRADERMAN,
*Director.*

[F.R. Doc. 64-11869; Filed Nov. 19, 1964; 8:47 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

SUBCHAPTER D—TRADE REGULATION RULES

## PART 408—UNFAIR OR DECEPTIVE ADVERTISING AND LABELING OF CIGARETTES IN RELATION TO THE HEALTH HAZARDS OF SMOKING

### Effective Date for Labeling Requirements

The Commission orders that § 408.4 be, and it hereby is amended to read as follows:

§ 408.4 Effective date.

The rule in this part shall become effective on July 1, 1965: *Provided, however,* That the Commission will entertain an application filed prior to May 1, 1965, by any interested party to postpone the effective date or otherwise suspend, modify, or abrogate the provisions of the rule in this part as to advertising, upon a showing of such change in circumstances as to justify such requested action in the public interest.

Issued: September 3, 1964.

By the Commission.

[SEAL] JOSEPH N. KUZEW,
*Acting Secretary.*

[F.R. Doc. 64-11880; Filed, Nov. 19, 1964; 8:47 a.m.]

# Title 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission, Department of Agriculture

[Hearing Docket CE-P-13]

## PART 150—ORDERS OF THE COMMODITY EXCHANGE COMMISSION

### Limits on Position and Daily Trading in Potatoes for Future Delivery

*Findings of fact.* Pursuant to the provisions of section 4a of the Commodity Exchange Act. (7 U.S.C. 6a), the Commodity Exchange Commission, after due notification in the FEDERAL REGISTER providing all interested persons opportunity to request by August 28, 1964, an oral hearing and/or to present written statements concerning the proposed imposition of speculative trading and position limits on futures trading in potatoes, and after receiving no such request that an oral hearing be held, and upon investigation and full consideration of the statements and opinions filed by the Commodity Exchange Authority and other interested persons, does hereby find that:

(a) Potato futures prices fluctuate more in the calendar months of March, April and May, than in any other months.

(b) Volume of trading and open contracts are heaviest in the March, April and May futures, particularly in the May future.

(c) Daily price ranges of over 15 cents per cwt. are considered to be unusual because in the period considered a daily high-low price range of over 15 cents occurred at no time in the January future, on less than 1 percent of the trading days in the November and March futures, 1.5 percent in the April future and 7.2 percent in the May future.

(d) In potato futures trading, a definite relationship exists between the amount of trading and the daily high-low price range. The average daily volume of trading in the March, April, and May futures in potatoes was progressively larger when the daily price range extended beyond 15 cents.

(e) Transactions of traders for their own accounts (house accounts) who are exchange clearing members of the New York Mercantile Exchange showed, on the average, larger size trading on days when the daily price range was over 15 cents per cwt. than on days of lesser price movement. On these days of over 15 cents price change, the proportion of total transactions in the 151-and-over carlot group increased from 2 to 3 fold, notwithstanding the overall increase in trading in the total market, indicating that large price movements are related to large trading.

(f) Trading of large scalpers showed the same trading-price relationships as house accounts.

(g) The measurement of the number of daily trades by their size as associated with the direction of price change did not show conclusive results, since there was not a preponderance of price movements in direction of large trades.

(h) In the largest trading group of 151 carlots and over, prices moved downward in three out of four years when there were large daily sales.

(i) Ample stocks and the absence of any large price movements during the life of the potato futures maturing prior to the March contract indicate a lack of need for the same trading and position limits required for the March, April, and May futures. The substantially larger stocks available for delivery earlier than March and the less frequent large price fluctuations in this earlier period allow for larger limits than in the later futures.

(j) Speculative buying or selling by a person during one business day of more than 150 carlots in either March, April, or May futures, or 300 carlots in any other future, or 350 carlots in all futures combined, on or subject to the rules of a contract market, tends to cause sudden or unreasonable fluctuations or changes in the price of potatoes not warranted by changes in the conditions of supply and demand.

(k) Because positions become a positive price force in corners, squeezes and other forms of price manipulation, it is necessary that limits be placed on positions as well as on trading. The limitation of positions to the same level as prescribed for trading limits also reduces the possibility of undue pressure upon prices resulting from the liquidation of positions which have become too large for the market to liquidate in orderly fashion.

(l) Trading in potatoes for future delivery on or subject to the rules of a contract market by a person who holds or controls a speculative net long or short position of more than 150 carlots in either March, April, or May futures, or 300 carlots in any other future, or 350 carlots in all futures combined, tends to cause sudden or unreasonable fluctuations or changes in the price of potatoes not warranted by conditions of supply and demand.

(m) Hedging services of the market will not be impeded by the establishment of limits, as aggregate long and short positions held by small traders with 25 carlots or less in most months exceed the positions classified as hedging reported by large traders with 25 carlots or more.

*Conclusions.* Upon the foregoing facts, it is concluded that in order to prevent excessive speculation in potato futures which causes sudden, unreasonable or unwarranted fluctuations or changes in price resulting in an undue or unnecessary burden on interstate commerce in potatoes, it is necessary to establish limits on the amount of speculative trading under contracts of sale of potatoes for future delivery on or subject to the rules of contract markets which may be done by any person; that the amounts set forth in paragraphs (j) and (l), respectively, of the above findings are reasonable limits upon the daily speculative purchases or sales which any person may make in potato futures and on the net long or net short speculative positions which any person may hold or control on or subject to the rules of any contract market.

ORDER

§ 150.10 Limits on position and daily trading in potatoes for future delivery.

The following limits on the amount of trading under contracts of sale of potatoes for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after November 27, 1964.

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in potatoes on or subject to the rules of any one contract market is 300 carlots in any one future and 350 carlots in all futures combined: *Provided,* That no person may hold or control a net long or net short position in excess of (1) 150 carlots in the March potato future, (2) 150 carlots in the April potato future, or (3) 150 carlots in the May potato future.

(b) *Daily trading limit.* The limit on the maximum amount of potatoes which any person may buy, and on the maximum amount which any person may sell, on or subject to the rules of any one contract market during any one business day is 300 carlots in any one future and 350 carlots in all futures combined: *Provided,* That no person may buy or sell during any one business day more than (1) 150 carlots in the March potato future, (2) 150 carlots in the April potato future, or (3) 150 carlots in the May potato future.

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions, as defined in section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a(3)).

(d) *Manipulation; corners; responsibility of contract market.* Nothing contained herein shall be construed to affect any provisions of the Commodity Exchange Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5(d) of the Commodity Exchange Act (7 U.S.C. 7(d)) to prevent manipulation and corners.

(e) *Definition.* As used in this part, the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations, and trusts.

(f) *Application of limits.* The foregoing limits upon positions and upon daily trading shall be construed to apply, respectively, to positions held by, and trading done by, two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading were done by, a single individual.

Issued this 17th day of November 1964.

Commodity Exchange Commission.

ORVILLE L. FREEMAN,
*Secretary of Agriculture, Chairman.*
LUTHER H. HODGES,
*Secretary of Commerce.*
NICHOLAS DEB. KATZENBACH,
*Acting Attorney General.*

[F.R. Doc. 64-11879; Filed, Nov. 19, 1964; 8:47 a.m.]



# Title 22—FOREIGN RELATIONS

## Chapter I—Department of State

SUBCHAPTER A—GENERAL

[Dept. Reg. 108.514]

## PART 2—PROTECTION OF FOREIGN DIGNITARIES AND OTHER OFFICIAL PERSONNEL

### Designation of Personnel To Carry Firearms and Exercise Appropriate Power of Arrest

Part 2 of Subchapter A of Title 22 of the Code of Federal Regulations is superseded by new Part 2 of Subchapter A of Title 22, issued simultaneously herewith.

§ 2.1 Designation of personnel to carry firearms and exercise appropriate power of arrest.

The Deputy Assistant Secretary of State for Security is authorized to designate certain employees of the Department of State and the Foreign Service, as well as employees of other departments and agencies detailed to and under the supervision and control of the Department of State, as Security Officers, as follows:

(a) Persons so designated shall be authorized to carry firearms when engaged in the performance of the duties prescribed in section (1) of the Act of January 28, 1955, 69 Stat. 188, as amended. No person shall be so designated unless he has either qualified in the use of firearms in accordance with standards established by the Deputy Assistant Secretary of State for Security, or in accordance with standards established by the department or agency from which he is detailed.

(b) Persons so designated shall also be authorized, when engaged in the performance of duties prescribed in section (1) of the Act of January 28, 1955, 69 Stat. 188, as amended, to arrest without warrant and deliver into custody any person violating the provisions of Section 111 or 112 of Title 18, United States Code, in their presence or if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

(Sec. 4, 63 Stat. 111, as amended; 5 U.S.C. 151c. Interprets or applies 69 Stat. 188; 5 U.S.C. 170e, as amended)

Dated: November 13, 1964.

For the Secretary of State:

DWIGHT J. PORTER,
*Acting Deputy Under Secretary for Administration.*

[F.R. Doc. 64-11874; Filed, Nov. 19, 1964; 8:47 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6771]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Partner's Distributive Share

In order to clarify example (5) of paragraph (b) (2) of § 1.704-1 of the Income Tax Regulations (relating to partner's distributive share), such provision is amended to read as follows:

§ 1.704-1 Partner's distributive share.

* * * * *

(b) *Distributive share determined by income or loss ratio.* * * *

(2) * * *

*Example (5).* G and H, each of whom is engaged as a sole proprietor in the business of developing and marketing electronic devices, enter into a partnership agreement to develop and market electronic devices. H contributes $2,500 cash and agrees to devote his full-time services to the partnership. G contributes $100,000 cash and agrees to obtain a loan for the partnership of any additional capital needed. The partnership agreement provides that the full amount of any research and experimental expenditures and any interest on partnership loans are to be charged to G. It also provides that G's distributive share is to be 90 percent of partnership income or loss computed without reduction by such research and experimental expenditures and such interest, until all loans have been repaid and G has received through his 90 percent share of income an amount equal to the full amount of such research and experimental expenditures, of such interest, and his share of any partnership operating losses. During this time H's distributive share will be 10 percent. Thereafter, G and H will share profits and losses equally. Since all of the research and experimental expenditures and interest specially allocated to G are in fact borne by G, the allocation will be recognized in the absence of other circumstances showing that its principal purpose was tax avoidance or evasion.

* * * * *

Because this Treasury decision merely clarifies the facts under example (5) of paragraph (b) (2) of § 1.704-1, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: November 16, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64-11882; Filed, Nov. 19, 1964; 8:47 a.m.]

# Title 28—JUDICIAL ADMINISTRATION

## Chapter I—Department of Justice

## PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

### Subpart W—Authority To Compromise and Close Civil Claims

APPENDIX—REDELEGATIONS OF AUTHORITY TO COMPROMISE AND CLOSE CIVIL CLAIMS

The following redelegation is added to the appendix to Subpart W of Part 0, Chapter I, Title 28 of the Code of Federal Regulations:

LANDS DIVISION

[Memo. No. 388]

REDELEGATION OF AUTHORITY TO UNITED STATES ATTORNEYS TO ACT IN CONNECTION WITH AND TO COMPROMISE LANDS DIVISION DIRECT-REFERENCE CASES

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.65, 0.160, 0.162, 0.164, 0.166, and 0.170, I hereby redelegate to United States Attorneys authority to act in connection with and to compromise Lands Division direct-reference cases as follows:

SECTION 1. *Matters Subject to Direct Reference.* United States Attorneys are hereby authorized to act in matters concerning real property of the United States, including tribal and restricted individual Indian land, not involving new or unusual questions or questions of title or water rights, on behalf of any other department or agency in response to a direct request in writing from an authorized field officer of the department or agency concerned, without prior authorization from the Lands Division in the following-described cases:

(1) Actions to recover possession of property from tenants, squatters, trespassers, or others, and actions to enjoin trespasses on federal property;

(2) Actions to recover damages resulting from trespasses when the amount of the claim for actual damage based upon an innocent trespass does not exceed $5,000.00. The United States Attorneys may seek recovery of amounts exceeding $5,000.00: (A) if the actual damages are $5,000.00 or less and state statutes permit the recovery of multiple damages, e.g., double or treble, for either a wilful or an innocent trespass; (B) if the actual damages are $5,000.00 or less, but the action is for conversion to obtain recovery of the enhanced value of property severed and removed in the trespass;

(3) Actions to collect delinquent rentals or damages for use and occupancy of not more than $5,000.00;

(4) Actions to collect costs of forest fire suppression and other damages resulting from such fires if the total claim does not exceed $5,000.00;

(5) Actions to collect delinquent operation and maintenance charges accruing on Indian irrigation projects and federal reclamation projects of not more than $5,000.00;

(6) Actions to collect loans of money or livestock made by the United States to individual Indians without limitation on amount, including loans made by Indian tribal organizations to individual Indians if the loan agreements, notes and securities have been assigned by the tribal organizations to the United States.

In each such case, the United States Attorneys shall, prior to taking action, assure that a copy of the written request of the authorized field officer has been forwarded to the Lands Division, General Litigation Section, Department of Justice, Washington, D.C.

SEC. 2. *Compromise, dismissal, or closing of direct-reference cases.* (1) Subject to the limitations imposed by paragraph (3) of this section, United States Attorneys are hereby authorized to accept or reject offers in compromise in direct-reference cases described in Section 1 without the prior approval of the Lands Division if the authorized field officer of the interested agency concurs in writing, except that a United States Attorney may accept an offer without the concurrence of the field officer if the acceptance is based solely upon the financial circumstances of the debtor.

(2) A direct-reference matter described in Section 1 may be closed without action by the United States Attorney or, if filed in court, may be dismissed by him, if the field officer of the interested agency concurs in writing that it is without merit legally or factually. The United States Attorney may close a claim without consulting the field officer of the interested agency if the claim is for money only and if he concludes (A) that the cost of collection under the circumstances would exceed the amount of the claim or (B) that the claim is uncollectable.

(3) The United States Attorneys are not authorized, without the prior approval of the Lands Division, to act with respect to the dismissal, compromise, or closing of a case, if (A) the claim is not a direct reference described in Section 1; (B) there is a divergence of views between the United States Attorney and the field officer of the referring agency in a case requiring concurrence; (C) subsequent to acceptance of the reference, it becomes apparent that the claim involves a novel point of law, a question of policy, or otherwise constitutes a precedent; (D) for any reason, the compromise of a claim, as a practical matter, will control or adversely affect the disposition of other claims totaling more than the amounts designated in Section 1 as being subject to direct reference. If any of these conditions exist, the matter shall be submitted to the Lands Division for decision.

SEC. 3. Circular No. 3745½, dated November 9, 1942, is superseded to the extent that it is inconsistent with the provisions of this memorandum. The United States Attorneys' Manual will be revised accordingly.

SEC. 4. This memorandum shall be effective upon its publication in the FEDERAL REGISTER.

RAMSEY CLARK,
*Assistant Attorney General, Lands Division.*

Approved: November 16, 1964.

NICHOLAS DEB. KATZENBACH,
*Acting Attorney General.*

[F.R. Doc. 64-11943; Filed, Nov. 19, 1964; 10:18 a.m.]

## PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

### Subpart W—Authority To Compromise and Close Civil Claims

APPENDIX—REDELEGATIONS OF AUTHORITY TO COMPROMISE AND CLOSE CIVIL CLAIMS

The following redelegation is added to the appendix to Subpart W of Part 0, Chapter I, Title 28, of the Code of Federal Regulations:

LANDS DIVISION

[Memo No. 389]

REDELEGATION OF AUTHORITY TO UNITED STATES ATTORNEYS TO COMPROMISE CONDEMNATION CASES

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.65, 0.160, 0.162, 0.164, 0.166, and 0.170, I hereby redelegate to United States Attorneys authority to compromise condemnation cases subject to and in accordance with the following limitations and conditions:

1. Except as provided in paragraph 2 hereof, United States Attorneys are authorized to accept or reject offers in compromise of claims against the United States for just compensation in condemnation proceedings in any case in which the gross amount of the proposed settlement does not exceed $10,000: *Provided* that—

(a) The settlement is approved in writing (to be retained in the file of the United States Attorney concerned) by the authorized field representative of the acquiring agency if the amount of the settlement exceeds the amount deposited with the declaration of taking as to the particular tract of land involved; and

(b) The amount of the settlement is compatible with the sound appraisal, or appraisals, upon which the United States would rely as evidence in the event of trial, due regard being had for probable minimum trial costs and risks.

2. This redelegation of authority shall not apply—

(a) In any case in which, for any reason, the compromise of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling an amount in excess of $10,000; or

(b) In any case in which the United States Attorney concerned is of the opinion that because of a question of law or policy presented, or for any other reason, the offer should receive the attention of the Lands Division of the Department; or

(c) When the case involves the revestment of any land or improvements or any interest, or interests, in land under the Act of October 21, 1942, 56 Stat. 797 (40 U.S.C. 258f).

3. The procedural functions necessary for completing disposition of the matter, including the entry of judgment and distribution of the award, shall be performed promptly when a settlement has been made under this redelegation of authority. The United States Attorney concerned shall immediately forward to the Department a report, in the form of a letter or memorandum, bearing his signature or showing his personal approval. The report, an initialed copy of which shall be retained in the file of the United States Attorney, shall show the action taken and shall contain an adequate statement of the reasons therefor. In routine cases, a form, containing the minimum elements of the required report, may be used in lieu of a letter or memorandum. In any case, special care shall be taken to see that the report contains a statement as to what the valuation testimony of the United States would have been if the case had been tried.

Memorandum No. 284 is hereby superseded.

This memorandum shall be effective upon its publication in the FEDERAL REGISTER.

RAMSEY CLARK,
*Assistant Attorney General, Lands Division.*

Approved: November 16, 1964.

NICHOLAS DEB. KATZENBACH,
*Acting Attorney General.*

[F.R. Doc. 64-11944; Filed, Nov. 19, 1964; 10:18 a.m.]

# Title 30—MINERAL RESOURCES

## Chapter V—General Services Administration

## PART 501—STABILIZATION PAYMENTS TO SMALL DOMESTIC PRODUCERS OF LEAD AND ZINC ORES AND CONCENTRATES

### Transfer of Regulations

The regulatory material of Part 501 of Title 30 is transferred to a new Part 101-15 of Title 41, appearing in this issue of the FEDERAL REGISTER. Therefore, Part 501 of Title 30 is hereby deleted.

*Effective date.* This deletion is effective December 15, 1964.

Dated: November 6, 1964.

BERNARD L. BOUTIN,
*Administrator of General Services.*

[F.R. Doc. 64-11615; Filed, Nov. 19, 1964; 8:45 a.m.]



# Title 35—PANAMA CANAL

## Chapter I—Canal Zone Regulations

[Canal Zone Order 69]

## PART 26—LICENSES AND FEES

Effective on the sixtieth day after publication in the FEDERAL REGISTER, Chapter I of Title 35, Code of Federal Regulations, is amended by adding thereto a new Part 26 embracing §§ 26.1–26.14, and reading as follows:

Sec.
26.1 Definitions.
26.2 License fees on certain businesses and occupations.
26.3 Licenses for certain business and occupations.
26.4 Application form for licenses.
26.5 License cards; what to contain; possession and display.
26.6 Bond required for solicitors.
26.7 Special restrictions on runners.
26.8 Runners to furnish information to Customs.
26.9 Suspension and cancellation of licenses.
26.10 Inapplicability to Government agencies and their officers and employees.
26.11 Inapplicability to military reservations.
26.12 Punishment for violation of regulations.
26.13 Revocation of prior regulations.
26.14 Additional regulations by Governor authorized.

AUTHORITY: The provisions of this Part 26 issued under the authority vested in the President by 2 C.Z.C. § 1441, 76A Stat. 49, and delegated to the Secretary of the Army by § 3(f) of E.O. 9746 of July 1, 1946, 11 F.R. 7329, 3 C.F.R. 1943–1948 Comp., as amended by E.O. 10595 of February 7, 1955, 20 F.R. 819, 3 C.F.R. 242, 1954–1958 Comp. The delegation of authority referred to was preserved by § 19, P.L. 87-845, 76A Stat. 700.

### § 26.1 Definitions.

As used in this part:

(a) A "runner" is a person who represents a corporation, firm, or individual in the solicitation of orders from merchant vessels for the purchase of ship's stores, supplies, and chandlery, or in the solicitation of patronage for hotels, boarding houses, or tourist agencies.

(b) A "peddler" is a person, who carries articles, or any other thing of value, other than newspapers, from house to house, or from place to place, offering them for sale. However, persons or groups of persons authorized by the Executive Secretary to sell goods for the benefit of charitable or community projects shall not be deemed to be peddlers.

(c) A "solicitor" is a person who goes from house to house, or place to place, within the Canal Zone taking orders or offering to take orders for goods, wares, merchandise, magazine subscriptions, or any other article or thing of value for future delivery, or for services to be performed in the future or for the making, manufacturing, or repairing of any article or thing whatever for future delivery. However, the following shall not be deemed to be solicitors:

(1) Sales representatives soliciting business from United States Government Agencies or established private firms or organizations in the Canal Zone;

(2) Insurance agents or securities salesmen; or

(3) Persons or groups of persons authorized by the Executive Secretary to solicit orders for goods or services for the benefit of charitable or community projects.

CROSS REFERENCES: See Article III (5) of the General Treaty of Friendship and Cooperation between the United States and Panama, signed March 2, 1936 (T.S. 945; 53 Stat. 1807), pursuant to which runners, peddlers, and solicitors must operate from an office outside the Canal Zone. See also Chapter 61, Title 2, Canal Zone Code "Foreign Corporations Generally," and Chapter 79 of Title 2 "Securities Sales Law," which provide respectively for licensing of insurance and securities companies.

### § 26.2 License fees on certain businesses and occupations.

The following special license fees shall be collected in the Canal Zone:

(a) For carrying on the business of a runner, $2 per calendar month or fraction thereof;

(b) For carrying on the business of a peddler, $2 per calendar month except that licenses to peddle native fruits and vegetables shall be issued without collection of any tax;

(c) For carrying on the business of a solicitor, $5 per calendar month.

### § 26.3 Licenses for certain businesses and occupations.

No person shall engage in any business or occupation defined by § 26.1 unless he holds a valid license therefor issued by the Chief, License Section, Canal Zone Government. An application for a license may be denied if the character of the applicant is such as to warrant the belief that the privilege granted by the license will not be exercised in an orderly and lawful manner. A peddler's license issued to any person selling articles of food shall be subject to any special conditions or restrictions that may be imposed by the Health Director.

CROSS REFERENCES: See § 24.193 of this chapter which relates to the issuance of licenses by the Health Director to persons engaged in the house-to-house delivery of any food or beverage in the Canal Zone. See also 2 C.Z.C. § 872 for certain statutory requisites applicable to corporations doing business in the Canal Zone.

### § 26.4 Application form for licenses.

Applications for licenses under the preceding section shall be presented on a form to be prescribed by the Civil Affairs Director.

### § 26.5 License cards; what to contain; possession and display.

License cards shall bear the name, and in the discretion of the Chief, License Section, the photograph of the individual licensed and, if the licensee represents an entity other than himself, the name of the corporation, firm or establishment he represents. The license card shall be in the possession of the licensee at all times when he is transacting business in the Canal Zone, and shall be presented for inspection upon demand.

### § 26.6 Bond required for solicitors.

Each application by a solicitor to do business in the Canal Zone shall be accompanied by a bond in the sum of $500

conditioned upon the making of final delivery of goods ordered, or services to be performed, in accordance with the terms of any order received by the solicitor. The bond shall be so drawn as to give any person aggrieved by the action of any such solicitor a right of action on the bond for the recovery of money, or damages, or both. The bond shall remain on deposit for a minimum period of 6 months after notice of termination of soliciting activities and return of the license to the Chief, License Section for cancellation.

**§ 26.7 Special restrictions on runners.**

Runners' licenses shall entitle the licensees to transact business only in the terminal ports of the Canal Zone. A license for solicitation of sales to ships shall not authorize direct sales or solicitation of sales to passengers or members of ships' crews. No runner shall board any vessel without the permission of the master, or before the ship has been cleared by the customs and quarantine officials and the quarantine flag lowered.

**§ 26.8 Runners to furnish information to Customs.**

The Customs office in the terminal port where deliveries are to be made shall be notified in advance of deliveries of stores, supplies, or chandlery to vessels and upon its request the Customs office shall be furnished a list of the items to be delivered. Articles or commodities returned undelivered must be noted on the list furnished to Customs.

**§ 26.9 Suspension and cancellation of licenses.**

A license issued under this part shall be valid so long as the charges, in any, prescribed therefor are paid or until such license is cancelled by the Civil Affairs Director. Licenses may be suspended at any time by the Civil Affairs Director, without prior notice to the licensee, for failure to comply with these regulations or with the terms of the license or for other good and sufficient cause. The suspended licensee shall be entitled to a hearing if he requests it within 10 days of receiving notice of the suspension. The hearing, if requested, shall be held by the Civil Affairs Director or his designee within 10 days of the request therefor or within such later period as may be acceptable to the suspended licensee and the licensing authority. Upon completion of the hearing, or if no hearing is requested, the Civil Affairs Director shall: (a) Remove the suspension, (b) extend the suspension for a fixed period, or (c) revoke the license. A former licensee whose license has been revoked shall not be eligible to apply for a new license until expiration of a period of one year following the revocation.

**§ 26.10 Inapplicability to Government agencies and their officers and employees.**

The provisions of this part do not apply to agencies or instrumentalities of the United States or to their officers or employees while acting in an official capacity.

**§ 26.11 Inapplicability to military reservations.**

The provisions of this part do not apply to military, naval, or air force reservations.

**§ 26.12 Punishment for violation of regulations.**

A violation of any of the provisions contained in this part is punishable, as provided in section 1441 of Title 2, Canal Zone Code, 76A Stat. 49, by a fine of not more than $100 or by imprisonment in jail for not more than 30 days, or both.

**§ 26.13 Revocation of prior regulations.**

This part supersedes Executive Order 8306 of December 19, 1939 (4 F.R. 4909) and all implementing regulations issued thereunder. However, licenses issued under E.O. 8306 prior to the effective date of this order shall remain in effect until their normal date of expiration.

**§ 26.14 Additional regulations by Governor authorized.**

The Governor of the Canal Zone is authorized to prescribe any additional regulations that may be necessary to carry out the provisions of this part.

STEPHEN AILES,
*Secretary of the Army.*

NOVEMBER 10, 1964.

[F.R. Doc. 64-11875; Filed, Nov. 19, 1964; 8:47 a.m.]

# Title 36—PARKS, FORESTS, AND MEMORIALS

## Chapter III—Corps of Engineers, Department of the Army

## PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

### Additional Reservoirs

The Secretary of the Army having determined that the use of the following reservoir areas by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of section 4 of the Flood Control Act of 1944, as amended (76 Stat. 1195), adding the reservoirs to the list in § 311.1, as follows:

**§ 311.1 Areas covered.**

* * * * *

ARKANSAS

* * * * *

MILLWOOD RESERVOIR AREA, LITTLE RIVER

* * * * *

INDIANA

* * * * *

MONROE RESERVOIR AREA, SALT CREEK

* * * * *

TEXAS

BARDWELL RESERVOIR AREA, WAXAHACHIE CREEK

* * * * *

STILLHOUSE HOLLOW RESERVOIR AREA, LAMPASAS RIVER

SOMERVILLE RESERVOIR AREA, YEGUA CREEK

* * * * *

[Regs., 29 October 1964, ENGCW-OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

J. C. LAMBERT,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 64-11876; Filed, Nov. 19, 1964; 8:47 a.m.]

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 8—Veterans Administration

## PART 8-1—GENERAL

## PART 8-2—PROCUREMENT BY FORMAL ADVERTISING

## PART 8-52—CONTRACT ADMINISTRATION

### Miscellaneous Amendments

**§ 8-1.305-4 [Amended]**

1. In § 8-1.305-4, the headnote is amended to read as follows: "§ 8-1.305-4 *Interim Federal specifications.*"

2. Section 8-1.305-6 is revised to read as follows:

**§ 8-1.305-6 Military and departmental specifications.**

(a) Where specifications have been promulgated, they will be used in all applicable procurement transactions. Contracting Officers will not deviate from such specifications without the prior approval of the Chief Medical Director.

(1) VA Pamphlet 10-19 [1] contains contract conditions and standard specifications for fresh meats, cured pork, manufactured meat products, miscellaneous meat products, poultry and dairy products. VA Pamphlet 10-28 [1] contains contract conditions and standard specifications for fresh and frozen fruits and vegetables.

(i) Purchases of all perishable subsistence items shall be subject to the contract conditions of the VA pamphlets. This shall not apply to frozen foods purchased for distribution through the depot system.

(b) Where military and departmental specifications have been adopted by Veterans Administration, they will be used in the same manner as Veterans Administration specifications.

3. In § 8-1.306-1, paragraph (b) is revoked.

**§ 8-1.306-1 Mandatory use and application of Federal standards.**

* * * * *



(b) [Revoked]

* * * * *

**§ 8-1.311 [Revoked]**

4. Section 8-1.311 is revoked.

5. In § 8-2.201, paragraph (c) is amended to read as follows:

**§ 8-2.201 Preparation of invitations for bids.**

* * * * *

(c) In instances where it is determined that awards should be made in the aggregate in lieu of on an item by item basis, a clause as follows will be used.

AGGREGATE AWARDS

It is contemplated that items No. ---------- to ----------, inclusive, will be awarded in the aggregate, but the right is reserved to cancel any item or items after the bids are opened, before making award. The entire group will be awarded to the bidder quoting the lowest price for the complete group, or, in the event no bid is received for all the items in the group, award will be made to the bidder quoting the lowest aggregate price for the greatest number of items in the group, the remaining items in the group to be awarded to the lowest bidder on each item. It will be necessary for each bidder to state the unit price of each item on which quoting and the total price quoted for all items in the group.

* * * * *

6. Section 8-52.103 is added to read as follows:

**§ 8-52.103 Procurement against defaulting contractor.**

(a) VA Form 07-2237 or the file copy of the purchase order covering the purchase of supplies, equipment or services against a defaulting contractor shall be annotated to show the name of the defaulted contractor, the contract number, the contract price, the name of the contractor from whom procurement is made, the price paid, the competition secured and the difference in cost, if any, to the Veterans Administration. When reprocurement results in the payment of excess costs, and the purchase is made through the Supply Fund, the excess costs when collected shall be deposited to the credit of the Supply Fund. In all other instances the excess costs, when collected, shall be deposited to General Fund Receipts.

(b) Contracting Officers, when purchasing against a defaulted contractor, shall procure the items in a manner that will protect the interests of the contractor, as well as those of the Government.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective 45 days following publication in the FEDERAL REGISTER, but may be observed earlier.

Approved: November 16, 1964.

By direction of the Administrator.

[SEAL] A. H. MONK,
*Associate Deputy Administrator.*

[F.R. Doc. 64-11881; Filed, Nov. 19, 1964; 8:47 a.m.]

# Title 44—PUBLIC PROPERTY AND WORKS

## Chapter I—General Services Administration

SUBCHAPTER F—TRANSPORTATION, COMMUNICATIONS, AND PUBLIC UTILITIES MANAGEMENT

## PART 184—TELECOMMUNICATIONS SERVICES

### Transfer of Regulations

The regulatory material of Part 184 of Title 44 is transferred to a new Part 101-35 of Title 41, appearing in this issue of the FEDERAL REGISTER. Therefore, Part 184 of Title 44 is hereby deleted.

*Effective date.* This deletion is effective December 15, 1964.

Dated: November 6, 1964.

BERNARD L. BOUTIN,
*Administrator of General Services.*

[F.R. Doc. 64-11616; Filed, Nov. 19, 1964; 8:45 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 15363; FCC 64-1052]

## PART 0—COMMISSION ORGANIZATION

## PART 1—PRACTICE AND PROCEDURE

### Requests for New or Modified Call Signs for Standard, FM or Television Broadcasting Stations

*Report and order.* 1. On March 6, 1964, the Commission released a notice of rule making proposing to amend its rules to modify the procedure for assignment of call signs [1] to broadcasting stations. The proposal provided generally that requests for call signs would be made by letter to the Secretary of the Commission after the applicant had notified by mail all broadcasting stations whose transmitters are within a 35-mile radius of applicant's transmitter site of its intention to apply for said call sign, the applicant also to advise the Commission whether or not the requested call sign had been used by any broadcasting station in the said 35-mile radius within the preceding year. The Commission would take no action on the request until thirty days after public notice of the receipt of the request. Comments were filed to the Notice by the law firms of Cohn and Marks; Fisher, Wayland, Duvall and Southmayd (FWD&S), and by the Guy Gannett Broadcasting Services (WGAN), licensee of WGAN and WGAN-TV, Portland, Maine.

2. Under our present procedure, stations may use call letters of their choice (excepting the initial letter) if the requested call letters are sufficiently dissimilar phonetically and rhythmically from the existing call letters of stations in the same service in the area, so that there will be no significant likelihood of public confusion resulting. The latter requirement is called for in view of the purpose of the call letter, which is to identify each particular station from the mass of stations received by the public. Each case depends on its facts and no mechanical formula can be applied.[2] Call signs are now assigned by the Office of the Chief Engineer under authority delegated in § 0.241(c) of the Commission rules, as follows: if a permittee does not indicate a preference for a call sign, one is assigned to him after a determination that it is available and assignable. Permittee can indicate his preference in writing, either personally or through his attorney. The same procedure is followed when an existing station requests a change of call sign.

3. This procedure has proved unsatisfactory in certain instances. Objections have been made after the assignment of call signs by broadcasting stations in the same area as the applicant, because of an alleged similarity to their own. When such an objection has been made, the Commission has then reconsidered the assignment of the call letters to determine whether or not such a similarity existed either phonetically or rhythmically, as would confuse the general public. In several instances the Commission, upon reconsideration, and in some cases after oral argument, has concluded that the applicant must select other call letters. The loss in time and money expended by the applicant and the objector, and the extra burden placed upon the Commission's processes, have persuaded us that some change in our procedures must be made so that interested persons in the same area will have an opportunity to object to such requests before Commission action on the request for call signs. We therefore proposed to amend our rules as indicated above in paragraph one.

4. Those commenting agreed that in certain instances the public interest would be disserved by a particular call letter assignment and that, if there is a real chance of confusion, the public should be protected and a different call sign assigned. Therefore, some form of prior notice for a call sign is reasonable so that these instances can be found prior to Commission action. The difference between the Commission's proposal and those commenting is in the form such a notice should take. Both FWD&S and WGAN suggested that publication of the call letters in the Commission's public notices entitled "Broadcast Applications Accepted and Tendered for Filing" is sufficient to notify those who would have an interest in this information.

5. The Commission is of the view that such a notice would not be sufficient to

[1] The terms "call signs" and "call letters" will be used interchangeably herein.

[2] John Poole Broadcasting Co., FCC 63-382, 25 R.R. 335.

advise all stations who might wish to object to an assignment of call letters. Releases such as here referred to can be picked up at the Commission's offices. Those who wish the releases either have their representatives pick them up or hire commercial pick-up services to do so. The latter make delivery in Washington, D.C. or mail to outside clients. However, not all operating broadcasting stations in the United States subscribe to a pick-up service or have representatives who pick up these releases. Therefore, those most interested in such information may not receive it at all if they must rely on Commission releases. It was for this reason that the Commission proposed to require that an applicant for a call sign give notice by mail to all broadcasting stations whose transmitters are within a 35-mile radius of its authorized transmitter site, and that reporting of this notice be made to the Commission. We are not persuaded that notice by the Commission in a press release would be sufficient for the purposes of this rule and will therefore require that notification be made by mail as proposed.

6. FWD&S further objected to the use of the transmitter sites to determine the area within which notice should be given. They contended that any applicant for a new or modified call sign would have to employ an engineer to plot on a map the transmitters of all stations within a 35-mile radius by their geographical coordinates. They regarded this requirement as unduly burdensome and suggested that if the 35-mile radius is deemed necessary, notification should be required to all stations licensed to communities within 35 miles of the applicant's licensed community. The Commission's intention is to make sure that all stations within a reasonable distance be aware of the requested call letters. We have no desire to make our procedures unduly burdensome. Therefore, we will accept the suggestion of FWD&S and change the proposed rule to require that notification be given to all stations licensed to communities wholly or partially within a 35-mile radius from the main post office of the community in which the applicant is authorized to operate. See § 1.550(c) of the new rule.

7. FWD&S also contended that the requirement set out in the proposed rule concerning prior use of the call sign is unnecessary, and that the only way an applicant could be absolutely certain that he was correctly informing the Commission that the requested call signs had not been used by any broadcasting station within a 35-mile radius within the year preceding the date of the filing of the request would be to make inquiry of the clerk who handles call sign assignments for the Commission. Upon further consideration, the Commission agrees with FWD&S that such a requirement would be an unnecessary burden on the applicant and this portion of the proposal will be deleted.

8. In connection with the time period proposed, FWD&S suggested that the 30-day waiting period before Commission action on the request should be changed to 15 days. They urged that anyone who wishes to object can do so within 15 days. The additional fifteen days would not work a hardship on anyone and we therefore adhere to our proposal that the Commission will take no action on the request earlier than 30 days following issuance of public notice of the receipt of such request. We emphasize that applicants for new or modified call signs should therefore take no action in reliance on securing said call sign until notified by the Commission that the request has been granted.

9. Cohn & Marks noted that no reference was made in the proposal to the time when a request for a call sign may or must be made. They stated that in the case of an application for a construction permit for a new station, it would appear reasonable that the applicant should not request the assignment of a particular call sign unless and until it receives the grant of the construction permit since a considerable period of time generally elapses between the date of the grant and the time the applicant goes on the air. There is, therefore, no need for the applicant to have any prompt and reasonable assurance as to what call sign it will use for the station. On the other hand, in the case of an application for the assignment or transfer of control of a station, an assignee or transferee hopes to consummate the action as soon as possible, and lays expensive plans ahead of time for the operation of the station, and call letters are a significant part of the station's promotion and operation. Therefore, the assignee or transferee should be allowed to request a new call sign assignment at the time the application for assignment or transfer of control is filed. We are persuaded that these suggestions have merit and therefore adopt them.[3]

10. In view of the foregoing, and pursuant to authority contained in sections 4(i) and 303 (o) and (r) of the Communications Act of 1934, as amended:

*It is ordered*, That, effective December 22, 1964, § 1.550 is added and § 0.241(c) of the Commission rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: November 12, 1964.

Released: November 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE,
*Secretary.*

1. Section 1.550 is added to read as follows:

**§ 1.550 Requests for new or modified call sign assignments.**

(a) Requests for new or modified call sign assignments for standard, FM or television broadcasting stations shall be made by letter to the Secretary, Federal Communications Commission, Washington, D.C., 20554.

(b) (1) No request for a new call sign assignment shall be made by an applicant for a new station until after the Commission has granted the construction permit.

(2) An applicant for transfer or assignment of an existing station may request a new call sign assignment at the time the application for assignment of license or transfer of control is filed, or at any time thereafter. In making such a request he shall comply with the provisions of this section.

(c) Each individual request submitted under the provisions of paragraphs (a) and (b) of this section shall include the following:

(1) A statement that the applicant has notified by mail all broadcasting stations which are licensed to operate in communities wholly or partially within a 35-mile radius from the main post office of the community in which the applicant is authorized to operate, of its intention to apply for said call sign and the date on which it will make such application. The statement shall also contain the text of the said notice, the date on which it was mailed, and the call signs and locations of all stations to which it was mailed.

(2) Subject to the other requirements of this paragraph, as many as five call signs, listed in descending order of preference, may be included in a single request.

(d) (1) No request for call signs subject to the provisions of this section will be acted upon by the Commission earlier than 30 days following issuance of public notice of the receipt of such request. Applicants for new or modified call signs are therefore, advised to take no action in reliance on securing said call sign until notified by the Commission that said request has been granted.

(2) Objections to the assignment of the requested call signs may be filed within the 30-day period following issuance of public notice of the receipt of such request. Objections filed after the 30-day period will be considered only if, in the judgment of the Commission, good cause has been shown for failure to file within the time specified. The person who filed the original pleading may reply to said objections within 10 days after the time for filing objections has expired, or if the objections are filed late, within 10 days after the late pleading is filed. No further pleadings will be entertained.

(e) The requirements of paragraphs (b), (c), and (d) of this section do not apply to international broadcasting stations and stations in the experimental, auxiliary, and special broadcasting services.

(f) If an applicant for a new station does not file a request for assignment of a specific call sign, the Commission will assign an appropriate call sign to the station.

2. Section 0.241(c) is amended to read as follows:

[3] Cohn & Marks suggested that requests for call signs in assignment and transfer applications should lapse after a period of six months if the application had not been granted by then. We do not believe it appropriate to impose on applicants the burden of going through the procedure required by the new rule a second time. Accordingly, this suggestion is not adopted.

[4] Commissioners Lee, Ford, and Cox absent.



**§ 0.241 Authority delegated.**

* * * * * *

(c) To assign new or modified call signs to stations in all of the radio services except the Citizens and Amateur Radio Services. See §§ 0.332(a) and 1.550 of this chapter.

[F.R. Doc. 64-11888; Filed, Nov. 19, 1964; 8:48 a.m.]

[Docket No. 15534; FCC 64-1039]

## PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

## PART 89—PUBLIC SAFETY RADIO SERVICES

## PART 91—INDUSTRIAL RADIO SERVICES

## PART 93—LAND TRANSPORTATION RADIO SERVICES

### Additional Frequencies for Business Radio Service in Puerto Rico and Virgin Islands

In the matter of amendment of Parts 2, 89, 91 and 93 of the Commission's rules to provide additional frequencies for the Business Radio Service in Puerto Rico and the Virgin Islands, Docket No. 15534, RM-158.

1. The Commission, on July 1, 1964, adopted a notice of proposed rule making in the above-entitled matter which was published in the FEDERAL REGISTER on July 11, 1964 (FCC 64-589, 29 F.R. 9501). The time for filing comments and reply comments has now expired and no requests for extension of time have been received by the Commission. Comments in support of the proposals were submitted by Radiotelephone Communicators of Puerto Rico, Inc. jointly with Electro-Marine of Puerto Rico, Inc. (RCPR); by the California State Communications Advisory Board (California); and by Special Industrial Radio Service Association, Inc. (SIRSA). No comments were received in opposition to the proposal although RCPR urged that frequencies in addition to those proposed also be made available to the business radio service in Puerto Rico and the Virgin Islands.

2. The notice of proposed rule making was issued in response to a petition for rule making filed jointly by Radiotelephone Communicators of Puerto Rico and Crumley Radio Corporation for the allocation of additional frequencies to the business radio service in Puerto Rico and the Virgin Islands. Specifically, the Commission proposed to reallocate the 150.8–150.92 Mc/s and 150.98–151.49 Mc/s bands from the Land Transportation (Part 93) and Public Safety Radio Services (Part 89), respectively, to the Industrial Radio Services (Part 91) for exclusive use by the business radio service in the aforementioned localities. The band 150.8–150.98 Mc/s contains six assignable 30 kc/s frequencies, and the band 150.98–151.49 Mc/s contains thirty-three, based upon the 15 kc/s standards adopted pursuant to Commission action in Docket No. 11990. While the Commission herein proposed to delete the total of thirty-nine frequencies from availability under those parts, it intended to make available to the business radio service only twenty-three of the frequencies, omitting the sixteen 15 kc/s tertiary assignments in the 150.98–151.49 Mc/s band. In their comments, RCPR requested that these sixteen frequencies also be made available to the business radio service because only two of the twenty-three frequencies proposed for reallocation are presently assigned in Puerto Rico and the Virgin Islands. Consequently, it was believed that the existing stations could readily be protected from adjacent tertiary operation. Since the proposal was otherwise supported in its entirety, discussion will be directed solely to RCPR's request.

3. The Commission has to date made the tertiary frequencies available for assignment only in those services where coordinating committees would insure that existing operations on primary or secondary frequencies would not be impaired by an improvident assignment of a tertiary frequency. There is also outstanding (Docket No. 13930) a proposal to make available certain tertiary channels in the 151–155 Mc/s band for assignment on a regular basis to qualified applicants in the business radio service. Comments in that proceeding generally indicated that implementation of the 15 kc/s tertiary channels on a same area basis requires suitable geographical coordination. Although the Commission recognizes the paucity of usage presently being made of the 23 channels proposed by the Commission for reallocation, we are not persuaded at this time that applicants for the frequencies will, in an uncoordinated service, achieve the requisite geographical spacing and coordination between adjacent channels believed necessary at this time for satisfactory operation with 15 kc/s separation. The action taken herein will nearly triple the number of assignable frequencies available to the business radio service in Puerto Rico and the Virgin Islands and should relieve significantly the frequency congestion in that service in those localities. Further, the Commission does not wish to take any action in this proceeding which may prejudice final disposition of Docket No. 13930. Therefore, RCPR's request to make available to the business radio service in Puerto Rico and the Virgin Islands the sixteen tertiary frequencies in the band 150.8–151.49 Mc/s is rejected.

4. In view of the foregoing, it is the Commission's opinion that the public interest will be served by adoption without change of the proposals as set forth in the notice of proposed rule making. For those licensees becoming "out of band" as a result of action taken herein, a period of five years from the effective date of this report and order is being permitted after which all assignments must be contained in frequency bands designated for the particular service.

5. *Accordingly, it is ordered*, This 12th day of November 1964, that, pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, Parts 2, 89, 91 and 93 of the Commission's rules are amended as set forth below effective January 1, 1965, and the proceeding in Docket No. 15534 is hereby terminated.

(Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303)

Released: November 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
*Secretary.*

1. In § 2.106, the Table of Frequency Allocations is amended in respect to the bands 150.8–150.98 and 150.98–151.49 Mc/s to read as follows in columns 7 through 11, and new footnote NG51, as set forth below, is added in proper numerical sequence:

**§ 2.106 Table of Frequency Allocations.**

| Band (Mc/s) 7 | Service 8 | Class of station 9 | Frequency (Mc/s) 10 | Nature {of SERVICES {of stations 11 |
|---|---|---|---|---|
| • • • | • • • | • • • | • • • | • • • |
| 150.8–150.98 | LAND MOBILE.... | Base..... | ..... | LAND TRANSPORTATION. (NG 51) |
| 150.98–151.49 | LAND MOBILE.... | Land mobile. Base..... | ..... | PUBLIC SAFETY. (NG 51) |
| | | Land mobile. | | |
| • • • | • • • | • • • | • • • | • • • |

* * * * *

NG51 In Puerto Rico and the Virgin Islands only, the bands 150.8–150.98 Mc/s and 150.98–151.49 Mc/s are allocated exclusively to the business radio service. Stations in the Land Transportation and Public Safety Radio Services in those territories which have been authorized as of January 1, 1965, to use frequencies in the bands 150.8–150.98 Mc/s and 150.98–151.49 Mc/s, respectively, may continue to operate on these frequencies until January 1, 1970.

2. In § 89.409(e), the Highway Maintenance Radio Service Frequency Table is amended by the addition of a new limitation number 11 in column 3 (Limitations) opposite the frequencies 150.995, 151.010, 151.025, 151.040, 151.055, 151.070, 151.085, 151.100, 151.115 and 151.130 Mc/s, and a new paragraph (f)(11) is added as follows:

**§ 89.409 Frequencies available to the Highway Maintenance Radio Service.**

* * * * *

(f) • • •

(11) This frequency is not available for assignment to stations in the highway maintenance radio service located in Puerto Rico or the Virgin Islands. Stations in those territories in the highway maintenance radio service which have been authorized to operate on this fre-

[1] Commissioners Lee and Ford absent.

quency prior to January 1, 1965, may continue to do so until January 1, 1970.

3. In § 89.459(d), the Forestry-Conservation Radio Service Frequency Table is amended by the addition of a new limitation number 16 in column 3 (Limitations) opposite the frequencies 151.145 through 151.475 Mc/s, and a new paragraph (e)(16) is added as follows:

**§ 89.459 Frequencies available to the Forestry-Conservation Radio Service.**

* * * * * * *

(e) * * *

(16) This frequency is not available for assignment to stations in the forestry-conservation radio service located in Puerto Rico or the Virgin Islands. Stations in those territories in the forestry-conservation radio service which have been authorized to operate on this frequency prior to January 1, 1965, may continue to do so until January 1, 1970.

4. In § 91.554, the table in paragraph (a) is amended by the addition of the following entries in numerical sequence and a new paragraph (b)(21) is added as follows:

**§ 91.554 Frequencies available.**

(a) * * *

BUSINESS RADIO SERVICE FREQUENCY TABLE

| Frequency or band | Class of station(s) | General reference | Limitations |
|---|---|---|---|
| * * * | * * * | * * * | * * * |
| 150.815 | Base or mobile | General use | 21 |
| 150.845 | do | do | 21 |
| 150.875 | do | do | 21 |
| 150.905 | do | do | 21 |
| 150.935 | do | do | 21 |
| 150.965 | do | do | 21 |
| 150.995 | do | do | 21 |
| 151.025 | do | do | 21 |
| 151.055 | do | do | 21 |
| 151.085 | do | do | 21 |
| 151.115 | do | do | 21 |
| 151.145 | do | do | 21 |
| 151.175 | do | do | 21 |
| 151.205 | do | do | 21 |
| 151.235 | do | do | 21 |
| 151.265 | do | do | 21 |
| 151.295 | do | do | 21 |
| 151.325 | do | do | 21 |
| 151.355 | do | do | 21 |
| 151.385 | do | do | 21 |
| 151.415 | do | do | 21 |
| 151.445 | do | do | 21 |
| 151.475 | do | do | 21 |
| * * * | * * * | * * * | * * * |

(b) * * *

(21) Use of this frequency is limited to stations located in Puerto Rico and the Virgin Islands.

5. In § 93.503, paragraphs (c) and (d) are amended and new paragraph (f) is added as follows:

**§ 93.503 Frequencies below 952 Mc/s available for base and mobile stations.**

* * * * * * *

(c) Except in Puerto Rico and the Virgin Islands, the following frequencies are available for assignment to base stations and to mobile stations (other than those aboard aircraft) which are operated by or on behalf of associations of owners of private automobiles; provided that the equipment to be used shall immediately meet the technical standards which became generally effective November 1, 1963:

*Mc/s*
150.905
150.935
150.965

(d) Except in Puerto Rico and the Virgin Islands, the following frequencies are available for assignment to base stations and to mobile stations (other than those aboard aircraft) which are operated by or on behalf of persons who provide to the general public an emergency road service for disabled vehicles: *Provided*, That only one of these frequencies shall be assigned to the stations of any licensee operating in a given area: *And provided further*, That the equipment to be used shall immediately meet the technical standards which became generally effective November 1, 1963:

*Mc/s*
150.815
150.845
150.875

* * * * * * *

(f) Stations in Puerto Rico and the Virgin Islands authorized to operate in the automobile emergency radio service on the frequencies 150.815, 150.845, 150.875, 150.905, 150.935 and 150.965 Mc/s prior to January 1, 1965, may continue to operate on those frequencies until January 1, 1970.

[F.R. Doc. 64-11838; Filed, Nov. 19, 1964; 8:45 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-40]

## PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

### Coupling Devices and Towing Methods, Except for Driveaway-Towaway Operations

At a session of the Interstate Commerce Commission, Motor Carrier Board No. 2, held at its office in Washington, D.C., on the 4th day of November A.D. 1964.

The matter of parts and accessories necessary for safe operation under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, as amended by order of March 26, 1962, being under consideration; and

It appearing, that § 193.70(f) of the Code of Federal Regulations (49 CFR 193.70(f)) should be restated herein in its entirety for clarity and should be amended only for the purpose of changing the date contained therein from January 1, 1965, to April 30, 1965, and

Upon consideration of the record in the above-entitled proceeding and good cause appearing therefor;

*It is ordered*, That § 193.70(f) of the Code of Federal Regulations (49 CFR 193.70(f)) be, and it is hereby amended to read as follows:

**§ 193.70 Coupling devices and towing methods, except for driveaway-towaway operations.**

* * * * * * *

(f) *Safety chains.* Every full trailer shall be coupled with a safety chain or chains (stay chains or cables) directly to the frame of the motor vehicle by which it is to be towed. Attachment to the pintle hook will not meet this requirement. No more slack shall be left in safety chains or cables than shall be necessary to permit proper turning. Chains or cables shall be so connected to the towed and towing vehicle and to the tow-bar as to prevent the tow-bar from dropping to the ground in the event the tow-bar fails. The means of attachment to both the towing and towed vehicles shall be capable of developing the full capacity of the safety chains or cables. Each chain or cable shall have an ultimate strength at least equal to the gross weight of the full trailer being towed. On and after April 30, 1965, every full trailer and every dolly used to convert a semitrailer to a full trailer shall be equipped with two safety chains or cables, the points of attachment of which to the frame or axle of the full trailer dolly shall be not less than 48 inches apart, or as near thereto as the configuration of the frame or axle permits.

* * * * * * *

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

*It is further ordered*, That this order shall become effective on the date of service of this order and shall continue in effect until further order of the Commission.

*And it is further ordered*, That notice of this order shall be given to motor carriers and the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-11885; Filed, Nov. 19, 1964; 8:48 a.m.]



# Title 32—NATIONAL DEFENSE

## Chapter XVI—Selective Service System

PART 1611—DUTY AND RESPONSIBILITY TO REGISTER

PART 1621—PREPARATION FOR CLASSIFICATION

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

PART 1623—CLASSIFICATION PROCEDURE

PART 1624—APPEARANCE BEFORE LOCAL BOARD

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PART 1630—VOLUNTEERS

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PART 1642—DELINQUENTS

PART 1680—SELECTION OF CERTAIN PERSONS WHO HAVE CRITICAL SKILLS FOR ENLISTMENT IN UNITS OF THE READY RESERVE OF THE ARMED FORCES

### Miscellaneous Amendments

CROSS REFERENCE: For amendments to those parts in Chapter XVI of Title 32 which are set forth above, see Title 3, Executive Order 11188, *supra*.

# Proposed Rule Making

## FEDERAL AVIATION AGENCY

**[ 14 CFR Part 13 [New] ]**

[Docket No. 6320; Notice 64-50]

### HEARING PROCEDURE

### Notice of Proposed Rule Making

The Federal Aviation Agency is considering amendments to the hearing rules of Part 13 [New]—Enforcement Procedures of the Federal Aviation Regulations for the purpose of improving the hearing procedure and clarifying the regulation.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before January 5, 1965, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Persons against whom the Administrator has initiated certificate action under section 609 of the Federal Aviation Act may request a formal hearing, § 13.19 of Part 13 of the regulations. Subpart C contains the Rules of Practice which govern such hearings.

The first of the proposed amendments would confer on FAA Hearing Officers the additional power to rule on witnesses' claims of privilege against self-incrimination and, where the privilege is validly invoked, in proper cases to compel testimony under the immunity provision of section 1004(i) of the Federal Aviation Act, 49 U.S.C. 1484, as made applicable by section 313(c), 49 U.S.C. 1354. Under this provision a witness cannot be prosecuted or subjected to any penalty or forfeiture for or on account of any matter concerning which he has been compelled to give evidence after he validly claimed the constitutional privilege with respect to that evidence.

Section 13.45 as amended under the proposal would expressly authorize the Hearing Officer to permit amendment of the Notice of Proposed Certificate Action to conform it to the proof and to propose a more stringent sanction where deemed appropriate by Agency Counsel. An amendment to § 13.61 would make submission of proposed findings and conclusions at the end of the hearing subject to authorization by the Hearing Officer.

An amendment to § 13.49 would make applicable to these hearings the policy against stale allegations of violations which the Civil Aeronautics Board applies in hearings under section 609 (14 CFR 301.27(c)). The provisions of the Board regulation have been stated in the style of the Federal Aviation Regulations without change of substance. Under that policy, allegations of violations which occurred more than six months before the respondent was served with the Notice are subject to being stricken unless good cause is shown for the delay by Agency counsel or unless the Hearing Officer finds that the violations alleged, if proved, would require imposition of a sanction in the public interest notwithstanding the delay or establish lack of qualification of the certificate holder.

Section 13.65 would be amended to make it clear that the Federal Rules of Civil Procedure apply subsidiarily not only in situations arising during a hearing but in any situation that arises after the certificate holder has requested a hearing under § 13.19 of this part.

Finally, it is proposed to reword the rules governing the final Order of the Hearing Officer, § 13.67(a), for the purpose of clarifying the text and conforming it to the proposed amendment to § 13.45.

In consideration of the foregoing, it is proposed to amend Part 13 [New] of Chapter I of Title 14 of the Code of Federal Regulations—

1. By redesignating paragraphs (d) through (j) § 13.37 as (e) through (k), respectively, and inserting a new paragraph (d) reading as follows:

(d) Rule on claims of privilege against self-incrimination and compel testimony by conferring immunity under section 1004(i) of the Federal Aviation Act of 1958, 49 U.S.C. 1484.

2. By inserting the following new sentence before the last sentence of § 13.45: "The Hearing Officer may allow the Agency counsel to amend the Notice, before the record is closed, to conform the allegations to the proof and, if violations additional to those originally alleged have been proved, to propose more severe certificate action.

3. By amending § 13.49:

(a) By amending the heading of paragraph (a) to read "(a) *Motion to dismiss for insufficiency*";

(b) By redesignating present paragraphs (b) through (g) as (c) through (h), respectively; and

(c) By inserting a new paragraph (b) reading as follows:

(b) *Motion to strike stale allegations.* If the Notice of Proposed Certificate Action contains allegations of violations that occurred more than six months before the date of mailing or other service of the Notice, the respondent may move to strike these allegations under the following provisions:

(1) In any case in which the Notice does not allege lack of qualification of the certificate holder, Agency counsel is required to show by answer filed within seven days of service of the motion that good cause existed for the delay, or that if the allegations are proved, the imposition of a sanction is warranted in the public interest notwithstanding the delay or the reasons therefor. The respondent may file a reply to the answer within the time fixed by the Hearing Officer. The Hearing Officer may require Agency counsel to make his factual allegations of good cause more definite, certain or detailed. A hearing on the issue of good cause is held only if the respondent raises a genuine, pertinent, and substantial issue of fact. If the Hearing Officer does not find that good cause for the delay existed or that the public interest requires imposition of sanctions, notwithstanding the delay, if the allegations are proved, he orders the stale allegations stricken and proceeds to adjucate only the remaining portions, if any, of the Notice.

(2) In any case in which the Notice alleges lack of qualification of the certificate holder the Hearing Officer determines first whether an issue of lack of qualification is presented if the stale allegations, standing alone or together with the timely allegations, are true. If the Hearing Officer finds that the issue is not presented, he orders the stale allegations stricken and proceeds to adjudicate the remaining portions, if any, of the Notice. If he finds a qualification issue presented, he proceeds to hearing, advising the respondent that he is to defend against the allegation of lack of qualification to hold his certificate and not only against a proposed remedial sanction.

The motion to strike under this paragraph may be combined with a motion to dismiss any remaining parts of the Notice under paragraph (a) of this section.

4. By amending the last sentence of § 13.61 to read as follows: "At the end of the hearing the Hearing Officer may, in his discretion, allow each party to submit written proposed findings and conclusions and supporting reasons for them."

5. By amending § 13.65 to read as follows:

**§ 13.65 Federal Rules of Civil Procedure.**

The Federal Rules of Civil Procedure, where applicable, govern any situation arising after a request for hearing under § 13.19 has been made, that is not provided for or controlled by this subpart.

6. By amending § 13.67(a) to read as follows:

**§ 13.67 Final order of Hearing Officer.**

(a) If the final Order of the Hearing Officer makes a decision on the merits it contains a statement of his findings and conclusions on all material issues of fact and law. If the Hearing Officer determines that safety in air commerce or air transportation and the public interest so require, he may issue a reprimand or an order amending, suspending, or revoking the respondent's certificate. However, the certificate action imposed may not be more severe than that proposed in the Notice of Proposed Certificate Action, as amended. If the Hearing Officer finds that the allegations of the notice have not been proved or that no sanction is required, he orders the Notice dismissed. If the Hearing Officer finds it to be equitable and in the public interest, he may order the proceeding terminated upon payment by the respondent of a civil penalty in an amount agreed upon by the parties.

This proposal is made under the authority of sections 303(d), 313 (a), (c), 609, 1001, 1002, 1004 and 1005 of the Federal Aviation Act of 1958 (49 U.S.C. 1344, 1354, 1429, 1481, 1482, 1484 and 1485).

Issued in Washington, D.C., on November 16, 1964.

NATHANIEL H. GOODRICH,
*General Counsel.*

[F.R. Doc. 64-11857; Filed, Nov. 19, 1964; 8:46 a.m.]





**[ 14 CFR Part 39 [New] ]**

[Docket No. 6318]

### AIRWORTHINESS DIRECTIVES

### Fairchild Camera and Instrument Corp. Model 5424 ( ) Series Flight Data Recorder

The Federal Aviation Agency has under consideration a proposal to amend Part 39 [New] of the Federal Aviation Regulations to include an airworthiness directive for Fairchild Camera and Instrument Corporation Model 5424 ( ) Series flight data recorders. It has been determined that modifications are necessary to improve the crash survivability of these flight data recorders. The manufacturer has completed design improvements which will provide greatly increased protection from impact damage. Accordingly, this AD requires modifications to insure containment of the magazine assembly within the frame of the recorder and to provide additional protection for the recording medium from crushing and puncturing forces.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C., 20553. All communications received on or before December 21, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), by adding the following airworthiness directive:

FAIRCHILD CAMERA AND INSTRUMENT CORPORATION. Applies to Fairchild Camera and Instrument Corporation Model 5424 ( ) Series flight data recorders installed in aircraft as required by applicable operating rules.

Compliance required within six months time in service after the effective date of this AD, unless already accomplished.

To improve the crash survivability of the flight record, modify the Fairchild Camera and Instrument Corporation Model 5424 ( ) Series flight data recorder as follows:

Replace the front panel assembly with a reinforced front panel assembly and install two stainless steel sideplates in accordance with Fairchild Field Service Bulletin No. 159, dated 1 September 1964.

Issued in Washington, D.C., on November 13, 1964.

G. S. MOORE,
*Director,*
*Flight Standards Service.*

[F.R. Doc. 64-11858; Filed, Nov. 19, 1964; 8:46 a.m.]

**[ 14 CFR Part 71 [New] ]**

[Airspace Docket No. 64-CE-70]

### VOR FEDERAL AIRWAYS

### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would realign segments of VOR Federal airways Nos. 2S, 193, and 285 and realign No. 274 to permit use of the Grand Rapids, Mich. VOR in these airways.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attn: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

If action is taken on the proposed amendment, V-2 south would be realigned from Muskegon, Mich., via the intersection of the Muskegon 152° and Grand Rapids, Mich., 284° True radials to Grand Rapids thence direct to Lansing, Mich. V-193 would be realigned from Pullman, Mich., via the intersection of the Pullman 029° and White Cloud direct Grand Rapids, Mich., radials; to White Cloud, Mich. V-274 would be realigned from Pullman via Grand Rapids to Saginaw, Mich. V-285 would be extended from Grand Rapids direct to White Cloud.

These changes would incorporate the Grand Rapids VOR unit into the pertinent airways, thereby providing an additional navigational aid. Also, the realignment of the airways would establish more efficient terminal traffic control procedures in the Grand Rapids area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 16, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11859; Filed, Nov. 19, 1964; 8:46 a.m.]

**[ 14 CFR Part 71 [New] ]**

[Airspace Docket No. 64-SO-43]

### CONTROL ZONE

### Alteration of Proposal

In a notice of proposed rule making published in the FEDERAL REGISTER on September 26, 1964 (29 F.R. 13401), it was stated in part that the Federal Aviation Agency proposed to revoke the control area extension, alter the existing control zone, designate a new control zone and designate a transition area at Huntsville, Alabama.

The proposed Huntsville, Ala., control zone was described as that airspace within a 5-mile radius of the Huntsville-Madison County Airport (latitude 34°-41'18" N., longitude 86°35'20" W.) within 2 miles each side of the Huntsville VOR 160° radial extending from the 5-mile radius zone to the VOR, within 2 miles each side of the Huntsville ILS localizer N course extending from the 5-mile radius zone to 6 miles N of the airport, and within 3 miles N and 2 miles S of the extended centerline of Runway 5 extending from the 5-mile radius zone to a point 8.5 miles NE of the airport, excluding that portion west of a line extending from latitude 34°44'42" N., longitude 86°38'56" W., to latitude 34°-37'20" N., longitude 86°37'32" W. The portion of this control zone within R-2104 shall be used only with prior approval from the controlling agency.

The proposed Huntsville (Redstone AAF), Ala., control zone was described as that airspace within a 5-mile radius of Redstone AAF (latitude 34°40'29" N., longitude 86°40'54" W.); within 2 miles each side of the Redstone VOR 352° radial extending from the 5-mile radius zone to 7 miles N of the VOR; and within 2 miles each side of the Redstone VOR 169° radial extending from the 5-mile

radius zone to the Whitesburg, Ala., RBN, excluding that portion east of a line extending from latitude 34°44'42" N., longitude 86°38'50" W. to latitude 34°37'20" N., longitude 86°37'32" W. The portion of this control zone within R-2104 shall be used only with prior approval from the controlling agency.

Subsequent to the publication of the notice, it was found that the Redstone AAF does not meet the requirements for a separate control zone designation. However, the Redstone control zone could be incorporated into the Huntsville-Madison County Airport control zone designation thus providing adequate protection for aircraft executing prescribed instrument approach and departure procedures at Redstone AAF.

Furthermore, the Redstone VOR has been decommissioned making the proposed control zone extensions on the Redstone VOR 352° and 169° radials unnecessary. However, a control zone extension would be required to the Whitesburg radio beacon to protect aircraft making ADF approaches to Redstone AAF from the south.

As altered, the Huntsville, Alabama, control zone would be redesignated within a 5-mile radius of the Huntsville-Madison County Airport (latitude 34°41'18" N., longitude 86°35'20" W.), within a 5-mile radius of Redstone AAF (latitude 34°40'29" N., longitude 86°40'54" W.), within 2 miles each side of the Huntsville VOR 160° radial extending from the Huntsville-Madison County Airport 5-mile radius zone to the VOR, within 2 miles each side of the Huntsville ILS localiser N course extending from the Huntsville-Madison County Airport 5-miles radius zone to 6 miles N of the airport, within 3 miles N and 2 miles S of the extended centerline of Runway 5 extending from the Huntsville-Madison County Airport 5-mile radius zone to a point 8.5 miles NE of the airport, and within 2 miles each side of a 351° bearing from the Whitesburg RBN extending from the Redstone AAF 5-mile radius zone to the RBN. The portion of this control zone within R-2104 shall be used only with prior approval from the controlling agency.

The proposed Huntsville and Decatur, Alabama, transition areas would not be altered.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on November 10, 1964.

ARVIN O. BASNIGHT,
*Director, Southern Region.*

[F.R. Doc. 64-11860; Filed, Nov. 19, 1964; 8:46 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-SO-63]

### CONTROL ZONE

### Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter the existing control zone at Dothan, Ala.

The Dothan, Ala., control zone is presently designated within a 5-mile radius of the Dothan Municipal Airport (latitude 31°14'15" N., longitude 85°26'30"W.); within a 5-mile radius of Napier Field, Dothan, Ala. (latitude 31°19'10" N., longitude 85°27'30" W.); within 2 miles each side of the Dothan VORTAC 010° radial, extending from the Napier Field 5-mile radius zone to 8 miles N of the VORTAC; and within 2 miles each side of the Dothan VORTAC 143° radial, extending from the Dothan Municipal Airport 5-mile radius zone to 8 miles SE of the VORTAC.

Flight activities are being moved from the Dothan Municipal Airport to Napier Field.

Because of the change in airspace requirements in the Dothan area, the Federal Aviation Agency proposes to alter the Dothan, Ala., control zone by revoking that portion pertaining to the Dothan Municipal Airport and modifying the control zone extension for Napier Field. As altered the Dothan control zone would be redesignated within a 5-mile radius of Napier Field (latitude 31°19'10" N., longitude 85°27'30" W.); within 2 miles each side of the Dothan VORTAC 155° radial, extending from the Napier Field 5-mile radius zone to 8 miles SE of the VORTAC.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on November 12, 1964.

ARVIN O. BASNIGHT,
*Director, Southern Region.*

[F.R. Doc. 64-11861; Filed, Nov. 19, 1964; 8:46 a.m.]

## [ 14 CFR Part 75 [New] ]

[Airspace Docket No. 64-SO-34]

### JET ROUTE

### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 75 [New] of the Federal Aviation Regulations which would realign Jet Route No. 41 between Montgomery, Ala., and Memphis, Tenn., via Birmingham, Ala.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed realignment would provide a direct jet route between Memphis and Birmingham. It would also eliminate the problem of frequent rerouting of aircraft, when southeast bound, via Birmingham to avoid restrictions on descent into Montgomery and Maxwell AFB, Ala., because of the ISJTA. It would also eliminate an off-course climb to avoid the ISJTA when northwest bound. In addition there are three jet routes west of Birmingham which cross the present designation of J-41 and which present constant traffic control problems. The realignment of this route as proposed would eliminate these crossings and their attendant problems.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 13, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11862; Filed, Nov. 19, 1964; 8:46 a.m.]



## [ 14 CFR Part 75 [New] ]

[Airspace Docket No. 64-WA-72]

### JET ROUTE

### Proposed Designation

The Federal Aviation Agency is considering amendments to Part 75 [New] of the Federal Aviation Regulations which would designate a jet route from Buffalo, N.Y., direct to Windsor, Ontario, Canada, excluding that segment which would lie within Canada.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C., 20553. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

Two commercial flights daily are planned between Buffalo and Willow Run Airport, Detroit, Mich. Direct routing from Buffalo to the Willow Run Airport, via the Windsor navigational aid, would eliminate approximately 15 miles which are required in the present routing system available.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 13, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11863; Filed, Nov. 19, 1964; 8:46 a.m.]

## [ 14 CFR Part 75 [New] ]

[Airspace Docket No. 64-WA-75]

### JET ROUTE

### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 75 [New] of the Federal Aviation Regulations which would extend Jet Route No. 92 from Coaldale, Nev. to Reno, Nev.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

The proposed amendment would extend J-92 from the Coaldale VORTAC to the Reno VORTAC. This action would maintain route continuity between the Tucson, Ariz., and Phoenix, Ariz. areas to the Pacific Northwest. Additionally, the present J-92 segment between Oakland, Calif. and the intersection at Coaldale would be removed. Peak day traffic figures indicate that only three flights would have used the J-92 designation from Coaldale to Oakland. Two other jet routes presently are designated between Coaldale and Oakland and are sufficient to handle the traffic between these two points.

This amendment is made under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 12, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11864; Filed, Nov. 19, 1964; 8:46 a.m.]

## [ 14 CFR Part 75 [New] ]

[Airspace Docket No. 64-WA-76]

### JET ROUTE

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 75 [New] of the Federal Aviation Regulations which would designate a jet route from the Memphis, Tenn. VORTAC to the Northbrook, Ill. VORTAC, via the Centralia, Ill. VOR.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed amendment. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

The proposed jet route would provide a direct route between Memphis and the Chicago, Ill. area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 12, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11865; Filed, Nov. 19, 1964; 8:46 a.m.]

## [ 14 CFR Part 75 [New] ]

[Airspace Docket No. 64-WA-77]

### JET ROUTE SEGMENT

### Proposed Revocation

The Federal Aviation Agency is considering amending Part 75 [New] of the Federal Aviation Regulations by revoking Jet Route 23 between Wichita, Kans. and Hill City, Kans.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed amendment. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

The majority of traffic using this segment of J-23 were SAC aircraft operating from McConnell AFB located at Wichita. The Air Force mission at McConnell AFB has changed from SAC to TAC, resulting in the elimination of the air traffic control requirement for J-23.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 13, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11866; Filed, Nov. 19, 1964; 8:47 a.m.]

## [ 14 CFR Part 75 [New] ]

[Airspace Docket No. 64-WA-79]

### JET ROUTE

### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 75 [New] of the Federal Aviation Regulations which would realign Jet Route No. 84 from Reno, Nevada to Oakland, Calif. via Stockton, Calif.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed amendment. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

The proposed realignment of J–84 from Reno, via Stockton, to Oakland is the usual inbound routing for aircraft from over Reno enroute to San Francisco, Calif. The 1963 peak day count indicates that operations via Reno direct to Stockton totaled 32 as compared to 15 from Reno via J–32/84/94 to Sacramento, Calif. It appears that realignment of one of these three jet routes via Stockton, in lieu of Sacramento, would be desirable.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 13, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64–11867; Filed, Nov. 19, 1964; 8:47 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

**[ 47 CFR Part 21 ]**

[Docket No. 15694; FCC 64–1031]

## AUTHORIZATION OF FACILITIES IN CERTAIN BANDS ALLOCATED TO DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

### Notice of Proposed Rule Making

In the matter of amendment of §§ 21.503 and 21.504(a) of the Commission's rules concerning the authorization of facilities in the 35–44 Mc/s, 152–162 Mc/s and 450–460 Mc/s bands allocated to the Domestic Public Land Mobile Radio Service.

1. Notice of proposed rule making in the above entitled matter is hereby given.

2. In the Domestic Public Land Mobile Radio Service, field strength contours are used as guides in determining the limits of the reliable service area of a base station for the purpose of providing protection to the station from harmful cochannel electrical interference and defining the area within which consideration will be accorded claims of competitive economic injury.

3. The Commission has published its technical Report No. R–6406, Technical Factors Affecting the Assignment of Facilities in the Domestic Public Land Mobile Radio Service, by Roger B. Carey, June 24, 1964, which sets forth procedures to facilitate the calculation of base station service areas under average conditions. This report, which limits itself to system parameters in the reception of a base station by a mobile unit, contains basic propagation curves of recent derivation which are believed to be representative of actual field behavior, allowing for certain standard and individual deviations for specific paths in both VHF and UHF frequency ranges.

4. The Commission proposes to amend § 21.503 of the rules to restate in accordance with the above report minimum mileage separation between the classes of co-channel base stations. In addition, it is proposed to amend § 21.504(a) to provide field strength contours which describe the limits of reliable service area of base stations engaged in two-way communication service in the 35–44 Mc/s, 152–162 Mc/s and 450–460 Mc/s bands allocated to Domestic Public Land Mobile Radio Service. The proposed amendments to §§ 21.503 and 21.504(a) are set out in the appendix attached hereto.

5. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, any interested person who is of the opinion that the proposed amendments should not be adopted as set forth herein, may file with the Commission on or before December 22, 1964, written data, views, or arguments setting forth his comments. Comments in support of these proposals may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed on or before January 22, 1965. In reaching its decision on the rule changes which are proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

6. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs and other documents shall be furnished the Commission.

7. The proposal to amend the rules, as set forth in the appendix, is issued pursuant to the authority contained in sections 4(i) and 303 (d), (f), and (r) of the Communications Act of 1934, as amended.

Adopted: November 12, 1964.

Released: November 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

In Part 21—Domestic Public Radio Services (Other Than Maritime Mobile):

1. Section 21.503 is amended to read as follows:

[1] Commissioner Ford absent.

**§ 21.503 Geographical separation of co-channel stations.**

(a) Base stations engaged in two-way communications, employing frequency modulation or phase modulation and operating co-channel in this service, shall normally be separated by not less than the distances shown below:

| Class of station in the band 35–44 Mc/s | Minimum mileage separation between co-channel stations | | | | |
|---|---|---|---|---|---|
| A | 105 | | | | |
| B | 99 | 92 | | | |
| C | 93 | 87 | 76 | | |
| D | 88 | 81 | 70 | 58 | |
| E | 82 | 75 | 65 | 52 | 40 |
| | A | B | C | D | E |

Class of station

| Class of station in the band 152–162 Mc/s | Minimum mileage separation between co-channel stations | | | | |
|---|---|---|---|---|---|
| A | 83 | | | | |
| B | 78 | 72 | | | |
| C | 73 | 67 | 58 | | |
| D | 69 | 62 | 54 | 43 | |
| E | 65 | 59 | 50 | 39 | 29 |
| | A | B | C | D | E |

Class of station

| Class of station in the band 450–460 Mc/s | Minimum mileage separation between co-channel stations | | | | |
|---|---|---|---|---|---|
| A | 73 | | | | |
| B | 69 | 59 | | | |
| C | 66 | 56 | 43 | | |
| D | 63 | 53 | 41 | 38 | |
| E | 60 | 51 | 38 | 35 | 27 |
| | A | B | C | D | E |

Class of station

(b) In any particular case, where it appears that unusual radio wave propagation conditions are involved, the Commission may require greater separation than indicated in the tables in paragraph (a) of this section, or make assignments at lesser station spacing. Reference may be made to § 73.611(d) of this chapter for methods of computing mileage separation between station locations.

2. Section 21.504(a) is amended to read as follows:

**§ 21.504 Service area of base station.**

(a) The limits of reliable service area of a base station engaged in two-way communication service with mobile stations are considered to be described by a field strength contour of 31 decibels above one microvolt per meter for stations operating on frequencies in the 34–44 Mc/s band, 37 decibels above one microvolt per meter for stations operating on frequencies in the 152–162 Mc/s band, and 39 decibels above one microvolt per meter for stations operating on frequencies in the 450–460 Mc/s band. The limits of reliable service area of a base station engaged in one-way signaling service is considered to be 43 decibels above one microvolt per meter. Service within such areas is generally expected to have an average reliability of not less than 90 percent.

[F.R. Doc. 64–11843; Filed, Nov. 19, 1964; 8:45 a.m.]

# Notices

# DEPARTMENT OF THE TREASURY

## Office of the Secretary

[Dept. Circ. 570, 1964 Rev. Supp. 10]

## PENNSYLVANIA MANUFACTURERS' ASSOCIATION INSURANCE CO.

### Termination of Authority To Qualify as Surety on Federal Bonds

NOVEMBER 16, 1964.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13.

An underwriting limitation of $1,679,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1965. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

*State in which incorporated, name of company, and location of principal executive office*

Pennsylvania—Pennsylvania Manufacturers' Association Insurance Company, Philadelphia, Pa.

The Certificate of Authority issued by the Secretary of the Treasury to Pennsylvania Manufacturers' Association Casualty Insurance Company, Philadelphia, Pa., under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13), is hereby terminated effective as of August 1, 1964.

Pursuant to Articles of Agreement of Consolidation approved by the Insurance Commissioner and Governor of the State of Pennsylvania on June 24, 1964 and July 6, 1964, respectively, effective August 1, 1964, Pennsylvania Manufacturers' Association Casualty Insurance Co. and Pennsylvania Manufacturers' Association Fire Insurance Co. both of Philadelphia, Pa., were consolidated so as to form a new insurance company known as Pennsylvania Manufacturers' Association Insurance Co. The new corporation acquired all the assets and assumed all the liabilities of the constituent corporations. A copy of the Agreement of Consolidation is on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

In view of the foregoing, no action need be taken by bond-approving officers, by reason of the consolidation, with respect to any bond or other obligations in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before August 1, 1964, by Pennsylvania Manufacturers' Association Casualty Insurance Co. pursuant to the Certificate of Authority issued to the company by the Secretary of the Treasury.

[SEAL] JOHN K. CARLOCK,
*Fiscal Assistant Secretary.*

[F.R. Doc. 64–11883; Filed, Nov. 19, 1964; 8:48 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[Grazing District No. 1]

## ARIZONA

### Revocation of Special Rule for Administration of Certain Lands

A factual showing by the State Director, Arizona, reveals that the special rule approved March 30, 1950, under the provisions of 43 CFR 4115.2–4 for the Pakoon Allotment in Arizona Grazing District No. 1, which stipulated that base property within the meaning of 43 CFR 4111.2 shall not be a requirement, or recognized, for grazing privileges in the area and that grazing privileges within the area shall be allowed annually to regular licensees or permittees to the extent that forage conditions warrant, is no longer necessary or desirable. A recommendation to this effect was made by the Advisory Board of the Arizona Strip Grazing District on May 20, 1963.

Therefore, pursuant to the authority vested in the Director, Bureau of Land Management by section 2 of the Act of June 28, 1934 (48 Stat. 1269, 43 U.S.C. 315a), as amended, said special rule is hereby revoked in its entirety.

(a) The area affected by the revocation of the special rule is the same as that described in the FEDERAL REGISTER of April 5, 1950, page 1916 and further identified as Federal Register Document 50–2798.

(b) The establishment of base property requirements, the apportionment of grazing privileges, and administration within the area will be in accordance with the applicable provisions of 43 CFR Part 4110.

CHARLES H. STODDARD,
*Director.*

NOVEMBER 16, 1964.

[F.R. Doc. 64–11878; Filed, Nov. 19, 1964; 8:47 a.m.]

## Office of the Secretary

## DESERT GAME RANGE, NEVADA

### Amended Agreement Classifying Land Closed to Oil and Gas Leasing

1. The memorandum agreement entered into by the Bureau of Land Management and the Bureau of Sport Fisheries and Wildlife, and approved by the Secretary of the Interior on May 20, 1959 (24 F.R. 4354), which described certain detached areas within the exterior boundaries of the Desert Game Range, Nevada, as closed to oil and gas leasing is hereby amended to the extent necessary to make clear that in accordance with the plats of protracted surveys filed on June 15, 1962, the following-described lands are included in the areas closed to oil and gas leasing:

MT. DIABLO MERIDIAN
T. 10 S., R. 55½ E., unsurveyed;
Secs. 31 to 34, inclusive.
T. 11 and 12 S., R. 55½ E., unsurveyed.

2. This amendment does not open any areas heretofore closed to oil and gas leasing or close any areas heretofore open to such leasing.

I concur: July 27, 1964.

D. H. JANZEN,
*Director, Bureau of Sport Fisheries and Wildlife.*

I concur: July 31, 1964.

CHARLES H. STODDARD,
*Director, Bureau of Land Management.*

Approved: November 12, 1964.

STEWART L. UDALL,
*Secretary of the Interior.*

[F.R. Doc. 64–11877; Filed, Nov. 19, 1964; 8:47 a.m.]

# ATOMIC ENERGY COMMISSION

## AGREEMENT BETWEEN ATOMIC ENERGY COMMISSION AND STATE OF KANSAS

### Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State

Notice is hereby given that Commissioner John G. Palfrey, on behalf of the Atomic Energy Commission, and the Honorable John Anderson, Jr., Governor of the State of Kansas have signed the Agreement below for discontinuance of certain Commission regulatory authority. The Agreement is published in accordance with the requirements of Public Law 86–373 (section 274 of the Atomic Energy Act of 1954, as amended). The exemptions from the licensing requirements of Chapters 6, 7, and 8 of the Atomic Energy Act are contained in Part 150 of the Commission's regulations (10 CFR Part 150), which was published in the February 14, 1962, issue of the FEDERAL REGISTER (27 F.R. 1351).

Dated at Washington, D.C., this 12th day of November 1964.

For the Atomic Energy Commission.

W. B. MCCOOL,
*Secretary to the Commission.*

Whereas, The United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic





Energy Act of 1954, as amended (here-

waste materials as defined in regulations

Done at Topeka, State of Kansas, in



# FEDERAL POWER COMMISSION

Rate Schedule No. 6 to MWJ Producing

19516, G–16145, G–17519, G–18572, G–

Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, The Governor of the State of Kansas is authorized under Chapter 290 of the 1963 Session Laws of the State of Kansas to enter into this Agreement with the Commission; and

Whereas, The Governor of the State of Kansas certified on July 24, 1964, that the State of Kansas (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, The Commission found on October 13, 1964, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, The State recognizes the desirability and importance of maintaining continuing compatibility between its program and the program of the Commission for the control of radiation hazards in the interest of public health and safety; and

Whereas, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, Therefore, It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

*Article I.* Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

*Article II.* This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

*Article III.* Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

*Article IV.* This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

*Article V.* The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

*Article VI.* The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

*Article VII.* The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

*Article VIII.* This Agreement shall become effective on January 1, 1965, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at Topeka, State of Kansas, in triplicate, this 5th day of November 1964.

For the United States Atomic Energy Commission.

[SEAL] JOHN G. PALFREY, *Commissioner.*

For the State of Kansas.

[SEAL] JOHN ANDERSON, Jr., *Governor.*

[F.R. Doc. 64-11848; Filed, Nov. 19, 1964; 8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14832; FCC 64M-1149]

## BIGBEE BROADCASTING CO.

### Order Continuing Hearing

In re application of Paul D. Nichols, William C. Reid, and Houston L. Pearce, d/b as Bigbee Broadcasting Co., Demopolis, Ala., Docket No. 14832, File No. BP-13976; for construction permit.

The Hearing Examiner having under consideration the "Petition for Extensions of Time" filed by the above-entitled applicant requesting an extension of time to file a brief in reply to the Broadcast Bureau's opposition to petition for leave to dismiss, and also requesting an extension of the hearing date;

It appearing, that the petitioners' reply is due to be filed November 12, 1964, but that due to the content of the Bureau's opposition, additional time is required to prepare a reply; and

It further appearing, that the petitioners request an additional 15 days for filing their reply; namely, to November 27, 1964, and also request oral argument on their petition for leave to dismiss; and

It further appearing, that the hearing on the above application is scheduled to be held November 16, 1964, and it is requested that the hearing be continued to a date to be set by subsequent order pending a ruling on the petition for leave to dismiss; and

It further appearing, that counsel for the Broadcast Bureau and for Demopolis Broadcasting Company consent to a grant of this motion, and that good cause has been shown for a grant thereof;

*It is ordered,* This 16th day of November 1964, that the time for filing the reply to the Broadcast Bureau's opposition to petition for leave to dismiss, is hereby granted, and that said reply shall be filed on or before November 27, 1964;

*It is further ordered,* That the hearing presently scheduled for November 16, 1964, be, and the same is, here continued to a date to be set by subsequent order, and that oral argument on the petition for leave to dismiss, be, and the same is, hereby scheduled for December 16, 1964, at 9:00 a.m.

Released: November 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-11889; Filed, Nov. 19, 1964; 8:48 a.m.]



# FEDERAL POWER COMMISSION

[Docket No. G-4590 etc.]

## H. L. BROWN ESTATE ET AL.

### Findings and Order After Hearing

NOVEMBER 10, 1964.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificate, terminating rate proceeding, substituting respondent, redesignating proceedings, requiring filing of surety bond, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

H. L. Brown Estate, Applicant in Docket Nos. G-4590 and G-4591, proposes to continue the sale of natural gas as successor in interest to Brown & Wheeler, et al., pursuant to a contract heretofore designated as Brown & Wheeler, et al., FPC Gas Rate Schedule No. 7 which will be redesignated as a rate schedule of H. L. Brown Estate. The presently effective rate under said contract is in effect subject to refund in Docket No. RI60-4,[1] and H. L. Brown Estate has filed a motion to be substituted as respondent in said proceeding. Accordingly, H. L. Brown Estate will be substituted as respondent, the proceeding will be redesignated, and H. L. Brown Estate will be required to file a surety bond or an appropriate rider to the surety bond heretofore filed by Brown & Wheeler to assure the refund of any amounts collected in excess of the amount determined to be just and reasonable in Docket No. RI60-4.

MWJ Producing Company, Applicant in Docket No. G-20318, proposes to continue the sales of natural gas which it has heretofore been authorized to make in said docket as operator and co-owner of the producing properties. MWJ has disposed of its leasehold interest in said properties but will continue to act as operator. Therefore, the related contract is herein redesignated from MWJ Producing Company (Operator), et al., FPC Gas Rate Schedule No. 6 to MWJ Producing Company (Operator), Agent, FPC Gas Rate Schedule No. 6. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI61-370. An increased rate has also been collected subject to refund in Docket No. RI60-188[1] for a prior locked-in period. The proceeding in Docket No. RI61-370 was appropriately redesignated by Commission order dated August 7, 1964, styled Hurley Oil & Gas Company, et al. and other Applicants listed herein, Docket Nos. G-2658, et al. MWJ in the subject petition requests that the pending proceeding in Docket No. RI60-188 be appropriately redesignated.

After due notice, no petition or notice to intervene or protest to the granting of any of the respective applications or petitions have been filed.

At a hearing held on November 5, 1964, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-4590, G-4591, G-4592, G-4593, G-4594, G-4595, G-5546, G-6296, G-9255, G-12175, G-19516, G-16145, G-17519, G-18572, G-19673, G-20318, CI62-251, CI63-1583 and CI65-76 should be amended as hereinafter ordered.

(6) The sale of natural gas proposed to be abandoned by the Applicant in Docket No. CI65-271 as hereinbefore described, all as more fully described in the tabulation herein and in the respective application, is subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, such abandonment should be permitted and approved and the related certificate heretofore issued in Docket No. G-7768 should be terminated.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that H. L. Brown Estate should be substituted in lieu of Brown & Wheeler, et al., as respondent in the proceeding pending in Docket No. RI60-4, that said proceeding should be redesignated accordingly, and that H. L. Brown Estate should be required to file a surety bond or rider to the surety bond heretofore filed by Brown & Wheeler to assure the refund of any amounts collected in excess of the amount determined to be just and reasonable in Docket No. RI60-4.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceeding pending in Docket No. RI60-188 should be redesignated from MWJ Producing Company (Operator), et al., to MWJ Producing Company (Operator), Agent, and that the trust agreement filed in such proceeding should remain in full force and effect as though filed by MWJ Producing Company as operator and agent and not as operator and co-owner.

(9) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein, should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now

[1] Consolidated with Docket No. AR61-1, et al.

pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G–6296 and G–12175 are hereby amended by adding thereto authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) The certificates heretofore issued in Docket Nos. G–16145, G–17519, G–18572 and CI62–251 are hereby amended by deleting therefrom authorization granted herein, in Docket Nos. CI65–248, CI65–244, CI65–246 and CI65–254.

(F) The certificate heretofore issued to Socony Mobil Oil Company, Inc., in Docket No. G–19516 is hereby amended by deleting therefrom authorization granted herein, in Docket No. CI65–213 to Norton Oil Company, Inc., et al. and such authorization does not relieve Socony of any refund obligation in the proceeding in Docket No. G–20079.

(G) The certificates heretofore issued in Docket Nos. G–4590, G–4591, G–4592, G–4593, G–4594, G–4595, G–5546, G–9255, G–19673 and CI65–76 are hereby amended by changing the certificate holders to the successors in interest as set forth in the tabulation herein.

(H) The certificate heretofore issued in Docket No. G–20318 is hereby amended to reflect MWJ Producing Company as operator and agent in lieu of operator and co-owner.

(I) The certificate heretofore issued in Docket No. CI63–1583 is hereby amended to include the additional authorization and the subject sale is authorized at a conditioned rate of 15 cents per Mcf at 14.65 psia. In the event the Commission amends its Policy Statement No. 61–1, by adjusting the boundary between the Panhandle area and the "Other" Oklahoma area so as to increase the initial well-head price for new gas in the area of the sale involved herein. Applicant may thereupon substitute a new rate reflecting the amount of such increase, and thereafter collect such new rate prospectively in lieu of the initial rate herein required.

(J) Permission for and approval of the abandonment of service by the Applicant in Docket No. CI65–271 as hereinbefore described and as more fully described in the application herein, is hereby granted and the related certificate heretofore issued in Docket No. G–7768 is hereby terminated.

(K) In view of the abandonment authorization granted herein, in Docket No. CI65–271 the rate suspension proceeding in Docket No. RI64–685 is hereby terminated, since the proposed rate has not been placed into effect and service has ceased.

(L) The certificate granted herein, in Docket No. CI65–267 involving a sale of gas by Anadarko Production Company to its parent, Panhandle Eastern Pipe Line Company, is without prejudice to any action which the Commission may take in any subsequent rate proceeding involving either Anadarko or Panhandle Eastern.

(M) H. L. Brown Estate be and it is hereby substituted in lieu of Brown & Wheeler, et al., as respondent in the proceeding pending in Docket No. RI60–4, and said proceeding is redesignated accordingly.[2]

(N) Within 30 days from the issuance of this order H. L. Brown Estate shall execute in the form set out below and shall file with the Secretary of the Commission a surety bond in Docket No. RI60–4 in the amount of $2,500, or a rider to the surety bond heretofore filed in said proceeding by Brown & Wheeler, to assure the refund of any amounts, together with interest at the rate of seven percent per annum, collected in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such surety bond or rider shall be deemed to have been accepted for filing.

(O) H. L. Brown Estate shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Commission's regulations thereunder, and the surety bond filed in Docket No. RI60–4 shall remain in full force and effect until discharged by the Commission.

(P) The proceeding pending in Docket No. RI60–188 be and the same is hereby redesignated from MWJ Producing Company (Operator), et al., to MWJ Producing Company (Operator), Agent, and the trust agreement filed in said proceeding shall remain in full force and effect as though filed by MWJ Producing Company as operator and agent and not as operator and co-owner.

(Q) The related rate filings and supplements as indicated in the tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the successions herein, are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| G–4590<br>G–4591<br>E 8–25–64 | H. L. Brown Estate, et al. (successor to Brown & Wheeler, et al.). | El Paso Natural Gas Co., Spraberry Trend Field, Reagan County, Tex. | Brown & Wheeler, et al., FPC GRS No. 7. | 17 | |
| | | | Supplement Nos. 1–2 | 7 | 1–2 |
| | | | Notice of succession 7–28–64. | | |
| | | | Effective date: 11–30–63 | | |
| G–4592<br>E 8–25–64 | do | United Gas Pipe Line Co., Hordes Creek Field, Goliad County, Tex. | Brown & Wheeler, et al., FPC GRS No. 3. | 3 | |
| | | | Supplement Nos. 1–11 | 3 | 1–11 |
| | | | Notice of succession 7–28–64. | | |
| | | | Effective date: 11–30–63 | | |
| G–4593<br>E 8–25–64 | do | do | Brown & Wheeler, et al., FPC GRS No. 4. | 4 | |
| | | | Supplement Nos. 1–10 | 4 | 1–10 |
| | | | Notice of succession 7–28–64. | | |
| | | | Effective date: 11–30–63 | | |
| G–4594<br>E 8–25–64 | do | Transcontinental Gas Pipe Line Corp., La Gloria Field, Jim Wells and Brooks Counties, Tex. | Brown & Wheeler, et al., FPC GRS No. 1. | 1 | |
| | | | Supplement Nos. 1–15 | 1 | 1–15 |
| | | | Notice of succession 7–28–64. | | |
| | | | Effective date: 11–30–63 | | |
| G–4595<br>E 8–25–64 | do | United Gas Pipe Line Co., Hordes Creek Field, Goliad County, Tex. | Brown & Wheeler, et al., FPC GRS No. 2. | 2 | |
| | | | Supplement Nos. 1–10 | 2 | 1–10 |
| | | | Notice of succession 7–28–64. | | |
| | | | Effective date: 11–30–63 | | |
| G–5546<br>E 9–17–64 | Calhoun County Bank, Agent for Z. N. Connolly Estate, et al. (successor to Z. N. Connolly, et al.).[3] | Hope Natural Gas Co., Sherman District, Calhoun County, W. Va. | Z. N. Connolly, et al., FPC GRS No. 3. | 4 | |
| | | | Supplemnet Nos. 1–4 | 4 | 1–4 |
| | | | Notice of succession | 4 | 5 |
| | | | Supplemental agreement 6–19–64. | | |
| | | | Effective date: 6–19–64 | | |
| G–6296<br>C 9–21–64 | Leonard Oil Co | El Paso Natural Gas Co., Jalmat Pool, Lea County, N. Mex. | Supplemental agreement 3–6–64.[3] | 2 | 13 |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[2] H.L. Brown Estate.



| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| A CI65–248<br>(G–16145)<br>F 9–18–64 | Irwin Miller | United Gas Pipe Line Co., Smith Farmington Field, Acadia Parish, La. | Contract 7–20–56 [1] | 2 | 1 |
| | | | Assignment 10–29–63 [1] | 2 | 2 |
| | | | Amendment 7–1–64 | 2 | 3 |
| | | | Letter agreement 7–1–64 | 2 | |
| | | | Effective date: 10–29–63 | | |
| CI65–249<br>A 9–18–64 | Little Five Oil & Gas Co. | Pennzoil Co., McClelland Dist., Doddridge County, W. Va. | Statement (undated) (In lieu of contract dated 11–4–63) | 4 | |
| CI65–250<br>A 9–18–64 | do | do | Statement (undated) (In lieu of contract dated 11–4–63) | 5 | |
| CI65–251<br>A 9–18–64 | do | do | Statement (undated) (In lieu of contract dated 11–4–63) | 6 | |
| CI65–253<br>A 9–18–64 | Edwin Foster Blair & Associates, agent for Esther J. Cox Lease. | Carnegie Natural Gas Co., Battelle Dist., Monongalia County, W. Va. | Statement (undated) (In lieu of contract dated 8–21–64) [1] | 1 | |
| A CI65–254<br>(CI62–251)<br>F 9–18–64 | Westhoma Oil Co. (successor to Jake Hamon, et al.) (Operator), et al. | Northern Natural Gas Co., Hugoton Field, Texas County, Okla. | Contract 7–5–61 [1] | 5 | Exhibit A |
| | | | Assignment 5–22–64 [1] | 5 | 1 |
| | | | Effective date: 10–26–63 | | |
| CI65–255<br>A 9–18–64 | Oil and Gas Futures, Inc. | Northern Natural Gas Co., acreage in Beaver County, Okla. | Contract 12–26–62 [1] | 1 | |
| | | | Letter agreement 12–21–63 [1] | 1 | 1 |
| CI65–256<br>A 9–21–64 | Irwin Miller | Hope Natural Gas Co., South Bosco Field, Pawhuska and Acadia Districts, Okla. | Contract 9–1–64 [1] | 3 | |
| CI65–257<br>A 9–21–64 | Texaco Inc. | Northern Natural Gas Co., various fields, Beaver and Ellis Counties, Okla. | Contract 8–12–64 [1] | 342 | |
| CI65–258<br>A 9–21–64 | Tidewater Oil Co. | Lone Star Gas Co., East Lone Star Gas Field, Stephens County, Okla. | Contract 8–18–64 [1] | 130 | |
| CI65–259<br>A 9–21–64 | Southwest Oil Industries, Inc. | Northern Natural Gas Co., Mocane-Laverne Field, Harper and Beaver Counties, Okla. | Contract 8–18–64 [1] | 1 | |
| CI65–260<br>A 9–21–64 | Sohio Petroleum Co. | Mississippi River Fuel Corp., Woodlawn Field, Harrison County, Tex. | Contract 7–31–64 [1] | 106 | |
| CI65–261<br>A 9–21–64 | Oklahoma Natural Gas Co. | Northern Natural Gas Co., North Lincoln Field, Ellis County, Okla. | Contract 8–17–64 [1] | 30 | |
| CI65–262<br>A 9–21–64 | Warren American Oil Co. | Arkansas Louisiana Gas Co., Northwest Mitton Field, Haskell County, Okla. | Contract 7–6–64 [1] | 13 | 1 |
| | | | Contract 8–15–62 [1] | 13 | 2 |
| | | | Letter 8–15–62 | 13 | 3 |
| | | | Supplemental agreement 2–6–63. [1] | 13 | 4 |
| | | | Letter 2–6–63 [1] | 13 | 5 |
| | | | Letter 4–5–63 [1] | 13 | 6 |
| | | | Contract 8–23–64 [1] | 13 | |
| CI65–263<br>A 9–12–64 | Southern Union Production Co. | Northern Natural Gas Co., acreage in Beaver County, Okla. | | | |
| CI65–265<br>A 9–22–64 | Ambassador Oil Corp. (Operator), et al. | Panhandle Eastern Pipe Line Co., Light Field, Beaver County, Okla. | Contract 8–26–64 [1] | 22 | |
| CI65–266<br>A 9–22–64 | L. B. Nichols, Jr., et al. | Northern Natural Gas Co. Petit-Cake Field, (Cleveland) Tapscomb County, Tex. | Contract 6–15–64 [1] | 2 | |
| CI65–267<br>A 9–22–64 | Anadarko Production Co. | Panhandle Eastern Pipe Line Co., Seward County, Kans. | Contract 9–1–64 [1] | 85 | |
| CI65–268<br>A 9–22–64 | Coastal States Gas Producing Co. | Northern Natural Gas Co., Pampa Field Area, Harris County, Tex. | Contract 9–4–64 [1] | 53 | |



| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| G–9245<br>E 8–25–64 | H. L. Brown Estate, et al. (successor to Brown & Wheeler, et al.). | Texas Illinois Natural Gas Pipe Line Co., LaGloria Field, Jim Wells and Brooks Counties, Tex. | Brown & Wheeler, et al., FPC GRS No. 6. | 5 | |
| | | | Supplement Nos. 1–3 | 5 | 1–3 |
| | | | Notice of succession 7–28–64. | | |
| | | | Effective date: 11–30–63 | | |
| G–12175<br>C 9–26–63 | Humble Oil & Refining Co. (Operator), et al.[4] | Northern Natural Gas Co., Acreage in Hansford and Hutchinson Counties, Tex. | Agreement 6–28–63 [1] | 121 | |
| G–19673<br>E 9–25–64 | H. L. Brown Estate (successor to H. L. Brown). | Tennessee Gas Transmission Co., West Mission Field, Hidalgo County, Tex. | H. L. Brown, FPC GRS No. 12. | 8 | |
| | | | Supplement Nos. 1–2 | 8 | 1–2 |
| | | | Notice of succession 7–28–64. | | |
| G–20318<br>9–20–64 [5] | MWJ Producing Co. (Operator), Agent (formerly MWJ Producing Co. (Operator), et al.). | El Paso Natural Gas Co., Spraberry Trend Field, Midland County, Tex. | Effective date: 11–30–63 | | |
| | | | Statement 8–10–64 | 6 | |
| CI63–1583<br>C 9–23–64 | Shell Oil Co. (Operator), et al. | Arkansas Louisiana Gas Co., North Carter Field, Beckham County, Okla. | Ratified 6–15–64 [1] | [7] 289 | |
| CI65–76<br>E 9–23–64 | Sinclair Oil & Gas Co. (successor to Hiawatha Oil and Gas Co.). | Northwest Bald Hill Field, Beaver County, Okla. | Hiawatha Oil and Gas Co., FPC GRS No. 8. | 327 | |
| | | | Supplement Nos. 1–2 | 327 | 1 |
| | | | Notice of succession 9–23–64. | | |
| | | | Assignment | 327 | |
| | | | Agreement 6–28–64 | | |
| | | | Effective date: 8–1–64 | | |
| A CI65–213<br>(G–19516)<br>F 9–4–64 | Norton Oil Co., Inc. et al. (successor to Socony Mobil Oil Co., Inc.). | United Gas Pipe Line Co., Maxie-Pickol Ridge Fields, Forrest County, Miss. | Contract 4–23–57 | 12 | 2 |
| | | | Letter agreement 4–23–57 | 2 | 2 |
| | | | Assignment 9–1–60 [1] | 2 | 3 |
| | | | Chancery Court Orders 9–25–63 [1] [6] | 2 | 4 |
| | | | Assignment 8–27–64 [1] [6] | 2 | 5 |
| CI65–238<br>A 9–10–64 | R. R. Greenbaum d/b/a Time Petroleum Co. | Panhandle Eastern Pipe Line Co., acreage in Kingsman County, Kans. | Contract 7–6–64 | 6 | 6 |
| | | | Letter 7–6–64 [1] | | |
| CI65–241<br>A 9–17–64 | The Atlantic Refining Co. (Operator), et al. | Northern Natural Gas Co., West Perryton Field, Ochiltree County, Tex. | Contract 8–1–64 [1] | 288 | |
| A CI65–244<br>(G–17519)<br>F 9–17–64 | Robert E. King, et al. | United Gas Pipe Line Co., Ada Field, Bienville Parish, La. | Contract 10–27–58 [1] | 2 | 1 |
| | | | Letter agreement 10–27–58. | 2 | 2 |
| | | | Letter agreement 12–1–58. | 2 | 3 |
| | | | Letter agreement 7–1–60. | 2 | 4 |
| | | | Letter agreement 4–18–62. | 2 | 5 |
| | | | Assignment 6–27–63. | 2 | 6 |
| | | | Effective date: 7–1–63. | 2 | 7 |
| | | | Letter agreement 7–1–64. | 2 | 8 |
| | | | Assignment 8–31–64. | 2 | |
| | | | Effective date: 8–1–64. | 2 | |
| A CI65–246<br>(G–18572)<br>F 9–17–64 | do | do | Contract 2–20–59 [1] | 3 | |
| | | | Letter agreement 2–20–59. | 3 | 1 |
| | | | Letter agreement 7–1–60. | 3 | 2 |
| | | | Assignment 8–6–63. | 3 | 3 |
| | | | Assignment 8–27–63. | 3 | 4 |
| | | | Effective date: 7–1–63. | 3 | 5 |
| | | | Letter agreement 7–1–64. | 3 | 6 |
| | | | Assignment 8–31–64. | 3 | 7 |
| | | | Effective date: 8–1–64. | 3 | 8 |

See footnotes at end of table.

| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| CI65-269..... A 9-23-64 | Worth Exploration Co. (Operator), et al. | Southern Natural Gas Co., Northeast Lafitte Field, Jefferson Parish, La. | Contract 9-2-64 [3]..... | 1 | ..... |
| CI65-270..... A 9-23-64 | Harry C. Boggs..... | United Fuel Gas Co., Birch District, Braxton County, W. Va. | Contract 4-23-64 [9]..... | 2 | ..... |
| CI65-271..... (G-7788) B 9-23-64 | Davidor & Davidor, Inc. | Cities Service Gas Co., North Whiterock Area, Noble County, Okla. | Notice of cancellation (Undated). [12 20] | 20 1 | 5 |
| CI65-274..... A 9-23-64 | Cities Service Oil Co.. | Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla. | Contract 8-20-64 [2]..... | 196 | ..... |

[1] Rate in effect subject to refund in Docket No. RI60-4; Applicant filed to be made respondent in said proceeding.
[2] Calhoun County Bank is succeeding Holly Nester as Agent under this contract.
[3] Effective date: Date of initial delivery.
[4] By letter filed Oct. 12, 1964, Applicant agreed to accept an initial rate of 17.0 cents per Mcf for the additional authorization.
[5] Amendment to the certificate to reflect change in certificate holder from MWJ Producing Co. (Operator), et al. to MWJ Producing Co. (Operator), Agent.
[6] Adds acreage of nonoperator, Phillips Petroleum Co.
[7] Contract rate is 17.0 cents per Mcf, however, Shell accepted a permanent certificate in original application at 15.0 cents per Mcf with provisions it may substitute new rates if boundary change is made. Shell states Phillips will accept a similar permanent certificate for the subject acreage.
[8] Covers acreage formerly dedicated to Socony Mobil Oil Co., Inc., FPC GRS No 120.
[9] Assigns the interval from 4,464 feet to 4,492 feet in the Norton Oil Co., Inc., No. 4 well from Socony to Norton Oil Co., Inc., et al.
[10] Provides that Margaret Marston Morgan is entitled to the assets of her deceased husband, Harry I. Morgan, interest holder in the related acreage.
[11] Assigns the interval from 4,620 feet to 4,632 feet in the Norton Oil Co., Inc., No. 4 well from Socony to Norton Oil Co., Inc., et al.
[12] Effective date: Date of this order.
[13] Basic contract between Monsanto Chemical Co. (now Monsanto Co.) and United; on file as Monsanto's FPC GRS No. 31.
[14] Basic contact between The Atlantic Refining Co. and United; on file as Atlantic's FPC GRS No. 202.
[14a] Effective date: Date of initial delivery from assigned acreage.
[15] Presently on file as Hunt Oil Co.'s FPC GRS No. 2.
[16] Instrument whereby assignment made from Hunt Oil Co. and The Atlantic Refining Co. to C. P. Hilliard.
[17] Instrument whereby assignment made from C. P. Hilliard to Irwin Miller.
[18] Between Peerless Oil & Gas Co. and Jake L. Hamon and Northern Natural Gas Co.; on file as Jake L. Hamon (Operator), et al., FPC GRS No. 37.
[19] Between Northern Natural Gas Co. and Hugoton Plains Gas and Oil Co. for delivery of gas by Northern to Hugoton Plains for processing and redelivery to Northern.
[20] Conveys acreage from the Fluor Corp. Ltd. and Jake L. Hamon to Westhoma Oil Co. (Elmore Gas-Unit).
[21] Adopts contract dated Mar. 15, 1962; Supplement No. 1.
[22] Between Sinclair Oil & Gas Co. and Arkansas Louisiana Gas Co.
[23] Amends basic contract of Mar. 15, 1962, changing the price (from 17.0 cents to 15.0 cents) and other provisions.
[24] Pertains to compression by buyer in another (Red Oak) field.
[25] Production of gas no longer economically feasible.
[26] Rate of 12.0 cents per Mcf suspended in Docket No. RI64-685 until Sept. 13, 1964; rate not placed into effect subject to refund, therefore, Docket No. RI64-685 will be terminated.

[F.R. Doc. 64-11720; Filed, Nov. 19, 1964; 8:45 a.m.]

[Docket No. E-7189]

## DAYTON POWER AND LIGHT CO. AND COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

### Notice of Application

NOVEMBER 13, 1964.

Take notice that on November 9, 1964, a joint application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by The Dayton Power and Light Co. (Dayton) and Columbus and Southern Ohio Electric Co. (Columbus), requesting authority for the acquisition by Dayton from Columbus and the sale by Columbus to Dayton of a certain electric transmission line interconnecting the systems of the Applicants.

Dayton is incorporated under the laws of Ohio and doing business in the State of Ohio with its principal business office at Dayton, Ohio. Dayton is an operating public utility engaged in the production, transmission, distribution and sale of electricity in 24 counties and 18 municipalities in the State of Ohio.

Columbus is incorporated under the laws of Ohio and doing business in the State of Ohio with its principal business office at Columbus, Ohio. Columbus is an operating public utility engaged in the production, transmission, distribution and sale of electricity in 25 counties in the State of Ohio and sells electric energy at wholesale to four municipalities in the State of Ohio.

The facilities to be transferred to Dayton from Columbus constitute a 138,000 volt wooden H-frame transmission line from Columbus' Delaware Substation No. 240, located at Liberty and Slack Roads, Delaware, Ohio (Delaware Sub) to Dayton's Darby Substation near Marysville, Ohio. The facilities to be transferred include all of the wooden poles and conductor together with and including the deadend insulator assembly attached to Columbus' Delaware Sub. The original cost of facilities less accrued depreciation involved in the sale is $561,679.

According to the application, the consideration for the purchase is $571,697.39 in cash, payable in full at the time of the transfer. The consideration is equivalent to Columbus' gross book cost. The Applicants represent that the amount of consideration is the result of arms-length bargaining.

Applicants represent that the principal benefit from the line at the present time is to provide substitution emergency capacity to the Dayton system and some emergency capacity to the Columbus system. In addition, the line is available to provide a path for other interchange transactions between the companies. The electrical characteristics of the Applicants' systems are such that the benefits from the interconnection now, and will continue to, flow to a greater extent to Dayton than to Columbus. Inasmuch as Dayton is not buying firm power across the line or paying the carrying charges on the investment in the line, although Dayton is now receiving, and will continue to receive, the major benefit from the line, the Applicants represent that it is in the public interest that Dayton should own the line.

According to the application, the proposed transaction would result in no change in any contract for the purchase, sale or interchange of electric energy other than possible amendment to the Agreement dated January 11, 1963, between Dayton and Columbus, on file with the Commission, to reflect the change and ownership of the facilities, the subject of this application. There would be no change in rate schedules as such.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 4, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11870; Filed, Nov. 19, 1964; 8:47 a.m.]

# OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

## ARTICLE NOT TO BE MANDATORILY RESERVED FROM TRADE AGREEMENT NEGOTIATIONS

### Spring Type Clothespins (TSUS 790.05)

NOVEMBER 19, 1964.

On November 10, 1964, pursuant to the recommendation of the Special Representative for Trade Negotiations, the President determined that spring type clothespins (TSUS 790.05) should not be mandatorily reserved from the forthcoming trade negotiations under section 225(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1845(b)).

On April 22, 1964, the Tariff Commission advised the President of its findings under section 225(b) as to whether economic conditions in certain industries had or had not substantially improved since the date of its escape-clause reports concerning such industries (29 F.R. 5654). With respect to spring type clothespins, however, the decision of the Tariff Commission was split three to three.

Under section 330(d)(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1330 (d)(1)), the President chose to construe the split decision of the Tariff Commission as a finding that economic conditions in the industry have substantially improved since the date of the escape-clause report, and hence that spring type clothespins should not be mandatorily reserved from the forthcoming trade negotiations.

Accordingly, spring type clothespins come within that category of articles with respect to which the President can, under his discretionary authority, determine that tariff concessions either should or should not be offered by the United States in the forthcoming trade negotiations.

CHRISTIAN A. HERTER,
*Special Representative for Trade Negotiations.*

[F.R. Doc. 64-11983; Filed, Nov. 19, 1964; 11:55 a.m.]



# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 17, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39400: *Sheet steel to Cedars, Miss.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2751), for interested rail carriers. Rates on sheet steel, in carloads, from Zanesville, Ohio, to Cedars, Miss.

Grounds for relief: Market competition.

Tariff: Supplement 12 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-428.

FSA No. 39401: *Sulphur dioxide gas to Chicago, Ill.* Filed by O. W. South, Jr., agent (No. A4592), for interested rail carriers. Rates on sulphur dioxide gas, in tank carloads, from Copperhill, Tenn., to Chicago, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 54 to Southern Freight Association, agent, tariff I.C.C. S-272.

FSA No. 39402: *Fresh potatoes from points in Canada.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2752), for interested rail carriers. Rates on potatoes, fresh or green, other than sweet, not cold-packed or frozen, in carloads, from points in Province of New Brunswick, Canada, to points in official territory, also points in northern Illinois, southern Wisconsin, extended zone C and western trunk-line territories.

Grounds for relief: Market competition.

Tariff: Supplement 15 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. N-12.

FSA No. 39403: *T.O.F.C. rates from and to points in Southwestern Territory.* Filed by Southwestern Freight Bureau, agent (No. B-8639), for interested rail carriers. Rates on paint and paint materials and related articles, loaded in trailers and transported on railroad flat cars, between points in southwestern territory, including Natchez, Miss., and Memphis, Tenn.

Grounds for relief: Motor-carrier competition.

Tariff: Supplement 183 to Southwestern Freight Bureau, agent, tariff I.C.C. 4353.

FSA No. 39404: *T.O.F.C. rates to points in Oklahoma.* Filed by Southwestern Freight Bureau, agent (No. B-8640), for interested rail carriers. Rates on sugar, beet or cane, raw or other than raw, in bags or barrels, loaded in trailers and transported on railroad flat cars, from Hereford and Sugar Land, Tex., to points in Oklahoma.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 183 to Southwestern Freight Bureau, agent, tariff I.C.C. 4353.

FSA No. 39405: *T.O.F.C. rates from and to points in WTL Territory.* Filed by Western Trunk Line Committee, agent (No. A-2379), for interested rail carriers. Rates on property moving on class and commodity rates loaded in trailers and transported on railroad flat cars, between points in southern territory, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 15 to Western Trunk Line Committee, agent, tariff I.C.C. A-4522.

FSA No. 39406: *Sugar to Texas City, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8642), for interested rail carriers. Rates on sugar, beet or cane, in carloads, from specified points in Louisiana, to Texas City, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 26 to Southwestern Freight Bureau, agent, tariff I.C.C. 4514.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64-11886; Filed, Nov. 19, 1964; 8:48 a.m.]

[Notice 1079]

## MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 17, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67197. By order of November 13, 1964, the Transfer Board approved the transfer to Witte Brothers Exchange, Incorporated, Troy, Mo., of the operating rights in Certificates Nos. MC 114221 Sub 1 and MC 114221 Sub 2, issued November 17, 1958, and December 23, 1960, respectively, to Clyde Wainscott and Donald R. Wainscott, a Partnership, doing business as Clyde Wainscott & Son, Mexico, Missouri, and acquired by Donald R. Wainscott, doing business as Wainscott & Son Truck Service, Mexico, Mo., pursuant to MC-FC 66988, consummated July 28, 1964, authorizing the transportation, over irregular routes, of livestock feed, seeds, and fertilizer, in bags, from East St. Louis, Ill., to Mexico, Mo., and points other than incorporated villages, towns, or cities, within a radius of 25 miles thereof, and of fertilizer, in bags and in bulk, from National Stock Yards, Ill., to Centralia, Mo., and coal, in bulk, from Millstadt, Ill., to Mexico, Mo. Thomas P. Rose, Jefferson Building, Jefferson City, Mo., attorney for applicants.

No. MC-FC 67288. By order of November 13, 1964, the Transfer Board approved the transfer to Georgia Transportation Company, a Corporation, Macon, Ga., of the operating rights in Certificate No. MC 117151 Sub 2, issued March 16, 1964, to Georgia Industrial Realty Co., a Corporation, Washington, D.C., authorizing the transportation of general commodities, moving in express service, and mail, between Brunswick, Ga., and Macon, Ga., as restricted. Earl E. Eisenhart, Jr., 920 15th Street NW., Post Office Box 1808, Washington, D.C., 20013, attorney for applicants.

No. MC-FC 67295. By order of November 13, 1964, the Transfer Board approved the transfer to Worcester City Delivery, Inc., Worcester, Mass., of Certificate No. MC 60576 issued November 25, 1940, to Albert John Lyons, Dba Worcester City Delivery, Worcester, Mass., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Worcester, Mass., and Boston, Mass., with service authorized to and from all intermediate points; and off-route points in Massachusetts within 10 miles of Worcester; those within 10 miles of Boston; and those within 5 miles of the above specified routes. Arthur A. Wentzell, Post Office Box 720, Worcester, Mass., 01601, representative for applicants.

No. MC-FC 67299. By order of November 13, 1964, the Transfer Board approved the transfer to Alexander Marinelli, Inc., Ardmore, Pa., of Certificate No. MC 65811 issued December 18, 1961, to A. Marinelli & Sons, Inc., Ardmore, Pa., authorizing the transportation of such bulk commodities as are transported in dump trucks, over irregular routes, between Ardmore, Pa., and points in Pennsylvania within 15 miles of Ard-

more, on the one hand, and, on the other, points in New Jersey and points in New Castle County, Del. John H. Derby, 2122 Cross Road, Glenside, Pa., 19038, representative for applicants.

No. MC-FC 67300. By order of November 13, 1964, the Transfer Board approved the transfer to Walpole Trans. Co., Inc., Norwood, Mass., of the operating rights in Certificate of Registration No. MC 99619 Sub 1, issued February 25, 1964, to Walpole Trucking Corp., Walpole Trucking Corp., Walpole, Mass., corresponding to the grant of intrastate authority to transferor issued by the Massachusetts Department of Public Utilities in Irregular Route Common Carrier Certificate No. 3459 dated March 31, 1956. Joseph A. Kline, attorney for transferor, 185 Devonshire Street, Boston, Mass. George C. O'Brien, attorney for transferee, 33 Broad Street, Boston, Mass.

No. MC-FC 67312. By order of November 13, 1964, the Transfer Board approved the transfer to Three-B Freight Service, Inc., Los Angeles, Calif., of the operating rights in Certificate of Registration No. MC 96633 Sub 2, issued June 16, 1964, to Paul S. Beidleman, doing business as United Drayage Company, Los Angeles, Calif., corresponding to the grant of intrastate authority to transferor issued by the Public Utilities of California in Certificate of Public Convenience granted in Decision No. 61848, dated April 18, 1961, as amended in Decision No. 63097, dated January 9, 1962. Arthur H. Glanz, 839 South Spring Street, Los Angeles, Calif., 90014, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-11887; Filed, Nov. 19, 1964; 8:48 a.m.]



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PART II

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 29 NUMBER 227

Washington, Friday, November 20, 1964


General Services Administration

# Federal Property Management Regulations

## Addition of Parts

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

SUBTITLE C—FEDERAL PROPERTY MANAGEMENT REGULATIONS SYSTEM

## Chapter 101—Federal Property Management Regulations

### ADDITION OF PARTS

Chapter 101 of Title 41 of the Code of Federal Regulations is amended by the addition of the following parts:


101–3 Annual real property inventories.
101–14 Strategic, critical, and other materials.
101–15 Lead and zinc stabilization.
101–17 Construction and alteration of public buildings.
101–26 Procurement sources and programs.
101–35 Telecommunications.
101–42 Property rehabilitation services and facilities.


This material represents the third portion of the Federal Property Management Regulations published in the FEDERAL REGISTER (see 29 F.R. 13255, 14724; September 24 and October 29, 1964). It is a conversion of existing policies and procedures concerning Government management of the subject programs.

Part 101–15 supersedes Part 501 of Title 30 and Part 101–35 supersedes Part 184 of Title 44.

SUBCHAPTER A—GENERAL

## PART 101–3—ANNUAL REAL PROPERTY INVENTORIES

Sec.


101–3.000 Scope of part.

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Subpart 101–3.49—Forms and Reports

101–3.4900 Scope of subpart.
101–3.4901 GSA forms.
101–3.4901–1166 GSA Form 1166: annual report of Real Property Owned by the United States.
101–3.4901–1166(I) Instructions for the preparation of GSA Form 1166: Annual Report of Real Property Owned by the United States.
101–3.4901–1166A GSA Form 1166A: Annual Report of Real Property Leased to the United States.
101–3.4901–1166A(I) Instructions for the preparation of GSA Form 1166A: Annual Report of Real Property Leased to the United States.
101–3.4901–1166A(I–A) Major cities.
101–3.4901–1209 GSA Form 1209: Summary of Number of Installations Owned by the United States.
101–3.4901–1209(I) Instructions for the preparation of GSA Form 1209: Summary of Number of Installations Owned by the United States.
101–3.4901–1209A GSA Form 1209A: Comparative Summary of Properties Leased to the United States.
101–3.4901–1209A(I) Instructions for the preparation of GSA Form 1209A: Comparative Summary of Properties Leased to the United States.


AUTHORITY: The provisions of this Part 101–3 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### § 101–3.000 Scope of part.

This part describes the procedure and forms for use by executive agencies in connection with the preparation of annual reports necessary for the maintenance and publication of inventories of real property owned by and leased to the United States as of June 30 each year.



### Subpart 101–3.1—General Provisions

#### § 101–3.100 Scope of subpart.

This subpart deals with the background, objectives, and coverage of reports in connection with the real property owned by and leased to the United States.

#### § 101–3.101 Background.

(a) The inventory of Federal real property was initiated and is being continued at the request of the Senate Committee on Appropriations.

(b) The House Committee on Government Operations annually requests data on all Federally-owned real property for inclusion in its real and personal property inventory reports.

#### § 101–3.102 Program objectives.

The principal objectives of the Government-wide real property inventory program are:

(a) To provide a centralized source of information on Federal real property holdings,

(b) To achieve the most effective control and economical Government-wide utilization of available property,

(c) To facilitate disposal of surplus property,

(d) To provide a basis for the intelligent evaluation and appraisal of budgetary requirements, and

(e) To establish a ready reference for answering inquiries from the Congress, the press, trade associations, educational institutions, Federal, State, and local government agencies, and the general public.

#### § 101–3.103 Coverage.

The inventory reports prescribed in this Part 101–3 shall cover land, buildings, and other structures and facilities throughout the world, which are owned by or leased to the United States, including wholly-owned Federal Government corporations.

#### § 101–3.104 Source of data.

Data reported shall be based on agency real property and accounting records.

#### § 101–3.105 Agency liaison.

Each reporting agency shall designate an official to serve as agency representative for each of the real property inventories. The same representative may be designated for the federally owned and leased real property inventories. The General Services Administration, Office of Finance and Administration, Washington, D.C., 20405, shall be advised in writing of the names of all such representatives and subsequent changes.

### Subpart 101–3.2—Annual Report—Real Property Owned by the United States

#### § 101–3.200 Scope of subpart.

This subpart prescribes the procedure and forms to be used by executive agencies in connection with annual reports on real property owned by the United States.

#### § 101–3.201 Reporting agency.

Reports on real property owned by the United States shall be submitted by the agency responsible for the maintenance of real property records and accounts as prescribed by General Accounting Office principles and standards and illustrated in 2 GAO 1270 and 2 GAO 7030; i.e., the agency which has control of and the authority to assign and reassign the use of the property or any portion thereof. For purposes of this inventory, the above rule shall apply regardless of the manner of acquisition or which agency is currently using the property. For example:

(a) For general purpose buildings, such as office buildings or warehouses, which are occupied by a Federal agency or agencies upon determination by GSA, and for which GSA is responsible for elevator and guard service, and for cleaning and maintenance, GSA is the reporting agency.

(b) For special purpose buildings, such as Coast Guard stations, military reservations, hospitals, and prisons, those agencies having control of building management and operation including authority to assign or reassign space in such buildings, will be considered as the reporting agencies.

#### § 101–3.202 Coverage.

The annual reports of real property owned by the United States shall cover land, buildings, and other structures and facilities owned by the United States throughout the world. These reports shall include the following:

(a) Unreserved public domain lands.

(b) Public domain lands reserved for national forests, national parks, military installations, or other purposes.

(c) Real property acquired by purchase, construction, donation, and other methods.

(d) Real property in which the Government has a long-term interest considered by the reporting agency as being equivalent to ownership.

(e) Buildings or other structures and facilities owned by the Government whether or not located on Government-owned land.

(f) Excess and surplus real property. (The reporting agency, as defined in § 101–3.201 shall continue to retain accountability and report excess and surplus real property pending its transfer to a Federal agency or disposal.)

(g) Buildings being acquired under the terms of the Public Buildings Purchase Contract Program or Lease Purchase Agreements (39 U.S.C. 2103, 40 U.S.C. 356). Buildings shall be reported upon completion of construction. Separate annual reports shall also be submitted for real properties held in trust by the Federal Government.

#### § 101–3.203 Exclusions.

Annual inventory reports on real property owned by the United States shall not include the following:

(a) Properties acquired through foreclosure, confiscation, or seizure to be liquidated in settlement of a claim or debt to the Federal Government.

(b) Rights-of-way or easements granted to the Government.

(c) Lands administered by the United States under trusteeship by authority of the United Nations.

(d) Machinery and processing equipment which are not part of the realty.

(e) Land held under permit from another Government agency.

#### § 101–3.204 Reports to be submitted.

(a) Each agency shall prepare in accordance with instructions in § 101–3.4901–1166(I) and submit to GSA a separate report on GSA Form 1166, Annual Report of Real Property Owned by the United States (see § 101–3.4901–1166) for:

(1) Each newly acquired or previously omitted installation.

(2) Each installation received by transfer from another Federal agency which is not merged with an existing installation.

(3) Each installation with increases or decreases in cost of $1,000 or more affecting any line item or the total for the installation.

(4) Each installation declared excess or surplus, in whole or in part.

(5) Each disposal of a complete installation.

(6) Each installation for which a revision of an entry on a previous report is necessary to reflect a change in the name of an installation, date or method of acquisition of property, acreage, number and/or floor area of buildings, or predominant usage category of land, buildings, or other structures and facilities.

(b) Each agency shall prepare, in accordance with instructions in § 101–3.4901–1209(I) and submit to GSA a separate report on GSA Form 1209, Summary of Number of Installations Owned by the United States (see § 101–3.4901–1209) for each bureau or other major organizational unit, for (1) properties in the United States; and (2) properties outside the United States. Reports on GSA Form 1209 shall be submitted whether or not changes have occurred since the previous report.

**§ 101–3.205 Optional reporting method.**

Agencies with electrical accounting machine equipment may make arrangements with the GSA Office of Finance and Administration, to furnish detailed machine listings together with the supporting punch cards, in lieu of GSA Forms 1166. However, GSA Forms 1209 shall be submitted as prescribed in § 101–3.204(b).

**§ 101–3.206 Preparation and due dates.**

The annual inventory reports prescribed in § 101–3.204 shall be prepared as of June 30, each year. An original and one copy of each report shall be submitted to the General Services Administration, Office of Finance and Administration, Washington, D.C., 20405, not later than September 1.

## Subpart 101–3.3—Annual Report—Real Property Leased to the United States

**§ 101–3.300 Scope of subpart.**

This subpart prescribes the procedure and forms to be used by executive agencies in connection with annual reports on real property leased to the United States.

**§ 101–3.301 Reporting agency.**

Reports on real property leased to the United States shall be submitted by the agency currently administering the lease and making payments to the lessor, regardless of which agency executed the original lease or is currently using the property.

**§ 101–3.302 Coverage.**

(a) The annual report of real property leased to the United States shall include all real property leased from private individuals, organizations, and municipal, county, State, and foreign governments, as evidenced by a written agreement involving a monetary consideration and a landlord-tenant relationship. It shall also include right of use and occupancy obtained under eminent domain proceedings or equivalent procedures.

(b) Real property leased rent free or for nominal rental may be included when the property is considered significant by the reporting agency. 35 Comp. Gen. 713 is suggested as a guide to help resolve questions pertaining to the definition of nominal payment.

**§ 101–3.303 Exclusions.**

Items to be excluded from the annual reports are: (a) real property occupied under permit or other arrangements with other Federal agencies or wholly owned Federal Government corporations; (b) leasehold improvements (Government-owned buildings or structures located on leased land shall be reported as owned); (c) rights-of-way and easements; and (d) real property leased rent free or for nominal rent when property is not considered significant by the reporting agency.

**§ 101–3.304 Reports to be submitted.**

(a) Each agency shall prepare, in accordance with instructions in § 101–3.4901–1166A(I) and submit to GSA a report of its leased real property holdings on GSA Form 1166A, Annual Report of Real Property Leased to the United States (see § 101–3.4901–1166A).

(b) Each agency shall prepare, in accordance with instructions in § 101–3.4901–1209A(I) and submit to GSA a separate report on GSA Form 1209A, Comparative Summary of Properties Leased to the United States (see § 101–3.4901–1209A), for each bureau of other major organizational unit, for: (1) properties in the United States; and (2) properties outside the United States.

**§ 101–3.305 Optional reporting method.**

Agencies with electrical accounting equipment may make arrangements with the General Services Administration, Office of Finance and Administration, to furnish detailed machine listings, together with the supporting punch cards, in lieu of GSA Forms 1166A. However, GSA Forms 1209A shall be submitted as prescribed in § 101–3.304(b).

**§ 101–3.306 Preparation and due dates.**

The annual inventory reports prescribed in § 101–3.304 shall be prepared as of June 30, each year. An original and one copy of each report shall be submitted to the General Services Administration, Office of Finance and Administration, Washington, D.C., 20405, not later than October 1.

## Subparts 101–3.4—101–3.48 [Reserved]





## Subpart 101–3.49—Forms and Reports

**§ 101–3.4900 Scope of subpart.**

This subpart contains illustrations of forms and instructions for their completion, to be used by executive agencies in connection with the submission of annual reports of real property owned by and leased to the United States.

**§ 101–3.4901 GSA forms.**

The GSA forms illustrated and instructions for their preparation are included in this subpart to provide a ready source of reference. The subsection numbers in this section correspond to the GSA form numbers and related instructions for their preparation. Thus, in § 101–3.4901–1166 appears GSA Form 1166, and in § 100–3.4901–1166(I) appears instructions for the preparation of GSA Form 1166.

NOTE: GSA forms filed with the Office of the Federal Register as part of the original document. Copies may be obtained from Central Office, GSA.

**§ 101–3.4901–1166 GSA Form 1166: Annual Report of Real Property Owned by the United States.**

**§ 101–3.4901–1166(I) Instructions for the preparation of GSA Form 1166: Annual Report of Real Property Owned by the United States.**

**§ 101–3.4901–1166A GSA Form 1166A: Annual Report of Real Property Leased to the United States.**

**§ 101–3.4901–1166A(I) Instructions for the preparation of GSA Form 1166A: Annual Report of Real Property Leased to the United States.**

**§ 101–3.4901–1166A(I-A) Major cities.**

**§ 101–3.4901–1209 GSA Form 1209: Summary of Number of Installations Owned by the United States.**

**§ 101–3.4901–1209(I) Instructions for the preparation of GSA Form 1209: Summary of Number of Installations Owned by the United States.**

**§ 101–3.4901–1209A GSA Form 1209A: Comparative Summary of Properties Leased to the United States.**

**§ 101–3.4901–1209A(I) Instructions for the preparation of GSA Form 1209A: Comparative Summary of Properties Leased to the United States.**

SUBCHAPTER C—DEFENSE MATERIALS

# PART 101–14—STRATEGIC, CRITICAL, AND OTHER MATERIALS

SUBCHAPTER C—DEFENSE MATERIALS


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Subpart 101–14.2—Transfer of Excess Materials From Defense Materials Service Inventories for Direct Government Use

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101–14.202 Background.
101–14.203 Materials available.
101–14.204 Reimbursement.
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AUTHORITY: The provisions of this Part 14 issued under sec. 6, 53 Stat. 812, as amended, 50 U.S.C. 98e; sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; E.O. 10480, 18 F.R. 4939, 3 CFR, 1949–1953 Comp., p. 962, as amended; DMO 8600.1, 29 F.R. 5076.

**§ 101–14.000 Scope of part.**

This part deals with strategic, critical, and other raw and basic materials required for the national stockpile, and materials which are excess to the requirements for the national stockpile.

## Subpart 101–14.1—Transfer of Excess Strategic and Critical Materials to the National Stockpile

**§ 101–14.100 Scope of subpart.**

This subpart deals with the transfer of excess strategic and critical materials to the national stockpile.

**§ 101–14.101 Purpose and authority.**

This subpart restates the policy and procedures for the transfer to the national stockpile of excess materials which are strategic and critical.

**§ 101–14.102 Definitions.**

As used in this subpart, terms shall have the meanings described in this section.

**§ 101–14.102–1 Agency.**

"Agency" means any agency of the United States, including any executive department or independent establishment in the executive branch of the Government, any wholly owned Government corporation, and any establishment in the legislative or judicial branch of the Government.

**§ 101–14.102–2 Excess.**

"Excess," with respect to strategic materials, means any such materials under the control of any agency which are not required for its needs and the discharge of its responsibilities, as determined by the head thereof.

**§ 101–14.102–3 Holding agency.**

"Holding agency" means any agency having the control of strategic materials.

**§ 101–14.102–4 Strategic materials.**

"Strategic materials" means materials determined to be strategic and critical by the Office of Emergency Planning pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98).

**§ 101–14.103 Reports of excess to GSA.**

**§ 101–14.103–1 General requirements of reporting.**

Subject to the minimum quantity requirements specified in GSA Bulletin FPMR C–1 and subsequent issuances thereof, and except as hereinafter provided, all strategic materials listed, when determined to be excess, shall be reported by the holding agency to the General Services Administration, Defense Materials Service, Washington, D.C. 20405, which will determine whether they shall be transferred to GSA for stockpiling.

(a) Upon determination that such materials are excess, the holding agency will give advance notification to GSA by letter showing the location and quantity and describing the material in sufficient detail as to chemical or other composition, specification, size, etc., to indicate the nature of each strategic material. Complete purchase specifications or material content analyses shall be included whenever available.

(b) GSA will review the advance notification letter from the holding agency and if GSA decides that the material appears to conform to stockpile requirements and is needed for stockpile objectives, it will furnish the holding agency with complete reporting instructions, pursuant to which the holding agency shall submit a report on Standard Form 125, Report of Strategic and Critical Materials.

**§ 101–14.103–2 Less than minimum specified quantities.**

Each holding agency having excess strategic materials at any one location in lots less than the minimum quantities specified in the GSA Bulletin FPMR C–1 and subsequent issuances thereof, shall retain such materials until the specified minimum is accumulated and thereafter shall report such materials to the Defense Materials Service as required by this Subpart 101–14.1. The requirements of the foregoing sentence shall not be applicable, however, if the holding agency determines that there is no reasonable prospect of accumulating within twelve months the minimum quantities specified in GSA Bulletin FPMR C–1 and subsequent issuances thereof.

**§ 101–14.103–3 Contractor inventory.**

The requirements of this Subpart 101–14.1 shall not be applicable to strategic materials which are contractor inventory if the holding agency shall not have taken possession of such inventory.

**§ 101–14.103–4 Industrial needs.**

The requirements of this Subpart 101–14.1 shall not be applicable to strategic materials which are necessary to make up any deficiency of the supply of such materials for the current needs of industry, as determined by the Secretary of Commerce.

**§ 101–14.104 Transfers to the stockpile.**

**§ 101–14.104–1 General.**

Excess strategic materials reported under this Subpart 101–14.1 shall be transferred to the national stockpile following notification by GSA to the holding agency that such materials are acceptable and needed for the stockpile.

**§ 101–14.104–2 Unsuitable items.**

If excess strategic materials reported under this Subpart 101–14.1 are unsuitable for stockpiling or cannot economically be converted to meet stockpile specifications, GSA will so advise the holding agency, and such materials shall not thereafter be subject to this Subpart 101–14.1.

**§ 101–14.104–3 Withdrawals.**

Subject to the prior approval of GSA, holding agencies may withdraw materials reported under this Subpart 101–14.1, provided that such materials have not been theretofore transferred to the national stockpile.

**§ 101–14.104–4 Reimbursements.**

Unless the holding agency elects to bear such expenses, all expenses of preparation for shipment, all shipping and conversion expenses and all expenses after the date of shipment (including transportation, maintenance, and storage) which are incident to the transfer hereunder of excess strategic materials to the national stockpile may be paid from funds appropriated pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98). Otherwise, transfers of excess strategic materials to the national stockpile shall be made without reimbursement or transfer of funds.

**§ 101–14.105 Materials not transferred to the stockpile.**

Excess strategic materials in the following categories shall be handled in accordance with the applicable provisions of Part 101–43:

(a) Materials which are reported pursuant to this Subpart 101–14.1 but are not transferred to the stockpile.

(b) Materials which are not required to be reported pursuant to this Subpart 101–14.1.

**§ 101–14.106 List of strategic and critical materials to be reported to the Defense Materials Service, GSA.**

The Commissioner, Defense Materials Service, GSA, will issue from time to time a GSA Bulletin listing the materials and the quantities to which this subpart applies. Copies of the Bulletin may be obtained from the General Services Administration, Defense Materials Service, Materials Division, Washington, D.C., 20405.



## Subpart 101–14.2—Transfer of Excess Materials From Defense Materials Service Inventories for Direct Government Use

**§ 101–14.200 Scope of subpart.**

This subpart deals with the transfer of excess materials from Defense Materials Service inventories for direct Government use.

**§ 101–14.201 Purpose and authority.**

This subpart restates the policy and procedures for the transfer of excess materials in the inventories of Defense Materials Service, GSA, to Government agencies for their direct use.

**§ 101–14.202 Background.**

On January 30, 1963, the President approved a report submitted by the Executive Stockpile Committee containing recommendations for the long-range disposal of excess stockpile materials. Recommendation No. 7 of that report reads as follows: "Federal agencies should continue to purchase their direct needs for surplus stockpile materials from the General Services Administration. . . . The term 'direct Government use' generally means actual consumption of the material in a Government-owned and -operated facility or establishment such as a Navy Yard, an ordnance plant, laboratory, or the U.S. Mint." To the same effect is section 3p of Defense Mobilization Order 8600.1, which reads in part as follows: "Government agencies which directly use strategic and critical materials shall fulfill their requirements through the use of materials in Government inventories that are excess to the needs thereof whenever such action is found to be consistent with overall disposal policies and with the best interests of the Government."

**§ 101–14.203 Materials available.**

(a) The Commissioner, Defense Materials Service, GSA, will issue a GSA Bulletin listing the excess materials available for transfer. The Bulletin will be revised as materials become available or as supplies of excess materials now available are exhausted. Copies of the Bulletin can be obtained from General Services Administration, Defense Materials Service, Materials Division, Washington, D.C., 20405.

(b) All of the materials will be available at storage depots in the continental United States.

(c) The Defense Materials Service reserves the right to fix the minimum quantity that may be released on a single order.

**§ 101–14.204 Reimbursement.**

Reimbursement to GSA will be at the cost of which the using agency would otherwise obtain its requirements on the market. Consideration will be given to quantity, quality, and other relevant factors.

**§ 101–14.205 Requests for transfers.**

Federal agencies are urged to screen the materials list contained in the Bulletin against their requirements and to advise GSA promptly of their needs. Requests for information concerning the transfer of any excess materials in DMS inventories should be made to: General Services Administration, Defense Materials Service, Materials Division, Washington, D.C., 20405.



## PART 101–15—LEAD AND ZINC STABILIZATION

### Subpart 101–15.1—Stabilization Payments to Small Domestic Producers


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101–15.102 Definitions.
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101–15.102–4 Newly mined ore or concentrates.
101–15.102–5 Operating unit.
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101–15.102–9 Sale.
101–15.102–10 Small domestic producer.
101–15.102–11 Normal commercial channels.
101–15.102–12 Ton.
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101–15.104 Participation in the program.
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101–15.106 Limitations on individual producers and properties.
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101–15.108 Reports and inspections.
101–15.109 Access to books and records.
101–15.110 Modification of benefits.
101–15.111 Criminal and civil penalties.
101–15.2—101–15.48 [Reserved].


### Subpart 101–15.49—Forms


101–15.4901 GSA Form 1776: Application for participation in the Lead and Zinc Mining Stabilization Program.
101–15.4902 GSA Form 1777: Certification of participation in the Lead and Zinc Mining Stabilization Program.
101–15.4903 GSA Form 1778: Request for payment in the Lead and Zinc Mining Stabilization Program.


AUTHORITY: The provisions of this Part 101–15 issued under secs. 4, 5, 75 Stat. 767, 768, as amended; 30 U.S.C. 684, 685; Delegation of the Secretary of the Interior, 27 F.R. 3822.

## Subpart 101–15.1—Stabilization Payments to Small Domestic Producers

### § 101–15.101 Basis and purpose.

The regulations in this Part 101–15 implement Public Law 87–347, 30 U.S.C. 684, 685, as amended, which authorizes the establishment and maintenance of a program of stabilization payments to small domestic producers of lead and zinc ores and concentrates in order to stabilize the mining of lead and zinc by such producers on public, Indian, and other lands. Pursuant to this Act, and the delegation of authority from the Secretary of Interior dated April 19, 1962, and published in the FEDERAL REGISTER (27 F.R. 3822, April 20, 1962), the Administrator of General Services is authorized to make stabilization payments and to establish and promulgate such regulations and to require such reports as he deems necessary to carry out the purposes of the Act and to assure equitable distribution of the benefits provided for by the Act among the small domestic producers affected. The Administrator of General Services will make such stabilization payments in accordance with the Act and the regulations in this Part 101–15.

### § 101–15.102 Definitions.

As used in this subpart, terms shall have the meanings described in this section.

### § 101–15.102–1 Act.

"Act" means the Act of Congress approved October 3, 1961, Public Law 87–347, 30 U.S.C. 681.

### § 101–15.102–2 Administrator.

"Administrator" means the Administrator of General Services or his duly authorized representative.

### § 101–15.102–3 Normal inventory of crude ore.

"Normal inventory of crude ore" means the quantity of broken ore on hand at the surface of a mine on October 3, 1961, but not in excess of a quantity which bears a reasonable relation to the quantities of such material customarily maintained during the calendar year, between January 1, 1950, and December 31, 1960, in which the producer attained his maximum production.

### § 101–15.102–4 Newly mixed ore or concentrates.

"Newly mined ore or concentrates" means domestic ores severed from the land, or concentrates produced from such domestic ores, subsequent to October 3, 1961, including a normal inventory of crude ore as defined in § 101–15.102–3. The term does not refer to material recovered from mine dumps, mill tailings, smelter slags, or residues derived from the ore mined prior to October 3, 1961, or to secondary or salvage material, or to any ores or concentrates which have been commingled with such materials.

### § 101–15.102–5 Operating unit.

"Operating unit" means a mine or group of mines, or portions of either, which the Administrator determines, on the basis of cost and operating records or other available data, is being operated as a single unit separate and apart from other units in the same area.

### § 101–15.102–6 Principal product or products.

The term "principal product or products" means that the dollar value of lead or zinc sold or the combination of lead and zinc sold must have been 50 per centum or more of the total dollar value of all minerals and metals contained in the ores and concentrates produced and sold by the small domestic producer, calculated on the basis of the product of the total metal and mineral content of the ores and concentrates sold, as determined from the settlement assays, and the quoted market prices of those metals or minerals at the time of the sale.

### § 101–15.102–7 Quarter.

"Quarter" means a 3-month period commencing on the first day of January, April, July, or October.

### § 101–15.102–8 Recoverable content.

"Recoverable content" means 95 percent of the lead content of ores or concentrates, as determined by assay.

### § 101–15.102–9 Sale.

"Sale" means a bona fide transfer for value of ores or concentrates from a producer to a processor, which shall be deemed to have occurred not later than the date of receipt of the material by the processor. If a producer smelts or refines his own ores or concentrates, a sale shall be deemed to have occurred when such ores or concentrates are received at his smelter or refinery. A sale of concentrates produced from ores sold to a processing plant by a small domestic producer in accordance with the regulations in this Part 101–15 shall not be considered as a sale by the owner of the processing plant, but shall be considered as a sale by such producer.

### § 101–15.102–10 Small domestic producer.

The term "small domestic producer" means any person or firm engaged in producing ores or concentrates from mines located within the United States or its possessions and in selling the material so produced in normal commercial channels who, during any 12-month period between January 1, 1956, and the first day of the first period for which he seeks a payment under the Act, has not produced or sold ores or concentrates the recoverable content of which is more than three thousand tons of lead and zinc combined: *Provided*, That the principal product or products of such producer is either lead or zinc or a combination of lead and zinc.

### § 101–15.102–11 Normal commercial channels.

The term "normal commercial channels" means the use of beneficiating plants, smelters, refineries, or other processing plants which purchase and process lead or zinc ores or concentrates as a usual part of their business.

### § 101–15.102–12 Ton.

"Ton" means 2,000 pounds avoirdupois net dry weight.

### § 101–15.103 Duration of the program.

The program shall terminate with respect to each calendar year upon the happening of either of the following events, whichever occurs first:

(a) The closing of the calendar year, or

(b) When the amounts of stabilization payments for the calendar years, 1962, 1963, 1964, and 1965, total $4,500,000, $4,500,000, $4,000,000, and $3,500,000, respectively.

### § 101–15.104 Participation in the program.

(a) Any small domestic producer desiring to participate in the program shall apply on GSA Form 1776 (see § 101–15.4901) to General Services Administration, Defense Materials Service, Washington, D.C., 20405. The application should state that the applicant has read the regulations in this Part 101–15 and accepts their terms and conditions. The Administrator may request such additional information as may be necessary and will issue to each applicant found by him to be qualified a certificate of participation on GSA Form 1777 (see § 101–15.4902), authorizing the applicant to apply for stabilization payments under the regulations in this Part 101–15 to the extent he is eligible and qualified to receive such payments. The issuance of such a certificate shall not entitle the applicant to any stabilization payments to which he would not otherwise be entitled under the terms and conditions of the Act and the regulations in this Part 101–15.

(b) To obtain stabilization payments a certified producer shall submit to GSA a request for payment on GSA Form 1778 (see § 101–15.4903).

(c) Notwithstanding the fact that all requirements of the regulations in this part may have been met, a small domestic producer shall not be entitled to any stabilization payments if funds are not available therefor under the program.

(d) The rights under a certificate of participation cannot be acquired by assignment through a sale, lease, permit, or other similar transaction, but may be acquired by succession in interest other than by such an assignment.

(e) No person or firm may succeed to the rights under a certificate of participation unless an amended application on GSA Form 1776 (see § 101–15.4901) is made to the above address giving all the facts relating to such succession in interest. If a valid succession in interest is shown to have occurred and the successor in interest is otherwise eligible, an amended certificate of participation on GSA Form 1777 (see § 101–15.4902) will be issued entitling the successor in interest to continue the rights under the original certificate.





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### § 101–15.105 Stabilization in the program.

Stabilization payments will be made to small domestic producers upon the following terms and conditions:

(a) Presentation of evidence satisfactory to the Administrator of the sale by such applicant of his production of newly mined ore, or concentrates produced therefrom, as provided for in the regulations in this Part 101–15.

(b) Payment shall be made only with respect to the lead or zinc metal content as determined by assay in accordance with § 101–15.105 (c) and (d).

(c) When the producer sells ore to a processing plant, the assays for lead and zinc shown on the certified assay report issued by the processing plant shall be used. When the producer ships ore to his own processing plant, or ships ores to a toll processing plant, and sells the concentrates therefrom, the assays shown on the certified assay report issued by the smelter or refinery purchasing the concentrates shall be used. Such assays shall be furnished without cost to GSA. Prior to the issuance of a certificate of participation to an applicant, the applicant shall agree that a representative of the Administrator may be present at the weighing, sampling, and assaying of the material upon which stabilization payments are claimed; that a representative portion of the sample shall be packaged, sealed, and identified as the Government's sample; that the Government's sample shall be set aside and held for the Government; and that the Government may have its sample assayed, in which event the Government's assays shall be accepted as establishing the metal content of the material sampled for the purpose of determining the amount of stabilization payments which the applicant may claim against the sales of such material. The cost of the Government's assays shall be for the Government's account.

(d) Lead or zinc metal content shall be calculated on the basis of the dry weights of the ores or concentrates sold multiplied by the percentages of contained lead or zinc metal shown in the assays issued in accordance with § 101–15.105(c). No stabilization payments shall be made for zinc metal contained in a lead ore or concentrate, or for lead metal contained in a zinc ore or concentrate, unless both metals are sold. If, however, the processor is the same person as the producer, such payments will be made only if such ore or concentrate is to be primarily processed for the recovery of both metals.

(e) For lead, such payment shall be made, subject to the availability of funds therefor, on sales made at times when the market price for common lead at New York, New York, as determined by the Administrator, is below 14½ cents per pound, and such payments shall be 75 percent of the difference between 14½ cents per pound and the average market price for the month in which the sales occurred as determined by the Administrator.

(f) For zinc, such payments shall be made, subject to the availability of funds therefor, on sales made at times when the market price for prime zinc at East Saint Louis, Illinois, as determined by the Administrator, is below 14½ cents per pound, and such payment shall be 55 percent of the difference between 14½ cents per pound and the average market price for the month in which the sales occurred as determined by the Administrator.

(g) The Administrator's market price determinations shall be based upon trade publications and such other sources of market information as he deems relevant.

(h) Each small domestic producer shall submit one request for payment, on GSA Form 1778 (see § 101–15.4903), covering all sales for each month. Each such request should be submitted by the 15th day after the end of the month in which the sales covered by such request are made, except that requests with respect to sales made between January 1, 1962, and the last day of the month in which the participant receives his certification of participation are to be submitted by the 15th day of the following month. Requests shall be submitted to: General Services Administration, Office of Financial Management, OFA, Washington, D.C., 20405. Unless justifiable cause beyond the reasonable control of the applicant is shown, requests for payment received after the applicable date will not be paid until the month following their receipt and in no event will payments be made on requests received after March 31 of the year following the year of the sale. Late requests run the risk of the exhaustion of funds through the payment of timely requests.

(i) Except for applications for participation received during the first three quarters of 1962, an applicant may be eligible for payments under the regulations in this Part 101–15 only with respect to sales in a quarter commencing after the date of the receipt of his application.

### § 101–15.106 Limitations on individual producers and properties.

(a) Stabilization payments otherwise authorized under the regulations in this Part 101–15 shall be subject to the following limitations and restrictions:

(1) No stabilization payments shall be made to any small domestic producer on sales, or further processing in lieu of sales, of newly mined ores or concentrates produced therefrom in excess of the following quantities:

| Calendar year: | Tons (metal content) Lead | Zinc |
|---|---|---|
| 1962 | 1,500 | 1,500 |
| 1963 | 1,200 | 1,200 |
| 1964 | 900 | 900 |
| 1965 | 600 | 600 |

(2) No small domestic producer may receive stabilization payments on lead in any one of the above calendar years based upon production in excess of his maximum production (recoverable content) of lead during any calendar year between January 1, 1950, and December 31, 1960.

(3) No small domestic producer may receive stabilization payments on zinc in any one of the above calendar years based upon production in excess of his maximum production (recoverable content) of zinc during any calendar year between January 1, 1950, and December 31, 1960.

(4) No stabilization payments shall be made on any domestically produced material which is sold to or eligible for sale to the United States Government, or any agency thereof, pursuant to a contract made under the provisions of the Defense Production Act of 1950, 50 U.S.C. Appendix 2061–2166, as amended, or the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98–98h. The amounts of such material shall be applied to reduce the annual maximum quantities specified in § 101–15.106(a)(1) and the applicable quarterly limitations and quotas fixed by the Administrator pursuant to § 101–15.107.

(b) Stabilization payments shall be made only with respect to lead or zinc ores and concentrates produced from an operating unit which was also operated during the whole or some part of the period January 1, 1956, to August 1, 1961.

(c) No stabilization payments shall be made on any production from any property acquired by the applicant by sale, lease, permit, or otherwise (except devise or inheritance) subsequent to August 1, 1961. However, any person or firm acquiring a property by sale, lease, permit, or otherwise after August 1, 1961, and otherwise meeting the requirements for a small domestic producer, may qualify as a small domestic producer if such person or firm produced lead or zinc ores or concentrates from a mine specified in a lease, permit, or contract during the whole or some part of the period January 1, 1956, to August 1, 1961, but not if his production during such period was from a mine owned by him.

(d) The Administrator may determine what constitutes a single operating unit producing ores. If more than one producer claims payment for sales from production of a single operating unit, the Administrator may determine the quantity of sales for each such producer to which the limitations set forth in the regulations in this Part 101–15 apply.

(e) No producer shall be eligible for payment under the regulations in this Part 101–15 if he is operating under a lease, contract, or permit obtained after October 3, 1961, from another producer of lead or zinc who has placed a larger portion of his lead and zinc mining properties under lease, contract, or permit to other producers than he had placed at his highest production level of lead and zinc since January 1, 1956, to October 3, 1961.

### § 101–15.107 General limitations.

(a) Notwithstanding any other provisions of the regulations in this Part 101–15, the maximum amounts of stabilization payments which may be made on account of sales of newly mined ores or concentrates produced therefrom shall not exceed the following amounts or the amounts appropriated therefor, whichever is less:

| During the calendar year: | Not to exceed: |
|---|---|
| 1962 | $4,500,000 |
| 1963 | 4,500,000 |
| 1964 | 4,000,000 |
| 1965 | 3,500,000 |

(b) For the purpose of achieving stabilization in the annual rates of production, the Administrator will fix limitations each quarter on the total amounts of lead and zinc on which stabilization payments will be made. The Administrator will assign quotas to individual producers within such quarterly limitations to the extent necessary and in a manner designed to assure equitable distribution of the benefits of the programs. The limitations and quotas so fixed and assigned will not be subject to adjustment except in the event of changes in market prices having such substantial impact upon amounts payable on sales during the quarter as the Administrator determines to require adjustments to avoid defeating the statutory purposes of stabilizing production and making equitable distribution of benefits. The sum of the quarterly limitations or the sum of all producers' quarterly quotas for a calendar year may be less than the total eligible tonnage if funds are not available to cover the full eligible tonnage. Shortfalls in meeting quarterly quotas for any of the first three quarters may be made up by sales in excess of the individual producer's quota for the following quarter only. Shortfalls in the fourth quarter cannot be made up by sales in the first quarter of the following year. Sales made in any quarter in excess of the quota for that quarter may not be carried forward for payment during subsequent quarters.

### § 101–15.108 Reports and inspections.

(a) Applicants shall furnish the Administrator, from time to time, reports showing production and disposition of ores or concentrates, together with such other reports and information as the Administrator may require for the administration of the regulations in this Part 101–15. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U.S.C. 139), and any requirements subsequently prescribed will be subject to such approval.

(b) Authorized representatives of the United States Government may enter the applicant's property at all reasonable times for inspection of the operations of the applicant. The applicant shall provide such authorized representatives with all reasonable means of access for such inspections.

### § 101–15.109 Access to books and records.

Until three years after the termination of the program established under the regulations in this Part 101–15, authorized representatives of the United States Government shall have access to and the right to examine any pertinent books, documents, papers, and records of any participant involving transactions related to the program.

### § 101–15.110 Modification of benefits.

The regulations in this Part 101–15 may be amended or revised by the Administrator from time to time whether or not such amendment or revision increases or decreases any of the benefits provided for by the regulations in this Part 101–15 or affects the distribution of benefits among small domestic producers.

### § 101–15.111 Criminal and civil penalties.

As provided in 30 U.S.C. 689—

(a) Whoever, for the purpose of procuring a payment to which he is not entitled under the Act or the regulations in this Part 101–15 or for the purpose of assisting another to procure a payment to which the other is not entitled under the Act or the regulations in this Part 101–15 misrepresents any material fact, knowing the same to be false, fictitious, or fraudulent, shall be guilty of an offense against the United States and shall be fined not more than $5,000 or imprisoned not more than two years, or both, and shall thenceforth be entitled to no benefits under the Act or the regulations in this Part 101–15.

(b) Whoever accepts a payment under the Act or the regulations in this Part 101–15 to which, or any portion of which, he is not entitled, knowing that he is not entitled thereto or whoever, having accepted a payment under the Act or the regulations in this Part 101–15 to which, or any portion of which, he is not entitled, retains the same, knowing that he is not entitled thereto, shall be required, in a civil action instituted by the Attorney General, to refund treble the amount accepted or retained by him. The acceptance or retention of any payment as aforesaid shall also constitute an offense against the United States punishable by a fine of not more than $5,000 or imprisonment for not more than two years, or both, and any person who shall be convicted of such offense shall thenceforth be entitled to no benefits under the Act or the regulations in this Part 101–15.

### §§ 101–15.2—101–15.48 [Reserved]

### Subpart 101–15.49—Forms

### § 101–15.4900 Scope of subpart.

This subpart illustrates forms available for use in connection with the Lead and Zinc Stabilization program prescribed in Part 101–15.

NOTE: GSA forms filed with the Office of the Federal Register as part of the original documents. Copies may be obtained from Central Office, GSA.

### § 101–15.4901 GSA Form 1776: Application for Participation in the Lead and Zinc Mining Stabilization Program.

### § 101–15.4902 GSA Form 1777: Certificate of Participation in the Lead and Zinc Mining Stabilization Program.

### § 101–15.4903 GSA Form 1778: Request for Payment in the Lead and Zinc Mining Stabilization Program.



SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

## PART 101–17—CONSTRUCTION AND ALTERATION OF PUBLIC BUILDINGS


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AUTHORITY: The provisions of this Part 101–17 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### § 101–17.000 Scope of part.

This part prescribes policies and procedures for the construction and alteration of public buildings in the United States.

### § 101–17.001 Authority.

This Part 101–17 implements the applicable provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377, as amended) and the Public Buildings Act of 1959 (40 U.S.C. 601–615).

## Subpart 101–17.1—General

### § 101–17.101 Definition of terms.

For the purposes of this Part 101–17 the following terms shall have the meanings set forth in this section.

### § 101–17.101–1 Alter.

"Alter" means repairing, remodeling, improving, extending, or otherwise changing a public building. The term includes preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the alteration of a public building.

### § 101–17.101–2 Alteration project.

"Alteration project" means a project to alter a public building which is estimated to cost in excess of $200,000 and which specifies any of the following:

(a) Alterations estimated to be completed in five years for the continued use and occupancy of the building.

(b) Alterations to a building and/or its equipment occasioned by a space reassignment.

(c) Alterations occasioned by an emergency.

(d) Alterations to a building financed in whole or in part by another agency's funds, except the Postal Modernization Fund.

### § 101–17.101–3 Construct.

"Construct" means to build a public building. The term includes preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the construction of a public building.

### § 101–17.101–4 Executive agency.

"Executive agency" means any executive department or independent establishment in the executive branch of the Government including any wholly owned Government corporation and including the Central Bank for Cooperatives and the regional banks for cooperatives, Federal land banks, Federal intermediate credit banks, Federal home loan banks, Federal Deposit Insurance Corporation, and The Federal National Mortgage Association.

### § 101–17.101–5 Prospectus.

"Prospectus" means the statement of the proposed project, required by section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606) including a description, its location, estimated maximum cost, a comprehensive plan for providing space for all Government officers and employees in the locality of the proposed project, a statement by the Administrator of General Services that suitable space owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the proposed action and a statement of rents and other housing costs currently being paid by the Government for Federal agencies to be housed in the proposed project.

### § 101–17.101–6 Public building.

(a) The term "public building" means any building, whether for single or multi-tenant occupancy, its grounds, approaches, and appurtenances, which is generally suitable for office or storage space or both for the use of one or more Federal agencies or mixed ownership corporations, and shall include: Federal office buildings, post offices, customhouses, courthouses, appraisers stores, border inspection facilities, warehouses, record centers, relocation facilities, similar Federal facilities, and any other buildings or construction projects the inclusion of which the President may deem, from time to time hereafter, to be justified in the public interest; but shall not include any such buildings and construction projects: (1) on the public domain (including that reserved for national forests and other purposes), (2) on properties of the United States in foreign countries, (3) on Indian and native Eskimo properties held in trust by the United States, (4) on lands used in connection with Federal programs for agricultural, recreational, and conservation purposes, including research in connection therewith, (5) on or used in connection with river, harbor, flood control, reclamation or power projects, or for chemical manufacturing or development projects or for nuclear production, research, or development projects, (6) on or used in connection with housing and residential projects, (7) on military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense), (8) on Veterans Administration installations used for hospital or domiciliary purposes, and (9) the exclusion of which the President may deem, from time to time hereafter, to be justified in the public interest.

(b) Buildings leased by the Government are not "public buildings" within the meaning of the Public Buildings Act of 1959.

### § 101–17.101–7 United States.

"United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

### § 101–17.102 Basic policy.

(a) GSA will plan the construction and alteration of Federal facilities at a rate that will reduce the total amount of rental space, provide for Federal operations to be housed in Government-owned space, and replace Government-owned facilities becoming obsolete, with modern functional structures that meet present day requirements for efficient and economical operations.

(b) GSA will provide technical services and guidance to other Federal agencies in the formulation and development of their programs for construction and alteration of special facilities.

(c) Excess properties transferred to GSA will be renovated and altered whenever practical to meet the Government space needs.

(d) In the design of new public buildings, and to the extent feasible in the alteration of existing public buildings, GSA will insure that such buildings and attendant facilities will be accessible to and usable by the physically handicapped.

(e) In the siting and locating of buildings on selected sites, GSA representatives will work directly with local officials in seeking to conform as closely as possible to local zoning regulations.

(f) In the design of new public buildings, the national building codes will be followed as minimum requirements.

(g) Parking for Government-owned vehicles, visitors, and employees will be provided in the planning of public buildings with due regard to the needs of the Federal agencies to be housed in each building, local zoning and parking regulations, availability of public transportation, and availability of planned and existing public and privately owned parking facilities in the locality.



## Subpart 101–17.2—Selection and Approval of Projects

### § 101–17.201 Determination of need.

Construction and alteration projects will be selected by the Administrator of General Services based on a continuing investigation and survey of the public building needs of the Federal Government.

### § 101–17.202 Priority of projects.

Projects shall be equitably distributed throughout the United States with due regard for the comparative urgency of the need for each project as determined by the Administrator of General Services.

### § 101–17.203 Approval of projects.

(a) All projects, other than Postal Modernization Fund projects, for the construction of buildings involving an expenditure in excess of $100,000 and all projects for the alteration of buildings involving an expenditure in excess of $200,000 shall require approval by the Committees on Public Works of the Senate and House of Representatives.

(b) Federal agencies identifying a need for construction or alteration of a public building shall provide the necessary information, including description of the work, location, estimated maximum cost, and justification to the Administrator of General Services.

(c) The Administrator of General Services shall submit prospectuses for approval of projects to the Committees on Public Works of the Congress.

### § 101–17.204 Cooperation and assistance of Federal agencies.

(a) Federal agencies shall advise and cooperate in the compilation of information supporting a project. Such information shall include, but not be limited to:

(1) A statement of net space occupied in public buildings by the Federal agency in the community for which the project is intended, together with an itemization of area in square feet allocated to each specific agency function.

(2) A firm statement of entire space and facility requirements.

(3) Detailed information on space requiring special structural or mechanical facilities. Special use facilities for special purpose needs such as built-in and fixed equipment for laboratory, clinical, and other special use purposes must be incorporated into the project prior to submission of the prospectus.

(4) Locations where space should be retained in preference to inclusion in the proposed project shall be identified.

(b) Space requirements shall be based on currently authorized personnel and program activities including information on major changes anticipated within the next five years.

(c) Requested information shall be submitted within sixty days of the receipt of a request for such information.

(d) Agencies will not be permitted to make changes in approved space layout drawings submitted to GSA for new buildings, following established terminal dates, except where subsequent unusual and compelling agency developments make changes necessary. Requests for such changes will be submitted, over the signature of the head of the department or agency, to the Administrator of General Services for consideration.

## Subpart 101–17.3—Alteration Projects

### § 101–17.301 Emergency alteration projects.

Necessary measures to insure the immediate protection of personnel and facilities and for the preservation of life and the avoidance of further property damage may be taken in an emergency prior to the submission of an alteration project prospectus.

### § 101–17.302 Prospectuses for reimbursable alteration projects.

Reimbursable alteration project prospectuses will be prepared on an "as requested" basis. A project which is to be financed in whole or in part from funds appropriated to the requesting agency may be performed without the approval of the committees when the agency appropriation from which payment is to be made is certified by that agency to be available without regard to the provisions of section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606) and the GSA's portion of the estimated cost, if any, does not exceed $200,000.

### § 101–17.303 Prospectuses for joint alteration projects with the Post Office Department.

Postal Modernization Fund projects are exempted from the operation of the Public Buildings Act of 1959 (40 U.S.C. 601–615). Therefore, no prospectuses are required for elements of costs financed from the Postal Modernization Fund. However, a prospectus will be required when GSA's portion of a joint alteration project is in excess of $200,000.

## Subpart 101–17.4—Construction Projects

**§ 101–17.401 Contracting for construction.**

Contracting for construction services by GSA will be in accordance with Chapter 1 (FPR) and Chapter 5 (GSPR) of this title. The method used will be that most advantageous to the Government.

**§ 101–17.402 Architectural and engineering services.**

(a) GSA will develop or acquire, by contract, designs and specifications for suitable buildings that will provide space that can be economically utilized and operated, and which are in harmony with surrounding structures in the community.

(b) The contract services of qualified private architects or engineers will be utilized to the fullest extent compatible with the public interest in the performance of architectural or engineering services in connection with the preparation of drawings and specifications for GSA construction projects.

(c) GSA may authorize an agency to contract for professional engineering, architectural, and landscape architectural services for any public building as described in § 1–3.204.

## Subpart 101–17.5—Delegation of Authority

**§ 101–17.501 Conditions justifying delegation.**

The Administrator of General Services may delegate the performance of work on construction projects to the appropriate executive agency upon his determination that it will promote efficiency and economy. The performance of work on construction projects costing not more than $100,000 will, upon request, be delegated to the appropriate executive agency.

**§ 101–17.502 Exercise of delegation.**

Delegated work shall be performed according to standards established by the Administrator of General Services. No such delegation of authority shall exempt the person to whom it is made, or the exercise of such authority, from any provision of the Public Buildings Act of 1959 (40 U.S.C. 601–615).



## Subpart 101–17.6—Funding Projects

**§ 101–17.601 GSA funding responsibility.**

(a) Projects for the construction or alteration of public buildings for which the Administrator of General Services is responsible will be financed by direct appropriation of funds requested under the regular appropriations.

(b) When exigencies warrant, the Administrator of General Services may consider the submission of supplemental requests for funds for special projects.

**§ 101–17.602 Other agencies funding responsibilities.**

(a) A department or agency may request an appropriation to cover the cost of the construction or acquisition of a single occupancy facility when the Administrator of General Services has secured the approval thereof and when the Administrator concurs with the request and it has been approved by the Bureau of the Budget. The construction or acquisition of the facility shall be performed by GSA.

(b) GSA shall, upon the request of a department or agency, construct, alter, or acquire buildings other than public buildings as defined in § 101–17.101–6 which are normally financed by agencies other than GSA upon condition that funds to cover the cost of the work shall be transferred or reimbursement made.

(c) Each Federal agency shall be responsible for the financing of special use facilities not contemplated in the approved project.



SUBCHAPTER E—SUPPLY AND PROCUREMENT

# PART 101–26—PROCUREMENT SOURCES AND PROGRAMS


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AUTHORITY: The provisions of this Part 101–26 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### § 101–26.000 Scope of part.

(a) This part sets forth policies and procedures regarding the procurement of personal property and nonpersonal services from or through Federal agencies and from non-Federal agencies established as sources of supply.

(b) The extent to which the sources of supply are to be used by Government agencies is prescribed. However, items of new office furniture, new office machines, and office supplies to be used by the Department of Defense shall be obtained as set forth in the implementation of interagency purchase assignment agreements between that agency and GSA.

(c) Included as eligible to buy from GSA sources are certain civilian and military commissaries and nonappropriated fund activities, generally buying for their own use but not for resale, except as authorized by the individual Federal agency and concurred in by GSA. Subject to the basic policy requirements set forth in Subpart 1–5.9, Federal agencies may authorize Government contractors to utilize GSA supply sources.

## Subpart 101–26.1—General

### § 101–26.101 First source of supply; excess personal property.

The first source of supply is excess personal property, which should be utilized by agencies to the fullest extent practicable, as prescribed in Part 101–43.

### § 101–26.102 Special buying services.

### § 101–26.102–1 General.

(a) In addition to the procurement sources specified in this Part 101–26, GSA, through facilities at its Central Office and regional office locations, will, upon request, perform additional purchasing services.

(b) Any Federal agency, mixed-ownership corporation, the municipal government of the District of Columbia, the Senate, the House of Representatives, or the Architect of the Capitol, and any non-Federal agency, when the function of a Federal agency authorized to procure for it is transferred to GSA, may arrange for these special buying services to be performed by the GSA on either a national or regional basis.

### § 101–26.102–2 Utilization by military agencies.

Military activities shall utilize the buying services of GSA when:

(a) GSA has agreed with the Secretary of Defense, or with the Secretary of a military department in connection with the requirements of that department, to perform such buying services; and

(b) The items involved are not properly obtainable from GSA supply depots or Federal Supply Schedules.

### § 101–26.103 Payments to the General Supply Fund.

Agencies obtaining supplies and nonpersonal services from GSA regional offices, which GSA procures through the General Supply Fund, shall provide for payment by one of the following methods:

(a) *Advance of funds; insufficient capital.* (1) Whenever GSA determines that the capital in the General Supply Fund is insufficient to finance the supplies and services to be requisitioned by an agency, the interested agency will be advised of the amount required to be deposited to the credit of the General Supply Fund. However, advances may be required also on a blanket basis for the financing of requirements of a particular agency or agencies for a designated period of time, depending upon the volume of purchasing in relation to the capital of the General Supply Fund.

(2) When the amount to be advanced has been determined, GSA will bill the requisitioning agency by means of Standard Form 1080, accompanied where appropriate by Standard Form 1081, in accordance with General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies, Title 7, Chapter 4000. Upon receipt in the agency, these documents will be completed, certified, and forwarded to the appropriate disbursing officer for payment.

(b) *Advance of funds; mutual agreement.* Whenever circumstances are such that the financing of transactions through the General Supply Fund by means of an advance is advantageous, even though the capital of the fund is adequate, the agency concerned and GSA may mutually agree to such financing of the transactions. In these circumstances, the procedures for effecting payment may be set forth in a memorandum of agreement.

(c) *Direct payment to contractors.* When arrangements have not been made for advance payments, the requisitioning agency may, by agreement or request, elect to make direct payment to the contractor for the items procured under the provisions of § 101–26.102.

(d) *Payment in absence of advances.* (1) In those cases where arrangements have not been made for advance payments or direct payment to the contractor, GSA will bill the requisitioning agency and the requisitioning agency will pay GSA in accordance with the provisions of General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies, Title 7, Chapter 4200.

(2) GSA renders General Supply Fund billings on a semimonthly basis, and requisitioning agencies are urged to adopt a policy of processing payments promptly on the basis of constructive receipt, as provided by General Accounting Office. Since GSA does not issue General Supply Fund billings until materials are shipped or service provided, such billings may be construed as constructive evidence of receipt and shall be sufficient





to establish liability and make payment accordingly.

### § 101–26.104 End-of-year submission of purchase documents for action by GSA.

Purchase orders or requisitions submitted at the close of each fiscal year shall reflect actual agency requirements, and shall not be used as a means of exhausting appropriation balances. Each office submitting purchase orders or requisitions covering articles of equipment or supplies for processing by GSA which are chargeable to appropriations expiring on June 30 of each year shall observe the following:

(a) *When procurement from or through GSA is mandatory.* When an agency is required by law or regulation (including GSA regulations) to place orders with GSA for stores stock items or for other than stock items, such an order may be recorded as an obligation of the ordering agency at the time the order is issued. This includes orders which are required to be placed with GSA in accordance with the maximum order limitation of Federal Supply Schedules. An order is not to be regarded as issued as long as it remains within the control of the issuing agency.

(b) *When procurement from or through GSA is optional.* (1) Orders placed with GSA on an optional basis covering items listed in the current edition of the GSA Stores Stock Catalog may be treated as obligations of the ordering agency at the time the order is issued provided both of the following conditions are met:

(i) Such order shall comply with the general rule that the materials, supplies, or equipment ordered are intended to meet a bona fide need of the fiscal year in which the need arises or to replace stock used in that fiscal year.

(ii) The order must be firm, complete, and request prompt delivery.

(2) Orders placed with GSA on an optional basis covering articles or services to be purchased for direct delivery may not be recorded as obligations of the ordering agency until GSA awards a contract for the required articles or services. Such orders should be submitted by May 10, if possible, and in any event not later than June 1, in order to afford sufficient time for the orderly completion of the necessary action before June 30. When such an order is received too late to permit the execution of contracts by June 30, the ordering activity will be notified immediately and requested to furnish instructions as to the action to be taken. Based on these instructions, procurement action will be taken or the order will be returned, without action, to the ordering activity.

## Subpart 101–26.4—Purchase of Items From Federal Supply Schedule Contracts

### § 101–26.401 Applicability.

### § 101–26.401–1 General.

All executive agencies shall procure needed articles and services from Federal Supply Schedule contracts in accordance with the provisions of the appropriate Federal Supply Schedule. The general principles and methods prescribed in this Subpart 101–26.4 apply to all such procurement. Consequently, prior to initiating procurement directly from commercial sources, agency activities shall determine whether the required item is available from a Federal Supply Schedule. The Federal Supply Schedule Checklist and Guide (see § 101–26.402–4) is a ready reference for such information.

### § 101–26.401–2 Mandatory use of schedules.

(a) Except as stated in § 101–26.401–2(b), Federal Supply Schedules are mandatory, in whole or in part, on at least one element of the executive branch of the Government. For the delivery areas specified, this mandatory coverage may be generally applicable to all executive agencies as in the case of Schedules covering common-use administrative and maintenance type items or, as in the case of newly developed Schedules, may be applicable to only one or a small number of agencies. The Federal Supply Schedule Checklist and Guide provides summary information as to mandatory coverage of each Schedule. However, the particular Schedule involved should be reviewed for complete information concerning any exceptions. In the event of any conflict between the provisions of the Checklist and those of the Schedule, those of the Schedule shall govern. The madatory use of Schedules is applicable as and to the extent provided in §§ 101–26.401–3 and 101–26.401–4.

(b) The Schedule for FSC Groups 25, 28, 29, 38, and 39, Motor-Vehicle Parts and Accessories, is currently issued on a completely optional basis.

### § 101–26.401–3 Primary source of supply concept.

Schedules issued prior to fiscal year 1963 list the agencies subject to mandatory use provisions under the caption "Mandatory Use." That caption is being progressively omitted as new Schedules are issued. Each such Schedule contains a "Scope of Contract" statement in which specific agencies in designated geographic areas required to use the established contracts as "primary sources of supply" are identified. Agencies so identified will, except as provided in § 101–26.401–4, use the Schedule on a mandatory basis and the established contracts will be primary sources of supply for the items involved.

### § 101–26.401–4 Exceptions to mandatory use.

(a) *Delivery requirements.* (1) When the delivery period offered in the Federal Supply Schedule does not meet the delivery requirements of the purchasing activity, use of the Federal Supply Schedule is not mandatory. However, delivery dates shown in Federal Supply Schedules are based upon the average capability of the contractor and are usually conservative. Contractors, in most instances, are able to make delivery within a shorter period of time than the maximum provided in the Schedule. Therefore, when the delivery requirements of the purchasing activity are less than the maximum shown in the Schedule, the contractor should be queried as to whether the delivery requirements can be met. This procedure shall be followed except in those cases where transportation time from the contractor's shipping point or time required for inquiry and reply makes conformance impracticable.

(2) Most Federal Supply Schedule contracts include a provision requiring contractors to reply to agency requests for earlier delivery within three working days, such replies to be made by the same method of communication used by the ordering agency. This contract provision also provides that earlier deliveries offered by contractors and accepted by ordering agencies will be binding on the contractors. Failure to meet maximum Federal Supply Schedule delivery dates (or dates for faster delivery as agreed to by contractors under contracts containing the above-mentioned provision) will constitute a breach of contract and will be treated in accordance with § 101–26.403.

(3) In applying the procedure covered in § 101–26.401–4(a)(1) where contracts do not include the provision referred to in § 101–26.401–4(a)(2) (generally those contracts entered into prior to fiscal year 1963) and the contractor has affirmed his inability to provide earlier delivery, procurement from other sources for delivery within earlier periods than the maximum specified in the Schedule may be made under the "Emergency and Special Requirements" provision of the Schedule. In such cases, an appropriate record justifying the action should be retained.

(b) *Small requirements.* Federal Supply Schedules stipulate dollar amounts or quantitative values below which agencies are not obligated to submit orders and contractors are not obligated to accept orders. In determining applicability of this exception, all requirements which would normally be included in a single order to a contractor must be considered.

(c) *Abnormal requirements.* Federal Supply Schedules stipulate maximum dollar limitations above which agencies may not submit orders and contractors may not accept orders. The maximum limitation varies between Schedules. The value of a single purchase order, or a series of orders placed within a short time, may not exceed this maximum. Each Schedule also contains instructions with respect to methods of procuring abnormal requirements from sources other than the Federal Supply Schedule contract involved.

(d) *Legislative and judicial agencies.* Except as may be provided by law or by authorized agreement with responsible officials of any agency in the legislative or judicial branches of the Federal Government, no Federal Supply Schedule will include any such agency as subject to its mandatory use provisions.

(e) *Geographic location.* Federal Supply Schedules delineate geographic coverage on a national, zone, regional, or other area basis. In determining exceptions on this basis, the location of the activity to which delivery of the articles will be made or the location at which service will be performed governs, and not the location of the agency office which places the order with the contractor.

(f) *Public exigency.* Federal Supply Schedule contracts permit purchase elsewhere, where necessary, in cases of public exigency. Justification in these cases are subject to review by the General Accounting Office. There is no requirement to contact the applicable Federal Supply Schedule contractor in cases of true public exigency prior to purchase elsewhere; however, agency ordering personnel should be alert to situations where proximity of the contractor's production and distribution facilities to agency point of use result in the contractor's facility being an immediate source of supply to meet the exigency.

(g) *Special requirements (similar items).* Each Federal Supply Schedule contract provides for and each Schedule contains a provision permitting procurement elsewhere in cases where the specific articles or services listed in the Schedule will not meet a specified requirement. Agencies procuring from other sources similar items (i.e., those having the same general characteristics and intended use) are required to furnish the GSA office issuing the Schedule a written statement identifying the supplies or services purchased, and explaining why similar items listed in the applicable Federal Supply Schedule would not meet the specific requirements. This statement, signed by an authorized official of the using agency, shall be furnished the GSA office issuing the Schedule within fifteen calendar days after date of the purchase. In determining the applicability of this exception, consideration should also be given to § 1–1.306–1) which covers the use of Federal Standards.

### § 101–26.401–5 Optional use provisions.

(a) Each Federal Supply Schedule contains provisions whereby, in addition to the agencies included under the mandatory use provisions, all agencies and activities of the Federal Government, including the legislative and judicial branches, and other activities for which GSA is authorized by law to procure, may place orders under the Schedule and contractors may accept such orders. This includes those contractors who have been properly authorized, pursuant to Subpart 1–5.9, to use the Federal Supply Schedules. (Also see § 101–26.407.) When a contractor accepts an order tendered under the optional use provision either by written notice, constructive delivery or performance, or failure to return the order within the specified time (usually 3 days after receipt), all provisions of the contract apply with respect to such order.

(b) Agencies not subject to the mandatory use provisions of Federal Supply Schedules are encouraged to use the Schedule contracts as primary sources of supply except in cases where purchasing activities of such agencies have actual knowledge that the purchase can be made more advantageously to the Government from a source other than the Federal Supply Schedule, after allowing for the burdens and cost of a new procurement under applicable prescribed procedures. Purchasing activities should not solicit bids, proposals, quotations, or otherwise test the market solely for the purpose of a comparison of the Federal Supply Schedule prices. Where a procurement from a source of supply other than a Federal Supply Schedule available for optional use indicates that such source might be more advantageous to the Government, as a general source, the name and address of the supplier together with other details of the procurement action should be forwarded to the GSA office issuing the Schedule.

(c) When an executive agency determines that one or more optional use Schedules are suitable for use by the agency as primary sources of supply, the following action should be taken:

(1) Issue administrative regulations instructing its purchasing activities to use the designated Schedules as primary sources of supply subject to any appropriate exceptions that the agency may prescribe in consonance with § 101–26.401–3 and § 101–26.401–4. Copies of such regulations should be furnished to GSA.

(2) Notify the GSA office issuing the Schedule in order that coordinated arrangements may be developed for inclusion of the agency under the mandatory coverage of future reissuances of the Schedule; thus broadening the area of assured agency participation that can be offered prospective contractors to the end that lower prices, earlier deliveries, and better continuity of supply will result.

### § 101–26.402 General.

### § 101–26.402–1 Schedule method of contracting.

(a) The Schedule method of contracting is used, in the best interest of the Government, to simplify the purchase processes for commonly used items which are readily available through the distribution systems of the respective industries without the necessity of definite quantity consolidated buying or handling through a Government warehouse system. Federal Supply Schedule contracts are entered into and Schedules thereof are prepared and issued by, or under assignment from, GSA on a national, zone, regional, or other area basis, and are supervised by or under the general direction of GSA.

(b) When a Federal Supply Schedule is assigned to another executive agency for preparation and issue, appropriate notification of the assignment will be given to all agencies. Accordingly, the term "GSA office issuing the Schedule" or similar terminology as used in this Subpart 101–26.4 shall be deemed to include the office of another executive agency identified in the Schedule involved as the preparing office.

### § 101–26.402–2 Service features.

(a) Federal Supply Schedules are published in catalog style and list under major commodity classifications the articles or services available from the contractors named therein. Some Schedules involve the use of the contractors' catalogs and pricelists and specify the extent to which such catalogs and pricelists are applicable. Notices of changes in Schedules and in the applicability of catalogs and pricelists are furnished all agency offices receiving the Schedule.

(b) Federal Supply Schedules specify that agencies of the Federal Government must or may, as applicable, issue purchase orders direct to contractors listed in the Schedule; receive and inspect the shipment; and make payment direct to such contractors without referring the transaction to GSA. The contracts provide for appropriate action in the event of delinquency or default on the part of any contractor.

### § 101–26.402–3 Distribution.

(a) Agency offices desiring to receive current copies and to be placed on distribution lists for receiving Federal Supply Schedules and contractors' catalogs should execute and submit GSA Form 457, Request for Federal Supply Schedules and Contractorr' Catalogs (Including Pricelists) (see § 101–26.4902–457). Copies of GSA Form 457 may be obtained from GSA regional offices and are included annually in issues of the Federal Supply Schedule Checklist and Guide.

(b) From time to time, GSA regional offices will request information from agency offices in their respective areas for use in maintaining up-to-date distribution lists.

### § 101–26.402–4 Checklist and Guide.

The Federal Supply Schedule Checklist and Guide, issued quarterly, contains a listing of all current Schedules and information pertinent thereto, together with the distribution code number for each Schedule and catalog. Accordingly, agency offices should consult the latest edition of the Checklist and Guide before submitting requests for Schedules and catalogs as provided in § 101–26.402–3.

### § 101–26.402–5 Contract provisions.

(a) Each Federal Supply Schedule provides information as to the contractual provisions with which agencies should be familiar in order to properly administer orders placed with contractors.

(b) Standard Form 32, General Provisions (Supply Contract) (§ 1–16.901–32), is progressively being incorporated in Federal Supply Schedule contracts thus promoting uniformity of understanding and ease of reference on the part of agency procurement personnel. Additional general provisions that have been standardized by GSA for use in all Federal Supply Schedule contracts are incorporated in the Federal Supply Schedule Checklist and Guide. A "Scope of Contract" statement (see § 101–26.401–3), special provisions pertinent to a particular Schedule, and any necessary exceptions to the general provisions are printed in the Schedule.

## § 101–26.403 Performance and default under Federal Supply Schedule contracts.

### § 101–26.403–1 Responsibilities.

While GSA awards Federal Supply Schedule contracts and exercises general supervision over such contracts, it is the responsibility of agencies whose requirements are included in the contracts to place orders with contractors, make payment, and, in the first instance, determine whether performance meets the contract terms. Agencies whose orders are accepted by the contractor pursuant to the optional use provision have like responsibilities. Subject to the provisions of the contracts and the conditions stated in this Subpart 101–26.4, ordering offices should deal directly with contractors concerning their performance of the contract terms, and should accept or reject the supplies or services, make price adjustments for nonconforming supplies or services, or seek replacements, and, in case of default, terminate purchase orders, purchase from other sources, and charge contractors with resulting excess costs. In certain instances, Federal Supply Schedule contracts will provide for inspection at source, prior to shipment, by GSA. When the Federal Supply Schedule states that source inspection will be provided by GSA, ordering offices are relieved of dealing directly with contractors concerning specification compliance and acceptance or rejection of the supplies or services.

### § 101–26.403–2 Inspection.

(a) *Acceptance inspection.* (1) Acceptance inspection of supplies and services is necessary to assure compliance with the applicable specifications and other contractual requirements. Unless a particular Federal Supply Schedule specifically provides for source inspection by GSA, arrangements for inspection shall be the responsibility of the ordering agency. When assistance in inspection is desired, or the Federal Supply Schedule provides for source inspection by GSA, the ordering agency shall furnish two copies of the purchase order to the Chief, Quality Control Division, Federal Supply Service, at the GSA regional office serving the area where the plant is located or from which shipments are made. The purchase order shall indicate that inspection shall be performed at source, prior to shipment, by the Quality Control Division of the appropriate GSA regional office. In determining the need for assistance in inspection, when a Federal Supply Schedule does not provide for source inspection, the ordering agency shall consider the volume of the procurement, complexity of the items, and the past performance of the supplier.

(2) A copy of the GSA Form 308, Notice of Inspection, executed by the GSA Quality Control representative, will inform other than military consignees of acceptance and/or rejection determination. DD Form 250, Department of Defense Materiel Inspection and Receiving Report, will be used to inform military consignees of acceptance determination, and GSA Form 308, Notice of Inspection, will be used to inform the military consignees of rejection determination.

(3) Material which has been inspected by GSA and determined to be in compliance with specifications and technical contract requirements (quality inspection) shall not be reinspected by another agency for that purpose. Examination of delivery shall be limited to determination of quantity and condition upon receipt by consignee.

(b) *Nonconforming supplies or services.* (1) The ordering agency shall report to the GSA office executing the contract all significant instances where nonconforming supplies and services are received. Ordering officers have the right either to reject supplies defective in material or workmanship, or otherwise not in conformity with contract requirements, or to require their removal for correction or correction in place, by and at the expense of the contractor. Ordering offices may accept nonconforming supplies and services, and pay therefor at a proper reduction in price in accordance with the contract provisions, or may terminate the right of the contractor to proceed further under the purchase order. Unless the contractor corrects or replaces supplies within the delivery schedule, the ordering office may declare the contractor in default and purchase the supplies elsewhere against the contractor's account.

(2) When supplies have been inspected and rejected at source by GSA and replacement or correction will not be made by the contractor, the notice of rejection will so inform the ordering agency. The notice will contain appropriate recommendations regarding acceptance at a proper reduction in price or termination of the contractor's right to proceed and purchase elsewhere in accordance with § 101–26.403–5.

### § 101–26.403–3 Delinquent performance.

Where the contractor fails to perform in accordance with the provisions of the contract, ordering offices may afford a further opportunity to perform or terminate the right of the contractor to proceed further under the purchase order, declare the contractor in default on the order, and purchase elsewhere against his account. Should the contractor allege that the failure in performance was due to an excusable cause precluding assessment of excess costs under the provisions of the contract, the GSA office executing the Schedule contract shall be notified promptly. In the absence of a decision by the contracting officer executing the contract, or by the Administrator, or his duly authorized representative, on appeal, pursuant to such notice that the failure is excusable, the ordering office is free to charge against the contractor any excess cost resulting from the default. When the ordering office is aware that the defaulting contractor has alleged the failure to be excusable, it may elect to postpone the assessment of excess costs until a decision is made in order to avoid unnecessary accounting actions.

### § 101–26.403–4 Disputes.

All disputes concerning questions of fact arising under the contract which cannot be settled satisfactorily between the ordering office and the contractor shall be decided by the GSA contracting officer or by the Administrator, or his duly authorized representative, on appeal.

### § 101–26.403–5 Default; ordering office.

Any ordering office may, in respect to any one or more purchase orders placed by it under a contract, declare the contractor in default in accordance with the applicable contract provisions. However, before declaring a contractor in default, it is suggested that ordering offices should ordinarily notify the contractor in writing that unless satisfactory performance occurs within a specified time, which should allow a reasonable time for performance, the ordering office will terminate his right to

proceed further under the purchase order and he will be held liable for any excess costs resulting from purchasing the supplies or services elsewhere. Such notice would not ordinarily be given when the default involves an attempted fraud on the United States, or when it would be obviously futile as, for example, when the contractor has already declined to perform. Where excess costs are anticipated, the ordering office may likewise withhold sufficient funds otherwise due the contractor as offset security. Ordering offices shall endeavor to minimize excess costs to be charged against the contractor and to collect by check or set off any excess costs owed (see § 1–8.602–6). The GSA office executing the contract shall be notified of all cases where an ordering office has declared a Federal Supply Schedule contractor in default.

### § 101–26.403–6 Default; GSA.

GSA may declare a contractor in default on an overall basis for any or all items covered by the contract, in accordance with the applicable contract provisions, as distinguished from ordering office action on individual orders. When notified of such action by GSA, ordering offices shall thereafter refuse to accept further performance by the contractor, shall not place further purchase orders with him, and shall purchase against the account of the contractor from replacing contractors designated by GSA, or in such other manner as directed by GSA.

### § 101–26.403–7 Failure to collect excess costs.

Ordering offices shall report to the GSA office executing the Federal Supply Schedule contract involved those instances where they have been unsuccessful in collecting excess costs which have accrued against a defaulting contractor. Reports shall be made within sixty days from date of final payment to the new contractor from whom the replacement purchase was made and may be in letter form. Such reports shall provide complete information so as to identify properly the transaction and furnish necessary data, such as the name of the defaulting contractor, contract number, item number and description, Schedule price, and the amount of excess costs to be collected. In addition, complete information shall be reported concerning the supplier from whom substitute purchase was made, such as the name of the supplier, purchase price, order number or numbers on which payment was made, and contract number, if any. The GSA office will consolidate such data as reported and, in the absence of an available offset in that office, will submit such data through channels to the General Accounting Office for collection.

## § 101–26.404 Submission of requirements of gasoline, fuel oil (diesel and burner), kerosene, and solvents.

### § 101–26.404–1 General.

(a) Requirements of all executive agencies, except the Department of Defense, for the items described in § 101–26.404–2, exclusive of liquid fuels for marine use and burner fuel oil obtained from or through the GSA Fuel Yards in Washington, D.C., to be delivered within the continental United States (excluding Alaska), shall be submitted to GSA in order to enter into Federal Supply Schedule contracts for such items. Requirements for liquid fuels for marine use by all Federal agencies will be submitted to the Defense Fuels Supply Center, Washington, D.C., 20305, in accordance with instructions of that Office. Estimates of requirements should be based on previous records of consumption whenever available. In the case of new delivery points, consumption records of similar installations may be used as guides. Any other Federal agency may also submit its requirements for the items covered by § 101–26.404–2 and such requirements will be included in the solicitation of bids and the resulting contracts. Use of Federal Supply Schedule contracts entered into on the basis of requirements submitted shall be mandatory for the consignees covered in the contracts.

(b) Federal Supply Schedules for the items in § 101–26.404–2 are intended to cover agency requirements for bulk deliveries only. Requirements normally filled by service station deliveries will not be included. (See § 101–26.404–3.)

### § 101–26.404–2 Items covered.

(a) *Gasoline*—(1) *Regular and premium.* In accordance with the latest issue of the applicable Federal Specification.

(2) *Unleaded.* In accordance with the latest issue of the applicable Federal Specification.

(b) *Fuel oil, burner.* (1) Grades 1, 2, 4, 5 (light), 5 (heavy), and 6 in accordance with the latest issue of the applicable Federal Specification.

(2) Fuel oils meeting requirements of Pacific Specifications, as published in Bulletin entitled "Fuel Oils (First Edition) Recorded Standard Designations for Pacific Coast Fuel Oils," will be accepted for requirements in the States of Arizona, California, Nevada, Oregon, and Washington in lieu of Federal Grades 1, 2, 4, 5 (light), 5 (heavy), and 6 on the following basis:

(i) Fuel oils meeting Pacific Specification 100 will be accepted for Federal Grade 1.

(ii) Fuel oil meeting Pacific Specification 200 will be accepted for Federal Grade 2.

(iii) Fuel oil meeting Pacific Specification 300 will be accepted for Federal Grades 4 and 5.

(iv) Fuel oil meeting Pacific Specification 400, and also having a viscosity not exceeding 300 seconds Furol at 122° F., will be accepted for Federal Grade 6.

(c) *Fuel oil, diesel.* In accordance with the latest issue of the applicable Federal Specification.

(d) *Kerosene.* In accordance with the latest issue of the applicable Federal Specification.

(e) *Solvents.* In accordance with the latest issue of the applicable Federal Specification.

### § 101–26.404–3 Minimum quantities.

(a) *Single delivery.* The following will be the minimum quantities furnished to any one point on a single delivery:

| *Delivered in* | *Minimum quantity* |
|---|---|
| Drum | 4 drums (200–220 gallons). |
| Tank wagon | 200 gallons. |
| Transport truck | Full truckload (4,000–7,500 gallons). |
| Tank car | Full carload (8,000–12,000 gallons). |

(b) *Estimated annual requirements.* Estimated annual requirements for any delivery point which total less than the following minimums shall not be submitted:

(1) Gasoline, 2,000 gallons.
(2) Burner fuel oil, 2,000 gallons.
(3) Diesel oil, 2,000 gallons.
(4) Kerosene, 500 gallons.
(5) Solvents, 500 gallons.

### § 101–26.404–4 Instructions for submission of requirements.

(a) Estimates shall be prepared and submitted on the following forms:

(1) GSA Form 211, Estimated Gasoline Requirements (see § 101–26.4902–211); GSA Form 212, Estimated Kerosene and Fuel Oil Requirements (see § 101–26.4902–212); and GSA Form 213, Estimated Solvent Requirements (see § 101–26.4902–213).

(2) A separate requirement form shall be submitted, in original only, for each delivery point.

(b) Contracts will be established by each GSA regional office for requirements to be delivered within its area of supply support. The requirement forms shall be submitted to the GSA regional office serving the area in which the delivery point is located. Each GSA regional office will provide agencies in its area additional instructions for submission of requirements, including deadline dates for receipt thereof.

(c) In the event that annual estimated requirements of specified delivery points are the same as submitted for the previous year, a statement to that effect will suffice. Unless other acceptable arrangements have been made with the GSA regional office concerned, such statement shall list all delivery points whose requirements are unchanged.

## § 101–26.405 Automatic data processing equipment.

(a) Federal Supply Schedule contracts are entered into for the rental, purchase, and maintenance of automatic data processing (ADP) equipment and components. These are negotiated, multiple award contracts. The contracts take into account the multiplicity and complexity of equipment of various manufacturers and the differences in performance required to accomplish or produce required end results. They are designed to provide agencies a wide selection of equipment and services to meet their particular needs.

(b) Policies on selection and acquisition of ADP equipment are contained in Bureau of the Budget Circular No. A–54.





(c) Ordering agencies shall carefully follow the terms and conditions of the appropriate contract as set forth in the Federal Supply Schedule and authorized contractors' pricelists in order to take full advantage of the benefits they provide. Such terms and conditions cover, for example, rental based on machine "use" rather than on machine "availability," requirement that equipment actually perform the programed work for a thirty-day period before any rental is paid, liquidated damages provision applicable if contractor fails either to install the equipment by the specified installation date or to deliver programing aids by the agreed-upon date, time period for notifying a contractor of the discontinuance of a system or an individual machine, rental charges during period of conversion from a machine or system of a particular contractor to another machine or system of the same contractor, and the amount of program testing to be performed.

(d) When arrangements differing from those covered by the Federal Supply Schedule contracts, such as purchasing equipment by competitive bid or competitive negotiation (where adequate specifications can be developed) or renting from equipment leasing companies, can be made by agencies for a portion or all of their ADP equipment requirements at a lower overall cost than provided by the Schedule contracts, advantage should be taken of those special arrangements, coordinating in advance with GSA in the contracting for the requirements.

## § 101–26.406 U.S. Government National Credit Card for use in obtaining service station deliveries and services.

### § 101–26.406–1 General.

Standard Form 149, U.S. Government National Credit Card (see § 101–38.801–2), is authorized for use by Federal agencies for obtaining authorized services and delivery of supplies at service stations dispensing supplies of the contractors listed in Federal Supply Schedule FSC Group 91, Part III.

### § 101–26.406–2 Billing code.

The billing code is a 10-digit number and always is the first embossed line on the Standard Form 149. Nine of the digits are assigned by the using agency in accordance with the following instructions:

(a) The first three digits of the billing code will always be 000 or 002. The digits 002 are special account numbers and may not be used unless authorized by General Services Administration, Federal Supply Service, Procurement Operations Division, Washington, D.C., 20407. These digits signify to the contractors that a Federal contract is involved.

(b) The fourth digit may be used by the agency to designate the vehicle class or for other purposes to meet the agency's requirements. If not used for any such purpose, the fourth digit will be zero.

(c) The fifth and sixth digits will be the Agency Code; except where the first four digits have been assigned to designate the agency, in which case the agency may use the fifth and sixth digits for any purpose desired. Agency codes are shown in Treasury Department booklet "Receipt, Appropriation, and Other Fund Account Symbols and Titles."

(d) The seventh, eighth, and ninth digits indicate the agency billing address code number; except where the first four digits cover the agency, in which case the agency may use the seventh, eighth, and ninth digits for any purpose desired. Each Federal agency will assign its own billing address code numbers when the seventh, eighth, and ninth digits are used for such purpose.

(e) The tenth digit is the reject number for use in automatic billing operations of the contractors. This number is not assigned by the agency but will be determined by the Federal Supply Schedule, FSC Group 75, Part VII, embossing contractor, or by the GSA regional office embossing the card.

### § 101–26.406–3 Billing address.

The billing address is the name of the agency and the address to which contractors should send statements covering the purchases of supplies and services by the user of the Standard Form 149, U.S. Government National Credit Card. The number of lines in the billing address is limited to three, and shall always be the second, third, and fourth embossed lines.

### § 101–26.406–4 Tag or registration number.

The tag or registration number of the vehicle for which the credit card is issued is always the fifth embossed line. A credit card may be used only for supplies or services for the vehicle bearing the tag or registration number embossed thereon.

### § 101–26.406–5 Methods of obtaining Standard Form 149: U.S. Government National Credit Card.

(a) *Orders for 50 or more.* (1) Agency purchase orders for 50 or more of embossed Standard Form 149 shall be forwarded to the embossing contractor as provided in Federal Supply Schedule, FSC Group 75, Part VII.

(2) The embossing contractor will bill ordering agencies directly.

(b) *Requisition for 49 or less.* (1) Agency requisitions for 49 or less of embossed Standard Form 149 shall be forwarded to the Chief, Motor Equipment Division, at the nearest GSA regional office.

(2) Each agency shall furnish the billing code, the billing address, and the tag or registration number for each Standard Form 149 requisitioned. Such information shall accompany the requisition and shall be limited to five lines with twenty-two characters (including spaces) per line.

(3) GSA will bill requisitioning agencies or will accept cash payment.

### § 101–26.406–6 Notice to GSA of assignment of billing codes and billing addresses.

(a) Agencies shall notify GSA of assignment of Standard Form 149 billing codes and billing addresses. Such notices shall be submitted to: General Services Administration, Federal Supply Service, Procurement Operations Division, Washington, D.C., 20407. In the interest of uniformity, it is requested that agencies, in submitting notices, use the following format:

To: General Services Administration
Federal Supply Service
Procurement Operations Division
Washington, D.C. 20407

(Agency, Bureau, Service, or Other Purchasing Activity) has assigned the billing code(s) and billing address(es) as listed below, or attached hereto, to Standard Form 149.

000 147 201
GSA DIR REG FM MP
30 Church Street
New York, N.Y. 10007

---------- ----------,
*Contracting Officer.*

NOTE: Tag or Registration Number is NOT required.

(b) Once GSA has been officially notified of the assignment of billing codes and billing addresses, the agency may order additional Standard Forms 149 using the same billing code and billing address for additional tag numbers without reporting such use. Changes in billing codes and billing addresses must be furnished GSA so that the contractors furnishing supplies and services may be informed. This is essential for proper control of billing procedures.

### § 101–26.406–7 Government Printing Office waiver.

A waiver has been issued by the Government Printing Office to GSA for the procurement of the printing of the Standard Form 149.

## § 101–26.407 Procurement of security cabinets by Government fixed-price prime contractors.

### § 101–26.407–1 General.

(a) Based on recommendations of the Interdepartmental Committee on Internal Security, it has been determined essential that security cabinets be made available for purchase under Federal Supply Schedule contracts by all Government contractors and subcontractors (at any tier) who are required to maintain custody of security classified records and information under any type of contract or subcontract.

(b) In accordance with section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481), the Administrator of General Services has determined that the purchase of security cabinets under Federal Supply Schedule contracts by Government prime contractors and their subcontractors for the protection of security classified information represents procurement for the "use of executive agencies" under the statute.

### § 101–26.407–2 Applicability.

The provisions of this § 101–26.407 apply only to the purchase of security cabinets under Federal Supply Schedule contracts by fixed-price prime contractors and by first and lower tier subcontractors under any type of contract. They do not apply to the purchase of security cabinets under Federal Supply Schedule contracts by cost-type prime contractors. Such purchases are subject to the requirements of Subpart 1–5.9.

### § 101–26.407–3 Procedure for ordering security cabinets.

(a) Cognizant contracting agencies will arrange to notify their prime contractors and subcontractors who require such cabinets for the protection of security classified information that, subject to the conditions described in § 101–26.407–3 (b) and (c) and in accordance with procedures included in Federal Supply Schedules, they may purchase such cabinets under the applicable Federal Supply Schedule contracts.

(b) Purchases of security cabinets under Federal Supply Schedule contracts by fixed-price prime contractors and subcontractors under either fixed-price or cost-type prime contracts may be made only after written authorization therefor is obtained from the agency having cognizance of the prime contract involved; and the authorization (or a true copy) must be furnished to the Federal Supply Schedule supplier in connection with the placement of orders for such cabinets.

(c) A statement substantially as follows should be placed on orders for security cabinets placed with Federal Supply Schedule contractors:

> In the event of any inconsistency between the terms and conditions of this order and those of your Federal Supply Schedule contract, the latter will govern.

### § 101–26.407–4 Use and disposal of security cabinets.

Security cabinets purchased in accordance with this § 101–26.407 shall be used as prescribed by the cognizant contracting agency and may not be disposed of without its express approval.

## Subpart 101–26.5—GSA Procurement Programs

### § 101–26.501 Purchase of new motor vehicles.

### § 101–26.501–1 Applicability.

(a) All executive agencies, except the Department of Defense, within the United States shall procure through GSA their requirements for the following new motor vehicles for the carriage of passengers and freight: passenger automobiles, station wagons, carryalls, ambulances, buses, motorcycles, motor scooters, trucks of less than 25,000 pounds gross vehicle weight, and trailers of not less than 5 tons and not more than 12 tons payload.

(b) Other Federal agencies may participate in the purchase program covered by this section on an optional basis and are encouraged to do so.

(c) Upon request of an agency, GSA also will procure any new motor vehicle not included in the above classifications.

### § 101–26.501–2 Consolidated purchase program.

(a) *General.* As a result of studies conducted by GSA, it has been determined that the lowest prices can be obtained for motor vehicles by (1) standardizing vehicle types which will provide adequate service for the intended use, and (2) procuring twice a year on a volume basis, insofar as possible, to meet consolidated agency requirements for those vehicle types.

(b) *Federal standard.* Federal Standard No. 122, covering automobiles, station wagons, and certain light trucks, limits procurement to the vehicle types and appurtenances contained therein. The use of Federal standards is prescribed in § 1–1.306–1. A description of each vehicle type is shown in the Federal standard. (As used in this § 101–26.501, the term "Federal Standard No. 122" shall be deemed to include reference to the current revision of such standard.)

(c) *Consolidation of agency requirements.* (1) Experience has shown that with respect to automobiles, station wagons, and certain light trucks, lowest prices are offered to the Government during the latter part of a calendar year providing for delivery during the early part of the next calendar year. In order to take advantage of this situation, GSA will make a first volume procurement of the vehicle types set forth in Federal Standard No. 122, based on purchase authorities submitted as early as practicable after July 1 but not later than October 15. To obtain the maximum benefits from such a program, approximately 75 percent of an agency's total annual requirements for Federal Standard No. 122 vehicles should be included in the first volume procurement.

(2) A second volume procurement will be made to cover, insofar as practicable, the balance of agencies' total annual requirements for Federal Standard No. 122 vehicles not included in the first volume procurement. The second volume procurement will be based on purchase authorities for such vehicles submitted as early as practicable after February 1 but not later than March 31.

(3) Agency requirements for those categories of vehicles covered by Federal Standard No. 122 which cannot be submitted in accordance with § 101–26.501–2(c) (1) and (2) due to operating needs, budgetary considerations, or other factors will be received and consolidated on a monthly basis in accordance with § 101–26.501–4(b).

(4) Agency requirements for those categories of vehicles not covered by Federal Standard No. 122 will be consolidated on a monthly basis in accordance with § 101–26.501–4(b).

### § 101–26.501–3 Submission of purchase authorities.

(a) Purchase authorities shall be submitted to the General Services Administration, Federal Supply Service, Office of Procurement, Procurement Operations Division, Washington, D.C., 20407, and must contain consignment and shipping instructions and names and addresses of persons to receive purchase documents if different from consignees.

(b) In addition, purchase authorities covering vehicle types not included in Federal Standard No. 122 must contain complete descriptions of the vehicles required.

(c) GSA Form 1781, Motor Vehicle Requisition/Code Sheet (illustrated at § 101–26.4902–1781) has been specifically designed for agency use to expedite ordering of vehicles covered by Federal Standard No. 122.

(1) It contains a brief description of all available units equipped as provided in that standard. Each unit is identified on the form by an item number which corresponds to a like number in the standard. The ordering agency needs merely to select the vehicle desired from the complete description available in the standard and place an "x" in the space provided opposite the corresponding number on GSA Form 1781. This single item number becomes the vehicle code which will be used to identify the requirement through all stages of the procurement and distribution process.

(2) Agencies are requested to use the GSA Form 1781, Motor Vehicle Requisition/Code Sheet, as a "single-line-item requisition" for standard-type vehicles. Submission of GSA Form 1781, properly completed, will satisfy the requirements regarding submission of purchase authorities as set forth in § 101–26.501–3(a). If it is not feasible to accomplish the GSA Form 1781 as a purchase authority, agencies may prepare the form as an attachment code-sheet, identifying each line item on their purchase authorities. Whether accomplished as a purchase authority, or attachment thereto, the GSA Form 1781 permits agencies to eliminate lengthy vehicle descriptions. Instructions for preparation of GSA Form 1781 are printed on the reverse of the form.

(3) Supplies of GSA Form 1781 may be obtained without charge from the Administrative Services Division of the nearest GSA regional office, except in GSA Region 3 they are to be obtained from the Printing and Publications Division.

(d) Each purchase authority shall indicate the appropriation to be charged and must be signed by an officer authorized to obligate appropriated funds.

(e) Requisitioning agencies shall not combine more than one vehicle category in any one purchase authority.

### § 101–26.501–4 Procurement time schedules.

(a) *Volume consolidated purchases.* Purchase authorities covering vehicle types included in Federal Standard No. 122 which are received between July 1 and October 15 and between February 1 and March 31 will be consolidated for purchase in the first volume procurement and the second volume procurement, respectively, unless a statement justifying the need for an earlier delivery date is included. Purchase authorities containing such a statement of justification will be handled on a monthly basis in accordance with (b) or (c) of this § 101–26.501–4, depending on the urgency contained in the justification.

TIME SCHEDULE

| *Vehicle category* | *Volume consolidation dates* |
|---|---|
| Automobiles; station wagons; and trucks of types covered by Federal Standard No. 122. | October 15 and March 31. |

(b) *Monthly consolidated purchase.* (1) Requirements for vehicles not included in volume procurements must be received by GSA for consolidation by the dates indicated in the schedule set forth below in this § 101–26.501–4(b)(1). Requirements received after these dates will be carried over to the following month's purchase. In the interest of timely and orderly preparation of invitations for bids, ordering agencies are urged to submit each requirement as soon as finalized rather than hold for submission with later requirements. Such requisitions need not specify a delivery date since delivery will be in accordance with delivery schedule shown in § 101–26.501–5. Requests for special handling of other than strictly emergency requirements shall not be submitted.

TIME SCHEDULE

| *Vehicle category* | *Monthly consolidation date* |
|---|---|
| (i) Automobiles; station wagons; and trucks of types covered by Federal Standard No. 122. | 10th of each month. |
| (ii) Passenger carrying vehicles; light trucks of types not covered by Federal Standard No. 122; ambulances; motorcycles; and motor scooters. | 20th of each month. |
| (iii) Buses; trucks (other than light trucks in category (ii), above) of less than 25,000 pounds gross vehicle weight; and trailers of not less than 5 tons and not more than 12 tons payload. | Last day of each month. |
| (iv) All other categories and types of vehicles. | Last day of each month except June. |

(2) Bid invitations issued in June for the consolidated purchase of vehicles in categories (i), (ii), and (iii) of § 101–26.501–4(b)(1) will cover only the requirements of those executive agencies whose orders are required to be placed with GSA. (Purchase authorities shall be submitted to GSA as provided in § 101–26.104. Submission of requirements for vehicles in categories (i), (ii), and (iii) is mandatory to the extent provided in § 101–26.501–1.)

(3) With respect to categories (i) and (ii) of § 101–26.501–4(b)(1), no assurance can be given as to price and time of delivery of vehicles on which purchase authorities are received by GSA after the 15th of April. This is because of industry practice of closing out the production of the current year's model in late May, June, and July, and retooling for new models. Agencies should bear this in mind when programing their last quarter requirements.

(c) *Emergency requirements.* In the case of an emergency requirement, special handling will be made provided such cases are accompanied by adequate justification for individual purchase action. Delivery will be made in accordance with the delivery date specified in the purchase authority.

### § 101–26.501–5 Delivery of vehicles.

(a) *Monthly consolidated purchases.* (1) Bid opening dates normally will be from 30 to 40 days after the date shown in § 101–26.501–4. Delivery will normally range from approximately 60 to 90 days after the bid opening date depending on the type of vehicle.

(2) As a further means of reducing the overall time required between the date agency requirements originate and the date the vehicles are delivered, agencies are requested to reduce, to the extent practicable, the time required to process purchase authorities and obtain necessary administrative approvals prior to submission to GSA.

(b) *Volume consolidated purchases.* (1) Bids will be opened at a date to permit awards to be made for delivery in February, March, and April, for the October 15 cutoff date and July and August for the March 31 cutoff date as established in § 101–26.501–4.

(2) GSA will make every effort to reduce the time required to take purchase action and effect delivery.

### § 101–26.501–6 Forms used in connection with delivery of vehicles.

(a) *General.*, The forms described in § 101–26.501–6(b) contain instructions to consignees relative to such as inspection, receiving reports, corrective action, and the reporting of deficiencies.

(b) *Forms described.*—(1) *FSS Form 195, Instructions to Consignees Receiving New Motor Vehicles Purchased by GSA.* These instructions, a copy of which is attached to the consignee copy of the GSA purchase order for the vehicle and a copy of which accompanies the vehicle to its destination, advise the consignee relative to (i) inspection and receipt; (ii) corrective action to be taken in the event of damage, abuse, or missing equipment; (iii) applicable warranty contract clause; and (iv) precautionary measures to be taken prior to use of the vehicle. The form is illustrated at § 101–26.4903–195.

(2) *GSA Form 1398, motor vehicle purchase and inspection label.* The contractor is required to perform preshipment inspection and servicing of each vehicle; to complete the label, GSA Form 1398 (see § 101–26.4902–1398); and to affix the label to the right side of the dash. The label, which bears the date of final checkout of vehicle by the manufacturer and signature of plant inspector authorizing release of vehicle, should remain in place during life of the warranty to permit prompt identification of vehicles requiring dealer repair pursuant to such warranty.

(3) *GSA Form 1718, Unsatisfactory Equipment Report.* (i) GSA is constantly striving to improve customer service and the quality of motor vehicles for which it contracts. In order for GSA to inform contractors of the deficiencies that are noted during the life of the vehicles, GSA Form 1718 (illustrated at § 101–26.4902–1718) should be prepared and sent to GSA describing details of vehicle deficiency and action taken for correction. Agencies are urged to report all deficiencies to GSA irrespective of satisfactory corrective action by the manufacturer's authorized dealer. If the dealer refuses to take corrective action on any vehicle within its warranty period, the report should so state and include an explanation of the circumstances. GSA Form 1718 should also be used to report all noncompliance with specifications or other requirements of the purchase order.

(ii) Supplies of GSA Form 1718 may be obtained from the Administrative Services Division of the nearest GSA regional office, except in GSA Region 3 supplies of the form are to be obtained from the Printing and Publications Division.

(c) *Action requested.* These forms should be brought to the attention of all departmental and field officials who have responsibilities in connection with receipt of motor vehicles purchased through the GSA motor vehicle purchase program.

**§ 101–26.501–7 Sale of vehicles.**

GSA will not solicit trade-in bids when purchasing new motor vehicles under the consolidated purchase program because experience has shown that suppliers (manufacturers) are unwilling to accept used vehicles in part payment for new ones. Accordingly, executive agencies desiring to apply the proceeds from the sale of used vehicles to the purchase of new ones may sell the used vehicles or request GSA to sell them, as provided in Subpart 101–43.2 and § 101–45.307–7.

**§ 101–26.502 Purchase of water coolers (dispensers).**

**§ 101–26.502–1 Submission of purchase authorities.**

(a) Executive agencies shall submit requests to GSA in obtaining their requirements, for land use in the United States, of water coolers (dispensers) of the types covered in § 101–26.502–2. The requests shall be submitted to the GSA regional office serving the agency point of delivery.

(b) Purchase authorities submitted for other than GSA Stores Stock Catalog items shall be complete as to type, size, description, and electrical current characteristics (AC or DC, phase, voltage, and cycles), and shall also include required delivery date, consignment and shipping instructions, and other pertinent information.

(c) Orders received for water coolers (dispensers) listed in the current GSA Stores Stock Catalog will be filled by issue from stock unless the GSA regional office receiving the order determines that direct delivery would be more advantageous to the Government, price and other factors considered.

**§ 101–26.502–2 Types of water coolers (dispensers).**

(a) Requests for only standard models of the following coolers, manufactured and sold with satisfactory results to the public generally, which meet the provisions of the latest issue in effect of Federal Specification 00–D–566 shall be submitted, except as provided in § 101–26.502–2(b):

(1) Bubbler Style (Type I, air-cooled; Type II, water-cooled) sizes 10 and 20.

(2) Cafeteria Style (Type III, air-cooled; Type IV, water-cooled) sizes 20 and 30.

(3) Remote Style (Type V, water-cooled) sizes 10, 20, and 30.

(4) Bottle Style (Type VI, air-cooled) size 3.

(b) Coolers to be manufactured of particular materials specified by a requisitioning agency shall be requested only when the need for such coolers (dispensers) is adequately justified.

**§ 101–26.503 Purchase of new refrigerators.**

**§ 101–26.503–1 Scope.**

This section prescribes the methods to be used by all executive agencies, except the Department of Defense, the United States Maritime Commission, the Canal Zone Government, the Housing and Home Finance Agency, and the Public Health Service of the Department of Health, Education, and Welfare, in obtaining their requirements, for use in the continental United States (including Alaska), of new refrigerators of the types covered in § 101–26.503–2.

**§ 101–26.503–2 Types of refrigerators.**

This section applies to all portable commercial and household refrigerators (exclusive of gas-operated refrigerators 4 cubic feet and under) and low temperature storage cabinets with self-contained electric or gas units in conformance with applicable Federal Specifications or specifications furnished by the requisitioning agency when the requirement is not covered by a Federal Specification.

**§ 101–26.503–3 Submission of purchase authorities.**

Agencies shall submit purchase authorities for their requirements of the applicable items to the GSA regional office serving the agency point of delivery. Purchase authorities submitted shall be complete as to specification requirements referenced in § 101–26.503–2, time or times when deliveries are required, consignment and shipping instructions, and other pertinent information.

**§ 101–26.504 Purchase of coal.**

**§ 101–26.504–1 General.**

(a) Federal agencies desiring to participate in the GSA coal contracting program for carload delivery outside the District of Columbia and vicinity, may obtain coal through this program by submitting estimates as provided in § 101–26.504–2.

(b) Each participating agency will be furnished the necessary contractual information after contracts are awarded. As shipments are required, each agency shall direct the contractor to make delivery. Payment for deliveries shall be made by the ordering agency directly to the contractor.

(c) Agencies submitting requirements which are subsequently contracted for by GSA will be obligated to procure the type of coal covered under such contracts, but only to the extent deliveries are required. However, agencies shall notify the contractor as soon as possible in case the estimated requirements will not be needed due to changes or conversions in heating equipment or other reasons.

**§ 101–26.504–2 Submission of requirements.**

(a) Estimates of coal requirements for delivery during the period July 1 through June 30 of each year shall be prepared on GSA Form 222, Estimated Requirements for Coal (see § 101–26.4902–222), and submitted in original only so as to arrive at the appropriate GSA regional office, as shown in § 101–26.504–4, on or before January 15. A separate requirement form should be prepared for each kind and size of coal required for each delivery point.

(b) The section of the form entitled "Acceptable Analytical Limits of Coal Required" shall reflect minimum and maximum requirements based on heating engineering data applicable to the particular equipment in which the coal will be used.

(c) Copies of GSA Form 222 may be obtained from the GSA regional offices shown in § 101–26.504–4, or facsimiles of the form may be submitted.

**§ 101–26.504–3 Inspection and testing of coal deliveries.**

(a) Each participating agency shall take coal samples, for analysis purposes, in accordance with the methods set forth in the latest edition of the Handbook on Coal Sampling issued by the Department of the Interior, Bureau of Mines. It is essential that such samples be properly taken as set forth in this handbook. Copies of the Handbook on Coal Sampling may be obtained, upon request, from the Coal Sampling and Inspection Division of Bituminous Coal, Bureau of Mines, College Park, Maryland, 20740.

(b) Coal samples shall be forwarded by the agency to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania, 15213. A charge of $7.50 for each sample submitted will be assessed by the Bureau of Mines for performing such analysis; or agencies may enter into an agreement with the Bureau of Mines for services and testing on an annual flat rate basis. Agencies shall furnish the Bureau of Mines laboratory complete billing instructions at the time samples are submitted. Copies of the results of each analysis will be furnished by the Bureau of Mines to GSA for comparison with the analytical limits guaranteed by the contractor, and after comparison, a copy of the analysis will be forwarded to the agency concerned. In the event that the sample does not meet the minimum requirements of the analytical limits specified in the contract, GSA will compute the amount, if any, to be deducted from the contract price and will furnish this information to the using agency, with the analysis report.

**§ 101–26.504–4 Procuring offices and delivery areas.**

The GSA regional offices shown below will contract for consolidated coal requirements for carload delivery to Federal agencies at destinations within the States indicated for each:

(a) General Services Administration Region 3, Washington, D.C., 20407—Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.





(b) General Services Administration Region 5, 219 South Dearborn Street, Chicago, Illinois, 60604—Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin.

(c) General Services Administration Region 6, 1500 East Bannister Road, Kansas City, Missouri, 64131—Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

(d) General Services Administration Region 8, Building 41, Denver Federal Center, Denver, Colorado, 80225—Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

**§ 101–26.505 Purchase of furniture and furnishings.**

**§ 101–26.505–1 General.**

This section prescribes the methods to be used by Federal agencies in obtaining furniture and furnishings, including the procedures to be used in the United States in obtaining new household and quarters furniture covered by the purchase program of GSA.

**§ 101–26.505–2 Furniture and furnishings classifications.**

For the purpose of this § 101–26.505 the applicable classifications and definitions of furniture and furnishings are as follows:

(a) *Office furniture and furnishings.* "Office furniture and furnishings" consists of wood and metal furniture and furnishings normally used in business offices and libraries and includes executive-type office furniture and furnishings. The term includes, but is not limited to, such items as desks, tables, credenzas, telephone stands, filing sections, office safes and security cabinets, upholstered chairs and davenports, swivel chairs, side chairs, desk trays, waste receptacles, visible record cabinets, vertical-type and shelf-type filing cabinets, coat racks, folding and tablet arm chairs, folding tables, desk lamps, and carpet and rugs, but excludes such items as typewriters, office machines, workbenches, and electric accounting machines and components.

(b) *Household and quarters furniture and furnishings.* "Household and quarters furniture and furnishings" consists of furniture and furnishings normally used in housekeeping and nonhousekeeping quarters, including dens, lobbies, and reception rooms. The term includes, but is not limited to, such items as davenports; chairs; buffets; china cabinets; dining tables; kitchen tables; occasional tables; mirrors; porch chairs; vanities, wardrobes, night tables, and other bedroom furniture; lamps; and carpet and rugs.

(c) *Hospital furniture and furnishings.* "Hospital furniture and furnishings" includes, but is not limited to, items such as manually and electrically adjustable beds, nonadjustable beds, over-bed tables, bedside tables (cabinet type), ward chairs, bedside folding screens, chests, dressers, carpet and rugs, and reception room furniture.

**§ 101–26.505–3 Determination.**

In connection with section 1316 of the "Supplemental Appropriation Act, 1954" (40 U.S.C. 483b), the Administrator of General Services has determined that all of the requirements of agencies for furniture cannot reasonably be met by transfer of excess furniture, including rehabilitated furniture, from other departments and agencies. Although agencies are not required to come to GSA for certificates of unavailability, this determination does not in any manner reduce the obligation of agencies to acquire excess furniture, including rehabilitated furniture, in lieu of new furniture whenever it is available.

**§ 101–26.505–4 Acquisition of office furniture and furnishings.**

Office furniture and furnishings shall be obtained, to the extent available, from GSA supply depots or through GSA Federal Supply Schedules, pursuant to Subparts 101–26.3 and 101–26.4.

**§ 101–26.505–5 Acquisition of household and quarters furniture.**

Agencies shall submit purchase authorities for their requirements for new household and quarters furniture of over $2,500 not obtainable from Federal Supply Schedule contracts to the GSA regional office serving the point of delivery specified in the agency purchase authority. Purchases not in excess of $2,500 may be made by the requiring agency.

**§ 101–26.505–6 Submission of purchase authorities.**

(a) Purchase authorities submitted to GSA shall be complete as to specifications, time or times as to when delivery is desired or required, consignment and shipping instructions, and other pertinent information.

(b) Requirements shall normally be determined sufficiently in advance to permit submission of purchase authorities to GSA a minimum of 120 days in advance of required delivery time within the continental United States or 150 days in advance of required delivery time overseas except that additional lead time should be provided to correspond with additional time involved in ship sailings to overseas points not covered by regularly scheduled departures from ports within the continental limits of GSA Regions 2, 7, 9, and 10.

(c) Submission of purchase authorities specifying delivery in less than 120 days or covering requirements for which there are neither Federal nor Military specifications shall include a statement of circumstances and complete justification for emergency procurement and/or need for the specific requirement to support action by GSA.

**§ 101–26.505–7 GSA assistance in selection of available furniture and furnishings.**

The Federal Supply Service, Buying Division, in each GSA regional office will make available to agencies, on request, complete information of available types, styles, finishes, coverings, colors, etc., of available furniture and furnishings under the GSA purchase program to facilitate selection prior to preparation of purchase authorities.

### Subpart 101–26.6—Procurement Sources Other Than GSA

§ 101–26.601 Purchase of blind-made products and products manufactured by the Federal Prison Industries, Inc.

(a) Purchases by executive agencies of blind-made and prison-made products carried in GSA supply depots must be made as provided in Subpart 101–26.3.

(b) Purchases by all Federal agencies of blind-made and prison-made products not carried in GSA supply depots, or depot stock items procured under exceptions set forth in § 101–26.301, must be made in accordance with the provisions in the Schedule of Blind-made Products and the Schedule of Products Made in Federal Penal and Correctional Institutions.

(c) Blind-made and prison-made products available from GSA supply depots are identified by Federal stock numbers in such Schedules.

§ 101–26.602 Purchase of lubricating oils.

§ 101–26.602–1 Applicability.

Executive agencies shall be governed by the provisions of this § 101–26.602 obtaining their requirements, in the continental United States (including Alaska), of lubricating oils. Other Federal agencies may obtain their requirements in the same manner.

§ 101–26.602–2 Procurement requirements.

(a) Requirements of the types of lubricating oils covered by contracts of the Defense Fuels Supply Center shall be obtained from such contracts, unless:

(1) The maximum single order is less than the minimum quantity obtainable under the Defense Fuels Supply Center contracts;

(2) Container sizes required are smaller than those available from Defense Fuels Supply Center contracts; or

(3) Purchase without regard to existing Defense Fuels Supply Center contracts is otherwise authorized.

(b) Agency requirements of lubricating oils to which (1), (2), or (3) of paragraph (a) of this § 101–26.602–2 would be applicable, or which are not covered by Defense Fuels Supply Center contracts, are to be purchased by the requiring agency without reference to these contracts. Mandatory sources of supply, if any, shall be utilized.

(c) Agency requirements of lubricating oils covered by Defense Fuels Supply Center contracts shall be obtained by following the method specified in the applicable "Oil Contract Bulletin" issued for each fiscal year by the Defense Fuels Supply Center.

### Subpart 101–26.49—Illustrations of Forms

[Subpart 101–26.49 is amended by adding certain GSA forms to § 101–26.4902 and by the addition of new § 101–26.4903, FSS forms.]

§ 101–26.4902 GSA forms.

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§ 101–26.4902–211 GSA Form 211: Estimated Gasoline Requirements.

§ 101–26.4902–212 GSA Form 212: Estimated Kerosene and Fuel Oil Requirements.

§ 101–26.4902–213 GSA Form 213: Estimated Solvent Requirements.

§ 101–26.4902–222 GSA Form 222: Estimated Requirements for Coal.

§ 101–26.4902–457 GSA Form 457: Request for Federal Supply Schedules and Contractors' Catalogs (Including Pricelists).

§ 101–26.4902–1398 GSA Form 1398: Motor vehicle purchase and inspection label.

§ 101–26.4902–1718 GSA Form 1718 (Multi-carboned): Unsatisfactory Equipment Report.

§ 101–26.4902–1781 GSA Form 1781: Motor Vehicle Requisition/Code Sheet.

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§ 101–26.4903 FSS forms.

The FSS forms are illustrated in this section to show their text, format and arrangement and to provide a ready source of reference. The subsection numbers in this section correspond with the FSS form numbers.

§ 101–26.4903–195 FSS Form 195: Instructions to Consignee Receiving New Motor Vehicles Purchased by GSA.

NOTE: The forms in §§ 101–26.4902–211 through 101–26.4902–1781 and § 101–26.4903–195 filed as part of the original document. Copies may be obtained from Central Office, GSA.



SUBCHAPTER F—COMMUNICATIONS AND PUBLIC UTILITIES

## PART 101–35—TELECOMMUNICATIONS

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SUBPART 101–35.5—101–35.49 [RESERVED]

AUTHORITY: The provisions of this Part 101–35 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### § 101–35.000 Scope.

This part prescribes policies and methods governing the utilization by executive agencies of telecommunications services within the United States and its insular possessions.

### Subpart 101–35.1—General Provisions

§ 101–35.101 Authorities implemented.

This Part 101–35 implements the following authorities: Section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481); section 7, Act of June 14, 1946 (40 U.S.C. 295); Presidential Letter of July 1, 1949 (14 F.R. 3699; 3 CFR); Bureau of the Budget Bulletin 61–13, June 19, 1961; Executive Order No. 11093 of February 26, 1963 (28 F.R. 1851; 3 CFR); and Presidential Memorandum of August 21, 1963 (28 F.R. 9413; 3 CFR).

§ 101–35.102 Applicability.

The provisions of this Part 101–35 apply to all executive agencies to the extent specified in the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, or other law, except as provided in this section.

(a) The Statement of Areas of Understanding between the Department of Defense and General Services Administration (15 F.R. 8226) shall govern the applicability of this Part 101–35 to the Department of Defense.

(b) The provisions of this Part 101–35 do not apply to the requirements of the following operational telecommunications services and facilities:

(1) Federal Aviation Agency—Facilities used for regulation and protection of air traffic.

(2) National Aeronautics and Space Administration—Missile and satellite tracking facilities.

(3) Veterans Administration—Facilities installed in a hospital complex for bio-medical communications.

(4) Bureau of Prisons—Facilities installed in penal or correctional institutions to meet physical security requirements.

(5) Tennessee Valley Authority—Noncommon-use facilities peculiar to operation of TVA projects.

(c) GSA will, upon request, furnish the services provided for in this Part 101–35:

(1) To executive agencies to which this Part 101–35 may be inapplicable or of limited applicability by virtue of this section.

(2) To any other Federal agency, mixed-ownership Government corporation, the District of Columbia, the Senate, the House of Representatives, and the Architect of the Capitol, and any activity under his direction.

§ 101–35.103 Policy.

It is the policy of the Administrator of General Services to:

(a) Provide communications services for executive agencies at the minimum total cost to the Government consistent with requirements for capacity, efficiency of operation, reliability of service, security, and programed activities.

(b) Enter into agreements with other departments and agencies which would permit their operation of special purpose communications facilities.

§ 101–35.104 Objectives.

The objectives of GSA's communications program are to:

(a) Provide a unified and coordinated Federal Telecommunications System within the United States and its insular possessions designed to strengthen the national security posture and to provide economical and efficient telecommunications services for normal and emergency requirements of civil agencies and to fulfill the responsibilities of the Administrator of General Services in the development and implementation of the National Communications System.

(b) Establish policies, methods, and procedures and provide guidance for executive agencies to insure efficient and economical procurement and utilization of telecommunications facilities.

§ 101–35.105 Definition of telecommunications services.

"Telecommunications services" include, without limitation, the transmission, emission, or reception of signals, signs, writing, images, sounds, or intelligence of any nature, by wire, radio, visual, or other electrical or electromagnetic means. Telecommunication facilities include equipment used for such modes of transmission as telephone, telegraph, teletypewriter, data, facsimile, telephotograph, video, audio, and such corollary items as distribution systems and communications security facilities.

§ 101–35.106 Circuit management.

The Federal Telecommunications System program incorporates the features of

centralized procurement and management of leased circuit facilities with agency consultation as required.

**§ 101–35.107 Surveys.**

GSA, in coordination with the agency involved, will survey executive agency requirements for, and utilization of, telecommunication facilities and services and will advise and assist executive agencies in the implementation of improvements determined, with due regard to the program activities of the agency involved, to be advantageous to the Government in terms of economy, efficiency, or service.

**§ 101–35.108 Agency payments to common carriers.**

Executive agencies shall advise the communications common carriers with which they do business to provide GSA, upon the request of GSA to the carrier, duplicate copies of all bills submitted to the individual agencies for communications services. These bills shall include an itemization of services for which the bills are rendered.

**§ 101–35.109 Future plans.**

Executive agencies are requested to institute a two-step planning program projecting current telecommunications requirements (less than five fiscal years beyond the current fiscal year) and long-range telecommunications requirements (at least five fiscal years beyond the current fiscal year). These plans shall be reviewed and updated annually and submitted to GSA by August 15 of each year in order that the Federal Telecommunications System may be modified as necessary to insure that overall requirements are served. Technical advice and assistance, including projection of cost in the development and implementation of planning programs, will be provided by GSA.

**§ 101–35.110 Contracting and negotiation.**

GSA will develop areawide contracts covering the furnishing of standard communications services to executive agencies. GSA will also furnish to executive agencies advice and assistance in tariff interpretation, and will negotiate general and special purpose contracts as specified in Subpart 101–35.4.

**§ 101–35.111 Advice and assistance.**

GSA will provide assistance to executive agencies regarding telecommunications services and facilities, including communications program development; delineation of communications requirements; communications security; terminal equipment; other related services; and methods and procedures for developing the capability for efficient telecommunications operations.

**§ 101–35.112 Submission of information.**

All information required under this Part 101–35 shall be addressed to the General Services Administration, Transportation and Communications Service, Office of Communications, Washington, D.C., 20405, or to the Regional Director, TCS, in the region concerned, at the option of the agencies.

## Subpart 101–35.2—Major Changes and New Installations

**§ 101–35.201 General.**

Executive agencies contemplating major changes in telecommunications facilities or the installation of new facilities shall furnish to GSA complete information relating thereto sufficiently in advance to permit full review. Executive agencies are authorized to place orders for the proposed change or installation if no recommendation is made by GSA within 20 regular working days, or such lesser period as may be agreed upon where time is a critical factor, from the date the data supporting the proposal is forwarded to GSA.

**§ 101–35.202 Definition of major changes.**

For the purpose of this Subpart 101–35.2, the following shall be deemed major changes or new installations of telecommunications facilities:

(a) *Local telephone service.* (1) Installation, relocation, or removal of private branch exchanges.

(2) Installation or removal of one or more switchboard positions involving existing services.

(3) Changes from manual to dial PBX service, or vice versa, and switchboard modifications for touch-tone service, etc.

(4) Installation or removal of direct inward dialing capability on existing dial PBX's.

(5) Installation, relocation, or removal of ten or more individual business lines in association with key telephone systems.

(6) Installation or removal of tielines between private branch exchanges.

(7) Installation or removal of tielines between private branch exchanges and the Interdepartmental Dial System in Washington or Government switching tandems in other major cities as established.

(8) Installation of Centrex telephone service on the agency's premises or participation in Centrex telephone service which may be on the telephone company's premises.

(9) Installation of equipment of any type for which termination liability in excess of $50,000 must be assumed on the removal of such equipment, and service connection charges, plant construction charges, or minimum revenue guaranties in excess of $50,000.

(b) *Intercity telephone service.* Installation of voice facilities interconnecting service points located in separate exchange areas, including Wide Area Telephone Service (WATS).

(c) *Data transmission service.* Installation or removal of intercity data transmission channels or equipment, regardless of transmission speed. Local data transmission channels or equipment require prior approval for installation but may be removed without approval provided that GSA is given concurrent notification.

(d) *Telegraph service.* (1) Installation or removal of intercity teletypewriter, facsimile, data, or other type of telegraph grade services and terminal equipment. Local teletypewriter, including TELEX and teletypewriter Exchange (TWX) Service, requires prior approval for installation but may be removed without approval provided that GSA is given concurrent notification.

(2) Installation or removal of tielines to domestic and international carriers.

(3) Installation or discontinuance of telegraph grade facilities and services under bulk tariff service arrangements.

(e) *Communications security service.* (1) Installation, relocation, or removal of one or more pieces of communications security and related equipment.

(2) Commencement or discontinuance of maintenance support arrangements (including repair or rebuilding) for communications security and related equipment.

(f) *Radio service.* Installations involving the extension or major change to existing systems or the implementation of new systems.

(g) *Video and audio service.* Installation or removal of video or audio program service (closed circuit or conventional).

**§ 101–35.203 Justification of major changes and new installations.**

The specific information required for each major change in and installation or removal of telecommunications facilities is as follows:

(a) *Local telephone service.* (1) Determined by reference to applicable chart and traffic engineering survey summary.

(2) Telephone operator cost data, where required, shall be submitted on GSA Form 217, Telephone Operator Cost Data, in accordance with the instructions provided thereon. Copies of GSA Form 217 may be obtained as required from the GSA regional offices.

(b) *Intercity telephone service.* Nature of requirement which cannot be satisfied by the intercity telephone service of the Federal Telecommunications System, average number of messages per business day, average conversation time per message, operating time per message, and percent of messages in the busy hour based on five working days. The information should cover toll calls originating at either end of the proposed circuit. A copy of the telephone company's monthly statement of the toll calls, including charges originating at either end of the proposed intercity circuit, should be furnished also.

(c) *Data transmission service.* Type of transmission, speed of transmission, points of interconnection or exchange of data information, and average daily volume of traffic expressed in number and length of transmission or total transmission time per day, based on a monthly average or anticipated workload.

(d) *Telegraph service.* Average number of messages sent and received per day for a period of one month, the average legnth of messages in text words, and the origin, destination points.

(e) *Communications security service.* Initial notification-statement that a requirement exists for service in the communications security area. Subsequent arrangements to satisfy the needs of the agencies will be based on agreements developed by the COMSEC officers of the requesting agency and GSA.

(f) *Radio service.* Information as specified by GSA Forms 1951 and 1951A.

(g) *Video and audio service.* Bandwidth, transmission mode, hours of service, points of interconnection and purpose for which the service is required.

## Subpart 101–35.3—Utilization and Ordering of Telecommunications Services

**§ 101–35.301 General.**

The utilization and ordering of telecommunications facilities and services shall be undertaken in accordance with this Subpart 101–35.3. Orders for changes or new installations are subject to the provisions of Subpart 101–35.2.

**§ 101–35.302 General requirements.**

(a) *Advance notice.* Plans, service requests, and orders should be submitted as far as possible in advance of date service is desired to allow leadtime for planning and scheduling of work.

(b) *Floor plans.* GSA will notify the requesting agency when floor plans are required in connection with GSA-operated joint-use switchboards. In other cases, the common carrier representative or the agency telecommunications authorities will make appropriate arrangements. Floor plans also may be required in store-forward telegraph grade facility moves and installations.

(c) *Restrictions.* Installations or changes, other than those called for on the order, shall not be made without amending the existing order or preparing a new order. Only authorized employees shall be allowed to install or change telecommunications equipment.

**§ 101–35.303 Telephone service.**

(a) *Form for ordering service.* Standard Form 145, Order for Telephone Service, and Standard Form 145A, Continuation Sheet—Order for Telephone Service, are prescribed for use by Federal agencies in ordering telephone service on Government switchboards from telephone companies and in requesting service from Government agencies operating joint-use switchboards. Standard Form 145 may be used in ordering individual line service and in ordering installation of switchboards and related equipment. Agencies also may use this form as a basis for establishing inventories of telephone equipment and service and as an internal agency requisition.

(b) *Preparation of orders.* Instructions for the preparation of Standard Form 145, Order for Telephone Service, are provided on the flyleaf of each pad of forms.

**§ 101–35.304 Changes in telephone listings.**

Standard Form 146, Changes in Telephone Listings, shall be used to request changes in telephone listings. It shall be submitted in accordance with instructions on the form.

**§ 101–35.305 Telegraph service.**

Orders or requests for changes in and new installations or removal of telegraph facilities shall be submitted by letter, memorandum, Standard Form 145, or appropriate agency purchase order form.

**§ 101–35.306 Forms for telegraph messages.**

Standard Form 14, Telegraphic Message, is prescribed for use within the United States by executive agencies in preparing official Government telegrams, teletype messages, and other messages for transmission by wire and cable or radio communications facilities. Instructions for the preparation and use of Standard Form 14 are included as a part of the cited form. Appropriate special forms may be used in lieu of Standard Form 14 when messages are to be transmitted by facsimile and for certain data messages requiring prearranged format.

### Subpart 101–35.4—Contracting, Negotiation, and Representation Involving Telecommunications Services

**§ 101–35.401 General.**

Contracting, negotiation, and representation functions for executive agencies for telecommunications services shall be undertaken pursuant to this Subpart 101–35.4. Applicability of Subpart 101–35.2 shall not be affected by the contracting requirement set forth in this Subpart 101–35.4.

**§ 101–35.402 Contracting.**

GSA has special statutory authority for entering into long term contracts not to exceed 10 years with communications common carriers. GSA will enter into area-wide, general purpose, and special purpose contracts for telecommunications services to executive agencies as indicated in this section when it determines that such contracts are advantageous to the Government in terms of economy, efficiency, and service.

(a) *Area - wide contracts.* Where area-wide contracts have been executed, each executive agency taking service in the franchised territory of the contracting carrier shall procure services under the terms of such contract; unless a general or special purpose contract is deemed by GSA, in consultation with the agency concerned, to be in the best interest of the Government.

(b) *General purpose contracts.* Executive agencies will make written request to GSA to contract for general purpose services where:

(1) No area-wide contract is available; and

(2) Service requirements involve annual recurring charges or termination liabilities in excess of $50,000; or

(3) Rates have not been established by a Federal or State regulatory body.

(Except for long term contracts under the above special statutory authority of GSA, executive agencies are authorized to enter into general purpose contracts for requirements which are not within the above specific limitations. One conformed copy of each such contract shall be furnished to GSA.)

(c) *Special purpose contracts.* Executive agencies will make written request to GSA to contract for special purpose services where the requirements include:

(1) Nonstandard or special services involving annual recurring charges or termination liabilities in excess of $50,000; or

(2) Establishment of new rate centers; or

(3) Establishment of new tariffs.

**§ 101–35.403 Tariff interpretation.**

GSA will provide, upon request, information on published tariff rates for communications services, including tariff interpretation and application. Inquiries should set forth in detail the nature of the communications service requested, proposed carrier rate treatment, if known, and agency comments pertinent thereto.

**§ 101–35.404 Representation and negotiation.**

GSA, in behalf of executive agencies, will conduct negotiations with communications carriers and suppliers and, where circumstances warrant, will institute formal or informal action, as required, before Federal and State regulatory bodies to contest the level, structure, or applicability of rates or service terms.

**§ 101–35.405 Submission of requests.**

Written requests for assistance should be addressed to the General Services Administration, Transportation and Communications Service, Office of Communications, Washington, D.C., 20405.

### Subpart 101–35.5—101–35.49 [Reserved]

## SUBCHAPTER H—UTILIZATION AND DISPOSAL

# PART 101–42—PROPERTY REHABILITATION SERVICES AND FACILITIES

### Subpart 101–42.1—General Provisions

Sec.


101–42.100 Scope of subpart.
101–42.101 Classification and definitions.
101–42.101–1 Office furniture.
101–42.101–2 Household and quarters furniture.
101–42.101–3 Hospital furniture.
101–42.101–4 Institutional furniture.


### Subpart 101–42.2—Maintenance and Rehabilitation

Sec.


101–42.102 GSA services available.
101–42.103 Care and preventive maintenance of office machines.


### Subpart 101–42.2—Maintenance and Rehabilitation


101–42.201 Rehabilitation facilities.
101–42.202 Requisitioning procedures.
101–42.203 Additional procedures.
101–42.204 Notifications.


AUTHORITY: The provisions of this Part 101–42 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### Subpart 101–42.1—General Provisions

**§ 101–42.100 Scope of subpart.**

This subpart prescribes the policies and methods governing the rehabilitation of office furniture and machines, household and quarters furniture, and hospital and institutional type furniture; and the operation of repair facilities located within the United States, Puerto Rico, and the Virgin Islands performing such services.

**§ 101–42.101 Classification and definitions.**

For the purpose of this Part 101–42, the applicable classification and definitions of furniture are as set forth in this section.

**§ 101–42.101–1 Office furniture.**

The term "office furniture" includes wood and metal furniture normally used in a business office, including executive type office furniture and furnishings, such as, but not limited to, desks, tables, telephone stands, filing sections, office safes and security cabinets, upholstered leather chairs and davenports, desk trays, waste receptacles, visible record cabinets, vertical type filing cabinets, folding and tablet arm chairs, and folding tables, but excludes such items as desk lamps, rugs, typewriters, office machines, workbenches, and electric accounting machines and components.

**§ 101–42.101–2 Household and quarters furniture.**

The term "household and quarters furniture" includes furniture normally used in housekeeping and nonhousekeeping quarters, libraries, dens, and reception rooms such as, but not limited to, armchairs, sofas, side chairs, buffets, dining tables, kitchen tables, occasional tables, mirrors, occasional chairs, porch chairs, vanities, wardrobes, and night tables.

**§ 101–42.101–3 Hospital furniture.**

The term "hospital furniture" includes items such as, but not limited to, beds (both adjustable and nonadjustable), overbed tables, bedside tables (cabinet type), ward chairs, and bedside folding screens. For the purpose of this Part 101–42, hospital equipment of a specialized nature is excluded.

**§ 101–42.101–4 Institutional furniture.**

The term "institutional furniture" includes items such as, but not limited to, chairs, sofas, tables, common to institutions, domiciliaries, dormitories, mess halls, and classrooms, whether made of wood, metal, or other material either plain or upholstered.

**§ 101–42.102 GSA services available.**

(a) GSA maintains in each regional office property rehabilitation organizational elements which assist Government agencies in furthering the maximum utilization of office furniture and machines, household and quarters furniture, and hospital and institutional type furniture. This service is performed by agreements with Federal repair facilities, and contracting with commercial concerns for the rehabilitation of Government-owned personal property. In addition, regional offices perform and control ordering processing, including contracting services of agency orders for rehabilitation services, and assist agencies in processing requests for the repair or rehabilitation of office furniture and machines, household and quarters furniture, and hospital and institutional type furniture.

(b) GSA will be responsible for making appropriate audits of contractors' representations for services rendered under GSA administered contracts of the "time and material" or "cost" types.

**§ 101–42.103 Care and preventive maintenance of office machines.**

Executive agencies shall take appropriate steps to assure adequate care and preventive maintenance of office machines, with the performance of mechanical repairs restricted to personnel who have had adequate training for the task to be performed.

### Subpart 101–42.2—Maintenance and Rehabilitation

**§ 101–42.201 Rehabilitation facilities.**

Where rehabilitation requirements exceed the capabilities of an activity or installation, the facilities and services of GSA including Federal facilities and those under contract shall be used as the primary source unless delivery requirements cannot be met.

**§ 101–42.202 Requisitioning procedures.**

Orders for rehabilitation services shall be submitted to the GSA regional office which normally serves the procuring activity or installation unless otherwise specified in applicable contracts.

**§ 101–42.203 Additional facilities.**

(a) No additional Government-owned or -operated facilities shall be established unless the agency head, or his designee, determines it is clearly impossible to obtain the required services at a reasonable cost from other Government or commercial facilities.

(b) Prior information as to proposed additional facilities to be established, including the type of shop to be operated and its estimated capacity, or the discontinuance of existing facilities, including the type of operation and its capacity, shall be furnished, in duplicate, to the General Services Administration, Utilization and Disposal Service, Washington, D.C., 20405. Information as to proposed Department of Defense facilities will pertain only to reconditioning or depot maintenance facilities.

(c) These restrictions, however, do not preclude the Department of Defense from establishing and manning authorized Tables of Organization and Equipment type facilities to assure the availability of trained military maintenance personnel for dispatch to overseas areas.

**§ 101–42.204 Notifications.**

(a) Each executive agency shall furnish to the appropriate GSA regional office current information as to each presently established Government-owned repair shop operated by it in the repair or reconditioning of office machines or furniture within the regional area served by such office. Such information shall include the type of shop operation and its monthly capacity in terms of both (1) average ordinary repair, and (2) average complete reconditioning of office machines and furniture. Information as to Department of Defense facilities will pertain only to reconditioning or depot maintenance facilities.

(b) GSA regional offices will advise agencies upon request, as to existing repair or reconditioning facilities and term contracts therefor which are available within their respective areas.

*Effective date:* These regulations shall be effective December 15, 1964.

Dated: November 6, 1964.

BERNARD L. BOUTIN,
*Administrator of General Services.*

[F.R. Doc. 64–11617; Filed, Nov. 19, 1964; 8:45 a.m.]

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PART I

# FEDERAL REGISTER

VOLUME 29 NUMBER 228

*Washington, Saturday, November 21, 1964*

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

OF MICHIGAN

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**Price: $1.50**

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402



**FEDERAL REGISTER**
Area Code 202 — Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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# Rules and Regulations

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 6271; Amdt. 400]

### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

#### Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| ELN VOR | EL LFR | Direct | 5500 | T–dn %<br>C–dn<br>A–dn** | 500–1<br>2200–1<br>NA | 500–1<br>2200–1<br>NA | 500–1<br>2200–1½<br>NA |

Procedure turn S side E crs, 050° Outbnd, 230° Inbnd, 5500′ within 10 miles. Not authorized beyond 10 miles. (Nonstandard for more favorable terrain.)
Minimum altitude over facility on final approach crs, 4500′.
Crs and distance, facility to airport, 280°—1.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 miles after passing EL LFR, turn left, climb on E crs EL LFR to 5500′ within 10 miles.
CAUTION: High terrain all quadrants; 4770′ hills 10 miles NE EL LFR.
**No weather service. Air carrier use not authorized.
%Takeoffs all runways: Climb on the W crs EL LFR within 5 miles to cross EL LFR at 4500′ northeastbound; 3000′ southbound; 3500′ westbound; 5000′ northbound. All turns S side of W crs EL LFR.
Takeoffs all runways: Climb on the ELN VOR R–267 within 5 miles to cross ELN VOR at 4500′ northeastbound on V–2; 5000′ northbound on V–25; 3000′ southbound on V–25; 3500′ westbound on V–2 and V–28. All turns S of R–267.
MSA within 25 miles of facility: NE–7200′; SE–5100′; SW–7400′; NW–8100′.

City, Ellensburg; State, Wash.; Airport Name, Ellensburg Municipal; Elev., 1766′; Fac. Class., SBMRAZ; Ident., EL; Procedure No. 1, Amdt. 10; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 9; Dated, 8 Apr. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Hibiscus Int<br>Bayview LF Int* | Bayview LF Int*<br>Hilo LFR (final) | Direct<br>Direct | 2000<br>600 | T–dn**<br>C–dn<br>A–dn | 300–1<br>600–1<br>800–2 | 300–1<br>600–1<br>800–2 | 200–½<br>600–1½<br>800–2 |

Procedure turn S side of E crs, 079° Outbnd, 259° Inbnd, 1500′ within 10 miles. Nonstandard due ATC requirements.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 228°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing LFR, execute right turn, climbing to 3000′ on N crs Hilo LFR within 20 miles.
CAUTION: Gradually rising terrain all westerly quadrants.
NOTE: Aircraft must have LFR and ADF equipment in operation to utilize Bayview LF Int.
*Bayview LF Int: Int E crs Hilo LFR and 009° bearing from Pahoa RBn.
**400–1 required Runway 26 with right turn after takeoff.

City, Hilo; State, Hawaii; Airport Name, General Lyman Field; Elev., 34′; Fac. Class., SBRAZ; Ident., IO; Procedure No. 1, Amdt. 14; Eff. Date, 21 Nov. 64; Sup. Amdt No. 13; Dated, 6 Apr. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Klamath Falls VOR | KL LFR | Direct | 7500 | T–dn%<br>C–d<br>C–n<br>A–dn | 400–1<br>1200–1<br>1200–2<br>1500–2 | 400–1<br>1200–1<br>1200–2<br>1500–2 | 400–1½<br>1200–1½<br>1200–2<br>1500–2 |

Procedure turn E side of S crs, 162° Outbnd, 342° Inbnd, 7500′ within 10 miles.
Minimum altitude over facility on final approach crs, 5700′.
Crs and distance, facility to airport, 345°—1.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing LFR, turn left, climb to 8000′ on W crs of Klamath Falls LFR in a standard 1-minute holding pattern, all turns S side of crs.
CAUTION: High terrain all quadrants.
MSA within 25 miles of facility: NE–8300′; SE–7600′; SW–8200′; NW–9300′.
%Takeoffs all runways: VHF navigational equipment required. Climb southeastbound on R–140 LMT VOR to cross LFA RBn/11-mile DME fix at or above 5700′, thence turn right heading 250° magnetic to intercept S crs KL LFR, thence turn right, climb direct KL LFR so as to cross KL LFR at or above 7000′.
Takeoffs all runways: Climb via SE crs LMT ILS localizer southeastbound to cross LFA RBn at or above 5700′, thence turn right heading 250° magnetic to intercept R–161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000′.
Takeoffs all runways: Climb direct to MT LMM, thence climb direct to LFA RBn to cross LFA RBn at or above 5700′, thence turn right, heading 250° magnetic to intercept S crs KL LFR/162° bearing from KL LFR, thence turn right, climb direct to KL LFR so as to cross KL LFR at or above 7000′.
Takeoffs all runways: Climb southeastbound on R–140 LMT–VOR to cross LFA RBn/11-miles DME fix at or above 5700′, thence turn right heading 250° magnetic to intercept R–161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000′.

City, Klamath Falls; State, Oreg.; Airport Name, Kingsley Field; Elev., 4092′; Fac. Class., SBRAZ; Ident., KL; Procedure No. 1, Amdt. 11; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 10; Dated, 15 Sept. 62

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T-dn %-------- | 300-1 | 300-1 | 200-½ |
| | | | | C-dn*-------- | 1900-1 | 1900-1 | 1900-1¼ |
| | | | | A-dn---------- | 1900-2 | 1900-2 | 1900-2 |
| | | | | *If Eagle Pt Int is positively identified the following minimum applies: | | | |
| | | | | C-dn---------- | 700-1 | 700-1 | 700-1¼ |

Procedure turn E side of crs, 332° Outbnd, 152° Inbnd, 5000′ within 12 miles.
Minimum altitude over Eagle Pt Int on final approch crs, 3900′; over ME LFR 2600′.
Crs and distance, facility to airport, 160°—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles after passing ME LFR, make immediate right turn, climb direct to ME LFR, thence continue climb to 5000′ on the N crs of ME LFR within 10 miles. All turns E side of N crs.
CAUTION: High terrain all quadrants.
Other change: Deletes transitions.
* If Eagle Pt Int is not positively identified, minimum over ME LFR is 3900′. VOR equipment required to execute this procedure to reduced minimums.
% All IFR departures must comply with published Medford SID's.
MSA within 25 miles of facility: NE–10,500′; SE–8600′; SW–8500′; NW–6300′.

City, Medford; State, Oreg.; Airport Name, Medford Municipal; Elev., 1330′; Fac. Class., SBRAZ; Ident., ME; Procedure No. 1, Amdt. 10; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 9; Dated, 2 May 64

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| ATL VOR---------- | LOM---------- | Direct---------- | 2200 | T-dn---------- | 300-1 | 300-1 | 200-½ |
| MDU VOR---------- | LOM (final)---------- | Direct---------- | 2200 | C-dn---------- | 400-1 | 500-1 | 500-1¼ |
| Tucker Int---------- | LOM---------- | Direct---------- | 3000 | S-dn-33-------- | 400-1 | 400-1 | 400-1 |
| Harrison Int---------- | LOM---------- | Direct---------- | 3000 | A-dn---------- | 800-2 | 800-2 | 800-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 149° Outbnd, 329° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 329°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing AZ LOM, make climbing right turn to 3000′ and proceed direct to REO VOR#.
CAUTION: 1185′ tank ¾ mile W of airport.
Other change: Deletes transition from Stone Mountain Int.
#Aircraft executing missed approach may, after being reidentified, be radar controlled.
MSA within 25 miles of the facility: 000°–090°—4000′; 090°–180°—2300′; 180°–270°—3300′; 270°–360°—3800′.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024′; Fac. Class., LOM; Ident., AZ; Procedure No. 2, Amdt. 6; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 5; Dated, 16 May 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Duluth VOR---------- | LOM---------- | Direct---------- | 3000 | T-dn---------- | 300-1 | 300-1 | 200-½ |
| | | | | C-d---------- | 400-1 | 500-1 | 500-1½ |
| | | | | C-n---------- | 400-1½ | 500-1½ | 500-1½ |
| | | | | S-dn-9-------- | 400-1 | 400-1 | 400-1 |
| | | | | A-dn---------- | 800-2 | 800-2 | 800-2 |

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn S side of crs, 268° Outbnd, 088° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2700′.
Crs and distance, facility to airport, 088°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing LOM, climb to 3000′ on 088° bearing from LOM within 15 miles.
CAUTION: 2049′ tower approximately 4.3 miles SE of Duluth International Airport.
NOTE: Aircraft on missed approach may be radar controlled after radar identification.
Other changes: Deletes transitions from Duluth RBn, Taft, Bartlett, Lakewood, and Palmers Ints.
MSA within 25 miles of facility: 000°–090°—2700′; 090°–180°—3100′; 180°–270°—2700′; 270°–360°—2800′.

City, Duluth; State, Minn.; Airport Name, Duluth International; Elev., 1429′; Fac. Class., H–SAB; Ident., DLH; Procedure No. 1, Amdt. 8; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 7; Dated, 27 June 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| FAR VOR---------- | LOM---------- | Direct---------- | 2300 | T-dn---------- | 300-1 | 300-1 | 200-½ |
| FAR RBn---------- | LOM---------- | Direct---------- | 2300 | C-dn---------- | 500-1 | 500-1 | 500-1½ |
| Rice Int---------- | Leslie Int---------- | Direct---------- | 2100 | S-dn-35-------- | 500-1 | 500-1 | 500-1 |
| FAR VOR---------- | Leslie Int---------- | Direct---------- | 2300 | A-dn---------- | 800-2 | 800-2 | 800-2 |
| Leslie Int---------- | LOM (final)---------- | Direct---------- | 2100 | | | | |

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2300′ within 10 miles.
Minimum altitude over LOM on finalapproach crs, 2100′.
Crs and distance, facility to airport, 351°—4.1 miles.
If visual contact not established upon descent to authorized landing minumums or if landing not accomplished within 4.1 miles after passing LOM, climb on crs 351° from LOM to 2500′ within 10 miles or, when directed by ATC, make left-climbing turn to intercept FAR VOR R-281, climb to 2800′ on R-281 within 20 miles of FAR VOR.
Other change: Deletes caution note.
MSA within 25 miles of facility: 000°–090°—2700′; 090°–180°—2400′; 180°–270°—2300′; 270°–360°—3200′.

City, Fargo; State, N. Dak.; Airport Name, Hector; Elev., 900′; Fac. Class., LOM; Ident., FA; Procedure No. 1, Amdt. 16; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 15; Dated, 3 Nov. 62



ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| FAR VOR---------- | FAR RBn---------- | Direct---------- | 2500 | T-dn---------- | 300-1 | 300-1 | 200-½ |
| FA LOM---------- | FAR RBn---------- | Direct---------- | 2500 | C-dn---------- | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-17-------- | 400-1 | 400-1 | 400-1 |
| | | | | A-dn---------- | 800-2 | 800-2 | 800-2 |

Procedure turn W side of crs, 351° Outbnd, 171° Inbnd, 2500′ within 10 miles of FAR RBn.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 171°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing FAR RBn, climb to 2300′ on 171° bearing from FAR RBn within 15 miles of FAR RBn.
MSA within 25 miles of the facility: 000°–090°—2200′; 090°–180°–2700′; 180°–360°—3200′.

City, Fargo; State, N. Dak.; Airport Name, Hector; Elev., 900′; Fac. Class., BA; Ident., FAR; Procedure No. 2, Amdt. Orig; Eff. Date, 21 Nov. 64 or upon commissioning of RBn

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Denmark Int---------- | MCR RBn---------- | Direct---------- | 2000 | T-dn---------- | 300-1 | 300-1 | 200-½ |
| Anderson Int---------- | MCR RBn (final)---------- | Direct---------- | 2000 | C-dn---------- | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-2---------- | 400-1 | 400-1 | 400-1 |
| | | | | A-dn---------- | 800-2 | 800-2 | 800-2 |

Procedure turn E side of crs, 197° Outbnd, 017° Inbnd, 2000′ within 10 miles.
Minimum altitude over MCR RBn on final approach crs, 2000′, over MKL RBn, 900′.
Crs and distance, MCR RBn to airport, 017°—6.3 miles; MKL RBn to airport, 017°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MCR RBn or within 0.9 mile after passing MKL RBn, turn left, climb to 2000′, return to MCR RBn.
CAUTION: 1. 1088′ tower 4.5 miles NE of airport. 2. Threshold lights displaced on N end of Runway 20.
MSA: 000°–090°—2100′; 090°–180°—1600′; 180°–270°—1700′; 270°–360°—1800′.

City, Jackson; State, Tenn.; Airport Name, McKellar Field; Elev., 432′; Fac Class., MHW; Ident, MCR; Procedure No. 1, Amdt. 3; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 2; Dated, 25 July 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| LMT VOR---------- | LFA RBn---------- | Direct---------- | 7500 | T-dn%--------- | 400-1 | 400-1 | 400-½ |
| Mt. Dome VHF Int---------- | LFA RBn---------- | Direct---------- | 7500 | C-dn*--------- | 1600-1 | 1600-1 | 1600-1½ |
| LMT VOR R-161 20-mile DME fix---------- | LFA RBn---------- | Direct---------- | 7500 | A-dn---------- | 1600-2 | 1600-2 | 1600-2 |
| LFA RBn---------- | MT LMM (final)---------- | Direct---------- | 5700 | *If aircraft equipped with operating dual ADF receivers and Fan Marker receiver, the following minimums apply: | | | |
| | | | | C-dn---------- | 800-1 | 800-1 | 800-1¼ |

Procedure turn not authorized. Final approach from holding pattern at LFA RBn. Final approach crs, 318° from LFA RBn.
Minimum altitude over OM on final approach crs, 5700′; over Stukel Int 5500′; over LMM 5000′.
Crs and distance, LFA RBn to airport, 318°—10.5 miles; OM to airport, 318°—5.8 miles; Stukel Int to airport, 318°—2.0 miles, MT LMM to airport, 318°—0.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing MT LMM, turn left, climb to 7600′ in a 1-minute, right-turn holding pattern on the W crs of KL LFR.
CAUTION: High terrain all quadrants.
MSA within 25 miles of facility: 000°–090°—8300′; 090°–180°—7600′; 180°–270°—8500′; 270°–360°—9300′. %Takeoffs all runways: Climb direct to MT LMM, thence climb direct to LFA RBn to cross LFA RBn at or above 5700′, thence turn right, heading 250° magnetic to intercept S crs KL LFR/162° bearing from KL LFR, thence turn right, climb direct to KL LFR so as to cross KL LFR at or above 7000′.
Takeoffs all runways: VHF navigational equipment required. Climb southeastbound on R-140 LMT VOR to cross LFA RBn/11-mile DME fix at or above 5700′, thence turn right, heading 250° magnetic to intercept S crs KL LFR, thence turn right, climb direct KL LFR so as to cross KL LFR at or above 7000′.
Takeoffs all runways: Climb via SE crs LMT ILS localizer southeastbound to cross LFA RBn at or above 5700′, thence turn right, heading 250° magnetic to intercept R-161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000′.
Takeoffs all runways: Climb southeastbound on R-140 LMT VOR to cross LFA RBn/11-mile DME fix at or above 5700′, thence turn right, heading 250° magnetic to intercept R-161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000′.

City, Klamath Falls; State, Oreg.; Airport Name, Kingsley Field; Elev., 4092′; Fac. Class., LMM; Ident., MT; Procedure No. 2, Amdt. 1; Eff. Date, 21 Nov. 64; Sup Amdt. No. Orig.; Dated, 6 June 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| PVU VOR---------- | Riverton FM---------- | Direct---------- | 9000 | T-dn#--------- | 300-1 | 300-1 | 200-½ |
| Riverton FM---------- | LOM---------- | Direct---------- | 6100 | C-dn---------- | 600-1 | 600-1 | 600-1¼ |
| | | | | S-dn-34 Land R. | 600-1 | 600-1 | 600-1 |
| | | | | A-dn---------- | 800-2 | 800-2 | 800-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized.
Minimum altitude over LOM on final approach crs, 6100′; over LMM, 4826′.
Crs and distance, LOM to Runway 34L, 338°—5.5 miles; LMM to Runway 34L, 338°—0.6 mile.
Crs and distance, LOM to Runway 34R, 343°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, turn left, climb to 9000′ on R-248 SLC VOR within 20 miles or, when directed by ATC, climb to 9000′ on R-329 within 12 miles.
#Takeoff not authorized Runway 7.
MSA within 25 miles of facility: 060°–150°—12,500′; 150°–240°—11,600′; 240°–330°—7700′; 330°–060°—10,800′.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City Municipal No. 1; Elev., 4226′; Fac. Class., LOM; Ident., SL; Procedure No. 1, Amdt. 1; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 1, Orig.; Dated, 3 Oct. 64

PROCEDURE CANCELLED EFFECTIVE NOV. 21, 1964.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City Municipal No. 1; Elev., 4226′; Fac. Class., LOM; Ident., SL; Procedure No. 2, Amdt. Orig.; Eff. Date, 20 Mar. 63

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 500–1 | 500–1 | 500–1½ |
| | | | | S–dn–01 | 400–1 | 400–1 | 400–1 |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |

Procedure turn E side of crs, 185° Outbnd, 005° Inbnd, 1300′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 005°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing DLG VOR, climb straight ahead to 2000′ on R–005 within 15 miles.
NOTE: No control zone, no local communications. Airport advisory service not available. HF communications available through King Salmon FSS. Air carrier sliding scale not authorized. VHF communication with King Salmon FSS and Anchorage Center above 1800′. Aircraft not HF communications equipped, not authorized this approach.

City, Dillingham; State, Alaska; Airport Name, Dillingham Municipal; Elev., 83′; Fac. Class., H–VOR; Ident., DLG; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 Nov. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn% | 500–1 | 500–1 | 500–1 |
| | | | | C–dn | 1000–1 | 1000–1 | 1000–1½ |
| | | | | A–dn* | NA | NA | NA |

Procedure turn N side of crs, 110° Outbnd, 290° Inbnd, 5000′ within 10 miles. Beyond 10 miles not authorized. Restricted area 11.5 miles SE of ELN–VOR.
Minimum altitude over facility on final approach crs, 3500′.
Crs and distance, facility to airport, 260°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing ELN VOR, make climbing left turn to 5000′ on R–110 ELN–VOR within 10 miles.
CAUTION: High terrain all quadrants.
*No weather service. Air carrier use not authorized.
Other changes: Deletes transition from EL LFR.
%Takeoffs all runways: Climb on the ELN VOR R–267 within 5 miles to cross ELN VOR at 4500′ northeastbound on V–2; 5000′ northbound on V–25; 3000′ southbound on V–25; 3500′ westbound on V–2 and V–28. All turns S of R–267.
Takeoffs all runways: Climb on the W crs EL LFR within 5 miles to cross EL LFR at 4500′ northeastbound; 3000′ southbound; 3500′ westbound; 5000′ northbound. All turns S side of W crs EL LFR.
MSA within 25 miles of facility: 000°–090°—7000′; 090°–180°—5100′; 180°–270°—7400′; 270°–360°—8100′.

City, Ellensburg; State, Wash.; Airport Name, Ellensburg Municipal; Elev., 1766′; Fac. Class., L–BVORTAC; Ident., ELN; Procedure No. 1, Amdt. 2; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 1; Dated, 8 Apr. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn% | 300–1 | 300–1 | 300–1 |
| | | | | C–dn | 600–1 | 600–1 | 600–1½ |
| | | | | A–dn* | 800–2 | 800–2 | 800–2 |

Shuttle descent to 6000′ on R–055 LWS VOR.
Procedure turn N side of crs, 055° Outbnd, 235° Inbnd, 4800′ within 10 miles.
Minimum altitude over facility on final approach crs, 4000′.
Crs and distance, facility to airport, 246°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LWS VOR, climb to 4800′ on R–246 within 15 miles of LWS–VOR.
NOTE: Final approach from holding pattern at LWS VOR not authorized, procedure turn required.
Other change: Deletes transition from Spencer Int.
*Alternate minimums not authorized when weather service not available. U.S. Weather Bureau service available 0400–2000 local time; approved weather service 2001 until 2230 local time.
%Takeoffs all runways; climb direct LWS VOR, thence climb on LWS VOR R–234 within 10 miles to cross the VOR at or above 3000′ northbound on V253; 3000′ westbound on V23; 3500′ southbound on V253.
MSA within 25 miles of facility: 000°–090°—5200′; 090°–180°—6300′; 180°–270°—7100′; 270°–360°—6000′.

City, Lewiston; State, Idaho; Airport Name, Lewiston–Nez Perce County; Elev., 1438′; Fac. Class., L–BVOR; Ident., LWS; Procedure No. 1, Amdt. 2; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 1; Dated, 30 Nov. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| MFR VOR | Evans Creek FM | Direct | 6500 | T–dn% | 300–1 | 300–1 | 200–½ |
| Evans Creek FM—V23 | MFR VOR (final) | Direct | 3000 | C–d* | 1000–1 | 1000–1 | 1000–1½ |
| Evans Creek FM—V23W | MFR VOR (final) | Direct | 3900 | C–n* | 1000–2 | 1000–2 | 1000–2 |
| | | | | A–dn | 1000–2 | 1000–2 | 1000–2 |
| | | | | *If Table Int is positively identified, the following minimums apply: | | | |
| | | | | C–dn | 700–1 | 700–1 | 700–1½ |

Procedure turn E side of crs, 332° Outbnd, 152° Inbnd, 6500′ within 10 miles of Evans Creek FM.
Minimum altitude over Evans Creek FM on final approach crs, 6000′; over MFR VOR 3900′; over Table Int 2900′.
Crs and distance, MFR VOR to airport, 145°—6.3 miles, Table Int to airport, 145°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MFR VOR or 4.5 miles after passing Table Int, make immediate right turn, climb direct to MFR VOR, thence continue climb to 6500′ in a 1-minute right turn holding pattern S of MFR VOR on R–156.
NOTE: When authorized by ATC, DME may be used between R–215 MFR VOR clockwise to R–347 MFR VOR within 15 miles at 6500′ to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: High terrain in all quadrants.
*ADF equipment required to execute this procedure to the reduced minimums.
%All IFR departures must comply with published Medford SID's.
MSA within 25 miles of facility: 000°–090°—9900′; 090°–180°—8600′; 180°–270°—7400′; 270°–360°—6300′.

City, Medford; State, Oreg.; Airport Name, Medford Municipal; Elev., 1330′; Fac. Class., H–BVORTAC; Ident., MFR; Procedure No. 1, Amdt. 6; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 5; Dated, 2 May 64



VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| | | | | T–dn | 300–1 | NA | NA |
| | | | | C–d | 700–1 | NA | NA |
| | | | | C–n | 700–2 | NA | NA |
| | | | | A–dn | NA | NA | NA |

Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 3600′ within 10 miles.
Minimum altitude over facility on final approach crs, 3300′.
Crs and distance, facility to airport, 089°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles after passing PHP–VOR, make left-climbing turn to PHP VOR, then continue climb to 3600′ on R–269 within 10 miles of VOR.
NOTE: Airport suitable for aircraft with stall speed of 65 K or less only.
MSA within 25 miles of facility: 000°–090°—3600′; 090°–180°—3800′; 180°–360°—4000′.

City, Philip; State, S. Dak.; Airport Name, Philip; Elev., 2210′; Fac. Class., L–BVOR; Ident., PHP; Procedure No. 1, Amdt. 5; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 4; Dated, 25 May 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–d | 300–1 | 300–1 | NA |
| | | | | C–d | 600–1 | 600–1 | NA |
| | | | | A–d | NA | NA | NA |

Procedure turn N side of crs, 112° Outbnd, 292° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 292°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing MIV VOR, climb to 1000′ on R–292, then make right turn and return to MIV VOR at 1800′. Hold SW on R–244; 1-minute right turns, 064°, Inbnd.
MSA within 25 miles of facility: 000°–090°—1400′; 090°–180°—1400′; 180°–270°—1600′; 270°–360°—2100′.

City, Vineland; State, N.J.; Airport Name, Rudy's; Elev., 80′; Fac. Class., M–BVOR; Ident., MIV; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 Nov. 64

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| GVN RBn | ANN VOR | 120°—9.4 miles | 4000 | T–dn* | 300–1 | 300–1 | 200–½ |
| AT LFR | ANN VOR | Direct | 4000 | C–dn* | 600–1 | 600–1 | 600–1½ |
| | | | | S–dn–30 | 600–1 | 600–1 | 600–1 |
| | | | | A–dn* | 800–2 | 800–2 | 800–2 |

Procedure turn W side of crs, 137° Outbnd, 317° Inbnd, 2700′ within 10 miles. Nonstandard due to terrain.
Proceed Outbnd 3 miles from VOR on R–137 not below 3900′ before starting descent to procedure turn altitude.
Minimum altitude over facility on final approach crs, 700′ (on airport).
Crs and distance, breakoff point to end of Runway 30, 124°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of ANN VOR, turn left, climb to 4200′ on R–137 within 15 miles.
CAUTION: Terrain 1000′ within 1.9 miles N through E, 2892′ 2.9 miles E, 3591′ 5.1 miles ENE of airport.
NOTE: All maneuvering for circling to be conducted W of airport.
*Runway 2–20: Night operation not authorized. Runway 2: T–d restricted to 600–1 due to high terrain N through E 1000′ within 2 miles. Make immediate left turn after takeoff.

City, Annette; State, Alaska; Airport Name, Annette FAA; Elev., 119′; Fac. Class., H–BVOR; Ident., ANN; Procedure No. TerVOR–30, Amdt. Orig.; Eff. Date, 21 Nov. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T–dn | 300–1 | 300–1 | 200–½ |
| | | | | C–dn | 700–1 | 700–1 | 700–1½ |
| | | | | A–dn | 800–2 | 800–2 | 800–2 |
| | | | | When Terry fan marker received minimum becomes: | | | |
| | | | | C–dn | 600–1 | 600–1 | 600–1½ |

Radar transitions and vectoring authorized in accordance with approved patterns.
No procedure turn. Radar control will not descend aircraft below 3000′ until passing Margaret Int*.
Minimum altitude over facility on final approach crs, 1500′ (1400′ when Terry fan marker received).
Crs and distance, Margaret Int* to VOR 096°—6.0 miles; breakoff point to Runway 078°—0.4 mile.
Crs and distance, Terry fan marker to airport, 096°—1.5 miles; to VOR, 2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing FTY VOR, make left turn, climb to 3000′ and return to Margaret Int* via FTY R–275 or follow radar vector after being reidentified.
NOTES: (1) ATL Approach Control Radar must be in operation for vector to final approach crs. (2) Night air carrier operations not authorized.
CAUTION: Water tank 1218′ 1.8 miles WNW of airport. Tower 1375′ 2.7 miles NW of airport.
Other change: Deletes straight-in minimums.
*Margaret Int: Int FTY R–275 and ATL R–334 or 166° bearing from L8M RBn.
MSA within 25 miles of facility: 000°–180°—4000′; 180°–270°—3700′; 270°–360°—3800′.

City, Atlanta; State, Ga.; Airport Name, Fulton County; Elev., 834′; Fac. Class., L–BVOR; Ident., FTY; Procedure No. TerVOR (R–275), Amdt. 6; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 5; Dated, 14 Mar. 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| | | | | T-dn%---------- | 400-1 | 400-1 | 400-1½ |
| | | | | C-dn---------- | 1500-1 | 1500-1 | 1500-1½ |
| | | | | A-dn---------- | 1500-2 | 1500-2 | 1500-2 |
| | | | | If aircraft equipped to receive VOR and ADF simultaneously or equipped with DME, and Canal Int identified the following minimum applies: | | | |
| | | | | C-dn---------- | 800-1 | 800-1 | 800-1½ |

Procedure turn E side of crs, 150° Outbnd, 330° Inbnd, 7500′ within 14 miles.
Minimum altitude over Canal Int on final approach crs, 5000′; over LMT-VOR, 4900′.
Facility on airport, crs and distance, Canal Int to VOR, 330°—2.5 miles; breakoff point to runway, 318°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of LMT VOR, turn left, climb to 7500′ on R-255 in a 1-minute left turn holding pattern, all turns N side of crs.
CAUTION: High terrain all quadrants.
MSA within 25 miles of facility: 000°-090°—8300′; 090°-180°—7600′; 180°-270°—8500′; 270°-360°—9300′.
%Takeoffs all runways: Climb southeastbound on R-140 LMT VOR to cross LFA RBn/11-mile DME fix at or above 5700′, thence turn right, heading 250° magnetic to intercept R-161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000′.
Takeoffs all runways: VHF navigational equipment required—climb southeastbound on R-140 LMT VOR to cross LFA RBn/11-mile DME fix at or above 5700′, thence turn right, heading 250° magnetic to intercept 8 crs KL LFR, thence turn right, climb direct KL LFR so as to cross KL LFR at or above 7000′.
Takeoffs all runways: Climb direct to MT LMM, thence climb direct to LFA RBn to cross LFA RBn at or above 5700′, thence turn right, heading 250° magnetic to intercept 8 crs KL LFR/162° bearing from KL LFR, thence turn right, climb direct to KL LFR so as to cross KL LFR or above 7000′.
Takeoffs all runways: Climb via SE crs LMT ILS localizer southeastbound to cross LFA RBn at or above 5700′, thence turn right, heading 250° magnetic to intercept R-161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000′.

City, Klamath Falls; State, Oreg.; Airport Name, Kingsley Field; Elev., 4092′; Fac. Class., L-BVORTAC; Ident., LMT; Procedure No. TerVOR-32, Amdt. 2; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 1; Dated, 6 June 64

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR–DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| 12-mile DME fix R-244 (Draper Int)---- | 12-mile DME fix R-211---- | Via 12-mile DME counterclockwise arc. | 5000 | T-dn---------- | *500-1 | *500-1 | *500-1 |
| | | | | C-dn---------- | 600-1 | 600-1 | 600-1½ |
| | | | | A-dn---------- | NA | NA | NA |
| Sawmill Int---- | 18-mile DME fix R-211---- | Via 18-mile DME clockwise arc. | 5000 | | | | |

When authorized by ATC, DME may be used from R-244 counterclockwise to R-211 at 12 miles and from R-188 clockwise to R-211 at 18 miles to position aircraft on final approach R-211 with elimination of procedure turn.
Procedure turn E side of crs, 211° Outbnd, 031° Inbnd, 5000′ between 2.5 miles and 12.5 miles.
Minimum altitude over 2.5-mile DME fix R-211, 3900′. Descent to authorized minimums after passing 2.5-mile DME fix R-211.
Crs and distance, facility to airport, 031°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing PSK VOR, make right-climbing turn to 5000′ on R-080 within 20 miles. Reverse crs to PSK VOR, hold SW on PSK VOR R-211, 031° Inbnd, 1-minute right turns.
*CAUTION: Mountainous terrain 1500′ higher than airport elevation S, W, and N at 5 to 8 miles. Higher terrain at greater distances.
MSA within 25 miles of facility: 000°-090°—5400′; 090°-180°—4600′; 180°-270°—5000′; 270°-360°—5100′.

City, Dublin; State, Va.; Airport Name, New River Valley; Elev., 2105′; Fac. Class., BVORTAC; Ident., PSK; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 Nov. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| MFD VOR---- | 9-mile DME fix R-133---- | Direct---- | 2500 | T-dn---------- | 300-1 | 300-1 | 200-½ |
| | | | | C-dn---------- | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-32‡---- | 400-1 | 400-1 | 400-1 |
| | | | | A-dn---------- | 800-2 | 800-2 | 800-2 |

Procedure turn N side of crs, 133° Outbnd, 313° Inbnd, 2500′ within 10 miles of 9-mile DME fix R-133.
Minimum altitude over 9-mile DME fix R-133 on final approach crs, 2500′.
Crs and distance, 9-mile DME fix R-133 to airport, 313°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing 9-mi DME fix, climb on 313° crs to 2500′, turn right and return to 9-mile DME fix R-133, hold SE, right turns, 1 minute, 313° Inbnd.
NOTES: When authorized by ATO, DME may be used between R-036 clockwise to R-133 at 3000′ between 12 and 15 miles to position aircraft for final approach to the 9-mile DME fix with elimination of procedure turn.
*400-½ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
‡400-½ authorized, except for turbojet aircraft, with operative ALS and high-intensity runway lights.
MSA within 25 miles of facility: 000°-090°—2300′; 090°-270°—2700′; 270°-360°—2200′.

City, Mansfield; State, Ohio; Airport Name, Mansfield Municipal; Elev., 1297′; Fac. Class., BVORTAC; Ident., MFD; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. Date, 21 Nov. 64; Sup. Amdt. No. Orig.; Dated, 24 Oct. 64



VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| 15-mile DME fix R-332---- | 7.8-mile DME fix R-332---- | Direct---- | 6000 | T-dn%---------- | 300-1 | 300-1 | 200-½ |
| 7.8-mile DME fix R-332---- | 3.5-mile DME fix R-332---- | Direct---- | 3900 | C-dn---------- | 700-1 | 700-1 | 700-1½ |
| 3.5-mile DME fix R-332---- | 0-mile DME fix R-332---- | Direct---- | 3300 | S-dn-14---------- | 500-1 | 500-1 | 500-1 |
| 15-mile DME fix R-315---- | 8.7-mile DME fix R-315---- | Direct---- | 6000 | A-dn---------- | 1000-2 | 1000-2 | 1000-2 |
| 8.7-mile DME fix R-315---- | 3.5-mile DME fix R-315---- | Direct---- | 3900 | | | | |
| 3.5-mile DME fix R-315---- | 0-mile DME fix R-315---- | Direct---- | 3300 | | | | |
| 10-mile DME fix R-137---- | MFR VOR---- | Direct---- | 6000 | | | | |
| 10-mile DME fix R-156---- | MFR VOR---- | Direct---- | 6000 | | | | |

Procedure turn E side of crs, 332° Outbnd, 152° Inbnd, 5700′ within 12 miles.
Minimum altitude over 3.5-mile DME fix R-332 on final approach crs, 3900′; over MFR VOR, 3300′; over 2.5-mile DME fix R-145, 2500′.
Crs and distance, facility to airport, 145°—6.3-miles; 2.5-mile DME fix R-145 to airport, 145°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MFR VOR or at the 6.3-mile DME fix R-145, make immediate right turn, climb direct to MFR VOR, thence continue climb to 6000′ in a 1-minute right turn, holding pattern S of MFR VOR on R-156.
CAUTION: High terrain all quadrants.
NOTE: When authorized by ATC, DME may be used between R-215 MFR VOR clockwise to R-347 MFR VOR within 15 miles at 6500′ to position aircraft for straight-in approach with elimination of procedure turn.
%All IFR departures must comply with published Medford SID's.
MSA within 25 miles of facility: 000°-090°—9900′; 090°-180°—8600′; 180°-270°—7400′; 270°-360°—6300′.

City, Medford; State, Oreg.; Airport Name, Medford Municipal; Elev., 1330′; Fac. Class., H-BVORTAC; Ident., MFR; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. Date, 21 Nov. 64; Sup. Amdt. No. Orig; Dated, 9 May 64

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Albuquerque VOR---- | LOM---- | Direct---- | 8000 | T-dn---------- | 300-1 | 300-1 | 200-½ |
| Aden Int---- | LOM---- | Direct---- | 8000 | C-dn---------- | 400-1 | 500-1 | 500-1½ |
| Coyote Int---- | LOM---- | Direct---- | 10,000 | S-dn-35---------- | 200-½ | 200-½ | 200-½ |
| Sandoval Int---- | LOM---- | Direct---- | 7000 | A-dn---------- | 600-2 | 600-2 | 600-2 |
| Dalies Int---- | LOM---- | Direct---- | 7000 | | | | |
| Bean Int---- | LOM---- | Direct---- | 10,500 | | | | |
| Valencia Int---- | S crs ILS---- | 061°—5.8 miles---- | 7000 | | | | |

Radar transitions and vectoring using Albuquerque radar authorized in accordance with approved radar patterns.
Procedure turn W side S crs, 170° Outbnd, 350° Inbnd, 7000′ within 10 miles.
Minimum altitude at glide slope Int Inbnd, 7000′.
Altitude of glide slope and distance to approach end of runway at OM, 6400—3.7 miles at MM 5530′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a left-climbing turn, climb to 8000′ direct to ABQ VOR.
CAUTION: Terrain exceeding 8000′ E of ILS localizer—all turns to be made W of localizer crs.
Other change: Deletes transitions from ABQ RBn and Becaville VOR.

City, Albuquerque; State, N. Mex.; Airport Name, Albuquerque Sunport/Kirtland AFB; Elev., 5352′; Fac. Class., ILS; Ident., I-ABQ; Procedure No. ILS-35, Amdt. 26; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 25; Dated, 13 July 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| FOT VOR via R-036---- | SE crs ILS (final)---- | Direct---- | 3500 | T-dn---------- | 300-1 | 300-1 | 200-½ |
| Int FOT R-036 and SE crs ILS---- | OM (final)---- | Direct---- | ‡1800 | C-dn**---------- | 500-1 | 500-1 | 500-2 |
| Trinidad Int---- | LMM---- | Direct---- | 4200 | S-dn-31---------- | 200-½ | 200-½ | 200-½ |
| LMM---- | OM via Lczr crs---- | Direct---- | 4200 | A-dn---------- | 800-2 | 800-2 | 800-2 |
| Yager INT---- | OM (final)---- | Direct---- | %5000 | | | | |

Procedure turn S side crs, 134° Outbnd, 314° Inbnd, 4200′ within 10 miles of OM. Beyond 10 miles not authorized.
Procedure turn nonstandard, high terrain N.
Minimum altitude at glide slope interception Inbnd, 4200′*.
Altitude of glide slope and distance to approach end of runway at OM, 1800′—4.7 miles; at MM, 460′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a left-climbing turn, climb to 2000′ on crs of 295° from the LMM to Trinidad Int.
NOTE: Procedure not authorized with any component of the ILS or airborne receiver inoperative except the approach lights. 300-¾ required if approach lights are inoperative.
*Glide slope will be intercepted 7 miles from OM (Int FOT R-037).
‡Descent on glide slope is required.
%After intercepting glide slope descent on glide slope authorized. Glide slope will be intercepted when crossing FOT R-057.
**CAUTION: All maneuvering W of airport. High terrain E.

City, Arcata-Eureka; State, Calif.; Airport Name, Arcata; Elev., 217′; Fac. Class., ILS; Ident., I-ACV; Procedure No. ILS-31, Amdt. 10; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 9; Dated, 6 June 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| ATL VOR | LOM | Direct | 2200 | T-dn | 300-1 | 300-1 | 200-½ |
| MDU VOR | LOM (final) | Direct | 2200 | C-dn | 400-1 | 500-1 | 500-1½ |
| Tucker Int | LOM | Direct | 3000 | S-dn-33° | 200-½ | 200-½ | 200-½ |
| Harrison Int | LOM | Direct | 3000 | A-dn | 600-2 | 600-2 | 600-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side SE crs, 149° Outbnd, 329° Inbnd, 2200′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at OM, 2140—4.3 miles; at MM, 1185—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing right turn to 3000′ and proceed direct to REG VOR#.
CAUTION: 1185′ tank ¾ mile W of airport.
*400-¾ required when glide slope not utilized.
#Aircraft executing missed approach may, after being reidentified, be radar controlled.
Other change: Deletes transition from Stone Mountain Int.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024′; Fac. Class., ILS; Ident., I-AZA; Procedure No. ILS-33, Amdt. 6; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 5; Dated, 16 May 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Mentor Int | Stadium RBn | Direct | 3000 | T-dn | 300-1 | 300-1 | 200-½ |
| Cleveland RBn | Stadium RBn | Direct | 3000 | C-d | 700-1 | 700-1 | 700-1½ |
| Sharon Int | Stadium RBn | Via STG VOR R-183 and STG VOR R-036. | 3000 | C-n | 700-2 | 700-2 | 700-2 |
| | | | | S-d-23L | 700-1 | 700-1 | 700-1 |
| | | | | S-n-23L | 700-2 | 700-2 | 700-2 |
| Vermilion Int | Stadium RBn | Via CLE RBn | 3000 | A-dn | 800-2 | 800-2 | 800-2 |
| | | | | If 4-mile radar fix is received, the following minimums apply: | | | |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-23L* | 400-1 | 400-1 | 400-1 |

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn N side of NE crs, 054° Outbnd, 234° Inbnd, 3000′ within 10 miles of SUM RBn.
Minimum altitude over Stadium RBn on final approach crs, 3000′.
Crs and distance, Stadium RBn to airport, 224°—6.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles after passing Stadium RBn or 4.0 miles after passing 4-mile radar fix, make right-climbing turn to 3000′, proceed direct to Cleveland VOR, hold SW, 1-minute, right turns, 069° Inbnd.
NOTES: (1) No glide slope or markers. (2) Minimum altitude 1500′ after SUM RBn Inbnd until 4-mile radar fix is received. (3) Four-mile radar fix not provided by ATC unless weather is 700-2 or below.
CAUTION: TV towers 1971′ approximately 6 miles ESE of airport.
*400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Cleveland; State, Ohio; Airport Name, Cleveland Hopkins; Elev., 792′; Fac. Class., ILS; Ident., I-CLE; Procedure No. ILS-23L, Amdt. Orig; Eff. Date, 21 Nov. 64

PROCEDURE CANCELLED EFFECTIVE NOV. 21, 1964.

City, Duluth; State, Minn.; Airport Name, Duluth International; Elev., 1429′; Fac. Class., ILS; Ident., I-DLH; Procedure No. ILS-9, Amdt. 9; Eff. Date, 22 Aug. 64; Sup. Amdt. No. 8; Dated, 27 June 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Duluth VOR | LOM | Direct | 3100 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-d | 400-1 | 500-1 | 500-1½ |
| | | | | C-n | 400-1½ | 500-1½ | 500-1½ |
| | | | | S-dn-9° | 200-½ | 200-½ | 200-½ |
| | | | | A-dn | 600-2 | 600-2 | 600-2 |

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn S side of final approach crs, 268° Outbnd, 088° Inbnd, 3100′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 3100′.
Altitude of glide slope and distance to approach end of runway at OM, 3013′—5.6 miles at MM, 1616′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on E crs ILS within 15 miles.
NOTES: 1. Aircraft on missed approach may be radar controlled after radar identification. 2. When authorized by ATC, DLH DME may be used to position aircraft for straight-in approach at 3100′ between R-179 CW to R-337 via 12-mile DME arc with the elimination of procedure turn.
*400-¾ required when glide slope not utilized.

City, Duluth; State, Minn.; Airport Name, Duluth International; Elev., 1429′; Fac. Class., ILS; Ident., I-DLH; Procedure No. ILS-9, Amdt. Orig.; Eff. Date, 21 Nov. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| FAR VOR | FAR RBn | Direct | 2500 | T-dn | 300-1 | 300-1 | 200-½ |
| FA LOM | FAR RBn | Direct | 2500 | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-17 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

When authorized by ATC, FAR DME may be used to position aircraft for straight-in approach at 2500′ between R-340 clockwise to 005° via 21-mile DME arc with the elimination of procedure turn.
Procedure turn W side of crs, 351° Outbnd, 171° Inbnd, 2500′ within 10 miles of FAR RBn.
Minimum altitude over FAR RBn on final approach crs, 2200′.
Crs and distance, FAR RBn to airport 171°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing FAR RBn, climb to 2300′ on S crs of ILS within 15 miles of FAR RBn.

City, Fargo; State, N. Dak.; Airport Name, Hector; Elev., 900′; Fac. Class., ILS; Ident., I-FAR; Procedure No. ILS-17, Amdt. Orig; Eff. Date, 21 Nov. 64 or upon commissioning of RBn

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Fargo VOR | LOM | Direct | 2300 | T-dn | 300-1 | 300-1 | 200-½ |
| Fargo RBn | LOM | Direct | 2300 | C-dn | 500-1 | 500-1 | 500-1½ |
| Rice Int | Leslie Int | Direct | 2100 | S-dn-35° | 200-½ | 200-½ | 200-½ |
| FAR VOR | Leslie Int | Direct | 2300 | A-dn | 600-2 | 600-2 | 600-2 |
| Leslie Int | LOM (final) | Direct | 2100 | | | | |

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2300′ within 10 miles.
Minimum altitude at glide slope int Inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at OM, 2092—4.1 miles, at MM, 1105—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb on N crs Fargo ILS to 2500′ within 10 miles or, when directed by ATC, make left-climbing turn to intercept FAR VOR R-281, climb to 2800′ within 20 miles of FAR VOR.
*400-¾ required when glide slope inoperative.

City, Fargo; State, N. Dak.; Airport Name, Hector; Elev., 900′; Fac. Class., ILS; Ident., IFAR; Procedure No. ILS-35, Amdt. 16; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 15; Dated, 20 Oct. 62



ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| LMT VOR | LFA RBn | Direct | 7500 | T-dn% | 400-1 | 400-1 | 400-1½ |
| Mt. Dome VHF Int | LFA RBn | Direct | 7500 | C-dn | 800-1 | 800-1 | 800-1½ |
| LMT VOR R-161 20-mile DME fix | LFA RBn | Direct | 7500 | S-dn-32° | 400-¾ | 400-¾ | 400-¾ |
| | | | | A-dn | 1000-2 | 1000-2 | 1000-2 |

Procedure turn not authorized. Final approach from holding pattern at LFA RBn. Final approach crs, 318° from LFA RBn.
Minimum altitude at glide slope interception 7500′.
Altitude of glide slope and distance to approach end of runway at LFA RBn, 7500′—10.5 miles; at OM, 5970′—5.8 miles; at MM, 4350′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing MT LMM, climb to 7500′ direct to LMT VOR, thence turn left, continue climb in a 1-minute left turn, holding pattern on R-255 of LMT VOR.
CAUTION: High terrain all quadrants.
*All components of the ILS including LFA RBn and all related airborne equipment must be in satisfactory operating condition when executing this approach. The ALS is not considered a component of this ILS.
%Takeoffs all runways: Climb via SE crs LMT ILS localizer southeastbound to cross LFA RBn at or above 5700′; thence turn right heading 250° magnetic to intercept R-161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000′.
Takeoffs all runways: Climb southeastbound on R-140 LMT VOR to cross LFA RBn/11-mile DME fix at or above 5700′, thence turn right, heading 250° magnetic to intercept R-161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000′.
Takeoffs all runways: Climb direct to MT LMM, thence climb direct to LFA RBn to cross LFA RBn at or above 5700′, thence turn right, heading 250° magnetic to intercept S crs KL LFR/162° bearing from KL LFR, thence turn right, climb direct to KL LFR so as to cross KL LFR at or above 7000′.
Takeoffs all runways: VHF navigational equipment required. Climb southeastbound on R-140 LMT VOR to cross LFA RBn/11-mile DME fix at or above 5700′, thence turn right, heading 250° magnetic to intercept S crs KL LFR, thence turn right, climb direct KL LFR so as to cross KL LFR at or above 7000′.

City, Klamath Falls; State, Oreg.; Airport Name, Kingsley Field; Elev., 4092; Fac. Clas., ILS; Ident., I-LMT; Procedure No. 1LS-32, Amdt. 4; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 3; Dated, 6 June 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Medford LFR | MF LOM | Direct | 6500 | T-dn% | 300-1 | 300-1 | 200-½ |
| Medford VOR | MF LOM | Direct | 6500 | C-dn | 700-1 | 700-1 | 700-1½ |
| Gold Hill Int | MF LOM | Direct | 6500 | S-dn-14 | 200-½ | 200-½ | 200-½ |
| Klamath Junction Int | MF LOM | Direct | 8000 | A-dn | 1000-2 | 1000-2 | 1000-2 |
| Talent Int | MF LOM | Direct | 8000 | | | | |
| 15-mile DME fix and N crs MFR Loc | Evans Creek FM (final) | Direct | *6500 | | | | |

Procedure turn E side N crs, 319° Outbnd, 139° Inbnd, 6500′ within 10 miles of Evans Creek FM.
Minimum altitude at glide slope int Inbnd, 6000′.
Altitude of glide slope and distance to approach end of runway at Evans Creek, 6000′—14.6 miles; at OM, 2860′—4.7 miles; at MM, 1550′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make immediate climbing right turn, climbing direct to MF LOM, thence continue climb to 6500′ in a 1-minute right turn holding pattern S of MF LOM on the localizer crs.
NOTE: 1. Evans Creek FM and all components of the ILS and related airborne equipment must be fully operational and used when executing this approach. 2. When authorized by ATC, DME may be used between R-215 MFR VOR clockwise to R-347 MFR VOR within 15 miles at 6500′ to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: High terrain all quadrants.
*Descent on glide slope to cross Evans Creek FM at 6000′ is authorized.
%All IFR departures must comply with published Medford SID's.

City, Medford; State, Oreg.; Airport Name, Medford Municipal; Elev., 1330′; Fac. Class., ILS; Ident., I-MFR; Procedure No. ILS-14, Amdt. 6; Eff. Date, 21 Nov. 64; Sup. Amdt. No. 5; Dated, 22 Feb. 64.

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on October 16, 1964.

G. S. MOORE,
*Director, Flight Standards Service.*

[F.R. Doc. 64-10831; Filed, Nov. 20, 1964; 8:45 a.m.]

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 213—EXCEPTED SERVICE

### Housing and Home Finance Agency

Paragraph (a) of § 213.3344 is amended to show that the positions of three Assistant Commissioners in the Community Facilities Administration are excepted under Schedule Co. Effective upon publication in the FEDERAL REGISTER, subparagraphs (43), (44), and (45) are added to paragraph (a) of § 213.3344, as set out below.

§ 213.3344 Housing and Home Finance Agency.

(a) *Office of the Administrator.* * * *

(43) One Assistant Commissioner for Operations and Engineering, Community Facilities Administration.

(44) One Assistant Commissioner for Program Development, Community Facilities Administration.

(45) One Assistant Commissioner for Management Control, Community Facilities Administration.

* * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R 7521, 3 CFR, 1954—1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-11042; Filed, Nov. 20, 1964; 8:49 a.m.]

# Title 7—AGRICULTURE

## Chapter I—Agricultural Marketing Service (Standards, Inspection, Marketing Practices), Department of Agriculture

## PART 46—REGULATIONS (OTHER THAN RULES OF PRACTICE) UNDER PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

### License Fee

On October 1, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13535) regarding a proposed revision of regulations, other than rules of practice (7 CFR 46.1-46.44), effective under the Perishable Agricultural Commodities Act, 1930

(46 Stat. 531, et seq., as amended; 7 U.S.C. 499a et seq.).

After consideration of all written data, views, and comments received concerning the proposed revision, and pursuant to the authority contained in section 15, 46 Stat. 537, as amended; 7 U.S.C. 499o, the regulations, other than rules of practice (7 CFR Part 46) under the Perishable Agricultural Commodities Act, 1930, are hereby amended as follows:

Amend § 46.6 to read as follows:

§ 46.6 License fee.

The annual license fee is forty-two dollars ($42). The Director may require the fee be submitted in the form of a money order, bank draft, cashier's check, or certified check made payable to Agricultural Marketing Service. Authorized representatives of the Division may accept fees and issue receipts therefor.

This amendment shall became effective January 1, 1965.

Done at Washington, D.C., this 17th day of November 1964.

CLARENCE H. GIRARD,
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F.R. Doc. 64-11938; Filed, Nov. 20, 1964; 8:48 a.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Grapefruit Reg. 44]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

§ 905.435 Grapefruit Regulation 44.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 17, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., November 23, 1964, and ending at 12:01 a.m., e.s.t., December 7, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than 3 15/16 inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit;

(iii) Any seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1;

(iv) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least U.S. No. 1 Russet: *Provided,* That such grapefruit which grade U.S. No. 2 or U.S. No. 2 Bright, may be shipped if such grapefruit meet the requirements as to form (shape) and color specified in the U.S. No. 1 grade; or

(v) Any seedless grapefruit grown in the production area, which are smaller than 3 9/16 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 18, 1964.

F. L. SOUTHERLAND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-11933; Filed, Nov. 20, 1964; 8:47 a.m.]

[Orange Reg. 43]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

§ 905.436 Orange Regulation 43.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 17, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., November 23, 1964, and ending at 12:01 a.m., e.s.t., December 7, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in Regulation Area I, which do not grade at least U.S. No. 1;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II, which do not grade at least U.S. No. 1 Russet;

(iii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2 8/16 inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2 8/16 inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2 1/16 inches in diameter or smaller;

(iv) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(v) Any Temple oranges, grown in the production area, which are of a size smaller than 2 8/16 inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 18, 1964.

F. L. SOUTHERLAND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-11932; Filed, Nov. 20, 1964; 8:47 a.m.]

[Tangerine Reg. 22]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

§ 905.437 Tangerine Regulation 22.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 17, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., November 23, 1964, and ending at 12:01 a.m., e.s.t., November 30, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than 2 6/16 inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Tangerines.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 18, 1964.

F. L. SOUTHERLAND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-11930; Filed, Nov. 20, 1964; 8:47 a.m.]

[Tangelo Reg. 23]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

§ 905.438 Tangelo Regulation 23.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure,

and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 17, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., November 23, 1964, and ending at 12:01 a.m., e.s.t., December 7, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2$^{2}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 18, 1964.

F. L. SOUTHERLAND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11931; Filed, Nov. 20, 1964; 8:47 a.m.]

[Navel Orange Reg. 60]

## PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

**§ 907.360 Navel Orange Regulation 60.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 19, 1964.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., November 22, 1964, and ending at 12:01 a.m., P.s.t., November 29, 1964, are hereby fixed as follows:

(i) District 1: 889,458 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 20, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–12038; Filed, Nov. 20, 1964; 11:27 a.m.]

[Lemon Reg. 139]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

**§ 910.439 Lemon Regulation 139.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 17, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 22, 1964, and ending at 12:01 a.m., P.s.t., November 29, 1964, are hereby fixed as follows:

(i) District 1: 27,900 cartons;

(ii) District 2: 79,050 cartons;

(iii) District 3: 111,600 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 19, 1964.

F. L. SOUTHERLAND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11982; Filed, Nov. 20, 1964; 8:50 a.m.]



## PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

### Increased Rate of Assessment for 1964–65 Fiscal Period

Notice was published in the November 5, 1964 issue of the FEDERAL REGISTER (29 F.R. 14990) that consideration was being given to a proposal regarding an increase in the rate of assessment for the Marketing Agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

a. After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee (established pursuant to said Marketing Agreement and Order): *It is hereby ordered,* That the provisions pertaining to the rate of assessment in paragraph (b) of § 925.204 *Expenses and rate of assessment for the 1964–65 fiscal period* (29 F.R. 12452) be, and hereby are, amended to read as follows:

**§ 925.204 Expenses and rate of assessment for the 1964–65 fiscal period.**

* * * * *

(b) Rate of Assessment. The rate of assessment, which each handler who first handles fresh prunes shall pay as his pro rata share of the aforementioned expenses in accordance with the applicable provisions of said marketing agreement and order, is hereby fixed at eight-tenths cent ($0.008) per one-half bushel or equivalent quantity of fresh prunes so handled by such handler during such fiscal period.

* * * * *

(b). It is hereby found and determined that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the rate of assessment in accordance with the provisions of the marketing agreement and order is applicable to all assessable fresh prunes handled during the aforesaid fiscal period; (2) such handling has now been completed, and the volume of fresh prunes handled was substantially less than that upon which the rate of assessment was initially based, and the application of such rate to the volume handled resulted in income insufficient to defray the Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee's previously approved expenses which were determined to be reasonable and necessary to be incurred during such fiscal period; and (3) it is essential that the specification of the assessment rate herein provided be issued immediately so as to enable the committee to perform its duties and functions in accordance with the said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 18, 1964.

F. L. SOUTHERLAND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11934; Filed, Nov. 20, 1964; 8:48 a.m.]

## PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

### Subpart—Administrative Rules and Regulations

METHODS FOR PROPOSING NAMES OF ADDITIONAL CANDIDATES TO BE INCLUDED ON GROWER'S NOMINATION BALLOT

Notice was published in the FEDERAL REGISTER on October 31, 1964 (29 F.R. 14855), that there was under consideration a proposal to amend § 984.437 (29 F.R. 175) of Subpart—Administrative Rules and Regulations currently in effect under amended Marketing Agreement No. 105 and Order No. 984 (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal, which was based on the recommendation of the Walnut Control Board and other available information, set forth an amendment of § 984.437 containing a petition method for proposing names of additional candidates to be included on the Oregon-Washington grower's nomination ballot.

The notice afforded interested persons opportunity to file written data, views, or arguments pertaining to the proposal. The prescribed time has elapsed and no such communication has been received.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that amendment, as hereinafter set forth, of § 984.437 of the aforesaid administrative rules and regulations will tend to effectuate the declared policy of the act.

Therefore, § 984.437 of Subpart—Administrative Rules and Regulations is amended in the following respects:

The section heading is changed to read "Methods for proposing names of additional candidates to be included on the grower's nomination ballot"; immediately before the existing text of § 984.437, "(a) *California.*" is added; and a new paragraph (b) is added. The amended and added portions of § 984.437 read as follows:

**§ 984.437 Methods for proposing names of additional candidates to be included on the grower's nomination ballot.**

(a) *California.* * * *

(b) *Oregon-Washington.* Any ten or more growers, whose orchards are located in Oregon or Washington, and who marketed an aggregate of 50 or more tons of walnuts in the preceding marketing year, may petition the Board not later than March 15 of any nomination year (on a form provided by the Board) to include on the ballot the names of a proposed candidate eligible to serve as a member and one as alternate member on the Board to represent the group specified in § 984.35(a)(8). The names proposed by such growers shall be included on the ballot.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated November 18, 1964, to become effective thirty days after publication in the FEDERAL REGISTER.

F. L. SOUTHERLAND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64–11935; Filed, Nov. 20, 1964; 8:48 a.m.]

## Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

## PART 1071—MILK IN NEOSHO VALLEY MARKETING AREA

## PART 1073—MILK IN WICHITA, KANS. MARKETING AREA

## PART 1074—MILK IN SOUTHWEST KANSAS MARKETING AREA

### Order Amending Orders

*Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings and determinations are hereby made with respect to each of the aforesaid orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above designated marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective upon the date of its publication in the FEDERAL REGISTER. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued November 16, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon its publication in the FEDERAL REGISTER, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the respective designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended and as hereby further amended, as follows:

1. In § 1071.51(a), the language which precedes the first proviso in the introductory text is revised to read as follows:

**§ 1071.51 Class prices.**

* * * * *

(a) *Class I milk.* The price per hundredweight for Class I milk shall be the basic formula price for the preceding delivery period plus $1.00 during the delivery periods of April through June and $1.45 during the delivery periods of July through March, and plus 10 cents for the period from the effective date of this amended order through February 28, 1965:

* * * * *

2. In § 1073.51(a), the language which precedes the proviso in the introductory text is revised to read as follows:

**§ 1073.51 Class prices.**

* * * * *

(a) *Class I milk.* The price per hundredweight shall be the basic formula price for the preceding month plus $1.57 during all months of the year, plus 10 cents for the period from the effective date of this amended order through February 28, 1965, and plus or minus a supply-demand adjustment computed as follows:

* * * * *

3. In § 1074.51(a), the introductory text is revised to read as follows:

**§ 1074.51 Class prices.**

* * * * *

(a) *Class I milk.* The price per hundredweight shall be the basic formula price for the preceding month plus $1.65 during all months of the year, plus 10 cents for the period from the effective date of this amended order through February 28, 1965, and plus or minus a supply-demand adjustment computed as follows:

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 18, 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64–11937; Filed, Nov. 20, 1964; 8:48 a.m.]

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[Milk Order 132]

## PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

### Order Amending Order

**§ 1132.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto: and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and



(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective on the date of its publication in the FEDERAL REGISTER. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued November 16, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective on the date of its publication in the FEDERAL REGISTER and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling. It is therefore ordered,* that on and after the effective date hereof, the handling of milk in the Texas Panhandle marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1132.51, paragraph (a) is revised to read as follows:

**§ 1132.51 Class prices.**

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.15 during the months of July through February and plus $1.85 during all other months, plus 10 cents for the period from the effective date of this amended order through February 28, 1965.

* * * * *

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 18, 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64–11936; Filed, Nov. 20, 1964; 8:48 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 16—MACARONI AND NOODLE PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

## PART 18—MILK AND CREAM; DEFINITIONS AND STANDARDS OF IDENTITY

## PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

### Miscellaneous Amendments

Effective on the date of publication of this order in the FEDERAL REGISTER, the following amendments are ordered for the purpose of making minor editorial changes prior to republication of Title 21.

Subchapter B of Title 21 is amended in the following respects:

**§ 16.1 [Amended]**

1. Section 16.1 is amended as follows:

a. In the introduction to paragraph (a), the words "subparagraphs (1) to (5)" are changed to "subparagraphs (1) to (6)".

b. Paragraph (e) is amended by changing the word "alternately" to "alternatively".

**§ 16.6 [Amended]**

2. In § 16.6, the introduction to paragraph (a) is amended by changing the words "subparagraphs (1) to (3)" to read "subparagraphs (1) to (4)."

3. Section 18.525(c) is amended to read:

**§ 18.525 Concentrated milk, plain condensed milk; identity; label statement of optional ingredients.**

* * * * *

(c) The optional ingredients listed in § 18.520(a)(1) are not used.

4. Section 19.542 is amended in the following respects:

a. By changing the section heading to read:

**§ 19.542 Swiss cheese for manufacturing; identity; label statement of optional ingredients.**

b. By changing the period at the end of the section to a semicolon and adding the following clause: "; however, the labeling requirements of paragraph (e)(2) of that section do apply."

**§ 19.635 [Amended]**

5. Section 19.635(b) is amended by inserting the word "skim" preceding the word "milk" in the third sentence.

**§ 19.685 [Amended]**

6. Section 19.685(b) is amended by inserting the word "skim" before the word "milk" in both places in the third sentence.

No substantive amendments are included in this order, and therefore the requirements for notice and public procedure and delayed effective contemplated by the Administrative Procedure Act are not necessary in this instance.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 948; 21 U.S.C. 341, 371)

Dated: November 16, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64–11922; Filed, Nov. 20, 1964; 8:46 a.m.]

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## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

#### DEFOAMING AGENTS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5A1497) filed by Humble Oil & Refining Co., Post Office Box 2180, Houston 1, Tex., and other relevant material, has concluded that the food additive regulations (21 CFR 121.1099; 29 F.R. 7461, 12515) should be amended to prescribe the safe use of synthetic isoparaffinic petroleum hydrocarbons as a defoaming agent in processing beet sugar and yeast and to effect certain editorial changes. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1099(a)(3) is amended in the table by inserting a new item, by cross-referencing mineral oil to § 121.1146, petrolatum to § 121.1166, and petroleum wax to § 121.1156, and by repositioning petrolatum in alphabetical order. As amended, the affected portion of the table reads as follows:

**§ 121.1099 Defoaming agents.**

* * * * *

(a) * * *

(3) * * *

| Substances | Limitations |
|---|---|
| * * * | * * * |
| Mineral oil: Conforming with § 121.1146.<br>Petrolatum: Conforming with § 121.1166.<br>Petroleum wax: Conforming with § 121.1156.<br>Synthetic isoparaffinic petroleum hydrocarbons: Conforming with § 121.1154. | Not more than 150 p.p.m. in yeast, measured as hydrocarbons. |

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 17, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-11923; Filed, Nov. 20, 1964; 8:46 a.m.]

SUBCHAPTER C—DRUGS

## PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

## PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

## PART 148c—COLISTIN

## PART 148i—NEOMYCIN

## PART 148n—OXYTETRACYCLINE

### Miscellaneous Amendments

Effective on the date of publication of this order in the FEDERAL REGISTER, the following amendments are ordered to Parts 146, 146c, 148c, 148i, and 148n for the purpose of making minor editorial changes prior to republication of Title 21.

1. In § 146.26(b), subparagraphs (44) and (45) are amended by changing the word "finished" to read "complete." In both instances, this change occurs in the fifth sentence.

2. In the paragraph heading in § 146c.206(d), the word "clarification" is changed to "certification."

3. In § 148c.2(a)(3), the cross-reference "§ 141.4" is changed to read "§ 148.4."

4. In paragraph (b) of § 148i.11 the phrase "1 hour" is corrected to read "2 hours."

5. In § 148n.3(b)(2), the words "per milliliter" are inserted after the word "oxytetracycline."

The amendments in this order are made for the purpose of correcting errors in existing regulations, and therefore the requirements for notice and public procedure and delayed effective date contemplated by the Administrative Procedure Act are not necessary in this instance.

(Sec. 507, 52 Stat. 463 as amended; 21 U.S.C. 357)

Dated: November 16, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-11924; Filed, Nov. 20, 1964; 8:46 a.m.]

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 9—Atomic Energy Commission

### MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 9 is amended as follows:

### PART 9-1—GENERAL

1. Section 9-1.709 is revised to read as follows:

**§ 9-1.709 Records and reports.**

A semi-annual small business report shall be prepared by each Field Office and forwarded to the Director, Division of Contracts, not later than the thirtieth day following the end of the six-month period covered by the report. Managers of Field Offices shall require similar reports to be prepared by cost-type contractors to accompany the Field Office reports. Reports shall be prepared as follows:

(a) Narrative statement regarding the operation of the program during the six-month period.

(b) Tabulation of the following factual information:

(1) Number of contracts awarded to small business concerns during the six-month period which have not previously received contracts.

(2) Number of small business concerns added to bidders' mailing lists during the six-month period.

(3) Number and dollar value of awards to small business concerns compared to the number and dollar value of awards suitable for small business concerns.

(4) Number and dollar value of invitations to bid and requests for proposals referred to SBA.

(5) Names of small business production and research and development pools receiving awards during the six-month period and identity and dollar value of each award.

(6) Number and dollar value of set-asides to small business.

### PART 9-7—CONTRACT CLAUSES

2. The following sections are deleted from Part 9-7 and the corresponding numbers are reserved for use at a later date:

**§ 9-7.5004-7 Assignment [Reserved]**

**§ 9-7.5004-8 Safety, health, and fire protection [Reserved]**

**§ 9-7.5004-9 Permits [Reserved]**

**§ 9-7.5004-12 Notice of labor disputes [Reserved]**

**§ 9-7.5004-18 Litigation and claims [Reserved]**

**§ 9-7.5004-19 Required Bonds and Insurance—exclusive of Government Property [Reserved]**

**§ 9-7.5004-23 Priorities, allocations, and allotments [Reserved]**

3. The following new sections are added to Part 9-7:

**§ 9-7.5006 Standard AEC clauses not included in § 9-7.5004 or § 9-7.5005.**

* * * * *

**§ 9-7.5006-46 Assignment.**

Neither this contract nor any interest therein nor claim thereunder shall be assigned or transferred by the contractor except as expressly authorized in writing by the Contracting Officer.

**§ 9-7.5006-47 Safety, health, and fire protection.**

The contractor shall take all reasonable precautions in the performance of the work under this contract to protect the health and safety of employees and of members of the public and to minimize danger from all hazards of life and property, and shall comply with all health, safety, and fire protection regulations and requirements (including reporting requirements) of the Commission. In the event that the contractor fails to comply with said regulations or requirements of the Commission, the Contracting Officer may, without prejudice to any other legal or contractual rights of the Commission, issue an order stopping all or any part of the work; thereafter a start order for resumption of work may be issued at the discretion of the Contracting Officer. The contractor shall make no claim for an extension of time or for compensation or damages by reason of or in connection with such work stoppage.

NOTE A: The foregoing clause shall be included:

(a) in all prime contracts exempt from AEC licensing requirements by AEC regulation and all prime and subcontracts for which an exemption from AEC licensing has been granted by the General Manager or his designee; (Ref: 10 CFR Parts 30, 40, 50, and 70);

(b) in all other contracts or subcontracts involving work to be performed at an AEC-owned or controlled site (an AEC controlled site is a site leased or otherwise made available to the Government under terms which afford to the Commission rights of access and control substantially equal to those which the Commission would possess if it were the holder of the fee as agent of and on behalf of the Government);

(c) in all contracts or subcontracts involving the use of an AEC-owned particle accelerator.

NOTE B: The foregoing clause, with modifications as to its applicability or coverage, may be used in special situations where deemed warranted by the Contracting Officer; in such instances the modification shall clearly delineate that work for which health and safety conditions are subject to licensing controls and that work for which health and safety conditions are subject to direction of the contracting officer under the contract.

**§ 9-7.5006-48 Permits.**

Except as otherwise directed by the Contracting Officer, the contractor shall procure all necessary permits or licenses and abide by all applicable laws, regulations, and ordinances of the United States and of the State, territory, and political subdivision in which the work under this contract is performed.

**§ 9-7.5006-49 Notice of labor disputes.**

Whenever an actual or potential labor dispute is delaying or threatens to delay the performance of the work the contractor shall immediately notify the Contracting Officer in writing. Such notice shall include all relevant information concerning the dispute and its background.

**§ 9-7.5006-50 Litigation and claims.**

(a) *Initiation of litigation.* If the Government requires the contractor to initiate litigation, including proceedings before administrative agencies, in connection with this contract, the contractor shall proceed with the litigation in good faith as directed from time to time by the Contracting Officer.

(b) *Defense and settlement of claims.* The contractor shall give the Contracting Officer immediate notice in writing (1) of any action, including any proceeding before an administrative agency, filed against the contractor arising out of the performance of this contract, and (2) of any claim against the contractor the cost and expense of which is allowable under the clause entitled "Costs and Expenses". Except as otherwise directed by the Contracting Officer, in writing, the contractor shall furnish immediately to the Contracting Officer copies of all pertinent papers received by the contractor with respect to such action or claim. To the extent not in conflict with any applicable policy of insurance, the contractor may with the Contracting Officer's approval settle any such action or claim, shall effect at the Contracting Officer's request an assignment and subrogation in favor of the Government of all the contractor's rights and claims (except those against the Government) arising out of any such action or claim against the contractor, and, if required by the Contracting Officer, shall authorize representatives of the Government to settle or defend any such action or claim and to represent the contractor in, or to take charge of, any action. If the settlement or defense of an action or claim against the contractor is undertaken by the Government, the contractor shall furnish all reasonable assistance in effecting a settlement or asserting a defense. Where an action against the contractor is not covered by a policy of insurance, the contractor shall, with the approval of the Contracting Officer, proceed with the defense of the action in good faith; and in such event the defense of the action shall be at the expense of the Government: *Provided, however,* That the Government shall not be liable for such expense to the extent that it would have been compensated for by insurance which was required by law or by the written direction of the Contracting Officer, but which the contractor failed to secure through its own fault or negligence.

**§ 9-7.5006-51 Required bonds and insurance—exclusive of Government property.**

COST-TYPE CONTRACTS AND SUBCONTRACTS

*The Contractor* (subcontractor) shall procure and maintain such bonds and insurance as are required by law or by the written direction of the *Contracting Officer* (contractor with the concurrence of the Contracting Officer). The terms of any such bond or insurance policy shall be submitted to the *Contracting Officer for approval,* upon request (contractor for transmittal to the Contracting Officer for approval). In view of the provisions of the article entitled "Property" the *contractor* (subcontractor) shall not procure or maintain for its own protection any insurance (including self-insurance or reserves) covering loss or destruction of or damage to Government-owned property.

NOTE: In the case of subcontracts, the italized portions are superseded by the portion in parentheses immediately following.

NOTE: In the case of subcontracts, the italicized portions are superseded by the portion in parentheses immediately following.

**§ 9-7.5006-52 Priorities, allocations, and allotments.**

The contractor shall follow the provisions of DMA Regulation 1 and all other applicable regulations and orders of the Business and Defense Service Administration in obtaining controller materials and other products and materials needed to fill this order.

### PART 9-51—REVIEW AND APPROVAL OF CONTRACT ACTIONS

4. Subparagraph (5) of § 9-51.102(b) is deleted.

5. Paragraphs (c) and (d) of 9-51.102 are revised to read as follows:

**§ 9-51.102 Contract actions requiring Headquarters review and approval.**

* * * * *

(c) Other contract actions requiring advance Headquarters' approval. Managers of Field Offices will submit requests for the extension of operating contracts regardless of amount and the extension of on-site service-type contracts in excess of their delegated authority, and for deviation from prescribed contract policy for advance Headquarters' approval.

(d) Cost-plus-incentive-fee, fixed-price incentive contracts or other incentive arrangements in excess of $1,000,000 require advance Headquarters' approval. For such contracts and arrangements of $1,000,000 and below, a copy of the contract and summary of the incentive arrangement should be furnished the Headquarters' Director, Division of Contracts for information after execution.

6. Paragraphs (d) and (e) of 9-51.201 are revised to read as follows:

**§ 9-51.201 Types of actions.**

* * * * *

(d) *Specified dollar amounts.* Approval shall be required prior to entering into subcontracts or purchase orders above specified dollar amounts. Dollar limits will be established at the discretion of Managers of Field Offices, taking into consideration such factors as the nature of work under each contract, the estimated cost of work under the contract, the contractor's procurement organization, other controls exercised over the contractor's procurement operations, and policies with respect to approvals established by Headquarters or Field Offices. Except as provided in paragraph (e) of this section, subcontracts or purchase orders in excess of the following amounts shall require prior AEC approval:

(1) Construction and architect engineer contracts, $10,000.

(2) Off-site research and development contracts, $5,000.

(3) All other contracts, $25,000.

(e) *Exceptions.* In the event a Manager of a Field Office determines (1) that application of any of the dollar amount limitations established in paragraph (d) of this section would impair the AEC program of the Field Office concerned or would be impracticable of application under the circumstances, or (2) that it would be in the best interests of the Government to establish less stringent limitations, he may, upon making such determination, approve a dollar amount up to $100,000. Requests to establish dollar amount levels in excess of $100,000 shall be submitted to the Headquarters Director, Division of Contracts, for approval.

7. Section 9-51.401 is revised to read as follows:

**§ 9-51.401 Applicability.**

All prime contracts and subcontracts under cost-type prime contractors, in excess of $100,000 shall be reviewed in conformance with this subpart. Such reviews shall be made prior to award in all cases. Managers of Field Offices may, if considered appropriate, exempt basic research lump-sum contracts with educational institutions from the independent contract review board requirements of this subpart.

### PART 9-53—NUMBERING AND DISTRIBUTION OF CONTRACTS AND ORDERS

8. Subdivisions (i) and (ii) of 9-53.104 (b)(1) are revised to read as follows:

**§ 9-53.104 Distribution of contracts.**

* * * * *

(b) *Additional distribution of contracts.* * * *

(1) To the Office of the General Counsel, Headquarters, one copy of:

(i) Each contract, and each subcontract under a cost-type contract where the proposed contract action was submitted for Headquarters' approval prior to execution;

(ii) Each engineering or architect-engineering prime contract, and each

engineering or architect-engineering sub-contract under a cost-type prime contract, involving an expenditure (actual or estimated) of $500,000 or more.

• • • • •

## PART 9–56—SELECTION OF CONTRACTORS BY BOARD PROCESS

9. Subparagraph (1) of 9–56.302(b) is revised to read as follows:

**§ 9–56.302 Selections by field offices and cost-type prime contractors requiring Headquarters' review and approval.**

• • • • •

(b) • • •

(1) Requests for proposals, list of proposed invitees, and the criteria and weighting recommended for use in evaluating proposals; however, only the list of proposed invitees is required to be submitted for the proposed selection of construction contracts not expected to exceed $10,000,000, and for architect-engineer contracts where the related construction cost is not expected to exceed $10,000,000, or where the architect-engineer contract is not expected to exceed $1,000,000 if related construction costs cannot be determined.

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## PART 9–58—RENTAL OF CONSTRUCTION EQUIPMENT

10. Section 9–58.101 is revised to read as follows:

**§ 9–58.101 Rental agreement.**

The terms and conditions governing rental by the AEC of construction equipment from a prime cost-type construction contractor are set forth in AECPR 9–16.5002–12, Outline of agreement for rental of contractor-owned construction equipment. This form of agreement is designed for use as an appendix to an AEC cost-type construction contract. It may be modified for rental of equipment under other contractual arrangements, such as an operating contractor renting from a cost-type construction subcontractor, and it may be modified for use as a separate contract or as an attachment to a subcontract. Some of the aspects of this agreement to which particular attention should be given are set forth in §§ 9–58.102 and 9–58.109.

11. Section 9–58.103, is revised to read as follows:

**§ 9–58.103 Rental rates.**

(a) Rates for rental of contractor-owned equipment shall be fair and equitable. The rental rates contemplate that the AEC will pay incoming and outgoing transportation costs and rental during in-transit time for both inbound and outbound transportation of equipment; however, terms more favorable to the AEC may be negotiated where appropriate. The rental rates to be paid for the use of contractor-owned equipment under normal conditions should not exceed 65 percent of the rates quoted in the latest edition of the Associated Equipment Distributors' "Compilation of Averaged Rental Rates for Construction Equipment". However, Managers of Field Offices may approve rates in excess of 65 percent of the current A.E.D. schedule when local conditions require higher rates. When it becomes necessary as a general practice to exceed 65 percent of the current A.E.D. schedule, the Manager of the Field Office shall advise the Director, Division of Contracts, Headquarters, explaining the circumstances.

12. Section 9–58.201 is revised to read as follows:

**§ 9–58.201 Rental agreement.**

The terms and conditions governing rental by an AEC prime cost-type construction contractor (lessee) of construction equipment without operators from a third party (lessor) are in accordance with §§ 9–58.102, 9–58.104, 9–58.108 and 9–58.109 and they are set forth in AECPR 9–16.5002–13, outline of agreement for rental of third party-owned construction equipment. Similar terms and conditions shall be used by other AEC cost-type contractors or subcontractors in renting construction equipment from a third party. These terms and conditions may be suitably modified to provide for rental of equipment with operators. Some of the aspects of this agreement to which particular attention should be given are set forth below in this section.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

*Effective date.* These regulations shall become effective 45 days following publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md., this 13th day of November 1964.

For the U.S. Atomic Energy Commission,

JAMES SCAMMAHORN,
*Acting Director,*
*Division of Contracts.*

[F.R. Doc. 64–11906; Filed, Nov. 20, 1964; 8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

**[ 7 CFR Parts 1047, 1049 ]**

[Docket Nos. AO–319–A5, AO–33–A30]

## MILK IN INDIANAPOLIS, INDIANA, AND FORT WAYNE, INDIANA, MARKETING AREAS

### Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Indianapolis, Indiana, and Fort Wayne, Indiana, marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in five copies. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Cerk during regular business hours (7 CFR 1.27(b)).

*Preliminary statement.* The joint hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Indianapolis, Indiana, on September 24, 1964, pursuant to notice thereof which was issued September 8, 1964 (29 F.R. 12875).

The material issues on the record of the hearing relate to the pricing of Class I milk in the two markets, as follows:

1. Levels and relationship of Class I price differentials;
2. Adoption of a common supply-demand "adjustor"; and
3. Modification of Class I butterfat differentials.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the joint hearing and the record thereof:

1. *Levels and relationship of Class I price differentials.* The stated Class I price differentials of the Indianapolis, Indiana, and Fort Wayne, Indiana, milk orders ($1.27 and $1.20 per hundredweight, respectively, over the basic formula price for the preceding month) should be continued at present levels. A common supply-demand "adjustor" to the Class I price differentials of both orders should be provided.

The Class I pricing provision of the Indianapolis, Indiana, order expires November 30, 1964, and the corresponding provision of the Fort Wayne, Indiana, order expires December 31, 1964.

An amendment to the Indianapolis order effective June 1, 1963, based upon a hearing held in Indianapolis, Indiana, January 30–February 1, 1962, provided for the present level of stated Class I differential. In rendering his decision in the matter of the appropriate level of Class I prices, the Assistant Secretary concluded (in part) at that time, as follows:

"In these circumstances it would not be appropriate to provide the Class I price increase proposed by producers. Nor in view of the extensive expansion of the marketing area herein recommended is it appropriate to reduce the present level. A reasonable period of time should be allowed to elapse under the new supply-demand conditions before considering any modification of the present Class I price. Deferring action on the Class I price for a period of 18 months will allow sufficient time to accumulate data on supply-demand conditions in the expanded area on which to establish the Class I price level. Consideration could then be given to the need for automatically adjusting the Class I price as supplies vary in relation to demand as well as to the problem of intermarket price alignment. The Class I price herein recommended will provide appropriate price alignment in portions of the expanded market until appropriate review of the price structure can be considered at a subsequent hearing."

Similarly, in an amendment to the Fort Wayne, Indiana, order effective June 1, 1963, and based upon a hearing held at Fort Wayne, Indiana, March 5, 1963, it was concluded by the Secretary, in part, as follows:

"The present Class I price of $1.20 over the basic formula price should be continued through December 31, 1964. This will insure proper alignment of the Fort Wayne Class I price with that of Indianapolis and other nearby markets until it can be reviewed at a future hearing." It was concluded further that: "The present Fort Wayne Class I price, therefore, should be extended for an additional 21-month period. Such an extension will permit review of the Fort Wayne Class I price at approximately the same time as that of the Indianapolis market in the third or fourth quarter of 1964."[1]

Producer cooperatives, representing a large majority of producers supplying both the Indianapolis, and Fort Wayne, Indiana, markets, join currently in proposing continuance of the present Class I price differentials ($1.27 and $1.20, respectively) under the two orders. The associations also suggest a formula for the supply-demand adjustment of prices under each of the orders based upon the Class I sales and producer receipts of the two markets in combination in the event of a determination that such automatic adjustment of future prices is appropriate.

Proponent producers testified that the respective stated differentials in the Indianapolis and Fort Wayne orders are reasonable minimums (over the basic formula price) both from the point of view of maintaining an adequate supply for the market and in recognition of the close competitive relationships which exist not only between handlers in the two markets but also between such handlers of both markets and handlers in the nearby Louisville-Lexington-Evansville, Dayton-Springfield, and Greater Cincinnati markets. Producers alleged that the 7-cent difference in stated Class I differentials of the two orders has had no disturbing influence in the markets, and that under such relationship of Class I prices producers under both orders had retained their Class I sales outlets. They contended further that the history of both markets justifies continuation of the present differentials since the supply of milk in each market is not excessive.

Handlers also generally supported continuation of the present levels and spread in the Class I stated differentials but generally objected to any increase in such differentials by means of a supply-demand adjustor. Their testimony was offered primarily in support of the proposition that current supplies for these markets are adequate. However, one handler operating a plant located in Howard County, Indiana, one of the northern tier of counties in the Indianapolis marketing area, also proposed that: (1) The pricing structure in the Indianapolis order and Fort Wayne order be the same, and (2) the Class I price be such that it will help dairy farmers in this area maintain their own markets and be "competitive." He contended that several Indianapolis handlers located on the fringe of the Indianapolis marketing area adjacent to the boundary of the Fort Wayne marketing are are disadvantaged in their resale competition with Fort Wayne handlers because of the 7-cent difference in Class I prices under the two orders. He further contended that Chicago milk has started to move into the area and cited, as an example, the case of an operator of a small chain of grocery stores in north central Indiana who recently contracted to purchase packaged milk from a Chicago handler.

The production of milk for the two markets in combination are in reasonable balance with Class I sales. Class I sales and producer receipts both have increased in the Indianapolis and Fort

[1] Official notice is taken of the respective decisions (28 F.R. 4901, F.R. Doc. 63–5247 and 28 F.R. 4305, F.R. Doc. 63–4603.

Wayne markets in 1962 and 1963. The percentage of producer milk utilized as Class I milk, however, has remained about the same in the Indianapolis market over this two-year period, averaging on an annual basis, 75.38 percent and 75.53 percent, respectively.[2] With respect to the Fort Wayne market, for which market data are available for the three-year period, 1961–1963, the percentage of producer milk utilized as Class I has varied one year to the next over a wider range (71.4, 78.4 and 74.2 percent in 1961, 1962 and 1963, respectively) and has averaged 74.66 percent for the three-year period.

Both Indianapolis and Fort Wayne have operated, therefore, on an annual average reserve supply of about 25 percent of producer receipts which, as testified by both producers and handlers, does not indicate oversupply under present-day conditions particularly with respect to intraweek bottling and distribution patterns. Current supplies are utilized primarily to cover local needs since there are no substantial bulk fluid milk shipments from these markets to neighboring or more distant markets.

Moreover, there is no evidence on the record that fluid milk from the Chicago or any other market has come into the Indianapolis order market at a price f.o.b. market below the minimum Class I price which handlers under the latter order are required to pay. Several tank loads of milk were received in the Indianapolis market from a Chicago order plant during September this year. The indicated cost of such milk was well in excess of the September minimum Class I price of $4.42 per hundredweight under the Indianapolis order. In this connection official notice is taken of the September 1964 market administrator's price report for the Indianapolis market.

The present stated Class I differentials of the two orders are presently at an appropriate level and are reasonably aligned one market with the other and with nearby markets. There was no evidence which would show that unstable marketing conditions have resulted from the difference of 7 cents in price which has prevailed. The Class I differentials in the two orders should not be changed, therefore, other than as may be appropriate because of significant future changes in supplies in relation to market requirements. The continuation of these differentials, together with the adoption of a supply-demand factor in the pricing mechanism (discussed later), in conjunction with Class II prices, should result in returns to producers in each market sufficient to maintain an adequate but not excessive supply of milk to meet the fluid requirements of the respective markets, including the necessary market reserve.

2. *Supply-demand adjustor to Class I prices.* A common supply-demand formula based upon the sales-receipts relationship of the two markets in combination should be employed as the method of adjusting Class I prices in both markets to changing conditions of supply and demand.

Producers suggested a type of supply-demand formula for common use in both markets in the event of a determination that such a method of adjusting prices should be adopted. They gave recognition to the validity of providing an automatic adjustor to the Class I price differential to maintain a proper balance between producer receipts and Class I requirements, but expressed concern that a supply-demand adjustment provision, if not carefully constructed, might result in erratic pricing and in an unwarranted disturbance of intermarket price alignment.

A handler witness speaking for seven handlers regulated under the Indianapolis order expressed opposition to the inclusion of a supply-demand factor in the Class I pricing provisions of such order. These handlers jointly proposed a separate supply-demand adjustment provision for consideration, however, in the event of a finding that such an adjustor should be adopted.

The purpose of a supply-demand adjustment provision is to adjust promptly the minimum Class I price upward or downward as the supply of producer milk changes in relation to Class I sales. This purpose is consistent with the criteria of the Agricultural Marketing Agreement Act, as amended, which provides that the prices to be fixed under the authority of such act shall be those which are reasonable in view of market supply and demand conditions and which will assure a sufficient quantity of pure and wholesome milk and be in the public interest. The automatic adjustment of Class I prices in response to changes in the relation between supplies and Class I sales will assist to carry out in these markets the purposes of the act through stabilization of supplies at the levels required. Failure to adjust the Class I price promptly in response to market supply and demand conditions could produce price levels which would encourage either inadequate or excessive supplies of milk in relation to demand. Supply-demand formula provisions have not been employed previously in these markets because of lack of data on which such a pricing mechanism could be constructed. Adequate data regarding production and sales in each of the two markets are now available.

Producers proposed a supply-demand formula which would:

(1) Provide a formula for measuring changes in supply-demand relationships of the two markets which employs the Class I sales and producer receipts of both markets.

(2) Provide for identical Class I price adjustments based upon comparison of the ratio of combined sales to combined receipts for a period covering the second and third (or, alternatively, the second, third and fourth) months preceding the pricing month (current utilization percentage) with a standard utilization percentage (four-point range) or "norm" applicable for the pricing month. The individual monthly ranges of norms would reflect on an annual basis 70–74 percent Class I utilization.

(3) Provide for a price adjustment, upward or downward, at the rate of two cents for each percentage point of deviation of the current utilization percentage above or below the norm.

(4) Limit the maximum amount of adjustment to 20 cents per hundredweight.

In suggesting use of a common formula, producers stressed the importance of Class I price changes taking place at the same time and by the same amount in each market. They stated that this is necessary to avoid erratic pricing and to maintain proper Class I price alignment between the two markets and in relationship to adjacent markets. They contended that small changes in the relative prices of the two market orders could cause unwarranted shifting of milk supplies. In this connection, they pointed out that: (1) Bulk milk handling, together with recent improvements in highway systems, make such movements between the markets relatively easy; (2) The transfer of producers from one market to the other is not impeded by differences in health requirements of the markets; and (3) The procurement areas of handlers regulated under the two orders overlap in several counties.

The supply-demand formula suggested by handlers was generally the same as proposed by producer groups, the principal differences being in the level at which the norms were established and the maximum amount by which the adjustor may affect the Class I price. Although handlers proposed that consideration be given to the use of either a recent two or three-month period for computing the current utilization percentage (mover), they expressed a preference for the three-month mover in that it would minimize any erratic price adjustments which might otherwise be brought about by the action of the adjustor.

The supply-demand formula adopted herein to be applicable under both orders provides for:

(1) The following schedule of standard utilization percentages (norms) which average 73.5 percent (midpoint of range) of producer milk in Class I to producer receipts on an annual basis:

| Month for which pricing is being computed | Preceding months used in computation | Standard utilization percentages | |
|---|---|---|---|
| | | Minimum | Maximum |
| Jan. | Sept., Oct., Nov. | 78 | 81 |
| Feb. | Oct., Nov., Dec. | 77 | 80 |
| Mar. | Nov., Dec., Jan. | 76 | 79 |
| Apr. | Dec., Jan., Feb. | 76 | 79 |
| May | Jan., Feb., Mar. | 76 | 79 |
| June | Feb., Mar., Apr. | 73 | 76 |
| July | Mar., Apr., May | 69 | 72 |
| Aug. | Apr., May, June | 65 | 68 |
| Sept. | May, June, July | 63 | 66 |
| Oct. | June, July, Aug. | 65 | 68 |
| Nov. | July, Aug., Sept. | 71 | 74 |
| Dec. | Aug., Sept., Oct. | 75 | 78 |

(2) "Current utilization percentages" to be based upon aggregate producer receipts in the two markets and producer milk classified as Class I milk therein for a three-month period ending with the second month preceding the pricing month;

[2] The order became fully effective March 1961 which does not permit this comparison over a three-calendar-year period.



(3) Adjustments to the Class I price for each market at the rate of two cents for each full percentage point of deviation of the applicable current utilization percentage for the month from the norm (range) for such month;

(4) A maximum of plus or minus 38 cents on the amount of supply-demand adjustment.

These two markets are in close competition in both milk procurement and milk distribution. The procurement areas of handlers regulated under the two orders overlap in several counties. Transferring producers from one market to the other is not impeded by differences in health requirements of the markets. The high degree of bulk milk handling and good highway conditions make intermarket movements relatively easy. At the present time, however, available milk supplies are reasonably allocated in relation to the sales levels of the two markets.

Also, there is close competition for Class I sales between handlers under the two orders. At present there are five Indianapolis handlers who regularly sell milk on routes in the Fort Wayne marketing area and four Fort Wayne handlers who sell in the Indianapolis marketing area. The shift of a large account, such as a chain of food markets or dairy stores, from a handler in one market to a handler in the other, may cause the handler to be regulated by one order in a given month and by the other order the next month since the regulation applicable to him is determined on the basis of his relative proportion of Class I sales in each marketing area. Such shifts in suppliers can occur readily under today's distribution conditions. When shifts in suppliers are made across individual market lines or retail routes are established in one market by a handler from the other, a significant change in the production-sales relationship of each market can be effected without any basic change in the aggregate supplies or sales associated with such markets.

In view of the foregoing, it is highly important, therefore, to avoid erratic price movements between these two markets. Relatively small changes in the prices of these markets if in opposite directions could cause unwarranted shifting of producer milk supplies or provide price advantage in sales competition. The adoption of a common supply-demand adjustor which will provide for identical monthly Class I price adjustments for the two markets will insure against diverse movements in prices in these markets and maintain an appropriate Class I price alignment between the two and in relationship to adjacent markets.

Under the formula proposed for adoption herein the respective Class I price differentials for the two markets would be adjusted for significant changes in the relationship of current utilization percentage outside the applicable monthly norms as shown in the above schedule. The norms, or individual monthly ranges, are derived from experience in both markets for the period of March 1961 (the fully effective date of the inception of the Indianapolis order) through August 1964. They vary seasonally in recognition of the seasonality in the relationship of milk production to Class I sales in the two markets.

The current utilization percentage would be constructed on the receipts and disposition of the three months preceding the pricing month. For example, the percentage applicable for the month of January would be based on the percentage of Class I utilization for the preceding September, October and November period. These months would be the latest for which data are available to permit announcement of the price adjustment early in the month for which it is effective.

Use of data for a three-month period, rather than for a two-month period will minimize sporadic changes in the Class I price which otherwise might be induced simply by variation in the number of heavy bottling days in the period used to compute the mover. The heaviest purchases of fluid milk by consumers in these markets tend to occur on Thursdays, Fridays and Saturdays. As a consequence, plants have their heaviest needs for raw milk supplies on Tuesday through Friday of each week. One handler regulated under the Indianapolis order, for example, bottles 80 percent of his weekly Class I sales during the four-day period Tuesday-Friday and 20 percent of the remaining weekly sales on Mondays and Saturdays based on March 1964 figures. No milk is bottled on Sundays at the plant of this handler. Using data for a three-month period reduces the effect of variations in the number of heavy bottling days from one month to the next on the utilization percentages in the formula as compared with data based on a two-month period. The three-month mover also will tend to minimize other unwarranted changes in the Class I price resulting from such occurrences as holidays and abnormal weather conditions of a short-run nature.

The producers' formula would include fluid milk products disposed of in the respective marketing areas from all nonpool plants, except plants of producer-handlers. It would include also the pounds of Class I milk in inventory and "overages". The inclusion in the supply-demand formula of sales in these markets from nonpool plants would not contribute, however, to the accuracy with which the supply-demand adjustor reflects meaningful changes in the supply-demand situation at plants which utilize the milk which it is designed to price. Sales of nonpool milk in the market as Class I are not necessarily reflective of the regular demand for, or the regular supply of, producer milk associated with these two markets. Producers stated they had no important objection to the exclusion of "other source receipts" from the current utilization percentages provided the norms likewise were constructed on this basis. The considerable variation, month to month, which occurs in these markets with respect to inventory and overage also warrants the exclusion of these data from use in the formula at this time. The receipts of producer milk and the pounds of producer milk disposed of as Class I by handlers regulated in the two markets will provide a reasonable measure of changes in the supply-demand situation.

The use of a range in the monthly norms tends to act as a "dampener" on random price changes which, at times, might otherwise be possible. The four-point percentage range in the monthly norms suggested by both handlers and producers, together with a provision to compute a current utilization percentage to the nearest full percentage point, would provide a "corridor" of five percentage points within which no price adjustment would be called for.

Although it is desirable to avoid random movements to whatever extent practicable, it is not, however, appropriate in avoiding these movements to minimize the effectiveness of the adjustor in responding to real changes in the supply-demand situation. Provision is made in the schedule of standard utilization percentages for monthly ranges having a width of three percentage points. Price adjustments resulting from deviations of the current utilization percentage outside the monthly range would be computed on the basis of full percentage points of such deviation. The three-point range, therefore, together with provision for rounding the current utilization percentage to the nearest full percentage point, in effect provides a "corridor" of four percentage points by which the current utilization percentage may deviate from the norms without effecting a price adjustment. Such a range will permit adjustment of the Class I price more promptly and accurately in response to significant changes in the combined supply-demand relationship in the two markets.

Although Class I utilization in the two markets on an aggregate sales-receipts basis has averaged approximately 75 percent for the two-year period 1962–1963, the trend in recent months indicates some tendency toward an increase in supplies in relation to sales of fluid milk products. For example, during the first seven months of 1964 (January–July) Class I utilization on a combined market basis averaged 70.1 percent of producer receipts. During the same period in 1963 and 1962 the Class I utilization averaged 72.7 and 73.7, respectively. The importation of milk supplies into the two markets by one of the proponent producer associations during recent months, although not of substantial volume, would indicate, however, that irrespective of the slight increase in market reserves during recent months such markets are not oversupplied.

The formula adopted herein provides a seasonal schedule of norms which average, on an annual basis, 73.5 percent Class I utilization (range 72–75 percent). As compared to producer and handler proposals, the norms for certain months have been modified slightly also to lessen the possibility of contraseasonal adjustments which might occur as a result of random shifts in the relationship of receipts and Class I disposition.

Adjustments in the Class I price resulting from the formula should be at the rate of two cents for each percentage

point that the current utilization percentage deviates from the applicable norm. Thus, the Class I price would be increased two cents for each full percentage point that the current utilization percentage is above the maximum standard percentage range and would be decreased two cents for each full percentage point that the current utilization is below the minimum standard percentage range for the month. The rate of two cents per percentage point upward and downward is reasonable in relation to the general level of the Class I prices in this area and in relation to nearby market prices.

The maximum monthly adjustment should be limited to not more than 38 cents, plus or minus. In this connection producers proposed a maximum limit on any plus or minus adjustment of 20 cents per hundredweight. They suggested that a tie with Class I prices of a neighboring market also might provide a satisfactory basis for establishing such a limit.

Handlers, on the other hand, proposed a limitation on the adjustor which would allow no plus adjustment to the price during any month in which other factors of the Class I price (basic formula and stated differential) would provide for a Class I price of 35 cents or more over the Chicago order Class I price. Handlers cited as their reason for a ceiling of 35 cents over the Chicago Class I price the availability of milk which can move into the Indianapolis and Fort Wayne markets from the Chicago area at an alleged 35 cents per hundredweight transportation cost.

Although, as noted earlier, several shipments of milk were imported into the Indianapolis market from the Chicago market area in months just preceding the hearing because of temporary shortage, there is no evidence that the levels of price in the Indianapolis and Fort Wayne orders have encouraged regular, or significant, movements of milk into the two markets from this alternative source.

Some limit, however, should be placed on the price movements to result from the supply-demand adjustor in order that the basis for any tendency of prices to make unusually wide swings may be given further consideration in hearing. It would not be reasonable to permit the Indianapolis and Fort Wayne prices to decrease below the level of the South Bend-LaPorte-Elkhart market which serves, to some extent, as an alternative outlet for milk associated with the Indianapolis and Fort Wayne markets. A pricing range of 38 cents minus to 38 cents plus will provide for flexibility in pricing under the formula but will tend to maintain Indianapolis and Fort Wayne prices in reasonable alignment with the South Bend-LaPorte-Elkhart and other markets.

The producers' formula, using a three-month mover, would have increased the Class I price in both markets by two cents per hundredweight, on the average, during 1963 and for the 10-month period, January-October 1964, would have increased the Class I price by approximately a cent per hundredweight. Their formula would have effected 10 monthly adjustments to the Class I price during the 22-month period ranging from plus two cents to plus six cents in amount. On the other hand, the handlers' formula with a three-month mover would have provided no adjustment to the Class I price for any month of the period November 1963 through October 1964, the period for which they provided data in the record.

By comparison, the supply-demand adjustor adopted herein would have had a negligible effect upon the level of Class I price in the two markets during 1963 and the first ten months of 1964. The formula would have increased the Class I price in both markets by an average one-half cent per hundredweight in 1963 and would have had no effect upon the average level of the Class I price over the 10-month period of January through October 1964. During the entire 22-month period the adjustor would have effected only five monthly adjustments none of which would have exceeded two cents per hundredweight.

It is concluded that the supply-demand adjustor formula herein adopted will provide an appropriate basis for adjustments of the Class I price in the two markets as supply and demand conditions change in such markets.

3. *Class I butterfat differential.* The butterfat differential used in adjusting Class I prices under the Fort Wayne order should be reduced. The Indianapolis Class I butterfat differential should remain unchanged.

At present the Class I price in the Fort Wayne market is adjusted for the butterfat content of Class I milk by a butterfat differential per point (1/10 percent of butterfat) determined by multiplying the monthly Chicago 92-score butter price by 0.125. It was proposed by a cooperative association, representing a substantial number of producers in the Fort Wayne market, that the Class I butterfat differential be reduced to 0.120 times the price of Chicago butter, the same as the Class I butterfat differential under the Indianapolis order. No opposition to this proposal was expressed by handlers or by other producers regulated under the Fort Wayne order.

The average butterfat test of Class I milk in the Fort Wayne market has declined from 3.57 percent in 1961 to 3.49 percent in 1963. The average test of producer milk, on the other hand, has not changed appreciably during the three-year period, averaging 3.75, 3.77 and 3.74 percent, respectively, for these years.

The Class I butterfat differential in the Fort Wayne market averaged $0.073 and $0.072 in 1962 and 1963, respectively. For the Indianapolis market the Class I differential averaged $0.071 and $0.070 for the comparable periods. The proposed reduction in the Class I butterfat differential for Fort Wayne will contribute to the general alignment of Class I prices between the Fort Wayne and Indianapolis markets consistent with the other terms of the Class I pricing provisions of both orders and will tend to place butterfat in fluid milk products in the Fort Wayne market on a more competitive basis with other nearby markets. Indianapolis handlers and producers testified in support of the current butterfat differential under the Indianapolis order stating that it was in reasonable alignment with other nearby markets. In view of this testimony and because there was no testimony to support a revision, it is, therefore, left unchanged.

The Fort Wayne Class I butterfat differential should be placed on the same basis as that in the Indianapolis order. In view of the prevailing butterfat test of Class I milk at close to 3.5 percent, overall returns to producers for Class I milk should be little affected by this change.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in marketing agreements upon which a hearing has been held.

*Recommended marketing agreements and orders amending the orders.* The following orders amending the orders as amended regulating the handling of milk in the Indianapolis, Indiana, and Fort Wayne, Indiana, marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

Amendment to the Indianapolis, Indiana, milk order:

In § 1049.51, the introductory text and paragraph (a) are revised to read as follows:

§ 1049.51 Class prices.

Subject to the provisions of §§ 1049.52 and 1049.53, the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.27, and plus or minus a "supply-demand adjustment" of not more than 38 cents computed as follows:

(1) Divide the aggregate pounds of producer milk in Class I (excluding inventory and "overage" and adjusted to eliminate duplications due to interhandler and intermarket plant transfers) under this part and under Part 1047 of this chapter (Fort Wayne, Indiana, order) for the second, third and fourth months preceding by the aggregate pounds of producer milk receipts under such parts for the same months, multiplying the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage";

(2) For each full percentage point that the current utilization percentage is above the applicable maximum standard utilization percentage listed below increase the Class I price differential by two cents; and for each full percentage point that the current utilization percentage is below the applicable minimum standard utilization percentage listed below decrease such differential by two cents.

| Month for which pricing is being computed | Preceding months used in computation | Standard utilization percentages | |
|---|---|---|---|
| | | Minimum | Maximum |
| Jan. | Sept., Oct., Nov. | 78 | 81 |
| Feb. | Oct., Nov., Dec. | 77 | 80 |
| Mar. | Nov., Dec., Jan. | 76 | 79 |
| Apr. | Dec., Jan., Feb. | 76 | 79 |
| May | Jan., Feb., Mar. | 76 | 79 |
| June | Feb., Mar., Apr. | 73 | 76 |
| July | Mar., Apr., May | 69 | 72 |
| Aug. | Apr., May, June | 65 | 68 |
| Sept. | May, June, July | 63 | 66 |
| Oct. | June, July, Aug. | 65 | 68 |
| Nov. | July, Aug., Sept. | 71 | 74 |
| Dec. | Aug., Sept., Oct. | 75 | 78 |

* * * * *

*Amendments to the Fort Wayne, Indiana, milk order:* 1. In § 1047.51, the introductory text and paragraph (a) are revised to read as follows:

§ 1047.51 Class prices.

Subject to the provisions of §§ 1047.52 and 1047.53, the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.20, and plus or minus a "supply-demand adjustment" of not more than 38 cents computed as follows:

(1) Divide the aggregate pounds of producer milk in Class I milk (excluding inventory and "overage" and adjusted to eliminate duplications due to interhandler and intermarket plant transfers) under this part and under Part 1049 of this chapter (Indianapolis, Indiana, order) for the second, third and fourth months preceding by the aggregate pounds of producer milk receipts under such parts for the same months, multiplying the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage";

(2) For each full percentage point that the current utilization percentage is above the applicable maximum standard utilization percentage listed below increase the Class I price differential by two cents; and for each full percentage point that the current utilization percentage is below the applicable minimum standard utilization percentage listed below decrease such differential by two cents.

| Month for which pricing is being computed | Preceding months used in computation | Standard utilization percentages | |
|---|---|---|---|
| | | Minimum | Maximum |
| Jan. | Sept., Oct., Nov. | 78 | 81 |
| Feb. | Oct., Nov., Dec. | 77 | 80 |
| Mar. | Nov., Dec., Jan. | 76 | 79 |
| Apr. | Dec., Jan., Feb. | 76 | 79 |
| May | Jan., Feb., Mar. | 76 | 79 |
| June | Feb., Mar., Apr. | 73 | 76 |
| July | Mar., Apr., May | 69 | 72 |
| Aug. | Apr., May, June | 65 | 68 |
| Sept. | May, June, July | 63 | 66 |
| Oct. | June, July, Aug. | 65 | 68 |
| Nov. | July, Aug., Sept. | 71 | 74 |
| Dec. | Aug., Sept., Oct. | 75 | 78 |

§ 1047.52 [Amended]

2. In section 1047.52(a) the figure "0.125" is changed to "0.120".

Signed at Washington, D.C., on November 17, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64-11908; Filed, Nov. 20, 1964; 8:45 a.m.]





## [ 7 CFR Part 1061 ]

[Docket No. AO 327-A7]

## MILK IN ST. JOSEPH, MISSOURI, MARKETING AREA

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Market Administrator's office, 7939 Floyd Avenue, Overland Park, Kans., beginning at 9:30 a.m., local time, on December 3, 1964, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the St. Joseph, Mo., marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by New Model Dairy, Inc.:

*Proposal No. 1.* Delete the period at the end of §1061.60 and add "or to a handler operating a plant from which an average of less than 600 pounds of Class I milk is distributed per day in the marketing area."

Proposed by the Nemaha Cooperative Creamery Association:

*Proposal No. 2.* Amend § 1061.12(a) (2) (ii) and (iii) to read as follows:

(ii) January, February, July and August, 35 percent; and

(iii) March through June, 25 percent.

Proposed by the Dairy Division, Agricultural Marketing Service:

*Proposal No. 3.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, U. Grant Grayson, Post Office Box 4336, Overland Park, Kans., 66204, or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on November 17, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64-11909; Filed, Nov. 20, 1964; 8:46 a.m.]

## [ 7 CFR Part 1098 ]

[Docket No. AO-184-A20]

## MILK IN NASHVILLE, TENNESSEE, MARKETING AREA

### Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Nashville, Tenn., marketing area. Interested parties may file written excep-

tions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

*Preliminary statement.* The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Nashville, Tenn., on July 28–30, 1964, pursuant to notice thereof which was issued June 19, 1964 (29 F.R. 8106).

The material issues on the record of this hearing relate to:

1. Expansion of the marketing area;
2. Location differentials to handlers and producers;
3. Providing a Class II classification for certain designated outlets;
4. Requiring a handler to settle with the market administrator for all producer milk delivered to his pool plant; and
5. Computing the producer butterfat differential to the nearest fifth of a cent.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The Nashville, Tenn., marketing area, which now contains 17 Tennessee counties, three Kentucky counties and the Fort Campbell military reservation, should be expanded by adding the 18 Tennessee counties of Cannon, Clay, Coffee, DeKalb, Fentress, Giles, Jackson, Lawrence, Lewis, Maury, Marshall, Overton, Perry, Pickett, Putnam, Warren, Wayne and White; and the three Kentucky counties of Barren, Metcalf and Monroe. The expanded marketing area will comprise a contiguous area in which both wholesale and retail routes of milk handlers doing business in the area are interspersed. The handling of milk in this proposed marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in milk and its products.

The minimum sanitary requirements applicable to Grade A milk throughout the present and proposed marketing area are those of the States of Tennessee and Kentucky, which are patterned after the U.S. Public Health Ordinance and Code. In the case of some local health authorities, there may be minor variations. Such variations, however, do not materially affect the procurement or distribution of milk within the area.

With the advent of new and better highways, improved and larger transportation equipment, better refrigeration facilities for storing and moving milk, and the shifting by consumers from home delivery to store purchases of fluid milk products, the area serviced by handlers has been expanded. The present marketing area does not constitute the proper marketing area under current marketing conditions. For this reason several Nashville regulated handlers and the principal cooperative association of producers in the market proposed that the present marketing area be expanded by adding the 21 counties enumerated above and Hardin County, Tenn.

One plant in each of the Tennessee counties of Coffee, Giles, Maury, and Warren would become fully regulated because of the marketing area expansion. The plants of two other unregulated distributors with sales in some counties proposed to be added to the marketing area are in Lincoln County, Tenn., and Wayne County, Ky. It was indicated that the Wayne County handler would become fully regulated under the Louisville-Lexington-Evansville order if the marketing area of that order were expanded as proposed at a recent hearing. It is not clear from the record, however, whether or not the Lincoln County handler would become fully regulated under the Nashville order as a result of this marketing area expansion.

More than half the Class I distribution in the 13 counties of Cannon, DeKalb, Jackson, Lawrence, Lewis, Marshall, Overton, Perry, Putnam, Wayne, and White in Tennessee and Barren and Metcalf in Kentucky is made by presently regulated Nashville order handlers. In two of these counties, Lewis and Perry, all milk sold is now regulated under the Nashville order. In the Tennessee counties of Jackson, Overton and Putnam and in the Kentucky counties of Barren and Metcalf, all milk sold is regulated under either the Nashville, Louisville-Lexington-Evansville (assuming the Wayne County, Ky., plant would be regulated under that order) or the Knoxville order. In the six remaining counties mentioned above, one or more presently unregulated handlers also sell fluid milk products.

The addition of Clay, Fentress, and Pickett Counties, Tenn., and Monroe County, Ky., to the marketing area will not subject any additional handlers to regulation under the Nashville order. Practically all Class I distribution in these counties is from the plants of handlers subject to the Nashville, Louisville-Lexington-Evansville and Knoxville orders. Presently, the only unregulated distribution in these counties is the relatively limited sales by the Wayne County, Ky., handler. As indicated above, this handler would become subject to the Louisville-Lexington-Evansville order if the marketing area of that order is expanded as proposed in a recent hearing.

Distributors operating unregulated plants in the Tennessee counties of Coffee, Giles, Maury, and Warren claimed they have the major proportion of the sales of fluid milk products in their respective counties. The cooperative association serving the Nashville market and the regulated handlers, however, presented statistical data showing that in Coffee and Maury Counties, Nashville handlers have about 70 and 65 percent, respectively, of the sales. The operator of the unregulated plant in Coffee County estimated he has slightly over 50 percent of the total sales in that county. The operator of the unregulated plant in Giles County estimated his firm has about two-thirds of the total sales in the county and that his major Nashville competitor had 20 percent of the sales. The operator of the unregulated plant in Maury County estimated he has 60 percent of the wholesale business and 75 percent of the retail business in the county. The operator of the unregulated plant in Warren County estimated he has about 80 percent of the sales in the county. Although there was a conflict in the testimony as to whether Nashville regulated handlers or the unregulated distributors had the major proportion of the sales in these counties, the information presented by the regulated handlers and the cooperative association serving the Nashville market contained detailed statistical data for each county of the sales by all competing handlers. No such detailed summary was presented by these four distributors and, accordingly, greater reliability must be placed upon the testimony presented by the Nashville regulated handlers and the cooperative association.

A substantial proportion of the sales of the three presently unregulated distributors in Coffee, Giles, and Warren Counties is in these counties. Since these handlers would be subject to full regulation because of their sales in other counties in the proposed marketing area, it would be inappropriate to exclude these three counties from the marketing area. Even though the Maury County handler might not become subject to full regulation if that county is not added to the marketing area, the county should nevertheless be added because Nashville regulated handlers have the majority of the sales in this county as well as in most adjacent counties and it is an integral part of their sales area. Adding this county to the marketing area will maintain contiguity with the other counties herein to be added. Its omission would create a hiatus in the geographic expanse of the marketing area. By including these four counties in the marketing area, the major portion of the fluid milk sales of these four handlers would be within the proposed area and their inclusion would not regulate either wholly or partially any other handler.

Hardin County, Tenn., should not be added to the marketing area at this time. Presently, there is only one handler subject to the Nashville order distributing milk in this county. Of the two other regulated handlers with Class I sales in this county, one is subject to the Memphis order and the other to the Paducah order. Together, these three handlers distribute about 65 percent of the fluid milk products sold in the county. There are two unregulated handlers who also distribute milk in this county. These two handlers, however, have their principal sales in competition with handlers who would not be required to pay the specified minimum prices or account for the use of their milk under the Nashville order.

Five presently unregulated distributors testified at the hearing in opposition to extension of the marketing area. They maintained that regulated handlers are not at a competitive disadvantage when distributing milk in these unregulated



counties because the unregulated distributors pay their producers a price that is competitive with the Nashville market price. The dairy farmers delivering milk to the distributors who would become regulated by the Nashville order under this proposal, except the distributor whose plant is located in Giles County, receive payment for their milk without regard to its use. These distributors pay their producers a price based on the Nashville order blend price. In most cases, these distributors use a larger percentage of their milk receipts in Class I than is reflected by the blend price for the Nashville market. To the extent that such distributors have a higher Class I utilization and do not purchase milk on a class-use basis, they do have a competitive advantage over the Nashville handlers who are required to pay class prices according to the use value of their milk.

The dairy farmers who deliver milk to the Giles County distributor sell their milk under a pricing plan described as similar to the plan prescribed by the Nashville order. There is no agency, however, to supervise and enforce this plan. These producers have no means for obtaining an impartial audit of the handler's records to determine whether they are, in fact, receiving the full class utilization value of milk as it would be computed under the Federal order.

These unregulated handlers gave as one of their reasons for opposing regulation that the dairy companies in Nashville would force them out of business. Federal milk orders give assurance to all regulated handlers that their competitors in the marketing area are purchasing their milk supplies at the same prices and upon the same class-use basis. There is no basis for the charge that the proposed extension of the marketing area would force these unregulated handlers out of business.

These same unregulated handlers also argued that the expense of keeping the extra records that would be required by the order would be prohibitive. They did admit, however, that the only extra records involved would be records which show their utilization of milk in Class I and II outlets and that the maintenance of such records would not be burdensome.

A further argument presented by these unregulated handlers was that if they became regulated, they would lose their producers to the producer association in the market and thereby lose control over them. One handler, who operates a Grade A fluid milk plant and a cheese plant at which he received ungraded milk presented an additional argument. At the present time, all the milk of Grade A producers is picked up in cans and is transported to his plant on the same truck with the milk from ungraded milk producers. This milk is transported on the same truck because it would not be economically feasible to haul the ungraded milk on a separate truck since the ungraded milk producers average about 60 pounds of milk per pickup. This handler maintained that if his fluid milk plant became regulated under the order, his Grade A producers would install bulk tanks. This would make it necessary for him to give up over 250 ungraded producers who are presently having their milk delivered on the same trucks as the Grade A producers. Federal milk orders may neither require producers to join cooperative associations nor force producers to deliver their milk in either bulk tanks or cans. Also, there are no restrictions placed on handlers as to where or from whom they may purchase their milk.

Three dairy farmers who produce milk for two of the unregulated handlers also testified against the expansion of the marketing area. These dairy farmers claimed that if they came under the order, they would receive less for their milk.

The prices received by these three dairy farmers for their milk are based upon the Nashville blend prices. The handlers to whom they deliver stated on the record that the price they pay their producers is about the same price as Nashville producers receive for their milk and is not based upon the handler's utilization of their milk. The Class I utilization of the handlers to whom they deliver is somewhat higher than the average for the Nashville market; therefore, regulating these handlers will have a tendency to increase the Nashville blend price and to that extent these producers would realize an increase in the price they receive for their milk.

The representative of the producers' association also claimed that the great majority of dairy farmers in the counties proposed to be added to the marketing area desire the same protection and pricing arrangements as producers delivering to Nashville. Dairy farmers in those counties, it was further stated, want the same checking procedure on weights and tests that are afforded producers who have the benefit of Federal regulation.

It would not be practicable to consider including in the marketing area all territory wherein handlers who would be regulated because of their sales in the expanded marketing area have Class I sales. Neither would it be feasible under this order to attempt to differentiate for the purpose of regulation between Class I sales by such handlers inside and outside the marketing area. It is necessary that all producer milk be fully regulated regardless of where it is sold. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in area" milk is subject to classification, pricing and pooling, a handler with sales outside the marketing area could assign any value he chose to such sales and thereby reduce the average cost of his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. In short, unless all milk of such handler is fully regulated, he would not, in fact, be subject to effective price regulation at all. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and lead to a complete breakdown of the order.

As noted in three decisions issued June 19, 1964 (29 F.R. 9001, 9109 and 9213, official notice of which is taken) regarding amendments to 75 Federal milk orders, there is no way to treat unregulated milk equally with regulated milk other than to regulate it fully. In the case of plants having insufficient association with the market to meet pool plant requirements, it was concluded that the inequalities resulting from pricing only the small percentage of the milk at such plants which was disposed of in the marketing area would not be serious enough to jeopardize the marketing conditions within the regulated marketing area.

However, in the case of plants which have sufficient association with the market to meet the pool plant requirements, permitting them to dispose of a portion of their receipts outside the marketing area completely free of regulation would, because of the volume of milk they dispose of in the marketing area, disrupt orderly marketing processes within the regulated market and render ineffective the classification and pricing provisions of the order. With a handler free to value a portion of his milk at any price he chose (zero if he desired) it would be impossible to enforce uniform prices to all regulated handlers or a uniform basis of payments to the producers who supply the market.

It is absolutely essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

The marketing area expansion herein proposed requires no change in the maximum administrative assessment of 4 cents per hundredweight now provided in the order. Although, as a result of this decision, about four or five additional distributors would become subject to regulation, the additional quantities of milk involved should not materially alter the maintenance and functioning of the market administrator's office. If it appears at any time that a lower rate will cover administration expenses, the Secretary may set the actual rate at a lower level without the necessity of amending the order.

2. *Location differentials to handlers and producers.* The location differential provisions of the order should not be changed at this time.

For plants located outside the State of Tennessee and more than 50 miles from the State Capitol in Nashville, the order now provides for the Class I price and the blend price paid to producers (except for excess milk) to be reduced by 10 cents with an additional reduction of 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 70 miles.

The two proposals at the hearing to revise the location differential provisions were concerned only with the basing point from which the mileages from the plant where milk was received from producers would be determined. No proposals were made to change the location adjustment rates. A cooperative association proposal would replace Nashville as the basing point with the nearest of the cities of Nashville, Clarksville, Tenn., and Bowling Green, Ky. A proposal

made by four Nashville based handlers would establish "the nearest point in the boundary of the marketing area" as the basing point.

Three Nashville regulated handlers whose plants are in Kentucky and more than 50 miles from Nashville, are subject to a location adjustment on milk they receive from producers. A location differential of 10 cents is applicable to the milk received at the plants of two handlers in Bowling Green, which is 65 miles from Nashville. The plant of the third handler, in Hiseville, Ky., is between 100–110 miles from Nashville and the location differential credit of 16 cents is applicable to milk received from producers there.

The Nashville based handlers claim that they are at a disadvantage in competing for sales with these three handlers because of the location adjustment credit that the latter received. They contend that marketing conditions in the area have changed significantly since the present location differential provisions were incorporated in the order in November 1960. Although the express purpose of the proposals is to require these handlers to pay the same price for Class I milk as Nashville handlers, proponents neither showed that these Kentucky handlers have any cost advantage on Class I milk nor justified the proposed new basing points.

These three handlers in the northern fringe of the present marketing area have their principal distribution in the Kentucky portion of the marketing area. They compete for Class I sales with Louisville-Lexington-Evansville order (Order 46) regulated handlers. No location adjustment is applicable under Order 46 on milk received at plants in Bowling Green, Hiseville, or in the area where these handlers have their principal distribution. On an annual basis, the Order 46 Class I price (before adjustment for supply-demand) is 9 cents below the Nashville order Class I price. However, when the Nashville price is adjusted by the present applicable location differential for plants in the Bowling Green vicinity, it approximates the Order 46 price at that location. Hence, if the Nashville order location differential adjustments now applicable in the Bowling Green area were removed as proposed, these three Nashville regulated handlers would be at a disadvantage in competing with Order 46 handlers for Class I sales in the area where they have their principal distribution.

The three Kentucky based handlers are located in an outlying part of the marketing area north from Nashville. They are nearer to their sources of supply than Nashville handlers and it hence costs farmers less to deliver milk to these locations than the average cost of delivering milk to Nashville. Moreover, because these handlers are located north of Nashville, they are generally closer to alternative sources of supply at lower prices than handlers whose plants are located in Nashville. These factors should be reflected in the location pricing for the plants in the Kentucky area and it appears the present location differentials contained in the Nashville order appropriately reflect these conditions.

The purpose of establishing location differentials is to achieve uniformity in prices to all handlers for milk which is received from producers at plants located at varying distances from the principal consumption area. Nashville is the principal city in the marketing area and is centrally located with respect to the overall marketing area. It is the point where the major portion of producer milk for the market is received and from which milk is distributed to consumers throughout the marketing area. Accordingly, it is appropriate that the mileages for determining location differential adjustments continue to be measured from Nashville, and the proposals to establish other basing points for determining location differential adjustments are denied.

3. *Providing a Class II classification for certain designated outlets.* (a) Skim milk and butterfat in fluid milk products dumped should be classified as Class II. Presently, only the skim milk portion of fluid milk products dumped may be so classified.

Nashville handlers have certain amounts of fluid milk products that they are unable to dispose of for Class I uses. Allowing a Class II classification for both the skim milk and butterfat contained in dumped fluid milk products will recognize the impracticability of Nashville handlers' recovering the butterfat in route returns and other fluid milk products that are not salable as Class I.

The order now provides as a condition for obtaining a Class II classification for fluid milk products dumped that the market administrator be notified prior to such disposition and afforded the opportunity for verification. Retaining this condition will insure the practical application of the dump provision.

(b) The proposal to classify as Class II sour cream mixtures to which cheese or any food substance other than a milk product has been added which are not labeled Grade A should be adopted. Products that are blends of cultured sour milk and cream with cheese and nondairy food ingredients are known as dip speciality products. These products are not labeled Grade A and compete with similar products distributed in the marketing area that are not subject to the Nashville order.

Since Class I milk should include products which are required to be made from Grade A milk, sour cream mixtures which are labeled Grade A should remain in Class I. Sour cream mixtures sold in the marketing area as Grade A products must be made from Grade A milk. However, if they are not labeled Grade A, they may be made from non-Grade A milk. Since such dip speciality products may be, and are, sold in the marketing area as non-Grade A products, they should not be included in Class I unless labeled Grade A.

(c) Class II classification should be provided for skim milk and butterfat disposed of in bulk fluid milk products to bakeries, candy factories, soup factories and similar establishments at which the fluid milk products are used in the manufacture of food products other than milk products. A Class II classification of such fluid milk products will price them competitively with alternative supplies, such as nonfat dried milk and condensed milk, which are available for the manufacture of food products. Such classification should be limited to disposition of milk products in bulk form, however, to minimize the administrative burden of verifying its ultimate utilization. This limitation is appropriate under the circumstances where packaged fluid milk products sold to bakeries and similar establishments easily may be retailed in this same form to consumers for fluid consumption either on or off the premises.

4. *Requiring a handler to settle with the market administrator for all producer milk delivered to his pool plant.* Pool plant operators should be required to pay the market administrator at the applicable class prices for all producer milk delivered to their plants including the bulk tank deliveries from producers' farms for which a cooperative association is the handler.

The order now specifies that a handler shall pay the market administrator the class prices for milk delivered to his pool plant by producers. The market administrator then pays the uniform price to each producer either directly or through a cooperative association of which the producer is a member.

There is one exception to the above procedure. This involves bulk tank milk that is received at pool plants from a cooperative which elects to be the handler on its producer members' milk that is delivered from the farm to the pool plant of another handler in a tank truck. This milk is considered to be received by the cooperative at the pool plant. Under this arrangement, each handler pays the cooperative the class prices on this milk and the cooperative transmits these payments directly to the market administrator. The cooperative then receives payment from the market administrator at the uniform price on this milk and producer-member milk for which the cooperative is not the handler. This procedure results in extra handling of the money and does not serve any useful purpose.

The cooperative proposed that handlers receiving bulk tank milk from the cooperative in its capacity as a handler on such milk pay the classified value directly to the market administrator. It was claimed that this would expedite payments to producers and simplify the reporting and bookkeeping for all handlers, the cooperative and the market administrator.

Requiring handlers to make payments at the class prices directly to the market administrator on this milk will eliminate the unnecessary involvement of the cooperative in transactions which involve only the market administrator and the pool plant handlers. Handlers who operate the pool plants at which this milk is received are the persons who maintain records which show the quantities of milk utilized in Class I and Class II and report this utilization to the market administrator.



5. *Computing the producer butterfat differential to the nearest fifth of a cent.* The computation of the producer butterfat differential should specify that the differential be rounded to the nearest one-fifth cent.

Presently, the producer butterfat differential is rounded to the nearest one-tenth cent. Also, producers' butterfat tests are adjusted to half-points. It was claimed that when the butterfat differential ends with an odd number (e.g., 7.1 cents) and a producer's average butterfat test contains a half-point (e.g., 3.65 percent) the adjusted price in computing the payment due the producer yields a series of fractions. To prevent the computing of this series of fractions, it was proposed at the hearing that the butterfat differential be rounded to the nearest even mill, i.e., one-fifth cent. There was no opposition to this proposal.

In the interest of marketing efficiency and convenience to the cooperative association and handlers in the market, it is appropriate that the order provide for the rounding of the producer butterfat differential to the nearest one-fifth cent.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe with respect to receipts during the month of (1) Producer milk (including such handler's own farm production), (2) Other source milk allocated to Class I pursuant to § 1098.46(a) (3) and (7) and the corresponding steps of § 1098.46 (b), and (3) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

*Recommended marketing agreement and order amending the order.* The following order amending the order as amended regulating the handling of milk in the Nashville, Tenn., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1098.6 is revised to read as follows:

**§ 1098.6 Nashville, Tennessee, marketing area.**

"Nashville, Tennessee, marketing area" hereinafter called the "marketing area" means all the territory within the boundaries of the counties of Bedford, Cannon, Cheatham, Clay, Coffee, Davidson, DeKalb, Dickson, Fentress, Giles, Hickman, Houston, Humphreys, Jackson, Lawrence, Lewis, Macon, Marshall, Maury, Montgomery, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Smith, Stewart, Sumner, Trousdale, Warren, Wayne, White, Williamson and Wilson in Tennessee; Allen, Barren, Metcalf, Monroe, Simpson, and Warren in Kentucky; and the Fort Campbell military reservation.

2. Section 1098.8(c) is revised to read as follows:

**§ 1098.8 Handler.**

* * * * * *

(c) A cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant(s) of another handler in a tank truck owned, operated by or under contract to, such cooperative association for the account of the cooperative association if the cooperative association has notified in writing, prior to delivery, both the market administrator and the handler to whom the milk is delivered that it wishes to be the handler for such milk. Such milk shall be considered as having been received at the location of the plant to which it was delivered;

* * * * * *

3. Section 1098.13 is revised to read as follows:

**§ 1098.13 Producer milk.**

"Producer milk" means only that skim milk or butterfat contained in milk:

(a) Received at a pool plant directly from a dairy farmer or a handler pursuant to § 1098.8(c); or

(b) Diverted from a pool plant to any other milk plant (except a plant at which such milk is fully subject to the pricing provisions of another order issued pursuant to the Act) in accordance with the provisions of § 1098.7.

4. Section 1098.15 is revised to read as follows:

**§ 1098.15 Fluid milk product.**

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream (sweet and sour), or any mixture in fluid form of skim milk and butterfat components of milk (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix, aerated cream and sour cream mixtures to which cheese or any food substance other than a milk product has been added and which is not disposed of under a Grade A label).

**§ 1098.30 [Amended]**

5. In the introductory text of § 1098.30, the reference "§ 1098.8(e) is revised to read "§ 1098.8 (c) or (e)".

6. The introductory text in § 1098.31 (a) is revised to read as follows:

**§ 1098.31 Payroll reports.**

(a) Each handler pursuant to § 1098.8 (a), (b), or (c) shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

* * * * * *

7. Section 1098.32 is revised to read as follows:

**§ 1098.32 Other reports.**

(a) On or before the 6th day after the end of each month, each handler pursuant to § 1098.8(c) shall report to the market administrator, in detail and on forms prescribed by him, the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

(b) Each producer-handler and each handler exempt pursuant to § 1098.91 shall make reports to the market administrator at such time and in such manner as the market administrator may request.

**§ 1098.35 [Amended]**

8. In § 1098.35, the language, ", except that milk for which the association is the handler," is revoked.

9. Section 1098.41 (a) (1) (ii) and (b) (3) is revised and a new paragraph (b) (3–a) is added to read as follows:

**§ 1098.41 Classes of utilization.**

* * * * * *

(a) • • •
(1) • • •
(ii) Products classified pursuant to paragraphs (b)(3) or (3–a) of this section;

• • • • •

(b) • • •
(3) Disposed of and used for livestock feed or dumped after prior notification to, and opportunity for vertification by, the market administrator;
(3–a) Disposed of in bulk fluid milk products to bakeries, candy factories, soup factories and similar establishments at which the fluid milk products were used in the manufacture of food products other than milk products;

• • • • •

**§ 1098.44 [Amended]**

10. In the introductory text of § 1098.44(a), the language "or a cooperative association as a handler pursuant to § 1098.8(c)" is revoked.

**§ 1098.46 [Amended]**

11. In § 1098.46(a), subparagraph (4)(i)(b), the language "and from a cooperative association as a handler pursuant to § 1098.8(c)" is revoked and in subparagraph (9), the language "and from a cooperative association in its capacity as a handler pursuant to § 1098.8(c)" is revoked.

**§ 1098.70 [Amended]**

12. In the introductory text of § 1098.70, the reference "§ 1098.8 (a), (b), and (c)" is revised to read "§ 1098.8 (a) and (b)".

13. Section 1098.81(a) is revised to read as follows:

**§ 1098.81 Payments to market administrator.**

(a) On or before the 25th day of each month, each handler receiving milk from producers or from a handler pursuant to § 1098.8(c) shall pay to the market administrator for deposit into the producer-settlement fund an amount of money calculated by multiplying the hundredweight of producer milk received by him during the first 15 days of such month by the Class II price for the preceding month;

• • • • •

14. In § 1098.82, paragraph (d) is revoked and paragraph (c) is revised to read as follows:

**§ 1098.82 Payments to producers.**

• • • • •

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section, the market administrator shall pay, on or before the second day prior to the date payments are due to individual producers, to a cooperative association which is authorized to collect payment for milk of its members and from which a written request for such payments has been received, a total amount equal to the sum of the individual payments otherwise payable to such producers pursuant to this section.

15. Section 1098.83(a) is revised to read as follows:

**§ 1098.83 Butterfat and location differentials to producers and on nonpool milk.**

(a) The applicable uniform price to be paid each producer shall be increased or decreased for each one-tenth percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, at a rate, rounded to the nearest one-fifth cent, determined by multiplying by 0.12 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department during the previous month.

• • • • •

16. Section 1098.85 is revised to read as follows:

**§ 1098.85 Expense of administration.**

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts during the month of:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1098.46(a) (3) and (7) and the corresponding steps of § 1098.46(b); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

Signed at Washington, D.C., on November 18, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64–11939; Filed, Nov. 20, 1964; 8:48 a.m.]

## [7 CFR Part 1135]

[Docket No. AO–300–A8]

## MILK IN COLORADO SPRINGS-PUEBLO MARKETING AREA

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at Palmer House Motel, 3030 North Chestnut, Colorado Springs, Colo., beginning at 9:00 a.m., local time, on December 2, 1964, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Colorado Springs-Pueblo marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Inter-Mountain Dairymen, Inc.:

*Proposal No. 1.* In § 1135.51(a), delete the words "During the period of August 1, 1963, through January 31, 1965, the Class I price shall be".

Proposed by the Dairy Division, Agricultural Marketing Service:

*Proposal No. 2.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, H. Alan Luke, 2765 South Colorado Boulevard, Denver, Colo., or from the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on November 17, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64–11910; Filed, Nov. 20, 1964; 8:46 a.m.]

## [7 CFR Part 1137]

[Docket No. AO–326–A6]

## MILK IN EASTERN COLORADO MARKETING AREA

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at Heart O'Denver Motel, East Colfax at Downing, Denver, Colo., beginning at 10:00 a.m., local time, on December 1, 1964, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Eastern Colorado marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Dairy Division, Agricultural Marketing Service:

*Proposal No. 2.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, H. Alan Luke, 2765 South Colorado Boulevard, Denver, Colo., or from the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on November 17, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64–11911; Filed, Nov. 20, 1964; 8:46 a.m.]

## Agricultural Stabilization and Conservation Service

## [7 CFR Part 813]

## 1965 SUGAR QUOTA FOR DOMESTIC BEET SUGAR AREA

### Notice of Hearing on Proposed Allotment of 1965 Quota

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) and on the basis of information available to me, I do hereby find that the allotment of the sugar quota established for the Domestic Beet Sugar Area for the calendar year 1965 is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held beginning at 10:00 a.m., e.s.t., December 4, 1964 in Room 6764 South Building, U.S. Department of Agriculture, Washington, D.C., 20250.

The purpose of this hearing is to receive evidence to enable the Secretary of Agriculture to make a fair, efficient and equitable distribution of the abovementioned quota for the calendar year 1965 among persons who process and market sugar produced from sugar beets in the Domestic Sugar Beet Area. The finding made above is based on the best information now available. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or revoke such finding and make or withhold allotment of any such quota in accordance therewith.

In addition, the subjects and issues of this hearing include (1) the manner in which consideration should be given to the statutory factors as provided in section 205(a) of the Act, and (2) the manner in which allotments should apply to sugar or liquid sugar processed under contracts providing for sugar beets or molasses to be sold to and processed for the account of one allottee by another.

This notice of hearing also constitutes notice that at such hearing it will be appropriate to present evidence on the basis of which the allotment of the quota or proration thereof may be revised or amended by the Secretary for the purposes of (1) allotting any increase or decrease in the quota; (2) prorating any deficit in the allotment for any allottee; and (3) substituting revised estimates or final actual data for estimates of such data whenever estimates are used in the formulation of an allotment of the quota.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Issued at Washington, D.C., this 18th day of November 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64–11940; Filed, Nov. 20, 1964; 8:49 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [21 CFR Parts 146a, 146c, 146e]

## CERTIFIABLE ANTIBIOTIC DRUGS

### Troches Containing Antibiotic Drugs; Denial of Additional Time for Comment

There was published in the FEDERAL REGISTER of June 17, 1964 (29 F.R. 7728), a proposal to discontinue certification of a number of specified antibiotic troches on the ground that there is a lack of substantial evidence that the drugs are efficacious for the purposes claimed in the labeling. Ninety days' comment time was provided.

Following publication of the proposal, there were a number of requests for additional time for comment. The Commissioner of Food and Drugs has concluded that such requests were not supported by sufficiently detailed information to enable him to determine whether the granting of such requests was in the public interest. Persons submitting such requests were invited to furnish more detailed grounds for consideration. However, the Food and Drug Administration has not received any further supporting details; and, consequently, no additional time for comment will be granted.

Dated: November 17, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64–11925; Filed, Nov. 20, 1964; 8:47 a.m.]

# CIVIL AERONAUTICS BOARD

## [14 CFR Part 208]

[Economic Regs. Docket No. 13984]

## TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

### Proposed Liability Insurance Requirements

NOVEMBER 18, 1964.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments of Part 208 of the Economic Regulations which would relieve supplemental air carriers of the excessive costs of maintaining "open-end" and worldwide liability insurance coverage and which will facilitate administration of the regulation. These amendments are proposed under authority of sections 204(a), 401, and 417 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 76 Stat. 144, 145; 49 U.S.C. 1324, 1371, 1387) and sections 7 and 9 of P.L. 87–528 (76 Stat. 146, 148).

Although these proposed amendments were developed through discussions of the Board's staff with the supplemental air carriers, aviation insurance underwriters, and representatives of the Federal Aviation Agency, the Board believes that interested persons should be afforded an opportunity to comment on the proposed regulation in order to reveal any further problems before a final regulation is adopted. Those persons desiring to participate in the proposed rule making may submit ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428, on or before December 21, 1964. Copies of such communications will be available for examination by interested persons upon receipt in the Docket Section, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

*Explanatory statement.* In Part 208, the Board requires that liability insurance carried by the supplemental air carriers apply to all flights conducted by the insured air carrier "irrespective of whether the aircraft involved in such liability are specifically described in the policy," and does not authorize any geographical limitation on such coverage. Because of the excessive costs and the difficulty in obtaining such "open-end" coverage, the supplemental carriers asked the Board to explore other methods of assuring that all after-acquired aircraft are properly covered by liability insurance. By Order E–19075, dated December 7, 1962, the Board conditionally permitted the supplemental carriers to

limit coverage to declared aircraft while a permanent solution to the problem was being considered.

The proposed amendment makes five principal changes: (1) It permits the exclusion from insurance coverage of aircraft not disclosed to the insurer (i.e., not declared or listed in the policy); (2) it prohibits a supplemental carrier from operating in air transportation aircraft to which its liability insurance coverage does not apply; (3) it prohibits operations within any geographical area to which insurance coverage does not apply; (4) it permits the exclusion from insurance coverage of operations within countries of the Sino-Soviet bloc and Cuba, and operations conducted in connection with Distant Early Warning System (DEWline) and Ballistic Missile Early Warning System (BMEWS); and (5) it provides that, as evidence of compliance with the insurance requirements of Part 208, a certificate of insurance and standard endorsement prescribed by the Board will be filed in lieu of the policy itself.

The whole insurance regulation, rather than the amended paragraphs only, is set out so that the proposed certificate and endorsement forms can be understood more readily.

Minor editorial changes have been made to conform the language to insurance usage or to statutory language, but no substantive change is intended thereby. The proposed forms for the certificate of insurance, standard endorsement, amendatory endorsement, and notice of cancellation are attached hereto as Exhibits A, B, C, and D,[1] respectively.

*Proposed rule.* The Board proposes to amend the liability insurance requirements of Part 208 of the Economic Regulations (14 CFR Part 208) as follows:

1. Amend § 208.10 by deleting the interim provisions and otherwise revising the section to read as follows:

**§ 208.10 Applicability of liability insurance requirements.**

(a) No supplemental air carrier shall engage in air transportation unless such carrier has and maintains in effect liability insurance coverage evidenced by a currently effective certificate of liability insurance filed with and accepted by the Board as complying with the requirements of this part; and no supplemental carrier shall operate in air transportation any aircraft, or perform services within any geographical area, to which such insurance does not apply. "Insurance certificate", as used herein, means one or more than one certificate (CAB Form ——),[2] evidencing one or more than one policy of aircraft liability insurance, issued by one or more than one insurer, which alone or in combination provides the minimum liability insurance coverage prescribed in § 208.11.

(b) The insurance policy and certificate required by this part shall be issued by a reputable and financially responsible insurance company which is legally authorized to issue aircraft liability policies in any state of the United States or in the District of Columbia.

2. Amend § 208.11, by editorial changes and reference to multiple insurers to read:

**§ 208.11 Minimum limits of liability.**

(a) The minimum limits of liability insurance coverage maintained by a supplemental air carrier shall be as follows:

(1) Liability for bodily injury to or death of aircraft passengers: A limit for any one passenger of at least fifty thousand dollars ($50,000), and a limit for each accident, in any one aircraft, of at least an amount equal to the sum produced by multiplying the fifty thousand dollars ($50,000) for one passenger by seventy-five percent (75%) of the total number of seats in the aircraft.

(2) Liability for bodily injury to or death of persons (excluding passengers): A limit of at least fifty thousand dollars ($50,000) for any one person in any one accident, and a limit of at least five hundred thousand dollars ($500,000) for each accident.

(3) Liability for loss of or damage to property: A limit of at least five hundred thousand dollars ($500,000) for each accident.

(b) When more than one insurer is involved in providing the minimum limits of liability specified herein, the amounts and types of liability assumed by each insurer shall be clearly stated in the certificate of insurance.

3. Amend § 208.12, by revising paragraphs (a) and (b) to delete the reference to declared aircraft and clarify other provisions, and by adding new paragraph (e) so that the section reads as follows:

**§ 208.12 Terms and conditions of insurance coverage.**

With respect to insurance required by this regulation—

(a) Insurance contracts shall provide for payment by the insurer on behalf of the insured supplemental air carrier, within the specified limits of liability, of all sums which the insured carrier shall become legally obligated to pay for bodily injury to or death of any person, or for loss of or damage to property of others, resulting from the negligent operation, maintenance or use of aircraft in air transportation by the insured carrier.

(b) The liability of the insurer shall apply to all operations by the insured carrier in air transportation. The liability of the insurer shall not be subject to any exclusion by virtue of violations, by the insured carrier, of any applicable safety or economic provision of the Federal Aviation Act of 1958, as amended, or Public Law 87-528; or of any applicable safety or economic rule, regulation, order, or other legally imposed requirement prescribed thereunder by the Federal Aviation Agency or the Civil Aeronautics Board, respectively.

(c) The liability of the insurer shall not be contingent upon the financial condition, solvency or freedom from bankruptcy of the insured. The limits of the insurer's liability for the amounts prescribed herein shall apply separately to each accident, and any payment under the policy because of any one accident shall not reduce the liability of the insurer for payment of other damages resulting from any other accident.

(d) Within the limits of liability herein prescribed, the insurer shall not be relieved from liability by any condition in the policy or any endorsement thereon, or violation thereof by the insured air carrier, other than the exclusions set forth in § 208.13, or such other exclusions as may be individually approved by the Board. Such policy shall not be subject to cancellation upon less than 30 days' notice to the Civil Aeronautics Board in accordance with the provisions of § 208.14.

(e) Except for the geographical exclusions authorized in § 208.13 (h) and (i), the coverage shall be world-wide. For good cause shown, however, the Board may waive this requirement or amend the certificate or other operating authority to describe the geographical areas actually served by the supplemental air carrier. Authority for any general restriction (e.g., North American continent, Western Hemisphere, etc.) shall be recited in any certificate of insurance containing a general restriction.

4. Amend § 208.13, by rearranging the exclusions in the order used in the standard military endorsement, and by adding three new exclusions relating to undeclared aircraft, Sino-Soviet areas, and DEWline and BMEWS operations, to read as follows:

**§ 208.13 Authorized exclusions of liability.**

Unless other exclusions are individually approved by the Board, no policy or certificate of insurance required by this regulation shall contain any exclusion other than the following authorized exclusions:

The insurance afforded under this policy shall not apply to:

(a) Any loss against which the Named Insured has other valid and collectible insurance, except that the limits of liability provided under this policy shall be excess of the limits provided by such other valid and collectible insurance up to the limits certified in a Certificate of Insurance dated ----------, issued to the Civil Aeronautics Board in Washington, D.C., but in no event exceeding the limits of liability expressed elsewhere in this policy;

(b) Any loss arising from the ownership, maintenance or use of any aircraft not declared to the Insurer in accordance with the terms and conditions of this policy;

NOTE: Supplemental carriers shall file with the Board endorsements extending coverage to additional or replacement aircraft, or removing listed aircraft from coverage, before listing or deleting such aircraft in carrier operations specifications with the Federal Aviation Agency.

(c) Liability assumed by the Named Insured under any contract or agreement, unless such liability would have attached to the Insured even in the absence of such contract or agreement;

(d) Bodily injury, sickness, disease, mental anguish or death of any employee of the Named Insured while engaged in the duties of his employment, or any obligation for which the Insured or any company as his insurer may be held liable under any workmen's compensation or occupational disease law;

(e) Loss of or damage to property owned, rented, occupied, or used by the Named Insured and/or property in the care, custody or control of the Insured otherwise than for transportation pursuant to tariffs filed with the Civil Aeronautics Board;

(f) Personal injuries or death, or damage to or destruction of property, caused directly or indirectly, by hostile or warlike action, including action in hindering, combating or defending against an actual, impending or expected attack by any government or sovereign power, de jure or de facto, or military, naval, or air forces, or by an agent of such government, power, authority or forces; the discharge, explosion, or use of any weapon of war employing atomic fission or atomic fusion, or radio-active materials; insurrection, rebellion, revolution, civil war or usurped power, including any action in hindering, combating, or defending against such an occurrence; or confiscation by any government or public authority.

(g) Loss of or damage to passengers' baggage and/or personal belongings.

(h) Any loss arising from operations by the Named Insured within any country of the Sino-Soviet bloc or Cuba: *Provided*, That a loss caused by mere misadventure in flying over or landing in such territory shall not be excluded. The Sino-Soviet bloc is presently defined as including Lithuania, Latvia, Estonia, Czechoslovakia, Bulgaria, Rumania, Hungary, Poland, Albania, East Germany (Soviet zone of Germany and Soviet sector of Berlin), Communist China, North Korea, North Viet-Nam, Outer Mongolia, and the Union of Soviet Socialist Republics;

(i) Any loss arising from operations by the Named Insured to or from installations of the Distant Early Warning System (DEWline) or the Ballistic Missile Early Warning System (BMEWS).

5. Amend § 208.14 by revising all paragraphs, requiring among other things, approved CAB forms for certificates, endorsements, and cancellation notices filed with the Board, as follows:

**§ 208.14 Filing of certificates, endorsements and cancellation notices.**

(a) Certificates of insurance, endorsements, and notices of cancellation shall be filed in duplicate on forms prescribed and approved by the Board.

(b) Endorsements that provide coverage for previously unlisted aircraft, or indefinitely suspend or delete coverage for previously listed aircraft, or make material changes in the limits of liability or terms and conditions of coverage shall be filed not less than thirty (30) days prior to the effective date of the endorsement.

(c) A supplemental carrier which intends to operate a charter flight to or from a country of the Sino-Soviet bloc or Cuba or to or from a DEWline or BMEWS installation and whose approved insurance coverage excludes operations within such areas shall file an endorsement waiving the applicable exclusion, or a separate certificate of insurance expressly applicable to such flight, at least 30 days before the proposed flight date.

(d) Certificates of insurance approved by the Board shall not be canceled or suspended at the election of either the insurer or the insured carrier upon less than thirty (30) days' notice to the other party and to the Board by registered or certified mail. If an insured air carrier elects to cancel an approved policy, the notice of cancellation filed with the Board shall be accompanied by a replacement certificate of insurance, complying in all respects with this regulation and effective upon the date of cancellation of the approved policy, or by a notice that the carrier has suspended operations for a specified period and the reasons therefor.

(e) If any certificate of insurance, endorsement, notice of cancellation or other document relating to liability insurance required to be filed with the Board does not comply with these regulations, the Board will notify the air carrier and the insurer by registered or certified mail, stating the deficiencies. If the carrier is not notified of objections by the Board within 20 days after filing of any document, such document shall be deemed approved by the Board as complying with the requirements of this part.

(f) All documents required to be filed with respect to liability insurance shall be filed with the Office of Carrier Accounts and Statistics, Civil Aeronautics Board, Washington, D.C., 20428.

[F.R. Doc. 64-11926; Filed, Nov. 20, 1964; 8:47 a.m.]

[1] Filed as part of the original document.
[2] Available from the Publications Section.

# Notices

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Dept. Circ. 570, 1964 Rev. Supp. No. 11]

### CONSOLIDATED INSURANCE CO.

#### Surety Company Acceptable on Federal Bonds

NOVEMBER 18, 1964.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13.

An underwriting limitation of $165,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1965. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

*State in Which Incorporated, Name of Company, and Location of Principal Executive Office*

INDIANA

Consolidated Insurance Company, Indianapolis, Indiana.

[SEAL] GEORGE F. STICKNEY,
*Deputy Fiscal Assistant Secretary.*

[F.R. Doc. 64–11917; Filed, Nov. 20, 1964; 8:46 a.m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

### SWISS CREDIT BANK AND MINA ROLLI-BRAUN

#### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Swiss Credit Bank, Zurich, Switzerland, for the benefit of: Mrs. Mina Rolli-Braun, Mittlere Strasse 10, Basel, Switzerland; Claim No. 62111; Vesting Order No. 17977; $9,294.57 in the Treasury of the United States.

Executed at Washington, D.C., on November 13, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 64–11894; Filed, Nov. 20, 1964; 8:45 a.m.]

### GUSTI HILFER

#### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Gusti Hilfer, 14 Dehaas Street, Tel Aviv, Israel; Claim No. 67028; Vesting Order No. 6398; $1,980.85 in the Treasury of the United States.

Executed at Washington, D.C., on November 16, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 64–11895; Filed, Nov. 20, 1964; 8:45 a.m.]

## POST OFFICE DEPARTMENT

### SECOND-, THIRD-, AND FOURTH-CLASS MAILINGS, IN EVENT THAT NATIONWIDE RAIL STRIKE OCCURS

#### Temporary Suspension

This is notice that in the event of a nationwide rail strike starting 6:00 a.m. (local time) Monday, November 23, all post offices will be prepared to restrict the acceptance of domestic and international mail matter of the second, third, and fourth classes.

All post offices will be prepared to suspend acceptance of domestic second-, third-, and fourth-class mail for delivery beyond the second parcel post zone area. This temporary suspension includes international mail, except airmail and letter mail, where the distance from the domestic mailing office to the exit point exceeds the second parcel post zone.

Fully prepaid articles for domestic airmail and first-class services and international air and letter services will continue to be accepted.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 64–12025; Filed, Nov. 20, 1964; 10:38 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[Bureau Order 551, Amdt. 93]

### CALIFORNIA RANCHERIAS

#### Redelegation of Authority

NOVEMBER 10, 1964.

The title of section 334 and section 334(a) of Order 551 (an order by which the Commissioner of Indian Affairs delegates authority to Bureau Area Directors) is amended to read as follows:

SEC. 334. *Authority under the Rancheria Act (72 Stat. 619), (P.L. 85–671 dated August 18, 1958), as amended by the Act of August 11, 1964 (78 Stat. 390).* (a) All of the authority contained in the act, as amended, except as provided in paragraph (b) of this section.

GEORGE W. MATHIS,
*Acting Commissioner.*

[F.R. Doc. 64–11903; Filed, Nov. 20, 1964; 8:45 a.m.]

### National Park Service

[Order 31]

### STEPHEN T. MATHER TRAINING CENTER, WEST VIRGINIA

#### Supervisor; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

The Supervisor may execute and approve contracts and purchase orders not in excess of $2,500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations.

(205 DM 11.1; 26 F.R. 11748)

C. P. MONTGOMERY,
*Assistant Director.*

NOVEMBER 16, 1964.

[F.R. Doc. 64–11905; Filed, Nov. 20, 1964; 8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 15630; Order E–21512]

### CITY OF SPRINGFIELD, OHIO

#### Petition for Amendments to Certificates; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of November 1964.





Petition of the City of Springfield, Ohio, Docket 15630, for amendments to the certificates of American Airlines, Inc. for Route 4, Delta Air Lines, Inc. for Route 54, Lake Central Airlines, Inc. for Route 88, Trans World Airlines, Inc. for Route 2, and United Air Lines, Inc. for Route 1 so as to redesignate the point Dayton, Ohio, as Dayton-Springfield Ohio.

On October 15, 1964, the City of Springfield, Ohio (Springfield), filed a petition with the Board pursuant to section 401(g) of the Federal Aviation Act of 1958, as amended (the Act), for an order to show cause why the certificates of public convenience and necessity of American Airlines, Inc. (American), Delta Air Lines, Inc. (Delta), Lake Central Airlines, Inc. (Lake Central), Trans World Airlines, Inc. (TWA), and United Air Lines, Inc. (United), for routes 4, 54, 88, 2 and 1 respectively, should not be amended so as to redesignate the certificated point Dayton, Ohio, as Dayton-Springfield, Ohio.

In support thereof, Springfield alleges inter alia, that it ranks ninth among Ohio cities in population, having 134,440 inhabitants in its metropolitan area; that driving time between downtown Springfield and the Dayton airport is approximately 30 minutes; that Springfield generates about 11 percent of the total air traffic (38,400 passengers a year) using the Dayton airport; that joint designation of Springfield and Dayton in the certificates of air carriers would tend to familiarize the public with the fact that Springfield is located close to the Dayton airport, and would permit the carriers to include Springfield in their passenger and freight tariffs, enabling them to exploit more fully Springfield's air traffic potential; and that the soundness of joint designation of Springfield and Dayton was recognized in the Lake Central Airlines, Inc. Temporary Intermediate Points Case, Renewal Proceeding, 34 CAB 10 (1961).

Springfield has been advised by representatives of United, TWA, Delta and Lake Central that they have no objection to the redesignation of Dayton as Dayton-Springfield, in their respective certificates.

The Board has decided to institute a proceeding under section 401(g) of the Act to determine whether it is in the public interest to amend American's certificate of public convenience and necessity for route 4, Delta's certificate for route 54, Lake Central's certificate for route 88, TWA's certificate for route 2, and United's certificate for route 1 so as to redesignate the present point Dayton as Dayton-Springfield.

Because of the proximity of Springfield to Dayton, and of the Dayton Airport to both communities, service to Dayton can be considered as service to Springfield. Traffic figures submitted by the applicant show that a substantial number of Springfield passengers are using Dayton. Hence, redesignation would reflect much of the service which actually is being provided. It would also permit the carriers to show Springfield in their advertising and schedules, with resulting benefit to both carriers and the traveling public. No additional subsidy to Lake Central would be involved. In addition, most of the carriers involved have indicated support of Springfield's application.

Upon consideration of the foregoing, the Board tentatively finds and concludes that the public convenience and necessity require that the certificates held by American for route 4, Delta for route 54, Lake Central for route 88, TWA for route 2, and United for route 1 be amended so as to redesignate the present point Dayton, as Dayton-Springfield.

*Accordingly, it is ordered:*

1. That a proceeding be and it hereby is instituted in Docket 15630 pursuant to section 401(g) of the Act, to determine whether the public convenience and necessity require, and the Board should order, the amendment of the certificates of public convenience and necessity held by American for route 4, Delta for route 54, Lake Central for route 88, TWA for route 2, and United for route 1 so as to redesignate the present point Dayton, Ohio as Dayton-Springfield, Ohio to be served through a single airport.

2. That all interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue at an appropriate time to American an amended certificate of public convenience and necessity for route 4, to Delta an amended certificate of public convenience and necessity for route 54, to Lake Central an amended certificate of public convenience and necessity for route 88, to TWA an amended certificate of public convenience and necessity for route 2, and to United an amended certificate of public convenience and necessity for route 1, redesignating the present point, Dayton, as Dayton-Springfield.

3. That any interested persons having objection to the issuance of an order making final the proposed findings, conclusions and certificate amendments set forth herein shall, within fifteen days of service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections, such statement to conform to the Board's Rules of Practice in Economic Proceedings; [1]

4. That, if timely objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

5. That, in the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action; and

6. That copies of this order shall be served upon the following persons who are hereby made parties to this proceeding: American Airlines, Inc., Delta Air Lines, Inc., Lake Central Airlines, Inc., Trans World Airlines, Inc., and United Airlines, Inc., the City of Dayton, Ohio; the City of Springfield, Ohio, the Ohio Department of Commerce, Division of Aviation, and the Postmaster General of the United States.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64–11927; Filed, Nov. 20, 1964; 8:47 a.m.]

[Docket No. 14945; Order E–21507]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of November 1964.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 1–2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memorandum JT12/Rates 3222, names the following additional specific commodity rates:

| Item | Agreement CAB 17868 | IATA Memorandum | From | To | Rates in cents per Kg. | Minimum weight in Kgs. |
|---|---|---|---|---|---|---|
| [1] 1049 | R–15 | $222 | New York | Athens | 107 | 200 |
| | | | ----do | Cairo | 123 | 200 |
| | | | ----do | Tripoli | 103 | 200 |

[1] Calves, less than one month old, in containers.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act.

*Accordingly, it is ordered,* That Agreement C.A.B. 17868, R–15, be approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section.

[1] No petition for reconsideration of this order will be entertained.

The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-11928; Filed, Nov. 20, 1964; 8:47 a.m.]

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[Docket No. 15377]

## SUDFLUG, SUDDEUTSCHE FLUGGESELLSCHAFT, MBH

### Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on December 17, 1964, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., November 18, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-11929; Filed, Nov. 20, 1964; 8:47 a.m.]

# FEDERAL MARITIME COMMISSION

## WEST COAST OF ITALY, SICILIAN, AND ADRIATIC PORTS/NORTH ATLANTIC RANGE CONFERENCE (W.I.N.A.C.)

### Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the Federal Register. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of proposed amendments to the dual rate contract form filed by:

Burton H. White, Esq.,
Burlingham Underwood Barron Wright and White,
26 Broadway,
New York, N.Y. 10004.

There has been filed on behalf of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference a request to amend certain of the provisions of the form of dual rate contract approved by the Commission's order of March 27, 1964, in Docket No. 1046. The principal amendments require language changes in certain of these provisions, and the elimination of other provisions, as follows:

1. Elimination from Article 1(b) of the parenthetical phrase "as distinguished from the possession of the power to exercise such direction and control", is proposed.

2. With respect to Article 4(a), it is proposed to (1) eliminate therefrom the language which specifically refers to the rules of the Federal Maritime Commission; (2) specify that freight rates under the agreement are subject to increase from time to time where they have been in effect 90 days, and (3) provide that the carriers, insofar as such increases are under their control, will give advance notice thereof in the Conference tariff of not less than 30 calendar days in lieu of the 90 days' notice presently stipulated.

3. It is proposed to eliminate from Article 4(c), which deals with the effective date of rate filings, any reference to the Federal Maritime Commission, and to provide that such rates shall be deemed to have become effective with their original, lawfully effective filing date.

4. Article 7 modified to exclude from the contract, cargo carried in merchant-owned or in merchant-chartered vessels where term of charter is six months or longer, only when such cargo is owned by the merchant.

5. The definition of a natural transportation route has been eliminated from Article 8 of the contract, but the provisions of this Article otherwise remain unchanged.

6. Article 11(c) proposes to increase from 30 to 90 days the time in which the Conference may request arbitration of the Merchant's disputed claim.

7. Article 11(e) provides that in addition to the payment of damages, any costs assessed must be paid to automatically terminate suspension of the contract.

8. Article 13(a) has been revised to provide (1) that the Conference may investigate to determine whether the Merchant has violated any of the contract provisions, and is not limited in its investigation to shipments moving on nonconference vessels, and (2) at the Carrier's option rather than the Merchant's the Merchant shall furnish the Conference Chairman, Secretary or duly authorized representative, information or copies of documents which relate to such shipments and are in his possession or reasonably available to him, or allow such persons to examine these documents on the premises of the Merchant in the place where they are regularly kept.

9. In Article 14(a) the Conference specifically retains the right to suspend the effectiveness of the contract upon the occurrence of certain events and/or conditions listed therein. To these stated conditions are added port congestion or labor disputes.

11. The jurisdictional clause set forth in the sixth paragraph of Article 17 has been deleted, and Articles 18 and 19 have been eliminated.

Dated November 19, 1964.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11973; Filed, Nov. 20, 1964; 8:50 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G-10139 etc.]

## CITIES SERVICE OIL CO. ET AL.

### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

NOVEMBER 12, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 7, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.



| Docket No. and date filed | Applicant | Purchaser, field, and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| CI65-413 ..... A 11-4-64 | Kerr-McGee Oil Industries, Inc.[2] | Michigan Wisconsin Pipe Line Co., North Oakdale Field, Woods County, Okla. | [3] 20.405 | 14.65 |
| CI65-414 ..... A 11-2-64 | El Paso Natural Gas Products Co. | Arkansas Louisiana Gas Co., North Enid Area, Garfield County, Okla. | 12.0 | 14.65 |
| CI65-415 ..... A 11-2-64 | The Flour Corp., Ltd. | El Paso Natural Gas Co., Acreage in Cimarron County, Okla. | 16.2025 | 14.65 |
| CI65-416 ..... A 11-2-64 | Gulf Oil Co. and Allen T. Leeper. | Panhandle Eastern Pipe Line Co., South Tegarden Field, Woods County, Okla. | 17.0 | 14.65 |
| CI65-417 ..... A 11-2-64 | J. C. Trahan, Drilling Contractor, Inc. | United Gas Pipe Line Co., Liberty Hill Field, Bienville Parish, La. | 18.0 | 15.025 |
| CI65-418 ..... A 11-2-64 | Tex-Star Oil & Gas Corp. | Cities Service Gas Co., Bishop Field, Ellis County, Okla. | 17.0 | 14.65 |
| CI65-419 ..... A 11-4-64 | Dan R. Wager and Diane Oil Co. | Arkansas Louisiana Gas Co., Arkoma Area, Latimer, LeFlore, and Pittsburg Counties, Okla. | 18.0 | 14.65 |
| CI65-420 ..... B 11-2-64 | Vesta Fuel Company, Well No. 101. | Hope Natural Gas Co., Union District, Nicholas County, W. Va. | Uneconomical. | ----- |
| CI65-422 ..... A 11-3-64 | Sinclair Oil & Gas Co. | Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Area, Hamilton County, Kans. | 12.5 | 14.65 |
| CI65-423 ..... A 11-4-64 | Socony Mobil Oil Co., Inc. | Natural Gas Pipeline Company of America, Alvord Field, Wise County, Tex. | Depleted | ----- |
| CI65-424 ..... C 10-12-64[4] | C. F. Raymond | El Paso Natural Gas Co. acreage in La Plata County, Colo. | 13.0 | 15.025 |
| CI65-425 ..... A 11-4-64 | Pan American Petroleum Corp. | Transcontinental Gas Pipe Line Corp., Johnson's Bayou Field, Cameron Parish, La. | 18.575 | 15.025 |
| CI65-426 ..... A 11-3-64 | Sierra Petroleum Co., Inc. | Cities Service Gas Co., Rhodes Northeast Field, Barber County, Kans. | 14.0 | 14.65 |
| CI65-427 ..... A 11-4-64 | John H. Hill | Cities Service Gas Co., South Bishop Area, Ellis County, Okla. | 17.0 | 14.65 |
| CI65-428 ..... B 11-2-64 | Sun Oil Co. (Southwest Division). | Lone Star Gas Co., Delaware Bend (Oil Creek) Field, Cooke County, Tex. | [5] 14.40 | 14.65 |
| | Central Gas Co., et al. | Hope Natural Gas Co., Freemans Creek District, Lewis County, W. Va. | Uneconomical | ----- |

[2] Presently consolidated with Docket Nos. G-4281, et al., Sunray DX Oil Co., et al.
[3] Deletes 160 acres from basic contract which was erroneously dedicated to Colorado Interstate.
[4] Well does not have sufficient deliverability to be added by their own terms.
[5] Deletes acreage acquired from Socony Mobil Oil Co., Inc.
[6] Adds acreage acquired from Socony Mobil Oil Co., Inc.
[7] Application previously noticed Oct. 8, 1964 in Docket Nos. G-3918, et al. at a rate of 7.94 cents per Mcf.
[8] Amendment to application filed to reflect an initial rate of 6.5 cents per Mcf.
[9] Applicant states its willingness to accept permanent certificate subject to the same conditions contained in Commission's Opinion No. 338.
[10] Applicant proposes 2 cents per Mcf tax reimbursement.
[11] A 1.0 cent per Mcf deduction for low pressure gas.

[F.R. Doc. 64-11789; Filed, Nov. 20, 1964; 8:45 a.m.]

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[Docket No. CP62-243 etc.]

## NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

### Order Granting Motion To Withdraw Application

NOVEMBER 16, 1964.

On July 6, 1962, Midwest Missouri Gas Company (Midwest Missouri) filed an application, pursuant to section 7(a) of the Natural Gas Act, for an order directing Mississippi River Fuel Corporation to establish physical connection of its facilities with the proposed facilities of Midwest Missouri and to sell natural gas to the latter for resale in a suburban St. Louis area in Jefferson County, Missouri. Notice of the application was issued on September 26, 1962. Subsequently, it was consolidated with the applications in Natural Gas Pipeline Company of America, et al., Docket Nos. CP62-243, et



| Docket No. and date filed | Applicant | Purchaser, field, and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| G-10139 ..... C 11-2-64 | Cities Service Oil Co. | Tennessee Gas Transmission Co., Louisiana Block 43 Area, Offshore Louisiana. | 19.0 | 15.025 |
| G-14643 [1] ..... D 12-16-63 | Hughes Seward (Operator), et al. | Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla. | (2) | 14.65 |
| G-17016 ..... C 11-1-64 | Texaco Inc. | Cimarron Transmission Co., Southwest Enville Field, Love County, Okla. | 16.3 | 14.65 |
| C160-371 ..... E 9-25-64 | Burnt House Oil & Gas Co. (successor to John R. Robinson, et al.). | Hope Natural Gas Co., DeKalb District, Gilmer County, W. Va. | 25.0 | 15.325 |
| C160-737 ..... E 9-25-64 | do | do | 25.0 | 15.325 |
| C161-290 ..... D 10-29-64 | Socony Mobil Oil Co., Inc. (partial abandonment). | Southern Natural Gas Co., St. Gabriel Field, Iberville and Assumption Parishes, La. | (3) | ----- |
| C161-446 ..... E 9-25-64 | Burnt House Oil & Gas Co. (successor to John R. Robinson, et al.). | Hope Natural Gas Co., DeKalb District, Gilmer County, W. Va. | 25.0 | 15.325 |
| C161-675 ..... C 11-2-64 | The Shamrock Oil and Gas Corp. | Panhandle Eastern Pipe Line Co., acreage in Meade and Seward Counties, Kans. | 16.0 | 14.65 |
| C161-1440 ..... E 9-25-64 | A. R. Jackson, et al. d/b/a Matella Cooper No. 1 (successor to John R. Robinson, et al. d/b/a Matella Cooper No. 1). | Hope Natural Gas Co., DeKalb District, Gilmer County, W. Va. | 25.0 | 15.325 |
| C161-1469 ..... C 10-12-64 [4] | Ocean Drilling & Exploration Co. (Operator), et al. | Transcontinental Gas Pipe Line Corp., Block 113 Unit, Ship Shoal Area, Offshore Louisiana. | 20.625 | 15.025 |
| C162-474 ..... E 9-25-64 | A. R. Jackson, et al. d/b/a Russell H. McQuain No. 1 (successor to John R. Robinson, et al. d/b/a Russell H. McQuain No. 1). | Hope Natural Gas Co., Troy District, Gilmer County, W. Va. | 25.0 | 15.325 |
| C162-917 ..... E 9-25-64 | A. R. Jackson, et al. d/b/a Ross Langford No. 1 (successor to John R. Robinson, et al. d/b/a Ross Langford No. 1). | do | 25.0 | 15.325 |
| C163-773 ..... E 11-5-64 | Frank Bateman (successor to Bateman & Whitsett, Inc.). | El Paso Natural Gas Co., acreage in Lea County, N. Mex. | 9.0 | 14.65 |
| C163-831 ..... C 11-5-64 | Humble Oil & Refining Co. | El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex. | 18.2430 | 14.65 |
| C163-1567 ..... C 11-2-64 | Burnt House Oil & Gas Co. (successor to John R. Robinson, et al.). | Hope Natural Gas Co., Murphy District, Ritchie County, W. Va. | 25.0 | 15.325 |
| C164-214 ..... C 10-1-64 (replaces filing of 9-4-64) | Pioneer Production Corp. | Panhandle Eastern Pipe Line Co., Mocane Field, Beaver County, Okla. | 17.0 | 14.65 |
| C164-244 ..... C 11-5-64 | Rock Castle Gas Co. | United Fuel Gas Co., Appalachian Field, Martin County, Ky. | 23.0 | 15.325 |
| C164-297 ..... A 9-28-64 [6] 11-3-64 [7] | Cabot Corp. | Panhandle Eastern Pipe Line Co., Camrick Field, Texas County, Okla. | 17.0 | 14.65 |
| C165-409 ..... A 10-30-64 | Pesrose Production Co. (Operator), et al. | El Paso Natural Gas Co., Howse-San Andres Field, Lea County, N. Mex. | 5.5 | 14.65 |
| C165-410 ..... B 10-30-64 | Gulf Oil Corp. | Valley Gas Transmission, Inc., East Hackberry Field, Cameron Parish, La. | 15.0 | 15.025 |
| C165-411 ..... A 11-2-64 | Edwin L. Cox, et al. | Texas Eastern Transmission Corp., Rhode Ranch Field, McMullen County, Tex. | Depleted | ----- |
| C165-412 ..... A 11-3-64 | Pan American Petroleum Corp. | El Paso Natural Gas Co., Payton (Simpson) Field, Pecos County, Tex. | 16.2025 | 14.65 |
| | Apache Corp., et al. | Natural Gas Pipeline Co. of America, Southeast Woodward Field, Woodward County, Okla. | 17.0 | 14.65 |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

al.[1], and hearings held thereon were concluded on October 15, 1963.

By letter dated August 4, 1964, Laclede Gas Company (Laclede) and Missouri Natural Gas Company (Missouri Natural) advised the Presiding Examiner and the Commission of their intent to acquire all of the capital stock of Midwest Missouri. They further indicated that once the negotiations were concluded, a motion would be filed seeking withdrawal of Midwest Missouri's application. The Examiner, in issuing an initial decision in Docket Nos. CP62-243, et al., on September 10, 1964, accordingly, did not pass on the merits of the presentation made on behalf of Midwest Missouri stating that the proposal before him "would appear to be moot".

On October 22, 1964, the aforementioned acquisition having been consummated, Midwest Missouri filed a motion for withdrawal of its application in Docket No. CP63-6.

The Commission orders: The motion for withdrawal of its application in Docket No. CP63-6, filed by Midwest Missouri, is hereby granted.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-11901; Filed, Nov. 20, 1964; 8:45 a.m.]

[Docket No. E-7038]

## SOUTHWESTERN PUBLIC SERVICE CO.

### Notice Fixing Oral Argument

NOVEMBER 16, 1964.

Upon consideration of the Presiding Examiner's Decision issued September 1, 1964, exceptions thereto, and the motion filed on October 30, 1964 for oral argument;

Take notice that an oral argument is hereby scheduled to be heard at 10:00 a.m. on January 6, 1965 in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

Parties desiring to participate in the oral argument shall notify the Secretary in writing on or before December 15, 1964 and state the time desired for the presentation of their argument.

By direction of the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-11902; Filed, Nov. 20, 1964; 8:45 a.m.]

# FEDERAL RESERVE SYSTEM

## COMMERCIAL BANCORP, INC.

### Order Approving Application

In the matter of the application of Commercial Bancorp, Inc. for permission to become a bank holding company through acquisition of stock of three banks in Florida.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)) and § 222.4 (a)(1) of Federal Reserve Regulation Y (12 CFR 222.4(a)(1)), an application on behalf of Commercial Bancorp, Inc., Miami, Fa., for the Board's approval of action whereby Applicant would become a bank holding company through the acquisition of a minimum of 80 percent of the voting shares of each of the following banks located in Florida: Commercial Bank of Miami, Miami; Merchants Bank of Miami, West Miami; and Bank of Kendall, Kendall.

As required by section 3(b) of the Act, the Board notified the Florida State Commissioner of Banking of the receipt of the application and requested his views and recommendation. The Commissioner recommended approval. Notice of receipt of the application was published in the FEDERAL REGISTER on April 24, 1964 (29 F.R. 5522), which provided an opportunity for submission of comments and views regarding the proposed transaction. Time for filing such views and comments has expired and all comments and views filed with the Board have been considered by it.

It is ordered, for the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) within seven calendar days after the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 16th day of November 1964.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 64-11896; Filed, Nov. 20, 1964; 8:45 a.m.]

[1] Order issued November 30, 1962.

# INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

## IMPORTS OF COTTON TEXTILES AND COTTON TEXTILE PRODUCTS FROM KOREA

### Notice of Release From Embargo of Certain Categories

NOVEMBER 18, 1964.

Imports of cotton textiles and cotton textile products in Categories 22, 42, 43, 46, 50, 51, 54, and 60 from Korea.

In furtherance of the objectives of, and under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, the United States and Korea, during the course of consultations on a bilateral cotton textile agreement, have agreed to an arrangement for the release from embargo of certain cotton textiles and cotton textile products from Korea. The United States has received satisfactory assurances from Korea regarding compensation for these entries. This authorization covers only those goods which were reported by interested persons as being in bonded warehouse, general order warehouse, or foreign trade zone, in accordance with the notice published in the FEDERAL REGISTER on September 22, 1964 (29 F.R. 13154).

On November 16, 1964, the Chairman, President's Cabinet Textile Advisory Committee authorized the Commissioner of Customs to permit entry of certain listed shipments of cotton textiles and cotton textile products produced or manufactured in Korea.

Persons having reported in accordance with the above notice should contact the appropriate customs officers as soon as possible concerning the admissibility of their merchandise.

JAMES S. LOVE, JR., *Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.*

[F.R. Doc. 64-11918; Filed, Nov. 20, 1964; 8:46 a.m.]

[2] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Atlanta.

[1] Voting for this action: Unanimous, with all members present.

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

## CONTINENTAL VENDING MACHINE CORP.

### Order Suspending Trading

NOVEMBER 17, 1964.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered,* Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 18, 1964, through November 27, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-11897; Filed, Nov. 20, 1964; 8:45 a.m.]



[File No. 812-1730]

## M. A. HANNA CO. AND HANNA DIVERSIFIED INVESTMENTS, INC.

### Notice of Filing of Application for Order Exempting Proposed Transactions

NOVEMBER 16, 1964.

Notice is hereby given that The M. A. Hanna Co. ("Hanna"), 1300 Leader Building, Cleveland 14, Ohio, an Ohio corporation registered under the Investment Company Act of 1940 ("Act") as a closed-end, nondiversified investment company, and Hanna Diversified Investments, Inc. ("Hanna Diversified"), 140 Federal Street, Boston 10, Mass., a Delaware corporation registered under the Act as an open-end, diversified investment company, have filed a joint application pursuant to section 17(b) and section 6(c) of the Act for an order of the Commission exempting from section 17(a) and section 12(d)(1) of the Act the proposed transfer by Hanna of cash and certain of its portfolio securities in exchange for all of Hanna Diversified's capital stock in connection with the formation of Hanna Diversified as a wholly-owned subsidiary of Hanna. All interested persons are referred to the application on file with the Commission for a complete statement of applicants' representations, which are summarized below.

Hanna considers that its long-range objectives should be to achieve a better balance in investment portfolio between (a) its three basic holdings in National Steel Corp. ("National"), Consolidation Coal Co. ("Consolidation") and Hanna Mining Co. ("Hanna Mining") and (b) a broader list of securities representing other segments of the economy. In furtherance of these objectives, Hanna has reduced its holdings in National and Consolidation and to facilitate the management and supervision of the diversified portion of its portfolio, Hanna has formed Hanna Diversified and has caused it to register under the Act as an open-end diversified investment company.

Hanna Diversified has a total authorized capital stock of 1,000,000 shares of common stock, par value $1 per share. Hanna Diversified proposes to issue to Hanna 500,000 shares of such capital stock in exchange for $44,000,000 in cash and government securities, and public utility stocks drawn from the diversified portion of Hanna's present portfolio with a market value at August 31, 1964 of approximately $6,000,000. Such cash and securities, with an aggregate value of about $50,000,000, constituted about 8 percent of Hanna's total assets, based on market values as of August 31, 1964. From time to time Hanna may transfer additional assets to Hanna Diversified for investment, including any proceeds realized from possible future sales of Hanna's concentrated holdings.

Hanna Diversified will employ State Street Research & Management Co. ("State Street") of Boston, Mass., as its investment adviser under arrangements similar to those under which State Street acts as investment adviser to other investment companies. The management fee would amount to ½ of 1 percent per annum of net assets up to $200,000,000 and ⅜ of 1 percent of net assets in excess thereof, payable quarterly on the basis of the average of the asset value of Hanna Diversified's net assets at the end of each month. State Street will also pay the reasonable salaries and fees of the officers of Hanna Diversified and will furnish Hanna Diversified with office space and facilities. The existing employment of State Street by Hanna on a limited basis to render consultative, statistical and research services will be terminated. Hanna will submit to its shareholders for specific approval by them the proposed investment advisory contract under which State Street will serve as investment adviser to Hanna Diversified.

The Board of Directors of Hanna Diversified consists of five members, all of whom presently serve as directors of Hanna. Two of the present directors of Hanna and Hanna Diversified and all of the officers of Hanna Diversified are partners of State Street.

As conditions to the granting of the order of exemption requested in the application, it is proposed that:

(a) Without the approval of a vote of a majority of the then outstanding shares of voting stock of Hanna and modification of the requested order expressly to permit the transaction in question, no debt or equity security will be issued by Hanna Diversified except to Hanna, and Hanna will not dispose of any security of Hanna Diversified which it acquires except to Hanna Diversified; and

(b) The shareholders of Hanna shall be considered by Hanna Diversified as shareholders of Hanna Diversified for purposes of compliance by Hanna Diversified with the provisions of the Act and the rules and regulations promulgated thereunder, subject to the following:

(i) In lieu of a requirement that the directors of Hanna Diversified be elected by the shareholders of Hanna, a person may serve as a director of Hanna Diversified if his election to such position is specifically authorized by the shareholders of Hanna; and

(ii) Hanna Diversified shall be deemed to have complied with any requirements imposed by paragraph (b) above for reporting to the shareholders of Hanna if the information which it might otherwise be required to forward to the shareholders of Hanna is included in material distributed by Hanna to its shareholders.

Under existing federal tax laws, the formation and operation of Hanna Diversified should have no adverse federal income tax consequences for Hanna or its shareholders. Upon the formation of Hanna Diversified, it is expected that it will be able to avail itself of the provisions of subchapter M of the Internal Revenue Code of 1954 but at the present time no decision has been reached as to whether an election will be made to take advantage of such provisions.

Hanna's management will devote its attention primarily to the supervision of Hanna's concentrated investments.

Notice is further given that any interested person may, not later than December 7, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the addresses set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in such application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-11898; Filed, Nov. 20, 1964; 8:45 a.m.]

[File No. 7-2411]

## OCCIDENTAL PETROLEUM CORP.

### Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 17, 1964.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934, and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Occidental Petroleum Corporation, File 7-2411.

Upon receipt of a request, on or before December 2, 1964, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of

the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-11899; Filed, Nov. 20, 1964; 8:45 a.m.]

[File No. 1-4722]

## TASTEE FREEZ INDUSTRIES, INC.

### Order Suspending Trading

NOVEMBER 17, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 18, 1964 through November 27, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-11900; Filed, Nov. 20, 1964; 8:45 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-III, Amdt. 4]

## PHILADELPHIA REGIONAL AREA

### Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority (Revision 9) 29 F.R. 11777, as amended, 29 F.R. 12570, 13354 and 14093; Delegation of Authority No. 30-III, 29 F.R. 13125, as amended, 29 F.R. 13415, 13989 and 14556, is hereby further amended by revising Item I.L. to read as follows:

L. The following authority is hereby redelegated to the Branch Manager at Newark, N.J.

1. To approve the following:

a. Direct loans not exceeding $50,000.

b. Participation loans not exceeding $150,000.

c. Simplified Bank Participation loans not exceeding $250,000.

d. Simplified Early Maturities Participation loans not exceeding $250,000.

e. Direct disaster loans not exceeding $100,000.

*f.* Participation disaster loans not exceeding $150,000.

2. To decline as follows:

a. Business loans not exceeding $200,000.

b. Disaster loans in any amount.

3. To disburse unsecured disaster loans.

4. Items I.C. 6 through 11.

5. Item I.C. 12—only the authority for servicing, administration and collection, including subitems a. and b., but not c.

6. To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of $25 in any one object class in any one instance but not more than $50 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance; and (d) purchase printing from the General Services Administration where centralized reproduction facilities have been established by GSA.

7. Item I.A. (size determinations for financial assistance only).

8. Item I.B. (eligibility determinations for financial assistance only).

Effective date: November 9, 1964.

EDWARD N. ROSA,
*Regional Director,*
*Philadelphia Regional Office.*

[F.R. Doc. 64-11919; Filed, Nov. 20, 1964; 8:46 a.m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

### CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

The Arrow Company, a division of Cluett, Peabody & Co., Inc., Carbon Hill, Pa.; effective 10-15-64 to 10-14-65 (boys' shirts).

Michael Berkowitz Co., Inc., Barton Mill Road, Uniontown, Pa.; effective 11-4-64 to 11-3-65 (men's, ladies' and children's pajamas).

Blue Ridge Manufacturers, Inc., Christiansburg, Va.; effective 10-31-64 to 10-30-65 (men's and boys' denim jeans).

Blue Ridge Shirt Manufacturing Co., Box 801, Fayetteville, Tenn.; effective 10-31-64 to 10-30-65 (men's and boys' sport shirts).

J. H. Bonck Co., Inc., 1100 South Jefferson Davis Parkway, New Orleans, La.; effective 10-31-64 to 10-30-65 (men's sport shirts).

Carbondale Children's Dress Co., 30 7th Avenue, Carbondale, Pa.; effective 11-1-64 to 10-31-65 (children's and girls' dresses and playsuits).

The Carthage Corp., Carthage, Miss.; effective 11-1-64 to 10-31-65 (men's and boys' pants).

Cowden Manufacturing Co., 124 Apperson Heights, Mount Sterling, Ky.; effective 10-23-64 to 10-22-65 (men's denim work shirts and coats).

Crystal Springs Shirt Corp., Crystal Springs, Miss.; effective 10-21-64 to 10-20-65 (boys' shirts).

Dantan Co., Inc., Rankin Street, Dumas, Ark.; effective 10-18-64 to 10-17-65 (ladies' sportswear-slim jims, jamaicas, etc.).

Eureka Pants Manufacturing Co., Madison Street, Shelbyville, Tenn.; effective 10-27-64 to 10-26-65 (work pants, work shirts).

Fly Manufacturing Co., 204 South Main Street, Shelbyville, Tenn.; effective 10-27-64 to 10-26-65 (work pants, overalls, dungarees and jackets).

Form-O-Uth Brassiere Co., d.b.a. Marie Foundations Branch, Pampa, Tex.; effective 10-14-64 to 10-13-65 (women's brassieres and girdles).

Freeland Shirt Co., 1015 Dewey Street, Freeland, Pa.; effective 11-4-64 to 11-3-65 (men's and children's jackets and vests).

Gibson Garment Co., Inc., Gibson, Ga.; effective 10-31-64 to 10-30-65 (boys' and men's trousers).

Harrisburg Children's Dress Co., 1380 Howard Street, Harrisburg, Pa.; effective 10-26-64 to 10-25-65 (children's and girls' dresses and playsuits).

Heavy Duty Manufacturing Co., Gainesboro, Tenn.; effective 10-28-64 to 10-27-65 (men's and boys' sport shirts).

Joyner-Fields, Inc., Sherman, Miss.; effective 10-15-64 to 10-14-65 (men's and boys' sport shirts).

Key Work Clothes, Inc., Fort Scott, Kansas; effective 10-31-64 to 10-30-65 (men's and boys' bib overalls, work jackets, coveralls).

Key Work Clothes of Missouri, Nevada, Mo.; effective 11-1-64 to 10-31-65 (men's work pants, work shirts).

Lansford Apparel Co., West Patterson Street, Lansford, Pa.; effective 10-31-64 to 10-30-65 (children's dresses).

Luverne Slacks Corp., Luverne, Ala.; effective 10-19-64 to 10-18-65 (men's cotton and synthetic slacks).

McPenn Manufacturing Co., Washington and Walnut Streets, Nanticoke, Pa.; effective 10-25-64 to 10-24-65 (men's and boys' sport shirts).

Samuel Meltzer d.b.a. The Liberty Co., Royalty Manufacturing Co., Inc., East Front Street, Dyer, Tenn.; effective 10-22-64 to 10-21-65 (men's and boys' pajamas).

Charles Meyers & Co., First and Harrison Streets, Belleville, Ill.; effective 11-1-64 to 10-31-65 (men's trousers-semi-dress slacks).

Newport News Children's Dress Co., 824 39th Street, Newport News, Va.; effective 10-12-64 to 10-11-65 (children and girls' dresses and playsuits).



Penn Childrens Dress Co., 831 Lackawanna Avenue, Mayfield, Pa.; effective 10-26-64 to 10-25-65 (children's and girls' dresses and playsuits).

Press Dress and Uniform Co., Hummelstown, Pa.; effective 10-29-64 to 10-28-65 (maids' and nurses' uniforms and cotton dresses).

Quality Sewn Products, Inc., Post Office Box 126, Royston, Ga.; effective 10-15-64 to 10-14-65 (men's sport shirts, ladies' blouses).

S & S Manufacturing Co., Inc., 200 West Main Street, Spartanburg, S.C.; effective 11-1-64 to 10-31-65 (ladies' and children's blouses).

Shelburne Shirt Co., Inc., 69 Alden Street, Fall River, Mass.; effective 11-1-64 to 10-31-65 (men's dress shirts).

Smith & Company, 102 West Kaskaskia, Paola, Kans.; effective 10-12-64 to 10-11-65 (robes and loungewear).

Sparta Garment Co., Inc., Sparta, Ga.; effective 10-31-64 to 10-30-65 (boys' and men's trousers).

Warner Brothers Company, Post Office Box 682, Aiken, S.C.; effective 10-20-64 to 10-19-65 (corsets and brassieres).

Washington Overall Manufacturing Co., South Court Street, Scottsville, Ky.; effective 10-26-64 to 10-25-65 (men's and boys' trousers).

Weldon Manufacturing Co. of Pennsylvania, 1307 Park Avenue, Williamsport, Pa.; effective 10-29-64 to 10-28-65 (men's, women's, boys' pajamas).

Wilgree Manufacturing Co., North Harney Street, Camilla, Ga.; effective 10-21-64 to 10-20-65 (men's sport and dress shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Anderson Brothers Consolidated Co's., Inc., Floyd and High Streets, Danville, Va.; effective 10-31-64 to 10-30-65; 10 learners (men's work clothes).

Athens Garment Co., 208 North Marion Street, Athens, Ala.; effective 10-24-64 to 10-23-65; 10 learners (work shirts).

Burgaw Manufacturing Co., Burgaw, N.C.; effective 10-12-64 to 10-11-65; 10 learners (women's dresses).

C & M Sportswear Manufacturing Corp., Meshoppen, Pa.; effective 10-14-64 to 10-13-65; 10 learners. Learners may not be employed at special minimum wage rates in the production of jackets of suit type construction (girls' jackets, men's ski jackets).

Boonville Manufacturing Corp., 302-316 North Second Street, Boonville, Ind.; effective 11-1-64 to 10-31-65; 10 learners (men's woven pajamas).

Dunmore Sewing Co., 105 Corner Street, Dunmore, Pa.; effective 10-29-64 to 10-28-65; 5 learners (children's dresses).

Good-I-Kin Sportswear Corp., 331 Main Street, Lilly, Pa.; effective 10-14-64 to 10-13-65; 10 learners (children's skirts, blouses and jumpers).

Eileen Hope, Inc., 209 Market Street, Halifax, Pa.; effective 10-19-64 to 10-18-65; 10 learners (women's dresses).

Lacy Manufacturing Co., Inc., 901 Adele Street, Martinsville, Va.; effective 10-16-64 to 10-15-65; 5 learners in the production of outerwear jackets (men's and boys' outerwear jackets).

Marshall Clothing Manufacturing Co., Inc., 115 East Main Street—118-122 Broadway, Butler, Ind., effective 10-19-64 to 10-18-65; 10 learners (insulated garments, jackets, uniforms, etc.).

Oswego Foundations, Inc., 185 East Seneca Streets, Belleville, Ill.; effective 11-1-64 to 10-31-65; 10 learners (girdles and corsets).

Roanoke Manufacturing Co., Anniston, Ala.; effective 10-12-64 to 10-11-65; 10 learners (men's sport shirts).



W. E. Stephens Manufacturing Co., Inc., Carthage, Tenn.; effective 10-14-64 to 10-13-65; 10 learners (men's and boys' dungarees).

Washington Garment Co., Inc., Washington, N.C.; effective 10-24-64 to 10-23-65; 10 learners (children's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners are indicated.

Michael Berkowitz Co., Inc., Route No. 2, Waynesburg, Pa.; effective 10-15-64 to 4-14-65; 15 learners (ladies' and men's pajamas).

Blue Bell, Inc., Homer, Ga.; effective 10-14-64 to 4-13-65; 25 learners (dungarees).

Burgaw Manufacturing Co., Burgaw, N.C.; effective 10-20-64 to 4-19-65; 65 learners (women's cotton dresses).

Collinwood Manufacturing Co., Collinwood, Tenn.; effective 10-19-64 to 4-18-65; 50 learners (women's washable cotton service uniforms).

The Dantan Co., Inc., Rankin Street, Dumas, Ark.; effective 10-23-64 to 4-22-65; 35 learners (ladies' sportswear-slim jeans, jamaicas, etc.).

Form-O-Uth Brassiere Co., d.b.a. Marie Foundations Branch, Pampa, Tex.; effective 10-14-64 to 4-13-65; 45 learners (women's brassieres and girdles).

H. D. Lee Co., Inc., Jasper, Ga.; effective 10-15-64 to 4-14-65; 75 learners (men's casual pants).

Oswego Foundations, Inc., 185 East Seneca Street, Oswego, N.Y.; effective 10-26-64 to 4-25-65; 15 learners (women's girdles and corsets).

Tracy City Manufacturing Co., Tracy City, Tenn.; effective 10-16-64 to 4-15-65; 100 learners (men's and boys' sport shirts).

Warner Brothers Co., Post Office Box 682, Aiken, S.C.; effective 10-20-64 to 4-19-65; 30 learners (corsets and brassieres).

Washington Garment Co., 2020 Main Street Extension, Washington, Pa.; effective 10-24-64 to 4-23-65; 80 learners. Learners may not be employed at special minimum wages in the production of skirts (ladies' sportswear pants and shorts).

### Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Good Luck Glove Co., Carbondale, Ill.; effective 10-30-64 to 10-29-65; 10 percent of the total number of machine stitchers for normal labor turnover purposes (cotton, jersey and leather combination).

Granet Glove Corp., Box 188, South Royalton, Vt.; effective 10-15-64 to 10-14-65; 5 learners for normal labor turnover purposes (work gloves).

Richmond Glove Corp., 601 North D Street, Richmond, Ind.; effective 10-10-64 to 4-9-65; 10 learners for plant expansion purposes (work gloves).

Richmond Glove Corp., 601 North D Street, Richmond, Ind.; effective 10-10-64 to 10-9-65; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

### Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Beaver Hosiery Co., Hickory, N.C.; effective 10-23-64 to 10-22-65; 5 learners for normal labor turnover purposes (seamless).

Burlington Balfour Mills, Post Office Box 610, Asheboro, N.C.; effective 10-19-64 to 10-18-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Danville Knitting Mills, Inc., Danville, Va.; effective 10-15-64 to 10-14-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

C. D. Jessup & Co., Claremont, N.C.; effective 10-15-64 to 10-14-65; 5 learners for normal labor turnover purposes (seamless).

Union Manufacturing Co., 500 Sibley Avenue, Union Point, Ga.; effective 10-21-64 to 10-20-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Wayne Knitting Mills, Humboldt, Tenn.; effective 10-24-64 to 10-23-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Wyatt Knitting Co., 1006 Goldsboro Avenue, Sanford, N.C.; effective 11-1-64 to 10-31-65; 5 learners for normal labor turnover purposes (full-fashioned, seamless).

### Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Boonville Manufacturing Corp., 302-316 North Second Street, Boonville, Ind.; effective 11-1-64 to 10-31-65; 5 learners for normal labor turnover purposes in the manufacture of men's woven underwear (men's woven underwear).

Lacy Manufacturing Co., Inc., 901 Adele Street, Martinsville, Va.; effective 10-16-64 to 10-15-65; 10 learners for normal labor turnover purposes (men's and boys' swim trunks).

Lacy Manufacturing Co., Inc., 901 Adele Street, Martinsville, Va.; effective 10-16-64 to 4-15-65; 10 learners for plant expansion purposes (men's and boys' swim trunks).

Rockwell Manufacturing Corp., St. Paul, Va.; effective 10-23-64 to 10-22-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' sleepwear, lingerie).

Sherman Underwear Mills, Inc., Hawley, Pa.; effective 10-23-64 to 10-22-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's panties).

The following student-worker certificate was issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificates issued under Part 527 are as indicated below.

Atlantic Union College, Main Street, South Lancaster, Mass.; effective 10-13-64 to 8-31-65; authorizing the employment of: (1) 15 student-workers in the printing industry in the occupations of compositor, pressman and related skilled and semiskilled occupations for a learning period of 1000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (2) 35 student-workers in the bookbinding industry in the occupations of bookbinder, bindery workers, and related skilled and semiskilled occupations for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; and (3) 40 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, sorter, winder, and related skilled and semiskilled occupations for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

The student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 6th day of November 1964.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 64-11904; Filed, Nov. 20, 1964; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I.C.C. Order 176]

## MIDLAND VALLEY RAILROAD CO.

### Rerouting or Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, the Midland Valley Railroad Co., due to bridge damage near Arkansas City, Kans., is unable to transport traffic routed over its lines.

*It is ordered*, That:

(a) Rerouting traffic: The Midland Valley Railroad Co. and its connections, being unable to transport traffic in accordance with shippers routing because of bridge damage, near Arkansas City, Kans., is hereby authorized to divert or reroute such traffic moving over its line over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall received the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is diverted or rerouted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 10:00 a.m., November 17, 1964.

(g) Expiration date: This order shall expire at 11:59 p.m., December 17, 1964, unless otherwise modified, changed, suspended or annulled.

*It is further ordered*, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D.C. November 17, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F.R. Doc. 64-11913; Filed, Nov. 20, 1964; 8:46 a.m.]

[Notice 1080]

## MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 18, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67239. By order of November 13, 1964, the Transfer Board approved the transfer to L. F. Berry, Easton, Md., of a portion of the operating rights issued by the Commission August 24, 1964, under Certificate No. MC 29969, to Rex "N" Don Van Lines, Inc., Charleston, Ill., authorizing the transportation, over irregular routes, of household goods, as defined by the Commission, between points in Macon County, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin; between points in Clark, Coles, Cumberland, Douglas, Edgar, Moultrie, and Shelby Counties, Ill., on the one hand, and, on the other, points in Arkansas, Indiana, Kansas, Kentucky, Missouri, Oklahoma, and Texas. Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C., 20006, attorney for applicants.

No. MC-FC-67329. By order of November 16, 1964, the Transfer Board approved the transfer to Moritz O. Gochenour, doing business as Gochenour Bus Service, Woodstock, Va., of Certificate in No. MC 116234, issued June 6, 1957, in the name of Alston Richard La Follette, doing business as L. & M. Transportation Service, Winchester, Va., authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over regular routes, between Winchester, Va., and Charles Town, W. Va., serving all intermediate points except points on U.S. Highway 11; and between Charles Town, W. Va., and junction U.S. Highway 340 and private road owned by the Charles Town Turf Club (formerly the Charles Town Jockey Club, Inc.), during the authorized racing season of the Charles Town Race Track, W. Va., serving no intermediate points. Linwood C. Major, Jr., 2001 Massachusetts Avenue NW., Washington, D.C., 20036, attorney for applicants.

No. MC-FC 67347. By order of November 17, 1964, the Transfer Board approved the transfer and substitution of Louis L. Grimm, Inc., as applicant in the pending "grandfather-proviso" proceeding, No. MC 54826 Sub 1, in lieu of Louis L. Grimm, seeking a Certificate of Registration under the provisions of section 206(a)(7) of the Act, covering the transportation of property between points in Pennsylvania. Edward M. Larkin, 2508 Grant Building, Pittsburgh, Pa., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64-11915; Filed, Nov. 20, 1964; 8:46 a.m.]

## FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 18, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

AGGREGATE-OF-INTERMEDIATES

FSA No. 39407: *Liquid caustic soda from Port Neches, Tex.* Filed by Texas-Louisiana Freight Bureau, agent (No. 522), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Port Neches, Tex., to Dallas, Fort Worth and Sherman, Tex.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 21 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64-11914; Filed, Nov. 20, 1964; 8:46 a.m.]



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PART II

# FEDERAL REGISTER

VOLUME 29 NUMBER 228

Washington, Saturday, November 21, 1964

Department of Health, Education, and Welfare

Food and Drug Administration

# Certification of Antibiotic and Antibiotic-Containing Drugs

# Rules and Regulations

## Title 21—FOOD AND DRUGS

**Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare**

**PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION**

**PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS**

**PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE STATEMENTS**

**PART 146—ANTIBIOTIC DRUGS; PROCEDURAL REGULATIONS**

**PART 148—ANTIBIOTIC DRUGS; LABELING AND PACKAGING REQUIREMENTS**

### Recodification and Reorganization of General Regulations for the Certification of Antibiotic and Antibiotic-Containing Drugs

Pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), Parts 146 and 148 are reorganized as indicated below for the following reasons:

1. Elimination of repetitious or duplicated material.

2. Separation and rearrangement of textual material into logical sequences and correlation of related material.

3. Broadening of scope of existing parts and providing for expansion and growth by establishment of new parts.

4. Updating of old material.

The changes effected are principally editorial in nature and the only substantive amendments are made for the purpose of correcting inconsistencies, deletion of obsolete material, or updating of material, where necessary.

The changes effected are as follows:

1. Section 3.29 is revoked since the provisions therein are duplicated by § 121.9.

2. All antibiotic regulations concerning exemptions, with the exception of those specifically cross-referenced and with the exception of §§ 146.9, 146.12, and 146.28 which are revoked, are transferred to new Part 144, in accordance with the following redesignation table:

REDESIGNATION TABLE—PART 144

| Old section | New section |
|---|---|
| 146.18 | 144.3 |
| 146.19 | 144.4 |
| 146.20 | 144.5 |
| 146.21 | 144.6 |
| 146.22 | 144.7 |
| 146.23 | 144.8 |
| 146.30 | 144.9 |
| 146.29 | 144.10 |
| 146.27 | 144.11 |
| 146.24 | 144.14 |
| 146.11 | 144.15 |
| 3.15 | 144.16 |
| 146.1(j) | 144.23 |
| 146.13 | 144.24 |
| 146.25 | 144.25 |
| 146.26 | 144.26 |

3. All defining and interpretative antibiotic regulations are removed to a new Part 145, in accordance with the following redesignation table:

REDESIGNATION TABLE—PART 145

| Old section | New section |
|---|---|
| 146.1, introduction to section | 145.1(a) |
| 146.1(e)(3) | 145.1(b) |
| 146.1(e)(4) | 145.1(d) |
| 146.1(e)(1), (2) | 145.1(e), (f) |
| 146(e)(5) | 145.1(g) |
| 146.1(a)(1)–(31) | 145.2(a)(1)–(31) |
| 146.1(b)(1)–(33) | 145.3(a)(1)–(33) |
| 146.1(d) | 145.3(b) |
| 146.1(c)(1), (2) | 145.4 |
| 146.31 | 145.31 |

4. All antibiotic regulations concerning procedural requirements now contained in Part 146 will remain in that part, and all other antibiotic regulations relating solely to procedure are transferred to the new Part 146, in accordance with the following redesignation table:

REDESIGNATION TABLE—PART 146

| Old section | New section |
|---|---|
| 148.4 | 146.2(c) |
| 146.2(c), (d), (e) | 146.2(d), (e), (f) |
| 146.1(f) | 146.3(c) |
| 146.3(c) | 146.3(d) |
| 146.1(h) | 146.3(e) |
| 146.1(g) | 146.3(f) |
| 146.1(j) | 146.7 |
| 148.5 | 146.8(e) |
| 146.26(d) | 146.8(f) |
| 146.8(e), (f), (g) | 146.8(g), (h), (i) |
| 3.501 | 146.9 |
| 146.7 | 146.10 |
| 146.1(i) | 146.11 |
| 3.30 | 146.12 |

5. All antibiotic regulations concerning labeling and packaging requirements now in Part 148 remain in that part, and the heading to the part is changed. Sections 148.1 and 148.5 are revoked. Section 148.4 is removed to Part 146 as § 146.2(c). Sections 3.504 and 146.10 are combined into one section and transferred to Part 148 as new § 148.4. Section 146.14 is transferred to Part 148 as new § 148.5.

The affected parts read as follows:

## PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

Sec.
144.1 [Reserved]
144.2 [Reserved]
144.3 Exemption for labeling.
144.4 Exemption for storage.
144.5 Exemption for processing.
144.6 Exemption for repacking.
144.7 Exemption for manufacturing use.
144.8 Exemption for investigational use.
144.9 Exemption of antibiotic drugs for use in teaching, law enforcement, research, and analysis.
144.10 Biological drugs that contain antibiotics.
144.11 Antibiotics for fish diseases.
144.12 [Reserved]
144.13 [Reserved]
144.14 Antibiotic powders for diagnostic use.
144.15 Assay requirements for antibiotic drugs exempted from certification.
144.16 Antibiotic drugs intended for export.
144.17–144.22 [Reserved]
144.23 Records retention.
144.24 Manganese bacitracin medicated animal feed.
144.25 Antibiotic drugs for use in medicated animal feed (antibiotic medicated feed premixes; antibiotic medicated feed concentrates that must be diluted with feed ingredients before they are fed).
144.26 Animal feed containing certifiable antibiotic drugs.

AUTHORITY: The provisions of this Part 144 issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

CROSS REFERENCE: For other regulations in this chapter relating to antibiotic drugs exempted from certification, see also: §§ 146a.24(f), 146a.27(f), 146a.30(f), 146a.37(f), 146a.51(f), 146a.69(f), 146a.88(c), 146a.93(e), 146b.112(f), 146b.115(f), 146b.119(f), 146b.125(b), 146b.129(b), 146c.205(f), 146c.207(b), 146c.219(f), 146c.230(f), 146e.402(f), 146e.423(c), 146e.425(f), 146e.427(b), 146e.431(b).

### § 144.1 [Reserved]

### § 144.2 [Reserved]

### § 144.3 Exemption for labeling.

(a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of a certifiable antibiotic drug which is to be labeled at an establishment located elsewhere than at the place of manufacture shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such establishment, from the requirement of section 502(l) of the act if the labeling of each shipping container bears the batch mark of the drug, the number of units per package and the expiration date, and if the person who introduced such shipment or delivery into interstate commerce holds a permit (Antibiotic Form 3) from the Commissioner authorizing shipment for labeling in such establishment.

(b) (1) An application for such a permit shall be in a form specified by the Commissioner and shall give the name and location of the establishment in which such labeling is to be done.

(2) In case the applicant is the operator of such establishment, the application shall include a written agreement signed by him that he will request certification of each batch from which any shipment or delivery is made to such establishment unless it is exempt under section 801(d) of the act or § 144.8; that he will not remove any of such antibiotic drug from such establishment unless it complies with section 502(l) of the act or is so exempt, or if certification is refused, unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured; that he will keep complete records showing the date, quantity, and batch mark of each such shipment and delivery and the disposition thereof; that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such disposition; and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records.

(3) In case the applicant is not the operator of such establishment such application shall include or be accompanied by:

(i) A written agreement signed by the applicant that he will request certification of each batch from which any shipment or delivery is made to such establishment unless it is exempt under section 801(d) of the act or § 144.8; that he will keep complete records showing the date, quantity, and batch mark of each such shipment and delivery; and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such shipment or delivery; and

(ii) A written agreement signed by the operator of such establishment that he will submit a request, supplemental to that of the applicant, for the certification of each batch or portion thereof comprised in any such shipment or delivery received by him unless it is exempt under section 801(d) of the act or § 144.8; that he will specify in his request the number of packages of each size in such shipment or delivery, the date of delivery, the batch mark thereof, and the batch mark he will use therefor; that the batch marks to be used (if different from those of the applicant) will be only those of which the key is specified in this agreement that the expiration date used for the batch will be only that assigned to the manufacturer by certification; that the labeling to be used for such packages will be only that of which specimens are attached to this agreement (including specimens of all brochures and other printed matter, except readily available medical publications, referred to in such labeling); that when any change is made in such key or labeling he will promptly submit to the Commissioner a full statement of such change or, in the case of changed labeling, specimens showing all such changes; that he will not remove any of such antibiotic drug from such establishment unless it complies with section 502(l) of the act or is exempt under section 801(d) of the act or § 144.8 or, if certification is refused, unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured; that he will keep complete records of the disposition of each such shipment and delivery; that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such disposition; and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records.

(4) When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall become void at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after labeling, from such establishment unless such shipment complies with section 502(l) of the act or is exempt under section 801(d) of the act or § 144.8 or, if certification is refused, unless such shipment or delivery is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such establishment, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after labeling, from such establishment unless such batch complies with section 502(l) of the act or is exempt under section 801(d) of the act or § 144.8 or, if certification is refused, unless such shipment or delivery, within a reasonable time, is destroyed or returned to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

### § 144.4 Exemption for storage.

(a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of a drug which is to be stored at a warehouse located elsewhere than at the place of manufacture shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such warehouse, from the requirements of section 502(l) of the act if the labeling of each shipping container bears the batch mark of the drug, and if the person who introduced such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for storage in such warehouse.

(b) An application for such a permit shall be in a form specified by the Commissioner, and shall give the name and location of the warehouse in which such drug is to be stored. Such application shall be accompanied by:

(1) A written agreement signed by the applicant that he will request certification of each batch thereof unless it is exempt under section 801(d) of the act or § 144.3, 144.6, or 144.7, that he will not remove any of such drug from such warehouse unless it complies with section 502(l) of the act or is so exempt or, if certification is refused unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured; that he will keep complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug to such warehouse, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such shipment or delivery; and

(2) A written statement signed by the operator of such warehouse showing that he has adequate facilities for such storage; such statement shall contain an agreement that he will hold each shipment or other delivery of such drug intact, under such conditions as will not cause failure of the drug to comply with the requirements for certification, that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof, that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records.

If the applicant keeps complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug from such warehouse and the name and post-office address of the person to whom such shipment or delivery was made, the agreement to keep records of such disposals, to make such records available, and to afford opportunity for checking their correctness may be included in the applicant's agreement and omitted from that of the operator. When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such warehouse, shall become void at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such warehouse unless such batch complies with section 502(l) of the act or is exempt under section 801(d) of the act or § 144.3, 144.6, or 144.7, or, if certification is refused, unless such shipment or delivery is returned within a reasonable time to permit reprocessing and certification, destruction, or such

exemption at the establishment where it was manufactured.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such warehouse, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such warehouse unless such batch complies with section 502(l) of the act or is exempt under section 801(d) of the act or § 144.3, 144.6, or 144.7, or, if certification is refused, unless such shipment or delivery, within a reasonable time, is destroyed, or returned to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

### § 144.5 Exemption for processing.

(a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of any certifiable antibiotic drug subject to the regulations in this chapter in concentrated aqueous solution which is to be processed at an establishment located elsewhere than at the place of manufacture shall be exempt during the time of introduction into and movement in interestate commerce and the time of holding in such establishment from the requirements of section 502(l) of the act, if the person who introduced such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for processing in such establishment, and each package of such solution bears the batch mark of the drug.

(b) An application for such a permit shall be in a form specified by the Commissioner and shall give the name and location of the establishment in which such processing is to be done. Such application shall be accompanied by:

(1) A written agreement signed by the applicant that he will keep complete records showing the date, quantity, potency, and batch mark of each shipment and other delivery of any such solution to such establishment, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such shipment or delivery;

(2) A written agreement signed by the operator of such establishment showing that he has adequate facilities for such processing; such statement shall contain an agreement that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof, that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records; and

(3) A written agreement signed by the person who will own the drug after the processing is completed that he will request certification of each batch thereof unless it is exempt under section 801(d) of the act or § 144.3, 144.4, 144.6, 144.7, or 144.8, and that he will not remove any of such drug from such establishment unless it complies with section 502(l) of the act or is so exempt.

When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall become void at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after processing, from such establishment unless the batch made from such shipment or delivery complies with section 502(l) of the act or is exempt under section 801(d) of the act or § 144.3, 144.4, 144.6, 144.7, or 144.8, or, if certification has been refused, unless such shipment or delivery is reprocessed and certified or destroyed within a reasonable time.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such establishment, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after processing, from such establishment unless the batch made from such shipment or delivery complies with section 502(l) of the act or is exempt under section 801(d) of the act or § 144.3, 144.4, 144.6, 144.7, or 144.8, or, if certification has been refused, unless such shipment or delivery is reprocessed and certified or destroyed within a reasonable time.

### § 144.6 Exemption for repacking.

(a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of a drug which is to be repacked at an establishment located elsewhere than at the place of manufacture shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such establishment from the requirements of section 502(l) of the act if the labeling of each container bears the batch mark of the drug and the number of units per package, and if the person who introduces such shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for repacking in such establishment.

(b) An application for such a permit shall be in a form specified by the Commissioner, and shall give the name and location of the establishment in which such repacking is to be done. Such application shall be accompanied by:

(1) A written agreement signed by the applicant that he will keep complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug to such establishment, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of each shipment or delivery;

(2) A written statement signed by the operator of such establishment showing that he has adequate facilities for such repacking; such statement shall contain an agreement that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof, that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records; and

(3) A written agreement signed by the person who will own the drug after the repacking is completed that he will request certification of each batch thereof unless it is exempt under section 801(d) of the act or § 144.3, 144.4, 144.7, or 144.8, and that he will not remove any of such drug from such establishment unless it complies with section 502(l) of the act or is so exempt or is returned to him for labeling or, if certification is refused, unless it is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall become void at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after repacking, from such establishment unless such batch complies with section 502(l) of the act or is exempt under section 801(d) of the act or § 144.3, 144.4, 144.7, or 144.8, or is returned to such person for labeling or, if certification is refused, unless such shipment or delivery is returned within a reasonable time to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such establishment, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof, before or after repacking, from such establishment unless such batch complies with section 502(l) of the act or is exempt under section 801(d) of the act or § 144.3, 144.4, 144.7, or 144.8, or is returned to such person for labeling or, if certification is refused, unless such shipment or delivery, within a reasonable time, is destroyed or returned to permit reprocessing and certification, destruction, or such exemption at the establishment where it was manufactured.



### § 144.7 Exemption for manufacturing use.

(a) Except as provided by paragraphs (c) and (d) of this section, a shipment or other delivery of any certifiable antibiotic drug subject to the regulations in this chapter that is packed in containers of not less than 10,000,000 units of penicillin or 10 grams each of one of the other antibiotic drugs shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in the establishment where it is so used, from the requirements of section 502(l) of the act, if it conforms to the standards prescribed therefor by the section of the regulations in this chapter which is specifically applicable to such other antibiotic drug, if the label of each container bears the batch mark of the drug, the number of units or grams per package, and the date on which the latest assay of the drug was completed, and if the person who introduced each shipment or delivery into interstate commerce holds a permit from the Commissioner authorizing shipment for manufacturing use in such establishment.

(b) An application for such a permit shall be in a form specified by the Commissioner, shall give the name and location of the establishment in which such drug is to be used and shall be accompanied by:

(1) A written agreement signed by the applicant that he will keep complete records showing the date, quantity, and batch mark of each shipment and other delivery of any such drug to such establishment, and that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such shipment or delivery;

(2) A written statement signed by the operator of such establishment showing that he has adequate facilities for the manufacture of such other drug; such statement shall contain an agreement that he will keep complete records showing the date of receipt by him and the quantity and batch mark of each such shipment and delivery and the disposition thereof and showing the quantity and batch mark of each batch of such other drug manufactured by him and the disposition thereof; that he will make such records available to any officer or employee of the Food and Drug Administration at any reasonable hour within 3 years after the date of such disposition, and that he will accord full opportunity to such officer or employee to make inventories of stocks on hand and otherwise check the correctness of such records; and

(3) A written agreement signed by the person who will own the drug after its manufacture is completed that he will request certification of each batch thereof unless it is exempt under section 801(d) of the act or § 144.3, 144.4, 144.6, or 144.8, and that he will not remove any of such drug from such establishment unless it complies with section 502(l) of the act or is so exempt or is returned to him for labeling.

When the Commissioner finds, after giving notice and opportunity for hearing, that such application contains any untrue statement of a material fact or that any provision of any such agreement has been violated he may revoke such permit.

(c) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is the operator of such establishment, shall become void at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such establishment, prior to its use in the manufacture of another drug, unless it is exempt under section 801(d) of the act.

(d) An exemption of a shipment or other delivery under paragraph (a) of this section, in case the person who introduced such shipment or delivery into interstate commerce is not the operator of such establishment, shall expire at the beginning of the act of removing or offering to remove such shipment or delivery or any part thereof from such establishment, prior to its use in the manufacture of another drug, unless it is exempt under section 801(d) of the act.

### § 144.8 Exemption for investigational use.

A shipment or other delivery of an antibiotic drug shall be exempt from section 502(l) of the act if all the procedures outlined in § 130.3 of this chapter are complied with. For the purposes of this section, the references in § 130.3 of this chapter to "new drug" and "approved new-drug application" shall be deemed to read "antibiotic drug" and "approval for certification or exemption from certification," respectively.

### § 144.9 Exemption of antibiotic drugs for use in teaching, law enforcement, research, and analysis.

Antibiotic drugs subject to section 507 of the act shall be exempt from the requirements of section 502(l) if shipped or sold to, or in the possession of, persons regularly and lawfully engaged in instruction in pharmacy, chemistry, or medicine not involving clinical use; or in law enforcement; or in research not involving clinical use; or in chemical analysis or physical testing, provided they are to be used only for such instruction, law enforcement, research, analysis, or testing, and provided further that their labels bear the statement "Not for drug use."

### § 144.10 Biological drugs that contain antibiotics.

Biological drugs that contain any certifiable antibiotic drug subject to the regulations in this chapter, and the purpose of the antibiotic is for use only as a preservative and the biological drug is conspicuously so labeled, shall be exempt from the requirements of sections 502 (l) and 507 of the act, if such drugs are licensed under the Public Health Service Act of July 1, 1944 (58 Stat. 682; 42 U.S.C. 201 et seq.) or under the Virus-Serum-Toxin Act of March 4, 1913 (37 Stat. 832; 21 U.S.C. 151 et seq.)

### § 144.11 Antibiotics for fish diseases.

Any antibiotic drug subject to the regulations in this chapter intended for use solely in the prevention or treatment of disease in fish and conspicuously so labeled shall be exempt from the requirements of sections 502(l) and 507 of the act if the fish so treated are not intended for human consumption.

### § 144.12 [Reserved]

### § 144.13 [Reserved]

### § 144.14 Antibiotic powders for diagnostic use.

Dry powders of antibiotic substances, with or without suitable buffer substances and diluents, packaged for dispensing and intended for use solely in laboratory procedures in connection with the diagnosis or treatment of disease and conspicuously so labeled shall be exempt from the certification requirements of sections 502(l) and 507 of the act if they comply with all the following conditions:

(a) The potency and moisture content of the antibiotic used in the manufacture of the powder and the moisture content of the powder comply with the standards prescribed for the antibiotic by the specific regulations issued in this chapter.

(b) It is packaged in immediate containers that are tight containers as defined by the U.S.P. Each such container shall contain not less than 10 milligrams.

(c) Each package bears on the label or labeling of its outside wrapper or container and the immediate container the following:

(1) The statement "Diagnostic reagent. For professional use only."

(2) The number of milligrams or grams contained in each immediate container and the potency per milligram.

(3) The batch mark.

(4) The statement "Expiration date _____," the blank being filled in with the date that does not exceed the expiration date authorized for the antibiotic salt by this chapter.

(d) The circular or other labeling within or attached to the package bears directions adequate for the use of such drug.

CROSS-REFERENCES: For tests and methods of assay and certification of antibiotic sensitivity discs for laboratory diagnosis of disease, see §§ 147.1 and 147.2 of this chapter.

### § 144.15 Assay requirements for antibiotic drugs exempted from certification.

(a) Certain antibiotic drugs are exempted by regulations in this chapter from the certification requirements of section 507 of the act if such drugs com-

ply with standards prescribed by such regulations and on condition that the label of each package bears an expiration date which is determined from the date during which the batch was last assayed and released by the manufacturer.

(b) It is the position of the Food and Drug Administration that if each batch of such exempted drugs is not tested by the manufacturer or his agent to determine whether it complies with the standards of identity, strength, quality, and purity prescribed for it, the batch is not exempt from certification and it may be deemed to be misbranded under section 502(l) of the act when in interstate commerce.

**§ 144.16 Antibiotic drugs intended for export.**

(a) Unless exempted pursuant to section 507(c) of the Federal Food, Drug, and Cosmetic Act, antibiotic drugs consigned to persons engaged in export shipment of the articles are fully subject to the certification requirements of sections 502(l) and 507 of the act. Further, unless exempted pursuant to section 507(d) or section 801(d) of the act, such shipments are required to be labeled in full comformance with the act and regulations promulgated thereunder. In order to qualify for exemption under section 801(d) of the act, the drugs, at the time of introduction into interstate commerce, must be marked for export, must accord to the specifications of the foreign purchaser, and must not be in conflict with the laws of the country to which they are intended for export. The initial shipper has a responsibility to meet all the conditions of section 801(d) if exemption is to be claimed.

(b) Section 144.3 provides exemption from labeling. If the original shipper has an effective exemption permit under the regulations in this Part 144, the exporting firm named in the exemption permit may be allowed to receive and to hold the unlabeled drugs under the exemption until the conditions of section 801(d) are satisfied.

**§§ 144.17–144.22 [Reserved]**

**§ 144.23 Records retention.**

At the option of the person having control of records required to be kept by any regulation in this Part 144, photostatic or other permanent reproductions may be substituted for such records after the first 2 years of the holding period.

**§ 144.24 Manganese bacitracin medicated animal feed.**

Animal feed containing manganese bacitracin powder oral veterinary, with or without added suitable vitamin substances, shall be exempt from the requirements of sections 502(l) and 507 of the act when used in the amounts and for the purposes indicated in § 121.225 of this chapter.

**§ 144.25 Antibiotic drugs for use in medicated animal feed (antibiotic medicated feed premixes; antibiotic medicated feed concentrates that must be diluted with feed ingredients before they are fed).**

Any certifiable antibiotic drug subject to the regulations in Parts 146a, 146b, 146c, 146d, and 146e of this chapter or any combination of two or more such drugs, with or without those ingredients specified in § 144.26, intended for use solely as an ingredient in the manufacture of animal feed and conspicuously so labeled shall be exempt from the requirements of sections 502(l) and 507 of the act if it complies with the following conditions:

(a) It contains one or more suitable denaturants that make it unfit for human use; and

(b) Its labeling is such that animal feed mixed according to the directions contained therein complies with the requirements of § 144.26.

(c) It contains no substance for which § 144.26 requires exemptions from certification of the medicated feeds in which it is used as an ingredient, unless prior to shipment in commerce:

(1) The manufacturer obtained a permit from the Commissioner issued under the provisions of § 144.7 authorizing shipment for manufacturing use to such establishment; or

(2) The operator of the establishment where such drug is to be mixed or diluted meets all the conditions for exemption from certification of the medicated feed established by the applicable provisions of § 144.26, including when required, the submission to, and acceptance by the Commissioner of adequate information of the kind required by § 146.10 of this chapter, to establish the safety and efficacy of the finished medicated feed and to guarantee its identity, strength, quality, and purity.

**§ 144.26 Animal feed containing certifiable antibiotic drugs.**

Animal feed containing penicillin, streptomycin, chlortetracycline, bacitracin, feed grade zinc bacitracin, or bacitracin methylene disalicylate or any permitted combination of two or more of these, with or without added suitable vitamin substances, shall be exempt from the requirements of sections 502(l) and 507 of the act when used in accordance with § 121.225 of this chapter, and under the conditions set forth in any one of the following paragraphs of this section:

(a) It is intended for use solely as an animal feeding supplement, it is conspicuously so labeled, and it is manufactured with or without one, but only one, of the following ingredients in a quantity, by weight of feed, as hereinafter indicated:

(1) Arsanilic acid: Not less than 0.005 percent and not more than 0.01 percent.

(2) Sodium arsanilate: Not less than 0.005 percent and not more than 0.01 percent.

(3) 3-Nitro-4-hydroxyphenol arsonic acid: Not less than 0.0025 percent and not more than 0.0075 percent.

(4) Furazolidone: 0.00083 percent.

(5) Furazolidone 0.00083 percent with or without nitrofurazone 0.0056 percent and/or 3-nitro-4-hydroxyphenylarsonic acid not less than 0.0025 percent and not more than 0.0075 percent.

(b) It is intended for use in the conditions set forth in any one of the following subparagraphs of this paragraph:

(1) It is intended for use solely in the prevention of coccidiosis outbreaks in poultry flocks, its labeling bears adequate directions and warnings for such use, and it contains one, but only one, of the following ingredients in a quantity, by weight of feed, as hereinafter indicated:

(i) Sulfaquinoxaline: Not less than 0.0125 percent (or if it is intended solely for the prevention of the intestinal coccidia *E. acervalina* in poultry laying flocks, not less than 0.005 percent) and not more than 0.025 percent.

(ii) Nitrophenide: Not less than 0.0125 percent and not more than 0.025 percent.

(iii) Nitrofurazone: 0.0056 percent.

(iv) N¹-acetyl-N¹-(4-nitrophenyl) sulfanilamide 0.03 percent and 3-nitro-4-hydroxyphenylarsonic acid 0.009 percent.

(v) Furazolidone 0.00083 percent, nitrofurazone 0.0056 percent, with or without 3-nitro-4-hydroxyphenylarsonic acid not less than 0.0025 percent and not more than 0.0075 percent.

(2) It is intended for use solely in the control of coccidiosis outbreaks in poultry flocks, its labeling bears adequate directions and warnings for such use, and it contains one, but only one, of the following ingredients in a quantity, by weight of feed, as hereinafter indicated:

(i) Sulfaquinoxaline: Not less than 0.033 percent and not more than 0.10 percent.

(ii) Nitrophenide: 0.05 percent.

(iii) Nitrofurazone: 0.0112 percent.

(3) It is intended for use solely in the prevention of outbreaks of histomoniasis ("blackhead") in turkey flocks, its labeling bears adequate directions and warnings for such use, and it contains one, but only one, of the following ingredients in a quantity, by weight of feed, as hereinafter indicated:

(i) 2-Amino-5-nitrothiazole: 0.05 percent.

(ii) 4-Nitrophenylarsonic acid: 0.025 percent.

(4) It is intended for use solely in the control of outbreaks of histomoniasis ("blackhead") in turkey flocks, its labeling bears adequate directions and warnings for such use, and it contains 2-amino-5-nitrothiazole in a quantity, by weight of feed, of 0.10 percent.

(5) It is intended for use solely as an anthelmintic for poultry or swine, its labeling bears adequate directions and warnings for such use, and it contains one, but only one, of the following ingredients in a quantity, by weight of feed, as hereinafter indicated:

(i) Di-*N*-butyl tin dilaurate 0.07 percent, nicotine 0.03 percent, and phenothiazine 0.29 percent.

(ii) Nicotine 0.067 percent, phenothiazine 0.60 percent, and 2,2'-dihydroxy-5,5'-dichlorodiphenylmethane 0.28 percent.



(iii) Phenothiazine, not less than 0.3 percent and not more than 1.0 percent, and nicotine, not less than 0.03 percent and not more than 0.07 percent.

(iv) Phenothiazine, not less than 0.3 percent and not more than 1.0 percent.

(v) Nicotine, not less than 0.03 percent and not more than 0.07 percent.

(vi) Sodium fluoride 0.3 percent and sodium sulfate 2.0 percent.

(vii) Cadmium anthranilate, 0.044 percent.

(viii) Cadmium oxide, 0.015 percent.

(ix) Sodium fluoride, not less than 0.5 percent and not more than 1.0 percent.

(x) Piperazine dihydrochloride, not less than 0.18 percent and not more than 0.72 percent (piperazine base 0.1 percent to 0.4 percent).

(xi) Piperazine phosphate monohydrate, not less than 0.23 percent and not more than 0.92 percent (piperazine base 0.1 percent to 0.4 percent).

(xii) Piperazine sulfate, not less than 0.21 percent and not more than 0.85 percent (piperazine base 0.1 percent to 0.4 percent).

(xiii) Piperazine monohydrochloride, not less than 0.13 percent and not more than 0.52 percent (piperazine base 0.1 percent to 0.4 percent).

(xiv) Di-*N*-butyl tin dilaurate 0.07 percent, piperazine sulfate 0.12 percent and phenothiazine 0.29 percent.

(6) It is intended for use solely in the prevention of chronic respiratory disease (air-sac infection) and hexamitiasis in poultry, bacterial swine enteritis, and/or bacterial calf diarrhea; its labeling bears adequate directions and warnings for such use, and it contains, per ton of feed, not less than 50 grams of chlortetracycline or oxytetracycline or a combination of such drugs; or, if it is intended solely for use as an aid in the prevention of bacterial swine enteritis, it contains, per ton of feed, not less than 45 grams nor more than 90 grams of penicillin and streptomycin in a combination containing 16.7 percent penicillin. If it contains not less than 100 grams of chlortetracycline or oxytetracycline or a combination of such drugs per ton of feed, it may also be represented for use as an aid in the prevention of synovitis in poultry. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified one, but only one, of the ingredients prescribed by paragraph (a) of this section.

(7) (i) It is intended for use solely as a treatment for complicated, chronic respiratory disease (air-sac infection), infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever), and hexamitiasis in poultry, and/or bacterial swine enteritis; its labeling contains adequate directions and warnings for such use; and it contains, per ton of feed, not less than 100 grams of chlortetracycline or oxytetracycline or a combination of such drugs or not less than 90 grams nor more than 180 grams of penicillin and streptomycin in a combination containing 16.7 percent penicillin. If it contains not less than 200 grams of chlortetracycline or oxytetracycline or a combination of such drugs per ton of feed, it may also be represented for use as an aid in the control of synovitis in poultry. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it is intended for use solely in poultry, it may contain 0.1 percent of para-aminobenzoic acid or the sodium or potassium salt of para-aminobenzoic acid; or if it is intended for continuation of coccidiosis prevention it shall contain, in the amount specified, one of the ingredients prescribed by subparagraph (1) of this paragraph. If it is intended for use solely in the treatment of the diseases of chickens described in this subparagraph, it contains, per ton of feed, not less than 100 grams and not more than 200 grams of chlortetracycline and it contains not less than 0.4 percent and not more than 0.8 percent of dietary calcium, then representations may be made in its labeling to the effect that the reduced amount of calcium aids in increasing the concentrations of the antibiotic in the blood of treated birds; the labeling of such medicated feed shall include that required by § 121.208 of this chapter. If it is intended for use solely as a treatment for bacterial swine enteritis, it may contain, per ton of feed, not less than 90 grams nor more than 270 grams of penicillin and streptomycin in a combination containing 16.7 percent penicillin, provided that its labeling bears a warning that the feed is not be be used for more than 14 days.

(ii) It is also intended for use in the prevention and control of coccidiosis in chickens caused by *E. tenella* and *E. necatrix;* its labeling bears adequate directions and warnings for such use (including the directions and warnings required by subdivision (i) of this subparagraph), and it contains, per ton of feed, 200 grams of chlortetracycline and 0.8 percent of dietary calcium.

(iii) It is also intended for use in the treatment of coccidiosis in chickens caused by *E. tenella* and *E. necatrix;* its labeling bears adequate directions and warnings for such use (including the directions and warnings required by subdivision (i) of this subparagraph); and it contains, per ton of feed, 200 grams of chlortetracycline and 0.4 percent to 0.55 percent of dietary calcium.

(8) It is intended for use solely in the prevention of coccidiosis and hexamitiasis outbreaks in turkey flocks, its labeling bears adequate directions and warnings for such use, and it contains di-*N*-butyl tin dilaurate in a quantity, by weight of feed, of 0.0375 percent.

(9) It is intended for use solely in the prevention of chronic respiratory disease (air-sac infection), infectious sinusitis, and blue comb (nonspecific infectious enteritis) in poultry and/or bacterial swine enteritis; its labeling bears adequate directions and warnings for such use, and it contains, per ton of feed, the equivalent of not less than 50 grams and not more than 100 grams of bacitracin, or not less than 50 grams and not more than 100 grams of penicillin, or not less than 50 grams and not more than 100 grams of penicillin and bacitracin in a combination containing not less than 50 percent nor more than 75 percent of bacitracin. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section.

(10) It is intended for use solely in the treatment of chronic respiratory disease (air-sac infection), infections sinusitis, and blue comb (nonspecific infectious enteritis) in poultry and/or bacterial swine enteritis; its labeling bears adequate directions and warnings for such use; and it contains, per ton of feed, the equivalent of either 100 grams of penicillin, or not less than 100 grams and not more than 500 grams of bacitracin (as bacitracin or zinc bacitracin), or not less than 100 grams and not more than 200 grams of bacitracin (as bacitracin methylene disalicylate), or not less than 100 grams and not more than 500 grams of penicillin and bacitracin (as bacitracin or zinc bacitracin) in a combination containing not less than 50 percent nor more than 75 percent of bacitracin but in no case containing more than 125 grams of penicillin, or not less than 100 grams and not more than 200 grams of penicillin and bacitracin (as bacitracin methylene disalicylate) in a combination containing not less than 25 percent of penicillin nor less than 50 percent of bacitracin; except that, if it is intended for the treatment of bacterial swine enteritis, it contains, per ton of feed, either 100 grams of bacitracin (as bacitracin, zinc bacitracin, or bacitracin methylene disalicylate), or 100 grams of a combination of penicillin and bacitracin (as bacitracin, zinc bacitracin, or bacitracin methylene disalicylate), containing not less than 50 percent nor more than 75 percent of bacitracin. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section; *Provided, however,* That the level of antibiotic or antibiotic combination present is not greater than the minimum amount specified therefor in this subparagraph.

(11) It is intended for use solely as a treatment for bacterial swine enteritis caused by *Salmonella choleraesuis,* its labeling bears adequate directions and warnings for such use, and it contains nitrofurazone in a quantity, by weight of feed, of 0.056 percent.

(12) It is intended for use solely in the prevention of coccidiosis, chronic respiratory disease (air-sac infection) and hexamitiasis in poultry; its labeling bears adequate directions and warnings for such use; and it contains, in the amount specified, one of the ingredients prescribed by subparagraph (1) of this paragraph and not less than 50 grams of chlortetracycline per ton of feed. When intended for such uses it may also contain oxytetracycline in a quantity not less than 50 grams per ton of feed.

(13) It is intended for use solely in the prevention or treatment of chronic respiratory disease (air-sac infection) and infectious sinusitis in poultry; its labeling bears adequate directions and warnings for such use; and it contains

not less than 0.1 percent para-aminobenzoic acid or the sodium or potassium salt of para-aminobenzoic acid.

(14) It is intended solely as an aid in the prevention and control of losses due to low-grade bacterial enteritis in mink; its labeling bears adequate directions and warnings for such use; and it contains not less than 5.7 grams of chlortetracycline, 1.0 gram of bacitracin, and 0.75 gram of penicillin (with or without oxytetracycline) per ton of feed.

(15) It is intended for use solely as an aid in the prevention or treatment or to lessen the morbidity in poultry in outbreaks of fowl typhoid, pullorum, the paratyphoids, infectious arthritis due to a filterable agent, histomoniasis (blackhead), hexamitiasis, quail disease (ulcerated enteritis), paracolon infection, avian infectious hepatitis, and coccidiosis, its labeling bears adequate directions and warnings for such use; and it contains the following quantities of furazolidone, by weight of feed, for the conditions indicated:

(i) For the prevention of fowl typhoid, pullorum, and the paratyphoids in birds older than 2 weeks: 0.0055 percent.

(ii) For the prevention of the diseases listed in subdivision (i) of this subparagraph in birds younger than 2 weeks, and for the treatment of these same conditions in birds regardless of age: 0.011 percent.

(iii) For the prevention of histomoniasis (blackhead), paracolon infection, and infectious arthritis due to a filterable agent, and for the prevention and treatment of hexamitiasis and quail disease (ulcerative enteritis): 0.011 percent.

(iv) For the treatment of histomoniasis (blackhead), paracolon infection, and avian infectious hepatitis of chickens, and to lessen the morbidity in outbreaks of infectious arthritis due to a filterable agent: 0.022 percent.

(v) For the prevention of coccidiosis in chickens: 0.0055 percent.

(vi) For the control of coccidiosis in chickens: 0.011 percent.

(16) (i) It is intended for use solely in the prevention of chronic respiratory disease (air-sac infection); its labeling bears adequate directions and warnings for such use; and it contains not less than 50 grams of chlortetracycline or oxytetracycline or a combination of these two drugs per ton of feed. When intended for such use, it may also contain the equivalent of not less than 50 grams of bacitracin per ton of feed.

(ii) It is also intended for the prevention or treatment of the diseases of poultry specified in subparagraph (15) of this paragraph; it contains one of the ingredients in the amount and under the conditions set forth in subdivision (i) of this subparagraph; and it contains furazolidone in the amount specified in subparagraph (15) of this paragraph.

(17) (i) It is intended for use solely as an aid in the treatment of chronic respiratory disease (air-sac infection), infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever) in poultry; its labeling bears adequate directions and warnings for such use; and it contains not less than 100 grams of chlortetracycline or oxytetracycline or a combination of these two drugs per ton of feed. When intended for such use, it may also contain the equivalent of not less than 100 grams of bacitracin per ton of feed.

(ii) It is also intended for the prevention or treatment of the diseases of poultry specified in subparagraph (15) of this paragraph; it contains one of the ingredients in the amount and under the conditions set forth in subdivision (i) of this subparagraph; and it contains furazolidone in the amount specified in subparagraph (15) of this paragraph.

(18) (i) It is intended for use solely in the prevention of outbreaks of coccidiosis in poultry flocks, and it contains nicarbazin (4,4'-dinitrocarbanilide complex with 2-hydroxy-4-6-dimethylpyrimidine) in a quantity, by weight of feed, of not less than 0.01 percent and not more than 0.02 percent, or arsenosobenzene in a quantity, by weight of feed, of 0.002 percent, or 2,4-diamino-5-(*p*-chlorophenyl)-6-ethylpyrimidine in a quantity, by weight of feed, of 0.00075 percent and sulfaquinoxaline in a quantity, by weight of feed, of 0.0075 percent, or 2,2'-dihydroxy-3,3',5,5'-tetrachlorodiphenyl sulfide (bithionol) 0.05 percent and 4,6-diamino-1-(4-methylmercaptophenyl)-1,2-dihydro-2,2-dimethyl-1,3,5-triazine hydrochloride (methiotriazamine) 0.01 percent; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.10 of this chapter to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in its manufacturing, processing, or packaging or the facilities and controls used for such manufacturing, processing, or packaging, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner.

(ii) It is also intended for the prevention or treatment of the diseases of poultry specified in subparagraphs (6) and (7) and/or (9) and (10) or (16) and (17) of this paragraph, it contains one of the ingredients in the amount and under the conditions set forth in subdivision (i) of this subparagraph, and it contains the ingredients in the amounts specified in subparagraphs (6) and (7) and/or (9) and (10) or (16) and (17) of this paragraph, except that the coccidiostat shall be only one of those specified in subdivision (i) of this subparagraph.

(iii) It is intended for use in the diseases specified in subdivisions (i), (ii) and (iv) of this subparagraph, it contains ingredients in the amounts and under the conditions specified in those subdivisions, and it contains one, but only one, of the ingredients prescribed by paragraph (a) of this section and in the amounts specified in that paragraph.

(iv) It is also intended for use as an adjunct in reducing the tapeworm and large roundworm burden of chickens so treated, it contains 2,2'-dihydroxy-3,3',5,5'-tetrachlorodiphenyl sulfide (bithionol), and 4,6-diamino-1-(4-methylmercaptophenyl)-1,2-dihydro-2,2-dimethyl-1,3,5-triazine hydrochloride (methiotriazamine), in the amounts and under the conditions set forth in subdivision (i) of this subparagraph.

(19) (i) It is intended for use solely in the prevention or control of outbreaks of histomoniasis (blackhead) in turkey flocks, and it contains 2-acetylamino-5-nitrothiazole in a quantity, by weight of feed, of 0.015 percent if intended for the prevention of the disease, or 0.05 percent if intended for the control of the disease, and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.10 of this chapter to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition of such drug, or the methods used in, and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.

(ii) It is intended for use in the disease specified in subdivision (i) of this subparagraph; it contains the ingredient in the amount and under the conditions specified in that subdivision; and it contains one, but only one, of the ingredients prescribed by paragraph (a) of this section and in the amounts specified in that paragraph.

(20) It is intended as an aid in stimulating growth, the prevention of coccidiosis, large roundworms and tapeworms in chickens and turkeys and the prevention of hexamitiasis in turkeys, and it contains in a quantity, by weight of feed, acetyl (*p*-nitrophenyl) sulfanilamide 0.03 percent, dibutyl tin dilaurate 0.02 percent, dinitrodiphenylsulfonylethylenediamine 0.02 percent, and 3-nitro-4-hydroxyphenylarsonic acid 0.0075 percent.

(21) (i) It is intended for promoting distribution of fat in chickens and turkeys; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 24 hours before the treated chickens or turkeys are slaughtered for human consumption; and it contains dienestrol diacetate in a quantity, by weight of feed, of not less than 0.0023 percent and not more than 0.007 percent; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.10 of this chapter to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner.

(ii) It is also intended for the prevention or treatment of the diseases of poultry specified in subparagraphs (6) and (7) of this paragraph, it contains dienestrol diacetate in the amounts and under the conditions set forth in subdivision (i) of this subparagraph, and it contains the antibiotics in the amounts specified in subparagraphs (6) and (7) of this paragraph.

(iii) It is also intended for continuation of coccidiosis prevention in poultry, it contains dienestrol diacetate in the amounts and under the conditions set forth in subdivision (i) of this subparagraph, and it contains one, but only one, of the ingredients prescribed by subparagraph (1) of this paragraph and in the amounts specified in that subparagraph, or it contains one, but only one, of the coccidiostats prescribed by subparagraph (18) of this paragraph, and in the amounts specified in that subparagraph.

(iv) It is also intended for use in the prevention of outbreaks of histomoniasis (blackhead) in turkey flocks, it contains dienestrol diacetate in the amounts and under the conditions set forth in subdivision (i) of this paragraph, and it contains one, but only one, of the ingredients prescribed by subparagraph (3) of this paragraph and in the amounts specified in that subparagraph.

(v) It is also intended for the prevention or treatment of the diseases of poultry specified in subparagraph (15) of this paragraph, it contains dienestrol diacetate in the amounts and under the conditions set forth in subdivision (i) of this subparagraph, and it contains furazolidone in the amounts specified in subparagraph (15) of this paragraph.

(vi) It is intended for use in the diseases specified in subdivisions (i), (ii), (iii), (iv) and (v), of this subparagraph, it contains ingredients in the amounts and under the conditions specified in those subdivisions, and it contains one, but only one, of the ingredients prescribed by paragraph (a) of this section, and in the amounts specified in that paragraph. If it contains one of the arsenic compounds prescribed in paragraph (a) of this section, its labeling must bear a warning that it must be discontinued 5 days (instead of 24 hours as required in this subparagraph) before the treated chickens or turkeys are slaughtered for human consumption.

(22) (i) It is intended for use solely in the control of outbreaks of coccidiosis in poultry flocks and it contains in a quantity, by weight of feed, not less than 0.003 percent and not more than 0.006 percent of 2,4-diamino-5-(*p*-chlorophenyl)-6-ethylpyrimidine and not less than 0.01 percent and not more than 0.02 percent of sulfaquinoxaline, and there has been submitted to the Commissioner, in triplicate, the information referred to in § 146.10 of this chapter, as well as any additional information necessary to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The





exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in its manufacturing, processing, or repackaging, or the facilities and controls used for such manufacturing, processing, or repackaging, unless the person who obtains the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes and such amendment has been accepted by the Commissioner.

(ii) It is intended for use in the disease specified in subdivision (i) of this subparagraph, it contains the ingredients in the amounts and under the conditions specified in that subdivision, and it contains one, but only one, of the ingredients prescribed by paragraph (a) of this section and in the amounts specified in that paragraph.

(23) It is intended for use solely as an aid in the reduction of losses due to enterotoxemia in sheep; its labeling bears adequate directions and warnings for such use; and it contains not less than 20 grams of chlortetracycline per ton of feed.

(24) It is intended for use in the maintenance of weight gains of swine in the presence of atrophic rhinitis or as an aid in reducing the incidence of cervical abscesses in swine; its labeling bears adequate directions and warnings for such use; and it contains not less than 50 grams of chlortetracycline per ton of feed.

(25) It is a medicated cattle feed containing chlortetracycline in the amounts and for the purposes indicated in §121.208 of this chapter, and its labeling bears adequate directions and warnings for such use.

(26) (i) It is intended for use solely for accelerating weight gains in beef cattle, and it contains a quantity of diethylstilbestrol adequate to provide not more than 10 milligrams per head per day when fed in accordance with the directions for use that accompany the feed, and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in §146.10 of this chapter to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in its manufacturing, processing, packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner.

(ii) It is also intended for the prevention or treatment of the diseases specified in subparagraph (25) of this paragraph, it contains diethylstilbestrol in the amount and under the conditions set forth in subdivision (i) of this subparagraph, and it contains the antibiotic in the amount specified in subparagraph (25) of this paragraph.

(27) It is intended for use as an aid in maintaining or increasing egg production, hatchability of eggs, prevention of early mortality of chicks when due to organisms that are sensitive to chlortetracycline, and for improving feed efficiency as related to egg production; its labeling bears adequate directions and warnings for such use; and it contains not less than 50 grams of chlortetracycline per ton of feed, except that if it is intended for use in the presence of disease outbreaks it shall contain not less than 100 grams of chlortetracycline per ton of feed.

(28) It is intended for use solely as an aid in the prevention or control of outbreaks of histomoniasis (blackhead) in poultry flocks, and it contains carbasone in a quantity, by weight of feed, of not less than 0.05 percent and not more than 0.1 percent (except that if it is intended for prevention of histomoniasis in turkey flocks it contains not less than 0.0375 percent) and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.10 of this chapter to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition of such drug, or the methods used in and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.

(29) It is intended for use solely as an an aid in reducing the incidence of bacterial diarrhea in laboratory mice; its labeling bears adequate directions and warnings for such use; and it contains not less than 100 grams of chlortetracycline per ton of feed.

(30) It is intended for use as an aid in maintaining or increasing egg production of chickens, hatchability of eggs, prevention of early mortality of chicks when due to organisms that are sensitive to streptomycin and penicillin, and for improving feed efficiency of chickens or turkeys; its labeling bears adequate directions and warnings for such use; and it contains, per ton of feed, not less than 22.5 grams and not more than 50 grams of penicillin and streptomycin in a combination containing 16.7 percent penicillin, except that if it is intended for use in the presence of disease as an aid in maintaining or increasing hatchability of eggs or for the prevention of early mortality of chicks, it contains 90 grams per ton of fed of penicillin and streptomycin in a combination containing 16.7 percent penicillin.

(31) It is intended for use in nursing sows to stimulate milk flow; it contains 100 milligrams of iodinated casein per pound; and its labeling bears information that it is to be administered as the complete ration for 3 days before farrowing and until pigs are weaned. It may also be intended for use in the prevention or treatment of bacterial swine enteritis if it contains the antibiotics in the amounts prescribed by this section for that disease.

(32) (i) It is intended for use as an aid in the control of infestation of large roundworms (*Ascaris suis*), nodular worm (*Oesophagostomum dentatum*), and whipworm (*Trichuris suis*) in swine; its labeling bears adequate directions and warnings for such use, including a warning that its use must be discontinued 48 hours before the treated swine are slaughtered for human consumption. If it is a complete feed it contains 6,000 units (6 milligrams) of hygromycin B (produced by the growth of *Streptomyces hygroscopicus*) per pound, or if it is a hygromycin B feed supplement or premix it contains not more than 8,000,000 units (8 grams) of hygromycin B per pound. It contains less than 50 grams of antibiotics per ton of finished feed. If it is a hygromycin B feed supplement or premix and it contains more than 8,000,000 units of hygromycin B per pound, it shall be exempt from certification only if there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.10 of this chapter to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. Such exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in its manufacturing, processing, or packaging, or the facilities and controls used for such manufacturing, processing, or packaging unless the person who obtained the exemption has submitted to the Commissioner (in triplicate) amended information describing such proposed changes, and such amendment has been accepted by the Commissioner. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in such paragraph, its labeling must bear a warning that it must be discontinued 5 days (in lieu of 48 hours as required in this subparagraph) before the treated swine are slaughtered for human consumption.

(ii) It is also intended for the prevention or treatment of bacterial swine enteritis as specified in subparagraphs (9) and (10) of this paragraph; it contains hygromycin B in the amounts and under the conditions set forth in subdivision (i) of this subparagraph; and it contains the drugs in the amount specified in subparagraphs (9) and (10) of this paragraph. If it contains one of the arsenic compounds prescribed in paragraph (a) of this section, its labeling must bear the warning specified in subdivision (i) of this subparagraph.

(iii) It is also intended for the prevention and treatment of bacterial swine enteritis, it contains hygromycin B in the amounts and under the conditions set forth in subdivision (i) of this subparagraph, and it contains penicillin and streptomycin in the amounts specified in subparagraphs (6) and (7) of this paragraph. If it contains one of the arsenic compounds prescribed in paragraph (a) of this section, its labeling must bear the warning specified in subdivision (i) of this subparagraph.

(iv) It is also intended for the prevention and treatment of bacterial swine enteritis, for the maintenance of weight gains of swine in the presence of atrophic rhinitis and for reducing the incidence of cervical abscesses in swine, it contains hygromycin B in the amounts and under the conditions set forth in subdivision (i) of this subparagraph, and it contains, per pound of feed, 0.025 gram (50 grams per ton), of the chlortetracycline; except that if it is intended for use in the treatment of bacterial swine enteritis it shall contain, per pound of feed, 0.05 gram (100 grams per ton) of chlortetracycline.

(33) It is intended for use as an aid in reducing the incidence and severity of bloat in cattle on legume pastures; it contains a quantity of procaine penicillin that, when used as directed in the labeling, is sufficient to furnish each treated bovine animal not less than 75,000 units as a single daily dose; and, if the drug supplement used to prepare the medicated feed contains more than 2 percent moisture, its manufacturer has submitted to the Commissioner information adequate to prove its stability for 6 months under customary conditions of purchase and use.

(34) It is intended for use as an aid in the reduction of bacterial diarrhea in dairy cattle or as an aid in reduction of losses due to respiratory infection (infectious rhinotracheitis—shipping fever complex) or as an aid in the prevention of foot rot in cattle; its labeling bears adequate directions and warnings for such uses; and it contains the following quantities of chlortetracycline, by weight of feed, for the conditions indicated:

(i) For the prevention of foot rot and as an aid in the reduction of bacterial diarrhea in dairy cattle: 0.1 milligram per pound of body weight per day.

(ii) As an aid in reduction of losses due to respiratory infection (infectious rhinotracheitis—shipping fever complex) in dairy cattle: 0.1 milligram per pound of body weight per day, except that if it is intended for use for more than 30 days it may contain chlortetracycline, in a quantity by weight of feed to provide 70 milligrams per head per day.

(35) It is intended for use solely as an aid in the prevention of coccidiosis and as an aid in stimulating growth in chicken flocks; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 5 days before the treated chickens are slaughtered for human consumption; and it contains in a quantity, by weight of feed, 0.03 percent acetyl (paranitrophenyl) sulfanilamide, 0.025 percent 3,5-dinitrobenzamide, and 0.005 percent 3-nitro-4-hydroxyphenylarsonic acid; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.10 of this chapter to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition of such drug, or the methods used in, and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.

(36) It is intended for use solely as an aid in stimulating growth in chickens and turkeys and as an aid in the prevention of outbreaks of histomoniasis (blackhead) in chickens and turkeys and hexamitiasis in turkeys; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 24 hours before the treated chickens or turkeys are slaughtered for human consumption; and it contains nithiazide (1-ethyl-3-(5-nitro-2-thiazolyl) urea) in a quantity, by weight of feed, of not less than 0.0125 percent and not more than 0.04 percent; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.10 of this chapter to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in paragraph (a) of this section, its labeling must bear a warning that it must be discontinued 5 days (instead of 24 hours as required in this subparagraph) before the treated chickens or turkeys are slaughtered for human consumption.

(37) It is intended for use solely in the prevention of outbreaks of coccidiosis and as an aid in stimulating growth in chicken flocks; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 4 days before the treated chickens are slaughtered for human consumption; and it contains glycarbylamide (4,5-imidazole-dicarboxamide) in a quantity, by weight of feed, of not less than 0.002 percent and not more than 0.006 percent; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.10 of this chapter to establish the



safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition of such drug, or the methods used in, and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in such paragraph, its labeling shall bear a warning that it must be discontinued 5 days (in lieu of 4 days as required in this subparagraph) before the treated chickens are slaughtered for human consumption.

(38) It is intended for use solely for accelerating weight gains in sheep; its labeling bears adequate directions and warnings for such use, including a warning that its use must be discontinued 48 hours before the treated animals are slaughtered for human consumption; it contains a quantity of diethylstilbestrol adequate to provide not more than 2 milligrams per head per day when fed in accordance with the directions for use that accompany the feed; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.10 of this chapter to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug, or the methods used in and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in paragraph (a) of this section, it shall contain, per ton of feed, the equivalent of 100 grams of bacitracin or a mixture of 75 grams of bacitracin and 25 grams of penicillin, and except that if it is a starter ration for chicks for the purpose of preventing early mortality of chicks due to susceptible organisms, it may contain, per ton of feed, 100 grams to 500 grams of a combination of penicillin and bacitracin (as bacitracin or zinc bacitracin) containing not less than 50 percent and not more than 75 percent of bacitracin, but in no case more than 125 grams of penicillin.

(41) (i) It is intended for use as an aid in reducing the spread of leptospirosis in swine; it contains 200 grams of chlortetracycline per ton of feed; and its labeling bears information that it is to be administered continuously.

(ii) It is intended for use solely as an aid in reducing the shedding of leptospirae in swine and as an aid in reducing abortion rate and mortality of newborn pigs in the presence of leptospirosis; it contains 400 grams of chlortetracycline per ton of feed; and its labeling bears information that it is to be administered to the animals for 14 days.

(42) It is a medicated chicken, turkey, and swine feed containing certifiable antibiotics and nystatin in the amounts and for the purposes indicated in § 121.-220 of this chapter; its labeling bears adequate directions and warnings for such use; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.10 of this chapter to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition of such drug, or the methods used in, and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.

(43) It is intended for use solely as an aid in reducing the incidence of vibrionic abortion in breeding sheep; its labeling bears adequate directions and warnings for such use, including information that it is to be administered continuously during pregnancy; and it contains chlortetracycline in a quantity that, when administered as directed in its labeling, will provide a total daily dose of 80 milligrams per animal.

(44) It is a medicated chicken or turkey feed containing antibiotics and amprolium, with or without arsanilic acid, in the amounts and for the purposes indicated in § 121.210 of this chapter, and its labeling bears adequate directions and warnings for such use; *Provided, however,* That such medicated complete feed has been prepared from a concentrated amprolium-antibiotic medicated feed that contained not more than 0.05 percent amprolium. If the complete medicated feed is prepared from a product of amprolium that contains more than 0.05 percent of the drug, it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.10 of this chapter to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug, or the methods used in and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtains the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner. Both concentrates and finished poultry feed containing amprolium must comply with all the requirements of § 121.210 of this chapter, including labeling.

(45) It is a medicated chicken or turkey feed containing antibiotics and zoalene, with or without arsanilic acid, in the amounts and for the purposes indicated in § 121.207 of this chapter; *Provided, however,* That such medicated complete feed has been prepared from a concentrated zoalene-antibiotic medicated feed that contained not more than

0.0375 percent zoalene. If the complete medicated feed is prepared from a product of zoalene that contains more than 0.0375 percent zoalene, it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.10 of this chapter to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug, or the methods used in and the facilities and controls used for, its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner. Both concentrates and complete poultry feed containing zoalene must comply with all the requirements of § 121.207 of this chapter, including labeling.

(46) It is a mink feed containing chlortetracycline, in the amounts and for the purposes indicated in § 121.225 of this chapter, and its labeling bears adequate directions and warnings for such use.

(47) It is a pheasant feed containing bacitracin, zinc bacitracin, or bacitracin methylene disalicylate and penicillin, in the amounts and for the purposes indicated in § 121.225 of this chapter, and its labeling bears adequate directions and warnings for such use.

(48) It is a quail feed containing bacitracin and penicillin, in the amounts and for the purposes indicated in § 121.225 of this chapter, and its labeling bears adequate directions and warnings for such use.

(49) It is a medicated chicken or turkey feed containing antibiotics and reserpine in the amounts and for the purposes indicated in § 121.205 of this chapter; its labeling bears adequate directions and warnings for such use; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.10 of this chapter to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug, or the methods used in, and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.

(50) It is a medicated chicken feed containing antibiotics and hygromycin B in the amounts and for the purposes indicated in § 121.213 of this chapter, and its labeling bears adequate directions and warnings for such use: *Provided, however*, That such medicated complete feed has been prepared from a feed additive concentrate that contains not more than 32 grams of hygromycin B per ton. If the medicated feed is prepared from a feed additive concentrate containing more than 32 grams of hygromycin B per ton, it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.10 of this chapter to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug, or the materials used in, and the facilities and controls used for, its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.

(51) It is a medicated chicken or turkey feed containing bacitracin, bacitracin methylene disalicylate, or zinc bacitracin or a combination of one of these with penicillin, in the amounts and for the purposes indicated in §§ 121.232, 121.233, and 121.252 of this chapter, and its labeling bears adequate directions and warnings for such use.

(52) It is a cattle feed containing zinc bacitracin, with or without diethylstilbestrol, in the amounts and for the purposes indicated in § 121.225 or § 121.241 of this chapter, and its labeling bears adequate directions and warnings for such use; *Provided, however*, That if such feed contains diethylstilbestrol it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.10 of this chapter to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in its manufacturing, processing, packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.

(53) It is a medicated feed for turkeys and contains chlortetracycline hydrochloride and dietary calcium in the amounts and for the purposes indicated in § 121.208(d), Table 1, Item 12, of this chapter; and its labeling bears adequate directions and warnings for such use.

(54) It is a medicated feed for growing broiler and replacement chickens; it contains amprolium, ethopabate (methyl-4-acetamido-2-ethoxy benzoate), and antibiotics, with or without arsanilic acid, in the amounts and for the purposes indicated in § 121.210 of this chapter; and its labeling bears adequate directions and warnings for such use; *Provided, however*, That such medicated complete feed has been prepared from a concentrated medicated feed that contained not more than 0.05 percent amprolium and not more than 0.0016 percent ethopabate If the medicated feed is prepared from a product that contains more than 0.05 percent amprolium and more than 0.0016 percent ethopabate, it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.10 of this chapter to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug, or the methods used in and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtains the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner. Both concentrates and finished poultry feed containing amprolium and ethopabate must comply with all the requirements of § 121.210 of this chapter, including labeling.

(55) It is a medicated swine feed containing a combination of chlortetracycline, sulfamethazine, and penicillin in the amounts and for the purposes indicated in § 121.208 of this chapter, and its labeling bears adequate directions and warnings for such use.

(56) It is a medicated feed for chickens containing a combination of procaine penicillin and tylosin phosphate in the amounts and for the purposes indicated in § 121.225 of this chapter, and its labeling bears adequate directions and warnings for such use; *Provided, however*, That such medicated complete feed has been prepared from a concentrated medicated feed that contained not more than 200 grams of tylosin phosphate per ton. If the medicated feed is prepared from a concentrated medicated feed containing more than 200 grams of tylosin phosphate per ton, it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.10 of this chapter to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug, or the methods used in and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtains the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.

(57) It is a horse feed containing chlortetracycline in the amounts and for the purposes indicated in § 121.225 of this chapter, and its labeling bears adequate directions and warnings for such use.

(58) It is medicated feed for swine containing a combination of streptomycin and tylosin phosphate in the amounts and for the purposes indicated in § 121.217 of this chapter, and its labeling bears adequate directions and warnings for such use; *Provided, however*, That such medicated complete feed has been prepared from a feed additive premix or feed additive concentrate that contains streptomycin and not more than 500 grams of tylosin phosphate per ton. If the medicated feed is prepared from a feed additive premix or feed additive concentrate containing streptomycin and more than 500 grams of tylosin phosphate per ton, it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.10 of this chapter to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug, or the methods used in and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtains the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.

(59) It is a medicated feed for chickens containing penicillin, tylosin phosphate, and either amprolium or zoalene, or hygromycin B and zoalene, in the amounts and for the purposes indicated in § 121.207, 121.210, or 121.213 of this chapter, and its labeling bears adequate directions and warnings for such use; *Provided, however*, That such medicated complete feed has been prepared from a concentrated penicillin-tylosin phosphate-amprolium, or penicillin-tylosin phosphate-zoalene, or penicillin-tylosin phosphate-zoalene-hygromycin B medicated feed containing, per ton of feed, not more than 200 grams of tylosin and either not more than 0.05 percent amprolium or not more than 0.0375 percent zoalene, or not more than 0.0375 percent zoalene and not more than 32 grams per ton of hygromycin B. If the medicated feed is prepared from a product that contains more than any of the specified quantities, it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.10 of this chapter to establish the safety and efficacy of the article and to guarantee its identity, strength, quality and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug, or the methods used in and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtains the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.



## PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

### Subpart A—Definitions

Sec.
145.1 Definitions applicable to all certifiable antibiotic drugs.
145.2 Definitions of antibiotic substances.
145.3 Definitions of master and working standards.
145.4 Definitions of the term "unit" and "microgram" as applied to antibiotic substances.

### Subpart B—Statements of Policy and Interpretation

145.31 Antibiotic drugs not subject to certification prior to May 1, 1963; statement of policy.

AUTHORITY: The provisions of this Part 145 issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

### Subpart A—Definitions

**§ 145.1 Definitions applicable to all certifiable antibiotic drugs.**

(a) The definitions and interpretations contained in section 201 of the Federal Food, Drug, and Cosmetic Act shall be applicable to such terms when used in the regulations in this chapter covering the certification of antibiotic and antibiotic-containing drugs.

(b) The term "Commissioner" means the Commissioner of Food and Drugs and any other officer of the Food and Drug Administration whom he may designate to act in his behalf for the purpose of the regulations for the certification of antibiotic and antibiotic-containing drugs.

(c) The term "act" means the Federal Food, Drug, and Cosmetic Act and amendments thereto. (52 Stat. 1040 et seq.; 21 U.S.C. 301–392).

(d) The term "U.S.P." means the official Pharmacopeia of the United States, including supplements thereto. The term "N.F." means the official National Formulary, including supplements thereto.

(e) The term "batch" means a specific homogeneous quantity of a drug.

(f) The term "batch mark" means an identifying mark or other identifying device assigned to a batch by the manufacturer or packer thereof.

(g) The term "manufacture" does not include the use of a drug as an ingredient in compounding any prescription issued by a practitioner licensed by law to administer such drug.

**§ 145.2 Definitions of antibiotic substances.**

(a) The following are definitions of antibiotic substances:

(1) *Penicillin.* Each of the several antibiotic substances (e.g., penicillin F, penicillin G, penicillin X) produced by the growth of *Penicillium notatum* or *Penicillium chrysogenum*, and each of the same substances produced by any other means, is a kind of penicillin.

(2) *Streptomycin.* Each of the several antibiotic substances produced by the growth of *Streptomyces griseus*, and each of the same substances produced by any other means, is a kind of streptomycin.

(3) *Dihydrostreptomycin.* Each of the antibiotic substances produced by hydrogenation of streptomycin, and each of the same substances produced by any other means, is a kind of dihydrostreptomycin.

(4) *Chlortetracycline.* Each of the several antibiotic substances produced by the growth of *Streptomyces aureofaciens*, and each of the same substances produced by any other means is a kind of chlortetracycline.

(5) *Tetracycline.* Each of the several antibiotic substances produced by the hydrogenation of chlortetracycline, and each of the same substances produced by any other means, is a kind of tetracycline.

(6) *Chloramphenicol.* Each of the several antibiotic substances produced by the growth of *Streptomyces venezuelae*, and each of the same substances produced by any other means, is a kind of chloramphenicol.

(7) *Bacitracin.* Each of the several antibiotic substances produced by the growth of *Bacillus subtilis* var. Tracy, and each of the same substances produced by any other means, is a kind of bacitracin.

(8) *Amphomycin.* Each of the antibiotic substances produced by the growth of *Streptomyces canus*, and each of the same substances produced by any other means, is a kind of amphomycin.

(9) *Amphotericin.* Each of the antibiotic substances produced by the growth of *Streptomyces nodosus*, and each of the same substances produced by any other means, is a kind of amphotericin.

(10) *Colistin.* Each of the antibiotic substances produced by the growth of *Bacillus polymyxa* var. *colistinus*, and each of the same substances produced by any other means, is a kind of colistin.

(11) *Cycloserine.* Each of the antibiotic substances produced by the growth of *Streptomyces orchidaceus*, and each of the same substances produced by any other means, is a kind of cycloserine.

(12) *Erythromycin.* Each of the antibiotic substances produced by the growth of *Streptomyces erythreus*, and each of the same substances produced by any other means, is a kind of erythromycin.

(13) *Gramicidin.* Each of the antibiotic substances produced by the growth of *Bacillus brevis*, and each of the same substances produced by any other means, is a kind of gramicidin.

(14) *Griseofulvin.* Each of the antibiotic substances produced by the growth of *Penicillium patulum* or *Penicillium griseofulvum*, and each of the same substances produced by any other means, is a kind of griseofulvin.

(15) *Kanamycin.* Each of the antibiotic substances produced by the growth of *Streptomyces kanamyceticus*, and each of the same substances produced by any other means, is a kind of kanamycin.

(16) *Neomycin.* Each of the antibiotic substances produced by the growth of *Streptomyces fradiae*, and each of the same substances produced by any other means, is a kind of neomycin.

(17) *Novobiocin.* Each of the antibiotic substances produced by the growth of *Streptomyces niveus* (known also as *Streptomyces spheroides*), and each of the same substances produced by any other means, is a kind of novobiocin.

(18) *Nystatin.* Each of the antibiotic substances produced by the growth of *Streptomyces noursei*, and each of the same substances produced by any other means, is a kind of nystatin.

(19) *Oleandomycin.* Each of the antibiotic substances produced by the growth of *Streptomyces antibioticus*, and each of the same substances produced by any other means, is a kind of oleandomycin.

(20) [Reserved]

(21) *Oxytetracycline.* Each of the antibiotic substances produced by the growth of *Streptomyces rimosus*, and each of the same substances produced by any other means, is a kind of oxytetracycline.

(22) *Paromomycin.* Each of the antibiotic substances produced by the growth of *Streptomyces rimosus* var. *paromomycinus*, and each of the same substances produced by any other means, is a kind of paromomycin.

(23) *Polymyxin.* Each of the antibiotic substances produced by the growth of *Bacillus polymyxa*, and each of the same substances produced by any other means, is a kind of polymyxin.

(24) *Ristocetin.* Each of the antibiotic substances produced by the growth of *Nocardia lurida*, and each of the same substances produced by any other means, is a kind of ristocetin.

(25) *Tyrothricin.* Each of the mixtures of antibiotic substances produced by the growth of *Bacillus brevis*, and each of the same mixtures of substances produced by any other means, is a kind of of tyrothricin.

(26) *Vancomycin.* Each of the antibiotic substances produced by the growth of *Streptomyces orientalis*, and each of the same substances produced by any other means, is a kind of vancomycin.

(27) *Viomycin.* Each of the antibiotic substances produced by the growth of *Streptomyces puniceus* or *Streptomyces floridae* or *Actinomyces vinaceus*, and each of the same substances produced by any other means, is a kind of viomycin.

(28)–(30) [Reserved]

(31) *Cephalosporin.* Each of the antibiotic substances produced by the growth of *Cephalosporium acremonium*, and each of the same substances produced by any other means, is a kind of cephalosporin.

**§ 145.3 Definitions of master and working standards.**

(a) *Master standards*—(1) *Penicillin and salts of penicillin*—(i) *Penicillin G.* The term "penicillin G master standard" means a specific lot of crystalline sodium penicillin G (sodium penicillin II) that is designated by the Commissioner as the standard of comparison in determining the potency of the penicillin G working standard.

(ii) *Penicillin O.* The term "penicillin O master standard" means a specific lot of crystalline potassium penicillin O standardized by the penicillin G master standard and which is designated by the Commissioner as the standard of comparison in determining the penicillin O content of the penicillin O working standard.

(iii) *Penicillin V.* The term "penicillin V master standard" means a specific lot of crystalline penicillin V that is designated by the Commissioner as the standard of comparison in determining the potency of the penicillin V working standard.

(iv) *Potassium-L-phenethicillin.* The term "potassium-L-phenethicillin master standard" means a specific lot of potassium-L-phenethicillin that is designated by the Commissioner as the standard of comparison in determining the potency of the potassium-L-phenethicillin working standard.

(v) *Potassium-D-phenethicillin.* The term "potassium-D-phenethicillin master standard" means a specific lot of potassium-D-phenethicillin that is designated by the Commissioner as the standard of comparison in determining the potency of the potassium-D-phenethicillin working standard.

(vi) *Methicillin sodium.* The term "methicillin sodium master standard" means a specific lot of methicillin sodium that is designated by the Commissioner as the standard of comparison in determining the potency of the methicillin sodium working standard.

(vii) *Sodium oxacillin.* The term "sodium oxacillin master standard" means a specific lot of sodium oxacillin that is designated by the Commissioner as the standard of comparison in determining the potency of the sodium oxacillin working standard.

(viii) *Ampicillin.* The term "ampicillin master standard" means a specific lot of ampicillin that is designated by the Commissioner as the standard of comparison in determining the potency of the ampicillin working standard.

(ix) *Nafcillin.* The term "nafcillin master standard" means a specific lot of sodium nafcillin that is designated by the Commissioner as the standard of comparison in determining the potency of the nafcillin working standard.

(2) *Streptomycin.* The term "streptomycin master standard" means a specific lot of crystalline trihydrochloride calcium chloride salt of streptomycin that is designated by the Commissioner as the standard of comparison in determining the potency of the streptomycin working standard.

(3) *Dihydrostreptomycin.* The term "dihydrostreptomycin master standard" means a specific lot of crystalline dihydrostreptomycin sulfate that is designated by the Commissioner as the standard of comparison in determining the potency of the dihydrostreptomycin working standard.

(4) *Chlortetracycline.* The term "chlortetracycline master standard" means a specific lot of crystalline chlortetracycline hydrochloride that is designated by the Commissioner as the standard of comparison in determining the potency of the chlortetracycline working standard.

(5) *Demethylchlortetracycline.* The term "demethylchlortetracycline master standard" means a specific lot of crystalline 6-demethylchlortetracycline hydrochloride that is designated by the Commissioner as the standard of comparison in determining the potency of the 6-demethylchlortetracycline working standard.

(6) *Tetracycline.* The term "tetracycline master standard" means a specific lot of crystalline tetracycline hydrochloride that is designated by the Commissioner as the standard of comparison in determining the potency of the tetracycline working standard.

(7) *Rolitetracycline.* The term "rolitetracycline master standard" means a specific lot of crystalline rolitetracycline that is designated by the Commissioner as the standard of comparison in determining the potency of the rolitetracycline working standard.

(8) *Chloramphenicol.* The term "chloramphenicol master standard" means a specific lot of crystalline chloramphenicol that is designated by the Commissioner as the standard of comparison in determining the potency of the chloramphenicol working standard.

(9) *Bacitracin.* The term "bacitracin master standard" means a specific lot of bacitracin that is designated by the Commissioner as the standard of comparison in determining the potency of the bacitracin working standard.

(10) *Amphomycin.* The term "amphomycin master standard" means a specific lot of amphomycin designated by the Commissioner as the standard of comparison in determining the potency of the amphomycin working standard.

(11) *Amphotericin.* The term "amphotericin A master standard" means a specific lot of amphotericin A designated by the Commissioner as the standard of comparison in determining the potency of the amphotericin A working standard. The term "amphotericin B master standard" means a specific lot of amphotericin B designated by the Commissioner as the standard of comparison in determining the potency of the amphotericin B working standard.

(12) *Colistin.* The term "colistin master standard" means a specific lot of colistin designated by the Commissioner as the standard of comparison in determining the potency of the colistin working standard.

(13) *Colistimethate.* The term "colistimethate master standard" means a specific lot of colistimethate designated by the Commissioner as the standard of comparison in determining the potency of the colistimethate working standard.

(14) *Cycloserine.* The term "cycloserine master standard" means a specific lot of cycloserine designated by the Commissioner as the standard of comparison in determining the potency of the cycloserine working standard.

(15) *Erythromycin.* The term "erythromycin master standard" means a specific lot of erythromycin designated by the Commissioner as the standard of comparison in determining the potency of the erythromycin working standard.

(16) *Gramicidin.* The term "gramicidin master standard" means a specific lot of gramicidin designated by the Commissioner as the standard of comparison in determining the potency of the gramicidin working standard.

(17) *Griseofulvin.* The term "griseofulvin master standard" means a specific lot of griseofulvin designated by the Commissioner as the standard of comparison in determining the potency of the griseofulvin working standard.

(18) *Kanamycin.* The term "kanamycin master standard" means a specific lot of kanamycin designated by the Commissioner as the standard of comparison in determining the potency of the kanamycin working standard.

(19) *Neomycin.* The term "neomycin master standard" means a specific lot of neomycin designated by the Commissioner as the standard of comparison in determining the potency of the neomycin working standard.

(20) *Novobiocin.* The term "novobiocin master standard" means a specific lot of novobiocin designated by the Commissioner as the standard of comparison in determining the potency of the novobiocin working standard.

(21) *Nystatin.* The term "nystatin master standard" means a specific lot of nystatin designated by the Commissioner as the standard of comparison in determining the potency of the nystatin working standard.

(22) *Oleandomycin.* The term "oleandomycin master standard" means a specific lot of oleandomycin designated by the Commissioner as the standard of comparison in determining the potency of the oleandomycin working standard.

(23) *Oxytetracycline.* The term "oxytetracycline master standard" means a specific lot of oxytetracycline designated by the Commissioner as the standard of comparison in determining the potency of the oxytetracycline working standard.

(24) *Paromomycin.* The term "paromomycin master standard" means a specific lot of paromomycin designated by the Commissioner as the standard of comparison in determining the potency of the paromomycin working standard.

(25) *Polymyxin B.* The term "polymyxin B master standard" means a specific lot of polymyxin B designated by the Commissioner as the standard of comparison in determining the potency of the polymyxin B working standard.

(26) *Ristocetin.* The term "ristocetin A master standard" means a specific lot of ristocetin A designated by the Commissioner as the standard of comparison in determining the potency of the ristocetin A working standard. The term "ristocetin B master standard" means a specific lot of ristocetin B designated by the Commissioner as the standard of comparison in determining the potency of the ristocetin B working standard.

(27) *Vancomycin.* The term "vancomycin master standard" means a specific lot of vancomycin designated by the Commissioner as the standard of comparison in determining the potency of the vancomycin working standard.

(28) *Viomycin.* The term "viomycin master standard" means a specific lot of viomycin designated by the Commissioner as the standard of comparison in determining the potency of the viomycin working standard.

(29)–(32) [Reserved]



(33) *Cephalothin.* The term "cephalothin master standard" means a specific lot of cephalothin designated by the Commissioner as the standard of comparison in determining the potency of the cephalothin working standard.

(b) *Working standards.* The potency or purity of each preparation has been determined by comparison with its master standard, and each has been designated by the Commissioner as working standards for use in determining the potency or purity of antibiotic substances subject to the regulations in this chapter.

(1) *Penicillin.* (i) The term "penicillin G working standard" means a specific lot of a homogeneous preparation of one or more salts of penicillin.

(ii) The term "penicillin O working standard" means a specific lot of a homogeneous preparation of potassium penicillin O.

(iii) The term "penicillin V working standard" means a specific lot of a homogeneous preparation of penicillin.

(iv) The term "potassium-L-phenethicillin working standard" means a specific lot of a homogeneous preparation of potassium-L-phenethicillin. The term "potassium-D-phenethicillin working standard" means a specific lot of a homogeneous preparation of potassium-D-phenethicillin.

(v) The term "methicillin working standard" means a specific lot of a homogeneous preparation of methicillin.

(vi) The term "sodium oxacillin working standard" means a specific lot of a homogeneous preparation of sodium oxacillin.

(vii) The term "ampicillin working standard" means a specific lot of a homogeneous preparation of ampicillin.

(viii) The term "nafcillin working standard" means a specific lot of a homogeneous preparation of sodium nafcillin.

(2) *Amphotericin A.* The term "amphotericin A working standard" means a specific lot of a homogeneous preparation of amphotericin A.

(3) *Amphotericin B.* The term "amphotericin B working standard" means a specific lot of a homogeneous preparation of amphotericin B.

(4) *Streptomycin.* The term "streptomycin working standard" means a specific lot of a homogeneous preparation of one or more streptomycin salts.

(5) *Dihydrostreptomycin.* The term "dihydrostreptomycin working standard" means a specific lot of a homogeneous preparation of one or more dihydrostreptomycin salts.

(6) *Chlortetracycline.* The term "chlortetracycline working standard" means a specific lot of a homogeneous preparation of one or more chlortetracycline salts.

(7) *Demethylchlortetracycline.* The term "demethylchlortetracycline working standard" means a specific lot of a homogeneous preparation of one or more 6-demethylchlortetracycline salts.

(8) *Tetracycline.* The term "tetracycline working standard" means a specific lot of a homogeneous preparation of one or more tetracycline salts.

(9) *Rolitetracycline.* The term "rolitetracycline working standard" means a specific lot of a homogeneous preparation of one or more rolitetracycline salts.

(10) *Chloramphenicol.* The term "chloramphenicol working standard" means a specific lot of a homogeneous preparation of one or more chloramphenicols.

(11) *Bacitracin.* The term "bacitracin working standard" means a specific lot of a homogeneous preparation of one or more bacitracins.

(12) *Amphomycin.* The term "amphomycin working standard" means a specific lot of a homogeneous preparation of amphomycin.

(13) *Colistin.* The term "colistin working standard" means a specific lot of a homogeneous preparation of colistin.

(14) *Colistimethate.* The term "colistimethate working standard" means a specific lot of a homogeneous preparation of colistimethate.

(15) *Cycloserine.* The term "cycloserine working standard" means a specific lot of a homogeneous preparation of cycloserine.

(16) *Erythromycin.* The term "erythromycin working standard" means a specific lot of a homogeneous preparation of erythromycin.

(17) *Gramicidin.* The term "gramicidin working standard" means a specific lot of a homogeneous preparation of gramicidin.

(18) *Griseofulvin.* The term "griseofulvin working standard" means a specific lot of a homogeneous preparation of griseofulvin.

(19) *Kanamycin.* The term "kanamycin working standard" means a specific lot of a homogeneous preparation of kanamycin.

(20) *Neomycin.* The term "neomycin working standard" means a specific lot of a homogeneous preparation of neomycin.

(21) *Novobiocin.* The term "novobiocin working standard" means a specific lot of a homogeneous preparation of novobiocin.

(22) *Nystatin.* The term "nystatin working standard" means a specific lot of a homogeneous preparation of nystatin.

(23) *Oleandomycin.* The term "oleandomycin working standard" means a specific lot of a homogeneous preparation of oleandomycin.

(24) [Reserved]

(25) *Oxytetracycline.* The term "oxytetracycline working standard" means a specific lot of a homogeneous preparation of oxytetracycline.

(26) *Paromomycin.* The term "paromomycin working standard" means a specific lot of a homogeneous preparation of paromomycin.

(27) *Polymyxin B.* The term "polymyxin B working standard" means a specific lot of a homogeneous preparation of polymyxin B.

(28) *Vancomycin.* The term "vancomycin working standard" means a specific lot of a homogeneous preparation of vancomycin.

(29) *Viomycin.* The term "viomycin working standard" means a specific lot of a homogeneous preparation of viomycin.

(30)–(32) [Reserved]

(33) *Cephalothin.* The term "cephalothin working standard" means a specific lot of a homogeneous preparation of cephalothin.

**§ 145.4 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.**

(a) *"Unit"*—(1) *Penicillin.* The term "unit" applied to penicillin means a penicillin activity contained in 0.6 microgram of the penicillin G master standard, except that the term "unit" applied to penicillin V means a penicillin activity contained in 0.59 microgram of the penicillin V master standard. The term "unit" applied to phenethicillin potassium means a penicillin activity contained in 0.68 microgram of the potassium-D-phenethicillin or potassium-L-phenethicillin master standard, or in 0.61 microgram of the free acid, the latter value being used as a basis of conversion from units to the metric system. The term "penicillin potency" means the number of such units in a specified quantity of a substance.

(2) *Bacitracin.* The term "unit" applied to bacitracin means a bacitracin activity contained in 23.8 micrograms of the bacitracin master standard after it is dried for 3 hours at 60° C. and a pressure of 5 millimeters or less; the term "bacitracin potency" means the number of such units in a specified quantity of a substance.

(3) *Nystatin.* The term "unit" applied to nystatin means the nystatin activity (potency) contained in 0.2817 microgram of the nystatin master standard when dried for 2 hours at 40° C. and a pressure of 5 millimeters or less.

(4) *Polymyxin B.* The term "unit" applied to polymyxin B means the polymyxin activity (potency) contained in 1.2739 micrograms of the polymyxin B master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(b) *"Microgram"*—(1) *Streptomycin.* The term "microgram" applied to streptomycin means the streptomycin activity (potency) contained in 1.38 micrograms of the streptomycin master standard after it is dried for 4 hours at 56° C. and a pressure of 50 microns or less.

(2) *Dihydrostreptomycin.* The term "microgram" applied to dihydrostreptomycin means the dihydrostreptomycin activity (potency) contained in 1.25 micrograms of the dihydrostreptomycin master standard after it is dried for 4 hours at 100° C. and a pressure of 50 microns or less.

(3) *Chlortetracycline.* The term "microgram" applied to chlortetracycline means the chlortetracycline activity (potency) contained in 1.0 microgram of the chlortetracycline master standard.

(4) *6-Demethylchlortetracycline.* The term "microgram" applied to 6-demethylchlortetracycline means the 6-demethylchlortetracycline activity (potency) contained in 1.0 microgram of 6-demethylchlortetracycline master standard.

(5) *Tetracycline.* The term "microgram" applied to tetracycline means the tetracycline activity (potency) contained in 1.0 microgram of tetracycline master standard.

(6) *Rolitetracycline.* The term "microgram" applied to rolitetracycline means the rolitetracycline activity (potency) contained in 1.0 microgram of the rolitetracycline master standard.

(7) *Chloramphenicol.* The term "microgram" applied to chloramphenicol means the chloramphenicol activity (potency) contained in 1.0 microgram of the chloramphenicol master standard.

(8) *Methicillin.* The term "microgram" applied to methicillin means the methicillin activity (potency) contained in 1.105 micrograms of the methicillin master standard.

(9) *Oxacillin.* The term "microgram" applied to oxacillin means the oxacillin activity (potency) contained in 1.0996 micrograms of the sodium oxacillin master standard.

(10) *Amphomycin.* The term "microgram" applied to amphomycin means the amphomycin activity (potency) contained in 0.9355 microgram of the amphomycin master standard when dried for 4 hours at 60° C. and a pressure of 5 millimeters or less.

(11) *Amphotericin A.* The term "microgram" applied to amphotericin A means the amphotericin A activity (potency) contained in 1.0 microgram of the amphotericin A master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(12) *Amphotericin B.* The term "microgram" applied to amphotericin B means the amphotericin B activity (potency) contained in 1.124 micrograms of the amphotericin B master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(13) *Colistin.* The term "microgram" applied to colistin means the colistin base activity (potency) contained in 1.495 micrograms of the colistin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(14) *Colistimethate.* The term "microgram" applied to colistimethate means the activity (potency) calculated as colistin base that is contained in 1.938 micrograms of the colistimethate master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(15) *Cycloserine.* The term "microgram" applied to cycloserine means the cycloserine activity (potency) contained in 1.0 microgram of the cycloserine master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(16) *Erythromycin.* The term "microgram" applied to erythromycin means the erythromycin base activity (potency) contained in 1.02 micrograms of the erythromycin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(17) *Gramicidin.* The term "microgram" applied to gramicidin means the gramicidin activity (potency) contained in 1.0 microgram of the gramicidin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(18) *Griseofulvin.* The term "microgram" applied to griseofulvin means the griseofulvin activity (potency) contained in 1.0 microgram of the griseofulvin master standard.

(19) *Kanamycin.* The term "microgram" applied to kanamycin means the kanamycin base activity (potency) contained in 1.299 micrograms of the kanamycin master standard.

(20) *Neomycin.* The term "microgram" applied to neomycin means the neomycin base activity (potency) contained in 1.429 micrograms of the neomycin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(21) *Novobiocin.* The term "microgram" applied to novobiocin means the novobiocin acid activity (potency) contained in 1.033 micrograms of the novobiocin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(22) *Oleandomycin.* The term "microgram" applied to oleandomycin means the oleandomycin base activity (potency) contained in 1.176 micrograms of the oleandomycin master standard.

(23) [Reserved]

(24) *Oxytetracycline.* The term "microgram" applied to oxytetracycline means the oxytetracycline base activity (potency) contained in 1.13 micrograms of the oxytetracyline master standard.

(25) *Paromomycin.* The term "microgram" applied to paromomycin means the paromomycin base activity (potency) contained in 1.333 micrograms of paromomycin master standard.

(26) *Tyrothricin.* The term "microgram" applied to tyrothricin means the activity (potency) contained in 0.2 microgram of the gramicidin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(27) *Vancomycin.* The term "microgram" applied to vancomycin means the vancomycin base activity (potency) contained in 1.25 micrograms of the vancomycin master standard.

(28) *Viomycin.* The term "microgram" applied to viomycin means the viomycin base activity (potency) contained in 1.355 micrograms of the viomycin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(29) *Ampicillin.* The term "microgram" applied to ampicillin means the ampicillin activity (potency) contained in 1.1547 micrograms of the ampicillin master standard.

(30) *Nafcillin.* The term "microgram" applied to nafcillin means the nafcillin activity (potency) contained in 1.052 micrograms of the nafcillin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.

(31)–(33) [Reserved]

(34) *Cephalothin.* The term "microgram" applied to cephalothin means the cephalothin activity (potency) contained in 1.055 micrograms of the cephalothin master standard when dried for 3 hours at 60° C. and a pressure of 5 millimeters or less.



## Subpart B—Statements of Policy and Interpretation

**§ 145.31 Antibiotic drugs not subject to certification prior to May 1, 1963; statement of policy.**

(a) Prior to the enactment of the 1962 amendments to the Federal Food, Drug, and Cosmetic Act, the only antibiotic drugs required to be submitted to the Food and Drug Administration for certification were those containing penicillin, streptomycin, chlortetracycline, chloramphenicol, or bacitracin, or any derivative of one of these antibiotics. Scientific proof of safety and efficacy was required. In the case of a drug containing any other antibiotic, it was necessary, unless the drug was then considered to be generally recognized as safe, that the applicant submit proof of safety under the new-drug provisions of the act. Furthermore, prior to enactment of the 1962 amendments, a number of these drugs had been declared no longer new drugs, since they had become generally recognized as being safe for their intended uses. As a result, there are now on the market antibiotic-containing drugs with labeling claims that, in the opinion of the Administration, are not supported by available medical data. This is particularly true for drugs such as troches, nose drops, mouth washes, and deodorants intended for use by the laity.

(b) Antibiotic drugs not subject to certification prior to May 1, 1963, therefore fall into two categories:

(1) Drugs for which, prior to their being marketed, the manufacturers applied for and obtained effective new-drug applications under the provisions of section 505 of the act.

(2) Drugs not cleared through the new-drug procedures prior to their being marketed.

(c) Under the provisions of the 1962 amendments, drugs described in paragraph (b)(1) of this section are exempt from an affirmative finding of efficacy for the conditions covered by the prior approval of the new-drug application, and the initial regulations listing them for certification for such conditions may not be withdrawn for lack of proof of efficacy until October 9, 1964. The deferred effective date as to efficacy does not apply to the drugs described in paragraph (b)(2) of this section.

(1) The Food and Drug Administration is now drafting regulations to provide for the certification of the drugs in paragraph (b)(1) of this section. Samples will be accepted from any manufacturer or repacker of a drug described in such regulations with a view to certification if the drug meets the requirements of the regulations or, pending the effective date of such regulations, with a view to release as provided in section 507(a) of the act. Thus, each manufacturer or repacker of a drug described in paragraph (b)(1) of this section need not hold an effective new-drug application for the drug in order to qualify for certification, but all such drugs will be certified only with the claims for those conditions for which the drugs were found to be safe under the new-drug procedures. If a regulation providing for the certification of a drug in paragraph (b)(1) has not been revoked before October 9, 1964, it will be revoked after that date unless the Commissioner of Food and Drugs has received substantial evidence to support the claims of effectiveness.

(2) The Commissioner does not intend to issue regulations to provide for the certification of any drug covered by paragraph (b)(2) of this section until he has received substantial evidence to support such regulations. A drug in this group, even though marketed before October 10, 1962, may not now be marketed until an appropriate regulation has issued and the drug has been certified or the drug has been released as provided in section 507(a) of the act. To permit orderly transition to the certification requirements, the Commissioner will continue to accept samples of a drug in this group with a view to release of batches as provided in section 507(a) of the act, provided the manufacturer submits to the Food and Drug Administration by September 6, 1963, evidence to support the claims for such drugs.

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## PART 146—ANTIBIOTIC DRUGS; PROCEDURAL REGULATIONS

Sec.

146.1 Procedure for the establishment of regulations. [Reserved]
146.2 Requests for certification, check tests and assays, and working standards; information and samples required.
146.3 Certification.
146.4 Conditions on the effectiveness of certificates.
146.5 Records of distribution.
146.6 Refusal of certification service.
146.7 Records retention.
146.8 Fees.
146.9 Disposition of outdated drugs.
146.10 New antibiotic and antibiotic-containing products.
146.11 Declaration of potency.
146.12 Shipment of antibiotic drugs packaged in bulk containers.
146.13 Forms for certification or exemption of antibiotic drugs.

AUTHORITY: The provisions of this Part 146 issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

CROSS REFERENCE: For other regulations in this chapter concerning antibiotic and antibiotic-containing drugs, see also §§ 8.3, 120.117, 120.148, and Parts 121 and 130.

**§ 146.1 Procedure for the establishment of regulations. [Reserved]**

**§ 146.2 Requests for certification, check tests and assays, and working standards; information and samples required.**

(a) A request for certification of a batch shall be addressed to the Commissioner and shall be in a form specified by him. A request from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides in the United States.

(b) The initial request for certification of a batch of any drug submitted by any person shall be preceded or accompanied by a full statement of the facilities and controls used to maintain the identity, strength, quality, and purity of each batch, including a description of (1) the methods and processes used in the manufacture of the drug; (2) the tests and assays of the drug made during the manufacture of the batch and after it is packaged; and (3) the laboratory facilities used in such controls. Such initial request shall also be preceded or accompanied by the key of the batch marks used by such person and by specimens of all labeling (including specimens of all brochures and other printed matter except readily available medical publications referred to in such labeling) to be used for such drug. When any change is made in any such facility or control, or in any such key or labeling, such person shall promptly submit to the Commissioner a full statement of such change or, in the case of changed labeling, specimens showing all such changes.

(c) A person who requests certification or check tests and assays of a batch shall submit with his request the following information and samples:

(1) The batch mark of the drug.

(2) The quantity of each ingredient used in making the batch.

(3) The size of the batch, including the number of containers of each size in the batch.

(4) The date of the latest assay of the batch.

(5) The results of tests and assays made by or for him on the batch as required for the drug by specific regulations.

(6) The batch mark(s) of the antibiotic(s) used in making the batch.

(7) Unless previously submitted, the results of tests and assays made by or for him on the antibiotic(s) used in making the batch as required by specific regulations.

(8) The number of accurately representative samples that are required for the batch by specific regulations: In the case of drugs such as dry powders, solutions, ointments, and suspensions, the sample shall be collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal. In no case, however, shall more than 5,000 immediate containers have been packaged during each such interval of sampling, except for a sample collected for sterility testing. In the case of drugs such as tablets or other such unit dosage forms, the sample shall be collected by taking single tablets at such intervals throughout the entire time of tableting the batch that the quantities tableted during the intervals are approximately equal. In no case, however, shall more than 5,000 tablets have been tableted during each interval of sampling, except for a sample collected for time of disintegration. If the person who packages the tablets into dispensing-size containers is not the manufacturer, such sample shall be collected throughout the entire time of packaging the batch into such containers.

(d) Each sample submitted pursuant to the regulations in this chapter shall be addressed to the Commissioner. Its package shall be clearly identified as to its contents and shall bear the name and

post-office address of the person submitting it.

(e) In addition to the information and samples specifically required to be submitted to the Commissioner by the regulations in this chapter, the person who requests certification of a batch shall submit such further information and samples as the Commissioner may require for the purpose of investigations to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate.

(f) Upon the request of any person, stating reasonable grounds therefor, the Commissioner shall furnish such person with a portion of the working standards.

**§ 146.3 Certification.**

(a) If it appears to the Commissioner, after such investigation as he considers necessary, that:

(1) The information (including results of tests and assays) and samples required by or pursuant to the regulations in this chapter have been submitted, and the request for certification contains no untrue statement of a material fact; and

(2) The batch complies with the regulations in this chapter and conforms to the applicable standards of identity, strength, quality, and purity prescribed by the regulations in this chapter;

the Commissioner shall certify that such batch is safe and efficacious for use, subject to such conditions on the effectiveness of certificates as are prescribed by § 146.4, and shall issue to the person who requested it a certificate to that effect.

(b) If the Commissioner determines, after such investigation as he considers to be necessary, that the information submitted pursuant to the regulations in this chapter, or the batch covered by such request, does not comply with the requirements set forth in paragraph (a) of this section for the issuance of a certificate, the Commissioner shall refuse to certify such batch and shall give notice thereof to the person who requested certification, stating his reasons for refusal.

(c) All statements, samples, and other information and materials submitted in connection with a request for certification shall be considered to be part of such request.

(d) Compliance of a drug with the standards of identity, strength, quality, and purity prescribed by regulations in this chapter shall be determined by the tests and methods of assay prescribed for such drug by regulations issued under this chapter.

(e) The regulations in this chapter, prescribing tests and methods of assay for antibiotic and antibiotic-containing drugs, shall not be construed as preventing the Commissioner from using any other test or method of assay in his investigations to determine whether or not:

(1) A request for certification contains any untrue statement of a material fact; or

(2) A certification has been obtained through fraud, or through misrepresentation or concealment of a material fact.

(f) Except as specifically provided by the regulations in this chapter, no provision of any regulation shall be construed as exempting any certifiable antibiotic drug from any applicable provision of the act or any regulation thereunder.

**§ 146.4 Conditions on the effectiveness of certificates.**

(a) A certificate shall not become effective:

(1) If it is obtained through fraud or through misrepresentation or concealment of a material fact;

(2) With respect to any package unless it complies with the packaging requirements, if any, prescribed by the regulations in this chapter which were in effect on the date of the certificate;

(3) With respect to any package unless its label and labeling bear all words, statements, and other information required by the regulations in this chapter; or

(4) With respect to any package of a certifiable antibiotic drug subject to the regulations in this chapter, when it is included in a packaged combination with another drug, unless such other drug complies with the requirements of the regulations in this chapter.

(b) A certificate shall cease to be effective:

(1) With respect to any immediate container after the expiration date, if any, prescribed by the regulations in this chapter;

(2) With respect to any immediate container when it or its seal (if the regulations in this chapter require it to be sealed) is broken, or when its label or labeling is altered, mutilated, destroyed, obliterated, or removed in whole or in part, or ceases to conform to any labeling requirement prescribed by the regulations in this chapter, except that:

(i) If the drug in such container is repacked or used as an ingredient in the manufacture of another drug, and certification of the batch thus made is requested, such certificate shall continue to be effective for a reasonable time to permit certification or destruction of such batch;

(ii) If the drug is in a container packaged for dispensing and is used in compounding a prescription issued by a practitioner licensed by law to administer such drug, such certificate shall continue to be effective for a reasonable time to permit the delivery of the drug compounded on such prescription; or

(iii) If its label or labeling is removed in whole or in part for the purpose of relabeling and supplemental certification of the relabeled drug is requested, as provided by § 144.3 of this chapter.

(3) With respect to any immediate container of penicillin when it is included in the packaged combination penicillin with aluminum hydroxide gel or penicillin with a vasoconstrictor, or to any immediate container of bacitracin when it is included in the packaged combination bacitracin with a vasoconstrictor, except that when certification of the batch so included is requested, such certificate shall continue to be effective for a reasonable time to permit certification of such batch which is part of such combination;

(4) With respect to any package when the drug therein fails to meet the standards of identity, strength, quality, and purity which were in effect on the date of the certificate; except that those minor changes which occur before the expiration date and which are normal and unavoidable in good storage and distribution practice shall be disregarded.

(5) With respect to any package of a certifiable antibiotic drug subject to the regulations in this chapter, included in a packaged combination with another drug, when such other drug fails to meet the requirements of the regulations in this chapter; or

(6) With respect to any immediate container, if such regulations require its labeling to bear a caution against dispensing otherwise than on prescription, at the beginning of the act of dispensing or offering to dispense it otherwise than:

(i) By a practitioner licensed by law to administer such drug; or

(ii) On his prescription issued in his professional practice.

**§ 146.5 Records of distribution.**

(a) The person who requested certification shall keep complete records showing each shipment and other delivery (including exports) of each certified batch or part thereof by such person or by any person subject to his control. Such records shall show the date and quantity of each such shipment or delivery and the name and post-office address of the person to whom such shipment or delivery was made, and shall be kept for not less than 3 years after such date.

(b) Upon the request of any officer or employee of the Food and Drug Administration, or of any other officer or employee of the United States acting on behalf of the Secretary, the person to whom a certificate is issued shall at all reasonable hours make such records available to any such officer or employee and shall accord to him full opportunity to make inventory of stocks of such batch on hand and otherwise to check the correctness of such records.

**§ 146.6 Refusal of certification service.**

When the Secretary finds, after giving notice and opportunity for hearing, that a person has:

(a) Obtained or attempted to obtain a certificate through fraud, or through misrepresentation or concealment of a material fact;

(b) Falsified the records required to be kept by § 146.5; or

(c) Failed to keep such records or to make them available, or to accord full opportunity to make an inventory of stocks on hand or otherwise to check the correctness of such records, as required by § 146.5, and such failure may materially impair the certification service;

the Secretary will immediately suspend service to such person under the regulations in this chapter and will continue such suspension unless and until such person shows adequate cause why such service should be resumed.



**§ 146.7 Records retention.**

At the option of the person having control of records required to be kept by any regulation in this Part 146, photostatic or other permanent reproductions may be substituted for such records after the first 2 years of the holding period.

**§ 146.8 Fees.**

(a) Fees for the services rendered under the regulations in this chapter shall be such as are necessary to provide, equip, and maintain an adequate certification service.

(b) The fee for such services with respect to each batch of a drug, certification of which is provided by the regulations in this chapter, including those published hereafter, is the fee prescribed in the section relating specifically to such drug plus an additional 30 percent of whatever that fee may be, except that in the case of a supplemental request submitted pursuant to the provisions of § 144.3 of this chapter, the fee shall be $3.00.

(c) When the Commissioner considers it necessary to make investigations of a new product containing a certifiable antibiotic drug on which a request has been submitted in accordance with § 146.10, the fee for such service shall be the cost thereof. In such case the request shall be followed by an advance deposit in such amount as the Commissioner specifies, and thereafter such additional advance deposits shall be made as the Commissioner estimates may be necessary to prevent arrears in the payment of such fee.

(d) A person requiring continuing certification services may maintain an advance deposit of the estimated cost of such services for a two-month period. Such deposit shall be debited with fees for services rendered, but shall not be debited for any fee the amount of which is not definitely specified in the regulations in this chapter unless the depositor has previously requested the performance of the services to be covered by such fee. A monthly statement for each such advance deposit shall be rendered.

(e) The fees for the services rendered with respect to each batch certified under the regulations in this chapter shall accompany the request for certification, or the request for check tests and assays, unless such fee is covered by an advance deposit maintained in accordance with paragraph (d) of this section. Also, if the Commissioner considers that investigations other than examination of such samples are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the fee shall include the cost of such investigations.

(f) The fees for the services rendered with respect to each application for an exemption from certification under the regulations in § 144.26(b) of this chapter, and for each amendment thereto, shall be:

(1) $5.00 for each medicated feed formula containing one or more new-drug substances described in an initial application.

(2) $5.00 for changes in one or more new-drug substances contained in a medicated feed formula described in an amendment to such application.

The fee prescribed by this paragraph shall accompany each application and each amendment to such application unless such fee is covered by an advance deposit maintained in accordance with paragraph (d) of this section.

(g) The unearned portion of any advance deposit shall be refunded to the depositor upon his application.

(h) Whenever in the judgment of the Commissioner the ratio between fees collected (which are based upon experience and the best estimate of costs and the best estimate of earnings) and the costs of providing the service during an elapsed period of time, in the light of all circumstances and contingencies, warrants a refund from the fund collected during such period, he shall make ratable refunds to those persons to whom the services were rendered and charged, except for those services described under §§ 144.3 and 144.26 of this chapter.

(i) All deposits and fees required by the regulations in this chapter shall be paid by money order, bank draft, or certified check drawn to the order of the Food and Drug Administration, collectible at par at Washington, D.C. All such deposits and fees shall be forwarded to the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C., 20204, whereupon after making appropriate records thereof they will be transmitted to the Chief Disbursing Officer, Division of Disbursement, Treasurer of the United States, for deposit to the special account "Salaries and Expenses, Certification, Inspection, and Other Services, Food and Drug Administration."

**§ 146.9 Disposition of outdated drugs.**

When certification becomes invalid because the expiration date is passed, such articles should not be disposed of for drug use either through commercial or charitable channels unless the articles have been assayed to establish potency and recertified.

**§ 146.10 New antibiotic and antibiotic-containing products.**

Any request that the Secretary provide for the certification of batches of a drug for which no provision for certification is made in the existing regulations in this chapter shall be in a form specified by the Commissioner and shall be accompanied by:

(a) A statement of the conditions for which the person who makes such request intends such drug to be used, and adequate directions for use in each such condition;

(b) Full reports of investigations which have been made to show whether or not such drug is safe and efficacious for use in such conditions;

(c) A full list of the articles used as components of such drug;

(d) A full statement of the composition of such drug;

(e) A full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packaging of such drug;

(f) A full description of, or references to publications containing practical and accurate tests and methods of assay to determine the identity, strength, quality, and purity of such drug;

(g) Such samples of such drug and of the articles used as components thereof as the Commissioner may require; and

(h) Specimens of all labeling (including all brochures and other printed matter, except readily available medical publications, referred to in such labeling) proposed to be used for such drug.

**§ 146.11 Declaration of potency.**

Wherever the potency of an antibiotic drug included in the regulations in this chapter is expressed in terms of weight, such potency shall be equivalent to that contained in the same weight of the master standard of the drug.

**§ 146.12 Shipment of antibiotic drugs packaged in bulk containers.**

(a) The Food and Drug Administration has received inquiries from certain interested manufacturers concerning their shipment of certified antibiotics, packaged in bulk containers, to hospitals and pharmacies for repacking or for use in the manufacture of another drug on the order or prescription of a physician. The regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357) do not prohibit the shipment of certified bulk containers of antibiotics to such persons. However, under the provisions of § 146.4 (b)(2)(i) of this chapter, certification should be requested of each repacked batch and of each batch of another drug manufactured from such bulk drug, unless the repackaged drug or other drug has been made exempt from the certification requirements by regulation. The fact that the drug is to be repacked or manufactured on the order or prescription of a physician does not exempt it from the certification requirements of the act. Under the provisions of § 146.4 (b)(2)(ii) of this chapter, it is only when the drug used to compound a prescription is in a container packaged for dispensing that certification of the drug so compounded is not required.

(b) In the light of these provisions, unless the manufacturer and shipper of bulk containers of antibiotics has, with the consignee, an effective permit issued under § 144.6 of this chapter, if the drug is to be repacked, or under § 144.7 of this chapter if it is to be used in the manufacture of another drug, the shipper has the responsibility of seeing that certification is requested of each repacked batch and of each batch of another drug manufactured from such drug.

**§ 146.13 Forms for certification or exemption of antibiotic drugs.**

The following forms which must be supplied in connection with certain certification or exemption procedures for antibiotic drugs may be obtained from the Division of Antibiotics and Insulin Certification, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C., 20204:

NATIONAL ARCHIVES

Form
1 Application for exemption for storage.
2 Application for exemption for processing.
3 Application for exemption for labeling.
4 Application for exemption for manufacturing use.
5 Request to provide for certification of a new antibiotic product.
6 Data to accompany or precede every initial request for certification of a batch of an antibiotic drug.
7 Request for check tests and assays or certification of a batch of _____ (the blank to be filled in with the name of the antibiotic drug).
8 Application for exemption for repacking.
9 Request for supplemental certification of a batch of an antibiotic drug.
10 Application for exemption for antibiotics mixed in animal feeds.

## PART 148—ANTIBIOTIC DRUGS; PACKAGING AND LABELING REQUIREMENTS

Sec.
148.1 [Reserved]
148.2 Packaging requirements.
148.3 Labeling requirements.
148.4 Labeling of antibiotic drugs intended for export.
148.5 Antibiotic and antibiotic-containing drugs intended for use in milk-producing animals; labeling.

AUTHORITY: The provisions of this Part 148 issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

CROSS REFERENCE: For other regulations in this chapter concerning antibiotic drugs exempted from certain labeling requirements, see also § 1.107 of this chapter.

### § 148.1 [Reserved]

### § 148.2 Packaging requirements.

Each drug described in Parts 148a to 148z, inclusive, of this chapter shall be packaged in immediate containers that comply with the requirements described in Parts 148a to 148e, inclusive, of this chapter for the immediate containers used to package the same dosage form unless otherwise required for the drug by specific regulations.

### § 148.3 Labeling requirements.

(a) If an antibiotic drug is packaged for dispensing:

(1) It shall be labeled in accordance with the requirements prescribed by § 1.106(b) of this chapter, issued under section 502(f) of the act, unless the regulations pertaining to such drug specifically exempt it from such requirements.

(2) Its labeling shall bear any additional information required for the drug by specific regulations.

(3) Each package shall bear on its outside wrapper or container and the immediate container an expiration date prescribed for the drug by specific regulations, except that the date may be used that is 18, 24, 30, 36, 42, 48, 54, or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time. If the manufacturer or repacker of the drug has been exempted from the certification requirements, such date shall be the number of months after the month during which the batch was last assayed and released by the manufacturer or repacker. If an expiration date is used that is longer than the minimum date provided for the drug by specific regulations, it may be used only if the manufacturer has submitted information to the Commissioner adequate to prove that the drug is stable for such time.

(b) If it is packaged solely for manufacturing use or for repacking, each package shall bear on its outside wrapper or container and the immediate container, the following:

(1) The number of units or micrograms of activity per milligram or per gram, and the number of grams or kilograms in the immediate container.

(2) The batch mark.

(3) The statement "Caution: Federal law prohibits dispensing without prescription."

(4) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking," and, if it is not sterile, the statement "nonsterile."

(5) The required expiration date.

(c) The expiration date prescribed for a drug by the regulations in this chapter may be omitted from the label of the immediate container if such container contains a single dose and it is packaged in an individual wrapper or container that bears the date prescribed.

### § 148.4 Labeling of antibiotic drugs intended for export.

(a) Antibiotic drugs subject to certification under section 507 of the act and intended for export will be certified notwithstanding failure to meet the labeling requirements of the applicable sections if the labeling used for such drugs meets the following conditions:

(1) It has been approved before use by the government authorities of the country to which the drugs are intended for export; and

(2) Such labeling represents that such drugs are for use only in those conditions for which they are certified for domestic distribution.

(b) The legend "Caution: Federal law prohibits dispensing without prescription" might be inappropriate on antibiotic drugs exported from the United States, since their sale may or may not be so restricted under the laws of the country of destination. The Food and Drug Administration would not object to a slight modification of the wording to read, "Caution: Federal (U.S.A.) law prohibits dispensing without prescription," by a manufacturer who wishes to market a drug under the same label both in domestic and foreign commerce.

### § 148.5 Antibiotic and antibiotic-containing drugs intended for use in milk-producing animals; labeling.

Whenever the labeling of an antibiotic drug included in the regulations in this chapter suggests or recommends its use in milk-producing animals, the label of such drugs shall bear either the statement "Warning: Not for use in animals producing milk, since this use will result in contamination of the milk" or the statement "Warning: Milk taken from treated animals within—hours after the latest treatment must not be used for food", and the blank has been filled in with the figure, which shall not be greater than 96, that the Commissioner has authorized the manufacturer of the drug to use. The Commissioner shall determine what such figure shall be from information submitted by the manufacturer and which the Commissioner considers is adequate to prove that period of time after the latest treatment that the milk from treated animals will contain no residues from use of the preparation. If the use of the antibiotic drug as recommended does not result in its appearance in the milk neither of the above warning statements is required.

5. All citations to § 148.4 in Parts 148a–148w are changed to read "§ 146.2".

This revision and recodification of the antibiotic regulations involved in this order supersedes all prior amendments.

Although this document includes certain substantive amendments to existing regulations, such amendments are made solely for the purpose of interpretation or clarification of existing material and are not restrictive in nature. Therefore, I find that notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order.

*Effective date.* This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: November 18, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-11941; Filed, Nov. 20, 1964; 8:49 a.m.]

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VOLUME 29 NUMBER 229

Washington, Tuesday, November 24, 1964

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

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## Title 12—BANKS AND BANKING

**Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury**

**PART 1—INVESTMENT SECURITIES REGULATION**

**Export-Import Bank Portfolio Fund Participation Certificates**

**§ 1.160 Export-Import Bank Portfolio Fund Participation Certificates.**

(a) *Request.* The Comptroller of the Currency has been requested to rule that various series of Export-Import Bank Portfolio Fund Participation Certificates, are eligible for purchase without limit by National Banks.

(b) *Opinion.* This Office has previously ruled (at 12 CFR 7.4) that Participation Certificates, Series "A" of 1962, which were issued and guaranteed by the Export-Import Bank of Washington, were eligible for purchase without limitation by National Banks.

(c) *Ruling.* Where Participation Certificates are issued and guaranteed by the Export-Import Bank of Washington, which is an independent agency of the United States Government, such certificates are, under applicable statutes and regulations, eligible for purchase without limitation by National Banks.

Dated: November 17, 1964.

[SEAL] WILLIAM B. CAMP,
*Acting Comptroller of the Currency.*

[F.R. Doc. 64–11985; Filed, Nov. 23, 1964; 8:48 a.m.]

## Title 32—NATIONAL DEFENSE

**Chapter VI—Department of the Navy**

SUBCHAPTER C—PERSONNEL

**PART 729—NAVY AND MARINE CORPS MILITARY PERSONNEL SECURITY PROGRAM**

**Miscellaneous Amendments**

*Scope and purpose.* The amendments are intended to update Part 729 in accordance with recent changes to the underlying departmental regulations.

1. Section 729.6 is amended by revising paragraph (a)(6), and item (6) of the list at the end of the section, to read as follows:

**§ 729.6 Criteria**

* * * * * * *

(a) * * *

(6) Intentional failure or refusal to sign the loyalty certificate DD Form 98; refusal to completely answer questions contained in DD Forms 98 or 398; or otherwise failing or refusing to answer any pertinent question propounded in the course of an official investigation, interrogation, or examination, conducted for the purpose of ascertaining the existence or extent, or both, of conduct of the nature described in subparagraphs (1) through (5) and (7) through (13) of this paragraph.

* * * * * *

| *Criteria in paragraph (a) of § 729.6—* | *Factors to be considered in making determinations* |
|---|---|
| * * * | * * * |
| (6) Intentional failure or refusal to sign the DD Form 98; refusal to completely answer questions contained in DD Forms 98 or 398; or otherwise failing or refusing to answer any pertinent question propounded in the course of an official investigation, interrogation, or examination conducted for the purposes of ascertaining the existence or extent, or both, of conduct of the nature described in subparagraphs (1) through (5) and (7) through (13) of this paragraph. | (i) Purpose or reasons for failure or refusal to sign or answer pertinent questions; e.g., advice of counsel, lack of understanding, etc. (Action under the Security Program is warranted by a refusal to furnish information which the U.S. Government is entitled to know for the national security.)<br>(ii) Whether, subsequent to refusal, testimony or other information pertinent to the issue was given.<br>(iii) Whether the information which was withheld was pertinent to the security qualifications of the individual. |

* * * * * *

2. Section 729.8 is revised to read as follows:

**§ 729.8 Investigative requirements.**

(a) A National Agency Check shall be conducted prior to appointing or commissioning of any individual as an officer or warrant officer.

(b) The National Agency Checks for members of the Naval Reserve Officers Training Corps shall be initiated immediately upon enrollment.

(c) Upon being ordered to extended active duty, a National Agency Check will be initiated at the officer's first duty station, if not already accomplished.

3. Section 729.14 is revised to read as follows:

**§ 729.14 Procedure with regard to applicants.**

Each applicant for initial enlistment into any component of the Navy or Marine Corps shall be required to accomplish a loyalty certificate DD Form 98, prior to his acceptance. Each applicant for enrollment in the NROTC shall be required to accomplish DD Form 98 prior to enrollment. Each applicant for initial appointment into any component of the Navy or Marine Corps shall be required to accomplish DD Forms 98 and 398 prior to appointment. Normally, DD Form 98 will not be required for a subsequent appointment or enlistment provided the individual has had continuous service in the Navy or Marine Corps and has previously satisfactorily completed DD Form 98. If any applicant fails or refuses to accomplish the forms in their entirety, his enlistment, enrollment, or appointment will be denied. If DD Form 98 is completed and any entry is made therein which provides reason for belief that the enlistment or appointment may not be clearly consistent with the interests of national security, further action toward effecting the enlistment or appointment shall be discontinued, and all papers shall be transmitted direct to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate. No applicant will be rejected primarily on the grounds that his service would be not clearly consistent with the interests of national security without being afforded the opportunity for a hearing. The Director of Naval Intelligence will be advised of final decisions in cases under this section.

4. Section 729.18 is amended by deletion of paragraph (b)(6).

**§ 729.18 Special procedures for certain civilian doctor and dentist applicants who are subject to induction.**

* * * * * *

(b) * * *

(6) [Deleted]

5. Section 729.21 is amended by deletion of paragraph (b).

**§ 729.21 Processing of cases.**

* * * * * *

(b) [Deleted]

(R.S. 161, sec. 5031, 70A Stat. 278, as amended, sec. 133, 76 Stat. 517; 5 U.S.C. 22, 10 U.S.C. 133, 5031)

By direction of the Secretary of the Navy.

[SEAL] WILFRED HEARN,
*Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.*

NOVEMBER 18, 1964.

[F.R. Doc. 64–11964; Filed, Nov. 23, 1964; 8:46 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Regulatory Docket No. 5074]

## PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT [NEW]

This amendment adds Part 27 [New] to the Federal Aviation Regulations to replace Part 6 of the Civil Air Regulations, and is a part of the Agency recodification program announced in Draft Release 61–25, published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698).

Part 27 [New] was published as a notice of proposed rule making in the FEDERAL REGISTER on May 23, 1964 (29 F.R. 6822), and given further distribution as Notice No. 64–29.

During the life of the recodification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between the two, the recodified parts, such as this one, are labeled "[New]". The label will be dropped at the completion of the project as all of the regulations will be new.

Many of the comments received recommended specific substantive changes to the regulations. Many of these recommendations appear to be meritorious. However, they cannot be adopted as a part of the recodification program, since the purpose of the program is simply to streamline and clarify present regulatory language and delete obsolete or redundant provisions. To attempt substantive changes, other than relaxatory ones that are completely noncontroversial, would delay the project and be contrary to the ground rules specified for it in Draft Release 61–25. However, all comments of this nature will be preserved and considered in any later substantive revision of this part.

Present CAR Part 6 reflects the various writing styles used by those who have worked on it in the past. Consistency in language is vital to consistency in interpretation and fairness in application, especially in technical, complex rules such as this one. The recodification has allowed us to use one style throughout Part 27 [New]. The style changes that have been made do not affect substance.

Part 27 [New] substitutes the word "must" for "shall". This has been done because airworthiness standards are conditions precedent that must be met for the issue of a type certificate. The imperative "shall" would be inappropriate since the failure to meet these standards simply results in a denial of the certificate without further penalty.

The sections in Part 27 [New] have been rearranged and renumbered so that the requirements of this part have the same number as comparable requirements in Parts 23 [New], 25 [New], and 29 [New]. This explains apparent gaps in section numbers in this part, such as that between § 27.79 Limiting height-speed envelope and § 27.141 General. (This gap, for instance, is assigned to the turbine engine performance requirements of Part 25 [New], and includes the normal "growth" gap between subtopics.) Comparative review of specific requirements between airworthiness parts is greatly facilitated by this rearrangement, and has already resulted, for example, in the deletion of §§ 6.202(c), 6.340, 6.380, 6.480, 6.600, 6.602, 6.610, 6.700(a), and 6.744 as surplusage, and in the significant simplification of the Rotorcraft Flight Manual requirements in § 27.1581. Further, this rearrangement allows more efficient review of all parts in the light of comments received on any single part. For example, a comment received on Part 23 [New] has resulted in the deletion of all but the last sentence of the requirement that now appears in § 27.607. As industry becomes acquainted with the new format, the effectiveness of comments received should be greatly magnified.

As was stated in the preamble of the notice of proposed rule making of Part 27, those definitions in present Part 6 (and not now in Part 1 or executed in this part) that are necessary will be recodified with the definitions in other airworthiness parts and added to Part 1 [New]. The detailed disposition of § 6.1 in the distribution table should resolve most definition problems that may arise.

The definitions, abbreviations, and rules of construction in Part 1 [New] of the Federal Aviation Regulations apply to Part 27 [New].

The most significant changes to Part 27 since the notice are listed below. The numbers in parentheses refer to the section numbers in the notice and in former Part 6, respectively.

(1) In § 27.25 (27.23) (6.101), paragraph (a)(2)(iv), the phrase "an occupant weight of" has been added between "seat," and "170 pounds". This was done to make it clear that the weight of the seat itself need not be included in the determination of the subject weight.

(2) In § 27.143 (27.65) (6.121), paragraph (b), subparagraph (2) has been deleted from the section as it appeared in the notice. This effectuates the second paragraph of the preamble in CAR amendment 6–4, effective October 1, 1959, in which it was intended that § 6.121 be revised to replace the requirement for a demonstration of controllability after power failure at only one high speed condition, namely § 6.121(c), with a requirement for controllability after power failure over the range of airspeeds and altitudes for which certification is sought, namely § 6.121(e). Insofar as the intended deletion was not made in the rule at that time and both requirements remained outstanding, the deletion of § 6.121(c) at this time is relaxatory.

(3) The Aerospace Industries Association, Inc. (AIA) suggested that the word "maximum" between "A" and "wind velocity" in § 27.143 (27.65) (6.121) was ambiguous, since in context it could refer either to a performance maximum or to the "maximum" safe wind for operation near the ground in § 27.1587 (27.789) (6.743). Since ultimate performance capability need not be shown under § 27.143, the word "maximum" has been deleted.

(4) In §§ 27.547 and 27.361 (§§ 27.217 (e) and 27.219(e)) (6.250 and 6.251), the word "design" has been deleted since all prescribed loads are design loads.

(5) In § 27.241 (27.31) (6.131), the word "uncontrollable", between "no" and "tendency" has been replaced with the word "dangerous". This was done to harmonize the language with the actual standard against which ground resonance must be judged.

(6) In § 27.301 (27.121) (6.200), the descriptions of limit and ultimate loads have been put back in. It is felt that their utility will be greater in the basic rule than in Part 1 [New].

(7) In § 27.601 (27.251) (6.300), the reference to experience as an element in determining which "hazardous or unreliable" features are covered by the rule has been put back in. This change was made at the request of AIA and is clarifying only.

(8) In § 27.611 (27.261) (6.305), paragraph (a), "periodic inspection" has been replaced with "recurring inspection". This avoids any potential conflict between the intent in the subject section to cover all inspections that occur at regular intervals and the more specific use of the term "periodic inspection" in Parts 43 [New] and 91 [New].

(9) AIA suggested that the language in § 27.775 (27.355) (6.352) be revised to make it clear that (1) materials other than glass may be used in the windows and (2) only glass panes need contain nonsplintering safety glass. This has been done.

(10) Because of an AIA comment to § 27.807 (27.365(a)) (6.357), paragraph (a), the phrase "as prescribed by the Administrator", between "provided" and "where", has been deleted since all requirements in this part are prescribed by the Administrator.

(11) Aero Flow Dynamics, Inc., suggested that the heading and language in § 27.997 (27.471) (6.427) be conformed to that in other airworthiness parts. This has been done.

(12) Section 27.1309 (27.587) (6.606) has been revised to make it clear, as in the original rule, that the general requirement of guarding against hazard in the event of malfunctioning or failure applies to all equipment, systems, and installations, not only to those whose functioning is necessary to show compliance with any regulations in this subchapter.

(13) At the suggestion of AIA, § 27.1505 (27.733(b)) (6.711), paragraph (b), has been reworded to clarify the permissive aspect of this section.

Other minor changes of a technical clarifying nature have been made. They are not substantive and do not impose any burden on regulated persons.

In the notice, it was proposed to convert references to "miles" and "miles per hour" to their exact nautical equivalents. Many formulae have been derived under



the existing system. The effect of rounding off to the nearest whole number is unclear in certain cases. Although specifically invited, few comments have been received on this problem. Because of this it is felt that wholesale conversion should be made separately at a later date.

Interested persons have been given an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented. The Agency is appreciative of the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing, Chapter I of Title 14 of the Code of Federal Regulations is amended as follows, effective February 1, 1964.

1. By deleting Part 6.

2. By adding a Part 27 [New] reading as hereinafter set forth.

Issued in Washington, D.C. on October 2, 1964.

N. E. HALABY,
*Administrator.*

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AUTHORITY: The provisions of this Part 27 issued under secs. 313(a), 601, 603, 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421, 1423.

## Subpart A—General

### § 27.1 Applicability.

(a) This part prescribes airworthiness standards for the issue of type certificates, and changes to those certificates, for normal category rotorcraft with maximum weights of 6,000 pounds or less.

(b) Each person who applies under Part 21 [New] for such a certificate or change must show compliance with the applicable requirements of this part.

## Subpart B—Flight

GENERAL

### § 27.21 Proof of compliance.

(a) Each requirement of this subpart must be met at each appropriate combination of weight and center of gravity within the range of loading conditions for which certification is requested. This must be shown—

(1) By tests upon a rotorcraft of the type for which certification is requested, or by calculations based on, and equal in accuracy to, the results of testing; and

(2) By systematic investigation of each required combination of weight and center of gravity if compliance cannot be reasonably inferred from combinations investigated.

(b) The controllability, stability, and trim of the rotorcraft must be shown for each altitude up to the maximum expected in operation.

### § 27.25 Weight limits.

(a) *Maximum weight.* The maximum weight (the highest weight at which compliance with each applicable requirement of this part is shown) must be established so that it is—

(1) Not more than—

(i) The highest weight selected by the applicant;

(ii) The design maximum weight (the highest weight at which compliance with each applicable structural loading condition of this part is shown); or

(iii) The highest weight at which compliance with each applicable flight requirement of this part is shown; and

(2) Not less than the sum of—

(i) The empty weight determined under § 27.29;

(ii) The weight of usable fuel appropriate to the intended operation with full payload;

(iii) The weight of full oil capacity; and

(iv) For each seat, an occupant weight of 170 pounds or any lower weight for which certification is requested.

(b) *Minimum weight.* The minimum weight (the lowest weight at which compliance with each applicable requirement of this part is shown) must be established so that it is—

(1) Not more than the sum of—

(i) The empty weight determined under § 27.29;

(ii) The weight of the minimum crew necessary to operate the rotorcraft, assuming for each crewmember a weight no more than 170 pounds, or any lower weight selected by the applicant or included in the loading instructions; and

(iii) The weight of the oil quantity determined under § 27.1011(b); and

(2) Not less than—

(i) The lowest weight selected by the applicant;

(ii) The design minimum weight (the lowest weight at which compliance with each applicable structural loading condition of this part is shown); or

(iii) The lowest weight at which compliance with each applicable flight requirement of this part is shown.

### § 27.27 Center of gravity limits.

The extreme forward and the extreme aft center of gravity must be established for each weight established under § 27.25. Such an extreme may not lie beyond—

(a) The extremes selected by the applicant;

(b) The extremes within which the structure is proven; or

(c) The extremes within which compliance with the applicable flight requirements is shown.

### § 27.29 Empty weight and corresponding center of gravity.

(a) The empty weight and corresponding center of gravity must be determined by weighing the rotorcraft without the crew and payload, but with—

(1) Fixed ballast;
(2) Unusable fuel;
(3) Undrainable oil;
(4) Engine coolant; and
(5) Hydraulic fluid.

(b) The condition of the rotorcraft at the time of determining empty weight must be one that is well defined and can be easily repeated, particularly with respect to the weights of fuel, oil, coolant, and installed equipment.

### § 27.31 Removable ballast.

Removable ballast may be used in showing compliance with the flight requirements of this subpart.

### § 27.33 Main rotor speed and pitch limits.

(a) *Main rotor speed limits.* A range of main rotor speeds must be established that—



(1) With power on, provides adequate margin to accommodate the variations in rotor speed occurring in any appropriate maneuver, and is consistent with the kind of governor or synchronizer used; and

(2) With power off, allows each appropriate autorotative maneuver to be performed throughout the ranges of airspeed and weight for which certification is requested.

(b) *Normal main rotor pitch limits.* There must be means to limit the range of main rotor pitch settings so that—

(1) With power on, and within approved engine limitations, the normal high pitch limit prevents main rotor speeds substantially less than the minimum approved for any flight condition; and

(2) With power off, the low pitch limit provides main rotor speeds within the approved range for autorotative conditions under the most critical combinations of weight and airspeed.

(c) *Emergency high pitch.* A main rotor pitch higher than the normal high pitch limit prescribed in paragraph (b)(1) of this section may be made available for emergency use if the normal high pitch limit cannot be exceeded inadvertently.

PERFORMANCE

### § 27.45 Standard atmosphere and still air.

Compliance with §§ 27.51 through 27.79 must be shown for still air with a standard atmosphere.

### § 27.51 Takeoff.

(a) The takeoff, with takeoff power and r.p.m., and with the extreme forward center of gravity—

(1) May not require exceptional piloting skill or exceptionally favorable conditions; and

(2) Must be made in such a manner that a landing can be made safely at any point along the flight path if an engine fails.

(b) Paragraph (a) of this section must be met throughout the ranges of—

(1) Altitude, from standard sea level conditions to the maximum altitude capability of the rotorcraft, or 7,000 feet, whichever is less; and

(2) Weight, from the maximum weight (at sea level) to each lesser weight selected by the applicant for each altitude covered by subparagraph (1) of this paragraph.

### § 27.65 Climb.

(a) For rotorcraft other than helicopters—

(1) The steady rate of climb, at $V_Y$, must be determined—

(i) With maximum continuous power on each engine;

(ii) With the landing gear retracted; and

(iii) For the weights, altitudes, and temperatures for which certification is requested; and

(2) The climb gradient, at the rate of climb determined under subparagraph (1) of this paragraph must be at least 1:6 under standard sea level conditions.

(b) For helicopters, $V_Y$ must be determined—

(1) Under standard sea level conditions;

(2) At maximum weight; and

(3) With maximum continuous power on each engine.

### § 27.67 Climb: one engine inoperative.

For multiengine helicopters, the steady rate of climb (or descent), at $V_Y$ (or at the speed for minimum rate of descent), must be determined with—

(a) Maximum weight;

(b) One engine inoperative; and

(c) Maximum continuous power on the other engines.

### § 27.73 Performance at minimum operating speed.

(a) For helicopters—

(1) The hovering ceiling must be determined over the ranges of weight, altitude, and temperature for which certification is requested, with—

(i) Takeoff power;

(ii) The landing gear extended; and

(iii) The helicopter in ground effect at a height consistent with normal takeoff procedures; and

(2) The hovering ceiling determined under subparagraph (1) of this paragraph must be at least—

(i) For reciprocating engine powered helicopters, 4,000 feet at maximum weight with a standard atmosphere; or

(ii) For turbine engine powered helicopters, 2,500 feet pressure altitude at maximum weight at a temperature of standard +40 degrees F.

(b) For rotorcraft other than helicopters, the steady rate of climb at the minimum operating speed must be determined, over the ranges of weight, altitude, and temperature for which certification is requested, with—

(1) Takeoff power; and

(2) The landing gear extended.

### § 27.75 Landing.

(a) The rotorcraft must be able to be landed with no excessive vertical acceleration, no tendency to bounce, nose over, ground loop, porpoise, or water loop, and without exceptional piloting skill or exceptionally favorable conditions, with—

(1) Approach or glide speeds appropriate to the type of rotorcraft and selected by the applicant;

(2) The approach and landing made with—

(i) Power off, for single-engine rotorcraft; and

(ii) One engine inoperative, for multiengine rotorcraft; and

(3) The approach and landing entered from steady autorotation.

(b) Multiengine rotorcraft must be able to be landed safely after complete power failure under normal operating conditions.

### § 27.79 Limiting height—speed envelope.

(a) If there is any combination of height and forward speed (including hover) under which a safe landing cannot be made under the applicable power failure condition in paragraph (b) of this section, a limiting height-speed envelope must be established (including all pertinent information) for that condition, throughout the ranges of—

(1) Altitude, from standard sea level conditions to the maximum altitude capability of the rotorcraft, or 7,000 feet, whichever is less; and

(2) Weight, from the maximum weight (at sea level) to the lesser weights selected by the applicant for each altitude covered by subparagraph (1) of this paragraph.

(b) The applicable power failure conditions are—

(1) For single-engine helicopters, full autorotation;

(2) For multiengine helicopters, one engine inoperative (where engine isolation features ensure continued operation of the remaining engines); and

(3) For other rotorcraft, conditions appropriate to the type.

FLIGHT CHARACTERISTICS

### § 27.141 General.

The rotorcraft must—

(a) Meet the requirements of this section and of §§ 27.143, 27.161, and 27.171 through 27.175—

(1) At the normally expected operating altitudes;

(2) Under any critical loading condition within the range of weights and centers of gravity for which certification is requested;

(3) Under any condition of speed, power, and rotor r.p.m. for which certification is requested; and

(4) Without engine combustion flameout and notwithstanding compressor stall or surge;

(b) Be able to maintain any required flight condition and make a smooth transition from any flight condition to any other flight condition without exceptional piloting skill, alertness, or strength, and without danger of exceeding the limit load factor under any operating condition probable for the type, including sudden powerplant failure; and

(c) Have any additional characteristic required for night or instrument operation, if certification for those kinds of operation is requested.

### § 27.143 Controllability and maneuverability.

(a) The rotorcraft must be safely controllable and maneuverable—

(1) During steady flight; and

(2) During any maneuver appropriate to the type, including—

(i) Takeoff;
(ii) Climb;
(iii) Level flight;
(iv) Turning flight;
(v) Glide;
(vi) Landing (power on and power off); and
(vii) Recovery to power-on flight from a balked autorotative approach.

(b) The margin of cyclic control must allow satisfactory roll and pitch control at $V_{NE}$, with—

(1) Maximum weight;
(2) Critical center of gravity;
(3) Critical rotor r.p.m.; and
(4) Power on and power off.

(c) A wind velocity of not less than 20 miles per hour must be established in which the rotorcraft can be operated without loss of control on or near the ground in any maneuver appropriate to the type (such as crosswind takeoffs, sideward flight, and rearward flight), with—

(1) Critical weight;
(2) Critical center of gravity; and
(3) Critical rotor r.p.m.

(d) The rotorcraft, after power failure, must be controllable over the range of speeds and altitudes for which certification is requested when the power failure occurs with maximum continuous power and critical weight. No corrective action time delay for any condition following power failure may be less than—

(1) For the cruise condition, one second, or normal pilot reaction time (whichever is greater); and

(2) For any other condition, normal pilot reaction time.

**§ 27.161 Trim control.**

The trim control—

(a) Must trim any steady longitudinal and lateral control forces to zero in level flight at any appropriate speed; and

(b) May not introduce any undesirable discontinuities in control force gradients.

**§ 27.171 Stability: general.**

The rotorcraft must be able to be flown, without undue pilot fatigue or strain, in any normal maneuver for a period of time as long as that expected in normal operation. At least three landings and takeoffs must be made during this demonstration.

**§ 27.173 Static longitudinal stability.**

(a) The longitudinal cyclic control must be designed so that, for the ranges of altitude and rotor r.p.m. for which certification is requested, and with throttle and collective pitch held constant during the maneuvers specified in § 27.175—

(1) A rearward movement of the control is necessary to obtain airspeeds less than the trim speed; and

(2) A forward movement of the control is necessary to obtain airspeeds greater than the trim speed.

(b) The stick position versus speed curve may have a negative slope within the speed ranges specified for each maneuver in § 27.175(a) through (c) if the necessary negative stick travel is not greater than ten percent of the total stick travel.

**§ 27.175 Demonstration of static longitudinal stability.**

(a) *Climb.* Static longitudinal stability must be shown in the climb condition at speeds from 0.85 $V_Y$ to 1.2 $V_Y$, with—

(1) Critical weight;
(2) Critical center of gravity;
(3) Maximum continuous power;
(4) The landing gear retracted; and
(5) The rotorcraft trimmed at $V_Y$.

(b) *Cruise.* Static longitudinal stability must be shown in the cruise condition at speeds from 0.7 $V_H$ or 0.7 $V_{NE}$, whichever is less, to 1.1 $V_H$ or 1.1 $V_{NE}$, whichever is less, with—

(1) Critical weight;
(2) Critical center of gravity;
(3) Power for level flight at 0.9 $V_H$ or 0.9 $V_{NE}$, whichever is less;
(4) The landing gear retracted; and
(5) The rotorcraft trimmed at 0.9 $V_H$ or 0.9 $V_{NE}$, whichever is less.

(c) *Autorotation.* Static longitudinal stability must be shown in autorotation throughout the speed range for which certification is requested, with—

(1) Critical weight;
(2) Critical center of gravity;
(3) Power off;
(4) The landing gear (i) retracted and (ii) extended; and
(5) The rotorcraft trimmed at the speed for minimum rate of descent.

(d) *Hovering.* For helicopters in the hovering condition—

(1) The longitudinal cyclic control must operate with the sense and direction of motion prescribed in § 27.173; and

(2) The stick position curve must have a stable slope, between the maximum approved rearward speed and a forward speed of 20 miles per hour, with—

(i) Critical weight;
(ii) Critical center of gravity;
(iii) Power required for hovering in still air;
(iv) The landing gear retracted; and
(v) The helicopter trimmed for hovering.

GROUND AND WATER HANDLING CHARACTERISTICS

**§ 27.231 General.**

The rotorcraft must have satisfactory ground and water handling characteristics, including freedom from uncontrollable tendencies in any condition expected in operation.

**§ 27.235 Taxiing condition.**

The rotorcraft must be designed to withstand the loads that would occur when the rotorcraft is taxied over the roughest ground that may reasonably be expected in normal operation.



**§ 27.239 Spray characteristics.**

If certification for water operation is requested, no spray characteristics during taxiing, takeoff, or landing may obscure the vision of the pilot or damage the rotors, propellers, or other parts of the rotorcraft.

**§ 27.241 Ground resonance.**

The rotorcraft may have no dangerous tendency to oscillate on the ground with the rotor turning.

MISCELLANEOUS FLIGHT REQUIREMENTS

**§ 27.251 Vibration.**

Each part of the rotorcraft must be free from excessive vibration under each appropriate speed and power condition.



## Subpart C—Strength Requirements

GENERAL

No. 229——2

**§ 27.301 Loads.**

(a) Strength requirements are specified in terms of limit loads (the maximum loads to be expected in service) and ultimate loads (limit loads multiplied by prescribed factors of safety). Unless otherwise provided, prescribed loads are limit loads.

(b) Unless otherwise provided, the specified air, ground, and water loads must be placed in equilibrium with inertia forces, considering each item of mass in the rotorcraft. These loads must be distributed to closely approximate or conservatively represent actual conditions.

(c) If deflections under load would significantly change the distribution of external or internal loads, this redistribution must be taken into account.

**§ 27.303 Factor of safety.**

Unless otherwise provided, a factor of safety of 1.5 must be used. This factor applies to external and inertia loads unless its application to the resulting internal stresses is more conservative.

**§ 27.305 Strength and deformation.**

(a) The structure must be able to support limit loads without detrimental or permanent deformation. At any load up to limit loads, the deformation may not interfere with safe operation.

(b) The structure must be able to support ultimate loads without failure. This must be shown by—

(1) Applying ultimate loads to the structure in a static test for at least three seconds; or

(2) Dynamic tests simulating actual load application.

**§ 27.307 Proof of structure.**

(a) Compliance with the strength and deformation requirements of this subpart must be shown for each critical loading condition. Structural analysis may be used only if the structure conforms to those for which experience has shown this method to be reliable. In other cases, substantiating load tests must be made.

(b) Proof of compliance with the strength requirements of this subpart must include—

(1) Dynamic and endurance tests of rotors, rotor drives, and rotor controls;
(2) Limit load tests of the control system, including control surfaces;
(3) Operation tests of the control system;
(4) Flight stress measurement tests;
(5) Landing gear drop tests; and
(6) Any additional tests required for new or unusual design features.

**§ 27.309 Design limitations.**

The following values and limitations must be established to show compliance with the structural requirements of this subpart:

(a) The design maximum weight.
(b) The main rotor r.p.m. ranges, power on and power off.
(c) The maximum forward speeds for each main rotor r.p.m. within the ranges determined under paragraph (b) of this section.
(d) The maximum rearward and sideward flight speeds.
(e) The center of gravity limits corresponding to the limitations determined under paragraphs (b), (c), and (d) of this section.
(f) The rotational speed ratios between each powerplant and each connected rotating component.
(g) The positive and negative limit maneuvering load factors.

FLIGHT LOADS

**§ 27.321 General.**

(a) For rotorcraft, flight load factors are rotor load factors. The net load factor acting at the center of gravity must be obtained by proper consideration of the balancing loads in each flight condition specified in this part.

(b) Compliance with the flight load requirements of this subpart must be shown—

(1) At each weight from the design minimum weight to the design maximum weight; and

(2) With any practical distribution of disposable load within the operating limitations in the Rotorcraft Flight Manual.

**§ 27.337 Limit maneuvering load factor.**

The rotorcraft must be designed for—

(a) A positive limit maneuvering load factor of 3.5 and a negative limit maneuvering load factor of 1.0; or

(b) Any lesser positive limit maneuvering load factor not less than 2.0, and lesser negative limit maneuvering load factor not less than 0.5, whose probability of being exceeded is shown by analysis and flight test to be extremely remote.

**§ 27.339 Resultant limit maneuvering loads.**

The loads resulting from the application of limit maneuvering load factors are assumed to act at the center of each rotor hub and to act in directions, and with distributions of load among the rotors and auxiliary lifting surfaces, so as to represent each critical maneuvering condition, including power-on and power-off flight with the maximum design rotor tip speed ratio. The rotor tip speed ratio is the ratio of the rotorcraft flight velocity component in the plane of the rotor disc to the rotational tip speed of the rotor blades, and is expressed as follows:

$$\mu = \frac{V \cos \alpha}{\Omega R}$$

where—

$V$ = The airspeed along flight path (f.p.s.);
$\alpha$ = The angle between the projection, in the plane of symmetry, of the axis of no feathering and a line perpendicular to the flight path (radians, positive when axis is pointing aft);
$\Omega$ = The angular velocity of rotor (radians per second); and
$R$ = The rotor radius (ft.).

**§ 27.341 Gust loads.**

The rotorcraft must be designed to withstand, at each critical airspeed including hovering, the loads resulting from a vertical gust of 30 feet per second.

**§ 27.361 Engine torque.**

The limit engine torque may not be less than the mean torque multiplied by a factor of—

(a) 1.25, for turbine engines;
(b) 1.33, for engines with five or more cylinders; and
(c) Two, three, and four, for engines with four, three, and two cylinders, respectively.

CONTROL SURFACE AND SYSTEM LOADS

**§ 27.391 General.**

Each auxiliary rotor, each fixed or movable stabilizing or control surface, and each system operating any flight control must meet the requirements of §§ 27.395, 27.397, 27.401, 27.403, 27.411, and 27.413.

**§ 27.395 Control system.**

(a) The part of each control system from the pilot's controls to the control stops must be designed to withstand pilot forces of not less than—

(1) The forces specified in § 27.397; or

(2) If the system prevents the pilot from applying the limit pilot forces to the system, the maximum forces that the system allows the pilot to apply, but not less than 0.60 times the forces specified in § 27.397.

(b) The part of each control system from the control stops to the attachment to the rotor blades (or control areas) must be designed to at least—

(1) Withstand the maximum pilot forces obtainable in normal operation; and

(2) If operational loads may be exceeded through jamming, ground gusts, control inertia, or friction, support, without yielding, 0.60 times the limit pilot forces specified in § 27.397.

**§ 27.397 Limit pilot forces.**

The limit pilot forces are as follows:

(a) For foot controls, 130 pounds.
(b) For stick controls, 100 pounds fore and aft and 67 pounds laterally.
(c) For wheel controls, 100 pounds fore and aft and a lateral couple of 53$D$ inch-pounds applied at the rim of the control wheel (where $D$ is the wheel diameter in inches).

**§ 27.399 Dual control system.**

Each dual primary flight control system must be designed to withstand the loads that result when pilot forces of 0.75 times those obtained under § 27.395 are applied—

(a) In opposition; and
(b) In the same direction.

**§ 27.401 Auxiliary rotor assemblies.**

(a) *Auxiliary rotor assemblies.* Each auxiliary rotor assembly must be tested as prescribed in § 27.923.

(b) *Assemblies with detachable blades.* Each auxiliary rotor assembly with detachable blades must be designed to withstand the centrifugal loads resulting from the maximum design rotor r.p.m.

(c) *Highly stressed metal components.* For each auxiliary rotor with highly

stressed metal components, the vibration stresses must be determined in flight and shown not to exceed safe values for continuous operation.

**§ 27.403 Auxiliary rotor attachment structure.**

The attachment structure for each auxiliary rotor must be designed to withstand a limit load equal to the maximum loads occurring in the structure in any flight and landing condition.

**§ 27.411 Ground clearance: tail rotor guard.**

(a) It must be impossible for the tail rotor to contact the landing surface during a normal landing.

(b) If a tail rotor guard is required to show compliance with paragraph (a) of this section—

(1) Suitable design loads must be established for the guard; and

(2) The guard and its supporting structure must be designed to withstand those loads.

**§ 27.413 Stabilizing and control surfaces.**

(a) Each stabilizing and control surface must be designed so that—

(1) Limit loads are not less than the greater of—

(i) 15 pounds per square foot; or

(ii) The load resulting where $C_N$ equals 0.55 at the maximum design speed; and

(2) The surface can withstand the critical loads resulting from maneuvers and from combined maneuvers and gusts.

(b) Compliance with paragraph (a) of this section must be shown with load distributions that closely simulate actual pressure distribution conditions.

GROUND LOADS

**§ 27.471 General.**

(a) *Loads and equilibrium.* For limit ground loads—

(1) The limit ground loads obtained in the landing conditions in this part must be considered to be external loads that would occur in the rotorcraft structure if it were acting as a rigid body; and

(2) In each specified landing condition, the external loads must be placed in equilibrium with linear and angular inertia loads in a rational or conservative manner.

(b) *Critical centers of gravity.* The critical centers of gravity within the range for which certification is requested must be selected so that the maximum design loads are obtained in each landing gear element.

**§ 27.473 Ground loading conditions and assumptions.**

(a) For specified landing conditions, a design maximum weight must be used that is not less than the maximum weight. A rotor lift may be assumed to act through the center of gravity throughout the landing impact. This lift may not exceed—

(1) One-half of the design maximum weight; or

(2) Any greater lift proven to be appropriate by tests or data that are applicable to the particular rotorcraft.

(b) Unless otherwise prescribed, for each specified landing condition, the rotorcraft must be designed for a limit load factor of not less than the limit inertia load factor substantiated under §§ 27.725 and 27.727.

**§ 27.475 Tires and shock absorbers.**

Unless otherwise prescribed, for each specified landing condition, the tires must be assumed to be in their static position and the shock absorbers to be in their most critical position.

**§ 27.477 Landing gear arrangement.**

Sections 27.235, 27.479 through 27.485, and 27.493 apply to landing gear with two wheels aft, and one or more wheels forward, of the center of gravity.

**§ 27.479 Level landing conditions.**

(a) *Attitudes.* Under each of the loading conditions prescribed in paragraph (b) of this section, the rotorcraft is assumed to be in each of the following level landing attitudes:

(1) An attitude in which all wheels contact the ground simultaneously.

(2) An attitude in which the aft wheels contact the ground with the forward wheels just clear of the ground.

(b) *Loading conditions.* The rotorcraft must be designed for the following landing loading conditions:

(1) Vertical loads applied under § 27.471.

(2) The loads resulting from a combination of the loads applied under subparagraph (1) of this paragraph with drag loads at each wheel of not less than 25 percent of the vertical load at that wheel.

(3) If there are two wheels forward, a distribution of the loads applied to those wheels under subparagraphs (1) and (2) of this paragraph in a ratio of 40:60.

(c) *Pitching moments.* Pitching moments are assumed to be restricted by—

(1) In the case of the attitude in paragraph (a)(1) of this section, the forward landing gear; and

(2) In the case of the attitude in paragraph (a)(2) of this section, the angular inertia forces.

**§ 27.481 Tail-down landing conditions.**

(a) The rotorcraft is assumed to be in the maximum nose-up attitude allowing ground clearance by each part of the rotorcraft.

(b) In this attitude, ground loads are assumed to act perpendicular to the ground.

**§ 27.483 One-wheel landing conditions.**

For the one-wheel landing condition, the rotorcraft is assumed to be in the level attitude and to contact the ground on one aft wheel. In this attitude—

(a) The vertical load must be the same as that obtained on that side under § 27.479(b)(1); and

(b) The unbalanced external loads must be reacted by rotorcraft inertia.

**§ 27.485 Lateral drift landing conditions.**

(a) The rotorcraft is assumed to be in the level landing attitude, with—

(1) Side loads combined with one-half of the maximum ground reactions obtained in the level landing conditions of § 27.479(b)(1); and

(2) The loads obtained under subparagraph (1) of this paragraph applied—

(i) At the ground contact point; or

(ii) For full-swiveling gear, at the center of the axle.

(b) The rotorcraft must be designed to withstand, at ground contact—

(1) When only the aft wheels contact the ground, side loads of 0.8 times the vertical reaction acting inward on one side, and 0.6 times the vertical reaction acting outward on the other side, all combined with the vertical loads specified in paragraph (a); and

(2) When all wheels contact the ground simultaneously—

(i) For the aft wheels, the side loads specified in subparagraph (1) of this paragraph; and

(ii) For the forward wheels, a side load of 0.6 times the vertical reaction combined with the vertical load specified in paragraph (a) of this section.

**§ 27.493 Braked roll conditions.**

Under braked roll conditions with the shock absorbers in their static positions—

(a) The limit vertical load must be based on a load factor of at least—

(1) 1.33, for the attitude specified in § 27.479(a)(1); and

(2) 1.0, for the attitude specified in § 27.479(a)(2); and

(b) The structure must be designed to withstand, at the ground contact point of each wheel with brakes, a drag load at least the lesser of—

(1) The vertical load multiplied by a coefficient of friction of 0.8; and

(2) The maximum value based on limiting brake torque.

**§ 27.497 Ground loading conditions: landing gear with tail wheels.**

(a) *General.* Rotorcraft with landing gear with two wheels forward, and one wheel aft, of the center of gravity must be designed for loading conditions as prescribed in this section.

(b) *Level landing attitude with only the forward wheels contacting the ground.* In this attitude—

(1) The vertical loads must be applied under §§ 27.471 through 27.475;

(2) The vertical load at each axle must be combined with a drag load at that axle of not less than 25 percent of that vertical load; and

(3) Unbalanced pitching moments are assumed to be resisted by angular inertia forces.

(c) *Level landing attitude with all wheels contacting the ground simultaneously.* In this attitude, the rotorcraft must be designed for landing loading conditions as prescribed in paragraph (b) of this section.

(d) *Maximum nose-up attitude with only the rear wheel contacting the ground.* The attitude for this condition must be the maximum nose-up attitude expected in normal operation, including autorotative landings. In this attitude—





(1) The appropriate ground loads specified in paragraph (b) (1) and (2) of this section must be determined and applied, using a rational method to account for the moment arm between the rear wheel ground reaction and the rotorcraft center of gravity; or

(2) The probability of landing with initial contact on the rear wheel must be shown to be extremely remote.

(e) *Level landing attitude with only one forward wheel contacting the ground.* In this attitude, the rotorcraft must be designed for ground loads as specified in paragraph (b) (1) and (3) of this section.

(f) *Side loads in the level landing attitude.* In the attitudes specified in paragraphs (b) and (c) of this section, the following apply:

(1) The side loads must be combined at each wheel with one-half of the maximum vertical ground reactions obtained for that wheel under paragraphs (b) and (c) of this section. In this condition, the side loads must be—

(i) For the forward wheels, 0.8 times the vertical reaction (on one side) acting inward, and 0.6 times the vertical reaction (on the other side) acting outward; and

(ii) For the rear wheel, 0.8 times the vertical reaction.

(2) The loads specified in subparagraph (1) of this paragraph must be applied—

(i) At the ground contact point with the wheel in the trailing position (for non-full swiveling landing gear or for full swiveling landing gear with a lock, steering device, or shimmy damper to keep the wheel in the trailing position); or

(ii) At the center of the axle (for full swiveling landing gear without a lock, steering device, or shimmy damper).

(g) *Braked roll conditions in the level landing attitude.* In the attitudes specified in paragraphs (b) and (c) of this section, and with the shock absorbers in their static positions, the rotorcraft must be designed for braked roll loads as follows:

(1) The limit vertical load must be based on a limit vertical load factor of not less than—

(i) 1.0, for the attitude specified in paragraph (b) of this section; and

(ii) 1.33, for the attitude specified in paragraph (c) of this section.

(2) For each wheel with brakes, a drag load must be applied, at the ground contact point, of not less than the lesser of—

(i) 0.8 times the vertical load; and

(ii) The maximum based on limiting brake torque.

(h) *Rear wheel turning loads in the static ground attitude.* In the static ground attitude, and with the shock absorbers and tires in their static positions, the rotorcraft must be designed for rear wheel turning loads as follows:

(1) A vertical ground reaction equal to the static load on the rear wheel must be combined with an equal sideload.

(2) The load specified in subparagraph (1) of this paragraph must be applied to the rear landing gear—

(i) Through the axle, if there is a swivel (the rear wheel being assumed to be swiveled 90 degrees to the longitudinal axis of the rotorcraft); or

(ii) At the ground contact point, if there is a lock, steering device or shimmy damper (the rear wheel being assumed to be in the trailing position).

(i) *Taxiing condition.* The rotorcraft and its landing gear must be designed for loads that would occur when the rotorcraft is taxied over the roughest ground that may reasonably be expected in normal operation.

**§ 27.501 Ground loading conditions: landing gear with skids.**

(a) *General.* Rotorcraft with landing gear with skids must be designed for the loading conditions specified in this section. In showing compliance with this section, the following apply:

(1) The design maximum weight, center of gravity, and load factor must be determined under §§ 27.471 through 27.475.

(2) Structural yielding of elastic spring members under limit loads is acceptable.

(3) Design ultimate loads for elastic spring members need not exceed those obtained in a drop test of the gear with—

(i) A drop height of 1.5 times that specified in § 27.725; and

(ii) An assumed rotor lift of not more than 1.5 times that used in the limit drop tests prescribed in § 27.725.

(4) Compliance with paragraphs (b) through (e) of this section must be shown with—

(i) The gear in its most critically deflected position for the landing condition being considered; and

(ii) The ground reactions rationally distributed along the bottom of the skid tube.

(b) *Vertical reactions in the level landing attitude.* In the level attitude, and with the rotorcraft contacting the ground along the bottom of both skids, the vertical reactions must be applied as prescribed in paragraph (a) of this section.

(c) *Drag reactions in the level landing attitude.* In the level attitude, and with the rotorcraft contacting the ground along the bottom of both skids, the following apply:

(1) The vertical reactions must be combined with horizontal drag reactions of 50 percent of the vertical reaction applied at the ground.

(2) The resultant ground loads must be—

(i) Equal to the vertical load specified in paragraph (b) of this section; and

(ii) Directed through the center of gravity.

(d) *Sideloads in the level landing attitude.* In the level attitude, and with the rotorcraft contacting the ground along the bottom of both skids, the following apply:

(1) The vertical ground reaction must be—

(i) Equal to the vertical loads obtained in the condition specified in paragraph (b) of this section; and

(ii) Divided equally among the skids.

(2) The vertical ground reactions must be combined with a horizontal sideload of 25 percent of their value.

(3) The total sideload must be applied along the length of one skid only.

(4) The unbalanced moments are assumed to be resisted by angular inertia.

(5) The skid gear must be investigated for—

(i) Inward acting sideloads; and

(ii) Outward acting sideloads.

(e) *One-skid landing loads in the level attitude.* In the level attitude, and with the rotorcraft contacting the ground along the bottom of one skid only, the following apply:

(1) The vertical load on the ground contact side must be the same as that obtained on that side in the condition specified in paragraph (b) of this section.

(2) The unbalanced moments are assumed to be resisted by angular inertia.

(f) *Special conditions.* In addition to the conditions specified in paragraphs (b) and (c) of this section, the rotorcraft must be designed for the following ground reactions:

(1) A ground reaction load acting up and aft at an angle of 45 degrees to the longitudinal axis of the rotorcraft. This load must be—

(i) Equal to 1.33 times the maximum weight;

(ii) Distributed symmetrically among the skids;

(iii) Concentrated at the forward end of the straight part of the skid tube; and

(iv) Applied only to the forward end of the skid tube and its attachment to the rotorcraft.

(2) With the rotorcraft in the level landing attitude, a vertical ground reaction load equal to one-half of the vertical load determined under paragraph (b) of this section. This load must be—

(i) Applied only to the skid tube and its attachment to the rotorcraft; and

(ii) Concentrated at a point midway between the skid tube attachments.

**§ 27.505 Ski landing conditions.**

If certification for ski operation is requested, the rotorcraft, with skis, must be designed to withstand the following loading conditions (where $P$ is the maximum static weight on each ski with the rotorcraft at design maximum weight, and $n$ is the limit load factor determined under § 27.473(b).

(a) Up-load conditions in which—

(1) A vertical load of $Pn$ and a horizontal load of $Pn/4$ are simultaneously applied at the pedestal bearings; and

(2) A vertical load of 1.33 $P$ is applied at the pedestal bearings.

(b) A side-load condition in which a side load of 0.35 $Pn$ is applied at the pedestal bearings in a horizontal plane perpendicular to the centerline of the rotorcraft.

(c) A torque-load condition in which a torque load of 1.33 $P$ (in foot pounds) is applied to the ski about the vertical

axis through the centerline of the pedestal bearings.

WATER LOADS

**§ 27.521 Float landing conditions.**

If certification for float operation is requested, the rotorcraft, with floats, must be designed to withstand the following loading conditions (where the limit load factor is determined under § 27.473(b) or assumed to be equal to that determined for wheel landing gear):

(a) Up-load conditions in which—

(1) A load is applied so that, with the rotorcraft in the static level attitude, the resultant water reaction passes vertically through the center of gravity; and

(2) The vertical load prescribed in subparagraph (1) of this paragraph is applied simultaneously with an aft component of 0.25 times the vertical component.

(b) A side-load condition in which—

(1) A vertical load of 0.75 times the total vertical load specified in paragraph (a)(1) of this section is divided equally among the floats; and

(2) For each float, the load share determined under subparagraph (1) of this paragraph, combined with a total side load of 0.25 times the total vertical load specified in subparagraph (1) of this paragraph, is applied to that float only.

MAIN COMPONENT REQUIREMENTS

**§ 27.547 Main rotor structure.**

(a) Each main rotor assembly (including rotor hubs and blades) must be designed as prescribed in this section.

(b) Each hub, blade, blade attachment, and blade control subject to alternating stresses must be designed to withstand repeated loading conditions. In addition—

(1) The stresses of each critical part must be determined in flight in each attitude appropriate to the type of rotorcraft throughout the ranges of limitations prescribed in § 27.309; and

(2) The service life of each critical part must be established on the basis of—

(i) Fatigue tests; or

(ii) Any other acceptable method.

(c) The main rotor structure must be designed to withstand the following loads prescribed in §§ 27.337 through 27.341:

(1) Critical flight loads.

(2) Limit loads occurring under normal conditions of autorotation. For this condition, the rotor r.p.m. must be selected to include the effects of altitude.

(d) The main rotor structure must be designed to withstand loads simulating—

(1) For the rotor blades, hubs, and flapping hinges, the impact force of each blade against its stop during ground operation; and

(2) Any other critical condition expected in normal operation.

(e) The main rotor structure must be designed to withstand the limit torque at any rotational speed, including zero. In addition:

(1) The limit torque need not be greater than the torque defined by a torque limiting device (where provided), and may not be less than the greater of—

(i) The maximum torque likely to be transmitted to the rotor structure in either direction; and

(ii) The limit engine torque specified in § 27.361.

(2) The limit torque must be distributed to the rotor blades in a rational manner.

**§ 27.549 Fuselage, landing gear, and rotor pylon structures.**

(a) Each fuselage, landing gear, and rotor pylon structure must be designed as prescribed in this section. Resultant rotor forces may be represented as a single force applied at the rotor hub attachment point.

(b) Each structure must be designed to withstand—

(1) The critical loads prescribed in §§ 27.337 through 27.341;

(2) The applicable ground loads prescribed in §§ 27.235, 27.471 through 27.485, 27.493, 27.497, 27.501, 27.505, and 27.521; and

(3) The loads prescribed in § 27.547 (d)(2) and (e).

(c) Auxiliary rotor thrust, and the balancing air and inertia loads occurring under accelerated flight conditions, must be considered.

(d) Each engine mount and adjacent fuselage structure must be designed to withstand the loads occurring under accelerated flight and landing conditions, including engine torque.

(e) For critical parts (parts whose sudden failure would threaten the structural integrity of the rotorcraft), the following apply:

(1) Each part must be designed to withstand any repeated loading condition likely to occur within its established service life.

(2) Stresses must be determined in flight—

(i) For each attitude appropriate to the rotorcraft; and

(ii) For each attitude, throughout the ranges of limitations prescribed in § 27.309.

(3) The service life of each part must be established by—

(i) Fatigue tests; or

(ii) Any other acceptable method.

EMERGENCY LANDING CONDITIONS

**§ 27.561 General.**

(a) The rotorcraft, although it may be damaged in emergency landing conditions on land or water, must be designed as prescribed in this section to protect the occupants under those conditions.

(b) The structure must be designed to give each occupant every reasonable chance of escaping serious injury in a minor crash landing when—

(1) Proper use is made of seats, belts, and other safety design provisions;

(2) The wheels are retracted (where applicable); and

(3) The occupant experiences the following ultimate inertia forces relative to the surrounding structure:

(i) Upward—1.5 *g*.

(ii) Forward—4.0 *g*.

(iii) Sideward—2.0 *g*.

(iv) Downward—4.0 *g*, or any lower force that will not be exceeded when the rotorcraft absorbs the landing loads resulting from impact with an ultimate descent velocity of five f.p.s. at design maximum weight.

(c) The supporting structure must be designed to restrain, under any load up to those specified in paragraph (b)(3) of this section, any item of mass that could injure an occupant if it came loose in a minor crash landing.





## Subpart D—Design and Construction

GENERAL

**§ 27.601 Design.**

(a) The rotorcraft may have no design features or details that experience has shown to be hazardous or unreliable.

(b) The suitability of each questionable design detail and part must be established by tests.

**§ 27.603 Materials.**

The suitability and durability of materials used in the structure must—

(a) Be established on the basis of experience or tests; and

(b) Meet approved specifications that ensure their having the strength and other properties assumed in the design data.

**§ 27.605 Fabrication methods.**

The methods of fabrication used must produce consistently sound structures. If a fabrication process (such as gluing, spot welding, or heat-treating) requires close control to reach this objective, the process must be performed according to an approved process specification.

**§ 27.607 Self-locking nuts.**

No self-locking nut may be used on any bolt subject to rotation in operation.

**§ 27.609 Protection of structure.**

Each part of the structure must—

(a) Be suitably protected against deterioration or loss of strength in service due to any cause, including—

(1) Weathering;

(2) Corrosion; and

(3) Abrasion; and

(b) Have provisions for ventilation and drainage where necessary to prevent the accumulation of corrosive, flammable, or noxious fluids.

**§ 27.611 Inspection provisions.**

There must be means to allow the close examination of each part that requires—

(a) Recurring inspection;

(b) Adjustment for proper alignment and functioning; or

(c) Lubrication.

**§ 27.613 Material strength properties and design values.**

(a) Material strength properties must be based on enough tests of material meeting specifications to establish design values on a statistical basis.

(b) Design values must be chosen so that the probability of any structure being understrength because of material variations is extremely remote.

(c) The strength, detail design, and fabrication of the structure must minimize the probability of disastrous fatigue failure, particularly at points of stress concentration.

(d) Unless they are inapplicable in a particular case, the design values must be those contained in the following publications, obtainable from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402:

(1) MIL–HDBK–5, "Metallic Materials and Elements for Flight Vehicle Structure".

(2) MIL–HDBK–17, "Plastics for Flight Vehicles".

(3) ANC–18, "Design of Wood Aircraft Structures".

(4) MIL–HDBK–23, "Composite Construction for Flight Vehicles".

**§ 27.619 Special factors.**

(a) The special factors prescribed in §§ 27.621 through 27.625 apply to each part of the structure whose strength is—

(1) Uncertain;

(2) Likely to deteriorate in service before normal replacement; or

(3) Subject to appreciable variability due to—

(i) Uncertainties in manufacturing processes; or

(ii) Uncertainties in inspection methods.

(b) For each part to which §§ 27.621 through 27.625 apply, the factor of safety prescribed in § 27.303 must be multiplied by a special factor equal to—

(1) The applicable special factors prescribed in §§ 27.621 through 27.625; or

(2) Any other factor great enough to ensure that the probability of the part being understrength because of the uncertainties specified in paragraph (a) of this section is extremely remote.

**§ 27.621 Casting factors.**

(a) *General.* The factors, tests, and inspections specified in paragraphs (b) and (c) of this section must be applied in addition to those necessary to establish foundry quality control. The inspections must meet approved specifications. Paragraphs (c) and (d) of this section apply to structural castings except castings that are pressure tested as parts of hydraulic or other fluid systems and do not support structural loads.

(b) *Bearing stresses and surfaces.* The casting factors specified in paragraphs (c) and (d) of this section—

(1) Need not exceed 1.25 with respect to bearing stresses regardless of the method of inspection used; and

(2) Need not be used with respect to the bearing surfaces of a part whose bearing factor is larger than the applicable casting factor.

(c) *Critical castings.* For each casting whose failure would preclude continued safe flight and landing of the rotorcraft or result in serious injury to any occupant, the following apply:

(1) Each critical casting must—

(i) Have a casting factor of not less than 1.25; and

(ii) Receive 100 percent inspection by visual, radiographic, and magnetic particle (for ferromagnetic materials) or penetrate (for nonferromagnetic materials) inspection methods or approved equivalent inspection methods.

(2) For each critical casting with a casting factor less than 1.50, three sample castings must be static tested and shown to meet—

(i) The strength requirements of § 27.305 at an ultimate load corresponding to a casting factor of 1.25; and

(ii) The deformation requirements of § 27.305 at a load of 1.15 times the limit load.

(d) *Noncritical castings.* For each casting other than those specified in paragraph (c) of this section, the following apply:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, the casting factors and corresponding inspections must meet the following table:

| *Casting factor* | *Inspection* |
|---|---|
| 2.0 or greater... | 100 percent visual. |
| Less than 2.0, greater than 1.5. | 100 percent visual, and magnetic particle (ferromagnetic materials), penetrant (nonferromagnetic materials), or approved equivalent inspection methods. |
| 1.25 through 1.50. | 100 percent visual, and magnetic particle (ferromagnetic materials), penetrant (nonferromagnetic materials), and radiographic or approved equivalent inspection methods. |

(2) The percentage of castings inspected by nonvisual methods may be reduced below that specified in subparagraph (1) of this paragraph when an approved quality control procedure is established.

(3) For castings procured to a specification that guarantees the mechanical properties of the material in the casting and provides for demonstration of these properties by test of coupons cut from the castings on a sampling basis—

(i) A casting factor of 1.0 may be used; and

(ii) The castings must be inspected as provided in subparagraph (1) of this paragraph for casting factors of "1.25 through 1.50" and tested under paragraph (c)(2) of this section.

**§ 27.623 Bearing factors.**

(a) Except as provided in paragraph (b) of this section, each part that has clearance (free fit), and that is subject to pounding or vibration, must have a bearing factor large enough to provide for the effects of normal relative motion.

(b) No bearing factor need be used on a part for which any larger special factor is prescribed.

**§ 27.625 Fitting factors.**

For each fitting (part or terminal used to join one structural member to another) the following apply:

(a) For each fitting whose strength is not proven by limit and ultimate load tests in which actual stress conditions are simulated in the fitting and surrounding structures, a fitting factor of at least 1.15 must be applied to each part of—

(1) The fitting;

(2) The means of attachment; and

(3) The bearing on the joined members.

(b) No fitting factor need be used—

(1) For joints made under approved practices and based on comprehensive test data (such as continuous joints in

metal plating, welded joints, and scarf joints in wood); and

(2) With respect to any bearing surface for which a larger special factor is used.

(c) For each integral fitting, the part must be treated as a fitting up to the point at which the section properties become typical of the member.

**§ 27.629 Flutter.**

Each part of the rotorcraft must be free from flutter under each appropriate speed and power condition.

MAIN ROTOR

**§ 27.653 Pressure venting and drainage of main rotor blades.**

For each main rotor blade—

(a) There must be means for venting the internal pressure of the blade;

(b) Drainage holes must be provided for the blade; and

(c) The blade must be designed to prevent water from becoming trapped in it.

**§ 27.659 Mass balance.**

The rotors and blades must be mass balanced as necessary to—

(a) Prevent excessive vibration; and

(b) Prevent flutter at any speed up to the maximum forward speed.

**§ 27.661 Rotor blade clearance.**

There must be enough clearance between the main rotor blades and other parts of the structure to prevent the blades from striking any part of the structure during any operating condition.

CONTROL SYSTEMS

**§ 27.671 General.**

(a) Each control and control system must operate with the ease, smoothness, and positiveness appropriate to its function.

(b) Each element of each flight control system must be designed, or distinctively and permanently marked, to minimize the probability of any incorrect assembly that could result in the malfunction of the system.

**§ 27.675 Stops.**

(a) Each control system must have stops that positively limit the range of motion of the pilot's controls.

(b) Each stop must be located in the system so that the range of travel of its control is not appreciably affected by—

(1) Wear;

(2) Slackness; or

(3) Takeup adjustments.

(c) Each stop must be able to withstand the loads corresponding to the design conditions for the system.

(d) For each main rotor blade—

(1) The blade must have stops, appropriate to the design, to limit its travel about its hinges; and

(2) There must be means to keep the blade from hitting the droop stops during any operation other than starting and stopping the rotor.

**§ 27.679 Control system locks.**

If there is a device to lock the control system with the rotorcraft on the ground or water, there must be means to—

(a) Give unmistakable warning to the pilot when the lock is engaged; and

(b) Prevent the lock from engaging in flight.

**§ 27.681 Limit load static tests.**

(a) Compliance with the limit load requirements of this part must be shown by tests in which—

(1) The direction of the test loads produces the most severe loading in the control system; and

(2) Each fitting, pulley, and bracket used in attaching the system to the main structure is included.

(b) Compliance must be shown (by analyses or individual load tests) with the special factor requirements for control system joints subject to angular motion.

**§ 27.683 Operation tests.**

It must be shown by operation tests that, when the controls are operated from the pilot compartment with the control system loaded to correspond with loads specified for the system, the system is free from—

(a) Jamming;

(b) Excessive friction; and

(c) Excessive deflection.

**§ 27.685 Control system details.**

(a) Each detail of each control system must be designed to prevent jamming, chafing, and interference from cargo, passengers, or loose objects.

(b) There must be means in the cockpit to prevent the entry of foreign objects into places where they would jam the system.

(c) There must be means to prevent the slapping of cables or tubes against other parts.

**§ 27.687 Spring devices.**

(a) Each control system spring device whose failure could cause flutter or other unsafe characteristics must be reliable.

(b) Compliance with paragraph (a) of this section must be shown by tests simulating service conditions.

**§ 27.691 Autorotation control mechanism.**

Each main rotor blade pitch control mechanism must allow rapid entry into autorotation after power failure.

**§ 27.695 Power boost and power-operated control system.**

(a) If a power boost or power-operated control system is used, an alternate system must be immediately available that allows continued safe flight and landing in the event of—

(1) Any single failure in the power portion of the system; or

(2) The failure of all engines.

(b) Each alternate system may be a duplicate power portion or a manually operated mechanical system. The power portion includes the power source (such as hydraulic pumps), and such items as valves, lines, and actuators.

(c) The failure of mechanical parts (such as piston rods and links), and the jamming of power cylinders, must be considered unless they are extremely improbable.

LANDING GEAR

**§ 27.723 Shock absorption tests.**

The landing inertia load factor and the reserve energy absorption capacity of the landing gear must be substantiated by the tests prescribed in §§ 27.725 and 27.727, respectively. These tests must be conducted on the complete rotorcraft or on units consisting of wheel, tire, and shock absorber in their proper relation.

**§ 27.725 Limit drop test.**

The limit drop test must be conducted as follows:

(a) The drop height must be—

(1) 13 inches from the lowest point of the landing gear to the ground; or



(2) Any lesser height, not less than eight inches, resulting in a drop contact velocity equal to the greatest probable sinking speed likely to occur at ground contact in normal power-off landings.

(b) If considered, the rotor lift specified in § 27.473(a) must be introduced into the drop test by appropriate energy absorbing devices or by the use of an effective mass.

(c) Each landing gear unit must be tested in the attitude simulating the landing condition that is most critical from the standpoint of the energy to be absorbed by it.

(d) When an effective mass is used in showing compliance with paragraph (b) of this section, the following formula may be used instead of more rational computations:

$$W_e = W\left[\frac{h+(1-L)d}{h+d}\right]; \text{ and } n = n_j\frac{W_e}{W}+L$$

where:

$W_e$ = the effective weight to be used in the drop test (lbs.);

$W = W_M$ for main gear units (lbs.), equal to the static reaction on the particular unit with the rotorcraft in the most critical attitude. A rational method may be used in computing a main gear static reaction, taking into consideration the moment arm between the main wheel reaction and the rotorcraft center of gravity.

$W = W_N$ for nose gear units (lbs.), equal to the vertical component of the static reaction that would exist at the nose wheel, assuming that the mass of the rotorcraft acts at the center of gravity and exerts a force of $1.0g$ downward and $0.25g$ forward.

$W = W_T$ for tailwheel units (lbs.), equal to whichever of the following is critical:

(1) The static weight on the tailwheel with the rotorcraft resting on all wheels; or

(2) The vertical component of the ground reaction that would occur at the tailwheel, assuming that the mass of the rotorcraft acts at the center of gravity and exerts a force of $1g$ downward with the rotorcraft in the maximum nose-up attitude considered in the nose-up landing conditions.

$h$ = specified free drop height (inches).

$L$ = ratio of assumed rotor lift to the rotorcraft weight.

$d$ = deflection under impact of the tire (at the proper inflation pressure) plus the vertical component of the axle travels (inches) relative to the drop mass.



$n$ = limit inertia load factor.

$n_j$ = the load factor developed, during impact, on the mass used in the drop test (i.e., the acceleration $dv/dt$ in $g$'s recorded in the drop test plus 1.0).

**§ 27.727 Reserve energy absorption drop test.**

The reserve energy absorption drop test must be conducted as follows:

(a) The drop height must be 1.5 times that specified in § 27.725(a).

(b) Rotor lift, where considered in a manner similar to that prescribed in § 27.725(b), may not exceed 1.5 times the lift allowed under that paragraph.

(c) The landing gear must withstand this test without collapsing.

**§ 27.731 Wheels.**

(a) Each landing gear wheel must be approved.

(b) The maximum static load rating of each wheel may not be less than the corresponding static ground reaction with—

(1) Maximum weight; and

(2) Critical center of gravity.

(c) The maximum limit load rating of each wheel must equal or exceed the maximum radial limit load determined under the applicable ground load requirements of this part.

**§ 27.733 Tires.**

(a) Each landing gear wheel must have a tire—

(1) That is a proper fit on the rim of the wheel; and

(2) Of the proper rating.

(b) The maximum static load rating of each tire must equal or exceed the static ground reaction obtained at its wheel, assuming—

(1) The design maximum weight; and

(2) The most unfavorable center of gravity.

**§ 27.735 Brakes.**

A braking device must be installed that is—

(a) Controllable by the pilot;

(b) Usable during power-off landings; and

(c) Adequate to—

(1) Counteract any normal unbalanced torque when starting or stopping the rotor; and

(2) Hold the rotorcraft parked on a 10-degree slope on a dry, smooth pavement.

**§ 27.737 Skis.**

The maximum limit load rating of each ski must equal or exceed the maximum limit load determined under the applicable ground load requirements of this part.

FLOATS AND HULLS

**§ 27.751 Main float buoyancy.**

(a) For main floats, the buoyancy necessary to support the maximum weight of the rotorcraft in fresh water must be exceeded by—

(1) 50 percent, for single floats; and

(2) 60 percent, for multiple floats.

(b) Each main float must have at least four watertight compartments approximately equal in volume.

**§ 27.753 Main float design.**

(a) *Bag floats.* Each bag float must be designed to withstand—

(1) The maximum pressure differential that might be developed at the maximum altitude for which certification with that float is requested; and

(2) The vertical loads prescribed in § 27.521(a), distributed along the length of the bag over three-quarters of its projected area.

(b) *Rigid floats.* Each rigid float must be able to withstand the vertical, horizontal, and side loads prescribed in § 27.521. These loads may be distributed along the length of the float.

**§ 27.755 Hulls.**

For each rotorcraft, with a hull and auxiliary floats, that is to be approved for both taking off from and landing on water, the hull and auxiliary floats must have enough watertight compartments so that, with any single compartment flooded, the buoyancy of the hull and auxiliary floats (and wheel tires if used) provides a margin of positive stability great enough to minimize the probability of capsizing.

PERSONNEL AND CARGO ACCOMMODATIONS

**§ 27.771 Pilot compartment.**

For each pilot compartment—

(a) The compartment and its equipment must allow each pilot to perform his duties without unreasonable concentration or fatigue;

(b) If there is provision for a second pilot, the rotorcraft must be controllable with equal safety from either pilot seat; and

(c) The vibration and noise characteristics of cockpit appurtenances may not interfere with safe operation.

**§ 27.773 Pilot compartment view.**

(a) Each pilot compartment must be free from glare and reflections that could interfere with the pilot's view, and designed so that—

(1) Each pilot's view is sufficiently extensive, clear, and undistorted for safe operation; and

(2) Each pilot is protected from the elements so that moderate rain conditions do not unduly impair his view of the flight path in normal flight and while landing.

(b) If certification for night operation is requested, compliance with paragraph (a) of this section must be shown in night flight tests.

**§ 27.775 Windshields and windows.**

Nonsplintering safety glass must be used in glass windshields and windows.

**§ 27.777 Cockpit controls.**

Cockpit controls must be—

(a) Located to provide convenient operation and to prevent confusion and inadvertent operation; and

(b) Located and arranged with respect to the pilots' seats so that there is full and unrestricted movement of each control without interference from the cockpit structure or the pilot's clothing when pilots from 5'2" to 6'0" in height are seated.

**§ 27.783 Doors.**

(a) Each closed cabin must have at least one adequate and easily accessible external door.

(b) No passenger door may be located with respect to any rotor disc so as to endanger persons using that door.

**§ 27.785 Seats and berths.**

(a) The seats and berths, and their supporting structures, must be designed for loads resulting from the specified flight and landing conditions, including the emergency landing conditions of § 27.561.

(b) The reactions from safety belts and harnesses must be considered.

(c) Each pilot seat must be designed for the reactions resulting from the application of the pilot forces prescribed in § 27.397.

(d) The structural analysis and testing of the structures specified in paragraphs (a) through (c) may be simplified—

(1) By assuming that the critical load in each direction, as determined from the prescribed flight, ground, and emergency landing conditions, acts separately; or

(2) By using selected combinations of loads, if the required strength in the specified directions is proven.

**§ 27.787 Cargo and baggage compartments.**

(a) Each cargo and baggage compartment must be designed for its placarded maximum weight of contents and for the critical load distributions at the appropriate maximum load factors corresponding to the specified flight and ground load conditions, except the emergency landing conditions of § 27.561.

(b) There must be means to prevent the contents of any compartment from becoming a hazard by shifting under the loads specified in paragraph (a) of this section.

(c) There must be means to protect each occupant from injury by the contents of any compartment when the ultimate forward inertia force is $4g$.

**§ 27.807 Emergency exits.**

(a) *Number and location.* Rotorcraft with closed cabins having a total seating capacity of more than five persons must have at least one emergency exit on the opposite side of the cabin from the main door. Additional exits must be provided where the total seating capacity is more than 15.

(b) *Type and operation.* Each emergency exit prescribed in paragraph (a) of this section must—

(1) Consist of a movable window or panel, or additional external door, providing an unobstructed opening that will admit a 19- by 26-inch ellipse;

(2) Be readily accessible, require no exceptional agility of a person using it, and be located so as to allow ready use, without crowding, in any probable attitudes that may result from a crash;

(3) Have a simple and obvious method of opening and be arranged and marked so as to be readily located and operated, even in darkness; and

(4) Be reasonably protected from jamming by fuselage deformation.

(c) *Tests.* The proper functioning of each emergency exit must be shown by test.

**§ 27.831 Ventilation.**

(a) The ventilating system for the pilot and passenger compartments must be designed to prevent the presence of excessive quantities of fuel fumes and carbon monoxide.

(b) The concentration of carbon monoxide may not exceed one part in 20,000 parts of air during forward flight or hovering in still air. If the concentration exceeds this value under other conditions, there must be suitable operating restrictions.

FIRE PROTECTION

**§ 27.853 Compartment interiors.**

For each compartment to be used by the crew or passengers—

(a) The materials must be at least flash-resistant;

(b) The wall and ceiling linings, and the covering of upholstery, floors, and furnishings must be at least flame resistant; and

(c) Each compartment where smoking is to be allowed must have self-contained, removable ash trays, and other compartments must be placarded against smoking.

**§ 27.855 Cargo and baggage compartments.**

(a) Each cargo and baggage compartment must be constructed of, or lined with, materials that are at least—

(1) Flame resistant, in the case of compartments that are readily accessible to a crewmember in flight; and

(2) Fire resistant, in the case of other compartments.

(b) No compartment may contain any controls, wiring, lines, equipment, or accessories whose damage or failure would affect safe operation, unless those items are protected so that—

(1) They cannot be damaged by the movement of cargo in the compartment; and

(2) Their breakage or failure will not create a fire hazard.

**§ 27.859 Heating systems.**

(a) *General.* For each heating system that involves the passage of cabin air over, or close to, the exhaust manifold, there must be means to prevent carbon monoxide from entering any cabin or pilot compartment.

(b) *Heat exchangers.* Each heat exchanger must be—

(1) Of suitable materials;

(2) Adequately cooled under all conditions; and

(3) Easily disassembled for inspection.

(c) *Combustion heaters.* Each gasoline-operated combustion heater must be approved and installed to meet the applicable powerplant installation requirements covering fire hazards and precautions. In addition—

(1) Each applicable requirement concerning fuel tanks, lines, and exhaust systems must be met; and

(2) Means independent of the components provided for the normal continuous control of air temperature, airflow, and fuel flow must be provided, for each heater, to automatically shut off and hold off the ignition and fuel supply of that heater at a point remote from that heater, when—

(i) The heat exchanger temperature or ventilating air temperature exceeds safe limits; or

(ii) The combustion airflow or the ventilating airflow becomes inadequate for safe operation.

**§ 27.861 Fire protection of structure, controls, and other parts.**

Each part of the structure, controls, and the rotor mechanism, and other parts essential to a controlled landing that would be affected by powerplant fires must be protected so that they can perform their essential functions for at least five minutes under any foreseeable powerplant fire condition.

MISCELLANEOUS

**§ 27.871 Leveling marks.**

There must be reference marks for leveling the rotorcraft on the ground.

**§ 27.873 Ballast provisions.**

Ballast provisions must be designed and constructed to prevent inadvertent shifting of ballast in flight.

## Subpart E—Powerplant

GENERAL

**§ 27.901 Installation.**

(a) For the purpose of this part, the powerplant installation includes each part of the rotorcraft (other than the main and auxiliary rotor structures) that—

(1) Is necessary for propulsion;

(2) Affects the control of the major propulsive units; or

(3) Affects the safety of the major propulsive units between normal inspections or overhauls.

(b) For each powerplant installation—

(1) Each component of the installation must be constructed, arranged, and installed to ensure its continued safe operation between normal inspections or overhauls;

(2) Accessibility must be provided to allow any inspection and maintenance necessary for continued airworthiness; and

(3) Electrical interconnections must be provided to prevent differences of potential between major components of the installation and the rest of the rotorcraft.

**§ 27.903 Engines.**

(a) *Engine type certification.* Each engine must be type certificated under Part 33 [New].

(b) *Engine cooling fan blade protection.* If an engine cooling fan is installed, there must be means to protect the rotorcraft and allow a safe landing if a fan blade fails. This must be shown by showing that—

(1) The fan blades are contained in case of failure;

(2) Each fan is located so that a failure will not jeopardize safety; or

(3) Each fan blade can withstand an ultimate load of 1.5 times the centrifugal force resulting from engine r.p.m. limited by either—

(i) The terminal engine r.p.m. under uncontrolled conditions; or

(ii) An overspeed limiting device.

**§ 27.907 Engine vibration.**

(a) Each engine must be installed to prevent the harmful vibration of any part of the engine or rotorcraft.

(b) The addition of the rotor and the rotor drive system to the engine may not subject the principal rotating parts of the engine to excessive vibration stresses. This must be shown by a vibration investigation.

(c) No part of the rotor drive system may be subjected to excessive vibration stresses.

ROTOR DRIVE SYSTEM

**§ 27.917 Design.**

(a) Each rotor drive system must incorporate a unit for each engine to automatically disengage that engine from the main and auxiliary rotors if that engine fails.

(b) Each rotor drive system must be arranged so that each rotor necessary for control in autorotation will continue to be driven by the main rotors after disengagement of the engine from the main and auxiliary rotors.

(c) If a torque limiting device is used in the rotor drive system, it must be located so as to allow continued control of the rotorcraft when the device is operating.

**§ 27.921 Rotor brake.**

If there is a means to control the rotation of the rotor drive system independently of the engine, any limitations on the use of that means must be specified, and the control for that means must be guarded to prevent inadvertent operation.

**§ 27.923 Rotor drive system and control mechanism tests.**

(a) Each part tested as prescribed in this section must be in a serviceable condition at the end of the tests.

(b) Each rotor drive system and control mechanism must be tested for not less than 100 hours. The test must be conducted on the rotorcraft, and the power must be absorbed by the rotors to be installed, except that other ground or flight test facilities with other appropriate methods of power absorption may be used if the conditions of support and vibration closely simulate the conditions that would exist during a test on the rotorcraft.

(c) A 60-hour part of the test prescribed in paragraph (b) of this section must be run at not less than the maximum continuous engine power and r.p.m. In this test, the main rotor must







be set in the position that will give maximum longitudinal cyclic pitch change to simulate forward flight. The auxiliary rotor controls must be in the position for normal operation under the conditions of the test.

(d) A 30-hour part of the test prescribed in paragraph (b) of this section must be run at not less than 90 percent of maximum continuous engine r.p.m. and 75 percent of maximum continuous engine power. The main and auxiliary rotor controls must be in the position for normal operation under the conditions of the test.

(e) A 10-hour part of the test prescribed in paragraph (b) of this section must be run at not less than takeoff engine power and r.p.m. The main and auxiliary rotor controls must be in the normal position for vertical ascent.

(f) The parts of the test prescribed in paragraphs (c) and (d) of this section must be conducted in intervals of not less than 30 minutes and may be accomplished either on the ground or in flight. The part of the test prescribed in paragraph (e) of this section must be conducted in intervals of not less than five minutes.

(g) At intervals of not more than five hours during the tests prescribed in paragraphs (c), (d), and (e) of this section, the engine must be stopped rapidly enough to allow the engine and rotor drive to be automatically disengaged from the rotors.

(h) Under the operating conditions specified in paragraph (c) of this section, 500 complete cycles of lateral control, 500 complete cycles of longitudinal control of the main rotors, and 500 complete cycles of control of each auxiliary rotor must be accomplished. A "complete cycle" involves movement of the controls from the neutral position, through both extreme positions, and back to the neutral position, except that control movements need not produce loads or flapping motions exceeding the maximum loads or motions encountered in flight. The cycling may be accomplished during the testing prescribed in paragraph (c) of this section.

**§ 27.927 Additional tests.**

Any additional dynamic, endurance, and operational tests, and vibratory investigations necessary to determine that the rotor drive mechanism is safe, must be performed.

**§ 27.931 Shafting critical speed.**

(a) The critical speeds of any shafting must be determined by demonstration, except that analytical methods may be used if reliable methods of analysis are available for the particular design.

(b) If any critical speed lies within, or close to, the operating ranges for idling, power on, and autorotative conditions, the stresses occurring at that speed must be within safe limits. This must be shown by tests.

(c) If analytical methods are used and show that no critical speed lies within the permissible operating ranges, the margins between the calculated critical speeds and the limits of the allowable operating ranges must be adequate to allow for possible variations between the computed and actual values.

**§ 27.935 Shafting joints.**

Each universal joint, slip joint, and other shafting joints whose lubrication is necessary for operation must have provision for lubrication.

FUEL SYSTEM

**§ 27.951 General.**

(a) Each fuel system must be constructed and arranged to ensure a flow of fuel at a rate and pressure established for proper engine functioning under any likely operating condition, including the maneuvers for which certification is requested.

(b) Each fuel system must be arranged so that—

(1) No fuel pump can draw fuel from more than one tank at a time; or

(2) There are means to prevent introducing air into the system.

**§ 27.953 Fuel system independence.**

(a) Each fuel system for multiengine rotorcraft must allow fuel to be supplied to each engine through a system independent of those parts of each system supplying fuel to other engines. However, separate fuel tanks need not be provided for each engine.

(b) If a single fuel tank is used on a multiengine rotorcraft, the following must be provided:

(1) Independent tank outlets for each engine, each incorporating a shutoff valve at the tank. This shutoff valve may also serve as the firewall shutoff valve required by § 27.995 if the line between the valve and the engine compartment does not contain a hazardous amount of fuel that can drain into the engine compartment.

(2) At least two vents arranged to minimize the probability of both vents becoming obstructed simultaneously.

(3) Filler caps designed to minimize the probability of incorrect installation or inflight loss.

(4) A fuel system in which those parts of the system from each tank outlet to any engine are independent of each part of each system supplying fuel to other engines.

**§ 27.955 Fuel flow.**

(a) Each fuel system must provide at least 100 percent of the fuel flow required under the intended operating conditions and maneuvers. This must be shown as follows:

(1) Fuel must be delivered to each engine at a pressure within the limits specified in the engine type certificate.

(2) The quantity of fuel in the tank may not exceed that established as the unusable fuel supply for that tank under § 27.959 plus that necessary to show compliance with this section.

(3) Each main pump must be used that is necessary for each operating condition and attitude for which compliance with this section is shown, and the appropriate emergency pump must be substituted for each main pump so used.

(b) If an engine can feed from more than one fuel tank, the fuel system must feed promptly when fuel becomes low in one tank and another tank is selected.

**§ 27.959 Unusable fuel supply.**

The unusable fuel supply for each tank must be established as not less than the quantity at which the first evidence of malfunction occurs under the most adverse fuel feed condition occurring under any intended operations and flight maneuvers involving that tank.

**§ 27.961 Fuel system hot weather operation.**

Each suction lift fuel system and other fuel systems conducive to vapor formation must be free from vapor lock when using fuel at a temperature of 110 degrees F. under critical operating conditions. This must be shown by test.

**§ 27.963 Fuel tanks: general.**

(a) Each fuel tank must be able to withstand, without failure, the vibration, inertia, fluid, and structural loads to which it may be subjected in operation.

(b) Each fuel tank of 10 gallons or greater capacity must have internal baffles, or must have external support to resist surging.

(c) Each fuel tank must be separated from the engine compartment by a firewall. At least one-half inch of clear airspace must be provided between the tank and the firewall.

(d) Spaces adjacent to the surfaces of fuel tanks must be ventilated so that fumes cannot accumulate in the tank compartment in case of leakage. If two or more tanks have interconnected outlets, they must be considered as one tank, and the airspaces in those tanks must be interconnected to prevent the flow of fuel from one tank to another as a result of a difference in pressure between those airspaces.

**§ 27.965 Fuel tank internal pressure.**

Each fuel tank must be able to withstand, without leakage, an internal pressure equal to the pressure developed during the maximum limit acceleration with that tank full, but not less than—

(a) 3.5 p.s.i., for conventional tanks; or

(b) 2.0 p.s.i., for bladder tanks.

**§ 27.969 Fuel tank expansion space.**

Each fuel tank must have an expansion space of not less than two percent of the tank capacity. It must be impossible to fill the fuel tank expansion space inadvertently with the rotorcraft in the normal ground attitude.

**§ 27.971 Fuel tank sump.**

Each fuel tank must have a sump and drain at the point in the tank that is lowest with the rotorcraft in the normal ground attitude. The main fuel supply may not be drawn from the bottom of the sump.

**§ 27.973 Fuel tank filler connection.**

Each fuel tank filler connection must prevent the entrance of fuel into any part of the rotorcraft other than the tank.

§ 27.975 Fuel tank vents.

Each fuel tank must be vented from the top part of the expansion space so that venting is effective under all normal flight conditions. Each vent must minimize the probability of stoppage by dirt or ice.

§ 27.977 Fuel tank outlet.

There must be a large-mesh finger strainer for the fuel tank outlet.

FUEL SYSTEM COMPONENTS

§ 27.991 Fuel pumps.

(a) *Main pumps.* Each fuel pump required for proper engine operation, or required to meet the fuel system requirements of this subpart (other than those in paragraph (b) of this section), is a main pump. For each main pump, there must be means to allow the bypass of each positive displacement fuel pump other than a fuel injection pump (a pump that supplies the proper flow and pressure for fuel injection when the injection is not accomplished in a carburetor) approved as part of an engine.

(b) *Emergency pumps.* There must be emergency pumps to feed the engines immediately after the failure of any main pump (other than fuel injection pump approved as part of the engine). Each emergency pump must be actuated automatically or operated continuously so that enough fuel pressure will be maintained to prevent engine stoppage.

§ 27.993 Fuel system lines and fittings.

(a) Each fuel line must be installed and supported to prevent excessive vibration and to withstand loads due to fuel pressure and accelerated flight conditions.

(b) Each fuel line connected to components of the rotorcraft between which relative motion could exist must have provisions for flexibility.

(c) Flexible hose must be approved.

(d) Each fuel line and fitting must have a large enough inside diameter so that the fuel flow, at the minimum pressure for proper carburetor operation, is not less than—

(1) For gravity feed systems, 1.5 times the normal flow required at takeoff power; and

(2) For pump systems, 1.25 times the normal flow required at takeoff power.

(e) Compliance with the applicable flow requirements must be shown by test.

§ 27.995 Fuel valves.

(a) There must be a positive, quick-acting valve to shut off fuel to each engine individually.

(b) The control for this valve must be within easy reach of appropriate crewmembers.

(c) Where there is more than one source of fuel supply there must be means for independent feeding from each source.

(d) No shutoff valve may be on the engine side of any firewall.

§ 27.997 Fuel strainer or filter.

(a) There must be a fuel strainer or filter between the fuel tank outlet and the fuel metering device of the engine (or engine-driven fuel pump, if one is provided). In addition—

(1) Each strainer or filter must have a sediment trap and drain;

(2) Each strainer or filter must be accessible; and

(3) Each screen or filter element must be easily removable for cleaning.

(b) For turbine engines—

(1) There must be means to automatically maintain the fuel flow when the strainer or filter is clogged by ice; or

(2) There must be means in the fuel system to prevent the accumulation of ice on the strainer or filter.

§ 27.999 Fuel system drains.

(a) There must be at least one accessible drain at the lowest point in each fuel system to completely drain the system with the rotorcraft in its normal attitude on level ground.

(b) Each drain required by paragraph (a) of this section must—

(1) Discharge clear of the entire rotorcraft; and

(2) Have a safety lock to prevent accidental opening.

OIL SYSTEM

§ 27.1011 General.

(a) Each engine must have an independent oil system that can supply it with an appropriate quantity of oil at a temperature not above that safe for continuous operation.

(b) The usable oil capacity of each system may not be less than the product of the endurance of the rotorcraft under critical operating conditions and the maximum oil consumption of the engine under the same conditions, plus a suitable margin to ensure adequate circulation and cooling. Instead of a rational analysis of endurance and consumption, a usable oil capacity of one gallon for each 40 gallons of usable fuel may be used.

(c) The oil cooling provisions for each engine must be able to maintain the oil inlet temperature to that engine at or below the maximum established value. This must be shown by flight tests.

§ 27.1013 Oil tanks.

Each oil tank must be designed and installed so that—

(a) It can withstand, without failure, each vibration, inertia, fluid, and structural load expected in operation;

(b) It can withstand, without leakage, an internal pressure of five p.s.i.;

(c) It has an expansion space of not less than the greater of—

(1) 10 percent of the tank capacity; or

(2) 0.5 gallon;

(d) It is impossible to fill the tank expansion space inadvertently with the rotorcraft in the normal ground attitude;

(e) Adequate venting is provided; and

(f) There are means in the filler opening to prevent oil overflow from entering the oil tank compartment.

§ 27.1017 Oil lines and fittings.

(a) Each oil line must be supported to prevent excessive vibration.

(b) Each oil line connected to components of the rotorcraft between which relative motion could exist must have provisions for flexibility.

(c) Flexible hose must be approved.

(d) Each oil line must have an inside diameter of not less than the inside diameter of the engine inlet or outlet. No line may have splices between connections.

§ 27.1019 Oil strainer or filter.

Each oil strainer or filter in the powerplant installation must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer or filter element completely blocked.



§ 27.1021 Oil system drains.

(a) There must be at least one accessible drain at the lowest point in the oil system to drain the system completely with the rotorcraft in its normal position on level ground.

(b) Each drain must discharge clear of the entire rotorcraft and have safety locks to prevent accidental opening.

COOLING

§ 27.1041 General.

(a) Each powerplant cooling system must be able to maintain the temperatures of powerplant components and engine fluids within the limits established for those components and fluids under any critical surface (ground or water) and flight operating conditions.

(b) Compliance with paragraph (a) of this section must be shown in tests conducted under the conditions prescribed in that paragraph.

§ 27.1043 Cooling tests.

(a) *General.* For the tests prescribed in § 27.1041(b), the following apply:

(1) If the tests are conducted under conditions deviating from the maximum anticipated air temperature specified in paragraph (b) of this section, the recorded powerplant temperatures must be corrected under paragraphs (c) and (d) of this section unless a more rational correction method is applicable.

(2) No corrected temperature determined under subparagraph (1) of this paragraph may exceed established limits.

(3) For reciprocating engines, the fuel used during the cooling tests must be of the minimum grade approved for the engines, and the mixture settings must be those normally used in the flight stages for which the cooling tests are conducted.

(4) The test procedures must be as prescribed in § 27.1045.

(b) *Maximum anticipated air temperature.* For cooling tests, the maximum anticipated temperature (hot-day condition) is 100 degrees F. at sea level, decreasing from this value at the rate of 3.6 degrees F. per thousand feet of altitude above sea level up to the altitude at which a temperature of —69.7 degrees F. is reached, above which altitude the temperature is constant at —69.7 degrees F.





(c) *Correction factor (except cylinder barrels).* The temperatures of engine fluids and powerplant components (except cylinder barrels) for which temperature limits are established must be corrected by adding to them the difference between the maximum anticipated air temperature and the temperature of the ambient air at the time of the first occurrence of the maximum component or fluid temperatures recorded during the cooling test.

(d) *Correction factor for cylinder barrel temperatures.* Cylinder barrel temperatures must be corrected by adding to them 0.7 times the difference between the maximum anticipated air temperature and the temperature of the ambient air at the time of the first occurrence of the maximum cylinder barrel temperature recorded during the cooling test.

§ 27.1045 Cooling test procedures.

(a) *General.* For each stage of flight, the cooling tests must be conducted with the rotorcraft—

(1) In the configuration most critical for cooling; and

(2) Under the conditions most critical for cooling.

(b) *Temperature stabilization.* For the purpose of the cooling tests, a temperature is "stabilized" when its rate of change is less than two degrees F. per minute. The following component and engine fluid temperature stabilization rules apply:

(1) For each rotorcraft, and for each stage of flight—

(i) The temperatures must be stabilized under the conditions from which entry is made into the stage of flight being investigated; or

(ii) If the entry condition normally does not allow temperatures to stabilize, operation through the full entry condition must be conducted before entry into the stage of flight being investigated in order to allow the temperatures to attain their natural levels at the time of entry.

(2) For each helicopter during the takeoff stage of flight, the climb at takeoff power must be preceded by a period of hover during which the temperatures are stabilized.

(c) *Duration of test.* For each stage of flight the tests must be continued until—

(1) The temperatures stabilize;

(2) That stage of flight is completed; or

(3) An operating limitation is reached.

INDUCTION SYSTEM

§ 27.1091 Air induction.

(a) The air induction system for each engine must supply the air required by that engine under the operating conditions and maneuvers for which certification is requested.

(b) Each cold air induction system opening must be outside the cowling if backfire flames can emerge.

(c) If fuel can accumulate in any air induction system, that system must have drains that discharge fuel—

(1) Clear of the rotorcraft; and

(2) Out of the path of exhaust flames.

(d) Operation of turbine engines from idle power and r.p.m. to the power and r.p.m. necessary for lift-off may not result in pebble ingestion into the induction air inlet with the rotorcraft on a pebble bed at least 1½ inches deep, consisting of pebbles that—

(1) Can pass through one-half inch mesh screening but not through one-eighth inch mesh screening; and

(2) Are spread over an area that extends horizontally five feet beyond the tips of the main rotors.

§ 27.1093 Induction system icing protection.

(a) *Reciprocating engines.* Each reciprocating engine air induction system must have means to prevent and eliminate icing. Unless this is done by other means, it must be shown that, in air free of visible moisture at a temperature of 30 degrees F., and with the engines at 75 percent of maximum continuous power—

(1) Each rotorcraft with sea level engines using conventional venturi carburetors has a preheater that can provide a heat rise of 90 degrees F.;

(2) Each rotorcraft with sea level engines using carburetors tending to prevent icing has a sheltered alternate source of air, and that the preheat supplied to the alternate air intake is not less than that provided by the engine cooling air downstream of the cylinders;

(3) Each rotorcraft with altitude engines using conventional venturi carburetors has a preheater capable of providing a heat rise of 120 degrees F.; and

(4) Each rotorcraft with altitude engines using carburetors tending to prevent icing has a preheater that can provide a heat rise of—

(i) 100 degrees F.; or

(ii) If a fluid deicing system is used, at least 40 degrees F.

(b) *Turbine engines.* Each turbine engine must be able to operate throughout its flight power range, without adverse effect on engine operation or serious loss of power or thrust, under the icing conditions specified in Appendix C of Part 25 of this chapter.

EXHAUST SYSTEM

§ 27.1121 General.

For each exhaust system—

(a) There must be means for thermal expansion of manifolds and pipes;

(b) There must be means to prevent local hot spots;

(c) Exhaust gases must discharge clear of the engine air intake, fuel system components, and drains;

(d) No exhaust pipe may be adjacent to, or under, any carburetor or fuel system part that is not protected against leakage;

(e) Exhaust gases may not impair pilot vision at night due to glare; and

(f) If significant traps exist, each turbine engine exhaust system must have drains discharging clear of the rotorcraft, in any normal ground and flight attitudes, to prevent fuel accumulation after the failure of an attempted engine start.

POWERPLANT CONTROLS AND ACCESSORIES

§ 27.1141 Powerplant controls: general.

(a) Powerplant controls must be located and arranged under § 27.777 and marked under § 27.1555.

(b) Each flexible powerplant control must be approved.

§ 27.1143 Throttle controls.

(a) There must be a separate throttle control for each engine.

(b) Throttle controls must be grouped and arranged to allow—

(1) Separate control of each engine; and

(2) Simultaneous control of all engines.

(c) Each throttle control must provide a positive and immediately responsive means of controlling its engine.

§ 27.1145 Ignition switches.

(a) There must be means to quickly shut off all ignition by the grouping of switches or by a master ignition control.

(b) Each master ignition control must have a guard to prevent its inadvertent operation.

§ 27.1147 Mixture controls.

If there are mixture controls, each engine must have a separate control and the controls must be arranged to allow—

(a) Separate control of each engine; and

(b) Simultaneous control of all engines.

§ 27.1163 Powerplant accessories.

Each engine-mounted accessory must—

(a) Be approved for mounting on the engine involved; and

(b) Use the provisions on the engine for mounting.

POWERPLANT FIRE PROTECTION

§ 27.1183 Lines and fittings.

(a) Except as provided in paragraph (b) of this section, each line and fitting carrying flammable fluids in any area subject to engine fire conditions must meet the following:

(1) The line and fitting must be at least fire resistant.

(2) Flexible hose assemblies (hose and end fittings) must be approved.

(3) The line and fitting must be located or shielded to prevent fluid leakage on surfaces hot enough to ignite the fluid.

(b) Paragraph (a) does not apply to—

(1) Lines and fittings forming an integral part of an engine; and

(2) Vent and drain lines, and their fittings, whose failure will not result in, or add to, a fire hazard.

(c) Each flammable fluid drain and vent must discharge clear of the induction system air inlet.

§ 27.1185 Flammable fluids.

(a) Each fuel tank must be isolated from the engines by a firewall or shroud.

(b) For rotorcraft with engines of more than 900 cu. in. displacement—

(1) Each flammable fluid tank must be isolated under paragraph (a) of this section; or

(2) The fluid in the tank, the design of the system, the materials used in the tank, the shutoff means, and all connections, lines, and controls must provide a degree of safety equal to that resulting from isolation under paragraph (a) of this section.

(c) There must be at least one-half inch of clear airspace between each tank and each firewall or shroud isolating that tank, unless equivalent means are used to prevent heat transfer from each engine compartment to the flammable fluid.

**§ 27.1187 Ventilation.**

Each compartment containing any part of the powerplant installation must have provision for ventilation.

**§ 27.1189 Shutoff means.**

(a) There must be means to shut off each line carrying flammable fluids into the engine compartment, except—

(1) Lines forming an integral part of an engine; and

(2) Engine oil system lines in powerplant installations using engines of less than 500 cu. in. displacement.

(b) There must be means to guard against inadvertent operation of each shutoff, and to make it possible for the crew to reopen it in flight after it has been closed.

(c) Each shutoff valve and its controls must be on the remote side of the firewall from the engine if they cannot function under any fire condition likely to result from an engine fire.

**§ 27.1191 Firewall.**

(a) Each engine must be isolated by a firewall, shroud, or equivalent means, from personnel compartments, structures, controls, rotor mechanisms, and other parts that are—

(1) Essential to a controlled landing; and

(2) Not protected under § 27.861.

(b) Each auxiliary power unit and combustion heater, and any other combustion equipment to be used in flight, must be isolated from the rest of the rotorcraft by firewalls, shrouds, or equivalent means.

(c) In meeting paragraphs (a) and (b) of this section, account must be taken of the probable path of a fire as affected by the airflow in normal flight and in autorotation.

(d) Each firewall and shroud must be constructed so that no hazardous quantity of air, fluids, or flame can pass from any engine compartment to other parts of the rotorcraft.

(e) Each opening in the firewall or shroud must be sealed with close-fitting, fireproof grommets, bushings, or firewall fittings.

(f) Each firewall and shroud must be fireproof and protected against corrosion.

**§ 27.1193 Cowling and engine compartment covering.**

(a) Each cowling and engine compartment covering must be constructed and supported so that it can resist the vibration, inertia, and air loads to which it may be subjected in operation.

(b) There must be means for rapid and complete drainage of each part of the cowling or engine compartment in the normal ground and flight attitudes.

(c) No drain may discharge where it might cause a fire hazard.

(d) Each cowling and engine compartment covering must be at least fire resistant.

(e) Each part of the cowling or engine compartment covering subject to high temperatures due to its nearness to exhaust system parts or exhaust gas impingement must be fireproof.

## Subpart F—Equipment

### General

**§ 27.1301 Function and installation.**

Each item of installed equipment must—

(a) Be of a kind and design appropriate to its intended function;

(b) Be labeled as to its identification, function, or operating limitations, or any applicable combination of these factors;

(c) Be installed according to limitations specified for that equipment; and

(d) Function properly when installed.

**§ 27.1303 Flight and navigation instruments.**

The following are the required flight and navigation instruments:

(a) An airspeed indicator.

(b) An altimeter.

(c) A magnetic direction indicator.

**§ 27.1305 Powerplant instruments.**

The following are the required powerplant instruments:

(a) A carburetor air temperature indicator, for each engine having a preheater that can provide a heat rise in excess of 60° F.

(b) A cylinder head temperature indicator, for each—

(1) Air cooled engine;

(2) Rotorcraft with cooling shutters; and

(3) Rotorcraft for which compliance with § 27.1043 is shown in any condition other than the most critical flight condition with respect to cooling.

(c) A fuel pressure indicator, for each pump-fed engine.

(d) A fuel quantity indicator, for each fuel tank.

(e) A manifold pressure indicator, for each altitude engine.

(f) An oil temperature warning device to indicate when the temperature exceeds a safe value in each main rotor drive gearbox (including any gearboxes essential to rotor phasing) having an oil system independent of the engine oil system.

(g) An oil pressure warning device to indicate when the pressure falls below a safe value in each pressure-lubricated main rotor drive gearbox (including any gearboxes essential to rotor phasing) having an oil system independent of the engine oil system.



(h) An oil pressure indicator for each engine.

(i) An oil quantity indicator for each oil tank.

(j) An oil temperature indicator for each engine.

(k) At least one tachometer to indicate the r.p.m. of each engine and, as applicable—

(1) The r.p.m. of the single main rotor;

(2) The common r.p.m. of any main rotors whose speeds cannot vary appreciably with respect to each other; or

(3) The r.p.m. of each main rotor whose speed can vary appreciably with respect to that of another main rotor.

(l) If an engine can be supplied with fuel from more than one tank, a warning device to indicate, for each tank, when a five-minute usable fuel supply remains when the rotorcraft is in the most adverse fuel feed condition for that tank, regardless of whether that condition can be sustained for the five minutes.

(m) Means to indicate to the pilot when each emergency pump is in operation.

(n) A gas temperature indicator for each turbine engine.

(o) Means to enable the pilot to determine the torque of each turboshaft engine, if a torque limitation is established for that engine under § 27.1521(e).

**§ 27.1307 Miscellaneous equipment.**

The following is the required miscellaneous equipment:

(a) An approved seat for each occupant.

(b) An approved safety belt for each occupant.

(c) A master switch arrangement.

(d) An adequate source of electrical energy, where electrical energy is necessary for operation of the rotorcraft.

(e) Electrical protective devices.

**§ 27.1309 Equipment, systems, and installations.**

(a) *Functioning and reliability.* The equipment, systems, and installations whose functioning is required by this subchapter must be designed and installed to ensure that they perform their intended functions under any foreseeable operating condition.

(b) *Hazards.* All equipment, systems, and installations must be designed



to prevent hazards to the rotorcraft if they malfunction or fail.

### Instruments: Installation

**§ 27.1321 Arrangement and visibility.**

(a) Each flight, navigation, and powerplant instrument for use by any pilot must be easily visible to him.

(b) For each multiengine rotorcraft, identical powerplant instruments must be located so as to prevent confusion as to which engine each instrument relates.

(c) Instrument panel vibration may not damage, or impair the readability or accuracy of, any instrument.

**§ 27.1323 Airspeed indicating system.**

(a) The airspeed indicating system must be calibrated in flight at forward speeds of 10 m.p.h. and over.

(b) At each forward speed above 80 percent of the climbout speed, the airspeed indicator must indicate true airspeed, at sea level with a standard atmosphere, to within an allowable installation error of not more than the greater of—

(1) ±3 percent of the calibrated airspeed; or

(2) Five m.p.h.

**§ 27.1325 Static air vent system.**

Each instrument with static air case connections must be vented so that the influence of rotorcraft speed, the opening and closing of windows, airflow variation, and moisture or other foreign matter does not seriously affect its accuracy.

**§ 27.1327 Magnetic direction indicator.**

(a) Each magnetic direction indicator must be installed so that its accuracy is not excessively affected by the rotorcraft's vibration or magnetic fields.

(b) The compensated installation may not have a deviation, in level flight, greater than 10° on any heading.

**§ 27.1337 Powerplant instruments.**

(a) *Instrument lines.* Each powerplant instrument line must meet the requirements of §§ 27.961 and 27.993. Each line carrying flammable fluids or gases under pressure must have restricting orifices or equivalent safety devices at the source of pressure to prevent the escape of excessive fluid or gas if the line fails.

(b) *Fuel quantity indicator.* Each fuel quantity indicator must be installed to clearly indicate to the flight crew the quantity of fuel in each tank in flight. In addition—

(1) Each fuel quantity indicator must be calibrated to read "zero" during level flight when the quantity of fuel remaining in the tank is equal to the unusable fuel supply determined under § 27.959;

(2) When two or more tanks are closely interconnected by a gravity feed system and vented, and when it is impossible to feed from each tank separately, at least one fuel quantity indicator must be installed; and

(3) Each exposed sight gauge used as a fuel quantity indicator must be protected against damage.

(c) *Fuel flowmeter system.* If a fuel flowmeter system is installed, each metering component must have a means for bypassing the fuel supply if malfunction of that component severely restricts fuel flow.

(d) *Oil quantity indicator.* There must be means to indicate the quantity of oil in each tank—

(1) On the ground (including during the filling of each tank); and

(2) In flight, if there is an oil transfer system or reserve oil supply system.

### Electrical Systems and Equipment

**§ 27.1351 General.**

(a) *Electrical system capacity.* Electrical equipment must be adequate for its intended use. In addition—

(1) Electric power sources, their transmission cables, and their associated control and protective devices must be able to furnish the required power at the proper voltage to each load circuit essential for safe operation; and

(2) Compliance with subparagraph (1) of this paragraph must be shown by an electrical load analysis, or by electrical measurements that take into account the electrical loads applied to the electrical system, in probable combinations and for probable durations.

(b) *Function.* For each electrical system, the following apply:

(1) Each system, when installed, must be—

(i) Free from hazards in itself, in its method of operation, and in its effects on other parts of the rotorcraft; and

(ii) Protected from fuel, oil, water, other detrimental substances, and mechanical damage.

(2) Electric power sources must function properly when connected in combination or independently.

(3) No failure or malfunction of any source may impair the ability of any remaining source to supply load circuits essential for safe operation.

(4) Each electric power source control must allow the independent operation of each source.

(c) *Generating system.* There must be at least one generator if the system supplies power to load circuits essential for safe operation. In addition—

(1) Each generator must be able to deliver its continuous rated power;

(2) Generator voltage control equipment must be able to dependably regulate each generator output within rated limits; and

(3) Each generator must have a reverse current cutout designed to disconnect the generator from the battery and from the other generators when enough reverse current exists to damage that generator.

(d) *Instruments.* There must be means to indicate to appropriate crewmembers the electric power system quantities essential for safe operation of the system. In addition—

(1) For direct current systems, an ammeter that can be switched into each generator feeder may be used; and

(2) If there is only one generator, the ammeter may be in the battery feeder.

**§ 27.1353 Storage battery design and installation.**

(a) Each storage battery must be designed and installed as prescribed in this section.

(b) Safe cell temperatures and pressures must be maintained during any probable charging and discharging condition. No uncontrolled increase in cell temperature may result when the battery is recharged (after previous complete discharge)—

(1) At maximum regulated voltage;

(2) During a flight of maximum duration; and

(3) Under the most adverse cooling condition likely to occur in service.

(c) Compliance with paragraph (b) of this section must be shown by test unless experience with similar batteries and installations has shown that maintaining safe cell temperatures and pressures presents no problem.

(d) No explosive or toxic gases emitted by any battery in normal operation, or as the result of any probable malfunction in the charging system or battery installation, may accumulate in hazardous quantities within the rotorcraft.

(e) No corrosive fluids or gases that may escape from the battery may damage surrounding structures or adjacent essential equipment.

**§ 27.1357 Circuit protective devices.**

(a) Protective devices, such as fuses or circuit breakers, must be installed in each electrical circuit other than—

(1) The main circuits of starter motors; and

(2) Circuits in which no hazard is presented by their omission.

(b) No protective device may protect more than one circuit essential to flight safety.

(c) Each resettable circuit protective device ("trip free" device in which the tripping mechanism cannot be overridden by the operating control) must be designed so that—

(1) A manual operation is required to restore service after tripping; and

(2) If an overload or circuit fault exists, the device will open the circuit regardless of the position of the operating control.

(d) If the ability to reset a circuit breaker or replace a fuse is essential to safety in flight, that circuit breaker or fuse must be located and identified so that it can be readily reset or replaced in flight.

(e) If fuses are used, there must be one spare of each rating, or 50 percent spare fuses of each rating, whichever is greater.

**§ 27.1361 Master switch.**

(a) There must be a master switch arrangement to allow ready disconnection of each electric power source from the main bus. The point of disconnection must be adjacent to the sources controlled by the switch.

(b) Load circuits may be connected so that they remain energized after the switch is opened, if they are protected by

circuit protective devices, rated at five amperes or less, adjacent to the electric power source.

(c) The master switch or its controls must be installed so that the switch is easily discernible and accessible to a crewmember in flight.

**§ 27.1365 Electric cables.**

(a) Each electric connecting cable must be of adequate capacity.

(b) Each cable that would overheat in the event of circuit overload or fault must be at least flame resistant and may not emit dangerous quantities of toxic fumes.

**§ 27.1367 Switches.**

Each switch must be—

(a) Able to carry its rated current;

(b) Accessible to the crew; and

(c) Labeled as to operation and the circuit controlled.

LIGHTS

**§ 27.1381 Instrument lights.**

The instrument lights must—

(a) Make each instrument, switch, and other devices for which they are provided easily readable; and

(b) Be installed so that—

(1) Their direct rays are shielded from the pilot's eyes; and

(2) No objectionable reflections are visible to the pilot.

**§ 27.1383 Landing lights.**

(a) Each required landing or hovering light must be approved.

(b) Each landing light must be installed so that—

(1) No objectionable glare is visible to the pilot;

(2) The pilot is not adversely affected by halation; and

(3) It provides enough light for night operation, including hovering and landing.

(c) At least one separate switch must be provided, as applicable—

(1) For each separately installed landing light; and

(2) For each group of landing lights installed at a common location.

**§ 27.1385 Position light system installation.**

(a) *General.* Each part of each position light system must meet the applicable requirements of this section, and each system as a whole must meet the requirements of §§ 27.1387 through 27.1397.

(b) *Forward position lights.* Forward position lights must consist of a red and a green light spaced laterally as far apart as practicable and installed forward on the rotorcraft so that, with the rotorcraft in the normal flying position, the red light is on the left side and the green light is on the right side. Each light must be approved.

(c) *Rear position light.* The rear position light must be a white light mounted as far aft as practicable, and must be approved.

(d) *Circuit.* The two forward position lights and the rear position light must make a single circuit.

(e) *Light covers and color filters.* Each light cover or color filter must be at least flame resistant and may not change color or shape or lose any appreciable light transmission during normal use.

**§ 27.1387 Position light system dihedral angles.**

(a) Each forward and rear position light must, as installed, show unbroken light within the dihedral angles described in this section.

(b) Dihedral angle *L* (left) is formed by two intersecting vertical planes, the first parallel to the longitudinal axis of the rotorcraft, and the other at 110 degrees to the left of the first, as viewed when looking forward along the longitudinal axis.

(c) Dihedral angle *R* (right) is formed by two intersecting vertical planes, the first parallel to the longitudinal axis of the rotorcraft, and the other at 110 degrees to the right of the first, as viewed when looking forward along the longitudinal axis.

(d) Dihedral angle *A* (aft) is formed by two intersecting vertical planes making angles of 70 degrees to the right and to the left, respectively, to a vertical plane passing through the longitudinal axis, as viewed when looking aft along the longitudinal axis.

**§ 27.1389 Position light distribution and intensities.**

(a) *General.* The intensities prescribed in this section must be provided by new equipment with light covers and color filters in place. Intensities must be determined with the light source operating at a steady value equal to the average luminous output of the source at the normal operating voltage of the rotorcraft. The light distribution and intensity of each position light must meet the requirements of paragraph (b) of this section.

(b) *Forward and rear position lights.* The light distribution and intensities of forward and rear position lights must be expressed in terms of minimum intensities in the horizontal plane, minimum intensities in any vertical plane, and maximum intensities in overlapping beams, within dihedral angles *L*, *R*, and *A*, and must meet the following requirements:

(1) *Intensities in the horizontal plane.* Each intensity in the horizontal plane (the plane containing the longitudinal axis of the rotorcraft and perpendicular to the plane of symmetry of the rotorcraft) must equal or exceed the values in § 27.1391.

(2) *Intensities in any vertical plane.* Each intensity in any vertical plane (the plane perpendicular to the horizontal plane) must equal or exceed the appropriate value in § 27.1393, where *I* is the minimum intensity prescribed in § 27.1391 for the corresponding angles in the horizontal plane.

(3) *Intensities in overlaps between adjacent signals.* No intensity in any overlap between adjacent signals may exceed the values in § 27.1395, except that higher intensities in overlaps may be used with main beam intensities substantially greater than the minima specified in §§ 27.1391 and 27.1393, if the overlap intensities in relation to the main beam intensities do not adversely affect signal clarity. When the peak intensity of the forward position lights is greater than 100 candles, the maximum overlap intensities between them may exceed the values in § 27.1395 if the overlap intensity in Area A is not more than 10 percent of peak position light intensity and the overlap intensity in Area B is not more than 2.5 percent of peak position light intensity.

**§ 27.1391 Minimum intensities in the horizontal plane of forward and rear position lights.**

Each position light intensity must equal or exceed the applicable values in the following table:

| Dihedral angle (light included) | Angle from right or left of longitudinal axis, measured from dead ahead | Intensity (candles) |
|---|---|---|
| *L* and *R* (forward red and green). | 0° to 10° | 40 |
| | 10° to 20° | 30 |
| | 20° to 110° | 5 |
| *A* (rear white) | 110° to 180° | 20 |

**§ 27.1393 Minimum intensities in any vertical plane of forward and rear position lights.**

Each position light intensity must equal or exceed the applicable values in the following table:

| Angle above or below the horisontal plane: | *Intensity* |
|---|---|
| 0° | 1.00 *I*. |
| 0° to 5° | 0.90 *I*. |
| 5° to 10° | 0.80 *I*. |
| 10° to 15° | 0.70 *I*. |
| 15° to 20° | 0.50 *I*. |
| 20° to 30° | 0.30 *I*. |
| 30° to 40° | 0.10 *I*. |
| 40° to 90° | 0.05 *I*. |

**§ 27.1395 Maximum intensities in overlapping beams of forward and rear position lights.**

No position light intensity may exceed the applicable values in the following table, except as provided in § 27.1389 (b)(3).

| Overlaps | Maximum intensity | |
|---|---|---|
| | Area A (candles) | Area B (candles) |
| Green in dihedral angle *L* | 10 | 1 |
| Red in dihedral angle *R* | 10 | 1 |
| Green in dihedral angle *A* | 5 | 1 |
| Red in dihedral angle *A* | 5 | 1 |
| Rear white in dihedral angle *L* | 5 | 1 |
| Rear white in dihedral angle *R* | 5 | 1 |

Where—

(a) Area A includes all directions in the adjacent dihedral angle that pass through the light source and intersect the common boundary plane at more than 10 degrees but less than 20 degrees; and

(b) Area B includes all directions in the adjacent dihedral angle that pass through the light source and intersect the common boundary plane at more than 20 degrees.



**§ 27.1397 Color specifications.**

Each position light color must have the applicable International Commission on Illumination chromaticity coordinates as follows:

(a) *Aviation red*—

"*y*" is not greater than 0.335; and
"*z*" is not greater than 0.002.

(b) *Aviation green*—

"*x*" is not greater than $0.440-0.320y$;
"*x*" is not greater than $y-0.170$; and
"*y*" is not less than $0.390-0.170x$.

(c) *Aviation white*—

"*x*" is not less than 0.350;
"*x*" is not greater than 0.540; and
"$y-y_0$" is not numerically greater than 0.01, "$y_0$" being the *y* coordinate of the Planckian radiator for which $x_0=x$.

**§ 27.1399 Riding light.**

(a) Each riding light required for water operation must be installed so that it can—

(1) Show a white light for at least two miles at night under clear atmospheric conditions; and

(2) Show a maximum practicable unbroken light with the rotorcraft on the water.

(b) Externally hung lights may be used.

**§ 27.1401 Anticollision light system.**

(a) *General.* If certification for night operation is requested, the rotorcraft must have an anticollision light system that—

(1) Consists of one or more approved anticollision lights located so that their emitted light will not impair the crew's vision or detract from the conspicuity of the position lights; and

(2) Meets the requirements of paragraphs (b) through (f) of this section.

(b) *Field of coverage.* The system must consist of enough lights to illuminate the vital areas around the rotorcraft, considering the physical configuration and flight characteristics of the rotorcraft. The field of coverage must extend in each direction within at least 30 degrees above and 30 degrees below the horizontal plane of the rotorcraft, except that there may be solid angles of obstructed visibility totaling not more than 0.5 steradians.

(c) *Flashing characteristics.* The arrangement of the system, that is, the number of light sources, beam width, speed of rotation, and other characteristics, must give an effective flash frequency of not less than 40, nor more than 100, cycles per minute. The effective flash frequency is the frequency at which the rotorcraft's complete anticollision light system is observed from a distance, and applies to each sector of light including any overlaps that exist when the system consists of more than one light source. In overlaps, flash frequencies may exceed 100, but not 180, cycles per minute.

(d) *Color.* Each anticollision light must be aviation red and must meet the requirements of § 27.1397(a).

(e) *Light intensity.* The minimum light intensities in any vertical plane, measured with the red filter and expressed in terms of "effective" intensities, must meet the requirements of paragraph (f) of this section. The following relation must be assumed:

$$I_e=\frac{\int_{t_1}^{t_2} I(t)\,dt}{0.2+(t_2-t_1)};$$

where:

$I_e$ = effective intensity (candles).
$I(t)$ = instantaneous intensity as a function of time.
$t_2-t_1$ = flash time interval (seconds).

Normally, the maximum value of effective intensity is obtained when $t_2$ and $t_1$ are chosen so that the effective intensity is equal to the instantaneous intensity at $t_2$ and $t_1$.

(f) *Minimum effective intensities for anticollision lights.* Each anticollision light effective intensity must equal or exceed the applicable values in the following table.

| Angle above or below the horizontal plane: | *Effective intensity (candles)* |
|---|---|
| 0° to 5° | 100 |
| 5° to 10° | 60 |
| 10° to 20° | 20 |
| 20° to 30° | 10 |

SAFETY EQUIPMENT

**§ 27.1411 General.**

Required safety equipment to be used by the crew in an emergency, such as flares and automatic liferaft releases, must be readily accessible.

**§ 27.1413 Safety belts.**

(a) The rated strength of safety belts may not be less than that corresponding with the ultimate load factors specified in § 27.561(b), considering the dimensional characteristics of the belt installation for the specific seat or berth arrangement.

(b) Each belt must be attached so that no part of its anchorage can fail at a load lower than that corresponding with the ultimate load factors specified in § 27.561(b).

**§ 27.1415 Ditching equipment.**

(a) Emergency flotation and signaling equipment required by any operating rule in this chapter must meet the requirements of this section.

(b) Each raft and each life preserver must be approved and must be installed so that it is readily available to the crew and passengers.

(c) Each raft released automatically or by the pilot must be attached to the rotorcraft by a line to keep it alongside the rotorcraft. This line must be weak enough to break before submerging the empty raft to which it is attached.

(d) Each signaling device must be free from hazard in its operation and must be installed in an accessible location.

**§ 27.1435 Hydraulic systems.**

(a) *Design.* Each hydraulic system and its elements must withstand, without yielding, any structural loads expected in addition to hydraulic loads.

(b) *Tests.* Each system must be substantiated by proof pressure tests. When proof tested, no part of any system may fail, malfunction, or experience a permanent set. The proof load of each system must be at least 1.5 times the maximum operating pressure of that system.

(c) *Accumulators.* No hydraulic accumulator or pressurized reservoir may be installed on the engine side of any firewall unless it is an integral part of an engine.

## Subpart G—Operating Limitations and Information

**§ 27.1501 General.**

Each operating limitation specified in §§ 27.1503 through 27.1525 and other information necessary for safe operation, must be—

(a) Included in the Rotorcraft Flight Manual;

(b) Expressed in markings and placards; and

(c) Made available by any other means that will convey the information to the crewmembers.

OPERATING LIMITATIONS

**§ 27.1503 Airspeed limitations: general.**

(a) An operating speed range must be established.

(b) When airspeed limitations are a function of weight, weight distribution, altitude, rotor speed, power, or other factors, airspeed limitations corresponding with the critical combinations of these factors must be established.

**§ 27.1505 Never-exceed speed.**

(a) The never-exceed speed $V_{NE}$ must be established so that it is—

(1) Not less than $V_T$ with the engines at maximum continuous power; and

(2) Not more than the lesser of—

(i) 0.9$V$ established under § 27.309; and

(ii) 0.9 times the maximum speed shown under §§ 27.251 and 27.629.

(b) $V_{NE}$ may vary with altitude and rotor r.p.m., if the ranges of these variables are large enough to allow an operationally practical and safe variation of $V_{NE}$.

**§ 27.1509 Rotor speed.**

(a) *Maximum power off (autorotation).* The maximum power-off rotor speed must be established so that it does not exceed 95 percent of the lesser of—

(1) The maximum design r.p.m. determined under § 27.309(b); and

(2) The maximum r.p.m. shown during the type tests.

(b) *Minimum power off.* The minimum power-off rotor speed must be established so that it is not less than 105 percent of the greater of—

(1) The minimum shown during the type tests; and

(2) The minimum determined by design substantiation.

(c) *Minimum power on.* The minimum power-on rotor speed must be established so that it is—

(1) Not less than the greater of—

(i) The minimum shown during the type tests; and

(ii) The minimum determined by design substantiation; and

(2) Not more than a value determined under § 27.33(a)(1) and (b)(1).

**§ 27.1519 Weight and center of gravity.**

The weight and center of gravity limitations determined under §§ 27.25 and 27.27, respectively, must be established as operating limitations.

**§ 27.1521 Powerplant limitations.**

(a) *General.* The powerplant limitations prescribed in this section must be established so that they do not exceed the corresponding limits for which the engines are type certificated.

(b) *Takeoff operation.* The powerplant takeoff operation must be limited by—

(1) The maximum rotational speed, which may not be greater than—

(i) The maximum value determined by the rotor design; or

(ii) The maximum value shown during the type tests;

(2) The maximum allowable manifold pressure (for reciprocating engines);

(3) The time limit for the use of the power corresponding to the limitations established in subparagraphs (1) and (2) of this paragraph;

(4) If the time limit in subparagraph (3) of this paragraph exceeds two minutes, the maximum allowable cylinder head, coolant outlet, or oil temperatures;

(5) The gas temperature limits for turbine engines over the range of operating and atmospheric conditions for which certification is requested.

(c) *Continuous operation.* The continuous operation must be limited by—

(1) The maximum rotational speed, which may not be greater than—

(i) The maximum value determined by the rotor design; or

(ii) The maximum value shown during the type tests;

(2) The minimum rotational speed shown under the rotor speed requirements in § 27.1509(c); and

(3) The gas temperature limits for turbine engines over the range of operating and atmospheric conditions for which certification is requested.

(d) *Fuel grade or designation.* The minimum fuel grade (for reciprocating engines), or fuel designation (for turbine engines), must be established so that it is not less than that required for the operation of the engines within the limitations in paragraphs (b) and (c) of this section.

(e) *Turboshaft engine torque.* For rotorcraft with main rotors driven by turboshaft engines, and that do not have a torque limiting device in the transmission system, the following apply:

(1) A limit engine torque must be established if the maximum torque that the engine can exert is greater than—

(i) The torque that the rotor drive system is designed to transmit; or

(ii) The torque that the main rotor assembly is designed to withstand in showing compliance with § 27.547(e).

(2) The limit engine torque established under subparagraph (1) of this paragraph may not exceed either torque specified in subdivision (1) (i) or (ii) of this paragraph.

**§ 27.1523 Minimum flight crew.**

The minimum flight crew must be established so that it is sufficient for safe operation, considering—

(a) The workload on individual crewmembers;

(b) The accessibility and ease of operation of necessary controls by the appropriate crewmember; and

(c) The kinds of operation authorized under § 27.1525.

**§ 27.1525 Kinds of operation.**

The kinds of operation to which the rotorcraft is limited are established by the flight characteristics and installed equipment.

**§ 27.1529 Maintenance manual.**

Each rotorcraft must have a maintenance manual containing any information that the applicant considers essential for proper maintenance, including recommended limits on service life or retirement periods for major components. These components must be identified by serial number or equivalent means.

MARKINGS AND PLACARDS

**§ 27.1541 General.**

(a) The rotorcraft must contain—

(1) The markings and placards specified in §§ 27.1545 through 27.1565, and

(2) Any additional information, instrument markings, and placards required for the safe operation of rotorcraft with unusual design, operating or handling characteristics.

(b) Each marking and placard prescribed in paragraph (a) of this section—

(1) Must be displayed in a conspicuous place; and

(2) May not be easily erased, disfigured, or obscured.

**§ 27.1543 Instrument markings: general.**

For each instrument—

(a) When markings are on the cover glass of the instrument, there must be means to maintain the correct alignment of the glass cover with the face of the dial; and

(b) Each arc and line must be wide enough, and located, to be clearly visible to the pilot.

**§ 27.1545 Airspeed indicator.**

(a) Each airspeed indicator must be marked to show indicated airspeed.

(b) The following markings must be made:

(1) For the limit beyond which operation is dangerous, a red radial line.

(2) For the caution range, a yellow arc.

(3) For the safe operating range, a green arc.

**§ 27.1547 Magnetic direction indicator.**

(a) A placard meeting the requirements of this section must be installed on or near the magnetic direction indicator.

(b) The placard must show the calibration of the instrument in level flight with the engines operating.

(c) The placard must state whether the calibration was made with radio receivers on or off.

(d) Each calibration reading must be in terms of magnetic heading in not more than 45 degree increments.



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**§ 27.1549 Powerplant instruments.**

For each required powerplant instrument—

(a) Each maximum and, if applicable, minimum safe operating limit must be marked with a red radial line;

(b) Each normal operating range must be marked with a green arc not extending beyond the maximum and minimum safe operating limits; and

(c) Each takeoff and precautionary range must be marked with a yellow arc.

**§ 27.1551 Oil quantity indicator.**

Each oil quantity indicator must be marked with enough increments to indicate readily and accurately the quantity of oil.

**§ 27.1553 Fuel quantity indicator.**

If the unusable fuel supply for any tank exceeds one gallon, or five percent of the tank capacity, whichever is greater, a red arc must be marked on its indicator extending from the calibrated zero reading to the lowest reading obtainable in level flight.

**§ 27.1555 Control markings.**

(a) Each cockpit control must be plainly marked as to its function and method of operation.

(b) For powerplant fuel controls—

(1) Each fuel tank selector control must be marked to indicate the position corresponding to each tank and to each existing cross feed position;

(2) If safe operation requires the use of any tanks in a specific sequence, that sequence must be marked on, or adjacent to, the selector for those tanks; and

(3) Each valve control for any engine of a multiengine rotorcraft must be marked to indicate the position corresponding to each engine controlled.

(c) The capacity of each tank must be marked on, or near each selector controlling that tank.

(d) For accessory, auxiliary, and emergency controls—

(1) Each essential visual position indicator, such as those showing rotor pitch or landing gear position, must be marked so that each crewmember can determine at any time the position of the unit to which it relates; and

(2) Each emergency control must be red and must be marked as to method of operation.

**§ 27.1557 Miscellaneous markings and placards.**

(a) *Baggage and cargo compartments, and ballast location.* Each baggage and cargo compartment, and each ballast location must have a placard stating any limitations on contents, including weight, that are necessary under the loading requirements.

(b) *Seats.* If the maximum allowable weight to be carried in a seat is less than 170 pounds, a placard stating the lesser weight must be permanently attached to the seat structure.

(c) *Fuel and oil filler openings.* The following must be marked on, or near, each appropriate filler cover:

(1) The word "fuel", the minimum fuel grade or designation for the engines, and the usable fuel tank capacity.

(2) The word "oil" and the oil tank capacity.

(d) *Emergency exit placards.* Each placard and operating control for each emergency exit must be red. A placard must be near each emergency exit control and must clearly indicate the location of that exit and its method of operation.

**§ 27.1559 Operating limitations placard.**

There must be a placard in clear view of the pilot stating: "This (helicopter, gyrodyne, etc.) must be operated in compliance with the operating limitations specified in the FAA approved Rotorcraft Flight Manual."

**§ 27.1561 Safety equipment.**

(a) Each safety equipment control to be operated by the crew in emergency, such as controls for automatic liferaft releases, must be plainly marked as to its method of operation.

(b) Each location, such as a locker or compartment, that carries any fire extinguishing, signaling, or other life saving equipment, must be so marked.

**§ 27.1565 Tail rotor.**

Each tail rotor must be marked so that its disc is conspicuous under normal ground conditions.

ROTORCRAFT FLIGHT MANUAL

**§ 27.1581 General.**

(a) *Furnishing information.* The applicable information in §§ 27.1583 through 27.1589 must be furnished—

(1) For each rotorcraft other than a helicopter, in a Rotorcraft Flight Manual; and

(2) For each helicopter, in a Rotorcraft Flight Manual or in any combination of manuals, markings, and placards.

(b) *Approval and segregation of information.* Each part of the Rotorcraft Flight Manual containing information prescribed in §§ 27.1583 through 27.1589 must be approved, segregated, identified, and clearly distinguished from each unapproved part of that manual.

(c) *Additional information.* Any information not specified in §§ 27.1583 through 27.1589 that is required for safe operation because of unusual design, operating, or handling characteristics, must be furnished.

**§ 27.1583 Operating limitations.**

(a) *Airspeed and rotor limitations.* Information necessary for the marking of airspeed and rotor limitations on, or near, their respective indicators must be furnished. The significance of each limitation and of the color coding must be explained.

(b) *Powerplant limitations.* Information must be furnished to explain the powerplant limitations, and to allow marking the instruments under §§ 27.1549 through 27.1553.

(c) *Weight and loading distribution.* The weight and center of gravity limits required by §§ 27.25 and 27.27, respectively, must be furnished, together with the items included in the empty weight in § 27.29(a). If the variety of possible loading conditions warrants, instructions must be included to allow ready observance of the limitations.

(d) *Flight crew.* When a flight crew of more than one is required, the number and functions of the minimum flight crew determined under § 27.1523 must be furnished.

(e) *Kinds of operation.* Each kind of operation for which the rotorcraft and its equipment installations are approved must be listed.

(f) *Unusable fuel.* If the unusable fuel in any tank exceeds one gallon, or five percent of tank capacity, whichever is greater, there must be means to warn the flight personnel that the fuel remaining in that tank when the quantity indicator reads "zero" cannot be used safely in flight.

**§ 27.1585 Operating procedures.**

Parts of the manual containing operating procedures must have information concerning any normal and emergency procedures, and other information necessary for safe operation, including takeoff and landing procedures and associated airspeeds.

**§ 27.1587 Peformance information.**

(a) The rotorcraft must be furnished with—

(1) Enough information to determine the limiting height-speed envelope; and

(2) Information relative to—

(i) The hovering ceilings and the steady rates of climb and descent, as affected by any pertinent factors such as airspeed, temperature, and altitude; and

(ii) The maximum safe wind for operation near the ground.

(b) The Rotorcraft Flight Manual (if provided) must contain—

(1) In its performance information section any pertinent information concerning the takeoff weights and altitudes used in compliance with § 27.51; and

(2) In its operating procedures section—

(i) Any pertinent information concerning the takeoff procedure, including the kind of takeoff surface used in the tests and each appropriate climbout speed; and

(ii) Any pertinent landing procedures, including the kind of landing surface used in the tests and appropriate approach and glide airspeeds.

**§ 27.1589 Loading information.**

There must be loading instructions for each possible loading condition between the maximum and minimum weights determined under § 27.25 that can result in a center of gravity beyond any extreme prescribed in § 27.27, assuming any probable occupant weights.

DISTRIBUTION TABLE

| Former section | Revised section |
|---|---|
| 6.0 (1st sentence) | 27.1. |
| 6.0 (less 1st sentence) | Surplusage. |
| 6.1(a)(1) | Part 1 [New]. |
| 6.1(a)(2) | Surplusage. |
| 6.1(a) (less (1) and (2)) | Part 1 [New]. |
| 6.1(b) | Part 1 [New]. |
| 6.1(c)(1) | Part 1 [New]. |
| 6.1(c)(2) | Surplusage. |
| 6.1(c)(3) | Part 1 [New]. |
| 6.1(c)(4) | Part 1 [New]. |
| 6.1(c) less (1) through (4) | Surplusage. |
| 6.1(d)(1)-(d)(2) | Executed. |
| 6.1(d)(3) | Surplusage. |
| 6.1(d)(4)-(d)(5) | Executed |
| 6.1(d) (less (1)-(5)) | Surplusage. |
| 6.1(e)(1) (less symbol "IAS"). | Part 1 [New]. |
| Symbol "IAS" | To be transferred to Part 1 [New]. |
| 6.1(e)(2) | Part 1 [New]. |
| 6.1(e)(3) (less symbol "EAS"). | Part 1 [New]. |
| Symbol "EAS" | To be transferred to Part 1 [New]. |
| 6.1(e)(4) (less symbol "TAS"). | Part 1 [New]. |
| Symbol "TAS" | To be transferred to Part 1 [New]. |
| 6.1(e) (less (1)-(4)) | To be transferred to Part 1 [New]. |
| 6.1(f) (1) and (2) | Executed. |
| 6.1(f)(3) | Surplusage. |
| 6.1(f)(4) | To be transferred to Part 1 [New]. |
| 6.1(f) (5) and (6) | Surplusage. |
| 6.1(f) (less (1)-(6)) | Executed. |
| 6.1(g) (1)-(3) | Part 1 [New]. |
| 6.1(g)(4) | Surplusage. |
| 6.1(g)(5) | Part 1 [New]. |
| 6.1(g) (less (1)-(5)) | To be transferred to Part 1 [New]. |
| 6.1(h)(1) | Surplusage. |
| 6.1(h) (2) and (3) | Part 1 [New]. |
| 6.1(h) (4) and (5) | Surplusage. |
| 6.1(h) (less (1)-(5)) | 27.339. |
| 6.1(i) (1)-(4) | Part 1 [New]. |
| 6.1 (less (a)-(h) and (i)(1)-(i)(4)). | Part 1 [New]. |
| 6.10-6.19 | To be transferred to proposed Part 21 [New]. |
| 6.100 (a)-(c) | 27.21. |
| 6.100 (less (a)-(c)) | To be transferred to proposed Part 21 [New]. |
| 6.101 | 27.25. |
| 6.102(a) | 27.27. |
| 6.102 (less (a)) | 27.1589. |
| 6.103 | 27.33. |
| 6.104 | 27.29. |
| 6.105 | 27.31. |
| 6.110 | 27.45. |
| 6.111(d) | 27.1587. |
| 6.111 (less (d)) | 27.51. |
| 6.112 (a) and (b) | 27.65. |
| 6.112 (less (a) and (b)) | 27.67. |
| 6.113 | 27.73. |
| 6.114 (2d sentence) | 27.1587. |
| 6.114 (less 2d sentence) | 27.75. |
| 6.114-1 | Not a rule. |
| 6.115 | 27.75. |
| 6.116 | 27.79. |
| 6.120 | 27.141. |
| 6.121 (less (c)) | 27.143. |
| 6.121(c) | Out of date. |
| 6.122 | 27.161. |
| 6.123 (less (b)) | 27.171. |
| 6.123(b) (less (1)-(4)) | 27.173. |
| 6.123(b) (1)-(4) | 27.175. |
| 6.130 | 27.231. |
| 6.131 | 27.241. |
| 6.132 | 27.239. |
| 6.140 (vibration aspect) | 27.251. |
| 6.140 (less vibration aspect) | 27.629. |
| 6.200(b) | 27.303. |
| 6.200 (less (b)) | 27.301. |
| 6.201 | 27.305. |
| 6.202 (less (c)) | 27.307. |
| 6.202(c) | Surplusage. |
| 6.203 | 27.307. |
| 6.203-1 | Not a rule. |
| 6.204 | 27.309. |
| 6.210 | 27.321. |
| 6.211 | 27.321. |
| 6.212 (last sentence) | 27.339. |
| 6.212 (less last sentence) | 27.337. |
| 6.213 | 27.341. |
| 6.220 | 27.391. |
| 6.221 | 27.401. |
| 6.221-1 | Not a rule. |
| 6.222 | 27.403. |
| 6.223 | 27.411. |
| 6.224 | 27.413. |
| 6.225(a) (1), (2), and (3) | 27.397. |
| 6.225 (less (a) (1), (2), and (3)). | 27.395. |
| 6.226 | 27.399. |
| 6.230 (a) and (b) | 27.471. |
| 6.230 (c) and (d) | 27.473. |
| 6.230(e) | 27.475. |
| 6.230 (less (a)-(e)) | 27.477. |
| 6.231 | 27.479. |
| 6.231-1 | Not a rule. |
| 6.232 | 27.481. |
| 6.233 | 27.483. |
| 6.234 | 27.485. |
| 6.235 | 27.493. |
| 6.236 | 27.235. |
| 6.237 (introductory paragraph). | 27.723. |
| 6.237(a) | 27.725. |
| 6.237 (less introductory paragraph and (a)). | 27.727. |
| 6.240 | 27.505. |
| 6.245 | 27.521. |
| 6.246 | 27.497. |
| 6.247 | 27.501. |
| 6.250 | 27.547. |
| 6.250-1 | Not a rule. |
| 6.251(c) (2d-4th sentences) | 27.361. |
| 6.251 (less (c) (2d-4th sentences)). | 27.549. |
| 6.260 | 27.561. |
| 6.300 | 27.601. |
| 6.301 | 27.603. |
| 6.302 | 27.605. |
| 6.303 | 27.607. |
| 6.304 | 27.609. |
| 6.305 | 27.611. |
| 6.306 | 27.613. |
| 6.307(a) | 27.619. |
| 6.307(b) | 27.621. |
| 6.307(c) | 27.623. |
| 6.307 (less (a)-(c)) | 27.625. |
| 6.310 | 27.653. |
| 6.311 | 27.675. |
| 6.312 | 27.659. |
| 6.313 | 27.661. |
| 6.320 | 27.671. |
| 6.321 | 27.675. |
| 6.322 | 27.679. |
| 6.323 | 27.681. |
| 6.324 | 27.683. |
| 6.325 | 27.685. |
| 6.326 | 27.687. |
| 6.327 | 27.691. |
| 6.328 | 27.695. |
| 6.335 | 27.731. |
| 6.336 | 27.735. |
| 6.337 | 27.733. |
| 6.338 | 27.737. |
| 6.340 | Surplusage. |
| 6.341 (a) and (b) | 27.751. |
| 6.341 (less (a) and (b)) | 27.755. |
| 6.342 | 27.753. |
| 6.350 | 27.771. |
| 6.351 | 27.773. |
| 6.352 | 27.775. |
| 6.353 | 27.777. |
| 6.354 | 27.783. |
| 6.355 | 27.785. |
| 6.355-1 (less 1st sentence) | 27.785. |
| 6.355-1 (1st sentence) | Surplusage. |
| 6.356 | 27.787. |
| 6.357 | 27.807. |
| 6.358 | 27.831. |
| 6.380 | Surplusage. |
| 6.381 | 27.853. |
| 6.382 | 27.855. |
| 6.383 | 27.859. |
| 6.384 | 27.861. |
| 6.390 | 27.871. |
| 6.391 | 27.873. |
| 6.400 | 27.901. |
| 6.400-1 | 27.901. |
| 6.401 (less (c)) | 27.903. |
| 6.401(c) | 27.141. |
| 6.402 | 27.907. |
| 6.410 | 27.917. |
| 6.411 | 27.921. |
| 6.412 | 27.923. |
| 6.413 | 27.927. |
| 6.414 | 27.931. |
| 6.415 | 27.935. |
| 6.416 | 27.951. |
| 6.419 | 27.953. |
| 6.420 | 27.955. |
| 6.421 | 27.959. |
| 6.422 | 27.963. |
| 6.423(a) | 27.969. |
| 6.423(b) | 27.971. |
| 6.423(c) | 27.973. |
| 6.423(d) | 27.975. |
| 6.423 (less (a)-(d)) | 27.977. |
| 6.424 (less 2d and 3d sentences of note following (a)). | 27.991. |
| 2d and 3d sentences of note following § 6.424(a). | Not a rule. |
| 6.425(e) | 27.961. |
| 6.425 (less (e)) | 27.993. |
| 6.426 | 27.995. |
| 6.427 | 27.997. |
| 6.428 | 27.999. |
| 6.429 | 27.1337. |
| 6.440 | 27.1011. |
| 6.441 | 27.1013. |
| 6.442 | 27.1017. |
| 6.443 | 27.1021. |
| 6.444 | 27.1337. |
| 6.447 | 27.1019. |
| 6.450 | 27.1041. |
| 6.451 (1st sentence) | 27.1041. |
| 6.451 (less 1st sentence) | 27.1043. |
| 6.452 | 27.1045. |
| 6.460 | 27.1091. |
| 6.461 | 27.1091. |
| 6.461-1 | Not a rule. |
| 6.462 | 27.1093. |
| 6.463 | 27.1121. |
| 6.470 | 27.1141. |
| 6.471 | 27.1143. |
| 6.472 | 27.1145. |
| 6.473 | 27.1147. |
| 6.474 | 27.1163. |
| 6.480 | Surplusage. |
| Note following § 6.480 | Not a rule. |



| Former section | Revised section |
|---|---|
| 6.481 | 27.1187. |
| 6.482 | 27.1189. |
| 6.483 | 27.1191. |
| 6.484 | 27.1193. |
| 6.485 | 27.1183. |
| 6.486 | 27.1185. |
| 6.600 | Surplusage. |
| 6.601 | 27.1301. |
| 6.602 | Surplusage. |
| 6.603 | 27.1303. |
| 6.604 | 27.1305. |
| 6.605 | 27.1307. |
| 6.606 | 27.1309. |
| 6.610 | Surplusage. |
| 6.611 | 27.1321. |
| 6.612 (less (b) and (c)) | 27.1323. |
| 6.612(b) | 27.1325. |
| 6.612(c) (less last sentence) | 27.1327. |
| 6.612(c) (last sentence) | Surplusage. |
| 6.613 | 27.1337. |
| 6.617 | 27.1351. |
| 6.618 | 27.1351. |
| 6.619 | 27.1353. |
| 6.620 | 27.1351. |
| 6.621 | 27.1351. |
| 6.622 | 27.1351. |
| 6.623 | 27.1361. |
| 6.624 | 27.1361. |
| 6.625 (less last sentence of note following). | 27.1357. |
| Last sentence of note following § 6.625. | Not a rule. |
| 6.626 | 27.1357. |
| 6.627 | 27.1365. |
| 6.628 | 27.1367. |
| 6.630 | 27.1381. |
| 6.631 | 27.1383. |
| 6.632 (less note following (a)). | 27.1385. |
| Note following § 6.632(a) | Not a rule. |
| 6.633 | 27.1387. |
| 6.634 | 27.1389. |
| 6.634-1 (less footnote 2) | 27.1389. |
| Footnote 2 of § 6.634-1 | Not a rule. |
| Figure 6-1 | 27.1391. |
| Figure 6-2 | 27.1393. |
| Figure 6-3 and note following | 27.1395. |
| 6.635 | 27.1397. |
| 6.636 | 27.1399. |
| 6.637 | 27.1401. |
| Figure 6-4 | 27.1401. |
| 6.637-1 | Obsolete. |
| 6.640 | 27.1411. |
| 6.643 | 27.1413. |
| 6.644 | 27.1415. |
| 6.650 | 27.1435. |
| 6.700(a) | Surplusage. |
| 6.700 (less (a)) | 27.1501. |
| 6.710 | 27.1503. |
| 6.711 | 27.1505. |
| 6.712 | 27.1503. |
| 6.713 | 27.1509. |
| 6.714 | 27.1521. |
| 6.716 | 27.1519. |
| 6.717 | 27.1523. |
| 6.718 | 27.1525. |
| 6.719 | 27.1529. |
| 6.730 | 27.1541. |
| 6.731 | 27.1543. |
| 6.732 | 27.1545. |
| 6.733 | 27.1547. |
| 6.734 | 27.1549. |
| 6.735 | 27.1551. |
| 6.736 (less last sentence) | 27.1553. |
| Last sentence of § 6.736 | Surplusage. |
| 6.737 | 27.1555. |
| 6.738(a)-(c) | 27.1557. |
| 6.738(d) | 27.1559. |
| 6.738(e) | 27.1561. |
| 6.738 (less (a)-(e)) | 27.1565. |
| 6.740 | 27.1581. |
| 6.741 | 27.1583. |
| 6.742 | 27.1585. |
| 6.743 | 27.1587. |
| 6.744 | Surplusage. |
| 6.750-6.751 | To be transferred to Part 45 [New]. |
| Appendix A | Not a rule. |
| Appendix B: | |
| SR 392C | Expired. |
| SR 392D | Expired. |
| SR 425C | To be transferred to proposed Part 21 [New]. |

[F.R. Doc. 64-12026; Filed, Nov. 23, 1964; 8:50 a.m.]

[Airspace Docket No. 63-SO-20]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone and Transition Area, and Revocation of Control Area Extension

On August 6, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11381) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Albany, Ga., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. February 4, 1965, as hereinafter set forth.

1. Section 71.165 (29 F.R. 1073) is amended as follows: The Albany, Ga., control area extension is revoked.

2. In § 71.171 (29 F.R. 1101), the Albany, Ga., control zone is amended to read:

Within a 5-mile radius of Turner AFB (latitude 31°35'50" N., longitude 84°05'05" W.); within 2 miles each side of the 224° radial of the Turner VOR, extending from the 5-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the 038° radial of the Turner TACAN, extending from the 5-mile radius zone to 8 miles NE of the TACAN; within a 5-mile radius of Albany Municipal Airport (latitude 31°32'00" N., longitude 84°11'35" W.); within 2 miles each side of the 155° radial of the Albany VOR, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 098° radial of the Albany VOR, extending from the Turner 5-mile radius zone to the Albany VOR.

3. In § 71.181 (29 F.R. 1160), the Albany, Ga., transition area is amended to read:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Turner AFB (latitude 31°35'50" N., longitude 84°05'05" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the N by V-70, on the E by the arc of a 40-mile radius circle centered on Turner AFB, on the S by a line extending along latitude 31°35'30" N. from the Turner AFB 40-mile radius circle to the arc of a 30-mile radius circle centered on Albany Municipal Airport (latitude 31°32'00" N., longitude 84°11'35" W.); thence clockwise along the Albany 30-mile radius circle to intercept a line 12 miles S of and parallel to the Albany VOR 295° radial, thence along this line to latitude 31°41'20" N., longitude 84°56'55" W., on the W along a line extending from latitude 31°41'20" N., longitude 84°56'55" W., to the INT of the centerline of V-159 and the S boundary of V-70, including that airspace from the W boundary of V-97 to a line 10 miles W of and parallel to the centerline of V-97, extending from the N boundary of V-22 to the 30-mile radius circle centered on Albany Municipal Airport; that airspace extending upward from 3,700 feet MSL bounded on the N by a line 12 miles S of and parallel to the Albany VOR 295° radial, extending from latitude 31°37'30" N., longitude 84°46'00" W. to intercept a 30-mile radius circle centered on Albany Municipal Airport, thence counterclockwise along an arc of this circle, on the E by a line 10 miles W of and parallel to the centerline of V-97, on the S and SW by V-22 and V-7, and on the W by the arc of a 35-mile radius circle centered on latitude 31°14'55" N., longitude 85°46'20" W., and a line beginning at latitude 31°14'35" N., longitude 85°10'45" W., thence to latitude 31°16'30" N., longitude 84°51'30" W., thence to latitude 31°37'30" N., longitude 84°46'00" W.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 17, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11948; Filed, Nov. 23, 1964; 8:45 am.]

[Airspace Docket No. 64-SW-45]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Designation of Control Zone

On September 12, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12879) stating that the Federal Aviation Agency proposed to designate a part-time control zone at Riverside Airport, Tulsa, Okla.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regu-

lations is amended, effective 0001 e.s.t., March 4, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 1101) the following control zone is added:

TULSA, OKLA. (RIVERSIDE AIRPORT)

That airspace within a 3-mile radius of Riverside Airport, Tulsa, Okla. (latitude 36°02'19" N., longitude 95°59'00" W.). This control zone is effective from 0600 to 2200 hours, local time, daily.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Forth Worth, Tex., on November 16, 1964.

ARCHIE W. LEAGUE,
*Director, Southwest Region.*

[F.R. Doc. 64-11951; Filed, Nov. 23, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-46]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

## PART 73—SPECIAL USE AIRSPACE [NEW]

### Designation of Restricted Area and Alteration of Continental Control Area

On September 29, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13430) stating that the Federal Aviation Agency was considering amendments to Parts 73 and 71 [New] of the Federal Aviation Regulations which would designate restricted airspace for a weapons range complex in Dare County, N.C., and alter the description of the continental control area in order to reflect the establishment of such special use airspace.

The portion of the NPRM which stated that the Cherry Point transition area and the Edenton control area extension would be redescribed to exclude the proposed restricted area was included in error. If this action were taken, it would unnecessarily preclude, during the periods the restricted area is not being used by the military, the use of that airspace within the transition area and control area extension which coincides with the area herein designated as R-5314. This would be unnecessary since restricted area R-5314 is to be operated under the joint-use concept. Therefore, the descriptions of the transition area and control area extension are not changed herein.

It was also stated in the NPRM that the state of North Carolina and the Departments of the Air Force and the Navy had entered into agreements relevant to the use of the Dare County Range complex and that, among other matters, reviews of the effects of the range operation on migratory waterfowl would be conducted. Further, the Air Force and Navy agreed not to extend their operations in the Dare County Range until they have negotiated changes with the Office of the Governor of North Carolina and the Fish and Wildlife Service of the Department of the Interior. It is emphasized, at this point, that the final responsibility for effecting any alteration necessitated by the review, or for other reasons, rests with the Federal Aviation Agency.

Interested persons were afforded the opportunity to participate in the rule making through the submission of comments. Due consideration was given to all relevant matter presented.

The Soaring Society of America, Inc., supported the proposal as written, with the understanding that it may be altered after consideration of other comments. The Society also urged the necessity of keeping the restricted area and its use as simple as possible in order that all users could better comply with, recognize, and accommodate the requisites of the range complex. The Federal Aviation Agency agrees with the comments of the Soaring Society and, accordingly, the restricted area is designated as simply as can be permitted after a thorough evaluation of military requirements, safety and welfare needs of persons and property on the surface, and the overall restricted airspace program.

The Weyerhaeuser Company, North Carolina Division, Plymouth, N.C., stated it was concerned that jet aircraft participating in the weapons delivery training will conduct flights over the company airport, located 12 miles west of the restricted area, at low altitudes that possibly could compromise the safety of company and other aircraft using the airport. It has requested that military aircraft be restricted to airspace not lower than 5,000 feet MSL west of the proposed restricted area and that descent from this altitude not be permitted until eastbound aircraft cross the proposed boundary of the restricted area. To designate the area west of R-5314 as requested would result in additional restricted airspace that is not considered to be warranted. All weapons delivery training maneuvers will be conducted within the boundaries of the proposed area and in consideration of safety the Air Force has stated that "aircraft will be confined within the restricted airspace by visual or airborne radar reference to geographical landmarks, constructed initial points and run-in lines." Flight outside the proposed restricted area will continue to be governed by pertinent Federal Aviation Regulations.

In consideration of the foregoing, Parts 71 and 73 [New] of the Federal Aviation Regulations are amended, effective January 7, 1965, as hereinafter set forth.

1. In § 73.53 (29 F.R. 1269) restricted area R-5314 is added as follows:

R-5314 DARE COUNTY, N.C.

SUBAREA A

*Boundaries.* Beginning at latitude 35°-45'40" N., longitude 75°49'20" W.; to latitude 35°40'10" N., longitude 75°50'15" W.; to latitude 35°41'30" N., longitude 76°-00'20" W.; to latitude 35°47'00" N., longitude 75°59'00" W.; to the point of beginning.

*Designated altitudes.* Surface up to, but not including, flight level 240.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Washington ARTC Center.

*Using agency.* Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N.C.

SUBAREA B

*Boundaries.* Beginning at latitude 35°-39'30" N., longitude 75°45'45" W.; to latitude 35°34'40" N., longitude 75°26'50" W.; to latitude 35°36'45" N., longitude 76°01'20" W.; to latitude 35°41'30" N., longitude 76°-00'20" W.; to the point of beginning.

*Designated altitudes.* 500 feet above the surface to 14,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Washington ARTC Center.

*Using agency.* Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N.C.

SUBAREA C

*Boundaries.* Beginning at latitude 35°-48'30" N., longitude 75°43'40" W.; to latitude 35°45'00" N., longitude 75°44'35" W.; to latitude 35°47'00" N., longitude 75°59'00" W.; to latitude 35°51'35" N., longitude 75°-57'55" W.; to latitude 35°49'30" N., longitude 75°45'00" W.; to the point of beginning.

*Designated altitudes.* 500 feet above the surface to 14,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Washington ARTC Center.

*Using agency.* Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N.C.

[Airspace Docket No. 64-WA-46]

SUBAREA D.

*Boundaries.* Beginning at latitude 35°-40'30" N., longitude 75°52'15" W.; to latitude 35°38'40" N., longitude 75°52'35" W.; to latitude 35°39'00" N., longitude 75°54'35" W.; to latitude 35°40'40" N., longitude 75°-54'10" W.; to the point of beginning.

*Designated altitudes.* Surface to 14,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Washington ARTC Center.

*Using agency.* Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N.C.

SUBAREA E.

*Boundaries.* Beginning at latitude 35°47'-50" N., longitude 75°48'50" W.; to latitude 35°45'40" N., longitude 75°49'20" W.; to latitude 35°46'10" N., longitude 75°52'35" W.; to latitude 35°48'00" N., longitude 75°-52'00" W.; to the point of beginning.

*Designated altitudes.* Surface to 14,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Washington ARTC Center.

*Using agency.* Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N.C.

SUBAREA F.

*Boundaries.* Beginning at latitude 35°45'-00" N., longitude 75°44'35" W.; to latitude 35°39'30" N., longitude 75°45'45" W.; to latitude 35°40'10" N., longitude 75°50'15" W.; to latitude 35°45'40" N., longitude 75°49'20" W.; to the point of beginning.

*Designated altitudes.* 500 feet above the surface up to, but not including, flight level 240.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Washington ARTC Center.

*Using agency.* Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N.C.

SUBAREA G

*Boundaries.* Beginning at latitude 35°49'-40" N., longitude 75°58'20" W.; to latitude 35°38'55" N., longitude 76°01'00" W.; to latitude 35°39'20" N., longitude 76°05'00" W.; to latitude 35°50'20" N., longitude 76°02'30" W.; to the point of beginning.

*Designated altitudes.* 200 feet above the surface to 14,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Washington ARTC Center.

*Using agency.* Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N.C.

SUBAREA H

*Boundaries.* Beginning at latitude 35°50'-20" N., longitude 76°02'30" W.; to latitude 35°39'20" N., longitude 76°05'00" W.; to latitude 35°40'25" N., longitude 76°12'25" W.; to latitude 35°51'25" N., longitude 76°10'05" W.; to the point of beginning.

*Designated altitudes.* 500 feet above the surface to 5,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Washington ARTC Center.

*Using agency.* Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N.C.

SUBAREA J

*Boundaries.* Beginning at latitude 35°51'-25" N., longitude 76°10'05" W.; to latitude 35°40'25" N., longitude 76°12'25" W.; to latitude 35°43'50" N., longitude 76°35'30" W.; to latitude 35°54'50" N., longitude 76°33'10" W.; to the point of beginning.

*Designated altitudes.* 1,000 feet above the surface to 5,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Washington ARTC Center.

*Using agency.* Commander 4th Tactical Fighter Wing, Seymour Johnson AFB, N.C.

2. In § 71.151 (29 F.R. 1067) "R-5314 Dare County, N.C." is added.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 17, 1964.

CLIFFORD P. BURTON,
*Acting Director,*
*Air Traffic Service.*

[F.R. Doc. 64-11949; Filed, Nov. 23, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SW-5]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

## PART 73—SPECIAL USE AIRSPACE [NEW]

### Alteration of Restricted Area and Federal Airways

On April 2, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 4742) stating that the Federal Aviation Agency proposed to redesignate Restricted Area/Military Climb Corridor R-6310 at Houston, Tex. (Ellington AFB) and to delete references to R-6310 as they appear in the descriptions of VOR Federal airways Nos. 15, 76 and 180.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association of America (ATA) objected to the realignment of the climb corridor due to intensive training activities by airline flight training crews south of Houston. Since Convair-880 training aircraft normally operate above FL-240 there will be no imposition on these flights. DC-3 and Convair-240 training aircraft, by remaining 8 miles south of Ellington AFB, would have 5,000 feet of free airspace, and by remaining 12 miles south of Ellington AFB, would have 9,000 feet of free airspace. Turbojet training flights operating mainly in the northeast and southeast quadrants at altitudes up to 20,000 feet would not be disrupted by the redesignation if they utilized the Houston and Galveston VORs since the realigned restricted area R-6310 would barely penetrate the southeast quadrant. The ATA also commented that maximum use of ATC radar should obviate the necessity of using a climb corridor at all. However, it has been determined that in areas of heavy VFR traffic such as this, a climb corridor is more desirable than in areas of light traffic, especially during active missions where high-angle climb is necessary for pertinent military training.

In consideration of the objections and suggestions submitted by the ATA it has been determined that by slight adjustments in the areas previously used by the airlines for training, both operations can be conducted satisfactorily and in a safe manner.

In consideration of the foregoing, Parts 71 and 73 [New] of the Federal Aviation Regulations are amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

1. In § 73.63 (29 F.R. 1276), restricted area R-6310 is altered to read as follows:

R-6310 HOUSTON, TEXAS (ELLINGTON AFB), RESTRICTED AREA/MILITARY CLIMB CORRIDOR

*Boundaries.* From a point of beginning at latitude 29°33'50" N., longitude 95°10'00" W., the area centered on a bearing therefrom of 183°, extending to a point 30 nmi S, having a width 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

*Designated altitudes.*

2,000 feet MSL to 14,000 feet MSL from the point of beginning to 1 nmi S. 2,000 feet MSL to 16,000 feet MSL from 1 to 2 nmi S of the point of beginning. 2,000 feet MSL to 19,000 feet MSL from 2 to 3 nmi S of the point of beginning. 2,000 feet MSL to 21,000 feet MSL from 3 to 4 nmi S of the point of beginning. 2,000 feet MSL to 23,000 feet MSL from 4 to 6 nmi S of the point of beginning. 5,000 feet MSL to 23,000 feet MSL from 6 to 10 nmi S of the point of beginning. 9,000 feet MSL to 23,000 feet MSL from 10 to 13 nmi S of the point of beginning. 12,000 feet MSL to 23,000 feet MSL from 13 to 19 nmi S of the point of beginning. 16,000 feet MSL to 23,000 feet MSL from 19 to 25 nmi S of the point of beginning. 20,000 feet MSL to 23,000 feet MSL from 25 to 30 nmi S of the point of beginning.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Houston Approach Control.

*Using agency.* Commander, Ellington AFB, Texas.

2. In § 71.123 (29 F.R. 1009, 2999) V-15, V-76 and V-180 are amended as follows:

a. In V-15 delete "The airspace within R-6310 is excluded."

b. In V-76 delete "The airspace within R-6310 is excluded."

c. In V-180 delete "The airspace within R-6310 shall be used only after obtaining prior approval from appropriate authority."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 17, 1964.

CLIFFORD P. BURTON,
*Acting Director,*
*Air Traffic Service.*

[F.R. Doc. 64-11950; Filed, Nov. 23, 1964; 8:45 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 32—HUNTING

### Horicon National Wildlife Refuge, Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.32 Special regulations; big game; for individual wildlife refuge areas.**

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Public hunting of deer and fox on the Horicon National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,400 acres, is delineated on a map available at the refuge headquarters, Mayville, Wisconsin, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Shotgun season: 8:00 a.m., central standard time, November 30, 1964, until 4:00 p.m., central standard time, December 1, 1964. Bow and arrow season one-half hour before sunrise, central standard time, December 5, 1964, until sunset, central standard time, December 31, 1964.

(2) Hunting will be by State-issued permits during the shotgun season. Permits will not be required during the bow and arrow season.

(3) Entry to the refuge will be at access points designated by signs.

R. W. BURWELL,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

NOVEMBER 16, 1964.

[F.R. Doc. 64-11981; Filed, Nov. 23, 1964; 8:48 a.m.]

# Title 7—AGRICULTURE

## Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER E—WAREHOUSE REGULATIONS

## PART 101—COTTON WAREHOUSES

## PART 102—GRAIN WAREHOUSES

### Republication of Regulations

Parts 101 and 102 of Title 7, Chapter I, of the Code of Federal Regulations are republished as set forth below to include all outstanding amendments to date. No substantive changes are included in this republication.

CLARENCE H. GIRARD,
*Deputy Administrator.*

NOVEMBER 1964.

## PART 101—COTTON WAREHOUSES

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AUTHORITY: The provisions of this Part 101 issued under sec. 28, 39 Stat. 490; 7 U.S.C. 268.

DEFINITIONS

### § 101.1 Meaning of words.

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

### § 101.2 Terms defined.

For the purpose of this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *The act.* The United States Warehouse Act, approved August 11, 1916 (39 Stat. 486; 7 U.S.C. 241–273), as amended.

(b) *Person.* An individual, corporation, partnership, or two or more persons having a joint or common interest.

(c) *Secretary.* The Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) *Administrator.* The Administrator of the Service or any other officer or employee of the Service to whom authority has heretofore lawfully been delegated, or may hereafter lawfully be delegated, to act in his stead.

(e) *Designated representative.* The Administrator.

(f) *Regulations.* Rules and regulations made under the act by the Secretary.

(g) *Department.* The United States Department of Agriculture.

(h) *Service.* The Agricultural Marketing Service of the Department.

(i) *Linters.* As far as applicable the regulations in this part shall include linters.

(j) *Warehouse.* Any building, structure, or other protected inclosure in which cotton is or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which cotton is or may be stored.

(k) *Warehouseman.* A person lawfully engaged in the business of storing cotton.

(l) *License.* A license issued under the act by the Secretary.

(m) *Licensed warehouseman.* A warehouseman licensed as such under the act.

(n) *Licensed warehouse.* A warehouse for the conduct of which a license has been issued.

(o) *Licensed warehouseman's bond.* A bond required to be given under the act by a licensed warehouseman.

(p) *Licensed classifier.* A person licensed under the act to classify according to grade or otherwise and certificate the grade or other class of cotton.

(q) *Licensed weigher.* A person licensed under the act to weigh and certificate the weight of cotton.

(r) *Cotton examiner.* An officer of the Department of Agriculture designated by the Administrator for the purpose of hearing cotton appeals under §§ 101.75–101.85.

(s) *Receipt.* A warehouse receipt.

(t) *Bale.* A bale or other package.

(u) *State.* A State, Territory, or district of the United States.

(v) *Licensed sampler.* A person, employed by a licensed warehouseman, licensed under the act to draw samples from cotton stored in the licensed warehouse at which such person is employed.

(w) *Board of Cotton Examiners.* A board of cotton examiners properly qualified and designated as such under the regulations (Part 28 of this chapter) under the United States Cotton Standards Act.

WAREHOUSE LICENSES

### § 101.3 Application forms.

Applications for licenses under sections 4 and 9 of the act and for amendments of licenses under section 5 of the act shall be made to the Secretary upon forms prescribed for the purpose and furnished by the Service, shall be in English, shall truly state the information therein contained, and shall be signed by the applicant. The applicant shall at any time furnish such additional information as the Secretary or the Administrator shall find to be necessary to the consideration of his application.

### § 101.3a All facilities to be licensed or exempted.

All facilities within the same city or town used for the storage of cotton by an applicant for a warehouse license must qualify for a license and be licensed under the act if the applicant is to be licensed to operate as a cotton warehouseman in such city or town, unless the facilities which are not to be covered by a license are exempted by the Secretary or his designated representative upon a finding that, due to the exercise of adequate controls by some independent agency over the operation of nonfederally licensed facilities, there would be no likelihood of interchange or substitution of cotton stored in such facilities with cotton stored in the federally licensed facilities. If all such facilities do not qualify for a license or for an exemption under this section, the applicant shall not be licensed under the act as a cotton warehouseman in the city or town in which the facilities in question are located. Each applicant for a warehouse license must apply for a license covering all facilities operated by him for the storage of cotton within the same city or town or for exemption as provided in this section. If a licensed cotton warehouseman acquires any additional cotton storage facilities within the same city or town in which his licensed warehouse is located, he shall file promptly an application for a license or an exemption of the additional facilities. No cotton storage facility acquired by a licensed cotton warehouseman, subsequent to the issuance of his license, in the same city or town as his licensed facilities, shall be used for the storage of cotton until it qualifies for license and is licensed or is exempted as provided in this section. If any one of the licensed cotton storage facilities operated by a warehouseman in the same city or town becomes ineligible for a license at any time for any reason, it shall not thereafter be used for the storage of cotton until the condition making it ineligible is removed or an exemption is granted as provided in this section. The use for the storage of cotton by a licensed warehouseman of a facility which is in the same city or town as his licensed facilities and is neither licensed nor exempted, or other violation of the provisions of this section, shall be cause for suspension or revocation of any license issued to the warehouseman for the storage of cotton.

### § 101.4 Grounds for not issuing a license.

A license for the conduct of a warehouse, or any amendment to a license, under the regulations in this part, shall not be issued if it is found by the Secretary, or his designated representative, that the warehouse is not suitable for the proper storage of cotton; that the warehouseman does not possess a good reputation, or does not have a net worth of at least $10,000.00, or is incompetent to conduct such warehouse in accordance with the act and the regulations in this part; or that there is any other sufficient reason within the intent of the act for not issuing such license. If all the facilities operated for the storage of cotton by the applicant within the same city or town are not to be licensed under the act, the applicant shall not be licensed as a cotton warehouseman with respect to any of such facilities, unless an exemption of the facilities which are not to be licensed is granted as provided in § 101.3a.

### § 101.5 Net assets required.

(a) Each warehouseman conducting a warehouse licensed, or for which application for license has been made, under the regulations in this part, shall have and maintain, above all exemptions and liabilities, net assets liable for the payment of any indebtedness arising from the conduct of the warehouse, equal to at least $5.00 per bale for the maximum number of bales that the warehouse will accommodate when stored in the manner customary to the warehouse as determined by the Administrator: *Provided*, That the amount of such net assets shall not be less than $10,000.00, and need not be more than $100,000.00: *And provided further*, That any deficiency in the net assets required above the $10,000.00 minimum may be supplied by an increase in the amount of the warehouseman's bond in accordance with § 101.12 (b). In case such a warehouseman has applied for licenses to conduct two or more warehouses in the same state, and his total assets are subject to the liabilities of each warehouse, such warehouses shall be deemed to be one warehouse for the purposes of determining the net assets required under this section. In determining total net assets, credit may be given for insurable property such as buildings, machinery, equipment, and merchandise inventory, only to the extent that such property is protected by insurance against loss or damage by fire. Such insurance shall be in the form of lawful policies issued by one or more insurance companies authorized to do such business and subject to service of process in suits brought in the state in which the warehouse is located. For the purposes of this section only, capital stock as such shall not be considered a liability.

(b) In case a state agency, licensed or applying for a license as provided in section 9 of the act, has funds of not less than $500,000.00 guaranteeing the performance of obligations of the agency as a warehouseman, such funds shall be considered sufficient to meet the maximum net asset requirements of this section.

### § 101.6 License shall be posted.

Immediately upon receipt of his license or of any modification or extension thereof under the act, the warehouseman shall post the same, and thereafter, except as otherwise provided in the regulations in this part, keep it posted until suspended or terminated, in a conspicuous place in the principal office where receipts issued by the warehouseman are delivered to depositors.

### § 101.7 Suspension or revocation of warehouse licenses.

Pending investigation, the Secretary, or his designated representative, whenever he deems necessary, may suspend a warehouseman's license temporarily without hearing. Upon written request and a satisfactory statement of reasons therefor, submitted by a warehouseman, the Secretary, or his designated representative, may, without hearing, suspend or cancel the license issued to such warehouseman. The Secretary, or his designated representative, may, after opportunity for hearing has been afforded in the manner prescribed in this section, suspend or revoke a license issued to a warehouseman when such warehouseman—

(a) Does not have a net worth of at least $10,000.00;

(b) Has parted, in whole or in part, with his control over the licensed warehouse;

(c) Is in process of dissolution or has been dissolved;

(d) Has ceased to conduct such licensed warehouse;

(e) Has in any other manner become nonexistent or incompetent or incapacitated to conduct the business of the warehouse;

(f) Has made unreasonable or exorbitant charges for services rendered;

(g) Is operating in the same city or town in which his licensed warehouse facilities are located, any facility for storage of cotton which is not covered by a license or an exemption as provided in § 101.3a; or

(h) Has in any other manner violated or failed to comply with any provision of the act or the regulations in this part.

Whenever any of the conditions mentioned in paragraphs (a) through (h) of this section shall come into existence, it shall be the duty of the warehouseman to notify the Administrator immediately of the existing condition. Before a license is revoked or suspended (other than temporarily pending investigation) for any violation of, or failure to comply with, any provision of the act or of the regulations in this part, or upon the

ground that unreasonable or exorbitant charges have been made for services rendered, the warehouseman involved shall be furnished by the Secretary, or his designated representative, a written statement specifying the charges and shall be allowed a reasonable time within which he may answer the same in writing and apply for a hearing, an opportunity for which shall be afforded in accordance with § 101.89.

**§ 101.8 Return of suspended or revoked warehouse license.**

In case a license issued to a warehouseman terminates or is suspended or revoked by the Secretary, or his designated representative, such license shall be returned to the Secretary. At the expiration of any period of suspension of such license, unless it be in the meantime revoked, the dates of the beginning and termination of the suspension shall be indorsed thereon, it shall be returned to the warehouseman to whom it was originally issued, and it shall be posted as prescribed in § 101.6; or in the discretion of the Administrator a new license may be issued.

**§ 101.9 Lost or destroyed warehouse license.**

Upon satisfactory proof of the loss or destruction of a license issued to a warehouseman, a duplicate thereof may be issued under the same number.

**§ 101.10 Unlicensed warehousemen must not represent themselves as licensed.**

No warehouse or its warehouseman shall be designated as licensed under the act and no name or description conveying the impression that it or he is so licensed shall be used, either in a receipt or otherwise, unless such warehouseman holds an unsuspended and unrevoked license for the conduct of such warehouse.

WAREHOUSE BONDS

**§ 101.11 Bond required; time of filing.**

Each warehouseman applying for a warehouse license under the act shall, before such license is granted, file with the Secretary or his designated representative a bond containing the following conditions and such other terms as the Secretary or his designated representative may prescribe in the approved bond forms, with such changes as may be necessary to adapt the forms to the type of legal entity involved:

Now, therefore, if the said license(s) or any amendments thereto be granted and said principal, and its successors and assigns operating said warehouse(s), shall:

Faithfully perform during the period of one year commencing ----------, or until the termination of said license(s) in the event of termination prior to the end of the one year period, all obligations of a licensed warehouseman under the terms of the act and regulations thereunder relating to the above-named products; and

Faithfully perform during said one year period and thereafter, whether or not said warehouse(s) remain(s) licensed under the act, such delivery obligations and further obligations as a warehouseman as exist at the beginning of said one year period or are assumed during said period and prior to termination of said license(s) under contracts with the respective depositors of such products in the warehouse(s);

Then this obligation shall be null and void and of no effect, otherwise to remain in full force. For purposes of this bond, the aforesaid obligations under the act and regulations and contracts shall include obligations under any and all modifications of the act, the regulations, and the contracts that may hereafter be made, notice of which modifications to the surety being hereby waived.

**§ 101.12 Amount of bond; additional amounts.**

(a) The amount of bond to be furnished by each warehouseman under the regulations in this part shall be at the rate of $5 per bale for the maximum number of bales that his warehouse will accommodate when stored in the manner customary to the warehouse as determined by the Administrator, but not less than $5,000 nor more than $100,000, except as provided in paragraphs (b) and (c) of this section. In case a warehouseman has applied for licenses to operate two or more warehouses in the same State under the regulations in this part, and his total assets are subject to the liabilities of each warehouse, he may, if he desires, give a single bond meeting the requirements of the act and the regulations in this part to cover all such warehouses and such warehouses shall be deemed to be one warehouse for the purposes of such bond.

(b) In case of a deficiency in net assets above the $10,000 minimum, required under § 101.5, there shall be added to the amount of the bond determined in accordance with paragraph (a) of this section, an amount equal to such deficiency.

(c) In case the Secretary, or his designated representative, finds the existence of conditions warranting such action, there shall be added to the amount of the bond determined in accordance with paragraphs (a) and (b) of this section, a further amount fixed by him, to meet such conditions.

**§ 101.13 Amendment to license.**

In case an application is made under § 101.3 for an amendment to a license and no bond previously filed by the warehouseman covers obligations arising under such amendment, the warehouseman shall, when notice has been given by the Secretary, or his designated representative, that such amendment will be granted upon compliance by such warehouseman with the act, file with the Secretary, within the time, if any, fixed in such notice, a bond complying with the act. In the discretion of the Secretary, a properly executed instrument in form approved by him, amending, extending, or continuing in force and effect the obligations of a valid bond previously filed by the warehouseman and otherwise complying with the act and the regulations in this part may be filed in lieu of a new bond.

**§ 101.14 New bond required each year.**

Whenever a license has been issued for a period longer than one year, such license shall not be effective beyond one year from its effective date unless the warehouseman shall have filed a new bond in the required amount with, and such bond shall have been approved by, the Secretary, or his designated representative, prior to the date on which said license would have expired had it been issued for but one year, subject to the provisions of § 101.13.

**§ 101.15 Approval of bond.**

No bond, amendment, or continuation thereof shall be accepted for the purposes of the act and the regulations in this part until it has been approved by the Secretary, or his designated representative.



WAREHOUSE RECEIPTS

**§ 101.16 Form.**

(a) Every receipt, whether negotiable or non-negotiable, issued for cotton stored in a licensed warehouse shall, in addition to complying with the requirements of section 18 of the act, embody within its written or printed terms the following:

(1) The name of the licensed warehouseman and the designation, if any, of the warehouse;

(2) The license number of the warehouse;

(3) A statement whether the warehouseman is incorporated or unincorporated, and, if incorporated, under what laws;

(4) In the event the relationship existing between the warehouseman and any depositor is not that of strictly disinterested custodianship, a statement setting forth the actual relationship;

(5) The tag number given to each bale of cotton in accordance with § 101.31;

(6) A statement conspicuously placed, whether or not the cotton is insured, and, if insured, to what extent, by the warehouseman, against loss or damage by fire, lightning and other risks;

(7) The words "Not Negotiable," or "Negotiable," according to the nature of the receipt, clearly and conspicuously printed or stamped thereon;

(8) A blank space designated for the purpose in which the grade and/or other classification may be stated; and

(9) A statement to the effect that the weight was determined by a weigher licensed under the United States Warehouse Act.

(b) Except as to warehouse receipts issued on or before August 30, 1944, or when an expiration date authorized by the Department is shown on the face of the receipt, every negotiable receipt issued for cotton stored in a licensed warehouse shall be effective until surrendered for delivery of the cotton, and every non-negotiable receipt shall be effective until surrendered for delivery of the cotton or until all cotton covered by the receipt has been delivered in response to proper delivery orders of the person rightfully entitled to the cotton: *Provided*, That nothing contained in this section shall prohibit a warehouseman from legally selling the cotton when his accrued storage and other charges approach the current market value of the cotton.

(c) Every negotiable receipt issued for cotton stored in a licensed warehouse shall, in addition to complying with paragraphs (a) and (b) of this section, embody within its written or printed terms the following: (1) If the cotton covered by such receipt was classified by a licensed classifier or a board of cotton examiners, a statement to that effect, and (2) a form of indorsement which may be used by the depositor, or his authorized agent, for showing the ownership of, and liens, mortgages, or other encumbrances on, the cotton covered by the receipt.

(d) Whenever the grade or other class of the cotton is stated in a receipt issued for cotton stored in a licensed warehouse, such grade or other class shall be determined by a licensed classifier or a board of cotton examiners upon the basis of a sample drawn in accordance with § 101.71, and shall be stated in the receipt in accordance with §§ 101.60 to 101.74.

(e) If a warehouseman issue a receipt omitting the statement of grade on request of the depositor, such receipt shall have clearly and conspicuously stamped or written on the face thereof the words "Not graded on request of depositor."

(f) Licensed receipts issued to cover linters shall be clearly and conspicuously marked "Linters".

(g) If a warehouseman issue a receipt under the act omitting any information not required to be stated, for which a blank space is provided in the form of the receipt, a line shall be drawn through such space to show that such omission has been made by the warehouseman.

**§ 101.17 Copies of receipts.**

At least one actual or skeleton copy of all receipts shall be made, and all copies, except skeleton copies, shall have clearly and conspicuously printed or stamped thereon the words "Copy—Not Negotiable." A copy of each receipt issued shall be retained by the warehouseman for a period of one year after December 31 of the year in which the corresponding original receipt is canceled.

**§ 101.18 Lost or destroyed receipts; bond.**

(a) In the case of a lost or destroyed receipt, a new receipt upon the same terms, subject to the same conditions, and bearing on its face the number and the date of the receipt in lieu of which it is issued and a plain and conspicuous statement that it is a duplicate issued in lieu of a lost or destroyed receipt, may be issued upon compliance with the conditions set out in paragraph (b) of this section.

(b) Before issuing such new or duplicate receipt the warehouseman shall require the depositor or other person applying therefor to make and file with the warehouseman (1) an affidavit showing that he is lawfully entitled to the possession of the original receipt, that he has not negotiated or assigned it, how the original receipt was lost or destroyed, and, if lost, that diligent effort has been made to find the receipt without success, and (2) a bond in an amount double the value, at the time the bond is given, of the cotton represented by the lost or destroyed receipt. Such bond shall be in a form approved for the purpose by the Secretary, or his designated representative, shall be conditioned to indemnify the warehouseman against any loss sustained by reason of the issuance of such receipt, and shall have as surety thereon preferably a surety company which is authorized to do business, and is subject to service of process in a suit on the bond, in the State in which the warehouse is located, or at least two individuals who are residents of such State and each of whom owns real property therein having a value, in excess of all exemptions and encumbrances, equal to the amount of the bond.

**§ 101.19 Printing of receipts.**

No receipt shall be issued by a licensed warehouseman unless it is (a) in a form prescribed by the Administrator, (b) upon distinctive paper or card stock specified by the Administrator, (c) printed by a printer with whom the United States has a subsisting contract and bond for such printing, and (d) on paper manufactured by and procured from a manufacturer with whom the United States has a subsisting contract and bond for the manufacture of such paper, or on card stock distinctively tinted with fugitive ink by the printer in the manner prescribed by the contract under paragraph (c) of this section.

**§ 101.20 Partial delivery of cotton.**

If a warehouseman delivers a part only of a lot of cotton for which he has issued a negotiable receipt under the act, he shall take up and cancel such receipt and issue a new receipt in accordance with the regulations in this part for the undelivered portion of the cotton.

**§ 101.21 Return of receipts before delivery of cotton.**

Except as permitted by law or by the regulations in this part, a warehouseman shall not deliver cotton for which he has issued a negotiable receipt under the act until such receipt has been returned to him and canceled; and shall not deliver cotton for which he has issued a nonnegotiable receipt until such receipt has been returned to him or he has obtained from the person lawfully entitled to such delivery or his authorized agent a written delivery order, properly signed, specifying by bale or tag number each bale to be delivered from any receipt or receipts. Before delivering, or upon delivery of, all the cotton covered by a nonnegotiable warehouse receipt, the warehouseman may require the surrender of the receipt. For the purpose of the regulations in this part, return of a receipt to a warehouseman means surrender of the receipt to the warehouseman at his office in the city or town in which the cotton is stored.

**§ 101.22 Omission of grade; no compulsion by warehouseman.**

No licensed warehouseman shall, directly or indirectly by any means whatever, compel or attempt to compel the depositor of any cotton in his warehouse to request the issuance of a receipt omitting the statement of grade.

DUTIES OF LICENSED WAREHOUSEMAN

**§ 101.23 Insurance; requirements.**

(a) When requested in writing by the depositor of cotton in a licensed warehouse, or by the holder of the receipt covering such cotton, to insure such cotton against loss or damage by fire, lightning, and other risks, each licensed warehouseman shall secure in his own name such insurance under reporting forms of policies which automatically attach for the full value of such cotton, including daily changes of value through market fluctuations and changes in the quantity of such product from day to day, as soon as such cotton is placed in his legal custody, and he shall continue such insurance in effect so long as the cotton remains in his legal custody. Such insurance shall be covered by lawful policies issued by one or more insurance companies. Each warehouseman insuring cotton under the provisions of this section shall submit such reports to underwriters as may be required under the terms of such policies, and copies of such reports shall be submitted to the Department as it may require. If the warehouseman is unable to procure insurance to the extent requested, he shall, orally or by telegraph or by telephone, and at his own expense, immediately notify the person making the request of such fact. When insurance is not carried in the warehouseman's name, the receipt shall show that the cotton is not insured by the warehouseman. Nothing in this section shall be construed to prevent a licensed warehouseman from adopting a rule that he will insure all cotton stored in his warehouse, but if he elects to insure he shall accomplish such insurance through policies as above specified.

(b) Each warehouseman shall keep exposed conspicuously in the place prescribed by § 101.6, and at such other place as the Administrator or his representative may from time to time designate, a notice, stating briefly the conditions under which the cotton will be insured against loss or damage by fire, lightning, and other risks.

**§ 101.24 Premiums; inspections; reports.**

Each warehouseman shall, in accordance with his contracts with insurance and bonding companies for the purpose of meeting the insurance and bonding requirements of the regulations in this part, pay such premiums, permit such reasonable inspections and examinations, and make such reasonable reports as may be provided for in such contracts.

**§ 101.25 Warehouseman to collect and pay over insurance.**

Each warehouseman shall promptly take such steps as may be necessary and proper to collect any moneys which may become due under contracts of insurance entered into by him for the purpose of meeting the requirements of the regulations in this part, and shall, as soon as

collected, promptly pay over to the persons concerned any portion of such moneys which they may be entitled to receive from him.

**§ 101.26 Care of cotton in licensed warehouse.**

Each warehouseman shall at all times exercise such care in regard to cotton in his custody as a reasonably careful owner would exercise under the same circumstances and conditions.

**§ 101.27 Care of other cotton and other commodities.**

If, at any time, a warehouseman shall handle or store cotton otherwise than as a licensed warehouseman, or shall handle or store any other commodity, he shall so protect the same, and otherwise exercise such care with respect to it, as not to endanger the cotton in his custody as a licensed warehouseman or impair his ability to meet his obligations and perform his duties under the act and the regulations in this part. Nonlicensed cotton shall be kept separate from licensed cotton.

**§ 101.28 Records to be kept in safe place.**

Each warehouseman shall provide a metal fireproof safe, a fireproof vault, or a fireproof compartment in which he shall keep, when not in actual use, all records, books, and papers pertaining to the licensed warehouse, including his current receipt book, copies of receipts issued and canceled receipts, except that with the written consent of the Administrator or his representative, upon a showing by such warehouseman that it is not practicable to provide such fireproof safe, vault, or compartment, he may keep such records, books, and papers in some other place of safety, approved by the Administrator or his representative. Each canceled receipt shall be retained by the warehouseman for a period of six years after December 31 of the year in which the receipt is canceled and for such longer period as may be necessary for the purposes of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. Canceled receipts shall be arranged by the warehouseman in numerical order and otherwise in such manner as shall be directed, for purposes of audit, by authorized officers or agents of the Department of Agriculture.

**§ 101.29 Warehouse charges.**

A licensed warehouseman shall not make any unreasonable, exorbitant, or discriminatory charge for services rendered. Before a license to conduct a warehouse is granted under the act, the warehouseman shall file with the Department a copy of his rules, if any, and a schedule of the charges to be made by him if licensed. Effective at the beginning of any cotton season, a licensed warehouseman may change his rate of charges for storage and other services, and the new rates may apply to all cotton then in storage as well as cotton received thereafter. At or before the beginning of each season every licensed warehouseman shall file with the Department a copy of his rules, if any, and of his schedule of charges for the ensuing season. Should a licensed warehouseman wish to make changes in his rates to become effective at any time other than at the beginning of a season, he shall file with the Department an amended schedule showing the contemplated changes, accompanied by a statement setting forth the reasons therefor. No increase in the storage rate shown in such an amended schedule shall apply to cotton in storage at the time the changes become effective. A licensed warehouseman may demand payment of all accrued charges at the close of each cotton season. If, upon demand, the owner of the cotton refuses to pay such charges at the end of a season, the warehouseman may take such action to enforce collection of his charges as is permitted by the laws of the State in which the warehouse is located. Each licensed warehouseman shall keep a copy of his current rules and schedule of charges exposed conspicuously in the place prescribed by § 101.6 and at such other place accessible to the public as the Secretary or his designated representative may from time to time designate. For the purposes of this section the cotton season shall commence, with respect to each warehouse, at such time not later than September 15 of each year, as the operator of the warehouse shall select, and he shall notify the Department in writing not less than five days next preceding the date selected.

**§ 101.30 Business hours.**

(a) Each licensed warehouse shall be kept open for the purpose of receiving cotton for storage and delivering cotton out of storage every business day for a period of not less than six hours between the hours of 8 a.m. and 6 p.m., except as provided in paragraph (b) of this section. The warehouseman shall keep conspicuously posted on the door of the public entrance to his office and to his warehouse a notice showing the hours during which the warehouse will be kept open, except when such warehouse is kept open continuously from 8 a.m. to 6 p.m.

(b) In case the warehouse is not to be kept open as required by paragraph (a) of this section, the notice posted as prescribed in that paragraph shall state the period during which the warehouse is to be closed and the name of an accessible person, with the address where he is to be found, who shall be authorized to deliver cotton stored in such warehouse, upon lawful demand by the depositor thereof or the holder of the receipt therefor, as the case may be.

**§ 101.31 Numbered tags to be attached to bales.**

Each warehouseman shall, upon acceptance of any bale of cotton for storage, immediately attach thereto a numbered tag of good quality which shall identify the bale. Such tag either shall be made of reasonably heavy waterproof paper or linen, with reinforced eyelet or eyelets, and be attached to the bale with a flexible, rustproof wire, or shall be made of such other material and attached by such other means as shall be approved by the Administrator or his representative. The tags shall be attached in numerical sequence or any series of sequence clearly distinguishable from each other.

**§ 101.32 Arrangement of stored cotton.**

(a) Each warehouseman shall store each bale of cotton for which a receipt under the act has been issued so that the tag thereon, required by § 101.31 is visible and readily accessible, except as provided in paragraph (b) of this section, and shall arrange all other cotton in his licensed warehouse so as to permit an accurate check thereof.

(b) If any licensed warehouseman is tendered for storage cotton of same grade and staple and in such quantity by any one depositor that efficiency of operation dictates that such cotton should be stored in lots without reference to visibility of all tags on all bales within any lot, the warehouseman may store such cotton of same grade and staple belonging to the same depositor in lots of not less than 25 bales nor more than 200 bales: *Provided, however,* That each bale entering into the lot must bear an individual identification tag, and each lot must be so stored that the number of bales within the lot may be accurately determined.

(c) An identification card or tag shall be attached by the warehouseman to each lot of cotton which shall show the lot number and the number of bales in the lot. The warehouseman shall also maintain an office record showing bale or tag number of each bale in the lot and the location of the lot in the warehouse. Each lot shall be so arranged as to be readily distinguishable from each and every other lot. When requested by a proper representative of the Department of Agriculture engaged in making an examination of the warehouse, the warehouseman shall tear or break down at his own expense such stacks or lots of cotton as the examiner deems necessary to a proper examination. Before any warehouseman undertakes to store in accordance with this section he shall submit a statement setting forth (1) his reasons for desiring to avail himself of this section and (2) the plan of storage he proposes to follow, and he shall secure prior permission from the Secretary or his designated representative to practice such method of storage.

**§ 101.33 System of accounts.**

Each warehouseman shall use for his licensed warehouse a system of accounts, approved for the purpose by the Service, which shall show for each bale of cotton the tag number mentioned in § 101.31, its weight, its class when its class is required to be, or is, ascertained, its location, the dates received for, and delivered out of, storage, and the receipts issued and canceled, and such accounts shall include a detailed record of all moneys received and disbursed and of all effective



insurance policies. Such records shall be retained by the warehouseman for a period of six years after December 31 of the year in which created, and for such longer period as may be necessary for the purposes of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the Act.

**§ 101.34 Reports.**

Each licensed warehouseman shall, from time to time, when requested by the Administrator, or his representative, make such reports, on forms prescribed and furnished for the purpose by the Service, concerning the condition, contents, operation, and business of the warehouse as the Administrator may require.

**§ 101.35 Canceled receipts; auditing.**

Each warehouseman, when requested by the Service, shall forward his canceled receipts for auditing to such field offices of the Service as may be designated from time to time. For the purpose of this section, only such portion as the Service may designate of each canceled receipt, numbered to correspond with the actual receipt number, need be submitted.

**§ 101.36 Copies of reports to be kept.**

Each warehouseman shall keep on file, as a part of the records of the warehouse, for a period of three years after December 31 of the year in which submitted, an exact copy of each report submitted by such warehouseman under the regulations in this part.

**§ 101.37 Inspections and examinations of warehouses.**

Each licensed warehouseman shall permit any officer or agent of the Department, authorized by the Secretary for the purpose, to enter and inspect or examine, on any business day during the usual hours of business, any warehouse for the conduct of which such warehouseman holds a license, the office thereof, the books, records, papers, and accounts relating thereto, and the contents thereof, and such warehouseman shall furnish such officer or agent, when he so requests, the assistance necessary to enable him to make any inspection or examination under this section.

**§ 101.38 Weighing of cotton; weighing apparatus.**

All cotton before being stored in a licensed warehouse, shall be weighed at the warehouse by a licensed weigher, and the weight so determined shall be stated on the warehouse receipt. Each licensed warehouse shall be equipped with scales acceptable to the Department for weighing cotton into and out of the warehouse. The weighing apparatus used for ascertaining the weight stated in a receipt or certificate, issued for cotton stored in a licensed warehouse, shall be subject to examination by any officer or agent of the Department designated by the Administrator for the purpose. If the Department shall disapprove such weighing apparatus, it shall not thereafter, unless such disapproval be withdrawn, be used in ascertaining the weight of any cotton for the purposes of the act and the regulations in this part.

**§ 101.39 Loose cotton.**

Each warehouseman shall keep his warehouse reasonably free of loose cotton, except in a space or container separate and apart from other cotton.

**§ 101.40 Excess storage.**

If at any time a warehouseman shall store cotton in his licensed warehouse in excess of the capacity thereof determined in accordance with § 101.12, such warehouseman shall so arrange the cotton as not to obstruct free access thereto and the proper use of sprinkler or other fire protection equipment provided for such warehouse, and shall immediately notify the Administrator of such excess storage and arrangement thereof.

**§ 101.41 Removal of cotton from storage.**

Except as may be permitted by law or the regulations in this part, a warehouseman shall not remove any cotton, for storage, from the licensed warehouse or a part thereof designated in the receipt for such cotton, if by such removal the insurance thereon will be impaired, without first obtaining the consent in writing of the holder of the receipt, and indorsing on such receipt the fact of such removal. Under no other circumstances, unless it becomes absolutely necessary to protect the interests of holders of receipts, shall cotton be removed from the warehouse, and immediately upon any such removal the warehouseman shall notify the Administrator of such removal and the necessity therefor.

**§ 101.42 Storage of wet and fire-damaged cotton.**

A warehouseman shall not place any bale of cotton that is excessively wet in contact with any other cotton in the licensed warehouse. A warehouseman shall not store in the same compartment with cotton that has not been damaged by fire any cotton that has been damaged by fire until the risk of fire therein has passed and the fire-damaged cotton has been removed from the bale, and then he shall not store it in contact with cotton that has not been so damaged.

**§ 101.43 Cotton handling; storage; injuries.**

A warehouseman shall not handle or store cotton in such manner as will injure or damage it, or in any part of the warehouse in which it is likely to be injured or damaged by excessive moisture, or otherwise.

**§ 101.44 Fire loss to be reported by wire.**

If at any time a fire shall occur at or within any licensed warehouse, it shall be the duty of the warehouseman to report immediately by wire to the Administrator the occurrence of such fire and the extent of damage.

**§ 101.45 Signatures on receipts to be filed with Department.**

Each warehouseman shall file with the Department the name and genuine signature of each person authorized to sign warehouse receipts for the licensed warehouseman, and shall promptly notify the Department of any changes as to persons authorized to sign, and shall file signatures of such persons.

**§ 101.46 Signs on field warehouses.**

(a) Every warehouseman operating a "field" or "custodian" warehouse shall, during the life of his license, display and maintain appropriate signs on the licensed warehouse, both on the inside and on the exterior walls of the warehouse, and particularly on doors and usual places of entry, in such manner as will ordinarily be calculated to give the public correct notice of his tenancy of all buildings or parts thereof included in his license.

(b) Such signs shall be of such size and design as to readily attract the attention of the public and shall include the following: (1) The name and license number of the licensee, (2) the name of the warehouse, (3) whether the warehouseman is owner or lessee, and (4) the words "Public Warehouse."

(c) Such other wording or lettering may appear in the sign or signs not inconsistent with the purpose of the act and the regulations in this part subject to the approval of the Service.

(d) Immediately upon the expiration or suspension or revocation of a license all signs required under this section shall be removed from the warehouse.

(e) No sign other than that required by this section shall remain on a licensed warehouse.

**§ 101.47 Certificates to be filed with warehouseman.**

When a grade or weight certificate has been issued by a licensed grader or weigher, a copy of such certificate shall be filed with the warehouseman in whose warehouse the cotton covered by such certificate is stored, and such certificates shall become a part of the records of the licensed warehouseman. The licensed warehouseman shall also keep a copy of each Form A memorandum and Form C certificate issued by a board of cotton examiners which forms a basis of any receipt issued by the warehouseman. All certificates and memoranda within this section shall be retained in the records of the licensed warehouseman for a period of one year after December 31 of the year in which the receipt based on such certificates or memoranda is canceled.

**§ 101.48 Drawing of samples.**

Each warehouseman shall have in his employ at all times one or more licensed samplers whose duty it shall be to draw samples from any cotton stored or to be stored in the licensed warehouse if the owner of such cotton or any person having a legal right to have such cotton sampled requests that samples be drawn. When directed by the Administrator such requests shall be in writing. Such samplers shall perform their duties under the supervision and at the direction of the licensed warehouseman and

the samples shall be drawn in accordance with § 101.72.

**§ 101.49 Samples; drawing and marking; how.**

All samples drawn from cotton in the custody of a licensed warehouseman for storage in a licensed warehouse shall be drawn by licensed samplers in the employ of the licensed warehouseman and at his direction and under his supervision, except when they are drawn as provided in § 101.79 or are drawn by or under the direction of a cotton exchange inspection agency in accordance with the regulations in Part 27 of this chapter under the cotton futures legislation (26 U.S.C. 4851 et seq.) or are drawn under the supervision of a Cotton Division employee in accordance with the regulations in Part 28 of this chapter under the United States Cotton Standards Act (7 U.S.C. 51 et seq.). Each sample shall be appropriately marked to show the tag number of the bale of cotton from which it was drawn and the date of sampling. A record of the sampling, including the written request, if any, of the owner of the cotton or the person having a legal right to have such cotton sampled, shall be kept by the licensed warehouseman as a part of the warehouse records, for a period of one year after December 31 of the year in which such cotton is removed from the warehouse.

CROSS REFERENCE: For regulations under the Cotton Futures Act and the Cotton Standards Act, see Parts 27 and 28 of this chapter.

FEES

**§ 101.50 License fees.**

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license, or amendment thereto, issued to a sampler, classifier, and/or weigher.

**§ 101.51 Warehouse inspection fee.**

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $20 for each 1,000 bales of the cotton storage capacity of the warehouse, or fraction thereof, determined in accordance with § 101.5 but in no case less than $20 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

**§ 101.52 Advance deposit.**

Before any warehouseman's license or amendment thereto, or any sampler's, classifier's and/or weigher's license is granted, or an original examination or inspection, or reexamination or reinspection, applied for by a warehouseman is made pursuant to the regulation in this part, the warehouseman, sampler, classifier, and/or weigher, shall deposit with the Service the amount of the fee prescribed therefor. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or postoffice or express money order, payable to the order of the "Treasurer of the United States."

**§ 101.53 Return of excess deposit.**

The Treasurer of the United States shall hold in his custody each advance deposit made under § 101.52 until the fee, if any, is assessed and he is furnished by the Service with a statement showing the amount thereof and against whom assessed. Any part of such advance deposit which is not required for the payment of any fee assessed shall be returned to the party depositing the same.

LICENSED CLASSIFIERS AND LICENSED WEIGHERS

**§ 101.54 Sampler's, classifier's, and weigher's applications.**

(a) Applications for licenses to sample, classify and/or weigh cotton under section 11 of the act shall be made to the Administrator on forms furnished for the purpose by him.

(b) Each such application shall be in English, shall be signed by the applicant, shall be verified by him, under oath or affirmation administered by a duly authorized officer, and shall contain or be accompanied by—

(1) The name and location of a warehouse or warehouses licensed, or for which application for license has been made, under the act, in which cotton sought to be sampled, classified and/or weighed under such license is or may be stored;

(2) A statement from the warehouseman conducting such warehouse showing whether or not the applicant is competent and is acceptable to such warehouseman for the purpose;

(3) Satisfactory evidence that he is competent to sample, classify and/or weigh cotton;

(4) A statement by the applicant that he agrees to comply with and abide by the terms of the act and the regulations in this part so far as the same may relate to him; and

(5) Such other information as the Administrator may deem necessary:

*Provided,* That when an application for a license to classify cotton is filed by a person who does not intend to classify cotton for any particular licensed warehouseman but who does intend to classify cotton stored or to be stored in a licensed warehouse and to issue class certificates therefor, as provided for by the act and the regulations in this part, independent of the warehouse receipts issued to cover such cotton, it shall not be necessary to furnish such statement as is required in this paragraph.

(c) For the purpose of classifying cotton under the regulations in this part, each licensed classifier who holds an unsuspended or unrevoked license under the Cotton Standards Act of March 4, 1923, and regulations thereunder to classify cotton and certificate the grade thereof shall be deemed competent and a license may be issued to him under the United States Warehouse Act upon furnishing the information required by paragraph (b) of this section except as specified in subparagraph (3).

(d) The applicant shall at any time furnish such additional information as the Secretary, or his designated representative, shall find to be necessary to the consideration of his application.

(e) A single application may be made by any person for a license as a sampler, classifier and weigher upon complying with all the requirements of this section.

**§ 101.55 Examination of applicant.**

Each applicant for a license as a sampler, classifier and/or weigher and each licensed sampler, classifier and/or weigher shall, whenever requested by an authorized agent of the Department designated by the Administrator, for the purpose, submit to an examination or test to show his ability to properly sample, classify or weigh cotton, as the case may be, and shall also make available for inspection copies of the standards of classification or the weighing apparatus as the case may be, used or to be used by him.

**§ 101.56 Posting of license.**

Each licensed classifier shall keep his license conspicuously posted in the office where all or most of the classifying is done, and each licensed sampler and/or weigher shall keep his license conspicuously posted in the warehouse office or in such place as may be designated for the purpose by a representative of the Service.

**§ 101.57 Duties of sampler, classifier and weigher.**

Each licensed classifier or weigher whose license remains in effect shall, without discrimination, as soon as practicable, and upon reasonable terms, classify or weigh and certificate the class or weight, respectively, of cotton stored or to be stored in a licensed warehouse to which his license applies, if such cotton is offered to him under such conditions as permit the proper performance of such functions; except that no class or weight certificate need be issued when the class or weight so determined is entered on a receipt by the licensed classifier or weigher making the determination thereof. Each licensed sampler shall sample cotton stored or to be stored in a licensed warehouse for which he holds a license, in accordance with § 101.48. Each licensed sampler, classifier, and weigher shall give preference to persons who request his services as such over persons who request his services in any other capacity. No class or weight certificate shall be issued under the act for cotton not in the custody of a licensed warehouseman for purposes of storage in a licensed warehouse, nor shall cotton not in the custody of such a warehouseman for such purpose be sampled by a licensed sampler acting as such.

**§ 101.58 Class certificates; form.**

(a) Each class certificate issued under the act by a licensed classifier shall be in a form approved for the purpose by the Administrator, and shall embody within its written or printed terms—

(1) The caption "Cotton class certificate";

(2) Whether it is an original, a duplicate, or other copy;

(3) The name and location of the licensed warehouse in which the cotton is or is to be stored;

(4) The date of the certificate;

(5) The location of the cotton at the time of classification;

(6) The identification of each bale of cotton by the tag number given to the bale in accordance with § 101.31 or if there be no such tag number by other marks or numbers;

(7) The grade or other class, except length of staple, of each bale of cotton covered by the certificate, in accordance with §§ 101.68–101.73, as far as applicable, and the standard or description in accordance with which the classification is made;

(8) A blank space designated for the purpose in which the length of staple may be stated;

(9) That the certificate is issued by a licensed classifier under the United States Warehouse Act and regulations thereunder; and

(10) The signature of the licensed classifier.

In addition, the class certificate may include any other matter not inconsistent with the act or the regulations in this part, provided the approval of the Service is first secured.

(b) Form A memorandums and Form C certificates issued by a board of cotton examiners and class certificates issued by licensed classers under the United States Cotton Standards Act (7 U.S.C. 51 et seq.) shall be deemed sufficient for the purposes of the United States Warehouse Act and the regulations in this part, if the samples on which they are based were drawn in accordance with applicable requirements of § 101.71, and, in case of a class certificate issued by such a licensed classer, if the classer holds an unsuspended and unrevoked license under each of said acts.

**§ 101.59 Weight certificates; form.**

Each weight certificate issued under the act by a licensed weigher shall be in a form approved for the purpose by the Administrator, and shall embody within its written or printed terms—

(a) The caption "Cotton weight certificate";

(b) Whether it is an original, a duplicate, or other copy;

(c) The name and location of the licensed warehouse in which the cotton is or is to be stored;

(d) The date of the certificate;

(e) The location of the cotton at the time of weighing;

(f) The identification of each bale of cotton by the tag number given to the bale in accordance with § 101.31 or if there be no such tag number by other marks or numbers;

(g) The gross weight of the cotton and, if the cotton be excessively wet or otherwise of a condition materially affecting its weight, a statement of such fact to which may be added the weigher's estimate of the number of pounds which should be allowed for such condition;

(h) That the certificate is issued by a licensed weigher under the United States Warehouse Act and the regulations thereunder; and

(i) The signature of such licensed weigher.

In addition, the weight certificate may include any other matter not inconsistent with the act or the regulations in this part, provided the approval of the Service is first secured.

**§ 101.60 Combined class and weight certificates.**

The class and weight of any cotton, ascertained by a licensed classifier and a licensed weigher, may be stated on a certificate meeting the combined requirements of §§ 101.58 and 101.59 if the form of such certificate shall have been approved for the purpose by the Administrator.

**§ 101.61 Copies of certificates to be kept.**

Each licensed classifier and each licensed weigher shall keep for a period of one year in a place accessible to interested persons a copy of each certificate issued by him under the regulations in this part and shall file a copy of each such certificate with the warehouse in which the cotton covered by the certificate is stored.

**§ 101.62 Licensees to permit and assist in inspection.**

Each licensed sampler, classifier, and/or weigher shall permit any officer or agent of the Department authorized by the Secretary for the purpose, to inspect or examine, on any business day during the usual hours of business, his books, papers, records, and accounts relating to the performance of his duties under the act and the regulations in this part, and shall, with the consent of the licensed warehouseman concerned, assist any such officer or agent in the inspection or examination mentioned in § 101.37 as far as any such inspection or examination relates to the performance of the duties of such licensed sampler, classifier, and/or weigher under the act and this part.

**§ 101.63 Reports.**

Each licensed sampler, classifier, and/or weigher shall, from time to time, when requested by the Administrator, make reports, on forms furnished for the purpose by the Service, bearing upon his activities as such licensed sampler, classifier, and/or weigher.

**§ 101.64 Licenses; suspension or revocation.**

Pending investigation, the Secretary, or his designated representative, may, whenever he deems necessary, suspend the license of a sampler, classifier and/or weigher temporarily without hearing. Upon a written request and a satisfactory statement of reasons therefor, submitted by a licensed sampler, classifier, and/or weigher, the Secretary, or his designated representative, may, without hearing, suspend or revoke the license issued to such licensed sampler, classifier, and/or weigher. The Secretary, or his designated representative, may, after opportunity for hearing has been afforded in the manner prescribed in this section, suspend or revoke a license issued to a licensed sampler, classifier, and/or weigher when such licensed sampler, classifier, and/or weigher (a) has ceased to perform services as such sampler, classifier, and/or weigher, or (b) has in any other manner become incompetent or incapacitated to perform the duties of such licensed sampler, classifier, and/or weigher. As soon as it shall come to the attention of a licensed warehouseman that any of the conditions mentioned under (a) or (b) of this section exist, it shall be the duty of such warehouseman to notify, in writing, the Administrator. Before the license of any licensed sampler, classifier, and/or weigher is permanently suspended or revoked pursuant to section 12 of the act, such licensed sampler, classifier, and/or weigher shall be furnished by the Secretary or by his designated representative, a written statement specifying the charges and shall be allowed a reasonable time within which he may answer the same in writing and apply for a hearing, an opportunity for which shall be afforded in accordance with § 101.89.

**§ 101.65 Suspended or revoked licenses; return; termination of license.**

(a) In case a license issued to a sampler, classifier, and/or weigher is suspended or revoked by the Secretary, or his designated representative, such license shall be returned to the Secretary. At the expiration of any period of suspension of such license, unless in the meantime it be revoked, the dates of the beginning and termination of the suspension shall be endorsed thereon, and it shall be returned to the licensed sampler, classifier, and/or weigher to whom it was originally issued, and it shall be posted as prescribed in § 101.56.

(b) Any license issued, under the act and the regulations in this part, to a sampler, classifier, and/or weigher shall automatically terminate as to any warehouse whenever the license of such warehouse shall be revoked or canceled. Thereupon the license of such sampler, classifier, and/or weigher shall be returned to the Secretary. In case such license shall apply to other warehouses, the Secretary, or his designated representative, shall issue to him a new license, omitting the names of the warehouses covering which licenses have been revoked. Such new license shall be posted as prescribed in § 101.56.

**§ 101.66 Lost or destroyed licenses.**

Upon satisfactory proof of the loss or destruction of a license issued to a licensed sampler, classifier, and/or weigher, a duplicate thereof may be issued under the same number.

**§ 101.67 Unlicensed classifiers and weighers.**

No person shall in any way represent himself to be a sampler, classifier, and/or weigher licensed under the act unless he holds an unsuspended and unrevoked license issued under the act.

COTTON CLASSIFICATION

**§ 101.68 Statement of class.**

Whenever the grade or other class of cotton is required to be, or is, stated for the purpose of the act or the regulations in this part it shall be stated in accordance with §§ 101.68–101.73 as far as applicable.

**§ 101.69 Official cotton standards of the United States.**

The official cotton standards of the United States, established and promulgated under the United States Cotton Standards Act of March 4, 1923 (42 Stat. 1517; 7 U.S.C. 51–56), within their scope, are hereby adopted as the official cotton standards for the purposes of the act and the regulations in this part.

**§ 101.70 Defective cotton; designation; terms defined.**

(a) Cotton that,

(1) Because of the presence of extraneous matter of any character or irregularities or defects, is reduced in value below that of Good Ordinary,

(2) Is below the grade of Good Ordinary,

(3) Is below the grade of Low Middling, if tinged.

(4) Is below the grade of Middling, if stained,

(5) Is linters,

(6) Is less than seven-eighths of an inch in length of staple,

(7) Is of perished staple,

(8) Is of immature staple,

(9) Is gin cut,

(10) Is reginned,

(11) Is repacked,

(12) Is false packed,

(13) Is mixed packed, or

(14) Is water packed, shall be designated as such.

In the case of subparagraph (1) of this paragraph the particular extraneous matter or irregularities or defects shall be stated.

(b) If cotton be reduced in value, by reason of the presence of extraneous matter of any character or irregularities or defects, below its grade or below its apparent length of staple according to the official cotton standards of the United States, the grade or length of staple from which it is so reduced, and the grade or length of staple to which it is so reduced, and the quality or condition which so reduces its value shall be determined and stated.

(c) For the purposes of this section, the following terms shall be construed, respectively, to mean:

(1) *Cotton of perished staple.* Cotton that has had the strength of fiber as ordinarily found in cotton destroyed or unduly reduced through exposure to the weather either before picking or after baling, or through heating by fire, or on account of water packing, or by other causes.

(2) *Cotton of immature staple.* Cotton that has been picked and baled before the fiber has reached a normal state of maturity, resulting in a weakened staple of inferior value.

(3) *Gin-cut cotton.* Cotton that shows damage in ginning through cutting by the saws, to an extent that reduces its value more than two grades.

(4) *Reginned cotton.* Cotton that has passed through the ginning process more than once and cotton that, after having been ginned, has been subjected to a cleaning process and then baled.

(5) *Repacked cotton.* Cotton that is composed of factors', brokers', or other samples, or of loose or miscellaneous lots collected and rebaled, or cotton in a bale which is composed of cotton from two or more smaller bales or parts of bales.

(6) *False packed cotton.* Cotton in a bale (i) containing substances entirely foreign to cotton, (ii) containing damaged cotton in the interior with or without any indication of such damage upon the exterior, (iii) composed of good cotton upon the exterior and decidedly inferior cotton in the interior in such manner as not to be detected by customary examination—that is, a plated bale, or (iv) containing pickings or linters worked into the bale.

(7) *Mixed packed cotton.* Cotton in a bale which, in the samples drawn therefrom, shows (i) a difference of three or more grades, or (ii) a difference of three or more color gradations, or (iii) a difference of two or more grades and two or more color gradations, or (iv) a difference in length of staple of one-eighth inch or more.

(8) *Water packed cotton.* Cotton in a bale that has been penetrated by water during the baling process, causing damage to the fiber, or a bale that through exposure to the weather or by other means, while apparently dry on the exterior, has been damaged by water in the interior.

**§ 101.71 Class based on inspection and sample.**

Whenever the grade or other class of cotton is required to be, or is, stated by a warehouseman or a classifier or board of cotton examiners for the purposes of the act or the regulations in this part, it shall be based upon a careful inspection of and a sample properly drawn from the cotton. Samples submitted to a board of cotton examiners for issuance of Form A memorandums and samples upon which classification is to be determined by licensed classifiers for purposes of the Act and the regulations in this part shall be drawn by samplers licensed under the Act and said regulations and in accordance with § 101.72.

**§ 101.72 Samples.**

Each sample shall be approximately 6 ounces in weight, not less than 3 ounces of which are to be drawn from each side of the bale. Each sample must be representative of the bale from which drawn. Samples shall not be dressed or trimmed and shall be carefully handled in such manner as not to cause loss of leaf, sand, or other material, or otherwise change their representative character. Any sample which does not meet these requirements may be rejected.

**§ 101.73 Lower grade (of two samples) to determine classification.**

If a sample drawn from one portion of a bale is lower in grade or shorter in length than one drawn from another portion of such bale, the classification of the bale shall be that of the sample showing the lower grade or shorter length.

**§ 101.74 Access to official cotton standards.**

Each licensed warehouseman and each licensed classifier shall keep himself provided with, or have access to, a set of practical forms of the official cotton standards of the United States, or such parts thereof as the Administrator may deem necessary for use in the locality in which the licensed warehouse is located.



COTTON APPEALS

**§ 101.75 Who may appeal.**

Whenever the grade or other class of cotton, for which official cotton standards of the United States are in effect, is stated on a receipt or a cotton class certificate issued under the act and the regulations in this part, and a question arises as to the true grade or other class of such cotton, any person having an interest in the cotton may take an appeal for the determination of such question.

**§ 101.76 Complaint.**

In order to take such an appeal a complaint in writing in accordance with § 101.77 shall be filed with a duly authorized cotton examiner or a board of cotton examiners, or with the Administrator, who shall designate a cotton examiner or a board of cotton examiners for the purpose of disposing of such complaint.

**§ 101.77 Contents of complaint.**

Such complaint shall be in English and shall state:

(a) The name and post office address of the complainant and the nature of his interest in the cotton,

(b) The name and post office address of the holder of the receipt, if he be not the complainant, and of any other interested party,

(c) The name and location of the licensed warehouse in which the cotton is stored, and the tag number assigned to each bale of cotton involved in the appeal in accordance with § 101.31, the grade or other class assigned to such cotton by the licensed warehouseman, and the date of the receipt issued therefor,

(d) The grade or other class assigned by the licensed classifier, if any,

(e) The grade or other class, different from that assigned by the licensed warehouseman, which is contended for by any interested party,

(f) Whether, within complainant's knowledge, any appeal involving the same cotton previously has been taken, and if so, an appropriate identification of such other appeal,



(g) If samples have been agreed upon and are submitted in accordance with § 101.79(b), a statement thereof.

The complainant shall file with his complaint, when practicable, or before the issuance of the cotton appeal certificate, in the appeal, the warehouse receipt or class certificate, if any, covering the cotton involved in the appeal. When such receipt or certificate is not filed a definite statement indicating why such papers are not produced shall be filed.

**§ 101.78 Proof of agent's authority.**

In case a complaint is filed under §§ 101.75–101.77 by a person purporting to act in behalf of another person, the Administrator, or the cotton examiner or the board of cotton examiners with whom it was filed, may, if considered necessary, require proof of the authority of such person to file the complaint.

**§ 101.79 Determination of appeals; samples.**

(a) Appeals taken hereunder shall be determined upon the basis of samples of the cotton involved which have been drawn and submitted in accordance with this section.

(b) The complainant may submit samples of the cotton involved which have been agreed upon by the licensed warehouseman in whose warehouse the cotton is stored and the interested parties other than such warehouseman, or have been drawn by a disinterested person selected for the purpose by the warehouseman and such parties. Such samples shall be drawn in accordance with § 101.72.

(c) If samples which have been submitted pursuant to paragraph (b) of this section be deemed unsatisfactory, the cotton examiner or board of cotton examiners by whom the appeal is heard or the Administrator may require the submission of new samples in accordance with paragraph (b) of this section.

(d) In case samples are not submitted in accordance with paragraph (b) or (c) of this section, the Administrator, the cotton examiner, or board of cotton examiners by whom the appeal is heard may dismiss the appeal as provided in § 101.80, or samples may be drawn from the cotton involved by a cotton examiner or by a disinterested person designated for the purpose by the cotton examiner or the board of cotton examiners by whom the appeal is heard or by the Administrator, and the complainant shall cause the cotton to be made accessible for the purpose of drawing such samples.

**§ 101.80 Dismissal of appeals.**

The Administrator or the cotton examiner or board of cotton examiners by whom an appeal is heard may dismiss such appeal upon request of the complainant, or for noncompliance with the regulations in this part, or if it be found that the appeal was not taken in good faith. In case of an appeal filed in the first instance with a cotton examiner, a dismissal upon request of the complainant shall be made only before notice of grade or other class as provided in § 101.81 is issued.

**§ 101.81 Cotton appeal certificate.**

When an appeal filed with a board of cotton examiners has been determined, it shall immediately issue a cotton appeal certificate. When an appeal has been determined by a cotton examiner he shall issue a notice, a copy of which shall be sent by him to all parties shown by the record of the appeal to have an interest therein. In such notice the grade or other class assigned by him to the cotton involved in the appeal shall be stated, and any such interested party shall have a reasonable time, fixed in such notice, within which he may request of the Administrator a review of the appeal by a board of cotton examiners. In case such request is not filed with such cotton examiner in the time fixed therefor, or in case within such time every such interested party waives in writing a review by a board of cotton examiners, the cotton examiner shall immediately issue a cotton appeal certificate showing the grade or other class assigned to the cotton by him. In case a request under this section for a review of an appeal is filed within the time fixed for the filing of such request, the cotton examiner shall note in his records the time of such filing and shall immediately notify the Administrator, who shall cause the appeal to be reviewed and a cotton appeal certificate issued showing the grade or other class assigned upon such review. Immediately upon the issuance of a cotton appeal certificate under this section, the original thereof, together with any receipt covering such cotton filed in the appeal, shall be sent to the licensed warehouseman concerned, and a copy shall be sent to each other person shown by the record of the appeal to be interested therein.

**§ 101.82 Expenses paid by complainant.**

All expenses for the transmission of communications from the complainant, for telegraph and telephone toll charges on messages addressed to him, and for drawing and submitting samples required by § 101.79, including such traveling expenses, if any, incurred in accordance with the fiscal regulations of the Department as the Administrator may deem proper, shall be borne by the complainant in the appeal in connection with which such expenses were incurred.

**§ 101.83 Advance deposit by complainant.**

If required by the cotton examiner or board of cotton examiners by whom the appeal is heard, the complainant shall make an advance deposit to cover the expenses payable by him under § 101.82. Such deposit shall be in an amount fixed by the cotton examiner or board of cotton examiners, and shall be in the form of a check, certified if required by the Administrator or a post office or express money order, payable to the order of "Treasurer of the United States." As soon as possible after the determination of an appeal in connection with which any such advance deposit shall have been made, the Administrator shall furnish the Treasurer of the United States with a statement of the expenses, if any, chargeable against such advance deposit. Thereupon the Treasurer of the United States shall return to the person making the advance deposit as much thereof as shall not be required for the payment of such expenses.

**§ 101.84 New warehouse receipt.**

Upon demand by the lawful holder of a receipt for cotton involved in an appeal under §§ 101.75–101.85, the licensed warehouseman shall surrender to such holder the original cotton appeal certificate issued in such appeal, and, if the grade or other class shown by such certificate be different from that shown by the receipt, shall, upon the return of the old receipt, issue a new receipt stating the grade or other class shown by such cotton appeal certificate.

**§ 101.85 Disposition of samples.**

Samples submitted in appeals under this part may be used for the purposes of the Department or disposed of in accordance with the property regulations of the Department, and the proceeds, if any, covered into the Treasury of the United States as miscellaneous receipts, or may, at any time, in the discretion of the Administrator, be returned to the complainant at his expense.

MISCELLANEOUS

**§ 101.86 Bonds required.**

Every person applying for a license, or licensed, under section 9 of the act, shall, as such, be subject to all portions of these regulations so far as they may relate to warehousemen. In case there is a law of any State providing for a system of warehouses owned, operated, or leased by such State, a person applying for a license under section 9 of the act, to accept the custody of cotton and to store the same in any of said warehouses, may, in lieu of a bond or bonds, complying with §§ 101.11 and 101.12, file with the Secretary a single bond meeting the requirements of the act and regulations in such form, and in such amount not less than $5,000, as he shall prescribe, to insure the performance by such person, with respect to the acceptance of the custody of cotton and its storage in the warehouses in such system for which licenses are or may be issued, of his obligations arising during the periods of such licenses, and in addition, if desired by the applicant, during the periods of any renewals or extensions thereof. In fixing the amount of such bond, consideration shall be given, among other appropriate factors, to the character of the warehouses involved, their actual or contemplated capacity, the bonding requirements of the State, and its liability with respect to such warehouses. If the Secretary, or his designated representative, shall find the existence of conditions warranting such action, there shall be added to the amount of the bond so fixed, a further amount, fixed by him, to meet such conditions.

**§ 101.87 Publications.**

Publications under the act and the regulations in this part shall be made in such media as the Administrator may from time to time designate.

**§ 101.88 Information of violations.**

Every person licensed under the act shall immediately furnish the Service any information which comes to the knowledge of such person tending to show that any provision of the act or the regulations in this part has been violated.

**§ 101.89 Procedure in hearings.**

For the purpose of hearings under the act or the regulations in this part, except those relating to appeals or arbitrations, the licensee involved shall be allowed a reasonable time within which affidavits and other proper evidence may be submitted. If requested by the licensee within such time, an oral hearing, of which reasonable notice shall be given, shall be held before, and at a time and place fixed by an official authorized by the Secretary. The testimony of the witnesses at such oral hearing shall be upon oath or affirmation administered by the official before whom the hearing is held, when required by him. Such oral hearing may be adjourned by such official from time to time. After reasonable notice to all parties concerned, the deposition of any witness may be taken at a time and place and before a person designated for the purpose by the official before whom the hearing is held. Every written entry in the records of the Department made by an officer or employee thereof in the course of his official duty, which is relevant to the issue involved in a hearing, shall be admissible as prima facie evidence of the facts stated therein without the production of such officer or employee. Copies of all papers and all the evidence submitted or considered in such hearing shall be made a part of the records of the Department. At the end of the oral hearing, the parties shall be afforded an opportunity to file proposed findings of fact, conclusions of law, and orders, after which the official before whom the hearing is held shall prepare his report including his recommended findings of fact, conclusions of law, and order, which shall be served upon the parties, who may file exceptions thereto within a time specified by such official. After the expiration of such time, such report together with any proposed findings of fact, conclusions of law, and orders, and exceptions filed by the parties shall be transmitted to the Secretary for consideration. Each party shall pay all expenses contracted by him in connection with any hearing under this section.

**§ 101.90 One document and one license to cover several products.**

A license may be issued for the storage of two or more agricultural products in a single warehouse. Where such a license is desired, a single application, inspection, bond, record, report or other paper, document or proceeding relating to such warehouse, shall be sufficient unless otherwise directed by the Administrator.

**§ 101.91 Assets and bond; combination warehouses.**

Where such license is desired, the amount of the bond, net assets, and inspection and license fees shall be determined by the Administrator in accordance with the regulations applicable to the particular agricultural product which would require the largest bond and the greatest amount of net assets and of fees if the full capacity of the warehouse was used for its storage.

**§ 101.92 Amendments.**

Any amendment to, or revision of this part, unless otherwise stated therein, shall apply in the same manner to persons holding licenses at the time it becomes effective as it applies to persons thereafter licensed under the act.

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AUTHORITY: The provisions of this Part 102 issued under sec. 28, 29 Stat. 490; 7 U.S.C. 268, except as otherwise noted.

CROSS REFERENCE: For official grain standards of the United States, see Part 26 of this chapter.

## DEFINITIONS

**§ 102.1 Meaning of words.**

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

**§ 102.2 Terms defined.**

For the purposes of this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *The act.* The United States Warehouse Act, approved August 11, 1916 (39 Stat. 486; 7 U.S.C. 241–273), as amended.

(b) *Person.* An individual, corporation, partnership, or two or more persons having a joint or common interest.

(c) *Department.* The United States Department of Agriculture.

(d) *Secretary.* The Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(e) *Designated representative.* The Administrator.

(f) *Administrator.* The Administrator of the Service or any other officer or employee to whom authority has heretofore lawfully been delegated, or may hereafter lawfully be delegated, to act in his stead.

(g) *Service.* The Agricultural Marketing Service of the Department.

(h) *Regulations.* Rules and regulations made under the act by the Secretary.

(i) *Dockage.* Dockage in grain as defined by the official grain standards of the United States.

(j) *Grain.* All products commonly classed as grain, such as wheat, corn, oats, barley, rye, flaxseed, rough, brown, and milled rice, sunflower seeds, field peas, soybeans, emmer, grain sorghums, and such other products as are ordinarily stored in grain warehouses, subject to the disapproval of the Administrator.

(k) *Nonstorage grain.* Grain received temporarily into a warehouse for conditioning, transferring, assembling for shipment, or lots of grain moving through a warehouse for current merchandising or milling use, against which no receipts are issued and no storage charges assessed: *Provided,* That merchandising or milling stocks held in storage as reserve stocks, or stored for use at an indefinite future date, may not be treated as nonstorage grain.

(l) *Warehouse.* Unless the context otherwise clearly indicates, any building, structure, or other protected inclosure licensed or to be licensed under the act, in which grain is or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which grain is or may be stored.

(m) *Bin.* A bin, tank, interstice, or other container in a warehouse in which bulk grain may be stored.

(n) *Warehouseman.* Any person lawfully engaged in the business of storing grain, who holds an effective warehouseman's license under the act, or who has applied for such a license.

(o) *License.* A license issued under the act by the Secretary, or his designated representative.

(p) *Warehouseman's bond.* The bond required by the act to be given by a warehouseman.

(q) *Inspector.* A person licensed under the act by the Secretary, or his designated representative, to inspect and grade and/or certificate the grade of grain stored or to be stored in a warehouse licensed under the act.

(r) *Weigher.* A person licensed under the act by the Secretary, or his designated representative, to weigh and/or certificate the weight of grain stored or to be stored in a warehouse licensed under the act.

(s) *Grain Standards Act.* The United States Grain Standards Act, approved August 11, 1916 (39 Stat. 482; 7 U.S.C. 71–87) as amended.

(t) *Official grain standards of the United States.* The standards of quality or condition for grain, fixed and established by the Secretary under the Grain Standards Act.

(u) *Receipt.* A licensed warehouse receipt issued under the act.

## WAREHOUSE LICENSES

**§ 102.3 Application form.**

Applications for licenses and for amendments of licenses under the act shall be made to the Secretary upon prescribed forms furnished by the Service, shall be in English, shall truly state the information therein contained, and shall be signed by the applicant. The applicant shall at any time furnish such additional information as the Secretary, or his designated representative, shall find to be necessary to the consideration of his application.

**§ 102.3a All facilities to be licensed or exempted.**

All facilities within the same city or town used for the storage of grain by an applicant for a warehouse license must qualify for a license and be licensed under the act if the applicant is to be licensed to operate as a grain warehouseman in such city or town, unless the facilities which are not to be covered by a license are exempted by the Secretary or his designated representative upon a finding that, due to the exercise of adequate controls by some independent agency over the operation of the nonfederally licensed facilities, there would be no likelihood of interchange, substitution, or commingling of grain stored in such facilities with grain stored in the federally licensed facilities. If all such facilities do not qualify for a license or for an exemption under this section, the applicant shall not be licensed under the act as a grain warehouseman in the city or town in which the facilities in question are located. Each applicant for a grain warehouse license must apply for a license covering all facilities operated by him for the storage of grain within the same city or town or for exemption as provided in this section. If a licensed grain warehouseman acquires any additional grain storage facilities within the same city or town in which his licensed warehouse is located, he shall file promptly an application for a license or an exemption of the additional facilities. No grain storage facility acquired by a licensed grain warehouseman, subsequent to the issuance of his license, in the same city or town as his licensed facilities, shall be used for the storage of grain until it qualifies for license and is licensed or is exempted as provided in this section. If any one of the licensed grain storage facilities operated by a warehouseman in the same city or town becomes ineligible for a license at any time for any reason, it shall not thereafter be used for the storage of grain until the condition making it ineligible is removed or an exemption is granted as provided in this section. The use for the storage of grain by a licensed warehouseman of a facility which is in the same city or town as his licensed facilities and is neither licensed nor exempted, or other violation of the provisions of this section, shall be cause for suspension or revocation of any license issued to the warehouseman for the storage of grain.

**§ 102.4 Scales; bin numbers.**

(a) Each warehouse must be equipped with suitable scales in good order, and so arranged that all grain, whether for storage or for nonstorage purposes, can be weighed in and out of the warehouse. The scales in any warehouse shall be subject to examination by representatives of the Department and to disapproval by the Administrator. If he disapproves any weighing apparatus, it shall not thereafter be used in ascertaining the weight of grain for the purposes of this act, until such disapproval be withdrawn.

(b) Both bulk grain bins and compartments for sacked grain of all warehouses licensed under the act shall be identified by means of clearly discernible numbers securely affixed thereto. The series of numbers to be used shall be approved by the Service. Bulk grain bins shall be numbered so as to be easily identified at the openings on top and also on or near the outlet valves underneath. Compartments shall be numbered in such a manner as to clearly show the space covered by each number.

**§ 102.5 Signs of tenancy; posting.**

(a) Every warehouseman operating a "field" or "custodian" warehouse shall, during the life of his license, display and maintain appropriate signs on the licensed warehouse, both on the inside and on the exterior walls of the warehouse, and particularly on doors and usual places of entry, in such a manner as will ordinarily be calculated to give the public correct notice of his tenancy of all buildings or parts thereof included in his license.

(b) Such signs shall be of such size and design as to readily attract the attention of the public and shall include the following: (1) the name and license number of the licensee, (2) the name of the warehouse, (3) whether the warehouseman is owner or lessee, and (4) the words "public warehouse."

(c) Such other wording or lettering may appear in the sign or signs not inconsistent with the purpose of the act and the regulations in this part as may be approved by the Administrator.

(d) Immediately upon its expiration or suspension or revocation all reference to the license shall be removed from the warehouse.

(e) No sign indicating control, tenancy, or ownership of a licensed warehouse by any person other than the licensee shall appear on any such warehouse.

**§ 102.6 Net assets.**

(a) Each warehouseman conducting a warehouse licensed, or for which application for a license has been made, under the regulations in this part, shall have and maintain above all exemptions and liabilities, total net assets liable for the payment of any indebtedness arising from the conduct of the warehouse, to the extent of at least 15 cents per bushel for the maximum number of bushels of grain that his warehouse could accommodate when stored in the manner customary to the warehouse as determined by the Administrator: *Provided*, That no person may be licensed as a warehouseman under the regulations in this part unless he has allowable net assets of at least $10,000: *And provided further*, That any deficiency in net assets required above the $10,000 minimum may be supplied by an increase in the amount of the warehouseman's bond in accordance with § 102.14(c). In determining total net assets, credit may be given for insurable property such as buildings, machinery, equipment, and merchandise inventory, only to the extent that such property is protected by insurance against loss or damage by fire. Such insurance shall be in the form of lawful policies issued by one or more insurance companies authorized to do such business and subject to service of process in suits brought in the State in which the warehouse is located.

(b) In case a warehouseman is licensed or is applying for licenses to operate two or more warehouses under the regulations in this part, the maximum number of bushels which all such warehouses will accommodate when stored in the manner customary to the warehouses, as determined by the Administrator, shall be considered in determining whether the warehouseman meets the net assets requirements specified in paragraph (a) of this section.

(c) For the purposes of paragraphs (a) and (b) of this section only, capital stock as such shall not be considered a liability.

(d) In case a State agency licensed or applying for a license as provided in Section 9 of the Act has funds of not less than $500,000 guaranteeing the performance of obligations of the agency as a warehouseman, such funds shall be considered sufficient to meet the net assets requirements of this section.

**§ 102.7 Grounds for not issuing license.**

A license for the conduct of a warehouse, or any amendment to a license, under the regulations in this part, shall not be issued if it is found by the Secretary, or his designated representative, that the warehouse is not suitable for the proper storage of grain; that the warehouseman does not possess a good reputation, or does not have a net worth of at least $10,000.00, or is incompetent to conduct such warehouse in accordance with the act and the regulations in this part; or that there is any other sufficient reason within the intent of the act for not issuing such license. If all the facilities operated for the storage of grain by the applicant within the same city or town are not to be licensed under the act, the applicant shall not be licensed as a grain warehouseman with respect to any of such facilities, unless an exemption of the facilities which are not to be licensed is granted as provided in § 102.3a.

**§ 102.8 Posting of license.**

Immediately upon receipt of his license or of any modification or extension thereof under the act, the warehouseman shall post same, and thereafter, except as otherwise provided in the regulations in this part, keep it posted until suspended or terminated, in a conspicuous place in the principal office where receipts issued by such warehouseman are delivered to depositors.

**§ 102.9 Warehouse license; suspension; revocation.**

Pending investigation, the Secretary, or his designated representative, whenever he deems necessary, may suspend a warehouseman's license temporarily without hearing. Upon written request and a satisfactory statement of reasons therefor, submitted by a warehouseman, the Secretary, or his designated representative, may, without hearing, suspend or revoke the license issued to such warehouseman. The Secretary, or his designated representative, may, after opportunity for hearing has been afforded in the manner prescribed in this section, suspend or revoke a license issued to a warehouseman when such warehouseman—

(a) Does not have a net worth of at least $10,000.00;

(b) Has parted, in whole or in part, with his control over the licensed warehouse;

(c) Is in process of dissolution or has been dissolved;

(d) Has ceased to operate such licensed warehouse;



(e) Has in any other manner become nonexistent or incompetent or incapacitated to conduct the business of the warehouse;

(f) Has made unreasonable or exorbitant charges for services rendered;

(g) Is operating in the same city or town in which his licensed warehouse facilities are located, any facility for storage of grain which is not covered by a license or an exemption as provided in § 102.3a; or

(h) Has in any other manner violated or failed to comply with any provision of the act or the regulations in this part.

Whenever any of the conditions mentioned in paragraphs (a) through (h) of this section shall come into existence, it shall be the duty of the warehouseman to notify the Administrator immediately of the existing condition. Before a license is revoked or suspended (other than temporarily pending investigation) for any violation of, or failure to comply with, any provision of the act or of the regulations in this part, or upon the ground that unreasonable or exorbitant charges have been made for services rendered, the warehouseman involved shall be furnished by the Secretary, or his designated representative, a written statement, specifying the charges and shall be allowed a reasonable time within which he may answer the same in writing and apply for a hearing, an opportunity for which shall be afforded in accordance with § 102.99.

**§ 102.10 Return of suspended or revoked license.**

In case a license issued to a warehouseman terminates or is suspended or revoked by the Secretary or his designated representative, such license shall be immediately returned to the Secretary. At the expiration of any period of suspension of such license, unless it be in the meantime revoked, the dates of the beginning and termination of the suspension shall be indorsed thereon, it shall be returned to the warehouseman to whom it was originally issued and it shall be posted as prescribed in § 102.8: *Provided*, That in the discretion of the Secretary, or his designated representative, a new license may be issued without reference to the suspension.



**§ 102.11 Lost or destroyed warehouse license.**

Upon satisfactory proof of the loss or destruction of a license issued to a warehouseman, a duplicate thereof, or a new license may be issued under the same number.

**§ 102.12 Unlicensed warehousemen must not represent themselves as licensed.**

No warehouse or its warehouseman shall be designated as licensed under the act, and no name or description conveying the impression that it or he is so licensed shall be used, either in a receipt or otherwise, unless such warehouseman holds an unsuspended and unrevoked license for the conduct of such warehouse.

WAREHOUSE BONDS

**§ 102.13 Bond required; time of filing.**

Each warehouseman applying for a warehouse license under the act shall, before such license is granted, file with the Secretary or his designated representative a bond containing the following conditions and such other terms as the Secretary or his designated representative may prescribe in the approved bond forms, with such changes as may be necessary to adapt the forms to the type of legal entity involved:

Now, therefore, if the said license(s) or any amendments thereto be granted and said principal, and its successors and assigns operating said warehouse(s), shall:

Faithfully perform during the period of one year commencing _____, or until the termination of said license(s) in the event of termination prior to the end of the one year period, all obligations of a licensed warehouseman under the terms of the act and regulations thereunder relating to the above-named products; and

Faithfully perform during said one year period and thereafter, whether or not said warehouse(s) remain(s) licensed under the act, such delivery obligations and further obligations as a warehouseman as exist at the beginning of said one year period or are assumed during said period and prior to termination of said license(s) under contracts with the respective depositors of such products in the warehouse(s);

Then this obligation shall be null and void and of no effect, otherwise to remain in full force. For purposes of this bond, the aforesaid obligations under the act and regulations and contracts shall include obligations under any and all modifications of the act, the regulations, and the contracts that may hereafter be made, notice of which modifications to the surety being hereby waived.

**§ 102.14 Amount of bond; additional amounts.**

(a) The amount of bond to be furnished for each warehouse under the regulations in this part shall be fixed at a rate of 15 cents per bushel for the first 1,000,000 bushels of licensed capacity; 10 cents per bushel for the next 1,000,000 bushels of licensed capacity; and 5 cents per bushel for all licensed capacity over 2,000,000 bushels: *Provided*, That in any case the amount of bond shall not be less than $5,000 nor more than $500,000, except as prescribed in paragraph (c) of this section. The licensed capacity shall be the maximum number of bushels of grain that the warehouse could accommodate as determined under § 102.6(a).

(b) In case a warehouseman is licensed or is applying for licenses to operate two or more warehouses in the same State he may give a single bond meeting the requirements of the Act and the regulations in this part to cover all his warehouses within the State. In such case the warehouses to be covered by the bond shall be deemed to be one warehouse only for purposes of determining the amount of bond required under paragraph (a) of this section.

(c) In case of a deficiency in net assets above the $10,000 minimum required under § 102.6, there shall be added to the amount of bond determined in accordance with paragraph (a) of this section an amount equal to such deficiency. In any other case in which the Secretary, or his designated representative, finds that conditions exist which warrant requiring additional bond, there shall be added to the amount of bond as determined under the other provisions of this section, a further amount to meet such conditions.

**§ 102.15 Amendment to license.**

In case an application is made for an amendment to a license and no bond previously filed by the warehouseman under §§ 102.13–102.17 covers obligations arising during the period covered by such amendment, the warehouseman shall, when notice has been given by the Secretary, or his designated representative, that his application for such amendment will be granted upon compliance by such warehouseman with the act, file with the Secretary, within a time, if any, fixed in such notice, a bond complying with the act. In the discretion of the Secretary, or his designated representative, a properly executed instrument in form approved by him, amending, extending, or continuing in force and effect the obligations of a valid bond previously filed by the warehouseman and otherwise complying with the act and the regulations in this part, may be filed in lieu of a new bond.

**§ 102.16 New bond required each year.**

A continuous form of license shall not remain in force for more than one year from its effective date, or any subsequent extension thereof, unless each year prior to the date on which the license would expire, the warehouseman files a bond in the required amount with the Secretary and such bond has been approved by him or his designated representative.

**§ 102.17 Approval of bond.**

No bond, amendment, or continuation thereof shall be accepted for the purposes of the act and the regulations in this part until it has been approved by the Secretary, or his designated representative.

WAREHOUSE RECEIPTS

**§ 102.18 Form.**

(a) Every receipt, whether negotiable or nonnegotiable, issued for grain stored in a licensed warehouse shall, in addition to complying with the requirements of section 18 of the act, embody within its written or printed terms the following:

(1) The name of the warehouseman and the designation, if any, of the warehouse,

(2) A statement whether the warehouseman is incorporated or unincorporated, and if incorporated, under what laws,

(3) In event the relationship existing between the warehouseman and any depositor is not that of strictly disinterested custodianship, a statement setting forth the actual relationship,

(4) A statement conspicuously placed, whether or not the grain is insured, and, if insured, to what extent, by the warehouseman against loss by fire, lightning, tornado, or otherwise,

(5) The net weight, including dockage, if any, of the grain,

(6) In the case of grain the identity of which is to be preserved, its identification or location in accordance with § 102.45,

(7) The words "Not Negotiable," or "Negotiable," according to the nature of the receipt, clearly and conspicuously printed or stamped thereon, and

(8) That the holder of the receipt or the depositor of the grain shall demand the delivery of the grain not later than the expiration of one year from the date of the receipt.

(b) Every receipt, whether negotiable or nonnegotiable, issued for grain stored in a warehouse shall specify a period, not exceeding one year, for which the grain is accepted for storage under the Act and the regulations in this part. Upon demand for issuance of a new receipt, surrender of the old receipt by the lawful holder thereof at or before the expiration of the period specified therein and an offer to satisfy the warehouseman's lien, the warehouseman, upon such lawful terms and conditions as may be granted by him to other depositors of grain in his warehouse, shall, in the absence of some lawful excuse, issue a new receipt for a further specified period, not exceeding one year.

(c) Every negotiable receipt issued shall, in addition to conforming with the requirements of paragraph (a) of this section, embody within its written or printed terms, a form of indorsement which may be used by the depositor, or his authorized agent, for showing the ownership of, and liens, mortgages, or other encumbrances on the grain coverd by the receipt.

(d) The grade stated in a receipt shall be stated in accordance with § 102.76 as determined by the inspector who last inspected and graded the grain before the issuance of such receipt, or if an appeal from the determinations of such inspector has been taken either under the Grain Standards Act and regulations thereunder or under §§ 102.81 through 102.95, the grade shall be stated on such receipt in accordance with the grade as finally determined in such appeal. If the final grade thus determined be different from that shown by the receipt issued for such

grain, the warehouseman shall, upon the return of the old receipt, if the same is not already in his possession, issue a new receipt stating such final grade.

(e) If a warehouseman issues a receipt omitting the statement of grade on request of the depositor as permitted by section 18 of the act, such receipt shall have clearly and conspicuously stamped or written in the space provided for the statement of grade the words "Not graded on request of depositor."

(f) If a warehouseman issues a receipt under the act omitting any information not required to be stated, for which a blank space is provided in the form of the receipt, a line shall be drawn through such space to show that such omission has been made purposely by the warehouseman.

**§ 102.19 Grain must be inspected and weighed.**

(a) Except in case of identity-preserved grain, when the grading is omitted at request of depositor, no receipt shall be issued under the act or the regulations in this part until the grain covered by such receipt has been inspected and graded by a person duly licensed to inspect and grade such grain and to certificate the grade thereof, and been weighed by a person duly licensed to weigh such grain and to certificate the weight thereof. The receipt issued to cover such grain shall show the grade, including percentage of dockage, if any, condition, and weight, in conformity therewith.

(b) When requested by the depositor of grain the identity of which is to be preserved, a receipt omitting statement of grade but not weight may be issued.

(c) All fungible nonstorage grain received into and delivered out of a warehouse must be correctly inspected, graded, and weighed by a licensed inspector and/or weigher.

**§ 102.20 Copies of receipts.**

At least one actual or skeleton copy of all receipts shall be made, and all copies, except skeleton copies, shall have clearly and conspicuously printed or stamped thereon the words "Copy—Not Negotiable." A copy of each receipt issued shall be retained by the warehouseman for a period of one year after December 31 of the year in which the corresponding original receipt is canceled.

**§ 102.21 Lost or destroyed receipts; bond.**

(a) In the case of lost or destroyed receipts, if there be no statute of the United States or law of a State applicable thereto a new receipt upon the same terms, subject to the same conditions, and bearing on its face the number and the date of the receipt in lieu of which it is issued and a plain and conspicuous statement that it is a duplicate receipt issued in lieu of a lost or destroyed receipt, may be issued upon compliance with the conditions set out in paragraph (b) of this section.

(b) Before issuing such new or duplicate receipt the warehouseman shall require the depositor or other person applying therefor to make and file with him (1) an affidavit showing that the applicant is lawfully entitled to the possession of the original receipt, that he has not negotiated or assigned it, how the original receipt was lost or destroyed, and if lost, that diligent effort has been made to find the receipt without success, and (2) a bond in an amount double the value, at the time the bond is given, of the grain represented by the lost or destroyed receipt. Such bond shall be in a form approved for the purpose by the Secretary, or his designated representative, shall be conditioned to indemnify the warehouseman against any loss sustained by reason of the issuance of such receipt, and shall have as surety thereon preferably a surety company which is authorized to do business, and is subject to service of process in a suit on the bond, in the State in which the warehouse is located or at least two individuals who are residents of such State and each of whom owns real property therein having a value, in excess of all exemptions and encumbrances, equal to the amount of the bond.

**§ 102.22 Printing of receipts.**

Receipts issued by a warehouseman shall be (a) in form prescribed by the Administrator, (b) printed by a printer with whom the United States has a subsisting contract and bond for such printing, and (c) on distinctive paper manufactured by and procured from a manufacturer with whom the United States has a subsisting contract and bond for the manufacture of such paper.

**§ 102.23 Partial delivery of grain.**

If a warehouseman delivers a part only of a lot of grain for which he has issued a negotiable receipt under the act, he shall take up and cancel such receipt and issue a new receipt in accordance with the regulations in this part for the undelivered portion of the grain. The new receipt shall show the date of issuance and also indicate the number and date of the receipt first issued.

**§ 102.24 Return of receipts before delivery of grain.**

Except as permitted by law or by the regulations in this part a warehouseman shall not deliver grain for which he has issued a negotiable receipt until the receipt has been returned to him and canceled, and shall not deliver grain for which he has issued a nonnegotiable receipt until such receipt has been returned to him or he has obtained from the person lawfully entitled to such delivery, or his authorized agent, a written order therefor. Before delivery is made of the last portion of a lot of grain covered by a nonnegotiable receipt, the receipt itself shall be surrendered.

**§ 102.25 Nonnegotiable receipts.**

Each person to whom a nonnegotiable receipt is issued shall furnish the warehouseman with a statement in writing indicating the person or persons having power to authorize delivery of grain covered by such receipt, together with the bona fide signature of such person or persons. No licensed warehouseman shall honor an order for the release of grain covered by a nonnegotiable receipt until he has first ascertained that the person issuing the order has authority to order such release, and that the signature of the releasing party is genuine.

**§ 102.26 Omission of grade; no compulsion by warehouseman.**

No warehousman shall, directly or indirectly by any means whatsoever, compel or attempt to compel the depositor of any grain stored or offered for storage in his warehouse to request the issuance of a receipt omitting the statement of grade.

**§ 102.27 Loading out without weighing.**

When the lawful holder of one or more receipts covering an entire lot of identity preserved grain or a mass of grain stored in a single bin requests the warehouseman to deliver said lot or mass without reweighing said grain, the warehouseman may make such delivery if there is an accurate record of the weight of such grain when received. Such deliveries shall be made only when the lawful holder of the receipts agrees to assume all shortages and other risks incidental thereto, and after the warehouse receipts covering all of the grain in the container have been surrendered to the warehouseman and canceled. After the receipts covering such grain have been surrendered for cancellation no other grain shall be placed in the bin until the entire lot has been delivered.

**§ 102.28 Persons authorized to sign receipts.**

Each warehouseman shall file with the Department the name and genuine signature of each person authorized to sign warehouse receipts for the warehouseman, and shall promptly notify the Department of any changes as to persons authorized to sign and shall file the signatures of such persons, and each warehouseman shall be bound by such signatures the same as if he had personally signed the receipt.

**§ 102.29 Receipts; basis for issuance.**

Before issuing any receipt under the Act each warehouseman shall, unless he personally weighed, inspected, and graded, if graded, a lot of grain, first obtain either a copy of, or the original weight certificate, and inspection certificate, if any, covering said lot of grain. The warehouse records shall clearly identify the certificate(s) used as a basis for issuance of each warehouse receipt, and said weight and grade certificates shall be kept on file as a record in the warehouseman's office: provided that said filing requirements shall be deemed satisfied if copies of the certificates upon which warehouse receipts are based are filed in the office of a U.S. Registrar or in the office of an independent inspection or weighing agency which issued them, and are readily accessible for examination purposes. Such certificates shall be retained







for a period of three years after December 31 of the year in which issued.

**§ 102.30 Receipts for stored grain.**

Receipts must be issued for all grain stored in a warehouse. Receipts need not be issued against nonstorage grain, but each warehouseman shall keep accurate records of the weights, kinds, and grades of all lots of nonstorage grain received into and delivered from his warehouse. Whenever the purpose for which any lot of nonstorage grain was received into a warehouse is changed so that its approximate delivery period from the warehouse becomes indeterminate, receipts shall be issued to cover such grain. Records required under this section with respect to nonstorage grain shall be retained, as a part of the records of the warehouse, for a period of one year after December 31 of the year in which the lot of nonstorage grain is delivered from the warehouse.

**§ 102.31 No receipts for screenings.**

No receipt shall be issued for any product or byproduct which would fall under the term "screenings."

**§ 102.32 Canceled receipts; auditing.**

Each warehouseman, if requested by the Service shall forward his canceled receipts for auditing to such field offices of the Service as may be designated from time to time.

DUTIES OF WAREHOUSEMAN

**§ 102.33 Insurance; requirements.**

(a) Each warehouseman, when so requested in writing as to any grain by the depositor thereof or lawful holder of the receipt covering such grain, shall, to the extent to which, in the exercise of due diligence, he is able to procure such insurance, keep such grain while in his custody as a warehouseman insured in his own name or arrange for its insurance otherwise to the extent so requested, against loss or damage by fire, lightning, and/or tornado. When insurance is not carried in the warehouseman's name, the receipts shall show that the grain is not insured by the warehouseman. Such insurance shall be covered by lawful policies issued by one or more insurance companies authorized to do such business, and subject to service of process in suits brought in the State where the warehouse is located. If the warehouseman is unable to procure such insurance to the extent requested, he shall, orally or by telegraph or by telephone immediately notify the person making the request of the fact. Nothing in this section shall be construed to prevent the warehouseman from adopting a rule that he will insure all grain stored in his warehouse.

(b) Each warehouseman shall comply fully with the terms of insurance policies or contracts covering his licensed warehouse and all products stored therein, and shall not commit any acts, nor permit his employees to do anything, which might impair or invalidate such insurance.

(c) Each warehouseman shall keep exposed conspicuously in the place prescribed by § 102.8, and at such other place as the Administrator or his representative may from time to time designate, a notice stating briefly the conditions under which the grain will be insured against loss or damage by fire, lightning, and tornado.

(d) Each warehouseman shall, in accordance with his contracts with insurance and bonding companies for the purpose of meeting the insurance and bonding requirements of the regulations in this part, pay such premiums, permit such reasonable inspections and examinations, and make such reasonable reports as may be provided for in such contracts.

(e) Each warehouseman shall promptly take such steps as may be necessary and proper to collect any moneys which may become due under contracts of insurance entered into by him for the purpose of meeting the requirements of the regulations in this part, and shall, as soon as collected, promptly pay to the persons concerned any portion of such moneys which they may be entitled to receive from him.

(f) If at any time a fire shall occur at or within any warehouse, it shall be the duty of the warehouseman to report immediately by wire to the Administrator the occurrence of such fire and the extent of damage.

**§ 102.34 Records; safe keeping.**

Each warehouseman shall provide a fireproof safe, vault, or compartment in which he shall keep, when not in actual use, all records, books, and papers pertaining to the licensed warehouse, including his current receipt book, copies of issued and canceled receipts, except that with the written consent of the Service, upon a showing by such warehouseman that it is not practicable to provide such fireproof safe, vault, or compartment, he may keep such records, books and papers in some other place of safety, approved by the Service. Each canceled receipt shall be retained by warehouseman for a period of six years after December 31 of the year in which the receipt is canceled and for such longer period as may be necessary for the purposes of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. Canceled receipts shall be arranged by the warehouseman in numerical order and otherwise in such manner as shall be directed, for purposes of audit, by authorized officers or agents of the Department of Agriculture.

**§ 102.35 Warehouse charges.**

A warehouseman shall not make any unreasonable or exorbitant charge for services rendered. Before a license to conduct a warehouse is granted under the act the warehouseman shall file with the Department a copy of his rules and a schedule of charges to be made by him if licensed. Before making any change in such rules or schedule of charges he shall file with the Department a statement in writing showing the proposed change and the reasons therefor. Each warehouseman shall keep exposed conspicuously in the place prescribed by § 102.8, and at such other place, accessible to the public, as the Service may from time to time designate, a copy of his current rules and schedule of charges.

**§ 102.36 Business hours.**

(a) Each warehouse shall be kept open for the purpose of receiving grain for storage and delivering grain out of storage every business day for a period of not less than six hours between the hours of 8 a.m. and 6 p.m. except as provided in paragraph (b) of this section. The warehouseman shall keep conspicuously posted on the door of the public entrance to his office and to his licensed warehouse a notice showing the hours during which the warehouse will be kept open, except when such warehouse is kept open continuously from 8 a.m. to 6 p.m.

(b) In case the warehouse is not to be kept open as required by paragraph (a) of this section, the notice posted as prescribed in that paragraph shall state the period during which the warehouse is to be closed and the name of an accessible person, with the address where he is to be found, and the telephone number, if any, who shall be authorized to deliver grain stored in such warehouse, upon lawful demand by the depositor thereof or the holder of the receipt therefor, as the case may be.

**§ 102.37 System of accounts.**

Each warehouseman shall have and maintain a system of accounts, approved for the purpose by the Service. This shall include a stock record showing for each lot of grain received for storage its net weight including dockage, if any, its grade when its grade is required to be, or is, ascertained, its location, the dates received for and delivered out of storage, the receipts issued and canceled, also a separate record for each depositor of his grain, which shall include a detailed record of all moneys received and disbursed and of all insurance policies taken out and canceled on request of each depositor. The warehouseman shall further keep a general insurance account showing the policy number, issuing company, amount, binding, and expiration dates of all fire, tornado, and other insurance policies taken out by him and in each instance show the property covered by such policies. These records shall also show similar information concerning any nonstorage grain handled through the warehouse. Such records shall be retained by the warehouseman for a period of six years after December 31 of the year in which created, and for such longer period as may be necessary for the purposes of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the Act.

**§ 102.38 Reports required.**

(a) Each warehouseman shall, from time to time, if requested by the Service, make such reports, on forms prescribed

and furnished for the purpose by the Service, concerning the condition, contents, operation, and business of the warehouse.

(b) Each warehouseman shall keep on file, as a part of the records of the warehouse, for a period of three years after December 31 of the year in which submitted, an exact copy of each report submitted by such warehouseman under the regulations in this part.

**§ 102.39 Inspections; examination of warehouse.**

Each warehouseman shall permit any officer or agent of the Department, authorized by the Secretary, or his designated representative, for the purpose, to enter and inspect or examine on any business day during the usual hours of business, any warehouse for the conduct of which such warehouseman holds a license, the office thereof, the books, records, papers, and accounts relating thereto, and the contents thereof and such warehouseman shall furnish such officer or agent the assistance necessary to enable him to make any inspection or examination under this section.

**§ 102.40 Care of grain in licensed warehouses.**

Each warehouseman shall at all times, including any period of suspension of his license, exercise such care in regard to grain in his custody as a reasonably careful owner would exercise under the same circumstances and conditions.

**§ 102.41 Care of other grain and other commodities.**

If, at any time, a warehouseman shall handle or store grain otherwise than as a licensed warehouseman, or shall handle or store any other commodity, he shall so protect the same, and otherwise exercise care with respect to it, as not to endanger the grain in his custody as a warehouseman or impair the insurance thereof or his ability to meet his obligations and perform his duties under the act and the regulations in this part.

**§ 102.42 Excess storage.**

If at any time a warehouseman shall store grain in his warehouse in excess of the capacity for which it is licensed, such warehouseman shall immediately notify the Service of such excess storage, the reason therefor, and the location thereof.

**§ 102.43 Removal of specially stored grain.**

Except as may be required by law or the regulations in this part, a warehouseman shall not remove any grain for storage from the licensed warehouse or a part thereof in which it may be specially binned or stored for insurance purposes, and transfer the grain to another bin without first obtaining the receipt, canceling the same and issuing a new receipt for said grain following its transfer.

**§ 102.44 Grades and weights; bulk grain.**

Each warehouseman shall accept all grain for storage and shall deliver out of storage all bulk grain, other than specially binned grain, in accordance with the grades of such grain as determined by a person duly licensed to inspect and grade such grain and to certificate the grade thereof and in accordance with the weights of such grain as determined by a person duly licensed to weigh such grain and to certificate the weight thereof, under the act, and the regulations in this part; or if an appeal from the determination of an inspector has been taken, either under the Grain Standards Act and regulations thereunder or under §§ 102.81 through 102.95, such grain shall be accepted for and delivered out of storage in accordance with the grades as finally determined in such appeal.

**§ 102.45 Storage of identity-preserved grain.**

Upon acceptance for storage of bulk grain the identity of which is to be preserved, the warehouseman shall store such grain in a bin or bins, a compartment or compartments, or other container or containers identified by clearly distinguishable identification insignia permanently and securely affixed thereto, subject to such control by the Department as may seem administratively necessary to protect depositors or holders of receipts. If the grain is received in bags or other suitable containers, such bags or containers shall be so marked and so placed in the warehouse that the identity of the grain will not be lost while in storage. The warehouseman's records shall at all times clearly show the location of all identity-preserved grain stored in the warehouse.

**§ 102.46 Sacked grain.**

Each warehouseman shall keep sacked grain stored in an orderly manner so as to permit easy access to all lots and to facilitate inspecting, sampling, counting, and identification of each lot.

**§ 102.47 Warehouses to be kept clean.**

Each warehouseman shall keep his warehouse reasonably clean at all times and free from straw, rubbish, or accumulations of materials that will increase the fire hazard or interfere with the handling of grain.

**§ 102.48 Delivery of fungible grain.**

Except as may be provided by law or the regulations in this part, each warehouseman, (a) upon proper presentation of a receipt for any grain other than identity-stored grain, and which grain has not at the request of the depositor or lawful holder of the receipt covering such grain or otherwise as permitted by law or the regulations in this part, been dried or otherwise conditioned by such warehouseman, and upon payment or tender of all advances and legal charges, shall deliver to such depositor or lawful holder of such receipt grain of the grade and quantity named in such receipt; and (b) upon proper presentation of a receipt for any grain the identity of which was to have been preserved during the storage period, and upon payment or tender of all advances and legal charges, shall deliver to the person lawfully entitled thereto, the identical grain so stored in his warehouse.

**§ 102.49 Cleaning of grain.**

Each warehouseman whose warehouse is equipped with machinery suitable for the purpose, shall clean all bulk grain, received for storage in such warehouse, on which the inspector at the request of the depositor or lawful holder of the receipt covering such grain has set dockage for cleaning.

**§ 102.50 Grades; separate in storage.**

A warehouseman may not mix lots of different grades of grain stored or received for storage except when the identity of the grain to be stored is to be preserved or when a depositor surrenders receipts covering two or more lots and requests the warehouseman to deliver the amount of grain represented by the canceled receipts in such a manner that they will become one lot. The balance, if any, of grain resulting from this operation, after weighing and inspecting, is to be stored with grain of like grade or its identity preserved.

**§ 102.51 Stocks to be in balance by grades.**

Warehousemen must keep stocks of grain in storage by grades in balance with the grades of grain represented by outstanding storage obligations for which receipts have been or are to be issued, except when the grain has unavoidably improved or deteriorated through natural causes. In case the grades of stored grain should get out of balance with grades represented by outstanding storage obligations for which receipts have been or are to be issued, the warehouseman shall effect proper adjustments.

**§ 102.52 Out-of-condition and damaged grain.**

(a) If the condition of any grain offered for storage is such that it probably will affect the condition of grain in the licensed warehouse, the warehouseman shall not receive such grain for storage or store such grain in his licensed warehouse, but, if the warehouse has separate bins or is equipped with proper conditioning apparatus, he may receive such grain for storage in such separate bins or he may condition it and then store it in such manner as will not lower the grade of other grain.

(b) In case the warehouseman or the Department shall find that storage of grain in direct contact with any part of the structure of the warehouse results, or is likely to result, in damage to the grain, the warehouseman shall not store grain in such part of the warehouse except in such manner and by the use of such material as will keep the grain in the same condition as when stored.

**§ 102.53 Reconditioning grain.**

In case the warehouseman considers that any portion of the grain in his warehouse is out of condition, or becoming so, he shall direct the inspector to examine the grain in question. If the inspector finds such grain to be out of condition or becoming so and he is of the opinion that by re-elevating, screening, blowing, cooling, or drying the grain can be brought





back into condition or that further deterioration can be prevented, such warehouseman shall give immediate notice of the fact to the persons and in the manner specified in § 102.54. If, within 24 hours after the giving of such notice, the owners of such grain have not otherwise directed as to the disposition of same, such warehouseman, with the approval of the inspector, shall, in his warehouse to the extent to which it is equipped with machinery suitable for the purpose, or may in another warehouse or elevator so equipped to the extent to which his warehouse is not equipped with suitable machinery, subject the grain to any or all of the above-mentioned processes.

**§ 102.54 Notice of condition of grain.**

(a) If the warehouseman with the approval of the inspector, shall determine that the further deterioration of any grain can not be prevented by reconditioning, or after treating it in accordance with § 102.53, it is still out of condition, the warehouseman shall give immediate notice of the fact, in accordance with paragraphs (b) and (c) of this section.

(b) Such notice shall state—

(1) The warehouse in which the grain is stored,

(2) The quantity, kind, and grade, if determined, of the grain at the time the notice is given,

(3) The actual condition of the grain as nearly as can be ascertained, and the reason, if known, for such condition,

(4) The oldest outstanding receipts covering the amount of grain out of condition, other than sacked or specially binned grain, upon which the grain will be delivered, giving the number and date of each such receipt and the quantity, the kind, and grade of the grain as stated in such receipts, or

(5) The outstanding receipts covering the grain out of condition the identity of which was to have been preserved, giving the number and date of each such receipt and the designation of the bin, container or location of such grain as stated in the receipt therefor, and

(6) That such grain will be delivered upon the return and cancellation of the receipts therefor.

(c) A copy of such notice shall be delivered in person or shall be sent by mail—

(1) To the persons holding the oldest receipts covering the grain in question mentioned in paragraph (b) (4) and (5) of this section if known to the warehouseman,

(2) To any other person, including the persons mentioned in paragraph (d) of this section, known by the warehouseman to be interested in the grain,

(3) To the grain exchange, board of trade, or chamber of commerce, if any, in the city or town in or nearest to which the warehouse is located, and

(4) To the Administrator.

If the holders of the receipts and the owners of the grain are known to the warehouseman and cannot, in the regular course of the mails, be reached within 12 hours, the warehouseman shall, whether or not requested so to do in accordance with paragraph (d) of this section, also immediately notify such persons by telegraph or telephone at their expense. Public notice shall also be given by posting a copy of such notice in a conspicuous place in the main office of the warehouse where receipts are issued. A copy of such notice shall be kept as a record of the warehouse.

(d) Any person, interested in any grain or the receipt covering such grain stored in a warehouse, may, in writing, notify the warehouseman conducting such warehouse, of the fact and nature of his interest, and such warehouseman shall keep a record of the fact. If such person requests, in writing, that he be notified regarding the condition of any such grain and agrees to pay the cost of any telegraph or telephone toll charge, such warehouseman shall notify such person in accordance with such request.

(e) Nothing contained in this section shall be construed as relieving the warehouseman from properly caring for any grain after notification of its condition in accordance with this section.

(f) Records required to be kept by this section shall be retained, as a part of the records of the warehouse, for a period of six years after December 31 of the year in which created, and for such longer period as may be necessary for the purposes of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the Act.

**§ 102.55 Sale of grain at public auction.**

If the grain, advertised in accordance with the requirements of § 102.54 has not been removed from storage by the owner thereof, within 10 days from the date of notice of its being out of condition, the warehouseman in whose warehouse such grain is stored may sell the same at public auction at the expense and for the account of the owner after giving 10 days' notice in the manner specified in § 102.54(c).

**§ 102.56 Identity-preserved grain; acceptance.**

Subject to the provisions of section 13 of the act (39 Stat. 488; 7 U.S.C. 254), a licensed warehouseman may elect not to receive grain for storage the identity of which is to be preserved while in storage.

**FEES**

**§ 102.57 License fees.**

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license or amendment thereto issued to an inspector and/or weigher, except that no fee shall be charged for issuance of a license to an inspector who holds an unsuspended and unrevoked license under the United States Grain Standards Act and regulations thereunder to inspect and grade any grain and to certificate the grade thereof.

**§ 102.58 Warehouse inspection fee.**

There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $5 for each 10,000 bushels of the grain storage capacity of the warehouse, or fraction thereof, determined in accordance with § 102.6(a), but in no case less than $20 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

**§ 102.59 Advance deposit.**

Before any warehouseman's license, or amendment thereto, or any inspector's and/or weigher's license, is granted, or original examination or inspection, or reexamination or reinspection applied for by a warehouseman, is made, pursuant to the regulations in this part, the warehouseman and/or inspector or weigher shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or postoffice or express money order, payable to the order of "Treasurer of the United States."

**§ 102.60 Return of excess deposit.**

The Treasurer of the United States shall hold in his custody each advance deposit made under § 102.59 until the fee, if any, is assessed and he is furnished by the Service with a statement showing the amount thereof and against whom assessed. Any part of such advance deposit which is not required for the payment of any fee assessed shall be returned to the party depositing same.

**INSPECTORS AND WEIGHERS**

**§ 102.61 Inspectors' and weighers' applications.**

(a) Application for licenses to inspect and grade or to weigh grain under section 11 of the act (46 Stat. 1464; 7 U.S.C. 252) shall be made to the Administrator on forms furnished for the purpose by him. Each application shall be in English, shall be signed by the applicant, and shall contain or be accompanied by a statement from the warehouseman for whom the applicant will inspect, grade, or weigh grain under the act, showing whether the applicant is competent and is acceptable to such warehouseman for the purpose.

(b) Each inspectors' application shall contain—

(1) Evidence that he can correctly grade grain in accordance with the official standards of the United States, or in the absence of such standards in accordance with any standards approved by the Administrator,

(2) That he has passed his twenty-first birthday, and

(3) Satisfactory evidence that he will be provided with such means or facilities for inspecting and grading grain as may be deemed necessary, for use in the locality in which the applicant expects to perform services as a licensed inspector.

(c) In lieu of compliance with the requirements of paragraph (b) of this section, the license applied for may be granted whenever such applicant furnishes satisfactory evidence that he holds an effective license under the Grain Standards Act and regulations thereunder, to inspect and grade such grain and to certificate the grade thereof.

(d) Applications for licenses to weigh grain shall be on forms furnished for the purpose by the Administrator and shall give such information as will show the applicant's experience in weighing grain.

(e) A single application may be made by any person for a license as both inspector and weigher upon complying with the requirements of this section.

(f) An applicant shall at any time furnish such additional information as the Department shall find to be necessary to the consideration of his application.

**§ 102.62 Examination.**

Each applicant for license as an inspector or weigher and each inspector or weigher shall, whenever requested by an authorized agent of the Department, submit to an examination or test to show his ability properly to inspect and grade or to weigh grain.

**§ 102.63 Posting of license.**

Each inspector or weigher shall keep his license conspicuously posted in a place designated for the purpose by the Service.

**§ 102.64 Duties of inspector and weigher.**

Each inspector and each weigher whose license remains in effect shall, without discrimination, as soon as practicable, and upon reasonable terms, inspect and grade or weigh and certificate the grade or weight of grain, stored or to be stored in a warehouse, for which he holds a license, if such grain be offered to him under such conditions as permit proper inspection and weighing and the determination of the grade or weight thereof. No inspector shall issue a certificate of grade for any grain unless the inspection and grading thereof be based upon a correct and representative sample of the grain.

**§ 102.65 Inspection certificate; form.**

(a) Except as provided in paragraph (b) of this section, each inspection certificate issued under the act by an inspector shall be in a form approved for the purpose by the Department, and shall embody the following information within its written or printed terms:

(1) The caption "United States Warehouse Act, Grain Inspection Certificate",

(2) Whether it is an original, a duplicate, or other copy, and that it is not negotiable,

(3) The name and location of the warehouse in which the grain is or is to be stored,

(4) A statement showing whether the inspection covers grain moving into or out of the warehouse,

(5) The date of the certificate,

(6) The consecutive number of the certificate,

(7) The approximate amount of grain covered by the certificate,

(8) The kind of grain covered by the certificate,

(9) The grade of the grain, as determined by such licensed inspector, in accordance with § 102.76, and, in the case of grain for which no official grain standards of the United States are in effect, the standard or description in accordance with which such grain is graded,

(10) A statement that the certificate is issued by an inspector licensed under the United States Warehouse Act and the regulations thereunder,

(11) A statement conspicuously placed to the effect that the certificate is not valid for the purposes of the United States Grain Standards Act, and

(12) The signature of the inspector who inspected and graded the grain.

In addition, the inspection certificate may include any other matter not inconsistent with the act or the regulations in this part, provided the approval of the Service is first secured.

(b) In lieu of the inspection certificate provided for in the preceding paragraph, each inspector, who holds an unsuspended and unrevoked license under the Grain Standards Act and regulations thereunder to inspect and grade any grain and to certificate the grade thereof for shipment or delivery for shipment in interstate or foreign commerce, shall, unless otherwise requested as to any such grain by the owner or depositor thereof, issue a certificate of grade covering such grain in accordance with the Grain Standards Act and regulations thereunder. Such grain shall be deemed to be inspected and graded and such certificate of grade shall be deemed to be an inspection certificate for the purposes of the act and the regulations in this part.

**§ 102.66 Copies of certificate to be accessible.**

Each inspector shall, as soon as possible after grading any grain and not later than the close of business on the next following business day, make accessible to the parties interested in a transaction in which the grain is involved at the place designated in § 102.63 a true copy of the inspection certificate issued by him for such grain, or a record of each lot or parcel of grain inspected and graded by such licensed inspector showing the information contained on such inspection certificate.

**§ 102.67 Weight certificate.**

Each weight certificate issued under the act by a weigher shall be in a form approved for the purpose by the Service, and shall embody the following information within its written or printed terms:

(a) The caption "United States Warehouse Act, Grain Weight Certificate",

(b) Whether it is an original, a duplicate, or other copy, and that it is not negotiable,

(c) The name and location of the warehouse in which the grain is or is to be stored,

(d) Whether the grain is weighed into or out of the warehouse,

(e) The date of the certificate,

(f) The consecutive number of the certificate,

(g) The net weight, including dockage, if any, of the grain,

(h) A statement that the certificate is issued by a weigher licensed under the United States Warehouse Act and the regulations thereunder, and

(i) The signature of the weigher.

In addition, the weight certificate may include any other matter not inconsistent with the act or the regulations in this part provided the approval of the Service is first secured.

**§ 102.68 Certificate; grade and weight.**

The grade and weight of any grain, ascertained by an inspector and a weigher, may be stated on a certificate meeting the combined requirements of §§ 102.65, 102.67, if the form of such certificate shall have been approved for the purpose by the Service.

**§ 102.69 Copies of certificates to be kept.**

Each inspector and each weigher shall keep for a period of 1 year in a place accessible to interested parties a copy of each certificate issued by him under the regulations in this part, and shall file a copy of each such certificate with the warehouse in which the grain covered by the certificates is stored.

**§ 102.70 Inspections.**

Each inspector and each weigher shall permit any authorized officer or agent of the Department to inspect or examine, on any business day during the usual hours of business, his books, papers, records, and accounts relating to the performance of his duties under the act and this part, and shall, with the consent of the warehouseman concerned, assist any such officer or agent in the inspection or examination mentioned in § 102.39 as far as any such inspection or examination relates to the performance of the duties of such inspector or weigher under the act and the regulations in this part.

**§ 102.71 Reports.**

Each inspector and each weigher shall, from time to time, if requested by the Service, make reports, on forms approved for the purpose by the Service, bearing upon his activities as such inspector or weigher.

**§ 102.72 Licenses; suspension or revocation.**

Pending investigation, the Secretary, or his designated representative, may, whenever he deems necessary, suspend the license of an inspector or weigher temporarily without hearing. Upon a written request or a satisfactory statement of reasons therefor, submitted by the inspector or weigher, the Secretary, or his designated representative, may, without hearing, suspend or revoke the license issued to such inspector or weigher. The Secretary, or his designated representative, may, after opportunity for hearing has been afforded in the manner prescribed in this section, suspend or revoke a license issued to an inspector or a weigher when such licensee, (a) has ceased to perform services as such inspector or weigher, or (b) has in any other manner become incompetent or incapacitated to perform the duties of such inspector or weigher. As soon as it shall come to the attention of a warehouseman that either of the conditions mentioned under (a) or (b) of this section exists, it shall be the duty of such warehouseman to notify the Service in writing. Before the license of any inspector or weigher is permanently suspended or revoked pursuant to section 12 of the act, such inspector or weigher shall be furnished by the Secretary, or his designated representative, a written statement specifying the charges and shall be allowed a reasonable time within which he may answer the same in writing and apply for a hearing, an opportunity for which shall be afforded in accordance with § 102.99.

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**§ 102.73 Suspended or revoked license; termination of license.**

(a) In case a license issued to an inspector or a weigher is suspended or revoked by the Secretary, or his designated representative, such license shall be returned to the Secretary. At the expiration of any period of suspension of such license, unless in the meantime it be revoked, the dates of the beginning and termination of the suspension shall be indorsed thereon, it shall be returned to the inspector or weigher to whom it was originally issued and it shall be posted as prescribed in § 102.63.

(b) Any license issued under the act and the regulations in this part to an inspector or weigher shall automatically be suspended as to any warehouse whenever the license of such warehouse shall be suspended and shall automatically terminate as to any warehouse whenever the license of such warehouse shall be revoked. Upon either suspension or termination of any inspector's or weigher's license under this paragraph, such license shall be returned to the Department. In case such license shall apply to other warehouses, the Secretary, or his designated representative, shall issue to the licensee a new license, omitting the names of the warehouses for which licenses have been revoked or suspended. Such new license shall be posted as prescribed in § 102.63.

**§ 102.74 Lost or destroyed licenses.**

Upon satisfactory proof of the loss or destruction of a license issued to an inspector or weigher, a duplicate thereof may be issued under the same number, in the discretion of the Secretary, or his designated representative.

**§ 102.75 Unlicensed inspectors and weighers.**

No person shall in any way represent himself to be an inspector or weigher licensed under the act unless he holds an unsuspended and unrevoked license issued under the act.

GRAIN GRADING

**§ 102.76 Grade; statement.**

Whenever the grade of grain is required to be or is stated for the purpose of the act or the regulations in this part, it shall be stated in accordance with §§ 102.77–102.79.

**§ 102.77 Official grain standards of the United States.**

The official grain standards of the United States are hereby adopted as the official grain standards for the purposes of the act and the regulations in this part.

**§ 102.78 Standards of grades for other grain.**

Until grades for any kind of grain are officially promulgated by the Secretary, the grade of grain, for which no official grain standards of the United States are in effect, shall be stated (a) in accordance with the State standards, if any, established in the State in which the warehouse is located, (b) in the absence of any State standards, in accordance with the standards, if any, adopted by the local board of trade, chamber of commerce, or by the grain trade generally in the locality in which the warehouse is located, subject to the approval of the Service, or (c) in the absence of the standards mentioned in (a) and (b) of this section, in accordance with any standards approved for the purpose by the Service.

**§ 102.79 Grades based on inspection and sample.**

Whenever the grade of grain is required to be or is stated for the purposes of the act or the regulations in this part, it shall be based upon a correct and representative sample of the grain and the inspection and grading thereof shall be made under conditions which permit the determination of its true grade.

GRAIN APPEALS

**§ 102.80 Appeal procedure.**

In case a question arises as to the true grade of grain stored or to be stored in a licensed warehouse, for which official grain standards of the United States are in effect and for which a grain inspection certificate has been issued in accordance with § 102.64, any interested party may take an appeal for the determination of the grade of such grain as provided in this section. If the grain inspection certificate involved was issued under the Grain Standards Act, the appeal shall be governed by the regulations issued under that act: *Provided*, That a copy of the Federal appeal grade certificate issued in the appeal, together with any receipt covering the grain filed in the appeal, shall be sent to the licensed warehouseman concerned, and a copy of the Federal appeal grade certificate shall be sent to the licensed inspector and to each other person shown by the record of the appeal to be interested therein. When the grain inspection certificate with respect to which the appeal is taken was not issued under the Grain Standards Act, the appeal shall be governed by §§ 102.81 through 102.95.

**§ 102.81 Complaint.**

In order to take such an appeal a complaint in writing in accordance with § 102.82 shall be filed, in the Office of Federal Grain Supervision in the district in which the inspection appealed from was made, not later than the close of business on the second business day following the date the grading was performed as shown by the record required by § 102.66.

**§ 102.82 Contents of complaint.**

Such complaint shall be in English and shall state—

(a) The name and post-office address of the complainant,

(b) The names and post-office addresses of all other parties interested in the grain involved, or if no other parties are named, why not,

(c) The name and location of the licensed warehouse in which the grain is or is to be stored,

(d) The identification and the location of the grain at the time of taking the appeal,

(e) If samples have been agreed upon and are submitted in accordance with § 102.86(b) a statement thereof, and

(f) Such other information as may be required by the Office of Federal Grain Supervision in which such complaint is filed or by the Administrator.

Such complaint shall be signed by the complainant and may be signed by any one or more or all of the parties interested in such appeal.

**§ 102.83 Proof of agent's authority.**

In case a complaint is filed under §§ 102.81 through 102.95 by a person purporting to act in behalf of another person, the grain supervisor in charge of the Office of Federal Grain Supervision in which such complaint is filed, or the Administrator may, if he considers necessary, require proof of the authority of such person to file the complaint.

**§ 102.84 Certificate of inspection and receipt.**

The complainant shall file or cause to be filed in the Office of Federal Grain Supervision mentioned in § 102.81, with the complaint or before the issuance of the grade memorandum in the appeal, the inspection certificate for the grain involved issued by the inspector from whose inspection the appeal is taken together with the receipt, if any, covering such grain. If such inspection certificate be in the custody or control of the inspector he shall upon request immediately transmit or deliver it to said office.

**§ 102.85 Filing complaint; extension.**

Upon a showing of the discovery of fraud or other good cause for an extension of time the grain supervisor in charge of the office mentioned in § 102.81 may permit the filing of a complaint or sample after the time prescribed therefor in the regulations in this part, and a statement of such appeal by the official making the same.

**§ 102.86 Determination of appeals; samples.**

(a) No appeal taken under §§ 102.81 through 102.95 shall be determined except upon the basis of a representative sample or samples of the grain involved.

(b) The complainant may submit representative samples of the grain involved which have been agreed upon by the warehouseman in whose warehouse the grain is or is to be stored and the interested parties, other than such warehouseman, or have been drawn by a disinterested person selected for the purpose by the warehouseman and such parties.

(c) If samples which have been submitted pursuant to paragraph (b) of this section be deemed unsatisfactory, or if such samples be not submitted, a representative sample or samples of the grain involved shall be drawn by a person authorized for the purpose by the Service or the grain supervisor in charge of the Office of Federal Grain Supervision in which the appeal is heard; and the complainant or the warehouseman shall have the grain made accessible and placed under such conditions as to permit the taking of a representative sample.

**§ 102.87 Samples required.**

Samples of grain involved in an appeal shall be delivered in person or transmitted by express or parcel post to the Office of Federal Grain Supervision in which the appeal is filed.

**§ 102.88 Representative samples.**

For the purposes of an appeal under §§ 102.81 through 102.95 no sample shall be deemed to be representative unless it comply with the following requirements:

(a) It shall be at least 2 quarts in size, of which at least 1½ pints shall be enclosed in a clean, airtight container and the remainder, if any, in a clean cloth sack.

(b) Samples shall be taken from as many different portions of the lot or parcel, in accordance with the instructions of the Service or the grain supervisor in charge of the office mentioned in § 102.81 as will show an average of the lot or parcel.

(c) The grain taken from the different portions of a lot or parcel shall be thoroughly mixed, and such mixtures, or a typical portion thereof, otherwise complying with this section, shall constitute a sample of the entire lot or parcel.

(d) In case any portion of a lot or parcel of grain is sour, musty, excessively wet, heating, hot, fire burnt, infested with live weevil or other insects injurious to stored grain, or otherwise of distinctly low quality, separate samples otherwise complying with this section shall be taken, respectively, from such portion and from the remaining portion. There shall be filed with such samples a statement showing the estimated quantity of each portion of the grain from which each such sample was taken.

(e) In case it shall appear that a lot or parcel of grain has been so loaded or handled as intentionally to conceal evidently inferior grain, a sample of such inferior grain, otherwise complying with this section, shall constitute a sample of the entire lot or parcel.

**§ 102.89 Appeal; dismissal.**

The grain supervisor in charge of an Office of Federal Grain Supervision in which an appeal is filed may dismiss such appeal without its determination:

(a) Upon request of the complainant,

(b) If it is found that the appeal was not taken in good faith,

(c) For noncompliance with the regulations in this part, or

(d) Because sufficient evidence is not available upon which to determine the true grade of the grain.

**§ 102.90 Grade certificate; issuance.**

The sample or samples of the grain involved in an appeal complying with §§ 102.81 through 102.95 shall be examined as soon as possible, such tests shall be applied as are necessary, and except as provided in § 102.89 a grade certificate shall be issued by the grain supervisor hearing the appeal, showing the grade assigned by him to such grain. Such grade certificate shall supersede the inspection certificate for the grain involved. Immediately upon the issuance of a grade certificate under this section the original thereof, together with any receipt covering such grain filed in the appeal, shall be sent to the licensed warehouseman concerned and a copy shall be sent to the licensed inspector and to each other person shown by the record of the appeal to be interested therein.

**§ 102.91 Grain grade appeal fees.**

The fees and charges in appeals from grain inspection certificates not issued under the Grain Standards Act shall be the same as those prescribed in the regulations under the Grain Standards Act for appeals from grain inspection certificates issued under that act. Such fees and charges shall be assessed against the appellant.

**§ 102.92 Advance deposit; fees; how paid.**

(a) If required by the grain supervisor in charge of the Office of Federal Grain Supervision in which the complaint is filed or by the Administrator, the complainant shall make an advance deposit to cover the expenses payable by him under § 102.91. Such deposit shall be in an amount fixed by such grain supervisor or the Administrator and shall be in the form of a check; certified if required by the Administrator, or a post-office or express money order payable to the order of "Treasurer of the United States." Additional sums may be required by the official hearing the appeal when deemed necessary by him as advance deposits. In case an appeal be sustained, the amount of the fee assessed shall be refunded. As soon as possible after the determination of an appeal in connection with which any such advance deposit shall have been made the Administrator shall furnish the Treasurer of the United States with a statement of all fees and expenses chargeable against such advance deposits. Thereupon the Treasurer of the United States shall return to the person making the advance deposit as much thereof as shall not be required for the payment of such expenses.

(b) All fees not covered by advance deposits shall be payable immediately upon service of the original or a copy of the grade certificate of the grain supervisor and shall be paid by check, certified if required by the Administrator, or post-office or express money order, drawn to the order of "Treasurer of the United States," or in cash to the Treasurer of the United States.

(c) In case an appeal is not sustained, all sums assessed as fees and expenses against such advance deposits and all sums collected and received by the Treasurer of the United States in payment of such fees and expenses shall be deposited and covered into the Treasury of the United States as miscellaneous receipts.

**§ 102.93 Disposition of samples.**

Samples of grain submitted in appeals under §§ 102.81 through 102.95, or such portions thereof as have not been used in determining the grade and the containers of such samples may, after the expiration of one month be used for the purposes of the Department or disposed of in accordance with the property regulations of the Department and the proceeds, if any, covered into the Treasury of the United States as miscellaneous receipts, or may, at any time in the discretion of the Administrator be returned to the party by whom they were filed or his agent at his expense.

**§ 102.94 Appeal; not to be refused.**

No rule, regulation, bylaw, or custom of any market, board of trade, chamber of commerce, exchange, inspection department or similar organization, nor any contract, agreement, or understanding, shall be ground for refusing to hear and determine any appeal taken under §§ 102.81 through 102.95.

**§ 102.95 Appeal; freedom.**

No person, licensed under the act, shall, directly or indirectly by any means whatsoever, deter or prevent or attempt to deter or prevent any party from taking an appeal under §§ 102.81 through 102.95.

MISCELLANEOUS

**§ 102.96 Bonds required; re State warehouses.**

Every person applying for a license, or licensed under section 9 of the act shall, as such, be subject to all portions of the regulations in this part, so far as they may relate to warehousemen. In case there is a law of any State providing for a system of warehouses owned, operated or leased by such State, a person applying for a license under section 9 of the act, to accept the custody of grain and to store the same in any of said warehouses, may, in lieu of a bond or bonds, complying with §§ 102.13 and 102.14, file with the Secretary, or his designated representative, a single bond meeting the requirements of the act and this part, in such form, and in such amount not less than $5,000 as he shall prescribe, to in-





sure the performance by such person, with respect to the acceptance of the custody of grain and its storage in the warehouses in such system for which licenses are or may be issued, of his obligations arising during the periods of such licenses, and in addition, if desired by the applicant, during the periods of any amendments thereto. In fixing the amount of such bond, consideration shall be given, among other appropriate factors, to the character of the warehouses involved, their actual or contemplated capacity, the bonding requirements of the State and its liability with respect to such warehouses. If the Secretary, or his designated representative, shall find the existence of conditions warranting such action, there shall be added to the amount of the bond so fixed, a further amount, fixed by him, to meet such conditions.

**§ 102.97 Publications.**

Publications under the act and the regulations in this part shall be made in such media as may be deemed proper by the Administrator.

**§ 102.98 Information of violations.**

Every person licensed under the act shall immediately furnish the Department any information which comes to the knowledge of such person tending to show that any provision of the act or the regulations in this part has been violated.

**§ 102.99 Procedure in hearings.**

For the purpose of hearings under the act or the regulations in this part, except those relating to appeals or arbitrations, the licensee involved shall be allowed a reasonable time within which affidavits and other proper evidence may be submitted. If requested by the licensee within such time, an oral hearing, of which reasonable notice shall be given, shall be held before, and at a time and place fixed by an official authorized by the Secretary. The testimony of the witnesses at such oral hearing shall be upon oath or affirmation administered by the official before whom the hearing is held, when required by him. Such oral hearing may be adjourned by such official from time to time. After reasonable notice to all parties concerned, the deposition of any witness may be taken at a time and place and before a person designated for the purpose by the official before whom the hearing is held. Every written entry in the records of the Department made by an officer or employee thereof in the course of his official duty, which is relevant to the issue involved in a hearing, shall be admissible as prima facie evidence of the facts stated therein without the production of such officer or employee. Copies of all papers and all the evidence submitted or considered in such hearing shall be made a part of the records of the Department. At the end of the oral hearing, the parties shall be afforded an opportunity to file proposed findings of fact, conclusions of law, and orders, after which the official before whom the hearing is held shall prepare his report including his recommended findings of fact, conclusions of law, and order, which shall be served upon the parties, who may file exceptions thereto within a time specified by such official. After the expiration of such time, such report together with any proposed findings of fact, conclusions of law, and orders, and exceptions filed by the parties shall be transmitted to the Secretary for consideration. Each party shall pay all expenses contracted by him in connection with any hearing under this section.

**§ 102.100 One document and one license to cover several products.**

A license may be issued for the storage of two or more agricultural products in a single warehouse. Where such a license is desired, a single application, inspection, bond, record, report or other paper, document or proceeding relating to such warehouse, shall be sufficient unless otherwise directed by the Administrator.

**§ 102.101 Assets and bond; combination warehouses.**

Where such license is desired, the amount of the bond, net assets, and inspection and license fees shall be determined by the Administrator in accordance with the regulations applicable to the particular agricultural product which would require the largest bond and the greatest amount of net assets and of fees if the full capacity of the warehouse was used for its storage.

**§ 102.102 Amendments.**

Any amendment to this part, unless otherwise stated, shall apply in the same manner to persons holding licenses at the time it becomes effective as it applies to persons thereafter licensed under the act.

TERMINAL AND FUTURES CONTRACT MARKETS

**§ 102.103 Futures contract markets defined.**

For the purpose of §§ 102.103–102.111 a futures contract market is any grain market designated as a futures contract market under authority of the Commodity Exchange Act (49 Stat. 1491, as amended; 7 U.S.C. 1–17a).

**§ 102.104 Licenses to weigh grain; futures markets.**

Licenses to weigh grain into, out of, and within licensed warehouses, receipts of which are deliverable in satisfaction of futures contracts may be issued to the weighmaster and his deputies of such contract market.

**§ 102.105 Registrar of warehouse receipts; futures contract market.**

The Administrator may approve as registrar of warehouse receipts issued for grain in licensed elevators operating in any terminal market or in any futures contract market the official designated by the State in which such market is located, if such an official position has been created by law, or any other individual, provided such individual is not an employee of, or the owner of, any such licensed elevator, or the owner of, or an employee of the owner of, grain deposited in any such licensed elevator.

**§ 102.106 Licenses to State and other employees.**

Licenses may be issued to employees of the grain inspection department of any State or any other agency to inspect and to certificate the grade of grain moving into, out of, or within the licensed elevators.

**§ 102.107 License to chief sampler or deputy.**

Licenses may be issued to a chief sampler or his deputies in any market to sample and to inspect grain stored or to be stored in any licensed warehouse in a specified market for the purpose of determining the storability of the grain, subject to the act and the regulations thereunder. Should a difference of opinion exist between any licensed warehouseman, the licensed sampler or any party having an interest in the grain, an appeal may be filed within 24 hours with the Administrator who shall appoint three disinterested persons to serve as an appeals committee and the findings of this committee shall be final and binding on all parties.

**§ 102.108 Additional bonding required.**

In addition to the financial responsibility and the bonding requirements of §§ 102.6, 102.13–102.17, such additional bond shall be required for the protection of the public as will make the bonded responsibility of each licensed warehouseman equal to the maximum amount of bond required of nonlicensed warehousemen by the exchange, board of trade, or other agency within said market in which the licensed warehouseman is operating.

**§ 102.109 Examination of warehouses; board of trade interest.**

Annually or more frequently if desired, a duly authorized committee of any exchange or board of trade that has been designated as a contract market may enter any warehouse operating under the regulations in this part, when accompanied by U.S. warehouse examiners, to observe the official examination of the warehouse; or such committee may participate in the making of such examination, under the supervision and direction of the U.S. warehouse examiner in charge. The committee shall be afforded full knowledge of the quantities, kinds, grades, and condition of all grain in the warehouse. The committee may also with the warehouse examiners have access to the warehouseman's records of receipts, fire insurance, weights and grades. In lieu of an examination by any committee of the exchange or board of trade the Department will furnish if desired to the secretary of the exchange or board of trade a summarized statement of its findings of conditions at each licensed warehouse operating within the market.

remove the grain or make other satisfactory disposition of same within the prescribed time it shall be held for his account and any loss in grade sustained shall likewise be for his account.

(c) Nothing in this section shall be construed as prohibiting the warehouseman from fulfilling contracts from other stocks under his control, subject to the U.S. Warehouse Act and regulations thereunder.

§ 102.111 Terminal markets.

Sections 102.103–102.111 apply only to warehousemen operating in such markets as may have been heretofore or may be hereafter designated as futures contract markets, and §§ 102.103–102.107 apply also to warehousemen operating in such markets as the Department may view as terminal markets, and the appointment heretofore or hereafter of a registrar of warehouse receipts, as provided in § 102.105 is conclusive that the Department views such market as a terminal market for purposes of the Warehouse Act. All other regulations issued under the act and applicable to grain warehousemen shall apply to warehousemen operating in such terminal or futures contract markets except as such regulations may conflict with §§ 102.103–102.111.

[F.R. Doc. 64-11945; Filed, Nov. 23, 1964; 8:45 a.m.]

## Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

## PART 723—CIGAR-FILLER (TYPE 41) TOBACCO

### Subpart—Cigar-Filler (Type 41) Tobacco Allotment Regulations, 1965–66 Marketing Year

GENERAL

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ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

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723.64 Approval of determinations made under §§ 723.51 through 723.65 and notice of farm acreage allotment.
723.65 Application for review.
723.66 Lease and transfer of tobacco acreage allotment.

AUTHORITY: The provisions of this subpart issued under secs. 301, 313, 316, 363, 375, 377, 378, 52 Stat. 38, as amended, 47, as amended, 63, as amended, 65, as amended, 70 Stat. 206, 68, as amended, 72 Stat. 995, as amended, 75 Stat. 469, as amended; secs. 106, 112, 70 Stat. 906; 191, 196, as amended; sec. 101, 76 Stat. 606; 7 U.S.C. 1301, 1313, 1314b, 1363, 1375, 1377, 1378, 1824, 1836, 16 U.S.C. 590p.

GENERAL

§ 723.51 Basis and purpose.

(a) The regulations contained in §§ 723.51 through 723.66 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1965 farm acreage allotments and normal yields for cigar-filler (type 41) tobacco. The purpose of the regulations in §§ 723.51 through 723.66 is to provide the procedure for allocating, on an acreage basis, the State marketing quota for cigar-filler (type 41) tobacco for the 1965–66 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 723.51 through 723.66, public notice

(29 F.R. 14123) was given in accordance



with the Administrative Procedure Act (5 U.S.C. 1001–1011). The data, views, and recommendations pertaining to the regulations in §§ 723.51 through 723.66 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) In view of the fact that the determination of tobacco history acreages and 1965 preliminary acreage allotments is required to be undertaken immediately in order to timely establish farm acreage allotments and such work cannot be done until the regulations of this part become effective, it is hereby found and determined that compliance with the 30-day effective date provision of the Administrative Procedure Act is impractical and contrary to the public interest. Therefore, the regulations of this part shall become effective upon the date of publication in the FEDERAL REGISTER.

§ 723.52 Definitions.

As used in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires. References contained herein to other parts of this chapter or title shall be construed as references to such parts and any amendments now in effect or later issued.

(a) The provisions of Parts 718 and 719 of this chapter, including definitions, are hereby incorporated in the regulations of this part unless the context or subject matter or the provisions of the regulations of this part otherwise require.

(b) "Base period" means the five calendar years immediately preceding the year for which farm acreage allotments are currently being established.

(c) "Current year" means the calendar year for which acreage allotments are being established, or tobacco harvested acreage and normal yields are being determined.

(d) "New farm" means a farm for which a tobacco allotment is established in the current year and for which there is no tobacco harvested acreage in the base period.

(e) "Old farm" means a farm for which there was tobacco harvested acreage in one or more years of the base period.

(f) "Tobacco" means cigar-filler tobacco, type 41, that type of cigar-leaf tobacco commonly known as Pennsylvania Seedleaf, Pennsylvania Broadleaf, Pennsylvania filler type, or Lancaster and York County filler type, and produced principally in Lancaster County, Pennsylvania, and the adjoining counties, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco. The term "tobacco" shall include all leaves harvested, including trash.

§ 723.53 Extent of determinations, computations and rule for rounding fractions.

Farm acreage allotments shall be determined in hundredths and any allotment of less than 0.01 acre shall be increased to 0.01 acre. Computations shall be carried to two decimal places beyond the number of decimal places required, and digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by 1. For example, 2.5536 equals 2.55; 2.5550 equals 2.55; 2.5551 equals 2.56; 2.5582 equals 2.56; and 0.0001 equals 0.01.

§ 723.54 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by and the instructions shall be issued by, the Deputy Administrator for State and County Operations of the Agricultural Stabilization and Conservation Service.

HARVESTED ACREAGE, ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 723.55 Determination of tobacco harvested acreage for old farms.

(a) The county committee shall determine from the best available data the acreage of tobacco harvested on each old tobacco farm for each of the five years 1960–64. Data for making such determinations shall be taken from county office records, producers' reports, estimates of other persons having knowledge of tobacco produced on the farm, and any other information available.

(b) The tobacco harvested acreage shall include the acreage regarded as planted to tobacco under the conservation reserve program, cropland conversion program, and the 1963 land use adjustment program, as follows: For farms under contract or agreement during 1960, 1961, 1963, and 1964, the tobacco harvested acreage shall be the larger of (1) the planted acreage, or (2) the average acreage devoted to tobacco during the soil bank base period or conserving base period, as applicable (Parts 750 and 751 of this chapter). For farms under a conservation reserve contract during 1962, the tobacco acreage to be regarded as devoted to tobacco during the 1962 crop shall be that acreage determined in accordance with Part 719 of this chapter, using the 1962 allotment as a basis for the determination of credits.

(c) The 1962 tobacco harvested acreage shall be the same as the 1962 allotment if as much as 75 percent of the 1962 allotment was planted, or considered planted under paragraph (b) of this section. If less than 75 percent of the 1962 allotment was planted, or considered planted, the 1962 tobacco harvested acreage shall be the acreage planted. The tobacco harvested acreage for 1962 shall be zero for a farm for which no 1962 allotment was determined.

(d) In determining the tobacco harvested acreage for 1960, 1961, 1963, and 1964, the county committee shall make due allowance for drought, flood, hail, and other abnormal weather conditions and plant bed and other diseases, after application of the provisions of paragraph (b) of this section.

§ 723.56 Determination of preliminary acreage allotments for old farms.

(a) The preliminary allotment for an old farm shall be the larger of the following:

(1) The average acreage of tobacco harvested on the farm during the base period (1960–64), or

(2) The average acreage of tobacco harvested on the farm in the three preceding years (1962–64).

(b) Notwithstanding the foregoing provisions of this section, no 1965 farm tobacco preliminary allotment (or 1965 farm tobacco acreage allotment) shall be determined for any land which the county committee determines has become devoted to commercial or residential development or other nonagricultural purposes, was not and could not have been acquired under the right of eminent domain by the person or agency that did acquire it, and is retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment (or allotment) for (1) an old farm returned to agricultural production if the allotment for the retired land was not allocated to other land in the farm of which the retired land was a part, or (2) a farm for which an acreage allotment may be determined under the provisions of § 723.59: *And, provided further*, That the provisions of this paragraph shall not preclude the allocation of the allotment for the retired land to other land contained in the farm of which the retired land was a part pursuant to Part 719 of this chapter.

§ 723.57 Old farm tobacco acreage allotment.

The preliminary allotments calculated for all old farms in the State pursuant to § 723.56 shall be adjusted uniformly so that the total of such allotments plus the acreage available pursuant to § 723.58 shall not exceed the State acreage allotment: *Provided*, That if the acreage allotment determined for any farm (except farms operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced) is less than that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco, then such acreage allotment shall be increased to the smaller of (a) 120 percent thereof, or (b) that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco.

§ 723.58 Adjustment of acreage allotments for old farms, correction of errors in old farm allotments, and allotments for overlooked old farms.

Notwithstanding the limitations contained in § 723.57, the individual current

§ 102.110 Registration of public warehouse receipts; protection.

When a contract market designates any agency for the registration of public warehouse receipts and such agency is approved as provided for in § 102.106, all warehouse receipts shall be registered with the registrar and any change in ownership of a warehouse receipt shall be reported to the registrar by the owner thereof, giving his name and address to the registrar. All registered receipts shall be entitled to the following protection:

(a) (1) Whenever any licensed warehouseman considers that any grain stored in his warehouse is out of condition, or becoming so, and should be loaded out in order to protect the interests of the parties concerned, such warehouseman shall notify the registrar and the Administrator, giving the location, approximate quantity, grades, and condition of such grain, and the specific reason which makes loading out necessary. The registrar shall immediately notify the chief sampler, if there be one, otherwise the chief inspector, of the contract market who shall at once proceed to the warehouse in which the grain is stored and examine it, in conjunction with the licensed warehouseman. If the chief sampler, or chief inspector, agrees with the warehouseman that the grain should be loaded out, he shall so notify the registrar and the Administrator. If the chief sampler does not agree with the warehouseman, the latter shall have the right to appeal to the Administrator who shall appoint an appeals committee as provided in § 102.107. If, on such appeal, the warehouseman is sustained, the registrar shall be notified and such warehouse receipts as are selected as provided in this section shall no longer be regular for delivery in satisfaction of futures contracts made under the rules and regulations of such contract market.

(2) The registrar shall thereupon select the oldest registered warehouse receipt for grain of the grade involved and such additional next oldest registered warehouse receipts in the order of their issuance as may be necessary to equal the total quantity of the grain involved, unless such grain has been stored identity preserved, and shall notify such holder or holders or their agents and the president of the contract market of the condition of the grain and the necessity for its being loaded out. When this information reaches the president of the contract market he shall appoint a committee consisting of five disinterested handlers of cash grain, and notify the Administrator of the appointment of said committee giving the name, address, and business of each member. Each member of said committee shall be subject to disapproval by the Administrator. If no exception is taken to the committee membership during the same business day by the Administrator, the committee shall meet at once, and after taking into consideration various factors that establish the value of the grade of grain called for by the receipts held by such owner or owners, shall determine the fair value of the grain on the basis of the market quotations for grain of the grade called for by the receipts on the day of the finding of the appeals committee that the grain should be loaded out, which price shall be paid to the owner or holder of each such receipt by the licensed warehouseman. If the price offered is not satisfactory to any such owner or holder, a committee appointed by the president of such contract market at the request of such owner or holder shall procure other offers for such grain and such offers shall be immediately reported to such owner or holder or to his agent. If the owner refuses to accept any such offers he shall have the 2 following business days to order and furnish facilities for loading such grain out of store and during this period the warehouseman shall be obliged to deliver the grain covered by the warehouse receipts, but not more than 3 days shall elapse after notification by the registrar to the holder of the receipts before satisfactory disposition shall have been made of the grain either by sale or by ordering out and furnishing facilities to load same, provided the amount of such grain does not exceed 100,000 bushels in any one elevator. If the amount of grain in question exceeds 100,000 bushels, the owner or owners of the warehouse receipts shall be allowed 48 hours of grace over and above the aforementioned 3 days for each 100,000 bushels or fraction thereof in excess of the first 100,000 bushels.

(b) In the event that the holder of the warehouse receipt or his agent fails to

year's farm acreage allotment established for an old farm may be increased if the county committee justifies such increase to the satisfaction of a representative of the State committee as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the county, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available in the State for increasing old farm allotments as above described under this section, correction of errors in old farm allotments, and providing acreage allotments for overlooked old farms, shall not exceed two percent of the State acreage allotment for the current year. The allotment for a farm under a conservation reserve contract, cropland conversion or land use agreement, shall be given the same consideration as the allotments for other similar farms under this section.

**§ 723.59 Reallocation and release and reapportionment of allotments determined for farms acquired by an agency having the right of eminent domain.**

(a) The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotment to a pool, and reallocation from the pool shall be administered as provided in Part 719 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 723.61. For a farm for which the 1962 allotment was placed in a pool, the 1962 allotment remaining in the pool shall be the 1965 preliminary allotment. If no 1962 allotment was or may be computed for the farm which was acquired as described in this section, and tobacco was planted thereon in 1963 or 1964, the 1965 preliminary allotment shall be determined in accordance with § 723.56.

(b) The displaced owner of a farm may, not later than May 1 of the current year, release in writing to the county committee for the year 1965 all or part of the acreage for the farm in a pool under Part 719 of this chapter for reapportionment for 1965 by the county committee to other farms in the county having allotments for the same kind of tobacco. The county committee may reapportion, not later than June 1 of the current year, the released acreage or any part thereof to other farms in the county on the basis of the past acreage of the same kind of tobacco, land, labor, equipment available for the production of such kind of tobacco, crop rotation practices, and soil and other physical facilities affecting the production of such kind of tobacco. The allotment acreage released shall, for tobacco acreage history and future allotment purposes, be considered to have remained in the pool as though it had not been released therefrom. The acreage reapportioned to a farm under this paragraph shall automatically be reduced, where applicable, so as not to exceed the acreage by which the 1965 final tobacco acreage on the farm, determined pursuant to Part 718 of this chapter, exceeds the 1965 allotment for the farm prior to being increased by reapportionment of acreage under this paragraph.

**§ 723.60 Farms divided or combined.**

Allotments for farms reconstituted for 1965 shall be determined in accordance with Part 719 of this chapter.

**§ 723.61 Determination of normal yields for old farms.**

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the period, not less than the base period, for which data are available; (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

**§ 723.62 Determination of acreage allotments for new farms.**

(a) The acreage allotment, other than an allotment made under § 723.59(a), for a new farm shall be that acreage which the county committee, with approval of the State committee, determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator, the land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 50 percent of the average of the acreage allotments established for two or more but not more than five old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And, provided further*, That if the acreage planted to tobacco on a new tobacco farm is less then 75 percent of the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the planted tobacco acreage on the farm.

(b) Notwithstanding any other provision of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm shall be operated by the owner thereof. A person who owns only part of a farm cannot be considered the owner of the farm except that both husband and wife shall be considered the owner of the farm if the farm is jointly owned by such husband and wife.

(2) The farm covered by the application shall be the only farm in the United States owned or operated by the farm operator for which a tobacco acreage allotment for any kind of tobacco is established for the current crop year.

(3) The farm shall not have an allotment for the current year for any kind of tobacco, other than the allotment requested in the application.

(4) The available land, type of soil, and topography of the land on the farm for which the allotment is requested is suitable for the production of the kind of tobacco requested in the application and the production of such kind of tobacco on the farm ordinarily will not result in an undue erosion hazard under continuous production.

(5) The operator shall own, or otherwise have readily available, adequate equipment and the other facilities of production (including irrigation water) necessary to the successful production of the kind of tobacco requested on the farm.

(6) The operator will obtain, during the current year, more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed. In making this computation of income from the farm, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold from the farm, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership, each partner must obtain, during the current year, more than 50 percent of his income from agricultural commodities or products from the farm; where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership where applicable, of such farm, and the officers and general manager of the corporation must obtain more than 50 percent of their income, including dividends and salary, from the corporation.

(7) The farm operator shall have had experience in producing, harvesting, and marketing the kind of tobacco requested in the application either as a sharecropper, tenant, or farm operator, during at least two of the five years immediately preceding the year for which the new farm allotment in requested. The production of tobacco in 1962 of the kind requested in the application on a farm for which no 1962 farm acreage allotment for such kind of tobacco was established, shall not be deemed as experience in growing tobacco for this purpose.

(8) The farm shall not include land returned to agricultural production after being acquired by an agency having the right of eminent domain if the entire tobacco allotment for the land was pooled pursuant to Part 719 of this chapter, until after a date five years from the date the former owner was displaced from the land acquired by eminent domain.

(9) A written application is filed by the farm operator at the office of the



county committee on or before March 10 of the current year.

(c) The acreage allotments established as provided in this section for each kind of tobacco shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One percent of the national marketing quota for the current year shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the State yield used in converting the State marketing quota into State acreage allotments.

(d) Any new farm allotment approved under §§ 723.51 through 723.65 which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be cancelled by the county committee as of the date established.

**§ 723.63 Determination of normal yields for new farms.**

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

**§ 723.64 Approval of determinations made under §§ 723.51 through 723.65 and notices of farm acreage allotment.**

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determination made under §§ 723.51 through 723.65. All acreage allotments and yields shall be approved by a representative of the State committee, and no official notice of acreage allotment shall be mailed to a farm operator until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases resulting from reconstitutions that do not involve the use of additional acreage.

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or fascimile signature of a member of the county committee. The fascimile signature may be affixed by a county committeeman or an employee of the county office. Insofar as practical, all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) removal of the farm from agricultural production, (2) division of the farm, or (3) combination of the farm, the mailing of the notice of such allotment may be delayed: *Provided*, That the notice of allotment for any farm shall be mailed no later than May 1 of the current year.

(d) If the county committee determines with the approval of the State executive director that (1) the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and (2) the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the current year: *Provided*, That for future allotment purposes, the 1965 allotment shall be considered fully planted if the acreage planted is as much as 75 percent of the smaller of the acreage shown on the correct notice or the acreage shown on the erroneous notice.

**§ 723.65 Application for review.**

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm may, within 15 days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASCS county office to have such allotment reviewed by a review committee. The procedure governing the review of farm acreage allotments and marketing quotas is contained in Part 711 of this chapter, which is available at the ASCS county office.

**§ 723.66 Lease and transfer of tobacco acreage allotment.**

(a) For the 1965 crop year, notwithstanding the provisions of §§ 723.51 through 723.65, but subject to the limitations provided in this section, the owner and operator (acting together if different persons) of any farm for which an old farm tobacco acreage allotment is established for type 41 tobacco for the 1965 crop year under §§ 723.51 through 723.65, may lease and transfer all or any part of such allotment to any other owner or operator of a farm in the same county with a current year's allotment (old or new farm), for the same kind of tobacco for use on such farm. Such lease and transfer of allotment acreage shall be recognized and considered valid by the county committee subject to the conditions set forth in this section.

(b) Any lease shall be made on an annual basis and on such terms and conditions, except as otherwise provided in this section, as the parties thereto agree.

(c) The lease and transfer of any allotment or any part thereof shall not be effective until a copy of such lease is filed with and determined by the county committee to be in compliance with the provisions of this section. Such lease and transfer shall not be effective unless a copy of the lease is filed with the county committee not later than May 1 of the current year.

(d) The county committee shall determine a normal yield per acre, in accordance with the provisions of § 723.61 in the case of old farms and, in the case of new farms, § 723.63 for each farm from which, and for each farm to which, a tobacco acreage allotment or any part thereof is leased. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred does not exceed the normal yield determined by the county committee for the farm from which the allotment acreage is transferred by more than ten percent, the lease and transfer shall be approved acre for acre. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred exceeds the normal yield for the farm from which the allotment acreage is transferred by more than ten percent, the county committee shall make a downward adjustment in the amount of the allotment acreage transferred by multiplying the normal yield established for the farm from which the allotment acreage is transferred by the acreage being transferred and dividing the result by the normal yield established for the farm to which the allotment acreage is transferred.

(e) The amount of allotment acreage which is leased from a farm (prior to any reduction made under this section) shall be considered for the purpose of determining future allotments (and tobacco history acreage) to have been planted to tobacco on such farm. The amount of allotment acreage which is leased and transferred to a farm shall not be taken into account in establishing allotments for subsequent years for such farm.

(f) No one farm may receive by lease and transfer more than five acres of allotment acreage (prior to any adjustment under paragraph (d) of this section for normal yields): *Provided*, That the total acreage allotted to any farm after such transfer (the sum of its own allotment and the acreage leased and transferred to it prior to any adjustment in normal yields) shall not exceed 50 percent of the acreage of cropland in the farm.

(g) A new farm allotment shall not be leased or transferred.

(h) Tobacco allotment acreage shall not be leased and transferred to or from any farm under a conservation reserve contract or cropland conversion program agreement in excess of the total number

of acres which could be devoted to nonconserving or soil bank base crops under the terms of such contract or agreement, less, in the case of a farm to which a tobacco allotment acreage is leased and transferred, the tobacco allotment acreage for such farm without regard to the lease and transfer. For possible effects of a lease and transfer of tobacco allotment acreage on such conservation reserve contract or cropland conversion program agreement, see the regulations issued with respect to the conservation reserve program (Part 750 of this chapter) and the cropland conversion program (Part 751 of this chapter).

(i) The tobacco allotment acreage in a pool (see § 723.59(a)), including allotment acreage which has been released to the county committee and reapportioned under the provisions of § 723.59(b), shall not be eligible for lease and transfer.

(j) Any leased allotment acreage shall not be subleased.

(k) A revised notice showing the allotment acreage after lease and transfer shall be issued by the county committee to each of the operators of all farms from which or to which tobacco allotment acreage is leased under this section.

(l) If a violation is pending which may result in an allotment reduction for a farm for the current year, the county committee shall delay approval of any lease and transfer of allotment from or to the farm until the violation is cleared or the allotment reduction is made. However, if the allotment reduction in such a case cannot be made effective for the current crop year before the final date for reducing allotments for violations, the lease may be approved by the county committee. In any case, if, after a lease and transfer of a tobacco acreage allotment has been approved by the county committee, it is determined that the allotment for the farm from which or to which such acreage is leased is to be reduced for a violation, the allotment reduction for such farm shall be delayed until the following year.

(m) Except with respect to the erroneous allotment notice provisions in § 723.64 and the provisions for review in § 723.65, the term "tobacco acreage allotment" as used in §§ 723.51 through 723.65 shall mean the allotment without regard to the application of the provisions of this section.

(n) If the allotment for a farm for the current year is reduced to zero, no tobacco allotment acreage for such kind of tobacco may be leased to such farm for the current year.

(o) No lease shall be approved by the county committee for any farm involved in a lease and transfer of allotment acreage until the time for filing an application for review, as shown on the original allotment notice for the farm, has expired. If an application for review is filed for a farm involved in a lease and transfer agreement, such agreement shall not be approved by the county committee until the allotment for such farm is finally determined pursuant to Part 711 of this chapter.

(p) The acreage allotment finally determined (after lease and transfer) for a farm under the provisions of this section shall be the allotment for such farm for the current year only for the purposes of determining (1) excess acreage, (2) the amount of penalty to be collected on marketings of excess tobacco including absorption of carryover penalty tobacco, (3) eligibility for price support, and (4) the farm marketing quota and the percentage reduction for a violation in the allotment for the farm. Such percentage reduction determined as applicable when the violation occurred shall be applied to the allotment being reduced prior to any lease and transfer of allotment.

(q) An agreement for leasing tobacco allotment acreage may be dissolved at the request of all parties to the leasing by so notifying the county committee in writing not later than May 1 of the current year. In such a case, an official notice of the farm acreage allotment and marketing quota, disregarding lease and transfer, shall be issued by the county committee to each of the operators involved in the leasing agreement. If the request to dissolve the lease is made after the above-specified date(s), the acreage allotments resulting from the lease and transfer shall remain in effect.

(r) Allotments for reconstituted farms shall be divided or combined in accordance with Part 719 of this chapter. For this purpose, the farm acreage allotment being divided or combined for a farm in the current year shall be the allotment after lease and transfer has been made. For the following year, that part of the acreage allotment leased shall revert to the farm from which it was transferred. Notwithstanding the above, in the case of divisions, the county committee may allocate the leased acreage involved to the tracts involved in the division as the farm operators interested in such tracts agree in writing.

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 18, 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-12012; Filed, Nov. 23, 1964; 8:50 a.m.]

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

## PART 1464—TOBACCO

### Subpart—Tobacco Loan Program

SCHEDULE OF ADVANCE RATES FOR CERTAIN TYPES OF TOBACCO, 1964 CROP

Set forth below is a schedule of advance rates, by grades, for the 1964 crop of types 21, 22, 23, 31, 35, 36, 37, 42–44, 51, 52 53, 54, and 55 tobacco, under the tobacco loan program published August 7, 1963, as amended (28 F.R. 8019, 11822, 29 F.R. 10497).

Sec.


1464.1631 1964 Crop—Virginia Fire-cured Tobacco, Type 21.
1464.1632 1964 Crop—Kentucky-Tennessee Fire-cured Tobacco, Types 22 and 23.
1464.1633 1964 Crop—Burley Tobacco, Type 31.
1464.1634 1964 Crop—Dark Air-cured Tobacco, Types 35 and 36.
1464.1635 1964 Crop—Virginia Sun-cured Tobacco, Type 37.
1464.1636 1964 Crop—Ohio Filler Tobacco, Types 42–44.
1464.1637 1964 Crop—Connecticut Valley Broadleaf Tobacco, Type 51.
1464.1638 1964 Crop—Connecticut Valley Havana Seed Tobacco, Type 52.
1464.1639 1964 Crop—New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54.
1464.1640 1964 Crop—Northern Wisconsin Tobacco, Type 55.


AUTHORITY: §§ 1464.1631 to 1464.1640 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054; 74 Stat. 6; 15 U.S.C. 714c, 7 U.S.C. 1441, 1445, 1421, 1423; sec. 125, 70 Stat. 198, 7 U.S.C. 1813.

### § 1464.1631 1964 Crop—Virginia Fire-cured Tobacco, Type 21, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

| Grade | Length 46 | Length 45 | Length 44 | Length 43 |
|---|---|---|---|---|
| A1F | 62.12 | 62.12 | | |
| A2F | 56.12 | 57.12 | | |
| A1D | 61.12 | 61.12 | | |
| A2D | 56.12 | 57.12 | | |
| B1F | 59.12 | 59.12 | | |
| B2F | 55.12 | 55.12 | 49.12 | |
| B3F | 47.12 | 49.12 | 45.12 | 38.12 |
| B4F | 39.12 | 43.12 | 41.12 | 36.12 |
| B5F | 35.12 | 36.12 | 35.12 | 32.12 |
| B1D | 59.12 | 59.12 | | |
| B2D | 55.12 | 55.12 | 49.12 | |
| B3D | 47.12 | 49.12 | 45.12 | 38.12 |
| B4D | 38.12 | 41.12 | 39.12 | 36.12 |
| B5D | 35.12 | 36.12 | 35.12 | 32.12 |
| B3M | 38.12 | 39.12 | 38.12 | 36.12 |
| B4M | 37.12 | 38.12 | 37.12 | 34.12 |
| B5M | 33.12 | 34.12 | 33.12 | 28.12 |
| B3G | 38.12 | 39.12 | 38.12 | 36.12 |
| B4G | 37.12 | 38.12 | 37.12 | 34.12 |
| B5G | 33.12 | 34.12 | 33.12 | 28.12 |
| C1L | 64.12 | 64.12 | | |
| C2L | 59.12 | 59.12 | 53.12 | |
| C3L | 51.12 | 51.12 | 47.12 | |
| C4L | 42.12 | 43.12 | 42.12 | |
| C5L | 37.12 | 38.12 | 37.12 | |
| C1F | 64.12 | 64.12 | | |
| C2F | 59.12 | 59.12 | 53.12 | |
| C3F | 51.12 | 51.12 | 47.12 | |
| C4F | 42.12 | 44.12 | 43.12 | |
| C5F | 37.12 | 39.12 | 38.12 | |
| C2D | 37.12 | 38.12 | 37.12 | |
| C3D | 33.12 | 34.12 | 33.12 | |
| C4D | 31.12 | 32.12 | 31.12 | |
| C5D | 27.12 | 28.12 | 27.12 | |
| C3M | 38.12 | 40.12 | 39.12 | |
| C4M | 36.12 | 37.12 | 36.12 | |
| C5M | 32.12 | 34.12 | 33.12 | |
| C3G | 32.12 | 33.12 | 32.12 | |
| C4G | 29.12 | 30.12 | 29.12 | |
| C5G | 26.12 | 27.12 | 26.12 | |

| Grade | | Grade | | Grade | |
|---|---|---|---|---|---|
| X1L | 43.12 | X1D | 41.12 | X5M 45 | 26.12 |
| X2L | 40.12 | X2D | 38.12 | X3G | 34.12 |
| X3L | 37.12 | X3D | 36.12 | X3G 45 | 33.12 |
| X4L | 36.12 | X4D | 33.12 | X4G | 31.12 |
| X5L | 31.12 | X5D | 28.12 | X4G 45 | 29.12 |
| X1F | 44.12 | X3M | 34.12 | X5G | 26.12 |
| X2F | 41.12 | X3M 45 | 33.12 | X5G 45 | 24.12 |
| X3F | 39.12 | X4M | 33.12 | N1L | 21.12 |
| X4F | 36.12 | X4M 45 | 31.12 | N1D | 21.12 |
| X5F | 31.12 | X5M | 29.12 | N1G | 21.12 |
| | | | | N2 | 15.12 |

[1] The Cooperative Associations through which price support is made available for Virginia fire-cured, type 21, Burley, type 31, and Virginia sun-cured, type 37, are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against overhead costs. Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "DAM" (damaged), or "No-G" (no grade), N-K, botched, nested, off-type, or decayed will not be accepted. Tobacco of types 22, 23, 35, and 36 graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable. Tobacco of types 21, 31, and 37, graded "W" (doubtful keeping order) will not be accepted. Type 35 grades marked with the special factor "BL" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Types 35 and 36 grades marked with the special factor "BH" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Type 21, 22, and 23 grades of 47 length and types 35 and 36 grades of 47 length, except grades A1F, A1R, A2F, and A2R, shall have an advance rate 5 percent below the advance rate otherwise applicable for 46 length of each grade. The advance rates for grades A1F, A1R, A2F, and A2R of types 35 and 36 in 47 length shall be the same as those for such grades in 46 length.





### § 1464.1632 1964 Crop—Kentucky-Tennessee Fire-cured Tobacco, Types 22 and 23, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

| Grade | Length 46 | Length 45 | Length 44 | Length 43 |
|---|---|---|---|---|
| A1F | 64 | 64 | | |
| A2F | 60 | 60 | | |
| A3F | 51 | 51 | | |
| A1D | 64 | 64 | | |
| A2D | 60 | 60 | | |
| A3D | 51 | 51 | | |
| B1F | 53 | 56 | 51 | |
| B2F | 50 | 52 | 49 | |
| B3F | 45 | 47 | 45 | 39 |
| B4F | 41 | 43 | 41 | 34 |
| B5F | 36 | 37 | 35 | 29 |
| B3VF | 43 | 45 | 42 | 34 |
| B4VF | 40 | 41 | 39 | 31 |
| B5VF | 34 | 35 | 33 | 25 |
| B1D | 53 | 55 | 51 | |
| B2D | 50 | 52 | 49 | |
| B3D | 48 | 50 | 48 | 41 |
| B4D | 42 | 44 | 42 | 35 |
| B5D | 35 | 36 | 33 | 27 |
| B3M | 43 | 45 | 42 | 36 |
| B4M | 38 | 40 | 37 | 29 |
| B5M | 29 | 31 | 27 | 21 |
| B3G | 44 | 46 | 44 | 35 |
| B4G | 39 | 41 | 38 | 29 |
| B5G | 32 | 33 | 29 | 23 |
| C1L | 54 | 55 | 52 | |
| C2L | 50 | 51 | 49 | |
| C3L | 48 | 49 | 46 | 40 |
| C4L | 45 | 46 | 44 | 38 |
| C5L | 40 | 41 | 40 | 33 |
| C1F | 54 | 55 | 52 | |
| C2F | 50 | 51 | 49 | |
| C3F | 45 | 47 | 45 | 39 |
| C4F | 43 | 44 | 42 | 36 |
| C5F | 39 | 40 | 39 | 32 |
| C3VF | 44 | 45 | 43 | 37 |
| C4VF | 40 | 41 | 39 | 34 |
| C5VF | 37 | 38 | 36 | 28 |
| C1D | 51 | 51 | 48 | |
| C2D | 43 | 45 | 42 | |
| C3D | 39 | 41 | 39 | 34 |
| C4D | 35 | 36 | 33 | 29 |
| C5D | 31 | 32 | 30 | 26 |
| C3M | 42 | 44 | 41 | 36 |
| C4M | 38 | 39 | 37 | 33 |
| C5M | 35 | 36 | 32 | 26 |
| C3G | 39 | 40 | 37 | 33 |
| C4G | 36 | 37 | 32 | 29 |
| C5G | 29 | 30 | 27 | 25 |

| Grade | | Grade | | Grade | |
|---|---|---|---|---|---|
| X1L | 46 | X3VF | 30 | X5M | 27 |
| X2L | 43 | X4VF | 35 | X3G | 33 |
| X3L | 41 | X5VF | 29 | X4G | 26 |
| X4L | 39 | X1D | 42 | X5G | 23 |
| X5L | 35 | X2D | 40 | N1L | 25 |
| X1F | 45 | X3D | 36 | N1D | 22 |
| X2F | 43 | X4D | 32 | N1G | 21 |
| X3F | 41 | X5D | 26 | N2 | 15 |
| X4F | 37 | X3M | 37 | | |
| X5F | 34 | X4M | 33 | | |

[1] The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower fifty cents per hundred pounds to apply against receiving and overhead costs, plus a fee of $5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded "No-G" (no grade), "W" (doubtful keeping order), or "U" (unsound).

### § 1464.1633 1964 Crop—Burley Tobacco, Type 31, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

| Grade | Advance rate | Grade | Advance rate | Grade | Advance rate |
|---|---|---|---|---|---|
| B1F | 71.12 | M5F | 49.12 | C5V | 64.12 |
| B2F | 69.12 | M3R | 45.12 | C3K | 58.12 |
| B3F | 67.12 | M4R | 40.12 | C4K | 60.12 |
| B4F | 65.12 | M5R | 35.12 | C5K | 58.12 |
| B5F | 60.12 | T3F | 59.12 | C3R | 52.12 |
| B3VF | 61.12 | T4F | 54.12 | C4R | 54.12 |
| B4VF | 57.12 | T5F | 50.12 | C5R | 52.12 |
| B5VF | 51.12 | T4VF | 47.12 | C3M | 57.12 |
| B3K | 56.12 | T5VF | 43.12 | C4M | 53.12 |
| B4K | 51.12 | T3FR | 55.12 | C5M | 50.12 |
| B5K | 41.12 | T4FR | 50.12 | C4G | 55.12 |
| B1FR | 64.12 | T5FR | 45.12 | C5G | 47.12 |
| B2FR | 62.12 | T3R | 45.12 | X1L | 41.12 |
| B3FR | 59.12 | T4R | 42.12 | X2L | 74.12 |
| B4FR | 56.12 | T5R | 37.12 | X3L | 73.12 |
| B5FR | 52.12 | T4VR | 37.12 | X4L | 72.12 |
| B1R | 57.12 | T5VR | 32.12 | X5L | 69.12 |
| B2R | 55.12 | T4D | 35.12 | X1F | 64.12 |
| B3R | 52.12 | T5D | 32.12 | X2F | 74.12 |
| B4R | 49.12 | T4K | 32.12 | X3F | 73.12 |
| B5R | 46.12 | T5K | 29.12 | X4F | 72.12 |
| B3VR | 46.12 | T4QF | 39.12 | X5F | 69.12 |
| B4VR | 44.12 | T5GF | 34.12 | X3R | 64.12 |
| B5VR | 40.12 | T4GR | 32.12 | X4R | 62.12 |
| B4D | 39.12 | T5GR | 29.12 | X5R | 58.12 |
| B5D | 34.12 | C1L | 74.12 | X4M | 51.12 |
| B3M | 57.12 | C2L | 74.12 | X5M | 56.12 |
| B4M | 52.12 | C3L | 73.12 | X4G | 47.12 |
| B5M | 42.12 | C4L | 72.12 | X5G | 46.12 |
| B3GF | 49.12 | C5L | 71.12 | N1L | 39.12 |
| B4GF | 46.12 | C1F | 67.12 | N1F | 51.12 |
| B5GF | 41.12 | C2F | 74.12 | N1R | 43.12 |
| B3GR | 38.12 | C3F | 73.12 | N1G | 29.12 |
| B4GR | 35.12 | C4F | 72.12 | N2L | 26.12 |
| B5GR | 32.12 | C5F | 71.12 | N2R | 40.12 |
| M3F | 57.12 | C3V | 67.12 | N2G | 23.12 |
| M4F | 52.12 | C4V | 67.12 | | 22.12 |

### § 1464.1634 1964 Crop—Dark Air-cured Tobacco, Types 35 and 36, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

| Grade | Length 46 | Length 45 | Length 44 |
|---|---|---|---|
| A1F | 52 | 52 | |
| A2F | 48 | 48 | 45 |
| A3F | 43 | 44 | 42 |
| A1R | 52 | 52 | |
| A2R | 48 | 48 | 45 |
| A3R | 43 | 44 | 42 |
| B1F | 48 | 48 | 45 |
| B2F | 45 | 46 | 45 |
| B3F | 43 | 44 | 43 |
| B4F | 41 | 42 | 41 |
| B5F | 37 | 38 | 37 |
| B3FV | 41 | 42 | 41 |
| B4FV | 40 | 41 | 40 |
| B5FV | 37 | 38 | 37 |
| B1R | 48 | 49 | 47 |
| B2R | 45 | 46 | 45 |
| B3R | 42 | 43 | 42 |
| B4R | 40 | 41 | 40 |
| B5R | 37 | 38 | 37 |
| B1D | 48 | 49 | 47 |
| B2D | 45 | 46 | 45 |
| B3D | 42 | 43 | 42 |
| B4D | 41 | 42 | 41 |
| B5D | 36 | 37 | 36 |
| B3M | 41 | 42 | 41 |
| B4M | 38 | 39 | 38 |
| B5M | 33 | 34 | 33 |
| B3G | 40 | 41 | 40 |
| B4G | 38 | 39 | 38 |
| B5G | 32 | 33 | 32 |
| C1L | 46 | 47 | 46 |
| C2L | 45 | 46 | 45 |
| C3L | 44 | 45 | 44 |
| C4L | 41 | 42 | 41 |
| C5L | 34 | 35 | 34 |
| C1F | 46 | 47 | 46 |
| C2F | 44 | 45 | 44 |
| C3F | 43 | 44 | 43 |
| C4F | 40 | 41 | 40 |
| C5F | 33 | 34 | 33 |
| C3FV | 40 | 41 | 40 |
| C4FV | 38 | 39 | 38 |
| C5FV | 32 | 33 | 32 |
| C1R | 44 | 45 | 44 |
| C2R | 42 | 43 | 42 |
| C3R | 41 | 42 | 41 |
| C4R | 37 | 38 | 37 |
| C5R | 30 | 31 | 30 |
| C3M | 40 | 41 | 40 |
| C4M | 36 | 37 | 36 |
| C5M | 30 | 31 | 30 |
| C4G | 37 | 38 | 37 |
| C5G | 29 | 30 | 29 |

| Grade | | Grade | | Grade | |
|---|---|---|---|---|---|
| T3F | 38 | X2L | 41 | X5R | 31 |
| T4F | 34 | X3L | 40 | X3D | 38 |
| T5F | 26 | X4L | 37 | X4D | 33 |
| T3R | 38 | X5L | 35 | X5D | 26 |
| T4R | 34 | X1F | 43 | X3M | 85 |
| T5R | 26 | X2F | 41 | X4M | 32 |
| T3D | 38 | X3F | 39 | X5M | 27 |
| T4D | 34 | X4F | 38 | X3G | 35 |
| T5D | 26 | X5F | 34 | X4G | 29 |
| T3M | 37 | X3FV | 35 | X5G | 24 |
| T4M | 32 | X4FV | 34 | N1L | 25 |
| T5M | 25 | X5FV | 30 | N1R | 23 |
| T3G | 37 | X1R | 43 | N1G | 21 |
| T4G | 32 | X2R | 40 | N2L | 16 |
| T5G | 25 | X3R | 38 | N2R | 15 |
| X1L | 43 | X4R | 34 | N2G | 15 |

### § 1464.1635 1964 Crop—Virginia Sun-cured Tobacco, Type 37, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

| Grade | Length 45 | Length 44 | Grade | Length 45 | Length 44 |
|---|---|---|---|---|---|
| A1F | 62.12 | | B3G | 43.12 | 42.12 |
| A2F | 58.12 | 55.12 | B4G | 41.12 | 40.12 |
| A3F | 55.12 | 52.12 | B5G | 37.12 | 36.12 |
| A1R | 62.12 | | C1L | 60.12 | 58.12 |
| A2R | 59.12 | 56.12 | C2L | 54.12 | 50.12 |
| A3R | 56.12 | 53.12 | C3L | 51.12 | 47.12 |
| B1F | 61.12 | 54.12 | C4L | 44.12 | 42.12 |
| B2F | 59.12 | 55.12 | C5L | 39.12 | 38.12 |
| B3F | 51.12 | 49.12 | C1F | 60.12 | 53.12 |
| B4F | 46.12 | 44.12 | C2F | 54.12 | 50.12 |
| B5F | 41.12 | 40.12 | C3F | 50.12 | 46.12 |
| B1R | 61.12 | 54.12 | C4F | 43.12 | 42.12 |
| B2R | 58.12 | 55.12 | C5F | 39.12 | 38.12 |
| B3R | 53.12 | 50.12 | C1R | 57.12 | 51.12 |
| B4R | 46.12 | 44.12 | C2R | 51.12 | 47.12 |
| B5R | 41.12 | 40.12 | C3R | 45.12 | 43.12 |
| B1D | 59.12 | 54.12 | C4R | 40.12 | 39.12 |
| B2D | 58.12 | 54.12 | C5R | 36.12 | 35.12 |
| B3D | 51.12 | 48.12 | C3M | 40.12 | 39.12 |
| B4D | 44.12 | 43.12 | C4M | 37.12 | 36.12 |
| B5D | 40.12 | 39.12 | C5M | 35.12 | 33.12 |
| B3M | 43.12 | 42.12 | C4G | 34.12 | 33.12 |
| B4M | 41.12 | 40.12 | C5G | 29.12 | 28.12 |
| B5M | 37.12 | 36.12 | | | |

| Grade | | Grade | | Grade | |
|---|---|---|---|---|---|
| T3F | 42.12 | X1L | 44.12 | X3D | 36.12 |
| T4F | 40.12 | X2L | 42.12 | X4D | 34.12 |
| T5F | 34.12 | X3L | 39.12 | X5D | 28.12 |
| T3R | 42.12 | X4L | 37.12 | X3M | 37.12 |
| T4R | 40.12 | X5L | 32.12 | X4M | 35.12 |
| T5R | 34.12 | X1F | 44.12 | X5M | 32.12 |
| T3D | 40.12 | X2F | 42.12 | X3G | 35.12 |
| T4D | 38.12 | X3F | 39.12 | X4G | 33.12 |
| T5D | 32.12 | X4F | 37.12 | X5G | 29.12 |
| T3M | 39.12 | X5F | 32.12 | N1L | 21.12 |
| T4M | 37.12 | X1R | 44.12 | N1R | 21.12 |
| T5M | 31.12 | X2R | 41.12 | N1G | 21.12 |
| T3G | 39.12 | X3R | 37.12 | N2L | 15.12 |
| T4G | 37.11 | X4R | 36.12 | N2R | 15.12 |
| T5G | 31.12 | X5R | 29.12 | N2G | 15.12 |

### § 1464.1636 1964 Crop—Ohio Filler Tobacco, Types 42–44, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

| Grade | Advance rate |
|---|---|
| Crop run (stripped together): | |
| X1 | 29 |
| X2 | 27 |
| X3 | 24 |
| X4 | 20 |
| Nondescript: | |
| N | 12 |

[1] The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower fifty cents per hundred pounds to apply against receiving and overhead costs, plus a fee of $5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded "No-G" (no grade), "W" (doubtful keeping order), or "U" (unsound).

**§ 1464.1637 1964 Crop—Connecticut Valley Broadleaf Tobacco, Type 51, Advance Schedule.[4]**

UNSORTED

[Dollars per hundred pounds, farm sales weight]

| Grade | Advance rate |
|---|---|
| Binders: | |
| B1 | 49 |
| B2 | 47 |
| B3 | 43 |
| B4 | 38 |
| B5 | 35 |
| Nonbinder: | |
| X1 | 30 |

**§ 1464.1638 1964 Crop—Connecticut Valley Havana seed Tobacco, Type 52, Advance Schedule.[4]**

UNSORTED

[Dollars per hundred pounds, farm sales weight]

| Grade | Advance rate |
|---|---|
| Binders: | |
| B1 | 48 |
| B2 | 45 |
| B3 | 42 |
| B4 | 37 |
| B5 | 35 |
| Nonbinder: | |
| X1 | 30 |

**§ 1464.1639 1964 Crop—New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, Advance Schedule.[4]**

[Dollars per hundred pounds, farm sales weight]

| Grade | Advance rate |
|---|---|
| Binders: | |
| B1 | 33 |
| B2 | 32 |
| B3 | 30 |
| Strippers: | |
| C1 | 28 |
| C2 | 27 |
| C3 | 26 |
| Crop-run: | |
| X1 | 33 |
| X2 | 29 |
| X3 | 24 |
| Farm fillers: | |
| Y1 | 24 |
| Y2 | 22 |
| Y3 | 20 |
| Nondescript: | |
| N1 | 18 |
| N2 | 16 |

[3] The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1.00 per hundred pounds to apply against receiving and overhead costs. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded "N1" (first quality nondescript), "N2" (second quality nondescript), "S" (scrap), or "No–G" (no grade).

[4] The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1.00 per hundred pounds on tobacco of the B grade group and fifty cents per hundred pounds on tobacco of all other grade groups to apply against receiving and overhead costs, plus a fee of $5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded "No–G" (no grade), or "S" (scrap).

**§ 1464.1640 1964 Crop—Northern Wisconsin Tobacco, Type 55, Advance Schedule.[4]**

[Dollars per hundred pounds, farm sales weight]

| Grade | Advance rate |
|---|---|
| Binders: | |
| B1 | 43 |
| B2 | 39 |
| B3 | 37 |
| Strippers: | |
| C1 | 33.5 |
| C2 | 32.5 |
| C3 | 28.5 |
| Crop-run: | |
| X1 | 32 |
| X2 | 29 |
| X3 | 25 |
| Farm fillers: | |
| Y1 | 26 |
| Y2 | 24 |
| Y3 | 22 |
| Nondescript: | |
| N1 | 19 |
| N2 | 16 |

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054; 74 Stat. 6; 15 U.S.C. 714c, 7 U.S.C. 1441, 1445, 1421, 1423; sec. 125, 70 Stat. 198, 7 U.S.C. 1813)

Effective date: Date of filing with Office of Federal Register.

Signed at Washington, D.C., on November 16, 1964.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 64–11831; Filed, Nov. 23, 1964; 8:45 a.m.]

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 550—PAY ADMINISTRATION (GENERAL)

### Subpart E—Compensation From More Than One Civilian Office

A new subpart is added to Part 550 under authority of section 301(b) of the Dual Compensation Act of 1964 (P.L. 88–448), which provides for exceptions from the limitation in section 301(a) of that Act against receiving salary from more than one civilian office. Effective December 1, 1964, Subpart E is added to Part 550 as set out below.

Sec.
550.501 Scope.
550.502 Definitions.
550.503 Exceptions in emergencies.
550.504 General exceptions.
550.505 Specific exceptions.
550.506 Prior approval.
550.507 Report to the Commission.

AUTHORITY: The provisions of this Subpart E issued under sec. 301(b), Pub. Law 88–448; 78 Stat. 488.

**§ 550.501 Scope.**

(a) *Applicability.* (1) This subpart and section 301 of the Dual Compensation Act apply in determining an employee's entitlement to receive compensation from more than one civilian office.

(2) This subpart and section 301(a) of the Dual Compensation Act apply only to an employee holding more than one civilian office when the aggregate number of hours worked during a week exceeds forty.

(b) *Coverage.* This subpart and section 301(a) of the Dual Compensation Act apply to each department and agency (including each corporation owned or controlled by the Government of the United States and including nonappropriated fund instrumentalities under the jurisdiction of the armed forces) in the legislative (except as provided in section 301(c) of the Act), judicial, and executive branches of the Government of the United States and to the municipal government of the District of Columbia.

**§ 550.502 Definitions.**

In this subpart:

(a) "Act" or "Dual Compensation Act" means the Act of August 19, 1964 (Public Law 88–448; 78 Stat. 484).

(b) "Civilian office" has the meaning given that term by section 101(3) of the Act.

(c) "Compensation" means salary paid for services in a civilian office but excludes fees paid on other than a time basis.

(d) "Employee" means a person holding a civilian office.

(e) "Week" means the period of seven calendar days from Sunday through Saturday.

**§ 550.503 Exceptions in emergencies.**

Section 301(a) of the Act does not apply to compensation from a civilian office for services performed under emergency conditions relating to health, safety, protection of life or property, or national emergency.

**§ 550.504 General exceptions.**

When the head of a department, agency, or the municipal government of the District of Columbia, or person to whom he has delegated the authority, determines that personal services otherwise cannot be readily obtained, section 301(a) of the Act does not apply to:

(a) Compensation for part-time or intermittent employment in positions for which the Commission has established special minimum salary rates under section 504 of the Federal Salary Reform Act of 1962, as amended (76 Stat. 842; 5 U.S.C. 1173); or

(b) Compensation for part-time or intermittent employment as a foreign language instructor, translator, interpreter, or in any other capacity which requires a knowledge and use of one or more foreign languages in the position to which appointed.

**§ 550.505 Specific exceptions.**

When the head of the department or agency concerned, or of the municipal government of the District of Columbia, or person to whom he has delegated the authority, determines that personal services otherwise cannot be readily obtained, section 301(a) of the Act does not apply to:

(a) Compensation for part-time or intermittent employment as an instructor in an adult-education program provided by the Department of the Air Force for its military members and their dependents in overseas areas;

(b) Compensation for part-time or intermittent employment as a relief engineer for the relief of a ship's engineering officer assigned to the Military Sea Transportation Service when his ship is in port on a weekend; or

(c) Compensation for part-time or intermittent employment by the Department of Corrections in the municipal government of the District of Columbia of a teacher who is regularly employed in the public schools of the District of Columbia.

**§ 550.506 Prior approval.**

When it is difficult for a department, agency, or the municipal government of the District of Columbia to obtain employees because of section 301(a) of the Act, it may request the Commission to approve an exception from that section either on an individual basis or for a general employment situation. In submitting its request for an exception, the department, agency, or the municipal government of the District of Columbia must establish to the satisfaction of the Commission that personal services cannot otherwise be readily obtained.

**§ 550.507 Report to the Commission.**

The Commission may require a department, agency, or the municipal government of the District of Columbia to submit a periodic report on its use of the exceptions from section 301(a) of the Act.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64–11912; Filed, Nov. 23, 1964; 8:45 a.m.]



# Title 25—INDIANS

## Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER F—ENROLLMENT

## PART 43c—PREPARATION OF A ROLL TO SERVE AS THE BASIS FOR THE DISTRIBUTION OF THE JUDGMENT FUNDS AWARDED THE NEHALEM AND TILLAMOOK BANDS OF THE TILLAMOOK INDIANS

### Applications, Appeals and Preparation of Roll

The Act of August 30, 1964 (78 Stat. 639), directs the Secretary of the Interior to prepare a roll to serve as the basis for distributing the money awarded the Nehalem and Tillamook Bands of the Tillamook Indians by the Indian Claims Commission in Docket No. 240, together with the interest accrued thereon. The purpose of the regulations in the new Part 43c is to govern the preparation of this roll, and the new part is set forth below.

In that the Act of August 30, 1964, supra, clearly establishes the requirements for eligibility for inclusion on the anticipated roll and the form of the distribution, the procedure for general notice of proposed rule making is deemed unnecessary. These regulations will become effective upon the date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
*Secretary of the Interior.*

NOVEMBER 18, 1964.

Part 43c, Chapter I, Title 25 of the Code of Federal Regulations reads as follows:

Sec.
43c.1 Definitions.
43c.2 Purpose.
43c.3 Qualifications for enrollment.
43c.4 Application forms.
43c.5 Filing of applications.
43c.6 Burden of proof.
43c.7 Review of applications by tribal committee.
43c.8 Action by the Director.
43c.9 Appeals.
43c.10 Decision of the Secretary.
43c.11 Preparation of roll.
43c.12 Certification and approval of roll.
43c.13 Special instructions.

AUTHORITY: The provisions of this Part 43c issued under the Act of August 30, 1964 (78 Stat. 639).

**§ 43c.1 Definitions.**

As used in this Part 43c.

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Commissioner" means the Commissioner of Indian Affairs.

(c) "Director" means the Area Director, Portland Area Office, Bureau of Indian Affairs, Box 3785, Portland, Oregon, or his authorized representative.

(d) "Staff Officer" means the enrollment officer or other person authorized to prepare the roll.

(e) "Descendants" means those persons who have issued from an enrollee and includes such enrollee's children, grandchildren, etc. It does not include collateral relatives such aunts, uncles, cousins, etc.

(f) "Living" means born on or prior to and living on August 30, 1964.

(g) "Sponsor" means a person who has filed an application for enrollment on behalf of another person.

(h) "Basic Roll" means either the January 28, 1898 census roll of the Naalem (Nehalem) Band of Tillamook Indians or the annuity payment roll of the Tillamook Band of Tillamook Indians prepared in 1914 under the provisions of the Act of August 24, 1912 (37 Stat. L., 519–535).

**§ 43c.2 Purpose.**

The regulations in this part are to govern the compilation of a roll of persons who meet the enrollment requirements specified in section I of the Act of August 30, 1964 (78 Stat. 639), to serve as the basis for the distribution of the judgment funds paid to the Naalem (Nehalem) Band of Tillamook and the Tillamook Band of Tillamook Indians in Indian Claims Commission Docket No. 240, together with the interest accrued thereon.

**§ 43c.3 Qualifications for enrollment.**

Each person of Tillamook Indian ancestry whose name appears on either the census roll of the Naalem (Nehalem) Band of Tillamook Indians dated January 28, 1898, or on the annuity payment roll of the Tillamook Band of Tillamook Indians prepared in 1914 under the provisions of the Act of August 24, 1912 (37 Stat. L., 519–535), who was living on August 30, 1964, and all descendants born prior to and living on August 30, 1964, of persons whose names appear on either of the above specified rolls, regardless of whether the original enrollees are living or deceased, shall be eligible for inclusion on the roll prepared pursuant to this Part 43c.

**§ 43c.4 Application forms.**

(a) Application forms will be furnished by the Director or other designated persons upon written or verbal request. Each person furnishing application forms shall keep a record of the names of the individuals to whom applications are given, as well as the number of forms and the date furnished.

(b) Among other information each application shall contain:

(1) The deadline for filing the application with the Director or other designated persons.

(2) Certification as to whether application is for a natural child or an adopted child.

(3) If the application is filed by a sponsor, the name, address, and relationship of sponsor to the applicant.

(c) Instructions for completing and filing application forms shall be furnished with each form.

**§ 43c.5 Filing of applications.**

Any adult person who desires to be enrolled and believes he meets the requirements for enrollment specified in this Part 43c must file or have filed in his behalf a completed application form with the Director on or before March 1, 1965. Written application forms for minors, mentally incompetent persons or other persons in need of assistance, members of the Armed Services or other services of the United States Government and/or any eligible members of their immediate families stationed in Alaska or Hawaii or elsewhere outside the Continental United States, or a person who died after August 30, 1964, may be filed by the parent, recognized guardian, next friend, next of kin, spouse, executor or administrator of estate, the Director, or other person on or before March 1, 1965.[1]

**§ 43c.6 Burden of proof.**

The burden of proof rests upon the applicant to establish his eligibility for enrollment. Documentary evidence such as birth certificates, death certificates, baptismal records, copies of probate finding, or affidavits, may be used to support claim for enrollment. Records of the Bureau of Indian Affairs may be used to establish eligibility.

[1] Criminal penalties are provided by statute for knowingly filing false information in such statements. 18 U.S.C. 1001.

**§ 43c.7 Review of applications by tribal authorities.**

If practicable the Secretary shall consult with tribal authorities, who shall consult with tribal authorities, who shall have three months from the deadline for filing applications to examine the applications for the purpose of recommending to the Director approval or rejection of the applications. A recommendation for the rejection of any application shall be supported by a memorandum setting forth the reasons for the adverse recommendation.

**§ 43c.8 Action by the Director.**

(a) The Director shall consider each application and, when applicable, the tribal recommendation thereon. When the tribe recommends that an application be rejected and the Director disagrees with the recommendation, the application together with the file pertaining to the case shall be transmitted with the Director's recommendation to the Commissioner for presentation to the Secretary for final decision. When there is no disagreement, and upon determination as to the eligibility of an applicant, the Director shall notify the applicant in writing of his decision. If such determination is favorable, the name of the applicant shall be placed on the roll. If the decision is adverse the applicant or sponsor shall be notified of such decision by certified mail, to be received by addresse only, return receipt requested, together with a full explanation of the reasons therefor and of his right to appeal to the Secretary. (Registered mail must be used for notices of rejection sent outside the United States.) If an individual files applications on behalf of more than one person, one notice of eligibility or rejection may be addressed to the person who filed the application. However, said notice must list the name of such person involved.

(b) To avoid hardship or gross injustice, the Director may waive technical deficiencies in applications or other submissions.

**§ 43c.9 Appeals.**

Appeals must be in writing, addressed and mailed to the Director, and received by him within 30 days from the receipt of rejection notice., The appellant may submit with his appeal any supporting evidence not previously furnished. When upon review of the evidence, the Director is satisfied that the right to enrollment has been established, the appellant shall be so notified and the appropriate name entered on the roll. If the Director determines the applicant ineligible he shall forward the appeal, together with the complete record and his recommendations thereon, to the Commissioner for transmittal to the Secretary.

**§ 43c.10 Decision of the Secretary on appeals.**

The decision of the Secretary on an appeal shall be final and conclusive and written notice of the decision shall be given the applicant or sponsor. When so directed by the Secretary, the Commissioner shall cause to be entered on the roll the name of any person whose appeal has been sustained.

**§ 43c.11 Preparation of roll.**

The staff officer shall prepare a minimum of five copies of the roll of those persons determined to be eligible for enrollment. The roll shall contain for each person a roll number, name, address, sex, date of birth, and, in the remarks column, when applicable, the basic roll number, date of basic roll, name and relationship of the ancestor on the basic roll through whom eligibility was established.

**§ 43c.12 Certification and approval of roll.**

A certificate shall be attached to the roll by the staff officer certifying that to the best of his knowledge and belief the roll contains only the names of those persons who were determined to meet the requirements for enrollment. The Commissioner shall approve the roll.

**§ 43c.13 Special instructions.**

To facilitate the work of the Director, the Commissioner may issue special instructions not inconsistent with the regulations in this part.

[F.R. Doc. 64-11963; Filed, Nov. 23, 1964; 8:46 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6773]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Interest on Loans Incurred To Purchase Certain Insurance and Annuity Contracts

On July 28, 1964, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under section 264 of the Internal Revenue Code of 1954 (relating to certain amounts paid in connection with insurance contracts) to conform the regulations to changes made by section 215 of the Revenue Act of 1964 (Pub. Law 88-272, 78 Stat. 55), was published in the FEDERAL REGISTER (29 F.R. 10470). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted subject to the changes set forth below. The amendments shall apply with respect to taxable years beginning after December 31, 1963, but only with respect to contracts purchased after August 6, 1963.

Paragraphs (b), (c) (1) (i), (d) (1) (i) and (ii), and example (2) of paragraph (d) (iv) of § 1.264-4, as set forth in the notice of proposed rule making, have been revised.

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: November 18, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 264 of the Internal Revenue Code of 1954 to section 215 of the Revenue Act of 1964 (78 Stat. 55), such regulations are amended as follows:

PARAGRAPH 1. Section 1.264 is amended by adding a new paragraph (3) to subsection (a) of section 264, by revising so much of such subsection (a) as follows paragraph (3), by adding a subsection (c) to section 264, and by adding a historical note. These added and amended provisions read as follows:

**§ 1.264 Statutory provisions; certain amounts paid in connection with insurance contracts.**

SEC. 264. *Certain amounts paid in connection with insurance contracts*—(a) *General rule.* * * *

(3) Except as provided in subsection (c), any amount paid or accrued on indebtedness incurred or continued to purchase or carry a life insurance, endowment, or annuity contract (other than a single premium contract or a contract treated as a single premium contract) pursuant to a plan of purchase which contemplates the systematic direct or indirect borrowing of part or all of the increases in the cash value of such contract (either from the insurer or otherwise).

Paragraph (2) shall apply in respect of annuity contracts only as to contracts purchased after March 1, 1954. Paragraph (3) shall apply only in respect of contracts purchased after August 6, 1963.

* * * * * *

(c) *Exceptions.* Subsection (a) (3) shall not apply to any amount paid or accrued by a person during a taxable year on indebtedness incurred or continued as part of a plan referred to in subsection (a) (3)—

(1) If no part of 4 of the annual premiums due during the 7-year period (beginning with the date the first premium on the contract to which such plan relates was paid) is paid under such plan by means of indebtedness,

(2) If the total of the amounts paid or accrued by such person during such taxable year for which (without regard to this paragraph) no deduction would be allowable by reason of subsection (a) (3) does not exceed $100,

(3) If such amount was paid or accrued on indebtedness incurred because of an unforeseen substantial loss of income or unforeseen substantial increase in his financial obligations, or

(4) If such indebtedness was incurred in connection with his trade or business.

For purposes of applying paragraph (1), if there is a substantial increase in the premiums on a contract, a new 7-year period described in such paragraph with respect to such contract shall commence on the date the first such increased premium is paid.

[Sec. 264 as amended by sec. 215, Rev. Act 1964 (78 Stat. 55)]

PAR. 2. There is inserted immediately after § 1.264-3 the following new section:



**§ 1.264-4 Other life insurance, endowment, or annuity contracts.**

(a) *General rule.* Except as otherwise provided in paragraphs (d) and (e) of this section, no deduction shall be allowed under section 163 or any other provision of chapter 1 of the Code for any amount (determined under paragraph (b) of this section) paid or accrued during the taxable year on indebtedness incurred or continued to purchase or continue in effect a life insurance, endowment, or annuity contract (other than a single premium contract or a contract treated as a single premium contract) if such indebtedness is incurred pursuant to a plan of purchase which contemplates the systematic direct or indirect borrowing of part or all of the increases in the cash value of such contract (either from the insurer or otherwise). For the purposes of the preceding sentence, the term "of purchase" includes the payment of part or all of the premiums on a contract, and not merely payment of the premium due upon initial issuance of the contract. The rule of this paragraph applies whether or not the taxpayer is the insured, payee, or annuitant under the contract. The rule of this paragraph does not apply to contracts purchased by the taxpayer on or before August 6, 1963, even though there is a substantial increase in premiums after such date. The rule of this paragraph does not apply to any amount paid or accrued on indebtedness incurred or continued to purchase or carry a single premium life insurance, endowment, or annuity contract (including a contract treated as a single premium contract); the treatment of such amounts is governed by § 1.264-2.

(b) *Determination of amount not allowed.* The amount not allowed as a deduction under paragraph (a) of this section is determined with reference to the entire amount of borrowing to purchase or carry the contract, and is not limited with reference to the amount of borrowing of increases in the cash value. The rule of this paragraph may be illustrated by the following example:

*Example.* A, a calendar year taxpayer using the cash receipts and disbursements method of accounting, on January 1, 1964, purchases from a life insurance company a policy in the amount of $100,000 with an annual gross premium of $2,200. For the first policy year, A pays the annual premium by means other than by borrowing. For the second, third, fourth, and fifth policy years, A continues the policy in effect by incurring indebtedness pursuant to a plan referred to in paragraph (a) of this section. The years and amounts applicable to the policy are as follows:

| Years | Cumulative cash value of contract | Total loan outstanding | Interest paid at 4.8 percent |
|---|---|---|---|
| 1964 | $370 | 0 | 0 |
| 1965 | 2,175 | $2,200 | $105.60 |
| 1966 | 4,000 | 4,400 | 211.20 |
| 1967 | 5,865 | 6,600 | 316.80 |
| 1968 | 7,745 | 8,800 | 422.40 |

On these facts (assuming that none of the exceptions contained in paragraph (d) of this section are applicable), no deduction is allowed for the interest paid during the year 1968. Moreover, the interest deduction will be disallowed for the taxable years 1965 through 1967 if such taxable years are not closed by reason of the statute of limitations or other rule of law.

(c) *Special rules.* For purposes of this section—

(1) *Determination of existence of a plan which contemplates systematic borrowing*—(i) *In general.* The determination of whether indebtedness is incurred or continued pursuant to a plan referred to in paragraph (a) of this section shall be made on the basis of all the facts and circumstances in each case. Unless the taxpayer shows otherwise, in the case of borrowing in connection with premiums for more than three years, the existence of a plan referred to in paragraph (a) of this section will be presumed. The mere fact that a taxpayer does not borrow to pay a premium in a particular year does not in and of itself preclude the existence of a plan referred to in paragraph (a) of this section. A plan referred to in paragraph (a) of this section need not exist at the time the contract is entered into, but may come into existence at any time during the 7-year period following the taxpayer's purchase of the contract or following a substantial increase (referred to in paragraph (d) (1) of this section) in premiums on the contract.

(ii) *Premium attributable to more than one year.* For purposes of subdivision (i) of this subparagraph, if the stated annual premiums due on a contract vary in amount, borrowing in connection with any premium, the amount of which exceeds the amount of any other premium, on such contract may be considered borrowing to pay premiums for more than one year. The preceding sentence shall not apply where the borrowing is in connection with a substantially increased premium within the meaning of paragraph (d) (1) of this section.

(2) *Direct or indirect.* A plan referred to in paragraph (a) of this section may contemplate direct or indirect borrowing of increases in cash value of the contract directly or indirectly to pay premiums and many contemplate borrowing either from an insurance carrier, from a bank, or from any other person. Thus, for example, if a taxpayer borrows $100,000 from a bank and uses the funds to purchase securities, later borrows $100,000 from a second bank and uses the funds to repay the first bank, later sells the securities and uses the funds as a part of a plan referred to in paragraph (a) of this section to pay premiums on a contract of cash value life insurance, the deduction for interest paid in continuing the loan from the second bank shall not be allowed (assuming that none of the exceptions contained in paragraph (d) of this section are applicable). Moreover, a plan referred to in paragraph (a) of this section need not involve a pledge of the contract, but may contemplate unsecured borrowing or the use of other property.

(d) *Exceptions.* No deduction shall be denied under paragraph (a) of this section with respect to any amount paid or accrued during a taxable year on indebtedness incurred or continued as part of a plan referred to in paragraph (a) of this section if any of the following exceptions apply.

(1) *The 7-year exception*—(i) *In general.* No part of 4 of the annual premiums due during the 7-year period (beginning with the date the first premium on the contract to which such plan relates was paid) is paid under such plan by means of indebtedness. For purposes of this exception, in the event of a substantial increase in any annual premium on a contract, a new 7-year period begins on the date such increased premium is paid. If premiums on a contract are payable other than on an annual basis (for example, monthly), the annual premium is the aggregate of premiums due for the year. See paragraph (c) (1) (ii) of this section for cases where one premium on a contract paid by means of indebtedness may be considered as more than one annual premium.

(ii) *Application of borrowings.* For purposes of subdivision (i) of this subparagraph, if during a 7-year period referred to in such subdivision the taxpayer, directly or indirectly, borrows with respect to more than one annual premium on a contract, such borrowing shall be considered first attributable to the premium for the current policy year (within the meaning of subdivision (iii) of this subparagraph) and then attributable to premiums for prior policy years beginning with the most recent prior policy year (but not including any prior policy year to the extent that such taxpayer has indebtedness outstanding with respect to the premium for such prior policy year). If such borrowing exceeds the premiums paid for the current policy year and for prior policy years and the taxpayer has, with respect to the current policy year, deposited premiums in advance of the due date of such premiums, such excess borrowing shall be considered indebtedness incurred to carry the contract which is attributable to the premiums deposited for succeeding policy years beginning with the premium for the next succeeding policy year. The preceding sentence shall not apply to a single premium contract referred to in § 1.264-2.

(iii) *Current policy year.* For purposes of subdivision (ii) of this subparagraph, the term "current policy year" refers to the policy year which begins with or within the taxable year of the taxpayer.

(iv) *Illustrations.* The provisions of subdivision (ii) of this subparagraph may be illustrated by the following examples:

*Example (1).* A, a calendar year taxpayer using the cash receipts and disbursements method of accounting, on January 1, 1964, purchases from a life insurance company a policy in the amount of $100,000 with an annual gross premium of $2,200. For the first four policy years, A initially pays the annual premium by means other than borrowing. On January 1, 1968, pursuant to a plan referred to in paragraph (a) of this section, A borrows $10,000 with respect to the policy. Such borrowing is considered first attributable to paying the premium for the year 1968 and then attributable to paying the premiums for the years 1967, 1966, 1965, and 1964 (in part). No deduction is allowed for the interest paid by A on the $10,000 indebtedness during the year 1968.

*Example (2).* The facts are the same as in example (1), except that on January 1, 1964, A pays the first annual premium and deposits an amount equal to the second and third annual premiums, all such amounts initially being paid or deposited by means other than borrowing. On January 1, 1965, A deposits an amount equal to the fourth, fifth, and sixth annual premiums, and borrows $4,400 pursuant to a plan referred to in paragraph (a) of this section. Such borrowing is considered attributable to the premiums paid for the policy years 1965 and 1964. On January 1, 1966, A deposits an amount equal to the seventh, eighth, and ninth annual premiums, and borrows $6,600 pursuant to such plan. Such borrowing is considered attributable to the premium paid for the policy year 1966 and deposited for the policy years 1967 and 1968. No deduction is allowed for interest paid by A on the $11,000 indebtedness during 1966. Moreover, the interest deduction will be disallowed for the taxable year 1965. However, if this contract is treated as a single premium contract under § 1.264-2 (by reason of deposit with the insurer of an amount for payment of a substantial number of future premiums), the deduction for interest on indebtedness incurred or continued to purchase or carry the contract would be denied without reference to this section.

(2) *The $100 exception.* The total amount paid or accrued during the taxable year by the taxpayer who has entered one or more plans referred to in paragraph (a) of this section for which (without regard to this subparagraph) no deduction would be allowable under paragraph (a) of this section does not exceed $100. Where the amount so paid or accrued during the taxable year exceeds $100, the entire amount shall be subject to the general rule of paragraph (a) of this section.

(3) *The unforeseen events exception.* The amount is paid or accrued by the taxpayer on indebtedness incurred because of an unforeseen substantial loss of such taxpayer's income or an unforeseen substantial increase in such taxpayer's financial obligations. A loss of income or increase in financial obligations is not unforeseen, within the meaning of this subparagraph, if at the time of the purchase of the contract such event was or could have been foreseen. College education expenses are foreseeable; however, if college expenses substantially increase, then to the extent that such increases are unforeseen, this exception will apply. This exception applies only if the plan referred to in paragraph (a) of this section arises because of the unforeseen event. Thus, for example, if a taxpayer or his family incur substantial unexpected medical expenses or the taxpayer is laid off from his job, and for that reason systematically borrows against the cash value of a previously purchased contract, the deduction for the interest paid on the loan will not be denied, whether or not the loan is used to pay a premium on the contract.

(4) *The trade or business exception.* The indebtedness is incurred by the taxpayer in connection with his trade or business. To be within this exception, the indebtedness must be incurred to finance business obligations rather than to finance cash value life insurance. Thus, if a taxpayer pledges a life insurance, endowment, or annuity contract as part of the collateral for a loan to finance the expansion of inventory or capital improvements for his business, no part of the deduction for interest on such loan will be denied under paragraph (a) of this section. Borrowing by a business taxpayer to finance business life insurance such as under so-called keyman, split dollar, or stock retirement plans is not considered to be incurred in connection with the taxpayer's trade or business within the meaning of this subparagraph. The determination of whether the indebtedness is incurred in connection with the taxpayer's trade or business, within the meaning of this exception, rather than to finance cash value life insurance shall be made on the basis of all the facts and circumstances. The provisions of this subparagraph may be illustrated by the following examples:

*Example (1).* Corporation M each year borrows substantial sums to carry on its business. Corporation M agrees to provide a retirement plan for its employees and purchases level premium life insurance to fund its obligation under the plan. The mere fact that M Corporation purchases a cash value life insurance policy will not cause its deduction for interest paid on its normal indebtedness to be denied even though the policy is later used as part of the collateral for its normal indebtedness.

*Example (2).* Corporation R has $200,000 of bonds outstanding and purchases cash value life insurance policies on several of its key employees. Such purchase by R Corporation will not, of itself, cause its deduction for interest on its bonded indebtedness to be denied. If, however, the premiums on the life insurance policies are $10,000 each year, the cash value increases by $8,000 each year, and R Corporation increases its indebtedness by $10,000 each year, its deduction for interest on such indebtedness will not be allowed under the rule of paragraph (a) of this section. On the other hand, the absence of such a directly parallel increase will not of itself establish that the deduction for interest is allowable.

(e) *Applicability of section.* The rules of this section apply with respect to taxable years beginning after December 31, 1963, but only with respect to contracts purchased after August 6, 1963. With respect to contracts entered into on or before August 6, 1963, but purchased or acquired whether from the insurer, insured, or any other person (other than by gift, bequest, or inheritance, or in a transaction to which section 381(a) of the Code applies) after such date, the rules of this section apply after such purchase or acquisition.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[F.R. Doc. 64-11987; Filed, Nov. 23, 1964; 8:48 a.m.]

[T.D. 6772]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Timing of Deductions in Certain Cases Where Asserted Liabilities Are Contested

On July 21, 1964, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 461 of the Internal Revenue Code of 1954, relating to general rule for taxable year of deduction, to conform the regulations to changes made by section 223 of the Revenue Act of 1964 (78 Stat. 76) was published in the FEDERAL REGISTER (29 F.R. 9798). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

Section 1.461-2, as set forth in paragraph 3 of the appendix to the notice of proposed rule making, is changed by revising paragraph (c)(1), by revising example (2) of paragraph (c)(2), by adding a sentence at the end of the example contained in paragraph (g)(6), and by adding a sentence at the end of the example contained in paragraph (h)(3).

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

Approved: November 17, 1964.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 461 of the Internal Revenue Code of 1954 to section 223 of the Revenue Act of 1964 (78 Stat. 76), such regulations are amended as follows:

PARAGRAPH 1. Section 1.461 is amended by adding new subsections (e) and (f) to section 461 and by revising the historical note. These added and revised provisions read as follows:

**§ 1.461 Statutory provisions; general rule for taxable year of deduction.**

SEC. 461. *General rule for taxable year of deduction.* • • •

(e) *Dividends or interest paid on certain deposits or withdrawable accounts.*—Except as provided in regulations prescribed by the Secretary or his delegate, amounts paid to, or credited to the accounts of, depositors or holders of accounts as dividends or interest on their deposits or withdrawable accounts (if such amounts paid or credited are withdrawable on demand subject only to customary notice to withdraw) by a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, or a cooperative bank shall not be allowed as a deduction for the taxable year to the extent such amounts are paid or credited for periods representing more than 12 months. Any such amount not allowed as a deduction as the result of the application of the preceding sentence shall be allowed as a deduction for such other taxable year as the Secretary or his delegate determines to be consistent with the preceding sentence.

(f) *Contested liabilities.* If—

(1) The taxpayer contests an asserted liability,

(2) The taxpayer transfers money or other property to provide for the satisfaction of the asserted liability,

(3) The contest with respect to the asserted liability exists after the time of the transfer, and

(4) But for the fact that the asserted liability is contested, a deduction would be allowed for the taxable year of the transfer (or for an earlier taxable year),

then the deduction shall be allowed for the taxable year of the transfer. This subsection shall not apply in respect of the deduction for income, war profits, and excess profits taxes imposed by the authority of any foreign country or possession of the United States.

[Sec. 461 as amended by sec. 6, Act of Sept. 14, 1960 (Pub. Law 86-781, 74 Stat. 1020); sec. 3(a), Act of Oct. 24, 1962 (Pub. Law 87-876, 76 Stat. 1199); sec. 223(a)(1), Rev. Act 1964 (78 Stat. 76)]

PAR. 2. Section 1.461-1 is amended by revising subparagraph (2) of paragraph (a) and subparagraph (1) of paragraph (c), and by adding a new example (5) to subparagraph (6) of paragraph (c). These amended and added provisions read as follows:

**§ 1.461-1 General rule for taxable year of deduction.**

(a) *General rule.* • • •

(2) *Taxpayer using an accrual method.* Under an accrual method of accounting, an expense is deductible for the taxable year in which all the events have occurred which determine the fact of the liability and the amount thereof can be determined with reasonable accuracy. However, any expenditure which results in the creation of an asset having a useful life which extends substantially beyond the close of the taxable year may not be deductible, or may be deductible only in part, for the taxable year in which incurred. While no accrual shall be made in any case in which all of the events have not occurred which fix the liability, the fact that the exact amount of the liability which has been incurred cannot be determined will not prevent the accrual within the taxable year of such part thereof as can be computed with reasonable accuracy. For example, A renders services to B during the taxable year for which A claims $10,000. B admits the liability to A for $5,000 but contests the remainder. B may accrue only $5,000 as an expense for the taxable year in which the services were rendered. In the case of certain contested liabilities in respect of which a taxpayer transfers money or other property to provide for the satisfaction of the contested liability, see § 1.461-2. Where a deduction is properly accrued on the basis of a computation made with reasonable accuracy and the exact amount is subsequently determined in a later taxable year, the difference, if any, between such amounts shall be taken into account for the later taxable year in which such determination is made.

• • • • • •

(c) *Accrual of real property taxes—*(1) *In general.* If the accrual of real property taxes is proper in connection with one of the methods of accounting described in section 446(c), any taxpayer using such a method of accounting may elect to accrue any real property tax, which is related to a definite period of time, ratably over that period in the manner described in this paragraph. For example, assume that such an election is made by a calendar-year taxpayer whose real property taxes, applicable to the period from July 1, 1955, to June 30, 1956, amount to $1,200. Under section 461(c), $600 of such taxes accrue in the calendar year 1955, and the balance accrues in 1956. For special rule in the case of certain contested real property taxes in respect of which the taxpayer transfers money or other property to provide for the satisfaction of the contested tax, see § 1.461-2. For general rules relating to deductions for taxes, see section 164 and the regulations thereunder.

• • • • • •

(6) *Examples.* The provisions of this paragraph are illustrated by the following examples:

• • • • • •

*Example (5).* The facts are the same as in example (4) except that in June 1955, when the taxpayer pays his $1,600 real property taxes for 1955, he pays $400 of such amount under protest. Deductions for taxes for the taxable years ending March 31, 1955, and March 31, 1956, are computed as follows:

*Fiscal year ending March 31, 1955*

| | |
|---|---|
| April through December 1954 (9/12 of $1,200) | $900 |
| January through March 1955 (9/12 of $1,200, that is, $1,600 minus $400 (the contested portion which is not properly accruable)) | 300 |
| Taxes accrued ratably in fiscal year ending March 31, 1955 | 1,200 |
| Tax relating to period January through March 1954, paid in June 1954, and not deductible in prior taxable years (3/12 of $1,200) | 300 |
| Deduction for fiscal year ending March 31, 1955 | 1,500 |

*Fiscal year ending March 31, 1956*

| | |
|---|---|
| April through December 1955 (9/12 of $1,200) | $900 |
| January through March 1956 (3/12 of $1,800) | 450 |
| Taxes accrued ratably in fiscal year ending March 31, 1956 | 1,350 |
| Contested portion of tax relating to period January through December 1955, paid in June 1955, and deductible, under section 461(f), for taxpayer's fiscal year ending March 31, 1956 | 400 |
| Deduction for fiscal year ending March 31, 1956 | 1,750 |

• • • • • •

PAR. 3. There is inserted immediately after § 1.461-1 a new § 1.461-2 to read as follows:

**§ 1.461-2 Timing of deductions in certain cases where asserted liabilities are contested.**

(a) *General rule—*(1) *Taxable year of deduction.* If—

(i) The taxpayer contests an asserted liability,

(ii) The taxpayer transfers money or other property to provide for the satisfaction of the asserted liability,

(iii) The contest with respect to the asserted liability exists after the time of the transfer, and

(iv) But for the fact that the asserted liability is contested, a deduction would be allowed for the taxable year of the transfer (or, in the case of an accrual method taxpayer, for an earlier taxable year for which such amount would be accruable),

then the deduction with respect to the contested amount shall be allowed for the taxable year of the transfer.

(2) *Exception.* Subparagraph (1) of this paragraph shall not apply in respect of the deduction for income, war profits, and excess profits taxes imposed by the authority of any foreign country or possession of the United States, including a tax paid in lieu of a tax on income, war profits, or excess profits otherwise generally imposed by any foreign country or by any possession of the United States.

(3) *Refunds includible in gross income.* If any portion of the contested amount which is deducted under subparagraph (1) of this paragraph for the taxable year of transfer is refunded when the contest is settled, such portion is includible in gross income except as provided in § 1.111-1, relating to recovery of certain items previously deducted or credited. Such refunded amount is includible in gross income for the taxable year of receipt, or for an earlier taxable year if properly accruable for such earlier year.

(4) *Examples.* The provisions of this paragraph are illustrated by the following examples:

*Example (1).* X Corporation, which uses an accrual method of accounting, in 1964 contests $20 of a $100 asserted real property tax liability but pays the entire $100 to the taxing authority. In 1968, the contest is settled and X receives a refund of $5. X deducts $100 for the taxable year 1964, and includes $5 in gross income for the taxable year 1968 (assuming § 1.111-1 does not apply to such amount). If in 1964 X pays only $80 to the taxing authority, X deducts only $80 for 1964. The result would be the same if X Corporation used the cash method of accounting.

*Example (2).* Y Corporation makes its return on the basis of a calendar year and uses an accrual method of accounting. Y's real property taxes are assessed and become a lien on December 1, but are not payable until March 1 of the following year. On December 10, 1964, Y contests $20 of the $100 asserted real property tax which was assessed and became a lien on December 1, 1964. On March 1, 1965, Y pays the entire $100 to the taxing authority. In 1968, the contest is settled and Y receives a refund of $5. Y deducts $80 for the taxable year 1964, deducts $20 for the taxable year 1965, and includes $5 in gross income for the taxable year 1968 (assuming § 1.111-1 does not apply to such amount).

(b) *Contest of asserted liability—*(1) *Asserted liability.* For purposes of paragraph (a)(1) of this section, the term "asserted liability" means an item with respect to which, but for the existence of any contest in respect of such item, a deduction would be allowable under an accrual method of accounting. For example, a notice of a local real estate tax assessment and a bill received for services may represent asserted liabilities.

(2) *Definition of the term "contest".* Any contest which would prevent accrual of a liability under section 461(a) shall be considered to be a contest in determining whether the taxpayer satisfies paragraph (a)(1)(i) of this section. A contest arises when there is a bona fide dispute as to the proper evaluation of the law or the facts necessary to determine the existence or correctness of the amount of an asserted liability. It is not necessary to institute suit in a court of law in order to contest an asserted liability. An affirmative act denying the validity or accuracy, or

both, of an asserted liability to the person who is asserting such liability, such as including a written protest with payment of the asserted liability, is sufficient to commence a contest. Thus, lodging a protest in accordance with local law is sufficient to contest an asserted liability for taxes. It is not necessary that the affirmative act denying the validity or accuracy, or both, of an asserted liability be in writing if, upon examination of all the facts and circumstances, it can be established to the satisfaction of the Commissioner that a liability has been asserted and contested.

(3) *Example.* The provisions of this paragraph are illustrated by the following example:

*Example:* O Corporation makes its return on the basis of a calendar year and uses an accrual method of accounting. O receives a large shipment of typewriter ribbons from S Company on January 30, 1964, which O pays for in full on February 10, 1964. Subsequent to their receipt, several of the ribbons prove defective because of inferior materials used by the manufacturer. On August 9, 1964, O orally notifies S and demands refund of the full purchase price of the ribbons. After negotiations prove futile and a written demand is rejected by S, O institutes an action for the full purchase price. For purposes of paragraph (a)(1)(i) of this section, S has asserted a liability against O which O contests on August 9, 1964. O deducts the contested amount for 1964.

(c) *Transfer to provide for the satisfaction of an asserted liability*—(1) *In general.* A taxpayer may provide for the satisfaction of an asserted liability by transferring money or other property beyond his control (i) to the person who is asserting the liability, (ii) to an escrowee or trustee pursuant to a written agreement (among the escrowee or trustee, the taxpayer, and the person who is asserting the liability) that the money or other property be delivered in accordance with the settlement of the contest, or (iii) to an escrowee or trustee pursuant to an order of the United States, any State or political subdivision thereof, or any agency or instrumentality of the foregoing, or a court that the money or other property be delivered in accordance with the settlement of the contest. A taxpayer may also provide for the satisfaction of an asserted liability by transferring money or other property beyond his control to a court with jurisdiction over the contest. Purchasing a bond to guarantee payment of the asserted liability, an entry on the taxpayer's books of account, and a transfer to an account which is within the control of the taxpayer are not transfers to provide for the satisfaction of an asserted liability. In order for money or other property to be beyond the control of a taxpayer, the taxpayer must relinquish all authority over such money or other property.

(2) *Examples.* The provisions of this paragraph are illustrated by the following examples:

*Example (1).* M Corporation contests a $5,000 liability asserted against it by L Company for services rendered. To provide for the contingency that it might have to pay the liability, M establishes a separate bank account in its own name. M then transfers $5,000 from its general account to such separate account. Such transfer does not qualify as a transfer to provide for the satisfaction of an asserted liability because M has not transferred the money beyond its control.

*Example (2).* M Corporation contests a $5,000 liability asserted against it by L Company for services rendered. To provide for the contingency that it might have to pay the liability, M transfers $5,000 to an irrevocable trust pursuant to a written agreement among the trustee, M (the taxpayer), and L (the person who is asserting the liability) that the money shall be held until the contest is settled and then disbursed in accordance with the settlement. Such transfer qualifies as a transfer to provide for the satisfaction of an asserted liability.

(d) *Contest exists after transfer.* In order for a contest with respect to an asserted liability to exist after the time of transfer, such contest must be pursued subsequent to such time. Thus, the contest must have been neither settled nor abandoned at the time of the transfer. A contest may be settled by a decision, judgment, decree, or other order of any court of competent jurisdiction which has become final, or by written or oral agreement between the parties. For example, Z Corporation, which uses an accrual method of accounting, in 1964 contests a $100 asserted liability. In 1967 the contested liability is settled as being $80 which Z accrues and deducts for such year. In 1968 Z pays the $80. Section 461(f) does not apply to Z with respect to the transfer because a contest did not exist after the time of such transfer.

(e) *Deduction otherwise allowed*—(1) *In general.* The existence of the contest with respect to an asserted liability must prevent (without regard to section 461(f)) and be the only factor preventing a deduction for the taxable year of the transfer (or, in the case of an accrual method taxpayer, for an earlier taxable year for which such amount would be accruable) to provide for the satisfaction of such liability. Nothing in section 461(f) or this section shall be construed to give rise to a deduction since section 461(f) and this section relate only to the timing of deductions which are otherwise allowable under the Code.

(2) *Example.* The provisions of this paragraph are illustrated by the following example:

*Example.* A, an individual, makes a gift of certain property to B, an individual. A pays the entire amount of gift tax assessed against him but contests his liability for such tax. Section 275(a)(3) provides that gift taxes are not deductible. A does not satisfy the requirement of paragraph (a)(1)(iv) of this section since a deduction would not be allowed for the taxable year of the transfer even if A did not contest his liability for such tax.

(f) *Effective date.* Paragraphs (a) through (e) of this section apply to transfers of money or other property made in taxable years beginning after December 31, 1953, and ending after August 16, 1954.

(g) *Election as to transfers in taxable years beginning before January 1, 1964*—(1) *Statutory provisions.* Section 223(c) of the Revenue Act of 1964 (78 Stat. 76) provides as follows:

SEC. 223. *Timing of deductions in certain cases where asserted liabilities are contested.*

* * * * *

(c) *Election as to transfers in taxable years beginning before January 1, 1964.* (1) The amendments made by subsection (a) shall not apply to any transfer of money or other property described in subsection (a) made in a taxable year beginning before January 1, 1964, if the taxpayer elects, in the manner provided by regulations prescribed by the Secretary of the Treasury or his delegate, to have this paragraph apply. Such an election—

(A) Must be made within one year after the date of the enactment of this Act,

(B) May not be revoked after the expiration of such one-year period, and

(C) Shall apply to all transfers described in the first sentence of this paragraph (other than transfers described in paragraph (2)).

In the case of any transfer to which this paragraph applies, the deduction shall be allowed only for the taxable year in which the contest with respect to such transfer is settled.

(2) Paragraph (1) shall not apply to any transfer if the assessment of any deficiency which would result from the application of the election in respect of such transfer is, on the date of the election under paragraph (1), prevented by the operation of any law or rule of law.

(3) If the taxpayer makes an election under paragraph (1), and if, on the date of such election, the assessment of any deficiency which results from the application of the election in respect of any transfer is not prevented by the operation of any law or rule of law, the period within which assessment of such deficiency may be made shall not expire earlier than 2 years after the date of the enactment of this Act.

(2) *In general.* Except as provided in subparagraph (3) of this paragraph, section 461(f) of the Internal Revenue Code of 1954 and the last two sentences of section 43 of the Internal Revenue Code of 1939, as added by section 223(a) of the Revenue Act of 1964, shall not apply to any transfers of money or other property described in either such section which are made in taxable years beginning before January 1, 1964, if the taxpayer makes a valid election, in the manner and within the time provided in subparagraph (4) of this paragraph, to have this paragraph apply to such transfers. In the case of any transfer to which this paragraph applies, the deduction with respect to the contested amount shall be allowed only for the taxable year in which the contest with respect to such transfer is settled.

(3) *Transfers covered.* A valid election under this paragraph shall apply to all transfers of money or other property described in section 461(f) of the 1954 Code or the last two sentences of section 43 of the 1939 Code made in taxable years beginning before January 1, 1964, except that such election shall not apply to any such transfer if the assessment of any deficiency which would result from the application of such election in respect of such transfer is, on the date such election is made, prevented by the operation of any law or rule of law.

(4) *Time and manner of making election.* (i) The taxpayer shall make the election referred to in subparagraph (2) of this paragraph by filing a statement, containing the information required by subdivision (ii) of this subparagraph, with the district director with whom he files his income tax return for the taxable year in which the election is made. The election must be made on or before February 26, 1965, and shall be irrevocable after such date. A copy of the statement of election shall be attached to the taxpayer's income tax return or claim for refund for the taxable year in which the contest is settled; except that if, before the time the election is made, the taxpayer filed an income tax return or a claim for refund for the taxable year in which the contest was settled, and if, after the time the election is made, such taxpayer does not file an amended income tax return or claim for refund for such year, then such taxpayer shall provide a copy of the statement of election to the district director with whom he filed his income tax return or claim for refund for the taxable year in which the contest was settled. In addition, the taxpayer shall provide copies of the statement of election to the district directors with whom he filed his income tax returns for the taxable years of the transfers with respect to which the election is made no later than 30 days after making such election.

(ii) The statement referred to in subdivision (i) of this subparagraph shall contain the following information:

(*a*) The name, address, and taxpayer account number of the taxpayer;

(*b*) A statement that the taxpayer elects, under section 223(c) of the Revenue Act of 1964, not to have the amendments made by section 223(a) of such Act apply to any transfers described in section 461(f) of the Internal Revenue Code of 1954 or the last two sentences of section 43 of the Internal Revenue Code of 1939 made by him in taxable years beginning before January 1, 1964;

(*c*) The amount and date of each transfer described in such sections made in a taxable year beginning before January 1, 1964, to which the election under this paragraph applies; and

(*d*) The district director with whom the taxpayer's return was filed for each taxable year affected by the election under this paragraph.

(5) *Period of assessment extended.* If the taxpayer makes a valid election under this paragraph, and if, on the date of such election, the assessment of any deficiency which results from the application of the election in respect of any transfer is not prevented by the operation of any law or any rule of law, the period within which assessment of such deficiency may be made shall not expire before February 26, 1966, and such election shall be considered as a consent to such extension.

(6) *Example.* The provisions of this paragraph are illustrated by the following example:

*Example.* Z Corporation makes its return on the basis of a calendar year and uses an accrual method of accounting. Z contests $20 of the $100 real property tax liability asserted against it for each of the years 1958 through 1963 but pays the entire $100 in each such year. Z does not contest any other asserted liabilities in the years 1958 through 1963. Z deducts $100 for each of the years 1958 through 1963 and for each of such years files its income tax return on March 15 of the following year. On October 1, 1964, Z makes a valid election under this paragraph. The contests with respect to the real property taxes for each of the years 1958 through 1963 are settled in 1967. Assuming that the assessment of any deficiencies which would result from the application of such election to the transfers in the taxable years 1958, 1959, and 1960 are, on October 1, 1964, prevented by the operation of section 6501, the election under this paragraph does not apply to the transfers made in such years. Since the assessment of any deficiencies which would result from the application of such election to the transfers in the taxable years 1961, 1962, and 1963 are not, on October 1, 1964, prevented by the operation of section 6501, the election under this paragraph does apply to the transfers made in such years. Thus, Z deducts $60 (that is, $20 of the 1961 transfer, $20 of the 1962 transfer, and $20 of the 1963 transfer) for the taxable year 1967 and files amended returns for taxable years 1961, 1962, and 1963, deducting only $80 rather than $100 in each such year. The period within which the assessment of any deficiencies may be made which result from the application of such election to the transfers in the taxable years 1961, 1962, and 1963 shall not expire before February 26, 1966. The result would be the same if Z Corporation used the cash method of accounting.

(h) *Certain other transfers in taxable years beginning before January 1, 1964*—(1) *Statutory provisions.* Section 223(d) of the Revenue Act of 1964 (78 Stat. 77) provides as follows:

SEC. 223. *Timing of deductions in certain cases where asserted liabilities are contested.*

* * * * *

(d) *Certain other transfers in taxable years beginning before January 1, 1964.* The amendments made by subsection (a) shall not apply to any transfer of money or other property described in subsection (a) made in a taxable year beginning before January 1, 1964, if—

(1) No deduction has been allowed in respect of such transfer for any taxable year before the taxable year in which the contest with respect to such transfer is settled, and

(2) Refund or credit of any overpayment which would result from the application of such amendments to such transfer is prevented by the operation of any law or rule of law.

In the case of any transfer to which this subsection applies, the deduction shall be allowed for the taxable year in which the contest with respect to such transfer is settled.

(2) *Deduction allowed in year contest is settled.* Section 461(f) of the Internal Revenue Code of 1954 and the last two sentences of section 43 of the Internal Revenue Code of 1939, as added by section 223(a) of the Revenue Act of 1964, shall not apply to any transfer of money or other property described in either such section which is made in a taxable year beginning before January 1, 1964, if—

(i) No deduction has been allowed in respect of such transfer for any taxable year before the taxable year in which the contest with respect to such transfer is settled, and

(ii) Refund or credit of any overpayment which would result from the application of section 461(f) of the Internal Revenue Code of 1954 or the last two sentences of section 43 of the Internal Revenue Code of 1939 to such transfer is prevented by the operation of any law or rule of law.

In the case of any transfer to which this subparagraph applies, the deduction with respect to the contested amount shall be allowed only for the taxable year in which the contest with respect to such transfer is settled. Thus, if, at any time when a refund or credit of any overpayment, which would result from the application of paragraph (a)(1) of this section to a transfer of money or other property described in such paragraph (a)(1) made in a taxable year beginning before January 1, 1964, is prevented by the operation of any law or rule of law, no deduction has been allowed in respect of such transfer for any taxable year before the taxable year in which the contest with respect to such transfer is settled, then a deduction shall be allowed to the taxpayer for the taxable year in which such contest is settled.

(3) *Example.* The provisions of this paragraph are illustrated by the following example:

*Example.* R Corporation makes its return on the basis of a calendar year and uses an accrual method of accounting. In 1962, R contests $20 of a $100 asserted real property tax liability but pays the entire $100 to the taxing authority. R deducts $80 for the taxable year 1962. R files its income tax return for 1962 on March 15, 1963. In 1967, the contested tax is settled as being $100. Assuming that R did not deduct such contested $20 for any taxable year prior to 1967, and that a refund or credit of any overpayment which would result from the application of paragraph (a)(1) of this section to the transfer of such $20 in 1962 is prevented by the operation of section 6501, paragraph (a)(1) of this section does not apply to the transfer of such $20 in 1962, and R deducts such $20 for the taxable year 1967. The result would be the same if R Corporation used the cash method of accounting.

PAR. 4. The provisions of paragraphs (a) through (e) of § 1.461–2 of the Income Tax Regulations, covering taxable years beginning after December 31, 1953, and ending after August 16, 1954, as set forth in paragraph 3 of this Treasury decision, are hereby made applicable to the taxable years covered by section 43 of the Internal Revenue Code of 1939.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[F.R. Doc. 64–11986; Filed, Nov. 23, 1964; 8:48 a.m.]



# Title 28—JUDICIAL ADMINISTRATION

## Chapter I—Department of Justice

## PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

### Subpart W—Authority To Compromise and Close Civil Claims

### Appendix—Redelegations of Authority To Compromise and Close Civil Claims

The following redelegation is added to the appendix to Subpart W of Part 0, Chapter I, Title 28 of the Code of Federal Regulations:

TAX DIVISION
[Memo No. 391]

REDELEGATION OF AUTHORITY TO RELEASE RIGHTS OF REDEMPTION IN CERTAIN CASES

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.70, 0.160, 0.162, 0.164, 0.166, and 0.171, it is hereby ordered as follows:

The United States Attorney for each district in which is located real property, which is subject to a right of redemption of the United States in respect of Federal tax liens, arising under Section 2410(c) of Title 28 of the United States Code, or under State law when the United States has been joined as a party to a suit, is authorized to release the right of redemption, subject to the following limitations and conditions—

(1) This redelegation of authority relates only to real property on which is located only one single-family residence, and to all other real property having a fair market value not exceeding $10,000. That limitation as to value or use shall not apply in those cases in which the release is requested by the Veterans Administration or any other Federal agency.

(2) The consideration paid for the release must be equal to the value of the right of redemption, or fifty dollars ($50), whichever is greater. However, no consideration shall be required for releases issued to the Veterans Administration or any other Federal agency.

(3) The following-described documents must be placed in the United States Attorney's file in each case in which a release is issued—

(A) The favorable recommendation of the appropriate Regional Counsel of the Internal Revenue Service.

(B) Appraisals by two disinterested and well-qualified persons. In those cases in which the applicant is a Federal agency, the appraisal of that agency may be substituted for the two appraisals generally required.

(C) Such other information and documents as the Tax Division may prescribe.

The provisions of this Memorandum shall be effective on the date of publication of this Memorandum in the FEDERAL REGISTER.

LOUIS F. OBERDORFER,
*Assitsant Attorney General.*

Approved: October 7, 1964.

NICHOLAS DEB. KATZENBACH,
*Acting Attorney General.*

[F.R. Doc. 64-12072; Filed, Nov. 23, 1964; 9:57 a.m.]

# Title 29—LABOR

## Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

## PART 613—STRAW, HAIR, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

### Wage Rates

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205), and by means of Administrative Order No. 583 (29 F.R. 12501), the Secretary of Labor appointed and convened Industry Committee No. 66–B. Administrative Order No. 583 referred to Industry Committee No. 66–B the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the straw, hair, and related products industry in Puerto Rico and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 66–B are hereinafter published in these amendments to 29 CFR 613.2.

Effective December 10, 1964, § 613.2(a)(2)(i) and (3)(i), and (b)(1) are amended to read as follows:

§ 613.2 Wage rates.

* * * * * * *

(a) *Previously covered classification.* * * *

(2) *Artists' brush and native handicraft products classification.* (i) The minimum wage for this classification is 74 cents an hour.

* * * * * * *

(3) *Hair and bristles processing and other straw, hair, and related products classification.* (i) The minimum wage for this classification is 75 cents an hour.

* * * * * * *

(b) *New coverage classification.* (1) The minimum wage for this classification is 80 cents an hour between December 10, 1964 and September 2, 1965 and 90 cents an hour thereafter.

* * * * * * *

(Sec. 8, 52 Stat. 1064 as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 10th day of November 1964.

CLARENCE T. LUNDQUIST,
*Administrator.*

[F.R. Doc. 64-11998; Filed, Nov. 23, 1964; 8:49 a.m.]

## PART 687—HOSIERY INDUSTRY IN PUERTO RICO

## PART 699—TEXTILE AND TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

### Miscellaneous Amendments

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), and by means of Administrative Order No. 583 (29 CFR 12501), the Secretary of Labor appointed and convened Industry Committee No. 66–A. Administrative Order No. 583 referred to Industry Committee No. 66–A the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the textile, hosiery, and textile products industry in Puerto Rico, as defined in that order, and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 66–A are hereinafter published in these amendments to 29 CFR Parts 687 and 699.

1. Effective December 10, 1964, § 687.2 is amended to read as follows:

§ 687.2 Wage rates.

The hosiery industry in Puerto Rico is divided into three classifications. Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the hosiery industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Previously covered classifications.* The classifications in this paragraph (a) apply to all activities in the industry to whom section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961.

(1) *Women's hosiery classification.* (i) The minimum wage for this classification is 86.5 cents an hour.

(ii) This classification is defined as the manufacture and processing of women's hosiery, both seamless and full-fashioned, including among other processes knitting, seaming, looping, dyeing, clocking and all phases of finishing.

(2) *All other hosiery classification.* (i) The minimum wage for this classification is 84 cents an hour.

(ii) This classification is defined as the manufacture of all other hosiery, including men's and children's hosiery and women's socks, and involving such processes as knitting, seaming, looping, dyeing, clocking and all phases of finishing.

(b) *New coverage classification.* (1) The minimum wage for this classification is 87 cents an hour between December 10, 1964, and September 2, 1965, and 95 cents an hour thereafter.

(2) This classification applies to all activities of employees in the industry to whom section 6 of the Act applies only by reason of the Fair Labor Standards Amendments of 1961.

(Sec. 8, 52 Stat. 1064 as amended; 29 U.S.C. 208)

2. Effective December 10, 1964 §§ 699.1, 699.2(a)(2)(i), (3)(i), (4)(i), (5)(i), (6)(i), (7)(i), and (b)(1)(i), (2)(i), (3)(i) are amended to read as follows:

§ 699.1 Definitions.

The textile, hosiery, and textile products industry in Puerto Rico is defined as follows: The preparation of textile fibers, including the ginning and compressing of cotton; the manufacture of batting, wadding, and filling; the manufacture, including dyeing and finishing of yarn, thread, cordage, twine, felt, woven and knitted fabrics, and lace-machine products from cotton, jute, sisal, coir, maguey, silk, rayon, nylon, wool or other vegetable, animal, or synthetic fiber, or from mixtures of these fibers; and the manufacture of blankets, textile bags, mattresses, quilts, pillows, hairnets, oilcloth and artificial leather containing a textile or paper base, woven carpets and rugs, and hooked or punched rugs and carpeting, *Provided, however,* That the industry shall not include the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber.

§ 699.2 Wage rates.

* * * * * * *

(a) *Previously covered classifications.* * * *

(2) *Bag cleaning and repairing classification.* (i) The minimum wage for this classification is 85 cents an hour.

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(3) *Multiple-needle power-driven machine operations on hooked rugs classifications.* (i) The minimum wage for this classification is $1.02 an hour.

* * * * * * *

(4) *Other operations on hooked rugs classification.* (i) The minimum wage for this classification is 78 cents an hour.

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(5) *Yarn classification.* (i) The minimum wage for this classification is 95 cents an hour.

* * * * * * *

(6) *Broad woven fabrics classification.* (i) The minimum wage for this classification is 95 cents an hour.

* * * * * * *

(7) *General classification.* (i) The minimum wage for this classification is 92.5 cents an hour.

* * * * * * *

(b) *New coverage classifications.* * * *

(1) *Mattresses and bedsprings craft masters and supervisors new coverage classification.* (i) The minimum wage for this classification is $1.15 an hour between December 10, 1964, and September 2, 1965 and $1.25 an hour thereafter.

* * * * * * *

(2) *Mattresses and bedsprings skilled workers new coverage classification.* (i) The minimum wage for this classification is $1.15 an hour between December 10, 1964 and September 2, 1965 and $1.25 an hour thereafter.

* * * * * * *

(3) *General textile and textile products new coverage classification.* (i) The minimum wage for this classification is 95 cents an hour between December 10, 1964 and September 2, 1965 and $1.05 an hour thereafter.

* * * * * * *

(Sec. 8, 52 Stat. 1064 as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 18th day of November 1964.

CLARENCE T. LUNDQUIST,
*Administrator.*

[F.R. Doc. 64-11997; Filed, Nov. 23, 1964; 8:49 a.m.]



# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

## PART 202—ANCHORAGE REGULATIONS

## PART 203—BRIDGE REGULATIONS

### San Juan Harbor, P.R. and Dorseys Creek, Md.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.240 governing anchorage grounds in San Juan Harbor, P.R., is hereby amended changing the titles of subparagraphs (a)(1)–(a)(3), inclusive, redesignating the boundaries of the areas in subparagraphs (a)(2) and (a)(3) and revising the regulations, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.240 San Juan Harbor, P.R.

(a) *The anchorage grounds*—(1) *Yacht, schooner, and small craft Anchorage D.* That part of San Antonio Channel eastward of longitude 66°05'45".

(2) *Temporary Anchorage E (general).* Beginning at a point which bears 214°24', 948 yards from Isla Grande Light; thence along a line 75°47', 498 yards; thence along a line 134°49', 721 yards; thence along a line 224°49' to the northerly channel limit of Graving Dock Channel; thence along the northerly channel limit of Graving Dock Channel, 307 yards; and thence to the point of beginning.

(3) *Restricted Anchorage F.* Beginning at a point which bears 212°30', 1,337.5 yards from Isla Grande Light; thence along a line 29°00', 550 yards; thence along a line 330°00' to the westerly channel limit of Anegado Channel; and thence along the westerly channel limit of Anegado Channel to the point of beginning.

(b) *The regulations.* (1) The anchorage described in paragraph (a)(1) of this section shall be reserved for the anchorage of yachts, schooners, and small craft.

(2) Vessels awaiting customs or quarantine shall use the anchorage described in paragraph (a)(2) of this section. No vessel shall remain in this anchorage more than 24 hours without a permit from the U.S. Coast Guard Captain of the Port.

(3) Restricted Anchorage F shall serve both as an additional general anchorage area in cases where the temporary anchorage is full, and as an explosives anchorage for vessels loading or unloading explosives in quantities no greater than forty (40) tons, Commercial Class "A" Explosives, when so authorized by the United States Coast Guard Captain of the Port. No vessel shall enter or anchor therein without first obtaining a permit from the United States Coast Guard Captain of the Port.

[Regs., Oct. 29, 1964, 1507-32 (San Juan Harbor, P.R.)—ENGCW-ON] (Sec. 7, 38 Stat. 1053; 33 U.S.C. 471)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499) § 203.245 is hereby amended with respect to paragraph (f) revoking subparagraph (7) and revising subparagraph (8) to include the United States Naval Academy highway and railroad bridges and the Maryland State Roads Commission bridge across Dorseys Creek, Maryland, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.

* * * * * * *

(f) *Waterways discharging into Chesapeake Bay.* * * *

(7) [Revoked]

(8) Dorseys Creek, Md.; United States Naval Academy highway and railroad bridges; Maryland State Roads Commission bridge and Baltimore and Annapolis Railroad Company bridge at Annapolis. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

* * * * * * *

[Regs., Nov. 4, 1964, 1507-32 (Dorseys Creek, Md.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 64-11965; Filed, Nov. 23, 1964; 8:46 a.m.]

# Title 46—SHIPPING

## Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 12, Rev., Supp. 3, Amdt. 2]

## PART 281—INFORMATION, POLICY AND PROCEDURES UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

### Sailing Schedules, Routes, etc.

Section 281.1(a) is hereby revised to read as follows:

**§ 281.1 Information and procedure required under the operating-differential subsidy agreement.**

* * * * *

(a) *Sailing schedules, routes, etc.* (1) One copy of tentative sailing schedules is required to be submitted not later than 15 days prior to the commencement of the month in which the proposed sailings are to be made. Such schedules shall show separately for each vessel: (i) Voyage number, whether owned or chartered, and whether subsidy is requested; (ii) the subsidized service in which the proposed sailing is to be made; (iii) the date on which the vessel is expected to sail outbound from the last United States port, and the names of other scheduled United States and foreign ports of call; and (iv) explanation of any proposed variations from the service described in the applicable contract.

(2) (i) If substantial changes are made in any sailing schedule subsequent to the submission of the tentative sailing schedules the Maritime Administration shall be notified of such changes not later than the 10th day of month following the month in which the sailing is made. A substantial change, for the purpose herein, includes the addition or cancellation of a voyage or voyages in a subsidized service, substitution of a vessel or vessels, and a change in the range of ports to be served on a particular voyage.

(ii) Notwithstanding the requirements of subdivision (i) of this subparagraph, prior approval of the Maritime Administration must be obtained before the occurrence of all proposed changes which would result in the operator failing to meet minimum requirements with respect to sailings or port coverage, and for changes for which such prior approval is required by applicable contracts.

(3) A "Final Report" in five copies shall be submitted not later than 15 days after the end of the month in which the voyage is terminated and shall show: (i) The time and ports at which the voyage commenced and terminated; (ii) the arrival and sailing dates of the vessel at and from each United States and foreign port, including ports of call for bunkering and/or mail only; (iii) explanation of any delay in excess of 2 days at a United States or foreign port; (iv) appropriate notation of official authorization for any deviations from the service described in the applicable contract.

(4) The procedures outlined in subparagraphs (1), (2) and (3) of this paragraph shall be effective on the first of the month following publication in the FEDERAL REGISTER.

(5) The sailing schedules specified in this paragraph shall be sent to the Division of Trade Routes, Office of Government Aid, Maritime Administration, Washington, D.C., 20235.

* * * * *

The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 204, 49 Stat. 1987, as amended, 46 U.S.C. 1114)

Dated: November 17, 1964.

By order of the Acting Deputy Maritime Administrator.

JAMES S. DAWSON, Jr.,
*Secretary.*

[F.R. Doc. 64-11971; Filed, Nov. 23, 1964; 8:47 a.m.]

# Title 47—TELECOMMUNICATION

[FCC 64-1065]

## Chapter I—Federal Communications Commission

## PART 0—COMMISSION ORGANIZATION

### Assignment of Emergency Preparedness Functions of the Commission

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of November 1964;

The Commission having under consideration the provisions of Executive Orders 10312, 10346 as amended, 11007, 11092, and 11179; and the Presidential Memorandum of August 21, 1963, establishing the National Communications System; and

It appearing, that a more effective discharge of the Commission's emergency preparedness responsibilities will result from reassignment of these duties as provided herein; and

It further appearing, that certain changes should be made in Part 0 to define more clearly the organizational assignment of these responsibilities; and

It further appearing, that authority for the issuance of the rules herein is contained in sections 4(i) and 5(d) of the Communications Act of 1934, as amended; and

It further appearing, that the rules adopted herein are procedural in nature and pertain to internal organization and delegations of authority, and hence are not subject to the prior notice and effective date provisions of the Administrative Procedure Act;

*It is ordered,* Effective November 28, 1964, that Part 0 of the rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154)

Released: November 19, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

1. Section 0.111 is amended by adding a new paragraph (g) to read as follows:

**§ 0.111 Functions of the Bureau.**

* * * * *

(g) Subject to the policy guidance of the Defense Commissioner, and in consultation with the Executive Director, and the Chief, Office of Emergency Communications.

(1) Prepares detailed plans for and coordinates the development of the FCC owned, leased, and operated communications systems designated as assets of the National Communications System;

(2) Selects and prepares detailed plans for the physical facilities designated as FCC Emergency Relocation facilities, including plans for the utilization of such facilities on a day-to-day basis;

(3) Prepares detailed operational plans, procedures, and arrangements for certain classified activities with other Government Agencies, as related to the FCC owned, leased and operated communications systems;

(4) Prepares the detailed emergency operational staffing plans and procedures for performing certain classified functions of the Field Engineering Bureau under national emergency conditions, including selection, assignment, emergency notification, transportation, and specialized training of personnel and Special Task Forces (FEB) personnel; and

(5) Investigates violations of pertinent law and regulations in an emergency involving occupancy of the radio spectrum, and develops procedures designated to initiate, recommend, or otherwise bring about appropriate enforcement action required in the interest of national security.

2. Section 0.113 is amended to read as follows:

**§ 0.113 Office of Bureau Chief.**

The Office of the Bureau Chief plans, directs, and coordinates the functions of the Bureau. It includes a Deputy Chief; an Assistant Chief; an administrative branch, which performs the administrative functions of the Bureau and is responsible for planning, coordinating and administering the Bureau's employee technical supervisory training programs; a Special Assistant to the Chief of the Bureau responsible for directing the detailed planning and development of the FCC owned, leased and operated communications systems designated as assets of the National Communications System; and an Attorney Advisor, who advises the Chief of the Bureau and the divisions of the Bureau on legal questions relative to such matters as applications for commercial operator licenses, interference problems, investigations, and other activities of the Bureau.

3. Section 0.183 is amended to read as follows:

**§ 0.183 Office of Emergency Communications.**

(a) The Chief of the Office of Emergency Communications plans, directs and coordinates the functions of the Office. The Office of Emergency Communications under the supervision and direction of the Executive Director and in collaboration with, and with the concurrence of the responsible Bureau Heads and Staff Officers, develops, prepares, and recommends to the Defense Commissioner national emergency plans and develops preparedness programs covering (See Executive Orders 10312, 10346, as amended, 11007, 11092, and 11179):

(1) Provision of service by common carriers, broadcasting facilities, and the safety and special radio services under national emergency conditions;



(2) Assignment of radio frequencies to Commission licensees under national emergency conditions;

(3) Preparation of data with respect to facilities operated by the non-government communications industry for use by the National Resources Evaluation Center;

(4) Control of radio stations in an emergency, except those belonging to, or operated by, any department or agency of the United States Government;

(5) Investigations of violations of pertinent law and regulations in an emergency, and development of procedures designated to initiate, recommend, or otherwise bring about the appropriate enforcement actions required in the interest of national security;

(6) Provision of financial, credit, or other assistance to common carriers and Commission licensees who might need such assistance in various conditions of mobilization, particularly those resulting from attack;

(7) Stimulation of the development by Common Carriers and by licensees, of standby plans for the conservation and salvage of supplies and equipment and the rehabilitation, restoration, or replacement of essential communication facilities after an attack;

(8) Preparation, as claimant agency for the non-government communications industry, to claim materials, manpower, equipment, supplies and services needed in support of the common carriers, and Commission licensees from the appropriate resource agencies, and work with such agencies in developing programs to insure availability of such resources in an emergency;

(9) Provision of advice and guidance to achieve such industry protection as is necessary to maintain the integrity of the facilities and services provided by common carriers and radio station licensees, and promote a national program to stimulate disaster preparedness and damage control, including, but not limited to, organizing and training facility employees, personnel shelter, evacuation and relocation plans, records protection, continuity of management, security, emergency repair and recovery of facilities, deconcentration and dispersal of facilities, and mutual aid associations for emergency;

(10) Development and maintenance of a capability to assess the effects of attack on communication facilities and services subject to Commission regulation, which are essential in a national emergency, and provide data to the Department of Defense; and

(11) Fostering or conducting research in areas directly concerned with the Commission's emergency preparedness responsibilities;

(b) The Office of Emergency Communications, in collaboration with, and with the concurrence of, Bureau Heads and Staff Officers, prepares plans for the continuity of Government functions of the Commission in the event of a national emergency (except for certain designated functions of the Field Engineering Bureau, as set forth in § 0.111) as prescribed by Executive Order 10346, as amended, including plans for emergency mobilization of the Commission's personnel; positioning, maintenance, and protection of supplies, material and essential records; and selection, training, transportation and emergency assignment, notification and funding arrangements for the Commission's Executive Reserve Unit of the National Defense Executive Reserve Program under the provisions of Executive Order 11179 (except for certain designated functions of the Field Engineering Bureau as set forth in § 0.111).

(c) The Office of Emergency Communications provides the Executive Secretariat for the National Industry Advisory Committee, its sub-committees at the Regional, State and Local level, and special working groups as may be formed for specific purposes by the Defense Commissioner.

(d) The Office of Emergency Communications is composed of the Office of the Chief, including the NIAC Secretariat and the FCC Mobilization Planning Officer, the Emergency Communication Systems Division, and the Emergency Communications Resources Plans Division, with functions as set forth in paragraphs (e), (f), and (g) of this section.

(e) Emergency Communication Systems Division: The Emergency Communication Systems Division develops and recommends plans and procedures for the following:

(1) *Broadcasting service.* Construction, activation, deactivation of broadcasting facilities and services, the continuation or suspension of broadcasting services and facilities, and issuance of appropriate authorizations for such facilities, services, and personnel in an emergency.

(2) *Safety and special radio services.* Authorization, operation, and use of specified safety and special radio services, facilities, and personnel in the national interest in an emergency.

(3) *Electromagnetic radiation.* Control of radio stations in an emergency, except for those belonging to, or operated by, any department or agency of the United States Government.

(4) *Facilities protection.* Provide advice and guidance to achieve such industry protection as is necessary to maintain the integrity of the facilities and station licensees and promote a national program to stimulate disaster preparedness and damage control. The guidance shall include, but not be limited to, organizing and training facility employees, personnel shelter, evacuation and relocation plans, records protection, continuity of management, security, emergency repair and recovery of facilities, deconcentration and dispersal of facilities, and mutual aid associations for emergency.

(5) *Research.* Foster or conduct research in areas directly concerned with the Commission's emergency preparedness responsibilities.

(f) Emergency Communication Resources Plans Division: (1) The Emergency Communication Resources Plans Division develops and recommends plans and procedures for the following:

(i) *Common carrier service.* (a) Extension, discontinuance, or reduction of common carrier facilities or services, and issuance of appropriate authorizations for such facilities, services, and personnel in an emergency; and control of all rates, charges, practices, classifications, and regulations for service to Government and non-Government users during an emergency, in consonance with national economic stabilization policies.

(b) Development and administration of priority systems for public correspondence and for the use and resumption of leased inter-city private line service in an emergency.

(c) Use of common carrier facilities and services to overseas points to meet vital needs in an emergency.

(ii) *Safety and special radio services.* Authorization operation, and use of specified safety and special radio services, facilities, and personnel in the national interest in an emergency.

(iii) *Radio frequency assignment.* Assignment of radio frequencies to, and their use by, Commission licensees in an emergency.

(iv) *Resource data.* Provision of assistance and data with respect to facilities operated by Commission licensees for national resource evaluation purposes of the Office of Emergency Planning.

(v) *Financial aid.* Provision of financial, credit, or other assistance to common carriers and Commission licensees who might need such assistance in various conditions of mobilization, particularly those resulting from attack.

(vi) *Conservation, salvage, and rehabilitation.* Stimulation of the development, by common carriers and by licensees, of standby plans for the conservation and salvage of supplies and equipment and the rehabilitation, restoration, or replacement of essential communication facilities after an attack.

(vii) *Claimancy.* Preparation, as claimant agency for the non-government communications industry, to claim materials, manpower, equipment, supplies, and services needed in support of the common carriers and Commission licensees from the appropriate resource agencies, and insure availability of such resources in an emergency.

(viii) *Damage assessment.* Maintain a capability to assess the effects of attack on communication facilities and services subject to Commission regulation which are essential in a national emergency, and provide data to the Department of Defense.

(2) The Emergency Communication Resources Plans Division coordinates and directs the activities of the Commission's Damage Assessment Unit, and coordinates the activities of the Commission's Resource Data Officer assigned to the National Resources Evaluation Center.

(3) The Emergency Communication Resources Plans Division conducts the review of plans developed by the State Task Groups and the Commission's representatives to the Regional Preparedness Committees of the Office of Emergency Planning.

(g) FCC Mobilization Planning Officer: (1) The FCC Mobilization Planning Officer, pursuant to the provisions of Executive Order 10346, as amended, and

in consultation with the Bureau Heads and Staff Officers of the Commission, has responsibility for the preparation of plans for recommendation to the Defense Commissioner for maintenance of the Commission's essential functions at the seat of Government, and elsewhere, during a national emergency (except for certain designated functions of the Field Engineering Bureau as set forth in § 0.111) including the following specific functions:

(i) Prepares detailed plans for the emergency mobilization, assignment and utilization of present Commission personnel and augmentation staff, including emergency notification, transportation, and continuity of funding arrangements.

(ii) Makes detailed advance arrangements for selection, positioning, maintenance, and protection of supplies and materials required by emergency relocation personnel for the execution of the plans for continuity of the Commission's essential functions in the event of a national emergency.

(iii) Prepares recommendations for the selection, positioning, maintenance, and protection of essential records for the performance of essential functions of the Commission in the event of a national emergency.

(iv) Prepares plans for the selection, training, emergency assignment, emergency notification, transportation, and emergency funding arrangements for personnel in the Commission's Executive Reserve Unit of the National Defense Executive Reserve Program under the provisions of Executive Order 11179.

(v) Selects and prepares detailed plans for training, emergency assignment, emergency notification, and transportation of the Emergency Task Forces assigned to the Special Facilities Division of the Office of Emergency Planning and to the Commission's Principal Emergency Relocation Facility.

(vi) In cooperation with the Chief, Emergency Communication Systems Division, and the Chief, Communication Resources Plans Division, makes detailed plans for appropriate investigation, enforcement and carrying out by Emergency Task Forces of all approved emergency preparedness plans (except for certain functions of the Field Engineering Bureau) under the provisions of Executive Orders 11092 and 10312.

(vii) Prepares plans for and conducts tests and exercises (except for certain activities of the Field Engineering Bureau as set forth in § 0.111) to determine the state of operational readiness of the Commission and its emergency facilities to execute its essential emergency functions and emergency mobilization plans in the event of a national emergency; and performs such other duties related to the Commission's continuity of Government activities and responsibilites as directed.

(viii) Prepares data and information with respect to continuity of the essential functions of the Commission in a national emergency (except for the Field Engineering Bureau as set forth in § 0.-111), for use by the Defense Coordinator and Alternate Defense Coordinator at Interagency Emergency Planning Committee meetings, as directed, and prepares initial drafts of documents to implement any required actions as a result of such meetings.

(h) Executive Secretariat of the National Industry Advisory Committee: The Executive Secretary of the National Industry Advisory Committee provides secretariat service to the National Industry Advisory Committee, and its subcommittees at the Regional, State and Local level and special working groups as may be formed for specific purposes by the Defense Commissioner, in accordance with the provisions of Executive Order 11007, as follows:

(1) Preparation of appointments to Committees or Working Groups as directed by the Defense Commissioner and maintenance of membership rosters, records and files of all committees and requests for appropriate security clearance for selected members.

(2) Preparation, certification, and appropriate distribution of agendas and associated material for meetings of all committees.

(3) Arrangements for preparation of appropriate minutes of meetings, and distribution thereof.

(4) Preparation of Interagency coordination of National Industry Advisory Committee recommendations as directed.

(5) Coordinates preparation of the required agenda items for consideration by the Commission to effect implementation of National Industry Advisory Committee recommendations.

[F.R. Doc. 64-11999; Filed, Nov. 23, 1964; 8:49 a.m.]

[FCC 64-1063]

## PART 0—COMMISSION ORGANIZATION

## PART 1—PRACTICE AND PROCEDURE

## PART 13—COMMERCIAL RADIO OPERATORS

### Change in Procedure for Applying for Restricted Radiotelephone Operator Permit

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 18th day of November, 1964;

The Commission having under consideration a change in the regular procedure for filing and processing applications for restricted radiotelephone operator permits and issuance of such permits; and

It appearing, that the Commission can act more efficiently on such applications if they are adapted for electronic processing and are filed in Gettysburg, Pennsylvania rather than in several field offices; and

It further appearing, that electronic data processing equipment presently available can be utilized for maintaining and retrieving data in connection with said applications; and

It further appearing, that field offices should continue to honor requests for a permit where applications are filed in person by the applicant or his agent, and where the applicant makes a satisfactory showing of immediate need for a permit for safety purposes; and

It further appearing, that alien aircraft pilots applying for such permits should continue to submit their applications to the Federal Communications Commission in Washington, D.C.; and

It further appearing, that the rule amendments ordered herein are editorial and procedural in nature and not substantive and therefore that the prior notice and effective date provisions of the Administrative Procedures Act are not applicable.

*It is ordered*, Effective January 1, 1965, pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, that Parts 0, 1, and 13 of the rules and regulations are amended as shown below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.)

Released: November 19, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

1. Section 0.443(b) is amended, and paragraph (c) is added to read, as follows:

**§ 0.443 Applications for amateur station and operator license and/or commercial operator license.**

* * * * *

(b) Application for commercial operator license of a class for which examination is required, for a verification card (FCC Form 758-F) or for a verification of operator license (FCC Form 759) shall be filed with an engineering field office listed in § 0.121 (a) or (b) at which the applicant desires his application to be considered and acted upon, except that application for replacement or duplicate license of such class shall be filed with the office of issue.

(c) Application for commercial operator license for which examination is not required (Restricted Radiotelephone Operator Permit) shall be submitted to the Federal Communications Commission, Gettysburg, Pa., 17325, with the following exceptions:

(1) When application is accompanied by a written showing by the applicant of immediate need for a permit for safety purposes and is presented in person by the applicant or his agent, the application may be submitted to the nearest engineering field office.

(2) When application is from an alien aircraft pilot (see § 13.4(c) of this chapter), it shall be submitted to the Federal Communications Commission, Washington, D.C., 20554.

2. Section 1.84 is amended to read as follows:

**§ 1.84 Procedure with respect to commercial radio operator license applications.**

(a) Upon acceptance of an application for a license submitted in accordance with Part 13 of this chapter, an examination, if required, is conducted. If applicant is found qualified in all respects, the license will be issued. When doubts as to nationality, character, or physical condition arise, the application is referred to the Commission's Field Offices Division, Field Engineering Bureau, Washington, D.C., 20555, for consideration. If it appears that further information is required to determine the applicant's qualifications or that a grant of the application will not serve the public interest, the applicant will be notified in writing and given an opportunity to furnish such written showings as the Commission may request and as the applicant may desire to submit. If, from the information furnished, it does not appear that the applicant is qualified or that the public interest would be served by a grant of the application, the applicant will be advised thereof in writing and given the opportunity to request, within the period of time to be specified in such writing, that the application be set for hearing. In the case of failure timely to request such hearing, the application will be denied.

(b) Where an examination is not required, the application will be handled with respect to other matters in accordance with the procedure in paragraph (a) of this section.

(c) Applications for renewal of license are handled in accordance with the procedure contained in paragraph (a) of this section, except that no examination is required unless the circumstances as set forth in § 13.28 of this chapter exist, in which case a renewal examination will be required.

(d) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice where an application has not yet been designated for hearing; such dismissal may be made with prejudice after an application has been designated for hearing.

(Sec. 303(1), 48 Stat. 1082, as amended; 47 U.S.C. 303(1))

3. Section 13.11 is amended to read as follows:

**§ 13.11 Procedure.**

(a) *General.* Applications shall be governed by applicable rules in force on the date when application is filed (see § 13.28). The application in the prescribed form and including all required subsidiary forms and documents, properly completed and signed, and accompanied by the prescribed fee (see §§ 13.14 and 13.15), shall be submitted to the appropriate office as indicated in paragraph (b) of this section. If the application is for renewal of license, it may be filed at any time during the final year of the license term or during a 1 year period of grace after the date of expiration of the license sought to be renewed. During this 1 year period of grace, an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be backdated to the date of expiration of the license being renewed. A renewal application shall be accompanied by the license sought to be renewed. If the prescribed service requirements for renewal without examination (see § 13.28) are fulfilled, the renewed license may be issued by mail. If the service record on the reverse side of the license does not fully describe or cover the service desired by the applicant to be considered in connection with license renewal (as might occur in the case of service rendered at U.S. Government stations), the renewal application shall be supported by documentary evidence describing in detail the service performed and showing that the applicant actually performed such service in a satisfactory manner. A separate application must be submitted for each license involved, whether it requests renewal, new license, endorsement, duplicate, or replacement.

(b) *Place of filing.* (1) An application (FCC Form 753) for a restricted radiotelephone operator permit shall be submitted to the Federal Communications Commission, Gettysburg, Pa., 17325, with the following exceptions:

(i) When accompanied by a written showing by the applicant of immediate need for a permit for safety purposes and when presented in person by the applicant or his agent, the application may be submitted to the nearest engineering field office.

(ii) When accompanied by a request (FCC Form 755) for a waiver of the U.S. nationality requirement, as in the case of an alien applicant who is an aircraft pilot (see § 13.4(c)), the application shall be submitted in person or by mail to the Federal Communications Commission, Washington, D.C., 20554.

(2) An application (FCC Form 756) for an operator license of any other class, for verification card (FCC Form 758-F) or for a verification of operator license (FCC Form 759) shall be submitted in person or by mail to the field office at which the applicant desires his application to be considered and acted upon, which office will make final arrangements for conducting any required examination. Whenever an examination is to be taken at a designated examination point away from a field office, the application shall be submitted in advance of the examination to the field office having jurisdiction over the area in which the examination is to be taken.

(c) *Restricted radiotelephone operator permit.* No oral or written examination is required for this permit. If the application is properly completed and signed, and if the applicant is found to be qualified, the permit may be issued forthwith.

(d) *Short term license.* A license, other than a Restricted Radiotelephone Operator Permit, issued for a term of less than 5 years (see §13.4(c)), may be extended for a period not exceeding the portion of the 5-year term remaining, without further examination, provided proper application for extension is filed prior to expiration of the license.

4. Section 13.71 is amended to read as follows:

**§ 13.71 Issue of duplicate or replacement licenses.**

(a) An operator whose license or permit has been lost, mutilated, or destroyed shall immediately notify the Commission. If the authorization is of the diploma form, a properly executed application for duplicate should be submitted to the office of issue. If the authorization is of the card form (Restricted Radiotelephone Operator Permit), a properly executed application for replacement should be submitted to the Federal Communications Commission, Gettysburg, Pa., 17325. In either case the application shall embody a statement of the circumstances involved in the loss, mutilation, or destruction of the license or permit. If the authorization has been lost, the applicant must state that reasonable search has been made for it, and, further, that in the event it be found, either the original or the duplicate (or replacement) will be returned for cancellation. If the authorization is of the diploma form, the applicant should also submit documentary evidence of the service that has been obtained under the original authorization, or a statement embodying that information.

(b) The holder of any license or permit whose name is legally changed may make application for a replacement document to indicate the new legal name by submitting a properly executed application accompanied by the license or permit affected. If the authorization is of the diploma form, the application should be submitted to the office where it was issued. If the authorization is of the card form (Restricted Radiotelephone Operator Permit) it should be submitted to the Federal Communications Commission, Gettysburg, Pa., 17325.

[F.R. Doc. 64-12000; Filed, Nov. 23, 1964; 8:49 a.m.]

# Proposed Rule Making

## FEDERAL AVIATION AGENCY

**[ 14 CFR Part 71 [New] ]**

**[Airspace Docket No. 64-SO-49]**

### CONTROL AREA EXTENSION, CONTROL ZONES AND TRANSITION AREAS

### Proposed Revocation, Alteration and Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would revoke the control area extension at Raleigh, N.C., alter the control zones at Raleigh, Fort Bragg, Simmons AAF and Fayetteville, N.C., and designate transition areas at Raleigh, Fort Bragg, Simmons AAF, Lumberton, and Southern Pines, N.C.

The Raleigh, N.C., control area extension is presently designated as within a 60-mile radius of latitude 35°30'30" N., longitude 78°32'52" W.; and within a 35-mile radius of Grannis Airport, Fayetteville, N.C. (latitude 34°59'22" N., longitude 78°52'52" W.), excluding the portion within R-5311. The portion of this control area extension which coincides with R-5312 shall be used only after obtaining prior approval from the appropriate authority.

The Raleigh, N.C., control zone is presently designated as within a 5-mile radius of Raleigh-Durham Airport (latitude 35°52'15" N., longitude 78°47'-10" W.) and within 2 miles either side of the Raleigh-Durham ILS localizer SW course, extending from the 5-mile radius zone to the OM.

The Fort Bragg, N.C., control zone is presently designated within a 5-mile radius of Pope AFB, Fort Bragg, N.C. (latitude 35°10'15" N., longitude 79°00'-55" W.); within 2 miles either side of the Pope VOR 227° radial, extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the Pope TACAN 037° radial, extending from the 5-mile radius zone to 9 miles NE of the TACAN, excluding that portion SE of a line from latitude 35°11'55" N., longitude 78°56'05" W., to latitude 35°05'55" N., longitude 79°00'50" W. and excluding the portion within R-5311.

The Simmons Army Airfield, N.C., control zone is presently designated as within a 5-mile radius of Simmons AAF (Latitude 35°07'55" N., longitude 78°-56'05" W.), excluding the portion within the Fort Bragg, N.C., control zone.

The Fayetteville, N.C., control zone is presently designated as within a 5-mile radius of Grannis Field and within 2 miles each side of the 211° bearing from the Fayetteville RBn extending from the 5-mile radius zone to 10 miles SW of the RBn.

On October 21, 1964, the Fayetteville, N.C., control zone was amended (29 F.R. 14436) to become effective December 10, 1964, as follows:

Within a 5-mile radius of Grannis Field (latitude 34°59'25" N., longitude 78°52'50" W.), and within 2 miles each side of the Fayetteville, VOR 233° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Raleigh, Fort Bragg (Pope AFB), Simmons AAF, Fayetteville, Lumberton, and Pinehurst terminal areas, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29 (26 F.R. 570, 27 F.R. 4012), proposes the airspace actions hereinafter set forth.

1. The Raleigh, N.C., control area extension would be revoked.

2. The Raleigh, N.C., control zone would be redesignated as within a 5-mile radius of the Raleigh-Durham Airport (latitude 35°52'15" N., longitude 78°47'-10" W.); within 2 miles each side of the Raleigh-Durham ILS localizer SW course, extending from the 5-mile radius zone to 1 mile NE of the LOM; within 2 miles each side of the Raleigh-Durham VORTAC 231° radial, extending from the 5-mile radius zone to 7 miles SW of the VORTAC; within 2 miles each side of the Raleigh-Durham VORTAC 034° radial, extending from the 5-mile radius zone to 8 miles NE of the VORTAC.

3. The Fort Bragg, N.C., control zone would be redesignated as within a 5-mile radius of Pope AFB (latitude 35°10'15" N., longitude 79°00'55" W.), excluding the portion within R-5311 and that area SE of a line extending from latitude 35°11'15" N., longitude 78°56'05" W. to latitude 35°05'55" N., longitude 79°00'50" W.; within 2 miles each side of the 042° bearing from the Pope RBn, extending from the 5-mile radius zone to 6 miles NE of the RBn; within 2 miles each side of the Pope VOR 227° radial, extending from the 5-mile radius zone to 1 mile SW of the VOR; within 2 miles each side of the Pope TACAN (latitude 35°09'36" N., longitude 79°01'19" W.) 037° radial, extending from the 5-mile radius zone to 7 miles NE of the TACAN.

4. The Simmons AAF, N.C., control zone would be redesignated as within a 5-mile radius of Simmons AAF (latitude 35°07'55" N., longitude 78°56'05" W.); within 2 miles each side of the Simmons VOR 085° radial, extending from the 5-mile radius zone to 7 miles E of the VOR; excluding that portion which coincides with the Fort Bragg control zone.

5. The Fayetteville, N.C., control zone would be redesignated as within a 5-mile radius of Grannis Field (latitude 34°59'-25" N., longitude 78°52'50" W.); within 2 miles each side of the Fayetteville VOR 233° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR; within 2 miles each side of the Fayetteville ILS SW course, extending from the 5-mile radius zone to the LOM.

6. The Raleigh, N.C., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Raleigh-Durham Airport (latitude 35°-52'15" N., longitude 78°47'10" W.), within 2 miles each side of the 045° bearing from the Raleigh-Durham RBn extending from the 7-mile radius area to 8 miles NE of the RBn, within 5 miles S and 8 miles N of the Raleigh-Durham ILS localizer SW course extending from 5 miles NE of the LOM to 12 miles SW of the LOM, within 2 miles each side of the Raleigh-Durham VORTAC 225° radial extending from the 7-mile radius area to the Moncure Intersection, including that airspace extending upward from 1200 feet above the surface bounded by a line beginning at the intersection of a 35-mile arc centered at latitude 36°06'00" N., longitude 80°01'30" W. and the S boundary of V-20 and extending to latitude 36°33'00" N., longitude 78°43'00" W., thence to latitude 36°33'00" N., longitude 77°57'00" W., thence to latitude 36°38'15" N., longitude 77°19'25" W., thence to latitude 35°30'00" N., longitude 78°30'00" W., thence to the intersection of the S boundary of V-525 and longitude 78°30'00" W., thence SW along a line extending to latitude 34°18'30" N., longitude 79°00'00"W. to its interception with a 35-mile arc centered at latitude 34°59'22" N., longitude 78°52'-52" W., thence clockwise along this arc to the W boundary of V-3E, thence SW along the W boundary of V-3E to the E boundary of V-3, thence N along the E boundary of V-3 to a 19-mile arc centered at latitude 35°12'55" N., longitude 79°35'18" W., thence clockwise along this arc to the W boundary of V-3, thence S along the W boundary of V-3 to a 60-mile arc centered at latitude 33°58'15" N., longitude 80°28'19" W., thence counterclockwise along this arc to a line extending from the Chesterfield, S.C., VOR to the Liberty, N.C., VOR thence NE along this line until intercepting a 35-mile arc centered at latitude 36°06'-00" N., longitude 80°01'30" W., thence counterclockwise along this arc to the point of beginning.

7. The Fort Bragg (Pope Field) N.C., transition area would be designated as that airspace extending upward from 700 feet above the surface within an 8-mile radius of the Pope AFB latitude 35°10'-15" N., longitude 79°00'55" W.), excluding the portion within R-5311; within 2 miles each side of the Pope VOR 227° radial, extending from the 8-mile radius area to the VOR; within 2 miles each side of the 042° bearing from the Pope RBn, extending from the 8-mile radius area to 12 miles NE of the RBn.

8. The Simmons AAF, N.C., transition area would be designated as that airspace extending upward from 700 feet above the surface within 5 miles S and 8 miles N of the Simmons VOR 085° radial, extending from the VOR to 12 miles E of the VOR, excluding that airspace which coincides with the Fort Bragg, N.C. (Pope AFB) transition area.





9. The Lumberton, N.C., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lumberton Municipal Airport (latitude 34°36'36" N., longitude 79°03'-30" W.; within 2 miles each side of the 301° bearing from the Lumberton RBn, extending from the 5-mile radius area to 8 miles NW of the RBn.

10. The Southern Pines, N.C., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Pinehurst-Southern Pines Airport (latitude 35°14'06" N., longitude 79°23'-36" W.); within 2 miles each side of the Pinehurst VOR 083° radial, extending from the 6-mile radius area to the VOR.

The proposed control zone alterations and transition area designations are required to protect prescribed instrument approach and departure procedures at the Raleigh-Durham, Lumberton Municipal, and Pinehurst-Southern Pines Airports, Grannis Field, Pope Air Force Base, and Simmons Army Air Field. They are also required for the protection of approved holding patterns and aircraft being radar vectored by Raleigh-Durham Approach Control and the Washington Air Route Traffic Control Center.

The floors of airways which traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be adversely affected.

Specific details of the changes to minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southern Region, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on November 13, 1964.

PAUL H. BOATMAN,
*Acting Director, Southern Region.*

[F.R. Doc. 64-11952; Filed, Nov. 23, 1964; 8:45 a.m.]

**[ 14 CFR Part 75 [New] ]**

**[Airspace Docket No. 64-SO-35]**

### JET ROUTE

### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 75 [New] of the Federal Aviation Regulations which would extend Jet Route No. 46 from Nashville, Tenn. to Knoxville, Tenn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The extension of J-46 from Nashville to Knoxville is essential to handle the substantial increase in high altitude traffic between these points.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 16, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-11953; Filed, Nov. 23, 1964; 8:46 a.m.]

## DEPARTMENT OF THE TREASURY

**Internal Revenue Service**

**[ 26 CFR Part 1 ]**

### INCOME TAXES

### Moving Expenses; Notice of Hearing on Proposed Regulations

The proposed amendment to the regulations under section 217 of the Code, relating to moving expenses, was published in the FEDERAL REGISTER for October 15, 1964.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Tuesday, December 8, 1964, at 10:00 a.m., e.s.t., Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Acting Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, by December 4, 1964.

Sheldon S. Cohen,
*Chief Counsel.*

[SEAL] By: CHARLES R. SIMPSON,
*Director, Legislation and Regulations Division.*

[F.R. Doc. 64-11992; Filed, Nov. 23, 1964; 8:49 a.m.]

**[ 26 CFR Part 1 ]**

### INCOME TAX; MINIMUM STANDARD DEDUCTION

### Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 141 and certain other related sections of the Internal Revenue Code of 1954 to sections 112 (a), (b), and (c), 232(f)(1), and 301(b) of the Revenue Act of 1964 (78 Stat. 23, 24, 111, 140), and to reflect in § 1.3 statutory provisions; optional tax if adjusted gross income is less than $5,000 (regulations thereunder to be issued later), the amendment made by section 301(a) of such Act (78 Stat. 129), such regulations are amended as follows:

PARAGRAPH 1. Section 1.2 is amended by revising section 2(a) and by adding a historical note. The amended and added provisions read as follows:

**§ 1.2 Statutory provisions; tax in case of joint return or return of surviving spouse.**

SEC. 2. *Tax in case of joint return or return of surviving spouse*—(a) *Rate of tax.* In the case of a joint return of a husband and wife under section 6013, the tax imposed by section 1 shall be twice the tax which would be imposed if the taxable income were cut in half. For purposes of this subsection, section 3, and section 141, a return of a surviving spouse (as defined in subsection (b)) shall be treated as a joint return of a husband and wife under section 6013.

* * * * *

[Sec. 2 as amended by sec. 112(b), Rev. Act 1964 (78 Stat. 24)]

PAR. 2. Section 1.2–2 is amended by revising paragraph (a) to read as follows:

**§ 1.2–2 Definition of surviving spouse.**

(a) If a taxpayer is eligible to file a joint return (either under the Internal Revenue Code of 1939 without regard to section 51(b)(4) thereof or under the Internal Revenue Code of 1954 without regard to section 6013(a)(3) thereof) for the taxable year in which his spouse dies, his return for each of the next two taxable years following the year of the death of the spouse shall be treated as a joint return for purposes of sections 2(a), 3, and 141 if all three of the following requirements are satisfied:

(1) He has not remarried before the close of the taxable year the return for which is sought to be treated as a joint return, and

(2) He maintains as his home a household which constitutes for the taxable year the principal place of abode as a member of such household of a person who is (whether by blood or adoption) a son, stepson, daughter, or stepdaughter of the taxpayer, and

(3) He is entitled for the taxable year to a deduction under section 151 (relating to deductions for dependents) with respect to such son, stepson, daughter, or stepdaughter.

A return of a surviving spouse may not be treated as a joint return unless it is for a taxable year beginning after December 31, 1953, and ending after August 16, 1954.

* * * * *

PAR. 3. Section 1.3 is amended by revising section 3 and adding a historical note. The amended and added provisions read as follows:

**§ 1.3 Statutory provisions; optional tax if adjusted gross income is less than $5,000.**

SEC. 3. *Optional tax if adjusted gross income is less than $5,000*—(a) *Taxable years beginning in 1964.* In lieu of the tax imposed by section 1, there is hereby imposed for each taxable year beginning on or after January 1, 1964, and before January 1, 1965, on the taxable income of every individual whose adjusted gross income for such year is less than $5,000 and who has elected for such year to pay the tax imposed by this section, a tax as follows:

TABLE I—SINGLE PERSON—NOT HEAD OF HOUSEHOLD

Taxable Years Beginning in 1964

| If adjusted gross income is— At least | But less than | And the number of exemptions is— 1 | 2 | 3 | 4 or more | If adjusted gross income is— At least | But less than | And the number of exemptions is— 1 | 2 | 3 | 4 | 5 | 6 | 7 or more |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | The tax is— | | | | | | The tax is— | | | | | | |
| $0 | $900 | $0 | $0 | $0 | $0 | $2,450 | $2,475 | $261 | $140 | $26 | $0 | $0 | $0 | $0 |
| 900 | 925 | 2 | 0 | 0 | 0 | 2,475 | 2,500 | 266 | 144 | 30 | 0 | 0 | 0 | 0 |
| 925 | 950 | 6 | 0 | 0 | 0 | 2,500 | 2,525 | 270 | 148 | 34 | 0 | 0 | 0 | 0 |
| 950 | 975 | 10 | 0 | 0 | 0 | 2,525 | 2,550 | 275 | 152 | 38 | 0 | 0 | 0 | 0 |
| 975 | 1,000 | 14 | 0 | 0 | 0 | 2,550 | 2,575 | 279 | 156 | 42 | 0 | 0 | 0 | 0 |
| 1,000 | 1,025 | 18 | 0 | 0 | 0 | 2,575 | 2,600 | 284 | 160 | 46 | 0 | 0 | 0 | 0 |
| 1,025 | 1,050 | 22 | 0 | 0 | 0 | 2,600 | 2,625 | 288 | 165 | 50 | 0 | 0 | 0 | 0 |
| 1,050 | 1,075 | 26 | 0 | 0 | 0 | 2,625 | 2,650 | 293 | 169 | 54 | 0 | 0 | 0 | 0 |
| 1,075 | 1,100 | 30 | 0 | 0 | 0 | 2,650 | 2,675 | 297 | 173 | 58 | 0 | 0 | 0 | 0 |
| 1,100 | 1,125 | 34 | 0 | 0 | 0 | 2,675 | 2,700 | 302 | 178 | 62 | 0 | 0 | 0 | 0 |
| 1,125 | 1,150 | 38 | 0 | 0 | 0 | 2,700 | 2,725 | 306 | 182 | 66 | 0 | 0 | 0 | 0 |
| 1,150 | 1,175 | 42 | 0 | 0 | 0 | 2,725 | 2,750 | 311 | 187 | 70 | 0 | 0 | 0 | 0 |
| 1,175 | 1,200 | 46 | 0 | 0 | 0 | 2,750 | 2,775 | 315 | 191 | 74 | 0 | 0 | 0 | 0 |
| 1,200 | 1,225 | 50 | 0 | 0 | 0 | 2,775 | 2,800 | 320 | 195 | 78 | 0 | 0 | 0 | 0 |
| 1,225 | 1,250 | 54 | 0 | 0 | 0 | 2,800 | 2,825 | 324 | 200 | 82 | 0 | 0 | 0 | 0 |
| 1,250 | 1,275 | 58 | 0 | 0 | 0 | 2,825 | 2,850 | 329 | 204 | 86 | 0 | 0 | 0 | 0 |
| 1,275 | 1,300 | 62 | 0 | 0 | 0 | 2,850 | 2,875 | 333 | 208 | 90 | 0 | 0 | 0 | 0 |
| 1,300 | 1,325 | 66 | 0 | 0 | 0 | 2,875 | 2,900 | 338 | 213 | 94 | 0 | 0 | 0 | 0 |
| 1,325 | 1,350 | 70 | 0 | 0 | 0 | 2,900 | 2,925 | 343 | 217 | 99 | 0 | 0 | 0 | 0 |
| 1,350 | 1,375 | 74 | 0 | 0 | 0 | 2,925 | 2,950 | 348 | 222 | 103 | 0 | 0 | 0 | 0 |
| 1,375 | 1,400 | 78 | 0 | 0 | 0 | 2,950 | 2,975 | 353 | 226 | 107 | 0 | 0 | 0 | 0 |
| 1,400 | 1,425 | 82 | 0 | 0 | 0 | 2,975 | 3,000 | 358 | 230 | 111 | 0 | 0 | 0 | 0 |
| 1,425 | 1,450 | 86 | 0 | 0 | 0 | 3,000 | 3,050 | 365 | 237 | 117 | 4 | 0 | 0 | 0 |
| 1,450 | 1,475 | 90 | 0 | 0 | 0 | 3,050 | 3,100 | 374 | 246 | 125 | 12 | 0 | 0 | 0 |
| 1,475 | 1,500 | 94 | 0 | 0 | 0 | 3,100 | 3,150 | 383 | 255 | 134 | 20 | 0 | 0 | 0 |
| 1,500 | 1,525 | 99 | 0 | 0 | 0 | 3,150 | 3,200 | 392 | 264 | 142 | 28 | 0 | 0 | 0 |
| 1,525 | 1,550 | 103 | 0 | 0 | 0 | 3,200 | 3,250 | 401 | 273 | 150 | 36 | 0 | 0 | 0 |
| 1,550 | 1,575 | 107 | 0 | 0 | 0 | 3,250 | 3,300 | 410 | 282 | 158 | 44 | 0 | 0 | 0 |
| 1,575 | 1,600 | 111 | 0 | 0 | 0 | 3,300 | 3,350 | 419 | 291 | 167 | 52 | 0 | 0 | 0 |
| 1,600 | 1,625 | 115 | 2 | 0 | 0 | 3,350 | 3,400 | 428 | 300 | 176 | 60 | 0 | 0 | 0 |
| 1,625 | 1,650 | 119 | 6 | 0 | 0 | 3,400 | 3,450 | 437 | 309 | 184 | 68 | 0 | 0 | 0 |
| 1,650 | 1,675 | 123 | 10 | 0 | 0 | 3,450 | 3,500 | 446 | 318 | 193 | 76 | 0 | 0 | 0 |
| 1,675 | 1,700 | 127 | 14 | 0 | 0 | 3,500 | 3,550 | 455 | 327 | 202 | 84 | 0 | 0 | 0 |
| 1,700 | 1,725 | 132 | 18 | 0 | 0 | 3,550 | 3,600 | 464 | 336 | 211 | 92 | 0 | 0 | 0 |
| 1,725 | 1,750 | 136 | 22 | 0 | 0 | 3,600 | 3,650 | 473 | 345 | 219 | 101 | 0 | 0 | 0 |
| 1,750 | 1,775 | 140 | 26 | 0 | 0 | 3,650 | 3,700 | 482 | 355 | 228 | 109 | 0 | 0 | 0 |
| 1,775 | 1,800 | 144 | 30 | 0 | 0 | 3,700 | 3,750 | 491 | 365 | 237 | 117 | 4 | 0 | 0 |
| 1,800 | 1,825 | 148 | 34 | 0 | 0 | 3,750 | 3,800 | 500 | 375 | 246 | 125 | 12 | 0 | 0 |
| 1,825 | 1,850 | 152 | 38 | 0 | 0 | 3,800 | 3,850 | 509 | 385 | 255 | 134 | 20 | 0 | 0 |
| 1,850 | 1,875 | 156 | 42 | 0 | 0 | 3,850 | 3,900 | 518 | 395 | 264 | 142 | 28 | 0 | 0 |
| 1,875 | 1,900 | 160 | 46 | 0 | 0 | 3,900 | 3,950 | 527 | 405 | 273 | 150 | 36 | 0 | 0 |
| 1,900 | 1,925 | 165 | 50 | 0 | 0 | 3,950 | 4,000 | 536 | 415 | 282 | 158 | 44 | 0 | 0 |
| 1,925 | 1,950 | 169 | 54 | 0 | 0 | 4,000 | 4,050 | 545 | 425 | 291 | 167 | 52 | 0 | 0 |
| 1,950 | 1,975 | 173 | 58 | 0 | 0 | 4,050 | 4,100 | 554 | 434 | 300 | 176 | 60 | 0 | 0 |
| 1,975 | 2,000 | 178 | 62 | 0 | 0 | 4,100 | 4,150 | 563 | 443 | 309 | 184 | 68 | 0 | 0 |
| 2,000 | 2,025 | 182 | 66 | 0 | 0 | 4,150 | 4,200 | 572 | 452 | 318 | 193 | 76 | 0 | 0 |
| 2,025 | 2,050 | 187 | 70 | 0 | 0 | 4,200 | 4,250 | 581 | 461 | 327 | 202 | 84 | 0 | 0 |
| 2,050 | 2,075 | 191 | 74 | 0 | 0 | 4,250 | 4,300 | 590 | 470 | 336 | 211 | 92 | 0 | 0 |
| 2,075 | 2,100 | 195 | 78 | 0 | 0 | 4,300 | 4,350 | 599 | 479 | 345 | 219 | 101 | 0 | 0 |
| 2,100 | 2,125 | 200 | 82 | 0 | 0 | 4,350 | 4,400 | 608 | 488 | 355 | 228 | 109 | 0 | 0 |
| 2,125 | 2,150 | 204 | 86 | 0 | 0 | 4,400 | 4,450 | 617 | 497 | 365 | 237 | 117 | 4 | 0 |
| 2,150 | 2,175 | 208 | 90 | 0 | 0 | 4,450 | 4,500 | 626 | 506 | 375 | 246 | 125 | 12 | 0 |
| 2,175 | 2,200 | 213 | 94 | 0 | 0 | 4,500 | 4,550 | 635 | 515 | 385 | 255 | 134 | 20 | 0 |
| 2,200 | 2,225 | 217 | 99 | 0 | 0 | 4,550 | 4,600 | 644 | 524 | 395 | 264 | 142 | 28 | 0 |
| 2,225 | 2,250 | 222 | 103 | 0 | 0 | 4,600 | 4,650 | 653 | 533 | 405 | 273 | 150 | 36 | 0 |
| 2,250 | 2,275 | 226 | 107 | 0 | 0 | 4,650 | 4,700 | 662 | 542 | 415 | 282 | 158 | 44 | 0 |
| 2,275 | 2,300 | 230 | 111 | 0 | 0 | 4,700 | 4,750 | 671 | 551 | 425 | 291 | 167 | 52 | 0 |
| 2,300 | 2,325 | 235 | 115 | 2 | 0 | 4,750 | 4,800 | 680 | 560 | 435 | 300 | 176 | 60 | 0 |
| 2,325 | 2,350 | 239 | 119 | 6 | 0 | 4,800 | 4,850 | 689 | 569 | 445 | 309 | 184 | 68 | 0 |
| 2,350 | 2,375 | 243 | 123 | 10 | 0 | 4,850 | 4,900 | 698 | 578 | 455 | 318 | 193 | 76 | 0 |
| 2,375 | 2,400 | 248 | 127 | 14 | 0 | 4,900 | 4,950 | 707 | 587 | 465 | 327 | 202 | 84 | 0 |
| 2,400 | 2,425 | 252 | 132 | 18 | 0 | 4,950 | 5,000 | 716 | 596 | 475 | 336 | 211 | 92 | 0 |
| 2,425 | 2,450 | 257 | 136 | 22 | 0 | | | | | | | | | |



TABLE III—MARRIED PERSONS FILING JOINT RETURNS

Taxable Years Beginning in 1964

| If adjusted gross income is— At least | But less than | And the number of exemptions is— 2 | 3 | 4 or more | If adjusted gross income is— At least | But less than | And the number of exemption is— 2 | 3 | 4 | 5 | 6 | 7 or more |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | The tax is— | | | | | The tax is— | | | | | |
| $0 | $1,600 | $0 | $0 | $0 | $2,800 | $2,825 | $195 | $82 | $0 | $0 | $0 | $0 |
| 1,600 | 1,625 | 2 | 0 | 0 | 2,825 | 2,850 | 199 | 86 | 0 | 0 | 0 | 0 |
| 1,625 | 1,650 | 6 | 0 | 0 | 2,850 | 2,875 | 203 | 90 | 0 | 0 | 0 | 0 |
| 1,650 | 1,675 | 10 | 0 | 0 | 2,875 | 2,900 | 207 | 94 | 0 | 0 | 0 | 0 |
| 1,675 | 1,700 | 14 | 0 | 0 | 2,900 | 2,925 | 212 | 98 | 0 | 0 | 0 | 0 |
| 1,700 | 1,725 | 18 | 0 | 0 | 2,925 | 2,950 | 216 | 102 | 0 | 0 | 0 | 0 |
| 1,725 | 1,750 | 22 | 0 | 0 | 2,950 | 2,975 | 220 | 106 | 0 | 0 | 0 | 0 |
| 1,750 | 1,775 | 26 | 0 | 0 | 2,975 | 3,000 | 224 | 110 | 0 | 0 | 0 | 0 |
| 1,775 | 1,800 | 30 | 0 | 0 | 3,000 | 3,050 | 230 | 116 | 4 | 0 | 0 | 0 |
| 1,800 | 1,825 | 34 | 0 | 0 | 3,050 | 3,100 | 238 | 124 | 12 | 0 | 0 | 0 |
| 1,825 | 1,850 | 38 | 0 | 0 | 3,100 | 3,150 | 247 | 132 | 20 | 0 | 0 | 0 |
| 1,850 | 1,875 | 42 | 0 | 0 | 3,150 | 3,200 | 255 | 140 | 28 | 0 | 0 | 0 |
| 1,875 | 1,900 | 46 | 0 | 0 | 3,200 | 3,250 | 263 | 148 | 36 | 0 | 0 | 0 |
| 1,900 | 1,925 | 50 | 0 | 0 | 3,250 | 3,300 | 271 | 156 | 44 | 0 | 0 | 0 |
| 1,925 | 1,950 | 54 | 0 | 0 | 3,300 | 3,350 | 280 | 164 | 52 | 0 | 0 | 0 |
| 1,950 | 1,975 | 58 | 0 | 0 | 3,350 | 3,400 | 288 | 172 | 60 | 0 | 0 | 0 |
| 1,975 | 2,000 | 62 | 0 | 0 | 3,400 | 3,450 | 296 | 181 | 68 | 0 | 0 | 0 |
| 2,000 | 2,025 | 66 | 0 | 0 | 3,450 | 3,500 | 304 | 189 | 76 | 0 | 0 | 0 |
| 2,025 | 2,050 | 70 | 0 | 0 | 3,500 | 3,550 | 313 | 197 | 84 | 0 | 0 | 0 |
| 2,050 | 2,075 | 74 | 0 | 0 | 3,550 | 3,600 | 321 | 205 | 92 | 0 | 0 | 0 |
| 2,075 | 2,100 | 78 | 0 | 0 | 3,600 | 3,650 | 329 | 214 | 100 | 0 | 0 | 0 |
| 2,100 | 2,125 | 82 | 0 | 0 | 3,650 | 3,700 | 338 | 222 | 108 | 0 | 0 | 0 |
| 2,125 | 2,150 | 86 | 0 | 0 | 3,700 | 3,750 | 347 | 230 | 116 | 4 | 0 | 0 |
| 2,150 | 2,175 | 90 | 0 | 0 | 3,750 | 3,800 | 356 | 238 | 124 | 12 | 0 | 0 |
| 2,175 | 2,200 | 94 | 0 | 0 | 3,800 | 3,850 | 364 | 247 | 132 | 20 | 0 | 0 |
| 2,200 | 2,225 | 98 | 0 | 0 | 3,850 | 3,900 | 373 | 255 | 140 | 28 | 0 | 0 |
| 2,225 | 1,250 | 102 | 0 | 0 | 3,900 | 3,950 | 382 | 263 | 148 | 36 | 0 | 0 |
| 2,250 | 2,275 | 106 | 0 | 0 | 3,950 | 4,000 | 391 | 271 | 156 | 44 | 0 | 0 |
| 2,275 | 2,300 | 110 | 0 | 0 | 4,000 | 4,050 | 399 | 280 | 164 | 52 | 0 | 0 |
| 2,300 | 2,325 | 114 | 2 | 0 | 4,050 | 4,100 | 407 | 288 | 172 | 60 | 0 | 0 |
| 2,325 | 2,350 | 118 | 6 | 0 | 4,100 | 4,150 | 415 | 296 | 181 | 68 | 0 | 0 |
| 2,350 | 2,375 | 122 | 10 | 0 | 4,150 | 4,200 | 423 | 304 | 189 | 76 | 0 | 0 |
| 2,375 | 2,400 | 126 | 14 | 0 | 4,200 | 4,250 | 430 | 313 | 197 | 84 | 0 | 0 |
| 2,400 | 2,425 | 130 | 18 | 0 | 4,250 | 4,300 | 438 | 321 | 205 | 92 | 0 | 0 |
| 2,425 | 2,450 | 134 | 22 | 0 | 4,300 | 4,350 | 446 | 329 | 214 | 100 | 0 | 0 |
| 2,450 | 2,475 | 138 | 26 | 0 | 4,350 | 4,400 | 454 | 338 | 222 | 108 | 0 | 0 |
| 2,475 | 2,500 | 142 | 30 | 0 | 4,400 | 4,450 | 462 | 347 | 230 | 116 | 4 | 0 |
| 2,500 | 2,525 | 146 | 34 | 0 | 4,450 | 4,500 | 470 | 356 | 238 | 124 | 12 | 0 |
| 2,525 | 2,550 | 150 | 38 | 0 | 4,500 | 4,550 | 478 | 364 | 247 | 132 | 20 | 0 |
| 2,550 | 2,575 | 154 | 42 | 0 | 4,550 | 4,600 | 486 | 373 | 255 | 140 | 28 | 0 |
| 2,575 | 2,600 | 158 | 46 | 0 | 4,600 | 4,650 | 493 | 382 | 263 | 148 | 36 | 0 |
| 2,600 | 2,625 | 162 | 50 | 0 | 4,650 | 4,700 | 501 | 391 | 271 | 156 | 44 | 0 |
| 2,625 | 2,650 | 166 | 54 | 0 | 4,700 | 4,750 | 509 | 399 | 280 | 164 | 52 | 0 |
| 2,650 | 2,675 | 170 | 58 | 0 | 4,750 | 4,800 | 518 | 408 | 288 | 172 | 60 | 0 |
| 2,675 | 2,700 | 174 | 62 | 0 | 4,800 | 4,850 | 526 | 417 | 296 | 181 | 68 | 0 |
| 2,700 | 2,725 | 179 | 66 | 0 | 4,850 | 4,900 | 534 | 426 | 304 | 189 | 76 | 0 |
| 2,725 | 2,750 | 183 | 70 | 0 | 4,900 | 4,950 | 542 | 434 | 313 | 197 | 84 | 0 |
| 2,750 | 2,775 | 187 | 74 | 0 | 4,950 | 5,000 | 550 | 443 | 321 | 205 | 92 | 0 |
| 2,775 | 2,800 | 191 | 78 | 0 | | | | | | | | |

TABLE II—HEAD OF HOUSEHOLD

Taxable Years Beginning in 1964

| If adjusted gross income is— At least | But less than | And the number of exemptions is— 1 | 2 | 3 | 4 or more | If adjusted gross income is— At least | But less than | And the number of exemptions is— 1 | 2 | 3 | 4 | 5 | 6 | 7 or more |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | The tax is— | | | | | | The tax is— | | | | | | |
| $0 | $900 | $0 | $0 | $0 | $0 | $2,450 | $2,475 | $258 | $138 | $26 | $0 | $0 | $0 | $0 |
| 900 | 925 | 2 | 0 | 0 | 0 | 2,475 | 2,500 | 263 | 142 | 30 | 0 | 0 | 0 | 0 |
| 925 | 950 | 6 | 0 | 0 | 0 | 2,500 | 2,525 | 267 | 146 | 34 | 0 | 0 | 0 | 0 |
| 950 | 975 | 10 | 0 | 0 | 0 | 2,525 | 2,550 | 272 | 150 | 38 | 0 | 0 | 0 | 0 |
| 975 | 1,000 | 14 | 0 | 0 | 0 | 2,550 | 2,575 | 276 | 154 | 42 | 0 | 0 | 0 | 0 |
| 1,000 | 1,025 | 18 | 0 | 0 | 0 | 2,575 | 2,600 | 280 | 158 | 46 | 0 | 0 | 0 | 0 |
| 1,025 | 1,050 | 22 | 0 | 0 | 0 | 2,600 | 2,625 | 285 | 162 | 50 | 0 | 0 | 0 | 0 |
| 1,050 | 1,075 | 26 | 0 | 0 | 0 | 2,625 | 2,650 | 289 | 167 | 54 | 0 | 0 | 0 | 0 |
| 1,075 | 1,100 | 30 | 0 | 0 | 0 | 2,650 | 2,675 | 293 | 171 | 58 | 0 | 0 | 0 | 0 |
| 1,100 | 1,125 | 34 | 0 | 0 | 0 | 2,675 | 2,700 | 298 | 175 | 62 | 0 | 0 | 0 | 0 |
| 1,125 | 1,150 | 38 | 0 | 0 | 0 | 2,700 | 2,725 | 302 | 180 | 66 | 0 | 0 | 0 | 0 |
| 1,150 | 1,175 | 42 | 0 | 0 | 0 | 2,725 | 2,750 | 307 | 184 | 70 | 0 | 0 | 0 | 0 |
| 1,175 | 1,200 | 46 | 0 | 0 | 0 | 2,750 | 2,775 | 311 | 188 | 74 | 0 | 0 | 0 | 0 |
| 1,200 | 1,225 | 50 | 0 | 0 | 0 | 2,775 | 2,800 | 315 | 193 | 78 | 0 | 0 | 0 | 0 |
| 1,225 | 1,250 | 54 | 0 | 0 | 0 | 2,800 | 2,825 | 320 | 197 | 82 | 0 | 0 | 0 | 0 |
| 1,250 | 1,275 | 58 | 0 | 0 | 0 | 2,825 | 2,850 | 324 | 202 | 86 | 0 | 0 | 0 | 0 |
| 1,275 | 1,300 | 62 | 0 | 0 | 0 | 2,850 | 2,875 | 328 | 206 | 90 | 0 | 0 | 0 | 0 |
| 1,300 | 1,325 | 66 | 0 | 0 | 0 | 2,875 | 2,900 | 333 | 210 | 94 | 0 | 0 | 0 | 0 |
| 1,325 | 1,350 | 70 | 0 | 0 | 0 | 2,900 | 2,925 | 337 | 215 | 98 | 0 | 0 | 0 | 0 |
| 1,350 | 1,375 | 74 | 0 | 0 | 0 | 2,925 | 2,950 | 342 | 219 | 102 | 0 | 0 | 0 | 0 |
| 1,375 | 1,400 | 78 | 0 | 0 | 0 | 2,950 | 2,975 | 347 | 223 | 106 | 0 | 0 | 0 | 0 |
| 1,400 | 1,425 | 82 | 0 | 0 | 0 | 2,975 | 3,000 | 352 | 228 | 110 | 0 | 0 | 0 | 0 |
| 1,425 | 1,450 | 86 | 0 | 0 | 0 | 3,000 | 3,050 | 358 | 234 | 116 | 4 | 0 | 0 | 0 |
| 1,450 | 1,475 | 90 | 0 | 0 | 0 | 3,050 | 3,100 | 367 | 243 | 124 | 12 | 0 | 0 | 0 |
| 1,475 | 1,500 | 94 | 0 | 0 | 0 | 3,100 | 3,150 | 375 | 252 | 132 | 20 | 0 | 0 | 0 |
| 1,500 | 1,525 | 98 | 0 | 0 | 0 | 3,150 | 3,200 | 384 | 261 | 140 | 28 | 0 | 0 | 0 |
| 1,525 | 1,550 | 102 | 0 | 0 | 0 | 3,200 | 3,250 | 392 | 269 | 148 | 36 | 0 | 0 | 0 |
| 1,550 | 1,575 | 106 | 0 | 0 | 0 | 3,250 | 3,300 | 401 | 278 | 156 | 44 | 0 | 0 | 0 |
| 1,575 | 1,600 | 110 | 0 | 0 | 0 | 3,300 | 3,350 | 410 | 287 | 164 | 52 | 0 | 0 | 0 |
| 1,600 | 1,625 | 114 | 2 | 0 | 0 | 3,350 | 3,400 | 418 | 296 | 173 | 60 | 0 | 0 | 0 |
| 1,625 | 1,650 | 118 | 6 | 0 | 0 | 3,400 | 3,450 | 427 | 304 | 182 | 68 | 0 | 0 | 0 |
| 1,650 | 1,675 | 122 | 10 | 0 | 0 | 3,450 | 3,500 | 435 | 313 | 191 | 76 | 0 | 0 | 0 |
| 1,675 | 1,700 | 126 | 14 | 0 | 0 | 3,500 | 3,550 | 444 | 322 | 199 | 84 | 0 | 0 | 0 |
| 1,700 | 1,725 | 130 | 18 | 0 | 0 | 3,550 | 3,600 | 452 | 331 | 208 | 92 | 0 | 0 | 0 |
| 1,725 | 1,750 | 134 | 22 | 0 | 0 | 3,600 | 3,650 | 461 | 340 | 217 | 100 | 0 | 0 | 0 |
| 1,750 | 1,775 | 138 | 26 | 0 | 0 | 3,650 | 3,700 | 469 | 349 | 226 | 108 | 0 | 0 | 0 |
| 1,775 | 1,800 | 142 | 30 | 0 | 0 | 3,700 | 3,750 | 478 | 359 | 234 | 116 | 4 | 0 | 0 |
| 1,800 | 1,825 | 146 | 34 | 0 | 0 | 3,750 | 3,800 | 487 | 368 | 243 | 124 | 12 | 0 | 0 |
| 1,825 | 1,850 | 150 | 38 | 0 | 0 | 3,800 | 3,850 | 495 | 378 | 252 | 132 | 20 | 0 | 0 |
| 1,850 | 1,875 | 154 | 42 | 0 | 0 | 3,850 | 3,900 | 504 | 387 | 261 | 140 | 28 | 0 | 0 |
| 1,875 | 1,900 | 158 | 46 | 0 | 0 | 3,900 | 3,950 | 512 | 395 | 269 | 148 | 36 | 0 | 0 |
| 1,900 | 1,925 | 162 | 50 | 0 | 0 | 3,950 | 4,000 | 521 | 406 | 278 | 156 | 44 | 0 | 0 |
| 1,925 | 1,950 | 167 | 54 | 0 | 0 | 4,000 | 4,050 | 529 | 415 | 287 | 164 | 52 | 0 | 0 |
| 1,950 | 1,975 | 171 | 58 | 0 | 0 | 4,050 | 4,100 | 538 | 424 | 296 | 173 | 60 | 0 | 0 |
| 1,975 | 2,000 | 175 | 62 | 0 | 0 | 4,100 | 4,150 | 546 | 432 | 304 | 182 | 68 | 0 | 0 |
| 2,000 | 2,025 | 180 | 66 | 0 | 0 | 4,150 | 4,200 | 555 | 441 | 313 | 191 | 76 | 0 | 0 |
| 2,025 | 2,050 | 184 | 70 | 0 | 0 | 4,200 | 4,250 | 563 | 449 | 322 | 199 | 84 | 0 | 0 |
| 2,050 | 2,075 | 188 | 74 | 0 | 0 | 4,250 | 4,300 | 572 | 458 | 331 | 208 | 92 | 0 | 0 |
| 2,075 | 2,100 | 193 | 78 | 0 | 0 | 4,300 | 4,350 | 581 | 467 | 340 | 217 | 100 | 0 | 0 |
| 2,100 | 2,125 | 197 | 82 | 0 | 0 | 4,350 | 4,400 | 589 | 475 | 349 | 226 | 108 | 0 | 0 |
| 2,125 | 2,150 | 202 | 86 | 0 | 0 | 4,400 | 4,450 | 598 | 484 | 359 | 234 | 116 | 4 | 0 |
| 2,150 | 2,175 | 206 | 90 | 0 | 0 | 4,450 | 4,500 | 606 | 492 | 368 | 243 | 124 | 12 | 0 |
| 2,175 | 2,200 | 210 | 94 | 0 | 0 | 4,500 | 4,550 | 615 | 501 | 378 | 252 | 132 | 20 | 0 |
| 2,200 | 2,225 | 215 | 98 | 0 | 0 | 4,550 | 4,600 | 623 | 509 | 387 | 261 | 140 | 28 | 0 |
| 2,225 | 2,250 | 219 | 102 | 0 | 0 | 4,600 | 4,650 | 632 | 518 | 397 | 269 | 148 | 36 | 0 |
| 2,250 | 2,275 | 223 | 106 | 0 | 0 | 4,650 | 4,700 | 640 | 526 | 406 | 278 | 158 | 44 | 0 |
| 2,275 | 2,300 | 228 | 110 | 0 | 0 | 4,700 | 4,750 | 649 | 535 | 416 | 287 | 164 | 52 | 0 |
| 2,300 | 2,325 | 232 | 114 | 2 | 0 | 4,750 | 4,800 | 658 | 544 | 425 | 296 | 173 | 60 | 0 |
| 2,325 | 2,350 | 237 | 118 | 6 | 0 | 4,800 | 4,850 | 666 | 552 | 435 | 304 | 182 | 68 | 0 |
| 2,350 | 2,375 | 241 | 122 | 10 | 0 | 4,850 | 4,900 | 675 | 561 | 444 | 313 | 191 | 76 | 0 |
| 2,375 | 2,400 | 245 | 126 | 14 | 0 | 4,900 | 4,950 | 683 | 569 | 454 | 322 | 199 | 84 | 0 |
| 2,400 | 2,425 | 250 | 130 | 18 | 0 | 4,950 | 5,000 | 692 | 578 | 463 | 331 | 208 | 92 | 0 |
| 2,425 | 2,450 | 254 | 134 | 22 | 0 | | | | | | | | | |

TABLE IV—MARRIED PERSONS FILING SEPARATE RETURNS

10 PERCENT STANDARD DEDUCTION

Taxable Years Beginning in 1964

| If adjusted gross income is— At least | But less than | And the number of exemptions is— 1 | 2 | 3 | 4 or more |
|---|---|---|---|---|---|
| | | The tax is— | | | |
| $0 | $675 | $0 | $0 | $0 | $0 |
| 675 | 700 | 3 | 0 | 0 | 0 |
| 700 | 725 | 7 | 0 | 0 | 0 |
| 725 | 750 | 10 | 0 | 0 | 0 |
| 750 | 775 | 14 | 0 | 0 | 0 |
| 775 | 800 | 17 | 0 | 0 | 0 |
| 800 | 825 | 21 | 0 | 0 | 0 |
| 825 | 850 | 25 | 0 | 0 | 0 |
| 850 | 875 | 28 | 0 | 0 | 0 |
| 875 | 900 | 32 | 0 | 0 | 0 |
| 900 | 925 | 35 | 0 | 0 | 0 |
| 925 | 950 | 39 | 0 | 0 | 0 |
| 950 | 975 | 43 | 0 | 0 | 0 |
| 975 | 1,000 | 46 | 0 | 0 | 0 |
| 1,000 | 1,025 | 50 | 0 | 0 | 0 |
| 1,025 | 1,050 | 53 | 0 | 0 | 0 |
| 1,050 | 1,075 | 57 | 0 | 0 | 0 |
| 1,075 | 1,100 | 61 | 0 | 0 | 0 |
| 1,100 | 1,125 | 64 | 0 | 0 | 0 |
| 1,125 | 1,150 | 68 | 0 | 0 | 0 |
| 1,150 | 1,175 | 71 | 0 | 0 | 0 |
| 1,175 | 1,200 | 75 | 0 | 0 | 0 |
| 1,200 | 1,225 | 79 | 0 | 0 | 0 |
| 1,225 | 1,250 | 82 | 0 | 0 | 0 |
| 1,250 | 1,275 | 86 | 0 | 0 | 0 |
| 1,275 | 1,300 | 90 | 0 | 0 | 0 |
| 1,300 | 1,325 | 93 | 0 | 0 | 0 |
| 1,325 | 1,350 | 97 | 1 | 0 | 0 |
| 1,350 | 1,375 | 101 | 4 | 0 | 0 |
| 1,375 | 1,400 | 105 | 8 | 0 | 0 |
| 1,400 | 1,425 | 108 | 11 | 0 | 0 |
| 1,425 | 1,450 | 112 | 15 | 0 | 0 |
| 1,450 | 1,475 | 116 | 19 | 0 | 0 |
| 1,475 | 1,500 | 119 | 22 | 0 | 0 |
| 1,500 | 1,525 | 123 | 26 | 0 | 0 |
| 1,525 | 1,550 | 127 | 29 | 0 | 0 |
| 1,550 | 1,575 | 131 | 33 | 0 | 0 |
| 1,575 | 1,600 | 134 | 37 | 0 | 0 |
| 1,600 | 1,625 | 138 | 40 | 0 | 0 |
| 1,625 | 1,650 | 142 | 44 | 0 | 0 |
| 1,650 | 1,675 | 145 | 47 | 0 | 0 |
| 1,675 | 1,700 | 149 | 51 | 0 | 0 |
| 1,700 | 1,725 | 153 | 55 | 0 | 0 |
| 1,725 | 1,750 | 157 | 58 | 0 | 0 |
| 1,750 | 1,775 | 160 | 62 | 0 | 0 |
| 1,775 | 1,800 | 164 | 65 | 0 | 0 |
| 1,800 | 1,825 | 168 | 69 | 0 | 0 |
| 1,825 | 1,850 | 172 | 73 | 0 | 0 |
| 1,850 | 1,875 | 176 | 76 | 0 | 0 |
| 1,875 | 1,900 | 180 | 80 | 0 | 0 |
| 1,900 | 1,925 | 184 | 84 | 0 | 0 |
| 1,925 | 1,950 | 188 | 87 | 0 | 0 |
| 1,950 | 1,975 | 192 | 91 | 0 | 0 |
| 1,975 | 2,000 | 196 | 95 | 0 | 0 |
| 2,000 | 2,025 | 199 | 98 | 2 | 0 |
| 2,025 | 2,050 | 203 | 102 | 5 | 0 |
| 2,050 | 2,075 | 207 | 106 | 9 | 0 |
| 2,075 | 2,100 | 211 | 109 | 13 | 0 |
| 2,100 | 2,125 | 215 | 113 | 16 | 0 |
| 2,125 | 2,150 | 219 | 117 | 20 | 0 |
| 2,150 | 2,175 | 223 | 121 | 23 | 0 |
| 2,175 | 2,200 | 227 | 124 | 27 | 0 |
| 2,200 | 2,225 | 231 | 128 | 31 | 0 |
| 2,225 | 2,250 | 235 | 132 | 34 | 0 |
| 2,250 | 2,275 | 239 | 135 | 38 | 0 |
| 2,275 | 2,300 | 243 | 139 | 41 | 0 |
| 2,300 | 2,325 | 247 | 143 | 45 | 0 |

| If adjusted gross income is— At least | But less than | And the number of exemptions is— 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 or more |
|---|---|---|---|---|---|---|---|---|---|
| | | The tax is— | | | | | | | |
| $2,325 | $2,350 | $251 | $147 | $49 | $0 | $0 | $0 | $0 | $0 |
| 2,350 | 2,375 | 255 | 150 | 52 | 0 | 0 | 0 | 0 | 0 |
| 2,375 | 2,400 | 259 | 154 | 56 | 0 | 0 | 0 | 0 | 0 |
| 2,400 | 2,425 | 263 | 158 | 59 | 0 | 0 | 0 | 0 | 0 |
| 2,425 | 2,450 | 267 | 161 | 63 | 0 | 0 | 0 | 0 | 0 |
| 2,450 | 2,475 | 271 | 165 | 67 | 0 | 0 | 0 | 0 | 0 |
| 2,475 | 2,500 | 275 | 169 | 70 | 0 | 0 | 0 | 0 | 0 |
| 2,500 | 2,525 | 279 | 173 | 74 | 0 | 0 | 0 | 0 | 0 |
| 2,525 | 2,550 | 283 | 177 | 77 | 0 | 0 | 0 | 0 | 0 |
| 2,550 | 2,575 | 287 | 181 | 81 | 0 | 0 | 0 | 0 | 0 |
| 2,575 | 2,600 | 291 | 185 | 85 | 0 | 0 | 0 | 0 | 0 |
| 2,600 | 2,625 | 295 | 189 | 88 | 0 | 0 | 0 | 0 | 0 |
| 2,625 | 2,650 | 299 | 193 | 92 | 0 | 0 | 0 | 0 | 0 |
| 2,650 | 2,675 | 303 | 197 | 96 | 0 | 0 | 0 | 0 | 0 |
| 2,675 | 2,700 | 307 | 201 | 100 | 3 | 0 | 0 | 0 | 0 |
| 2,700 | 2,725 | 311 | 205 | 103 | 7 | 0 | 0 | 0 | 0 |
| 2,725 | 2,750 | 315 | 209 | 107 | 10 | 0 | 0 | 0 | 0 |
| 2,750 | 2,775 | 320 | 213 | 111 | 14 | 0 | 0 | 0 | 0 |
| 2,775 | 2,800 | 324 | 217 | 114 | 17 | 0 | 0 | 0 | 0 |
| 2,800 | 2,825 | 328 | 220 | 118 | 21 | 0 | 0 | 0 | 0 |
| 2,825 | 2,850 | 332 | 224 | 122 | 25 | 0 | 0 | 0 | 0 |
| 2,850 | 2,875 | 336 | 228 | 126 | 28 | 0 | 0 | 0 | 0 |
| 2,875 | 2,900 | 340 | 232 | 129 | 32 | 0 | 0 | 0 | 0 |
| 2,900 | 2,925 | 344 | 236 | 133 | 35 | 0 | 0 | 0 | 0 |
| 2,925 | 2,950 | 349 | 240 | 137 | 39 | 0 | 0 | 0 | 0 |
| 2,950 | 2,975 | 353 | 244 | 140 | 43 | 0 | 0 | 0 | 0 |
| 2,975 | 3,000 | 358 | 248 | 144 | 46 | 0 | 0 | 0 | 0 |
| 3,000 | 3,050 | 365 | 254 | 150 | 52 | 0 | 0 | 0 | 0 |
| 3,050 | 3,100 | 374 | 262 | 157 | 59 | 0 | 0 | 0 | 0 |
| 3,100 | 3,150 | 383 | 270 | 165 | 66 | 0 | 0 | 0 | 0 |
| 3,150 | 3,200 | 392 | 278 | 173 | 73 | 0 | 0 | 0 | 0 |
| 3,200 | 3,250 | 401 | 286 | 180 | 80 | 0 | 0 | 0 | 0 |
| 3,250 | 3,300 | 410 | 295 | 188 | 88 | 0 | 0 | 0 | 0 |
| 3,300 | 3,350 | 419 | 303 | 196 | 95 | 0 | 0 | 0 | 0 |
| 3,350 | 3,400 | 428 | 311 | 204 | 103 | 6 | 0 | 0 | 0 |
| 3,400 | 3,450 | 437 | 319 | 212 | 110 | 13 | 0 | 0 | 0 |
| 3,450 | 3,500 | 446 | 327 | 220 | 118 | 20 | 0 | 0 | 0 |
| 3,500 | 3,550 | 455 | 335 | 228 | 125 | 28 | 0 | 0 | 0 |
| 3,550 | 3,600 | 464 | 344 | 236 | 132 | 35 | 0 | 0 | 0 |
| 3,600 | 3,650 | 473 | 353 | 243 | 140 | 42 | 0 | 0 | 0 |
| 3,650 | 3,700 | 482 | 362 | 251 | 147 | 49 | 0 | 0 | 0 |
| 3,700 | 3,750 | 491 | 371 | 259 | 155 | 56 | 0 | 0 | 0 |
| 3,750 | 3,800 | 500 | 380 | 268 | 162 | 64 | 0 | 0 | 0 |
| 3,800 | 3,850 | 509 | 389 | 276 | 170 | 71 | 0 | 0 | 0 |
| 3,850 | 3,900 | 518 | 398 | 284 | 178 | 78 | 0 | 0 | 0 |
| 3,900 | 3,950 | 527 | 407 | 292 | 186 | 85 | 0 | 0 | 0 |
| 3,950 | 4,000 | 536 | 416 | 300 | 194 | 93 | 0 | 0 | 0 |
| 4,000 | 4,050 | 545 | 425 | 308 | 201 | 100 | 4 | 0 | 0 |
| 4,050 | 4,100 | 554 | 434 | 316 | 209 | 108 | 11 | 0 | 0 |
| 4,100 | 4,150 | 563 | 443 | 324 | 217 | 115 | 18 | 0 | 0 |
| 4,150 | 4,200 | 572 | 452 | 332 | 225 | 122 | 25 | 0 | 0 |
| 4,200 | 4,250 | 581 | 461 | 341 | 233 | 130 | 32 | 0 | 0 |
| 4,250 | 4,300 | 590 | 470 | 350 | 241 | 137 | 40 | 0 | 0 |
| 4,300 | 4,350 | 599 | 479 | 359 | 249 | 145 | 47 | 0 | 0 |
| 4,350 | 4,400 | 608 | 488 | 368 | 257 | 152 | 54 | 0 | 0 |
| 4,400 | 4,450 | 617 | 497 | 377 | 265 | 160 | 61 | 0 | 0 |
| 4,450 | 4,500 | 626 | 506 | 386 | 273 | 167 | 68 | 0 | 0 |
| 4,500 | 4,550 | 635 | 515 | 395 | 281 | 175 | 76 | 0 | 0 |
| 4,550 | 4,600 | 644 | 524 | 404 | 289 | 183 | 83 | 0 | 0 |
| 4,600 | 4,650 | 653 | 533 | 413 | 297 | 191 | 90 | 0 | 0 |
| 4,650 | 4,700 | 662 | 542 | 422 | 305 | 199 | 98 | 1 | 0 |
| 4,700 | 4,750 | 671 | 551 | 431 | 313 | 207 | 105 | 8 | 0 |
| 4,750 | 4,800 | 680 | 560 | 440 | 322 | 215 | 113 | 16 | 0 |
| 4,800 | 4,850 | 689 | 569 | 449 | 330 | 222 | 120 | 23 | 0 |
| 4,850 | 4,900 | 698 | 578 | 458 | 338 | 230 | 127 | 30 | 0 |
| 4,900 | 4,950 | 707 | 587 | 467 | 347 | 238 | 135 | 37 | 0 |
| 4,950 | 5,000 | 716 | 596 | 476 | 356 | 246 | 142 | 44 | 0 |

TABLE V—MARRIED PERSONS FILING SEPARATE RETURNS

MINIMUM STANDARD DEDUCTION

Taxable Years Beginning in 1964

| If adjusted gross income is— At least | But less than | And the number of exemptions is— 1 | 2 | 3 | 4 or more |
|---|---|---|---|---|---|
| | | The tax is— | | | |
| $0 | $800 | $0 | $0 | $0 | $0 |
| 800 | 825 | 2 | 0 | 0 | 0 |
| 825 | 850 | 6 | 0 | 0 | 0 |
| 850 | 875 | 10 | 0 | 0 | 0 |
| 875 | 900 | 14 | 0 | 0 | 0 |
| 900 | 925 | 18 | 0 | 0 | 0 |
| 925 | 950 | 22 | 0 | 0 | 0 |
| 950 | 975 | 26 | 0 | 0 | 0 |
| 975 | 1,000 | 30 | 0 | 0 | 0 |
| 1,000 | 1,025 | 34 | 0 | 0 | 0 |
| 1,025 | 1,050 | 38 | 0 | 0 | 0 |
| 1,050 | 1,075 | 42 | 0 | 0 | 0 |
| 1,075 | 1,100 | 46 | 0 | 0 | 0 |
| 1,100 | 1,125 | 50 | 0 | 0 | 0 |
| 1,125 | 1,150 | 54 | 0 | 0 | 0 |
| 1,150 | 1,175 | 58 | 0 | 0 | 0 |
| 1,175 | 1,200 | 62 | 0 | 0 | 0 |
| 1,200 | 1,225 | 66 | 0 | 0 | 0 |
| 1,225 | 1,250 | 70 | 0 | 0 | 0 |
| 1,250 | 1,275 | 74 | 0 | 0 | 0 |
| 1,275 | 1,300 | 78 | 0 | 0 | 0 |
| 1,300 | 1,325 | 82 | 0 | 0 | 0 |
| 1,325 | 1,350 | 86 | 0 | 0 | 0 |
| 1,350 | 1,375 | 90 | 0 | 0 | 0 |
| 1,375 | 1,400 | 94 | 0 | 0 | 0 |
| 1,400 | 1,425 | 99 | 0 | 0 | 0 |
| 1,425 | 1,450 | 103 | 0 | 0 | 0 |
| 1,450 | 1,475 | 107 | 0 | 0 | 0 |
| 1,475 | 1,500 | 111 | 0 | 0 | 0 |
| 1,500 | 1,525 | 115 | 2 | 0 | 0 |
| 1,525 | 1,550 | 119 | 6 | 0 | 0 |
| 1,550 | 1,575 | 123 | 10 | 0 | 0 |
| 1,575 | 1,600 | 127 | 14 | 0 | 0 |
| 1,600 | 1,625 | 132 | 18 | 0 | 0 |
| 1,625 | 1,650 | 136 | 22 | 0 | 0 |
| 1,650 | 1,675 | 140 | 26 | 0 | 0 |
| 1,675 | 1,700 | 144 | 30 | 0 | 0 |
| 1,700 | 1,725 | 148 | 34 | 0 | 0 |
| 1,725 | 1,750 | 152 | 38 | 0 | 0 |
| 1,750 | 1,775 | 156 | 42 | 0 | 0 |
| 1,775 | 1,800 | 160 | 46 | 0 | 0 |
| 1,800 | 1,825 | 165 | 50 | 0 | 0 |
| 1,825 | 1,850 | 169 | 54 | 0 | 0 |
| 1,850 | 1,875 | 173 | 58 | 0 | 0 |
| 1,875 | 1,900 | 178 | 62 | 0 | 0 |
| 1,900 | 1,925 | 182 | 66 | 0 | 0 |
| 1,925 | 1,950 | 187 | 70 | 0 | 0 |
| 1,950 | 1,975 | 191 | 74 | 0 | 0 |
| 1,975 | 2,000 | 195 | 78 | 0 | 0 |
| 2,000 | 2,025 | 200 | 82 | 0 | 0 |
| 2,025 | 2,050 | 204 | 86 | 0 | 0 |
| 2,050 | 2,075 | 208 | 90 | 0 | 0 |
| 2,075 | 2,100 | 213 | 94 | 0 | 0 |
| 2,100 | 2,125 | 217 | 99 | 0 | 0 |
| 2,125 | 2,150 | 222 | 103 | 0 | 0 |
| 2,150 | 2,175 | 226 | 107 | 0 | 0 |
| 2,175 | 2,200 | 230 | 111 | 0 | 0 |
| 2,200 | 2,225 | 235 | 115 | 2 | 0 |
| 2,225 | 2,250 | 239 | 119 | 6 | 0 |
| 2,250 | 2,275 | 243 | 123 | 10 | 0 |
| 2,275 | 2,300 | 248 | 127 | 14 | 0 |
| 2,300 | 2,325 | 252 | 132 | 18 | 0 |
| 2,325 | 2,350 | 257 | 136 | 22 | 0 |
| 2,350 | 2,375 | 261 | 140 | 26 | 0 |
| 2,375 | 2,400 | 266 | 144 | 30 | 0 |

| If adjusted gross income is— At least | But less than | And the number of exemptions is— 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 or more |
|---|---|---|---|---|---|---|---|---|---|
| | | The tax is— | | | | | | | |
| $2,400 | $2,425 | $270 | $148 | $34 | $0 | $0 | $0 | $0 | $0 |
| 2,425 | 2,450 | 275 | 152 | 38 | 0 | 0 | 0 | 0 | 0 |
| 2,450 | 2,475 | 279 | 156 | 42 | 0 | 0 | 0 | 0 | 0 |
| 2,475 | 2,500 | 284 | 160 | 46 | 0 | 0 | 0 | 0 | 0 |
| 2,500 | 2,525 | 288 | 165 | 50 | 0 | 0 | 0 | 0 | 0 |
| 2,525 | 2,550 | 293 | 169 | 54 | 0 | 0 | 0 | 0 | 0 |
| 2,550 | 2,575 | 297 | 173 | 58 | 0 | 0 | 0 | 0 | 0 |
| 2,575 | 2,600 | 302 | 178 | 62 | 0 | 0 | 0 | 0 | 0 |
| 2,600 | 2,625 | 306 | 182 | 66 | 0 | 0 | 0 | 0 | 0 |
| 2,625 | 2,650 | 311 | 187 | 70 | 0 | 0 | 0 | 0 | 0 |
| 2,650 | 2,675 | 315 | 191 | 74 | 0 | 0 | 0 | 0 | 0 |
| 2,675 | 2,700 | 320 | 195 | 78 | 0 | 0 | 0 | 0 | 0 |
| 2,700 | 2,725 | 324 | 200 | 82 | 0 | 0 | 0 | 0 | 0 |
| 2,725 | 2,750 | 329 | 204 | 86 | 0 | 0 | 0 | 0 | 0 |
| 2,750 | 2,775 | 333 | 208 | 90 | 0 | 0 | 0 | 0 | 0 |
| 2,775 | 2,800 | 338 | 213 | 94 | 0 | 0 | 0 | 0 | 0 |
| 2,800 | 2,825 | 343 | 217 | 99 | 0 | 0 | 0 | 0 | 0 |
| 2,825 | 2,850 | 348 | 222 | 103 | 0 | 0 | 0 | 0 | 0 |
| 2,850 | 2,875 | 353 | 226 | 107 | 0 | 0 | 0 | 0 | 0 |
| 2,875 | 2,900 | 358 | 230 | 111 | 0 | 0 | 0 | 0 | 0 |
| 2,900 | 2,925 | 363 | 235 | 115 | 2 | 0 | 0 | 0 | 0 |
| 2,925 | 2,950 | 368 | 239 | 119 | 6 | 0 | 0 | 0 | 0 |
| 2,950 | 2,975 | 373 | 243 | 123 | 10 | 0 | 0 | 0 | 0 |
| 2,975 | 3,000 | 378 | 248 | 127 | 14 | 0 | 0 | 0 | 0 |
| 3,000 | 3,050 | 385 | 255 | 134 | 20 | 0 | 0 | 0 | 0 |
| 3,050 | 3,100 | 395 | 264 | 142 | 28 | 0 | 0 | 0 | 0 |
| 3,100 | 3,150 | 405 | 273 | 150 | 36 | 0 | 0 | 0 | 0 |
| 3,150 | 3,200 | 415 | 282 | 158 | 44 | 0 | 0 | 0 | 0 |
| 3,200 | 3,250 | 425 | 291 | 167 | 52 | 0 | 0 | 0 | 0 |
| 3,250 | 3,300 | 435 | 300 | 176 | 60 | 0 | 0 | 0 | 0 |
| 3,300 | 3,350 | 445 | 309 | 184 | 68 | 0 | 0 | 0 | 0 |
| 3,350 | 3,400 | 455 | 318 | 193 | 76 | 0 | 0 | 0 | 0 |
| 3,400 | 3,450 | 465 | 327 | 202 | 84 | 0 | 0 | 0 | 0 |
| 3,450 | 3,500 | 475 | 336 | 211 | 92 | 0 | 0 | 0 | 0 |
| 3,500 | 3,550 | 485 | 345 | 219 | 101 | 4 | 0 | 0 | 0 |
| 3,550 | 3,600 | 495 | 355 | 228 | 109 | 12 | 0 | 0 | 0 |
| 3,600 | 3,650 | 505 | 365 | 237 | 117 | 20 | 0 | 0 | 0 |
| 3,650 | 3,700 | 515 | 375 | 246 | 125 | 28 | 0 | 0 | 0 |
| 3,700 | 3,750 | 525 | 385 | 255 | 134 | 36 | 0 | 0 | 0 |
| 3,750 | 3,800 | 535 | 395 | 264 | 142 | 44 | 0 | 0 | 0 |
| 3,800 | 3,850 | 545 | 405 | 273 | 150 | 52 | 0 | 0 | 0 |
| 3,850 | 3,900 | 555 | 415 | 282 | 158 | 60 | 0 | 0 | 0 |
| 3,900 | 3,950 | 565 | 425 | 291 | 167 | 68 | 0 | 0 | 0 |
| 3,950 | 4,000 | 575 | 435 | 300 | 176 | 76 | 0 | 0 | 0 |
| 4,000 | 4,050 | 585 | 445 | 309 | 184 | 84 | 0 | 0 | 0 |
| 4,050 | 4,100 | 595 | 455 | 318 | 193 | 92 | 0 | 0 | 0 |
| 4,100 | 4,150 | 605 | 465 | 327 | 202 | 101 | 4 | 0 | 0 |
| 4,150 | 4,200 | 615 | 475 | 336 | 211 | 109 | 12 | 0 | 0 |
| 4,200 | 4,250 | 625 | 485 | 345 | 219 | 117 | 20 | 0 | 0 |
| 4,250 | 4,300 | 635 | 495 | 355 | 228 | 125 | 28 | 0 | 0 |
| 4,300 | 4,350 | 645 | 505 | 365 | 237 | 134 | 36 | 0 | 0 |
| 4,350 | 4,400 | 655 | 515 | 375 | 246 | 142 | 44 | 0 | 0 |
| 4,400 | 4,450 | 665 | 525 | 385 | 255 | 150 | 52 | 0 | 0 |
| 4,450 | 4,500 | 675 | 535 | 395 | 264 | 158 | 60 | 0 | 0 |
| 4,500 | 4,550 | 685 | 545 | 405 | 273 | 167 | 68 | 0 | 0 |
| 4,550 | 4,600 | 695 | 555 | 415 | 282 | 176 | 76 | 0 | 0 |
| 4,600 | 4,650 | 705 | 565 | 425 | 291 | 184 | 84 | 0 | 0 |
| 4,650 | 4,700 | 715 | 575 | 435 | 300 | 193 | 92 | 0 | 0 |
| 4,700 | 4,750 | 725 | 585 | 445 | 309 | 202 | 101 | 4 | 0 |
| 4,750 | 4,800 | 735 | 595 | 455 | 318 | 211 | 109 | 12 | 0 |
| 4,800 | 4,850 | 746 | 605 | 465 | 327 | 219 | 117 | 20 | 0 |
| 4,850 | 4,900 | 758 | 615 | 475 | 336 | 228 | 125 | 28 | 0 |
| 4,900 | 4,950 | 769 | 625 | 485 | 345 | 237 | 134 | 36 | 0 |
| 4,950 | 5,000 | 781 | 635 | 495 | 355 | 246 | 142 | 44 | 0 |



(b) *Taxable years beginning after December 31, 1964.* In lieu of the tax imposed by section 1, there is hereby imposed for each taxable year beginning after December 31, 1964, on the taxable income of every individual whose adjusted gross income for such year is less than $5,000 and who has elected for such year to pay the tax imposed by this section a tax as follows:

TABLE I—SINGLE PERSON—NOT HEAD OF HOUSEHOLD

Taxable Years Beginning After December 31, 1964

| If adjusted gross income is— At least | But less than | And the number of exemptions is— 1 | 2 | 3 | 4 or more |
|---|---|---|---|---|---|
| | | The tax is— | | | |
| $0 | $900 | $0 | $0 | $0 | $0 |
| 900 | 925 | 2 | 0 | 0 | 0 |
| 925 | 950 | 5 | 0 | 0 | 0 |
| 950 | 975 | 9 | 0 | 0 | 0 |
| 975 | 1,000 | 12 | 0 | 0 | 0 |
| 1,000 | 1,025 | 16 | 0 | 0 | 0 |
| 1,025 | 1,050 | 19 | 0 | 0 | 0 |
| 1,050 | 1,075 | 23 | 0 | 0 | 0 |
| 1,075 | 1,100 | 26 | 0 | 0 | 0 |
| 1,100 | 1,125 | 30 | 0 | 0 | 0 |
| 1,125 | 1,150 | 33 | 0 | 0 | 0 |
| 1,150 | 1,175 | 37 | 0 | 0 | 0 |
| 1,175 | 1,200 | 40 | 0 | 0 | 0 |
| 1,200 | 1,225 | 44 | 0 | 0 | 0 |
| 1,225 | 1,250 | 47 | 0 | 0 | 0 |
| 1,250 | 1,275 | 51 | 0 | 0 | 0 |
| 1,275 | 1,300 | 54 | 0 | 0 | 0 |
| 1,300 | 1,325 | 58 | 0 | 0 | 0 |
| 1,325 | 1,350 | 61 | 0 | 0 | 0 |
| 1,350 | 1,375 | 65 | 0 | 0 | 0 |
| 1,375 | 1,400 | 68 | 0 | 0 | 0 |
| 1,400 | 1,425 | 72 | 0 | 0 | 0 |
| 1,425 | 1,450 | 76 | 0 | 0 | 0 |
| 1,450 | 1,475 | 79 | 0 | 0 | 0 |
| 1,475 | 1,500 | 83 | 0 | 0 | 0 |
| 1,500 | 1,525 | 87 | 0 | 0 | 0 |
| 1,525 | 1,550 | 91 | 0 | 0 | 0 |
| 1,550 | 1,575 | 94 | 0 | 0 | 0 |
| 1,575 | 1,600 | 98 | 0 | 0 | 0 |
| 1,600 | 1,625 | 102 | 2 | 0 | 0 |
| 1,625 | 1,650 | 106 | 5 | 0 | 0 |
| 1,650 | 1,675 | 109 | 9 | 0 | 0 |
| 1,675 | 1,700 | 113 | 12 | 0 | 0 |
| 1,700 | 1,725 | 117 | 16 | 0 | 0 |
| 1,725 | 1,750 | 121 | 19 | 0 | 0 |
| 1,750 | 1,775 | 124 | 23 | 0 | 0 |
| 1,775 | 1,800 | 128 | 26 | 0 | 0 |
| 1,800 | 1,825 | 132 | 30 | 0 | 0 |
| 1,825 | 1,850 | 136 | 33 | 0 | 0 |
| 1,850 | 1,875 | 139 | 37 | 0 | 0 |
| 1,875 | 1,900 | 143 | 40 | 0 | 0 |
| 1,900 | 1,925 | 147 | 44 | 0 | 0 |
| 1,925 | 1,950 | 151 | 47 | 0 | 0 |
| 1,950 | 1,975 | 155 | 51 | 0 | 0 |
| 1,975 | 2,000 | 159 | 54 | 0 | 0 |
| 2,000 | 2,025 | 163 | 58 | 0 | 0 |
| 2,025 | 2,050 | 167 | 61 | 0 | 0 |
| 2,050 | 2,075 | 171 | 65 | 0 | 0 |
| 2,075 | 2,100 | 175 | 68 | 0 | 0 |
| 2,100 | 2,125 | 179 | 72 | 0 | 0 |
| 2,125 | 2,150 | 183 | 76 | 0 | 0 |
| 2,150 | 2,175 | 187 | 79 | 0 | 0 |
| 2,175 | 2,200 | 191 | 83 | 0 | 0 |
| 2,200 | 2,225 | 195 | 87 | 0 | 0 |
| 2,225 | 2,250 | 199 | 91 | 0 | 0 |
| 2,250 | 2,275 | 203 | 94 | 0 | 0 |
| 2,275 | 2,300 | 207 | 98 | 0 | 0 |
| 2,300 | 2,325 | 211 | 102 | 2 | 0 |
| 2,325 | 2,350 | 215 | 106 | 5 | 0 |
| 2,350 | 2,375 | 219 | 109 | 9 | 0 |
| 2,375 | 2,400 | 223 | 113 | 12 | 0 |
| 2,400 | 2,425 | 227 | 117 | 16 | 0 |
| 2,425 | 2,450 | 231 | 121 | 19 | 0 |

| If adjusted gross income is— At least | But less than | And the number of exemptions is— 1 | 2 | 3 | 4 | 5 | 6 | 7 or more |
|---|---|---|---|---|---|---|---|---|
| | | The tax is— | | | | | | |
| $2,450 | $2,475 | $236 | $124 | $23 | $0 | $0 | $0 | $0 |
| 2,475 | 2,500 | 240 | 128 | 26 | 0 | 0 | 0 | 0 |
| 2,500 | 2,525 | 244 | 132 | 30 | 0 | 0 | 0 | 0 |
| 2,525 | 2,550 | 248 | 136 | 33 | 0 | 0 | 0 | 0 |
| 2,550 | 2,575 | 253 | 139 | 37 | 0 | 0 | 0 | 0 |
| 2,575 | 2,600 | 257 | 143 | 40 | 0 | 0 | 0 | 0 |
| 2,600 | 2,625 | 261 | 147 | 44 | 0 | 0 | 0 | 0 |
| 2,625 | 2,650 | 265 | 151 | 47 | 0 | 0 | 0 | 0 |
| 2,650 | 2,675 | 270 | 155 | 51 | 0 | 0 | 0 | 0 |
| 2,675 | 2,700 | 274 | 159 | 54 | 0 | 0 | 0 | 0 |
| 2,700 | 2,725 | 278 | 163 | 58 | 0 | 0 | 0 | 0 |
| 2,725 | 2,750 | 282 | 167 | 61 | 0 | 0 | 0 | 0 |
| 2,750 | 2,775 | 287 | 171 | 65 | 0 | 0 | 0 | 0 |
| 2,775 | 2,800 | 291 | 175 | 68 | 0 | 0 | 0 | 0 |
| 2,800 | 2,825 | 295 | 179 | 72 | 0 | 0 | 0 | 0 |
| 2,825 | 2,850 | 299 | 183 | 76 | 0 | 0 | 0 | 0 |
| 2,850 | 2,875 | 304 | 187 | 79 | 0 | 0 | 0 | 0 |
| 2,875 | 2,900 | 308 | 191 | 83 | 0 | 0 | 0 | 0 |
| 2,900 | 2,925 | 312 | 195 | 87 | 0 | 0 | 0 | 0 |
| 2,925 | 2,950 | 317 | 199 | 91 | 0 | 0 | 0 | 0 |
| 2,950 | 2,975 | 322 | 203 | 94 | 0 | 0 | 0 | 0 |
| 2,975 | 3,000 | 327 | 207 | 98 | 0 | 0 | 0 | 0 |
| 3,000 | 3,050 | 333 | 213 | 104 | 4 | 0 | 0 | 0 |
| 3,050 | 3,100 | 342 | 221 | 111 | 11 | 0 | 0 | 0 |
| 3,100 | 3,150 | 350 | 229 | 119 | 18 | 0 | 0 | 0 |
| 3,150 | 3,200 | 359 | 238 | 126 | 25 | 0 | 0 | 0 |
| 3,200 | 3,250 | 367 | 246 | 134 | 32 | 0 | 0 | 0 |
| 3,250 | 3,300 | 376 | 255 | 141 | 39 | 0 | 0 | 0 |
| 3,300 | 3,350 | 385 | 263 | 149 | 46 | 0 | 0 | 0 |
| 3,350 | 3,400 | 393 | 272 | 157 | 53 | 0 | 0 | 0 |
| 3,400 | 3,450 | 402 | 280 | 165 | 60 | 0 | 0 | 0 |
| 3,450 | 3,500 | 410 | 289 | 173 | 67 | 0 | 0 | 0 |
| 3,500 | 3,550 | 419 | 297 | 181 | 74 | 0 | 0 | 0 |
| 3,550 | 3,600 | 427 | 306 | 189 | 81 | 0 | 0 | 0 |
| 3,600 | 3,650 | 436 | 315 | 197 | 89 | 0 | 0 | 0 |
| 3,650 | 3,700 | 444 | 324 | 205 | 96 | 0 | 0 | 0 |
| 3,700 | 3,750 | 453 | 334 | 213 | 104 | 4 | 0 | 0 |
| 3,750 | 3,800 | 462 | 343 | 221 | 111 | 11 | 0 | 0 |
| 3,800 | 3,850 | 470 | 353 | 229 | 119 | 18 | 0 | 0 |
| 3,850 | 3,900 | 479 | 362 | 238 | 126 | 25 | 0 | 0 |
| 3,900 | 3,950 | 487 | 372 | 246 | 134 | 32 | 0 | 0 |
| 3,950 | 4,000 | 496 | 381 | 255 | 141 | 39 | 0 | 0 |
| 4,000 | 4,050 | 504 | 390 | 263 | 149 | 46 | 0 | 0 |
| 4,050 | 4,100 | 513 | 399 | 272 | 157 | 53 | 0 | 0 |
| 4,100 | 4,150 | 521 | 407 | 280 | 165 | 60 | 0 | 0 |
| 4,150 | 4,200 | 530 | 416 | 289 | 173 | 67 | 0 | 0 |
| 4,200 | 4,250 | 538 | 424 | 297 | 181 | 74 | 0 | 0 |
| 4,250 | 4,300 | 547 | 433 | 306 | 189 | 81 | 0 | 0 |
| 4,300 | 4,350 | 556 | 442 | 315 | 197 | 89 | 0 | 0 |
| 4,350 | 4,400 | 564 | 450 | 324 | 205 | 96 | 0 | 0 |
| 4,400 | 4,450 | 573 | 459 | 334 | 213 | 104 | 4 | 0 |
| 4,450 | 4,500 | 581 | 467 | 343 | 221 | 111 | 11 | 0 |
| 4,500 | 4,550 | 590 | 476 | 353 | 229 | 119 | 18 | 0 |
| 4,550 | 4,600 | 598 | 484 | 362 | 238 | 126 | 25 | 0 |
| 4,600 | 4,650 | 607 | 493 | 372 | 246 | 134 | 32 | 0 |
| 4,650 | 4,700 | 615 | 501 | 381 | 255 | 141 | 39 | 0 |
| 4,700 | 4,750 | 624 | 510 | 391 | 263 | 149 | 46 | 0 |
| 4,750 | 4,800 | 633 | 519 | 400 | 272 | 157 | 53 | 0 |
| 4,800 | 4,850 | 641 | 527 | 410 | 280 | 165 | 60 | 0 |
| 4,850 | 4,900 | 650 | 536 | 419 | 289 | 173 | 67 | 0 |
| 4,900 | 4,950 | 658 | 544 | 429 | 297 | 181 | 74 | 0 |
| 4,950 | 5,000 | 667 | 553 | 438 | 306 | 189 | 81 | 0 |

TABLE II—HEAD OF HOUSEHOLD

Taxable Years Beginning After December 31, 1964

| If adjusted gross income is— At least | But less than | And the number of exemptions is— 1 | 2 | 3 | 4 or more |
|---|---|---|---|---|---|
| | | The tax is— | | | |
| $0 | $900 | $0 | $0 | $0 | $0 |
| 900 | 925 | 2 | 0 | 0 | 0 |
| 925 | 950 | 5 | 0 | 0 | 0 |
| 950 | 975 | 9 | 0 | 0 | 0 |
| 975 | 1,000 | 12 | 0 | 0 | 0 |
| 1,000 | 1,025 | 16 | 0 | 0 | 0 |
| 1,025 | 1,050 | 19 | 0 | 0 | 0 |
| 1,050 | 1,075 | 23 | 0 | 0 | 0 |
| 1,075 | 1,100 | 26 | 0 | 0 | 0 |
| 1,100 | 1,125 | 30 | 0 | 0 | 0 |
| 1,125 | 1,150 | 33 | 0 | 0 | 0 |
| 1,150 | 1,175 | 37 | 0 | 0 | 0 |
| 1,175 | 1,200 | 40 | 0 | 0 | 0 |
| 1,200 | 1,225 | 44 | 0 | 0 | 0 |
| 1,225 | 1,250 | 47 | 0 | 0 | 0 |
| 1,250 | 1,275 | 51 | 0 | 0 | 0 |
| 1,275 | 1,300 | 54 | 0 | 0 | 0 |
| 1,300 | 1,325 | 58 | 0 | 0 | 0 |
| 1,325 | 1,350 | 61 | 0 | 0 | 0 |
| 1,350 | 1,375 | 65 | 0 | 0 | 0 |
| 1,375 | 1,400 | 68 | 0 | 0 | 0 |
| 1,400 | 1,425 | 72 | 0 | 0 | 0 |
| 1,425 | 1,450 | 75 | 0 | 0 | 0 |
| 1,450 | 1,475 | 79 | 0 | 0 | 0 |
| 1,475 | 1,500 | 82 | 0 | 0 | 0 |
| 1,500 | 1,525 | 86 | 0 | 0 | 0 |
| 1,525 | 1,550 | 89 | 0 | 0 | 0 |
| 1,550 | 1,575 | 93 | 0 | 0 | 0 |
| 1,575 | 1,600 | 96 | 0 | 0 | 0 |
| 1,600 | 1,625 | 100 | 2 | 0 | 0 |
| 1,625 | 1,650 | 103 | 5 | 0 | 0 |
| 1,650 | 1,675 | 107 | 9 | 0 | 0 |
| 1,675 | 1,700 | 110 | 12 | 0 | 0 |
| 1,700 | 1,725 | 114 | 16 | 0 | 9 |
| 1,725 | 1,750 | 117 | 19 | 0 | 0 |
| 1,750 | 1,775 | 121 | 23 | 0 | 0 |
| 1,775 | 1,800 | 124 | 26 | 0 | 0 |
| 1,800 | 1,825 | 128 | 30 | 0 | 0 |
| 1,825 | 1,850 | 131 | 33 | 0 | 0 |
| 1,850 | 1,875 | 135 | 37 | 0 | 0 |
| 1,875 | 1,900 | 138 | 40 | 0 | 0 |
| 1,900 | 1,925 | 142 | 44 | 0 | 0 |
| 1,925 | 1,950 | 146 | 47 | 0 | 0 |
| 1,950 | 1,975 | 150 | 51 | 0 | 0 |
| 1,975 | 2,000 | 154 | 54 | 0 | 0 |
| 2,000 | 2,025 | 158 | 58 | 0 | 0 |
| 2,025 | 2,050 | 162 | 61 | 0 | 0 |
| 2,050 | 2,075 | 166 | 65 | 0 | 0 |
| 2,075 | 2,100 | 170 | 68 | 0 | 0 |
| 2,100 | 2,125 | 174 | 72 | 0 | 0 |
| 2,125 | 2,150 | 178 | 75 | 0 | 0 |
| 2,150 | 2,175 | 182 | 79 | 0 | 0 |
| 2,175 | 2,200 | 186 | 82 | 0 | 0 |
| 2,200 | 2,225 | 190 | 86 | 0 | 0 |
| 2,225 | 2,250 | 194 | 89 | 0 | 0 |
| 2,250 | 2,275 | 198 | 93 | 0 | 0 |
| 2,275 | 2,300 | 202 | 96 | 0 | 0 |
| 2,300 | 2,325 | 206 | 100 | 2 | 0 |
| 2,325 | 2,350 | 210 | 103 | 5 | 0 |
| 2,350 | 2,375 | 214 | 107 | 9 | 0 |
| 2,375 | 2,400 | 218 | 110 | 12 | 0 |
| 2,400 | 2,425 | 222 | 114 | 16 | 0 |
| 2,425 | 2,450 | 226 | 117 | 19 | 0 |

| If adjusted gross income is— At least | But less than | And the number of exemptions is— 1 | 2 | 3 | 4 | 5 | 6 | 7 or more |
|---|---|---|---|---|---|---|---|---|
| | | The tax is— | | | | | | |
| $2,450 | $2,475 | $230 | $121 | $23 | $0 | $0 | $0 | $0 |
| 2,475 | 2,500 | 234 | 124 | 26 | 0 | 0 | 0 | 0 |
| 2,500 | 2,525 | 238 | 128 | 30 | 0 | 0 | 0 | 0 |
| 2,525 | 2,550 | 242 | 131 | 33 | 0 | 0 | 0 | 0 |
| 2,550 | 2,575 | 246 | 135 | 37 | 0 | 0 | 0 | 0 |
| 2,575 | 2,600 | 250 | 138 | 40 | 0 | 0 | 0 | 0 |
| 2,600 | 2,625 | 254 | 142 | 44 | 0 | 0 | 0 | 0 |
| 2,625 | 2,650 | 258 | 146 | 47 | 0 | 0 | 0 | 0 |
| 2,650 | 2,675 | 262 | 150 | 51 | 0 | 0 | 0 | 0 |
| 2,675 | 2,700 | 266 | 154 | 54 | 0 | 0 | 0 | 0 |
| 2,700 | 2,725 | 270 | 158 | 58 | 0 | 0 | 0 | 0 |
| 2,725 | 2,750 | 274 | 162 | 61 | 0 | 0 | 0 | 0 |
| 2,750 | 2,775 | 278 | 166 | 65 | 0 | 0 | 0 | 0 |
| 2,775 | 2,800 | 282 | 170 | 68 | 0 | 0 | 0 | 0 |
| 2,800 | 2,825 | 286 | 174 | 72 | 0 | 0 | 0 | 0 |
| 2,825 | 2,850 | 290 | 178 | 75 | 0 | 0 | 0 | 0 |
| 2,850 | 2,875 | 294 | 182 | 79 | 0 | 0 | 0 | 0 |
| 2,875 | 2,900 | 298 | 186 | 82 | 0 | 0 | 0 | 0 |
| 2,900 | 2,925 | 302 | 190 | 86 | 0 | 0 | 0 | 0 |
| 2,925 | 2,950 | 307 | 194 | 89 | 0 | 0 | 0 | 0 |
| 2,950 | 2,975 | 311 | 198 | 93 | 0 | 0 | 0 | 0 |
| 2,975 | 3,000 | 316 | 202 | 96 | 0 | 0 | 0 | 0 |
| 3,000 | 3,050 | 322 | 208 | 102 | 4 | 0 | 0 | 0 |
| 3,050 | 3,100 | 330 | 216 | 109 | 11 | 0 | 0 | 0 |
| 3,100 | 3,150 | 338 | 224 | 116 | 18 | 0 | 0 | 0 |
| 3,150 | 3,200 | 346 | 232 | 123 | 25 | 0 | 0 | 0 |
| 3,200 | 3,250 | 354 | 240 | 130 | 32 | 0 | 0 | 0 |
| 3,250 | 3,300 | 363 | 248 | 137 | 39 | 0 | 0 | 0 |
| 3,300 | 3,350 | 371 | 256 | 144 | 46 | 0 | 0 | 0 |
| 3,350 | 3,400 | 379 | 264 | 152 | 53 | 0 | 0 | 0 |
| 3,400 | 3,450 | 387 | 272 | 160 | 60 | 0 | 0 | 0 |
| 3,450 | 3,500 | 395 | 280 | 168 | 67 | 0 | 0 | 0 |
| 3,500 | 3,550 | 403 | 288 | 176 | 74 | 0 | 0 | 0 |
| 3,550 | 3,600 | 411 | 296 | 184 | 81 | 0 | 0 | 0 |
| 3,600 | 3,650 | 419 | 305 | 192 | 88 | 0 | 0 | 0 |
| 3,650 | 3,700 | 427 | 314 | 200 | 95 | 0 | 0 | 0 |
| 3,700 | 3,750 | 435 | 323 | 208 | 102 | 4 | 0 | 0 |
| 3,750 | 3,800 | 444 | 332 | 216 | 109 | 11 | 0 | 0 |
| 3,800 | 3,850 | 452 | 341 | 224 | 116 | 18 | 0 | 0 |
| 3,850 | 3,900 | 460 | 350 | 232 | 123 | 25 | 0 | 0 |
| 3,900 | 3,950 | 468 | 359 | 240 | 130 | 32 | 0 | 0 |
| 3,950 | 4,000 | 476 | 368 | 248 | 137 | 39 | 0 | 0 |
| 4,000 | 4,050 | 484 | 376 | 256 | 144 | 46 | 0 | 0 |
| 4,050 | 4,100 | 492 | 384 | 264 | 152 | 53 | 0 | 0 |
| 4,100 | 4,150 | 500 | 392 | 272 | 160 | 60 | 0 | 0 |
| 4,150 | 4,200 | 508 | 400 | 280 | 168 | 67 | 0 | 0 |
| 4,200 | 4,250 | 516 | 408 | 288 | 176 | 74 | 0 | 0 |
| 4,250 | 4,300 | 525 | 417 | 296 | 184 | 81 | 0 | 0 |
| 4,300 | 4,350 | 533 | 425 | 305 | 192 | 88 | 0 | 0 |
| 4,350 | 4,400 | 541 | 433 | 314 | 200 | 95 | 0 | 0 |
| 4,400 | 4,450 | 549 | 441 | 323 | 208 | 102 | 4 | 0 |
| 4,450 | 4,500 | 557 | 449 | 332 | 216 | 109 | 11 | 0 |
| 4,500 | 4,550 | 565 | 457 | 341 | 224 | 116 | 18 | 0 |
| 4,550 | 4,600 | 573 | 465 | 350 | 232 | 123 | 25 | 0 |
| 4,600 | 4,650 | 581 | 473 | 359 | 240 | 130 | 32 | 0 |
| 4,650 | 4,700 | 589 | 481 | 368 | 248 | 137 | 39 | 0 |
| 4,700 | 4,750 | 597 | 489 | 377 | 256 | 144 | 46 | 0 |
| 4,750 | 4,800 | 606 | 498 | 386 | 264 | 152 | 53 | 0 |
| 4,800 | 4,850 | 614 | 506 | 395 | 272 | 160 | 60 | 0 |
| 4,850 | 4,900 | 622 | 514 | 404 | 280 | 168 | 67 | 0 |
| 4,900 | 4,950 | 630 | 522 | 413 | 288 | 176 | 74 | 0 |
| 4,950 | 5,000 | 638 | 530 | 422 | 296 | 184 | 81 | 0 |

TABLE IV—MARRIED PERSONS FILING SEPARATE RETURNS

10-PERCENT STANDARD DEDUCTION

Taxable Years Beginning After December 31, 1964

| If adjusted gross income is— | | And the number of exemptions is— | | | |
|---|---|---|---|---|---|
| At least | But less than | 1 | 2 | 3 | 4 or more |
| | | The tax is— | | | |
| $0 | $675 | $0 | $0 | $0 | $0 |
| 675 | 700 | 3 | 0 | 0 | 0 |
| 700 | 725 | 6 | 0 | 0 | 0 |
| 725 | 750 | 9 | 0 | 0 | 0 |
| 750 | 775 | 12 | 0 | 0 | 0 |
| 775 | 800 | 15 | 0 | 0 | 0 |
| 800 | 825 | 18 | 0 | 0 | 0 |
| 825 | 850 | 22 | 0 | 0 | 0 |
| 850 | 875 | 25 | 0 | 0 | 0 |
| 875 | 900 | 28 | 0 | 0 | 0 |
| 900 | 925 | 31 | 0 | 0 | 0 |
| 925 | 950 | 34 | 0 | 0 | 0 |
| 950 | 975 | 37 | 0 | 0 | 0 |
| 975 | 1,000 | 40 | 0 | 0 | 0 |
| 1,000 | 1,025 | 44 | 0 | 0 | 0 |
| 1,025 | 1,050 | 47 | 0 | 0 | 0 |
| 1,050 | 1,075 | 50 | 0 | 0 | 0 |
| 1,075 | 1,100 | 53 | 0 | 0 | 0 |
| 1,100 | 1,125 | 56 | 0 | 0 | 0 |
| 1,125 | 1,150 | 59 | 0 | 0 | 0 |
| 1,150 | 1,175 | 62 | 0 | 0 | 0 |
| 1,175 | 1,200 | 66 | 0 | 0 | 0 |
| 1,200 | 1,225 | 69 | 0 | 0 | 0 |
| 1,225 | 1,250 | 72 | 0 | 0 | 0 |
| 1,250 | 1,275 | 75 | 0 | 0 | 0 |
| 1,275 | 1,300 | 79 | 0 | 0 | 0 |
| 1,300 | 1,325 | 82 | 0 | 0 | 0 |
| 1,325 | 1,350 | 86 | 1 | 0 | 0 |
| 1,350 | 1,375 | 89 | 4 | 0 | 0 |
| 1,375 | 1,400 | 92 | 7 | 0 | 0 |
| 1,400 | 1,425 | 96 | 10 | 0 | 0 |
| 1,425 | 1,450 | 99 | 13 | 0 | 0 |
| 1,450 | 1,475 | 102 | 16 | 0 | 0 |
| 1,475 | 1,500 | 106 | 19 | 0 | 0 |
| 1,500 | 1,525 | 109 | 23 | 0 | 0 |
| 1,525 | 1,550 | 113 | 26 | 0 | 0 |
| 1,550 | 1,575 | 116 | 29 | 0 | 0 |
| 1,575 | 1,600 | 119 | 32 | 0 | 0 |
| 1,600 | 1,625 | 123 | 35 | 0 | 0 |
| 1,625 | 1,650 | 126 | 38 | 0 | 0 |
| 1,650 | 1,675 | 129 | 41 | 0 | 0 |
| 1,675 | 1,700 | 133 | 45 | 0 | 0 |
| 1,700 | 1,725 | 136 | 48 | 0 | 0 |
| 1,725 | 1,750 | 140 | 51 | 0 | 0 |
| 1,750 | 1,775 | 143 | 54 | 0 | 0 |
| 1,775 | 1,800 | 146 | 57 | 0 | 0 |
| 1,800 | 1,825 | 150 | 60 | 0 | 0 |
| 1,825 | 1,850 | 154 | 64 | 0 | 0 |
| 1,850 | 1,875 | 157 | 67 | 0 | 0 |
| 1,875 | 1,900 | 161 | 70 | 0 | 0 |
| 1,900 | 1,925 | 164 | 73 | 0 | 0 |
| 1,925 | 1,950 | 168 | 77 | 0 | 0 |
| 1,950 | 1,975 | 172 | 80 | 0 | 0 |
| 1,975 | 2,000 | 175 | 83 | 0 | 0 |
| 2,000 | 2,025 | 179 | 87 | 2 | 0 |
| 2,025 | 2,050 | 182 | 90 | 5 | 0 |
| 2,050 | 2,075 | 186 | 93 | 8 | 0 |
| 2,075 | 2,100 | 190 | 97 | 11 | 0 |
| 2,100 | 2,125 | 193 | 100 | 14 | 0 |
| 2,125 | 2,150 | 197 | 104 | 17 | 0 |
| 2,150 | 2,175 | 200 | 107 | 20 | 0 |
| 2,175 | 2,200 | 204 | 110 | 24 | 0 |
| 2,220 | 2,225 | 208 | 114 | 27 | 0 |
| 2,225 | 2,250 | 211 | 117 | 30 | 0 |
| 2,250 | 2,275 | 215 | 120 | 33 | 0 |
| 2,275 | 2,300 | 218 | 124 | 36 | 0 |
| 2,300 | 2,325 | 222 | 127 | 39 | 0 |

| If adjusted gross income is— | | And the number of exemptions is— | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| At least | But less than | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 or more |
| | | The tax is— | | | | | | | |
| $2,325 | $2,350 | $226 | $131 | $43 | $0 | $0 | $0 | $0 | $0 |
| 2,350 | 2,375 | 229 | 134 | 46 | 0 | 0 | 0 | 0 | 0 |
| 2,375 | 2,400 | 233 | 137 | 49 | 0 | 0 | 0 | 0 | 0 |
| 2,400 | 2,425 | 237 | 141 | 52 | 0 | 0 | 0 | 0 | 0 |
| 2,425 | 2,450 | 241 | 144 | 55 | 0 | 0 | 0 | 0 | 0 |
| 2,450 | 2,475 | 245 | 148 | 58 | 0 | 0 | 0 | 0 | 0 |
| 2,475 | 2,500 | 249 | 151 | 61 | 0 | 0 | 0 | 0 | 0 |
| 2,500 | 2,525 | 252 | 155 | 65 | 0 | 0 | 0 | 0 | 0 |
| 2,525 | 2,550 | 256 | 158 | 68 | 0 | 0 | 0 | 0 | 0 |
| 2,550 | 2,575 | 260 | 162 | 71 | 0 | 0 | 0 | 0 | 0 |
| 2,575 | 2,600 | 264 | 166 | 74 | 0 | 0 | 0 | 0 | 0 |
| 2,600 | 2,625 | 268 | 169 | 78 | 0 | 0 | 0 | 0 | 0 |
| 2,625 | 2,650 | 272 | 173 | 81 | 0 | 0 | 0 | 0 | 0 |
| 2,650 | 2,675 | 275 | 176 | 84 | 0 | 0 | 0 | 0 | 0 |
| 2,675 | 2,700 | 279 | 180 | 88 | 3 | 0 | 0 | 0 | 0 |
| 2,700 | 2,725 | 283 | 184 | 91 | 6 | 0 | 0 | 0 | 0 |
| 2,725 | 2,750 | 287 | 187 | 95 | 9 | 0 | 0 | 0 | 0 |
| 2,750 | 2,775 | 291 | 191 | 98 | 12 | 0 | 0 | 0 | 0 |
| 2,775 | 2,800 | 294 | 194 | 101 | 15 | 0 | 0 | 0 | 0 |
| 2,800 | 2,825 | 298 | 198 | 105 | 18 | 0 | 0 | 0 | 0 |
| 2,825 | 2,850 | 302 | 202 | 108 | 22 | 0 | 0 | 0 | 0 |
| 2,850 | 2,875 | 306 | 205 | 111 | 25 | 0 | 0 | 0 | 0 |
| 2,875 | 2,900 | 310 | 209 | 115 | 28 | 0 | 0 | 0 | 0 |
| 2,900 | 2,925 | 314 | 212 | 118 | 31 | 0 | 0 | 0 | 0 |
| 2,925 | 2,950 | 318 | 216 | 122 | 34 | 0 | 0 | 0 | 0 |
| 2,950 | 2,975 | 323 | 220 | 125 | 37 | 0 | 0 | 0 | 0 |
| 2,975 | 3,000 | 327 | 223 | 128 | 40 | 0 | 0 | 0 | 0 |
| 3,000 | 3,050 | 333 | 229 | 133 | 45 | 0 | 0 | 0 | 0 |
| 3,050 | 3,100 | 342 | 236 | 140 | 51 | 0 | 0 | 0 | 0 |
| 3,100 | 3,150 | 350 | 244 | 147 | 58 | 0 | 0 | 0 | 0 |
| 3,150 | 3,200 | 359 | 252 | 154 | 64 | 0 | 0 | 0 | 0 |
| 3,200 | 3,250 | 367 | 259 | 161 | 70 | 0 | 0 | 0 | 0 |
| 3,250 | 3,300 | 376 | 267 | 169 | 77 | 0 | 0 | 0 | 0 |
| 3,300 | 3,350 | 385 | 275 | 176 | 84 | 0 | 0 | 0 | 0 |
| 3,350 | 3,400 | 393 | 282 | 183 | 91 | 5 | 0 | 0 | 0 |
| 3,400 | 3,450 | 402 | 290 | 190 | 97 | 12 | 0 | 0 | 0 |
| 3,450 | 3,500 | 410 | 298 | 197 | 104 | 18 | 0 | 0 | 0 |
| 3,500 | 3,550 | 419 | 305 | 205 | 111 | 24 | 0 | 0 | 0 |
| 3,550 | 3,600 | 427 | 313 | 212 | 118 | 30 | 0 | 0 | 0 |
| 3,600 | 3,650 | 436 | 322 | 219 | 124 | 37 | 0 | 0 | 0 |
| 3,650 | 3,700 | 444 | 330 | 226 | 131 | 43 | 0 | 0 | 0 |
| 3,700 | 3,750 | 453 | 339 | 234 | 138 | 49 | 0 | 0 | 0 |
| 3,750 | 3,800 | 462 | 348 | 242 | 145 | 56 | 0 | 0 | 0 |
| 3,800 | 3,850 | 470 | 356 | 249 | 152 | 62 | 0 | 0 | 0 |
| 3,850 | 3,900 | 479 | 365 | 257 | 159 | 68 | 0 | 0 | 0 |
| 3,900 | 3,950 | 487 | 373 | 265 | 166 | 75 | 0 | 0 | 0 |
| 3,950 | 4,000 | 496 | 382 | 272 | 173 | 82 | 0 | 0 | 0 |
| 4,000 | 4,050 | 504 | 390 | 280 | 181 | 88 | 3 | 0 | 0 |
| 4,050 | 4,100 | 513 | 399 | 287 | 188 | 95 | 9 | 0 | 0 |
| 4,100 | 4,150 | 521 | 407 | 295 | 195 | 102 | 16 | 0 | 0 |
| 4,150 | 4,200 | 530 | 416 | 303 | 202 | 109 | 22 | 0 | 0 |
| 4,200 | 4,250 | 538 | 424 | 310 | 209 | 115 | 28 | 0 | 0 |
| 4,250 | 4,300 | 547 | 433 | 319 | 217 | 122 | 35 | 0 | 0 |
| 4,300 | 4,350 | 556 | 442 | 328 | 224 | 129 | 41 | 0 | 0 |
| 4,350 | 4,400 | 564 | 450 | 336 | 231 | 136 | 47 | 0 | 0 |
| 4,400 | 4,450 | 573 | 459 | 345 | 239 | 142 | 54 | 0 | 0 |
| 4,450 | 4,500 | 581 | 467 | 353 | 247 | 149 | 60 | 0 | 0 |
| 4,500 | 4,550 | 590 | 476 | 362 | 254 | 157 | 66 | 0 | 0 |
| 4,550 | 4,600 | 598 | 484 | 370 | 262 | 164 | 73 | 0 | 0 |
| 4,600 | 4,650 | 607 | 493 | 379 | 270 | 171 | 79 | 0 | 0 |
| 4,650 | 4,700 | 615 | 501 | 387 | 277 | 178 | 86 | 1 | 0 |
| 4,700 | 4,750 | 624 | 510 | 396 | 285 | 185 | 93 | 7 | 0 |
| 4,750 | 4,800 | 633 | 519 | 405 | 293 | 193 | 100 | 14 | 0 |
| 4,800 | 4,850 | 641 | 527 | 413 | 300 | 200 | 106 | 20 | 0 |
| 4,850 | 4,900 | 650 | 536 | 422 | 308 | 207 | 113 | 26 | 0 |
| 4,900 | 4,950 | 658 | 544 | 430 | 316 | 214 | 120 | 33 | 0 |
| 4,950 | 5,000 | 667 | 553 | 439 | 325 | 221 | 127 | 39 | 0 |

TABLE III—MARRIED PERSONS FILING JOINT RETURNS

Taxable Years Beginning After December 31, 1964

| If adjusted gross income is— | | And the number of exemptions is— | | |
|---|---|---|---|---|
| At least | But less than | 2 | 3 | 4 or more |
| | | The tax is— | | |
| $0 | $1,600 | $0 | $0 | $0 |
| 1,600 | 1,625 | 2 | 0 | 0 |
| 1,625 | 1,650 | 5 | 0 | 0 |
| 1,650 | 1,675 | 9 | 0 | 0 |
| 1,675 | 1,700 | 12 | 0 | 0 |
| 1,700 | 1,725 | 16 | 0 | 0 |
| 1,725 | 1,750 | 19 | 0 | 0 |
| 1,750 | 1,775 | 23 | 0 | 0 |
| 1,775 | 1,800 | 26 | 0 | 0 |
| 1,800 | 1,825 | 30 | 0 | 0 |
| 1,825 | 1,850 | 33 | 0 | 0 |
| 1,850 | 1,875 | 37 | 0 | 0 |
| 1,875 | 1,900 | 40 | 0 | 0 |
| 1,900 | 1,925 | 44 | 0 | 0 |
| 1,925 | 1,950 | 47 | 0 | 0 |
| 1,950 | 1,975 | 51 | 0 | 0 |
| 1,975 | 2,000 | 54 | 0 | 0 |
| 2,000 | 2,025 | 58 | 0 | 0 |
| 2,025 | 2,050 | 61 | 0 | 0 |
| 2,050 | 2,075 | 65 | 0 | 0 |
| 2,075 | 2,100 | 68 | 0 | 0 |
| 2,100 | 2,125 | 72 | 0 | 0 |
| 2,125 | 2,150 | 75 | 0 | 0 |
| 2,150 | 2,175 | 79 | 0 | 0 |
| 2,175 | 2,200 | 82 | 0 | 0 |
| 2,200 | 2,225 | 86 | 0 | 0 |
| 2,225 | 2,250 | 89 | 0 | 0 |
| 2,250 | 2,275 | 93 | 0 | 0 |
| 2,275 | 2,300 | 96 | 0 | 0 |
| 2,300 | 2,325 | 100 | 2 | 0 |
| 2,325 | 2,350 | 103 | 5 | 0 |
| 2,350 | 2,375 | 107 | 9 | 0 |
| 2,375 | 2,400 | 110 | 12 | 0 |
| 2,400 | 2,425 | 114 | 16 | 0 |
| 2,425 | 2,450 | 117 | 19 | 0 |
| 2,450 | 2,475 | 121 | 23 | 0 |
| 2,475 | 2,500 | 124 | 26 | 0 |
| 2,500 | 2,525 | 128 | 30 | 0 |
| 2,525 | 2,550 | 131 | 33 | 0 |
| 2,550 | 2,575 | 135 | 37 | 0 |
| 2,575 | 2,600 | 138 | 40 | 0 |
| 2,600 | 2,625 | 142 | 44 | 0 |
| 2,625 | 2,650 | 146 | 47 | 0 |
| 2,650 | 2,675 | 149 | 51 | 0 |
| 2,675 | 2,700 | 153 | 54 | 0 |
| 2,700 | 2,725 | 157 | 58 | 0 |
| 2,725 | 2,750 | 161 | 61 | 0 |
| 2,750 | 2,775 | 164 | 65 | 0 |
| 2,775 | 2,800 | 168 | 68 | 0 |

| If adjusted gross income is— | | And the number of exemptions is— | | | | | |
|---|---|---|---|---|---|---|---|
| At least | But less than | 2 | 3 | 4 | 5 | 6 | 7 or more |
| | | The tax is— | | | | | |
| $2,800 | $2,825 | $172 | $72 | $0 | $0 | $0 | $0 |
| 2,825 | 2,850 | 176 | 75 | 0 | 0 | 0 | 0 |
| 2,850 | 2,875 | 179 | 79 | 0 | 0 | 0 | 0 |
| 2,875 | 2,900 | 183 | 82 | 0 | 0 | 0 | 0 |
| 2,900 | 2,925 | 187 | 86 | 0 | 0 | 0 | 0 |
| 2,925 | 2,950 | 191 | 89 | 0 | 0 | 0 | 0 |
| 2,950 | 2,975 | 194 | 93 | 0 | 0 | 0 | 0 |
| 2,975 | 3,000 | 198 | 98 | 0 | 0 | 0 | 0 |
| 3,000 | 3,050 | 204 | 102 | 4 | 0 | 0 | 0 |
| 3,050 | 3,100 | 211 | 109 | 11 | 0 | 0 | 0 |
| 3,100 | 3,150 | 219 | 116 | 18 | 0 | 0 | 0 |
| 3,150 | 3,200 | 226 | 123 | 25 | 0 | 0 | 0 |
| 3,200 | 3,250 | 234 | 130 | 32 | 0 | 0 | 0 |
| 3,250 | 3,300 | 241 | 137 | 39 | 0 | 0 | 0 |
| 3,300 | 3,350 | 249 | 144 | 46 | 0 | 0 | 0 |
| 3,350 | 3,400 | 256 | 151 | 53 | 0 | 0 | 0 |
| 3,400 | 3,450 | 264 | 159 | 60 | 0 | 0 | 0 |
| 3,450 | 3,500 | 271 | 166 | 67 | 0 | 0 | 0 |
| 3,500 | 3,550 | 279 | 174 | 74 | 0 | 0 | 0 |
| 3,550 | 3,600 | 286 | 181 | 81 | 0 | 0 | 0 |
| 3,600 | 3,650 | 294 | 189 | 88 | 0 | 0 | 0 |
| 3,650 | 3,700 | 302 | 196 | 95 | 0 | 0 | 0 |
| 3,700 | 3,750 | 310 | 204 | 102 | 4 | 0 | 0 |
| 3,750 | 3,800 | 318 | 211 | 109 | 11 | 0 | 0 |
| 3,800 | 3,850 | 326 | 219 | 116 | 18 | 0 | 0 |
| 3,850 | 3,900 | 334 | 226 | 123 | 25 | 0 | 0 |
| 3,900 | 3,950 | 342 | 234 | 130 | 32 | 0 | 0 |
| 3,950 | 4,000 | 350 | 241 | 137 | 39 | 0 | 0 |
| 4,000 | 4,050 | 358 | 249 | 144 | 46 | 0 | 0 |
| 4,050 | 4,100 | 365 | 256 | 151 | 53 | 0 | 0 |
| 4,100 | 4,150 | 372 | 264 | 159 | 60 | 0 | 0 |
| 4,150 | 4,200 | 379 | 271 | 166 | 67 | 0 | 0 |
| 4,200 | 4,250 | 386 | 279 | 174 | 74 | 0 | 0 |
| 4,250 | 4,300 | 394 | 286 | 181 | 81 | 0 | 0 |
| 4,300 | 4,350 | 401 | 294 | 189 | 88 | 0 | 0 |
| 4,350 | 4,400 | 408 | 302 | 196 | 95 | 0 | 0 |
| 4,400 | 4,450 | 415 | 310 | 204 | 102 | 4 | 0 |
| 4,450 | 4,500 | 422 | 318 | 211 | 109 | 11 | 0 |
| 4,500 | 4,550 | 430 | 326 | 219 | 116 | 18 | 0 |
| 4,550 | 4,600 | 437 | 334 | 226 | 123 | 25 | 0 |
| 4,600 | 4,650 | 444 | 342 | 234 | 130 | 32 | 0 |
| 4,650 | 4,700 | 451 | 350 | 241 | 137 | 39 | 0 |
| 4,700 | 4,750 | 459 | 358 | 249 | 144 | 46 | 0 |
| 4,750 | 4,800 | 467 | 366 | 256 | 151 | 53 | 0 |
| 4,800 | 4,850 | 474 | 374 | 264 | 159 | 60 | 0 |
| 4,850 | 4,900 | 482 | 382 | 271 | 166 | 67 | 0 |
| 4,900 | 4,950 | 490 | 390 | 279 | 174 | 74 | 0 |
| 4,950 | 5,000 | 497 | 398 | 286 | 181 | 81 | 0 |



TABLE V—MARRIED PERSONS FILING SEPARATE RETURNS

MINIMUM STANDARD DEDUCTION

Taxable Years Beginning After December 31, 1964

| If adjusted gross income is— | | And the number of exemptions is— | | | |
|---|---|---|---|---|---|
| At least | But less than | 1 | 2 | 3 | 4 or more |
| | | The tax is— | | | |
| $0 | $800 | $0 | $0 | $0 | $0 |
| 800 | 825 | 2 | 0 | 0 | 0 |
| 825 | 850 | 5 | 0 | 0 | 0 |
| 850 | 875 | 9 | 0 | 0 | 0 |
| 875 | 900 | 12 | 0 | 0 | 0 |
| 900 | 925 | 16 | 0 | 0 | 0 |
| 925 | 950 | 19 | 0 | 0 | 0 |
| 950 | 975 | 23 | 0 | 0 | 0 |
| 975 | 1,000 | 26 | 0 | 0 | 0 |
| 1,000 | 1,025 | 30 | 0 | 0 | 0 |
| 1,025 | 1,050 | 33 | 0 | 0 | 0 |
| 1,050 | 1,075 | 37 | 0 | 0 | 0 |
| 1,075 | 1,100 | 40 | 0 | 0 | 0 |
| 1,100 | 1,125 | 44 | 0 | 0 | 0 |
| 1,125 | 1,150 | 47 | 0 | 0 | 0 |
| 1,150 | 1,175 | 51 | 0 | 0 | 0 |
| 1,175 | 1,200 | 54 | 0 | 0 | 0 |
| 1,200 | 1,225 | 58 | 0 | 0 | 0 |
| 1,225 | 1,250 | 61 | 0 | 0 | 0 |
| 1,250 | 1,275 | 65 | 0 | 0 | 0 |
| 1,275 | 1,300 | 68 | 0 | 0 | 0 |
| 1,300 | 1,325 | 72 | 0 | 0 | 0 |
| 1,325 | 1,350 | 76 | 0 | 0 | 0 |
| 1,350 | 1,375 | 79 | 0 | 0 | 0 |
| 1,375 | 1,400 | 83 | 0 | 0 | 0 |
| 1,400 | 1,425 | 87 | 0 | 0 | 0 |
| 1,425 | 1,450 | 91 | 0 | 0 | 0 |
| 1,450 | 1,475 | 94 | 0 | 0 | 0 |
| 1,475 | 1,500 | 98 | 0 | 0 | 0 |
| 1,500 | 1,525 | 102 | 2 | 0 | 0 |
| 1,525 | 1,550 | 106 | 5 | 0 | 0 |
| 1,550 | 1,575 | 109 | 9 | 0 | 0 |
| 1,575 | 1,600 | 113 | 12 | 0 | 0 |
| 1,600 | 1,625 | 117 | 16 | 0 | 0 |
| 1,625 | 1,650 | 121 | 19 | 0 | 0 |
| 1,650 | 1,675 | 124 | 23 | 0 | 0 |
| 1,675 | 1,700 | 128 | 26 | 0 | 0 |
| 1,700 | 1,725 | 132 | 30 | 0 | 0 |
| 1,725 | 1,750 | 136 | 33 | 0 | 0 |
| 1,750 | 1,775 | 139 | 37 | 0 | 0 |
| 1,775 | 1,800 | 143 | 40 | 0 | 0 |
| 1,800 | 1,825 | 147 | 44 | 0 | 0 |
| 1,825 | 1,850 | 151 | 47 | 0 | 0 |
| 1,850 | 1,875 | 155 | 51 | 0 | 0 |
| 1,875 | 1,900 | 159 | 54 | 0 | 0 |
| 1,900 | 1,925 | 163 | 58 | 0 | 0 |
| 1,925 | 1,950 | 167 | 61 | 0 | 0 |
| 1,950 | 1,975 | 171 | 65 | 0 | 0 |
| 1,975 | 2,000 | 175 | 68 | 0 | 0 |
| 2,000 | 2,025 | 179 | 72 | 0 | 0 |
| 2,025 | 2,050 | 183 | 76 | 0 | 0 |
| 2,050 | 2,075 | 187 | 79 | 0 | 0 |
| 2,075 | 2,100 | 191 | 83 | 0 | 0 |
| 2,100 | 2,125 | 196 | 87 | 0 | 0 |
| 2,125 | 2,150 | 199 | 91 | 0 | 0 |
| 2,150 | 2,175 | 203 | 94 | 0 | 0 |
| 2,175 | 2,200 | 207 | 98 | 0 | 0 |
| 2,200 | 2,225 | 211 | 102 | 2 | 0 |
| 2,225 | 2,250 | 215 | 106 | 5 | 0 |
| 2,250 | 2,275 | 219 | 109 | 9 | 0 |
| 2,275 | 2,300 | 223 | 113 | 12 | 0 |
| 2,300 | 2,325 | 227 | 117 | 16 | 0 |
| 2,325 | 2,350 | 231 | 121 | 19 | 0 |
| 2,350 | 2,375 | 236 | 124 | 23 | 0 |
| 2,375 | 2,400 | 240 | 128 | 26 | 0 |

| If adjusted gross income is— | | And the number of exemptions is— | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| At least | But less than | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 or more |
| | | The tax is— | | | | | | | |
| $2,400 | $2,425 | $244 | $132 | $30 | $0 | $0 | $0 | $0 | $0 |
| 2,425 | 2,450 | 248 | 136 | 33 | 0 | 0 | 0 | 0 | 0 |
| 2,450 | 2,475 | 253 | 139 | 37 | 0 | 0 | 0 | 0 | 0 |
| 2,475 | 2,500 | 257 | 143 | 40 | 0 | 0 | 0 | 0 | 0 |
| 2,500 | 2,525 | 261 | 147 | 44 | 0 | 0 | 0 | 0 | 0 |
| 2,525 | 2,550 | 265 | 151 | 47 | 0 | 0 | 0 | 0 | 0 |
| 2,550 | 2,575 | 270 | 155 | 51 | 0 | 0 | 0 | 0 | 0 |
| 2,575 | 2,600 | 274 | 159 | 54 | 0 | 0 | 0 | 0 | 0 |
| 2,600 | 2,625 | 278 | 163 | 58 | 0 | 0 | 0 | 0 | 0 |
| 2,625 | 2,650 | 282 | 167 | 61 | 0 | 0 | 0 | 0 | 0 |
| 2,650 | 2,675 | 287 | 171 | 65 | 0 | 0 | 0 | 0 | 0 |
| 2,675 | 2,700 | 291 | 175 | 68 | 0 | 0 | 0 | 0 | 0 |
| 2,700 | 2,725 | 295 | 179 | 72 | 0 | 0 | 0 | 0 | 0 |
| 2,725 | 2,750 | 299 | 183 | 76 | 0 | 0 | 0 | 0 | 0 |
| 2,750 | 2,775 | 304 | 187 | 79 | 0 | 0 | 0 | 0 | 0 |
| 2,775 | 2,800 | 308 | 191 | 83 | 0 | 0 | 0 | 0 | 0 |
| 2,800 | 2,825 | 312 | 195 | 87 | 0 | 0 | 0 | 0 | 0 |
| 2,825 | 2,850 | 317 | 199 | 91 | 0 | 0 | 0 | 0 | 0 |
| 2,850 | 2,875 | 322 | 203 | 94 | 0 | 0 | 0 | 0 | 0 |
| 2,875 | 2,900 | 327 | 207 | 98 | 0 | 0 | 0 | 0 | 0 |
| 2,900 | 2,925 | 331 | 211 | 102 | 2 | 0 | 0 | 0 | 0 |
| 2,925 | 2,950 | 336 | 215 | 106 | 5 | 0 | 0 | 0 | 0 |
| 2,950 | 2,975 | 341 | 219 | 109 | 9 | 0 | 0 | 0 | 0 |
| 2,975 | 3,000 | 346 | 223 | 113 | 12 | 0 | 0 | 0 | 0 |
| 3,000 | 3,050 | 353 | 229 | 119 | 18 | 0 | 0 | 0 | 0 |
| 3,050 | 3,100 | 362 | 238 | 126 | 25 | 0 | 0 | 0 | 0 |
| 3,100 | 3,150 | 372 | 246 | 134 | 32 | 0 | 0 | 0 | 0 |
| 3,150 | 3,200 | 381 | 255 | 141 | 39 | 0 | 0 | 0 | 0 |
| 3,200 | 3,250 | 391 | 263 | 149 | 46 | 0 | 0 | 0 | 0 |
| 3,250 | 3,300 | 400 | 272 | 157 | 53 | 0 | 0 | 0 | 0 |
| 3,300 | 3,350 | 410 | 280 | 165 | 60 | 0 | 0 | 0 | 0 |
| 3,350 | 3,400 | 419 | 289 | 173 | 67 | 0 | 0 | 0 | 0 |
| 3,400 | 3,450 | 429 | 297 | 181 | 74 | 0 | 0 | 0 | 0 |
| 3,450 | 3,500 | 438 | 306 | 189 | 81 | 0 | 0 | 0 | 0 |
| 3,500 | 3,550 | 448 | 315 | 197 | 89 | 4 | 0 | 0 | 0 |
| 3,550 | 3,600 | 457 | 324 | 205 | 96 | 11 | 0 | 0 | 0 |
| 3,600 | 3,650 | 467 | 334 | 213 | 104 | 18 | 0 | 0 | 0 |
| 3,650 | 3,700 | 476 | 343 | 221 | 111 | 25 | 0 | 0 | 0 |
| 3,700 | 3,750 | 486 | 353 | 229 | 119 | 32 | 0 | 0 | 0 |
| 3,750 | 3,800 | 495 | 362 | 238 | 126 | 39 | 0 | 0 | 0 |
| 3,800 | 3,850 | 505 | 372 | 246 | 134 | 46 | 0 | 0 | 0 |
| 3,850 | 3,900 | 514 | 381 | 255 | 141 | 53 | 0 | 0 | 0 |
| 3,900 | 3,950 | 524 | 391 | 263 | 149 | 60 | 0 | 0 | 0 |
| 3,950 | 4,000 | 533 | 400 | 272 | 157 | 67 | 0 | 0 | 0 |
| 4,000 | 4,050 | 543 | 410 | 280 | 165 | 74 | 0 | 0 | 0 |
| 4,050 | 4,100 | 552 | 419 | 289 | 173 | 81 | 0 | 0 | 0 |
| 4,100 | 4,150 | 562 | 429 | 297 | 181 | 89 | 4 | 0 | 0 |
| 4,150 | 4,200 | 571 | 438 | 306 | 189 | 96 | 11 | 0 | 0 |
| 4,200 | 4,250 | 581 | 448 | 315 | 197 | 104 | 18 | 0 | 0 |
| 4,250 | 4,300 | 590 | 457 | 324 | 205 | 111 | 25 | 0 | 0 |
| 4,300 | 4,350 | 600 | 467 | 334 | 213 | 119 | 32 | 0 | 0 |
| 4,350 | 4,400 | 609 | 476 | 343 | 221 | 126 | 39 | 0 | 0 |
| 4,400 | 4,450 | 619 | 486 | 353 | 229 | 134 | 46 | 0 | 0 |
| 4,450 | 4,500 | 628 | 495 | 362 | 238 | 141 | 53 | 0 | 0 |
| 4,500 | 4,550 | 638 | 505 | 372 | 246 | 149 | 60 | 0 | 0 |
| 4,550 | 4,600 | 647 | 514 | 381 | 255 | 157 | 67 | 0 | 0 |
| 4,600 | 4,650 | 657 | 524 | 391 | 263 | 165 | 74 | 0 | 0 |
| 4,650 | 4,700 | 666 | 533 | 400 | 272 | 173 | 81 | 0 | 0 |
| 4,700 | 4,750 | 676 | 543 | 410 | 280 | 181 | 89 | 4 | 0 |
| 4,750 | 4,800 | 685 | 552 | 419 | 289 | 189 | 96 | 11 | 0 |
| 4,800 | 4,850 | 696 | 562 | 429 | 297 | 197 | 104 | 18 | 0 |
| 4,850 | 4,900 | 707 | 571 | 438 | 306 | 205 | 111 | 25 | 0 |
| 4,900 | 4,950 | 718 | 581 | 448 | 315 | 213 | 119 | 32 | 0 |
| 4,950 | 5,000 | 729 | 590 | 457 | 324 | 221 | 126 | 39 | 0 |

[Sec. 3, as amended by sec. 301(a), Rev. Act 1964 (78 Stat. 129)]

PAR. 4. Section 1.4 is amended by revising subsections (a), (c), and (f) of section 4 and by adding a historical note. The amended and added provisions read as follows:

### § 1.4 Statutory provisions; rules for optional tax.

SEC. 4. *Rules for optional tax*—(a) *Number of exemptions.* For purposes of the tables in section 3, the term "number of exemptions" means the number of the exemptions allowed under section 151 as deductions in computing taxable income.

* * * * *

(c) *Husband or wife filing separate return.* (1) A husband or wife may not elect to pay the optional tax imposed by section 3 if the tax of the other spouse is determined under section 1 on the basis of taxable income computed without regard to the standard deduction.

(2) Except as otherwise provided in this subsection, in the case of a husband or wife filing a separate return the tax imposed by section 3 shall be—

(A) For taxable years beginning in 1964, the lesser of the tax shown in Table IV or Table V of section 3(a), and

(B) For taxable years beginning after December 31, 1964, the lesser of the tax shown in Table IV or Table V of section 3(b).

(3) Neither Table V of section 3(a) nor Table V of section 3(b) shall apply in the case of a husband or wife filing a separate return if the tax of the other spouse is determined with regard to the 10-percent standard deduction; except that an individual described in section 141(d)(2) may elect (under regulations prescribed by the Secretary or his delegate)—

(A) To pay the tax shown in Table V of section 3(a) in lieu of the tax shown in Table IV of section 3(a), and

(B) To pay the tax shown in Table V of section 3(b) in lieu of the tax shown in Table IV of section 3(b).

For purposes of this title, an election under the preceding sentence shall be treated as an election made under section 141(d)(2).

(4) For purposes of this subsection, determination of marital status shall be made under section 143.

* * * * *

(f) *Cross references.* (1) For other applicable rules (including rules as to the change of an election under section 3), see section 144.

(2) For disallowance of certain credits against tax, see section 36.

(3) For rule that optional tax is not to apply if individual chooses the benefits of income averaging, see section 1304(b).

(4) For nonapplicability of Table V in section 3(a) and Table V in section 3(b) in case where tax is not computed by taxpayer, see section 6014(a).

[Sec. 4 as amended by secs. 232(f)(1) and 301(b) (1) and (3), Rev. Act 1964 (78 Stat. 111, 140)]

PAR. 5. Section 1.4–3 is amended to read as follows:

### § 1.4–3 Husband and wife filing separate returns.

(a) *In general.* If the separate adjusted gross income of a husband is less than $5,000 and the separate adjusted gross income of his wife is less than $5,000, and if each is required to file a return, the husband and the wife must each elect to pay the optional tax imposed under section 3 or neither may so elect. If the separate adjusted gross income of each spouse is $5,000 or more, then neither spouse can elect to pay the optional tax imposed under section 3. If the adjusted gross income of one spouse is $5,000 or more and that of the other spouse is less than $5,000, the election to pay the optional tax imposed under section 3 may be exercised by the spouse having adjusted gross income of less than $5,000 only if the spouse having adjusted gross income of $5,000 or more, in computing taxable income, uses the standard deduction provided by section 141. If the spouse having adjusted gross income of $5,000 or more does not use the standard deduction, then the spouse having adjusted gross income of less than $5,000 may not elect to pay the optional tax and must compute taxable income without regard to the standard deduction. Accordingly, if the spouse having adjusted gross income of $5,000 or more itemizes the deductions allowed by sections 161 and 211 in computing taxable income, the spouse having adjusted gross income of less than $5,000 must also compute taxable income by itemizing the deductions allowed by sections 161 and 211, and must pay the tax imposed by section 1. For rules relative to the election to take the standard deduction by husband and wife, see part IV (section 141 and following), subchapter B, chapter 1 of the Code, and the regulations thereunder.

(b) *Taxable years beginning after December 31, 1963.* (1) In the case of a husband and wife filing a separate return for a taxable year beginning after December 31, 1963, the optional tax imposed by section 3 shall be—

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(i) For taxable years beginning in 1964, the lesser of the tax shown in Table IV (relating to the 10-percent standard deduction for married persons filing separate returns) or Table V (relating to the minimum standard deduction for married persons filing separate returns) of section 3(a), and

(ii) For taxable years beginning after December 31, 1964, the lesser of the tax shown in Table IV (relating to the 10-percent standard deduction for married persons filing separate returns) or Table V (relating to the minimum standard deduction for married persons filing separate returns) of section 3(b).

(2) If the tax of one spouse is determined with regard to the 10-percent standard deduction provided for in Table IV of section 3(a) or 3(b) or if such spouse in computing taxable income uses the 10-percent standard deduction provided for in section 141(b), then the minimum standard deduction provided for in Table V of section 3(a) or 3(b) shall not apply in the case of the other spouse, if such spouse elects to pay the optional tax imposed under section (3). Thus, if a husband and wife compute their tax with reference to the standard deduction, one cannot elect to use the 10-percent standard deduction and the other elect to use the minimum standard deduction. However, an individual described in section 141(d)(2) may elect pursuant to such section and the regulations thereunder to pay the tax shown in Table V of section 3(a) or 3(b) in lieu of the tax shown in Table IV of section 3(a) or 3(b). See section 141(d) and the regulations thereunder for rules relating to the standard deduction in the case of married individuals filing separate returns.

(c) *Determination of marital status.* For the purpose of applying the restrictions upon the right of a married person to elect to pay the tax under section 3, the determination of marital status is made as the close of the taxpayer's taxable year or, if his spouse died during such year, as of the date of death, and a person legally separated from his spouse under a decree of divorce or separate maintenance on the last day of his taxable year (or the date of death of his spouse, whichever is applicable) is not considered married. See section 143 and the regulations thereunder.

PAR. 6. Section 1.141 is amended by revising section 141 and by adding a historical note. The amended and added provisions read as follows:

**§ 1.141 Statutory provisions; standard deduction.**

SEC. 141. *Standard deduction*—(a) *Standard deduction.* Except as otherwise provided in this section, the standard deduction referred to in this title is the larger of the 10-percent standard deduction or the minimum standard deduction. The standard deduction shall not exceed $1,000, except that in the case of a separate return by a married individual the standard deduction shall not exceed $500.

(b) *Ten-percent standard deduction.* The 10-percent standard deduction is an amount equal to 10 percent of the adjusted gross income.

(c) *Minimum standard deduction.* The minimum standard deduction is an amount equal to the sum of—

(1) $100, multiplied by the number of exemptions allowed for the taxable year as a deduction under section 151, plus

(2) (A) $200, in the case of a joint return of a husband and wife under section 6013,

(B) $200, in the case of a return of an individual who is not married, or

(C) $100, in the case of a seperate return by a married individual.

(d) *Married individuals filing separate returns.* Notwithstanding subsection (a)—

(1) The minimum standard deduction shall not apply in the case of a separate return by a married individual if the tax of the other spouse is determined with regard to the 10-percent standard deduction.

(2) A married individual filing a separate return may, if the minimum standard deduction is less than the 10-percent standard deduction, and if the minimum standard deduction of his spouse is greater than the 10-percent standard deduction of such spouse, elect (under regulations prescribed by the Secretary or his delegate) to have his tax determined with regard to the minimum standard deduction in lieu of being determined with regard to the 10-percent standard deduction.

[Sec. 141 as amended by sec. 112(a), Rev. Act 1964 (78 Stat. 23)]

PAR. 7. Section 1.141–1 is amended to read as follows:

**§ 1.141–1 Standard deduction.**

(a) *In general.* The standard deduction referred to in this section is:

(1) For taxable years beginning before January 1, 1964, the 10-percent standard deduction, and

(2) For taxable years beginning after December 31, 1963, the larger of the 10-percent standard deduction or the minimum standard deduction.

The taxpayer may elect to take, in addition to the deductions from gross income allowable in computing adjusted gross income and the deduction described in section 151, relating to personal exemptions, a standard deduction in lieu of all deductions other than those described in section 62 and in lieu of certain credits allowable to the taxpayer, had he not so elected. See section 36. Such credits include: The credit provided by section 33 for taxes imposed by foreign countries and possessions of the United States; the credit provided by section 32 for tax withheld at source under section 1451 by the obligor on tax-free covenant bonds with respect to interest on such bonds; and the credit provided by section 35 with respect to interest on United States obligations and interest on obligations of instrumentalities of the United States. Such standard deduction, however, may in no event exceed $1,000, or $500 in the case of a separate return by a married individual. For determination of marital status see § 1.143–1. See section 4 and the regulations thereunder for rules relating to standard deduction in respect of optional tax. The optional tax tables provided for in section 3 reflect the standard deduction provided for in section 141.

(b) *Ten-percent standard deduction.* The 10-percent standard deduction is (except for the limitation in paragraph (a) of this section) an amount equal to 10 percent of the taxpayer's adjusted gross income. In the case of a joint return, there is only one adjusted gross income and only one 10-percent standard deduction. For example, if a husband has an income of $15,000 and his spouse has an income of $12,000 for the taxable year for which they file a joint return, and they have no deductions allowable for the purpose of computing adjusted gross income, the adjusted gross income is $27,000, and the 10-percent standard deduction is $1,000 (and not $2,000).

(c) *Minimum standard deduction.* The minimum standard deduction is (except for the limitation in paragraph (a) of this section) an amount equal to the sum of—

(1) $100, multiplied by the number of exemptions allowed for the taxable year as a deduction under section 151,

(2) In addition,

(i) $200, in the case of a joint return of a husband and wife under section 6013,

(ii) $200, in the case of a return of an individual who is not married, or

(iii) $100, in the case of a separate return of a married individual.

The return of a surviving spouse is treated as a joint return for purposes of subdivision (i) of this subparagraph. See section 2, and the regulations thereunder, with respect to the definition of a surviving spouse.

(d) *Married individuals filing separate returns for taxable years beginning after December 31, 1963.* (1) In the case of a married individual filing a separate return in a taxable year beginning after December 31, 1963, the minimum standard deduction shall not apply if the tax of the other spouse is determined with regard to the 10-percent standard deduction or is computed by the Internal Revenue Service pursuant to section 6014.

(2) A married individual filing a separate return in a taxable year beginning after December 31, 1963, may elect to determine his tax with regard to the minimum standard deduction in lieu of determining it under the 10-percent standard deduction, although his minimum standard deduction is less than the 10-percent standard deduction, if the minimum standard deduction of his spouse is greater than the 10-percent standard deduction of such spouse. A taxpayer shall signify on his return his election to determine his tax with regard to the minimum standard deduction by claiming thereon the deduction in the amount provided for in section 141(c) instead of the amount provided for in section 141(b).

(3) For rules relating to the election to pay the optional tax imposed by section 3 when married individuals file separate returns, see section 4(c) and the regulations thereunder.

(e) *Short taxable year due to death of taxpayer.* An election to take the standard deduction may be made for a taxable year which is less than 12 months on account of the death of the taxpayer.

PAR. 8. Section 1.142–1 is amended by revising paragraph (b) to read as follows:



**§ 1.142–1 Husband and wife.**

* * * * *

(b) If each spouse files a separate individual income tax return (Form 1040 or 1040A), both spouses must elect to take the standard deduction or both spouses are denied the standard deduction. Thus, if one spouse files a return on Form 1040 and does not elect to take the standard deduction, the other spouse may not elect to take the standard deduction and, hence, may not file a return on Form 1040A. For example, if A and his wife B have adjusted gross incomes of $6,000 and $3,500, respectively, from wages subject to withholding and A files a return on Form 1040 and does not elect thereon to take the standard deduction, B may not file her return on Form 1040A, but must file on Form 1040 and compute her tax without regard to the standard deduction. In such case, however, if both elect to take the standard deduction either taxpayer may file on Form 1040 or 1040A, but B's tax must be computed on the basis of the applicable tax table in section 3. See § 1.4–3 for rules relating to the computation of the optional tax when a husband and wife file separate returns.

* * * * *

PAR. 9. Section 1.144 is amended by revising section 144(b), by adding a new subsection (c) to section 144 and by adding a historical note. The amended and added provisions read as follows:

**§ 1.144 Statutory provisions; election of standard deduction.**

SEC. 144. *Election of standard deduction.* * * *

(b) *Change of election.* Under regulations prescribed by the Secretary or his delegate, a change of election with respect to the standard deduction for any taxable year may be made after the filing of the return for such year. If the spouse of the taxpayer filed a separate return for any taxable year corresponding, for purposes of section 142(a), to the taxable year of the taxpayer, the change shall not be allowed unless, in accordance with such regulations—

(1) The spouse makes a change of election with respect to the standard deduction for the taxable year covered in such separate return, consistent with the change of election sought by the taxpayer, and

(2) The taxpayer and his spouse consent in writing to the assessment, within such period as may be agreed on with the Secretary or his delegate, of any deficiency, to the extent attributable to such change of election, even though at the time of the filing of such consent the assessment of such deficiency would otherwise be prevented by the operation of any law or rule of law.

This subsection shall not apply if the tax liability of the taxpayer's spouse, for the taxable year corresponding (for purposes of section 142(a)) to the taxable year of the taxpayer, has been compromised under section 7122.

(c) *Change of election defined.* For purposes of this title, the term "change of election with respect to the standard deduction" means—

(1) A change of an election to take (or not to take) the standard deduction;

(2) A change of an election to pay (or not to pay) the tax under section 3; or

(3) A change of an election under section 141(d)(2).



[Sec. 144 as amended by sec. 112(c), Rev. Act 1964 (78 Stat. 24)]

PAR. 10. Section 1.144–2 is amended by revising the section heading, by revising paragraph (a) and by adding a new paragraph (d). The amended and added provisions read as follows:

**§ 1.144–2 Change of election with respect to the standard deduction.**

(a) A change of the election with respect to the standard deduction for any taxable year may be made before or after the time prescribed for filing the return for the taxable year. However, the period of time prescribed in section 6511 within which claim for credit or refund of tax must be made is not extended by the right to effect a change of election.

* * * * *

(d) A change of election with respect to the standard deduction means:

(1) A change of election to take, or not to take, the standard deduction;

(2) A change of an election to pay, or not to pay, the tax under section 3; or

(3) In the case of a taxable year beginning after December 31, 1963, a change of an election under section 141(d)(2).

PAR. 11. Section 1.6014 is amended by revising section 6014(a) and the historical note. The amended provisions read as follows:

**§ 1.6014 Statutory provisions; income tax return—tax not computed by taxpayer.**

SEC. 6014. *Income tax return—tax not computed by taxpayer*—(a) *Election by taxpayer.* An individual entitled to elect to pay the tax imposed by section 3 whose gross income is less than $5,000 and includes no income other than remuneration for services performed by him as an employee, dividends or interest, and whose gross income other than wages, as defined in section 3401(a), does not exceed $100, shall at his election not be required to show on the return the tax imposed by section 1. Such election shall be made by using the form prescribed for purposes of this section and shall constitute an election to pay the tax imposed by section 3. In such case the tax shall be computed by the Secretary or his delegate who shall mail to the taxpayer a notice stating the amount determined as payable. In determining the amount payable, the credit against such tax provided for by section 37 shall not be allowed. In the case of a head of household (as defined in section 1(b)) or a surviving spouse (as defined in section 2(b)) electing the benefits of this subsection, the tax shall be computed by the Secretary or his delegate without regard to the taxpayer's status as a head of household or as a surviving spouse. In the case of a married individual filing a separate return and electing the benefits of this subsection, neither Table V in section 3(a) nor Table V in section 3(b) shall apply.

* * * * *

[Sec. 6014 as amended by secs. 201(d)(14) and 301(b)(2), Rev. Act 1964 (78 Stat. 32, 140)]

PAR. 12. Section 1.6014–1 is amended by adding a new paragraph (d). The added provision reads as follows:

**§ 1.6014–1 Tax not computed by taxpayer with gross income less than $5,000.**

* * * * *

(d) *Married individuals filing separate returns.* In the case of a married individual who files a separate return and who elects under this section not to show his tax on Form 1040A his tax shall be computed with reference to the 10-percent standard deduction rather than the minimum standard deduction.

[F.R. Doc. 64–11730; Filed, Nov. 20, 1964; 2:45 p.m.]

## [ 26 CFR Part 47 ]

## AFFIXING OF DOCUMENTARY TAX STAMPS BY CERTAIN CLEARINGHOUSES

### Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
*Acting Commissioner of Internal Revenue.*

In order to revise the Documentary Stamp Tax Regulations (26 CFR Part 47) to provide for the payment of documentary stamp taxes by certain securities clearinghouses for brokers or dealers who are not members of a national securities exchange, such regulations are amended as follows:

PARAGRAPH 1. Paragraph (b) of § 47.4352–1 is amended to read as follows:

**§ 47.4352–1 Affixing of stamps.**

* * * * *

(b) *Requirement of memoranda of agreements to sell, etc.* Every person who makes an agreement to sell stock or certificates of indebtedness, or who, by sale or otherwise, transfers title to stock or certificates of indebtedness by delivery of certificates assigned in blank, shall, as a part of the transaction, promptly make and deliver to the buyer or transferee, or to the agent of the buyer or transferee, a bill or memorandum of such agreement to sell, sale, or transfer, duly signed by the seller, or

transferor, or his agent. Such bill or memorandum shall show the date of the transaction, the names of the parties thereto, the description and number of shares of stock or certificates of indebtedness, the tax paid on the transaction, and, where a sale of stock is involved, the sale price, or where a transfer is involved without a sale, the actual value of the stock and the basis used for determining such value. (For definition of "actual value" see paragraph (b) (2) (ii) of § 47.4301–1 and paragraph (b) (3) of § 47.4321–1.) No more than one stamped bill or memorandum shall be required in respect of a single transaction. (See §§ 47.4352–2 and 47.4353–1 relative to rules applicable to securities exchanges and clearinghouses.

* * * * *

PAR. 2. Section 47.4352–2 is added to read as follows:

**§ 47.4352–2 Affixing of stamps by certain clearinghouses.**

(a) *Appointment of agent.* A member of a clearinghouse affiliated with a securities association or exchange which is registered with the Securities and Exchange Commission as a national securities association or exchange may appoint in writing such clearinghouse as his agent for the purpose of affixing and canceling the stamps required in respect of his transactions in stock or certificates of indebtedness.

(b) *Conditions for payment through agent.* The privilege granted by paragraph (a) of this section may be exercised only upon compliance with the following conditions:

(1) *Authorization.* The member shall authorize and require the clearinghouse to pay the tax in respect of all transactions (except a transaction to which the following sentence applies) in stock or certificates of indebtedness, including rights to subscribe for or to receive stock, arising in the conduct of his business, irrespective of whether the stock or certificates of indebtedness are listed on a securities exchange or are unlisted, and whether the transactions are clearable or not. With respect to a particular transaction, if the buyer of the stocks or certificates does not authorize the clearinghouse to act as his agent for the receipt of the bill or memorandum of sale, the authority granted by the member of the clearinghouse to pay the tax with respect to the transaction shall be considered withdrawn, and this section shall not apply with respect to such transaction.

(2) *Bill or memorandum of sale from member.* The member shall furnish the clearinghouse a bill or memorandum of sale showing the amount of tax payable on each of his transactions as specified in subparagraph (1) of this paragraph and shall include in such bill or memorandum of sale the information required by paragraph (b) of § 47.4352–1. The bill or memorandum of sale shall be filed with the clearinghouse not later than the day on which the transactions covered thereby are due for settlement (blotter date).

(3) *Daily records to be kept by member.* The member shall maintain complete and adequate daily records, such as a blotter or similar book of original entry, of all transactions in stock or certificates of indebtedness as specified in subparagraph (1) of this paragraph, whether the transaction is taxable or not. In the case of taxable transactions, the daily record shall show the amount of tax payable in respect of each transaction. In the case of nontaxable transactions, the daily record shall disclose the basis on which the exemption from the tax is claimed. Such daily records shall be kept in permanent form for a period of at least 3 years from the date any part of the tax is paid on the transaction and must be available for ready inspection by internal revenue officers.

(4) *Affixing and canceling of stamps.* The clearinghouse as agent shall affix and cancel on the bills or memoranda of sale documentary stamps in an amount applicable to the transactions covered by such bills or memoranda. Stamps shall be so affixed and canceled on the day on which the bills or memoranda of sale are received by the clearinghouse.

(5) *Records to be kept by clearinghouse.* The bills or memoranda of sale received from its members shall be kept in permanent form by the clearinghouse for a period of at least 3 years from the date any part of the tax is paid with respect to any transaction covered therein, and must be available for ready inspection by internal revenue officers.

(6) *Endorsement showing payment of tax.* The member shall make and deliver to the clearinghouse as agent for the buyer the bill or memorandum required by paragraph (b) of § 47.4352–1. The member may make an endorsement on certificates of stock or certificates of indebtedness covered by the bill or memorandum substantially in the following form:

It is hereby certified that the Federal stamp tax applicable to the transfer of ---------- shares of this certificate (or applicable to the transfer of this certificate of indebtedness) has been paid through ----------
(Insert name of clearinghouse for securities association or securities exchange)
on our behalf.
(Date) (Member ---------- Securities Association or Securities Exchange)

The endorsement (including a facsimile signature of the member) may be made by a hand-stamped impression, if (i) the hand-stamp is held at all times in the custody of the person authorized to make such impression, and (ii) the records of the member contain sufficient information to establish the identity of the person so authorized.

(c) *Definition of clearinghouse.* For the purposes of this section, the term "clearinghouse" includes every corporation, and every association of individuals, partnerships, or corporations, wholly or partly engaged in the business of clearing, settling or adjusting transactions in the purchase, sale, receipt, or delivery of stock, certificates of indebtedness, rights, or warrants, whether or not a part or department of a securities exchange or a securities association or an independent body.

[F.R. Doc. 64–11988; Filed, Nov. 23, 1964; 8:49 a.m.]

# POST OFFICE DEPARTMENT

## [ 39 CFR Part 22 ]

## SECOND CLASS MAILING PRIVILEGES

### Notice of Proposed Rule Making

Notice is hereby given of proposed rule making consisting of a proposed revision of § 22.2(b)(5) of Title 39, Code of Federal Regulations, for the purpose of establishing standards and procedures respecting subscriptions, to second-class publications, that are paid for by subscribers in connection with and as a part of membership dues paid, or contributions or pledges made, to organizations or institutions.

Although the procedures in 39 CFR 22.2(b)(5) relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the postal service may have an opportunity to present written views concerning the procedures. Accordingly, such written views may be submitted to the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C., 20260, at any time prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed § 22.2(b)(5) of Title 39, CFR reads as follows:

**§ 22.2 Qualifications for second-class privileges.**

* * * * *

(b) *Basic qualifications.* * * *

(5) *List of subscribers.* Publications must have a legitimate list of persons who have subscribed by paying or promising to pay for copies to be received during a stated time. Although it is desirable that subscribers pay directly for their subscriptions independently of other payments, arrangements may be made for them to pay in connection with the payment of dues or contributions, provided the dues or contributions and the subscription price are so separated as to permit an exact ascertainment of all the facts including the amount paid for the subscription. To determine whether a subscription is genuine it must be so separated from all other business transactions as to constitute a distinct, voluntary and independent act. Publishers must be able to show that subscriptions to their publications have been voluntarily made, that the subscription price has been paid or definitely promised, and that the relation of subscriber is clearly understood and fully agreed to. Subscriptions may be paid for under the following arrangements:

(i) *When paying organization dues.* If subscribers pay for their subscriptions when paying dues in an organization, the application, transmittal and bill forms used by the organizations should include clauses like the following examples:

(a) *Application.*

I, ----------, hereby apply for membership in the (Name of organization to be printed here) and enclose $------ as my annual membership dues for the year ------. $------ of this amount is for a subscription to the (Name of publication to be printed here) for one year.

(b) *Transmittal.*

I, ----------, herewith transmit my annual membership dues of $------ in the (Name of organization to be printed here) for the year ------. $------ of this amount is for a subscription to the (Name of publication to be printed here) for one year.

(c) *Bill.*

Annual membership dues for the year ------ in the (Name of organization to be printed here) $------. $------ of this amount is for a subscription to the (Name of publication to be printed here) for one year. Return this bill form with remittance.

(ii) *When contributing to organizations or institutions.* If subscribers pay, or promise to pay, for their subscriptions when making contributions or pledges to organizations or institutions, the pledge or contribution forms used should include a clause like the following example.

I, ----------, hereby transmit by contribution of (or hereby pledge to contribute) $------ to the (Name of organization or institution to be printed here) for the year ------ $------ of this amount is for a subscription to the (Name of the publication to be printed here) for one year.

(iii) *Forms and statements to be furnished with applications.* Publishers must furnish with applications for second-class mail privileges printed copies of the forms which are to be used. The responsible official of the organization or institution must furnish his written assurance that the forms will be used for taking subscriptions.

NOTE: The corresponding Postal Manual section proposed to be revised is 132.225.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4351–4370)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 64–11966; Filed, Nov. 23, 1964; 8:46 a.m.]



# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Parts 2, 21, 74, 91 ]

[Docket No. 15586]

## LICENSING OF MICROWAVE RADIO STATIONS USED TO RELAY TELEVISION SIGNALS TO COMMUNITY ANTENNA TELEVISION SYSTEMS

### Order Extending Time for Filing Comments

1. On October 7, 1964 the Commission extended the time for filing comments and reply comments on Parts I and III of Docket No. 15586 to November 16, 1964, and December 4, 1964, respectively.

2. On November 5, 1964, National Community Television Association, Inc. (NCTA) and National Association of Microwave Common Carriers, Inc., (NAMCC) filed a joint motion seeking a further extension of the time for comments on Part I and III to December 1, 1964. In support of the joint motion it is asserted that the Board of Directors of NCTA is meeting in Washington, D.C., during the week of November 16, 1964 to consider the matters at issue in Parts I and III and that the Board's participation at this stage with counsel is necessary to finalization of NCTA's comments. It is further stated that it is also necessary for NAMCC, through its officers and directors, to have additional time to consider these matters prior to completing its comments.

3. In light of the foregoing and in reliance on a statement in the joint motion that no additional time for the filing of comments after December 1, 1964, will be requested, the Commission, pursuant to section 5(d) of the Communications Act and § 0.251 of its rules, orders this 9th day of November 1964, that the time for filing comments and reply comments on Parts I and III of Docket No. 15586 is extended to December 1, 1964, and December 18, 1964, respectively.

Released: November 9, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64–12001; Filed, Nov. 23, 1964; 8:49 a.m.]

## [ 47 CFR Part 73 ]

[Docket No. 15709; FCC 64–1078]

## TELEVISION BROADCAST STATIONS

### Proposed Table of Assignments for Oberlin, Kans. and McCook, Nebr.

In the matter of amendment of § 73.606 Table of Assignments, Television Broadcast Stations, Oberlin, Kansas; McCook, Nebraska; Docket No. 15709, RM–522.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed October 31, 1963, by Wichita Television Corporation, Inc. (Wichita TV), licensee of Station KOMC–TV, Channel 8, McCook, Nebraska (satellite of Station KCKT, Great Bend, Kansas), requesting that this channel be deleted from McCook and reassigned to Oberlin, Kansas. Petitioner also requests that it be ordered to show cause why its license should not be modified to specify operation on this channel at Oberlin. Inasmuch as the transmitter of KOMC is located approximately 9 miles west of Oberlin, and 25 miles south of McCook, petitioner contemplates no change in transmitter site or coverage area. On this basis the instant request involves no question of minimum mileage separations under § 73.610 of the rules.

3. The petitioner recites the history of the current Channel 8 operation[1] commencing with the assignment of the channel in 1958 and the subsequent organizational and promotional meetings of a "group of Kansas civic leaders" which, it states, "demonstrates that Station KOMC was conceived, established, and is now being operated by Kansas interests" and that "Nebraska, on the other hand, has demonstrated virtually no interest in either the establishment or continued operation of Station KOMC."[2] Submitted with and in support of the petition were numerous resolutions and letters from business and civic interests in the Oberlin area.

4. The petition was opposed by the McCook Chamber of Commerce and the City of McCook with a "protest" filed on December 9, 1963. The document describes the part that the McCook civic interests played in the promotion and financing of the station and states that "* * * no suggestion by the Kansas people was made that the station might not be known as the McCook station and no consent was ever given either express or implied by the McCook people that the station would not be known as the McCook station * * *" The McCook spokesmen further stated that "if McCook is deprived of Channel 8 it will leave McCook with no channel which is of any practical use at this time * * *"

5. Oberlin, with a population of 2,337, is the county seat of Decatur County which has a population of 5,778. Petitioner states that the city of McCook (the population of which is 8,301, and of Red Willow County, in which it is located, 12,940)[3] is barely covered by the city signal of Channel 8, whereas the city of Oberlin is well within the principal city signal contour. Petitioner states further that although the population of McCook is approximately three times greater than that of Oberlin, the Grade B contour of Station KOMC embraces a population in Kansas of 24,081 and a population of 26,078 in Nebraska. Petitioner further states that KOMC is operating as a satellite of Station KCKT–TV, Great Bend, Kansas, which in turn carries many of the programs originated by petitioner's Station KARD–TV in Wichita, Kansas; also that Oberlin and much of the surrounding area receive no Grade B or better service from any Kansas station and that McCook and Red Willow County receive a Grade B or better service from Station KHPL–TV, Channel 6, Hayes Center, Nebraska.

6. The Commission is of the view that rule making should be instituted on petitioner's proposal in order that all interested parties may submit their views and relevant data. Comments are therefore invited on the proposal to

[1] A construction permit was issued to Central Kansas Television Co., Inc. on March 23, 1958 (BPCT–2434), the petitioner, Wichita TV, acquiring the permit by assignment on June 13, 1962 (BAPCT–314), and its license on July 25, 1963 (BLCT–982).

[2] Petitioner states that "several attempts were made to interest the McCook Chamber of Commerce in this effort, but a final meeting between Kansas officials and the McCook Chamber of Commerce on June 27, 1958 proved uneventful." A footnote to the petition states that late in 1959 Area TV (a Kansas corporation formed to raise money for construction of the physical facilities for Channel 8) received $1,345.00 through the McCook Chamber of Commerce, but this minimal amount was returned by Area TV.

[3] All population figures—1960 U.S. Census.

amend § 73.606 of the rules to read as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Oberlin, Kans. | | 8— |
| McCook, Nebr. | 8—, 17 | 17 |

7. If the Commission decides to adopt the amendment proposed by petitioner, or otherwise change the Channel 8 assignment at McCook, Nebr., it will take further action as may be appropriate in the circumstances with respect to petitioner's outstanding authorization for the channel. Accordingly, we defer action on petitioner's request for issuance of its requested order to show cause.

8. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file comments on or before January 4, 1965, and reply comments on or before January 21, 1965. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

10. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: November 18, 1964.

Released: November 19, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12003; Filed, Nov. 23, 1964; 8:49 a.m.]

## [ 47 CFR Part 73 ]

[Docket No. 15627]

## MULTIPLE OWNERSHIP OF STANDARD, FM AND TELEVISION BROADCAST STATIONS

### Order Extending Time for Filing Comments and Reply Comments

1. In a "Petition for Extension of Time To File Comments" filed on November 6, 1964, by Capital Cities Broadcasting Corporation and 14 other corporate licensees of broadcast facilities, it is requested that the date for filing comments in this inquiry and proposed rule making proceeding be extended 90 days from the present date of November 23, 1964, to February 21, 1965, and that the date for filing reply comments be extended from December 18, 1964, to March 18, 1965. Columbia Broadcasting System, Inc., on November 12, 1964, filed a statement in support of this petition.

2. As reasons for the requested extension, it is stated that the issues raised in the notice require extensive research in order to prepare comments in a form that will be meaningful and helpful to the Commission in considering the subject, and that the petitioners are jointly engaged in such research which will require additional time.

3. In addition to the foregoing petition, Insurance Securities Incorporated, on November 9, 1964, filed an informal request to extend time for filing comments in this proceeding for 30 days to December 23, 1964, on the grounds that it will be impossible for that organization to prepare adequate comments by November 23, 1964, in view of the complicated nature of the securities business and the involved information requested in paragraph 16 of the notice in these proceedings.

4. In view of the difficulties inherent in the problems which are the subject of inquiry and proposed rule making proceeding herein, and in view of the Commission's desire to benefit by all possible information that may be available, it is believed that good cause has been shown for an extension of time. However, the importance of the problems involved is such that there should be no undue delay in arriving at a solution thereto. An extension of 60 days therefore appears to be appropriate under the circumstances.

5. *Accordingly, it is ordered,* This 16th day of November 1964, that the "Petition for Extension of Time to File Comments," filed by Capital Cities Broadcasting Corporation, et al., and the informal request to extend time for filing comments, filed by Insurance Securities Incorporated, are granted insofar as they are consistent with the action taken herein, and that the time for filing comments in these proceedings is extended from November 23, 1964, to January 22, 1965, and the time for filing reply comments is extended from December 18, 1964, to February 21, 1965.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Released: November 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12004; Filed, Nov. 23, 1964; 8:49 a.m.]

[4] Commissioner Cox dissenting.

# Notices

## POST OFFICE DEPARTMENT

### UNIFORM QUALITY CONTROL PROGRAM

### Notice of Issuance of Specifications for Postal Employee Uniform Apparel

Pursuant to the Post Office Department Uniform Quality Control Program, (29 F.R. 2430) on September 8, 1964, the Post Office Uniform Quality Control Office, U.S. Army Natick Laboratories, issued revised specifications to the uniform industry for the following items of uniform apparel offered for sale to postal employees:

(1) A uniform shirt which will be worn by uniformed male employees other than motor vehicle operators and medical personnel, and

(2) Insignia consisting of a circular emblem and an arc tab designating craft.

Specifications for the above items may be obtained from the Post Office Uniform Quality Control Office, U.S. Army Natick Laboratories, Kansas Street, Natick, Mass., 01762. Vendors are required to sew the prescribed insignia on the shirt.

Purchases of items conforming to the above specifications are authorized for reimbursement on and after February 1, 1965. Items conforming to the specifications in effect prior to September 8, 1964, are authorized for purchase by and reimbursement to postal employees up to September 1, 1965.

From time to time, the Post Office Uniform Quality Control Office will issue specifications for other items which may be purchased by, and reimbursed to postal employees. At the time the Post Office Uniform Quality Control Office issues such specifications to the uniform industry, an announcement will be made of the approximate date such uniform items will be available for purchase by and reimbursement to postal employees.

(R.S. 161, as amended; 39 Stat. 1084, as amended, 68 Stat. 1114, as amended; 5 U.S.C. 22, 21-31-2133, 31 U.S.C. 686, 39 U.S.C. 501, 3116)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 64-11967; Filed, Nov. 23, 1964; 8:47 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[W-0311781 (Nebraska)]

### NEBRASKA

### Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 17, 1964.

The Forest Service, U.S. Department of Agriculture, has filed an application, serial number Wyoming 0311781 (Nebr.), for the withdrawal of the lands described below from location and entry under the mining laws, subject to existing valid claims.

The lands are located within the Oglala National Grasslands, Nebraska and the applicant desires assured tenure of the land for geologic and recreation purposes in connection with the Toadstool Geologic area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, 2002 Capitol Avenue, Cheyenne, Wyo., 82001.

The Department's regulations 43 CFR 2311.1-3(c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, NEBRASKA

T. 33 N., R. 53 W.,
Sec. 8, E½.

The area described contains 320 acres.

ED PIERSON,
*State Director.*

[F.R. Doc. 64-11968; Filed, Nov. 23, 1964; 8:47 a.m.]

[Classification Order NM7-1]

### NEW MEXICO

### Small Tract Classification

1. Pursuant to authority redelegated to me by the New Mexico State Director, Bureau of Land Management, as published in the FEDERAL REGISTER, June 22, 1963 (28 F.R. 6468), as amended, I hereby classify the following described public land, consisting of 2.5 acres, located in Rio Arriba County, New Mexico, as suitable for sale at public auction for residential purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 USC 682a), as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 26 N., R. 6 W.
Sec. 35: NW¼SE¼SE¼SE¼.
Containing 2.5 acres; appraised value $250.00.

2. This classification is made to afford an existing occupant an opportunity to purchase the land.

3. Classification of the above described land by this order segregates it from all appropriations including locations under the mining laws, except as to applications under mineral leasing laws.

4. The land is located approximately 30 miles southeast of Blanco and 17 miles north of Counselor, N. Mex. Access is available from State Highway 17 at Blanco and State Highway 44 at Counselor, over unimproved dirt roads. The land lies in the Tapicito Canyon, at an elevation of 6,300 feet above sea level. The north half of the tract is the bottom of the canyon and the soils are shallow sandy loam with slopes of 2–5 percent. The south half of the tract rises steeply, with sandstone outcroppings to form the Falls of the canyon. The land is nonarable due to rough topography, arid climate and lack of known sources of irrigation water. Culinary water is not presently developed. Electric power is within 5 miles.

5. Mr. Paul Williams, 600 West Central Avenue, Albuquerque, N. Mex., claims an equity in an adobe house and other improvements on the subject land now occupied by him. In the event Mr. Paul Williams is not the successful bidder at the sale, he will be allowed a reasonable period of time in which to negotiate with the successful bidder, as to the disposition of the improvements thereon.

6. The successful bidder will be required to pay Mr. Paul Williams a price mutually agreed upon for any improvements which are of value to the successful bidder. Proof of such agreement and payment must be filed within a reasonable length of time with the Manager, Land Office, U.S. Post Office and Federal Building, South Federal Place, Post Office Box 1449, Santa Fe, N. Mex. Upon a showing of inability to agree, the Bureau of Land Management will determine the fair and reasonable value of the improvements left upon the land for which compensation must be paid. Failure of the successful bidder, if other than Mr. Paul Williams, to file within a reasonable length of time proof of full compensation to Mr. Paul Williams, as herein provided, will lead to vacation of the sale.

7. Generally, persons who have previously acquired a tract under the Small

Tract Act are not qualified to purchase an additional tract.

8. The land will be subject to sale at public auction at 10:30 a.m. on January 12, 1965.

9. Inquiries concerning this land shall be addressed to Manager, Land Office, Post Office Box 1449, Sante Fe, N. Mex.

JOSEPH A. GIBSON,
*Acting District Manager.*

NOVEMBER 13, 1964.

[F.R. Doc. 64-11969; Filed, Nov. 23, 1964; 8:47 a.m.]

[W-0312819]

## WYOMING

### Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 17, 1964.

The Bureau of Land Management, United States Department of the Interior, has filed an application, serial number Wyoming 0312819, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including mining and mineral leasing laws, pursuant to authority of Executive Order 10355.

The applicant desires the land for protection of the 14-Mile Recreation Site, which has been developed for public recreation use.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, United States Department of the Interior, 2002 Capitol Avenue, Cheyenne, Wyo., 82001.

The Department's regulations 43 CFR 2311.1-3(c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 105 W.,
Sec. 32, SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, and SE¼SE¼.

The area described aggregates 70 acres.

ED PIERSON,
*State Director.*

[F.R. Doc. 64-11970; Filed, Nov. 23, 1964; 8:47 a.m.]

# DEPARTMENT OF COMMERCE

## Maritime Administration

## TRADE ROUTE 13

### Notice of Conclusions and Determinations Regarding Essentiality and U.S. Flag Service Requirements

Notice is hereby given that on November 17, 1964, the Acting Deputy Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 13 and ordered that the following conclusions and determinations reached by the Acting Deputy Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER:

1. Trade Route No. 13—U.S. South Atlantic and Gulf/Mediterranean and Black Sea: Between U.S. South Atlantic and Gulf ports (North Carolina-Texas inclusive) and ports on the Mediterranean Sea, Black Sea and in Portugal, Spain south of Portugal and Morocco (Tangier to southern border).

2. United States flag freight ship sailing requirements for liner service on Trade Route No. 13 are approximately 9 sailings per month serving the route exclusively or predominantly, with some additional service by other regularly scheduled United States flag sailings serving the route in part only.

3. United States flag passenger service requirements can be met by freight ships operating on the route and by passenger ships which serve the route in conjunction with service on other essential U.S. foreign trade routes.

4. C-2, C-3 and Victory type freight ships built prior to 1947 are considered suitable for interim operation pending replacement. Newly constructed freight ships of C-3 and C-4 types are suitable for long-range operation. Ships providing primary service on other essential trade routes and services and supplemental service on Trade Route No. 13 are suitable for operation thereon to the extent they are found suitable on the respective primary routes and services.

Dated: November 17, 1964.

By order of the Acting Deputy Maritime Administrator.

JAMES S. DAWSON, Jr.,
*Secretary.*

[F.R. Doc. 64-11972; Filed, Nov. 23, 1964; 8:47 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## STEIN, HALL & CO., INC., AND ST. REGIS PAPER CO.

### Notice of Filing of Petition Regarding Food Additive Arabinogalactan

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5A1563) has been filed by Stein, Hall & Co., Inc., 605 Third Avenue, New York, N.Y., 10016, and St. Regis Paper Co., 150 East 42d Street, New York, N.Y., proposing the issuance of a regulation to provide for the safe use of arabinogalactan, extracted from western larch, as an emulsifier, stabilizer, binder, and bodying agent in food.

Dated: November 18, 1964.

MALCOLM R. STEPHENS,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 64-11984; Filed, Nov. 23, 1964; 8:48 a.m.]

## Office of Education

## NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

### Notice of Acceptance for Filing; Applications for Federal Financial Assistance in Construction

Notice is hereby given that effective with this publication the following described applications, for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR § 60.7:

The Board of Regents of the Universities and State College of Arizona, for the use of the University of Arizona, Herring Hall, University of Arizona, Tucson, Ariz., File No. 83, to expand the operation of the noncommercial educational television broadcasting station KUAT-TV operating on channel 6, Tucson, Ariz.

Washburn University of Topeka, 17th and College, Topeka, Kans., File No. 84, for the establishment of a new noncommercial educational television broadcasting station on channel 11, Topeka, Kans.

Any interested person may, pursuant to 45 CFR § 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications with the Director, Educational Television Facilities Program, U.S. Office of Education, Washington, D.C., 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
*Director, Educational Television Facilities Program, Office of Education.*

[F.R. Doc. 64-12029; Filed, Nov. 23, 1964; 8:50 a.m.]



# ATOMIC ENERGY COMMISSION

[Docket No. 50-16]

## POWER REACTOR DEVELOPMENT CO.

### Notice of Issuance of Order Extending Expiration Date of Provisional Operating License

Please take notice that the Atomic Energy Commission has issued an Order extending to May 10, 1965, the expiration date specified in Provisional Operating License No. DPR-9 issued to Power Reactor Development Company, authorizing operation of the Enrico Fermi Atomic Power Plant located in Monroe County, Mich., at thermal power levels not in excess of one megawatt.

Copies of the Commission's Order and the application dated October 8, 1964, filed by Power Reactor Development Company, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this sixteenth day of November 1964.

For the Atomic Energy Commission.

R. L. DOAN,
*Director, Division of Reactor Licensing.*

[F.R. Doc. 64-11946; Filed, Nov. 23, 1964; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 15677]

## ALL NIPPON AIRWAYS CO., LTD.

### Notice of Prehearing Conference

Application of All Nippon Airways Co., Ltd., for an amendment of its foreign air carrier permit to engage in foreign air transportation of persons, property and mail over the following route: "Between a point or points in Japan and Naha, Okinawa."

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on December 2, 1964, at 10:00 a.m., e.s.t., in Room 607, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

Dated at Washington, D.C., November 19, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-12007; Filed, Nov. 23, 1964; 8:50 a.m.]

[Docket No. 15674]

## CALIFORNIA AUTOMOTIVE CORP. AND EASTERN AIR LINES, INC.

### Notice of Proposed Approval

Application of California Airmotive Corp. and Eastern Air Lines, Inc. for a disclaimer of jurisdiction or approval under section 408 of the Federal Aviation Act of 1958, as amended, Docket 15674.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of fifteen days from date of service with in which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., November 18, 1964.

[SEAL] J. W. ROSENTHAL,
*Chief, Routes and Agreements Division, Bureau of Economic Regulation.*

CIVIL AERONAUTICS BOARD

ORDER APPROVING APPLICATION

Issued under delegated authority.

Application of California Airmotive Corporation and Eastern Air Lines, Inc., Docket 15674; for a disclaimer of jurisdiction or approval under section 408 of the Federal Aviation Act of 1958, as amended.

By application filed November 10, 1964, California Airmotive Corporation (CAC), a California corporation, and Eastern Air Lines, Inc. (Eastern) request the Board to disclaim jurisdiction over or, in the alternative, to approve without hearing pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), the sale by Eastern to CAC of forty-two DC-7B aircraft, including spare items, drawings, engineering data and tooling, at a total price of $2,000,000. The aircraft are to be delivered to CAC during a period ending in October 1965.

In support of the request for a disclaimer of jurisdiction, the applicants state that the aircraft are surplus to Eastern's needs and do no constitute a substantial part of its properties within the meaning of section 408 of the Act. Applicants note that Eastern is acquiring forty new Boeing 727 and now owns fifteen, each of which costs 2½ times the total price of all the aircraft involved in the instant transaction. Applicants also point out that the Board has disclaimed jurisdiction over a transaction involving the sale by Eastern of forty DC-7B aircraft to Boeing Airplane Company, Inc. (Boeing) concurrently with the delivery of the forty B-727 aircraft, based on the fact that that transaction was "essentially a purchase of aircraft from a manufacturer for which partial payment is to be made in the form of used equipment rather than in cash or by other means and, as such, is not a sale of a substantial part of Eastern's properties within the meaning of section 408."[1] The present transaction, while not directly between Eastern and the manufacturer, is similarly, according to applicants, for the purpose of assisting in the purchase of the B-727 aircraft.[2]

In support of the alternate request for approval of the transaction without hearing, applicants state that there is no question or possibility of undesirable combination, restraint of competition, effect upon any other carrier not a party to the transaction, or conflict of interest. The applicants also indicate that the delay which would result from a full hearing on the matter would impair the transaction or create serious losses for the parties.

No adverse comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon review of the application, we have concluded that a disclaimer of jurisdiction is not warranted. In brief, we believe the form of the instant transaction is sufficiently different from that presented in the proposed Boeing-Eastern case, mentioned above, to distinguish between the two transactions and justify the assertion of jurisdiction here. Although the forty-two aircraft to be purchased by CAC constitute, in our opinion, a substantial portion of the properties of Eastern within the meaning of section 408 of the Act, it has been further concluded that such purchase does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. In view of the foregoing, it is found that approval of the transaction without a hearing would not be inconsistent with the public interest. This action does not constitute a finding as to the reasonableness of the terms of the transaction for rate-making purposes.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the above-described transaction should be approved under section 408(b), without a hearing.

*Accordingly it is ordered:*

1. That the above-described transaction be and it hereby is approved;

2. That this action does not constitute a determination of the reasonableness of the transaction for rate-making purposes; and

3. That to the extent not granted the application in Docket 15674, be and it hereby is denied.

Persons entitled to petition the Board for review of this Order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within five days after the date of service of this Order.

This Order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review

[1] Boeing-Eastern, Disclaimer of Jurisdiction, 33 CAB 1053 (1961).

[2] The sale of the forty aircraft to Boeing was never consummated.

thereof is filed, or the Board gives notice that it will review this Order on its own motion.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

By: J. W. ROSENTHAL, *Chief, Routes and Agreements Division, Bureau of Economic Regulation.*

[F.R. Doc. 64-12008; Filed, Nov. 23, 1964; 8:50 a.m.]

[Docket No. 15483]

## KOREAN AIRLINES, INC.

### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on December 1, 1964, at 10:00 a.m., e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., November 19, 1964.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 64-12009; Filed, Nov. 23, 1964; 8:50 a.m.]

[Docket No. 15650]

## LINEA AEREA NACIONAL DE CHILE (LAN)

### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled proceeding is assigned to be held on December 3, 1964, at 10:00 a.m., e.s.t., in Room 607, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., November 19, 1964.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 64-12010; Filed, Nov. 23, 1964; 8:50 a.m.]

[Docket No. 15176 etc.; Order E-21514]

## TRANSATLANTIC AND TRANSPACIFIC PRIORITY SERVICE MAIL RATE PROCEEDING

### Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of November 1964.

The Board, on October 28, 1964, adopted Order E-21458 directing all interested persons, and specifically Northwest Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans World Airlines, Inc., and the Postmaster General to show cause why the Board should not adopt the provisional findings and conclusions and fix, determine and publish the priority service mail rates proposed in the Statement of Provisional Findings and Conclusions (Statement) for the mail transportation described.

The time designated for filing notice of objection has elapsed and no notice of objection to the order has been filed by any party. The Postmaster General, Northwest and TWA, however, filed notices of alleged technical errors, and also indicate that their acceptance of the rates proposed by Order E-21458 should be without prejudice to their rights to advance in any subsequent proceeding contentions the same as or similar to those set out in their filings. Under the foregoing circumstances, all parties have waived the right to a hearing and all other procedural steps short of a final decision of the Board fixing the final rates.

The Postmaster General's notice of technical errors included (1) certain standard mileage figures which are incorrect, (2) the corrections to such figures, and (3) certain additional standard mileages not reflected in Appendix B of the Statement. The figures submitted by the Postmaster General are as follows:

CORRECTIONS TO APPENDIX

| Page | Carrier | From | To | Mileage | Correct mileage |
|---|---|---|---|---|---|
| 5 | PAA | IST | DIA | 5,248 | 5,241 |
| 5 | PAA | JFK | CKY | 5,457 | 5,606 |
| 5 | PAA | KHI | DIA | 5,241 | 7,942 |
| 6 | PAA | LON | SFO | 5,789 | 5,798 |
| 8 | PAA | RBA | JFK | 3,654 | 3,803 |
| 8 | PAA | ROB | JFK | 4,929 | 5,022 |
| 8 | PAA | SFO | LON | 5,789 | 5,798 |
| 17 | TWA | SFO | MEL | 5,982 | 6,106 |

ADDITIONS TO APPENDIX

| | | | | | |
|---|---|---|---|---|---|
| 5 | PAA | GLA | BER | 754 | |
| 6 | PAA | GLA | FRA | 669 | |

These corrections are the result of certain inadvertent errors and omissions in setting forth the mileages which the carriers and the Post Office Department are presently using in computing service mail compensation. Appendix B to Order E-21458 will be amended to reflect these corrections, as provided in the Appendix attached hereto.[1]

The Board, upon consideration of the record, hereby reaffirms and makes final the findings set forth in the subject order, as amended by the standard mileage corrections noted above.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof,

*It is ordered, that:*

The petitions for equalization of service mail rates filed by Pan American World Airways, Inc., in Docket 15111 and by Trans World Airlines, Inc., in Docket 15585 are hereby dismissed and such dockets are closed.

The petition of Pan American World Airways, Inc., in Docket 15282 is dismissed, except to the extent that it concerns the Houston-Mexico City market and, to that extent, Docket 15282 shall be consolidated into Docket 15381.[2]

The fair and reasonable rates of compensation to be paid the carriers named below by the Postmaster General, pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, for the transportation of priority air mail and air parcel post by aircraft over their respective routes as described below, the facilities used and useful therefor, and the services connected therewith, are as follows:

1. For the period April 10, 1964, to September 30, 1964, inclusive, (a) for Trans World Airlines, Inc., and Pan American World Airways, Inc. (transatlantic services), the same rates as are provided in Order E-9695, dated October 27, 1955 (21 C.A.B. 961), (b) for Seaboard World Airlines, Inc., the same rates as are provided in Order E-12838, dated July 29, 1958 (27 C.A.B. 1074), (c) for Northwest Airlines, Inc., the same rates as are provided in Order E-9958, dated January 31, 1956 (23 C.A.B. 106), and (d) for Pan American World Airways, Inc. (transpacific services), the same rates as are provided in Order E-11060, dated February 25, 1957 (24 C.A.B. 629), and Order E-20032, dated September 23, 1963.

2. On and after October 1, 1964, the mail compensation for each carrier shall be computed by multiplying the appropriate rate per mail ton-mile, as set forth below, by the mail ton-miles for each shipment of mail.

RATES PER TON-MILE

A. For the transatlantic services[2a] of Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc.: 40 cents.

B. For the transpacific services[3] of Northwest Airlines, Inc., and Pan American World Airways, Inc.:

(1) For interstate shipments of mail originating at or destined for Honolulu, Hawaii, the rates and provisions of Order E-9284, as amended,[4] establishing the domestic multielement service mail rate shall apply;

(2) For interstate shipments of mail originating at Seattle, Washington, and destined for Anchorage, Alaska, and for interstate shipments of mail originating at Anchorage, Alaska, and destined for Seattle, Washington, carried by Northwest Airlines, Inc.: 47 cents.

(3) For all other shipments of mail in transpacific services: 36 cents.

*Mail Ton-miles.* The mail ton-miles for each shipment of mail shall be based upon the standard mileage established herein for service between the points of origin and destination of each shipment.

*Standard mileage.* The standard mileage for each pair of points shall be as set forth in the Appendix to this order.

*Changes in standard mileage.* The standard mileages set forth in the Appendix to this order shall remain in effect throughout the period this rate order is in effect: *Provided, however,* That at any time the Board may institute a proceeding, and any carrier subject to this order and/or the Postmaster General, may make application to the Board for establishment of standard mileages to a new point and: *Provided further, however,* That once each fiscal year the Board may institute a proceeding and any carrier subject to this order and/or the Postmaster General may make application to the Board for revision of any standard mileage effective July 1 of such fiscal year. Such applications will not be regarded as reopening the rate. Applications provided for above shall be clearly entitled "Application for (New) (Revised) Standard Mileage", shall contain a clear and concise statement of the requested standard mileage or standard mileage revision and the facts upon which such request is based, and shall in all other respects conform to the applicable requirements of the Rules of Practice.

In establishing standard mileages to a new point, the Board will consider the routings of flights to such point and the number of flights required by the postal service. In establishing revised standard mileages, the Board will consider the effect of changes in airport location, mail flow, and flight routings reflected in the carriers' general schedules during the first seven days of the month of May immediately preceding the July 1 effective date of such revision.

*Origin and destination of mail shipments.* As used herein "point of origin" means the point at which the carrier first enplanes the mail shipment after receipt thereof from a Postal Administration or its representatives, from another rate-making division of the same carrier, the operations of which division are not encompassed herein, or from another carrier; and "point of destination" means the point at which the carrier deplanes the mail shipment for delivery to a Postal Administration or its respresentatives, to a separate rate-making division of the same carrier, the operations of which division are not encompassed herein, or to another carrier.

*Equalization of rates*—1. *Election to equalize.* Any air carrier, or, pursuant to agreement, any two or more air carriers providing service on an interline or interchange basis, may, by notice, elect to establish a reduced charge for the carriage of mail between:

(a) Any point where a United States Post Office Department international exchange office is located[5] and any other point to which such international exchange office is authorized to dispatch air mail, or

(b) Foreign points,

equal to the charge then in effect for service between such points by any other air carrier or air carriers.[6]

2. *Common-rating of certain points.* Any carrier, or, pursuant to agreement, any two or more carriers providing service on an interline or interchange basis, may, by notice, elect to establish a reduced charge for the carriage of mail between San Francisco, California, and Tokyo, Japan, equal to the charge then in effect for service between Seattle, Washington, and Tokyo, Japan. Any such reduced charge shall apply to all mail carried between San Francisco, California, and Tokyo, Japan, moving to, from, or beyond San Francisco and to, from, or beyond Tokyo.

*Notice of election to equalize rate.* An original and three copies of each notice of election and agreement, and an original and three copies of each application, pursuant to equalization paragraph 1 or 2, above, shall be filed with the Board and a copy thereof shall be served upon the Postmaster General and each carrier providing on-line or connecting service between the stated points.

Any equalized rate established pursuant to this order shall be effective for the electing carrier or carriers as of the date of filing of the notice required by such paragraphs, or such later date as may be specified in the notice, until such election is terminated. Elections may be terminated by any electing carrier upon 10 days' notice filed with the Board and served upon the Postmaster General and each carrier providing on-line or connecting service between the stated points.

*Division of equalized rates.* In case of equalization of rates by agreement, pursuant to equalization paragraph 1 or 2 above, the agreement shall provide for the proration of the mail compensation between participating carriers on the basis of the relative compensation which would otherwise be payable to each carrier in the absence of the provisions of equalization paragraph 1 or 2 above. In the absence of an agreement among carriers, pursuant to equalization paragraph 1 or 2 above, for equalization of rates for interline or interchange shipments between a stated pair of points, any carrier (or two or more carriers jointly) may, by notice, elect to receive as its portion of the total compensation for each shipment the amount remaining after subtracting from such total compensation the compensation due the other carrier or carriers involved (non-electing carriers). Such total compensation shall be computed on the basis of the lowest rate then in effect for service between the stated pair of points for any carrier or carriers. The compensation due the non-electing carrier or carriers shall be that otherwise applicable to the point-to-point service it actually provides. In those instances where there is a non-electing carrier or carriers involved in providing the through service and two or more carriers elect to receive payment under this provision, the total payment due such electing carriers shall be prorated by them on the basis of the relative compensation which would otherwise be payable to each of them in the absence of the provisions of this paragraph.

*Divisions of equalized rates prescribed by the Board.* In the event that any carrier is unable to enter into an agreement with any other carrier to transport mail between any stated points at a reduced rate, pursuant to equalization paragraph 1 or 2 above, it may file an application with the Board requesting it to determine and fix a different method of apportioning the total compensation for each such shipment of mail between the participating carriers. Such applications shall not be deemed to reopen the mail rates fixed by this order. Applications filed pursuant to this paragraph shall conform generally to the provisions of the rules of practice governing the filing of petitions in mail rate cases. Within 7 days after the application is served, any party may file an answer in support of or in opposition to the application, together with any documentary material upon which it relies. Any order upon an application filed pursuant to this paragraph shall be effective no earlier than the date of filing of the application with the Board.

In reviewing such application, the Board will consider, among other pertinent factors, the need for the proposed service, the historical participation of electing carrier or carriers in the transportation of mail between such stated points, the amount of absorption required, and the grounds for refusal by the carrier or carriers to enter into an equalization agreement. After hearing the carriers concerned, either orally or in writing, in those cases where it deems such action appropriate the Board will by order prescribe the method for apportioning the total compensation between such carriers, but in no event shall the carrier or carriers which refuse to enter into an agreement to equalize compensation be required to accept less than the compensation which would have been payable if the service were performed under voluntary agreement, pursuant to equalization paragraph 1 or 2 above.

The compensation provided herein shall be in lieu of, and not in addition to, the service mail compensation received by each carrier for priority air

[1] Filed as part of original document.

[2] Docket 15381 involves the June 30, 1964, petition of the Postmaster General which opened the Latin American service mail rates.

[2a] The transatlantic services of Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc., are those performed pursuant to their certificates of public convenience and necessity authorizing service (1) between points in the United States and points in Europe, Bermuda, Africa, and Asia via the Atlantic, and (2) between points in such area.

[3] The transpacific services of Northwest Airlines, Inc., and Pan American World Airways, Inc., are those performed pursuant to their certificates of public convenience and necessity authorizing service (1) between points in the United States and foreign and overseas points in the Pacific area, (2) between points in the Pacific area, and (3) between points in the 48 contiguous states and points in the State of Hawaii, and, for Northwest only, between points in the 48 contiguous states and points in the State of Alaska.

[4] Domestic Trunklines, Service Mail Rates, 21 C.A.B. 8 (1955). The latest amendment was effected by Order E-20915, June 10, 1964.

[5] International exchange offices currently authorized to dispatch mail for the transatlantic area are located in Boston, New York, Washington, Chicago, Miami, San Francisco, Los Angeles, Seattle, and San Juan. Such offices for the transpacific area are currently located in Seattle, Anchorage, San Francisco, Los Angeles, Honolulu, Wake, Guam, Pago Pago, Washington, Chicago, and New York. The terms of this paragraph shall apply to points at which international exchange offices are hereafter established and shall cease to apply to any points at which international exchange offices are discontinued. The Postmaster General will file a notice of such new and discontinued offices in this docket and serve a copy on each carrier subject to this order.

[6] The domestic multielement service mail rate will be amended to permit the air carriers covered by that rate to participate with carriers covered by this order in rate equalizations with respect to mail shipments transported between certain U.S. points and other points subject to the provisions of both the domestic and international service rates.

mail transported on and after April 10, 1964.

This order shall be served upon Northwest Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans World Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-12011; Filed, Nov. 23, 1964; 8:50 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12604 etc.; FCC 64M-1153]

## BLUE ISLAND COMMUNITY BROADCASTING CO., INC., ET AL.

### Order Continuing Hearing

In re applications of Blue Island Community Broadcasting Co., Inc., Blue Island, Illinois, Docket No. 12604, File No. BPH-2458, Elmwood Park Broadcasting Corporation, Elmwood Park, Illinois, Docket No. 13294, File No. BPH-2636, for construction permits; Mrs. Evelyn R. Chauvin Schoonfield (WXFM), Elmwood Park, Illinois, Docket No. 13296, File No. BRH-179, for renewal of license.

The Hearing Examiner having under consideration a "Petition for Extension of Procedural Dates" filed jointly by the remaining applicants on November 16, 1964, requesting that certain procedural dates be extended in the manner stated below;

It appearing, that there have been continuing discussions between the applicants looking toward resolving the conflict between their proposals and that, although progress toward that end has been made, the additional time is required to determine whether an agreement can be reached which would obviate further hearing;

It further appearing, that counsel for the Broadcast Bureau has informally indicated his consent to the joint request, and that "good cause" has been shown for granting the petition:

*Accordingly, it is ordered,* This 17th day of November 1964, that the subject extension petition is granted, and the pertinent procedural dates are extended as follows:

| Procedure | From | To |
|---|---|---|
| Exchange of exhibits | Nov. 9, 1964[1] | Dec. 7, 1964 |
| Notification as to the witnesses | Nov. 30, 1964 | Dec. 21, 1964 |
| Further hearing | Dec. 7, 1964 | Jan. 11, 1965 |

[1] Extension of this date is being ordered nunc pro tunc.

Released: November 18, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-12005; Filed, Nov. 23, 1964; 8:49 a.m.]

[Docket No. 15618; Marion Moore FCC 64R-523]

## MARION MOORE

### Memorandum Opinion and Order Amending Issues

In re application of Marion Moore (new), Joshua Tree, California, Docket No. 15618, File No. BP-14358; for construction permit.

1. The Review Board has before it for consideration a motion to enlarge issues, filed October 1, 1964, by Hi-Desert Broadcasting Corporation (KDHI), a party respondent in the above-titled proceeding.[1] Marion Moore (Mrs. Moore) seeks authorization to construct and operate a standard broadcast facility at Joshua Tree, California. KDHI seeks to enlarge the issues beyond those designated by Commission Order, FCC 64-882, released September 8, 1964, to determine whether the proposal of Mrs. Moore would serve a particular "city, town, political subdivision, or community" as contemplated by § 73.30(a) of the Commission's rules and whether the applicant is financially qualified to construct and operate the proposed station.

2. Separate Community Issue: In support of its request, KDHI contends that Mrs. Moore does not meet the requirements of § 73.30(a) of the rules, requiring that an applicant for a new station must establish that the location it has applied for is a particular "city, town, political subdivision, or community." KDHI states that its investigation reveals that Joshua Tree has no local governmental offices or services, banks or hospitals and must depend upon nearby Twentynine Palms for its normal community services and functions. Further, KDHI states that Joshua Tree has a population of 831 people, is unincorporated, and is not classified as a community or place by the United States Census Bureau.

3. In opposition Mrs. Moore argues that KDHI's motion should be dismissed on its merits and for non-compliance with the Commission's procedural rules. The applicant contends that the cases relied upon by the movant are not relevant to the instant proceeding. Denbigh Broadcasting Company, 28 FCC 393, 18 RR 449 (1960) and Mercer Broadcasting Co., 22 FCC 1009, 13 RR 891 (1957) were both cases in which the "separate community" issue arose in a comparative hearing under 307(b). In Denbigh, supra, the Commission found that the community in question was in fact part of the city of Newport News. In Mercer, supra, the Commission said there is no hard and fast rule for defining what comprises a "community". The third case relied upon by the petitioner is Verne Miller, FCC 64R-196, 2 RR 2d 276, which is distinguishable in that the applicant therein acknowledged that the community in question was primarily a summer resort community, comprised mainly of motels.

4. We agree with Mrs. Moore and the Broadcast Bureau that the separate community issue under § 73.30(a), requested by the movant, should not be added. The fact that a station location is in an unincorporated village does not require specification of an issue as to compliance with § 73.30(a). North Atlanta Broadcasting Co., FCC 63R-450, 1 RR 2d 275. Nowhere in his motion does the petitioner allege that the community of Joshua Tree is an integral part of any other city or town, including Twentynine Palms. In Five Cities Broadcasting Co., Inc., 1 RR 2d 279, 283 (1963) the Commission said that the criteria to be used under § 73.30(a) was "that to qualify as a 'city, town, political subdivision or community' a place of station location must be an identifiable population grouping separate and apart from all others and that it must not enclose within its geographic boundaries areas or populations more logically identified as or associated with some other location." Under the criteria enunciated by the Commission, the petitioner's motion alleges no facts upon which a separate community issue under § 73.30(a) of the rules could be added in the instant proceeding. The petitioner's major contention seems to be that Joshua Tree is too small to meet the requirements of § 73.30(a) of the rules. In this respect, it is noteworthy that the community of Twentynine Palms, which is the site of KDHI, is similarly unlisted by the United States Census Bureau, as it has a population of less than 1,000 persons and it too is unincorporated. In Musical Heights, Inc., FCC 60-797, 19 RR 49 (1960), the Commission found Braddock Heights, an unincorporated community, 5 miles west of Frederick, Maryland with a population of 660 people, qualified to be the site of a radio station. In view of our disposition of this question on its merits, the Board will not discuss the procedural irregularities of KDHI alleged by the applicant.

5. Financial Qualifications Issue: Movant, KDHI, requests that a financial qualifications issue be added to this proceeding, because Mrs. Moore has not submitted a personal balance sheet since she was substituted as a party, in place of her deceased husband, by Commission Memorandum Opinion and Order, FCC 63-175, released February 26, 1963. KDHI and the Broadcast Bureau contend that it is impossible to ascertain, from the information available, whether or not Mrs. Moore is financially able to construct and operate the proposed broadcast facility. Further, the movant asserts that the applicant's financial condition cannot be assumed on the basis of the bare assertion that Mrs. Moore is financially qualified due to the operation of the community property law of the State of California.

6. In her opposition, Mrs. Moore contends that KDHI's motion for the addition of a financial qualifications issue should not be considered by the Board because of the movant's failure to raise this issue at an earlier time. It is asserted that KDHI has been aware of the fact that Mrs. Moore submitted no new balance sheet at the time she was substituted as a party, FCC 63-175, released February 26, 1963, or anytime thereafter. The applicant contends that KDHI did not raise a question concerning Mrs. Moore's financial ability in it's opposition to Mrs. Moore's motion to be substituted as a party in place of her deceased husband, Col. E. Moore, 21 months before the filing of the present motion, and should be precluded from doing so now. In addition, Mrs. Moore argues that KDHI has not alleged that she is unable to construct and operate the proposed station and in the absence of such allegation no issue can be added. Further, she contends that her financial capability is adequately established by the balance sheet submitted by her deceased husband, Col. Edmound Moore, as part of his application, filed September 8, 1960. Mrs. Moore asserts that under the community property laws of California, she is entitled to one-half the real property of her husband situated within the State of California and all personal property wherever situated, acquired during the marriage.

7. We agree with KDHI and the Broadcast Bureau that a financial qualification issue should be added. The balance sheet relied upon by Mrs. Moore shows assets of approximately $104,500. This figure represents $32,700 cash deposits in various banks and slightly less than $72,000 in other assets. Under Mrs. Moore's assertion, she would be entitled only to the personal property acquired during the marriage. There is no indication given by the applicant as to how much of the personal property included in Col. Moore's balance sheet was so acquired. Further, there is no indication of the length of the marriage, or the existence or non-existence of any will by which Col. Moore provided for a contrary testamentary disposition of said personal property. Absent such a showing we cannot attribute to Mrs. Moore, the cash, trust deed, and stocks totalling $46,000, listed on her deceased husband's balance sheet. Moreover, Col. Moore showed real estate valued at approximately $58,500. Under Mrs. Moore's theory she would be entitled to at least one-half of such real estate located in California, but there is no indication as to how much of such real property is located in California. Nowhere in the information submitted by the applicant is there any indication of the nature of the real property, i.e., liquid or nonliquid. In the absence of such relevant data, a determination that an applicant is financially qualified can be based only upon speculation and surmise. Therefore, so that all the relevant facts may be secured a financial qualification issue will be added.

8. While it may be true that KDHI was aware of the fact that Mrs. Moore submitted no new financial information at the time of her substitution as a party or thereafter and did not raise a financial qualification issue at an earlier time, it is not now precluded from raising the issue. Under § 1.229(b) of the Commission's rules a party may file a motion to enlarge issues "not later than 15 days after the issues in the hearing have first been published in the FEDERAL REGISTER." After the aforementioned 15 days § 1.229 provides that any person desiring to file a motion to enlarge issues "must set forth the reason why it was not possible to file the petition within the prescribed 15 days. Unless good cause is shown for delay in filing, the motion will not be granted." The designated issues in the instant proceeding were first published in the FEDERAL REGISTER on September 16, 1964 (29 F.R. 12986); the instant motion to enlarge was filed on October 1, 1964, bringing it within the 15 days prescribed by § 1.229(b) of the rules; therefore, there is no need for the movant to show good cause for not raising this issue at an earlier time. Moreover, it is noted that in her motion to be substituted as a party, Mrs. Moore offered to submit additional financial information if such was requested; no such supplemental information was submitted. Had such information been submitted in response to the instant petition, the necessity of adding a financial qualification issue might have been avoided. See Musical Heights, Inc., FCC 58-1198, 17 RR 1104(a). While Mrs. Moore complains that the petitioner has unconscionably delayed raising the financial issue and that the addition of a financial issue will serve to delay final action on her application, this complaint is not well-founded. As has been indicated, she could have avoided the necessity of an inquiry into her financial qualifications by filing, in response to the petition to enlarge issues, a balance sheet showing that she is financially qualified.

9. Movant further contends that a financial qualification issue should be added because the applicant has grossly underestimated the cost of construction and initial operation. Since a standard financial qualifications issue is being added, inquiry into the question of sufficiency of funds is, in any event, permitted. Rhinelander Television Cable Corporation, FCC 63R-249, 25 RR 476.

10. The Broadcast Bureau's motion to accept its late filed pleading will be granted inasmuch as Bureau counsel was not served with a copy of the petition.

*Accordingly, it is ordered,* This 18th day of November 1964, that the motion to accept late filed pleading, filed by the Broadcast Bureau on October 16, 1964, is granted; and the pleading is accepted; and

*It is further ordered,* That the motion to enlarge issues, filed October 1, 1964, by Hi-Desert Broadcasting Corporation, is granted to the extent indicated herein, and is denied in all other respects; and the issues in this proceeding are enlarged by the addition of the following issue: "To determine whether Marion Moore is financially qualified to construct and operate the proposed facility at Joshua Tree, California."

Released: November 19, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-12006; Filed, Nov. 23, 1964; 8:50 a.m.]

[1] The pleadings before the Board are: (1) Motion to enlarge issues, filed October 1, 1964, by Hi-Desert Broadcasting Corporation; (2) opposition, filed October 14, 1964, by Marion Moore; (3) petition to accept late filing, filed October 16, 1964, by the Broadcast Bureau; and (4) comments, filed October 16, 1964, by the Broadcast Bureau.



# FEDERAL MARITIME COMMISSION

[Commission Order 1 (Amdt.); Supp. 5]

## MANAGING DIRECTOR
### Delegation of Authority

Section 7, Specific authorities delegated to the Managing Director, is hereby supplemented to add subsection 7.12 as follows:

7.12 Authority to approve the termination of section 15 (Shipping Act, 1916, as amended) agreements between common carriers by water and conferences of such carriers engaged in the foreign and domestic commerce of the United States, and between other persons subject to the Act, after publication of notice of intent to terminate in the FEDERAL REGISTER, when such terminations are (1) requested by the parties to the agreements or (2) deemed to have occurred because of failure of the parties to an agreement to respond to official inquiries and correspondence.

JOHN HARLLEE,
*Rear Admiral, U.S. Navy (Retired), Chairman.*

[F.R. Doc. 64-11993; Filed, Nov. 23, 1964; 8:49 a.m.]

[Commission Order 201.1 (Amended); Supp. 2]

## DIRECTORS, BUREAU OF FOREIGN AND BUREAU OF DOMESTIC REGULATIONS
### Delegation of Authorities

Section 5—*Specific authorities redelegated to the Director, Bureau of Foreign Regulation.*

5.06 Authority to approve the termination of section 15 (Shipping Act, 1916, as amended) agreements between common carriers by water in the foreign commerce of the United States or conferences of such carriers, after publication of notice of intent to terminate in the FEDERAL REGISTER, when such terminations are (1) requested by the parties to the agreements or (2) deemed to have occurred because of failure of the parties to an agreement to respond to official inquiries and correspondence.

Section 6—*Specific authorities redelegated to the Director, Bureau of Domestic Regulation.*

6.09 Authority to approve the termination of section 15 (Shipping Act, 1916, as amended) agreements between domestic offshore carriers or conferences of such carriers, ocean freight forwarders or terminal operators, after publication of notice of intent to terminate in the FEDERAL REGISTER, when such terminations are (1) requested by the parties to the agreements or (2) deemed to have occurred because of failure of the parties to an agreement to respond to official inquiries and correspondence.

EARLE J. SCHWEIZER,
*Acting Managing Director.*

[F.R. Doc. 64-11994; Filed, Nov. 23, 1964; 8:49 a.m.]

## GRACE LINE AND FOREIGN FRUIT TERMINAL CORP.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Foreign Fruit Terminal Corp.,
921 Bergen Avenue,
Jersey City 6, N.J.

Agreement No. T-6, between Grace Line (Grace) and Foreign Fruit Terminal Corporation (Foreign Fruit), provides that Foreign Fruit will operate a specially designed fruit facility which Grace has constructed on its Pier 58 for the handling of fruit and produce discharged from Grace and Chilean Line (Chilean) vessels. Grace may use the fruit facility for handling general cargo if such use does not interfere with the services of Foreign Fruit on behalf of Chilean. Foreign Fruit is permitted to use the fruit facility for handling fruit from vessels other than those of Grace and Chilean if it does not interfere with the normal operations of Grace or with the importation of fruit and produce from Chile. Chilean may use a stevedore of its own choice, but outside vessels must use Grace's stevedores. Foreign Fruit shall pay Grace a fixed amount for each box of fruit and produce received from all vessels calling at the facility. Grace will credit Foreign Fruit a certain amount per revenue ton for each box of fruit or produce discharged from Grace Line vessels. If during the term of the agreement, Grace discharges over 1,000,000 boxes, it will credit the terminal operator an additional amount for each box discharged over 1,000,000. Grace further agrees, if requested by Foreign Fruit, to sort and lay out fruit and produce to auction marks at cost. Within ten days after each month, Foreign Fruit shall account to Grace for the amount due Grace, less the amount owed by Grace to Foreign Fruit. Foreign Fruit agrees to file a tariff, setting forth the rates to be charged for terminal services.

Dated: November 12, 1964.

By Order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11995; Filed, Nov. 23, 1964; 8:49 a.m.]

## SKIBSAKTIESELSKAPET NYE KIRSTIANBORG ET AL.

### Notice of Proposed Cancellation of Agreement

Notice is hereby given that a request for cancellation of the following Agreement(s), pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of request for cancellation of agreement filed by:

Mr. H. C. Wright, Manager,
Kerr Chartering Agency,
Clegg Building,
51 Broad Street,
New York, N.Y., 10004.

Agreement 7595 between Skibsaktieselskapet Nye Kirstianborg; Skibsaktieselskapet Selje; Skibsaktieselskapet 1939; Skibsaktieselskapet Storli; and Skibsaktieselskapet Hassel, which established a joint service known as the Odfjell Line for operation in the trade between U.S. Atlantic, Pacific, and Gulf ports; Atlantic and Pacific Coasts of British North America, including Newfoundland, and, the Continent of Europe, including the Scandinavian Peninsula, the Azores and Madeira Islands; the Continent of Africa, including Madagascar, Mauritius, Reunion, the Canary Islands, Cape Verde Islands and the Island of San Thome; and, the Continent of Asia, including Japan, Philippine Islands, Ceylon, the East Indies and other Islands adjacent to that Continent. The joint service was under the management and control of the firm of A/S Rederiet Odfjell of Minde, Bergen, Norway.

Dated: November 19, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11996; Filed, Nov. 23, 1964; 8:49 a.m.]

[Docket No. 1213]

## HILANN FORWARDING CO.

### Application for Freight Forwarding License

Pursuant to section 44 of the Shipping Act, 1916, (46 U.S.C. 841(b)), Hilann Forwarding Co., 25 Broadway, New York, N.Y., 10004, Anthony Greco, d.b.a., filed application for a license as an independent ocean freight forwarder. The Bureau of Domestic Regulation notified the applicant of the Federal Maritime Commission's intention to deny the application because its operations did not conform to the statutory definition of carrying on the business of forwarding as defined in the First Section of the Shipping Act, 1916 (46 U.S.C. 801). Applicant performs forwarding services exclusively for Magna Mercantile Company, an exporting firm owned by applicant's brother-in-law.

Whereas, applicant, Anthony Greco, sole proprietor of Hilann Forwarding Co., has requested the opportunity to show at a hearing that denial of the application is unwarranted;

*It is ordered,* Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821, 841(b)), that a proceeding is hereby instituted to determine whether the applicant qualifies for a license within the meaning of First Section (46 U.S.C. 801) of the Shipping Act, 1916.

*It is further ordered,* That Hilann Forwarding Co. be made respondent in this proceeding and that the matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Chief Examiner.

*It is further ordered,* That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondent.

*It is further ordered,* That any persons, other than respondent, who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, with copy to respondent, on or before December 7, 1964, and;

*It is further ordered,* That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Federal Maritime Commission.

[SEAL] THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11974; Filed, Nov. 23, 1964; 8:47 a.m.]



## DONALDSON BROS., LTD., ET AL.

### Notice of Proposed Cancellation of Agreement

Notice is hereby given that a request for cancellation of the following Agreement(s), pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. T. L. Gusman,
Lykes Bros. Steamship Co., Inc.,
1770 Tchoupitoulas Street,
Post Office Box 50998,
New Orleans, La., 70150.

Agreement 9401 between Lykes Bros. Steamship Co., Inc., and Empresa Do Limpopo A. Couto, LDA, covers a through billing arrangement for transportation of cargo from Portuguese East Africa ports to U.S. Gulf ports with transhipment at a port in Portuguese East Africa, in accordance with terms and conditions set forth in said agreement.

Dated: November 19, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11976; Filed, Nov. 23, 1964; 8:47 a.m.]

## GULF/SOUTH AND EAST AFRICAN FREIGHT CONFERENCE

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. L. M. Paine, Jr., Secretary,
Gulf/South and East African Freight Conference,
Suite 927, Whitney Building,
New Orleans, La., 70130.

Agreement 7780-8, between the member lines of the Gulf/South and East African Freight Conference, operating in the trade from U.S. Gulf ports to Southwest, South and East African ports, including specified Islands enroute and adjacent thereto, amends the basic agreement to correct the geographic description of Italian Somaliland and the Islands of Madagascar to read Somali Republic and Malagasy Republic respectively.

Dated: November 19, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11977; Filed, Nov. 23, 1964; 8:47 a.m.]

## COMPANIA NAVIERA INDEPENDENCIA, S.A. AND PACIFIC FAR EAST LINE, INC.

### Notice of Proposed Cancellation of Agreement

Notice is hereby given that a request for cancellation of the following Agreement(s), pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of request for cancellation of agreement filed by:

Mr. J. F. McCone, Traffic Manager,
Pacific Far East Line, Inc.,
141 Battery Place,
San Francisco, Calif., 94111.

Agreement 7914 between Compania Naviera Independencia, S.A. (Independence Line) and Pacific Far East Line, Inc., which established a through billing arrangement for the trade between Cuba and Guam, Marshall Islands, with transshipment at Los Angeles Harbor, Long Beach, San Francisco, Portland or Seattle in accordance with terms and conditions set forth in the agreement.

Dated: November 19, 1964.

By Order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11978; Filed, Nov. 23, 1964; 8:47 a.m.]

## LYKES BROS. STEAMSHIP CO., INC., AND EMPRESA DO LIMPOPO A. COUTO, LDA.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the

## SEATRAIN LINES, INC., AND FRESCO LINE, LTD., A.B.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street N.W., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Seatrain Lines, Inc.,
595 River Road
Edgewater, N.J.

Agreement 9400 between Seatrain Lines, Inc. and Fresco Line, Ltd., A.B. (a joint service operating under approved Agreement 7918), covers a through billing arrangement for cargo transported from Puerto Rico to France, Italy, North Africa, Spain and Portugal with transhipment at the port of New York, New York, under terms and conditions set forth in said agreement.

Dated: November 18, 1964.

By Order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11979; Filed Nov. 23, 1964; 8:47 a.m.]

## UNITED KINGDOM/U.S. GULF PORTS RATE AGREEMENT

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

North German Lloyd,
(Norddeutscher Lloyd),
Gustav-Deetjen-Allee 2/6
Bremen, Germany.

Agreement 8770-1, between the member lines of the United Kingdom/U.S. Gulf Ports Rate Agreement, operating in the trade from United Kingdom (England, Scotland, Wales, Northern Ireland, and the Republic of Ireland) ports to U.S. Gulf ports (Key West to Brownsville, inclusive), modifies the basic agreement by adding provisions for self-policing as required by the Commission's General Order 7 (46 CFR 528).

Dated: November 19, 1964.

By Order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-11980; Filed Nov. 23, 1964; 8:48 a.m.]

## STATE OF HAWAII AND MATSON NAVIGATION CO.

### Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by December 7, 1964. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Matson Navigation Company,
215 Market Street,
San Francisco 5, Calif.

Agreement No. 8445-3, between State of Hawaii (Hawaii), and Matson Navigation Company (Matson), modifies the basic agreement which provides for the installation and operation of a container freight handling facility at Diamond Head Terminal, Pier 2, Honolulu, Hawaii. The modification provides for increased shore facilities, including a new control tower and office, a new control freight station and additional operating area at the container facility in Honolulu. Under its terms the modification will (1) revoke Part III, "Container Freight Station" of the basic agreement, so as to return container freight Stations 1 and 2 and certain adjacent land area to complete control of Hawaii; (2) grant to Matson a right of entry to permit Matson to build a new control tower and office for the expanded container operation; and (3) grant Matson a revocable permit to utilise container freight Stations 1 and 2 at rentals set forth in the modification. Subsequent to the granting of the revocable permit the parties agree to enter into an operational and management agreement whereby Matson will manage and control the Diamond Head Terminal complex reserving unto Hawaii the right at all times to amend, modify, overrule and substitute any rules, regulations and/or decisions made by Matson pursuant to the agreement. Hawaii retains the right to assign the berthing of all ships entering Honolulu harbor, including those of Matson. Hawaii will issue an invitation to bid on a lease of the container complex, including a third container freight station to be built. When the proposed lease becomes effective, Agreement No. 8445 as amended will terminate and Matson's equity in the new construction will be protected if the lease is awarded to another carrier.

Dated: November 20, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-12051; Filed, Nov. 23, 1964; 8:50 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. RI65-298]

## CITIES SERVICE OIL CO. ET AL.

### Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

NOVEMBER 12, 1964.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 30, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate sched. No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-298 | Cities Service Oil Co. (Operator), et al. Cities Service Building, Bartlesville, Okla. | 107 | [1] 8 | Phillips Petroleum Co. (Hugoton Field, Sherman [2] County, Tex.) (R.R. Dist. No. 10). | $1,569,488 | 12-5-64 | [3] 1-1-65 | [4] 1-2-65 | [5] [6] [11] 14.2813 | [8] [9] [11] 16.0 | |

[1] Includes letter agreement dated June 16, 1964, which provides for 11.0 cents per Mcf rate and eliminates indefinite pricing provisions under basic contract and also provides for 0.5 cent per Mcf deduction for sour gas.
[2] Phillips presently resells 50 percent of the subject gas to Michigan-Wisconsin Pipe Line Co. under its FPC Gas Rate Schedule No. 4 (Sherman Plant) at a rate of 14.21459 cents, which is subject to refund in Docket No. RI60-349, and 36 percent of the gas to El Paso Natural Gas Co. under its FPC Gas Rate Schedule No. 32 at a rate of 19.76325 cents per Mcf subject to refund in Docket No. G-20403. Fourteen percent of the gas is used by Phillips at its Cactus Plant, Moore County, Tex.
[3] The stated effective date is the effective date requested by Respondent.
[4] The suspension period is limited to one day.
[5] Renegotiated rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Subject to 0.5 cent per Mcf deduction for sour gas.
[8] Does not include tax reimbursement which is contractually authorized but is not being filed for herein.
[9] Subject to 0.3573 cent per Mcf deduction for sour gas.
[10] Settlement rate pursuant to the Commission's order issued Dec. 26, 1962, in Docket Nos. G-9510, et al.
[11] Includes tax reimbursement.

Cities Service Oil Co. (Operator), et al. (Cities Service), proposes a renegotiated rate increase from 4.2813 cents per Mcf, inclusive of tax reimbursement, to a total rate of 11.0 cents per Mcf at 14.65 p.s.i.a. for wellhead sales of gas to Phillips Petroleum Co. (Phillips) under Cities Service's FPC Gas Rate Schedule No. 107 from acreage located in Sherman County, Tex. (Railroad District No. 10). Phillips gathers and processes the gas through its Texas Panhandle System. Phillips resells approximately 50 percent of the subject gas to Michigan-Wisconsin Pipe Line Co. from its Sherman Plant (Sherman County) under its FPC Gas Rate Schedule No. 4 at a rate of 14.21459 cents per Mcf which is in effect subject to refund in Docket No. RI60-349, and 36 percent to El Paso Natural Gas Co. from its Dumas Plant (Moore County, Tex.) under its FPC Gas Rate Schedule No. 32 at a rate of 19.76325 cents per Mcf which is in effect subject to refund in Docket No. G-20403. The remainder of the gas is used by Phillips at its Cactus Plant in Moore County, Tex.

Although Cities Service's proposed 11.0 cents per Mcf rate does not exceed the applicable ceiling price for increased rates, the ceiling rate is considered applicable at the tailgate of the Sherman and Dumas Plants and not at the wellhead since the gas is gathered and processed through the plant before delivery and sale at the plant tailgates. Accordingly, Cities Service's proposed increased rate, though not in excess of the increased ceiling price for pipeline quality gas for Texas Railroad District No. 10 as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, Section 2.56), should be suspended for one day from November 1, 1965, the proposed effective date, because the sale related thereto is considered to be for non-pipeline quality gas.

[F.R. Doc. 64-11871; Filed, Nov. 23, 1964; 8:45 a.m.]



[Docket No. G-3895 etc.]

## GENERAL AMERICAN OIL COMPANY OF TEXAS ET AL.

### Findings and Order

NOVEMBER 13, 1964.

General American Oil Co. of Texas and other applicants listed herein, Docket Nos. G-3895, et al.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successor in interest co-respondent, redesignating proceedings, requiring filing of surety bond, accepting agreement and undertaking and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Hellena Fox Wright Rogers, et al., Applicant in Docket No. G-8727, proposes to continue the sale of natural gas authorized in said docket pursuant to a contract heretofore designated as J. K. Wright, Jr., FPC Gas Rate Schedule No. 2. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. G-20183. Applicant requests to be substituted as respondent in said proceeding. Accordingly, Hellena Fox Wright Rogers, et al., will be substituted in lieu of J. K. Wright, Jr., as respondent in the proceeding pending in Docket No. G-20183; said proceeding will be redesignated; and Hellena Fox Wright Rogers, et al., will be required to file a surety bond to assure the refund of any amounts collected in excess of the amount determined to be just and reasonable in said proceeding.

Amerada Petroleum Corp., Applicant in Docket No. CI65-235, proposes to continue in part the sale initiated by Humble Oil & Refining Co. (Operator), et al., which was authorized in Docket No. G-5145. Applicant proposes to sell natural gas pursuant to a contract dated November 3, 1952, as supplemented and amended, which has heretofore been designated as Humble Oil & Refining Co. (Operator), et al., FPC Gas Rate Schedule No. 5, and which will also be designated as FPC Gas Rate Schedule No. 124 of Applicant. The rate proposed to be collected by Applicant under said contract is in effect subject to refund in

Docket No. RI61–380, and increased rates have also been suspended and collected subject to refund in Docket Nos. G–16415 and RI60–443 for prior locked-in periods. In addition, Humble Oil & Refining Co. (Operator), et al., has filed for a proposed increased rate and such rate has been suspended by the Commission in Docket No. RI65–11, but has not been made effective subject to refund. Applicant has filed a motion in all of said dockets to be made co-respondent therein, and has filed an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in Docket Nos. G–16415, RI60–443 and RI61–380, for the period subsequent to May 31, 1964, with regard to Amerada's FPC Gas Rate Schedule No. 124. However, since Applicant's agreement and undertaking provides for refunding of excess rates collected subsequent to May 31, 1964, only, it will be necessary to make Applicant co-respondent in Docket Nos. G–16415 and RI60–443, since potential liability for refunds in these dockets was fixed prior to May 31, 1964. Accordingly, Applicant will be made co-respondent in the rate proceedings pending in Docket Nos. RI60–380 and RI65–11[1]; said proceedings will be redesignated; and the agreement and undertaking submitted by Applicant in Docket No. RI61–380 will be accepted for filing.

After due notice a petition to intervene by Long Island Lighting Company was filed in Docket No. G–8727, in the matter of the application filed August 23, 1963, in said docket. The petition to intervene has been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications in this order have been received.

At a hearing held on November 10, 1964, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–3895, G–5145, G–8727, G–18710, G–20179, CI61–524; CI61–691, CI63–215, CI63–303, CI63–501, CI64–1524, and CI65–8 should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein, and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) The certificates of public convenience and necessity heretofore issued to the Applicants herein, relating to the several abandonments hereinafter permitted and approved should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Hellena Fox Wright Rogers, et al., should be substituted in lieu of J. K. Wright, Jr., as respondent in the proceeding pending in Docket No. G–20183; that said proceeding should be redesignated accordingly; and that Hellena Fox Wright Rogers, et al., should be required to file a surety bond in the amount of $3,200 to assure the refund of any amounts collected, together with interest at the rate of seven percent per annum, in excess of the amount determined to be just and reasonable in Docket No. G–20183.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Amerada Petroleum Corp. should be made co-respondent in the proceedings pending in Docket Nos. RI61–380 and RI65–11; that said proceedings should be redesignated accordingly; and that the agreement and undertaking submitted by Amerada Petroleum Corp. in Docket No. RI61–380 to assure refund of any amounts collected subsequent to May 31, 1964, under Amerada's FPC Gas Rate Schedule No. 124 in excess of the amount determined to be just and reasonable in said proceeding should be accepted for filing.

(10) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein, should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibit in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G–3895, G–5145, G–20179, CI61–691, CI63–215, CI63–303, CI63–501, CI64–1524 and CI65–8 are hereby amended by adding thereto and deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) The certificate heretofore issued in Docket No. CI61–524 is hereby amended to include the interest of the non-operator and such authorization is conditioned as provided in the Commission's Opinion No. 353, issued March 7, 1962, in Docket Nos. CP61–102, et al.

(F) The certificates heretofore issued in Docket Nos. G–8727 and G–18710 are hereby amended by changing the certificate holders to the successors in interest as set forth in the tabulation herein.

(G) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(H) The certificates heretofore issued in Docket Nos. G–5612, G–18584, CI60–799, CI61–105, CI61–1278, CI63–519 and CI63–1244 are hereby terminated.

(I) Hellena Fox Wright Rogers, et al., be and are hereby substituted in lieu of J. K. Wright, Jr., as respondent in the proceeding pending in Docket No. G–20183, and said proceeding is redesignated accordingly.

(J) Within 30 days from the issuance of this order, Hellena Fox Wright Rogers, et al., shall execute, in the form set out below,[2] and shall file with the Secretary of the Commission, a surety bond in the amount of $3,200 to assure refund of any amount, together with interest at the rate of seven percent per annum, collected in excess of the amount determined to be just and reasonable in Docket No. G–20183. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such surety bond shall be deemed to have been accepted for filing.

(K) Hellena Fox Wright Rogers, et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the surety bond filed in Docket No. G–20183 shall remain in full force and effect until discharged by the Commission.

(L) Amerada Petroleum Corp. be and it is hereby made corespondent in the proceedings pending in Docket Nos. RI61–380 and RI65–11, insofar as said proceedings pertain to sales made pursuant to the contract herein designated as its FPC Gas Rate Schedule No. 124, and said proceedings are redesignated accordingly.[3]

(M) The agreement and undertaking submitted by Amerada Petroleum Corp. in Docket No. RI–61–380 to assure refund of any amounts collected by it pursuant to its FPC Gas Rate Schedule No. 124 subsequent to May 31, 1964, in excess of the amount determined to be just and reasonable in said proceeding be and the same is hereby accepted for filing.

(N) Amerada Petroleum Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed in Docket No. RI61–380 by Amerada Petroleum Corp. shall remain in full force and effect until discharged by the Commission.

(O) The related rate filings and supplements as indicated in the tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the successions herein, are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| G–3895 D 9–14–64 | General American Oil Co. of Texas (partial abandonment). | The Shamrock Oil and Gas Corp., acreage in Hutchinson County, Tex. | Notice of cancellation 10–29–63.[12] | 22 | 2 |
| G–5145 D 8–19–64 | Humble Oil & Refining Co. (Operator), et al. | El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex. | Assignment 5–26–64[9] Effective date: 6–1–64 | 5 | 48 |
| G–8727 E 8–23–63 | Hellena Fox Wright Rogers, et al. (successor to J. K. Wright, Jr.). | United Gas Pipe Line Co. Maxie-Pistol Ridge Area, Forrest, Lamar, and Pearl River Counties, Miss. | J. K. Wright, Jr., FPC GRS No. 2. | 1 | |
| | | | Supplement No. 1 | 1 | 1 |
| | | | Notice of succession 8–19–63. | 1 | |
| | | | Court order 12–31–62 Effective date: 3–4–59 | 1 | 2 |
| G–18710 E 9–21–64 | Tidewater Oil Co. (successor to Robert B. Prentice, et al.). | United Gas Pipe Line Co. Hollywood Field, Terrebonne Parish, La. | Robert B. Prentice, et al., FPC GRS No. 2. | 137 | |
| | | | Supplement Nos. 1–3 | 137 | 1–3 |
| | | | Notice of succession 9–15–64. | 137 | |
| | | | Assignment 4–1–64[4] | 137 | 4 |
| | | | Assignment 4–1–64[5] Effective date: 4–1–64 | 137 | 5 |
| G–20179 D 9–25–64 | Anadarko Production Co. (Partial abandonment). | Colorado Interstate Gas Co., Keyes Field, Texas County, Okla. | Notice of partial cancellation 9–21–64.[12] | 13 | 3 |
| CI61–624 9–24–64[6] | Shell Oil Co. (Operator), et al.[7] | Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla. | Ratification 4–8–64[8] | 268 | 22 |
| CI61–691 D 6–18–64 | Sinclair Oil & Gas Co. (Operator), et al. | Michigan Wisconsin Pipe Line Co., Putnam Area, Dewey County, Okla. | Assignment 1–7–64[8][9] | 204 | 21 |
| CI63–215 C 9–24–64 | The Pure Oil Co. | Arkansas Louisiana Gas Co., Arpelar Field, Pittsburg County, Okla. | Amendment 8–6–64[8] | 78 | 2 |
| CI63–303 C 9–2–64 | E. L. Fundingsland | El Paso Natural Gas Co., acreage in San Juan County, N. Mex. | Supplemental agreement 8–22–64. | 1 | 2 |
| | | | Letter agreement 10–7–64[10] | 1 | 3 |
| CI63–501 C 9–28–64 | Humble Oil & Refining Co. | Arkansas Louisiana Gas Co., Scottsville Field, Harrison County, Tex. | Letter agreement 8–6–64 | 315 | 2 |
| | | | Supplemental agreement 8–17–64.[8] | 315 | 3 |
| CI64–1165 A 4–3–64 | Mary L. Windom d.b.a. Windom & Sons Oil & Gas Co. | Penova Interests, Inc., Grant District, Ritchie County, W. Va. | Contract 3–5–64[8] | 1 | |
| CI64–1524 C 9–25–64 | Cecil Meadows, et al. d.b.a. M & M Drilling. | Hope Natural Gas Co., Washington District, Calhoun County, W. Va. | Letter Agreement 7–16–64.[8] | 9 | 2 |
| CI65–8 C 9–28–64 | Skelly Oil Co. | Northern Natural Gas Co., Acreage in Beaver County, Okla. | Supplemental agreement 8–3–64.[8] | 199 | 1 |
| | | | Ratified 7–10–64 | 360 | |
| CI65–210 A 9–8–64 | Humble Oil & Refining Co. | Colorado Interstate Gas Co., Patrick Draw Field, Sweetwater County, Wyo. | Contract 2–11–64.[8] | 360 | 1 |
| CI65–218 A 9–8–64 9–30–64[11] | Penrose Production Co., et al. (successor to Mapenza Oil Co.).[13] | El Paso Natural Gas Co., Eumont Field, Lea County, N. Mex. | Contract 8–20–56 | 6 | |
| | | | Supplemental agreement 4–1–57. | 6 | 1 |
| | | | Supplemental agreement 4–8–57. | 6 | 2 |
| | | | Supplemental agreement 9–10–63. | 6 | 3 |
| | | | Assignment 11–13–58.[13] | 6 | 4 |
| | | | Assignment 11–13–58.[13] | 6 | 5 |
| | | | Effective date: 10–1–58 | | |
| CI65–234 A 9–11–64 | The California Co., a Division of California Oil Co. | Tennessee Gas Transmission Co., Bay La Fleur Field, Terrebonne Parish, La. | Contract 7–17–64 (filed as Exhibit to application).[8] | (14) | |
| A CI65–235 (G–5145) F 9–14–64 | Amerada Petroleum Corp. (successor to Humble Oil & Refining Co.). | El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex. | Contract 11–3–52 | 124 | |
| | | | Letter agreement 2–27–53. | 124 | 1 |
| | | | Letter agreement 9–21–55. | 124 | 2 |
| | | | Supplemental agreement 9–22–60. | 124 | 3 |
| | | | Supplemental agreement 1–1–61. | 124 | 4 |
| | | | Assignment 5–26–64[13] Effective date: 6–1–64 | 124 | 5 |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] Applicant is made a co-respondent in such proceeding only insofar as its sales pertain to the contract herein designated Amerada Petroleum Corporation FPC Gas Rate Schedule No. 124.

[2] Form filed as part of original document.

[3] *Humble Oil & Refining Co. (Operator), et al. and Amerada Petroleum Corp.*

| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted | | Description and date of document | Date suspended until | Cents per Mcf | | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|
| | | | No. | Supp. | | | Rate in effect | Proposed increased rate | |
| C165-501 A 9-28-64 | Henry S. Inger | Panhandle Eastern Pipe Line Co., Laverly Field, Reno County, Kans. | 6 | 1 | Contract 8-15-57 [2] | | | | |
| | | | 6 | 2 | Amendment 1-30-64 [3] | | | | |
| | | | 6 | 3 | Assignment 2-1-64 [4] | | | | |
| | | | 6 | 4 | Assignment 2-1-64 [5] | | | | |
| | | | 6 | 5 | Supplemental agreement 2-1-64 [6] | | | | |
| | | | 6 | | Letter agreement 2-7-64 [7] | | | | |
| C165-502 A 9-28-64 | John Russ (Operator), et al. | Arkansas Louisiana Gas Co., Bethany Field, Panola County, Tex. | 7 | 1 | Contract 7-8-58 [8] | | | | |
| | | | 7 | 2 | Amendment 1-30-64 [9] | | | | |
| | | | 7 | 3 | Assignment 2-1-64 [10] | | | | |
| | | | 7 | 4 | Supplemental agreement 2-1-64 [11] | | | | |
| | | | 7 | 5 | Supplemental agreement 2-7-64 [12] | | | | |
| | | | 7 | 6 | Supplemental agreement 2-7-64 [13] | | | | |
| C165-503 A 9-28-64 | Allied Producing Co. | Hope Natural Gas Co., Normantown District, W. Va. | 1 | | Contract 6-2-64 [14] | | | | |
| C165-504 (C161-105) B 9-29-64 | Ferrell L. Prior, et al. | Hope Natural Gas Co., Court House District, Lewis County, W. Va. | 8 | 1 | Notice of cancellation 9-28-64 [15] | | | | |
| C165-505 A 9-29-64 | Va Roy Hildreth, et al., d.b.a. Hildreth & Reed, et al. | Hope Natural Gas Co., Spencer District, Roane County, W. Va. | 9 | | Contract 7-16-64 [14] | | | | |
| C165-506 A 9-29-64 | Glenn L. Haught, agent for Haddox Gas Co. | Hope Natural Gas Co., Murphy District, Ritchie County, W. Va. | 27 | | Contract 7-13-64 [14] | | | | |
| C165-507 A 9-29-64 | Neal Rudder, et al. | Hope Natural Gas Co., Union District, Ritchie County, W. Va. | 9 | | Contract 7-10-64 [14] | | | | |
| C165-508 A 9-29-64 | Allen Beard, et al. | Hope Natural Gas Co., Geary and Washington Districts, Roane and Calhoun Counties, W. Va. | 1 | | Contract 7-23-64 [14] | | | | |
| C165-510 A 9-30-64 | Hays and Co., agent for Biloo, Inc., et al. | Hope Natural Gas Co., Glenville District, W. Va. | 80 | | Contract 8-4-64 [14] | | | | |
| C165-511 A 9-30-64 | Gus Berry, et al. d.b.a. Gus Berry Oil Operator. | Hope Natural Gas Co., Sherman District, Calhoun County, W. Va. | 1 | | Contract 7-30-64 [14] | | | | |
| C165-512 A 9-30-64 | Morgan Henderson, et al. d.b.a. Dillie Gas Co. | Hope Natural Gas Co., McClellan District, Doddridge County, W. Va. | 1 | | Contract 7-28-64 [14] | | | | |
| C165-513 A 9-30-64 | L. E. Haught, agent for Haught-Wright Oil & Gas Co. | Hope Natural Gas Co., Murphy District, Ritchie County, W. Va. | 2 | | Contract 7-16-64 [14] | | | | |
| C165-514 A 9-30-64 | Creslenn Oil Co., Inc. | Hope Natural Gas Co., Salt Lick District, Braxton County, W. Va. | 6 | | Contract 8-3-64 [14] | | | | |
| C165-515 A 9-30-64 | Sydney Spofforth d.b.a. Sydney Spofforth Oil. | Hope Natural Gas Co., Grant District, Ritchie County, W. Va. | 1 | | Contract 7-17-64 [14] | | | | |
| C165-516 A 9-30-64 | Mokeen Oil Co. (Operator), agent for Kanoil Corp. | Texas Eastern Transmission Corp., West May Field, Kleberg County, Tex. | 4 | | Contract 8-10-64 [14] | | | | |
| C165-517 A 9-30-64 | Jack W. Grigsby (Operator), et al. | United Gas Pipe Line Co., Southwest Bourg Field, Terrebonne Parish, La. | 11 | | Contract 9-29-64 [14] | | | | |
| C165-520 A 10-1-64 | Oklahoma Natural Gas Co. | Arkansas Louisiana Gas Co., Carbarrette Field, Le Flore County, Okla. | 31 | 1 | Ratified 9-2-64 [2] | | | | |
| | | | 31 | 2 | Contract 5-26-64, 2-1-64. | | | | |
| | | | 31 | 3 | Supplemental agreement 2-22-64. [16] | | | | |
| C165-273 A 9-25-64 | Phillips Petroleum Co., Operator. | El Paso Natural Gas Co., Wilson Plant, Eunice Field, Lea County, N. Mex. | 406 | | Contract 8-31-64. [1] | | | | |
| C165-275 A 9-18-64 | Aloo Oil and Gas Corp. | Panhandle Eastern Pipe Line Co., Wil Field, Edwards County, Kans. | 4 | 1 | Ratified 9-26-60 [17] | | | | |
| | | | 4 | | Supplemental agreement 2-1-61. | | | | |
| | | | 4 | 2 | Contract 7-21-60. | | | | |
| | | | 4 | 3 | Supplemental agreement 10-1-60. | | | | |
| | | | 4 | 4 | Amendment 10-1-61 [17] | | | | |
| C165-278 (C163-519) B 9-25-64 | Petroleum Promotions, Inc. | Hope Natural Gas Co., New Milton District, Doddridge County, W. Va. | 4 | 1 | Notice of cancellation 9-24-64. [18] | | | | |
| C165-279 (C161-1278) B 9-25-64 | Olin B. Wetzel, agent for Bowers, Hall & Wetzel, et al. | Hope Natural Gas Co., Freemans Creek District, Lewis County, W. Va. | 7 | 1 | Notice of cancellation 9-24-64. [18] | | | | |
| C165-280 (C163-1244) B 9-25-64 | W. H. Mossor, et al. d.b.a. Means Oil & Gas Co. | do | 58 | 1 | Notice of cancellation 9-24-64. [18] | | | | |
| C165-281 A 9-25-64 | Pennzoil Co., Prior Oil Co. | Hope Natural Gas Co., Murphy District, Ritchie County, W. Va. | 43 | | Contract 7-8-64 [14] | | | | |
| C165-282 (C-5612) B 9-25-64 | George W. Miller, et al. | Hope Natural Gas Co., Troy District, Gilmer County, W. Va. | 16 | 3 | Notice of cancellation 9-24-64. [18] | | | | |
| C165-283 (C163-760) B 9-25-64 | French Trimble, et al. d.b.a. Peel Tree Gas Co. | Hope Natural Gas Co., Freemans Creek District, Lewis County, W. Va. | 6 | 1 | Notice of cancellation 9-24-64. [18] | | | | |
| C165-284 A 9-25-64 | George W. Moses | do | 8 | | Contract 7-7-64 [14] | | | | |
| C165-285 A 9-25-64 | Petroleum Resources, Inc., et al. | Hope Natural Gas Co., Glenville District, Gilmer County, W. Va. | 3 | | Contract 7-16-64 [14] | | | | |
| C165-286 A 9-25-64 | Pioneer Petroleum, Inc., et al. | Hope Natural Gas Co., Freemans Creek District, Lewis County, W. Va. | 7 | | Contract 5-27-64 [14] | | | | |
| C165-287 A 9-25-64 | Delta Petroleum Co., et al. | Hope Natural Gas Co., Murphy District, Ritchie County, W. Va. | 5 | | Contract 1-7-64 [14] | | | | |
| C165-288 A 9-25-64 | Paul F. Starr, agent for E. G. Pence, et al. | Hope Natural Gas Co., Spring Creek District, Wirt County, W. Va. | 18 | | Contract 7-1-64 [14] | | | | |
| C165-289 A 9-25-64 | Compass Exploration, Inc. | El Paso Natural Gas Co., Ignacio-Blanco Field, La Plata County, Colo. | 12 | | Contract 8-20-64 [19] | | | | |
| C165-290 A 9-25-64 | Creslenn Oil Co., Inc. | Hope Natural Gas Co., Washington District, Calhoun County, W. Va. | 5 | | Contract 6-15-64 [14] | | | | |
| C165-291 A 9-25-64 | Blake Gas Co., et al. | Hope Natural Gas Co., Sherman District, Calhoun County, W. Va. | 1 | | Contract 7-6-64 [14] | | | | |
| C165-292 A 9-25-64 | Neal Rudder, et al. | Hope Natural Gas Co., Central District, Doddridge County, W. Va. | 7 | | Contract 7-1-64 [14] | | | | |
| C165-294 (C-15584) B 9-28-64 | Skelly Oil Co. | Panhandle Eastern Pipe Line Co., Wil Field, Edwards County, Kans. | 149 | 1 | Notice of cancellation (undated). [18] | | | | |
| C165-295 A 9-28-64 | Victor A. Vincent & Bert C. Modderman d.b.a. Vincent Distributing Co. | United Gas Pipe Line Co., Horn Unit, Martin County, Ky. | 1 | | Contract 8-24-64 [14] | | | | |
| C165-296 A 9-28-64 | Gibson-Bunting Drilling Company, Inc. | Carnegie Natural Gas Co., Union District, Ritchie County, W. Va. | 1 | | Contract 7-30-64 [14] | | | | |
| C165-299 A 9-28-64 | Neal Rudder, et al. | Hope Natural Gas Co., Sheridan District, Calhoun County, W. Va. | 8 | | Contract 7-23-64 [14] | | | | |

See footnotes at end of table.



[1] Source of gas depleted.
[2] Effective date: Date of this order.
[3] Deletes acreage assigned to Amerada Petroleum Corp., FPC GRS No. 124 in Docket No. CI65-235.
[4] Assignment from Robert B. Prentice to Tidewater.
[5] Assignment from Diversa, Inc., which includes acreage acquired from the Murmanill Corp. to Tidewater.
[6] Amendment to the certificate to add interest of nonoperator.
[7] Applicant agreed to accept certificate authorization conditioned as in Opinion No. 353.
[8] Effective date: Date of initial delivery.
[9] Assigned acreage from Sinclair to Continental Oil Co., Continental has filed for certificate authorization of subject acreage in Docket No. CI65-264.
[10] Amends contract by making indefinite pricing provisions inapplicable insofar as they pertain to acreage covered by Supplement No. 2.
[11] Amendment filed to the application to reflect an initial rate of 9.5 cents instead of contract rate of 11.5 cents.
[12] Predecessor did not make certificate or rate schedule filing.
[13] From R. Makin, et al. (partners in Mapenza Oil Co.) to Island Oil Co. (now Penrose Production Co.) and J. M. Zachary.
[14] Applicant has not yet made a rate schedule filing.
[15] Assigns acreage from Humble Oil & Refining Co. (previously covered by Humble's FPC GRS No. 5).
[16] Between Artnell Co., and Panhandle; ratifies basic contract between Sunray Mid-Continent Oil Co. (now Sunray DX Oil Co.) and Panhandle.
[17] Assignment from predecessor (Artnell Co.) which did not make certificate filings for subject acreage.
[18] Production of gas no longer economically feasible.
[19] Applicable only to production from the Mesaverde Formation.
[20] Contract between Messman-Rinehart Oil Co., et al. and Panhandle.
[21] Agreement by which Applicant's predecessors dedicated additional acreage, including acreage acquired by Applicant. Predecessors have not filed to cover such acreage as yet.
[22] Edwin G. Bradley and Messman-Rinehart Oil Co., convey their interests in Clough Lease to Inger; 25 percent covered by RS No. 5, 75 percent covered by RS No. 7.
[23] Edwin G. Bradley and Messman-Rinehart Oil Co., convey their interests in Fountain Lease to Inger; 25 percent covered by RS No. 6, 75 percent covered by RS No. 7.
[24] Restatement of Applicant's committed acreage (ratification).
[25] Contract between Edwin G. Bradley and Panhandle.
[26] Ratification and dedication by Applicant of additional acreage.
[27] Ratifies contract between Humble Oil & Refining Co., and ArkansasLouisiana Gas Co.

[F.R. Doc. 64-11872; Filed, Nov. 23, 1964; 8:45 a.m.]

[Docket No. RI65-294 etc.]

## PAN AMERICAN PETROLEUM CORP. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 13, 1964.

Pan American Petroleum Corp. and other Respondents listed herein, Docket Nos. RI65-294, et al.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 30, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cent per Mcf: Rate in effect | Cent per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-294 | Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex., 76101. Attn: Mr. J. K. Smith. | 318 | 8 | West Lake Natural Gasoline Co.[2] (Lake Trammell and Nena Lucia Fields, Nolan County, Tex.) (R.R. District No. 7-B). | $2,725 | 10-15-64 | [3] 1-1-65 | [4] 1-2-65 | 8.5 | [16] 9.0 | |
| | Pan American Petroleum Corp. | 272 | 8 | Texas Eastern Transmission Corp. (Carthage Field, Harrison, Gregg, and Rusk Counties, Tex.) (R.R. District No. 6). | 78 | 10-16-64 | [7] 11-16-64 | 4-16-65 | [5] 15.0 | [6] [8] 15.8 | R161-151 |
| | do | 308 | 2 | H. L. Hunt (N. Lansing Field, Harrison County, Tex.) (R.R. District No. 6). | 114 | 10-16-64 | [7] 11-16-64 | 4-16-65 | [20] [18] 14.5 | [6] [8] [18] 15.3 | R161-491 |
| RI65-295 | Harper Oil Co. (Operator), et al., 904 Hightower Building, Oklahoma City, Okla., 73102. | 32 | 3 | Arkansas Louisiana Gas Co. (North Drummond Area, Garfield and Major Counties, Okla.) (Oklahoma "Other" Area). | 5,490 | 10-15-64 | [7] 11-15-64 | 4-15-65 | 15.0 | [6] [11] 16.8 | |
| RI65-296 | Edwin L. Cox, 2100 Adolphus Tower, Dallas, Tex., 75202. | 20 | 9 | Kansas-Nebraska Natural Gas Co., Inc. (LaMaster Unit, Texas County, Okla.) (Panhandle Area). | 14 | 10-15-64 | [14] 12-1-64 | 5-1-65 | [12] 17.4 | [6] [13] [18] 17.6 | R164-246 |
| RI65-297 | Pan American Petroleum Corp. (Operator), et al., Post Office Box 591, Tulsa, Okla., 74102. | 263 | 8 | Texas Eastern Transmission Corp. (Willow Springs Field, Gregg County, Tex.) (R.R. District No. 6). | 331 | 10-15-64 | [7] 11-15-64 | 4-15-65 | 15.6 | [6] [13] 15.8 | R164-223 |

[1] For resale to El Paso Natural Gas Co., under West Lake Natural Gas Co. (Operator), et al's FPC Gas Rate Schedule No. 1.
[2] End of the suspension period for West Lake's increased related rate in Docket No. RI65-29.
[3] The suspension period is limited to one day.
[4] Revenue-sharing rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] The stated effective date is the first day after expiration of the required statutory notice.
[7] Four-step periodic rate increase.
[8] Rate increase from 15.0 cents to 15.2 cents per mcf (Supplement No. 7), presently suspended in Docket No. RI62-130 but not made effective.
[9] Includes 0.75 cent per Mcf deducted by buyer for compression (omitted by seller in previous filings).
[10] Contract provisions provide that contract price will increase 1.8 cents per Mcf in the event gas reserves made available to purchaser exceed 10 billion cubic feet.
[11] Periodic rate increase.
[12] Subject to downward B.t.u. adjustment.
[13] The stated effective date is the effective date requested by Respondent.
[14] Rate increase from 14.5 cents to 14.7 cents (Supplement No. 1), presently suspended in Docket No. RI62-121 but not made effective.

[1] Does not consolidate for hearing or dispose of the several matters herein.

Pan American Petroleum Corp. (Pan American) requests an effective date of November 1, 1964, for its proposed rate increases contained in Supplements Nos. 8 and 2 to its FPC Gas Rate Schedules Nos. 272 and 308, respectively. Pan American Petroleum Corp. (Operator), *et al.*, request an effective date of November 1, 1964, for their proposed rate increase. Harper Oil Co. (Operator), *et al.*, request that their proposed rate increase be permitted to be come effective "immediately". Good cause has not been shown for waiving the 30-day notice requirement provided in Section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Pan American proposes a revenue-sharing increase (Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 318) for a sale to West Lake Natural Gasoline Co. (West Lake). West Lake, 50 percent of which is owned by El Paso Natural Gas Co. (El Paso), gathers and processes the gas and resells it to El Paso under its Rate Schedule No. 1 and pays its suppliers 50 percent of the amount it receives from El Paso. On July 1, 1964, West Lake filed a periodic increase from 17.0 cents to 18.0 cents per Mcf for its sale to El Paso, which was suspended for five months until January 1, 1965, in Docket No. RI65-29, because it exceeds the 11.5 cents per Mcf area ceiling for increased rates. Pan American's proposed rate increase is based upon West Lake's suspended 18.0 cents per Mcf rate. Although Pan American's proposed revenue-sharing rate increase is below the 11.5 cents per Mcf area ceiling as set forth in the Commission's Statement of General Policy No. 61-1, as amended, it is suspended until January 2, 1965, because of its relationship to West Lake's increased rate.

With the exception of Pan American's revenue-sharing rate increase contained in Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 318, all of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended [18 CFR, Chapter I, Part 2, Section 2.56].

[F.R. Doc. 64-11873; Filed, Nov. 23, 1964; 8:45 a.m.]

[Docket No. RI65-299]

## SHELL OIL CO.

### Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

NOVEMBER 17, 1964.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 2, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX "A"

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-299... | Shell Oil Co. (Operator), 50 West 50th Street, New York 20, N.Y. Attn: Mr. F. C. Sweat. | [4] 283 | 3 | Northern Natural Gas Co. (Tippett Field, Crockett County, Tex.) (R.R. District No. 7-C) (Permian Basin Area). | $9,206 | 10-19-64 | [1] 12-1-64 | [2] 12-2-64 | [5] 13.5789 | [3] [6] 14.5878 | |

[1] Contractually provided effective date.
[2] The suspension period is limited to one day.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Initial rate.
[6] Contract executed after September 28, 1960.

The related contract filed by Shell Oil Company (Operator) (Shell) was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended (CFR, Chapter I, Part 2, Section 2.56) and the proposed rate is above the applicable area ceiling for increased rates but does not exceed the applicable ceiling price for initial rates in the Permian Basin Area. We believe, in this situation, Shell's rate filing should be suspended for one day from December 1, 1964, the contractually provided effective date.

[F.R. Doc. 64-11957; Filed, Nov. 23, 1964; 8:46 a.m.]

[Project No. 2146]

## ALABAMA POWER CO.

### Notice of Applications for Amendment of License

NOVEMBER 17, 1964.

Public notice is hereby given that applications have been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Alabama Power Co. (correspondence to: Walter Bouldin, President, 600 North 18th Street, Birmingham 2, Ala.) for amendment of license for Project No. 2146, located on the Coosa River, in Cherokee, Etowah, Saint Clair, Calhoun, Talladega, Shelby, Coosa, Chilton, and Elmore Counties, Ala., and Floyd County, Ga.

One application requests amendment of Article 32 of the license to provide for selective clearing of the reservoirs in the unconstructed portions of the project, being the Lock 3 Development, the Jordan No. 2 Development and the enlargement of the existing Lay Dam and Reservoir. Licensee states that such selective clearing is necessary and desirable in order to promote and facilitate full development of the recreational potential of the reservoirs by providing fish and wildlife refuge and the preservation of such areas with proper demarcation from areas devoted to other recreational uses such as boating, skiing, and other water sports. The other application requests amendment of the license to provide for a new plan of redevelopment and enlargement of its existing Lay Dam and Reservoir. Licensee's new proposed plan provides for the replacement of the 6 existing units with 6 new 40,000 hp turbines each connected to a 29,500 kw generator and making the necessary modifications to the settings, draft tubes and scroll cases to accommodate the new units. This plan would be in lieu of the old plan which would leave the six existing units in place (81,000 kw), construct a new powerhouse addition with one 48,000 kw unit and provisions for an additional similar unit and other facilities. The replacement of the six existing units will not alter the existing plan to raise the dam and reservoir about 14 feet.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 21, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-11958; Filed, Nov. 23, 1964; 8:46 a.m.]

[Docket No. E-7190]

## ARKANSAS POWER & LIGHT CO.

### Notice of Application

NOVEMBER 17, 1964.

Take notice that on November 10, 1964, an application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by the Arkansas Power & Light Co. (Applicant), incorporated under the laws of the State of Arkansas and doing business in the States of Arkansas, Tennessee, Missouri, and Louisiana, with its principal place of business office at Little Rock, Arkansas, requesting authority for the acquisition of certain electric facilities from the City of North Little Rock, Ark. (City).

The Applicant is a public utility engaged in the generation, transmission, purchase, distribution, and sale of electricity. Substantially all of its operations are in the State of Arkansas where it renders service to 61 of the 75 counties in the State. The Applicant presently furnishes electric service in more than 700 communities in Arkansas.

The City is a municipal corporation organized under the laws of the State of Arkansas. The City owns and operates an electric distribution system within its city limits and a limited area outside its limits allocated to it by the Arkansas Public Service Commission. All of its electric distribution facilities are located in the Maumelle Industrial Area, which contains approximately 5,213 acres.

According to the application, the property which the Applicant proposes to buy consists of an overhead electric distribution system constructed and operated by the United States in connection with an ordnance plant, until said plant was deactivated in 1948. From 1945 until 1961, the ordnance plant and related electric facilities were maintained on a standby basis by a contractor for the United States Army. On June 8, 1961, the entire ordnance plant and all lands, including the electric distribution system, were sold as surplus property to Perry Equipment Corporation. On December 1, 1961, the lands and some improvements were acquired by the City for development into an industrial park. At all times from 1945 until the present date, the Applicant has supplied all electric energy to the Maumelle area. The total original cost, as determined by the Company, is $149,912.95.

The Applicant represents that it is in the public interest for the Company to acquire the electric distribution properties of the City because the Applicant has transmission and distribution facilities in the immediate vicinity to which the Manmelle distribution facilities can be interconnected which are adequate to serve the load growth of the area, and it is anticipated that the electric requirements of the area will within a reasonable period increase and the Applicant is in a better position to serve these additional demands and requirements.

According to the application, the consideration to be paid by the Company to the City of North Little Rock for the acquisition of all of the electric distribution facilities of the City is $79,219.

The Applicant represents that after the acquisition of the subject electric distribution facilities, it will continue the connection of the facilities with its interconnected system at no additional cost to the Applicant. The consummation of the proposed transaction will not affect any contract for the purchase, sale or interchange of electric energy.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 7, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-11959; Filed, Nov. 23, 1964; 8:46 a.m.]

[Docket No. CP60-2]

## COLORADO INTERSTATE GAS CO.

### Notice of Application

NOVEMBER 17, 1964.

Take notice that on January 4, 1960, as amended on October 10, 1960, January 9, 1961 and May 12, 1961, Colorado Interstate Gas Co. (Applicant), Post Office Box 1087, Colorado Springs, Colo., filed in Docket No. CP60-2 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of additional compressor facilities at its existing 2,000 horsepower Borger Compressor Station, Hutchinson County, Tex., to increase the capacity of said station by 1,000 horsepower in order to purchase and receive an additional 20,000 Mcf of natural gas daily produced in the Panhandle Field, Hutchinson County, Tex., by J. M. Huber Corp. (Huber), all as more fully set forth in the application, as amended, which is on file with the Commission and open to public inspection.

The application states that the additional gas purchased through the proposed facilities will be transported through existing facilities to Applicant's Sanford Compressor Station where it will be recompressed, processed by Huber at Huber's nearby Sanford processing plant, and then transported to Natural Gas Pipeline Co. of America at Fritch Station where it will be delivered along with other gas purchased from Applicant. Huber received authorization to sell the additional volumes to Applicant in Docket No. CI61-644.

The estimated cost of the proposed facilities is $302,500, which will be financed from current working funds.

Notice of the subject application was issued September 22, 1961, and published in the FEDERAL REGISTER on September 26, 1961 (26 F.R. 9182). A petition to intervene was filed by the City and County of Denver on September 29, 1961.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no further protest or petition to intervene is filed within the time required herein. Where a further protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Further protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and

procedure (18 CFR 1.8 or 1.10) on or before December 14, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11960; Filed, Nov. 23, 1964; 8:46 a.m.]

## COLORADO INTERSTATE GAS CO.

[Docket No. G-19394]

### Notice of Application and Hearing[1]

NOVEMBER 17, 1964.

Take notice that on September 8, 1959, Colorado Interstate Gas Co. (Applicant), Colorado Springs National Bank Building, Colorado Springs, Colo., filed in Docket No. G-19394 an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing the construction and operation of facilities and the transportation of natural gas in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

The facilities for which authorization is sought have been constructed and placed in operation under temporary certificate authorization issued to Applicant on October 27, 1959. Said facilities consist of a 2,000 Hp Compressor Station, metering facilities and approximately 7 miles of 18-inch transmission pipeline extending from its Sanford Compressor Station in a southeasterly direction to terminate at the compressor station located in Section 28, Block Y, all in Hutchinson County, Tex., and are utilized in transporting natural gas from the J. M. Huber Corp. to Applicant's said Sanford Compressor Station for desulfurization and delivery into Applicant's present system.

The City and County of Denver, Colo., were granted leave to intervene by order of the Commission issued December 18, 1959; and by letter of stipulation dated January 25, 1961, agreed the hearing on the application should be postponed pending further order of the Commission.

This matter is now one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein.

[1] Notice of Application and Date of Hearing held December 22, 1959, published November 20, 1959 (24 F.R. 9378). Hearing postponed by the Presiding Examiner on January 26, 1961, until further order of the Commission.

Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing, and the matter will be disposed of in the absence of objection by parties of record on December 10, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11961; Filed, Nov. 23, 1964; 8:46 a.m.]

[Docket No. CP65-109]

## TRANSCONTINENTAL GAS PIPE LINE CORP. AND UNITED NATURAL GAS CO.

### Notice of Application

NOVEMBER 17, 1964.

Take notice that Transcontinental Gas Pipe Line Corp. (Transco), a Delaware corporation, with its principal place of business in Houston, Tex., and United Natural Gas Co. (United), a Pennsylvania corporation, with its principal place of business in Oil City, Pa., filed a joint application on October 26, 1964, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the exchange and delivery of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicants seek authorization for the exchange of natural gas by means of existing points of interconnection between Transco's system and that of United. The systems presently interconnect in the Wharton Storage Pool, Potter County, Pa. Applicants do not presently propose to construct any additional facilities to carry out the exchange arrangement.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problem which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 10, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-11962; Filed, Nov. 23, 1964; 8:46 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4238]

## COLONIAL UTILITIES CORP.

### Notice of Proposed Reincorporation by Merger and Solicitation of Proxies

NOVEMBER 18, 1964.

Notice is hereby given that Colonial Utilities Corp., a Delaware corporation and a registered holding company ("Delaware"), and its wholly owned inactive subsidiary company, Colonial Utilities Corp., Post Office Box 236, Portsmouth, N.H., a New Hampshire corporation ("New Hampshire"), have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"). The filing designates sections 5(d), 6(a), 7, 9(a), 10, 12(c), 12(d), 12(e), and 12(f) of the Act, and Rules 42, 43, 44, and 62 promulgated thereunder, as applicable to the transactions proposed therein. All interested persons are referred to the joint application-declaration, on file at the office of this Commission, for a statement of such transactions which are summarized hereinafter.

Delaware is solely a holding company, whose assets consist chiefly of the outstanding capital stock and a promissory note (in the principal amount of $110,000 as at June 30, 1964) of its sole public-utility subsidiary company, Allied New Hampshire Gas Co. ("Allied"), a New Hampshire corporation engaged in the sale at retail of natural gas wholly within that State, and having total assets of $2,215,410 as at December 31, 1963. Delaware proposes to change its corporate domicile from the State of Delaware to the State of New Hampshire. To effectuate such change, Delaware and New Hampshire have entered into a merger agreement under which, among other things, (a) New Hampshire will acquire all the assets and assume all the liabilities of Delaware; (b) New Hampshire's authorized capital stock will be increased to 150,000 shares with a par value of $1 per share, and all of its presently outstanding $1 par value common stock (consisting of 1,000 shares, all owned by Delaware) will be cancelled; and (c) certificates representing Delaware's presently outstanding 100,966 shares of $1 par value common stock shall for all purposes represent an equal number of shares of common stock of New Hampshire, for which certificates for shares of Delaware may be, but are not required to be exchanged by the holders thereof.

In addition to its outstanding shares of common stock, Delaware has outstanding



$15,145 principal amount of 6 percent Convertible Subordinated Debentures due 1966, for the conversion of which 2,726 shares of common stock of Delaware are reserved. These debentures, including the related conversion privilege, will be assumed by New Hampshire.

Upon consummation of the merger (1) New Hampshire's charter and by-laws, as amended by the proposed merger agreement, will be similar in all material respects with those of Delaware; (2) the present officers of Delaware will hold corresponding positions in New Hampshire, and Delaware's directors will continue as directors of New Hampshire, with the same terms of office; (3) New Hampshire's capital structure will be identical with Delaware's except to the extent, if any, that stockholders of Delaware exercise their appraisal rights referred to below; and (4) the accounts of New Hampshire will be identical in all material respects with those of Delaware.

The favorable vote of the holders of two-thirds of the outstanding common shares of Delaware and of New Hampshire is required to effectuate the proposed merger. As holder of all of New Hampshire's presently outstanding common stock, Delaware intends to vote such stock in favor of the merger; and Delaware proposes to solicit proxies from its stockholders for their approval of the merger at a meeting of the stockholders to be held for that purpose. The filing states that under the applicable law of the State of Delaware any stockholder of Delaware who dissents from the merger will be entitled to receive the appraised value of his shares upon the taking of certain procedural steps set forth in the proxy solicitation material submitted with the present filing. Any shares thus acquired by New Hampshire will be cancelled.

The filing states that as a result of the proposed merger, the surviving holding company (New Hampshire) will be domiciled in the same State as its public-utility subsidiary company, Allied; and that the merger, resulting in New Hampshire's becoming a wholly intrastate holding-company system, would enable New Hampshire to file with the Commission an exemption statement pursuant to paragraph (a) (1) of Rule 2 promulgated under section 3(a) (1) of the Act. It is further stated that Delaware, for Federal income tax purposes, has an accumulated deficit in earnings and profits amounting to at least $322,000 and possibly as much as $1,285,000, so that distributions made to Delaware's stockholders constitute returns of capital until the accumulated deficit is eliminated by future earnings and profits, and are tax-free to the stockholders until the tax basis of their stock is reduced to zero; and that such tax benefits, which are stated to be a "valuable asset" of Delaware's stockholders, would remain available to the successor corporation, New Hampshire, and its stockholders.

Delaware requests that the Commission, pursuant to section 5(d) of the Act, find and declare by order that upon Delaware's being merged into New Hampshire, Delaware will have ceased to be a holding company and that Delaware's registration as such under the Act shall cease to be in effect. Delaware also requests that its declaration regarding its proposed proxy solicitation material be permitted to become effective pursuant to Rule 62 under the Act. Ordinary expenses of the proxy solicitation will be borne by Delaware, and its other solicitation expenses will not exceed $1,000.

The filing states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are estimated at $16,000, including counsel fees of $12,500.

Notice is further given that any interested person may, not later than December 7, 1964, request in writing that a hearing be held on the proposed transactions, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-11954; Filed, Nov. 23, 1964; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 19, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 29403: *T.O.F.C. Service—Class and commodity rates from and to points in Southwestern Territory.* Filed by Southwestern Freight Bureau, agent (No. B-8645), for interested rail carriers. Rates on various commodities moving on class and commodity rates, loaded in trailers and transported on railroad flatcars, between points in southwestern territory; and between points in southwestern territory, on the one hand, and points in official, southern and western trunkline territories, on the other.

Grounds for relief: Short-line distance formula and grouping.

FSA No. 39409: *Cement from Cincinnati, Ohio.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2753), for interested rail carriers. Rates on cement, common, hydraulic, masonry, mortar, natural or Portland and tile grout, also cement clinker and dry building mortar, in carloads, from Cincinnati, Ohio, to points in Indiana, Kentucky, and Ohio.

Grounds for relief: Motor-truck competition, short-line distance formula and grouping.

Tariff: Supplement 16 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-435.

FSA No. 39410: *Coarse grains from points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 523), for interested rail carriers. Rates on coarse grains and articles taking same rates, also soybeans, in carloads, from specified points in Texas, to Beaumont, Corpus Christi, Freeport, Galveston, Houston, Orange, Port Arthur, and Texas City, Tex. (for export).

Grounds for relief: Motor-truck competition.

Tariff: Supplement 11 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 1012.

FSA No. 39411: *Class and commodity rates from and to East Savannah, Ga.* Filed by O. W. South, Jr., agent (No. A4593), for interested rail carriers. Rates on property moving on class and commodity rates, in carloads and less-than-carloads, from or to East Savannah, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

FSA No. 39412: *Class and commodity rates from and to North Savannah, Ga.* Filed by O. W. South, Jr., agent (No. A4594), for interested rail carriers. Rates on property moving on class and commodity rates, in carloads and less-than-carloads, from or to North Savannah, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 64-11989; Filed, Nov. 23, 1964; 8:49 a.m.]

[Notice 5]

## FINANCE APPLICATIONS

NOVEMBER 19, 1964.

The following publications are governed by the Interstate Commerce Commission's general requirements governing notice of filing of applications under

sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126) and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 23386: By application filed November 9, 1964, Chicago, Burlington and Quincy Railroad Co., 547 West Jackson Blvd., Chicago, Ill., 60606, seeks authority under section 20a of the Act to assume obligation and liability with respect to $4,800,000 principal amount of certificates to be issued pursuant to Chicago, Burlington and Quincy Railroad Equipment Trust No. 4 of 1974. Applicant's attorney: Eldon Martin, Vice President and General Counsel, 547 West Jackson Blvd., Chicago, Ill., 60606. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23389: By application filed November 13, 1964, Chicago and North Western Railway Company, 400 West Madison St., Chicago, Ill., 60606, seeks authority under section 20a of the Act to issue additional shares of common and preferred stock, and to assume obligation and liability in respect of securities issued, assumed or guaranteed by Chicago Great Western Railway Co. Applicant's attorneys: Edward K. Wheeler, Wheeler and Wheeler, Southern Building, 15th and H Streets NW., Washington, D.C., 20005 and Jordan Jay Hillman, General Counsel, 400 West Madison Street, Chicago, Ill., 60606. Protests must be filed no later than 15 days from the date of publication in the FEDERAL REGISTER.

NOTE: This matter is directly related to an application filed simultaneously seeking authority to merge the Chicago Great Western Railway Company into applicant.

F.D. No. 23391: By application filed November 16, 1964, The New York Central Railroad Co., 466 Lexington Avenue, New York, N.Y., 10017, seeks authority under section 20a of the Act to assume obligation and liability in respect of $6,300,000 par value of New York Central Railroad Third Equipment Trust of 1964 Equipment Trust Certificates. Applicant's attorney: L. Thomas Houser, corporate attorney, 466 Lexington Avenue, New York, N.Y., 10017. Protests must be filed no later than 15 days from the date of publication in the FEDERAL REGISTER.

F.D. No. 23392: By application filed November 17, 1964, Southern California Freight Lines, Ltd., 2800 West Bayshore Road, Palo Alto, Calif., seeks authority to issue an unsecured promissory note in the sum of $600,000 bearing interest at the rate of 5 percent per annum. Applicant's attorneys: Turney, Major, Markham & Sherfy, 2001 Massachusetts Avenue NW., Washington, D.C., 20036 and John R. Turney, 342 West Vista Avenue, Phoenix, Ariz., 85021. Protests must be filed no later than 15 days from the date of publication in the FEDERAL REGISTER.

F.D. No. 23393: By application filed November 17, 1964, Norwalk Truck Lines, Inc., seeks authority under section 214 of the Act to issue its unsecured promissory note in the amount of $425,000 bearing interest at the rate of 5 percent per annum and to assume the obligations of Valley Freight Lines, Inc. on three promissory notes in the amounts of $35,000, $19,520 and $14,000 all bearing interest at the rate of 6 percent per annum. Applicant's attorneys: Eugene T. Liipfert, Suit 1035, Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C., 20009 and Marion M. Emory, Executive Assistant to the Vice President, 180 Milan Avenue, Norwalk, Ohio. Protests must be filed no later than 15 days from the date of publication in the FEDERAL REGISTER.

NOTE: This is a matter directly related to MC-F-8913, which was published in FEDERAL REGISTER, issue of October 28 1964.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-11990; Filed, Nov. 23, 1964; 8:49 a.m.]

FEDERAL REGISTER

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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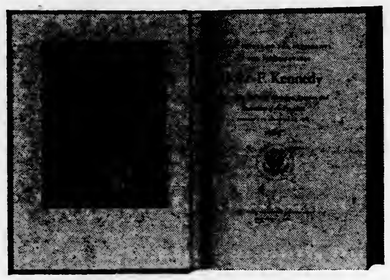

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

**Chapter I—Civil Service Commission**

**PART 213—EXCEPTED SERVICE**

**Commission on Civil Rights**

Section 213.3156 is amended to increase the number of positions excepted therein from ten to fifteen; to extend the limitation on these excepted appointments from November 30, 1964, to March 31, 1968; and to change the reference therein from Public Law 88–152 to Public Law 88–352. Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 213.3156 is amended as set out below.

**§ 213.3156 Commission on Civil Rights.**

(a) Fifteen positions at grade GS–11 and above to engage in and advise on the collection, study, and appraisal of information developed in accordance with Public Law 88–352. Appointments made under this authority shall be limited to persons having a particular competency in the areas concerned and shall not extend beyond March 31, 1968.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64–12050; Filed, Nov. 24, 1964; 8:48 a.m.]

## Title 7—AGRICULTURE

**Chapter III—Agricultural Research Service, Department of Agriculture**

[P.P.C. 614, 1st Rev.]

**PART 301—DOMESTIC QUARANTINE NOTICES**

**Subpart—European Chafer**

EXEMPTION OF CERTAIN ARTICLES FROM SPECIFIED REQUIREMENTS

Pursuant to the authority contained in § 301.77(a) of the European Chafer Quarantine (Notice of Quarantine No. 77, 7 CFR 301.77), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the administrative instructions appearing as 7 CFR 301.77a are hereby amended to read as follows:

**§ 301.77a Administrative instructions exempting certain articles from requirements of regulations.**

The following articles are exempted from the certification and permit requirements of §§ 301.77–3, 301.77–4, 301.77–5, and 301.77–6, except as otherwise provided in this section, under the specific conditions hereinafter set forth.

(a) The following articles when they have not been exposed to infestation or when sanitation practices are maintained as prescribed by or to the satisfaction of the inspector:

(1) Seeds and cones.

(2) True bulbs, corms, and tubers, when dormant, except for storage growth, and when free from soil.

(3) Single dahlia tubers or small dahlia root-divisions when free from stems, cavities, and soil. (Dahlia tubers, other than single tubers or small root-divisions meeting these conditions, require certification.)

(4) Plants when growing exclusively in Osmunda fiber.

(5) Trailing arbutus or Mayflower (Epigaea repens) plants or parts thereof, when free from soil.

(6) Moss, clubmoss, and ground-pine or running pine plants or parts thereof, when free from soil.

(7) Soil-free aquatic plants.

(8) Soil-free plant cuttings without roots.

(9) Soil-free rooted cuttings, which, at the time of shipment, have not developed a root system sufficient to conceal larvae of the European chafer.

(b) Soil samples moved from any area that is not infested with soybean cyst nematode, golden nematode, or witchweed when consigned to any State: *Provided, however,* That such samples originating in areas under regulation on account of the burrowing nematode may not be shipped into the States of Arizona, California, Louisiana, and Texas: *And provided further,* That:

(1) The samples do not exceed one pound in weight: *Provided, however,* That this shall not preclude the assembly of one pound units in a single package for shipping purposes;

(2) They are so packaged that no soil will be spilled in transit; and

(3) They are consigned to laboratories approved by the Director of the Plant Pest Control Division and operating under a dealer-carrier agreement.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 19 F.R. 74, as amended; 7 CFR 301.77)

These administrative instructions shall become effective November 25, 1964, when they shall supersede P.P.C. 614, 7 CFR 301.77a, effective September 1, 1955.

The Director of the Plant Pest Control Division has found that facts exist as to the pest risk involved in the movement of soil samples weighing one pound or less under specified conditions which make it safe to relieve the certification and permit requirements with respect to such movement. Accordingly, this revision of the administrative instructions adds paragraph (b) to the list of exempted items, thereby permitting soil samples weighing one pound or less to move from certain areas without a certificate or limited permit when adequately packaged and consigned to laboratories approved by the Director of the Plant Pest Control Division which are operating under a dealer-carrier agreement.

Inasmuch as this revision relieves restrictions presently imposed, it should be made effective promptly in order to be of maximum benefit to persons desiring to ship the article which is being exempted from the certification and limited permit requirements of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making this revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 20th day of November 1964.

[SEAL] LEO G. K. IVERSON,
*Acting Director, Plant Pest Control Division.*

[F.R. Doc. 64–12068; Filed, Nov. 24, 1964; 8:49 a.m.]

[P.P.C. 638]

**PART 301—DOMESTIC QUARANTINE NOTICES**

**Subpart—Imported Fire Ant**

EXEMPTION OF CERTAIN ARTICLES FROM SPECIFIED REQUIREMENTS

Pursuant to the authority contained in § 301.81(a) of the Imported Fire Ant Quarantine (Notice of Quarantine No. 81, 7 CFR 301.81), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), administrative instructions to be designated as 7 CFR 301.81a are hereby issued to read as follows:

**§ 301.81a Administrative instructions exempting certain articles from requirements of regulations.**

The following articles are exempted from the certification and permit requirements of §§ 301.81–3(a), 301.81–4, and 301.81–9, except as otherwise provided in this section, under the specific conditions hereinafter set forth.

(a) Pulpwood; when:

(1) The storage area has been treated with an insecticide at dosages administratively approved and at intervals prescribed by the inspector; and

(2) Loaded into railroad cars and treated with an insecticide at dosages administratively approved.

(b) Stumpwood; when:

(1) The storage area has been treated with an insecticide at dosages administratively approved and at intervals prescribed by the inspector;

(2) Loaded into railroad cars and treated with an insecticide at dosages administratively approved;

(3) Free of excessive amounts of soil; and

(4) Consigned to plants operating under a dealer-carrier agreement.

(c) Soil samples moved from any area that is not infested with soybean cyst nematode, golden nematode, or witchweed when consigned to any State: *Provided, however,* That such samples originating in areas under regulation on account of the burrowing nematode may not be shipped into the States of Arizona, California, Louisiana, and Texas: *And provided further,* That:

(1) The samples do not exceed one pound in weight: *Provided however,* That this shall not preclude the assembly of one-pound units in a single package for shipping purposes;

(2) They are so packaged that no soil will be spilled in transit; and

(3) They are consigned to laboratories approved by the Director of the Plant Pest Control Division and operating under a dealer-carrier agreement.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 19 F.R. 74, as amended; 7 CFR 301.81)

These administrative instructions shall become effective November 25, 1964.

The Director of the Plant Pest Control Division has found that facts exist as to the pest risk involved in the movement of soil samples weighing one pound or less under specified conditions which make it safe to relieve the certification and permit requirements with respect to such movement. Accordingly, these administrative instructions permit soil samples weighing one pound or less to move from certain areas without a certificate or limited permit when adequately packaged and consigned to laboratories approved by the Director of the Plant Pest Control Division which are operating under a dealer-carrier agreement. The Director has also found that facts exist which make it safe to relieve the certification and permit requirements with respect to pulpwood and stumpwood when they meet the specified requirements in paragraphs (a) and (b) of this section.

Inasmuch as this revision relieves restrictions presently imposed, it should be made effective promptly in order to be of maximum benefit to persons desiring to ship the articles which are being exempted from the certification and limited permit requirements of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to these instructions are impracticable and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 20th day of November 1964.

[SEAL] LEO G. K. IVERSON,
*Acting Director,*
*Plant Pest Control Division.*

[F.R. Doc. 64-12069; Filed, Nov. 24, 1964; 8:49 a.m.]

## Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815.5, Amdt. 1]

## PART 815—ALLOTMENT OF THE DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

### Calendar Year 1964

*Basis and purpose.* This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act"), for the purpose of amending Sugar Regulation 815.5 (28 F.R. 14486), which established allotments of the direct-consumption portion of the mainland quota for Puerto Rico for the calendar year 1964.

This amendment of S.R. 815 is necessary to substitute final 1963 data on marketings of direct-consumption sugar in the continental United States for estimates of such quantities and to determine deficits in allotments and prorate such deficits to other allottees to the extent they are able to utilize additional allotments.

Data pertinent to determining allotments as established herein are set forth in the following table:

| Allottee | Average annual marketings 1959–63 | | Highest annual marketings 1959–63 | | 1964 allotment prior to determination of deficits | Allottees' estimates of maximum 1964 marketing ability | Deficits (–) and prorations of deficits (+) |
|---|---|---|---|---|---|---|---|
| | Short tons raw value | Percent of total | Short tons raw value | Percent of total | Short tons raw value | Short tons raw value | Short tons raw value |
| | (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| Central Aguirre Sugar Co., A Trust | 4,519 | 3.0282 | 5,848 | 3.6507 | 4,907 | 4,907 | 0 |
| Central Roig Refining Co | 21,416 | 14.3510 | 21,937 | 13.6946 | 20,607 | 20,607 | 0 |
| Central San Francisco | 1,486 | .9958 | 1,625 | 1.0145 | 1,477 | 0 | −1,477 |
| Puerto Rican American Sugar Refinery, Inc | 97,589 | 65.3950 | 104,791 | 65.4179 | 96,115 | 103,401 | +1,411 |
| Western Sugar Refining Co | 24,220 | 16.2300 | 25,986 | 16.2223 | 23,844 | 23,910 | +66 |
| Total | 149,230 | 100.0000 | 160,187 | 100.0000 | 146,950 | 152,825 | 0 |

NOTE: Data in columns (1), (2), (3), and (4) reflect the substitution of final data for estimates of 1963 marketings of direct-consumption sugar in the continental United States; data in column (5) reflect the quantity resulting from multiplying the quantity 146,950 short tons, raw value, by the percentage for each allottee derived by weighting equally the respective percentages in columns (2) and (4); column (6) shows the quantities reported to the Department pursuant to Finding (11) of Sugar Regulation 815.5 (28 F.R. 14486); and column (7) shows the quantities of deficits determined (–) and prorated (+).

Findings heretofore made and the order issued by the Secretary in the course of this proceeding (28 F.R. 14486) provide that this order shall be revised without further notice or hearing by the Administrator, Agricultural Stabilization and Conservation Service for the purposes indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

*Effective date.* Allotments established by this amendment for some allottees are larger than the allotments previously established in S.R. 815.5 (28 F.R. 14486). To afford allottees adequate opportunities to plan marketings and to market the additional quantities of sugar in an orderly manner, it is imperative that this order be effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective upon publication in the FEDERAL REGISTER.

*Order.* Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, and in accordance with the findings and conclusions and delegation of authority contained in § 815.5 heretofore made, it is hereby ordered: That, paragraph (a) of § 815.5 of this chapter be amended to read as follows:

**§ 815.5 Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the calendar year 1964.**

(a) *Allotments.* The direct-consumption portion of the 1964 sugar quota for Puerto Rico amounting to 147,000 short tons, raw value, is hereby allotted as follows:

| Allottee | Direct-consumption (short tons, raw value) |
|---|---|
| Central Aguirre Sugar Co., A Trust | 4,907 |
| Central Roig Refining Co | 20,607 |
| Central San Francisco | 0 |
| Puerto Rican American Sugar Refinery, Inc | 97,526 |
| Western Sugar Refining Co | 23,910 |
| Liquid sugar reserve for persons other than named above | 50 |
| Total | 147,000 |

* * * * *

(Sec. 403; 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U.S.C. 1115, 1119; Public Law 87-535)

Done at Washington, D.C., this 18th day of November 1964.

H. D. GODFREY,
*Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-12013; Filed, Nov. 24, 1964; 8:45 a.m.]



SUBCHAPTER C—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 850.147, Rev. 1]

## PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

### Proportionate Shares for Farms; 1965 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), § 850.147 (29 F.R. 14620) is hereby revised to read as follows:

**§ 850.147 Proportionate shares for farms in the domestic beet sugar area.**

(a) *Definitions.* For the purpose of this section, the terms:

(1) "Secretary", "Deputy Administrator", "State Committee", "County Committee", "Producer" and "Operator" shall have the meaning set forth in Part 891 of this chapter.

(2) "Old Producer Farm" means a farm for which a 1965-crop farm base is established pursuant to paragraph (g) of this section.

(3) "New Producer Farm" means a farm, other than a reserve acreage farm, for which a 1965-crop farm base may not be established pursuant to the provisions of paragraph (g) of this section.

(4) "Accredited Acreage" for any crop year means the acreage of sugarbeets which was either harvested for the extraction of sugar or liquid sugar as determined by the County Committee or was determined by a member of the County Committee to have been bona fide abandoned acreage to the extent of fulfilling at least the requirements for abandonment payment set forth in subparagraphs (1) through (5) of § 842.2 of this chapter as shown by the county office records, including any prevented acreage approved for the farm or recorded for the proportionate share area, as the case may be, in accordance with Part 849 of this chapter, but excluding any acreage used within the acreage committed to a farm pursuant to Part 851 of this chapter.

(5) "Reserve Acreage" means the acreage committed to a locality in a State and to a farm or farm operator pursuant to Part 851 of this chapter.

(6) "Reserve Acreage Farm" means any farm to which a commitment of acreage is made pursuant to Part 851 of this chapter. For the purposes of this section, a reserve acreage farm in a farm history area or an operator of a reserve acreage farm in a personal history area shall be entitled to the accredited acreage record, if any, accruing to such farm or to such operator during the base period in excess of the acreage committed to such farm pursuant to Part 851.

(7) "Base Period" means the 1962, 1963, and 1964 crop years.

(8) "Personal History Area" means any State or substantial portion thereof in which the personal sugarbeet production history of farm operators was used generally prior to 1962 in establishing shares or where shares were not established prior to 1962 and the State Committee is authorized by the Deputy Administrator to use personal history.

(9) "Farm History Area" means any area which is not a personal history area.

(10) "DASCO" means Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(11) "Proportionate Share" or "Share" means the proportionate share for a farm in terms of planted acreage as provided in sections 301 and 302 of the Act.

(b) *National acreage, minimum proportionate share acreages for reserve localities, contingency acreage and State acreage allocations.* (1) The national acreage requirement for the 1965-crop of sugarbeets, established on October 19, 1964 (29 F.R. 14620) is allocated as follows:

(i) Minimum proportionate share acreages for reserve localities:

| Locality | Acres |
|---|---|
| Mendota, Calif.: Fresno, Kings, Madera and Tulare Counties | 19,000 |
| Hereford, Tex.: Castro, Deaf Smith and Parmer Counties, Tex., and Curry County, N. Mex. | [1] 22,230, [2] 2,500 |
| Ottawa, Ohio: Allen, Auglaize, Defiance, Fulton, Hancock, Hardin, Putnam, and Van Wert Counties | 2,415 |
| Idaho Falls, Idaho: Bannock, Bingham, Bonneville, Fremont, Jefferson, Madison, and Power Counties, Idaho | 8,140 |
| Carrollton-Croswell: Michigan (Counties of east central Michigan) | 4,030 |
| Drayton, N. Dak.: Kittson and Marshall Counties, Minn | [1] 12,205 |
| Pembina and Walsh Counties, N. Dak | [1] 18,795 |
| Drayton locality; Total | 31,000 |
| Auburn, N.Y.: Cayuga, Onandaga, Ontario, Oswego, Seneca, Tompkins, Wayne, and Yates Counties | 29,500 |
| Total | 118,815 |

[1] Texas.
[2] New Mexico.
[3] Approximately.

While the commitments of acreage to the foregoing localities pursuant to Part 851 of this Chapter specifically enumerated the counties named above, the processor is not precluded from contracting with farms in other counties if such action is necessary to utilize the acreage committed to the locality on the best qualified farms.

(ii) Contingency acreage of 1,000 is reserved for use by DASCO and may be allocated by him to States to provide acreage otherwise unavailable, within the allocations to be made pursuant to subdivision (iii) of this subparagraph (b) (1), for increases in shares granted by DASCO on the basis of appeals made to him in accordance with Part 780 of this Chapter and for the purpose of rectifying misapplications of these regulations or errors in establishing shares and to provide acreage for other contingencies, the meeting of which are deemed necessary to carry out the objectives of the act.

(iii) State acreage allocations totaling 1,255,185 acres will be established by amendment to this determination. Such allocations will be established by adding 30 percent of the average accredited acreages for the crop years of 1962 and 1963 and 70 percent of the 1964 accredited acreage and factoring the resultant States bases to 1,255,185 acres.

(c) *Administration of proportionate share program.* In each State, the State Committee shall establish shares in accordance with the provisions of this section. In carrying out the program within the State, the State Committee may obtain recommendations from individual growers, grower organizations, processors and other interested persons at a meeting or meetings to be held by the State Committee. The State Committee shall formulate the standards and procedures in written form for establishing shares within the State in accordance with the provisions of this section. Such standards and procedures shall include (1) the subdivision of the State into allotment areas, where applicable, (2) formulae for the establishment of area allotments and individual farm proportionate shares, (3) the level of set asides for new producers, (4) the level of set asides for appeals and adjustments and (5) the minimum acreage which the State Committee determines is economically feasible to plant as a new producer share. The standards and procedures shall be reviewed by DASCO for conformity with the provisions of this section and to assure reasonable uniformity between adjoining areas in adjacent States, shall be subject to the approval of DASCO, and shall be available for public inspection in State and county offices. The basic standards and procedures for each State shall become effective when published in the FEDERAL REGISTER.

(d) *Requests for shares.* Except as hereinafter provided, any operator of a farm for the 1965-crop season, including the operator of a farm to wihch a commitment of acreage is made from the national sugarbeet acreage reserve pursuant to Part 851 of this chapter, desiring a share shall file a written request therefor with the local Agricultural Stabilization and Conservation County Office by the closing date set forth below for the State. Where more than one person shares in the control and direction of the sugarbeet operation on the farm and in the opportunity of financial gain or risk of financial loss from such operations, the request for a share shall be made in the name of all such persons by the person (or persons) who bears the major portion of the opportunity of gain or risk of loss. A request for a share with respect to a farm to be operated by a corporation, association or partnership shall be made in the name of the corporation, association or partnership. Each request shall specify the location of the land, the identity of the farm, and shall include a statement that the person (or persons) signing the request will be the operator of the farm at the time of planting 1965-crop sugarbeets thereon, that he (or they) plans to continue as operator of the farm throughout the 1965-crop season and that he (or they) will

promptly notify the County Committee or any changes in operations of the farm made during the season. The name of the owner or lessor of the land comprising the farm, if different from the operator thereof, shall also be stated on the request. Where the operator of a 1965-crop farm or the specific land to be included in a 1965-crop farm may be unknown by the closing date set forth below, the owner of a farm in a farm history area or the owner or prospective farm operator in a personal history area may file a preliminary request which shall serve as a basis for computing a tentative share pursuant to paragraph (j) of this section, pending the filing of a completed request for a share in full detail within 60 days following such closing date or such later date established as hereinafter provided. The computation of a tentative share, as aforesaid, shall not constitute the establishment of a share, but will merely serve as a representation that a share may be established upon the filing of a fully-completed request for a share in the time and manner as provided above in this paragraph. A request form may be obtained from local Agricultural Stabilization and Conservation county offices, from fieldmen of sugar companies or from such other source as the State Committee may designate. The State Committee shall publicize directions for filing such requests. To assure consideration in the initial distribution of acreage pursuant to paragraphs (j) or (k) of this section, a request shall be filed on or before the effective closing date: *Provided*, That a request may be accepted after the effective date for consideration with respect to available acreage, if the State Committee determines that the person desiring a share was prevented from filing by such date due to illness or other reason beyond his control; *And provided further*, That requests may be accepted generally by the State Committee after such date if the total acreage covered by bona fide requests filed by such date by old producers is less than the acreage available for distribution to old producers, or if acreage is available within the area allotment, as established pursuant to paragraph (f) of this section:

| State | Closing date |
|---|---|
| California: | |
| Northern Area | Dec. 1, 1964 |

The closing dates for other States will be established by amendment to this section.

(e) *Set aside acreage for new producers, appeals and adjustments.* Not less than one-half of one percent of the State acreage allocation shall be set aside for establishing shares for farms operated in 1965 by new producers, including those operated by students as educational test plots. In addition, not less than a total of one-half of one percent of the State acreage allocation shall be set aside for making adjustments in initial shares as provided in paragraph (i) of this section and for making adjustments pursuant to written appeals filed pursuant to Part 780 of chapter VII. For the purpose of making adjustments in initial shares, any acreage available from initial proprotionate shares in excess of requested acreages may also be utilized.

(f) *Subdivision of State acreage allocations.* Before establishing shares, the State Committee may subdivide the State acreage allocation into allotments for areas within the State, such as the territory served by a beet sugar company, a county or a group of counties. In making such a subdivision, a formula shall be applied to the accredited acreages for the three crop years 1962, 1963 and 1964. The formula shall give major weighting to accredited acreages in 1963 and 1964 and may utilize a floor or ceiling representing the percentage relationship between the State acreage allocation and the 1963 and 1964 accredited acreages in the State or such floor or ceiling may be related to the accredited acreages within the allotment areas for one or more years in the base period. If the State acreage allocation is not subdivided, shares will be established directly from such allocation and the State shall be deemed to be one allotment area. Subject to the provisions of paragraph (1) of this section, unused acreage of any area's allocation may be reallotted by the State Committee among other areas within the State.

(g) *Establishment of farm bases.*—(1) *General.* A farm base shall be computed for each farm, including a reserve acreage farm, having an accredited acreage record during the base period, for which a request for proportionate share is filed pursuant to paragraph (d) of this section. In establishing farm bases from area allotments, the State Committee shall use a formula to give consideration to the factors of past production of sugarbeets and ability to produce sugarbeets. These factors shall be measured, as hereinafter provided in this paragraph, by reference to the accredited acreage records during the base period. The formula shall give major weighting to the accredited acreages in 1963 and 1964 and may utilize a floor or ceiling in relation to the accredited acreages for one or more of the years in the base period. The same formula shall be applied to the accredited acreage records of all farms in an allotment area.

(2) *Farm history area.* If the farm is in an allotment area where personal production records of farm operators are not utilized, the farm base shall be computed by applying a formula to the accredited acreage record of the farm during the base period.

(3) *Personal history area.* If the farm is in a personal history area, the farm base for any farm operated for the 1965 crop by a person having a personal accredited acreage record during the base period shall be computed by applying a formula to all or a portion of such record within the State or allotment area; or to all or a portion of the accredited acreage record of the farm which such person will operate during the 1965-crop year; to the larger of such personal accredited acreage record or all or a portion of such farm record; or to a combination of all or a portion of such personal accredited acreage record and all or a portion of such farm record. For any farm in a personal history area which is operated for the 1965 crop by a person who has no personal accredited acreage record during the base period, no farm base shall be computed unless the State Committee determines that all or a portion of the farm record shall be used. If such determination is made, the farm base shall be computed by applying the formula to all or a portion of the accredited acreage record of the farm during the base period. Generally, such portions shall represent the landlords' shares of the crops covered by such accredited acreage record. In each allotment area in which portions of accredited acreage records of farms during a base period are used for determining farm bases, the State Committee shall use similar portions of the accredited acreage records for all farms of the same category in the allotment area. In case of death, retirement, or incapacity of an operator, his personal sugarbeet production record shall be credited to the legal representative of his estate or to a member of his family, if in the 1965-crop year such legal representative or family member continues the customary sugarbeet operations of the retired, deceased or incapacitated operator. In case of the merger or consolidation of two or more corporations, the sugarbeet production record of any of the constituent corporations shall be credited to the surviving or consolidated corporation if in the year of the merger or consolidation, or in the following year, the surviving or consolidated corporation operates land and produces sugarbeets. The personal sugarbeet production records of individuals or of a partnership forming a corporation may not be credited to such corporation. Upon the dissolution of a corporation, no personal history credits of the corporation shall be transferred to individuals. Where a person having a personal accredited acreage record during the base period, in an area where such records are used, and another person or persons initiate a joint operation of a farm for the production of the 1965 crop of sugarbeets by a partnership, sharing arrangement or other form of joint enterprise, the farm base shall be established on the basis of and measured by an acreage not exceeding the landowner's share of the sugarbeet crops included in the accredited acreage record for the farm during the base period unless the county committee determines and a representative of the State Committee concurs that such joint enterprise is conducted exclusively by the immediate members of a family, or that under such joint enterprise the person or persons having the accredited acreage record during the base period share in the control and direction of the sugarbeet operations and bear a significant portion of the risk of financial loss or opportunity of financial gain resulting from such operations. If, as aforesaid, the county committee determines and a representative of the State Committee concurs that such joint operation of the farm is a family operation or that the person or persons having the accredited acreage record during the base period will share in the control and direction of the sugarbeet operations and bear a significant portion of the risk of financial loss or opportunity of gain resulting from



such operations, the base for such farm shall be established on the basis of the personal accredited acreage records in accordance with the provisions of this section. The personal accredited acreage history of any partnership which was dissolved prior to the planting of the 1965 crop shall be credited to the individuals who were members of the partnership pro-rata on the basis of their respective contributions to such partnership at the time it was formed; *Provided*, however, that in the event any such dissolved partnership was in existence for at least three years the acreage history of the partnership may be credited to each of the former partners in accordance with a written agreement signed by all of the former partners or their legal representatives.

(4) *Reserve acreage farms.* A farm base shall be computed for each farm to which a commitment of acreage is made pursuant to Part 851 of this Chapter by applying a formula to that portion, if any, of the acreage utilized on such farm in excess of the acreage committed to such farm. Such farm base shall be computed pursuant to subparagraph (2) or (3) of this paragraph (g), depending on whether the farm is in a farm history or personal history area.

(h) *Establishment of initial shares for old producer farms.* In any allotment area in which the total of farm bases is equal to or smaller than the area allotment less the set-asides of acreage made pursuant to paragraph (e) of this section, initial shares shall be established as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less such set-asides and the total of the initial shares of the farms for which the requested acreages are equal to or less than their farm bases. In any allotment area in which the total of farm bases exceeds the area allotment less the set-asides of acreage made pursuant to paragraph (e) of this section, initial shares shall be computed by prorating to the farms in accordance with their respective bases, the area allotment less such set-asides. Notwithstanding the above, no initial share shall be established for a farm in excess of the requested acreage for such farm.

(i) *Adjustments.* Initial shares shall be adjusted by the State Committee, within acreages available for this purpose, to the extent determined by it to be necessary to establish a share for each farm which is fair and equitable, as compared with shares for all other farms in the allotment area, by taking into consideration availability and suitability of land, area of available fields, crop rotation practices, availability of irrigation water (where irrigation is used), adequacy of drainage, availability of processing and marketing facilities, and the production experience of the operator.

(j) *Establishment of shares for old producer farms*—(1) *Other than reserve acreage farms.* The 1965 share for any such farm shall be the initial share determined pursuant to paragraph (h) of this section plus the adjustment, if any, made pursuant to paragraph (i) of this section.

(2) *Reserve acreage farms.* The 1965 share for any such farm shall be determined pursuant to the following applicable subdivisions:

(i) *Mendota, Calif., locality.* The smaller of the reserve acreage contracted by the processor, as adjusted pursuant to Part 851 of this Chapter, with an eligible 1965-crop farm operator or 100 acres plus the initial share and any adjustments made thereto pursuant to paragraphs (h) and (i), respectively, of this section.

(ii) *Hereford, Tex., and Curry County, N. Mex., localities.* The smaller of the reserve acreage contracted by the processor, as adjusted pursuant to Part 851 of this Chapter, for an eligible 1965-crop farm or 75 acres plus the initial share and any adjustments made thereto pursuant to paragraphs (h) and (i), respectively, of this section.

(iii) *Ottawa, Ohio, and Carrollton-Croswell, Mich., localities.* The smaller of the reserve acreage contracted by the processor, as adjusted pursuant to Part 851 of this Chapter, for an eligible 1965-crop farm or 30 acres plus the initial share and any adjustments made thereto pursuant to paragraphs (h) and (i), respectively, of this section.

(iv) *Idaho Falls, Idaho, locality.* The smaller of the reserve acreage contracted by the processor, as adjusted pursuant to Part 851 of this Chapter, for an eligible 1965-crop farm or 50 acres plus the initial share and any adjustments made thereto, pursuant to paragraphs (h) and (i), respectively, of this section.

(v) *Drayton, N. Dak., locality.* The smaller of the reserve acreage contracted by the processor, as adjusted pursuant to Part 851 of this Chapter, with an eligible 1965-crop farm operator or 80 acres.

(vi) *Auburn, N.Y., locality.* The smaller of the reserve acreage contracted by the processor, as adjusted pursuant to Part 851 of this Chapter, for an eligible 1965-crop farm or 75 acres.

(k) *Establishment of shares for new-producer farms.* Within the acreage set aside for new-producer farms from the State acreage allocation pursuant to paragraph (e) of this section and other unused acreage that the State Committee determines shall be used for new producers, shares shall first be established for such farms as the State Committee determines are operated by students as educational test plots. Thereafter, shares shall be established as follows for other farms which are to be operated by new producers during the 1965 crop year. The State Committee shall determine and specify in the standards and procedures published in the FEDERAL REGISTER the minimum acreage which is economically feasible to plant as a new-producer share. The State Committee shall also determine whether distribution of acreage for establishing new-producer shares will be made on the basis of the entire allotment area or on the basis of counties or groups of counties within the allotment area. If distribution of such acreage is made on the basis of counties or groups of counties such distribution shall be made pro-rata, in multiples of the minimum economic unit of acreage which is economically feasible to plant as a new-producer share (rounding fractional units), on the basis of the total 1965-crop farm bases of old-producer farms within such counties or groups of counties or on such other basis as is approved by DASCO and is set forth in the standards and procedures published in the FEDERAL REGISTER. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, the State Committee (or such County Committees as are designated by the State Committee in its standards and procedures to rate qualifications of applicants within the county or group of counties subject to review by the State Committee), shall rate each request as outstanding, well-qualified, or less-qualified by taking into consideration the availability and suitability of land, availability of irrigation water (where irrigation is used), adequacy of drainage, the production experience of the operator and the availability of processing and marketing facilities. In the consideration of the availability of marketing facilities, the combined costs of the producer and the processor for transporting beets from the farm to the nearest sugarbeet factory, within broad rate limits, may be taken into account. To be rated as outstanding, an applicant must have had significant sugarbeet production experience and must rate at least well-qualified on all of the other items of consideration. Where there is insufficient acreage available for new producers within an allotment area, county or group of counties, to establish minimum new-producer shares for all farms whose operators are rated as outstanding and well-qualified under the aforestated considerations, such shares shall be established for farms whose operators are rated as outstanding, and the acreage remaining in the set-aside shall be used to establish minimum shares for those farms whose operators are rated as well-qualified and who are selected by lot. If the State Committee determines that the share established for any new producer, who is rated outstanding pursuant to this paragraph, does not fully recognize the production experience of such producer, such share may be adjusted to a level commensurate with such experience by taking into consideration the factors enumerated above. Any additional acreage required to make such adjustment shall be obtained from acreage set aside for the purposes set forth in paragraph (e). Where there is not sufficient acreage available for new producers within an allotment area, county or group of counties to establish minimum new-producer shares for all farms whose operators are rated as outstanding under the aforestated considerations, minimum shares shall be established for those farms whose operators are rated outstanding and who are selected by lot. Each drawing by lot shall be supervised by a representative of the State Com-

mittee, or by a representative of the county committee designated by the State Committee if the distribution of new-producer acreage is made by counties or groups of counties. Each person requesting a new-producer share who will be included in the drawing, shall be given a reasonable advance notice of the drawing and opportunity to attend. The names (or corresponding numbers) of all such persons shall be placed in a container in such a manner that they are indistinguishable to the person making the "draws". Before the drawing, the person in charge shall announce whether the selections are to be made on consecutive draws or on some other specific basis. The entire acreage set aside for new producers shall be allotted to new producers who are rated as outstanding and well-qualified, if requested, unless the State Committee finds that new-producer farms would then be allotted shares out of proportion to the shares for old-producer farms and such committee obtains the approval of DASCO to allot a lesser acreage. Any acreage set aside for new producers and not requested by producers who are rated as outstanding and well-qualified and any acreage allotted to new producers and remaining unused, shall be available for distribution to other farms.

(l) *Distribution of unused acreages.* Revisions in shares may be made within the allotment area in accordance with procedures established by the State Committee to offset underplanting and failure to plant. Such revisions may be made during the crop season, except that in southern California (including the Counties of Imperial, San Diego, Riverside, Orange, San Bernardino, and that part of Los Angeles County lying south of the San Gabriel Mountains) and all other States such revisions shall not be made later than 30 days prior to the beginning of harvest in the area as determined by the State Committee. In the northern area of California, such redistribution of acreage shall not be made after October 1, 1965, unless such reallotment is approved in writing by DASCO. Revisions may be effected on a sub-area basis, such as counties, sugar factory districts, or sugar company territories. Unused acreage in any area may be reallotted by the State Committee among other areas within the State. In case of a disagreement between producers and a sugarbeet processor with respect to the sugarbeet purchase contract to be effective in the settlement area, or where no company offers a contract to producers to cover fully the shares for their farms, the shares allotted to the farms operated by such producers shall not be reduced unless the affected producers voluntarily agree to reductions in their respective shares or the State Committee determines that such shares should be reduced because of unusual circumstances and for good cause and that the involved acreages should be reallotted by the State Committee to other producers.

(m) *Notification of shares and right of appeal.* Each farm operator filing a request shall be notified in writing on behalf of the State Committee of the share established in response to his request, even if the acreage established is "none". Such notice shall inform him of his right to appeal under Part 780 of Chapter VII and each such farm operator shall be notified in writing of any cancellation or adjustment made in the share as provided in this section. In any case in which a tentative share is computed pursuant to a preliminary request for a share, as provided in paragraph (d) of this section, the person filing the preliminary request shall be furnished a notice which shall inform him that the acreage stated thereon as a tentative share does not constitute the establishment of a farm share for the purpose of payment under the act, and that a farm share for such purpose may be established only upon the filing of a fully-completed request for a share within the time and in the manner as provided in paragraph (d) of this section. The farm operator of each farm for which a share is redetermined, in accordance with the provisions of paragraph (0) of this section, shall be notified in writing on behalf of the State Committee of the redetermined share and of the right to appeal therefrom as provided in Part 780 of Chapter VII.

(n) *Notification of excess sugarbeet acreage.* If the County Committee determines that the acreage of sugarbeets for any farm is in excess of the share established for such farm, written notice of such excess acreage and of the eligibility requirements for payment as set forth in paragraph (p) of this section shall be furnished to the operator of such farm.

(o) *Redetermination of shares.* For the purpose of this paragraph, the division or combination of a farm or farms and the reconstitution of a farm or farms shall be those which give effect to the definition of a farm set forth in Part 822 of this chapter. Shares shall be redetermined under the following circumstances:

(1) *Reconstitution of farms in localities receiving commitments of reserve acreage.* The reconstitution of farms receiving commitments from the national sugarbeet acreage reserve and the establishment of proportionate shares for such reconstituted farms shall be made in accordance with Part 851 of this chapter, and as hereafter provided in this subparagraph (1). If, before planting, a farm receiving a commitment of reserve acreage for the first time for the 1965 crop is combined with another farm having an accredited acreage record with the result that the combined farm is ineligible for a commitment of reserve acreage, such commitment and any share issued pursuant thereto shall be cancelled. In any such case, a farm base and a farm proportionate share shall be determined for the combined farm in accordance with paragraphs (g), (h), and (j) of this section. If a farm receiving a commitment of reserve acreage for the first time for the 1965 crop is combined with another farm for which a new producer share was established, such new producer share shall be cancelled. If a farm, with a commitment of reserve acreage for the first time in 1965 is subdivided prior to planting, the share shall be apportioned pro rata to the subdivisions on the basis of the relationship of the cropland suitable for the production of sugarbeets in each of the subdivisions to the total cropland in the farm being subdivided. Where any such farm is subdivided after planting, the share shall be apportioned pro rata to the subdivisions on the basis of the acreage planted to 1965-crop sugarbeets on each subdivision.

(2) *Reconstitution of farms not involving reserve acreage*—(i) *Before planting time.* Where a farm, as constituted at the time the 1965-crop share is established for it is subdivided prior to planting time the share established for such farm shall be cancelled and each subdivision shall be credited with the record of accredited acreage thereon during the base period, if available, or, if not available, with its pro-rata share of such accredited acreage based upon the percentage that the acreage suitable for the production of sugarbeets in such subdivision is of the total acreage suitable for the production of sugarbeets in the farm of which it was a part. A farm base and a share shall be determined for each reconstituted farm in accordance with paragraph (g), (h), and (j) of this section, subject to the acreage available. Where two or more old-producer farms are combined prior to planting time, the share or shares established therefor shall be cancelled and a farm base and a share shall be established for such combined farm in accordance with paragraphs (g), (h), and (j) of this section, subject to acreage available. Where a 1965 crop new-producer share is established for a farm, and such farm is combined with another farm or is subdivided, the share or shares shall be cancelled and farm bases and shares shall be redetermined in accordance with paragraphs (g), (h), and (j) or paragraph (k) of this section, subject to the acreage available.

(ii) *After planting time but prior to harvest.* Except as provided in subparagraph (3) of this paragraph, where a farm, as constituted at the time a 1965-crop share is established for it, is combined with another 1965 farm or part thereof subsequent to planting time but prior to harvest of the 1965-crop beets, the share established for such farm shall be added to the share, if any, established for the farm with which it is combined to establish a share for the combined farm. Where a farm, as constituted at the time a 1965-crop share is established for it, is subdivided and each division becomes a separate farm or part of another farm subsequent to planting time but prior to harvest of the 1965-crop beets, the share established for such farm shall be prorated to the subdivisions on the basis of the acreage planted to 1965-crop sugarbeets on each subdivision. Such prorated portions of the 1965-crop share so determined shall then be added to the 1965-crop share, if any, of the land with which it is combined to establish a share for each such reconstituted farm.

(3) *Improper credit for personal history.* If a 1965-crop share was established for a farm with consideration of the personal history of a person who had no interest or did not acquire any interest in such farm as an operator, the share for the farm shall be cancelled and a farm base and share determined for the farm as provided in paragraphs (g), (h), and (j) of this section. If the County Committee determines that any farm for which the share was established with consideration of the personal history of a person (or persons) is being operated jointly with or is being operated by another person (or persons), excluding a joint operation conducted exclusively by the immediate members of the family of the person contributing the personal acreage history credit; or that any such farm is subdivided into or is combined with one or more other farms, the State Committee shall be notified of the circumstances and the share for the farm shall be cancelled and a new base and share or bases and shares for the farm, combined farms, or subdivisions of such farm shall be established in accordance with the provisions of paragraphs (g), (h), and (j) of this section: *Provided,* That in any case where planting has occurred and in which the State Committee is satisfied that the foregoing changes in operations were not made as an attempt to transfer a share or share history, it may make an exception and recognize the share as originally established. In determining whether to make an exception, the State Committee shall be guided by whether the person (or persons), whose personal history was considered in establishing the original share for the farm, shares to a significant extent in the risk of financial loss or opportunity of gain from the sugarbeet operations and whether the joint enterprise, or transfer of operations to another person (or persons) represents normal, sound operational arrangements which would be undertaken in the absence of sugarbeet acreage controls.

(4) *Erroneous notice of 1965 share or of excess sugarbeet acreage.* If, through error, a producer is officially notified of a 1965-crop share for his farm greater than the share properly established pursuant to this section, or is furnished an incorrect notice of excess sugarbeet acreage, or if the acreage of sugarbeets is in excess of the share for the farm and a notice thereof is not mailed to the producer, and it is found by the State Committee that such producer, acting solely on the information contained in the erroneous notice or without a notice of excess sugarbeet acreage being mailed to him, marketed 1965-crop sugarbeets from an acreage in excess of the share properly established, the producer will be deemed to be in compliance with the share unless he marketed sugarbeets for sugar from an acreage in excess of the share stated in the erroneous notice or unless it is determined by the State Committee that the error in the share or notice was so gross, or that the excess acreage was so gross as to place the producer on notice regarding the error in the share or in the existence of the excess acreage. However, the Sugar Act payment with respect to the farm shall be limited to the amount of sugar commercially recoverable from the sugarbeets marketed (or processed) from the acreage within the properly established share. If the share for any farm was established by the use of incorrect data, resulting in a share smaller than the share that would have been established by the use of correct data, such share shall be increased to the correct level from acreage available within the State acreage allocation or, if no acreage is available in such allocation, the case shall be transmitted to DASCO, for appropriate action to correct the error.

(p) *Eligibility for payment under the Act.* For any producer of 1965-crop sugarbeets to be eligible for payment under the act, the acreage of sugarbeets grown on the farm and marketed (or processed) for the production of sugar or liquid sugar shall not exceed the share determined for the farm in accordance with this section, except as provided in paragraph (o) (4) of this section, and except that any sugarbeets grown on acreage in excess of such share may be marketed (or processed) for the extraction of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the operator-producer on the farm furnishes weight tickets to the county committee evidencing that such sugarbeets were sold by him, or were processed by or for him, for the extraction of sugar or liquid sugar for livestock feed, or for the production of livestock feed, and if so sold, were purchased by the processor for such purpose. Also, the requirements of the act with respect to child labor shall have been met, except that such requirements shall not be applicable to any sugarbeets marketed (or processed) from an acreage in excess of the share for the farm for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the producer furnishes proof which the county committee finds acceptable and adequate that the work performed by any child subject to such requirements was related solely to such sugarbeets. In addition, the requirements of the act and of the regulations issued pursuant thereto with respect to wage rates and, in the case of a processor-producer (a producer who is also a processor), prices paid for sugarbeets shall have been met. Notwithstanding the foregoing provisions of this paragraph, the requirements for payment with respect to marketings (or processings) within the share shall be deemed to be met where sugarbeets were marketed (or processed) for sugar or liquid sugar from an acreage on the farm exceeding the share: *Provided,* That (1) the excess acreage is not more than the larger of five-tenths acre, or one percent of the share but not to exceed three acres, (2) the county committee finds that the marketings (or processings) of sugarbeets from excess acreage were unintended by the operator of the farm and the State Committee concurs in such finding, and (3) within one year from the date of the processing of the sugarbeets from the excess acreage, the producer has arranged for a quantity of sugar, which was produced from sugarbeets in the Domestic Beet Sugar Producing Area, which had not been marketed to fill a quota for such area as provided in Part 816 of this chapter and which is equivalent to the quantity of sugar produced from the sugarbeets marketed from such excess acreage, to be made subject to a bond given pursuant to the provisions of Part 816 of this chapter, which provides that a condition of such bond is that the sugar shall be used for livestock feed or for the production of livestock feed. The Sugar Act payment in any such case shall be limited to the acreage within the share.

*Statement of bases and considerations—Sugar Act Requirements.* As a condition for payment to producers, section 301(b) of the act, as modified by section 302(b)(6), provides that there shall not have been marketed (or processed), except for livestock feed or for the production of livestock feed, an amount of sugarbeets grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm, if farm proportionate shares are determined by the Secretary pursuant to section 302 of the act. In the domestic beet sugar area, the term "proportionate share" is the individual farm's share of the total acreage of sugarbeets required to enable the producing area to meet its quota (and provide a normal carryover inventory) as estimated by the Secretary for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

Section 302(a) provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarbeets grown on the farm and marketed (or processed by the producer) for sugar or liquid sugar not in excess of the proportionate share for the farm, if farm proportionate shares are determined by the Secretary.

Subsections (1), (2), and (5) of section 302(b) provide that in determining proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugarbeets marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugarbeets; that the Secretary may also, in lieu of or in addition to the past production of farms, take into consideration the sugarbeet production history of a person who was the farm operator during the base period in any State or substantial portion thereof in which he determines that sugarbeet production is organized generally around persons rather than units of land, other than a State or substantial portion thereof wherein personal sugarbeet production history of farm operators was not used generally prior to 1962 in establishing farm proportionate shares; and that the Secretary shall insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants or sharecroppers, and of the producers in any local producing area whose past production has been adversely, seriously and generally affected by drought, storm, flood, freeze, disease or insects, or other similar abnormal and uncontrollable conditions.

*General.* Acreage restrictions were not applicable to the sugarbeet crops of 1961 through 1964. During this period, plantings increased from about 972,000 acres for the 1960 crop (the last one restricted) to about 1,460,000 acres for the 1964 crop. Pursuant to commitments from the National Sugarbeet Acreage Reserve, two new beet sugar factories will begin operations in 1965 and will process beets from a total of about 60,000 acres.

In mid-October of this year, sugarbeet grower associations representing farmers planting well over 95 percent of the sugarbeet acreages in 1964 and sugarbeet companies processing a similar percentage of sugarbeets of that crop recommended to the Department that 1965-crop sugarbeet acreage be limited to 1,375,000 acres, including the acreages committed to localities from the National Sugarbeet Acreage Reserve pursuant to Section 302(b) of the Act. Certain other recommendations, discussed hereinafter, were also made to the Department.

On October 19, 1964, the Department announced the establishment of a national sugarbeet acreage requirement of 1,375,000 for the 1965 crop of sugarbeets, including a total of 118,815 acres committed to localities from the National Sugarbeet Acreage Reserve for the crops of 1963 through 1965. On October 19, the Department also announced a public hearing in San Francisco, Calif., for October 27 for the purpose of receiving views and recommendations from interested persons for use by the Secretary of Agriculture in allocating the national sugarbeet acreage requirement to States and in establishing proportionate shares (farm acreage allotments) for the 1965 sugarbeet crop. To provide a basis of discussion at the hearing, the Department included in the press release several proposals, the most important of which were as follows:

(1) That 118,815 acres of the 1,375,000 national sugarbeet acreage requirements be assigned to localities which have received commitments in this amount from the national sugarbeet acreage reserve for the crops of 1963 through 1965. These acreages are protected from cut-backs in 1965;

(2) That a contingency of 1,000 acres be established for use by the Deputy Administrator, State and County Operations, ASCS, for the purpose of correcting misapplication of the proportionate share regulations at State levels, and correcting errors in establishing farm shares and to meet other contingencies;

(3) That a base acreage would be established for each sugarbeet producing State on the record of its 1962–64 accredited acreage (acreage harvested for sugar, bona fide abandoned acres and prevented acres, but excluding acreage from the national sugarbeet acreage reserve) by adding 30 percent of the 1962–63 average accredited acreage and 70 percent of the 1964 accredited acreage. The resultant State base acreages would be factored to 1,255,185 (the national limitation less the effective national reserve of 118,815 acres and the 1,000 contingency acreage). The proposal with respect to establishing State allocations coincided with the recommendation made to the Department on October 16, 1964;

(4) That nominal set-asides be made within each State allocation for use in establishing shares for new producers, making adjustments in initial shares, increasing the shares for small producers and for making adjustments in shares as a result of appeals;

(5) That allotments for producing areas (such as a factory district) within States and individual farm proportionate shares be established by use of formulae applied to the acreage records for the crop years of 1962 through 1964, with major weightings to 1963 and 1964 acreages;

(6) That State Committees choose between the use of land history and the personal production records of farm operators rather than using part land and part personal history or a combination thereof in localities where personal history was used under the prior restrictive period (1955–60); and

(7) That the other provisions of the proportionate share program and the operations thereof be substantially in accord with the manner in which the programs were conducted under the most recent period of restrictions.

*Public Hearing.* The spokesman for the great majority of the growers associations and for all but one of the processors generally endorsed the proposal contained in the Department's press release of October 19, 1964. This spokesman requested that the minimum set asides for new producers and for adjustments in shares, including those for small producers and appeals, be maintained within a total of one percent as previously recommended by the industry to the Department.

The spokesman from one area recommended that States having the smaller acreages not be subjected to reductions from the 1964 levels by more than a certain percentage.

The spokesman for one processor, as well as a grower from that processing area, suggested that special consideration be accorded the processing area in view of adverse effects on acreages resulting from shortages of irrigation water. This request was supported by several members of the area's congressional delegation.

Several other helpful recommendations were received from other spokesmen.

*Determination.* This determination, with slight modifications, embodies the proposals made by the Department at the public hearing in San Francisco on October 27, 1964.

State acreage allocations will be established by adding 30 percent of the average accredited acreages for the crop years of 1962 and 1963 and 70 percent of the 1964 accredited acreage and factoring the resultant State bases to 1,255,185 acres. These allocations will be established by amendment to this determination as soon as possible after receipt of revised 1964 acreage data. At the same time, the closing dates for the filing by individual farmers of requests for proportionate shares will be established for the balance of the States.

Provision is made for the set-aside of not less than one-half of one percent of each State allocation for use in establishing shares for farms operated in 1965 by new producers, including those operated by students as educational test plots. An additional total amount of not less than one-half of one percent of each State allocation must be set aside for use in making adjustments in shares resulting from the farm formula adopted by the State committee and for making adjustments pursuant to appeals. State committees may increase the amounts of such minimum set-asides to meet conditions in the State and in the individual allotment areas.

In allotment areas wherein the personal production records of farm operators were used to establish farm proportionate shares prior to 1962, such records may be used under the 1965 program. In view of the unanimous recommendations of representatives of affected areas, ASC State Committees are again authorized to use a combination of land history and the history of farm operators in these areas. In the use of a combination of land and personal history, State Committees are urged to utilize formulas that will minimize inflation of farm bases.

Representatives from one State recommended that they be permitted to use personal history even though the history of farm operators was not used in establishing proportionate shares prior to 1962. No legal authority exists to permit the use of the personal production records of farm operators in areas in which such records were not used to establish shares prior to 1962, except in areas where proportionate shares were not established prior to that year.

In establishing State allocations, area allotments and farm proportionate shares, recognition is given to acreages that farmers were prevented from planting because of the reasons enumerated in the statute, provided requests for such acreages were timely filed with ASC county offices in accordance with previously published regulations and the local producing areas were substantially affected by the conditions preventing such plantings. In view of this recognition and to avoid a further cut-back in the acreages for old growers, it is not deemed appropriate to provide additional special provisions for such areas. In light of the cut-back in acreage for old growers and in the absence of specific legislative authority, no special consideration is provided for States and areas to provide minimum acreages or acreages for experimental plantings to prove the suitability of localities for growing sugarbeets.

As under past programs, ASC State Committees will develop the programs for their States (within the provisions of this determination) and carry out the provisions thereof. The recommendations of growers, grower associations and sugarbeet companies may be obtained.

The provisions of this determination provide an equitable basis for establishing proportionate shares for farms in the area for the 1965 crop of sugarbeets.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the Act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on November 19, 1964.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 64–12039; Filed, Nov. 24, 1964; 8:46 a.m.]



## Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 33]

## PART 1033—MILK IN THE GREATER CINCINNATI MARKETING AREA

### Order Amending Order

**§ 1033.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Cincinnati marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than December 1, 1964. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator was issued September 21, 1964, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued November 5, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective December 1, 1964, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, on and after the effective date hereof, the handling of milk in the Greater Cincinnati marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. In Section 1033.51, paragraph (a) is revised to read as follows:

**§ 1033.51 Class prices.**

* * * * *

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.34, plus or minus a "supply-demand adjustment" of not more than 50 cents computed as follows:

(1) Divide the aggregate pounds of producer milk in Class I milk (including inventory and "overage", but adjusted to eliminate duplications due to interhandler and intermarket plant transfers) under this part and under Part 1034 of this chapter (Dayton-Springfield, Ohio order) for the second, third and fourth months preceding by the aggregate pounds of producer milk receipts under such parts for the same months, multiply the result by 100 and round to the nearest whole number. The result shall be known as the "Class I utilization percentage";

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum standard utilization percentage listed below increase the Class I price differential by three cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum standard utilization percentage listed below decrease such differential by three cents.

| Month for which price is being computed | Preceding months used in computation | Standard utilization percentages | |
|---|---|---|---|
| | | Minimum | Maximum |
| Jan. | Sept., Oct., Nov. | 66 | 69 |
| Feb. | Oct., Nov., Dec. | 68 | 71 |
| Mar. | Nov., Dec., Jan. | 69 | 72 |
| Apr. | Dec., Jan., Feb. | 68 | 71 |
| May | Jan., Feb., Mar. | 68 | 71 |
| June | Feb., Mar., Apr. | 66 | 69 |
| July | Mar., Apr., May | 60 | 63 |
| Aug. | Apr., May, June | 54 | 57 |
| Sept. | May, June, July | 52 | 55 |
| Oct. | June, July, Aug. | 53 | 56 |
| Nov. | July, Aug., Sept. | 58 | 61 |
| Dec. | Aug., Sept., Oct. | 62 | 65 |

* * * * *

2. In § 1033.52 the introductory text to paragraph (a) and paragraph (a) are revised to read as follows:

**§ 1033.52 Butterfat differentials to handlers.**

For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1033.51 of this chapter shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.127.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Effective date: December 1, 1964.

Signed at Washington, D.C., on November 19, 1964.

CHARLES S. MURPHY,
*Under Secretary.*

[F.R. Doc. 64–12070; Filed, Nov. 24, 1964; 8:50 a.m.]

[Milk Order No. 34]

## PART 1034—MILK IN THE DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

### Order Amending Order

**§ 1034.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to

the order regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than December 1, 1964. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator was issued September 21, 1964, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued November 5, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective December 1, 1964, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Dayton-Springfield, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

Section 1034.51 is revised to read as follows:

§ 1034.51 Class I milk prices.

Subject to the provisions of § 1034.53 the price for Class I milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) Add $1.24 to the basic formula price for the preceding month plus or minus a "supply-demand adjustment" of not more than 50 cents computed as follows:

(1) Divide the aggregate pounds of producer milk in Class I milk (including inventory and "overage", but adjusted to eliminate duplications due to interhandler and intermarket plant transfers) under this part and part 1033 of this chapter (Greater Cincinnati order) for the second, third and fourth months preceding by the aggregate pounds of producer milk receipts under such parts for the same months, multiply the result by 100 and round to the nearest whole number. The result shall be known as the "Class I utilization percentage";

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum standard utilization percentage listed below increase the Class I price differential by three cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum standard utilization percentage listed below decrease such differential by three cents.

| Month for which price is being computed | Preceding months used in computation | Standard utilization percentages | |
|---|---|---|---|
| | | Minimum | Maximum |
| Jan. | Sept., Oct., Nov. | 66 | 69 |
| Feb. | Oct., Nov., Dec. | 68 | 71 |
| Mar. | Nov., Dec., Jan. | 69 | 72 |
| Apr. | Dec., Jan., Feb. | 68 | 71 |
| May | Jan., Feb., Mar. | 68 | 71 |
| June | Feb., Mar., Apr. | 66 | 69 |
| July | Mar., Apr., May | 60 | 63 |
| Aug. | Apr., May, June | 54 | 57 |
| Sept. | May, June, July | 52 | 55 |
| Oct. | June, July, Aug. | 53 | 56 |
| Nov. | July, Aug., Sept. | 58 | 61 |
| Dec. | Aug., Sept., Oct. | 62 | 65 |

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: December 1, 1964.

Signed at Washington, D.C., on November 19, 1964.

CHARLES S. MURPHY,
*Under Secretary.*

[F.R. Doc. 64-12071; Filed, Nov. 24, 1964; 8:50 a.m.]

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1964-Crop Grain Sorghum Supp., Amdt. 2]

## PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

### Subpart—1964-Crop Grain Sorghum Loan and Purchase Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation (29 F.R. 7591 and 11830) which contain regulations with respect to price support loan and purchase operations for the 1964-crop of grain sorghum are hereby amended to incorporate increases in basic county support rates as follows:

§ 1421.2531 Support rates.

* * * * *

(f) *Basic support rates for counties.*

| County | Dollars per hundredweight | |
|---|---|---|
| | From— | To— |
| **CALIFORNIA** | | |
| Madera | 2.23 | 2.24 |
| Mariposa | 2.19 | 2.25 |
| Merced | 2.24 | 2.25 |
| Santa Barbara | 2.11 | 2.12 |
| **COLORADO** | | |
| Adams | 1.60 | 1.70 |
| Arapahoe | 1.60 | 1.70 |
| Baca | 1.65 | 1.75 |
| Bent | 1.60 | 1.70 |
| Boulder | 1.60 | 1.70 |
| Cheyenne | 1.60 | 1.70 |
| Crowley | 1.60 | 1.70 |
| Custer | 1.60 | 1.70 |
| Denver | 1.60 | 1.70 |
| Douglas | 1.60 | 1.70 |
| Elbert | 1.60 | 1.70 |
| El Paso | 1.60 | 1.70 |
| Fremont | 1.60 | 1.70 |
| Huerfano | 1.60 | 1.70 |
| Jefferson | 1.60 | 1.70 |
| Kiowa | 1.60 | 1.70 |
| Kit Carson | 1.60 | 1.70 |
| Larimer | 1.60 | 1.70 |
| Las Animas | 1.60 | 1.70 |
| Lincoln | 1.60 | 1.70 |
| Logan | 1.60 | 1.70 |
| Morgan | 1.60 | 1.70 |
| Otero | 1.60 | 1.70 |
| Phillips | 1.60 | 1.70 |
| Prowers | 1.60 | 1.70 |
| Pueblo | 1.60 | 1.70 |
| Sedgwick | 1.60 | 1.70 |
| Washington | 1.60 | 1.70 |
| Weld | 1.60 | 1.70 |
| Yuma | 1.60 | 1.70 |
| All other counties | 1.60 | 1.65 |
| **KANSAS** | | |
| Allen | 1.80 | 1.86 |
| Anderson | 1.81 | 1.90 |
| Atchison | 1.85 | 1.91 |
| Barber | 1.66 | 1.76 |
| Barton | 1.66 | 1.76 |
| Bourbon | 1.81 | 1.88 |
| Brown | 1.79 | 1.89 |
| Butler | 1.69 | 1.79 |
| Chase | 1.72 | 1.82 |
| Chautauqua | 1.72 | 1.82 |
| Cherokee | 1.78 | 1.85 |
| Cheyenne | 1.60 | 1.70 |
| Clark | 1.63 | 1.73 |
| Clay | 1.72 | 1.82 |



| County | Dollars per hundredweight | |
|---|---|---|
| | From— | To— |
| **KANSAS—Continued** | | |
| Cloud | 1.70 | 1.80 |
| Coffey | 1.77 | 1.87 |
| Comanche | 1.65 | 1.75 |
| Cowley | 1.69 | 1.79 |
| Crawford | 1.78 | 1.88 |
| Decatur | 1.63 | 1.73 |
| Dickinson | 1.70 | 1.80 |
| Doniphan | 1.80 | 1.90 |
| Douglas | 1.83 | 1.91 |
| Edwards | 1.65 | 1.75 |
| Elk | 1.72 | 1.82 |
| Ellis | 1.65 | 1.75 |
| Ellsworth | 1.67 | 1.77 |
| Finney | 1.62 | 1.72 |
| Ford | 1.64 | 1.74 |
| Franklin | 1.82 | 1.91 |
| Geary | 1.72 | 1.82 |
| Gove | 1.62 | 1.72 |
| Graham | 1.64 | 1.74 |
| Grant | 1.66 | 1.76 |
| Gray | 1.63 | 1.73 |
| Greeley | 1.60 | 1.70 |
| Greenwood | 1.73 | 1.83 |
| Hamilton | 1.60 | 1.70 |
| Harper | 1.67 | 1.77 |
| Harvey | 1.69 | 1.79 |
| Haskell | 1.65 | 1.75 |
| Hodgeman | 1.64 | 1.74 |
| Jackson | 1.79 | 1.89 |
| Jefferson | 1.82 | 1.91 |
| Jewell | 1.68 | 1.78 |
| Johnson | 1.84 | 1.91 |
| Kearny | 1.60 | 1.70 |
| Kingman | 1.68 | 1.78 |
| Kiowa | 1.65 | 1.75 |
| Labette | 1.76 | 1.85 |
| Lane | 1.62 | 1.72 |
| Leavenworth | 1.86 | 1.91 |
| Lincoln | 1.67 | 1.77 |
| Linn | 1.84 | 1.91 |
| Logan | 1.60 | 1.70 |
| Lyon | 1.75 | 1.85 |
| McPherson | 1.68 | 1.78 |
| Marion | 1.69 | 1.79 |
| Marshall | 1.75 | 1.85 |
| Meade | 1.64 | 1.74 |
| Miami | 1.82 | 1.91 |
| Mitchell | 1.68 | 1.78 |
| Montgomery | 1.75 | 1.85 |
| Morris | 1.72 | 1.82 |
| Morton | 1.69 | 1.76 |
| Nemaha | 1.76 | 1.86 |
| Neosho | 1.77 | 1.85 |
| Ness | 1.64 | 1.74 |
| Norton | 1.65 | 1.75 |
| Osage | 1.78 | 1.88 |
| Osborne | 1.67 | 1.77 |
| Ottawa | 1.69 | 1.79 |
| Pawnee | 1.65 | 1.75 |
| Phillips | 1.66 | 1.76 |
| Pottawatomie | 1.76 | 1.86 |
| Pratt | 1.66 | 1.76 |
| Rawlins | 1.60 | 1.70 |
| Reno | 1.67 | 1.77 |
| Republic | 1.70 | 1.79 |
| Rice | 1.67 | 1.77 |
| Riley | 1.75 | 1.85 |
| Rooks | 1.65 | 1.75 |
| Rush | 1.65 | 1.75 |
| Russell | 1.66 | 1.76 |
| Saline | 1.66 | 1.76 |
| Scott | 1.60 | 1.70 |
| Sedgwick | 1.69 | 1.79 |
| Seward | 1.69 | 1.75 |
| Shawnee | 1.78 | 1.88 |
| Sheridan | 1.62 | 1.72 |
| Sherman | 1.60 | 1.70 |
| Smith | 1.67 | 1.77 |
| Stafford | 1.66 | 1.76 |
| Stanton | 1.66 | 1.76 |
| Stevens | 1.69 | 1.76 |
| Sumner | 1.69 | 1.79 |
| Thomas | 1.60 | 1.70 |
| Trego | 1.64 | 1.74 |
| Wabaunsee | 1.76 | 1.86 |
| Wallace | 1.60 | 1.70 |
| Washington | 1.72 | 1.82 |
| Wichita | 1.60 | 1.70 |
| Wilson | 1.75 | 1.85 |
| Woodson | 1.79 | 1.85 |
| Wyandotte | 1.86 | 1.91 |
| **MISSOURI** | | |
| Barry | 1.72 | 1.82 |
| Barton | 1.76 | 1.86 |
| Bates | 1.84 | 1.91 |
| Camden | 1.70 | 1.77 |
| Cass | 1.88 | 1.91 |
| Cedar | 1.79 | 1.88 |
| Christian | 1.75 | 1.82 |
| Dade | 1.75 | 1.85 |

| County | Dollars per hundredweight | |
|---|---|---|
| | From— | To— |
| **MISSOURI—Continued** | | |
| Dallas | 1.71 | 1.81 |
| Greene | 1.75 | 1.82 |
| Henry | 1.85 | 1.90 |
| Hickory | 1.76 | 1.86 |
| Jasper | 1.77 | 1.85 |
| Laclede | 1.70 | 1.77 |
| Lawrence | 1.72 | 1.82 |
| McDonald | 1.78 | 1.82 |
| Newton | 1.72 | 1.82 |
| Polk | 1.75 | 1.85 |
| Pulaski | 1.71 | 1.74 |
| St. Clair | 1.82 | 1.89 |
| Stone | 1.75 | 1.80 |
| Taney | 1.75 | 1.79 |
| Texas | 1.76 | 1.77 |
| Vernon | 1.84 | 1.88 |
| Webster | 1.73 | 1.79 |
| Wright | 1.76 | 1.77 |
| **NEBRASKA** | | |
| Adams | 1.68 | 1.78 |
| Arthur | 1.59 | 1.69 |
| Banner | 1.59 | 1.69 |
| Blaine | 1.59 | 1.69 |
| Boone | 1.74 | 1.75 |
| Box Butte | 1.59 | 1.69 |
| Boyd | 1.68 | 1.69 |
| Brown | 1.59 | 1.69 |
| Buffalo | 1.63 | 1.73 |
| Butler | 1.79 | 1.80 |
| Cass | 1.79 | 1.84 |
| Chase | 1.59 | 1.69 |
| Cherry | 1.59 | 1.69 |
| Cheyenne | 1.59 | 1.69 |
| Clay | 1.72 | 1.79 |
| Custer | 1.59 | 1.69 |
| Dakota | 1.76 | 1.77 |
| Dawes | 1.59 | 1.69 |
| Dawson | 1.61 | 1.71 |
| Deuel | 1.59 | 1.69 |
| Dundy | 1.59 | 1.69 |
| Fillmore | 1.78 | 1.81 |
| Franklin | 1.65 | 1.75 |
| Frontier | 1.60 | 1.70 |
| Furnas | 1.63 | 1.73 |
| Gage | 1.77 | 1.84 |
| Garden | 1.59 | 1.69 |
| Garfield | 1.60 | 1.70 |
| Gosper | 1.63 | 1.73 |
| Grant | 1.59 | 1.69 |
| Greeley | 1.68 | 1.74 |
| Hall | 1.64 | 1.74 |
| Hamilton | 1.69 | 1.76 |
| Harlan | 1.65 | 1.75 |
| Hayes | 1.59 | 1.69 |
| Hitchcock | 1.59 | 1.69 |
| Holt | 1.65 | 1.71 |
| Hooker | 1.59 | 1.69 |
| Howard | 1.65 | 1.74 |
| Jefferson | 1.73 | 1.82 |
| Johnson | 1.77 | 1.84 |
| Kearney | 1.68 | 1.76 |
| Keith | 1.59 | 1.69 |
| Keya Paha | 1.59 | 1.69 |
| Kimball | 1.59 | 1.69 |
| Lancaster | 1.77 | 1.84 |
| Lincoln | 1.59 | 1.69 |
| Logan | 1.59 | 1.69 |
| Loup | 1.59 | 1.69 |
| McPherson | 1.59 | 1.69 |
| Merrick | 1.71 | 1.76 |
| Morrill | 1.59 | 1.69 |
| Nance | 1.75 | 1.77 |
| Nemaha | 1.77 | 1.84 |
| Nuckolls | 1.69 | 1.78 |
| Otoe | 1.77 | 1.84 |
| Pawnee | 1.76 | 1.85 |
| Perkins | 1.59 | 1.69 |
| Phelps | 1.65 | 1.75 |
| Platte | 1.78 | 1.79 |
| Polk | 1.75 | 1.78 |
| Redwillow | 1.61 | 1.71 |
| Richardson | 1.77 | 1.86 |
| Rock | 1.59 | 1.69 |
| Saline | 1.76 | 1.83 |
| Sarpy | 1.80 | 1.81 |
| Saunders | 1.80 | 1.81 |
| Scotts Bluff | 1.59 | 1.69 |
| Seward | 1.78 | 1.80 |
| Sheridan | 1.59 | 1.69 |
| Sherman | 1.61 | 1.71 |
| Sioux | 1.59 | 1.69 |
| Thayer | 1.71 | 1.81 |
| Thomas | 1.59 | 1.69 |
| Thurston | 1.78 | 1.79 |
| Valley | 1.60 | 1.70 |
| Webster | 1.67 | 1.77 |
| Wheeler | 1.73 | 1.74 |
| York | 1.74 | 1.78 |

| County | Dollars per hundredweight | |
|---|---|---|
| | From— | To— |
| **OKLAHOMA** | | |
| Adair | 1.66 | 1.75 |
| Alfalfa | 1.72 | 1.74 |
| Cherokee | 1.74 | 1.77 |
| Craig | 1.74 | 1.84 |
| Delaware | 1.72 | 1.82 |
| Grant | 1.69 | 1.74 |
| Haskell | 1.66 | 1.70 |
| Kay | 1.69 | 1.76 |
| Latimer | 1.66 | 1.67 |
| Mayes | 1.74 | 1.80 |
| Muskogee | 1.74 | 1.75 |
| Noble | 1.72 | 1.74 |
| Nowata | 1.74 | 1.84 |
| Okmulgee | 1.74 | 1.75 |
| Osage | 1.68 | 1.78 |
| Ottawa | 1.73 | 1.83 |
| Pawnee | 1.73 | 1.74 |
| Rogers | 1.71 | 1.81 |
| Sequoyah | 1.66 | 1.74 |
| Tulsa | 1.71 | 1.79 |
| Wagoner | 1.74 | 1.79 |
| Washington | 1.73 | 1.83 |
| Woods | 1.71 | 1.72 |
| **SOUTH DAKOTA** | | |
| Bennett | 1.59 | 1.64 |
| Custer | 1.59 | 1.64 |
| Fall River | 1.59 | 1.64 |
| Gregory | 1.64 | 1.67 |
| Jones | 1.59 | 1.64 |
| Lyman | 1.60 | 1.64 |
| Mellette | 1.59 | 1.64 |
| Shannon | 1.59 | 1.64 |
| Todd | 1.59 | 1.64 |
| Tripp | 1.61 | 1.64 |
| Washabaugh | 1.59 | 1.64 |
| **WYOMING** | | |
| All counties | 1.59 | 1.64 |

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 17, 1964.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 64-11907; Filed, Nov. 24, 1964; 8:45 a.m.]

### SUBCHAPTER C—EXPORT PROGRAMS

## PART 1485—DAIRY PRODUCTS

### Subpart—Dairy Products Export Payment-in-Kind Program-Terms and Conditions (SM-7)

TERMINATION OF PROGRAM

The Dairy Products Export Payment-in-Kind Program is hereby terminated. This termination is made pursuant to § 1485.233 of the regulations governing the program, 28 F.R. 11667.

This termination is effective immediately upon filing in the FEDERAL REGISTER: *Provided, however,* That upon submission of evidence satisfactory to the General Sales Manager, Commodity Credit Corporation, registration will be permitted of any sale of butter or milkfat products consummated prior to the time of such filing, and registration will be permitted of any sale pursuant to an offer of sale which was made prior to the time

of such filing and which offer the exporter was unable with diligent effort to withdraw before acceptance.

Issued this 23d day of November 1964.

RAYMOND A. IOANES,
*Vice President, Commodity Credit Corporation, Administrator, Foreign Agricultural Service.*

[F.R. Doc. 64-12111; Filed, Nov. 23, 1964; 3:48 p.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Docket No. 6210; Amdt. 39-4]

### PART 39—AIRWORTHINESS DIRECTIVES [NEW]

### Grumman Models TBM and TBF Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the elevator push rod assembly and modification of assemblies which have loose or sheared rivets on Grumman Models TBM and TBF Series aircraft was published in 29 F.R. 13403. Since the publication of that proposal, Part 507 has been recodified into Part 39 [New] of the Federal Aviation Regulations, effective November 20, 1964, therefore this amendment is being made to Part 39 [New].

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), is hereby amended by adding the following new airworthiness directive:

GRUMMAN. Applies to Models TBM and TBF Series aircraft. Compliance required as indicated.

As a result of loose and sheared rivets found on the elevator push rod assembly, P/N 21399, accomplished the following:

(a) Within 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 50 hours' time in service, and thereafter within every 100 hours' time in service from the last inspection, inspect the four rivets on the elevator push-pull rod assembly which retain the clevis and bearing terminal fittings, P/N's G76-10 and 21366, to the tube, P/N 21399-1, and determine if any are loose or sheared. (The rod assembly, which connects the elevator horn to the sector, is located at the airplane centerline at approximately fuselage Station 326.)

(b) If any rivets are determined to be loose or sheared, accomplish the following modification before further flight, except that one flight may be made in accordance with the provisions of CAR 1.16 for the purpose of obtaining these repairs:

(1) Remove the four G10-D3-102 rivets. If the rivet holes in the tube or terminal fittings are elongated beyond the maximum diameter for the replacement rivet, replace that part with a new part of the same part number, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(2) Plug both hollow terminal fitting shanks with an aluminum alloy plug, or an FAA approved equivalent. The plug must be of such diameter so that it may be inserted into the terminal fitting shank creating an interference fit of 0.0005 inch, plus 0.000 inch, minus 0.0005 inch. The plug length must be long enough to fill the area occupied by the rivets.

(3) Drill all four holes, including the plugs, to accommodate MS 20470AD8 rivets, or an FAA approved equivalent.

(4) Install all four MS 20470AD8 replacement rivets, or an FAA approved equivalent.

(c) The 100-hour repetitive inspections of paragraph (a) need not be made on aircraft which already incorporate aluminum alloy terminal plugs and four MS 20470AD8 rivets, or an FAA approved equivalent, and may be discontinued on aircraft that are modified in accordance with paragraphs (b)(1) through (b)(4) inclusive, or an FAA approved equivalent.

This amendment shall become effective December 25, 1964.

(Secs. 313(a), 601, 608; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 18, 1964.

C. W. WALKER,
*Acting Director, Flight Standards Service.*

[F.R. Doc. 64-12016; Filed, Nov. 24, 1964; 8:45 a.m.]

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[Docket No. 6323; Amdt. 39-3]

### PART 39—AIRWORTHINESS DIRECTIVES [NEW]

### General Electric Models CT58-100-1, -100-2, -110-1 and T58-GE-1 Engines

Several failures of the starter drive bearing have occurred on General Electric Models CT58-100-1, -100-2, -110-1 and T58-GE-1 Series engines resulting in complete loss of engine power while in flight. To correct this condition, an airworthiness directive is being issued to require inspection for evidence of metal chips and particles from the starter drive shaft bearing and removal of the engine from service if chips and particles are found.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), is hereby amended by adding the following new airworthiness directive:

GENERAL ELECTRIC. Applies to Models CT58-100-1, -100-2, -110-1 and T58-GE-1 Series engines.

Compliance required as indicated.

As a result of several failures of the starter drive shaft bearing and resultant engine power loss, accomplish the following:

(a) For engines with a starter drive shaft bearing that has 990 or more hours' time in service on the effective date of this AD, comply with paragraph (c) within 10 hours' time in service after the effective date of this AD and at intervals thereafter not to exceed 10 hours' time in service from the last inspection.

(b) For engines with a starter drive shaft bearing that has less than 990 hours' time in service on the effective date of this AD, comply with paragraph (c) prior to the accumulation of 1,000 hours' time in service and at intervals thereafter not to exceed 10 hours' time in service from the last inspection.

(c) Remove the magnetic plug from the accessory drive gear casing assembly and inspect for presence of metal chips or particles. If chips or particles are found, either remove the engine from service or locate and repair the condition causing these chips or particles before further flight.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(General Electric telegraphic message to all CT58 engine operators dated September 23, 1964, covers this same subject.)

This amendment shall become effective November 25, 1964.

(Secs. 313(a), 601 and 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 18, 1964.

C. W. WALKER,
*Acting Director, Flight Standards Service.*

[F.R. Doc. 64-12017; Filed, Nov. 24, 1964; 8:45 a.m.]

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

### PART 201—ELECTRICITY

### High Frequency Region

Pursuant to authority contained in 15 U.S.C. 275a the following amendment is effective upon publication in the FEDERAL REGISTER.

1. Schedule 201.811, item c, is amended to extend the voltage range from 1 $\mu$v to 0.1 v in the frequency range from 30 kHz to 900 MHz.



(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
*Director.*

[F.R. Doc. 64-12056; Filed, Nov. 24, 1964; 8:48 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. 8633]

### PART 13—PROHIBITED TRADE PRACTICES

### Boepple Sportswear Mills, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for Services or Facilities for Processing or Sale Under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Boepple Sportswear Mills, Inc., New York, N.Y., Docket 8633, Nov. 10, 1964]

Order requiring a New York City manufacturer of ladies' sweaters and knitted skirts, which it sold to a large number of retail specialty and department stores throughout the United States, to cease violating section 2(d) of the Clayton Act by such practices as making payments of credit or cash as compensation for promotional services or facilities furnished by customers in connection with the sale of its products, while not making comparable allowances available to the favored customers' competitors.

The order to cease and desist is as follows:

*It is ordered*, That respondent Boepple Sportswear Mills, Inc., a corporation, its officers, directors, agents, representatives, and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying or contracting for the payment of anything of value to, or for the benefit of any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

Issued: November 10, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
*Secretary.*

[F.R. Doc. 64-12019; Filed, Nov. 24, 1964; 8:45 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

### PART 121—FOOD ADDITIVES

### Bacterial Catalase; Cheese Standards Amendment Revising Description of Optional Catalase; Food Additive Amendment Permitting Safe Use in Cheese

BACTERIAL CATALASE AND CHEDDAR CHEESE

1. A notice of proposed rule making was published in the FEDERAL REGISTER of April 7, 1964 (29 F.R. 4890), setting forth a proposal by Fermco Laboratories, Inc., 4941 South Racine Avenue, Chicago, Ill., and Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, Ind., to revise the description of the catalase preparation recognized as a permitted optional ingredient of cheddar cheese (21 CFR 19.500 (e)(3)), so that a suitable and safe catalase obtained from fungal and bacterial sources may be used for the same purpose that catalase extracted from the livers of inspected meat animals, as now permitted by the standard, may be used.

On the basis of relevant information available, taking into consideration the comment filed in response to the abovementioned notice, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment proposed. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs (21 CFR 2.90; 29 F.R. 471): *It is ordered*, That § 19.500(e)(3) be amended to read as follows:

§ 19.500 Cheddar cheese, cheese; identity; label statement of optional ingredients.

* * * * * *

(e) * * *

(3) During the cheese-making process the milk may be treated with hydrogen peroxide solution followed by addition of a suitable catalase preparation to eliminate the hydrogen peroxide. The hydrogen peroxide solution shall comply with the specifications of the United States Pharmacopeia, except that it may exceed the concentration specified therein and it does not contain added preservative. The amount of the hydrogen peroxide solution used shall be such that the weight of the hydrogen peroxide added thereby does not exceed 0.05 percent of the weight of the milk treated. The catalase preparation used shall be stable, and in potency, for eliminating added hydrogen peroxide from milk, it shall not be less than equivalent to liver-catalase preparation testing 100 Kell units per grain. It shall be either a preparation that is not a food additive within the meaning of section 201(s) of the Federal Food, Drug, and Cosmetic Act, or a preparation that is a food additive but which is used in conformity with regulations promulgated pursuant to the authority of section 409 of the act. The amount of catalase preparation used shall be such that the weight of the catalase added thereby does not exceed 20 parts per million of the weight of the milk treated.

* * * * * *

Because of cross-references to § 19.500 (e)(3) appearing in the standards for washed curd cheese, colby cheese, granular cheese, and swiss cheese (§§ 19.505, 19.510, 19.535, 19.540), adopting the amendment herein ordered will have the effect of making it applicable to the standards for these other kinds of cheese.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

2. The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1069) filed by Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, Ind., and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of bacterial catalase, derived from *Micrococcus lysodeikticus*, in destroying and removing hydrogen peroxide used in preparation of cheese. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), Part 121 is amended by adding to Subpart D the following new section:

§ 121.1170 Bacterial catalase.

Bacterial catalase derived from *Micrococcus lysodeikticus* by a pure culture fermentation process may be safely used in destroying and removing hydrogen peroxide used in the manufacture of cheese, in accordance with the following conditions.

(a) The organism *Micrococcus lysodeikticus* from which the bacterial catalase is to be derived is demonstrated to be nontoxic and nonpathogenic.

(b) The organism *Micrococcus lysodeikticus* is removed from the bacterial catalase prior to use of the bacterial catalase.

(c) The bacterial catalase is used in an amount not in excess of the minimum required to produce its intended effect.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201,

written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 409, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 948, 72 Stat. 1785; 21 U.S.C. 341, 348, 371)

Dated: November 19, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12082; Filed, Nov. 24, 1964; 8:45 a.m.]

## PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Further Extension of Effective Date of Statute for Residues of Certain Nematocides, Plant Regulators, Defoliants, and Desiccants

Public Law 88-625 (sec. 3, 78 Stat. 1002) authorizes the Secretary of Health, Education, and Welfare to further extend the effective date of the enforcement provisions of the Federal Food, Drug, and Cosmetic Act applicable to residues of nematocides, plant regulators, defoliants, and desiccants on raw agricultural commodities, when facts are presented to support this action. To administer the provisions of the statute, the Commissioner of Food and Drugs, under the authority delegated to him by the Secretary (21 CFR 2.90; 29 F.R. 471) hereby orders that §§ 120.36 and 120.37 be revised to read as follows:

**§ 120.36 Further extension of effective date of statute for residues of certain nematocides, plant regulators, defoliants, and desiccants.**

(a) All extensions of the effective date of Public Law 86-139 as amended by Public Law 88-625 (73 Stat. 286, 288 as amended sec. 3, 78 Stat. 1002; 21 U.S.C., note under sec. 342) are limited to those specified in § 120.37.

(b) Public Law 88-625 provides that a nematocide, plant regulator, defoliant, or desiccant previously granted an extension to June 30, 1964, may be further extended but not beyond December 31, 1965, provided that the applicable findings required by the statute can be made.

(c) The Commissioner will immediately entertain requests for extensions beyond June 30, 1964, on any article meeting the requirements of paragraph (b) of this section and where the following data are submitted:

(1) The specific name (not trade name) or chemical designation of the substance involved, the specific use or uses for which an extension is desired, and the amount and purpose of the substance involved in each such usage.

(2) A statement detailing actions taken and dates thereof to determine the applicability of the pesticide amendment to such use or uses or to develop the scientific data necessary for action, together with the results of such actions to date.

(3) A statement outlining additional work in progress, detailing its nature, when started, by whom it is being conducted, and the results to date.

(4) A statement of the amount of time for which further extension is needed. (Include only the time expected to be needed to determine whether a tolerance or exemption from tolerance is needed or to submit a petition for an appropriate tolerance to the Food and Drug Administration. Do not include any estimated time for processing a petition by the Food and Drug Administration.)

(d) Requests for extension may be submitted by any interested person who has the necessary facts, whether or not he obtained or requested the extension previously.

(e) Any extensions granted beyond June 30, 1965, will be conditioned upon a requirement that the Commissioner be supplied with a progress report as of that date. Failure to submit such progress report will be grounds for termination of any extension granted.

(f) If any of the information described in this section is included in petitions for pesticide tolerances or in applications for extensions already submitted to the Commissioner, this information may be incorporated by reference.

(g) Decisions on requests for further extensions, including the amount of time for which such extension is granted, will be published in the FEDERAL REGISTER. All requests for extensions should be addressed to the Commissioner of Food and Drugs, Attention: Petitions Control Branch, Food and Drug Administration, Washington, D.C., 20204.

**§ 120.37 Further extensions of effective date of Public Law 86-139 as it affects section 408 of the Federal Food, Drug and Cosmetic Act.**

On the basis of data supplied in accordance with § 120.36 and findings that no undue risk to the public health is involved; that conditions exist that make necessary the prescribing of an additional period of time for establishing tolerances or exemptions from the requirement of tolerances; that bona fide action to determine the applicability of section 408 or develop the scientific data necessary for action under such section was commenced before March 6, 1961, and has been thereafter pursued with reasonable diligence; that such extension is consistent with the objective of carrying to completion in good faith the scientific investigations necessary as a basis for action under such section; and conditioned upon the requirement that a progress report be supplied as of June 30, 1965, for extensions granted beyond that date, the following substances may be used on food, under the conditions specified, until the date specified or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirements of tolerances, in accordance with section 408 of the act, whichever occurs first:

| Product | Specified uses or restrictions | Effective date of statute extended to— |
|---|---|---|
| *p*-Chlorophenoxyacetic acid. | On bean seeds in sprout production to eliminate embryonic roots development. | June 30, 1965. |
| Sodium chlorate with added sodium metaborate. | On rice and sorghum (milo) as a desiccant. | Do. |
| 2,3,5,6-Tetrachloronitrobenzene. | On potatoes to inhibit sprouting. | Do. |

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 were contemplated by the statute as amended as a relief of restrictions on the agricultural industry.

*Effective date.* This order shall become effective on the date of signature.

(Public Law 86-139 (73 Stat. 388 as amended 75 Stat. 42, 78 Stat. 10025; 7 U.S.C. 135 note))

Dated: November 19, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12030; Filed, Nov. 24, 1964; 8:45 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

Public Law 88-625 (78 Stat. 1002; 21 U.S.C. 342 note) authorizes the further extension of the effective date of the enforcement provisions of the Federal Food, Drug, and Cosmetic Act applicable to the use of certain food additives when facts are presented to support this action. To administer the provisions of the statute, the Commissioner of Food and Drugs hereby orders the following amendments to Subpart A, under the statutory provisions above cited and pursuant to the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90, 29 F.R. 471).

1. Section 121.84 is revised to read as follows:



**§ 121.84 Further extension of effective date of statute for certain specified food additives.**

(a) All extensions of the effective date of section 409 of the act (as amended by Public Law 88-625) are limited to those additives listed in § 121.90 for direct additives and § 121.91 for indirect additives. Public Law 88-625 provides that a food additive previously granted an extension to June 30, 1964, may be further extended but not beyond December 31, 1965, provided that the applicable findings required by the statute can be made. Extensions may be made beyond June 30, 1964, on food additives meeting the requirements of this section, provided that the following data are submitted:

(1) The specific name (not trade name) or chemical designation of the substance involved, the specific use or uses for which an extension is desired, and the amount and purpose of the substance involved in each such usage.

(2) A statement detailing actions taken and dates thereof to determine the applicability of the food additives amendment to such use or uses or to develop the scientific data necessary for action, together with the results of such actions to date.

(3) A statement outlining additional work in progress, detailing its nature, when started, by whom it is being conducted, and the results to date.

(4) A statement of the amount of time for which further extension is needed. (Include only the time expected to be needed to determine that the substance is not a food additive or to submit a petition for an appropriate regulation to the Food and Drug Administration. Do not include any estimated time for processing a petition by the Food and Drug Administration.)

(b) Requests for extension may be submitted by any interested person who has the necessary facts, whether or not he obtained or requested the extension previously.

(c) Current extensions will be limited to a time period not exceeding June 30, 1965, but these may be reextended to December 31, 1965, upon request made prior to June 30, 1965, if a progress report as of June 30, 1965, accompanies the request, and if all relevant facts justify such reextension.

(d) If any of the information described in this section is included in petitions for food additive regulations or applications for extensions already submitted to the Commissioner, this information may be incorporated by reference.

(e) Decisions on requests for further extensions, including the amount of time for which each extension is granted, will be published in the FEDERAL REGISTER. All requests for extensions should be addressed to the Petitions Control Branch, Food and Drug Administration, Washington, D.C., 20204.

2. The material in §§ 121.90 and 121.91 is revoked, being obsolete, and these sections are reissued as follows:

**§ 121.90 Further extensions of effective date of statute for certain food additives as direct additives to food.**

(a) On the basis of data supplied following enactment of Public Law 88-625 (78 Stat. 1002; 21 U.S.C. 342 note), and consistent with the provisions of that statute and the policy prescribed in § 121.84, and findings that no undue risk to the public health is involved in the interim use of the following food additives, the food additives defined may be used in foods under the specified use conditions until June 30, 1965, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirements of tolerances, in accordance with section 409 of the act, whichever occurs first.

| Product | Specified uses or restrictions |
|---|---|
| Coumarone-indene resin | Component of chewing gum base. |
| Petroleum hydrocarbons: Initial boiling point 315° F. minimum; final boiling point 650° F. maximum; ultraviolet absorptivity 0.04 liter per gram centimeter maximum at 290 mμ. | Defoamer in food processing; limit 3 p.p.m. residue in final food.<br>Component of detergent for removing insecticide from fruit; limit 1 p.p.m. residue on fruit.<br>In froth-flotation process for cleaning vegetables; limit 5 p.p.m. residue in food. |
| Petroleum hydrocarbon resin, aliphatic (mol. wt. approx. 1100). | Component of chewing gum base. |

(b) Section 121.84 prescribes conditions under which progress reports shall be supplied.

**§ 121.91 Further extensions of effective date of statute for certain food additives as indirect additives to food.**

(a) On the basis of data supplied following enactment of Public Law 88-625 (78 Stat. 1002; 21 U.S.C. 342 note), and consistent with the provisions of that statute and the policy prescribed in § 121.84, and findings that no undue risk to the public health is involved in the interim use of the following food additives, the food additives defined may be used in connection with the production, packaging, and storage of food products under the specified use conditions until June 30, 1965, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirements of tolerances, in accordance with section 409 of the act, whichever occurs first.

| Product | Specified uses or restrictions |
|---|---|
| Alkyl (8 to 13) phenolethylene oxide condensation products (4 to 15) and (30 to 50). | Component of food-packaging materials. |
| Petroleum hydrocarbons, aliphatic: Initial boiling point 315° F. minimum; final boiling point 650° F. maximum; ultraviolet absorptivity 0.04 liter per gram centimeter maximum at 290 millimicrons. | Adjuvant for insecticides in food-processing plants; limit 1 p.p.m. residue on foods. |
| Petroleum polymerization resins obtained from the polymerization of dienes and olefins from low-boiling petroleum stocks. | Component of coating of paper and paperboard for food packaging. |
| Pigment blue 15 (phthalocyanine blue), Color Index No. 74160. | Colorant in food containers and equipment. |
| Pigment green 7 (phthalocyanine green), Color Index No. 74260. | Do. |
| Pigment green 17 (chromium oxide green), Color Index No. 77288. | Do. |
| Pigment violet 19 (quinacridone red), Color Index No. 46500. | Colorant for polyethylene in food packaging. |
| Pigment white 21 (barium sulfate), Color Index No. 77120. | Colorant in food containers and equipment. |
| Pigment yellow 12 (benzidine yellow), Color Index No. 21090. | Do. |
| Pigment yellow 14 (benzidine yellow OT), Color Index No. 21095. | Coloring in polyethylene for food packaging. |
| Pigment yellow 17 (benzidine yellow), Color Index No. 21105. | Colorant in food containers and equipment. |
| Resinous and polymeric substances prepared from optional substances as identified in § 121.2514. | Continuous film on the food-contact surface of a nonmetallic article used in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food. |

(b) Section 121.84 prescribes conditions under which progress reports shall be supplied.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 88-625 as a relief of restrictions on the food-processing industry.

*Effective date.* This order shall become effective on the date of signature.

(Sec. 6(c), Public Law 85-929, as amended, sec. 2, Public Law 87-19; Public Law 88-625;

72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: November 19, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12031; Filed, Nov. 24, 1964; 8:45 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

DISODIUM EDTA

The Commissioner of Food and Drugs has evaluated data in a petition (FAP 5A1554) filed by Geigy Industrial Chemicals, Division of Geigy Chemical Corp., Post Office Box 430, Yonkers, N.Y., and other relevant material and has concluded that the food additive regulations (21 CFR 121.1056; 29 F.R. 2383) should be amended to prescribe the safe use of disodium EDTA as a stabilizer of color in canned strawberry pie filling. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1056 is amended by inserting, alphabetically, in the table in paragraph (b)(1), a new item, as follows:

§ 121.1056 Disodium EDTA.

* * * * * * *

(b) * * *
(1) * * *

| Food | Limitation (parts per million) | Use |
|---|---|---|
| * * * | * * * | * * * |
| Canned strawberry pie filling. | 500 | Promote color retention. |
| * * * | * * * | * * * |

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 18, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12033; Filed, Nov. 24, 1964; 8:46 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 784) filed by General Mills, Inc., South Kensington Road, Kankakee, Ill., 60901, and other relevant material, has concluded that the food additive regulations (21 CFR 121.2514; 29 F.R. 9433) should be amended to provide for the use of certain polyamide resins in resinous and polymeric food-contact coatings. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.2514 is amended by adding to paragraph (b)(3) a new subdivision (xxxiv), as follows:

§ 121.2514 Resinous and Polymeric coatings.

* * * * * * *

(b) * * *
(3) * * *

(xxxiv) Polyamide resins derived from dimerized vegetable oil acids (containing not more than 10 percent of monomer acids) and ethylenediamine, as the basic resin, for use only in coatings that contact food at temperatures not to exceed room temperature.

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 18, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12034; Filed, Nov. 24, 1964; 8:46 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

AMPROLIUM, 3-NITRO-4-HYDROXYPHENYLARSONIC ACID, ZOALENE, ANTIBIOTICS

The Commissioner of Food and Drugs has evaluated the data submitted in petitions filed by Dr. Salsbury's Laboratories, Charles City, Iowa; the Dow Chemical Co., Midland, Mich.; and Merck Chemical Division of Merck and Co., Inc., Rahway, N.J., each jointly with Dr. Salsbury's Laboratories, Charles City, Iowa (FAP 916, 952, 954) and other relevant material, concerning the conditions under which 3-nitro-4-hydroxyphenylarsonic acid may be safely used in chicken and turkey feed. The relevant material includes the report of an interdepartmental committee on cancer-producing food additives. After evaluation of these data, and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the Commissioner has concluded that Part 121 should be amended as hereinafter indicated to provide conditions under which 3-nitro-4-hydroxyphenylarsonic acid may be safely used in chicken and turkey feed:

1. Section 121.207(c) is amended by inserting in the table the following items:

ZOALENE IN COMPLETE FEEDS FOR CHICKENS AND TURKEYS

| Principal ingredient | Grams per ton | Combined with— | Grams per ton | Limitations | Indication for use |
|---|---|---|---|---|---|
| 1. * * * | | | | | |
| f. Zoalene | 113.5–170.3 | 3-Nitro-4-hydroxyphenylarsonic acid. | 22.7–45.4 | § 121.262, Table 1, item 1.3. | § 121.262, Table 1, item 1.3. |
| 2. * * * | | | | | |
| l. Zoalene | 113.5 | do | 22.7–45.4 | § 121.262, Table 1, item 1.1. | § 121.262, Table 1, item 1.1. |
| 3. * * * | | | | | |
| l. Zoalene | 36.3–113.5 | do | 22.7–45.4 | do | do |



3-NITRO-4-HYDROXYPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED—Continued

| Principal ingredient | Grams per ton | Combined with— | Grams per ton | Limitations | Indications for use |
|---|---|---|---|---|---|
| 1.4 [Reserved] | | | | * | |
| a.–d. [Reserved] | | | | | |
| e. 1.1, 1.2 | 22.7–45.4 | Penicillin | 2.4–50 | For chickens and turkeys; as procaine penicillin. | Growth promotion and feed efficiency. |
| f. 1.1, 1.2 | 22.7–45.4 | ...do | 50–100 | For chickens and turkeys; as procaine penicillin; § 121.236, table 1, items 3.1, 4.1. | § 121.236, table 1, items 3.1, 4.1. |
| g. 1.1, 1.2 | 22.7–45.4 | Penicillin + streptomycin. | 14.4–50 | For chickens and turkeys; as procaine penicillin and streptomycin sulfate; § 121.223(a)(3)(iv). | Growth promotion and feed efficiency. |
| h. 1.1, 1.2 | 22.7–45.4 | Chlortetracycline. | 10–50 | For chickens and turkeys; chlortetracycline hydrochloride. | Do. |
| i. 1.1, 1.2 | 22.7–45.4 | ...do | 50–200 | For chickens and turkeys; § 121.236, table 1, items 1, 2, 5, 6. | § 121.236, table 1; items 1, 2, 4, 6. |
| j. 1.1, 1.2 | 22.7–45.4 | Penicillin + bacitracin. | 3.6–50 | For chickens and turkeys; § 121.251, as procaine penicillin and bacitracin, zinc bacitracin, bacitracin methylene disalicylate, or manganese bacitracin. | Growth promotion and feed efficiency. |
| k. 1.1, 1.2 | 22.7–45.4 | ...do | 50–100 | For chickens and turkeys; § 121.236, table 1, items 2.2, 3.2, 4.2; § 121.238, table 1, items 2.2, 3.2, 5.2; § 121.262, table 1, items 2.2, 3.2, 5.2; as procaine penicillin and streptomycin sulfate; zinc bacitracin, bacitracin methylene disalicylate. | § 121.262, table 1, items 2.2, 3.2, 5.2; § 121.236, table 1, items 2.2, 3.2, 5.2; § 121.262, table 1, items 2.2, 3.2, 5.2. |
| l. 1.1, 1.2 | 22.7–45.4 | Bacitracin | 50–100 | For chickens and turkeys; § 121.262, table 1, items 2.1, 3.1, 4.1; § 121.238, table 1, items 2.1, 3.1, 4.1; as bacitracin, zinc bacitracin, or bacitracin methylene disalicylate. | § 121.262, table 1, items 2.1, 3.1, 4.1; § 121.238, table 1, items 2.1, 3.1, 4.1; § 121.262, table 1, items 2.1, 3.1, 4.1. |
| m. 1.1, 1.2 | 22.7–45.4 | ...do | 4–50 | For chickens and turkeys; as bacitracin methylene disalicylate, bacitracin zinc, bacitracin, or manganese bacitracin. | Growth promotion and feed efficiency. |
| n. 1.1, 1.2 | 22.7–45.4 | Oxytetracycline | 50–200 | For chickens and turkeys; § 121.261, table 1, items 1, 2. | § 121.261, table 1, items 2, 6. |
| o. 1.1, 1.2 | 22.7–45.4 | Amprolium | 36.3–227 | For chickens and turkeys; § 121.210, table 1, items 1.1, 2.1, 3.1. | § 121.210, table 1, items 1.1, 2.1, 3.1. |
| p. 1.1, 1.2 | 22.7–45.4 | Zoalene | 36.3–170.3 | For chickens and turkeys; § 121.207, table 1, items 1, 2, 3. | § 121.207, table 1, items 1, 2, 3. |

2. Section 121.210(c) is amended by adding to Table 1 the following items:

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED

| Principal ingredient | Grams per ton | Combined with— | Grams per ton | Limitations | Indications for use |
|---|---|---|---|---|---|
| 1.1 * * * | | | | | |
| k. 1.1 | 113.5–227 | 2-Nitro-4-hydroxyphenylarsonic acid. | 22.7–45.4 | § 121.263, Table 1, item 1.3. | § 121.263, Table 1, item 1.3. |
| 2.4 * * * | | | | | |
| q. 2.1 | 113.5–227 | ...do | 22.7–45.4 | § 121.263, Table 1, item 1.1. | § 121.263, Table 1, item 1.1. |
| 3.1 * * * | | | | | |
| q. 3.1 | 36.3–113.5 | ...do | 22.7–45.4 | § 121.263, Table 1, item 1.1. | § 121.263, Table 1, item 1.1. |

3. The following new section is added to Subpart C:

§ 121.263 3-Nitro-4-hydroxyphenylarsonic acid.

3-Nitro-4-hydroxyphenylarsonic acid may be safely used in animal feed when incorporated therein in accordance with the following conditions:

(a) The additive is the chemical 4-hydroxy-3-nitrobenzene arsonic acid, $C_6H_6AsNO_6$, conforming to the following specifications, on a dry basis:

(1) The additive contains not less than 28.0 percent and not more than 28.7 percent arsenic, equivalent to not less than 98.3 percent and not more than 100.8 percent of $C_6H_6AsNO_6$.

(2) The additive contains not more than 0.025 percent arsenic as inorganic arsenite, calculated as $As_2O_3$, and not more than 0.05 percent arsenic as inorganic arsenate, calculated as $AsO_4$.

(b) Permitted uses of 3-nitro-4-hydroxyphenylarsonic acid alone and with certain other additives are described in tabular form in this section, and these tables are to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone, or with an additional ingredient added.

3-NITRO-4-HYDROXYPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

| Principal ingredient | Grams per ton | Combined with— | Grams per ton | Limitations | Indications for use |
|---|---|---|---|---|---|
| 1.1 3-Nitro-4-hydroxyphenylarsonic acid. | 22.7–45.4 (0.0025%–0.005%) | | | For chickens; withdraw 5 days before slaughter. As sole source of organic arsenic. | Growth promotion and feed efficiency: improving pigmentation. |
| 1.2 [Reserved] | | | | | |
| 1.3 3-Nitro-4-hydroxyphenylarsonic acid. | 22.7–45.4 | | | For turkeys; withdraw 5 days before slaughter. As sole source of organic arsenic. | Do. |

(d) To assure safe use, the label and labeling of the additives, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) Adequate directions and warnings for use.

The Commissioner of Food and Drugs has concluded that where chickens and turkeys have been treated with 3-nitro-4-hydroxyphenylarsonic acid-containing feeds in accordance with § 121.262, the tolerance limitation required in order to assure that edible tissues of chickens and turkeys are safe for human food is already provided for by § 121.1138 *Arsenic.*

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 13, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11920; Filed, Nov. 24, 1964; 8:45 a.m.]

SUBCHAPTER C—DRUGS

## PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

## PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

## PART 148x—LINCOMYCIN

## Lincomycin Hydrochloride Monohydrate; Lincomycin Hydrochloride Monohydrate Capsules; Lincomycin Hydrochloride Injection

### Miscellaneous Amendments and Addition of New Part

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), Title 21, Chapter I, is amended as hereinafter set forth to provide for tests and methods of assay and certification of the subject antibiotic drugs.

1. Section 145.2(a) is amended by adding the following subparagraph:

**§ 145.2 Definitions of antibiotic substances.**

(a) • • •

(32) *Lincomycin.* Each of the antibiotic substances produced by the growth of *Streptomyces lincolnensis* var. *lincolnensis*, and each of the same substances produced by any other means, is a kind of lincomycin.

2. Section 145.3 is amended by adding new paragraphs (a)(34) and (b)(34) as follows:

**§ 145.3 Definitions of master and working standards.**

(a) • • •

(34) *Lincomycin.* The term "lincomycin master standard" means a specific lot of lincomycin designated by the Commissioner as the standard of comparison in determining the potency of the lincomycin working standard.

(b) • • •

(34) *Lincomycin.* The term "lincomycin working standard" means a specific lot of a homogeneous preparation of lincomycin.

3. Section 145.4(b) is amended by adding thereto a new subparagraph (35):

**§ 145.4 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.**

(b) • • •

(35) *Lincomycin.* The term "microgram" applied to lincomycin means the lincomycin base activity (potency) contained in 1.156 micrograms of the lincomycin master standard.

**§ 147.1 [Amended]**

4.a. In § 147.1 *Antibiotic sensitivity discs* • • •, paragraph (c)(3) is amended by inserting in the table, preceding "Methicillin," the following new item:

| Antibiotic | Volume of suspension added to each 100 ml. of seed agar used for test | Suspension number | Medium | |
|---|---|---|---|---|
| | | | Base layer | Seed layer |
| | *Ml.* | | | |
| • • • | • • • | • • • | • • • | • • • |
| Lincomycin (hydrochloride) | 1.0 | 2 | C. | C. |
| • • • | • • • | • • • | • • • | • • • |

b. Paragraph (d) is amended by inserting in the table, preceding "Methicillin," the following new item:

| Antibiotic | Solvent | Standard curve (antibiotic concentration per disc) |
|---|---|---|
| • • • | • • • | • • • |
| Lincomycin (hydrochloride). | Methyl alcohol. | 1.0, 1.41, 2.0, 2.82, 4.0 millimicron. |
| • • • | • • • | • • • |

c. Paragraph (e)(1) is amended by changing the fourth sentence to read: "Incubate the plates overnight at 32° C.–35° C., except if it is cephalothin, colistin, lincomycin, novobiocin, nystatin, polymyxin, or viomycin, the incubation temperature is 37° C."

5. Section 147.2(a) is amended by adding a new subparagraph (27), as follows:

**§ 147.2 Antibiotic sensitivity discs; certification procedure.**

(a) • • •

(27) Lincomycin: 2 millimicrons.

• • • • • •

6. Title 21, Chapter I, is amended by adding thereto the following new part:

## PART 148x—LINCOMYCIN

Sec.
148x.1 Lincomycin hydrochloride monohydrate.
148x.2 Lincomycin hydrochloride monohydrate capsules.
148x.3 Lincomycin hydrochloride injection.

AUTHORITY: The provisions of this Part 148x issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

**§ 148x.1 Lincomycin hydrochloride monohydrate.**

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Lincomycin hydrochloride monohydrate is the crystalline monohydrated hydrochloride salt of lincomycin. It is freely soluble in water and soluble in acetone and dimethylformamide. It is so purified and dried that:

(i) Its potency is not less than 790 micrograms of lincomycin per milligram.

(ii) It is sterile.

(iii) It passes the toxicity test.

(iv) It is nonpyrogenic.

(v) It contains no histamine nor histamine-like substances.

(vi) Its moisture content is not less than 3.0 percent and is not more than 6.0 percent.

(vii) Its pH in an aqueous solution containing 100 milligrams per milliliter is not less than 3.0 and not more than 5.5.

(viii) Its specific rotation in an aqueous solution is not less than +135° and not more than +150°.

(ix) It gives a positive identity test for lincomycin hydrochloride monohydrate.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, toxicity, pyrogens, histamine, moisture, pH, specific rotation, and identity.

(ii) Samples required:

(a) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(b) For sterility testing: 20 packages, each containing approximately 300 milligrams.



(4) *Fees.* $5.00 for each package in the sample submitted in accordance with subparagraph (3)(ii)(a) of this paragraph; $12.000 for all packages in the sample submitted in accordance with subparagraph (3)(ii)(b) of this paragraph and $24.00 for all packages in the sample submitted for any repeat sterility test, if necessary, in accordance with § 141.2(f) of this chapter.

(b) *Tests and methods of assay—(1) Potency—(i) Cylinders.* Use cylinders described under § 141a.1(a) of this chapter.

(ii) *Culture media.* Use ingredients that conform to the standards of the U.S.P. or the N.F., if any.

(a) Make nutrient agar for carrying the test organism as follows:

| | |
|---|---|
| Peptone | 6.0 gm. |
| Pancreatic digest of casein | 4.0 gm. |
| Yeast extract | 3.0 gm. |
| Beef extract | 1.5 gm. |
| Dextrose | 1.0 gm. |
| Agar | 15.0 gm. |
| Distilled water, q.s. | 1,000.0 ml |

pH 6.5 to 6.6 after sterilization.

(b) For the base layer and seed layer use the nutrient agar described in (a) of this subdivision, except that its pH after sterilization is 7.8–8.0.

In lieu of preparing media from the individual ingredients specified in this subdivision, they may be made from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such media. Minor modifications of the individual ingredients specified in this subdivision are permissible if the resulting media posses growth-promoting properties at least equal to the media described.

(iii) *Preparation of working standard solution.* Accurately weigh a suitable quantity of the working standard and dissolve in sufficient distilled water to give a stock solution containing 1,000 micrograms of lincomycin per milliliter. The working standard stock solution may be kept for 1 month if stored at approximately 15° C. or less.

(iv) *Preparation of the sample.* Dissolve a suitable quantity of the sample in sufficient distilled water to make a convenient stock solution. Further dilute the stock solution with 0.1*M* potassium phosphate buffer, pH 8.0, to the reference concentration of 2.0 micrograms of lincomycin per milliliter (estimated).

(v) *Preparation of test organism.* The test organism is *Sarcina lutea* (A.T.C.C. 9341), which is maintained on slants of nutrient agar prepared as described in subdivision (ii)(a) of this subparagraph. Using 3 milliliters of sterile U.S.P. saline T.S., wash the organism from an agar slant (which has been freshly incubated for 24 hours at 32° C.–35° C.) onto a large nutrient agar surface such as that provided by a Roux bottle containing 300 milliliters of the same nutrient agar. Incubate for 24 hours at 32° C. to 35° C. Wash the resulting growth from the nutrient agar surface with 50 milliliters of sterile U.S.P. saline T.S. Adjust the volume of the suspension so that a 1:40 dilution will give a 25 percent light transmission, when using a suitable photoelectric colorimeter with a 580-mμ filter and a 13-millimeter diameter test tube as an absorption cell. Determine by appropriate tests the quantity of the adjusted suspension (usually 0.1 to 0.3 milliliter) of the test organism to be added to each 100 milliliters of the agar for the seed layer to give clear, sharp zones of inhibition.

(vi) *Preparation of the plates.* For the base layer, add 21 milliliters of the nutrient agar, prepared as directed in subdivision (ii)(b) of this subparagraph, to each Petri dish (20 millimeters x 100 millimeters). Distribute the agar evenly and allow it to harden on a level surface. For the seed layer, accurately measure a sufficient quantity of the same nutrient agar, cool to 48° C., and add the appropriate inoculum of the adjusted suspension prepared as directed in subdivision (v) of this subparagraph. Swirl the inoculated nutrient agar to obtain a homogeneous suspension, and add 4 milliliters to each of the plates containing the base layer. Tilt the plates back and forth to spread the inoculated nutrient agar evenly and allow it to harden on a level surface. After the agar has hardened, place six cylinders described in subdivision (i) of this subparagraph on the inoculated agar surface so that they are at approximately 60° intervals on a 2.8-centimeter radius. Use the plates the same day they are prepared.

(vii) *Standard curve.* Using the stock solution of the working standard prepared as described in subdivision (iii) of this subparagraph, prepare solutions in 0.1*M* potassium phosphate buffer, pH 8.0, containing the following concentrations: 1.28, 1.6, 2.0, 2.5, and 3.12 micrograms of lincomycin per milliliter. The 2.0 micrograms of lincomycin per milliliter concentration is the reference concentration of the assay. Use a total of 12 plates. Use three plates for each concentration of the standard curve, except the reference concentration, which is included on all plates. On each set of three plates fill three alternate cylinders with the reference concentration solution and the other three cylinders with the solution of the standard concentration under test. Thus, there will be 36 reference concentration determinations and nine determinations for each of the other concentrations of the standard curve. After the plates have incubated for 10 to 18 hours at 32° C.–35° C., determine the diameters of the zones of inhibition. Obtain the value for the average zone diameter of the reference concentration and the value of the average zone diameter of the standard curve concentration for each set of three plates. Obtain the value for the average of all 36 zone diameters of the reference concentration included on all plates of the standard curve. The value for the average of all 36 zone diameters of the reference concentration is the correction point of the curve. Correct the value obtained for each concentration of the standard curve to the figure it would be if the value for the reference concentration of that set of three plates were the same as the correction point of the curve. Thus, if in correcting the 1.28-microgram concentration of the standard curve, the average value obtained for the 36 zone diameters of the 2.0-microgram concentration (correction point) is 16.5 millimeters and the average value for the 2.0-microgram concentration (reference concentration) of the set of three plates (1.28-microgram concentration set) is 16.3 millimeters, the correction for the average value of the 1.28-microgram concentration is +0.2 millimeter. If the average value obtained for the 1.28-microgram concentration is 15.9 millimeters, the corrected value for this concentration is 16.1 millimeters. Plot these corrected values and the average value for all 36 zone diameters of the reference concentration on semilogarithmic graph paper, with the concentration in micrograms per milliliter as the ordinate (logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points either by inspection or by means of the following equations:

$$L=\frac{3a+2b+c-e}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where:

$L$ = Calculated zone diameter for the lowest concentration of the standard curve;

$H$ = Calculated zone diameter for the highest concentration of the standard curve;

$c$ = Average of the 36 zone diameters for the reference concentration solution;

$a, b, d, e$ = Corrected average values for the other standard curve solutions, lowest to highest concentration, respectively.

(viii) *Assay procedure.* Use three plates prepared as described in subdivision (vi) of this subparagraph for each sample. Fill three alternate cylinders on each plate with the reference concentration solution of the sample and the other three cylinders with the reference concentration solution of the standard. Incubate the plates for 16 to 18 hours at 32° C.–35° C. and measure the diameter of the resulting zones of inhibition.

(ix) *Estimation of potency.* Obtain the value for the average zone diameter of the sample solution and the value for the average zone diameter for the standard solution of each set of three plates. If the sample value is larger than the standard value, determine the corrected value for the zone diameter of the sample by adding the difference between the values of the sample and standard solutions to the value for the reference concentration of the standard curve. If the sample value is smaller than the standard value, determine the corrected value for the zone diameter of the sample by subtracting the difference between the sample value and the standard value from the value for the reference concentration of the standard curve. From the standard curve, determine the potency corresponding to this corrected value for zone diameter of each sample.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Toxicity.* Proceed as directed in § 141a.4 of this chapter, using a test dose of 0.5 milliliter of a solution containing

4.0 milligrams of lincomycin per milliliter in sterile U.S.P. saline T.S.

(4) *Pyrogens.* Proceed as directed in § 141a.2 of this chapter, using a test dose of 1.0 milliliter per kilogram of a solution containing 0.5 milligram of lincomycin per milliliter in sterile, pyrogen-free U.S.P. saline T.S.

(5) *Histamine.* Proceed as directed in § 141b.105 of this chapter, using a test dose of 1 milliliter per kilogram of a solution containing 2.0 milligrams of lincomycin per milliliter in sterile U.S.P. saline T.S.

(6) *Moisture.* Proceed as directed in § 141a.26(e) of this chapter.

(7) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using an aqueous solution containing 100 milligrams per milliliter.

(8) *Specific rotation.* Accurately weigh 500 milligrams of lincomycin hydrochloride monohydrate in a 25-milliliter, glass-stoppered volumetric flask and fill to volume with distilled water. Transfer the solution to a 200-millimeter tube, determine the angular rotation in a suitable polarimeter, using sodium light or a 5893 Angstrom filter, and calculate the specific rotation on an anhydrous basis.

(9) *Identity.* The infrared absorption spectrum of a liquid petrolatum dispersion of lincomycin hydrochloride monohydrate, in the range of 2 to 15 $\mu$, compares qualitatively to that of the lincomycin working standard.

**§ 148x.2 Lincomycin hydrochloride monohydrate capsules.**

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Lincomycin hydrochloride monohydrate capsules are composed of lincomycin hydrochloride monohydrate and suitable diluents, enclosed in a gelatin capsule. Each capsule contains 250 milligrams of lincomycin or 500 milligrams of lincomycin. Its moisture content is not more than 7.0 percent. The lincomycin hydrochloride monohydrate used conforms to the standards prescribed by § 148x.1 (a) (1) (i), (iii), (vi), (vii), (viii), and (ix). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The lincomycin hydrochloride monohydrate used in making the batch for potency, toxicity, moisture, pH, specific rotation, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The lincomycin hydrochloride monohydrate used in making the batch: 10 packages each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $0.75 for each capsule in the sample submitted in accordance with subparagraph (3) (ii) (*b*) of this paragraph; $4.00 for each package in the sample submitted in accordance with subparagraph (3) (ii) (*a*) and (*c*) of this paragraph.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 148x.1 (b) (1), except prepare the sample for assay as follows: Blend a representative number of capsules in a high-speed glass blender, using 0.1*M* potassium phosphate buffer, pH 8.0. Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0, to the reference concentration of 2.0 micrograms of lincomycin per milliliter (estimated). The lincomycin content is satisfactory if it is not less than 90 percent nor more than 120 percent of the number of milligrams of lincomycin that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141a.26(e) of this chapter.

**§ 148x.3 Lincomycin hydrochloride injection.**

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Lincomycin hydrochloride injection is an aqueous solution of lincomycin hydrochloride monohydrate containing benzyl alcohol as a preservative. Each vial contains either 2 milliliters or 10 milliliters of a solution containing, in each milliliter, 300 milligrams of lincomycin and 9 milligrams of benzyl alcohol. It is sterile; it passes the toxicity test; it is nonpyrogenic; it contains no histamine nor histamine-like substances. Its pH is not less than 3.0 nor more than 5.5. The lincomycin hydrochloride monohydrate used conforms to the standards prescribed by § 148x.1(a)(1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 148.4 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The lincomycin hydrochloride monohydrate used in making the batch for potency, moisture, pH, specific rotation, and identity.

(*b*) The batch for potency, sterility, toxicity, pyrogens, histamine, and pH.

(ii) Samples required:

(*a*) The lincomycin hydrochloride monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing not less than 5 grams.

(4) *Fees.* $4.00 for each package in the samples submitted in accordance with subparagraph (3) (ii) (*a*) and (*c*) of this paragraph; $5.00 for each container in the sample submitted in accordance with subparagraph (3) (ii) (*b*) (*1*) of this paragraph; $12.00 for all containers in the sample submitted in accordance with subparagraph (3) (ii) (*b*) (2) of this paragraph and $24.00 for all containers in the sample submitted for any repeat sterility test, if necessary, in accordance with § 141.2(f) of this chapter.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 148x.1 (b) (1), except prepare the sample in the following manner: Dilute a suitable aliquot to the reference concentration of 2 micrograms of lincomycin per milliliter (estimated) with 0.1*M* potassium phosphate buffer, pH 8.0. Its potency is satisfactory if it contains not less than 90 percent nor more than 120 percent of the number of milligrams of lincomycin that it is represented to contain.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e) (1) of that section.

(3) *Toxicity.* Proceed as directed in § 148x.1(b) (3).

(4) *Pyrogens.* Proceed as directed in § 148x.1(b) (4).

(5) *Histamine.* Proceed as directed in § 148x.1(b) (5).

(6) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using the undiluted solution.

This order provides for tests and methods of assay and certification of lincomycin hydrochloride monohydrate, lincomycin hydrochloride monohydrate capsules, and lincomycin hydrochloride injection, and sensitivity discs of the subject antibiotic drug which have been found to be safe and efficacious for use, conditions prerequisite to their certification. Since the basic requirements of section 507 of the Federal Food, Drug, and Cosmetic Act have been complied with and since the interests of the public health will be served by making these new antibiotic drugs available for use, the requirements for notice and public procedure are not deemed necessary in this instance.

*Effective date.* This order shall be effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: November 18, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12035; Filed, Nov. 24, 1964; 8:46 a.m.]



# Title 29—LABOR

## Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

## PART 689—SUGAR MANUFACTURING INDUSTRY IN PUERTO RICO

### Wage Rates

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), and by means of Administrative Order No. 584 (29 F.R. 13118), the Secretary of Labor appointed and convened Industry Committee No. 67–A. Administrative Order No. 584 referred to Industry Committee No. 67–A the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the sugar manufacturing industry in Puerto Rico and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 67–A are hereinafter published in this revision of 29 CFR 689.2.

Effective December 11, 1964, 29 CFR 689.2 is revised to read as follows:

**§ 689.2 Wage rates.**

The sugar manufacturing industry in Puerto Rico is divided into two classifications. Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) (1) *General sugar classification.* The minimum wage for this classification is $1.195 an hour.

(2) This classification shall be defined as all activities in the industry except those covered by section 6 of the Fair Labor Standards Act only by reason of the Fair Labor Standards Amendments of 1961.

(b) (1) *New-coverage sugar classification.* The minimum wage for this classification is $1.15 an hour between December 11, 1964 and September 2, 1965 and $1.95 an hour thereafter.

(2) This classification shall be defined as all activities in the industry covered by section 6 of the Fair Labor Standards Act only by reason of the Fair Labor Standards Amendments of 1961.

(Sec. 8, 52 Stat. 1064 as amended; 29 U.S.C. 208)

Signed at Washington D.C., this 19th day of November, 1964.

CLARENCE T. LUNDQUIST,
*Administrator.*

[F.R. Doc. 64–12066; Filed, Nov. 24, 1964; 8:49 a.m.]

# Proposed Rule Making

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Part 15 ]

### SELF-RISING CORN MEALS

### Notice of Proposal To Amend Identity Standard by Listing Sodium Aluminum Phosphate as Optional Ingredient

Notice is given that the Quaker Oats Co., Merchandise Mart Plaza, Chicago, Ill., 60654, has filed a petition proposing to amend the definition and standard of identity for self-rising white corn meal (21 CFR 15.506) to include sodium aluminum phosphate as an additional acid-reacting optional ingredient. The definition and standard of identity for self-rising yellow corn meal and enriched corn meals (21 CFR 15.507, 15.513) are cross-referenced to the standard for self-rising white corn meal. Thus, adoption of the proposed change would have the effect of similarly amending the standards for self-rising yellow corn meal and for enriched self-rising corn meals.

It is proposed that § 15.506(a) be amended by changing the first sentence to read as follows:

**§ 15.506 Self-rising white corn meal; identity.**

(a) Self-rising white corn meal is an intimate mixture of white corn meal, sodium bicarbonate, and one or both of the acid-reacting substances monocalcium phosphate and sodium aluminum phosphate.

* * * * *

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted preferably in quintuplicate to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: November 19, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12036; Filed, Nov. 24, 1964; 8:46 a.m.]



[ 21 CFR Part 19 ]

### CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS

### Notice of Proposal To Amend Standards for Certain Cheeses in Relation to Limit for Sorbate Salts and Increase in Maximum Limit for Sorbic Acid

Notice is given that the National Cheese Institute, 110 North Franklin Street, Chicago, Ill., has filed a petition proposing that the standards of identity for certain specified cheeses be amended to express the limit prescribed for sorbate salts in terms of their sorbic acid equivalents and to raise the maximum level for sorbic acid, added as such or as sorbate salts, from 0.2 percent to 0.3 percent by weight. In the case of § 19.500, cheddar cheese, the amendments would be accomplished by changing paragraph (d) of the section to read:

**§ 19.500 Cheddar cheese, cheese; identity; label statement of optional ingredients.**

* * * * *

(d) Cheddar cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these, in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

The amendment of each of the other cheese standards involved would be worded similarly, except for the name of cheese. The standards specified for amendment are:

| | |
|---|---|
| § 19.500 | Cheddar cheese * * * |
| § 19.505 | Washed curd cheese * * * |
| § 19.510 | Colby cheese * * * |
| § 19.535 | Granular cheese * * * |
| § 19.540 | Swiss cheese * * * |
| § 19.543 | Gruyere cheese * * * |
| § 19.545 | Brick cheese * * * |
| § 19.550 | Muenster cheese * * * |
| § 19.555 | Edam cheese * * * |
| § 19.580 | Monterey cheese * * * |
| § 19.590 | Provolone cheese * * * |
| § 19.591 | Caciocavallo siciliano cheese * * * |
| § 19.595 | Parmesan cheese * * * (29 F.R. 2539) |
| § 19.610 | Romano cheese * * * (29 F.R. 2539) |
| § 19.615 | Asiago fresh cheese * * * |
| § 19.650 | Hard cheeses * * * (29 F.R. 2539) |
| § 19.655 | Semisoft cheeses * * * |
| § 19.660 | Semisoft part-skim cheeses * * * |
| § 19.670 | Spiced cheeses * * * |
| § 19.680 | Hard grating cheeses * * * |

Because of cross-references, the proposed amendments, if adopted, will be applicable to the standards for the cheeses set out in the following sections:

| | |
|---|---|
| § 19.560 | Gouda cheese * * * |
| § 19.585 | High-moisture jack cheese * * * |
| § 19.620 | Asiago medium cheese * * * |
| § 19.625 | Asiago old cheese * * * |
| § 19.675 | Part-skim spiced cheeses * * * |

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: November 18, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12037; Filed, Nov. 24, 1964; 8:46 a.m.]

[ 21 CFR Parts 121, 146 ]

### FOOD ADDITIVES; ANTIBIOTICS

### Animal Feed Containing Certifiable Antibiotic Drugs; Proposed Reduction of Permitted Levels of 3-Nitro-4-Hydroxyphenylarsonic Acid

Information now available to the Commissioner of Food and Drugs shows that poultry feed medicated with 0.0075 percent 3-nitro-4-hydroxyphenylarsonic acid may be toxic to birds so medicated. Data are available which establish that a level of 0.005 percent is safe. No safety data between the 0.005 percent and 0.007 percent level are available. The Commissioner, therefore, has concluded that any uses of the drug above the 0.005 percent level in a finished animal feed may no longer be regarded as exempt from the food additive provisions of the Federal Food, Drug, and Cosmetic Act on the grounds of either a prior sanction or general recognition of safety (secs. 201 (s), 409, 72 Stat. 1784, 1786; 21 U.S.C. 321(s) 348) and such uses may no longer be regarded as exempt from certification (sec. 507(c), 59 Stat. 463 as amended; 21 U.S.C. 357(c)).

Accordingly, the Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 507, 59 Stat. 463 as amended 72 Stat. 1786; 21 U.S.C. 348, 357) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471) proposes to amend § 146.26 to establish an upper limit of 0.005 percent instead of 0.0075 percent for 3-nitro-4-hydroxyphenylarsonic acid in all the combinations containing this substance as authorized in § 146.26.



The Commissioner hereby offers an opportunity to any interested person to submit views and comments on this proposal within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be submitted in quintuplicate and addressed to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C., 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: November 13, 1964.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 64-11921; Filed, Nov. 24, 1964; 8:45 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 61 [New] ]

[Docket No. 6322; Notice No. 64-51]

### PREREQUISITES FOR FLIGHT TESTS

### Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Part 61 [New] of the Federal Aviation Regulations to permit an applicant for an airline transport pilot certificate to take the flight test more than 24 months after he passes the written test if he has been employed by a United States air carrier or commercial operator as a pilot assigned to flight engineer duties, in the same circumstances as those that prevail for an applicant employed as a pilot. It also is proposed that this indefinite extension of time be made available now for an applicant employed in either capacity if his employment and participation in his employer's approved pilot training program commenced at any time within the 24-month period and not necessarily at or before the time the written test was passed.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention: Docket Section, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before January 25, 1965, will be considered by the Administration before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Docket Section for examination by interested persons.

Section 61.21(a) requires, as a prerequisite for a flight test for a certificate, that the applicant must have passed the written test within the preceding 24 months. However, § 61.21 also provides that "an applicant for an airline transport pilot certificate who, after passing the written test, has been continuously employed as a pilot by, and has continuously participated in a pilot training program of, a United States air carrier or commercial operator * * * may take the flight test for that certificate as long as he continues in that employment and training program."

In the cases of some commercial pilots who are assigned, as active flight crewmembers, to flight engineer duties, more than 24 months have elapsed after they have passed written tests for airline transport pilot certificates without their taking flight tests for these certificates. In the meanwhile, for varying lengths of time these pilots have been continuously employed by United States air carriers or commercial operators and they have continuously participated in their employers' approved pilot training programs. In view of this experience and training, the Agency considers it proper to provide for a pilot in these circumstances the same indefinite extension of time as already is provided for one employed as a pilot, as long as he continues in employment as a pilot or as a pilot assigned to flight engineer duties and continues in that pilot training program. Also, it is considered too restrictive to require that this employment and approved pilot training program participation continue from the outset of the 24-month period (that may have commenced a number of years before the flight test). Instead, it is considered sufficient that the existence of these qualifying factors commence at any time during the 24-month period. The proposed amendment would make these changes. Also, reference now would be made to "approved" training programs of air carriers and commercial operators, since these programs now must be approved by the Administrator.

In consideration of the foregoing, it is proposed to amend Part 61 [New] of Chapter I of Title 14 of the Code of Federal Regulations by amending the last sentence of § 61.21 to read as follows: "Notwithstanding paragraph (a) of this section, an applicant for an airline transport pilot certificate who (1) has been continuously employed as a pilot or as a pilot assigned to flight engineer duties by, and has continuously participated in an approved pilot training program of, a United States air carrier or commercial operator since no later than 24 months after passing the written test, or (2) has been continuously employed as a pilot by, and has continuously participated in a pilot training program of, a United States scheduled military air transportation service after passing the written test, may take the flight test for that certificate as long as he continues in that employment and pilot training program."

This amendment is proposed under the authority of sections 313(a), 601 and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1422).

Issued in Washington, D.C., on November 18, 1964.

C. W. WALKER,
*Acting Director, Flight Standards Service.*

[F.R. Doc. 64-12018; Filed, Nov. 24, 1964; 8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 15 ]

[Docket No. 15657, RM-524]

### OPERATION OF RADIO DOOR CONTROLS

### Order Extending Time for Filing Comments and Reply Comments

The Commission having before it a request, submitted by the Door Operator and Remote Controls Manufacturers Association (DORCMA), that the time for filing comments in the captioned proceeding be extended 90 days; and

It appearing, that additional time is required by DORCMA to make an adequate study to prepare meaningful comments in this matter; and

It further appearing, that the requested extension would not unduly delay Commission action in this matter; and

It further appearing, that a grant of the request would serve the public interest, convenience, and necessity:

*It is ordered,* This 19th day of November 1964, pursuant to § 0.251(b) of the rules and regulations, that:

(1) The time for filing comments in this matter is extended to Monday, February 25, 1965; and

(2) The time for filing reply comments in this matter is extended to Monday, March 8, 1965.

Released: November 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12059; Filed, Nov. 24, 1964; 8:48 a.m.]

## INTERSTATE COMMERCE COMMISSION

[ 49 CFR Part 170 ]

[Ex Parte No. MC-37; Sub-No. 9]

### BALTIMORE, MARYLAND; COMMERCIAL ZONE

### Proposed Redefinition

NOVEMBER 20, 1964.

Redefinition of the Baltimore, Md., commercial zone heretofore defined in Ex Parte No. MC-37; commercial zones and terminal areas, 62 M.C.C. 510.

Petitioners: Baltimore, Md., Office of Industrial Development, Chamber of Commerce of Cockeysville, Chamber of Commerce of Timonium, Greater Towson Chamber of Commerce, Baltimore Asssociation of Commerce. Petitioners' attorney: Karl J. Grimm, 5001 Westhills Road, Baltimore, Md., 21229.

By petition filed November 13, 1964, which has been assigned Ex Parte No. MC-37 (Sub-No. 9), petitioners request the Commission to reopen the above proceeding for the purpose of redefining the zone adjacent to and commercially a

part of Baltimore, Md., within the meaning of section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)), which was most recently defined in the above proceeding on April 26, 1954, 49 CFR § 170.21. Transportation by motor vehicle wholly within such zone is exempt from regulation under certain provisions of the Interstate Commerce Act, including the requirement that certificates of public convenience and necessity be obtained.

As presently defined, the northern portion of the zone includes an area in Baltimore County, Md., within 5 miles of the city limits of Baltimore. Petitioners seek the inclusion of an area in Baltimore County lying immediately north of the present zone described as follows: "Beginning at the point where the present northern limit of the zone intersects the Baltimore-Harrisburg Expressway (Interstate Highway 83), thence northerly along Interstate Highway 83 to its intersection with Shawan Road, thence northerly along Shawan Road to its junction with York Road (Maryland Highway 45) and continuing easterly to a point 1,500 feet east of Maryland Highway 45, thence southerly along a line 1,500 feet east of and parallel to Maryland Highway 45 to the present northerly limit of the zone." This area embraces the community of Texas, Md., and portions of the communities of Timonium and Cockeysville, Md.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the Baltimore, Md., commercial zone, may do so by the submission of written data, views, or arguments. An original and five copies of such data, views, or arguments shall be filed with the Commission on or before January 4, 1965.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-12042; Filed, Nov. 24, 1964; 8:46 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### RELIEF FROM EXCESS PROFITS TAX BECAUSE OF INADEQUATE EXCESS PROFITS CREDIT

#### No Allowances During Fiscal Year Ended June 30, 1964

During the fiscal year ended June 30, 1964, there were no cases in which relief was allowed under the provisions of section 722 of the Internal Revenue Code of 1939. This statement is published in accordance with the requirements of section 6105 of the Internal Revenue Code of 1954.

[SEAL] BERTRAND M. HARDING, *Acting Commissioner of Internal Revenue.*

[F.R. Doc. 64-12021; Filed, Nov. 24, 1964; 8:45 a.m.]

### Office of the Secretary

[AA 643.3-W]

### UNLINED BRAKE SHOES FROM CANADA

#### Fair Value Determination

NOVEMBER 18, 1964.

An allegation was received that unlined brake shoes from Canada, manufacturer by Aimco Automotive Parts Co., Cooksville, Ontario, Canada, were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that unlined brake shoes from Canada, manufactured by Aimco Automotive Parts Co., Cooksville, Ontario, Canada, are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons.* The information available established that for fair value purposes the appropriate comparison was between exporter's sales price and adjusted home market price.

The adjusted home market price was based on the manufacturer's home market price list in Canada. From the price-list price there was deducted applicable cash and quantity discounts and the cost of delivery. No packing cost differentials were involved.

Exporter's sales price was calculated on the basis of the prices at which the importer, a subsidiary of the manufacturer, resold in the United States. From such prices were deducted freight, import duty, and included United States excise tax.

The resulting price comparisons disclosed that exporter's sales price was less than the adjusted home market price. Upon being advised of this, the manufacturer promptly made such price revisions as were necessary to eliminate all previously existing dumping margins. As to sales made prior to the price revisions, it was determined that the margins involved were not more than insignificant.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED, *Assistant Secretary of the Treasury.*

[F.R. Doc. 64-12049; Filed, Nov. 24, 1964; 8:48 a.m.]

## DEPARTMENT OF COMMERCE

### Bureau of the Census

### DISTRIBUTORS STOCKS OF CANNED FOODS

#### Notice of Consideration of Survey

Notice is hereby given that the Bureau of the Census is planning to conduct its usual annual survey of inventories covering 29 canned and bottled products, including vegetables, fruits, juices, and fish as of December 31, 1964, under the provisions of the Act of Congress approved August 31, 1954, 13 U.S.C. 181, 224, and 225. This survey, together with the previous surveys, provides the only continuing source of information on stocks of the specified canned foods held by wholesalers and in warehouses of retail multiunit organizations.

On the basis of information received by the Bureau of the Census, these data will have significant application to the needs of the public, industry and the distributive trades, and governmental agencies and are not publicly available from nongovernmental or other governmental sources.

Such survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods, in order to provide year-end inventories of the specified canned food items with measurable reliability. These stocks will be measured in terms of actual cases with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger." (In addition, a number of selected multiunit firms will be requested to provide information on the location of establishments maintaining canned food stocks that are not currently reporting in the Canned Food Survey.)

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C., 20233.

Any suggestions or recommendations concerning the subject matter of this proposed survey should be submitted in writing to the Director of the Census within 30 days after the date of this publication and will receive consideration.

RICHARD M. SCAMMON, *Director, Bureau of the Census.*

[F.R. Doc. 64-12057; Filed, Nov. 24, 1964; 8:48 a.m.]

### Maritime Administration

[Trade Route 2]

### U.S. ATLANTIC/WEST COAST SOUTH AMERICA

#### Notice of Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements

Notice is hereby given that on November 18, 1964, the Acting Deputy Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States Foreign Trade Route No. 2 and ordered that the following conclusions and determinations reached by the Acting Deputy Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER:

1. Trade Route No. 2, as described below, is reaffirmed as an essential foreign trade route of the United States:

*Trade Route No. 2—U.S. Atlantic/West Coast South America.* Between United States Atlantic ports (Maine—East Coast Florida to but not including Key West) and ports on the West Coast of South America (Pacific Coast Colombia, Ecuador, Peru, and Chile).

2. Long-range requirements for United States flag service on Trade Route No. 2 are approximately two sailings per week, one by C-4 type combination passenger-cargo ships and one by C-4 type freight ships. During the period of the next 2 to 3 years until new C-4 type freight ships enter into operation, United States flag service requirements are approximately 2 sailings per week, one by C-4 type combination passenger-cargo ships, and the other either by C-2 type combination passenger-cargo, or C-2 or C-4 type freight ships.

3. Existing C-2 type combination passenger-cargo ships and C-2 type freight ships are suitable for interim operation pending replacement.

4. C-4 type combination passenger-cargo ships and C-4 type freight ships are suitable for long-range operation on the route.

Dated: November 18, 1964.

By order of the Acting Deputy Maritime Administrator.

JOHN M. O'CONNELL, *Assistant Secretary.*

[F.R. Doc. 64-12023; Filed Nov. 24, 1964; 8:45 a.m.]

[Report 15]

## LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through November 13, 1964, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

| Flag of Registry and Name of Ship | Gross tonnage |
|---|---|
| Total all flags (235 ships) | 1,616,544 |
| **British (77 ships)** | **567,485** |
| Amalia | 7,189 |
| Amazon River | 7,234 |
| Antarctica | 8,785 |
| Ardenode | 7,036 |
| Ardgem | 6,981 |
| Ardmore | 4,664 |
| Ardpatrick | 7,054 |
| Ardrowan | 7,300 |
| Ardsired | 7,025 |
| **Arlington Court (now Southgate—British flag). | |
| Athelcrown (Tanker) | 11,149 |
| Athelduke (Tanker) | 9,089 |
| Athelmere (Tanker) | 7,524 |
| Athelmonarch (Tanker) | 11,182 |
| Athelsultan (Tanker) | 9,149 |
| Avisfaith | 7,868 |
| Baxtergate | 8,813 |
| Canuk Trader | 7,151 |
| Cedar Hill | 7,156 |
| Chipbee | 7,271 |
| **Cosmo Trader (trip to Cuba under ex-name, Ivy Fair—British flag). | |
| Dairen | 4,939 |
| East Breeze | 8,706 |
| Eastfortune | 8,789 |
| Eirini | 7,402 |
| Free Enterprise | 6,807 |
| Free Merchant | 5,287 |
| **Garthdale (now Jeb Lee—British flag) | 7,542 |
| Grosvenor Mariner | 7,026 |
| Hazelmoor | 7,907 |
| Helka | 2,111 |
| Hemisphere | 8,718 |
| Ho Fung | 7,121 |
| Inchstaffa | 5,255 |
| **Ivy Fair (now Cosmo Trader—British flag) | 7,201 |
| **Jeb Lee (trip to Cuba under ex-name, Garthdale—British flag | 7,542 |
| Kinross | 5,388 |
| **Kirriemoor (now Jhelum—Pakistani flag) | 5,923 |
| La Hortensia | 9,486 |
| Linkmoor | 8,236 |
| Maratha Enterprise | 7,166 |
| Muswell Hill | 7,131 |
| Nancy Dee | 6,597 |
| Newdene | 7,161 |
| Newforest | 7,185 |
| Newgate | 6,743 |
| Newglade | 7,868 |
| Newgrove | 7,172 |
| Newheath | 5,891 |
| Newhill | 7,855 |

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

| Flag of Registry, Name of Ship—Continued | Gross tonnage |
|---|---|
| **British—Continued** | |
| Newlane | 7,043 |
| Newmeadow | 5,654 |
| Oceantramp | 6,185 |
| Oceantravel | 10,477 |
| Penny | 9,667 |
| Rathmoor | 7,398 |
| Bathy Ann | 7,361 |
| St. Antonio | 6,704 |
| Sandsend | 7,236 |
| Santa Granda | 7,229 |
| Sea Coral | 10,421 |
| Sea Empress | 10,074 |
| Shieldsea | 7,127 |
| Shun Fung | 7,148 |
| Soclyve | 7,291 |
| **Southgate (previous trips to Cuba under ex-name, Arlington Court—British flag) | 9,662 |
| Stanwear | 8,108 |
| Sudbury Hill | 7,140 |
| Suva Breeze | 4,970 |
| Swift River | 7,251 |
| Thames Breeze | 7,878 |
| **Timios Stavros (previous trips to Cuba under Greek flag) | 5,269 |
| Venice | 8,611 |
| Vercharmian | 7,265 |
| Vesgmont | 7,381 |
| West Breeze | 8,718 |
| Woldingham Hill | 7,113 |
| Yungfutary | 5,388 |
| Yungtutaton | 5,414 |
| Zela M | 7,237 |
| **Lebanese (57 ships)** | **381,488** |
| Agia Sophia | 3,106 |
| Aiolos II | 7,256 |
| Ais Giannis | 6,997 |
| Akamas | 7,285 |
| Al Amin | 7,186 |
| Alaska | 6,989 |
| Anthas | 7,044 |
| Antonis | 6,259 |
| Ares | 4,557 |
| Areti | 7,176 |
| Aristefs | 6,995 |
| Astir | 5,324 |
| Athamas | 4,729 |
| Carnation | 4,884 |
| **Christos (trip to Cuba under ex-name, Pamit—Greek flag) | 5,411 |
| Claire | 6,032 |
| Cris | 7,187 |
| Dimos | 7,067 |
| Free Trader | 7,240 |
| Giorgos Tsakiroglou | 7,282 |
| Granikos | 5,925 |
| Ilena | 7,297 |
| Ioannis Aspiotis | 5,103 |
| Kalliopi D. Lemos | 10,820 |
| **Kapetanissa (now National Strength—Nationalist Chinese flag) | 7,281 |
| Katerina | 9,357 |
| Leftric | 7,176 |
| Malou | 7,145 |
| Mantric | 7,255 |
| Marichristina | 7,124 |
| Marymark | 4,383 |
| Mersinidi | 6,782 |
| Mimosa | 7,314 |
| Mousse | 6,984 |
| Nictric | 7,296 |
| Noelle | 7,251 |
| Noemi | 7,070 |
| Olga | 7,199 |
| Panagos | 7,133 |
| Parmarina | 6,721 |
| **Razani (broken up) | 7,253 |
| Rio | 7,194 |
| St. Anthony | 5,349 |
| St. Nicolas | 7,165 |
| San George | 7,267 |
| San John | 5,172 |
| San Spyridon | 7,260 |
| Stevo | 7,066 |
| Taxiarhis | 7,349 |

| Flag of Registry, Name of Ship—Continued | Gross tonnage |
|---|---|
| **Lebanese—Continued** | |
| Tertric | 7,045 |
| Theodoros Lemos | 7,198 |
| Theologos | 6,529 |
| Toula | 4,561 |
| Troyan | 7,243 |
| Vassiliki | 7,192 |
| Vastric | 6,453 |
| Vergolivada | 6,339 |
| Yanzilas | 10,051 |
| **Greek (41 ships)** | **300,795** |
| Agios Therapon | 5,617 |
| Akastos | 7,331 |
| Aldebaran (Tanker) | 12,897 |
| Alice | 7,189 |
| **Ambassade (sold Hong Kong shipbreakers) | 8,600 |
| Americana | 7,104 |
| Anacreon | 7,359 |
| Anatoli | 7,178 |
| **Andromachi (previous trips to Cuba under ex-name, Penelope—Greek flag) | 6,712 |
| Antonia | 5,171 |
| Apollon | 9,744 |
| Armathia | 7,091 |
| Athanassios K | 7,216 |
| Barbarino | 7,084 |
| Calliopi Michalos | 7,249 |
| Capetan Petros | 7,291 |
| **Embassy (broken up) | 8,418 |
| Everest | 7,031 |
| Flora M | 7,244 |
| Galini | 7,266 |
| **Gloria (now Helen—Greek flag) | 7,128 |
| **Helen (trip to Cuba under ex-name, Gloria—Greek flag). | |
| Irena | 7,232 |
| Istros II | 7,275 |
| Kapetan Kostis | 5,032 |
| Kyra Hariklia | 6,888 |
| Maria Theresa | 7,245 |
| Marigo | 7,147 |
| Maroudio | 7,369 |
| Mastro-Stelios II | 7,282 |
| **Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag). | |
| **Nicolaos Frangistas (now Nicolaos F.—Greek flag) | 7,199 |
| **Pamit (now Christos—Lebanese flag) | 3,929 |
| Pantanassa | 7,131 |
| Paxoi | 7,144 |
| **Penelope (now Andromachi—Greek flag). | |
| **Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag). | |
| **Presvia (broken up) | 10,820 |
| Propontis | 7,128 |
| Redestos | 5,911 |
| **Seirios (broken up) | 7,239 |
| Sophia | 7,030 |
| **Stylianos N. Vlassopulos (now Plate Trader—Greek flag) | 7,244 |
| **Timios Stavros (now British flag). | |
| Tina | 7,362 |
| Western Trader | 9,268 |
| **Polish (13 ships)** | **87,426** |
| Baltyk | 6,963 |
| Bialystok | 7,173 |
| Bytom | 5,967 |
| Chopin | 6,987 |
| Chorzow | 7,237 |
| Huta Florian | 7,258 |
| Huta Labedy | 7,221 |
| Huta Ostrowiec | 7,175 |
| Huta Zgoda | 6,840 |
| Kopalnia Miechowice | 7,223 |
| Kopalnia Siemianowice | 7,165 |
| Kopalnia Wujek | 7,033 |
| Piast | 3,184 |



| Flag of Registry, Name of Ship—Continued | Number of ships |
|---|---|
| **Italian (12 ships)** | **102,013** |
| Achille | 6,950 |
| Agostino Bertani | 8,380 |
| Andrea Costa (Tanker) | 10,440 |
| Aspromonte | 7,754 |
| Giuseppe Giulietti (Tanker) | 17,519 |
| Montiron | 1,595 |
| Nazareno | 7,173 |
| Nino Bixio | 8,427 |
| San Francesco | 9,284 |
| San Nicola (Tanker) | 12,461 |
| Santa Lucia | 9,278 |
| Somalia | 3,352 |
| **Yugoslav (7 ships)** | **49,926** |
| Bar | 7,233 |
| Cavtat | 7,266 |
| Cetinje | 7,200 |
| Dugi Otok | 6,997 |
| Mojkovac | 7,125 |
| Promina | 6,960 |
| **Trebisnjica (wrecked) | 7,145 |
| **French (6 ships)** | **16,391** |
| Circe | 2,874 |
| Enee | 1,232 |
| *Foulaya | 3,739 |
| Mungo | 4,320 |
| Nelee | 2,574 |
| Neve | 852 |
| **Spanish (5 ships)** | **6,193** |
| Escorpion | 999 |
| Sierra Andia | 1,596 |
| Sierra Aranzazu | 1,600 |
| Sierra Madre | 999 |
| Sierra Maria | 999 |
| **Moroccan (5 ships)** | **35,828** |
| Atlas | 10,392 |
| Banora | 3,082 |
| Marrakech | 3,214 |
| Mauritanie | 10,392 |
| Toubkal | 8,748 |
| **Finnish (4 ships)** | **32,849** |
| Augusta Paulin | 7,096 |
| Ragni Paulin | 6,823 |
| Susan Paulin | 7,239 |
| Valny (Tanker) | 11,691 |
| **Swedish (3 ships)** | **17,123** |
| Amfred | 2,828 |
| **Atlantic Friend (now Atlantic Venture—Liberian flag) | 7,805 |
| Dagmar | 6,490 |
| **Norwegian (2 ships)** | **10,002** |
| Ole Bratt | 5,252 |
| **Tine (now Jemreel—Panamanian flag) | 4,750 |
| **Kuwaiti (1 ship):** | |
| Maha | 1,392 |
| **Cypriot (1 ship):** | |
| Adelphos Petrakis | 7,134 |
| **Netherlands (1 ship):** | |
| Tempo | 499 |
| **Liberian:** | |
| **Atlantic Venture (trip to Cuba under ex-name, Atlantic Friend—Swedish flag). | |
| **Nationalist Chinese:** | |
| **National Strength (trips to Cuba under ex-name, Kapetanissa—Lebanese flag). | |
| **Panamanian:** | |
| **Jemreel (trip to Cuba under ex-name, Tine—Norwegian flag). | |
| **Pakistani:** | |
| **Jhelum (trip to Cuba under ex-name, Kirriemoor—British flag). | |

*Added to Report No. 44, appearing in the FEDERAL REGISTER issue of November 11, 1964.
**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

| Flag of Registry and Name of Ship | Gross tonnage |
|---|---|
| a. Since last report: | |
| British (2 ships) | 17,231 |
| Denmark Hill | 7,150 |
| London Endurance (Tanker) | 10,081 |
| Greek (1 ship): | |
| Perseus (Tanker) | 15,852 |
| b. Previous reports: | Number of ships |
| Flag of registry (total) | 59 |
| British | 27 |
| Danish | 1 |
| French | 1 |
| German (West) | 1 |
| Greek | 18 |
| Italian | 5 |
| Japanese | 1 |
| Norwegian | 4 |
| Spanish | 1 |

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through November 13, 1964:

| Flag of registry | Number of trips | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1963 | 1964 | | | | | | | | | Total |
| | | Jan.–Mar. | Apr. | May | June | July | Aug. | Sept. | Oct. | Nov. | |
| British | 133 | 43 | 20 | 16 | 19 | 18 | 17 | 13 | 13 | 1 | 295 |
| Lebanese | 64 | 23 | 8 | 8 | 10 | 6 | 9 | 12 | 1 | ------ | 143 |
| Greek | 99 | 9 | ------ | 6 | 1 | 1 | 5 | 3 | 1 | ------ | 125 |
| Italian | 16 | 2 | 3 | 1 | 4 | 3 | 2 | ------ | ------ | ------ | 31 |
| Spanish | 8 | 3 | 3 | ------ | 2 | 2 | 2 | 2 | 2 | 1 | 25 |
| Norwegian | 14 | 3 | 1 | 2 | 1 | ------ | 1 | ------ | 1 | ------ | 23 |
| Moroccan | 9 | 2 | ------ | 2 | 1 | 3 | 1 | 2 | 2 | ------ | 22 |
| Yugoslav | 12 | 3 | 1 | ------ | ------ | 3 | ------ | 2 | ------ | ------ | 21 |
| French | 8 | ------ | 1 | ------ | ------ | 2 | 2 | ------ | 1 | ------ | 14 |
| Swedish | 3 | ------ | ------ | 2 | ------ | ------ | ------ | ------ | ------ | ------ | 5 |
| Finnish | 1 | ------ | ------ | ------ | 1 | ------ | 1 | 1 | ------ | ------ | 4 |
| Kuwaiti | ------ | ------ | ------ | ------ | ------ | 1 | ------ | 1 | ------ | ------ | 2 |
| Cypriot | ------ | ------ | ------ | ------ | ------ | 1 | ------ | ------ | ------ | ------ | 1 |
| Danish | 1 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | 1 |
| German (West) | 1 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | 1 |
| Japanese | 1 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ | 1 |
| Netherlands | ------ | ------ | ------ | ------ | ------ | ------ | ------ | 1 | ------ | ------ | 1 |
| Subtotal | 370 | 88 | 37 | 37 | 41 | 42 | 40 | 37 | 21 | 2 | 715 |
| Polish | 18 | 5 | 2 | ------ | 2 | 1 | ------ | 2 | ------ | ------ | 30 |
| Grand total | 388 | 93 | 39 | 37 | 43 | 43 | 40 | 39 | 21 | 2 | 745 |

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba.

Dated: November 17, 1964.

By order of the Deputy Maritime Administrator.

JAMES S. DAWSON, Jr.,
*Secretary.*

[F.R. Doc. 64-12024; Filed, Nov. 24, 1964; 8:45 a.m.]

## Office of the Secretary

## GEORGE E. LAWRENCE

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. *Deletions.* 100 shs. Mohawk Business Machines, Inc.

B. *Additions.* None.

This statement is made as of October 30, 1964.

Dated: October 30, 1964.

GEORGE E. LAWRENCE.

[F.R. Doc. 64-12041; Filed, Nov. 24, 1964; 8:46 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 15700]

## RKO GENERAL, INC., ET AL.

### Notice of Prehearing Conference

Application of RKO General, Inc., The General Tire & Rubber Co. and Aerojet-General Corp. for the approval of the purchase of stock in Frontier Airlines, Inc., under section 408 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 2, 1964, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., November 20, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-12067; Filed, Nov. 24, 1964; 8:49 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15667 etc.; FCC 64M-1165]

## KAISER INDUSTRIES CORP. ET AL.

### Order Continuing Prehearing Conference

In re applications of Kaiser Industries Corporation, Chicago, Illinois, Docket No. 15667, File No. BPCT-3092; Frederick B. Livingston and Thomas L. Davis, d/b as Chicagoland TV Company, Chicago, Illinois, Docket No. 15668, File No. BPCT-3116; Warner Bros. Pictures, Inc., Chicago, Illinois, Docket No. 15669, File No. BPCT-3271; Chicago Federation of Labor and Industrial Union Council, Chicago, Illinois, Docket No. 15708, File No. BPCT-3439; for construction permit for new Television Broadcast Station (Channel 38).

*It is ordered,* This 20th day of November 1964, on the Chief Hearing Examiner's own motion, that the prehearing conference in this proceeding, heretofore scheduled for November 23, 1964, is continued to December 2, 1964, commencing at 10:00 a.m.

Released: November 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12060; Filed, Nov. 24, 1964; 8:48 a.m.]

[Docket No. 15667 etc.; FCC 64-1076]

## KAISER INDUSTRIES CORP. ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Kaiser Industries Corporation, Chicago, Illinois, Docket No. 15667, File No. BPCT-3092; Frederick B. Livingston and Thomas L. Davis, d/b as Chicagoland TV Company, Chicago, Illinois, Docket No. 15668, File No. BPCT-3116; Warner Bros. Pictures, Inc., Chicago, Illinois, Docket No. 15669, File No. BPCT-3271; Chicago Federation of Labor and Industrial Union Council, Chicago, Illinois, Docket No. 15708, File No. BPCT-3439; for construction permit for new Television Broadcast Station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of November 1964;

The Commission, having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 38, Chicago, Illinois; and

It appearing, that on October 21, 1964, the Commission designated for comparative hearing (FCC 64-961) the above-captioned applications of Kaiser Industries Corporation, Chicagoland TV Company and Warner Bros. Pictures, Inc.; and

It further appearing, that the above-captioned application of Chicago Federation of Labor and Industrial Union Council was substantially complete and accepted for filing on the day preceding the date on which the prior applications were designated for hearing, and that it is mutually exclusive and entitled to comparative consideration therewith, in accordance with §§ 1.227(b)(1) and 1.572(e) of the Commission's rules; and

It further appearing, that the transmitter proposed by Chicago Federation of Labor and Industrial Union Council has not been type-accepted by the Commission and that, in the event of a grant of the application, such grant should be made subject to the condition that, prior to licensing, acceptable data shall be submitted for type-acceptance in accordance with the requirements of § 73.640 of the Commission's rules; and

It further appearing, that Chicago Federation of Labor and Industrial Union Council is legally, financially, technically, and otherwise qualified to construct, own and operate the proposed television broadcast station; and

It further appearing, that, upon due consideration of the above-captioned applications, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary and that the said applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

*It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Kaiser Industries Corporation, Chicagoland TV Company, Warner Bros. Pictures, Inc., and Chicago Federation of Labor and Industrial Union Council are designated for hearing in a consolidated proceeding in Docket Nos. 15667-15669, at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine whether Kaiser Industries Corporation is, or can be, authorized to do business in the State of Illinois.

2. To determine whether Warner Bros. Pictures, Inc., is, or can be, authorized to do business in the State of Illinois.

3. To determine whether a grant of the application of Warner Bros. Pictures, Inc., would be consistent with the provisions of section 310(a)(4) of the Communications Act of 1934, as amended.

4. To determine whether a grant of the application of Warner Bros. Pictures, Inc., would be consistent with the provisions of § 73.636 of the Commission's rules.

5. To determine, in the light of the past conduct of Warner Bros. Pictures, Inc., whether it has the requisite qualifications to be a broadcast licensee.

6. To determine, on a comparative basis, which of the operations proposed in the above-captioned applications would best serve the public interest, convenience, and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each, bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming services proposed in each of the above-captioned applications.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

*It is further ordered,* That, in the event of a grant of the application of Chicago Federation of Labor and Industrial Union Council, such grant shall be subject to the condition that, prior to licensing, acceptable data shall be submitted for type-acceptance of the proposed transmitter in accordance with the requirements of § 73.640 of the Commission's rules.

*It is further ordered,* That the specification of issues herein shall supersede the specification of issues in the Commission's Order of October 21, 1964, in this proceeding.

*It is further ordered,* That the issues in the above-captioned proceeding may be enlarged by the Examiner, upon his own motion or upon petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: "To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated."

*It is further ordered,* That, to avail themselves of the opportunity to be heard, Kaiser Industries Corporation, Frederick B. Livingston and Thomas L. Davis, d/b as Chicagoland TV Company, Warner Bros. Pictures, Inc., and Chicago Federation of Labor and Industrial Union Council, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Order.

*It is further ordered,* That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: November 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12061; Filed, Nov. 24, 1964; 8:48 a.m.]



[Docket Nos. 15701, 15702; FCC 64-1070]

## SOUTHERN NEWSPAPERS, INC., ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Southern Newspapers, Inc., Hot Springs, Arkansas, Docket No. 15701, File No. BPH-3984, requests: 97.5 mc, #248; 59.3 kw; 698 feet; C. J. Dickson, Guy R. Beckham and James M. Alexander d/b as Radio Hot Springs Company, Hot Springs, Arkansas, Docket No. 15702, File No. BPH-4124, requests: 97.5 mc, #248; 86 kw; 475 feet; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of November 1964;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the areas for which the applicants propose to provide FM broadcast service are significantly different in size and that for purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM service (at least 1 mv/m) within such areas will be considered in the hearing ordered below for the purpose of determining whether a comparative preference should accrue to either applicant; and

It further appearing, that, with regard to the application of Southern Newspaper, Inc., members of the Palmer family (parties in the applicant) have interests in the following newspapers: Camden (Evening) News, Texarkana (Morning) Gazette and Texarkana (Evening) News, Hot Springs (Evening) New Era and Hot Springs (Morning) Sentinel-Record, El Dorado (Morning) News and El Dorado (Evening) Times, Magnolia (Evening) Banner-News, Hope (Evening) Star, and the Jacksonville (Texas) Progress. The Palmer interests publish the only daily newspapers in Texarkana, Texas, Jacksonville, Texas, and in the following cities in Arkansas: Camden, Hot Springs, El Dorado, Magnolia and Hope. The Palmer family also has interests in the following broadcast stations: KAMD, Camden, Arkansas, KXAR, Hope, Arkansas, KCMC, KTAL-FM and KTAL-TV, Texarkana, Texas—Shreveport, Louisiana. In view of the foregoing newspaper and broadcast interests in the State of Arkansas and northeast Texas an issue will be specified below to determine whether or not a grant of the Southern Newspaper, Inc., proposal would result in a concentration of control of the media of mass communication in the State of Arkansas and the northeastern portion of the State of Texas, contrary to the public interest; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

*It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the area and population within each of the proposed 1 mv/m contours and the availability of other FM services (at least 1 mv/m) to such areas and populations.

2. To determine whether a grant of the application of Southern Newspapers, Inc., would create a concentration of control of the media of mass communication in the State of Arkansas and in the northeastern portion of the State of Texas, contrary to the public interest.

3. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience, and necessity in light of the evidence adduced pursuant to the foregoing issue and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the FM station as proposed.

(b) Proposals of each of the applicants with respect to the management and operation of the FM broadcast station as proposed.

(c) The programming services proposed in each of the above-captioned applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

*It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

*It is further ordered,* That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: "To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated."

Released: November 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12062; Filed, Nov. 24, 1964; 8:49 a.m.]

[Docket Nos. 15449, 15450; FCC 64M-1162]

## SPRINGFIELD TELECASTING CO. AND MIDWEST TELEVISION, INC.

### Order Regarding Procedural Dates

In re applications of Springfield Telecasting Co., Springfield, Illinois, Docket No. 15449, File No. BPCT-2838; Midwest Television, Inc., Springfield, Illinois, Docket No. 15450, File No. BPCT 2846; for construction permits for New Television Broadcast Stations.

The Hearing Examiner having under consideration a "Joint Request * * * for Postponement of Procedural Dates" filed by counsel for both applicants on November 17, 1964, requesting that certain procedural dates heretofore scheduled be postponed in the manner stated below:

It appearing, that the applicants are preparing to file within the near future a joint request for approval of an agreement now being drafted which looks toward the elimination of the conflict between their respective proposals, that counsel for the other parties interpose no objection to the extension of dates requested by the applicants, and that "good cause" is shown for affording the moving parties the relief sought by them;

*Accordingly, it is ordered,* This 19th day of November 1964, that the above-described "Request for Postponement of Procedural Dates" is granted, and the pertinent procedural dates are postponed as follows:

[1] Commissioner Ford absent.

| Procedure | From | To |
|---|---|---|
| Supplementation of pleadings re Motion to Dismiss. | Nov. 23, 1964 | Dec. 31, 1964. |
| Hearing Conference..... | Nov. 25, 1964 | Jan. 5, 1965 (10:00 a.m.). |

Released: November 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12063; Filed, Nov. 24, 1964; 8:49 a.m.]

[Docket Nos. 15705-15707; FCC 64-1075]

## CHARLES VANDA ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Charles Vanda, Henderson, Nevada, Docket No. 15705, File No. BPCT-3315; Sovereign Television Corporation, Henderson, Nevada, Docket No. 15706, File No. BPCT-3323; Boulder City Television, Inc., Boulder City, Nevada, Docket No. 15707, File No. BPCT-3327; for construction permit for New Television Broadcast Station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of November 1964;

The Commission, having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 4, the first two in Henderson, Nevada, and the last in Boulder City, Nevada; and

It appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

(a) Based on information contained in the application of Charles Vanda, cash in the amount of approximately $220,000 will be required for the construction and initial operation of the proposed new station. The applicant, however, has not shown the extent of his liabilities and in the absence of this information, it cannot be determined that the applicant is financially qualified.

(b) Based on information contained in the application of Boulder City Television, Inc., cash in excess of $120,000 will be required for the construction and initial operation of the proposed station. The exact amount of cash required cannot be determined because the applicant appears to have made no provision for the costs of legal and engineering fees, freight, installation, foundations, painting, nontechnical studio equipment, miscellaneous costs and contingencies. To meet the cash requirements, the applicant appears to rely upon the availability of cash from stock subscriptions of $100,000 from Mr. Meyer Gold and $50,000 from Mr. Lester H. Berkson. Mr. Berkson, however, has not shown the extent of his liabilities, if any. Mr. Gold relies upon the availability of a line of credit of $50,000 from the Bank of Las Vegas and $50,000 in personal current and liquid assets. By its own terms, however, the commitment of the Bank of Las Vegas expired October 24, 1964, and there is no indication that it has been extended. Mr. Gold's balance sheet does not show current and liquid assets in excess of current liabilities in sufficient amount to enable him to meet his commitments to the applicant. Furthermore, it appears that Mr. Gold purchased Radio Stations WLUC and WLUC-FM in February 1962, and incurred a long-term liability of $60,500, but his balance sheet does not disclose this liability nor the current portion thereof. Accordingly, it cannot be determined that the applicant is financially qualified.[1]

(c) The antenna system and site proposed by Boulder City Television, Inc., has not been approved by the Federal Aviation Agency. An issue will be specified, therefore, to determine whether the antenna system and site proposed might constitute a menace to air navigation.

It further appearing, that the City of Boulder City, Nevada, by its City Manager, filed, on April 23, 1964, informal objections pursuant to § 1.587 of the Commission's rules, against the applications of Charles Vanda and Sovereign Television Corporation, opposing the proposed use of Channel 4, which is allocated by § 73.606 of the Commission's rules to Boulder City, Nevada, in Henderson, Nevada. The objector has requested that an appropriate issue be specified and that the objector be made a party to the proceeding. The Commission, having considered the matters raised by the objector, is of the view that specific issues with respect to the applications of Charles Vanda and Sovereign Television Corporation would not be appropriate, but that a substantial question exists, in the light of section 307(b) of the Communications Act of 1934, as amended, as to which of the above-captioned, applications would best provide a fair, efficient and equitable distribution of radio service among communities, and that an issue with respect thereto is warranted.

It further appearing, that the transmitter proposed by Sovereign Television Corporation has not been type-accepted by the Commission and that, in the event of a grant of the application, such grant should be made subject to the condition that, prior to licensing, acceptable data shall be submitted for type-acceptance in accordance with the requirements of § 73.640 of the Commission's rules.

It further appearing, that, except as indicated above, Charles Vanda is legally, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; and Sovereign Television Corporation is legally, technically, financially and otherwise qualified to construct, own and operate the proposed television broadcast station; and, except as indicated above, Boulder City Television, Inc., is legally and otherwise qualified to construct, own and operate the proposed television broadcast station; and

It further appearing, that, upon due consideration of the above-captioned applications, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary and that the said applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

*It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Charles Vanda, Sovereign Television Corporation, and Boulder City Television, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Charles Vanda is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether Boulder City Television, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by Boulder City Television, Inc., would constitute a hazard to air navigation.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service among communities.

5. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would best serve the public interest, in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed television broadcast station.

(c) The programming services proposed in each of the above-captioned applications.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

*It is further ordered,* That the informal objections filed herein by the City of Boulder City, Nevada, against the applications of Charles Vanda and Sovereign Television Corporation, are granted to the extent indicated herein, and the City of Boulder City, Nevada, is made a party to this proceeding.

*It is further ordered,* That, in the event of a grant of the application of Sovereign Television Corporation, such grant shall be subject to the condition that, prior to licensing, acceptable data shall be submitted for type-acceptance of the proposed transmitter in accordance with the requirements of § 73.640 of the Commission's rules.

*It is further ordered,* That the issues in the above-captioned proceeding may be enlarged by the Examiner with respect to Sovereign Television Corporation, on his own motion or upon petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: "To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated."

*It is further ordered,* That, to avail themselves of the opportunity to be heard, Charles Vanda, Sovereign Television Corporation, Boulder City Television, Inc., and the City of Boulder City, Nevada, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Order.

*It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: November 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12064; Filed, Nov. 24, 1964; 8:49 a.m.]

[Docket Nos. 15703, 15704; FCC 64-1072]

## WTWV RADIO ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Frank K. Spain tr/as WTWV Radio, Tupelo, Mississippi, Docket No. 15703, File No. BP-15527, Requests: 1350 kc, 5 kw, Day, Class III; James D. Anderson and Frank F. Hinton d/b as The Progressive Broadcasting Company, Corinth, Mississippi, Docket No. 15704, File No. BP-15528, Requests: 1350 kc, 1 kw, Day, Class III; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of November 1964;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the applications are mutually exclusive in that concurrent operation would result in mutually destructive interference; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

*It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

*It is further ordered,* That, in view of the decision of the United States Court of Appeals for the District of Columbia Circuit in the case of Kessler v. F.C.C., 1 R.R. 2d 2061, and the Commission's subsequent acceptance of his application for filing (Order of May 13, 1964, FCC 64-434), the "Petition for Acceptance of Application and Other Relief," filed on April 29, 1963 by Frank K. Spain is dismissed as moot.

*It is further ordered,* That, in the event of a grant of either application herein, the construction permit shall contain the following condition: "Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission rules are not extended to this authorization, and such operation is precluded."

*It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221 (c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

*It is further ordered,* That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: "To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated."

Released: November 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12065; Filed, Nov. 24, 1964; 8:49 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket Nos. 50-172, 50-176]

## LOCKHEED AIRCRAFT CORP. AND GENERAL SERVICES ADMINISTRATION

### Notice of Issuance of Facility License Amendment

Please take notice that, no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 6 to Facility License No. R-86. The amendment authorizes Lockheed Aircraft Corporation to perform irradiation experiments involving the use of liquid hydrogen in close proximity to the Radiation Effects Reactor located in Dawson County, Ga.

The amendment as issued was substantially as set forth in the Notice of Proposed Issuance of Facility License Amendment published in the FEDERAL REGISTER October 3, 1964, 29 F.R. 13623, except that for clarification purposes, Table J 1 of the Technical Specifications was modified by replacing safety trip levels with allowable operating ranges.

Dated at Bethesda, Md., this 17th day of November 1964.

For the Atomic Energy Commission.

R. L. DOAN,
*Director,*
*Division of Reactor Licensing.*

[F.R. Doc. 64-12015; Filed, Nov. 24, 1964; 8:45 a.m.]

[1] The application also contains a letter from the First National Bank of Nevada, evidencing an intention to lend $50,000 upon stated conditions, but the letter specifies that it is not a commitment, but is merely a letter of intention.

[2] Commissioners Hyde, Ford, and Loevinger dissenting.

[1] Commissioner Ford absent.

# FEDERAL MARITIME COMMISSION

## PARR-RICHMOND TERMINAL CO. AND DORWARD & SONS CO.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Parr-Richmond Terminal Company, 1 Drumm Street, San Francisco 11, California

Agreement No. T-662, between Parr-Richmond Terminal Co. (Parr-Richmond) and Dorward & Sons Co., provides for Company's lease of certain property and equipment from Parr-Richmond. Rental is a flat annual sum, and in addition Company agrees to pay Parr-Richmond's published tariff rates for any use of Parr-Richmond's wharf or terminal facilities.

Company will give preference to Parr-Richmond's terminal or warehouse facilities in all cases where shipments controlled by Company can be handled at Parr-Richmond's facilities with no more expense then using other facilities.

Dated: November 20, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-12052; Filed, Nov. 24, 1964; 8:48 a.m.]

## PARR-RICHMOND TERMINAL CO. AND PETROMARK, INC.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Parr-Richmond Terminal Co., 1 Drumm Street, San Francisco, Calif.

Agreement No. T-671, between Parr-Richmond Terminal Co. (Parr-Richmond) and Petromark, Inc. (Company), provides for Company's lease of certain property and equipment from Parr-Richmond. Rental is a flat annual sum, and in addition Company agrees to pay Parr-Richmond's published tariff rates for any use of Parr-Richmond's wharf or terminal facilities.

Company will give preference to Parr-Richmond's terminal or warehouse facilities in all cases where shipments controlled by Company can be handled at Parr-Richmond's facilities with no more expense than using other facilities.

Dated: November 20, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-12053; Filed, Nov. 24, 1964; 8:48 a.m.]

## PARR-RICHMOND TERMINAL CO. AND RICHMOND OIL STORAGE TERMINAL, INC.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Parr-Richmond Terminal Co., 1 Drumm Street, San Francisco, Calif.

Agreement No. T-670, between Parr-Richmond Terminal Company (Parr-Richmond) and Petromark, Inc. (Company), provides for Company's lease of certain property and equipment from Parr-Richmond. Rental is a flat annual sum, and in addition Company agrees to pay Parr-Richmond's published tariff rates for any use of Parr-Richmond's wharf or terminal facilities.

Company will give preference to Parr-Richmond's terminal or warehouse facilities in all cases where shipments controlled by Company can be handled at Parr-Richmond's facilities with no more expense than using other facilities.

Dated: November 20, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-12054; Filed, Nov. 24, 1964; 8:48 a.m.]

## PARR-RICHMOND TERMINAL CO. AND TIME OIL CO.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Parr-Richmond Terminal Co., 1 Drumm Street, San Francisco, Calif.

Agreement No. T-672, between Parr-Richmond Terminal Company (Parr-Richmond) and Time Oil Company (Company), provides for Company's lease of certain property and equipment from Parr-Richmond. Rental is a flat annual sum, and in addition Company agrees to pay Parr-Richmond's published tariff rates for any use of Parr-Richmond's wharf or terminal facilities.

Company will give preference to Parr-Richmond's terminal or warehouse facilities in all cases where shipments controlled by Company can be handled at Parr-Richmond's facilities with no more expense than using other facilities.

Dated: November 20, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-12055; Filed, Nov. 24, 1964; 8:48 a.m.]



## PARR-RICHMOND TERMINAL CO. AND TIME OIL CO.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of Agreement Filed for Approval by

Mr. Arthur G. Smith, Treasurer, Fearnley & Eger, Inc., 39 Broadway, New York, N.Y., 10006.

Agreement 9403, between the carriers comprising the Blue Funnel Line joint service (operating pursuant to approved Agreement 7568, as amended), and the carriers comprising the Fern-Ville Lines joint service (operating pursuant to approved Agreement 8512, as amended), covers a through billing arrangement on cargo from ports of Western Australia to U.S. Pacific Coast ports, with transhipment at Singapore.

Dated: November 23, 1964.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-12105; Filed, Nov. 24, 1964; 8:45 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1731]

## UNITED CORP.

### Notice of Application for Order Exempting Transaction Between Affiliates

NOVEMBER 19, 1964.

Notice is hereby given that The United Corp. ("United"), 522 Fifth Avenue, New York 36, N.Y., a Delaware corporation and a registered closed-end non-diversified management investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) the proposed sale to United from William G. Rector, 1623 Euclid Avenue, Cleveland, Ohio, of 17,987 shares of common stock of True Temper Corp. ("True Temper"). All interested persons are referred to the application, which is on file with the Commission, for a full statement of United's representations which are summarized below.

United, which owns 504,226 (44.22 percent) of the outstanding shares of the common stock of True Temper, is an affiliated person of True Temper. Mr. Rector, who is the owner of 18,987 shares of True Temper and who retired as President of True Temper on April 30, 1964, is presently an employee and consultant of that company, and is an affiliated person of True Temper and an affiliated person of an affiliated person (True Temper) of United.

United's acquisitions of True Temper stock were made pursuant to its announced policy of investing substantial portions of its assets in "special situations" without limitation as to the amount of capital which might be invested at any particular time in any industry, company or situation.

On October 7, 1964, the Board of Directors of United authorized United's officers to offer to purchase from Rector, 17,987 shares of True Temper common stock at a price not to exceed the lesser of (1) thirty-seven dollars ($37.00) per share, or (2) the average price of such stock on the American Stock Exchange on the second business day subsequent to the issuance by this Commission of an appropriate exemption order (the average price to be deemed to be the mean between the high and low sales price, if there were sales; and the mean between the closing bid and asked price, if there were no sales).

The market price has varied from 35½ to 49¾ since the beginning of January 1964, and varied from 38 to 42 in the period of July 1, 1964, through September 30, 1964. True Temper's net income for the fiscal year ended April 30, 1964, amounted to $3,434,624 or $3.01 per share of common stock.

Notice is further given that any interested person may, not later than December 10, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 64-12020; Filed, Nov. 24, 1964; 8:45 a.m.]



## BLUE FUNNEL LINE AND FERN-VILLE LINES

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the

# INTERSTATE COMMERCE COMMISSION

[Notice 330]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 20, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 10761 (Deviation No. 37), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich., 48209, filed November 10, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From junction Interstate Highway 71 and Ohio Highway 18 east of Medina, Ohio over Interstate Highway 71 to Cleveland, Ohio; and (B) from junction Interstate Highways 71 and 271 near Medina over Interstate Highway 271 to junction Interstate Highway 290, thence over Interstate Highways 271 and 290 to junction Interstate Highway 90 east of Cleveland, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Cleveland over U.S. Highway 20 to Wickliffe, Ohio, thence over Ohio Highway 84 to Ashtabula, Ohio (also from Wickliffe over U.S. Highway 20 to Ashtabula), thence over U.S. Highway 20 to junction New York Highway 39, thence over New York Highway 39 to Dunkirk, N.Y., and thence over New York Highway 5 to Buffalo, N.Y.; and, from Cleveland over U.S. Highway 42 to junction U.S. Highway 40, thence over U.S. Highway 40 to Springfield, Ohio, thence over Ohio Highway 4 to Dayton, Ohio, thence over U.S. Highway 35 to Richmond, Ind., and thence over U.S. Highway 40 to Indianapolis, Ind., and return over the same routes.

No. MC 10761 (Deviation No. 38), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich., 48209, filed November 12, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Akron, Ohio, over Interstate Highway 808 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 19, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Detroit, Mich., over U.S. Highway 34 to Maumee, Ohio (also from Detroit over U.S. Highway 25 to Maumee), thence over U.S. Highway 20 to Norwalk, Ohio, thence over Ohio Highway 18 to Youngstown, Ohio, thence over Ohio Highway 7 to East Liverpool, Ohio, thence over Ohio Highway 39 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 68 to Rochester, Pa., thence over Pennsylvania Highway 88 to Pittsburgh, Pa.; and from Niles, Ohio, over Ohio Highway 46 to Columbiana, Ohio, thence over Ohio Highway 14 to junction Ohio Highway 7, thence over Ohio Highway 7 to East Liverpool, and thence to Pittsburgh as specified above, and return over the same routes.

No. MC 31389 (Deviation No. 3), McLEAN TRUCKING COMPANY, 617 Waughtown Street, Winston-Salem, N.C., filed November 9, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, with certain exceptions, over a deviation route as follows: From Atlanta, Ga., over Interstate Highway 85 to Petersburg, Va., thence over Interstate Highway 95 to New York, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Greensboro, N.C., over U.S. Highway 421 to Winston-Salem, N.C., thence over U.S. Highway 158 to Mocksville, N.C., thence over U.S. Highway 64 to Statesville, N.C., thence over U.S. Highway 70 to Asheville, N.C., thence over U.S. Highway 25 to Greenville, S.C. (also from Greensboro over U.S. Highway 29 to Greenville), and thence over U.S. Highway 29 to Atlanta, Ga.; from Greensboro, N.C., over U.S. Highway 29 (via Danville, Va.) to Lynchburg, Va.; from Winston-Salem, N.C., over U.S. Highway 311 to High Point, N.C.; from High Point, N.C., over U.S. Highway 70 to Durham, N.C., thence over U.S. Highway 15 to Oxford, N.C., thence over Alternate U.S. Highway 158 to Henderson, N.C., thence over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to State Road, Del., thence over U.S. Highway 13 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, N.Y., and return over the same routes.

No. MC 35484 (Deviation No. 16), VIKING FREIGHT COMPANY, 614 South Sixth Street, St. Louis, Mo., 63102, filed November 13, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Columbus, Ohio, over Interstate Highway 71 to Cincinnati, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati over U.S. Highway 42 (formerly U.S. Highway 25) to junction unnumbered highway (formerly U.S. Highway 25) south of Gano, Ohio, thence over unnumbered highway via West Chester, Maud, Monroe, Franklin, Miamisburg, and West Carrollton, Ohio, to junction U.S. Highway 25 near Moraine City, Ohio, thence over U.S. Highway 25 to Dayton, Ohio, thence over Ohio Highway 444 (formerly Ohio Highway 4) via Riverside, Wright View, and Fairborn, Ohio, to junction unnumbered highway (formerly Ohio Highway 4), thence over unnumbered highway via Enon, Ohio, to Springfield, Ohio, thence over U.S. Highway 40 via Lafayette, Ohio, to Columbus, and return over the same route.

No. MC 65647 (Deviation No. 1), VICTOR LYNN LINES, INC., c/o Eastern Freight Ways, Inc., Moonachi Avenue, Carlstadt, N.J., filed November 10, 1964. Carriers attorney: Maxwell A. Howell, 1511 K Street NW., Washington, D.C., 20005. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From points in the New York, N.Y., commercial zone via New Jersey Turnpike to junction Interstate Highway 295, thence via Interstate Highway 295 (and over Delaware Memorial Bridge) to junction Interstate Highway 95, thence via Interstate Highway 95 to Baltimore, Md., thence via Baltimore-Washington Expressway (or so much thereof as may be open to motor carriers of property, with the balance of the route via U.S. Highway No. 1) to points in the Washington, D.C., commercial zone, and return over the same route, for operating convenience only.

The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From New York across the Hudson River to Jersey City, N.J., thence over U.S. Highway 1 to Philadelphia, Pa., thence over U.S. Highway 13 to Dover, Del.; from Hares Corner, Del., over U.S. Highway 40 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 206, and thence over U.S. Highway 206 to Trenton, N.J.; from Hares Corner over U.S. Highway 40 to junction U.S. Highway 130, thence over U.S. Highway 130 via Bridgeport and Camden, N.J., to junction U.S. Highway 1 (formerly New Jersey Highway 25), thence over U.S. Highway 1 to Jersey City, N.J., and thence across the Hudson River to New York; from Chester, Pa. across the Delaware River by ferry to junction U.S. Highway 322 (formerly New Jersey Highway S44), thence over U.S. Highway 322 to Bridgeport, N.J., thence to New York as described above; from Philadelphia, Pa. over U.S. Highway 13 to Trenton; from Philadelphia across the Delaware River Bridge to Camden, N.J., thence to New York as specified above; from New York to Hares Corner, Del., over the above-specified routes, thence over U.S. Highway 13 to State Road, Del., and thence over U.S. Highway 40 to Baltimore; from Philadelphia over U.S. Highway 1 to Baltimore; from Bel Air, Md., over Maryland Highway 22 to Aberdeen, Md.; from Baltimore over Maryland Highway 2 to junction Maryland Highway 404 (U.S. Highways 50 and 301), thence over Maryland Highway 404 to Sandy Hook, Md., thence across the Chesapeake Bay by ferry to Matapeake, Md., thence over Maryland Highway 404 to Denton, Md., thence over Maryland Highway 313 to junction Maryland Highway 317, thence over Maryland Highway 317 to the Maryland-Delaware State line, and thence over Delaware Highway 14 to Milford, Del.; and from Baltimore over U.S. Highway 1 to Washington, D.C.; and return over the same routes.



No. MC 89723 (Deviation No. 7), MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, Room 1151, St. Louis, Mo., 63103, filed November 9, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Mission and Brownsville, Tex., over U.S. Highway 83 Expressway, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Mission and Brownsville, Tex., over U.S. Highway 83.

No. MC 103435 (Deviation No. 9), UNITED-BUCKINGHAM FREIGHT LINES, Post Office Box 1631, Rapid City, S. Dak., carrier's representative: J. Maurice Andren, Post Office Box 1631, Rapid City, S. Dak., filed November 9, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Billings, Mont., over Interstate Highway 94 to Tomah, Wis., thence over Interstate Highway 90 to Chicago, Ill., and return over the same route, for operating convenience only, restricted against handling traffic having origin and destination of Chicago, Ill., and its commercial zone, on the one hand, and, on the other, Minneapolis and St. Paul, Minn., and their commercial zone. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Billings over U.S. Highway 12 to Miles City, Mont.; from Belle Fourche, S. Dak., over U.S. Highway 212 via Broadus, Mont., to Miles City; from Bowman, N. Dak., over U.S. Highway 85 to Belle Fourche; from Dickinson, N. Dak., over North Dakota Highway 22 to Reeder, N. Dak., thence over U.S. Highway 12 to Bowman, N. Dak.; from Belle Fourche over U.S. Highway 85 to Belfield, N. Dak., thence over U.S. Highway 10 to Bismarck, N. Dak.; from Belle Fourche over South Dakota Highway 24 to junction Alternate U.S. Highway 14, thence over Alternate U.S. Highway 14 to Sturgis, S. Dak., thence over U.S. Highway 14 via Rapid City, S. Dak., to Pierre, S. Dak., thence over U.S. Highway 83 to junction U.S. Highway 10, thence over U.S. Highway 10 to Bismarck; from Fargo, N. Dak., over U.S. Highway 10 to Bismarck; from Minneapolis, Minn., over U.S. Highway 52 to Fargo; from Des Moines, Iowa, over U.S. Highway 69 to junction Iowa Highway 3, thence over Iowa Highway 3 to Clarion, Iowa; from Des Moines over U.S. Highway 69 to Garner, Iowa, thence over U.S. Highway 18 to Mason City, Iowa, thence over U.S. Highway 65 to Owatonna, Minn., thence over Minnesota Highway 218 via Rosemount, Minn., to St. Paul; from Des Moines to Rosemount, as specified above, thence over Minnesota Highway 218 to junction Minnesota Highway 55, and thence over Minnesota Highway 55 to Minneapolis; from Chicago over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction Illinois Highway 92, thence over Illinois Highway 92 via Yorktown, Ill., to Moline, Ill., thence over U.S. Highway 6 to Iowa City, Iowa, thence over U.S. Highway 218 to Cedar Rapids, Iowa, thence over U.S. Highway 30 to Ames, Iowa, and thence over U.S. Highway 69 to Des Moines; from Chicago to Yorktown, as specified above, thence over Illinois Highway 92 to junction Illinois Highway 78, thence over Illinois Highway 78 to junction U.S. Highway 30, thence over U.S. Highway 30 to Ames, Iowa, and thence over U.S. Highway 69 to Des Moines; and from Chicago to Iowa City, as specified above, thence over U.S. Highway 6 to Des Moines, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 206), GREYHOUND LINES, INC. (EASTERN GREYHOUND LINES DIVISION), 1400 West Third Street, Cleveland, Ohio, 44113, filed November 6, 1964. Carrier proposes to operate as a common carrier, by motor vehicle, of *passengers and their baggage, and express, newspapers, and mail*, in the same vehicle with passengers over a deviation route as follows: From Columbus, Ohio, over Interstate Highway 70 to junction relocated Indiana Highway 1 approximately 2 miles north of Cambridge City, Ind., thence over Indiana Highway 1 to Cambridge City, Ind., and over the following access routes, (a) from Springfield, Ohio, over U.S. Highway 40 to junction Interstate Highway 70 east of Harmony, Ohio, (b) from Springfield over Ohio Highway 4 to junction Interstate Highway 70 north of Enon, Ohio, (c) from Dayton, Ohio, over Ohio Highway 4 to junction Interstate Highway 70, southwest of Medway, Ohio, (d) from Dayton, over Ohio Highway 49 to junction Interstate Highway 70 northwest of Taylorsburg, Ohio, (e) from Richmond, Ind., over U.S. Highway 40 to junction Interstate Highway 70 east of Richmond, and (f) from Richmond, over U.S. Highway 35 to junction Interstate Highway 70 northwest of Richmond, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Dayton over Ohio Highway 4 to Springfield, (2) from Springfield over U.S. Highway 40 via Summerford and West Jefferson, Ohio, to Columbus, also from Summerford over Ohio Highway 56 to London, Ohio, thence over Ohio Highway 142 to West Jefferson, Ohio, (3) from Washington, Pa., over U.S. Highway 40 via Springfield, to Brandt, Ohio, (4) from Dayton over U.S. Highway 35 to Richmond, thence over U.S. Highway 40 via Stilesville, Ind., to Manhattan, Ind., (5) from Brandt over U.S. Highway 40 to junction U.S. Highway 35, and (6) from Springfield, over Ohio Highway 4 to Dayton, and return over the same routes.

No. MC 1934 (Deviation No. 1), THE ARROW LINE, INC., 70 Florence Street, East Hartford, Conn., filed November 8, 1964. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. Carrier proposes to operate as a common carrier by motor vehicle, of *passengers* and their *baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: From New Haven, Conn., over Connecticut Highway 17 to junction Interstate Highway 91 at Rocky Hill, Conn., thence over Interstate Highway 91 to junction U.S. Highway 5 in Long Meadow, Mass., thence over U.S. Highway 5 to junction Massachusetts Turnpike (Interstate Highway 90); thence over Interstate Highway 90 to the Massachusetts-New York State line; thence over Interstate Highway 90 (New England section of the Thomas E. Dewey Thruway) to junction Interstate Highway 87; thence over Interstate Highway 87 to Albany, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From New Haven over Connecticut Highway 67 to junction Connecticut Highway 63, thence over Connecticut Highway 63 via Bethany, Conn., to Naugatuck, Conn., thence over Connecticut Highway 8 via Waterbury and Torrington, Conn., to Winsted, Conn., thence over U.S. Highway 44 to Canaan, Conn., thence over U.S. Highway 7 to Pittsfield, Mass., thence over U.S. Highway 20 to Albany, and return over the same route.

No. MC 1934 (Deviation No. 2), THE ARROW LINE, INC., 70 Florence Street, East Hartford, Conn., filed November 8, 1964. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express, mail, and newspapers*, in the same vehicle with passengers, over a deviation route as follows: From New Haven, Conn., over Connecticut Highway 17 to junction Interstate Highway 91 at Rocky Hill, Conn., thence over Interstate Highway 91 to junction U.S. Highway 5 in Long Meadow, Mass.; thence over U.S. Highway 5 to junction Massachusetts Turnpike (Interstate Highway 90), thence over Interstate Highway 90 to Exit 2 in East Lee, Mass., thence over U.S. Highway 20 to junction U.S. Highway 7, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers

over a pertinent service route as follows: From New Haven, over Connecticut Highway 67 to junction Connecticut Highway 63, thence over Connecticut Highway 63 via Bethany, Conn., to Naugatuck, Conn., thence over Connecticut Highway 8 via Waterbury, and Torrington, Conn., to Winsted, Conn., thence over U.S. Highway 44 to Canaan, Conn., thence over U.S. Highway 7 to Pittsfield, Mass., thence over U.S. Highway 20 to Albany, and return over the same route.

No. MC 2890 (Deviation No. 44), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed November 9, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers* and their *baggage*, and *express*, *newspapers*, and *mail*, in the same vehicles with passengers over a deviation route as follows: From Washington, D.C., over U.S. Highway 240 to junction Interstate Highway 70S, thence over Interstate Highway 70S to junction Interstate Highway 70 at Frederick Md., thence over Interstate Highway 70 to Breezewood, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Washington, over U.S. Highway 1 to Baltimore, Md., and (2) from Baltimore, over U.S. Highway 140 to junction unnumbered highway at or near Sandyville, Md., thence over unnumbered highway (now U.S. Highway 140) to Westminster, Md., thence over Maryland Highway 97 to the Maryland-Pennsylvania State line, thence over Pennsylvania Highway 16 to McConnellsburg, Pa., thence over U.S. Highway 30 to Pittsburgh, and return over the same routes.

No. MC 45626 (Deviation No. 16) (cancels Deviation Nos. 4, 7, and 13), VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt., 05402, filed November 9, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: Between Burlington and Montpelier, Vt., over Interstate Highway 89, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: Between Burlington and Montpelier, Vt., over U.S. Highway 2.

No. MC 45626 (Deviation No. 17), VERMONT TRANSIT COMPANY, INC., 135 St. Paul Street, Burlington, Vt., 05402, filed November 9, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: Between Whately and Northampton, Mass., over Interstate Highway 91, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above-specified property over a pertinent service route as follows: Between Whately and Northampton over U.S. Highway 5.

No. MC 50026 (Deviation No. 4), ARKANSAS MOTOR COACHES LIMITED, INC., 100 East Markham, Little Rock, Ark., filed November 12, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers* and *their baggage*, and *express*, *newspapers*, and *mail*, in the same vehicle with passengers over a deviation route as follows: From Lonoke, Ark., over Arkansas Highway 31 to junction Interstate Highway 40, thence over Interstate Highway 40 to Galloway, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengrs and the same property over a pertinent service route as follows: From Memphis, Tenn., over U.S. Highway 70 to Hot Springs National Park, Ark., and return over the same route.

No. MC 61616 (Deviation No. 10), MIDWEST BUSLINES, INC., 433 West Washington Avenue, North Little Rock, Ark., filed November 6, 1964. Carrier proposes to operate as a common carrier, by motor vehicle, of *passengers and their baggage*, and *express*, *mail*, and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Galloway, Ark., over Interstate Highway 40 to junction of Arkansas Highway 31, thence over Arkansas Highway 31 to Lonoke, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, from Fort Smith, Ark., over U.S. Highway 64 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction U.S. Highway 70, thence over U.S. Highway 70 to Memphis, Tenn., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-12043; Filed, Nov. 24, 1964; 8:47 a.m.]

[Notice 704]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 20, 1964.

The following publications are governed by the new special rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

### APPLICATIONS ASSIGNED FOR ORAL HEARING

No. MC 114211 (Sub-No. 47) (AMENDMENT), filed March 4, 1964, published FEDERAL REGISTER issue of March 18, 1964, amended November 12, 1964, and republished as amended this issue. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery, tractors, attachments and parts* thereof, from Davenport, Iowa, Moline, East Moline and Rock Island, Ill., to points in Nebraska, South Dakota, North Dakota and Colorado, and *rejected shipments* on return.

NOTE: The purpose of this republication is to show applicant's desire to eliminate the necessity of operating through the gateway of Fort Dodge, Iowa, in lieu of Waterloo, Iowa, as previously published and to indicate hearing information.

*HEARING:* Remains as assigned: December 14, 1964, at the Midland Hotel, 172 West Adams Street, Chicago, Ill., before Examiner W. Elliott Neffen.

No. MC 126377 (REPUBLICATION), filed June 29, 1964, published FEDERAL REGISTER, issue of July 15, 1964, and republished this issue. Applicant: MODERN PIANO MOVING CO., a corporation, 2139 Bremen Avenue, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks, II, 1311-12 Ambassador Building, St. Louis, Mo. By application filed June 29, 1964, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of refrigerators and large musical instruments, such as pianos, radios, organs, and phonographs, and empty containers or other such incidental facilities used in transporting the above-specified commodities, between St. Louis, Mo., on the one hand, and, on the other, points in Missouri and Illinois. The Order of Operating Rights Board No. 1, dated October 28, 1964, served November 5, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of *refrigerators, radios, phonographs, and musical instruments*, between St. Louis, Mo., on the one hand, and, on the other, points in Missouri and Illinois, subject to the coincidental cancellation of Permit No. MC-13600; and because it is possible that other parties, who have relied upon the notice of the application as previously published, may have an interest in, and would be prejudiced by the lack of proper notice of the authority described in the findings, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

### NOTICE OF FILING OF PETITIONS

No. MC 107460 (Sub-Nos. 8 and 16), (PETITION FOR MODIFICATION OF PERMIT), filed November 5, 1964. Petitioner: WILLIAM Z. GETZ, INC., 2454 Harrisburg Pike, Lancaster, Pa. Petitioner's attorney: Christian V. Graf, 207 North Front Street, Harrisburg, Pa. Petitioner holds authority in No. MC 107460 (Sub-No. 8), in part, and in No. MC 107460 (Sub-No. 16), in part, restricted to transportation service to be performed under a continuing contract with Quaker State Metals Co., and from or to the site of the plant of Quaker State Metals Co. in Manheim Township, Lancaster County, Pa. In the instant petition, petitioner states that since the issuance of the above-numbered permits, Quaker State Metals Co. has become a division of Howe Sound Co. In addition, Howe Sound Co. has also established a division known as Howe Sound Aluminum. By the instant petition, petitioner requests the Commission to modify the applicable portions of its authority in Nos. MC 107460 (Sub-No. 8) and MC 107640 (Sub-No. 16), as follows: "Sub 8—Metal roofing and siding, and fabricated metal products, from the site of the Quaker State Metals Co. Division and the Howe Sound Aluminum Division of Howe Sound Co. plant, in Manheim Township, Lancaster County, Pa., to points in Illinois (except Chicago), Wisconsin, Missouri, Iowa, South Carolina, Georgia (except Atlanta), Florida, Minnesota, Tennessee (except Memphis), Arkansas, and Louisiana; and skids used in transporting the commodities described immediately above, from the destination points specified immediately above, to the site of the Quaker State Metals Co. Division and the Howe Sound Aluminum Division of Howe Sound Co. plant in Manheim Township, Lancaster County, Pa. Aluminum, in coils and sheets, plain or painted, from McCook, Ill., Davenport, Iowa, and Ravenswood, W. Va., to the site of the Quaker State Metals Co. Division and the Howe Sound Aluminum Division of Howe Sound Co. plant, in Manheim Township, Lancaster County, Pa., with no transportation for compensation on return except as otherwise authorized.

Aluminum ingots and aluminum slabs, from Ormet, Ohio, Chicago and McCook, Ill., and Ravenswood, W. Va., to the site of the Quaker State Metals Co. Division and the Howe Sound Aluminum Division of Howe Sound Co. plant in Manheim Township, Lancaster County, Pa., restricted to the use of flat-bed equipment on shipments from Chicago and McCook, with no transportation for compensation on return except as otherwise authorized. Aluminum slabs, from Davenport, Iowa, to the site of the Quaker State Metals Co. Division and the Howe Sound Aluminum Division of Howe Sound Co. plant in Manheim Township, Lancaster County, Pa., with no transportation for compensation on return except as otherwise authorized. Metal roofing and siding, and fabricated metal products, from the site of the Quaker State Metals Co. Division and the Howe Sound Aluminum Division of Howe Sound Co. plant in Manheim Township, Lancaster County, Pa., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and to Chicago, Ill., Memphis, Tenn., and Atlanta, Ga., and skids used in transporting the commodities described immediately above, from the destination points specified immediately above to the points of origin described immediately above. *RESTRICTION:* The operations described in the seven paragraphs next above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Quaker State Metals Co. Division and the Howe Sound Aluminum Division of Howe Sound Co., of New York, N.Y." and "Sub 16—*IRREGULAR ROUTES:* Metal roofing and siding, and fabricated metal products, from the site of the Quaker State Metals Co. Division and the Howe Sound Aluminum Division of Howe Sound Co. plant in Manheim Township, Lancaster County, Pa., to points in Oklahoma and Texas, with no transportation for compensation on return except as otherwise authorized. Aluminum scrap, from the site of the Quaker State Metals Co. Division and the Howe Sound Aluminum Division of Howe Sound Co. plant in Manheim Township, Lancaster County, Pa., to points in New York, with no transportation for compensation on return except as otherwise authorized.

From points in Wisconsin, Minnesota, Maryland, Virginia, West Virginia, and New York (except Long Island, N.Y.) to the site of the Quaker State Metals Company Division and the Howe Sound Aluminum Division of Howe Sound Co. plant in Manheim Township, Lancaster County, Pa., with no transportation for compensation on return except as otherwise authorized. Between the site of the Quaker State Metals Co. Division and the Howe Sound Aluminum Division of Howe Sound Co. plant in Manheim Township, Lancaster County, Pa., on the one hand, and, on the other, points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Delaware, Pennsylvania, North Carolina, South Carolina, Georgia, Florida, Louisiana, Texas, Oklahoma, Arkansas, Tennessee, Kentucky, Ohio, Indiana, Michigan, Illinois, Missouri, Iowa, the District of Columbia, that part of Maine on and south of Maine Highway 25, and points in New Jersey (except for movements in New Jersey in dump vehicles). *RESTRICTION:* The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Quaker State Metals Co. Division and Howe Sound Aluminum Division of Howe Sound Co. of New York, N.Y." Any persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

### APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 65812 (Sub-No. 7), filed November 12, 1964. Applicant: BUCKLEY MOTOR EXPRESS, INC., Corner Broad and High Streets, Carthage, N.Y. Applicant's attorney: Herbert M. Canter, Mezzanine, Warren Parking Center, 345 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between points in Erie County, N.Y., on the one hand, and, on the other, points in Jefferson and Lewis Counties, N.Y.; (2) from points in St. Lawrence County, N.Y., to points in Erie County, N.Y.; and (3) from points in Erie County, N.Y., to points in Clinton and Franklin Counties, N.Y.

NOTE: This is a matter directly related to MC-F 8937, published in FEDERAL REGISTER issue of November 18, 1964.

No. MC 111871 (Sub-No. 6), filed November 13, 1964. Applicant: SOUTHEASTERN FREIGHT LINES, a corporation, Post Office Box 5287, Columbia, S.C. Applicant's attorney: H. Simmons Tate, Jr., Barringer Building, Columbia, S.C., 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (1) between points in Charleston County, S.C., on the one hand, and, on the other, points in South Carolina, and (2) between points in Lexington County, S.C., on the one hand, and, on the other, points in South Carolina.

NOTE: This is a matter directly related to MC-F 8939.

### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

### MOTOR CARRIERS OF PROPERTY

No. MC-F-8459 (OCEAN DRIVE TOURS — PURCHASE — WILLIAM CARLL), published in the June 19, 1963, issue of the FEDERAL REGISTER, on page 6329. Supplemental application was published in the July 24, 1963, issue of the FEDERAL REGISTER on page 7550. By amendment filed November 12, 1964, as part of a petition for reconsideration of the report and order of October 15, 1964, by Division 3, applicants seek to amend the application by substituting LINCOLN TRANSIT CO., INC., Route 46, East Paterson, N.J., as vendee, in lieu of OCEAN DRIVE TOURS, doing business as THE GRAY LINE.

No. MC-F-8937 (BUCKLEY MOTOR EXPRESS, INC.—PURCHASE—JOHN C. FOWLER), published in the November 18, 1964, issue of the FEDERAL REGISTER on page 15468. Application filed November 18, 1964, for temporary authority under section 210a(b).

No. MC-F-8939. Authority sought for purchase by SOUTHEASTERN FREIGHT LINES, post office address: Post Office Box 5287, Columbia, S.C.; location: Highway 378, West Columbia, S.C., of the operating rights of WILLIE

MAE CHAPLIN, doing business as W. C. CHAPLIN TRANSPORT, Swansea, S.C., and for acquisition by W. T. CASSELS, SR., 830 Kilbourne Road, Columbia, S.C., and W. T. CASSELS, JR., 5735 Pinebranch Road, Columbia, S.C., of control of such rights through the purchase. Applicants' representatives: H. Simmons Tate, Jr., 1207 Barringer Building, Columbia, S.C., and N. Heyward Clarkson, Security Federal Building, Columbia, S.C. Operating rights sought to be transferred: Under a certificate of registration, in docket No. MC 120964 Sub-1 covering the transportation of commodities in general with the exception of petroleum products in bulk, as a common carrier, in intrastate commerce, within the State of South Carolina. Vendee is authorized to operate as a *common carrier* in North Carolina, South Carolina, and Georgia. Application has been filed for temporary authority under section 210a(b).

NOTE: Docket No. MC-111871 Sub-6 is a matter directly related. In docket No. MC-FC-35389, BULLDOG HIWAY EXPRESS presently leases the operating rights of WILLIE MAE CHAPLIN, doing business as W. C. CHAPLIN TRANSPORT, with an option to purchase, granted June 29, 1964, consummated August 3, 1964. The lease expires August 4, 1965. BULLDOG HIWAY EXPRESS has agreed to the above application.

No. MC-F-8940. Authority sought (1) for consolidation into CALHOUN TRUCKING COMPANY, INC., 4325 Bath Street, Philadelphia 37, Pa., of the operating rights and property of LEO HOLT, doing business as HOLT'S MOTOR EXPRESS, 4325 Bath Street, Philadelphia 37, Pa., and HOLT MOTOR EXPRESS, INC., 4325 Bath Street, Philadelphia 37, Pa., and for acquisition by LEO HOLT, Sr., 6810 Roosevelt Boulevard, Philadelphia 49, Pa., of control of such rights and property through the transaction; and (2) for purchase by CALHOUN TRUCKING COMPANY, INC., of the operating rights and property of JOSEPH CALHOUN, doing business as CALHOUN TRUCKING COMPANY, 3322 East Tilton Street, Philadelphia 34, Pa., and for acquisition by LEO HOLT, Sr., of control of such rights and property through the purchase. Applicants' attorney: Raymond A. Thistle, Jr., Suite 1408-09, 1500 Walnut Street, Philadelphia 2, Pa. Operating rights sought to be (1) consolidated, and (2) transferred: (1) (LEO HOLT, doing business as HOLT'S MOTOR EXPRESS) *iron and steel pipe and fittings*, as a *common carrier*, over irregular routes, from Philadelphia, Pa., to Rome N.Y., and certain points in New York, New Jersey, and Maryland; *house wreckers' salvage*, from New York, N.Y., to Philadelphia, Pa.; *machinery and parts therefor, air conditioning equipment, forgings, castings, belting, glass products, manganese bronze, lamp black, glue*, and *steel tools*, between Philadelphia, Pa., on the one hand, and, on the other, Palmyra, N.J., and points in New Jersey within 20 miles of Palmyra; *wallpaper, wallpaper supplies, paints, varnishes, painters' supplies, advertising material, metal polishes, and cleaners, plumbing supplies, coopersmiths' supplies*, and *printing ink and supplies*, except oil and grease, between Philadelphia, Pa., on the one hand, and, on the other, Wilmington, Del., and points in New Jersey; (HOLT MOTOR EXPRESS, INC.) *general commodities*, except those of unusual value, class A and B explosives, household goods, as defined by the Commission, lumber, meats, perishable food products, films, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between Philadelphia, Pa., and points within a radius of 200 miles of Philadelphia, restricted to shipments moving to or from public warehouses in Philadelphia; (2) (JOSEPH CALHOUN, doing business as CALHOUN TRUCKING COMPANY) *metal lath and metal work* used in plastering operations, as a *common carrier*, over irregular routes, from Philadelphia, Pa., to points in New Jersey, Delaware, and Maryland; *store, bar, and restaurant fixtures and equipment*, uncrated, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware and the District of Columbia, and certain points in New Jersey; *corrugated boxes*, knocked down, from Philadelphia, Pa., to New York, N.Y., Jersey City, N.J., Wilmington, Del., and Washington, D.C.; *copper, brass, bronze, aluminum, zinc, lead, tin, tin bearing alloys, monel*, and *nickel*, in pigs, ingots, bars and shapes, *steel* in sheets and plates, *wire* (copper clad), and *galvanized iron and steel sheets and structural shapes*, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., Washington, D.C., Baltimore, Md., Wilmington, Del., and Trenton, Newark, Elizabeth, Delawanna, Perth Amboy, Carteret, Rahway, Bound Brook, and Weehawken, N.J.; *prefabricated diners and kitchens*, assembled or unassembled, from points in Pennsylvania, to points in Maryland, Delaware, and New York (except New York, N.Y., and points in New York within 30 miles of New York City); *such merchandise*, other than fresh meat, as is dealt in by chain grocery and food business houses, from Philadelphia, Pa., to New Brunswick, Trenton, Perth Amboy, and Orange, N.J.; *such merchandise*, as is dealt in by chain grocery and food business houses, from Philadelphia, Pa., to points in Luzerne and Lackawanna Counties, Pa.; *sugar*, from Philadelphia, Pa., to certain points in New Jersey; *nonalcoholic beverages*, from Philadelphia, Pa., to certain points in New Jersey; service is not authorized on the return trips to Philadelphia except for the transportation of damaged or rejected shipments; *machinery, girders, timbers*, and *such commodities* as require special equipment and rigging because of size or weight, between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, and the District of Columbia, those in New Castle County, Del., and certain points in Maryland. Application has been filed for temporary authority under section 210a(b), for CALHOUN TRUCKING COMPANY, INC., to temporarily lease the operating rights and property of JOSEPH CALHOUN, doing business as CALHOUN TRUCKING COMPANY.

No. MC-F-8941. Authority sought for purchase by CALORE EXPRESS CO., INC., 200 Whitehall Street, Providence, R.I., of the operating rights and property of LUCIAN GAGNON, doing business as SUDDEN TRANSPORTATION COMPANY, 62 Andrews Avenue, West Warwick, R.I., and for acquisition by JOSEPH C. CALORE, South Woodland Road, Scituate, R.I., of control of such rights and property through the purchase. Applicants' attorney and representative: Kenneth B. Williams, 111 State Street, Boston, Mass., and Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, livestock, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over a regular route between Providence, R.I., and Moosup, Conn., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Rhode Island, Massachusetts, and New Hampshire. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8942. Authority sought for purchase by BE-MAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis 47, Mo., of the operating rights of COURTESY EXPRESS, INC. (INTERNAL REVENUE SERVICE, SUCCESSOR IN INTEREST), 949 Claim Street, Aurora, Ill., and for acquisition by GEORGE R. GOODE and PETER W. GOODE, both also of St. Louis, Mo., of control of such rights through the purchase. Applicants' attorney: R. Garrett Phillips, Post Office Box 1402, Springfield, Ill. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC 99026 Sub-2, covering the transportation of commodities general, as a common carrier in intrastate commerce, within a fifty (50) mile radius of the post office at St. Charles, Ill., and to transport such property to or from any point outside of such authorized area of operation for a shipper or shippers within such area. Vendee is authorized to operate as a *common carrier* in Oklahoma, Missouri, Illinois, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

NOTE: Docket No. MC 10672 Sub-41 is a matter directly related.

No. MC-F-8943. Authority sought for purchase by MITCHELL BROS. TRUCK LINES, 2300 NW. 30th Avenue, Portland 5, Oreg., of the operating rights and certain property of PACIFICA TRUCK LINES, INC., 5760 Ferguson Drive, Los Angeles 22, Calif., and for acquisition by O. J. MITCHELL also of Portland 5, Oreg., and B. D. MITCHELL, 2790 Crater Lake Highway, Medford, Oreg., of control of such rights and property through the purchase. Applicants' attorneys: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg., 97205, and Bart Wade, 729 Citizen's National Bank Building, 453 South Spring Street, Los Angeles, Calif., 90013. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods, as defined by the Commission, liquid commodities in bulk, commodities requiring refrigeration, canned goods, fresh and dried fruits and vegetables, apple cider, and groceries, in truckloads, as a *common carrier*, over irregular routes, between San Francisco, Calif., Richmond, Calif., and points on the shore of San Francisco Bay south of a line extending from San Francisco to Richmond, on the one hand, and, on the other, certain points in California; *general commodities*, excepting, among others, household goods, but not excepting, commodities in bulk, between points in Jackson County, Oreg., on the one hand, and, on the other, points including Hilts, Calif., in that part of Siskiyou County, Calif., on and west of U.S. Highway 99; *canned goods*, in truckloads, between San Francisco, Calif., Richmond, Calif., and points on the shore of San Francisco Bay south of a line extending from San Francisco to Richmond, on the one hand, and, on the other, certain points in California with exceptions; *dried fruits*, in truckloads, between San Francisco, Calif., Richmond, Calif., and points on the shore of San Francisco Bay south of a line extending from San Francisco to Richmond, on the one hand, and, on the other, certain points in California with exceptions; *fresh fruits*, and *fresh and dried vegetables*, in truckloads, between San Francisco, Calif., Richmond, Calif., and points on the shore of San Francisco Bay south of a line extending from San Francisco to Richmond, on the one hand, and, on the other, certain points in California with exceptions; *apple cider*, in truckloads, between San Francisco, Calif., Richmond, Calif., and points on the shore of San Francisco Bay south of a line extending from San Francisco to Richmond, on the one hand, and, on the other, certain points in California, with exceptions; *groceries*, in truckloads, between San Francisco, Calif., Richmond, Calif., and points on the shore of San Francisco Bay south of a line extending from San Francisco to Richmond, on the one hand, and, on the other, certain points in California, with exceptions; *lumber* and *lumber products*, in truckloads, between Stockton, Calif., on the one hand, and, on the other, certain points in California; *mining machinery*, in truckloads, between points in Jackson County, Oreg., and points in Siskiyou and Del Norte Counties, Calif.; *agricultural commodities*, in truckloads, from points in Medoc County, Calif., to points in Jackson and Klamath Counties, Oreg.; *Christmas trees*, in truckloads, from points in Jackson County, Oreg., to points in San Mateo County, Calif.; and *boards and sheets*, made from compressed sawdust or ground wood, from Ukiah, Calif., to Dorris and Yreka, Calif. Vendee is authorized to operate as a *common carrier* in Oregon, Washington, Idaho, California, Montana, and Nevada. Application has been filed for temporary authority under section 210a(b).





MOTOR CARRIERS OF PASSENGERS

No. MC-F-8938. Authority sought for control by SIDNEY KUCHIN, 460 Harrison Avenue, Highland Park, N.J., and LEE JACOBS, 64 Brookdale Court, Highland Park, N.J., of TIGER BUS LINE, INC., doing business as TIGER BUS LINE, 285 John St., Princeton, N.J. Applicants' attorney: Paul Coyle, 5631 Utah Avenue NW., Washington, D.C., 20015. Operating rights sought to be controlled: Passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, as a *common carrier*, over irregular routes, from Princeton, N.J., and points in New Jersey within 20 miles of Princeton, to Boston, Mass., Chicago, Ill., Arlington, Alexandria, and Mt. Vernon, Va., the District of Columbia, and points in Connecticut, Delaware, Maryland, New York, and Pennsylvania. SIDNEY KUCKIN and LEE JACOBS hold no authority from this Commission. However, they are employees of SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J., which is authorized to operate as a *common carrier* in New Jersey and New York. Application has not been filed for temporary authority under section 210a(b).

NOTE: A motion to dismiss has been filed for lack of jurisdiction.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-12044; Filed, Nov. 24, 1964; 8:47 a.m.]

[Notice 24]

## APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OF REGISTRATION

NOVEMBER 20, 1964.

The following applications are filed under section 206(a)(7) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.244, of the Commission's rules of practice published in the FEDERAL REGISTER, issue of December 8, 1962, page 12188, which provides, among other things, that protests to the granting of an application may be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. Protests shall set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. Protests containing general allegations may be rejected. A protest filed under these special rules shall be served upon applicant's representative (or applicant, if no practitioner representing him is named). The original and six copies of the protests shall be filed with the Commission.

The Special Rules do not provide for publication of the operating authority, but the applications are available at the Commission's office in Washington, D.C., and the field offices.

Applications not included in this publication will be published at a later date.

CALIFORNIA

No. MC 96915 (Sub-No. 1) (REPUBLICATION), filed February 1, 1963, published in FEDERAL REGISTER issue of June 12, 1963, and republished this issue. Applicant: NICHOLAS C. CONTEAS AND NICHOLAS KAVORAS, doing business as CALIFORNIA AUTO TRANSPORT, 13817 East Rosecrans, Santa Fe Springs, Calif., and NICHOLAS C. CONTEAS, doing business as CALIFORNIA AUTO TRANSPORT, 13817 East Rosecrans, Santa Fe Springs, Ark., joint applicants.

NOTE: The purpose of this republication is to show Nicholas C. Conteas, doing business as California Auto Transport, as joint applicant.

MASSACHUSETTS

No. MC 99535 (Sub-No. 1) (REPUBLICATION), filed February 6, 1963, published in FEDERAL REGISTER issue of June 12, 1963, and republished this issue. Applicant: WHIPPLE & COMPANY, INC., 489 Broadway, South Boston 27, Mass., and STEVEN FREIGHT SERVICE, INC., 45 Warren Avenue, Charlestown, Mass., joint applicants.

NOTE: The purpose of this republication is to show Steven Freight Service, Inc., as joint applicant.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-12045; Filed, Nov. 24, 1964; 8:47 a.m.]

[Notice 705]

## MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 20, 1964.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 263 (Sub-No. 159), filed November 6, 1964. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, Post Office Box 1554, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Conda, Idaho, as an off-route point in connection with the applicant's regular route operations between Pocatello and Montpelier, Idaho over U.S. Highway 30 north.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 1124 (Sub-No. 199), filed November 6, 1964. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Alexandria, La., and Leesville, La., over Louisiana Highway 28, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Dallas, Tex.

No. MC 1872 (Sub-No. 58), filed November 12, 1964. Applicant: ASHWORTH TRANSFER, INC., 1526 South Sixth West Street, Salt Lake City, Utah, 84104. Applicant's attorney: Bartly G. McDonough, B10 Executive Building, 455 East Fourth South, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas, and petroleum, and their products, and by-products), *fittings*, and *accessories* therefor when moving with such pipe, from Council Bluffs, Iowa, to points in Arizona, Idaho, and Utah, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 2230 (Sub-No. 14), filed November 9, 1964. Applicant: MACK'S TRANSPORT SERVICE, INC., 1215 North 17th, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New four-wheeled automotive vehicles*, used in the transportation of passengers or property, or both, unerated, and *parts and accessories* for such vehicles of which they are a part and on which they are to be installed, from Lincoln, Nebr., to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Linclon, Nebr.

No. MC 10761 (Sub-No. 172), filed November 9, 1964. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes*, and *potato products*, from the plant site of Ora-Ida Products Company, located at or near Greenville, Mich., and from all warehouses and storage and processing plants, located in Montcalm County, Mich., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Wisconsin, and the District of Columbia, and *refused and damaged shipments* of the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 15737 (Sub-No. 11), filed November 5, 1964. Applicant: ATLANTIC COAST FREIGHT LINES, INC., 3200 James Street, Baltimore, Md. Applicant's attorney: William J. Little, 1513 Fidelity Building, Baltimore, Md., 21201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, from Baltimore, Md., to Rochester, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 20783 (Sub-No. 74), filed November 6, 1964. Applicant: TOMPKINS MOTOR LINES, INC., 638 Langley Place, Decatur, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Packinghouse and dairy products, eggs and poultry* in vehicles equipped with mechanical refrigeration (1) from the plantsite of Commercial Cold Storage Company located near Doraville, Ga., to Chattanooga, Tenn., and points in that part of Alabama on and east of U.S. Highway 31 and those in Florida, North Carolina, and South Carolina, (2) from Montgomery, Ala., to the plantsite of Commercial Cold Storage Company located near Doraville, Ga., and (B) *frozen foods, and fresh fruits and fresh vegetables* in vehicles equipped with mechanical refrigeration (1) between the plantsite of Commercial Cold Storage Company located near Doraville, Ga., on the one hand, and, on the other Chattanooga, Tenn., and points in that part of Alabama on and east of U.S. Highway 31 and those in Florida, North Carolina, and South Carolina and (2) between the plantsite of Commercial Cold Storage Company located near Doraville, Ga., on the one hand, and, on the other Nashville, Tenn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 25869 (Sub-No. 26), filed November 9, 1964. Applicant: NOLTE BROS. TRUCK LINE, INC., Post Office Box 184, South Omaha Station, 2509 Q Street, South Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Perry, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 27368 (Sub-No. 9), filed November 6, 1964. Applicant: FILLIPI TRUCK LINES, INC., Post Office Box 47, Warren, Minn. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, in bags, from Pine Bend and Minneapolis, Minn., to points in Walsh and Pembina Counties, N. Dak., (2) *fertilizer*, in bulk, from Pine Bend and Minneapolis, Minn., to points in North Dakota, and (3) *fertilizer*, from Port Cargill, Minn., to points in North Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 29586 (Sub-No. 93), filed November 12, 1964. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from Wichita, Kans., to Addison, Aurora, and Chicago, Ill. (except points in the Indiana portion of the Chicago, Ill. Commercial Zone as defined by the Commission).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 30837 (Sub-No. 306), filed November 6, 1964. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, 910 17th Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water navigational buoys*, between points in Alabama, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, and District of Columbia.

NOTE: Applicant states that it is presently authorized to transport the above described commodity, from Baltimore, Md., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, Wisconsin, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 38383 (Sub-No. 14), filed November 9, 1964. Applicant: THE GLENN CARTAGE COMPANY, a corporation, 1115 South State Street, Girard, Ohio. Applicant's attorneys: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel, steel products and machinery*, from points in Boyd County, Ky. (except Ashland), to points in Ohio, Pennsylvania, West Virginia, New York, Michigan, Indiana, and Illinois.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 40853 (Sub-No. 1), filed November 2, 1964. Applicant: SERVICE DRAYAGE CO., INC., 619 St. James Street, New Orleans, La. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Interstate Commerce Commission, between points in the New Orleans, La., Commercial Zone, as defined by the Commission.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 42261 (Sub-No. 87), filed November 10, 1964. Applicant: LANGER TRANSPORT CORP., Route 1 and Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry silica gel desiccant*, in bulk, in pneumatic tank vehicles, from Paulsboro, N.J., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, New York, Ohio, Pennsylvania, and West Virginia.

NOTE: In a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 50069 (Sub-No. 307), filed November 2, 1964. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphates*, in bulk, from the plantsite of The Monsanto Chemical Co., located at or near Trenton, Mich., to Akron, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 50307 (Sub-No. 30), filed November 6, 1964. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. Applicant's attorney: Herbert Burstein, 160 Broadway, New York, N.Y., 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture thereof, between points in the New York, N.Y. Commercial Zone, on the one hand, and, on the other, Kimball, W. Va.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 55236 (Sub-No. 98), filed November 3, 1964. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lignin liquor*, in bulk, in tank vehicles, from Rothschild, Park Falls, and Green Bay, Wis., to points in Alabama, Arkansas, Florida, Iowa, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, New Mexico, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia and (2) *lignin pitch*, in bulk, in tank vehicles, from Rothschild and Green Bay, Wis., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, New Mexico, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 61396 (Sub-No. 116), filed November 9, 1964. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, having prior movement by rail, and *returned and rejected shipments*, of the commodities specified between points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Tennessee, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 61592 (Sub-No. 29), filed November 6, 1964. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spreader and/or self-unloading boxes*, (2) *spreader and/or self-unloading wagons*, (3) *spreader and/or self-unloading trailers*, (4) *attachments and parts for commodities named in 1, 2, or 3 above* when moving with shipments of 1, 2, or 3 above, from points in Jersey County, Ill., to points in the United States, including Alaska, but excluding Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 64112 (Sub-No. 22), filed November 5, 1964. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Charlotte, N.C. Applicant's representative: W. Delbert Turner, Sr., 1415 East Boulevard, Post Office Box 3661, Charlotte, N.C., 28203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood or built-up-wood*, from Weldon, N.C., to Nashua, N.H.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 64932 (Sub-No. 360), filed November 4, 1964. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk (except in dump vehicles), from Pontiac, Ill., to points in Indiana, and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 65802 (Sub-No. 31), filed November 9, 1964). Applicant: LYNDEN TRANSFER, INC., Post Office Box 433, Lynden, Wash. Applicant's attorney: James T. Johnson, 609 Norton Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, livestock, commodities in bulk, in tank trucks and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467), between Seattle, Ferndale, and Bellingham, Wash., on the one hand, and, on the other, Mountain View, Wash., and points within two (2) miles thereof.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 80018 (Sub-No. 9) (CORRECTION), filed October 22, 1964, published in FEDERAL REGISTER issue of November 11, 1964, and republished as corrected this issue. Applicant: EDMAC TRUCKING COMPANY, INC., 620 Dunn Road, Fayetteville, N.C. Applicant's attorney: A. W. Flynn, Jr., 201–205 Jefferson Building, Greensboro, N.C.

NOTE: The purpose of this republication is to correctly reflect the applicant's Docket No.

MC 80018 (Sub-No. 9), in lieu of MC 80017 (Sub-No. 9), shown in previous publication.

No. MC 83539 (Sub-No. 124), filed November 9, 1964. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex., 75222. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the plantsite of Southern Pine & Plywood located at or near Diboll, Tex., to points in Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 83539 (Sub-No. 125), filed November 10, 1964. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex., 75222. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood* from the plant sites of Vancouver Plywood Co. located at or near Florien and Oakdale, La., to points in Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 85934 (Sub-No. 33), filed November 9, 1964. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate*, in bulk, in compartmented trailers, from the plantsite of Monsanto Co., located at Trenton, Mich., to Akron, Ohio.

NOTE: Applicant does not specify place of hearing, if one is deemed necessary.

No. MC 92983 (Sub-No. 453), filed November 6, 1964. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo., 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions* in bulk, in tank vehicles, from the plantsite of the Cominco Products, Inc., located at or near Hoag, Nebr., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, South Dakota, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 93649 (Sub-No. 14) (AMENDMENT), filed October 26, 1964, published FEDERAL REGISTER issue of November 18, 1964, amended and republished, this issue. Applicant: GAINES MOTOR LINES, INC., Second Avenue and 27th Street NW., Hickory, N.C. Applicant's attorney: A. W. Flynn, Jr., Post Office Box 127, Greensboro, N.C., 27402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Wilkes, Alexander, Burke, Caldwell, Catawba, Iredell, Lincoln, and Buncombe Counties, N.C., to points in Maine, Vermont, and New Hampshire.

NOTE: The purpose of this republication is to add Buncombe County, N.C., as an origin county. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 94265 (Sub-No. 144), filed November 4, 1964. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, from Cincinnati, Ohio, to points in Virginia, the District of Columbia, and Baltimore, Md.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94265 (Sub-No. 145), filed November 4, 1964. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* as defined in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Mason City, Iowa, to points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, and the District of Columbia.

NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 95540 (Sub-No. 608), filed November 9, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway, Director of Operating Rights, Watkins Motor Lines, Inc., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food ingredients and food materials, and related advertising and promotional materials*, from points in Dade and Broward Counties, Fla., to points in Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 95540 (Sub-No. 609), filed November 12, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway, Director of Operating Rights, Watkins Motor Lines, Inc., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods; potatoes and potato products*, frozen or unfrozen from points in Kent County, Mich., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 610), filed November 12, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway, Director of Operating Rights, Watkins Motor Lines, Inc., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products* and *articles distributed by meat packinghouses* from points in Iowa to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 95540 (Sub-No. 611), filed November 12, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway, Director of Operating Rights, Watkins Motor Lines, Inc., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes and potato products*, frozen or unfrozen from points in Kent County, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 102567 (Sub-No. 100), filed November 5, 1964. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, 235 Benton Road, Bossier City, La.



Applicant's attorney: Jo E. Shaw, Bettes Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bromine*, in bulk, in tank vehicles, from points in Union County, Ark., to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 103654 (Sub-No. 87), filed November 2, 1964. Applicant: SCHIRMER TRANSPORTATION COMPANY, INC., 1145 Homer Street, St. Paul 16, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, having prior movement by rail, between points in Illinois, Indiana, Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, Nebraska, Missouri, and Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Des Moines, Iowa or Minneapolis, Minn.

No. MC 104896 (Sub-No. 13) (CORRECTION), filed October 27, 1964, published FEDERAL REGISTER, issue of November 11, 1964, and republished as corrected this issue. Applicant: WOMELDORF, INC., Post Office Box 232, Lewistown, Pa., 17044. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa., 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), which are at the time moving on bills of lading of freight forwarders as defined in Section 402(a)(5) of the Act, from points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, to points in Ohio, Pennsylvania, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. The purpose of this republication is to correctly set forth the commodities proposed to be transported.

No. MC 106400 (Sub-No. 53), filed November 5, 1964. Applicant: KAW TRANSPORT COMPANY, a corporation, 701 North Sterling, Sugar Creek, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Formaldehyde*, in bulk, in tank vehicles, from the plant site of the Reichhold Chemicals, Inc., at Kansas City, Kans., to the plant site of Reichhold Chemicals, Inc., Ferndale (Detroit), Mich., and *damaged and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 107002 (Sub-No. 229), filed November 2, 1964. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Highway 80 West, Jackson, Miss. Applicant's attorneys: Harry C. Ames, Jr., Transportation Building, Washington, D.C., and Harold D. Miller, Jr., Post Office Box 1250, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, from points in Lee County, Miss., to points in Tennessee and Alabama.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, or Montgomery, Ala.

No. MC 107002 (Sub-No. 230), filed November 4, 1964. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123 (Highway 80 West), Jackson, Miss., 39205. Applicant's attorneys: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C., 20006, and H. D. Miller, Jr., Post Office Box 1250, Jackson, Miss., 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from points in Hamilton County, Tenn., to points in Georgia and North Carolina.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107044 (Sub-No. 3), filed November 9, 1964. Applicant: T. R. COMPTON, INC., 905 Front Street, Boise, Idaho. Applicant's attorney: Raymond D. Givens, Columbia Building, 500 Washington Street, Post Office Box 964, Boise, Idaho, 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Cement*, in bulk, having prior movement by rail, from Cambridge, Idaho, to Hells Canyon Dam Site at Adams County, Idaho; from Cambridge, Idaho, over Idaho Highway 71 to the Idaho-Oregon State line and Brownlee, Oreg., thence over private road owned by the Idaho Power Company in Wallowa County, Oreg., to the Ox Bow Dam Site, thence over private road owned by the Idaho Power Company in Adams County, Idaho, to the Hells Canyon Dam Site at Adams County, Idaho.

NOTE: Applicant states it proposes to transport empty containers or other incidental facilities (not specified) used in transporting the above described commodity, on return. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 107107 (Sub-No. 329), filed November 2, 1964. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Council Bluffs, Iowa, and Omaha, Nebr., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 585), filed November 6, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, dry, in bulk, from Belle, W. Va., to points in Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 586), filed November 6, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, and fertilizer materials*, in bulk, in tank vehicles, (1) from Baltimore, Md., to points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia, and (2) from points in Virginia (except Chesapeake, Va.), to points in North Carolina and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 502), filed November 12, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquettes* from points in Jackson, White, Putnam, and Overton Counties, Tenn., to points in Illinois, Indiana, Ohio, South Carolina, Kentucky, Delaware, North Carolina, Georgia, Alabama, Pennsylvania, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 107515 (Sub-No. 503), filed November 12, 1964. Applicant: REFRIGERATED TRANSPORT CO. INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as defined by the Commission from Gaffney, S.C., to Eau Claire, Wis.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107871 (Sub-No. 32), filed November 6, 1964. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West, Post Office Box 1012, Syracuse, N.Y. Applicant's attorney: Herbert M. Canter, Mezzanine, Warren Parking Center, 345 S. Warren Street, Syracuse, N.Y., 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride, dry*, in bulk, between points in New York.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 109397 (Sub-No. 107), filed November 9, 1964. Applicant: TRI-STATE MOTOR TRANSIT CO., a cor-

poration, Post Office Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting materials, blasting supplies, and blasting agents, to specifically include nitrocarbo-nitrate* from the plant site of Trojan Powder Company located near Wolf Lake, Union County, Ill., to points in California, Idaho, Nevada, Oregon, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 110420 (Sub-No. 394), filed November 9, 1964. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oil*, not otherwise specified, *petroleum lubricating oil, petroleum naphtha, petroleum transformer oil, petroleum or paraffin wax, petrolatum or petrolatum preparations*, in bulk, in tank vehicles, from Buffalo, N.Y.; Bradford, Emlenton, Farmers Valley, Franklin, Freedom, Karns City, Oil City, Petrolia, Reno, Rouseville, and Warren, Pa.; and Falling Rock and St. Marys, W. Va., to points in Colorado, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 110698 (Sub-No. 288), filed November 4, 1964. Applicant: RYDER TANK LINE, INC., Post Office Box 8418, Winston-Salem Road, Greensboro, N.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cedartown, Ga., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified on return.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110698 (Sub-No. 289), filed November 9, 1964. Applicant: RYDER TANK LINE, INC., Post Office Box 8418, Winston-Salem Road, Greensboro, N.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, plastics, resins, cleaning compounds, lubricating oils*, other than petroleum, in bulk, in tank vehicles from points in Illinois, Whiting, Ind., and points in Wayne County, Mich., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110988 (Sub-No. 98), filed November 12, 1964. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Kaolin clay*, in bags and in bulk and (2) *kaolin clay*, in slurry, in bulk, in tank vehicles, from Redwood Falls, Minn., and points within 10 miles thereof, to points in Illinois, Indiana, Iowa, Michigan, Wisconsin, Kansas, and Missouri and ports of entry on the International Boundary line between the United States and Canada, in Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 111138 (Sub-No. 47), filed November 9, 1964. Applicant: COLONIAL & PACIFIC FRIGIDWAYS, INC., Post Office Box 616, Council Bluffs, Iowa. Applicant's representative: John F. DeCock (same as applicant), and Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, from Perry, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, on a consolidated record with other similar cases.

No. MC 111812 (Sub-No. 265), filed November 4, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr., and Applicant's representative: William J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from Hackettstown, N.J., to points in Arizona, New Mexico, Nevada, California, Oregon, Washington, and Idaho.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111812 (Sub-No. 266), filed November 9, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr., and Applicant's representative: William J. Walsh (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Saugatuck, Mich., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 111812 (Sub-No. 267) filed November 9, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, from Mason City, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112223 (Sub-No. 69), filed November 12, 1964. Applicant: QUICKIE TRANSPORT COMPANY, a corporation, 501 11th Avenue South, Minneapolis, Minn., 55415. Applicant's attorney: Earl Hacking, 503 11th Avenue South, Minneapolis, Minn., 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Kaolin clay*, in bags and in bulk, and (2) *kaolin clay*, in slurry, in bulk, in tank vehicles, from Redwood Falls, Minn., and points within (10) ten miles thereof, to points in Illinois, Indiana, Iowa, Michigan, Wisconsin, Missouri, Kansas, and ports of entry on the international boundary line between the United States and Canada in Minnesota, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 113106 (Sub-No. 15), filed November 18, 1964. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Avenue, Baltimore, Md., 21224. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue, Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, and salt compounds*, in bulk, (1) between points in Maryland (except points in Washington, Allegany and Garrett Counties, Md.), Delaware, Virginia, and the District of Columbia, and (2) from points described in (1) above to points in Adams, Berks, Chester, Dauphin, Delaware, Franklin, Lancaster, Lebanon and York Counties, Pa., and Camden, Cumberland, Gloucester, and Salem Counties, N.J.



NOTE: Applicant states that it now holds authority to transport rock salt and rock salt compounds, between points in Delaware, Maryland and the District of Columbia, and also from the latter territory to points in 18 counties in Virginia. The primary purpose of this application is to remove the restriction "intended for use in the furtherance of the melting of ice and snow" in applicant's certificate. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113267 (Sub-No. 137), filed November 4, 1964. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's attorney: Dale Woodall, 150 East Court Avenue, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fort Smith and Little Rock, Ark., to points in Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 113336 (Sub-No. 72), filed November 6, 1964. Applicant: PETROLEUM TRANSIT COMPANY, INC., Post Office Box 921, Lumberton, N.C. Applicant's attorney: Edward G. Villalon, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in Appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 including naphtha, but excluding all other acids and chemicals as defined in Appendix XV thereto, (1) from Guntersville, Ala., to points in Louisiana and (2) from New Orleans, La., to Guntersville, Ala., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 113678 (Sub-No. 93), filed November 6, 1964. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority ought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, from Mason City, Iowa, to points in Colorado, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont, and *refused and damaged shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 94), filed November 9, 1964. Applicant: CURTIS, INC., 770 E. 51st Avenue, Denver, Colo. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes and potato products* (with or without other ingredients), from points in Montcalm County, Mich., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., at the same time as other similar applications.

No. MC 114045 (Sub-No. 164), filed November 6, 1964. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, in mechanically refrigerated vehicles, from Austell, Ga., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114194 (Sub-No. 80), filed Novembr 9, 1964. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cadet, Mo., to points in Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin, and *rejected shipments* of the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 114211 (Sub-No. 66), filed November 6, 1964. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trippers, bucket elevators, spouting, hoppers, bins, load-out spouts, blades, distributors, conveying equipment, bin bottoms, agricultural machinery and agricultural implements, contractors equipment and supplies, and parts and attachments thereof*, from Hutchinson, Kans., to points in the United States (excluding Alaska and Hawaii), and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114274 (Sub-No. 3) (AMENDMENT), filed October 29, 1964, published FEDERAL REGISTER issue of November 18, 1964, and republished as amended this issue. Applicant: ELMER VITALIS, doing business as VITALIS TRUCK LINES, 1656 East Grand Avenue, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Perry, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: The purpose of this republication is to add Indiana and Michigan to the destination States. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 114301 (Sub-No. 29), filed November 5, 1964. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 141, Elkton, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal shoe polish containers*, from the plantsite of Susquehanna Metal Box Co., located at Havre de Grace, Md., to the plantsite of Kiwi Polish Co., located at Pottstown, Pa., and *only empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114364 (Sub-No. 93), filed November 12, 1964. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, chilled and frozen bakery products, frozen fruits, frozen vegetables, frozen berries, frozen french fries, frozen pizza and pizza pie ingredients* between points in Colorado, on the one hand, and, on the other, points in Oklahoma, Texas, and New Mexico.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114699 (Sub-No. 26), filed November 10, 1964. Applicant: TANK LINES, INCORPORATED, Post Office Box 6415, Dabney Road, Richmond 30, Va. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Dry fertilizer and fertilizer materials*, in bulk, in tank or hopper type vehicles, (1) from Baltimore, Md., to points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia, and (2) from points in Virginia to points in North Carolina and West Virginia.

NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114734 (Sub-No. 8), filed November 10, 1964. Applicant: D & J TRANSFER CO., a corporation, Sherburn, Minn. Applicant's attorney: Duane W. Acklie, Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Meats, meat products, and meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquids in bulk, in tank vehicles), from Spencer, Iowa, to points in Indiana (except points in the Commercial Zone of Chicago, Ill.).

NOTE: Applicant states the proposed service is to be "under continuing contract with Spencer Packing Co." If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115212 (Sub-No. 11), filed November 6, 1964. Applicant: H.M.H. MOTOR SERVICE, a corporation, Post Office Box 472, Jamesburg, N.J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail women's and children's read-to-wear apparel stores, and in connection therewith, *supplies and equipment* used in the conduct of such business, between North Bergen, N.J., on the one hand, and, on the other, Elmont, N.Y., restricted to service under contract with Diana Stores Corporation.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 115557 (Sub-No. 6), filed November 12, 1964. Applicant: CHARLES A. McCAULEY, 308 Leasure Way, New Bethlehem, Pa. Applicant's attorney: H. Ray Pope, Jr., Ten Grant Street, Clarion, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dynamic loud speakers* (not in cabinets), *transformers*, and *coils* or *yokes* (television receiver set) from The Rola Company located in Hawthorn Borough, Clarion County, Pa., to points in Arkansas, Connecticut, Illinois, Indiana, Iowa, Massachusetts, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, and Ohio, and (2) *furniture*, crated or uncrated, from points in Redbank Township, Clarion County, Pa., to points in Missouri and Iowa, and *refused or rejected merchandise* of (1) and (2), on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115594 (Sub-No. 11), filed November 12, 1964. Applicant: HOLLOWAY MOTOR EXPRESS, INC., Post Office Box 2337, East Gadsden, Ala., 35903. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain, grain products, grain byproducts, animal and poultry feeds and ingredients thereof*, from Alton, Ill., to points in Tennessee, and *damaged and rejected shipments* of the above commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115786 (Sub-No. 5), filed November 12, 1964. Applicant: MATURA TRUCKING CORP., 11 Dunlap Drive, Parlin, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile accessories, parts, materials, and supplies*, between the plantsite of the Ford Motor Company warehouse located at Teterboro, N.J., on the one hand, and, on the other, points in New Jersey within ten (10) miles of Teterboro, and New York, N.Y., and points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y.

NOTE: Applicant states the proposed service is to be under continuing contract with the Ford Motor Company. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115841 (Sub-No. 210), filed November 9, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Mendon, Mich., to points in Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 115841 (Sub-No. 211), filed November 9, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs* (except frozen and commodities in bulk or tank vehicles) from Nashville, Tenn., to Blytheville Air Force Base and Little Rock Air Force Base, Ark.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 116254 (Sub-No. 45), filed November 9, 1964. Applicant: CHEM-HAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, Nashville Bank & Trust Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, in bulk, from Tullahoma, Tenn., and points within ten (10) miles thereof, to points in Tennessee, Alabama, and Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, or Montgomery, Ala.

No. MC 116063 (Sub-No. 52), filed November 9, 1964. Applicant: WESTERN TRANSPORT CO., INC., 2400 Cold Springs Road, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid, muriatic acid, and anhydrous hydrogen chloride*, in bulk, in tank vehicles, from Fort Worth, Tex., to points in the United States (except points in Alaska, and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, or Houston, Tex.

No. MC 116763 (Sub-No. 44), filed November 5, 1964. Applicant: CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla.; North West Street (mailing address), Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, and (2) *potato products other than frozen*, with or without other ingredients, from points in Montcalm County, Mich., to points in Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Missouri, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117068 (Sub-No. 5), filed November 2, 1964. Applicant: HERBERT H. SCHULTZ, doing business as MIDWEST HARVESTORE TRANSPORT, Box 1036, Rochester, Minn. Applicant's attorney: Edward Solie, Suite 100 Executive Building, 4513 Vernon Boulevard, Madison 5, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal waste storage tanks*, knocked down, glass lined, steel, (2) *livestock scales*, steel, knocked down, with weighing attachments, (3) *livestock feed bunker*, glass lined, steel, knocked down, (4) *forage meter device*, (5) *animal waste spreader tanks*, steel, *spreader tanks*, glass lined, and (6) *soil saver*, steel, glass lined, knocked down, from Kankakee, Ill., to points in Minnesota, Iowa, North Dakota, and South Dakota.

NOTE: Applicant states that the purpose of this application is to secure specific authority for the involved commodities in separate independent shipments as well as when combined with or shipped in conjunction with silos. The destination territory is identical to that granted to applicant in Certificate MC 117068 which reads viz: Steel silos, enamel lined, knocked down, or in sections, and when transported with such silos, component parts thereof, including silo loading and unloading devices, and equipment and materials incidental to the erection and completion of such silos, from Kankakee, Ill. to points in Iowa, Minnesota, North Dakota, and South Dakota, with no transportation for compensation on return except as otherwise authorized, and in Certificate MC 117068 Sub 2 which reads viz: Steel silos, galvanized, knocked down or in sections, and, when transported with such silos, component parts thereof, including silo unloading devices, and equipment and materials incidental to the erection and completion of such silos, from Kankakee, Ill., to points in Minnesota, Iowa, North Dakota, and South Dakota, with no transportation for compensation on return except as otherwise authorized. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.



No. MC 117344 (Sub-No. 140), filed November 9, 1964. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorneys: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solutions, ammoniating solutions and aqua ammonia*, in bulk, in tank vehicles, from the plantsite of Southern Nitrogen Company, Inc., located at or near Columbia Park (Finney), Hamilton County, Ohio, to points in Illinois, Indiana, and the lower peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 117574 (Sub-No. 107), filed November 9, 1964. Applicant: DAILY EXPRESS, INC., Post Office Box 39, M.R. #3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe; petroleum metering and switching stations (set up); liquid and dry bulk storage tanks and processing equipment; prefabricated tank farm enclosures* and (2) *parts and accessories for items on (1) above*, (A) between points in Pennsylvania, New York and New Jersey on and east of U.S. Highway 15 and (B) between points in Pennsylvania and New York on and east of U.S. Highway 15 on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 119384 (Sub-No. 7) (AMENDMENT), filed October 29, 1964, published FEDERAL REGISTER issue of November 11, 1964, amended November 12, 1964, and republished as amended this issue. Applicant: MORTON TRUCK LINES, INC., 101 West Willis Avenue, Perry, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles) from Perry, Iowa, to points in Illinois, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Michigan, Indiana, and Wisconsin.

NOTE: The purpose of this republication is to add Michigan and Indiana as destination states. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 119767 (Sub-No. 37), filed November 9, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* from Winthrop, Minn., to New Albany, Ind.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119815 (Sub-No. 3) filed November 6, 1964. Applicant: INTERSTATE HIGHWAY EXPRESS, INC., 1518 L Street, Bedford, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *gypsum products*, from the site of the National Gypsum Co. plant located approximately 3 miles east of Shoals (Martin County), Ind., to St. Louis, Mo., and points in Illinois, Kentucky, Ohio, Tennessee, West Virginia, and those in Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Osage, Perry, Pemiscot, Phelps, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Scott, Shannon, Shelby, Stoddard, Warren, Washington, and Wayne Counties, Mo., and *refused or rejected shipments*, on return, limited to a transportation service to be performed under a continuing contract, or contracts with National Gypsum Co., Buffalo, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 120098 (Sub-No. 4), filed October 29, 1964. Applicant: UINTAH FREIGHTWAYS, a corporation, 348 West 1370 South, Salt Lake City, Utah. Applicant's attorney: William S. Richards, 1007 Walker Bank Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling equipment* and *supplies*, and *well servicing equipment and supplies*, between Vernal, Utah, on the one hand, and, on the other, points in Colorado, Wyoming, New Mexico, Arizona, Nevada, and Idaho.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 121573 (Sub-No. 1), filed November 9, 1964. Applicant: SPACE TRANSPORT, INC., 19 Armento Street, Johnston, R.I., 02909. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I., 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in the Providence, R.I., commercial zone and points in Rhode Island.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 123012 (Sub-No. 4), filed November 12, 1964. Applicant: DEWEY MILICH, Rural Delivery 2, Box 301, Brownsville, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite* in bags, and in bulk, in tank vehicles from the plantsite of Mineral Mills, Inc., located in Stowe Township, Allegheny County, Pa., to points in West Virginia on and north of U.S. Highway 33, and to points in Ohio on and east of U.S. Highway 21, under a continuing contract with Mineral Mills, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 123064 (Sub-No. 4), filed November 9, 1964. Applicant: RALPH WALKER, 456 Dory Street, Jackson, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, in bulk, and in packages, from Harvey, La., to points in Mississippi.

NOTE: Applicant states that the proposed service is "to be restricted to a transportation service rendered under a continuing contract with Swift & Co., 115 West Jackson Boulevard, Chicago, Ill." If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 12315 (Sub-No. 7), filed November 9, 1964. Applicant: CHARLES BEIL & SONS, INC., Millstadt, Ill. Applicant's attorney: Delmar Koebel, 107 West St. Louis Street, Lebanon, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour, whey, and starch*, in bags and bulk, from points in Indiana, to Millstadt, Ill., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.





Walter Harwood, Nashville Bank & Trust Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, in bulk, from Tullahoma, Tenn., and points within ten (10) miles thereof, to points in Tennessee, Alabama, and Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, or Montgomery, Ala.

No. MC 116063 (Sub-No. 52), filed November 9, 1964. Applicant: WESTERN TRANSPORT CO., INC., 2400 Cold Springs Road, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid, muriatic acid, and anhydrous hydrogen chloride*, in bulk, in tank vehicles, from Fort Worth, Tex., to points in the United States (except points in Alaska, and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, or Houston, Tex.

No. MC 116763 (Sub-No. 44), filed November 5, 1964. Applicant: CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla.; North West Street (mailing address), Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, and (2) *potato products other than frozen*, with or without other ingredients, from points in Montcalm County, Mich., to points in Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Missouri, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117068 (Sub-No. 5), filed November 2, 1964. Applicant: HERBERT H. SCHULTZ, doing business as MIDWEST HARVESTORE TRANSPORT, Box 1036, Rochester, Minn. Applicant's attorney: Edward Solie, Suite 100 Executive Building, 4513 Vernon Boulevard, Madison 5, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal waste storage tanks*, knocked down, glass lined, steel, (2) *livestock scales*, steel, knocked down, with weighing attachments, (3) *livestock feed bunker*, glass lined, steel, knocked down, (4) *forage meter device*, (5) *animal waste spreader tanks*, steel, *spreader tanks*, glass lined, and (6) *soil saver*, steel, glass lined, knocked down, from Kankakee, Ill., to points in Minnesota, Iowa, North Dakota, and South Dakota.

NOTE: Applicant states that the purpose of this application is to secure specific authority for the involved commodities in separate independent shipments as well as when combined with or shipped in conjunction with silos. The destination territory is identical to that granted to applicant in Certificate MC 117068 which reads viz: Steel silos, enamel lined, knocked down, or in sections, and when transported with such silos, component parts thereof, including silo loading and unloading devices, and equipment and materials incidental to the erection and completion of such silos, from Kankakee, Ill. to points in Iowa, Minnesota, North Dakota, and South Dakota, with no transportation for compensation on return except as otherwise authorized, and in Certificate MC 117068 Sub 2 which reads viz: Steel silos, galvanized, knocked down or in sections, and, when transported with such silos, component parts thereof, including silo unloading devices, and equipment and materials incidental to the erection and completion of such silos, from Kankakee, Ill., to points in Minnesota, Iowa, North Dakota, and South Dakota, with no transportation for compensation on return except as otherwise authorized. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.



No. MC 117344 (Sub-No. 140), filed November 9, 1964. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorneys: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solutions, ammoniating solutions and aqua ammonia*, in bulk, in tank vehicles, from the plantsite of Southern Nitrogen Company, Inc., located at or near Columbia Park (Finney), Hamilton County, Ohio, to points in Illinois, Indiana, and the lower peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 117574 (Sub-No. 107), filed November 9, 1964. Applicant: DAILY EXPRESS, INC., Post Office Box 39, M.R. #3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe; petroleum metering and switching stations (set up); liquid and dry bulk storage tanks and processing equipment; prefabricated tank farm enclosures* and (2) *parts and accessories for items on (1) above*, (A) between points in Pennsylvania, New York and New Jersey on and east of U.S. Highway 15 and (B) between points in Pennsylvania and New York on and east of U.S. Highway 15 on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 119384 (Sub-No. 7) (AMENDMENT), filed October 29, 1964, published FEDERAL REGISTER issue of November 11, 1964, amended November 12, 1964, and republished as amended this issue. Applicant: MORTON TRUCK LINES, INC., 101 West Willis Avenue, Perry, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles) from Perry, Iowa, to points in Illinois, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Michigan, Indiana, and Wisconsin.

NOTE: The purpose of this republication is to add Michigan and Indiana as destination states. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 119767 (Sub-No. 37), filed November 9, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* from Winthrop, Minn., to New Albany, Ind.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119815 (Sub-No. 3) filed November 6, 1964. Applicant: INTERSTATE HIGHWAY EXPRESS, INC., 1518 L Street, Bedford, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *gypsum products*, from the site of the National Gypsum Co. plant located approximately 3 miles east of Shoals (Martin County), Ind., to St. Louis, Mo., and points in Illinois, Kentucky, Ohio, Tennessee, West Virginia, and those in Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Osage, Perry, Pemiscot, Phelps, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Scott, Shannon, Shelby, Stoddard, Warren, Washington, and Wayne Counties, Mo., and *refused or rejected shipments*, on return, limited to a transportation service to be performed under a continuing contract, or contracts with National Gypsum Co., Buffalo, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 120098 (Sub-No. 4), filed October 29, 1964. Applicant: UINTAH FREIGHTWAYS, a corporation, 348 West 1370 South, Salt Lake City, Utah. Applicant's attorney: William S. Richards, 1007 Walker Bank Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling equipment* and *supplies*, and *well servicing equipment and supplies*, between Vernal, Utah, on the one hand, and, on the other, points in Colorado, Wyoming, New Mexico, Arizona, Nevada, and Idaho.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 121573 (Sub-No. 1), filed November 9, 1964. Applicant: SPACE TRANSPORT, INC., 19 Armento Street, Johnston, R.I., 02909. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I., 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in the Providence, R.I., commercial zone and points in Rhode Island.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 123012 (Sub-No. 4), filed November 12, 1964. Applicant: DEWEY MILICH, Rural Delivery 2, Box 301, Brownsville, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite* in bags, and in bulk, in tank vehicles from the plantsite of Mineral Mills, Inc., located in Stowe Township, Allegheny County, Pa., to points in West Virginia on and north of U.S. Highway 33, and to points in Ohio on and east of U.S. Highway 21, under a continuing contract with Mineral Mills, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 123064 (Sub-No. 4), filed November 9, 1964. Applicant: RALPH WALKER, 456 Dory Street, Jackson, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, in bulk, and in packages, from Harvey, La., to points in Mississippi.

NOTE: Applicant states that the proposed service is "to be restricted to a transportation service rendered under a continuing contract with Swift & Co., 115 West Jackson Boulevard, Chicago, Ill." If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 12315 (Sub-No. 7), filed November 9, 1964. Applicant: CHARLES BEIL & SONS, INC., Millstadt, Ill. Applicant's attorney: Delmar Koebel, 107 West St. Louis Street, Lebanon, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour, whey, and starch*, in bags and bulk, from points in Indiana, to Millstadt, Ill., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 123393 (Sub-No. 44), filed November 2, 1964. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, between Baltimore, and Hagerstown, Md., and New York, N.Y., on the one hand, and, on the other, points in that part of Missouri, on and south of U.S. Highway 40 (except St. Louis and Kansas City, Mo.), and points in Brown and Manitowoc Counties, Wis.

NOTE: Applicant states that it proposes to transport exempt commodities, on return. If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 124247 (Sub-No. 8), filed November 10, 1964. Applicant: DAN LODESKY TRUCKING, INC., Gurnee, Ill. Applicant's attorney: Edw. G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products*, in bulk, in tank vehicles, from East Chicago, Ind., to points in that part of Iowa in and east of Lee, Henry, Louisa, Johnson, Linn, Buchanan, Fayette, and Allamakee Counties, Iowa, points in that part of Michigan in and south and west of Mason, Lake, Newaygo, Montcalm, Ionia, Eaton, Ingham, Jackson, and Lenawee Counties, Mich., points in that part of Wisconsin in and south of La Crosse, Jackson, Marathon, Shawano, Oconto, and Marinette Counties, Wis. (except points in Dane, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Racine, Rock Walworth, and Waukesha Counties, Wis.), and points in Illinois (except points in Boone, Bureau, Carroll, Champaign, Cook, DeKalb, DuPage, Ford, Grundy, Henry, Iroquois, Joe Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Marshall, McHenry, McLean, Ogle, Peoria, Putnam, Stark, Stephenson, Tazewell, Vermilion, Whiteside, Will, Winnebago, and Woodford Counties).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124505 (Sub-No. 4), filed November 9, 1964. Applicant: EUGENE TRIPP, 4624 South Avenue West, Missoula, Mont. Applicant's attorney: Jeremy G. Thane, Western Bank Building, Missoula, Mont. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and brewery supplies* and *empty containers or other such incidental facilities* used in transporting the above commodities between Seattle, Wash., and Anaconda, Billings, Bozeman, Butte, Dillon, Great Falls, Havre, Helena, Kalispell, Libby, Livingston, Lewistown, Miles City, Missoula, Roundup and Shelby, Mont., Coeur d' Alene, Lewiston, Mullan, Sandpoint and Wallace, Idaho, and Pendleton, Oreg.

NOTE: Applicant states the proposed operations will be under contract with Sick's Rainier Brewing Co. located at Seattle, Wash. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 125416 (Sub-No. 1), filed November 9, 1964. Applicant: FLORA SERVICE, INC., 847 Flora Street, Elizabeth, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, disabled or inoperative trucks and tractors and stolen or repossessed trucks, tractors and passenger automobiles, and replacement vehicles therefor*, not towed by use of wrecker equipment only; and (2) *wrecked, disabled, inoperative, stolen or repossessed trucks, tractors, trailers and passenger automobiles* (except mobile homes or house trailers designed to be drawn by passenger automobiles) and *replacement vehicles therefor*, by use of wrecker equipment only, between points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 125777 (Sub-No. 37), filed November 12, 1964. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perlite precast slabs* from Blue Island, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125777 (Sub-No. 38), filed November 12, 1964. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump vehicles, from points in Berrien County, Mich., to points in Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 125820 (Sub-No. 1), filed November 9, 1964. Applicant: ELK VALLEY FREIGHT LINE, INC., 524 Hagan Street, Nashville, Tenn. Applicant's attorney: James C. Havron, Nashville Bank and Trust Building, Nashville, Tenn., 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) (1) between Nashville, Tenn., and the Tennessee-Alabama State line; from Nashville over Tennessee Highway 6 to junction Tennessee Highway 50, thence over Tennessee Highway 50 to junction Tennessee Highway 10, thence over Tennessee Highway 10 to the Tennessee-Alabama State line, and return over the same route, serving no intermediate points between Lewisburg, Tenn., and Nashville, Tenn., (2) between Fayetteville, Tenn., and Ardmore, Tenn., over Tennessee Highway 110, serving all intermediate points; (3) between Nashville, Tenn., and the Alabama-Tennessee State line; from Nashville over Tennessee Highway 1 to junction Tennessee Highway 10, thence over Tennessee Highway 10 to the Tennessee-Alabama State line and return over the same route, serving no intermediate points between Shelbyville, Tenn., and Nashville, Tenn.; (a) between Lewisburg, Tenn., and Nashville, Tenn.; from Lewisburg over Tennessee Highway 11 to Nashville, and return over the same route, serving no intermediate points as an alternate route for operating convenience only in connection with applicant's proposed regular route operations in (3) above; (4) between Nashville, Tenn., and Lexington, Ky.; from Nashville, over U.S. Highway 31-W to junction U.S. Highway 62 at or near Elizabethtown, Ky., thence over U.S. Highway 62 to junction U.S. Highway 60 at or near Versailles, Ky., thence over U.S. Highway 60 to Lexington, and return over the same route, serving no intermediate points between Nashville, Tenn., and Lexington, Ky.; and (5) over that part of Interstate Highway 65 between Nashville, Tenn., and Lexington, Ky., to the extent same is available for use and in the future over such additional sections of said Interstate Highway 65 as same becomes available for use (between Nashville, Tenn., and Elizabethtown, Ky.) with authority to enter, leave and reenter said Interstate Highway 65 at such interchanges and crossings and traversing such highways as is necessary to connect with applicant's other authority over U.S. Highway 31-W. This is an alternate route only and is to be used in conjunction with applicant's authority authorizing transportation between Nashville, Tenn., and Lexington, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 126230 (Sub-No. 1), filed November 9, 1964. Applicant: SOUTHERN PACKAGING & STORAGE CO., INC., Bohannon Avenue, Greeneville, Tenn. Applicant's attorney: T. G. McQuary, First National Bank Building, Greeneville, Tenn., 37743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper*, other than newsprint or carbonized print, not printed or imprinted, in bales, boxes, bundles (on skids or otherwise), crates or rolls, from Greeneville, Tenn., to Rogersville, Tenn., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodity, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 126451, filed July 23, 1964. Applicant: VERNON D. TOOF, doing business as TOOF TRANSFER, Box 244, Hay Springs, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk and in bags, from Sioux City, Iowa, to Hay Springs, Nebr., and points within fifty (50) miles of Hay Springs, and *livestock and other exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 126537 (Sub-No. 1), filed November 4, 1964. Applicant: KENT I. TURNER, KENNETH E. TURNER AND ERVIN L. TURNER, a partnership, doing business as TURNER EXPEDITING SERVICE, Post Office Box 21132, Louisville, Ky. Applicant's attorney: George M. Catlett, Suite 703–706 McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives) (1) between Staniford Field (airport) at Louisville, Ky., and the Greater Cincinnati Airport near Erlanger, Ky., on the one hand, and, on the other, points in Fayette, Franklin and Jefferson Counties, Ky., and (2) between Blue Grass Field (airport) near Lexington, Ky., on the one hand, and, on the other, points in Fayette and Franklin Counties, Ky., restricted to the handling of shipments having an immediate prior or immediate subsequent movement by air.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 126636 (Sub-No. 2), filed November 12, 1964. Applicant: REDWOOD MOVING & STORAGE CO., INC., 215 Washington Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission in 17 M.C.C. 467, and *empty containers and other such incidental facilities* (not specified) used in transporting the commodities specified, between points in Alameda, Santa Clara, San Mateo, San Francisco, Marin, Sonoma, Napa, Solano, and Contra Costa Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126673 (Sub-No. 1), filed November 9, 1964. Applicant: REMO G. RICCI, doing business as RICCI BROTHERS TRUCKING, 1457 Magnolia Avenue, Petaluma, Calif. Applicant's attorney: Haradon M. Dillon, Latham Square Building, Oakland, Calif., 94612. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed feed for poultry and animals, and raw and processed fish meal and copra meal*, in sacks, and in bulk, in hopper vehicles, between Petaluma, San Francisco, Oakland, Alemeda, and Richmond, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Petaluma or San Francisco, Calif.

No. MC 126682 (Sub-No. 1), filed November 3, 1964. Applicant: WALTER ROBERT HEURING, doing business as BOB HEURING TRANSPORT, Post Office Box 161, Manasquan, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poles, signs, and aluminum structural forms*, between Newark, N.J., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant states that the proposed operation will be under a continuing contract with Pfaff & Kendall of Newark, N.J. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126691 (Sub-No. 1), filed November 5, 1964. Applicant: SCHULTZ BROS. VAN AND STORAGE, a corporation, 1116 14th Street, Santa Rosa, Calif. Applicant's attorney: G. Alfred Roensch, 100 Bush Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission in 17 M.C.C. 467, between points in Sonoma, Marin, Mendocino, and Napa Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126701, filed November 5, 1964. Applicant: WILLIAM C. POWERS, doing business as POWERS TRANSPORT, 12015 Torrey Road, Fenton, Mich. Applicant's attorney: Rodger T. Ederer, Union Savings & Loan Building, 117 West Allegan Street, Lansing, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is sold by Jewel Tea Co., Inc., in its home service retail sales operations, between Barrington, Ill., and points in Michigan.

NOTE: Applicant states he proposes to transport *damaged, rejected*, and *soiled merchandise*, and *empty containers or other incidental facilities* (not specified) used in transporting the above-described commodities, on return. If a hearing is deemed necessary, applicant requestz it be held at Lansing, Mich.

No. MC 126702, filed November 4, 1964. Applicant: CHARLOTTE MERCHANTS DELIVERY, INC., 215 East Sixth Street, Charlotte, N.C., 28204. Applicant's attorney: A. W. Flynn, Jr., 201–205 Jefferson Building, Greensboro, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, cleaning compounds, waxes and polishes, brushes and premiums*, consisting of general merchandise such as *irons, blankets and similar items* which are shipper's gifts to its dealers for their sale efforts, from Charlotte, N.C., to points in Mecklenburg, Union, Stanly, Cabarrus, Rowan, Davie, Yadkin, Iredell, Alexander, Catawba, Lincoln, Gaston, Cleveland, Rutherford, Burke, Caldwell, McDowell, and Wilkes Counties, N.C., and points in York, Lancaster, and Chester Counties, S.C.

NOTE: Applicant states that the proposed service will be restricted against the transportation of any parcel, package, or article weighing more than 70 pounds from one consignor at any one location to one consignee at any one location on any one day. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 126703, filed November 6, 1964. Applicant: HUG-CONDON MOVING & STORAGE CO., INC., 5600 Tchoupitoulas Street, New Orleans, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, destined to or originating in foreign countries for transport in containers between points in Ascension, Assumption, East Baton Rouge, West Baton Rouge, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Terrebonne, and Washington Parishes, La., and Hancock, Harrison, Jackson and Pearl River Counties, Miss.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 126706, filed November 5, 1964. Applicant: KLEYSEN'S CARTAGE CO., LTD., 420 MacDonald Road, Fort Garry Post Office, Winnipeg 9, Manitoba, Canada. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement and lime*, in bulk and in bags, from the port of entry on the international boundary line between the United States and Canada, near Pembina, N. Dak., to points in North Dakota and Minnesota.

NOTE: Applicant is conducting operations as a common carrier in No. MC 125804 (Sub-No. 1TA), therefore, possibly dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 126708, filed November 12, 1964. Applicant: AMSTADTER BROTHERS, INC., 5822 North Western Avenue, Chicago, Ill. Applicant's attorney: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois on and north of U.S. Highway 36, including all municipalities a part of whose limits are traversed by U.S. Highway 36, and between points in Lake, La Porte, Porter, and St. Joseph Counties, Ind., restricted to shipments having a prior or subsequent movement beyond said points, in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such shipments.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126711, filed November 9, 1964. Applicant: EDWARD J. SAND, Urbana, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Streator, Ill., to Urbana, Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

NOTE: Applicant states the proposed operation will be seasonal between March 15 and June 1 of each year. If a hearing is deemed necessary, applicant does not specify a place of hearing.

No. MC 126712, filed November 9, 1964. Applicant: HARDING LEE CREASY, doing business as H. L. CREASY, R.F.D. 1, Bluefield (Abb's Valley, Tazewell County), Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Coal*, between Gary (McDowell County), W. Va., and Abb's Valley (Tazewell County), Va.: From Gary over West Virginia Highway 102 to West Virginia-Virginia State line at Horsepen (Tazewell County), Va., thence over Virginia Highway 644 to Abb's Valley, and return over the same route, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va.

No. MC 126713, filed November 12, 1964. Applicant: GRAVES VAN LINES, INC., 411 Lincoln Street, Salina, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between points in Kansas.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 126714, filed November 10, 1964. Applicant: SOUTHWEST DELIVERY CO., INC., 304 Columbia Street, Vancouver, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except such commodities as require the use of special equipment or handling) between points in Clark and Skamania Counties, Wash., on one hand, and, on the other, points in and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, Wash. (excluding Spokane County).

NOTE: Applicant states that the proposed service will be restricted against traffic having an immediately prior or subsequent movement in interstate or foreign commerce. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 126715, filed November 12, 1964. Applicant: TRANSPORT SERVICE, a corporation, Post Office Box 5337, Portland, Oreg., 97206. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products* in bulk between points in Oregon.

NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 126717, filed November 6, 1964. Applicant: WALTER PLOUGH, doing business as WALT'S DRIVE-A-WAY SERVICE, Rural Route No. 4 Kuebler Road, Evansville, Ind. Applicant's attorney: William L. Mitchell, Suite 315 Old National Bank Building, Evansville, Ind., 47708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-powered hydrocranes*, from points in Indiana to points in the Continental United States, and *self-powered hydrocranes*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind.

No. MC 126720, filed November 12, 1964. Applicant: McNAMARA VANS & WAREHOUSES, INC., 30 Essex Street (Post Office Box 10159), San Antonio, Tex. Applicant's attorney: Alan F. Wohlstetter, One Farragut Square South, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Bexar County, Tex., restricted to shipment beyond Bexar County, Tex., and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such shipments.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex.

No. MC 126723, filed November 12, 1964. Applicant: MARSHALL W. LUNDQUIST, doing business as LUNDQUIST TRUCKING, Rural Route No. 1, Centerville, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed* in bags from Sioux City, Iowa to points in Clay County, S. Dak.

NOTE: Applicant states the above-proposed operations will be restricted to destinations other than municipalities. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 126727, filed November 12, 1964. Applicant: THE GARDNER CARTAGE COMPANY, a corporation, 2662 East 69th Street, Cleveland, Ohio, 44104. Applicant's attorney: Edwin C. Reminger, 905 The Leader Building, Cleveland, Ohio, 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast structural concrete products*, by the use of regular or special equipment, as may be required, from Cleveland, Ohio to those points in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line, and extending south along U.S. Highway 62 to junction Pennsylvania Highway 66, at Tionesta, Pa., thence south on Pennsylvania Highway 66 to junction U.S. Highway 119 at Greensburg, Pa., thence south on U.S. Highway 119 to Pennsylvania-West Virginia State line, and those points in West Virginia east of the Ohio River, and on and north of U.S. Highway 50 to junction U.S. Highway 119, thence north on U.S. Highway 119 to the Pennsylvania-West Virginia State line.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

MOTOR CARRIERS OF PASSENGERS

No. MC 745 (Sub-No. 6), filed November 10, 1964. Applicant: GERALD S. HAGEY, doing business as HAGEY'S BUS SERVICE, Franconia (Montgomery County), Pa. Applicant's representative: John W. Frame, 2207 Old Gettysburg Road, Post Office Box 626, Camp Hill, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round trip special operations, beginning and ending at points in that portion of Pennsylvania located on and within a line beginning at Silverdale, Pa., thence in a northeasterly direction along Pennsylvania Highway 113 to junction Pennsylvania Highway 313, thence along Pennsylvania Highway 313 in a northwesterly direction to junction Pennsylvania Highway 663, thence along Pennsylvania Highway 663 in a westerly direction to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 63, thence along Pennsylvania Highway 63 in a southeasterly direction to Kulpsville, Pa., thence in a southeasterly direction over an unnumbered highway through North Wales, Pa., to junction U.S. Highway 202, thence in a northerly direction over U.S. Highway 202 to junction Pennsylvania Highway 152, thence in a northwesterly direction to junction Pennsylvania Highway 113, the point of beginning, and extending to points in the United States.

NOTE: Applicant states that duplicating authority is to be canceled. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 3647 (Sub-No. 368), filed November 2, 1964. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, (1) between Bordentown Township, Burlington County, and North Brunswick Township, Middlesex County, N.J.: From junction U.S. Highway 130 and U.S. Highway 206 Bordentown Township, N.J., over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction of Milltown Road, North Brunswick Township, N.J., and return over the same route, serving all intermediate points; (2) between Trenton and East Windsor Township, N.J.: From junction of boundary of city of Trenton and Hamilton Township, N.J., over New Jersey Highway 33 to junction New Jersey Turnpike Interchange 8 in East Windsor Township, N.J., and return over the same route, serving all intermediate points; applicant seeks authority to join routes at New Jersey Turnpike Interchange 8; (3) between North Brunswick Township and New Brunswick, N.J.: From junction U.S. Highway 1 and U.S. Highway 130 and Georges Road, North Brunswick Township, N.J., over Georges Road to New Brunswick, N.J., and return over the same route, serving all intermediate points; (4) within North Brunswick Township, N.J.; from junction U.S. Highway 1 and Milltown Road over Milltown Road to junction Georges Road and return over the same route, serving all intermediate points; (5) between East Windsor Township and Monroe Township, N.J.: From junction New Jersey Turnpike (Interchange 8) and New Jersey Highway 33, thence over New Jersey Highway 33 to junction of Prospect Plains Road in Monroe Township, N.J., thence over Prospect Plains Road, Clarksburg Road, Applegarth Road, and Possum Hollow Road to junction of Forsgate Road in Monroe Township, N.J., and return over the same route, serving all intermediate points; (6) between South Brunswick Township and Boro of Jamesburg, N.J.: From Boro of Jamesburg, N.J., over Forsgate Road to junction Forsgate Road and U.S. Highway 130 and return over the same route, serving all intermediate points; and (7) between Cranbury Township and Monroe Township, N.J.: From junction U.S. Highway 130 and East Spotswood Road in Cranbury Township, N.J., over East Spotswood Road and Cranbury Station Road to junction of Applegarth Road in Monroe Township, N.J., and return over the same route, serving all intermediate points.

NOTE: Applicant states that it intends to tack the above routes to its existing routes. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 3647 (Sub-No. 369), filed November 6, 1964. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express and newspapers*, in the same vehicle with passengers, within Moorestown Township, N.J., (1) from junction New Jersey Highway 38 and Mount Laurel Road, over Mount Laurel Road to junction Main Street, and return over the same route, serving all intermediate points, and (2) from junction Main and Church Streets, over Church Street to junction New Jersey Highway 38, and return over the same route, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Camden, N.J.

No. MC 109865 (Sub-No. 9), filed November 6, 1964. Applicant: GEORGE H. KUSS, doing business as VALLEY TRANSPORTATION CO., Hogsback Road, Oxford, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, between Waterbury, Conn., and New York, N.Y.; from Waterbury, Conn., over Connecticut Highway 8 to Bridgeport, Conn., thence over city streets to Interstate Highway 95, thence over Interstate Highway 95 to New York, N.Y., and return over the same route, serving all intermediate points between Waterbury, Conn., and Bridgeport, Conn., and including service between Bridgeport, Conn., and New York, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Waterbury or Bridgeport, Conn.

APPLICATION FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12924, filed October 5, 1964. Applicant: JOE REX MAHAFFAY, doing business as OIL FIELD TOURS, 127 West Avenue D, San Angelo, Tex. Applicant's attorney: Marvin C. Hanz, 423 South Irving, San Angelo, Tex., 76901. For a license (BMC 5) to engage in operations as a broker at San Angelo, Tex., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage*, both as individuals and groups, in special operations, in all-expense round trip tours, between points in Tom Green, Sutton, Ector, Midland, Howard, Concho, Coleman, Brown, Taylor, and Coke Counties, Tex., and points in the United States.

APPLICATIONS OF WATER CARRIERS

WATER CARRIERS OF PASSENGERS

No. W-1207 (D.C. Transit System, Inc., common carrier application), filed October 5, 1964. Applicant: D.C. Transit System, Inc., 3600 M Street NW., Washington, D.C., 20007. Authority sought to operate as a common carrier, by water, in interstate or foreign commerce, in the transportation of *passengers*, by Ground Effect Machines (Hovercraft), (1) over regular routes, between Washington, D.C., Alexandria, Va., and Piscataway Bay, Md., serving all intermediate points, and (2) over irregular routes, between Washington, D.C., and points along the Potomac River in Montgomery, Prince Georges, and Charles Counties, Md., and in Arlington, Fairfax, Prince William, Stafford, King George, and Westmoreland Counties, Va.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 103993 (Sub-No. 191), filed November 6, 1964. Applicant: MORGAN DRIVE-AWAY, INC., 2800 Lexington Avenue, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, and *component parts thereof* when shipped therewith, from North Tonawanda, N.Y., to points in the United States (except Alaska and Hawaii).

No. MC 109506 (Sub-No. 11), filed November 5, 1964. Applicant: DAN D. PACK, doing business as PACK TRUCK LINES, 334 East 13th, Idaho Falls, Idaho, 83401. Applicant's attorney: John B. Kugler, Pocatello, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement* from Twin Falls and Cambridge, Idaho, and (2) *pozzolan* from Cambridge, Idaho, to Hells Canyon Dam Site, Adams County, Idaho.

No. MC 114897 (Sub-No. 58), filed November 6, 1964. Applicant: WHITFIELD TANK LINES, INC., 300–316 North Clark Road, Post Office Drawer 9897, El Paso, Tex., 79989. Applicant's representative: J. P. Rose (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, and *petroleum*, in bulk, in tank vehicles, from points in Eddy County, N. Mex., to points in Apache County, Ariz.

NOTE: Common control may be involved.

No. MC 115331 (Sub-No. 90), filed November 4, 1964. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Applicant's attorney: Daniel B. Johnson, Suite 1250, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, vermiculite, lighter fluid and associated items, used or useful in the preparation of barbecue*, when moving at the same time and in the same vehicle with charcoal and charcoal briquets from Belle, Mo., and points within 10 miles thereof to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, Oklahoma, Tennessee, and Wisconsin and *exempt commodities* on return.

No. MC 124328 (Sub-No. 18), filed November 9, 1964. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago 16, Ill. Applicant's attorney: Francis D. Partlan, 234 East 24th Street, Chicago 16, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coins, currency, and checks*, between Rockford, Ill., and Beloit, and Janesville, Wis.

NOTE: Common control may be involved.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-12046; Filed, Nov. 24, 1964; 8:47 a.m.]

[Notice 1081]

## MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 20, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested per-

son may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66569. By order of November 9, 1964, the Transfer Board approved the transfer to Ronald J. Mulcahy, doing business as Mulcahy's Express, Malden, Mass., of the certificate in No. MC 44824, issued September 2, 1943, to Leo Edward Mulcahy, doing business as Mulcahy's Express, Malden, Mass., authorizing the transportation of: Paper pulp, paper products, general commodities, pipe and plumbing supplies, skid chains and hardware, nonalcoholic beverages, paperboard, fiberboard, leatherboard innersoling, innersoles, household goods and antifreeze solutions, from and to or between points as specified in Massachusetts and Connecticut, and points in Rhode Island, Maine, New Hampshire, and Massachusetts.

Ernest B. Sheldon, 16 Heald Street, Pepperell, Mass., attorney for applicants.

No. MC–FC 67136. By order of November 16, 1964, the Transfer Board approved the transfer to Petroleum Carrier Corp. of Florida, Jacksonville, Fla., a wholly owned subsidiary of transferor of certificates in Nos. MC 103378 Sub 16, MC 103378 Sub 20, MC 103378 Sub 24, MC 103378 Sub 27, MC 103378 Sub 28, MC 103378 Sub 39, MC 103378 Sub 43, MC 103378 Sub 45, MC 103378 Sub 49, MC 103378 Sub 54, MC 103378 Sub 55, MC 103378 Sub 75, MC 103378 Sub 93, MC 103378 Sub 100, MC 103378 Sub 103, MC 103378 Sub 115, MC 103378 Sub 116, MC 103378 Sub 145, MC 103378 Sub 157, MC 103378 Sub 161, MC 103378 Sub 172, MC 103378 Sub 179, MC 103378 Sub 189, MC 103378 Sub 198, MC 103378 Sub 212, MC 103378 Sub 220, MC 103378 Sub 224, MC 103378 Sub 234, MC 103378 Sub 236, MC 103378 Sub 242, MC 103378 Sub 246, MC 103378 Sub 251, MC 103378 Sub 266, and MC 103378 Sub 277, and portions of certificates in Nos. MC 103378 Sub 5, MC 103378 Sub 36, MC 103378 Sub 80, MC 103378 Sub 110, MC 103378 Sub 129, and MC 103378 Sub 156, issued to Petroleum Carrier Corp., Jacksonville, Fla., authorizing the transportation of: Various specified commodities, in bulk, in tank vehicles, from specified points in Florida to specified points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Pennsylvania, Tennessee, Virginia, and West Virginia.

Martin Sack, 710 Atlantic National Bank Building, Jacksonville 2, Fla., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–12047; Filed, Nov. 24, 1964; 8:48 a.m.]



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VOLUME 29 NUMBER 231

Washington, Thursday, November 26, 1964


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**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.**

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*Volume 77*

**UNITED STATES STATUTES AT LARGE**

**[88th Cong., 1st Sess.]**

Contains laws and concurrent resolutions enacted by the Congress during 1963, reorganization plan, and Presidential proclamations. Included is a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

**Price: $7.50**

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402


# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 11189

#### PLACING CERTAIN POSITIONS IN LEVELS IV AND V OF THE FEDERAL EXECUTIVE SALARY SCHEDULE

By virtue of the authority vested in me by subsection (g) of section 303 of the Government Employees Salary Reform Act of 1964, and as President of the United States, it is ordered as follows:

SECTION 1. The following offices and positions are placed in level IV of the Federal Executive Salary Schedule:

(1) Director, Community Relations Service.

(2) Chairman, Equal Employment Opportunity Commission.

(3) Director, Bureau of Intelligence and Research, Department of State.

(4) United States Attorney for the Southern District of New York.

(5) United States Attorney for the District of Columbia.

SEC. 2. The following offices and positions are placed in level V of the Federal Executive Salary Schedule:

(1) Assistant General Managers, Atomic Energy Commission (2).

(2) Members, Equal Employment Opportunity Commission (4).

(3) National Export Expansion Coordinator, Department of Commerce.

(4) Special Assistant to the Secretary of Defense.

(5) Associate Director (Policy and Plans), United States Information Agency.

(6) Chief Benefits Director, Veterans Administration.

(7) Director of International Scientific Affairs, Department of State.

(8) United States Attorney for the Northern District of Illinois.

(9) United States Attorney for the Southern District of California.

(10) Deputy Director, National Security Agency.

(11) Director, National Park Service, Department of the Interior.

(12) Director, Bureau of Land Management, Department of the Interior.

(13) Administrator, Wage and Hour and Public Contracts Divisions, Department of Labor.

(14) Commissioner of Labor Statistics, Department of Labor.

SEC. 3. This order shall be effective August 15, 1964.

LYNDON B. JOHNSON

THE WHITE HOUSE,
*November 23, 1964.*

[F.R. Doc. 64-12158; Filed, Nov. 24, 1964; 2:46 p.m.]

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## Title 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

### PART 362—REGULATIONS FOR ENFORCEMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

#### Miscellaneous Amendments; Postponement of Effective Dates

On March 27, 1964, and August 29, 1964, amended regulations for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (7 CFR 362.1–362.25) were published in the FEDERAL REGISTER (29 F.R. 3601, 12419) including provisions in §§ 362.6 (f) and (g), 362.9, 362.10(d), and 362.14(a)(5). The provisions of §§ 362.6(f) (subsequently redesignated as § 362.6(g)) and 362.9, published on March 27, 1964, were made effective on May 26, 1964, with the proviso that the effective date for these provisions with respect to products for which labeling was accepted prior to May 26, 1964, should be January 1, 1965. The provisions of new § 362.6(f), and §§ 362.10(d) and 362.14(a)(5), published on August 29, 1964, were made effective on November 1, 1964, provided, however, that labels complying with these provisions could be used on a voluntary basis prior to that date, and provided further that economic poisons bearing labels not complying with these provisions could be distributed under the Act until July 1, 1965, if such labels were accepted in connection with registration prior to November 1, 1964, and were from stocks existing on that date.

It appears that undue hardship and expense will be caused the affected industry unless postponement of the January 1, 1965, and July 1, 1965, effective dates is granted. It does not appear that additional rule making procedure would provide the Department with any information that is not presently available and it is found on good cause that further rule making procedure in connection with this action is unnecessary. Therefore, the effective dates of January 1, 1965, and July 1, 1965, specified above, are hereby changed to October 1, 1965.

(Sec. 6, 61 Stat. 168; 7 U.S.C. 135d; 19 F.R. 74, as amended)

Done at Washington, D.C., this 23d day of November 1964.

B. T. SHAW,
*Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 64–12130; Filed, Nov. 25, 1964; 8:49 a.m.]

### Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

### PART 401—FEDERAL CROP INSURANCE

#### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR CORN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published July 29, 1964, which were designated for corn crop insurance for the 1965 crop year.

| | |
|---|---|
| | ILLINOIS |
| Jefferson. | Wayne. |
| | IOWA |
| Adams. | Allamakee. |
| | MINNESOTA |
| Winona. | Wright. |
| | MISSOURI |
| Jackson. | New Madrid. |
| | NEBRASKA |
| Polk. | |
| | PENNSYLVANIA |
| Adams. | Franklin. |
| | WISCONSIN |
| Jackson. | |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 64–12120; Filed, Nov. 25, 1964; 8:49 a.m.]

### PART 401—FEDERAL CROP INSURANCE

#### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published July 29, 1964, which were designated for cotton crop insurance for the 1965 crop year.

| | |
|---|---|
| | ARKANSAS |
| Greene. | |
| | GEORGIA |
| Turner. | |
| | LOUISIANA |
| Concordia. | Catahoula. |
| | MISSISSIPPI |
| Tippah. | |
| | MISSOURI |
| New Madrid. | |
| | NORTH CAROLINA |
| Chowan. | |
| | TEXAS |
| Briscoe. | Knox. |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 64–12121; Filed, Nov. 25, 1964; 8:49 a.m.]

### PART 401—FEDERAL CROP INSURANCE

#### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published July 29, 1964, which were designated for grain sorghum crop insurance for the 1965 crop year.

| | |
|---|---|
| | NEBRASKA |
| Johnson. | Pawnee. |
| Nemaha. | Polk. |
| Otoe. | Richardson. |
| | TEXAS |
| Briscoe. | |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 64–12122; Filed, Nov. 25, 1964; 8:49 a.m.]

### PART 401—FEDERAL CROP INSURANCE

#### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR OAT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published July 29, 1964, which were designated for oat crop insurance for the 1965 crop year.

| | |
|---|---|
| | IOWA |
| Adams. | Allamakee. |
| | MINNESOTA |
| Winona. | Wright. |
| | WISCONSIN |
| Jackson. | |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 64–12123; Filed, Nov. 25, 1964; 8:49 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR PEANUT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published July 29, 1964, which were designated for peanut crop insurance for the 1965 crop year. The type(s) of peanuts on which insurance is offered in each county is shown opposite of the county name.

GEORGIA

Turner—Runner, Spanish, Virginia.

NORTH CAROLINA

Chowan—Virginia.
Gates—Virginia.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 64-12125; Filed, Nov. 25, 1964; 8:49 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR RICE CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published July 29, 1964, which were designated for rice crop insurance for the 1965 crop year.

ARKANSAS

Crittenden. Greene.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 64-12126; Filed, Nov. 25, 1964; 8:49 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published July 29, 1964, which were designated for soybean crop insurance for the 1965 crop year.

ARKANSAS

Greene.

ILLINOIS

Jefferson. Wayne.

IOWA

Adams. Allamakee.

LOUISIANA

Concordia. St. Landry.
Catahoula.

MINNESOTA

Winona. Wright.

MISSISSIPPI

Tippah.

MISSOURI

Jackson. New Madrid.

WISCONSIN

Jackson.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 64-12127; Filed, Nov. 25, 1964; 8:49 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR TOBACCO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published July 29, 1964, which were designated for tobacco crop insurance for the 1965 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite of the county name.

GEORGIA

Turner ..... 14

KENTUCKY

Muhlenberg ..... 22, 31, 35

NORTH CAROLINA

Chowan ..... 12
Randolph ..... 11a

TENNESSEE

Hancock ..... 31

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 64-12128; Filed, Nov. 25, 1964; 8:49 a.m.]

## PART 403—PEACH CROP INSURANCE

### Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR PEACH CROP INSURANCE

Pursuant to authority contained in § 403.40 of the above-identified regulations, the following counties have been designated for peach crop insurance for the 1965 crop year.

ALABAMA

Chilton.

ARKANSAS

Cross. Lee.
Howard. St. Francis.
Johnson.

GEORGIA

Peach. Upson.

NORTH CAROLINA

Cleveland. Richmond.
Moore. Rutherford.

SOUTH CAROLINA

Allendale. Laurens.
Barnwell. Lexington.
Chesterfield. Saluda.
Edgefield. Spartanburg.
Greenville. York.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 64-12124; Filed, Nov. 25, 1964; 8:49 a.m.]

## Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

## PART 722—COTTON

### Subpart—1965 Crop of Upland Cotton—National Marketing Quota; National Allotment and National Reserve and Apportionment to the States and Counties; National Domestic Acreage Allotment; Referendum Date

COUNTY NORMAL YIELDS

(a) Section 722.260 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section establishes county normal yields for the 1965 crop of upland cotton.

(b) Notice that the Secretary was preparing to establish marketing quotas for the 1965 crop of upland cotton was published in the FEDERAL REGISTER on September 12, 1964 (29 F.R. 12878) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice.

(c) In order to provide for orderly administration of the domestic acreage allotment program by the Agricultural Stabilization and Conservation State and county committees, it is essential that § 722.260 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and § 722.260 shall be effective upon filing this document with the Director, Office of the Federal Register.

**§ 722.260 County normal yields for the 1965 crop of upland cotton.**

The following table sets forth the county normal yields which are established for the 1965 crop of upland cotton, as adjusted in accordance with § 722.4(b)(24) of the marketing quota regulations for the 1964 and succeeding crops of upland cotton and extra long staple cotton (29 F.R. 9767):

ALABAMA

| County | Normal yield (pounds per acre) | County | Normal yield (pounds per acre) |
|---|---|---|---|
| Autauga | 454 | Houston | 401 |
| Baldwin | 361 | Jackson | 429 |
| Barbour | 351 | Jefferson | 376 |
| Bibb | 460 | Lamar | 347 |
| Blount | 404 | Lauderdale | 402 |
| Bullock | 310 | Lawrence | 437 |
| Butler | 377 | Lee | 392 |
| Calhoun | 367 | Limestone | 464 |
| Chambers | 437 | Lowndes | 353 |
| Cherokee | 491 | Macon | 411 |
| Chilton | 392 | Madison | 485 |
| Choctaw | 316 | Marengo | 348 |
| Clarke | 306 | Marion | 412 |
| Clay | 328 | Marshall | 473 |
| Cleburne | 297 | Mobile | 329 |
| Coffee | 377 | Monroe | 461 |
| Colbert | 447 | Montgomery | 369 |
| Conecuh | 362 | Morgan | 423 |
| Coosa | 267 | Perry | 406 |
| Covington | 389 | Pickens | 393 |
| Crenshaw | 358 | Pike | 325 |
| Cullman | 459 | Randolph | 353 |
| Dale | 373 | Russell | 318 |
| Dallas | 382 | St. Clair | 312 |
| DeKalb | 469 | Shelby | 478 |
| Elmore | 455 | Sumter | 330 |
| Escambia | 448 | Talladega | 322 |
| Etowah | 378 | Tallapoosa | 389 |
| Fayette | 429 | Tuscaloosa | 385 |
| Franklin | 361 | Walker | 330 |
| Geneva | 381 | Washington | 372 |
| Greene | 313 | Wilcox | 348 |
| Hale | 411 | Winston | 378 |
| Henry | 374 | | |

ARIZONA

| | | | |
|---|---|---|---|
| Cochise | 820 | Pima | 924 |
| Gila | 776 | Pinal | 1,044 |
| Graham | 832 | Santa Cruz | 695 |
| Greenlee | 785 | Yavapai | 759 |
| Maricopa | 1,061 | Yuma | 1,210 |
| Mohave | 1,260 | | |

ARKANSAS

| | | | |
|---|---|---|---|
| Arkansas | 429 | Lafayette | 538 |
| Ashley | 587 | Lawrence | 515 |
| Baxter | 454 | Lee | 537 |
| Benton | 261 | Lincoln | 559 |
| Bradley | 299 | Little River | 500 |
| Calhoun | 303 | Logan | 424 |
| Chicot | 542 | Lonoke | 504 |
| Clark | 377 | Marion | 331 |
| Clay | 526 | Miller | 447 |
| Cleburne | 326 | Mississippi | 579 |
| Cleveland | 333 | Monroe | 538 |
| Columbia | 261 | Montgomery | 307 |
| Conway | 450 | Nevada | 362 |
| Craighead | 529 | Newton | 315 |
| Crawford | 518 | Ouachita | 273 |
| Crittenden | 556 | Perry | 364 |
| Cross | 416 | Phillips | 590 |
| Dallas | 330 | Pike | 374 |
| Desha | 570 | Poinsett | 501 |
| Drew | 490 | Polk | 385 |
| Faulkner | 373 | Pope | 500 |
| Franklin | 422 | Prairie | 448 |
| Fulton | 390 | Pulaski | 405 |
| Garland | 257 | Randolph | 533 |
| Grant | 309 | St. Francis | 555 |
| Greene | 511 | Saline | 248 |
| Hempstead | 393 | Scott | 350 |
| Hot Spring | 283 | Searcy | 326 |
| Howard | 417 | Sebastian | 411 |
| Independence | 461 | Sevier | 318 |
| Izard | 382 | Sharp | 365 |
| Jackson | 493 | Stone | 421 |
| Jefferson | 567 | Union | 245 |
| Johnson | 580 | Van Buren | 271 |



ARKANSAS—Continued

| County | Normal yield (pounds per acre) | County | Normal yield (pounds per acre) |
|---|---|---|---|
| Washington | 293 | Woodruff | 537 |
| White | 366 | Yell | 514 |

CALIFORNIA

| | | | |
|---|---|---|---|
| Fresno | 1,078 | Riverside | 1,220 |
| Imperial | 1,452 | San Benito | 783 |
| Kern | 1,166 | San Bernardino | 421 |
| Kings | 948 | San Diego | 1,269 |
| Los Angeles | 757 | Stanislaus | 750 |
| Madera | 829 | Tulare | 917 |
| Merced | 886 | | |

FLORIDA

| | | | |
|---|---|---|---|
| Alachua | 314 | Lafayette | 273 |
| Baker | 217 | Leon | 235 |
| Bay | 311 | Levy | 244 |
| Calhoun | 344 | Liberty | 228 |
| Clay | 395 | Madison | 266 |
| Columbia | 182 | Nassau | 320 |
| Dixie | 271 | Okaloosa | 307 |
| Escambia | 401 | Putnam | 266 |
| Gadsden | 223 | Santa Rosa | 414 |
| Gilchrist | 198 | Suwannee | 189 |
| Hamilton | 220 | Taylor | 215 |
| Holmes | 339 | Union | 246 |
| Jackson | 318 | Walton | 312 |
| Jefferson | 275 | Washington | 282 |

GEORGIA

| | | | |
|---|---|---|---|
| Appling | 342 | Forsyth | 326 |
| Atkinson | 322 | Franklin | 370 |
| Bacon | 359 | Fulton | 335 |
| Baker | 324 | Glascock | 327 |
| Baldwin | 346 | Gordon | 422 |
| Banks | 379 | Grady | 349 |
| Barrow | 351 | Greene | 246 |
| Bartow | 460 | Gwinnett | 349 |
| Ben Hill | 418 | Habersham | 261 |
| Berrien | 391 | Hall | 332 |
| Bibb | 397 | Hancock | 323 |
| Bleckley | 459 | Haralson | 304 |
| Brantley | 246 | Harris | 370 |
| Brooks | 375 | Hart | 388 |
| Bryan | 369 | Heard | 365 |
| Bulloch | 408 | Henry | 387 |
| Burke | 364 | Houston | 423 |
| Butts | 390 | Irwin | 387 |
| Calhoun | 463 | Jackson | 307 |
| Candler | 359 | Jasper | 365 |
| Carroll | 331 | Jeff Davis | 349 |
| Catoosa | 414 | Jefferson | 373 |
| Charlton | 220 | Jenkins | 362 |
| Chatham | 315 | Johnson | 339 |
| Chattahoochee | 151 | Jones | 253 |
| Chattooga | 344 | Lamar | 303 |
| Cherokee | 282 | Lanier | 334 |
| Clarke | 288 | Laurens | 361 |
| Clay | 418 | Lee | 387 |
| Clayton | 258 | Liberty | 223 |
| Clinch | 272 | Lincoln | 230 |
| Cobb | 230 | Long | 320 |
| Coffee | 380 | Lowndes | 310 |
| Colquitt | 447 | Lumpkin | 390 |
| Columbia | 248 | McDuffie | 328 |
| Cook | 433 | McIntosh | 218 |
| Coweta | 320 | Macon | 480 |
| Crawford | 406 | Madison | 367 |
| Crisp | 461 | Marion | 380 |
| Dade | 290 | Meriwether | 402 |
| Dawson | 232 | Miller | 407 |
| Decatur | 322 | Mitchell | 364 |
| De Kalb | 243 | Monroe | 287 |
| Dodge | 377 | Montgomery | 314 |
| Dooly | 494 | Morgan | 376 |
| Dougherty | 298 | Murray | 285 |
| Douglas | 250 | Muscogee | 234 |
| Early | 486 | Newton | 341 |
| Echols | 272 | Oconee | 408 |
| Effingham | 319 | Oglethorpe | 338 |
| Elbert | 367 | Paulding | 298 |
| Emanuel | 370 | Peach | 464 |
| Evans | 407 | Pickens | 336 |
| Fayette | 332 | Pierce | 319 |
| Floyd | 381 | Polk | 417 |
| | | Pulaski | 380 |

GEORGIA—Continued

| County | Normal yield (pounds per acre) | County | Normal yield (pounds per acre) |
|---|---|---|---|
| Pulaski | 375 | Toombs | 397 |
| Putnam | 264 | Treutlen | 329 |
| Quitman | 302 | Troup | 347 |
| Randolph | 479 | Turner | 397 |
| Richmond | 269 | Twiggs | 387 |
| Rockdale | 399 | Upson | 293 |
| Schley | 374 | Walker | 289 |
| Screven | 395 | Walton | 390 |
| Seminole | 406 | Ware | 328 |
| Spalding | 289 | Warren | 326 |
| Stephens | 347 | Washington | 365 |
| Stewart | 406 | Wayne | 362 |
| Sumter | 504 | Webster | 309 |
| Talbot | 268 | Wheeler | 343 |
| Taliaferro | 231 | White | 340 |
| Tattnall | 409 | Whitfield | 394 |
| Taylor | 510 | Wilcox | 385 |
| Telfair | 333 | Wilkes | 273 |
| Terrell | 509 | Wilkinson | 241 |
| Thomas | 401 | Worth | 417 |
| Tift | 376 | | |

ILLINOIS

| | | | |
|---|---|---|---|
| Alexander | 368 | Pulaski | 407 |

KANSAS

| | |
|---|---|
| Montgomery | 174 |

KENTUCKY

| | | | |
|---|---|---|---|
| Ballard | 349 | Graves | 388 |
| Calloway | 320 | Hickman | 504 |
| Carlisle | 436 | McCracken | 374 |
| Fulton | 592 | Marshall | 366 |

LOUISIANA

| | | | |
|---|---|---|---|
| Acadia | 407 | Livingston | 349 |
| Allen | 317 | Madison | 604 |
| Ascension | 340 | Morehouse | 586 |
| Avoyelles | 508 | Natchitoches | 499 |
| Beauregard | 268 | Ouachita | 544 |
| Bienville | 269 | Plaquemines | 313 |
| Bossier | 494 | Pointe Coupee | 452 |
| Caddo | 555 | Rapides | 641 |
| Calcasieu | 309 | Red River | 496 |
| Caldwell | 529 | Richland | 437 |
| Catahoula | 453 | Sabine | 319 |
| Claiborne | 248 | St. Helena | 238 |
| Concordia | 536 | St. James | 265 |
| De Soto | 249 | St. Landry | 472 |
| East Baton Rouge | 259 | St. Martin | 408 |
| East Carroll | 623 | St. Tammany | 218 |
| East Feliciana | 315 | Tangipahoa | 209 |
| Evangeline | 462 | Tensas | 595 |
| Franklin | 425 | Union | 316 |
| Grant | 497 | Vermilion | 393 |
| Iberia | 298 | Vernon | 295 |
| Iberville | 271 | Washington | 321 |
| Jackson | 269 | Webster | 334 |
| Jefferson | 357 | West Baton Rouge | 329 |
| Jefferson Davis | 397 | West Carroll | 454 |
| Lafayette | 449 | West Feliciana | 315 |
| La Salle | 465 | Winn | 266 |
| Lincoln | 292 | | |

MISSISSIPPI

| | | | |
|---|---|---|---|
| Adams | 255 | George | 334 |
| Alcorn | 463 | Greene | 322 |
| Amite | 301 | Grenada | 555 |
| Attala | 450 | Hancock | 238 |
| Benton | 497 | Hinds | 376 |
| Bolivar | 589 | Holmes | 655 |
| Calhoun | 455 | Humphreys | 624 |
| Carroll | 526 | Issaquena | 683 |
| Chickasaw | 449 | Itawamba | 403 |
| Choctaw | 451 | Jackson | 318 |
| Claiborne | 392 | Jasper | 331 |
| Clarke | 310 | Jefferson | 305 |
| Clay | 437 | Jefferson Davis | 342 |
| Coahoma | 647 | Jones | 355 |
| Copiah | 359 | Kemper | 313 |
| Covington | 394 | Lafayette | 414 |
| De Sota | 524 | Lamar | 369 |
| Forrest | 396 | Lauderdale | 301 |
| Franklin | 244 | | |

MISSISSIPPI—Continued

| County | Normal yield (pounds per acre) | County | Normal yield (pounds per acre) |
|---|---|---|---|
| Lawrence | 279 | Rankin | 437 |
| Leake | 409 | Scott | 387 |
| Lee | 367 | Sharkey | 727 |
| Leflore | 641 | Simpson | 385 |
| Lincoln | 319 | Smith | 372 |
| Lowndes | 404 | Stone | 307 |
| Madison | 419 | Sunflower | 589 |
| Marion | 226 | Tallahatchie | 618 |
| Marshall | 466 | Tate | 546 |
| Monroe | 413 | Tippah | 484 |
| Montgomery | 532 | Tishomingo | 402 |
| Neshoba | 329 | Tunica | 588 |
| Newton | 301 | Union | 464 |
| Noxubee | 442 | Walthall | 354 |
| Oktibbeha | 356 | Warren | 549 |
| Panola | 509 | Washington | 659 |
| Pearl River | 294 | Wayne | 359 |
| Perry | 330 | Webster | 525 |
| Pike | 275 | Wilkinson | 312 |
| Pontotoc | 486 | Winston | 381 |
| Prentiss | 458 | Yalobusha | 541 |
| Quitman | 585 | Yazoo | 608 |

MISSOURI

| | | | |
|---|---|---|---|
| Bollinger | 431 | Oregon | 420 |
| Butler | 518 | Osark | 283 |
| Cape Girardeau | 442 | Pemiscot | 606 |
| Carter | 423 | Ripley | 461 |
| Dunklin | 543 | Scott | 513 |
| Howell | 450 | Stoddard | 581 |
| Mississippi | 603 | Vernon | 429 |
| New Madrid | 562 | Wayne | 424 |

NEVADA

| | | | |
|---|---|---|---|
| Clark | 804 | Nye | 871 |

NEW MEXICO

| | | | |
|---|---|---|---|
| Chaves | 779 | Lea | 554 |
| Curry | 416 | Luna | 902 |
| De Baca | 520 | Otero | 707 |
| Dona Ana | 812 | Quay | 514 |
| Eddy | 795 | Roosevelt | 523 |
| Grant | 840 | Sierra | 793 |
| Guadalupe | 353 | Socorro | 645 |
| Hidalgo | 909 | Valencia | 452 |

NORTH CAROLINA

| | | | |
|---|---|---|---|
| Alamance | 294 | Jones | 312 |
| Alexander | 320 | Lee | 354 |
| Anson | 339 | Lenoir | 348 |
| Beaufort | 370 | Lincoln | 388 |
| Bertie | 384 | Martin | 349 |
| Bladen | 313 | Mecklenburg | 369 |
| Brunswick | 306 | Montgomery | 333 |
| Burke | 298 | Moore | 324 |
| Cabarrus | 332 | Nash | 366 |
| Caldwell | 299 | New Hanover | 268 |
| Camden | 414 | Northampton | 412 |
| Carteret | 312 | Onslow | 304 |
| Catawba | 330 | Orange | 301 |
| Chatham | 310 | Pamlico | 309 |
| Chowan | 388 | Pasquotank | 338 |
| Cleveland | 390 | Pender | 308 |
| Columbus | 317 | Perquimans | 376 |
| Craven | 309 | Person | 352 |
| Cumberland | 344 | Pitt | 341 |
| Currituck | 389 | Polk | 320 |
| Davidson | 337 | Randolph | 306 |
| Davie | 349 | Richmond | 333 |
| Duplin | 352 | Robeson | 347 |
| Durham | 301 | Rowan | 378 |
| Edgecombe | 373 | Rutherford | 346 |
| Forsyth | 307 | Sampson | 335 |
| Franklin | 327 | Scotland | 410 |
| Gaston | 334 | Stanly | 355 |
| Gates | 412 | Tyrrell | 326 |
| Granville | 317 | Union | 374 |
| Greene | 333 | Vance | 379 |
| Guilford | 319 | Wake | 327 |
| Halifax | 396 | Warren | 337 |
| Harnett | 361 | Washington | 344 |
| Hertford | 415 | Wayne | 388 |
| Hoke | 348 | Wilkes | 286 |
| Hyde | 329 | Wilson | 390 |
| Iredell | 361 | Yadkin | 279 |
| Johnston | 376 | | |

OKLAHOMA

| County | Normal yield (pounds per acre) | County | Normal yield (pounds per acre) |
|---|---|---|---|
| Adair | 169 | Le Flore | 276 |
| Atoka | 218 | Lincoln | 276 |
| Beaver | 237 | Logan | 315 |
| Beckham | 285 | Love | 213 |
| Blaine | 240 | McClain | 322 |
| Bryan | 273 | McCurtain | 447 |
| Caddo | 300 | McIntosh | 258 |
| Canadian | 307 | Major | 234 |
| Carter | 225 | Marshall | 294 |
| Cherokee | 196 | Mayes | 245 |
| Choctaw | 312 | Murray | 437 |
| Cimmaron | 233 | Muskogee | 313 |
| Cleveland | 341 | Noble | 257 |
| Coal | 283 | Nowata | 251 |
| Comanche | 198 | Okfuskee | 198 |
| Cotton | 204 | Oklahoma | 274 |
| Craig | 232 | Okmulgee | 190 |
| Creek | 215 | Osage | 373 |
| Custer | 354 | Pawnee | 312 |
| Dewey | 256 | Payne | 379 |
| Ellis | 255 | Pittsburg | 243 |
| Garfield | 355 | Pontotoc | 235 |
| Garvin | 368 | Pottawatomie | 256 |
| Grady | 353 | Pushmataha | 189 |
| Grant | 267 | Roger Mills | 300 |
| Greer | 285 | Rogers | 246 |
| Harmon | 359 | Seminole | 190 |
| Harper | 208 | Sequoyah | 448 |
| Haskell | 336 | Stephens | 264 |
| Hughes | 207 | Texas | 439 |
| Jackson | 407 | Tillman | 304 |
| Jefferson | 230 | Tulsa | 303 |
| Johnston | 256 | Wagoner | 307 |
| Kay | 420 | Washington | 321 |
| Kingfisher | 177 | Washita | 307 |
| Kiowa | 275 | Woodward | 221 |
| Latimer | 203 | | |

SOUTH CAROLINA

| | | | |
|---|---|---|---|
| Abbeville | 372 | Hampton | 441 |
| Aiken | 378 | Horry | 274 |
| Allendale | 453 | Jasper | 291 |
| Anderson | 378 | Kershaw | 299 |
| Bamberg | 391 | Lancaster | 340 |
| Barnwell | 395 | Laurens | 358 |
| Beaufort | 284 | Lee | 398 |
| Berkeley | 337 | Lexington | 330 |
| Calhoun | 421 | McCormick | 320 |
| Charleston | 270 | Marion | 303 |
| Cherokee | 345 | Marlboro | 415 |
| Chester | 349 | Newberry | 364 |
| Chesterfield | 321 | Oconee | 350 |
| Clarendon | 399 | Orangeburg | 413 |
| Colleton | 339 | Pickens | 329 |
| Darlington | 385 | Richland | 362 |
| Dillon | 339 | Saluda | 378 |
| Dorchester | 391 | Spartanburg | 278 |
| Edgefield | 395 | Sumter | 368 |
| Fairfield | 281 | Union | 293 |
| Florence | 307 | Williamsburg | 343 |
| Georgetown | 221 | York | 313 |
| Greenville | 349 | | |
| Greenwood | 322 | | |

TENNESSEE

| | | | |
|---|---|---|---|
| Bedford | 426 | Hardin | 444 |
| Benton | 430 | Haywood | 584 |
| Bradley | 338 | Henderson | 541 |
| Cannon | 340 | Henry | 479 |
| Carroll | 590 | Hickman | 408 |
| Chester | 547 | Humphreys | 408 |
| Coffee | 437 | Knox | 480 |
| Crockett | 636 | Lake | 642 |
| Davidson | 393 | Lauderdale | 598 |
| Decatur | 458 | Lawrence | 420 |
| De Kalb | 390 | Lewis | 365 |
| Dyer | 572 | Lincoln | 445 |
| Fayette | 516 | Loudon | 419 |
| Franklin | 524 | McMinn | 335 |
| Gibson | 616 | McNairy | 491 |
| Giles | 391 | Madison | 575 |
| Grundy | 435 | Marion | 485 |
| Hamilton | 382 | Marshall | 408 |
| Hardeman | 536 | Maury | 362 |

TENNESSEE—Continued

| County | Normal yield (pounds per acre) | County | Normal yield (pounds per acre) |
|---|---|---|---|
| Meigs | 356 | Shelby | 515 |
| Monroe | 303 | Tipton | 588 |
| Moore | 364 | Van Buren | 471 |
| Obion | 571 | Warren | 388 |
| Perry | 381 | Wayne | 370 |
| Polk | 368 | Weakley | 527 |
| Rhea | 397 | White | 372 |
| Roane | 389 | Williamson | 364 |
| Robertson | 387 | Wilson | 380 |
| Rutherford | 451 | | |

TEXAS

| | | | |
|---|---|---|---|
| Anderson | 216 | Fayette | 238 |
| Andrews | 281 | Fisher | 309 |
| Angelina | 263 | Floyd | 578 |
| Aransas | 276 | Foard | 234 |
| Archer | 161 | Fort Bend | 352 |
| Armstrong | 276 | Franklin | 205 |
| Atascosa | 214 | Freestone | 163 |
| Austin | 287 | Frio | 551 |
| Bailey | 444 | Gaines | 457 |
| Bastrop | 180 | Galveston | 304 |
| Baylor | 258 | Garza | 359 |
| Bee | 230 | Gillespie | 171 |
| Bell | 172 | Glasscock | 562 |
| Bexar | 206 | Goliad | 178 |
| Blanco | 167 | Gonzales | 167 |
| Borden | 304 | Gray | 246 |
| Bosque | 139 | Grayson | 196 |
| Bowie | 492 | Gregg | 178 |
| Brazoria | 377 | Grimes | 285 |
| Brazos | 528 | Guadalupe | 231 |
| Brewster | 822 | Hale | 554 |
| Briscoe | 459 | Hall | 327 |
| Brooks | 111 | Hamilton | 154 |
| Brown | 152 | Hansford | 347 |
| Burleson | 436 | Hardeman | 280 |
| Burnet | 119 | Hardin | 219 |
| Caldwell | 241 | Harris | 228 |
| Calhoun | 302 | Harrison | 177 |
| Callahan | 153 | Hartley | 271 |
| Cameron | 395 | Haskell | 280 |
| Camp | 197 | Hays | 189 |
| Carson | 264 | Hemphill | 285 |
| Cass | 247 | Henderson | 157 |
| Castro | 518 | Hidalgo | 443 |
| Chambers | 242 | Hill | 150 |
| Cherokee | 217 | Hockley | 466 |
| Childress | 276 | Hood | 187 |
| Clay | 241 | Hopkins | 156 |
| Cochran | 468 | Houston | 195 |
| Coke | 150 | Howard | 274 |
| Coleman | 159 | Hudspeth | 776 |
| Collin | 218 | Hunt | 195 |
| Collingsworth | 292 | Irion | 334 |
| Colorado | 290 | Jack | 185 |
| Comal | 159 | Jackson | 275 |
| Comanche | 118 | Jasper | 197 |
| Concho | 206 | Jeff Davis | 880 |
| Cooke | 219 | Jefferson | 216 |
| Coryell | 152 | Jim Hogg | 109 |
| Cottle | 285 | Jim Wells | 201 |
| Crockett | 436 | Johnson | 171 |
| Crosby | 513 | Jones | 228 |
| Culberson | 884 | Karnes | 161 |
| Dallam | 392 | Kaufman | 179 |
| Dallas | 209 | Kendall | 223 |
| Dawson | 386 | Kent | 255 |
| Deaf Smith | 396 | Kerr | 227 |
| Delta | 243 | Kimble | 230 |
| Denton | 248 | King | 248 |
| DeWitt | 193 | Kinney | 520 |
| Dickens | 278 | Kleberg | 298 |
| Dimmit | 475 | Knox | 313 |
| Donley | 257 | Lamar | 252 |
| Duval | 106 | Lamb | 483 |
| Eastland | 132 | Lampasas | 149 |
| Ector | 482 | La Salle | 299 |
| Ellis | 202 | Lavaca | 196 |
| El Paso | 905 | Lee | 163 |
| Erath | 140 | Leon | 198 |
| Falls | 203 | Liberty | 248 |
| Fannin | 222 | Limestone | 125 |
| | | Live Oak | 187 |
| | | Llano | 167 |



TEXAS—Continued

| County | Normal yield (pounds per acre) | County | Normal yield (pounds per acre) |
|---|---|---|---|
| Loving | 747 | San Jacinto | 169 |
| Lubbock | 539 | San Patricio | 349 |
| Lynn | 376 | San Saba | 221 |
| McCulloch | 155 | Schleicher | 329 |
| McLennan | 160 | Scurry | 291 |
| McMullen | 129 | Shackelford | 178 |
| Madison | 256 | Shelby | 156 |
| Marion | 125 | Smith | 140 |
| Martin | 360 | Somervell | 150 |
| Mason | 391 | Starr | 246 |
| Matagorda | 292 | Stephens | 153 |
| Maverick | 462 | Sterling | 459 |
| Medina | 356 | Stonewall | 213 |
| Menard | 180 | Sutton | 646 |
| Midland | 398 | Swisher | 524 |
| Milam | 233 | Tarrant | 210 |
| Mills | 174 | Taylor | 184 |
| Mitchell | 272 | Terry | 494 |
| Montague | 210 | Throckmorton | 175 |
| Montgomery | 203 | Titus | 209 |
| Moore | 277 | Tom Green | 272 |
| Morris | 181 | Travis | 167 |
| Motley | 265 | Trinity | 161 |
| Nacogdoches | 186 | Tyler | 268 |
| Navarro | 161 | Upshur | 124 |
| Newton | 144 | Upton | 476 |
| Nolan | 268 | Uvalde | 649 |
| Nueces | 343 | Val Verde | 516 |
| Ochiltree | 442 | Van Zandt | 168 |
| Oldham | 261 | Victoria | 277 |
| Palo Pinto | 177 | Walker | 219 |
| Panola | 154 | Waller | 290 |
| Parker | 145 | Ward | 737 |
| Parmer | 594 | Washington | 248 |
| Pecos | 798 | Webb | 483 |
| Polk | 168 | Wharton | 316 |
| Potter | 286 | Wheeler | 254 |
| Presidio | 802 | Wichita | 260 |
| Rains | 160 | Wilbarger | 291 |
| Randall | 317 | Willacy | 408 |
| Reagan | 570 | Williamson | 216 |
| Red River | 297 | Wilson | 228 |
| Reeves | 809 | Winkler | 623 |
| Refugio | 307 | Wise | 164 |
| Roberts | 330 | Wood | 166 |
| Robertson | 543 | Yoakum | 423 |
| Rockwall | 216 | Young | 175 |
| Runnels | 219 | Zapata | 487 |
| Rusk | 198 | Zavala | 650 |
| Sabine | 207 | | |
| San Augustine | 186 | | |

VIRGINIA

| | | | |
|---|---|---|---|
| Brunswick | 334 | Mecklenburg | 326 |
| Charlotte | 313 | Nansemond | 376 |
| Chesapeake | 384 | Patrick | 364 |
| Cumberland | 307 | Prince Edward | 313 |
| Dinwiddie | 331 | Prince George | 369 |
| Greensville | 376 | Southampton | 346 |
| Halifax | 340 | Surry | 395 |
| Isle of Wight | 403 | Sussex | 341 |
| Lunenburg | 339 | Virginia Beach | 344 |

(Sec. 301, 78 Stat. 173; 7 U.S.C. 1301)

*Effective date.* Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 20, 1964.

RAY FITZGERALD,
*Acting Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 64-12129; Filed, Nov. 25, 1964; 8:49 a.m.]

## Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 49]

## PART 1049—MILK IN THE INDIANAPOLIS, INDIANA, MARKETING AREA

### Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Indianapolis, Ind., marketing area (7 CFR Part 1049), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act.

In § 1049.51(a) the phrase "for the first 18 months beginning with the effective date of this section".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will provide for temporary continuation of the Class I price provisions of the Indianapolis, Indiana, market due to expire November 30, 1964.

(4) Evidence on proposed amendments to the Class I price provisions was received at a hearing held September 24, 1964. A recommended decision was issued November 17, 1964. Under this decision the Class I price differential would be continued at its present level ($1.27) and a common supply-demand adjustor to apply to this market and the Fort Wayne market would be adopted. This suspension action is necessary since there is insufficient time to complete the required procedures for amending the order before the expiration date of the present Class I pricing provision.

Therefore, good cause exists for making this order effective December 1, 1964.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: December 1, 1964.

Signed at Washington, D.C., on November 20, 1964.

GEORGE L. MEHREN,
*Assistant Secretary.*

[F.R. Doc. 64-12102; Filed, Nov. 25, 1964; 8:48 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Airspace Docket No. 64-CE-11]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone and Transition Area

On July 31, 1964 and August 29, 1964, a notice of proposed rule making and a correction were published in the FEDERAL REGISTER (29 F.R. 11130) and (29 F.R. 12430), respectively, which proposed the modification of the control zone and transition area at Bloomington, Ind.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101), the Bloomington, Ind., control zone is amended to read:

Within a 8-mile radius of the Monroe County Airport, Bloomington, Ind. (latitude 39°08'25" N., longitude 86°37'00" W.), and within 2 miles each side of the Bloomington VOR 236° radial, extending from the 3-mile radius zone to 8 miles SW of the VOR, and within 2 miles each side of the Bloomington VOR 072° radial, extending from the 3-mile radius zone to 8 miles E of the VOR, effective from 0600 to 2330 hours, local time, daily.

2. In § 71.181 (29 F.R. 1160), the Bloomington, Ind., transition area is amended to read:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monroe County Airport, Bloomington, Ind. (latitude 39°08'25" N., longitude 86°37'00" W.), within 5 miles NW and 8 miles SE of the Bloomington VOR 236° radial, extending from the VOR to 12 miles SW, and within 5 miles S and 8 miles N of the Bloomington VOR 072° radial, extending from the VOR to 12 miles E.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on November 18, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-12073; Filed, Nov. 25, 1964; 8:45 a.m.]

[Airspace Docket No. 63-CE-79]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Control Zone and Transition Area; Alteration

On October 14, 1964, Federal Register Document 64-10410 was published in the FEDERAL REGISTER (29 F.R. 14102) which altered the control zone, designated a transition area, and revoked the control area extension at Gage, Okla. The effective date of the rule is 0001 e.s.t., December 10, 1964.

Subsequent to the publication of this rule in the FEDERAL REGISTER it was determined that the Gage radio range, upon which one of the control zone extensions and one of the transition area extensions are based, will be decommissioned December 10, 1964. Therefore, the reason and justification for the pertinent extensions will no longer exist after the effective date of the rule and action is taken herein to reflect the changes in the control zone and transition area descriptions.

Since the reason for the extensions will not exist at the effective date of the rule, notice and public procedure pertaining to this amendment is unnecessary and the effective date of the final rule as initially adopted is retained.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101, 14102), the Gage, Okla., control zone is amended to read:

Within a 5-mile radius of the Gage Municipal Airport (latitude 36°17'45" N., longitude 99°46'30" W.), and within 2 miles each side of the Gage VORTAC 118° radial, extending from the 5-mile radius zone to the VORTAC.

2. In § 71.181 (29 F.R. 1160, 14102), the Gage, Okla., transition area is amended to read:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Gage Municipal Airport (latitude 36°17'45" N., longitude 99°46'30" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles SW and 5 miles NE of the Gage VORTAC 118° and 298° radials, extending from 2 miles SE to 13 miles NW of the VORTAC, and within 12 miles E and 10 miles W of the Gage VORTAC 180° radial, extending from the VORTAC to 11 miles S of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on November 19, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-12074; Filed, Nov. 25, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SW-53]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Revocation of Control Area Extension, Alteration of Control Zone, and Designation of Transition Area and Control Zone

On August 6, 1964, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (29 F.R. 11382) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Austin, Tex., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 29, 1965, as hereinafter set forth.

(a) In § 71.165 (29 F.R. 1073), the Austin, Tex., control area extension is revoked.

(b) Section 71.171 (29 F.R. 1101) is amended as follows:

1. The Austin, Tex., control zone is amended to read:

*Austin, Tex.* (*Robert Mueller Municipal Airport*)

Within a 5-mile radius of Robert Mueller Municipal Airport (latitude 30°17'55" N., longitude 97°42'00" W.); within 2 miles each side of the Austin ILS localizer NW course, extending from the 5-mile radius zone to 1 mile SE of the INT of the ILS localizer NW course and the Austin VORTAC 269° radial; and within 2 miles each side of the Austin VORTAC 184° radial, extending from the 5-mile radius zone to the VORTAC.

2. The Austin, Tex. (Bergstrom AFB) control zone is designated to read:

*Austin, Tex.* (*Bergstrom AFB*)

Within a 5-mile radius of Bergstrom AFB (latitude 30°11'45" N., longitude 97°40'35" W.); within 2 miles each side of the Bergstrom VOR 002° radial, extending from the 5-mile radius zone to 3.5 miles N of the VOR; within 2 miles each side of the Bergstrom ILS localizer S course, extending from the 5-mile radius zone to the LOM, excluding that portion within the Austin, Tex. (Robert Mueller Municipal Airport) control zone.

(c) In § 71.181 (29 F.R. 1160), the following is added:

*Austin, Tex.*

That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 30°23'25" N., longitude 97°43'35" W.; within a 7-mile radius of Bergstrom AFB; within 2 miles each side of the Bergstrom ILS localizer S course, extending from the 7-mile radius area to 12 miles S of the LOM; within 2 miles each side of the Bergstrom VOR 002° and 182° radials, extending from the 7-mile radius area to 12 miles S of the VOR; and within 2 miles each side of the Austin ILS localizer SE course, extending from the 7-mile radius area to 8 miles SE of the Austin LOM; and that airspace extending upward from 1,200 feet above the surface within an area beginning at latitude 30°33'30" N., longitude 98°31'30" W.; to latitude 30°48'00" N., longitude 98°03'00" W.; to latitude 30°48'00" N., longitude 97°39'00" W.; to latitude 30°57'00" N., longitude 97°36'00" W.; to latitude 30°55'00" N., longitude 97°26'00" W.; to latitude 30°48'00" N., longitude 97°14'00" W.; to latitude 30°48'00" N., longitude 97°05'20" W.; to latitude 29°54'00" N., longitude 96°49'00" W.; to latitude 29°45'30" N., longitude 98°06'00" W.; thence to point of beginning; and that airspace extending upward from 4,500 feet MSL within an area beginning at latitude 30°48'00" N., longitude 97°05'20" W.; to latitude 30°51'00" N., longitude 96°56'00" W.; to latitude 30°39'15" N., longitude 96°38'00" W.; to latitude 30°33'00" N., longitude 96°40'00" W.; to latitude 30°30'30" N., longitude 96°32'00" W.; to latitude 30°26'00" N., longitude 96°58'30" W.; thence to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on November 18, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-12075; Filed, Nov. 25, 1964; 8:45 a.m.]

# Title 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

[Release No. 34-7465]

## PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

### Regulation of Specialists

On September 24, 1964, in Securities Exchange Act Release No. 7432, and in the FEDERAL REGISTER of October 6, 1964, 29 F.R. 13777, the Securities and Exchange Commission announced that it had under consideration a proposal to adopt a rule under the Securities Exchange Act of 1934 ("Exchange Act") regulating the conduct of specialists on national securities exchanges. The background of the proposal is discussed in that release.

The Commission has considered the comments and suggestions received on the proposal and has adopted Rule 11b-1 (17 CFR 240.11b-1) in the form stated below, effective January 4, 1965.

*Summary of Rule 11b-1 (17 CFR 240.11b-1).* Specialists are exchange members who "specialize" in particular securities traded on the floor of an exchange. They act as brokers, executing orders entrusted to them by other brokers on behalf of the latter's customers, and they also purchase or sell securities as principal for their own account (dealer transactions) to assist in the maintenance of a fair and orderly market in the securities in which they specialize.

Paragraph (a)(1) of Rule 11b-1 (17 CFR 240.11b-1) provides that national securities exchanges may register members as specialists and permit them to act as dealers. Under paragraph (a)(2), if an exchange permits its specialists to act as dealers, the rules of such an exchange must meet certain standards. The rules must include adequate minimum capital requirements; a requirement that a specialist affirmatively engage in a course of dealings for his own account to assist in the maintenance, so far as practicable, of a fair and orderly market; restrictions limiting a specialist's dealer transactions to those reasonably necessary to permit him to maintain a fair and orderly market; provisions setting forth the brokerage responsibilities of a specialist; and procedures which will provide for effective and systematic surveillance of the activities of specialists.

Paragraph (a)(3) of Rule 11b-1 17 CFR 240.11b-1) requires exchanges not exempted from the rule to file with the Commission copies of their rules in the areas covered by paragraph (a)(2), and provides that the Commission may disapprove any change or addition to such rules in accordance with the procedure prescribed in paragraph (a)(3) of the rule. Under this procedure, the Commission must give an exchange written notice, within 30 days after filing, of its intention to determine whether or not a change or addition in its specialist rules should be disapproved. The exchange proposing such a change or addition has 60 days thereafter to present evidence or argument and the Commission may, after consideration of all relevant material presented in writing or at a hearing, enter an order disapproving such change or addition if it finds that it is inadequate to achieve the purposes set forth in paragraph (a)(2) of the rule or is inconsistent with the public interest or the protection of investors.

Paragraph (b) of Rule 11b-1 (17 CFR 240.11b-1) permits the Commission to institute proceedings, under certain circumstances, to require an exchange to cancel or suspend a specialist's registration in one or more of his specialty securities if he engages in transactions which are not part of a course of dealings reasonably necessary to permit him to maintain a fair and orderly market or to act as an odd-lot dealer in such securities.

Paragraph (c) of Rule 11b-1 (17 CFR 240.11b-1) defines the term "rules" of an exchange broadly to include its constitution, articles of incorporation, by-laws, or rules or instruments corresponding thereto, and its stated policies. Paragraph (d) of the rule provides for an exemption from the various provisions of the rule for national securities exchanges complying with the provisions of section 11(c) of the Exchange Act.

*Purpose of Rule 11b-1 (17 CFR 240.11b-1).* Section 11(a) of the Exchange Act authorizes the Commission to prescribe such rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors to regulate or prevent transactions on the floor of an exchange by members for their own account. That section also permits the Commission to make exceptions from such rules for transactions by specialists which meet the standards contained in section 11(b). Under the latter section, if a specialist is permitted by rules and regulations of the Commission to act as a dealer, such rules and regulations "shall restrict his dealings so far as practicable to those reasonably necessary to permit him to maintain a fair and orderly market." Rule 11b-1 (17 CFR 240.11b-1), as complemented by the rules of the exchanges, will provide a comprehensive system for the regulation of specialists in compliance with this statutory mandate.

Securities Exchange Act Release No. 7432 describes a series of changes in the rules, policies and procedures of the New York and American Stock Exchanges governing specialists that will take effect concurrently with the effectiveness of Rule 11b-1 (17 CFR 240.11b-1). As detailed in Release No. 7432, these changes in exchange rules are designed to improve the dealer performance of specialists, to ameliorate various problems arising because the specialist is permitted to exercise the functions of both broker and dealer, and to provide for more effective surveillance of specialists' activities. The Commission expects that the rules, policies and procedures of the New York Stock Exchange and the American Stock Exchange, as so modified and expanded, will meet the standards described in paragraph (a)(2) of Rule 11b-1 (17 CFR 240.11b-1).

Rule 11b-1 (17 CFR 240.11b-1) and the changes in the rules, policies and procedures of the New York and American Stock Exchanges governing specialists have been developed upon the basis of an intensive study of the specialist system made by the Commission's Special Study of Securities Markets[1] and in subsequent discussions between the Commission and the respective exchanges on the Special Study recommendations. The Commission believes that these measures constitute an effective basis for the regulation and surveillance of specialist activities on the New York and American Stock Exchanges. However, the effectiveness of these measures depends in great part upon the manner in which the exchanges exercise their self-regulatory responsibilities. If experience indicates that the regulatory approach incorporated in Rule 11b-1 (17 CFR 240.11b-1) is unworkable or should be modified, the Commission is not precluded from exercising its broad rule-making power under section 11(b) and will make such regulatory changes as may be necessary or desirable.

In accordance with the provisions of paragraph (d) of Rule 11b-1 (17 CFR 240.11b-1), the Commission proposes to exempt the following national securities exchanges having specialist systems from the provisions of Rule 11b-1 (17 CFR 240.11b-1): Boston Stock Exchange, Cincinnati Stock Exchange, Detroit Stock Exchange, Midwest Stock Exchange, National Stock Exchange, Pacific Coast Stock Exchange, Philadelphia-Baltimore-Washington Stock Exchange and Pittsburgh Stock Exchange. The exemption is based upon the limited volume of transactions on these exchanges and the fact that the Commission has not made any studies of the structure of regional exchange specialist systems.

*Statutory basis.* The Securities and Exchange Commission acting pursuant to the Securities Exchange Act of 1934, as amended, and particularly sections 11(a), 11(b) and 23(a) thereunder, deeming it necessary for the exercise of the functions vested in it, and necessary and appropriate in the public interest and for the protection of investors, hereby adopts Rule 11b-1 (17 CFR 240.11b-1) as set forth below, effective January 4, 1965.

The action of the Commission follows:

Title 17 of the Code of Federal Regulations is amended by adding a new § 240.11b-1 to read as follows:

**§ 240.11b-1 Regulation of specialists.**

(a)(1) The rules of a national securities exchange may permit a member of such exchange to register as a specialist and to act as a dealer. Any change in or addition to the rules of such exchange in the areas covered by subparagraph (2) of this paragraph made after this section becomes applicable to such exchange shall be subject to the provisions of subparagraph (3) of this paragraph.

(2) The rules of a national securities exchange permitting a member of such exchange to register as a specialist and to act as a dealer shall include:

(i) Adequate minimum capital requirements in view of the markets for securities on such exchange;

(ii) Requirements, as a condition of a specialist's registration, that a specialist engage in a course of dealings for his own account to assist in the maintenance, so far as practicable, of a fair and orderly market, and that a finding by the exchange of any substantial or continued failure by a specialist to engage in such a course of dealings will result in the suspension or cancellation of such specialist's registration in one or more of the securities in which such specialist is registered;

(iii) Provisions restricting his dealings so far as practicable to those reasonably necessary to permit him to maintain a fair and orderly market or necessary to permit him to act as an odd-lot dealer;

(iv) Provisions stating the responsibilities of a specialist acting as a broker in stocks in which he is registered; and

(v) Procedures to provide for the effective and systematic surveillance of the activities of specialists.

(3) Every national securities exchange not exempted from this section shall file with the Commission copies of its rules in the areas covered by subparagraph (2) of this paragraph. Any change in or addition to such rules shall take effect in the manner provided for by the rules of such exchange and the provisions of the Act and rules and regulations thereunder, except that such change or addition shall not continue in

[1] See Report of the Special Study of Securities Markets, Pt. 2, pp. 57-171.

effect after the Commission enters an order disapproving such change or addition; and the Commission shall enter an order disapproving such change or addition if the Commission finds that it is inadequate to achieve the purposes of the provisions set forth in subparagraph (2) of this paragraph or is inconsistent with the public interest or the protection of investors. The Commission will not disapprove any such change or addition unless it has given such exchange written notice of its intention to determine whether or not such change or addition should be disapproved and such notice shall be given within 30 days after the filing thereof. Within 60 days after such notice, such exchange shall have the opportunity to present to the Commission any evidence or arguments with respect to such change or addition. After consideration of all relevant material presented in writing or at a hearing, the Commission may enter an order disapproving such change or addition, or may permit such change or addition to continue in effect: *Provided, however,* That the validity, force or effect of any act or omission by an exchange or a member, officer or employee thereof in bona fide reliance on such change or addition prior to the entry of such an order of disapproval shall not be affected thereby.

(b) If after appropriate notice and opportunity for hearing the Commission finds that a member of a national securities exchange registered with such exchange as a specialist in a specified stock or stocks has, for any account in which he, his member organization, or any participant therein has any beneficial interest, direct or indirect, effected transactions in such stock or stocks which were not part of a course of dealings reasonably necessary to permit such specialist to maintain a fair and orderly market, or to act as an odd-lot dealer, in the stocks in which he is registered and were not effected in a manner consistent with the rules adopted by such exchange pursuant to paragraph (a)(2)(iii) of this section, the Commission may by order direct such exchange to cancel, or to suspend for such period as the Commission may determine, such specialist's registration in one or more of the securities in which such specialist is registered: *Provided, however,* If such exchange has itself suspended or canceled such specialist's registration in one or more of the securities in which such specialist is registered, no further sanction shall be imposed pursuant to this paragraph (b) except in a case where the Commission finds substantial or continued misconduct by a specialist: *And provided, further,* That the provisions of this paragraph (b) shall not apply to a member of a national securities exchange exempted pursuant to the provisions of paragraph (d) of this section.

(c) For the purposes of this section, the term "rules" of an exchange shall mean its constitution, articles of incorporation, by-laws, or rules or instruments corresponding thereto, whatever the name, and its stated policies.

(d) Any national securities exchange may apply for an exemption from the provisions of this section in compliance with the provisions of section 11(c) of the Act.

(Secs. 11(a), 11(b), and 23(a), 48 Stat. 891, 892, 901, as amended, 15 U.S.C. 78k(a), 78k(b), 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOVEMBER 20, 1964.

[F.R. Doc. 64-12079; Filed, Nov. 25, 1964; 8:46 a.m.]

# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56312]

## PART 16—LIQUIDATION OF DUTIES

### Countervailing Duty Orders

Treasury Decision 55567 (27 F.R. 1554) limited the application of the countervailing duty orders with respect to certain manufactures of silk produced in the United Kingdom of Great Britain and Northern Ireland (T.D. 53476, 19 F.R. 2405; T.D. 55023, 25 F.R. 243) to such merchandise exported prior to October 1, 1961.

Treasury Decision 55184 (25 F.R. 7099) limited the application of the countervailing duty order with respect to almonds exported from Spain (T.D. 54792, 24 F.R. 1177) to such exportations made prior to July 21, 1959.

Treasury Decision 55044 (25 F.R. 1156) limited the application of the countervailing duty order with respect to wool tops imported from Uruguay (T.D. 53257, 18 F.R. 2653, as modified by T.D. 53446, 19 F.R. 1421, and T.D. 54798, 24 F.R. 1684) to such merchandise exported prior to December 17, 1959.

In view of the passage of time since the dates of the above described limitations, it is no longer likely that importations subject to the countervailing duty orders will be made. The table in § 16.24(f) which lists the countervailing duty orders currently in effect is therefore amended as follows:

The listing "Silk and silk articles" in the "Commodity" column and all matter pertaining thereto in the columns headed "Treasury Decision" and "Action" are hereby deleted.

The listing "Spain" and "Uruguay" in the "Country" column; "Almonds" and "Wool tops" in the "Commodity" column; and all matter pertaining to these listings in the "Treasury Decision" column and the "Action" column are hereby deleted.

(Secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 1303, 1624)

[SEAL] LESTER D. JOHNSON, *Acting Commissioner of Customs.*

Approved: November 19, 1964.

JAMES A. REED, *Assistant Secretary of the Treasury.*

[F.R. Doc. 64-12112; Filed, Nov. 25, 1964; 8:48 a.m.]

# Title 20—EMPLOYEES' BENEFITS

## Chapter II—Railroad Retirement Board

## PART 201—PLAN OF OPERATION DURING A NATIONAL EMERGENCY

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, 45 U.S.C. 228j) and section 12 of the Act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. 362) and Executive Order 11095, Part 201 to Subchapter A of the Regulations under such acts is adopted by Board Order 64-135, dated October 28, 1964, to read as follows:

Sec.
201.1 Purpose.
201.2 National emergency and effective date.
201.3 Policy.
201.4 Mailing instructions.
201.5 Organization and functions of the Board, delegations of authority, and lines of succession.
201.6 Personnel, fiscal, and service functions.
201.7 Operating regulations.
201.8 Regulations for employers.

AUTHORITY: The provisions of this Part 201 issued under sec. 10, 50 Stat. 314, as amended; 45 U.S.C. 228j and sec. 12, 52 Stat. 1107, as amended; 45 U.S.C. 362.

### § 201.1 Purpose.

(a) The Railroad Retirement Board has adopted a plan to provide basic organization and methods of operation which may be needed to continue the uninterrupted payment of retirement, survivor, unemployment, and sickness benefits and the continuation of employment service under the Railroad Retirement Act (45 U.S.C. ch. 9) and the Railroad Unemployment Insurance Act (45 U.S.C. ch. 11) during a period of national emergency as defined in § 201.2.

(b) The plan is published to inform all interested persons of the circumstances and ways in which the Board will organize and operate in a national emergency.

### § 201.2 National emergency and effective date.

A period of national emergency shall be deemed to exist and the provisions of this part shall become effective only (a) after an attack upon the United States, or at a time specified by the authority of the President after such attack, and (b) by order of the chairman of the Board or his successor as set forth in § 201.5, or when it is no longer possible to communicate with such official at his designated station.

### § 201.3 Policy.

To the greatest extent possible, payment of benefits shall be made and employment service functions shall be carried on through the period of a national emergency in strict conformance with the pertinent provisions of the Railroad Retirement Act, the Railroad Unemployment Insurance Act, and the regulations promulgated by the Board to administer those acts. Where the character of the national emergency is such as to prevent this, the stand-by regulations contained in this part shall obtain. It will be expected, however, that every effort shall be made to return to normal operating practices as quickly as possible thereafter.



### § 201.4 Mailing instructions.

In a national emergency as defined in § 201.2, all mail shall be directed to Board offices at their normal locations. Through pre-positioned registration information with the Registration and Information facilities of the United States Post Office Department, mail will be redirected automatically to the Board's relocation sites if offices at normal locations become inoperative.

### § 201.5 Organization and functions of the Board, delegations of authority, and lines of succession.

(a) During a national emergency as defined in § 201.2, the respective functions and responsibilities of the Board, the bureaus and offices, and the regional and district offices shall be to the extent possible as set forth in the U.S. Government Organization Manual; where not possible such functions and responsibilities may be exercised without regard to any existing policy or procedure of the Board.

(b) The following delegation of authority is made to provide continuity of that organization in the event of a national emergency:

(1) The chairman of the Board shall act with full administrative authority for the Board.

(2) In the absence or incapacity of the chairman of the Board, the authority of the chairman to act for the Board shall pass to the available successor highest on the following list:

Management Member of the Board.
Labor Member of the Board.
Chief Executive Officer.
Director of Wage and Service Records.
Director of Budget and Fiscal Operations.
Director of Management Control.
Director of Research.
The Regional Director highest on the following list:
Kansas City.
Dallas.
Cleveland.
Atlanta.
San Francisco.
New York.
Chicago.

(3) Except as may be determined otherwise by the chairman of the Board or his successor and as provided in §§ 201.6 and 201.7, the duties of each bureau or office head, or regional director shall be discharged in his absence or incapacity during a national emergency by the available staff member next in line of succession. Each bureau and office head, and each regional director shall designate and pre-position the line of succession within his bureau, office or region. If no such designation has been made, such duties shall be assumed by the available subordinate who is highest in grade or, if there is more than one, in length of Board service.

(4) Emergency responsibility and authority under this section, once assumed, shall be relinquished on direction of the duly constituted higher authority acting under the provisions of subparagraph (2) of this paragraph.

### § 201.6 Personnel, fiscal, and service functions.

(a) *Personnel.* In a national emergency as defined in § 201.2, when it is no longer possible for a regional director, or the manager of the Seattle district office, to communicate with the chairman of the Board or his successor as set forth in § 201.5, complete responsibility and authority for administration of the personnel function are delegated to such regional director, or the Seattle district manager, for his respective OCD-OEP geographic area.

(b) *Fiscal.* (1) In a national emergency as defined in § 201.2, the chairman of the Board or his successor as set forth in § 201.5 shall designate an individual to assume the responsibilities of the Director of Budget and Fiscal Operations in the event the Director or the Assistant Director is unable to assume those responsibilities.

(2) In a national emergency, incumbents of the following positions are hereby authorized to appoint emergency certifying officers:

Chief Executive Officer.
Director, Office of Budget and Fiscal Operations.
Director, Bureau of Retirement Claims.
Director, Bureau of Unemployment and Sickness Insurance.
Regional Directors, or
Regional Unemployment Insurance Officers, or
Chiefs of Field Activities.

(i) The emergency certifying officers shall be empowered to certify:

(*a*) Benefit payments under the Railroad Retirement Act.

(*b*) Benefit payments under the Railroad Unemployment Insurance Act.

(*c*) Administrative expenses of the Railroad Retirement Board.

(ii) Emergency certifying officers shall be appointed under the authority delegated by this section when (*a*) normal channels for certifying payments have been rendered inoperable, and (*b*) clearance has been obtained from the ranking official in line of succession as set forth in § 201.5(b) (1) and (2) and under such instructions and conditions as he may prescribe. Appointing officers shall observe the requirements of section IV (A3 and A6) of the Emergency Disbursing Plan of the Department of the Treasury with respect to required signature cards and bonds.

(3) In a national emergency, incumbents of the following positions are designated as emergency cashiers and are authorized to receive and disburse cash for emergency administrative needs of the Board:

| CASHIER | ALTERNATES |
|---|---|
| Chairman of the Board. | Director, Bureau of Retirement Claims.<br>Director, Bureau of Unemployment and Sickness Insurance. |
| Management Member of the Board. | Labor Member of the Board.<br>Director, Office of Budget and Fiscal Operations. |
| Chief Executive Officer. | None. |
| Regional Director: | |
| Atlanta | Chief of Field Activities. |
| New York | Do. |
| Cleveland | Assistant Chief of Field Activities. |
| Chicago | Do. |
| Dallas | Chief of Field Activities. |
| Kansas City | Do. |
| San Francisco | Do. |
| District Manager—Seattle. | None. |

(i) The incumbents of the positions listed in this subparagraph (3) are also designated as certifying officers for administrative expenses. They shall perform in the dual capacity of cashier and certifying officer only where circumstances make it impractical to use the services of another individual as certifying officer, and only when (*a*) all channels for making administrative payments through a regional disbursing office of the Department of the Treasury have been rendered inoperable, and (*b*) clearance has been obtained from the ranking official in line of succession as set forth in § 201.5(b) (1) and (2) if possible.

(ii) Cash disbursed under this authority shall be used in payment of payrolls, travel reimbursement vouchers, emergency travel advances and other necessary administrative expenses of the Board; cash shall not be used to pay benefits under the Railroad Retirement Act or the Railroad Unemployment Insurance Act.

(c) *Supply and Service.* (1) In a national emergency as defined in § 201.2, complete responsibility and authority for the procurement of needed supplies, equipment, space, communications, transportation (automobiles only), and repair services are delegated to each regional director and to the manager of the Seattle district office for their respective OCD-OEP geographic areas.

(2) Federal sources of supply and service, if available, shall be used.

(3) Any supplies, equipment, space, or services provided under this emergency delegation shall be documented to show what was provided, the amount procured, the cost thereof, and the source from which procured.

(4) As soon after the period of national emergency as conditions permit, the records required by subparagraph (3) of this paragraph shall be transmitted to the Director, Office of Supply and Service or his surviving successor.

### § 201.7 Operating regulations.

(a) *Retirement claims.* (1) In a national emergency as defined in § 201.2, applications for and development and

certification of claims for retirement, disability, and survivor benefits shall be to the extent possible, as set forth in subchapter B of this chapter, except that:

(i) Standards of evidence may be relaxed although legal requirements for entitlement to payments shall remain unchanged; in determining relationships, employment, birth, death, etc., consideration shall be given to whatever information is in the possession of applicants and beneficiaries or the Board office adjudicating a claim.

(ii) If prescribed forms are not available, any writing that contains substantially the necessary information shall be acceptable.

(iii) In a national emergency, that is when the headquarters office is inoperable, the development and certification of claims shall be assumed by the regional offices.

(2) To provide the necessary authority for a decentralized program as outlined in this paragraph, those authorities which have been delegated to the Director, Bureau of Retirement Claims, are hereby delegated to the regional directors of their surviving successors.

(b) *Unemployment and sickness claims.* (1) In a national emergency as defined in § 201.2, receipt, adjudication, and certification of claims for unemployment and sickness benefits shall be to the extent possible as set forth in Subchapter C of this chapter, except that:

(i) Where the Board's wage records have been destroyed or are otherwise unavailable, the wage-record evidence in the possession of the claimant, or the employer's wage records will be acceptable in determining qualifications for benefits.

(ii) In the event normal record sources such as claim file folders or magnetic tape master records are destroyed or otherwise unavailable, other evidence of previous benefit payments shall be considered in determining the periods for which benefits are currently payable and the amounts.

(iii) In developing sickness benefit claims where medical evidence in the form of a doctor's statement is not available, an affidavit from the claimant or other person having knowledge of his sickness or injury shall be acceptable.

(iv) If prescribed forms are not available, any writing that contains substantially the necessary information shall be acceptable.

(v) Eligibility interviews, investigations, and checking procedures shall be curtailed.

(vi) If claims cannot be submitted to the processing offices in headquarters and in the regions because of the national emergency or if those offices become inoperative, the development and certification of claims shall be assumed by district offices.

(2) To provide the necessary authority for a decentralized program as outlined in this paragraph (b), the authorities which have been delegated to the Director, Bureau of Unemployment and Sickness Insurance and to the regional directors are hereby delegated to the district managers or to their surviving successors.

(c) *Manpower.* (1) In a national emergency as defined in § 201.2, complete responsibility and authority for administration of the manpower function are delegated to regional directors and district managers who shall be governed by existing Board procedures as set forth in Subchapter C of this chapter, except that maximum freedom in the implementation thereof may be exercised.

**§ 201.8 Regulations for employers.**

(a) In a national emergency as defined in § 201.2, employers shall continue to follow to the greatest extent possible the provisions set forth in Subchapters A and B of this chapter in registering new employees, in submitting employee and compensation data, in distributing certificates of service and compensation, in making contributions and contribution reports, in providing information relating to retirement claims, in providing information relating to unemployment and sickness claims, and in maintaining claims office facilities.

(b) Where the national emergency prevents employers from following these provisions in whole or in part, it shall be their responsibility to resume the payment of contributions and other normal practices as quickly as possible in the post-attack period, to bring contribution accounts up to date, and to supply the Board with wage and service and other required information within the limits of available data withheld during the emergency.

(c) In a national emergency as defined in § 201.2, contributions, communications, and other materials are to be mailed as set forth in § 201.4.

(Sec. 10, 50 Stat. 314, as amended; 45 U.S.C. 228j and sec. 12, 52 Stat. 1107, as amended; 45 U.S.C. 362)

Dated: November 20, 1964.

By authority of the Board.

LAWRENCE GARLAND,
*Secretary of the Board.*

[F.R. Doc. 64-12067; Filed, Nov. 25, 1964; 8:47 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

## PART 203—BRIDGE REGULATIONS

### St. Joseph Harbor, Mich.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.641 is hereby amended with respect to paragraph (f) to include a new subparagraph (2-a) to govern the operation of the Michigan State Highway Department Main Street Bridge across St. Joseph Harbor, Michigan, effective 30 days after publication in the FEDERAL REGISTER, as follows:

**§ 203.641 Great Lakes tributaries; bridges where constant attendance of draw tenders is not required.**

* * * * *

(f) The bridges to which this section applies, and the special regulations applicable in each case, are as follows:

* * * * *

(2-a) St. Joseph Harbor, Mich.; The Michigan State Highway Department Main Street (Blossomland) Bridge, Mi. 0.90, at St. Joseph. From 15 December to 1 March, at least 12 hours' advance notice required.

* * * * *

[Regs., Nov. 12, 1964, 1507-32 (St. Joseph Harbor, Mich.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
*Major General, U.S. Army,*
*The Adjutant General.*

[F.R. Doc. 64-12068; Filed, Nov. 25, 1964; 8:47 a.m.]

# Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

## Chapter I—Patent Office, Department of Commerce

## PART 1—RULES OF PRACTICE IN PATENT CASES

### Interferences

The following amended rules are adopted. The text of these rules, except in certain particulars, was published in the FEDERAL REGISTER of July 9, 1964 (29 F.R. 9398), and all persons who desired to were invited to submit written data, views, arguments or suggestions, or to attend the hearing held on September 1, 1964, in connection therewith. The rules are being adopted after full and careful consideration of all the material submitted. The departures from the published text meet the views expressed in the material.

The time and manner of taking effect is as follows:

The amended rules shall take effect January 1, 1965, and shall apply only to interferences proposed for declaration after that date. In all other cases, the rules prior to amendment shall apply.

Section 1.204(b) of Title 37 CFR (Patent Rule 204) is amended and new paragraph (c) is added, as follows:

**§ 1.204 Interference with a patent; affidavit by junior party.**

* * * * *

(b) When the effective filing date of an applicant is three months or less subsequent to the effective filing date of a patentee, the applicant, before the interference will be declared, shall file an affidavit that he made the invention in controversy in this country before the effective filing date of the patentee, or that his acts in this country with respect to the invention were sufficient to establish priority of invention relative to the effective filing date of the patentee.

(c) When the effective filing date of an applicant is more than three months subsequent to the effective filing date of the patentee, the applicant, before the interference will be declared, shall file two copies of affidavits by himself and by one or more corroborating witnesses, supported by documentary evidence if available, setting out a factual description of acts and circumstances which would prima facie entitle him to an award of priority relative to the effective filing date of the patentee, and accompanied by an explanation of the basis on which he believes that the facts set forth would overcome the effective filing date of the patentee. Upon a showing of sufficient cause, an affidavit on information and belief as to the expected testimony of a witness whose testimony is necessary to overcome the filing date of the patentee may be accepted in lieu of an affidavit by such witness. If the examiner finds the case to be otherwise in condition for the declaration of an interference he will consider this material only to the extent of determining whether a date prior to the effective filing date of the patentee is alleged, and if so, the interference will be declared.

Section 1.226 is amended to read as follows:

**§ 1.226 Notice and access to applications.**

(a) After the preliminary statements have been received and approved, or the time for filing them has expired, the parties will be notified, and given the serial numbers and filing dates of the applications of each adverse party, including any applications which the parties may be entitled to inspect, and the parties will be permitted to see or obtain copies of each other's applications, except copies of affidavits filed under §§ 1.131, 1.202 and 1.204 which shall be and remain sealed until preliminary statements are opened under § 1.227, except as provided in § 1.228 regarding affidavits under § 1.204(c). The preliminary statements will be resealed by an examiner of interferences and shall not be revealed to the opposing parties except as provided in § 1.227.

(b) The notices will also ordinarily specify the motion period (§ 1.231) and may also include an order to show cause (§§ 1.225 and 1.228).

Section 1.228, is added, reading as follows:

**§ 1.228 Summary judgment.**

When an interference has been declared on the basis of a showing under § 1.204(c), such showing will be examined by a Board of Patent Interferences. If the Board considers that the facts set out in the showing provide sufficient basis for overcoming the effective filing date of the patentee, the interference will proceed in the normal manner as provided by these rules; otherwise an order shall be entered after the preliminary statements have been received and approved or the time for filing them has expired (§ 1.226), pointing out wherein the showing is insufficient and notifying the applicant making such showing that summary judgment will be rendered against him because of such insufficiency at the expiration of a period specified in the notice, not less than thirty days, unless cause be shown why such action should not be taken. Any response made during the specified period will be considered by the Board without an oral hearing unless such hearing is requested by the applicant, but additional affidavits or exhibits will not be considered unless accompanied by a showing justifying their omission from the original showing. If the applicant files a response to the order to show cause, the patentee will be furnished with one of the copies of the showing under § 1.204(c) and will be allowed thirty days from its mailing date within which to present his views with respect thereto. He shall also be entitled to be represented at any oral hearing on the matter.

Section 1.261 is amended to read as follows:

**§ 1.261 Termination of interference.**

An interference will be terminated by judgment of priority after final hearing (§§ 1.251 to 1.259), or by judgment on the record as provided by § 1.225 or § 1.252, or by summary judgment because of an insufficient showing under § 1.204(c) as provided by § 1.228, or by dissolution as provided by § 1.232 or § 1.237, or as otherwise provided.

(Sec. 1, 66 Stat. 793, 35 U.S.C. 6)

EDWARD J. BRENNER,
*Commissioner of Patents.*

Approved: November 13, 1964.

WILLIAM W. EATON,
*Acting Assistant Secretary for Science and Technology.*

[F.R. Doc. 64-12090; Filed, Nov. 25, 1964; 8:47 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

[No. 32155]

## PART 182—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

### Miscellaneous Amendments

*Order.* At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D.C., on the 12th day of November A.D. 1964.

The Commission having under consideration a notice of proposed rule making published in the FEDERAL REGISTER on August 21, 1964 (29 F.R. 11980), which proposed modifications of the accounting regulations for motor carriers of property relating to (1) extraordinary and delayed items of profits and losses; (2) procedures for recording properties acquired through purchase of another motor carrier or through merger other than in a pooling of equity interests of stockholders; and (3) rearrangements in the portion of the form of the balance sheet disclosing shareholders', or proprietors', equity, and due consideration having been given to the responses pursuant to said notice:

*It is ordered,* That the modifications of the regulations (49 CFR Part 182) which are set forth and made a part hereof shall become effective January 1, 1965; and

*It is further ordered,* That notice of this order shall be given to Class I and Class II common and contract motor carriers of property subject to its provision, and to every trustee, receiver, executor, administrator, or assignee of such motor carriers, and notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing the order with the Director, Office of the Federal Register.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

By the Commission, division 2.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

*I. Sections and Subsections of the General Instructions Canceled and Revised Sections and Subsections Added*

*Item No. 1.* Section 182.01-8, *Delayed items.* Cancel this entire § 182.01-8, including title and text but retain the section number. Add the title and text shown hereunder in substitution for the section canceled.

**§ 182.01-8 Extraordinary and delayed items of profits and losses.**

(a) (As revised January 1, 1965.) All items of profit and loss recognized during the year are includible in net income except extraordinary and delayed items which in the aggregate for the same class are both material in relation to normal annual net income and are clearly not identified with and do not result from usual business operations of the year. Important extraordinary and delayed items which occur from time to time and which, when material in amount, are excludible from net income are those resulting from unusual sales of capital assets (not a unit of property sold or retired in the regular course of business operations) and such losses as those resulting from wars, earthquakes, and similar calamities and catastrophes, which are not a recurrent hazard of the business and which are not usually covered by insurance.

(b) "Material," as used in paragraph (a) of this section, means amounts which, unless excluded from income accounts, would distort the accounts and impair the significance of net income and financial results of business operations for the year so that misleading inferences might be drawn therefrom. When net income for the year is subnormal, whether or not an extraordinary and delayed item of profit or loss is material for the purpose of excluding the amount from net income under the rule herein shall be determined in relation to the business operations or gross revenues for the year. The carrier shall prepare and keep in its records a statement showing the full particulars concerning each such item, including the accounts and years that would have been affected had items not been delayed.

(c) Ordinary delayed items and adjustments arising during the current year which are applicable to or related to

transactions of prior years shall be included in the same accounts which would have been charged or credited if the item had been taken up or adjusted in the period to which it pertained. Ordinary delayed items excludes items of the character described in paragraph (a) of this section.

*Item No. 2.* Section 182.01–20, *Acquisition of a distinct operating unit.* In this § 182.01–20, cancel the entire subparagraph designated (1) *Purchase,* consisting of all subdivisions and material in the subparagraph preceding subparagraph (2). Add the following revised subparagraph (1) consisting of three subdivisions. Retain without change subparagraph (2) relating to merger or consolidation in a pooling of equity interests.

**§ 182.01–20 Acquisition of a distinct operating unit.**

(a) • • •

(1) *Purchase.* (i) When physical property and other assets are purchased from another motor carrier company the amounts includible in accounts 1200, 1300, 1400 and 1560 for (*a*) carrier operating property, (b) noncarrier property and (c) intangible property which includes certificates and permits issued by regulatory agencies to engage in transportation operations, shall be based on the cost to the buyer of each of such assets. Other assets acquired and the liabilities assumed shall be recorded in the appropriate prescribed accounts in the amounts shown in the books of the seller, adjusted as may be necessary to conform with this system of accounts. When separate costs for the physical property and the intangible property are not indicated in the purchase and sale agreement, or otherwise disclosed in the application or record in the proceeding, a reasonable amount carefully ascertained based on the best information obtainable representing a fair portion of the total purchase price shall be assigned to each such class of property. When a purchase is preceded by a preliminary acquisition of control through purchase of capital stock (other than in a pooling of equity interests as described in subparagraph (2) of this section) the carrying value of the capital stock, now to be canceled, plus the retained surplus or minus the deficit since date of acquisition of control applicable to such stock shall be treated as the total purchase price, or consideration paid.

(ii) In ascertaining the portion of the total purchase price assignable to the intangible property, pursuant to subdivision (i) of this subparagraph, due consideration shall be given to past earnings and informed judgment concerning future earnings attributable to the property acquired and to other pertinent factors appropriate in ascertaining the value of intangible property in accordance with sound accounting principles for which there is authoritative support. The portion of the total purchase price assignable to the physical property shall be substantiated by an appraisal made by a disinterested qualified appraiser and such other documentary evidence as the Commission may require. The amount shown on the books of the seller for the physical property together with the accrued depreciation may be used in lieu of such an appraisal providing that the books of the seller have been kept in accordance with the rules of this Commission and the amount is fairly representative of the purchase price of such property.

(iii) The aggregate amount recorded in the accounts for the intangible property and the other assets acquired, pursuant to subdivisions (i) and (ii) of this subparagraph, shall in no case exceed the total purchase price thereof. Carriers shall maintain records and be prepared to support with evidence suitable to the Commission the apportionment of the total purchase price so recorded in the accounts for the intangible property and other assets purchased.

• • • • •

[Explanatory footnote: The original § 182.-01–20, *Acquisition of a distinct operating unit,* was added by order dated February 2, 1960 (25 F.R. 1252, Feb. 12, 1960). In the same order the section then titled "Transfer of property" was canceled. Later, §§ 182.01–29a and 182.01–29b, *Amortization of intangibles,* were added by orders dated May 16, 1960 (25 F.R. 4866, June 2, 1960), and Jan. 5, 1961 (26 F.R. 369, Jan. 18, 1961).]

*II. Texts and Portion of Text of Balance Sheet Accounts Modified*

**§ 182.2900 [Amended]**

*Item No. 3.* Section 182.2900 *Unearned surplus.* Cancel this section number and account title only. Retain the present text consisting of paragraphs (a), (b) (1) and (2) and (c). Substitute the section number and title indicated hereunder and also add the Note indicated hereunder.

Substitute this new number and title: **§ 182.2910, *Other capital surplus.***

Add this Note following paragraph (c) at the end of the text:

NOTE: When a capital stock dividend is issued an amount transferred from earned surplus to permanent capital for the excess of fair value of the additional shares over their par value, is includible in this account 2910, "Other capital surplus."

[Explanatory Note: Old section 2720, "Premiums and assessments on capital stock," is changed herein to section 2900, "Premiums and assessments on capital stock." The old number is not reused.]

*Item No. 4.* Section 182.2920 *Earned surplus—Appropriated.* Add this new and additional section (account), consisting of number, title, and text:

**§ 182.2920 Earned surplus—appropriated.**

This account shall include the accumulated amount of earned surplus which has been appropriated and set aside pursuant to provisions of mortgages, deeds of trust, or other agreements. This account shall also include appropriations for general contingencies for possible future losses (not in the category of liabilities actually incurred) and other corporate purposes in accordance with sound accounting and financial procedures. The account is to be subdivided by classes of appropriations showing the purpose for which each appropriation is made.

**§ 182.2930 [Amended]**

*Item No. 5.* Section 182.2930 *Earned surplus.* Cancel the title only. Retain the present text consisting of paragraphs (a) and (b), except that, in paragraph (a) change 2900—Unearned surplus, to 2910, Other capital surplus. Substitute the title indicated hereunder: Earned surplus—unappropriated."

*Item No. 6.* Section 182.2938 *Other credits to earned surplus.* Cancel the complete text of this account 2938, consisting of paragraphs (a) and (b) but retain the number and title. Substitute the following text consisting of revised paragraphs (a), (b), (c), and (d) and footnote:

**§ 182.2938 Other credits to earned surplus.**

(a) This account shall include extraordinary and delayed items of profits recognized during the year and credit adjustments which in the aggregate for the same class are both material in relation to normal annual income and clearly do not result from usual business operations for the year. (See § 182.01–8 of the general instructions.)

(b) This account shall include profits from unusual and extraordinary sales of capital assets, but not profits from retirements of equipment and other units of property occurring normally during the year in the regular course of business; credit adjustments of items relating to prior years other than ordinary adjustments of a recurring nature, and other extraordinary credit items which do not relate to transactions of the current year.

(c) This account shall also include debits for the Federal income tax consequences resulting from items of taxable profits in cases where such items of profits are recorded in account 2938, Other Credits to Earned Surplus, in the corporate books.

(d) The records supporting entries in this account shall be so maintained that an analysis thereof may be readily made available.

NOTE. Items of profits and credit adjustments which do not come in the category of extraordinary or delayed items material in amount, as referred to in this account, and are not provided for in designated income accounts, shall be included in account 6500, Other Non-operating Income.

*Item No. 7.* Section 182.2948. *Other debits to earned surplus.* Cancel the complete text of this account 2948, consisting of paragraphs (a) and (b) but retain the number and title. Substitute the following text consisting of revised paragraphs (a), (b), (c), and (d) and footnote:

**§ 182.2948 Other debits to earned surplus.**

(a) This account shall include extraordinary and delayed items of losses and debit adjustments recognized during the year which in the aggregate for the same class are both material in relation to normal annual net income and clearly do not result from usual business operations for the year. (See § 182.01–8 of the general instructions.)

(b) This account shall include losses from unusual and extraordinary sales of



capital assets, but not losses from retirements of equipment and other units of property occurring normally during the year in the regular course of business; intangible property, material in amount, written off in accordance with provisions of § 182.01–29 of the general instructions; losses not covered by insurance resulting from wars, earthquakes, and similar calamities and catastrophes, which are not a recurrent hazard of the business; debit adjustments of items relating to prior years other than ordinary adjustments of recurring nature, and other extraordinary debit items which do not relate to transactions of the current year.

(c) This account shall also include credits for the Federal income tax consequences resulting from items of tax deductions in cases where such items of deductions are recorded in account 2948, Other Debits to Earned Surplus, in the corporate accounts.

(d) The records supporting entries in this account shall be so maintained that an analysis thereof may be readily made available.

NOTE. Items of losses and debit adjustments which do not come in the category of extraordinary or delayed items material in amount, as referred to in this account, and are not provided for in designated income accounts, shall be included in account 7500, Other Deductions.

*III. Form of Balance Sheet Statement Modified in Part*

**§ 182.2990 [Amended]**

*Item No. 8.* Section 182.2990 *Form of balance sheet statement.* In this section in the form of the balance sheet statement, cancel (1) the center caption "Capital stock" preceding account 2700; and (2) cancel entirely all the account (section) numbers and titles and other material beginning with 2700 to the end of the form, including the line referring to contingent liabilities. Substitute therefor the center captions, account (section) numbers, titles and other material shown hereunder. Retain the remaining preceding center captions, account (section) numbers, titles, and other material (1000 to and including 2690).

Change in form of balance sheet:

SHAREHOLDERS' (OR PROPRIETORS') EQUITY

CAPITAL STOCK

| | | |
|---|---|---|
| 2700—Preferred capital stock | $------- | |
| Less: Reacquired and nominally issued | ------- | |
| | | $------- |
| 2710—Common capital stock | ------- | ------- |
| Less: Reacquired and nominally issued | ------- | |
| | | ------- |
| 2730—Capital stock subscribed | | ------- |
| Total capital stock | | ------- |

PROPRIETORS' CAPITAL

| | |
|---|---|
| 2800—Sole proprietorship capital | $------- |
| 2810—Partnership capital | ------- |
| Total proprietors' capital | ------- |

CAPITAL SURPLUS

| | |
|---|---|
| 2900—Premiums and assessments on capital stock | $------- |
| 2910—Other capital surplus | ------- |
| Total capital surplus | ------- |

EARNED SURPLUS

| | |
|---|---|
| 2920—Earned surplus-appropriated | $------- |
| 2930—Earned surplus-unappropriated | ------- |
| Total earned surplus | ------- |
| Total shareholders' (or proprietors') equity (2700–2930) | ------- |
| Total liabilities and shareholders' (or proprietors') equity | ------- |
| Contingent liabilities (not included above) | $------- |

*IV. Texts of Extraordinary Income Accounts Cancelled*

*Item No. 9.* Cancel completely the section numbers, titles and texts of the following accounts. Also cancel the center caption "Extraordinary Income" preceding § 182.8100. Retain the section number, title, text and note for account 8800, Income Taxes.

**§§ 182.8100, 182.8200, 182.8400, 182.860 [Cancelled]**

Cancel the following sections completely:

182.8100 Extraordinary income credits.
182.8200 Extraordinary income charges.
182.8400 Delayed income credits.
182.8600 Delayed income charges.

*V. Form of Income Statement Modified in Part.*

*Item No. 10.* Section 182.8900 *Form of income statement.* In this section of the form of income statement, beginning with the center caption "II, Other Ordinary Income," and ending with Net Income (or Loss), cancel all the material to the end of the form including the line Net Income (or Loss). Substitute therefor the following center captions, account (section) numbers, titles and other material shown hereunder. Retain the remaining preceding center captions, account (section) numbers, titles and other material (3000 to and including 5500).

Change in the form of income statement:

II. OTHER INCOME

| | | |
|---|---|---|
| 6100 | Income from non-carrier operations—net | ------ |
| 6300 | Interest income | ------ |
| 6400 | Dividend income | ------ |
| 6500 | Other non-operating income | ------ |
| | Total other income | ------ |
| | Total income | ------ |

III. MISCELLANEOUS DEDUCTIONS FROM INCOME

| | | |
|---|---|---|
| 7100 | Interest | ------ |
| 7300 | Amortization of debt discount and expense | ------ |
| 7400 | Amortization of premium on debt-credit | ------ |
| 7500 | Other deductions | ------ |
| | Total miscellaneous deductions | ------ |
| | Net income before income taxes | ------ |
| 8800 | Income taxes | ------ |
| | Net income (or Loss) | ------ |

*VI. Appendix*

*Item No. 11.* Make the changes shown hereunder in the section (account) numbers, titles and texts. These miscellaneous changes implement and are consistent with the revisions in the sections of the regulations heretofore set forth in items 1 to 10. The detail hereunder shows the CFR (Code of Federal Regulations) section in which the change is to be made, the reference to the present regulation, and the change to be made in the present regulation.

| CFR Part 182 | Present reference | Change to read |
|---|---|---|
| Preface Index and Instructions. | .01–8 Delayed items | .01–8 Extraordinary and delayed items of profits and losses. |
| | 2720 Premiums and assessments on capital stock. | Cancel. |
| | 2900 Unearned surplus | 2900 Premiums and assessments on capital stock. |
| | (New number and title) | 2910 Other capital surplus. |
| | (New number and title) | 2920 Earned surplus—Appropriated. |
| | 2930 Earned surplus | 2930 Earned surplus—Unappropriated. |
| | 8100 Extraordinary income credits | Cancel. |
| | 8200 Extraordinary income charges | Cancel. |
| | 8400 Delayed income credits | Cancel. |
| | 8600 Delayed income charges | Cancel. |
| 01–13 par. (b) | Account 8200—Extraordinary income charges. | Delete the account number and title. |
| 01–14 | and credited to account 8100 Extraordinary income—Credits. | and credited to the operating expense or other income account originally charged. (Retain last sentence.) |
| 01–16 par. (a) | 2720 Premiums and Assessments on Capital stock. | Renumbered 2900 as shown below; the number 2720 is not reused. |
| | 2730 Capital stock subscribed | 2730 Capital stock subscribed. (No change.) |
| | 2900 Unearned surplus | 2900 Premiums and assessments on capital stock. |
| | (New number and title) | 2910 Other capital surplus. |
| | (New number and title) | 2920 Earned surplus—Appropriated. |
| | (Not listed in Sec. 182.01–16) | 2930 Earned surplus—Unappropriated. |

| CFR Part 162 | Present reference | Change to read |
|---|---|---|
| 01-16 par. (a)(2) | 2900 Unearned surplus | 2910 Other capital surplus. |
| 01-16 par. (c) | 2900 Unearned surplus | 2910 Other capital surplus. |
| 01-16 par. (e) | 2900 Unearned surplus | 2910 Other capital surplus. |
| 01-17 par. (a) | 8400 Extraordinary income credits, or account 8300 Extraordinary income charges as may be appropriate. | 6500 Other non-operating income, or account 7500 Other deductions, as may be appropriate. |
| 01-17 par. (c) | 8400 Extraordinary income credits, or account 8300 Extraordinary income charges. | 6500 Other non-operating income, or account 7500 Other deductions. (See Sec. 162.01-8.) |
| 01-17 par. (g) | 8400 or account 8300, as appropriate | 6500 or account 7500, as appropriate. |
| 01-17 par. (h) | 8400 or account 8300, as appropriate | 6500 or account 7500, as appropriate. |
| 01-18 par. (b) | 8300 Extraordinary income charges | 7500 Other deductions. (See Sec. 162.01-8.) |
| 01-20 par. (2) (ii) | 2900 Unearned surplus, or to account 2930 Earned surplus. | 2910 Other capital surplus, or to account 2930 Earned surplus—Unappropriated. |
| 01-20 par. (2) (ii) | Credited to account 2900 unearned surplus. | Credited to account 2910 Other capital surplus. |
| 01-21 par. (1) (ii) | 8300 Extraordinary income charges | 7500 Other deductions. |
| 01-21 par. (f) | 8100 Extraordinary income credits or account 8300 Extraordinary income charges, as appropriate. | 6500 Other non-operating income or account 7500 Other deductions, as appropriate. (See Sec. 162.01-8.) |
| 01-21 par. (5) | 8100 Extraordinary income credits or account 8300 Extraordinary income charges, as appropriate. | 6500 Other non-operating income, or account 7500 Other deductions, as appropriate. (See Sec. 162.01-8.) |
| 01-21 par. (6)(b)(2) | 8100 Extraordinary income credits or, account 8300 Extraordinary income charges, as appropriate. | 6500 Other non-operating income, or account 7500 Other deductions, as appropriate. (See Sec. 162.01-8.) |
| 1511 Note B | 8200 Extraordinary income charges | 7500 Other deductions. |
| 1550 Note B | 8100 Extraordinary income credits, and 8200 Extraordinary income charges, as appropriate. | 4500 Other non-operating income and 7500 Other deductions, as appropriate. |
| 1800 par. (a) | 8300 Extraordinary income charges | 7500 Other deductions, or account 2948 Other debits to earned surplus, as appropriate. |
| 2500 par. (a)(2) | 8300 Delayed income charges | 2948 Other debits to earned surplus. |
| 2600 par. (a) | 8300 Delayed income charges | 2948 Other debits to earned surplus. |
| 2630 par. (a) | 8200 Extraordinary income charges | 7500 Other deductions. |
| 2660 par. (a) | There shall be reported hereunder such accounts as sinking fund reserves, contingency reserves and other reserves created by charges to income or surplus. | Delete the entire second sentence. Retain the first sentence of sec. 162.2660(a) and the entire sec. 162.2660(b). |
| 2710 par. (a) | Account 2720 Premiums and assessments on capital stock. | 2900 Premiums and assessments on capital stock. |
| 2710 Note (b) | 2720 Premiums and assessments on capital stock. | 2900 Premiums and assessments on capital stock. |
| 2720 Title | 2720 Premiums and assessments on capital stock. | 2900 Premiums and assessments on capital stock. (This account and text to be placed in proper numerical order. The number 2720 is not reused.) |
| 2900 Text | 2930 Earned surplus | 2930 Earned surplus—Unappropriated. |
| 2910 Text | 2930 Earned surplus | 2930 Earned surplus—Unappropriated. |
| 2900 Number and title. | 2900 Unearned surplus | 2910 Other capital surplus. |
| 2920 | (New number, title and text) | 2920 Earned surplus—Appropriated. (Text to be inserted as set forth heretofore in the narrative under Item No. 4.) |
| 2930 Title | Earned surplus | Earned surplus—Unappropriated. |
| 2960 par. (a) | 2900 Unearned surplus | 2910 Other capital surplus. |

[F.R. Doc. 64-12107; Filed, Nov. 25, 1964; 8:48 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### Havasu Lake National Wildlife Refuge, Arizona and California, et al.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Havasu Lake National Wildlife Refuge, Arizona and California, is permitted from January 1 through December 31, 1965, inclusive, but only on the areas designated by signs as open to fishing. These open areas, comprising 22,880 acres, are delineated on maps available at refuge headquarters, Parker, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1965.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Kirwin National Wildlife Refuge, Kansas, is permitted from January 1 through December 31, 1965, inclusive, on all areas not designated by signs as closed to fishing. These open areas, comprising 5,000 acres, are delineated on maps available at refuge headquarters, 5 miles southwest of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1965.

NEW MEXICO

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Sport fishing on the Bosque del Apache National Wildlife Refuge, New Mexico, is permitted only on areas designated by signs as open to fishing. These open areas, comprising 1,800 acres, are delineated on maps available at refuge headquarters, San Antonio, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 30 to October 15, 1965, inclusive.

(2) The use of boats or floating devices is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 15, 1965.

OKLAHOMA

WASHITA NATIONAL WILDLIFE REFUGE

Sport fishing on the Washita National Wildlife Refuge, Oklahoma, is permitted only on areas designated by signs as open to fishing. These open areas, comprising 3,367 acres, are delineated on maps available at refuge headquarters, Butler, Oklahoma, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from April 1 through October 15, 1965, inclusive.

(2) Seining is prohibited in all refuge waters.

(3) The use of boats and motors is permitted only south of State Highway 33, provided, that boats may not exceed speeds of 10 miles per hour.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1965.

TEXAS

BUFFALO LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Buffalo Lake National Wildlife Refuge, Texas, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 2,358 acres, are delineated on maps available at refuge headquarters, Umbarger, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) The open seasons for sport fishing on the refuge extend from March 1 through October 31, 1965, inclusive, on all waters of the Buffalo Lake National



Wildlife Refuge; and from January 1 through February 28, 1965, inclusive, and November 1 through December 31, 1965, inclusive, on all waters lying north of a diagonal line extending across the lake from the northwest corner to the southeast corner of Survey 116. Also the east shore line, for bank fishing only, from the above-mentioned diagonal line on the east shore to the Tierra Blanca Creek at the west refuge boundary except that said shore line will be closed to fishing during the waterfowl hunting season in that part of Texas.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1965.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Sport fishing on the Bear River Migratory Bird Refuge, Utah, is permitted from January 1 through December 31, 1965, inclusive, but only on the areas designated by signs as open to fishing. These open areas, comprising 10 acres, are delineated on maps available at refuge headquarters, Brigham City, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Fishing shall be with pole and line only, including rod and reel.

(2) The use of boats is prohibited below river control gates at refuge headquarters.

(3) Permission is required to enter the public fishing area by registering at the refuge office.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1965.

WYOMING

NATIONAL ELK REFUGE

Sport fishing on the National Elk Refuge, Wyoming, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 327 acres, are delineated on maps available at refuge headquarters, Jackson, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open seasons for sport fishing on the refuge extend from June 1 through October 31, 1965, inclusive, on the Gros Ventre River and its tributaries and Pierre's Pond; and from August 1 through October 31, 1965, inclusive, on Flat Creek above the Old Crawford Bridge site to the east refuge boundary.

(2) Use of boats or other floating devices are not permitted. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 31, 1965.

JOHN C. GATLIN,
*Regional Director,*
*Albuquerque, N. Mex.*

NOVEMBER 18, 1964.

[F.R. Doc. 64-12099; Filed, Nov. 25, 1964; 8:47 a.m.]

## PART 33—SPORT FISHING

### Monte Vista National Wildlife Refuge, Colorado

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

Sport fishing on the Monte Vista National Wildlife Refuge, Monte Vista, Colo., is suspended for the 1965 season. A prolonged drought has resulted in a shortage of water on the public fishing area.

JOHN C. GATLIN,
*Regional Director,*
*Albuquerque, N. Mex.*

NOVEMBER 18, 1964.

[F.R. Doc. 64-12100; Filed, Nov. 25, 1964; 8:47 a.m.]

# Proposed Rule Making

## FEDERAL AVIATION AGENCY

### [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-EA-60]

### CONTROL ZONE, TRANSITION AREAS, AND CONTROL AREA EXTENSION

#### Proposed Designation and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would designate a control zone and a transition area at Charlottesville, Va., and a transition area at Staunton, Va., and which would revoke the Charlottesville control area extension.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

The following controlled airspace is presently designated in the Charlottesville and Staunton terminal areas:

1. The Charlottesville control area extension is designated as that airspace bounded on the northwest by V-140, on the east by V-39, and on the south by V-16 north alternate.

2. The Staunton control area extension is designated as that airspace bounded on the west, northwest and northeast by a line extending from the north boundary of V-290 along longitude 79°25'00'' W., to latitude 38°06'30'' N., thence to latitude 38°06'30'' N., longitude 79°13'45'' W., to latitude 38°25'00'' N., longitude 79°00'45'' W., to latitude 38°-15'15'' N., longitude 78°39'45'' W., bounded on the southeast by V-140, and on the south by V-290.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Charlottesville and Staunton terminal areas, including studies attendant to the implementation of CAR Amendments 60-21/60-29, has under consideration the following airspace actions:

1. The Charlottesville control zone would be designated as that airspace within a 4-mile radius of the Charlottesville-Albermarle Airport (latitude 38°-08'25'' N., longitude 78°27'10'' W.) and within 2 miles each side of the Charlottesville ILS localizer southwest course, extending from the 4-mile radius area to the Charlottesville radio beacon.

2. The Charlottesville and Staunton control area extensions would be revoked.

3. The Charlottesville transition area would be designated as that airspace extending, upward from 700 feet above the surface within a 6-mile radius of the Charlottesville-Albermarle Airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 38°43'00'' N., longitude 78°58'00'' W.; to latitude 38°-43'00'' N., longitude 78°12'00'' W.; to latitude 38°51'15' N., longitude 78°-12'21'' W.; to latitude 38°30'00'' N., longitude 77°44'00'' W.; to latitude 37°-40'00'' N., longitude 78°14'30'' W.; to latitude 37°40'00'' N., longitude 79°-30'30'' W.; to latitude 38°00'00'' N., longitude 79°30'00'' W.; to point of beginning.

4. The Staunton transition area would be designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Shenandoah Valley Airport (latitude 38°15'45'' N., longitude 78°53'50'' W.) and within 2 miles each side of the 216° True bearing from the Laurel Hill radio beacon extending from the 7-mile radius area to 8 miles southwest of the radio beacon.

The floors of the airways and the floor of the portion of the Washington, D.C., control area extension within the proposed transition areas would automatically coincide with the floors of the transition areas. Revocation of the Washington control area extension will be processed at a later date upon completion of the CAR Amendments 60-21/60-29 implementation studies in adjacent areas.

Designation of the Charlottesville control zone would provide protection for aircraft executing prescribed instrument arrival and departure procedures, including a proposed instrument approach procedure based on an ILS localizer scheduled to be installed at the Charlottesville-Albermarle Airport during October 1964. Communications and weather reporting service are provided by the Charlottesville Flight Service Station.

The proposed designation of the Charlottesville transition area would raise the floor of controlled airspace beyond the immediate vicinity of the Charlottesville-Albemarle Airport from 700 to 1,200 feet above the surface. The controlled airspace beyond the immediate vicinity of the Staunton Airport would also be raised to 1,200 feet above the surface. The portions of controlled airspace released by this action would become available for other aeronautical purposes. The portions retained would provide protection for aircraft executing prescribed holding, arrival and departure procedures at Staunton and beyond the limits of the proposed control zone at Charlottesville.

Certain minor revisions to prescribed instrument flight procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected. Specific details of the changes in procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Eastern Region, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 18, 1964.

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-12077; Filed, Nov. 25, 1964; 8:45 a.m.]

### [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 64-SW-49]

### TRANSITION AREA

#### Proposed Designation

*Correction*

In F.R. Doc. 64-11226, appearing at page 14937 of the issue for Wednesday, November 4, 1964, the following correction is made: In the fifth paragraph, the fourteenth line should read "103°48'00'' W., to latitude 31°09'00'' N.," instead of "103°29'30'' W., to latitude 31°40'00'' N.,".

### [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-SW-52]

### CONTROL ZONES, TRANSITION AREAS, AND CONTROL AREA EXTENSION

#### Proposed Alteration, Designation, and Revocation

*Correction*

In Federal Register Document 64-11223, published at 29 F.R., 14934, Wednesday, November 4, 1964, the following changes should be made:

(a) Item 6, middle column, page 14935: In the fifth line, "V-76" should read "V-76 N".

(b) Item 2, middle column, page 14935: Item 2 should read as follows:

2. Designate the Reese AFB, Tex., control zone as that airspace within a 5-mile radius of Reese AFB, Tex. (latitude 33°35'56'' N., longitude 102°02'36'' W.); within 2 miles each side of the Lubbock VORTAC 227° radial extending from the Reese AFB 5-mile radius zone to the VORTAC, within 2 miles each side of the Reese AFB TACAN 013° radial extending from the Reese AFB 5-mile radius zone to 6.5 miles N of the TACAN, within 2 miles each side of the Reese AFB ILS localizer N course extending from the Reese AFB 5-mile radius zone to 6.5 miles N of the TACAN, and within 2 miles each side of the Reese AFB TACAN 168° radial extending from the 5-mile radius zone to 5.5 miles S of Reese AFB, excluding that portion which lies within the Lubbock Municipal Airport control zone. This control zone would be effective during the dates and times established in advance by the publication of Special Notices in the Airman's Guide.

(c) Item 5, third column, page 14935: In the twelfth line, "101°07'00''" should read "100°07'00''".





## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

### [ 9 CFR Parts 17, 18 ]

### LABELING, REINSPECTION AND PREPARATION OF PRODUCTS

#### Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Department of Agriculture, pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U.S.C. 71-96), and section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306), proposes to amend Parts 17 and 18 of the Meat Inspection Regulations (9 CFR Parts 17 and 18), as follows:

1. Section 17.9 would be amended by changing the heading and adding a new paragraph (f) to read, respectively, as follows:

§ 17.9 **Labeling products prepared with artificial coloring, artificial flavoring, antioxidants, or preservatives or treated with ionizing radiation.**

* * * * *

(f) When product is treated with ionizing radiation, a term approved by the Director such as "Processed by Ionizing Radiation" shall appear on the main display panel in conjunction with the product designation.

2. Section 18.4 would be amended by changing the heading and adding a new paragraph (c) to read, respectively, as follows:

§ 18.4 **Products and chemical preparations entering official establishments; identification; disposition; shipping in commerce.**

* * * * *

(c) Containers of preparations which enter any official establishment for use in cooling or retort water, in hog scalding water, or in denuding of tripe shall at all times while they are in such establishment bear labels showing the chemical names of the chemicals in such preparations. In the case of preparations containing chemicals which are specifically limited by § 18.7(b)(4) as to amount used, the labels on the containers shall also show the percentage of each such chemical in the preparation.

3. In § 18.7(b)(4) the chart would be amended by inserting the following as indicated in (1), (2), and (3).

(1) The following information for cooling and retort water treatment agents would be inserted following "coloring agents (synthetic)" and the information relating thereto.

| Class of substance | Substance | Purpose | Products | Amount |
|---|---|---|---|---|
| Cooling and retort water treatment agents. | Disodium phosphate | To prevent staining on exterior of canned goods. | Various | Sufficient for purpose. |
| | Dioctyl sodium sulfosuccinate | do | do | 0.05 percent. |
| | Sodium bicarbonate | do | do | Sufficient for purpose. |
| | Sodium carbonate | do | do | Do. |
| | Calcium chloride | do | do | Do. |
| | Sodium dodecylbenzene sulfonate. | do | do | 0.05 percent. |
| | Sodium hexametaphosphate | do | do | Sufficient for purpose. |
| | Sodium lauryl sulfate | do | do | 0.05 percent. |
| | Sodium metasilicate | do | do | Sufficient for purpose. |
| | Sodium tripolyphosphate | do | do | Do. |
| | Zinc oxide | do | do | 0.01 percent. |
| | Zinc sulfate | do | do | Do. |
| | Propylene glycol | do | do | Sufficient for purpose. |

(2) The information shown for denuding agents in the chart would be revised to read:

| Class of substance | Substance | Purpose | Products | Amount |
|---|---|---|---|---|
| Denuding agents; may be used in combination. | Lime | To denude mucous membrane. | Tripe | Sufficient for purpose. |
| Must be removed from tripe by rinsing with potable water. | Sodium carbonate | do | do | Do. |
| | Sodium hydroxide | do | do | Do. |
| | Sodium metasilicate | do | do | Do. |
| | Sodium persulfate | do | do | Do. |
| | Trisodium phosphate | do | do | Do. |

(3) The following information for hog scald agents would be inserted following "Gases" and the information relating thereto.

| Class of substance | Substance | Purpose | Products | Amount |
|---|---|---|---|---|
| Hog scald agents; must be removed by subsequent cleaning operations. | Caustic soda | To remove hair | Hog carcasses | Sufficient for purpose. |
| | Dioctyl sodium sulfosuccinate | do | do | Do. |
| | Lime | do | do | Do. |
| | Methyl polysiloxane | do | do | Do. |
| | Sodium carbonate | do | do | Do. |
| | Sodium dodecylbenzene sulfonate. | do | do | Do. |
| | Sodium hexametaphosphate | do | do | Do. |
| | Sodium lauryl sulfate | do | do | Do. |
| | Sodium metasilicate | do | do | Do. |
| | Sodium tripolyphosphate | do | do | Do. |
| | Trisodium phosphate | do | do | Do. |

4. Part 18 would be amended by adding thereto a new § 18.18 to read:

§ 18.18 **Gamma radiation for treatment of product.**

With appropriate declaration as required in Part 17 of this subchapter, canned bacon may be treated with gamma radiation for purposes of preservation under the following conditions:

(a) The radiation source shall consist of sealed units containing cesium 137 or cobalt 60.

(b) The bacon shall be in cans coated with acceptable polymeric and/or resinous coatings and shall be under vacuum or in an inert atmosphere and the absorbed dose shall be 4.5 to 5.6 megarads.

(c) A record of total dose shall be obtained by phantoms having the same geometry as the containers of bacon and containing dosimeters suitable for the maintenance of permanent records of exposure. Measurement of total dose shall be made by use of one phantom for each 24 hour period of operation or for each period that expires in processing 1,000 cans, whichever is the shorter period, with exposure records being made available for Division checking.

The purpose of these amendments would be to prescribe the conditions for safe use of certain chemicals and gamma radiation permitted in processing of products under the Meat Inspection Act.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C., 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 19th day of November 1964.

B. T. SHAW,
*Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 64-12040; Filed, Nov. 25, 1964; 8:45 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Treasury Dept. Order 167-63]

### COMMANDANT, U.S. COAST GUARD

### Delegation of Functions

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631 and pursuant to the powers delegated to me by Treasury Department Order No. 190 (Revision No. 2), and Treasury Department Order No. 191 (Revision 3), there are transferred to the Commandant, U.S. Coast Guard, the functions of the Secretary under 14 U.S.C. 787a, pertaining to the convening of boards to select and recommend Reserve officers for retention in an active status.

The Commandant may provide for performance by subordinates in the Coast Guard of the functions delegated herein.

Dated: November 19, 1964.

[SEAL] JAMES A. REED,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 64-12113; Filed, Nov. 25, 1964; 8:49 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Notice 37]

### ALASKA

### Notice of Filing of Protraction Diagram, Anchorage Land District

NOVEMBER 19, 1964.

Notice is hereby given that effective with this publication, the following revised protraction diagrams are officially filed of record in the Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska. In accordance with 43 CFR 3123.1, these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 2222.9-3(c), and other authorized uses filed at and subsequent to 10:00 a.m., on the thirty-first day after the publication of this notice.

These revised protraction sheets supersede the original approved protraction sheets of the same number.

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)

APPROVED NOVEMBER 4, 1964

SEWARD MERIDIAN

| | | |
|---|---|---|
| 821-11 | Ts. 30-32 S. | Rs. 53-54 W. |
| 826-2 | Ts. 33-36 S. | Rs. 53-56 W. |
| 826-3 | Ts. 34-36 S. | Rs. 57-59 W. |
| 826-4 | Ts. 38-40 S. | Rs. 61-64 W. |
| 826-5 | Ts. 37-40 S. | Rs. 57-60 W. |
| 826-11 | Ts. 41-44 S. | Rs. 61-64 W. |
| 827-1 | Ts. 41-44 S. | Rs. 65-68 W. |
| 827-2 | Ts. 43-44 S. | Rs. 69-70 W. |
| 827-3 | T. 43 S. | R. 77 W. |
| 827-4 | T. 43 S. | Rs. 73-76 W. |
| 827-5 | Ts. 45-43 S. | Rs. 69-72 W. |
| 830-3 | Ts. 49-52 S. | Rs. 69-72 W. |
| 830-4 | Ts. 49-52 S. | Rs. 73-76 W. |
| 830-5 | Ts. 49-52 S. | Rs. 77-80 W. |

Copies of these diagrams are for sale at one dollar ($1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: 555 Cordova Street, Anchorage, Alaska.

JAMES W. SCOTT,
*Manager, Anchorage District and Land Office.*

[F.R. Doc. 64-12091; Filed, Nov. 25, 1964; 8:47 a.m.]

### IDAHO

### Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 20, 1964.

The Geological Survey has filed an application, Serial Number Idaho 015806 for the withdrawal for powersite classification purposes of the lands described below, from all forms of appropriation under the public land laws, subject to existing valid rights, excepting locations of mining claims as provided for in the Act of August 11, 1955 (69 Stat. 681), mineral leasing under the mineral leasing laws, and disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604), as amended.

The classification is to protect the potential value of reservoir sites which may be developed along this stretch of the Snake River for conservation of water and for development of hydroelectric power.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho, 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Geological Survey.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

POWERSITE CLASSIFICATION NO. 457

BOISE MERIDIAN, IDAHO

T. 5 S., R. 8 E.,
Sec. 32, lots 8 and 9;
Sec. 33, lot 2.
T. 6 S., R. 8 E.,
Sec. 3, lot 12.
T. 5 S., R. 9 E.,
Sec. 26, lots 6 and 7;
Sec. 27, lot 3;
Sec. 31, lots 9, 10, 11, 12 and 13;
Sec. 32, lots 8, 9, 10 and 11;
Sec. 33, lots 9 and 10;
Sec. 34, lots 7, 8, 9, 10, 11, 12 and 13;
Sec. 35, lot 9.
T. 5 S., R. 10 E.,
Sec. 12, lot 8;
Sec. 13, lot 4;
Sec. 14, lots 9 and 10;
Sec. 21, lot 8;
Sec. 22, lots 12, 13 and 14;
Sec. 23, lots 5 and 6;
Sec. 28, lots 9 and 10;
Sec. 31, lots 8, 9, 10, 11 and 12;
Sec. 32, lots 10, 11.

The areas described aggregate 127.53 acres in Elmore and Owyhee Counties, Idaho.

ORVAL G. HADLEY,
*Manager.*

[F.R. Doc. 64-12092; Filed, Nov. 25, 1964; 8:47 a.m.]

### WASHINGTON

### Notice of Termination of Proposed Withdrawal and Reservation of Lands

Notice of an application Serial No. Washington 05319 for withdrawal and reservation of lands was published as Federal Register Document No. 64-6044 on page 7783 of the issue for June 18, 1964. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR 2311, such lands will be at 10:00 a.m. on December 1, 1964, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

WILLAMETTE MERIDIAN

T. 16 N., R. 11 E.,
Sec. 25: S½NE¼, E½SW¼, SE¼;
Sec. 36: N½, SW¼.
T. 15 N., R. 12 E.,
Sec. 2: W½NE¼, NW¼;
Sec. 3: E½NE¼.
T. 16 N., R. 12 E.,
Sec. 12: SE¼SW¼, SE¼;
Sec. 13: N½, SW¼;
Sec. 14: S½N½, S½;
Sec. 22: NE¼, S½;
Sec. 23: All;
Sec. 24: NW¼, W½SW¼;
Sec. 25: W½NW¼;
Sec. 26: All;
Sec. 27: All;
Sec. 28: All;
Sec. 29: All;
Sec. 32: N½;
Sec. 33: N½N½;
Sec. 34: N½, SE¼;
Sec. 35: W½E½, W½.
T. 16 N., R. 13 E.,
Sec. 7: SE¼NW¼, N½SW¼.

The areas described aggregate approximately 7,840.00.

JOHN E. BURT, Jr.,
*Officer in Charge.*

[F.R. Doc. 64-12093; Filed, Nov. 25, 1964; 8:47 a.m.]

[Utah 0142168]

### UTAH

### Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 12, 1964.

The Department of the Interior, Bureau of Reclamation, has filed the above application for the withdrawal of the lands described below, from all forms of appropriation except operation of the mineral leasing laws.

The applicant desires the withdrawal to control the watershed lands adjacent to Deer Creek Reservoir. Since 71 percent of the water stored in the reservoir is for municipal purposes, control of the watershed is necessary to protect the area from overgrazing and contamination. Use of the land compatible with Reclamation purposes will be permitted.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Utah State Director, Post Office Box 11505, Salt Lake City, Utah, 84111.

The Department's regulations (43 CFR 2311.1-3(c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide the maximum concurrent utilization of the lands for purposes other than the applicant's to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 4 S., R. 4 E.,
Sec. 27: S½SW¼.
Containing 80 acres.

R. D. NIELSON,
*State Director.*

[F.R. Doc. 64-12110; Filed, Nov. 25, 1964; 8:48 a.m.]

### Fish and Wildlife Service

[Depredation Order]

### DEPREDATING GOLDEN EAGLES

### Order Permitting Taking to Seasonally Protect Domestic Livestock in Certain New Mexico Counties

Pursuant to authority in section 2 of the Act of June 8, 1940 (54 Stat. 250), as amended, and in accordance with regulations under Part 11, Title 50, Code of Federal Regulations, the Secretary of the Interior has authorized the taking of golden eagles without a permit to seasonally protect domesticated livestock during the period from January 1, 1965 through June 15, 1965, in New Mexico, subject to the following conditions:

1. Golden eagles may be taken without a permit only for the protection of domesticated livestock and only by livestock owners and their agents.

2. Golden eagles may be taken by any suitable means or methods except by the use of poison or from aircraft.

3. Golden eagles or any parts thereof taken pursuant to this authorization may not be possessed, purchased, sold, traded, bartered, or offered for sale, trade, or barter.

4. Taking without a permit is authorized only in the following named counties:

| | |
|---|---|
| Eddy. | Sierra. |
| Guadalupe. | Valencia. |
| Torrance. | De Baca. |
| Grant. | Bernalillo. |
| Catron. | Otero. |
| Chaves. | Socorro. |
| San Miguel. | McKinley. |
| Lincoln. | |

5. Any person taking golden eagles pursuant to this authorization must at all reasonable times, including during actual operations, permit any Federal or State game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require concerning such operations.

ABRAM V. TUNISON,
*Acting Director, Bureau of Sport Fisheries and Wildlife.*

NOVEMBER 20, 1964.

[F.R. Doc. 64-12101; Filed, Nov. 25, 1964; 8:48 a.m.]

### National Park Service

[Order 2]

### PADRE ISLAND NATIONAL SEASHORE, CORPUS CHRISTI, TEXAS

### Supervisory Park Ranger; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

SECTION 1. The Supervisory Park Ranger, Padre Island National Seashore (Port Isabel), may execute and approve contracts not in excess of $300 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order No. 14 (19 F.R. 8824), as amended; 39 Stat. 535; 16 U.S.C., sec. 2; Southwest Region Order No. 3 (21 F.R. 1494))

Dated: November 2, 1964.

WILLIAM L. BOWEN,
*Superintendent, Padre Island National Seashore.*

[F.R. Doc. 64-12089; Filed, Nov. 25, 1964; 8:47 a.m.]

### Office of the Secretary

### FRANKLIN STUART FEHR

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 12, 1964.

Dated: November 12, 1964.

F. STUART FEHR.

[F.R. Doc. 64-12094; Filed, Nov. 25, 1964; 8:47 a.m.]

### MARVIN FRANCIS PERSONS

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 9, 1964.

Dated: November 9, 1964.

M. F. PERSONS.

[F.R. Doc. 64-12095; Filed, Nov. 25, 1964; 8:47 a.m.]

## ALVIN C. HOPE

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Statement previously filed listed "President—Mutual Oil & Royalty Corporation, a Texas corporation" By mutual consent of Stockholders Mutual Oil & Royalty Corporation Dissolved.
(2) No longer own stock in Mutual Oil & Royalty Corporation. See (1) above.
(3) None.
(4) None.

This statement is made as of November 1, 1964.

Dated: November 10, 1964.

ALVIN C. HOPE.

[F.R. Doc. 64-12096; Filed, Nov. 25, 1964; 8:47 a.m.]

## HOWARD LESTER LIVINGOOD

### Appointment and Statement of Financial Interests

NOVEMBER 17, 1964.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Howard Lester Livingood.

Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position: Alternate Deputy Director, Defense Electric Power Area 2.

The name of the appointee's private employer or employers: New York State Electric & Gas Corporation, Ithaca, New York.

The statement of "financial interests" for the above appointee is set forth below.

FRANK P. BRIGGS,
*Acting Secretary of the Interior.*

OCTOBER 23, 1964.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on October 23, 1964, as Alternate Deputy Director, Defense Electric Power Administration, Area 2, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

None.

(3) Names of any partnerships in which I am associated or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

H. LESTER LIVINGOOD.

NOVEMBER 5, 1964.

[F.R. Doc. 64-12097; Filed, Nov. 25, 1964; 8:47 a.m.]

# DEPARTMENT OF AGRICULTURE

## Office of the Secretary

## COLORADO

### Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Colorado natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

COLORADO

| | |
|---|---|
| Morgan. | Washington. |

It has also been determined that in the hereinafter-named counties in the State of Colorado which are presently designated (29 F.R. 2433), the above-mentioned natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

COLORADO

| | |
|---|---|
| Alamosa. | Rio Grande. |
| Conejos. | Saguache. |
| Costilla. | |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of November 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-12103; Filed, Nov. 25, 1964; 8:48 a.m.]

## MINNESOTA

### Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Minnesota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MINNESOTA

Cass.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of November 1964.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 64-12104; Filed, Nov. 25, 1964; 8:48 a.m.]

# DEPARTMENT OF COMMERCE

## Bureau of the Census

## ANNUAL SURVEYS IN MANUFACTURING AREA

### Notice of Determination

In conformity with the Act of Congress approved August 31, 1954, Title 13, United States Code, sections 181, 224 and 225 and due notice having been published (29 F.R. 14673, October 28, 1964) pursuant to said act, I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other government sources.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys. The surveys have been arranged under major group headings shown in the revised Standard Industrial Classification Manual (1957 edition) promulgated by the Bureau of the Budget for the use of Federal statistical agencies.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Salad dressings.
Prepared animal feeds.
Confectionery.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Stocks of wool (as of Jan. 1, 1965). Inadvertently published in Notice of Consideration "(as of Jan. 1, 1964)."



Cotton and synthetic woven goods finished.
Narrow fabrics.
Knit cloth for sale.
Woolen and worsted machinery activity.
Yarn production.
Rugs, carpets, and carpeting.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens.
Apparel.
Brassieres, corsets, and allied garments.
Sheets, pillowcases, and towels.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood.
Softwood plywood.
Lumber.

MAJOR GROUP 25—FURNITURE

Office furniture.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid.
Industrial gases.
Inorganic chemicals.
Pharmaceutical preparations, except biologicals.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Pressed and blown glassware.
Fibrous glass.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Steel mill products.
Insulated wire and cable.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Aluminum foil, converted.
Steel power boilers.
Heating and cooking equipment.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Internal combusion engines.
Tractors.
Farm machines and equipment.
Mining machinery and equipment.
Vending machines.
Air-conditioning and refrigeration equipment.
Office, computing, and accounting machines.
Pumps and compressors.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Radios, television, and phonographs.
Motors and generators.
Wiring devices and supplies.
Switchgear, switchboard apparatus, relays and industrial controls.
Selected electronic and associated products.
Electric housewares and fans.
Electric lighting fixtures.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

Selected instruments and related products.
Atomic energy products and services.

The following list of surveys represents annual counterparts of monthly, quarterly, and semiannual surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly, quarterly, and semiannual reports except for Construction Machinery which will additionally call for data on shipments of power cranes and shovels, concrete mixers, and attachments for contractors' off-highway type tractors. Also, reports on man-made fiber, silk, woolen and worsted fabrics, on finishing plants, and on piece goods inventories listed below will call for information relating to the monthly fluctuations of stocks and unfilled orders for woven fabrics in addition to the annual production data.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products.
Confectionery products.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Man-made fiber, silk, woolen and worsted fabrics.
Finishing plant report-broad woven fabrics.
Piece goods inventories and orders.
Broad woven goods (cotton, wool, silk, and synthetic).
Consumption of wool and other fibers, and production of tops and noils.

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Consumers of wood pulp.
Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Superphosphates.
Paint, varnish, and lacquer.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Rubber.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers.

MAJOR GROUP 32—STONE, CLAY AND GLASS

Glass containers.
Refractories.
Clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings.
Steel forgings.
Iron and steel foundries, blast furnaces, and steel ingot producers.
Magnesium mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Plumbing fixtures.
Steel shipping barrels, drums, and pails.
Closures for containers.
Metal cans.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.
Metalworking machinery.
Farm pumps.
Fans, blowers, and unit heaters.
Typewriters.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Electric lamps.
Fluorescent lamp ballasts.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines.
Complete aircraft.
Backlog of orders for aircraft, space vehicles, missiles, engines, and selected parts.
Aircraft propellers.
Truck trailers.

Also, the Annual Survey of Manufactures will be conducted and will call for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, etc., in addition to information on value of products shipped and quantity data for selected classes of products. This survey, while conducted on a sample basis, will cover all manufacturing industries. Data on employment and payrolls for auxiliary establishments of manufacturing companies such as central administrative offices, warehouses, etc. will be included.

A survey of Research and Development costs will also be conducted. The data to be obtained will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company.

The report forms will be furnished to firms included in these surveys and additional copies are available on request to the Director, Bureau of the Census, Washington 25, D.C.

I have, therefore, directed that annual surveys be conducted for the purpose of collecting the data hereinabove described.

Dated: November 16, 1964.

[SEAL] RICHARD M. SCAMMON,
*Director,*
*Bureau of the Census.*

[F.R. Doc. 64-12114; Filed, Nov. 25, 1964; 8:49 a.m.]

## RETAILERS' INVENTORIES, SALES, AND NUMBER OF ESTABLISHMENTS

### Notice of Consideration To Continue Survey

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct a 1964 Annual Retail Trade Survey under the Act of Congress approved August 31, 1954; 13 U.S.C. 181, 224, and 225. This is a continuation of similar surveys conducted in previous years for collecting data covering year-end inventories, annual sales, and number of retail stores operated as of the end of the year. This survey is the only continuing source of important information on retail inventories and sales-inventory ratios. It also establishes a benchmark for the geographic area distribution of sales.

On the basis of information and recommendations received by the Bureau

of the Census, the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and are not publicly available from non-governmental or other governmental sources.

Such a survey, if conducted, shall begin not earlier than 30 days after the publication of this notice in the FEDERAL REGISTER.

Reports will be required only from a selected sample of retail establishments in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from sampled stores on the basis of their sales size and/or location in Census Sample Areas. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales and number of stores, by county; but those firms which are participating monthly in the Bureau's geographic area survey will be asked to report at the national level only.

Copies of the proposed forms and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington, D.C., 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey should be submitted in writing to the Director of the Bureau of the Census within 30 days after the date of this publication and will receive consideration.

RICHARD M. SCAMMON,
*Director, Bureau of the Census.*

[F.R. Doc. 64-12115; Filed, Nov. 25, 1964; 8:49 a.m.]

## Maritime Administration

### AMERICAN EXPORT ISBRANDTSEN LINES, INC.

### Notice of Application for Approval of Certain Cruises

Notice is hereby given that American Export Isbrandtsen Lines, Inc., acting pursuant to Public Law 87-45, has applied to the Maritime Administration for approval of the following listed cruises:

| Ship | Voyage number | Departs New York | Ports of call | Arrives New York |
|---|---|---|---|---|
| | | *1964* | | *1964* |
| Atlantic | 73 | Dec. 23 | St. Thomas | Dec. 31 |
| Constitution | 203 | do | Curacao, Trinidad, Barbados, Martinique, San Juan, and St. Thomas. | *1965* Jan. 4 |
| Atlantic | 74 | Dec. 31 | Nassau | Jan. 7 |
| | | *1965* | | |
| Atlantic | 75 | Jan. 7 | Wilmington, N.C., St. Maarten, St. Croix, San Juan, St. Thomas, and Wilmington, N.C. | Jan. 20 |
| Atlantic | 76 | Jan. 20 | St. Thomas and San Juan | Jan. 29 |
| Constitution | 204 | Jan. 25 | San Juan, St. Thomas, St. Maarten, Martinique, Barbados, Trinidad, La Guaira, and Curacao. | Feb. 8 |
| Atlantic | 77 | Jan. 30 | St. Thomas, Martinique, St. Maarten, and San Juan | Feb. 10 |
| Atlantic | 78 | Feb. 10 | St. Thomas, and San Juan | Feb. 19 |
| Independence | 210 | Feb. 11 | Curacao, Barbados, Martinique, San Juan, and St. Thomas. | Feb. 23 |
| Atlantic | 79 | Feb. 19 | Montego Bay, Aruba, Curacao, St. Thomas, and San Juan. | Mar. 5 |
| Independence | 211 | Feb. 24 | San Juan, St. Thomas, Martinique, Barbados, Trinidad, La Guaira, and Aruba. | Mar. 9 |
| Atlantic | 80 | Mar. 5 | San Juan, Barbados, Martinique, and St. Thomas | Mar. 17 |
| Independence | 213 | Apr. 2 | Curacao, Barbados, Martinique, San Juan, and St. Thomas. | Apr. 14 |
| Atlantic | 82 | Apr. 14 | Bermuda | Apr. 21 |
| Independence | 220 | Sept. 1 | Bermuda | Sept. 7 |
| Atlantic | 88 | Sept. 3 | San Juan, St. Thomas, and Bermuda | Sept. 13 |
| | | | | *1966* |
| Constitution | 217 | Dec. 23 | Curacao, Trinidad, Barbados, Martinique, San Juan, and St. Thomas. | Jan. 4 |

Any person, firm or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views and arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C., 20235, by the close of business on December 7, 1964. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: November 19, 1964.

JAMES S. DAWSON, Jr.,
*Secretary.*

[F.R. Doc. 64-12098; Filed, Nov. 25, 1964; 8:47 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 15710; Order E-21523]

### ALASKA AIRLINES, INC.

### Proposed Reduced Anchorage-Seattle Freight Rates; Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of November 1964.

By tariff revision marked to become effective November 23, 1964, Alaska Airlines, Inc. (Alaska) proposes the establishment of new specific commodity rates from Anchorage, Alaska, to Seattle, Wash., applicable to several commodity groups. One of these commodity groups, Group 1, contains numerous articles; however, the use of the proposed tariff for this group requires that not less than ten articles be contained in a shipment. A rate of 6 cents per pound is named for shipments of 500 pounds minimum weight and the proposal bears an expiration date of August 10, 1965.

Alaska declares that the acceptance of the same rates from Fairbanks effective September 13, 1964, has materialized beyond its expectations and, as a result, shippers in the Anchorage area have made requests for similar rates; that its current filing is intended to attract new traffic into scheduled airfreight service and the potential amounts to 500,000 pounds annually; and that this freight is essential to correct the traffic imbalance in the markets (northbound substantially greater than southbound).

Northwest Airlines, Inc., (Northwest) and Pacific Northern Airlines, Inc., (Pacific Northern) have filed complaints requesting investigation and suspension of the current proposal. In summary, the complaints variously allege that the proposed rates (1) will not attract traffic and will not prove to be promotional in effect; (2) are uneconomical and will not generate sufficient new business to offset the revenue loss from the reduction; (3) are below Alaska's reported operating costs; and (4) will necessitate defensive filings resulting in a reduction in the complainants' annual air freight revenues. It is also declared that the instant proposal is nothing more than the culmination of a campaign to obtain the drastically reduced rate structure previously sought (and which the Board suspended [1]) through widespread reductions in specific commodity rates; that the list of specific commodities is too broad, amounting in effect to a reduced general commodity rate; that the traffic would move as well at an 8-cent-per-pound rate as at the proposed 6-cent rate; and that the proposal should not, in any case, become effective until after the seasonal peak, terminating just before Christmas.

Upon consideration of the complaints and all relevant matters, the Board finds that the proposed rates may be unjust or unreasonable, or unduly discriminatory, or unduly preferential or unduly prejudicial, and should be investigated. The rates would effect a reduction of 65 percent below the general commodity rate in effect for Alaska, as well as for competitive carriers, and 25 percent below the lowest specific commodity rate in this market. The yield would be only 6.7 cents per ton-mile over Alaska's circuitous route, for which there is little cost justification. Although the limitation as to number of commodities for Group 1 limits the application of the rates, Alaska's proposal covers several hundred articles. We are concerned also with the possible impact upon subsidy payments to carriers in this market that are now receiving significant amounts of subsidy. We will include in this investigation the recent filing of these same rates from Fairbanks to Seattle in order to avoid any potential question of preference and prejudice in the establishment of rates for these markets.

However, we have decided not to suspend the proposal, but to let the filing become effective, chiefly because, while the rates proposed are low, they do not appear so low as to cause a significant dilution of carrier revenues. The extent of traffic diversion and revenue decrease for competing carriers is limited by the restriction as to number of commodities proposed, by the relatively small volume of traffic currently moving by air to be affected by the rate, and by the expiry date, assuming that the investigation is not completed before that date. Furthermore, it should be noted that the same rate is already in effect from Fairbanks, which, although closer to Seattle over Alaska's route, is farther away by a direct route. The Board distinguishes the current proposal from the one it suspended in July 1963 (supra) because of the commodity restrictions to Group 1 and the expiry date currently proposed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof: It is ordered, That:

1. An investigation be instituted to determine whether the rates described below and rules, regulations or practices affecting such rates are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates and rules, regulations or practices affecting such rates:

In Agent J. Aniello's C.A.B. No. 23, on 10th Revised Page 8-A, the rates subject to minimum weight of 500 pounds applying on Commodity Groups Nos. 1, 130, 160, and 180 from Anchorage to Seattle, Wash., and, on 22d Revised Page 10, the rates subject to minimum weight of 500 pounds applying on Commodity Groups Nos. 1, 140, 160, 180, and 280 from Fairbanks to Seattle, Wash., including subsequent revisions and reissues thereof;

2. The complaints of Northwest Airlines, Inc., in Docket 15625 and of Pacific Northern Airlines, Inc., in Docket 15623 are dismissed, except to the extent granted herein;

3. The proceeding herein be assigned before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be served upon Alaska Airlines, Inc., Northwest Airlines, Inc., and Pacific Northern Airlines, Inc., which are herby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-12132; Filed, Nov. 25, 1964; 8:49 a.m.]

[1] Reduced freight rates between Alaska and Seattle proposed by Alaska Airlines, Inc. Docket 14666, Order E-19844, dated July 23, 1963; subsequently dismissed by the Board (Order E-20043, dated Sept. 25, 1963) following withdrawal of suspended matter by the carrier.



[Docket No. 13908; Order E-21528]

### UNITED STATES OVERSEAS AIRLINES, INC.

### Order Extending Suspension Period of Interim Certificate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of November 1964.

By Order E-21431, October 23, 1964, the Board extended to and through November 23, 1964, the period of suspension of USOA's interim certificate for supplemental air service ordered in Order E-21325, September 24, 1964. On October 26, 1964, the parties filed briefs to the Board, and oral argument having been waived, the case stands submitted for decision.

The Board finds that a full consideration of the record and the matters raised on appeal foreclose the possibility of disposing of the appeal on or before November 23, 1964. The Board further finds that the circumstances requiring the suspension of USOA's interim certificate continue to exist and that pursuant to section 401(n) of the Act, Part IV of its interim certificate, and Rule 1015 of the Board's rules of practice, the period of suspension ordered in Order E-21431, supra, should be extended to and through December 7, 1964.

*Accordingly, it is ordered:*

1. That the period of suspension of USOA's interim certificate to engage in supplemental air transportation previously ordered be and it hereby is extended to and through December 7, 1964.

2. That a copy of this order shall be served upon the carrier by certified mail at its last known address and published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-12133; Filed, Nov. 25, 1964; 8:50 a.m.]

## FEDERAL AVIATION AGENCY

[OE Docket No. 64-SW-4]

### TEXAS ELECTRIC SERVICE CO.

### Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SW-OE-6537) to determine its effect upon the safe and efficient utilization of navigable airspace.

The Texas Electric Service Company, Fort Worth, Tex., has constructed a 345 kv electric transmission line with steel towers near Cedar Hill, Texas, at latitude 32°39'06" north, longitude 97°00'15" west. The overall height of the towers are 641 feet above mean sea level (114 feet above ground).

The structure would exceed the standards for determining hazards to air navigation as defined in § 77.27(b)(2) of the Federal Aviation Regulations by 39.5 feet as applied to the Texas Soaring Association (TSA) Airfield, Grand Prairie, Tex.

The aeronautical study disclosed that the powerline would cross the runway centerline approximately 3,360 feet north of the north end of the runway at the TSA Airfield.

No instrument flight rule (IFR) procedures or operations would be affected by this construction since the airfield is not used for IFR operations.

The powerlines are difficult to see and are barely discernible until approached very closely. The airfield is used for glider and sailplane student flight training and practice. Taking off north under normal conditions, using airplane tow for launch, the powerline could be safely cleared. However, in hot weather with little or no wind, the towplane and glider combination could pass very low over the powerline. In this situation, a broken or inadvertently released towline, or a loss of power on the towplane, could place one or both craft in extreme jeopardy. In addition, because the prevailing wind is from the south, most of the approaches are made from the north. The pilot of a glider or sailplane, once committed on an approach, cannot add power, or climb, or change his mind about landing. In attempting to avoid an obstruction during an emergency situation the control and maneuverability of a glider is more critical than a powered aircraft. Therefore, the transmission lines would have a more adverse effect upon the operations being conducted than would be experienced with a conventional plane.

Based upon the aeronautical study, it is the finding of the Agency that the powerline will have a substantial adverse effect upon aeronautical operations at the TSA Airfield.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the powerline has a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that this construction is a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on November 18, 1964.

GEORGE R. BORSARI,
*Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 64-12078; Filed, Nov. 25, 1964; 8:46 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15709, 15710; FCC 64-1062]

## JOHN CLARENCE COOK

### Order Designating Applications for Consolidated Hearing on Stated Issues

In the matter of application for a license for a ship radio station on board the vessel "Marianne," filed by John Clarence Cook, Miami, Florida, Docket No. 15700; application for a restricted radiotelephone operator's permit filed by John Clarence Cook, Miami, Florida, Docket No. 15710.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of November 1964:

The Commission having under consideration the captioned applications; and

It appearing, that, in his application for a ship radio station license, filed on May 16, 1963, John Clarence Cook stated, in reply to a question on the application form, that he had not been convicted of any crime for which the penalty imposed was a fine of $500.00 or more, or an imprisonment of six months or more; and

It further appearing, that, in reply to a subsequent specific inquiry of the Commission with respect to the above response, John Clarence Cook stated that he had been convicted of certain criminal offenses involving the imposition of such penalties; and

It further appearing, that, in his application for a restricted radiotelephone operator's permit, filed on June 26, 1963, John Clarence Cook, in reply to a question in the form, stated that he had been convicted of two criminal offenses; and

It further appearing, that the applicant has not satisfactorily explained discrepancies in his various statements regarding his criminal record; and

It further appearing, that these discrepancies and his criminal record raise serious questions as to whether John Clarence Cook possesses the character qualifications to be a licensee of the Commission; and

It further appearing, that, in view of the foregoing, the Commission is unable to find that the public interest, convenience, and necessity would be served by the grant of the captioned applications; and

It further appearing, that, except for the issues specified herein, the applicant is otherwise qualified.

*It is ordered*, That the application of John Clarence Cook for ship radio station license and his application for a restricted radiotelephone operator's permit are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, on the following issues:

1. To determine the nature and extent of applicant's criminal record.

2. To determine whether the applicant misrepresented to the Commission any information with respect to his criminal record.

3. To determine, in the light of the evidence adduced pursuant to issues 1 and 2, whether the applicant possesses the requisite character qualifications to be a licensee of the Commission.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-mentioned applications would serve the public interest, convenience, and necessity.

*It is further ordered*, That, pursuant to § 1.254 of the Commission's rules, the burden of proof on all issues shall be on the applicant; and

*It is further ordered*, That, in order to avail himself of an opportunity to be heard, the applicant in person or by attorney, pursuant to § 1.221 of the Commission's rules, shall within twenty days of the mailing of the Order, file with the Commission, in triplicate, a written appearance of intention to appear on the date fixed for the hearing and present evidence on the issues specified in the Order.

Released: November 23, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12116; Filed, Nov. 25, 1964; 8:49 a.m.]

[Docket Nos. 15701, 15702; FCC 64M-1166]

## SOUTHERN NEWSPAPERS, INC., AND RADIO HOT SPRINGS CO.

### Order Scheduling Hearing

In re applications of Southern Newspapers, Inc., Hot Springs, Arkansas, Docket No. 15701, File No. BPH-3984; C. J. Dickson, Guy R. Beckham and James M. Alexander d/b as Radio Hot Springs Company, Hot Springs, Arkansas, Docket No. 15702, File No. BPH-4124; for construction permits.

*It is ordered*, This 23d day of November 1964, that Elizabeth C. Smith shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on January 25, 1965; and that a prehearing conference shall be convened at 9:00 a.m. on December 23, 1964: *And it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: November 23, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12117; Filed, Nov. 25, 1964; 8:49 a.m.]

[Docket Nos. 15703, 15704; FCC 64M-1167]

## WTWV RADIO AND PROGRESSIVE BROADCASTING CO.

### Order Scheduling Hearing

In re applications of Frank K. Spain tr/as WTWV Radio, Tupelo, Mississippi, Docket No. 15703, File No. BP-15527; James D. Anderson and Frank F. Hinton d/b as The Progressive Broadcasting Company, Corinth, Mississippi, Docket No. 15704, File No. BP-15528; for construction permits.

*It is ordered*, This 23d day of November 1964, that David I. Kraushaar shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on January 18, 1965; and that a prehearing conference shall be convened at 9:00 a.m. on December 21, 1964: *And it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: November 23, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12118; Filed, Nov. 25, 1964; 8:49 a.m.]

[Docket Nos. 15705-15707; FCC 64M-1168]

## CHARLES VANDA ET AL.

### Order Scheduling Hearing

In re applications of Charles Vanda, Henderson, Nevada, Docket No. 15705, File No. BPCT-3315; Sovereign Television Corporation, Henderson, Nevada, Docket No. 15706, File No. BPCT-3323; Boulder City Television, Inc., Boulder City, Nevada, Docket No. 15707, File No. BPCT-3327; for construction permit for new television broadcast station (Channel 4).

*It is ordered*, This 23d day of November 1964, that H. Gifford Irion shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on February 1, 1965; and that a prehearing conference shall be convened at 10:00 a.m. on December 28, 1964: *And it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: November 23, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12119; Filed, Nov. 25, 1964; 8:49 a.m.]

# FEDERAL MARITIME COMMISSION

## INDEPENDENT OCEAN FREIGHT FORWARDER APPLICATIONS

### Notice of Revision

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licenses issued pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANTS

Joan Berns, No. 557, 2 West 31st Street, Room 601, New York, N.Y., 10001; withdrawn November 10, 1964.

Eugenio Vial, No. 824, Avenida Nueva, Nos Leones 0261, Santiago, Chile; revoked November 5, 1964.

Eduardo Salazar, No. 843, 276 Fifth Avenue, New York, N.Y.; revoked November 4, 1964.

Notice is hereby given that the following applicant has filed with the Federal Maritime Commission, an application for a license as an independent ocean freight forwarder, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why this applicant should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

NEW APPLICANTS

Adelino J. Vazquez (Late), 77 Ferry Street, Newark, N.J.; Adelino J. Vazquez, owner.

CHANGE OF ADDRESS

D. V. Arguimbau & Co., Inc., 16 Bridge Street, Room 702, New York, N.Y., 10004.

Fairview Forwarders, Inc., 513 Napoleon Avenue, New Orleans, La., Telephone No. 897-0924.

Freedman & Slater, Inc., 11 Broadway, New York, N.Y., 10004.

Notice is hereby given that the following licensed independent ocean freight forwarders are affiliated.

American Union Transport, Inc., 17 Battery Place, No. 560, New York, N.Y., 10004.

American Union Transport (Illinois), Inc., 17 Battery Place, No. 301, New York, N.Y., 10004.

Roepke & Otto, Inc., 17 Battery Place, No. 203, New York, N.Y., 10004.

A. S. Wilson Corporation, 17 Battery Place, No. 475, New York, N.Y., 10004.

Adolf Blum & Popper, Inc., 17 Battery Place, No. 448, New York, N.Y.

Merchant's Forwarders, Inc., 17 Battery Place, No. 246, New York, N.Y.

Dated: November 23, 1964.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-12106; Filed, Nov. 25, 1964; 8:48 a.m.]



# FEDERAL POWER COMMISSION

[Docket Nos. G-7978 etc.]

## BURNT HOUSE OIL & GAS CO. ET AL.

### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

NOVEMBER 17, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 14, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

| Docket No. and date filed | Applicant | Purchaser, field and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| G-7978 E 11-9-64 | Burnt House Oil & Gas Co. (successor to McCall Drilling Co., Inc.). | Hope Natural Gas Co., Clay District, Ritchie County, W. Va. | 20.0 | 15.325 |
| G-18235 C 11-9-64 | Cities Service Oil Co | Transwestern Pipeline Co., West Feldman Field, Hemphill County, Tex. | 17.0 | 14.65 |
| G-18402 C 11-10-64 | Shell Oil Co | Transcontinental Gas Pipe Line Corp., Eugene Island Area Block 100 Field, Offshore of St. Mary Parish, La. | 18.5 | 15.025 |
| CI60-175 C 11-6-64 | Pubco Petroleum Corp. (Operator), et al. | El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex. | [1] 13.234281 | 15.025 |
| CI61-192 C 11-9-64 | Phillips Petroleum Co | Texas Eastern Transmission Corp., Hico-Knowles Field, Lincoln Parish, La. | 15.8007 | 15.025 |
| CI62-1534 A 6-22-62 10-26-64 [2] | Shell Oil Co | El Paso Natural Gas Co., Mocane Field, Beaver County, Okla. | 17.0 | 14.65 |
| CI64-175 C 11-6-64 | Pan American Petroleum Corp. | El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex. | 13.0 | 15.025 |
| CI64-1250 C 11-10-64 | Paul F. Starr, agent for L & N Oil Co. | Hope Natural Gas Co., Washington District, Calhoun County, W. Va. | 25.0 | 15.325 |
| CI64-1498 C 11-6-64 D 11-6-64 [3] | California Oil Co., Western Division. | Kansas-Nebraska Natural Gas Co., Inc., Cooper Reservoir, Lost Cabin and Waltman Fields, Fremont and Natrona Counties, Wyo. | 15.0 | 14.65 |
| CI65-429 B 10-30-64 | Nabob Production Co. (Operator), et al. | Transwestern Pipeline Co., Hugoton Gas Field, Sherman County, Tex. | Depleted | ---------- |
| CI65-430 F 11-2-64 | Rincon Oil & Gas Corp. (successor to Mike Abraham). | El Paso Natural Gas Co., Pictured Cliffs Field, Rio Arriba County, N. Mex. | 12.0495 | 15.025 |
| CI65-431 B 11-2-64 | General American Oil Co. of Texas. | Ashland Oil & Refining Co., acreage in Union Parish, La. | (4) | ---------- |
| CI65-432 A 11-6-64 | Sunray DX Oil Co | Texas Eastern Transmission Corp., Dial Field, Goliad County, Tex. | 12.0 | 14.65 |
| CI65-433 A 11-9-64 | J. M. Huber Corp | Panhandle Eastern Pipe Line Co., South Tegarden Field, Woods County, Okla. | [5] 17.37 [6] 17.25 | 14.65 14.65 |
| CI65-434 A 11-9-64 | Thomas E. Berry | Panhandle Eastern Pipe Line Co., Acreage in Beaver County, Okla. | 17.0 | 14.65 |
| CI65-435 A 11-9-64 | Charles Bury | Hope Natural Gas Co., Warren District, Upshur County, W. Va. | 25.0 | 15.325 |
| CI65-436 A 11-9-64 | Texaco Inc | El Paso Natural Gas Co., Various Fields, Lea County, N. Mex. | 15.5 | 14.65 |
| CI65-437 A 11-9-64 | E. L. Fundingsland | El Paso Natural Gas Co., acreage in San Juan County, N. Mex. | 13.0 | 15.025 |
| CI65-438 A 11-9-64 | Socony Mobile Oil Co., Inc. | Natural Gas Pipeline Co. of America Northwest Quinlin Field, Woodward County, Okla. | 17.0 | 14.65 |
| CI65-439 A 11-5-64 | W. W. F. Oil Corp. (Operator), et al. | United Fuel Gas Co., St. Paul Bayou Field, Terrebonne Parish, La. | 17.5 | 15.025 |
| CI65-440 A 11-5-64 | Phillips Petroleum Co | Hope Natural Gas Co., Burns Chapel Unit Area, Monongolia and Preston Counties, W. Va. | 28.0 | 15.325 |
| CI65-441 A 11-6-64 | Ashland Oil & Refining Co. | Natural Gas Pipeline Co. of America acreage in Dewey County, Okla. | 17.0 | 14.65 |
| CI65-442 F 11-9-64 | Rincon Oil & Gas Corp. (successor to Mike Abraham). | El Paso Natural Gas Co., Pictured Cliffs and Mesa Verde Fields, Rio Arriba County, N. Mex. | [7] 11.0 [8] 12.0 | 15.025 15.025 |
| CI65-443 A 11-9-64 | White Sands Oil and Gas Corp. | El Paso Natural Gas Co., Kulcher Kutz Field, San Juan County, N. Mex. | 13.0 | 15.025 |
| CI65-444 A 11-10-64 | Rutter and Company, Ltd., et al. | El Paso Natural Gas Co., Spraberry Trend Area Field, Glasscock County, Tex. | 16.96 | 14.65 |
| CI65-445 A 11-10-64 | W. B. Fleming Well No. 1 | Hope Natural Gas Co., McClellan District, Doddridge County, W. Va. | 25.0 | 15.325 |
| CI65-446 F 11-9-64 | Rutter and Wilbanks Corp. (successor to Clovis G. Chappell). | El Paso Natural Gas Co., Spraberry Trend Area Field, Upton County, Tex. | 11.6 | 14.65 |
| CI65-447 B 11-10-64 | Carroll T. Payne, et al | Hope Natural Gas Co., Grant District, Harrison County, W. Va. | Uneconomical | ---------- |
| CI65-448 A 11-10-64 | E. O. Meredith, et al | Hope Natural Gas Co., Murphy District, Ritchie County, W. Va. | 25.0 | 15.325 |
| CI65-449 A 11-10-64 | H. E. Acker, et al | Hope Natural Gas Co., Freemans Creek District, Lewis County, W. Va. | 25.0 | 15.325 |
| CI65-450 A 11-10-64 | P. P. Gunn, et al | Hope Natural Gas Co., Lee District, Calhoun County, W. Va. | 25.0 | 15.325 |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

| Docket No. and date filed | Applicant | Purchaser, field and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| CI66-451 ..... A 11-10-64 | M. & R. Producing Co. | Hope Natural Gas Co., Spencer District, Roane County, W. Va. | 26.0 | 15.325 |
| CI66-452 ..... A 11-12-64 | Fred Attaya | Texas Eastern Transmission Corp., Altair Field, Colorado County, Tex. | 12.0 | 14.65 |
| CI66-453 ..... A 11-12-64 | The Atlantic Refining Co. | Northern Natural Gas Co., Ozona Field, Crockett County, Tex. | 14.0 | 14.65 |
| CI66-454 ..... A 11-12-64 | Shelly Oil Co. | Panhandle Eastern Pipe Line Co., acreage in Seward County, Kans. | 14.0 | 14.65 |
| CI65-455 ..... B 11-12-64 | Champlin Petroleum Co. (formerly Champlin Oil & Refining Co.). | Arkansas Louisiana Gas Co., Gladys Woy Unit, Garfield County, Okla. | Depleted | ..... |
| CI64-456 ..... A 11-12-64 | McCall Drilling Co., Inc. | Hope Natural Gas Co., Sherman District, Calhoun County, W. Va. | 25.0 | 15.325 |
| CI65-457 ..... A 11-12-64 | Robert Gill Oil and Gas Partership. | Hope Natural Gas Co., Murphy District, Ritchie County, W. Va. | 25.0 | 15.325 |
| CI65-458 ..... A 11-12-64 | Cunningham Oil & Gas Co. | do | 25.0 | 15.325 |
| CI65-459 ..... A 11-12-64 | Dewey Harris, et al. | Hope Natural Gas Co., Warren District, Upshur County, W. Va. | 25.0 | 15.325 |

[1] Includes .294281 cent per Mcf tax reimbursement.
[2] By letter filed Oct. 28, 1964 Applicant agreed to accept permanent certificate under the same terms and conditions contained in Opinion Nos. 300 and 300-A.
[3] Deletes nonproductive acreage.
[4] Assignment of gas purchase contract to purchaser.
[5] For gas produced from Piper Unit.
[6] For gas produced from Loshbough Unit.
[7] Production from formations down to and including the Pictured Cliffs formation.
[8] Production from formations below the Pictured Cliffs formation.

[F.R. Doc. 64-11955; Filed, Nov. 25, 1964; 8:45 a.m.]

[Docket No. CP63-351]

## MONTANA-DAKOTA UTILITIES CO.

### Notice of Application and Date of Hearing

NOVEMBER 18, 1964.

Take notice that on June 24, 1963, Montana-Dakota Utilities Co. (Montana-Dakota), a Delaware corporation with its principal place of business in Minneapolis, Minn., filed an application in Docket No. CP63-351, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to construct and operate the facilities hereinafter described, all as more fully described in the application on file with the Commission and open to public inspection.

Montana-Dakota proposes to construct and operate the following facilities:

1. A natural gas lateral transmission line consisting of approximately 1.4 miles of 4½-inch O.D. pipe extending from the existing Marmarth to Bowman, North Dakota 6⅝-inch O.D. transmission main to the Kermac Nuclear Fuels Corporation mill located in the NW¼ of Section 34, T 132 N, R 103 W, Bowman County, North Dakota.

2. A measuring and regulating station at the terminus of the proposed lateral gas transmission main.

Montana-Dakota shows by its application that the purpose of providing natural gas service to the Kermac Nuclear Fuels Corp. Plant near Bowman, North Dakota. Service is to begin August 1, 1963. Montana-Dakota has requested temporary authority to proceed with construction pending final determination of this application and on July 31, 1963, the request was granted by the Commission.

The estimated cost of the facilities is $19,900, which will be financed through internally generated funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commisson on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 11, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12080; Filed, Nov. 25, 1964; 8:46 a.m.]

[Docket No. CP65-98]

## SOUTHERN NATURAL GAS CO.

### Notice of Application

NOVEMBER 19, 1964.

Take notice that on October 12, 1964, Southern Natural Gas Co. (Applicant), Watts Building, Birmingham, Ala., filed in Docket No. CP65-98 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities near Ragland, St. Clair County, Ala., all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to construct and operate a line tap, measuring station, and 0.284 mile of 4½-inch tap line, all for the purpose of making deliveries of natural gas to a new plant of Cement Asbestos Products Co., being constructed near Ragland, Alabama. Estimated annual and peak day requirements are 162,000 Mcf and 862 Mcf respectively. All deliveries are to be on an interruptible basis.

Total estimated cost to Applicant is $22,560, and will be defrayed with internal funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 13, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12081; Filed, Nov. 25, 1964; 8:46 a.m.]

[Docket No. CP64-4]

## TENNESSEE GAS TRANSMISSION CO.

### Notice of Application

NOVEMBER 18, 1964.

Take notice that on July 5, 1963, Tennessee Gas Transmission Co. (Applicant), Tennessee Building, Houston, Tex., filed in Docket No. CP64-4, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, authorizing the exchange of natural gas with McWood Corporation (McWood) at points on Applicant's lateral transmission lines in Southwestern Louisiana, and the operation and maintenance of metering facilities (to be constructed by McWood) for the delivery and return of said natural gas to McWood, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to take 1,500 Mcf of natural gas daily produced by McWood from the Creole Field in Cameron Parish, La., and deliver an equivalent volume to McWood at a point on its lateral transmission line (16-inch South Louisiana Bayou Sale Line) in Jefferson Davis Parish, La. Applicant will receive $490 per month for rendering the proposed service.

The Commission on August 2, 1963, issued Applicant a temporary certificate authorizing the proposed facilities and service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 11, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12082; Filed, Nov. 25, 1964; 8:46 a.m.]

[Docket No. CP65-103]

## TRANSWESTERN PIPELINE CO.

### Notice of Application

NOVEMBER 18, 1964.

Take notice that on October 15, 1964, Transwestern Pipeline Co. (Applicant), First City National Bank Building, Houston, Tex., filed in Docket No. CP65-103 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of certain minor gas facilities which were installed by producers in Texas, Kansas, and Oklahoma, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has agreed to acquire these facilities through which gas is already being received by Applicant. No additional sales or purchases of gas are contemplated or proposed herein. The facilities to be acquired include small diameter gathering lines, dehydrators, metering and related facilities connecting wells of the producers to Applicant's system. The application indicates that none of the facilities involved will increase its mainline capacity.

The original cost of the facilities to be acquired was $138,740.51. Applicant will pay the original cost less depreciation. Said costs will be financed from funds available from company operations.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene it timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 15, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12083; Filed, Nov. 25, 1964; 8:46 a.m.]

[Docket No. CP65-112]

## TRANSWESTERN PIPELINE CO.

### Notice of Application

NOVEMBER 19, 1964.

Take notice that on October 26, 1964, Transwestern Pipeline Co. (Applicant), Post Office Box 1502, Houston, Tex., 77001, filed in Docket No. CP65-112 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to continue the operation of facilities and the sale of natural gas until September 30, 1966, to Pioneer Natural Gas Co., in Parmer County, Tex., which said operations and sale were first authorized by a temporary order of the Commission in Docket No. CP63-19 on June 24, 1962, all as more fully set forth in the application in this proceeding on file with the Commission and open to public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 11, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12084; Filed, Nov. 25, 1964; 8:46 a.m.]

[Docket Nos. RI65-300, etc.]

## HARPER OIL CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 17, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are

[1] Does not consolidate for hearing or dispose of the several matters herein.

suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 2, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplemental No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-300 | Harper Oil Co., et al., 904 Hightower Building, Oklahoma City, Okla., 73102. | 7 | 1 | Northern Natural Gas Co. (Six Mile Pool, Beaver County, Okla.) (Panhandle Area). | $2,295 | 10-19-64 | [3] 11-19-64 | 4-19-65 | [9] 16.656 | [5] [11] 17.767 | |
| RI65-301 | Frederick C. Hamilton and Ferris F. Hamilton d.b.a. Hamilton Brothers, Ltd., 1517 Denver Club Building, Denver 2, Colo. | 13 | 4 | Kansas-Nebraska Natural Gas Co., Inc. (Camrick Field, Texas County, Okla.) (Panhandle Area).) | 600 | 10-21-64 | [3] 11-21-64 | 4-21-65 | [7] [8] 17.4 | [5] [7] [8] 17.6 | RI64-284. |
| RI65-302 | C. T. Palmer, et al., Post Office Box 245, Shamrock, Tex. | 3 | [6] 1 | Panhandle Eastern Pipe Line Co. (Hugoton Field, Seward, Morton, and Stevens Counties, Kans.) | 1,000 | 10-21-64 | [10] 1-21-65 | 6-21-65 | 11.0 | [4] 12.0 | |
| RI65-303 | Mildred McCutchen, 219 East "J" Street, Ontario, Calif. | 9 | [6] 1 | ....do | 1,000 | 10-21-64 | [10] 1-21-65 | 6-21-65 | 11.0 | [4] 12.0 | |
| RI65-304 | Mahaska Gas Co., Inc., Iowa Trust and Savings Building, Oskaloosa, Iowa. | 4 | [6] 1 | ....do | 3,000 | 10-21-64 | [10] 1-21-65 | 6-21-65 | 11.0 | [4] 12.0 | |
| RI65-305 | J. J. Weigel, et al., 1502 First Avenue, Dodge City, Kans. | 7 | [6] 1 | ....do | 1,000 | 10-21-64 | [10] 1-21-65 | 6-21-65 | 11.0 | [4] 12.0 | |
| RI65-306 | J. F. Hamilton Trust Estate, c/o Adams, Jones, Robinson, and Manka, 202 West First Street, Wichita, Kans., 67202. | 1 | [6] 1 | ....do | 1,000 | 10-21-64 | [10] 1-21-65 | 6-21-65 | 11.0 | [4] 12.0 | |
| RI65-307 | Howard H. Sidwell, 722 Midland Savings Building, Denver, Colo. | 20 | [6] 1 | ....do | 6,000 | 10-21-64 | [10] 1-21-65 | 6-21-65 | 11.0 | [4] 12.0 | |
| RI65-308 | Donald W. Sidwell, et al., 514 Johnson Building, Denver 2, Colo. | 20 | [6] 1 | ....do | 6,000 | 10-21-64 | [10] 1-21-65 | 6-21-65 | 11.0 | [4] 12.0 | |
| RI65-309 | Walter L. Sidwell, Jr., et al., 301 Park, Winfield, Kans. | 20 | [6] 1 | ....do | 6,000 | 10-21-64 | [10] 1-21-65 | 6-21-65 | 11.0 | [4] 12.0 | |
| RI65-310 | Walter F. Kuhn, et al., 726 Union Center Building, Wichita 2, Kans. | 42 | [6] 2 | ....do | 2,000 | 10-21-64 | [10] 1-21-65 | 6-21-65 | 11.0 | [4] 12.0 | |
| RI65-311 | Mark H. Adams, 503 Colorado-Derby Building, Wichita, Kans. | 14 | [6] 1 | ....do | 4,500 | 10-21-64 | [10] 1-21-65 | 6-21-65 | 11.0 | [4] 12.0 | |
| RI65-312 | Warren W. Spikes, et al., Hugoton, Kans. | 1 | [6] 1 | ....do | 800 | 10-21-64 | [10] 1-21-65 | 6-21-65 | 11.0 | [4] 12.0 | |
| RI65-313 | The Stevens County Oil & Gas Co., Suite B, Lower Level, Colorado-Derby Building, Wichita, Kans. | 26 | [6] 1 | ....do | 7,000 | 10-21-64 | [10] 1-21-65 | 6-21-65 | 11.0 | [4] 12.0 | |
| RI65-314 | Gas, Inc., Suite B, Lower Level, Colorado-Derby Building, Wichita, Kans. | 1 | [6] 2 | ....do | 6,000 | 10-21-64 | [10] 1-21-65 | 6-21-65 | 11.0 | [4] 12.0 | |
| RI65-315 | Glen A. Martin, et al., National Bank of Commerce Building, San Antonio, Tex. | 2 | 3 | South Texas Natural Gas Gathering Co. (Glen Martin Field, Webb County, Tex.) (R.R. District No. 4). | 11,761 | 10-19-64 | [10] 12-1-64 | 5-1-65 | [12] 15.0 | [4] [11] 16.0 | |
| RI65-316 | Livingston Oil Co., 9 East Fourth Street, Post Office Box 1797, Tulsa, Okla. | 12 | 5 | Tennessee Gas Transmission Co. (Northeast Loreno Field, Zapata County, Tex.) (R.R. District No. 4). | 4,060 | 10-20-64 | [10] 11-20-64 | 4-20-65 | [7] [13] 16.5 | [3] [4] [7] 18.0 | |
| RI65-317 | Shell Oil Co., 50 West 50th Street, New York 20, N.Y. Attn: Mr. F. C. Sweat. | 262 | 1 | Tennessee Gas Transmission Co. (LeBlanc Field, Allen Parish, La.) (South Louisiana). | 1,095 | 10-23-64 | [10] 11-23-64 | 4-23-65 | [7] [13] [14] 20.8 | [3] [7] [14] [15] 21.8 | |
| RI65-318 | R. M. Ross, Ross Building, Hattiesburg, Miss. | 1 | 2 | United Gas Pipe Line Co. (Maxie-Pistol Ridge Area, Forrest, Lamar, and Pearl River Counties, Miss.). | (16) | 10-22-64 | [3] 11-22-64 | 4-22-65 | [13] 20.0 | [14] [17] [18] 24.0 | |
| RI65-319 | Texas American Oil Corp. (Operator), et al., c/o Lynch & Chappell, 201 Wall Building, Midland, Tex. | 1 | 1 | El Paso Natural Gas Co. (Sonora Gas Field, Sutton County, Tex.) (R.R. District 7-C) (Permian Basin Area). | 1,938 | 10-21-64 | [3] 11-21-64 | 4-21-65 | [13] 15.6488 | [4] 16.6584 | |

See footnotes at end of table.



| Docket No. | Respondent | Rate schedule No. | Supplemental No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI65-320 | Alexander G. Kasper and Frank Keli Cahoon (Operator), et al., c/o Lynch & Chappell, 201 Wall Building, Midland, Tex. | 1 | 4 | Transwestern Pipeline Co. (Wersham Field, Reeves County, Tex.) (R.R. District No. 8) (Permian Basin Area). | 960 | 10-21-64 | [3] 11-21-64 | 4-21-65 | [12] 16.0 | [4] 17.0 | |

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Includes base rate of 16.0 cents per Mcf plus upward B.t.u. adjustment (base rate subject to upward and downward B.t.u. adjustment).
[5] Includes base rate of 15.0 cents per Mcf plus upward B.t.u. adjustment (base rate subject to upward and downward B.t.u. adjustment).
[6] Subject to a downward B.t.u. adjustment.
[7] Rate is subject to 1.75 cents per Mcf deduction by buyer for compression of gas produced from the Curtis Ross No. 1 Well.
[8] Applicable to production from surface to base of Chase Group of Permian Series.
[9] The stated effective date is the effective date requested by Respondent.
[10] Producer filing from certificated rate to initial contract rate.
[11] Initial rate permanently certificated in Opinion No. 362.
[12] Initial rate.
[13] Pressure base is 15.025 p.s.i.a.
[14] Includes applicable tax reimbursement.
[15] Producer's submittals and records do not show volume of gas produced. Producer states his annual production is less than 250,000 Mcf which would amount to about $10,000 annual increase.
[16] Redetermined rate increase.
[17] Includes 1.0 cent per Mcf tax reimbursement.
[18] Exclusive of taxes.

Harper Oil Co., et al., request that their proposed rate increase be permitted to become effective "immediately." Frederick C. Hamilton and Ferris F. Hamilton, d.b.a. Hamilton Brothers, Ltd., request an effective date of November 1, 1964, for their rate filing. R. M. Ross requests a retroactive effective date of November 24, 1959, for his proposed rate increase; Texas American Oil Corp. (Operator), et al., and Alexander G. Kasper and Frank Keli Cahoon (Operator), et al., request waiver of notice to make their proposed rate increases effective as of October 21, 1964. Good cause has not been shown for waiving the 30-day notice requirement provided in Section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Glen A. Martin, et al., (Martin) proposes a change in rate from an initial rate permanently certificated by the Commission's orders in Opinion No. 362, issued August 30, 1962, Skelly Oil Co., et al., Docket Nos. G-18639, et al., to the higher initial rate provided for in the contract involved. A 1.0 cent per Mcf periodic escalation increase to 17.0 cents per Mcf is also due under Martin's rate schedule, to be effective as of December 1, 1964, but Martin has not applied for such increase. The proposed rate exceeds the area initial and increased ceiling level and should be suspended. The proposed rate does not establish a new plateau for increased rates nor does it in itself trigger rates in the area affected.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, Sec. 2.56.)
Part 2, Section 2.56].

[F.R. Doc. 64-11956; Filed, Nov. 25, 1964; 8:45 a.m.]

[Docket No. CP65-119]

## UNITED GAS PIPE LINE CO.

### Notice of Application

NOVEMBER 19, 1964.

Take notice that on November 3, 1964, United Gas Pipe Line Co. (Applicant), 1525 Fairfield Avenue, Shreveport, La., filed in Docket No. CP65-119 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant during the three years commencing January 1, 1965, to construct and operate natural gas pipeline facilities and compression facilities for the testing and development of underground reservoirs for the storage of natural gas located near the route of Applicant's pipeline system in the States of Alabama, Florida, Louisiana, Mississippi, and Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant agrees in this "budget-type" application (1) that the volume of natural gas to be injected into the prospective storage fields will not exceed a total of 10,000,000 Mcf with not more than 2,000,000 Mcf being injected into any single reservoir; (2) that the gas will be injected for testing purposes only during off-peak periods; (3) that with the exception of occasionally withdrawing gas for testing purposes any storage field developed pursuant to authorization received in this docket will not be utilized to render service without further authorization of the Commission; (4) the total expenditure for the three-year period will not exceed $3,000,000 with not more than $1,000,000 being spent for any one-year period, and (5) the cost of the project will be charged to Account No. 822 of Part 201, Underground Storage Exploration and Development Expenses, if such project is ultimately determined to be infeasible for storage purposes.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 16, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-12065; Filed, Nov. 25, 1964; 8:46 a.m.]

[Docket No. G-16602 etc.]

## UNION OIL COMPANY OF CALIFORNIA

### Order Conditionally Approving Offer of Settlement, Severing and Terminating Proceedings, and Prescribing Refunds

NOVEMBER 18, 1964.

Union Oil Company of California, Docket Nos. G-16602, G-17673, G-17682, G-17705, G-19609, G-20287, RI61-80, RI62-43, RI63-117 and RI64-238.

On September 23, 1964, Union Oil Company of California (Union) submitted an offer of settlement [1] in the above-captioned proceedings seeking to resolve the dispute with its pipeline purchaser [2] as to the amount of Louisiana gas severance tax reimbursement contractually authorized for the jurisdictional sale involved. Each of the suspension proceedings involve the question of the amount of tax reimbursement to which Union is entitled under its contracts. In the offer of settlement, Union proposes to refund the amount of money collected in excess of the amount considered contractually authorized by the purchaser, together with interest at the rate of 6 percent per annum.

[1] The offer of settlement is contained in separate motions in Docket Nos. G-17673, G-17682, G-17705 and G-20287 seeking approval of refunds, termination of the proceeding and other relief, together with an agreement with the purchaser setting the proper amount of tax reimbursement.

[2] The purchasers are as follows: Tennessee Gas Transmission Company in Docket No. G-17673; United Fuel Gas Company in Docket No. G-17682; Texas Gas Transmission Corporation in Docket No. G-17705; and Trunkline Gas Company in Docket No. G-20287.

The pertinent aspects of Union's offers of settlement are as follows:

| Docket No. | Rate schedule | Supplement No. | Questionable tax reimbursement | Settlement tax reimbursement | Settlement refund period | Approximate refund exclusive of interest |
|---|---|---|---|---|---|---|
| | | | *Cents* | *Cents* | | |
| G-17673 | 7 | 5 | 1.75 | 1.5 | Jan. 30, 1959 to Apr. 1, 1963 | $6,850 |
| G-17682 et al | 12 | 4 | 1.75 | 1.5 | Dec. 1, 1958 to date[1] | 30,600 |
| G-17705 [2] | 13 | 4 | 1.875 | 1.75 | Dec. 1, 1958 to date[1] | 166,550 |
| G-20287 | 40 | 1 | 2.05 | 1.8 | Dec. 29, 1959 to date[1] | 72,400 |

[1] Date of issuance of this order.
[2] Docket No. G-17705 has been consolidated in the South Louisiana Area Rate Proceeding, Docket Nos. AR61-2, et al.

Under its FPC Gas Rate Schedule No. 12, Union has also filed for increased rates which reflect increases in the base rate and include the questionable 1.75 cents per Mcf tax reimbursement. These rates have been placed in effect subject to refund in Docket Nos. G-16602, G-19609, RI61-80, RI62-43, RI63-117 and RI64-238. Union is now proposing to reduce only the tax reimbursement component of these increased rates. Accordingly, we desire to make it clear that our approval of the instant settlement and the refunds relating thereto is without prejudice to the Commission's determination of the justness and reasonableness of the increased rates involved in these proceedings, together with any refund obligations relating thereto.

By order of the Commission issued December 23, 1959 in Docket No. G-20287, Union's FPC Gas Rate Schedule No. 40 and Supplement No. 1 thereto were conditionally accepted for filing subject to rejection thereof if it were determined after hearing that the tax reimbursement component was inconsistent with the contract tax reimbursement provisions. In view of our approval of the settlement proposal, we shall terminate the condition of the acceptance of Supplement No. 1 to Union's FPC Gas Rate Schedule No. 40 imposed in Docket No. G-20287.

In accordance with our action in the recent Humble Oil & Refining Company settlement [3] proceedings we shall require Union to retain the amounts of refund ordered herein until further order directing the nature of their disposition and also to submit within 45 days of this order to the Commission and each customer a detailed report setting out, by purchasers, the amount of refund related to each rate schedule, the volume of gas sold thereunder and the period covered. We shall also by separate action direct each of the pipeline purchasers within ten days from the receipt of such report, to submit a report of their own setting forth whether they intend to pass on all or part of such refund amounts to their customers and the names of such customers and amounts of refund each would receive, or, if they claim the right to retain any portion of the refunds, a brief statement as to the legal or equitable basis for such claim. In the event such reports indicate that the refunds will flow through to ultimate consumers or distribution companies not subject to the Commission's jurisdiction, the Commission will authorize the release of such refund sums by Union (unless a state regulatory authority after notification of the sum to be made available to a company subject to its regulatory jurisdiction asks us to defer releasing the funds until it can determine their ultimate disposition). In the event a pipeline purchaser from Union (or a pipeline customer of such a pipeline) indicates that it is asserting a claim to retain substantial refund sums the Commission will by further order prescribe the procedure for determining the relative rights to such funds of such pipeline or its customers.

Union may elect at its option to either use these funds in its business and pay 6 percent interest thereon or to deposit such funds in a special escrow account.

Our action herein should not be construed as constituting approval of any future rate increases that may be filed under the subject rate schedules, and is without prejudice to any findings or order of the Commission in any future proceedings, including area rate or other similar proceedings, involving Union's rates and rate schedules.

The Commission finds: The proposed settlement of the above-captioned proceedings on the basis described herein, as more fully set forth in the offer of settlement filed with the Commission by Union on September 23, 1964, is in the public interest and appropriate to carry out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) The settlement of these proceedings on the basis of the settlement proposal as herein conditioned, filed by Union on September 23, 1964, is approved and made effective subject to the terms and conditions herein.

(B) Union shall file within 30 days of the issuance of this order a notice of change in rate to its Rate Schedule No. 7 reflecting a tax reimbursement rate of 1.5 cents per Mcf for the period from January 30, 1959 to April 1, 1963.

(C) Union shall file within 30 days of the issuance of this order a notice of change in rate to its Rate Schedule No. 12 reflecting a tax reimbursement rate of 1.5 cents per Mcf. Such notice of change shall be effective as of the date of this order, subject to further refund in Docket No. RI64-238.

(D) Union shall file notices of change in rates to its Rate Schedule Nos. 13 and 40 reflecting tax reimbursement rates of 1.75 cents per Mcf and 1.8 cents per Mcf, respectively, to be effective as of the date of this order.

(E) Union shall compute the difference between the rates collected subject to refund in the above entitled proceedings and the related settlement rates in the above-entitled proceedings, together with interest at 6 percent per annum. Union shall within 45 days from the date of this order submit a report to the Commission, and serve a copy on each of the purchasers involved, setting out by purchasers the amount of refunds related to each rate schedule (showing separately the principal and applicable interest), and the bases used for such determination and the periods covered.

(F) Union shall retain the amounts shown in the report required under paragraph (E) above, subject to further order of the Commission directing the disposition of those amounts.

(G) If Union elects to commingle these retained refunds with its general assets and use them for its corporate purposes, it shall pay interest thereon at the rate of 6 percent per annum on all funds thus available from the date of this order, to the date on which they are paid over to the person ultimately determined to be entitled thereto in a final order of the Commission.

(H) If Union elects to deposit the retained refunds in a special escrow account, Union shall tender for filing within 45 days from the date of issuance of this order, an executed Escrow Agreement, conditioned as set out below accompanied by certificate showing service of a copy thereof upon each of its jurisdictional customers involved. Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, the Escrow Agreement shall be deemed to be satisfactory and to have been accepted for filing. The Escrow Agreement shall be entered into between Union and any bank or trust company used as a depositor for funds of the United States Government and the agreement shall be conditioned as follows:

(1) Union, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled thereto, with respect to all amounts and the interest thereon deposited in a special escrow account, subject to such Agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final order of the Commission and in such manner as may be therein specified, all or any portion of such deposits and the interest thereon.

(2) The bank or trust company may invest and reinvest such deposits in any short-term indebtedness of the United States or any agency thereof or in any form of obligation guaranteed by the United States which is, respectively, payable within 120 days as the said bank or trust company in the exercise of its sound discretion may select.

(3) Such bank or trust company shall be liable only for such interest as the invested funds described in Paragraph (2) above will earn and no other interest may be collected from it.

(4) Such bank or trust company shall be entitled to such compensation as is fair, reasonable and customary for its services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company shall likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be made out of the escrow account.

(5) Such bank or trust company shall report to the Secretary quarterly, certifying the amount deposited in the trust account for the quarterly period.

(I) Upon full compliance by Union with all the terms and provisions of this order, the proceeding in Docket No. G-17705 shall be severed from the consolidated proceedings in Docket Nos. AR61-2, et al., and the proceedings in Docket Nos. G-17673, G-17682, G-17705 and G-20287 shall terminate.

(J) The acceptance by the Commission of Union's offer of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against Union, including area rate or other similar proceedings. The Commission's action herein is also without prejudice to the determination of the justness and reasonableness of the increased rates involved in Docket Nos. G-16602, G-19609, RI61-80, RI62-43, RI63-117, and RI64-238 and any further refund obligations relating thereto.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-12086; Filed, Nov. 25, 1964; 8:47 a.m.]

[3] Order issued July 8, 1964, in Docket Nos. G-9287, et al.



# GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulation (Temporary) No. F-1]

## SECRETARY OF DEFENSE

### Delegation of Authority, Communications Regulatory Proceeding, State of Washington

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority is hereby delegated to the Secretary of Defense, in accordance with sections 201(c)(4) and 205 (d) and (e) thereof, to represent the interests of the executive agencies of the Federal Government in the Matter of Petition for Declaratory Ruling by Cascade Telephone Company of North Bend, before the Washington Utilities and Transportation Commission.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official, or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials, and employees of the General Services Administration.

4. This delegation of authority shall be effective October 23, 1964.

Dated: November 19, 1964.

LAWSON B. KNOTT, Jr., *Acting Administrator of General Services.*

[F.R. Doc. 64-12154; Filed, Nov. 25, 1964; 8:50 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 1082]

## MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 23, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67186. By order of November 19, 1964, The Transfer Board approved the transfer to Bonanza Trucking Company, a corporation, Craig, Colo., of Certificate in No. MC 112059, issued April 26, 1957, to Arlo Miller, doing business as M. & N. Truck Line, Afton, Wyo., authorizing the transportion of: General commodities, excluding household goods, commodities in bulk or those requiring special equipment, and other specified commodities, between Salt Lake City, Utah, and Etna, Wyo., between Montpelier, Idaho, and Etna, Wyo., between Alpine, Wyo., and Geneva, Idaho, between Afton, Wyo., and Pocatello, Idaho, between Alpine, Wyo., and Salt Lake City, Utah, between Afton, Wyo., and Montpelier, Idaho, and between Afton, Wyo., and points within 15 miles of Afton; cement, from Devils Slide, Utah, to Afton, Wyo.; brick and tile, from Ammon, Idaho, to Geneva, Idaho; cheese, from Afton, Wyo., to Pocatello, Idaho; and such merchandise as is dealt in by retail grocery business houses, from Pocatello, Idaho, to Fairview, Wyo. Marion F. Jones, 526 Denham Building, Denver, Colo., 80222, attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-12108; Filed, Nov. 25, 1964; 8:48 a.m.]

[S.O. 947; Rev. Taylor's Car Distribution Order 19]

## READING CO. ET AL.

### Shortage of Freight Cars

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (5) (b) of Interstate Commerce Commission Service Order No. 947 (28 F.R. 12127, 29 F.R. 6014, and 9670).

I find that there exists a shortage of freight cars in certain areas because of inequitable distribution and, because of such emergency, notice and public procedure on this order would be impracticable and contrary to the public interest and this order shall be made effective upon less than 30 days' notice.

*Therefore, it is ordered,* That,

(a) The Reading Company shall deliver to the Western Maryland Railway Company a daily average of 25 plain serviceable box cars inside length less than 44'8".

(b) Cars received by the Western Maryland Railway Company under this order will be delivered to the Baltimore and Ohio Rail Road Company.

(c) Cars received by the Baltimore and Ohio Rail Road Company under this order shall be delivered to the Chicago and North Western Railway Company.

*It is further ordered,* That the Reading Company shall prepare empty car cards, tickets or movement slips for all cars delivered to the Western Maryland Railway Company. Such cards, tickets or slips to accompany cars and be delivered with cars to The Baltimore and Ohio Rail Road Company.

*It is further ordered,* That cars moving under the provisions of this order and so identified on cards, tickets or slips shall not be intercepted, appropriated or diverted by any carrier named in this order and must be moved promptly to the Chicago and North Western Railway Company.

(d) Effective date: This order shall become effective at 12:01 a.m. November 21, 1964.

(e) Expiration date: This order shall expire at 11:59 p.m. November 25, 1964 unless otherwise ordered.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 20, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-12100; Filed, Nov. 25, 1964; 8:48 a.m.]

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*Pages 15891–15938*

# FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

VOLUME 29 NUMBER 232

*Washington, Saturday, November 28, 1964*



U. OF MICHIGAN

DEC 3 1964

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# Presidential Documents

## Title 3—THE PRESIDENT

### Letter of November 23, 1964

**[ REPORT OF THE PRESIDENT'S COMMISSION ON THE ASSASSINATION OF PRESIDENT KENNEDY ]**

**[ Nonapplicability of Declassification Procedures ]**

THE WHITE HOUSE,
*Washington, November 23, 1964.*

DEAR MR. CHAIRMAN:

The procedures set forth in Section 5(i) of Executive Order No. 10501 with respect to the declassification of material shall have no application to the Report of the President's Commission on the Assassination of President Kennedy and the exhibit volumes thereto.

This letter shall be published in the FEDERAL REGISTER.

Sincerely,

LYNDON B. JOHNSON

HONORABLE EARL WARREN,
*Chairman,*
*President's Commission on the Assassination of President Kennedy,*
*200 Maryland Avenue NE.,*
*Washington, D.C.*

[F.R. Doc. 64-12269; Filed, Nov. 27, 1964; 11:00 a.m.]

# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 213—EXCEPTED SERVICE

#### Department of Commerce

Section 213.3114 is amended to show that the position of Chief, Office of Ship Construction and Repair, no longer is excepted under Schedule A and to change the titles of two positions. Effective upon publication in the FEDERAL REGISTER, subparagraph (7) of paragraph (h) of § 213.3114 is revoked and subparagraphs (3) and (4) of paragraph (h) are amended as set out below.

§ 213.3114 Department of Commerce.

* * * * *

(h) *Maritime Administration.* * * *

(3) Chief, Office of Program Planning.

(4) One Private Secretary to the Chief, Office of Program Planning.

* * * * *

(7) [Revoked.]

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-12167; Filed, Nov. 27, 1964; 8:48 a.m.]

### PART 630—ABSENCE AND LEAVE

#### Supporting Evidence

Section 630.403 is amended to clarify the meaning of the words "evidence administratively acceptable". Effective upon publication in the FEDERAL REGISTER, § 630.403 is amended as set out below.

§ 630.403 Supporting evidence.

An agency may grant sick leave only when supported by evidence administratively acceptable. Regardless of the duration of the absence, an agency may consider an employee's certification as to the reason for his absence as evidence administratively acceptable. However, for an absence in excess of 3 workdays, or for a lesser period when determined necessary by an agency, the agency may also require a medical certificate, or other administratively acceptable evidence as to the reason for the absence.

(Sec. 206, 65 Stat. 681; 5 U.S.C. 2065)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 64-12161; Filed, Nov. 27, 1964; 8:47 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER F—POULTRY IMPROVEMENT

### PART 145—NATIONAL POULTRY IMPROVEMENT PLAN (CHICKENS AND CERTAIN OTHER POULTRY)

### PART 146—NATIONAL TURKEY IMPROVEMENT PLAN (TURKEYS AND CERTAIN OTHER POULTRY)

### PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS

#### Miscellaneous Amendments

On September 12, 1964, there was published in the FEDERAL REGISTER (29 F.R. 12876) a notice of proposed amendments of the National Poultry and Turkey Improvement Plans and Auxiliary Provisions recommended by the 1964 Conference of representatives of the State agencies cooperating in the administration of the Plans. After due consideration of all relevant material submitted in connection with such notice, and pursuant to section 101(b) of the Department of Agriculture Organic Act of 1944, as amended (7 U.S.C. 429), Parts 145, 146 and 147 of Title 9, Code of Federal Regulations, are hereby amended in the following respects:

1. Section 145.1 is amended by changing paragraph (n) and by adding a new paragraph (s):

§ 145.1 Definitions.

* * * * *

(n) *Products.* Chicken breeding stock and hatching eggs, baby chicks and started chickens.

* * * * *

(s) *Started chickens.* Young chickens (chicks, pullets, cockerels, capons) which have been fed and watered and are less than 8 months of age.

2. Section 145.4 is amended by changing paragraph (f) to read:

§ 145.4 General provisions for all participants.

* * * * *

(f) Each shipment of products to points outside the United States and its territories and possessions shall be accompanied by a properly executed NPIP Form 15F, Report of Sales of Hatching Eggs, Chicks and Poults (For Shipment Outside the United States).

§ 145.5 [Amended]

3. The first sentence of paragraph (a) of § 145.5 is amended to read: "Poultry equipment, and poultry houses and the land in the immediate vicinity thereof, shall be kept in sanitary condition, and the participating flock, its eggs, and all equipment used in connection with the flock shall be separated from non-participating flocks, in a manner acceptable to the Official State Agency."

4. Section 145.6 is amended by changing subparagraph (4) of paragraph (a) to read:

§ 145.6 Specific provisions for participating hatcheries.

(a) * * *

(4) Hatchery residue, such as eggshells, infertile eggs, and dead germs, shall be disposed of promptly and in a manner satisfactory to the Official State Agency.

* * * * *

§ 145.8 [Amended]

5. Section 145.8 is amended by adding a sentence to paragraph (b) to read: "Started chickens shall lose their identity under Plan terminology when not maintained by Plan participants under the conditions prescribed in § 145.5(a)."

§ 145.14 [Amended]

6. Section 145.14 is amended by adding two sentences to paragraph (g) to read: "When S. pullorum or S. gallinarum is isolated from a specimen which originated in a participating hatchery, the State Inspector shall attempt to locate and eliminate the source of the infection. The results of the Inspector's investigation shall be reported to the Official State Agency and the AH Division."

7. Section 145.26 is amended by redesignating present subparagraphs (12), (13), (14), (15), (16), (17), and (18) of paragraph (c) as (13), (14), (15), (16), (17), (18), and (19), respectively, and by adding a new subparagraph (12) to read:

§ 145.26 Random sample egg production test.

* * * * *

(c) * * *

(12) Percent Large and Extra Large eggs, computed from all eggs laid one day each week per entry.

8. Section 146.1 is amended by changing paragraph (r) to read:

§ 146.1 Definitions.

* * * * *

(r) *Trade name or number.* A name or number compatible with State or Federal laws and regulations applied to a specified stock or product thereof.

* * * * *

9. Section 146.4 is amended by changing paragraph (h) to read:

§ 146.4 General provisions for all participants.

* * * * *

(h) Each shipment of products to points outside the United States and its territories and possessions shall be accompanied by a properly executed NPIP Form 15F, Report of Sales of Hatching Eggs, Chicks and Poults (For Shipment Outside the United States).

10. Section 146.5 is amended by changing paragraph (c) to read:

**§ 146.5 Specific provisions for participating flocks.**

• • • • •

(c) A flock shall be deemed to be a participating flock at any time only if it has been officially blood tested within the past 12 months and qualified for the U.S. Pullorum-Typhoid Clean classification. (See § 146.14 relating to the official blood test.)

• • • • •

11. Section 146.6 is amended by changing subparagraph (4) of paragraph (a) to read:

**§ 146.6 Specific provisions for participating hatcheries.**

(a) • • •

(4) Hatchery residue, such as eggshells, infertile eggs, and dead germs, shall be disposed of promptly and in a manner satisfactory to the Official State Agency.

• • • • •

12. Section 146.8 is amended by changing paragraph (a) and by deleting subparagraph (2) of paragraph (c) to read:

**§ 146.8 Terminology and classification; general.**

(a) The official classification terms defined in §§ 146.9, 146.10 and 146.31 and the various designs illustrative of the official classifications as reproduced in § 146.10 may be used only by participants and to describe products that have met all the specific requirements of such classifications. (See also § 146.16(e).)

• • • • •

**§ 146.9 [Amended]**

13. Section 146.9 is amended by changing the first two sentences to read: "Participating hatcheries and dealers producing or selling products described in § 146.10 shal lbe designated as 'National Plan Hatchery' and 'National Plan Dealer', respectively. Each such participating hatchery or dealer may be assigned a permanent approval number by the AH Division."

14. Section 146.10 is amended by adding a new paragraph (g) to read:

**§ 146.10 Terminology and classification; flocks and products.**

• • • • •

(g) *U.S. M. Gallisepticum Tested.* (1) Flocks maintained in accordance with the conditions and procedures described in § 147.36 of this chapter, and in which no reactors were found when tested in accordance with the following procedures:

(i) A random sample of at least 10 percent of the birds in the flock shall be tested when more than 4 months of age;

(ii) The blood samples shall be drawn by an Authorized Agent or State Inspector and shall be tested by an authorized laboratory, using either the serum plate agglutination test, the tube agglutination test, the hemagglutination inhibition test, or a combination of two or more of these tests. The HI test shall be used on all reactors as the final test to determine the presence of Mycoplasma gallisepticum; and

(iii) The tests shall be conducted, using M. gallisepticum antigen approved by the Department in accordance with the recommendations of the producer of the antigen.

(2) When reactors are submitted as prescribed by the Official State Agency and the laboratory fails to demonstrate pathogenic M. gallisepticum infection or antibodies as demonstrated by the HI test, the flock shall be deemed to have had no M. gallisepticum reactors.

(3) A flock qualified as U.S. M. Gallisepticum Tested may retain the classification for one year, provided it is maintained in isolation and no evidence of M. gallisepticum infection is revealed.

(4) In order to sell hatching eggs or poults of this classification, all hatching eggs and poults handled by the participant must be of this classification.

15. Section 146.11 is amended by changing paragraph (a) to read:

**§ 146.11 Supervision.**

(a) The Official State Agency may designate qualified persons as Authorized Agents to do the selecting and blood collecting provided for in §§ 146.5, 146.10, 146.14, and 146.31.

• • • • •

16. Section 146.14 is amended by changing paragraphs (a) and (b) to read:

**§ 146.14 Blood testing.**

(a) In the official blood tests, the blood shall be drawn by an Authorized Agent or State Inspector and tested by an authorized laboratory, using (1) for pullorum-typhoid, the procedures described in § 147.1 or § 147.2 of this chapter; and (2) for typhimurium, the procedure described in § 147.4 of this chapter.

(b) There shall be an interval of at least 21 days between any official blood test and any previous test with Salmonella antigen.

• • • • •

17. Section 146.14 is further amended by changing the fourth sentence of paragraph (f) to read: "When reactors are submitted within 10 days from date of reading the test and the bacteriological examination fails to demonstrate infection of the serotype for which the test was conducted, the flock shall be deemed to have had no reactors to the specified test."

18. Section 146.14 is still further amended by adding two sentences to paragraph (g) to read: "When S. pullorum or S. gallinarum is isolated from a specimen which originated in a participating hatchery, the State Inspector shall attempt to locate and eliminate the source of the infection. The results of the Inspector's investigation shall be reported to the Official State Agency and the AH Division."

19. Section 146.30 is amended by deleting subparagraph (9) of paragraph (i) and redesignating subparagraph (10) as subparagraph (9).

20. Part 146 is further amended by adding a new § 146.31 to read:

**§ 146.31 U.S. Typhimurium Control Program.**

The U.S. Typhimurium Control Program is a program designed to provide recognition of turkey breeding flocks and hatcheries that are maintained in strict compliance with prescribed conditions and procedures essential to the control of S. typhimurium. Any person complying with and subject to the provisions of §§ 146.1 through 146.4, 146.8, and 146.11 through 146.13 may participate in this program, irrespective of the qualification of his products for any of the classifications described in § 146.10.

(a) *Flocks.* Flocks may be designated as "Participating in U.S. Typhimurium Control Program" when the following conditions are met:

(1) The flock consists of healthy, normal individuals and each bird is identified with a sealed and numbered band approved by the Official State Agency;

(2) All birds have been officially blood tested within the past 12 months for S. typhimurium as provided in § 146.14, with no reactors on the last test;

(3) The flock is maintained in compliance with the provisions of § 147.31 of this chapter, and the hatching eggs are handled in compliance with the provisions of § 147.32 of this chapter in a manner satisfactory to the Official State Agency; and

(4) Hatching eggs are collected from the nests at frequent intervals throughout the day and fumigated in accordance with § 147.35(a) of this chapter as soon as possible and no later than 8 hours after collection. Eggs laid at night are collected early each morning and fumigated immediately.

(b) *Hatcheries.* Hatcheries may be designated as "Participating in U.S. Typhimurium Control Program" when the following conditions are met:

(1) All products handled are produced by flocks or other hatcheries which are officially designated as "Participating in U.S. Typhimurium Control Program";

(2) The hatchery is maintained and its operations conducted in compliance with the provisions of §§ 147.33, 147.34, and 147.35 of this chapter in a manner satisfactory to the Official State Agency;

(3) A hatchery which keeps started poultry (poultry that has been fed or watered) keeps such poultry separated from the incubator room in a manner satisfactory to the Official State Agency; and

(4) All other hatcheries within a State which are operated under the ownership or management of the same person or persons or related corporations, or in which the same person or persons have a substantial financial interest as partners or otherwise, participate in the U.S. Typhimurium Control Program if any of them are to participate.

(c) *Dealers.* Dealers in turkey breeding stock or hatching eggs or poults may be designated as "Participating in U.S. Typhimurium Control Program" when they comply with all provisions of this section which apply to their operations.

23. Section 147.25 is amended by changing paragraph (c) to read:

(c) Three members shall be elected at each NPIP and NTIP Conference. Each member shall serve for a period of 4 years, subject to the continuation of the committee by the Secretary of Agriculture, and may not succeed himself. Each member elected subsequent to July 9, 1966, shall be a participant in NPIP or NTIP and may serve only while such participation is continued.

24. Part 147 is further amended by adding a new § 147.36 to read:

**§ 147.36 Procedures for establishing isolation and maintaining sanitation and good management practices for the control of Mycoplasma gallisepticum.**

(a) Required procedures:

(1) Allow no visitors except under controlled conditions;

(2) Maintain breeder flocks on farms free from market birds, or follow proper isolation procedures as approved by the Official State Agency;

(3) Eliminate other domesticated fowl from breeder farm;

(4) Dispose of all dead birds by burning, deep burial, or by putting them into special disposal pits.

(b) Recommended procedures:

(1) Avoid the introduction of Mycoplasma gallisepticum infected eggs, poults, or adult birds;

(2) Prevent indirect transmission from outside sources through contaminated equipment, footwear, clothing, vehicles, or other mechanical means;

(3) Provide adequate isolation of breeder flocks to avoid airborne transmission from infected flocks;

(4) Minimize contact of breeder flocks with game and free-flying birds;

(5) Keep the rodent population and other pests under control;

(6) Tailor vaccination programs to needs of farm and area;

(7) Clean and disinfect equipment after each use;

(8) Provide clean footwear and provide an adequate security program;

(9) Clean and disinfect houses between flocks;

(10) Use well-drained range;

(11) Use clean, dry litter free of mold;

(12) Keep accurate records of death losses;

(13) Seek services of veterinary diagnostician if abnormal losses or signs of disease occur;

(14) Adopt and maintain a clean-egg program.

(Sec. 101(b), 58 Stat. 734, as amended; 7 U.S.C. 429)

The amendments are principally based on recommendations of the 1964 National Poultry and Turkey Improvement Plans Conference of representatives of the State Agencies cooperating in the administration of the Plans. Copies of the proposed amendments were sent to representatives of each of the cooperating State Agencies. Notice of rule making with respect to the amendments was published in the FEDERAL REGISTER on September 12, 1964, and all comments and suggestions received have been carefully considered. The foregoing amendments are the same in substance as the recommendations of the Conference and are the same in substance as the proposed amendments set forth in the notice of rule making published in the FEDERAL REGISTER, except that the figure "5" has been changed to the figure "6" in paragraph (s) of § 145.1. This change results in a less restrictive requirement than that set forth in the notice. All affected poultrymen should be aware of the changes in their operations that will be required by the amendments. The Conference recommended that the amendments be made effective as soon as possible. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that further notice and other public procedure with respect to the amendments are unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

*Effective date.* The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The reporting and record keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 24th day of November 1964.

B. T. SHAW,
*Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 64-12151; Filed, Nov. 27, 1964; 8:47 a. m.]



# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Docket No. 6226; Amdt. 39-5]

## PART 39—AIRWORTHINESS DIRECTIVES [NEW]

### Curtiss-Wright Model C-46 Series Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive to revise AD's 47-51-2, 47-51-3, 47-51-5, 49-12-1, 50-26-1, 50-29-1, and 51-20-1 to cover model designations which did not exist at the time of original publication, and to add, where appropriate, a provision permitting adjustment of the repetitive inspection intervals to the established inspection periods of the operator on Curtiss-Wright Model C-46 Series aircraft was published in 29 F.R. 13833. Since the publication of that proposal, Part 507 has been recodified into Part 39 [New], effective November 20, 1964, therefore this amendment is being made to Part 39 [New].

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), is amended as follows:

1. By amending AD 47-51-2, 21 F.R. 9476, by changing the applicability and compliance statements to read:

Applies to Model C-46 Series aircraft equipped with horizontal stabilizer and elevator assemblies, Curtiss-Wright P/N's 20-110-5001 and 20-130-5701, respectively.

Compliance required within 100 hours' time in service after the effective date of this amendment unless already accomplished.

2. By amending AD 47-51-3, 21 F.R. 9476, by changing the applicability and compliance statements and adding a new paragraph (p) to read:

Applies to Model C-46 Series aircraft equipped with aileron closure rib assembly, Curtiss-Wright P/N 20-030-5039.

Compliance required within every 100 hours' time in service after the effective date of this amendment until rework is accomplished.

(p) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Southern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the increase.

3. By amending AD 47-51-5, 21 F.R. 9477, by changing the applicability and compliance statements to read:

Applies to Model C-46 Series aircraft equipped with aileron horn assembly, Curtiss-Wright P/N 20-050-5715.

Compliance required within 100 hours' time in service after the effective date of this amendment unless already accomplished.

4. By amending AD 49-12-1, 21 F.R. 9490, by changing the applicability and compliance statements and adding a new paragraph to read:

Applies to Model C-46 Series aircraft equipped with aileron tab motor bracket assembly, Curtiss-Wright P/N 20-030-5050.

Compliance required within 25 hours' time in service after the effective date of this amendment, unless already accomplished within the last 475 hours' time in service, and at intervals thereafter not to exceed 500 hours' time in service from the last inspection.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Southern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the increase.

5. By amending AD 50-26-1, 21 F.R. 9500, by changing the applicability and compliance statements and adding a new paragraph 5. to read:

Applies to Model C-46 Series aircraft equipped with landing gear side braces, Curtiss-Wright P/N's 20-310-1028 and 20-310-1029.

Compliance required within 100 hours' time in service after the effective date of this amendment, unless already accomplished within the last 400 hours' time in service, and at intervals thereafter not to exceed 500 hours' time in service from the last inspection.

5. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Southern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the increase.

6. By amending AD 50-29-1, 21 F.R. 9500, by changing the applicability and compliance statements and adding a new paragraph to read:

Applies to Model C-46 Series aircraft.

Compliance required within 25 hours' time in service after the effective date of this amendment, unless already accomplished within the last 175 hours' time in service, and at intervals thereafter not to exceed 200 hours' time in service from the last inspection.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Southern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the increase.

7. By amending AD 51-20-1, 21 F.R. 9507, by changing the applicability and compliance statements to read:

Applies to Model C-46 Series aircraft equipped with C-4 cockpit light assembly.

Compliance required within 100 hours' time in service after the effective date of this amendment unless already accomplished.

This amendment shall become effective December 28, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 20, 1964.

C. W. WALKER,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 64-12136; Filed, Nov. 27, 1964; 8:45 a.m.]

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SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 6326; Amdt. 95-122]

## PART 95—IFR ALTITUDES [NEW]

### Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 [New] of the Federal Aviation Regulations is amended, effective January 7, 1965, as follows:

1. By amending Subpart C as follows:

*From, to, and MEA*

Section 95.101 *Amber Federal airway 1* is amended to read in part:

Sitka, Alaska, LFR; Yakobi INT, Alaska; 5,300.
Yakobi INT, Alaska; Yakutat, Alaska, LFR; 2,000.
Storey INT, Alaska; Whittier, Alaska, LF/RBn; northwestbound, 9,000; southeastbound, 5,000.
Whittier, Alaska, LF/RBn; *Anchorage, Alaska, LFR; 9,000. *6,700—MCA Anchorage LFR, southeastbound.

Section 95.241 *Red Federal airway 41* is amended to read in part:

Yakobi INT, Alaska; Gustavus, Alaska, LFR; 5,500.

Section 95.625 *Blue Federal airway 25* is amended by adding:

Cleare INT, Alaska; Seal INT, Alaska; 2,000.

Section 95.1001 *Direct Route—U.S.* is amended by adding:

Homestead, Fla., VOR; Harvey INT, Fla.; *1,500. *1,200—MOCA.

*Panama Routes*

*V-1:*
Foxtrot—2; France Field, C.Z., VOR; *8,000. *1,300—MOCA.
*V-2:*
Juliette—2; France Field, C.Z., VOR; *10,000. *1,300—MOCA.
*V-3:*
Quebec—3; France Field, C.Z., VOR; *10,500. *1,300—MOCA.
France Field, C.Z., VOR; Chorrera INT, C.Z.; *2,500. *2,100—MOCA.
Chorrera INT, C.Z.; Taboga, R.P., VOR; 2,700.
*V-4:*
Zulu—3; France Field, C.Z., VOR; *12,500. *1,300—MOCA.
France Field, C.Z., VOR; Madden INT, C.Z.; 2,700.
Madden INT, C.Z.; Tocumen, R.P., VOR; 3,600.
Tocumen, R.P., VOR; Taboga, R.P., VOR; 2,100.
*V-5:*
Mike—4; Charco INT, R.P.; *4,000. *3,500—MOCA.
Charco INT, R.P.; Taboga, R.P., VOR; 2,100.
*V-6:*
Foxtrot—3; Taboga, R.P., VOR; 2,100.
*V-7.*
Taboga, R.P., VOR; Juan Mas INT, R.P.; 2,100.
Juan Mas INT, R.P.; Bravo Point INT, R.P.; 5,400.
*V-8:*
Taboga, R.P., VOR; Zulu—4; 2,100.
*V-9:*
Taboga, R.P., VOR; Quebec—4; *2,500. *2,100—MOCA.
*V-10:*
Taboga, R.P., VOR; Rio Hato INT, R.P.; 3,500.
*V-11:*
Taboga, R.P., VOR; Chorrera INT, C.Z.; 2,700.
Chorrera INT, C.Z.; Mike—5; *3,600. *2,700—MOCA.
*V-12:*
France Field, C.Z., VOR; Mike—5; *3,500. *2,200—MOCA.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

Charleston, S.C., VOR; *Honey INT, S.C.; **1,500. *3,000—MRA. **1,300—MOCA.
Honey INT, S.C.; *Planter INT, S.C.; **3,000. *2,000—MRA. **1,300—MOCA.
Planter INT, S.C.; Myrtle Beach S.C., VOR; *1,600. *1,300—MOCA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

Salem, Mich., VOR; Dyke INT, Mich.; *2,800. *2,700—MOCA.
Dyke INT, Mich.; U.S. Canadian border; *4,500. *1,900—MOCA.
Ephrata, Wash., VOR; *Spokane, Wash., VOR; 5,000. *5,200—MCA Spokane VOR, eastbound.

*From, to, and MEA*

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

Norbeck INT, Md.; Unity INT, Md.; 2,100.
Unity INT, Md.; Westminster, Md., VOR; 2,600.
Westminster, Md., VOR; Norris INT, Pa.; 3,000.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Kessel, W. Va., VOR; Front Royal, Va., VOR; 5,000.
Malad City, Idaho, VOR; Green River INT, Wyo.; *14,000. *12,000—MOCA.
Green River INT, Wyo.; Rock Springs, Wyo., VOR; 10,000.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Nashville, Tenn., VOR, via E alter.; Austin INT, Ky., via E alter.; *2,500. *2,000—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Flint Stone INT, Pa.; Martinsburg, W. Va., VOR; 4,000.
*Superior INT, Colo.; Denver, Colo., VOR; westbound, **16,000; eastbound, 9,600. *13,400—MCA Superior INT, westbound. **9,600—MOCA.
*Ontario, Calif., VOR; Fontana INT, Calif.; northeastbound, **10,000; southwestbound, 5,000. *7,000—MCA Ontario VOR, northeastbound. **5,000—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to delete:

Gardner, Mass., VOR; Westboro INT., Mass.; 3,100.
Westboro INT, Mass.; Franklin INT, Mass.; 3,000.

Section 95.6014 *VOR Federal airway 14* is amended by adding:

Gardner, Mass., VOR; Westboro INT, Mass.; *3,300. *3,000—MOCA.
Westboro INT, Mass.; Framingham INT, Mass.; *2,400. *1,800—MOCA.
Framingham INT, Mass.; Natick INT, Mass.; *2,400. *2,300—MOCA.
Natick INT, Mass.; Boston, Mass., VOR; 2,300.

Section 95.6015 *VOR Federal airway 15* is amended to delete:

Aberdeen, S. Dak., VOR, via W alter.; Bismarck, N. Dak., VOR, via W alter.; *5,400. *3,300—MOCA.
Bismarck, N. Dak., VOR, via W alter.; Garrison INT, N. Dak., via W alter.; *3,700. *3,300—MOCA.
Garrison INT, N. Dak., via W alter.; *Douglas INT, N. Dak., via W alter.; **4,100. *5,800—MRA. **3,500—MOCA.
Douglas INT, N. Dak., via W alter.; Minot, N. Dak., VOR, via W alter.; 4,100.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Los Angeles, Calif., VOR; Ontario, Calif., VOR; 4,000.
Banning INT, Calif.; *Palm Springs, Calif., VOR; **13,000. *11,500—MCA Palm Springs VOR, westbound. **12,200—MOCA.
North Beach INT, Md.; Price INT, Md.; 1,800.
Price INT, Md.; Kenton, Del., VOR; 1,500.
Woonsocket INT, R.I.; Millis INT, Mass; 1,800.
Millis INT, Mass.; Boston, Mass., VOR; *2,000. *1,800—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:



*From, to, and MEA*

Gage, Okla., VOR, via W alter.; Liberal, Kans., VOR, via W alter.; 4,700.

Section 95.6018 *VOR Federal airway 18* is amended to delete:

Augusta, Ga., VOR; Sardis INT, Ga.; *2,100. *1,800—MOCA.
Sardis INT, Ga.; Allendale, S.C., VOR; *2,000. *1,600—MOCA.
Allendale, S.C., VOR; Charleston, S.C., VOR; 1,500.

Section 95.6018 *VOR Federal airway 18* is amended by adding:

Augusta, Ga., VOR; *Norway INT, S.C.; **3,500. *3,500—MRA. **2,000—MOCA.
Norway INT, S.C.; St. George INT, S.C.; *3,500. *1,700—MOCA.
St. George INT, S.C.; Charleston, S.C., VOR; *1,600. *1,300—MOCA.
Augusta, Ga., VOR, via S alter.; Sardis INT, Ga., via S alter.; *2,100. *1,800—MOCA.
Sardis INT, Ga., via S alter.; Allendale, S.C., VOR, via S alter.; *2,000. *1,600—MOCA.
Allendale, S.C., VOR, via S alter.; Charleston, S.C., VOR, via S alter.; 1,500.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

Casper, Wyo., VOR; Crazy Woman, Wyo., VOR; 7,600.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Gulfport, Miss., VOR; Mobile, Ala., VOR; *2,000. *1,500—MOCA.

Section 95.6021 *VOR Federal airway 21* is amended to delete:

Great Falls, Mont., VOR, via E alter.; Cut Bank, Mont., VOR, via E alter.; 6,000.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

Bannock INT, Idaho, *Pocatello, Idaho, VOR, northbound, 9,000; southbound, 11,000. *8,500—MCA Pocatello, VOR; southbound. *Ontario, Calif., VOR; Fontana INT, Calif.; northeastbound, **10,000; southwestbound, 5,000. *7,000—MCA Ontario VOR, northeastbound. **5,000—MOCA.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

Kings Valley INT., Oreg., via W alter.; McCoy INT, Oreg., via W alter.; 6,000.
Rainier INT, Wash.; McChord INT, Wash.; southbound, 5,000; northbound, 3,000.
McChord INT, Wash.; Seattle, Wash. VOR; 3,000.

Section 95.6024 *VOR Federal airway 24* is amended to delete:

Watertown, S. Dak., VOR, via N alter.; Redwood Falls, Minn., VOR, via N alter.; *3,800. *3,100—MOCA.

Section 95.6026 *VOR Federal airway 26* is amended to delete:

Eau Claire, Wis., VOR, via S alter.; Loyal INT, Wis., via S alter.; *3,200. *2,500—MOCA. MAA—14,000.
Loyal INT, Wis., via S Alter.; Wausau, Wis., VOR, via S alter.; *3,200. *3,000—MOCA. MAA—14,000.
Wausau, Wis., VOR, via S alter; Big Falls INT, Wis., via S alter.; 2,400.
Big Falls INT, Wis., via S alter.; Bear Creek INT, Wis., via S alter.; *2,900. *2,100—MOCA.
Bear Creek INT, Wis., via S alter.; Green Bay, Wis., VOR, via S alter.; *2,700. *2,000—MOCA.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

Charleston, W. Va., VOR; *Benson INT, W. Va.; 4,000. *4,000—MCA Benson INT, southwestbound.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

Allendale, S. C., VOR; *Norway INT, S. C.; **1,800. *3,500—MRA. **1,700—MOCA.
Norway INT, S. C.; Columbia, S. C., VOR; *1,800. *1,700—MOCA.

Section 95.6039 *VOR Federal airway 39* is amended to read in part:

Westminster, Md., VOR; Lancaster, Pa., VOR; 3,000.

Section 95.6042 *VOR Federal airway 42* is amended to read in part:

Plains INT, Mich.; United States-Canadian Border; 2,700.
Flint, Mich., VOR, via E alter.; Bloomer INT, Mich., via E alter.; *3,000. *2,400—MOCA.

Section 95.6044 *VOR Federal airway 44* is amended to read in part:

Martinsburg, W. Va., VOR; Sugar Loaf INT, Md.; 3,100.
Sugar Loaf INT, Md.; Lisbon INT, Md.; 3,000.
Lisbon INT, Md.; Dayton INT, Md.; 2,500.
Dayton INT, Md.; Baltimore, Md., VOR; 2,100.
Baltimore, Md., VOR; Price INT, Md.; 2,000.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Charleston, S.C., VOR; St. George INT, S.C.; *1,600. *1,300—MOCA.

Section 95.6056 *VOR Federal airway 56* is amended to delete:

Augusta, Ga., VOR; via S alter.; *North INT, S.C., via S alter.; 2,000. *2,000—MRA.
North INT, S.C., via S alter.; Columbia, S.C., VOR, via S alter.; *1,800. *1,700—MOCA.

Section 95.6063 *VOR Federal airway 63* is amended to read in part:

Charlotte INT, Iowa; Freeport INT, Ill.; *4,000. *2,200—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

Springfield, Mo., VOR; Butler, Mo., VOR; *3,000. *2,300—MOCA.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

Albany, N.Y., VOR; Hoosick INT, N.Y.; 4,000.
Hoosick INT, N.Y.; INT, 108° M rad, Cambridge VOR and 014° M rad, Westfield VOR; *6,000. *5,700—MOCA.

Section 95.6074 *VOR Federal airway 74* is amended to read in part:

Dodge City, Kans., VOR; *Salt INT, Kans.; **4,300. *4,200—MRA. **3,600—MOCA.
Ft. Smith, Ark., VOR; Charleston INT, Ark.; 3,800.
Charleston INT, Ark.; *Magazine INT, Ark.; 3,000. *3,600—MCA Magazine INT, eastbound.
Magazine INT, Ark.; Lake INT, Ark.; *4,500. *4,000—MOCA.
Lake INT, Ark.; Little Rock, Ark., VOR; 3,200.

Section 95.6082 *VOR Federal airway 82* is amended to delete:

Minneapolis, Minn., VOR, via S alter.; Prior INT, Minn., via S alter.; 2,500.
Prior INT, Minn., via S alter.; Lydia INT, Minn., via S alter.; 2,400.
Lydia INT, Minn., via S alter.; New Prague INT, Minn., via S alter.; *3,500. *2,400—MOCA.
New Prague INT, Minn., via S alter.; Cannon City INT, Minn., via S alter.; *3,500. *2,400—MOCA.
Cannon City INT, Minn., via S alter.; Rochester, Minn., VOR, via S alter.; *3,100. *2,600—MOCA.

Section 95.6093 *VOR Federal airway 93* is amended to read in part:

Baltimore, Md., VOR; Towson INT, Md.; 2,300.
Towson INT, Md.; Jarrettsville INT, Md.; *2,300. *2,000—MOCA.
INT, Md.; *2,300. *2,000—MOCA.
Jarrettsville INT, Md.; Lancaster, Pa., VOR; 2,000.

Section 95.6095 *VOR Federal airway 95* is amended to read in part:

Gunnison, Colo., VOR; Trout Creek INT, Colo.; 16,200.
Trout Creek INT; *Lake George INT, Colo.; westbound, 16,200; eastbound, **13,600. *13,200—MCA Lake George INT, westbound. **13,300—MOCA.

Section 95.6099 *VOR Federal airway 99* is amended to read in part:

Pittsburg INT, Oreg.; Centralia INT, Wash.; 5,000.
Centralia INT, Wash.; Olympia, Wash., VOR; northbound, 3,000; southbound, 4,000.

Section 95.6105 *VOR Federal airway 105* is amended to read in part:

Beatty, Nev., VOR; *Lida INT, Nev.; **11,000, *11,000—MRA. **10,000—MOCA.
Lida INT, Nev.; Coaldale, Nev., VOR; *11,000. *10,000—MOCA.

Section 95.6106 *VOR Federal airway 106* is amended to read in part:

Charleston, W. Va., VOR; *Benson INT, W. Va.; 4,000. *4,000—MCA Benson INT, southwestbound.

Section 95.6112 *VOR Federal airway 112* is amended to read in part:

Pendleton, Oreg., VOR via W alter.; Pasco, Wash., VOR, via W alter.; 4,000.

Section 95.6114 *VOR Federal airway 114* is amended to read in part:

Alexandria, La., VOR; *Bunkie INT, La.; **1,600. *3,000—MRA. **1,500—MOCA.
Bunkie INT, La.; *Dupont INT, La.; **1,600. *2,000—MRA. **1,500—MOCA.
Dupont INT, La.; *Knapp INT, La.; **1,600. *2,000—MRA. **1,500—MOCA.
Knapp INT, La.; Baton Rouge, La., VOR; *1,600. *1,500—MOCA.

Section 95.6129 *VOR Federal airway 129* is amended by adding:

International Falls, Minn., VOR; United State-Canadian border; *2,900. *2,500—MOCA.

Section 95.6135 *VOR Federal airway 135* is amended to read in part:

Beatty, Nev., VOR; *Lida INT, Nev.; **11,000. *11,000—MRA. **10,000—MCCA.
Lida INT, Nev.; Tonopah, Nev., VOR; 9,000.

Section 95.6137 *VOR Federal airway 137* is amended to read in part:

*Palm Springs, Calif., VOR; **Arrowhead INT, Calif.; 14,000. *11,500—MCA Palm Springs VOR, northwestbound. **12,000—MCA Arrowhead INT, southeastbound.
Palmdale, Calif., VOR; Victory INT, Calif.; weatbound, 7,000; eastbound, 5,000.

Section 95.6139 *VOR Federal airway 139* is amended by adding:

*From, to, and MEA*

Providence, R.I., VOR, via E alter.; Whitman, Mass., VOR, via E alter.; *2,000. *1,500—MOCA.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

Flippin, Ark., VOR; Walnut Ridge, Ark., VOR; 2,800.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Ardmore, Okla., VOR; Maysville INT, Okla.; *3,000. *2,600—MOCA.

Section 95.6166 *VOR Federal airway 166* is amended to read in part:

Kessel, W. Va., VOR; Capon Bridge INT, W. Va.; 5,000.
Capon Bridge INT, W. Va.; Martinsburg, W. Va., VOR; 4,000.
Westminster, Md., VOR; Forest Hill INT, Md.; 3,000.

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

Neola, Iowa, VOR; Avoca INT, Iowa; *4,000. *2,400—MOCA.
Avoca INT, Iowa; *Menlo INT, Iowa; **4,000. *4,500—MRA. **2,700—MOCA.
Menlo INT, Iowa; Grimes INT, Iowa; *4,000. *2,600—MOCA.

Section 95.6176 *VOR Federal airway 176* is amended to read in part:

Hamilton, Ala., VOR; Birmingham, Ala., VOR; 2,000.

Section 95.6180 *VOR Federal airway 180* is amended to delete:

*Bastrop INT, Tex.; **Smithville INT, Tex.; 2,000. *3,000—MRA. **3,300—MRA.

Section 95.6193 *VOR Federal airway 193* is amended by adding:

White Cloud, Mich., VOR, via W alter.; Traverse City, Mich., VOR, via W alter.; *3,400. *2,200—MOCA.

Section 95.6204 *VOR Federal airway 204* is amended to read:

Hoquiam, Wash., VOR; *Olympia, Wash., VOR; 4,500. *3,200—MCA Olympia VOR, westbound.

Section 95.6205 *VOR Federal airway 205* is amended to read in part:

Springfield, Mo., VOR; *Bolivar INT, Mo.; **3,000. *5,500—MRA. **2,500—MOCA.
Bolivar INT, Mo.; Blue Springs, Mo., VOR; *3,000. *2,500—MOCA.

Section 95.6210 *VOR Federal airway 210* is amended to read in part:

Los Angeles, Calif., VOR; Pomona, Calif., VOR; 3,500.
Farmington, N. Mex., VOR; Reservoir INT, N. Mex.; 9,000.
Reservoir INT, N. Mex.; Alamosa, Colo., VOR; 14,800.
Coalfax INT, Pa.; Harrisburg, Pa., VOR; 4,500.

Section 95.6212 *VOR Federal airway 212* is amended to delete:

Coalfax INT, Pa.; Harrisburg, Pa., VOR; 4,500.

Section 95.6212 *VOR Federal airway 212* is amended to read in part:

*Smithville INT, Tex.; **Round Top INT, Tex.; ***5,000. *3,300—MRA. **2,500—MRA. ***1,800—MOCA.

Section 95.6216 *VOR Federal airway 216* is amended to read in part:

*From, to, and MEA*

Lamar, Colo., VOR; Orlon INT, Kans.; *6,300. *5,200—MOCA.
Ottumwa, Iowa, VOR; Iowa City, Iowa, VOR; *2,600. *2,000—MOCA.

Section 95.6220 *VOR Federal airway 220* is amended to read in part:

Kremmling, Colo., VOR; *Longmont INT, Colo.; **16,000. *15,600—MCA Longmont INT, westbound. **15,200—MOCA.

Section 95.6221 *VOR Federal airway 221* is amended to read in part:

Salem, Mich., VOR; Dyke INT, Mich.; *2,800. *2,700—MOCA.
Dyke INT, Mich.; U.S.-Canadian border; *4,500. *1,900—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to delete:

Smithville INT, Tex.; *Round Top INT, Tex.; **5,000. *2,500—MRA. **1,800—MOCA.

Section 95.6231 *VOR Federal airway 231* is amended to read:

Missoula, Mont., VOR; Charlo INT, Mont.; *11,000. *10,000—MOCA.

Section 95.6232 *VOR Federal airway 232* is amended to read in part:

Tannersville, Pa., VOR; Kennedy, N.Y., VOR; 2,600.

Section 95.6234 *VOR Federal airway 234* is amended to read in part:

Meade INT, Kans.; Pratt INT, Kans.; *8,000. *3,800—MOCA.

Section 95.6235 *VOR Federal airway 235* is amended to read in part:

*Provo, Utah, VOR; Ft. Bridger, Wyo., VOR; **14,000. *12,500—MCA Provo VOR, northeastbound. **13,500—MOCA.

Section 95.6244 *VOR Federal airway 244* is amended to read in part:

Lamar, Colo., VOR; *Modox, INT, Kans.; **7,000. *7,000—MRA. **5,100—MOCA.
*Tonopah, Nev., VOR; Wilson Creek, Nev., VOR; 12,200. *10,000—MCA Tonopah VOR, eastbound.

Section 95.6257 *VOR Federal airway 257* is amended to read in part:

Bannock INT, Idaho; *Pocatello, Idaho, VOR; northbound, 9,000; southbound, 11,000. *8,500—MCA Pocatello VOR, southbound.

Section 95.6264 *VOR Federal airway 264* is amended to read in part:

Los Angeles, Calif.. VOR, via S alter.; Ontario, Calif., VOR, via S alter.; 4,000.
Banning INT, Calif., via S alter.; *Palm Springs, Calif., VOR, via S alter.; **13,000. *11,500—MCA Palm Springs VOR, westbound. **12,200—MOCA.
*Palm Springs, Calif., VOR, via S alter.; Twentynine Palms, Calif., VOR, via S alter.; **9,000. *6,500—MCA Palm Springs VOR, northeastbound. **7,500—MOCA.

Section 95.6265 *VOR Federal airway 265* is amended to read in part:

Beltsville INT, Md.; Dayton INT, Md.; 2,000.
Dayton INT, Md.; Westminster, Md., VOR; 2,400.

Section 95.6268 *VOR Federal airway 268* is amended to read in part:

Westminster, Md., VOR; Baltimore, Md., VOR; 2,300.
Baltimore, Md., VOR; Price INT, Md.; 2,000.
Price INT, Md.; Kenton, Del, VOR; 1,500.

*From, to, and MEA*

Section 95.6281 *VOR Federal airway 281* is amended to read in part:

Pendleton, Oreg., VOR; Walla Walla, Wash., VOR; 4,000.

Section 95.6284 *VOR Federal airway 284* is amended to read:

Ft. Stockton, Tex., VOR; San Angelo, Tex., VOR; *6,500. *4,500—MOCA.

Section 95.6287 *VOR Federal airway 287* is amended to read in part:

Kings Valley INT, Oreg; McCoy INT, Oreg; 6,000.

Section 95.6445 *VOR Federal airway 445* is amended to read in part:

Int. 108° M rad, Sparta VOR and 350° M rad, La Guardia VOR; Kingston, N.Y., VOR; *3,000. *2,600—MOCA.

Section 95.6447 *VOR Federal airway 447* is amended to read in part:

Newport INT, Vt.; United States-Canadian border; *5,000. *3,700—MOCA.

Section 95.6457 *VOR Federal airway 457* is amended to read in part:

Providence, R.I., VOR; Millis INT, Mass.; *2,000. *1,600—MOCA.
Millis INT, Mass.; Boston, Mass., VOR; *2,000. *1,800—MOCA.

Section 95.6471 *VOR Federal airway 471* is amended to read in part:

Houlton, Maine, VOR; United States-Canadian border; 2,300.

Section 95.6489 *VOR Federal airway 489* is amended to read in part:

Paterson INT, N.J.; Int. 211° M rad, Kingston VOR and 261° M rad, Trinity VOR; 2,000.
Int. 211° M rad, Kingston, VOR and 261° M rad, Trinity VOR; Kingston, N.Y., VOR; 2,700.
Kingston, N.Y., VOR; *Medway INT, N.Y.; 2,600. *3,000—MRA.

Section 95.6490 *VOR Federal airway 490* is amended to read in part:

*Rockwood INT, N.Y.; Cambridge, N.Y., VOR; **4,000. *6,500—MRA. **3,800—MOCA.
Cambridge, N.Y., VOR; Sullivan INT, N.H.; *6,000. *5,800—MOCA.
Sullivan INT, N.H.; Manchester, N.H., VOR; 5,000.

Section 95.6520 *VOR Federal airway 520* is amended to read in part:

Pasco, Wash., VOR; Walla Walla, Wash., VOR; 3,000.

Section 95.6805 *VOR Federal airway 805* is amended to read in part:

Myrtle Beach, S.C., VOR; *Planter INT, S.C.; **1,600. *2,000—MRA. **1,300—MOCA.
Planter INT, S.C.; *Honey INT, S.C.; **3,000. *3,000—MRA. **1,300—MOCA.
Honey INT, S.C.; Charleston, S.C., VOR; *1,500. *1,300—MOCA.

Section 95.6837 *VOR Federal airway 837* is amended to read in part:

North Beach INT, Md.; Price INT, Md.; 1,800.
Price INT, Md.; Kenton, Del., VOR; 1,500.

Section 95.6839 *VOR Federal airway 839* is amended to read in part:

Allendale, S.C., VOR; *Norway INT, S.C.; **1,800. *3,500—MRA. **1,700—MOCA.
Norway INT, S.C.; Columbia, S.C., VOR; *1,800. *1,700—MOCA.



*From, to, and MEA*

Section 95.6846 *VOR Federal airway 846* is amended to read in part:

Grimes INT, Iowa; *Menlo INT, Iowa; **4,000. *4,500—MRA. **2,600—MOCA.
Menlo INT, Iowa; Avoca INT, Iowa; *4,000. *2,700—MOCA.
Avoca INT, Iowa; Neola, Iowa, VOR; *4,000. *2,400—MOCA.

Section 95.6853 *VOR Federal airway 853* is amended to read in part:

Kessel, W. Va., VOR; Front Royal, Va., VOR; 5,000.

Section 95.6861 *VOR Federal airway 861* is amended to read in part:

Woonsocket INT, R.I.; Millis INT, Mass.; 1,800.
Millis INT, Mass.; Boston, Mass., VOR; *2,000. *1,800—MOCA.

Section 95.6863 *VOR Federal airway 863* is amended to read in part:

Woonsocket INT, R.I.; Millis INT, Mass.; 1,800.
Millis INT, Mass.; Boston, Mass., VOR; *2,000. *1,800—MOCA.

Section 95.6875 *VOR Federal airway 875* is amended to read in part:

Norris INT, Pa.; Westminster, Md., VOR; 3,000.

Section 95.6888 *VOR Federal airway 888* is amended to read in part:

Kenton, Del., VOR; Price INT, Md.; 1,500.
Price INT, Md.; North Beach INT, Md.; 1,800.

Section 95.7005 *Jet Route No. 5* is amended to read in part:

*From, to, MEA, and MAA*

Bakersfield, Calif., VOR; Reno, Nev., VORTAC; #19,000; 45,000. #Continuous navigation coverage does not exist below 22,000 feet.

Section 95.7007 *Jet Route No. 7* is amended to read in part:

Red Bluff, Calif., VORTAC; Rome, Oreg., VOR; #21,000; 45,000. #Continuous navigation coverage does not exist below 25,000 feet.

Section 95.7054 *Jet Route No. 54* is deleted:

Section 95.7096 *Jet Route No. 96* is amended to delete:

Seattle, Wash., VORTAC; United States-Canadian border; 18,000; 45,000.

Section 95.7116 *Jet Route No. 116* is amended to read in part:

Dubois, Idaho, VOR; Crazy Woman, Wyo., VORTAC; 27,000; 45,000.

Section 95.7505 *Jet Route No. 505* is amended to delete:

Seattle, Wash., VORTAC; United States-Canadian border; 18,000; 45,000.

2. By amending Subpart D as follows:

**§ 95.8003 VOR Federal airway changeover points.**

*Airway segment: From; to—Changeover point: Distance; from*

*V–3* is amended by adding:
Florence, S.C., VOR; Pinehurst, N.C., VOR; 20; Florence.
*V–18* is amended by adding:
Augusta, Ga., VOR; Charleston, S.C., VOR; 48; Augusta.
*V–19* is amended by adding:
Douglas, Wyo., VOR, via E alter.; Casper, Wyo., VOR, via E alter.; 31; Douglas.
*V–86* is amended by adding:
Sheridan, Wyo., VOR; Rapid City, S. Dak., VOR; 104; Sheridan.
*V–95* is amended by adding:
Gunnison, Colo., VOR; Kiowa, Colo., VOR; 60; Gunnison.
*V–176* is amended by adding:
Hamilton, Ala., VOR; Birmingham, Ala., VOR; 28; Hamilton.
*V–244* is amended by adding:
Milford, Utah, VOR; Hanksville, Utah, VOR; 40; Milford.
Gunnison, Colo., VOR; Pueblo, Colo., VOR; 53; Gunnison.
*V–284* is amended to delete:
Ft. Stockton, Tex., VOR; San Angelo, Tex., VOR; 60; Ft. Stockton.
*V–298* is amended by adding:
Dubois, Idaho, VOR; Dunoir, Wyo., VOR; 47; Dubois.
Dunoir, Wyo., VOR, via S alter.; Riverton, Wyo., VOR, via S alter.; 22; Dunoir.
*V–490* is amended by adding:
Cambridge, N.Y., VOR; Manchester, N.H., VOR; 37; Cambridge.
*J–54* is amended to delete:
Alamosa, Colo., VOR; Garden City, Kans., VORTAC; 101; Alamosa.
*J–96* is amended to delete:
Seattle, Wash., VORTAC; United States-Canadian border; 97; Seattle.
*J–116* is amended by adding:
Dubois, Idaho, VOR; Crazy Woman, Wyo., VORTAC; 142; Dubois.

This amendment is made under the authority of sections 307 and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510).

Issued in Washington, D.C., on November 19, 1964.

G. S. MOORE,
*Director,*
*Flight Standards Service.*

[F.R. Doc. 64-12076; Filed, Nov. 27, 1964; 8:45 a.m.]

# Title 7—AGRICULTURE

## Chapter III—Agricultural Research Service, Department of Agriculture

## PART 319—FOREIGN QUARANTINE NOTICES

### Subpart—Fruits and Vegetables

OKRA FROM COLOMBIA

Pursuant to the authority conferred by § 319.56–2 of the regulations (7 CFR 319.56–2) supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56), under sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 162), and other delegation of authority (19 F.R. 74, as amended), administrative instructions to be designated as 7 CFR 319.56–2q are hereby issued to read as follows:

**§ 319.56–2q Administrative instructions prescribing method of treatment of okra from Colombia.**

Fumigation with methyl bromide at normal atmospheric pressure, in accordance with the following procedure, is hereby prescribed as a condition of importation under permit under § 319.56–2 for all shipments of okra from Colombia.

(a) *Ports of entry.* Entry of okra is authorized only at New York, New Orleans, Miami, and such other ports as may be named in the permit.

(b) *Approval of fumigation chamber.* The treatment shall consist of fumigation with methyl bromide at normal atmospheric pressure, in a fumigation chamber which has been approved for that purpose by the Plant Quarantine Division. The Plant Quarantine Division will approve only those fumigation chambers that are properly constructed and adequately equipped to handle and treat okra, and are located within the practicable supervisory range of inspectors stationed at the authorized ports of entry and where the required supervision can be accomplished without encroaching upon normal port inspection assignments.

(c) *Fumigation schedule.* Such fumigation shall be in accordance with the following fumigation schedule:

| Temperature (° F.) | Dosage (pounds of methyl bromide per 1,000 cubic feet) | Exposure period (hours) |
|---|---|---|
| 90–96 | 1.0 | 2 |
| 80–89 | 1.5 | 2 |
| 70–79 | 2.0 | 2 |
| 60–69 | 2.5 | 2 |
| 50–59 | 3.0 | 2 |
| 40–49 | 3.5 | 2 |

(d) *Fumigation procedure.* Okra to be fumigated may be packed in slatted crates or other gas-permeable containers. The fumigation chamber shall not be loaded to more than two-thirds of its capacity. The containers may be stacked one on top of another, but a 3- to 4-inch space must be provided between containers throughout the load. Good air circulation above and below the load shall be provided as soon as the okra is loaded and must be continued during the full period of fumigation and until the okra has been removed to a well-ventilated location. Strong blasts of air should not be directed against the okra. Fumigation at temperatures in excess of 90° F. may result in injury to okra and should be avoided if possible. Past experience indicates that injury may also result from excess moisture, such as residual moisture from harvesting when dew-covered.

(e) *Supervision of fumigation.* (1) Inspectors of the Plant Quarantine Division will supervise the fumigation of okra and will specify such safeguards, if any, as in the opinion of the inspector may be necessary for the handling and transportation of the okra before and subsequent to fumigation, to prevent pest risk associated with the importation and treatment. The final release of the okra for entry into the United States will be conditioned upon compliance with the specified safeguards.

(2) Supervision of fumigation in approved chambers will, if practicable, be carried on as a part of normal port inspection activities and when so available will be furnished without cost to the owner of the okra or his representative.

(f) *Costs.* All costs of treatment and required safeguards and supervision,

other than the services of the supervising inspector during regularly assigned hours of duty, shall be borne by the owner of the okra or his representative. Where normal inspection activities preclude the furnishing of supervision during regularly assigned hours of duty, supervision will be furnished on a reimbursable overtime basis and the owner of the okra or his representative will be charged in accordance with §§ 354.1 and 354.2 of this chapter.

(g) *Department not responsible for damage.* While the prescribed treatment is judged from experimental tests to be safe for use with okra, the Department assumes no responsibility for any damage sustained through or in the course of treatment or because of pretreatment or posttreatment safeguards. There has not been an opportunity to test these treatments under all conditions or on all okra varieties or on okra from all areas involved.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162; 19 F.R. 74, as amended. Interprets or applies sec. 5, 37 Stat. 316; 7 U.S.C. 159)

The foregoing provisions shall become effective November 28, 1964.

These instructions authorize the importation, under permit, subject to approved fumigation, of okra produced in Colombia from which such importations have heretofore been prohibited. This fumigation treatment provides for the entry of okra for marketing in the fresh state.

There has been an increasing interest in the production of winter vegetables, including okra, in Colombia for shipment to the United States. The purpose of this action is to permit the importation of okra from Colombia where the pink bollworm (Pectinophora gossypiella (Saund.)) occurs, under entry conditions which are similar to those that have been prescribed for the importation of okra from Mexico because of the presence of this pest in that country. Under certain cultural conditions this serious pest of cotton will infest okra.

Inasmuch as these instructions relieve restrictions, they should be made effective at the earliest practicable date in order to be of maximum benefit to the importers of okra. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure on these instructions are impracticable and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 23d day of November 1964.

[SEAL] F. A. JOHNSTON,
*Director,*
*Plant Quarantine Division.*

[F.R. Doc. 64-12150; Filed, Nov. 27, 1964; 8:46 a.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Tangerine Reg. 23]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

§ 905.439 Tangerine Regulation 23.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 24, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, during the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title).

(2) Tangerine Regulation 22 (§ 905.437; 29 F.R. 15639) is hereby terminated at 12:01 a.m., e.s.t., November 27, 1964.

(3) During the period beginning at 12:01 a.m., e.s.t., November 27, 1964, and ending at 12:01 a.m., e.s.t., December 7, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than 2 2/16 inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Tangerines.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 24, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-12182; Filed, Nov. 27, 1964; 8:49 a.m.]

[Navel Orange Reg. 61]

## PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

§ 907.361 Navel Orange Regulation 61.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 25, 1964.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., p.s.t., November 29, 1964, and ending at 12:01 a.m., p.s.t., December 6, 1964, are hereby fixed as follows:

(i) District 1: 1,000,000 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: 150,000 cartons;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 25, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-12270; Filed, Nov. 27, 1964; 11:23 a.m.]



[Lemon Reg. 140]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

§ 910.440 Lemon Regulation 140.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 24, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 29, 1964, and ending at 12:01 a.m., P.s.t., December 6, 1964, are hereby fixed as follows:

(i) District 1: 37,200 cartons;
(ii) District 2: 79,050 cartons;
(iii) District 3: 111,600 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 25, 1964.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 64-12231; Filed, Nov. 27, 1964; 8:50 a.m.]

## Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 41]

## PART 1037—MILK IN NORTH CENTRAL OHIO MARKETING AREA

## PART 1041—MILK IN THE NORTHWESTERN OHIO MARKETING AREA

### Order Amending and Consolidating Orders

This order amends and consolidates under Part 1041 the order provisions of Parts 1041 (Toledo, Ohio) and 1037 (North Central Ohio), combines and expands the marketing areas defined under these two orders; and redesignates the new area as the Northwestern Ohio marketing area. Because of the merger of the orders into Part 1041, Part No. 1037 is no longer appropriate and, therefore, is revoked and reserved for future reassignment to other programs.

Subpart—Order Regulating Handling

DEFINITIONS


Sec.
1041.1 Act.
1041.2 Secretary.
1041.3 Department.
1041.4 Person.
1041.5 Cooperative association.
1041.6 Northwestern Ohio marketing area.
1041.7 Producer.
1041.8 Handler.
1041.9 Producer-handler.
1041.10 Plant.
1041.11 Distributing plant.
1041.12 Supply plant.
1041.13 Pool plant.
1041.14 Nonpool plant.
1041.15 Producer milk.
1041.16 Fluid milk product.
1041.17 Other source milk.
1041.18 Route disposition.
1041.19 Butter price.


MARKET ADMINISTRATOR


1041.25 Designation.
1041.26 Powers.
1041.27 Duties.


REPORTS, RECORDS, AND FACILITIES


1041.30 Reports of receipts and utilization.
1041.31 Other reports.
1041.32 Payroll reports.
1041.33 Records and facilities.
1041.34 Retention of records.

CLASSIFICATION AND ASSIGNMENT OF MILK AND MILK PRODUCTS

Sec.
1041.40 Skim milk and butterfat to be classified.
1041.41 Class I milk.
1041.42 Class II milk.
1041.43 Assignment of shrinkage.
1041.44 Transfers.
1041.45 Computation of skim milk and butterfat in each class.
1041.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1041.50 Basic formula price.
1041.51 Class prices.
1041.52 Butterfat differentials to handlers.
1041.53 Location adjustments to handlers.
1041.54 Use of equivalent prices.

APPLICATION OF PROVISIONS

1041.60 Producer-handler.
1041.61 Plants subject to other Federal orders.
1041.62 Obligations of a handler operating a partially regulated distributing plant.

DETERMINATION OF PRICES TO PRODUCERS

1041.70 Computation of the net pool obligation of each pool handler.
1041.71 Computation of uniform price.
1041.72 Butterfat differential to producers.
1041.73 Location differentials to producers and on nonpool milk.

PAYMENTS

1041.80 Time and method of payment.
1041.81 Producer-settlement fund.
1041.82 Payments to the producer-settlement fund.
1041.83 Payments out of the producer-settlement fund.
1041.84 Adjustment of errors in payments.
1041.85 Marketing service deductions.
1041.86 Expense of administration.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

1041.87 Effective time.
1041.88 Suspension or termination.
1041.89 Continuing obligation.
1041.90 Liquidation after suspension or termination.

MISCELLANEOUS PROVISIONS

1041.91 Termination of obligations.
1041.92 Agents.
1041.93 Separability of provisions.

AUTHORITY: The provisions of this Part 1041 issued under secs. 1–19, 48 Stat. 31 as amended, 7 U.S.C. 601–674.

**§ 1041.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Toledo, Ohio, and North Central Ohio marketing areas. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The Northwestern Ohio order, which amends and consolidates the Toledo, Ohio, and North Central Ohio orders, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the Northwestern Ohio marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The Northwestern Ohio order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreements upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the Northwestern Ohio order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such amount not to exceed 3 cents per hundredweight as the Secretary may prescribe, with respect to:

(i) Receipts of producer milk (including such handler's own farm production);

(ii) Other source milk at a pool plant which is allocated to Class I milk pursuant to § 1041.46(a)(3) and § 1041.46(a)(7) and the corresponding steps of § 1041.46(b); and

(iii) Other source milk disposed of on a route(s) in the marketing area during the month from a partially regulated distributing plant in excess of the Class I milk received during the month at such plant from pool plants and other order plants.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending and consolidating the orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending and consolidating the orders is approved or favored by at least two-thirds (98.1 percent) of the 1617 producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the orders regulating the handling of milk in the Toledo, Ohio, and North Central Ohio marketing areas (Parts 1041 and 1037, respectively) shall be amended and consolidated into one order and the handling of milk in the consolidated marketing area, to be designated as the "Northwestern Ohio marketing area", shall be in conformity to, and in compliance with, the terms and conditions of Part 1041 as hereby amended. Part 1037 is hereby revoked and Part 1041 is hereby amended as follows:

DEFINITIONS

**§ 1041.1 Act.**

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

**§ 1041.2 Secretary.**

"Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

**§ 1041.3 Department.**

"Department" means the United States Department of Agriculture.

**§ 1041.4 Person.**

"Person" means any individual, partnership, corporation, association, or other business unit.

**§ 1041.5 Cooperative association.**

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members; and

(c) To have all of its activities under the control of its members.

**§ 1041.6 Northwestern Ohio marketing area.**

The "Northwestern Ohio marketing area" hereinafter called the "marketing area", means all the territory geographically within the places listed below, all waterfront facilities connected therewith, and all territory wholly or partly therein occupied by government (municipal, State or Federal) reservations, installations, institutions or other similar establishments:



OHIO COUNTIES

Allen.
Fulton.
Henry.
Putnam.
Hancock.
Wood.
Lucas.
Seneca.
Marion.
Morrow.
Crawford.
Richland.
Van Wert (city of Delphos only).
Sandusky (Woodville and Madison townships only).

MICHIGAN COUNTIES

Monroe (except Ash, Berlin, Exeter, London, Milan and Dundee townships).
Lenawee (Riga, Ogden, Palmyra, Blissfield and Deerfield townships only).

**§ 1041.7 Producer.**

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant or to another pool plant pursuant to § 1041.15. "Producer" shall not include any such person with respect to milk which is fully subject to the class pricing and producer payment provisions of another order issued pursuant to the Act.

**§ 1041.8 Handler.**

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) A cooperative association with respect to milk diverted for the account of such association pursuant to § 1041.15;

(c) Any person who operates a partially regulated distributing plant;

(d) A producer-handler; and

(e) Any person who operates an other order plant described in § 1041.61.

**§ 1041.9 Producer-handler.**

"Producer-handler" means a person who:

(a) Operates a dairy farm and a distributing plant;

(b) Receives only milk of his own production and fluid milk products which are priced as Class I milk under an order issued pursuant to the Act; and

(c) Provides proof satisfactory to the market administrator that the care and management of all dairy animals and other resources used in his own farm production and the operation of the processing and packaging facilities for fluid milk products are conducted as his personal enterprise and at his own risk.

**§ 1041.10 Plant.**

"Plant" means the land and buildings, together with their surroundings, facilities and equipment constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products. The term "plant" does not include:

(a) Distribution points (separate premises used primarily for the transfer to vehicles of packaged fluid milk products moved there from processing and packaging plants); or

(b) Bulk reload points (separate premises used for the transfer of milk enroute from dairy farmers' farms, at which premises facilities for washing and sanitizing cans or tank trucks are not maintained and used).

**§ 1041.11 Distributing plant.**

"Distributing plant" means a plant where fluid milk products are processed and packaged and from which there is route disposition in the marketing area during the month.

**§ 1041.12 Supply plant.**

"Supply plant" means a plant from which milk, skim milk or cream is shipped during the month to a plant qualified as a pool plant under § 1041.13(a).

**§ 1041.13 Pool plant.**

"Pool plant" means any plant specified in paragraph (a) or (b) of this section, except the plant of a producer-handler or a plant exempt pursuant to § 1041.61: *Provided*, That if a portion of a plant is physically separate from the facilities where Grade A milk is received and is not approved by any health authority for receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant with route disposition during the month of not less than 50 percent of the total Grade A milk received at such plant from dairy farmers (excluding any such milk received by diversion from a plant at which such milk is fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act) and pool supply plants, and with at least 15 percent of such route disposition made within the marketing area during the month.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is represented in shipments of fluid milk products to a plant described under paragraph (a) of this section. If a plant meets the above requirement in this paragraph in each of the months of September through December, such plant shall qualify under this paragraph until the end of the following August, unless the plant operator requests nonpool status for such plant; in the latter event nonpool plant status shall be effective the first month following the filing of a request in writing to the market administrator and shall continue until the plant requalifies under this section on the basis of actual shipments.

**§ 1041.14 Nonpool plant.**

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which there is route disposition in the marketing area during the month of Grade A fluid milk products in consumer-type packages or dispenser units.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which Grade A fluid milk products are shipped to a pool plant.

**§ 1041.15 Producer milk.**

"Producer milk" means all skim milk and butterfat contained in milk of any producer, not also a producer as defined in another order issued pursuant to the Act, which is:

(a) Received during the month at one or more pool plants directly from the producer or caused to be delivered from the producer's farm to a pool plant(s) by a cooperative association.

(b) Diverted by a handler from a pool plant to another pool plant for any number of days of the month. Milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant to which it is diverted.

(c) Physically received at a pool plant in an amount equal to four days' production from each producer during the month and is diverted to a nonpool plant(s) for the account of a handler operating a pool plant or a cooperative association, subject to the following conditions:

(1) Milk so diverted during any month July through February shall not exceed 35 percent of the applicable receipts specified in subdivision (i) or (ii) of this subparagraph.

(i) With respect to milk diverted for the account of a cooperative association, the total milk of association member producers received at all pool plants during the month exclusive of any member milk diverted to a nonpool plant(s) for the account of a handler operating a pool plant; and

(ii) With respect to milk diverted to a nonpool plant for the account of a handler operating a pool plant, the total receipts from producers at the pool plant of such handler during the month exclusive of any such milk receipts diverted for the account of a cooperative association.

(2) If milk is diverted to a nonpool plant(s) in excess of the amounts specified in subparagraph (1) of this paragraph, eligibility as producer milk under this section shall be forfeited on a quantity of milk equal to such excess amount. In such instances the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk. If a handler fails to designate such dairy farmers whose milk is ineligible, producer milk status shall be forfeited with respect to all milk diverted to nonpool plants by such handler.

(3) Milk diverted to a nonpool plant for the account of a handler operating a pool plant shall be deemed to have been received at the pool plant from which diverted and if diverted for the account of a cooperative association, shall be

deemed to have been received by the cooperative association at the location of the pool plant from which diverted.

**§ 1041.16 Fluid milk product.**

"Fluid milk product" means milk, skim milk, flavored or cultured milk or skim milk, buttermilk, concentrated milk, eggnog, sweet or sour cream, and any mixture of fluid cream and milk or skim milk. Cultured sour mixtures disposed of as other than sour cream shall be considered as fluid milk products only if disposed of under a Grade A label. The term includes these products in fluid, frozen (except cream), fortified or reconstituted form, but does not include sterilized products in hermetically sealed containers, and such products as milkshake mix, ice cream mix and other frozen dessert mixes, aerated cream products, frozen cream, cultured sour mixtures (disposed of as other than sour cream and not disposed of under a Grade A label), pancake mixes and evaporated or sweetened condensed milk or skim milk in either plain or sweetened form.

**§ 1041.17 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month of fluid milk products except: (1) fluid milk products received from pool plants either by transfer or diversion, (2) producer milk, or (3) inventory of fluid milk products on hand at the beginning of the month;

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted into or combined with another product in the plant during the month; and

(c) Any disappearance of nonfluid products not otherwise accounted for.

**§ 1041.18 Route disposition.**

"Route disposition" means distribution of Class I milk by a handler to retail or wholesale outlets, which include vending machines but do not include plants or distribution points. The route disposition of a handler shall be attributed to the processing and packaging plant from which the Class I milk is moved to retail or wholesale outlets without intermediate movement to another processing and packaging plant.

**§ 1041.19 Butter price.**

"Butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported for the month by the Department.

MARKET ADMINISTRATOR

**§ 1041.25 Designation.**

The agency for the administration of this part shall be a market administrator who shall be selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

**§ 1041.26 Powers.**

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

**§ 1041.27 Duties.**

The market administrator shall perform all duties necessary to administer the terms and provisions of this part. His duties shall include but not be limited to those specified in this section.

(a) He shall execute and deliver to the Secretary, within 30 days following the date on which he enters upon his duties, a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) He shall employ and fix the compensation of any persons deemed necessary to enable him to exercise his powers and perform his duties.

(c) He shall obtain a bond in a reasonable amount, and with satisfactory surety thereon, covering each employee who handles funds entrusted to the market adminstrator.

(d) He shall pay out of the funds provided by § 1041.86 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties, except those incurred under § 1041.85.

(e) He shall keep such books and records to reflect clearly the transactions provided for in this part and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate.

(f) He shall submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary.

(g) He shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate), at his discretion and unless otherwise directed by the Secretary, the name of any handler the value of whose fluid milk products is not included in the computation of the uniform price because of failure to make reports pursuant to §§ 1041.30 and 1041.32, or payments pursuant to §§ 1041.80, 1041.82, 1041.84, 1041.85 and 1041.86.

(h) He shall verify handlers' reports and payments to the extent necessary, by any appropriate means including audit of the handlers' records and, if made available, of the records of any other persons upon whose utilization the classification of skim milk or butterfat depends.

(i) He shall prepare and make available for the benefit of producers, handlers and consumers, statistics and information concerning the operation of this part which do not reveal confidential information;

(j) He shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate):

(1) By the 6th day of each month, the Class I price computed pursuant to § 1041.51(a) and the Class I butterfat differential computed pursuant to § 1041.52(a), both for the current month; and the Class II price computed pursuant to § 1041.51(b) and the Class II butterfat differential computed pursuant to § 1041.52(b), both for the preceding month; and

(2) By the 12th day after the end of each month, the uniform price computed pursuant to § 1041.71 and the butterfat differential computed pursuant to § 1041.72.

(k) He shall report to each cooperative association, on or before the 12th day after the end of each month, upon request by such association, the percentage of the milk of its members which was utilized in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class in the same ratio as all producer milk received by the handler during the month;

(l) He shall notify on or before the 12th day after the end of each month each handler who reported pursuant to § 1041.30 of:

(1) The amount and value of such handler's milk in each class computed pursuant to § 1041.46 and § 1041.70;

(2) The uniform price computed pursuant to § 1041.71; and

(3) The amounts to be paid by such handler pursuant to §§ 1041.82, 1041.85 and 1041.86 and the amount, if any, due such handler pursuant to § 1041.83.

(m) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1041.46(a) (8) and the corresponding step of § 1041.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(n) He shall report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1041.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(o) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.



REPORTS, RECORDS AND FACILITIES

**§ 1041.30 Reports of receipts and utilization.**

On or before the 7th day after the end of each month, each handler for each of his pool plants and a cooperative association with respect to milk for which it is the handler, shall report to the market administrator for such month, in the detail and on forms prescribed by the market administrator, the quantities of skim milk and butterfat contained in:

(a) Receipts of own farm production and as producer milk from other dairy farmers;

(b) Fluid milk products received by transfer or diversion from other pool plants;

(c) Other source milk;

(d) Producer milk diverted pursuant to § 1041.15.

(e) Inventories of fluid milk products on hand at the beginning and end of the month;

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk inside the marketing area; and

(g) Such other information with respect to receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

**§ 1041.31 Other reports.**

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(b) On or before the 7th day after the end of each month, each handler who operates a partially regulated distributing plant shall report the information required of handlers operating pool plants pursuant to § 1041.30, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of route disposition of skim milk and butterfat in the marketing area as Class I milk.

**§ 1041.32 Payroll reports.**

(a) Each handler pursuant to § 1041.8 (a) or (b) shall submit to the market administrator, within 10 days after his request made not earlier than the 20th day after the end of the month, his producer payroll for that month, which shall show for each producer:

(1) The daily and total pounds of milk received from such producer with the average butterfat test thereof; and

(2) The net amount of such handler's payments to such producer with the prices, deductions and charges involved.

(b) Each handler operating a partially regulated distributing plant shall report to the market administrator on or before the 20th day after the end of the month the same information as is required of handlers operating pool plants pursuant to paragraph (a) of this section if he wishes his obligation under § 1041.62 to be computed according to § 1041.62(a). In such report payments to dairy farmers delivering Grade A milk shall be reported in lieu of payments to producers.

**§ 1041.33 Records and facilities.**

(a) Each handler shall maintain detailed and summary records showing all receipts, movements and disposition of milk and milk products during each month, and the quantities of milk and milk products in the inventories at the beginning and end of each month.

(b) For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(1) Verify the information contained in the reports submitted in accordance with this part;

(2) Weigh, sample and test milk and milk products; and

(3) Make such examination of records, operations, equipment and facilities as the market administrator deems necessary for the purpose specified in this paragraph.

**§ 1041.34 Retention of records.**

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain. If, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under § 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection herewith.

CLASSIFICATION AND ASSIGNMENT OF MILK AND MILK PRODUCTS

**§ 1041.40 Skim milk and butterfat to be classified.**

All skim milk and butterfat required to be reported pursuant to §§ 1041.30 and 1041.31 shall be classified by the market administrator as Class I milk or Class II milk under §§ 1041.41 through 1041.46. When nonfat milk solids derived from nonfat dry milk, condensed skim milk or any other product condensed from milk or skim milk are utilized or unaccounted for by the handler, the total pounds of skim milk classified shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids, except that if the solids are utilized to fortify fluid milk products the actual weight of any such products shall be included in classifying the total product weight.

**§ 1041.41 Class I milk.**

Class I milk shall be all skim milk (including that used to produce concentrated milk) and butterfat:

(a) Disposed of in the form of fluid milk products (except as provided in § 1041.42); and

(b) Not accounted for as Class II milk.

**§ 1041.42 Class II milk.**

Class II milk shall be all skim milk and butterfat for which the handler who first receives the skim milk and butterfat proves that the skim milk and butterfat were:

(a) Used to produce any product other than a fluid milk product;

(b) Disposed of for livestock feed, or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(c) Disposed of in bulk to and used at a commercial food establishment devoted exclusively to the manufacture of bakery products, candy or processed nondairy foods;

(d) Contained in that portion of fortified fluid milk products not classified as Class I milk pursuant to § 1041.41;

(e) Contained in inventory of fluid milk products on hand at the end of the month;

(f) Disposed of as shrinkage assigned pursuant to § 1041.43(b)(1) but not to exceed the following:

(1) Two percent of skim milk or butterfat, respectively, physically received directly from producers' farms and by diversion from other pool plants; plus

(2) One and one-half percent of that received by transfer from other pool plants in bulk (except bulk cream); plus

(3) One and one-half percent of that received by transfer from other order plants in bulk, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(4) One and one-half percent of that received by transfer from unregulated supply plants in bulk, exclusive of the quantity for which Class II utilization was requested by the handler; less

(5) One and one-half percent, of that transferred in bulk to other plants (except bulk cream); and

(g) Disposed of as shrinkage assigned pursuant to § 1041.43(b)(2).

**§ 1041.43 Assignment of shrinkage.**

The market administrator shall assign shrinkage to a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each of his plants; and

(b) Prorate the resulting amount at each plant between: (1) The net quantity of skim milk and butterfat specified in § 1041.42(f); and (2) skim milk and butterfat in other source milk received in bulk fluid form, exclusive of that specified in § 1041.42(f).

**§ 1041.44 Transfers.**

Skim milk or butterfat disposed of from a pool plant in the form of fluid milk products shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred or diverted to another pool plant, subject in either event to the following conditions:

(1) The skim milk or butterfat as assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1041.46(a)(3) and the corresponding step of § 1041.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1041.46(a)(3), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1041.46(a) (7) or (8) and the corresponding steps of § 1041.46(b), the skim milk and butterfat so transferred or diverted up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1041.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant.

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this paragraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular sources of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(d) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraphs (1), (2) or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If moved in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, movements in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is moved to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of §§ 1041.41 and 1041.42.

### § 1041.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class at each plant of such handler.

### § 1041.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1041.45, the market administrator shall determine the classification of producer milk received at each pool plant of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1041.42(f);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II:

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(c)(1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk.

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1041.27(m); or

(b) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1041.44(a); and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.



## MINIMUM PRICES

### § 1041.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the butter price for the month. The basic formula price shall be rounded to the nearest full cent.

### § 1041.51 Class prices.

Subject to the provisions of § 1041.52, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I milk prices.* In the first 18 months beginning with the month in which this section becomes effective, the monthly Class I milk price shall be the basic formula price for the preceding month, plus the sum of the amounts specified under subparagraphs (1) and (2) of this paragraph:

(1) The amount set forth below for the applicable month, subject to any adjustment for location pursuant to § 1041.53:

| | |
|---|---|
| August through March | $1.36 |
| April through July | $1.13 |

(2) Any amount by which the effective supply-demand adjustment for the month computed pursuant to part 1036 of this chapter (Northeastern Ohio order) differs from a minus 25 cents.

(b) *Class II milk price.* The Class II milk price each month, for all locations, shall be the basic formula price, but in no event shall the Class II price exceed a level computed by the market administrator pursuant to the following formula plus 10 cents:

(1) Add together the plus amounts pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the butter price subtract three cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(ii) From the simple average of the weighted averages of the carlot prices per pound of spray process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

### § 1041.52 Butterfat differentials to handlers.

When the use class of milk for the handler reflects more or less than 3.5 percent butterfat, the class price for the month computed pursuant to § 1041.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.127.

(b) *Class II price.* Multiply the butter price for the month by 0.115.

### § 1041.53 Location adjustments to handlers.

For milk received from producers at a plant and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (d) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1041.51(a) shall be reduced on the basis of the applicable amount or rate for the location of such plant pursuant to paragraphs (a) and (b) or paragraph (c) of this section, respectively. For the purpose of this section and § 1041.73, the distances to be computed shall be on the basis of the shortest hard-surfaced highway distances as determined by the market administrator:

(a) For a plant located within:

| | *Amount of adjustment (cents)* |
|---|---|
| Richland, Huron, or Erie County, Ohio | 0 |
| Crawford or Morrow County, Ohio | 3 |
| Lucas, Fulton, Henry, Wood, Ottawa, Sandusky, Seneca, Wyandot or Marion County, Ohio | 4 |
| Hancock or Hardin County, Ohio | 7 |
| Allen or Auglaize County, Ohio | 9 |

(b) For any plant at a location not specified in the preceding paragraph which is located nearer to the Public Square in Cleveland, Ohio, than the distance such Cleveland location point is from the City Hall at Mansfield, Ohio,

no adjustment shall be made pursuant to this section.

(c) For any plant at a location not otherwise specified in paragraphs (a) and (b) of this section, the price shall be that applicable at Mansfield, Marion, Lima, Napoleon or Toledo, Ohio, whichever is nearest the plant, reduced for the distance of the plant from the City Hall of such nearest city at the rate of 1.5 cents for each 10 miles or fraction thereof, except that no such adjustment shall apply for distances of 40 miles and less from Toledo or 15 miles and less from Mansfield, Marion, Lima, or Napoleon.

(d) For purposes of calculating each such adjustment under this section, transfers between pool plants shall be assigned to Class I disposition at the transferee plant in excess of the sum of receipts at such plant from producers, and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

### § 1041.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

## Application of Provisions

### § 1041.60 Producer-handler.

Sections 1041.40 through 1041.54 and §§ 1041.61 through 1041.86 shall not apply to a producer-handler.

### § 1041.61 Plants subject to other Federal orders.

The provisions of this part except §§ 1041.30, 1041.31, 1041.32, and 1041.33 shall not apply to a distributing plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant qualified as a pool plant pursuant to § 1041.13 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to other pool plants in the Northwestern Ohio marketing area than in the marketing area regulated pursuant to such other order during the current month and each of the three months immediately preceding, unless the Secretary determines that the applicable order should more appropriately be determined on some other basis. The operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may request and permit his verification of such reports.

### § 1041.62 Obligations of a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1041.31(b) and 1041.32(b) the information necessary to compute the amount specified in paragraph (a), he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1041.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1041.70(e) and a credit in the amount specified in § 1041.82(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1041.31(b) and 1041.32(b) similar reports with respect to the operation of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1041.13(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

## Determination of Prices to Producers

### § 1041.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be the sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1041.46(c), by the applicable class prices;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1041.46(a)(10) and the corresponding step of § 1041.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1041.46(a)(5) and the corresponding step of § 1041.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1041.46(a)(3) and the corresponding step of § 1041.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location (in the manner provided pursuant to § 1041.53) of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1041.46(a)(7) and the corresponding step of § 1041.46(b).

### § 1041.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers at pool plants for which no location adjustment applies as follows:

(a) Combine into one total the values computed pursuant to § 1041.70 for all handlers who filed the reports prescribed for the month and who made the required payments pursuant to § 1041.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1041.73;



(c) Subtract, if the average butterfat content of the milk specified in paragraph (a) of this section is more than 3.5 percent or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1041.72 and multiplying the result by the total hundredweight of such milk;

(d) Add one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1041.70(e);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

### § 1041.72 Butterfat differential to producers.

The uniform price for producer milk shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1041.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest one-tenth cent.

### § 1041.73 Location differentials to producers and on nonpool milk.

(a) For the purposes of § 1041.80, the uniform price at a plant may be reduced on the basis of the applicable amount or rate for the location of such plant pursuant to § 1041.53;

(b) For the purpose of computations pursuant to §§ 1041.82 and 1041.83, the uniform price shall be adjusted on the basis of the applicable amount or rate pursuant to § 1041.53, applicable at the location of the nonpool plant from which the milk was received.

## Payments

### § 1041.80 Time and method of payment.

(a) Each handler shall pay each producer for whom payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, at not less than the Class II price for the preceding month for the producer milk received during the first 15 days of the month;

(2) On or before the 17th day after the end of each month, at not less than the uniform price adjusted pursuant to §§ 1041.72, 1041.73 and 1041.85, less any payment made pursuant to subparagraph (1) of this paragraph, for producer milk received during such month. If by such date the handler has not received full payment from the market administrator pursuant to § 1041.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following receipt of the balance due from the market administrator; and

(3) If the net payment to a producer is for an amount less than the total amount due the producer under this paragraph, the burden shall rest upon the handler to prove to the market administrator that each deduction from the total amount due is properly authorized and properly chargeable to the producer.

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association, in lieu of payments pursuant to paragraph (a) of this section, an amount not less than the gross sum due, at the uniform price, for all milk received from certified members, less amounts owing by each member producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer.

(1) The foregoing payment, and the submission of information pursuant to paragraph (c) of this section, shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) Partial and final payments shall be made to the cooperative association one day prior to the respective due dates otherwise applicable pursuant to paragraph (a) (1) and (2) of this section.

(3) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(c) In making payments for producer milk pursuant to this section, each handler simultaneously shall furnish each producer, or cooperative association in the case of member producers for whom payment is made pursuant to paragraph (b) of this section, a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The month and identity of the individual producer involved;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to this order;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount, or the rate per hundredweight, and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

### § 1041.81 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments except those payments made under §§ 1041.85 and 1041.86 and out of which he shall make all payments pursuant to §§ 1041.83 and 1041.84: *Provided*, That the market administrator shall offset the payment due a handler against payments due from such handler.

### § 1041.82 Payments to the producer-settlement fund.

On or before the 14th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1041.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1041.80; and

(2) The value at the uniform price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1041.70(e).

### § 1041.83 Payments out of the producer-settlement fund.

On or before the 15th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1041.82(b) exceeds the amount computed pursuant to § 1041.82(a).

### § 1041.84 Adjustment of errors in payments.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provision under which such error occurred.

### § 1041.85 Marketing service deductions.

(a) In making the payments required by § 1041.80 (a)(2) and (b) to producers, other than payments to himself and to any producer who is a member of a cooperative association which the Secre-

tary determines is performing the services specified in paragraph (b) of this section, each handler shall deduct six cents per hundredweight, or such lesser amount as the Secretary shall determine to be sufficient, for marketing services. The handler shall pay the amount deducted to the market administrator on or before the 14th day after the end of the month.

(b) The market administrator shall expend amounts received under paragraph (a) of this section only in providing market information to such producers and for verification of weights, samples, and tests of milk received from them. The market administrator may contract with a cooperative association for the furnishing of the whole or any part of these services.

(c) Each handler, in making the payments required by § 1041.80 for producer milk received from members of a cooperative association which the Secretary determines is performing the services specified in paragraph (b) of this section, shall deduct from such payments, in lieu of the deduction specified in paragraph (a) of this section, an amount authorized by such producers. He shall pay the amount deducted to the association on or before the 16th day after the end of the month accompanied by a statement showing the pounds of milk received from each producer from whom the deduction was made.

### § 1041.86 Expense of administration.

On or before the 14th day after the end of each month, each handler shall make payment to the market administrator as his pro rata share of the expense of administration of this part. The payment shall be at the rate of three cents per hundredweight or such lesser amount as the Secretary may prescribe. The payment shall apply to all of the handler's receipts during the month of skim milk and butterfat contained in (a) producer milk (including a handler's own farm production); and (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1041.46(a)(3), and § 1041.46(a)(7) and the corresponding steps of § 1041.46(b). The payment shall apply also to the quantity of route disposition in the marketing area during the month of other source milk from a partially regulated distributing plant that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

### Effective Time, Suspension or Termination

### § 1041.87 Effective time.

The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

### § 1041.88 Suspension or termination.

The Secretary may suspend or terminate this part or provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part, in any event, shall terminate whenever the provisions of the Act authorizing it cease to be in effect.

### § 1041.89 Continuing obligation.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

### § 1041.90 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, if so directed by the Secretary, shall liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

### Miscellaneous Provisions

### § 1041.91 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part, except as provided in paragraphs (b) and (c) of this section, shall terminate two years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that the money is due and payable. Service of the notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following:

(1) The amount of the obligation;

(2) The month during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator within the two-year period provided for in paragraph (a) of this section, may notify the handler in writing of the failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all the books and records pertaining to the obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) or (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

### § 1041.92 Agents.

The Secretary, by designation in writing, may name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

### § 1041.93 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date: January 1, 1965.

Signed at Washington, D.C., on November 24, 1964.

George L. Mehren,
*Assistant Secretary.*

[F.R. Doc. 64-12165; Filed, Nov. 27, 1964; 8:47 a.m.]

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

### Subchapter B—Loans, Purchases, and Other Operations

[C.C.C. Grain Price Support Regulations, 1964-Crop Wheat Supp., Admt. 6]

## Part 1421—Grains and Similarly Handled Commodities

### Subpart—1964-Crop Wheat Loan and Purchase Program

### Support Rates

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 8049, 8465, 9957, 11492, 12004, 13135 and 13944 and containing the specific requirements of the 1964-crop wheat loan and purchase program are hereby amended as follows:

Section 1421.2133(e) is amended to correct basic county support rates as follows:

### § 1421.2133 Support rates.

* * * * * * *

(e) *Basic support rates (counties).* * * *



**Arkansas**

| County | Dollars per bushel From— | To— |
|---|---|---|
| Ashley | $1.43 | $1.44 |
| Baxter | 1.26 | 1.34 |
| Benton | 1.22 | 1.29 |
| Boone | 1.26 | 1.32 |
| Bradley | 1.38 | 1.43 |
| Calhoun | 1.36 | 1.42 |
| Carroll | 1.24 | 1.29 |
| Chicot | 1.44 | 1.45 |
| Clark | 1.35 | 1.41 |
| Cleveland | 1.34 | 1.40 |
| Columbia | 1.39 | 1.45 |
| Crawford | 1.24 | 1.30 |
| Dallas | 1.35 | 1.41 |
| Drew | 1.43 | 1.44 |
| Franklin | 1.25 | 1.31 |
| Fulton | 1.33 | 1.39 |
| Garland | 1.32 | 1.38 |
| Grant | 1.34 | 1.40 |
| Hempstead | 1.38 | 1.44 |
| Hot Spring | 1.33 | 1.39 |
| Howard | 1.30 | 1.36 |
| Independence | 1.39 | 1.42 |
| Izard | 1.30 | 1.36 |
| Jefferson | 1.44 | 1.45 |
| Johnson | 1.27 | 1.35 |
| Lafayette | 1.39 | 1.45 |
| Lawrence | 1.45 | 1.46 |
| Little River | 1.38 | 1.44 |
| Logan | 1.24 | 1.30 |
| Madison | 1.24 | 1.30 |
| Marion | 1.27 | 1.33 |
| Miller | 1.39 | 1.45 |
| Mississippi | 1.46 | 1.47 |
| Montgomery | 1.28 | 1.34 |
| Nevada | 1.37 | 1.43 |
| Newton | 1.26 | 1.32 |
| Ouachita | 1.37 | 1.43 |
| Perry | 1.29 | 1.35 |
| Pike | 1.29 | 1.35 |
| Polk | 1.28 | 1.34 |
| Pope | 1.28 | 1.34 |
| Saline | 1.33 | 1.39 |
| Scott | 1.28 | 1.34 |
| Searcy | 1.27 | 1.33 |
| Sebastian | 1.27 | 1.33 |
| Sevier | 1.30 | 1.36 |
| Sharp | 1.33 | 1.39 |
| Stone | 1.31 | 1.37 |
| Union | 1.39 | 1.45 |
| Van Buren | 1.36 | 1.39 |
| Washington | 1.24 | 1.30 |
| Yell | 1.28 | 1.34 |

**California**

| | | |
|---|---|---|
| Mariposa | 1.39 | 1.43 |

**Colorado**

| | | |
|---|---|---|
| Adams | 1.15 | 1.21 |
| Arapahoe | 1.15 | 1.21 |
| Baca | 1.17 | 1.23 |
| Bent | 1.16 | 1.22 |
| Boulder | 1.15 | 1.21 |
| Cheyenne | 1.17 | 1.23 |
| Crowley | 1.15 | 1.21 |
| Custer | 1.09 | 1.12 |
| Denver | 1.15 | 1.21 |
| Douglas | 1.15 | 1.21 |
| Elbert | 1.15 | 1.21 |
| El Paso | 1.15 | 1.21 |
| Fremont | 1.10 | 1.14 |
| Huerfano | 1.12 | 1.16 |
| Jefferson | 1.15 | 1.21 |
| Kiowa | 1.17 | 1.23 |
| Kit Carson | 1.17 | 1.23 |
| Larimer | 1.15 | 1.21 |
| Las Animas | 1.14 | 1.20 |
| Lincoln | 1.15 | 1.21 |
| Logan | 1.15 | 1.21 |
| Morgan | 1.15 | 1.21 |
| Otero | 1.15 | 1.21 |
| Phillips | 1.17 | 1.23 |
| Prowers | 1.17 | 1.23 |
| Pueblo | 1.15 | 1.21 |
| Sedgwick | 1.18 | 1.24 |
| Washington | 1.15 | 1.21 |
| Weld | 1.15 | 1.21 |
| Yuma | 1.17 | 1.23 |

**Kansas**

| | | |
|---|---|---|
| Allen | 1.35 | 1.37 |
| Anderson | 1.34 | 1.39 |
| Atchison | 1.35 | 1.40 |
| Barber | 1.24 | 1.31 |
| Barton | 1.24 | 1.30 |
| Bourbon | 1.36 | 1.39 |
| Brown | 1.34 | 1.40 |
| Butler | 1.27 | 1.33 |
| Chase | 1.29 | 1.35 |
| Chautauqua | 1.29 | 1.35 |
| Cherokee | 1.32 | 1.37 |
| Cheyenne | 1.20 | 1.26 |
| Clark | 1.21 | 1.27 |
| Clay | 1.28 | 1.34 |
| Cloud | 1.27 | 1.33 |
| Coffey | 1.32 | 1.38 |
| Comanche | 1.22 | 1.28 |
| Cowley | 1.27 | 1.33 |
| Crawford | 1.33 | 1.37 |
| Decatur | 1.22 | 1.28 |
| Dickinson | 1.27 | 1.33 |
| Doniphan | 1.37 | 1.40 |
| Douglas | 1.35 | 1.40 |
| Edwards | 1.24 | 1.30 |
| Elk | 1.29 | 1.35 |
| Ellis | 1.24 | 1.30 |
| Ellsworth | 1.26 | 1.32 |
| Finney | 1.21 | 1.27 |
| Ford | 1.23 | 1.29 |
| Franklin | 1.35 | 1.40 |
| Geary | 1.29 | 1.35 |
| Gove | 1.22 | 1.28 |
| Graham | 1.24 | 1.30 |
| Grant | 1.20 | 1.26 |
| Gray | 1.22 | 1.28 |
| Greeley | 1.20 | 1.26 |
| Greenwood | 1.30 | 1.36 |
| Hamilton | 1.20 | 1.26 |
| Harper | 1.26 | 1.32 |
| Harvey | 1.27 | 1.33 |
| Haskell | 1.21 | 1.27 |
| Hodgeman | 1.24 | 1.30 |
| Jackson | 1.33 | 1.39 |
| Jefferson | 1.35 | 1.40 |
| Jewell | 1.27 | 1.32 |
| Johnson | 1.37 | 1.40 |
| Kearny | 1.20 | 1.26 |
| Kingman | 1.26 | 1.32 |
| Kiowa | 1.24 | 1.30 |
| Labette | 1.33 | 1.37 |
| Lane | 1.22 | 1.28 |
| Leavenworth | 1.36 | 1.40 |
| Lincoln | 1.26 | 1.32 |
| Linn | 1.38 | 1.40 |
| Logan | 1.21 | 1.27 |
| Lyon | 1.31 | 1.37 |
| McPherson | 1.26 | 1.32 |
| Marion | 1.27 | 1.33 |
| Marshall | 1.31 | 1.37 |
| Meade | 1.21 | 1.27 |
| Miami | 1.36 | 1.40 |
| Mitchell | 1.26 | 1.32 |
| Montgomery | 1.31 | 1.37 |
| Morris | 1.29 | 1.35 |
| Morton | 1.28 | 1.29 |
| Nemaha | 1.32 | 1.38 |
| Nedaho | 1.35 | 1.37 |
| Ness | 1.24 | 1.30 |
| Norton | 1.24 | 1.30 |
| Osage | 1.32 | 1.38 |
| Osborne | 1.26 | 1.32 |
| Ottawa | 1.27 | 1.33 |
| Pawnee | 1.24 | 1.30 |
| Phillips | 1.24 | 1.30 |
| Pottawatomie | 1.31 | 1.37 |
| Pratt | 1.24 | 1.30 |
| Rawlins | 1.21 | 1.27 |
| Reno | 1.26 | 1.32 |
| Republic | 1.27 | 1.33 |
| Rice | 1.26 | 1.32 |
| Riley | 1.31 | 1.37 |
| Rooks | 1.25 | 1.31 |
| Rush | 1.24 | 1.30 |
| Russell | 1.25 | 1.31 |
| Saline | 1.27 | 1.33 |
| Scott | 1.21 | 1.27 |
| Sedgwick | 1.27 | 1.33 |
| Seward | 1.24 | 1.30 |
| Shawnee | 1.33 | 1.39 |
| Sheridan | 1.22 | 1.28 |
| Sherman | 1.20 | 1.26 |
| Smith | 1.26 | 1.32 |
| Stafford | 1.24 | 1.30 |
| Stanton | 1.18 | 1.24 |
| Stevens | 1.20 | 1.26 |
| Sumner | 1.27 | 1.33 |
| Thomas | 1.21 | 1.27 |
| Trego | 1.24 | 1.30 |
| Wabaunsee | 1.31 | 1.37 |
| Wallace | 1.20 | 1.26 |
| Washington | 1.28 | 1.34 |
| Wichita | 1.20 | 1.26 |
| Wilson | 1.31 | 1.37 |
| Woodson | 1.33 | 1.37 |
| Wyandotte | 1.37 | 1.40 |

**Missouri**

| | | |
|---|---|---|
| Barry | 1.30 | 1.35 |
| Barton | 1.36 | 1.37 |
| Bates | 1.36 | 1.40 |
| Benton | 1.32 | 1.37 |
| Bollinger | 1.34 | 1.40 |
| Cass | 1.39 | 1.40 |
| Cedar | 1.33 | 1.39 |
| Christian | 1.32 | 1.35 |
| Cole | 1.38 | 1.40 |
| Crawford | 1.37 | 1.42 |
| Dent | 1.33 | 1.39 |
| Gasconade | 1.39 | 1.40 |
| Grundy | 1.35 | 1.38 |
| Henry | 1.38 | 1.40 |
| Iron | 1.35 | 1.40 |
| Jasper | 1.33 | 1.37 |
| Lawrence | 1.33 | 1.35 |
| McDonald | 1.33 | 1.35 |
| Madison | 1.35 | 1.40 |
| Maries | 1.35 | 1.40 |
| Miller | 1.31 | 1.40 |
| Morgan | 1.32 | 1.37 |
| Newton | 1.29 | 1.35 |
| Osage | 1.37 | 1.40 |
| Perry | 1.35 | 1.40 |
| Phelps | 1.39 | 1.40 |
| Reynolds | 1.31 | 1.32 |
| St. Clair | 1.36 | 1.39 |
| St. Francois | 1.36 | 1.40 |
| St. Genevieve | 1.37 | 1.40 |
| Stone | 1.26 | 1.34 |
| Taney | 1.27 | 1.33 |
| Texas | 1.26 | 1.32 |
| Vernon | 1.36 | 1.39 |
| Washington | 1.37 | 1.40 |
| Wayne | 1.35 | 1.38 |
| Webster | 1.33 | 1.34 |
| Wright | 1.26 | 1.32 |

**Nebraska**

| | | |
|---|---|---|
| Adams | 1.29 | 1.35 |
| Antelope | 1.30 | 1.34 |
| Arthur | 1.20 | 1.26 |
| Banner | 1.15 | 1.21 |
| Blaine | 1.24 | 1.30 |
| Boone | 1.31 | 1.37 |
| Box Butte | 1.19 | 1.25 |
| Boyd | 1.27 | 1.33 |
| Brown | 1.24 | 1.30 |
| Buffalo | 1.29 | 1.35 |
| Burt | 1.35 | 1.38 |
| Butler | 1.34 | 1.40 |
| Cass | 1.36 | 1.40 |
| Cedar | 1.29 | 1.35 |
| Chase | 1.20 | 1.26 |
| Cherry | 1.22 | 1.28 |
| Cheyenne | 1.16 | 1.22 |
| Clay | 1.29 | 1.35 |
| Colfax | 1.35 | 1.40 |
| Custer | 1.26 | 1.32 |
| Dakota | 1.32 | 1.36 |
| Dawes | 1.16 | 1.22 |
| Dawson | 1.27 | 1.33 |
| Deuel | 1.18 | 1.24 |
| Dixon | 1.31 | 1.35 |
| Dodge | 1.35 | 1.38 |
| Douglas | 1.37 | 1.39 |
| Dundy | 1.20 | 1.26 |
| Fillmore | 1.31 | 1.37 |
| Franklin | 1.27 | 1.33 |
| Frontier | 1.24 | 1.30 |
| Furnas | 1.25 | 1.31 |
| Gage | 1.33 | 1.39 |
| Garden | 1.19 | 1.25 |
| Garfield | 1.28 | 1.34 |
| Gosper | 1.26 | 1.32 |
| Grant | 1.20 | 1.26 |
| Greeley | 1.30 | 1.36 |
| Hall | 1.30 | 1.36 |
| Hamilton | 1.31 | 1.37 |
| Harlan | 1.26 | 1.32 |
| Hayes | 1.21 | 1.27 |
| Hitchcock | 1.22 | 1.28 |
| Holt | 1.28 | 1.34 |
| Hooker | 1.22 | 1.28 |
| Howard | 1.30 | 1.36 |
| Jefferson | 1.31 | 1.37 |
| Johnson | 1.33 | 1.39 |
| Kearney | 1.27 | 1.33 |
| Keith | 1.20 | 1.26 |
| Keya Paha | 1.24 | 1.30 |
| Kimball | 1.15 | 1.21 |
| Knox | 1.28 | 1.34 |
| Lancaster | 1.35 | 1.40 |
| Lincoln | 1.23 | 1.29 |
| Logan | 1.24 | 1.30 |
| Loup | 1.27 | 1.33 |
| McPherson | 1.24 | 1.30 |
| Madison | 1.31 | 1.36 |
| Merrick | 1.31 | 1.37 |
| Morrill | 1.18 | 1.24 |
| Nance | 1.32 | 1.38 |
| Nemaha | 1.33 | 1.39 |
| Nuckolls | 1.29 | 1.35 |
| Otoe | 1.35 | 1.40 |
| Pawnee | 1.32 | 1.38 |
| Perkins | 1.20 | 1.26 |
| Phelps | 1.27 | 1.33 |

NEBRASKA—Continued

| County | Dollars per bushel From— | To— |
|---|---|---|
| Pierce | 1.31 | 1.35 |
| Platte | 1.33 | 1.39 |
| Polk | 1.33 | 1.39 |
| Redwillow | 1.24 | 1.36 |
| Richardson | 1.32 | 1.38 |
| Rock | 1.25 | 1.31 |
| Saline | 1.33 | 1.39 |
| Sarpy | 1.37 | 1.40 |
| Saunders | 1.36 | 1.39 |
| Scotts Bluff | 1.16 | 1.22 |
| Seward | 1.34 | 1.39 |
| Sheridan | 1.18 | 1.24 |
| Sherman | 1.29 | 1.35 |
| Sioux | 1.15 | 1.21 |
| Stanton | 1.32 | 1.34 |
| Thayer | 1.31 | 1.37 |
| Thomas | 1.24 | 1.30 |
| Thuston | 1.33 | 1.36 |
| Valley | 1.28 | 1.34 |
| Wayne | 1.30 | 1.34 |
| Webster | 1.28 | 1.34 |
| Wheeler | 1.31 | 1.35 |
| York | 1.32 | 1.38 |

NEW MEXICO

| | | |
|---|---|---|
| Bernalillo | 1.17 | 1.23 |
| Catron | 1.06 | 1.11 |
| Chaves | 1.24 | 1.30 |
| Colfax | 1.16 | 1.22 |
| Curry | 1.27 | 1.35 |
| De Baca | 1.22 | 1.29 |
| Dona Ana | 1.17 | 1.23 |
| Eddy | 1.22 | 1.29 |
| Guadalupe | 1.22 | 1.28 |
| Harding | 1.20 | 1.26 |
| Lea | 1.26 | 1.32 |
| Lincoln | 1.20 | 1.26 |
| Mora | 1.17 | 1.23 |
| Otero | 1.20 | 1.26 |
| Quay | 1.27 | 1.33 |
| Roosevelt | 1.25 | 1.33 |
| Sandoval | 1.17 | 1.23 |
| San Miguel | 1.17 | 1.23 |
| Santa Fe | 1.14 | 1.20 |
| Sierra | 1.17 | 1.23 |
| Socorro | 1.17 | 1.23 |
| Torrance | 1.18 | 1.25 |
| Union | 1.22 | 1.27 |
| Valencia | 1.12 | 1.16 |

NEW YORK

| | | |
|---|---|---|
| Orleans | 1.45 | 1.46 |
| Suffolk | 1.45 | 1.48 |

OKLAHOMA

| | | |
|---|---|---|
| Adair | 1.29 | 1.35 |
| Alfalfa | 1.28 | 1.34 |
| Atoka | 1.29 | 1.35 |
| Beaver | 1.26 | 1.32 |
| Beckham | 1.29 | 1.35 |
| Blaine | 1.29 | 1.35 |
| Bryan | 1.29 | 1.35 |
| Caddo | 1.29 | 1.35 |
| Canadian | 1.29 | 1.35 |
| Carter | 1.29 | 1.35 |
| Cherokee | 1.29 | 1.35 |
| Choctaw | 1.29 | 1.35 |
| Cimarron | 1.24 | 1.30 |
| Cleveland | 1.29 | 1.35 |
| Coal | 1.29 | 1.35 |
| Comanche | 1.29 | 1.35 |
| Cotton | 1.29 | 1.35 |
| Craig | 1.30 | 1.36 |
| Creek | 1.29 | 1.35 |
| Custer | 1.29 | 1.35 |
| Delaware | 1.29 | 1.35 |
| Dewey | 1.28 | 1.35 |
| Ellis | 1.27 | 1.33 |
| Garfield | 1.29 | 1.35 |
| Garvin | 1.29 | 1.35 |
| Grady | 1.29 | 1.35 |
| Grant | 1.27 | 1.34 |
| Greer | 1.29 | 1.35 |
| Harmon | 1.29 | 1.35 |
| Harper | 1.26 | 1.33 |
| Haskell | 1.29 | 1.35 |
| Hughes | 1.29 | 1.35 |
| Jackson | 1.29 | 1.35 |
| Jefferson | 1.29 | 1.36 |
| Johnston | 1.29 | 1.35 |
| Kay | 1.28 | 1.34 |
| Kingfisher | 1.29 | 1.35 |
| Kiowa | 1.29 | 1.35 |
| Latimer | 1.29 | 1.35 |
| Le Flore | 1.29 | 1.35 |
| Lincoln | 1.29 | 1.35 |
| Logan | 1.29 | 1.35 |

OKLAHOMA—Continued

| County | Dollars per bushel From— | To— |
|---|---|---|
| Love | 1.29 | 1.35 |
| McClain | 1.29 | 1.35 |
| McCurtain | 1.29 | 1.35 |
| McIntosh | 1.29 | 1.35 |
| Major | 1.29 | 1.35 |
| Marshall | 1.29 | 1.35 |
| Mayes | 1.28 | 1.34 |
| Murray | 1.29 | 1.35 |
| Muskogee | 1.29 | 1.35 |
| Noble | 1.28 | 1.35 |
| Nowata | 1.30 | 1.36 |
| Okfuskee | 1.29 | 1.35 |
| Oklahoma | 1.29 | 1.35 |
| Okmulgee | 1.29 | 1.35 |
| Osage | 1.27 | 1.33 |
| Ottawa | 1.30 | 1.36 |
| Pawnee | 1.29 | 1.35 |
| Payne | 1.29 | 1.35 |
| Pittsburg | 1.29 | 1.35 |
| Pontotoc | 1.29 | 1.35 |
| Pottawatomie | 1.29 | 1.35 |
| Pushmataha | 1.29 | 1.35 |
| Roger Mills | 1.28 | 1.34 |
| Rogers | 1.28 | 1.34 |
| Seminole | 1.29 | 1.35 |
| Sequoyah | 1.29 | 1.35 |
| Stephens | 1.29 | 1.35 |
| Texas | 1.26 | 1.32 |
| Tillman | 1.29 | 1.35 |
| Tulsa | 1.28 | 1.34 |
| Wagoner | 1.28 | 1.34 |
| Washington | 1.30 | 1.36 |
| Washita | 1.29 | 1.35 |
| Woods | 1.27 | 1.33 |
| Woodward | 1.27 | 1.33 |

OREGON

| | | |
|---|---|---|
| Benton | 1.27 | 1.31 |
| Clackamas | 1.31 | 1.33 |
| Lane | 1.24 | 1.27 |
| Linn | 1.27 | 1.31 |
| Marion | 1.30 | 1.34 |
| Polk | 1.29 | 1.33 |
| Tillamook | 1.33 | 1.35 |
| Washington | 1.33 | 1.35 |
| Yamhill | 1.31 | 1.34 |

SOUTH DAKOTA

| | | |
|---|---|---|
| Fall River | 1.15 | 1.18 |
| Gregory | 1.27 | 1.32 |
| Mellette | 1.25 | 1.28 |
| Todd | 1.25 | 1.28 |

TEXAS

| | | |
|---|---|---|
| Andrews | 1.28 | 1.34 |
| Archer | 1.29 | 1.35 |
| Armstrong | 1.29 | 1.35 |
| Atascosa | 1.40 | 1.46 |
| Bailey | 1.29 | 1.35 |
| Bandera | 1.38 | 1.44 |
| Bastrop | 1.42 | 1.48 |
| Baylor | 1.29 | 1.35 |
| Bee | 1.40 | 1.46 |
| Bell | 1.42 | 1.48 |
| Bexar | 1.41 | 1.48 |
| Blanco | 1.41 | 1.47 |
| Borden | 1.29 | 1.35 |
| Bosque | 1.40 | 1.46 |
| Bowie | 1.33 | 1.39 |
| Briscoe | 1.29 | 1.35 |
| Brown | 1.38 | 1.44 |
| Burleson | 1.45 | 1.51 |
| Burnet | 1.38 | 1.44 |
| Caldwell | 1.42 | 1.48 |
| Calhoun | 1.42 | 1.48 |
| Callahan | 1.29 | 1.35 |
| Carson | 1.29 | 1.35 |
| Castro | 1.29 | 1.35 |
| Chambers | 1.48 | 1.54 |
| Cherokee | 1.43 | 1.49 |
| Childress | 1.29 | 1.35 |
| Clay | 1.31 | 1.37 |
| Cochran | 1.29 | 1.35 |
| Coke | 1.29 | 1.35 |
| Coleman | 1.35 | 1.41 |
| Collin | 1.38 | 1.44 |
| Collingsworth | 1.29 | 1.35 |
| Comal | 1.42 | 1.48 |
| Comanche | 1.32 | 1.38 |
| Concho | 1.35 | 1.41 |
| Cooke | 1.33 | 1.39 |
| Coryell | 1.38 | 1.44 |
| Cottle | 1.29 | 1.35 |
| Crosby | 1.29 | 1.35 |
| Culberson | 1.21 | 1.27 |
| Dallam | 1.26 | 1.32 |
| Dallas | 1.38 | 1.44 |

TEXAS—Continued

| County | Dollars per bushel From— | To— |
|---|---|---|
| Dawson | 1.29 | 1.35 |
| Deaf Smith | 1.29 | 1.35 |
| Delta | 1.36 | 1.42 |
| Denton | 1.38 | 1.44 |
| De Witt | 1.42 | 1.48 |
| Dickens | 1.29 | 1.35 |
| Dimmit | 1.31 | 1.37 |
| Donley | 1.29 | 1.35 |
| Eastland | 1.30 | 1.36 |
| Edwards | 1.29 | 1.35 |
| Ellis | 1.40 | 1.46 |
| El Paso | 1.19 | 1.24 |
| Erath | 1.34 | 1.40 |
| Falls | 1.42 | 1.48 |
| Fannin | 1.33 | 1.39 |
| Fisher | 1.29 | 1.35 |
| Floyd | 1.29 | 1.35 |
| Foard | 1.29 | 1.35 |
| Gaines | 1.29 | 1.35 |
| Galveston | 1.59 | 1.64 |
| Garza | 1.29 | 1.35 |
| Gillespie | 1.37 | 1.43 |
| Glasscock | 1.29 | 1.35 |
| Goliad | 1.41 | 1.47 |
| Gray | 1.28 | 1.34 |
| Grayson | 1.33 | 1.39 |
| Guadalupe | 1.42 | 1.48 |
| Hale | 1.29 | 1.35 |
| Hall | 1.29 | 1.35 |
| Hamilton | 1.34 | 1.40 |
| Hansford | 1.26 | 1.32 |
| Hardeman | 1.29 | 1.35 |
| Harris | 1.58 | 1.63 |
| Hartley | 1.27 | 1.33 |
| Haskell | 1.29 | 1.35 |
| Hayes | 1.42 | 1.48 |
| Hemphill | 1.27 | 1.33 |
| Hill | 1.41 | 1.47 |
| Hockley | 1.29 | 1.35 |
| Hood | 1.37 | 1.43 |
| Howard | 1.29 | 1.35 |
| Hudspeth | 1.20 | 1.26 |
| Hunt | 1.37 | 1.43 |
| Hutchinson | 1.27 | 1.33 |
| Irion | 1.26 | 1.32 |
| Jack | 1.33 | 1.39 |
| Jackson | 1.45 | 1.51 |
| Jeff Davis | 1.20 | 1.26 |
| Johnson | 1.40 | 1.46 |
| Jones | 1.29 | 1.35 |
| Karnes | 1.40 | 1.46 |
| Kaufman | 1.39 | 1.45 |
| Kendall | 1.38 | 1.44 |
| Kent | 1.29 | 1.35 |
| Kerr | 1.37 | 1.42 |
| Kimble | 1.36 | 1.42 |
| King | 1.29 | 1.35 |
| Kinney | 1.30 | 1.36 |
| Knox | 1.29 | 1.35 |
| Lamar | 1.33 | 1.39 |
| Lamb | 1.29 | 1.35 |
| Lampasas | 1.38 | 1.44 |
| Limestone | 1.42 | 1.48 |
| Lipscomb | 1.27 | 1.33 |
| Live Oak | 1.40 | 1.46 |
| Llano | 1.38 | 1.44 |
| Loving | 1.22 | 1.27 |
| Lubbock | 1.29 | 1.35 |
| Lynn | 1.29 | 1.35 |
| McCulloch | 1.37 | 1.43 |
| McLennan | 1.42 | 1.48 |
| Martin | 1.28 | 1.34 |
| Mason | 1.38 | 1.44 |
| Maverick | 1.27 | 1.33 |
| Medina | 1.40 | 1.46 |
| Menard | 1.35 | 1.41 |
| Midland | 1.27 | 1.32 |
| Milam | 1.44 | 1.50 |
| Mills | 1.38 | 1.44 |
| Mitchell | 1.29 | 1.35 |
| Montague | 1.33 | 1.39 |
| Moore | 1.27 | 1.33 |
| Motley | 1.29 | 1.35 |
| Navarro | 1.41 | 1.47 |
| Nolan | 1.29 | 1.35 |
| Ochiltree | 1.27 | 1.33 |
| Oldham | 1.29 | 1.35 |
| Palo Pinto | 1.33 | 1.39 |
| Parker | 1.36 | 1.42 |
| Parmer | 1.29 | 1.35 |
| Pecos | 1.21 | 1.27 |
| Potter | 1.29 | 1.35 |
| Presidio | 1.19 | 1.25 |
| Randall | 1.29 | 1.35 |
| Real | 1.35 | 1.40 |
| Reeves | 1.22 | 1.27 |
| Refugio | 1.40 | 1.46 |
| Roberts | 1.27 | 1.33 |
| Robertson | 1.42 | 1.48 |
| Rockwall | 1.38 | 1.44 |
| Runnels | 1.33 | 1.39 |
| San Saba | 1.38 | 1.44 |
| Schleicher | 1.27 | 1.32 |
| Scurry | 1.29 | 1.35 |
| Shackelford | 1.29 | 1.35 |
| Sherman | 1.26 | 1.32 |
| Somervell | 1.38 | 1.44 |



TEXAS—Continued

| County | Dollars per bushel From— | To— |
|---|---|---|
| Stephens | 1.33 | 1.39 |
| Sterling | 1.29 | 1.35 |
| Stonewall | 1.29 | 1.35 |
| Sutton | 1.25 | 1.31 |
| Swisher | 1.29 | 1.35 |
| Tarrant | 1.39 | 1.45 |
| Taylor | 1.31 | 1.37 |
| Terry | 1.29 | 1.35 |
| Throckmorton | 1.31 | 1.37 |
| Tom Green | 1.29 | 1.35 |
| Travis | 1.42 | 1.48 |
| Uvalde | 1.35 | 1.40 |
| Van Zandt | 1.38 | 1.44 |
| Victoria | 1.42 | 1.48 |
| Waller | 1.55 | 1.61 |
| Ward | 1.34 | 1.27 |
| Wharton | 1.53 | 1.50 |
| Wheeler | 1.28 | 1.34 |
| Wichita | 1.29 | 1.35 |
| Wilbarger | 1.29 | 1.35 |
| Williamson | 1.42 | 1.48 |
| Wilson | 1.40 | 1.46 |
| Wise | 1.35 | 1.41 |
| Yoakum | 1.29 | 1.35 |
| Young | 1.33 | 1.39 |
| Zavala | 1.31 | 1.37 |

WASHINGTON

| | | |
|---|---|---|
| Klickitat | 1.33 | 1.34 |

WYOMING

| | | |
|---|---|---|
| Big Horn | .98 | 1.04 |
| Campbell | 1.06 | 1.12 |
| Converse | 1.07 | 1.13 |
| Crook | 1.08 | 1.14 |
| Fremont | .98 | 1.04 |
| Goshen | 1.15 | 1.21 |
| Hot Springs | .98 | 1.04 |
| Johnson | 1.04 | 1.10 |
| Laramie | 1.15 | 1.21 |
| Natrona | 1.01 | 1.07 |
| Niobrara | 1.11 | 1.17 |
| Park | .98 | 1.04 |
| Platte | 1.15 | 1.21 |
| Sheridan | 1.04 | 1.10 |
| Washakie | .98 | 1.04 |
| Weston | 1.10 | 1.16 |

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 107, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 18, 1964.

H. D. GODFREY,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 64-12014; Filed, Nov. 27, 1964; 8:45 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. C-856]

## PART 13—PROHIBITED TRADE PRACTICES

### Greystone Corp.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—business Status, Advantages or Connection: § 13.1300 *Concealed subsidiary, fictitious collection agency, etc.* Subpart—Threatening suits, not in good faith: § 13.2264 *Delinquent debt collection.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Greystone Corporation, New York City, N.Y., Docket C-856, Nov. 13, 1964]

Consent order requiring a New York City seller of magazines, publications and other merchandise direct to the public through the mails as well as to others for resale, to cease representing falsely in letters and notices sent to purportedly delinquent customers that if payment was not made the delinquent's name was transmitted to a credit reporting agency and his credit rating would be adversely affected, or his account would be transferred to an attorney for legal collection proceedings; and by use of the letterhead "The Mail Order Credit Reporting Association" that a delinquent account had been turned over to an independent collection agency; and to cease providing its customers who bought for resale with sample letters and forms making the above representations.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondent The Greystone Corporation, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of magazines, publications or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication that:

a. A customer's name will be or has been turned over to a bona fide credit reporting agency unless respondent establishes that where payment is not received the information of said delinquency is referred to a bona fide credit reporting agency;

b. A customer's general or public credit rating will be adversely affected unless respondent establishes that where payment is not received, the information of said delinquency is referred to a bona fide credit reporting agency or other business organizations;

c. Delinquent accounts will be or have been turned over to a bona fide separate collection agency unless respondent in fact turns such accounts over to such agencies;

d. Delinqent accounts will be turned over to an attorney to institute suit or other legal action where payment is not made, unless respondent establishes that such is the fact;

e. Delinquent accounts will be or have been turned over to "The Mail Order Credit Reporting Association, Inc." for collection or any other purpose;

f. "The Mail Order Credit Reporting Association, Inc.", any other fictitious name, or any trade name owned in whole or in part by respondent or over which respondent exercises operating control is an independent bona fide collection or credit reporting agency;

g. Letters, notices or other communications in connection with the collection of respondent's accounts which have been prepared or originated by respondent, have been prepared or originated by any other person, firm or corporation;

2. Placing in the hands of others the means and instrumentalities by and through which they may mislead and deceive the public in the manner and as to the things prohibited in Paragraph 1 hereof.

*It is further ordered,* That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: November 13, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
*Secretary.*

[F.R. Doc. 64-12137; Filed, Nov. 27, 1964; 8:45 a.m.]

## PART 13—PROHIBITED TRADE PRACTICES

### E. B. I. Sweater Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-90 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act. Subpart—Using misleading name—Goods: § 13.2280 *Composition:* 13.2280-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, E. B. I. Sweater Co., Inc., et al., New York, N.Y., Docket C-857, Nov. 13, 1964]

*In the Matter of E. B. I. Sweater Co., Inc., a Corporation Trading Under Its Own Name and as Dantina Fashions and Conte Mario Co., Inc., a Corporation Trading Under Its Own Name and as Contessa Nina and Enzo Rasi and Aida Ione Crain, Individually and as Officers of Said Corporations*

Consent order requiring associated New York City importers of wool products to cease violating the Wool Products Labeling Act by such practices as labeling sweaters falsely as containing "60 percent mohair, 35 percent wool, 5 percent nylon"; failing to label certain sweaters with the percentage of the total fiber weight of wool and other fibers; using the word "mohair" instead of "wool" and in enlarged lettering on labels; and placing false and non-required information as to fiber content on labels.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondents E. B. I. Sweater Co., Inc., a corporation trading under its own name and as Dantina Fashions, and Conte Mario Co., Inc., a corporation trading under its own name and as Contessa Nina, and their officers, and Enzo Rasi and Aida Ione Crain, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment, or shipment in commerce, of sweaters or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Using non-required information and representations on wool products or on labels affixed thereto in such a manner as to be false, deceptive or misleading as to the fiber content of the wool products or so as to interfere with the information required by the said Act and the Rules and Regulations promulgated thereunder.

4. Affixing or placing the stamp, tag, label or mark of identification required under the said Act or the information required by said Act and the Rules and Regulations promulgated thereunder on wool products in such a manner as to be minimized, rendered obscure or inconspicuous or so as to be unnoticed or unseen by purchasers and purchaser-consumers, when said wool products are offered or displayed for sale or sold to purchasers or the consuming public.

5. Using the term "mohair" in lieu of the word "wool" in setting forth the required fiber content information on labels affixed to wool products without setting forth the correct percentage of the mohair present.

*It is further ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 13, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-12138; Filed, Nov. 27, 1964; 8:47 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

MISCELLANEOUS AMENDMENTS

Effective on the date of signature of this order, the food additive regulations are amended as follows:

1. Section 121.51(c) is amended by changing the address of the Food and Drug Administration in the petition form to read:

§ 121.51 Petitions proposing regulations for food additives.

* * * * * * *

(c) * * *

Petitions Control Branch
Food and Drug Administration
Department of Health, Education, and Welfare
Washington, D.C. 20204.

* * * * * * *

§ 121.205 [Amended]

2. Section 121.205 is amended as follows:

a. Paragraph (b) is amended by inserting therein a new subparagraph (5), reading:

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section and is not intended to imply that the ingredient is of greater value than the other additives named in this section.

b. Paragraph (c) is amended by deleting the footnotes from Tables 1 and 2.

§ 121.207 [Amended]

3. In § 121.207, paragraph (d) is amended by changing in the table the "Limitations" and "Indications for use" columns for the items 2e and 3e, to read:

| Principal ingredients | Grams per ton | Combined with— | Grams per ton | Limitations | Indications for use |
|---|---|---|---|---|---|
| * * * | * * * | * * * | * * * | * * * | * * * |
| 2. * * * e. * * * | * * * | * * * | * * * | For broiler chickens. As prescribed in § 121.208(d), Table 1, Items 1, 4, 5, and 10; as chlortetracycline hydrochloride. | As prescribed in § 121.208(d), Table 1, Items 1, 4, 5, and 10. |
| * * * | * * * | * * * | * * * | * * * | * * * |
| 3. * * * e. * * * | * * * | * * * | * * * | Replacement chickens. As prescribed in § 121.208(d), Table 1, Items 1, 4, 5, and 10; as chlortetracycline hydrochloride. | As prescribed in § 121.208(d), Table 1, Items 1, 4, 5, and 10. |
| * * * | * * * | * * * | * * * | * * * | * * * |

§ 121.208 [Amended]

4. Section 121.208 is amended as follows:

a. By changing the word "ingredients" in paragraph (c)(1) to read "ingredient".

b. By adding to paragraph (c) the following new subparagraph:

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section and is not intended to imply that the ingredient is of greater value than any other additives named in this section.

c. By deleting the footnotes from Tables 1 and 2 in paragraph (d) and by inserting the following footnote after items 1, 2, and 3 in Table 1:

[1] See also § 121.200(c).

d. By changing items 1(c), 4(c), 5(b), (c), and (d), and 10(c) in Table 1, paragraph (d), to read as indicated below:

TABLE 1.—CHLORTETRACYCLINE IN COMPLETE CHICKEN AND TURKEY FEED

| Principal ingredient | Grams per ton | Combined with— | Grams per ton | Limitations | Indications for use |
|---|---|---|---|---|---|
| 1. * * * (c) Chlortetracycline... | 50-100 | Zoalene | 36.3-113.5 (0.004%-0.0125%) | For chickens; not to be fed to laying chickens; as prescribed in §121.-207(c), Table 1, item 2 or 3. | As prescribed[1] in §121.207(c), Table 1, item 2 or 3. |
| * * * | * * * | * * * | * * * | * * * | * * * |
| 4. * * * (c) Chlortetracycline... | 50-100 | Zoalene | 36.3-113.5 (0.004%-0.0125%) | For chicks. As prescribed in §121.-207(c), Table 1, item 2 or 3. | As prescribed in §121.207(c), Table 1, item 2 or 3. |



TABLE 1.—CHLORTETRACYCLINE IN COMPLETE CHICKEN AND TURKEY FEED—Continued

| Principal ingredient | Grams per ton | Combined with— | Grams per ton | Limitations | Indication for use |
|---|---|---|---|---|---|
| 5. * * * (b) Chlortetracycline... | 100-200 | Hygromycin B | 5.0-12.0 | For chickens. | Control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria obsignata*). |
| (c) Chlortetracycline... | 100-200 | Reserpine | 0.908 (0.0001%) | For broilers | Improve productive performance under stressful environmental conditions. |
| (d) Chlortetracycline... | 100-200 | Zoalene | 36.3-113.5 (0.004%-0.0125%) | For chickens as prescribed in §121.207 (c), Table 1, item 2 or 3. | As prescribed in §121.207(c), Table 1, item 2 or 3. |
| * * * | * * * | * * * | * * * | * * * | * * * |
| 10. * * * (c) Chlortetracycline... | 200 | Zoalene | 36.3-113.5 (0.004%-0.0125%) | For chickens; as prescribed in §121.207 (c), Table 1, item 2 or 3. | As prescribed in §121.207(c), Table 1, item 2 or 3. |
| * * * | * * * | * * * | * * * | * * * | * * * |

§ 121.210 [Amended]

5. Section 121.210(b)(1) is amended by deleting therefrom the phrase "for increased effectiveness" at the end of the subparagraph.

6. In § 121.213, paragraph (c) (1) through (5) is amended to read:

§ 121.213 Hygromycin B.

* * * * * * *

(c) * * *

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone, or with another ingredient added.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the principal ingredient. Where principal and secondary ingredients have been mixed, the applicable "limitations" and "indications for use" from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with one or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient or principal ingredient combination indicated by the cross-reference is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section but may include other ingredients listed as numbered line items. Such term is not intended to imply that the ingredient or combination is of greater value than any other additives named in this section.

* * * * * * *

§ 121.220 [Amended]

7. Section 121.220(c)(2) is amended by deleting the phrase "indicated by the numbered entry in the 'principal ingredient' column" from the first sentence.

8. In § 121.232, paragraph (c) (1) through (5) is amended to read:

§ 121.232 Bacitracin.

* * * * * * *

(c) * * *

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone, or with another ingredient added.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the principal ingredient. Where principal and secondary ingredients have been mixed, the applicable "limitations" and "indications for use" from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with one or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient or principal ingredient combination indicated by the cross-reference is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section but may include other ingredients listed as numbered line items. Such term is not intended to imply that the ingredient or combination is of greater value than any other additives named in this section.

* * * * * * *

§ 121.233 [Amended]

9. Section 121.233 is amended as follows:

a. Paragraph (c) (1) through (5) is changed to read:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone, or with another ingredient added.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the principal ingredient. Where principal and secondary ingredients have been mixed, the applicable "limitations" and "indications for use" from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with one or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient or principal ingredient combination indicated by the cross-reference is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section but may include other ingredients listed as numbered line items. Such term is not intended to imply that the ingredient or combination is of greater value than any other additives named in this section.

b. Paragraph (e) is amended by inserting the words "prepared therefrom" after the words "or complete feed".

§ 121.241 [Amended]

10. In § 121.241 the introduction to paragraph (c) is changed by inserting the words "prepared therefrom" after the words "or complete feed."

§ 121.243 [Amended]

11. Section 121.243(b) is amended by changing the words "one-half of dose in each ear" in the limitations column for the first item in the table to read "one dose per animal".

§ 121.245 [Amended]

12. Section 121.245(b) is amended by changing the words "one-half of dose in each ear" in the limitations column for the first item in the table to read "one dose per animal."

§ 121.251 [Amended]

13. Section 121.251 is amended as follows:

a. Paragraph (c)(1) is amended by deleting the phrase "for increased effectiveness" from the end of the subparagraph.

b. Paragraph (e) is amended by inserting in the introduction to the paragraph the words "prepared therefrom" after the words "or complete feed."

§ 121.252 [Amended]

14. Section 121.252 is amended as follows:

a. By changing paragraph (c) (1) through (5) to read:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone, or with another ingredient added.

(2) The lettered line items establish the required limitations and indications

for use of secondary ingredients that may be added to the principal ingredient. Where principal and secondary ingredients have been mixed, the applicable "limitations" and "indications for use" from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the the regulations, the principal ingredient may not be mixed with one or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient or principal ingredient combination indicated by the cross-reference is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section but may include other ingredients listed as numbered line items. Such term is not intended to imply that the ingredient or combination is of greater value than any other additives named in this section.

b. By inserting in the introduction to paragraph (e) the words "prepared therefrom" after the words "or complete feed."

The editorial changes effected by these amendments are made for the purpose of bringing about consistency in the food additive regulations and therefore notice and public procedure are not prerequisites to their issuance.

(Sec. 409 (c), (d), 72 Stat. 1786 as amended; 21 U.S.C. 348 (c), (d))

Dated November 20, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 64-12002; Filed, Nov. 27, 1964; 8:45 a.m.]

# Title 28—JUDICIAL ADMINISTRATION

## Chapter I—Department of Justice

[Order 327-64]

## PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

### Authority—Civilian Employees' Claims

By virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22), section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), and section 1 of Reorganization Plan No. 4 of 1953 (67 Stat. 636), and in conformity with section 307 of the Government Employees Salary Reform Act of 1964 (78 Stat. 432), Chapter I of Title 28 of the Code of Federal Regulations (Order No. 271-62) is hereby amended as follows:

1. Subpart 0 of Part 0 is amended by inserting a new section immediately after § 0.78 as follows:

**§ 0.78a Authority—Civilian Employees' Claims.**

"The Assistant Attorney General for Administration shall exercise the authority and perform the functions vested in the Attorney General by the Military Personnel and Civilian Employees' Claims Act of 1964 (78 Stat. 767).

2. Chapter I of Title 28 is amended by deleting the term "Administrative Assistant Attorney General" whenever it appears therein and by inserting in lieu thereof the term "Assistant Attorney General for Administration."

Dated: November 24, 1964.

NICHOLAS DEB. KATZENBACH,
*Acting Attorney General.*

[F.R. Doc. 64-12164; Filed, Nov. 27, 1964; 8:47 a.m.]

# Title 29—LABOR

## Chapter I—National Labor Relations Board

## PART 101—STATEMENTS OF PROCEDURE, SERIES 8

## PART 102—RULES AND REGULATIONS, SERIES 8

### Miscellaneous Amendments

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935,[1] the National Labor Relations Board hereby issues the following further amendments to its Statements of Procedure and to its rules and regulations, Series 8, as amended, which it finds necessary to carry out the provisions of said Act, such amendments to be effective November 30, 1964.

National Labor Relations Board Statements of Procedure and rules and regulations, Series 8, as hereby further amended, shall be in force and effect until further amended, or rescinded by the Board.

Dated, Washington, D.C., November 24, 1964.

By direction of the Board.

[SEAL] OGDEN W. FIELDS,
*Executive Secretary.*

## PART 101—STATEMENTS OF PROCEDURE

### Subpart C—Representation Cases Under Section 9(c) of the Act and Petitions for Clarification of Bargaining Units and for Amendment of Certifications Under Section 9(b) of the Act

Section 101.17 is amended to read as follows:

**§ 101.17 Initiation of representation cases and petitions for clarification and amendment.**

The investigation of the question as to whether a union represents a majority of an appropriate grouping of employees is initiated by the filing of a petition by any person or labor organization acting on behalf of a substantial number of employees or by an employer when one or more individuals or labor organizations present to him a claim to be recognized as the exclusive bargaining representative. If there is a certified or currently recognized representative, any employee, or group of employees, or any individual or labor organization acting in their behalf may also file decertification proceedings to test the question of whether the certified or recognized agent is still the representative of the employees. If there is a certified or currently recognized representative of a bargaining unit and there is no question concerning representation, a party may file a petition for clarification of the bargaining unit. If there is a unit covered by a certification and there is no question concerning representation, any party may file a petition for amendment to reflect changed circumstances, such as changes in the name or affiliation of the labor organization involved or in the name or location of the employer involved. The petition must be in writing and signed, and either must be notarized or must contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief. It is filed with the regional director for the region in which the proposed or actual bargaining unit exists. Petition forms, which are supplied by the regional office upon request, provide, among other things, for a description of the contemplated or existing appropriate bargaining unit, the approximate number of employees involved, and the names of all labor organizations which claim to represent the employees. If a petition is filed by a labor organization seeking certification, or in the case of a petition to decertify a certified or recognized bargaining agent, the petitioner must supply, within 48 hours after filing but in no event later than the last day on which the petition might timely be filed, evidence of representation. Such evidence is usually in the form of cards authorizing the labor organization to represent the employees or authorizing the petitioner to file a decertification proceeding.

## PART 102—RULES AND REGULATIONS, SERIES 8

### Subpart A—Definitions

Sections 102.4 and 102.5 are amended to read as follows:

**§ 102.4 Region; subregion.**

The term "region" as used herein shall mean that part of the United States or any Territory thereof fixed by the Board as a particular region. The term "subregion" shall mean that area within a region fixed by the Board as a particular subdivision.

**§ 102.5 Regional director; officer-in-charge; regional attorney.**

The term "regional director" as used herein shall mean the agent designated by the Board as the regional director for a particular region, and shall also include any agent designated by the Board as officer-in-charge of a subregional office, but the officer-in-charge shall have only such powers, duties, and functions appertaining to regional directors as shall have been duly delegated to such officer-in-charge. The term "regional attorney" as used herein shall mean the attorney designated as regional attorney for a particular region.

### Subpart B—Procedure Under Section 10 (a) to (i) of the Act for the Prevention of Unfair Labor Practices

Sections 102.46(j) and 102.47 are amended to read as follows:

**§ 102.46 Exceptions, cross-exceptions, briefs, answering briefs; time for filing; where to file; service on parties; extension of time; effect of failure to include matter in exceptions; oral arguments.**

* * * * *

(j) Exceptions to trial examiners' decisions, or to the record, briefs in support of exceptions, and briefs in support of trial examiners' decisions, cross-exceptions, and answering briefs shall be printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. Eight copies of such documents shall be filed with the Board in Washington, D.C., and copies shall also be served promptly on the other parties. Where any brief filed pursuant to this section exceeds 20 pages, it shall contain a subject index with page references and an alphabetical table of cases and other authorities cited.

**§ 102.47 Filing of motion after transfer of case to Board.**

All motions filed after the case has been transferred to the Board pursuant to § 102.45 shall be filed with the Board in Washington, D.C., by transmitting eight copies thereof, together with an affidavit of service on the parties. Such motions shall be printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted.

### Subpart C—Procedure Under Section 9(c) of the Act for the Determination of Questions Concerning Representation of Employees[2] and for Clarification of Bargaining Units and for Amendment of Certifications Under Section 9(b) of the Act

Sections 102.60 (a) and (c) added to § 102.61, 102.63, 102.65(a), 102.67 (a), (b), (e), (g), and (i), 102.69 (c) and (e), and 102.71 are amended to read as follows:

**§ 102.60 Petitions.**

(a) *Petition for certification or decertification; who may file; where to file; withdrawal.*—A petition for investigation of a question concerning representation of employees under paragraphs (1)(A)(i) and (1)(B) of section 9(c) of the Act (hereinafter called a petition for certification) may be filed by an employee or group of employees or any individual or labor organization acting in their behalf or by an employer. A petition under paragraph (1)(A)(ii) of section 9(c) of the Act, alleging that the individual or labor organization which has been certified or is being currently recognized as the bargaining representative is no longer such representative (hereinafter called a petition for decertification), may be filed by any employee or group of employees or any individual or labor organization acting in their behalf. Petitions under this section shall be in writing and signed,[4] and either shall be sworn to before a notary public, Board agent, or other person duly authorized by law to administer oaths and take acknowledgments or shall contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief. Four copies of the petition shall be filed. Except as provided in § 102.72, such petitions shall be filed with the regional director for the region wherein the bargaining unit exists, or, if the bargaining unit exists in two or more regions, with the regional director for any such regions. Prior to the transfer of the case to the Board, pursuant to section 102.67, the petition may be withdrawn only with the consent of the regional director with whom such petition was filed. After the transfer of the case to the Board, the petition may be withdrawn only with the consent of the Board. Whenever the regional director or the Board, as the case may be, approves the withdrawal of any petition, the case shall be closed.

(b) *Petition for clarification of bargaining unit or petition for amendment of certification under section 9(b) of the Act; who may file; where to file; withdrawal.*—A petition for clarification of an existing bargaining unit or a petition for amendment of certification, in the absence of a question concerning representation, may be filed by a labor organization or by an employer. Where applicable the same procedures set forth in paragraph (a) of this section shall be followed.

**§ 102.61 Contents of petition for certification; contents of petition for decertification; contents of petition for clarification of bargaining unit; contents of petition for amendment of certification.**

* * * * *

(d) A petition for clarification shall contain the following:

(1) The name of the employer and the name of the recognized or certified bargaining representative.

(2) The address of the establishment involved.

(3) The general nature of the employer's business.

(4) A description of the present bargaining unit, and, if the bargaining unit is certified, an identification of the existing certification.

(5) A description of the proposed clarification.

(6) The names and addresses of any other persons or labor organizations who claim to represent any employees affected by the proposed clarifications, and brief descriptions of the contracts, if any, covering any such employees.

(7) The number of employees in the present bargaining unit and in the unit as proposed under the clarification.

(8) The job classifications of employees as to whom the issue is raised, and the number of employees in each classification.

(9) A statement by petitioner setting forth reasons why petitioner desires clarification of unit.

(10) The name, the affiliation, if any, and the address of the petitioner.

(11) Any other relevant facts.

(e) A petition for amendment of certification shall contain the following:

(1) The name of the employer and the name of the certified union involved.

(2) The address of the establishment involved.

(3) The general nature of the employer's business.

(4) Identification and description of the existing certification.

(5) A statement by petitioner setting forth the details of the desired amendment and reasons therefor.

(6) The names and addresses of any other persons or labor organizations who claim to represent any employees in the unit covered by the certification and brief descriptions of the contracts, if any, covering the employees in such unit.

(7) The name, the affiliation, if any, and the address of the petitioner.

(8) Any other relevant facts.

**§ 102.63 Investigation of petition by regional director; notice of hearing; service of notice; withdrawal of notice.**

(a) After a petition has been filed under § 102.61 (a), (b), or (c), if no agreement such as that provided in § 102.62 is entered into and if it appears to the regional director that there is reasonable cause to believe that a question of representation affecting commerce exists, that the policies of the act will be effectuated, and that an election will reflect the free choice of employees in the appropriate unit, the Regional Director shall prepare and cause to be served upon the parties and upon any known individuals or labor organizations purporting to act as representatives of any employees directly affected by such investigation, a notice of hearing before a hearing officer at a time and place fixed therein. A copy of the petition shall be served with such notice of hearing. Any such notice of hearing may be amended or withdrawn before the close of the

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[1] 49 Stat. 449; 29 U.S.C. 151-166, as amended by act of June 23, 1947 (61 Stat. 136; 29 U.S.C. Sup. 151-167), act of October 22, 1951 (65 Stat. 601; 29 U.S.C. 158, 159, 168), and act of September 14, 1959 (73 Stat. 519; 29 U.S.C. 141-168).

[2] Procedure under the first proviso to sec. 8(b)(7)(C) of the Act is governed by subpart D.

[4] Blank forms for filing such petitions will be supplied by the regional office upon request.

hearing by the regional director on his own motion.

(b) After a petition has been filed under § 102.61 (d) or (e), the regional director shall conduct an investigation and, as appropriate, he may issue a decision without a hearing; or prepare and cause to be served upon the parties and upon any known individuals or labor organizations purporting to act as representatives of any employees directly affected by such investigation, a notice of hearing before a hearing officer at a time and place fixed therein; or take other appropriate action. If a notice of hearing is served, it shall be accompanied by a copy of the petition. Any such notice of hearing may be amended or withdrawn before the close of the hearing by the regional director on his own motion. All hearing and posthearing procedure under this paragraph (b) shall be in conformance with §§ 102.64 through 102.68 whenever applicable, except where the unit or certification involved arises out of an agreement as provided in § 102.62(a), the regional director's action shall be final, and the provisions for review of regional director's decisions by the Board shall not apply. Dismissals of petitions without a hearing shall not be governed by § 102.71. The regional director's dismissal shall be by decision, and a request for review therefrom may be obtained under § 102.67, except where an agreement under § 102.62(a) is involved.

**§ 102.65 Motions; interventions.**

(a) All motions, including motions for intervention pursuant to paragraph (b) of this section, shall be in writing or, if made at the hearing, may be stated orally on the record and shall briefly state the order or relief sought and the grounds for such motion. An original and four copies of written motions shall be filed and a copy thereof immediately shall be served on the other parties to the proceeding. Motions made prior to the transfer of the case to the Board shall be filed with the regional director, except that motions made during the hearing shall be filed with the hearing officer. After the transfer of the case to the Board, all motions shall be filed with the Board. Such motions shall be printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. Eight copies of such motions shall be filed with the Board. The regional director may rule upon all motions filed with him, causing a copy of said ruling to be served on the parties, or he may refer the motion to the hearing officer: *Provided,* That if the regional director prior to the close of the hearing grants a motion to dismiss the petition, the petitioner may obtain a review of such ruling in the manner prescribed in § 102.71. The hearing officer shall rule, either orally on the record or in writing, upon all motions filed at the hearing or referred to him as hereinabove provided, except that all motions to dismiss petitions shall be referred for appropriate action at such time as the entire record is considered by the regional director or the Board, as the case may be.

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**§ 102.67 Proceedings before the regional director; further hearing; briefs; action by the regional director; appeals from action by the regional director; statement in opposition to appeal; transfer of case to Board; proceedings before the Board; Board action.**

(a) The regional director may proceed, either forthwith upon the record, or after oral argument or the submission of briefs, or further hearing, as he may deem proper, to determine the unit appropriate for the purpose of collective bargaining, to determine whether a question concerning representation exists, and to direct an election, dismiss the petition, or make other disposition of the matter. Any party desiring to submit a brief to the regional director shall file the original and one copy thereof, which may be a typed carbon copy, within 7 days after the close of the hearing: *Provided, however,* That prior to the close of the hearing and for good cause, the hearing officer may grant an extension of time not to exceed an additional 14 days. Requests for additional time in which to file a brief under authority of this section not addressed to the hearing officer during the hearing shall be made to the regional director, in writing, and copies thereof shall immediately be served on the other parties. Requests for extension of time shall be received not later than 3 days before the date such briefs are due in the regional office. No reply brief may be filed except upon special leave of the regional director.

(b) A decision by the regional director upon the record shall set forth his findings, conclusions, and order or direction. The decision of the regional director shall be final: *Provided, however,* That within 10 days after service thereof any party may file eight copies of a request for review with the Board in Washington, D.C. Such request shall be printed or otherwise legibly duplicated: *Provided, however,* That carbon copies shall not be filed and if submitted will not be accepted. Copies thereof shall be served simultaneously on all other parties to the proceeding and the regional director in the same manner used to file with the Board, except that if personal service is made upon the Board, service upon the other parties shall be made in such manner as would reasonably insure receipt by the other parties within 3 days after the date of service upon the Board. A statement of such service shall be filed simultaneously with the Board. The filing of such a request shall not, unless otherwise ordered by the Board, operate as a stay of any action taken or directed by the regional director: *Provided, however,* That the regional director, in the absence of a waiver, may issue a notice of election but shall not conduct any election or open and count any challenged ballots until the Board has ruled upon any request for review which may be filed.

• • • • •

(e) Any party may, within 7 days after the last day on which the request for review must be filed, file with the Board eight copies of a statement in opposition thereto, which shall be duplicated and served in accordance with the requirements of paragraph (b) of this section: except that if personal service of the request for review is made upon the Board, 10 days will be allowed. However, 3 days will not be added to either of the aforesaid prescribed periods as provided in § 102.114. A statement of such service of opposition shall be filed simultaneously with the Board. The Board may deny the request for review without awaiting a statement in opposition thereto.

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(g) The granting of a request for review shall not stay the regional director's decision unless otherwise ordered by the Board. Within 7 days after issuance of an order granting review, the appellants and other parties may filed eight copies of a brief with the Board, which shall be duplicated and served in accordance with the requirements of paragraph (b) of this section. A statement of such service shall be filed simultaneously with the Board. Such briefs may be reproductions of those previously filed with the regional director and/or other briefs which shall be limited to the issues raised in the request for review. Where review has been granted, the Board will consider the entire record in the light of the grounds relied upon for review. Any request for review may be withdrawn with the permission of the Board at any time prior to the issuance of the decision of the Board thereon.

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(i) If any case is transferred to the Board for decision after the parties have filed briefs with the regional director, the parties may, within such time after service of the order transferring the case as is fixed by the regional director, file with the Board eight copies of the brief previously filed with the regional director. Such copies shall be printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. No further briefs shall be permitted except by special permission of the Board. If the case is transferred to the Board before the time expires for the filing of briefs with the regional director and before the parties have filed briefs, such briefs shall be filed as set forth above and served in accordance with paragraph (b) of this section, within the time set by the regional director. If the order transferring the case is served upon the parties during the hearing, the hearing officer may, prior to the close of the hearing and for good cause, grant an extension of time within which to file a brief with the Board for a period not to exceed an additional 14 days. Requests for extension of time in which to file a brief with the Board under authority of this section not addressed to the hearing officer during the hearing shall be filed in writing with the Board and copies thereof shall immediately be served on the other parties and the regional director. Requests for extension of time shall be received by the Board not later than 3 days before the date such briefs are due in Washington, D.C. A copy of any such request shall be served immediately on the other parties and the regional director and shall contain a statement that such service has been made. No reply brief may be filed except upon special leave of the Board.



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**§ 102.69 Election procedure; tally of ballots; objections; certification by regional director; report on challenged ballots; report on objections; exceptions; action of the Board; hearing.**

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(c) If objections are filed to the conduct of the election or conduct affecting the result of the election, or if the challenged ballots are sufficient in number to affect the result of the election, the regional director shall investigate such objections or challenges, or both. If a consent election has been held pursuant to § 102.62(b), the regional director shall prepare and cause to be served on the parties a report on challenged ballots or objections, or both, including his recommendations, which report, together with the tally of ballots, he shall forward to the Board in Washington, D.C. Within 10 days from the date of issuance of the report on challenged ballots or objections, or both, or within such further period as the Board may allow upon written request to the Board for an extension received not later than 3 days before such exceptions are due in Washington, D.C., with copies of such request served on the other parties, any party may file with the Board in Washington, D.C., eight copies of exceptions to such report which shall be printed or otherwise legibly duplicated. Immediately upon the filing of such exceptions, the party filing the same shall serve a copy thereof on the other parties and shall file a copy with the regional director. A statement of service shall be made to the Board simultaneously with the filing of exceptions. If no exceptions are filed to such report, the Board, upon the expiration of the period for filing such exceptions, may decide the matter forthwith upon the record or may make other disposition of the case. The report on challenged ballots may be consolidated with the report on objections in appropriate cases. If the election has been conducted pursuant to a direction of election issued following any proceeding under § 102.67, the regional director may (1) issue a report on objections or challenged ballots, or both, as in the case of a consent election pursuant to § 102.62 (b), or (2) exercise his authority to decide the case and issue a decision disposing of the issues and directing appropriate action or certifying the results of the election. In either instance, such action by the regional director may be on the basis of an administrative investigation or, if it appears to the regional director that substantial and material factual issues exist which can be resolved only after a hearing, on the basis of a hearing before a hearing officer, designated by the regional director. If the regional director issues a report on objections and challenges, the parties shall have the rights set forth in paragraphs (c) and (e) of this section; if the regional director issues a decision, the parties shall have the rights set forth in § 102.67 to the extent consistent herewith.

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(e)(1) In a case involving a consent election held pursuant to § 102.62(b), if exceptions are filed, either to the report on challenged ballots or objections, or both if it be a consolidated report, and it appears to the Board that such exceptions do not raise substantial and material issues with respect to the conduct or results of the election, the Board may decide the matter forthwith upon the record, or may make other disposition of the case. If it appears to the Board that such exceptions raise substantial and material factual issues, the Board may direct the regional director or other agent of the Board to issue and cause to be served on the parties a notice of hearing on said exceptions before a hearing officer. The hearing shall be conducted in accordance with the provisions of §§ 102.64, 102.65, and 102.66 insofar as applicable. Upon the close of the hearing the agent conducting the hearing, if directed by the Board, shall prepare and cause to be served on the parties a report resolving questions of credibility and containing findings of fact and recommendations to the Board as to the disposition of the challenges or objections, or both if it be a consolidated report. In any case in which the Board has directed that a report be prepared and served, any party may within 10 days from the date of issuance of the report on challenged ballots or objections, or both, or within such further period as the Board may allow, file with the Board in Washington, D.C., eight copies of exceptions to such report, which shall be printed or otherwise legibly duplicated except that carbon copies of typewritten matter shall not be filed and if submitted will not be accepted: *Provided, however,* That in any proceeding wherein a representation case has been consolidated with an unfair labor practice case for purposes of hearing the provisions of section 102.46 of these rules shall govern with respect to the filing of exceptions to the trial examiner's decision. Immediately upon the filing of such exceptions, the party filing the same shall serve a copy thereof on the other parties and shall file a copy with the regional director. A statement of service shall be made to the Board simultaneously with the filing of exceptions. If no exceptions are filed to such report, the Board, upon the expiration of the period for filing such exceptions, may decide the matter forthwith upon the record or may make other disposition of the case. The Board shall thereupon proceed pursuant to § 102.67.

(2) Requests for extension of time to file exceptions under authority of this section shall be in writing and copies thereof shall be served promptly on the other parties. Such requests must be received by the Board 3 days prior to the due date.

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**§ 102.71 Refusal to issue notice of hearing; appeals to Board from action of the regional director.**

If, after a petition has been filed, and prior to the close of the hearing, it shall appear to the regional director that no further proceedings are warranted, the regional director may dismiss the petition by administrative action and so advise the petitioner in writing, accompanied by a simple statement of the procedural or other grounds for the dismissal. The petitioner may obtain a review of such action by filing a request therefor with the Board in Washington, D.C., and filing a copy of such request with the regional director and the other parties within 10 days of service of such notice of dismissal. The request shall be submitted in eight copies and shall contain a complete statement setting forth facts and reasons upon which the request is based. Requests for an extension of time within which to file the request for review shall be filed with the Board in Washington, D.C., and a statement of service shall accompany such request.

## Subpart F—Procedure To Hear and Determine Disputes Under Section 10(k) of the Act

Section 102.90 is amended to read as follows:

**§ 102.90 Notice of filing of charge; notice of hearing; hearing; proceedings before the Board; briefs; determination of dispute.**

If it appears to the regional director that the charge has merit and the parties to the dispute have not submitted satisfactory evidence to the regional director that they have adjusted, or have agreed upon methods for the voluntary adjustment of, the dispute out of which such unfair labor practice shall have arisen, he shall cause to be served on all parties to such dispute a notice of hearing under section 10(k) of the act before a hearing officer at a time and place fixed therein which shall be not less than 10 days after service of the notice of the filing of said charge. The notice of hearing shall contain a simple statement of the issues involved in such dispute. Such notice shall be issued promptly, and, in cases in which it is deemed appropriate to seek injunctive relief pursuant to section 10(1) of the act, shall normally be issued within 5 days of the date upon which injunctive relief is first sought. Hearings shall be conducted by a hearing officer, and the procedure shall conform, insofar as applicable, to the procedure set forth in §§ 102.64 to 102.68, inclusive. Upon the close of the hearing, the proceeding shall be transferred to the Board and the Board shall proceed either forthwith upon the record, or after oral argument, or the submission of briefs, or further hearing, to determine the dispute or make other disposition of the matter. Should any party desire to file a brief with the Board, eight copies thereof shall be filed with the Board at Washington, D.C., within 7 days after the close of the hearing: *Provided, however,* That, in cases

involving the national defense and so designated in the notice of hearing, no briefs shall be filed, and the parties, after the close of the evidence, may argue orally upon the record their respective contentions and positions: *Provided further*, That, in cases involving the national defense, upon application for leave to file briefs expeditiously made to the Board in Washington, D.C., after the close of the hearing, the Board may for good cause shown grant such leave and thereupon specify the time for filing. Immediately upon such filing, a copy shall be served on the other parties. Such brief shall be printed or otherwise legibly duplicated: *Provided, however*, That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. Requests for extension of time in which to file a brief under authority of this section shall be in writing and received by the Board in Washington, D.C., 3 days prior to the due date with copies thereof served on the other parties. No reply brief may be filed except upon special leave of the Board.

### Subpart H—Advisory Opinions and Declaratory Orders Regarding Board Jurisdiction

Sections 102.99(c), 102.101, 102.102, 102.106(e), 102.108, 102.109 and 102.110 are amended to read as follows:

**§ 102.99 Contents of petition for an advisory opinion.**

* * * * *

(c) Eight copies of such petition shall be filed with the Board in Washington, D.C. Such petition shall be printed or otherwise legibly duplicated: *Provided, however*, That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted.

**§ 102.101 Response to petition; service of response.**

Any party served with such petition may, within 5 days after service thereof, respond to the petition, admitting or denying its allegations. Eight copies of such response shall be filed with the Board in Washington, D.C. Such response shall be printed or otherwise legibly duplicated: *Provided, however*, That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. Such response shall immediately be served on all other parties to the proceeding, and a statement of service shall be filed in accordance with the provisions of § 102.113(b).

**§ 102.102 Intervention.**

Any person desiring to intervene shall make a motion for intervention, stating the grounds upon which such person claims to have an interest in the petition. Eight copies of such motion shall be filed with the Board in Washington, D.C. Such motion shall be printed or otherwise legibly duplicated: *Provided, however*, That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted.

**§ 102.106 Contents of petition for declaratory order.**

* * * * *

(e) Whether any proceeding involving the same subject matter is pending before an agency or court of a State or territory. Eight copies of the petition shall be filed with the Board in Washington, D.C. Such petition shall be printed or otherwise legibly duplicated: *Provided, however*, That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted.

* * * * *

**§ 102.108 Response to petition; service of response.**

Any party to the representation or unfair labor practice case may, within 5 days after service thereof, respond to the petition, admitting or denying its allegations. Eight copies of such response shall be filed with the Board in Washington, D.C. Such response shall be printed or otherwise legibly duplicated: *Provided, however*, That carbon copies shall not be filed and if submitted will not be accepted. Such response shall be served on the general counsel and all other parties, and a statement of service shall be filed as provided by § 102.113(b).

**§ 102.109 Intervention.**

Any person desiring to intervene shall make a motion for intervention, stating the grounds upon which such person claims to have an interest in the petition. Eight copies of such motion shall be filed with the Board in Washington, D.C. Such motion shall be printed or otherwise legibly duplicated: *Provided, however*, That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted.

**§ 102.110 Proceedings before the Board; briefs; declaratory orders.**

The Board shall thereupon proceed, upon the petition, responses, and submission of briefs, to determine whether, on the facts before it, the commerce operations of the employer involved are such that it would or would not assert jurisdiction over them. Such determination shall be made by a declaratory order, with like effect as in the case of other orders of the Board, and shall be served upon the parties. Any party desiring to file a brief shall file eight copies with the Board in Washington, D.C., with a statement that copies thereof are being served simultaneously on the other parties.

### Subpart O—Amendments

Section 102.124 is amended to read as follows:

**§ 102.124 Petitions for issuance, amendment, or repeal of rules.**

Any interested person may petition the Board, in writing, for the issuance, amendment, or repeal of a rule or regulation. An original and seven copies of such petition shall be filed with the Board in Washington, D.C., and shall state the rule or regulation proposed to be issued, amended, or repealed, together with a statement of grounds in support of such petition.

[F.R. Doc. 64-11722; Filed, Nov. 27, 1964; 8:45 a.m.]

## Chapter V—Wage and Hour Division, Department of Labor

### SUBCHAPTER A—REGULATIONS

### PART 672—CONSTRUCTION, BUSINESS SERVICE, MOTION PICTURE, AND MISCELLANEOUS INDUSTRY IN PUERTO RICO

### Wage Rates

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205), and by means of Administrative Order No. 584 (29 F.R. 13118), the Secretary of Labor appointed and convened Industry Committee No. 67-B. Administrative Order No. 584 referred to Industry Committee No. 67-B the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the construction, business service, motion picture and miscellaneous industry in Puerto Rico and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 67-B are hereinafter published in this revision of 29 CFR Part 672.2.

Effective December 14, 1964, 29 CFR 672.2 is hereby revised to read as follows:

**§ 672.2 Wage rates.**

The construction, business service, motion picture, and miscellaneous industry in Puerto Rico is divided into two classifications. Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce, as those terms are defined in section 3 of the Act.

(a)(1) *General classification.* The minimum wage for this classification is $1.25 an hour.

(2) This classification is defined as all activities in the industry except those covered by section 6 of the Fair Labor Standards Act only by reason of the Fair Labor Standards Amendments of 1961.

(b)(1) *New-coverage classification.* The minimum wage for this classification is $1.15 an hour between December 14, 1964, and September 2, 1965, and $1.25 an hour thereafter.

(2) This classification is defined as all activities in the industry covered by section 6 of the Fair Labor Standards Act only by reason of the Fair Labor Standards Amendments of 1961.



(Sec. 8, 52 Stat. 1064 as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 24th day of November 1964.

CLARENCE T. LUNDQUIST,
*Administrator.*

[F.R. Doc. 64-12163; Filed, Nov. 27, 1964; 8:47 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

### PART 0—COMMISSION ORGANIZATION

### Miscellaneous Amendments

*Order.* The Commission having under consideration the desirability of making certain editorial changes in Part 0 of its rules and regulations; and

It appearing, that the changes described below merely bring the text of the amended sections into conformity with the actions taken by the Commission on October 21, 1964, and November 18, 1964; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in section 4(i), and 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules:

*It is ordered*, This 20th day of November 1964, that effective November 30, 1964, Part 0 of the Commission's rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat. 1066, as amended, 1068, as amended, 1082, as amended; 47 U.S.C. 154, 155, 303)

Released: November 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

1. Section 0.186(b)(8) is amended to read as follows:

**§ 0.186 Emergency Relocation Board.**

* * * * *

(b) * * *

* * * * *

(8) The Deputy Chief, Field Engineering Bureau.

* * * * *

2. In § 0.311, the headnote and paragraph (b) are amended to read as follows:

**§ 0.311 Authority delegated to the Chief and to the Deputy Chief of the Field Engineering Bureau.**

* * * * *

(b) The Chief and the Deputy Chief of the Field Engineering Bureau are authorized to declare that a state of general communications emergency exists and to act on behalf of the Commission pursuant to the provision of § 97.107 of this chapter with respect to the operation of amateur stations during a state of general communications emergency.

3. Section 0.313(a) is amended to read as follows:

**§ 0.313 Record of actions taken.**

(a) Actions taken by the Chief or Deputy Chief of the Field Engineering Bureau in accordance with the delegations listed in § 0.311 shall be recorded each week in writing and filed in the official minutes of the Commission.

* * * * *

4. Section 0.386 is amended to read as follows:

**§ 0.386 Record of actions taken.**

Actions taken under § 0.385(b) by FCC representatives assigned to Regional Preparedness Committees of the Office of Emergency Planning shall be reported in writing to the Chief, Field Engineering Bureau at the earliest opportunity.

5. Section 0.387(b) is amended to read as follows:

**§ 0.387 Other defense and emergency preparedness delegations; cross reference.**

* * * * *

(b) For authority of the Chief and Deputy Chief of the Field Engineering Bureau to declare a general communications emergency, see § 0.311(b).

[F.R. Doc. 64-12163; Filed, Nov. 27, 1964; 8:48 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

### PART 17—MEDICAL

### Eligibility for Hospital or Domiciliary Care of Persons Discharged or Released From Active Military, Naval, or Air Service

In § 17.47, that portion of paragraph (d) preceding subparagraph (1) is revised to read as follows:

**§ 17.47 Eligibility for hospital or domiciliary care of persons discharged or released from active military, naval, or air service.**

* * * * *

(d) Hospital or domiciliary care for veterans of any war, or any veteran awarded the Medal of Honor, who swear they are unable to defray the expense of hospital or domiciliary care (including the expense of transportation to and from a Veterans Administration facility); and who are suffering from a disability, disease, or defect which, being susceptible to cure or decided improvement, indicates need for hospital care, or which, being essentially chronic in type, is producing disablement of such degree and of such probable persistency as will incapacitate from earning a living for a prospective period, and thereby indicates need for domiciliary care. An additional requirement for eligibility for domiciliary care is the ability of the veteran to perform all of the following:

* * * * *

(72 Stat. 1114; 38 U.S.C. 210; Public Law 88-451)

This VA Regulation is effective August 22, 1964.

Approved: November 23, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
*Deputy Administrator.*

[F.R. Doc. 64-12153; Filed, Nov. 27, 1964; 8:47 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

[No. 34398]

### PART 131—UNITED STATES SAFETY-APPLIANCE STANDARDS (RAILROAD)

### Hy-Cube Cars

*Corrected order.*[1] At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., this 26th day of October A.D. 1964.

It appearing, that no exceptions having been filed to an examiner's recommended report and order promulgating a new classification and standards set forth below, for a new type railroad car commonly known as a "Hy-Cube" car, the report and order became a report and order of the Commission by operation of law upon expiration of the exception period effective October 22, 1964:

It further appearing, that while it is clear that the prescribed standards are effective on and after October 22, 1964, a question has been raised regarding the retroactive applicability of such standards to such cars under construction prior to October 22, 1964, and placed in service thereafter some of which are equipped with running boards or otherwise do not comply in all details with the standards prescribed by the order effective October 22, 1964;

And it further appearing, that a need has been shown for a clarification of the applicability of the standards prescribed by the order effective October 22, 1964, and to remove all uncertainty as to the retroactive effect of said order:

*It is ordered*, That the order effective October 22, 1964, be, and it is hereby interpreted to prescribe standards for future "Hy-Cube" cars and is not intended to apply to such cars already in service prior to October 22, 1964, nor to such cars under construction prior thereto but placed in service before November 23, 1964:

*And it is further ordered*, That "Hy-Cube" cars under construction before the effective date of said order may be

[1] The correction substitutes the word "effective" for the word "of" in the last line of the second appearing paragraph; in the first line of the first ordering paragraph and in the fourth line of the second ordering paragraph, and incorporates the standards.

placed in service after October 22, 1964, without compliance with the standards prescribed by the said order effective October 22, 1964, provided they are placed in service on or before November 23, 1964, and are in compliance with all other applicable standards prescribed by the Commission.

Notice of this order is being given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

**§ 131.1 Box and Other House Cars. (Does not include cars with roofs 16 feet 10 inches or more above top of rail.)**

* * * * *

**§ 131.24 Box and Other House Cars with roofs, 16 feet 10 inches or more above top of rail.[1]**

(a) *Hand brakes*—(1) *Number.* Same as specified for "Box and Other House Cars."

(2) *Dimensions.* Same as specified for "Box and Other House Cars."

(3) *Location.* Each hand brake shall be located so that it can be safely operated from the end-platform. Each brake shaft shall be located on end of car to left of center and not more than twenty-four (24) inches from left side of car.

(4) *Manner of application.* Same as specified for "Box and Other House Cars."

(b) *End-platforms* — (1) *Number.* Two (2).

(2) *Dimensions.* Width, not less than ten (10) inches. Length, full width of car.

(3) *Location.* One (1) on each end of car not more than eight (8) inches above center sill.

(4) *Manner of application.* Each end-platform shall be securely supported by not less than four (4) metal braces having a minimum cross sectional area three-eighths (⅜) by one and one-half (1½) inches or equivalent which shall be securely fastened to body of car with not less than one-half (½) inch bolts or rivets. The outside edge of each end-platform shall be not less than six (6) inches from a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against the buffer-block or end sill and cushioning device (if used) at full buff. End-platform shall be made of running board material as specified for "Box and Other House Cars."

(c) *Sill steps.* Same as specified for "Box and Other House Cars."

(d) *End-ladder clearance.* No part of car above end-sills within thirty (30) inches from side of car, except buffer block brake-shaft, brake wheel, end-platform, horizontal end handholds, or coupling lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle, when closed with the coupler horn against the buffer block or end-sill and cushioning device (if used) at full buff, and no other part of end of car or fixtures on same above end-sill, other than exceptions herein noted, shall extend beyond outer face of buffer block.

(e) *Side handholds*—(1) *Number.* Sixteen (16).

(2) *Dimensions.* Same as specified for "Box and Other House Cars."

(3) *Location.* Horizontal: Four (4) near each end and on each side of car spaced not more than nineteen (19) inches apart and with the bottom handhold located not more than twenty-one (21) inches from top tread of sill step, and top handhold shall coincide in height with horizontal end-platform handhold, a variation of two (2) inches being allowed. Spacing of side handholds shall be uniform within a limit of two (2) inches from top handhold to bottom handhold. Clearance of outer ends of handholds shall be not more than eight (8) inches from end of car.

(4) *Manner of application.* Same as specified for "Box and Other House Cars," except each bottom handhold shall have foot guard or upward projection not less than two (2) inches in height near inside end.

(f) *Horizontal end handholds*—(1) *Number.* Four (4).

(2) *Dimension.* Same as specified for "Box and Other House Cars."

(3) *Location.* One (1) near each side of each end of car on outer edge of end platform projecting downward with clearance of outer end not more than sixteen (16) inches from side of car.

(4) *Manner of application.* Same as specified for "Box and Other House Cars."

(g) *Horizontal end-platform handholds*—(1) *Number.* Two (2).

(2) *Dimensions.* Same as specified for "Horizontal End Handholds" for "Box and Other House Cars," except length shall extend across end of car.

(3) *Location.* Extending across each end of car, not less than forty-eight (48) nor more than sixty (60) inches above tread of end-platform with clearance at each end of not more than four (4) inches from side of car, supported by an extra leg near center of handholds.

(4) *Manner of application.* Same as specified for "Horizontal End Handholds" for "Box and Other House Cars."

(h) *Vertical end-handholds*—(1) *Number.* Four (4).

(2) *Dimensions.* Minimum diameter five-eighths (⅝) of an inch, wrought iron or steel. Minimum clearance, two (2), preferably two and one-half (2½) inches.

(3) *Location.* One (1) on each side of each end of car, not more than four (4) inches from side of car, extending downward from end of horizontal end-platform handhold to within eight (8) inches above tread of end-platform. One (1) continuous handhold with two (2) right angles, or two (2) right angle handholds, may take the place of two (2) specified vertical end-handholds and one (1) horizontal end-platform handhold, provided the dimensions and locations coincide, and extra legs at points of angle and center are provided and securely fastened to car.

(4) *Manner of application.* Same as specified for "Box and Other House Cars."

(i) *Uncoupling levers.* Same as specified for "Box and Other House Cars."

(j) *Painting and stenciling.* (1) That portion of each end of car more than fifteen (15) feet above top of rail shall be painted with contrasting reflectorized paint and shall bear the words "No running board" to the left of center and "Excess height car" to the right of center.

(2) Lettering to be not less than three (3) inches high. On each side-sill near end corner there shall be painted a yellow rectangular area with a three-fourths (¾) inch black border containing the words "This car excess height—no running board." Lettering to be not less than one and one-half (1½) inches high. When car is equipped with center sill or underframe cushioning device having more than twelve (12) inches longitudinal impact absorbing travel, and a part of the uncoupling device and/or brake pipe is located parallel to the exposed end of the center sill, such part shall provide at least two (2) inches of clearance near the coupler of sufficient length to permit use as an emergency handhold during air hose coupling operation and the top of exposed ends of sliding center sill shall be coated with anti-skid paint.

(Sec. 25, 41 Stat. 498, as amended; 49 U.S.C. 26, secs. 2, 3, 36 Stat. 298; 45 U.S.C. 11, 12. Interpret or apply secs. 4, 6, 27 Stat. 531, 532; 45 U.S.C. 4, 6, sec. 1, 32 Stat. 943; 45 U.S.C. 6, sec. 4, 36 Stat. 299, as amended; 45 U.S.C. 13)

[F.R. Doc. 64-12155; Filed, Nov. 27, 1964; 8:47 a.m.]

[1] By order of Oct. 26, 1964, as amended, these standards effective Oct. 22, 1964, are interpreted to apply to future "Hy-Cube" cars and are not intended to apply to such cars already in service prior to Oct. 22, 1964, nor to such cars under construction prior thereto but placed in service before Nov. 23, 1964.

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3462]

[New Mexico 0553665]

### NEW MEXICO

### Withdrawal for Water Supplies and Facilities, National Aeronautics and Space Administration, White Sands Missile Range

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, 30 U.S.C.), and from leasing under the mineral leasing laws, and reserved under the jurisdiction of the United States Army Corps of Engineers for facilities of the National Aeronautics and Space Administration:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 S., R. 3 E.,
Sec. 31.
T. 21 S., R. 3 E.,
Sec. 6;
Sec. 14, W½W½W½W½;
Sec. 23, W½W½W½W½;
Sec. 26, W½W½W½W½;
Sec. 35, W½W½W½W½.

The areas described aggregate 1,440 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining and mineral leasing laws, subject to the condition that such use or disposition will not be inconsistent with the purposes for which the lands are withdrawn.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

NOVEMBER 23, 1964.

[F.R. Doc. 64-12148; Filed, Nov. 27, 1964; 8:46 a.m.]



[Public Land Order 3463]

[BLM 075082]

### FLORIDA

### Revocation of Executive Order No. 4328 of October 21, 1925; Reserving Lands for the National Aeronautics and Space Administration

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 4328 of October 21, 1925, reserving the following-described public land as a preserve and breeding ground for native birds, is hereby revoked:

TALLAHASSEE MERIDIAN

T. 21 S., R. 36 E.,
Sec. 13, lot 6.
T. 21 S., R. 37 E.,
Sec. 18, lot 6.

The areas described total 12.39 acres.

2. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws, and reserved under the jurisdiction of the National Aeronautics and Space Administration for space exploration activities:

TALLAHASSEE MERIDIAN

T. 20 S., R. 36 E.,
Sec. 10, Fractional.
T. 21 S., R. 36 E.,
Sec. 13, lot 6.
T. 22 S., R. 36 E.,
Sec. 35, SE¼SW¼ and NW¼SW¼.
T. 21 S., R. 37 E.,
Sec. 18, lot 6.
T. 22 S., R. 37 E.,
Sec. 19, lot 26;
Sec. 30, lots 47 and 50.
T. 23 S., R. 37 E.,
Sec. 9, lot 1.

The areas described aggregate 133.21 acres.

3. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

JOHN A. CARVER, JR.,
*Assistant Secretary of the Interior.*

NOVEMBER 23, 1964.

[F.R. Doc. 64-12149; Filed, Nov 27, 1964; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

[ 8 CFR Part 214 ]

### NONIMMIGRANT CLASSES

### Proposed Approval of Schools

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given of the proposed issuance of the following rule pertaining to the approval of schools for attendance by nonimmigrant students. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, D.C., 20536, written data, views, or arguments, relative to this proposed rule. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

Section 214.3 is amended to read as follows:

**§ 214.3 Petitions for approval of schools.**

(a) *Filing of petition.* A school seeking approval for the attendance by nonimmigrant students under section 101(a)(15)(F) of the Act shall file petition Form I–17 with the district director having jurisdiction over the place in which the school is located.

(b) *Supporting documents.* A petitioning school or school system owned and operated as a public educational institution or system by the United States or a state or political subdivision thereof shall submit a certification to that effect signed by the appropriate public official who shall certify that he is authorized to do so. A petitioning private or parochial elementary or secondary school system shall submit a certification signed by the appropriate public official who shall certify that he is authorized to do so to the effect that it meets the requirements of the state or local public educational system. Any other petitioning school shall submit a certification by the appropriate licensing, approving, or accrediting official who shall certify that he is authorized to do so to the effect that it is licensed, approved, or accredited. In lieu of such certification a school which is recognized by a state approving agency as an "educational institution" for study for veterans under the provisions of P.L. 550 (82d Congress) may submit a statement of recognition signed by the appropriate official of the state approving agency who shall certify that he is authorized to do so. A charter shall not be considered a license, approval, or accreditation. A school catalog, if one is issued, shall also be submitted with each petition. If not included in the catalog, or if a catalog is not issued, the school shall furnish a written statement containing information concerning the: (1) Size of its physical plant; (2) nature of its facilities for study and training; (3) educational, vocational, or professional qualifications of the teaching staff; (4) salaries of the teachers; (5) attendance and scholastic grading policy; (6) amount and character of supervisory and consultative services available to students and trainees, and (7) finances (including a certified copy of accountant's last statement of school's net worth, income, and expenses).

(c) *Consultation with United States Office of Education.* Before a decision is made on the petition, the United States Office of Education shall be consulted by the district director to determine whether the petitioner is an established institution of learning or other recognized place of study, is operating a bona fide school, and has the necessary facilities, personnel, and finances to conduct instruction in recognized courses, unless that office has advised the district director that the school should be so considered and is within one of the following categories: (1) Any school or school system owned or operated as a public educational institution by the United States or a state or political subdivision thereof; (2) any school listed in the current United States Office of Education publication, "Accredited Higher Institutions," or "Education Directory, Part 3, Higher Education"; or (3) any secondary school operated by or as part of an institution of higher learning listed in the current United States Office of Education publication, "Accredited Higher Institutions" or "Education Directory, Part 3, Higher Education."

(d) *Interview of petitioner.* An authorized representative of the petitioner shall appear in person before an immigration officer prior to the adjudication of the petition to be interviewed under oath concerning the eligibility of the school for approval. An interview may be waived by the district director if the school is within subparagraphs (1), (2), or (3) of paragraph (c) of this section.

(e) *Approval of petition.* To be eligible for approval the petitioner must establish that it is a bona fide school, that it is an established institution of learning or other recognized place of study, that it possesses the necessary facilities, personnel, and finances to conduct instruction in recognized courses, and that it is in fact engaged in instruction in those courses. If the petitioner is an institution of higher education and is not within subparagraph (1) or (2) of paragraph (c) of this section, it must establish that it confers upon its graduates recognized bachelor, master, doctor, professional, or divinity degrees, or if it does not confer such degrees that its credits have been and are accepted unconditionally by at least three institutions of higher learning within subparagraph (1) or (2) of paragraph (c) of this section. If the petitioner is an elementary or secondary school and is not within subparagraph (1) or (3) of paragraph (c) of this section, it must establish that attendance at the petitioning institution satisfies the compulsory attendance requirements of the state in which it is located and that the petitioning school qualifies graduates for acceptance by schools of higher educational level within subparagraphs (1), (2), or (3) of paragraph (c) of this section. If the petitioner is a vocational school, business school, or American institute of research recognized as such by the Attorney General, it must establish that its courses of study are accepted as fulfilling the requirements for the attainment of an educational, professional, or vocational objective and are not avocational or recreational in character. Upon approval of a petition, the petitioner shall be notified on Form I–17.

(f) *Denial of petition.* If the petition is denied, the petitioner shall be notified of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

(g) *Reporting requirements.* Each approved school, upon receiving Service notification of arrival in the United States of a nonimmigrant student destined to that school, or Service notification of permission to attend the school, shall submit immediately to the office of the Service having jurisdiction over the area in which the institution is located a report, in writing, if the student fails to register personally at the school within 60 days of the time he was expected to do so. An immediate report shall also be made in the case of each nonimmigrant student who fails to carry a full course of study, fails to attend classes to the extent normally required, or terminates his attendance at the institution. The report shall be made on Form I–20B.

(h) *Selective review of school approvals.* The district director shall review on a selective basis the approval accorded to schools in his district. The review shall be made to determine whether the school meets the eligibility requirements of paragraph (e) of this section and has complied with the reporting requirements of paragraph (g) of this section. Each school whose approval is selected for review shall be notified and shall be required to furnish a currently executed Form I–17 as a petition for continuation of approval without fee together with the supporting documents specified in paragraph (b) of this section. The review may include interview of the school's authorized representative and consultation with the United States Office of Education. If upon completion of the review the district director finds that the approval should be continued, he shall so notify the school on Form I–17; otherwise, he shall institute proceedings to withdraw its approval in accordance with paragraph (j) of this section.

(i) *Advertising.* In any advertisement, catalog, brochure, pamphlet, literature, or other material hereafter printed or reprinted by or for an approved school, any statement which may appear in such material concerning approval for attendance by nonimmigrant students shall be limited solely to the following: This school is authorized under Federal law to enroll nonimmigrant alien students.

(j) *Withdrawal of approval.* The approval of a school shall be withdrawn if it is no longer entitled to approval under section 101(a)(15)(F) of the Act, or under this part, for any reason including, but not limited to, the following: (1) Failure to submit reports required by paragraph (g) of this section; (2) issuance of Certificates of Eligibility, Forms I–20, to students lacking scholastic, financial, or language requirements; (3) failure to operate as a bona fide institution of learning; (4) failure to maintain a sound financial condition; (5) failure to employ qualified professional personnel, or (6) failure to maintain proper facilities for instruction. Whenever a district director has reason to believe that an approved school in his district is no longer entitled to approval, he shall send it a notice of intention to withdraw the approval. The notice shall inform the school of the grounds upon which it is intended to withdraw its approval, and also shall inform the school that it may, within 30 days of the date of service of the notice, submit written representations under oath supported by documentary evidence setting forth reasons why the approval should not be withdrawn. After consideration of any representations submitted within such 30-day period, or any authorized extension thereof, the district director at the request of the school or at his own instance may require that an authorized representative of the school appear for interview before an immigration officer. Prior to making his decision, the district director, in his discretion, may consult the United States Office of Education. The school shall be notified in writing of the decision. If the decision is to withdraw the approval previously granted, the school shall be notified of the reasons therefor and of its right to appeal in accordance with the provisions of Part 103 of this chapter.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: November 23, 1964.

RAYMOND F. FARRELL,
*Commissioner of Immigration and Naturalization.*

[F.R. Doc. 64–12159; Filed, Nov. 27, 1964; 8:47 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[ 25 CFR Part 88 ]

### INDIAN FISHING IN ALASKA

### Notice of Proposed Rule Making

*Basis and purpose.* Notice is hereby given that pursuant to the obligation imposed upon, and the authority vested in the Secretary of the Interior by 25 U.S.C. sections 2 and 9; 5 U.S.C. section 485; section 15 of the Act of March 3, 1891 (26 Stat. 1101, 48 U.S.C. section 358); the Presidential Proclamation of April 28, 1916 (39 Stat. 1777); section 2 of the Act of May 1, 1936 (49 Stat. 1250, 48 U.S.C. section 358a); and section 4 of the Act of July 7, 1958 (72 Stat. 339), as amended (73 Stat. 141), it is proposed to amend Part 88 of Title 25, Code of Federal Regulations by adding paragraph (f) to § 88.3 and revising paragraph (b) of § 88.6 as set forth below. The purpose of the amendment is to regulate and govern Indian commercial fishing in Alaska.

It is the policy of the Department of the Interior wherever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington, D.C., 20240, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 88.3 is amended by the addition of a new subparagraph (f) to read as follows:

**§ 88.3 Commercial fishing, Annette Islands Reserve.**

* * * * *

(f) Closed waters; commercial salmon fishing is prohibited at all times in the following areas:

(1) Tamgas Harbor north of the latitude of Deer Point.

(2) Streams and rivers of Annette Island and within 500 yards of the terminus, as defined herein, of any salmon stream or within such greater or lesser distances from such terminus as may be specified in regulations having particular application to designated streams or areas. For the purpose of the regulations, the word "terminus" shall mean a line drawn between seaward extremities of the exposed tideland banks of any salmon stream at mean low tide. The facts as to the location of any such line may be ascertained from time to time by the Secretary of the Interior or such other persons he may designate. In accordance therewith the mouth of such creek, stream, or river shall be appropriately marked.

2. Section 88.6(b) is amended to read as follows:

**§ 88.6 Enforcement; violation of regulations; corrective action; penalties; closure of restrictions, Annette Island Reserve.**

* * * * *

(b) Whenever any duly authorized enforcement representative of the Secretary of the Interior has evidence that any violation of the regulations of this part relating to fish traps has occurred, he shall direct immediate closure of the trap involved and shall affix an appropriate seal thereto to prevent further fishing. The matter shall be reported without delay to the Area Director, Bureau of Indian Affairs, who shall thereupon report and recommend to the Secretary of the Interior appropriate corrective action.

* * * * *

JOHN A. CARVER, Jr.,
*Assistant Secretary of the Interior.*

NOVEMBER 23, 1964.

[F.R. Doc. 64–12147; Filed, Nov. 27, 1964; 8:46 a.m.]

# Notices

## DEPARTMENT OF STATE

### Agency for International Development

[Delegation of Authority 52]

### ASSISTANT ADMINISTRATOR FOR AFRICA

#### Delegation of Authority

1. Pursuant to the authority vested in the Administrator of the Agency for International Development by Delegation of Authority No. 104 from the Secretary of State, dated November 3, 1961, as amended, and in accordance with the authority contained in section 635(b) of the Foreign Assistance Act of 1961, as amended, and Executive Order 10784, as amended, I hereby delegate to the Assistant Administrator for Africa authority to authorize the Director and the Deputy Director of USAID/Nigeria to exercise the authorities described in section 206.5 (A)(2) of Regulation 6 with respect to contracts including amendments thereto for the Lagos Sewerage feasibility study.

2. This authority may not be redelegated.

3. This delegation of authority shall be effective immediately.

WILLIAM S. GAUD,
*Deputy Administrator.*

AUGUST 11, 1964.

[F.R. Doc. 64-12143; Filed, Nov. 27, 1964; 8:45 a.m.]

[Delegation of Authority 55]

### PRINCIPAL U.S. DIPLOMATIC OFFICER IN GREECE

#### Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State of November 3, 1961 (26 F.R. 10608), I hereby delegate to the principal diplomatic officer of the United States in Greece with respect to the administration of the foreign assistance program within the country to which he is accredited, the authorities delegated to Directors of Missions of the Agency for International Development (A.I.D.) in the following delegations, subject to the limitations applicable to the exercise of such authorities by A.I.D. Mission Directors:

(1) Unpublished Delegation of Authority of January 10, 1955;

(2) Delegation of Authority of November 26, 1954, as amended (19 F.R. 8049);

(3) Paragraphs 4 and 5 of Delegation of Authority of September 28, 1960 (25 F.R. 9927).

In addition to the foregoing, there is hereby delegated to the aforesaid diplomatic officers, the authorities delegated to A.I.D. Mission Directors in existing A.I.D. manual orders, regulations (published or otherwise), policy directives, policy determinations, memoranda and other instructions.

The authority delegated herein may be redelegated to the officer at the post principally responsible for A.I.D. activities.

This delegation of authority is effective immediately.

WILLIAM S. GAUD,
*Deputy Administrator.*

NOVEMBER 18, 1964.

[F.R. Doc. 64-12144; Filed, Nov. 27, 1964; 8:46 a.m.]

[Delegation of Authority 56]

### ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

#### Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, dated November 3, 1961 (26 F.R. 10608) and in accordance with the provisions of section 621 of the Foreign Assistance Act of 1961, as amended, I hereby delegate to the Assistant Administrator for Administration authority to administer and implement on behalf of A.I.D. the policies and procedures promulgated in A.I.D. Regulation 8 ("Suppliers of Commodities and Commodity-Related Services Ineligible for AID Financing," 29 F.R. 9534) including the functions—

(1) Of determining pursuant to subpart B of the Regulation whether cause exists for the debarment or suspension of a supplier;

(2) Of determining pursuant to subpart C of the Regulation whether cause exists for the debarment or suspension of an affiliate of a supplier;

(3) Of carrying out pursuant to subpart D of the Regulation the requirements for proper notice and hearing;

(4) Of maintaining and disseminating pursuant to subpart E of the Regulation the A.I.D. "List of Ineligible Suppliers."

This Delegation of Authority is effective immediately.

DAVID E. BELL,
*Administrator.*

NOVEMBER 19, 1964.

[F.R. Doc. 64-12145; Filed, Nov. 27, 1964; 8:46 a.m.]

### U.S. AMBASSADOR AND DIRECTOR OF A.I.D. MISSION, KARACHI, PAKISTAN

#### Delegation of Authority To Execute Loan Agreement

Pursuant to the Foreign Assistance Act of 1961, as amended, and delegations of authority issued thereunder, including Delegation of Authority No. 5, as amended, I hereby delegate to the U.S. Ambassador at Karachi, Pakistan, and to the Director of the U.S. A.I.D. Mission at Karachi, Pakistan, and to any person acting in the capacity of either of them, authority on behalf of the Agency for International Development to sign A.I.D. Loan Agreement No. 391-H-096 between the President of Pakistan and the United States of America.

WALTER G. FARR, JR.,
*Deputy Assistant Administrator, Bureau for Near East and South Asia.*

NOVEMBER 19, 1964.

[F.R. Doc. 64-12146; Filed, Nov. 27, 1964; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

### CERTAIN STOCKYARDS AND SLAUGHTERING ESTABLISHMENTS

#### Notice of Specific Approval and Withdrawal of Specific Approval and Changes of Names

On November 6, 1964, a notice was published in the FEDERAL REGISTER (29 F.R. 15033) which contained a list of all stockyards and slaughtering establishments approved under §§ 78.14(b), 78.15(b), and 78.16(b) of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of certain animals because of brucellosis, under the Acts of May 29, 1884, as amended, February 2, 1903, as amended, and March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125).

I

Pursuant to such authority, notice is hereby given that the following additional stockyards and slaughtering establishments are specifically approved under said regulations as indicated below:

SPECIFICALLY APPROVED STOCKYARDS

The following additional stockyards preceded by an asterisk are specifically approved for the purposes of § 78.5, Title 9, Code of Federal Regulations, concerning brucellosis reactors, and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis. The following stockyards not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

ALABAMA

*White Livestock Commission Company, Inc., Moulton.

ARIZONA

*Phoenix Livestock Auction, Phoenix.
*Willcox Livestock Commission Co., Willcox.





ARKANSAS

*Shantz & Rodman Commission Co., North Little Rock.
*Taylor's Livestock Auction, Searcy.

GEORGIA

*Farmers Livestock Market, Seperton.

IOWA

Central City Sales Co., Central City.
Creston Sale Co., Creston.
Hansen's Town and Country Market, Inc., Council Bluffs.
Mahaska Sales Company, Inc., Okaloosa.
Ogden Livestock Sales, Ogden.
Rubey Auction Co., Red Oak.
Tabor Sale Barn, Tabor.

MISSOURI

Neosho Auction Sales, Inc., Neosho.
North Missouri Sale Pavilion, Trenton.

NEBRASKA

*Humboldt Sale Barn, Humboldt.

NORTH CAROLINA

Carolina Stockyards Co., Siler City.

SOUTH DAKOTA

*Martin Auction Company, Inc., Martin.

TEXAS

*Collin County Commission Co., McKinney.

WYOMING

*Wheatland Livestock Commission Co., Wheatland.

SPECIFICALLY APPROVED SLAUGHTERING ESTABLISHMENTS

The following additional slaughtering establishments preceded by an asterisk are specifically approved for the purposes of § 78.5 of Title 9, Code of Federal Regulations, concerning brucellosis reactors, and of paragraph (b) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis, and those not preceded by an asterisk are specifically approved for the purposes of paragraph (b) of § 78.12 only.

IOWA

Otranto Meat Processing Co., of Otranto, Otranto.
Pella Packing Co., Pella.

ILLINOIS

Potomac Slaughter House, Potomac.

KENTUCKY

*Walton Locker & Slaughtering House, Walton.

LOUISIANA

*Royal Packers, Inc., Lawtell.
*South Kentwood Stockyards, Inc., Kentwood.

MICHIGAN

Pickford Wholesale Meat Co., Pickford.
National Packing Co., Detroit.

NEW YORK

Apthorpe, Charles, Jamestown.
Aronson, Jerome and Milton, Queensbury.
Aronson, William, Glens Falls.
Bostwick, Jim and Son, Inc., Caledonia.
Cuomo, Neil, Schenectady.
Dover Plains Packing Co., Dover Plains.
Freeman's Wholesale Meats, Deposit.
Johnson, Kermit, Richard and Gilbert, Cassadaga.
Neckers, Norman G., Clymer.
Polyniak, Victoria, Newark Valley.
Steiger's Slaughterhouse, Ithaca.
Strandburg's Wholesale Meats, Jamestown.

NORTH DAKOTA

Brown's Meat and Lockers, Ellendale.
Houghton Meat Market, Ellendale.

OHIO

*Henderson Meats, Columbus.

OKLAHOMA

Norman Wholesale Meat Co., Norman.
*O. K. Packing Co., Tecumseh.

PENNSYLVANIA

Leoli Brothers, Wheatland.
Northwestern Packing Company, Inc., Harrisburg.
Perry Packing, Daisytown.

TENNESSEE

*Carmichel-Curtis Slaughter House, Telford.

TEXAS

*Terrell Livestock Commission Co., Terrell.

SPECIFICALLY APPROVED SLAUGHTERING ESTABLISHMENT

The following slaughtering establishment is specifically approved for the purposes of § 78.18 of Title 9, Code of Federal Regulations, concerning bison reactors.

MONTANA

Quick Freeze Packing Plant, Livingston.

II

Notice is hereby given that the following stockyards and slaughtering establishments are deleted from the list of specifically approved stockyards and slaughtering establishments, respectively, as follows:

STOCKYARDS

GEORGIA

Augusta Livestock Market, Augusta.

IOWA

Creston Livestock Auction of Creston, Creston.
Ossian Livestock Exchange, Ossian.

KENTUCKY

Gibson Livestock, Inc., Providence.

MICHIGAN

Sturgis Livestock Auction Market, Sturgis.

OREGON

Klamath Cattle Sales, Inc., Klamath Falls.

TEXAS

Cuero Livestock Commission, Inc., Cuero.
Victoria Livestock Commission, Inc., Victoria.

VIRGINIA

Virginia Livestock Market, Winchester.

SLAUGHTERING ESTABLISHMENTS

ARKANSAS

Jack Hoover's Slaughter House, Murfreesboro.
Polk County Locker Plant, Mena.

FLORIDA

Meat Supply Co., Pensacola.

GEORGIA

Allison Packing Co., Inc., Dalton.

ILLINOIS

Lewistown Locker, Lewistown.
Richards Locker, Homer.

IOWA

Wageman's Locker Service, Stacyville.

MICHIGAN

Victory Beef Co., Detroit.

NEW YORK

Fairbanks Farms, Ashville.
Frank Marbot, Troy.
Parkers' Slaughter House, Schaghticoke.
Rosenbium Brothers, Cohoes.

OKLAHOMA

Germans Slaughtering Establishment, Rosston.
Groceteria Slaughtering Establishment, Texhoma.

PENNSYLVANIA

Abe Kolensky, Waymart.
Daisyfield Packing Co., Daisytown.
Edwards Frozen Food Center, Inc., Ebensburg.
G. D. Bush, Jamestown.
H. C. Waddington, New Castle.
Kelso, C. W., Hickory.
Mousourakis Packing Co., Daisytown.
Sabatasse Packing Co., Slovan.
Somerset Packing Co., Bentleyville.
Thaddeus Loncznski, Hazleton.
Western Provision, Inc., Erie.

III

Notice is hereby also given that the names of the following specifically approved stockyards and slaughtering establishments have been changed to read as follows:

STOCKYARDS

From: Taylor's Livestock Auction, Searcy, Ark.; to: White County Auction Co., Searcy, Ark.

From: Wray Livestock Commission Co., Wray, Colo.; to: Ranchland Livestock Commission Co., Inc., Wray, Colo.

From: Eldora Livestock Sales, Eldora, Iowa; to: Eldora Livestock Sales Co., Inc., Eldora, Iowa.

From: Koenig Sales Co., Inc., Junction City, Kans.; to: Junction City Livestock Sales, Inc., Junction City, Kans.

From: Chappell Livestock Commission Co., Chappell, Nebr.; to: Chappell Livestock Auction, Inc., Chappell, Nebr.

From: Mandan-Bismarck Livestock Commission Co., Mandan, N. Dak.; to: Kist Livestock Auction Co., Mandan, N. Dak.

From: Lincoln County Livestock Market, Fayetteville, Tenn.; to: Tennessee Producers Livestock Market Association, Fayetteville, Tenn.

SLAUGHTERING ESTABLISHMENTS

From: Hawkins Wholesale Meats, Inc., East Palatka, Fla.; to: Florida Packing & Provision, Division of Triangle Lockers, East Palatka, Fla.

From: Gerding Wholesale Meats, Davison, Mich.; to: Gerding Packing Co., Davison, Mich.

From: Hillsdale County Meats, Hudson, Mich.; to: Hillsdale County Meats, Waldron, Mich.

*Effective date.* The foregoing notice shall become effective upon publication in the FEDERAL REGISTER.

Certain additional stockyards and slaughtering establishments are added to the list of those heretofore specifically approved under the regulations in 9 CFR Part 78. It has been determined that the inspection and handling of livestock or carcasses or products thereof at such stockyards or establishments are adequate to effectuate the purposes of such regulations. Certain stockyards and slaughtering establishments are removed from the list of those heretofore specifi-

cally approved under said regulations, because it has been determined that such stockyards and establishments no longer qualify for specific approval under the regulations. Name changes affecting certain stockyards and slaughtering establishments are also set forth in the foregoing amendment. This action, therefore, imposes certain restrictions necessary to prevent the spread of brucellosis and relieves certain restrictions presently imposed. It should become effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved hereby. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this action are impracticable and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of November 1964.

E. E. SAULMON,
*Acting Director, Animal Disease Eradication Division, Agricultural Research Service.*

[F.R. Doc. 64-12166; Filed, Nov. 27, 1964; 8:48 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-144]

## CAROLINAS VIRGINIA NUCLEAR POWER ASSOCIATES, INC.

### Notice of Issuance of Order Extending Expiration Date of Provisional Operating License

Please take notice that the Atomic Energy Commission has issued an Order extending to May 27, 1965, the expiration date specified in Provisional Operating License No. DPR-8 issued to Carolinas Virginia Nuclear Power Associates, Inc., authorizing operation at thermal power levels up to 44.3 megawatts of its nuclear reactor located at Parr, S.C.

Copies of the Commission's Order and the application dated October 23, 1964, filed by Carolinas Virginia Nuclear Power Associates, Inc., are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 19th day of November 1964.

For the Atomic Energy Commission.

R. L. DOAN,
*Director, Division of Reactor Licensing.*

ORDER OF EXTENSION OF EXPIRATION DATE

Carolinas Virginia Nuclear Power Associates, Inc., having filed a request for extension of the expiration date of Provisional Operating License No. DPR-8 which authorizes operation of its nuclear reactor located at Parr, S.C., and good cause having been shown for extension of said date pursuant to § 50.57(d) of 10 CFR Part 50 of the Commission's regulations:

It is hereby ordered that the expiration date is extended to May 27, 1965.

Date of Issuance: November 19, 1964.

For the Atomic Energy Commission.

R. L. DOAN,
*Director, Division of Reactor Licensing.*

[F.R. Doc. 64-12134; Filed, Nov. 27, 1964; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order E-21530]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Relating to Specific Commodity Rates

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Docket 13777; Agreement C.A.B. 17666, R-65.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of November 1964.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memorandum TC1/Rates 2066, names the following additional specific commodity rates:

| Item | Agreement CAB 17666 | IATA memorandum | From | To | Rates in cents per Kg. | Minimum weight in Kgs. |
|---|---|---|---|---|---|---|
| [1] 1400 | R-65 | 2066 | Los Angeles<br>do | Santiago<br>Panama City | 166/135<br>85/74 | 45/200<br>45/200 |

[1] Floral and/or nursery stock and bulbs, flowers, seeds, and tubers, N.E.S.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act.

*Accordingly, it is ordered:*

That Agreement C.A.B. 17666, R-65, be approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interest person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 64-12172; Filed, Nov. 27, 1964; 8:49 a.m.]

[Docket No. 14945; Order E-21531]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of November 1964.

Agreement adopted by Joint Traffic Conference 1-2 of the International Air Transport Association relating to specific commodity rates, Docket 14945; Agreement C.A.B. 17868, R-16.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Traffic Conference 1-2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memorandum, names additional rates as set forth below.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

*Accordingly, it is ordered:*

That Agreement C.A.B. 17868, R-16, be and hereby is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*



Agreement C.A.B. 17868, R-16 IATA memorandum JT12/Rates 3207, Item 9206—Toys and Games, Athletic and Sporting Goods; and parts thereof, N.E.S., excluding Watches and Clocks, Clothing, Footwear and Outboard Motors.

RATE IN CENTS PER KILOGRAM, MINIMUM WEIGHT 200 KILOGRAMS

Between New York and—

| | | | |
|---|---|---|---|
| Aalborg | 76 | Kristiansand | 87 |
| Aarhus | 76 | Linz | 78 |
| Amsterdam | 76 | Malmo | 80 |
| Antwerp | 76 | Oslo | 87 |
| Belfast | 76 | Prague | 87 |
| Bergen | 87 | Rotterdam | 76 |
| Brussels | 76 | Salsburg | 78 |
| Copenhagen | 76 | Stavanger | 87 |
| Gothenburg | 83 | Stockholm | 87 |
| Helsinki | 104 | Vienna | 79 |
| Innsbruck | 78 | | |

[F.R. Doc. 64-12173; Filed, Nov. 27, 1964; 8:49 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15700, 15710, FCC 64M-1175]

## JOHN CLARENCE COOK

### Order Scheduling Hearing

In the matter of application for a license for a ship radio station on board the vessel "Marianne," filed by John Clarence Cook, Miami, Fla., Docket No. 15700; application for a restricted radiotelephone operator's permit filed by John Clarence Cook, Miami, Fla., Docket No. 15710.

*It is ordered*, This 23d day of November 1964, that Forest L. McClenning shall serve as presiding officer in the above-entitled proceeding, and that the hearings therein shall be convened in Washington, D.C., at 10:00 a.m., January 5, 1965.

Released: November 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12170; Filed, Nov. 27, 1964; 8:49 a.m.]

[Docket Nos. 15672, 15673; FCC 64M-1171]

## ESTACADA TELEPHONE & TELEGRAPH CO. AND PACIFIC NORTHWEST BELL TELEPHONE CO.

### Order Continuing Hearing

In re applications of Estacada Telephone & Telegraph Company, Docket No. 15672, File No. 5557-C2-P-63, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service near Estacada, Oregon; Pacific Northwest Bell Telephone Company, Docket No. 15673, File No. 6281-C2-P-63, for a construction permit to modify the facilities of station KOA731 in the Domestic Public Land Mobile Radio Service near Salem, Oregon.

The Chief Hearing Examiner having under consideration a joint motion by the applicants, filed November 19, 1964, for postponement to December 28, 1964, of the prehearing conference in the above-entitled proceeding which was scheduled for November 24, 1964, and for an indefinite postponement of the formal hearing scheduled to commence December 15, 1964;

It appearing, that the motion is supported by a showing of good and sufficient cause, and that the Commission's Common Carrier Bureau, the only other party to the proceeding, does not object thereto;

*It is ordered*, This 23d day of November 1964, that the motion is granted, and that the prehearing conference in the above-entitled proceeding is hereby postponed from November 24 to December 28, 1964; and: *It is further ordered*, That the formal hearing in the proceeding is continued to a date to be specified by the presiding Hearing Examiner.

Released: November 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12171; Filed, Nov. 27, 1964; 8:49 a.m.]

## DOMINICAN REPUBLIC BROADCASTING STATIONS

### Notification of New Stations and Changes or Deletions in Existing Stations

Notification of new Dominican Republic broadcasting stations and of changes in or deletions of existing stations made in conformity with Part III section II of the North American Regional Broadcasting Agreement, Washington, D.C.

CHANGE LIST NO. 2, AUGUST 4, 1964

| Call Letters | Location | Power kw | Antenna | Schedule | Class | Expected date of commencement of operation |
|---|---|---|---|---|---|---|
| HIBX (new assignment) | Moca | 640 kc/s<br>1D/0.25N | ND | U | II | 12- 6-64 |
| HIBY (new assignment) | Valverde, Mao | 880 kc/s<br>1D/0.25N | ND | U | II | 9- 6-64 |
| HISA (change in power—previously 0.75kw) | Santiago | 980 kc/s<br>3D/3N | ND | U | III | 8-31-64 |
| HIRV (new assignment) | San Pedro de Macoris | 1000 kc/s<br>1D/0.25N | ND | U | II | 11- 8-64 |
| HICP (new assignment) | Moca | 1210 kc/s<br>1D/0.25N | ND | U | II | 11-10-64 |
| HICM (change in location, call letters and daytime power—previously HISD, La Vega, 1kw, ND, U). | Santo Domingo | 1580 kc/s<br>5D/1N | ND | U | III | 8-28-64 |
| HIBL (new assignment—new in operation). | Santiago | 1510 kc/s<br>1D/0.25N | ND | U | II | |

FCC NOTE: Dominican Republic Change List Number 1/64 has not been received through official channels.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-12169; Filed, Nov. 27, 1964; 8:49 a.m.]

# FEDERAL MARITIME COMMISSION

## U.S. ATLANTIC & GULF-VENEZUELA & NETHERLANDS ANTILLES CONFERENCE

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. C. D. Marshall, Chairman
U.S. Atlantic & Gulf-Venezuela & Netherlands Antilles Conference
11 Broadway
New York 4, N.Y.

Agreement No. 6870-7 between member lines of the U.S. Atlantic & Gulf-Venezuela & Netherlands Antilles Conference, modifies the basic agreement (6870, as amended) to provide for a system of self-policing pursuant to General Order 7 (46 CFR Part 528).

Dated: November 24, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-12160; Filed, Nov. 27, 1964; 8:47 a.m.]

## NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

### Notice of a Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 7 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the proposed contract form and of the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of Contract Filed for Approval by:

Kirlin, Campbell & Keating,
Attorneys for North Atlantic Westbound Freight Association,
The Farragut Building,
900 17th Street NW.,
Washington 6, D.C.

The contract form as filed with the Commission differs from the Commission's approved form of contract which was appended to the decision issued March 27, 1964, in three principal respects: (1) The clause relating to exclusion from contract coverage does not specifically exclude chemical products as provided by the statute and does not make any reference to petroleum products which the Commission excluded from contract coverage: (2) The wording of the natural routing clause differs from the Commission's approved version; (3) Paragraph C of the Commission's approved force majeure clause which made reference to conditions not under the control of the carrier but which did not stem from war, hostilities, or war-like operations has been deleted from the Association's proposed form.

Dated: November 25, 1964.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-12222; Filed, Nov. 27, 1964; 8:49 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CI63-1317, etc.]

## COLUMBIAN FUEL CORP., ET AL.

### Notice of Petition To Amend

NOVEMBER 20, 1964.

Columbian Fuel Corporation, Docket No. CI63-1317; J. P. Owen (Operator), et al., Docket No. CI63-1363; H. L. Hawkins & H. L. Hawkins, Jr., Docket No. CI63-1399; Marion Oil Company, a Division of Stickelber & Sons, Inc., Docket No. CI63-1482.

Take notice that on November 17, 1964, Columbian Fuel Corporation, J. P. Owen (Operator), et al., H. L. Hawkins & H. L. Hawkins, Jr., and Marion Oil Company, a Division of Stickelber & Sons, Inc. (Petitioners), filed in Docket Nos. CI63-1317, CI63-1363, CI63-1399 and CI63-1482, respectively, a joint petition pursuant to section 7(c) of the Natural Gas Act to amend the certificates heretofore issued in said dockets by deleting therefrom authorization to sell natural gas to Texas Gas Transmission Corporation (Texas Gas) from certain acreage in the Midland Field, Acadia Parish, Louisiana, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The petition states that a redetermination of the economically recoverable reserves from the dedicated acreage indicates that said reserves are in excess of the volume which Texas Gas desires and is obligated to purchase under the related contract. The petition states further that the release of the excess reserves will relieve Texas Gas from purchasing gas which it does not require and that the reserves proposed to be released have not been utilized by Texas Gas in support of any system expansion or sales.

Petitions to intervene, notices of intervention, or protests to the granting of the petition may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 14, 1964.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12139; Filed, Nov. 27, 1964; 8:45 a.m.]

[Docket No. E-7191]

## PACIFIC POWER & LIGHT CO.

### Notice of Application

NOVEMBER 20, 1964.

Take notice that on November 12, 1964, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act by Pacific Power & Light Company (Applicant), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Washington, Wyoming, California, Montana, and Idaho, with its principal business office at Portland, Oregon, seeking authorization to exchange certain electric facilities with the Consumers Power, Inc., an Oregon corporation (Consumers). Applicant has asked in the alternative for a disclaimer of jurisdiction thereto.

The facilities to be acquired by Applicant from Consumers are located in the Willamette Valley area of Oregon and consist of distribution facilities of Consumers serving, generally, residential and commercial customers located in that area. The facilities include poles, conductors, and appurtenances used in rendering the service, together with all property, real and personal, including rights-of-way, licenses, permits, books and records relating thereto, except meters and transformers. Approximately 565 customers are served by said facilities.

According to the application, Applicant will continue to operate the facilities acquired from Consumers in the same manner as they have been operated heretofore. The facilities Applicant proposes to acquire from Consumers have an estimated original cost, depreciated, of $103,200. The consideration to be paid by Applicant for the facilities is the sum of $178,700 which was a negotiated price based on the reproduction cost of the facilities and revenues produced by the facilities compared with each Company's average plant to revenue ratio.

The transaction will be completed in accordance with an Agreement dated December 18, 1961, which states that Applicant and Consumers sell electrical energy to customers in the Willamette Valley; that the elimination of duplicating facilities by division of service area will promote the efficient and economic use in the development of the utilities' systems of each party, and increase substantially the safety of personnel of each party.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 16, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 64-12144; Filed, Nov. 27, 1964; 8:45 a.m.]

# GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations]

[Temporary Regulation No. A-1]

## GOVERNMENT-WIDE AUTOMATIC DATA PROCESSING SHARING EXCHANGE PROGRAM

1. *Purpose.* This regulation implements the responsibility of the General Services Administration for establishing a Government-wide Automatic Data Processing (ADP) Sharing Exchange Program.

2. *Background.* a. Under the provisions of Bureau of the Budget Circular A-27, June 15, 1964, the General Services Administration is charged with the responsibility for establishing and arranging for the operation of ADP Sharing Exchanges in those areas of the United States (except Washington, D.C.) where there is a concentration of ADP resources to indicate such establishment would provide effective service to Federal agencies. This will include Government-owned, contractor-operated installations (GOCO).

b. By letter of July 28, 1964, the Bureau of the Budget directed all major using agencies to investigate the following utilization possibilities before proceeding with their determinations to procure additional ADP equipment:

(1) More extensive use of ADP equipment in place in their organizations; or

(2) Use of ADP equipment reported as excess under GSA Personal Property Management Regulation No. 36 (see 41 CFR 101-42.313-5); or

(3) Use of ADP sharing arrangements with other agencies and their GOCO contractors.

3. *Government-wide policy on utilization of ADP resources.* In order to make the maximum possible contribution to the President's cost reduction program:

a. The practice of offering, and using, available ADP resources within and among Federal agencies and their GOCO contractors is to be encouraged; and

b. Excess or surplus ADP equipment which is already in the Government inventory, whether owned or leased, is to be considered as a primary source of acquisition where technically feasible and economically advantageous to the Government.

4. *Concept of the program.* a. The GSA ADP Sharing Exchanges will be operated under the concept of a nonregulatory information and referral system designed to provide maximum assistance to any agency in (1) obtaining initial or additional ADP resource capability or services, and (2) making its determination with respect to new procurement of ADP equipment or contractual services. Under this concept, it is expected that each agency will establish its own management controls and followup procedures to assure compliance with the Government-wide policy.

b. GSA's National Equipment Availability Records are available for agency screening prior to initiation of procurement.

c. The Government-wide ADP Sharing Program is intended to generally include all types of data processing equipment. Exceptions: The following ADP equipment may be exempt from the Government-wide ADP Sharing Exchange Program at the option of the user agency:

(1) Equipment used in such a manner as to be an integral part of a weapons system. This exclusion does not include equipment used in support of a weapons system program.



(2) Analog computers classified as special devices (i.e., link trainers, custom built single purpose computing devices, or computing devices manufactured for the Government under a developmental contract).

(3) Equipment classified as "DEDICATED" which means those computers and punched card equipments which are used for a single purpose and, because of the characteristics of the applications, are not subject to handling external applications.

(4) Punched card equipment units which are categorized by an agency as insignificant in size; or are to be phased out as an installation.

5. *Terms of reference.* a. For the purposes of this program, "ADP resources" is intended to include hardware, software, and personal services; viz.: general purpose analog and digital computers, peripheral gear, and auxiliary special devices; punched card equipment; references to a library of applications, systems, or problems to which a computer is applied; packaged programs and systems; operating personnel or staff for consultation; and technical reference libraries in regards to ADP equipment configurations.

b. ADP Sharing is defined as the utilization of any ADP resource to perform work for an organization not an organic part of the organization operating the ADP facility and where the providing organization is not normally responsible for, or funded and staffed, to produce such work. Sharing potentials under this program are: (1) between Government agencies, (2) between bureaus (or equivalent organizations) within an agency, (3) between organizations within a bureau or equivalent organization, (4) between a Government entity and a Government-owned, contractor-operated installation (GOCO), (5) between GOCO's, and (6) within a GOCO which operates more than one ADP facility.

c. All technical terms used in this issuance have the same meaning as those described in the BOB ADP Glossary, December 1962, and in the BOB Circular A-55, December 1963.

d. The sharing of ADP equipment, time, personal services, and related resources is clearly permissible under the Government directives and regulations now in force. The Government ADP contracts with suppliers do not prohibit or restrict ADP Sharing arrangements.

e. Sharing arrangements may be made on either a reimbursable or nonreimbursable basis. Until a uniform rate structure for Government-wide application becomes available, the cost of reimbursable services will be a matter of direct negotiation by the agencies concerned. In determining cost, consideration should be given to such factors as operator and supervisory salaries, overhead, cost of supplies, maintenance, machine rental, depreciation, etc. There will be no charge for "informational services" provided by the Sharing Exchanges.

6. *Responsibilities.* a. The General Services Administration will carry out the following responsibilities:

(1) Arrange for the establishment and operation of ADP Sharing Exchanges.

(2) Acquire and maintain data necessary to record ADP sharing availability and accomplishment on a Government-wide basis; analyze such data for identification of volume, types of actual or potential service available, monetary values of accomplished sharing, trends, and other pertinent information necessary to provide essential reports and to identify deterrents and advantages to sharing.

(3) Conduct, arrange for, and promote activities that will contribute to the furtherance of sharing all ADP resources within and among agencies.

b. In accordance with Bureau of the Budget Circular A-27 each executive department and agency is responsible for the following:

(1) Establishing policies, directives, and procedures to encourage and facilitate maximum participation in the Government-wide ADP Sharing Program by their departmental and field establishments, including their Government-owned, contractor-operated installations (GOCO).

(2) Providing pertinent data to the Sharing Exchange so that ADP resource availability records can be updated whenever the basic facts change.

(3) Designate an agency official to act as liaison officer with the GSA ADP Coordination Staff at the Washington, D.C., level.

c. Wherever appropriate, the Federal Executive Boards will be solicited to promote local agency participation and cooperation with GSA in implementing the Government-wide ADP Sharing Program. This activity may include establishment of local committees to work out mutual arrangements for sharing resources within the FEB's geographical boundaries.

7. *Operational guide—a. Program coordination.* The Government-wide ADP Sharing Program will be monitored by the ADP Coordination Staff in GSA's Central Office. The Sharing Exchange operations are not intended to interfere with existing or future sharing arrangements between agencies. However, actual sharing accomplishments must be reported to the Sharing Exchange Manager (par. 10, below).

b. *Organizational arrangements for ADP Sharing Exchanges.* Generally, GSA regional offices will operate the Sharing Exchanges. However, in certain instances, such as at locations where GSA does not have a regional office (i.e., Philadelphia, Los Angeles, St. Louis), it may arrange for and assist in the establishment, organization, and operation of a Sharing Exchange by another agency. Such arrangements will be accomplished at the local level by negotiation between GSA and the appropriate agency officials, subject to clearance with GSA and agency headquarters offices.

c. *Establishment and maintenance of inventories of ADP resources—(1) Inventory phasing.* In order to permit orderly establishment and operation of the Sharing Exchanges, the inventorying of ADP equipment and resources used by the Government agencies and their GOCO installations will be accomplished on a phased basis:

(a) Phase A—Equipment and resources used by Government agencies in

the following cities (and locations in reasonable proximity thereto): New York, Boston, Atlanta, Dallas, Chicago, Seattle, San Francisco, Kansas City, Denver, St. Louis, Philadelphia, and Los Angeles. (See Attachment E.)

(b) Phase B—Equipment in the hands of Government-owned, contractor-operated (GOCO) installations.

(c) Phase C—Equipment and resources used by Government agencies at locations other than those listed in Phase A and Phase B.

(d) Phases A, B, and C will be accomplished at the local level and be fully coordinated with Federal Executive Boards, other agency officials, and GSA regional officials. The GSA Central Office ADP Coordination Staff will work with liaison officers designated in par. 6b(3), above, to resolve any problems incident to the inventory process, sharing operations, and other related matters. Agency liaison officers will determine whether to supply resource availability data from central agency headquarters records or from the field establishment level.

(e) Data collection under all phases of the inventorying process will be fully coordinated with any "Government-wide ADP Management Information System" which may be prescribed by the Director, Bureau of the Budget.

(2) *ADP resource availability records.* The Sharing Exchange Manager at each location will maintain all essential records relating to the availability of Government ADP resources. Sharing Exchange Managers will also maintain an inventory of local commercial ADP facilities which would be available for Government use on a contract basis.

(3) *Inventory listing.* Each ADP Sharing Exchange will publish quarterly a consolidated listing of known available ADP resources. The format for this listing will be by agency, installation, locality, and commercially available facilities. Copies will be furnished to each reporting agency participating in the sharing program. If significant changes occur, a supplemental change notice will be provided in order to keep listings updated.

8. *Information requirements and use.* a. Unless initial data is furnished to GSA by their headquarters, all Federal agency field offices that have ADP resources on hand will complete one copy each of the GSA forms listed below and return to the GSA regional office (Attention: ADP Sharing Exchange Manager) in their area not later than January 31, 1965:

GSA Form 2068B—Computer Facilities on hand
GSA Form 2068C—Punched Card Facilities (and Other Auxiliary Devices)

b. Any significant actual or anticipated change in the physical location or in ADP operating resources or capabilities should be reported to the appropriate ADP Sharing Exchange Manager by use of the forms referenced above, as they occur, and to include the following: (1) acquisition of new equipment, (2) release of existing equipment, (3) addition or change in equipment capacity, (4) change of types of work performed, and (5) change in personal services capability.

c. Federal agencies' field offices that heretofore have not had ADP resources, but may acquire such in the future, are requested to report such acquisition on referenced forms at the time equipment has been installed and is in operation.

d. The ADP Sharing Exchange is authorized to make whatever contacts are required to keep resource availability records current and to identify clearly the types of services offered by any agency or to obtain clarification of agency requests for services.

e. Each regional sharing exchange will make an analysis of the information acquired to identify resource density and volume; types of services available, and that which can be provided; capabilities being requested; monetary values of both reimbursable and nonreimbursable sharing accomplished; sharing trends, including deterrents and advancements; and other pertinent information needed to provide essential reports. This analysis and evaluation will also serve as the basis for determining where ADP Sharing Exchanges should be established or discontinued.

9. *Guides for concluding sharing arrangements*—a. *General.* The guides which follow are designed to permit maximum flexibility for concluding sharing arrangements through direct negotiations between agencies or through use of the facilities of the Sharing Exchange. When requests for assistance are made to the Sharing Exchange, the Manager will make every effort to expeditiously satisfy the inquiries received from regional area agencies, or other sources, from the availability records he maintains. However, the actual sharing arrangements with respect to time scheduling, cost, staff assistance, etc., must be a matter of mutual agreement between the requesting and performing agencies.

b. *Requests under preplanned (nonemergency) conditions.* (1) Preplanned conditions are defined as those instances where there is:

(a) Work of a recurring nature on a regularly scheduled basis (payroll, dividend checks, etc.); and

(b) Work of a "one-time" nature for which sufficient lead-time is available for orderly scheduling by another agency.

(2) Under these conditions two alternate methods may be used by the agency requiring the services:

(a) *Alternate 1*—Where specific interagency agreements (formal or informal) for sharing ADP resources have been made, the requesting agency may conclude its sharing arrangements without clearing through the Sharing Exchange. However, the performing agency must report sharing accomplishments on GSA Form 2068A.

(b) *Alternate 2*—Where interagency agreements have not been made and where the requesting agency desires to seek assistance in locating the ADP resources needed, they may informally contact the Sharing Exchange or submit GSA Form 2068.

(3) The Exchange Office will arrange for, and assist in, the negotiation between the parties concerned. In the event that the work is to be accomplished by non-Government facilities, GSA Form 2068A will be completed by the requesting agency upon completion of the work and sent to the Exchange.

c. *Emergency work or work under conditions other than preplanned.*

(1) *Alternate 1*—When the requesting agency has knowledge of available resources, it may contact the potential performing agency direct. In this case, GSA Form 2068 is not required; however, after arrangements have been carried out, the performing agency will complete GSA Form 2068A.

(2) *Alternate 2*—When availability of resources is not known, the agency may telephone their requests direct to the Exchange, and the Exchange will initiate GSA Form 2068 for them. Requests in this category should constitute, generally, a one-time-only requirement as well as a specific deadline for completed work.

10. *Reporting.* GSA Form 2068A requires each participating agency to report to the Sharing Exchange Manager, at least quarterly, the extent of ADP sharing accomplished during the period (negative reports are not required). These will be summarized and submitted to the GSA Central Office for preparation of a national consolidated report to be used in measuring the effectiveness of the Government-wide ADP Sharing Exchange Program.

11. *Effective date.* The Government-wide ADP Sharing Exchange Program will begin as of the date of publication of this regulation in the FEDERAL REGISTER. Inquiries should be directed to the General Services Administration, Attention: Manager, ADP Sharing Exchange (at any of the nine participating regional offices) or the General Services Administration, ADP Coordination Staff, Office of Finance and Administration, Washington, D.C., 20405; telephone inquiries may be made to Code 183, Extension 5231 (343–5231).

NOTE: Forms filed as part of the original document. Copies may be obtained from Central Office, GSA.

Dated: November 27, 1964.

LAWSON B. KNOTT, Jr.,
*Acting Administrator of General Services.*

[F.R. Doc. 64–12277; Filed, Nov. 27, 1964; 12:08 p.m.]

## INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

### COTTON TEXTILES IN CATEGORY 9 PRODUCED OR MANUFACTURED IN TURKEY

### Consumption and Withdrawal From Warehouse; Level of Restraint

NOVEMBER 23, 1964.

There is published below a letter of November 23, 1964 from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs which cancels as of close of business November 17, 1964, his directive of June 19, 1964 to the Commissioner of Customs, published in the FEDERAL REGISTER on June 24, 1964 (29 F.R. 8021).

The aforementioned directive of June 19, 1964, prohibited entry for consumption or withdrawal from warehouse for consumption of cotton textiles in Category 9 produced or manufactured in Turkey, in excess of a designated level of restraint for the twelve-month period extending through June 19, 1965.

Exports of cotton textiles from the Republic of Turkey to the United States including those in Category 9 are currently governed by the terms of a bilateral agreement effected by exchange of notes on July 17, 1964 (TIAS 5619). Under this agreement, Turkey has agreed to limit its exports to the United States of cotton textiles in Category 9 to 1 million square yards during the twelve-month period extending through June 30, 1965.

JAMES S. LOVE, Jr.,
*Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.*

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

*Washington 25, D.C.,*
NOVEMBER 23, 1964.

COMMISSIONER OF CUSTOMS
DEPARTMENT OF THE TREASURY
*Washington, D.C.*

DEAR MR. COMMISSIONER: On June 19, 1964, I wrote you directing that cotton textiles in Category 9 produced or manufactured in Turkey, be prohibited from entry for consumption, or withdrawal from warehouse for consumption, in excess of the level designated for the twelve-month period extending through June 19, 1965. This level of restraint was designated pending the conclusion of a bilateral agreement with the Republic of Turkey concerning exports of cotton textiles from the Republic of Turkey to the United States. Such an agreement was concluded on July 17, 1964, to extend from July 1, 1964, through June 30, 1967.

The purpose of this letter is to cancel, effective as of close of business on November 17, 1964, my aforementioned directive of June 19, 1964.

A detailed description of Category 9 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

The actions taken with respect to the Government of the Republic of Turkey and with respect to imports of cotton textile products from the Republic of Turkey have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

FRANKLIN D. ROOSEVELT, Jr.
*Acting Secretary of Commerce, and Acting Chairman, President's Cabinet Textile Advisory Committee.*

[F.R. Doc. 64–12152; Filed, Nov. 27, 1964; 8:47 a.m.]



## HOUSING AND HOME FINANCE AGENCY

### Office of the Administrator

### ACTING REGIONAL DIRECTOR OF ADMINISTRATION, REGION II (PHILADELPHIA)

### Designation

The officer appointed to the position of Chief, Budget and Management Branch, Region II (Philadelphia), is hereby designated to serve as Acting Regional Director of Administration, Region II, during the present vacancy in the position of Regional Director of Administration, Region II, with all the powers, functions, and duties delegated or assigned to the Regional Director of Administration, Region II.

In the absence of the officer appointed to the position of Chief, Budget and Management Branch, Region II, and during the present vacancy in the position of Regional Director of Administration, Region II, the officer appointed to the position of Personnel Officer, Region II, is hereby designated to serve as Acting Regional Administrator, Region II.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 23d day of November 1964.

[SEAL] ROBERT C. WEAVER,
*Housing and Home Finance Administrator.*

[F.R. Doc. 64–12162; Filed, Nov. 27, 1964; 8:47 a.m.]

## SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

### Joint Tolls Advisory Board

[Notice 9]

### CANADIAN PULP AND PAPER ASSOCIATION

### Application for Reclassification of Newsprint

In accordance with the rules of procedure of the Joint Tolls Advisory Board (24 F.R. 9307, 9308, 33 CFR Part 403) established under the agreement between the Saint Lawrence Seaway Development Corporation and The St. Lawrence Seaway Authority of Canada respecting the St. Lawrence Seaway Tariff of Tolls, entered on January 29, 1959 pursuant to section 12(a) of Public Law 358, 83d Congress (33 U.S.C. 988) and approved by the Governments of the United States and Canada on March 9, 1959 (10 U.S.T. 323), notice is hereby given that the Joint Tolls Advisory Board, the Saint Lawrence Seaway, has received an application from Canadian Pulp and Paper Association, 2280 Sun Life Building, Montreal 2, Canada, requesting the reclassification of newsprint from general to bulk cargo.

Interested parties shall have thirty days from the date of publication of this notice in which to submit representations to the Joint Tolls Advisory Board, Saint Lawrence Seaway Development Corporation, Seaway Circle, Massena, New York, 13662.

By order of the Board.

[SEAL] WILLIS H. CROSSWHITE,
*Member, Joint Tolls Advisory Board.*

Approved:

J. H. MCCANN,
*Administrator.*

[F.R. Doc. 64–12257; Filed, Nov. 27, 1964; 11:50 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 24, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 39413: *Joint motor-rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 350), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middlewest territory; between points in central states and middlewest territories, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 29 to Middlewest Motor Freight Bureau, agent, tariff MF–I.C.C. 417.

FSA No. 39414: *Joint motor-rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 351), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middlewest territory; between points in central states territory, on the one hand, and points in middlewest territory, on the other; and between points in central states and middlewest territories, on the ohe hand, and points in Canada, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 29 to Middlewest Motor Freight Bureau, agent, tariff MF–I.C.C. 417.

FSA No. 39415: *Joint motor-rail rates—Central and Southern.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, agent (No. 89), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers,

between points in southern territory, on the one hand, and points in central states territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 37 to Central and Southern Motor Freight Tariff Association, Incorporated, agent, tariff MF-I.C.C. 266.

FSA No. 39416: *Sulphuric acid to Macon, Ga.* Filed by O. W. South, Jr., agent (No. A4598), for interested rail carriers. Rates on sulphuric acid, in tank carloads, from Baton Rouge and North Baton Rouge, La., to Macon, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 103 to Southern Freight Association, agent, tariff I.C.C. S-162.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-12156; Filed, Nov. 27, 1964; 8:47 a.m.]

[Notice 1063]

## MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 24, 1964.

Application filed for temporary authority under Section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 C.F.R. Part 179:

No. MC-FC-67423. Application filed November 19, 1964, for JAMES BIBLER, Russellville, Ark., to temporarily lease the operating rights and certain property of WARD JACKSON, Morrilton, Ark., under Section 210a(b). The transfer to JAMES BIBLER of the operating rights and certain property of WARD JACKSON, is pending.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-12157; Filed, Nov. 27, 1964; 8:47 a.m.]

## CUMULATIVE CODIFICATION GUIDE—NOVEMBER

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